

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

February 2017

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I. ADVISORY COUNCIL ESTABLISHMENT AND AUTHORITY

Section 315 of the National Marine Sanctuaries Act (NMSA or Act; 16 U.S.C. §§ 1431 *et seq.*) authorizes the Secretary of Commerce to establish 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 (director) of the Office of National Marine Sanctuaries (ONMS). The director hereby reestablishes the Olympic Coast National Marine Sanctuary Advisory Council (council).

This charter provides background on ONMS and 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. ADVISORY COUNCIL POLICY STATEMENT

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 advisory councils.

Advisory councils bring members of a diverse community together to provide advice to the sanctuary superintendent on the management and protection of a national marine sanctuary, or to assist 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 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; and
- ❖ Develop training programs appropriate to council officers and members, and sanctuary superintendents and staff.

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 a steward of coastal and ocean resources, the National Oceanic and Atmospheric Administration (NOAA) protects and manages sanctuaries through ONMS.

A. Vision of ONMS:

The Office of National Marine Sanctuaries is a leader in ocean stewardship, conserving and protecting America's ocean and Great Lakes treasures for future generations through strong science-based management.

B. Mission of ONMS:

National marine sanctuaries protect our nation's most vital coastal and marine natural and cultural resources. Through active research, management, education, and public engagement, we sustain healthy environments that are foundations for thriving communities and stable economies.

C. Goals of 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 uses 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

Olympic Coast National Marine Sanctuary (OCNMS or sanctuary) was designated in July 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 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 Olympic Coast National Marine Sanctuary.
- B. The council shall draw on the expertise of its members, alternates, and other sources in order to provide advice to the sanctuary superintendent.
- C. Council members and alternates 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 that address resource protection;
 - 2. Providing advice on how to integrate the 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 the sanctuary superintendent in developing an informed constituency, thereby increasing awareness and understanding of the purpose and value of the sanctuary;
 - 5. Providing advice and recommendations on OCNMS's annual operating plan, research and monitoring priorities, and educational strategies; and,
 - 6. Providing advice and recommendations on the development and implementation of OCNMS management plans.
- 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 that the primary objective of the sanctuary and the NMSA is resource protection.

- G. The council is established to provide advice and recommendations to ONMS regarding the management of OCNMS. Nothing in this charter constitutes authority for the council to perform operational or management functions, or to make decisions on behalf of the sanctuary, 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, 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 National Marine Sanctuary Advisory Council, Citizen-at-large seat, Alternate position.

B. Membership

1. General

- a) The council shall consist of no more than 15 voting members, who shall be appointed by the director from among persons employed by federal, state, tribal, or local agencies with expertise in management of natural resources, representatives of local user groups, conservation and other public interest organizations, scientific and 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 to schedule each meeting and review 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. However, the sanctuary superintendent has final approval for the agenda.
- c) To obtain an equitable balance of voting membership on the council, there are eight governmental voting seats and seven non-governmental voting 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 (eight members) and governmental non-voting (five 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 Grays Harbor counties (a single seat); and

Local Government Representation*	Year Held
Grays Harbor County	2017; 2020
Clallam County	2018; 2021
Jefferson County	2019; 2022

**Initial cycle of rotation began in 2011 with Grays Harbor County.*

- State Government: Washington Department of Ecology (WDOE); Washington Department of Fish and Wildlife (WDFW); and Washington Department of Natural Resources (WDNR).
- ii. The following federal agencies and organization(s) will occupy governmental non-voting seats on the council:
 - NOAA Fisheries;
 - U.S. Coast Guard;
 - U.S. Fish and Wildlife Service; and
 - U.S. National Park Service; and
 - U.S. Navy.
- b) Governmental members and alternates 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 that entity. 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 himself/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 or alternate of the council has violated one or more of the terms of this charter, or the governmental member fails to attend three 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 may consult with the council prior to taking such action.

- e) If a government entity decides to no longer participate with 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 may 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 seven voting members on the council. A representative and an alternate of each of the following activities shall be selected:
 - i. Citizen-at-large (providing a general overview of and links to the community at large);
 - ii. Conservation (representing conservation and environmental organizations);
 - iii. Education;
 - iv. Fishing (representing commercial fishing, charter fishing, and/or recreational fishing);
 - v. Marine Business and Industry (representing ports, shipping, and transportation);
 - vi. Research; and
 - vii. Tourism and Economic Development (representing business, economic development, tourism, recreation, and chambers of commerce).
- 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. For purposes of computing term limits, each council member and alternate was considered to be serving in his/her first term as of December 2011, when the 2011 charter was approved. 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 he/she is 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 processes as they relates to council member recruitment and selection are as follows. Specifically, a waiver is permissible in the following circumstances if:
 - 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 seats.
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 memorandum to the director requesting the waiver for a certain length of time and providing a justification as to the need. The signed memorandum should be provided to the council 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 memorandum to the director requesting the waiver and providing justification as to the need. The signed memorandum should be provided to the council 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 memorandum should accompany the application through the entire process from the candidate review subcommittee to the regional director and ONMS. For a full description of the council recruitment and selection processes, see the *National Marine Sanctuary Advisory Council Implementation Handbook*.

- 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 may 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 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/her position as a member or alternate (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 or alternate or of the community; misrepresentation of, or spreading misinformation about the council or OCNMS; and refusal to recuse himself/herself if so requested by the sanctuary superintendent and/or chair in a matter in which the member or alternate 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 or alternate's qualifications for being on 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.
- 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.

