OLYMPIC COAST NATIONAL MARINE SANCTUARY
ADVISORY COUNCIL
CHARTER

ESTABLISHMENT AND AUTHORITY

Section 315 of the National Marine Sanctuaries Act (NMSA or Act; U.S.C. § 1431 *et. seq.*) authorizes the Secretary of Commerce to establish sanctuary advisory councils to provide advice to the Secretary of Commerce in the designation and management of national marine sanctuaries. This authority has been delegated to the director of the National Marine Sanctuary Program (director). The director hereby reauthorizes the Olympic Coast National Marine Sanctuary Advisory Council (hereinafter "advisory council").

This charter provides background on the National Marine Sanctuary Program and the Olympic Coast National Marine Sanctuary and describes the objectives and scope of the advisory council's activities, description of duties for which the advisory council is responsible, procedural requirements on the appointment of advisory council members and officers, requirements for the conduct of advisory council members and meetings, and other requirements. All advisory council activities must be conducted pursuant to this charter.

NATIONAL MARINE SANCTUARY PROGRAM
SANCTUARY ADVISORY COUNCIL POLICY STATEMENT

The National Marine Sanctuary Program 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 National Marine Sanctuary Program in guiding a proposed site through the designation process. The National Marine Sanctuary Program is committed to the full support, utilization, and enhancement of advisory councils at all sanctuaries. In order for advisory councils to

achieve their full potential, the National Marine Sanctuary Program will:

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

NATIONAL MARINE SANCTUARY SYSTEM

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 by the National Marine Sanctuaries System under the National Marine Sanctuaries Act. As steward of coastal and ocean resources, the National Oceanic and Atmospheric Administration (NOAA) protects and manages sanctuaries through the National Marine Sanctuary Program. The mission of the National Marine Sanctuary Program is to comprehensively protect and manage marine areas of special national significance to protect their ecological and cultural integrity for the benefit of current and future generations. NOAA uses ecologically sound principles of resource conservation, and develops and implements stewardship, education and research programs that foster public understanding, support and participation. Use of sanctuary resources must be consistent with the primary objective of the program, which is resource protection.

Goals of the National Marine Sanctuary Program (NMSP) are:

1. 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.

2. Build and strengthen the nation-wide system of marine sanctuaries, maintain and enhance the role of the National

Marine Sanctuary Program system in larger marine protected area networks, and help provide both national and international leadership for marine protected area management and marine resource stewardship.

3. Enhance nation-wide public awareness, understanding, and appreciation of marine and Great Lakes ecosystems and maritime heritage resources through outreach, education, and interpretation efforts.

4. 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.

5. 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.

6. Work with the international community to strengthen global protection of marine resources, investigate and employ appropriate new management approaches, and disseminate National Marine Sanctuary Program' experience and techniques.

7. Build, maintain, and enhance an operational capability and infrastructure that efficiently and effectively supports the attainment of the National Marine Sanctuary Program' mission and goals.

OLYMPIC COAST NATIONAL MARINE SANCTUARY

The Olympic Coast National Marine Sanctuary (Sanctuary) was designated in July of 1994. The Sanctuary lies within the usual and accustomed fishing areas of the four coastal tribes (Hoh, Makah, Quinault, and Quileute) and follows along 135 miles of northern Washington coastline. This Sanctuary encompasses an area of approximately 2500 square nautical miles. Significant habitats include rocky, cobbled, and sandy beaches, offshore islands and seastacks, kelp forests, reefs and shoals, and undersea canyons.

