Monterey Bay National Marine Sanctuary
Advisory Council Charter

ESTABLISHMENT AND AUTHORITY

Section 315 of the National Marine Sanctuaries Act (NMSA or Act; 16U.S.C. § 1431 et seq.) authorizes the Secretary of Commerce to establish sanctuary advisory councils to provide advice to the Secretary of Commerce regarding the designation and management of national marine sanctuaries. This authority has been delegated to the Director (director) of the Office of National Marine Sanctuaries (ONMS). The director hereby re-establishes the Monterey Bay National Marine Sanctuary Advisory Council (council).

This charter provides a background on the ONMS and Monterey Bay National Marine Sanctuary (MBNMS), and describes the objectives and roles of the council's activities, procedural requirements regarding the appointment of council members, alternates, and officers, requirements for the conduct of council members and meetings, and other requirements. All council activities must be conducted pursuant to this charter and the council-specific protocols incorporated therein.

SANCTUARY ADVISORY COUNCIL POLICY STATEMENT

The Office of National Marine Sanctuaries (ONMS) regards community involvement and stewardship as vitally important in carrying out its mission. Advisory councils facilitate this involvement by bringing various representatives of the community together to assist ONMS in guiding a proposed site through the sanctuary designation process, or to provide ONMS with advice on the management and protection of established sanctuaries.

The resources ONMS manages differ in countless ways. This rich variety is part of our natural heritage, a gift to be discovered, appreciated, and protected. Similarly, by recruiting for and having representation by advisory council members from a variety of sectors, ONMS can leverage new creativity, knowledge, and experiences to achieve its vision of a thriving sanctuary system that protects our nation's underwater treasures and inspires momentum for a healthy ocean.

OFFICE OF NATIONAL MARINE SANCTUARIES

A national marine sanctuary is an area of the marine or Great Lakes environment of special significance warranting protection and management under the NMSA. As a steward of coastal and ocean resources, NOAA protects and manages the National Marine Sanctuary System through ONMS.

The National Marine Sanctuary System is a network of national marine sanctuaries and marine national monuments, currently encompassing more than 620,000 square miles of ocean and Great Lakes waters. ONMS seeks to protect the extraordinary scenic beauty, biodiversity, historical connections, and economic productivity of these areas so they may continue to serve as the basis for thriving recreation, tourism, and commercial activities that drive coastal economies. Through both directed management actions and partnerships, ONMS helps ensure a healthier ocean, now and for future generations.

<u>Vision of the ONMS:</u>

> A thriving sanctuary system that protects our nation's underwater treasures and inspires momentum for a healthy ocean.

<u>Mission of the ONMS:</u>

We protect treasured places in the ocean and Great Lakes.

Strategic goals and objectives of the ONMS:

1. Ensure thriving sanctuaries and other ocean parks.
    1.1 Reduce threats to key species and marine habitats.
    1.2 Protect significant maritime heritage resources.
    1.3 Promote responsible human uses.

2. Safeguard more underwater treasures as national marine sanctuaries.
    2.1 Incorporate additional nationally significant resources into existing sanctuaries.
    2.2 Implement designation processes for new areas.
    2.3 Identify additional resources of national significance.

3. Increase support for sanctuaries.
    3.1 Expand recognition of national marine sanctuaries.
    3.2 Increase sanctuary engagement.
    3.3 Create a vision for the next 50 years of sanctuaries.

4. Deepen our understanding of sanctuaries.
    4.1 Learn more about our sanctuaries.
    4.2 Track and predict conditions and trends.
    4.3 Understand the value of sanctuaries to our nation.

5. Ensure the office of national marine sanctuaries is a great place to work.
    5.1 Encourage a culture of collaboration, inclusion and respect.
    5.2 Increase staff satisfaction and performance.
    5.3 Invest in our people and their professional development.

Objectives:

The Director establishes the council to provide advice on:

- Protecting natural and cultural resources, and identifying and evaluating emergent or critical issues involving sanctuary use or resources;
- Identifying and realizing the sanctuary's research objectives;
- Identifying and realizing educational opportunities to increase the public knowledge and stewardship of the sanctuary environment; and
- Assisting to develop an informed constituency to increase awareness and understanding of the purpose and value of the sanctuary and the greater national marine sanctuary system.

