Channel Islands National Marine Sanctuary
Sanctuary Advisory Council Charter

INTRODUCTION

A marine sanctuary is an area of the marine environment of special national, and sometimes international, significance warranting protection and management by the Federal government. As stewards of coastal and ocean resources, the National Oceanic and Atmospheric Administration (NOAA) protects and manages Sanctuaries through the National Marine Sanctuary Program (NMSP). The mission of the NMSP is to manage marine areas of special significance to protect their ecological and cultural integrity for the benefit of current and future generations. NOAA uses ecologically sound principles of resource conservation, develops and implements stewardship, education and research programs that foster public understanding, support and participation, and promotes the ecologically sustainable use of the nation s natural and cultural marine resources. The NMSP provides leadership and acts as a catalyst to link the assets of government and non-government organizations to focus people's attention on the need to manage and protect marine resources.

The Channel Islands National Marine Sanctuary (CINMS or Sanctuary) was designated in 1980 to protect the resources of the waters surrounding San Miguel, Santa Rosa, Santa Cruz, Anacapa, and Santa Barbara Islands. The Sanctuary boundary covers 1,252 square nautical miles of ocean including tidal, intertidal, coastal and offshore habitats. Notable living resources include extensive kelp forests, a large and varied invertebrate population, 60 species of seabirds, and 27 species of marine mammals. There are a number of cultural and historical resources including over 200 documented shipwrecks and prehistoric artifacts from earlier Chumash civilizations. In addition, there is a high probability of submerged archaeological remains of fossilized prehistoric mammals based on recent terrestrial discoveries.

Management of the Channel Islands National Marine Sanctuary is guided by the purposes of the National Marine Sanctuary System, as stated in the National Marine Sanctuaries Act (NMSA Sec. 301(b)):

> (1) to identify and designate as national marine sanctuaries areas of the marine environment which are of special national significance and to manage these areas as the National Marine Sanctuary System;
> (2) to provide authority for comprehensive and coordinated conservation and management of these marine areas, and activities affecting them, in a manner which complements existing regulatory authorities;
> (3) to maintain the natural biological communities in the national marine sanctuaries, and to protect, and, where appropriate, restore and enhance natural habitats, populations, and ecological processes;
> (4) to enhance public awareness, understanding, appreciation, and wise and sustainable use of the marine environment, and the natural, historical, cultural, and archeological resources of the National Marine Sanctuary System;
> (5) to support, promote, and coordinate scientific research on, and long-term monitoring of, the resources of these marine areas;

(6) to facilitate to the extent compatible with the primary objective of resource protection, all public and private uses of the resources of these marine areas not prohibited pursuant to other authorities;
(7) to develop and implement coordinated plans for the protection and management of these areas with appropriate Federal agencies, State and local governments, Native American tribes and organizations, international organizations, and other public and private interests concerned with the continuing health and resilience of these marine areas;
(8) to create models of, and incentives for, ways to conserve and manage these areas, including the application of innovative management techniques; and
(9) to cooperate with global programs encouraging conservation of marine resources.

National Marine Sanctuary Program
Sanctuary Advisory Council Policy Statement

The National Marine Sanctuary Program (NMSP) regards the involvement of communities and the development of a stewardship ethic as vitally important to successfully protect Sanctuary resources. One key way to achieve this involvement is the formation of Sanctuary Advisory Councils.

Sanctuary Advisory Councils bring members of a diverse community togetherto provide advice to the Sanctuary Manager (delegated from the Secretary of Commerce and the Under Secretary for Oceans and Atmosphere) on the management and protection of the Sanctuary, or to assist the NMSP in guiding a proposed site through the designation process.

The NMSP is committed to the full support, utilization, and enhancement of Councils at all sanctuaries. In order for Councils to achieve their full potential, the NMSP will:

- At each site, provide sufficient support to allow Councils to operate efficiently and effectively;
- Provide support and guidance from the national office to help Councils operate efficiently and at a basic level of consistency across the system;
- Promote coordination and communication among Councils and among Sanctuary staff that work closely with Councils; and
- Develop training programs appropriate to Council officers and members, and Sanctuary Managers and staff.

