

# **SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL**

## **ADVISORY PANEL SELECTION COMMITTEE**

**Charleston Marriott Hotel  
Charleston, SC**

**September 15, 2014**

### **SUMMARY MINUTES**

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#### **Observers/Participants:**

Monica Smit-Brunello  
Dr. Bonnie Ponwith

Kevin Anson  
Phil Steele

Additional Observers Attached

The Advisory Panel Selection Committee of the South Atlantic Fishery Management Council convened in the Topaz Room of the Charleston Marriott Hotel, September 15, 2014, and was called to order at 10:30 o'clock a.m. by Chairman Doug Haymans.

MR. HAYMANS: We have four of our five committee members here, so we'll go ahead and get started with the Advisory Panel Selection Committee. With that, you see the agenda in front of you. Are there any additions to the agenda? Seeing none; we'll accept the agenda as presented. You have also had a chance hopefully to review our discussion from the minutes. Are there any additions or corrections to the minutes? Seeing none; we'll accept those minutes as presented.

This is an open session, because we're not discussing individuals but we're discussing seats. This will be basically our third attempt at looking at our makeup of our Snapper Grouper AP. Hopefully, you have had at least an opportunity to review the discussion document, which Kim is about to walk through for us, and have ideas either to implement change or let's leave status quo and we can move through this in the hour and a half we've been allotted. Kim, I am going to turn the discussion document over to you.

MS. IVERSON: As Doug pointed out; back at the June meeting the committee went through and began discussion on the makeup of the Snapper Grouper AP. You did approve a motion back in June that would have switched the Wreckfish Subpanel seats to four open commercial seats; and those seats will be advertised in time for our December meeting.

The AP Selection Committee will meet again in December to discuss appointments. You also made some appointments to the Snapper Grouper AP back in June as these are noted in the overview. You also agreed to create a position for a non-voting liaison representative from the Science Center.

A letter has been sent to the Science Center asking for that appointment to be made, and we're still waiting on that. Hopefully, we'll have an appointment in time for the October Snapper Grouper Advisory Panel Meeting as scheduled. I would like for the committee to note that. I put together a discussion document, which includes some background information since we do have a new committee member; also a summary of the current seats that are open; some options for discussion and a list of the current members.

Kari last week distributed an updated permit summary for the number of permits that are throughout the South Atlantic Region state by state and also included some additional information. She keeps that list; it is kind of a current running list. You should have a copy of that.

There is a summary table within the discussion document that has a breakdown of the current membership by the states and by the sectors. Just as a reminder, back in 2008 the committee recommended to the council and the council approved that the makeup of the Snapper Grouper Advisory Panel would be open; no state or sector specific seats. That is the way it has operated up to this point. With that, I will turn it over for discussion.

MR. HAYMANS: I think the really pertinent pages are 2 and 3 of that discussion. You see the current breakout by state and sector as it is with an open format. You see that breakout and how we have maintained that. Then you see a couple of options, four options there that Kim has

outlined for us. With that; is there anyone with a burning desire to make a change or at least some input here this morning? Michelle.

DR. DUVAL: Mr. Chairman, I am not on your committee. Actually I might put Anna in the hot seat, because she came up with a great idea that we talked about a little bit yesterday on our drive down when we were discussing how might we do things a little differently, or better, or more equitably. I was hoping Anna might be willing to share that with everyone else.

MS. BECKWITH: One of the original thoughts I had – and, of course, I am not on your committee – was to treat the AP a bit like a combination of the house and senate, with each state having a minimum of two seats. My original thought was taking a look at the permits and kind of doing it almost as a percentage of permits per state.

But then I started looking at those numbers; and I think it would argue the commercial permits versus for-hire permits and that would create that being a bit complicated. Looking at my North Carolina seats, and not having discussed this with my colleagues, and kind of as my personal ideal situation for North Carolina; I look at the makeup and I would like to see – again personal – three commercial seats.

In North Carolina we could have some day kind of looking at the southern central and that Hatteras area that is so different than the rest. I would personally love to see two charter/headboats, again because our regions are interacting so differently with that industry; one recreational and one agency seat.

