

SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL

JOINT EXECUTIVE/FINANCE COMMITTEE

**Jekyll Island Club Hotel
Jekyll Island, GA**

March 4, 2008

SUMMARY MINUTES

Finance Committee Members:

David Cupka, Chair
George Geiger
Susan Shipman

Mac Currin
Duane Harris

Executive Committee Members:

George Geiger, Chair
David Cupka
Susan Shipman

Duane Harris, Vice-Chair
Dr. Brian Chevront

Council Members:

Robert H. Boyles, Jr.
Mark Robson
Tony Iarocci
Lt. Brian Sullivan

Dr. Roy Crabtree
John Wallace
Tom Swatzel
Rita Merritt

Council Staff:

Bob Mahood
Mike Collins
Andi Stephens
Gregg Swanson

Gregg Waugh
Kim Iverson
Julie O'Dell

Observers/Participants:

Monica Smit-Brunello
Dr. Joe Kimmel
Phil Steele
Tom McIlwain
Dan Whittle
James Reeves
Sherry Larkin

Dr. Jack McGovern
Dr. Tom Jamir
Scott Zimmerman
Bruce Irwin
Bonnie Ponwith
Sear Harold
Sarah Fangman

The Joint Executive/Finance Committee of the South Atlantic Fishery Management Council convened in the Club Ballroom of the Jekyll Island Club Hotel, Jekyll Island, Georgia, Tuesday morning, March 4, 2008, and was called to order at 9:50 o'clock a.m. by Chairman David Cupka.

Mr. Cupka: I'll call the Executive/Finance Committee to order. This is a meeting of the Joint Executive and Finance Committee and the first order of business will be Approval of the Agenda. Are there any changes to the agenda? Seeing none, then the agenda is approved.

The next order of business is approval of last December's Joint Executive/Finance Committee meeting minutes. Are there any additions or corrections to the minutes? Seeing none, then the minutes are approved.

That brings us down to our next item of business, which is behind Attachment 1, which is the FY2008 Council Budget Funding. Actually, I think it's on CD 3, the added material. Bob went back and changed it to include last year's budget, alongside this year's budget. In checking the minutes, we confirmed that we have not approved the budget and so we'll need to take action on the budget. I'm going to go ahead and turn it over to Bob and ask him to run over the budget with us and he especially wants to point out some of the sources of funding for this year's budget.

Mr. Mahood: Chairman Cupka is correct. At the last meeting, as you recall, we didn't exactly know how much money we were going to get. We looked at a rough budget of what we thought we might need and we ended up getting I think about \$36,000 less than that and we have since adjusted the budget to accommodate that.

You'll notice over in the far right-hand column that it has the various amounts of where our budget is going to be funded from this year. The line item funding is the line item that the councils get. We get a straight percentage of that, based on an agreement with the other seven regional fishery management councils that was made about eight or nine years ago now.

LAPPs funding, so far I guess we won't have to give that back, until such a time we determine that we're not moving forward on LAPPs. We'll try to spend all of it before that point in time. NEPA funding, NOAA Fisheries was gracious again this year and provided the councils with money out of the line item that they get relative to NEPA activities. Each of the councils got a part of that.

Also, the regulatory streamlining funding, again, it's another line item that NOAA Fisheries gets in their budget and we got \$85,000 out of that. We did not receive any funds from the Magnuson-Stevens Reauthorization Act line item that they got and that's -- We've been battling back and forth with them over that, but at this point in time, we won't receive any funding from that and then we carried forward about \$271,000 from last year, in anticipation, as you recall, that this could be a lean year this year. Thank goodness we had that much to make up what we needed.

Then Bonnie down at the Center has been very gracious and funded the SEDAR program at a level of \$513,000, tied to the SEDAR activities this year. That gives us approximately a \$2.9

million budget and it's laid out over on the left-hand columns, compared to what we had for our budget last year. Our budget last year was about \$2.7 and so we picked up a little over a-hundred-and-seventy-some-thousand dollars this year. Mr. Chairman, if anybody has any questions, I'll be glad to answer them, if I can.

Mr. Cupka: Thank you, Bob. I'll just point out that that increase is largely the same amount of carryover that we had and so we wanted to thank you and staff for your excellent efforts to meet our budget requirements.

Mr. Geiger: I would like to mirror those comments and Bob is judicious in this budget process and he's masterful in determining what our needs are and he seems to always come in under the line. It's amazing when you go to the council chair meeting to listen to the other councils and how they're always wailing about money and trying to fight for additional funding and living beyond their means and they're paying for it. Thank you, Bob, for your diligence and keeping us on track here with this budget process.

