



November 13, 2023

To Potential Sanctuary Advisory Council Applicants,

NOAA's Office of National Marine Sanctuaries is seeking to fill 15 community voting seats, each having a member and alternate, for the MalloWS Bay-Potomac River National Marine Sanctuary Advisory Council. We are currently accepting applications to fill the following seats for both member and alternate:

- Maritime History and Archaeology
- Cultural Engagement (2)
- Recreation (2)
- Commercial Fishing
- Education (K-12)
- Education (Higher)
- Communication
- Tourism
- Recreational Fishing
- Business and Economic Development
- Research, Science, and Technology
- Citizen-at-Large
- Conservation

Applications are due **December 15, 2023**.

The MalloWS Bay-Potomac River National Marine Sanctuary Advisory Council was established pursuant to Federal Law to ensure public input to help sanctuary management.

Per the charter, voting members and alternates are appointed for a term of three years, and may compete for reappointment. If necessary, terms of appointment may be changed to provide for staggered expiration dates or member resignation during the middle of their term.

Please note that if you have been a federally registered lobbyist in the two-year period before your potential appointment date to the council, you may not be eligible to serve as a member of a sanctuary advisory council.

Send completed applications by USPS, postmarked by December 15 to: Jessica Frayer, Sanctuary Advisory Council Coordinator; NOAA, 100 Museum Drive, Newport News, VA 23606; or by email to [Jessica.Frayser@noaa.gov](mailto:Jessica.Frayser@noaa.gov) or by fax to 757-591-7353.

All applicants will be notified once decisions have been made regarding appointments for the positions to be filled. If at any point you have a change in circumstance that will prevent you from serving on the council, please contact Jessica Frayer at [Jessica.Frayser@noaa.gov](mailto:Jessica.Frayser@noaa.gov) or 757-876-5470.

Sincerely,

Sammy Orlando  
Sanctuary Superintendent



## Mallows Bay-Potomac River National Marine Sanctuary Advisory Council Application Form

Before applying for sanctuary advisory council membership, please review:

1. Sanctuary advisory council charter provided in your application kit;
2. Office of National Marine Sanctuaries (ONMS) *National Marine Sanctuary Advisory Council Implementation Handbook* available online at <http://www.sanctuaries.noaa.gov/management/ac/acref.html> (or you may obtain a copy from your local sanctuary); and
3. Importance of Diversity Statement:  
*“Whether within a natural ecosystem or a human community, diversity creates strength and resilience. NOAA’s Office of National Marine Sanctuaries values the remarkable diversity of knowledge, perspectives, and experience found throughout sanctuary communities, and invites a wide range of individuals to seek membership on our sanctuary advisory councils. With a diverse membership, advisory councils can broaden access to understanding and participation in marine conservation and governance, foster innovation and creative problem solving, and can help advance the mission of the National Marine Sanctuary System.”*

Sanctuary advisory councils advise and make recommendations to the Office of National Marine Sanctuaries on issues regarding the designation and management of national marine sanctuaries. The charter outlines the purposes and governs the operation of the sanctuary advisory council. The handbook provides broader operational requirements for sanctuary advisory councils. In applying for sanctuary advisory council membership, you are agreeing to abide by the terms of the charter and the handbook if you are selected as a council member or alternate.

For those applicants who are considered for selection, the Office of National Marine Sanctuaries will conduct a LEXIS/NEXIS check and a departmental bureau check for potential criminal, political exposure, judgment/lien, adverse media, NOAA enforcement action, and conflict of interest issues. Additional information and guidance regarding the use of the information you submit on this form and its availability under federal law can be found at the end of this form. Please review this information.

For the positions listed in this application, sanctuary advisory council members and alternates must be 18 years of age or older.

Please note, under 18 U.S.C. § 205, federal government employees are not allowed to participate on sanctuary advisory councils in their personal capacities. Federal government employees may be appointed or selected by their affiliated agencies to represent their affiliated agencies in their professional capacities when an advisory council charter includes seats for their affiliated agencies. Special restrictions apply to applicants who are military reservists but are not otherwise employed by the federal government; for additional information, please contact Jessica Frayer at [Jessica.Frayer@noaa.gov](mailto:Jessica.Frayer@noaa.gov).

State employees and members of a state legislature are allowed to apply to sit on sanctuary advisory councils in a personal capacity. State agency employees must provide a letter of support on official agency letterhead from their state supervisor at the time they submit their applications but members of a state legislature and public university or college employees are not required to provide such letters of support.

Members of state legislatures are not required to provide such letters of support. State agency employees, members of a state legislature, and local government employees should contact their respective officials to



ensure that their state, local government, or employer does not have additional or conflicting laws, regulations, or policies about applying for a position on a federal advisory council.

