

GULF OF MEXICO FISHERY MANAGEMENT COUNCIL

JOINT ADMINISTRATIVE POLICY & BUDGET/PERSONNEL COMMITTEES

Hilton Galveston Island Resort Galveston, Texas

October 5, 2015

**ADMINISTRATIVE POLICY VOTING MEMBERS**

- Doug Boyd.....Texas
- Martha Bademan (designee for Nick Wiley).....Florida
- Pamela Dana.....Florida
- John Greene.....Alabama
- Campo Matens.....Louisiana
- David Walker.....Alabama

**BUDGET/PERSONNEL VOTING MEMBERS**

- Robin Riechers.....Texas
- Leann Bosarge.....Mississippi
- Doug Boyd.....Texas
- Campo Matens.....Louisiana
- David Walker.....Alabama
- Roy Williams.....Florida

**NON-VOTING MEMBERS**

- Kevin Anson.....Alabama
- Jason Brand.....USCG
- Roy Crabtree.....NMFS, SERO, St. Petersburg, Florida
- Dale Diaz.....Mississippi
- Dave Donaldson.....GSMFC
- Myron Fischer (designee for Randy Pausina).....Louisiana
- Kelly Lucas (designee for Jamie Miller).....Mississippi
- John Sanchez.....Florida
- Greg Stunz.....Texas
- Ed Swindell.....Louisiana

**STAFF**

- Steven Atran.....Senior Fishery Biologist
- Assane Diagne.....Economist
- John Froeschke.....Fishery Biologist/Statistician
- Doug Gregory.....Executive Director
- Ava Lasseter.....Anthropologist
- Mara Levy.....NOAA General Counsel
- Charlene Ponce.....Public Information Officer
- Ryan Rindone.....Fishery Biologist/SEDAR Liaison
- Claire Roberts.....Essential Fish Habitat Specialist
- Bernadine Roy.....Office Manager

1 Charlotte Schiaffo.....Research & Human Resource Librarian  
2 Carrie Simmons.....Deputy Director

3  
4 **OTHER PARTICIPANTS**

5 Pam Anderson.....Panama City, FL  
6 Steve Branstetter.....NMFS  
7 Eric Brazer.....Gulf of Mexico Reef Fish Shareholder’s Alliance  
8 Bubba Cochrane.....Galveston, TX  
9 Chris Conklin.....SAFMC  
10 Michael Drexler.....Ocean Conservancy, St. Petersburg, FL  
11 Traci Floyd.....MDMR, MS  
12 Benny Gallaway.....LGL, TX  
13 Brad Gorst.....Palm Harbor, FL  
14 Marcie Jones.....EDF, Austin, TX  
15 Bill Kelly.....FKCFA, FL  
16 Rich Malinowski.....NMFS  
17 Kristen McConnell.....EDF  
18 Bart Niquet.....Lynn Haven, FL  
19 Bonnie Ponwith.....SEFSC  
20 Clarence Seymour.....Biloxi, MS

21 - - -  
22

23 The Joint Administrative Policy & Budget/Personnel Committees of  
24 the Gulf of Mexico Fishery Management Council convened at the  
25 Hilton Galveston Island Resort, Galveston, Texas, Monday  
26 morning, October 5, 2015, and was called to order at 9:15 a.m.  
27 by Chairman Robin Riechers.

28  
29 **ADOPTION OF AGENDA**  
30 **APPROVAL OF MINUTES**  
31 **ACTION GUIDE AND NEXT STEPS**  
32

33 **CHAIRMAN ROBIN RIECHERS:** That takes us to Tab G. The first  
34 item up for business is Approval of the Agenda. Are there any  
35 additions or deletions or other business that needs to be added  
36 to the agenda? Mr. Gregory.

37  
38 **EXECUTIVE DIRECTOR DOUG GREGORY:** I want to add to Other  
39 Business just a brief announcement about the results of our two-  
40 year audit.

41  
42 **CHAIRMAN RIECHERS:** Anything else? We’ve got a rather large  
43 committee here and so I am looking around the table. Would  
44 someone move adoption, please? It’s been moved and seconded  
45 that we adopt the agenda with the addition of the two-year audit  
46 added under Other Business. All those in favor say aye; all  
47 those opposed like sign. The motion passes.

48

1 We are now to the minutes of the last meeting, held August 10,  
2 2015, Tab G, Number 2. Are there any corrections, additions, or  
3 deletions to the minutes? Hearing none, the minutes are  
4 approved as written. With that, that takes us down to the  
5 agenda now.

6  
7 **EXECUTIVE DIRECTOR GREGORY:** It's Tab G, Number 4.

8  
9 **CHAIRMAN RIECHERS:** We are going to Tab G-4 and it's the Review  
10 of the AP Staggered Terms and Mr. Gregory is going to lead us  
11 through that.

