

GULF OF MEXICO FISHERY MANAGEMENT COUNCIL

ADMINISTRATIVE/BUDGET COMMITTEE

Astor Crowne Plaza New Orleans, Louisiana

August 15, 2016

VOTING MEMBERS

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

NON-VOTING MEMBERS

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

STAFF

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

OTHER PARTICIPANTS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 the quota and dockside markets influence each other.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

46
47 **CHAIRMAN BOSARGE:** Robin.

48

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

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

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

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

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

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

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

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

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

5
6 **CHAIRMAN BOSARGE:** All right. Any other comments from the
7 group, from the committee? Okay. We will move on to Item VI,
8 which is our Review and Approval of the Updated Regional
9 Operating Agreement with NMFS, and I think Dr. Simmons is going
10 to take us through this.

11
12 **REVIEW AND APPROVAL OF THE UPDATED REGIONAL OPERATING AGREEMENT**
13 **WITH NMFS**
14

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

21
22 The purpose of the Regional Operating Agreement is to confirm
23 mutual responsibilities of the Gulf Council, the Southeast
24 Regional Office, the Southeast Fisheries Science Center, and
25 NOAA General Counsel in the Southeast Section for the
26 development and preparation of interagency fishery management
27 actions that address the needs and requirements for conservation
28 and management of the nation's fisheries.

29
30 Some of the changes that were made in our updated Regional
31 Operating Agreement are we added a new Section 5, Ongoing
32 Management. That changed the structure a little bit. That is
33 new compared to the previous draft of our operational agreement.
34 We also parsed out and better defined the Section 4, Post-
35 Council Action, to recommend a Measure A, preparation for
36 transmittal, and, B, secretarial review and implementation.

37
38 I worked closely with Ms. Gerhart and Mara Levy and Jack
39 McGovern at the Regional Office to try to get this updated the
40 best we could. The Science Center has not had a chance to
41 review it and provide any comments yet to this.

42
43 I asked Dr. Ponwith to get those back to us hopefully the week
44 after the council meeting, because we have to submit this in
45 September with all of the signatures, and so I assume everybody
46 will have one final review and then we will get the signatures
47 and be able to submit it, but probably we need to have the
48 council make a motion, if they're in agreement to those changes,

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

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

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

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

18
19 **CHAIRMAN BOSARGE:** Robin.

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

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

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

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

40
41 **CHAIRMAN BOSARGE:** Mara.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

41
42 **CHAIRMAN BOSARGE:** Patrick.

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

46
47 **CHAIRMAN BOSARGE:** Robin.

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

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

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

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

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

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

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

1 interpretation.

2

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

4 Stunz.

5

6 **MS. LEVY:** Just a suggestion that I think it should be the

7 opposite way, meaning the council doesn't have any way to say

8 who can serve on the council, but you can say that members of

9 the council cannot be appointed to the SSC.

10

11 **CHAIRMAN BOSARGE:** Robin, would you be okay with that friendly

12 amendment?

13

14 **MR. RIECHERS:** I'm okay with that. But, in this case, it was a

15 member of the SSC who was wanting to -- It was Louisiana wanting

16 to have a member of the SSC who was already a member sit on the

17 council, and so, Mara, walk us through that technically.

18 However it works, I'm fine with the motion.

19

20 **MS. LEVY:** I think the result of that is Louisiana can put any

21 designee they want, or have any state official they want who

22 meet the requirements serve. The result of that would be that

23 person would no longer be eligible to be on the SSC.

24

25 **MR. RIECHERS:** At the moment they send the letter designating

26 them officially, then they're removed from the SSC?

27

28 **MS. LEVY:** I think if we made clear that anyone who is serving

29 on the council as a designee or whoever can't be on the SSC that

30 that would be what would happen.

31

32 **MR. RIECHERS:** Given Mara's suggestion, it seems like we flip

33 this to indicate that members of the Gulf Council cannot

34 simultaneously serve as members of the SSC, and is that correct?

