

**NORTHWESTERN HAWAIIAN ISLANDS
CORAL REEF ECOSYSTEM RESERVE**

ADVISORY COUNCIL CHARTER

ESTABLISHMENT AND AUTHORITY

The President established the Northwestern Hawaiian Islands Coral Reef Ecosystem Reserve (CRER or reserve) by Executive Order 13178, pursuant to the National Marine Sanctuaries Amendments Act of 2000, Pub. L. 106-513. The council is established pursuant to section 315 of the National Marine Sanctuaries Act (NMSA or Act; 16 U.S.C. § 1445a), which authorizes the Secretary of Commerce to establish advisory councils to provide advice to the Secretary of Commerce regarding the designation and management of national marine sanctuaries and other marine protected areas that fall under the NMSA. Executive Order 13178, section 5.(f), directed the Secretary to establish the Northwestern Hawaiian Islands Coral Reef Ecosystem Reserve Advisory Council (council or RAC) and dictated what constituencies and agencies are represented on the council.

This charter provides a background on the Office of National Marine Sanctuaries (ONMS) and the reserve, 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.

**NATIONAL MARINE SANCTUARY SYSTEM
ADVISORY COUNCIL POLICY STATEMENT**

ONMS regards the involvement of communities and the development of a stewardship ethic as vitally important to successfully conserve natural and cultural resources in our nation's waters. One key way to achieve this involvement is the formation of advisory councils.

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

ONMS is committed to the full support, utilization, and enhancement of councils at all sites. 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 site staff that work closely with councils; and

- Develop training programs appropriate to council officers and members, and site superintendents and staff.

OFFICE OF NATIONAL MARINE SANCTUARIES

A national marine sanctuary or reserve 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 and reserves through ONMS.

Vision of 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 ONMS:

National marine sanctuaries and reserves 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 ONMS:

- Identify, designate, and manage sanctuaries and reserves to maintain the natural biological communities in sanctuaries and reserves, 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 and reserves, 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 and reserves 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.

NORTHWESTERN HAWAIIAN ISLANDS CORAL REEF ECOSYSTEM RESERVE

A significant portion of the nation's coral reefs are in the Northwestern Hawaiian Islands (NWHI). The 3.5 million acres of coral reefs around the remote, mostly uninhabited northwestern three fourths of the Hawaiian Archipelago are spectacular and almost undisturbed by humans. The 1,200 mile stretch of coral islands, seamounts, banks, and shoals includes some of the healthiest coral reefs in the U.S. and provides an amazing geological record of volcanic and erosive powers that have shaped this area. This vast area supports a dynamic habitat containing an incredible diversity of coral, fish, birds, marine mammals and other flora and fauna, many of which are unique to the Hawaiian Island chain. In addition, the cultural significance of this area to native Hawaiians as well as linkages to early Polynesian culture are resources worthy of protection and greater understanding and appreciation.

On December 4, 2000, Executive Order 13178 established the Northwestern Hawaiian Islands Coral Reef Ecosystem Reserve. The reserve encompasses an area of the marine waters and submerged lands of the NWHI, extending approximately 1,200 nautical miles long and 100 nautical miles wide. The reserve is adjacent to and seaward of the seaward extent of Hawai'i state waters and submerged lands and the Midway Atoll National Wildlife Refuge, and includes the Hawaiian Islands National Wildlife Refuge to the extent it extends beyond Hawai'i state waters and submerged lands. The executive order required the Secretary to initiate the process to designate the reserve a national marine sanctuary.

On June 15, 2006, Presidential Proclamation 8031 established Papahānaumokuākea Marine National Monument (PMNM or monument) under the authority of the Antiquities Act. The monument overlaid the existing conservation areas, incorporating the reserve into the larger monument. The proclamation directed that the Secretaries of Commerce and Interior manage the monument in consultation with the State of Hawai'i. A 2006 Memorandum of Agreement (MOA) signed by the two secretaries and the Governor of Hawai'i directed that day to day management of the monument be conducted through the collaborative efforts of seven co-managing agencies: NOAA's Office of National Marine Sanctuaries and National Marine Fisheries Service, U.S. Fish and Wildlife Services Refuges Program and Ecological Services, the State of Hawai'i's Department of Land and Natural Resources' Division of Aquatic Resources and Division of Forestry and Wildlife, and the Office of Hawaiian Affairs.

