

GULF OF MEXICO FISHERY MANAGEMENT COUNCIL

ADMINISTRATIVE/BUDGET COMMITTEE

Astor Crowne Plaza New Orleans, Louisiana

August 15, 2016

**VOTING MEMBERS**

- 10 Leann Bosarge.....Mississippi
- 11 Pamela Dana.....Florida
- 12 John Greene.....Alabama
- 13 Martha Guyas (designee for Nick Wiley).....Florida
- 14 Kelly Lucas (designee for Jamie Miller).....Mississippi
- 15 Robin Riechers.....Texas
- 16 David Walker.....Alabama

**NON-VOTING MEMBERS**

- 19 Kevin Anson (designee for Chris Blankenship).....Alabama
- 20 Doug Boyd.....Texas
- 21 Leo Danaher.....USCG
- 22 Dale Diaz.....Mississippi
- 23 Dave Donaldson.....GSMFC
- 24 Myron Fischer (designee for Patrick Banks).....Louisiana
- 25 Tom Frazer.....Florida
- 26 Campo Matens.....Louisiana
- 27 John Sanchez.....Florida
- 28 Andy Strelcheck (designee for Roy Crabtree).....NMFS
- 29 Greg Stunz.....Texas
- 30 Ed Swindell.....Louisiana

**STAFF**

- 33 Steven Atran.....Senior Fishery Biologist
- 34 John Froeschke.....Fishery Biologist - Statistician
- 35 Douglas Gregory.....Executive Director
- 36 Beth Hager.....Administrative Officer
- 37 Karen Hoak.....Administrative & Financial Assistant
- 38 Mara Levy.....NOAA General Counsel
- 39 Emily Muehlstein.....Fisheries Outreach Specialist
- 40 Bernadine Roy.....Office Manager
- 41 Camilla Shireman.....Administrative Assistant
- 42 Carrie Simmons.....Deputy Director

**OTHER PARTICIPANTS**

- 45 Ken Anderson.....Panama City, FL
- 46 Pam Anderson.....Panama City, FL
- 47 Patrick Banks.....LA
- 48 Eric Brazer.....Reef Fish Shareholders' Alliance

1 Derek Breaux.....New Orleans, LA  
2 Chester Brewer.....SAFMC  
3 J.P. Brooker.....Ocean Conservancy  
4 Traci Floyd.....MS DNR  
5 Benny Gallaway.....LGL, TX  
6 Sue Gerhart.....NMFS  
7 Gary Jarvis.....Destin, FL  
8 Joe Jewell.....MS DNR  
9 James Kejonen.....NOAA OLE, LA  
10 Bill Kelly.....FKCFA  
11 Rich Malinowski.....NOAA, St. Petersburg, FL  
12 Ron Messa.....NOAA, LA  
13 Lance Robinson.....TX  
14 Mike Rowell.....  
15 G.P. Schmahl.....Flower Garden Banks National Marine Sanctuary  
16 Clarence Seymour.....Ocean Spring, MS  
17 Bob Spaeth.....SOFA, FL  
18 Stephen Szedlmayer.....Auburn  
19 Helen Takade-Heumacher.....EFH  
20 Amanda Wimbish.....CLS America

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23

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PAGE 17: Motion to change the SOPPs to indicate that members or designees of the Gulf Council cannot simultaneously serve on the SSC. The motion carried on page 21.

PAGE 27: Motion to recommend that the council merge the Habitat and Artificial Reef Committees into a single Habitat Protection and Restoration Committee. The motion carried on page 28.

PAGE 28: Motion to recommend that the council divide the current Sustainable Fisheries and Ecosystem Committee and form a Sustainable Fisheries Committee and an Ecosystem Committee that contains the subject areas of Marine Reserves, Ad Hoc Restoration, and the current Ecosystem Committee. The motion carried on page 29.

PAGE 33: Motion to accept the language as proposed in the Administrative Handbook, 3.0 Compensation Policies, Section 3.4 Merit Awards. The motion carried on page 34.

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1 The Administrative/Budget Committee of the Gulf of Mexico  
2 Fishery Management Council convened at the Astor Crowne Plaza,  
3 New Orleans, Louisiana, Monday morning, August 15, 2016, and was  
4 called to order by Chairman Leann Bosarge.

5  
6 **ADOPTION OF AGENDA**  
7 **APPROVAL OF MINUTES**  
8 **ACTION GUIDE AND NEXT STEPS**  
9

10 **CHAIRMAN LEANN BOSARGE:** First up this morning is our  
11 Administrative and Budget Committee. To remind everybody, we  
12 have myself, Dr. Lucas, Dr. Dana, Johnny Greene, Robin Riechers,  
13 David Walker, and Martha on our committee this morning.

14  
15 Let's start with our agenda. We have a pretty full agenda this  
16 morning. It's going to be a thrilling committee for  
17 Administrative and Budget, so hold on to your seats. Do we have  
18 any additions or revisions to make to the agenda? Seeing none,  
19 do I have a motion to approve the agenda?

20  
21 **MR. JOHNNY GREENE:** So moved.

22  
23 **CHAIRMAN BOSARGE:** So moved by Johnny. Do we have a second?  
24 It's seconded. All right. Any opposition to the motion?  
25 Seeing none, the motion carries. Our committee minutes from our  
26 last meeting are under Tab G, Number 2. Were there any  
27 revisions or amendments to those minutes from our last meeting?  
28 Seeing none, the minutes stand approved.

29  
30 The Action Guide and Next Steps is Tab G, Number 3, and it's  
31 actually very detailed, and I think it will do a good job of  
32 kind of leading us through this and keeping us on task. With  
33 that, our first item of business is going to be the Final 2014  
34 No-Cost Extension Expenditures, and I believe Beth is going to  
35 lead us through that. You can find it under Tab G, Number 4(a)  
36 in your briefing book. Beth, I will turn it over to you.

37  
38 **FINAL 2014 NO-COST EXTENSION EXPENDITURES**  
39 **SUMMARY OF 2014 NO-COST CONTRACTS**  
40

41 **MS. BETH HAGER:** Good morning. In looking at Tab G, Number  
42 4(a), we have a detail of the 2014 initial budget, the 2015  
43 expenditures, and then the additional 2016 expenditures. We  
44 expended \$122,700 during 2016 for the 2014 no-cost activities.

45  
46 The activities included expanding the meeting room and office  
47 space in the Tampa office, bringing the CMP Amendment 26 to  
48 final action, hiring an EFH Specialist, promoting the discussion

1 of the establishment of habitat areas of particular concern,  
2 convening the Spiny Lobster Review Panel, and completing the  
3 contracted no-cost projects. The planned standardized bycatch  
4 reporting activities were not completed, because the policy  
5 wasn't finalized.

6  
7 Overall, our total funding for the 2010 to 2014 award was  
8 \$17,338,000. We anticipate returning less than 1 percent,  
9 approximately \$166,000, in the end for that period in unexpended  
10 funds.

11  
12 **CHAIRMAN BOSARGE:** Thank you, Beth. Did anybody have any  
13 questions for Beth or in general about our no-cost extension? I  
14 had one question, Beth. The contractual line item for 2015,  
15 that \$411,000, was there something big that we did right there  
16 that was the bulk of that?

17  
18 **MS. HAGER:** We did. We had the build-out, which cost an  
19 additional amount. We had to move a very large electrical sub-  
20 panel. That was an additional \$20,000 even from the original  
21 budget of the no-cost, but we saved those expenses in not  
22 spending the personnel costs. Between the two line items, we  
23 balanced out in the end or actually a little underspent.

24  
25 **CHAIRMAN BOSARGE:** Sounds good, and I think that's going to be a  
26 good investment for us in the future, going forward, to save us  
27 some funds.

28  
29 **MS. HAGER:** Yes, we were able to increase our seating capacity  
30 by 36 percent.

31  
32 **CHAIRMAN BOSARGE:** All right. Thank you. I appreciate it. Any  
33 other questions for Beth? All right. Beth, I'm going to let  
34 you continue. We are going to go to Tab G, Number 5(b), which  
35 is our Review of the Revised Budgets for 2017 through 2019, and  
36 we do have some -- Doug.

37  
38 **EXECUTIVE DIRECTOR DOUG GREGORY:** We can come back to this, but  
39 did you want to -- We were prepared to give a summary of some of  
40 the no-cost contracts that we did with the 2014 money, which  
41 also came out of the contractual line item.

42  
43 **CHAIRMAN BOSARGE:** Yes, definitely, because that was actually  
44 the really thrilling part about this meeting. I read that last  
45 night, and it was very interesting, and so go ahead.

46  
47 **FINAL REPORTS OF 2014 NO-COST CONTRACTS**

1 **EXECUTIVE DIRECTOR GREGORY:** I hope we didn't keep you awake,  
2 but the final reports of these contracts are in the briefing  
3 book. We are not going through that, but Dr. Simmons is  
4 prepared to give a summary of the different contracts.

5  
6 **DR. CARRIE SIMMONS:** Good morning, everyone, and thank you. The  
7 summary is in Tab G, Number 4(b), and some of the projects that  
8 were funded was the use of barotrauma mitigation measures in the  
9 Gulf of Mexico grouper fishery. They used fish-descending  
10 devices. They are effective and practical tools used to reduce  
11 release mortality, and the project assessed barriers to adoption  
12 of fish-descending devices that would be used by Sea Grant to  
13 develop outreach strategies to increase their use.

14  
15 We also funded the Marine Resource Education Program. We  
16 contracted with the Gulf of Maine Research Institute to fund a  
17 three-day management workshop in 2015. We also worked with the  
18 Gulf States Marine Fisheries Commission to develop a web-based  
19 tool for the U.S. Gulf of Mexico state and federal fisheries  
20 management regulations. That tool is not yet on our website.  
21 We are still working on it with the staff, and we hope to have  
22 that up towards the end of the year.

23  
24 It's going to include various species and search engines that  
25 you can search by common name and scientific name. It also  
26 allows queries for the state and federal sector and commercial  
27 and recreational, where applicable, and so that should be  
28 helpful, and our staff is going to help maintain that and try to  
29 keep that updated and host that on our website. That is still  
30 going on, and so hopefully that will be posted here towards the  
31 end of the year.

32  
33 We also funded the social network analysis of the red snapper  
34 and grouper-tilefish IFQ programs. Using social network  
35 analysis, this project produced a series of visualizations of  
36 share and allocation transactions made by participants in the  
37 Gulf of Mexico IFQ programs. The result of this project, we're  
38 planning to use to better describe the social environment and to  
39 inform the analyses in the grouper-tilefish IFQ program, the  
40 five-year review that's currently being worked on, as well as  
41 Reef Fish Amendments 36A and 36B, and we will be talking about  
42 36A tomorrow. It's on the Reef Fish Committee agenda.

43  
44 The other project, similar, but done by a different group, was  
45 measuring fleet efficiency gains from IFQ programs using social  
46 network analysis, and they wanted to more closely examine the  
47 IFQ trading in the commercial Gulf of Mexico reef fish program  
48 and look at the mechanisms of participants trading quota and how

1 the quota and dockside markets influence each other.

2  
3 This project too will contribute to the socioeconomic analysis  
4 of potential effects expected from the changes to those IFQ  
5 programs the council is currently working on in Amendment 36A  
6 and 36B. That concludes my report. Thank you.

7  
8 **CHAIRMAN BOSARGE:** Thank you, Dr. Simmons. I actually got into  
9 the Tab G, Number 4(c), where it goes through some more of the  
10 details of some of these projects, and I think that we did a  
11 really great job of taking these funds and using them for things  
12 that can be very beneficial for the work that we do around this  
13 table. I know that I have bothered NMFS to get some of those  
14 historical facts on bag limits and this and that for certain  
15 species before, back into time, and so that will probably save  
16 somebody a lot of heartache if that was in a database somewhere  
17 that I could query publicly, and so kudos to -- That's kind of a  
18 federal -- That's our council and the commission together,  
19 right, working on that, and so I like that.

20  
21 The other thing that I thought was kind of interesting is some  
22 of the analysis for the IFQ programs. Hopefully that is going  
23 to be able to come back and supplement some of our discussion as  
24 we go through the IFQ review process some more, and so that's  
25 good.

