

MARIANAS TRENCH MONUMENT ADVISORY COUNCIL
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1. Council's Official Designation. Marianas Trench Monument Advisory Council (MTMAC).

2. Purpose: The purpose of the MTMAC is to provide advice and recommendations to the Secretaries of the Interior and Commerce on the development of management plans and management of the monument.

3. Authority. The MTMAC is an intergovernmental committee established as directed by Presidential Proclamation 8335, which also established the Marianas Trench Marine National Monument (hereby referred to as monument). The MTMAC is exempt from provisions of the Federal Advisory Committee Act (FACA), as amended, as an intergovernmental committee, in accordance with 41 CFR Part §102-3.40 (g). The MTMAC members may share information discussed at the MTMAC meetings, however this shall be done separately from the MTMAC meetings to prevent triggering the FACA. Proclamation 8335 does not grant any additional authorities to the MTMAC or its members other than to provide advice and recommendations as stated in the above Purpose (section 1 of these by-laws) and adopt procedures as it deems necessary to govern its activities. These by-laws do not affect or modify existing regulations or agency responsibilities and authorities. They specifically do not commit any agency to activities beyond the scope of its mission and authorities under its organic statutes and trust responsibilities.

4. Agency or Official to Whom the MTMAC Reports. The MTMAC members will provide advice and recommendations to the Secretaries of the Interior and Commerce via U.S. Fish and Wildlife Service (USFWS) Refuge Supervisor of the Hawaiian and Pacific Islands National Wildlife Refuge Complex and the Pacific Islands Deputy Regional Administrator, National Oceanic and Atmospheric Administration (NOAA) Fisheries Service (NMFS), respectively.

5. Objectives, Responsibilities and Scope of Activities.

Objectives: The objectives of the MTMAC shall be to obtain, review and comment on relevant information and to provide advice and recommendations on Marianas Trench Monument management plans and management of the monument, to include but not limited to:

- 1) Council of Environmental Quality commitments to the CNMI government affecting management of the Marianas Trench Marine National Monument;
- 2) management of the Islands Unit;
- 3) public education programs and public outreach regarding the coral reef ecosystem and related marine resources and species of the monument and efforts to conserve them;
- 4) traditional access by indigenous persons, as identified by the Secretaries in consultation with the Government of the Commonwealth of the Northern Mariana Islands (CNMI), for culturally significant subsistence, cultural and religious uses within the monument;
- 5) a program to assess and promote monument-related scientific exploration and research, tourism, and recreational and economic activities and opportunities in the CNMI;

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- 6) a process to consider requests for recreational fishing permits in certain areas of the Islands Unit;
- 7) programs for monitoring and enforcement necessary to ensure that scientific exploration and research, tourism, and recreational and commercial activities do not degrade the monument's coral reef ecosystem or related marine resources or species or diminish the monument's natural character;
- 8) assuring management plans and their implementing regulations do not impose any restrictions on innocent passage in the territorial sea or otherwise restrict navigation, overflight, and other internationally recognized lawful uses of the sea, and that any established monument prohibitions do not apply to activities necessary to respond to emergencies threatening life, property, or the environment, or to activities necessary for national security to include activities and exercises of the Armed Forces, or law enforcement purposes; and
- 9) assuring management plans and their implementing regulations do not limit or otherwise affect the Armed Forces' discretion to use, maintain, improve, manage, or control any property under the administrative control of a Military Department or otherwise limit the availability of such property for military purposes.

Responsibilities: To ensure a successful forum, all MTMAC members share these common responsibilities which may include but are not limited to:

- Represent respective agencies and authorities accurately
- Prepare for, attend, and participate in scheduled meetings
- Engage in open and honest communications to, during and from the forum
- Timely follow through on assigned action items
- Share information on availability and access to resources for the respective agencies to ensure successful monument management
- Advise the MTMAC on political and resource opportunities or issues particular to the respective governing bodies that may affect the monument management
- Communicate with the staff of member agencies to enhance coordination
- Conducting other activities as necessary to achieve the purpose of the MTMAC

Scope: The MTMAC's scope of activities shall apply to all matters within the boundaries of the monument and relevant to the protection of resources identified in Proclamation 8335.

