

U.S. DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration

Final Guidance on Designation of New Regional Ocean Partnerships

I. Introduction

Title CII of Public Law 117-263, the James M. Inhofe National Defense Authorization Act for Fiscal Year 2023 (NDAA), codified at 16 U.S.C. § 1468, authorizes coastal states (including Puerto Rico, the United States Virgin Islands, Guam, the Commonwealth of the Northern Mariana Islands, the Trust Territories of the Pacific Islands, and American Samoa),¹ Indian Tribes,² and other entities to form new partnerships and to apply to the National Oceanic and Atmospheric Administration (NOAA), as delegated, for designation as a regional ocean partnership. NOAA is issuing this implementing guidance for the designation of new partnerships, per this directive.³

This guidance document does not bind the public, except as authorized by law or as incorporated in a contract. 15 CFR 29.2(a). This guidance document will also be posted on the NOAA guidance portal: noaa.gov/guidance.

Regional ocean partnerships are regional organizations voluntarily convened by coastal states and Indian Tribes, and designated by NOAA per the National Defense Authorization Act (NDAA), to coordinate the management of ocean, coastal, and Great Lakes resources. These partnerships work in collaboration with other governments (including tribal, federal, and local) and stakeholders to address ocean and coastal issues of common concern in that region.

There are four existing regional ocean partnerships: the Gulf of Mexico Alliance, the Northeast Regional Ocean Council, the Mid-Atlantic Regional Council on the Ocean, and the West Coast Ocean Alliance. Section 10102(b)(3) of the NDAA (16 U.S.C. § 1468(b)(3)) designates these four entities as regional ocean partnerships; as such, the application process for new partnerships does not apply to them.

¹ The term "coastal state" means a state of the United States in, or bordering on, the Atlantic, Pacific, or Arctic Ocean, the Gulf of Mexico, Long Island Sound, or one or more of the Great Lakes. For the purposes of this title, the term also includes Puerto Rico, the Virgin Islands, Guam, the Commonwealth of the Northern Mariana Islands, and the Trust Territories of the Pacific Islands, and American Samoa. Coastal Zone Management Act (CZMA) of 1972 Sec. 304 (16 U.S.C. 1453); NDAA Sec. 10202(a)(2) (incorporating the CZMA definition of "coastal state").

² "Indian tribe" or "Indian Tribe" means any Indian tribe, band, nation, or other organized group or community, including any Alaska Native village or regional or village corporation as defined in or established pursuant to the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.), which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians. Indian Self-Determination and Education Assistance Act (ISDEAA) Sec. 4 (25 U.S.C. 5304); NDAA Sec. 10202(3) (incorporating the ISDEAA definition of "Indian Tribe)."

³ Effective April 29, 2024, the Secretary of Commerce delegated to the NOAA Administrator the Secretary's authorities related to Regional Ocean Partnerships under Section 10202(b)(2) of Division J of the NDAA.

The NDAA authorizes approximately \$10 million annually from fiscal years 2023 through 2027 for existing partnerships, as well as \$1 million annually from fiscal years 2023 through 2027 to eligible Indian Tribes for participation in or engagement with the partnerships. However, Congress has not appropriated funding as authorized under the NDAA for these purposes to date. Regional ocean partnership funding is available through fiscal year 2026 under Public Law 117-58, the Infrastructure Investment and Jobs Act (the Bipartisan Infrastructure Law), and that funding is discussed below.

II. Tribal Consultation

NOAA invited consultation with Tribal government leaders on development of this guidance and will consult with Indian Tribes in the relevant regions on the proposed designation of new regional ocean partnerships in accordance with *Executive Order 13175: Consultation and Coordination With Indian Tribal Governments*.

