# OLYMPIC COAST NATIONAL MARINE SANCTUARY
# SANCTUARY ADVISORY COUNCIL
# CHARTER

**December 2011**

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## I. SANCTUARY ADVISORY COUNCIL ESTABLISHMENT AND AUTHORITY

Section 315 of the National Marine Sanctuaries Act (NMSA or Act; 16 U.S.C. 1431-1445c) 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 reestablishes the Olympic Coast National Marine Sanctuary Advisory Council (AC or Council).

This charter provides a background on the Office of National Marine Sanctuaries (ONMS) and the Olympic Coast National Marine Sanctuary, and describes the objectives of the Council's activities and roles of its members, 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.

## II. 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 (authority delegated from the Secretary of Commerce and the Under Secretary for Oceans and Atmosphere) on the management and protection of a national marine 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 within the limits of available resources will:

- Provide sufficient support to allow Councils to operate efficiently and effectively at each site;
- 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;

- Conduct an annual meeting for Council chairs, Council coordinators and other appropriate ONMS staff to promote information exchange, networking and cross-pollination between Councils; and
- Conduct an annual meeting for Council coordinators for training and internal discussions.

## III. 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.

### A. 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.

### B. 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.

### C. 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.

## IV. OLYMPIC COAST NATIONAL MARINE SANCTUARY

The Olympic Coast National Marine Sanctuary (OCNMS or sanctuary) was designated in July of 1994. The sanctuary lies within the usual and accustomed fishing areas of the four coastal tribes (Hoh, Makah, Quileute, and Quinault) and follows along 135 miles of northern Washington coastline. This sanctuary encompasses an area of approximately 2,408 square nautical miles. Significant habitats include rocky, cobbled, and sandy shores, offshore islands and seastacks, kelp forests, coastal and oceanic waters, and undersea canyons.

### Goals of the Olympic Coast National Marine Sanctuary

- Build and strengthen OCNMS's partnerships with the coastal treaty tribes and the Olympic Coast Intergovernmental Policy Council (IPC), and honor the OCNMS's treaty trust responsibility.

- Promote collaborative and coordinated management and stewardship of resources in the sanctuary.

- Investigate and enhance the understanding of ecosystem processes, and inform ecosystem based management efforts, through scientific research, monitoring, and characterization.

- Enhance ocean literacy, promote awareness of the sanctuary and foster a sense of ocean stewardship through outreach, education, and interpretation efforts.

- Maintain the sanctuary's natural biological diversity and protect, and where appropriate, restore and enhance sanctuary ecosystems.

- Enhance understanding and appreciation of the Olympic Coast's maritime heritage (living cultures, traditions, and cultural resources).

- Facilitate wise and sustainable use in sanctuaries to the extent that such uses are compatible with resource protection.

- Build, maintain, and enhance an operational capability and infrastructure.

## V. ADVISORY COUNCIL PURPOSE AND SCOPE

A. The Council, in accordance with the NMSA, shall provide advice and recommendations to the Sanctuary Superintendent regarding the protection and management of the Olympic Coast National Marine Sanctuary.

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

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

D. The focus of the Council may include but is not limited to:
   1. providing advice on the effectiveness of interagency agreements in providing adequate resource protection;
   2. providing advice as to how to integrate concerns of governments with overlapping and concurrent jurisdiction (e.g., other agencies, and tribes);
   3. identifying and evaluating emergent or critical issues involving sanctuary use and its resources;
   4. assisting Sanctuary Superintendent in developing an informed constituency, thereby increasing awareness and understanding of the purpose and value of the sanctuary;
   5. reviewing and providing input on OCNMS' annual operating plan, research and monitoring priorities, and educational strategies;
   6. evaluating and advising on the success of the implementation of operating plans and activities; and,
   7. implementing, utilizing, developing, and modifying the OCNMS management plan.

E. 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.

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

In formulating such advice, the Council members shall recall the goals of the National Marine Sanctuaries Act as described in section 301(a)(4)(A-C).

