MONTEREY BAY NATIONAL MARINE SANCTUARY
SANCTUARY ADVISORY COUNCIL
CHARTER

INTRODUCTION

A marine sanctuary is an area of the marine environment of special national, and sometimes international, significance warranting protection and management by the Federal government. As stewards of coastal and ocean resources, the National Oceanic and Atmospheric Administration (NOAA) protects and manages sanctuaries through the National Marine Sanctuary Program (NMSP). The mission of the NMSP is to manage marine areas of special significance and to protect their ecological and cultural integrity for the benefit of current and future generations. In order to meet the goals of its programs, NOAA employs ecologically sound principles of resource conservation, develops and promotes stewardship, upholds education and research programs that foster public understanding, support and participation, and promotes the ecologically sustainable use of the nation's natural and cultural marine resources. The NMSP provides necessary leadership and strives to link the assets of government and non-government organizations to focus attention on the importance of managing and protecting marine resources.

In September 1992, the Monterey Bay National Marine Sanctuary was designated as the nation's largest marine protected area. The Sanctuary lies along 360 miles of California coastline and encompasses a 5,300 square mile area of coastal and ocean resources. It supports an exceptionally productive ecosystems and highly diverse habitats.

Goals of the Monterey Bay National Marine Sanctuary are:
- To enhance resource protection through comprehensive and coordinated conservation and management tailored to the specific resources that complements existing regulatory authorities;
- To support, promote, and coordinate scientific research on, and monitoring of, Sanctuary resources to improve management decision-making in the Sanctuary;
- To enhance public awareness, understanding, and ecologically sound use of the marine environment; and
- To facilitate to the extent compatible with the primary objective of resource protection, multiple uses of the Sanctuary not prohibited pursuant to other authorities.

ESTABLISHMENT

Section 315 of the National Marine Sanctuaries Act (NMSA or Act; U.S.C. § 1445(a)) authorizes the Secretary of Commerce to establish Sanctuary Advisory Councils to advise and make recommendations to the Secretary of Commerce in the designation and management of National Marine Sanctuaries. This authority has been delegated to the Director of the National Marine Sanctuary Program (Director). The Director hereby establishes the Monterey Bay National Marine Sanctuary Advisory Council (Council). This Charter

describes the objectives and scope of the Council's activities, description of duties for which the Council is responsible, procedural requirements on 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 and the protocols attached to and incorporated as part of this Charter.

PURPOSE

The Secretary of Commerce established the Council to:

- help strengthen and provide support for the growth of the Sanctuary;
- assist in the protection of Sanctuary resources by helping identify needed research to rebuild or protect Sanctuary resources; and
- assist in building community support through problem solving, consensus building, new constituency development, increasing opportunities for revenue enhancement, and increasing understanding about the Sanctuary.

ROLES

1. The Council, in accordance with the Act, shall provide assistance to the Sanctuary Superintendent, National Marine Sanctuary Program, and the Secretary of Commerce (hereafter referred to as the Secretary of Commerce; the Sanctuary Superintendent and Director of NMSP are referred to specifically in sections of the Charter where they have specific actions or responsibilities) and other agencies and individuals within the Department of Commerce regarding the management of the Monterey Bay National Marine Sanctuary.

2. Nothing in this charter constitutes authority to perform operational or management functions, or to represent or make decisions on behalf of the Secretary of Commerce.

3. The Council shall draw on the expertise of its members and other sources in order to provide advice and should assist the Secretary of Commerce and Designees in coordinating Sanctuary Programs with other agencies and organizations.

4. The Council may serve as a forum for consultation and deliberation among its members and as a source of advice and assistance to the Secretary of Commerce. Such advice shall fairly represent the collective and individual views of the Council members.

