

# **SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL**

## **SOPPS COMMITTEE**

**DoubleTree by Hilton Atlantic Beach Oceanfront  
Atlantic Beach, NC**

**December 7, 2017**

### **SUMMARY MINUTES**

#### **COMMITTEE MEMBERS**

Chris Conklin  
Anna Beckwith  
Dr. Roy Crabtree

Doug Haymans  
Chester Brewer  
Dr. Michelle Duval

#### **COUNCIL MEMBERS**

Charlie Phillips  
Mel Bell  
Tim Griner

Mark Brown  
Zack Bowen  
Ben Hartig

#### **COUNCIL STAFF**

Gregg Waugh  
Dr. Brian Cheuvront  
Kimberly Cole  
Mike Collins  
Dr. Mike Errigo  
Kim Iverson  
Cameron Rhodes  
Christina Wiegand

John Carmichael  
Myra Brouwer  
Dr. Chip Collier  
Kelsey Dick  
John Hadley  
Roger Pugliese  
Amber Von Harten

#### **Observers/Participants**

Jim Estes  
Rick DeVictor  
Dr. Erik Williams  
Dr. Jack McGovern  
Dr. Bonnie Ponwith

Lieutenant Commander Trish Bennett  
Nik Mehta  
Monica Smit-Brunello  
Dale Diaz  
Erika Burgess

Other observers and participants attached.

The SOPPs Committee of the South Atlantic Fishery Management Council convened at the DoubleTree by Hilton Atlantic Beach Oceanfront, Atlantic Beach, North Carolina, Thursday afternoon, December 7, 2017, and was called to order by Chairman Chris Conklin.

MR. CONKLIN: I would like to call the SOPPs Committee to order. The first item of business is Approval of our Agenda, and are there any additions or changes to the agenda? Seeing none, the agenda stands approved. Our next item of business would be to approve the minutes from the June 12, 2011 SOPPs Committee meeting in Key West, Florida. Has everyone had a chance to review the minutes? Great. Are there any additions or changes to the minutes?

MR. WAUGH: I just had a couple of minor typos to pick up, but I will give those to --

MR. CONKLIN: All right. We will make those changes, and so, with those changes that Gregg has brought up, we will approve the minutes from the June 12, 2011 SOPPs Committee meeting. Our next item is to Review Policies for Inclusion in the SOPPs and the South Atlantic Council Handbook. I am going to hand it over to Gregg, and he's going to go through this with you.

MR. WAUGH: Thank you, and welcome to the exciting world of SOPPs. This is a little bit of an education for me too, because, up until now -- When Bob was here, he handled all of this, and so one of the first things that I tried to do was to get straight in my head what is the difference between SOPPs and our handbook.

To me, and I talked with Mike, the SOPPs -- If we think of the SOPPs, that is to address all the legal requirements that the council has to operate under, and we got a format to follow, and so we used that format and plugged in all the pertinent details. That has to be reviewed and approved by the agency, and so that's a process, and, to me, what we want to do is minimize the amount of times we change that, but then we put more detail in how we operate day-to-day into the handbook, and, in some instances, the SOPPs will refer you to the handbook for more details.

That is, to me, how I keep it straight in my mind. The SOPPs meet our legal requirements, and that is sort of the minimal amount of information that we have to put in there, and we get that reviewed, and then the more pertinent document that we operate under is the handbook, and we can put more detail in there, and we can update that as we feel that it needs to be updated. I just want to touch on some of the changes that we are proposing, and the SOPPs are in for review. They have been for a while, and obviously this is not a high-priority item.

We have been operating under the SOPPs and our handbook, but what we would propose is to focus, at this meeting, on the handbook, and what we've done is we've got several addendums that have been approved that we have operated under, and we've got several policies that were in the form of memos that we operated under, and then we have your additional guidance that you all have provided to us from webinar meetings, exempted fishing permits, how we deal with them, briefing book deadlines, public comments at AP meetings, and how we deal with the SSC liaison and the role.

