GULF OF MEXICO FISHERY MANAGEMENT COUNCIL

ADMINISTRATIVE/BUDGET COMMITTEE

Naples Grand Beach Resort

Naples, Florida

June 5, 2017

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Campo Matens .......................................................... Louisiana
Paul Mickle (designee for Jamie Miller) ........................... Mississippi
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The Administrative/Budget Committee of the Gulf of Mexico Fishery Management Council convened at the Naples Grand Beach Resort, Naples, Florida, Monday morning, June 5, 2017, and was called to order by Chairman Leann Bosarge.

ADOPTION OF AGENDA
APPROVAL OF MINUTES
ACTION GUIDE AND NEXT STEPS

CHAIRMAN LEANN BOSARGE: We are going to start this morning with Administrative/Budget Committee. The way our SOPPs are written, just to give you a little intro as to why I’m going to be chairing this committee today, the way our SOPPs are written, we actually appoint a specific person, and not a position, per se, but a specific person as Chair and Vic Chair.

As such, we appointed Dr. Lucas as Chair, and we appointed Mr. Riechers as Vice Chair. As you know, Kelly has transitioned to a new position, and so we have Dr. Mickle, and so he’s not officially appointed as the Chair, and so that rolls us into the Vice Chair chairing this committee, and, unfortunately, Mr. Riechers, poor fellow, at the last second, he had something come up, and so he’s not going to be with us today. So, no offense to Lance or to Dr. Mickle, but I am going to chair this committee today. So, let me find my agenda, and we will get started.

If you turn to Tab G, Number 1, that’s where you will find our agenda. Are there any modifications or additions to the agenda as presented? Mr. Gregory.

EXECUTIVE DIRECTOR DOUGLAS GREGORY: For Other Business, I would like to have you briefly talk about the regulatory burden Executive Order that was discussed at the CCC meeting, and I would like to say something, really briefly, about our new website under Other Business.

CHAIRMAN BOSARGE: Okay. We have those two items notated on the agenda for Other Business. Any other additions or modifications to the agenda? Seeing none, the agenda is approved as modified. Next, you will find your minutes from our last Admin/Budget Committee meeting. That’s listed under Tab G, Number 2. Are there any edits or revisions to those minutes? Seeing none, the minutes are approved as written.

Your Action Guide and Next Steps are listed under Tab G, Number 3, and the first item that we’re going to launch into is going to be Approval of our Final 2017 Budget Funding, which should be
an interesting discussion. I am going to turn that over to Mr.
Gregory.

**APPROVAL OF FINAL 2017 BUDGET FUNDING**

**EXECUTIVE DIRECTOR GREGORY:** We kept this on the agenda because
we expected to have our funding for the remainder of this year
from National Marine Fisheries Service, but we do not, and so I
really don’t have a budget for you to review at this point. I
am certain that we’ll have one by August, and, by the way, we do
have enough money to operate through the end of July, and so I
think we’re like the other councils, and so we’ll all get our
money pretty quickly.

The budget has been passed. The paperwork in NOAA is just being
processed, and so we expect to get funds any day now, but we
don’t have a budget to actually approve. We think it will be
close to level funding. It could be a little bit less, or it
could be a little bit more. We really don’t know at this time.

**CHAIRMAN BOSARGE:** As you know, we’ve been tightening our belt
everywhere that we can to try and prepare ahead of time, in case
we do have a budget reduction, which is very possible, and so,
for example, our SSC meeting, the last one, we did via webinar.
The agenda was short enough that we felt that we could do a
webinar meeting and that would save a little bit of money and we
would still be able to tackle all of the issues on the agenda as
needed, and so most of the AP meetings from now on will probably
be held in Tampa, because that’s cheaper for us. We have a
meeting room there, and we can save a few dollars that way.

We probably won’t be getting a whole lot of verbatim minutes on
AP meetings and things like that, where we were doing that in
the past. Unless it’s something that is specifically requested
by the council, or a real contentious meeting or something, we
probably won’t have verbatim minutes. You will have your
meeting summary, and it will still be broadcast via webinar, but
you just won’t have those verbatim minutes, because that does
cost extra, and so, anyway we can tighten our belt, we’re

**MS. MARTHA GUYAS:** Just a question. If we won’t have verbatim
minutes, those meetings are recorded though, right, so if
somebody wanted to -- Okay. Thank you.

