

MONITOR NATIONAL MARINE SANCTUARY ADVISORY COUNCIL CHARTER

Establishment and Authority

Pursuant to the National Marine Sanctuaries Act § 315,¹ the Secretary of Commerce, through the director of the Office of National Marine Sanctuaries (director), hereby renews Monitor National Marine Sanctuary Advisory Council (advisory council). The advisory council is governed by the act and shall operate pursuant to the terms of this charter and the National Marine Sanctuary Advisory Council Implementation Handbook (handbook).

Advisory Council Policy Statement

ONMS regards community involvement and stewardship as vitally important in carrying out its mission. Advisory councils facilitate this involvement by bringing diverse representatives of the community together to assist ONMS in guiding a proposed site through the sanctuary designation process, or to provide ONMS with advice on the management and protection of established sanctuaries.

The resources ONMS manages differ in size, species, depth, color, culture, and in countless other ways. This rich diversity is part of our natural heritage, a gift to be discovered, appreciated, and protected. Whether a natural ecosystem or a human community, diversity creates strength and resilience. By recruiting for and representing the equally remarkable diversity of advisory council members, ONMS can leverage new creativity, knowledge, and experiences to achieve its vision of a thriving sanctuary system that protects our nation's underwater treasures and inspires momentum for a healthy ocean.

Monitor National Marine Sanctuary

Monitor National Marine Sanctuary enjoys the distinction of being the nation's first national marine sanctuary, established in 1975. USS *Monitor* rests upside down on a sand-covered seafloor about 16 miles south-southeast of Cape Hatteras, North Carolina, in 230 feet of water. USS *Monitor* is recognized worldwide for its significance as the vessel that revolutionized modern naval technology and warfare. In 1862, the turreted ironclad engaged the Confederate Ironclad, CSS *Virginia*, in battle. Less than a year later, *Monitor* sank in a storm off Cape Hatteras, North Carolina.

Since 1975, the ONMS and its partners have worked to document and study the shipwreck and recovered major components of the ship, including the propeller, propeller shaft, skeg, and steam engine. Recovery of *Monitor*'s famous revolving turret and guns, along with the remains of two crewmen, was completed in August 2002.

The wreck and the waters above it are protected by an area one nautical mile in diameter. Sanctuary management goals include protecting the wreck from future damage.

Today, MNMS continues to protect and serve this historic landmark through four pillars:

¹ 16 U.S.C. § 1445a (2012).

- Historic Legacy - The sanctuary protects the shipwreck of USS *Monitor* and celebrates its legacy through its historic, cultural, and technological values.
- Artifact Conservation - The USS *Monitor* artifact recovery project led by NOAA and the U.S. Navy was the largest metals archaeology recovery project ever attempted and the ongoing conservation project at The Mariners' Museum and Park and is a crucial part of sharing *Monitor*'s iconic legacy with the public.
- Ecology - The shipwreck of USS *Monitor* has transitioned from a weapon of war to an island of life. Studying *Monitor* as a habitat contributes to a greater understanding of marine species in the region, ocean health, and our changing climate.
- Service to Community - Just as *Monitor* served the nation during the U.S. Civil War, the sanctuary continues to serve by providing educational enrichment experiences, promoting tourism, supporting local businesses, and helping spread awareness of the ocean's connection to all of us.

Advisory Council Roles

The advisory council is authorized to advise and make recommendations to NOAA regarding the designation and management of national marine sanctuaries. Accordingly, any council advice, recommendations, or comments, must affect the planning or management of Monitor National Marine Sanctuary or the management and protection of sanctuary resources, and (ii) if implemented, must be part of or related to existing or potential management measures that could be authorized under the National Marine Sanctuaries Act.

Advisory council members serve as liaisons between their constituents and ONMS. The advisory council shall draw on the expertise of its members to provide advice and recommendations to the sanctuary superintendent regarding the protection and management of Monitor National Marine Sanctuary. This advice shall fairly represent the collective and individual views of the advisory council members. In formulating advice, the advisory council shall remember that the primary objective of the National Marine Sanctuaries Act and ONMS is resource protection.

Nothing in this charter constitutes authority to perform operational or management functions, or to make decisions on behalf of the sanctuary, the National Oceanic and Atmospheric Administration (NOAA), or the Department of Commerce.

