U.S. DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
Thunder Bay National Marine Sanctuary
500 West Fletcher Street
Alpena, Michigan 49707
(989)356-8805 phone ~ (989)354-0144 fax

February 13, 2015

Dear Friend of the Thunder Bay National Marine Sanctuary:

We are in the process of filling seats on our sanctuary advisory council. Beginning immediately, we will accept applications for council membership for the following positions:

Education (K-12)	Fishing
Higher Education	Diving (including snorkeling)
Tourism/Recreation	Maritime Industry/Business
Business/Economic Development	Citizen-at-Large (3)

The Thunder Bay National Marine Sanctuary Advisory Council (council) was established in 1997 pursuant to Federal law to ensure continued public participation in the management of the sanctuary. The council has fifteen members and fifteen alternates. Five seats represent local community governments, and the other ten represent facets of the sanctuary community, including education, research, fishing, diving, tourism, cultural resources, economic development, and the community at large. The council meets bi-monthly, with informal coffees and lunches scheduled for non-meeting months. Working groups meet as needed. The fifteen alternates also take an active role in council meetings as well as assist in carrying out many volunteer assignments throughout the year.

Enclosed is our sanctuary advisory council application, along with a copy of the council's charter.

We are looking forward to receiving completed applications at our office at **500 W. Fletcher Street, Alpena, Michigan 49707** by **March 31, 2015**. Applications will be reviewed by a preliminary review panel. The panel will help us narrow down the number of candidates for each seat to the top three. Selected members will serve a term of two or three years on the council.

If you have any questions concerning the council feel free to contact Jean Bauer, Sanctuary Council Coordinator at (989)356-8805 xt.13 or jean.bauer@noaa.gov.

Sincerely,

Jefferson J. Gray
Sanctuary Superintendent

Thunder Bay National Marine Sanctuary Advisory Council

Application Form

Before applying for sanctuary advisory council membership, please review:

(1) the sanctuary advisory council charter provided in your application kit, and;

(2) the Office of National Marine Sanctuaries (ONMS) Sanctuary Advisory Council Implementation Handbook available online at http://www.sanctuaries.noaa.gov/management/ac/acref.html (or you may obtain a copy from your local sanctuary – see contact information below).

The charter outlines the purposes and governs the operation of the sanctuary advisory council. The handbook provides broader operational requirements for sanctuary advisory councils. In applying for sanctuary advisory council membership, you are agreeing to abide by the terms of the charter and the handbook if you are selected as a council member or alternate.

As a part of the selection process, please note the Office of National Marine Sanctuaries will conduct a LEXIS/NEXIS check and a departmental bureau check for potential conflict of interest and other issues in your background.

Additionally, as per guidance from the White House Office of Management and Budget on May 7, 2009, the Office of National Marine Sanctuaries will conduct a database search (via the Senate's Lobbying Disclosure Act Database) to determine if you have been a federally registered lobbyist. Individuals, who have been a federally registered lobbyist in the two year period before the proposed appointment date for the advertised council seat(s), may not be selected as an advisory council member or alternate.

Additional information and guidance regarding the use of the information you submit on this form and its availability under federal law can be found at the end of this form. Please review this information.

Sanctuary advisory council members and alternates must be 18 years of age or older, with the exception of individuals filling youth seats.

Please note that federal government employees are not allowed to sit on sanctuary advisory councils in a personal capacity. State employees and members of a state legislature are allowed to apply to sit on sanctuary advisory councils in a personal capacity. State agency employees must provide a letter of support on official agency letterhead from their state supervisor at the time they submit their applications. Members of state legislatures are not required to provide such letters of support.

Please indicate which advertised seat(s) (e.g., Research, Education) and position(s) (i.e., council member or alternate) you are applying for, provide your contact information, and respond to the questions below. The Office of National Marine Sanctuaries may consider applicants for seats and positions for which they have not applied if the Office of National Marine Sanctuaries believes they are qualified for that seat and are willing to serve in it.