What we did was we incorporated all of those into the most recent version of our handbook, and we sent out two versions of that, one where you could track all the changes, and that gets hard to follow after a while, but we wanted you all to have all of that detail, so that you could see every single change that was made, and then our suggestion is to work from this document that has all

changes accepted, and so it's Tab 11, Attachment 4a REVISED, and it says, "All Changes Accepted Administrative Handbook", and that was in the late materials folder.

Our suggestion is to walk through this page-by-page, and I don't think that there will be comments on a lot of the pages, and I will point out where I found a couple of minor changes that we want to make and point out where we have changed the text. Then if we can just get you all's input. Then, at the end of that, deal with one motion approving all those changes, and then we'll bring it back to you in March, another cleaned-up copy that we could possibly approve in March. Should we have interest, after we go through the handbook, of looking at the SOPPs at this meeting, we'll get any comments from you all and bring those back to you in March as well, and so, Mr. Chairman, if that's okay, that's how we would suggest to proceed.

MR. CONKLIN: Yes, I think one motion is the way to go with this. Do you want to move on into going through the document page-by-page, Gregg?

MR. WAUGH: Okay. If we start on page 1, with just some minor edits, and we want to show that the office is now in North Charleston. There's a little bit up in this first paragraph. It says that the council consists of representatives of the states, and, down below, it talks about the additional members, and we'll just pull up some of that additional text there.

Down in Officers and Terms of Office, just insert a sentence at the end that says, "Generally, the Vice Chair serves two years and then becomes the Chair for two years." That is how we've been operating for the past several years, and so we have a Vice Chair that participates for two years, generally, and then moves up, and then we have election of a Vice Chair, and so just to clarify that, so that that's in our handbook.

MR. CONKLIN: Just a second, Gregg. We're on Attachment 2 under this committee. Do you want to type some of these changes up on the screen now, or do you want to bring it back?

MR. WAUGH: My suggestion is just to bring them back, but, if you want to, we can type them on the screen now.

MR. CONKLIN: What is the pleasure of the committee?

DR. DUVAL: I am fine with seeing them again in March, and was the intent to have another follow-up meeting in March, or when would the SOPPs Committee meet again?

MR. WAUGH: The plan is to have it meet again in March to look at these revisions.

MR. BREWER: Sorry to be harping so much with regard to the Gulf Council, but the Gulf Council had a problem because they had specified that the elections of the Chair and the Vice Chair was on a set date, which we have here, and have we had a problem in the past with that? They also had a thing that the election could -- You couldn't vote or take office until sixty or ninety days or something like that after your appointment, and I guess it was at the San Antonio meeting that they got into a huge fight over who was going to be allowed to vote for the Chair and the Vice Chair. They actually had to just say that's it and we give up and we're not going to have any vote right now, and we're going to wait until the December meeting, and I wonder if we've had any problems that have arisen because we've got sort of like a set date for August 10.

MR. WAUGH: That date is in the SOPPs too, and I believe that's when the council member terms officially take place, and so what this is saying is that we generally hold those after August 10, and our meeting occurs in September, and so we haven't run into that as an issue.

MR. BREWER: Just as a follow-up, and I haven't read this. This, apparently, was last edited before I ever came on the council, but do we have any provision that says that you have to have been appointed for a set number of days before you can vote on an issue? I don't think we do.

MR. WAUGH: No.

MR. BREWER: Okay. Thank you.

DR. CRABTREE: The new members start on I think it's August 11, and their nomination and appointment has to occur a set number of days in advance, and that's in the regulations. It's not set by the council, and so the Gulf Council had a meeting that ended on the 10<sup>th</sup>, and so the new members weren't officially council members then. The old council members were, and then the Gulf Council has in their SOPPs that they vote for the new Chair and Vice Chair after the new members are seated, and so that meant they didn't vote on the new officers until the following meeting, and so it was just -- I haven't seen it happen, and they just inadvertently scheduled their council meeting before the new members were seated.