Advisory council members shall not reference or otherwise use their advisory council membership in connection with public statements made in their personal capacities unless they also include a disclaimer that the views expressed in the statement are their own and do not represent the views of ONMS, NOAA, or the Department of Commerce.

Advisory council members and alternates may not use their official council title or positions to directly benefit other roles in which they serve. Members and alternates may not use their affiliation with the council for personal profit, or to attempt to influence an issue by invoking their council affiliation outside the context of the council itself. Advisory council members and alternates are not NOAA employees or affiliates and may not perform functions of NOAA employees or affiliates. No member or alternate (when the member is absent) shall cast a vote or be part of a consensus on any matter that would provide a direct financial benefit to that

member or alternate or otherwise give the appearance of a conflict of interest. An advisory council member or alternate with a competing interest must disclose the conflict of interest before the advisory council discusses and votes on the matter.

The following ethics classifications govern advisory council members and alternates:

- Federal employees appointed to an advisory council are performing their duties on the advisory council in their official capacities as full-time federal employees, and the ethics laws and regulations that apply to them while serving on the council are the same that apply to them in the course of their federal duties.
- Employees of state agencies who occupy a position reserved for that particular state agency are serving in their capacity as state officials, representing the state. They would be subject to the rules that govern employees of that particular state/agency because they would be serving on behalf of the state. With respect to federal ethics rules, they would be subject to rules against misusing government resources.
- State employees serving on advisory councils in their personal capacity would be representing a stakeholder other than that particular state, and would have to do so pursuant to whichever ethics/outside activity rules apply to them in that particular situation. They would be subject to rules regarding the misuse of government resources.
- Other appointed advisory council members representing stakeholders and not employed by a state or the government would be considered to be representatives of the various stakeholder groups, and would be subject to rules regarding the misuse of government resources.

Advisory Council Membership

The advisory council shall consist of 20 total members, including the sanctuary superintendent, ten community (voting) members, and nine non-voting members (with seven non-voting, governmental members and *two* non-voting, non-governmental members). Each community member will be selected by the director from groups representing the diverse perspectives surrounding sanctuary resources; with expertise in natural resources management; local user-group representatives; 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.

Seat Categories

Sanctuary superintendent. Because the advisory council ultimately provides advice to the sanctuary superintendent, the superintendent does not hold an official seat. However, the superintendent shall sit on the advisory council in a neutral, nonvoting capacity. The superintendent (or designee) must be present at each advisory council meeting or the advisory council cannot meet. Additionally, the superintendent shall work with the chair in scheduling each meeting and approving the agenda to ensure each topic is relevant to the sanctuary. The superintendent may also participate in advisory council discussions by providing factual information and official ONMS opinions. However, the sanctuary superintendent shall not provide personal opinions on advisory council issues.

Community Voting seats. There is one category of seats for which voting members are appointed or selected. It is as follows:

- Representatives of each of the following activities or groups, which are integrally affected by ONMS sanctuary management goals, shall also serve on the advisory council:
 - Maritime Heritage & Archaeological Science
 - Heritage Tourism (Virginia)
 - Heritage Tourism (North Carolina)
 - Education (K-12)
 - Education (Higher Education)
 - Recreational Diving
 - Recreational/Commercial Fishing
 - Ecological Sciences
 - Military Community
 - Cultural Engagement

These members will serve terms a length of three years, and may compete for reappointment (subject to the ONMS nongovernmental seat term limits policy described in the handbook). The member recruitment process shall take place on an as needed basis. Should the recruitment process extend beyond the end of the member's term, that member may continue to serve until the process concludes. Should a non-governmental seat become vacant during the member's scheduled term, the alternate may complete the term, or the vacated position could be advertised to replace the member. The newly appointed member shall serve for a full term, beginning on the swearing-in date.

Each primary member of each community (non-governmental) seat shall have one alternate. An alternate should attend and participate in advisory council meetings and other activities just as any other member, except that the alternate shall not vote unless the primary seat representative is absent. While primary members accept the responsibility of attending advisory council meetings, an alternate ensures that the seat constituents' voice is heard by voting when the primary member is absent.