12  
13 **REVIEW OF AP STAGGERED TERMS**

14  
15 **EXECUTIVE DIRECTOR GREGORY:** Okay. At the previous council  
16 meeting, the council decided that for the ad hoc APs that they  
17 would be reviewed each January to determine if the council  
18 wanted to continue those APs. That was something we had decided  
19 back in January, but also, in the last meeting, it was  
20 determined that at that time you will also determine if you want  
21 to advertise any of those APs for reappointment and if you  
22 choose any to reappoint, we will do that later in the year when  
23 we do all the AP reappointments.

24  
25 That was a major change, because sixty-six members are on ad hoc  
26 APs and so that left for the -- Our initial cycle of a one-year,  
27 two-year, three-year appointment to try to get the three-year  
28 staggered terms in place, that left the one-year appointments  
29 with just committee of nineteen people, Data Collection.

30  
31 What I am presenting to you and suggesting is that we take Coral  
32 and Spiny Lobster that were in the two-year and the three-year  
33 initial stage and move them to the one-year stage and they're a  
34 couple of our more minor APs and that balances the regular APs  
35 out again to thirty-one with the initial one-year appointment  
36 and thirty-five with a two-year appointment and thirty-six with  
37 a three-year appointment, because our initial goal was to try to  
38 even out the workload, both for staff and the council, in going  
39 through these appointments.

40  
41 After this first three years, everybody, except for the ad hoc  
42 APs, will be on a three-year appointment schedule and as soon as  
43 this meeting is over, we will notify all the APs of the revised  
44 schedule.

45  
46 **CHAIRMAN RIECHERS:** Any questions or comments to Doug in regards  
47 to this? It looks like, basically based on the guidance that we  
48 gave them last time, they've come back with a revised plan of

1 how to go forward with this. Martha.

2

3 **MS. MARTHA BADEMAN:** Do you need a motion?

4

5 **CHAIRMAN RIECHERS:** I assume we do need a motion or are you all  
6 planning to go forward with this if we don't change it in any  
7 way?

8

9 **EXECUTIVE DIRECTOR GREGORY:** Either way you would like to do it.

10

11 **MS. BADEMAN:** I will make a motion to move appointment of the  
12 Spiny Lobster and Coral APs to 2016.

13

14 **CHAIRMAN RIECHERS:** Do I have a second? It's seconded by Mr.  
15 Williams. I want to correct something that Mr. Gregory said.  
16 We don't have any minor APs. Any other comments here? Doug.

17

18 **EXECUTIVE DIRECTOR GREGORY:** Just a heads-up. I was going to  
19 suggest in January that since the Data Collection and the Spiny  
20 Lobster AP hadn't met since we've done this that you consider  
21 just going ahead and reappointing them for a three-year period  
22 without re-advertising. The Coral did meet, but it's a small  
23 committee and since their one-year appointment -- That's not  
24 something you need to decide now, but I wanted to give you a  
25 heads-up that I was thinking about that. That's something we  
26 can decide in January.

27

28 **CHAIRMAN RIECHERS:** Well, let's go ahead and vote this off the  
29 board and then have a quick discussion about that, if we could.  
30 Any other comments or questions regarding the motion? **All those  
31 in favor of the motion say aye; all those opposed same sign.  
32 The motion carries.**

33

34 Now let's go back to that comment, Doug, and what you may be  
35 thinking. I guess I would ask the question of what would be the  
36 downside in advertising and you might -- I realize we've had  
37 trouble getting people for those committees and so we're likely  
38 to get the same names again, but what would be the downside in  
39 going ahead and advertising, so that we might even see a new  
40 name or two?

41

42 **EXECUTIVE DIRECTOR GREGORY:** Well, they haven't had a chance to  
43 meet and I am trying to -- I would like to have all our APs meet  
44 more often than they have in the recent past and since they  
45 haven't had a chance to meet, they really haven't interacted or  
46 done anything. The Coral AP is the only one of the three that  
47 have met and they met one time.

48

1 **CHAIRMAN RIECHERS:** Let me understand what you are trying to  
2 avoid. I think you're trying to avoid sending them a letter  
3 saying thank you for your service and we are reappointing and  
4 they haven't met and is that what you're trying to get at?

5  
6 **EXECUTIVE DIRECTOR GREGORY:** Yes.

7  
8 **CHAIRMAN RIECHERS:** Dale.

9  
10 **MR. DALE DIAZ:** Thank you and I'm not on your committee, but I  
11 just want to make a point to let you all know that there was a  
12 Mississippi resident that was on the Data Collection Committee  
13 that did just resign and so you are at least one person short  
14 and that might have been the only person from Mississippi on  
15 there. I would have to check. Thank you.

16  
17 **CHAIRMAN RIECHERS:** Go ahead, Doug.

18  
19 **EXECUTIVE DIRECTOR GREGORY:** I don't think it's changed in the  
20 SOPPs, but the council can appoint people at any time,  
21 individuals like that.

