U.S. DEPARTMENT OF COMMERCE
CHARTER OF THE
MARINE PROTECTED AREAS FEDERAL ADVISORY COMMITTEE

1. **Committee's Official Title (Title)**. Marine Protected Areas Federal Advisory Committee

2. **Authority**. The Marine Protected Areas Federal Advisory Committee (MPAFAC or Committee) was established in accordance with Executive Order 13158, dated May 26, 2000. The MPAFAC is currently operating under the authority given in Executive Order 13708, dated September 30, 2015. The MPAFAC is governed by provisions of the Federal Advisory Committee Act (FACA), Public Law 92-463, as amended (5 U.S.C. App.), which sets forth standards for the formation and use of advisory committees.

3. **Objectives and Scope of Activities**. The MPAFAC will provide such advice and recommendations on how to fulfill responsibilities under Section 4 of Executive Order 13158 as may be requested by the Secretary of Commerce through the Under Secretary of Commerce for Oceans and Atmosphere (the Under Secretary) and by the designee of the Secretary of the Interior.

4. **Description of Duties**. The MPAFAC will address topics related to the development and implementation of the National System of Marine Protected Areas. Duties include advising the Under Secretary and the designee of the Secretary of the Interior on carrying out the requirements of Section 4 of Executive Order 13158; the requirements of Section 4 include enabling and encouraging the enhancement or expansion of protection of existing marine protected areas and establishing or recommending new marine protected areas. The Committee will operate solely in an advisory capacity and in accordance with the Federal Advisory Committee Act (FACA), 5 U.S.C. App., as amended.

5. **Agency or Official to Whom the Committee Reports**. The MPAFAC shall provide recommendations to the Secretary of Commerce (through the Under Secretary) and the Secretary of the Interior.

6. **Support**. The National Oceanic and Atmospheric Administration (NOAA) will provide staff support for MPAFAC. In addition, the Department of the Interior (Interior) may detail staff to NOAA to provide additional staff support. A NOAA employee from the National Marine Protected Areas Center will serve as the Designated Federal Officer (DFO) for MPAFAC.

7. **Estimated Annual Operating Costs and Staff Years**. The annual cost of operation is estimated to be $200,000, which includes .85 person-years of staff support. This estimate includes travel for committee members, federal staff, consultants and federal members, as well as the cost of operating subcommittees and working groups. Members will not be compensated for their services, but will, upon request, be allowed travel and per diem expenses as allowed by 5 U.S.C. 5701 et seq. and 5 U.S.C. App. 2, section 7(d)(I)(B).

8. **Designated Federal Officer**. The DFO will be a full-time employee of the National Marine Protected Areas Center (Center) and will be appointed by the Director of the Center in accordance with agency procedures and subject to the approval of the Under Secretary, in consultation with the designee of the Secretary of the Interior. The DFO will approve or call all MPAFAC's meetings, prepare and approve all meeting agendas, attend all MPAFAC meetings, and adjourn any meeting when the DFO determines adjournment to be in the public interest. The DFO or the DFO's designee shall attend all subcommittee meetings.

9. **Estimated Number and Frequency of Meetings**. The MPAFAC will meet at least once annually. Meetings may be by teleconference.

10. **Duration.** Continuing.

11. **Termination.** The MPAFAC will terminate on September 30, 2017, unless extended by the President.

12. **Membership and Designation**. The MPAFAC shall consist of 20 non-Federal members appointed by the Under Secretary, in consultation with the designee of the Secretary of the Interior. The MPAFAC shall be composed of knowledgeable representatives of stakeholder groups, such as:

    - Scientists and others representing the disciplines which study various resources related to coastal and ocean ecosystems, such as ecologists, oceanographers, fisheries scientists, geologists, economists, engineers, anthropologists, archeologists, maritime historians and sociologists, educators, and others.

    - Resource managers for marine areas and the Great Lakes, such as representatives from coastal states, Native American tribes, Alaska Native organizations, territories and localities, as well as from regional fishery management councils, interstate fisheries commissions, and Federal advisory committees responsible for advising Federal agencies with jurisdiction over coastal and ocean resources.

    - Conservation, philanthropic, and other non-governmental organizations involved in coastal and ocean resource issues.

    - Affected interest groups, such as representatives from the offshore minerals, energy, marine transportation, fishing (recreational and commercial), boating, diving, recreational, maritime and historical communities.

    It may include subject matter experts.

    In addition to the Department of Commerce and the Department of the Interior, the following agencies serve on the committee through regular government employees: ex officio non-voting membership on the full committee has been granted to the Department of Defense, the Department of State, the U.S. Agency for International Development, the Department of Homeland Security (U.S. Coast Guard), the Environmental Protection Agency, the Department of Agriculture, the Department of Energy, the National Science Foundation, and may be granted to other pertinent federal agencies by the Under Secretary of Commerce and the designee of the Secretary of the Interior. Federal members do not vote.

    Voting members of the MPAFAC serve in a representative capacity.
    All members shall receive an annual ethics briefing from an appropriate official.

13. **Subcommittees**. The MPAFAC may, with the concurrence of the Under Secretary and the designee of the Secretary of the Interior, establish such subcommittees of its members as may be necessary. All subcommittees and working groups shall be subject to the provisions of FACA, the FACA implementing regulations, and applicable Department guidance. Subcommittees may not transmit advice, recommendations, or reports directly to the Under Secretary or the Secretary of the Interior; all advice, recommendations, and reports must be subject to deliberation at a full meeting of MPAFAC prior to any transmittal to the agencies.

Subject to the concurrence of the Under Secretary and the designee of the Secretary of the Interior, the MPAFAC may also establish scientific or other working groups consisting of MPAFAC members and/or outside experts, i.e., MPA scientists and resource managers with expertise in marine, ocean, and outer continental shelf science, and representatives of the Department and Interior. Outside experts will be selected by MPAFAC in consultation with the Under Secretary and the designee of the Secretary of the Interior. Individual members of the MPAFAC may meet with working group members as needed. Any working groups created shall be co-chaired by a member from MPAFAC and a representative of the Center, which may be the DFO, subject to approval of the Under Secretary. The working groups shall engage in gathering information, developing work plans, performing studies, drafting reports, and preparing preliminary findings for subsequent deliberation by the committee at a FACA-compliant meeting. Working groups may not transmit advice, recommendations, or reports directly to the Under Secretary or the Secretary of the Interior; all advice, recommendations, and reports must be subject to deliberation at a full meeting of MPAFAC prior to any transmittal to the agencies.

The selection of members for subcommittees and working groups is subject to approval of the Under Secretary in consultation with the designee of the Secretary of the Interior.

The duration of subcommittees and working groups is two years. Upon renewal of the MPAFAC charter, extant subcommittees and working groups must also be reviewed and terminated unless renewed in accordance with the process above for establishing subcommittees and working groups.

14. **Recordkeeping.** Records of the MPAFAC, subcommittees and working groups shall be handled in accordance with General Records Schedule 6.2 or other approved agency records disposition schedule. These records shall be available for public inspection and copying, subject to the Freedom of Information Act, 5 U.S.C. 552.

Ellen Herbst
Chief Financial Officer and
Assistant Secretary for Administration

10/7/16
Filing Date