

# **SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL**

## **EXECUTIVE FINANCE COMMITTEE**

**Hotel Ballast  
Wilmington, North Carolina**

**December 2, 2019**

### **SUMMARY MINUTES**

#### **COMMITTEE MEMBERS**

Jessica McCawley, Chair  
Chester Brewer  
Steve Poland

Mel Bell, Vice Chair  
Dr. Carolyn Belcher

#### **COUNCIL MEMBERS**

Robert Beal  
Tim Griner  
Dr. Kyle Christiansen  
Spud Woodward  
David Whitaker

Anna Beckwith  
Art Sapp  
Dr. Roy Crabtree  
Chris Conklin

#### **COUNCIL STAFF**

Gregg Waugh  
John Carmichael  
Kelly Klasnick  
Cierra Graham  
Dr. Mike Errigo  
Kim Iverson  
Cameron Rhodes  
Julia Byrd

Dr. Brian Chevront  
Myra Brouwer  
Dr. Chip Collier  
Christina Wiegand  
John Hadley  
Roger Pugliese

#### **OBSERVERS/PARTICIPANTS**

Dewey Hemilright  
Monica Smit-Brunello  
Dr. George Sedberry  
Dale Diaz  
Dr. Wilson Laney

Dr. Jack McGovern  
Dr. Erik Williams  
Rick DeVictor  
Erika Burgess  
Nik Mehta

Other observers and participants attached.

The Executive Finance Committee of the South Atlantic Fishery Management Council convened at the Hotel Ballast, Wilmington, North Carolina, on Monday, December 2, 2019, and was called to order by Chairman Jessica McCawley.

MS. MCCAWLEY: We are going to start Executive Finance, and so the committee members are myself, Mel Bell, Chester Brewer, Carolyn, and Steve Poland. First up, we have approval of the agenda, and are there any changes or additions to the agenda, other than the change that we have the wrong committee member name on here?

MR. WAUGH: There is an updated version of the agenda that was put on there.

MS. MCCAWLEY: All right, and so Gregg says there's an updated agenda. Any other changes to the agenda? Any objection to approval of the agenda? Seeing none, that agenda stands approved. Then we also need to approve the minutes from I believe it's the last two meetings.

MR. WAUGH: No, just October.

MS. MCCAWLEY: Just the one, just the October 15 meeting. Any changes or additions to those minutes from the October meeting? We're going to discuss some specifics of that here today, and the motions will be discussed, and then we'll approve those later this week. All right. Any objection to approval of those minutes? Seeing none, those minutes stand approved. Now I'm going to turn it over to Gregg to give us the report from the CCC meeting that was in early November.

MR. WAUGH: Thank you, Madam Chair. This is Attachment 1, and I will walk through the important parts of that, if you want to follow along, and you can also follow along on the screen as well. In terms of the NMFS update, best available scientific information, that's something that our council has been interested in and commented on quite a bit. They are still processing the directive, and the regions are developing a regional process, and they will coordinate with the relevant councils.

The shifting distribution workshop, again something we've been working on with the Mid-Atlantic and New England Councils, that workshop will be held in the spring or summer of 2020 in Raleigh, North Carolina or Silver Spring, Maryland. There was an update on aquaculture, and the agency is obviously moving forward strongly on aquaculture, and, please, if anybody has any questions as I'm moving through this, please stop me.

Legislative outlook and MSA reauthorization, Dave Whaley, who is under a contract with the councils to keep us informed of what's going on related to Magnuson, gave us an update, and we had two congressional staffers there, Lora Snyder and Bill Ball, and Bill, on the Republican side, noted that some sticking points with the committee have been issues of forage fish, shifting environment, and changes in distribution.

Lora, on the Democrat side, noted that Congressman Huffman intends to hold roundtables, and he has held roundtables, and we offered up the CCC as a venue, and that did not work out, and we also offered up this meeting, and that just didn't work out, but you have seen Michelle Duval here, and she was one of the representatives that was asked to provide some comments at one that was

held up in the Mid-Atlantic, and so you might want to talk to her later today. At some point, there will be one held somewhere in the South Atlantic.