26  
27 The Marine Resource Education Program, I did attend the first  
28 half of that, the science side of that, a couple of years ago, I  
29 guess, and I thought it was an excellent program, and so I hope  
30 they continue with that.

31  
32 Then the barotrauma mitigation measures, I thought it was very  
33 interesting that only 10 to 25 percent of fishermen have  
34 actually used venting tools and descending gear. They are very  
35 familiar with the venting tools, but not so much the descending  
36 gear. Essentially, what makes it successful is the social norm  
37 or the pressure there for the fishermen to use it.

38  
39 That was pretty interesting, and I hope we can get some more  
40 information on some of these in the future, when we see that  
41 there's a need for it and we can fit it into our documents that  
42 we have in front of us, and so that was our thrilling  
43 conversation for the committee, guys. Doug.

44  
45 **EXECUTIVE DIRECTOR GREGORY:** I will be real brief. In the  
46 barotrauma report, it did mention that they surveyed the  
47 fishermen and the fishermen wanted to see more regulations on  
48 this. Now, real quickly, we used to have a regulation that

1 required venting tools to be used. We did away with that in  
2 order to allow descending devices to be used as well, but when  
3 we removed the venting tool regulation, it gave some people the  
4 impression that we did it because it wasn't effective.

5  
6 I think, within Reef Fish at some point, we ought to consider  
7 having a regulation that requires them to have a venting tool  
8 and/or descending devices on the boat. Not necessarily require  
9 they have to be used, but let people use the discretion of when  
10 they're appropriate to use, but have it required to be on the  
11 boat, so we don't send that mixed message that we did a couple  
12 of years ago.

13  
14 **CHAIRMAN BOSARGE:** Dr. Stunz.

15  
16 **DR. GREG STUNZ:** Just briefly, and thank you for allowing me to  
17 address your committee. I have a follow-up on Doug Gregory's  
18 comment. I think that time is appropriate. There is a lot of  
19 groups all around the Gulf, from Florida all the way out to  
20 Texas, working with these devices and showing real promise, and  
21 I am aware of what happened in the past and all the issues, but  
22 a lot of work on -- Of course, this was about grouper, but red  
23 snapper, where I think the time is coming to showing that there  
24 is real utility in using these devices.

25  
26 It takes us a while to get things going, and those reports, I  
27 can't imagine, won't be coming out within the next year.  
28 They're pretty much conclusively showing that there is real  
29 value in it, and so I think moving forward on that in the future  
30 would be good.

31  
32 **CHAIRMAN BOSARGE:** Thanks. Hopefully we can add that to our  
33 agenda at some point in the future, because I really did find it  
34 very interesting, especially the part about the social norms and  
35 just the lack of the anglers out there that had ever even used  
36 the descending devices as a tool, and so I think that's  
37 something we should explore, and that's a good idea to require  
38 it on the boat, but not necessarily the use part, because there  
39 is some discretion there as to when you would use this and when  
40 you wouldn't. If the social norm is the actual pressure, then  
41 just the sheer regulation to have it on the boat may be enough,  
42 and so good comments. Any other comments on the different  
43 contracts? Okay.

44  
45 That will take us to Item Number V on the agenda, which is the  
46 Review of the 2016 Expenditures and Revised Budgets for 2017  
47 through 2019. We have had some changes here, things that have  
48 been happening in D.C., and so pay attention and hopefully we

1 can get some good feedback on this. Beth, I'm going to let you  
2 lead us through it, please, ma'am.

3  
4 **REVIEW OF 2016 EXPENDITURES AND REVISED BUDGETS FOR 2017-2019**  
5 **REVIEW OF 2016 EXPENDITURES**  
6

7 **MS. HAGER:** Thank you. Looking at Tab 5(a), this is our usual  
8 quarterly statement that we produce for our financials, to show  
9 our expenditures for the 2016 administrative funds as of June  
10 2016. Overall, our total expenditures to date are very close to  
11 our expected balance. They are at 48 percent.

12  
13 Really, the only area of significant deviance overall is in  
14 contractual services. Our activities in this area haven't  
15 changed at all from what we originally budgeted, but the overall  
16 funding decrease from NOAA -- The overall funding increase was  
17 only 3 percent, which was less than we originally projected it  
18 to be. That, combined with the increase in the state liaison  
19 funding, creates this deficit in the budget line of contractual  
20 services. That is pretty much all of the detail that we have  
21 summarized at this point for this.

22  
23 **CHAIRMAN BOSARGE:** All right.

24  
25 **REVIEW OF REVISED BUDGETS FOR 2017-2019**  
26

27 **MS. HAGER:** Do we have any questions? If not, I will go on to  
28 5(b). This table shows our original five-year budget. At the  
29 bottom, with our cumulative expenses, are surpluses and  
30 deficits. Our total five-year budget originally was  
31 \$20,829,800. Then, based on our most recent information from  
32 NOAA, we anticipate funding of only \$18,727,000. The total  
33 decrease here is over \$2 million.

34  
35 We revised our projections for 2017 through 2019, based on our  
36 planned activities and our actual activities that occurred in  
37 2015 through 2016. A significant impact in our original budget  
38 was the removal of one position in 2017, to try and create some  
39 additional savings. Due to some savings from the 2014 no-cost  
40 activities in 2015 and 2016, we do expect to have our  
41 expenditures hopefully very coming very close to our actual  
42 funding by the end of the five-year award. We're within about  
43 \$100,000, which is where we wound up for the 2010 to 2014 award  
44 at the very end, a little tighter to budget. We are just  
45 continuing to try and keep an eye on our projections going  
46 forward.

47  
48 **CHAIRMAN BOSARGE:** Thank you, Beth. Maybe we should back up and

1 go to our action guide and next steps and give you a 30,000-foot  
2 view of what Beth was just telling us. Essentially, we had been  
3 informed to project, and, Doug, correct me if I'm wrong, but  
4 project at a 10 percent increase per year of our budget. When  
5 we went to the CCC meeting in May, it turns out that that really  
6 is going to be more like a 3 percent increase per year, and so  
7 we had a budget that was based on a 10 percent increase, and we  
8 need to back that down to a 3 percent increase.

9  
10 I think staff has done a good job of trying to tighten up,  
11 wherever possible, but our job around this table is to be aware  
12 that we are not in the same situation that we were, or that we  
13 thought we were, last year and that we have some carryover from  
14 some years past that's going to allow us to absorb some of this,  
15 but we're going to have to find a way to tighten our belt a  
16 little bit somewhere. Doug, do you want to chime in on this at  
17 all?

18  
19 **EXECUTIVE DIRECTOR GREGORY:** We really don't know from year to  
20 year how much funding we're going to get. Like you said, Ms.  
21 Chairman, we were projecting a 10 percent increase. That's what  
22 we were told by NOAA when we did the five-year budget. We  
23 noticed in 2016 that we only got a 3 percent increase. At the  
24 CCC meeting, I raised the issue, and we were told to probably  
25 expect something like a 3 percent increase rather than a 10  
26 percent.

27  
28 We immediately came back and redid the five-year budget, just to  
29 see where we were. Now, as we go forward, we're going to bring  
30 to you, say in April, the annual budget for 2017 for your  
31 approval, and so we don't need approval for this projection, but  
32 we just wanted to give everybody a heads-up of what's happening.  
33 We're going to have actual budget deficits in the next three  
34 years, and we will have to just take it year-by-year and see how  
35 we do.

36  
37 We did drop a position that we had planned to have in the five-  
38 year budget. We still have two positions, an ecosystem position  
39 and a social science position, for 2018 and 2019 that are still  
40 in the budget, but, by dropping that one position, we were able  
41 to get into a cumulative positive area. The thing that has  
42 impacted this has been the increase in liaison funding that was  
43 made by the council after we developed and submitted the five-  
44 year budget, and so that's a part of the impact here. That's  
45 all I have.

46  
47 **CHAIRMAN BOSARGE:** Robin.

48

1 **MR. ROBIN RIECHERS:** Doug, I certainly understand the fluidity  
2 of the budget and that you guys had already planned for a 10  
3 percent and now are told 3 percent, but we're going to, as you  
4 suggest, in April have to approve a budget, and I think, as a  
5 governing body that obviously needs to be looking at your  
6 budgets, and I get that we have carryover and those sorts of  
7 things, but I would hope that between now and then we have some  
8 more detailed plans as to how we're going to turn red numbers to  
9 black numbers, or at least be a little closer in that respect.

10  
11 That would just be my word of caution as we think about moving  
12 forward, and I understand it is a year-to-year process, but we  
13 also, if we're thinking three and five years out, we also need  
14 to have some sort of plan to reconcile those differences as we  
15 move forward.

16  
17 **EXECUTIVE DIRECTOR GREGORY:** I think we're on a reasonable  
18 trajectory now. If we hadn't been able to use the 2014 no-cost  
19 extension money, which gave us, I think, almost \$700,000 in  
20 surplus -- That's going to pay for the future annual deficits.  
21 If things change, we will certainly bring it to the attention of  
22 the council, but, right now, it looks like everything is going  
23 to balance out.

24  
25 If we come in with an annual budget that has no deficits, we  
26 will end the five-year grant with that \$700,000 surplus, much  
27 like we did the last grant, and then have to ask for another no-  
28 cost extension if we want to use it for future things. I mean  
29 it's like money in the bank, in a sense, but we have five-year  
30 grants.

31  
32 There is no guarantee that we will be allowed to have no-cost  
33 extensions in the future. We've been able to do it twice, and  
34 so I'm not uncomfortable expecting it, but that's something we  
35 can discuss with the budget next year, and, if the council wants  
36 us to not have any deficit in the future years, then we will  
37 just make those adjustments.

38  
39 **MR. RIECHERS:** I heard two things in your comments, Doug. Is  
40 that \$700,000 carryover reflected in this current projected  
41 budget, because it sounded like you suggested that if it were  
42 reflected that we wouldn't have the deficits.

43  
44 **EXECUTIVE DIRECTOR GREGORY:** Look at the bottom of that table.  
45 Can you scroll down and show the bottom, where I have estimated  
46 annual and cumulative surpluses and deficits?

47  
48 **MR. RIECHERS:** You've got the \$108,500 there.

1  
2 **EXECUTIVE DIRECTOR GREGORY:** That's where we expect to end up,  
3 with a surplus of \$108,000, but that's pretty thin, given the  
4 five-year budget of \$18 million.  
5

6 **CHAIRMAN BOSARGE:** All right. Any other comments from the  
7 group, from the committee? Okay. We will move on to Item VI,  
8 which is our Review and Approval of the Updated Regional  
9 Operating Agreement with NMFS, and I think Dr. Simmons is going  
10 to take us through this.  
11

12 **REVIEW AND APPROVAL OF THE UPDATED REGIONAL OPERATING AGREEMENT**  
13 **WITH NMFS**  
14

15 **DR. SIMMONS:** Thank you, Madam Chair. I think we talked about  
16 this a little bit about this in the full council in June. We  
17 reviewed this at the Council Coordinating Committee, during the  
18 summary review report. The 2015 Operational Guidelines were  
19 updated, and that made us need to update also our Regional  
20 Operating Agreement.  
21

22 The purpose of the Regional Operating Agreement is to confirm  
23 mutual responsibilities of the Gulf Council, the Southeast  
24 Regional Office, the Southeast Fisheries Science Center, and  
25 NOAA General Counsel in the Southeast Section for the  
26 development and preparation of interagency fishery management  
27 actions that address the needs and requirements for conservation  
28 and management of the nation's fisheries.  
29

30 Some of the changes that were made in our updated Regional  
31 Operating Agreement are we added a new Section 5, Ongoing  
32 Management. That changed the structure a little bit. That is  
33 new compared to the previous draft of our operational agreement.  
34 We also parsed out and better defined the Section 4, Post-  
35 Council Action, to recommend a Measure A, preparation for  
36 transmittal, and, B, secretarial review and implementation.  
37

38 I worked closely with Ms. Gerhart and Mara Levy and Jack  
39 McGovern at the Regional Office to try to get this updated the  
40 best we could. The Science Center has not had a chance to  
41 review it and provide any comments yet to this.  
42

43 I asked Dr. Ponwith to get those back to us hopefully the week  
44 after the council meeting, because we have to submit this in  
45 September with all of the signatures, and so I assume everybody  
46 will have one final review and then we will get the signatures  
47 and be able to submit it, but probably we need to have the  
48 council make a motion, if they're in agreement to those changes,

1 that they would approve this new updated Regional Operating  
2 Agreement. Thank you.

