

Office of National Marine Sanctuaries
Sanctuary Advisory Council
Implementation Handbook
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NATIONAL MARINE
SANCTUARIES

U.S. Department of Commerce
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National Ocean Service
Office of National Marine Sanctuaries



About This Document

This implementation handbook is intended to provide sanctuary staff, advisory council members, and the general public with information about national marine sanctuary advisory councils. This handbook incorporates the experience and knowledge gained by the Office of National Marine Sanctuaries (ONMS) since sanctuary advisory councils were first established 20 years ago. Future editions will be prepared as necessary to reflect any additional lessons learned, new council policies or major changes in the ONMS.

Using This Document

This handbook provides information on how to establish, operate, and resolve issues associated with advisory councils. It is intended to serve as a reference guide, not to be read sequentially unless the reader is seeking a general overview of advisory councils.

Comments or questions on this handbook
or sanctuary advisory councils should be directed to:

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List of Acronyms

AOP	Annual Operating Plan
CAL	Citizen-At-Large
DOC	Department of Commerce
FACA	Federal Advisory Committee Act
FECA	Federal Employees Compensation Act
FOIA	Freedom of Information Act
GCOS	General Counsel Ocean Services
NMSA	National Marine Sanctuaries Act
NOAA	National Oceanic and Atmospheric Administration
NOS	National Ocean Service
OGC	Office of General Counsel
OMB	Office of Management and Budget
ONMS	Office of National Marine Sanctuaries
PDF	Portable Document File
PRA	Paperwork Reduction Act

Notes:

When the handbook mentions “members,” it refers to the primary members of the council. Alternates will always be referred to explicitly.

PART I: GENERAL INFORMATION

A. The National Marine Sanctuary System

The Office of National Marine Sanctuaries (ONMS) serves as the trustee for 14 marine protected areas encompassing more than 150,000 square miles of ocean and Great Lakes waters from Washington State to the Florida Keys, and from Lake Huron to American Samoa. The ONMS manages 13 national marine sanctuaries and the Papahānaumokuākea Marine National Monument by working cooperatively with its partners and the public to conserve these special places while allowing recreation and commercial activities compatible with resource protection. ONMS staff works to enhance public awareness of our marine resources and marine heritage through scientific research, monitoring, exploration, educational programs and outreach.

B. National Marine Sanctuary Advisory Councils

With the designation of the Florida Keys National Marine Sanctuary in 1990, the ONMS was required by Congress to establish an advisory committee for that sanctuary. The resulting sanctuary advisory council, which first met in 1992, was the first such body established by the ONMS, and it was originally subject to the terms of the Federal Advisory Committee Act (FACA). In 1992, the National Marine Sanctuaries Act (NMSA) was amended to authorize the Secretary of Commerce to establish one or more advisory councils to provide advice to the Secretary regarding the designation and management of national marine sanctuaries. Sanctuary advisory councils (councils) were also specifically exempted from the requirements of FACA (although the NMSA reiterates some of FACA's procedural requirements). All fourteen of the sites in the system have councils (see Table 1 for dates councils were established). All of the councils are active in various projects and issues affecting the management of those sites, and generally meet on a monthly, bimonthly or quarterly basis.

This document provides the general background to and authority for ONMS councils (Part I); policy and procedural guidance (Part II); and how to modify a council after it is operational (Part III). The appendices (Part IV) are referenced in the text and contain models for all of the documents needed for council processes.

Table 1: Advisory Councils and Dates Established

Site	Year Council Established
Florida Keys NMS	1990
Hawaiian Island Humpback Whale NMS	1992
Stellwagen Bank NMS	1992
Monterey Bay NMS	1994
Olympic Coast NMS	1995
Thunder Bay NMS	1997
Channel Islands NMS	1998
Gray's Reef NMS	1999
Papahānaumokuākea MNM	2001
Gulf of the Farallones	2002
Cordell Bank NMS	2002
Fagatele Bay NMS	2005
Flower Garden Banks NMS	2005
Monitor NMS	2005

C. Sanctuary Advisory Council Policy Statement

The ONMS regards community involvement and the development of a stewardship ethic as vitally important to successfully protecting sanctuary resources. One key way to achieve this involvement is the formation of sanctuary advisory councils.

Sanctuary advisory councils bring together diverse community members to provide advice to the sanctuary superintendent (authority delegated from the Secretary of Commerce and the Under Secretary for Oceans and Atmosphere) on the management and protection of the sanctuary, or to assist the ONMS in guiding a proposed site through the designation process.

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

- ❖ At each site, provide sufficient support to allow councils to operate efficiently and effectively;
- ❖ Provide support and guidance from the national office to help councils operate efficiently and at a basic level of consistency across the system;
- ❖ Promote coordination and communication among councils and among sanctuary staff that work closely with councils;
- ❖ Develop training programs appropriate to council officers and members, and sanctuary superintendents and staff;
- ❖ Conduct an annual meeting for council chairs, council coordinators and other appropriate ONMS staff to promote information exchange, networking and cross-pollination between councils; and
- ❖ Conduct an annual meeting for council coordinators for training and internal discussions.

D. Sanctuary Advisory Council Member Definition

Sanctuary advisory council members act as agents of the federal government when acting in their role as council member, and are subject to the same lobbying and ethics restrictions as federal employees. Sanctuary advisory council members operate according to the procedures, policies and parameters outlined in their council charter and the ONMS Council Implementation Handbook (this document).

Council members act in their role as a council member when attending and/or participating in any and all council-related activities including council meetings, subcommittee meetings, working group meetings, retreats, field trips, scoping meetings and while participating in any and all sanctuary-sponsored events and activities (e.g. outreaching to constituents, representing the council, etc). While participating in sanctuary-sponsored events and activities, council members should clearly indicate they are participating in their capacity as council members by wearing council badges and/or name tags and introduce themselves as members of the council.

Sanctuary advisory council members are not legally considered “volunteers” and do not operate under the same laws or requirements as sanctuary volunteers. (Except that council member and council working group member service hours are tracked and included in the overall totals for volunteer/service hours of time contributed annually to ONMS. See Part II, F17 Council Member Service Hours.)

There may be circumstances when an advisory council member is clearly participating in an ONMS volunteer program that is in no way affiliated with and/or related to their role as a council member. In such cases, the individual in question should work with their ONMS sanctuary volunteer coordinator to complete appropriate volunteer forms and follow volunteer regulations when acting in a volunteer capacity.

E. Sanctuary Advisory Council Authority

Section 315 of the NMSA authorizes the ONMS to establish councils and contains the following provisions:

1. The Secretary of Commerce may establish one or more advisory councils to advise and make recommendations to the Secretary regarding the designation and management of national marine sanctuaries. The advisory councils shall be exempt from FACA.
2. Members of the advisory councils may be appointed from among (1) persons employed by federal or state agencies with expertise in management of natural resources; (2) members of relevant Regional Fishery Management Councils established under section 302 of the Magnuson-Stevens Act; and (3) representatives of local user groups, conservation and other public interest organizations, scientific organizations, educational organizations, or others interested in the protection and multiple use management of sanctuary resources.
3. For sanctuaries designated after November 4, 1992 (Olympic Coast and Thunder Bay national marine sanctuaries), the membership of advisory councils shall be limited to not more than fifteen members.
4. The Secretary may make available to an advisory council any staff, information, administrative services, or assistance the Secretary determines are reasonably required to enable the advisory council to carry out its functions.

5. The following guidelines apply with respect to the conduct of business meetings of an advisory council: (1) each meeting shall be open to the public, and interested persons shall be permitted to present oral or written statements on items on the agenda; (2) emergency meetings may be held at the call of the chair or presiding officer; (3) timely notice of each meeting, including the time, place, and agenda of the meeting, shall be published locally and in the *Federal Register*, except that in the case of a meeting of an advisory council established to provide assistance regarding any individual national marine sanctuary the notice is not required to be published in the *Federal Register*; and (4) minutes of each meeting shall be kept and contain a summary of attendees and matters discussed.

Administration of councils has been delegated to the ONMS Director.

F. Sanctuary Advisory Council Member Liability

For liability purposes all sanctuary advisory council members are covered by the Federal Employees Compensation Act (FECA) as described below. Subcommittees are official subunits of sanctuary advisory councils, and are composed of advisory council members. For liability purposes, all subcommittee members are covered by FECA. Council working groups are official subunits of the sanctuary advisory councils, and are composed of advisory council members and interested members of the public. For liability purposes, all working group members, including non-council members, are covered by FECA.

Council members are covered by FECA when attending and/or participating in any and all council-related activities including council meetings, subcommittee meeting, working group meetings, retreats, field trips, scoping meetings, and when participating in any and all sanctuary-sponsored events and activities in their capacity as a council member (e.g. outreaching to constituents, representing the council, etc). While participating in sanctuary-sponsored events and activities, council members should clearly indicate they are participating in their capacity as council members by wearing council badges and/or name tags and introduce themselves as members of the council. Council members are not covered by FECA while in transit to and from these activities.

Non-council working group members are covered by FECA when they are attending any and all working group-related activities including working group meetings, council meetings, retreats, field trips, scoping meetings and when participating in any and all sanctuary-sponsored events and activities in their capacity as a working group member (e.g. outreaching to the public, representing the working group, etc). Working group members are not covered by FECA while in transit to and from these activities.

G. Representative Roles and Activities of a Sanctuary Advisory Council

Councils may be initially established for a designation or management plan review process, but will generally evolve into a permanent body to provide advice on the general management of a sanctuary. There is a wide range of activities in which councils are involved and an equally diverse way in which councils conduct their business:

- ❖ Meet with constituent groups to survey their concerns.
- ❖ Request to have issues of concern placed on the agenda.
- ❖ Discuss issues or projects during a meeting.
- ❖ Ask for presentations from experts and sanctuary staff.
- ❖ Make a motion or pass a resolution by a voting action during a meeting.

- ❖ Develop advice and recommendations by consensus.
- ❖ Ask that a position be reflected in meeting minutes.
- ❖ Write a letter, report or other written statement expressing advice, views and/or information to the sanctuary superintendent or other appropriate body, if voted on and approved by the council, then approved by the sanctuary superintendent.
- ❖ Form a working group or subcommittee to define issues and craft proposals for which the council may take action.
- ❖ Hold a retreat or special meeting to address personnel, administrative or logistical issues.

Below are the most important roles that councils should fulfill, and some thoughts about implementation requirements that should be considered in helping a council realize these roles, which are to:

1. Serve as a liaison between the sanctuary and its community, disseminating information about the sanctuary to the various constituencies of members and bringing the concerns of constituents and the public to sanctuary staff.

There are numerous ways that a council as a body or that an individual member can help maintain communications with the constituents and communities of a sanctuary (and fulfill its primary purpose of advising the sanctuary superintendent). One option for the council as a body is to host a public meeting to raise awareness of the sanctuary and its issues, perhaps something along the lines of a town meeting. Members, as individuals, can host similar meetings with their constituents, to bring concerns to the council and relay council positions. Council members with other means at their disposal (e-mail, web sites, newsletters, social networking technologies, etc), may also use these mechanisms to relay information back and forth between constituents and the member. The sanctuary should encourage the members to take such steps, by providing support as available and/or asking the members to report on their efforts during normal council meetings. Public interaction with council members during council meetings should be limited to public comment periods, breaks and before and after meetings. This is intended to limit interruptions and distractions.

2. Identify potential partners and constituent groups with which the sanctuary should be working and forge relationships.

Sanctuaries depend upon good working relationships with partners such as agencies, organizations, and individuals to accomplish their mission of protecting sanctuary resources. The first step is to ask the council to help identify what kind of partnership a sanctuary needs or should pursue (e.g., advocacy, revenue enhancement, research, education, etc.) and then help identify the group or individual who can help the sanctuary carry out that function, perhaps because that group or individual has the resources or authority to accomplish something the sanctuary alone cannot. Investments of time, planning, and information should be made to develop that partnership.

3. Help identify and resolve issues and conflicts, including emerging issues of which the sanctuary might not be aware.

Councils, being crosscutting bodies and representing many diverse interests, are in a unique position to bring emerging and potential issues to the attention of the sanctuary and assist the sanctuary in: (a) determining if the sanctuary/council should address the issue, and (b) assisting in determining its priority in relation to existing issues. Councils are able to raise issues in numerous ways, including bringing them up during a normal council meeting, speaking with the council chair prior to a meeting, or speaking to the sanctuary superintendent. If the chair and the sanctuary superintendent believe the issue is something the

council should address, there are numerous ways to do so, including staff presentations, discussions during council meetings, creation of a subcommittee or working group to focus on the issue, or preparation of a white paper or other document.

4. Review and provide input on sanctuary plans, proposals, and products, including prioritizing issues.

Sanctuaries produce copious amounts of written products, many of which, such as management plans, research and education plans, issue papers, etc., generate strong public interest and should be as accurate and well written as possible. Councils may help achieve the best possible product by providing accurate information (including technical or specialized knowledge), drafting, reviewing, and/or concurring on those products. These tasks may be achieved in a number of ways, including individual efforts, working groups/subcommittee efforts, and identification of external reviewers/contributors. Efforts should start early relative to a due date, and there should be very clear guidance on exactly what is expected from the council.

5. Participate in sanctuary events, activities and programs.

Council members are encouraged to participate in sanctuary events, activities and programs to broaden their knowledge, outreach to constituents and the general public, represent the council, and supplement sanctuary staff when appropriate. (See Part I, D Sanctuary Advisory Council Member Definition)

6. Support sanctuary friends groups and the National Marine Sanctuary Foundation.

Council members are encouraged to provide information to individuals or groups interested in establishing a friends' group or the National Marine Sanctuary Foundation to support the sanctuary. As individuals, council members may also support or join a friends group and/or the National Marine Sanctuary Foundation.

7. Provide technical and background information on issues facing the sanctuary.

Council members may have access to information and situations that sanctuary staff do not. For instance, research representatives may have access to experts and studies that are not available to the general public, or stakeholder representatives may be aware of user conflicts that have not been brought to the attention of sanctuary staff. By asking members to provide such information to the sanctuary via reports at council meetings or other means, the sanctuary can take advantage of all the expertise and experience represented on the council.

8. Validate the accuracy and quality of information the sanctuary uses for decision-making purposes.

One of the prime advantages presented by a council is having a diverse array of experts available to the sanctuary. That expertise can be used in a variety of ways, including those discussed earlier, but it can also be used to validate the grounds or information being used to make decisions about protecting sanctuary resources. This validation can be obtained in a variety of ways, including reviewing documentation about an issue, verifying the conclusions of external experts, presenting findings or answering questions during a council or subcommittee/working group meeting or discussions with the chair and sanctuary superintendent. Any substantive discussions that occur outside the meeting will be brought to the council during its next regular meeting.

H. Roles of Sanctuary Advisory Council Seats

All councils are established to address the needs of the individual sanctuary. However, seven types of seats are common to most if not all of the councils: education, research, conservation, citizen-at-large,

fishing (commercial, recreational, or both), tourism, and business/industry. The descriptions below outline general expectations and qualifications for each of these common seats. The descriptions should be used in advertising for vacancies for these seats, to help potential applicants understand what would be expected of them if they are chosen for a particular seat, and to help the sanctuary select the best possible candidates. Similar descriptions should be developed for those seats that are specific to a site.

Education:

- ❖ affiliation with educational institutions or organizations active in communities near the sanctuary;
- ❖ ability to effectively communicate with multiple institutions and educators;
- ❖ direct experience with marine or Great Lakes education programs;
- ❖ experience, ability, and availability to conduct educational outreach consistent with the goals of the sanctuary and the mission of the council; and
- ❖ commitment and availability of time to chair and/or participate on the council's education working group or subcommittee.

Research:

- ❖ affiliation with scientific research institutions or organizations active in communities near the sanctuary;
- ❖ ability to effectively communicate with multiple institutions and scientists;
- ❖ direct experience with marine or Great Lakes research programs;
- ❖ experience, ability, and availability to conduct outreach within the research community consistent with the goals of the sanctuary and the mission of the council; and
- ❖ commitment and availability of time to chair and/or participate on the council's research working group or subcommittee.

Conservation:

- ❖ affiliation with conservation or environmental organizations active in communities near the sanctuary;
- ❖ ability to effectively communicate with multiple organizations and the broader community of conservationists/environmentalists in the sanctuary region;
- ❖ familiarity with marine or Great Lakes conservation issues and management approaches affecting the sanctuary;
- ❖ direct experience working with or representing conservation or environmental organizations, especially those involved with marine or Great Lakes conservation;
- ❖ experience, ability and availability to conduct conservation outreach consistent with the goals of the sanctuary and the mission of the council; and
- ❖ commitment and availability of time to chair and/or participate on the council's conservation working group or subcommittee.

Fishing (Commercial, Recreational, or both):

- ❖ familiarity and affiliation with fishing organizations active in communities near the sanctuary;
- ❖ knowledge of fishing (commercial, recreational, or both) activities within the sanctuary region;
- ❖ breadth of experience and knowledge regarding fisheries law, policies, and practices affecting the sanctuary;
- ❖ ability and willingness to communicate with key representatives from the fishing (commercial, recreational, or both) industries; and
- ❖ availability of time to chair and/or participate on appropriate council working groups or subcommittees.

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 the tourism industry; and
- ❖ availability of time to chair and/or participate on appropriate council working groups or subcommittees.

Business/Industry:

- ❖ familiarity and affiliation with local businesses in communities near the sanctuary;
- ❖ understanding of the links between local businesses, sanctuary resources, and human activities;
- ❖ ability and willingness to communicate with key representatives from local businesses; and
- ❖ availability of time to chair and/or participate on appropriate council working groups or subcommittees.

Citizen-at-Large (CAL):

- ❖ 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 or Great Lakes management and resource protection issues in the sanctuary;
- ❖ experience and/or knowledge regarding public uses and activities in the sanctuary;
- ❖ 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
- ❖ availability of time to chair and/or participate on appropriate council working groups or subcommittees

At the request of council members, additional guidance is provided for the CAL seat. During the recruitment and selection process for CAL members, if a site has either a single CAL primary and an alternate, or if the council has more than one CAL seat, it is recommended that sites seek a diversity of representation among those individuals (geographically, expertise, which user groups they are most connected to, etc). The site should try not to appoint someone to a CAL seat that would really be better suited to another seat (i.e., non-consumptive recreation, conservation, etc.) though some cross-over of interests will inevitably occur.

During the selection process interview and/or orientation training for new CAL members, discussions should focus on how they define their "constituency" and how they intend to conduct outreach appropriately. Starting with "who they know" and discussing connections beyond that which are comfortable for them could yield expanded communications to help them fulfill their role in the seat. A close working relationship between the CAL seat and the site's public relations/outreach/media staff will also be beneficial for increased constituent building. However, while the ONMS appreciates their efforts to serve as a liaison between the sanctuary and their constituents/community members, CAL members should not feel obligated to try to "represent" the masses of the entire community. To try to represent the entire community would be impossible because there is no one voice to represent a diverse population. So while the ONMS urges CAL members to be in touch with a wide diversity of views, ultimately the individual is appointed for their personal experience and skills and should represent their view and vote accordingly.

CAL seats are by design fairly broad seats, allowing each site maximum flexibility in selecting the individuals to serve in the seats and allowing each member maximum flexibility in fulfilling the duties of the seat, including defining and reaching out to their "constituents." Examples of how some CAL representatives define and/or reach out to their constituents:

- ❖ Many CAL members rely on their connections with civic/community organizations (Lions Club, Rotary Club, etc)
- ❖ Retired CAL members rely on their former business, military, non-governmental or agency contacts and networks
- ❖ CAL members still working rely on their current work-oriented network
- ❖ CAL members conduct outreach to constituents in widely ranging fashions from formal presentations at civic clubs and community organizations, to “town-hall” style meetings, community leader briefings, public forums on specific issues, emails or newsletters to constituents, or informal discussions about the sanctuary around the community (at the post office, in the line at the grocery store, with friends and family, at work, etc).

One CAL member noted that they believe the council is more effective specifically due to the CAL seats. Because the CAL seat does not answer to any one user or stakeholder group, the member can be much more objective, promote harmony and agreement, ease tensions, and facilitate discussions about controversial topics.

PART II: POLICY AND PROCEDURAL GUIDANCE

A. The Council Charter

A council's charter is the instrument by which a council is officially established, providing the scope of the council's responsibilities and serving as the constitution for the council's operation. Appendix 1 contains a model for a charter; the principal components are listed here:

Establishment and Authority

- ❖ Provides legislative authority to establish advisory councils. States that this document, when signed by the ONMS Director, establishes the named advisory council.

Sanctuary Advisory Council Policy Statement

- ❖ Provides a clear statement of the importance of advisory councils to the ONMS and documents that the ONMS is committed to the full support, utilization, and enhancement of councils at all sanctuaries.

Office of National Marine Sanctuaries

- ❖ Provides a brief overview of the ONMS vision, mission and goals.

[Insert site] National Marine Sanctuary

- ❖ Provides a brief description and history of the individual sanctuary.

Council Roles

- ❖ Describes the roles of the council and basic principles of operation.

Members, Alternates, and Officers

- ❖ Identifies the number of members.
- ❖ Provides for the superintendent to sit on the council as a non-voting member and details the superintendent's role.
- ❖ Provides for managers/superintendents of nearby national estuarine research reserves and national marine sanctuaries to sit on the council as non-voting members.
- ❖ Provides for an optional non-voting youth seat.
- ❖ Describes the process to be used for the application, nomination, and appointment of council voting members.
- ❖ Lists the types of seats (i.e., activities represented) as well as governmental and non-governmental members.
- ❖ Describes the process for removing members.
- ❖ Provides for council officer elections and terms and describes the roles of council officers.

Appointments

- ❖ Summarizes the application process as well as member selection and approval process.

Administration

- ❖ States that a council member will serve without pay but may receive reimbursement for travel expenses to and from official council meetings, if authorized.
- ❖ States the commitment for staff, information, administrative services, or assistance to be provided as appropriate to enable the council and its subcommittees/working groups to carry out their functions.

Operation

- ❖ Provides the basics of day to day operation of an advisory council, including when and how council meetings are to be conducted.
- ❖ Details the procedures that must be used for councils to provide advice.
- ❖ Details the conduct of individual council members and the council as a body.
- ❖ Requires the council to develop and use its own letterhead.
- ❖ Provides information concerning subcommittees and working groups.

Other Terms

- ❖ Requires that the council operate pursuant to the charter.
- ❖ Provides the time period for which the charter is effective, including a requirement that six months prior to the expiration of the charter the need for the council must be evaluated by the ONMS with input from council members.
- ❖ Provides a clause allowing the ONMS to revise the charter.

B. Council Structure and Composition

B.1. Number of Council Seats

For sanctuaries designated on or before November 4, 1992, the number of seats on the council is not limited by law. For sanctuaries designated after the above date (Olympic Coast and Thunder Bay national marine sanctuaries), the number of seats is limited by law to fifteen. The charter needs to expressly state the maximum number of members of the council.

