



Pacific Islands Regional Planning Body Charter

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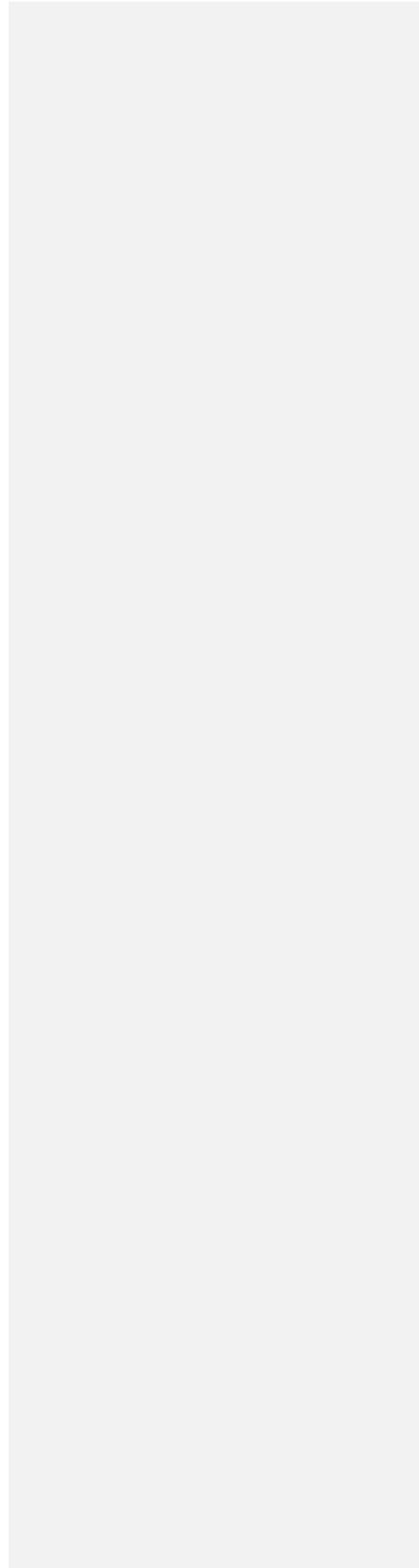


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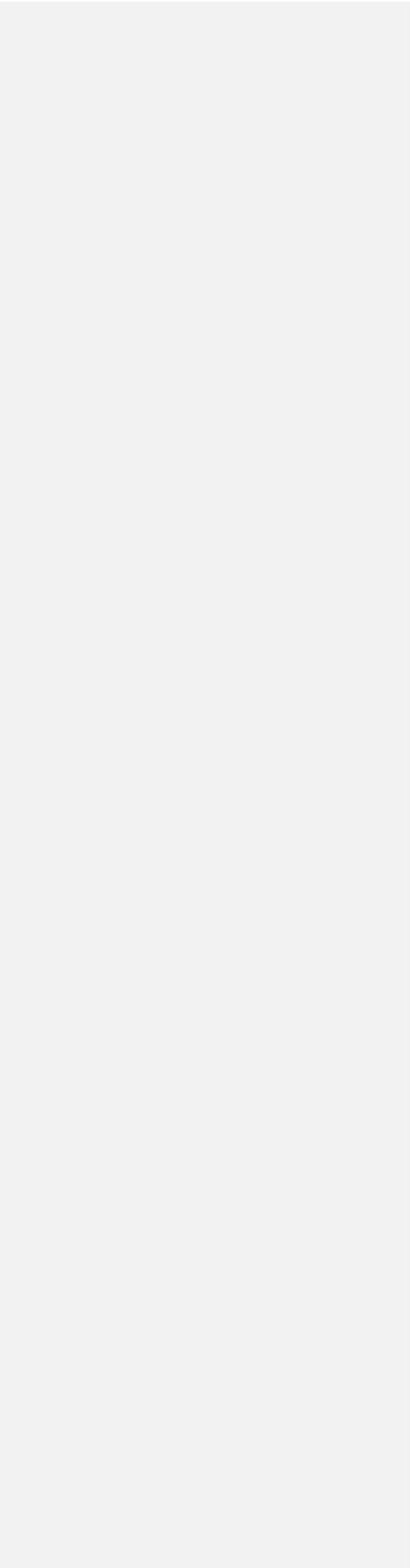
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Purpose