Mr. Mahood: Thank you, Mr. Chairman. The other thing too is we have -- Our entire staff, we try to be as tight as we can and Mike continues to find savings, areas of savings, as the Administrative Officer. Those of you that turn in any kind of travel know that Cindy is pretty heavy with the green pen. If you deserve more, she'll give it to you and if you deserve less, she'll take it away from you. She does an excellent job trying to find the best prices.

Until you sit around and try to schedule the kind of meetings we hold, especially now including the SEDAR program that the Gulf and the Caribbean is involved in, and the number of people going and coming and flying, it all runs through our AAA right to Cindy and believe me, we've got a lot of travelers that are spoiled.

Cindy will come to me and she works closely with our AAA -- I'm not talking about council members now and don't get me wrong. I'm talking about other people that we bring in from many of the other activities that we have and I want to make that clear, that I'm not talking about council members. She does an excellent job controlling that and making sure we get the most bang for our buck at these meetings. It's a difficult job and she does it well. Having said that, Mr. Chairman, that's all I've got on this.

Mr. Geiger: The one problem is, Bob, I have to carry my own Sani-Shields around to slip over the -- I brought this back for you from Rhode Island, by the way. This was one of the places I was forced to stay and it still provided that service for the paying clients.

Mr. Mahood: The next Allocation Committee meeting is actually going to be upstairs in the Wesleyan College rooms, up above our offices. You're staying across the road at the Value Place Hotel that's next to the detention center, but it's a brand new facility.

Mr. Cupka: Are there other questions or comments from Bob? If not, we will need to take action on this and I would entertain a motion that we approve our 2008 budget.

Mr. Geiger: **So moved.**

Mr. Cupka: Motion by Mr. Geiger and second by Mr. Harris. Is there discussion on the motion? **Is there any objection to the motion? Seeing none, then that motion is approved.** That brings us down to our second item, to discuss the Calendar Year 2008 to 2010 FMP, Amendment, and Framework Timelines and modify them as appropriate. We'll need to take action on this as well, assuming that we make some changes. Gregg, are you going to go over that for us?

Mr. Waugh: Yes, I would be glad to. I think the primary driver here is going to be the determination of whether or not it's your intent to meet those congressionally mandated timelines for 2010, having the ACLs and accountability measures in place for the species that currently are experiencing overfishing and then 2011 for the others.

That's, frankly, what drives much of this schedule. This is in your briefing book. Amendment 14 we don't anticipate much work on, but once that proposed rule does come in, we'll have to spend a little bit of time working on that. 15A is still undergoing secretarial review and we're expecting to hear fairly soon on that. That won't involve much of our time.

15B, we're scheduled to finalize for submission at this meeting. If this gets deferred to June, it starts compounding the schedule from there on for other activities. Amendment 16, dealing with gag and vermilion, we're scheduled to approve for public hearing at this meeting. We're already three months behind our one-year deadline and so we really need to keep that one moving and we'll be talking about some more specifics of the actions and the timing.

We're looking to hold public hearings in May and then give approval in June. If we can get the DEIS filed and the comment period closes prior to our June meeting, there's some chance you may be able to approve for submitting in June. However, we do have built in to see the final document ready to go in September and that one is under, as I said, a one-year deadline.

Shrimp Amendment 7, this one is not under any sort of deadline, but we have completed the scoping and we're going to be looking at options here. The timeline and the intent is to approve it in June and that has some measures that the industry is certainly interested in seeing in place.

The Comprehensive Allocation Amendment, we've completed the scoping. We just went through our scoping process on the Comprehensive Allocation Amendment, Snapper Grouper Amendment 17, LAPPs, and potential changes to king mackerel. We're scheduled to look at options coming up in June and approving for public hearing in September.

Setting allocations is integral to coming up with your annual catch limits and so that's why we have this progressing along with Snapper Grouper Amendment 17, which will deal with the species that are currently undergoing overfishing, ten species, and we scoped that. You're going to be looking at options, preliminary options, at this meeting and we really need to get you all to focus down on the alternatives that are going to be in there for public hearing, look at it in June, and approve it for public hearing in September.

Right now, we've got the Comprehensive Allocation Amendment and Snapper Grouper

Amendment 17 scheduled to go out to public hearings together in late October or early November, so that we can look to finalize that in December and see the final documents in March of 2009.

We have built in a little bit of flexibility in here, in that if we can't finish these two amendments in March of 2009, we could go to June of 2009 and if we approve it then, that would give the National Marine Fisheries Service six months to have it implemented prior to the deadline of 2010.

