

Agenda
Administrative Policy Committee

Gulf of Mexico Fishery Management Council

Grand Hotel Marriott
Azalea Ballroom
Point Clear, Alabama

Monday, January 26, 2015
8:30 a.m. – 10:30 a.m.

- I. Adoption of Agenda (**Tab G, No. 1**) – Boyd
- II. Approval of Joint Administrative Policy & Budget/Personnel Minutes (**Tab G, No. 2**) – Boyd
- III. Action Guide and Next Steps (**Tab G, No. 3**)
- IV. Update on AP and SSC Appointment Process and Structure (**Tab G, No. 4**)
- V. Review of NMFS/NOAA Comments on 2012 SOPPs (**Tab G, No. 5**)
 - a). 2012 SOPPs as Modified by the Council in 2014
- VI. Other Business – Boyd

Members:

Doug Boyd, Chair
Pam Dana, V. Chair
John Greene
Camp Matens
Corky Perret
David Walker
Nick Wiley/Martha Bademan

Staff: Doug Gregory/Cathy Readinger

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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 Readinger.....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

1 Steve Branstetter.....NMFS
 2 Gregg Bray.....GSMFC
 3 Gib Brogan.....Oceana
 4 JP Brooker.....Ocean Conservancy
 5 Michael Drexler.....Ocean Conservancy
 6 Cynthia Fenyk.....NOAA
 7 Benny Gallaway.....LGL Ecological, TX
 8 Chad Hanson.....PEW
 9 Ben Hartig.....SAFMC
 10 Margaret Henderson.....Gulf Seafood Institute
 11 Mike Jennings.....Freeport, TX
 12 Robert Jones.....EDF
 13 Kristen McConnell.....EDF
 14 Herb Murphy.....
 15 Laurie Picariello.....Audubon Nature Institute
 16 Bonnie Ponwith.....SEFSC
 17 Katie Semon.....LDWF
 18 Steve VanderKooy.....GSMFC

19
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 21

22 The Joint Administrative Policy and Budget/Personnel Committees
 23 of the Gulf of Mexico Fishery Management Council convened at the
 24 Battle House Renaissance Mobile, Mobile, Alabama, Monday
 25 afternoon, October 20, 2014, and was called to order at 1:18
 26 p.m. by Chairman Robin Riechers.

27
 28 **ADOPTION OF AGENDA**
 29 **APPROVAL OF MINUTES**
 30 **ACTION GUIDE AND NEXT STEPS**
 31

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

37
 38 With that, we have got to go through Adoption of the Agenda and
 39 do I hear any changes to the agenda? Hearing no changes, the
 40 agenda is moved as written.

41
 42 With that, we have to approve two sets of minutes, both the
 43 August 2014 Administrative Policy Committee Minutes and we'll
 44 take those up first. Are there any additions, corrections, or
 45 deletions to those minutes?
 46

47 **MR. KEVIN ANSON:** I have several for the Administrative Policy
 48 minutes. On page 6, line 17, change "with" to "within"; on page

1 19, line 16, remove the "of" that's on that line"; on page 20,
2 line 40, delete "members" and insert "Chair and Vice Chair" and
3 on page 26, line 8, change "achiever" to "achieve".

4
5 **CHAIRMAN RIECHERS:** Thank you, Mr. Anson. I assume we've got
6 all those on the record and we'll approve with those changes.
7 Mr. Perret also had his hand up, if he has further corrections
8 to the minutes. Mr. Perret, you had your hand up for some
9 changes to minutes?

10
11 **MR. CORKY PERRET:** I was going to move for adoption with the
12 modifications, if it's appropriate.

13
14 **CHAIRMAN RIECHERS:** That is appropriate now and do I hear a
15 second? Ms. Bademan seconds. All those in favor say aye; all
16 those opposed same sign. The minutes pass of the Admin Policy
17 Committee. Now for Budget/Personnel Committee minutes, do we
18 have any changes or corrections to those? I am going to make
19 sure Mr. Anson heard that call. Okay and no changes there?
20 Seeing no hands for other changes, then we will adopt the
21 minutes as written from the Budget/Personnel Committee.

22
23 With that, of course, Tab G, Number 3 gives you some guidance as
24 to what we're trying to get done today, but we will move on to
25 Tab G, Number 4, and what we're going to do is cover Review of
26 2010-2014 Expenditures and Budget Carryover into 2015. Ms.
27 Readinger is going to do that and is she on by phone or how are
28 we going to do this, Mr. Gregory? It's up to you and her now to
29 lead us through this. It's Tab G, Number 4.

30
31 **EXECUTIVE DIRECTOR DOUG GREGORY:** Cathy, are you ready? It's
32 Tab G, Number 4.

33
34 **REVIEW OF 2010-2014 EXPENDITURES AND BUDGET CARRYOVER TO 2015**

35
36 **MS. CATHY READINGER:** I am. If you look at Tab G-4, this is
37 actually an overview of our five-year budget that we just went
38 through that expires on December 31 and so our actual
39 expenditures for the period ending December 31 of 2013 was about
40 \$12.3 million. Our actually accrued expenditures through August
41 31 of this year is \$2.6 million and so our estimated obligations
42 are --

43
44 **CHAIRMAN RIECHERS:** Cathy, hold on a second. We are not getting
45 it -- At least I'm not getting the sound and I don't know
46 whether we're too close or --

47
48 **MR. KEVIN ANSON:** I am trying to move the microphone. We are

1 having some trouble on this end, Cathy. It might be the
2 connection, but if you can go ahead and continue.

3
4 **MS. READINGER:** Okay. That brings our total expenses, or
5 estimated expenses, for the five-year period to be approximately
6 \$16 million. Our NOAA funding was \$17.3 million and so we
7 estimate that our unobligated funding for the five-year period
8 to be \$1.3 million.

9
10 We identified in August \$374,000 in activities that Carrie
11 outlined for you at that time and a possible no-cost extension
12 that we might want to request NOAA to allow us to carryover to
13 2015. Since that time, we've identified an additional \$550,000
14 in additional activities and positions. With that being said,
15 we still have approximately \$387,000 in surplus funding for this
16 five-year period.

17
18 **CHAIRMAN RIECHERS:** Are there any questions of Cathy in regards
19 to this carryover amount, which basically suggests that we have
20 somewhere in the neighborhood of unexpended funds of \$387,000?

21
22 **MR. PERRET:** Cathy, so that \$387,277 should be spent through
23 December 31 and is that what I understand?

24
25 **MS. READINGER:** I am going to need someone to repeat his
26 question.

27
28 **MR. PERRET:** The unexpended funds, which is good news, \$387,277,
29 what is the period of time we would have to utilize those funds
30 without losing them?

31
32 **MS. READINGER:** Unless we can identify more activity that can be
33 justified in a twelve-month no-cost extension, that would carry
34 through December of 2015.

35
36 **MR. PERRET:** If I may, Mr. Chairman -- Cathy, does that include
37 past activities that the states may not have billed the council
38 for for council activities?

39
40 **MS. READINGER:** Again, I'm sorry. Someone is going to have to
41 repeat the question or get closer to the microphone or the
42 phone.

43
44 **EXECUTIVE DIRECTOR GREGORY:** Cathy, does that include -- Let's
45 say we've got the state liaison program and if some of the
46 states have submitted for more money than what we've reimbursed
47 them for, could that excess be included in this and we pay the
48 states for what they've submitted?

1
2 **MS. READINGER:** If the council approves it, yes.

3
4 **MR. PERRET:** Thank you. I would like to make a motion, Mr.
5 **Chairman.**

6
7 **CHAIRMAN RIECHERS:** Certainly you can, Mr. Perret, but do we
8 want to cover G-5 first, which was some of the staff discussion
9 regarding possible uses of this money, and then maybe have your
10 motion after that? Who is covering G-5 then? Doug, I'm sorry.

11
12 **REVIEW AND DISCUSSION OF POTENTIAL CONTRACTUAL PROJECTS**

13
14 **EXECUTIVE DIRECTOR GREGORY:** A part of the G-4 was also talking
15 about carryover stuff and so we can come back to that, if you
16 like. G-5 is a list of potential contractual projects. What
17 we've identified are not projects for your approval, but some
18 ideas of what we might be able to do with carryover money that
19 can be accomplished through 2015.

20
21 We learned I guess last month a number of councils have entered
22 into research contracts with their funds and what we would like
23 for the council to do is get conceptual approval to follow this
24 route and leave it up to myself and the Chair to actually make
25 decisions on the funding of particular projects and how much
26 money is available for those projects, because we've got from
27 now until the end of the year to make these decisions.

28
29 We're not going to have another council meeting then and we
30 don't know how much of the carryover activities we're proposing
31 is going to be approved by NOAA and so we're kind of scrambling
32 here.

33
34 **CHAIRMAN RIECHERS:** Okay and you had mentioned, as you went into
35 that, and I didn't mean to preclude discussion regarding
36 carryover, but do you want to go ahead and hit the discussion of
37 carryover that you were going to hit under G-4 and I assume it
38 has to do with maybe some of that timing and how you're working
39 with NOAA in that regard?

40
41 **EXECUTIVE DIRECTOR GREGORY:** Carrie, are you ready to start
42 that? I can introduce it by saying that we showed you about
43 \$371,000 worth of carryover activities in the last meeting in
44 August and so we're not going to talk about those again, but,
45 since then, we've identified other activities that we think we
46 can carry over.

47
48 We've met with the program administrator from NOAA and got a

1 favorable preliminary review, but we won't know until we
2 actually submit these to NOAA and have them go up to
3 Headquarters and be reviewed to see what we can really carry
4 over or not.

5
6 There's been some confusion here. Three weeks ago, NOAA
7 contacted us through the program officer saying they wanted to
8 have a meeting with all the council EDs and Administrative
9 Officers the last week in October, but we have never received an
10 official invite to go to D.C. I have heard rumors that now they
11 want to have a conference call and so I think what has happened
12 is somebody in Headquarters wanted to try to standardize all the
13 councils' approaches to this end of the year and beginning of
14 the next five-year budget and they either couldn't get everybody
15 together or something.

16
17 We really don't know what kind of advice they're going to give
18 us at that point and so we have a lot of questions and unknowns
19 now, but Carrie can go over and highlight some of the major
20 things that we've identified since August that we think we can
21 carry over.

22
23 **DR. CARRIE SIMMONS:** Thank you, Mr. Chair. In August, we went
24 through various activities, specific activities, that we had
25 budgeted for and so in April, when we went through the 2014
26 budget, we had very specific activities that we originally
27 included in that budget.

28
29 In August, we went through those activities, as to which ones
30 staff identified the potential of us not being able to complete
31 by the end of this year. In August, we went through each of
32 those very specific activities during that council meeting and
33 that's the \$374,000 or so that you have in front of you.

34
35 After we had the meeting with our NOAA program officer, we
36 discussed some general categories and potential activities that
37 we could put forward in a request for the no-cost extension,
38 especially because the 2015 funding is going to be at the 2014
39 level. In the past, we have operated with our carryover funds
40 and we thought it was important to try to identify anything that
41 would be relevant in a no-cost extension, to give us a little
42 bit of a buffer for next year.

43
44 These are some of the potential activities that we're proposing.
45 Due to those limited 2015 budget numbers and the fact that the
46 council is hosting the Council Coordinating Committee meetings,
47 both of them, next year, we are requesting some additional
48 travel funding, approximately \$20,000, for the opportunity to

1 accommodate additional staff and additional council members for
2 the opportunity to come to that meeting. There are two. There
3 is the February and June meeting and also various supplies and
4 materials, printed materials, that we may need for that meeting.

5
6 Similarly, in June of 2015, we have scheduled a series of joint
7 committees with the South Atlantic Council. Currently those
8 council meetings are the same week and there's the potential for
9 us, in order to meet with those joint committees and complete
10 our council business, that we may need additional days than the
11 five days we currently had in the 2015 budget.

12
13 What we're proposing is three extra council days or committee
14 days that we could have council members there, in the case that
15 we would need to complete our committee agenda items, plus any
16 additional council meeting days we may need and I think we said
17 something around \$20,000 for that.

18
19 Additionally, there was some work with the five-year review, the
20 essential fish habitat review document. Not only do we have to
21 complete that by 2016, but we are looking at changes either in a
22 generic or omnibus amendment that could take quite a bit of time
23 and so we're requesting some carryover funds there as well in
24 addition to the formation of several working groups, so that we
25 have some buffer there.

26
27 You may recall that in 2014 we have formed the Red Drum,
28 Ecosystem, Coral, and Shrimp Working Groups. We think we're
29 going to need those working groups to convene, plus potentially
30 others, to review these changes to the various essential fish
31 habitat work that we're doing on this amendment.

32
33 Additionally, the deepwater coral areas, the HAPCs, we have to
34 do a review of that as well as a potential amendment and the
35 fact that NOAA published a final rule establishing twenty-two
36 species of coral as threatened under the Endangered Species Act.
37 That was not finalized until September 9 of 2014.

38
39 Seven of these species occur in the Gulf of Mexico and, again,
40 this was originally scheduled to be released in early 2014 or
41 mid-2014 and due to our delayed release of funds, we feel like
42 this is another potential activity that could go into our no-
43 cost extension and is warranted because of the late release of
44 these species and the fact that we're also looking at these
45 areas of concern for the deep water corals. We are asking I
46 think it's around fifty-thousand-plus there to have some buffer
47 for that work as well, primarily staff time.

48

1 Also based on new information about the Caribbean spiny lobster
2 landings, this panel we're putting together, we are requesting
3 some carryover funding for that as well. Also, we received
4 notification from NMFS that all fishery management plans will
5 need to be updated with standardized bycatch methods, reporting
6 methods.

7
8 I believe that was due to a lawsuit that was lost in the New
9 England region and this is probably going to be a very large
10 amendment. It's probably going to encompass quite a bit of
11 staff time and we are requesting some carryover funding for that
12 as well, around \$55,000.

13
14 Another activity is the implementation of the Gulf Council's
15 Aquaculture FMP and there's the potential that it could be
16 finalized in early 2015 and as part of that fishery management
17 plan, we need to put together a special working group and we
18 have some potential regulatory actions that we're going to have
19 to take care of that and was potentially an unforeseen activity,
20 based on the fact we didn't know when the Aquaculture FMP was
21 going to be finalized until recently.

22
23 Then as part of our ongoing effort to improve public outreach
24 and education, we are requesting around \$15,000 to better our
25 equipment for making the recordings that Emily and Charlene do
26 to post online and so I think I forgot to mention for the
27 Aquaculture FMP we requested around \$25,000 or \$26,000. With
28 that, I think that's all I have, Mr. Chairman.

29
30 **CHAIRMAN RIECHERS:** Okay and so what we've heard is items that
31 we've identified that we believe can certainly carry over.
32 Suggested items in G-5 that may or may not be ripe for carry
33 over, but discussion is going to be ongoing with NOAA regarding
34 that and so I think the guidance we're looking for is, is that
35 acceptable to the council on those items as well as giving Doug
36 and Kevin some authority to execute that, since there will not
37 be an opportunity to have another meeting before the time they
38 would have to do that? Is that where we basically stand? Then
39 I have Corky for a motion that he would like to make as well,
40 but, Doug, you've got something first?

41
42 **EXECUTIVE DIRECTOR GREGORY:** We don't have this in the briefing
43 book and we've been working on this day in and things have
44 changed almost weekly, if not daily. I just emailed to the
45 entire council a list of activities that Cathy just emailed to
46 us this morning that Carrie was reading from.

47
48 If there's anything on there that you want to ask us questions

1 about at the council meeting, and I know you don't have time to
2 look at it now, that would be fine, but to give you something to
3 look at and that's being emailed to you now.

4
5 **CHAIRMAN RIECHERS:** We certainly appreciate that and people may
6 want to look at that, if you want to look at it in more detail
7 as opposed to what had just been briefly discussed in open mic
8 session, do that and be prepared at the full council. With
9 that, I will turn to Mr. Perret.

10
11 **MR. PERRET:** I think I've got three motions to make, if I may,
12 the first being relative to the 2010-2014 Expenditure and Budget
13 Carryover to 2015. **I move to have staff submit to NOAA**
14 **activities to be funded in the carryover budget extension**
15 **request.**

16
17 **CHAIRMAN RIECHERS:** We're getting it up on the board for
18 everyone who is following that and then do I hear a second
19 regarding that?

20
21 **EXECUTIVE DIRECTOR GREGORY:** To be funded in the carryover
22 budget extension request.

23
24 **MR. PERRET:** Is that what we need to do, Mr. Executive Director?

25
26 **EXECUTIVE DIRECTOR GREGORY:** Yes.

27
28 **MR. PERRET:** Thank you. That's my motion.

29
30 **CHAIRMAN RIECHERS:** Do I hear a second? I think Mr. Pearce was
31 seconding over there a while ago. Okay. Mr. Pearce seconded
32 and any further discussion regarding the motion? **Hearing none,**
33 **all those in favor of the motion say aye; all those opposed same**
34 **sign. The motion carries.** Back to you, Mr. Perret.

35
36 **MR. PERRET:** Thank you, Mr. Chairman. **Relative to the**
37 **contractual projects, which it's G-5, I would move to give staff**
38 **and the Council Chair the authority to decide on projects to**
39 **fund with 2015 carryover funds.**

40
41 **MR. PEARCE:** Second.

42
43 **MR. PERRET:** It's been moved by Mr. Perret and seconded by Mr.
44 Pearce and Ms. Bosarge has a question or a discussion item.

45
46 **MR. PERRET:** To give staff and the Council Chair the authority
47 to decide on projects to fund with 2015 carryover funds. That's
48 my motion, Mr. Chair.

1
2 **CHAIRMAN RIECHERS:** I am going to ask Doug for a little
3 clarification. It's 2014 funds we're carrying over into 2015?
4
5 **EXECUTIVE DIRECTOR GREGORY:** Yes.
6
7 **CHAIRMAN RIECHERS:** Just so that we make that clear for the
8 record at least. Any further discussion regarding the motion?
9
10 **MS. BOSARGE:** I am assuming this refers to the G-5 document on
11 potential contractual projects that they gave us some ideas on,
12 their brainstorming?
13
14 **EXECUTIVE DIRECTOR GREGORY:** Correct.
15
16 **CHAIRMAN RIECHERS:** But I would suggest we even want -- At least
17 in my mind, we're giving them the flexibility, because there are
18 still apparently ongoing conversations with National Marine
19 Fisheries Service in regards to what might and might not work
20 and I think the notion is to spend money on some good things
21 that we can find to do and hopefully we have them here, but
22 maybe we don't.
23
24 **MR. PERRET:** Hopefully we will indeed have this amount of money
25 to utilize for these projects. You know when he gets his
26 conference call or his meeting in Washington, we may find out
27 the news is not as good. Hopefully it will even be better, but
28 anyway, trying to provide rationale in the event we have the
29 money to do so.
30
31 **MS. BOSARGE:** What Carrie went over, G-5, has some actual
32 projects that are a little different than what Carrie was
33 mentioning there and I don't think we've gone over them yet, but
34 just for the record, I was reading through these and there are
35 some excellent ideas on there, especially for some problems that
36 we've run up against data-wise here in 2014.
37
38 They have an incentive-based management for private recreational
39 anglers project listed on there as well as one that is more --
40 It looks like it's more commercially oriented, where it's
41 surveys to collect post-harvest data. That could be the better
42 data collection that we needed when we were looking at the
43 economics on red snapper on the commercial side. There are some
44 really great projects on there and so I support the motion.
45
46 **CHAIRMAN RIECHERS:** Excellent point and certainly more than
47 enough work to do if it can fit within the framework of them
48 allowing us to move forward with any or all of those types of

1 projects and then, of course, how much those projects actually
2 cost and how much we end up with will also help dictate that.
3 Any other comments?