Executive Order 13547 (July 19, 2010), the national policy for *Stewardship of the Ocean, Our Coasts, and the Great Lakes* (National Ocean Policy), established the National Ocean Council (NOC) and among other things, directed “the development of coastal and marine spatial plans that build upon and improve existing Federal, State, tribal, local, and regional decision-making and planning processes.” The National Ocean Policy describes the Pacific Islands as one of nine regions where a regional planning body would be established for development of a coastal and marine spatial plan.¹

In April 2013, the NOC released the *National Ocean Policy Implementation Plan*.² Among the actions outlined were “support marine planning to advance regionally determined economic, social, environmental, and cultural interests. States, tribes, and regional fishery management councils may choose to participate on regional planning bodies established in accordance with the National Ocean Policy Executive Order, this Implementation Plan, and guidance to be released by the [NOC]. State, tribal, and fishery management council participation on regional planning bodies is voluntary.”

The Pacific Islands Regional Planning Body (PI RPB) will work together to develop a regional plan for the balanced use and sustainable management of the coastal and marine areas of the Pacific Islands region. The PI RPB will seek community and stakeholder input and participation, both in the development of the plan and its implementation. The PI RPB includes federal, state and territory government representatives and a Western Pacific Fishery Management Council (WPFMC) representative as members and has a secretariat function to fulfill the responsibilities of the PI RPB. However, this PI RPB is not a regulatory or management body and has no independent authority to direct government or private entities. The participation on the PI RPB does not commit any government agency represented by the member to adopt its plan, but when complete, the plan is intended to provide information and guidance in agency decision-making.

Mission

The mission of the Pacific Islands Regional Planning Body is to plan, coordinate, and realize responsibilities described in the National Ocean Policy. The Pacific Islands Regional Planning Body will create a coastal and marine spatial plan that meets economic, environmental, security, and social objectives, as well as the conservation and sustainable use of natural and cultural resources for the benefit of the region, its indigenous people, and the nation.

¹ The *Final Recommendations of the Interagency Ocean Policy Task Force*, through the National Ocean Policy, identifies the Pacific Islands Region as being comprised of American Samoa, the Commonwealth of the Northern Mariana Islands, Guam, and Hawaii. The National Ocean Policy is available at <http://www.whitehouse.gov/the-press-office/executive-order-stewardship-ocean-our-coasts-and-great-lakes>.

² The NOC is co-chaired by the Chair of the Council on Environmental Quality and the Director of the Office of Science and Technology Policy, which is comprised of various federal entities enumerated in Section 4 of the National Ocean Policy. The *National Ocean Policy Implementation Plan* is available at <http://www.whitehouse.gov/administration/eop/oceans/implementationplan>.

Goal

The goal of the Pacific Islands Regional Planning Body is to further the National Ocean Policy through the development of a regional coastal and marine spatial plan that will, now and in the future, accomplish the following:

1. Provide the best available and publicly accessible information on the condition and uses occurring within coastal and marine ecosystems.
2. Promote healthy ocean and coastal ecosystems and community benefits.
3. Involve stakeholders and reflect local, regional and cultural priorities and rights.
4. Enable effective, holistic and integrated intergovernmental decision-making regarding productive uses that supports compatibility, access, commerce, and security in the coastal and marine environment.

Guiding Principles

1. Promote cultural traditions, values, and practices of the Pacific Islands as a means of managing natural resources and fostering opportunities for participation;
2. Promote an ecosystem approach in the management of natural resources, including minimizing impacts on habitat, ecosystem processes, and species;
3. Promote environmentally responsible use of natural resources [and safe, secure, and productive access and use of coastal and ocean areas] to provide long-term economic growth and stability;
4. Support quality research and obtain the most complete scientific information and indigenous peoples' ecological knowledge to assess and manage natural and cultural resources;
5. Promote education and outreach that fosters good stewardship and broad public participation;
6. Promote regional and international cooperation to manage natural resources;
7. Encourage development and use of technologies to effectively manage and monitor natural resources;
8. Incorporate responses to climate change into plans and decisions;
9. Encourage data sharing to increase efficiency and resolve conflict;
10. Support risk-informed decisions that consider long-term implications; and
11. Promote compatible and discourage incompatible uses of coastal and ocean areas that support the needs of the local population, region, and nation.
12. Use the precautionary principle³ when addressing issues with significant uncertainty.

Comment [SMP1]: The use of the word "productive" was the primary issue with this addition.

Comment [SMP2]: Suggestion by DOI is to split this out, such that we have two guiding principles:
1) Promote env. responsible use of natural resources to provide long-term econ growth and stability;
2) Promote the safe, secure, and productive access and use of coastal and ocean areas.