MONTEREY BAY NATIONAL MARINE SANCTUARY

Designated in 1992, MBNMS is a federally protected marine area offshore of California's central coast. Stretching from Marin to Cambria, the sanctuary encompasses a shoreline length of 276 miles and 6,094 square statute miles (4,601 square nautical miles) of ocean, extending an average distance of 30 miles from shore. It supports exceptionally productive ecosystems and various habitats.

As of March 2004, the area within MBNMS north of the San Mateo/Santa Cruz county boundary is administered by the Superintendent of Greater Farallones National Marine Sanctuary (GFNMS). The legal boundaries of each sanctuary remain as is. Specifically, GFNMS is responsible for developing and managing most sanctuary programs within the area; MBNMS is responsible for the Water Quality

Protection Program. Other issues (e.g. action plans in the revised management plan) that overlap will be worked on collaboratively between GFNMS and MBNMS.

Goals of MBNMS:

MBNMS program goals per the National Marine Sanctuaries Act are to:

1. Enhance resource protection through comprehensive and coordinated conservation and management tailored to the specific resources that complements existing regulatory authorities.
2. Support, promote, and coordinate scientific research on and monitoring of the site-specific marine resources to improve management decision-making.
3. Enhance public awareness, understanding, and wise use of the marine environment through public interpretive and recreational programs.
4. Facilitate, to the extent compatible with the primary objective of resource protection, multiple uses of these marine areas not prohibited pursuant to other authorities.
5. Maintain four program areas making up the administration of MBNMS: research and monitoring, resource protection, education and outreach, and program operations

COUNCIL ROLES

1. The council, in accordance with the NMSA, may provide advice to the sanctuary superintendent regarding the protection and management of Monterey Bay National Marine Sanctuary.

2. The council shall draw on the expertise of its members, alternates, and other sources in order to provide advice to the sanctuary superintendent.

3. Council members and alternates shall serve as liaisons between their constituents and/or communities and the sanctuary, keeping sanctuary staff informed of issues and concerns, as well as providing information to their respective communities on the sanctuary's behalf.

4. The council may serve as a forum for consultation and deliberation among its members and as a source of advice and recommendations to the sanctuary superintendent. Such advice shall fairly represent the collective and individual views of the council members. In formulating such advice, the council members shall recall that the primary objective of the sanctuary is underwater cultural resource protection. Any council advice, recommendations, or comments must also be consistent with the scope and provisions of this charter.

5. The council is established to provide advice to the sanctuary superintendent regarding the management of Monterey Bay National Marine Sanctuary. Nothing in this charter constitutes authority to perform operational or management functions, or to make decisions on behalf of ONMS, NOAA or the Department of Commerce.

6. The council shall develop an annual work plan, in consultation with an approved by the sanctuary superintendent, to establish an agenda for specific issues and projects the council intends to address.

COUNCIL GOALS

1. The council shall review sanctuary-related issues and, following public input and formal council action, transmit council recommendations and concerns to the sanctuary superintendent. Written comments and recommendations may be forwarded to other entities by the council with the concurrence of the sanctuary superintendent (see Operation 2(a-n).

2. The council shall advise the sanctuary superintendent on how to link existing programs that have

shared responsibilities for the protection and management of resources inside and adjacent to the sanctuary;

3. The council shall advise the sanctuary superintendent on ways that sanctuary mandates may be carried out through a comprehensive and cooperative management strategy;

4. The council shall encourage participation by interested agencies and organizations in the development of strategies and procedures to address specific management concerns (e.g., water quality plans);

5. The council shall advise the sanctuary superintendent on priority research and monitoring needs, proposals, reports, permit issues, and project coordination;

6. The council shall assist the sanctuary superintendent in obtaining available expertise of the Monterey Bay Sanctuary community to promote the gathering of information and the design and application of research that will support informed decision-making;

7. The council shall provide advice to the sanctuary superintendent on the development and implementation of broad-based public relations, outreach and education programs which inform and educate the public about the sanctuary;

8. The council shall advise the sanctuary superintendent on general administration and revenue enhancement opportunities for the sanctuary;

9. The council shall fully represent the specific constituency groups for which each member or alternate was selected;

10. The council shall act as a liaison between the sanctuary and various public and private groups and interests;

11. The council shall promote effective communication at all levels regarding sanctuary matters;

12. The council shall serve as unofficial, good will ambassadors of the sanctuary and make every effort to educate their respective constituencies (see the council's Oath of Office);

13. The council shall advise the sanctuary superintendent on ways to support long-term continuance and effective implementation of the ONMS;

14. The council shall advise the sanctuary superintendent on ways to seek creative and cooperative inter agency management solutions to issues affecting MBNMS; and

15. Council members shall serve as liaisons between their constituents, communities and/or government agencies and the sanctuary, keeping sanctuary staff informed of issues and concerns, as well as performing outreach to their respective communities on sanctuary issues.

