GULF OF MEXICO FISHERY MANAGEMENT COUNCIL

JOINT ADMINISTRATIVE POLICY AND BUDGET/PERSONNEL COMMITTEES

Battle House Renaissance Mobile Mobile, Alabama

October 20, 2014

VOTING MEMBERS
Robin Riechers.................................................................Texas
Kevin Anson (designee for Chris Blankenship).........................Alabama
Martha Bademan (designee for Nick Wiley)..............................Florida
Leann Bosarge........................................................................Mississippi
Doug Boyd................................................................................Texas
Pamela Dana.............................................................................Florida
Harlon Pearce..........................................................................Louisiana
Corky Perret............................................................................Mississippi

NON-VOTING MEMBERS
Jason Brand..............................................................................USCG
Dale Diaz (designee for Jamie Miller).......................................Mississippi
Dave Donaldson..........................................................................GSMFC
Myron Fischer (designee for Randy Pausina)..............................Louisiana
John Greene..............................................................................Alabama
Campo Matens..........................................................................Louisiana
John Sanchez............................................................................Florida
Phil Steele (designee for Roy Crabtree)........................................NMFS
Greg Stunz................................................................................Texas
David Walker..............................................................................Alabama
Roy Williams.............................................................................Florida

STAFF
Stephen Atran.................................................................Population Dynamics Statistician
John Froeschke.................................................................Fishery Biologist
Doug Gregory..........................................................................Executive Director
Beth Hager...............................................................................Financial Assistant/IT Coordinator
Mara Levy................................................................................NOAA General Counsel
Charlene Ponce.........................................................................Public Information Officer
Cathy Readering........................................................................Administrative Officer
Ryan Rindone..........................................................................Fishery Biologist/SEDAR Liaison
Charlotte Schiaffo.............................................................Research & Human Resource Librarian
Carrie Simmons.........................................................................Deputy Executive Director

OTHER PARTICIPANTS
Luiz Barbieri...........................................................................GMFMC SSC
Jeff Barger...............................................................................Ocean Conservancy, Austin, TX
Randy Boggs.............................................................................Orange Beach, AL
The Joint Administrative Policy and Budget/Personnel Committees of the Gulf of Mexico Fishery Management Council convened at the Battle House Renaissance Mobile, Mobile, Alabama, Monday afternoon, October 20, 2014, and was called to order at 1:18 p.m. by Chairman Robin Riechers.

ADOPTION OF AGENDA

APPROVAL OF MINUTES

ACTION GUIDE AND NEXT STEPS

CHAIRMAN ROBIN RIECHERS: I am calling to order the Joint Administrative Policy and Budget/Personnel Committees. To remind everyone, our membership present is myself, Kevin, Ms. Bosarge, Mr. Boyd, Ms. Dana, Mr. Pearce is with us, Mr. Perret, and Ms. Bademan.

With that, we have got to go through Adoption of the Agenda and do I hear any changes to the agenda? Hearing no changes, the agenda is moved as written.

With that, we have to approve two sets of minutes, both the August 2014 Administrative Policy Committee Minutes and we’ll take those up first. Are there any additions, corrections, or deletions to those minutes?

MR. KEVIN ANSON: I have several for the Administrative Policy minutes. On page 6, line 17, change “with” to “within”; on page
19, line 16, remove the “of” that’s on that line”; on page 20, line 40, delete “members” and insert “Chair and Vice Chair” and on page 26, line 8, change “achiever” to “achieve”.

CHAIRMAN RIECHERS: Thank you, Mr. Anson. I assume we’ve got all those on the record and we’ll approve with those changes. Mr. Perret also had his hand up, if he has further corrections to the minutes. Mr. Perret, you had your hand up for some changes to minutes?

MR. CORKY PERRET: I was going to move for adoption with the modifications, if it’s appropriate.

CHAIRMAN RIECHERS: That is appropriate now and do I hear a second? Ms. Bademan seconds. All those in favor say aye; all those opposed same sign. The minutes pass of the Admin Policy Committee. Now for Budget/Personnel Committee minutes, do we have any changes or corrections to those? I am going to make sure Mr. Anson heard that call. Okay and no changes there? Seeing no hands for other changes, then we will adopt the minutes as written from the Budget/Personnel Committee.

With that, of course, Tab G, Number 3 gives you some guidance as to what we’re trying to get done today, but we will move on to Tab G, Number 4, and what we’re going to do is cover Review of 2010-2014 Expenditures and Budget Carryover into 2015. Ms. Readinger is going to do that and is she on by phone or how are we going to do this, Mr. Gregory? It’s up to you and her now to lead us through this. It’s Tab G, Number 4.

EXECUTIVE DIRECTOR DOUG GREGORY: Cathy, are you ready? It’s Tab G, Number 4.

REVIEW OF 2010-2014 EXPENDITURES AND BUDGET CARRYOVER TO 2015

MS. CATHY READINGER: I am. If you look at Tab G-4, this is actually an overview of our five-year budget that we just went through that expires on December 31 and so our actual expenditures for the period ending December 31 of 2013 was about $12.3 million. Our actually accrued expenditures through August 31 of this year is $2.6 million and so our estimated obligations are --

CHAIRMAN RIECHERS: Cathy, hold on a second. We are not getting it -- At least I’m not getting the sound and I don’t know whether we’re too close or --

MR. KEVIN ANSON: I am trying to move the microphone. We are
having some trouble on this end, Cathy. It might be the connection, but if you can go ahead and continue.

MS. READINGER: Okay. That brings our total expenses, or estimated expenses, for the five-year period to be approximately $16 million. Our NOAA funding was $17.3 million and so we estimate that our unobligated funding for the five-year period to be $1.3 million.

We identified in August $374,000 in activities that Carrie outlined for you at that time and a possible no-cost extension that we might want to request NOAA to allow us to carryover to 2015. Since that time, we’ve identified an additional $550,000 in additional activities and positions. With that being said, we still have approximately $387,000 in surplus funding for this five-year period.

CHAIRMAN RIECHERS: Are there any questions of Cathy in regards to this carryover amount, which basically suggests that we have somewhere in the neighborhood of unexpended funds of $387,000?

MR. PERRET: Cathy, so that $387,277 should be spent through December 31 and is that what I understand?

MS. READINGER: I am going to need someone to repeat his question.

MR. PERRET: The unexpended funds, which is good news, $387,277, what is the period of time we would have to utilize those funds without losing them?

MS. READINGER: Unless we can identify more activity that can be justified in a twelve-month no-cost extension, that would carry through December of 2015.

MR. PERRET: If I may, Mr. Chairman -- Cathy, does that include past activities that the states may not have billed the council for council activities?

MS. READINGER: Again, I’m sorry. Someone is going to have to repeat the question or get closer to the microphone or the phone.

EXECUTIVE DIRECTOR GREGORY: Cathy, does that include -- Let’s say we’ve got the state liaison program and if some of the states have submitted for more money than what we’ve reimbursed them for, could that excess be included in this and we pay the states for what they’ve submitted?
MS. READINGER: If the council approves it, yes.

MR. PERRET: Thank you. I would like to make a motion, Mr. Chairman.

CHAIRMAN RIECHERS: Certainly you can, Mr. Perret, but do we want to cover G-5 first, which was some of the staff discussion regarding possible uses of this money, and then maybe have your motion after that? Who is covering G-5 then? Doug, I’m sorry.

REVIEW AND DISCUSSION OF POTENTIAL CONTRACTUAL PROJECTS

EXECUTIVE DIRECTOR GREGORY: A part of the G-4 was also talking about carryover stuff and so we can come back to that, if you like. G-5 is a list of potential contractual projects. What we’ve identified are not projects for your approval, but some ideas of what we might be able to do with carryover money that can be accomplished through 2015.

We learned I guess last month a number of councils have entered into research contracts with their funds and what we would like for the council to do is get conceptual approval to follow this route and leave it up to myself and the Chair to actually make decisions on the funding of particular projects and how much money is available for those projects, because we’ve got from now until the end of the year to make these decisions.

We’re not going to have another council meeting then and we don’t know how much of the carryover activities we’re proposing is going to be approved by NOAA and so we’re kind of scrambling here.

CHAIRMAN RIECHERS: Okay and you had mentioned, as you went into that, and I didn’t mean to preclude discussion regarding carryover, but do you want to go ahead and hit the discussion of carryover that you were going to hit under G-4 and I assume it has to do with maybe some of that timing and how you’re working with NOAA in that regard?

