

**ACTION of the  
Greater Farallones National Marine Sanctuary (GFNMS) Advisory Council (SAC)**

To forward the SAC charter with edits to the sanctuary for renewal

During its virtual meeting on February 18, 2021, the SAC reviewed its charter and made recommendations for edits in track changes (attachment A). The recommended changes will be reviewed by the GFNMS superintendent and Office of National Marine Sanctuaries National SAC Coordinator and Director. Final approved changes will be incorporated into the renewed charter and posted to the SAC website at [https://farallones.noaa.gov/manage/sac\\_handbook.html](https://farallones.noaa.gov/manage/sac_handbook.html).

Notable proposed changes include:

1. Replacing instances of “Northern Management Area” with “northern portion of MBNMS” (pgs. 5, 6, 14).
2. Removing “The council chair, vice chair, and secretary also serve as the preliminary review panel for council member selection”; replaced with “An application review panel subcommittee will be convened for council member selection. Members or alternates may volunteer to serve on the preliminary review panel” (pg. 18). The application review panel has operated in this way for some time and is preferred as it allows a more diverse group of SAC members to serve in the role of reviewing applications.
3. Permitting alternates to nominate and vote during officer elections. It previously stated on pg. 12 that “Alternates may nominate and vote during an election only when the alternate fills the seat in the absence of the primary member”; it now reads: “Alternates may nominate and vote during an election for council officers.”

Attachment: Charter Word document with recommended edits in track changes.

cc: Maria Brown, Superintendent, Greater Farallones National Marine Sanctuary

*This resolution was passed with majority vote by a quorum of voting members at a public meeting on February 18, 2021 held via Google Meet. SAC discussion regarding this resolution can be found in Meeting Highlights documentation at [https://farallones.noaa.gov/manage/sac\\_meetings.html](https://farallones.noaa.gov/manage/sac_meetings.html).*

***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.***

**NON-GOVERNMENT SEATS**

**Commercial Fishing**

Barbara Emley (Secretary)/Primary  
Sarah Bates/Alternate

**Community-at-Large San Francisco/San Mateo**

Joe Fitting/Primary  
Kris Lannin Liang/Alternate

**Community-at-Large Marin**

Dominique Richard (Chair)/Primary  
George Clyde/Alternate

**Community at-Large Mendocino/Sonoma**

Cea Higgins/Primary  
Nancy Trissel/Alternate

**Conservation**

Richard Charter/Primary  
Bruce Bowser/Primary  
Francesca Koe/Alternate  
Kathi George/Alternate

**Education**

Bibit Traut/Primary  
Vacant/Alternate

**Maritime Activities - Commercial**

John Berge/Primary  
Julian Rose/Alternate

**Maritime Activities - Recreation**

Abby Mohan (Vice Chair)/Primary  
Joshua Russo/Alternate

**Research**

John Largier/Primary  
Jaime Jahncke/Alternate

**Youth**

Ezra Bergson-Michelson/Primary  
Owen Youngquist/Alternate

**GOVERNMENT SEATS**

**California Department of Natural Resources**

Mark Gold/Primary  
Michael Esgro/Alternate

**National Marine Fisheries Service**

Jennifer Boyce/Primary  
Vacant/Alternate

**National Park Service**

Cicely Muldoon/Primary  
Ben Becker/Alternate

**U.S. Coast Guard**

LT Jacob Joseph/Primary  
LTJG Chris Bell/Alternate

**U.S. Fish and Wildlife Service**

Chris Barr/Primary  
Gerry McChesney/Alternate

**Channel Islands National Marine Sanctuary**

Chris Mobley/Primary  
Mike Murray/Alternate

**Monterey Bay National Marine Sanctuary**

Dawn Hayes/Primary  
Vacant/Alternate

**Cordell Bank National Marine Sanctuary**

Dan Howard/Primary  
Michael Carver/Alternate

**SANCTUARY SUPERINTENDENT**

Maria Brown, Superintendent  
Brian Johnson, Deputy Superintendent

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GREATER FARALLONES NATIONAL MARINE SANCTUARY  
ADVISORY COUNCIL CHARTER