Comment [SMP3]: This last GP was suggested by DOI (indent is product of track changes).

Commitment

The PI RPB members are committed, to the extent practicable and consistent with their underlying authorities, to participate in the coastal and marine spatial planning process for the

³ The precautionary principle states that "if an action or policy has a suspected risk of causing harm to the public or to the environment, in the absence of scientific consensus that the action or policy is harmful, the burden of proof that it is not harmful falls on those taking an action." (en.wikipedia.org). Principle 15 of the Rio Declaration (1992) states: In order to protect the environment, the precautionary approach shall be widely applied by States according to their capabilities. Where there are threats of serious or irreversible damage, lack of full scientific certainty shall not be used as a reason for postponing cost-effective measures to prevent environmental degradation." (Rio Declaration on Environment and Development, 1992).

Pacific Islands Region as described in the National Ocean Policy. This charter reflects an agreement for planning and coordination purposes. The members agree that this commitment is not enforceable and does not create legal or financial obligations or otherwise affect existing rights beyond those already created by statute or regulation. This charter formalizes the federal, state, territory, and WPFMC commitment to constructively move toward identified regional goals and objectives for coastal and marine spatial planning.

The PI RPB members commit in good faith to a cooperative, open and transparent planning process leading to the development of a regional plan; to actively participate in PI RPB meetings and associated planning efforts; to diligently represent their Governors, departments and WPFMC in the planning process; to ensure that the National Ocean Policy, national objectives, and regional objectives are incorporated in the planning process, as well as ensure that their decision-making processes are consistent with existing statutory, regulatory and other authorities; and to consider providing additional support (data, services, and technical assistance) to ensure the functions of the PI RPB can be fulfilled within existing statutory, regulatory, and other authorities.

Organization

The inaugural PI RPB members include eight federal government representatives, eight non-federal government representatives, and one government member representing the WPFMC. The NOC convened and organized the federal membership. The NOC invited the four Governors of the U.S. Pacific Islands and the WPFMC to participate in the planning effort by designating appropriate representatives. PI RPB members will serve until replaced. Current PI RPB members are identified in Appendix A. Any PI RPB vacancy will be filled in the same manner as the original appointment. All future PI RPB membership appointments will be consistent with the National Ocean Policy and the *Final Recommendations of the Interagency Ocean Policy Taskforce*.

Federal members

The Federal government representatives shall be a single representative from each of the following federal agencies: U. S. Department of Agriculture (USDA), Department of Commerce (DOC), Office of the Secretary of Defense (OSD), U. S. Environmental Protection Agency (USEPA), Department of Homeland Security (DHS), Department of the Interior (DOI), the Joint Chiefs of Staff (JCS), and Department of Transportation (DOT). The Department of Energy (DOE) and the Federal Energy Regulatory Commission (FERC), although not members, are maintaining a point of contact with the PI RPB. The federal government members represent their respective agency and Department mandates and goals in the planning process. They are subject-matter experts with sufficient seniority and expertise to enable them to represent their agencies on the PI RPB and the authority to make marine planning recommendations on their agency's behalf.

Non-federal members

Non-federal government members shall be selected by each of the governors of the Territory of American Samoa, Commonwealth of the Northern Mariana Islands (CNMI), Territory of Guam, and State of Hawaii. These members will represent their respective state and territory mandates and goals in the planning process. The non-federal government members are an elected official

or the governor's designated representative authorized to act on his or her behalf on PI RPB matters.

Fishery management council member

The representative of the WPFMC will have specific knowledge of fisheries resources and management in the Pacific Islands Region and will represent the mandates and goals of the WPFMC in the planning process as part of their official capacity as a federal, state, territory or local government member of the WPFMC.

Alternate members

Each appointed PI RPB member may designate an appropriate alternate. The alternate must be a government official. If the appointed member is unable to attend a scheduled meeting, the member will notify the Secretariat, who will ensure the designated alternate is informed. The alternate will have the full authority to represent the regular member at that meeting.

A list of appointed PI RPB members and alternates is attached, and will be maintained and updated by the Secretariat.

Ex-Officio members

The PI RPB reserves the right to extend *ex-officio* status by invitation to appropriate bordering official entities to participate in discussion, share experience, and offer expertise while being observers when seeking more information on issues. An *ex-officio* member can participate in all discussions of the PI RPB, but cannot participate in PI RPB decision making.