B.2. Term Length of Council Members

Members of the council serve two- or three-year terms and may be reappointed. Terms of seats may be staggered to avoid mass replacements every couple of years.

However, a mature council may find the seat terms eventually become so staggered that council recruitments are taking place nearly year-round. This is a drain on staff and budgets. In an effort to improve the efficiency of council recruitments it is possible for the site to hold two scheduled recruitments per year (Part IV, Appendix 1, Members, Alternates and Officers).

B.3. Use of Alternates

Government agencies may appoint alternates for their primary representatives. At his or her discretion, a sanctuary superintendent may also allow non-governmental seats to have alternates. In such cases, the alternate represents a seat in the absence of the primary council member. A sanctuary superintendent may appoint an alternate to complete the term if a primary member resigns, or may choose to have the alternate complete his/her own appointed term, but vote in the absence of the primary member, until a new primary member is appointed. Alternates are chosen by ONMS through the same competitive process as council members and hold the same privileges as members when they are representing the member at a council meeting.

Alternates may serve on working groups. At the sanctuary superintendent's discretion and if the council approves, an alternate may chair a working group; that alternate shall function under the purview of the council. At the superintendent's discretion, alternates may also serve on subcommittees.

Alternates are encouraged to attend and participate in regular council meetings even if they are not sitting in for the primary member. This will enable alternates to remain current on all issues before the council. Alternates are also encouraged to attend and participate in retreats, budget allowing.

Benefits of Alternates

- ❖ Aids in having a quorum at meetings
- ❖ Allows individuals with less time available (due to work, family, travel obligations) to serve on a council
- ❖ Allows individuals to become familiar with the council prior to applying as a primary
- ❖ Plays important role in working groups, including the ability to chair working groups
- ❖ Adds to overall discussion of all issues
- ❖ Provides a recruitment pool for primary members
- ❖ Ensures constituent group is at table even if primary member is not present
- ❖ Aids in recruiting primary members – knowledge that they are able to miss a meeting and the constituent group is still represented
- ❖ Extends the reach of the council by increasing the voice of constituents

Using Alternates - Lessons Learned

- ❖ There can be a lack of communication between a primary and alternate council member. The site should consider establishing routine check-ins with individual seats (both the primary and the alternate member) to increase opportunities to connect these individuals. This has the added benefit of increasing connections between council members and staff.
- ❖ Recruiting for alternate seats can be a challenge. Identify individuals who have less time to give or who want to see what the council is about prior to committing to a primary seat – the alternate role is excellent for these individuals. The site should also take steps to encourage attendance and participation at all meetings and retreats and allow alternates to chair working groups. During all interviews, inquire if the individual is willing to serve as an alternate.
- ❖ Increases work load for staff simply by increasing the number of individuals on the council. It also increases the size of the meeting room needed to get all members and alternates around a table. Be cognizant of this and plan accordingly. If possible, it is preferable to have an administrative support person taking notes and dealing with logistics so the council coordinator can focus on other tasks.

B.4. Council Composition

The composition of the council will vary from site to site, based on shared jurisdictions, primary user groups, and other factors. In determining the composition, it is important to keep in mind that resource protection is the ONMS's primary mandate. Good geographic representation of various parts of the sanctuary and the importance of local perspectives being represented on the council are also important factors. Occasionally it will be appropriate to have non-US citizens on an advisory council to address trans-boundary issues, as long as that trans-boundary representative is interested in the protection and management of a United States national marine sanctuary.

It is important to provide seats to represent the primary users of the sanctuary; this assists in providing regular communication between the sanctuary and its stakeholders. To maximize user group representation on the council, if a single council has two seats for one user group (e.g. two conservation seats on one council), different organizations must occupy those two seats; one organization should not fill two seats on a single council.

Another consideration used to determine the composition of councils is that of co-jurisdiction of resources; a seat on a council can help cement the relationship between agencies and provides a regular communication channel. To maximize the user group and conservation representation on the council, governmental representatives can be non-voting members. Non-voting governmental members, however, do not have a role in forwarding council recommendations to the sanctuary superintendent and other actions that might require a vote. Councils are not required to have governmental members.

It is the policy of the ONMS to provide extensive discretion to the sanctuary superintendents in determining the composition of their councils, including whether or not government seats should be included and whether those government seats are either voting or non-voting. Several of the mature councils have numerous government seats as voting members; most of the newer councils also include government seats, but normally have them as non-voting members. This pattern has arisen for the following reasons: (1) numerous government agencies have found voting to be uncomfortable and prefer to do agency-to-agency business by usual routes and (2) since newer councils are subject to a fifteen member limit (by the NMSA) which has been interpreted to be fifteen voting seats, having governmental seats as non-voting members allows the sanctuary to maximize the number of non-governmental seats while still having the agency partners at the table. The ONMS will continue to provide discretion to each sanctuary superintendent on this issue.

The ONMS also provides a great deal of latitude to sanctuary superintendents in defining the sanctuary community from which members must be chosen. This provides flexibility for some sites who might have a geographically limited pool of expertise from which to choose (e.g., sites in Hawaii and American Samoa) and for sites whose community might be based more on expertise and knowledge than location (e.g., maritime heritage experts for the *Monitor* NMS).

It may occasionally also be appropriate to have a non-voting, non-governmental seat. The option to establish a non-voting youth/student seat is one example (Part II, B4 and C3). Non-voting, non-governmental members operate under the same parameters as non-voting, governmental members. The non-voting, non-governmental members do not have a role in forwarding council recommendations to the sanctuary superintendent and other actions that might require a vote.

Federal Employees in a Personal Capacity

Under federal law (18 U.S.C. § 208), federal government employees (Executive Branch) are not allowed to sit on advisory councils in a personal (non-official) capacity. This applies to all federal government employees even if their agency does not hold a seat on the council.

State Employees in a Personal Capacity

State agency employees and members of a state legislature are allowed to sit on advisory councils in a personal capacity. State agency employees must provide a letter of support on official agency letterhead from their state supervisor. Members of the state legislature are not required to provide such letters of support.

Federally Registered Lobbyists

If an individual has been a federally registered lobbyist in the two year period before their appointment date to the sanctuary advisory council, they may not serve as a member of the sanctuary advisory council. This

requirement is not retroactive – it does not apply to individuals already serving on advisory councils as of May 7, 2009. See Part IV, Appendices 17 and 18 for additional information on the federally registered lobbyist restriction.

Office of National Marine Sanctuaries Staff

ONMS staff members are not allowed to serve on ONMS advisory councils. This includes ONMS federal government employees, contract employees, detailees, interns, fellows, and anyone else working for the ONMS or at an ONMS office. Excluded from this are superintendents or their designees who sit on the councils as non-voting members to ensure relevant information exchange among other adjacent or nearby national marine sanctuaries.

Council Member Age Policy

Council members and alternates must be 18 years of age or older, with the exception of the individual filling a non-voting youth seat. The complexity of the issues addressed by sanctuaries and councils, the ability to effectively network with all ages of constituents, and the ability to travel to and attend meetings and retreats all necessitate this minimum age limit.

Youth Seat Policy

The interest and enthusiasm of youth under the age of 18 is very important to the ONMS; these students are our future generation of ocean stewards and leaders. The ONMS wishes to foster and facilitate these links with the youth in sanctuary communities and has provided the option to add a non-voting youth seat to sanctuary advisory councils. To do so, add the following language to the council charter (either when the entire charter is up for review or through a simple charter amendment):

A non-voting youth/student seat to represent the youth segment of the community, defined as ages 14-17.

The individual filling the youth/student seat must:

- ❖ *Be a minimum of 14 years of age when they apply;*
- ❖ *Attend a school (including home schools) in the area affected by the sanctuary;*
- ❖ *Have proven ability to communicate and network with other students within their school (and/or other home schooled students) and in other schools within their community;*
- ❖ *Possess an interest in sanctuary resource protection and management*
- ❖ *Have experience and/or knowledge regarding public uses and activities in the sanctuary;*
- ❖ *Be able to travel to and attend council meetings and retreats (youth or parent provides transportation);*
- ❖ *Provide written recommendation from one or more teachers; and*
- ❖ *Serve a maximum of two years, until they reach their 18th birthday, or graduate from high school, whichever comes first. (At the sanctuary superintendent's discretion, this requirement may be waived, allowing a youth to serve past their 18th birthday or high school graduation)*

Once selected, ONMS staff will contact the student to provide:

- ❖ *Written permission from parent/guardian* (Appendices 6(a, b, c));*
- ❖ *Written permission from school administration to attend council meetings and retreats only if council meetings or retreats require a student to miss school* (Appendix d); and*
- ❖ *The school may also require their own paperwork if for example, the student has to miss school.*

** Permission slips will grant blanket permission for all council meetings and retreats.*

Parent and school permission slips will only be completed by students that are selected to serve on the council. Permission slips will not be distributed to all applicants, as it is not desirable for the ONMS to collect that much personal information unless an applicant is selected. (Part IV, Appendices 7 and 8)

A chaperone (teacher/parent/guardian) is encouraged to attend each meeting with the student and stay for the duration of the meeting.

ONMS strongly encourages sanctuary superintendents and council coordinators do a significant amount of outreach to schools prior to establishing a youth seat.

The youth council member application form must be used to recruit for this seat and fill the youth seat. See Part IV, Appendices 7 and 8. This seat requires the same recruitment process as other non-governmental council seats.

If a superintendent chooses not to exercise the option to create a seat to represent the youth segment of the community, the site is encouraged to consider other options to involve this community, such as a youth working group, a shadowing/mentoring program or other creative way to involve youth with the council. See Part II, B.6. and Part II, F.11. for further discussion of these two concepts.

B.5. Council Officers

Terms and Elections

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. The council may elect one member to serve as council secretary. The term of the council secretary is two years (optional for it to be a single year). The council secretary may serve consecutive terms if reelected.

A chair, vice-chair or secretary may leave his/her term to run for another council officer position if desired. If the chair, vice-chair or secretary 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 (except sanctuary superintendents and/or their designees), may nominate individuals for council officer positions. A council officer may nominate other council members to fill other open officer positions. Any primary member of the council, including government seats and non-voting seats (with the exception of the sanctuary superintendent and a youth seat 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 (except sanctuary superintendents and/or their designees), 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 sanctuary superintendent prior to the meeting (hard copy, fax or email). Alternates may nominate and vote during an election only when the alternate is filling the seat in the absence of the primary member.

Ideally an officer election should take place at the council meeting prior to the completion of the officer's term, allowing the newly elected individual to get up-to-speed for the next meeting. If this cannot be accomplished in advance (particularly for the council chair position), it is recommended that the retiring chair preside over the election and meeting and the newly elected individual begins serving in their position

at the next meeting, allowing the individual preparation time.

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

In extraordinary circumstances, if all 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.

Roles of Council Officers

- ❖ **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 ONMS and the public. The chair also continues to fulfill the general roles that all council members fill, including representing the interests of their constituents.
- ❖ **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.
- ❖ **Council Secretary:** The council secretary assists sanctuary staff in performing administrative duties (recording minutes, tracking action items, drafting correspondence, preparing the annual council report, etc) as directed by the chair. The secretary also continues to fulfill the general roles that all council members fill, including representing the interests of their constituents.

B.6. Council Subunits

Subunits of the council (subcommittees and working groups) are formed by and report to the council. Procedures for providing information and recommendations to the council need to be outlined in the charter. It should also be noted that members of the council who also serve on subcommittees or working groups are still subject to all the terms of the charter. All subunits must submit their findings or recommendations to the full council. (Part II, E6, Subunit Meetings)

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 members of the council; at the superintendent's discretion, alternates may also serve on subcommittees. The subcommittee must be chaired by a primary member of the council. Subcommittees shall be recognized as official subunits of the council and are subject to all requirements of the charter. No members of subcommittees, including members who are also members of the council, may receive travel expenses for subcommittee meetings or other activities.

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 that cannot be accomplished by a subcommittee. Their work will be limited to functional areas and discrete issues relating to individual sanctuaries. Working groups may be composed of members of the council and persons outside the council. Working groups shall be chaired by a primary member of the council and shall function under the purview of the council. At the sanctuary superintendent's discretion and if the full council approves, an alternate member may chair a working group; that alternate shall function under the purview of the council. Working groups established by the council to address specific issues shall disband once the final advice on the particular matter is submitted to the council. No members of working groups, including members who are also members of the council, may receive travel expenses for working group meetings or other activities.

Procedures for determining membership on working groups may be determined by the individual superintendent and council. The sanctuary superintendent should approve any new members of working groups.

Youth Working Group

A Youth Working Group is another option for engaging the youth of the communities surrounding the sanctuary. The ONMS strongly supports youth involvement in sanctuary management and encourages sanctuary superintendents and advisory councils to establish youth working groups. (Part IV, Appendices 9(a) – 9 (d))

Special requirements for youth working groups. Like all working groups, a youth working group must be chaired by a council member (see above section for more on working groups). In addition to the basic requirements for all working groups, the following requirements apply to youth working groups:

- ❖ In addition to the working group chair, at least one other adult must serve on the working group and must be present every time the working group meets (i.e., there must be at least two adults present at every meeting).
- ❖ An ONMS staff member must attend and stay for the duration of every working group meeting.
- ❖ The working group may have up to (but not more than) 8 students so that total size of the working group (including the two adults) is 10 individuals (8 students and 2 adults). ONMS recommends the sanctuary superintendents and advisory councils consider a smaller group, particularly when the group is being convened for the first time.
- ❖ The youth working group must operate according to the same parameters as all other council working groups.
- ❖ All working groups must submit their findings or recommendations to the full council for deliberation at a public meeting.

Requirements for student members of youth working groups. In order to be eligible for appointment to a youth working group, students must:

- ❖ Be a minimum of 14 years of age when they apply;
- ❖ Attend a school (including home schools) in the area affected by the sanctuary;
- ❖ Have proven ability to communicate and network with other students within their school (and/or other home schooled students) and in other schools within their community;
- ❖ Possess an interest in sanctuary resource protection and management;

- ❖ Have experience and/or knowledge regarding public uses and activities in the sanctuary;
- ❖ Be able to travel to and attend working group meetings and an occasional council meeting (youth or parent provides transportation);
- ❖ Provide written recommendation from one or more teachers; and
- ❖ Serve a maximum of two years, until the working group's work is complete, they reach their 18th birthday, or graduate from high school, whichever comes first. (At the sanctuary superintendent's discretion, this requirement may be waived, allowing a youth to serve on the working group past their 18th birthday or high school graduation)

Once selected, ONMS staff will contact the student to provide:

- ❖ Written permission from parent/guardian*;
- ❖ Written permission from school administration to participate on working group (only if working group or council meetings require a student to miss school)*; and
- ❖ The school may also require their own paperwork if for example, the student has to miss school.

* Permission slips will grant blanket permission for all youth working group meetings and council meetings (if applicable).

Procedures for determining membership. Sanctuary superintendents and advisory councils may establish the procedures for determining membership on working groups. The sanctuary superintendent must approve any working group members. Working groups are not typically filled by a competitive process. However, if a superintendent or advisory council feels a competitive process to fill a youth working group is appropriate, prospective student members may only be asked a single, open-ended question, such as "Why do you want to serve on the youth working group?" Although the applicants should answer the question in written format and provide a hard copy, then can also be encouraged to supplement it with a powerpoint, video, podcast or other type of media. This supplement would allow for creativity, the use of technology and perhaps a window into how they would communicate, especially to their peers.

ONMS strongly encourages sanctuary superintendents and council coordinators do a significant amount of outreach to schools prior to establishing a youth working group. For example, superintendents should consider emailing school principals to explain the youth working group concept and meeting with them to further discuss the idea. If the principal supports the concept of a youth working group, then superintendents should consider creating flyers and using multi-media tools to solicit interest. It will be key to gear the outreach and tools to the student audience.

Parent and school permission slips will only be completed by students that are selected to serve on the working group. Permission slips will not be distributed to all applicants, as it is not desirable for the ONMS to collect that much personal information unless an applicant is selected.

C. Selection of Council Members

C.1. Selection of Governmental Members

Each agency that is given a seat (or made a non-voting member) is responsible for appointing its representative and alternate to the council. Both the primary and alternate representatives may be changed at that agency's discretion, but the agency should notify the sanctuary in writing when any such changes are made. Although the ONMS cannot veto an agency's choice for its seat, it is recommended

that the agency representative be someone with sufficient authority to speak for that agency or accomplish commitments with some dispatch. (Part IV, Appendix 12(g), Model Invitation Letter to Government Agency)

C.2. Selection of Non-Governmental Members

All non-governmental seats, representatives and alternates (if applicable) will be selected through a public, competitive process. The selection process is:

Step 1: Application Package

The site must develop a council member application package. The application package must contain a cover letter (IV, Appendix 12(f)), the council application form (Part IV, Appendix 6 or 7) and the final council charter. It is recommended that the application package contain the descriptions of general qualifications and expectations for common seats (Part I, Section H) and the communication protocols (Part II, F1).

The cover letter should notify potential applicants that if they have been a federally registered lobbyist in the two year period before their appointment date to the council, they may not serve as a member of a sanctuary advisory council. This requirement is not retroactive – it does not apply to individuals already sitting on sanctuary advisory councils as of May 7, 2009. (Part IV, Appendix 12(f) Model Cover Letter for Application Kits) (Part IV, Appendices 17 and 18 for additional information on the federally registered lobbyist restriction) It is recommended that the application letter urge applicants to notify the sanctuary of any changes in circumstance that would no longer allow the individual to serve on the council. It is preferable for the applicant and the sanctuary to be aware of this as early in the process as possible.

The general council application form (Part IV, Appendix 6) or the youth seat application form for individuals under age 18 (Part IV, Appendix 7) are the only application forms that may be used during the council member recruitment process. Note that web forms (e.g. the public fills in council applications and submits them online) are not allowed for security reasons. However, a site may offer the council application form in a Portable Document File (PDF) available online. The “seat applying for” section of the application form will need to be altered for each recruitment, depending upon the seat that is being advertised. However, please note the council application form has been reviewed and approved by OMB and cannot be altered in any other way. Offering the council application form in a PDF format is optional; continuing to offer the council application in hard copy is completely acceptable.

Inclusion of the council charter will ensure that prospective members understand the roles and authority of the council and what their responsibilities and rights would be as members of the council.

Step 2: Public Notification

Public notification will be provided as to the existence and purpose of the council, the details of the application process, and all applicable guidelines. (Part IV, Appendix 3 for a model press release and press release format guidelines and process) The application period for council seats must be a minimum of 15 days. It is recommended that sanctuary superintendents contact relevant organizations and associations via letter, email and/or phone call to inform them the recruitment process is underway. A *Federal Register* notice is required (Part IV, Appendix 2 model *Federal Register* notice). In addition, widespread public notification in local media outlets is desirable and all reasonable methods are suggested, including newspaper ads and public service announcements on radio and television. Interested individuals should be directed to a contact to obtain application packages (Part IV, Appendices 6 or 7 for the required application form and Appendix 12(f) for a model cover letter). Notice of the vacancy and the application

packages should also be offered on-line at the sanctuary's web site.

Step 3: Application Submission

All applications will be submitted to the sanctuary superintendent. If no qualified individuals apply for a seat, it may be necessary to re-advertise, working with appropriate local organizations and groups to notify them of the seat vacancy. It is also useful to revisit previous council member applications to determine if a qualified individual is still interested in serving on the council, and ask them to submit an application.

It is recommended that the site run the applicants through the federally registered lobbyist check prior to continuing the selection process. See Part IV, Appendices 17 and 18 for additional information on the federally registered lobbyist restriction.

Step 4: Preliminary Review Panel

The sanctuary superintendent must use a preliminary review panel to obtain recommendations on selections. For an existing council, it is recommended that the review panel be a subcommittee of the council. All review panel members must protect the privacy of the applicants as described in this section.

When establishing a council and conducting the first member selection process, it is recommended that the review panel be composed of federal and state agency partners as seeking consensus from this group would not violate FACA (see further discussion on FACA below). Members of the community and other local partners may also be invited to participate on the review panel for the first member selection process, as appropriate and under the below conditions:

- ❖ all review panel members must protect the privacy of the applicants as described in this section; and
- ❖ non-agency review panel member input must be offered on an individual basis as seeking consensus advice would violate FACA. (Please note that although ONMS sanctuary advisory councils are exempt from FACA, the non-agency review panel members pulled from the community for the first member selection process would, as a group, be subject to FACA as they are not members of ONMS advisory councils.)

The superintendent determines the size of the review panel, but 3-4 members are recommended. If a primary council member seat term is about to expire and is being advertised, the current primary council member for that seat should not sit on the review panel if he/she is re-applying for the seat. If the member is not re-applying for the seat, there is no conflict of interest, and with the sanctuary superintendent's concurrence, the member may sit on the review panel. If an alternate council member seat term is about to expire and is being advertised, the current primary council member of the same seat may sit on the review panel if there is no conflict of interest, his or her experience on the council will aid in the selection process, and the sanctuary superintendent concurs.

The review panel will help determine the top three candidates for each seat; this mechanism promotes credibility in the selection process. Individual opinions may be sought if consensus advice is not desirable (non-agency review panel members used in the very first selection process for a newly established council must offer input on an individual basis as seeking consensus would violate FACA since they are not members of an ONMS advisory council) or too difficult to obtain. Potential members should not be notified that their names are being submitted to ONMS Headquarters for further checks. In general, before the

selection of council members, protect names and other personal or identifying information during the deliberation process. After a selection is made, abide by the language in the rest of this section.

The sanctuary superintendent should be aware of protecting the privacy of the applicants and the reviewers. The following information is releasable to the public, under the Freedom of Information Act (FOIA) or through a court order or congressional inquiry:

- ❖ The names of reviewers, whether they are members of the council or not;
- ❖ The names and business information (e.g., work address and phone numbers) of applicants who are chosen as members of the council;
- ❖ Other information contained in the applications of the individuals chosen as members, that relates to their qualifications to be a member of the council, including education, professional experience, and professional and community affiliations; and/or
- ❖ Statements of opinion or philosophy.

The National Oceanic and Atmospheric Administration (NOAA) generally asserts FOIA exemptions to protect the following types of information from release under FOIA, but ultimately courts may determine that release is required:

- ❖ The names or other identifying information of applicants who are not chosen as members of the council (protected under Section B(6) safeguarding privacy of individuals); and/or
- ❖ The private information (e.g., home address and phone numbers) of applicants who are chosen as members (protected under Section B(6) safeguarding privacy of individuals).

In general, the sanctuary superintendent should protect the privacy of the applicants and advise the preliminary review panel, other council members (if applicable) and staff to safeguard information provided on the applications. Personal information such as home addresses and telephone numbers and other personal information that is not relevant for consideration as a member of a sanctuary advisory council should be redacted from applications before the preliminary review panel receive them.

With the exception of the release of information resulting from a FOIA request, through a court order, or as the result of a congressional inquiry, no individuals or organizations should be permitted to see applications for advisory council seats, except the review panel, advisory council members, ONMS staff, and NOAA/Department of Commerce (DOC) staff that conduct the vetting. Again, all of these individuals need to safeguard all of the information provided on the applications. In no instance should the applications be shared with the general public.