MEMBERS, ALTERNATES AND OFFICERS

1. The council consists of no more than twenty (20) voting members, who shall be appointed by the director from among persons employed by federal, state, or local agencies with expertise in management of natural resources, representatives of local user groups, such as conservation and other public interest organizations, scientific and educational organizations, and members of the public interested in the protection and multiple use management of sanctuary resources. The

membership is designed to be balanced in terms of points of view represented, geographic distribution, and advisory functions the council will perform.

2. The sanctuary superintendent may work with the council in non-voting capacity and shall work with the chair in scheduling each meeting and approving the agenda to ensure each topic is relevant to the sanctuary. Council meetings may not be conducted in the absence of the sanctuary superintendent or his/her designee.

3. To ensure relevant information exchange and consistent management among California's national marine sanctuaries, and other relevant federal agencies, a representative of the Elkhorn Slough Estuarine Research Reserve, National Marine Fisheries Service, U.S. Coast Guard, and Channel Islands, Greater Farallones, and Cordell Bank national marine sanctuaries shall sit on the council as a non-voting member. Council members and alternates (or designees) appointed to these seats shall be subject to the same conditions and rules that apply to governmental voting seats.

4. To facilitate additional engagement from attendees of surrounding institutions of higher education, a representative and alternate will be selected to fill a non-voting College/Student seat. Individuals selected for this seat should attend a local institution of higher education (e.g., college, university); live in the area affected by the sanctuary; have proven ability to communicate and network with student peers; possess an interest in sanctuary resource protection and management; and have experience or knowledge regarding public uses and activities in the sanctuary. The council member and alternate selected for the College/Student seat shall be subject to the same conditions and rules that apply to non-governmental voting seats.

5. There are two categories of seats for which voting members are appointed. The following procedures govern the application, nomination and appointment of council voting members.

    a. Governmental (7 members)

        i. By virtue of the shared functional responsibilities of Federal, State, and local jurisdictions in the implementation of sanctuary-related management, each of the following government entities shall be requested to designate one individual to serve on the council. (Of the numerous responsibilities encompassed within each entity, the specific functional area of expertise needing representation is identified in parentheses): California Department of the Fish And Wildlife; California Department of Parks and Recreation; California Coastal Commission (coastal coordination and planning); California EPA (water quality); California Resources Agency (State natural resources trustee); Association of Monterey Bay Area Governments in consultation with, and representing, the adjacent contiguous local government jurisdictions; and harbor and port operating entities that border the sanctuary.

        ii. Governmental members and alternates are appointed by their agencies and are not subject to term limitations or the competitive application process.

        iii. An alternate (from the same government entity) of a governmental council member may attend a council meeting on occasion if the chair and sanctuary superintendent are notified in advance of any meeting at which an alternate will represent the council member, including the name and position of the individual designated. An alternate may not name another alternate.

iv. If a government entity decides no longer to participate as a member of the council or fails to attend four consecutive council meetings and is formally removed by the director, the sanctuary superintendent, with approval of the director, shall invite another appropriate government entity to replace that agency on the council.

v. If it is found that a governmental member or alternate of the council has violated one or more of the conditions of this charter, the sanctuary superintendent may recommend to the director that the appropriate agency be notified and requested to replace the designee. The sanctuary superintendent may consult with the council prior to taking such action.

vi. Governmental members and alternates are subject to the same grounds for removal as nongovernmental members.

b. Non-governmental (13 members)

i. A representative and alternate of each of the following activities, which are integrally affected by the management goals of the sanctuary, shall be selected: research (1), education (1), conservation (1), commercial fishing (1), recreational fishing (1), diving (1), agriculture (1), business and industry (1), tourism (1), and non-extractive recreational users (1). In addition, there shall be three (3) citizen at-large representatives (and alternates) whose selection is based on geographic distribution, and breadth of experience and knowledge regarding marine issues, policies and practices.