**February 2021**

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1 **ESTABLISHMENT AND AUTHORITY**

2  
3 Section 315 of the National Marine Sanctuaries Act (NMSA or Act; 16 U.S.C. § 1431 et seq.)  
4 authorizes the Secretary of Commerce to establish sanctuary advisory councils to provide  
5 advice to the Secretary of Commerce regarding the designation and management of national  
6 marine sanctuaries. This authority has been delegated to the Director (director) of the Office of  
7 National Marine Sanctuaries (ONMS). The director hereby reestablishes the Greater Farallones  
8 National Marine Sanctuary Advisory Council (council).  
9

10 This charter provides a background on the ONMS and Greater Farallones National Marine  
11 Sanctuary (GFNMS), and describes the objectives and roles of the council's activities, procedural  
12 requirements regarding the appointment of council members, alternates and officers,  
13 requirements for the conduct of council members and meetings and alternates, and other  
14 requirements. All council activities must be conducted pursuant to this charter.

15 **SANCTUARY ADVISORY COUNCIL POLICY STATEMENT**

16  
17 The ONMS regards the involvement of communities and the development of a stewardship  
18 ethic as vitally important to successfully protect sanctuary resources. One key way to achieve  
19 this involvement is the formation of sanctuary advisory councils.  
20

21 Sanctuary advisory councils bring members of a diverse community together to provide advice  
22 to the sanctuary superintendent on the management and protection of the sanctuary, or to  
23 assist the ONMS in guiding a proposed site through the designation process.  
24

25 The ONMS is committed to the full support, utilization, and enhancement of councils at all  
26 sanctuaries. In order for councils to achieve their full potential, the ONMS within the limits of  
27 available resources will:  
28

- 29 ● Provide sufficient support to allow councils to operate efficiently and effectively at each  
30 site;
- 31
- 32 ● Provide support and guidance from the national office to help councils operate efficiently  
33 and at a basic level of consistency across the system;
- 34
- 35 ● Promote coordination and communication among councils and among sanctuary staff that  
36 work closely with councils;
- 37
- 38 ● Develop training programs appropriate to council officers and members, and sanctuary  
39 superintendents and staff.

## OFFICE OF NATIONAL MARINE SANCTUARIES

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

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. Through 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 uses in sanctuaries to the extent such uses are compatible with the primary mandate of resource protection, through innovative public participation and interagency cooperative arrangements.

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- 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.

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### **GREATER FARALLONES NATIONAL MARINE SANCTUARY**

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GFNMS was established in 1981 to protect the nearshore and offshore waters of the central and northern California Coast. The sanctuary supports nursery and spawning grounds for commercially important species, over 36 species of marine mammals, and the largest concentration of breeding seabirds in the contiguous United States. Key habitats include coastal beaches, rocky shores, mud and tidal flats, salt marsh, estuaries, and pelagic waters.

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As of March 2004, the ONMS Director announced that the area within Monterey Bay National Marine Sanctuary (MBNMS) north of the San Mateo/Santa Cruz county boundary, referred to as the northern portion of MBNMS, would be administered by GFNMS; however, the legal boundaries of each sanctuary were not altered and remain unchanged. GFNMS is responsible for developing and managing most sanctuary programs within the northern portion of MBNMS, with the exception that MBNMS is responsible for the Water Quality Protection Program.

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### **COUNCIL ROLES**

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1. The council, in accordance with the NMSA, shall provide advice and recommendations to the sanctuary superintendent regarding the protection and management of GFNMS and the northern portion of MBNMS.
2. The council shall draw on the expertise of its members, alternates, and other sources in order to provide advice to the sanctuary superintendent.
3. Council members and alternates 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.