Please indicate which advertised seat(s) (e.g., Research, Education) you are applying for, provide your contact information, and respond to the questions below. The Office of National Marine Sanctuaries may consider applicants for seats and positions for which they have not applied if the Office of National Marine Sanctuaries believes they are qualified for that seat and are willing to serve in it. Sanctuary Advisory Council members serve for a term of three years.

**The application deadline is December 15, 2023.**

Please return all pages of your completed sanctuary advisory council application form, and any attached statements or documents, to: Jessica Frayer, Sanctuary Advisory Council Coordinator; NOAA, 100 Museum Drive, Newport News, VA 23606; [Jessica.Frayser@noaa.gov](mailto:Jessica.Frayser@noaa.gov).

**Date:** \_\_\_\_\_

**First Name:**\* \_\_\_\_\_ **Middle:** \_\_\_\_\_ **Last:** \_\_\_\_\_

\*Please include full first, middle, and last names.

**Seat(s) applying for - Please indicate if you are applying for the member (M) and/or alternate (A) seat:**

Maritime History and Archaeology Seat _____	Tourism Seat _____
Cultural Engagement Seat (2) _____	Recreational Fishing Seat _____
Recreation Seat (2) _____	Business and Economic Development Seat _____
Commercial Fishing Seat _____	Research, Science, and Technology Seat _____
Education Seat (K-12) _____	Citizen-at-Large Seat _____
Education Seat (Higher) _____	Communication Seat _____
Conservation Seat _____	

**Home Address 1:** \_\_\_\_\_

**Home Address 2:** \_\_\_\_\_

**Home City:** \_\_\_\_\_ **State:** \_\_\_\_\_ **Zip Code:** \_\_\_\_\_

**Home Phone:** \_\_\_\_\_ **Cell Phone:** \_\_\_\_\_

**Home Email:** \_\_\_\_\_

**Company/Organization:** \_\_\_\_\_ **Position/Job Title:** \_\_\_\_\_

**Work Address 1:** \_\_\_\_\_



**Work Address 2:** \_\_\_\_\_

**Work City:** \_\_\_\_\_ **State:** \_\_\_\_\_ **Zip Code:** \_\_\_\_\_

**Work Phone:** \_\_\_\_\_ **Work Cell:** \_\_\_\_\_

**Work Email:** \_\_\_\_\_

Please answer all of the questions below thoroughly and in numerical order. Answers should be no more than two to three paragraphs and should appear on a separate attached document with each answer clearly marked with the corresponding question number.

1. How did you hear about the opportunity to apply for this sanctuary advisory council seat?
2. How familiar are you with the community or area associated with the sanctuary?
3. Have you attended previous sanctuary advisory council meetings or sanctuary advisory council working group meetings?
4. Are you willing to participate in sanctuary advisory council activities (e.g., meetings, constituent outreach, retreats, chairing or participating on a subcommittee or working group, and reviewing written materials)?
5. Why are you interested in serving on the sanctuary advisory council? Please include what you hope to gain from participating on the sanctuary advisory council.
6. Describe what you think the role of the council is, and how you will work to best support the sanctuary as a sanctuary advisory council member or alternate.
7. One of the key roles of a sanctuary advisory council member is to serve as a liaison between the sanctuary and its community. Explain how you will coordinate with, consult with, and inform the members of the constituency you will represent (ex: a Research seat), if appointed to that seat (ex: for a Research seat, members of the sanctuary's research constituency). If you are applying for more than one seat, please provide responses for each constituency.
8. Describe how you will work to ensure that diverse perspectives and underrepresented communities are represented through the sanctuary advisory council.
9. Explain your views regarding the protection and management of marine or Great Lake resources, including natural (fish, coral reefs, etc.), historic or cultural resources.
10. Describe your formal community and professional affiliations and employment. In particular, highlight how your particular expertise and experience relate to the goals and uses of the sanctuary and the seat(s) for which you are applying. Be sure to include qualifications that you have or other information that you think would be relevant and beneficial to the advisory council.

Information obtained through this application process will be used to determine the qualifications of the applicant for membership on the sanctuary advisory council. The Office of National Marine Sanctuaries

affirms it intends to disclose the applications only to Department of Commerce/National Oceanic and Atmospheric Administration staff, including employees, grantees, and contractors, with a need to know the information in the applications to complete the application review process, and to current sanctuary advisory



council members who serve on the applicant review panel. However, the Office of National Marine Sanctuaries may be required to disclose the applications in response to a court order, a congressional request, or a request from the public under the Freedom of Information Act (FOIA).

If disclosure is requested under FOIA, the Office of National Marine Sanctuaries will endeavor to protect the privacy of applicants by withholding personal information, such as home addresses and telephone numbers of applicants, as well as names or other identifying information of applicants who are not chosen as members of the council. In contrast, other information may be released, including names of applicants who are chosen as members of the council, other information in chosen members' applications that relate to their qualifications to be a member or alternate, including education and professional experience, and statements of philosophy or opinions contained in the application. Applying for membership on the sanctuary advisory council is voluntary.