4
5 **MR. BOYD:** I basically support the motion, Corky, but I think
6 that the council should have some final say as to which projects
7 are more important and I would like for you to consider changing
8 that so that it's staff and Chair, with the final authority
9 resting with the council.

10
11 **MR. PERRET:** I thought about that too and I leaned more towards
12 what you're saying and so I would make that modification, staff
13 and the council.

14
15 **CHAIRMAN RIECHERS:** That was a friendly amendment. Does Mr.
16 Pearce accept that friendly amendment as well?

17
18 **MR. PEARCE:** That's fine.

19
20 **CHAIRMAN RIECHERS:** Now, I will have to ask a question about
21 that, the execution of that. What are our options there, Doug?

22
23 **MR. BOYD:** Well, I would think that it would be a presentation
24 by council -- Which Doug? I'm sorry.

25
26 **CHAIRMAN RIECHERS:** I was referring to Mr. Gregory, because I am
27 guessing that he may have thought of how we can carry this out
28 if we don't have a meeting between now and then.

29
30 **MR. BOYD:** To you, Mr. Gregory.

31
32 **EXECUTIVE DIRECTOR GREGORY:** We're not sure. If NOAA gives us
33 guidance that we can identify something in a general manner that
34 we want to do in 2015 and then pick specific projects in 2015,
35 it would be easy to bring it back to the council in January.

36
37 If we have to identify specific projects now, before the end of
38 the year, then we won't be able to bring it back to the council
39 and what these projects are is a combination of projects that
40 have been discussed by our staff and NMFS, the economic
41 projects, and then a couple from the University of Florida that
42 I happened to be in an ongoing conversation with them about
43 potential collaborative research into the future.

44
45 We were just scrambling and we were telling the Chairman about
46 this opportunity and he said, well, come to the council with
47 some specifics and so that's why I presented this as examples.
48 We're not married to any of these and we just were looking at

1 some things that we thought this money could be used for in a
2 general sense and so it depends on how much leeway NOAA gives us
3 in identifying what we're going to do with the carryover funds
4 and so I seriously doubt we will be able to come back in
5 January, but it's a possibility.

6
7 **MR. ROY WILLIAMS:** Robin, didn't I hear Cathy say that we had to
8 have these funds -- I don't know if she said spent or committed
9 by the end of December.

10
11 **EXECUTIVE DIRECTOR GREGORY:** The carryover stuff, we have to
12 identify activities that we want to carry over into 2015 and
13 they could be spent in 2015. Anything we don't identify as
14 carryover we have to spend in 2014 and so I think the next
15 motion that Corky is thinking about doing is something that
16 would have to be done in 2014.

17
18 **DR. SIMMONS:** I think we can certainly do what you guys are
19 discussing with the contracts, but it would probably be a good
20 idea to have everything very lined up for the January council
21 meeting, because that means as soon as the council passes the
22 motion to fund those projects and we have a better number from
23 NOAA that we want to give those people the money right away,
24 because they have until December 31 of 2015 to spend that money
25 and so it's a very short period of time for somebody to do that
26 work and spend that money and so we just want to make sure that
27 don't get a project that's too big and outside of that timeframe
28 and the further we get into the new year, the more difficult
29 it's going to be for those people to complete that project, I
30 would assume.

31
32 **CHAIRMAN RIECHERS:** My only concern with the motion on the
33 board, just from a discussion standpoint, is are we giving
34 enough leeway in case they have to have a commitment by December
35 31 with no real way to call the council back together, unless
36 Mara can give us some guidance in that respect.

37
38 Could we do a prioritization of a list of projects by council
39 members by email or something like that or are we breaking too
40 many procedural rules or are we breaking any procedural rules?

41
42 **MS. LEVY:** Do you mean that each council member would submit
43 some sort of list about what projects they would like to see
44 happen in which order?

45
46 **CHAIRMAN RIECHERS:** If, for instance, as they work through it in
47 the next few weeks and they get a list of projects that are
48 reasonable, to the extent that National Marine Fisheries Service

1 believes they can agree to those, but we don't have time to come
2 back and have them present it and actually say we want these two
3 to go forward, could we at least provide the Chair and the Vice
4 Chair a prioritization of those?
5

6 **MS. LEVY:** I am trying to think about what that would mean. I
7 mean so instead of discussing it at full council and saying
8 these are the types of projects we would like, to just
9 individually submit your wish list and see what the Chair does
10 with it, just to make sure I understand what you're talking
11 about?
12

13 **CHAIRMAN RIECHERS:** Well, I mean it's either that or we try to
14 figure out a way to do an emergency call. I mean those are
15 really the options that I see in front of us.
16

17 **MR. PERRET:** Doug, Texas Doug, that was why I had it the way it
18 was, because of the timing thing. What about this? If indeed
19 the decision has to be made by the end of this calendar year,
20 the staff and the Council Chair would have the authority. If we
21 have additional time, then the staff and the council would make
22 the decision and is that reasonable?
23

24 **MR. BOYD:** I think that's reasonable. The reason that I brought
25 this up is because I can see that there might be council members
26 who have projects that they think are as important as these and
27 this may be a staff list of projects, but I don't know that the
28 council might have different projects that they feel are more
29 important and that's why I was trying to get the council
30 involvement.
31

32 **MR. PERRET:** Okay and let's -- Maybe I can try and massage it.
33

34 **MR. BOYD:** We've got this deadline problem, obviously. That's
35 the issue.
36

37 **MR. PERRET:** **If additional time is provided, then staff and the**
38 **council will make the decisions.** Thank you.
39

40 **CHAIRMAN RIECHERS:** I think we've got to go back and clean up
41 the first line now, because it has to say the "Council Chair".
42 Then additional time -- I think if additional time is provided,
43 just say -- Maybe if the decision can move into next year or
44 something like that. That's all we're talking about.
45

46 **EXECUTIVE DIRECTOR GREGORY:** I think we're going to have to make
47 a decision by the end of the year, but we would welcome other
48 suggestions, say within the next two weeks or three weeks, for

1 consideration and just open it to that, because this wasn't --
2 I'm sure once you put things down, it becomes more solidified,
3 but this was not intended to be all the things we would
4 consider, but clearly, given the timeframe, there's not a whole
5 lot of time to solicit other ideas, but if council members have
6 other research ideas that they would like to consider for 2015
7 carryover funds, we can certainly flesh them out and look at
8 them.

9
10 **CHAIRMAN RIECHERS:** If any council members have an idea and can
11 do a three or four-sentence description, much like you're
12 included here, you would be looking for us to provide you with
13 that as soon as possible or did I see your hand up behind me or
14 are we still working on the motion? It takes a village here to
15 do the motion.

16
17 **MR. WILLIAMS:** Robin, looking down this potential contractual
18 projects, these are -- Really, I would like to see some input
19 from the Chair of the SSC on this too or maybe the SEP. Do you
20 ever do stuff like that? I mean could we delegate this to a
21 small committee of the Chair of the SSC and what we used to call
22 the SEP and the Chair of the council and the Executive Director?
23 Is that ever done?

24
25 **MR. PERRET:** I don't care who provides input, but we're under
26 the gun time-wise. If we have time for the SSC and the AP and
27 any member of the public, I am all for it, but I'm just trying
28 to accommodate the staff.

29
30 We're in a fortunate situation and we may have some additional
31 money and I certainly would want us to utilize it in the Gulf
32 rather than it go back to D.C., where who knows what's going to
33 happen to it.

34
35 **MR. WILLIAMS:** But my point is we do have -- These are
36 scientific projects, both sociological and biological science
37 stuff, and I would sort of like to get the input from somebody
38 from the SSC.

39
40 **EXECUTIVE DIRECTOR GREGORY:** We just had the SSC review and it's
41 something you're going to look at under the SEDAR Committee, the
42 research priorities. The thing that's limited this list to more
43 economic and social stuff is these are like surveys.

44
45 Biological research really can't be conducted within a twelve-
46 month time period, but surveys can be and so that was kind of
47 why this is mostly economic and social rather than biological.

48

1 **MR. WILLIAMS:** If I may follow up, who was the Chair -- I guess
2 are we doing away with the SEP and just merging them into one?
3 There was some discussion of that, but I mean who would be the
4 Chair of that group that might be a good person to consult on
5 this with you? Who is the chief economist or do we have one?
6

7 **EXECUTIVE DIRECTOR GREGORY:** We did consult with the National
8 Marine Fisheries Service economists in the Regional Office and
9 in the Science Center on this and we have the SSC's comments,
10 including from the economists on the SSC, on the research
11 priorities and so we have that in hand.
12

13 **MR. WILLIAMS:** Relative to this?
14

15 **EXECUTIVE DIRECTOR GREGORY:** Not relative to this list, but they
16 were available to us and this list was identified for things
17 that could be done within a year, that wouldn't take more than
18 one year to complete and most of the biological research we came
19 up with -- Field research takes more than a year.
20

21 **CHAIRMAN RIECHERS:** I think point well taken, Roy, that maybe as
22 they figure out more of what funds are available and the size of
23 the projects then they can maybe obviously reach out to some of
24 our scientific bodies as well, maybe the Chairs of those two
25 groups, to see if they have any suggestions or prioritizations
26 as well, but I wouldn't say we want to limit them to whatever
27 comes out of that body, given we're going to have to show a
28 great deal of flexibility here, is all. Any other further
29 discussion? **Hearing none, all those in favor of the motion say**
30 **aye; all those opposed. The motion carries.** Mr. Perret, you
31 have a third motion coming up? You're almost batting 1,000
32 here.
33

34 **MR. PERRET:** I am on a roll and I have a third one. **Again, we**
35 **are in a fortunate situation and it looks like we've got some**
36 **funds that we need to try and obligate for important council**
37 **activities and, saying that, I would move that we have a one-**
38 **time increase in the liaison funding to the Gulf states and the**
39 **Gulf States Marine Fisheries Commission for up to an additional**
40 **\$20,000 per state.** I am asking for additional funds up to
41 \$20,000 for each of the member states and Gulf States for the
42 liaison contract. That's my motion, Mr. Chairman.
43

44 **CHAIRMAN RIECHERS:** Do I hear a second for the motion? The
45 motion is seconded. Any discussion regarding this motion?
46

47 **MR. PERRET:** Just by way of rationale, I know firsthand just how
48 much time state resource agencies spend on council activities

1 and they don't always bill for it. Saying that I realize, if
2 this motion passes committee and the council, this money would
3 have to be spent by the end of this calendar year and so that
4 does not give a lot of additional time and hopefully -- I am
5 sure there are states that have billed over their current
6 liaison amount and that if indeed those states are over that
7 some of this additional money would be able to be funded for
8 some of that additional time and equipment and materials,
9 supplies, whatever they did relative to council activities.
10 Thank you, Mr. Chairman.

11
12 **CHAIRMAN RIECHERS:** Any other discussion? **Hearing none and**
13 **seeing no hands up, all those in favor say aye; all those**
14 **opposed same sign. The motion carries.** That's three-for-three,
15 Mr. Perret. You're batting 1,000. With that, I think we move
16 on then and I believe that covers everything under Tabs G-4 and
17 G-5 and I think we move on to Tab Number G-6 and who is going to
18 -- You're going to take it, Mr. Gregory? Okay.

19
20 **UPDATE ON AP AND SSC APPOINTMENT PROCESS AND STRUCTURE**

21
22 **EXECUTIVE DIRECTOR GREGORY:** Yes, sir. Tab G-6 is the proposed
23 improvements to the advisory panel and SSC appointment process.
24 We looked at this at the last meeting and the council gave us
25 some suggested changes and asked us to continue working on that.
26
27 We've incorporated the suggested changes. We are moving forward
28 with developing an online application process, with the
29 recognition that some people will still want to submit a paper
30 copy, which then staff will put onto the online system, so that
31 people can check online to make sure that their application has
32 been received and is available.

33
34 We are proposing, because we have over 200 people that we
35 appoint, proposing to stagger the terms into three-year -- Maybe
36 everybody a three-year term instead of a two-year term and then
37 reappoint or reconsider appointment of a third of each of the
38 total group in every year. We will go through that and we will
39 see how that minimizes the workload and find out if it actually
40 creates more confusion among the fishing public.

41
42 We're going to have something for you in January or before the
43 end of the year, an online application process for you to look
44 at and experiment with and to see how it goes and that online
45 process will have an application form. We won't just accept an
46 email saying I want to be on there and we won't accept detailed
47 résumés, but just enough information to make it pertinent for
48 the advisory panels or the SSC and in which case, for the

1 advisory panels, it will have -- The application form will have
2 a statement that they've had no fishery violations within the
3 last five years.

4
5 For the SSC, it will have the statement of financial interest
6 form that NOAA has developed. We have a new form and most of
7 you all will see it in January. The new council members have
8 already had to fill out the new form. I think it's much more
9 complicated than in the past and it takes more time to fill out
10 if you do have businesses that you're associated with where
11 there's a potential conflict of interest in that, but that will
12 all be available online.

13
14 The only snafu we expect is with the SSC, because the NMFS or
15 the NOAA guidelines says that anybody appointed to the SSC must
16 have their statement of financial interest on file with National
17 Marine Fisheries Service Regional Office forty-five days before
18 they can be appointed. That's not a policy that we have
19 followed in the past and we're going to try to follow that
20 policy, but we will come back in January with a detailed
21 timeline of how that might work, but that's the only
22 complicating thing and they have to file that with the Regional
23 Office and so that's the online process.

24
25 There is three parts to this and the second part is the advisory
26 panel structure and the third part is the SSC structure that Mr.
27 Williams referred to earlier.

28
29 For the advisory panel structure, we took your advice to say
30 that these categories of advisory panel stakeholders are for
31 guidance only and they are not hard and cold and fast
32 categories, because we don't want to have positions that go
33 unfilled simply because nobody in that category applied for it
34 and so these are guidelines only.

35
36 We have changed the word "conservationist" to "environmentalist"
37 and we didn't want to use the term "E-NGO", because there are
38 environmentalists out there and I looked at -- I considered a
39 past council member, Julie Morris, as an environmentalist, but
40 she's not an E-NGO representative and so we changed that to
41 "environmentalist" and Mr. Perret said that was better than
42 "conservationist" and so we're moving with that. We've got
43 private anglers and for-hire people for the recreational
44 sectors.

45
46 This listing here is a staff recommendation of general
47 categories. We need to make a final decision on this in
48 January, because if you're going to consider these in April, we

1 need to know in January how to move forward and start
2 advertising these positions as soon as possible.

3
4 At the end of the advisory panel section on page 5, we have
5 listed the ad hoc advisory panels and the number of members in
6 each without going into the same detail of categorizing the
7 members. The important point I want to get across to the
8 council is we need to establish sunset dates for each ad hoc
9 panel.

10
11 The name "ad hoc" means it's for a specific purpose and some of
12 these have existed for a number of years. Now, the thing is if
13 a panel, ad hoc panel, has not fulfilled its duties and a sunset
14 date comes up, the council simply reconsiders and comes up with
15 a new sunset date and maybe it should be every three years or
16 every two years or something like that, but we want you to
17 consider that between now and January. It's possible an ad hoc
18 committee could become a permanent advisory panel, if that's
19 deemed necessary. I will stop there and take any questions on
20 the online process or the advisory panel discussion.

21
22 **CHAIRMAN RIECHERS:** A question regarding the establishment of a
23 sunset date. In our decision to try to make those sunset date
24 establishments for you, it would probably be useful for us to
25 know when they were previously established, so that -- There may
26 be different or a staggered set of times we want to have there
27 and we may not want to just establish one date for all of them,
28 depending on that.

29
30 The other question I have as I walk through here is what are we
31 searching for when we say "other"? Other than the previous
32 categories here on each set or help me with the notion of
33 "other".

34
35 **EXECUTIVE DIRECTOR GREGORY:** That was intended just as a
36 catchall and without any specificity, because I think staff --
37 Staff currently categories your AP members as charter boat or
38 headboat or -- What I've learned is that the term "other" has
39 been used for things like a fish house operator or owner, rather
40 than a fisherman.

41
42 In my mind, the commercial category would cover both of those,
43 because they're representing that industry, but the "other" was
44 just there as a catchall and if you don't want that or lump that
45 into the other ones, that's fine, but since these are just
46 guidance only, it's just kind of there and we haven't really
47 defined it.

48

1 **CHAIRMAN RIECHERS:** The only thing is as long as we can keep in
2 mind it's guidance only and we don't always have to -- If we
3 have people who are still in the pool who may not fit the other
4 categories who we may or may think are really designed to fit
5 here, we don't appoint them just because we happen to have their
6 name in front of us.

7
8 I think we can make that decision as we go, to some degree, but
9 I was trying to figure out whether we were just looking at
10 others as being anybody different than the previous categories
11 or they could be inside that category or just other names that
12 we may have. Mr. Perret, you had a question?

13
14 **MR. PERRET:** Thank you, Mr. Chairman, and I have two or three
15 questions. Doug, would you please explain the rationale for
16 east and west Gulf?

17
18 **EXECUTIVE DIRECTOR GREGORY:** Let's take the Shrimp Advisory
19 Panel. The shrimp fishery in the eastern Gulf is operated
20 differently, and it's mostly pink shrimp, than the fishery in
21 the western Gulf and the attempt here is to maybe recognize that
22 difference. I didn't want to put -- We could put brown shrimp
23 and white shrimp and pink shrimp, but -- For the Reef Fish and
24 red snapper, that just seems to be a natural break, eastern Gulf
25 and western Gulf, to get representatives.

26
27 **MR. PERRET:** If I may, well, you picked shrimp and let's talk
28 about shrimp. The two main management measures with shrimp are
29 the Tortugas closure and the Texas closure and without the
30 Florida members initially, the Texas closure would have never
31 been in place.

32
33 Many Florida, Alabama, Mississippi, and Louisiana vessels go to
34 Texas to fish when the closure opens and likewise, fishermen
35 from other states go to the Tortugas area when that area opens
36 and so the geography in the shrimp industry is the Gulf of
37 Mexico, in my opinion.

38
39 The only fishery I think that where we really have an east and a
40 western zone is the mackerel. Snapper are throughout the range
41 and reef fish and, of course, some are primarily a Florida
42 fishery and so on, but it just seems, to me, that some of these
43 don't fit well with separating like a line, wherever that line
44 is, and where is the line, the mouth of the Mississippi River?
45 Are you going to divide Louisiana in half? I don't know. I
46 don't know the answer to that. Anyway, I've got a problem with
47 east and west.