**CHAIRMAN BOSARGE:** All right. Next on our agenda is our Review
of MSA Legislation, and I’m going to turn it over, again, to Mr.
Gregory.
REVIEW OF MSA LEGISLATION
H.R. 200

EXECUTIVE DIRECTOR GREGORY: Thank you, Madam Chair. I received a lot of comments on my reading ability at the last meeting, but I think I will forego that this time and just do a summary. We will touch on the items in H.R. 200 that we did not discuss in April, and then I will identify items in H.R. 2023 which a number of them are duplicative of items that are in H.R. 200, and so that should go fairly quickly as well.

In H.R. 200, the ones we skipped in April start in Section 7, and that’s on page 5 of the handout. Basically, Section 7 is the transparency and public process section. It requires the councils to do basically what we already do, as far as webcasting our meetings and having our recordings online for people to access and doing verbatim minutes of the council. The only thing that might add to us is to actually put a public comment period on our SSC agendas. That’s the only thing that we’re not doing that’s required here.

The major part of this is also referring to something called a fishery impact statement. When the reauthorization bills started in 2014, some of the councils wanted to replace the NEPA process with the Magnuson Act process, thinking that it would streamline the operations and make it easier for the councils. In this section, it identifies what should be in a fishery impact statement and how the council goes about developing one, and it’s intended to replace the NEPA process, but the councils that were really eager to have this change are now saying they’re satisfied with the NEPA process, and so that’s mainly what that is about.

Now, I want to point out that I welcome comments, either in the meeting or afterwards with track changes, on any of these items. We are referring to this as a draft at this point.

Section 8 is limitations on future catch share programs. This amends 303A. It identifies eligibility to vote in a referendum, and it specifies a petition process for any catch share program that the Secretary may want to implement.

Now, I don’t know if that includes the council or just the Secretary’s plan that’s independent of the council. Right now, there is not a -- It says, in that section, that the Secretary may not implement any catch share program managed exclusively by the Secretary unless first petitioned by a majority of permit
holders eligible to participate in the fishery, and so it’s not clear what that means.

Then Section 9 is just the report on the fee. We currently don’t see reports on what happens to the money that’s collected under an IFQ or catch share program, and the 3 percent of the value of the harvest is the fee, or the maximum fee.

Section 10 is cooperative research and management programs. The main thing here that would be new is to require five-year updates. Then we’ll skip over to Section 18 on page 14, the estimation of cost recovery from a fishery resource disaster, and I had written here that this could benefit the council in the event of a disaster, and it was requested how or why, how that would happen.

I really can’t come up with an idea or why I wrote that as a direct benefit to the council. I perceived it as an indirect benefit, I think because the quicker we know about a disaster, and if something is declared a disaster, the quicker we can make accommodations. That’s my thought process on that, but I will change that to not say there is a direct benefit to the council and any other modification that any of the council members would like to see.

Section 19 is a deadline for action on request by a governor for a determination regarding fishery resource disasters. That’s a benefit, in that it will allow for a more timely designation of a fishery disaster than the current process.

Section 22 on page 15 was about subsistence fishing, which won’t affect us in the Gulf. Then the last three sections, 25, 26 and 27, we didn’t cover. Section 25 is a preference for students studying water resource issues. This is kind of a confusing section, in that it says students should have a preference for being hired to do data collection. This is probably already happening, if students apply, because of their unique qualifications and experience as a marine biology student.

Section 26 is requirements for limited access privileges. This section requires the council take action within two years after a review is completed. Currently, we do a review, but there is no requirement for us to take action in any timely manner, but this really puts a two-year deadline on taking action, and then Section 27 is healthy fisheries through better science.

This is largely identifying things that we already do. It does specify for more stock assessments, and I think the stock
assessment frequency we get -- It’s still going to be kind of dictated by the resources that are available to do them, but, if we can get more frequent stock assessments, that would definitely benefit the council, and it also calls for more SSC involvement in identifying the best available science for data that’s collected or provided outside the federal agency or state agency process.