22  
23 **CHAIRMAN RIECHERS:** You said you were going to bring this to us  
24 in January and what I would just offer for a suggestion and  
25 possibly is in trying to navigate the system and the situation  
26 that you're talking about, is could we not reappoint those, but  
27 also put a call out for additional names, maybe in January?  
28 That may be one option, so that we don't run into the situation  
29 you're talking about, where we're basically thanking someone for  
30 their service and we have never called them to meet. Any other  
31 comments regarding this? If not, Doug, I believe you have the  
32 next agenda item as well.

33  
34 **REVIEW OF SOPPS UPDATE REGARDING AP APPOINTMENTS AND**  
35 **ADMINISTRATIVE COMMITTEE STRUCTURE**  
36

37 **EXECUTIVE DIRECTOR GREGORY:** Yes and this would be the Review of  
38 the SOPPs Revision, Tab G, Number 5. These are track changes  
39 that were done based on our last council meeting and it starts  
40 on page 7 of the SOPPs, which for my PDF version that I  
41 downloaded, it's page 12 of 36, but it's page 7 of the document  
42 itself.

43  
44 This will be the last time we will look at the SOPPs for a  
45 while. I've been talking with Ms. Levy and you know we  
46 submitted SOPPs in 2012 for the Department of Commerce review  
47 and approval and they gave us comments about a year ago and we  
48 reviewed and approved them in January and now we've made some

1 more changes and so I've got to send it back through the system.  
2 We don't know if the changes are minor enough to where it will  
3 just get the Regional Office review or if it has to go back to  
4 DOC.

5  
6 The implication I got, or the inference I got, was that slow  
7 down and let's let the SOPPs stabilize and sit for a while and  
8 so unless there is something major that anybody wants to  
9 address, this will be the last time probably in six months or so  
10 or a year that we will look at the SOPPs.

11  
12 On page 7, based on conversations that I've had with you all  
13 during the last year of AP appointments, I changed the  
14 suggestion that each AP shall be limited to a membership of  
15 eighteen people instead of sixteen people, unless otherwise  
16 specified by the council. That's not binding and it's just a  
17 suggestion.

18  
19 The next change is on page 8 and I will stop anytime somebody  
20 has concern about something or wants to make a motion. If there  
21 is no motion, then I will assume that these changes are  
22 acceptable.

23  
24 On page 8, we included a paragraph to explain the way the  
25 fishing violation will be considered in AP appointments and I  
26 will read this to you, in case something is overlooked.

27  
28 The presence of a fishing violation is an important aspect in  
29 consideration of an AP appointment. The council has determined:  
30 1)applicable fishing violations include only violations of  
31 federally-managed species in either state or federal waters;  
32 2)individuals are ineligible to serve on an AP within three  
33 years of the time that the violation was adjudicated; 3)vessel  
34 owners shall not automatically be held responsible for  
35 violations by a crew member when the owner is not present.

36  
37 That third one just says "is not automatically held" and the  
38 council could still do that if they wish and so that's the way I  
39 have incorporated the motions and discussions we had at the last  
40 council meeting on that. The next change is on page 9.

41  
42 **CHAIRMAN RIECHERS:** Hold on, Doug, if you would. I think at the  
43 last meeting we had asked that the LEAP and LEC have a chance --  
44 You may be covering it further down the road, but I was just  
45 going to ask here, since it pertained to this, that they get  
46 together on a call and that we talk about how we were going to  
47 feed the system regarding the violations at both the state and  
48 the federal level and how we were going to work through that, to

1 get their input on what we could and could not do from a  
2 reporting perspective. Were we able to have that call and have  
3 them review that, because it's basically if we're fixing to say  
4 we're going to approve this and we're not going to touch it  
5 again for some period of time.

6  
7 **EXECUTIVE DIRECTOR GREGORY:** Well, we're planning to have that  
8 conference call in November and then have a face-to-face  
9 discussion of it in March, at the March meeting. I have  
10 communicated with the NOAA Enforcement Agency and that part of  
11 that council's desire to have NOAA Enforcement contact each  
12 state is not going to work.

13  
14 He says the council staff has to contact the states  
15 individually. What we're going to have the AP do, and each  
16 member of the AP from state enforcement, is tell us what format  
17 they want our request in.

18  
19 Now, the big discussion, I think, at that level is going to be  
20 can they identify in their enforcement database those species  
21 that are federally-managed, as opposed to those species that are  
22 not federally-managed? How easy is that to do? That's the only  
23 other stumbling block I perceive, because the direction of the  
24 council was very clear at the last meeting that you only wanted  
25 federally-managed species to be in that consideration of  
26 violations. I haven't talked to any of the state enforcement  
27 people as yet. That will be the first thing we talk about on  
28 the conference call and we will resolve that at the March  
29 meeting.

30  
31 **CHAIRMAN RIECHERS:** Well, then so I assume if we have some  
32 reason to come back and visit this, based on the results of what  
33 they presented you, which I don't necessarily see that there  
34 would be and I think they're going to be able to tell you what  
35 they can and cannot provide and then we have to work within that  
36 system, but, if so, then we might have to come back and revisit  
37 this, if it would change this wording here in any way.