In 2008, the waters around the NWHI were designated a Particularly Sensitive Sea Area (PSSA) by the International Maritime Organization (IMO), at the time one of only thirteen in the world. In 2010, the monument was designated a United Nations Educational, Scientific, and Cultural Organization (UNESCO) World Heritage site, the nation's only mixed site chosen for both its natural and cultural resources. In August 2016, Presidential Proclamation 9478 created the monument expansion area, and recommended that the Secretary of Commerce consider initiating the process to designate the original monument and the monument expansion area seaward of the Hawaiian Islands National Wildlife Refuge a national marine sanctuary under the National Marine Sanctuaries Act. In January 2017, a revised MOA was signed by the secretaries, the Governor of the State of Hawai'i, and the Chairperson of the Board of Trustees, Office of Hawaiian Affairs, formally designating the Office of Hawaiian Affairs as the monument's fourth Co-Trustee.

In designating the reserve, the executive order directed the Secretary of Commerce to establish a Coral Reef Ecosystem Reserve Advisory Council to provide advice and recommendations on the development of the Reserve Operations Plan and the designation and management of a Northwestern Hawaiian Islands National Marine Sanctuary by the Secretary. With the establishment of the monument in 2006, the partially drafted Reserve Operations Plan became the foundation of the 2008 Monument Management Plan. Despite the establishment and expansion of the monument over time and the complex management regimes, the role of the reserve advisory council has remained consistent: to provide consensus advice to ONMS regarding the management of the reserve portion of the Monument.

MANAGEMENT PRINCIPLES OF THE RESERVE

The Secretary of Commerce (Secretary), or his/ her designee, is directed to manage the reserve, and any national marine sanctuary subsequently established, in accordance with the following management principles as described in Section 4 of Executive Order 13178:

- The principal purpose of the reserve is the long-term conservation and protection of the coral reef ecosystem and related marine resources and species of the Northwestern Hawaiian Islands in their natural character.
- The reserve shall be managed using a precautionary approach with resource protection favored when faced with a lack of information regarding any given activity, to the extent not contrary to law.
- Culturally significant, non-commercial subsistence, cultural, and religious uses by Native Hawaiians should be allowed within the reserve, consistent with applicable law and the long-term conservation and protection of the coral reef ecosystem and related marine resources and species of the reserve.
- The reserve shall be managed using, when appropriate, geographical zoning and innovative management techniques, to ensure that the reserve resources are protected from degradation or harm.

- To the extent consistent with the primary purpose of the reserve, the reserve shall be managed to support, promote, and coordinate appropriate scientific research, assessment, and long-term monitoring of reserve resources, and the impacts or threats thereto from human and other activities, to help better understand, protect, and conserve these resources for future generations.
- To the extent consistent with the primary purpose of the reserve, the reserve shall be managed to enhance public awareness, understanding, and appreciation of reserve resources, and the impacts or threats thereto from human and other activities.
- The reserve shall be managed to further restoration and remediation of degraded or injured reserve resources.
- The reserve shall be managed to facilitate coordinated management among federal and state agencies and other entities, as appropriate, to provide comprehensive (i.e. looking beyond jurisdictional boundaries) conservation of the coral reef ecosystem and related marine resources and species throughout the Northwestern Hawaiian Islands, consistent with applicable authorities and these management principles.

COUNCIL OBJECTIVES AND ROLES

1. The council, in accordance with the NMSA, executive order, and this charter, shall provide advice and recommendations to the Secretary regarding the management of the reserve portion of the monument, and the designation and management of a potential national marine sanctuary in the NWHI.
2. The council shall draw on the expertise of its members, alternates, and other sources in order to provide advice to the ONMS PMNM superintendent.
3. Council members and alternates shall serve as liaisons between their constituents and/or communities and the reserve or potential sanctuary, keeping ONMS—through the site superintendent—informed of issues and concerns, as well as performing outreach to their respective communities on behalf of the reserve or potential sanctuary.
4. The council may serve as a forum for consultation and deliberation among its members and as a source of consensus advice and recommendations to the site superintendent. Such consensus advice shall fairly represent the collective and individual views of the council members. In formulating such consensus advice, the council members shall recall the Management Principles of the Executive Order, and that the primary objective of the National Marine Sanctuaries Act is resource protection.
5. The council is established to provide advice to ONMS regarding the reserve portion of the monument and the designation and management of a potential sanctuary. Nothing in this charter constitutes authority to perform operational or management functions, or to make decisions on behalf of the reserve, ONMS, NOAA, or the Department of Commerce.