In terms of the Legislative Workgroup, Dave Witherell heads that up, and Jessica and I serve on that committee, and they made several recommendations to revise the working paper, creating an executive summary, adding a new topic of Timing for Revisions, reorganize some things, and revise the consensus statement for forage fish, and that is included in the back, the actual motion with those changes, and that's something that has generated a lot of interest, and, as I mentioned, we tried to organize a roundtable discussion, and that did not come off.

On the second day, we had a very interesting session on the Modern Fish Act, and this is something that Stephanie Hunt and Alan Risenhoover were instrumental in organizing, and we had presentations from Chris Horton, Toni Kerns, Mike Burner, and Julia Beaty, looking at ways that we can be more flexible and that might allow the council to come up with a slightly different approach, and the report has a little bit of details of that. There's also a reference to all the presentations, and so I would encourage you all to look at those.

I will call attention to a question that Mel asked Chris Horton about the private rec sector's thoughts on seasons, similar to those used for game and freshwater management, and Chris responded that, as private rec effort continues to increase, seasons will need to be considered, and you need to balance the amount of time open to be acceptable to anglers, realizing that you can't allow fishing all year, and so I think this is reflecting that concept is starting to gain some traction, at least in the upper levels of organizations.

I asked him a question about, given any flexible management, recreational anglers are going to have to report, and, for us, MRIP just does not work for our EEZ fisheries, and he felt that, if the anglers were -- If it was explained to them how this would benefit them, if they thought it was beneficial, they would begin to report, and so I think that's encouraging to hear that coming out of organizational representatives at least.

Toni Kerns used cobia as an example, and a number of you are familiar with what ASMFC did for cobia, but they're looking in three-year blocks, and this may be something that we can explore in the future, or looking at setting ACLs and reevaluating them in three years, and it doesn't -- Under the ASMFC plan, a state is not prohibited from taking action in one of those intervening years if there is an obvious overage, but then ASMFC gets together and looks at, okay, what happened over those previous three years, and this may be a way of getting at our vulnerability to a single intercept in MRIP blowing our entire ACL.

Mike Burner from the Pacific talked about some of their work, where they had ACL specified as an SPR value, and that generated some interest, but Mike clarified that that's a rate, and they converted that to a weight equivalent, and so they actually tracked the ACL in terms of weight, and so that really wasn't much help to us.

In terms of actions and follow-up, I would just call your attention to -- There was a request for NOAA GC to review a legal case that was talked about very briefly there related -- It was *Oceana v. Pritzker*, and that was related to flexibility in recreational fisheries management, and so we're going to get a presentation, you all will, at the next CCC meeting, and that may give some hints on some additional flexibility.

Then Jessica suggested that the South Atlantic and Gulf Councils might want to consider forming a working group to look at flexible management options. Our two councils are the ones that are mostly affected by this, and the Mid-Atlantic some, certainly, and New England, to a less extent. The Gulf, at their meeting -- Well, at the meeting, Carrie said, yes, that's something that they would be interested in, and I received a follow-up correspondence now, after the Gulf's last meeting, that, yes, indeed they are interested in this, and so I will turn it over to Jessica to have a little discussion to see what our level of interest is.

MS. MCCAWLEY: I brought this up at the CCC meeting, and we were -- The South Atlantic and the Gulf folks were kind of talking off to the side, after hearing these presentations about what can we do here and how can we use some different tools and techniques coming out of the Modern Fish Act, and, in talking to the Gulf Council, it seemed like the folks that were there were saying, hey, we had this one amendment that we started, and then we couldn't really figure out how to move it forward, and so we kind of abandoned that, and Mel and I were saying, well, we were kind of looking at some accountability measures, or maybe we talk about the common pool stuff a little bit more, and so, when we were talking off to the side, it seemed like maybe we should get together as a group and just talk about, hey, what things have you tried or what things do you think would work and that we could kind of learn from each other and think about what does this look like moving forward and what could we test and what could we try here.

I am wondering if we need to identify a subset of people that would be part of this working group, and then maybe we could do a doodle poll about when we could meet, and I don't think that this has any specific timeframe, but it might be good to get it going before we start talking about the allocation issues, and so, I mean, I will look to Mel. Do you have some thoughts here?

