

**SANCTUARY SYSTEM
BUSINESS 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 Sanctuary System Business Advisory Council (council).

This charter provides a background on the Office of National Marine Sanctuaries (ONMS) 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 SYSTEM 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 and build strong local economies. One key way to achieve this involvement is the formation of sanctuary system advisory councils.

Sanctuary system advisory councils bring together experts to provide specialized advice to the director on a specific sector, project, or issue related to the management and conservation of sanctuary resources.

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. Fourteen sites (thirteen national marine sanctuaries and the Papahānaumokuākea Marine National Monument) are managed by the ONMS, covering more than 170,000 square miles of U.S. waters and working in protected areas, communities, U.S. waters, and with international partners to protect sanctuary resources.

Vision of the ONMS:

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

Mission of the ONMS:

National Marine Sanctuaries protect our Nation's most vital coastal and marine natural and cultural

resources. Though active research, management, education, and public engagement, we sustain healthy environments that are foundations for thriving communities and stable economies.

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.

COUNCIL ROLES

1. The council, in accordance with the NMSA, shall provide advice and recommendations to the director regarding the relationship of the ONMS with the ocean business community, specifically with emphasis in the following areas:

- Engaging the corporate sector and other non-traditional partners with mutual interest in marine resource protection (e.g., exchanging information about values, goals, and opportunities of mutual interest);
- Assessing and expressing the economic, social, and cultural value of national marine sanctuaries and other marine protected areas (e.g., sharing socioeconomic data for specific geographic areas);
- Leveraging the recreational and aesthetic values of national marine sanctuaries for building strong local, national, and international economies (e.g., creating programs that create or enhance ecotourism opportunities); and
- Developing joint initiatives and projects with the goal of sustaining and protecting special marine places

(e.g., identifying ways to both protect resources and enhance corporate interests and goals).

2. The council shall draw on the expertise of its members and other sources in order to provide advice to the director.
3. Council members shall serve as liaisons between their sectors and the ONMS, keeping ONMS leadership informed of issues and concerns, as well as providing information to their respective sectors on ONMS'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 director. 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 NMSS and the NMSA is resource protection.
5. The council is established to provide advice and recommendations to the director regarding the relationship between the business community and ONMS. Nothing in this charter constitutes authority to perform operational or management functions, or to make decisions on behalf of the ONMS, NOAA or the Department of Commerce.

MEMBERS, ALTERNATES, AND OFFICERS

1. The council shall consist of no more than 15 voting members, who shall be appointed by the director from among persons employed by or affiliated with the corporate sector (defined as the part of a country's economic activity that involves private companies).
2. (a) A representative of each of the following types of businesses, which are integrally affected by the mandates of the sanctuary system, shall be appointed:
 - Travel and Tourism – companies providing transportation, lodging, and other services to people traveling to and staying in places outside their usual environment for leisure, business and other purposes (3 total; 2 for three-year terms, 1 for a two-year term)
 - Recreation – companies providing goods and services to people seeking leisure, amusement, and other types of entertainment activities (2 total; 1 for a three-year term, 1 for a two-year term)
 - Fishing – companies focused on commercial (such as seafood companies) or recreational fishing (such as fishing gear suppliers) (1 total for a three-year term)
 - Transportation - companies engaged in marine and inland water transportation services primarily for cargo and associated businesses (1 total for a two-year term)
 - Energy – companies involved in development and use of energies of marine origin, including from waves, currents, tides, and off-shore wind turbines (1 total for a three-year term)
 - Communications and Marketing – companies involved in advertising, branding, graphic

design, marketing, promotion, publicity, sponsorship, and public relations (1 total for a two-year term)

- Corporate Foundation - private foundations that derive their grant-making funds primarily from the contributions of profit-making businesses (2 total; 1 for a three-year term, 1 for a two-year term)
- Other Business – any other commercial entities that derive profit from marine resources or have interest in marine natural and cultural resources (4 total; 2 for three-year terms; 2 for two-year terms)

Council members will serve staggered two and three-year terms, and may be reappointed. It is the policy of the ONMS that council members will not be selected to serve more than three consecutive terms on a system sanctuary advisory council.