ESTABLISHMENT AND AUTHORITY

Section 315 of the National Marine Sanctuaries Act (NMSA or Act; U.S.C. § 1445a) authorizes the Secretary of Commerce to establish Sanctuary Advisory Councils to provide assistance to the Secretary of Commerce in the designation and management of National Marine Sanctuaries. This authority has been delegated to the Director of Ocean and Coastal Resource Management

(Director). The Director hereby establishes the Channel Islands National Marine Sanctuary Advisory Council (Council).

This Charter describes the objectives and scope of the Council's activities, description of duties for which the Council is responsible, procedural requirements on 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.

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 NMSP.

ROLES

1. The Council, in accordance with the Act, shall provide advice to the Sanctuary Manager regarding the management of the Channel Islands National Marine Sanctuary.

2. The Council shall act solely as an advisory body to the Sanctuary Manager. Nothing in this charter constitutes authority to perform operational or management functions, or to represent or make decisions on behalf of the Sanctuary, NOAA, or the Department of Commerce.

3. The Council shall draw on the expertise of its members and other sources in order to provide advice to the Sanctuary Manager.

4. The Council may serve as a forum for consultation and deliberation among its members and as a source of consensus advice to the Sanctuary Manager. Such consensus advice shall fairly represent the collective and individual views of the Council members and the constituencies they represent.

MEMBERS, ALTERNATES, AND OFFICERS

1. The Council shall consist of no more than 21 voting members, who shall be appointed by the Director from among persons employed by Federal, State, regional or local agencies with expertise in management of natural resources, representatives of local user groups, 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 diversity, and advisory functions the Council will perform.

2. The Sanctuary Manager sits on the Council as a non-voting member and concurs with the scheduling of each meeting and the agenda to ensure that topics of discussion are relevant to the Sanctuary. The Sanctuary Manager shall also concur to other matters as indicated elsewhere in this Charter. Council meetings may not be conducted in the absence of the Sanctuary Manager or his/her designee.

3. To ensure relevant information exchange and consistent management, as appropriate, among other National Marine Sanctuaries located off California, the Managers of the Gulf of the Farallones and Monterey Bay National Marine Sanctuaries shall sit on the Council as non-voting members.

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

Category A

i. Government (10 members). 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: Channel Islands National Park (DOI), U.S. Coast Guard, Department of Defense, Minerals Management Service, National Marine Fisheries Service, California Resources Agency, California Department of Fish and Game, California Coastal Commission, Santa Barbara and Ventura Counties.

ii. If a government entity decides no longer to participate as a member of the Council, or fails to attend three consecutive Council meetings and is formally removed by the Director, the Sanctuary Manager shall invite another appropriate government entity to replace that agency on the Council. A government seat cannot be converted to a non-government seat.

iii. If it is found that a governmental member of the Council has violated one or more of the conditions of this Charter, the Sanctuary Manager may recommend to the Director that the appropriate agency be notified and requested to replace the designee. The Sanctuary Manager may consult with the Council prior to taking such action.

Category B

i. Non-government (11 members). A representative of each of the following activities, which are integrally affected by the management goals of the Sanctuary, shall be selected: Commercial Fishing (1), Recreational Fishing (1), Conservation (1), Recreation (non-consumptive) (1), Education (1), Business (1), Tourism (1), Research (1), Chumash (1), and two (2) public at-large members. The two at-large members will be selected based on geographic diversity, breadth of experience and knowledge regarding marine issues, policies and practices.

The eleven non-government members are appointed for a term of two years, serve at the discretion of the Director, and may compete for re-appointment. If necessary, terms of appointment may be changed to provide for balanced (staggered) expiration dates. Should a non-government seat become vacant, the vacated position shall be advertised and a replacement appointed as specified below. The newly appointed member shall serve for a full two-year term beginning on the date of his/her swearing-in by the Sanctuary Manager.

ii. Members serve at the discretion of the Director. The Sanctuary Manager may recommend to the Director removal of a non-governmental 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 has jurisdictional responsibility;
- Is found to have violated state environmental laws or regulations promulgated thereunder in the state in which a Sanctuary is located;
- 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; and refusal to recuse himself or herself if so requested by the Sanctuary Manager 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 a consecutive number of meetings (as defined by this Charter) 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 Manager may consult with the Council prior to taking such an action.

