

Advisory Committee on Acoustic Impacts on Marine Mammals

PROPOSED OPERATING PROCEDURES

For any voluntary collaborative forum to operate smoothly, it is helpful for those involved to agree at the outset on the purpose for the process and on the procedures by which the group will govern its discussions, deliberations, and decision-making. These draft procedures will be reviewed, discussed, revised and adopted by the Advisory Committee at its first meeting.

1. PURPOSE AND GOAL FOR THE ADVISORY COMMITTEE

The Omnibus Appropriations Act of 2003 (Act), Public Law 108-7, directed the Marine Mammal Commission (Commission) to “fund an international conference or series of conferences to share findings, survey acoustic ‘threats’ to marine mammals, and develop means of reducing those threats while maintaining the oceans as a global highway of international commerce.” To assist in meeting this directive, the Commission establishes the Advisory Committee on Acoustic Impacts on Marine Mammal (Committee), under the Federal Advisory Committee Act, to:

- 1) Review and evaluate available information on the impacts of human-generated sound on marine mammals, marine mammal populations, and other components of the marine environment,
- 2) Identify areas of general scientific agreement and areas of uncertainty or disagreement related to such impacts,
- 3) Identify research needs and make recommendations concerning priorities for research in critical areas to resolve uncertainties or disagreements, and
- 4) Recommend management actions and strategies to help avoid and mitigate possible adverse effects of anthropogenic sounds on marine mammals and other components of the marine environment.

The Committee’s charge is to develop recommendations to the Commission for inclusion in a report to Congress from the Commission. The Commission asks the Committee to develop as much consensus on these recommendations as is achievable. On issues where the Committee does not or cannot reach consensus, this will be noted and the Commission may develop, if it so chooses, its own recommendations to Congress on those issues.

2. STRUCTURE OF THE COMMITTEE

Plenary: The Advisory Committee will consist of a plenary group of members appointed by the Commission. The plenary group will be the decision-making forum for the Committee. The Commission will have two members on the Committee.

Subcommittees: The Committee may establish subcommittees to assist it in developing draft proposals or products for consideration at specific plenary sessions. The membership of subcommittees is subject to the approval of the plenary group and may be drawn from individuals who are not Committee members. All subcommittees work at the direction of and report to the plenary group. The plenary group will develop a scope of work for each subcommittee, outlining the desired membership and expertise, schedule, and product.

Technical Resources: The Commission, in cooperation with the Committee, may identify technical resource experts who will be available to assist the Committee or subcommittees in exploring specific questions or topics and in preparing documents for plenary consideration. Technical experts will participate in plenary discussions only with Committee approval.

3. PARTICIPATION

Interests Represented: Committee membership is limited to those appointed by the Commission. The list of appointed members is included in Attachment A.

Responsibilities of Committee Members: Committee members are responsible for representing the views of other members in their constituency and/or groups with similar interests, and for communicating with others in their interest group to further that responsibility. Members are responsible for ensuring that all significant issues and concerns of their organizations and constituents are fully and clearly articulated during Committee meetings. Members are also responsible for ensuring, to the maximum extent feasible, that any eventual recommendations or agreements are acceptable to their constituents and/or the agencies or organizations that they represent.

Alternates: Each member is expected to attend all meetings in their entirety. Each member can also recommend to the Commission an alternate who will, upon Commission approval, attend meetings if the member is unable to do so. It is the responsibility of the member and the alternate to communicate to ensure that there are no disruptions in the process when an alternate joins the Committee deliberations

Other Commitments of Members: Members are asked to:

- Share all relevant information that will assist the Committee in achieving its goals;
- Keep its organization's decision-makers informed of potential decisions and outcomes, in order to expedite approval for the final product to the greatest extent possible;
- Resolve issues being addressed within the Committee structure, not through side bar discussions and agreements that may place other Committee members at a disadvantage;
- Refrain from characterizing the views of other Committee members, or the Committee as a whole, in any interactions with the press; and
- Support the eventual product if they have concurred in it.

Addition of Members: Additional members may join the Committee only with the agreement of the Commission and the Committee, and only if they represent an interest that is not already represented.

4. DECISION-MAKING AND COMMITMENTS

Consensus: When concurrence among the members is desired, the Committee will make decisions by consensus. The Committee will use the following definition of consensus: all Committee members can live with a given recommendation or decision. If the group cannot reach consensus, members will evaluate the consequences of their disagreement and decide together how to address the lack of agreement. The

disagreements will be summarized and can become part of the Committee's report if the Committee so chooses.

Role of the Commission: The Commission will participate as full members of the Committee, engaging in the Committee on the issues and exchanging views on the topics discussed. The Commission will provide technical support to the Committee as requested, to the extent feasible. The Commission intends to use any recommendations on which there is consensus in its report to Congress. On issues where the Committee does not or cannot reach consensus, the Commission may develop, if it so chooses, its own recommendations to Congress on those issues.