EXECUTIVE DIRECTOR GREGORY: Carrie, are you ready to start that? I can introduce it by saying that we showed you about $371,000 worth of carryover activities in the last meeting in August and so we’re not going to talk about those again, but, since then, we’ve identified other activities that we think we can carry over.

We’ve met with the program administrator from NOAA and got a
favorable preliminary review, but we won’t know until we actually submit these to NOAA and have them go up to Headquarters and be reviewed to see what we can really carry over or not.

There’s been some confusion here. Three weeks ago, NOAA contacted us through the program officer saying they wanted to have a meeting with all the council EDs and Administrative Officers the last week in October, but we have never received an official invite to go to D.C. I have heard rumors that now they want to have a conference call and so I think what has happened is somebody in Headquarters wanted to try to standardize all the councils’ approaches to this end of the year and beginning of the next five-year budget and they either couldn’t get everybody together or something.

We really don’t know what kind of advice they’re going to give us at that point and so we have a lot of questions and unknowns now, but Carrie can go over and highlight some of the major things that we’ve identified since August that we think we can carry over.

DR. CARRIE SIMMONS: Thank you, Mr. Chair. In August, we went through various activities, specific activities, that we had budgeted for and so in April, when we went through the 2014 budget, we had very specific activities that we originally included in that budget.

In August, we went through those activities, as to which ones staff identified the potential of us not being able to complete by the end of this year. In August, we went through each of those very specific activities during that council meeting and that’s the $374,000 or so that you have in front of you.

After we had the meeting with our NOAA program officer, we discussed some general categories and potential activities that we could put forward in a request for the no-cost extension, especially because the 2015 funding is going to be at the 2014 level. In the past, we have operated with our carryover funds and we thought it was important to try to identify anything that would be relevant in a no-cost extension, to give us a little bit of a buffer for next year.

These are some of the potential activities that we’re proposing. Due to those limited 2015 budget numbers and the fact that the council is hosting the Council Coordinating Committee meetings, both of them, next year, we are requesting some additional travel funding, approximately $20,000, for the opportunity to
accommodate additional staff and additional council members for the opportunity to come to that meeting. There are two. There is the February and June meeting and also various supplies and materials, printed materials, that we may need for that meeting.

Similarly, in June of 2015, we have scheduled a series of joint committees with the South Atlantic Council. Currently those council meetings are the same week and there’s the potential for us, in order to meet with those joint committees and complete our council business, that we may need additional days than the five days we currently had in the 2015 budget.

What we’re proposing is three extra council days or committee days that we could have council members there, in the case that we would need to complete our committee agenda items, plus any additional council meeting days we may need and I think we said something around $20,000 for that.

Additionally, there was some work with the five-year review, the essential fish habitat review document. Not only do we have to complete that by 2016, but we are looking at changes either in a generic or omnibus amendment that could take quite a bit of time and so we’re requesting some carryover funds there as well in addition to the formation of several working groups, so that we have some buffer there.

You may recall that in 2014 we have formed the Red Drum, Ecosystem, Coral, and Shrimp Working Groups. We think we’re going to need those working groups to convene, plus potentially others, to review these changes to the various essential fish habitat work that we’re doing on this amendment.

Additionally, the deepwater coral areas, the HAPCs, we have to do a review of that as well as a potential amendment and the fact that NOAA published a final rule establishing twenty-two species of coral as threatened under the Endangered Species Act. That was not finalized until September 9 of 2014.

Seven of these species occur in the Gulf of Mexico and, again, this was originally scheduled to be released in early 2014 or mid-2014 and due to our delayed release of funds, we feel like this is another potential activity that could go into our no-cost extension and is warranted because of the late release of these species and the fact that we’re also looking at these areas of concern for the deep water corals. We are asking I think it’s around fifty-thousand-plus there to have some buffer for that work as well, primarily staff time.
Also based on new information about the Caribbean spiny lobster landings, this panel we’re putting together, we are requesting some carryover funding for that as well. Also, we received notification from NMFS that all fishery management plans will need to be updated with standardized bycatch methods, reporting methods.

I believe that was due to a lawsuit that was lost in the New England region and this is probably going to be a very large amendment. It’s probably going to encompass quite a bit of staff time and we are requesting some carryover funding for that as well, around $55,000.

Another activity is the implementation of the Gulf Council’s Aquaculture FMP and there’s the potential that it could be finalized in early 2015 and as part of that fishery management plan, we need to put together a special working group and we have some potential regulatory actions that we’re going to have to take care of that and was potentially an unforeseen activity, based on the fact we didn’t know when the Aquaculture FMP was going to be finalized until recently.

Then as part of our ongoing effort to improve public outreach and education, we are requesting around $15,000 to better our equipment for making the recordings that Emily and Charlene do to post online and so I think I forgot to mention for the Aquaculture FMP we requested around $25,000 or $26,000. With that, I think that’s all I have, Mr. Chairman.

CHAIRMAN RIECHERS: Okay and so what we’ve heard is items that we’ve identified that we believe can certainly carry over. Suggested items in G-5 that may or may not be ripe for carry over, but discussion is going to be ongoing with NOAA regarding that and so I think the guidance we’re looking for is, is that acceptable to the council on those items as well as giving Doug and Kevin some authority to execute that, since there will not be an opportunity to have another meeting before the time they would have to do that? Is that where we basically stand? Then I have Corky for a motion that he would like to make as well, but, Doug, you’ve got something first?

EXECUTIVE DIRECTOR GREGORY: We don’t have this in the briefing book and we’ve been working on this day in and things have changed almost weekly, if not daily. I just emailed to the entire council a list of activities that Cathy just emailed to us this morning that Carrie was reading from.

If there’s anything on there that you want to ask us questions
about at the council meeting, and I know you don’t have time to
look at it now, that would be fine, but to give you something to
look at and that’s being emailed to you now.

CHAIRMAN RIECHERS: We certainly appreciate that and people may
want to look at that, if you want to look at it in more detail
as opposed to what had just been briefly discussed in open mic
session, do that and be prepared at the full council. With
that, I will turn to Mr. Perret.

MR. PERRET: I think I’ve got three motions to make, if I may,
the first being relative to the 2010-2014 Expenditure and Budget
Carryover to 2015. I move to have staff submit to NOAA
activities to be funded in the carryover budget extension
request.

CHAIRMAN RIECHERS: We’re getting it up on the board for
everyone who is following that and then do I hear a second
regarding that?

EXECUTIVE DIRECTOR GREGORY: To be funded in the carryover
budget extension request.

MR. PERRET: Is that what we need to do, Mr. Executive Director?

EXECUTIVE DIRECTOR GREGORY: Yes.

MR. PERRET: Thank you. That’s my motion.

CHAIRMAN RIECHERS: Do I hear a second? I think Mr. Pearce was
seconding over there a while ago. Okay. Mr. Pearce seconded
and any further discussion regarding the motion? Hearing none,
all those in favor of the motion say aye; all those opposed same
sign. The motion carries. Back to you, Mr. Perret.

MR. PERRET: Thank you, Mr. Chairman. Relative to the
contractual projects, which it’s G-5, I would move to give staff
and the Council Chair the authority to decide on projects to
fund with 2015 carryover funds.

MR. PEARCE: Second.

MR. PERRET: It’s been moved by Mr. Perret and seconded by Mr.
Pearce and Ms. Bosarge has a question or a discussion item.

MR. PERRET: To give staff and the Council Chair the authority
to decide on projects to fund with 2015 carryover funds. That’s
my motion, Mr. Chair.
CHAIRMAN RIECHERS: I am going to ask Doug for a little clarification. It’s 2014 funds we’re carrying over into 2015?

EXECUTIVE DIRECTOR GREGORY: Yes.

CHAIRMAN RIECHERS: Just so that we make that clear for the record at least. Any further discussion regarding the motion?

MS. BOSARGE: I am assuming this refers to the G-5 document on potential contractual projects that they gave us some ideas on, their brainstorming?

EXECUTIVE DIRECTOR GREGORY: Correct.

CHAIRMAN RIECHERS: But I would suggest we even want -- At least in my mind, we’re giving them the flexibility, because there are still apparently ongoing conversations with National Marine Fisheries Service in regards to what might and might not work and I think the notion is to spend money on some good things that we can find to do and hopefully we have them here, but maybe we don’t.