MR. BELL: I think it's something that would be very worthwhile to do. It's a matter of populating it with however many folks we might want to do that, and we start out kind of in a web-based meeting kind of thing first and then move to a physical face-to-face, if we can afford that, but I think we got the feedback we got from the Gulf as well, and this is something that, yes, let's do it, because I think, right now, given that we have a little bit of new flexibility, I guess, given to us, but we kind of keep doing the same thing over and over again, with the same data, and frustrating ourselves to death, and we need to be thinking outside the box a little, and so I think sooner rather than later would -- Like you said, maybe proceeding before we get into allocations and things, but I would rate it as a fairly high priority, in terms of let's see if we can come up with a different way of doing things, perhaps, and agree on it mutually.

MS. MCCAWLEY: Yes, I agree with that, and I'm fine if we want to start this with a webinar discussion, and maybe there is some background materials that everybody can look at and then some points that we could come up with that we want to start talking about, and so how many people are you thinking? Are you thinking four or five? I mean, I guess I would just look around the table. Are there certain folks that are interested in being part of this discussion? Spud. Chester. Tim. Steve. Chris. Lots of folks. All right, and so half the council. Okay. If we're going to meet at first via webinar, Gregg, do you want us to make a list of folks here?

MR. WAUGH: Yes, I think that would be good, because then we can follow-up, and I will work with John, and we can let Carrie know who is interested, and I don't know if Dale wants to weigh-in any on how far -- I don't know how far they got in discussing this during their actual meeting,

but I think that's a good start, and I'm assuming you would be involved, and Mel, the Chair and Vice Chair.

MR. DIAZ: We have not had an actual Gulf Council meeting since the CCC meeting where this was discussed, and our next meeting is in January. Carrie and Tom and myself talked about it, and we all thought it was a good idea for us to try to work together. I have high hopes for us to do something with carryover, but, when we actually got into it and we put a document together and we started working with it, it seems like there were more obstacles, and mostly it was revolving around potential paybacks. I still feel like we can try to utilize some of the aspects of this new law to help us, and I think this would be a good first step.

MS. MCCAWLEY: Thanks, Dale. All right, and so I see some discussions over here, but it seems like the list so far is Jessica, Mel, Spud, Chester, Tim, Steve, and Chris were on the list.

MR. BELL: My suggestion of starting with a webinar was, one, a cost-savings kind of thing, and so you could start with a broader participation at that level, and then you can go to a face-to-face, and you've got travel orders to deal with, and you could narrow it down, but that's a good number to start with.

MS. MCCAWLEY: I think so. I agree, and I think we can start by maybe identifying -- Maybe you and I can work with Gregg and John to identify some of the topics that we think, and I'm sure the Gulf is going to identify topics, and you just heard one from Dale that we talked about a little bit at the CCC, off to the side, about how they tried carryover, and then they hit these roadblocks, and so this is one of the examples of we can learn from each other and maybe think about some unique things that we could do here, based on the Modern Fish Act.

MR. POLAND: I just had a question about the timing. Do we feel like we have enough information so that we can go ahead and get this started in the next couple of months, or do we want to wait until the Section 102 report is out and given to us? I mean, I've got some ideas swimming around in my head, but I would also prefer to get the agency's input on it, to kind of more like what are our guardrails and what are we working with.

MS. MCCAWLEY: One of those reports that you were talking about -- So there's a couple different reports, one that was discussed here, but, also, there's the report from the Government Accountability Office that I think is due out this month, and is that right? Are you talking about that, or are you talking about a different report?

MR. POLAND: The report that's due out this month is on allocations, isn't it, and so, I mean, I was thinking more the report on the Modern Fish Act, and I can't remember the terminology they used, but the more flexible management, more akin to like an SPR management or something like that, and do we want to wait for that report?

MS. MCCAWLEY: When is that due, Gregg?