48

1 Secondly, something as important as some of these major
2 committees and shrimp, for example, is thirteen members and I'm
3 not saying coral is not important, but coral with ten members.
4 I don't even remember the last time we had a coral committee
5 meeting and so it seems to me that's a lot of members for the
6 coral committee. I think that's probably too high for one and
7 too low for the other, and I'm talking about shrimp.

8
9 I don't know if I'm the only one that has the east/west problem,
10 but I just don't think that's appropriate or necessary and
11 that's one comment. On the S&S Committee --

12
13 **EXECUTIVE DIRECTOR GREGORY:** I would like to respond to those
14 two comments. I understand what you're saying about the Shrimp
15 Advisory Panel, because a number of those operations fish both
16 the eastern and western and move back and forth.

17
18 What we're trying to get at is get a broad representation of the
19 stakeholders so that we didn't end up with a committee where a
20 particular stakeholder group wanted to be on there, but was
21 inadvertently left off.

22
23 For the Reef Fish, red snapper and others, eastern and western,
24 if we tried to divide things by state, we ended up with way too
25 many people. Like take Reef Fish, for example. If we did it by
26 state, instead of two categories, we would have five categories
27 and so we could do it by state, but have maybe one for-hire and
28 one private angler, but if we did that for each state, we're
29 talking about four times five and that's twenty right there.

30
31 We can try to do that if you want between now and January and
32 come up with examples, but that gets -- It just seemed to be
33 getting too specific and if we're using this as guidance only --
34 We can still try to do that and look at it, but eastern and
35 western just seemed to be a natural delineation, in our mind, of
36 getting a broad representation of people to apply without going
37 down to the state level.

38
39 **MR. PERRET:** I still say, okay, east and west and where would
40 the line be for coastal migratory pelagics for east and west?
41 We now have a line and it's the Florida/Alabama line, western
42 Gulf and eastern Gulf, insofar as the fishery, but where would
43 the line be for all these others, the mouth of the Mississippi
44 River?

45
46 **EXECUTIVE DIRECTOR GREGORY:** I think, in my mind at least,
47 Louisiana and Texas is western Gulf and the other three states
48 are eastern Gulf, for this purpose.

1
2 **MR. PERRET:** Other than coastal migratory pelagics, where we do
3 have a distinct line and management measures vary from each and
4 quotas and all that stuff, why not just take out western and
5 take out eastern and instead of having one private east and one
6 private west, have two private anglers and two commercial and
7 two scientists and two -- That's my take and I may be the only
8 one that feels that way.
9
10 **EXECUTIVE DIRECTOR GREGORY:** May I?
11
12 **CHAIRMAN RIECHERS:** Let's hear from Ms. Bosarge first and then
13 you may end up addressing both questions and who knows. Okay.
14 Go ahead. Hers is on something different.
15
16 **EXECUTIVE DIRECTOR GREGORY:** Let's take red snapper. Clearly,
17 it seems to me, and this is -- Nothing is black and white. The
18 eastern charter industry has different perspectives on where to
19 go with management than the western Gulf charter industries. I
20 mean it seems to be the geography is different.
21
22 **CHAIRMAN RIECHERS:** The question is whether spelling them out
23 makes that much of a difference here or if Mr. Perret, using his
24 suggestion, is not spelling them out, but when we go to make
25 appointments, we look for geographic representation. That's the
26 question, I think, because at the end of the day, this is all
27 just a suggestion in how we fill these memberships out and it's
28 not necessarily -- We're not mandating this kind of membership.
29
30 I think that's the question and certainly Mr. Perret has felt
31 strongly enough to bring it up and I don't know if we should
32 offer it as a motion, Mr. Perret, so the full council takes it
33 up that way, or how you would like to do that.
34
35 **MR. PERRET:** It seems like I'm the only one that's got a problem
36 with east and west and so if that's the case, I am not going to
37 burden the staff and --
38
39 **CHAIRMAN RIECHERS:** I am not certain you're the only one, but
40 we'll hear from others.
41
42 **MR. MYRON FISCHER:** I'm not on this committee and so I was
43 trying to refrain from comment, but being Corky cornered me as
44 keeping my mouth shut, and you all know it's very difficult, but
45 my take on it -- I can't give advice to the Chair of the
46 committee or to Doug, who created the chart, but I think the
47 composition should reflect a snapshot of the industry.
48

1 If the majority of a particular industry is leaning heavily
2 towards the west side of the Gulf, I think that's where the AP
3 members should come from and not necessarily follow that percent
4 down to the percentage.

5
6 If it's a type of fishery, a reef fish fishery, that might be a
7 Florida fishery or spiny lobster or stone crab or whatever
8 fisheries we are still quasi-managing, that's where those
9 members should come from. I really think these committees
10 should reflect the fishery.

11
12 **CHAIRMAN RIECHERS:** Camp, since it's to this point, I'm going to
13 take you and then I'm going to come back to Leann.

14
15 **MR. CAMPO MATENS:** I have been mulling this over and I'm not
16 sure, if we divide in east and west, that all of these
17 categories should be divided on the same line. I mean pelagics
18 is a good example and I think red snapper is a good example.
19 Mr. Perret, do you want to be in the east or the west?

20
21 **CHAIRMAN RIECHERS:** I will let Mr. Perret think about that for a
22 moment and, Leann, I'm going to ahead and take yours, because
23 you've been waiting patiently.

24
25 **MS. BOSARGE:** On a different subject, in the past when we've
26 decided the makeup of these advisory panels, one of the most
27 important things to us as a council has been to make sure that
28 they're balanced and in the past, a lot of that has been
29 balancing recreational versus commercial, as far as the makeup,
30 so that we get input, equal input, from both sides.

31
32 Especially for red snapper, as the recreational process has
33 become more and more divergent between for-hire and private
34 anglers and what their opinions may be, and not necessarily what
35 we're doing, but what the opinions may be, I can see where we're
36 trying to make an effort here to split that recreational into
37 for-hire and private and make sure that we have representation
38 on both.

39
40 My only concern is are we doing that and maybe unbalancing
41 recreational versus commercial? In other words, if you look at
42 the Red Snapper Advisory Panel, in the past would it have been
43 maybe two commercial and two recreational, where you're
44 balanced, and now what I see on the page would be two for-hire,
45 two private angler, two commercial, whereas if you want to look
46 at it just in black and white, recreational versus commercial,
47 as far as an outcome -- I know for-hire and private angler are
48 not on the same page all the time for sure, but I just want to

1 make sure that in trying to balance that aspect, the for-hire
2 and the private angler, that we don't unbalance something else
3 in the process and so just keep that in mind.

4
5 **CHAIRMAN RIECHERS:** Mr. Boyd and then Mr. Perret was going to
6 respond a moment ago and so we'll go back to Mr. Perret after
7 Mr. Boyd.

8
9 **MR. BOYD:** I had two things. One is over the last couple of
10 years, we've talked about staggered terms for the SSC and the
11 APs and I don't think that's gotten a lot of traction, but I
12 just want the council to consider that we have an administrative
13 issue when we have to reconstitute 200 people at one time.

14
15 It's difficult for staff to work with that many résumés and it's
16 difficult for the council to work with that many résumés and so
17 we might want to do one, two, and three-year terms and start at
18 some given point, so that we get into a better administrative
19 routine as well as an experience routine.

20
21 Then the other comment I have, which I was going to bring up,
22 was the same thing that Leann just said. It seems to me that we
23 as a council are moving to two different distinct groups and one
24 is a for-profit group and one is a purely recreational group.
25 In looking at this, I would reiterate what Leann just said. It
26 looks like an imbalance of the profit-making group versus the
27 recreational group in the way that we're suggesting that this is
28 made up. Thank you.

29
30 **CHAIRMAN RIECHERS:** Mr. Perret, back to you. You kind of went
31 down this road and I'm not certain we have solutions at this
32 point. What we do have is I think several things that have been
33 expressed and go ahead, Mr. Perret.

34
35 **MR. PERRET:** Let me respond to Mr. Matens. Mr. Matens, I guess
36 if Louisiana and Mississippi could ever decide on where the line
37 is between the two states, I could make up my mind which side I
38 would want to be on, but look, I'm on a roll and so it's time to
39 get shot down.

40
41 **I am going to make a motion, and believe me, my feelings won't**
42 **be hurt if you all defeat my motion, but I am going to move that**
43 **we do away with the geographical description under the panels,**
44 **i.e., do away with east and west and at-large. That's my**
45 **motion.**

46
47 **CHAIRMAN RIECHERS:** Does Mr. Perret have enough traction to get
48 a second? Ms. Bademan seconds. Obviously we've kind of had

1 some discussion of this before the motion got put up and is
2 there any other discussion one would like to have here? Mr.
3 Gregory, did you want to have a point?

4
5 **EXECUTIVE DIRECTOR GREGORY:** No, I am not going to debate you.
6 I am not speaking against the motion. There is concern about
7 the geographical descriptions and there is concern about the
8 categories we came up with and how many people. We welcome
9 suggestions. We have to make a decision in January one way or
10 the other.

11
12 What I hear in general, in a general sense, is nobody likes this
13 proposal at all and go back to the way you were doing things
14 before and I mean that's what I'm hearing. I mean one person
15 thinks there's not enough commercial people and the other person
16 says there's twice as many as you think there are and it's out
17 of balance and this was our attempt, staff's attempt, to try to
18 have a balance based on what we see as the structure of the
19 fisheries.

20
21 We can scrap it now or wait until January. It really doesn't
22 matter to us. We're not -- I mean it wouldn't bother us. It
23 was just some idea we thought that would help the council to --
24 Because it was to make sure we had some balanced distribution of
25 stakeholders on our advisory panels, because we've seen, in some
26 instances, and I can't name you specifics now, where a
27 stakeholder group was not represented.

28
29 That's what we were attempting to do, to try to make sure -- We
30 can't make sure, but try to help keep the panels representative
31 of the stakeholders that are there on the water and it certainly
32 is not an attempt to, as Myron said, populate the APs based on
33 how many fishermen of each type we have from each area. We have
34 never even considered doing that. That would be a lot more work
35 than just two and two and two. It does seem to be confusing at
36 this point.

37
38 **CHAIRMAN RIECHERS:** I think maybe the full council or people can
39 decide what they would like to do. Let's vote this motion up or
40 down and then possibly in full council, or if someone wants to
41 make a subsequent motion, then this motion may become moot if we
42 in fact just don't want to go forward with this concept at all
43 anymore.

44
45 I think the concept is good. The problem is what you run into
46 is the buzz-saw of trying to implement it, which is everyone
47 seeing it all just a little bit differently in how they look at
48 those categories and how they look at those geographic regions.

1
2 With that, let's go ahead and vote this up or down. **All those**
3 **in favor say aye; all those opposed same sign. The motion**
4 **passes.** With that, we can either -- If someone wants to make a
5 -- Mr. Williams.
6

7 **MR. WILLIAMS:** I was going to have a question for Doug Boyd.
8 Doug, when you talked about the staggered terms to try to reduce
9 staff load whenever we do it, every three years or something
10 like that, or even out the staff load, are you talking about
11 replacing a -- If you're doing this every three years, a third
12 of the Mackerel Committee every year and a third of the Red
13 Snapper Committee or are you talking about totally redoing one
14 committee every three years and just staggering the committees?
15

16 **MR. BOYD:** That's a good question. Doug Gregory and I have
17 talked about this a lot over the past two years and our thought
18 was -- Two premises. One was to keep a body of knowledge always
19 on an AP or on an SSC and the other reason would be to lower the
20 administrative staff time and effort and my thought was that we
21 would have at least a half or a third roll out every year and so
22 if there were twenty members on there, say a third of those
23 twenty members would expire this year and then a third would
24 expire next year and that group would be added back on and so
25 you would reduce from just say 200 a year to a third of that
26 every year. Mr. Gregory, is that what we've talked about?
27

28 It's strictly a -- It's not to try to change the balance or
29 anything else, but it's simply -- Let's say you're a
30 recreational person and you're on an AP. When your slot comes
31 up or your term comes up, we would fill it with another
32 recreational person and not a different type of individual.
33 Does that answer your question?
34

35 **MR. WILLIAMS:** Yes, it does, but I was also thinking that, in
36 terms of what you were just talking about here with Corky's
37 motion, because if you're going to replace a third of the
38 Mackerel Committee every year, you're going to have to have some
39 kind of specific categories, aren't you?
40

41 You're going to have to have a western Gulf king mackerel
42 fisherman and an eastern Gulf king mackerel and so on the one
43 hand, we are getting away from specificity, but under what
44 you're talking about, and I like what you're talking about, we
45 might need some specificity as to how these committees are going
46 to be constituted.
47

48 **MR. BOYD:** There are not many specifics today. That's one of

1 the problems we've got and you could -- What Mr. Gregory and I
2 were talking about was could be done under today's environment,
3 but it would simply be an administrative issue and not a
4 constitution of the AP issue from categories, if that makes
5 sense.

6
7 **CHAIRMAN RIECHERS:** I will chime in here just a little bit. I
8 think you almost have to get more specific if you're going to
9 roll and then, as you suggest, you don't want to roll a whole
10 set of categorical members off at any one time. You would want
11 it to be a cross-the-section category coming off and then being
12 replaced, so that you have some institutional knowledge of each
13 group in there at each time.

14
15 The other problem I see with any of these notions, frankly, is
16 we don't get enough volunteers for these wonderfully paid
17 positions anyhow and so I'm not certain that any of these
18 structures are really going to change who we end up getting to
19 put in these slots and so I think all of them have some
20 challenges in that respect, but I think we should keep thinking
21 about it and see what we may be able to come up with between now
22 and January.

23
24 It seems to me, Mr. Gregory, unless you want to wade back into
25 this buzz-saw one more time, that maybe it's time to move on to
26 the SSC discussion.

27
28 **EXECUTIVE DIRECTOR GREGORY:** It will only get better. On page 6
29 of this document, I go over the SSCs and the number of SSC
30 members by the other councils and ours and a little bit of the
31 history of how we ended up with three major SSCs and a summary
32 of the wording -- Not the summary, but the wording from the
33 Magnuson Act on what the SSCs are supposed to do.

34
35 It seems to me that we would be well served to integrate the
36 three major SSCs we have, the Ecosystem SSC, the Socioeconomic
37 SSC, and the Standing SSC into one Standing SSC, but to do it in
38 a way that we don't lose the diversity of synergies that we have
39 with the economists and with the stock assessment scientists and
40 the ecosystem scientists.

41
42 We don't have any synergy at this point with anthropologists,
43 but we would like to create that. They are the third or fourth
44 major group of scientists that provide us with advice and so
45 what I propose here is to have -- This is based on comments at
46 the last meeting, where someone suggested we needed more
47 biologist types.

48

1 We propose to have six stock assessment or quantitative
2 ecologists. You know the south does not have the university
3 training the other parts of the country have had, historical
4 opportunities, and we do need to have stock assessment or
5 quantitative ecologists that can serve on the SSC to help
6 evaluate the stock assessments and that clearly is a mandate
7 from Congress and that's got to be seen as a priority job of the
8 SSC.

9
10 To include three ecosystem scientists and four economists,
11 because the economic analyses that we've been reviewing are
12 taking center stage and that's become not equally, but almost
13 equally, important area, and three anthropologists. Our idea is
14 that three people in a specialty can form a working group to
15 explore a project or an idea and bring it back to the SSC for
16 review and recommendation to the council.

17
18 I am trying to keep the diversity of expertise that we have with
19 our three major SSCs, but integrate them into one single
20 Standing SSC and then to include environmental scientists, if we
21 can identify one, and then some other scientists, from any of
22 the categories.

23
24 Again, this could be -- This has to be a guidance-type scenario,
25 because we may not get six quantitative ecologists applying for
26 the SSC at any one time and so this is a proposal. This is a
27 major restructuring of the SSC, but it seems to be the
28 appropriate thing to do and it's not that we have three SSCs
29 because the council deemed the three SSCs to be needed. They
30 just evolved that way from advisory panels in the SSCs, because
31 they happened to be advisory panels that were made up of mostly
32 scientists.

33
34 When the council got the opportunity to pay stipends to SSC
35 members, it was decided by staff to make those two advisory
36 panels SSCs, so they could be paid just like the Standing could.
37 That's how they actually became SSCs and it wasn't a conscious
38 effort and so this is an attempt to try to pull things back
39 together into one integrated SSC.

40
41 **MR. PERRET:** Doug, historically, the SSC -- I applaud your
42 efforts on this and I think it's appropriate that we do away
43 with, quote, unquote, three SSC-type panels and try and get it
44 down to one.

45
46 Having been a member of the Standing S&S Committee, and there
47 may be some -- I don't know if any of the others on the council
48 were ever members, but you were, Gregg. Of course, Gregg is a

1 youngster and he doesn't have all the years I had way back then,
2 but originally we had an attorney and a resource manager on the
3 SSC committee and I always found that the resource manager, who
4 had -- Every resource manager that served was a state division
5 administrator or assistant administrator, somebody at that level
6 whose background was marine fish or biology. Have you given any
7 thought to -- This is my question, Doug. Have you given any
8 thought to having a resource manager on the SSC?

9
10 **EXECUTIVE DIRECTOR GREGORY:** No, I haven't. I mean it's --

11
12 **MR. PERRET:** I guess I always thought it was useful. That
13 person in the resource management position has to live with fish
14 management decisions 365 days a year and they do have the
15 biological background and I always thought the scientists
16 present their thing and, hey, this guy or this person or
17 individual may be able to present some actual factual
18 information relative to this type of thing, whether or not it
19 may be workable or not.

20
21 I thought that worked well and I also thought the lawyer was
22 appropriate, but I am not going to go in that direction, but if
23 I'm the only one that feels that way, I think what you've got
24 there seems to be fine.

25
26 **CHAIRMAN RIECHERS:** Any other discussion? Dr. Stunz.

27
28 **DR. GREGG STUNZ:** Thanks for recognizing me, Robin, not being on
29 the committee. Having just been on the SSC, I can tell you,
30 Doug, that funneling down to this is much needed. It was kind
31 of clunky or whatever with all these different SSCs.

32
33 What I'm a little bit just wondering is that first one there,
34 where it's six stock assessment or quantitative scientists, I
35 assume -- Are you calling those something separate or stock
36 assessment is a quantitative scientist sort of together and I
37 don't see the difference there and maybe there isn't one, but
38 then below that, I see the three ecosystem scientists, which I
39 assume that to be more like ecosystem-based fisheries
40 management.

41
42 What seems to be missing there is just the regular fisheries or
43 fisheries ecology and maybe this is just semantics, but I see a
44 very big difference from a fisheries scientist and a stock
45 assessment or quantitative scientist. The fishery ecology, I'm
46 not sure -- Where would those guys fall in? You said, early on,
47 this was more to get some biological-type focus, but I'm not
48 quite seeing that in those terms and so maybe that's just me.