5. The Council shall provide advice to the Secretary of Commerce or Designees on Sanctuary management priorities, programs, and activities, giving full consideration to the multiple-use character of the Sanctuary to the extent compatible with the primary purpose to protect its vital resources for current and future generations;

6. The Council shall review Sanctuary-related issues and, following public input and formal Council action, transmit Council recommendations and concerns to the Secretary of Commerce, or the Sanctuary Superintendent as the designee. Written comments and recommendations may be forwarded to other entities by the Council with the concurrence of the Sanctuary Superintendent;

7. The Council shall advise the Secretary of Commerce, or the Sanctuary Superintendent as the designee, on how to link existing programs that have shared responsibilities for the protection and management of resources inside and adjacent to the Sanctuary;

8. The Council shall advise the Secretary of Commerce, or the Sanctuary Superintendent as the designee, on ways that sanctuary mandates may be carried out through a comprehensive and cooperative management strategy;

9. The Council shall encourage participation by interested agencies and organizations in the development of strategies and procedures to address specific management concerns (e.g., WQPP, enforcement plans);

10. The Council shall advise the Secretary of Commerce, or the Sanctuary Superintendent as the designee, on priority research and monitoring needs, proposals, reports, permits, and project coordination;

11. The Council shall advise the Secretary of Commerce, or the Sanctuary Superintendent as the designee, on priority education and monitoring needs, proposals, reports, permits, and project coordination;

12. The Council shall assist the Secretary of Commerce, or the Sanctuary Superintendent as the designee, in obtaining available expertise of the Monterey Bay Sanctuary community to promote the gathering of information and the design and application of research that will support informed decision-making;

13. The Council shall provide advice to the Secretary of Commerce, or the Sanctuary Superintendent as the designee, on the development and implementation of broad-based public relations, outreach and education programs which inform and educate the public about the Sanctuary;

14. The Council shall advise the Secretary of Commerce, or the Sanctuary Superintendent as the designee, on general administration and revenue enhancement opportunities for the Sanctuary;

15. The Council shall fully represent the specific constituency groups for which each member was selected;

16. The Council shall act as liaison between the Sanctuary and various public and private groups and interests;

17. The Council shall promote effective communication at all levels regarding Sanctuary matters;

18. The Council shall serve as unofficial, good will ambassadors of the Sanctuary and make every effort to educate their respective constituencies;

19. The Council shall advise the Secretary of Commerce, or the Sanctuary Superintendent as the designee, on ways to support long-term continuance and effective implementation of the National Marine Sanctuary Program; and,

20. The Council shall advise the Secretary of Commerce, or the Sanctuary Superintendent as the Designee, on ways to seek creative and cooperative inter-agency management solutions to issues affecting the MBNMS;

MEMBERS AND OFFICERS

1. The Council consists of no more than twenty (20) voting members, who shall be appointed by the Director from among persons employed by Federal, State, or local agencies with expertise in management of natural resources, representatives of local user groups, such as 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 concurs with the scheduling of each meeting and 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 among California's National Marine Sanctuaries, and other relevant NOAA agencies, representatives of the Elkhorn Slough Estuarine Research Reserve, the Channel Islands, Gulf of the Farallones, and Cordell Bank national marine sanctuaries, sit on the Council as non-voting members. In addition, the U.S. Coast Guard will sit as a non-voting member.

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

(a)(i) Government (eight members): By virtue of the shared functional responsibilities of Federal, State, and local

jurisdictions in the implementation of Sanctuary-related management, each of the following government entities shall be requested to designate one individual to serve on the Council. (Of the numerous responsibilities encompassed within each entity, the specific functional area of expertise needing representation is identified in parentheses):

1. California Department of the Fish And Game; 2. California Department of Parks and Recreation 3. California Coastal Commission (coastal coordination and planning); 4. California EPA (water quality); 5. California Resources Agency (State natural resources trustee); 6. Association of Monterey Bay Area Governments in consultation with, and representing, the adjacent contiguous local government jurisdictions; and 7. harbor and port operating entities that border the Sanctuary.

(ii) If a government entity decides no longer to participate as a member of the Council or fails to attend four consecutive Council meetings and is formally removed by the Director, the Sanctuary Superintendent shall invite another appropriate government entity to replace that agency on the Council, with the Director's concurrence. A government seat shall not be converted to a non-government seat.