MR. WAUGH: That's one of the -- We'll be getting to that in a little bit, but our comments are due I think by the end of December, and that's one of the comment letters that we were going to plan on getting in next week, and, if I could, you've got a pretty large group there, seven, and another way of approaching it might be to have the Chair, Vice Chair, and then some of the chairs

of the relevant committees, if you wanted to hone it down some, because, even though you are talking webinar, we do have comp that is paid on that, and so that's just a factor to keep in mind, but, also, just the size of the group. If you're going to have a contingent from the South Atlantic and a contingent from the Gulf, you may want to scale it back a little bit.

MS. MCCAWLEY: Okay. Thoughts on that? I see people --

MR. POLAND: I think that's a good suggestion from Gregg, because, I mean, I feel like, when you get too large of a group together, it's really difficult to get any business done, and I don't want to give a number to that, because I know there's thirteen of us on this council, and so it's a number larger than thirteen that I think you don't get any business done, but I was just thinking more from -- You know, I just wanted to make sure we had enough to work with and get started before we got together and if anything was coming down the pipe that we might should wait on.

MS. MCCAWLEY: I just don't know how long it's going to take NOAA to take all these different comments and finalize that particularly report. I still think we could meet without that report being completed, but that's just my thought.

MR. BREWER: I agree, and I don't know that this has to be dependent upon some guidelines, with regard to allocation. This is really something that we've been talking around for a long time, and I've been a big proponent, and, because I've been a big proponent, I will be more than happy to serve on this committee without any kind of comp time or whatever it is that we get paid.

MR. POLAND: Chester, I wasn't necessarily saying we wait for the allocation report, and it was more just if the agency was going to give us any feedback on the harvest rate management, but I certainly agree, and I feel like I've got enough to move forward with, because, at the state level, we've already got a lot of experience with harvest rate management, and so I feel like we've got enough to get started on.

MS. MCCAWLEY: Yes, and I really feel like we have enough to get started also, and just my take on what happened at the CCC meeting was that -- I don't necessarily think that NOAA was going to come up with anything that was super groundbreaking. It was more the thought of go ahead and test something, and the council is going to come up with these ideas, and, if it doesn't look like it's going to fit, then you'll get some guidance at the time saying that this isn't going to fit, or it doesn't seem to follow along with this new congressional law, and so that's kind of why I felt like we needed to start something to move this along, and, since it definitely affects the Gulf and South Atlantic Council, and I think we want to try something, and, as Dale mentioned, they were working on trying something, and then they hit these roadblocks and just pulled back on it, and so that's why I think we need to start talking about what are some ways to do this. Otherwise, I think both the Gulf and South Atlantic Councils -- We're just going to keep doing the same thing.

MR. BELL: Back to what Dale mentioned, that they haven't had a meeting yet in the Gulf. Yet, at the CCC meeting, we were all in agreement that this would be a great idea, but he hasn't really had a chance to run it by the Gulf Council, and would it be helpful if, kind of in baby steps, if maybe we just sort of flesh out, from us, a proposal to maybe move forward, in terms of what it is we would be accomplishing and what we would be touching on, and then they could maybe look at that? When is your January meeting?

MR. DIAZ: Towards the end of January. It's the last few days of January.

MR. BELL: Would that slow us down too much, do you think?

MS. MCCAWLEY: I guess my concern is, if we don't start talking about dates and thinking about when we're going to do this, then we're looking at the summer, and so I'm just a little concerned that, if we're wanting -- If both of our councils are wanting to talk about this before we get in the middle of allocation, and we're going to talk about how the new MRIP numbers are being used in the stock assessments -- I'm just a little concerned about putting it off.

MR. BELL: Okay, and so then could we sort of develop then a proposal, and here's how it would work, and here's -- With the timeline in there, proposed timeline, because, I mean, they've still go to kind of buy-in as a council, I would think.

MR. DIAZ: I think that would be a pretty good way for us to proceed from here, if you all drafted some type of letter to our council just talking about the conversation that's been around the table today, and, if you have some ideas to kick things off, and then we could bring it up at the next council meeting and move it forward from there, and that would probably be a good way to get it going as quickly as possible, I think.

MR. BELL: So we give them something tangible to look at, and they can buy-in or tweak it a little bit and buy-into that, but we can propose a timeline as well in there.