1
2 **EXECUTIVE DIRECTOR GREGORY:** No, we have a series of special
3 SSCs and their intent was to contribute the ecological life
4 history or other species specifics and so we have a Mackerel
5 Special SSC and a Reef Fish Special SSC and that might be where
6 the resource manager could come in as well and that's also
7 unique to this council, but this council has had special SSCs
8 from the very beginning and so I didn't want to touch that.

9
10 It is different than the other councils, but it does provide us
11 an opportunity to get that ecological life history and taxonomic
12 expertise involved in the discussion and I added the
13 quantitative part because, like I said, the south doesn't have
14 the schools and the amount of training the north does in stock
15 assessment scientists.

16
17 One of the SSC members asked me to expand that to include
18 quantitative ecologists and people like yourself and myself and
19 others that aren't really doing stock assessments, but were
20 quantitative enough to understand and to evaluate the stock
21 assessments for the SSC and the council.

22
23 The thought was that if I just said stock assessment scientists
24 that that would be too limiting and so it wasn't intended to be
25 separate, but they were intended to be inclusive.

26
27 **DR. STUNZ:** Okay and that's fine. I just thought those groups
28 should be included, but it makes sense now and especially I
29 should have read one more sentence below that in terms of the
30 other special SSCs and so that's fine.

31
32 **CHAIRMAN RIECHERS:** Any further discussion or suggestions here?
33 I think maybe that hit some of what Corky was at, realizing that
34 the special SSCs are still there, and possibly some of that
35 membership of state and fisheries directors and general
36 biologist types who are working in those positions could
37 possibly come in via that avenue. Any other discussion? If
38 not, we will leave that as it is today and move on to the next
39 item then. That takes us to -- We are moving to G-7(a) and
40 7(b).

41
42 **DISCUSSION OF SSC CONFLICT OF INTEREST POLICY**

43
44 **EXECUTIVE DIRECTOR GREGORY:** Correct. At the last council
45 meeting, in reviewing the SOPPs, which we're going to do later,
46 we got to the point of the SSC conflict of interest policy that
47 was in the old handbook, but it's not in the SOPPs. Again, the
48 council simply moved it from the SOPPs to the old handbook in

1 2012 when they redid the SOPPs, based on a National Marine
2 Fisheries Service template.

3
4 We adopted a new handbook in June which did not include this
5 provision and so I wanted to bring it back to the council, just
6 to make sure that it didn't fall through the cracks, and I was
7 asked to come back with some options.

8
9 There is two major options. One is to discontinue the SSC
10 conflict of interest policy and in 7(b) you have a summary of
11 what the other councils are doing. All the other councils --
12 Now, when this policy was developed, there was no requirement of
13 the SSC to have a financial statement of interest and there is
14 now.

15
16 All but one other council uses the statement of financial
17 interest as their so-called conflict of interest policy and the
18 financial interest statement identifies what potential conflicts
19 exist and puts it out there on the record.

20
21 Only the North Pacific Council has a policy similar to ours and
22 they limit it to this quote: Independent experts on the SSC
23 cannot be employed by an interest or advocacy group.

24
25 I think Option 1 is to discontinue this explicit conflict of
26 interest policy and Option 2, based on comments from the council
27 at the last meeting, was to identify options for what was
28 personal remuneration and what time period do we want to
29 consider to go back to.

30
31 Our violation statement that we have for the AP goes back five
32 years and so we're looking at the past two years or the past
33 three years, currently, the past ten years, for the time period
34 of consideration and for the type of remuneration, do you want
35 to do like the North Pacific has and just have it for direct
36 salary or grant-funded salary to an individual or grant-funded
37 salary through an agency? Currently, that is not considered a
38 conflict in our current policy.

39
40 Do you want it to include honoraria or even just travel
41 reimbursements? This is what I've got, based on our
42 conversation from the last meeting.

43
44 **CHAIRMAN RIECHERS:** A question there. If the current NMFS
45 reporting mechanism goes for five years, why would we even
46 consider ten years as an option?

47
48 **EXECUTIVE DIRECTOR GREGORY:** No, our violation of certification

1 for the AP, fisheries violations, goes back five years.
2
3 **CHAIRMAN RIECHERS:** I am sorry. Okay. I didn't hear you
4 correctly there and any questions or comments regarding these
5 options?
6
7 **MR. PERRET:** Does the Executive Director, after this exhaustive
8 research, have a recommendation for the council and, if so,
9 what's your recommendation?
10
11 **EXECUTIVE DIRECTOR GREGORY:** I could give a recommendation, if
12 so desired.
13
14 **MR. PERRET:** I am asking.
15
16 **EXECUTIVE DIRECTOR GREGORY:** I recommend Option 1, discontinuing
17 the SSC conflict of interest policy.
18
19 **MR. PERRET:** Do you want me to try? **I will go along with our**
20 **Executive Director's recommendation and move for Option 1,**
21 **discontinue the SSC conflict of interest policy.**
22
23 **CHAIRMAN RIECHERS:** Do I hear a second?
24
25 **MR. PEARCE:** Second.
26
27 **CHAIRMAN RIECHERS:** Mr. Pearce seconds. Do we have any other
28 discussion regarding this? I am going to take the Chair hat off
29 for a second and have a little discussion. Obviously, in some
30 recent times, we've had discussion about this in regards to
31 people on committees and so forth.
32
33 I would just suggest that as we move on, whatever we choose to
34 do here, we make that decision and we stick by those decisions
35 and we not alter those as we see fit as we move through time.
36 Obviously this impacts folks and their deliberations in the SSC
37 or other bodies as they move forward and so that would be my
38 recommendation. Whatever we do here from this point on, we need
39 to make sure that we are willing to stick with that decision.
40
41 We've done this in other decisions regarding violations as well,
42 where we end up deliberating it many times. I would just
43 suggest that once we make this decision that we certainly are
44 trying to adhere to that decision from this point on, at least
45 for a length of time that is reasonable in nature.
46
47 **MR. BOYD:** In Option 1, are we saying that we are adopting the -
48 - I guess it's the NMFS policy of independent experts on the SSC

1 cannot be employed by an interest or advocacy group?

2
3 **EXECUTIVE DIRECTOR GREGORY:** No, that's a policy of the North
4 Pacific Fishery Management Council. If we adopt Option 1, then
5 we simply are using the National Marine Fisheries Service
6 statement of financial interest as the mechanism for identifying
7 potential conflicts of interest.

8
9 **MR. BOYD:** Okay and so I guess my next question would be if
10 someone makes an application and they disclose that they are on
11 the payroll of a special interest group, whoever they are,
12 that's all that matters at that point, if they're approved, that
13 they disclosed it? Is that correct?

14
15 **EXECUTIVE DIRECTOR GREGORY:** Correct.

16
17 **MR. ANSON:** That, I think, is incumbent upon the council then to
18 use that information in its determination of whether or not that
19 person gets actually appointed and so the transparency is that
20 they've reported it and then it's incumbent upon the council to
21 use that information to make whatever decision they come up with
22 and so it provides, I guess, the most flexibility in that
23 regard, in that it's transparent to the public or to the council
24 as to what potentially their interests might be and how they
25 might vote, as it were, and then make that decision.

26
27 **MR. PEARCE:** To be a council member, we just have to have our
28 financial interest report in and we go from there and why should
29 the SSC be any different? I think that we make a whole lot more
30 decisions at the council than we do at the SSC.

31
32 I mean the SSC does the ABCs and a few other things, but why
33 should we hold them to higher standards or stronger standards,
34 whichever way you want to look at it, than a council member,
35 period, and the council member statement of financial interest
36 is all we do to get on this council and so I'm supportive of
37 this motion.

38
39 **CHAIRMAN RIECHERS:** Any further discussion regarding the motion?
40 **All those in favor say aye; all those opposed same sign. The**
41 **motion passes with one abstention.** With that, I believe we
42 travel to the next agenda item. We have one more item, Mr.
43 Gregory.

44
45 **CONTINUED REVIEW OF DRAFT SOPPs REVISIONS**

46
47 **EXECUTIVE DIRECTOR GREGORY:** We are in Tab G, Number 8. We
48 started reviewing the SOPPs at the last meeting. What we're

1 going through are the comments that the, for lack of a better
2 term, the SOPPs Committee made and those items that were in the
3 old handbook that we have dropped with the adoption of the new
4 handbook.

5
6 We got through to page 19 and so if we could start on page 19,
7 we will finish this review and then, if we finish this today,
8 and we're kind of running out of time and so we may not, but at
9 the next meeting, we will finish what we're doing here and then
10 we will also be reviewing the NOAA comments.

11
12 We finally got from NOAA the comments on the SOPPs that we
13 submitted to them in 2012 and so we will review their comments
14 next. I didn't want to bring that to you at this point. We are
15 still working on this one.

16
17 **CHAIRMAN RIECHERS:** The question, before we really get started
18 then, and then I will go to Kevin, but have we looked at the
19 NOAA comments enough to know that our work here today, going
20 through our subsequent comments, is still relevant or did they
21 make wholesale changes or changes in a way that we would be
22 doing work that may not really matter?

23
24 **EXECUTIVE DIRECTOR GREGORY:** No, they have not.

25
26 **MR. ANSON:** Just a point of clarification. For all of the edits
27 that are listed on the document prior to page 19, are those the
28 same or do they incorporate the changes that were made or
29 suggested at the last meeting?

30
31 **EXECUTIVE DIRECTOR GREGORY:** Thank you. I forgot to explain
32 that. Yes, the track changes that are from pages 1 to 19 are
33 based on the comments that were made by the committee and the
34 council at the last meeting and I will do the same thing with
35 the second half of this the next time you see it, but the first
36 half will either stay the same or the track changes will
37 disappear at some point. If there is concern about them as
38 well, we can go back and look at them.

39
40 **CHAIRMAN RIECHERS:** I think the goal was to start back here and
41 move as far through the document as we can and then we'll go
42 back to any of those changes, but obviously we're going to see
43 it again anyhow in January.

44
45 For those trying to get caught up there, we're at 3.9, Stipends,
46 page 19, where that big, bold print says "Start Here Again" and
47 with that, we will just turn to Mr. Gregory and it looks like
48 we're starting with a comment or a question regarding stipends

1 and who other than the SSC we might want to pay stipends to and
2 is that correct?

3
4 **EXECUTIVE DIRECTOR GREGORY:** That's my interpretation of that
5 question from the review committee. The Magnuson Act does give
6 us authority to give stipends to advisory panel members and the
7 council decided not to do that. We could put something like
8 that in this section or just not mention it, but I think -- I
9 don't know of any councils that are paying their advisory
10 committees stipends.

11
12 **CHAIRMAN RIECHERS:** Any comments there? It doesn't sound like
13 there are any comments there.

14
15 **EXECUTIVE DIRECTOR GREGORY:** The next item is on page 20 and
16 it's the highlighted section under Staff Functions and this
17 basically says that if there's any positions that the council
18 wants to authorize for employment that they have the authority
19 to do that and in the paragraphs above, it states that the
20 Executive Director has the responsibility -- It says the council
21 has authorized the Executive Director to recruit, hire,
22 compensate, and dismiss all permanent, probationary, and
23 temporary personnel. It seems a little contradictory, but I
24 think the highlighted things might mean, and we can make it more
25 explicit, that the council still has the authority to employ
26 people at their wish.

27
28 **CHAIRMAN RIECHERS:** I think this is just helping to clarify the
29 point that even though you have a staff roster, you are not
30 limited to only those positions within the context of that
31 roster in the handbook and is that correct?

32
33 **EXECUTIVE DIRECTOR GREGORY:** I think we can make that clearer,
34 yes.

35
36 **CHAIRMAN RIECHERS:** Any comments regarding that? Any questions?
37 If not, what we're going to do is just kind of roll through
38 these and unless I see a hand go up or you're in some way
39 catching my attention, we are going to just keep moving. I will
40 look up and Doug will pause a moment and we will look around,
41 but then we'll just go on. Go ahead, Doug.

42
43 **EXECUTIVE DIRECTOR GREGORY:** The next item is on page 22,
44 Section 4.9, Leave. The question was to define compensatory
45 leave and define how all leave can be accrued, used, and what
46 happens.

47
48 This is the same section that we had in the new handbook and

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

6
7 The next item is on page 23, Holidays. In the new handbook, I
8 just wanted to point out that we've added Friday to the
9 Thanksgiving holiday season, which is different than federal.

10
11 Under 4.10, Employee Benefits, we've got highlighted that the
12 council may also approve -- I think the thing here is that these
13 benefits are benefits being provided by the council and they are
14 not guaranteed and depending on the circumstances, the council
15 can change their benefits at any time.

16
17 Under the same page, 4.11, Travel Reimbursement, that has been
18 delegated to be approved by the ED for non-federal travelers.
19 What we did in the new handbook is the Council Chair approves
20 travel for council members and the Executive Director approves
21 travel for everybody else.

22
23 On page 24, the next item, from the old handbook there's a
24 paragraph that we had there and I suggest that we just delete
25 that and not incorporate it, because it's covered basically in
26 the new handbook and elsewhere here.

27
28 Then under 4.12, Foreign Travel, the question was can we explain
29 what the Fly America Act means and the staff response has that
30 explanation and so we will incorporate that into the SOPPs and
31 into the handbook. It's already incorporated into the handbook.

32
33 On page 25, Section 5.2, there is a question of improper
34 political activity needs to be defined. This is perplexing,
35 because there is nowhere in this document, nor in the handbook,
36 does the phrase "improper political activity" occur and so staff
37 doesn't understand that.

38
39 These general standards of conduct come out of either Magnuson
40 Act or the Federal Guidelines Almanac and so I suggest not
41 worrying about defining "improper political activity".

42
43 **CHAIRMAN RIECHERS:** Okay, Mr. Perret. I knew this was his item.
44 I remember that and go ahead, Mr. Perret.

45
46 **MR. PERRET:** I think this might be something I raised, but in A,
47 just below that, no employee, blah, blah, blah, blah, with
48 the council, for the purpose of interfering with or affecting

1 the result of an election to or a nomination for any national,
2 state, county, or municipal election and, to me, that's
3 political activity and so that should suffice and so that, I
4 guess, is the definition of political --
5

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

10
11 One thing we do want to address with the council at a future
12 date is that \$2,000 amount. That's a very low amount of having
13 manually-signed checks and what we will do is do an analysis of
14 our checks that are manually signed and give you a range of what
15 the amounts are and see if we can come up with a more realistic
16 number, where we don't have to sign an unusually large number of
17 checks, but it's not so large a number that it would be a
18 problem from an audit standpoint.

19
20 On the same page, under 6.4, Property Management, we can include
21 this in here, that a physical inventory of all property and
22 equipment will be made at least once every two years. That was
23 in the old handbook, which was in the earlier versions of the
24 SOPPs and I think we should put it back in.

25
26 Page 30, under Audits, there was a question whether NOAA
27 conducts an audit and is it less expensive and should we go to a
28 cheaper route? The staff response is that this question will
29 need to be presented to NOAA. We do not think NOAA has
30 sufficient funding to conduct audits of its grant recipients and
31 so we get an audit done every two years by an independent agency
32 and we've been doing that since we started. If you still want
33 us to pursue this, we will see if NOAA does conduct any audits
34 and we could go that route.

35
36 **CHAIRMAN RIECHERS:** Down below it, it does say that NOAA is
37 invited to participate, but I don't know if there's an option
38 and I think that was what the question was, was is there an
39 option to have them do it lieu of this other independent party
40 and whether or not that might be a less expensive option.

41
42 I think your response is you don't even know whether they would
43 have staff to do that appropriately, but maybe we should check
44 into that before the next meeting, possibly, and they may have
45 even addressed this in their comments back to us and I don't
46 know, but --

47
48 **EXECUTIVE DIRECTOR GREGORY:** We will pursue that and see. We

1 will talk to the Department of Commerce Office of Inspector
2 General. The next item is in Section 6.8 on the same page,
3 Financial Reporting. The question is, is this report going to
4 the Grants Office and who are we reporting to?

5
6 On the following page, we have a similar thing from the old
7 handbook and the staff response is, concerning the reports to
8 the council, is that we will provide the quarterly budget
9 reports on our FTP site and that we do report to NOAA with all
10 our grants. They have semiannual financial reporting
11 requirements and so we provide those grant reports directly to
12 NOAA. We will clean up the language so it's more clear.

13
14 The next item is on page 31 and it's the second-to-last item,
15 Definitions. Is this adequately covered and do we have
16 appropriate back-up protocols in place? That's 7.1 and 7.0 was
17 before that.

18
19 From the old handbook, we've got in the event of litigation,
20 compilation of the administrative record for a court case will
21 be under the direction of NOAA General Counsel. We think that
22 should be back in the SOPPs and then the last item is under
23 Definitions and I have no answer for that.

24
25 **MR. PERRET:** I think that was mine also, Doug, because I know
26 what happened to a lot of the department records in Mississippi,
27 as well as a lot of our personal records. We thought we had
28 them well backed up and we had real problems.

29
30 I don't ever anticipate that type of storm doing what it did and
31 you all are on what level of the building? I don't think you're
32 going to flood, but anyway, just make sure you've got good
33 backup is all I'm --

34
35 **EXECUTIVE DIRECTOR GREGORY:** Beth, do you have a microphone
36 nearby? Do you have time to get to one? Beth is our IT person,
37 Beth Hager, and could you briefly describe our backup procedures
38 for all our electronic materials?

39
40 **MS. BETH HAGER:** We have multiple backup procedures in place for
41 our email system and for our file structure and on our server we
42 have a cloud-based backup system, an onsite backup system, and
43 within the server itself and so we have several redundant
44 failovers and is that what you were looking for?

45
46 **EXECUTIVE DIRECTOR GREGORY:** Yes and we scan everything and so
47 everything is electronically stored.

1 **MR. PERRET:** All of that hardware is not in the basement of the
2 building, if it ever floods?

3
4 **MS. HAGER:** Actually, that would be my nightmare, yes, and
5 that's why we implemented additional backups in the last few
6 years when they become available technologically and feasible
7 and we do have the web-based backups as well and they are not
8 with the same vendor. We have multiple external vendors that we
9 use so that we have -- If one vendor should fail, we have an
10 additional mechanism in place to pull an archive from and pull
11 backups.

12
13 **EXECUTIVE DIRECTOR GREGORY:** Thank you very much and so that
14 completes the --

15
16 **MR. ANSON:** Beth, I may have not heard you correctly, but you
17 said the cloud and then the onsite servers and such, but your
18 vendors that you have hired, they are considered offsite and do
19 they have hardware that's actually capturing that on their
20 premises away from your office?

21
22 **MS. HAGER:** Yes and one of the primary vendors is Barracuda,
23 which is a federally-approved vendor.

24
25 **CHAIRMAN RIECHERS:** The question dealt with just backups and
26 making sure we were secure in that area and certainly we've had
27 some discussion here that suggests that we have a system that
28 has several redundancies built in for those backup purposes.
29 With that, I think that actually gets to the end of the SOPPs
30 discussion.

31
32 Obviously we are going to come back and we will have a chance to
33 review the comments as they've been cleaned up in here, based on
34 our last two discussions of this document, as well as with the
35 National Marine Fisheries Service suggested edits or changes or
36 places they saw that we needed to work on this as well at the
37 next meeting and so I think we're done with the regularly-
38 scheduled business to come before this committee and is there
39 any other business to come before this committee? I don't see a
40 hand go up and, Mr. Chairman, then that turns it back to you.