6. Membership Nomination, Appointment and Term Limit. Per the Proclamation 8335, the MTMAC shall consist of a minimum of the following:

- a) Three officials of the Government of the CNMI as recommended by the CNMI Governor, one representative recommended by and from the Department of Defense, and one representative recommended by and from the United States Coast Guard.
- b) Members of the MTMAC will be appointed by the Secretaries of the Interior and Commerce for a term of 3 years in accordance with provisions of Presidential Proclamation 8335.
- c) Each MTMAC member identified in 6. a. is entitled to participate in a consensus process.

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Recognizing there may be times when MTMAC members are not able to participate in meetings, they may identify alternate representatives to serve for no more than one calendar year. The CNMI Governor may designate (3) alternates, the Department of Defense may designate (1) alternate, and the US Coast Guard may designate (1) alternate. The designation must be in writing and presented to the Chairperson at any time before the commencement of a MTMAC scheduled meeting. Each alternate will have equal delegated authorities as the primary member from their respective governmental entity. An alternate may not appoint another alternate. [

Additional MTMAC membership may be recommended to the Secretaries by a consensus of all the existing members; however, the maximum number of members shall not exceed seven.

To be eligible to be nominated to the MTMAC a person must be a government official who has authority to represent the views of their respective government department or agency. "Official" means currently employed with federal and/or CNMI government. Membership on the MTMAC shall continue until the earlier of (1) expiration of term; (2) termination of employment in member's respective government, agency, or department; or (3) until such time as the Secretaries determine service is no longer required.

Upon termination of member's assignment to the MTMAC, a new member nomination will be sought from the appropriate agency.

7. MTMAC Positions, Description of Duties and Term Limits.

The MTMAC shall have the following leadership positions, duties and terms:

a) Chairperson

- Duties: In coordination with USFWS and NMFS: Schedules, calls to order, conducts, facilitates consensus building and adjourns MTMAC meetings. Determines MTMAC meeting agendas with the assistance of MTMAC members. Submits MTMAC advice and recommendations (to include corresponding member's opinions) to the NMFS and USFWS. Chairs MTMAC public outreach and open house events. Acts as the MTMAC strategic messaging spokesperson for messages decided by consensus of the members.

- Term: Three years or to the end of MTMAC appointment whichever occurs first, as applicable.

b) Vice Chairperson

- Duties: Acts at Chairperson in the absence of the Chairperson.

- Term: Three years or to the end of MTMAC appointment whichever occurs first, as applicable

c) Secretary

- Duties: Ensures each MTMAC meeting is properly documented; ensures minutes are taken, then reviews minutes for accuracy and reports minutes to the MTMAC for acceptance; ensures the administrative record is maintained and publicly available; ensures action items are tracked and reported to the MTMAC

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- Term: Three years or to the end of MTMAC appointment whichever occurs first, as applicable

8. NMFS and USFWS MTMAC Assistance Expectations

NMFS and USFWS shall provide administrative support to the MTMAC. This administrative support shall include:

- providing subject matter expertise and research for MTMAC questions
- legal advice to the advisory council as necessary for the performance of its mission,
- providing information necessary to perform advisory council duties,
- assisting the Secretary with preparing and distributing meeting minutes
- maintaining appropriate records of administrative proceedings and responding to public requests for information,
- identifying and obtaining meeting venues with consideration of equal opportunity among the CNM Islands,
- providing meeting announcements one week prior and again one day prior to meetings using media, website, and other appropriate means
- providing toll-free conference call capability for MTMAC discussions conducted by phone
- providing MTMAC administrative supplies subject to the availability of appropriations,
- establishing and maintaining the MTMAC webpage on the Services' appropriate websites

9. MTMAC Operating Procedures. The MTMAC will adopt such procedures as it deems necessary to govern its activities. The following are general operating procedures.