(iii) 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, in consultation with the Chief, Sanctuaries and Reserves Division, may notify the appropriate agency and request replacement of the designee. The Sanctuary Superintendent shall consult with the Council prior to taking such action.

(b)(i) Non-government (twelve members): A representative of each of the following activities, which are integrally affected by the management goals of the Sanctuary, shall be selected: research (1), education (1), conservation (1), commercial fishing (1), recreational fishing (1), diving (1), agriculture (1), business and industry (1), tourism (1), and non-extractive recreational users (1). In addition, there shall be three (3) citizen at-large representatives whose selection is based on geographic diversity, breadth of experience and knowledge regarding marine issues, policies and practices. The twelve non-government members are expected to serve for a term of three years, serve at the discretion of the Director of NMSP, and may compete for re-appointment. If necessary, terms of appointment may be changed to provide for balanced (staggered) expiration dates. Should a non-government seat become vacant, the vacated position shall be advertised and a replacement appointed as specified below. The newly appointed member is expected to serve for a full three-year term beginning on the date of his/her swearing-in by the Sanctuary Superintendent, unless the term is adjusted to provide for balanced expiration dates and program efficiencies.

(ii) Members serve at the discretion of the Director. The Sanctuary Superintendent may recommend to the Director the removal of a non-governmental member of the Council on any of the following grounds if that member:

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

5. (i) 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 select the member and an alternate from among the top three candidates resulting from the reviewing process or among other candidates or nominees. 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.

(ii) If a primary SAC member resigns, the alternate will be asked to fill in on a regular basis, until a recruitment for both the primary and alternate seats can be conducted. The alternate may choose to remain the alternate, if he/she applies for the primary seat or not. The term for the alternate will be adjusted to match the term of the primary representative.

6. The individuals selected to fill the conservation, education, research, and business and tourism seats on the SAC must also serve as the Chair of each respective working group. The alternate

selected for those seats is expected to serve as the Vice-Chair of each working group and will have full voting privileges in the event that the Chair cannot attend a regular Council meeting. The Chair and the Sanctuary Superintendent must be notified in advance of any meeting at which an alternate will represent the Council member.

7.(a) Council Officer Elections and Terms

The Council shall elect one member to serve as Chair, one member to serve as Vice-Chair, and one member to serve as Secretary. The Vice-Chair shall act as Chair in the absence of the Chair. The term of the Secretary is two years. The Secretary may serve consecutive terms if reelected. 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 (four years) if reelected. A Chair or Vice-Chair 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. Election for all positions is by majority vote of all Council members, including the non-voting members Elkhorn Slough National Estuarine Research Reserve and Cordell Bank, Gulf of the Farallones, Channel Islands, and Monterey Bay National Marine Sanctuaries. Votes shall be made by written ballot. Following the first election, elections for Chair and Vice-Chair shall be held in alternate years.

(b) Roles of Council Officers:

(i) Chair: The Chair schedules and sets agendas for all Council meetings with the concurrence of the Sanctuary Superintendent, presides over all meetings of the full Council, signs all correspondence and documents authorized by the Council, and generally represents the Council's interests and concerns to the public.

(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.

(iii) Secretary: The Secretary assists Sanctuary staff in maintaining a record of minutes for each regularly scheduled meeting of the Council and ensures that they are accurate and available to the public, writes correspondence directed by the Council, helps to prepare an annual report on Council Activities, and performs other administrative duties as directed by the Chair or Vice-Chair.