See Part II, F16, Council Application Records Management, for additional guidance on this issue.

Specific legal requirements for protection of privacy should be discussed with GCOS and OGC, General Law Division (202-482-5391).

Step 5: Interviews

The sanctuary superintendent may choose to interview candidates (over the phone or in person) as part of the selection process.

Step 6: Council Member Selection

The sanctuary superintendent selects a representative and an alternate from the three top candidates for each seat, and submits those names for review by their regional director (Part IV, Appendix 12(d), Model Regional Clearance Memo) and approval by the Director of the ONMS (Part IV, Appendix 12(e), Model Cover Memo for Member Selection Approval).

The representative should be someone who has completed the application (see Appendix 6 or 7 for required application) and provided enough information to determine his or her qualifications, should be a resident of the area affected by the sanctuary, has a demonstrated ability to work cooperatively with others, has the community and professional affiliations to facilitate the exchange of information between the sanctuary and the community, and has expressed a positive philosophy regarding the protection and management of marine or Great Lakes resources.

Council members and alternates must be 18 years of age or older, with the exception of the individual filling an optional, non-voting youth seat. The complexity of the issues addressed by sanctuaries and councils, the ability to effectively network with all ages of constituents, and the ability to travel to and attend meetings and retreats all necessitate this minimum age limit.

Please note that under federal law, federal government employees (Executive Branch) are not allowed to sit on advisory councils in a personal (non-official) capacity. This applies to all federal government employees even if their agency does not hold a seat on the council.

State agency employees and members of a state legislature are allowed to sit on advisory councils in a personal capacity. State agency employees must provide a letter of support on official agency letterhead from their state supervisor. Members of the state legislature are not required to provide such letters of support.

If an individual has been a federally registered lobbyist in the two year period before their appointment date to the sanctuary advisory council, they may not serve as a member of the sanctuary advisory council. This requirement is not retroactive – it does not apply to individuals already serving on advisory councils as of May 7, 2009. See Part IV, Appendices 17 and 18 for additional information on the federally registered lobbyist restriction.

ONMS staff is not allowed to serve on ONMS advisory councils. This includes ONMS federal government employees, contract employees, detailees, interns, fellows, and anyone else working for the ONMS or at an ONMS office. Excluded from this are superintendents or their designees who sit on the councils as non-voting members to ensure relevant information exchange among other adjacent or nearby national marine sanctuaries.

Step 7: Council Member Vetting/Approval

Before the Director approves the selectees, they must be cleared through a: (1) federally registered lobbyist check conducted by ONMS through a U.S. Senate database (See Part IV, Appendices 17 and 18 for additional information on the federally registered lobbyist restriction.); (2) a LEXIS/NEXIS check through GCOS; and (3) a departmental bureau check for potential conflict of interest and other issues in the applicant's background (all required by Department of Commerce policy for all department advisory councils). These checks will be conducted by headquarters personnel and the site notified if any problems

occur. The site should allow two to four weeks for the lobbyist, LEXIS/NEXIS and bureau check to be completed. Potential members should not be notified of their acceptance and their names should not appear in any public documents or websites identifying them as council members until after the vetting is complete and the Director signs the approval memorandum.

Step 8: Notification to Applicants

The site notifies approved members and alternates, as well as non-selected applicants, formally in writing (Part IV, Appendices 12(h) – 12(j))

Step 9: Press Release to Announce New Members

It is recommended that the site put out a press release to announce new council members. (Part IV, Appendix 4 for a model press release, format guidelines and process)

Step 10: Council Member Sworn In

Members may be formally sworn in at the first meeting of the council. This is a ceremonial gesture and is not required. (Part IV, Appendix 10, Model Oath)

C.3. Selection of Youth Seat Member

Recruitment, application and selection of council members filling the youth seat must follow the same steps as defined in the above "Selection of Non-Government Members" section. However, the site needs to take into account the different communications techniques and technological capabilities utilized by many in this age group.

Recruitment

ONMS strongly encourages sanctuary superintendents and council coordinators do a significant amount of outreach to schools, clubs and other age-appropriate, youth-oriented organizations prior to establishing or recruiting for a youth seat. Suggestions for recruitment include:

- ❖ Compile a list of schools and principals in area affected by the sanctuary. Contact each principal to explain the purpose and goals of the youth seat, and request a face-to-face meeting to further discuss the idea.
- ❖ Create a flyer, web page, and other multi-media tools to use to both advertise the seat and to give more information.

Application

The applicant must completely fill out the youth seat application form (Part IV, Appendix 7) and submit a hard copy to the sanctuary superintendent.

It is recommended the sanctuary superintendent conduct a face-to-face interview with the applicant.

D. Removal of Council Members

The Director has the discretion to remove a member for any reason. Further, the sanctuary superintendent may recommend to the Director the removal of any non-governmental member of the council (Part IV, Appendix 12(k), model removal approval request memo), if that member has violated one or more terms of the charter or on one or more of the ground for removal listed below. The sanctuary superintendent may

consult with the council, but the council does not have the authority to remove a member. The member is formally notified in writing of his or her removal (see Appendix 12(l) for a model letter to remove a member) and a replacement for that seat will be sought.

D.1. Grounds for Removal

- ❖ Is convicted of any felony offense;
- ❖ Is found to have violated any of the following laws or regulations promulgated thereunder: the National Marine Sanctuaries Act, Marine Mammal Protection Act, Migratory Bird Treaty Act, Endangered Species Act, Magnuson-Stevens Fishery Conservation and Management Act, or another environmental law for which NOAA or another federal agency has jurisdictional responsibility;
- ❖ Is found to have violated state environmental laws or regulations promulgated thereunder in the state in which a sanctuary is located;
- ❖ Is found to have violated national or state laws or regulations (in a state within the region in which the sanctuary is located) protecting cultural resources;
- ❖ Is determined to have abused his or her position as a member of the council (including but not limited to use of council information for personal gain; use of council position to advance a personal agenda or to harm another member of the council or of the community; misrepresentation of, or spreading misinformation about the council or the sanctuary; and refusal to recuse himself or herself if so requested by the sanctuary superintendent and/or chair in a matter in which the member has a conflict of interest);
- ❖ Has a change to the professional affiliation(s) and/or personal circumstances that comprise a significant portion of that member's qualifications for being a member of the council;
- ❖ Misses a consecutive number of meetings (as defined by each charter) without reasonable justification; or
- ❖ Disrupts on more than one occasion council meetings in a manner that interferes with the council conducting its business.

D.2. Warning System

A warning system may be instituted at each site so that removal becomes the final option, unless the situation is severe enough to warrant immediate removal. Violations of the grounds above must be carefully documented in order for the warning system to work. The system, if implemented, should operate in the following manner:

- ❖ First incident: Verbal warning from sanctuary superintendent (in consultation with chair).
- ❖ Second incident: Written warning from sanctuary superintendent (in consultation with chair).
- ❖ Third incident: Removal.

D.3. Governmental Agency Removal/Replacement

If a government agency representative fails to attend a certain number of consecutive council meetings (specified in the council charter), the agency may be removed. A government agency may also decide to withdraw from the council. In either case, the sanctuary superintendent is authorized to invite, with the Director's approval, another government agency to replace it on the council.

Agency representatives are expected to hold themselves to the same standards of conduct as non-governmental members and are subject to the same grounds for removal. If the representative of a government agency is problematic, the council may request the government agency replace its

representative. The same or similar warning system as that developed for non-governmental members may be used to help document a problem to take to the agency of the problematic member.

E. Council Meetings

E.1. Full Council Meetings

The main way to meet with a council is through a regularly scheduled, formal council meeting. (Part IV, Appendix 5 for a model press release to announce a council meeting) The council is limited to a maximum of one such meeting a month (the meetings should only be in different months, they do not have to be precisely 30 days apart), although provisions are made for emergency meetings. The council of an operational sanctuary must meet at least once every six months. Meetings are open to the public and material discussed in council meetings is public, so discretion should be exercised as to information presented during council meetings. Timely notice of each council meeting, including the time, place and agenda of the 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. It is recommended that a minimum of 15 calendar days notice be given. This requirement shall not apply to workshops scheduled by the council to address strategic planning, administration, training, teambuilding or specialized technical issues. The council may not vote on any agenda item for which notice was not provided. Meetings should be held in various portions of the region adjacent to the sanctuary to ensure there is adequate access for interested or affected members of the public; meeting facilities need to be in compliance with the Americans with Disabilities Act. Members of the public must be given an opportunity to provide written or oral comments at the meeting on items on the agenda. Meeting minutes, not verbatim transcripts, of each meeting are to be kept by the ONMS staff. The sanctuary superintendent, in consultation with the chair, schedules meeting times, locations, and agendas. It is useful to plan meetings a year in advance so members can plan accordingly.

Seeking consensus over voting is recommended when possible. In its most literal sense, "consensus" means that everyone in a group "consents" to the same decision or course of action. It does not necessarily mean that each one consents with the same degree of fervor. Implied is a commitment to support and not undermine the council's efforts on the issue under consideration in any way. In efforts to reach consensus, all voices should be heard and creative solutions should be sought to resolve issues and craft advice that encompasses the diversity of viewpoints.

A member may occasionally abstain from a vote, after providing an explanation and justification which must be approved by the rest of the council.

Public interaction with council members during council meetings should be limited to public comment periods, breaks and before and after meetings. This is intended to limit interruptions and distractions.

The ONMS recommends the sites provide council members the meeting agenda and advance notice of council meeting action items at least 10 days prior to the meeting. Agenda items that are expected or designed to bring about a council "action" (i.e. a vote, a letter or other conveyance of advice to the sanctuary superintendent) should be clearly identified as such. Agenda topics that may result in a council action should be labeled as "possible" action items. Council members should be encouraged to carefully review the draft agenda and prepare accordingly for expected or possible action items. The more prepared council members are, the more productive the meeting will be.

E.2. Emergency Meetings

Emergency meetings may be held at the call of the chair or presiding officer and the sanctuary superintendent. The “emergency situation” is defined by the sanctuary superintendent and the chair or presiding officer. During these exceptional circumstances, it is permissible to provide less than 15 days notice for the meeting provided the reasons for doing so are included in the notice, but reasonable notice under the circumstances must be given.

Emergencies could range from a situation where there is an oil spill and immediate input is needed, to an issue of a significant nature that arises between council meetings but the deadline for input is before the next scheduled meeting.

An emergency meeting may be a good time to employ multiple technologies to facilitate the meeting. For example, within certain parameters the meeting may be conducted by teleconference as described Part II, F8.

E.3. Canceled Council Meeting

In the event a regularly scheduled and already advertised council meeting must be canceled at the last minute due to fires, weather-related or natural disasters, or other emergencies, every attempt within reason must be made to notify the public of the cancellation (email notifications, posting on website, radio announcements, etc) prior to their arrival at the meeting venue. Post notices on the doors of the meeting venue for those who miss the other notifications. If possible, provide the date and location of the rescheduled meeting in the communication notifying individuals of the cancellation.

E.4. Greening the Meetings

ONMS recommends implementing “green” practices into all of the council meetings. Incremental steps can be taken initially with more implemented over time. Suggestions include: utilize only real china, mugs and glasses; carpool or bike to meetings; select green items for the council; recycle, recycle, recycle; provide organic, sustainable, locally grown food (as appropriate); reduce and/or eliminate the amount of paper used for the meeting. Internet meeting technologies such as WebEx can also be used to enhance council communication ability, particularly for subcommittee and working group meetings (Part II, Section F8, Employing Multiple Technologies for Meetings).

E.5. Council Retreats

Occasions might arise when a council will want or need to conduct activities that do not require or would not be of interest to the general public. Sanctuaries and councils should use caution in determining to hold a retreat, as it is generally desirable to the ONMS to have public attendance and participation (as appropriate) at council meetings. Retreats cannot be used for any purpose that might require qualitative deliberations among council members (e.g., comments on an important public document or project), or that would lead to a vote or recommendation to the sanctuary superintendent. No voting actions may be taken at such retreats. Activities that are usually appropriate for a retreat are:

- ❖ strategic planning for advisory council operations;
- ❖ internal communication and team building;
- ❖ problem resolution relating to advisory council operations;
- ❖ brainstorming;

- ❖ training (including bringing new members up to speed);
- ❖ development of an annual operating plan or work plan for council activities; and
- ❖ council member recognition and appreciation.

Planning Effective Retreats

A number of councils hold retreats on a regular basis. In order to increase the usefulness and enjoyment of retreats, the following guidelines are provided, based on the experiences of several different sites.

- ❖ **Goals:** Very early in the planning process, ensure the goals of the retreat are clear and well-understood by all participants in order to obtain the results sought by the council and sanctuary. Every participant should be aware of his or her specific roles and responsibilities.
- ❖ **Participants:** It has proven useful to have as many sanctuary staff, council members, and council alternates as facilities and funding allow participating in retreats. This helps build and foster strong working relationships between council members, but also between council members and staff.
- ❖ **Participant Investment:** The retreat will only be successful if the participants believe and fully participate in the planned activities.
- ❖ **Retreat Format:** Treat the retreat as a special event, not a regular council meeting. The retreat should be planned in order to achieve the goals laid out for it, but must also be enjoyable. Trying to over-plan and crowd the meeting with too many work activities will likely lead to an unsuccessful retreat. Thought should be given to how the meeting is conducted, whether by sanctuary staff or external facilitators. If training is to be conducted, the style and quality of trainers should be considered. Care should also be given to the quality of presenters and presentations, if any.
- ❖ **Retreat Location:** Retreats tend to be more successful if they are conducted outside the normal office or meeting locations. The proximity of the retreat location to most of the participants' homes or offices is also important (both for their ease of travel as well as the costs to the sanctuary).
- ❖ **Retreat Scheduling and Duration:** Retreats should be planned well in advance to allow maximum participation by sanctuary staff and council members. Duration must also be carefully chosen; council members are likely balancing family and business obligations with the need or desire to attend the retreat. A retreat that extends beyond one day will incur lodging expenses for participants. In general, retreats should probably not extend beyond two days.
- ❖ **Cost Considerations:** Costs of the retreat should be balanced against the need for the retreat. Costs that could be incurred include travel (mileage, per diem, and hotel expenses), meeting rooms, and facilitators/trainers (if used).
- ❖ **Retreat Follow-Up:** The retreat must be recorded in some fashion (e.g., notes, photos, slides), including the outcomes and any commitments made by sanctuary staff and council members. Circulate any documents to the participants for review to ensure accuracy. Conduct follow-up on any sanctuary commitments promptly.

E.6. Subunit Meetings

Preliminary work completed by a subcommittee or working group is not forwarded directly to the government, but instead is provided to the sanctuary advisory council for deliberation at an open meeting. The full council must actually deliberate on and not simply rubber stamp the subcommittee or working group's work. As such, subcommittee and working group meetings can be accomplished using multiple technologies (Part II, F8).

Subcommittee Meetings

Subcommittees are not subject to the same provisions as the full council for public notification and number of meetings, although a superintendent can make it so, if desired. Meetings are held as necessary (and may be conducted by whatever approach the members feel is productive) to achieve the stated goals of the subcommittee, which are limited to written reports and/or recommendations to the full council. The council must deliberate over the report and/or recommendations during a public meeting in determining what recommendations to make to the sanctuary superintendent. The council can provide the sanctuary superintendent with any supporting documents such as subcommittee meeting notes or other work products.

Subcommittee meeting agendas, tasks and action items should be developed and led by the subcommittee chair. Sanctuary staff can assist the subcommittee chair in disseminating the agenda and its supporting documents.

Although sanctuary staff members are not required to attend subcommittee meetings, it is strongly recommended that staff attend meetings if possible. It is recommended that staff roles are clearly defined during subcommittee meetings and staff should provide reminders that subcommittees do not directly advise sanctuary staff or the superintendent. Sanctuary staff meeting participation should be limited to meeting logistics, providing or presenting technical information, and/or meeting observation. It is recommended that sanctuary staff can also help feed factual information into a subcommittee report, but the staff should not be an active participant in subcommittee discussions, or offer opinions or agreements to any subcommittee statements or recommendations. A sanctuary staff person can also facilitate the meeting. It is recommended that a subcommittee member record the meeting minutes or notes.

It is very important for subcommittee members to understand that subcommittees do not directly advise sanctuary staff or the superintendent. Preliminary work completed by a subcommittee is not forwarded directly to the government, but instead is provided to the sanctuary advisory council for deliberation at an open meeting.

Working Group Meetings

Working groups are also not subject to the public notification and meeting number provisions of the full council, although a superintendent can make it so, if desired. Meetings are held as necessary (and may be conducted by whatever approach the members feel is productive) to achieve the stated goals of the working group, which are limited to functional areas and discrete issues relative to individual sanctuaries and require written reports and/or recommendations to the full council. The council must deliberate over the report and/or recommendations during a public meeting in determining what recommendations to make to the sanctuary superintendent. The council can provide the sanctuary superintendent with any supporting documents such as working group meeting notes or other work products.

A sanctuary staff person can help identify and recruit working group members. It is also suggested that a

strong effort be made by sanctuary staff and working group members to ensure that all members of the community represented by that working group are aware of its existence and membership. The working group meeting agendas, tasks, and action items should be developed and led by the working group chair. Sanctuary staff can assist the working group chair in disseminating the agenda and its supporting documents.

Although sanctuary staff members are not required to attend working group meetings, it is strongly recommended that staff attend meetings if possible. It is recommended that staff roles are clearly defined during working group meetings and staff should provide reminders that working groups do not directly advise sanctuary staff or the superintendent. Sanctuary staff meeting participation should be limited to meeting logistics, providing or presenting technical information, and/or meeting observation. It is recommended that sanctuary staff can also help feed factual information into a working group report, but the staff should not be an active participant in working group discussions, or offer opinions or agreements to any working group statements or recommendations. A sanctuary staff person can also facilitate the meeting. It is recommended that a working group member record the meeting minutes or notes.

It is very important for working group members to understand that working groups do not directly advise sanctuary staff or the superintendent. Preliminary work completed by a working group is not forwarded directly to the government, but instead is provided to the sanctuary advisory council for deliberation at an open meeting.

F. General Administration and Operation of the Council

F.1. Communication Protocols

One of the most enduring challenges that staff and councils face is that of communication, both internal and external. It is recommended that the below protocols are included in application kits for individuals interested in applying for council seats.

The general guidance provided in this section is for the council as a body or for individuals when they are functioning in their official capacity as members of the council.

The following disclaimer should be used in all documents and written communications from the council: *"The council is an advisory body to the sanctuary superintendent. The opinions and findings of this letter/publication do not necessarily reflect the position of the sanctuary and the National Oceanic and Atmospheric Administration."* As always, members are free to communicate as they wish, with whomever they wish, as private individuals and not as council members.

See additional guidance in Part II, G, Conduct of the Council and Council Members.

Council Member to Council Member

Council members are encouraged to communicate often with each other. The sanctuary should offer them the means to do so, providing, at a minimum, contact information for each member on the council and time at council meetings for members to "network." A sanctuary and council should investigate whether it would be helpful to members if a web site was created for their use. Social events and retreats can also help facilitate good relations and communications. These contacts, however, should not substitute for public

deliberations. If a private conversation has enabled members to move forward substantively on an issue, such a conversation should be recounted at the next open meeting.

Council Member to Constituents

Council members are encouraged to communicate on a regular basis with their constituents, in order to increase their ability to represent their constituents to the sanctuary and vice versa. The sanctuary should assist members in doing so. Depending on member needs and the resources available to the sanctuary, this might include:

- ❖ helping members set up geographic or issue-specific groups;
- ❖ helping members establish regular meetings/forums with constituents;
- ❖ providing sanctuary support for members to help them reach constituents;
- ❖ making time at council meetings for members to report on their constituency outreach efforts; and/or
- ❖ providing training on how to communicate with constituents.

Written communications between council members and their constituents become public when they are introduced at meetings, shared among members, or are given to the government. Any information in the custody and control of the federal government may be subject to FOIA.

Council Member to Sanctuary Staff

Council members should feel free to communicate with any member of a sanctuary's staff, either through the council coordinator or directly by visit, e-mail, or telephone, so long as these communications do not constitute advice from the council to the sanctuary. In the latter case, as a matter of courtesy, the member should notify the council coordinator. Specific site staff members may be assigned to work with the council on certain projects, council subcommittees or council working groups. The sanctuary superintendent and council coordinator should facilitate close working relationships between individual site staff and their counterparts on the council (e.g. staff education coordinator and council education seat, staff research coordinator and council research seat, staff public relations/outreach/media coordinator and the citizen-at-large seat). Social events and retreats can also help facilitate good relations and communications.

In order to enhance communications between councils and sanctuary staff, the ONMS encourages each sanctuary to institute regular methods of communication with the council. Such methods might include:

- ❖ annual presentations by the sanctuary superintendent, perhaps prior to or as part of a retreat to prepare the council's annual operating plan for the coming year;
- ❖ presentations by other site staff;
- ❖ weekly or biweekly meetings or conference calls with the chair and other council officers (e.g., some sites have formed explicit executive subcommittees composed of council officers for this purpose); and/or
- ❖ emails or other updates provided to council members on a regular basis (e.g., monthly) to keep them abreast of projects and issues of concern related to the sanctuary.

Council Communications within a Region

The ONMS encourages cooperation and coordination between councils within regions and between regions by identifying and discussing common opportunities, collaborations, projects and improvements. These communications galvanize our councils to greater effect. ONMS regional staff members play a pivotal role in facilitating and orchestrating these opportunities for cooperation and coordination. Examples include:

- ❖ Conducting quarterly conference calls between the regional director and council chairs, council coordinators, sanctuary superintendents within the region;
- ❖ Planning an annual meeting between council chairs, council coordinators and sanctuary superintendents within the region, budget allowing; and
- ❖ Implementing a quarterly report of major council action items from across the region and sharing it within the region and between regions.

Council to External Parties (Excluding Congress and the Media)

On some occasions, it will be appropriate for the council to communicate with external parties (however, see separate section on communications with Congress and the media below), including local and state agencies and federal agencies other than NOAA. At such times, the communication will probably come about as the result of a motion during a council meeting. Any advice, correspondence or information the council wishes to offer or express beyond the sanctuary superintendent must be voted on and approved by both the council and the sanctuary superintendent prior to sending, and must be sent on council letterhead. At the sanctuary superintendent's discretion, in such cases the council can proceed with one of the following courses of action:

(1) The council may advise the sanctuary superintendent directly and request the advice be forwarded to the appropriate external parties. The council and staff may determine this is the best course of action to allow the superintendent to provide additional context or background, to refer to previous and/or related issues, to increase the understanding and consequent value of the advice, or for particularly sensitive and/or contentious issues.

(2) The council may forward the advice directly to the external parties, with all the caveats aforementioned (i.e., on council letterhead, disclaimer at the bottom, and with the approval of the sanctuary superintendent). The council and staff may determine this is the best course of action in situations where the recipient may place more value and/or credibility in the advice coming directly from a citizen group rather than through a government agency.

