

**U.S. DEPARTMENT OF COMMERCE
NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION
MARINE AND COASTAL AREA-BASED MANAGEMENT
ADVISORY COMMITTEE**

CHARTER

- 1. Committee's Official Title (Title).** Marine and Coastal Area-based Management Advisory Committee (Committee)
- 2. Authority.** The Secretary of Commerce established the Committee pursuant to duties imposed by 15 U.S.C. § 1512 upon the Department, and in accordance with the Federal Advisory Committee Act, as amended (FACA) (5 U.S.C. App.). The Committee is governed by provisions of FACA.
- 3. Objectives and Scope of Activities.** Advise the Under Secretary of Commerce for Oceans and Atmosphere (Under Secretary) on science-based approaches to area-based protection, conservation, restoration, and management in coastal and marine areas, including the Great Lakes.
- 4. Description of Duties.** The Committee will operate solely in an advisory capacity, in accordance with the provisions of FACA. The Committee will advise on science-based approaches to area-based protection, conservation, restoration, and management in coastal and marine areas, including the Great Lakes.
- 5. Agency or Official to Whom the Committee Reports.** The Committee shall provide advice and recommendations to the Under Secretary.
- 6. Support.** The National Oceanic and Atmospheric Administration's (NOAA) National Ocean Service (NOS) and National Marine Fisheries Service (NMFS) will provide support for the Committee.
- 7. Estimated Annual Operating Costs and Staff Years.** The annual cost of operation is estimated to be \$300,000, which includes an estimated 1.5 person-years of staff support total from NOS and NMFS. This estimate includes: travel to meetings for members, Federal staff, consultants, and Federal members; time spent by the Designated Federal Officer and other Federal staff on Committee matters; and the cost of operating subcommittees and working groups. Members will not be compensated for their services but may, upon request and at the discretion of NOAA, be allowed travel and per diem expenses as allowed by 5 U.S.C. § 5701 et seq. and 5 U.S.C. App., § 7(d)(1)(B).
- 8. Designated Federal Officer.** The Designated Federal Officer (DFO) and Alternate Designated Federal Officer (ADFO) will be full-time employees of NOAA and will be appointed by the Under Secretary. The DFO will approve or call all Committee meetings and subcommittee meetings; prepare and approve all meeting agendas; coordinate with Committee leadership to ensure timely progress; attend all Committee meetings and subcommittee and working group meetings; adjourn any meeting when the DFO determines adjournment to be in the public interest; and chair meetings when directed to do so by the Under Secretary. The ADFO will serve as DFO when the DFO is not available.

9. Estimated Number and Frequency of Meetings. The Committee is expected to meet at least once annually. Meetings may be conducted in-person, by video conference, or via teleconference.

10. Duration. Continuing.

11. Termination. The Committee will terminate two (2) years from the date of filing this charter with the standing committees of the Senate and House of Representatives having legislative jurisdiction of the agency unless earlier terminated or renewed by proper authority.

12. Membership and Designation. The Committee shall consist of up to 20 non-Federal voting members appointed by the Under Secretary for their diverse perspectives and expertise.

Representative members on the Committee shall include knowledgeable individuals that serve in a representative capacity for such perspectives as:

- Resource managers for coastal and marine areas and the Great Lakes, including: representatives from states, territories, and localities; members of regional fishery management councils, members of regional ocean councils, and interstate fisheries commissions;
- Indigenous communities involved in coastal and ocean resource issues, including representatives from Indian tribes, Alaska Native corporations, Alaska Native organizations, tribal organizations, and Native Hawaiian organizations;
- Conservation, philanthropic, and other non-governmental organizations involved in coastal and ocean resource issues, as well as youth-serving organizations, education and outreach, and environmental justice organizations; and
- Affected interest groups, such as representatives from the offshore minerals, energy, marine transportation, fishing (recreational and commercial), boating, diving, recreational, tourism, and maritime communities.

These representative members serve as representatives of their respective group or viewpoint and are not Special Government Employees (SGEs) as defined in Title 18 of United States Code, section 202(a).

Membership on the Committee shall also include scientists and other experts in disciplines that study the structure, function, human use, and management of coastal and ocean ecosystems, such as ecologists, oceanographers, fisheries scientists, geologists, economists, engineers, anthropologists, archeologists, maritime historians, sociologists, educators, and others. Members appointed for their expertise in the scientific or other disciplines identified here will be designated as SGEs and are subject to conflict of interests laws and regulations (such as annually completing ethics training and a New Entrant Confidential Financial Disclosure Report (OGE Form 450)).

Members are appointed by and serve at the discretion of the Under Secretary. To provide for staggered membership to ensure continuity, half of the members shall be appointed to a two-year term (renewable once) and half shall be appointed to a four-year, non-renewable term, as selected by the Under Secretary. Thereafter, all members will serve one four-year, non-renewable term. The Under Secretary shall appoint a chair and vice chair from among the Committee members.

Terms of appointment are contingent upon the Committee's continuation and the active participation of the members. An appointment may be terminated if a member misses two consecutive meetings, unless excused for good cause by the chair or vice chair.

In addition to the Department of Commerce, one official from each of the following Federal departments and agencies may serve on the Committee as Regular Government Employee non-voting members: the Department of the Interior, the Department of Defense, the Department of State, the Department of Homeland Security, the Environmental Protection Agency, the Department of Agriculture, and the National Science Foundation. Such membership may be granted to other pertinent Federal agencies by the Under Secretary.

Members shall not reference or otherwise utilize their membership on the Committee in connection with public statements made in their personal capacities without a disclaimer that the views expressed are their own and do not represent the views of the Committee, NOAA, the Department of Commerce, or the U.S. Government.

- 13. Subcommittees.** Subject to the approval of the Under Secretary, the Committee may establish subcommittees of its members as may be necessary. Subcommittees are standing bodies composed of a subset of Committee members. Subcommittees may not transmit advice, recommendations, or reports directly to the Under Secretary; all advice, recommendations, and reports must be subject to deliberation at a public meeting of the Committee prior to transmittal to the agency.

Subject to the approval of the Under Secretary, the Committee may also establish ad-hoc working groups that are generally intended to be short term and will terminate after completion of their assigned task. Such working groups will be composed of Committee members and/or other individuals. Outside individuals for membership on working groups will be selected by the DFO, in consultation with the ADFO, chair, and vice chair. Any working groups created shall be chaired by a member of the Committee. The working groups shall engage in gathering information, developing work plans, performing analyses, drafting reports, and preparing preliminary findings for subsequent deliberation by the Committee at a public meeting. Working groups may not transmit advice, recommendations, or reports directly to the Under Secretary; all advice, recommendations, and reports must be subject to deliberation at a public meeting of the Committee prior to any transmittal to the agency.

- 14. Recordkeeping.** The records of the Committee, formally and informally established subcommittees, or other subgroups of the Committee, will be handled in accordance with General Records Schedule 6.2 or other approved agency records disposition schedule.

Subject to the Freedom of Information Act, 5 U.S.C. § 552, records presented to or prepared for or by the Committee are available for public inspection.

JEREMY PELTER Digitally signed by JEREMY PELTER
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Acting Chief Financial Officer and
Assistant Secretary for Administration

December 8, 2022
Filing Date