Now, currently, there seems to be an emphasis on trying to get data from other sources, but we currently do that. The SEDAR process, one of the very first workshops is a data workshop, and that’s where fishermen are invited to participate that are active in the fishery and scientists are invited to participate and try to identify all the data that’s available, both published and unpublished, to go into the stock assessment, and so that is largely covered. Those are the items in 200 that we didn’t cover in April.

**H.R. 2023**

Then H.R. 2023, four of these sections are similar or duplicative of sections in H.R. 200, and I will note those. In Section 101, process for allocation review, this is a requirement for the National Academy of Sciences to develop some allocation guidance for the councils, and so, when this is completed, if it passes, we will have another source of guidance for how to determine allocation or reallocations. This section requires that all allocations be reviewed every three years. I think that’s probably excessively burdensome. Every five years, or ten years, would be more reasonable.

Section 102, which is similar to Sections 12 and 29 in H.R. 200, the first part identifies specifically for red snapper, to try to develop alternatives to quotas or ACLs for managing the fishery, and this section would repeal Section 407(d), which required a quota on the recreational sector of red snapper even before ACLs were required. Yes, ma’am.

**CHAIRMAN BOSARGE:** Sorry you got ahead of me, but I was just going to make one suggestion on Section 102. It’s the third box down, your comments over there, where it was talking about reviewing allocations where there is a mixed-used fishery, where you have commercial and recreational fishing.

You were talking about the burden, that it could potentially place a significant burden on both the council and NMFS staff time to conduct, and I think it may be helpful over there, in that next sentence, that this would include the many species
within the reef fish fishery, and can we can get a total count on how many different species we would need to review allocations for?

That requirement, I think, goes on further to say then how often you’re going to have to do those. You know, I think a hard number would be good there, so we could really get a feel for what we’re looking at.

EXECUTIVE DIRECTOR GREGORY: Okay.

CHAIRMAN BOSARGE: Thanks, Mr. Gregory.

EXECUTIVE DIRECTOR GREGORY: Okay. Yes, we can do that. Then, in Section 103, there’s a moratorium on limited access programs for mixed-use fisheries, and mixed-use is where there’s both commercial and recreational sectors.

Section 104 is related to rebuilding overfished and depleted fisheries, and this is very similar to Section 4 in H.R. 200 that provides additional flexibility to the councils beyond the ten-year rebuilding requirement that we currently have, and Section 105 is the modification to the annual catch limit requirement. This is similar to Section 5 in H.R. 200 in all components.

CHAIRMAN BOSARGE: Yes, and, in that second box for Section 105, when I read that one, I think part of my feedback there would be the part that worried me -- This is the section that says what happens to make things to where you don’t have to develop an annual catch limit for a species or for a sector of the fishery for that species, and, when I read through that, the invisible hand -- Humans tend to act in their own self-interest, right?

Well, the way this reads, it’s almost a disincentive to improve your data collection. For example, right now, in some fisheries, we have stakeholders really pushing us to try and get better data collection. We just implemented some electronic reporting, GPS requirements, or at least archived, in the for-hire sector, and I think a lot of the impetus there was they were undergoing some things in that fishery that they felt, if they could get better data collection, it could help them.

Whereas, the way this is written, if your data collection -- If you can get your data collection bad enough, you can throw your ACL out the window, and so it almost seems like a disincentive to improve data and rather an incentive to reduce the accuracy of data, the way it’s written.
I would be worried that that might be what would happen there, and that’s both commercial and recreational. I mean, I can see where we might have some people saying get rid of these VMS, because, if our data gets bad enough, we won’t have to operate under an ACL anymore, and so I think maybe that might be some feedback we might want to give, and maybe that could be reworded, where we can keep the impetus on improving the data rather than dis-improving it.

EXECUTIVE DIRECTOR GREGORY: Okay. In Section 106, on page 5, exempted fishing permit, this is a new section. This is not in H.R. 200, and the burden here is, at the bottom of that page, it reads that this section would require that any EFP shall expire at the end of the twelve-month period beginning on the date that the permit was issued. That seems burdensome, to only allow an EFP to go on for one year. I would think that that would be the discretion of National Marine Fisheries Service. This is new.