MR. DIAZ: I was going to say similar comments to what Roy said. As long as you don't have a meeting in early August, I think you'll probably be okay. That was just an oversight that was unintentional on the Gulf Council's part. Thank you.

MR. PHILLIPS: I am trying to find the spot that Gregg is talking about with when the elections are, but since -- After being the Chair, my last meeting is in June, and so you all are going to have to do something in June, unless you're just not going to have a new Chair until September, and so I guess you all have thought about that somehow.

MR. WAUGH: Yes, and your last council meeting will be June, but your term will run through August 10, and then, on August 11, the new council member will start, but then Mark will be acting as Vice Chair until we have elections at our September meeting.

Then, moving on to page 2, we didn't have any changes on page 2 or page 3. We did have a change on page 4. Under Work Schedule, we have added -- There was an approved addendum that talks about working at home, and we allow our employees, with prior okay from their supervisor, to work at home. They can work a maximum of one day per week. If they are approved to work from home, they have to give the administrative group a phone number where they can be reached, and they must be available to be contacted at that number during the entire workday, and our new phone system allows us to re-direct our direct line to our cellphone, and so, if someone is working from home, they are fully available. Like I said, we've been operating under this for quite a while, but we're moving it into the handbook. Are there any questions about that issue? We're on page 4.

Page 5 didn't have anything, and page 6 has nothing, or Page 7, page 8, page 9, page 10, page 11, page 12, page 13, and page 14. The bottom of page 15, where we talk about Social Media, the

bottom of page 15 shows the wording that we were operating under. As the council Facebook page is an official media outlet, and we had Kari MacLauchlin tagged with that, and that was the only member of staff authorized to post.

If you turn over to page 16, the top of page 16, we have got the new suggested wording, and it says: "As the council Facebook page, Instagram account, YouTube Channel, and Twitter account are all considered official media outlets, the outreach team has the sole authority to post and comment. On occasion, outreach staff will ask members of the staff to address issues pertinent to their areas of expertise." That is the new wording that we are proposing to handle our social media. Are there any questions on that?

Page 17, and, on page 18, Item E, Advisory Panel and Scientific and Statistical Selection Committees, in the second paragraph, we want to add some clarification that the council may delegate authority for advisory panel appointments to other council committees to address specific circumstances, such as the Citizen Science or SEDAR Advisory Panels, as detailed in Appendix II. Appendix II has more of the details of how we deal with APs. This is just to clarify that we have chosen to have the Citizen Science Committee deal with AP appointments for their committees, and SEDAR is the same, and so that just brings that into the handbook.

Page 19, there is nothing. Page 20, in the middle of the page, we have added a section dealing with driving, and this is, again, an approved addendum, but we're just pulling it in here. It's indicating that, to increase staff safety and eliminate unnecessary risks and to be in compliance with the Executive Order addressing Federal Leadership on Reducing Text Messaging While Driving, we have enacted the policy not to text, email, or read while operating a vehicle, while that vehicle is in motion, or stopped at a light. If you need to text or email, you have to pull over to the side of the road. That is all new material.

MR. HAYMANS: You know where this is going, Gregg. When can I borrow the Lear jet? I didn't know we had a privately-owned plane in the next paragraph. That is a long ride home, and I would like to get there in a hurry.

MR. WAUGH: You have to go on a special list for that, but that's been in there for a long time, and what that addresses is, in the past, we have had council members who have flown to council meetings, and so that just addresses how they get reimbursed for their private plane.

MR. CONKLIN: Should we change the wording on telling the staff not to read while they drive, so they don't miss a sign or something, to include a cellphone, instead of not to read?

MR. WAUGH: Page 21, Per Diem Guidelines, this is added from an approved addendum. This is how we operate in terms of how you claim the daily per diem. A quarter of it is for breakfast, a quarter for lunch, and half of it for dinner. Then there's some guidance on timing, which portion of the day and when you can claim.

