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

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

2. **Authority.** The Department of Commerce established the Marine Protected Areas Federal Advisory Committee (MPAFAC) in accordance with Executive Order 13158 to provide advice to the Secretaries of Commerce and Interior on implementation of Section 4 of the Order. This committee is being renewed in accordance with the Federal Advisory Committee Act (FACA), as amended, 5 U.S.C. App. 2.

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

5. **Agency or Official to Whom the Committee Reports.** MPAFAC shall provide recommendations to the Secretary of Commerce (through the Under Secretary of Commerce for Oceans and Atmosphere) 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 may detail staff to NOAA on a reimbursable basis 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 $300,000, which includes 1.0 person-years for staff support. This estimate is exclusive of the cost of operating subcommittees and working groups. This estimate also does not include compensation for Federal ex-officio members appointed to serve on MPAFAC since they are already covered by their existing compensation system.

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. The DFO will approve or call all of the 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.

9. **Estimated Number and Frequency of Meetings.** MPAFAC shall meet approximately twice a year.

10. **Membership and Designation.** MPAFAC shall consist of 30 non-federal members until October 31, 2011. MPAFAC shall then transition to a 20 non-federal member committee. All members are appointed by the Secretary of Commerce, in consultation with 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.

In addition to the Department of Commerce and the Department of the Interior, ex officio non-voting membership on the full committee may be 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, and the National Science Foundation.

The Chairperson of MPAFAC shall be selected from the membership by a majority vote of the members present at a meeting of the full committee. In a separate election, a Vice-Chairperson of MPAFAC shall be selected from the membership by a majority vote of the members present. The Chairperson and Vice-Chairperson will each serve a two-year term.

All members will serve one, four-year nonrenewable term, as selected by the Secretary of Commerce, in consultation with the Secretary of the Interior. For the transition from a 30-member to a 20-member MPAFAC, some members may continue to serve until their replacement has been appointed. In the event of a vacancy, the Secretary of Commerce, in consultation with the Secretary of the Interior, shall appoint a new member to serve the remainder of the unexpired term of the vacancy. Such partial terms shall not be counted toward the one-term maximum. All members serve at the discretion of the Secretary of Commerce. Regardless if their terms have expired, members shall continue to serve until their replacement has been appointed.

Members of the MPAFAC, who serve in a representative capacity, 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).

11. **Subcommittees and Working Groups**. The MPAFAC may, with the concurrence of the Under Secretary for Oceans and Atmosphere and the Department 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 of Commerce guidance.

    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 of Commerce and the Department of the Interior. Outside experts will be selected by the MPAFAC in consultation with the Under Secretary of Commerce for Oceans and Atmosphere and

the Department 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 the MPAFAC and a representative of the National Marine Protected Areas Center. 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.

The MPAFAC will deliberate on materials submitted by subcommittees or working groups in a FACA-compliant meeting before providing the committee's recommendations to the Secretary of Commerce and the Secretary of the Interior.

12. Recordkeeping. Records of the MPAFAC, subcommittees and working groups shall be handled in accordance with General Records Schedule 26, Item 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.

13. Duration/Termination. This charter will terminate two years from the date of its filing of this charter with the appropriate U.S. Senate and House of Representatives oversight committees unless earlier terminated or renewed by proper authority.

Chief Financial Officer and
Assistant Secretary for Administration

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Filing Date