5. A designated alternate (from the same government entity) of a government Council member may attend a Council meeting on occasion if the Chair and Sanctuary Manager are notified in advance of any meeting at which an alternate will represent the Council member. An alternate may not name another alternate.

6. A designated alternate will be appointed for each non-governmental seat (pursuant to the process described under Appointments). The commercial fishing seat shall have two designated alternates. An alternate may attend a Council meeting if the Chair and Sanctuary Manager are notified in advance of any meeting at which an alternate will represent the Council member. An alternate may not name another alternate.

7. As each non-government seat becomes vacant and the process for selection of a new member (described under Appointments) is conducted, the Sanctuary Manager 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 Manager must be notified before an alternate officially attends a meeting.

8. Council Officer Elections and Terms

a. The Council shall elect one member to serve as Chair, one member to serve as Vice-Chair, and one member to serve as Council Secretary. The Vice-Chair shall act as Chair in the absence of the Chair. The term of the Council Secretary is one year. The Council Secretary may serve consecutive terms if reelected. Terms of the Chair and Vice-Chair are two years, except that the initial term of the Vice-Chair is one year. The Chair and Vice-Chair may serve a maximum of two consecutive terms (four years) if reelected. A Chair or Vice-Chair may leave his/her term to run for another Council officer position if desired. If the Chair or Vice-Chair is elected to a new position, the Council shall nominate and elect a new representative for the vacated position.

Election for all positions is by majority vote of all Council members, including the non-voting members, and 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 Sanctuary Manager prior to the meeting. Following the first election, elections for Chair and Vice-Chair shall be held in alternate years.

b. Roles of Council Officers:

i. Chair: The Chair schedules and sets agendas for all Council meetings with the concurrence of the Sanctuary Manager, presides over all meetings of the full Council, signs all correspondence and documents authorized by the Council, and generally represents the Council's interests and concerns to the public.

ii. Vice-Chair: The Vice-Chair shall serve as Chair in the absence of the Chair and shall assist as necessary in performing executive duties of the Council.

iii. Council Secretary: The Council Secretary assists Sanctuary staff in performing administrative duties as directed by the Chair or Vice-Chair.

APPOINTMENTS

Public notice shall be provided as to the vacancy of constituent group seat(s) and at-large representatives. Applications for ensuing terms for vacant seats shall be submitted to the Sanctuary Manager directly. Copies of all applications and nominations for each seat shall be submitted by the Sanctuary Manager to the Council, which shall act as the preliminary reviewing body for screening applications for evaluation. Any Council member that has a conflict of interest (financial, personal, self nomination, etc.) shall recuse him/herself from making a selection for the vacant seat. Selection from among those recommended by the Council, or from

among other applicants or nominees, shall be made by the Sanctuary Manager with the approval by the Director. 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.

ADMINISTRATION

1. Members of the Council shall serve without pay except that each member 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. No members of working groups (defined below) may receive travel expenses for working group activities or meetings. Travel expenses for government members of the Council may be provided by their own agencies.

2. The NMSP may make available such staff, information, administrative services, or assistance as the Sanctuary Manager determines are reasonably required to enable the Council and its subcommittees/working groups to carry out their functions.

OPERATION

1. Procedures for Providing Advice:

The following procedures shall be used to provide advice:

a. The Sanctuary Manager shall initiate the process by which the Council provides advice by asking the Council to provide advice on an issue or topic. This request may be made verbally during a Council meeting or in writing at any time. Requests for information, assistance, or advice from the NMSP, other NOAA offices, or other agencies shall be made in writing and be coordinated through the Sanctuary Manager.

b. Any matter that a Council member wishes to raise to the attention of the Sanctuary shall be brought to the attention of either the Sanctuary Manager or the Council Chair so that it might be placed on the agenda as a discussion topic. The Sanctuary Manager and the Council Chair shall discuss topics for the agenda and agree that a topic is a Sanctuary issue before it may be placed on the agenda.

c. Any matter that a Council working group wishes to raise to the attention of the Sanctuary shall be brought to either the Sanctuary Manager or the Council Chair so that it might be placed on the agenda as a discussion topic. The Sanctuary Manager and the Council Chair shall discuss topics for the agenda and agree that a topic is a Sanctuary issue before it may be placed on the agenda.