MS. MCCAWLEY: That sounds good. Gregg, do you think we need a motion, or do you feel like you have enough direction here to start working on a letter?

MR. WAUGH: I think we've got enough direction to staff to flesh out something, and those council members that are interested in using a webinar approach, I think we've got enough, and I will put it in the report, and you all can have a look at it for Full Council.

MS. MCCAWLEY: All right. That sounds great.

MR. WAUGH: Then the next topic was this issue of when and how to address allocations, and we were hearing from fishermen that there's confusion, particularly along the east coast, with fishermen hearing different approaches from different councils, and so we wanted to give each council the opportunity to describe how they were approaching the new MRIP data and allocations, and the Mid-Atlantic is not looking at any changes to allocations, as of yet.

Our council has decided they will deal with allocations based on the new MRIP data as they get new stock assessments. The Gulf Council is in the process of dealing with this in their latest red grouper assessment, and the council will be deciding whether to use the existing allocation formula and simply update the sector allocations with the new data, and that could be done through a framework, similar to what we did before, the last time the MRIP numbers changed, or, if they modify the underlying formula and method to specify allocations, that would be a plan amendment.

That's sort of the same approach that we would be taking. If you're going to use your existing formula and just update the data, that may be able to be done via framework, depending on the level of impacts, and then New England has two allocations for two stocks, which you can see

why MRIP is not as big of a deal for them. Their current plan is to use the new catch data with their existing formula and update the allocations via framework. You have got an array of approaches being used, but, for the most part, people are looking to stick with their existing formula, thus far.

Cisco Werner gave us an update on the NMFS Science Enterprise, and I guess I would encourage you to look at his presentation, and then, any questions, ask Roger, because Roger has been following a lot of this technology, but I think the best way I can boil it down to is what they call the white ships, the research vessels that are out collecting the data, that is so expensive to maintain that, that, in the future, what they're looking at are methodologies that are much more technology-based, where you take a water sample and analyze it and determine genetic makeup and so forth, and it's really leading-edge stuff.

Personally, it seems to me, the farther you get away from the fish, the little more concerned I get, but, obviously, everybody has got to take into account the increasing costs over time, and so that was an update from Cisco, and we'll see more there, but, again, you can look at his presentation and discuss that with Roger.

Biodiversity beyond natural jurisdictions, this is something that is more of interest to the West Pacific Council. I am not going to go into that, and you can take a look, and, if you have questions, I will be glad to answer them. In terms of a response to council research priorities, you know each council sends in those priorities, and NMFS uses them to different degrees, and we pointed out that, in our region, they are used to develop the MARFIN proposals, and somewhat for S-K, but there was agreement -- Each Center annually develops an annual guidance memorandum, and that's generally updated in the spring, consistent with the development of the President's budget, and it's usually available in May and June.

Some councils knew of that document and had seen it, and others hadn't, and so, in terms of follow-up, Cisco will encourage the centers to follow a more consistent approach, with the sharing of that document with the councils, and the councils and centers should continue to improve coordination on research priorities. NMFS is encouraged to explicitly incorporate council priorities into consideration for grant programs. This will just increase the likelihood that our research needs are met. Then the Coordinating Council input for the Committee of Fisheries, this is an FAO group.

MS. MCCAWLEY: Gregg, we have a question.

MR. HEMILRIGHT: Thank you. I wanted to go back to your part where the Mid-Atlantic Council hadn't started an allocation amendment. We started an allocation amendment for summer flounder, scup, and black sea bass, and that was initiated at our joint meeting back in October, and the reason for that was the plan -- The action was initiated to address the allocation-related impacts of the revised recreational catch landing data provided by the Marine Recreational Information Program, and so we have initiated an allocation amendment for summer flounder, scup, and black sea bass, commercial and recreational allocation.

MR. WAUGH: Thanks for that clarification, Dewey. The CCC input for what's called COFI, this is an avenue -- Again, some councils have more interest and exposure to this, and they are addressing illegal fishing, and we had a presentation from Bill Tweit, Vice Chair of the North

Pacific Council, and he gave a report. The rotation, the next term comes to the South Atlantic, and Jessica has agreed to represent the CCC at that meeting from July 13 to 17 of 2020.