The application deadline is **March 31, 2015**. Please return all pages of your completed sanctuary advisory council application form, and any attached statements or documents, to **Jean Bauer, Thunder Bay NMS, 500 W. Fletcher Street, Alpena, MI 49707**.

Date: _____

First Name*:_____ **Middle** _____ **Last** _____

* Please include full first, middle and last names.

Position(s)/Seat(s) applying for:

_____ Tourism/Recreation (including recreational boating, water sports, tour boats) (2-year term)

_____ Business/Economic Development (3-year term)

_____ Fishing (recreational, charter, and/or commercial) (2-year term)

_____ Diving (including snorkeling) (3-year term)

_____ Education (K-12, home school, charter schools) (3-year term)

_____ Education (higher education) (2-year term)

_____ Maritime Industry/Business (2-year term)

_____ Citizen-at-Large (1-2 year term and 2 3-year terms)

Home Address

Address 1: _____

Address 2: _____

City:_____ **State:** _____ **Zip Code:** _____

Home Phone:_____ **Cell Phone:** _____

Home Fax: _____ **Home E-mail**: _____

Work Address

Company/Organization: _____

Position/Job Title: _____

Address 1: _____

Address 2: _____

City:_____ **State:** _____ **Zip Code:** _____

Work Phone:_____ **Work Cell:** _____

Work Fax: _____ **Work E-mail**: _____

Please thoroughly address each of the following in an attached statement, by number, in the same order as below:

1. Why are you interested in serving on the sanctuary advisory council?
2. Explain your views regarding the protection and management of marine or Great Lake resources, including natural (fish, coral reefs, etc.), historic or cultural resources.
3. Describe your particular expertise and experience as it relates to the goals and uses of the sanctuary and, in particular, the seat(s) for which you are applying. Be sure to include qualifications that you have or other information that you think would be relevant and beneficial to the sanctuary advisory council.
4. Describe what you think is the role of the council, and how you will work to best support the sanctuary as a sanctuary advisory council member or alternate.
5. Describe your formal community and professional affiliations and employment.
6. Explain how you will coordinate with, consult with, and inform the members of the constituency you will represent, if appointed.
7. How much time do you have and are you willing to give to participate in sanctuary advisory council activities (e.g., meetings, constituent outreach, retreats, chairing or participating on a subcommittee or working group, and reviewing written materials)?
8. How long have you lived in the community or area affected by the sanctuary? Please address whether you are a year-round or seasonal resident of the area.
9. Have you attended previous sanctuary advisory council meetings or sanctuary advisory council working group meetings? If so, please describe your past attendance and participation.

Information obtained through this application process will be used to determine the qualifications of the applicant for membership on the sanctuary advisory council. The Office of National Marine Sanctuaries intends affirmatively to disclose the applications only to DOC/NOAA staff and other members of the applicant review panel. However, the Office of National Marine Sanctuaries may be required to disclose the applications in response to a court order, a congressional request, or a request from the public under the Freedom of Information Act (FOIA).

If disclosure is requested under the FOIA, the Office of National Marine Sanctuaries will endeavor to protect the privacy of applicants by withholding personal information, such as home addresses and telephone numbers. In contrast, statements of philosophy or opinions contained in the application would likely be released. Applying for membership on the sanctuary advisory council is voluntary.

Public reporting burden for this collection of information is estimated to average one hour per response, including the time for reviewing instructions, searching existing data sources, gathering the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden to Office of National Marine Sanctuaries, 1305 East West Highway, N/NMS, Silver Spring, Maryland 20910.

Notwithstanding any other provision of law, no person is required to respond to, nor shall any person be subject to a penalty for failure to comply with, a collection of information subject to the requirements of the Paperwork Reduction Act, unless that collection of information displays a currently valid OMB Control Number.

