



# GRAY'S REEF NATIONAL MARINE SANCTUARY ADVISORY COUNCIL CHARTER

Revised October 2016 (Amended June 2017)

**GRAY'S REEF NATIONAL MARINE SANCTUARY  
SANCTUARY ADVISORY COUNCIL  
CHARTER**

**ESTABLISHMENT AND AUTHORITY**

Section 315 of the National Marine Sanctuaries Act (NMSA or Act; 16 U.S.C. §§ 1431 *et seq.*) authorizes the Secretary of Commerce to establish sanctuary advisory councils to provide advice to the Secretary of Commerce regarding the designation and management of national marine sanctuaries. This authority has been delegated to the Director (director) of the Office of National Marine Sanctuaries (ONMS). The director hereby reestablishes the Gray's Reef National Marine Sanctuary Advisory Council (council).

This charter provides a background on ONMS and Gray's Reef 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**

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 through 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 ONMS in guiding a proposed site through the designation process.

ONMS is committed to the full support, utilization, and enhancement of councils at all sanctuaries. In order for councils to achieve their full potential, 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.

The resources ONMS manages differ in size, species, depth, color, culture, and 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.

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

### Goals of the ONMS:

- Identify, designate, and manage sanctuaries to maintain the natural biological communities in sanctuaries and to protect and, where appropriate, restore and enhance natural habitats, populations, and ecological processes, through innovative, coordinated, and community-based measures and techniques.
- Build and strengthen the nation-wide system of marine sanctuaries; maintain and enhance the role of the system in larger marine protected area networks; and help provide both national and international leadership for marine protected area management and marine resource stewardship.
- Enhance nation-wide public awareness, understanding, and appreciation of marine and Great Lakes ecosystems and maritime heritage resources through outreach, education, and interpretation efforts.
- Investigate and enhance the understanding of ecosystem processes through continued scientific research, monitoring, and characterization to support ecosystem-based management in sanctuaries and throughout U.S. waters.
- Facilitate human uses in sanctuaries to the extent such uses are compatible with the primary mandate of resource protection, through innovative public participation and interagency cooperative arrangements.
- 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.

## **GRAY'S REEF NATIONAL MARINE SANCTUARY**

Gray's Reef National Marine Sanctuary (GRNMS) protects a vibrant hard-bottom area off the Georgia coast. At 22 square miles, GRNMS is the only protected natural reef area on the continental shelf off the Georgia coast and one of only a few natural marine protected areas between Cape Hatteras, North Carolina and Cape Canaveral, Florida. Within its waters, scattered rocky out-croppings and ledges as tall as six feet provide homes for a variety of marine life. These soft corals, sponges, crabs, lobsters, sea stars and other organisms form a dense carpet of living creatures that cover the nooks and crannies of GRNMS, giving it the name "live bottom." The reef attracts numerous species of fish, including black sea bass, snappers, groupers, and mackerels. Loggerhead sea turtles, a threatened species, forage and rest year-round at GRNMS, and the reef is located within critical habitat and the only known winter calving ground for the highly endangered North Atlantic right whale.

Science conducted in GRNMS helps NOAA make informed decisions that protect the sanctuary, as well as sanctuary resources that range outside its boundaries. GRNMS provides a living laboratory for study of this unique marine ecosystem. Recreational anglers, divers, and boaters are also among the sanctuary's user groups; however, given the sanctuary's remote location 16 miles east of Sapelo Island, Georgia, most people experience the sanctuary through pictures or videos showing some of its colorful fish and benthic organisms. GRNMS has exhibit partnerships with the University of Georgia Marine Education Center and Aquarium, the Tybee Island Marine Science Center, the Fernbank Museum of Natural History, Georgia Southern University, and South Carolina Aquarium, among others.

### **COUNCIL ROLES**

1. The council, in accordance with the NMSA, shall provide advice and recommendations to the sanctuary superintendent regarding the protection and management of GRNMS.
2. The council shall draw on the expertise of its members and other sources in order to provide advice to the sanctuary superintendent.
3. 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.
4. The council may serve as a forum for consultation and deliberation among its members and as a source of advice and recommendations to the sanctuary superintendent. Such advice shall fairly represent the collective and individual views of the council members. In formulating such advice, the council members shall recall that the primary objective of the sanctuary and the NMSA is resource protection.
5. The council is established to provide advice and recommendations to the sanctuary superintendent regarding the management of GRNMS. 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.