The aforementioned written advice, correspondence or information may also be shared orally (e.g. public hearing) by a council member acting in his or her official capacity. The oral comments should ideally be read verbatim or at a minimum highlight only the main points of the written communication approved by both the council and sanctuary superintendent. The council must officially approve the council member's sharing of the written communication prior to it being shared.

Council to Congress

Individual council members are not prohibited from contacting members of Congress as private citizens on their concerns as private citizens. The council may also respond if a congressional member makes an inquiry to the council, after coordinating with the sanctuary superintendent. Subject to the sanctuary superintendent's approval, a council may make a recommendation to NOAA concerning NOAA legislation,

which the agency can then take into account during its own decision-making processes. The agency may also inform Congress of the position taken by one or more councils. Subject to the sanctuary superintendent's approval, councils may also comment on state legislation.

However, there is no authority for the council to advise persons or groups other than the Secretary of Commerce on legislation affecting sanctuaries. Also, NOAA may not request or authorize councils or their members to conduct any activity that would lead to grassroots lobbying (this prohibition is set forth in the Department's annual Appropriations Act and 18 U.S.C. Section 1913). Finally, the activities of council members can reflect adversely on NOAA by creating the appearance that the agency is engaged in such prohibited activities. Therefore, a council may not write directly, or send copies of correspondence, to the U.S. Congress, either at the request of NOAA or on its own initiative.

Council to the Media

ONMS may often rely on the council to help disseminate sanctuary information to the media. When the subject matter pertains to council agenda items (i.e. issues pertaining to the sanctuary), and where the council is communicating as a body or an individual member is speaking for the council with its permission, talking points, a position paper, or other guidance should be drafted by the council and followed to ensure that the council/sanctuary position or information is relayed accurately and consistently. The council should provide a copy of the talking points, position paper, or other guidance to the sanctuary superintendent and council coordinator. A council may, with the concurrence of the sanctuary superintendent, also amend the council charter to include media/communication protocols.

On the other hand, the council and individual members should refrain from discussing issues that do not pertain to the sanctuary. For example, the council should not comment on NOAA- or Department of Commerce-wide issues, and should refer any such question to sanctuary staff for an appropriate response.

Council members acting in their role as private individuals may of course speak to the media about any topic. (Part II, G3, Use of Council Title)

Council to Council

Councils are encouraged to communicate with each other; the best way may be chair to chair. The ONMS facilitates such communication by hosting an annual Sanctuary Advisory Council Summit, hosting an annual Council Coordinator Meeting, creating an annual Council Directory that includes all council member contact information, maintaining a group email for both council chairs and council coordinators, and maintaining a council section on the program's web site.

Council to Regional Director

Councils may communicate with their regional director via letters, resolutions, reports or other means. Such communications should be conducted via the sanctuary superintendent/council coordinator and should have a cover memo from the sanctuary superintendent to the regional director.

Council to ONMS Director

Councils may communicate with the ONMS Director via letters, resolutions, reports or other means. Such communication should be conducted via the sanctuary superintendent/council coordinator and should have a cover memo (Part IV, Appendix 12(m)) from the sanctuary superintendent to the director.

The cover memo (Appendix 12(m)) should:

- ❖ Describe the content of the council communication and the background.
- ❖ Include a statement about the sanctuary superintendent's position on the issue
- ❖ Provide guidance to ONMS HQ on desired outcome:
 - (1) No response needed, the information is being shared as a matter of courtesy;
 - (2) Written response from the Director is required (site must attach a draft response);
 - (3) Receipt of the communication via the Advice Acknowledgement Template is required (site must fill out and attach the template – Part IV, Appendix 13).
- ❖ The site should share such communication packages with their regional director, as appropriate.

Step 1: The council coordinator contacts the National Council Coordinator to ensure appropriate documentation is included in the draft council communication package.

Step 2: The council coordinator finalizes the documents, obtains sanctuary superintendent approval and signatures.

Step 3: The council communication package is shared with the regional director, as appropriate.

- The regional director must be copied on the email sending any council-related action to HQ. This includes FR notices, new member selections, resolutions, letters, etc. This will ensure the regional director is aware of council actions moving through the system.
- It is certainly appropriate to involve regional director more fully in certain high-profile or controversial council actions before submission to HQ. When doing so, these actions must be tracked closely to ensure forward progress; the package comes back to the site for submission to HQ.
- As described in Part IV, Appendix 12(d), the regional director must review and sign off on the completed applications of the selection council members prior to them being submitted to HQ .

Step 4: The council communication package is submitted directly to the National Council Coordinator and council administrative support.

All council-related documents and communications that require HQ response/action must be submitted directly to the National Council Coordinator and council administrative support. This includes resolutions or other actions that need to be forwarded up the chain of command. This will ensure appropriate documentation is included, reviewed by appropriate staff, tracked and responded to in a timely manner (if applicable). If a superintendent wishes to discuss the issue with the ONMS Director prior to submission to HQ, a meeting or phone call should be set up to accomplish this.

The council coordinator should actively track all such aforementioned correspondence through the entire process from start to finish ensuring an accurate and timely response.

Council to NOS, NOAA and the Department of Commerce

Council members may communicate with NOS, other parts of NOAA, and the Department of Commerce via letters, resolutions, or other means. Such communication should be conducted via the sanctuary superintendent and ONMS Director, and should have the appropriate transmittal memoranda. (Part IV, Appendix 12(m), Cover Memo for Council Communications to ONMS Director) Other memoranda transmitting the communication from the ONMS Director up the chain of command should also be included.

Sites should work directly with the National Council Coordinator as described in "Council to ONMS Director" section above, to ensure these communications are appropriately tracked and addressed. The site council coordinator should also actively track all such aforementioned correspondence through the entire process

from start to finish ensuring an accurate and timely response.

F.2. Communication of Council Advice and Dissenting Opinions/Decisions

In order to communicate council advice and to document council majority and minority dissenting opinions to the sanctuary superintendent and the ONMS Director, the following protocol was developed.

- ❖ The sanctuary superintendent requests advice on a specific issue from the council.
- ❖ The council presents the majority opinion to the sanctuary superintendent in written form, and when appropriate includes any minority/dissenting opinions in that written communication.
- ❖ When the sanctuary superintendent makes a decision on the issue:
 - a. If the sanctuary superintendent concurs with the majority council opinion no action is necessary; however, the council may be notified in writing, over e-mail, or verbally as a courtesy.
 - b. If the sanctuary superintendent dissents from the council majority opinion, the sanctuary superintendent should document this difference of opinion in writing with a short narrative describing the rationale behind the decision. This written decision should be forwarded to the ONMS Director for his review and acknowledgment. (Part IV, Appendix 13, Advice Acknowledgement Template)

This protocol is optional and should only be used for significant or important issues.

F.3. Seat Equality

It is the policy of the ONMS that each seat is considered to be equal on the council for all purposes, including voting (with the exception of ex-officio seats which cannot vote) on council resolutions and providing input to the sanctuary superintendent. This encourages broad participation across the council by assuring each member that his or her voice is equally important to the sanctuary. Moreover, the ONMS seeks consensus from the council on issues the council addresses. Consensus advice involves general agreement among members acting as a group to pursue common objectives. This requires full input from all members acting as equals and precludes any suggestion that some votes would or could be more influential than others. This policy helps ensure that the consensus the ONMS hopes councils will achieve is in fact attainable.

F.4. Protocols/Bylaws

Several councils have developed detailed bylaws or protocols, in addition to the requirements contained in the charter, to govern the operation of the council. Examples include protocols that address procedural items such as how meetings are conducted, correspondence drafted, or topics addressed. This level of detail is probably not necessary at all sites.

Most advisory councils have adopted a modified version of Robert's Rules of Order for conducting meetings. It is the policy of the ONMS that Robert's Rules of Order or any other protocols may be set aside as a sanctuary superintendent and chair determine necessary in order to facilitate or expedite council business.

F.5. Anonymous Voting

Anonymous voting is not allowed. For transparency reasons, council voting (with the exception of council officer elections) must be conducted in a forthright manner such that the public knows who voted which way on the council. Council members represent certain constituent groups (e.g. fishers, divers, etc) and the individuals that make up those constituent groups will want to know how a particular council member is voting, and by extension, if the council member is adequately representing the constituent group.

F.6. Proxy Voting

Because a council is a deliberative body, the discussions and interaction of council members with each other, ONMS staff, and the public are as important to the ONMS as the act of voting. Members should be able to attend and participate in most if not all meetings. In the absence of a member, his/her alternate may vote. If both a member and his/her alternate will be absent from a meeting where a vote may be taken, it is permissible for the member or alternate to participate and vote by telephone (See Part II, F9). The ONMS therefore does not permit proxy voting.

F.7. Non-Voting Seats

Some sites/councils may choose to establish non-voting seats on the council. Although non-voting governmental seats are much more common, it may also occasionally be appropriate to establish a non-voting, non-governmental seat.

Non-voting governmental members do not have a role in forwarding council recommendations to the sanctuary superintendent and other actions that might require a vote. At the sanctuary superintendent's discretion, the non-voting governmental member is allowed to make motions, second motions, raise issues, suggest resolutions, and otherwise fully participate on the council, with the exception of voting. Note that non-voting members (with the exception of the sanctuary superintendent and/or their designee) may nominate individuals for council officer positions, may vote during officer elections, and may serve as a council officer.

It may occasionally also be appropriate to have a non-voting, non-governmental seat. The non-voting youth/student seat is one example of such a seat. Non-voting, non-governmental members operate under the same parameters as non-voting, governmental members. The non-voting, non-governmental members do not have a role in forwarding council recommendations to the sanctuary superintendent and other actions that might require a vote. At the sanctuary superintendent's discretion, the nonvoting member is allowed to make motions, second motions, raise issues, suggest resolutions, nominate individuals for the council officer positions and otherwise fully participate on the council, with the exception of voting. Note that non-voting members (with the exception of the sanctuary superintendent and/or their designee) may nominate individuals for council officer positions and may vote during officer elections. The youth/student council member may not serve as a council officer.

ONMS representatives that sit on the councils in a non-voting capacity (i.e. sanctuary superintendents or their designees) have a much more limited role than other non-voting members. They are allowed to participate in discussions, but that is the extent of their participation.

F.8. Multiple Technologies for Meetings

All meetings must comply with public notice and other legal requirements that govern traditional face-to-face meetings, but it is also useful to employ multiple technologies, if available. It is acceptable to conduct a meeting by teleconference, post the information that is being discussed on the internet, and provide a

dial-in number for the public. This would allow the public to listen to the discussion and follow along in the materials. The dial-in number serves as the “virtual meeting,” and the website provides the “virtual handouts.” Meetings may be held by video conference, with the materials being discussed posted on the internet. Meetings may also be held using an internet meeting technology such as WebEx, especially in combination with a conference line.

The ONMS recommends posting virtual handouts a minimum of 48 hours in advance of the meeting to allow the public adequate time to access and review the documents. If one set of virtual handouts have already been posted and have to be replaced by an updated set of handouts, the ONMS recommends posting BOTH sets of documents with an explanation and directing the public to the appropriate set. The situation should also be highlighted at the beginning of the virtual meeting.

The ONMS can provide telephone conferencing by providing a toll free call-in number but cannot cover costs such as private or cellular phone bills, satellite time from a vessel or plane, or other related costs. Individual sites will provide the call-in numbers, arrange the calls, and cover the costs for their council.

The ONMS places a high value on the discussions and interactions of council members. So while it is permissible, at the sanctuary superintendent’s discretion, to employ multiple technologies on an occasional basis to enhance council communications, such as to facilitate an emergency meeting, they should not replace regular council meetings. These technologies can and should be utilized much more frequently for subcommittee and working group meetings.

F.9. Individual Telephone Participation and Voting in Council Meetings

As discussed above, the ONMS places a high value on the discussions and interactions of council members. Telephone participation and voting by individual council members may also be permitted on a very occasional basis (e.g., one time a year per member); it should not in any way substitute for the normal in-person participation of a member. The ONMS can provide telephone conferencing by providing a toll free call in number but cannot cover such costs of private or cellular phone bills, satellite phone time from a vessel or plane, or other such costs. Individual sites will provide the call-in numbers, arrange the calls, and cover the costs for their council.

Telephone conferencing should not become a normal part of council meetings but may be provided at the sanctuary superintendent’s discretion in response to a request from a member. This should only be used as a last resort if both the member and the alternate cannot physically attend a meeting. It is also expected that the member would participate fully in the meeting and not just call in to vote.

F.10. Audio and/or Videotaping of Council Meetings

Though there is a legal requirement under Section 315 of the NMSA for council meetings to be open to the public, there is no requirement under the NMSA that would obligate the ONMS to allow audio or video taping of council meetings. However, since the meetings are open to the public, there is no reason to stop anyone from taping a meeting unless such taping constitutes a disturbance or disruption that prevents the council from completing its business. It is left to the discretion of the sanctuary superintendent and council to determine what constitutes such a disturbance or disruption. If such a disturbance or disruption occurs, the sanctuary superintendent or chair may request that such taping be halted. If the disturbance or disruption continues, the superintendent or chair may ask the person responsible to leave the meeting.

F.11. Youth Shadowing/Mentoring Program

Three options exist for engaging youth in the sanctuary advisory council: (1) a youth seat (Part II, B4 and C3); (2) a youth working group (Part II, E6); and (3) a youth shadowing/mentoring program. There may also be other creative options identified by a council to involve youth. The shadowing/mentoring program is the most flexible and least staff-intensive way to involve youth. Sanctuary staff can work with schools to encourage mentoring opportunities for an entire class, specific academic clubs, or a single student wishing to conduct a project. The shadowing can encompass a single council meeting with an entire class or multiple meetings with an individual student. In either case, sanctuary staff should dedicate some time before, during and/or after the meeting to meet with the students, and also set up some one-on-one time for the students and one or more council members. Because the trips to the council meetings would likely be conducted under the auspices of the school, only school field trip forms/permission slips would be necessary. A teacher and/or chaperones should also accompany the student/s.

F.12. Meeting Minutes

Final minutes of each council meeting must be made available to the public, either upon request or by posting to a web page or listserv. Draft minutes that have not yet been finalized should be generally available to members of the public upon request as well.

F.13. Management of Resolutions and Other Action Items

Council meetings may generate a number of resolutions and other action items that will require tracking and follow-up actions. Sanctuaries should develop organizational frameworks that fit their own needs to track and follow-up on action items.

For councils that are particularly active, the number of such actions may be large and there may be difficulty tracking/completing all the action items coming out of meetings. In such cases, a sanctuary may wish to consider having more than one staff member coordinate or support the council. Other alternatives that might be considered include defining specific duties for the council secretary, such as tracking resolutions and other action items during a meeting, that will assist the coordinator or working with the chair and superintendent to determine how to deal best with action items (e.g., not every item needs to be a resolution and/or the superintendent may ask that members interested in drafting letters take on that responsibility rather than relying on sanctuary staff to do so).

ONMS recommends that final resolutions or other actions be on council letterhead and include a date for a time reference. If a council passes a resolution on a topic and over time the council's position changes, the council should pass a resolution to reflect the new position and specifically refer to the previous resolution/position.

The resolution or other actions should be posted on the sanctuary's website and recordkeeping should be set up in a way that allows for continuity as staff turns over.

When follow-up on a particular item is necessary at the ONMS headquarters level, refer to the Communications Protocols (Part II, Section F1) of this document for details.

When a council passes a resolution or writes a letter to be sent above the ONMS Director's level, it must be routed through headquarters. ONMS headquarters will move the document through the appropriate channels (Part II, Section F1).

F.14. Annual Council Work Plan

Councils and sanctuaries may both be eager to involve a council in many aspects of sanctuary operation, but having a council try to do too much does not make the best use of members' commitment, time, and energy; and usually is of little benefit to the sanctuary. It is best for the sanctuary and council to develop an annual council work plan to outline and come to agreement on the issues and projects the council will focus on for the coming year. Annual work plans for the council should mirror the priorities the sanctuary has identified for itself. Work plans can be developed during a retreat or a subcommittee can work with sanctuary staff to draft the document.

Although the charter outlines the general roles of a council, the ONMS strongly encourages each sanctuary and council to prepare an annual council work plan because:

- ❖ Councils are constantly wrestling with the question of what their role is;
- ❖ Having a council work plan consistent with the sanctuary annual operating plan helps ensure the council is focusing on items of most assistance and value to the sanctuary superintendent and ensures the most effective use of council time and ONMS resources;
- ❖ Laying out a schedule for the upcoming year requires the sanctuary superintendent and the council to set deadlines for activities when council input is needed (e.g., for special events or projects) and also allows members to plan around their personal schedules; and
- ❖ Preparing a council work plan allows each council to share information with their colleagues on other councils, increasing communication and idea exchange among them.

Many sanctuaries already do some kind of council work plan or have elements of it in place (e.g., annual schedules or annual priorities), so taking the next step to an articulated annual council work plan should not be onerous. The sanctuary and council should first decide on a format that works best for everyone. Granting that flexibility must be maintained for unforeseen events and "fire drills," the following guidance is provided on how a sanctuary and a council might prepare an annual work plan:

- ❖ The sanctuary provides information to the council about its activities, products, and outcomes for the coming fiscal year.
- ❖ Council members raise additional tasks or roles they have an interest in addressing as a body in the coming fiscal year.
- ❖ Sanctuary staff and council members jointly determine the most appropriate tasks or roles for the council and formulate a rough schedule with assignments and deadlines (perhaps during a retreat).
- ❖ Sanctuary staff and council members identify additional activities and important dates such as regular council meetings and special public events.
- ❖ The information generated by the previous steps is formatted into a work plan that mirrors the sanctuary annual operating plan and is provided to everyone for review.
- ❖ The council work plan is finalized and made available to the public.

F.15. Council Annual Report

The ONMS strongly encourages each sanctuary and council to prepare a concise annual report. An annual report should serve several purposes:

- ❖ Serve as a record of the council's accomplishments;

- ❖ Help identify ongoing or recurrent challenges;
- ❖ Show how effective the council has been in representing the thoughts, concerns, and ideas of the community to the sanctuary superintendent, and vice versa;
- ❖ Demonstrate how the council has contributed to resource protection; and
- ❖ Serve as a vehicle for sharing information and achievements with the public and with other ONMS councils and staff.

F.16. Council Application Records Management

As described in Selection of Non-Government Members (Part II, C2), the ONMS staff should be aware of protecting the privacy of applicants during and after the member selection process. This includes protecting the applications for both selected and non-selected applicants as follows:

- ❖ Council Applications for Selected Applicants: The ONMS should retain and file the applications in a secure location inaccessible to non-staff (e.g. locked filing cabinet or on a secure computer). According to the NOAA Disposition Handbook 100-16(b), these applications should be destroyed by shredding when superseded or when no longer needed for current agency business. For record-keeping purposes, the ONMS recommends retaining council member applications for five years beyond the expiration of their final seat term.
- ❖ Council Applications for Non-Selected Applicants: These applications should either be destroyed by shredding when superseded or when no longer needed for current agency business (according to the NOAA Disposition Handbook 100-16(b)) or retained and filed in a secure location as described above. Applications shall be filed according to the seat applied for. It is useful to have this information to solicit qualified non-selected applicants to apply again when council seats are vacated. For record-keeping purposes, the ONMS recommends retaining council member applications for five years beyond their application date.

F.17. Council Member Service Hours

All voting and non-voting council members and working group members (including non-council working group members), with the exception of federal ONMS employees, are asked to track the hours they spend participating in council work. These are considered in-kind service hours by the ONMS, and the ONMS uses them as one means of measuring community participation in sanctuary management. Note that these participation hours should be just the time spent in council-related functions, and may include such things as hours preparing for and in attendance at council meetings, subcommittee meetings, working group meetings, and retreats, reading emails coming through the council group email list, making phone calls related to the council, attending the annual Sanctuary Advisory Council Summit and talking to constituents about sanctuary advisory council matters, and may be reported as one grand total for the reporting period. They should be reported to the site council coordinator when requested.

G. Conduct of the Council and Council Members

G.1. Council as a Body

The council as a body has a certain prestige and an attendant degree of influence. In most cases this influence will be to the benefit of the sanctuary and ONMS. However, the sanctuary superintendent must take basic safeguards to ensure that each council continues to serve the purposes for which it is established. One such safeguard is the requirement that any written or verbal advice, correspondence or

information the council wishes to offer or express as a body must be voted on and approved by both the council and the sanctuary superintendent prior to sending and must be on council letterhead with the appropriate disclaimer (Part II, F1). This safeguard is intended to ensure that the sanctuary superintendent is aware of what the council is doing, that the council is not purporting to advise other entities or individuals beyond the scope of its legal mandate, and that the council is not purporting to speak for the sanctuary, ONMS or NOAA in an official capacity, as opposed to on its own behalf as an advisory body.

G.2. Individual Council Members

Several basic principles govern the conduct of members of the council (as well as members of working groups who are not members of the council). No member may profit from his or her position; for example, by use of information obtained through the council but not available to the public. No member may seek to influence an issue by invoking his or her council affiliation, outside the context of the council itself (e.g., writing an editorial that expresses a personal opinion but signing it as a council member).

No member may speak for the council as a body unless the full council has approved that member doing so. When speaking to the public or writing about any matter regarding the sanctuary in a document for distribution beyond council membership, the sanctuary superintendent, or sanctuary staff, a member shall clearly distinguish those recommendations, opinions, or positions officially adopted by the council as a body from those he or she may have as an individual. In no case shall a member represent individual opinions as those of the council, the sanctuary superintendent, sanctuary staff, or NOAA.

A member must not use his or her affiliation with the council to solicit the sanctuary's constituents for a personal business or one operated by a close friend, family member, business associate or a corporation or partnership in which the member holds a significant interest. To do so would create a conflict of interest.

A member may not accept gifts because of his or her affiliation with the sanctuary other than when: the gift has no more than token value, it is the normal exchange of hospitality or a customary gesture of courtesy, and the gift could not be construed by an impartial observer as a bribe, pay off or improper or illegal payment. Accepting gifts as a council member in any other manner than outlined here would constitute a conflict of interest.

A member is expected to conduct himself/herself in a civil fashion, showing courtesy and respect to other council members, sanctuary staff and any other individuals present at meetings and retreats.

G.3. Use of Council Title

Service on a sanctuary advisory council is considered service on behalf of the United States Government. Although members of the councils are not federal employees, they are subject to the same restrictions (Part I, D), including the requirement to preserve government resources and to not use their affiliation with the council for personal purposes. With regard to use of a government title, members of advisory councils, like federal employees, should consider their council title the equivalent of government property. Therefore, it should be used only in connection with official and approved government/council activities.

If a council member wishes to write a letter expressing their personal opinions (not those of the council), reference to the member's advisory council title or affiliation with the federal government is inappropriate. Reference to a government title or position in connection with personal activities is permitted as part of biographical information, if other information is also included.