MR. PERRET: Hopefully we will indeed have this amount of money to utilize for these projects. You know when he gets his conference call or his meeting in Washington, we may find out the news is not as good. Hopefully it will even be better, but anyway, trying to provide rationale in the event we have the money to do so.

MS. BOSARGE: What Carrie went over, G-5, has some actual projects that are a little different than what Carrie was mentioning there and I don’t think we’ve gone over them yet, but just for the record, I was reading through these and there are some excellent ideas on there, especially for some problems that we’ve run up against data-wise here in 2014.

They have an incentive-based management for private recreational anglers project listed on there as well as one that is more -- It looks like it’s more commercially oriented, where it’s surveys to collect post-harvest data. That could be the better data collection that we needed when we were looking at the economics on red snapper on the commercial side. There are some really great projects on there and so I support the motion.

CHAIRMAN RIECHERS: Excellent point and certainly more than enough work to do if it can fit within the framework of them allowing us to move forward with any or all of those types of
projects and then, of course, how much those projects actually cost and how much we end up with will also help dictate that.

Any other comments?

MR. BOYD: I basically support the motion, Corky, but I think that the council should have some final say as to which projects are more important and I would like for you to consider changing that so that it’s staff and Chair, with the final authority resting with the council.

MR. PERRET: I thought about that too and I leaned more towards what you’re saying and so I would make that modification, staff and the council.

CHAIRMAN RIECHERS: That was a friendly amendment. Does Mr. Pearce accept that friendly amendment as well?

MR. PEARCE: That’s fine.

CHAIRMAN RIECHERS: Now, I will have to ask a question about that, the execution of that. What are our options there, Doug?

MR. BOYD: Well, I would think that it would be a presentation by council -- Which Doug? I’m sorry.

CHAIRMAN RIECHERS: I was referring to Mr. Gregory, because I am guessing that he may have thought of how we can carry this out if we don’t have a meeting between now and then.

MR. BOYD: To you, Mr. Gregory.

EXECUTIVE DIRECTOR GREGORY: We’re not sure. If NOAA gives us guidance that we can identify something in a general manner that we want to do in 2015 and then pick specific projects in 2015, it would be easy to bring it back to the council in January.

If we have to identify specific projects now, before the end of the year, then we won’t be able to bring it back to the council and what these projects are is a combination of projects that have been discussed by our staff and NMFS, the economic projects, and then a couple from the University of Florida that I happened to be in an ongoing conversation with them about potential collaborative research into the future.

We were just scrambling and we were telling the Chairman about this opportunity and he said, well, come to the council with some specifics and so that’s why I presented this as examples. We’re not married to any of these and we just were looking at
some things that we thought this money could be used for in a
general sense and so it depends on how much leeway NOAA gives us
in identifying what we’re going to do with the carryover funds
and so I seriously doubt we will be able to come back in
January, but it’s a possibility.

MR. ROY WILLIAMS: Robin, didn’t I hear Cathy say that we had to
have these funds -- I don’t know if she said spent or committed
by the end of December.

EXECUTIVE DIRECTOR GREGORY: The carryover stuff, we have to
identify activities that we want to carry over into 2015 and
they could be spent in 2015. Anything we don’t identify as
carryover we have to spend in 2014 and so I think the next
motion that Corky is thinking about doing is something that
would have to be done in 2014.

DR. SIMMONS: I think we can certainly do what you guys are
discussing with the contracts, but it would probably be a good
idea to have everything very lined up for the January council
meeting, because that means as soon as the council passes the
motion to fund those projects and we have a better number from
NOAA that we want to give those people the money right away,
because they have until December 31 of 2015 to spend that money
and so it’s a very short period of time for somebody to do that
work and spend that money and so we just want to make sure that
don’t get a project that’s too big and outside of that timeframe
and the further we get into the new year, the more difficult
it’s going to be for those people to complete that project, I
would assume.

CHAIRMAN RIECHERS: My only concern with the motion on the
board, just from a discussion standpoint, is are we giving
enough leeway in case they have to have a commitment by December
31 with no real way to call the council back together, unless
Mara can give us some guidance in that respect.

Could we do a prioritization of a list of projects by council
members by email or something like that or are we breaking too
many procedural rules or are we breaking any procedural rules?

MS. LEVY: Do you mean that each council member would submit
some sort of list about what projects they would like to see
happen in which order?

CHAIRMAN RIECHERS: If, for instance, as they work through it in
the next few weeks and they get a list of projects that are
reasonable, to the extent that National Marine Fisheries Service
believes they can agree to those, but we don’t have time to come back and have them present it and actually say we want these two to go forward, could we at least provide the Chair and the Vice Chair a prioritization of those?

**MS. LEVY:** I am trying to think about what that would mean. I mean so instead of discussing it at full council and saying these are the types of projects we would like, to just individually submit your wish list and see what the Chair does with it, just to make sure I understand what you’re talking about?

**CHAIRMAN RIECHERS:** Well, I mean it’s either that or we try to figure out a way to do an emergency call. I mean those are really the options that I see in front of us.

**MR. PERRET:** Doug, Texas Doug, that was why I had it the way it was, because of the timing thing. What about this? If indeed the decision has to be made by the end of this calendar year, the staff and the Council Chair would have the authority. If we have additional time, then the staff and the council would make the decision and is that reasonable?

**MR. BOYD:** I think that’s reasonable. The reason that I brought this up is because I can see that there might be council members who have projects that they think are as important as these and this may be a staff list of projects, but I don’t know that the council might have different projects that they feel are more important and that’s why I was trying to get the council involvement.

**MR. PERRET:** Okay and let’s -- Maybe I can try and massage it.

**MR. BOYD:** We’ve got this deadline problem, obviously. That’s the issue.

**MR. PERRET:** If additional time is provided, then staff and the council will make the decisions. Thank you.

**CHAIRMAN RIECHERS:** I think we’ve got to go back and clean up the first line now, because it has to say the “Council Chair”. Then additional time -- I think if additional time is provided, just say -- Maybe if the decision can move into next year or something like that. That’s all we’re talking about.

**EXECUTIVE DIRECTOR GREGORY:** I think we’re going to have to make a decision by the end of the year, but we would welcome other suggestions, say within the next two weeks or three weeks, for
consideration and just open it to that, because this wasn’t -- I’m sure once you put things down, it becomes more solidified, but this was not intended to be all the things we would consider, but clearly, given the timeframe, there’s not a whole lot of time to solicit other ideas, but if council members have other research ideas that they would like to consider for 2015 carryover funds, we can certainly flesh them out and look at them.

CHAIRMAN RIECHERS: If any council members have an idea and can do a three or four-sentence description, much like you’re included here, you would be looking for us to provide you with that as soon as possible or did I see your hand up behind me or are we still working on the motion? It takes a village here to do the motion.

MR. WILLIAMS: Robin, looking down this potential contractual projects, these are -- Really, I would like to see some input from the Chair of the SSC on this too or maybe the SEP. Do you ever do stuff like that? I mean could we delegate this to a small committee of the Chair of the SSC and what we used to call the SEP and the Chair of the council and the Executive Director? Is that ever done?

MR. PERRET: I don’t care who provides input, but we’re under the gun time-wise. If we have time for the SSC and the AP and any member of the public, I am all for it, but I’m just trying to accommodate the staff.

We’re in a fortunate situation and we may have some additional money and I certainly would want us to utilize it in the Gulf rather than it go back to D.C., where who knows what’s going to happen to it.

MR. WILLIAMS: But my point is we do have -- These are scientific projects, both sociological and biological science stuff, and I would sort of like to get the input from somebody from the SSC.

EXECUTIVE DIRECTOR GREGORY: We just had the SSC review and it’s something you’re going to look at under the SEDAR Committee, the research priorities. The thing that’s limited this list to more economic and social stuff is these are like surveys.

Biological research really can’t be conducted within a twelve-month time period, but surveys can be and so that was kind of why this is mostly economic and social rather than biological.
MR. WILLIAMS: If I may follow up, who was the Chair -- I guess are we doing away with the SEP and just merging them into one? There was some discussion of that, but I mean who would be the Chair of that group that might be a good person to consult on this with you? Who is the chief economist or do we have one?

EXECUTIVE DIRECTOR GREGORY: We did consult with the National Marine Fisheries Service economists in the Regional Office and in the Science Center on this and we have the SSC’s comments, including from the economists on the SSC, on the research priorities and so we have that in hand.

MR. WILLIAMS: Relative to this?