G. Nothing in this charter constitutes authority for the Council to perform operational or management functions, or to make decisions on behalf of the Sanctuary Superintendent, ONMS, NOAA or the Department of Commerce.

H. To facilitate a working relationship with the Intergovernmental Policy Council (IPC), the Council will hold an annual joint meeting with the IPC to discuss issues of mutual interest.

## VI. ADVISORY COUNCIL MEMBERS, ALTERNATES AND OFFICERS

### A. Definitions

1. ***Seat***: The slot on the Council that is set aside for a certain agency, tribe, user or stakeholder group. Examples include: Conservation Seat, Commercial Fishing Seat, United States Coast Guard Seat, and the Quileute Tribe Seat.

2. ***Council member***: The individual that is selected or appointed as the primary member for a particular seat on a Council.

3. ***Alternate***: The individual who is selected or appointed to fill a particular seat in the absence of the Council member. Government agencies may appoint alternates. Non-governmental alternates are chosen by ONMS through the same competitive process as primary Council members. Alternate Council members are encouraged to attend Council meetings. When representing a seat in the absence of the primary member, the alternate for the seat holds the same privileges as the Council member.

4. ***Governmental Council members***: Individuals appointed by local, state, and federal government agencies, and tribal governments. Governmental Council members are not subject to the competitive application process. Governmental Council members serve as long as their agencies include participation on the Council as part of their duties. Federal government members are non-voting seats. State, local and tribal government seats are voting seats.

5. ***Non-governmental Council members***: All Council members excluding governmental members. Non-governmental Council members are subject to term limits and are selected for seats as part of a publically advertised, competitive process. With the exception of the Coastal Marine Resources Committee seat, all non-governmental seats are voting.

6. ***Term***: The length of time an individual is allowed to serve in a seat on the Council after selection. Non-governmental members serve terms that are no longer than three years and may compete for reappointment.

7. ***Position***: This refers very specifically to the Council, the seat and primary or alternate status. For example: Olympic Coast NMS Advisory Council, Citizen-at-large Seat, Alternate position.

## B. Membership

### 1. General

a) The Council shall consist of no more than fifteen (15) voting members 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 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. The Council recognizes that while government entities may serve on the Council, this Council does not replace any obligations on the part of OCNMS to meet on a government-to-government basis on matters that may affect such respective governments.

b) The Chair shall work with the Sanctuary Superintendent in scheduling each meeting and approving the agenda to ensure each topic is relevant to OCNMS. Council meetings may not be conducted in the absence of the Sanctuary Superintendent or his/her designee.

c) To obtain an equitable balance of voting membership on the Council, there are 8 voting governmental seats and 7 voting non-governmental seats.

d) Members accept the responsibility of attending Council meetings.

### 2. Governmental Seats

a) There are two categories of seats for which governmental members are appointed: governmental voting (8 members) and governmental non-voting (6 members). By virtue of the shared interests and functional responsibilities of federal, state, tribal, and local jurisdictions in the implementation of sanctuary-related management, the below government entities shall be requested to designate an individual to serve on the Council.

   i. The following State, tribal, and local governments will occupy governmental voting seats on the Council:

- Tribal: Hoh Tribe; Makah Tribe; Quileute Tribe; Quinault Indian Nation;
- Local Government: Jefferson, Clallam, and Gray's Harbor counties (a single seat);

| Local Government Representation | Year Held |
|---|---|
| Grays Harbor County | 2011 |
| Clallam County | 2012 |
| Jefferson County | 2013 (rotation continues) |

- 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) will occupy governmental non-voting seats on the Council:
- NOAA Fisheries
- National Park Service
- U.S. Coast Guard
- U.S. Fish and Wildlife Service
- U.S. Navy
- U.S. Geological Survey

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

c) An alternate (from the same government entity) of a governmental member may be appointed by the agency. The appointed alternate of the governmental member will have full voting rights that apply to the seat in instances where the Council member is absent from a Council meeting or where the Council member has recused him/herself from a vote and stated for the record that the alternate would officially be sitting in for the vote.