LAPPs is one that's not under any sort of deadline. We had discussions about that here earlier. This was the current schedule and certainly if we're not going forward, that will free up some of our staff time. The Comprehensive ACL Amendment we'll discuss in December of this year and approve to go out to scoping.

That is paired with our amendment where we will set our -- We will be setting our annual catch limits and accountability measures for all our other species that are not dealt with in Amendment 17 and so we will have already laid out our allocations through the Comprehensive Allocation Amendment and have that to draw on in our Comprehensive ACL Amendment. This will occupy the bulk of our time in 2009.

The FEP and the FEP Comprehensive Amendment are not under any sort of mandated timeline. We've got those documents and you've got those and we're looking to approve those for public hearing at this meeting and do those public hearings in conjunction with Snapper Grouper Amendment 16, such that you would be looking at the final review -- Public comments in June and final approval in September.

Shrimp closure, we're through the winter period, to the extent that we had a winter period, and so that should be no activity there this year. Mackerel Amendment 18, this is to deal with issues that come out of the SEDAR process.

By the December meeting, we will have SEDAR assessments for king and Spanish mackerel that have been reviewed by the SSC and so we'll know how we need to proceed at the December meeting and we'll need to make the decision of whether we're going to implement those changes via an amendment that also deals with other issues in mackerel or whether we'll just go through the framework procedure to implement those TAC quota changes via the framework.

The spiny lobster amendment prohibiting imports, the Caribbean is the lead on this. The bulk of the work is being done by the Caribbean staff and the Regional Office staff. We'll participate a little bit and help where we can.

The Calico Scallop FMP is something we've got hanging out there and the one other item that we'll be talking about in terms of spiny lobster is the amendment that needs to be in place by 2011 to deal with annual catch limits and there's several other items that may be addressed there as well, but the Gulf Council would be the administrative lead of that amendment and so it wouldn't be a lot of our time and responsibility, other than committee meetings and advisory panel meetings.

That's an overview of where we are in 2008 and let me just take a minute to talk about 2009, if we can survive 2008. Things get a lot better and this is a part of our discussions and intent of how we want to deal with managing our ecosystem. In 2009, what we would have going forward would be the Comprehensive ACL Amendment and the Fishery Ecosystem Plan Comprehensive Amendment 2, because we've already got some items that were deferred from this comprehensive amendment to the next one.

In 2009, we've really got two major items and then however we decide to deal with Mackerel Amendment 18 and so it gets better in 2009 and then in 2010 -- We're looking to finish our Comprehensive ACL Amendment, approve it for public hearing in September, finish up in December of 2009, and then final review in March of 2010. Again, we've got one council meeting of time that we can use, if need be.

We finish that in early 2010 and during 2010, what we're working on is the FEP Comprehensive Amendment that would amend whichever FMPs need to be amended and so we get into this cycle of where we're scoping in February, developing options in March, approving it in June, public hearings in August, the council looking at it in September and coming back and approving the final item in December, if need be. I would be glad to answer any questions.

Mr. Cupka: Thank you, Gregg. Let me just say as an aside that in the many years that I've been associated with this council, I don't ever remember another time when there's been so much work to be done that's associated with deadlines and timelines. The next couple of years are definitely going to be very busy and I'm glad that George has asked that we look at personnel and things in the Personnel Committee meeting, because it's going to be an extremely busy time.

Mr. Geiger: I wish I had probably thought of doing it six months ago, but be that as it may -- Gregg, that's a great overview from 3,000 feet. Let's go back to this year. I can't speak for everybody on the council, but from my perspective as chairman, we certainly have to meet the requirements under Magnuson and that should be our prime focus and our aim.

We need to get into the weeds here a bit. I think we always hear this and to me, it's somewhat intimidating to look at this and it's always thankful when you get to the end of it, but I think we need to get back into the weeds from here forward and look at what we've got on the plate and examine exactly what it is we need to do to stay on schedule to meet the requirements that are before us under Magnuson. If you would, let's go back and start with the first one and take us through it, please, so we have a real firm understanding of what we have to do to stay on track.

Mr. Waugh: The first one would be looking at Amendment 16 with gag and vermilion, because 15B we will either finalize here at this meeting or in June.

Mr. Geiger: There is some discussion, apparently, about 15B and whether or not we should move forward or we shouldn't move forward and that will be covered in Snapper Grouper, but maybe we could talk about 15B and the implications involved schedule-wise if we don't, because there are other implications if we do, possibly, but schedule-wise, if we don't move forward with 15B, so we understand now what the implications are of that.