EXECUTIVE DIRECTOR GREGORY: Not relative to this list, but they were available to us and this list was identified for things that could be done within a year, that wouldn’t take more than one year to complete and most of the biological research we came up with -- Field research takes more than a year.

CHAIRMAN RIECHERS: I think point well taken, Roy, that maybe as they figure out more of what funds are available and the size of the projects then they can maybe obviously reach out to some of our scientific bodies as well, maybe the Chairs of those two groups, to see if they have any suggestions or prioritizations as well, but I wouldn’t say we want to limit them to whatever comes out of that body, given we’re going to have to show a great deal of flexibility here, is all. Any other further discussion? Hearing none, all those in favor of the motion say aye; all those opposed. The motion carries. Mr. Perret, you have a third motion coming up? You’re almost batting 1,000 here.

MR. PERRET: I am on a roll and I have a third one. Again, we are in a fortunate situation and it looks like we’ve got some funds that we need to try and obligate for important council activities and, saying that, I would move that we have a one-time increase in the liaison funding to the Gulf states and the Gulf States Marine Fisheries Commission for up to an additional $20,000 per state. I am asking for additional funds up to $20,000 for each of the member states and Gulf States for the liaison contract. That’s my motion, Mr. Chairman.

CHAIRMAN RIECHERS: Do I hear a second for the motion? The motion is seconded. Any discussion regarding this motion?

MR. PERRET: Just by way of rationale, I know firsthand just how much time state resource agencies spend on council activities
and they don’t always bill for it. Saying that I realize, if this motion passes committee and the council, this money would have to be spent by the end of this calendar year and so that does not give a lot of additional time and hopefully -- I am sure there are states that have billed over their current liaison amount and that if indeed those states are over that some of this additional money would be able to be funded for some of that additional time and equipment and materials, supplies, whatever they did relative to council activities. Thank you, Mr. Chairman.

CHAIRMAN RIECHERS: Any other discussion? Hearing none and seeing no hands up, all those in favor say aye; all those opposed same sign. The motion carries. That’s three-for-three, Mr. Perret. You’re batting 1,000. With that, I think we move on then and I believe that covers everything under Tabs G-4 and G-5 and I think we move on to Tab Number G-6 and who is going to -- You’re going to take it, Mr. Gregory? Okay.

UPDATE ON AP AND SSC APPOINTMENT PROCESS AND STRUCTURE

EXECUTIVE DIRECTOR GREGORY: Yes, sir. Tab G-6 is the proposed improvements to the advisory panel and SSC appointment process. We looked at this at the last meeting and the council gave us some suggested changes and asked us to continue working on that.

We’ve incorporated the suggested changes. We are moving forward with developing an online application process, with the recognition that some people will still want to submit a paper copy, which then staff will put onto the online system, so that people can check online to make sure that their application has been received and is available.

We are proposing, because we have over 200 people that we appoint, proposing to stagger the terms into three-year -- Maybe everybody a three-year term instead of a two-year term and then reappoint or reconsider appointment of a third of each of the total group in every year. We will go through that and we will see how that minimizes the workload and find out if it actually creates more confusion among the fishing public.

We’re going to have something for you in January or before the end of the year, an online application process for you to look at and experiment with and to see how it goes and that online process will have an application form. We won’t just accept an email saying I want to be on there and we won’t accept detailed résumés, but just enough information to make it pertinent for the advisory panels or the SSC and in which case, for the
advisory panels, it will have -- The application form will have
a statement that they’ve had no fishery violations within the
last five years.

For the SSC, it will have the statement of financial interest
form that NOAA has developed. We have a new form and most of
you all will see it in January. The new council members have
already had to fill out the new form. I think it’s much more
complicated than in the past and it takes more time to fill out
if you do have businesses that you’re associated with where
there’s a potential conflict of interest in that, but that will
all be available online.

The only snafu we expect is with the SSC, because the NMFS or
the NOAA guidelines says that anybody appointed to the SSC must
have their statement of financial interest on file with National
Marine Fisheries Service Regional Office forty-five days before
they can be appointed. That’s not a policy that we have
followed in the past and we’re going to try to follow that
policy, but we will come back in January with a detailed
timeline of how that might work, but that’s the only
complicating thing and they have to file that with the Regional
Office and so that’s the online process.

There is three parts to this and the second part is the advisory
panel structure and the third part is the SSC structure that Mr.
Williams referred to earlier.

For the advisory panel structure, we took your advice to say
that these categories of advisory panel stakeholders are for
guidance only and they are not hard and cold and fast
categories, because we don’t want to have positions that go
unfilled simply because nobody in that category applied for it
and so these are guidelines only.

We have changed the word “conservationist” to “environmentalist”
and we didn’t want to use the term “E-NGO”, because there are
environmentalists out there and I looked at -- I considered a
past council member, Julie Morris, as an environmentalist, but
she’s not an E-NGO representative and so we changed that to
“environmentalist” and Mr. Perret said that was better that
“conservationist” and so we’re moving with that. We’ve got
private anglers and for-hire people for the recreational
sectors.

This listing here is a staff recommendation of general
categories. We need to make a final decision on this in
January, because if you’re going to consider these in April, we
need to know in January how to move forward and start advertising these positions as soon as possible.

At the end of the advisory panel section on page 5, we have listed the ad hoc advisory panels and the number of members in each without going into the same detail of categorizing the members. The important point I want to get across to the council is we need to establish sunset dates for each ad hoc panel.

The name “ad hoc” means it’s for a specific purpose and some of these have existed for a number of years. Now, the thing is if a panel, ad hoc panel, has not fulfilled its duties and a sunset date comes up, the council simply reconSIDERS and comes up with a new sunset date and maybe it should be every three years or every two years or something like that, but we want you to consider that between now and January. It’s possible an ad hoc committee could become a permanent advisory panel, if that’s deemed necessary. I will stop there and take any questions on the online process or the advisory panel discussion.

CHAIRMAN RIECHERS: A question regarding the establishment of a sunset date. In our decision to try to make those sunset date establishments for you, it would probably be useful for us to know when they were previously established, so that -- There may be different or a staggered set of times we want to have there and we may not want to just establish one date for all of them, depending on that.

The other question I have as I walk through here is what are we searching for when we say “other”? Other than the previous categories here on each set or help me with the notion of “other”.

EXECUTIVE DIRECTOR GREGORY: That was intended just as a catchall and without any specificity, because I think staff -- Staff currently categories your AP members as charter boat or headboat or -- What I’ve learned is that the term “other” has been used for things like a fish house operator or owner, rather than a fisherman.

In my mind, the commercial category would cover both of those, because they’re representing that industry, but the “other” was just there as a catchall and if you don’t want that or lump that into the other ones, that’s fine, but since these are just guidance only, it’s just kind of there and we haven’t really defined it.
CHAIRMAN RIECHERS: The only thing is as long as we can keep in mind it’s guidance only and we don’t always have to -- If we have people who are still in the pool who may not fit the other categories who we may or may think are really designed to fit here, we don’t appoint them just because we happen to have their name in front of us.

I think we can make that decision as we go, to some degree, but I was trying to figure out whether we were just looking at others as being anybody different than the previous categories or they could be inside that category or just other names that we may have. Mr. Perret, you had a question?

MR. PERRET: Thank you, Mr. Chairman, and I have two or three questions. Doug, would you please explain the rationale for east and west Gulf?

EXECUTIVE DIRECTOR GREGORY: Let’s take the Shrimp Advisory Panel. The shrimp fishery in the eastern Gulf is operated differently, and it’s mostly pink shrimp, than the fishery in the western Gulf and the attempt here is to maybe recognize that difference. I didn’t want to put -- We could put brown shrimp and white shrimp and pink shrimp, but -- For the Reef Fish and red snapper, that just seems to be a natural break, eastern Gulf and western Gulf, to get representatives.

MR. PERRET: If I may, well, you picked shrimp and let’s talk about shrimp. The two main management measures with shrimp are the Tortugas closure and the Texas closure and without the Florida members initially, the Texas closure would have never been in place.

Many Florida, Alabama, Mississippi, and Louisiana vessels go to Texas to fish when the closure opens and likewise, fishermen from other states go to the Tortugas area when that area opens and so the geography in the shrimp industry is the Gulf of Mexico, in my opinion.