- 120 5. The council is established to provide advice and recommendations to the sanctuary  
121 superintendent regarding the management of GFNMS and the northern portion of MBNMS.  
122 Nothing in this charter constitutes authority to perform operational or management  
123 functions, or to make decisions on behalf of the sanctuary, NOAA, or the Department of  
124 Commerce.  
125  
126 6. The council shall develop an annual work plan, in consultation with and approved by the  
127 sanctuary superintendent, to establish an agenda for specific issues and projects the council  
128 intends to address.

129 **MEMBERS, ALTERNATES, AND OFFICERS**

130  
131 The council shall consist of no more than 14 voting members, who shall be appointed by the  
132 director from among persons employed by federal, state, or local agencies with expertise in  
133 management of natural resources, representatives of local user groups, conservation and  
134 other public interest organizations, scientific and educational organizations, and members  
135 of the public interested in the protection and multiple use management of sanctuary  
136 resources. The membership is designed to be balanced in terms of points of view  
137 represented, geographic diversity, and advisory functions the council will perform.

138 1. Non-voting Members

139  
140 There are four categories of seats for which non-voting members are appointed or selected:

141  
142 **Category A: Sanctuary Superintendent**

143  
144 The sanctuary superintendent sits on the council as a non-voting member and shall work  
145 with the chair in scheduling each meeting and approving the agenda to ensure that topics of  
146 discussion are relevant to the sanctuary. Council meetings may not be conducted in the  
147 absence of the sanctuary superintendent or his/her designee.

148 **Category B: Superintendents of Other National Marine Sanctuaries**

149  
150 To ensure relevant information exchange among national marine sanctuaries, the  
151 superintendents of Monterey Bay, Cordell Bank, and Channel Islands National Marine  
152 Sanctuaries shall sit on the council as non-voting members.

153 **Category C: Non-voting Government Seats**

154  
155 (i) By virtue of the shared functional responsibilities of federal, state, and local  
156 jurisdictions in the implementation of sanctuary-related management, each of the  
157 following government entities shall be requested to designate one individual to serve



158 on the council. The following government agencies shall sit on the council as non-  
159 voting members:

160  
161 National Marine Fisheries Service

- 162
- 163 (ii) Governmental members are appointed by their agencies and are not subject to term  
164 limitations or the competitive application process.
  - 165
  - 166 (iii) An alternate (from the same government entity) of a governmental council member  
167 may attend a council meeting on occasion if the chair and sanctuary superintendent  
168 are notified in advance of any meeting at which an alternate will represent the council  
169 member, including the name, address, and position of the individual designated. An  
170 alternate may not name another alternate.
  - 171
  - 172 (iv) If a government entity decides to no longer participate as a member of the council, or  
173 fails to attend three consecutive council meetings without reasonable justification and  
174 is formally removed by the director, the sanctuary superintendent with approval of  
175 the director, shall invite another appropriate government entity to replace that agency  
176 on the council.
  - 177
  - 178 (v) If it is found that a governmental member of the council has violated one or more of  
179 the terms of this charter, the sanctuary superintendent may recommend to the  
180 director that the appropriate agency be notified and requested to replace the  
181 designee. The sanctuary superintendent may consult with the council prior to taking  
182 such action.
  - 183
  - 184 (vi) Governmental members are subject to the same grounds for removal as non-  
185 governmental members.

186 **Category D: Youth Seats**

187  
188 A non-voting youth/student seat to represent the youth segment of the community,  
189 defined as ages 14-17. The individual filling the youth/student seat must:

- 190
- 191 (i) Be between the ages of 14 and 17 when he or she applies;
  - 192
  - 193 (ii) Attend a school, including home schools (or other alternative high school option), in  
194 the area affected by the sanctuary;
  - 195
  - 196 (iii) Have proven ability to communicate and network with other students within their  
197 school, in other schools within his/her community, or with home schooled students  
198 and with adults;
  - 199
  - 200 (iv) Possess an interest in sanctuary resource protection and management;
  - 201

- 202 (v) Have experience or knowledge regarding public uses and activities in the sanctuary;  
203  
204 (vi) Be able to travel to and attend council meetings and retreats (parent/guardian or  
205 student provides transportation); and  
206  
207 (vii) Provide a written recommendation from one or more teachers or other adult  
208 references.  
209