Local government members

The PI RPB will facilitate input from local governments into the regional planning process through the state and territory members.

Additional government participation

In addition to their official representatives, PI RPB members may permit officials from their relevant government organizations to attend and participate in PI RPB meetings, as appropriate. These individuals may also participate, including in leadership roles, in designated committees and working groups, commensurate with the terms of this charter.

Non-governmental and public participation

The PI RPB will ensure that there is regular and appropriate public engagement during all phases of its work. While membership and active participation in the PI RPB is limited to those acting in an official capacity, as the overall planning effort progresses, non-governmental organizations, academic and business entities, and private individuals will be consulted when necessary to ensure that planning is based on the best available information and sound science. Additionally, it is anticipated that non-government individuals may engage in associated projects and efforts that support the PI RPB, including designated committees and working groups that provide recommendations to the PI RPB. The results of these efforts will be appropriately considered by the PI RPB.

PI RPB Leadership

The PI RPB has one federal and one non-federal co-lead. The co-leads will facilitate and guide the planning process. The co-leads will not have disproportionate decision-making authority in the PI RPB. The federal co-lead will be selected by the federal members and the non-federal co-lead will be selected by the non-federal members. The co-leads will serve a two-year term with no limit on consecutive terms. The non-federal co-lead has no extra financial obligation to support the operations of the PI RPB. The federal co-lead will provide an Executive Secretary to facilitate the functioning of the PI RPB. The co-leads will ensure the executive secretariat functions are accomplished.

Committees and Working Groups

The PI RPB will establish committees and working groups as appropriate to progress planning efforts. These committees and working groups can be thematic or geographic as determined by the PI RPB. Committees are to be long-standing bodies that meet for a more general purpose. Working groups are to be short-term groups that meet with a specific task to accomplish. Committees and working groups will meet at a frequency determined by the group, cognizant of the work and deadlines associated with their work. Committees and working groups may meet in person or conduct their work by other means as determined by the group. Committees and working groups can be comprised of members, their designated representatives, or other non-member experts. When established, the committees and working groups will provide work products, reports, and recommendations to be considered by the PI RPB.

Meetings

The PI RPB co-leads will be responsible for scheduling and conducting an in-person meeting at least annually rotating among the covered geographic areas. In-person meetings will be announced to the public at least [60] days in advance and will be open to the public. Additional meetings and sub-group meetings may be conducted by teleconference or other means. Other meetings will be announced and open to the public to the extent the PI RPB members consider it consistent with the directives of the National Ocean Policy. The co-leads will seek input on the meeting agenda from PI RPB members, informed by the work plan. A quorum is a majority in each of the federal and non-federal members or their alternates present.

The PI RPB will establish procedures for the reporting of findings or progress, introduction of determinative issues and receiving public comments.

The PI RPB Executive Secretary will prepare a summary of each meeting, which will include a description of the matters and materials discussed and document any decisions reached. The meeting summary will be reviewed and adopted by the PI RPB and then made available for the public.

Decision Making

Decision making will be based on a consensus of PI RPB members with the help of co-leads and facilitators, not by vote. General concurrence is consensus. General concurrence is the absence of express disagreement by a member on a particular issue provided that the member has been afforded the opportunity to review the issue. A member may inform a co-lead about concerns about a proposed course of action, either orally or in writing, without preventing consensus being

Comment [SMP4]: RPB members: please read the above comments and decide if you want a set number of days added or to be more general, like "sufficient advanced notice".

If you want to be more general, do you want to include something to the effect of the number of meetings annually with a more specific time frame?

reached. If consensus cannot be reached preventing progress of an issue, the PI RPB will attempt to resolve the dispute as described below and with the assistance and guidance from the NOC.

Dispute Resolution

A dispute is defined as the inability of the members to reach consensus. The PI RPB co-leads will work to resolve disputes at the regional level and within the PI RPB. If disputes cannot be resolved within the PI RPB, then NOC guidance is available for consultation and the NOC can assist when necessary and desired by PI RPB co-leads.

Relationship to Existing Authorities

The agencies involved in this effort administer a range of statutes and authorized programs that provide a basis to implement regional coastal and marine planning. The PI RPB is not a regulatory body and has no independent legal authority to regulate or otherwise direct federal, state, or local actions. **Nothing in this process constitutes a delegation of government decision-making authority to the PI RPB, its co-leads or any other entities.** The process and decision-making will be carried out consistent with and under the authority of existing statutes. It is intended that this effort will provide a better mechanism for application of these existing laws and authorities.