The only fishery I think that where we really have an east and a western zone is the mackerel. Snapper are throughout the range and reef fish and, of course, some are primarily a Florida fishery and so on, but it just seems, to me, that some of these don’t fit well with separating like a line, wherever that line is, and where is the line, the mouth of the Mississippi River? Are you going to divide Louisiana in half? I don’t know. I don’t know the answer to that. Anyway, I’ve got a problem with east and west.
Secondly, something as important as some of these major committees and shrimp, for example, is thirteen members and I’m not saying coral is not important, but coral with ten members. I don’t even remember the last time we had a coral committee meeting and so it seems to me that’s a lot of members for the coral committee. I think that’s probably too high for one and too low for the other, and I’m talking about shrimp.

I don’t know if I’m the only one that has the east/west problem, but I just don’t think that’s appropriate or necessary and that’s one comment. On the S&S Committee --

EXECDUTIVE DIRECTOR GREGORY: I would like to respond to those two comments. I understand what you’re saying about the Shrimp Advisory Panel, because a number of those operations fish both the eastern and western and move back and forth.

What we’re trying to get at is get a broad representation of the stakeholders so that we didn’t end up with a committee where a particular stakeholder group wanted to be on there, but was inadvertently left off.

For the Reef Fish, red snapper and others, eastern and western, if we tried to divide things by state, we ended up with way too many people. Like take Reef Fish, for example. If we did it by state, instead of two categories, we would have five categories and so we could do it by state, but have maybe one for-hire and one private angler, but if we did that for each state, we’re talking about four times five and that’s twenty right there.

We can try to do that if you want between now and January and come up with examples, but that gets -- It just seemed to be getting too specific and if we’re using this as guidance only -- We can still try to do that and look at it, but eastern and western just seemed to be a natural delineation, in our mind, of getting a broad representation of people to apply without going down to the state level.

MR. PERRET: I still say, okay, east and west and where would the line be for coastal migratory pelagics for east and west? We now have a line and it’s the Florida/Alabama line, western Gulf and eastern Gulf, insofar as the fishery, but where would the line be for all these others, the mouth of the Mississippi River?

EXECDUTIVE DIRECTOR GREGORY: I think, in my mind at least, Louisiana and Texas is western Gulf and the other three states are eastern Gulf, for this purpose.
MR. PERRET: Other than coastal migratory pelagics, where we do have a distinct line and management measures vary from each and quotas and all that stuff, why not just take out western and take out eastern and instead of having one private east and one private west, have two private anglers and two commercial and two scientists and two -- That’s my take and I may be the only one that feels that way.

EXECUTIVE DIRECTOR GREGORY: May I?

CHAIRMAN RIECHERS: Let’s hear from Ms. Bosarge first and then you may end up addressing both questions and who knows. Okay. Go ahead. Hers is on something different.

EXECUTIVE DIRECTOR GREGORY: Let’s take red snapper. Clearly, it seems to me, and this is -- Nothing is black and white. The eastern charter industry has different perspectives on where to go with management than the western Gulf charter industries. I mean it seems to be the geography is different.

CHAIRMAN RIECHERS: The question is whether spelling them out makes that much of a difference here or if Mr. Perret, using his suggestion, is not spelling them out, but when we go to make appointments, we look for geographic representation. That’s the question, I think, because at the end of the day, this is all just a suggestion in how we fill these memberships out and it’s not necessarily -- We’re not mandating this kind of membership.

I think that’s the question and certainly Mr. Perret has felt strongly enough to bring it up and I don’t know if we should offer it as a motion, Mr. Perret, so the full council takes it up that way, or how you would like to do that.

MR. PERRET: It seems like I’m the only one that’s got a problem with east and west and so if that’s the case, I am not going to burden the staff and --

CHAIRMAN RIECHERS: I am not certain you’re the only one, but we’ll hear from others.

MR. MYRON FISCHER: I’m not on this committee and so I was trying to refrain from comment, but being Corky cornered me as keeping my mouth shut, and you all know it’s very difficult, but my take on it -- I can’t give advice to the Chair of the committee or to Doug, who created the chart, but I think the composition should reflect a snapshot of the industry.
If the majority of a particular industry is leaning heavily towards the west side of the Gulf, I think that’s where the AP members should come from and not necessarily follow that percent down to the percentage.

If it’s a type of fishery, a reef fish fishery, that might be a Florida fishery or spiny lobster or stone crab or whatever fisheries we are still quasi-managing, that’s where those members should come from. I really think these committees should reflect the fishery.

CHAIRMAN RIECHERS: Camp, since it’s to this point, I’m going to take you and then I’m going to come back to Leann.

MR. CAMPO MATENS: I have been mulling this over and I’m not sure, if we divide in east and west, that all of these categories should be divided on the same line. I mean pelagics is a good example and I think red snapper is a good example. Mr. Perret, do you want to be in the east or the west?

CHAIRMAN RIECHERS: I will let Mr. Perret think about that for a moment and, Leann, I’m going to ahead and take yours, because you’ve been waiting patiently.

MS. BOSARGE: On a different subject, in the past when we’ve decided the makeup of these advisory panels, one of the most important things to us as a council has been to make sure that they’re balanced and in the past, a lot of that has been balancing recreational versus commercial, as far as the makeup, so that we get input, equal input, from both sides.

Especially for red snapper, as the recreational process has become more and more divergent between for-hire and private anglers and what their opinions may be, and not necessarily what we’re doing, but what the opinions may be, I can see where we’re trying to make an effort here to split that recreational into for-hire and private and make sure that we have representation on both.

My only concern is are we doing that and maybe unbalancing recreational versus commercial? In other words, if you look at the Red Snapper Advisory Panel, in the past would it have been maybe two commercial and two recreational, where you’re balanced, and now what I see on the page would be two for-hire, two private angler, two commercial, whereas if you want to look at it just in black and white, recreational versus commercial, as far as an outcome -- I know for-hire and private angler are not on the same page all the time for sure, but I just want to
make sure that in trying to balance that aspect, the for-hire and the private angler, that we don’t unbalance something else in the process and so just keep that in mind.

CHAIRMAN RIECHERS: Mr. Boyd and then Mr. Perret was going to respond a moment ago and so we’ll go back to Mr. Perret after Mr. Boyd.

MR. BOYD: I had two things. One is over the last couple of years, we’ve talked about staggered terms for the SSC and the APs and I don’t think that’s gotten a lot of traction, but I just want the council to consider that we have an administrative issue when we have to reconstitute 200 people at one time. It’s difficult for staff to work with that many résumés and it’s difficult for the council to work with that many résumés and so we might want to do one, two, and three-year terms and start at some given point, so that we get into a better administrative routine as well as an experience routine.

Then the other comment I have, which I was going to bring up, was the same thing that Leann just said. It seems to me that we as a council are moving to two different distinct groups and one is a for-profit group and one is a purely recreational group. In looking at this, I would reiterate what Leann just said. It looks like an imbalance of the profit-making group versus the recreational group in the way that we’re suggesting that this is made up. Thank you.

CHAIRMAN RIECHERS: Mr. Perret, back to you. You kind of went down this road and I’m not certain we have solutions at this point. What we do have is I think several things that have been expressed and go ahead, Mr. Perret.

MR. PERRET: Let me respond to Mr. Matens. Mr. Matens, I guess if Louisiana and Mississippi could ever decide on where the line is between the two states, I could make up my mind which side I would want to be on, but look, I’m on a roll and so it’s time to get shot down.

I am going to make a motion, and believe me, my feelings won’t be hurt if you all defeat my motion, but I am going to move that we do away with the geographical description under the panels, i.e., do away with east and west and at-large. That’s my motion.

CHAIRMAN RIECHERS: Does Mr. Perret have enough traction to get a second? Ms. Bademan seconds. Obviously we’ve kind of had
some discussion of this before the motion got put up and is there any other discussion one would like to have here? Mr. Gregory, did you want to have a point?

EXECUTIVE DIRECTOR GREGORY: No, I am not going to debate you. I am not speaking against the motion. There is concern about the geographical descriptions and there is concern about the categories we came up with and how many people. We welcome suggestions. We have to make a decision in January one way or the other.

What I hear in general, in a general sense, is nobody likes this proposal at all and go back to the way you were doing things before and I mean that’s what I’m hearing. I mean one person thinks there’s not enough commercial people and the other person says there’s twice as many as you think there are and it’s out of balance and this was our attempt, staff’s attempt, to try to have a balance based on what we see as the structure of the fisheries.

We can scrap it now or wait until January. It really doesn’t matter to us. We’re not -- I mean it wouldn’t bother us. It was just some idea we thought that would help the council to -- Because it was to make sure we had some balanced distribution of stakeholders on our advisory panels, because we’ve seen, in some instances, and I can’t name you specifics now, where a stakeholder group was not represented.