d) If it is found that a governmental member of the Council has violated one or more of the terms of this charter, or the governmental member fails to attend three (3) consecutive Council meetings without reasonable justification, the Sanctuary Superintendent may recommend to the Director that the appropriate agency be notified and requested to replace the designee. The Sanctuary Superintendent shall consult with the Council prior to taking such action.

e) If a government entity decides to no longer participate as a seat on the Council, the Sanctuary Superintendent, with approval of the Director, could invite another appropriate government entity to participate on the Council. The Sanctuary Superintendent shall consult with the Council prior to taking such action. Elimination of a governmental seat for failure to attend meetings should include a formal process to notify the agency in advance of the potential removal.

3. Non-Governmental Voting Seats

a) Non-governmental voting seats consist of 7 voting members on the Council. A representative and an alternate of each of the following activities shall be selected:
   i. Research
   ii. Education
   iii. Tourism and Economic Development (representing business, economic development, tourism, recreation, and chambers of commerce)
   iv. Marine Business and Industry (representing ports, shipping and transportation)
   v. Commercial Fishing (representing commercial fishing and charter fishing groups)
   vi. Conservation (representing conservation and environmental organizations)
   vii. Citizen-at-large (providing a general overview of and links to the community at large)

b) Non-governmental voting Council members and alternates are appointed for a term of three years and may compete for reappointment.

c) Should a non-governmental voting seat become vacant, the alternate may be appointed as the Council member by the Sanctuary Superintendent, without going through a competitive process, to complete a member's term, or the vacated position could be advertised and a replacement appointed (as described under Appointments). If there is no alternate, then the seat remains vacant until the next recruitment process. A non-governmental Council member may not appoint an alternate.

d) As each non-governmental voting seat becomes vacant and the process for selection of a new member is conducted (as described under Appointments), the Sanctuary Superintendent shall recommend to the Director the primary Council member and an alternate from among the top three candidates resulting from the review process.

e) Non-governmental voting members and alternates will serve on the Council for no more than three consecutive terms. On the date when this charter is approved, each Council member and alternate will be considered to be serving in his/her first term for purposes of computing term limits. This policy applies to the seat (e.g., Conservation seat) and not the position. For example, this would allow an individual to serve one term as the Conservation alternate and two terms as the Conservation member, for a total of three terms. If qualified, the same individual may apply for another seat on the Council (e.g., Citizen-at-large) once they are term-limited on another seat (e.g., Conservation).

f) The ONMS Director may waive the limit on the number of consecutive terms for non-governmental voting Council members (and alternates) in the following two circumstances. The waivers and the process as it relates to the Council member recruitment and selection process are as follows.

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

   ii. **Waiver #2:** It is a seat that is historically challenging to fill due to the remote location of the sanctuary and distance from population centers, or a limited applicant pool for a particular seat has been shown to limit the number of available candidates to fill a vacancy in a timely and efficient manner and may disrupt or prevent a Council from fulfilling its responsibilities.
   **Process:** The term-limited individual should be advised of the situation and advised not to apply during the first round of recruitment. If after adequate advertising there are no qualified applicants in the first round of recruitment, the Sanctuary Superintendent will send a memo to the Director requesting the waiver and providing justification as to the need. The signed memo should be provided to the AC and posted to the website. The term-limited individual will then be allowed to submit an application during the second round of recruitment. The application will then be reviewed by the Candidate Review Subcommittee on an equal footing with any other applications submitted during the second round; the signed memo should accompany the application through the entire process from the Candidate Review Subcommittee to the regional director and ONMS. See Part II, C Selection of Council Members section in the Handbook for a full description of the recruitment and selection process.

g) Non-governmental voting members and alternates serve at the discretion of the Director. The Sanctuary Superintendent may recommend to the Director the removal of a non-governmental member or alternate from the Council. The Sanctuary Superintendent shall consult with the Council prior to taking such an action. Removal of a non-governmental voting member or alternate can be based on any of the following grounds, if that member:

   i. Is convicted of any felony offense;

   ii. 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 other environmental laws for which NOAA or another federal agency has jurisdictional responsibility;

   iii. Is found to have violated Washington State environmental laws or regulations;

   iv. Is found to have violated national or Washington State laws or regulations protecting cultural resources;

   v. 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 OCNMS; 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);

   vi. 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;

   vii. Misses three (3) consecutive meetings without reasonable justification;

   viii. Disrupts on more than one occasion Council meetings in a manner that interferes with the Council conducting its business; or

   ix. Violates any term of this charter.