APPOINTMENTS

Public notice shall be provided as to the vacancy of constituent group seat(s) and at-large representatives. Applications by individuals for ensuing terms for constituent group seats are submitted to the Sanctuary Superintendent directly and, likewise, nominations from the constituent groups represented are also be

submitted directly to the Sanctuary Superintendent. Applications for ensuing terms for at-large positions likewise are submitted directly to the Sanctuary Superintendent. Copies of all applications and nominations for each seat are submitted by the Sanctuary Superintendent to the Council, which acts as the 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 recommendation for the vacant seat. The Council may elect to establish a subcommittee for purposes of reviewing applications and providing recommendations to the Sanctuary Superintendent. The Sanctuary Superintendent may conduct interviews with applicants. Selection from among those recommended by the Council, or from among other applicants or nominees, is made by the Sanctuary Superintendent with final concurrence by the NMSP Director. The Sanctuary Superintendent may choose to readvertise the vacant seat(s) if adequate candidates are not available. 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.

CONDUCT OF THE COUNCIL

1. Conduct of the Council as a Body

(a) Any correspondence, press releases, informational releases, news articles, or other written documents that are intended to speak for the Council as a body shall be coordinated with and concurred to by, the Chair and the Sanctuary Superintendent.

(b) The Council shall not provide recommendations or advice to other than the Secretary of Commerce unless the Council has the concurrence of the Sanctuary Superintendent.

(c) 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 the Monterey Bay National Marine Sanctuary and the National Oceanic and Atmospheric Administration."

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 about Sanctuary related issues and events. Expectations include:

(a) Regular attendance at Council meetings;

(b) Familiarity with the Council Handbook,

(c) Council members may not use or allow the use of, for other than official Council purposes, information obtained through or in

connection with their Council affiliation that has not been made available to the general public.

(d) 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.

(e) Any Council member that has an interest (financial, personal or business interest) in any matter before the Council or a subcommittee or working group shall 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.

(f) Honoring and upholding the Council's Oath of Office to serve as knowledgeable trustees of the Sanctuary's resources.

ADMINISTRATION

1. Members of the Council shall serve without pay except that each member may receive travel expenses including per diem in lieu of subsistence, in accordance with sections 5702 and 5703 of Title 5, U.S.C., for travel to and from official Council meetings. No members of Working Groups may receive travel expenses for Working Group meetings or activities.

2. National Marine Sanctuary Program 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/task forces to carry out their functions.

3. The Advisory Council has produced a set of protocols, which have been reviewed and concurred to by the National Marine Sanctuary Program, describing operation and administration of the Advisory Council and its working groups and subcommittees (see attached).

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. Revisions to this Charter may be made as determined necessary by the National Marine Sanctuary Program, with concurrence by the Director and with input from the Council as appropriate.

Daniel J. Basta
Director
National Marine Sanctuary Program

6/10/04
Date

PROTOCOLS

PROTOCOL A: Scheduling Council Meetings

Section I: Regular Meetings: Regular meetings are formal Council sessions that are scheduled at the call of the Council Chair (Chair) with the concurrence of the Sanctuary Superintendent. The Council shall meet as frequently as necessary, not to exceed once a month for normal meetings, but at least once every six months. Each meeting shall be open to the public and advance notice of each meeting, including the time, place, and agenda of each meeting, shall be published in the local media. Interested persons shall be permitted to present oral or written statements on items on the agenda. An official public workshop may be scheduled in conjunction with a regular meeting to address situations that require detailed presentations, expert participation, and/or panel discussions (e.g. Vessel Traffic Study Workshop).

The procedure is:

1. Council members agree to meet at regular intervals at the suggestion of the Chair and with the concurrence of the Sanctuary Superintendent;

2. Council members may choose to approve an annual calendar of regular meeting dates, times, and locations. The calendar, once concurred to by the Sanctuary Superintendent, shall be distributed to all interested persons and available electronically on the Sanctuary's web page;

3. In accordance with the Council's goal to represent the diverse geographic interests within the Sanctuary, regular Council meetings shall occur throughout the Sanctuary during any given calendar year;

4. Council members shall RSVP for meetings to Sanctuary staff; and,

5. Meeting agendas shall be written by the Sanctuary Superintendent and the Chair in accordance with the applicable procedures outlined in PROTOCOL B: Setting An Agenda.

