



SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL

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Jessica McCawley, Acting Chair | Mel Bell, Acting Vice Chair
Gregg T. Waugh, Executive Director

AGENDA

Executive Finance Committee

Town & Country Inn
2008 Savannah Highway
Charleston, South Carolina

Thursday, October 4, 2018 – 8:30 A.M. to 12:00 NOON (Times subject to change)

Approval of Agenda – Jessica McCawley

Approval of June 2018 Committee minutes – Jessica McCawley

1. Magnuson-Stevens Act Reauthorization (*Attachments 1a – 1d*)
 - a. Overview – Gregg Waugh
 - b. Committee Action: Review and provide guidance to staff – Jessica McCawley – **ACTION**
2. CCC Working Paper (*Attachments 2a – 2c*)
 - a. Overview – Gregg Waugh
 - b. Committee Action: Discuss and provide guidance to staff – Jessica McCawley – **ACTION**
3. Draft CY 2018 Budget (*Attachments 3a and 3b*)
 - a. Overview – Gregg Waugh/Mike Collins
 - b. Committee Action: Review and approve budget – Jessica McCawley – **ACTION**
4. Council Follow-up and Priorities & Tiering (*Attachments 4a – 4d*)
 - a. Overview – Dr. Brian Chevront
 - b. Committee Action: Review and provide guidance to staff – Jessica McCawley – **ACTION**
5. Regulatory Reform (*Attachments 5a and 5b*)
 - a. Status – Dr. Brian Chevront
 - b. Committee Action: Review and provide guidance to staff – Jessica McCawley – **ACTION**
6. Issues to Comment On (policies, rules, etc. from NMFS) (*Attachment 6*)
 - a. Overview – Gregg Waugh
 - b. Committee Action: Discuss and provide guidance to staff – Jessica McCawley – **ACTION**

7. Law Enforcement AP Meeting Schedule
 - a. Overview – Dr. Brian Chevront
 - b. Committee Action: Discuss and provide guidance to staff – Jessica McCawley –
ACTION

Other Business – Jessica McCawley

- a. Timing for Review of Health Insurance
- b. Council Representative for Take Reduction Team

Adjourn – Jessica McCawley

Committee Members

Jessica McCawley, Chair
Chester Brewer
Steve Poland

Mel Bell, Vice Chair
Doug Haymans

Attachments

Attachment 1a: HR 200

Attachment 1b: HR 200 Section-by-Section

Attachment 1c: S 1520

Attachment 1d: SAFMC Draft Positions on S 1520

Attachment 2a: CCC Working Paper (May 24, 2018)

Attachment 2b: Wicker Aquaculture Bill (S.3138)

Attachment 2c: Discussion Points on Wicker Aquaculture Bill (S.3138)

Attachment 3a: Draft CY 2018 Budget – General Operations

Attachment 3b: Draft CY 2018 Budget – SEDAR

Attachment 4a: Council Follow-Up

Attachment 4b: Council Priorities (excel)

Attachment 4c: Council Priorities Tiering

Attachment 4d: Council Amendment Activities (excel)

Attachment 5a: Recommendations – Regulations to be removed/modified

Attachment 5b: SAFMC Letter on Regulatory Reform

Attachment 6: Issues to Comment On

Staff: Gregg Waugh/Mike Collins

OVERVIEW

Executive Finance Committee

The Committee will approve minutes from the June 2018 meeting and the agenda.

I. MAGNUSON-STEVENSONS ACT REAUTHORIZATION

Description: A number of hearings have been held and that portion of the reauthorization process is complete; testimony from Council-related folks is available from the U.S. Regional Fishery Management Councils Website (<http://www.fisherycouncils.org>). Should the South Atlantic Council be asked to provide input, we will use the regional perspectives and consensus positions in the CCC Working Paper as the basis of our comments. Comments thus far are available from the website above.

The U.S. House of Representatives recently passed H.R. 200 “Strengthening Fishing Communities and Increasing Flexibility in Fisheries Management Act”, a bill that provides more flexibility for managing recreational fisheries with reauthorization of the Magnuson-Stevens Act (**Attachment 1a**). David Whaley produced a section-by-section analysis for the Councils’ use (**Attachment 1b**). In the Senate, S. 1520 “Modernizing Recreational Fisheries Management Act of 2018” was introduced on July 10, 2017 and reported with an amendment on June 5, 2018 (**Attachment 1c**) and is the only bill currently under discussion. Section 104 of S.1520 would impose a new 75% probability of success for rebuilding plans that do not meet the initial goals of a rebuilding plan within 2 years. Staff prepared a short discussion paper on this topic (**Attachment 1d**) for the Council to use in developing potential comments. The Committee can use the CCC Working Paper to develop comments on both H.R. 200 and S. 1520.

Status of Actions: The Council may be asked to provide comments on H.R. 200 and/or S. 1520. Should that happen, Council staff will develop comments based on the CCC Working Paper and any other Council guidance.