MR. PHILLIPS: Gregg, I guess I'm a little confused of why does it matter if it's split up like that? Often, we just eat a bagel in the room, and then we may spend a good bit more on dinner than we do lunch and/or breakfast, and I'm just curious why it's --

MR. COLLINS: It's mainly split like that because of days where you're traveling part of the day and not the full day, and so, if you're traveling after lunch, then you're just -- Instead of claiming the whole fifty-six-dollars, you would claim the half just for the dinner portion, and so it just makes it easier to do the math on the splitting of a travel day.

MR. PHILLIPS: That makes sense. I just didn't know, if I'm here all week, and I don't buy breakfast, but I have a big lunch, or even a bigger supper or something, and so okay. Thanks.

DR. DUVAL: I am just going to be a smartass here, but clearly Chairman Phillips has never worked for a state agency, where they nickel-and-dime every little bit of when you travel, and you had better be leaving before 3:30 in the morning if you're going to claim breakfast on a particular day. I will show you our per diem guidelines sometime, Charlie.

MR. WAUGH: We will add a sentence clarifying that that applies to split days of travel. Page 22, there is nothing there. Page 23, Item A for the Briefing Book, all of that is new. This is the policy guidance that you all provided and that we've been operating under, but we didn't have that in our handbook, and so that is just pulling in when we need materials for the briefing book and how we handle late briefing book materials. Any questions on that? Okay.

On page 24, Webinar Council Meetings, this is, again, policy guidance that you all provided and we're pulling into the handbook. We support limited exemptions for council members to participate and vote during an in-person meeting if they're participating via webinar, and the council has designated the Chair, Vice Chair, and Executive Director to evaluate and request for an exemption. Then I coordinate with Monica on those prior to the meeting. Any questions or changes to the webinar council meeting guidance? Mel, any comments?

MR. BELL: No, and you could have like a little green or red light there that I could activate somehow for voting, and that might make it easier, but it works great from here.

MR. WAUGH: We will work on that. On page 25, Public Comment at Council Meetings, this is guidance previously provided, and, again, we include this on our agendas, so people know, and, at least in the guidance that we received from you all, this works a lot better, and it takes us out of being the middle person, and you get to see all the comments, and they get to see the comments, and so I think that's working well.

Item F, Exempted Fishing Permits, we started doing that at this meeting, where, at the most pertinent committee, NMFS will give us an overview of the EFP, and that gives a chance for anybody listening who wants to comment prior to the comment period to provide their comments, and so that just adopts into the handbook how we've been handling the EFPs.

There is nothing on page 26 or 27 or 28. Page 29 is the appendix that deals with the Scientific and Statistical Committee, and this is how we currently operate. That is page 29, 30, and 31. On page 32, I just wanted to get clarification as to whether you wanted to add any more guidance on the administrative provisions.

Item 6 deals with a council member will be appointed by the Council Chair to serve as an SSC liaison. The liaison will attend SSC meetings to clarify council requests, needs, and positions, as necessary. We have had some discussion about whether other council members at the meeting

funnel questions through the liaison or wait until the public comment section and provide those comments, and I think that's sort of how we have evolved to operate, but I just wanted to give you all the opportunity to suggest any additional guidance that you might want to see in the handbook.

MR. PHILLIPS: I thought we were going to let council members ask questions along with the SSC liaison, so long as it didn't impede the flow of the SSC meeting. If it ever came to that point, then the Chair of the SSC would talk to leadership and we would adjust the policy accordingly.

MR. WAUGH: Okay, and that would be consistent with the wording that's here. This wording doesn't prevent it. If you want us to add that wording here, we can, or we can just leave it the way it is, and we can operate how you just described.

MR. PHILLIPS: I don't know that -- If it doesn't need to be added and everybody understands it, I'm good with it.

