

GULF OF MEXICO FISHERY MANAGEMENT COUNCIL

JOINT ADMINISTRATIVE POLICY AND BUDGET/PERSONNEL COMMITTEES

Battle House Renaissance Mobile Mobile, Alabama

October 20, 2014

**VOTING MEMBERS**

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

**NON-VOTING MEMBERS**

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

**STAFF**

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

**OTHER PARTICIPANTS**

- Luiz Barbieri.....GMFMC SSC
- Jeff Barger.....Ocean Conservancy, Austin, TX
- Randy Boggs.....Orange Beach, AL

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

19  
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 21

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

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

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

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

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

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

1 19, line 16, remove the "of" that's on that line"; on page 20,  
2 line 40, delete "members" and insert "Chair and Vice Chair" and  
3 on page 26, line 8, change "achiever" to "achieve".  
4

5 **CHAIRMAN RIECHERS:** Thank you, Mr. Anson. I assume we've got  
6 all those on the record and we'll approve with those changes.  
7 Mr. Perret also had his hand up, if he has further corrections  
8 to the minutes. Mr. Perret, you had your hand up for some  
9 changes to minutes?  
10

11 **MR. CORKY PERRET:** I was going to move for adoption with the  
12 modifications, if it's appropriate.  
13

14 **CHAIRMAN RIECHERS:** That is appropriate now and do I hear a  
15 second? Ms. Bademan seconds. All those in favor say aye; all  
16 those opposed same sign. The minutes pass of the Admin Policy  
17 Committee. Now for Budget/Personnel Committee minutes, do we  
18 have any changes or corrections to those? I am going to make  
19 sure Mr. Anson heard that call. Okay and no changes there?  
20 Seeing no hands for other changes, then we will adopt the  
21 minutes as written from the Budget/Personnel Committee.  
22

23 With that, of course, Tab G, Number 3 gives you some guidance as  
24 to what we're trying to get done today, but we will move on to  
25 Tab G, Number 4, and what we're going to do is cover Review of  
26 2010-2014 Expenditures and Budget Carryover into 2015. Ms.  
27 Readinger is going to do that and is she on by phone or how are  
28 we going to do this, Mr. Gregory? It's up to you and her now to  
29 lead us through this. It's Tab G, Number 4.  
30

31 **EXECUTIVE DIRECTOR DOUG GREGORY:** Cathy, are you ready? It's  
32 Tab G, Number 4.  
33

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

35

36 **MS. CATHY READINGER:** I am. If you look at Tab G-4, this is  
37 actually an overview of our five-year budget that we just went  
38 through that expires on December 31 and so our actual  
39 expenditures for the period ending December 31 of 2013 was about  
40 \$12.3 million. Our actually accrued expenditures through August  
41 31 of this year is \$2.6 million and so our estimated obligations  
42 are --  
43

44 **CHAIRMAN RIECHERS:** Cathy, hold on a second. We are not getting  
45 it -- At least I'm not getting the sound and I don't know  
46 whether we're too close or --  
47

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

48

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

48

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

48

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

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

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

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

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

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

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

48

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

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

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

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

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

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

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

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

1  
2 **MR. PERRET:** Other than coastal migratory pelagics, where we do  
3 have a distinct line and management measures vary from each and  
4 quotas and all that stuff, why not just take out western and  
5 take out eastern and instead of having one private east and one  
6 private west, have two private anglers and two commercial and  
7 two scientists and two -- That's my take and I may be the only  
8 one that feels that way.

9  
10 **EXECUTIVE DIRECTOR GREGORY:** May I?

11  
12 **CHAIRMAN RIECHERS:** Let's hear from Ms. Bosarge first and then  
13 you may end up addressing both questions and who knows. Okay.  
14 Go ahead. Hers is on something different.

15  
16 **EXECUTIVE DIRECTOR GREGORY:** Let's take red snapper. Clearly,  
17 it seems to me, and this is -- Nothing is black and white. The  
18 eastern charter industry has different perspectives on where to  
19 go with management than the western Gulf charter industries. I  
20 mean it seems to be the geography is different.

21  
22 **CHAIRMAN RIECHERS:** The question is whether spelling them out  
23 makes that much of a difference here or if Mr. Perret, using his  
24 suggestion, is not spelling them out, but when we go to make  
25 appointments, we look for geographic representation. That's the  
26 question, I think, because at the end of the day, this is all  
27 just a suggestion in how we fill these memberships out and it's  
28 not necessarily -- We're not mandating this kind of membership.

29  
30 I think that's the question and certainly Mr. Perret has felt  
31 strongly enough to bring it up and I don't know if we should  
32 offer it as a motion, Mr. Perret, so the full council takes it  
33 up that way, or how you would like to do that.

34  
35 **MR. PERRET:** It seems like I'm the only one that's got a problem  
36 with east and west and so if that's the case, I am not going to  
37 burden the staff and --

38  
39 **CHAIRMAN RIECHERS:** I am not certain you're the only one, but  
40 we'll hear from others.

41  
42 **MR. MYRON FISCHER:** I'm not on this committee and so I was  
43 trying to refrain from comment, but being Corky cornered me as  
44 keeping my mouth shut, and you all know it's very difficult, but  
45 my take on it -- I can't give advice to the Chair of the  
46 committee or to Doug, who created the chart, but I think the  
47 composition should reflect a snapshot of the industry.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

48

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 cannot be employed by an interest or advocacy group?  
2

3 **EXECUTIVE DIRECTOR GREGORY:** No, that's a policy of the North  
4 Pacific Fishery Management Council. If we adopt Option 1, then  
5 we simply are using the National Marine Fisheries Service  
6 statement of financial interest as the mechanism for identifying  
7 potential conflicts of interest.  
8

9 **MR. BOYD:** Okay and so I guess my next question would be if  
10 someone makes an application and they disclose that they are on  
11 the payroll of a special interest group, whoever they are,  
12 that's all that matters at that point, if they're approved, that  
13 they disclosed it? Is that correct?  
14

15 **EXECUTIVE DIRECTOR GREGORY:** Correct.  
16

17 **MR. ANSON:** That, I think, is incumbent upon the council then to  
18 use that information in its determination of whether or not that  
19 person gets actually appointed and so the transparency is that  
20 they've reported it and then it's incumbent upon the council to  
21 use that information to make whatever decision they come up with  
22 and so it provides, I guess, the most flexibility in that  
23 regard, in that it's transparent to the public or to the council  
24 as to what potentially their interests might be and how they  
25 might vote, as it were, and then make that decision.  
26

27 **MR. PEARCE:** To be a council member, we just have to have our  
28 financial interest report in and we go from there and why should  
29 the SSC be any different? I think that we make a whole lot more  
30 decisions at the council than we do at the SSC.  
31

32 I mean the SSC does the ABCs and a few other things, but why  
33 should we hold them to higher standards or stronger standards,  
34 whichever way you want to look at it, than a council member,  
35 period, and the council member statement of financial interest  
36 is all we do to get on this council and so I'm supportive of  
37 this motion.  
38

39 **CHAIRMAN RIECHERS:** Any further discussion regarding the motion?  
40 **All those in favor say aye; all those opposed same sign. The**  
41 **motion passes with one abstention.** With that, I believe we  
42 travel to the next agenda item. We have one more item, Mr.  
43 Gregory.  
44

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

46

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

5  
6 **EXECUTIVE DIRECTOR GREGORY:** The next item is on page 29, under  
7 Procurement. I just added, from the old handbook, a description  
8 of check signatures and I suggest we will add this section to  
9 the SOPPs as well.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

44  
45 - - -  
46