3  
4 **CHAIRMAN BOSARGE:** All right, committee. Does anybody have any  
5 questions or comments for the changes that were made to the  
6 Regional Operating Agreement? Does anybody have any qualms?  
7 Robin.

8  
9 **MR. RIECHERS:** Carrie, I sense you're asking us to approve it  
10 before we see the changes, if there are any, from NMFS.

11  
12 **DR. SIMMONS:** The Southeast Regional Office has made changes,  
13 but we have not seen any changes from the Science Center yet,  
14 and we don't know if we're going to receive changes from the  
15 Science Center, but they did not have time to look at it before  
16 this council meeting. We can ask Dr. Ponwith when she gets here  
17 if she does have any changes.

18  
19 **CHAIRMAN BOSARGE:** Robin.

20  
21 **MR. RIECHERS:** I would suggest just that we wait to take action  
22 either until they've had a chance to review those and we see any  
23 changes that may have been incorporated into the document or any  
24 suggestions, or, if Dr. Ponwith brings those with her and they  
25 are minor and we can deal with those, then we can deal with that  
26 at at full council.

27  
28 **CHAIRMAN BOSARGE:** Dr. Simmons and then Andy.

29  
30 **DR. SIMMONS:** We can try to get that from her as soon as  
31 possible. The problem we have is I believe we're under a  
32 deadline to resubmit this. I don't know if it's at the end of  
33 September or September 15. I would have to look at the deadline  
34 again, but it's before our next council meeting, I believe.

35  
36 **MR. ANDY STRELCHECK:** My understanding is the changes we made  
37 were fairly minor in nature. Bonnie will be here late this  
38 morning. Her flight was delayed, and so we can talk to her then  
39 about any changes that the Science Center wants to make.

40  
41 **CHAIRMAN BOSARGE:** Mara.

42  
43 **MS. MARA LEVY:** Thank you. Essentially, it's restructuring it a  
44 little bit in terms of what's in the sections, based on the  
45 changes to the Operational Guidelines that came out in 2015. In  
46 terms of substance, about how the council and NMFS and the  
47 Office of General Counsel and the Science Center interact with  
48 each other, nothing is really different. It just fleshes it out

1 in a little bit of a different way, and, when we looked at it in  
2 GC, we clarified a little bit of what GC's roles were, because  
3 GC plans on signing this version of it, but essentially, it's  
4 the same.

5  
6 One thing you could do is wait to talk to Bonnie and then  
7 potentially make a motion to accept it as it is in the briefing  
8 book and have the Council Chair look at any potential changes  
9 from the Science Center. As long as those are deemed by the  
10 Council Chair as editorial or non-substantive-type changes, the  
11 Council Chair could potentially speak for the council and  
12 approve it, so that it can get signed. That's an option you  
13 could think about.

14  
15 **CHAIRMAN BOSARGE:** Dr. Simmons.

16  
17 **DR. SIMMONS:** Thank you, and I think that's fine. I would just  
18 remind you that it's just to lay out our agreement, to be open  
19 and transparent for the public and for all agencies involved in  
20 how our process works. It is not a binding agreement. It is  
21 considered a living document, and so I think that was within  
22 reason with what Ms. Levy recommended that the council do. That  
23 sounds good.

24  
25 **CHAIRMAN BOSARGE:** All right. We have two options. We can  
26 essentially wait for Bonnie to arrive and have some  
27 conversations with her and possibly make a motion during the  
28 committee report at full council, or, if the committee is  
29 comfortable, they can make a motion to approve it and give the  
30 Council Chair the ability to make any revisions or edits as  
31 necessary. I will leave it up to the committee. What's your  
32 pleasure? Robin.

33  
34 **MR. RIECHERS:** I already said how I thought we should handle  
35 this, and so I am going to leave that alone. I will ask Doug a  
36 question regarding content here though. Doug, we have had some  
37 discussions about IPT and IPT processes in the past, how well  
38 they've worked and how well they haven't worked, from time to  
39 time.

40  
41 A lot of this spells this out in this document, and so I would  
42 ask you. Have you all, as a council staff, have you looked in  
43 this document to specifically address some of those issues with  
44 what is written here?

45  
46 **EXECUTIVE DIRECTOR GREGORY:** Yes, and all the technical staff  
47 had input on this. It's a cumbersome process, but all the  
48 technical staff are comfortable with it. I've had some concerns

1 when I first got here, and I have talked to them about it. It's  
2 much more cumbersome than what I used to have to deal with, but  
3 NEPA is a bigger part of the process. It produces more  
4 approvable documents, in the end, and so, yes, the staff is very  
5 comfortable with the current process.

6  
7 **CHAIRMAN BOSARGE:** All right. Hearing nothing else from the  
8 committee, I think we will leave that to our committee report at  
9 full council to possibly make that motion. If there is nothing  
10 else on the Regional Operating Agreement with NMFS, we will move  
11 on to our Discussion of SSC Members also being a State Designee,  
12 and I believe that Doug Gregory is going to lead us through that  
13 discussion.

14  
15 **DISCUSSION OF SSC MEMBERS ALSO BEING A STATE DESIGNEE**

16  
17 **EXECUTIVE DIRECTOR GREGORY:** Thank you, Madam Chair. This will  
18 be Tab G, Number 7. What I did with this was excerpt the SSC  
19 verbatim minutes for this, because the SSC did not make a motion  
20 on this topic. It was just simply a discussion.

21  
22 To summarize, some of the SSC members had strong feelings on  
23 this, thinking it was a conflict of interest. One SSC member,  
24 who had served on a council, and not this one, but a different  
25 one, and was an SSC member felt that he had no sense of a  
26 conflict of interest, but he was not a state designee. He was  
27 an academician. You just have the verbatim minutes here. I  
28 think the general feeling from the SSC was that they would  
29 probably not be comfortable with such a situation, but, again,  
30 they made no specific motion.

31  
32 **CHAIRMAN BOSARGE:** Dr. Lucas.

33  
34 **DR. KELLY LUCAS:** I think, from what I understand, was, as the  
35 question originally came up, maybe that specific incident has  
36 been resolved, possibly. I think it was Louisiana who brought  
37 it up, and I will let them speak to that, but, if that has been  
38 resolved, we may just want to consider adding something or  
39 clarifying something in the SOPPs for future reference, just so  
40 if it does come up again that it's covered.

41  
42 **CHAIRMAN BOSARGE:** Patrick.

43  
44 **MR. PATRICK BANKS:** The issue is moot at this point for  
45 Louisiana.

46  
47 **CHAIRMAN BOSARGE:** Robin.

1 **MR. RIECHERS:** Since the issue is now moot for Louisiana, and,  
2 in practicality, the way we've handled it in the past, it was  
3 the assumption that you couldn't do it. If we do need to put  
4 that in the SOPPs, then I would just recommend that we add a  
5 clause to the SOPPs and just go with our past interpretation of  
6 what that was. At least that would be my preference and/or  
7 opinion. Madam Chair, if you need a motion, I can certainly do  
8 that.

9  
10 **CHAIRMAN BOSARGE:** Yes, I think we would need a motion in order  
11 to accomplish that.

12  
13 **MR. RIECHERS:** I would move that we make a change to the  
14 Standard Operating Procedures to indicate that members of the  
15 SSC cannot be members of the council, and I will leave obviously  
16 some editorial license here for that motion, but I believe  
17 that's basically the intent of the motion. Where that places in  
18 the SOPPs and how that's worded, I will leave that up to  
19 drafting person.

20  
21 **CHAIRMAN BOSARGE:** We have a motion. Do we have a second to the  
22 motion? It's seconded by Johnny. Robin, will you take a look  
23 and make sure that is your motion and then we will have some  
24 discussion?

25  
26 **MR. RIECHERS:** I guess it would be better worded just to say  
27 cannot serve as a member of the Gulf Council, whether it's a  
28 proxy or in any way, probably to be a little bit cleaner. Then  
29 I will have a little discussion, if we make that change.

30  
31 I mean we've talked about this a lot, at the last meeting, I  
32 believe it was, or maybe two meetings ago. I say talked about  
33 it a lot, but we talked about in this committee at that time.  
34 Again, it's the whole issue of conflict of interest. It's the  
35 whole issue of basically voting on something you may have voted  
36 on as an SSC member.

37  
38 While I do believe people could be objective in their  
39 deliberations about that, I just believe that the optic of it  
40 sends the wrong message, as we both appoint SSC members and then  
41 we also have people sitting at the council table, and so I think  
42 it's just cleaner if we keep the two separate. The SSC provides  
43 us some review of science along the way, along with some other  
44 scientific bodies, and then we reach a point where the council  
45 deliberates those science bodies and creates policy, and so  
46 that's kind of where I am on the issue, and certainly I think  
47 this just cleans that up in the SOPPs, and, again, basically it  
48 leaves us at the position where we were at before in

1 interpretation.

2  
3 **CHAIRMAN BOSARGE:** Okay. Mara and then Myron and then Dr.  
4 Stunz.

5  
6 **MS. LEVY:** Just a suggestion that I think it should be the  
7 opposite way, meaning the council doesn't have any way to say  
8 who can serve on the council, but you can say that members of  
9 the council cannot be appointed to the SSC.

10  
11 **CHAIRMAN BOSARGE:** Robin, would you be okay with that friendly  
12 amendment?

13  
14 **MR. RIECHERS:** I'm okay with that. But, in this case, it was a  
15 member of the SSC who was wanting to -- It was Louisiana wanting  
16 to have a member of the SSC who was already a member sit on the  
17 council, and so, Mara, walk us through that technically.  
18 However it works, I'm fine with the motion.

19  
20 **MS. LEVY:** I think the result of that is Louisiana can put any  
21 designee they want, or have any state official they want who  
22 meet the requirements serve. The result of that would be that  
23 person would no longer be eligible to be on the SSC.

24  
25 **MR. RIECHERS:** At the moment they send the letter designating  
26 them officially, then they're removed from the SSC?

27  
28 **MS. LEVY:** I think if we made clear that anyone who is serving  
29 on the council as a designee or whoever can't be on the SSC that  
30 that would be what would happen.

31  
32 **MR. RIECHERS:** Given Mara's suggestion, it seems like we flip  
33 this to indicate that members of the Gulf Council cannot  
34 simultaneously serve as members of the SSC, and is that correct?  
35 Okay. In effect, Mara, what would happen then is they would  
36 basically resign their position on the SSC and could reapply the  
37 next time the SSC is appointed, but the simple fact is, from  
38 that point on, until that reapplication period, they would be  
39 removed from the SSC.

40  
41 **CHAIRMAN BOSARGE:** All right. Good discussion. Now we have  
42 Myron and then Dr. Stunz.

43  
44 **MR. MYRON FISCHER:** Thank you, Madam Chair. My question was  
45 just verbiage and asking Robin -- Wouldn't you mean members or  
46 designee, because I'm a designee and Leann is a member.

47  
48 **MR. RIECHERS:** Thank you, Myron. I thought I had maybe said

1 proxies as well, but members/designees is probably the  
2 appropriate language here, yes.

3  
4 **CHAIRMAN BOSARGE:** Dr. Stunz, before I get to you, can I just  
5 make sure that our seconder is okay with all the friendly  
6 amendments we're making here? Okay. Johnny is all right. Dr.  
7 Stunz.

8  
9 **DR. STUNZ:** Thank you, Madam Chair, for letting me address your  
10 committee, not being on it. I just wanted to comment, since I  
11 was actually named in the minutes of that discussion as being  
12 one of the people that fell into this category, and certainly I  
13 just felt it was a sense of protocol that you resign from -- You  
14 shouldn't serve both, and so I wanted to follow up that I am not  
15 voting on this, but I would support this in full council.