DR. DUVAL: I like leaving it more general and having it be fluid. I mean, I can certainly see situations where perhaps evolution of the SSC -- The character and make-up of the SSC changes over time, and so, as the SSC has different leadership come in, different Chairs might be more amenable to having council members approach the table, versus others might prefer that, if there are council members there other than the liaison, that they approach the table during the public comment that is before or after an agenda item, and so I think leaving it more general is probably better.

MR. WAUGH: Okay. Page 33, no comment and no changes there. Then, on page 34, we get to the Appendix II for the advisory panels. Page 34, there are no changes. Page 35, in terms of termination of membership under Number 2, we're proposing to add that note to clarify that this - - The provision is that, if they are absent from two consecutive meetings without giving adequate notification or reason to the Council Executive Director, that would be grounds for termination, and we just want to insert a note there that this provision does not apply to members of AP Pools, the SEDAR and Citizen Science. They are a pool that we periodically draw from, and so we just want to make sure that there is no confusion there.

Page 36, there are no changes there. Page 37, we've got some revisions on our already approved policy, and so the special provisions for advisory panels which serve as membership pools, and so that is how we've been operating, but it hasn't been formalized, and so we're pulling that into the handbook, and then the SEDAR Advisory Pool, Item 2, has been modified to read: "Appointments to the SEDAR Advisory Panel Pool may be made by the SEDAR Committee." Then the Citizen Science Pool, similarly, that has been changed to indicate that the Citizen Science Advisory Panel Pool will be made by the Citizen Science Committee. Are there any changes to any of those sections? Okay.

Then, finally, on page 38, this is new. When we get into Executive Finance, one of the suggestions is perhaps to consider loosening up the voting of AP members as a way of saving on some travel, as well as to consider holding some AP meetings via webinar, as a way to save on costs, if it's a small AP or if we've got a very specific question we're asking of them.

In terms of Webinar Meetings, the council welcomes the use of webinar meetings for APs to increase transparency and efficiency while reducing costs, and we prefer in-person, but budget and

time constraints may require more use, and the council supports the use of webinars for AP meetings for specific issues that are time sensitive. If an advisory panel meets via webinar, members can vote. If an advisory panel meets in-person, we need you to clarify whether you want to allow members participating remotely to vote or not vote, and so we're looking for your guidance on that.

MR. BOWEN: I am not on your committee, but I am of the opinion that they would not be able to vote if it was an in-person meeting.

MR. BREWER: I am on the committee, and I would like to make a motion. We are going to be - - It's going to be necessary that we cut costs, as much as we possibly can, in the future. **For that reason, and that reason only, I move that, if an advisory panel meets in-person, members participating remotely can vote.** That would encourage people to maybe not spend the travel money, and that's the only reason for the motion.

MR. CONKLIN: We have a motion that, if an AP meets in-person, members participating remotely can vote. Motion by Mr. Brewer. Does he have a second? It's seconded by Doug. Is there discussion?

MR. HAYMANS: The only reason I would vote in favor that they can vote is that it's an advisory panel. There is no final motions being made here, and I'm okay with that, especially from a cost-reduction standpoint.

MR. CONKLIN: We have had a -- Chester has already given his rationale.

DR. DUVAL: I am sensitive to what Zack said, but I think I am going to support this motion. I guess we would just want to make sure that there is a -- If there is an in-person meeting, and obviously advisory panel members are busy as well. If it's going to be prohibitively costly for them to attend or they have something that is really constraining their attendance, but I guess I'm suspecting that Zack just doesn't want an in-person meeting to devolve into a participate only by webinar type of meeting, because that interpersonal interaction is pretty important for our advisory panels to be able to talk to each other and understand each other's viewpoints.

I think maybe just -- I support any cost-saving mechanisms, but maybe just with the understanding that AP members -- That is not necessarily the first choice. If there are cost concerns, in addition to if someone has situations that we've had similarly, if someone has had back surgery like Mel has, and clearly they're not going to be getting on a plane or in a car to go to an AP meeting, and that might be out of their hands, and so thank you.