Non-voting seats. There are four categories of seats for which non-voting members are appointed or selected. These categories are as follows:

- A NOAA representative is a non-voting member. NOAA will work with the chair in scheduling each meeting and approving the agenda to ensure each topic of discussion is relevant to the sanctuary. Council meetings may not be conducted in the absence of the NOAA representative or his/her designee.
- By virtue of the shared functional responsibilities of federal, state, and local jurisdictions of sanctuary management, and to ensure relevant information exchange and consistent management, the following government entities shall be asked to designate one representative and an alternate each to sit on the council:
 - The National Park Service
 - NC Department of Cultural Resources
 - VA Department of Historic Resources
 - U.S. Coast Guard
 - U.S. Navy

- o Local Government - North Carolina
- o Local Government - Virginia

If a government entity voluntarily decides to stop participating as an advisory council member, or if the director formally removes the entity from the advisory council, the sanctuary superintendent, with approval of the director, shall invite another appropriate government entity as a replacement.

- A non-governmental, non-voting youth seat shall represent the youth segment of the community, defined as those aged 14-17. The youth member shall be appointed for a term of two years, and may compete for reappointment unless the individual will exceed the age limit during the additional term. Members filling the youth seat must fulfill the requirements set forth in the handbook.
- The Mariners' Museum and Park shall be asked to designate one representative and one alternate to sit on the council in a non-voting capacity.

Advisory Council Officers

The advisory council shall elect one member to serve as chair and one member to serve as vice chair. The chair and vice chair serve two-year terms and may serve a maximum of two consecutive terms if reelected. The handbook provides guidance on the roles of each officer position.

Advisory Council Member Removal

As indicated in the handbook, advisory council members serve at the discretion of the director. The sanctuary superintendent may recommend removal of a member who violates any term of this charter or any of the proscribed activities in the handbook, including absence from three consecutive meetings without reasonable justification.

Administration

Members of the advisory council serve without pay. Similarly, working group members who are not advisory council members shall serve without pay, except that they may receive working group meeting travel expenses (including per diem in lieu of subsistence)².

Voting members of the council may receive travel expenses (including per diem in lieu of subsistence) for travel to and from official advisory council meetings, meetings of subcommittees of which they are members, and meetings of working groups of which they are members. All reimbursement of travel expense requests are at the discretion of the sanctuary superintendent and dependent upon financial considerations and constraints. No alternates may receive travel expenses for council meetings unless they are filling the seat in the absence of the primary member. All travel expenses are governed by federal travel regulations. Travel expenses for governmental members may be provided by their own agencies.

ONMS may make available any staff, information, administrative services, or assistance that the sanctuary superintendent determines reasonably required to enable the advisory council and its subunits to function.

² 5 U.S.C. §§ 5702–5703 (2012).

Operation

The advisory council's success depends on its members' consistent attendance and participation at meetings, as well as their constituent outreach, which may include community events, talks, or organizational meetings. (For more information on seat descriptions, see Appendix A). Members should recognize this responsibility (and its corresponding rewards) before applying for and accepting any advisory council seat.

In addition to attending meetings and engaging with constituents, advisory council members must also be familiar with the processes and regulations governing the sanctuary, including the provisions of this charter and all sections of the handbook. The following paragraphs provide an outline of the advisory council's primary activities, but members should consult the handbook for detailed guidance.

Full advisory council meetings. Advisory council meetings are held at the call of the chair and sanctuary superintendent. Full advisory council meetings shall be held at least once every six months, but no more than once in any calendar month. Each meeting shall be open to the public, and the public shall be timely notified of the meeting time, place, and agenda. Failure to provide adequate public notice of each agenda item precludes the advisory council from taking any action on that item. Advisory councils shall also make each meeting's minutes available to the public. Workshops addressing strategic planning, administration, or specialized technical issues are exempt from these public notice and participation requirements.

Any matter that an advisory council member wishes to bring to ONMS' attention shall be brought to either the sanctuary superintendent or the chair so that it can be added to a future meeting agenda. The superintendent and the chair discuss agenda topics, but the superintendent must ultimately approve all topics placed on the agenda.

Advisory councils shall offer advice following either a formal vote (noting any opposing votes and abstentions), or consensus of the members (noting any minority opinions). In either case, a quorum of more than half of the advisory council's voting members must participate.