6. The council may 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**

#### **A. General**

1. The council shall consist of no more than twelve (12) voting members and seven (7) non-voting members, who shall be appointed by the director from among persons 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 management of the sanctuary. 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 chair shall work with the sanctuary superintendent in scheduling each meeting and approving the agenda to ensure each topic is relevant to GRNMS. Council meetings may not be conducted in the absence of the sanctuary superintendent or his/her designee.
3. There are two categories of seats for which council members are appointed— governmental and non-governmental. The following procedures shall govern the application, nomination, and appointment of council members.

#### **B. Governmental Seats (8)**

1. By virtue of the shared functional responsibilities of federal and state jurisdictions in the implementation of sanctuary-related management, government entities shall be requested to designate one individual to serve on the council.
2. To ensure relevant information exchange and consistent management, as appropriate, the following agencies shall be asked to designate one representative each to sit on the council as a non-voting member:
  - U.S. Coast Guard
  - NOAA Fisheries Southeast Regional Office
  - Sapelo Island National Estuarine Research Reserve
  - Georgia Department of Natural Resources Law Enforcement Division
  - NOAA Office of Law Enforcement
  - NOAA Sea Grant office from either Georgia, South Carolina, North Carolina, or Florida
  - U.S. Navy
3. To ensure that sanctuary plans and policies are well coordinated with state coastal programs and interests, the Georgia Department of Natural Resources, Coastal Resources Division, shall be asked to designate one individual to serve on the council as a voting member.

4. Governmental members are appointed by their agencies and are not subject to term limitations or the competitive application process.
5. An alternate (from the same government entity) of a governmental member may be appointed by the agency and, in the absence of that council member, have the full voting rights that apply to that seat. An alternate may not name another alternate.
6. If a government entity decides to no longer participate as a member of the council, or fails to attend three (3) consecutive council meetings without reasonable justification and is formally removed by the director, the sanctuary superintendent, with the approval of the director, shall invite another appropriate government entity to replace that agency on the council.
7. If it is found that a governmental member of the council has violated one or more of the terms of this charter, the sanctuary superintendent may recommend to the director that the appropriate agency be notified and requested to replace that designee. The sanctuary superintendent may consult with the council prior to taking such action.

C. Non-governmental Seats (11)

1. A representative of each of the following activities, which are integrally affected by the management goals of the sanctuary, shall be selected:
  - Living resources research
  - Non-living resources research
  - K-12 education
  - University education
  - Conservation— two (2) seats
  - Sport fishing (anglers, fishing clubs, tackle shops, etc.)
  - Sport diving (divers, dive operators, dive clubs, and dive shops)
  - Charter/commercial fishing (for-profit fishing)
  - Citizen-at-large— two (2) seats
2. The non-governmental citizen at-large members are appointed for two-year terms with staggered appointments and expiration dates. Citizen-at-large members may compete for reappointment subject to term limits as specified below. Should a citizen at-large seat become vacant, the vacated position should be advertised and a replacement appointed as specified below. The newly appointed member shall serve for a full term beginning on the date of his/her approval by the sanctuary superintendent.
3. All other non-governmental members are appointed for three-year terms and may compete for reappointment subject to term limits as specified below. Should a non-governmental seat become vacant, the vacated position should be advertised and a replacement appointed as specified below. The newly appointed member shall serve for a full term beginning on the date of his/her approval by the sanctuary superintendent.