G.4. Conflict of Interest Guidelines

Charter Language

The model Charter in Appendix 1 contains the following language on conflicts of interest: *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 disclose 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 disclosing the interest that would be affected. These same guidelines apply to members of working groups who are not members of the council.*

Additional Guidance

In general, conflicts of interest are present if the potential exists for a member to influence the council's discussion and/or recommendation; it is not necessary that influence take place for a conflict of interest to occur. In any case when a council member believes there to be a conflict of interest, the member may:

1. Directly remove himself or herself from voting on the matter but still participate in the discussion of the matter.
2. Directly remove himself or herself from voting on the matter and discussion on the matter.
3. Allow the council or working group to vote on whether or not, or to what degree the member should be allowed to participate in the matter.

If a member recuses him or herself, an alternate can participate fully in the discussion; the member may remain in the room for the discussion. Because an alternate is only allowed to cast a vote when sitting in for the primary member, the member should state for the record that their alternate is officially sitting in for this vote. The member should leave the room for the vote. When the member returns to the meeting, the alternate simply resumes their role as alternate attending the meeting.

Specific questions or situations should be directed to ethics attorneys at the Department of Commerce at (202) 482-5384.

G.5. Relationship with Friends' Groups and Foundations

In general, councils may work with friends' groups and foundations as they would with any other public organization, including receiving and disseminating information and helping build constituencies in the community. Legal guidance should be sought on a case-by-case basis for specific questions or situations. In general, because councils derive their authority from NOAA and are bound by some of the same provisions that bind federal employees (Part I, D and Part II, G3), councils may not establish or fund a friends' group, and may not endorse one friends' group over another.

H. Council Member Training

The ONMS recommends multiple levels of basic orientation/training when a new council member (either governmental or non-governmental) first joins the council or periodically thereafter for members that have served on the council for a number of years.

H.1. Informational Material

The site should furnish informational material to the member ideally as part of a Site Council Handbook. A three-ring binder with dividers is the most traditional format so items can be added or removed as necessary. However, as sites and councils move to a “greener” way of doing business, providing it in electronic format is efficient as well. The information to provide to new members falls into three categories: national or programmatic, sanctuary-specific, and specialized council information.

National or programmatic information includes such things as:

- ❖ NOAA and ONMS organization charts;
- ❖ the NMSA;
- ❖ ONMS council support documents (ONMS council one-pager, annual report, directory, and handbook);
- ❖ Sanctuary Watch newsletters;
- ❖ the program brochure or other material summarizing the sites of the ONMS, including a map; and
- ❖ other material, such as other ONMS publications or products that other sites have used for their councils, should also be included, if useful to the new member.

Sanctuary-specific information includes such things as:

- ❖ maps of the sanctuary;
- ❖ documents such as brochures that provide a description of the site’s resources and qualities;
- ❖ organizational charts of the sanctuary office;
- ❖ listings of employees, their duties, and contact information;
- ❖ brief descriptions of ongoing sanctuary projects; and
- ❖ recent newsletters, annual reports, or other ongoing publications.

Council-specific information includes such things as:

- ❖ the council charter;
- ❖ contact information and brief biographies of other members;
- ❖ council’s annual report from the previous year;
- ❖ council’s annual work plan;
- ❖ background information on issues and projects currently being discussed by the council;
- ❖ information on the structure of the council, including sitting officers and existing working groups and subcommittees; and
- ❖ future meeting schedule and locations.

H.2. General Orientation

The sanctuary superintendent and/or council coordinator provide a general orientation either one-on-one or with a small group, if a number of new members are starting at once. This will help establish the working relationship between the site staff and the member. The general orientation will introduce the new council members to the ONMS, the site and the council. In particular, staff should review the council charter and the ONMS Council Implementation Handbook (this document).

H.3. Seat-Specific Orientation

The ONMS also recommends a seat-specific orientation which would describe the role and scope of the seat, emphasize the need to continually reach out to the new council members’ constituents, describe how past council members fulfilled the responsibilities of the seat, and highlight tools available to the member to reach out to their constituents. It would be beneficial if the former council member could attend the meeting

or phone in to assist with the training and provide perspective. The ONMS recommends that other site staff, as appropriate participate in this orientation (e.g. education coordinator participates in orientation of council education member, Part II, I for more information).

H.4. Staff Mentoring

The ONMS recommends site staff mentoring of new council members. For example, the new council member filling the research seat should meet and have a close working relationship with the site's research coordinator. The sanctuary superintendent and council coordinator should facilitate and foster these sorts of relationships. (Part II, Section I)

H.5. Constituent-Building Tools

The site should provide all council members with a basic package of informational materials (brochures, fact sheets, maps, access to powerpoints, etc) and training on how best to utilize the tools to facilitate their constituent-building. The ONMS recommends the site outreach and/or communications staff member participates in this component of the training. (Part II, Section I)

H.6. Council Member Mentoring

A new member might also be "assigned" to a veteran member of the council, who would serve as a mentor and be available for any questions a new member might have.

H.7. Additional Training

Beyond the basic training offered to all new members, council members should be offered additional training when possible. Such training might include courses on working with the media, meeting facilitation, mediation, conflict resolution, and consensus building. Regional or national opportunities may also be available to provide such training.

I. ONMS Support of Councils

I.1. All Site Staff

It is recommended that all site staff attend and participate as appropriate in the council meetings. Staff members should provide presentations on agenda topics (e.g. the research coordinator should be actively engaged if the council is working on ocean acidification issues), staff working groups and subcommittees, and "mentor" appropriate council members (e.g. a site education coordinator should have a close relationship with the council education seat). The sanctuary superintendent and council coordinator should facilitate close working relationships between council members and site staff. (Part II, H)

I.2. Sanctuary Superintendent

The sanctuary superintendent and council coordinator will most directly support the council. The superintendent's role is described in detail throughout this Handbook. The council coordinator role is described below.

I.3. Council Coordinator

The sanctuary determines the amount of council coordinator and other staff support necessary for the council to carry out its duties. Councils are labor- and resource-intensive, and become more so with increasing numbers of subcommittees and working groups. It is recommended that at least one full-time

sanctuary staff member serve as the coordinator for the council; however, larger or more active councils may need more than one staff person dedicated to the council. Council coordinators who also serve in other demanding staff roles may need the assistance of a council liaison to handle the meeting logistics and minutes. Understanding that the duties of a coordinator will vary slightly from site to site, in general a council coordinator may be expected to perform the following tasks:

Council Meetings and Retreats

- ❖ Meet with council chair and superintendent to develop the agenda;
- ❖ Secure meeting location, equipment and other logistics for council, working group and subcommittee meetings, and retreats;
- ❖ Advertise locally for meetings (not necessary for workshops and retreats);
- ❖ Plan for refreshments, as permitted;
- ❖ Send out reminders (email or phone) about upcoming meeting;
- ❖ Prepare materials for meeting and distribute in advance;
- ❖ Set up meeting room;
- ❖ Attend, participate in and facilitate as necessary council, working group and subcommittee meetings, and retreats;
- ❖ Brief council on national council support and other council-related matters at each full council meeting;
- ❖ Interact with council members, field questions and direct members to other staff for additional information, as appropriate;
- ❖ Take notes/minutes of council meetings;
- ❖ Record meeting electronically or by other means, if needed or desired;
- ❖ Conduct meeting follow-up:
 - Draft, distribute, and ensure minutes are approved and posted;
 - Ensure mailings go out;
 - Distribute council communications from ONMS HQ;
 - Track/follow up on action items:
 - Obtain information;
 - Line up speakers;
 - Prepare and distribute correspondence from the council;
 - Prepare and track resolutions; and
 - Develop information for press releases and internal reports.
- ❖ Conduct retreat follow-up:
 - Draft, distribute retreat summary/report.

Council Administration

- ❖ Handle travel expenses, as necessary and as authorized;
- ❖ Work with superintendent, council, and headquarters to revise and/or amend council charter;
- ❖ Recruit new members and alternates as necessary:
 - Draft *Federal Register* notices to recruit new members and alternates;
 - Prepare and publish local notices for new members and alternates;
 - Prepare and provide application kits;
 - Coordinate review of applicants and clearance process for selected applicants; and
 - Facilitate notification of selected and non-selected applicants via a letter from the sanctuary superintendent.
- ❖ Prepare documents as necessary to remove members;

- ❖ Advise the superintendent and council on council operations and requirements;
- ❖ Work with the superintendent to develop an annual budget for council operations;
- ❖ Work with council and superintendent to develop annual council work plan (a subcommittee can develop, develop at a retreat, etc.); and/or
- ❖ Work with council and superintendent to develop council annual report.

Other Council Operations and Communications

- ❖ Meet with council executive committee and sanctuary superintendent periodically to discuss council-related matters (including national council support issues);
- ❖ Meet quarterly with sanctuary superintendent to discuss council-related matters (including national council support issues);
- ❖ Brief all staff, as appropriate, on council-related matters (including national council support issues) during regularly scheduled staff meetings;
- ❖ Facilitate communication between council members, council members and their constituents, council members and staff, and council to council;
- ❖ Work with sanctuary superintendent to identify and facilitate staff “mentors” for council members (e.g. site research coordinator should have close relationship with council research seat);
- ❖ Work with sanctuary superintendent and regional director to facilitate communication and cross-pollination among all councils within a region;
- ❖ Plan, facilitate and/or conduct orientation briefings/training for new council members;
- ❖ Identify problems (ethical, legal, policy) and consult with site staff, council, other coordinators and ONMS headquarters as necessary and appropriate to address them;
- ❖ Monitor potential council charter violations or conflict of interest issues; and
- ❖ Prepare and copy non-meeting related materials for the council.

National Level Support of Councils

- ❖ Facilitate communication between ONMS HQ, site staff and council, as appropriate;
- ❖ Assist national council coordinator in planning and hosting the SAC Summit and Council Coordinator Meeting, if held at the site;
- ❖ Meet with delegations (local, national, international, individuals and groups) visiting to learn about advisory councils;
- ❖ Attend annual SAC Summit. Work with council, chair and superintendent to prepare for and provide input on documents related to meeting. Develop and present case study jointly with the council chair;
- ❖ Attend annual Council Coordinator Meeting;
- ❖ Provide site information and input into national level council documents, issues and requests (council handbook, directory, annual report, annual meeting planning, performance measures, congressional and other requests, etc.); and
- ❖ Coordinate with other council coordinators across the program to facilitate communication between and interaction among councils.

I.4. Other Site-Specific Council Support

Council and Council Member Appreciation

Sanctuary advisory council members contribute countless hours of their time to serve on ONMS councils. In return, the ONMS staff works hard to demonstrate to council members that they are appreciated and the work they do is important. Staff members keep council members engaged by involving them in timely, purposeful and relevant matters and passing along information of interest. The staff also ensures the time councils spend taking action (e.g., passing resolutions, writing letters) is well spent, forwarded on to appropriate individuals, responded to in a timely fashion, retained and accessible to the public.

Below is a "toolbox" of other ideas that can be considered and implemented at the sanctuary superintendents' discretion and as budget and staffing allows:

- ❖ Provide monthly updates in between regular meetings
- ❖ Include fun/social aspects to council meetings and retreats
- ❖ Establish routine check-ins with individual seats
- ❖ Invite past members to current sanctuary functions
- ❖ Provide members with a nametag and logo wear
- ❖ Recognize those transitioning off the advisory council
- ❖ Hold an annual council member reunion/event at each site
- ❖ Establish an "award program" for your council
- ❖ Work to find innovative ways to enhance funding for the council

Budget for Council Activities

Neither councils nor working groups have budgets of their own. Instead, the sanctuary provides support to the council as a regular part of its general budget planning and request. Budgets will vary according to site, but may cover the following expenses:

- ❖ stationery bearing the council letterhead;
- ❖ document printing and copying;
- ❖ mailing and distribution;
- ❖ working lunches as appropriate;
- ❖ per diem expenses as appropriate;
- ❖ rentals of meeting facilities;
- ❖ local notice of council meetings;
- ❖ council retreats (transportation, accommodations; etc.); and
- ❖ other miscellaneous costs.

The budget is dispersed at the discretion of the sanctuary superintendent and does not require council review, although the sanctuary superintendent may ask for the input of council members.

Informational Support

The sanctuary superintendent also determines the information resources necessary for the council to carry out its duties. In general, the superintendent should strive to provide as much information as possible to the council; better information will lead to enhanced council advice. The site should also provide training and tools (brochures, powerpoints, maps, fact sheets, talking points, etc) to the council members to facilitate their constituent building. However, any information provided to a council becomes public information; therefore internal deliberative or decision-making documents cannot be provided to a council until such documents have been cleared for general release.

With regard to releasing budget or annual operating plan (AOP) information to a council, the following guidance is provided:

- ❖ prior fiscal years' budgets and AOPs may be released to a council;
- ❖ for the current or upcoming fiscal years, the information contained on Worksheet A of the standard sanctuary AOP format may be released to a council (i.e., summary budget information broken down by object classes such as personnel, printing, travel, etc.); and
- ❖ at the sanctuary superintendent's discretion, for the current or upcoming fiscal years, the project information contained on Worksheet B of the standard sanctuary AOP format may be released to a council (i.e., specific activities and products as broken down by the standard thirteen categories). The budget information contained in Worksheet B, however, should not be released to councils.

Travel Expenses

Members of the council and its subunits serve without pay. Members of the council itself, however, are eligible for travel expenses incurred as a result of attending official council meetings (if authorized). No members of subcommittees, including members who are also members of the council, may receive travel expenses for subcommittee meetings or other activities. No members of working groups, including members who are also members of the council, may receive travel expenses for working group meetings or other activities. No alternates may receive travel expenses for council meetings unless they are filling the seat in the absence of the primary member. All travel expenses are governed by federal travel regulations.

Letterhead

Each council is to have its own letterhead, which is not to include the ONMS, NOS, NOAA, or DOC logo. All correspondence from the council, the council chair, or council members in their official capacities is to be on this letterhead. The council is not to use NOAA letterhead for any purpose. The following disclaimer should appear in all documents and correspondence from the council: *"The council is an advisory body to the sanctuary superintendent. The opinions and findings of this publication do not necessarily reflect the position of the _____ National Marine Sanctuary and the National Oceanic and Atmospheric Administration."*

Business Cards

Members of the council may have business cards, provided that (1) the member is personally responsible for paying the card issuer and (2) ONMS, NOS, NOAA, or DOC logos are not used on the card. If the council has a logo that it uses on its letterhead, that logo may be used on business cards as well.

E-mail Addresses

NOAA cannot provide a NOAA e-mail address for a private citizen (e.g., a council chair) as that would appear that that person was a NOAA employee. However, a general council email address can be set up (e.g., __SAC@noaa.gov) that will direct mail to an appropriate person, such as the council coordinator and/or the chair.

ONMS has established a group email for the council coordinators (ONMSSAC@noaa.gov) and for the council chairs (onms.sacchairs@noaa.gov)

Legal Representation

Historically, lawsuits naming private citizens as a consequence of service on a NOAA advisory committee have been rare. The Department of Justice might provide representation in such a lawsuit if the advisory council member was acting within his or her official capacity. Council members concerned about their personal liability should consult with private counsel.

I.5. National Level Support of Councils

The ONMS Director, Conservation Planning and Policy Division Chief, National Sanctuary Advisory Council Coordinator and National Council Liaison support the councils most directly at the headquarters level. However, many other ONMS Headquarters staff members also periodically play a role in supporting the councils.

PART III: MODIFYING A COUNCIL

A. Revising a Charter

Most charters have a term of three to five years, depending upon the purpose for which the council was established (e.g., a council instituted to help with a designation process would probably have a shorter term than one to provide advice on general sanctuary operation). About six months before the expiration date, the sanctuary superintendent and council coordinator should review the charter, discuss the past operation of the council with council members and with appropriate sanctuary staff on-site and at the national office, review the charters of other sites, and consider what amendments should be made to the existing charter. These amendments should address existing problems or needs of the council. There also will have to be additional changes made to the charter to incorporate “state-of-the-art” items that may have been introduced into charters of other sites since the original charter of a particular site was approved or since the last revision of the council charter. These may include new legal or programmatic requirements, or an innovation that has worked well at another site.

Once all of the changes have been determined, a new draft charter should be prepared. The site should work with the National Council Coordinator on an individual review of the charter to see that it complies with national policy. The charter should then be sent in for final approval by the Director of the ONMS.

(Part IV, Appendix 14 for the Charter Revision Process. Part IV, Appendix 12(a) for a Cover Memo for Charter Approval)

B. Extending a Charter

Occasionally it may be appropriate to extend a charter for a period of time (typically 6 months or a year should be sufficient) prior to a complete review and revision (Part IV, Appendix 12(n), Council Charter Extension Memo). For example, if the council is in the middle of participating in a designation process or a management plan review process, time and resources should be dedicated to these processes rather than a complete revision of the council charter. Completion of the designation and/or management plan revision may also ultimately necessitate some changes to the council that may need to be reflected in the charter. Extending the charter in these circumstances is logical.

There may occasionally also be other valid reasons to extend a council charter for a brief period prior to a complete review/revision: the timing of the council charter expiration and revision process does not mesh with the council meeting schedule, sanctuary staff (council coordinator or sanctuary superintendent) turnover, or other unforeseen circumstances (e.g. tsunamis, hurricanes, office fire, etc). Generally speaking though, if a site plans ahead sufficiently this should not typically be an issue.

Under no circumstances should a council charter be allowed to expire. The council's charter is the instrument by which a council is officially established, providing the scope of the council's responsibilities and serving as the constitution for the council's operation.

. The site should work with the National Council Coordinator on an individual review of the situation and extension memo to see that it complies with national policy. The memo will then be submitted for final approval by the Director of the ONMS.

C. Amending a Charter

In between complete charter reviews/revisions, it is often necessary to amend a council charter (Part IV, Appendix 11, Model Charter Amendment. Part IV, Appendix 12(b), Cover Memo for Charter Amendment Approval. Part IV, Appendix 16, Charter Amendment Process). An amendment is a single page document that contains a new provision or clarifying language of an existing provision that is cleared through the approval process and signed by the Director of the ONMS. The charter (including the amendment) remains in force for the remainder of the charter's original term, and the amendment should be physically incorporated into the body of the charter when it comes up for renewal.

Either staff or the council may identify and suggest potential charter amendments. In either case the amendment should be discussed during a council meeting and have the approval of the sanctuary superintendent.

The site should work with the National Council Coordinator on an individual review of the amendment to see that it complies with national policy. The amendment and memo will then be submitted for final approval by the Director of the ONMS.

D. Filling Vacant Seats

At some point, through either attrition or at the end of a member's term, the sanctuary superintendent will have to fill vacant non-governmental seats. The process to fill vacant seats mirrors that used to choose the original members, with the exception of the preliminary review panel. The sanctuary superintendent will use a subcommittee of council members (e.g., the council officers or other grouping of governmental and/or non-governmental members who are not applying for the vacant seat) to conduct the preliminary review of applications submitted. (Part IV, Appendix 15, Council Member Selection Process)

E. Trouble-Shooting

Councils will not always run smoothly, and problems should be anticipated. In addition to the expected options for solving problems (e.g., one-on-one meetings with council members to deal with individual problems or concerns, or retreats of the full council to deal with wider-scale problems), a sanctuary superintendent might consider a number of other alternatives.

Consulting Other Sites

Chances are that another sanctuary has encountered and resolved the same issue. Making a few phone calls or consulting the national team of council coordinators might provide a tested solution or at least a place to start.

Going Back to the Beginning

If the problem is related to the charter or the process used to develop the council, reviewing the history of the council's establishment might provide some clarification about what was intended with a certain part of the charter.

Amending the Charter

If a problem is caused by or related to something in the charter and the sanctuary superintendent approves, the charter may be amended through a shorter version of the process that was used to draft the charter.

The amendment can include a new provision or clarify language of an existing provision.

Expert Presentation to the Council

Sometimes hearing information from a different perspective may assist in resolving a problem. The sanctuary superintendent may wish to have an expert make a presentation to the council. Examples include legal presentations by GCOS, national priorities from ONMS senior staff and topic-specific presentations by outside experts. The sanctuary superintendent might also wish to consider the use of professional facilitators if issues or problems are severe or highly contentious.