(b) Members serve at the discretion of the director. The director may remove a 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 national laws or regulations 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 system; and refusal to recuse himself or herself if so requested by the director 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 two consecutive 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.

3. Members accept the responsibility of attending council meetings. Under rare circumstances, if a member cannot attend a meeting, the member may, with the approval of the director, appoint a designee of equivalent position and seniority from the same organization.

4. (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.

Council members may nominate other members for council officer positions. Election for all positions is by majority vote of all council members, and votes shall be made by written ballot. Members who will not be present at the time of the election may submit their vote in writing to the director 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.

(b) Roles of Council Officers:

(i) Chair: The chair works with the director to schedule and set agendas for council meetings. The chair 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 continues to represent his or her sector as a member of the council.

(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 continues to represent his or her sector as a member of the council.

APPOINTMENTS

The director shall invite specific individuals to fill the seats as identified above. If the individuals respond affirmatively, and upon successful completion of the vetting process, the individual will be appointed by the director to the council. The vetting process helps identify conflicts of interest or other issues through a check with a lobbyist database, LEXIS/NEXUS search, and bureau checks within the Department of Commerce.

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. Travel expenses are at the discretion of the director and dependent upon budgetary considerations and constraints.

2. The ONMS may make available such staff, information, administrative services, or assistance as the director determines are reasonably required to enable the council to carry out its functions.

OPERATION

1. Meetings

(a) Meetings are held at the call of the chair.

(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 director.

(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 director.

(f) Timely notice of each council meeting, including the time, place, and agenda of each meeting, shall be published in the Federal Register; 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 quarter, but at least once every six months. The council meeting place will be in the Washington, D.C. metro area or at a location suitable for the needs of the council; meeting venues 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 director 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 director. 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 director.

(b) Any matter that a council member wishes to raise to the attention of ONMS shall be brought to the attention of the chair and director so that it might be placed on the agenda as a discussion topic. The chair and director approve a topic to be placed on the agenda.

(c) The council shall provide advice directly to the director 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 director 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 director shall be voted on and approved by the council prior to sending. Because the council was established specifically to provide advice to the director, the director must also approve any advice, correspondence, or information that goes outside ONMS prior to sending.

3. Conduct of Individual Members

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

(a) When speaking to the public or writing about any matter regarding the ONMS in a document for distribution beyond council membership or ONMS 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 director, ONMS staff, or NOAA.

(b) 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.

(c) 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 director 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 ONMS director. The opinions and findings of this publication do not necessarily reflect the position of the Office of National Marine Sanctuaries and the National Oceanic and Atmospheric Administration."*

5. Council Letterhead

The council shall, with the assistance and approval of the director, 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 Department of Commerce letterhead for any correspondence or other purpose.

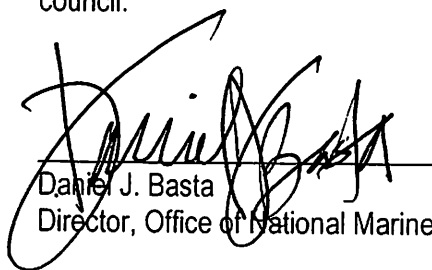
6. Subcommittees and Working Groups

(a) Subcommittees: The chair, in consultation with the council as a whole and with the concurrence of the director, may establish such subcommittees as necessary to fulfill the council's duties. Subcommittees shall be composed solely of members of the council. The subcommittee must be chaired by a 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.

(b) Working Groups: The chair, in consultation with the council as a whole and with the concurrence of the director, may establish working groups for specific purposes or topics that need focused attention that cannot be accomplished by a subcommittee. Working groups may be composed of members of the council and persons outside the council. Working groups shall be chaired by a member of the council and shall function under the purview of the council. Working groups established by the council to address specific issues shall disband once the final advice on the particular matter is submitted to the council. 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.



Daniel J. Basta
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Date