Required Committee Action: the committee and Council should review the revised wording for S.1520 and provide any guidance for staff to use should a request for comments be received.

II. CCC WORKING PAPER

1. Council Coordinating Committee (CCC) Working Paper

Description: The Legislative Workgroup has completed revisions to the working paper and the CCC has approved the latest version dated May 24, 2018 (**Attachment 2a**). This document was posted to the U.S. Regional Fishery Management Councils Website (<http://www.fisherycouncils.org>) after it was sent to the Secretary of Commerce and was recently updated.

Major items are as follows:

- A. **Introduction** (pages 6-13) – this section includes the consensus positions for all topics.
- B. **Topic 1 (Stock Rebuilding)** (pages 14-19)
- C. **Topic 2 (Ending Overfishing)** (pages 21-21)
- D. **Topic 3 (Annual Catch Limit Requirements and Exceptions)** (pages 22-26)

- E. **Topic 4 (Resources Available for Additional Mandates)** (pages 27-28)
- F. **Topic 5 (Transparency Requirements)** (pages 29-31)
- G. **Topic 6 (Climate Change & Regional Action Plans for Climate Science)** (pages 32-35)
- H. **Topic 7 (Forage Fish)** (pages 36-38)
- I. **Topic 8 (Catch Share Programs)** (pages 40-41)
- J. **Topic 9 (NEPA)** (pages 42-44)
- K. **Topic 10 (Other Federal Statutes)** (pages 45-47)
- L. **Topic 11 (Recreational Data)** (pages 48-52)
- M. **Topic 12 (Commercial Data)** (pages 53-56)
- N. **Topic 13 (Exempted Fishing Permit (EFP) Authority)** (pages 57-59)
- O. **Topic 14 (Data to be Used in Stock Assessments)** (pages 60-62)
- P. **Topic 15 (Deeming/Transmittal Process)** (pages 63-68) – the Council works with the SERO and NOAA GC to have each document reviewed for completeness prior to sending the document for formal review. The Council Chair reviews and signs off on the amendment document and the codified text before they are sent for formal review.
- Q. **Topic 16 (Cooperative Research)** (pages 69-70)
- R. **Topic 17 (Cooperative Data Collection)** (pages 71-72)
- S. **Topic 18 (Mixed-Use Fisheries LAPP Moratorium)** (pages 73-74)
- T. **Topic 19 (Aquaculture)** (pages 73-74)
- U. **Resources & Documents** (pages 79-81)

The CCC intends to continue using the working paper as a source document when the CCC is responding to a request for comments. The lead Council will draft a response for review by the other Councils. The working paper can also be attached to a comment letter to provide more details. The regional perspectives and examples are an excellent way to describe how requirements could affect Councils differentially. New topics will be added as they are identified; the CCC report includes wording for 4 new topics. The working paper will be updated as needed and will be used to inform individuals new to the Council process. Individual Councils are responsible for their regional perspective and should provide updates to the lead Council in any year. The lead Council will be responsible for updating the Working Paper. Lead Councils by year are NPFMC (2018), SAFMC (2019), WPFMC (2020), MAFMC (2021), and GMFMC (2022).

S. 3138 (“Advancing the Quality and Understanding of American Aquaculture Act”) was introduced by Senator Wicker on June 26, 2018. The bill established NMFS as the agency in charge and directs NMFS to consult with the Councils. The committee and Council may want to comment on the Council having a larger role, that some of the money be provided to the states, and that \$500,000 be provided to each Council that chooses to establish an Aquaculture FMP.

Status of Actions: Topics 1 through 19 are complete; Topics 16-19 were approved at the May 2018 CCC meeting. The committee and Council should review the regional perspective language for these new topics, and any others, and offer any modifications.

Required Committee Action: the committee and Council should review the new wording for the South Atlantic Council’s regional input and consider providing guidance to staff on how to comment on the aquaculture bill should we be asked to comment.

III. CY 2018 Draft Budget and Status

Description: Gregg Waugh and Mike Collins will review the Draft CY 2018 Budget/Status for Council and SEDAR activities (**Attachments 2a and 2b**).

Cost savings items approved by the Council in December 2017, and incorporated into the draft 2018 budget, are:

1. Council Member Travel Policy

- A. Advisory Panel Meetings – Committee Chair and Vice-Chair approved to attend; if one will not attend, open to another Council member. Two Council members attending.
- B. SSC Meetings – SSC Liaison and Council representative on any SEDAR Assessments the SSC is reviewing are authorized to attend; if one will not attend, open to another Council member. Two 2 Council members attending (usually).
- C. Council Chair & Vice-Chair – authorized to attend any AP & SSC meetings given they have to represent the Council on CCC and other events/meetings.
- D. Total Council member attendance at any meeting should not normally exceed 4 individuals.

2. **Loosen AP policy on voting** to allow voting via webinar and conduct some AP meetings via webinar.