Removing a Member

This is an option of "last resort" and has only been exercised once in the history of the ONMS councils. (Part II, D for information on removing members)

Options for Dealing with Common Challenges

Council coordinators identified the most common challenges encountered in working with councils, as well as some options to address those problems, as follows:

Members are unsure about their roles:

- ❖ hold retreat and query members
- ❖ describe roles of seats in charter or handbook, and in advertising for vacancies

Members are not in touch with constituents:

- ❖ urge members to set up geographic or issue-specific groups
- ❖ urge members to establish regular meetings/forums with constituents
- ❖ urge members to involve constituents in sanctuary events
- ❖ provide sanctuary support to members to help them reach constituents
- ❖ urge members to report on activities to connect with constituents
- ❖ provide training on how to communicate with constituents

Members lose interest in council meetings and activities:

- ❖ incorporate element of "fun" into council meetings and activities
- ❖ encourage staff to make personal connections with members
- ❖ work with the council to set priorities and take ownership of problems/issues
- ❖ set realistic expectations for the council
- ❖ reduce or alter council workload or meetings
- ❖ put mechanisms in place to engage the council during "hot" issues and have less activity on a normal basis

Single or a few members are dominating the council meeting:

- ❖ urge chair to call on and encourage quieter members of council
- ❖ ask chair to keep council meetings focused on agenda items and on time
- ❖ develop (jointly with the council) and post code of conduct at council meetings
- ❖ suggest executive committee (chair, vice chair and secretary) deals with problematic members immediately, outside of council meetings
- ❖ provide for a standardized, multilevel warning system for problematic members and keep track of "incidents"

Public is not sure of or interested in what the council does:

- ❖ create information products that describe the council as a body, the role of each seat, and biographies of members
- ❖ involve council members at sanctuary events
- ❖ urge council members to reach out to constituents and provide support for them to do so

Council does not support sanctuary priorities:

- ❖ educate the council about the sanctuary's priorities during a retreat
- ❖ provide the council with options on how to be involved
- ❖ work with the council to realign its priorities through explanation, alternatives, and, where appropriate, compromises

Council wishes to exceed its authority:

- ❖ create a standard briefing package for sanctuary superintendent to deliver to the council
- ❖ reexamine charter and determine where restrictive language could be "eased" or rephrased in positive terms
- ❖ train superintendents and coordinators in how to deal with strong-minded people

Council focuses too much on process instead of making decisions and taking action:

- ❖ elect a strong chair
- ❖ focus agendas on action items
- ❖ share information related to potential actions and actions well in advance of meeting to allow enough preparation time
- ❖ allow adequate time for discussion and actions during the meeting
- ❖ hold retreat to resolve issues
- ❖ use facilitation or mediation to resolve issues
- ❖ provide training for both council chairs and sanctuary staff

Representation on council is a problem:

- ❖ consider all factors to ensure adequate and accurate representation (e.g., sanctuary goals, size, programs; geography of region; gender and diversity balance); and integrated thinking (i.e., no single issue members)
- ❖ identify alternatives as appropriate, such as an interagency working group instead of governmental members on councils and have government agencies sit as non-voting members
- ❖ regularly review council membership to ensure the membership meets the needs of the sanctuary and the community

Council and sanctuary are not communicating well with each other:

- ❖ provide a sanctuary superintendent's report at council meetings
- ❖ provide a council coordinator report at council meetings
- ❖ provide opportunities for staff members to attend meetings, provide presentations, and mentor council members
- ❖ hold regular meetings among chair or executive subcommittee, sanctuary superintendent, and council coordinator
- ❖ provide training in clear communication techniques, conflict resolution, and group dynamics

Part IV: APPENDICES

- Appendix 1 – Model Council Charter
- Appendix 2 – Model Federal Register Notice to Recruit Members
- Appendix 3 – Model Press Release to Recruit Members
- Appendix 4 – Model Press Release to Announce New Members
- Appendix 5 – Model Press Release to Announce a Council Meeting
- Appendix 6 - General Council Member Application Form
- Appendix 7 – Youth Seat Application Form (14 - 18 years of age)
- Appendix 8 – Youth Seat Permission Slips (14 - 18 years of age)
 - (e) Parent/Guardian Permission Form
 - (f) Waiver of Liability Form
 - (g) Medical Release Form
 - (h) School Administration Permission Form
- Appendix 9 – Youth Working Group Permission Slips (14 - 18 years of age)
 - (e) Parent/Guardian Permission Form
 - (f) Waiver of Liability Form
 - (g) Medical Release From
 - (h) School Administration Permission Form
- Appendix 10 – Model Oath
- Appendix 11 – Model Charter Amendment
- Appendix 12 – Model Cover Memoranda and Letters
 - (a) Cover Memo for Charter Approval
 - (b) Cover Memo for Charter Amendment Approval
 - (c) Cover Memo for Federal Register Notice to Recruit Members
 - (d) Regional Approval Memo for Member Selection
 - (e) Cover Memo for Member Selection Approval
 - (f) Cover Letter for Application Kits
 - (g) Invitation Letter to Government Agency
 - (h) Letter Notifying Selected Members
 - (i) Letter Notifying Selected Alternates
 - (j) Letter to Non-Selected Applicants
 - (k) Member Removal Approval Request to the Director
 - (l) Letter to Remove Council Member
 - (m) Cover Memo for Council Communications
 - (n) Memo for Council Charter Extension
- Appendix 13 – Advice Acknowledgment Template
- Appendix 14 – Charter Revision Process
- Appendix 15 – Council Member Selection Process
- Appendix 16 – Charter Amendment Process
- Appendix 17 – Accessing the Senate Lobbyist Database
- Appendix 18 – Federally Registered Lobbyist Vetting Process

NOTES:

- ❖ Bracketed italic text in documents indicates items to be filled in by sites as necessary. The text in the final document should appear normal.
- ❖ If documents are added and/or updated in between revisions of the Council Handbook (this document), refer to the council section of the intranet (staff only) for the most current version.

Appendix I – Model Council Charter

[site] NATIONAL MARINE SANCTUARY SANCTUARY ADVISORY COUNCIL CHARTER

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 sanctuary advisory councils to provide advice to the Secretary of Commerce regarding the designation and management of national marine sanctuaries. This authority has been delegated to the Director of the Office of National Marine Sanctuaries (director). The director hereby establishes the *[site]* National Marine Sanctuary Advisory Council (council).

This charter provides a background on the Office of National Marine Sanctuaries (ONMS) and the *[site]* National Marine Sanctuary, and describes the objectives and roles of the council's activities, procedural requirements regarding the appointment of council members and officers, requirements for the conduct of council members and meetings, and other requirements. All council activities must be conducted pursuant to this charter.

SANCTUARY ADVISORY COUNCIL POLICY STATEMENT

The ONMS regards the involvement of communities and the development of a stewardship ethic as vitally important to successfully protect sanctuary resources. One key way to achieve this involvement is the formation of sanctuary advisory councils.

Sanctuary advisory councils bring members of a diverse community together to provide advice to the sanctuary superintendent (authority delegated from the Secretary of Commerce and the Under Secretary for Oceans and Atmosphere) on the management and protection of the sanctuary, or to assist the ONMS in guiding a proposed site through the designation process.

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

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

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

OFFICE OF NATIONAL MARINE SANCTUARIES

A national marine sanctuary is an area of the marine or Great Lakes environment of special national, and sometimes international, significance warranting protection and management under the NMSA. As steward of coastal and ocean resources, the National Oceanic and Atmospheric Administration (NOAA) protects and manages sanctuaries through the ONMS.

Vision of the ONMS:

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

Mission of the ONMS:

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

Goals of the ONMS:

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

- Work with the international community to strengthen global protection of marine resources, investigate and employ appropriate new management approaches, and disseminate ONMS experience and techniques.
- Build, maintain, and enhance an operational capability and infrastructure that efficiently and effectively support the attainment of the ONMS mission and goals.

[SITE] NATIONAL MARINE SANCTUARY

[Statement about specific sanctuary]

COUNCIL ROLES

1. The council, in accordance with the NMSA, shall provide advice and recommendations to the sanctuary superintendent regarding the protection and management of the *[site]* National Marine Sanctuary.
2. The council shall draw on the expertise of its members and other sources in order to provide advice to the sanctuary superintendent.
3. Council members shall serve as liaisons between their constituents and/or communities and the sanctuary, keeping sanctuary staff informed of issues and concerns, as well as providing information to their respective communities on the sanctuary's behalf.
4. 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.
5. The council is established to provide advice and recommendations to the sanctuary superintendent regarding the management of the __NMS. 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.
6. The council shall develop an annual work plan, in consultation with and approved by the sanctuary superintendent, to establish an agenda for specific issues and projects the council intends to address.

MEMBERS, ALTERNATES, AND OFFICERS

1. The council shall consist of no more than *[insert #]* voting members, who shall be appointed by the director from among persons employed by federal, state, or local agencies with expertise in management of natural resources, representatives of local user groups, conservation and other public interest organizations, scientific and educational organizations, and members of the public interested in the protection and multiple use management of sanctuary resources. The membership is designed to be balanced in terms of points of view represented, geographic diversity, and advisory functions the council will perform.

2. There are ___ categories of seats for which non-voting members are appointed or selected.

Category A

The sanctuary superintendent may sit on the council as a nonvoting member and shall work with the chair in scheduling each meeting and approving the agenda to ensure each topic is relevant to the sanctuary. Council meetings may not be conducted in the absence of the sanctuary superintendent or his/her designee.

Category B *[AS APPROPRIATE]*

To ensure relevant information exchange among national marine sanctuaries and national estuarine research reserves, the superintendents of the *[site]* National Marine Sanctuary and the *[site]* National Estuarine Research Reserve shall sit on the council as non-voting members.

Category C *[AS APPROPRIATE]*

A non-governmental, non-voting youth/student seat represents the youth segment of the community, defined as ages 14-17. The youth/student member shall be appointed for a term of two years, and may compete for reappointment unless the individual will exceed the age limit during the additional term.

This seat is governed by the same application, nomination and appointment procedures as non-governmental voting seats on the council, and is also subject to the same grounds for removal.

The individual filling the youth/student seat must:

- ❖ Attend a school in the area affected by the sanctuary;
- ❖ Have proven ability to communicate and network with other students within the school and in other schools;
- ❖ Possess an interest in sanctuary resource protection and management;
- ❖ Have experience and/or knowledge regarding public uses and activities in the sanctuary;
- ❖ Be able to travel to and attend council meetings and retreats;
- ❖ Have written permission from parent/guardian;
- ❖ Have written recommendation from one or more teachers;
- ❖ Have written permission from school administration to participate on council; and
- ❖ Be accompanied by a chaperone (teacher/parent/guardian) that attends each meeting with the student and stays for the duration of the meeting.

Category D *[AS APPROPRIATE]*

(i) By virtue of the shared functional responsibilities of federal, state, and local jurisdictions in the implementation of sanctuary-related management, each of the following government entities shall be requested to designate one individual to serve on the council. The following government agencies shall sit on the council as non-voting members:

[list government agencies]

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

(iii) An alternate (from the same government entity) of a governmental council member may attend a council meeting on occasion if the chair and sanctuary superintendent 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.

(iv) If a government entity decides to no longer participate as a member of the council, or fails to attend *[insert #]* consecutive council meetings without reasonable justification and is formally removed by the director, the sanctuary superintendent with approval of the director, shall invite another appropriate government entity to replace that agency on the council.

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

(vi) Governmental members are subject to the same grounds for removal as non-governmental members.

3. There are ___ categories of seats for which voting members are appointed. The following procedures shall govern the application, nomination, and appointment of council voting members.

Category A *[AS APPROPRIATE]*

(i) Governmental (*#* members). By virtue of the shared functional responsibilities of federal, state, and local jurisdictions in the implementation of sanctuary-related management, each of the following government entities shall be requested to designate one individual to serve on the council. The following government agencies shall sit on the council as voting members:

[list governmental members]

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

(iii) An alternate (from the same government entity) of a governmental council member may attend a council meeting on occasion if the chair and sanctuary superintendent 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.

(iv) If a government entity decides to no longer participate as a member of the council, or fails to attend *[insert #]* consecutive council meetings without reasonable justification and is formally removed by the director, the sanctuary superintendent with approval of the director, shall invite another appropriate government entity to replace that agency on the council.

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

(vi) Governmental members are subject to the same grounds for removal as non-governmental members.

Category B

(i) Non-governmental (# members). A representative of each of the following activities, which are integrally affected by the management goals of the sanctuary, shall be selected:

[list non-governmental members]

The non-governmental members are appointed for a term of two (or three) years, and may compete for reappointment. 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 sanctuary superintendent.

[OR USE BELOW LANGUAGE AS APPROPRIATE]

[The non-governmental council members will serve terms varying in length from two to three years, and may compete for reappointment. 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. The council membership recruitment process shall take place twice per year.

Should a non-governmental seat become vacant, the alternate may complete the term or the vacated position will be advertised at the next scheduled recruitment process. The newly appointed member shall serve for a full term beginning on the date of his/her swearing-in by the sanctuary superintendent.]

(ii) Members serve at the discretion of the director. The sanctuary superintendent may recommend to the director the removal of a non-governmental member of the council on any of the following grounds if that member:

- ❖ Is convicted of any felony offense;
- ❖ Is found to have violated any of the following laws or regulations promulgated thereunder: the National Marine Sanctuaries Act, Marine Mammal Protection Act, Migratory Bird Treaty Act, Endangered Species Act, Magnuson-Stevens Fishery Conservation and Management Act, or another environmental law for which NOAA or another federal agency has jurisdictional responsibility;
- ❖ Is found to have violated state environmental laws or regulations promulgated thereunder in the state in which a sanctuary is located;
- ❖ Is found to have violated national or state laws or regulations (in the state in which the sanctuary is located) protecting cultural resources;
- ❖ Is determined to have abused his or her position as a member of the council (including but not limited to use of council information for personal gain; use of council position to advance a personal agenda or

harm another member of the council or of the community; misrepresentation of, or spreading misinformation about the council or the sanctuary; and refusal to recuse himself or herself if so requested by the sanctuary superintendent and/or chair in a matter in which the member has a conflict of interest);

- ❖ Has a change to the professional affiliation(s) and/or personal circumstances that comprise a significant portion of that member's qualifications for being a member of the council;
- ❖ Misses *[insert #]* consecutive number of meetings without reasonable justification;
- ❖ Disrupts on more than one occasion council meetings in a manner that interferes with the council conducting its business; or
- ❖ Violates any term of this charter.

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

4. As each non-governmental seat becomes vacant and the process for selection of a new member (described under Appointments) is conducted, the sanctuary superintendent shall recommend to the director the member and an alternate from among the top three candidates resulting from the review process. The alternate shall have all the rights of the member at such times the alternate is officially substituting for the member. The chair and the sanctuary superintendent shall be notified by the member before an alternate officially attends a meeting. 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.

[OR USE BELOW LANGUAGE AS APPROPRIATE]

4. Members accept the responsibility of attending council meetings. The sanctuary superintendent/director will not designate alternates to serve in their place or to represent them in meetings or at other council activities.

5. (a) Council Officer Elections and Terms

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. The council may elect one member to serve as council secretary. The term of the council secretary is two years (optional for it to be a single year). The council secretary may serve consecutive terms if reelected.

A chair, vice-chair or secretary may leave his/her term to run for another council officer position if desired. If the chair, vice-chair or secretary 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 sanctuary superintendents and/or their designees). Any primary member of the council, including government seats and non-voting seats (with the exception of the sanctuary superintendent and a youth seat representative) may be nominated and elected as a council officer. Election for all positions is by majority vote of all council members (except sanctuary

superintendents and/or their designees), including the non-voting members, and votes shall be made by written ballot. Alternates may nominate and vote during an election only when the alternate is filling the seat in the absence of the primary member. Members who will not be present at the time of the election may submit their vote in writing to the sanctuary superintendent prior to the meeting.

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

In extraordinary circumstances, if all 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 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 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.

(iii) Council Secretary: The council secretary assists sanctuary staff in performing administrative duties (recording minutes, tracking action items, drafting correspondence, preparing the annual council report, 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 their constituents.

APPOINTMENTS

Public notice shall be provided as to the vacancy of constituent group seat(s) and at-large representatives. Applications for ensuing terms for vacant seats shall be submitted to the sanctuary superintendent directly. Copies of all applications and nominations for each seat will be submitted by the sanctuary superintendent to the preliminary review panel to obtain recommendations on selections. Any council member that has a conflict of interest (financial, personal, self nomination, etc.) shall recuse him/herself from making a selection for the vacant seat. Selection from among those recommended by the council, or from among other applicants or nominees, shall be made by the sanctuary superintendent with the approval 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. In all cases, submission of written statements of particular interest, qualifications, and experience shall be requested. Guidelines for applying shall be supplied at the appropriate time.

ADMINISTRATION

1. Members of the council shall serve without pay except that each member may receive travel expenses including per diem in lieu of subsistence, in accordance with sections 5702 and 5703 of Title 5, U.S.C., for travel to and from official council meetings. No members of working groups (defined below) may receive travel expenses for working group activities or meetings. Travel expenses for 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 sanctuary superintendent 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 sanctuary superintendent.

(b) Decisions (e.g., recommendations) made by the council shall be made by majority vote of those present, provided there is a quorum (more than half of the voting members). A recorded vote may be requested by the chair or the sanctuary superintendent.

(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 sanctuary superintendent.

(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 sanctuary superintendent 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 relevant issue or topic to the sanctuary superintendent. Requests for information, assistance, or advice from the ONMS, other NOAA offices, or other agencies shall be made in writing and be coordinated through the sanctuary superintendent.

(b) Any matter that a council member wishes to raise to the attention of the sanctuary shall be brought to the attention of either the sanctuary superintendent or the council chair so that it might be placed on the agenda as a discussion topic. The sanctuary superintendent and the council chair shall discuss topics for the agenda. The sanctuary superintendent approves a topic to be placed on the agenda.

(c) 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 minutes. Draft recommendations and verbal discussions shall be considered by the sanctuary superintendent 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 sanctuary superintendent 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 sanctuary superintendent, the sanctuary superintendent 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 sanctuary superintendent. If the council does not incorporate information or advice of a subcommittee or working group, it shall inform the sanctuary superintendent and explain in its advice or information the reasons for not incorporating the subcommittee's or working group's advice or information.

3. Conduct of Individual Members

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.

(a) Council members may not use or allow the use of, for other than official council purposes, information obtained through or in connection with their council affiliation that has not been made available to the general public.

(b) When speaking to the public or writing about any matter regarding the sanctuary in a document for distribution beyond council membership, the sanctuary superintendent, or sanctuary staff, a member shall clearly distinguish those recommendations, opinions, or positions officially adopted by the council as a body

from those he or she may have as an individual. In no case shall a member represent individual opinions as those of the council, the sanctuary superintendent, sanctuary staff, or NOAA.

(c) Any council member that has an interest (financial, personal or business interest) in any matter before the council, a subcommittee or a working group shall identify such interest prior to discussion and voting on such matter. No member shall cast a vote on any matter that would provide a direct financial benefit to that member or otherwise give the appearance of a conflict of interest under federal law. An affected member who may not vote on a matter may participate in council deliberations relating to the decision after notifying the council of the voting recusal and identifying the interest that would be affected. These same guidelines apply to members of working groups who are not members of the council.

(d) All council members are expected to conduct themselves in a civil fashion, showing courtesy and respect to other council members, sanctuary staff and any other individuals present at the meeting.

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 sanctuary superintendent 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 sanctuary superintendent. The opinions and findings of this publication do not necessarily reflect the position of the [site] National Marine Sanctuary and the National Oceanic and Atmospheric Administration."*

5. Council Letterhead

The council shall, with the assistance and approval of the sanctuary superintendent, design and use its own letterhead. All correspondence from the chair or other members of the council, or the council as a body, shall be on this letterhead. The council shall not use official NOAA 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 sanctuary superintendent, may establish such subcommittees as necessary to fulfill the council's duties. Subcommittees shall be composed solely of members of the council; at the superintendent's discretion, alternates may also serve on subcommittees. The subcommittee must be chaired by a primary member of the council. Subcommittees shall be recognized as official subunits of the council. Subcommittees are subject to all requirements of this charter. No members of subcommittees, including members who are also members of the council, may receive travel expenses for subcommittee meetings or other activities.

[OPTIONAL LANGUAGE TO INCLUDE IF APPROPRIATE]: A standing subcommittee, the executive subcommittee, will serve as the administrative body of the advisory council and handle such administrative activities as may be appropriate, including, but not limited to, setting time and place of meetings, selecting agenda items, and reviewing meeting conduct. The executive subcommittee consists of the council chair, council vice-chair, council secretary and sanctuary superintendent. The council coordinator will work very

closely with the executive committee. The chair, with concurrence from the superintendent, may also appoint one additional member from the members of the advisory council. The council chair, vice-chair, secretary, and one additional council member appointed by the chair shall also serve as the preliminary review panel for council member selection. Meetings of the executive committee are not subject to public meeting requirements.]

(b) 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 that cannot be accomplished by a subcommittee. Their work will be limited to functional areas and discrete issues relating to individual sanctuaries. Working groups may be composed of members of the council and persons outside the council. Working groups shall be chaired by a primary member of the council and shall function under the purview of the council. At the sanctuary superintendent's discretion and if the full council approves, an alternate member may chair a working group; that alternate shall function under the purview of the council. Working groups established by the council to address specific issues shall disband once the final advice on the particular matter is submitted to the council. No members of working groups, including members who are also members of the council, may receive travel expenses for working group meetings or other activities.

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.

[Name]
Director, Office of National Marine Sanctuaries

Date

Appendix 2 – Model Federal Register Notice to Recruit Members

Note: The FR Notice must be double spaced, courier 12 font, and numbered pages/center bottom.

3510-NK

DEPARTMENT OF COMMERCE National Oceanic and Atmospheric Administration

Availability of Seats for the *[site]* National Marine Sanctuary Advisory Council

AGENCY: Office of National Marine Sanctuaries (ONMS), National Ocean Service (NOS), National Oceanic and Atmospheric Administration (NOAA), Department of Commerce (DOC).

ACTION: Notice and request for applications.

SUMMARY: The ONMS is seeking applications for the following vacant seats on the *[site]* National Marine Sanctuary Advisory Council: *[list seats]*. Applicants are chosen based upon their particular expertise and experience in relation to the seat for which they are applying; community and professional affiliations; philosophy regarding the protection and management of marine resources; and possibly the length of residence in the area affected by the sanctuary. Applicants who are chosen as members should expect to serve *[insert #]*-year terms, pursuant to the council's charter.

DATES: Applications are due by *[date]*.

ADDRESSES: Application kits may be obtained from *[name and address]*. Completed applications should be sent to the same address.

FOR FURTHER INFORMATION CONTACT: *[name, address, phone number, and email address]*

SUPPLEMENTARY INFORMATION: *[whatever other info the site wants to provide (e.g., year established, how many members, major roles and activities of the council, etc.)]*

Authority: 16 U.S.C. Sections 1431, *et seq.*

(Federal Domestic Assistance Catalog Number 11.429 Marine Sanctuary Program)

Daniel J. Basta
Director, Office of National Marine Sanctuaries
National Ocean Service
National Oceanic and Atmospheric Administration

Date

Appendix 3 – Model Press Release to Recruit Members

Note: Refer to press release format guidelines and process on next page.

DRAFT --- DRAFT --- DRAFT

Contact: XXXXXXXXX
PHONE

FOR IMMEDIATE RELEASE
DATE, YEAR

NOAA'S [site] National Marine Sanctuary Seeks Advisory Council Applicants

NOAA's [site] National Marine Sanctuary is seeking applicants for [insert #] primary seats and [insert #] alternate seats on its advisory council, which ensures public participation in sanctuary management and provides advice to the sanctuary superintendent.

[Insert quote / quote example below]

"The members of our advisory council represent an extremely important element of our community," said sanctuary superintendent XXX. "Their input, experience and expertise assist the sanctuary in making informed and timely decisions on how to best manage our wildlife and habits."

The sanctuary is accepting applications for the following seats [insert seats].

Candidates are selected based on their expertise and experience in relation to the seat for which they are applying, community and professional affiliations, and views regarding the protection and management of marine resources. Applicants who are chosen as members should expect to serve [insert #] -year terms.

The advisory council consists of [insert #] primary and alternate members representing a variety of public interest groups. It also includes [insert #] governmental seats representing [insert agencies].

Applications are due by [insert date]. To receive an application kit, or for further information please contact council coordinator [insert name] via e-mail at [insert email], by phone at [insert phone #] or by mail at [insert address], Application kits can also be downloaded from the sanctuary's web site at [insert web address].

[Insert paragraph describing the sanctuary]

NOAA's mission is to understand and predict changes in the Earth's environment, from the depths of the ocean to the surface of the sun, and to conserve and manage our coastal and marine resources. Visit us at <http://www.noaa.gov> or on Facebook at <http://www.facebook.com/usnoaagov>.

