Channel Islands National Marine Sanctuary
Advisory Council Charter

ESTABLISHMENT AND AUTHORITY

Section 315 of the National Marine Sanctuaries Act (NMSA or Act; 16U.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 re-establishes the Channel Islands National Marine Sanctuary Advisory Council (council).

This charter provides a background on the Office of National Marine Sanctuaries (ONMS) and the Channel Islands 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 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; and
- Develop training programs appropriate to council officers and members, and sanctuary superintendents and staff.

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 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 uses in sanctuaries to the extent such uses are compatible with the primary mandate of resource protection, through innovative public participation and interagency cooperative arrangements.
- Work with the international community to strengthen global protection of marine resources, investigate and employ appropriate new management approaches, and disseminate ONMS experience and techniques.
- Build, maintain, and enhance an operational capability and infrastructure that efficiently and effectively support the attainment of the ONMS mission and goals.

CHANNEL ISLANDS NATIONAL MARINE SANCTUARY

The Channel Islands National Marine Sanctuary (CINMS or sanctuary) was designated in 1980 to protect the resources of the waters surrounding San Miguel, Santa Rosa, Santa Cruz, Anacapa, and Santa Barbara Islands. The sanctuary boundary covers 1,470 square miles of ocean including tidal, intertidal, coastal and offshore habitats. Notable living resources include extensive kelp forests, a large and varied invertebrate population, 60 species of seabirds, and 27 species of

marine mammals. There are a number of cultural and historical resources including over 200 documented shipwrecks and prehistoric artifacts from Chumash civilizations. In addition, there is a high probability of submerged archaeological remains of fossilized prehistoric mammals based on recent terrestrial discoveries.

OBJECTIVES

The Director establishes the council to provide advice on:

- Protecting natural and cultural resources, and identifying and evaluating emergent or critical issues involving sanctuary use or resources;
- Identifying and realizing the sanctuary's research objectives;
- Identifying and realizing educational opportunities to increase the public knowledge and stewardship of the sanctuary environment; and
- Assisting to develop an informed constituency to increase awareness and understanding of the purpose and value of the sanctuary and the ONMS.

ROLES

1. The council, in accordance with the NMSA, shall provide advice and recommendations to the sanctuary superintendent regarding the management of Channel Islands National Marine Sanctuary.

2. The council shall act solely as an advisory body to the sanctuary superintendent. 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.

3. The council shall draw on the expertise of its members and other sources in order to provide advice to the sanctuary superintendent.

4. The council may serve as a forum for consultation and deliberation among its members and as a source of advice 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. 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.

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 21 voting members, who shall be appointed by the director from among persons employed by federal, state, regional 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. The sanctuary superintendent sits on the council as a non-voting member and shall work with the chair in scheduling each meeting and approving the agenda to ensure that topics of discussion are relevant to the sanctuary. The sanctuary superintendent shall also concur to other matters as indicated elsewhere in this charter. Council meetings may not be conducted in the absence of the sanctuary superintendent or his/her designee.

3. To ensure relevant information exchange and consistent management, as appropriate, among other national marine sanctuaries located off California, the superintendents of Gulf of the Farallones and Monterey Bay national marine sanctuaries shall sit on the council as non-voting members and may also appoint an alternate.

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

    a. Governmental (10 members)

        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: Channel Islands National Park (DOI), U.S. Coast Guard, Department of Defense, Bureau of Ocean Energy Management, National Marine Fisheries Service, California Natural Resources Agency, California Department of Fish and Wildlife, California Coastal Commission, and Santa Barbara and Ventura Counties.

        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 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 no longer to participate as a member of the council, or fails to attend three consecutive council meetings without reasonable justification and

is formally removed by the director, the 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 conditions 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.

b. Non-governmental members (11 members)

i. A representative of each of the following activities or groups, which are integrally affected by the management goals of the sanctuary, shall be selected: Commercial Fishing (1), Recreational Fishing (1), Conservation (1), Recreation (non-consumptive) (1), Education (1), Business (1), Tourism (1), Research (1), Chumash Community (1), and Public At-Large (2). The two at-large members will be selected based on geographic diversity, breadth of experience and knowledge regarding marine issues, policies and practices.

The eleven non-government members will serve terms varying in length from 2 to 3 years, serve at the discretion of the director, and may compete for re-appointment (subject to the term limits policy described below). The exact end date of their term is determined by the next scheduled recruitment period that takes place after a member serves for two years. The council membership recruitment process shall take place at least twice per year. Should a non-government 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 two-year term beginning on the date of the first council meeting following his/her appointment.

ii. Members serve at the discretion of the director. The sanctuary superintendent may recommend to the director 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 has jurisdictional responsibility;
- Is found to have violated state environmental laws or regulations;
- Is found to have violated national or state 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; 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 three 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.

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

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

iv. Non-governmental seat term limits policy

1. Non-governmental council members will not be selected to serve more than three consecutive terms on the council. On the date when this charter is approved, each council member will be considered to be serving in his/her first term for purposes of computing term limits. This policy applies to the seat (e.g., Conservation seat). If qualified, the same individual may apply for another seat on the council (e.g., Citizen-at-large) once they are term-limited on another seat (e.g., Conservation).