38  
39 **EXECUTIVE DIRECTOR GREGORY:** This would be what Mara would say  
40 is a minor change and so, given my conversation with her this  
41 morning, that wouldn't really disrupt anything.

42  
43 **CHAIRMAN RIECHERS:** Right. Any other comments or questions?  
44 Camp.

45  
46 **MR. CAMPO MATENS:** Thank you, sir. I hope this isn't, once  
47 again, my not understanding what's going on, but on Item 2,  
48 individuals are ineligible to serve on an AP within three years

1 of the time the violation was adjudicated, suppose they are  
2 found not guilty? Is that proper wording?

3  
4 **MS. MARA LEVY:** I read it as adjudicated meaning there is some  
5 guilt associated with it. I mean if they're exonerated, then I  
6 guess it was adjudicated, but there is no violation at that  
7 point.

8  
9 **MR. MATENS:** Okay. Thank you.

10  
11 **CHAIRMAN RIECHERS:** All right. With that, Mr. Gregory, we'll go  
12 back to you.

13  
14 **EXECUTIVE DIRECTOR GREGORY:** Okay. The next change is on page 9  
15 and it's minor. I noticed that when we were listing the fishery  
16 management committees that we didn't put the word "Committee" at  
17 the end of them and so I took the word "Committee" off of the  
18 administrative committees. I also changed the name of the  
19 Administrative Policy to Administrative Policy & Budget and then  
20 changed the Budget & Personnel Committee to just Personnel.

21  
22 Now, if the council wishes otherwise, I can leave the word  
23 "Committee" there and put "Committee" after the fishery  
24 management committees, but in one sense, I just wanted  
25 consistency there.

26  
27 Then on page 10, I wrote a description of what the function of  
28 the Administrative Policy & Budget Committee is and deleted the  
29 Budget & Personnel Committee, which resulted in some re-  
30 lettering. Then at the bottom, because everything is in -- I  
31 added Personnel Committee. The Personnel Committee develops  
32 personnel policy and assists with other personnel matters.

33  
34 The next page is 18. Now, this is a change that's probably not  
35 necessary, after talking with Ms. Levy. Again, in one place in  
36 here, and I don't know where it is right now, we say something  
37 about the Executive Director is responsible for doing meeting  
38 authorizations, but it's delegated to the Administrative  
39 Officer.

40  
41 Here, the original wording was that the Executive Director  
42 maintains all the personnel files and since that really is held  
43 in the Administrative Officer's office, I was going to make that  
44 change, but after talking with Ms. Levy, I don't think that  
45 change is necessary and so if there is no objection, I just  
46 won't make that particular change.

47  
48 **CHAIRMAN RIECHERS:** There doesn't appear to be any objection.



1  
2 **EXECUTIVE DIRECTOR GREGORY:** The next change is on page 22. Our  
3 HR staff identified some changes with the Family Medical Leave  
4 Act pertaining to service members. Basically, the care for a  
5 covered service member may be up to twenty-six weeks under FMLA,  
6 instead of twelve weeks for non-military service members.  
7 That's just bookkeeping stuff.

8  
9 Page 23 is the last one and this is one the council discussed,  
10 where I pointed out at the last meeting there was a discrepancy  
11 between our SOPPs and our handbook about who approves for GSA  
12 lodging rates when we have a lodging rate situation that's above  
13 the GSA rate and the council wanted to maintain that decision  
14 with the Chair and the Vice Chair and so that changed is  
15 affected here and it's already in the handbook that way and so  
16 this makes the SOPPs and the handbook consistent. That's all  
17 the changes I have for the SOPPs at this point.

18  
19 **CHAIRMAN RIECHERS:** Doug, are you looking for a final vote from  
20 us? I mean obviously we've been working through this for some  
21 time now and --

22  
23 **EXECUTIVE DIRECTOR GREGORY:** For a year. If there's no  
24 objections, I don't -- Other than the committee structure  
25 change, most of these are bookkeeping type of stuff and I will  
26 just make those changes with the one exception I pointed out,  
27 unless there is objections now. I will get with Ms. Levy and  
28 see if I can word that sentence about adjudication better.

29  
30 **CHAIRMAN RIECHERS:** The only question, Mara, is hearing the  
31 other conversations we had regarding penalties or violations, I  
32 should say, is if we have to come back and change that -- I  
33 understand the rationale for letting the SOPPs settle, if you  
34 will, in some respects, but you don't believe there will be an  
35 issue of us coming back?

36  
37 I mean, in some respects, this is our document that we need to  
38 be able to change as business needs to change, in some respects,  
39 but I also realize that you all ultimately approve them, even if  
40 it seems like it takes a long time for that.

41  
42 **MS. LEVY:** I don't necessarily see a problem. It's just that,  
43 like you said, you know it does -- There is an official approval  
44 process for the document and once you approve this version, it's  
45 going to have to run back through DOC GC so we can point out the  
46 changes from the last time. Then once they're okay with  
47 everything, it has to run through NMFS and up to Headquarters  
48 and get approval.