16  
17 There is a big difference, having done both, in what you do here  
18 and the decisions you make versus the decisions you make as a  
19 scientist, which shouldn't, theoretically, involve any external  
20 factors other than the best science, and so, while I don't have  
21 the appearance that that would or has been going on, it just  
22 doesn't seem right, and so I would recommend that we follow this  
23 and go with keeping them separate.

24  
25 **CHAIRMAN BOSARGE:** Ed.

26  
27 **MR. ED SWINDELL:** Thank you, Madam Chair. I'm not a member of  
28 the committee, but it seemed like this should also apply to  
29 advisory panels. Would that not suit the same purpose?

30  
31 **CHAIRMAN BOSARGE:** Good comment. Do we have a protocol for that  
32 at the moment? Have we ever had an instance of that, where a  
33 council member was simultaneously serving on an AP, or is that  
34 kind of an understood rule?

35  
36 **EXECUTIVE DIRECTOR GREGORY:** I think what we've been doing is,  
37 if someone became a council member, they just dropped off the  
38 AP. It wasn't in the SOPPS, but it was just kind of an  
39 unwritten protocol. We have got some people that have been in  
40 that situation, and so I mean it would fit here.

41  
42 **CHAIRMAN BOSARGE:** Dr. Stunz.

43  
44 **DR. STUNZ:** Ditto from what I just said. Having served on  
45 several APs, from Artificial Reef to Data Collection, you  
46 obviously get your say here, and so I understood that you were  
47 automatically off, but I don't know if we need any specific  
48 verbiage to that.

1  
2 **CHAIRMAN BOSARGE:** Mr. Atran.

3  
4 **MR. STEVEN ATRAN:** We do have one situation, which we've been  
5 discussing on staff, on our Law Enforcement Technical Committee.  
6 This is a technical committee and not an AP, but where  
7 Lieutenant Commander Danaher -- He would serve on the Gulf State  
8 Commission's LEC, but, at the moment, our feeling is he would  
9 not serve on the Gulf Council's LETC, and so those two groups  
10 are identical except for that one change, but, because he is a  
11 member of the council, albeit a non-voting member, our feeling,  
12 at the moment, is that he probably would not be appropriate to  
13 serve as a member of the LETC.

14  
15 **CHAIRMAN BOSARGE:** Doug and then Robin.

16  
17 **EXECUTIVE DIRECTOR GREGORY:** Steven, that's the way we've been  
18 operating, is it not?

19  
20 **MR. ATRAN:** That's the way we've been operating, but, recently,  
21 we've been trying to sync up the two committees. We have had  
22 some differences on who the U.S. Fish and Wildlife Service  
23 member is or members, and so we've been trying to make sure  
24 that, as much as possible, their LEC and our LETC are the same  
25 people, and they are pretty much right now, but this is the one  
26 exception.

27  
28 **CHAIRMAN BOSARGE:** Robin.

29  
30 **MR. RIECHERS:** Ed, I fully agree with you, basically. I will  
31 ask the Chair whether you want to continue to amend this motion  
32 or whether you would like a different motion. I think two  
33 points that I brought up there. One is that you could make it  
34 voting members or specifically say voting or non-voting members,  
35 so that we cover that law enforcement issue, and add AP panels.  
36 Again, whether you want to dispense of this motion and add  
37 another one, it's up to you, Madam Chair, and certainly up to  
38 the seconder as well.

39  
40 **CHAIRMAN BOSARGE:** I think we will dispense of this motion  
41 first. I think that really the conversation that we've had  
42 here, it sounds like we have some unwritten rules that follow  
43 behind this for APs and other things, and I am sure that, as you  
44 go through the SOPPs and begin to make these changes, that you  
45 will bring the changes back to us, and so I think that you could  
46 move forward just with this conversation and bring the changes  
47 back to us, and we will make sure that we did capture all of  
48 this conversation. We have a motion on the board. Is there any

1 more discussion on the motion? **Is there any opposition to the**  
2 **motion? Seeing none, the motion carries.**

3  
4 If you want to follow it with another motion specifically for  
5 the AP, if that makes you comfortable, you can, but I think  
6 we've had a lot of discussion about it.

7  
8 **MR. RIECHERS:** I'm fine, Madam Chair. I am assuming the changes  
9 will reflect those as well, Doug, or at least bring them back as  
10 options?

11  
12 **EXECUTIVE DIRECTOR GREGORY:** Yes, and we're not going to  
13 actually make any formal changes to the SOPPs and publish it  
14 without bringing it back to the council to look at the wording.

15  
16 **CHAIRMAN BOSARGE:** Okay. Our next agenda item is the Discussion  
17 of Council Committee Assignments. This is going to be Tab G,  
18 Number 8 in your briefing book, and Doug Gregory is going to  
19 lead us through this discussion.

20  
21 **DISCUSSION OF COUNCIL COMMITTEE ASSIGNMENTS**  
22 **CONSIDER MAKING COMMITTEE APPOINTMENTS EFFECTIVE AT BEGINNING OF**  
23 **OCTOBER COUNCIL MEETING**

24  
25 **EXECUTIVE DIRECTOR GREGORY:** The first part of this is a  
26 suggestion. We have a situation where we have new council  
27 members appointed in July. They come to the August meeting and  
28 they're not on a committee. Usually, in August, we select a new  
29 Chair. Between the August meeting and the October meeting, the  
30 Chair makes draft committee assignments that the council then  
31 approves in October, but the council meeting is after the  
32 committee meetings in October, and so the new council member  
33 really doesn't get to serve on a committee and vote until  
34 January.

35  
36 What I am suggesting here is that the council consider convening  
37 immediately on Monday morning for the sole purpose of making  
38 committee appointments and then recess and have those committee  
39 meetings and then reconvene on Wednesday like we typically do.  
40 That way, the new council member can start voting in committee  
41 and be on the committee beginning in October, rather than  
42 January.

43  
44 **CHAIRMAN BOSARGE:** Robin.

45  
46 **MR. RIECHERS:** Doug, do you anticipate that the current Chair  
47 will just choose where those committee assignments are or would  
48 we be more specific and say they will take any committee

1 positions that their previous designee or the person who they  
2 are coming in for will -- They will take those assignments?

3  
4 **EXECUTIVE DIRECTOR GREGORY:** Since most of the appointments are  
5 made in July, between August and October, the new council member  
6 could communicate with the Chair, just like everybody else does,  
7 of what committees they want to serve on. The only kind of  
8 hiccup with this that has been brought to my attention was we  
9 work closely with committee chairs in developing our agenda for  
10 the upcoming meeting.

11  
12 Let's just take Administrative/Budget. In October, we would  
13 work with the existing committee chair to develop the agenda,  
14 but then, at the beginning of October, the committee chair will  
15 change, and I know how we have a large briefing book. Some  
16 people read the material they're the chair of the committee of  
17 maybe more closely and get prepared for that committee than they  
18 might some other committee, and so whoever is appointed the  
19 chair at the beginning of the council meeting in October may not  
20 have had time to fully prepare for that particular committee in  
21 October. That's the only small hiccup that we see with this.  
22 Otherwise, this simply allows new council members to start  
23 voting on the committee in October instead of in January.

24  
25 **MR. RIECHERS:** I didn't get hung up on the new committee chairs,  
26 because that's as it is today. I guess what I'm trying to  
27 figure out is so new members -- What you suggest to me is that  
28 new members would be polled as to their placement on committees  
29 and the Chair would take that under advisement and come forward  
30 with a slate of where they would fill them in, considering all  
31 aspects of the past committee allotment, basically geographic  
32 distribution and expertise and all the things that would go into  
33 any of those committee assignment decisions that would occur.

34  
35 Then the next meeting then, there would be a new chair and  
36 whatever committee that person was on for that time, they will  
37 have another opportunity to say where their areas of expertise  
38 are or where they would like to be and then get slotted in,  
39 however the new Chairman would then decide.

40  
41 **EXECUTIVE DIRECTOR GREGORY:** Right. It's exactly as we do it  
42 now between August and October, but it's just the committee  
43 assignments are made at the beginning of the October meeting  
44 rather than after the committees have met, that's all. I mean  
45 it's a little more complicated, but it seemed to me that it was  
46 a way to streamline the process to get the new council members  
47 onboard in a more active voting role one meeting sooner.

1 **MR. RIECHERS:** I just caught your difference, and I apologize.  
2 It was the October as opposed to the August. I thought you were  
3 going to come in August and we were going to place people, but  
4 it's October. I've got it.

5

6 **CHAIRMAN BOSARGE:** Dr. Simmons and then Martha.

7

8 **DR. SIMMONS:** Thank you, Madam Chair. Just, very quickly, the  
9 way we're currently doing it now is we're under the same  
10 committee structure until January, and so the difference would  
11 be a change starting in October compared to January. Thank you.

12

13 **CHAIRMAN BOSARGE:** Martha.

14

15 **MS. MARTHA GUYAS:** I think this is fine. It seems like, when we  
16 break from the August meeting, we have a new Chair. That Chair  
17 can get to populating the committees pretty quickly and put the  
18 list out there that, hey, you're going to the chair of whatever  
19 committee, and so it seems like it would be not a big deal, to  
20 me anyway, but I don't know.

21

22 **CHAIRMAN BOSARGE:** Kevin.

23

24 **MR. KEVIN ANSON:** Just to follow up with what Doug said, what  
25 I've done the last couple of years is send an email out to all  
26 the members asking what their preferences were for committee and  
27 then if they had a desire to serve as chair or vice chair on  
28 that particular committee. Some committees had maybe one of  
29 each, and so it wasn't too hard of a decision in moving forward,  
30 but others had multiple people that expressed interest in the  
31 chair or vice chair position.

32

33 Maybe, as Doug was saying, in the interest of making sure that  
34 those particular people are well-read on the subject for that  
35 particular committee, is that a tentative list is developed, if  
36 you will, and then the members, if there are multiple members,  
37 or even if there's only one member for each position, is to let  
38 them that know, that, hey, you could be tapped as the next chair  
39 and so be prepared. Then it comes to the council and they vote  
40 and the final decision is made as to who populates the various  
41 chair and vice chair positions.

42

43 **CHAIRMAN BOSARGE:** All right. In general, I think this is a  
44 good idea. That really gets the new member or designee or  
45 whoever it is onboard and voting sooner and in the conversation.  
46 I should have backed up. We invite any -- If you want to make  
47 comments or you have input on anything that we discuss, please,  
48 you are more than welcome to raise your hand and we will call on

1 you, but I think this gives them a more active role sooner in  
2 the process.

3  
4 It gives them the August meeting to kind of listen to some of  
5 the different committee conversations and get a better feel for  
6 what committees they are the most interested in, if they didn't  
7 already know, but then, in October, they can hit the ground  
8 running, and so I think it's a good idea. It sounds like  
9 there's a few little logistics, but they don't seem to be too  
10 hard to work out, and so, Doug, do you need any sort of motion  
11 on this or is the discussion enough?

12  
13 **EXECUTIVE DIRECTOR GREGORY:** If the council is willing to try it  
14 this year and see how it works, we will schedule the October  
15 meeting that way and go from there.

16  
17 **CHAIRMAN BOSARGE:** Is there any heartache with the committee on  
18 trying out something like this? I don't see any heartache, and  
19 so it sounds like we can give it a shot. Anything else on that  
20 agenda item?

21  
22 **CONSIDER MERGING SOME COMMITTEES**

23  
24 **EXECUTIVE DIRECTOR GREGORY:** Yes, the other thing was, in  
25 looking at some of the administrative and management committees  
26 and the frequency of when they met, and this is in the document  
27 itself. We researched when the committees were formed and how  
28 often they met and what they were addressing.

29  
30 I would like to suggest for the council to consider combining  
31 the Artificial Reef Committee in with the Habitat Committee and  
32 continue with the Habitat Committee. The Habitat Committee was  
33 probably one of the first committees formed by the council in  
34 the late 1970s, and so it has a long history. It now includes  
35 looking at essential fish habitat and it seemed like Artificial  
36 Reef, which hadn't met in a while, would fit under that  
37 committee.

