

SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL

JOINT EXECUTIVE/FINANCE COMMITTEE

**Sheraton Atlantic Beach Oceanfront Hotel
Atlantic Beach, NC**

December 7, 2009

SUMMARY MINUTES

Executive Committee:

Duane Harris, Chair
Mac Currin
Robert Boyles

David Cupka, Vice-Chair
George Geiger

Finance Committee:

David Cupka, Chair
Dr. Brian Chevront
Mac Currin

Mark Robson, Vice-Chair
Duane Harris

Council Members:

Dr. Roy Crabtree
Lt. Charlie Gris

Dr. Wilson Laney
Tom Swatzel

Council Staff:

Bob Mahood
Roger Pugliese
Dale Theiling
Kim Iverson

Mike Collins
Anna Martin
Myra Brouwer
Kate Quigley

Observers/Participants:

Monica Smit-Brunello
Rod Dalton
Dr. Jack McGovern
Jennifer Lee

Anik Clemens
Phil Steele
Otha Easley

Additional Observers and Participants Attached

The Joint Executive/Finance Committee of the South Atlantic Fishery Management Council convened in the Atlantic Beach Sheraton Oceanfront Hotel, Atlantic Beach, North Carolina, December 7, 2009, and was called to order at 2:46 o'clock p.m. by Chairman David Cupka.

MR. CUPKA: We're going to start the Joint Executive/Finance Committee Meeting. The first order of business is the approval of the agenda. Are there any additions or changes to the agenda? Seeing none, then our agenda is approved.

The next action items is approval of the September 2009 Executive/Finance Committee Meeting Minutes. Are there any corrections, additions or deletions to the minutes? I have two on Page 2 of the minutes. There was a section there attributed to me and it should be Duane and not me. On Page 6 there were two words left out. There were dashes in there following the term "Atlantic Large Whale"; it should be the "Atlantic Large Whale Take Reduction Team", so "take" and "reduction" are the two words that are missing on Page 6 in the minutes. Those are all I have; are there any others? Seeing none, then the minutes are approved.

That brings us down to our next order of business, which is a status report on the current calendar year council budget. You can find that behind Attachment 1. I'm going to ask Bob to go over that for us.

MR. MAHOOD: If you look at the far right hand, the balance, that's our anticipated balance for the end of the year. Actually, that number, Mike gave me some updated numbers, and we're really looking at about \$346,761, depending on the cost of this meeting, and that will be fairly close to where we'll end up the year.

As you all know, we're at the end of our five-year grant. Normally that would be problematic. I don't want to get into the next budget item, but I guess I could, Mr. Chairman, because it's all part of it now. We did put in for a no-cost extension of our five-year grant for one year and we have had it approved. We will be able to carry whatever money we have at the end of the year over into the new year.

Primarily if you look at that column on the far right, the balance column, you see a lot of that is in travel money for some workshops in SEDAR that we had hoped to have that we weren't able to hold and for a number of items. As you recall, at the early part of this past year or at least halfway through the year, we were being pretty tight with everything relative to meetings and some of the things we had hoped to schedule as far as APs and this type of thing.

That money will carry over. One big savings that we did have this year, which goes contrary to what we normally see, is in the health insurance. We did get a little bit of a break on our health insurance this year and saved a little bit of money. Also, we had some salary lapse and this also helped that category as well as some of the other ones. Other than that, Mr. Chairman, unless something jumps out at somebody, the only thing there is the meeting room rent is running higher than in the past, primarily now because we're having more rooms when we have the SSC or one of the APs meet jointly with the council. Other than that, I think it's pretty self-explanatory.

MR. CUPKA: Thanks, Bob. Questions for Bob about our current budget? Seeing none, then we will move on to our next item, which is the status of the FMP/Amendment timelines, and this is behind Attachment 2 of your agenda.

MR. MAHOOD: Basically, we're pretty much where we have been. Now, obviously, there might be some adjustments to this after this meeting. I think initially on 17A we had looked at approval in December. Obviously, we're not going to do that in December and that's going to slide to March. I'm not sure where we're going to be on 17B at this meeting, although we certainly would be able to approve it at this meeting if the council desires.

Pretty much everything else has stayed in line, but some of this stuff may slide a little bit as we get into the new year and get our budget and decide exactly when we're going to be able to get some of these things taken care of. It's going to be up to the council, when we get the budget, to go ahead and adjust this timeline. If somebody has got some specific questions, I'll be glad to address them.