#

On the Web:

_____ National Marine Sanctuary: http://_____.noaa.gov

NOAA Office of National Marine Sanctuaries: <http://sanctuaries.noaa.gov>

Press release format guidelines to recruit council members:

- ❖ *Font: Arial, 11 pt*
- ❖ *Single-spaced; double-space between paragraphs*
- ❖ *First line indent: .5 inches*
- ❖ *Margins: 1 inch left/right, .5 inch top/bottom*
- ❖ *Headline: Bold, Title Case*
- ❖ *Blank word document, no letterhead*
- ❖ *DRAFT at top of the page*
- ❖ *NOAA boilerplate language and web addresses must be included*

Press release process to recruit council members:

- ❖ *Use template, fill in blanks, add important information not included*
- ❖ *Format according to above guidelines*
- ❖ *Send to Vernon Smith (vernon.smith@noaa.gov) and cc Sarah Marquis (marquispr@earthlink.net) and site media coordinator*
- ❖ *Clearance will come from Vernon at HQ level*
- ❖ *Final release will come back on NOAA letterhead*
- ❖ *Send out to local media list and sanctuary email constituent list (coordinate with site media coordinator)*
- ❖ *In addition, consider the following:*
 - *Superintendent sends personally with note to individuals that may be good candidates*
 - *Send to community leaders with a note that they forward to good candidates or provide recommendations to the site*
 - *Send to civic groups and organizations with a request they forward to their constituent/membership list*

Press release format guidelines to announce new council members:

- ❖ *Font: Arial, 11 pt*
- ❖ *Single-spaced; double-space between paragraphs*
- ❖ *First line indent: .5 inches*
- ❖ *Margins: 1 inch left/right, .5 inch top/bottom*
- ❖ *Headline: Bold, Title Case*
- ❖ *Blank word document, no letterhead*
- ❖ *DRAFT at top of the page*
- ❖ *NOAA boilerplate language and web addresses must be included*

Press release process to announce new council members:

- ❖ *Use template, fill in blanks, add important information not included*
- ❖ *Format according to above guidelines*
- ❖ *Send to Vernon Smith (vernon.smith@noaa.gov) and cc Sarah Marquis (marquispr@earthlink.net) and your media coordinator*
- ❖ *Clearance will come from Vernon at HQ level*
- ❖ *Final release will come back on NOAA letterhead*
- ❖ *Send out to local media list and sanctuary email constituent list (coordinate with site media coordinator)*
- ❖ *In addition, consider the following:*
 - *Superintendent sends personally with note to individuals that may be good candidates*
 - *Send to community leaders with a note that they forward to good candidates or provide recommendations to the site*
 - *Send to civic groups and organizations with a request they forward to their constituent/membership list*

Appendix 5 – Model Press Release to Announce a Council Meeting

Note: Refer to press release format guidelines and process on next page.

DRAFT – DRAFT--DRAFT

Contact: NAME
PHONE

FOR IMMEDIATE RELEASE
DATE

[site]* National Marine Sanctuary Advisory Council Meeting in *[location, date]

NOAA’s *[site]* National Marine Sanctuary will hold a public meeting of the Sanctuary Advisory Council in *[location]*. Items on the agenda include *[insert here]*. Speakers include *[insert here]*.

WHAT: Sanctuary Advisory Council Meeting

WHEN: *[date]*
[time]

WHERE: *[location]*

WHO: NOAA’s *[site]* National Marine Sanctuary

To receive more information, or to request a meeting agenda, please contact *[name]* at *[contact information]*.

Established in *[year]*, the *[site]* National Marine Sanctuary Advisory Council provides advice and recommendations on managing and protecting the sanctuary. The council is composed of *[insert #]* government and *[insert #]* non-governmental representatives. Serving in a volunteer capacity, the council members represent a variety of local user groups, as well as the general public.

[paragraph describing sanctuary]

NOAA’s mission is to understand and predict changes in the Earth’s environment, from the depths of the ocean to the surface of the sun, and to conserve and manage our coastal and marine resources. Visit us at <http://www.noaa.gov> or on Facebook at <http://www.facebook.com/usnoaagov>.

#

On the Web:

_____ National Marine Sanctuary: http://_____.noaa.gov

Press release format guidelines to announce a council meeting:

- ❖ *Font: Arial, 11 pt*
- ❖ *Single-spaced; double-space between paragraphs*
- ❖ *First line indent: .5 inches*
- ❖ *Margins: 1 inch left/right, .5 inch top/bottom*
- ❖ *Headline: Bold, Title Case*
- ❖ *Put on sanctuary letterhead*
- ❖ *DRAFT at top of the page*
- ❖ *NOAA boilerplate language and web addresses must be included*

Press release process to announce a council meeting:

- ❖ *Use template, fill in blanks, add important information not included*
- ❖ *Format according to above guidelines*
- ❖ *Council meeting announcements do NOT require clearance beyond the superintendent*
- ❖ *cc: Vernon Smith (vernon.smith@noaa.gov) and Sarah Marquis (marquispr@earthlink.net) and your media coordinator when it is sent to the media*
- ❖ *Meeting announcements should go out a week before the meeting, or more to include in community calendars*
- ❖ *Send out to local media list and community calendars of local publications (work with your media coordinator)*
- ❖ *Send out to local media list and sanctuary email constituent list (coordinate with site media coordinator); send out in the body of an email, not as an attachment to the constituent list*

Appendix 6 – General Council Member Application Form

NATIONAL MARINE SANCTUARY ADVISORY COUNCIL APPLICATION FORM

Before applying for advisory council membership, please review the advisory council charter provided in your application kit, and the ONMS 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 - see contact information below). The council charter outlines the purposes and governs the operation of the council; the handbook provides broader operational requirements for councils. In applying for council membership, you are agreeing to abide by the terms of the charter and the handbook if you are selected as a member or alternate. As a part of the selection process, please note the Office of National Marine Sanctuaries (ONMS) will conduct a LEXIS/NEXIS check and a departmental bureau check for potential conflict of interest and other issues in your background. Also review the information provided at the end of this form; it contains important guidance with regard to the information you submit on this form and its availability under federal law.

Council members and alternates must be 18 years of age or older. The complexity of the issues addressed by sanctuaries and councils, the ability to effectively network with all ages of constituents, and the ability to travel to and attend meetings and retreats all necessitate this minimum age limit.

Please note that under federal law, federal government employees are not allowed to sit on the advisory councils in a personal capacity. State employees are allowed to sit on the advisory councils in a personal capacity, but must include letters of support on agency letterhead from their state supervisors.

Please indicate which seat(s) you are applying for, provide your contact information, and respond to the questions below. The ONMS may consider applicants for seats for which they have not applied if the ONMS believes they are qualified for that seat and are willing to serve in it.

The application deadline is [date]. Please return all pages of this application to [fill in with local contact information].

Date: _____

First Name*: _____ Middle _____ Last _____

* Please include full first, middle and last names.

Seat(s) applying for: _____ Agriculture _____ Business/Industry
_____ Conservation _____ Diving _____ Education _____ Fishing
_____ Other Recreational _____ Research _____ At-Large

Home Address: _____

Home Phone: _____

Home Fax: _____ **Home E-mail:** _____

Work Address (include company/organization name):

Work Phone: _____

Work Fax: _____ **Work E-mail:** _____

Please thoroughly address each of the following in an attached statement:

1. Reasons for interest in serving on the council, including a statement of guiding views regarding protection and management of marine or Great Lake resources
2. Formal community and professional affiliations and employment
3. Length of residence in area affected by the sanctuary, and if a year-round or seasonal resident of the area
4. Previous attendance of council and/or working group meetings
5. Particular expertise and experience germane to the goals and uses of the sanctuary, particularly in relation to the seat(s) for which you are applying
6. Description of your views of what the role of the council is, and how you will work to best support the sanctuary while on the council
7. Description of the amount of time you have to devote to council activities (council meetings, subcommittee meetings, working group meetings, council retreats, chairing subcommittee or working groups, reviewing written materials, constituent outreach)

8. Description of how you will coordinate with, consult with, and inform the members of the constituency you will represent
9. Other qualifications or information relevant to membership on the council

The information obtained through this application process will be used to determine the qualifications of the applicant for membership on the sanctuary advisory council. The ONMS intends affirmatively to disclose the applications only to ONMS staff and other members of the review panel. However, the ONMS 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 the FOIA, the ONMS will endeavor to protect the privacy of applicants by withholding personal information such as home addresses and telephone numbers. In contrast, statements of philosophy or opinions contained in the application would likely be released. Applying for membership on the 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 Office of National Marine Sanctuaries, 1305 East West Highway, N/ORM6, 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 03/31/2012

Appendix 7 – Youth Seat Application Form (14 - 18 years of age)

NATIONAL MARINE SANCTUARY ADVISORY COUNCIL YOUTH SEAT APPLICATION FORM

Before applying for advisory council membership, please review:

- (1) the advisory council charter provided in your application kit, and;
- (2) the ONMS 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 – see contact information below).

The council charter outlines the purposes and governs the operation of the council; the handbook provides broader operational requirements for councils. In applying for council membership, you are agreeing to abide by the terms of the charter and the handbook if you are selected as a member or alternate.

As a part of the selection process, please note the Office of National Marine Sanctuaries (ONMS) will conduct a LEXIS/NEXIS check and a departmental bureau check for potential conflict of interest and other issues in your background.

Review the information provided at the end of this form; it contains important guidance with regard to the information you submit on this form and its availability under federal law. Note that the terms “youth” and “student” are interchangeable in this application form.

Students filling the youth seat must:

- ❖ Be a minimum of 14 years of age when they apply;
- ❖ Attend a school, including home schools, in the area affected by the sanctuary;
- ❖ Have proven ability to communicate and network with other students within their school, in other schools within his/her community, and/or with home schooled students.
- ❖ Possess an interest in sanctuary resource protection and management;
- ❖ Have experience and/or knowledge regarding public uses and activities in the sanctuary;
- ❖ Be able to travel to and attend council meetings and retreats (parent/guardian or student provides transportation);
- ❖ Provide written recommendation from one or more teachers; and
- ❖ Serve a maximum of two years, until they reach their 18th birthday, or graduate from high school, whichever comes first.

Once selected, *[insert site]* NMS staff will contact students to provide:

- ❖ Parent/guardian permission*; and
- ❖ School permission*.

* Note: This will grant blanket permission for all council meetings and retreats.

Procedure for Application:

Step 1: Please provide your contact information and respond to the questions below.

Step 2: Have parent/guardian sign to acknowledge he/she is aware of and in support of your application.

Step 3: The application deadline is *[date]*. Please return all pages of this application to *[insert local contact information]*.

Date: _____

First Name*: _____ Middle _____ Last _____

* Please include full first, middle and last names.

Seat applying for: _____ Youth Seat (non-voting)

Home Address: _____

Home Phone: _____

Home Fax: _____

Parent/Guardian E-mail: _____

Student E-mail: _____

Parent/Guardian Acknowledgement:

I acknowledge that I am aware of and support my son/daughter or ward applying for and potentially serving on the *[insert site]* National Marine Sanctuary Advisory Council.

Parent/Guardian Printed Name: _____

Parent/Guardian Signature: _____

Please thoroughly address each of the following:

1. Explain why you are interested in serving on the council.

2. Explain your views regarding the protection and management of marine or Great Lake resources, both natural (fish, coral reefs, etc) and cultural (shipwrecks).
3. Describe what you think the role of the council is, and how you will work to best support the sanctuary while on the council.
4. Describe the unique knowledge and/or experience you offer the council.
5. Include the length of time you have lived in the community near the sanctuary.
6. List other groups you belong to or affiliations you have (e.g. student council, science club, soccer team, hiking club, scouts, employment).
7. Describe how much time you have to give to the council.
8. Describe how you will consult and share information with your peers in the community.
9. Include other qualifications or information that would benefit the council.

Individuals 18 years of age and older are not eligible to apply for the sanctuary advisory council's youth seat, but may apply for other council seats as they become open and are advertised.

The information obtained through this application process will be used to determine the qualifications of the applicant for membership on the sanctuary advisory council. The ONMS intends affirmatively to disclose the applications only to ONMS staff and other members of the review panel. However, the ONMS 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 the FOIA, the ONMS will endeavor to protect the privacy of applicants by withholding personal information such as home addresses and telephone numbers. In contrast, statements of philosophy or opinions contained in the application would likely be released. Applying for membership on the 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 Office of National Marine Sanctuaries, 1305 East West Highway, N/ORM6, 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 03/31/2012

Appendix 8 - Youth Seat Permission Slips (14 - 18 years of age)

Note: Parent and school permission slips will only be completed by students that are selected to serve on the council. Permission slips will not be distributed to all applicants, as it is not desirable for the ONMS to collect that much personal information unless an applicant is selected.

8(a) - Parent/Guardian Permission Form

I hereby give my permission for _____, who attends _____ School to participate on the *[insert site]* Sanctuary Advisory Council as a non-voting youth seat. I understand the purpose of the youth seat is to *[site inserts explanation]*. I understand the *[insert site]* Sanctuary Advisory Council will meet approximately *[insert estimate of the time commitment]*. The meetings are for the full council, in a group setting, and open to the public. A minimum of two *[insert site]* staff members also attend and stay for the duration of each council meeting. I understand that a chaperone (teacher/parent/guardian) is encouraged to attend each meeting with the student and stay for the duration of the meeting.

Student Name: _____

Student Address: _____
Street City State Zip

Date of Birth: _____

Printed name of parent/guardian: _____

Parent/guardian home phone: _____

Parent/guardian work phone: _____

Parent/guardian cell phone: _____

Parent/guardian email: _____

Signature of parent/legal guardian: _____ Date: _____

8(b) - Waiver of Liability Form

I have read the information provided by the *[insert site]* and understand that the *[insert site]* will make every reasonable effort to provide a safe environment. I am fully aware of the dangers and risks involved in participating on the Sanctuary Advisory Council, including physical injury, or other consequences arising from this activity.

I understand that participation in the Sanctuary Advisory Council is voluntary and that, by giving permission to undertake this activity, I voluntarily accept and assume all of the risks associated with participation in the activity.

I acknowledge that, should injury occur in the course of participating on the Sanctuary Advisory Council, the sole legal remedy will be the Federal Tort Claims Act (FTCA), 28 U.S.C. §§ 1346, 2671-2680, that any relief will lie solely against the federal government instead of any individuals, and that any relief may be barred by the application of the FTCA.

I understand that, should I decline to execute this Waiver of Liability, the student named above will not be permitted to participate on the Sanctuary Advisory Council.

Printed name of parent/legal guardian: _____

Signature of parent/legal guardian: _____ Date: _____

8(c) - Medical Release Form

In the event of an accident or illness, I understand that reasonable effort will be made to contact me immediately.

In the event of an emergency or non-emergency situation requiring medical treatment, I do ___/do not___ authorize the *[insert site]* staff to secure emergency medical and/or dental care, as needed, in my absence and until such time as I am contacted. This permission includes but is not limited to the administration of first aid, the use of ambulances, and the administration of anesthesia and/or surgery, under the recommendation of qualified medical personnel.

I accept full responsibility for the cost of treatment for an injury or illness which my child may suffer while participating on the working group.

I have read the information provided by the *[insert site]* and understand that the *[insert site]* will make every reasonable effort to provide a safe environment. I am fully aware of the dangers and risks involved in participating in this activity, including physical injury, or other consequences arising from this activity.

If I am signing on behalf of a minor, I recognize that I may not release any claims the minor may have. However, I understand that the *[insert site]* does not purchase or have medical/dental/hospitalization insurance to cover injuries to or losses of life of minors, or to indemnify parents for expenses in connection therewith, and that such insurance, if desired, must be purchased by me.

Printed name of parent/legal guardian: _____

Signature of parent/legal guardian: _____ Date: _____

Name of preferred physician: _____ Phone No: _____

Name of insurance carrier: _____ Policy No: _____

List any special medical or other information (allergies, asthma, diabetes, etc.): _____

8(d) - School Administration Permission Form

I hereby give permission for _____, who attends _____ School to participate on the *[insert site]* Sanctuary Advisory Council. I understand the purpose of the youth seat on the council is to *[site inserts explanation]*. I understand the council will meet approximately *[insert estimate of the time commitment]*, and may require the student to miss school.

I understand that the parents of the student have granted permission for the student to participate on the *[insert site]* National Marine Sanctuary.

The school grants permission with the understanding that the student will maintain his/her school grades. If the school feels the student's school work is suffering, the school has the right to withdraw its permission to miss school for Sanctuary Advisory Council-related activities.

I understand the school will not be held responsible for any accident or injury that occurs when the student is traveling to or from, or participating on, the *[insert site]* Sanctuary Advisory Council.

School Official Printed Name: _____

School Official Title: _____

School Official Phone: _____

School Official Email: _____

School Official Signature: _____ Date: _____

Notes:

- ❖ *The school may also have additional paperwork that must be filled out for a student to miss school for a council-related activity.*
- ❖ *This form is only necessary if a student will need to miss school for a council-related activity.*

Appendix 9 - Youth Working Group Permission Slips (14 – 18 years of age)

Note: Parent and school permission slips will only be completed by students that are selected to serve on the youth working group. Permission slips will not be distributed to all applicants, as it is not desirable for the ONMS to collect that much personal information unless an applicant is selected.

9(a) - Parent/Guardian Permission Form

I hereby give my permission for _____, who attends _____ School to participate in the *[insert site]* Sanctuary Advisory Council's Youth Working Group. I understand the purpose of the working group is to *[site inserts explanation]*. I understand the working group will meet approximately *[insert estimate of the time commitment]*. The working group will be chaired by a *[insert site]* council member; two adult members from the *[insert site]* advisory council are on the working group and will be present at each working group meeting. A *[insert site]* staff member will also attend and stay for the duration of each working group meeting.

Student Name: _____

Student Address: _____
Street City State Zip

Date of Birth: _____

Printed name of parent/guardian: _____

Parent/guardian home phone: _____

Parent/guardian work phone: _____

Parent/guardian cell phone: _____

Parent/guardian email: _____

Signature of parent/legal guardian: _____ Date: _____

9(b) - Waiver of Liability Form

I have read the information provided by the *[insert site]* and understand that the *[insert site]* will make every reasonable effort to provide a safe environment. I am fully aware of the dangers and risks involved in participating in the Sanctuary Advisory Council's Youth Working Group, including physical injury, or other consequences arising from this activity.

I understand that participation in the Sanctuary Advisory Council's Youth Working Group is voluntary and that, by giving permission to undertake this activity, I voluntarily accept and assume all of the risks associated with participation in the activity.

I acknowledge that, should injury occur in the course of participating in the Sanctuary Advisory Council's Youth Working Group, the sole legal remedy will be the Federal Tort Claims Act (FTCA), 28 U.S.C. §§ 1346, 2671-2680, that any relief will lie solely against the federal government instead of any individuals, and that any relief may be barred by the application of the FTCA.

I understand that, should I decline to execute this Waiver of Liability, the student named above will not be permitted to participate in the Sanctuary Advisory Council's Youth Working Group's activities.

Printed name of parent/legal guardian: _____

Signature of parent/legal guardian: _____ Date: _____

9(c) - Medical Release Form

In the event of an accident or illness, I understand that reasonable effort will be made to contact me immediately.

In the event of an emergency or non-emergency situation requiring medical treatment, I do ___/do not___ authorize the working group chair or *[insert site]* staff to secure emergency medical and/or dental care, as needed, in my absence and until such time as I am contacted. This permission includes but is not limited to the administration of first aid, the use of ambulances, and the administration of anesthesia and/or surgery, under the recommendation of qualified medical personnel.

I accept full responsibility for the cost of treatment for an injury or illness which my child may suffer while participating on the working group.

I have read the information provided by the *[insert site]* and understand that the *[insert site]* will make every reasonable effort to provide a safe environment. I am fully aware of the dangers and risks involved in participating in this activity, including physical injury, or other consequences arising from this activity.

If I am signing on behalf of a minor, I recognize that I may not release any claims the minor may have. However, I understand that the *[insert site]* does not purchase or have medical/dental/hospitalization insurance to cover injuries to or losses of life of minors, or to indemnify parents for expenses in connection therewith, and that such insurance, if desired, must be purchased by me.

Printed name of parent/legal guardian: _____

Signature of parent/legal guardian: _____ Date: _____

Name of preferred physician: _____ Phone No: _____

Name of insurance carrier: _____ Policy No: _____

List any special medical or other information (allergies, asthma, diabetes, etc.): _____

9(d) - School Administration Permission Form

I hereby give permission for _____, who attends _____ School to participate in the *[insert site]* Sanctuary Advisory Council's Youth Working Group. I understand the purpose of the working group is to *[site inserts explanation]*. I understand the working group will meet approximately *[insert estimate of the time commitment]*, but the working group meetings will not require the student to miss school. However, I understand that *[insert number]* times during the school year the student, as part of the working group, may need to attend a day-long *[insert site]* National Marine Sanctuary Advisory Council Meeting, and this will require the student to possibly miss school these days.

I understand that the parents of the student have granted permission for the student to participate in the *[site]* National Marine Sanctuary's Youth Working Group.

The school grants permission with the understanding that the student will maintain his/her school grades. If the school feels the student's school work is suffering, the school has the right to withdraw its permission to miss school for Youth Working Group-related activities.

I understand the school will not be held responsible for any accident or injury that occurs when the student is traveling to or from, or participating in, the Youth Working Group.

School Official Printed Name: _____

School Official Title: _____

School Official Phone: _____

School Official Email: _____

School Official Signature: _____ Date: _____

Appendix 10 - Model Oaths

Note: Use of an oath is optional. The below oaths are provided as examples and may be altered to fit the needs of the site.

Option A:

I *[speak name]* as a duly appointed member (or alternate) of the *[site]* Sanctuary Advisory Council established under the National Marine Sanctuaries Act hereby promise to assist in achieving the sanctuary program mission to conserve, protect and enhance the biodiversity, ecological integrity and cultural legacy of this special underwater place.

I recognize my responsibility to serve as a knowledgeable trustee of the sanctuary's resources and will always be protective of the public interest in those resources. I commit myself to uphold the provisions and standards set forth in the council charter, and shall conduct myself accordingly.

Option B:

I *[speak name]* as a duly appointed member (or alternate) of the *[site]* Sanctuary Advisory Council established under the National Marine Sanctuaries Act hereby promise to assist in achieving the sanctuary program mission to conserve, protect and enhance the biodiversity, ecological integrity, and cultural legacy of this special place.

I promise to assist the *[site]* to enhance public awareness, understanding and wise use of the marine environment.

I recognize my responsibility to serve as a knowledgeable trustee of the sanctuary's resources and will always be protective of the public interest in those resources. I commit myself to uphold the provisions and standards set forth in the council charter, and shall conduct myself accordingly.

Therefore, I promise to serve as a faithful and responsible representative of my constituents and the Sanctuary Advisory Council, being careful to balance competing interests towards the comprehensive and coordinated conservation and management of the *[site]*.

Appendix 11 - Model Charter Amendment

[site] NATIONAL MARINE SANCTUARY
ADVISORY COUNCIL CHARTER

AMENDMENT *[insert #]*

The following revisions are made to the charter as signed on *[date of signature]*, and hereby amended on date of amendment indicated below:

[Section of charter] is revised to read:

[new language]

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

Daniel J. Basta
Director, Office of National Marine Sanctuaries

Date

Appendix 12 - Model Cover Memoranda and Letters

12(a) - Cover Memorandum for Charter Approval

MEMORANDUM FOR: Daniel J. Basta
Director, Office of National Marine Sanctuaries

FROM: *[Name]*
Sanctuary Superintendent

SUBJECT: Approval of the Charter for the *[site]* National Marine Sanctuary Advisory Council

The attached charter establishes the sanctuary advisory council for the *[site]* National Marine Sanctuary. The council consists of the following *[insert #]* members: *[list seats and additional info on council as necessary]*

OR

Attached please find the revised charter for the *[site]* National Marine Sanctuary Advisory Council. The following major changes have been incorporated into the charter *[provide justification if appropriate for any higher profile changes, such as adding new seats]*.