38  
39 The other suggestion is to consider separating sustainability  
40 and ecosystem. On the surface, they sound very similar, but the  
41 sustainability fisheries part of that was really strictly  
42 dealing with the technical aspects of creating ACLs and ACTs.

43  
44 We have a Marine Reserve Committee and we have an Ad Hoc  
45 Restoration Committee, which the Ad Hoc Restoration is kind of  
46 centered toward the Deepwater Horizon restoration funds, and  
47 most of that money seems to be going into trying to get a better  
48 understanding of the ecosystem of the Gulf of Mexico, what are

1 the ecosystem processes, what can we do to manage more from an  
2 ecosystem standpoint, and we've seen presentations by NMFS on  
3 that.

4  
5 It seems appropriate, at this time, to create an Ecosystem  
6 Committee that would include the Marine Reserve Committee and  
7 the Ad Hoc Restoration Committee and call that the Ecosystem  
8 Committee and then have the Sustainable Fisheries Committee be  
9 just the Sustainable Fisheries Committee.

10  
11 Marine Reserves, we have used them for spawning aggregation  
12 protections. Mostly, they have been used for protecting coral.  
13 We have been calling our coral protected areas habitat areas of  
14 particular concern, and, when you see the Habitat/Coral  
15 Committee agenda and what we do there, you will see the  
16 linkages, from an ecosystem standpoint.

17  
18 I guess two motions, if the committee is interested. One would  
19 be if you agree to combine the Artificial Reef Committee with  
20 the Habitat Committee and have that continue as a Habitat  
21 Committee. Two would be to split -- A second motion would be to  
22 split Sustainable and Ecosystem into two committees and let the  
23 Ecosystem Committee be merged with the Marine Reserves and the  
24 Ad Hoc Restoration as an Ecosystem Committee. I see this as two  
25 potential motions, if you want to go forward. If you don't want  
26 to make any changes to the committees, then no motion is  
27 necessary.

28  
29 **CHAIRMAN BOSARGE:** All right, committee. Do we have any  
30 comments or thoughts on the combination and/or the separation  
31 that's been mentioned? Robin.

32  
33 **MR. RIECHERS:** I am certainly not opposed to the notion of  
34 trying to maybe alter our committee structure so that it  
35 provides enough umbrella to allow us to continue to do the  
36 business that we're doing under there, but it also provides some  
37 efficiencies.

38  
39 In the context of efficiencies, as I heard it, Doug, we had  
40 several in the first discussion, but what are we basically  
41 changing? Is it five to two? I was trying to do a count here  
42 as you went through it, but --

43  
44 **EXECUTIVE DIRECTOR GREGORY:** I think we will be reducing the  
45 committees by two. We will lose the Artificial Reef Committee,  
46 and, since we're splitting up Sustainable and Ecosystem, but  
47 then putting two into Ecosystem, we're just losing one of those,  
48 and so I think we're losing two committees, in general, and

1 creating a new -- We're losing three, but we're creating a new  
2 one.

3  
4 **MR. RIECHERS:** Okay. Again, I am certainly fine with this,  
5 though I will say there are some people around the table that  
6 have, in the past, been more attuned to making sure they could  
7 see a particular area of expertise, and one of those has been  
8 artificial reefs in the past. As we discussed and tried to  
9 think about the Deepwater Horizon pots of money and making sure  
10 that we were trying to be involved in those, at least from a  
11 grants perspective, the Ad Hoc Restoration was formed in that  
12 respect.

13  
14 I am find with these changes, but I would just suggest that if  
15 some other people around the table have some particular areas of  
16 interest that they might want to speak up. Otherwise, I mean  
17 this makes sense to me, if we can merge some committees that  
18 really have like functions or very similar roles. It would make  
19 sense to me.

20  
21 **CHAIRMAN BOSARGE:** All right. Any other feedback from the  
22 committee? Doug, as you retittle them -- For example, what Robin  
23 was talking about with the Artificial Reef and the Habitat, I  
24 don't know if you had already decided on, when you merge those  
25 two, if that's the route we decide to go, how it will be titled,  
26 but, if there was a certain expertise that we were trying to get  
27 from that group, maybe the title of that committee would be  
28 important, to make sure that it stands out to anyone that may be  
29 applying, to make sure that we are garnering those applicants.

30  
31 **EXECUTIVE DIRECTOR GREGORY:** I can bring to the council that  
32 information, and the council as a whole can vote on it, up or  
33 down. I am not comfortable making changes like this without  
34 guidance from the council, for sure. I mean these are your  
35 committees.

36  
37 **CHAIRMAN BOSARGE:** Robin.

38  
39 **MR. RIECHERS:** As I recall, and I can't remember, Doug, when we  
40 last redid the SOPPs, I thought we tried to get away from naming  
41 committees. For a while, they were in our SOPPs, but I thought  
42 we had created a situation where we weren't naming them in the  
43 SOPPs, so that we wouldn't have to change the SOPPs every time  
44 we decided to change a committee. Kevin is thinking, I can  
45 tell, as well. Did we do that or did we not do that? I just  
46 don't remember.

47  
48 **EXECUTIVE DIRECTOR GREGORY:** In our SOPPs, the administrative

1 committees are listed with a paragraph description. The  
2 management committees are not. I think, initially, the  
3 management committees of the council were species-specific, but  
4 now we've got Marine Reserves and Ad Hoc Restoration. We've got  
5 other committees under management rather than administrative  
6 that don't have descriptions in our SOPPs.

7  
8 As far as the SOPPs go, we are reviewing some changes to the  
9 administrative handbook at this meeting. My plan is to, each  
10 year, alternate revising or relooking at the SOPPs and the  
11 handbook, and so I was going to start looking at the SOPPs again  
12 say in January or next year, for us to look at that.

13  
14 We can consider making those changes at the time, as far as how  
15 we list the committees or describe them, but, for this  
16 particular change -- Because, between August and October, the  
17 Chair is going to be assigning people to committee, and I would  
18 be more comfortable with a motion from the council, and I would  
19 be glad to craft a draft motion for full council consideration,  
20 if we don't have time to really work on it here.

21  
22 **CHAIRMAN BOSARGE:** Robin.

23  
24 **MR. RIECHERS:** I will go down that road, if you want us to,  
25 Madam Chair, assuming everyone else -- We haven't heard anyone  
26 against it at this point, and so maybe we will flush them out  
27 with a motion, if we actually do that. If you want me to make a  
28 motion, I will at least try to do the first one, based on what  
29 I've heard Doug and what I've been able to read in the  
30 consolidation of committees report here and then we will go from  
31 there, but I'm going to do them one at a time, just because I  
32 want to make sure I'm getting them correct.

33  
34 **CHAIRMAN BOSARGE:** All right. Go ahead.

35  
36 **MR. RIECHERS:** I would move that we merge the Habitat and  
37 Artificial Reef Committees into a single Habitat Protection and  
38 Restoration Committee. I am making that subtle change in Doug's  
39 wording for Restoration, to identify artificial reefs there as  
40 well. I am trying to recognize the artificial reef side of that  
41 as well as we merge those two.

42  
43 **CHAIRMAN BOSARGE:** We have a motion on the board. Do we have a  
44 second? It's seconded. I have a question, because we are  
45 talking about a lot of different committees. Doug, let me recap  
46 what you said. You're going to combine Artificial Reef and  
47 Habitat, which that's what this motion speaks to. Then you were  
48 talking about separating Sustainability and Ecosystem, but then,

1 under Ecosystem, and I am coming to a point, Ecosystem, you were  
2 going to merge into the Ecosystem the Marine Reserves and the Ad  
3 Hoc Restoration. I only put that -- I am okay with Restoration,  
4 but I just want to make sure, when we get to the next motion,  
5 that we don't have two committees that end up with restoration  
6 in the name, because I think the Ad Hoc Restoration is going to  
7 be folded into the Ecosystem.

8  
9 **EXECUTIVE DIRECTOR GREGORY:** That's the way I proposed it, but  
10 it really could go either way. I mean, even Habitat Protection  
11 and Ecosystem eventually are going to be overlapping quite a  
12 bit, but we've had the Habitat Protection Committee since the  
13 beginning of the council, and so I think that should stay, for  
14 continuity purposes.

15  
16 **CHAIRMAN BOSARGE:** Robin.

17  
18 **MR. RIECHERS:** I see the point you're making, Madam Chair. The  
19 reality of -- I don't know that I want to keep a name just  
20 because we've had it since the council started, but if we think  
21 there is too much overlap between the Ecosystem Committee, which  
22 would be the second set of motions we're about to make, we ought  
23 to think, Doug, about merging those as well.

24  
25 Again, I don't see that much of a difference between the  
26 Ecosystem and the Habitat Protection, and whether we call it  
27 Habitat Protection and Restoration, I will let others decide  
28 that. If you don't like this wording, please offer some edits  
29 here, but if the only reason we're keeping them is because we've  
30 had them, we need to think about that differently.

31  
32 **CHAIRMAN BOSARGE:** Okay. Any further discussion on the motion?  
33 **Any opposition to the motion? Seeing none, the motion carries.**

34  
35 **MR. RIECHERS:** I will try the second motion now, and it will be  
36 simple. **It basically is to move that we divide the Sustainable**  
37 **Fisheries and Ecosystem Committee into two -- Let's just say to**  
38 **divide the Sustainable Fisheries and Ecosystem and have a**  
39 **Sustainable Fisheries Committee and an Ecosystem Committee that**  
40 **contains the subject areas of marine reserves, ad hoc**  
41 **restoration, and ecosystem.**

42  
43 Technically, we don't have a current Ecosystem Committee,  
44 because it's Sustainable and Ecosystem, but do we understand  
45 what we're meaning here, since it's topical areas?

46  
47 **CHAIRMAN BOSARGE:** Okay. Robin, is that your motion? Okay. We  
48 have a motion on the board. Do we have a second to the motion?

1 Dr. Lucas seconds. Just for clarification for the future, in  
2 case we look back on this motion and try and remember exactly  
3 what we were doing, we're going to divide the current committee,  
4 Sustainable Fisheries and Ecosystem, into two committees,  
5 Sustainable Fisheries and an Ecosystem Committee, which we  
6 haven't had before. Then that Ecosystem Committee that is now  
7 standing alone, will contain subject areas for the marine  
8 reserves, ad hoc restoration, and the current ecosystem. Is  
9 that your intent, Robin?

10  
11 **MR. RIECHERS:** That's my intent, assuming Doug answers this in a  
12 way that I can stick with that motion. Doug, when we have  
13 Sustainable Fisheries left as a stand-alone committee, what do  
14 we envision there, since we have so many species or grouping of  
15 fisheries committees, if you will, Reef Fish, Coastal Migratory  
16 Pelagics, et cetera, and so how do you see this as different as  
17 a committee as opposed to those committees?

18  
19 **EXECUTIVE DIRECTOR GREGORY:** Just to give Steven a heads-up, I  
20 will ask him to answer the question, but I think it came about  
21 when we did the Generic ACL Amendment and established ACLs and  
22 ACTs across the board, and I think that's at least Steven's  
23 intent going forward, to use that committee for the more generic  
24 topics, like MSST, MSY proxies, even though we will still talk  
25 about those things in particular committees.

26  
27 **MR. RIECHERS:** Steven, please go ahead, but it's basically a  
28 notion of those things that are cross-cutting to all of those  
29 different species and/or management plans, et cetera.

30  
31 **MR. ATRAN:** Yes, I agree with what Doug said. Things we're  
32 working on right now include a lot of generic information, like  
33 MSY proxies in general and revisions to the ABC control rule.  
34 Those are two items that we have on the docket right now.

35  
36 **CHAIRMAN BOSARGE:** All right. Were you good with Doug's answer?  
37 Are you going to leave your motion as it stands?

38  
39 **MR. RIECHERS:** Yes.

40  
41 **CHAIRMAN BOSARGE:** Okay. Any further discussion on the motion  
42 on the board? **Is there any opposition to the motion? Seeing**  
43 **none, the motion carries.** Doug, is that all you had under that  
44 agenda item now?

45  
46 **EXECUTIVE DIRECTOR GREGORY:** Yes, ma'am.

