GULF OF MEXICO FISHERY MANAGEMENT COUNCIL

ADMINISTRATIVE/BUDGET COMMITTEE

Perdido Beach Resort  Orange Beach, Alabama

JANUARY 25, 2016

VOTING MEMBERS
Leann Bosarge.................................................................Mississippi
Martha Bademan (designee for Nick Wiley)........................Florida
John Greene.............................................................Alabama
Kelly Lucas (designee for Jamie Miller)................Mississippi
Robin Riechers..........................................................Texas
David Walker.........................................................Alabama

NON-VOTING MEMBERS
Kevin Anson..........................................................Alabama
Doug Boyd...........................................................Texas
Jason Brand.............................................................USCG
Dale Diaz.................................................................Mississippi
Dave Donaldson.........................................................GSMFC
Myron Fischer (designee for Randy Pausina)................Louisiana
Campo Matens........................................................Louisiana
John Sanchez........................................................Florida
Greg Stunz .............................................................Texas
Ed Swindell..............................................................Louisiana

STAFF
Steven Atran..........................................................Senior Fishery Biologist
Assane Diagne........................................................Economist
John Froeschke.........................................................Fishery Biologist/Statistician
Doug Gregory..........................................................Executive Director
Beth Hager............................................................Financial Assistant/IT Coordinator
Karen Hoak..............................................................Administrative and Financial Assistant
Mara Levy..............................................................NOAA General Counsel
Charlene Ponce.........................................................Public Information Officer
Bernadine Roy........................................................Office Manager
Carrie Simmons........................................................Deputy Director

OTHER PARTICIPANTS
John Anderson..........................................................FL
Pam Anderson........................................................Panama City Beach, FL
Billy Archer..........................................................Panama City, FL
Scott Bannon..............................................................
Steve Branstetter......................................................NMFS
Eric Brazer..........................................................Reef Fish Shareholder’s Alliance
J.P. Brooker..........................................................Ocean Conservancy, Gulfport, FL
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PAGE 7: Motion to disband the Ad Hoc Artificial Substrate Panel. The motion carried on page 7.
The Administrative/Budget Committee of the Gulf of Mexico Fishery Management Council convened at the Perdido Beach Resort, Orange Beach, Alabama, Monday morning, January 25, 2016, and was called to order at 8:38 a.m. by Chairman Leann Bosarge.

ADOPTION OF AGENDA

APPROVAL OF MINUTES

ACTION GUIDE AND NEXT STEPS

CHAIRMAN LEANN BOSARGE: Let’s call the Administrative and Budget Committee to order. Just a reminder, there is myself, Dr. Lucas, Dr. Dana, Johnny Greene, Robin and Lance, David Walker, and Martha on this particular committee.

Your agenda is listed under Tab G, Number 1, if everybody could take a look at the agenda. Hopefully you have. Are there any additions or revisions to the agenda as presented? If not, can we get a motion to approved the agenda? Lance. Is there a second? All right. The agenda is approved.

The committee minutes from our last meeting are Tab G, Number 2. Are there any revisions or edits to the minutes from our last meeting? Seeing none, the minutes are approved.

Under our Action Guide and Next Steps, the first thing that we’re going to go over today is our review of ad hoc APs. I believe that Mr. Gregory is going to lead us through that.

REVIEW OF AD HOC APS

EXECUTIVE DIRECTOR GREGORY: Okay. Thank you. On Tab G, Number 4, we have the list of the ad hoc advisory panels that exist now. What the council decided last year was in January of each year we would review the ad hoc panels we have and decide if we wanted to continue them for another year. You can do this in a couple of different ways. You can make a motion for each one, or just say that unless we make a motion to discontinue one that they will continue for another year.

In August of last year, the council also decided that they would consider whether or not they wanted to advertise any of these for reappointment, rather than automatically advertise them, like we had done in the past. I think the logic for that was, since these are ad hoc panels designed for a specific purpose and they are temporary in nature, that there may not be any reason to re-advertise them once they’ve been populated, because they’re short-term in nature.
That is the situation. We have four ad hoc panels. The Artificial Substrate Panel was formed in 2012 and it’s had two meetings since then. The last one was in March of 2014. The Ad Hoc Red Snapper Charter/For-Hire, the Red Snapper IFQ, and the Reef Fish Headboat all were formed last year.