Mr. Waugh: Right now, our schedule is to approve 15B at this meeting. If the decision is to defer until June, it will involve some of Rick's time to revise the document, based on the actions and the analyses that are done. It's not a significant workload on Rick, but my concern is more for -- Again, we're just talking scheduling here and not the pros and cons of whether we finalize it or not, but my concern is if we defer until June, a lot of the council's time between now and June will be taken up dealing with comments on whether or not we should prohibit sale.

When we get to the June meeting in Orlando, Florida, there's going to be so much interest and comments and that we're going to have to schedule an evening session. We have to allow public comment before you all take final action and so assuming that we do that at June, then we submit the document in July.

There's not a lot of demands of staff time, but it will take some of Rick's time and some of the Region's time. Again, the Regional Office economists and social scientists will have to work those analyses into the document and do those analyses. The data have to be collected and so I'm concerned not so much for Rick's time, but more from the Regional Office and the impacts this may have on their folks working on other amendments.

Mr. Geiger: Okay, but I don't get a sense that there's an impact on the following amendments by this slipping. I understand the consequences. You talked about an evening session and you might want to have a day session, on Sunday or something, but we can talk about all that. 15B is kind of a wash as to whether it has an impact on the remaining items on your schedule.

Mr. Waugh: Okay. Then 16, we're scheduled to approve this for public hearing at this meeting and we're looking to do public hearings in May, review public input and DEIS comments in June. If we get the DEIS filed early enough after this meeting, such that the DEIS comment period would end prior to the June meeting, you may be able to give final approval and submit at June. It would probably be more prudent to see all the revisions to the document and look at it in September, but that does put us three months past the one-year deadline.

Mr. Robson: I'm not a member of the committee, but I guess the question I have is what are the consequences of being late on Amendment 16, specifically, with Magnuson-Stevens?

Ms. Smit-Brunello: It's kind of hard to discuss what the consequences would be. Under the Magnuson Act, the year, as you know, ends in June for the council to finish the amendment. However, if the amendment is not adequate, I think it doesn't do you a lot of good to submit something that doesn't take care of the problem and doesn't meet all the other requirements of the Magnuson Act and so it's a bit of a balancing act. That's probably the best I can do.

Mr. Robson: To follow up a little bit, in order for us to do our due diligence on the EIS documents and everything that needs to be in order, that could be a reason for being late, if we're complying with other elements of our federal requirements?

Ms. Smit-Brunello: Yes, that could be a reason. That doesn't release you from the obligation of having to have it done in June, but, again, you want a document that's adequate and if it's not

adequate, then you have to keep working.

Mr. Cupka: I would think that a slippage of three months -- Certainly NMFS wouldn't take over and start the thing over if we were that close, I wouldn't think, but I guess all that has to be taken into consideration, but I had the same concern, just what impacts there would be or what consequences and all. I think if it was going to go six months or a year beyond that it would be a different matter, but in trying to complete the document and do a thorough job and everything, I'm assuming that would be taken into account, but we're in new territory here.

Ms. Smit-Brunello: I think you're right, David, but you just kind of have to weigh the -- It's a balancing act and you have to weigh the options.

Mr. Geiger: I just asked Mac and I remember our discussions as we were working on this amendment that we might get one cycle behind, one council meeting behind, and that's already been discussed. That's fait accompli and I don't think we have any recourse. I think we've made a good faith effort to stay on track and if we do our job at this council meeting, we will stay onto the new schedule, which I think is reflected on the board, right, Gregg?

Mr. Waugh: That's correct. This schedule that we've got laid out has the council reviewing and approving the final document in September and we submit it in September.

Mr. Geiger: I think we all had recognized previously that we were going to be one council cycle behind, for a reason.

Ms. Shipman: The EIS is almost the final document anyway. In essence, you've got the final draft. That's what is going out and arguably you could say we've completed the amendment for the comment, but we just haven't submitted.

Ms. Smit-Brunello: Historically, I think, or recently historically, the DEIS and the public hearing draft have been one and the same. That doesn't have to be true, however, and there have been times, I know recently, I think, in the Gulf last year we had a document that went out -- An amendment went out as a public hearing draft, but it was not up to shape for filing as a DEIS and so the Region worked on it and got it in shape to file as a DEIS while the public hearing aspect went forward under Magnuson. You could have a different situation there.

Dr. Crabtree: Just one thing to reference that circumstance that Monica talked to and one thing I think we all need to be very sensitive to and cognizant of is we went through a lot of discussion and angst over Amendment 13C about modifying documents and when a council takes final action on something and we determine the NEPA document is not adequate or just hypothetically that the economic analysis was not as complete as it needed to be and then we have to come in after the fact and do modifications to the NEPA document and the judge concurred with us that that's legal and there were no violations.