47  
48 **CHAIRMAN BOSARGE:** Okay. That will take us to next-to-last

1 agenda item, Review of the Administrative Handbook Revisions.  
2 Tab G, Number 9 is our document for this agenda item, and, Doug,  
3 you're going to lead us through this one as well, right?

4  
5 **REVIEW OF ADMINISTRATIVE HANDBOOK REVISIONS**  
6

7 **EXECUTIVE DIRECTOR GREGORY:** Okay. Throughout the document, you  
8 will see track changes. A lot of those are minor editorial  
9 clarifications of stuff that there's been a change in how things  
10 are identified or defined by NOAA or the federal government, and  
11 those are just there in track changes.

12  
13 What I have tried to identify for discussion, and we can discuss  
14 any of those that anybody sees at any time, but I am not going  
15 to go through each and every one of them. I want to just  
16 highlight the ones that I have identified as kind of major or  
17 important to staff or to the council, and that begins on page 7.

18  
19 We had, in the handbook, the specification of providing two  
20 annual bonuses to staff. One was called a performance bonus,  
21 which was up to each supervisor to give to a staff person that  
22 could not exceed -- Their bonuses could not exceed 2 percent of  
23 what the supervisor had oversight on, personnel budget-wise.  
24 Then we had a merit bonus that had a limit of \$4,000 per person.

25  
26 I found the two to be very confusing, and, to me, duplicative.  
27 A year or so ago, and this is without talking to the council or  
28 whatever, I started just giving the performance bonus to  
29 employees that were not qualified for a GS step increase that  
30 year, because it seemed duplicative to give somebody a raise  
31 because of good performance and then turn around and give them a  
32 bonus for the same good performance.

33  
34 The merit increase is for things that people have done during  
35 that year that go above and beyond their basic job description,  
36 and so I want to kind of combine the two into one. It was my  
37 assessment that \$4,000 per person max is probably a good limit.  
38 The other one didn't have a specific dollar amount limit, and it  
39 was confusing to calculate in the first place.

40  
41 I want to make that change, and, since that's in the  
42 administrative handbook, I wanted to bring it to your attention.  
43 Basically, I want to remove the annual performance bonus and  
44 just have a merit bonus annually, at the end of the year, and I  
45 would like motions on each of these major items. If the  
46 committee agrees to make a change, we need a motion. If the  
47 committee doesn't want to make a change to the handbook, then no  
48 motion is needed.

1  
2 **CHAIRMAN BOSARGE:** All right, committee. Is there any  
3 discussion on the change that Doug has proposed for the  
4 merit/performance awards? Dr. Dana.

5  
6 **DR. PAMELA DANA:** I don't know that this necessarily -- I mean  
7 it's related, but it doesn't necessarily depend on -- Earlier,  
8 we were talking about budgets, annual budgets from 2016 through  
9 2019. On the staffing line, we have overruns, and I am just  
10 wondering, is it -- When we're looking at bonuses, how common  
11 are bonuses, in general, in all fields, but also, if we're  
12 trying to stay within budgets and we're talking about bonuses,  
13 that is just not jibing, and I don't know.

14  
15 **EXECUTIVE DIRECTOR GREGORY:** I review the bonuses with the Chair  
16 each year. Since I have been here, no one has gotten the  
17 maximum, that I can recall. I don't know if that comes out of  
18 the salary line, and, without looking at the specific column and  
19 rows in the budget pages you're talking about, I can't really  
20 relate the two right now.

21  
22 **CHAIRMAN BOSARGE:** All right. Any other feedback for Doug on  
23 this change? Doug, this would essentially streamline and  
24 somewhat slightly minimize, I guess, the bonuses that would be  
25 granted to staff, because they wouldn't be eligible for two  
26 different bonuses, but simply one that sort of encompasses the  
27 process for the two that were there before?

28  
29 **EXECUTIVE DIRECTOR GREGORY:** Correct. I mean this is a  
30 reduction in the amount of bonus that staff can get. The  
31 deficits that you're seeing in the projected budgets are because  
32 of us changing our projections from a 10 percent increase per  
33 year to 3 percent. We pretty much did that across the board,  
34 and so we've got deficits in all the personnel categories,  
35 council, staff, the SSC, but those are not really operating  
36 budgets. We will bring you the operating budget in April and  
37 look at it at that point in time.

38  
39 I don't think the deficits that we're seeing in the projections  
40 for 2017, 2018, and 2019 right now are anything that we  
41 specifically need to be concerned about, because we have  
42 surpluses from last year and this year that will cover those,  
43 according to our projections.

44  
45 **CHAIRMAN BOSARGE:** Dr. Dana.

46  
47 **DR. DANA:** I appreciate that you're looking to streamline, and I  
48 think what you've proposed makes sense, but I am just saying, in

1 general, how common these days are bonuses? I mean, state  
2 representatives and people that work for the government, do they  
3 get bonuses? I am not trying to make a joke really, but I am  
4 just wondering. It's a luxury, certainly. That's just a  
5 comment.

6

7 **CHAIRMAN BOSARGE:** Robin.

8

9 **MR. RIECHERS:** I think what Pam is asking is the frequency that  
10 these have been given and the numbers of individuals who have  
11 received these over the last three years or two years or  
12 whatever that case may be, given the context of this. I don't  
13 expect that you have that right at your fingertips, but maybe  
14 you do. Am I right, Pam, that that's kind of the question that  
15 you're getting at, so that, as we move forward, we can actually  
16 maybe think about this, in addition to what our overall budget  
17 picture looks like?

18

19 **EXECUTIVE DIRECTOR GREGORY:** Right, we do, and I think -- I  
20 don't know if it says it here, but, in some places -- It does.  
21 It says these bonuses are contingent upon the availability of  
22 funds.

23

24 **MR. RIECHERS:** If I may, Doug, that is -- I appreciate that, but  
25 I think there is a more in-depth question going on here, which  
26 is how often, number of people receiving it, and how that plays  
27 into our overall budget as we move forward. I think we've had  
28 that request, and we probably ought to be able to get that  
29 information. It certainly is reasonable to ask for, as we look  
30 at budgets.

31

32 **EXECUTIVE DIRECTOR GREGORY:** Right, and we will do that in April  
33 with the 2017 budget. I think we do that, but I haven't paid  
34 that much attention to it in the April meetings, but I think it  
35 is included in the budgets and it's budgeted, and so we will  
36 bring that in April.

37

38 **MR. RIECHERS:** I appreciate you bringing a budget of what you  
39 think you're going to do in the next year, but I think the  
40 question deals with what has been going on as well.

41

42 **EXECUTIVE DIRECTOR GREGORY:** Do you want like what the average  
43 bonus per year is or do you want -- How far back do you want to  
44 go? Or do you want a breakdown of a table of every dollar  
45 amount? We're certainly not going to assign people's names to  
46 those, but I mean do you want an average of each year per  
47 person?

48

1 **MR. RIECHERS:** I would say let's just go back five years, since  
2 we're asking that question, the number of people, rate, and then  
3 an average associated with that is good as well, but -- Pam, I  
4 didn't mean to take over your conversation, but does that cover  
5 the things that you're asking for?  
6

7 **DR. DANA:** Well, those were what you wanted to ask. The comment  
8 that I had was how common are bonuses, period, in just overall  
9 other fields and organizations and such? I mean I give a  
10 Christmas present to the crew that works for me, but that's just  
11 me. However, how common is it for folks to give bonuses?  
12

13 **CHAIRMAN BOSARGE:** Andy and then Robin.  
14

15 **MR. RIECHERS:** I can speak for my agency. We have been able to  
16 give bonuses in most recent years, though certainly the picture,  
17 looking ahead, does not suggest that we are going to be giving  
18 nearly as many of those, but, when I say many of those, it's  
19 limited to a very small percentage of overall staff. While  
20 we're fortunate to be able to do that in some instances, it's  
21 not a wholesale, widespread kind of thing.  
22

23 I think, as a Budget/Personnel Committee or Administrative  
24 Policy Committee, and I don't know where it sits, but I think  
25 the information we're asking for is reasonable information  
26 though as well, just to get an idea of how that's working.  
27

28 **CHAIRMAN BOSARGE:** Andy.  
29

30 **MR. STRELCHECK:** NOAA has a 1 percent cap for bonus awards, so 1  
31 percent of our salaries can go toward awards, and that's all  
32 awards across NOAA and not just bonuses, and that's divvied out  
33 then at the Regional Office level.  
34

35 **CHAIRMAN BOSARGE:** Okay. Back to the task at hand. Do we have  
36 a comfortable feeling with the revisions that have been made to  
37 Section 3.4, Merit Awards, to streamline the way that those are  
38 processed? If we do feel comfortable with that change, then we  
39 would need to make a motion accepting that change, and so if the  
40 committee so wills -- Robin.  
41

42 **MR. RIECHERS:** I would move that we accept the language as  
43 proposed in 3.4, Merit Awards, in the administrative handbook,  
44 Tab G-9.  
45

46 **CHAIRMAN BOSARGE:** Robin, is that your motion?  
47

48 **MR. RIECHERS:** Yes, it is.

1  
2 **CHAIRMAN BOSARGE:** All right. We have a motion on the board.  
3 Do we have a second to the motion? Is everybody paying  
4 attention?  
5  
6 **DR. LUCAS:** I will second it.  
7  
8 **CHAIRMAN BOSARGE:** Okay. Dr. Lucas seconds the motion. Is  
9 there any discussion on the motion on the board? **Is there any**  
10 **opposition to the motion? Seeing none, the motion carries.**  
11 Doug, do you want to take us along to your next revision?  
12  
13 **EXECUTIVE DIRECTOR GREGORY:** Okay. Let's skip over to page 9.  
14  
15 **MR. RIECHERS:** I don't know how you're planning on doing this,  
16 but there was a change that I would call a significant change up  
17 on page 3. Are you going to come back to that or how are you  
18 planning to deal with that?  
19  
20 **EXECUTIVE DIRECTOR GREGORY:** We can do that now, if you like. I  
21 was not planning to come back to that.  
22  
23 **MR. RIECHERS:** I have read this, and I would offer some  
24 editorial changes to it, but I will let Doug go ahead and  
25 certainly explain what he wants to explain about that being  
26 added, and then we will do the best we can here to work through  
27 either this language or I will offer some different language.  
28  
29 **EXECUTIVE DIRECTOR GREGORY:** Yes, I apologize. That is  
30 significant. I was trying to put in here a procedure for  
31 dealing with workplace conflicts, where it's giving guidance to  
32 the staff that you work through your supervisor and you work  
33 through the hierarchy and where does that hierarchy end.  
34  
35 The final decision regarding personnel issues rests with the  
36 Executive Director. The Executive Director may consult with the  
37 Council Chair, Vice Chair, Personnel Committee Chair, and  
38 Personnel Committee Vice Chair to determine the course of  
39 action. If deemed necessary, the Council Chair may convene the  
40 Personnel Committee to review the facts in the case, to  
41 determine whether proper processes were followed.  
42  
43 **CHAIRMAN BOSARGE:** Robin.  
44  
45 **MR. RIECHERS:** Doug, I certainly understand the need to clarify  
46 this in the administrative handbook, and I certainly don't want  
47 to indicate that in any way that we don't want you to have those  
48 final decisions, but there is a couple of editorial changes that

1 I would make here that I think may help support you as you make  
2 those.

3  
4 What I would say is that after -- I don't know how to do this,  
5 because it's a long piece of language here, but I will make it  
6 as a motion or I can just talk about it and let the committee  
7 members speak up. Then, if we want to try to do that, we can  
8 then make it as a motion, and so probably I will do the latter.  
9 Let me speak to it.

10  
11 I think the final decision regarding personnel issues rests with  
12 the Executive Director after consult with the Council Chair,  
13 Vice Chair, Personnel Committee Chair and Personnel Committee  
14 Vice Chair, and I think that's truly probably what has been  
15 going on if an issue rises to that level and is not solved down  
16 at the staff level.

17  
18 Then, in addition, what I would say is that we review the issue.  
19 If deemed necessary, the Council Chair may convene the Personnel  
20 Committee to review the issue, and stop the sentence right  
21 there, because I think that's the decision of the Council Chair  
22 and you, Doug, if you want to have that broader audience with  
23 the Personnel Committee, but it's really to review the issue.  
24 It's not to review what happened after the fact. It's to go  
25 over those issues. Those would be the two editorial changes  
26 that I would make there.