1. The non-governmental council members and alternates are normally appointed for a term of three years, and may compete for reappointment (subject to the non-governmental term limits policy described below). If necessary, terms of appointment may be changed to provide for staggered expiration dates or member or alternate resignation mid-term. Subject to the provisions of the ONMS policy on the limit on consecutive terms for non-governmental council members, non-governmental council members and alternates will not be selected to serve more than three consecutive terms representing the same seat unless a waiver (as provided for in the policy) is granted by the director. Should a non-governmental seat become vacant, the alternate should complete the term and the vacated alternate position could be advertised and a replacement appointed as specified below. The newly appointed member shall start a new term, beginning on the date of his/her swearing-in by the sanctuary superintendent, unless the term is adjusted to provide for balanced expiration dates and program efficiencies. Precise term lengths will be specified in the member's or alternate's appointment letter. The recruitment process will occur as needed.

ii. Non-governmental seat term limits policy

1. The non-governmental council members will serve on the council for no more than three consecutive terms. This policy applies to the seat (e.g., diving seat) and not the council. For example, this would allow an individual to serve three terms as the diving member, and if qualified, may

apply for another seat on the council (e.g., citizen-at-large) once they reach their term limit on the former seat.

2. The ONMS Director may waive the limit on the number of consecutive terms for nongovernmental voting council members in the following circumstances. The waivers and the process as it relates to the council member recruitment and selection process are as follows:

    a. Waiver #1: It is determined that continuity of council's membership is deemed critical by the sanctuary superintendent {e.g., at a critical juncture in the management plan review process). The request for this waiver should be made at least two months prior to the expiration of the subject seat(s).
    Process: The waiver applies to the entire council, not a specific seat. The sanctuary superintendent will be aware of this situation well in advance of recruitment and should send a memo to the director requesting the waiver for a certain length of time and providing a justification as to the need. The signed memo should be provided to the council and posted on the website.

    b. Waiver #2: It is a seat that is historically challenging to fill due to the remote location of the sanctuary and distance from population centers, or a limited applicant pool for a particular seat has been shown to limit the number of available candidates to fill a vacancy in a timely and efficient manner and may disrupt or prevent a council from fulfilling its responsibilities.

    Process: The term-limited individual should be advised of the situation and advised not to apply during the first round of recruitment. If after adequate advertising there are no qualified applicants in the first round of recruitment, the superintendent will send a memo to the Director requesting the waiver and providing justification as to the need. The signed memo should be posted to the website. The term-limited individual will then be allowed to submit an application during the second round of recruitment (re-advertising). The application will then be reviewed by the preliminary review panel on an equal footing with any other applications submitted during the second round; the signed memo should accompany the application through the entire process from the preliminary review subcommittee to the regional director and ONMS. See the National Marine Sanctuary Advisory Council Implementation Handbook for a full description of the recruitment and selection process.

iii. Members and alternates serve at the discretion of the director. The sanctuary superintendent may recommend to the director the removal of a non-governmental member or alternate of the council on any of the following grounds if that member or alternate:

- Is convicted of any felony offense;
- Is found to have violated any of the following laws or regulations promulgated thereunder: NMSA, Marine Mammal Protection Act, Migratory Bird Treaty

Act, Endangered Species Act, Magnuson-Stevens Fishery Conservation and Management Act, or another environmental law for which NOAA or another federal agency has jurisdictional responsibility;

- Is found to have violated state environmental laws or regulations;
- Is found to have violated national or state laws or regulations protecting cultural resources;
- Is determined to have abused his or her position as a member or alternate of the council
- (including but not limited to use of council information for personal gain; use of council position to advance a personal agenda or harm another member or alternate of the council or of the community; misrepresentation of, or spreading misinformation about the council or the sanctuary; and refusal to recuse himself or herself if so requested by the sanctuary superintendent and/or chair in a matter in which the member or alternate has a conflict of interest);
- Has a change to the professional affiliation{s) and/or personal circumstances that comprise a significant portion of that member's qualifications for being a member of the council;
- Misses four consecutive meetings without reasonable justification;
- Disrupts on more than one occasion council meetings in a manner that interferes with the council conducting its business; or
- Violates any term of this charter.