1  
2 So it's just a process and I don't know that changing that minor  
3 thing would even necessarily require you to go through the whole  
4 approval process again. I would have to look at that, but it  
5 doesn't seem to be a big substantive type of change that you're  
6 talking about.

7  
8 **CHAIRMAN RIECHERS:** All right. Any other comments or questions  
9 regarding the SOPPs? If not, then I am going to assume that Mr.  
10 Gregory is going to work on that one sentence and clean up these  
11 items and we're ready for submittal again.

12  
13 **(THE COMMENT IS NOT AUDIBLE ON THE RECORDING.)**

14  
15 **CHAIRMAN RIECHERS:** You certainly can bring it up as a non-  
16 committee member, if you would like, or if you have something  
17 you would like to bring up.

18  
19 **MR. MYRON FISCHER:** At this time or at full council?

20  
21 **CHAIRMAN RIECHERS:** Given where we are in time, I would say if  
22 there is something and a committee member -- If it's something  
23 that requires a motion, Myron, then we'll see what happens with  
24 it, but it's probably worth having the discussion now.

25  
26 **MR. FISCHER:** Being that we're ahead of time and it's just  
27 something a few of us have talked about and it's not pointing at  
28 a particular person, but it came to light. I am not exactly  
29 certain of where this would fall, maybe around 3.2.2, somewhere  
30 before, or maybe 3.2.1, but it would have to do about  
31 participation in a meeting and voting -- Participation and  
32 creating motions and voting.

33  
34 The feeling was that you should be present, as this is a  
35 functioning body. The method would be to deliberate and to  
36 create motions you would be present and if this committee feels  
37 it's something they want to discuss and possibly reword  
38 something possibly around 3.2.2, I would probably vote for that  
39 at open council.

40  
41 **CHAIRMAN RIECHERS:** Any committee members have a question or  
42 want to bring that issue or want to suggest we add that here or  
43 add something like that here or further discuss it? Leann.

44  
45 **MS. LEANN BOSARGE:** So what we're talking about here is, I  
46 guess, someone that can't be physically at the meeting, but they  
47 are participating in some fashion, you know whether it be via  
48 the webinar or something that nature. What are we limiting them

1 to? They can participate, as in I guess give opinions or  
2 feedback or ask questions, but they can't -- Obviously they  
3 can't vote already and so we're saying that they can't make  
4 motions?

5  
6 **MR. FISCHER:** I have been to, as many people here have been to,  
7 quite a few governmental body meetings, from local and town  
8 commissions and committees all the way up to this. Everything I  
9 have ever seen, you have to be present to participate and I  
10 understand why we did it. You know it's understandable, but  
11 it's just a door that if we open, it could get very tricky down  
12 the road.

13  
14 **CHAIRMAN RIECHERS:** Leann.

15  
16 **MS. BOSARGE:** I can see what you're getting at, but I guess, as  
17 a female, I have a little bit of an issue with that, because  
18 there are some things that I have no control over and I don't  
19 want to miss a meeting, but I gave birth about five days before  
20 a meeting and I wanted to participate in that meeting and I did  
21 participate via webinar.

22  
23 Now, I didn't try and make any motions or anything of that  
24 nature, but it's not something I have any control over and so if  
25 I'm doing my best to be an active member of the council and do  
26 my homework and participate in the meeting and I can do  
27 everything except actually physically be there for some reason  
28 or another -- I mean I already don't have the ability to send  
29 someone in my place.

30  
31 We do give that ability to our government members and if they  
32 have some reason they can't be here, they can actually send  
33 somebody else in their place and that person has all the  
34 abilities that they have. They can vote and they can do  
35 everything.

36  
37 As a member that's not in government, I don't have that option  
38 and so I am already a little at a disadvantage there and I  
39 understand that I can't vote if I am not physically here, but I  
40 think I should be able to have every other level of  
41 participation, if I want to be an active member of the council  
42 but I can't physically be there.

43  
44 **CHAIRMAN RIECHERS:** Doug.

45  
46 **MR. DOUG BOYD:** I concur with Myron. I think that we're opening  
47 a door here that we don't understand what consequences can come  
48 about. How far do we extend this would be one question? Do we

1 extend it to the APs and the SSCs, where you can be giving  
2 instruction as a college professor also and take time out to  
3 just sit on a meeting and make motions and have discussion?  
4

5 Another point would be that when we sit around a table that you  
6 can look at everyone around the table and you can understand  
7 what's going on and you can have discussion, whereas if you're  
8 on the telephone or you're on a webinar and you're out there  
9 away from this body, it's much more difficult to communicate. I  
10 would support the idea that we need to be present to vote and to  
11 make motions and to give anything other than just testimony.  
12

13 **CHAIRMAN RIECHERS:** Mara.  
14

15 **MS. LEVY:** Are you talking about committee meetings, because for  
16 the council meeting, we have the language that says in the Act  
17 that decisions are by majority vote of the members present and  
18 voting and we have interpreted that in the past as being  
19 physically present.  
20