III. Environmental Review and Compliance

In making designation decisions, NOAA shall comply with all applicable federal environmental and cultural resource laws, statutes, and regulations. Entities applying for designation must agree to provide any information requested by NOAA that is needed to meet its environmental compliance obligations, and shall comply with all federal, state, and local environmental laws, statutes, and regulations when applying for regional ocean partnership designation. This may include compliance with state and territory coastal management programs under the Coastal Zone Management Act. (See Appendix A). Regarding Tribal data sovereignty, NOAA will follow practices contained in “NOAA Guidance and Best Practices for Engaging and Including Indigenous Knowledge in Decision-Making.”⁴

IV. Submitting a Regional Ocean Partnership Application to NOAA

While developing the application and determining the issues the partnership will focus on, NOAA encourages entities considering forming new regional ocean partnerships to communicate with NOAA early in the process and to coordinate with the organizations listed in Section V. 2 below, and with other entities in the region. As entities develop their management structures, NOAA will provide assistance, such as answering questions, providing connections to existing regional ocean partnerships, and reviewing early application drafts. This support includes assistance to interested Indian Tribes and, as relevant, working with applicants and existing regional ocean partnerships to ensure new partnerships are not duplicative of existing regional ocean partnerships. The application, when ready for formal submission, should be addressed to the NOAA administrator. NOAA will review the application and provide a preliminary decision for public review and comment within 120 days of receipt. Final approval from NOAA means the regional ocean partnership has been designated. If the application is not approved, the applicants will receive feedback and be provided an opportunity to revise and resubmit the application. As needed, NOAA will review more than one application at once, i.e., conduct “rolling” reviews and approvals.

⁴ https://www.noaa.gov/sites/default/files/2024-05/NOAA_Indigenous%20Knowledge_Guidance_with_Appendix_FINAL_e-signed%205-17-24%20%282%29.pdf

Partnership applications must be sent via electronic mail to rop.iija@noaa.gov. Applicants may also choose to mail a hard copy to the address below. With a hard copy application, an electronic copy is also required.

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V. Requirements for New Regional Ocean Partnerships

Entities wishing to apply to NOAA for designation as a new regional ocean partnership must submit an application with the following information. All requirements for designation of new regional ocean partnerships are included within the NDAA and further detailed in this guidance document.

Identify the members that will comprise the new partnership:

Consistent with the NDAA, a regional ocean partnership must include at least one coastal state, as defined in the NDAA, and at least one other eligible entity.⁵ Other eligible entities include other coastal or non-coastal state(s) that share a common ocean or coastal area with the coastal state, without regard to whether the coastal states share a boundary; state(s) that would contribute to the priorities of the partnership; or Indian Tribe(s), as defined in the NDAA.

Regional ocean partnerships are intended to “empower states to take a lead role in managing oceans, coastal, and Great Lakes areas” and be “intergovernmental coordinators for shared regional priorities among states and Indian Tribes relating to the collaborative management of the large marine ecosystems, thereby reducing duplication of efforts and maximizing opportunities to leverage support in the ocean and coastal regions.” (NDAA Sec. 10201(b)(4)-(5)). Thus, the region must be of sufficient geographic scale to meet this intent.

Applications for new regional ocean partnerships must identify how the partnership would meet the intent of collaborative management of large marine ecosystems and the Great Lakes. NOAA therefore expects new regional ocean partnerships to encompass a multistate or territory region. However, there may be cases where a proposed new regional ocean partnership encompasses one or more large marine ecosystems bordering only one state, such as Alaska.

One purpose of the NDAA is to “incorporate rights of Indian Tribes in the management of oceans, coasts, and Great Lakes resources and provide resources to support Indian Tribe

⁵ Section 10202(b)(1) of the NDAA (16 U.S.C. § 1468(b)(1)) provides that “A coastal State or Indian Tribe may form a partnership with (A) a coastal State that shares a common ocean or coastal area with the coastal State, without regard to whether the coastal States are contiguous; and (B) States (i) that share a common ocean, coastal area, or watershed with the coastal State, without regard to whether the coastal States are contiguous, or (ii) that would contribute to the priorities of the partnerships; and (C) Indian Tribes.” Separately, section 10202(c) (16 U.S.C. § 1468(c)) provides that a partnership must have a governing body that is “comprised, at a minimum, of voting members from each coastal state participating,” indicating that each partnership is expected to have at least one coastal state.

participation in and engagement with Regional Ocean Partnerships.” Sec. 10201(b)(6). As such, NOAA expects all new partnerships to coordinate and collaborate with Indian Tribes in the development and continued implementation of the partnership. And, as noted above, NOAA will invite consultation with Indian Tribes in the region on the proposed designation of new regional ocean partnerships in accordance with *Executive Order 13175: Consultation and Coordination With Indian Tribal Governments*.