Public reporting burden for this collection of information is estimated to average one hour per response, including the time for reviewing instructions, searching existing data sources, gathering the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden to the Office of National Marine Sanctuaries, 1305 East West Highway, N/NMS, Silver Spring, Maryland 20910.

Notwithstanding any other provision of law, no person is required to respond to, nor shall any person be subject to a penalty for failure to comply with, a collection of information subject to the requirements of the Paperwork Reduction Act, unless that collection of information displays a currently valid OMB Control Number.

OMB Control #0648-0397  
Expires 01/31/2025

## **Mallows Bay-Potomac River National Marine Sanctuary Advisory Council *Seat Descriptions and Responsibilities***

Advisory council members serve as liaisons between their constituents and ONMS. The advisory council shall draw on the expertise of its members to provide advice and recommendations to the sanctuary superintendent regarding the protection and management of Monitor National Marine Sanctuary. Council members should be actively involved with their constituents to afford the best representation possible. Therefore, all seats should

- Have the ability and willingness to actively communicate with the spectrum of users or stakeholders the seat represents.
- Understand the important links between the constituents and/or the uses the seat represents and the sanctuary resources.
- Create engagement opportunities with the community represented by the seat to support sanctuary management.
- Actively participate in advisory council meetings, both in-person and virtual.
- Participate in community programs and events associated with the sanctuary.
- Facilitate regular communication between the member and alternate pertaining to the stakeholders and users the seat represents.
- Commitment, availability, and willingness to chair or participate on council working groups or subcommittees.

### **Community Seat Descriptions**

#### Maritime History and Archaeology

- affiliation with professional maritime archaeology and interpretive organizations relevant to the resources of the sanctuary and/or
- affiliation with the maritime history, maritime commerce industry, merchant mariners and/or related interpretive organizations relevant to the resources of the sanctuary; and
- ability to effectively communicate and facilitate partnerships with the broader community of maritime archaeologists and/or maritime history and related interpretive regarding the goals of the sanctuary;
- experience, ability and availability to conduct maritime research and/or maritime history and related interpretive outreach consistent with the goals of the sanctuary and the mission of the council; and
- direct experience working with or representing maritime archaeology and/or maritime history and related interpretive organizations, especially those involved with marine conservation.

#### Cultural Engagement

- actively involved in the community supporting diversity of peoples and activities;
- possess strong communication skills to engage and effectively interact with people across cultures; and
- experience, ability, and availability to conduct outreach within diverse communities consistent with the goals of the sanctuary and the mission of the council.

## Recreation

- affiliation with recreation industry and/or recreational organizations relevant to the resources of the sanctuary;
- ability to effectively communicate and facilitate partnerships with the broader community of recreation industry and recreational organizations regarding the goals of the sanctuary;
- experience, ability and availability to facilitate interpretive outreach consistent with the goals of the sanctuary and the mission of the council; and
- direct experience working with or representing recreation industry and interpretive organizations, especially those involved with marine conservation.

## Recreational Fishing

- familiarity and affiliation with recreational fishing organizations in communities near the sanctuary;
- knowledge of recreational fishing activities relevant to the resources of the sanctuary;
- breadth of experience and knowledge regarding fisheries law, policies, and practices relevant to the resources of the sanctuary; and
- ability and willingness to communicate with key representatives from the recreational fishing industries.

## Business and Economic Development

- familiarity and affiliation with local businesses in communities near the sanctuary or relevant to resources of the sanctuary;
- understanding of the links between local business, sanctuary resources, and human activities; and
- ability and willingness to communicate with key representatives from local businesses.

## Tourism

- familiarity and affiliation with the tourism industry in communities near the sanctuary,
- understanding of the links between tourism, sanctuary resources, and human activities;
- ability and willingness to communicate with key representatives from local businesses.

## Education (K-12)

- affiliation with educational institutions or organizations active in communities near the sanctuary;
- ability to effectively communicate with multiple institutions and educators;
- direct experience with STEAMS (Science, Technology, Engineering, Art, Math, and Social Studies) education programs relating to the sanctuary's resources;
- ability to engage and effectively communicate with K-12 students; and
- experience, ability, and availability to conduct educational programs and outreach consistent with the goals of the sanctuary and the mission of the council.

## Education (Higher)

- affiliation with higher educational institutions or organizations active in communities near the sanctuary;
- ability to effectively communicate with multiple institutions and educators;
- direct experience with marine education programs that include STEAMS (Science, Technology, Engineering, Art, Math, and Social Studies);
- ability to effectively engage and interact with university/college students, pre-service teachers, in-service teachers, and/or life-long learners; and
- experience, ability, and availability to conduct educational programs and outreach consistent with the goals of the sanctuary and the mission of the council.