MR. CUPKA: Any questions for Bob? Bob, I know one thing that's going to come up in our next committee meeting on protected resources is a desire on the part of NMFS for us to initiate scoping for a possible amendment to our Shrimp Plan based on some interactions with smalltooth sawfish; so if we were to do that down the road, we could add that in without any problem?

MR. MAHOOD: Yes, that was not on our radar in the past, but we certainly would add it to this list and set up a timeline for that.

MR. CUPKA: Other questions or comments? Seeing none, then that will take us to our next agenda item, which is the review of our proposed budget for next year, and that's behind Attachment 3.

MR. MAHOOD: Mr. Chairman, earlier in the process it looked like we might actually have a 2010 budget on time, but that hasn't come to fruition. Right now we do not have a budget. We're under a continuing resolution and I understand that may continue again for a while. I don't know if the region has any better information on that. I see Phil kind threw his hands up like we don't know either.

But, basically, if you look at our budget for 2010, based on what we had hoped to accomplish during 2010, we're looking at a budget total of about \$3.95 million. If you look over at our expected sources of funding for 2010, we were looking at \$3.649. Now the fact that we're going to be able to carry over about \$300,000 plus is going to help us come in line with that. We're still not sure where we'll be budget-wise. There have been some pushes to get more for the council.

Right now I think the Senate has approved the Department of Commerce Budget – I think it's the Senate – the Senate or the House has approved the Department of Commerce Budget. Under that budget we're probably looking pretty close at the numbers you see over on the lower right-hand column as the funding sources for 2010. We should be pretty much in line if the Senate

and the House ultimately approve a budget at the levels we're looking for. With that and the carryover we should be okay, Mr. Chairman, at least for 2010.

MR. CUPKA: Any questions for Bob? Brian.

DR. CHEUVRONT: Thanks, Mr. Chairman. I was looking at the budget and noticed that a couple of categories had some fairly significant increases in them from 2009 to 2010. I'm assuming that the staff compensation is for salary increases but also to add the replacement for the staff member that had left this year, but I noticed that council compensation was up pretty high.

But the other one that kind of struck me, and I'm not really sure what the plans are, is that AP travel and other travel were very, very significantly increased for 2010 over 2009, and I was kind of wondering especially what all that other travel was.

MR. CUPKA: As far as council compensation is concerned, Bob is going to announce here in a minute that we all got a big raise this coming year. That's what that is. Bob.

MR. MAHOOD: I think both the council compensation and the travel money for the APs and that sort of thing reflect more scheduled meetings for 2010 than we were able to have in 2009. Of course, we've got to increase the state liaison.

DR. CHEUVRONT: Yes, it was the AP and other travel and the council and staff compensation were the ones that I –

MR. MAHOOD: Yes, those are all related to the activities schedule which have more travel involved. Of course, the more that the council members travel, the more they get paid; and the more the AP travels, the more the per diem and those types of costs occur. The staff comp, we actually have a new position in there, and we have funding in there to replace the cultural anthropologist that we haven't had for a while. Now, whether or not that comes to fruition, I don't know.

MR. CUPKA: And you'll recall, Brian, it took quite a while until we knew what our budget was for this year, so early on in the year we were really holding back on travel because we weren't sure just what we were going to work with. Mark.

MR. ROBSON: Bob, could you kind of explain, too, on the liaison budgets where we've moved away from the states all have the same kind of basic formula. What is the formula now that is driving the changes in the amounts for those liaison amounts?

MR. MAHOOD: Well, earlier this year a determination was made that it seemed like it was only fair to compensate the states for their activities on the SSC. We've generally compensated the states as a liaison grant for their participation on a number of activities, and I think it's clear to everybody that we really get more out of the states than what we pay them.

Based on the fact that we had the funding last year, there was a determination that we would try to compensate the states for their people's participation specifically on SEDAR and the SSC activities. That's reflected in the number of members that the states have on the SSC. Mike has calculated out how many meetings we suspect will take place and the number of days and that sort of thing. That's why you see some disparity there in the different state levels of liaisons.

MR. GEIGER: I guess as a point of clarification, Bob, for example, when Florida participates in the SEDAR process by providing the personnel to do the work, that do the actual SEDAR work like Bob Muller and those folks; are they compensated from SEDAR or is that part of the liaison?

MR. MAHOOD: No, this is more geared towards their members of the SSC that may be assigned to a SEDAR. No, we haven't been able to do that to where we would pick up the salaries of those folks. Florida does give us a lot in that area as far as conducting some of these stock assessments of species that occur primarily in Florida, so that is another contribution they make that is not compensated.