Identify the governing body of the new partnership:

As directed by section 10202(c) of the NDAA (16 U.S.C. § 1468(c)), the governing body must include, at a minimum, voting members from each coastal state participating in the partnership, designated by the governor(s) of the coastal state(s), and may include such other members as the partnership considers appropriate. This includes members identified by Tribal governments. The partnership application must include documentation from governors and Tribal government leaders identifying members of the governing body. The partnerships should aim to have a governing body consisting of individual members with diverse backgrounds, identities, and perspectives and demographically representative of their respective impacted coastal communities.

Identify the purposes and functions of the new partnership:

Section 10202 of the NDAA identifies required functions of the regional ocean partnership that NOAA will evaluate to determine if a new partnership should be designated. These functions include the following:

1. *The regional ocean partnership must be established to coordinate the management of ocean, coastal, and Great Lakes resources among the members of the partnership. (NDAA Sec. 10202(b)(2)(A), 16 U.S.C. § 1468(b)(2)(A)).*

A description of how the proposed partnership would meet this requirement should be clearly stated in the application. Details on specific issues the partnership will address and methods the partners will use to coordinate will be spelled out in the following sections. Regional ocean partnerships are intended to be "intergovernmental coordinators for shared regional priorities among States and Indian Tribes relating to the collaborative management of the large marine ecosystems, thereby reducing duplication of efforts and maximizing opportunities to leverage support in the ocean and coastal regions," and thus must be of sufficient geographic size to meet this intent. NDAA Sec. 10201(b)(4).

2. *The regional ocean partnership must maintain mechanisms for coordination, consultation, and engagement with the following (NDAA Sec. 10202(e), 16 U.S.C. § 1468(e)):*
 - i. *The Federal Government.*
 - ii. *Indian Tribes.*
 - iii. *Nongovernmental entities, including academic organizations, nonprofit organizations, and private sector entities.*
 - iv. *Other federally mandated regional entities, including the Regional Fishery Management Councils, the regional associations of the National*

Integrated Coastal and Ocean Observation System, and relevant Marine Fisheries Commissions.

For a new partnership, the coordination, consultation, and engagement mechanisms can take several forms. Coordination should begin in the planning stages of a new partnership, before an application is submitted to NOAA. The entities listed above may be considered formal partners of the regional ocean partnership, as in the case of the [West Coast Ocean Alliance](#), where over 40 state, tribal, and federal government partners are member governments. The alliance works with other partner organizations with common interests and relevant ocean planning activities on the West Coast, including the [Pacific Fishery Management Council](#).

Partnerships may hold regular meetings to coordinate with these and other relevant entities. When holding meetings, partners should consider the accessibility of materials and venues, and when appropriate, members of the public should have an opportunity to meaningfully engage with content provided in plain language.⁶

The four existing partnerships hold full in-person membership meetings annually, as well as meet on a more frequent virtual basis. Partnerships may also establish workgroups for specific groups of members, such as the [West Coast Ocean Tribal Caucus](#). These coordination, consultation, and engagement mechanisms do not relieve federal agencies of any requirement to consult with Indian Tribes, as described under *Executive Order 13175, Consultation and Coordination with Indian Tribal Governments*, or any other applicable law or policy.