It's a perception issue and it looks like we're changing documents after the council is through and it looks like the council is making decisions before they have all of the analysis and those things. That's the downside of all that.

It is a confusing process to the public and I don't think most members of the public really recognize the distinction between the Magnuson amendment and the NEPA document and they're usually, really, a single document. You can't really change one without changing the other. When we get out of sync on these things, it really makes problems for us. It opens us up to an awful lot of criticism.

Back to Amendment 16 and all, I think we keep moving ahead and make every effort to get as far along on this document as we can and if we make great progress and we can come in June and feel comfortable and take action, so be it. If we can't, because procedurally we just can't meet that timeline, then we'll have to come back in September and take action on that. We have to live within the timelines that we're forced to deal with and sometimes they conflict and they don't jive together, but we just need to keep moving as best we can to get all these things done.

Mr. Geiger: Gregg, are you fine with that?

Mr. Waugh: Yes.

Mr. Mahood: I know Rick and the team were working very closely together, to try to keep things on as tight a timeline as possible. Where it usually gets hung up is in getting the review and getting the DEIS out and getting it ready for publication.

Sam Rauch is sitting in the back here and he's working on taking care of all that, where it won't be a big problem in the future, when we get the NEPA and the Magnuson Act integrated. Until such time, I think our staff is working together. We're working very hard, I know, on this one, Phil, to try to coordinate to where they will be able to get that DEIS in as soon as possible.

Mr. Currin: I may be wrong, but from my perspective, if the Secretary or NMFS were disappointed enough with the progress that we've made on 16, they have an option to do that on their own and in reality, again, in my mind, I'm not sure that NMFS or the Secretary would be able to get it completed and more timely than the council is on schedule to do that now. Correct me if I'm wrong, Roy.

Dr. Crabtree: Just to be candid, you're right and I think we are making progress on Amendment 16 and I don't know what more we can do to get it done now. We're not contemplating anything like that, because I think it would, in fact, slow us down. I'm confident we're going to get this done no later than September and if it works out that we can do it in June, that would be great. We do the best we can.

We're in a similar situation in the Gulf with grouper right now and they really had more changes to the science that delayed them, but we both have issues with gag, in terms of needing to do some corrections, and then we had to come in and do the re-review and unfortunately, there's no convenient way in Magnuson to say oops, we found an unanticipated situation that we have to deal with and let's stop the clock. It just keeps going. It just puts you in a tough spot on these, but I think we are making as good progress as we can and we're going to get it done as quickly as we can.

Mr. Waugh: The next item is Shrimp Amendment 7 and we've completed the scoping process and we'll be looking at options at this meeting and approving it for public hearings in June. It wouldn't be as many public hearings, given that we're just focusing in on mainly the rock shrimp issue. We do have one measure that deals with data collection and reviewing and approving at September and final approval at December of 2008.

Mr. Cupka: Any other questions on that for Gregg?

Mr. Waugh: Then the Comprehensive Allocation Amendment, we've completed scoping. We had a separate committee meeting in February and we'll have another one in April. The intent here is to look at options in June and have a document to approve for September and, again, this is linked to the Snapper Grouper Amendment 17, where we have to have our annual catch limits and accountability measures for our species that are undergoing overfishing. Approval for public hearings in September, public hearings in October and November, in December to look at public comment and finalize in March of 2009.

Mr. Cupka: Questions for Gregg? Seeing none --

Mr. Waugh: Then Snapper Grouper Amendment 17 and we really have to pare those options back, to focus in on the ACLs and accountability measures and look at options here in June, approve for public hearings in September. Again, that goes out to public hearings with the Comprehensive Allocation Amendment, public hearings in October and November and review in December and final approval in March of 2009.

Mr. Cupka: Okay.

Mr. Waugh: Then the LAPPs, we talked about and we'll know in June whether we're going to have something to go forward, assuming the committee's motions are approved at council, of going forward looking at something for the golden tilefish fishery.

The original schedule was looking at options in June and September and approving for public hearings in December. Obviously here this is going to impact Kate's availability for some of these other issues that are on legal deadlines, or congressionally-mandated deadlines.

Mr. Cupka: Questions or comments?

Mr. Currin: Just a comment on that and I, of course, was here during the discussions during the LAPP Committee and I do agree that we do need to make progress on whether it's Amendment 18 or just our general discussion of LAPPs. I think the move to look at the tilefish is a good one and we'll be able to make this decision in June, but in view of all that we have going on elsewhere right now, I think the council could probably benefit from some of Kate's time to accomplish those goals.