#### Research, Science and Technology

- affiliation with scientific research institutions or organizations relevant to the resources of the sanctuary;
- ability to effectively communicate and facilitate partnerships with the broader community of research, science and technology organizations regarding the goals of the sanctuary;
- direct experience with marine research programs; and
- experience, ability, and availability to conduct outreach within the research community consistent with the goals of the sanctuary and the mission of the council.

#### Commercial Fishing

- familiarity and affiliation with commercial fishing organizations active in communities near the sanctuary;
- knowledge of commercial fishing activities within the sanctuary region;
- breadth of experience and knowledge regarding fisheries law, policies, and practices affecting the sanctuary; and
- ability and willingness to communicate with key representatives from the commercial fishing industries.

#### Citizen-At-Large

- reside in the area affected by the sanctuary;
- proven ability to communicate with members in communities near the sanctuary;
- experience and/or knowledge regarding marine management and resource protection issues in the sanctuary;
- experience and/or knowledge regarding public uses and activities in the sanctuary; and
- freedom to express views and cast votes without consideration of any expectations held by an employer or other organization with which the member is affiliated; and

#### Conservation

- affiliation with environmental or conservation organizations active in communities near the sanctuary;
- ability to effectively communicate with multiple organizations and the broader community of conservationist and environmentalist in the sanctuary's region;
- direct experience working with or representing marine conservation and environmental programs; and



- experience, ability, and availability to conduct outreach within the conservation and environmental communities consistent with the goals of the sanctuary and the mission of the council.

#### Communication

- ability to effectively communicate in both written and oral communications;
- familiarity and affiliation with key national and community media outlets;
- ability and willingness to communicate with key representatives from the community;
- knowledge and experience in digital communications, including social media; and
- ability to seek and facilitate partnerships with the broader community.

#### Youth (Ages 14-17) - Non-voting

- be ages 14-17 at the time of application;
- interest or passion for marine resources, conservation or environmental issues;
- relevant academic course work or field training related to marine resources, conservation or environmental issues;
- knowledge regarding public uses and activities that affect marine resources and the environment;
- ability to communicate with youth members about the sanctuary;
- commitment and availability of time to participate on council, working groups or subcommittees

## **MALLOWS BAY-POTOMAC RIVER NATIONAL MARINE SANCTUARY ADVISORY COUNCIL CHARTER ESTABLISHMENT AND AUTHORITY**

Section 315 of the National Marine Sanctuaries Act (NMSA or Act; 16 U.S.C. Sections 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 National Oceanic and Atmospheric Administration's (NOAA) Office of National Marine Sanctuaries (director). The director hereby establishes the Mallows Bay-Potomac River National Marine Sanctuary Advisory Council (council) to provide guidance to NOAA regarding the management of the sanctuary.

This Charter provides background on the Office of National Marine Sanctuaries (ONMS) and the Mallows Bay-Potomac River National Marine Sanctuary (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**

ONMS regards community involvement and the development of a stewardship ethic as vitally important to successfully manage 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 NOAA on the management of a sanctuary, or to assist the ONMS in guiding a proposed site through the designation process.

ONMS is committed to the full support, utilization, and enhancement of councils at all sanctuaries. In order for councils to achieve their full potential, ONMS, within the limits of available resources, will:

- Provide sufficient support for councils to operate efficiently and effectively;
- Provide support and guidance to help councils operate efficiently and consistently across the system;
- Promote coordination and communication among councils and among sanctuary staff that work closely with councils; and
- Develop training programs appropriate to council officers, members, and NOAA staff

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

## OFFICE OF NATIONAL MARINE SANCTUARIES

A national marine sanctuary is an area of the marine or Great Lakes environment of special significance warranting protection and management under the NMSA. As a steward of coastal and ocean resources, NOAA protects and manages the National Marine Sanctuary through ONMS.

The National Marine Sanctuary System is a network of national marine sanctuaries and marine national monuments, currently encompassing more than 600,000 square miles of ocean and Great Lakes waters. ONMS seeks to protect the extraordinary scenic beauty, biodiversity, historical connections, and economic productivity of these areas so they may continue to serve as the basis for thriving recreation, tourism, and commercial activities that drive coastal economies. Through both directed management actions and partnerships, ONMS helps ensure a healthier ocean, now and for future generations.

### Vision of the ONMS:

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

### Mission of the ONMS:

We protect treasured places in the ocean and Great Lakes.

