

DRAFT

SAFMC WEBINAR MEETING GUIDELINES

Executive/Finance Committee
June 15, 2017

I. WEBINAR MEETINGS

Issue: The Council is conducting some meetings via webinar and there is a need to have a set of guidelines about attendance, voting, etc.

Approach: Council staff researched current process/guidelines used by the South Atlantic Council. Information from ASMFC and the other Councils were included in previous briefing books. A Draft Communications Report was also included and provided an overview of the use of webinars and other electronic communications by each of the Councils. South Atlantic Council Staff prepared a draft set of options for the Committee and Council's consideration at the June 2016 meeting. However, due to time constraints, the discussion was deferred to the March 2017 meeting.

OPTION 1. NO ACTION. Current South Atlantic Council Guidance:

We have no written guidelines on conducting meetings via webinar. The Council has held a Council meeting via webinar and Council members voted via webinar. Scientific and Statistical Committee (SSC) meetings are conducted via webinar and we plan to hold some Advisory Panel (AP) meetings via webinar. The SEDAR Steering Committee meets via webinar.

All Council meetings, most AP meetings, and most SSC meetings are broadcast via webinar; portions of SEDAR assessments are broadcast via webinar. Question and Answer sessions and scoping sessions are usually only broadcast via webinar. Whenever possible, public hearings are broadcast via webinar with some conducted via listening stations where Council members are present to talk with fishermen and Council staff give the public hearing presentation remotely from the office. Public comments are accepted via webinar.

The Council allows remote presentations via webinar and by phone.

OPTION 2. NEW PROPOSED APPROACH

The Council welcomes use of webinar meetings to increase transparency and efficiency while reducing costs of conducting meetings in person. Preliminary NOAA General Counsel (GC) guidance is that Council members can participate in a meeting via webinar but cannot vote if not present (in person) at the meeting. (Note: If the entire Council meeting is conducted via webinar, then Council members can vote via webinar.)

The Committee provided input at the March 2017 meeting. Any further guidance would be helpful to the SOPPs Committee for their review at the September 2017 meeting. The goal is to finalize these guidelines at the September or December 2017 meeting.

The Committee indicated the following:

- Prefer in-person meetings with the ability to freely discuss and exchange information. However, budget and time constraints may require more use of webinar meetings.
- Support the continued use of webinar meetings for Council meetings (and Committee meetings if needed) – primarily to address specific issues that are time sensitive.
- Support a limited exemption for Council members to participate and vote during an in-person meeting if they are participating via webinar. Council Chair or Chair & Vice Chair or Executive Committee or Council Members to approve exception??
- Support the continued use of webinar meetings for the SSC.
- Support the use of webinar meetings for the AP for short meetings or to address specific issues that are time sensitive.
- Explore allowing SSC and AP members to participate and vote during an in-person meeting if they are participating via webinar.

Issues to be resolved:

1. Voting at meetings. Monica to follow-up on the wording at Section 101.627 that talks about all decisions of any Council shall be my majority vote of voting members present and voting. Does present include attending a meeting via webinar?
2. Can AP members vote during an in-person meeting if they are participating via webinar?
3. Can SSC/SEP members vote during an in-person meeting if they are participating via webinar?

Does the Committee have any other guidance at this time?

II. EXEMPTED FISHING PERMITS

Issue: The Council is receiving more Exempted (Experimental) Fishing Permits (EFPs) to review and there is no process outlining how these reviews are to take place or what materials are necessary.

Approach: The Council received an overview on the EFP process during the March 2017 Council meeting and directed staff to prepare options for how EFPs are to be reviewed and what material is required. The following options are offered to allow the Committee to provide input for the SOPPs Committee to consider at their September 2017 meeting. The goal is to finalize these guidelines at the September or December 2017 meeting.

OPTION 1. No Action.

We have no written guidelines on conducting EFP reviews.

OPTION 2. Require a complete proposal before review begins.

The Council will not begin the review process until NMFS SERO certifies that the document is complete and includes all the necessary materials for the Council's review. At this stage, the NMFS has not made any decision on the request.

OPTION 3. Require a complete proposal and completion of the NMFS public comment process before review begins.

The Council will not begin the review process until NMFS SERO certifies that the document is complete, includes all the necessary materials for the Council's review, and the public comment phase has been completed and any comments included. At this stage, the NMFS has not made any decision on the request but has published a notice requesting public comments. The public comments would help the Council review the request and give some gauge of the views of the public. The Council would receive additional public input at the Council meeting where the EFP is being reviewed, however, having the broad range of comments prior to the meeting would be very informative.

OPTION 4. Follow the process outlined in HR 2023.

The following language is based on the wording of HR 2023:

H.R. 2023 - The "Modern Fishing Act of 2017"
Sponsor – Congressman Graves (R-Louisiana)
Introduced on April 6, 2017
Referred to the House Natural Resources Committee

Section 106 – Exempted Fishing Permits. This section would not amend the MSA, but would require that the Secretary of Commerce follow new procedures before approving or issuing any new exempted fishing permits (EFP) under section 600.745 of title 50, Code of Federal Regulations.