The sanctuary superintendent may consult with the council prior to taking such an action.

iv. As each non-government seat becomes vacant and the process for selection of a new member or alternate (described under Appointments) is conducted, the sanctuary superintendent will recommend to the director the member and an alternate from among the top three candidates resulting from the review process. The alternate will have all the rights of the member at such times the alternate is officially substituting for the member. The chair and the sanctuary superintendent must be notified before an alternate officially attends a meeting. The alternate may also be appointed, without going through a competitive process, to complete a primary member's term if that member resigns or is removed. An alternate may not name another alternate.

v. The individuals selected to fill the conservation and research seats on the council must also serve as the chair of each respective working group. The alternate selected for those seats is expected to serve as the vice-chair of each working group.

6. Council Officer Elections and Terms

a. The council shall elect one member to serve as chair, and one member to serve as vice-chair. The vice-chair shall act as chair in the absence of the chair. Terms of the chair and vice-chair are two years; the chair and vice-chair may serve a maximum of two consecutive terms if reelected. The council may elect one member to serve as council secretary. The term of the council secretary is two years. The council secretary may serve consecutive terms if reelected.

b. A chair, vice-chair, or secretary may leave his/her position to run for another council

officer position if desired. If the chair, vice-chair or secretary is elected to a new position, the council shall nominate and elect a new representative for the vacated officer position.

c. Council members, including non-voting members and alternates (except sanctuary superintendents and/or their designees), may nominate individuals for the council officer positions. Any primary member of the council, including government seats and non-voting seats (with the exception of sanctuary superintendents) may be nominated and elected as a council officer, provided he/she is no more than 18 months into his/her third consecutive term. Sitting officers subject to the term limits policy described above may be granted a partial extension such that they may complete the remainder of the term of office for their current officer position.

d. Election for all positions is by majority vote of all council members, including the non-voting members (except sanctuary superintendents and/or their designees). Votes shall be made by written ballot. Alternates may nominate and vote during an election only when the alternate is filling the seat in the absence of the primary member. Members who will not be present at the time of the election may submit their vote in writing to the sanctuary superintendent prior to the meeting.

e. If a council officer resigns, the council should hold an election at the next regularly scheduled council meeting. If the newly elected individual feels comfortable they may begin serving in their position immediately upon being elected, otherwise they may begin serving at the next meeting. If the chair resigns, the vice chair acts on their behalf until the new chair assumes their position. If the vice chair resigns, the secretary acts on their behalf until the new vice chair assumes their position. If the secretary resigns, the position may remain vacant until the new secretary assumes their position.

f. In extraordinary circumstances, if all council officers resign at the same time, the council can agree to allow another council member to serve as interim chair until the new officers are elected; new officers should be elected at the next scheduled council meeting.

7. Roles of Council Officers

a. Chair: The chair schedules and sets agendas for all council meetings with the approval of the sanctuary superintendent or through a prior council resolution, presides over all meetings of the full council and ensures that meetings are run according to accepted meeting practices, as set forth in the Protocols, signs all correspondence and documents authorized by the council, and generally represents the council's interests and concerns to the public. The chair also continues to fulfill the general roles that all council members fill, including representing the interests of their constituents. The advisory council coordinator may assist the Chair with correspondence to the advisory council as necessary.

b. Vice-Chair: The vice-chair serves as chair in the absence of the chair and assists as necessary in performing executive duties of the council. The vice-chair also continues to fulfill the general roles that all council members fill, including representing the interests of their constituents.

c. Council Secretary: The council secretary assists sanctuary staff in maintaining a record of minutes for each regularly scheduled meeting of the council and ensures that they are accurate and available to the public, may assist in correspondence directed by the council, helps to prepare an annual report on council activities, and performs other administrative

duties as directed by the chair or vice chair. The secretary also continues to fulfill the general roles that all council members fill, including representing the interests of their constituents.

APPOINTMENTS

Public notice shall be provided as to the vacancy of constituent group and at-large seat position(s). Applications for ensuing terms for vacant seat positions shall be submitted to the sanctuary superintendent or his/her designee (e.g., advisory council coordinator or other appropriate site staff), as defined in the Federal Register notice for a particular recruitment. Copies of all applications and nominations for each seat must be submitted by the sanctuary superintendent to the preliminary review panel to obtain recommendations on selections. Any council member that has a conflict of interest (financial, personal, self-nomination, etc.) shall recuse him/herself from making a recommendation for the vacant seat. Selection from among those recommended by the panel, or from among other applicants or nominees, shall be made by the sanctuary superintendent with the approval of the director. NOAA and the State will mutually agree upon the individuals who will serve on the council. The sanctuary superintendent may choose to re-advertise the vacant seat(s) if adequate candidates are not available after the first recruitment process. In all cases, submission of written statements of particular interest, qualifications, and experience shall be requested. Guidelines for applying shall be supplied at the appropriate time.