MR. CONKLIN: Just keep in mind that it's already written in the handbook that it says, if an AP meets via webinar, members can vote. This is pertaining to if an AP is meeting in-person and members that are remote can or cannot vote, and so, to Doug's point about saving for budget, it's in here, and it's already good to go, but I do see where Zack is going, and I agree.

MR. PHILLIPS: Mike, I have a question, because I know we like people to be at the table, but, when we book those rooms, do we have to have a certain number of people show up to be able to get that meeting room? I am envisioning a worst-case scenario, where we've got fifteen people



coming in for a meeting and ten of them elect to webinar-in, and is it going to cause a problem with us getting a room and things like that at a hotel?

MR. COLLINS: I don't think so, because it does affect this type of a hotel, when we have a twenty-four hold for five days, and we've got a large group, but, for those AP meetings that are two days or three days, it won't affect us at all.

MR. PHILLIPS: Just checking.

MR. BOWEN: Again, I'm not on the committee, but I just wanted to follow-up to Michelle's point. She was exactly correct on my rationale, and I am all for saving money as well.

MR. BELL: I was just going to say that I don't see this devolving into where people just don't show up anymore and they choose to participate remotely. I think there is a lot to be had from the face-to-face interactions, and people know what they're getting into when they do this, and I think there's an anticipation that they want to come and participate, and so I don't think there would be a problem with this. Good grief. You wouldn't want to miss out on the cookies and all like I am, and so that's just a real tragedy, quite honestly, from being remotely.

MR. CONKLIN: Thanks, Mel. Is there any more discussion on the motion?

MR. GRINER: I am not on your committee, but I have only done one webinar, and I was quite a bit technically challenged with it, and one thing you do need to keep in mind with voting like this is, if that person is thinking they are voting, but they are having technical issues -- You do want to make sure that, if their vote is not registered, but they think that they're voting, that somehow that's taken into account.

MR. CONKLIN: All right.

MS. SMIT-BRUNELLO: I think this is okay, in terms of them participating in a meeting. Like if this was an AP meeting and they were phoning in, their participation I think is allowed, because it's really the council members that have to be present and voting, and that's where we get into the interpretation of what does "present" mean, and is it physically present or virtually present and that sort of thing? I think this is fine. I will double-check and follow-up on all of this, but I think it should be okay.

MR. CONKLIN: Okay. **Is there any opposition to this motion? Seeing none, the motion carries.**

MR. HAYMANS: Just to overstate the obvious, if they participate via a webinar, they are not counted absent. They are present, and it counts towards their attendance.

MR. CONKLIN: Thank you.

MR. WAUGH: The next two items, Public Comment, Written and Verbal, we don't have any guidance now for how we handle this at APs, but I can see this coming in the near future, particularly when you look at things like cobia, and so what I did was basically copied the procedure used by the SSC and pasted it in here for your consideration. It would allow written

comments, and they should be distributed to the AP through the council office, similar to all other council materials. Written comments should be provided to the office no later than one week prior to an AP meeting, and we'll also include a web address here for folks to provide comments via the web as well.

Then, in terms of verbal comment, this is basically how we've been operating at the AP. There is two opportunities for comment at set times during the meeting. The first is at the beginning of the meeting, and the second is prior to recessing each day, if the meeting runs more than one day. Those wishing to comment should indicate such in the manner requested by the Chair, who will then recognize the individual to provide comments. All comments are part of the record, and staff there will certainly help facilitate that as well.

DR. DUVAL: I apologize for this, but I just wanted to back up to page 25, which is Part XII, and it's Management Plan Development. It's right at the bottom of page 25, and so I know we've had a little bit of discussion about this before, and I'm just wondering if we need to have some language to clarify this, but it outlines the use of an interdisciplinary plan team consisting of state, federal, and non-government specialists, and I think Florida has had questions about this before, and I think legal counsel has told us that it would not be allowable for state agency staff to participate on the IPTs, and I am just wondering if we need to clean up this language a little bit.