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

- 211  
212 (i) Written permission from parent/guardian;\*  
213  
214 (ii) Written permission from the school administration to attend council meetings and  
215 retreats only if council meetings or retreats require a student to miss school;\* and,  
216  
217 (iii) Paperwork required by the school if, for example, the student has to miss school.  
218

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

## 220 **2. Voting Members**

221  
222 There are two categories of seats for which voting members are appointed. The following  
223 procedures shall govern the application, nomination, and appointment of council voting  
224 members.

### 225 **Category A: Governmental (4 members)**

- 226  
227 (i) By virtue of the shared functional responsibilities of federal, state, and local  
228 jurisdictions in the implementation of sanctuary-related management, each of the  
229 following government entities shall be requested to designate one individual to serve  
230 on the council. The following government agencies shall sit on the council as voting  
231 members:  
232

233 National Park Service  
234 U.S. Coast Guard  
235 California Natural Resources Agency  
236 ~~California Environmental Protection Agency~~  
237 U.S. Fish and Wildlife Service  
238

- 239 (ii) Governmental members and alternates are appointed by their agencies and are not  
240 subject to term limitations or the competitive application process.  
241

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

244 are notified in advance of any meeting at which an alternate will represent the council  
245 member, including the name, address, and position of the individual designated. An  
246 alternate may not name another alternate.

247

248 (iv) If a government entity decides to no longer participate as a member of the council, or  
249 fails to attend three consecutive council meetings and is formally removed by the  
250 director, the sanctuary superintendent, with the approval of the director, shall invite  
251 another appropriate government entity to replace that agency on the council.

252

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

258

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

261 **Category B: Non-governmental (8-10 members)**

262

263 (i) A representative and alternate of each of the following activities, which are integrally  
264 affected by the management goals of the sanctuary, shall be selected:

265

266 Commercial Fishing (1)

267 Community-at-Large (3): 1 for Sonoma/Marin; 1 for San Francisco/San Mateo; 1  
268 for Sonoma/Mendocino

269 Conservation (2)

270 Education (1)

271 Maritime Activities (2): 1 for Maritime Commercial Activities; 1 for Maritime

272 Recreational Activities

273 Research (1)

274

275 (ii) Non-governmental members and alternates are appointed for a term of three years,  
276 and may compete for re-appointment (subject to the non-governmental term limits  
277 policy described below). If necessary, subsequent terms of appointment may be  
278 changed to provide for balanced (staggered) expiration dates. Should a non-  
279 governmental seat become vacant, the vacated position shall be advertised and a  
280 replacement appointed as specified below. The newly appointed member shall serve  
281 for a full term beginning on the date of his/her swearing-in by the sanctuary  
282 superintendent.

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284 (iii) Non-governmental members and alternates will not be selected to serve more than  
285 three consecutive terms on a sanctuary advisory council subject to the following  
286 provisions:

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- The incumbent non-governmental council members and alternates, who are part way through their term upon the signature of this council charter, will be counted as serving their first term for the purposes of this cap.
  - The policy only applies to seats that go through the advertised, competitive process; this is not applicable to appointed governmental seats.
  - The policy applies to the seat (e.g., conservation seat or research seat) and not the position (i.e., primary or alternate). Example: An individual can serve one term as the conservation alternate and two terms as the conservation primary member, for a total of three terms. If qualified, the same individual may also apply for another seat on the council (e.g., community-at-large) once he/she is term-capped on the conservation seat.
  - A limited amount of waivers may be granted at the discretion of the ONMS Director for special circumstances as outlined in the national non-governmental term limits policy.
- (iv) Members serve at the discretion of the director. The sanctuary superintendent may recommend to the director the removal of a non-governmental member or alternate of the council if that member has violated one or more terms of the charter or on any the following grounds:
- Is convicted of any felony offense;
  - Is found to have violated any of the following laws or regulations promulgated thereunder the NMSA, 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;
  - Is found to have violated national or state laws that protect cultural resources;
  - Is determined to have abused his or her position as a member or alternate of the council (including but not limited to the use of SAC information or their position on the SAC for personal gain; use of council position to advance a personal agenda or harm another member or alternate of the council or of the community; misrepresentation of, or spreading misinformation about the council or the sanctuary; and refusal to recuse himself/herself if requested by the sanctuary superintendent and/or chair in a matter in which the member or alternate has a conflict of interest);