MR. CUPKA: Other questions or comments? Obviously, we can't approve this budget now because we don't know if it's even a real budget, so once again we'll just have to carry forward until we can hear from it. Robert.

MR. BOYLES: Bob, just a comment and not really a question. Given the healthy increases in travel both for council members, AP as well as the other travel – and, again, I want to thank the council for the increasing the states' technical assistance grants – I think we need to be sensitive to the fact that states continue to feel the squeeze.

At the Atlantic States Marine Fisheries Commission for the Calendar Year 2010 Budget we are moving to a lot of web-based teleconference and video conference meetings in order to accommodate state travel restrictions, so I just think we need to keep that in mind as we move forward. Thanks.

MR. MAHOOD: Robert, as you're aware, in SEDAR starting to look at that, and we're going to talk about that in a minute relative to some compensation and participation in the webinars.

MR. STEELE: I'm not on your committee, Mr. Chairman, but I do see that you have \$5,250 allocated to Mr. Allen, so I assume he is going to be back on board for another year as your regulation writer?

MR. MAHOOD: He keeps saying he is going to bail; and then when I talk to him he says he'll do one more year. I hope he keeps doing it one more year now that Rod is leaving us and is going to dump it all in this young lady's lap.

MR. CUPKA: Other questions or comments? Seeing none, then that takes us down to our next item, the status of the Congressional FY 2010 budget. Do you have anything further on that?

MR. MAHOOD: Yes, I had hoped to. I think I kind of touched on what I do know and that's that we're under a continuing resolution until further notice, and I think the Senate has passed the Department of Commerce Budget but the House has not, and, of course, then they'll have to go to conference. When they'll get around to that with all the other important things they're doing, I just don't know.

MR. CUPKA: That brings us down to other business. There is at least one other item. Do you want to talk about the webinars, Bob?

MR. MAHOOD: Yes, this is something the councils have been talking about and a number of the councils are looking at the webinar process for conducting some of the meetings, and the things that the EDs and the administrative officers have been kicking around is – and there have been some questions from the councils themselves – since we compensate council members and SSC members to participate in meetings, how do we deal with that in the webinar scenario.

In other words, they're still going to be using their time. They won't be traveling particularly, but there will still be a commitment of time from both council members and SSC members. I think that is something the committee needs to discuss and ultimately the council needs to make a decision on how we want to handle that.

MR. CUPKA: I know at the last Gulf Council meeting I attended, Tom, there was some discussion on that. I think you all have had some discussions about that as well, if I'm not mistaken, about this issue of compensation for conference calls and webinars and meetings and things like that.

MR. McILWAIN: We did have that conversation. I'm not aware that we've reached any final conclusion at this point. Yes, we've discussed that. We're starting to use the web conference thing much more frequently than we have in the past.

MR. CUPKA: I wonder if this is something that ought to be on the agenda for the Chairs meeting or something. Have the executive directors talked about this? It seems to me there needs to be a need for some consistency here on this.

MR. MAHOOD: Yes, we've kind of broached this subject a little bit, but each council does everything so much differently that I don't know that you'd get a consensus of how they want to do it. When it comes to travel days, some people get compensated for it. We do it in the southeast. They don't do it in the west and the northwest. I think they do it in the Mid-Atlantic and don't do it in New England. There are a number of things relative to compensation that are different, but it's certainly something we could see about getting on the CCC agenda.

MR. CUPKA: It may open up a can of worms, too. Duane, you had a comment?

MR. HARRIS: I think with respect to compensating council members' participation in webinars, I think that's something that we should do. I think the law requires that. Conference calls like we have on occasion, I don't see that as something that they should be compensated for; but if

you spend an entire day or two whole days participating in a webinar conference, I think that's something that requires compensation.

You're not traveling to it but you're sitting there in front of the computer screen or however that works for an entire day, then I think that's something that the law basically speaks to with respect to compensation. It may not specifically address webinars, but I think that's what the intent of the law is.

MR. CUPKA: I've been on some long conference calls before and sometimes they seem like they last two days. Other comments? Mac.

MR. CURRIN: I'm not as strong on that point for council compensation for webinars and certainly not for conference calls. I guess if they get excessive maybe I'd think differently about it, but I feel pretty strongly that the SSC should be compensated. Those people are independent and their time spent on these webinars is away from their normal jobs and the like. I don't know how they deal with that with their employees, but some of them may actually have to take vacation time so that they can devote that time to council business, and I feel like they should be compensated.