27  
28 **EXECUTIVE DIRECTOR GREGORY:** If there is no objection, we will  
29 just do track changes for that paragraph and take it to the  
30 council as a committee motion.

31  
32 **CHAIRMAN BOSARGE:** In other words, so we can see it in writing  
33 at full council. I think that would be helpful. Thank you.  
34 All right. Then we will skip back over to page 9 now, where we  
35 were headed, Doug.

36  
37 **EXECUTIVE DIRECTOR GREGORY:** On page 9, the red paragraphs, I  
38 don't know why the underlining didn't come through on all of  
39 this, but, unless there's a strikethrough, the red lettering are  
40 additions to the handbook. Normally, it's underlined. I guess,  
41 in translating a Word document to PDF, the underline got lost.

42  
43 At the middle of the page, right now, the council policy is to  
44 allow staff to accumulate annual leave without limit. That  
45 policy was put in place sometime around 2002, and, from the best  
46 I can determine from looking at the minutes and committee  
47 reports at that time, the council allowed that because the  
48 benefits the council had for staff were much less than the

1 benefits that National Marine Fisheries Service had, and so this  
2 was kind of a way of making up for that lack of benefits, by  
3 allowing annual leave to be accrued without limit.

4  
5 NOAA has 240-hour annual limit on their annual leave. If you  
6 have anything over 240 hours at the end of the year, you lose  
7 it. What I am proposing to do, because we have -- This is tied  
8 into the next paragraph down. We're in a situation now where we  
9 have at least seven staff that have more than 240 hours on the  
10 books. I have four staff that have more than 480 and two staff  
11 with more than 1,000.

12  
13 It creates a situation in that we have been, without having it  
14 in writing, we've been letting staff -- I don't know what the  
15 state agencies or NMFS does with regard to this, but we've been  
16 letting staff use their accrued annual leave to be paid out  
17 biweekly until the annual leave is exhausted, and I think we've  
18 been doing that consistently.

19  
20 With the increase in the amount of annual leave that has been  
21 accumulated, that means someone stays on our payroll for up to a  
22 year or more after they have left us, and they continue to get  
23 health insurance and life insurance. It's not a major cost. It  
24 costs about \$30,000 a year, if someone had enough annual leave  
25 to take them through a whole year, and so it's not a major cost,  
26 but it does keep them on the books, in essence. Nobody is  
27 terminated as long as you are getting a salary.

28  
29 We put money aside, and NOAA allows us to do this. We have a  
30 bank account where we put money into that account to pay for  
31 people's accumulated leave, but there is no money in that  
32 account to pay for their 401K contributions or their health  
33 insurance, and so it can become a burden, in the future. It's  
34 not a burden right now.

35  
36 I was proposing two options here, to put a cap of 240 or 480  
37 hours on our annual leave. Then any excess to that at the end  
38 of the year would roll over to sick leave, so staff wouldn't  
39 lose it. I mean this is a big change, to go from allowing staff  
40 to accumulate leave without limit to putting a cap on the leave,  
41 and so I wanted to put the two options before you of the 240,  
42 which the only reason that's there is because that's what NMFS  
43 has.

44  
45 I know the states have different hours. I was with the State of  
46 Florida, and I think we had 532 hours or something like that  
47 that we could accumulate, or maybe that was a university thing,  
48 and so it varies from agency to agency.

1  
2 What we're talking about is 240 hours is basically six weeks of  
3 paid leave. It's not a long time. It's not near what a year  
4 is. 480 hours is twelve weeks of paid leave, or basically three  
5 months. We have no limit on sick leave, and I don't think any  
6 agency does. An employee does not get sick leave when they  
7 terminate unless they take an early retirement or a regular  
8 retirement termination. Then they get one-half of their sick  
9 leave, up to a limit that's specified in the handbook.

10  
11 There are two aspects to this. They kind of intertwine, but the  
12 first part is to put a limit on the amount of annual leave that  
13 can be accumulated in a year, with the difference, the excess,  
14 rolling over to sick leave. Should that limit be 240 hours or  
15 480 hours, given that we now do not have a limit at all? I  
16 don't have to tell you how staff feels about this.

17  
18 **CHAIRMAN BOSARGE:** Okay. Any feedback from the committee on  
19 this track change? Robin.

20  
21 **MR. RIECHERS:** Doug, do you have a recommendation of the 240 or  
22 480, if you've looked across other agencies or anything like  
23 that? I certainly understand how staff, given where we are, how  
24 they might have some issues with this, but this is a financial  
25 liability associated with the council, and certainly, as you're  
26 doing this, you're not hurting staff, to the point that you  
27 basically are grandfathering in everyone right now where the  
28 are, and so it just impedes their ability to accrue moving into  
29 the future to higher rates, but you're putting them at the same  
30 level as to where they are right now.

31  
32 These are the kinds of considerations that, as a body, we've got  
33 to consider when you think about financial liabilities moving  
34 forward, and so I am not opposed to looking at this, but I would  
35 -- Is there a recommendation of 240 or 480? You've got two up  
36 there.

37  
38 **EXECUTIVE DIRECTOR GREGORY:** Yes, I bolded the 480. That would  
39 be my recommendation, and I forgot to mention about the  
40 grandfathering. The way this will work is whatever leave we  
41 have at the end of this year we will keep. Then we will start  
42 the clock on January 1 with four hours per pay period or six  
43 hours per pay period or eight hours per pay period, and let's  
44 take my instance.

45  
46 I get six hours per pay period. If I want to take a two-week  
47 vacation or a week of vacation at the beginning of January, that  
48 six hours of that pay period would go toward that vacation and

1 then so would the grandfathered amount. Then that grandfathered  
2 amount is reduced as it's used. It doesn't stay at that level  
3 that it's at now, and so it will be reduced as it's used. I  
4 would recommend the 480 hours and then have any excess hours  
5 roll over to sick leave.

6

7 **CHAIRMAN BOSARGE:** Dr. Dana.

8

9 **DR. DANA:** I think the industry standard -- I mean the Gulf  
10 Council has been very generous, but the industry standard is 240  
11 hours of annual leave, and many places is use-it-or-lose-it and  
12 it doesn't necessarily roll over into a sick leave. I guess,  
13 along the lines of what NOAA has is more of an industry  
14 standard.

15

16 **EXECUTIVE DIRECTOR GREGORY:** I'm suggesting that it rolls over  
17 to sick leave because that's what the State of Florida did for  
18 me when I left. Any excess hours, and I think it was five-  
19 hundred-and-some-hours, at the end of the year would roll over  
20 to sick leave automatically, and so that's where I got that idea  
21 from.

22

23 **CHAIRMAN BOSARGE:** Doug Boyd.

24

25 **MR. DOUG BOYD:** Thank you, Madam Chairman. I'm not on the  
26 committee, but I do have a question. What is your definition of  
27 leave? If we're talking about 240 or 480, what is the  
28 definition of leave that accumulates?

29

30 **EXECUTIVE DIRECTOR GREGORY:** Annual leave and vacation leave.

31

32 **MR. BOYD:** All right. With that definition, we have staff who  
33 have accumulated 1,000 hours, which means that they probably  
34 don't take a vacation every year at all, to get that much leave,  
35 and so we have someone who has the ability or the right to take  
36 two weeks or three weeks, but chooses not to, and the council  
37 does not make it mandatory that they take leave for a certain  
38 amount of time each year, and is that correct?

39

40 **EXECUTIVE DIRECTOR GREGORY:** Correct.

41

42 **MR. BOYD:** Thank you.

43

44 **CHAIRMAN BOSARGE:** I should probably know the answer to this,  
45 but, as it rolls over to sick leave, then there is not a cap on  
46 the sick leave, correct? I am assuming the difference would be  
47 when you leave the council and how it's handled, sick leave  
48 versus paid time off, annual leave?

1  
2 **EXECUTIVE DIRECTOR GREGORY:** Exactly. Sick leave has no limit,  
3 and it is handled differently when you leave council employment,  
4 depending on whether you are in retirement or not. If you're  
5 not in a retirement program, you don't get any of your sick  
6 leave to go with you, but you do get all of your annual leave to  
7 go with you.

8  
9 **CHAIRMAN BOSARGE:** Martha and then Myron.

10  
11 **MS. GUYAS:** This question may muddy the waters, but do you all  
12 have comp time? How do you handle that? I would assume that  
13 people are using their comp time and not vacation and that's why  
14 people aren't going on vacation?

15  
16 **EXECUTIVE DIRECTOR GREGORY:** In some instances. In other  
17 instances, people just don't take much vacation time. I take  
18 probably -- I am not the top vacation person, but I take a lot  
19 of time, more than the average person, because of going back and  
20 forth to Key West, but, yes, some people don't take much  
21 vacation at all.

22  
23 **MS. GUYAS:** So does your comp -- It rolls over from pay period  
24 to pay period and it's not just if I work twenty hours today  
25 that I can work less hours tomorrow and I'm all evened out?  
26 That's how my time sheet works. I don't carry it over pay  
27 period to pay period, but I'm just curious.

28  
29 **EXECUTIVE DIRECTOR GREGORY:** We were following the NMFS approach  
30 to comp time, and they had something that said your comp time  
31 can stay on the books for up to six weeks. Our staff was  
32 tracking when each person got an hour of comp time. One of the  
33 changes I made when we first revised the handbook was to do away  
34 with that and put a cap of 120 hours, just so it would reduce  
35 the amount of paperwork and tracking we had to do.

36  
37 We have a limit of 120 hours of comp time that has only been  
38 exceeded one time, when we had a flurry of public hearings and  
39 we were shorthanded with administrative staff, and so, yes, we  
40 can accumulate comp time, and we follow the NMFS procedure on  
41 that as closely as possible. They do have something called  
42 credit time, where if you only work six hours one day and you  
43 want to work ten hours the next day to make it up within the pay  
44 period, you can do that also.

45  
46 **CHAIRMAN BOSARGE:** I had Myron next.

47  
48 **MR. FISCHER:** Thank you, Madam Chair. My question is were the

1 other states all polled on how they handle this type of  
2 situation? In Louisiana, it's handled much differently. I  
3 think it's a good system. I'm in it. This is much more  
4 liberal. I might switch to the Gulf Council before I retire,  
5 but I just wonder if the other states were consulted in how this  
6 fits in with the five states. Being this is the Gulf Council  
7 managing the fisheries in the five states, I think it should be  
8 not only similar to NOAA, but what the states do.

9  
10 **EXECUTIVE DIRECTOR GREGORY:** No, I did not. I just  
11 automatically look at the way NOAA does things and start from  
12 there, because we have always kind of been considered federal  
13 employees or federal-like employees, contractors, and the  
14 council apparently, because of the policy of having unlimited  
15 leave, have always tried to make our benefits comparable to  
16 federal benefits.

17  
18 We had an analysis that was presented to the council I think in  
19 January of 2015 that did show that we now have comparable  
20 benefits to National Marine Fisheries Service, and that is my  
21 rationale for putting a cap on leave and not allowing it to grow  
22 without limit, because we now have comparable benefits.

23  
24 **CHAIRMAN BOSARGE:** I had Johnny next.

25  
26 **MR. GREENE:** I think sick leave would be the appropriate place,  
27 because if you didn't take a vacation from this mess over a  
28 year, it should be sick. I often struggle with the five or six  
29 weeks in between the meetings.

30  
31 Listening to the conversation, and not having a corporate  
32 background, I am just kind of looking at it from maybe a 10,000-  
33 foot view that some people aren't. We put this policy in place  
34 in 2002, or thereabouts, when we weren't able to step up to the  
35 plate and offer them maybe something that would be considered  
36 competitive, but the reality is that I think we made a deal with  
37 them.

38  
39 Going from 1,000 to 480, that's less than half, and so,  
40 potentially, what we should do is, if someone has 1,000 hours  
41 and we're looking at this 480, I think we made a deal with them,  
42 and I think they should be grandfathered in, and I think it  
43 should move as Executive Director Gregory said.