### Strategic goals and objectives of the ONMS:

1. Ensure thriving sanctuaries and other ocean parks.
  - 1.1 Reduce threats to key species and marine habitats.
  - 1.2 Protect significant maritime heritage resources.
  - 1.3 Promote responsible human uses.
2. Safeguard more underwater treasures as national marine sanctuaries.
  - 2.1 Incorporate additional nationally significant resources into existing sanctuaries.
  - 2.2 Implement designation processes for new areas.
  - 2.3 Identify additional resources of national significance.
3. Increase support for sanctuaries.
  - 3.1 Expand recognition of national marine sanctuaries.
  - 3.2 Increase sanctuary engagement.
  - 3.3 Create a vision for the next 50 years of sanctuaries.
4. Deepen our understanding of sanctuaries.
  - 4.1 Learn more about our sanctuaries.
  - 4.2 Track and predict conditions and trends.
  - 4.3 Understand the value of sanctuaries to our nation.
5. Ensure the office of national marine sanctuaries is a great place to work.
  - 5.1 Encourage a culture of collaboration, inclusion and respect.
  - 5.2 Increase staff satisfaction and performance.
  - 5.3 Invest in our people and their professional development.

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.

## **MALLOWS BAY-POTOMAC RIVER NATIONAL MARINE SANCTUARY**

On September 3, 2019, NOAA announced the designation of Mallows Bay-Potomac River National Marine Sanctuary. The sanctuary's mission is to protect historically significant shipwrecks and related maritime heritage resources in the tidal Potomac River as well as to enhance recreational, tourism and economic opportunity.

The 18 square mile sanctuary, adjacent to Charles County MD, lies entirely within Maryland waters and coincides with the boundaries of the Mallows Bay-Widewater Historical and Archeological District in the National Register of Historic Places (NRHP). It protects the remains of more than 100 known World War I-era wooden steamships – known collectively as the Ghost Fleet – and other maritime cultural heritage assets dating back thousands of years.

NOAA, the State of Maryland, and Charles County manage the sanctuary jointly. NOAA's sanctuary management actions focus on protecting the Ghost Fleet and related maritime heritage resources. Authorities related to natural resources and their management remain with the Maryland Department of Natural Resources and the Potomac River Fisheries Commission, a multi-state agency.

NOAA will:

- Protect shipwrecks and other maritime cultural heritage resources;
- Educate and interpret the shipwrecks and maritime cultural heritage resources;
- Conduct research (inventory and document) shipwrecks and maritime cultural heritage resources;
- Enhance recreational opportunities for the enjoyment of sanctuary resources; and
- Ensure coordination and cooperation between NOAA and other relevant State, Federal and local authorities.

## **COUNCIL ROLES**

The council, in accordance with the NMSA, shall provide advice and recommendations to NOAA regarding the Mallows Bay-Potomac River National Marine Sanctuary. In addition to other topics, the council may provide advice to NOAA regarding the sanctuary's management plan; maritime heritage resources in the sanctuary; mechanisms for protecting sanctuary resources against existing and future threats; and community engagement strategies.

1. The council shall draw on the expertise of its members and other sources in order to provide advice to NOAA.
2. Council members shall serve as liaisons between their constituents and/or communities and the sanctuary, keeping NOAA staff informed of issues and concerns, as well as providing information to their respective communities on the sanctuary's behalf.
3. The council may serve as a forum for consultation and deliberation among its members and as a source of advice to NOAA. Such advice shall fairly represent the collective and individual views of the council members.
4. The council is established to provide advice and recommendations to NOAA regarding the management of Mallows Bay-Potomac River National Marine Sanctuary. Nothing in this charter constitutes authority to perform operational or management functions, or to make decisions on behalf of the sanctuary, NOAA or the Department of Commerce.
5. The council may develop an annual work plan, in consultation with and approved by NOAA, 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 15 voting members (and associated alternates), who shall be appointed by the Director of the Office of National Marine Sanctuaries. Its membership is designed to be balanced to best represent the primary purposes and needs of the sanctuary, related to management of maritime cultural heritage resources and enhancement of recreational and tourism opportunities. Members may include: (a) persons employed by Federal and/or State agencies with expertise in management of sanctuary resources, and (b) representatives of local user groups (such local user groups may include, but are not limited to local fishing interests, conservation and other public interest organizations, scientific and educational organizations, members of the public interested in the protection and multiple use management of sanctuary resources). In doing so, membership will strive to represent a diversity of perspectives, geographic diversity, and advisory functions the council will perform. NOAA will consult with the State of Maryland and Charles County in accordance with Section 6.3 of the sanctuary management plan.
2. The NOAA representative may work with the council in a non-voting capacity and shall work with the chair in scheduling each meeting and approving the agenda to ensure each topic of discussion is relevant to the sanctuary. Council meetings may not be conducted in the absence of the sanctuary superintendent or his/her designee.
3. There are five categories of seats for which non-voting members are appointed or selected:
  - a. A NOAA representative is a non-voting member. NOAA will work with the chair in scheduling each meeting and approving the agenda to ensure each topic of discussion is relevant to the sanctuary. Council meetings may not be conducted in the absence of the NOAA representative or his/her designee.