h) Terms are based on the calendar year, with a starting date of January 1 each year and ending date of December 31 each year. To achieve this schedule, the recruiting and selection process should be initiated in the fall of each year to provide adequate time for advertising the opportunity, recruitment and selection by the end of the calendar year.

i) The planned rotation for the non-governmental voting seats (primary and alternate) is described in the table below. Term limits for individuals filling non-governmental voting seats are discussed above. To gain a more even distribution

to this appointment schedule, the initial term for the Research seat will be 2 years and subsequent terms for this seat will be three years in duration.

| Seat | Year Current Term Ends | Year Subsequent Term ends |
|---|---|---|
| Research | 2011 | 2013 |
| Tourism and Economic Development | 2011 | 2014 |
| Marine Industry | 2011 | 2014 |
| Conservation | 2011 | 2014 |
| Education | 2012 | 2015 |
| Commercial Fishing | 2012 | 2015 |
| Citizen-at-large | 2013 | 2016 |

4. Non-Governmental Non-Voting Seats

a) The Council will have one non-governmental non-voting seat:
   - Coastal Marine Resources Committees with representation from the North Pacific Coast and/or Grays Harbor Marine Resources Committee (one seat; member and alternate)

b) The Council member and alternate representing the Coastal Marine Resources Committees shall be subject to the same conditions and rules that apply to the non-governmental voting seats.

C. Officer Elections and Terms

1. General

a) The Council shall elect one member to serve in each of three officer positions: Chair, Vice-chair and Secretary. These three officers constitute the Executive Committee. The Vice-chair shall act as chair in the absence of the Chair. Terms of officer positions are two years. The Chair and Vice-chair may serve a maximum of two consecutive terms if reelected, but the Secretary may serve multiple consecutive terms if reelected.

b) A Chair, Vice-chair or Secretary may leave his/her term to run for another Council officer position if desired.

c) Any primary Council member, including government seats and non-voting seats, may be nominated and elected as a Council officer. If a Council member holding a governmental seat is elected as a Council officer, the Council member may elect to recuse him/herself from all votes during his/her time as an officer, and an

additional alternate (from the same government entity) may be appointed by the agency for the duration of the Council member's officer term. This alternate would assume the privileges and roles of the primary Council member.

2. Nomination and Election Process

a) If a Council officer position is vacated, the Council should hold a nomination and election process at the next regularly scheduled Council meeting. Nominations for Council officer positions can be made by any Council member, including non-voting members and any alternate. In general, a nominee's interest in holding a Council officer position should be confirmed before the nomination is announced to the Council.

b) Election for all officer positions is by majority vote of all Council members, including the non-voting members. If neither the Council member nor their alternate can be present at the time of the election, the Council member may submit his/her vote in writing to the Sanctuary Superintendent and Chair prior to the meeting. If more than one nominee is available for a position, votes shall be made by written ballot.

c) The newly elected officer may begin serving in their position immediately upon being elected or they may choose to begin serving at the next meeting. If the Chair resigns, the Vice-chair acts on their behalf until the new chair assumes the position. If the Vice-chair resigns, the Secretary acts on their behalf until the new vice-chair assumes the position. If the Secretary resigns, the position may remain vacant until the new secretary assumes the position.

d) If all Council officers resign at the same time, the Council can appoint a Council member to serve as interim chair until the new officers are elected; new officers should be elected at the next scheduled Council meeting.