21 So I guess we said you could make motions at full council, but  
22 you couldn't actually vote on them and so I am just -- Whenever  
23 you get to what you're actually trying to do, be very clear  
24 about whether we're talking committees and council proceedings  
25 both and then is it -- I guess I heard motions and voting and  
26 not just voting. If you ever get to the point where you're  
27 going to make a motion to do something, to just be very specific  
28 about what that is.  
29

30 **CHAIRMAN RIECHERS:** Myron, since you brought it up, and I'm  
31 going to ask you, even though you're a non-committee member, do  
32 you or Camp have the thoughts about what it was you're trying to  
33 limit folks to here?  
34

35 **MR. FISCHER:** My thought would be to work as a council, as we're  
36 doing right now, where everyone must be present to deliberate.  
37 For all the actions we do at a normal meeting, you should be  
38 present, which includes deliberation, creating motions, and  
39 then, of course, voting.  
40

41 **CHAIRMAN RIECHERS:** Camp, do you have language that you would  
42 like to propose with a motion?  
43

44 **MR. MATENS:** Yes. I move that the language in the SOPPs reflect  
45 that any vote, deliberation, or motion require the member to be  
46 physically present.  
47

48 **CHAIRMAN RIECHERS:** We have got a motion on the board and do we

1 have a second?

2

3 **MR. BOYD:** I will second it.

4

5 **CHAIRMAN RIECHERS:** The motion is seconded. Leann, obviously  
6 this goes further than what you were suggesting. I believe you  
7 could still listen in and do those things, but you wouldn't be  
8 able to participate, at least as I am reading it. I want to  
9 make sure about that. Mara.

10

11 **MS. LEVY:** Just when we say "physically present", I don't know  
12 if you have thought about the implications for webinar meetings  
13 if you want to hold those. If you actually hold a webinar  
14 meeting, nobody is going to be physically present and so I guess  
15 if you're limiting this to physically present at those meetings  
16 where it's possible -- I guess we would have to think about how  
17 to word that, but I don't want you to preclude yourselves from  
18 ever having a meeting by webinar, if that's what you need to do.

19

20 **CHAIRMAN RIECHERS:** At least by discussion, I think that's  
21 understood, Mara. If the motion were to pass, I think we have  
22 at least some license to make sure that we still have the  
23 ability to have a conference call that we've done I think in the  
24 past and we've done some webinars in the past. Doug.

25

26 **EXECUTIVE DIRECTOR GREGORY:** I think you need to be explicit  
27 whether this is for just the council meeting itself or for the  
28 committee and the council or for our APs or for our SSCs,  
29 because we have had on the SSC in the past, I think twice, a  
30 joint webinar/present meeting and I've been talking with staff  
31 recently about trying to do that again, because our current SSC  
32 is too big to meet in our office meeting room.

33

34 If we let some people participate by webinar, then we could  
35 probably continue to use our office meeting room, but the SSC  
36 and the Reef Fish AP -- Any AP that's more than eighteen people,  
37 we're not going to fit them in our conference room and we will  
38 have to go to a hotel. I know that's not a major consideration  
39 with everything, but it is a consideration and we were thinking  
40 about having joint webinar/in-person meetings, but if you don't  
41 want us to do that, then that's the way we'll go forward.

42

43 **CHAIRMAN RIECHERS:** Well, to answer your question, at least from  
44 the perspective of what it applies to, at least according to --  
45 I had to scroll to it real quickly, but I think the 3.2.2 refers  
46 to council and it doesn't refer to APs and other things and so  
47 with the suggestion of that's where it would go, I think it's  
48 confined right now, Doug, at least based on what I was able to

1 read here quickly as we're catching up to this. Mara.

2  
3 **MS. LEVY:** And confined to full council or committees also,  
4 because that language, at least in the Act, talks about the  
5 council and so the way your committees function, you have more  
6 leniency and so if that applies to your committees too, then I  
7 think we should make that clear.

8  
9 **CHAIRMAN RIECHERS:** Camp, what was your intent?

10  
11 **MR. MATENS:** Mara, I see that and my intent would be to this  
12 committee, committee meetings at this venue.

13  
14 **CHAIRMAN RIECHERS:** So the intent is committees and full  
15 council?

16  
17 **MR. MATENS:** Yes and I am kind of reading this real quickly  
18 here. I read it a couple of times and I hate to say something  
19 is implied, but it's sort of implied, to me, that it was at a  
20 council meeting, but if that's the case, let's clean this  
21 language up so it does what at least I propose and let's get a  
22 vote on it.

23  
24 **CHAIRMAN RIECHERS:** Mr. Williams.

25  
26 **MR. ROY WILLIAMS:** Thank you, Mr. Chairman. I was going to  
27 suggest that we specify that this apply to appointed council  
28 members and not the state directors, specify that -- Myron and I  
29 were having a sidebar conversation and this issue came up and so  
30 I would like us -- If the maker of the motion would agree to  
31 specify that where it says "to require the SOPPs language  
32 reflect that any vote, deliberation, or motion require an  
33 appointed council member be physically present" and would you  
34 accept that?