2. The ONMS Director may waive the limit on the number of consecutive terms for non-governmental council members in the following two circumstances. The waivers and the process as it relates to the council member recruitment and selection process are as follows:

   a. Waiver #1: It is determined that continuity of membership is deemed critical by the sanctuary superintendent (e.g., at a critical juncture in the management

plan review process). The request for this waiver should be made at least two months prior to the expiration of the subject seat/s.

Process: This waiver applies to the entire council, not a specific seat. The sanctuary superintendent will be aware of this situation well in advance of recruitment and should send a memo to the director requesting the waiver for a certain length of time and providing a justification as to the need. The signed memo should be provided to the council and posted on the website.

b. Waiver #2: It is a seat that is historically challenging to fill due to the remote location of the sanctuary and distance from population centers, or a limited applicant pool for a particular seat has been shown to limit the number of available candidates to fill a vacancy in a timely and efficient manner and may disrupt or prevent a council from fulfilling its responsibilities.

Process: The term-limited individual should be advised of the situation and advised not to apply during the first round of recruitment. If after adequate advertising there are no qualified applicants in the first round of recruitment, the superintendent will send a memo to the Director requesting the waiver and providing justification as to the need. The signed memo should be posted to the website. The term-limited individual will then be allowed to submit an application during the second round of recruitment (re-advertising). The application will then be reviewed by the preliminary review panel on an equal footing with any other applications submitted during the second round; the signed memo should accompany the application through the entire process from the preliminary review subcommittee to the regional director and ONMS. See the National Marine Sanctuary Advisory Council Implementation Handbook for a full description of the recruitment and selection process.

5. Council Officer Elections and Terms

a. The council shall elect one member to serve as chair, 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, except that the initial term of the vice-chair is one year. 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 one 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 or vice-chair is elected to a new position, the council shall nominate and elect a new representative for the vacated position.

Council members, including non-voting members, and alternates, 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, including the non-voting members (except sanctuary superintendents and/or their designees), and votes shall be made by written ballot. Alternates may 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. Following the first election, elections for chair and vice-chair shall be held in alternate years.

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 shall serve as chair in the absence of the chair and shall assist 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 or reviewing minutes or notes, tracking action items, drafting correspondence, etc.) as directed by the chair or vice chair. The secretary also continues to fulfill the general roles that all council members fill, including

representing the interests of 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 shall be submitted by the sanctuary superintendent to the council chair, vice chair, and secretary, which shall act as the preliminary reviewing body for screening applications for evaluation. 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 by the director. 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. Travel expenses for government 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. Procedures for Providing Advice:

   The following procedures shall be used to provide advice:

   a. The sanctuary superintendent may initiate the process by which the council provides advice by asking the council to provide advice on an issue or topic. This request may be made verbally during a council meeting or in writing at any time. 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 and agree that a topic is a sanctuary issue before it may be placed on the agenda.

c. Any matter that a council working group wishes to raise to the attention of the sanctuary shall be brought to 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 and agree that a topic is a sanctuary issue before it may be placed on the agenda.

d. 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 recorded notes. Draft recommendations and verbal discussions shall be considered by the sanctuary superintendent as background information and shall be included in the recorded meeting notes.

e. Any advice, correspondence, or information that the council wishes to offer or express beyond the sanctuary superintendent shall be voted on and approved by the council. 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.

f. 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 (one more than half of the voting members) shall be present when the vote is taken or a discussion to reach consensus is conducted.

g. 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. Ifthe council does not incorporate information or advice of a subcommittee or working group, it shall inform the sanctuary superintendent and explain inits advice the reasons for not incorporating the subcommittees' or working groups' advice or information.

2. 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 Advisory Council Implementation Handbook.

a. 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.

b. Any council member that has a conflict of interest (financial, personal or business) in any matter before the council, its subcommittees or working groups, 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 anc. 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.

3. 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 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 Channel Islands National Marine Sanctuary and the National Oceanic and Atmospheric Administration."

c. The council shall not make recommendations, express opinions or otherwise speak to individuals or entities other than the sanctuary superintendent unless the council has express permission from the sanctuary superintendent and states that its opinions and findings do not necessarily reflect the position of the CINMS or NOAA.

4. 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.

5. Subcommittees and Working Groups

a. Subcommittees:

The council 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 its 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 member or alternate of the council. Subcommittees shall be recognized as official sub-units of the council. Subcommittees are subject to all requirements of this Charter.

A standing subcommittee, the executive committee, 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 serving as the preliminary review panel for council member selection. The executive committee consists of the council chair, council vice-chair, council secretary and sanctuary superintendent. The council chair, vice-chair, and secretary 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/or 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.

6. Meetings

a. Meetings are held at the call of the chair and the sanctuary superintendent.

b. The council may choose to work by consensus provided there is a quorum (more than half of the voting members), to develop advice provided to the sanctuary superintendent.

c. Decisions made by the council may 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.

d. Each meeting shall be open to the public.

e. Interested persons shall be permitted to present oral or written statements on items on the agenda, or other pertinent topics.

f. Emergency meetings may be held at the call of the chair or presiding officer and the sanctuary superintendent.

g. 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 provided.

h. The council shall meet as frequently as necessary, not to exceed once per month for voting meetings (the meetings should be in different months, but do not have to be precisely 30 days apart), 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.

i. Recorded notes of each meeting shall be kept by the elected council secretary or other person specified by the sanctuary superintendent and contain a summary of attendees and matters discussed; such notes shall be available to the public.

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
Director, Office of National Marine Sanctuaries

7/21/14
Date