3. Roles of Council Officers

a) Chair: The Chair schedules and sets agendas for all Council meetings with the approval of the Sanctuary Superintendent, 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 also serves as the primary liaison to the IPC. The Chair also continues to fulfill the general roles that all Council members fill, including representing the interests of their constituents.

b) Vice-Chair: The Vice-chair serves as chair in the absence of the Chair and assists as necessary in performing executive duties of the Council. The Vice-chair also

continues to fulfill the general roles that all Council members fill, including representing the interests of their constituents.

c) Secretary: The Secretary assists the Advisory Council Coordinator in performing administrative duties such as reviewing minutes, tracking action items, and other 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.

### D. Appointments

1. Recruitment and appointment of non-governmental Council members and alternates shall follow the process outlined in the ONMS Sanctuary Advisory Council Implementation Handbook (currently Part II, section C.2, Selection of Non-governmental Members). Public notice shall be provided as to the vacancy of non-governmental seat(s) and recruitment of new Council members. In all cases, submission of written statements of particular interest, qualifications, and experience shall be requested. Guidelines for applying shall be available at any time on the OCNMS web site or by mail upon request. Council members should be encouraged to recruit potential candidates. Applications shall be submitted to the Sanctuary Superintendent directly.

2. Copies of all applications and nominations for each seat will be shared by the Sanctuary Superintendent with the Candidate Review Subcommittee (see below under Subcommittees and Working Groups). Any Council member that has a conflict of interest (i.e., clear potential for financial, personal, or political benefit) shall recuse himself/herself from assisting with selection for the vacant seat.

3. Selection from among those candidates recommended by the Candidate Review Subcommittee shall be made by the Sanctuary Superintendent with the approval of the Director. The Sanctuary Superintendent may choose to re-advertise the vacant seat(s) if adequate candidates are not available after the first recruitment process.

## VII. ADMINISTRATION

A. 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. Working group and subcommittee participants will not receive travel expenses for working group activities or meetings.

B. The Council can make a request to the Sanctuary Superintendent for support, and OCNMS and 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.

C. 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 or DOC letterhead for any correspondence or other purpose.

## VIII. OPERATION

### A. Meetings

1. Meetings, scheduled or non-scheduled (e.g., emergency), are held at the call of the Chair and the Sanctuary Superintendent.

2. A quorum, defined as more than half of the voting seats, is required for finalization of Council decisions.

3. In finalizing decisions (e.g., recommendations) to the Sanctuary Superintendent, the Council shall strive for consensus of all membership (voting and nonvoting) when possible, use compromise when appropriate, and vote when necessary.

4. In absence of consensus decisions made by the Council shall be made by majority vote of those present, provided there is a quorum. All votes shall be recorded by seat in the minutes.

5. Each meeting shall be open to the public, and there will be an opportunity for public comment at each meeting, a time when interested persons shall be permitted to present oral or written statements on items on the agenda, or other pertinent topics.

6. Timely notice of each Council meeting, including the time, place, and agenda of each meeting, shall be provided to the local media (Forks Forum, Peninsula Daily News, 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 Council to address strategic planning, administration, or specialized technical issues.

7. Limits on Council Decisions: The Council may not decide by consensus or vote at any meeting for which the public notice (identified above) has not been issued. The

Council may not decide by consensus or vote on any agenda item for which advance notice was not provided to the Council.

8. The Council shall meet as frequently as necessary, not to exceed once per month, and shall meet at least once every six months. On an annual basis, the majority of meetings will occur at various locations adjacent to the sanctuary. The meeting sites shall be chosen to accommodate anticipated public attendance and be reasonably accessible to those interested in attending.

9. Minutes of each meeting shall be kept by a person specified by the Sanctuary Superintendent and contain a summary of attendees, decision outcomes and a description of matters discussed. Such minutes shall be available to the public by being posted on OCNMS's website and upon request.

## B. Procedures for Providing Advice

1. Requests for information, assistance, or advice from the ONMS, other NOAA offices, or other agencies should be coordinated through the AC Coordinator.

2. Any matter that a Council member wishes to raise to the attention of OCNMS 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 Sanctuary Superintendent and the Chair shall discuss topics for the agenda. The Sanctuary Superintendent approves a topic to be placed on the agenda.