35  
36 **MR. MATENS:** Yes, sir, and thank you.

37  
38 **CHAIRMAN RIECHERS:** Does the seconder accept that?

39  
40 **MR. BOYD:** I do.

41  
42 **CHAIRMAN RIECHERS:** Go ahead, Roy.

43  
44 **MR. WILLIAMS:** Just to make it clear, any state director would  
45 still have to come, because they can always get somebody else to  
46 come to the meeting.

47  
48 **CHAIRMAN RIECHERS:** Dr. Crabtree.

1  
2 **DR. ROY CRABTREE:** The way I read that motion now, it tells me  
3 that an appointed council member has to be physically present,  
4 but a state director could dial in by telephone and I don't know  
5 why we would do it that way.

6  
7 **MR. WILLIAMS:** That isn't what I wanted to do and so --

8  
9 **DR. CRABTREE:** Am I reading it wrong? That's what it says,  
10 isn't it?

11  
12 **EXECUTIVE DIRECTOR GREGORY:** Roy, are you trying to be too  
13 precise?

14  
15 **MR. WILLIAMS:** Possibly, but my goal is that the state directors  
16 would have to come, because there is a whole slew of them that  
17 could come to the meeting and so I guess then we just make it  
18 any council member has to be physically present. I guess I have  
19 damaged the motion and so if Camp would agree --

20  
21 **CHAIRMAN RIECHERS:** Okay and so that's been removed and I now  
22 have Martha and then Pam.

23  
24 **MS. MARTHA BADEMAN:** It was just to that. I think it's better  
25 the way it is now.

26  
27 **DR. PAMELA DANA:** I don't know and just a point. I don't really  
28 care, but there is -- I have never been on any board ever,  
29 except for this, that won't allow you to participate by phone if  
30 you have a compelling reason for a vote. I mean even bank  
31 boards that I sit on you can call in and vote, but whatever.

32  
33 **CHAIRMAN RIECHERS:** Mr. Sanchez and then we're going to probably  
34 dispense of this.

35  
36 **MR. JOHN SANCHEZ:** Thank you and I'm not on the committee, but I  
37 can understand the vote part, being physically present, but not  
38 to be able to -- As you know, you had an illness, like with  
39 Harlon, and something he's been involved in for nine years and  
40 he couldn't at least contribute verbally his thoughts? I think  
41 that's a little excessive.

42  
43 **CHAIRMAN RIECHERS:** Okay. We have a motion on the board and we  
44 have discussed the intent of the motion and while the language  
45 may not be perfect here in the motion to reach that intent  
46 completely, but I think Doug has a good idea, if it passes.  
47 **With that, I am going to say all those in favor of the motion**  
48 **say aye; all those opposed same sign. The motion fails.**

1  
2  
3 **REVIEW OF HOUSE & SENATE RED SNAPPER RELATED MSA BILLS**  
4

5 **EXECUTIVE DIRECTOR GREGORY:** The next topic is Tab G, Number 6.  
6 What I have here are three bills before Congress pertaining  
7 specifically to red snapper that I said I would bring to the  
8 council at the last meeting.  
9

10 At the last meeting, we reviewed the House bill that has passed  
11 the House, HR 1335, and the Senate bill, the Florida Fisheries  
12 Forever Act, that was proposed by Rubio that has not been passed  
13 by the Senate.  
14

15 The House bill is going to the Senate and so we don't need the  
16 bills up there. If you want to put something up on the screen,  
17 put the section analysis of any of the three bills. What I have  
18 done is there is -- I kind of got bogged down in the weeds at  
19 the last council meeting and was asked to do something more  
20 concise for the council.  
21

22 Fortunately, I have been talking with a gentleman who used to  
23 work for Congress, Dave Whaley. I met him at our June Council  
24 Coordinating Committee meeting and he pointed out to me that  
25 most of the Magnuson Act reauthorization activity is coming out  
26 of the Gulf of Mexico.  
27

28 We had this idea of hiring him and I didn't hire him, except  
29 I've got a small contract with him to work for us through the  
30 remainder of the year and also to work for the other councils,  
31 through us, to help us keep track of all the legislation and  
32 these summaries and section-by-section analyses you see here are  
33 the result of his work.  
34

35 He has only been on the job for three weeks and he has already  
36 analyzed all of the bills that are outstanding right now. There  
37 is a couple more coming out and, in conjunction with the other  
38 EDs, next year we're going to see about keeping him on, in a  
39 collaborative way, to help us through 2016.  
40

41 I don't intend to go through these bills in detail at this  
42 point. I want to bring them to your attention. Also, we have  
43 similar analyses of all the other bills on our website and soon  
44 we will have a link on our main page that takes you to the  
45 legislation page, but right now, you have to go to the CCC  
46 Meeting link and on that page, you will see a link to the  
47 legislative page and there you will see an analysis of all the  
48 outstanding bills that pertain to fisheries in the U.S. right



1 now. Most of them are House bills and some of them are  
2 appropriation.