OMB Control #0648-0397

Expires 07/31/2015

THUNDER BAY NATIONAL MARINE SANCTUARY ADVISORY COUNCIL CHARTER

ESTABLISHMENT AND AUTHORITY

Section 315 of the National Marine Sanctuaries Act (NMSA; 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 re-establishes the Thunder Bay National Marine Sanctuary Advisory Council (council).

This charter provides a background on the ONMS and the Thunder Bay National Marine Sanctuary (TBNMS), and describes the objectives and roles of the council's activities, procedural requirements regarding the appointment of council members, alternates and officers, requirements for the conduct of council members and alternates and meetings, and other requirements. All council activities must be conducted pursuant to this charter.

SANCTUARY ADVISORY COUNCIL POLICY STATEMENT

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

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

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

- Provide sufficient support to allow councils to operate efficiently and effectively at each site;
- Provide support and guidance from the national office to help councils operate efficiently and at a basic level of consistency across the system;
- Promote coordination and communication among councils and among sanctuary staff that work closely with councils; and
- Develop training programs appropriate to council officers, members, alternates and sanctuary superintendents and staff.

OFFICE OF NATIONAL MARINE SANCTUARIES

A national marine sanctuary is an area of the marine or Great Lakes environment of special national, and sometimes international, significance warranting protection and management under

the NMSA. As steward of coastal and ocean resources, the National Oceanic and Atmospheric Administration (NOAA) protects and manages sanctuaries through the ONMS.

Vision of the ONMS:

The Office of National Marine Sanctuaries is a leader in ocean stewardship, conserving and protecting America's ocean and Great Lakes treasures for future generations through strong science-based management.

Mission of the ONMS:

National Marine Sanctuaries protect our Nation's most vital coastal and marine natural and cultural resources. Though active research, management, education, and public engagement, we sustain healthy environments that are foundations for thriving communities and stable economies.

Goals of the ONMS:

- Identify, designate, and manage sanctuaries to maintain the natural biological communities in sanctuaries and to protect and, where appropriate, restore and enhance natural habitats, populations, and ecological processes, through innovative, coordinated, and community-based measures and techniques.

- Build and strengthen the nation-wide system of marine sanctuaries, maintain and enhance the role of the system in larger marine protected area networks, and help provide both national and international leadership for marine protected area management and marine resource stewardship.

- Enhance nation-wide public awareness, understanding, and appreciation of marine and Great Lakes ecosystems and maritime heritage resources through outreach, education, and interpretation efforts.

- Investigate and enhance the understanding of ecosystem processes through continued scientific research, monitoring, and characterization to support ecosystem-based management in sanctuaries and throughout U.S. waters.

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

- Work with the international community to strengthen global protection of marine resources, investigate and employ appropriate new management approaches, and disseminate ONMS experience and techniques.

- Build, maintain, and enhance an operational capability and infrastructure that efficiently and effectively support the attainment of the ONMS mission and goals.

THUNDER BAY NATIONAL MARINE SANCTUARY

On October 7, 2000, NOAA designated Thunder Bay as the nation's thirteenth national marine sanctuary. TBNMS is jointly managed by NOAA and the State of Michigan. The sanctuary's mission is to preserve nationally significant shipwrecks and regional maritime landscape through resource protection, education, and research. The sanctuary also promotes appreciation and responsible use of Thunder Bay, the Great Lakes, and the oceans.

Historical research indicates that more than 200 shipwrecks lie in and around Thunder Bay. The sheer number of shipwrecks is impressive. However, it is their excellent state of preservation and what they represent—a century and a half of maritime commerce and travel on the Great Lakes—that elevates them to national and international significance deserving an exceptional level of protection, study, and public interpretation. Each is a unique and fragile element in history that Thunder Bay National Marine Sanctuary is dedicated to preserving for future generations.

As equal management partners, NOAA and the State of Michigan will:

- Protect Thunder Bay National Marine Sanctuary's underwater cultural resources;
- Develop educational projects focused on Great Lakes' maritime heritage;
- Conduct research to further identify and interpret the area's shipwrecks; and
- Promote recreational use of the resources consistent with their protection.

