Channel Islands National Marine Sanctuary
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 of the Office of National Marine Sanctuaries (director). The director hereby establishes the Channel Islands National Marine Sanctuary Advisory Council (council).

This charter provides a background on the Office of National Marine Sanctuaries (ONMS) and the Channel Islands National Marine Sanctuary, 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.

SANCTUARY 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. One key way to achieve this involvement is the formation of Sanctuary Advisory Councils.

Sanctuary Advisory Councils bring members of a diverse community together to provide advice to the Sanctuary Superintendent (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 ONMS in guiding a proposed site through the designation process.

The ONMS is committed to the full support, utilization, and enhancement of Councils at all sanctuaries. In order for Councils to achieve their full potential, the ONMS 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;
- Develop training programs appropriate to Council officers and members, and Sanctuary Superintendents and staff; and
- Conduct an annual meeting for council chairs, council coordinators and other appropriate ONMS staff to promote information exchange, networking and cross-pollination between councils.

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 warranting protection and management under the NMSA. As steward of coastal and ocean resources, the National Oceanic and Atmospheric Administration (NOAA) protects and manages Sanctuaries through the ONMS.

Vision of the ONMS:

The Office of National Marine Sanctuaries is a world-class system of sanctuaries that protects the nation's natural and cultural marine resources for this and future generations and provides both national and international leadership for marine conservation.

Mission of the ONMS:

Identify, protect, conserve, and enhance the natural and cultural resources, values, and qualities of the National Marine Sanctuary System for this and future generations throughout the nation.

Goals of the ONMS:

- Identify, designate, and manage sanctuaries to maintain the natural biological communities in sanctuaries and to protect and, where appropriate, restore and enhance natural habitats, populations, and ecological processes, through innovative, coordinated, and community-based measures and techniques.
- Build and strengthen the nation-wide system of marine sanctuaries, maintain and enhance the role of the system in larger marine protected area networks, and help provide both national and international leadership for marine protected area management and marine resource stewardship.
- Enhance nation-wide public awareness, understanding, and appreciation of marine and Great Lakes ecosystems and maritime heritage resources through outreach, education, and interpretation efforts.
- Investigate and enhance the understanding of ecosystem processes through continued scientific research, monitoring, and characterization to support ecosystem-based management in sanctuaries and throughout U.S. waters.
- Facilitate human use in sanctuaries to the extent such uses are compatible with the primary mandate of resource protection, through innovative public participation and interagency cooperative arrangements.
- Work with the international community to strengthen global protection of marine resources, investigate and employ appropriate new management approaches, and disseminate ONMS experience and techniques.
- Build, maintain, and enhance an operational capability and infrastructure that efficiently and effectively support the attainment of the ONMS mission and goals.

CHANNEL ISLANDS NATIONAL MARINE SANCTUARY

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 1,110 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.

[This section moved above to "Goals of the ONMS]

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 ONMS.

ROLES

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

2. The Council shall act solely as an advisory body to the Sanctuary Superintendent. 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 Superintendent.

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

5. Council members 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.

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

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 Superintendent 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 Superintendent shall also concur to other matters as indicated elsewhere in this Charter. 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, as appropriate, among other National Marine Sanctuaries located off California, the Superintendents 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. Governmental (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. Governmental members 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 if the chair and sanctuary superintendent are notified in advance. 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 three consecutive Council meetings without reasonable justification and is formally removed by the Director, the Sanctuary Superintendent shall invite another appropriate government entity to replace that agency on the Council.

v. If it is found that a governmental member 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.

Category B

i. Non-governmental (11 members). A representative of each of the following activities or groups, 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 Community (1), and Public At-Large (2). 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 will serve terms varying in length from 2 to 3 years, serve at the discretion of the Director, and may compete for re-appointment. The exact end date of their term is determined by the next scheduled recruitment period that takes place after a member serves for two years. The council membership recruitment process shall take place twice per year. 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 Superintendent.

ii. Members serve at the discretion of the Director. The Sanctuary Superintendent 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 national or state environmental laws or regulations promulgated thereunder (in a state within the region in which a Sanctuary is located) 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; and refusal to recuse himself or herself if so requested by the Sanctuary Superintendent 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 three 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.

[Moved to 4Aiii]
iii. A designated alternate will be appointed for each non-governmental seat (pursuant to the process described under Appointments). An alternate may attend a Council meeting if the Chair and Sanctuary Superintendent are notified in advance of any meeting at which an alternate will represent the Council member. An alternate may not name another alternate.

5. As each non-government seat becomes vacant and the process for selection of a new member (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.

6. 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 may 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 Superintendent prior to the meeting. Following the first election, elections for Chair and Vice-Chair shall be held in alternate years.

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.

b. Roles of Council Officers:

i. Chair: The Chair schedules and sets agendas for all Council meetings with the concurrence of the Sanctuary Superintendent, 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. The chair also continues to fulfill the general roles that all council members fill, including representing the interests of their constituents.

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. The Vice-Chair also continues to fulfill the general roles that all council members fill, including representing the interests of their constituents.

iii. Council Secretary: The Council Secretary assists Sanctuary staff in performing 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 seat(s) and at-large representatives. Applications for ensuing terms for vacant seats shall be submitted to the Sanctuary Superintendent directly. Copies of all applications and nominations for each seat shall be submitted by the Sanctuary Superintendent 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 Superintendent 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 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/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 Superintendent 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 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 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 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 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 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 Superintendent via a written recommendation or a motion passed by the Council and reflected in the recorded notes. 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 Superintendent shall be voted on and approved by the Council, and approved by the Sanctuary Superintendent.

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 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 the reasons for not incorporating the subcommittees' or working groups' advice or information.

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 Superintendent, 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 Superintendent, 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 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 Superintendent prior to sending. 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 Superintendent unless the Council has express permission from the Sanctuary Superintendent 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 Superintendent, 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 Superintendent may establish such subcommittees as necessary to fulfill its 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 of the Council. Subcommittees 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.

A standing subcommittee, the executive committee, will serve as the administrative body of the advisory council and handle such administrative activities as may be appropriate, including, but not limited to, setting time and place of meetings, selecting agenda items, and serving as the preliminary review panel for council member selection. The executive committee consists of the council chair, council vice-chair, council secretary and sanctuary superintendent. The advisory council coordinator will work very closely with the executive committee. Meetings of the executive committee are not subject to public meeting requirements.

b. Working Groups:

Working groups may be established by the Council, with approval by the Sanctuary Superintendent, 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 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. 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. 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 Superintendent.

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

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 Superintendent.

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 Superintendent.

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. Recorded notes of each meeting shall be kept by the elected Council Secretary or other person specified by the Sanctuary Superintendent and contain a summary of attendees and matters discussed; such notes 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 ONMS, 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 ONMS with input from the Council.

Daniel J. Basta
Director, Office of National Marine Sanctuaries

3/16/07
Date