6. The council shall develop a three-year work plan, in consultation with and approved by the site superintendent, to establish an agenda for specific issues, activities, and projects the council intends to address.

MEMBERS, ALTERNATES, AND OFFICERS

1. The council shall consist of fifteen voting seats, representing the constituencies listed below as directed by Executive Order 13178.

A member and alternate shall be appointed by the Director of ONMS (director) from among the following:

- Three Native Hawaiian representatives, including one Native Hawaiian elder, with experience or knowledge regarding Native Hawaiian subsistence, cultural, religious, or other activities in the Northwestern Hawaiian Islands.
- Three representatives from the non-federal science community with experience specific to the Northwestern Hawaiian Islands and with expertise in at least one of the following areas:
 - A. Marine mammal science;
 - B. Coral reef ecology;
 - C. Native marine flora and fauna of the Hawaiian Islands;
 - D. Oceanography; or
 - E. Any other scientific discipline the Secretary determines to be appropriate.
- Three representatives from non-governmental wildlife/marine life, environmental, and/or conservation organizations.
- One representative from the commercial fishing industry that conducts activities in the Northwestern Hawaiian Islands
- One representative from the recreational fishing industry that conducts activities in the Northwestern Hawaiian Islands.
- One representative from the ocean-related tourism industry.
- One representative from the non-federal community with experience in education and outreach regarding marine conservation issues.
- One citizen-at-large representative.

To ensure coordination and relevant information exchange with the State of Hawai‘i, a representative from the State of Hawai‘i, as appointed by the Governor, shall sit on the council as a voting member.

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 monument NOAA-ONMS site superintendent shall sit on the council as a non-voting member and shall work with the council leadership in scheduling each meeting and developing meeting agendas to ensure that topics of discussion are relevant to the reserve and potential sanctuary. Full council meetings may not be conducted in the absence of the site superintendent or his/her designee.

3. To ensure coordination and relevant information exchange, one representative from each of the nine following agencies and organizations shall sit on the council as non-voting members:

- Department of the Interior
- U.S. Coast Guard
- Department of Defense
- Department of State
- National Marine Fisheries Service
- Hawaiian Islands Humpback Whale National Marine Sanctuary
- National Science Foundation
- Marine Mammal Commission
- Western Pacific Regional Fishery Management Council.

4. With the exception of the State of Hawai‘i representative, the non-governmental members and alternates are appointed for a term of three years, and may compete for reappointment (subject to the non-governmental term limits policy described at Members, Alternates, and Officers, 8. below). If necessary, subsequent terms of appointment may be changed to provide for balanced (staggered) expiration dates. Should a non-governmental seat become vacant, the alternate may complete the term or the vacated position could be advertised and a replacement appointed as specified below. If the alternate is appointed to complete the member’s term, that term shall only count towards the member seat term limitations if it is longer than two years. If a new member is recruited, the alternate shall serve as the primary during the recruitment and selection process. The newly appointed member shall serve for a full term beginning on the date of his/her swearing-in by the sanctuary superintendent. The State of Hawai‘i representative serves at the discretion of the Governor and has no term limits.

5. With the exception of the State of Hawai‘i representative, members and alternates serve at the discretion of the director. The site superintendent may recommend to the director the removal of a non-governmental member or alternate if that person has violated one or more terms of the charter or on any the following grounds:

- Is convicted of a felony offense;
- Is found to have violated the following laws or regulations promulgated thereunder: the National Marine Sanctuaries Act, Marine Mammal Protection Act, Migratory Bird Treaty Act, Endangered Species Act, Magnuson-Stevens Fishery Conservation and Management

Act, Antiquities Act or other environmental laws for which NOAA or any of the monument managing agencies has jurisdictional responsibility;

- Is found to have violated state environmental laws or regulations;
- Is found to have violated national or state laws or regulations that protect cultural resources;
- Is determined to have abused his/her position as a council member or alternate (including, but not limited to, use of council information for personal gain; use of council position to advance personal agendas or harm another member or alternate of the council or of the community; misrepresentation of, or spreading misinformation about, the council or the reserve or potential sanctuary; and refusal to recuse himself/herself if so requested by the site superintendent and/or chair in matters 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 person's qualifications for being a council member or alternate;
- Misses three consecutive meetings without reasonable justification;
- Is disruptive at council meetings in such a manner that interferes with the council conducting its business; or
- Violates any term of this Charter.