That’s what we were attempting to do, to try to make sure -- We can’t make sure, but try to help keep the panels representative of the stakeholders that are there on the water and it certainly is not an attempt to, as Myron said, populate the APs based on how many fishermen of each type we have from each area. We have never even considered doing that. That would be a lot more work than just two and two and two. It does seem to be confusing at this point.

CHAIRMAN RIECHERS: I think maybe the full council or people can decide what they would like to do. Let’s vote this motion up or down and then possibly in full council, or if someone wants to make a subsequent motion, then this motion may become moot if we in fact just don’t want to go forward with this concept at all anymore.

I think the concept is good. The problem is what you run into is the buzz-saw of trying to implement it, which is everyone seeing it all just a little bit differently in how they look at those categories and how they look at those geographic regions.
With that, let’s go ahead and vote this up or down. **All those in favor say aye; all those opposed same sign.** The motion passes. With that, we can either -- If someone wants to make a -- Mr. Williams.

**MR. WILLIAMS:** I was going to have a question for Doug Boyd. Doug, when you talked about the staggered terms to try to reduce staff load whenever we do it, every three years or something like that, or even out the staff load, are you talking about replacing a -- If you’re doing this every three years, a third of the Mackerel Committee every year and a third of the Red Snapper Committee or are you talking about totally redoing one committee every three years and just staggering the committees?

**MR. BOYD:** That’s a good question. Doug Gregory and I have talked about this a lot over the past two years and our thought was -- Two premises. One was to keep a body of knowledge always on an AP or on an SSC and the other reason would be to lower the administrative staff time and effort and my thought was that we would have at least a half or a third roll out every year and so if there were twenty members on there, say a third of those twenty members would expire this year and then a third would expire next year and that group would be added back on and so you would reduce from just say 200 a year to a third of that every year. Mr. Gregory, is that what we’ve talked about?

It’s strictly a -- It’s not to try to change the balance or anything else, but it’s simply -- Let’s say you’re a recreational person and you’re on an AP. When your slot comes up or your term comes up, we would fill it with another recreational person and not a different type of individual. Does that answer your question?

**MR. WILLIAMS:** Yes, it does, but I was also thinking that, in terms of what you were just talking about here with Corky’s motion, because if you’re going to replace a third of the Mackerel Committee every year, you’re going to have to have some kind of specific categories, aren’t you?

You’re going to have to have a western Gulf king mackerel fisherman and an eastern Gulf king mackerel and so on the one hand, we are getting away from specificity, but under what you’re talking about, and I like what you’re talking about, we might need some specificity as to how these committees are going to be constituted.

**MR. BOYD:** There are not many specifics today. That’s one of
the problems we’ve got and you could -- What Mr. Gregory and I were talking about was could be done under today’s environment, but it would simply be an administrative issue and not a constitution of the AP issue from categories, if that makes sense.

CHAIRMAN RIECHERS: I will chime in here just a little bit. I think you almost have to get more specific if you’re going to roll and then, as you suggest, you don’t want to roll a whole set of categorical members off at any one time. You would want it to be a cross-the-section category coming off and then being replaced, so that you have some institutional knowledge of each group in there at each time.

The other problem I see with any of these notions, frankly, is we don’t get enough volunteers for these wonderfully paid positions anyhow and so I’m not certain that any of these structures are really going to change who we end up getting to put in these slots and so I think all of them have some challenges in that respect, but I think we should keep thinking about it and see what we may be able to come up with between now and January.

It seems to me, Mr. Gregory, unless you want to wade back into this buzz-saw one more time, that maybe it’s time to move on to the SSC discussion.

EXECUTIVE DIRECTOR GREGORY: It will only get better. On page 6 of this document, I go over the SSCs and the number of SSC members by the other councils and ours and a little bit of the history of how we ended up with three major SSCs and a summary of the wording -- Not the summary, but the wording from the Magnuson Act on what the SSCs are supposed to do.

It seems to me that we would be well served to integrate the three major SSCs we have, the Ecosystem SSC, the Socioeconomic SSC, and the Standing SSC into one Standing SSC, but to do it in a way that we don’t lose the diversity of synergies that we have with the economists and with the stock assessment scientists and the ecosystem scientists.

We don’t have any synergy at this point with anthropologists, but we would like to create that. They are the third or fourth major group of scientists that provide us with advice and so what I propose here is to have -- This is based on comments at the last meeting, where someone suggested we needed more biologist types.
We propose to have six stock assessment or quantitative ecologists. You know the south does not have the university training the other parts of the country have had, historical opportunities, and we do need to have stock assessment or quantitative ecologists that can serve on the SSC to help evaluate the stock assessments and that clearly is a mandate from Congress and that’s got to be seen as a priority job of the SSC.

To include three ecosystem scientists and four economists, because the economic analyses that we’ve been reviewing are taking center stage and that’s become not equally, but almost equally, important area, and three anthropologists. Our idea is that three people in a specialty can form a working group to explore a project or an idea and bring it back to the SSC for review and recommendation to the council.

I am trying to keep the diversity of expertise that we have with our three major SSCs, but integrate them into one single Standing SSC and then to include environmental scientists, if we can identify one, and then some other scientists, from any of the categories.

Again, this could be -- This has to be a guidance-type scenario, because we may not get six quantitative ecologists applying for the SSC at any one time and so this is a proposal. This is a major restructuring of the SSC, but it seems to be the appropriate thing to do and it’s not that we have three SSCs just evolved that way from advisory panels in the SSCs, because they happened to be advisory panels that were made up of mostly scientists.

When the council got the opportunity to pay stipends to SSC members, it was decided by staff to make those two advisory panels SSCs, so they could be paid just like the Standing could. That’s how they actually became SSCs and it wasn’t a conscious effort and so this is an attempt to try to pull things back together into one integrated SSC.

**MR. PERRET:** Doug, historically, the SSC -- I applaud your efforts on this and I think it’s appropriate that we do away with, quote, unquote, three SSC-type panels and try and get it down to one.

Having been a member of the Standing S&S Committee, and there may be some -- I don’t know if any of the others on the council were ever members, but you were, Gregg. Of course, Gregg is a
youngster and he doesn’t have all the years I had way back then, but originally we had an attorney and a resource manager on the SSC committee and I always found that the resource manager, who had -- Every resource manager that served was a state division administrator or assistant administrator, somebody at that level whose background was marine fish or biology. Have you given any thought to -- This is my question, Doug. Have you given any thought to having a resource manager on the SSC?

EXECUTIVE DIRECTOR GREGORY: No, I haven’t. I mean it’s --

MR. PERRET: I guess I always thought it was useful. That person in the resource management position has to live with fish management decisions 365 days a year and they do have the biological background and I always thought the scientists present their thing and, hey, this guy or this person or individual may be able to present some actual factual information relative to this type of thing, whether or not it may be workable or not.

I thought that worked well and I also thought the lawyer was appropriate, but I am not going to go in that direction, but if I’m the only one that feels that way, I think what you’ve got there seems to be fine.

CHAIRMAN RIECHERS: Any other discussion? Dr. Stunz.

DR. GREGG STUNZ: Thanks for recognizing me, Robin, not being on the committee. Having just been on the SSC, I can tell you, Doug, that funneling down to this is much needed. It was kind of clunky or whatever with all these different SSCs.

What I’m a little bit just wondering is that first one there, where it’s six stock assessment or quantitative scientists, I assume -- Are you calling those something separate or stock assessment is a quantitative scientist sort of together and I don’t see the difference there and maybe there isn’t one, but then below that, I see the three ecosystem scientists, which I assume that to be more like ecosystem-based fisheries management.

What seems to be missing there is just the regular fisheries or fisheries ecology and maybe this is just semantics, but I see a very big difference from a fisheries scientist and a stock assessment or quantitative scientist. The fishery ecology, I’m not sure -- Where would those guys fall in? You said, early on, this was more to get some biological-type focus, but I’m not quite seeing that in those terms and so maybe that’s just me.
EXECUTIVE DIRECTOR GREGORY: No, we have a series of special SSCs and their intent was to contribute the ecological life history or other species specifics and so we have a Mackerel Special SSC and a Reef Fish Special SSC and that might be where the resource manager could come in as well and that’s also unique to this council, but this council has had special SSCs from the very beginning and so I didn’t want to touch that.