I don't know if there is a situation where a member of a state agency could participate on the IPT if they are not also sitting at the council table, if that is what causes the particular issue, but I guess I would be interested in hearing Monica's input on this and just flag it as another thing that might need to be updated.

MS. SMIT-BRUNELLO: I will have to look back at the advice we gave, and I will be happy to get with Gregg on it and bring it back to you next time, because the South Florida Committee, if you will, you are right. The advice our office ended up giving was that state employees were not allowed to participate on the IPT, and so I think that's a great point. I will work with Gregg and council staff to help clean that up.

MR. WAUGH: Okay, and so we will work with Monica to get an answer for that and bring that back in March. That was all the changes that we had to the handbook, and that will now pull in all of our guidance that we have, and we'll clean this up, and we were going to deal with one motion to approve it as modified, and then we'll bring it back to you at -- Approve the changes to it, and then we'll bring it back to you in March for approval.

MR. ESTES: I apologize, but my logic meter is like going crazy here, and Jessica had the same issue, and so could you please explain again -- The SOPPs that were sent in 2011, those were modified from some form, whatever they were before that, and are we operating under the SOPPs even though they haven't been approved? That's the first question.

MR. WAUGH: Yes, we operate under the SOPPs and our handbook, and we have updated the handbook on an ongoing basis, and so we operate under both of them, and Mike and I have taken a quick look at the SOPPs, and, in several instances, it refers to the handbook for details, and so there wasn't anything that we saw, in an initial read in the SOPPs, that needs to be updated right now, but we can certainly take a look at that more closely.

MR. COLLINS: Just one thing to add to that. If you look at the SOPPs, a significant percentage of the SOPPs is language taken directly from the reauthorization of the MSA.

MR. ESTES: The problem that I'm having, and that Jessica had, I know, and I think she had some comments, and so, before we get to a motion, I would like to talk about that real quick, but it seems odd that a handbook would have personnel matters and then would talk about operation of the SSC and then would talk about travel, and I think there's even some place in here, according to Jessica, that talks about telephone pagers or something, and maybe that's in the SOPPs, and so I still don't understand, nor does she, what exactly the differences are.

It seems like a handbook would be more administrative matters and the SOPPs would be actually policies and procedures about how, for bigger things, about how the council -- I am still a little bit lost about how to separate those or if it's important. To me, it's important, because I'm a linear thinker.

MR. WAUGH: I will let Monica weigh-in too, but, again, to -- I understand that approach, but it seems, more pragmatically, for us to operate -- It takes a while to get the SOPPs approved, and that is something that has to go through the agency review and approval process, and so it's a bit more rigid, and so we put in there what we need to to satisfy the legal requirements, and most of that verbiage comes out of the Act, and then we refer to the handbook, because that's a document that we control, if you will, and can update on an ongoing basis, and so we have the more details of how we operate in the handbook, and I know that's probably different than most organizations operate with a set of SOPPs.

MS. SMIT-BRUNELLO: This is a good question. The Act says that the council -- I will just read you what the Magnuson Act says and what the regulations say, and then we can talk about it. The Act says that each council shall determine its organization and prescribe its practices and procedures, SOPPs, for carrying out its functions under the Act, in accordance with the standards prescribed by the Secretary. The procedures of a council and of its Scientific and Statistical Committee and advisory panels must be consistent with the procedural guidelines set forth in the Act, and each council shall publish and make available to the public a statement of its organization practices and procedures.

I think, years ago, the council read this to mean that the SOPPs really had to contain all of those things that you were talking about, the practice of its SSCs and APs and those sorts of things that Gregg just put in the handbook or said in the administrative handbook, but it has kind of evolved, and maybe devolved, a little bit over time. The regulations state that the Secretary has to approve a council's SOPPs. Essentially, what happens is the council develops them and sends them into the Fisheries Service, and then they get reviewed, and ultimately approved, and then that's published in a Federal Register notice that these SOPPs are approved.