COUNCIL ROLES

1. The council, in accordance with the NMSA and the Memorandum of Understanding between NOAA and the State of Michigan, may provide advice to the sanctuary superintendent and the Joint Management Committee (JMC) regarding the protection and management of TBNMS.

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

3. Council members and alternates shall serve as liaisons between their constituents and/or communities and the sanctuary, keeping sanctuary staff informed of issues and concerns, as well as providing information to their respective communities on the sanctuary's behalf.

4. The council may serve as a forum for consultation and deliberation among its members and as a source of advice and recommendations to the sanctuary superintendent and JMC. 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 is underwater cultural resource protection.

5. The council is established to provide advice to the sanctuary superintendent and JMC regarding the management of Thunder Bay National Marine Sanctuary. 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.

MEMBERS, ALTERNATES, AND OFFICERS

1. The council shall consist of no more than 15 voting members (and associated alternates), who shall be appointed by the director (after being mutually agreed upon by the State of Michigan) from among persons employed by federal, state, or local agencies, representatives of local user groups, 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 may work with the council in non-voting capacity and shall 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 sanctuary superintendent or his/her designee.

3. To ensure relevant information exchange among national marine sanctuaries and federal, state, local and tribal entities with shared jurisdictions or interests in sanctuary-related management, each of the following entities shall be requested to designate one individual to serve on the council as a non-voting member:

   State of Michigan
   U.S. Coast Guard
   Chippewa Ottawa Resource Authority
   Friends of Thunder Bay National Marine Sanctuary

   Non-voting members are subject to the same policies and procedures, as outlined below, for respective governmental and non-governmental members and alternates.

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

   (a) Governmental (five members).

      (i) By virtue of the shared functional responsibilities of federal, state, and local jurisdictions in the implementation of sanctuary-related management, each of the following government entities and the Thunder Bay Underwater Preserve Committee shall be requested to designate one individual to serve on the council. As voting members:

      Alpena City Council
      Alpena County
      Alcona County

Presque Isle County
Thunder Bay Underwater Preserve Committee

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

(iii) If a government entity decides to no longer participate as a member of the council, or fails to attend three consecutive council meetings without reasonable justification and is formally removed by the director, the sanctuary superintendent, with the approval of the director, may invite another appropriate government agency or another interest to replace that entity on the council. NOAA and the State of Michigan will mutually agree upon the removal of any council member or alternate and/or the appointment of another government entity or new interest.

(iv) If it is found that a governmental member or alternate 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 the representative. NOAA and the State will mutually agree upon the removal of any council members/or government entity. NOAA and the State may consult with the council prior to taking such action.

(b) Non-governmental (ten members).

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

Tourism/Recreation (including recreational boating, water sports, charter boats/tour boats) (1)
Business/Economic Development (1)
Fishing (recreational, charter, and/or commercial) (1)
Diving (including snorkeling) (1)
Education (K-12, home school, charter schools) (1)
Education (higher education) (1)
Maritime Industry/Business (1)
Citizen-at-Large (3)

The non-governmental members are appointed for a term of two or three years, and may compete for reappointment (subject to the non-governmental term limits policy described below). If necessary, subsequent terms of appointment may be changed to provide for balanced (staggered) expiration dates. If a council member vacates a seat before his/her term is up, the alternate will serve out the remainder of the term. Should a non-governmental seat become vacant once the term expires, the vacated position shall 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 swearing-in by the sanctuary superintendent.

(ii) *Term Limits:* The non-governmental council members will serve on the council for no more than three consecutive terms. On the date when this charter is approved, each council member will be considered to be serving in his/her first term for purposes of computing term limits. This policy applies to the seat (e.g., diving seat) and not the council. For example, this would allow an individual to serve three terms as the diving member, and if qualified, may apply for another seat on the council (e.g., citizen-at-large) once they reach their term limit on the former seat.