- a) **Consensus View:** The MTMAC operates by the exchange of views, information, and data and strives for consensus to develop advice and recommendations relating to monument management. While consensus is the goal, it is not required. When consensus for advice and recommendations is not reached, each member's opinion is documented and submitted to the NMFS and USFWS. This consensus process is also used for adopting procedures to govern MTMAC activities and recommendations for membership additions or deletions.
- b) **Meetings:** All official meetings should be conducted in person where possible to facilitate public participation. However, the advisory council may conduct routine administrative business through alternative means, such as a teleconference. All official meetings conducted in person will be open to the public; however public comment will only be sought during public outreach sessions conducted immediately after the meeting or upon temporary termination of the meeting. Public outreach sessions may include an open house approach. Meetings will be held quarterly per fiscal year or as needed, with the goal of meeting annually in the CNMI. Members unable to attend meetings will provide their written comments attached to the minutes.

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- c) **Robert's Rules of Order:** Robert's Rules of Order meeting convention will be used with the modification for attaining consensus. Consensus votes include: agree, can live with it (neutral, which does not affect the vote count), and disagree. When a member differs from consensus opinion, the reason is discussed, the members then strive for adjustments to make agreement and attempt consensus again. All submitted advice or recommendations will include the individual opinions of all members. If the primary and alternate members are both present only one may participate in the consensus process.
- d) **Quorum:** Official meeting quorum is attained if at least two CNMI members and both the DoD and USCG members are present. Should this not be attained, the missing member may authorize the meeting to proceed (after review of the agenda items) without them or they may participate remotely or after the meeting (ie. concurrence after the meeting). Agendas may be adjusted to ensure no quorum conflicts.
- e) **Elections:** Positions are elected by the MTMAC members. Elections are held every three years as scheduled by the Chairperson in coordination with the members. Members may nominate each other for positions or the Chairperson may ask a member to accept a nomination. A member(s) who is nominated must accept the nomination before a consensus vote is taken. If a consensus is not attained, discussion is sought to strive for consensus, however if consensus is still not attained a majority vote may decide.
- f) **Working Groups:** The MTMAC may need to utilize working groups. The purpose of a working group would be to address assigned issues or reviews support of the MTMAC. Working groups must be FACA compliant.

10. Operating Costs: Each participating agency shall be responsible for the expenses of its representative and the Departments of the Interior and Commerce shall be equally responsible for the costs of the Advisory Council. Nothing in these by-laws shall be construed as obligating funds in violation of the Anti-Deficiency Act, 31 U.S.C. 1341.

11. Duration. MTMAC would consult every three years with USFWS and NMFS regarding the ongoing role of MTMAC and its duration and extension.

12. Liability. Nothing in these by-laws is intended to establish any right or provide a basis for any action, either legal or equitable, by any person or class or persons against the United States or CNMI, its departments, agencies, instrumentalities or entities, or its officers or employees, challenging a government action or a failure to act.

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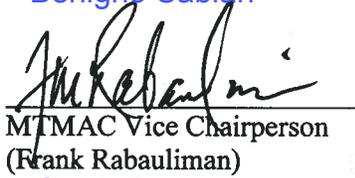
SIGNED



MTMAC Chairperson
(CNMI Representative)

Benigno Sablan

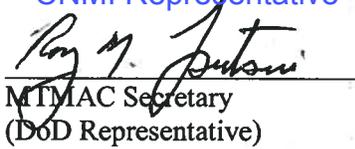
09/12/13
Date



MTMAC Vice Chairperson
(Frank Rabauliman)

CNMI Representative

9/12/13
Date



MTMAC Secretary
(DoD Representative)

Roy Tsutsui

9/12/13
Date



MTMAC CNMI Representative

Arnold Palacios

9/12/13
Date



MTMAC U.S. Coast Guard

Morgan Roper

9/12/13
Date