44  
45 If you want to look at making a change, perhaps what you need to  
46 do is look at a new hire. At this point, if you're hired in,  
47 you're going to come in and you're going to be at this 240, and  
48 I think that sounds reasonable and rational. You're not going

1 back on anybody and you're making a deal. If they accept it, if  
2 they can handle the 240, then I think that's fine, but I think  
3 that's our only way out of this particular situation.

4  
5 **CHAIRMAN BOSARGE:** Doug, it sounds like we've had some good  
6 discussion and there's been a couple of options laid out. We  
7 have about fifteen more minutes left in this committee, and I  
8 know you have some other things you want to get to. Do you  
9 think maybe you could bring us back some more information on  
10 this one? Myron mentioned what the different states may do, and  
11 Johnny mentioned the fact that some of this went into place for  
12 us to be competitive, and maybe we get a good overview and maybe  
13 get a little deeper into this one at a later date.

14  
15 **EXECUTIVE DIRECTOR GREGORY:** I can bring this back in October.  
16 It wasn't anticipated to make a change like this until January  
17 anyway.

18  
19 **CHAIRMAN BOSARGE:** I think that sounds good. Do you want to  
20 take us to our next change?

21  
22 **EXECUTIVE DIRECTOR GREGORY:** The next thing is again on page 9,  
23 and I alluded to it. We have had this policy, and it hasn't  
24 been in the handbook, and, again, I don't know what the states  
25 do, and I will research that with states, of how to handle the  
26 accumulated annual leave when a person decides to leave  
27 employment with the council.

28  
29 Right now, annual leave is allowed. It's the employee's choice  
30 to either get it in a lump sum, if they want it, or to run it  
31 out completely as biweekly payments. As long as they are  
32 getting biweekly payments, they are still on the payroll and  
33 they are still getting health insurance, and that's the main  
34 thing people are attracted to.

35  
36 Whether you get a lump sum or you run it out biweekly, it does  
37 not affect your retirement contribution. It's the same no  
38 matter what. You could argue that allowing it to run out over a  
39 couple of years has less of a direct impact on the budget at  
40 that point in time. The leave itself is at a bank, and so that  
41 doesn't affect the council, and, like I said, on average, it's  
42 about \$30,000 a year of cost to the council if somebody runs out  
43 their annual leave.

44  
45 What I am proposing to change here is, instead of letting the  
46 employee choose how they want their annual leave, I said to the  
47 council, but it would be my decision, or the Executive  
48 Director's decision, as to how the annual leave is handled.

1 Again, staff is not happy with the change in who makes that  
2 decision, and so that's on page 9 as well, and I can research  
3 the states, if you want, and come back in October with that one  
4 also.

5

6 **CHAIRMAN BOSARGE:** Kevin.

7

8 **MR. ANSON:** Thank you. I'm not on your committee, but, Doug,  
9 you made a comment earlier that you have this set-aside or  
10 you're able to deposit money into a side account to cover some  
11 of these expenses. In that account, if you were talking  
12 specifically to the staff that have excessive amounts or high  
13 amounts of annual leave, and if they chose to take the lump-sum  
14 distribution, is there enough money in that account to cover  
15 that scenario, or is it only for a situation where it's spread  
16 out over time and you can kind of absorb that over maybe a  
17 couple of years in the budget?

18

19 **EXECUTIVE DIRECTOR GREGORY:** We brought that account up to par  
20 with our end of the five-year grant money in 2014. That money  
21 is to cover the salary only. It doesn't cover retirement costs  
22 or health insurance costs. That would have to come out of our  
23 operating budget, and, again, as far as the retirement costs go,  
24 it doesn't matter if it's a lump sum or not. It's the same  
25 amount of money.

26

27 **CHAIRMAN BOSARGE:** Mara.

28

29 **MS. LEVY:** Just a question, based on the language. We're  
30 talking about the part that says, upon termination, unused  
31 annual leave will either be paid in a lump sum or as biweekly  
32 payments, and then the other sentence that says the biweekly  
33 payment may continue until the leave is exhausted or  
34 discontinued earlier, if deemed beneficial to the council, but  
35 it's not really clear to me, from these two sentences, who is  
36 making the decision, at least initially, about how to do it and  
37 then who is making the decision that it's beneficial to the  
38 council to discontinue the biweekly payments.

39

40 Also, I mean I don't know that you need to be super specific,  
41 but what does "deemed beneficial" mean? If you're really  
42 setting a standard, it's not clear what the standard is, and so  
43 I'm not sure if you don't want to set a standard or maybe you  
44 want to talk about that.

45

46 **EXECUTIVE DIRECTOR GREGORY:** It's not clear, and I would get  
47 with you on the wording. That would be a decision that I would  
48 say the Executive Director would make, with assistance from the

1 Administrative Officer and Deputy Director, and it depends on  
2 what the budget situation is at the time. Like I said, to allow  
3 someone to continue on health insurance for a year costs about  
4 \$30,000.

5  
6 If that was a factor in our budget, then I thought it should be  
7 the management's decision whether to let that happen or to pay  
8 it in a lump sum and save that \$30,000, rather than have it as  
9 an employee decision.

10  
11 The other thing I didn't research is I assume we have the  
12 authority to make those decisions and it's not a right of the  
13 employee as to how to handle it, and, again, I don't know how  
14 the other states do it.

15  
16 **CHAIRMAN BOSARGE:** Robin.

17  
18 **MR. RIECHERS:** Mara, I think you made some of the points I  
19 wanted to make. I think there is some language here that just  
20 we need to clarify as we address this, because, as I'm reading  
21 this, Doug, if you allow them to basically burn out their leave,  
22 they are still employed. I think we just need to clarify that.

23  
24 As far as how the other states do it, in the State of Texas, we  
25 have got the clause that you're suggesting with your last  
26 sentence, basically, where if someone is wanting to leave  
27 employment, we basically can determine whether we do the lump  
28 sum or whether we do the burn-out notion, depending on what they  
29 ask us to do. Obviously we will consider it, but we have the  
30 final decision, as far as the state goes.

31  
32 **EXECUTIVE DIRECTOR GREGORY:** That was what I was trying to get  
33 at, just who makes that decision. Again, I can consult with the  
34 states to see how they handle this and bring it back.

35  
36 **CHAIRMAN BOSARGE:** Okay. Any more feedback on that item? All  
37 right. Then continue.

38  
39 **EXECUTIVE DIRECTOR GREGORY:** On page 12, we had some  
40 clarification on how we handle family and medical leave, under  
41 the Family and Medical Leave Act. One of the things you need to  
42 do is specify how you count your twelve months of leave. You  
43 can do it one of three ways. The federal government has  
44 determined that, even though we're an office of less than fifty  
45 employees, we are required to follow FMLA.

46  
47 Under FMLA, every twelve months, every employee has the option  
48 of taking twelve weeks of protected leave if they fall within

1 the guidelines of illness or maternity under FMLA. Now,  
2 protected leave means you don't lose your job for being gone for  
3 twelve weeks, three months.

4  
5 What we do is we let people use their annual leave, or we have  
6 them use their annual leave, until it's exhausted, and then they  
7 go on leave without pay. The twelve-month period can either  
8 start at the beginning of each calendar year or it can start the  
9 date that someone applies for FMLA or the date that they end it,  
10 and the easiest approach to this on management, or a company, is  
11 to start the FMLA accounting period on the date a person applies  
12 for FMLA, and so we're just making that very clear in the  
13 handbook that that's what we're doing, and that's the way we've  
14 been handling FMLA, and so we're just putting it in writing  
15 right now.

16  
17 That doesn't require a motion of any kind, unless you want to  
18 change it from something different, because some of this is I'm  
19 just trying to get into the handbook what our process or  
20 procedures are that haven't been written down before, but I will  
21 be glad to answer any questions.

22  
23 **CHAIRMAN BOSARGE:** Anybody have a question or feedback for Doug  
24 on that? Okay, Doug, go ahead.

25  
26 **EXECUTIVE DIRECTOR GREGORY:** The next item is on page 14.  
27 Again, it's explaining or clarifying what our life insurance  
28 benefit is. The way life insurance is provided to the council  
29 staff was changed about four or five years ago, but, when we  
30 rewrote the handbook in 2014, we didn't catch it and put it in  
31 there then, and so we're putting it in there now.

32  
33 As it reads, staff gets a \$50,000 basic life insurance policy,  
34 each staff person, and then it's possibly to buy a supplemental  
35 insurance, I think in \$20,000 increments. Then, when you get to  
36 age sixty-five and older, that insurance drops dramatically, and  
37 so we're just putting this in the handbook as an explanation as  
38 to what our current life insurance process is. It's not a  
39 change we've made in the last three or four years since I've  
40 been here. It was something that was done prior to that.

41  
42 **CHAIRMAN BOSARGE:** All right. Any questions or feedback for  
43 Doug on that clarification? Seeing none, go ahead.

44  
45 **EXECUTIVE DIRECTOR GREGORY:** The last item I wanted to bring to  
46 your attention was something the -- Up until 2012, the admin  
47 staff were hourly employees. They were made exempt employees in  
48 2012. As exempt employees, they were allowed to accumulate comp

1 time for extra hours. The council staff had always been allowed  
2 to accumulate comp time for travel hours, like on the weekend or  
3 at night.

4  
5 When I came onboard, I said, well, let's just -- Since the admin  
6 staff are still claiming comp time as an exempt employee, let's  
7 let all employees claim comp time for working more than forty  
8 hours a week, which seems to be in keeping with what other  
9 agencies do, but, in this instance, I felt like it was -- Since  
10 we go to professional development meetings, conferences,  
11 scientific conferences, and we try to encourage and have the  
12 funds for every staff person to go to one a year, and sometimes  
13 those meetings extend over the weekend and stuff, I just felt  
14 like, since we're providing this service or this benefit for the  
15 staff, to remove the ability to accrue comp time while they're  
16 on professional development seemed a reasonable thing to do.

17  
18 It's not a major cost savings or anything, but it just seemed an  
19 appropriate thing to do, and we haven't really written out that  
20 before, and so I just wanted to bring that to your attention.  
21 If you think that's excessive and different from the way the  
22 states do it, then we don't have to do that. We can continue to  
23 allow people to accrue comp time when they're on a conference  
24 that we are paying for as authorized travel.

25  
26 **CHAIRMAN BOSARGE:** Any questions or feedback for Doug on that  
27 amendment? All right. Seeing none, go ahead.

28  
29 **EXECUTIVE DIRECTOR GREGORY:** Madam Chair, that's the end of the  
30 major items that I wanted to bring to the committee's attention.  
31 If there is anything else that anybody sees in the handbook that  
32 they think we ought to discuss, we can do that at this point.

33  
34 **CHAIRMAN BOSARGE:** Any other discussion by the committee? I  
35 don't see any, and so if you could just bring us back those  
36 items that we asked for a little more analysis on, that would be  
37 wonderful. Mara has a question.

38  
39 **MS. LEVY:** I was late in getting my hand up. Are we looking --  
40 Doug, when you were talking about the language on page 16, and  
41 if we are, I would just note that it says "unless the  
42 professional development is required by a supervisor for  
43 remedial purposes, compensatory time may not be accrued", and do  
44 you want to -- Remedial seems like they're going because you  
45 have required them to take some training, but what you were  
46 talking about seemed like we're giving them the opportunity to  
47 advance their knowledge and not that they need it for remedial  
48 purposes.

1  
2 **EXECUTIVE DIRECTOR GREGORY:** Correct. I was trying to make that  
3 distinction, that if somebody is required to go to say night  
4 classes or whatever to learn a particular aspect of the job that  
5 we have identified through the evaluation process, they would  
6 get comp time for that. If it's something they just want to do  
7 on their own, then we would pay for the class, but we wouldn't  
8 give them comp time for it.

9  
10 **CHAIRMAN BOSARGE:** All right. Thank you for that clarification.  
11 Any other comments or questions? All right. I believe that  
12 takes us to Other Business. Did anybody have anything they  
13 wanted to mention in Other Business? Seeing none, we have run  
14 through our agenda and this committee has come to a close.

15  
16 (Whereupon, the meeting adjourned on August 15, 2016.)