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

6. As each non-governmental seat becomes vacant and the process for selection of a new member or alternate (described under Appointments) is conducted, the site superintendent shall recommend to the director the member and an alternate from among the top candidates resulting from the review process.

7. An alternate shall have all the rights of a member at such times an alternate is officially substituting for a member. The chair and the site superintendent shall be notified by the member before an alternate officially attends a meeting. The alternate may also be appointed, without going through a competitive process, to complete a primary member's term if that member resigns or is removed. An alternate may not name another alternate.

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., Ocean-related tourism industry 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., Ocean-related tourism industry). The ONMS Director may waive the limit if a particular seat is difficult to fill or continuity of membership is deemed critical. (For the 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.")

7. Council Officer Elections and Terms

- (a) The council shall elect one member to serve as chair, one member to serve as vice chair, and one member to serve as council secretary. The vice chair shall act as chair in the absence of the chair. Terms of the chair and vice chair are two years, except that the term of the vice chair is one year if, for some reason, the chair and vice chair positions are filled at the same time. The chair and vice chair may serve a maximum of two consecutive terms (i.e., four years total), if reelected. A chair or vice chair may leave his/her term to run for another council officer position, if desired. If the chair or vice chair is elected to a new position, the council shall nominate and elect a new representative for the vacated position. Only voting members may nominate and serve as council officers. The term of the council secretary is one year. The council secretary may serve consecutive terms, if reelected.
- (b) Selection of candidates for council officer positions is by majority vote of all council members, including the non-voting members, and votes shall be made by written ballot. Members who will not be present at the time of an election may submit their votes in writing to the site superintendent prior to a meeting.
- (c) 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 acts on his/her behalf until the new chair assumes his/her position. If the vice chair resigns, the secretary acts 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. 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.

10. Roles of Council Officers:

- (a) Chair: The chair schedules and sets agendas for all council meetings with the approval of the site 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 shall serve as chair in the absence of the chair and shall assist as necessary in performing executive duties of the council. The vice chair also continues

to fulfill the general roles that all council members fill, including representing the interests of his/her constituents.

- (c) Council secretary: The council secretary assists ONMS staff in performing administrative duties 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.
- (d) Council Executive Committee: The three council officers make the up the Council Executive Committee. The committee, under the direction of the chair, may act on behalf of the council in developing meeting agendas, reviewing correspondence, reviewing council applicants, etc.

APPOINTMENTS

Recruitments for vacant council seats are normally held once per quarter and are conducted by ONMS headquarters. Public notice shall be provided as to the vacancy of all voting seats with the exception of the State of Hawai'i seat. Applications for ensuing terms for vacant seats shall be submitted to the site superintendent directly. Copies of all applications and nominations for each seat will be submitted by the site superintendent to the council's preliminary review panel to obtain recommendations on selection. 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 site superintendent with the approval of the director. The site 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

1. Members of the council shall serve without pay except that each member may receive travel expenses, including per diem in lieu of subsistence in accordance with 5 U.S.C. §§ 5702-5703, for travel to and from official council meetings. Members of subcommittees and working groups may receive travel expenses for subcommittee and working group activities at the discretion of the site superintendent. Travel expenses for council governmental members may be provided by their own agencies.
2. ONMS may make available such staff, information, administrative services, or assistance as the site superintendent determines are reasonably required to enable the council and its subcommittees and working groups to carry out their functions.

OPERATION

1. Meetings

- (a) Meetings are held at the call of the chair and the site superintendent.
- (b) Decisions (e.g., recommendations) made by the council shall be made by a majority vote of those present, provided there is a quorum (i.e., more than half of the voting seats, as indicated in this charter). A recorded vote may be requested by the chair or the site superintendent. For purposes of a quorum, an alternate shall assume the rights and privileges of a member in his/her absence. Furthermore, an alternate for a type of seat with more than one representative on the council (i.e., Native Hawaiian representatives, non-federal science community representatives, and non-governmental wildlife/marine life, environmental, and/or conservation representatives), is not relegated to stand in the place of one assigned member; therefore, for purposes of a quorum, an alternate may stand in the place of any member that is a representative for the same type of seat.
- (c) Each 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 during the scheduled public comment period on the agenda of each meeting.
- (e) Emergency meetings may be held at the call of the chair or presiding officer and the site superintendent.
- (f) Timely notice of each council meeting (including emergency meetings, when possible), 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 subcommittee or working group meetings or other type workshops scheduled by the council to address strategic planning, administrative, or specialized technical issues. The council may not vote at any meeting for which the above public notice has not been issued.
- (g) The council shall meet as frequently as necessary, not to exceed once per month for voting meetings, but at least once every six months. The council meeting place may be rotated among various locations adjacent throughout the state of Hawai'i, and meeting sites shall be chosen to accommodate anticipated public attendance and be reasonably accessible to those interested in attending. In general, meeting times and locations should be focused on maximizing attendance and minimizing costs. The council and site superintendent should consider holding at least one meeting per year away from Ford Island's NOAA Inouye Regional Center (IRC).
- (h) Minutes of each meeting shall be kept by a person specified by the site superintendent and contain a summary of attendees and matters discussed; such minutes shall be available to the public in a timely manner.