With that in mind, I want to make progress. I think it's important to make progress as we look at the golden tile fishery, but I'm not so sure that that needs to be on the front burner and turned up

high and that if we can kind of delay that schedule to some degree and get six months of Kate's time or nine months of Kate's time to work on these other higher priority, in my mind, amendments, snapper grouper amendments, that may be something we want to consider.

Again, it depends on the response we get from the golden tile fishermen, based on the inquiry, but just to let you know that's kind of where I'm thinking or that's what I'm thinking about right now.

Dr. Crabtree: I don't disagree with that, Mac. I think we've all got to recognize that right now we have a bunch of things that have statutory deadlines and those have to be our highest priorities. I guess for Bob or Gregg, how exactly are we using John Carmichael? As I understand it now, we have two new SEDAR coordinators and then we have John, who is South Atlantic Council staff and then John has a new fisheries scientist under him.

How are they fitting all of this and what's their role in the plan development team and putting these documents together? I know John is a very talented and capable guy, who could make a real contribution to the work on a lot of these documents.

Mr. Mahood: Roy, if you could hold off on that, we're going to get into all those specifics at the Personnel Committee meeting.

Mr. Cupka: Other comments or questions? I think we all recognize that and we'll have to modify that accordingly, so that we can get this other work done that has congressional deadlines associated with it. I guess we need to take action to approve this activities schedule. Basically, I guess it's not changing much from last time and so I don't know if we do or not.

Mr. Mahood: Actually, you approved it last time and it hasn't changed.

Mr. Cupka: Okay. Are there any other comments on our activities schedule then?

Mr. Geiger: I take away from this message that this meeting is absolutely critical in regard to Snapper Grouper Amendment 17 and we've got to get done what we need to get done in regard to the alternatives identified in 17 and move it forward.

Mr. Waugh: That's correct, because we've got a lot in there now, in 17, and it's our feeling that what we need to do is pare that down to items that address the annual catch limit and accountability measures and we need a real good indication of what alternatives you all are interested in looking at in March, because we work those up in June and in June, you're really going to be locked into the alternatives.

Then all the analyses and the cumulative impacts of that amendment can be calculated, so that you look at it in September. It's really sort of laying out your options and alternatives in March and looking at the analyses of those and picking preferreds in June and then seeing the cumulative impacts and all the complete analyses in September, so you can approve it for public hearing and that it can be filed as a DEIS immediately after the September meeting.

Mr. Cupka: Other comments? If not, thanks, Gregg. That will take us down to our next agenda item, which is a report on the Presidents Proposed 2009 Budget.

Mr. Mahood: I guess it's behind Tab 3. It was in the second full briefing book, the second mail out. I think it's probably just an exercise in futility anyway. I'm not sure that with the new president coming in that the outgoing president's budget is going to hold much water, but if you look on the first of the two pages, it shows the regional fisheries management councils and commissions as a line item and you can see there's a slight increase.

It certainly did not have the total of \$30 million that the councils asked for just for the councils, because the commissions get well over \$9 million, \$10 or \$11 or \$12 million, out of that anyway. There is a small increase for the councils, but not anything significant in that budget. This is just kind of informational, where we are at this point in time. I'm not sure how it will play out when we get a new administration.

Mr. Cupka: Comments or questions? Again, I don't think we need to spend a lot of time on this, but I appreciate that. That brings us down to our next agenda item, which is Review and Develop a Position on HR 4087, which was introduced by Congressman Jones from North Carolina.

In your third CD that you received, there was also a copy of a bill, HR 5425, which is Mr. Pallone's bill. They look pretty much the same to me, but I'm going to ask Bob to take us through that.

Mr. Mahood: Really, what's happened is the Jones bill has been withdrawn and the Pallone bill has superseded it, primarily because of which side of the aisle they sit on. I guess they thought Pallone's bill would go a little further. There are no significant differences in the two bills to speak of.

Of course, you have to read these bills in conjunction with your Magnuson Act to really determine what's going on, but it centers around, I guess, giving the councils more latitude in looking at the rebuilding timeframes. I think it was really kind of aimed at the flounder situation in the Mid-Atlantic. Since we're dealing in the snapper grouper fishery with longer lived species than some of the species they're dealing with up there, I'm not sure how it will affect us.

I think snowy grouper in particular -- What do we have, a thirty-four-year rebuilding schedule or something like that? This really -- I'm not sure this would help us too much in any more latitude or whether there's any latitude there anyway, but I can go through it piece by piece, if you wish, very quickly.