Public notice shall be provided as to the vacancy of constituent group and at-large seat position(s). Applications for ensuing terms for vacant seat positions shall be submitted to the sanctuary superintendent or his/her designee (e.g., advisory council coordinator or other appropriate site staff), as defined in the Federal Register notice for a particular recruitment). Any council member that has a conflict of interest (financial, personal, self-nomination, etc.) shall recuse him/herself from making a recommendation for the vacant seat.

Selection from among those recommended by the council nomination working group, or from among other applicants or nominees, shall be made by the sanctuary superintendent with the approval of the director. The sanctuary superintendent may choose to conduct interviews with applications {over the phone or in person) as part of the selection process. Copies of all applications and nominations for each seat are submitted by the sanctuary superintendent to the council's nomination working group to obtain recommendations on selections. The sanctuary superintendent may choose to re-advertise the vacant seat(s) if qualified candidates are not available after the first recruitment process. In all cases, submission of written statements of particular interest, qualifications, and experience shall be requested. Guidelines for applying shall be supplied to the applicants.

The sanctuary superintendent should take steps to ensure that relevant individuals or appropriate entities (e.g., organizations, institutions, trade associations) are advised of any non-governmental vacancy, whether primary or alternate, for the purpose of soliciting applications for the vacant position. At the discretion of the superintendent, the council may include a representative of the related seat(s) on the council nomination working group. Alternatively, a list of applicants or candidates may also be provided to an appropriate entity for comment (with appropriate redaction of personal information). Such steps may include working with council members and alternates to develop or maintain a list of potential contacts related to each non-governmental seat.

The superintendent shall appoint individuals to the three citizen at-large seats based on the individual's community experience within one or more of the five counties closest to the sanctuary: Monterey, Santa Cruz, San Luis Obispo, San Benito and Santa Clara. The sanctuary superintendent should consider geographic distribution, breadth of the applicant's experience and knowledge

regarding marine issues, policies and practices, and letters of support illustrating community engagement, in the selection of citizen-at-large members and alternates.

If a primary council member can no longer serve, the alternate should assume the seat to complete a primary members term. If the alternate chooses not to be primary, the council, with the concurrence of the sanctuary superintendent, may elect to recruit both.

Newly appointed representatives (not reappointments) shall participate in an orientation to be prepared by sanctuary staff prior to their swearing in as council members.

As each non-government seat becomes vacant and the process for selection of a new member is conducted, the sanctuary superintendent shall recommend to the director the member and an alternate from among the top three candidates resulting from the reviewing process or among other applicants. The alternate shall have all the rights of the member at such times the alternate is officially substituting for the member. The chair and the sanctuary superintendent (or his/her designee) shall be notified before an alternate officially attends a meeting.

ADMINISTRATION

1. Members and alternates of the council shall serve without pay except that each member or alternate may receive travel expenses including per diem in lieu of subsistence, in accordance with sections 5702 and 5703 of Title 5, U.S.C., for travel to and from official council meetings, meetings of council subcommittees of which they are members, and meetings of council working groups of which they are members. Persons outside the council who are members of council working groups shall serve without pay except that they may receive working group meeting travel expenses including per diem in lieu of subsistence, in accordance with sections 5702 and 5703 of Title 5, U.S.C. Reimbursement of travel expense requests is at the discretion of the sanctuary superintendent and dependent upon budgetary (or financial) considerations and constraints. Travel expenses for governmental members and alternates of the council may be provided by their own agencies.

2. The ONMS may make available such staff, information, administrative services, or assistance as the sanctuary superintendent determines are reasonably required to enable the council and its subcommittees and working groups to carry out their functions.