Of course, that would require North Carolina having seven seats to accommodate my imaginary best-case scenario. I would start the conversation that way and say I do think that every state should have at least two seats; and then my ideal vision for North Carolina.

MR. HAYMANS: Do you think North Carolina can manage to apportion its number of seats within its representation on the AP Selection Committee or do you think it needs to be broken up by sector?

MS. BECKWITH: If we had seven seats, we can certainly apportion to my perfection.

DR. DUVAL: I think that is kind of what I was getting at. I really liked Anna's idea of at least having a designated number of seats per state. That way each state knows that they are going to have at least two representatives on the advisory panel. I think that is certainly fair. Then having perhaps a set number of seats per state above that; distribute the remainder of the seats beyond that.

Now I know we've acknowledged and tried to make efforts to get representation from other more nontraditional sectors as well, such as chefs and folks who can represent the consumer side of things, as well as we still have a designated NGO seat, correct? Beyond that; but thinking about a set number of seats per state not designated by any particular sector but at least allowing the folks within the states can provide input on how best to apportion those seats.

MR. HAYMANS: It would seem to me that if we took the three wreckfish seats that we opened up previously, gave two to North Carolina and one to South Carolina; so that is seven; four, two

and seven across the table, and that leaves two others and keeps us at 23. Do you follow that? That would basically set the number of seats by state and then allow the AP Selection Committee and the state representatives within those to help work out the allocation or the apportionment of those seats during these closed sessions.

DR. DUVAL: I guess I would like to hear how other folks around the table would react to that. Like you said; that would give North Carolina seven; South Carolina four; Georgia would still have two; and Florida would have seven. I would just like to hear some input from other states, how they feel about that, with North Carolina and Florida having the majority of the seats under that scenario.

MR. HAYMANS: Yes; without having spoken to Anna that is where I was going, the exact same sort of scenario using those wreckfish seats. From Georgia's perspective, I realize I am figuratively the little man on the totem pole here; so keeping two seats and I will be able to put a recreational and a commercial into those seats; I am fine with that. Jessica, would you weigh in here?

MS. McCAWLEY: I like the concept. I guess I am wondering how we would get there from the structure we have now to this system. Yes; because I struggled with – I don't like the idea of going back to the state and sector; because it seemed like we were having problems filling those seats. I didn't think that was the way to go, but I agree that a change is needed. So far I like the sound of this change.

MR. HAYMANS: Well, if I understand it right, those wreckfish seats are open.

MS. IVERSON: You designated them as four commercial seats; that they were open but they were sector-specific.

MR. HAYMANS: But, I mean there is no individual in those seats right now?

MS. IVERSON: That is correct.

MR. HAYMANS: We could decide to divide those three out now; Kim would advertise the fact that the fact that they are open and we fill them in December. Mel, what do you think?

MR. BELL: Yes, Mark and I were talking. If we could pick up one more seat so we have a total of four to work with; I think we could get adequate representation across the fishery. Then it makes sense that North Carolina or Florida might have more. They have more of a vested interest in the fishery and larger amount of real estate and all, too. I think with four seats we would be fine.

MR. BROWN: They've got more issues, too.

MR. BELL: Well, yes, issues to go along with that, I suppose.

MS. IVERSON: Just for clarification; if you designated the number of seats by state and then advertise; would those be open seats for that state, and then you would make those appointments based on the applications that you received?

MR. HAYMANS: That is the way I understand it.

DR. DUVAL: Yes; because I think we've evolved from really under the old structure having to beat the bushes to try to get people to apply to serve on this advisory panel to the point where we've had a waiting list that keeps going on and on and on. We've had many folks from all the states who I think have reapplied several times, because we keep their applications on file for two years afterwards.

It is a pretty long list of folks. I certainly get asked questions about, well, I put my application in and I never – it is not that people don't necessarily hear anything back; but they feel like they're being brushed off because they are not getting an appointment. I think there is probably not a clear understanding of how many people would like to serve on this advisory panel.

I try to explain that to folks when they come and say to me; hey, I think I'm going to throw in my application and my name in the hat for a seat on the advisory panel. I just try to tell folks that is great, I encourage you to become involved in the process. Please just understand that there are lots of folks out there. That is why I think something like this kind of structure, combined with the term limits that we put in place, will hopefully create the right balance of institutional knowledge as well as new blood and new ideas.