National Standard 1 Technical Guidance Workgroup, we got an update on the progress of all of those workgroups, and the NMFS website, and we got an update on the NMFS website, and they were encouraged to consider the Coordinating Council suggestions.

Then, in terms of management and budget update, I wanted just to take a couple of minutes to point out some changes that NMFS is looking at, and, again, in the CCC briefing materials, this presentation is there, and it outlines the budget process. I wanted to start on page 6, where it shows the recommendations between the House and the Senate, and we're still waiting for those to be resolved for 2020, but the House mark is up \$1.3 million above Fiscal Year 19 funds, and this is in the line item for the regional councils and the commissions.

The Senate mark is level, and the House mark directs \$1.5 million for reef fish independent and alternative stock assessment strategies in the South Atlantic, and I'm happy to report that, in this case, the South Atlantic does not equal the Gulf of Mexico. This is actual money that is identified for the South Atlantic, and so hopefully, if that stays in, there will be some money available in the South Atlantic area for increased work on stock assessments.

The other item that I wanted to talk about is the NMFS budget structure, and these are the four areas that their funding is broken into, and the monies that we get comes in the fisheries science and management group, and this is the annual funding table that you've seen before. The top line, this regional council PPA, that comes -- That is the councils' portion of the congressional line item that is for councils and commissions. That shows, for 2019, the South Atlantic Council's portion of that was \$2.861 million.

Then, under another pot of money within the NMFS budget, the fisheries management programs and services line, they have provided monies to the councils periodically to do various things. When NEPA came along, we were provided money to meet the NEPA requirements, and ACLs came along, money for ACLs, and regulatory streamlining and SSC stipends and council peer review and then deregulation and regulatory reform, and that was one-time money.

Then the other pot of money that we get some from that comes -- This portion from the Center is the fisheries data collection survey and assessment to expand stock assessments, and so, if you look under the South Atlantic column, our SEDAR funding to run the SEDAR comes from the \$482,000 here and the council peer review process, the \$118,000 here.

We have collectively referred to these as add-ons, and there has been debates over time amongst the councils about whether to work to try to increase this regional council PPA to account for these monies, because, right now, these monies, these add-ons, if you will, are necessary for the councils to conduct business, and none of the councils could operate and accomplish their jobs without these add-ons. For a while, we talked about working with ASMFC to try and bump up this line item in the congressional budget, and there was varying amounts of interest. Ultimately, the decision was not to pursue that.

You're sort of left at the discretion of the agency to get these monies each year, and so a part of what NMFS wants to do, is doing, to simplify their budgeting process is basically to take these

monies and roll them up into this line item and this money for stock assessments and roll it up into this line item, and that's shown on this next slide, and so it's the same amount of money, but it's just now the councils would be getting a fisheries management programs and services PPA, and our amount would be \$511,000, which is the sum of all of these individual bits of money.

Now, the concern that was raised when they start aggregating these monies is, on the one hand, it can make it easier for some of that money to disappear in the future, and so we asked that question, and the response was, no, actually, in their opinion, it strengthens the councils' ability to get that money on an ongoing basis. If that's the case, then it does keep the councils getting the amount of money that they have so far, and, instead of these add-ons, it will be actually in a NMFS line item, and that will be fixed at the current distribution of these monies.

This line item, there is an allocation formula that was fought out years and years ago, and Bob's parting advice to me, and mine to John, is try never to reinitiate that discussion. It gets rough pretty fast, and so we had some discussion there at the meeting about, okay, you roll up these monies, and what happens in the future if the funding availability goes up or goes down, how then does the agency allocate those additional monies to each council or take them away?

I made the suggestion of, well, why don't we just take and create a new allocation formula, and here's the total for the 2019 spend plan, this \$4.1 million, and just say each council gets that percentage of it. There are a couple of concerns about that, and, if something came along, if a council had a specific issue that they were dealing with, the agency could just give that one council additional funding to address that, and so why so spread that out across all councils, and so the way we left it was that the EDs are going to work, between now and the May CCC meeting, and bring back some recommendations on how -- What advice to give the agency on how to distribute those funds into the future. Until they get some indication, their intent is to continue allocating this fixed amount. Are there any questions about that? That is what it looks like in the future.