There was another ad hoc, but it was reconstituted last year, and so that’s why the for-hire has the 2015 starting date. All but the Red Snapper IFQ have met at least once, and so what would be the committee’s pleasure with this?

CHAIRMAN BOSARGE: Okay, committee. We have our four ad hocs on the board. They’re also in your materials. Are there any that we feel have served their purpose and it’s time to disband? Do we want to continue all of them and do we need to re-advertise any of them for membership again in 2016? What is the committee’s pleasure?

DR. KELLY LUCAS: The Ad Hoc Artificial Substrate, it said two meetings, and is that just two meetings since 2012, since they were formed?

EXECUTIVE DIRECTOR GREGORY: Yes.

DR. LUCAS: Do you know when those meetings were?

EXECUTIVE DIRECTOR GREGORY: The last meeting was March of 2014. I do not know the first meeting. John, do you recall when the Artificial Substrate met the first time?

DR. JOHN FROESCHKE: I want to say it was March two years ago.

EXECUTIVE DIRECTOR GREGORY: I think it was in 2013. John, can you summarize what the charge of the Artificial Substrate Committee was?

DR. FROESCHKE: Not off the top of my head. The things that they worked on most recently were we were considering whether to designate artificial substrates as part of reef EFH. The other thing that they’ve worked on recently is the collaboration with the Shrimp APs, in order to find solutions for moving decommissioned platforms into permitted areas, such that we could consolidate and keep as much hard substrate in the Gulf as possible without infringing upon shrimp areas.

CHAIRMAN BOSARGE: Do we see anything on the horizon that this group would be utilized for? I know they did that white paper and they finalized that and we went over it, I think, in Key
West, at our Key West meeting, which is an excellent tool for
certain managers, but is there anything on the horizon where we
would see this being a group we would want to keep together for
the moment?

EXECUTIVE DIRECTOR GREGORY: We don’t have anything planned from
a staff standpoint. It can always be reconstituted if the
committee and council decides to let it go for the time being.

CHAIRMAN BOSARGE: All right. Is there a consensus within our
committee to either keep this Ad Hoc Artificial Substrate or
disband it for the time being? Do we have a pleasure either
way? It looks like we don’t.

All right. How about advertising for membership for those four
ad hocs? Do we feel there is a need to re-advertise this for
membership, or can we simply leave them as they are and let them
meet again when needed?

DR. LUCAS: I think, if we don’t have a charge for them, there’s
no real purpose for advertising for new members. I also -- I
guess, since it can be reconstituted at any time, I’m of the
opinion that we can disband this and bring it up again if we
need it, as we need it. In fact, I will make a motion to
disband the Ad Hoc Artificial Substrate Panel at this time.

MR. LANCE ROBINSON: Leann, I will second that.

CHAIRMAN BOSARGE: All right. We have a motion by Dr. Lucas and
it’s seconded by Lance. Is there any discussion on this motion?
Kelly, is that your motion as presented? All right. Is there
any opposition to the motion on the board? Seeing none, the
motion passes. Kelly, did you have a second motion, as far as
re-advertising?

REVIEW OF AP APPOINTMENTS WITH A 2016 EXPIRATION

EXECUTIVE DIRECTOR GREGORY: Do you want me to move on to the
next item? The next item is Tab G, Number 5, a Review of AP
Appointments with a 2016 Expiration. As you may recall, last
year the council decided to establish three-year staggered terms
for the advisory panels.

In order to get that started, we selected some to have a one-
year term, others to have a two-year term, and then others to
have a three-year term. The Coral, Data Collection, and Spiny
Lobster Advisory Panels all had the one-year term. Coral has
six members and it did meet one time last year. Data Collection
has eighteen members. They were formed in March of 2014. Spiny Lobster has six members.