3. 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 meeting minutes. Draft recommendations and verbal discussions shall be considered by the Sanctuary Superintendent as additional background information and shall be included in the meeting minutes.

4. Any advice, correspondence, or information the Council wishes to offer or express beyond communication with the Sanctuary Superintendent shall be decided by consensus or vote and approved by the Council prior to its submission. Because the Council was established specifically to provide advice to OCNMS and operates through the Sanctuary Superintendent, the Sanctuary Superintendent must also approve any advice, correspondence, or information that goes outside the ONMS prior to its distribution.

5. The Council shall base its advice on consensus or a vote of the Council, per Sections VIII (A) 2, 3 and 4, with negative votes and abstentions noted. When there are minority opinions, they should be captured in the meeting minutes at the request of those abstaining or providing a negative vote.

6. Any information or advice resulting from discussions in subcommittees or working groups that is requested by the Council shall be presented to and considered by the full Council and, as appropriate, incorporated into the Council's recommendation to the Sanctuary Superintendent.

7. If the Council does not incorporate information or advice of a subcommittee or working group, it shall inform the Sanctuary Superintendent and explain in its advice or information the reasons for not incorporating the subcommittee's or working group's advice or information.

## C. Conduct of Individual Members

1. Council members are expected to be familiar with the processes and regulations governing OCNMS and to keep themselves informed of sanctuary-related events and issues. Expectations include regular meeting attendance and familiarity with this Council Charter and the ONMS Council Implementation Handbook.

2. It is recommended that the Chair and the Sanctuary Superintendent, through the AC Coordinator, be notified if both the primary and alternate members of a seat cannot attend a meeting.

3. 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, ONMS or NOAA.

4. 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 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.

5. 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.

## D. Conduct of the Council as a Body

1. 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.

2. The following disclaimer shall be placed in all documents and communications originating from the Council: *"The Council is an advisory body to the Sanctuary Superintendent. The opinions and findings of this publication do not necessarily reflect the position of the Olympic Coast National Marine Sanctuary and the National Oceanic and Atmospheric Administration."*

## E. Subcommittees and Working Groups

1. Subcommittees: The Chair, in consultation with the Council as a whole and with the concurrence of the Sanctuary Superintendent, may establish such subcommittees as necessary to fulfill the Council's duties. Subcommittees shall be composed solely of Council members and alternates. The subcommittee must be chaired by a Council member or alternate. An OCNMS staff person shall be designated by the Sanctuary Superintendent to provide support to the subcommittee. Subcommittees shall be recognized as official subunits of the Council. Subcommittees are subject to all requirements of this charter. Other than standing subcommittees identified below, subcommittees established to address specific issues shall disband once the final advice on the particular matter is submitted to the Council.

   A standing subcommittee, the Executive Committee, will serve as the administrative body of the 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 reviewing meeting conduct. The Executive Committee consists of the Chair, Vice-chair, Secretary and Sanctuary Superintendent. The Council Coordinator will work very closely with the Executive Committee. The Chair, with concurrence from the Sanctuary Superintendent, may also appoint one additional member from the Council to serve on the Executive Committee. Meetings of the Executive Committee are not subject to public meeting requirements.

   A standing subcommittee, the Candidate Review Subcommittee, will review applications for Council seats and will make recommendations to the Sanctuary Superintendent for primary members and alternates. The Chair, Vice-chair, Secretary, and one additional Council member appointed by the Chair shall serve as the Candidate Review Subcommittee for Council member selection.

2. Working Groups: The Chair, in consultation with the Council as a whole and with the concurrence of the Sanctuary Superintendent, may establish working groups for specific purposes or topics that need focused attention and/or expertise 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 Council members, alternates, and persons outside the Council. Working groups shall be chaired by a council member or alternate. 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.

## IX. OTHER TERMS OF THIS CHARTER

A. The 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 Council will be evaluated by the ONMS, with input from Council members, to determine whether to renew or revise the charter.

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

## X. CHARTER APPROVAL

12/7/11

Daniel Basta Date

Director, Office of National Marine Sanctuaries