- 332           ● Has a change to the professional affiliation(s) and/or personal circumstances that  
333           comprise a significant portion of that member's qualifications for being a member  
334           of the council;  
335  
336           ● Misses three consecutive meetings;  
337  
338           ● Disrupts on more than one occasion council meetings in a manner that interferes  
339           with the council's ability to conduct its business; or  
340  
341           ● Violates any other term of this charter. The sanctuary superintendent may consult  
342           with the council prior to taking such an action.  
343

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

346 3. As each non-governmental seat becomes vacant and the process for selection of a new  
347 member or alternate (described under Appointments) is conducted, the sanctuary  
348 superintendent shall recommend to the director the member and an alternate from among  
349 the top three candidates resulting from the review process. The alternate shall have all the  
350 rights of the member at such times the alternate is officially substituting for the member.  
351 The chair and the sanctuary superintendent shall be notified by the member before an  
352 alternate officially attends a meeting. The alternate may also be appointed to complete a  
353 primary member's term if that member resigns or is removed. An alternate may not name  
354 another alternate.

#### 355 4. Council Officer Elections and Terms

356  
357 The council shall elect one member to serve as chair, one member to serve as vice chair,  
358 and at the discretion of the council, one member to serve as secretary. The vice chair shall  
359 act as chair in the absence of the chair. Terms of the chair, vice chair, and secretary are two  
360 years. The chair and vice-chair may serve a maximum of two consecutive terms (four years)  
361 if reelected. The council secretary may serve consecutive terms if reelected.  
362

363 A chair, vice chair, or secretary may leave his/her term to run for another council officer  
364 position if desired. If the chair, vice chair, or secretary is elected to a new position, the  
365 council shall nominate and elect a new representative for the vacated position.  
366

367 Council members, including non-voting members, may nominate individuals for the council  
368 officer positions (except sanctuary superintendents and/or their designees). Any primary  
369 member of the council, including government seats and non-voting seats (with the  
370 exception of the sanctuary superintendent) may be nominated and elected as a council  
371 officer. Election for all positions is by majority vote of all council members (except sanctuary  
372 superintendents and/or their designees), including the non-voting members and votes shall  
373 be made by written ballot. Alternates may nominate and vote during an election for council

374 **officers.** Members who will not be present at the time of the election may submit their  
375 votes in writing to the sanctuary superintendent prior to the meeting.  
376

377 If a council officer resigns, the council should hold an election at the next regularly  
378 scheduled council meeting. If the newly elected individual feels comfortable, the/she may  
379 begin serving in his/her position immediately upon being elected, otherwise he/she may  
380 begin serving at the next meeting. If the chair resigns, the vice-chair will act on his/her  
381 behalf until the new chair assumes his/her position. If the vice-chair resigns, the secretary  
382 will act on his/her behalf until the new vice-chair assumes his/her position. If the secretary  
383 resigns, the position may remain vacant until the new secretary assumes his/her position.  
384

385 In extraordinary circumstances, if all (both, if no secretary) council officers resign at the  
386 same time, the council can agree to allow another council member to serve as interim chair  
387 until the new officers are elected; new officers should be elected at the next scheduled  
388 council meeting.