Seat*	Year Current Term Ends	Year Subsequent Term Ends
Citizen-at-large	2019	2022
Conservation	2017	2020
Education	2018	2021
Fishing	2018	2021
Marine Business and Industry	2017	2020
Research	2016	2019; 2022
Tourism and Economic Development	2017	2020

** Initial terms were first computed as of December 2011. The initial term for the Research seat was given two years before cycling into the three-year rotation with other seats.*

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)

Marine Resources Committee*	Year Current Term Ends	Year Subsequent Term Ends
Marine Resources Committee (North Pacific Coast and/or Grays Harbor MRCs)	2018	2021

**This seat was created in the OCNMS council charter signed in December 2011.*

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 Subcommittee. 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) Only primary members, including governmental and non-voting seats, are eligible to be nominated and elected for the officer position of chair. Conversely, both primary members and alternates, including governmental and non-voting seats, are eligible to be nominated and elected for the officer positions of vice chair and secretary. Regardless, both the primary member and the alternate of the same seat are not allowed to serve simultaneously on the Executive Subcommittee. If a council member holding a governmental seat is elected as a council officer, the council member may elect to recuse himself/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 alternates. 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 non-voting members. If neither the council member nor his/her 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 his/her position immediately upon being elected or he/she may choose to begin serving at the next meeting. If the chair resigns, the vice chair acts on his/her behalf until the new chair assumes the position. If the vice chair resigns, the secretary acts on his/her 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 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 his/her 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 his/her constituents.
- c) Secretary: The secretary assists sanctuary staff in performing administrative duties (e.g., recording or reviewing minutes, tracking action items, drafting correspondence, etc.) 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 his/her constituents.

D. Appointments

1. Recruitment and appointment of non-governmental members and alternates shall follow the process outlined in the *National Marine Sanctuary Advisory Council Implementation Handbook*. Public notice shall be provided as to the vacancy of non-governmental seats and recruitment of new 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 website or by mail upon request. Council members should be encouraged to recruit potential candidates. Applications for ensuing terms of vacant seats and positions shall be submitted to the sanctuary superintendent or his/her designee (e.g., advisory council coordinator or other appropriate site staff), as defined in the *Federal Register* notice for a particular recruitment.
2. Copies of all applications and nominations for each seat will be shared by the sanctuary superintendent with the candidate review subcommittee (described 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 any recommendations.
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. Council members and alternates shall serve without pay except that each member or alternate may receive travel expenses, including per diem in lieu of subsistence, in accordance with 5 U.S.C. §§ 5702-5703 for travel to and from official council meetings. Neither subcommittee members nor working group members will receive travel expenses for subcommittee and working group activities and 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 and 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 or alternates, or the council as a body, shall be on this letterhead. The council shall not use official OCNMS, ONMS, 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.

Quorum Table of Voting Seats

Governmental Voting Members	Non-Governmental Voting Members
Hoh Tribe	Citizen-at-large
Makah Tribe	Conservation
Quileute Tribe	Education
Quinault Indian Nation	Fishing
Local Government (Co. Commissioner)	Marine Business and Industry
WDFW	Research
WDNR	Tourism and Economic Development
WDOE	

3. In finalizing decisions (e.g., recommendations) to the sanctuary superintendent, the council shall strive for consensus of all membership (voting and non-voting) 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 (e.g., *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 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.
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 ONMS, other NOAA offices, or other agencies should be coordinated through the sanctuary superintendent or his/her designee (e.g., advisory council coordinator).
2. Any matter that a council member or alternate 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 topics 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 the U.S. Secretary of Commerce and operates through the sanctuary superintendent, the sanctuary superintendent must also approve any advice, correspondence, or information that goes outside ONMS prior to its distribution.
5. The council shall base its advice on consensus or a vote of the council, according to Part VIII.A.2-4. of this charter, 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 and Alternates

1. Council members and alternates 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 *National Marine Sanctuary Advisory Council Implementation Handbook*.
2. It is recommended that the chair and the sanctuary superintendent, through the advisory council coordinator, be notified if both the primary and alternate 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 or alternate shall clearly distinguish those recommendations, opinions, or positions officially adopted by the council as a body from those he/she may have as an individual. In no case shall a member or alternate represent individual opinions as those of the council, OCNMS, ONMS, NOAA, or DOC.
4. Any council member or alternate 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 or alternate shall cast a vote on any matter that would provide a direct financial benefit to that member or alternate or otherwise give the appearance of a conflict of interest under federal law. An affected member or alternate who may not vote on a matter may participate in council deliberations relating to the decision after notifying the council of the voting refusal and identifying the interest that would be affected. These same guidelines apply to members of working groups who are not council members or alternates.
5. All council members and alternates are expected to conduct themselves in a civil fashion, showing courtesy and respect to other council members and alternates, sanctuary staff, and any other individuals present at a 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 on 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 Olympic Coast National Marine Sanctuary, the Office of National Marine Sanctuaries, the National Oceanic and Atmospheric Administration, or the Department of Commerce."*

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 herein, 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 Subcommittee, 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 Subcommittee shall consist of the chair, vice chair, secretary, and sanctuary superintendent. The advisory council coordinator will work very closely with the Executive Subcommittee. The chair, with concurrence from the sanctuary superintendent, may also appoint one additional council member to serve on the Executive Subcommittee for the purpose of providing input on discreet tasks or council activities. Meetings of the Executive Subcommittee are not subject to public meeting requirements.

The chair, vice chair, secretary, and one additional council member or alternate 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 below.
- C. Six months prior to the expiration of this charter, the need for the council will be evaluated by 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 ONMS with input from the council.

X. CHARTER APPROVAL



John Armor

Date

Director, Office of National Marine
Sanctuaries