There was some discussion at the last council meeting that it might be worth advertising to try to get more members for the Coral and the Spiny Lobster APs, but those APs have always had a small number of people, Spiny Lobster because it’s a very geographically-limited fishery and the people that are interested have applied, and the same with Coral.

This is probably the most we’ve had on a Coral AP. We did have some confusion two years ago, because we have a Coral SSC and a Coral AP, and a lot of the AP people are also kind of scientists and so they applied to both. We got that straightened out. If I may, I would suggest that we just continue these advisory panels for another three years automatically without re-advertising, particularly since two of them haven’t met at all, haven’t had a chance to meet.

CHAIRMAN BOSARGE: All right. Is there any feedback from the committee on Mr. Gregory’s suggestion that we go ahead and continue these as are for an additional three years? I will say that I did reach out to a few stakeholders for the Spiny Lobster, and I had the same feedback that Doug Gregory just gave us, that they feel like that it’s a good representative group and that they can work with it like it is and that’s probably all the interested parties are there.

I didn’t reach out on Coral or Data Collection. I have been to one of the Coral meetings, and it seems to be a well-rounded group. There were some that had some fisheries background. There obviously were a lot of scientist types on there, but I think they worked well together and they seemed to work very well with the fishermen as well. As far as any other interested parties, I’m not sure, but the group does seem to function quite well. Is there anybody that feels that we may need to re-advertise any of these three or simply reappoint them? All right. Mr. Gregory, would you like to lead us through -- Did you have anything else you wanted to add to that?

EXECUTIVE DIRECTOR GREGORY: So I assume we would just not re-advertise for these this year and reappoint them for three years, and we will be on that three-year staggered term. Next year, we’ll have advisory panels that have been in existence for two years, which was the normal cycle the council had for advisory panels, and so I wouldn’t suggest that next year. We will move forward with that.
The next item on the agenda is Tab G, Number 6, Update to the Advisory Panel Background Checks by the Gulf States. At a previous council meeting, it was requested that we see if we can get background checks at the state level for our AP applicants.

We held a webinar of the Law Enforcement Technical Committee that went very well. In this Tab G, Number 6, you can see the questions we asked of them and their responses. It was generally favorable. Not all states thought they could identify all federal species, because they don’t have species codes for all the fish, just the most common or major fish.

They all did think that they could accomplish this. They wanted us to get affidavits or signatures from the AP applicants authorizing the state agencies to do background checks. That’s going to change our online application process. We may end up having to mail something to the applicants to get their signature if we can’t figure out a way to get an electronic signature fairly easy.

Between now and the March Gulf States meeting of the Law Enforcement Committee, Charlene is going to be working to work out a form, so that we can send one form to all the states. It looks optimistic that we’ll be able to do this.

One question for the council, I think to provide us with guidance -- There’s two questions. One, do you want us to try to send all the applicants to the states before you appoint members, and that could be a larger number of people, or would you want us to wait until after they’re appointed and then do the background checks? That would be less of a burden to the states. That’s one question.

The other question is if someone is from a particular state, we could just send that violation request to that state and not to the other states. That would also simplify things quite a bit for the states.

In other words, Mississippi would only be looking at applicants from Mississippi, instead of applicants from Florida, Alabama, Texas, and Louisiana. Those are two questions.

We don’t have to answer them now, but it’s something for us to discuss between now and next year, since we’re not really reappointing anybody this year. There’s no urgency on that, but
it’s just a protocol thing, but it looks very optimistic that the states will be able to do background checks. They’re checking with their attorneys about the electronic signatures, if that’s acceptable. Steven has done a very good summary of the webinar, which is Tab G, Number 6.

CHAIRMAN BOSARGE: Martha.

MS. MARTHA BADEMAN: I asked our law enforcement about when and how many people they could kind of handle at one time, and I think the conversation that we had was that it would make more sense to screen the applicants that we’re ready to move forward and put on the APs, the people that we’re strongly considering appointing.

As to whether we should be screening just people from our home state or anybody that’s potentially going to be on a panel, I think it would be anybody. I mean we have a lot of people that fish across state boundaries, and so it would make sense to screen everybody. If we round it down to that narrower group at the front end, then it hopefully wouldn’t be a burden.