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

- *Waiver #1:* It is determined that continuity of membership is deemed critical by the sanctuary superintendent (e.g., at a critical juncture in the management plan review process). The request for this waiver should be made at least two months prior to the expiration of the subject seat(s).

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

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

  Process: The term-limited individual should be advised of the situation and advised not to apply during the first round of recruitment. If after adequate advertising, there are no qualified applicants in the first round of recruitment, the sanctuary superintendent will send a memo to the director requesting the waiver and providing justification as to the need. The signed memo should be provided to the council and posted to the website. The term- limited individual will then be allowed to submit an application during the second round of recruitment. The application will then be reviewed by the Candidate Review Subcommittee on an equal footing with any other applications submitted during the second round; the signed memo should accompany the application through the entire process from the Candidate Review Subcommittee to the regional director and ONMS. See Part II, C Members section in the Handbook for a full description of the recruitment and selection process.

(iii) Members serve at the discretion of the director and the State of Michigan. NOAA and the State mutually agree upon the selection and/or removal of any council member or government entity. The sanctuary superintendent may recommend to the director the removal of a non-governmental member of the council if that member has violated one or more terms of the charter or on any of the following grounds:

- Is convicted of any felony offense;
- Is found to have violated any of the following laws or regulations promulgated thereunder: NMSA, the National Historic Preservation Act, Marine Mammal Protection Act, Migratory Bird Treaty Act, Endangered Species Act, Magnuson-Stevens Fishery Conservation and Management Act, or another environmental law or cultural resource law for which NOAA, the State or another Federal agency has jurisdictional responsibility;
- Is found to have violated state environmental laws or regulations;
- Is found to have violated national or state laws or regulations protecting cultural resources;
- Is determined to have abused his or her position as a member or alternate 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 or alternate of the council or of the community; misrepresentation of, or spreading misinformation about the council or the sanctuary; and refusal to recuse himself or herself if so requested by the sanctuary superintendent and/or chair in a matter in which the member or alternate 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 or alternate's qualifications for being a member or alternate of the council;
- Misses three consecutive meetings without reasonable justification;
- Disrupts on more than one occasion council meetings in a manner that interferes with the council conducting its business; or
- Violates any other term of this charter.

NOAA and the State may consult with the council prior to taking such action.

(iv) As each non-governmental seat becomes vacant and the process for selection of a new member (described under Appointments) is conducted, the sanctuary superintendent shall recommend to the director the member and an alternate from the top three candidates resulting from the review process. NOAA and the State will mutually agree upon the individuals who will serve on the council. The alternate shall have all the rights of the member at such times the alternate is officially substituting for the member. The alternate may also be appointed, without going through a competitive process, to complete a primary member's term if that member resigns or is removed. An alternate may not name another alternate.

5. Council Officer Elections and Terms.

   (a) 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. The chair and vice-chair may serve a maximum of two consecutive terms (four years) if reelected.

   (b) 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.

   (c) Election for all positions is by majority vote of all council members, excluding the non-voting members, and votes shall 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. Alternates may nominate and vote during an election only when the alternate is filling the seat in the absence of the primary member. Members who will not be present at the time of the election may submit their vote in writing to the sanctuary superintendent prior to the meeting.

   (d) If a council officer resigns, the council should hold an election at the next regularly scheduled council meeting. If the newly elected individual feels comfortable they may begin serving in their position immediately upon being elected, otherwise they may begin serving at the next meeting. If the chair resigns, the vice chair acts on their behalf until the new chair assumes their position.

   (e) In extraordinary circumstances, if both 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.

6. 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 document authorized by the council, and generally represents the council's interests and concerns to the public. The chair also continues to fulfill the general roles that all council members fill, including representing the interests of their constituents.

   (b) Vice-Chair: The vice-chair serves as chair in the absence of the chair and assists as necessary in performing executive duties of the council. The vice-chair also continues to fulfill the general roles that all council members fill, including representing the interests of their constituents.