Goals of the Olympic Coast National Marine Sanctuary are:

- To enhance resource protection through comprehensive and coordinated conservation and management tailored to the specific resources that complement existing regulatory authorities;
- To maintain the natural biological communities in the sanctuaries, and where appropriate, to protect, restore and enhance natural habitats, populations, ecological processes, and cultural legacies;
- To support, promote, and coordinate scientific research on, and monitoring of, sanctuary resources to improve management decision-making in the Sanctuary;
- To enhance public awareness, understanding, and wise use of the marine environment;
- To facilitate to the extent compatible with the primary objective of resource protection, multiple uses of the sanctuary not prohibited pursuant to other authorities; and,
- 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;

PURPOSE and SCOPE

1. The purpose of the advisory council, in accordance with the Act, is to provide advice and recommendations to the sanctuary superintendent regarding the management of the Olympic Coast National Marine Sanctuary.

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

3. The scope and focus of the advisory council shall be to:
   (a) provide advice on the effectiveness of interagency agreements in providing adequate resource protection;

(b) provide advice as to how to integrate concerns of governments with overlapping and concurrent jurisdiction (e.g., other agencies, and tribes);
(c) identify and evaluate emergent or critical issues involving Sanctuary use and its resources;
(d) assist sanctuary superintendent in developing an informed constituency, thereby increasing awareness and understanding of the purpose and value of the Sanctuary;
(e) review and provide input on the Sanctuary's annual operating plan, research and monitoring priorities, and educational strategies; and,
(f) evaluate and advise on the success of the implementation of operating plans and activities.

4. The advisory 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 advisory council intends to address.

5. The advisory council may also serve as a forum for consultation and deliberation among its members and as a source of advice and recommendations, and assistance to the sanctuary superintendent. Such advice shall fairly represent the collective and individual views of the advisory council members. In formulating such consensus advice, the advisory council members shall recall that the primary objective of the sanctuary and the Marine Protection, Research, and Sanctuaries Act of 1972 (Act) is resource protection. In accordance with the standards set forth in title III of the Act, as amended, also known as the National Marine Sanctuaries Act, the mission of the National Marine Sanctuary Program is to identify, designate and manage areas of the marine environment of special national, and in some cases international, significance due to their conservation, recreational, ecological, historical, research, educational, or aesthetic qualities.

6. The advisory council is established to provide advice and recommendations to the sanctuary superintendent regarding the management of the Olympic Coast National Marine Sanctuary. This does not constitute authority to perform operational or management functions, or to make decisions on behalf of the sanctuary.

MEMBERS AND CHAIRS

1. The advisory council shall consist of no more than fifteen (15) voting members, who shall be appointed by the director from among persons employed by federal, state, tribal, or local agencies with expertise in management of natural resources, representatives of local user groups, conservation and other public interest organizations, scientific and education 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 advisory council will perform. The advisory council recognizes that while government entities may serve on the advisory council, this advisory council does not replace any obligations on the part of the sanctuary to meet on a government-to-government basis on matters that may affect such respective governments.

2. The sanctuary superintendent may sit on the advisory council as a non-voting member and shall work with the chair of the advisory council in scheduling each meeting and approving the agenda to ensure that topics of discussion are relevant to the Sanctuary. Advisory council meetings may not be conducted in the absence of the sanctuary superintendent or his/her designee.

3. To obtain an equitable balance of membership on the advisory council, there are 8 voting government seats and 7 voting non-government seats.

4. There are two categories of seats for which government members are appointed: government voting and government non-voting. The following shall govern the application, nomination and appointment of both governmental and non governmental advisory council members:

   (a) Government (8 voting members; 6 ex-officio members). By virtue of the shared functional responsibilities of federal, state, tribal, and local jurisdictions in the implementation of sanctuary-related management, each of the following governmental entities shall be requested to

designate one individual to serve on the advisory council.

(i) State, tribal, and local governments will occupy government voting seats on the advisory council:

(a) Tribal: Hoh Tribe; Makah Tribe; Quileute Tribe; Quinault Indian Nation;
(b) Local Government: Jefferson, Clallam, and Gray's Harbor Counties. (on a rotating annual basis);
(c) State Government: Washington Department of Ecology; Washington Department of Natural Resources; and Washington Department of Fish and Wildlife.