Any correspondence or other written documents from the advisory council as a body shall be coordinated with, and approved by, the chair and superintendent prior to sending. Any written or verbal advice, correspondence or information the council wishes to offer or express as a body must be voted on and approved by both the council and the sanctuary superintendent prior to sending and must be on council letterhead with the appropriate disclaimer. All documents and communications originating from the council shall include the following disclaimer: *The advisory council is an advisory body to the sanctuary superintendent. The opinions and findings of this publication do not necessarily reflect the position of Monitor National Marine Sanctuary and the National Oceanic and Atmospheric Administration.*

There may be some instances in which a council conveys official communications to other federal agencies, to Congress, or to other external parties. Under the NMSA and ONMS policy, the council may not provide advice, recommendations, or comments to entities beyond ONMS without the approval of the ONMS director or the site superintendent, as applicable. The ONMS director or site superintendent may, at their discretion, approve the transmittal of council advice or comments to agencies or other third parties beyond DOC, NOAA, or ONMS. Any advice,

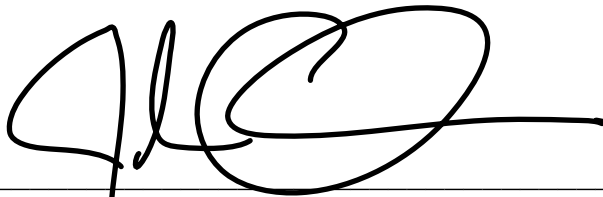
correspondence, or information the council wishes to offer or express beyond the ONMS director shall be voted on and approved by the council. The ONMS director or site superintendent may convey the council advice, recommendations, or comments to the third party or may authorize the council to transmit the comments directly to the third party after providing it to the ONMS director or superintendent. For comments conveyed to any legislature, including Congress or a state legislature, ONMS will work with the NOAA Office of Legislative and Intergovernmental Affairs to transmit the comments through official channels. ONMS should consult legal counsel before sharing any information that is potentially proprietary, potentially contains Personally Identifiable Information (PII), or is otherwise sensitive or potentially controversial.

Subunits. The chair, in consultation with the advisory council as a whole and with the concurrence of the sanctuary superintendent, may establish subcommittees or working groups as necessary. A subunit may not submit its findings and recommendations directly to the superintendent or ONMS, but the advisory council may choose to take action on the findings or recommendations, including adopting them and/or transmitting them to the superintendent.

Other Terms

The charter shall remain in effect for five years from the date of signature. Six months prior to expiration, ONMS, with input from the advisory council members, will determine whether to renew the charter based on the ongoing need for the advisory council.

ONMS may revise the charter or handbook as it deems necessary, with input from the advisory council.



John Armor
Director, Office of National Marine Sanctuaries

4/15/2023
Date

Appendix A

MNMS Advisory Council Seat Descriptions and Responsibilities

Advisory council members serve as liaisons between their constituents and ONMS. The advisory council shall draw on the expertise of its members to provide advice and recommendations to the sanctuary superintendent regarding the protection and management of Monitor National Marine Sanctuary. Council members should be actively involved with their constituents to afford the best representation possible. Therefore, all seats should

- Have the ability and willingness to actively communicate with the spectrum of users or stakeholders the seat represents
- Understand the important links between the constituents and/or the uses the seat represents and the sanctuary resources
- Create engagement opportunities with the community represented by the seat to support sanctuary management
- Actively participate in Advisory Council meetings, both in-person and virtual
- Participate in community programs and events associated with the sanctuary
- Facilitate regular communication between the member and alternate pertaining to the stakeholders and users the seat represents
- Willingness to chair or participate in advisory council working groups or subcommittees

Community Seat Descriptions

Maritime Heritage and Archaeological Science:

- Affiliation with maritime heritage and scientific research institutions or organizations active in communities near the sanctuary;
- Ability to effectively communicate with multiple institutions and archaeologists in the sanctuary's region regarding sanctuary resources;
- Direct experience with marine research programs; and
- Experience, ability, and availability to conduct outreach within the research community consistent with the goals of the sanctuary and the mission of the council.