MS. MCCAWLEY: It was a very interesting discussion, very informative. Are there questions for Gregg? I don't see any.

MR. WAUGH: We were under a continuing resolution, and we'll get into this with our next five-year grant, but the NOAA grants -- In the past, we have started a calendar year without getting any money allocated, and obviously that makes it very challenging to keep the council operational. The Grants Office made the commitment to get funds out to the council ahead of the start of the calendar year, and they were attempting to get out a portion of the money by November 21, and, indeed, they have gotten that out, and it's in -- It's been transferred to one account, and it's closer to us, and I think, as of last check, we're still waiting on some additional account numbers to actually get our hands on it, but this is a huge improvement, and all the councils expressed their thanks to Brian and Paul and the grants folks for making these changes, and it certainly allows the councils to start out the year with a lot less stress.

He talked briefly about the NOAA Geographic Strategic Plans, and the regional plans are currently under review, and they expect to roll them out by the end of 2019 or early 2020, and Andy Strelcheck is here in the audience, and he headed that up in the region, and he was very responsive to our comments, and I noted that, and thanks again, Andy.

The one sort of question that is hanging out to be determined is, in each case, the national strategic plan and the regional, talk about some programs that will not be continued, and, obviously, everybody wants to know, well, what's on the chopping block, or what's not on the chopping block, and the regions and centers will consult with the councils when they get down to that level of detail, because, obviously, we have a lot of interest in seeing the fishery-independent programs continue, and so that's where we are on that issue.

Then, briefly, we had updates from some workgroups, and John updated on the Scientific Coordination Sub-Committee. The 2018 proceedings are out, and the plans are underway for a 2020 meeting, and Roger reported on the Habitat Workgroup, and the CCC requested some more detail about council staff workload related to their suggested possible future CCC actions. Kim updated the group on the Council Communications Group, and, in Other Business, we updated some of the terms of reference.

One of the frustrating issues we deal with each year is trying to get the presentations in time, and we went through that here, and, for the most part, we get the bulk of our presentations two weeks ahead of time, and we have yet to achieve that for the CCC meeting, but we're working on it, and so that's some of the changes we put in here, and that's it. The report has the motions, and I would just call your attention to the one on forage fish on page 14, and there has been a lot of interest in what the councils' views are on forage fish, and that's the current CCC language, and, again, we can modify our individual perspectives anytime we choose to.

The final item I would like to call your attention to on that is on page 21, and that is the agenda for the May meeting, and the draft agenda is in there. If you have any items that you think the CCC should address that aren't on there, please let Jessica, Mel, or John know, and, Madam Chair, that's it for the report. If there are any other questions, I would be glad to handle them.

MS. MCCAWLEY: All right. Thank you, Gregg. Any more questions about the CCC meeting?

MR. BELL: Not a question, but this year has been my first exposure to CCC, and we were the council that hosted, and so, at both the May meeting and at this meeting, Jessica ran the meetings, and she did a fantastic job. This particular meeting, I mean, boom, we were on time, and everything went like clockwork, and so kudos to Jessica, and it's real obvious -- You know, this was Gregg's last CCC meeting, but it's real obvious that folks rely on Gregg a lot to kind of -- He's got a mind that can kind of track things and attention to detail, and so it was extremely beneficial, just in the conduct of this meeting, and so I think our council, Jessica and Gregg, just did a fantastic job, as well as staff that presented and all, and so you need to -- If you weren't there, thank the two of them and staff, because we did a good job, and I think we fulfilled our obligation to host this year very nicely, and it went well, and everybody seemed real happy with it.

It is a fascinating process, in which you get to talk to folks from all the other councils, as well as senior NMFS leadership and all, and so you learn a lot, and it's kind of a peek behind the curtains, in some cases, as to how things operate, but they did a really good job, and I was just really proud of them.