d. The Council shall provide advice directly to the Sanctuary Manager via a written recommendation or a motion passed by the Council and reflected in the minutes. Draft recommendations and verbal discussions will not be considered official advice from the Council, but may be considered as background information.

e. Any advice, correspondence, or information that the Council wishes to offer or express beyond the Sanctuary Manager shall be voted on and approved by the Council, and approved by the Sanctuary Manager.

f. The Council shall base its advice on a vote of the Council with negative votes and abstentions noted, or on a general consensus reached during discussions, with minority opinions noted. A quorum (one more than half of the voting members) must be present when the vote is taken or general consensus reached.

g. 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 incorporated into the Council's recommendation to the Sanctuary Manager. If the Council does not incorporate information or advice of a subcommittee or working group, it shall inform the Sanctuary Manager and explain in its advice the reasons for not incorporating the subcommittees' or working groups' advice.

2. Conduct of Individual Members

a. Council members may not use or allow the use of, for other than official Council purposes, information obtained through or in connection with their Council affiliation that has not been made available to the general public.

b. When speaking to the public or writing about any matter regarding the Sanctuary in a document for distribution beyond Council membership, the Sanctuary Manager, or Sanctuary 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 Sanctuary Manager, Sanctuary staff, or NOAA.

c. Any Council member that has a conflict of interest (financial, personal or business) in any matter before the Council, its subcommittees or working groups, 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 otherwise give the appearance of a conflict of interest under Federal law. An affected member 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.

3. Conduct of the Council as a Body

a. Any correspondence, press releases, informational releases, news articles, 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 Sanctuary Manager. The following disclaimer shall be placed in all documents originating from the Council: "The Council is solely an advisory body. The opinions and findings of this publication do not necessarily reflect the position of the Channel Islands National Marine Sanctuary and the National Oceanic and Atmospheric Administration."

b. The Council shall not make recommendations, express opinions or otherwise speak to other than the Sanctuary Manager unless the Council has express permission from the Sanctuary Manager and states that its opinions and findings do not necessarily reflect the position of the CINMS or NOAA.

4. Council Letterhead

The Council shall, with the assistance and approval of the Sanctuary Manager, 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 letterhead for any correspondence or other purpose.

5. Subcommittees and Working Groups

a. Subcommittees:

The Council and the Sanctuary Manager may establish such subcommittees as necessary to fulfill its duties. Subcommittees shall be composed solely of members of the Council and shall be recognized as official sub-units of the Council. Subcommittees are subject to all requirements of this Charter. No members of subcommittees, including members who are also members of the Council, may receive travel expenses for subcommittee meetings or other activities.

b. Working Groups:

Working groups may be established by the Council, with approval by the Sanctuary Manager, for specific purposes or topics that need focused attention that cannot be accomplished by a subcommittee. Working groups may be composed of members of the Council and/or 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. No members of working groups, including members who are also members of the Council, may receive travel expenses for working group meetings or other activities.

6. Meetings

a. Meetings are held at the call of the Chair, with the approval of the Sanctuary Manager.

b. The Council may choose to work by consensus to develop advice provided to the Manager.

c. Decisions made by the Council may 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 by the Chair or the Sanctuary Manager.

d. Each meeting shall be open to the public.

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

f. Emergency meetings may be held at the call of the Chair or presiding officer, with the approval of the Sanctuary Manager.

g. Timely notice of each Council meeting, including the time, place, and agenda of each meeting, shall be published in at least one local newspaper of general circulation within the vicinity of the Sanctuary 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 at any meeting for which the above public notice has not been issued.

h. The Council shall meet as frequently as necessary, not to exceed once per month for voting meetings, but at least once every six months. The Council meeting place shall 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.

i. Minutes of each meeting shall be kept by the elected Council Secretary or other person specified by the Sanctuary Manager and contain a summary of attendees and matters discussed; such minutes shall be available to the public.

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 NMSP, Council members, and the public to determine whether to renew the Charter.

4. Revisions to the Charter may be made as determined necessary by the NMSP with input from the Council.

Director, National Marine Sanctuary Program

11/3/03
Date