41
42 (Whereupon, the meeting adjourned at 3:00 p.m., October 20,
43 2014.)

44
45 - - -
46

Administrative Policy Committee: Action Schedule & Next Steps for Tab G

Agenda Item IV: Update on AP & SSC Appointment Process and Structure (Tab G, No. 4)

Timeline Status: Review and Decide on Various Aspects of AP & SSC Changes

Council Input: The document (Tab G, No. 4) contains a series of draft motions for Council consideration.

This item was reviewed in August and October and modified as requested. The AP suggestions include reducing sizes to a maximum of 20 members and to establish designated categories (such as commercial, private angler, for-hire, environmentalist, other) to improve membership representative of the diversity of our stakeholders. The Council has already decided to use the categories as guidance only. It is also proposed that the terms of the AP and SSC be changed from 2 to 3 years and be staggered so that only a third of our advisory seats are appointed in any single year (We currently have over 250 seats on the various APs and SSCs).

The SSC suggestions include integrating the three large SSCs (Standing, Ecosystem and Socioeconomic) into a single SSC with a size of about 18 members. Again various categories of scientists have been identified to provide a sufficient range of expertise. Given that stock assessment evaluation and participation in SEDAR workshops is currently the primary task of the SSC we are suggesting that quantitative biologist be the largest category with 7 participants (this was discussed and developed with the Standing SSC at their January meeting). This proposal explicitly adds 3 ecosystem scientists to the SSC, one additional economist, and 2 additional anthropologists. Based on discussions with the Standing SSC and previous input from the Socioeconomic SSC we are also proposing the creation of a Special Socioeconomic SSC that would meet jointly with the Standing SSC when there is a need to consider an amendment or analysis that is primarily economic or social in nature, similar to the way we work with the other Special SSCs. The Special Socioeconomic SSC would be comprised of 2 economists and 2 anthropologists.

It is also requested that for this year we go forward with the AP re-appointment process in April as we have done in the past but that we postpone the SSC appointment process to June. The two primary reasons for this request is to reduce potential workload and confusion in April during this transition year and because NMFS requires the SSC applicants to provide their Statement of Financial Interest to NMFS at least 45 days prior to their appointment.

The Next Step is review and decide on the AP and SSC proposals. Immediately after the January Council meeting staff will advertise the appointment process, providing by online and mail-in options. Existing members will be notified individually about the need to re-apply and any changes to the process approved by the Council.

Agenda Item V: Review of DOC/NOAA/NMFS Comments on 2012 SOPPS (Tab G, No. 5)

Timeline Status: First Review of Agency Comments on 2012 SOPPS

Council Input: In August and October the Council reviewed and decided on suggested revisions to the 2012 version of the SOPPs (Those changes are included in the briefing book as background information (Tab G, No. 5, a).

The Next Step: Council decision on acceptance of DOC/NOAA/NMFS comments and staff submission of same to the agency, along with any discrepancies between the 2012 SOPPs and the revised 2014 Administrative Handbook. At a future meeting the Council will be presented with additional suggested changes to the SOPPs based on previous changes to the Administrative Handbook and other items identified by staff.

Gulf of Mexico Fishery Management Council

Proposed Improvements to the Advisory Panel and Scientific & Statistical Committee Appointment Process

January 2015



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Introduction

Current Advisory Panel (AP) and Scientific and Statistical Committee (SSC) terms are two years, with no term limit, and there is no formal provision for replacing members who resign before the end of their term.

The following is a proposal to establish an integrated and diversified AP/SSC appointment process with a web based application system.

Proposed Terms and Term Limits

A major component of the proposed changes intended to streamline the process is to appoint AP and SSC members for three-year terms with staggered appointments where one-third of all members would be considered for reappointment every year.

Draft Motion: *The AP seats may, at the pleasure of the Council, be reappointed for two additional terms, not to exceed three successive terms. However, AP members may be reappointed to the same advisory panel after having been off the advisory panel for at least one year. No individual can serve on more than two APs simultaneously.*

Draft Motion: *The SSC seats have no term limits.*

Draft Motion: *AP and SSC terms will be staggered to provide for the appointment of 1/3 of the membership of the AP and SSC each year.*

Draft Motion: Approve the Following Proposed Application Process

The Council will solicit AP and SSC applications annually to fill expiring terms and/or to replace members who have resigned or who have been removed.

Applicants are required to submit a formal application, which will be made available online or can be mailed, upon request.

The Council's AP seats will be filled by individuals who meet particular criteria to ensure that the broadest range of stakeholders possible comprise each panel. The criteria described below for each AP will be used as a guideline for appointments and not all "designated" seats may be filled.

The Council will give highest priority to the following considerations when selecting AP and SSC members:

1. The ability of the candidate to be objective and to consider all aspects of an issue.
2. A commitment to full and active participation in each meeting.
3. The overall experience and expertise of the candidate.
4. An interest in improving fisheries management in the Gulf of Mexico.

Council staff will announce vacancies through the media, Council mailing lists, NOAA Fisheries mailings, and other such means to solicit qualified nominees.

Proposed Updates to the Advisory Panel Structure

Introduction

The Gulf of Mexico Fishery Management Council currently has 17 Advisory Panels, including four Ad Hoc Advisory Panels. There is no set membership structure, and panel membership varies by panel in both sector representation and in the number of members appointed.

The following is a proposal to establish an Advisory Panel membership structure for the Council to use as guidance in selecting adequate representation from all stakeholders.

Proposed Panel Size and Representation

Panel size and representation will vary depending on the species, but panels should be composed of no more than 15-18 members (groups of 15 or less are generally recognized as optimal). The categories and number of seats per category are guidance recommendations and will not established fixed seats or membership levels.

Draft Motion(s): *Each Advisory Panel structure proposed below can be voted on individually or all APs can be approved in one motion.*

Coastal Migratory Pelagics Advisory Panel – 19 seats (currently 24 seats)

| | |
|--|---|
| Recreational (all zones combined) | 3 private anglers 3 for-hire 2 environmentalist or other |
| Eastern Zone (Northern & Southern Subzones): | 3 commercial hook & line-Northern Subzone 3 commercial hook & line-Southern Subzone 1 gillnet (Southern Subzone Only) |
| Western Zone: | 4 commercial hook& line |

Coral Advisory Panel – 7 seats (currently 4 seats)

1 commercial
1 private anglers
1 for-hire
2 scientists
2 environmentalists or other

Data Collection Advisory Panel—16 seats (currently 25 seats)

4 commercial
4 private angler
4 for-hire
2 scientists
1 law enforcement
1 environmentalist or other

Outreach and Education Advisory Panel – 13 seats (currently 11 seats)

5 communications (1 from each state resource department)
1 NOAA Fisheries communications
3 Sea Grant educators
4 other

Red Drum Advisory Panel – 10 seats (currently 10 seats)

2 commercial
4 private angler
2 for-hire
2 environmentalist or other

Red Snapper Advisory Panel – 16 seats (currently 14 seats)

4 commercial
4 private angler
4 for-hire
4 environmentalist or other

Reef Fish Advisory Panel – 18 seats (currently 21 seats)

7 commercial
4 private angler
4 for-hire
3 environmentalist or other

SEDAR Workshop Advisory Panel – unlimited (currently 9)

This special AP is to allow individuals who are not on an AP or SSC to be eligible to participate in SEDAR workshops on behalf of the Gulf Council and to have their travel paid with SEDAR funds from the SEFSC.

Shrimp Advisory Panel – 12 seats (currently 12)

8 commercial
4 environmentalist or other

Spiny Lobster Advisory Panel – 9 seats (currently 5)

4 commercial
3 recreational
2 environmentalist or other

Ad Hoc Advisory Panels

Artificial Substrate—10 seats (currently 20)

Created October 2012

- 1 from each state resource department
- 1 oil industry
- 1 GSMFC staff
- 1 BOEM
- 2 academic
- 2 shrimp
- 2 environmentalist

Private Recreational Data Collection --0 seats (currently 9)

Created October 2011

Draft Motion: *Discontinue the Private Recreational Data Collection AP and integrate function into the Data Collection AP.*

Red Snapper IFQ—16 seats (currently 18)

Created August 2013

- 10 commercial
- 2 private angler
- 2 for-hire
- 2 environmentalist or other

Red Snapper For-Hire IFQ—16 seats (currently 21)

Created June 2014

- 2 commercial
- 2 private angler
- 10 for-hire
- 2 environmentalist or other

Draft Motion: *Establish a **sunset date** of May 2018 for each Ad Hoc AP that can be renewed for an additional period at Council discretion.*

Draft Motion: *Eliminate the three State Habitat APs.*

Proposed Integration of the Scientific and Statistical Committees

Introduction

The Gulf of Mexico Fishery Management Council has a more complicated SSC structure than the other eight regional management councils. While the other Councils have a single SSC, the Gulf Council has three primary SSCs (Standing, Ecosystem, and Socioeconomic) that operate and advise the Council independently, as well as eight smaller Special SSCs that meet in conjunction with the Standing SSC (See Council SSC listing below).

| | |
|-------|---|
| SAFMC | SSC 18 members; Socioeconomic Panel 9 members |
| CFMC | SSC 10 members |
| MAFMC | SSC 20 members |
| NEFMC | SSC 18 members |
| PFMC | SSC 17 members with six species subcommittees |
| NPFMC | SSC 17 members |
| WPFMC | SSC 20 members |
| GMFMC | SSC 70 members (14 Standing; 11 Ecosystem; 13 Socioeconomic; 32 Specials) |

The Standing and Special SSCs have formed the core basis for scientific peer review since the Gulf Council's inception. The Ecosystem SSC was originally formed to assist with an ecosystem grant and is currently being used to advise the Council on ecosystem matters. The Socioeconomic SSC was originally formed as a panel to assist with incorporating economic information into stock assessment projections, but has evolved into a peer review body for general economic analyses. The Ecosystem and Socioeconomic panels were converted to SSCs in 2010. Although the Council's SOPPs do not mention the Ecosystem SSC and refer to the Socioeconomic SSC as a subcommittee of the Standing SSC the three major SSCs have always operated independently of one another.

The intended purpose of the SSC as stated in the Magnuson-Stevens Act (MSA) (see MSA Section 302 below) is to provide multi-disciplinary advice to the councils on biology, economics, and social aspects of fisheries science and management. There is value in a multi-disciplinary approach to scientific review because virtually all management actions have biological, economic, and social implications or ramifications. A more multi-disciplinary SSC approach would provide both a holistic review process and an integrated mechanism to advise the Councils.

SEC. 302. REGIONAL FISHERY MANAGEMENT COUNCILS

“(g) (1)(A) Each Council shall establish, maintain, and appoint the members of a scientific and statistical committee to assist it in the development, collection, evaluation, and peer review of such statistical, biological, economic, social, and other scientific information as is relevant to such Council’s development and amendment of any fishery management plan.

(B) Each scientific and statistical committee shall provide its Council ongoing scientific advice for fishery management decisions, including recommendations for acceptable biological catch, preventing overfishing, maximum sustainable yield, and achieving rebuilding targets, and reports on stock status and health, bycatch, habitat status, social and economic impacts of management measures, and sustainability of fishing practices.”

Proposed SSC Integration

Staff proposes to integrate the three large SSCs, which currently total 35 members, into a single Standing SSC of 18 individuals with the following multi-disciplinary structure:

- 7 stock assessment or quantitative biologists/ecologists,
- 3 ecosystem scientists,
- 3 economists,
- 3 quantitative anthropologists/sociologists,
- 1 environmentalist scientist, and
- 1 other scientist from one of the above disciplines or from some other field.

The Special SSCs shall remain in place to contribute ecological, life history, or other species specific knowledge.

This proposed SSC integration proposal was discussed with the Standing SSC and reflects the general advice provided to staff. To address the concern that the new integrated SSC may not have sufficient expertise to address socioeconomic issues, it was suggested that a Special Socioeconomic SSC be created comprised of 2 economists and 2 anthropologists/sociologists that could meet jointly with the Standing SSC, similar to other special SSCs, when needed.

Draft Motion: *Create a Special Socioeconomic SSC to be comprised of 2 economists and 2 anthropologists/sociologists.*

Draft Motion: *Limit the size of the Special SSCs to three to five members each.*

The integrated Standing SSC will have sufficient numbers of scientists from the major fishery related disciplines to form a core synergy for each area of expertise. This core synergy will strengthen the role of each of the disciplines and enable the formation of effective working groups (or ad hoc subcommittees) to address specific issues to be brought back to the full Standing SSC for consideration and recommendations to the Council. It is expected that Council staff and NMFS staff will actively participate in these working group meetings.

Draft Motion: *Postpone Selection of the SSC appointments until June, 2015 due to the 45-day lead time needed for SOFI’s to the submitted and to reduce potential confusion and workload during the transition to staggered terms and the online application process.*

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U.S. Department of Commerce Edits from the
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Labor Law Offices

**GULF OF MEXICO FISHERY
MANAGEMENT COUNCIL
STATEMENT OF ORGANIZATION
PRACTICES AND PROCEDURES**

August 2012



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GULF OF MEXICO FISHERY MANAGEMENT COUNCIL

STATEMENT OF ORGANIZATION, PRACTICES, AND PROCEDURES

Pursuant to Section 302-(f)(6) of the Magnuson-Stevens Fishery Conservation and Management Act (hereinafter referred to as the Act) ([18 U.S.C. § 1801 et seq.](#), Public Law 94-265, as amended) each Regional Fishery Management Council is responsible for determining its organization and prescribing its practices and procedures for carrying out its functions under the Act in accordance with such uniform standards as are prescribed by the Secretary of Commerce (Secretary). Further, each Council must publish and make available to the public a statement of its organization, practices, and procedures. As required by the Act, the Gulf of Mexico Fishery Management Council (Council) has prepared and is hereby publishing its revised Statement of Organization, Practices, and Procedures, originally published September 13, 1977 (42 FR, No. 177). The revised document is available at the Council Headquarters: 2203 North Lois Avenue, Suite 1100, Tampa, Florida, 33607 and on the [Council's web site at www.gulfcouncil.org](#)^[j1].
(Comment: An earlier, unapproved iteration of these 2012 SOPPs are on the website. It should not be up there yet.)

1.0 Council Functions and Responsibilities^[j2]

(Comment: I am trying to standardize Council functions and responsibilities with the terms of the Act. This is text from the model. Please either use this text or mirror the Act.)

In accordance with the requirements of the Act, the Council shall:

- A. Prepare and submit to the Secretary or his or her delegate a fishery management plan with respect to each fishery requiring conservation and management within the Council's geographic area of authority and such plan amendments as are necessary.
- B. Review and comment on applications for foreign fishing transmitted to the Council under a governing international fishery agreement by the Secretary of State under the terms of the Act.
- C. Prepare comments on any fishery management plan or amendments prepared by the Secretary which are transmitted to the Council under Section 304(c)(4) of the Act.
- D. Conduct public hearings at appropriate times and locations in the Council's membership area, to allow interested persons an opportunity to be heard in the development of fishery management plans and amendments, and with respect to the administration and implementation of the provisions of the Act. When conducting a hearing outside Council's usual jurisdiction, the Council will first consult with the Council in that area.

- E. Submit to the Secretary such periodic reports as the Council deems appropriate, and any other relevant report which may be requested by the Secretary.
- F. Review on a continuing basis, and revise as appropriate, the assessments and specifications contained in each fishery management plan for each fishery within its geographical area with regard to:
- (1) The present and probable future condition of the fishery;
 - (2) The maximum sustainable yield from the fishery;
 - (3) The optimum yield from the fishery;
 - (4) The capacity and the extent to which fishing vessels of the United States will harvest the optimum yield on an annual basis;
 - (5) The portion of such optimum yield on an annual basis which will not be harvested by fishing vessels of the United States and can be made available for foreign fishing.
- G. Develop annual catch limits for each of its managed fisheries that may not exceed the fishing level recommendations established by mechanisms and processes under the Act.
- H. Develop multi-year research priorities for fisheries, fisheries interactions, habitats, and other areas of research that are necessary for management purposes, in the manner prescribed in the Act.
- I. Conduct any other activities which are required by or provided for in the Act or which are necessary and appropriate to the foregoing functions.

The Council expects to participate in international negotiations concerning any fishery matters under the cognizance of the Council. The Council also expects to be consulted during preliminary discussions leading to U.S. positions on international fishery matters, including the allocation of fishery resources to other nations within its area of authority.

A. — Prepare/Submit Plans to the Secretary of Commerce (Secretary):

The Council shall, for each fishery under its authority that requires conservation and management, prepare and submit to the Secretary: (A) a fishery management plan (FMP), and (B) amendments for each such FMP that are necessary from time to time (and promptly whenever changes in conservation and management measures in another fishery substantially affect the fishery for which such FMP was developed).

The development procedures for fishery management plans (FMP) are contained in 50 CFR Part 600, especially subpart D. The Council's fishery management planning, development, and submittal process shall be consistent with these guidelines and other applicable laws. In this effort, the Council utilizes Management Committees for each

~~fishery with these committees having oversight over development of FMPs, the Scientific and Statistical Committee (SSC), Socioeconomic SSC (SE SSC), Stock Assessment Panel (SAP), and Advisory Panel (AP) recommendations and public hearings. The Committees make recommendations to the Council as to the provisions of the FMPs based on this oversight responsibility.~~

~~B.—— Review FMPs on Continuing Basis:~~

~~The Council shall review on ‘a continuing basis, and revise, as appropriate, the assessments and specifications contained in each FMP for each fishery within its geographical area.~~

~~C.—— Comment on Foreign Fishing Applications:~~

~~The Council, with delegated authority to the Executive Director, shall prepare comments on any application for foreign fishing or transshipment transmitted to it by the Secretary of State and the Secretary of Commerce under or Section 204(b) and (d) of the Act, respectively.~~

~~D.—— Comment on FMPs Prepared by Secretary:~~

~~The Council shall prepare comments on any FMP or amendments thereto prepared by the Secretary or his delegate which are transmitted to it under Section 304(c) (4) of the Act.~~

~~E.—— Prepare Reports to the Secretary:~~

~~The Council shall submit to the Secretary or his designee:~~

~~(1)—— Such periodic reports as the Council deems appropriate; and~~

~~(2)—— Any other relevant report which may be requested by the Secretary or his delegate.~~

~~F.—— Determine SOPPs:~~

~~The Council shall determine its organization and prescribe its practices and procedures for carrying out its functions in accordance with such uniform standards as the Secretary or his delegate may prescribe, and shall publish and make available to the public a statement of its organization, practices, and procedures.~~

~~H.—— Conduct Other Appropriate Activities:~~

~~The Council shall conduct any other activities which are required by, or provided for, in the Act or which are necessary and appropriate to the foregoing functions.~~

2.0 Council Organization

2.1 Council Composition and Jurisdiction

The Council shall have a total of 17 voting members, and four nonvoting members, appointed pursuant to provisions of the Act.