Section II: Council Work Sessions: Council Work Sessions are informal meetings to address internal issues such as strategic planning and administrative matters (e.g., the Council Retreat, and the Public Relations Workshop).

The procedure is:

1. Council Work Sessions may be scheduled as recommended by the Chair, the Sanctuary Superintendent, or in response to a request by a Council member at a regular meeting. Council Work Sessions must be concurred to by the Sanctuary Superintendent;

2. Agendas for work sessions shall be written by the persons most responsible for the subject material and shall be concurred to by the Chair and the Sanctuary ~~Manager~~ Superintendent;

3. Sanctuary staff will send relevant material, as needed, in advance of the session so that Council members may prepare;

4. An outside facilitator to moderate the workshop may be recommended; and

5. Work session results and follow-up will be sent to Council members, as appropriate, after the session and a brief report of the event shall be included on the agenda of the next regular Council meeting.

Section III: Emergency Meetings: Emergency Meetings are formal Council sessions to address special issues that require immediate attention.

The procedure is:

1. Emergency meetings may be held at the call of the Chair and the Sanctuary Superintendent;

2. All regular meeting Protocols shall govern an Emergency Meeting; and

3. Public notification and distribution of agendas and meetings materials shall happen as time permits.

PROTOCOL B: Setting An Agenda

Meeting agendas shall be prepared by the Chair and concurred to by the Sanctuary Superintendent, and shall include discussion topic items of import to the Sanctuary program; a report from the Sanctuary Superintendent; activity reports from Working Groups, Subcommittees, and Task Forces, and include time for the public to raise Sanctuary related issues not on the agenda.

The procedure is:

1. The Chair and the Sanctuary Superintendent shall meet or otherwise confer prior to a regular meeting to discuss suggested agenda topic items and determine their relevance to the Sanctuary's mission and goals;

2. Agenda items may come from a number of sources including, but not limited to the Sanctuary Superintendent, Council members, and Council Working Groups, Subcommittees, and Task Forces. Members of the public, or constituency groups, are encouraged to contact a member of the Council to recommend an agenda item;

3. Topics, time allotments, and order of items within the agenda are at the discretion of the Chair and the Sanctuary Superintendent;

4. Sanctuary staff shall be responsible for contacting special guests and speakers;

5. Every effort shall be made to send or post on the Sanctuary's website proposed meeting agendas and pertinent information to Council members at least 3 business days prior to the meeting and all public information shall be available to interested persons upon request;

6. Final agendas shall be available at the meeting; and

7. Past agendas shall be kept on file and be made available, along with the corresponding meeting minutes, at the Sanctuary office and electronically on the Sanctuary's web site.

PROTOCOL C: Conducting A Meeting

Council meetings shall be informative working sessions designed to educate Council members, the attending public, and the Sanctuary office about issues affecting the Sanctuary, and to provide advice and recommendations to the Secretary of Commerce, or the Sanctuary Superintendent as the designee, regarding the management and protection of the Sanctuary and its resources. Council members may also use the regular meetings as a vehicle for formally communicating constituency concerns to the Secretary of Commerce and designees to one another to enhance inter-agency cooperative efforts.

The Chair, or Vice-Chair if Chair is absent (hereafter referred to as "Chair"), shall follow Robert's Rules of parliamentary procedure as closely as is appropriate for the situation and people involved.

The procedure is:

1. The Meeting shall be called to order by the Chair or the presiding officer;

2. The Council Secretary shall take the roll call and shall inform the Chair, if a quorum (over half of the voting members) is present. Official government alternates shall be introduced at the beginning of the meeting;

3. Council members and members of the audience shall wait to be called upon by the Chair, before addressing a topic. The Chair, may reserve the right to limit a speaker's time and shall make certain that a speaker's comments are germane to the topic at hand;

4. There shall be time allotted on each agenda for members of the public to introduce and inform Council members about issues that

are not on the agenda. The Chair, shall call on audience participants one at a time. Discussion about specific issues during the public comment period is at the discretion of the Chair;