4. When non-governmental seats become vacant and are advertised, the appointment of members will balance institutional memory and experience of the council with infusions of fresh perspectives and ideas. The desire is to have a diversity of individuals on the council to engage fully in discussions. GRNMS strives to make its advisory council diverse and inclusive, composed of members who are representative of the communities they represent.
5. Non-governmental members accept the responsibility of attending council meetings and may not designate alternates to serve in their places or to represent them in meetings or at other council activities.
6. 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:
  - a. Is convicted of any felony offense;
  - b. Is found to have violated any of the following laws or regulations promulgated hereunder: the National Marine Sanctuaries Act, Marine Mammal Protection Act, Migratory Bird Treaty Act, Endangered Species Act, Magnuson-Stevens Fishery Conservation and Management Act, or another environmental law for which NOAA or another federal agency has jurisdictional responsibility;
  - c. Is found to have violated state environmental laws or regulations;
  - d. Is found to have violated national or state laws or regulations that protect cultural resources;
  - e. Is determined to have abused his/her position as a council 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/herself if so requested by the sanctuary superintendent and/or chair in a matter in which the member has a conflict of interest);
  - f. 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;
  - g. Misses three (3) consecutive meetings without reasonable justification;
  - h. Disrupts, on more than one occasion, council meetings in a manner that interferes with the council's ability to conduct its business; or
  - i. Violates any term of this charter.
7. The sanctuary superintendent may consult with the council prior to removal of a non-governmental member.

8. Non-governmental seat term limits policy

Non-governmental council members will not be selected to serve more than three consecutive terms on the council. 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). The ONMS Director may waive the limit if a particular seat is difficult to fill or continuity of membership is deemed critical. (For ONMS's complete term limits policy, see the *National Marine Sanctuary Advisory Council Implementation Handbook*, Appendix 19 "Policy to Limit Consecutive Term Limits Non-governmental Council Members.")

D. Council Officer Elections and Terms

1. The council shall elect one member to serve as chair, and one member to serve as vice chair. The vice chair shall act as chair in the absence of the chair. Terms of the chair and vice chair are two years; if re-elected, the chair and vice chair may serve a maximum of two consecutive terms. The council may elect one member to serve as council secretary. The council secretary's term is two years; if re-elected, the council secretary may serve consecutive terms.
2. If desired, a chair, vice chair, or secretary may leave his/her term to run for another council officer position. If the chair, vice chair, or secretary 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, 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, 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 and votes can be made by written ballot. Members who will not be present at the time of the election may submit their vote in writing to the sanctuary superintendent prior to the meeting.
3. 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, he/she may begin serving in his/her position immediately upon being elected; otherwise, he/she may begin serving at the next meeting. If the chair resigns, the vice chair can act on his/her behalf until the new chair assumes his/her position. If the vice chair resigns, the secretary can act on his/her behalf until the new vice chair assumes his/her position. If the secretary resigns, the position may remain vacant until the new secretary assumes his/her position.
4. 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.
5. Roles of Council Officers:
  - a. 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 his/her constituents.
- b. Vice Chair: The vice chair serves as chair in the absence of the chair and assists as necessary in performing the council's executive duties. The vice chair also continues to fulfill the general roles that all council members fill, including representing the interests of his/her constituents.
  - c. 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 his/her constituents.

### **APPOINTMENTS**

Public notice shall be provided as to the vacancy of constituent group and at-large representatives. Applications for ensuing terms for vacant seats shall be submitted to the sanctuary superintendent or his/her designee (e.g., advisory council coordinator or other appropriate site staff), as defined in the *Federal Register* notice for a particular recruitment. Copies of all applications and nominations for each seat will be submitted by the sanctuary superintendent to the preliminary review panel to obtain recommendations on selections. Any council member that has a conflict of interest (e.g., financial, personal, self-nomination, etc.) shall recuse him/herself from making a recommendation for the vacant seat. Selection from among those recommended by the panel, or from among other applicants or nominees, shall be made by the sanctuary superintendent with the approval of the director. The sanctuary superintendent may choose to re-advertise the vacant seat(s) if adequate candidates are not available after the first recruitment process. 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**

Council and working group members shall serve without pay. Each member may receive council meeting travel expenses, including per Diem in lieu of subsistence (in accordance with 5 U.S.C. §§ 5702-5703). Reimbursement is at the discretion of the sanctuary superintendent and dependent upon budgetary considerations and constraints. Travel expenses for government members of the council may be provided by their own agencies.

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 and working groups to carry out their functions.