3  
4 I did send to the council earlier this week some overall  
5 summaries of all the bills that Mr. Whaley did for us. I didn't  
6 want to inundate you with twenty-one or twenty-two documents and  
7 so I sent you those three overviews.

8  
9 The detailed analyses are on our website and if you have any  
10 questions about anything as you read through these, contact me  
11 and staff and we will help you in any way in getting more  
12 information or understanding what is happening. There is a  
13 flurry of activity, as you all know, and some of it is  
14 contradicting and some of it's confusing and some of it's  
15 duplicative and in this table format, he has identified, in the  
16 right-hand column, what parts of the bill are also contained in  
17 other bills and how they relate to other bills and that was  
18 something the council asked us to do at the last council  
19 meeting.

20  
21 I hope you find this new format helpful to you. Right now, I  
22 don't anticipate that the council is going to be called to do  
23 any testimony for the remainder of this year and so I don't  
24 think we need to go into anything in detail, but one of the  
25 things I've been attempting to do, unlike last year, is to try  
26 to get some council input on the legislative activity, so that  
27 if the Chair is called to give testimony that we have some  
28 feedback from the council.

29  
30 Last year, we couldn't really get ahead of the game, because  
31 Congress gives you like two weeks' notice to get everything  
32 ready and I am just trying to get to the point where when we do  
33 that that we have a chance to incorporate more people's input.

34  
35 Now, the other thing I will try to do, if we get in a situation  
36 like that, is circulate drafts to the entire council and get  
37 feedback that way, but it -- Just as you go through this, any  
38 feedback you have on how we can do things different to improve  
39 the information coming to you would be appreciated. With that,  
40 any way you want to go, Robin, at this point -- Any way you want  
41 to proceed is fine with me.

42  
43 **CHAIRMAN RIECHERS:** I know I have had some discussions with  
44 other council members after you sent this out and obviously the  
45 formats and the summaries are useful and help put it all in  
46 context in a fairly concise manner and so we certainly  
47 appreciate you and Mr. Whaley obviously doing that for us. Any  
48 other comments or questions here? Again, this is kind of an

1 informational briefing. Mr. Sanchez.

2  
3 **MR. SANCHEZ:** More in the form of a question. I know, as  
4 council members, we're expected not to lobby Congress, but when  
5 you feel strongly about some of these issues and some of this  
6 proposed legislation, I guess I am looking for some  
7 clarification as to how one would approach their elected  
8 official, yet not represent yourself as it being a council-  
9 oriented decision and my personal feelings on certain issues.  
10 Is that taboo or is there a gray area or I mean how does that  
11 work?

12  
13 **MS. LEVY:** So the council can't lobby as a group. You can't  
14 take council funds and do a council position letter. You as an  
15 individual can talk to your Congressperson or Senator or  
16 whoever. You just need to say I am representing myself and I'm  
17 here on behalf of myself.

18  
19 **CHAIRMAN RIECHERS:** Any other comments or questions here?  
20 Hearing none, then that takes us to our Other Business item,  
21 Doug. That was the audit review.

22  
23 **OTHER BUSINESS**

24  
25 **EXECUTIVE DIRECTOR GREGORY:** Right and we just -- We have an  
26 audit done every two years and we just completed the audit that  
27 covers the years 2013 and 2014 and, again, as in the past, the  
28 audit was clean and nothing was found in the way we handle our  
29 finances or our documentation that raised any questions  
30 whatsoever with the auditors.

31  
32 **CHAIRMAN RIECHERS:** Any questions to Doug about the audit? Yes.

33  
34 **DR. KELLY LUCAS:** Are copies of the audit available for review,  
35 should a council member wish to do so?

36  
37 **EXECUTIVE DIRECTOR GREGORY:** If you would like, yes. We don't  
38 have the final copy from the auditors yet. We just had a draft,  
39 but we could go -- We had an exit interview with the Chair and  
40 Vice Chair and the Chair of the Budget Committee, but I will let  
41 you know when the final is approved or given to us. We got the  
42 bill already, but we didn't get the final.

43  
44 **CHAIRMAN RIECHERS:** I am trying to recall and on the phone call,  
45 I thought they were going to be wrapping it up within the week  
46 or so and there were some editorial things still going on, but  
47 that's what I am recalling and is that right, Doug? Am I  
48 remembering that right?

1  
2 **EXECUTIVE DIRECTOR GREGORY:** Right and it should have been  
3 completed by October 1 and submitted to the Department of  
4 Commerce.

5  
6 **CHAIRMAN RIECHERS:** So yes, it can be available to all council  
7 members or council members who want it when that's done. Any  
8 other comments here? Hearing none and seeing no hands, then  
9 this committee stands adjourned.

10  
11 (Whereupon, the meeting adjourned at 10:00 a.m., October 5,  
12 2015.)

13  
14 - - -  
15