5. At any time during the meeting, provided there is a quorum, a Council member may make a motion for action. All motions must be seconded and discussion of the motion is appropriate. A motion may be amended during discussion. When a motion is on the floor, the Chair, shall ensure action is taken on the motion before going on with the business of the meeting;

6. A quorum must be present before a voting action can be taken. A majority vote of those present is required to pass a motion. The motion and its vote shall be recorded in the meeting minutes;

7. Meeting minutes shall be recorded by Sanctuary staff with assistance from the Council Secretary or other person specified by the Sanctuary Superintendent and contain a summary of attendees and matters discussed; such minutes shall be available to the public at the Sanctuary office and on the Sanctuary web-site; and

8. The Chair shall adjourn the meeting when Council business is completed.

PROTOCOL D: Requesting and Providing Advice and Assistance on Sanctuary Related Issues

Section I: Sanctuary Superintendent Request: The Sanctuary Superintendent may request the Council's advice and/or assistance on a particular topic or question of importance to the Sanctuary. The request may be made at any time in writing, verbally, or during a Council meeting.

The procedure is:

1. The Sanctuary Superintendent shall describe the topic or issue and specify what action the Sanctuary would like from the Council;

2. Sanctuary staff shall distribute pertinent information, if necessary, regarding the issue to Council members so that they may prepare for discussions and possible action;

3. Following a presentation by the Sanctuary Superintendent, the Chair, shall open the floor for review and discussion of the matter;

4. Council members shall determine how their respective agencies or constituent groups may provide assistance to the Sanctuary in addressing the Manager's request;

5. The Council may request that more information be provided at the next regular meeting or, the Council may vote to take action with a simple majority deciding or, the Council may decide to

provide advice, guidance or input without taking an action by vote. Minority opinions may be included in the final advisory statement;

6. Council members may determine that the appropriate response is to advance the Sanctuary Superintendent's request and/or the Council's recommendations to other pertinent entities. The Sanctuary Superintendent must concur with all such communications;

7. Subcommittees, Task Forces, or Working Groups may be asked to examine, or be established to examine the issue, determine appropriate responses, and report back to the Council and the Sanctuary Superintendent. If the Council does not incorporate the information or advice of a Subcommittee or Working Group, it shall inform the Sanctuary Superintendent;

8. Some circumstances may require the Sanctuary Superintendent to directly request information, advice, and/or assistance from a Working Group, Subcommittee, or Task Force. The Sanctuary Superintendent shall notify the Chair of these direct requests. As appropriate, the Council shall be asked to review the recommendations of the Working Group prior to a decision being made by the Superintendent. All correspondence to the Sanctuary Superintendent containing suggested advice shall be copied to the Chair for presentation to the Council at a subsequent meeting;

9. The Sanctuary Superintendent shall consider the Working Groups', Subcommittees', and Task Forces' and the Council's advice in making a decision concerning the topic in question. The Sanctuary Superintendent shall inform the Council of that decision and proposed action either at a regular meeting and/or in writing to the Chair and relevant Working Groups, Subcommittees, and Task Forces; and

10. The advice of the Council and the subsequent managerial decision will be formally recorded in the Council's meeting minutes.

Section II: Council Member Request. Council members may request Council review of a particular topic or question of importance to the Sanctuary.

The procedure is:

1. Council members may raise a perceived issue of importance to the Council's attention in two ways: a)by contacting the Chair and Sanctuary Superintendent about the issue, either in writing, or verbally, prior to a Council meeting so that the matter may be placed on a Council meeting agenda; or b) by raising the issue verbally during a Council meeting and requesting that it be placed on a future meeting agenda.

2. Once it has been determined that an item will be placed on the agenda and if that item requires action to be taken by the

Council, then a resolution, along with an appropriate analysis, shall be furnished along with the agenda in advance of the Council meeting. The resolution and analysis will clearly state the nature of the action to be taken, appropriate findings that state the case for the action, and the actions steps that would be made to accomplish the action.