The language -- You can see the first under (1) (A), under the Section 304(e). It changes "possible" to "practicable" and I'm not sure -- I'm not a semantics person and I'm not sure I see a whole lot of -- I guess possible means you've got to do it as soon as possible and practicable means as soon as practicable and I think it's geared towards looking more and putting more emphasis on the socioeconomic impacts of your action is the intent.

If you go down under the (B), (B) (ii), currently, that reads -- Currently, it reads not to exceed ten years, except in cases where the biology of the stock of fish, other environmental conditions, or management measures under an international agreement in which the United States participates dictates otherwise. For that little bit of language, they've submitted (I) through (VI) and so a lot more additional guidance type language has been submitted that, again, is geared towards the ten-year rebuilding program.

Then under Number (2) in paragraph (7), subparagraph (A), they insert more language that's new language that currently doesn't exist and so it is all new language there that talks about evaluating progress to the end of overfishing and to rebuild overfished stocks of fish. Then they had some new language also at the end of Number (7). They added a Number (8) and a Number (9). Again, this language doesn't currently exist and speaks to the rebuilding timeframes. I'm not sure -- Maybe in flounder it would make a difference, but I'm not sure how it would affect us any differently in our long-lived species.

Mr. Boyles: I'm not on your committee, but just for point of discussion. One of the things we were asked about this bill by some of our congressional folks and my read on it is -- My sense of things is the Reauthorized Magnuson really got us some things and really provided the shot in the arm to fixing a lot of what's been wrong with the process for a long time.

My sense of things is that flexibility is a good thing. It sells well, but I think it would be probably, in the long term, some backsliding. My sense of things is I think the reauthorized bill, while it does have its issues, or the reauthorized act does have some issues, I think there were some gains made there.

I think, quite frankly, and I've said it before, but I think Congress is tired of the situation of overfishing continuing and stocks continuing to decline and they spoke in late 2006. As a result, my particular interest and my take on this, if I understand it correctly, is this is a step back to the old days and I'm not sure that I'm very interested in it. Thank you.

Mr. Geiger: I think that was very well said, Robert. I asked this to be included because at the two previous council chair meetings, there's been some discussion from other councils about lending unanimous support from all of the councils in regard to supporting what was the Jones bill and now is the Pallone bill.

What the CCC has done thus far is they've sent a letter requesting that public hearings be conducted and I think they either were or were to some degree held, but there's been noises made by other council chairs that they want to get support to actually support the Pallone bill and issue a letter of support from the council chairs.

I'm uncomfortable, personally, signing up to that without direction from this council and having a discussion on where we stand. Without belaboring the point, I certainly come from the position that Robert spoke and I believe that Congress recognized what really needed to be done and the pressures that were brought to bear on councils in the past because of socioeconomic issues and the lack of ending overfishing that we've been saddled with as a result of having that flexibility. I think that I would certainly speak in support that we have a reauthorized Magnuson

Act and I think it's a good thing.

Mr. Cupka: Thank you, George. I was going to ask what the discussion -- I know that the Council Chair Coordination Committee has been talking about this for a couple of meetings and I was interested in that and so --

Mr. Geiger: If I might take it one step -- The Mid-Atlantic Council is kind of the lead council and the argument all does revolve around summer flounder and so the other councils have not weighed in one way or the other with any hard positions, but the impetus is being provided by the Mid-Atlantic Council to do this.

Mr. Cupka: From my own personal perspective, I certainly agree with both you and Robert and I think this would be a step backward, in some regards, and I would be kind of hesitant to support it, but that's up to this committee, I guess, and ultimately to the full council.

Ms. Shipman: I think we ought to just stay silent on it. I think we shouldn't comment and not to favor it and not to disfavor it. I agree with George and Robert and I just don't think it warrants our comment.

Mr. Geiger: If we took that, then that would mean that if they requested us to sign on to a letter, we would just not sign on.

Ms. Shipman: I think we would say we don't have a position on it. That's what our agency does on certain bills. We just say we don't have a position.

Mr. Geiger: That's certainly a position to have, is no position. I think we've heard three people, at least, speak up and say there is a position and so it would be interesting to carry this discussion forward and maybe see if we can get a motion.

Mr. Mahood: It was interesting the letter that the CCC got back. It kind of implied that it wasn't going to go very far. I don't know if I sent that letter out and if I didn't, I will. It basically said thanks for the request, but we'll take care of it internally and that type of thing. I'm not sure whether that will -- How far that will move forward.