- b. As joint managers of the sanctuary, the State of Maryland and Charles County MD Government are non-voting members. The State of Maryland will be represented by the Maryland Department of Planning and the Maryland Department of Natural Resources.
- c. By virtue of jurisdictions adjacent to the sanctuary, each of the following government entities shall be requested to designate one individual to serve on the council. The following government agencies shall sit on the council as non-voting members:
- Department of Navy / Department of Defense
  - US Coast Guard
  - State of Virginia

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

- An alternate (from the same government entity) of a governmental council member may attend a council meeting on occasion if the chair and NOAA representative are notified in advance of any meeting at which an alternate will represent the council member, including the name, address, and position of the individual designated. An alternate may not name another alternate.
  - If a government entity decides to no longer 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 NOAA representative, with the approval of the director, may invite another appropriate government entity to replace that agency on the council.
  - If it is found that a governmental member of the council has violated one or more of the terms of this charter, the NOAA representative may recommend to the director that the appropriate agency be notified and requested to replace the designee. The NOAA representative may consult with the council prior to taking such action.
  - Governmental members are subject to the same grounds for removal as non-governmental members.
- d. By virtue of ancestral lands and waters that overlap with sanctuary boundaries, three Indian Tribes shall be requested to designate one individual to serve on the council. The following Indian Tribes shall sit on the council as non-voting members:
- Piscataway Conoy Tribe (Maryland)
  - Piscataway Indian Nation (Maryland)
  - Patawomeck Indian Tribe of Virginia
- e. A youth seat, defined for ages 14-17 at the time of application, will sit on the council as a non-voting member.

4. There is one category of seats for which voting members are appointed. The following procedures shall govern the application, nomination, and appointment of council voting members:
  - a. Non-governmental Seats (15). A representative and alternate of each of the following activities, which are integrally affected by the management goals of the sanctuary:
    - Maritime Archaeology and History
    - Maritime Archaeology and History
    - Cultural Heritage
    - Recreation
    - Recreation
    - Recreational Fishing
    - Business and Economic Development
    - Business and Economic Development
    - Tourism and Marketing
    - Education
    - Education
    - Research, Science and Technology
    - Commercial Fishing
    - Citizen At-Large
    - Citizen At-Large
  - b. Non-governmental member terms:
    - i. Members are appointed by the Director for a term of three years, and may compete for reappointment (subject to the non-governmental term limits policy described below). If necessary, subsequent terms of appointment may be changed to provide for balanced (staggered) expiration dates. Should a non-governmental seat become vacant, the alternate may complete the term or the vacated position could be advertised and a replacement appointed as specified below. The newly appointed member shall serve for a full term beginning on the date of his/her swearing-in by the NOAA representative.
    - ii. The exact end date of their term is determined by the next scheduled recruitment period that takes place after a member serves their full term.
    - iii. The council membership recruitment process shall take place on a rolling basis, as seats become vacant or terms are completed. If qualified, the same individual may apply for another seat on the council once they are term-limited on their present seat. A yearly notice for recruitment will be placed in the Federal Register.
    - iv. Members are limited to three consecutive three-year terms on the council in the same seat, unless the director has granted a waiver to this limit. The director will consider waivers to this limit on a case-by-case basis and in a manner provided by the ONMS policy.

- v. The newly appointed member shall serve for a full term beginning on the date of his/her swearing-in by the NOAA representative.
  - vi. See ONMS complete term limits policy, and waivers to that policy, in the National Marine Sanctuary Advisory Council Implementation Handbook, Appendix 19 "Policy to Limit Consecutive Term Limits Non-governmental Council Members".
- c. Members serve at the discretion of the Director. The NOAA representative may recommend to the Director the removal of a non-governmental member of the council 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 another environmental law for which NOAA or another federal agency has jurisdictional responsibility;
  - iii. Is found to have violated state environmental laws or regulations;
  - iv. Is found to have violated national or 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 the sanctuary; and refusal to recuse himself or herself if so requested by the NOAA representative 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 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.
- NOAA may consult with the council prior to taking such an action.
- d. As each non-governmental seat becomes vacant and the process for selection of a new member is conducted, the NOAA representative 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 NOAA representative shall be notified by the member before an alternate officially attends a meeting. The alternate may also be appointed, without going through a competitive process, to complete a primary member's term if that member resigns or is removed. An alternate may not name another alternate.



5. Members accept the responsibility of attending council meetings. In the event the member cannot attend, the designated alternate member will represent the member.

6. Council Officer Elections and Terms:

- a. The council shall elect one member to serve as chair, and one member to serve as vice-chair. The vice-chair shall act as chair in the absence of the chair. Terms of the chair and vice-chair are two years. The chair and vice-chair may serve a maximum of two consecutive terms if reelected.