3. Emergency items may be added, if time does not allow for the development of a resolution and analysis, with the approval of the Chair and Superintendent.

Section III: Working Groups, Subcommittees, and Task Forces Requests: Working Groups, Subcommittees, and Task Forces may request Council review of a particular topic or question of importance to the Sanctuary.

Procedures for these groups shall be the same as those outlined in PROTOCOL D: Section II.

PROTOCOL E: Appeal Process: Appeals are situations where the Sanctuary Superintendent or the National Marine Sanctuary Program (NMSP) choose to make a decision different than the advice provided by the Council.

The procedure is:

1. In the event that the Sanctuary Superintendent or National Marine Sanctuary Program choose to make a decision different than a recommendation provided by the Council, the entity rendering the decision shall inform the Council in a timely fashion prior to the decision becoming final.

2. The Council shall work with the Sanctuary Superintendent or the National Marine Sanctuary Program as appropriate to attempt to resolve the differences of opinion and reach a mutually agreeable position;

3. If efforts to resolve the issue cannot be achieved, the Council may write a letter to the next higher level of decision-making, expressing the Council's concerns and requesting that the decision maker re-evaluate the issue, and recommend a course of action.

PROTOCOL F: Working Groups, Subcommittees, And Task Forces

Section I: Existing Working Groups: Working groups created prior to the establishment of the Council (Research, Education, and Conservation) have in the past provided and should continue to provide advice to the Council on priorities, program coordination, etc. They may be requested to provide specialized advice to the Sanctuary Superintendent with notice to the Chair. Such working groups shall be requested to provide a general report to the Council of the status of requested advice at each Council meeting.

Section II: New Working Groups: New Working Groups may be established by the Council, with the concurrence of the Sanctuary Superintendent.

The procedure is:

1. Working Groups may be composed of members of the Council and/or persons outside the Council;

2. All Working Groups shall be chaired by a member of the Council;

3. Working Groups may provide information and technical assistance to the Council on Sanctuary related issues;

4. Working Groups may be asked to respond to specific requests as outlined in PROTOCOL D: Section I and II; and,

5. Working Groups shall provide a general activities report in writing to the Chair at each regular meeting of the Council.

Section III: Operation of Standing Working Groups: The four standing working groups-conservation, education, research and business and tourism-shall operate in close cooperation with Sanctuary staff and under consistent procedures. Meeting of these four working groups may not be conducted in the absence of a Sanctuary staff person. The agendas for these meetings must be produced in consultation with Sanctuary staff. Any written materials, letters or reports, produced by the four working groups may be provided to Sanctuary staff for review and comment prior to finalization and distribution. The working groups may only write to the Sanctuary Advisory Council or Sanctuary Superintendent. Each of the four working groups shall have a process each working group develops for selecting membership and determining how decisions get made at working group meetings.

Section IV: Subcommittees and Task Forces: The Council may establish such Subcommittees or Task Forces as necessary to provide specific advice to the Council. Subcommittees shall be composed solely of members of the Council and shall be recognized as official sub-units of the Council. Task Forces shall be composed of both Council members and members of the general public. When requested, Final Reports or advice from a Subcommittee or a Task Force shall be presented to the Council before they are forwarded to the Sanctuary Superintendent for consideration.

The procedure is:

1. Subcommittees and Task Forces may appoint their own Chair, or Chairs and are responsible for setting their own meeting schedule;

2. Subcommittees and Task Forces will follow the procedures outlined in PROTOCOL D: Section I and II; and

3. Subcommittees and Task Forces may disband once final advice on the particular matter is submitted to the Council.

PROTOCOL G: Council Actions

Section I: Correspondence: The Council may direct that correspondence be written pertaining to specific topics and/or issues, provided that such correspondence complies with the terms of this Charter.

