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OFFICE OF NATIONAL MARINE SANCTUARIES BUSINESS ADVISORY COUNCIL CHARTER

ESTABLISHMENT AND AUTHORITY

Section 315 of the National Marine Sanctuaries Act (NMSA or Act; 16 U.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 of the Office of National Marine Sanctuaries (director). The director hereby establishes the National Marine Sanctuary Business Advisory Council (council).

This charter provides a background on the Office of National Marine Sanctuaries (ONMS) and describes the objectives and roles of the council's activities, procedural requirements regarding the appointment of council members and officers, requirements for the conduct of council members and meetings, and other requirements. All council activities must be conducted pursuant to this charter.

NATIONAL MARINE SANCTUARY BUSINESS ADVISORY COUNCIL POLICY STATEMENT

The ONMS regards the involvement of communities and the development of a stewardship ethic as vitally important to successfully protect sanctuary resources and to build strong local economies. One key way to achieve this involvement is the formation of the council.

The council brings together experts to provide specialized advice to the director on cross-cutting issues, challenges or opportunities affecting multiple sites, or key sectors, and the management and conservation of sanctuary resources system-wide.

OFFICE OF NATIONAL MARINE SANCTUARIES

A national marine sanctuary is an area of the marine or Great Lakes environment of special national, and sometimes international, significance afforded protection and management under the NMSA. As steward of coastal and ocean resources, the Office of National Marine Sanctuaries, under the National Oceanic and Atmospheric Administration (NOAA), serves as the trustee for a network of underwater parks encompassing more than 600,000 square miles of marine and Great Lakes waters from Washington state to the Florida Keys, and from Lake Huron to American Samoa. The network includes a system of 14 national marine sanctuaries and Papahānaumokuākea and Rose Atoll marine national monuments.

The resources ONMS manages differ in size, species, depth, color, culture, and countless other ways. This rich diversity is part of our natural heritage, a gift to be discovered, appreciated, and protected. Whether a natural ecosystem or a human community, diversity creates strength and resilience. By recruiting for and representing the equally remarkable diversity of advisory council members, ONMS can leverage new creativity, knowledge, and experiences to achieve its mission.

Vision of the ONMS:

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

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Mission of the ONMS:

We protect treasured places in the ocean and Great Lakes.

Goals of the ONMS:

- Ensure thriving sanctuaries and other ocean parks.
- Safeguard more underwater treasures as national marine sanctuaries.
- Increase support for sanctuaries.
- Deepen our understanding of sanctuaries.
- Ensure the Office of National Marine Sanctuaries is a great place to work.

COUNCIL ROLES

1. The council, in accordance with the NMSA, shall provide advice and recommendations to the director regarding the sustainable management of national marine sanctuaries and their natural and cultural resources. The role of the council will change over time, however the initial focus of the council shall provide advice in the following areas:

- Engaging the recreation and tourism sectors and other partners with a mutual interest in marine resource protection to promote conservation and sustainable use for current and future generations;
- Determining the economic, social, and cultural value of national marine sanctuaries and other marine protected areas and communicating their value to diverse audiences;
- Leveraging the recreational and aesthetic values of national marine sanctuaries for building strong local economies and engaged communities;
- Working with the recreation and tourism industries to improve visitor experience, and
- Enhancing public/private partnerships to achieve the sanctuary system's mission.

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

3. Council members shall serve as liaisons between their sectors and the ONMS, keeping ONMS leadership informed of issues and concerns, as well as providing information to their respective sectors on ONMS'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 director. Such advice shall fairly represent the collective and individual views of the council members. In formulating such advice, the council members shall recall that

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the primary objective of the ONMS and the NMSA is resource protection.

5. The council is established to provide advice and recommendations to the director regarding the ways in which partners, including the business community, can help advance ONMS goals, both locally and system-wide. Nothing in this charter constitutes authority for council members to perform operational or management functions, or to make decisions on behalf of the ONMS, NOAA or the Department of Commerce.

MEMBERS, ALTERNATES, AND OFFICERS

1. The council shall consist of no more than 15 voting members, who shall be appointed by the director. The topical focus of the council will change over time, as required by ONMS priorities.

2. (a) 15 seats overall that represent a wide variety of ocean and coastal interests including recreation, tourism, ocean commerce, commercial and recreational fishing, natural and cultural resource management, marketing or related business or organization, and conservation.

Council members will serve staggered two and three-year terms, and may be reappointed, as deemed appropriate by the director. It is the policy of the ONMS that council members will not be selected to serve more than three consecutive terms on the council.

(b) Members serve at the discretion of the director. The director may remove a member of the council on any of the following grounds if that member:

- Is convicted of any felony offense;
- Is found to have violated any of the following laws or regulations promulgated thereunder: the National Marine Sanctuaries Act, 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 national laws or regulations protecting cultural resources;
- Is determined to have abused his or her position as a member 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 of the council or of the community; misrepresentation of, or spreading misinformation about the council or the sanctuary system; and refusal to recuse himself or herself if so requested by the director and/or chair in a matter in which the member 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 two consecutive meetings without reasonable justification;

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- Disrupts on more than one occasion council meetings in a manner that interferes with the council conducting its business; or
- Violates any term(s) of this charter.