Any plan that the PI RPB develops will not be regulatory nor will it constitute final agency decision-making. Rather, the intent would be to guide agency decision-making, consistent with their existing authorities. The PI RPB dispute resolution process in no way alters, undermines, or supersedes any legal authority, including jurisdiction or decision-making over a matter. Dispute resolution provided by the NOC is advisory and any action based on NOC advice must first be subject to concurrence by the PI RPB.

Nothing in this charter shall be construed to impair or otherwise affect authority granted to the state or territories under the Constitution and laws of the United States or by law to an executive department or agency or head thereof; or functions assigned by the President to the National Security Council or Homeland Security Council (including subordinate bodies) relating to matters affecting foreign affairs, national security, homeland security, or intelligence.

Nothing in this charter restricts a PI RPB member from participating in any activity with other public or private agencies, organizations, or individuals.

Administrative Provisions

This charter shall take effect on the date of the last approving signature specified below.

The Members may modify this charter by developing and agreeing to a written amendment.

Any change in membership does not require execution of a new charter. A federal or non-federal agency joining the PI RPB as member after execution of this charter will be asked to sign the charter below.

Non-federal membership may be withdrawn from this charter by notifying their appointing authority and providing written notice to the PI RPB co-leads. Withdrawal from this charter by federal membership requires co-lead notification and subsequent concurrence by the NOC's Deputy-level Committee.

This charter is neither a fiscal nor a funds-obligation document. Nothing in this charter authorizes or is intended to obligate the members to expend, exchange, or reimburse funds, services, or supplies, or transfer or receive anything of value.

DRAFT

Signatories

Non-Federal Members

American Samoa

Dr. Ruth Matagi-Tofiga
Department of Marine and Wildlife Resources

Taimalelagi Dr. Claire Tuia Poumele
Port Administration

Commonwealth of the Northern Mariana Islands

Fran Castro
Division of Coastal Resources Management

Frank Rabauliman
Bureau of Environmental and Coastal Quality

Guam

Jason Biggs
University of Guam

Joseph Cameron
Department of Chamorro Affairs

Hawaii

William Aila
Department of Land and Natural Resources

Jesse Souki
Department of Land and Natural Resources

Western Pacific Fishery Management Council

Arnold Palacios

Federal Members

Department of Agriculture

Christine Clarke
Natural Resources Conservation Service

National Oceanic and Atmospheric Administration

Michael Tosatto
National Marine Fisheries Service

Office of the Secretary of Defense

Nicole Griffin
U.S. Marine Corp

Department of Homeland Security

CDR Brian Hofferber
U.S. Coast Guard

Department of Interior

Richard Hannan
U.S. Fish and Wildlife Service

Department of Transportation

John Hummer
Maritime Administration

U.S. Environmental Protection Agency

John McCarroll

Joint Chiefs of Staff

CAPT Pete Smith
U.S. Navy

APPENDIX A: Current List of Members

Non-Federal Members

American Samoa

Taimalelagi Dr. Claire Tuia Poumele
Port Administration

Dr. Ruth Matagi-Tofiga

Department of Marine and Wildlife
Resources

**Commonwealth of the Northern
Mariana Islands**

Frank Rabauliman
Bureau of Environmental and Coastal
Quality

Fran Castro

Division of Coastal Resources Management

Guam

Joseph Cameron
Department of Chamorro Affairs

Jason Biggs

University of Guam

Hawaii

Jesse Souki
Dept. of Land and Natural Resources

William Aila

Dept. of Land and Natural Resources

**Western Pacific Fishery
Management Council**

Arnold Palacios
CNMI Dept. of Lands and Natural Resources

Federal Members

Department of Agriculture

Christine Clarke
Natural Resources Conservation Service

Department of Commerce

Michael Tosatto
National Oceanic and Atmospheric
Administration

Office of the Secretary of Defense

Nicole Griffin
U.S. Marine Corps

Department of Homeland Security

CDR Brian Hofferber
U.S. Coast Guard

Department of Interior

Richard Hannan
U.S. Fish and Wildlife Service

Department of Transportation

John Hummer
Maritime Administration

Environmental Protection Agency

John McCarroll

Joint Chiefs of Staff

CAPT Pete Smith
U.S. Navy

Energy

(Points of Contact)

James Martin (D.C.; FERC)
James Spaeth (Colorado; Dept. of Energy)