The procedure is:

1. The Council shall, with the assistance of the Sanctuary Superintendent, design and use its own letterhead. All correspondence from the Council shall be on this letterhead;

2. Correspondence may be directed as the result of a motion passed during a regular Council meeting;

3. The Chair may request that a Council member draft correspondence with assistance from Sanctuary staff;

4. All correspondence directed by the Council and in concurrence with the Sanctuary Superintendent will be signed by the Chair, or Vice Chair acting for the Chair, and copied to the Sanctuary Superintendent;

5. Copies of Council directed correspondence and related material will be made available to Council members; and

6. All Council correspondence will be kept at the Sanctuary office and will be made available upon request.

Section II: Council Resolutions: Resolutions provide formal Council recommendations for action on specific issues or state formal Council opinions.

The procedure is:

1. A motion to draft a resolution on any agenda item may be made by any Council member during a regular meeting;

2. Council resolutions will include: a) pre-ambulatory clauses describing the issue in question; and b) the statement "Be it hereby resolved that the Sanctuary Advisory Council," followed by operative clauses. Resolutions may be as long as Council members deem necessary;

3. Council Resolutions will be made available to the Sanctuary Superintendent, in a timely manner, prior to their being made public;

4. Draft resolutions will be made available to Council members prior to formal action;

5. Formal resolutions will be voted on by Council members at regular meetings; and

6. Council resolutions will be kept on file at the Sanctuary office and will be available upon request.

Section III: Council Annual Report: The Annual Report highlights the Council's major accomplishments, projects, correspondence, and resolutions as well as contains a summary of Working Groups' activities.

The procedure is:

1. The Report will be drafted by the Council Secretary and appropriate Sanctuary staff;

2. Draft Council Reports will be made available to the Sanctuary Superintendent, in a timely manner, prior to their being made public;

3. A draft of the Report will be presented to the Council for approval at a regular meeting;

4. The Report will be signed by the Chair and sent to the Sanctuary Superintendent who will forward it to NMSP; and

5. The final Report will be available to Council members and interested members of the public.

Section IV: Council Comments on Special Reports, Proposals, Legislation, and Other Documents: Written comments on legislation or documents related to legislation may be forwarded by the Council to the appropriate parties with the concurrence of the Sanctuary Superintendent. The Council may provide written comments to the Secretary of Commerce on all other special reports, proposals, and other documents, that may be forwarded to appropriate parties by or with the concurrence of the Sanctuary Superintendent.

The procedure is:

1. Written comments may be requested at regular meetings by the Chair, the Sanctuary Superintendent, or any Council member, and may be placed on subsequent meeting agendas according to PROTOCOL B;

2. Following discussion, the Council will vote on whether or not to provide comments. The Council will give guidance on the preparation of the comments;

3. A draft of the written comments will be made available to Council members for review prior to formal action;

4. Written comments by the Council will be made available to the Superintendent, in a timely manner, prior to their approval by the Council;

5. All written comments will be kept on file at the Sanctuary office and will be made available upon request.

PROTOCOL H: Addressing Constituent Concerns: Council members have a responsibility to serve the best interests of the Sanctuary. Council members are also responsible for keeping abreast of the issues and events affecting their constituents and representing constituency interests before the Council.

Expectations include:

1. Frequent communication with constituents;

2. Reminding their constituents that the Council is a vehicle to express concerns, needs, and appreciation for Sanctuary programs;

3. Bringing constituent concerns to the attention of the Chair and Secretary of Commerce;

4. Timely reports to constituents on progress made on a specific issue; and

5. Addressing inaccurate information and mis-conceptions about the Sanctuary and its programs and informing the Chair and Sanctuary Superintendent about such situations.

PROTOCOL I: Addressing the Media: The Council may assist Sanctuary staff in public relations activities that communicate accurate information about Sanctuary programs, special events, and policies.

Expectations include:

1. Working closely with the Sanctuary's Public Relations Coordinator;

2. Clearly stating when a personal opinion is being expressed;

3. Ensuring that information is accurate when speaking before the media;

4. Taking advantage of opportunities to promote the Sanctuary and its programs; and

5. Providing the Sanctuary office with copies of articles, interviews, and videos related to Sanctuary and Council activities.