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. Council members, including non-voting members, may nominate individuals for the council officer positions (except the NOAA representative and/or their designee). Any primary member of the council, including government seats and non-voting seats (with the exception of the NOAA representative) may be nominated and elected as a council officer. Election for all positions is by majority vote of all council members), including the non-voting members, and votes shall be made by written ballot. Members who will not be present at the time of the election may submit their vote in writing to the NOAA representative prior to the meeting.

If a council officer resigns, the council should hold an election at the next regularly scheduled council meeting. If the newly elected individual feels comfortable they may begin serving in their position immediately upon being elected, otherwise they may begin serving at the next meeting. If the chair resigns, the vice chair acts on their behalf until the new chair assumes their position. If the vice-chair resigns, the position may remain vacant until the new vice chair assumes their position.

In extraordinary circumstances, if both council officers resign at the same time, the council can agree to allow another council member to serve as interim chair until the new officers are elected; new officers should be elected at the next scheduled council meeting.

b. Roles of Council Officers:

- i. Chair: The chair schedules and sets agendas for all council meetings with the approval of the NOAA representative, 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 continues to fulfill the general roles that all council members fill, including representing the interests of their constituents.
- ii. Vice-Chair: The vice-chair serves as chair in the absence of the chair and assists as necessary in performing executive duties of the council. The vice-

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

## **APPOINTMENTS**

Recruitment and appointment of non-governmental council members shall follow the process outlined in the ONMS Sanctuary Advisory Council Implementation Handbook (currently Part II: Policy and Procedural Guidance, section C.2, Selection of Non-Governmental Members). 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 NOAA representative directly. Copies of all applications and nominations for each seat will be submitted by the NOAA representative to the preliminary review panel to obtain recommendations on selections. Any preliminary panel 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 panel, or from among other applicants or nominees, shall be made by the NOAA representative with the approval of the director. The NOAA representative may choose to re-advertise the vacant seat(s) if adequate candidates are not available after the first recruitment process. 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. Reimbursement is at the discretion of the NOAA representative and dependent upon budgetary considerations and constraints. No members of working groups or subcommittees (defined below) may receive travel expenses for their group activities or meetings, in accordance with the ONMS Sanctuary Advisory Council Implementation Handbook (currently Part II, section B.6, Council Subunits). Travel expenses for governmental 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 NOAA representative determines are reasonably required to enable the council and its subcommittees/working groups to carry out their functions.

## OPERATION

### 1. Meetings

- a. Meetings are held at the call of the chair and the NOAA representative.
- b. Decisions (e.g., recommendations) made by the council shall be made by majority vote of those present, provided there is a quorum (one more than half of the voting members). A recorded vote may be requested by the chair or the NOAA representative. In a member's absence, an alternate member shall assume the rights and privileges of the member for the purposes of a quorum.
- c. Each meeting shall be open to the public.
- d. Interested persons shall be permitted to present oral or written statements on items on the agenda, or other pertinent topics.
- e. Emergency meetings may be held at the call of the chair or presiding officer and the NOAA representative.
- f. Timely notice of each council meeting, including the time, place, and agenda of each meeting, shall be provided to the local 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. The council may not vote at any meeting for which the above public notice has not been issued. The council may not vote on any agenda item for which notice was not provided.
- g. The council shall meet as frequently as necessary, not to exceed once per month (the meetings should be in different months, but do not have to be precisely 30 days apart) for voting meetings, but at least once every six months. The council meeting place may 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.
- h. Minutes of each meeting shall be kept by a person specified by the NOAA representative and contain a summary of attendees and matters discussed; such minutes shall be available to the public.

### 2. Procedures for Providing Advice: The following procedures shall be used to provide advice:

- a. The council may provide advice on a sanctuary related issue or topic to the NOAA representative. 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 NOAA representative.
- 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 NOAA representative or the council chair so that it might be placed on the agenda as a discussion topic. The NOAA representative and the council chair shall discuss topics for the agenda. The NOAA representative approves a topic to be placed on the agenda.
- c. The council shall provide advice directly to the NOAA representative via a written recommendation or a motion passed by the council and be reflected in the minutes. Draft recommendations and verbal discussions shall be considered by the NOAA

representative as additional background information and shall be included in the minutes.

- d. Any advice, correspondence, or information the council wishes to offer or express beyond the NOAA representative shall be voted on and approved by the council prior to sending. Because the council was established specifically to provide advice to the Secretary, and operates through the NOAA representative, the NOAA representative must also approve any advice, correspondence or information that goes outside the sanctuary prior to sending.
- e. The council shall base its advice on a vote of the council with negative votes and abstentions, noted or on consensus reached during discussion with minority opinions noted. A quorum shall be present when the vote is taken or a discussion to reach consensus is conducted.
- f. 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 NOAA representative. If the council does not incorporate information or advice of a subcommittee or working group, it shall inform the NOAA representative and explain in its advice or information the reasons for not incorporating the subcommittee's or working group's advice or information.