~~Legal authority for the Council is found in the Act (Public Law 94-265 as amended).~~

[JKR3] *(Comment: Redundant with the introductory paragraph to the SOPPs.)* The geographical area of authority of the Council includes the federal waters off of the states of Texas, Louisiana, Mississippi, Alabama, and Florida; and the Council has authority over the fisheries in the exclusive economic zone (EEZ) of the Gulf of Mexico seaward of such states.

2.1.1 Voting Members

Eleven of the voting members (at least one of whom shall be appointed from each state) shall be appointed by the Secretary, or his delegate, from a list of qualified individuals submitted by the governor of each applicable constituent state. Each **voting** **[JKR4]** *(Comment: Regs say voting.)* member appointed to the Council must take an oath of office.

The remaining six voting Council members shall be:

The principal state official, who must be a full-time employee of the state agency, with marine fishery management responsibility and expertise in each of the five constituent states, as designated by the governors of the states or the designee of such official; and the Regional Administrator, Southeast Region, National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), or his designee.

2.1.2 Non-Voting Members

The non-voting members of the Council shall be:

- (a) The Regional Director of the United States Fish and Wildlife Service (USFWS) for the Council's geographical area or his designee;
- (b) The Commander or designee of the Coast Guard Districts as designated by the Commandant of the Coast Guard;
- (c) The Executive Director of the Gulf States Marine Fisheries Commission (GSMFC) or his designee;
- (d) One representative of the Department of State designated for such purpose by the Secretary of State, or his designee.

Non-voting members of the Council may serve on committees of the Council and may serve as chairpersons of committees and, as members of the committee, may initiate and second motions, as well as vote on matters that pertain to the committee. At meetings of the Council, non-voting members may neither initiate or second motions, nor vote on matters that may be classified as business of the Council. They may, however, participate fully in discussions of such matters.

2.2 Oath of Office

As trustees of the nation's fishery resources, each **voting** **[JKR5]** member appointed to the Council must take the following oath of office: “I, [name of the person taking oath], as a duly appointed member of a Regional Fishery Management Council established under the Magnuson-Stevens Fishery Conservation and Management Act, hereby promise to conserve and manage the living marine resources of the United States of America by

carrying out the business of the Council for the greatest overall benefit of the Nation. I recognize my responsibility to serve as a knowledgeable and experienced trustee of the Nation's marine fisheries resources, being careful to balance competing private or regional interests, and always aware and protective of the public interest in those resources. I commit myself to uphold the provisions, standards, and requirements of the Magnuson-Stevens Fishery Conservation and Management Act and other applicable law, and shall conduct myself at all times according to the rules of conduct prescribed by the Secretary of Commerce. This oath is given freely and without mental reservation or purpose of evasion.”

2.3 Terms of Council Members, Removal, and Council Officers

2.3.1 Term of Appointment -- Voting Members

Voting members shall be appointed for a term of three years. Vacancy appointments shall be for the remainder of the unexpired term of the vacancy. No member may serve more than three consecutive terms. Any term in which an individual was appointed to replace a member who left office during the term shall not be counted in determining the number of consecutive terms served by that Council member.

2.3.2 Removal

Council members appointed by the Secretary may be removed from office in accordance with Section 302(b)-(6) of the Act (see 50 CFR [§ 600.230](#) for the details of this process).

2.3.3 Officers

The Council elects during the first meeting each year after the date (~~usually August 11~~) upon which Council members are appointed from among the voting members, by majority vote of the voting members present and voting, a Council Chair who shall serve a term not to exceed one year unless sooner replaced, and a Council Vice Chair who shall serve for a one year term ending when a successor has been duly elected, unless sooner replaced. Such election shall usually be the last order of business at said meeting. The Chair and the Vice Chair can serve no more than two consecutive terms.

The Chair, or in the Chair's absence the Vice Chair, of the Council has authority to convene and adjourn meetings and public hearings and designate members of the Council, Scientific and Statistical Committee, and Advisory Panel to attend meetings and public hearings. The Chair will control meetings and hearings by recognizing speakers, establishing the order of business, and designating members of the Council and its advisory bodies as members of committees and working groups.

It shall be the policy that in the absence of any Committee's Chair and Vice Chair, the Council Chair will preside and exercise the duties of that office as herein provided. If the Council Chair is also absent, then the Council Vice Chair will preside and exercise the duties of that office as herein provided. Individuals are elected or appointed to the offices of the Council Chair and Council Vice Chair even though they may be state

officials. Alternate representatives (designee or principal) do not assume these offices, but may participate as members of the committees.

2.4 Designees

The Act authorizes only the principal state officials, the Regional Administrator, and the nonvoting members to designate individuals to attend Council meetings in their absence. The Chair of the Council and NMFS Regional Administrator must be notified in writing who will serve as designee at least 48 hours before the individual may vote on any issue before the Council. The written appointment must include, the name, address, and position of the individual designated. A designee may not name another designee. However, such officials may submit to the Chair, in advance, a list of several individuals who may act as designee, provided that the list designates who would serve if more than one designee is in attendance. Such designees must be a resident of the state, and be knowledgeable and experienced in the fishery resources of the geographic area of concern to the Council.

2.5 Scientific and Statistical Committee (SSC)

The Council has established a Standing SSC and Special SSCs for individual management units to provide expert scientific and technical advice to the Council. The SSC shall review and comment on the scientific adequacy of such statistical, biological, economic, social, and other scientific information as is relevant to the Council's development and amendment of any fishery management plan.

2.5.1 Objectives and Duties

The SSC shall provide the Council ongoing scientific advice for fishery management decisions, including recommendations for preventing overfishing and achieving rebuilding targets, and reviews of reports on stock status and health, by-catch, habitat status, social and economic impacts of management measures, and sustainability of fishing practices. The SSC may also recommend priorities for future research needs.

The Standing SSC and one or more Special SSCs may meet as a single body (SSC) to deliberate and advise on appropriate fishery management units. For each managed stock or assemblage of stocks, they shall recommend an acceptable biological catch (ABC) and overfishing level (OFL) that takes into account scientific uncertainty. The SSC may also comment on the scientific appropriateness and socioeconomic consequences of various alternatives for accountability measures (AMs) to be implemented if annual catch limits (ACLs) are exceeded.

Multi-Year Research Priorities

The SSC shall develop multi-year research priorities for fisheries, fisheries interactions, habitats, and other areas of research that are necessary for management purposes, that shall: (a) establish priorities for 5-year periods, and (b) be updated as necessary. The Council may revise the plan and will submit it to the Secretary and the regional science

centers of the National Marine Fisheries Service for their consideration in developing research priorities and budgets for the region of the Council.

Review of FMPs, Amendments, and Framework Procedure Actions

The SSC will advise the Council on the adequacy of scientific information and supporting analyses for proposed management measures and alternatives in FMPs and amendments, including environmental impact statement (EIS) or environmental assessment (EA), regulatory impact review (RIR), and initial regulatory flexibility analysis (IRFA). The SSC will also provide a determination of whether these are based on the best scientific information available, and may provide advice as to the effectiveness of the measures in achieving the objectives of the FMP or amendment. The emphasis of the SSC will be upon evaluating scientific data and logic on which the management measures are based rather than selecting management measures. They will assess the appropriateness of the problem statements and adequacy of the objectives in solving the problems and may suggest additional or revised problems, objectives, and management measures and may indicate which of the measures are most effective in achieving the objectives.

2.5.2 Members and Chair

Members appointed by the Councils to the scientific and statistical committees shall be Federal employees, State employees, academicians, or independent experts and shall have strong scientific or technical credentials, and experience.

A Chair and vice Chair for the Standing SSC shall be elected by its members or may be designated by the Council at its discretion from the membership of the Standing SSC. The Chair or vice Chair shall preside when the SSC is convened by the Council and will be responsible for summarizing committee consensus when advice is requested through the mail by the Council.

2.5.3 Administrative Provisions

The SSC Chair or his designee will, at the request of the Council Chair, attend the Council meeting to report on the SSC recommendations and rationale. (The SSC should attend and meet with the Council to the extent practicable.)

The procedural guidelines of Section 302(~~I~~)(2) of the Act (as amended) shall apply to the conduct of business at the meetings of the Council, advisory panelAPs, and SSCs. The Council's SSCs will meet with the approval of the Council Chair.

2.5.5 Subcommittees

The Socioeconomic SSC is a subcommittee of the SSC that provides advice on the social and economic implications of the current regulatory structure and potential management changes for all fisheries under the jurisdiction of the Council. The Council may form additional advisory groups as needed to provide recommendations for management

consistent with the Act and other applicable federal laws and regulations. Several major tasks are assigned to the Socioeconomic SSC.

The Council has formed the Southeast Data Assessment and Review (SEDAR) Advisory Panel, or "SEDAR Pool", to provide a pool of expertise in support of Southeast Data, Assessment and Review (SEDAR) benchmark and standard assessments. These panels may also be called upon to review other relevant information and provide recommendations to the SSC or Council, as requested.

2.6 Advisory Panels (APs)

The Council has established APs, which often serve as fishing industry advisory committees, and will form such panels as it deems necessary or appropriate to assist in carrying out assigned functions under the law. An AP shall normally be established for each fishery management unit identified by the Council.

2.6.1 Objectives and Duties

For each FMP or amendment under consideration, the APs provide advice concerning the recommended optimum yield (OY), the management measures and allocations under consideration, the supporting documentation to any regulatory action, management objectives, and any other advice the APs deem appropriate or as required by the Council.

2.6.2 Members and Chair

The APs shall generally be composed of members who are residents of the five state geographical area. Each AP shall be selected so as to provide for geographical, commercial, recreational, marketing, or other interests in accordance with functions and purposes of the panel with such membership established in a manner that provides fair representation to commercial and recreational fishing interests. Membership on an AP is determined by the Council during a closed session of its Council meetings and is based on the application provided by the applicant as well as the Council members' knowledge of the applicant. Consideration for appointment may include the appropriate interest, experience, and past performance as well as other factors such as a record of fishery violations. AP members serve at the pleasure of the Council and may be removed at any time without cause. No person may serve on more than two APs at any one time, however, service on any Ad Hoc or Special AP, as designated by the Council, will not be counted in the limitation to serving on more than two APs at the same time. Each AP shall be limited to a membership of 20 persons unless otherwise specified by the Council. Only federal, state, and Sea Grant members of the Law Enforcement AP and the Habitat Protection APs, as designated by the Council, may have designees represent them at meetings.

A Chair and Vice Chair for each AP shall be elected by members of the AP or may be designated by the Council at its discretion. The Chair or Vice Chair shall preside at each AP meeting. The Council may designate one or more members to meet with each AP.

Members and officers of the APs shall be appointed by the Council for a period of two years and may be removed or reappointed at the pleasure of the Council. Reappointments shall be made at the Council meeting falling on a date nearest to April 1st. Appointment of new members may be made at any Council session, the terms of such appointments to end on April 1st on odd years.

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2.6.3 Administrative Provisions

The procedural guidelines of Section 302(I) (2) of the Act (as amended) shall apply to the conduct of business at the meetings of the Council, APs, and SSCs. The Council's APs will meet with the approval of the Council Chair.

2.7 Fishing Industry Advisory Committee (FIAC)

The Council has established APs which often serve as fishing industry advisory committees (see Section 2.6).

2.8 Committees

Members and officers of the committees are appointed by the Council from nominations by the Council Chair.

Committees will report to the Council and the convened Council will take action on the committee recommendations. No action of any committee is final without the approval of the Council, except as provided for under 2.8.4.e.

While certain Council members are nonvoting members of the Council, they may vote when participating as members of a standing committee in making non-binding recommendations to the Council.

Council members may attend sessions of the Scientific and Statistical Committees (SSC) only when authorized by the Council Chair or in a nonparticipating capacity as a private citizen.

The Council Chair or Council Vice Chair may, in order to create a quorum, serve as an ex-officio voting member of any of the Council's committees of which he/she is not already a member.

The Council Chair may appoint such ad hoc or special committees, with concurrence of the Council, as are needed to conduct the orderly business of the Council. Such ad hoc committees cease to exist after having completed the business assigned to them.

2.8.1 Council Appointments to Outside Committees

The Chair, with Council approval, shall appoint members as needed to the following committees:

International Commission for the Conservation of Atlantic Tunas (ICCAT) Advisory Committee
Southeast Data, Assessment, and Review (SEDAR) Workshop Panelists (In conjunction with the Executive Director)
National Marine Fisheries Service (NMFS) Highly Migratory Species (HMS) Advisory Panel (AP)

Southeast Aquatic Resources Partnership (SARP)
Coral Reef Task Force (Working Committees)
Artificial Reef Subcommittee of the Technical Coordinating Committee (TCC)

The Chair, with Council approval, shall also appoint members to other committees or advisory groups as necessary and add the names to this list.

2.8.2 Standing Committees

The following listed committees, and other committees which the Council may appoint, are considered the standing committees of the Council:

Administrative Committees

Administrative Policy Committee
Advisory Panel Selection Committee
Artificial Reef Committee
Budget/Personnel Committee
Data Collection Committee
Habitat Protection Committee
Law Enforcement Committee
Scientific and Statistical Selection Committee
Outreach and Education Committee

Fishery Management Committees

Coastal Migratory Pelagics (Mackerel)
Coral
Migratory Species (Billfish, Swordfish, Shark, Tuna)
Red Drum
Reef Fish
Shrimp
Spiny Lobster/Stone Crab
Other Management Committees Approved by the Council

2.8.3 Committee Composition

Lists of committee members are available from the Council office.

2.8.4 Committee Functions

(a) Administrative Policy:

Functions of the Administrative Policy Committee are to address policy matters regarding revision and amendments to the Council's Statement of Organization, Practices and Procedures (SOPPs), amendments to the Act; establish guidelines regarding Council

pay and travel; and preview matters for the purpose of bringing before the Council its recommendations as to the Council's policy on its operational side.

(b) Advisory Panel Selection:

The Advisory Panel Selection Committee develops for approval of the Council the organizational structure, membership composition, functions, duties, and responsibilities of advisory panels.

(c) Artificial Reef:

The Artificial Reef Committee develops general and site specific guidelines for the Council in reviewing placement of artificial reefs. The Committee reviews such projects and makes recommendations to the Council for comment to federal and state regulatory agencies. Projects are reviewed to minimize adverse effects on trawling fisheries, insure against adverse impacts on adjacent natural fishery habitat, and optimize use of available artificial reef material and sites.

(d) Budget/Personnel:

The Budget/Personnel Committee, with the assistance of the Executive Director and Administrative Officer, develops budget and fiscal policy, prepares the Council budget, monitors budget and fiscal activities, and, as appropriate, makes recommendations to the Council. With the assistance of the Executive Director, the Committee develops personnel policy, reviews and determines staffing requirements, reviews eligible candidates for technical staff positions, and may make recommendations to the Council regarding personnel hiring, retention, separation, pay, benefits, and other appropriate personnel matters.

(e) Habitat Protection:

The Habitat Protection Committee (HPC) assures in each fishery management plan that habitat significant to the fishery is adequately defined and that recommendations are included in the plan for changes in habitat policies of responsible agencies. The Committee may make recommendations concerning any activity undertaken, or proposed to be undertaken, by any state or federal agency that may affect the habitat of a fishery resource under its jurisdiction, and shall make recommendations concerning any such activity that is likely to substantially affect the habitat of an anadromous fishery resource under its jurisdiction. The Committee also monitors activities throughout the geographical area of the Council to determine if any such activity has significant impacts on essential fish habitat (EFH) or on a fishery which is subject to management under a plan, and recommends comment to the Council when deemed appropriate.

If time or meeting constraints do not allow the Council to develop a letter of comments on a project, the HPC shall develop comments by meeting or conference call meeting. If time constraints would not allow such a meeting, the staff, in consultation with the HPC Chair, Council Chair, and Executive Director, will develop a draft letter of Council

comments and provide copies to the HPC and all Council members for review. The final letter that states the committee is acting on behalf of the Council will be signed by the Council Chair and communicated to the appropriate agency, with copies concurrently provided to Council members, NMFS, and appropriate Habitat AP(s).

(f) Data Collection:

The Data Collection Committee reviews and advises the Council on the data requirements for managing each fishery, the statistical methodology needed, and on all issues related to data and data collection.

(g) Law Enforcement:

The Law Enforcement Committee reviews, monitors, and makes recommendations on law enforcement requirements of plans and regulations. It also reviews the policy recommendations of the Law Enforcement AP and other law enforcement issues.

(h) Scientific and Statistical Selection:

The Scientific and Statistical Selection Committee develops for the approval of the Council the organizational structure, membership composition, functions, duties, and responsibilities of the SSC.

(i) Outreach and Education:

To help further the Council communications goal by aiding in the long-term planning of communications projects, which includes outreach and education, and setting the strategic direction, priorities, and focus of the communication efforts undertaken by the Council.

(j) Fishery Management:

Each fishery management committee provides liaison and reviews results of the appropriate APs between the respective fishery ~~advisory panel (AP), scientific and statistical committee (SSC)~~, stock assessment panel (SAP), socioeconomic SSC, and the Council; assists panels in assigned tasks; monitors work of each panel; and monitors work of the contractors and staff in the development and drafting of fishery management plans.

3.0 Council Meetings

The Council will meet at the call of the Council Chair or upon request of a majority of its voting members. Meetings will ordinarily be held in plenary sessions, but may be in subgroups or in individual sessions.

The presiding officer at any Council meeting will be the Council Chair, Council Vice Chair, or in their absences, a member of the Council elected by the voting members present to serve as temporary Chair.

All participants are to keep electronic devices on silent or vibrating mode during Council meetings.

The procedural guidelines of Section 302(i)-(2) of the Act (as amended) shall apply to the conduct of business at the meetings of the Council, APs, and SSCs.

3.1 Notice – Regular and Emergency Meetings

Timely public notice of each regular and each emergency meeting of the Council, SSC and AP, including time, place, and agenda of the meeting, shall be published in the Federal Register, and appropriate news media notice given to local newspapers in the major fishing ports of the Council region (and in other major fishing ports having a direct interest in the affected fishery). Such notice may be given by other means which will result in wide publicity. Notice of each emergency meeting must be promptly announced through the appropriate news media. If notice of an emergency meeting is not published prior to the meeting, it should be published in the Federal Register as soon as possible after the meeting. [JKR6] (*Comment: Must notify NMFS as well. 50 CFR § 600.135.*)

Requests for disability-related accommodations should be processed in accordance with DAO 215-10.

3.1.1 Agendas

A suggested agenda will be prepared for each Council meeting by the Executive Director with the approval of the Council Chair. Agenda items may be recommended to the Executive Director by other Council members and by staff members. The published agenda of the meeting may not be modified to include additional matters for Council action without public notice or within 14 days prior to the meeting date, unless such modification is to address an emergency action under Section 305(c), in which case public notice shall be given immediately.

3.2 Conduct of Meetings

3.2.1 Written Statement and Oral Testimony

Meetings will be conducted in a manner to permit the greatest possible participation by all Council members and the public. Interested persons shall be permitted to present oral or written statements regarding matters on the agenda at the meeting. All written information submitted to a Council at meetings or hearings by an interested person shall include a statement of the source and date of such information. Any oral or written statement shall include a brief description of the background and interests of the person in the subject of the oral or written statement.