OPERATION

1. Meetings

   a. Meetings are held at the call of the chair and the sanctuary superintendent.

   b. Decisions (e.g., recommendations) made by the council shall be made by majority vote of those present, provided there is a quorum (more than half of the voting members). A recorded vote may be requested the chair or the sanctuary superintendent.

   c. Each meeting shall be open to the public.

   d. Interested persons shall be permitted to present oral or written statements on items on the agenda, or other pertinent topics.

   e. Emergency meetings may be held at the call of the chair or presiding officer and the sanctuary superintendent.

f. Timely notice of each council meeting, including the time, place, and agenda of each meeting, shall be provided to the local media and additional notice may be given by such other means as will result in appropriate publicity to interested groups. This requirement shall not apply to workshops scheduled by the council to address strategic planning, administration, or specialized technical issues. The council may not vote on any agenda item for which notice was not provided, unless said item meets the exceptions outlined below in the council's protocols for conducting a meeting.

g. The council shall meet as frequently as necessary, not to exceed once per month (the meetings should be in different months, but do not have to be precisely 30 days apart) for voting meetings, but at least once every six months. The council meeting place may be rotated among various locations adjacent to the sanctuary and meeting sites shall be chosen to accommodate anticipated public attendance and be reasonably accessible to those interested in attending.

h. Minutes of each meeting shall be kept by a person specified by the sanctuary superintendent and contain a summary of attendees and matters discussed; such minutes shall be available to the public.

2. Procedures for Providing Advice

The following procedures shall be used to provide advice:

a. The council may provide advice on a relevant issue or topic to the sanctuary superintendent. Requests for information, assistance, or advice from the ONMS, other NOAA offices, or other agencies shall be made in writing and be coordinated through the sanctuary superintendent.

b. Any matter that a council member or alternate wishes to raise to the attention of the sanctuary shall be brought to the attention of either the sanctuary superintendent or the council chair so that it might be placed on the agenda as a discussion topic. The sanctuary superintendent and the council chair shall discuss topics for the agenda. The sanctuary superintendent approves a topic to be placed on the agenda.

c. The council shall provide advice directly to the sanctuary superintendent via a written recommendation or a motion passed by the council and reflected in the minutes. Draft recommendations and verbal discussions shall be considered by the sanctuary superintendent as additional background information and shall be included in the minutes.

d. Any written or oral advice, correspondence, or information the council wishes to offer or express beyond the sanctuary superintendent shall be voted on and approved by the council prior to sending. The council is established specifically to provide advice to the Secretary, and operates through the sanctuary superintendent; the sanctuary superintendent must approve any advice, correspondence, or information that goes outside the sanctuary prior to sending.

e. The council shall base its advice on a vote of the council with negative votes and abstentions noted or on consensus reached during discussion with minority opinions noted. A quorum shall be present when the vote is taken or a discussion to reach consensus is conducted.

f. Any information or advice resulting from discussions in subcommittees or working groups that is requested by the council shall be presented to and considered by the full council and as appropriate incorporated into the council's recommendation to the sanctuary superintendent. If the council does not incorporate information or advice of a subcommittee or working group, it shall inform the sanctuary superintendent and explain in its advice or information the reasons for not incorporating the subcommittee's or working group's advice or information.

3. Conduct of Individual Members and Alternates

   a. Council members and alternates are expected to be familiar with the processes and regulations governing the sanctuary and to keep themselves informed of sanctuary-related events and issues. Expectations include regular meeting attendance and familiarity with the council charter and the ONMS Advisory Council Implementation Handbook.

   b. When speaking to the public or writing about any matter regarding the sanctuary in a document for distribution beyond council membership, the sanctuary superintendent, or sanctuary staff, a member or alternate shall clearly distinguish those recommendations, opinions, or positions officially adopted by the council as a body from those he or she may have as an individual. In no case shall a member or alternate represent individual opinions as those of the council, the sanctuary superintendent, sanctuary staff, or NOAA.

   c. Any council member or alternate that has an interest (financial, personal or business interest) in any matter before the or a subcommittee or working group shall identify such interest prior to council discussion and voting on such matter. No member or alternate shall cast a vote on any matter that would provide a direct financial benefit to that member or alternate or otherwise give the appearance of a conflict of interest under federal law. An affected member or alternate who may not vote on a matter may participate in council deliberations relating to the decision after notifying the council of the voting recusal and identifying the interest that would be affected. These same guidelines apply to members of working groups who are not members of the council.

      After disclosure of the interest or potential conflict of interest (other than direct financial gain as previously identified) the council or sanctuary superintendent may determine if the stated interest constitutes a conflict of interest and decide whether or not that member should recuse themselves from discussion and voting.

   d. All council members are expected to conduct themselves in a civil fashion, showing courtesy and respect to other council members, sanctuary staff and any other individuals present at the meeting.

   e. Honoring and upholding the Council's Oath of Office to serve as knowledgeable trustees of the sanctuary's resources.