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 site superintendent. Requests for information, assistance, or advice from ONMS, NOAA, or other agencies shall be made in writing and coordinated through the site superintendent.
- (b) Any matter that a council member or alternate wishes to raise to the attention of NOAA shall be brought to the attention of either the site superintendent or the council chair so that it might be placed on the agenda as a discussion topic. The site superintendent and the council chair shall discuss topics for the agenda and agree that a topic is an appropriate reserve issue before it may be placed on the agenda.
- (c) The council shall provide advice directly to the site superintendent 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 may be considered as background information.
- (d) Any advice or correspondence that the council wishes to offer or express beyond the site 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 site superintendent, the site superintendent must also approve advice or correspondence that is intended for parties other than the himself/herself.
- (e) The council shall base its advice on a vote of the council with negative votes and abstentions noted, or on a general consensus reached during discussions, with minority opinions noted. A quorum shall be present when the vote is taken or general consensus reached.
- (e) 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 site superintendent. If the council does not incorporate information or advice of a subcommittee or working group, it shall inform the site superintendent and explain in its advice the reasons for not incorporating the subcommittee's or working group's advice or information.
- (f) The council should be provided the opportunity, through the full council, the executive committee, or the chair, to provide input on council activities, as appropriate.

3. Conduct of Individual Members

- (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 *National Marine Sanctuary Advisory Council Implementation Handbook*.
- (b) When speaking to the public or writing about any matter regarding the reserve or potential sanctuary in a document for distribution beyond council membership, the site

superintendent, or ONMS PMNM 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 site superintendent, ONMS PMNM staff, NOAA, or DOC.

- (c) Any council member or alternate who has an interest (i.e., 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 participate in council deliberations relating to the decision after notifying the council of the voting recusal and identifying the interest that would be affected.
- (d) All council members and alternates are expected to conduct themselves in a civil fashion, showing courtesy and respect to other council members and alternates, site staff and any other individuals present at the meeting.

4. Conduct of the Council as a Body

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 site superintendent. The following disclaimer shall be placed in all documents originating from the council: "The council is an advisory body to the site superintendent. The opinions and findings of this publication do not necessarily reflect the position of Northwestern Hawaiian Islands Coral Reef Ecosystem Reserve, Office of National Marine Sanctuaries, National Oceanic and Atmospheric Administration, or Department of Commerce."

5. Council Letterhead

The council shall, with the assistance and approval of the site superintendent, design and use its own letterhead. All correspondence from the chair or other council members or alternates, or the council as a body, shall be on this letterhead. The council shall not use official reserve, ONMS, NOAA, or DOC letterhead, or any derivative thereof, for any correspondence or other purpose.

6. Subcommittees and Working Groups

- (a) Subcommittees: The chair, with the concurrence of the site superintendent, may call for a motion to establish a subcommittee, as necessary, to fulfill its duties; however, in any event, a subcommittee can only be established by a majority vote of the council when a quorum is present. Subcommittees shall be composed solely of members of the council and shall be recognized as official council subunits. Subcommittees are subject to all requirements of this charter. The council chair, vice chair, and secretary comprise the standing Council Executive Committee.

- (b) Working Groups: The chair, with the concurrence of the site superintendent, may call for a motion to establish a working group, as necessary, for specific purposes or topics that need focused attention and that cannot be accomplished by a subcommittee; however, in any event, a working group can only be established by a majority vote of the council when a quorum is present. Working groups may be composed of members of the council and persons outside the council. Working groups shall be chaired by a member of the council and 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.
- (c) The council shall review the status of all subcommittees and working groups at least annually.

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 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 ONMS with input from the council.

John Armor
Director
Office of National Marine Sanctuaries

Date