### 3. Conduct of Individual Members

- a. Council members are expected to be familiar with the processes and regulations governing the sanctuary and to keep themselves informed of sanctuary-related events and issues. Expectations include regular meeting attendance and familiarity with the council charter and the ONMS Council Implementation Handbook.
- b. When speaking to the public or writing about any matter regarding the sanctuary in a document for distribution beyond council membership, the NOAA representative, or NOAA 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 NOAA representative, NOAA staff, or NOAA.
- c. Any council member that has an interest (financial, personal or business interest) in any matter before the 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 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.
- d. All council members are expected to conduct themselves in a civil fashion, showing courtesy and respect to other council members, NOAA staff, and any other individuals present at the meeting.
- e. Any sanctuary advisory council member that has entered into a professional relationship (i.e. contractual, financial, service, business, etc.) with the sanctuary, NOAA, or another council member, shall provide written detail and notice to the

NOAA representative within 30 days of the establishment of that relationship. Written notice of said relationship shall be provided to all council members by the NOAA representative within 30 days of either 1) receipt of such written notice from a council member, or 2) establishment of a professional relationship by a council member with the sanctuary. The establishment of such a professional relationship shall be recorded in the public record of the council at the end of the minutes of the next council meeting following said notice. The NOAA representative, also shall forward the written detail and notice to the Director of the ONMS. The Director of the ONMS shall review and determine if the SAC representative should be disqualified from further service.

#### 4. Conduct of the Council as a Body

- a. Any correspondence or other written documents that are intended to speak for the council as a body shall be coordinated with, and approved by, the chair and the NOAA representative prior to sending.
- b. The following disclaimer shall be placed in all documents and communications originating from the council: "The council is an advisory body to the NOAA representative. The opinions and findings of this publication do not necessarily reflect the position of the Mallows Bay-Potomac River National Marine Sanctuary or the National Oceanic and Atmospheric Administration."

#### 5. Council Letterhead

The council shall, with the assistance and approval of the NOAA representative, design and use its own letterhead. All correspondence from the chair or other members of the council, or the council as a body, shall be on this letterhead. The council shall not use official NOAA or DOC letterhead for any correspondence or other purpose.

#### 6. Subcommittees and Working Groups

- a. Subcommittees: The chair, in consultation with the council as a whole and with the concurrence of the NOAA representative may establish such subcommittees as necessary to fulfill the council's duties. Subcommittees shall be composed solely of members of the council; at the NOAA representative's discretion, alternates may also serve on subcommittees. The subcommittee must be chaired by a voting member of the council. Subcommittees shall be recognized as official subunits of the council. Subcommittees are subject to all requirements of this charter.
- b. Working Groups: The chair, in consultation with the council as a whole and with the concurrence of the NOAA representative, may establish working groups 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 and alternates of the council and persons outside the council. Working groups shall be chaired by a voting member of the council and shall function under the purview of the council. Working groups established by the council to address specific issues

shall disband once the final advice on the particular matter is submitted to the council.

#### **OTHER TERMS OF THIS CHARTER**

1. The council shall operate pursuant to the terms of this charter.
2. This charter shall remain in effect for a period of five years from the date of signature.
3. Six months prior to the expiration of this charter, the need for the council will be evaluated by the ONMS, with input from council members, to determine whether to renew the charter.
4. Revisions to the charter may be made as determined necessary by the ONMS with input from the council.

Dated:

John Armor

Director, Office of National Marine Sanctuaries

**MALLOWS BAY-POTOMAC RIVER NATIONAL MARINE SANCTUARY  
ADVISORY COUNCIL CHARTER**

**AMENDMENT #1**

The following revisions are made to the charter as signed on May 8, 2020, and hereby amended on date of amendment indicated below:

Members, Alternates, and Officers, Section 4a is revised to read:

4. There is one category of seats for which voting members are appointed. The following procedures shall govern the application, nomination, and appointment of council voting members:

a. Non-governmental Seats (15). A representative and alternate of each of the following activities, which are integrally affected by the management goals of the sanctuary:

- Maritime History and Archaeology
- Cultural Engagement
- Cultural Engagement
- Recreation
- Recreation
- Recreational Fishing
- Commercial Fishing
- Education (K-12)
- Education (Higher)
- Tourism
- Business and Economic Development
- Conservation
- Research, Science, and Technology
- Citizen At-Large
- Communication

All other terms of the charter remain in full force and effect.

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John Armor  
Director, Office of National Marine Sanctuaries

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Date