3. *The regional ocean partnership must focus on the environmental issues affecting the ocean, coastal, and Great Lakes areas of the members participating in the partnership (NDAA Sec. 10202(b)(2)(B), 16 U.S.C. § 1468(b)(2)(B)).*

The application for the new partnership should identify the issues it will focus on. It must explain how those issues align with the purposes of the NDAA and why they were chosen, e.g., through discussions and agreement among the participants. The issues should be clearly identified and explained. For example, the [governors' agreement](#) that established the [Mid-Atlantic Regional Council on the Ocean](#) in 2009 identified four regional priorities: climate change adaptation, renewable energy, marine habitats, and water quality. A detailed implementation plan describing specific actions the partnership will undertake is not required for designation.

4. *The regional ocean partnership must complement existing coastal and ocean management efforts of states and Indian Tribes on an interstate scale, focusing on shared regional priorities (NDAA Sec. 10202(b)(2)(C), 16 U.S.C. § 1468(b)(2)(C)).*

The partnership is intended to complement existing coastal and ocean management efforts that require or could be enhanced with a regional, intergovernmental focus. Thus, the application must explain how the partnership will meet these needs. For example, the four existing regional

⁶ For purposes of this guidance, “meaningful engagement” is defined as the intentional, consistent inclusion of underserved and/or Tribal partners to collaborate towards solutions of problems identified by communities themselves.

ocean partnerships employ regional data portals to provide information to decision-makers throughout the region.

Existing partnerships also have management or action plans with specific regional recommendations and actions. For example, the [Gulf of Mexico Alliance](#) has several priority areas (e.g., habitat resources, wildlife and fisheries, coastal community resilience, and others), each with its own goals and project areas.

5. *The regional ocean partnership cannot have a regulatory function (NDAA Sec. 10202(b)(2)(D), 16 U.S.C. § 1468(b)(2)(D)).*

The application must state that the partnership does not have a regulatory function. Therefore, while the partnerships should play an important cooperation and collaboration role in coastal and ocean and Great Lakes management, the partnerships cannot function as a decision-making body replacing state or Tribal regulatory and management agencies.

6. *The regional ocean partnership cannot be duplicative of an existing Regional Ocean Partnership (NDAA Sec. 10202(b)(2)(E), 16 U.S.C. § 1468(b)(2)(E)).*

If states or Indian Tribes apply for designation of a new regional ocean partnership, it cannot be duplicative of an existing one. The application for the new regional ocean partnership must explain how the proposed new partnership is not duplicative of an existing partnership, would reduce duplication of efforts, and maximize opportunities to leverage support in ocean and coastal regions (NDAA Sec. 10201(b)(4)).

Applicants for new partnerships must consult with any existing regional ocean partnerships in the same geographic area and document that consultation in their application. NOAA encourages new regional ocean partnerships in geographies where no such partnership exists rather than applications that overlap with existing partnerships.

VI. Eligibility for Funding as a Partnership

Existing regional ocean partnerships, and additional regional ocean partnerships designated by NOAA under the NDAA, are eligible for funding. The NDAA authorizes funding for established partnerships until fiscal year 2027 (NDAA Sec. 10202(j)), though no funding has been appropriated. The NDAA also authorizes \$1 million per year for fiscal years 2023-2027 to be distributed to Indian Tribes for purposes of participation in or engagement with these partnerships. Funding for this purpose also has not been appropriated by Congress.

VII. Privacy Act Statement

Authority: The collection of this information is authorized under 16 U.S.C. § 1468 which authorizes NOAA, as delegated, to determine the time and manner by which partnerships may apply for designation as regional ocean partnerships, 5 U.S.C. § 301, Departmental regulations, which authorizes the operations of an executive agency, including the creation, custodianship, maintenance and distribution of records, and 15 U.S.C. § 1512, Powers and duties of Department.

Purpose: NOAA is collecting information from parties interested in establishing new regional ocean partnerships. Interested individuals or entities will provide applications to NOAA for consideration.

Routine Uses: The information collected will be used to determine applicant eligibility for a regional ocean partnership. Disclosure of this information is permitted under the Privacy Act of 1974 (5 U.S.C. § 552a) to be shared among Department staff for work-related purposes. Disclosure of this information is also subject to all of the published routine uses as identified in the Privacy Act System of Records Notice [COMMERCE/DEPT-23](#), Information Collected Electronically in Connection with Department of Commerce Activities, Events, and Programs.