(ii) The following federal agencies and organization(s) shall be requested to provide a representative as a non-voting participant in advisory council meetings:

NOAA Fisheries;
National Park Service;
U.S. Coast Guard;
U.S. Fish and Wildlife Service;
U.S. Navy; and
Northwest Straits Commission.

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

(iv) If a government agency or entity decides no longer to participate as a member or is formally removed by the director, the sanctuary superintendent, with the approval of the director, shall invite another appropriate government entity to replace that agency or entity on the advisory council.

(v) Removal of a government agency or entity representative for failure to attend meetings should include a formal process of prior notification of potential removal, and should only be limited to the designated representative, not the agency or entity itself.

(b)(i) Non-government (7 members). A representative and an alternate for each of the following activities, which are integrally affected by the management goals of the Sanctuary, shall be selected:

Research;
Education;
Tourism and Economic Development (representing business, economic development, tourism, recreation, and chambers of commerce);
Marine Business and Industry (representing ports and transportation);
Commercial Fishing (representing commercial fishing and charter groups);
Conservation (representing conservation and environmental organizations); and
Citizen-at-large (providing a general overview of and link to the community at large).

(ii) The non-government members and their alternates are appointed for a term of three years, 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. Newly appointed members shall serve a full term beginning on the date of his/her swearing in by the sanctuary superintendent.

(iii) Members and alternates serve at the discretion of the director. Alternate advisory council members are encouraged to attend advisory council meetings. The sanctuary superintendent

may recommend to the director the removal of a non-governmental member or alternate of the advisory council on any of the following grounds if that member:

- Is convicted of a felony offense;
- Is found to have violated the following laws or regulations promulgated there under: the National Marine Sanctuaries Act, Marine Mammal Protection Act, Migratory Bird Treaty Act, Endangered Species Act, Magnuson-Stevens Fishery Conservation and Management Act, or other environmental laws for which NOAA has jurisdictional responsibility;
- Is found to have violated state environmental laws or regulations promulgated there under in the state in which a Sanctuary is located;
- Is found to have violated national or state laws or regulations (in the state in which the sanctuary is located) protecting cultural resources;
- Is determined to have abused his or her position as a member of the advisory council (including but not limited to use of advisory council information for personal gain; use of advisory council position to advance personal agendas or harm other members of the advisory council or of the community; misrepresentation of or spreading misinformation about the advisory council or the sanctuary; and refusal to recuse himself or herself if so requested by the sanctuary superintendent and/or chair in matters 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 advisory council;
- Misses three consecutive meetings without reasonable justification;
- Disrupts on more than one occasion advisory council meetings in a manner that

interferes with the advisory council conducting its business; or
violates any term of this Charter.

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

(iv) An alternate advisory council member for state and federal agencies not previously designated, may attend an advisory council meeting on occasion if the chair and the sanctuary superintendent is notified in writing (or by fax) in advance of any meeting at which an alternate will represent the advisory council member, including the name, address, and position of the individual designated. An alternate may not name another alternate. The alternates for the local government seat will be a representative from one of the three county governments that is currently not occupying the seat.

(v) As each non-government seat becomes vacant and the process for selection of a new member (described under Appointments) is conducted, the sanctuary superintendent shall recommend to the director the member and an alternate from among the top three candidates resulting from the review process. 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 shall be notified by the member before an alternate officially attends a meeting.

(vi) The alternate may also be appointed to complete a primary member's term if that member resigns or is removed and serve until a new member is selected or until the term expires.

3. Advisory Council Officer Elections and Terms:

The advisory council shall elect one member to serve as chair, one member to serve as vice-chair, and one member to serve as advisory council secretary. The vice-chair shall

act as chair in the absence of the chair. Terms of the chair and vice-chair, and secretary are two years. A chair, a vice-chair, and a secretary may serve a maximum of two consecutive terms if re-elected. If the chair or vice-chair is elected to a new position, the advisory council shall nominate and elect a new representative for the vacated position.