MR. CUPKA: Well, we've kind of heard two sides of the coin here, and I guess we need to give some direction to staff. Maybe we need to have a motion or something. Duane.

MR. HARRIS: Well, I don't know if we heard two different sides of it. I agree with Mac; I think the SSC members should also be compensated to the extent that they're compensated at the present time when they're participating in webinars, whether they're traveling to a meeting or not. I think that's basically what our intent was and what congress' intent was when it established compensation for SSCs.

MR. CUPKA: Yes, and I didn't mean to insinuate that there wasn't agreement in regard to SSCs; I think there is there. The question I had was council members where you had indicated you thought that was appropriate or something that was called for in the law and Mac said he wasn't all that gung ho on it, so it kind of leaves staff somewhere in the middle. Bob.

MR. MAHOOD: The way I look at it is the reason we're doing webinars is two things; to save time and also to save travel. If we went ahead and we were still holding meetings, the people would be compensated; so if they're going to sit at a computer for a good part of the day or whatever and participate in a webinar, I think they should be compensated.

That's my personal feeling, but ultimately there will be savings. I think there will be savings not only from the standpoint of travel but compensation for travel days will be cut out. I think that there is a legitimate to do this. It's hard for council members to talk about it because it's like George said you're sitting here talking about giving yourself a raise, but in actuality it's not a raise. I think it's either the status quo level or it's actually less if we really start using these webinars. You know, in three years we may not be sitting across the table from each other; you never know.

MR. BOYLES: Mr. Chairman, I'll make a motion if you'd like. I would like to make a motion that the council adopt the practice of including webinars as those activities that are eligible for compensation for both the SSC as well as council members.

MR. HARRIS: Second.

MR. CUPKA: Okay, we have a motion and a second. Is there discussion on the motion? Is there any objection? Seeing none, then that motion is approved. Is there any other business to come before the committee? George.

MR. GEIGER: I guess it would come under the executive portion. I would like to float an idea and see if there is any other thought from other people as to the benefits of having a SEDAR Committee meet at every council meeting and just have it planned as a scheduled portion of a council meeting as standard practice.

Number one, we could get an update on everything that is going on within the SEDAR Program, what SEDARs are going on, where they are in the process. It also affords us an opportunity should things arise that need to be discussed by that committee, you don't have to worry about the committee not being scheduled or getting it scheduled even if it were to arise at the last minute, such as something could come out of the SSC meeting.

If we don't have the SEDAR Committee scheduled to meet, it could be problematic. Just because you have it on the agenda, it doesn't mean you have to have a full-blown meeting or it has to take two hours if there is nothing to discuss, but I certainly think we should get an update of everything that is going on within that program very quickly in a thumbnail sketch and adjourn. But it affords you the opportunity to discuss something should it come up without having to worry about it being an agenda item on the full meeting schedule.

MR. CUPKA: Would you like me to turn it back over to you, Mr. Chairman of the Executive Committee.

MR. HARRIS: Well, I think George has a good idea and I think he is right on point. There are things that come up at each of these meetings, especially if it's the SSC that could involve the SEDAR process. If it's certainly just our SEDAR Committee and not the SEDAR Steering Committee that would be meeting, I think it's a good idea, and it might require a conference call with the formal steering committee for SEDAR following that meeting depending on what comes out of it.

There are some things that have come up at this meeting as a result of some of the members not knowing about a change in scheduled assessments that are worthy of discussion, and that's the discussion that should take place at the SEDAR Committee. I don't have any problem with that, George, and I think it's a good idea.

MR. MAHOOD: That's no problem. We could schedule an hour. It's very similar to the exempted fisheries permits; we schedule time for that at each council meeting not knowing up until the last minute sometimes whether there is going to be any need for it. Certainly, if we

schedule it, then we can take action on anything we need to take. If it happens where we don't have anything to do, we just move on.

MR. CUPKA: Well, I don't think we need a motion on that. I think we can just do that as a direction to staff and we'll go ahead and do that in the future. Any other business to come before the committee? Seeing none, then we are adjourned.

(Whereupon, the meeting was adjourned at 3:15 o'clock p.m. December 7, 2009)

Certified By: _____ Date: _____

Transcribed By:
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February 8, 2010

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PLEASE SIGN IN

So that we will have a record of your attendance at each meeting and so that your name may be included in the minutes, we ask that you sign this sheet for the meeting shown below.

JOINT EXECUTIVE AND FINANCE COMMITTEE
Atlantic Beach, NC
Monday, December 7, 2009

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ORGANIZATION**

**AREA CODE &
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