Disclosure: Furnishing this information is voluntary; however, failure to provide the requested information may remove the applicant from consideration.

VIII. Public Burden Statement

A federal agency may not conduct or sponsor, and a person is not required to respond to, nor shall a person be subject to a penalty, for failure to comply with an information collection subject to the requirements of the Paperwork Reduction Act of 1995 unless the information collection has a currently valid Office of Management and Budget (OMB) control number. The approved OMB control number for this information collection is 0690-0038. Without this approval, we could not conduct this information collection. Public reporting for this information collection is estimated to be approximately one hour per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the information collection. All responses to this information collection are voluntary. Send comments regarding this burden estimate or any other aspect of this information collection, including suggestions for reducing this burden, to the NOAA Office for Coastal Management at rop.ijja@noaa.gov.

In accordance with the Paperwork Reduction Act of 1995, the Office of Management and Budget issued their approval for this information gathering effort. Without this approval, this information collection could not occur. Public reporting for this effort is estimated to be approximately one hour per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the information collection. All responses are voluntary. Send comments regarding this burden estimate or any other aspect of this information collection, including suggestions for reducing this burden, to the NOAA Office for Coastal Management at rop.ijja@noaa.gov. Use control number 0690-0038 in your correspondence.

Appendix A - Environmental Review and Compliance

Before NOAA can designate a new regional ocean partnership and award partnership funds under the National Defense Authorization Act (NDAA), NOAA will need to determine if several environmental review and consultation statutes apply. These include, but are not limited to, the following.

- **National Environmental Policy Act (NEPA).** NOAA will evaluate every proposed action to determine the applicability of NEPA. If NEPA applies to the proposed action, the decision maker must determine whether to apply a categorical exclusion, or prepare either an environmental assessment or an environmental impact statement.
- **Endangered Species Act (ESA).** NOAA will need to determine whether it needs to consult the NOAA National Marine Fisheries Service or the U.S. Fish and Wildlife Service under ESA section 7 for new regional ocean partnership designations or funding.
- **Marine Mammal Protection Act (MMPA).** NOAA will determine whether it needs to consult with the NOAA National Marine Fisheries Service under the MMPA for new regional ocean partnership designations or funding, and whether applicants for NDAA funding will need MMPA incidental harassment authorizations.
- **Magnuson Stevens Fisheries Conservation and Management Act (MSA).** NOAA will determine whether it needs to consult with the NOAA National Marine Fisheries Service under the MSA essential fish habitat provision for new regional ocean partnership designations or funding.
- **National Historic Preservation Act (NHPA).** NOAA will determine whether it needs to consult with the Advisory Council for Historic Preservation under the NHPA section 106 process for new regional ocean partnership designations or funding.
- **Coastal Zone Management Act (CZMA).** NOAA will determine whether and how NOAA, new partnerships, Indian Tribes, or other other applicants for NDAA partnership funding will comply with the CZMA section 307 federal consistency provision. NOAA will determine whether the designation of a new partnership is a “federal agency activity” by NOAA under NOAA’s CZMA regulations at 15 CFR part 930, subpart C, or whether it is an application to NOAA for a federal authorization under 15 CFR part 930, subpart D. If it is subpart C, then NOAA provides a CZMA consistency determination to affected coastal states if NOAA determines there would be reasonably foreseeable coastal effects. If designation is determined to be subpart D, then the responsible applicant would provide a CZMA consistency certification to affected states if NOAA’s NDAA designation approval is listed in the relevant coastal states’ coastal management programs. For NDAA funding, if NOAA issues the funds to a state agency or local government, then the state or local applicant may need to provide a consistency certification to applicable states under 15 CFR part 930, subpart F. If NOAA issues NDAA funds to a Tribe or any other non-state agency or non-local government then NOAA would provide a CZMA consistency determination under subpart C to affected coastal states if NOAA determines there would be reasonably foreseeable coastal effects.