MR. HAYMANS: I agree with everything you said; thank you. As we're working towards a motion here, the general sentiment then is that those three "others" would remain a media, a consumer, and an NGO, which are at-large seats and not particularly any state. Is there a general consensus on that? Currently right now, I don't know who Rodney Smith is, but where is he from? Florida; and Dave Snyder is from Georgia, and now Gretchen is stepping out; but it would be an NGO which would be available from anywhere as well.

MS. IVERSON: If you divide the seats up as they currently exist, then, it would be up to the states to take those seats, because you are looking at the total and that would include the NGO representative, the chef or the consumer representative, et cetera. Those would then be divided up state by state; is that correct?

MR. HAYMANS: Yes, you've got 23 total seats. There are 20 that are divided amongst the states and then three that are at large that considered to have the media, consumer and NGO.

MR. BELL: Related to Mark Brown's seat; would we be advertising that and filling it in December or when?

MS. IVERSON: That would be addressed in December.

MR. HAYMANS: Any additional fleshing out here before someone on the committee puts forward a motion?

DR. DUVAL: I am just thinking ahead to potential changes that might come down the road. I don't know if we might want to allow – and I am just clearly thinking off the top of my head here and I would love others input; but with those three seats that have been suggested, three open commercial seats, the three former wreckfish seats; it has been suggested to give one to

South Carolina and two to North Carolina. I don't know if we might want to leave one as sort of a floater to be able to respond to changes. I don't know how folks feel about that.

MR. HAYMANS: My first response is would that mean North Carolina would pick up one so they've got six and South Carolina picks up one and there is one at large?

DR. DUVAL: Yes; that is what that would mean and I see Anna shaking her head, no. I just wanted to throw the idea out there; because when you strange the structure of an advisory panel, then what we might want to do is set up some timeframe within which we would take a look at the structure and just make sure it is working for us. Is it within five years?

MR. HAYMANS: Sure; and I think we've done that. This current structure was in place since '08. We're just past five years we made some adjustments to overall APs. Now we're adjusting the snapper grouper from that and it's been five years, five and a half. Let's develop a method; and I think there is one thing, for sure, we're not scared to come back and change it if we need to.

I would like to entertain a motion from someone on the committee. Do we need to craft that first? That would be to establish state-by-state representation on the Snapper Grouper Committee with North Carolina, seven; South Carolina, four; Georgia, two; Florida, seven; and one media, one consumer, and one NGO.

**MR. HARTIG: I would move to establish state-by-state representation on the Snapper Grouper Committee with North Carolina having seven seats; South Carolina having four seats; Georgia having two seat; and Florida having seven seats; with one media, one consumer, and one NGO seat in addition.**

MR. HAYMANS: Thank you, Ben; Chris is the second. Any additional discussion?

MR. PHILLIPS: Well, I am not on your committee; and being that North Carolina and Florida are going to be top-loaded with seats, I would make the suggestion that when we get motions from the AP; that it is not only broken down into sectors, but also broken down into states. Should there be an issue that favors one state or region over another, that we would know it because of the voting power.

MR. HAYMANS: Well, certainly the minutes that come out of the APs will help you understand which states and which representatives have given their opinions. I don't know; I'm just trying to think of the validity of having the AP's decision, once it is placed in a decision document, broken down by how the states voted. That sort of takes away from the role of the APs in my opinion.

MR. PHILLIPS: I think it would just give a better – on some issues not all; but there is a possibility of some issues that especially we've talked a lot about regional separation and various other ways. If one region, for instance, felt strongly and everybody voted one way, they might have enough votes to almost like north against the south or something. It would just be nice if the council knew that without having to go into the minutes.

MR. BELL: I follow Charlie's logic, but I think you're right; I think you need to look at the minutes. I think it would come out if issues came up and there were differences of opinion, and it was kind of Florida versus or North Carolina versus; I think it would come out in the minutes. I think the way you would have to do what Charlie was suggesting I guess would be to almost have sort of roll call votes or something or document all the votes on things or something.