CHAIRMAN BOSARGE: Dr. Lucas.

DR. LUCAS: I agree with Martha. If you narrow it down and you only have the candidates who have been selected, then we would be happy to screen candidates as well. I know a lot of our people fish in Alabama and in Louisiana.

CHAIRMAN BOSARGE: Doug and then Mara.

EXECUTIVE DIRECTOR GREGORY: When you say narrow it down, do you mean after they’ve been appointed, or are you suggesting a two-step process, where we have a closed session where we don’t really appoint people, but select them, and then do the background check, and then, at the next council meeting, we have another closed session and appoint them? You said narrow it down, and I just need to know what you mean by that.

MS. BADEMAN: I mean I was thinking that we would select the people that we wanted to select for the AP, but that’s interesting, whether or not we would advertise them right then and there. It might be beneficial to just wait, rather than have to advertise somebody and then have to pull back that -- It might be better if we could wait. I don’t know what other people think about that.

CHAIRMAN BOSARGE: Mara.
MS. MARA LEVY: Actually, that’s the point I was going to bring up, that just to think about the process, because if you actually appoint people and then do a background check and then determine that there’s someone that you think wasn’t appropriately appointed, then you’re going to have to remove them, and just sort of the dynamic that that sets up if you go that way.

CHAIRMAN BOSARGE: Dr. Lucas.

DR. LUCAS: Doug, how long do you think that would add to the whole process, the selection process? Would it be a whole other council meeting? Would you go that distance?

EXECUTIVE DIRECTOR GREGORY: Yes.

CHAIRMAN BOSARGE: Lance.

MR. LANCE ROBINSON: Just to follow up with that scenario, Doug, you had a recommended candidate and you checked the background and it didn’t work out. Now you’ve got to come back and identify another person and do that check as well and so does that add another meeting?

EXECUTIVE DIRECTOR GREGORY: It could.

CHAIRMAN BOSARGE: Mara.

MS. LEVY: Hopefully this wouldn’t come up a lot, but, I mean, presumably, if it’s just one individual, it doesn’t mean you have to necessarily replace it, right? Like there’s not a set number of people you have to have. I guess you could, but I would hope that it would be sort of far and few between that you would end up having to do that.

CHAIRMAN BOSARGE: Mr. Atran.

MR. STEVEN ATRAN: The Law Enforcement AP folks, who indicated how long it takes to do these checks, indicated it would take about a week to ten days, and so you couldn’t get them during the council meeting where you make the appointments.

One thing I was going to suggest is that maybe you also name one or two auxiliary candidates, so that if you do get a member or two or doesn’t pass the background checks, you will already have another name in place to replace them with.
CHAIRMAN BOSARGE: Excellent suggestion, Mr. Atran. I think we’ve had some good ideas here, kind of out-of-the-box thinking for us. I like it. We could possibly have a closed session and have people appointed to APs contingent upon the background check, and then we’ll have alternatives for those people if for some reason they don’t pass the background check. This sounds pretty doable.

I want to make sure that we do minimize the burden to the state management people for this process, and so it seems like having that group narrowed down, as Martha said, would be ideal.

EXECUTIVE DIRECTOR GREGORY: One other thing. We would keep that preliminary list completely secret and not notify anybody or let it out, because if it got out, it would defeat the purpose of upsetting somebody if they’re later removed. We could do that in-house.

MR. KEVIN ANSON: Doug, just everybody then would be signing the release form when they submit their application, correct?

EXECUTIVE DIRECTOR GREGORY: Yes.

CHAIRMAN BOSARGE: Doug, you said that we’ll be working on that between now and our next council meeting, through Gulf States and also with Mara, I’m sure. All right. Anything else you want to add to that last agenda item, Doug?

EXECUTIVE DIRECTOR GREGORY: No, Ma’am. I’m finished.

OTHER BUSINESS

CHAIRMAN BOSARGE: All right. That takes us to Other Business. Is there any other business for this committee? Seeing none, the committee is adjourned.

(Whereupon, the meeting adjourned at 8:59 a.m., January 25, 2016.)

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