Then, in Section 201, under Title II, recreational fishery information, cooperative data collection, Section 201, it appears, to me, that this is reiterating stuff that we already do, as far as trying to collect recreational data. If that’s not what other people see in this, please let me know, but we largely try -- Like I said, through the SEDAR process, we try to collect data from as many sources as we can find.

Then Section 202, recreational data collection, is very similar to Section 16 in H.R. 200. There is nothing new in this section that differs from H.R. 200. Now, the difference between the two bills is H.R. 200 is an attempt to reauthorize the Magnuson Act, but H.R. 2023 is simply an attempt to amend the Magnuson Act and not to reauthorize it.

We have these two bills currently in the committee, and there was some bills that were passed last year, but they haven’t been reintroduced this year, addressi the other aspects of it, and so, again, I will welcome any comments or feedback from anybody on this. We will continue to work on it.

I will have more staff members look at it, and we’re going to use this document as the basis for any letter that we’re requested to write, either through our CCC council coordinating committee process or, if we’re asked to give testimony, this sort of information will be the basis for drafting that testimony.

We wanted to do this and bring this to the council because, in
2014, the last time there was a lot of activity for reauthorization, things happened so quickly that we weren’t able to bring things to the council to get advice in advance of the testimony, and so we’re just trying to get ahead of the curve this time. Any questions? All right. I appreciate it.

CHAIRMAN BOSARGE: Then I had feedback on one other thing. You moved so quick that you passed me by. All right. On the twelve-month expiration on the exempted fishing permits, I was just thinking about the exempted fishing permit that we talked about a couple of meetings ago, where we were going to possibly look at a program that would allow some fishermen off of Florida to go back into an area that was closed outside of a certain fathom curve and fish there again. That had been closed many years ago, due to some interactions with turtles, but the fishery has changed now, and so that may not be an issue.

If things like that expire after one year, I don’t see how, when that is presented to us, from the council perspective, that that would ever pass the litmus test of an SSC or anything like that, if we only have one year of data to say, well, you know, this year, they really didn’t have any interactions, and so we think we can open this back up and let them fish here.

An EFP is almost like an experiment. It’s a test, and you want to see how that’s going to work, and so I think you probably really have to have more than one year of data to come to any conclusion. That was my only other feedback there. Any other discussion or feedback for Mr. Gregory? Okay.

So you completed your review of both H.R. 200 and H.R. 2023, in record time, and thank you, sir. That brings us right to our Other Business, and we did have two items under Other Business. We have the regulatory burden requirements and our new website. Dr. Simmons, not to put you on the spot, but were you going over regulatory burden, or did you want me to try and summarize that?

OTHER BUSINESS
EXECUTIVE ORDER REGULATORY BURDEN

DR. CARRIE SIMMONS: I will start, and you can help me. At the Council Coordinating Committee meeting in May, we got a presentation from Alan Risenhoover on the new Executive Order for regulatory reform, and we can pass that presentation around, or give you the link, if the council is interested, but we basically just wanted to let you guys know that we’re going to start working on this with the SERO Office staff.
Basically, we’re trying to reduce regulatory burden and try to figure out how to adopt or reduce regulations, the two-for-one, and I guess, Leann, if you want to talk a little bit about the significant regulations in any of our regulations that we recently took final action on that this may apply to, because it’s a significant economic impact, and they also want us to go through and see if there’s any regulations that no longer apply or are applicable, and so I’ll stop there and see if you can help me with that.

CHAIRMAN BOSARGE: All right. It does get detailed pretty quickly, but, essentially, as you know, there was the two-for-one order, right, and we talked about this a little in the past. Most of the rules and regulations that we send off from this body don’t meet the threshold to put us into a category where we need to get rid of two regulations in order to have that one regulation implemented that we just sent up to the Secretary.

However, there may be circumstances where, from an economic standpoint, our regulations may meet that two-for-one threshold. That won’t be determined around this table. That will be determined at the agency, and I’m sure they will notify us, but, essentially, what the agency was asking all the councils to do, and not just our council, was to start a short list of regulations that, if you end up trying to implement something that rises to that economic standard, to that two-for-one standard, we need a short list of two regulations that we can get rid of in order to be able to consider implementing that for you.

Just keep that in the back of your mind. If there’s anything that pops into your mind right offhand, staff and myself would love for you to help us out with this, and we will start our short list. Mr. Diaz.