389 Roles of Council Officers:

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391 (i) Chair: The chair presides over all meetings of the full council and ensures that  
392 meetings are run according to accepted meeting practices, signs all correspondence  
393 and documents authorized by the council, and generally represents the council's  
394 interests and concerns to the public. The chair also continues to fulfill the general  
395 roles that all council members fill, including representing the interests of his/her  
396 constituents.  
397

398 (ii) Vice Chair: The vice chair serves as chair in the absence of the chair and assists as  
399 necessary in performing the council's executive duties. The vice chair also continues to  
400 fulfill the general roles that all council members fill, including representing the  
401 interests of his/her constituents.  
402

403 (iii) Council Secretary: The council secretary assists sanctuary staff in performing  
404 administrative duties, such as drafting council letters, as directed by the chair or vice  
405 chair. The secretary also continues to fulfill the general roles that all council members  
406 fill, including representing the interests of his/her constituents.

407

## APPOINTMENTS

408

409 Public notice shall be provided as to the vacancy of non-governmental seats. Applications  
410 for ensuing terms for vacant seats shall be submitted to the sanctuary superintendent or to  
411 his or her designee (e.g., advisory council coordinator or other appropriate site staff), as  
412 defined in the Federal Register notice for a particular recruitment. Copies of all applications  
413 and nominations for each seat will be submitted by the sanctuary superintendent to the  
414 preliminary review panel to obtain recommendations on selections. Any council member  
415 that has a potential conflict of interest (financial, personal, self-nomination, etc.) shall

416 recuse him/herself from making a selection for the vacant seat or shall be disqualified by  
417 the preliminary review panel. Selection from among those recommended by the council or  
418 from among other applicants or nominees, shall be made by the sanctuary superintendent  
419 with the approval of the director. The sanctuary superintendent may choose to re-advertise  
420 the vacant seat(s) if adequate candidates are not available after the first recruitment  
421 process. In all cases, submission of written statements of particular interest, qualifications,  
422 and experience shall be requested. Guidelines for applying shall be supplied at the  
423 appropriate time.

424

## 425 **ADMINISTRATION**

426

- 427 1. Members of the council shall serve without pay, except that each member may receive  
428 travel expenses, including per diem in lieu of subsistence, in accordance with sections 5702  
429 and 5703 of Title 5 of the United States Code for travel to and from official council  
430 meetings. No members of subcommittees or working groups (defined below) may receive  
431 travel expenses for subcommittee or working group meetings or other activities. Travel  
432 expenses for governmental members of the council may be provided by their own agencies.  
433
- 434 2. The ONMS may make available such staff, information, administrative services, or  
435 assistance as the sanctuary superintendent determines are reasonably required to enable  
436 the council and its subcommittees/working groups to carry out their functions.

437

## **OPERATION**

### 438 **1. Meetings**

439

- 440 (a) Meetings are held at the call of the chair and the sanctuary superintendent.  
441
- 442 (b) Decisions (e.g., recommendations) made by the council shall be made by majority vote of  
443 those present, provided there is a quorum (more than half of the voting members). A  
444 recorded vote may be requested by the chair or the sanctuary superintendent.  
445
- 446 (c) Each meeting shall be open to the public.  
447
- 448 (d) Interested persons shall be permitted to present oral or written statements on items on  
449 the agenda, or other pertinent topics.  
450
- 451 (e) Emergency meetings may be held at the call of the chair or presiding officer and the  
452 sanctuary superintendent.  
453
- 454 (f) Timely notice of each council meeting, including the time, place, and agenda of each  
455 meeting, shall be provided to the local media and additional notice may be given by such  
456 other means as will result in appropriate publicity to interested groups. This requirement  
457 shall not apply to workshops scheduled by the council to address strategic planning,

458 administration, or specialized technical issues. The council may not vote at any meeting  
459 for which the above public notice has not been issued. The council may not vote on any  
460 agenda item for which notice was not provided.

461

462 (g) The council shall meet as frequently as necessary, not to exceed once per month for  
463 voting meetings, but at least once every six months. The council meeting place may be  
464 rotated among various locations adjacent to the sanctuary and meeting sites shall be  
465 chosen to accommodate anticipated public attendance and reasonably accessible to those  
466 interested in attending.