The new procedures would include the requirement for a joint peer review of the proposed EFP by the appropriate regional fisheries science center and the appropriate State marine fisheries commission and a requirement that the Secretary certify that the regional fishery management council or Federal agency with jurisdiction over the affected fishery has determined that:

- the fishing activity to be conducted under the proposed EFP would be consistent with any conservation and management objectives under the existing fishery management plan or amendments;
- the social and economic impacts (in both dollar amounts and the loss of fishing opportunities on all participants in each sector of the fishery) expected to occur as a result of the proposed EFP;
- the information collected through the fishing activities conducted under the proposed EFP will have a positive and direct impact on the conservation, assessment or management of the fishery; and

- the Governor of each of the States – of which any part of that State is within 100 nautical miles of the proposed activity under the proposed EFP – has been consulted on the proposed EFP.

This section would require that any EFP shall expire at the end of the 12-month period beginning on the date that the permit was issued and that any EFP that is renewed be consistent with the new requirements listed above.

(Note: it is not clear if this will apply only to new EFPs or that existing EFPs will also expire in 12-months and need to meet the new requirements in order to be renewed. Also, it is not clear whether Marine Fisheries includes all State management agencies whether they have a Commission or not.)

OPTION 5. Others???

III. BRIEFING BOOK DOCUMENT DEADLINES

Issue: All materials, experimental fishing permits, and presentations for each Council meeting must be received by Council staff prior to the briefing book deadline (Monday, 3 weeks prior to each Council meeting). This policy needs to be specified in the Council Handbook.

Approach: The Council established this policy in 2016 and this wording is included in the follow-up document after each meeting. This deadline is also conveyed to the NMFS SERO and SEFSC three weeks prior to each Briefing Book deadline with a list of the items expected from each office. The following wording is offered to allow the Committee to provide input for the SOPPs Committee to consider at their September 2017 meeting. The goal is to finalize this policy at the September or December 2017 meeting for inclusion in the Council Handbook.

Briefing Book Materials:

All materials, experimental fishing permits, and presentations for each Council meeting must be received by Council staff prior to the briefing book deadline (Monday, 3 weeks prior to each Council meeting).

The South Atlantic Council recognizes that not all material is on the same deadline as the Council's for completion of meeting materials. If material is being developed specifically for the Council meeting, then it needs to be completed by the Briefing Book deadline. If material is being developed outside of the Council meeting process, and action will occur prior to the next meeting that impacts fisheries or the Council, or the comment period ends prior to the next meeting, and material is completed between the Briefing Book deadline and Council meeting start, then the material will be posted to the Council's website to allow public access/review and can be discussed at the meeting with approval of the Council Chair. If material is being developed outside of the Council meeting process, and action will not occur prior to the next meeting, and material is completed between the Briefing Book deadline and Council meeting start, then material will be discussed at the following Council meeting, time permitting.

The Council Chair will review any late materials and determine whether to approve their distribution after the Briefing Book deadline or whether the information will be re-scheduled for the following Council meeting.

IV. PUBLIC COMMENTS AT ADVISORY PANEL

Issue: The Council does not have a formal policy on public comments at Advisory Panel meetings. The AP Chair can allow public comments as needed.

Approach: The Council is interested in discussing how to handle public comments at AP meetings. The following options are offered to allow the Committee to provide input for the SOPPs Committee to consider at their September 2017 meeting. The goal is to finalize these guidelines at the September or December 2017 meeting.

OPTION 1. No Action.

We have no formal policy and the AP Chair can allow public comments as needed.

OPTION 2. Establish a formal opportunity for public comments at AP meetings.

Allow public comments at the start of an AP meeting and prior to recessing each day if the meeting runs more than one day. The Council could also allow public comment on each agenda item (Committee/Council to decide).

OPTION 3. Others??

V. SSC LIAISON & ROLE OF COUNCIL MEMBERS AT SSC MEETINGS

Issue: The Council sends a SSC Liaison to each SSC meeting. The role of the SSC Liaison and other Council members attending is not clear.

Approach: The Council identifies a SSC Liaison. This individual attends each SSC meeting and is responsible for conveying the Council's intent on items and for clarifying any questions raised by the SSC. The SSC Liaison will also raise questions/issues with the SSC to obtain clarification for the Council. Other Council members attend SSC meetings and they may also have questions. The Council may want to develop some guidance on how the SSC Liaison and other Council members interact with the SSC. The following options are offered to allow the Committee to provide input for the SOPPs Committee to consider at their September 2017 meeting. The goal is to finalize these guidelines at the September or December 2017 meeting.

OPTION 1. No Action.

We have no written guidelines on how the SSC Liaison and other Council members attending a SSC meeting interact with the SSC.

OPTION 2. The SSC Liaison is the only Council member to ask questions during the SSC meeting.

The SSC Liaison is the Council member charged with providing clarification to the SSC and obtaining clarification from the SSC. Other Council members present should provide their questions to the SSC Liaison so they can be raised with the SSC. Other Council members present will respond to questions raised by SSC members if the SSC Liaison cannot provide an answer.

OPTION 3. The SSC Liaison and other Council members can ask questions during the SSC meeting.

This could result in lots of questions being raised with the SSC and could complicate their discussions. The SSC provides recommendations to the Council and a detailed discussion over the SSC recommendations is more appropriate at a Council meeting. Any concerns can be raised with the SSC Liaison with minimal interaction during the SSC meeting.

OPTION 4. Others???