If you approve, please sign the charter where indicated. If you have any questions, please contact me at *[phone number]*.

Attachment

12(b) - Cover Memorandum for Charter Amendment Approval

MEMORANDUM FOR: Daniel J. Basta
Director, Office of National Marine Sanctuaries

FROM: *[Name]*
Sanctuary Superintendent

SUBJECT: Charter Amendment for the *[site]* National Marine Sanctuary Advisory
Council

The attached document amends the charter as signed on *[date]*. The changes are made due to *[include information on need to amend the charter and resulting advantage]*.

If you agree, please sign the amendment where indicated. If you have any questions please contact me at *[phone number]*.

Attachment

12(c) - Cover Memorandum for Federal Register Notice to Recruit Members

MEMORANDUM FOR: Daniel J. Basta
Director, Office of National Marine Sanctuaries

FROM: [Name]
Sanctuary Superintendent

SUBJECT: *Federal Register* Notice to Recruit New Members for the [site] Sanctuary
Advisory Council

Attached for your review and signature is a *Federal Register* notice requesting applications for [seats] for the [site] Sanctuary Advisory Council.

Extensive notice in local media will also be used to inform the public of these vacancies. The [site] will accept applications for the vacancy seats until [date].

Attachment

12(d) – Regional Approval Memorandum for Member Selection

MEMORANDUM FOR: *[Name]*
 Regional Director

FROM: *[Name]*
 Sanctuary Superintendent

SUBJECT: Approval of Members for the *[site]* National Marine Sanctuary Advisory
 Council

This memorandum requests your approval for my recommendations for members and/or alternates to the *[site]* Sanctuary Advisory Council (council). We received *[insert #]* applications to fill *[insert #]* seats on the council. Potential members were recruited on-line, and through a *Federal Register* notice and a variety of other types of outreach: *[list]*.

On *[date]*, the preliminary review panel recommended the top three candidates for each seat. *[additional information about review panel members and meeting as necessary]*

From the top three candidates for each seat as provided by the preliminary review panel, I recommend the following member and alternate for each vacant seat:

[list each seat, member, alternate and their affiliations]

Members will be asked to disqualify themselves from participating in any matter that would have or create the appearance of having a direct and predictable effect on their financial interests.

If you agree, please sign where indicated. If you have questions please contact me at *[phone number]*.

[Name]
Regional Director

Date

Approved

Attachment

12(e) - Cover Memorandum for Member Selection Approval

MEMORANDUM FOR: Daniel J. Basta
Director, Office of National Marine Sanctuaries

FROM: *[Name]*
Sanctuary Superintendent

SUBJECT: Approval of Members for the *[site]* National Marine Sanctuary Advisory Council

This memorandum requests your approval for my recommendations for members and/or alternates to the *[site]* Sanctuary Advisory Council (council). We received *[insert #]* applications to fill *[insert #]* seats on the council. Potential members were recruited on-line, and through a *Federal Register* notice and a variety of other types of outreach: *[list]*.

On *[date]*, the preliminary review panel recommended the top three candidates for each seat. *[additional information about review panel members and meeting as necessary]*

From the top three candidates for each seat as provided by the preliminary review panel, I recommend the following member and alternate for each vacant seat:

[list each seat, member, alternate and their affiliations]

These selectees have also been vetted internally through a lobbyist check and a bureau check within the Department of Commerce and externally through a LEXIS/NEXIS check. No problems were noted.

Members will be asked to disqualify themselves from participating in any matter that would have or create the appearance of having a direct and predictable effect on their financial interests.

If you agree, please sign where indicated. If you have questions please contact me at *[phone number]*.

Daniel J. Basta
Director, Office of National Marine Sanctuaries

Date

Attachment

12(f) - Cover Letter for Application Kits

Dear Friend of the *[site]* National Marine Sanctuary:

We are in the process of *[establishing a new Sanctuary Advisory Council or filling vacant seat(s)]* on our sanctuary advisory council. Beginning immediately, we will accept applications for council membership.

The *[site]* National Marine Sanctuary Advisory Council was established pursuant to Federal law to ensure continued public participation in the management of the sanctuary. *[more info about history of existing council or purpose of new council]*

Enclosed is our sanctuary advisory council application kit, which includes a copy of the council charter and an application form, as well as some information about the sanctuary. Council terms will be for *[insert #]* years.

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 will not be eligible to serve as a member of a sanctuary advisory council. Please contact *[name]* at *[phone number and email]* if you have any questions about this restriction.

We are looking forward to receiving completed applications at our office at *[address]* by *[deadline]*. Applications will be reviewed by a preliminary review panel consisting of *[list members]*. The panel will help us narrow down the number of candidates for each seat to the top three. Of these, a member and an alternate will be chosen, and officially notified of their selection.

If at any point you have a change in circumstance that will not allow you to serve on the council, please notify *[name]* at *[phone number]*. Also, feel free to contact *[name]* if you have any questions about the sanctuary, the council or the council member selection process.

Sincerely,

[Sanctuary Superintendent]

Enclosures

12(g) - Invitation Letter to Government Agency

[Agency]
[Address]
[City, State Zip]

Dear *[Agency]*:

The *[site]* National Marine Sanctuary (___NMS) Advisory Council is being established to provide advice to the National Oceanic and Atmospheric Administration (NOAA) on the management of the ___NMS. The council will also serve as a critical link between NOAA and the community.

The sanctuary advisory council membership include representatives from public interest groups, local industry, commercial and recreational user groups, academia, conservation groups, other government agencies, and the general public *[or insert seats]*. In addition, we would like to have a representative from your agency.

We would appreciate it if the *[agency]* would identify a representative to serve on the *[site]* National Marine Sanctuary Advisory Council. Feel free to contact me at *[phone number]* at your convenience to discuss this matter.

Sincerely,

[Sanctuary Superintendent]

12(h) - Letter Notifying Selected Member

[Name]
[Address]
[City, State Zip]

Dear *[Name]*:

This letter is to notify you that you have been selected to serve as a member of the *[site]* National Marine Sanctuary Advisory Council. In response to your application to represent *[seat]*, we invite you represent that segment of our community on the council. If you accept, your *[length-year]* term will be effective *[date]*. Please advise *[contact]* at *[phone number]* at your earliest convenience if you will be able to accept this appointment.

We anticipate having the next meeting of the council on *[date]* at *[location]*. You will receive additional information prior to that meeting, including *[list]*. *[add any additional information as necessary]* Future meetings will be announced. In the event you are unable to attend a meeting, your approved alternative is *[name]*. *[He/She]* can be reached at *[phone number]*.

We look forward to working with you in the future as we continue together to protect the resources of the *[site]* National Marine Sanctuary.

Sincerely,

[Sanctuary Superintendent]

12(i) - Letter Notifying Selected Alternate

[Name]
[Address]
[City, State Zip]

Dear *[Name]*:

Thank you for expressing your interest in serving on the *[site]* National Marine Sanctuary Advisory Council. We received *[#]* applications to fill *[#]* seats. This made the task for selecting members very difficult. Each and every applicant had something of value to offer as a member of the advisory council. You were chosen as the alternate for the *[seat]* on the council. The member for that seat is *[name]* and can be reached at *[phone number]*. If the member is unable to attend a meeting, you will be asked to attend that council meeting and represent the seat, during which time you will have the full voting rights of a permanent member.

In order to ensure smooth transitions, we ask that you and the member stay in close communication. We encourage you to attend all council meetings as a member of the public to stay abreast of evolving projects and issues. We anticipate having the next meeting of the council on *[date]* at *[location]*. In addition, alternates are also encouraged to attend the council retreats and play critical roles on council working groups.

We greatly appreciate your taking time to respond to our request for applications for membership on the council. We encourage you to continue to take part in sanctuary events and discussions. Your continued support, interest, and advice are most welcome. We look forward to working with you.

Sincerely,

[Sanctuary Superintendent]

12(j) - Letter to Non-Selected Applicant

[Name]

[Address]

[City, State Zip]

Dear *[Name]*:

Thank you for expressing your interest in serving on the *[site]* National Marine Sanctuary Advisory Council. We received *[insert #]* applications to fill *[insert #]* seats. This made the task for selecting members very difficult. Each and every applicant had something of value to offer as a member of the council. We regret to say that you were not selected to serve on the council. However, there are many other ways to be a part of the sanctuary community, and we sincerely hope you will consider some of these alternatives.

The council meetings are open to the public; we encourage you to attend and participate. Interested members of the public may also serve on appropriate council working groups. *[list other ways as appropriate]*

We greatly appreciate your taking time to respond to our request for applications for membership on the council. We encourage you to continue to take part in sanctuary events and discussions. Your continued support, interest, and advice are most welcome.

Sincerely,

[Sanctuary Superintendent]

12(k) - Member Removal Approval Request to the Director

MEMORANDUM FOR: Daniel J. Basta
Director, Office of National Marine Sanctuaries

FROM: *[Name]*
Sanctuary Superintendent

SUBJECT: Request to Remove Member of the *[site]* National Marine Sanctuary
Advisory Council

This memorandum requests your approval to remove *[name]* from the *[site]* Sanctuary Advisory Council (council).

[Provide summary of situation and grounds for removal]

[Describe possible consequences or controversies]

Therefore, it is in the best interest of the *[site]* National Marine Sanctuary and the other members of the council if *[name]* no longer serves as a member of the council. I will offer *[name]* the opportunity to resign, but if *[he/she]* does not, I request your approval to issue a letter of removal to *[name]*.

If you agree, please sign where indicated. If you have questions, please contact me at *[phone number]*.

Daniel J. Basta
Director, Office of National Marine Sanctuaries

Date

12(l) - Letter to Remove Council Member

[Name]
[Address]
[City, State Zip]

Dear *[Name]*:

Effective *[date]*, you will no longer be a member of the *[site]* Sanctuary Advisory Council. We appreciate the time and effort you have given to the council in the past. If you have any questions, please contact me at *[phone number]*.

Sincerely,

[Sanctuary Superintendent]

Appendix 12(m) – Cover Memorandum for Council Communications

MEMORANDUM FOR: Daniel J. Basta
Director, Office of National Marine Sanctuaries

FROM: *[Name]*
Sanctuary Superintendent

SUBJECT: Transmittal of *[letter, resolution, report, etc]* from the *[site]* National Marine
Sanctuary Advisory Council to ONMS Director

At the *[insert date]* council meeting, the *[site]* Sanctuary Advisory Council *[wrote a letter, passed a resolution, developed a report etc]* and requested it be transmitted to the ONMS Director *[or NOS/NOAA/DOC]*.

[Describe content of letter, background, and desired outcome. Include statement about sanctuary superintendent's position on the issue.]

[Note need for Dan to either: (1) Review, sign and comment on the attached "Advice Acknowledgment Template"; (2) Review, edit and sign the attached response from Dan drafted by the site; (3) Review as an FYI; or (4) Transmit to NOS, NOAA, DOC etc.]

If you have any questions please contact me at *[phone number]*.

Attachments

Appendix 12(n) – Memorandum for Council Charter Extension

MEMORANDUM FOR: Daniel J. Basta
Director, Office of National Marine Sanctuaries

FROM: *[Name]*
Sanctuary Superintendent

SUBJECT: Council Charter Extension for the *[site]* National Marine Sanctuary
Advisory Council

The *[site]* National Marine Sanctuary Advisory Council charter expires *[insert date]*. This memorandum requests that the current charter be extended through *[insert date]*. *[Provide justification for extension. Provide schedule for the council/site to begin complete review and revision of charter.]*

Your signature below will indicate approval for this extension. If you have any questions, please contact me at [phone number].

Daniel J. Basta
Director, Office of National Marine Sanctuaries

Date

Appendix 13 - Advice Acknowledgment Template

Issue Synopsis & Superintendent's Request of the Council

Necessary Attachments: *[list]*

Council's Majority Opinion

Council's Minority Opinion

Recommendation Made to Sanctuary Superintendent

Sanctuary Superintendent's Final Decision

Concurs with Council _____ Disagrees with Council _____

Manager's Reasons for Disagreement:

Signature of Transmittal of Information to ONMS Director

Acknowledges what has transpired:

Daniel J. Basta
Director, Office of National Marine Sanctuaries

Date

ONMS Director Comments:

Appendix 14 – Charter Revision Process

Charter Revision Process ONMS HQ and Site Roles

- ❖ The **SITE** should track the council charter expiration date and begin working with the council to review and revise the charter at least six months prior to the expiration date. See Appendix 1 for the Model Council Charter with current programmatic language. See Appendix 12(a) for Cover Memo for Charter Approval.
- ❖ There are three types of changes for the **SITE** to consider during the council charter revision:
 - (1) Site specific changes: These changes may be suggested by site staff or council members (e.g. adding a new seat, adding communication protocols).
 - (2) Programmatic language changes: This is language in the model charter that has been updated since the site council charter was last signed. The **SITE** should compare the two documents side-by-side and update language accordingly.
 - (3) If the council charter was amended since it was last signed, the **SITE** should also include that language into the main body of the charter.
- ❖ The **SITE** is responsible for working with the council to prepare the revised charter and cover memo, emailing it to **HQ (KAREN BRUBECK)** for a preliminary review to ensure all changes to the charter are consistent with national policy. To facilitate review, the **SITE** should highlight and explain any changes made to the charter.
- ❖ Once the preliminary review is complete and any issues are resolved, the **SITE** finalizes the charter. The **SITE** will likely opt to share the final charter with the council to obtain their approval (Note: If the **SITE** shares any version of the charter with the council prior to completion of the preliminary review, the **SITE** must make the council aware that changes could occur to the charter during the preliminary review.)
- ❖ The **SITE** emails the final charter and cover memo to **HQ (MICHELLE MILLS, CC KAREN BRUBECK)**. **KAREN BRUBECK** prepares a review memo for Dan for inclusion with the charter package and emails to **MICHELLE MILLS**. **MICHELLE MILLS** facilitates the final review at **HQ (with JOHN ARMOR AND DAN BASTA)** and obtains Dan's signature.
- ❖ Once the charter is signed, **HQ (MICHELLE MILLS)** PDFs the signed version and emails it to the **SITE** and **KAREN BRUBECK**. **MICHELLE MILLS** mails the original to the **SITE**. **KAREN BRUBECK** posts the signed charter to the ONMS website.

Appendix 15– Council Member Selection Process

Council Member Selection Process ONMS HQ, Region and Site Roles

Recruitment Press Releases

- ❖ The preparation of the recruitment press release announcing the seats that are being recruited, is the responsibility of the **SITE**. The press release and the FR notice can be prepared simultaneously. While the FR notice is being processed by **HQ (Michelle Mills)**, the **SITE** can begin the clearance process for the press release. The **SITE** should work with **HQ (Communications Branch)** on the clearance process for press releases (See Appendix 2).
- ❖ The **SITE** can ask their council members to assist with the distribution of the press release. The **SITE** can also contact local government offices, nongovernmental organizations, associations, and other groups for assistance in distribution of the press release. Widespread public notification in local media outlets is desirable and all reasonable methods are suggested, including newspaper ads and public service announcements on radio and television. Notice of the vacancy and the application kits should also be offered on-line at the **SITE's** web site. The **SITE** needs to be as creative as possible in getting the word out.

FR Recruitment Notices

- ❖ The **SITE** prepares the FR notice and cover memo, and sends the electronic version to **HQ (Michelle Mills)** for review and approval. The **SITE** should allow an absolute minimum of 30 days (preferably longer), since it can take several weeks to get Dan Basta's signature, NOS clearance, and then submit to the FR office. The notice needs to be in the FR for at least fifteen days before the application due date. If sufficient time has not been allowed, the due date for applications needs to be changed. Models of the FR notice and cover memo are on the council section of the intranet; conform your FR notice exactly like the model, making sure to do the following:
 - Double-spaced, in courier 12 font
 - Numbered pages, center bottom
 - Account number (3510-NK) should be first thing on the first page, right justified
 - Signature block single-spaced for Dan Basta's signature
- ❖ **HQ (Michelle Mills)** prepares the FR notice for signature and gets it signed.

The following is Dan's signature block for FR notices:

Daniel J. Basta

Director, Office of National Marine Sanctuaries
National Ocean Service

Date

National Oceanic and Atmospheric Administration

- ❖ **HQ (Michelle Mills)** forwards the FR notice to NOS. NOS reviews and forwards the notice to the FR office. NOS staff inform **HQ (Michelle Mills)** of the publication date. **HQ (Michelle Mills)** informs the **SITE** of the publication date.

Application Package

- ❖ The **SITE** is responsible for developing and distributing the council member application package. The **SITE** is required to use the OMB-approved application form contained in the ONMS Sanctuary Advisory Council Implementation Handbook; it is also posted on the council section of the intranet. In addition to the application form, the application package needs to contain the final charter so prospective members understand the purposes and authority of the council and what their responsibilities and rights would be as council members. The package may also contain descriptions of general qualifications and expectations for common seats discussed earlier in the Implementation Handbook.

Selection Process

- ❖ Once the **SITE** has received the applications, the selection process begins. Refer to the ONMS Sanctuary Advisory Council Implementation Handbook (this document) for a detailed account of the selection process.

Member Vetting and Approval Process

- ❖ The **SITE** should preliminarily run the selected member names through the lobbyist vetting process to identify possible issues. See Appendices 17 and 18.
- ❖ The **SITE** prepares the clearance memo from the sanctuary superintendent to the regional director. The **SITE** forwards the clearance memo and the completed applications of the selected members to their **REGIONAL DIRECTOR**. The **REGIONAL DIRECTOR** reviews the applications, works directly with the **SITE** to resolve any issues, and then forwards the signed clearance memo to the **SITE**. The **SITE** is responsible for tracking the entire process. Allow at least a week for this part of the process, depending on the number of issues there are to work through.
- ❖ The **SITE** prepares the approval memo from the sanctuary superintendent to Dan for Dan's signature and sends that to **HQ (Michelle Mills)**. The **SITE** should also send the signed clearance memo from the regional director and the completed applications of the selected members to **HQ (Michelle Mills)**. Make sure the applicant's full name, including middle name, is on the application.
- ❖ **HQ (Michelle Mills)** oversees the vetting. The timeframe for the vetting process varies (2 weeks – 1 month), depending on the results of the findings. Often, the results warrant consulting with the

SITE to determine if a selected applicant would be a qualified council member in light of the findings.

- ❖ Once any problems have been resolved, **HQ (Michelle Mills)** forwards the approval memo to Dan for signature. After signature, **HQ (Michelle Mills)** faxes or emails the approval memo to the **SITE** and mails the original. Note: Potential members should not be notified of their acceptance and their names should not appear in any public documents or websites identifying them as council members until after the vetting is complete and the Director signs the approval memorandum..

Applicant Notification

- ❖ It is the **SITE's** responsibility to notify the applicants if they were selected or not. It is the **SITE's** responsibility to develop a press release to announce the new council members (See Appendix 4).

Appendix 16 – Charter Amendment Process

Charter Amendment Process ONMS HQ and Site Roles

- ❖ The **SITE** is responsible for preparing the charter amendment and cover memo, emailing them to **HQ (KAREN BRUBECK)** for an initial review, and doing any back and forth necessary. See appendices for Model Charter Amendment and Model Cover Memo for Charter Amendment Approval. The review ensures that any changes are consistent with national policy on councils. The **SITE** should allow a minimum of two weeks, depending on the issues involved, for review and signature of the amendment.
- ❖ Once the initial review has taken place, the **SITE** finalizes the charter amendment. The **SITE** emails the final charter amendment and cover memo to **HQ (MICHELLE MILLS, CC KAREN BRUBECK)**. **KAREN BRUBECK** prepares a review memo for Dan for inclusion with the charter amendment and emails to **MICHELLE MILLS**. **MICHELLE MILLS** facilitates the final review at **HQ (with JOHN ARMOR AND DAN BASTA)** and obtains Dan's signature.
- ❖ After signature, **HQ (MICHELLE MILLS)** PDFs the signed version and emails it to the **SITE** and **KAREN BRUBECK**. **MICHELLE MILLS** mails the original to the **SITE**.

Appendix 17 – Accessing the Senate Lobbyist Database

A May 7, 2009 memorandum from Rick Siger, Director, Office of White House Liaison regarding Lobbyist Restrictions for Boards, Commissions, and Advisory Committees provided the following guidance:

The White House has requested that Executive Branch Agencies adopt additional vetting responsibilities for boards, commissions, advisory committees, and related entities. Bureaus responsibility for these entities should, in the course of their standard vetting process, add a lobbyist check.

Specifically, if an individual candidate has been a federally registered lobbyist in the two year period before their appointment date, they may not be a member of a board, commission, or advisory committee. This requirement is not retroactive – it does NOT apply to existing members of boards or committees.

Instructions for how to determine if a prospective board member is a lobbyist can be found below. Lobbyists and lobbying firms are required to register with the Secretary of the Senate and the Clerk of the House of Representatives simultaneously; therefore search instructions are only included for the Senate Database.

- ❖ Access the Senate's LDA Database at: <http://soprweb.senate.gov/index.cfm?event=selectfields>
- ❖ Check the box marked "lobbyist name" and then "submit"
- ❖ Type the board or committee candidate's name in the format "last name, first name." Please note that you should use various permutations of a candidate's name to ensure that your search can obtain a hit. For example, "Chris Smith" should be searched as "Smith, Chris," "Smith, Christopher," and "Smith, C."
- ❖ Check to see if the search produces any relevant documents (e.g. registration forms or termination reports) within two-years preceding the candidate's appointment; if there are relevant documents, open the file (generally a PDF) and search for the candidate's name.

Note: ONMS HQ will also conduct the full check and summarize findings during the vetting process. This preliminary check at the site level is simply to identify any possible issues early in the process.

Appendix 18 – Federally Registered Lobbyist Vetting Process

- ❖ The **SITE** is responsible for including appropriate language about the federally registered lobbyist restriction in the Application Kit Cover Letter (See Appendix 12(f)). Note that the cover letter is a model only and may be altered to fit the site needs. This notifies the applicant of the restriction.
- ❖ The **SITE** is responsible for conducting a preliminary lobbyist check once the applications have been submitted to the site but before they progress further in the process to the preliminary review panel. See Appendix 17 for instructions on Accessing the Senate Lobbyist Database. This identifies potential issues early in the process.
- ❖ **HQ (MICHELLE MILLS)** is responsible for conducting the official lobbyist check once the package reaching HQ and before the rest of the vetting process.
- ❖ If nothing is found in the database on the individual, **HQ (MICHELLE MILLS)** will write up a summary stating that the check was conducted and nothing was found. The package will then move through vetting and the approval process as usual.
- ❖ If the applicant's name appears in the database, **HQ (KAREN BRUBECK)** will work with the **SITE** and **CPPD CHIEF (JOHN ARMOR)** to resolve the issue.