467

468 (h) The advisory councils for GFNMS and MBNMS will meet jointly every other year. The  
469 primary focus of the meeting every other year will be the collaborative work and regular  
470 consultation by staff and management from GFNMS and MBNMS on matters in the  
471 northern portion of MBNMS and the annual work plan accomplishments for this area.

472

473 (i) GFNMS and MBNMS councils may choose a council member or alternate to act as a liaison  
474 between the two councils. These liaisons may receive travel expenses to attend regularly  
475 scheduled meetings of the other council.

476

477 (j) Minutes of each meeting shall be kept by a person specified by the sanctuary  
478 superintendent and contain a summary of attendees and matters discussed; such minutes  
479 shall be available to the public.

## 480 **2. Procedures for Providing Advice**

481

482 The following procedures shall be used to provide advice:

483

484 (a) The council may provide advice on a relevant issue or topic to the sanctuary  
485 superintendent. Requests for information, assistance, or advice from the ONMS, other  
486 NOAA offices, or other agencies shall be made in writing and be coordinated through the  
487 sanctuary superintendent.

488

489 (b) Any matter that a council member wishes to raise to the attention of the sanctuary shall  
490 be brought to the attention of either the sanctuary superintendent or the executive  
491 committee composed of the council chair, vice chair, and secretary so that it might be  
492 placed on the agenda as a discussion topic. The sanctuary superintendent and the council  
493 chair shall discuss topics for the agenda and agree that a topic is an appropriate sanctuary  
494 issue before it may be placed on the agenda. Agenda items brought to the executive  
495 committee but not scheduled will be shared with the council at the following public  
496 meeting.

497

498 (c) The council shall provide advice directly to the sanctuary superintendent via a written  
499 recommendation or a motion passed by the council and reflected in the minutes. Draft  
500 recommendations and verbal discussions shall not be considered official advice from the



501 council, but may be considered as background information and shall be included in the  
502 minutes.

503

504 (d) Any advice, correspondence, or information the council wishes to offer or express beyond  
505 the sanctuary superintendent shall be voted on and approved by the council prior to  
506 sending. Because the council was established specifically to provide advice to the  
507 sanctuary, and operates through the sanctuary superintendent, the sanctuary  
508 superintendent must also approve advice or correspondence that goes outside the  
509 sanctuary prior to sending.

510

511 (e) The council shall base its advice on a vote of the council with negative votes and  
512 abstentions noted, or on a general consensus reached during discussions, with minority  
513 opinions noted. A quorum shall be present when the vote is taken or general consensus  
514 reached.

515

516 (f) Any information or advice resulting from discussions in subcommittees or working groups  
517 that is requested by the council shall be presented to and considered by the full council  
518 and, as appropriate, incorporated into the council's recommendation to the sanctuary  
519 superintendent. If the council does not incorporate information or advice of a  
520 subcommittee or working group, it shall inform the sanctuary superintendent and explain  
521 in its advice or information the reasons for not incorporating the subcommittee's or  
522 working group's advice or information.

### 523 **3. Conduct of Individual Members**

524

525 Council members are expected to be familiar with the processes and regulations that govern  
526 the sanctuary and keep themselves informed of sanctuary-related events and issues.

527 Expectations include regular meeting attendance and familiarity with the council charter and  
528 the National Marine Sanctuary Advisory Council Implementation Handbook.

529

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

533

534 (b) When speaking to the public or writing about any matter regarding the sanctuary in a  
535 document for distribution beyond council membership, the sanctuary superintendent, or  
536 sanctuary staff, a member shall clearly distinguish those recommendations, opinions, or  
537 positions officially adopted by the council as a body from those he or she may have as an  
538 individual. In no case shall a member represent individual opinions as those of the council,  
539 the sanctuary superintendent, sanctuary staff, or NOAA.