Election for all positions is by majority vote of all advisory 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 chair of the advisory council or sanctuary superintendent prior to the meeting.

4. Roles of Advisory Council Officers:

Chair: The chair schedules and sets agendas for all advisory council meetings with the approval of the sanctuary superintendent, presides over all meetings of the full advisory council and ensures that meetings are run according to accepted meeting practices, signs all correspondence and documents authorized by the advisory council, and generally represents the advisory council's interests and concerns to the public. The chair also presides over meetings of the executive committee.

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 advisory council.

Secretary: The secretary assists sanctuary staff in performing administrative duties as directed by the chair or vice-chair.

APPOINTMENTS

(1) 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.
(2) Any advisory 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.

(3) Selections from among those recommended by the advisory council, or from among other applicants or nominees, shall be made by the sanctuary superintendent with final 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 advisory 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 advisory council meetings. No members of subcommittees or working groups (defined below) may receive travel expenses for activities or meetings. Travel expenses for government members of the advisory council may be provided by their own agencies.

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

OPERATION

1. Meetings

   (a) Meetings are held at the call of the chair, with the approval of the sanctuary superintendent.

   (b) In making recommendations, the advisory council shall attempt to achieve a consensus of voting members present.

   (c) If consensus cannot be achieved, the chair may call for a vote. In such cases, decisions (e.g. recommendations) made by the advisory council shall be made by two-thirds majority vote of those present and voting, provided there is a quorum (more than one half of the voting members serving on the advisory council). A recorded vote may be taken by roll call with objections and abstentions

noted. When making recommendations to the superintendent, the advisory council should document and forward dissenting opinions.

(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 and the sanctuary superintendent. The "emergency situation" is defined by the sanctuary superintendent and the chair or presiding officer. During these exceptional circumstances, it is permissible to provide less than the 15 days notice for the meeting provided that the reasons for doing so are included in the notice, but some notice must be given. Opportunity for public comment must also be provided. The sanctuary superintendent or designee must be present for the advisory council to formally conduct emergency meetings. As soon as practical after an emergency meeting, the chair shall report, in writing to the sanctuary superintendent, and shall include in this report: (1) summary of matters discussed (2) nature of the emergency being address by the advisory council (3) advisory council recommendations, and (4) list of members in attendance, and other attendees.

(g) Timely notice of each scheduled advisory council meeting, including the time, place, and agenda of each meeting, shall be provided by U.S. Mail, fax, or email to all representatives on the advisory council, but in no event less than 15 days before a meeting. In addition, notice shall be provided to the local media (Forks Forum, Peninsula Daily, The Daily World and other appropriate 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 advisory council to address strategic planning, administration, or specialized technical issues. The advisory council may not vote on any agenda item for which notice was not provided.

(h) The advisory council shall meet as frequently as necessary, not to exceed once per month for voting meetings, but at least once every six months. Advisory council meetings shall be rotated among locations adjacent to the sanctuary, including but not limited to Pacific Beach, Taholah, Forks, LaPush, Neah Bay and Port Angeles, unless the advisory council decides that there is a reason to meet at a location other than those named above. The meeting sites shall be chosen to accommodate and encourage public attendance.

(i) 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 upon request, but shall be provided to all advisory council representatives as well by U.S. Mail, fax, or email within 30 days after the meeting, so that review and comments may be made before the next meeting.

2. Procedures for Providing Advice

The following procedures shall be used to provide advice:

(a) The advisory council may provide advice and recommendations to the sanctuary superintendent on issues relating to its purpose and scope and placed on the agenda, or in response to a particular request made by the sanctuary superintendent. Requests for information, assistance, or advice from the National Marine Sanctuary Program, other NOAA offices, or other agencies should be made in writing and be coordinated through the sanctuary superintendent.