It is different than the other councils, but it does provide us an opportunity to get that ecological life history and taxonomic expertise involved in the discussion and I added the quantitative part because, like I said, the south doesn’t have the schools and the amount of training the north does in stock assessment scientists.

One of the SSC members asked me to expand that to include quantitative ecologists and people like yourself and myself and others that aren’t really doing stock assessments, but were quantitative enough to understand and to evaluate the stock assessments for the SSC and the council.

The thought was that if I just said stock assessment scientists that that would be too limiting and so it wasn’t intended to be separate, but they were intended to be inclusive.

DR. STUNZ: Okay and that’s fine. I just thought those groups should be included, but it makes sense now and especially I should have read one more sentence below that in terms of the other special SSCs and so that’s fine.

CHAIRMAN RIECHERS: Any further discussion or suggestions here? I think maybe that hit some of what Corky was at, realizing that the special SSCs are still there, and possibly some of that membership of state and fisheries directors and general biologist types who are working in those positions could possibly come in via that avenue. Any other discussion? If not, we will leave that as it is today and move on to the next item then. That takes us to -- We are moving to G-7(a) and 7(b).

DISCUSSION OF SSC CONFLICT OF INTEREST POLICY

EXECUTIVE DIRECTOR GREGORY: Correct. At the last council meeting, in reviewing the SOPPs, which we’re going to do later, we got to the point of the SSC conflict of interest policy that was in the old handbook, but it’s not in the SOPPs. Again, the council simply moved it from the SOPPs to the old handbook in
2012 when they redid the SOPPs, based on a National Marine Fisheries Service template.

We adopted a new handbook in June which did not include this provision and so I wanted to bring it back to the council, just to make sure that it didn’t fall through the cracks, and I was asked to come back with some options.

There is two major options. One is to discontinue the SSC conflict of interest policy and in 7(b) you have a summary of what the other councils are doing. All the other councils -- Now, when this policy was developed, there was no requirement of the SSC to have a financial statement of interest and there is now.

All but one other council uses the statement of financial interest as their so-called conflict of interest policy and the financial interest statement identifies what potential conflicts exist and puts it out there on the record.

Only the North Pacific Council has a policy similar to ours and they limit it to this quote: Independent experts on the SSC cannot be employed by an interest or advocacy group.

I think Option 1 is to discontinue this explicit conflict of interest policy and Option 2, based on comments from the council at the last meeting, was to identify options for what was personal remuneration and what time period do we want to consider to go back to.

Our violation statement that we have for the AP goes back five years and so we’re looking at the past two years or the past three years, currently, the past ten years, for the time period of consideration and for the type of remuneration, do you want to do like the North Pacific has and just have it for direct salary or grant-funded salary to an individual or grant-funded salary through an agency? Currently, that is not considered a conflict in our current policy.

Do you want it to include honoraria or even just travel reimbursements? This is what I’ve got, based on our conversation from the last meeting.

CHAIRMAN RIECHERS: A question there. If the current NMFS reporting mechanism goes for five years, why would we even consider ten years as an option?

EXECUTIVE DIRECTOR GREGORY: No, our violation of certification
for the AP, fisheries violations, goes back five years.

CHAIRMAN RIECHERS: I am sorry. Okay. I didn’t hear you correctly there and any questions or comments regarding these options?

MR. PERRET: Does the Executive Director, after this exhaustive research, have a recommendation for the council and, if so, what’s you’re recommendation?

EXECUTIVE DIRECTOR GREGORY: I could give a recommendation, if so desired.

MR. PERRET: I am asking.

EXECUTIVE DIRECTOR GREGORY: I recommend Option 1, discontinuing the SSC conflict of interest policy.

MR. PERRET: Do you want me to try? I will go along with our Executive Director’s recommendation and move for Option 1, discontinue the SSC conflict of interest policy.

CHAIRMAN RIECHERS: Do I hear a second?

MR. PEARCE: Second.

CHAIRMAN RIECHERS: Mr. Pearce seconds. Do we have any other discussion regarding this? I am going to take the Chair hat off for a second and have a little discussion. Obviously, in some recent times, we’ve had discussion about this in regards to people on committees and so forth.

I would just suggest that as we move on, whatever we choose to do here, we make that decision and we stick by those decisions and we not alter those as we see fit as we move through time. Obviously this impacts folks and their deliberations in the SSC or other bodies as they move forward and so that would be my recommendation. Whatever we do here from this point on, we need to make sure that we are willing to stick with that decision.

We’ve done this in other decisions regarding violations as well, where we end up deliberating it many times. I would just suggest that once we make this decision that we certainly are trying to adhere to that decision from this point on, at least for a length of time that is reasonable in nature.

MR. BOYD: In Option 1, are we saying that we are adopting the - - I guess it’s the NMFS policy of independent experts on the SSC
cannot be employed by an interest or advocacy group?

EXECUTIVE DIRECTOR GREGORY: No, that’s a policy of the North Pacific Fishery Management Council. If we adopt Option 1, then we simply are using the National Marine Fisheries Service statement of financial interest as the mechanism for identifying potential conflicts of interest.

MR. BOYD: Okay and so I guess my next question would be if someone makes an application and they disclose that they are on the payroll of a special interest group, whoever they are, that’s all that matters at that point, if they’re approved, that they disclosed it? Is that correct?

EXECUTIVE DIRECTOR GREGORY: Correct.

MR. ANSON: That, I think, is incumbent upon the council then to use that information in its determination of whether or not that person gets actually appointed and so the transparency is that they’ve reported it and then it’s incumbent upon the council to use that information to make whatever decision they come up with and so it provides, I guess, the most flexibility in that regard, in that it’s transparent to the public or to the council as to what potentially their interests might be and how they might vote, as it were, and then make that decision.

MR. PEARCE: To be a council member, we just have to have our financial interest report in and we go from there and why should the SSC be any different? I think that we make a whole lot more decisions at the council than we do at the SSC.

I mean the SSC does the ABCs and a few other things, but why should we hold them to higher standards or stronger standards, whichever way you want to look at it, than a council member, period, and the council member statement of financial interest is all we do to get on this council and so I’m supportive of this motion.

CHAIRMAN RIECHERS: Any further discussion regarding the motion? All those in favor say aye; all those opposed same sign. The motion passes with one abstention. With that, I believe we travel to the next agenda item. We have one more item, Mr. Gregory.

CONTINUED REVIEW OF DRAFT SOPPs REVISIONS

EXECUTIVE DIRECTOR GREGORY: We are in Tab G, Number 8. We started reviewing the SOPPs at the last meeting. What we’re
going through are the comments that the, for lack of a better
term, the SOPPs Committee made and those items that were in the
old handbook that we have dropped with the adoption of the new
handbook.

We got through to page 19 and so if we could start on page 19,
we will finish this review and then, if we finish this today,
and we’re kind of running out of time and so we may not, but at
the next meeting, we will finish what we’re doing here and then
we will also be reviewing the NOAA comments.

We finally got from NOAA the comments on the SOPPs that we
submitted to them in 2012 and so we will review their comments
next. I didn’t want to bring that to you at this point. We are
still working on this one.

CHAIRMAN RIECHERS: The question, before we really get started
then, and then I will go to Kevin, but have we looked at the
NOAA comments enough to know that our work here today, going
through our subsequent comments, is still relevant or did they
make wholesale changes or changes in a way that we would be
doing work that may not really matter?

EXECUTIVE DIRECTOR GREGORY: No, they have not.

MR. ANSON: Just a point of clarification. For all of the edits
that are listed on the document prior to page 19, are those the
same or do they incorporate the changes that were made or
suggested at the last meeting?

EXECUTIVE DIRECTOR GREGORY: Thank you. I forgot to explain
that. Yes, the track changes that are from pages 1 to 19 are
based on the comments that were made by the committee and the
council at the last meeting and I will do the same thing with
the second half of this the next time you see it, but the first
half will either stay the same or the track changes will
disappear at some point. If there is concern about them as
well, we can go back and look at them.

CHAIRMAN RIECHERS: I think the goal was to start back here and
move as far through the document as we can and then we’ll go
back to any of those changes, but obviously we’re going to see
it again anyhow in January.

For those trying to get caught up there, we’re at 3.9, Stipends,
page 19, where that big, bold print says “Start Here Again” and
with that, we will just turn to Mr. Gregory and it looks like
we’re starting with a comment or a question regarding stipends
and who other than the SSC we might want to pay stipends to and is that correct?