540

541 (c) Any council member that has an interest (financial, personal or business interest) in any  
542 matter before the council or a subcommittee or working group shall identify such interest  
543 prior to discussion and voting on such matter. No member shall cast a vote on any matter  
544 that would provide a direct financial benefit to that member or otherwise give the

545 appearance of a conflict of interest under federal law. An affected member who may not  
546 vote on a matter may participate in council deliberations that relate to the decision after  
547 notifying the council of the voting recusal and identifying the interest that would be  
548 affected. These same guidelines apply to members of working groups who are not  
549 members of the council.

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

551

552 (a) Any correspondence or other written documents that are intended to speak for the  
553 council as a body shall be coordinated with, and approved by, the chair and the sanctuary  
554 superintendent prior to sending.

555

556 (b) The following disclaimer shall be placed in all documents and communications that  
557 originate from the council: "The council is an advisory body to the sanctuary  
558 superintendent. The opinions and findings of this publication do not necessarily reflect the  
559 position of Greater Farallones National Marine Sanctuary and the National Oceanic and  
560 Atmospheric Administration."

#### 561 **5. Conduct Letterhead**

562

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

#### 567 **6. Subcommittees and Working Groups**

568

569 (a) Subcommittees: The chair, in consultation with the council as a whole and with the  
570 concurrence of the sanctuary superintendent, may establish such subcommittees as  
571 necessary to fulfill its duties. Subcommittees shall be composed solely of council  
572 members; at the superintendent's discretion, council alternates may also serve on  
573 subcommittees. The subcommittee must be chaired by a primary member of the council.  
574 Subcommittees shall be recognized as official sub-units of the council. Subcommittees are  
575 subject to all requirements of this charter. Subcommittee members shall not have  
576 assigned alternates. No members of subcommittees may receive travel expenses for  
577 subcommittee meetings or other activities.

578

579 A standing subcommittee, the executive subcommittee, will serve as the administrative  
580 body of the advisory council and handle such administrative activities as may be  
581 appropriate, including, but not limited to, setting the times and places of meetings,  
582 selecting agenda items, and reviewing meeting conduct. The executive subcommittee  
583 consists of the council chair, council vice chair, council secretary, and sanctuary  
584 superintendent. The council coordinator will work very closely with the executive

585 committee. Meetings of the executive committee are not subject to public meeting  
586 requirements.

587

588 An application review panel subcommittee will be convened for council member  
589 selection. Members or alternates may volunteer to serve on the preliminary review panel.

590

591 (b) Working Groups: The chair, in consultation with the council as a whole and with the  
592 concurrence of the sanctuary superintendent, may establish working groups for specific  
593 purposes or topics that need focused attention that cannot be accomplished by a  
594 subcommittee. Their work will be limited to functional areas and discrete issues relating  
595 to individual sanctuaries. Working groups may be composed of council members,  
596 including council alternates, and persons outside the council. Working groups shall be  
597 chaired by a primary council member or a council alternate and shall function under the  
598 purview of the council. Working groups established by the council to address specific  
599 issues shall disband once the final advice on the particular matter is submitted to the  
600 council. Working group members shall not have assigned alternates, but in the case of  
601 unexpected resignation, the resigning party will suggest one or several replacements to be  
602 vetted and possibly accepted by the working group chair and sanctuary superintendent. In  
603 addition, upon acceptance, the newly appointed member will be briefed by the working  
604 group chair to make sure that he/she understands the set of issues that have been settled  
605 and therefore, will not be revisited by the new appointee. No working group members,  
606 including members who are also members of the council, may receive travel expenses for  
607 working group meetings or other activities.

608

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

609

610 1. The council shall operate pursuant to the terms of this charter.

611

612 2. This charter shall remain in effect for a period of five years from the date of signature.

613

614 3. Six months prior to the expiration of this charter, the need for the council will be evaluated  
615 by the ONMS, with input from council members, to determine whether to renew the  
616 charter.

617

618 4. Revisions to the charter may be made as determined necessary by the ONMS with input  
619 from the council.

620

621

622

623

624

625 **John Armor**

626 **Director, Office of National Marine Sanctuaries**

627

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**Date**