Heritage Tourism (VA):

- Familiarity and affiliation with the heritage tourism industry in communities near the sanctuary;
- Understanding the links between heritage tourism, sanctuary resources, and human activities;
- Ability and willingness to communicate with key representatives from the heritage tourism industry; and
- Experience, ability, and availability to conduct outreach within the heritage tourism community consistent with the goals of the sanctuary and the mission of the council.

Heritage Tourism (NC):

- Familiarity and affiliation with the heritage tourism industry in communities near the sanctuary;

- Understanding the links between heritage tourism, sanctuary resources, and human activities;
- Ability and willingness to communicate with key representatives from the heritage tourism industry; and
- Experience, ability, and availability to conduct outreach within the heritage tourism community consistent with the goals of the sanctuary and the mission of the council.

Education (K-12):

- Affiliation with educational institutions or organizations active in communities near the sanctuary;
- Ability to effectively communicate with multiple institutions and educators;
- Direct experience with STEAMS (Science, Technology, Engineering, Art, Math, and Social Studies) education programs relating to the sanctuary's resources;
- Ability to engage and effectively communicate with K-12 students; and
- Experience, ability, and availability to conduct educational programs and outreach consistent with the goals of the sanctuary and the mission of the council.

Education (Higher):

- Affiliation with higher educational institutions or organizations active in communities near the sanctuary;
- Ability to effectively communicate with multiple institutions and educators;
- Direct experience with marine education programs that include STEAMS (Science, Technology, Engineering, Art, Math, and Social Studies);
- Ability to effectively engage and interact with university/college students, pre-service teachers, in-service teachers, and/or life-long learners; and
- Experience, ability, and availability to conduct educational programs and outreach consistent with the goals of the sanctuary and the mission of the council.

Recreational / Commercial Fishing:

- Knowledge of and/or experience with commercial or recreational fishing within the sanctuary's region;
- Knowledge of and/or experience with various commercial or recreational fishing activities, organizations, and businesses in the sanctuary's region;
- Knowledge of the laws, policies, and practices affecting commercial or recreational fishing within the sanctuary and surrounding waters; and
- Experience, ability, and availability to conduct outreach within the fishing community consistent with the goals of the sanctuary and the mission of the council.

Recreational Diving:

- Knowledge of and experience with recreational diving and divers within the sanctuary's region;
- Knowledge of and experience with various recreational diving activities, organizations, and businesses in the sanctuary's region;
- Knowledge of the laws, policies, and practices affecting recreational diving within the sanctuary and surrounding waters; and
- Experience, ability, and availability to conduct outreach within the diving community consistent with the goals of the sanctuary and the mission of the council.

Ecological Sciences

- Affiliation with scientific ecological research institutions or organizations active in the sanctuary region;
- Ability to effectively communicate with multiple institutions and scientists regarding sanctuary resources
- Direct experience with ecological research programs; and
- Experience, ability, and availability to conduct outreach within the research community consistent with the goals of the sanctuary and the mission of the council; and

Military Community

- Affiliation with and/or familiarity with the military community (families) in Virginia and/or North Carolina;
- Affiliation with organizations representing military communities within the sanctuary region (USO, veteran organizations, military relief organizations);
- Act as a liaison to the military community to support, advise, build, and develop relationships between the sanctuary and a diverse range of military members across all branches of the service;
- Have expert insight on issues affecting military members and their families and their quality of life; and
- Experience, ability, and availability to conduct outreach within the military community consistent with the goals of the sanctuary and the mission of the council.

Cultural Engagement

- Actively involved in the community supporting diversity of peoples and activities;
- Possess strong communication skills to engage and effectively interact with people across cultures; and
- Experience, ability, and availability to conduct outreach within diverse communities consistent with the goals of the sanctuary and the mission of the council.

Youth Seat

- Be between the ages of 14 and 17 when they apply;
- Attend a school, including home schools (or other alternative high school option), in the vicinity of the sanctuary;
- Have a proven ability to communicate and network with other students within their school, in other schools within their community, or with home-schooled students and with adults;
- Possess an interest in sanctuary resource protection and management;
- Have experience or knowledge regarding public uses and activities in the sanctuary;
- Be able to travel to and attend advisory council meetings and retreats (parent/guardian or student provides transportation); and
- Provide written recommendations from one or more teachers.