APPOINTMENTS

Public notice shall be provided as to the vacancy of constituent group and at-large seat position(s). Applications for ensuing terms for vacant seat positions 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 must be submitted by the sanctuary superintendent to a the preliminary review panel to obtain recommendations on selections. 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. 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. NOAA and the State will mutually agree upon the individuals who will serve on the council. 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

The ONMS may make available such staff, information, administrative services, or assistance as the sanctuary superintendent determines are reasonably required to enable the council and its subcommittees/working groups to carry out their functions.

OPERATION

1. Meetings

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

   (b) Decisions (e.g., recommendations) made by the council shall be made by majority vote of those present, provided there is a quorum (more than half of the voting members). A recorded vote may be requested by the chair or the sanctuary superintendent. For purposes of a quorum an alternate member shall assume the rights and privileges of the member in the member's absence.

   (c) Each council meeting shall be open to the public.

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

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

(f) 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.

(g) 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 be reasonably accessible to those interested in attending.

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

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

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

(b) Any matter that a council member or alternate 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. The sanctuary superintendent approves a topic to be placed on the agenda.

(c) The council shall provide advice directly to the sanctuary superintendent and JMC via a written recommendation or a motion passed by the council and reflected in the minutes. Draft recommendations and verbal discussions shall not be considered official advice from the council, but shall be considered as background information and included in the minutes.

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

(e) The council shall base its advice or 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.

(f) Any information or advice resulting from discussions in subcommittees or working groups that is requested by the council shall be presented to, and considered by, the full council, and as appropriate, incorporated into the council's recommendation to the sanctuary superintendent and JMC. 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.

3. Conduct of Individual Members and Alternates

(a) 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 ONMS Advisory Council Implementation Handbook.

(b) When speaking to the public, the media or writing about any matter regarding the sanctuary in a document for distribution beyond council membership, the sanctuary superintendent and JMC, 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 or she may have as an individual. In no case shall a member represent individual opinions as those of the council, the sanctuary superintendent, the JMC, the State of Michigan, sanctuary staff, or NOAA.

(c) Any council member or alternate 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 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 not 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.

After disclosure of the interest or potential conflict of interest (other than direct financial gain as previously identified) the council or sanctuary superintendent may determine if the stated interest constitutes a conflict of interest and decide whether or not that member should recuse themselves from discussion and voting.

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

4. Conduct of the Council as a Body

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

(b) The following disclaimer shall be placed in all documents originating from the council: *"The council is an advisory body to the sanctuary superintendent and Joint Management Committee. The opinions and findings of this publication do not necessarily reflect the position of Thunder Bay National Marine Sanctuary, the National Oceanic and Atmospheric Administration, or the State of Michigan."*

5. 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 NOAA or State of Michigan letterhead for any correspondence or other purpose.

6. Subcommittees and Working Groups

(a) Subcommittees: The chair, in consultation with the council as a whole and with the concurrence of the sanctuary superintendent, may establish such subcommittees and appoint subcommittee chairs 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. A subcommittee must be chaired by a primary member of the council. Subcommittees shall be recognized as official subunits of the council and are subject to all requirements of this charter. No members of subcommittees may receive travel expenses for subcommittee meetings or other activities.

(b) Working Groups: The chair, in consultation with the council as a whole and with the concurrence of the sanctuary superintendent, may establish working groups and appoint working group chairs for specific purposes or topics that need focused attention that are best suited to this structure or format and that cannot be accomplished by a subcommittee or the council as a whole. Their work will be limited to functional areas and discrete issues relating to individual sanctuaries. 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. No members of working groups, including members who are also members of the council, may receive travel expenses for working group meetings or other activities.

OTHER TERMS OF THIS CHARTER

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

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

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

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

Daniel J. Basta
Director, Office of National Marine Sanctuaries

12/20/14
Date

I acknowledge and agree with the continuation of the Thunder Bay National Marine Sanctuary Advisory Council under the auspices of this charter.

Sandra Clark
State of Michigan

1/28/15
Date

UPDATED: 12.17.2014