Decision-Making Process: Decisions will be made by consensus of those present at the meeting except in the case of concurrence on major products, for which consensus and sign-off from all Committee members will be sought. Major products include draft and final Committee reports.

5. SAFEGUARDS

Good Faith: All Committee members agree to act in good faith in all aspects of the Committee's operation. They further agree that specific offers made in open and frank problem-solving conversations will not be used against any other member in future litigation or public relations. Good faith requires that individuals not represent their own personal or organization's views as views of the entire Committee, and that the views and opinions they express in the Committee deliberations are consistent with the views they express in other forums.

Press: All meetings of the plenary Committee will be open to the public, and members of the press may attend. Committee members and facilitators may speak to the press, but all agree to refrain from characterizing the views of other Committee members, or the Committee as a whole, in any interactions with the press.

6. MEETING PROCEDURES

Steering Committee: If desired by the Committee, a small Process Steering Subcommittee may be formed. Decisions about meeting agendas and other Committee process issues will be made through consultation among the Commission, the facilitation team, and members of the Committee who wish to volunteer to play a Steering Subcommittee role. The Steering Committee, if one is formed, will be responsible for managing the Committee's process, in coordination with the Commission and facilitators. The Steering Subcommittee must have representation from the key interest groups to bring a balanced approach to planning for the Committee's efforts.

Caucusing: Any member may request a caucus with any other members at any time. The person requesting the caucus will specify who is included in the caucus and how much time is being requested. (This technique will be most useful when the Committee is working to make decisions or to finalize recommendations.)

Facilitation: The Committee meetings will be facilitated. The facilitators will not take position on the issues before the Committee. The facilitators will work to ensure that the meetings stay on topic and that all points of view are heard during discussions. Facilitators will keep confidential information disclosed to them in confidence.

Proposed Operating Procedures
For discussion Feb. 5, 2004

Open to the Public: Meetings of the plenary Committee will be conducted consistent with the Federal Advisory Committee Act (FACA), and will be open to the public and announced in the *Federal Register*. Recommendations made by subcommittees will be brought to the full Committee for consideration, and will be posted on the Commission's website.

Meeting Summaries: The facilitators will develop summaries of each meeting, in consultation with the Commission. The summaries will be distributed to the Committee or appropriate subcommittee for review prior to their posting on the Commission's web site. The Committee will have ten days to provide comments and corrections.

Attachment A
Advisory Committee on Anthropogenic Sound and Marine Mammals
List of Appointees as of 01/21/04

Laurie Allen, Director, Office of Protected Resources, National Marine Fisheries Service

Ken Balcomb, Senior Scientist, Center for Whale Research

David Cottingham, Executive Director, Marine Mammal Commission

Sarah Dolman, Science Officer, Whale and Dolphin Conservation Society

Chip Gill, President, International Association of Geophysical Contractors

Marsha Green, President and Founder, The Ocean Mammal Institute

Erin Heskett, Senior Program Officer, Wildlife and Habitat Program, International Fund for Animal Welfare

John Hildebrand, Scientific Advisor, Marine Mammal Commission; Professor, Scripps Institution of Oceanography

Martin Kodis, Chief, Branch of Resource Management Support, U.S. Fish and Wildlife Service

Robert LaBelle, Deputy Associate Director, Offshore Minerals Management, Minerals Management Service

Kathy Metcalf, Director, Maritime Affairs, Chamber of Shipping of America

Paul Nachtigall, Director, Marine Mammal Research Program, Hawaii Institute of Marine Biology

Admiral Richard Pittenger, Vice President for Marine Operations Directorate, Woods Hole Oceanographic Institution

Mike Purdy, Director, Lamont-Doherty Earth Observatory

James Ray, Manager for Environmental and Ecological Response, Shell Global Solutions (US) Inc.

Joel Reynolds, Senior Attorney, Co-Director, Urban Program, Natural Resources Defense Council

Naomi Rose, Marine Mammal Scientist, Humane Society of the U.S.

Charles Schoennagel, Deputy Regional Director, Gulf of Mexico OCS Regional Office, Minerals Management Service

Frank Stone, Marine Resources Project Manager, Office of the Chief of Naval Operations, U.S. Navy

Buck Sutter, Deputy Regional Administrator, Southeast Regional Office, National Marine Fisheries Service

Bruce Tackett, Washington Representative, ExxonMobil Corporation

Admiral Steven Tomaszeski, Oceanographer of the Navy, Office of the Chief of Naval Operations, U.S. Navy

Peter Tyack, Senior Scientist, Woods Hole Oceanographic Institution

Sara Wan, Commissioner, California Coastal Commission

Admiral Richard West, President and CEO, Consortium for Oceanographic Research and Education

Peter Worcester, Research Oceanographer, Scripps Institution of Oceanography

James Yoder, Director, Division of Ocean Sciences, National Science Foundation

Nina Young, Director, Marine Wildlife Conservation Program, The Ocean Conservancy