3. **Reduce travel to “Other Meetings”** by 10%.

4. **Scoping and Public Hearings** – use webinars and listening stations.

5. **Reduce State Liaison Grants** by 10%.

6. **Reduce Council Staff Retirement Match** by 10%.

Council guidance on the staff benefit package from June 2018 has been incorporated into the draft budgets (**Attachments 2a/2b**).

Council staff continues to search for ways to reduce costs (e.g., life, dental, vision, and health insurance). We recently received a \$16,810 credit towards our annual medical administration fee due to level of claims and how the staff utilized the programs available. This will be realized by a \$2,100 reduction in our monthly health insurance premium until March 2019, when we will then receive the balance in cash. This credit effectively reduces the Starmark portion of our medical costs by 7%.

The switch to a new provider for travel arrangements (American Express) is projected to save on average \$4,320 per year.

Status of Action: Our 2018 funding from the line item and regular add-on items from NMFS was essentially level from 2017 with approximately \$100,000 in additional funding provided for our regulatory reform activities. The total general funding received in 2018 was \$3,736,805. We received \$600,000 for SEDAR. The Committee and Council are being asked to approve the General and SEDAR budgets for 2018.

Required Committee Action: discuss and approve the draft CY 2018 Council and SEDAR budgets.

IV. COUNCIL FOLLOW-UP AND PRIORITIES

Description: Dr. Brian Chevront, Deputy Director for Management, will give the committee an overview of the Council Follow-Up (**Attachment 4a**) and the Council Priorities (**Attachment 4b**) as approved at the June 2018 meeting. The Follow-Up contains the detailed steps for each active amendment and amendments under formal review. This allows any Council member to see where each amendment is in the process. The Follow-Up is updated after each Council meeting after review and input from the SERO and Council staff. In addition, draft agendas are included for the next two upcoming Council meetings. This allows Council members to see what is on the agenda and make any suggestions to the Chair and staff. New MRIP numbers will be available later this year and updated assessments, with the new MRIP data, for vermilion snapper, black sea bass, blueline tilefish, and red grouper will be presented to the SSC in October 2018 and available for the Council at their December 2018 meeting. These four species will give the Council the opportunity to consider allocations based on the new MRIP numbers and updated stock assessments. The Council would be able to begin working on this topic in December. Staff were requested to provide some background on a way to tier amendments based on the level of work involved and complexity (**Attachment 4c**).

Status of Follow-up & Priorities: The Committee/Council reviewed this material at the June 2018 meeting and made changes to the Council Priorities.

Required Committee Action: discuss, modify/provide guidance, and approve the revised priorities.

V. REGULATORY REFORM

Description: On February 24, 2017 President Trump issued Executive Order 13771 as part of efforts to lower regulatory burdens on the American people by implementing and enforcing regulatory reform. The NMFS requested that each of the fishery management councils identify a process to review/evaluate existing regulations by the end of December 2017. Then each Council was to conduct the review/evaluation and provide recommendations on rules to be removed by the end of June 2018. The South Atlantic Fishery Management Council (SAFMC) at their June 2018 meeting reviewed regulations suggested by SAFMC and NMFS SERO staffs and by their advisory panels not only for removal, but future modification. **Attachment 5b**, is the letter sent to NMFS on June 26, 2018 with the SAFMC's regulations recommended for removal. **Attachment 5a** is a compilation of Code of Federal Regulations (CFR) that in June 2018 the Council stated they wanted to review in the future for modification. The purpose of this document is to assist the Council in deciding when and how they want to consider these regulations for future modification.

Dr. Brian Chevront, Deputy Director for Management, will review the items for potential modification (**Attachment 5a**).

Status of Action: The Council sent a letter to Chris Oliver on June 26, 2018. The Council is scheduled to review the list of items for potential modification at the September 2018 meeting.

Required Committee Action: discuss and provide guidance on list of regulations for future modification.

VI. ISSUES TO COMMENT ON

Description: There are a number of items NMFS has asked the Council to provide comments on. At the May 2018 CCC meeting, NMFS gave the presentation included as Attachment 6. Given the large number of items the Councils are requested to review and comment on, the suggestion was made for NMFS to provide a spreadsheet with the requirements to ease the Councils' ability to meet the multiple comment deadlines.

Status of Action: Discuss the topics and provide guidance to staff.

Required Committee Action: discuss and provide guidance.

VII. LAW ENFORCEMENT AP MEETING SCHEDULE

Description: There is a question about whether we should have 1 or 2 in-person meetings of this group each year. The Law Enforcement Committee is not meeting in September and given this has cost implications, the Executive Finance Committee needs to provide guidance. Myra Brouwer and Dr. Brian Chevront will review the issue.

Status of Action: The Law Enforcement Advisory Panel has, in the past, met twice per year. More recently, they have met once per year.

Required Committee Action: discuss and provide guidance.

Other Business