I think you would pick up on that and I think we would hear about it, too. I was going to ask we're each assigned a number of seats and then the state is tasked with filling those as appropriate. In other words, we don't have to meet certain categories.

MR. HAYMANS: Right; an open announcement of which seats are available; how many seats from each state go out? Recommendations come in and then we do this deliberation at this committee. I would hope that within the state representatives that are here, you could suggest to the rest of the selection committee who needs to fill those roles.

MR. BELL: That makes perfect sense. I followed the point about the floater kind of concept. Things do change. I think if I recall we didn't always have that consumer designation in there, and that was something we realized, oh, hey it would be really good to hear from this particular group of folks. That makes sense; but this will work. I'm not on your committee, but thanks a lot.

DR. DUVAL: Again, Mr. Chairman, I am not on your committee either. I guess just in response to Charlie's point; I completely understand your concern about there being some outvoting that might occur with that structure. I do agree with Mel that I think that would come out in the minutes and in the summary.

We don't take votes like that here at the council; and there is certainly opportunity. I know stuff that I've supported has certainly gotten voted down before by quite a large majority. I think advisory panels can be encouraged to certainly be clear on the record during discussion, just as we all try to be, as to whether or not you would support a motion and why you may or may not choose to do so, just so that all the concerns can be captured around the table.

MR. HAYMANS: Thank you for that clarifying comment.

MR. HARTIG: Well, I'll just add one thing. Half of us are there at the Snapper Grouper AP meeting. If anything comes out, we're going to know about it. For this one particular AP, I don't have that concern.

MR. BREWER: I said I wasn't going to talk, and I'm not, I'm going to ask a question. This to me looks like a great idea, but I did have a question; and probably it has already been discussed and I just didn't realize it was being discussed. With regard to the makeup within each state; in other words, Florida has got four commercial and three recreational, charter recreational; would this in any way affect that makeup or would the committee, say, in the state of Florida be able to appoint maybe one less commercial guy and one more guy or girl and one more recreational person?

MR. HAYMANS: Ultimately that could happen; but this five-state allocation allows for flexibility within those discussions, so that you are not rigid. In the past we've had times when

there was sector-specific, state-specific, and you didn't get anybody to apply for it. This allows for a little bit of flexibility in that.

When we are in these discussions, it may wind up being one more recreational than commercial or one of those seats may wind up being an agency person. You have a three, three, one split; but it allows for flexibility within the state. Anyone else? Notice that we didn't include the nonvoting member of the committee; because again that committee is not paid for by the council. It is paid for by NMFS; it is nonvoting.

I don't think that we need to necessarily need to put that into this motion. With the amount of discussion we've had, I will reread the motion. Any additional discussion? **Seeing none; is there any opposition to the motion? Seeing none; that motion passes.** Thank you very much.

Is there any additional business to come before this committee? Then Kim for the December meeting will be sending out – there are several seats that will be open. Georgia had a seat that resigned, the NGO seat resigned, and then we'll have three open seats that will be advertised – at least five seats will be advertised for the December meeting, correct, at least five?

MS. IVERSON: That's correct; and hopefully you will get some input at some point on how to make this transition so that we can allocate these numbers of seats as these positions are advertised. As I was going through this, there are at least five in addition to the three wreckfish seats. We'll work together to figure out how to make that transition occur between now and December.

MR. BOWEN: I am not on your committee either, but just a question that was raised that I thought of; will we have any seats coming open in December for their term limit expirations?

MR. HAYMANS: Yes; Kim said there are at least five that will be.

MS. IVERSON: No, not term limits. One will; Rodney Smith who was our media representative; this would be his third consecutive term. That would be an open seat, and Rodney would not be able to reapply for that seat for at least a year.

MR. HAYMANS: My apologies, Kim; I misunderstood what you said a moment ago. There will be at least six seats advertised. Mr. Chairman, I would like to reserve the 30 minutes that I'm giving back now for December for the additional discussion; but if there is no other business to come before this committee, we're adjourned.

(Whereupon, the meeting was adjourned at 11:00 o'clock a.m., September 15, 2014)

Certified By: \_\_\_\_\_ Date: \_\_\_\_\_

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Graham Transcriptions, Inc.  
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