4. Conduct of the Council as a Body

   a. Any correspondence or other written documents that are intended to speak for the council as a body shall be coordinated with, and approved by, the chair and

sanctuary superintendent prior to sending.

b. The following disclaimer shall be placed in all documents originating from the council: *"The council is an advisory body to the sanctuary superintendent. The opinions and findings of this publication do not necessarily reflect the position of the National Oceanic and Atmospheric Administration."*

5. Council Letterhead

The council shall, with the assistance and approval of the sanctuary superintendent, design and use its own letterhead. All correspondence from the chair or other members and alternates of the council, or the council as a body, shall be on this letterhead. The council shall not use official NOAA or DOC letterhead, or any derivative thereof, for any correspondence or other purpose.

6. Subcommittees and Working Groups

a. Subcommittees

The chair, in consultation with the council as a whole and with the concurrence of the sanctuary superintendent, may establish such subcommittees as necessary to fulfill the council's duties. Subcommittees shall be composed solely of members of the council; at the superintendent's discretion, alternates may also serve on subcommittees. The subcommittee must be chaired by a member or alternate of the council. Subcommittees shall be recognized as official subunits of the council. Subcommittees are subject to all requirements of this charter. Reimbursement for travel expenses is at the discretion of the sanctuary superintendent and dependent upon budgetary (or financial) considerations and constraints.

b. Existing Working Groups

Working groups created prior to the establishment of the council (Conservation and Research) have in the past provided and shall continue to provide advice to the council on priorities and program coordination. Such working groups shall be requested to provide a general report to the council of the status of requested advice at each council meeting. All working groups must submit their findings or recommendations to the full council. Existing working groups shall make every effort to meet in places that are open and accessible to the public.

The two existing working groups (Conservation and Research) - shall operate in close cooperation with sanctuary staff and under consistent procedures. Working groups shall be recognized as official sub-units of the council and are subject to all requirements of this charter. Meeting of these three working groups may not be conducted in the absence of a sanctuary staff person. The agendas for these meetings must be produced in consultation with sanctuary staff. Any written materials, letters, or reports produced by the three working groups may receive technical expertise and assistance from sanctuary staff for review and comment prior to finalization and distribution to the full council. All working groups must submit their findings or recommendations to the full council.

c. Adhoc Working Groups

The chair, in consultation with the council as a whole and with the concurrence of the sanctuary superintendent, may establish working groups for specific purposes or topics that need focused attention that cannot be accomplished by a subcommittee. Their work will be limited to functional areas and discrete issues relating to individual sanctuaries. Working groups may be composed of members and alternates of the council and persons outside the council. Working groups shall be chaired by a primary member of the council and shall function under the purview of the council. At the sanctuary superintendent's discretion and if the full council approves, an alternate member may chair a working group; that alternate shall function under the purview of the council. Working groups established by the council to address specific issues shall disband once the final advice on the particular matter is submitted to the council. Working groups shall provide a general activities report to the chair at each regular meeting of the council.

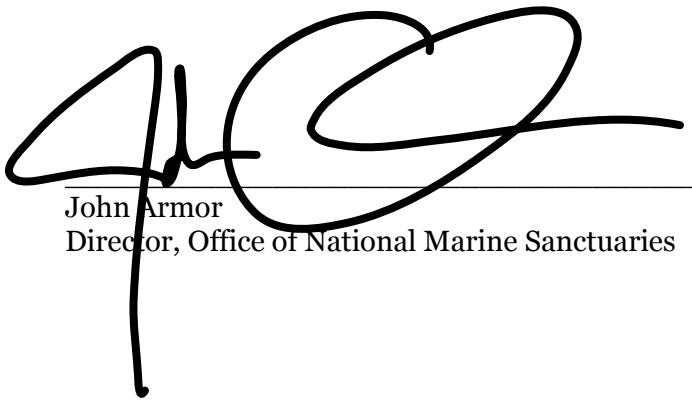
Other Terms of this Charter

1. The council shall operate pursuant to the terms of this charter.

2. This charter shall remain in effect until April 8, 2026.

3. Six months prior to the expiration of this charter, the need for the council will be evaluated by the ONMS, with input from council members, to determine whether to renew the charter.

4. Revisions to the charter may be made as determined necessary by the ONMS with input from the council.



8/18/2025

John Armor
Director, Office of National Marine Sanctuaries

Date