35 Okay. In effect, Mara, what would happen then is they would

36 basically resign their position on the SSC and could reapply the

37 next time the SSC is appointed, but the simple fact is, from

38 that point on, until that reapplication period, they would be

39 removed from the SSC.

40

41 **CHAIRMAN BOSARGE:** All right. Good discussion. Now we have

42 Myron and then Dr. Stunz.

43

44 **MR. MYRON FISCHER:** Thank you, Madam Chair. My question was

45 just verbiage and asking Robin -- Wouldn't you mean members or

46 designee, because I'm a designee and Leann is a member.

47

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

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

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

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

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

24
25 **CHAIRMAN BOSARGE:** Ed.

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

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

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

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

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

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

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

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

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

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

27
28 **CHAIRMAN BOSARGE:** Robin.

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

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

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

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

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

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

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

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

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

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

43
44 **CHAIRMAN BOSARGE:** Robin.

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

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

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

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

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

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

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

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

5

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

7

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

12

13 **CHAIRMAN BOSARGE:** Martha.

14

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

21

22 **CHAIRMAN BOSARGE:** Kevin.

23

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

32

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

42

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

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

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

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

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

21
22 **CONSIDER MERGING SOME COMMITTEES**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

36
37 **CHAIRMAN BOSARGE:** Robin.

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

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

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

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

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

21
22 **CHAIRMAN BOSARGE:** Robin.

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

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

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

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

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

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

15
16 **CHAIRMAN BOSARGE:** Robin.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

6
7 **CHAIRMAN BOSARGE:** Robin.

8
9 **MR. RIECHERS:** I think what Pam is asking is the frequency that
10 these have been given and the numbers of individuals who have
11 received these over the last three years or two years or
12 whatever that case may be, given the context of this. I don't
13 expect that you have that right at your fingertips, but maybe
14 you do. Am I right, Pam, that that's kind of the question that
15 you're getting at, so that, as we move forward, we can actually
16 maybe think about this, in addition to what our overall budget
17 picture looks like?

18
19 **EXECUTIVE DIRECTOR GREGORY:** Right, we do, and I think -- I
20 don't know if it says it here, but, in some places -- It does.
21 It says these bonuses are contingent upon the availability of
22 funds.

23
24 **MR. RIECHERS:** If I may, Doug, that is -- I appreciate that, but
25 I think there is a more in-depth question going on here, which
26 is how often, number of people receiving it, and how that plays
27 into our overall budget as we move forward. I think we've had
28 that request, and we probably ought to be able to get that
29 information. It certainly is reasonable to ask for, as we look
30 at budgets.

31
32 **EXECUTIVE DIRECTOR GREGORY:** Right, and we will do that in April
33 with the 2017 budget. I think we do that, but I haven't paid
34 that much attention to it in the April meetings, but I think it
35 is included in the budgets and it's budgeted, and so we will
36 bring that in April.

37
38 **MR. RIECHERS:** I appreciate you bringing a budget of what you
39 think you're going to do in the next year, but I think the
40 question deals with what has been going on as well.

41
42 **EXECUTIVE DIRECTOR GREGORY:** Do you want like what the average
43 bonus per year is or do you want -- How far back do you want to
44 go? Or do you want a breakdown of a table of every dollar
45 amount? We're certainly not going to assign people's names to
46 those, but I mean do you want an average of each year per
47 person?

48

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

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

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

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

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

28 **CHAIRMAN BOSARGE:** Andy.
29

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

6

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

8

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

15

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

22

23 **CHAIRMAN BOSARGE:** Doug Boyd.

24

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

29

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

31

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

39

40 **EXECUTIVE DIRECTOR GREGORY:** Correct.

41

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

43

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

5

6 **CHAIRMAN BOSARGE:** Kevin.

7

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

18

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

26

27 **CHAIRMAN BOSARGE:** Mara.

28

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

39

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

45

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

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

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

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

15
16 **CHAIRMAN BOSARGE:** Robin.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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