Oral or written communications provided to the Council, its members, or its staff that relate to matters within the Council’s purview are public in nature. All written comments will be posted on the Council’s website for viewing by Council members and the public. **Knowingly and willfully submitting false information to the Council is a violation of Federal Law**[JKR7]. (*Comment: Which law is violated by doing this?*)

Materials submitted to Council members or staff for distribution prior to or during a Council meeting will be treated as all other written comments and will be posted to the website and will be maintained by the Council as part of the permanent record.

3.2.2 Quorum [JKR8] **and Roll Call Voting**

(Comment: Quorum requirements are not actually discussed in this section. See MSA § 302(e)(1) where a majority of voting members constitutes a quorum.)

Decisions by consensus are permitted except where the issue is Council approval of a/an:

- (a) FMP;
- (b) Amendment to a FMP;
- (c) Proposed regulation;
- (d) Secretarial FMP or amendment; and
- (e) Council finding that an emergency exists involving any fishery.

Decisions of the Council are by majority vote of the voting members present and voting (except for proposed removal of Council members which requires an affirmative vote by two-thirds of the members). An abstention does not affect the unanimity of a vote. A roll call vote will be held on any motion before the Council at the request of any voting member. Votes for the approval of management plans or plan amendments and other roll call votes are recorded by name of Council member and how they voted. A vote may not be taken until the motion before the Council is recorded in written form visible to each Council member present and the public.

3.2.3 Approval or Amendment of Fishery Management Plan and Finding of Fishery Emergency

A vote is required for Council approval or amendment of a fishery management plan (including any proposed regulations), a Council finding that an emergency exists involving any fishery, or Council comments to the Secretary on fishery management plans developed by the Secretary. A final vote may not be taken until the motion before the Council is recorded in written form, visible to each Council member present and the public. The written motion, as voted on, must be preserved as part of the record or minutes of the meeting. For a vote on a Council finding that an emergency exists in a fishery, the exact number of votes (for, against, and abstaining) must be preserved as part of the record of the meeting.

3.2.4 Procedure for Proposed Regulations

The Council shall prepare any proposed regulations which it deems necessary to carry out any FMP or any amendment to an FMP, which is prepared by it. Such proposed

regulations shall be submitted to the Secretary or his delegate, together with such plan or amendment, for action by the Secretary or his delegate, pursuant to Sections 304 and 305 of the Act. The Council delegates the authority to the Chair of the Council to review any editorial changes to the regulations between now and the time they are submitted to the Secretary and deem those changes as necessary and appropriate.

3.2.5 Parliamentary Procedure; Consensus

Meetings will generally be conducted in accordance with Roberts Rules of Order, Newly Revised unless otherwise specified in the SOPPs.

3.2.6 Dissenting Votes; Minority Written Statement

Voting members of the Council who disagree with the majority on any issue to be submitted to the Secretary, including principal state officials raising federalism issues, may submit a written statement (minority report) of their reasons for dissent. If any Council member elects to file a minority report, it should be submitted at the same time as that of the majority.

3.2.7 Consideration of Information from Interested Parties

Interested persons shall be permitted to present oral or written statements regarding matters on the agenda at all publicly noticed meetings of the Council or any of its advisory bodies. All written information submitted to a Council by an interested person shall include a statement of the source and date of such information. Any oral, written, or email statement shall include a brief description of the background and interests of the person in the subject of the oral or written statement.

It is the policy of the Council to afford interested parties an opportunity to review and respond to new data or other information which may be used by the Council as a basis for its management decisions. For purposes of this policy, this new information includes the technical data and analyses developed and compiled in printed, unpublished form by NMFS, state agencies or universities, Council staff, or other entities associated with the Council, which has not previously been distributed to the public, and which is used in the decision-making process. The Council will, through its news releases, notify the public of the availability of new information. Examples of such new information include, but are not to be limited to, stock assessments, scientific assessment group reports, and staff analyses of alternative management strategies. Copies of such documents will be distributed, as soon as available, to Sea Grant extension agents and affected fishery associations for distribution to the public. Members of the public may, by contacting the Council Executive Director, be included on a mailing list to receive such documents for a specific fishery.

Under circumstances beyond the Council's control, new information developed by NMFS, state agencies or universities, Council staff, or other entities associated with the Council may not be available in time for distribution before the Council meeting, and may be presented to the appropriate management committee at the meeting where final

action is to be taken. In this situation, the public shall be advised at the earliest possible time to attend the committee session to receive this information. In addition, the relevant committee session shall be scheduled at the earliest available time during the committee meetings. The Council's consideration and final action on that item shall be scheduled as late as possible on the Council agenda in order to allow the maximum time for review and response by all interested parties.

It is also the policy of the Council to consider, and to allow other interested members of the public to consider, new information prepared and offered by interested members of the public before it takes final action, if this new information is provided to the Council as specified herein. For purposes of this policy, this new information consists of data and analyses developed by or for that person which has not been submitted previously to the Council.

Responses to the new information by interested members of the public may be through testimony at public hearings or at the Council session where final action will be taken, or by submitting written statements at the public hearings or to the Council office. Summaries of oral testimony from hearings and the written statements, if received in the Council office at least seven days before the first day of the Council meeting, will be posted on the Council's web site.

New information prepared by the public may be provided to the Council in the same manner as responses to any other new information. However, members of the public are encouraged to provide their new information either by submitting documents at a public hearing or by mail to the Council office at least fourteen days in advance of the Council meeting so that it can be included in the briefing book. New information submitted by NMFS, state agencies or universities, Council staff, or other entities associated with the Council at least fourteen days in advance of the Council meeting will also be included in the briefing book. This assures that the appropriate committee and Council members will have an opportunity to read the new information. New information received in the Council office between five and fourteen days before the meeting will be duplicated by staff and handed out at the meeting.

Members of the public should bring at least 40 copies of any new information, not previously submitted, to the meeting to be passed out to Council members and members of the public at or before the time testimony before the Council is scheduled on the agenda item to which the new information relates. However, such persons should be aware that under the Council's policy on public testimony the Council Chair may limit the time allowed for each presentation consistent with the total time available and the number of persons registered to testify.

If a resource problem warrants consideration of emergency action or the most expedient action possible, then the Council's distribution of new information under the policy shall be consistent with the urgency of the action. New information will not, however, be accepted after the close of public testimony.

3.3 Record

Detailed minutes, except for any closed session, will be kept of each meeting. The minutes, records and other documents which were made available to or prepared for or by the Council, a committee, or panel incident to the meeting shall be available for public inspection and copying at the office of the Council, except for minutes and records of closed sessions. Such available minutes and records will be distributed to the public, on request, consistent with the policy in the Administrative Handbook^[j9].

(Comment: Need to post meeting record/minutes on website – 50 CFR 600.150(b))

Minutes include a record of persons present and their organizational affiliations when available; a complete and accurate description of matters discussed and conclusions reached; and certification of accuracy by the Chairperson of the Council, SSC, or AP as appropriate.

3.4 Closed Meetings

The Council shall close its meeting, or portion thereof, and the meetings, or portion thereof, of the SSCs or APs which concern matters or information that bears a national security classification and may close such meetings, or portion thereof, that concerns matters, or information pertaining to national security, employment (personnel) matters including appointment of members of scientific or fishery advisory groups, briefings on litigation, the public decorum, or medical condition of members of the Council or members of the advisory groups, taking into consideration the privacy interests of individuals that will be discussed. Actions that affect the public, although based on discussions in closed meetings, must be taken in public. Notice of such closed meeting, or portion thereof, shall be provided for in the Administrative Handbook, except that any brief closure of a portion of a meeting may be held, with the concurrence of [the NOAA](#) General Counsel, without such notice to discuss employment (personnel) matters or other internal administrative matters. The closed portion of a meeting closed without notice may not exceed 2 hours.

3.5 Frequency and Duration

The Council will meet in plenary session at least four times per calendar year. The duration of each meeting will vary according to need.

3.6 Location

The Council meetings will ordinarily be held within the five state geographical area. However, if the Council determines that the best interests of the work of the Council, its committees, advisory groups or panels, in joint management actions with other Councils, will be better served, meetings may be held outside of the five state area, particularly in any of the constituent states affected by a joint management plan. Public access will be given primary consideration in meeting plans. The Council Chair with input from staff will select the meeting sites for the Council with the understanding that members are given adequate advance notice.

3.7 Public Hearings/Scoping Meetings

3.7.1 Public Participation/Location

The Council shall conduct public hearings at appropriate times and in appropriate geographic locations as determined by the Council so as to allow all interested persons an opportunity to be heard in the development of FMPs and amendments thereto, and to receive input with regard to other matters of concern to the Council with respect to its mission and the administration and implementation of the provisions of the Act. Interested parties may appear in person and/or submit comments in electronic or written form to the Council.

3.7.2 Hearing Notices

Hearing notices will be prepared and issued in the same manner as meeting notices. In addition, local media will be used to publicize meetings so as to maximize public awareness.

3.7.3 Council Hearing Officers

When it is determined by the Council that a hearing is appropriate, the Council will designate at least one member of the Council to officiate, and the Chair of the Council is delegated authority to appoint substitute hearing officers when necessary. The designated official in charge will provide for maximum participation and expression of viewpoints by all those present. All meetings will be conducted in an orderly, business manner.

3.7.4 Records of Participants/Views

Records of the participants and their views, whether orally or written, will be made available to the Council and retained as official Council records.

3.8 Council Member Compensation

Council members whose eligibility for compensation has been established in accordance with the Magnuson-Stevens Fishery Conservation and Management Act (Act) and NOAA guidelines will be paid on a contract basis without deductions being made for Social Security or federal and state income taxes. The level of compensation for authorized Council members shall be as established in accordance with Section 302(d) of the Act and the Federal rule (50 CFR § 600.245).

Compensation will be paid to eligible Council members for time spent in the performance of official duties for the Council and as authorized by the Council or the Council Chair. Payment will be made for a full day's pay whether the duties performed are in excess of or less than eight hours a day for physical attendance at authorized meetings. Payment for authorized participation in conference calls, webinars, or any other electronic meeting that does not require the member to be physically present to participate will be paid at the

half-day rate if the electronic meeting is less than four hours. Payment for participation in an electronic meeting that has a duration of four hours or more will be paid at the full day's pay rate. The time is compensable where the individual member is required to expend a significant private effort which substantially disrupts the daily routine to the extent that a work day is lost to the member. "Homework" time in preparation for formal Council meetings is not compensable. Non-government Council members receive compensation for:

- a. Days spent in actual attendance at a meeting of the Council or jointly with another Council.
- b. Travel on the day preceding or following a scheduled meeting that precluded the member from conducting his normal business on the day in question.
- c. Meetings of standing committees of the Council if approved in advance by the Chair.
- d. Individual member meeting with scientific and technical advisors when approved in advance by the Chair and a substantial portion of any day is needed.
- e. Conducting or attending hearings when authorized in advance by the Chair.
- f. Other meetings involving Council business when approved in advance by the Chair.

3.9 Stipends

Subject to the availability of appropriations, the Secretary of Commerce will pay a stipend per meeting day attended to members of the Special and Standing SSC who are not state marine fisheries employees or federal employees. Payment will be made for a full day's pay whether the duties performed are in excess of or less than eight hours a day for physical attendance at authorized meetings. Payment for authorized participation in conference calls, webinars, or any other electronic meeting that does not require the member to be physically present to participate will be paid at the half-day rate if the electronic meeting is less than four hours. Payment for participation in an electronic meeting that has a duration of four hours or more will be paid at the full day's pay rate. Stipends will be paid to eligible members for attendance at meetings of the SSC, SEDAR, and to give presentations to the Council on behalf of the SSC, as authorized by Council.

4.0 Employment Practices

4.1 Staffing

Subject to the Council's practices and procedures and according to personnel authority provided by the Secretary, the Council may establish positions, recruit, hire, compensate, and dismiss staff deemed necessary to carrying out the decisions and desires of the Council. Each position must be justified during the budget process described in 2 CFR

Part 215, or prior to filling a new position established during the course of the cooperative agreement year. The Council Executive Director has the responsibility to prepare lists of eligible candidates, as appropriate, for each position. The Council has authorized the Executive Director to recruit, hire, compensate, and dismiss all permanent, probationary, and temporary personnel. In the absence of the Executive Director, routine daily activities will be handled by the Deputy Executive Director, and in the absence of both the Executive Director and the Deputy Executive Director, routine daily activities will be handled by the Administrative Officer. The Council, when it deems appropriate and after notification to NOAA Office of General Counsel, may employ on a temporary basis a legal counsel to advise it on matters of importance to the Council consistent with 50 CFR ~~Section~~ § 600.120.

A file for each employee containing appointment information, security information, biographical data and other official documentation will be maintained by the Executive Director under security and safeguard conditions required of files subject to the Privacy Act. Except as otherwise provided for by law, each employee may have access to his/her individual file; but files are otherwise available to others only pursuant to the Privacy Act and Freedom of Information Act in consultation with NOAA legal counsel.

Staff Functions

Staff positions and functions are listed in Appendix B of the Council's Administrative Handbook. Other positions may be authorized as deemed necessary by the Council. Experts, consultants, and temporary personnel may be employed to provide additional Council staff support as required. Position descriptions for the Executive Director and for each staff member are available at the Council Headquarters in Tampa, Florida.

4.2 Experts and Consultants

Experts, consultants, and temporary personnel may be employed to provide additional Council staff support as required.

4.3 Detail of Government Employees

Authority is provided for the temporary transfer of state, local, and federal government employees to the Council staff. The Council may authorize requests for such personnel.

4.4 Personnel Actions

Dismissal for permanent employees will be made for misconduct, unsatisfactory performance, and/or lack of funds. Dismissal for probationary employees may be for any cause. In the event of dismissal for lack of funds, a reasonable notice will be given to the permanent employee. New employees shall be subject to a probationary period of a minimum of six months, which may be extended up to 12 (twelve) months, during which the individual's fitness for continued employment shall be evaluated. Annual pay rates for staff positions shall be based on 5 U.S.C. § 5332.

4.5 Salary and Wages

In setting rates of pay for Council staff, the principle of equal pay for equal work shall be followed. Variations in basic rates of pay shall be in proportion to substantial differences in the difficulty and responsibilities of the work performed.

4.6 Council Member and Staff Legal Protections

In conducting official Council business, Council members and staff generally have the same protection from individual tort liability as Federal employees on official actions, and are protected by the Federal workmen's compensation statute, by the minimum wage/maximum hour provisions of the Fair Labor Standards Act, 29 U.S.C. § 201 *et seq.* (FLSA), and by the rights of access and confidentiality provisions of the Privacy Act. Council staff is also eligible for unemployment compensation in the same manner as Federal employees. Overtime payments shall be made in accordance with the provisions of the FLSA.

4.7 Recruitment and Anti-Discrimination Policy

[JKR10]

(Comment: All edits in this section are from the Employment and Labor Law Division.)

All activities supported in whole or in part by federal funds shall be operated under a policy of equal employment opportunity. Council staff positions shall be filled solely on the basis of merit, fitness for duty, competence, and qualifications. The Council is an Equal Employment Opportunity Employer. All employment actions will be free from discrimination based on race, religion, color, national origin, sex, age, disability, sexual orientation, status as a parent, and reprisal, ~~or any additional basis protected by applicable federal, state, or local law.~~ See 50 CFR § 600.120.

Except for complaints alleging sexual orientation and status as a parent, complaints by employees alleging that they have been discriminated against on the basis listed above should be processed in accordance with 29 CFR Part 1614. Employees must contact an EEO Counselor at NOAA's Office of Civil Rights within 45 days of the date of the alleged discrimination. Employees alleging discrimination on the basis of sexual orientation will have their complaints processed in accordance with Department Administrative Order (DAO) 215-11. Employees must contact an EEO Counselor at NOAA's Office of Civil Rights, 800-452-6728 (voice), 301-713-0982 TDD, within 45 days of the date of the alleged discrimination.

4.8 General Harassment Policy [JKR11]

(Comments: All edits in this section are from the Employment and Labor Law Division.)

The Council has a zero-tolerance policy for harassment on the basis of race, religion, color, national origin, sex, age, sexual orientation, disability, and reprisal. Any employee who believes he or she has been harassed or believes he or she has witnessed harassment is encouraged to~~should~~ report the harassment to a supervisor or manager. The supervisor or manager should then follow the steps set forth in DAO 202-955. Any complaints of harassment on the basis of sexual orientation should be handled in accordance with DAO

215-11. The provisions of these DAOs are entirely separate from the EEO complaint process, and must be followed whether or not an employee has filed an EEO complaint. The Council’s Harassment Policy is intended to ensure that staff members work in an environment free of harassment in all their interactions, including interactions with Council members, other staff members, and the public during the course of official Council meetings, advisory body meetings, or committee meetings.

4.9 Whistleblower Protection

It is the intent of the Council to adhere to all applicable laws and regulations. The underlying purpose of this Employee Protection Policy is to encourage the organization’s goal of full legal compliance. The support of all employees is necessary to achieving this result. To this end, any employee who reasonably believes that a policy, practice, or activity of the Council is in violation of law has a right to file a complaint with the U.S. Department of Commerce’s Office of Inspector General. This right notwithstanding, any employee with such concerns is encouraged to report those concerns to the Council for review and any necessary correction.

The Council will not retaliate against employees who disclose or threaten to disclose to the Department, any activity, policy, or practice of the Council that the employee reasonably believes is in violation of a law, or a rule, or regulation mandated pursuant to law or is in violation of a clear mandate of public policy concerning the health, safety, welfare, or protection of the environment.

4.910 Leave

4.910.1 Annual Leave

The Council’s full-time employees are granted paid annual leave in accordance with the following schedule or a share thereof prorated on the basis of days employed in a given calendar year.

| <u>Years of Service</u> | <u>Working days of leave per year</u> |
|-------------------------|---------------------------------------|
| Under 3 | 13 |
| 3 to 15 | 20 |
| 15 and over | 26 |

(Years of service refer to years of Council service except that up to four years of U.S. federal military, state, or federal government service may be applied to years of service in computing total years of creditable service for leave determination_[j12].)

(Comments: Much has been left out from the Model SOPP. May just want to reference 50 CFR 600.120 here.)

4.910.2 Sick Leave

(a) Annual Limitation:

Council full-time employees will be granted 13 days of paid sick leave, or a prorated share thereof, annually. Sick leave is accumulative throughout an employee's tenure with the Council.

4.910.3 Advanced Leave

Upon the recommendation of the Executive Director, the Chair may approve an advancement of sick leave to an employee of no more than 6 (six) weeks and only after the employee has exhausted all sick, annual, and compensatory leave; and the employee has not received sufficient leave donations to cover a medical emergency. If the employee requests leave under the FMLA in conjunction with any incidence of an advance of sick leave as prescribed herein, the total amount of leave shall not exceed 12 weeks. Advanced sick leave may be repaid using sick, annual, and accrued compensatory leave. If the employee is still unable to return to work after this extended leave period, the employee may be extended leave without pay or terminated. A signed promise of repayment must be executed prior to advancing leave.