I think, as George said, there wasn't a whole lot of interest, other than maybe the Mid-Atlantic Council. I didn't garner much interest, and, Duane, I don't know if you did either, in the other councils supporting that.

Mr. Harris: I'm not sure. It was hard to determine whether there was other council support. I got a sense that some of the other councils supported a little bit more flexibility, but I don't know that that really came across as -- It certainly didn't come across in the form of any kind of motion or anything.

Mr. Currin: The North Carolina Marine Fisheries Commission has written one letter to Congressman Jones supporting the spirit of his bill, when it was introduced early. We've been asked by the industry in our state to offer more stated support for that bill and I guess it's now

the Pallone bill.

The commission is developing a letter at this point to that effect, to some degree, but our commission as well has some real reservations about the bill as it is written right now and one is the indeterminate, or possibly indeterminate, timelines for rebuilding. There's a big concern there, for the same reasons that Robert stated.

The other concern that we have has to do with the open-endedness, in my opinion at least, of one of the terms that used and it's "other environmental conditions" and I think those need to be specified, to some degree.

Again, it's very open ended and how do we determine what environmental conditions matter or to what degree they matter and the other biggest concern that we have is defining what a positive trend in recovery is. Is it a slope of one degree or hopefully a more meaningful slope than that, that's going to recover these fisheries much more quickly than a very slight increase, positive increase, towards recovery? There's some support, but with considerable reservations.

Mr. Cupka: Thank you, Mac, for those comments.

Mr. Robson: Recently, the Fish and Wildlife Commission chairman sent a letter to Florida congressional delegates, generally -- Kind of along the lines of I think what North Carolina may have done, supporting the concern of having the time to adequately address socioeconomic impacts of rebuilding schedules on the local or state communities and there's a concern about that.

The state has a concern about that, because it's being asked to participate in the rebuilding of some certain stocks, where they occur in both federal and state waters, that the schedules that are set forth have a significant impact on the local socioeconomic situation, depending on the timeframe.

It doesn't address, necessarily, because we don't have situations where rebuilding schedules are necessarily a concern, but I think the general concern of the commission is that for the state to be able to participate in positive rebuilding of stocks that the aggressive schedules for rebuilding plans or for ending overfishing may preclude an adequate addressing of socioeconomic impacts and that's a concern they have. That was basically the tenor of the letter.

Ms. Shipman: Which is why I suggest no position. I think we've got different state members that have different positions and all and we can write something to the effect of we agree with the Magnuson Act's revisions, in terms of ending overfishing, and there are concerns about socioeconomic, but I just don't know that we're going to come to consensus on what the letter ought to say. While we as individual members sitting around the table may feel one way, I think our governing bodies, policy bodies, in terms of the agencies, may feel differently.

Mr. Geiger: I don't know I'm going to be able to -- If we're requested to sign on, tell me what you want me to do. No position and we don't sign on? No? That's all I need. It's fine. The question was what do we do if we're requested to sign on and I guess the general consensus

around the committee is that we don't sign on, but we don't have a stated position that we support or do not support the Pallone bill.

Mr. Currin: I have one more comment, David, because one other aspect of the letter that both the Division of Marine Fisheries has already written and perhaps will be likely included in the letter from the North Carolina Marine Fisheries Commission was to support the notion of holding open hearings and inviting the members of the council, the council chairs, NGOs, and representatives of the recreational community to comment on this bill.

There have been some hearings already and if this thing gains any traction at all, then there could be additional hearings, where the council chairs or some representative of the council may be invited. That may have some implications on the position that the council takes. If you're invited, I guess we could go say we have no comment or we can stake ourselves out.

Mr. Mahood: I think what happened -- Maybe people don't quite understand what happens at the CCC. We actually have a letterhead with everybody's logo on it and everything and what they do is when they reach a consensus on something, all eight council chairmen will sign that letter and that's what George was asking, should he sign that letter? I don't think we need to send out a letter one way or the other on behalf of the council, but I think we will be asked in May, probably by the Mid-Atlantic, is there going to be a consensus. My feeling is that we just would not be one of the -- Our logo wouldn't be on it and George wouldn't be signing it.

Mr. Cupka: Other comments? Do you feel like you have what you need, Mr. Chairman? All right. Thank you. That brings us down to Other Business and is there any other business to come before the Joint Executive/Finance Committee? Hearing none, then this meeting is adjourned.

(Whereupon, the meeting adjourned at 10:50 o'clock a.m., March 4, 2008.)

Certified By: _____ Date: _____

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Jekyll Island, GA
Tuesday, March 4, 2008**

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