For whatever reason, it had taken a long time for the Fisheries Service to approve those. This last round, though, is probably on me, because I know where they are on my desk, and we have had other things that have intervened in the meantime, and so I think it's a question for you all to think about, is to whether these things ought to be in your handbook or whether they really ought to be in the SOPPs.

I know, some years ago, maybe five or ten, the Gulf Council was putting everything into the handbook, and it got told that, no, you need to put some of those things in the SOPPs, and so it's a great question, and we probably ought to look at it more and come back -- My suggestion is to come back in March with a more definitive path for you to go forward as well as taking a look at the SOPPs and seeing if they should be revised and these things ought to pour into them and then submit it to the Service and NOAA General Counsel.

DR. DUVAL: I just appreciate Jim raising the question, because I sort of -- I was feeling a little bit like an idiot, because we have the SSC policy and the advisory panel policy, and they're in the administrative handbook, and I was like, well, should they be in with the SOPPs, and I did notice that most of the language in the SOPPs is directly from the Act, and so I was thinking, well, you know, I'll just see how the conversation goes, and so thank you, because I was feeling like a little bit of an idiot.

MR. ESTES: True idiots speak first.

MR. PHILLIPS: I am not on your committee, but it might be that -- I think Gregg said that, once we updated the SOPPs and sent them in, that we could use them accordingly, that we didn't necessarily have to get it back from the Region, which we sent it to you and then we used them as if they were in fact the rule, but maybe what we need to do is just let the administrative handbook be kind of a holding area. Then, every two years, move everything over that needs to be moved, and maybe that's the practical way to make that happen.

MS. SMIT-BRUNELLO: I vow, in front of all of you, to do a much better job, in terms of, once you all send it in, to getting this moved and pushed forward and approved. I will let you know that I carry around this pink version of the SOPPs that was approved in 1992, along with the other SOPPs, and it is -- I mean, your current standard operations and your practices and procedures are what you use now at each meeting, and we make sure that you follow all of the laws and regulations, and so I think you're fine, but I think Jim's point is a great one, and I think we ought to look at it a little further and see whether we need to tidy up some of these things.

MR. CONKLIN: Is there any more discussion?

MR. WAUGH: I know Jessica mentioned to me too that she had some specific points that she wanted to raise, and we will certainly get with her and get those, and, if any of you have any specific points about the SOPPs, if you send those in to me, we will meet with Monica and then bring whatever revisions in the same way, one with track changes and one with changes accepted, so you can see. We'll bring the SOPPs back to you in March with those modifications as we think they need to be, and then you all can take action on that and move stuff around as you feel you need to.

MR. COLLINS: I don't know if I'm being optimistic or not, but, if there is a reauthorization, it will probably change a lot of what's going into the SOPPs, and so you may be wasting some time on updating this one when, maybe in the spring, we have a new MSA, and we'll have to do it anyway. Who knows?

MR. CONKLIN: All right. I think I would entertain a motion to approve the administrative handbook and the corrections or additions and deletions that Gregg has brought before us. Would somebody on the committee --

MR. BREWER: **I would be happy to make that motion.**

MR. CONKLIN: All right, Mr. Brewer. Can I get a second? Second from Anna. Thank you.

MR. WAUGH: I think that captures your intent, to approve the changes to the administrative handbook, and then we'll bring it back revised to you for approval at the March meeting.

MR. CONKLIN: Is there any discussion? **Is there any opposition? Seeing none, the motion carries.**

MR. WAUGH: That is all we planned to accomplish here today. Again, if anybody has a desire to look at the SOPPs or has any input they want to offer now, we would be glad to take that. Otherwise, just get it to me, and that's it.

MR. CONKLIN: Thanks. Mr. Chair, I yield back forty-one minutes. Thank you.

(Whereupon, the meeting adjourned on December 7, 2017.)

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

Transcribed By:  
Amanda Thomas  
January 3, 2018

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