4.910.4 Family Medical Leave Act of 1993

Although the Council's administrative staff are not Federal employees, the Department of Commerce's Office of the General Counsel has determined that the administrative staff meet the FMLA definition of eligible employees and are subject to Title I of the FMLA. FMLA requires covered employers to provide up to twelve weeks of unpaid, job-protected leave to eligible employees for certain family and medical reasons. FMLA permits employees to take leave on an intermittent basis or to work a reduced schedule under certain circumstances provided both the employer and employee agree. The Council has posted a notice that summarizes FMLA provisions on its information bulletin board. Employees should review the FMLA notice or consult with the Executive Director for further details. Specific details can also be accessed via the web at <http://www.dol.gov/esa/regs/statutes/whd/fmla.htm>.

4.910.5 Holidays

The Council recognizes holidays as observed for federal employees and employees are granted the day off with pay in accordance with Federal practices and as shown in the following:

- New Year's Day, January 1
- Martin Luther King's Birthday, Third Monday in January
- President's Day, Third Monday in February
- Memorial Day, Last Monday in May
- Independence Day, July 4
- Labor Day, First Monday in September

Columbus Day, Second Monday in October
Veterans' Day, [November 11](#)
Thanksgiving Day, Fourth Thursday in November
Christmas Day, December 25
Other national holidays for federal employees

4.1~~10~~ Employee Benefits

The Council provides medical insurance for full-time permanent employees and their families. The Council may also provide life insurance, disability, dental, and a retirement program for all full-time probationary/permanent employees within the budget limitations authorized by the Council.

4.1~~21~~ Travel Reimbursement for Non-Federal Travelers

Meeting authorizations will be issued prior to the performance of travel. These will be numbered sequentially and maintained in a file pending payment of the travel vouchers. Travel is approved by the Council or the Council Chair. Travel authorization documents are issued by the Executive Director with delegated authority for approval to the Administrative Officer.

Completed travel vouchers will be audited for conformance to current policies and compliance with existing travel allowances. Vouchers will be certified for payment by the Administrative Officer or the Executive Director. Travel policies are specified in the Council's Administrative Handbook.

The Council observes the General Service Administration (GSA) reimbursement rates for mileage, commercial transportation, and per diem rates for lodging and meals, and incidental expenses (M&IE) as the per se accounting of actual expenses; additional information may be found in 41 CFR Part 301 and will be provided by the Council office upon request. M&IE and lodging will be reimbursed in accordance with GSA's current M&IE and lodging rates unless prior approval is granted by the Executive Director for costs above the limit for the area.

4.1~~23~~ Foreign Travel

With the exception of travel across the U.S. border to Canada, all foreign travel must be approved in advance by NOAA. The Council shall comply with the Fly America Act.

4.1~~43~~ Training

Council members appointed after January 12, 2007, shall complete a training course that will cover a variety of topics relevant to matters before the Council. Such training shall be available as well to existing Council members, staff from regional offices, and regional science centers of NMFS, and may be made available to committee or advisory panel members as resources allow.

4.15 Invitational Travel

The Executive Director of the Gulf of Mexico Regional Fishery Management Council may accept in-kind and/or actual invitational funds for Council staff travel (including his/her own), only after (1) notifying the NMFS Regional Administrator of the origin and purpose of such funding, and (2) directing such gifts to the Administrator. 50 CFR § 600.125(c).

5.0 Standards of Conduct

5.1 Federal Criminal Statutes

Applicable Statutes:

Council members, as Federal officeholders, and Council employees are subject to most Federal criminal statutes covering bribery, conflict-of-interest, disclosure of confidential information, and lobbying with appropriated funds. ~~In addition to abiding by the applicable Federal conflict of interest statutes, both members and employees of the Councils must comply with the standards of conduct cited in 50 CFR Section 600.225. Among other statutes, in particular,~~ [WJ13]the following provisions apply:

- a. 18 U.S.C. § 201 - prohibits offer or acceptance of anything of value to influence any official act;
- b. 18 U.S.C. §§ 203, 205 - prohibits officials from contacting any Federal agency or Federal court on behalf of others concerning a particular matter involving specific parties with the intent to influence Government action if they participated personally and substantially in the matter as a Council member. Furthermore, officials may not receive compensation for the representational activities of others regarding such matters.
- c. 18 U.S.C. § 207 - prohibits a former official permanently from representing others before a Federal agency or Federal court concerning a particular matter involving specific parties in which the official participated personally and substantially as a Federal official or for two years concerning a matter which was under the person's official responsibility during their last year of Government service.
- d. 18 U.S.C. § 208 - prohibits official acts in a matter in which the official has a personal financial interest. This prohibition does not apply to a financial interest of a Council voting member or Executive Director if the official obtains a waiver under 18 U.S.C. § 208(b), or if the disclosure of financial interest in a report has been filed under Section 302(j) of the Act and that individual is in compliance with regulations promulgated under that section.

- e. 18 U.S.C. § 209 - prohibits an official from receiving compensation for performing Federal duties from a source other than the United States Government. This restriction does not apply to an official who has served for 130 days or less in a 365-day period.
- f. 18 U.S.C. §§ 210, 211 - prohibits offer or acceptance of value to procure appointment to public office.
- g. 18 U.S.C. § 1905 - prohibits disclosure of trade secrets or confidential commercial information except as provided by law.
- h. 18 U.S.C. § 1913 - prohibits use of appropriated funds to influence a member of Congress to favor or oppose any legislation or appropriation. However, this prohibition does not apply when responding to a request from a member of Congress or a Congressional Committee. Personal communications of a Council member or employee at his own expense that are identified as such are not prohibited.

5.2 General Standards of Conduct

The Council is responsible for maintaining high standards of ethical conduct. ~~among themselves and their staff.~~ In addition to abiding by the applicable Federal conflict of interest statutes, both members and employees of the Councils must comply with these standards of conduct:

- a. No employee of the Council shall use his or her official authority or influence derived from his or her position 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.
- b. No employee of the Council shall be deprived of employment, position, work, compensation, or benefit provided for or made possible by the Act on account of any political activity or lack of such activity in support of or in opposition to any candidate or any political party in any national, state, county, or municipal election or on account of his or her political affiliation.
- c. No Council member or employee shall pay, or offer, or promise, or solicit, or receive from any person, firm, or corporation, either as a political contribution or a personal emolument any money, or anything of value in consideration of either support, or the use of influence, or the promise of support, or influence in obtaining for any person, any appointive office, place or employment under the Council.
- d. No employee of the Council shall have a direct or indirect financial interest that conflicts with the fair and impartial conduct of his or her Council duties.

- e. No Council member or employee of the Council shall use or allow the use, for other than official purposes, of information obtained through or in connection with his or her Council employment which has not been made available to the general public.
- f. No Council member or employee of the Council shall engage in criminal, infamous, dishonest, notoriously immoral or disgraceful conduct prejudicial to the Council.

g. The Council has a zero-tolerance policy for harassment on the basis of race, religion, color, national origin, sex, age, sexual orientation, disability, and reprisal. Any employee who believes he or she has been harassed or believes he or she has witnessed harassment is encouraged should report the harassment to a supervisor or manager. The supervisor or manager should then follow the steps set forth in DAO 202-955. Any complaints of harassment on the basis of sexual orientation should be handled in accordance with DAO 215-11. The provisions of these DAOs are entirely separate from the EEO complaint process, and must be followed whether or not an employee has filed an EEO complaint.^[JKR14] The Council's Harassment Policy is intended to ensure that staff members work in an environment free of harassment in all their interactions, including interactions with Council members, other staff members, and the public during the course of official Council meetings, advisory body meetings, or committee meetings.

(Comment: This is the same as section 4.8. Why repeat it here? It seems out of place.)

- h. No Council member or employee of the Council shall use Council property for other than official business. Such property shall be protected and preserved from improper or deleterious operation or use.
- i. Except as provided in 18 U.S.C. Section § 208- ~~n~~No Council member may participate:
 - (1) Personally and substantially as a member through decision, approval, disapproval, recommendation, the rendering of advice, investigation, or otherwise in a particular matter primarily of individual concern, such as a contract, in which he or she has a financial interest; or
 - (2) In any particular matter ~~that of general public concern which~~ is likely to have a direct and predictable effect on a member's financial interest unless that interest is in harvesting, processing, lobbying, advocacy, or marketing activities and has been disclosed in a report filed pursuant to Section 302(j)(5) of the Act ~~under Section VIII.J.~~

For purposes of this subsection, the member's financial interest includes that of the member's spouse, minor child, partner, organization in which the member is serving as officer, director, trustee, partner or employee, or any person or

organization with whom the member is negotiating or has any arrangement concerning prospective employment.

i. Employment of relatives is discouraged and will be approved only on a case-by-case basis at the discretion of the Executive Director provided that such employment does not fall under the line of supervision of an incumbent employee.

5.3 Financial Disclosures

5.3.1 General

The Act and 50 CFR ~~Part~~ § 600.235 require the disclosure by Council members and members of a Scientific and Statistical Committee of any financial interest of the reporting individual in any harvesting, processing, lobbying, advocacy, or marketing activity that is being, or will be, undertaken within any fishery under the jurisdiction of the individual's Council, or of any such financial interest of the reporting individual's spouse, minor child, partner, or any organization (other than the Council) in which that individual is serving as an officer, director, trustee, partner, or employee. Individuals must update the form at any time a reportable financial interest is acquired or the financial interests are otherwise substantially changed. The information will be kept on file and made available for public inspection at reasonable hours at the Council office, at Council meetings, and on the Council's web site.

5.3.2 Recusal

As provided for in the regulations promulgated under Section 302(j) of the Act, i.e., 50 CFR ~~Parts~~ §§ 600.225 and 600.235, as amended, an affected individual who is required to disclose a financial interest shall not vote on a Council decision which would have a significant and predictable effect on such financial interest. A Council decision shall be considered to have a significant and predictable effect on a financial interest if there is a close causal link between the Council decision and an expected and substantially disproportionate benefit to the financial interest of the affected individual relative to the financial interests of other participants in the same gear type or sector of the fishery. An affected individual who may not vote may participate in Council deliberations relating to the decision after notifying the Council of the voting recusal and identifying the financial interest that would be affected.

At the request of an affected individual, or upon the initiative of the appropriate designated official, the designated official shall make a determination for the record whether a Council decision would have a significant and predictable effect on a financial interest.

Any Council member may submit a written request to the Secretary to review any determination by the designated official under subparagraph 2 within 10 days of such determination. Such review shall be completed within 30 days of receipt of the request.

Any affected individual who does not vote in a Council decision in accordance with this subsection may state for the record how he or she would have voted on such decision if he or she had voted.

If the Council makes a decision before the Secretary has reviewed a determination under subparagraph 3, the eventual ruling may not be treated as cause for the invalidation of reconsideration by the Secretary of such decision.

An affected individual is prohibited from voting in accordance with 50 CFR [§ 600.235](#), as amended, which provides for the making of determinations.

Section 208 of Title 18, United States Code, does not apply to an affected individual during any time in which that individual is in compliance with the regulations prescribed under Section 302(j) of the Act.

5.3.3 Security Investigations

Security assurances are issued by the Office of Investigation and Security of the Department of Commerce. Security assurances are required for all Council members and are valid for five years. Other staff and advisory group members may be required to obtain clearances at the Council's discretion. Those who have not been cleared may not participate in meetings, closed for reasons of national security, or have access to any classified information. Council staff should maintain adequate records to determine when to initiate renewal requests as clearances expire and to request initial and renewal security clearances.

6.0 Financial Management

The budget and financial management system of the Gulf of Mexico Fishery Management Council provides procedures for and controls over the elements of: budget formulation and execution, fiscal management, procurement, and property management. The management of this system is the responsibility of the Administrative Officer. The following describe the existing Budget and Financial Management System.

6.1 Governing Statutes

The Council's cooperative agreement activities are governed by [2 CFR Part 200 \(Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards\)](#), 2 CFR Part 215 (Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals, and other Non-Profit Organizations), 2 CFR Part 230 (Cost Principles for Non-Profit Organizations), 48 CFR Part 31 (Contract Cost Principles and Procedures), [and](#) OMB Circular A-133 (Audit Requirements for Institutions of Higher Education and Other Nonprofit Organizations), [as applicable](#), and the terms and conditions of the cooperative agreement. (See 5 CFR § 1310.3 for availability of OMB Circulars.)

6.2 Cooperative Agreements and Contracts

The Council may enter into cooperative agreements with federal agencies, state, and private institutions on matters of mutual interest which further the objectives of the Act. Approval from the Secretary must be obtained prior to entering into such arrangements, and each agreement must specify the nature and extent of Council participation.

6.3 Procurement

The cost and financial management principles outlined in [2 CFR Part 200](#), 2 CFR Part 230 and 48 CFR Part 31, [as applicable](#), apply to all Council procurement actions.

6.4 Property Management

All durable or capitalized equipment will be accounted for by an inventory system.

Property Numbers:

A property number will be assigned to all capitalized equipment and property inventory records maintained on all such equipment.

The Council shall comply with the property management standards as stipulated in the applicable uniform administrative requirements.

6.5 Real Property

The leasing, renting, and acquisition of real property and space will be performed in a manner consistent with [2 CFR Part 200](#) or 2 CFR Part 230, [as applicable](#).

6.6 Accounting System

Adherence will be made, as a minimum, to the principles in the accounting system accepted by the Council (a Cash Receipts and Disbursement Journal with a monthly Summary of Accounts).

Fiscal controls will be accomplished through a source document supported cash accounting system capable of providing modified accrued expenditures as needed.

6.7 Audits

An independent audit will be conducted at least biennially by DOC Office of Inspector General auditors or an independent public accountant (IPA). The scope of the audit may include: conduct of financial operations; compliance with applicable laws and regulations; economy and efficiency of administrative procedures; and achievement of results. The audit will be conducted in accordance with OMB Circular A-133 [or 2 CFR Part 200, as applicable](#). The following NOAA personnel will be invited to participate in the audit exit conference: the Grants Officer and a representative of the NMFS, Southeast Regional Office (SERO).

6.8 Financial Reporting

The Federal Cash Flow Financial Report will be submitted to the Grants Officer through the Grants Online web site and in accordance with the reporting procedures contained in the terms and conditions of the award and 2 CFR Part 215 [or 2 CFR Part 200, as applicable](#). A final report will be submitted within 90 days after ~~completion~~expiration of the grant.

7.0 Recordkeeping

Councils, NMFS Headquarters, Regions, and Science Centers collectively are responsible for maintaining records pertaining to the development of FMPs and amendments within their geographic area of authority. The disposition of such records must be handled in

accordance with NAO 205-1, NOAA Records Management Program and DAO 205-1, Department of Commerce Program for Records Management.

7.1 Definitions

Records: documentary items that are made or received by an agency of the United States in connection with the transaction of public business. Agencies are legally required to keep these records as evidence of their actions, and they must be maintained in accordance with your agency's records retention schedule or one of the government's general records retention schedules. They can be in any format (i.e. text documents, photos, computer codes, electronic files, CD-ROMS, disks, USB keys, magnetic tapes).

Non-records: items made or acquired solely for reference, extra copies of documents kept for reference/personal convenience (even if it's a copy of something that is a record – only the original is the record), notes taken during a meeting which aren't shared with others, drafts.

Personal papers: materials pertaining solely to your private affairs, for example the telephone bill that you brought in to pay during your lunch break or your personal appointment calendar.

7.2 Availability of Records

In accordance with 50 CFR [§ 600.150\(b\)](#), the Council will maintain documents generally available to the public on its Internet site. Documents for posting must include: fishery management plans and their amendments for the fisheries for which the Council is responsible; drafts of fishery management plan amendments under consideration; analysis of actions the Council has under review; minutes or official records of past meetings of the Council and its committees; materials provided to Council members in preparation for meetings; and other Council documents of interest to the public. For documents too large to maintain on the Web site, not available electronically, or seldom requested, the Council will provide copies of the documents for viewing at the Council office during regular business hours or may provide the documents through the mail.

7.3 Administrative Records for Fishery Management Plans

The Council and NMFS Headquarters, Regions and Centers collectively are responsible for maintaining records pertaining to the development of FMPs and amendments. In the event of litigation, compilation of an administrative record for a court case will be under the direction of NOAA General Counsel.

7.4 Disposition of Records

Council records must be handled in accordance with Department of Commerce and NOAA records management office procedures. The Council will abide by the terms of the NOAA Records Management Guide; the NOAA Records Disposition Handbook; and the following records management authorities: NAO 205-1 NOAA Records

Management Program; DAO 205-1 Program for Records Management; Federal Records Act of 1950; 44 U.S.C. Chapter 31 Records Management by Agency Heads; 44 U.S.C. Chapter 33 Disposal of Records; and 44 U.S.C. § 101 Federal Management and Promotion of Electronic Government Services

All records and documents created or received by Council employees, while in active duty status, belong to the Federal government. When employees leave the Council, they may not take the original or file copies of records with them. Before any records are disposed of, Council members and employees will coordinate with the NOAA records management office.

7.5 Permanent Records

The designation of a file as “permanent” means that the records are appropriate for offer to the National Archives once the records are 20 years old, unless otherwise specified. Destruction of permanent records is not authorized. Examples of permanent records are Environmental Impact Statements (EIS), Environmental Assessments (EA), annual reports, meeting files that include agendas, minutes, reports, studies, and related correspondence.

7.6 Privacy Act Records

The Council will maintain in its office, under appropriate safeguards in accordance with the Privacy Act (PA), personnel files on employees, experts and consultants under contract, and advisory group members. Maintenance, protection, handling of request for information, and disclosure and disposition of PA records will be provided for in the Secretarial guidelines and regulations.

7.7 Freedom of Information Act (FOIA)

FOIA requests received by the Council should be coordinated promptly with the appropriate NMFS Regional Office. The Region will forward the request to the NMFS FOIA official to secure a FOIA number and log into the FOIA system. The NMFS Regional Office will obtain clearance from the NOAA General Counsel’s Office concerning the initial determination for denial of requested information. FOIA requests will be controlled and documented in the Region.

7.8 Confidentiality of Statistics

In accordance with Section 302(i)(4) of the Act and in compliance with 50 CFR §§ 600.130, 600.405, 600.425, and NAO 216-100, the Council may establish policies and procedures applicable to it, its committees, and advisory groups to ensure confidentiality of statistics submitted to the Council by federal or state authorities, and information that may be voluntarily submitted to the Council by private persons, including but not limited to procedures that restrict Council employee access and prevent conflicts of interest. In the case of statistics submitted by a state or federal entity, policies and procedures must

be consistent with the laws and regulations of the federal or state entity submitting the statistics.

7.9 Information Quality

The Council agrees to abide by the NOAA Information Quality Guidelines for ensuring and maximizing the quality, objectivity, utility, and integrity of information which it disseminates. The NOAA guidelines also establish an administrative mechanism allowing affected persons to seek and obtain correction of information that does not comply with Office of Management and Budget or NOAA applicable guidelines.