(b) Any matter that an advisory council member wishes to raise to the attention of the sanctuary shall be brought to the attention of either the sanctuary superintendent or the chair so that it might be placed on the agenda as a discussion topic. The executive committee shall discuss topics for the agenda and agree that a topic is an appropriate sanctuary issue before it may be placed on the agenda.

(c) The advisory council shall provide advice directly to the sanctuary superintendent via a written recommendation or a motion passed by the advisory council and reflected in the minutes. Draft recommendations and verbal discussions shall not be considered official advice from the advisory council, but may be considered as background information.

(d) Any written or oral advice or correspondence that the advisory council wishes to offer or express beyond the sanctuary superintendent shall be voted on by the advisory council. Because the advisory council was established specifically to provide advice to the secretary, and operates through the sanctuary superintendent, the sanctuary superintendent must also approve correspondence that goes outside the Sanctuary.

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

3. Conduct of Individual Members

(a) Advisory council members may not use or allow the use of, for other than official advisory council purposes, information obtained through or in connection with their advisory 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 advisory council membership, the sanctuary superintendent, or sanctuary staff, a member shall clearly distinguish those recommendations, opinions, or positions officially adopted by the advisory 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 advisory

council, the sanctuary superintendent, sanctuary staff, or NOAA.

(c) Any advisory council member that has an interest (financial, personal or business interest) in any matter before the advisory council or a subcommittee or 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 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 advisory council deliberations relating to the decision after notifying the advisory council of the voting recusal and identifying the interest that would be affected.

4. Conduct of the Advisory Council as a Body

Any correspondence or other written documents that are intended to speak for the advisory council as a body shall be coordinated with, and approved by, the chair and the sanctuary superintendent. The following disclaimer shall be placed in all documents originating from the advisory council: "The advisory council is an advisory body. The opinions and findings of this publication do not necessarily reflect the position of the Olympic Coast National Marine Sanctuary and the National Oceanic and Atmospheric Administration."

5. Advisory council Letterhead

The advisory council shall use its own letterhead. All correspondence from the chair or other members of the advisory council, or the advisory council as a body, shall be on this letterhead. The advisory council shall not use official NOAA letterhead for any correspondence or other purpose.

6. Subcommittees and Working Groups

(a) Subcommittees: The council and 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 serve on subcommittees. The subcommittee must be chaired by a primary member of the council. Subcommittees shall be recognized as official subunits of the council. Subcommittees are subject to all the 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) 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, reviewing meeting conduct, and reviewing applications for advisory council membership. The executive committee consists of the chair, vice-chair, advisory council Secretary, sanctuary superintendent, and sanctuary advisory council coordinator. The chair, with concurrence from the superintendent, may appoint one additional member from the members of the advisory council. Meetings of the executive committee are not subject to public meeting requirements.

(c) Working Groups: Working groups may be established by the advisory council, with the approval by the sanctuary superintendent, 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 advisory council, alternates, and persons outside the advisory council. Working groups shall be chaired by a member of the advisory council and shall function under the purview of the advisory council. Working groups established by the advisory council to address specific issues shall disband once the final advice on the particular matter is submitted to the advisory council. In establishing working groups, the advisory council should strive, to the extent possible, to achieve a balance of representation with the working group that adequately reflects the range of views on a particular topic. Working groups should use the same decision-making procedures as the advisory

council. If a working group desires to use another decision-making procedure, it must seek the approval of the advisory council executive committee. When making recommendations to the advisory council, the working group should document dissenting opinions.

7. OTHER TERMS OF THIS CHARTER

(a) The advisory council shall operate pursuant to the terms of this charter.

(b) This charter shall remain in effect for a period of five years from the date of signature.

(c) Six months prior to the expiration of this charter, the need for the advisory council will be evaluated by the National Marine Sanctuary Program, with input from advisory council members as appropriate, to determine whether to renew the charter.

(d) Revisions to the charter may be made as determined necessary by the National Marine Sanctuary Program with input from the advisory council.

Daniel J. Basta
Director
National Marine Sanctuary Program

3/8/06
Date