EXECUTIVE DIRECTOR GREGORY: That’s my interpretation of that question from the review committee. The Magnuson Act does give us authority to give stipends to advisory panel members and the council decided not to do that. We could put something like that in this section or just not mention it, but I think -- I don’t know of any councils that are paying their advisory committees stipends.

CHAIRMAN RIECHERS: Any comments there? It doesn’t sound like there are any comments there.

EXECUTIVE DIRECTOR GREGORY: The next item is on page 20 and it’s the highlighted section under Staff Functions and this basically says that if there’s any positions that the council wants to authorize for employment that they have the authority to do that and in the paragraphs above, it states that the Executive Director has the responsibility -- It says the council has authorized the Executive Director to recruit, hire, compensate, and dismiss all permanent, probationary, and temporary personnel. It seems a little contradictory, but I think the highlighted things might mean, and we can make it more explicit, that the council still has the authority to employ people at their wish.

CHAIRMAN RIECHERS: I think this is just helping to clarify the point that even though you have a staff roster, you are not limited to only those positions within the context of that roster in the handbook and is that correct?

EXECUTIVE DIRECTOR GREGORY: I think we can make that clearer, yes.

CHAIRMAN RIECHERS: Any comments regarding that? Any questions? If not, what we’re going to do is just kind of roll through these and unless I see a hand go up or you’re in some way catching my attention, we are going to just keep moving. I will look up and Doug will pause a moment and we will look around, but then we’ll just go on. Go ahead, Doug.

EXECUTIVE DIRECTOR GREGORY: The next item is on page 22, Section 4.9, Leave. The question was to define compensatory leave and define how all leave can be accrued, used, and what happens.

This is the same section that we had in the new handbook and
when we come back to this, we will make this section, and any other section that is the same as in the handbook, because it’s required to be repeated in both places, we will make them read identically. We’ve already addressed this in the handbook and so that will be carried over to this one.

The next item is on page 23, Holidays. In the new handbook, I just wanted to point out that we’ve added Friday to the Thanksgiving holiday season, which is different than federal.

Under 4.10, Employee Benefits, we’ve got highlighted that the council may also approve -- I think the thing here is that these benefits are benefits being provided by the council and they are not guaranteed and depending on the circumstances, the council can change their benefits at any time.

Under the same page, 4.11, Travel Reimbursement, that has been delegated to be approved by the ED for non-federal travelers. What we did in the new handbook is the Council Chair approves travel for council members and the Executive Director approves travel for everybody else.

On page 24, the next item, from the old handbook there’s a paragraph that we had there and I suggest that we just delete that and not incorporate it, because it’s covered basically in the new handbook and elsewhere here.

Then under 4.12, Foreign Travel, the question was can we explain what the Fly America Act means and the staff response has that explanation and so we will incorporate that into the SOPPs and into the handbook. It’s already incorporated into the handbook.

On page 25, Section 5.2, there is a question of improper political activity needs to be defined. This is perplexing, because there is nowhere in this document, nor in the handbook, does the phrase “improper political activity” occur and so staff doesn’t understand that.

These general standards of conduct come out of either Magnuson Act or the Federal Guidelines Almanac and so I suggest not worrying about defining “improper political activity”.

CHAIRMAN RIECHERS: Okay, Mr. Perret. I knew this was his item. I remember that and go ahead, Mr. Perret.

MR. PERRET: I think this might be something I raised, but in A, just below that, no employee, blah, blah, blah, blah, blah, with the council, for the purpose of interfering with or affecting
the result of an election to or a nomination for any national, state, county, or municipal election and, to me, that’s political activity and so that should suffice and so that, I guess, is the definition of political --

EXECUTIVE DIRECTOR GREGORY: The next item is on page 29, under Procurement. I just added, from the old handbook, a description of check signatures and I suggest we will add this section to the SOPPs as well.

One thing we do want to address with the council at a future date is that $2,000 amount. That’s a very low amount of having manually-signed checks and what we will do is do an analysis of our checks that are manually signed and give you a range of what the amounts are and see if we can come up with a more realistic number, where we don’t have to sign an unusually large number of checks, but it’s not so large a number that it would be a problem from an audit standpoint.

On the same page, under 6.4, Property Management, we can include this in here, that a physical inventory of all property and equipment will be made at least once every two years. That was in the old handbook, which was in the earlier versions of the SOPPs and I think we should put it back in.

Page 30, under Audits, there was a question whether NOAA conducts an audit and is it less expensive and should we go to a cheaper route? The staff response is that this question will need to be presented to NOAA. We do not think NOAA has sufficient funding to conduct audits of its grant recipients and so we get an audit done every two years by an independent agency and we’ve been doing that since we started. If you still want us to pursue this, we will see if NOAA does conduct any audits and we could go that route.

CHAIRMAN RIECHERS: Down below it, it does say that NOAA is invited to participate, but I don’t know if there’s an option and I think that was what the question was, was is there an option to have them do it lieu of this other independent party and whether or not that might be a less expensive option.

I think your response is you don’t even know whether they would have staff to do that appropriately, but maybe we should check into that before the next meeting, possibly, and they may have even addressed this in their comments back to us and I don’t know, but --

EXECUTIVE DIRECTOR GREGORY: We will pursue that and see. We
will talk to the Department of Commerce Office of Inspector General. The next item is in Section 6.8 on the same page, Financial Reporting. The question is, is this report going to the Grants Office and who are we reporting to?

On the following page, we have a similar thing from the old handbook and the staff response is, concerning the reports to the council, is that we will provide the quarterly budget reports on our FTP site and that we do report to NOAA with all our grants. They have semiannual financial reporting requirements and so we provide those grant reports directly to NOAA. We will clean up the language so it’s more clear.

The next item is on page 31 and it’s the second-to-last item, Definitions. Is this adequately covered and do we have appropriate back-up protocols in place? That’s 7.1 and 7.0 was before that.

From the old handbook, we’ve got in the event of litigation, compilation of the administrative record for a court case will be under the direction of NOAA General Counsel. We think that should be back in the SOPPs and then the last item is under Definitions and I have no answer for that.

MR. PERRET: I think that was mine also, Doug, because I know what happened to a lot of the department records in Mississippi, as well as a lot of our personal records. We thought we had them well backed up and we had real problems.

I don’t ever anticipate that type of storm doing what it did and you all are on what level of the building? I don’t think you’re going to flood, but anyway, just make sure you’ve got good backup is all I’m --

EXECUTIVE DIRECTOR GREGORY: Beth, do you have a microphone nearby? Do you have time to get to one? Beth is our IT person, Beth Hager, and could you briefly describe our backup procedures for all our electronic materials?

MS. BETH HAGER: We have multiple backup procedures in place for our email system and for our file structure and on our server we have a cloud-based backup system, an onsite backup system, and within the server itself and so we have several redundant failovers and is that what you were looking for?

EXECUTIVE DIRECTOR GREGORY: Yes and we scan everything and so everything is electronically stored.
MR. PERRET: All of that hardware is not in the basement of the building, if it ever floods?

MS. HAGER: Actually, that would be my nightmare, yes, and that’s why we implemented additional backups in the last few years when they become available technologically and feasible and we do have the web-based backups as well and they are not with the same vendor. We have multiple external vendors that we use so that we have -- If one vendor should fail, we have an additional mechanism in place to pull an archive from and pull backups.

EXECUTIVE DIRECTOR GREGORY: Thank you very much and so that completes the --

MR. ANSON: Beth, I may have not heard you correctly, but you said the cloud and then the onsite servers and such, but your vendors that you have hired, they are considered offsite and do they have hardware that’s actually capturing that on their premises away from your office?

MS. HAGER: Yes and one of the primary vendors is Barracuda, which is a federally-approved vendor.

CHAIRMAN RIECHERS: The question dealt with just backups and making sure we were secure in that area and certainly we’ve had some discussion here that suggests that we have a system that has several redundancies built in for those backup purposes. With that, I think that actually gets to the end of the SOPPs discussion.

Obviously we are going to come back and we will have a chance to review the comments as they’ve been cleaned up in here, based on our last two discussions of this document, as well as with the National Marine Fisheries Service suggested edits or changes or places they saw that we needed to work on this as well at the next meeting and so I think we’re done with the regularly-scheduled business to come before this committee and is there any other business to come before this committee? I don’t see a hand go up and, Mr. Chairman, then that turns it back to you.

(Whereupon, the meeting adjourned at 3:00 p.m., October 20, 2014.)

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