4. Members accept the responsibility and cost of attending council meetings. Under rare circumstances, if a member cannot attend a meeting, the member may, with the prior approval of the director, appoint a temporary designee of equivalent position and seniority from the same organization.

5. (a) Council Officer Elections and Terms

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.

Council members may nominate other members for council officer positions. Election for all positions is by majority vote of all council members, and the votes shall be made by written ballot. Members who will not be present at the time of the election may submit their vote in writing to the director prior to the meeting.

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.

(b) Roles of Council Officers:

(i) Chair: The chair works with the director to schedule and set agendas for council meetings. The chair presides over all meetings of the full council and ensures that meetings are run according to accepted meeting practices, signs all correspondence and documents authorized by the council, and generally represents the council's interests and concerns to the public. The chair continues to represent his or her sector as a member of the council.

(ii) 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 continues to represent his or her sector as a member of the council.

APPOINTMENTS

The director shall invite specific individuals to fill the seats as identified above. If the individuals respond affirmatively, and upon successful completion of the vetting process, the individual will be appointed by the director to the council. The vetting process helps identify conflicts of interest or other issues through a check with a lobbyist database, LEXIS/NEXUS search, and bureau checks within the Department of Commerce.

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ADMINISTRATION

1. Members of the council shall serve voluntarily and will not be compensated by the ONMS or NOAA.
2. The ONMS may make available such staff, information, administrative services, or assistance as the director determines are reasonably required to enable the council to carry out its functions.

OPERATION

1. Meetings

- (a) Meetings are held at the call of the chair.
- (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, i.e. half plus one). A recorded vote may be requested by the chair or director.
- (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 director.
- (f) Timely notice of each council meeting, including the time, place, and agenda of each meeting shall be published in the Federal Register; 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 or teleconferences scheduled by the council to address strategic planning, administration, or specialized technical issues. The council may not vote at any meeting for which the above public notice has not been issued. The council may not vote on any agenda item for which notice was not provided.
- (g) The council shall meet as frequently as necessary, not to exceed once per quarter, but at least once every six months. The council meeting place will be at a location suitable for the needs of the council, or via teleconference; meeting venues 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 director and contain a summary of attendees, matters discussed, and decisions made; 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 director. 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 director.

(b) Any matter that a council member wishes to raise to the attention of ONMS shall be brought to the attention of the chair and director so that it might be placed on the agenda as a discussion topic. The chair and director approve a topic to be placed on the agenda.

(c) The council shall provide advice directly to the director 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 director as additional background information and shall be included in the minutes.

(d) Any advice, correspondence, or information the council wishes to offer or express beyond the director shall be voted on and approved by the council prior to sending. Because the council was established specifically to provide advice to the director, the director must also approve any advice, correspondence, or information that goes outside ONMS prior to its submission.

3. Conduct of Individual Members

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

(a) When speaking to the public or writing about any matter regarding the ONMS in a document for distribution beyond council membership or ONMS staff, a member 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 represent individual opinions as those of the council, the director, ONMS staff, or NOAA.

(b) Any council member that has an interest (financial, personal or business interest) in any matter before the council, a subcommittee or a working group shall identify such interest prior to discussion and voting on such matter. No member shall cast a vote on any matter that would provide a direct financial benefit to that member or affiliated organization or otherwise give the appearance of a conflict of interest under federal law. An affected member who may not vote on a matter may, however, 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.

(c) 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.

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 the director prior to sending.

(b) The following disclaimer shall be placed in all documents and communications originating from the

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council: "The council is an advisory body to the ONMS director. The opinions and findings of this publication do not necessarily reflect the position of the Office of National Marine Sanctuaries and the National Oceanic and Atmospheric Administration."

5. Council Letterhead

The council shall, with the assistance and approval of the director, design and use its own letterhead. All correspondence from the chair or other members of the council, or the council as a body, shall be on this letterhead. The council shall not use official NOAA or DOC letterhead 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 director, may establish such subcommittees as necessary to fulfill the council's duties. Subcommittees shall be composed solely of members of the council. Subcommittees shall be recognized as official subunits of the council. Subcommittees are subject to all requirements of this charter. Subcommittees shall submit their products to the full council for approval and action.

(b) Working Groups: The chair, in consultation with the council as a whole and with the concurrence of the director, may establish working groups for specific purposes or topics that need focused expert input that cannot be accomplished by the full committee or its subcommittee(s). Working groups may be composed of members of the council and persons outside the council. Working groups shall be chaired by a member of the council and 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 submit their products to the full council for approval and action.

OTHER TERMS OF THIS CHARTER

1. The council shall operate pursuant to the terms of this charter.
2. This charter shall remain in effect for a period of five years from the date of signature.
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.



John Armor
Director, Office of National Marine Sanctuaries

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Date