## OPERATION

### A. Meetings

1. Meetings are held at the call of the chair and the sanctuary superintendent.
2. Decisions (e.g., recommendations) made by the council shall be made either by a majority vote or consensus of those present, provided there is a quorum (i.e., more than half of the voting seats). A recorded vote may be requested by the chair or the sanctuary superintendent.
3. Each meeting shall be open to the public.
4. Interested persons shall be permitted to present oral or written statements on items on the agenda, or other pertinent topics.
5. Emergency meetings may be held at the call of the chair or presiding officer and the sanctuary superintendent.
6. 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 issued. The council may not vote on any agenda item for which notice was not provided.
7. The council shall meet as frequently as necessary, not to exceed once per month (the meetings should be in different months, but do not have to be precisely 30 days apart) for voting meetings, 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 reasonably accessible to those interested in attending.
8. 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.

### B. Procedures for Providing Advice: The following procedures shall be used to provide advice:

1. The sanctuary superintendent may initiate the process by which the council provides advice by asking the council to provide advice on a relevant 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 ONMS, other NOAA offices, or other agencies shall be made in writing and be coordinated through the sanctuary superintendent.
2. 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. The sanctuary superintendent approves a topic to be placed on the agenda.

3. 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 notes. Draft recommendations and verbal discussions shall be considered by the sanctuary superintendent as additional background information and shall be included in the minutes.
4. Any advice, correspondence, or information the council wishes to offer or express beyond the sanctuary superintendent shall be voted on and approved by the council prior to sending. 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.
5. 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 shall be present when the vote is taken or a discussion to reach consensus is conducted.
6. 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 incorporated into the council's recommendation to the sanctuary superintendent, as appropriate. If the council does not incorporate information or advice of a subcommittee or working group, it shall inform the sanctuary superintendent and explain in its advice or information, the reasons for not incorporating the subcommittee's or working group's advice or information.

C. Conduct of Council Members and Alternates

1. Council members and alternates 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 *National Marine Sanctuary Advisory Council Implementation Handbook*.
2. 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 or alternate shall clearly distinguish those recommendations, opinions, or positions officially adopted by the council as a body from those he/she may have as an individual. In no case shall a member or alternate represent individual opinions as those of the council, the sanctuary superintendent, sanctuary staff, or NOAA.
3. Any council member or alternate that has an interest (e.g., financial, personal, or business) in any matter before the council, a subcommittee, or a working group shall identify such interest prior to discussion and voting on such matter. No member or alternate shall cast a vote 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 under federal law. An affected member or alternate 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 or alternates of the council.

4. All council members and alternates are expected to conduct themselves in a civil fashion, showing courtesy and respect to other council members and alternates, sanctuary staff, and any other individuals present at a meeting.

D. Conduct of the Council as a Body

1. 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.
2. The following disclaimer shall be placed in all documents and communications originating from the council: *“The council is an advisory body for the Office of National Marine Sanctuaries. The opinions and findings of this publication do not necessarily reflect the position of Gray’s Reef National Marine Sanctuary, the Office of National Marine Sanctuary, the National Oceanic and Atmospheric Administration, or the U.S. Department of Commerce.”*

E. 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 or alternates of the council, or the council as a body, shall be on this letterhead. The council shall not use official ONMS, NOAA, or DOC letterhead, or any derivative thereof, for any correspondence or other purpose.

F. Subcommittees and Working Groups

1. Subcommittees: The 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 the council’s 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 primary member of the council. Subcommittees shall be recognized as official subunits of the council, subject to all the requirements of this charter.
2. A standing subcommittee, the executive subcommittee, will serve as the administrative body of the 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 reviewing meeting conduct. The executive subcommittee consists of the council chair, council vice chair, council secretary, and sanctuary superintendent. The council coordinator will work very closely with the executive committee. The chair, with concurrence from the superintendent, may also appoint one additional member from the members of the council. The council chair, vice chair, secretary, and one additional council member appointed by the chair shall also serve as the preliminary review panel for council member selection. Meetings of the executive committee are not subject to public

meeting requirements.

3. 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. Working groups may be composed of members and alternates of the council and 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. Working groups shall be recognized as official subunits of the council, subject to all the requirements of this charter.

#### **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 the director's signature below.
3. Six months prior to the expiration of this charter, the need for the council will be evaluated by ONMS, with input from the council, to determine whether to renew the charter.
4. Revisions to the charter may be made as determined necessary by ONMS with input from the council.

CHARTER EFFECTIVE DATE: OCTOBER 20, 2016  
AMENDMENT 1 EFFECTIVE DATE: JUNE 9, 2017