MR. DALE DIAZ: Thank you, Madam Chair. I’m not on your committee, but we’re taking up something at this meeting where we’re getting rid of that hook requirement for the longline fishermen, and it seems -- I don’t know if, the way we’re doing it, if it would qualify as getting rid of a regulation, but, basically, we have something imposed on them now, and, when we get done, they’re not going to have a regulation, basically, and so I don’t know if that would qualify for something that would help us or not, but I just wanted to mention that while you were talking about it.

I think it’s a good exercise for us to go through anytime, to see if we’ve got stuff that’s obsolete, that doesn’t apply
anymore, that we could maybe take out of our library to not confuse people, and so it’s probably a good exercise for us to do anyway, and thank you for indulging me.


MS. GUYAS: Just a question about how we see this process going. Do we think we will know what these, I guess, regulations that would fall under the two-for-one, or potential regulations, would be before we approve them, or would that come after it goes up to Headquarters?

CHAIRMAN BOSARGE: Well, Ms. Levy maybe can speak to it, but I would say right now, with the newness of that order, that probably, for the moment, we won’t know until they go up. We may get to a point in the future where we could get that kind of notification beforehand, but, Ms. Levy, do you want to speak to that?

MS. LEVY: Generally, you’re doing the significance for the EO purposes under the RIR analysis that’s in the amendment, and, normally, the agency does that after you have taken final action, because it has to be based on the preferred alternatives, but I will say that the council rarely, rarely, rarely, in the fishery management realm, at least this council, does anything that would be considered significant under the EO.

It would be rare to do that, and so, I mean, definitely I would do what NMFS is asking you to do, but it would be a pretty rare occurrence for something to meet that level. OMB can say that something is significant for other reasons other than economics, and then you might get into it that way, but the $100 million threshold is pretty high for fisheries stuff.

CHAIRMAN BOSARGE: All right. Any other questions or discussion on that Other Business topic? All right. Next, we’re going to go into our new website. Would you like to discuss it?

NEW GULF COUNCIL WEBSITE

EXECUTIVE DIRECTOR GREGORY: As you all know by now, we have a new website. We want to continue to get feedback on it, what we can do to improve it. We’re all very excited. The staff has spent a lot of time in the last few months, I guess since November, putting this together. We are extremely pleased with the outcome. The new site is so much simpler and easier to find things, but there is room for improvement.
We have distributed it not just to the council, but to other people, and we’re soliciting feedback. I just wanted to, one, brag about what the staff has done with this. I think it’s a major improvement to our service to the public and ourselves, but, again, I encourage you all to continue to provide us with feedback on how we can improve it.

Now, one thing that’s different is you see, on this, that there is a menu bar across the top. This new website changes depending on what kind of device you’re accessing it with, whether it’s a phone or -- Like, on my laptop, that menu bar is gone, and you have the three lines on the left side, and that’s where you get your menu from, and you click on the plus-sign there to open up the sub-menu for that.

It’s taking some of us, particularly us older people, a little time to get used to this, but it’s amazingly efficient, and we’re very, very pleased with this and to be able to do this for the council. That’s all.

CHAIRMAN BOSARGE: Has everybody been navigating the new website pretty well so far? Good. That means it was a great improvement and we’re doing good work. Dr. Mickle.

DR. PAUL MICKLE: Thank you, Madam Chair. A little early feedback. The last, I guess, week, I’ve been directing a lot of our calls at our agency to the website, and all good things. The only -- I got one negative comment, and that was that it was different, and they didn’t like the change. That was the only negative comment, and so I think that one will go away with time.

EXECUTIVE DIRECTOR GREGORY: I was saying that last November, in fact. It’s so straightforward and it’s so simple that it appears that stuff is missing, but it’s not. It’s amazing, and, like I said, we’re very pleased.

CHAIRMAN BOSARGE: Kudos to staff as well. I know you all put in a lot of time and effort on this, and so we definitely like it. To have a change and not have a lot of negative feedback, you must be doing something right. All right. That wraps up our agenda for our Administrative/Budget Committee, and I have to say we are under time.

(Whereupon, the meeting adjourned on June 5, 2017.)