MS. MCCAWLEY: Thanks, Mel. I also had not been to a CCC meeting before I had to sit up there and start running one, and the tables are a lot longer than what we have here at the South Atlantic, and so you can't even really see people's names from the front of the room, but it was

interesting, and I learned a lot, and I would like to echo what Mel said about Gregg. I really feel like Gregg has been a leader at the CCC, definitely organizing the other executive directors and giving them assignments for how to write up the different parts of the meeting and going over the motions and then working a lot, in advance of the meeting, to really make that meeting successful, and so I agree, and I really appreciate everything that you did on that, Gregg.

All right. If there aren't any more questions on CCC, we'll move into the Report from the October 15 Executive Finance Committee Meeting, and I'm going to turn it back to you, Gregg, and to Kelly.

MR. WAUGH: Thanks, Madam Chair. We will walk through this report, and we've got a couple of motions at the end that we don't need to remake here, but they will lead into the committee's report that the council will take action on. First, in terms of the 2019 budget year, I will let Kelly -- This is Attachment 2b, and I will let Kelly give you an update on where we are in terms of the expenditures for 2019.

MR. KLASNICK: Thank you, Gregg. What we have on your screen here is just an updated version of the table that we went over in October, during the Executive Finance Committee webinar. On the first column here, on the left, we had our 2019 budget numbers, as approved, that we've been working with throughout the year, and, again, they are categorized to match the five-year grant submission, and so, under the expense line items over here that you see on the far left, and then we have our budgeted amount, and we were targeting working off of the \$3.9 number that the council had approved for 2019.

We have our expended numbers here in this column, updated through November 12, in order to get things ready in time for the briefing book to head out to everybody a couple of weeks in advance, and I will just point out a couple of items in this column, and then you'll see the percentage spent column here. Overall, we're in very good shape budget-wise, expended related to the budgeted amount for the year, and a couple of items to point out are you might focus in on the travel line item being down relative to budget, which, of course, is better than the alternative, but a couple of things.

We did have a heavy October meeting month, and most of those numbers, expense numbers, are in here, but there's still a few trickling in, particularly given the November 12 run date for these, and so that number has moved up a bit, but still in good shape, and that travel number has historically been the most variable of the expenses related to the budget, depending upon meetings that are planned, as opposed to meetings that actually occur, attendees that are planned versus attendees that actually make it to the meetings, and so it's not unusual to see some variation in that travel line item, but certainly much better shape to see the number at a lower percentage than a higher percentage for this time of the year.

The other item that might stand out would be on the contractual line item and seeing that at a 50 percent spend. The vast majority that makes up that line item is the state liaison grants, and those are typically paid twice a year, or, in South Carolina's case, just annually, and so that number will come up and be very close to the budgeted number once we make the additional grant payments based on the activities that the states are able to complete, and so that brings us down to this 74 percent spend as of November 12, which leaves the council in a good position financially moving through the end of the year, as we get the last of the expenses in and paid out. Then the other

column here is just the remainder of the obligated, and that brings us back to the total 2019 budgeted number, but we're going to come back to the 2020 draft in a moment, and so are there any questions on the 2019 budget and expended year-to-date?

MR. WAUGH: Okay. Then we'll move on to the five-year grant. This is Attachment 2c. Based upon the guidance we received, the figure for 2020 was to be level with 2019, and then each year, subsequent to that, you could increase it by up to 10 percent, and so we used 10 percent to give us the largest potential ceiling for funding, but, each year, NMFS will allocate the monies, and we'll know what we get each year, and so I would just encourage a lot of caution in looking at these out-year numbers. They are simply 10 percent higher than 2020, and we have no idea what we're going to get, and so don't think that, in 2023, you're going to be working with a \$5 million budget. It would be nice, but we'll see.

We also, this year, in our five-year grant cycle, included information about the costs that each state expends in support of council activities, and we wanted to highlight this and show that the council, in essence, receives services well in excess of the amount of money that is going to each state in the liaison grants, and so the idea is that if, in the future, we do get more money in the out years of the grant, one of the things that the council could consider doing at that time is increasing the liaison grant monies.

That grant application was sent to NMFS on August 20, and we were to hear back by November 1, and we didn't hear anything, and I think we're past all the relevant deadlines, and so, while we have -- Go ahead, Kelly.

MR. KLASNICK: Thanks, Gregg. By the way of update, and a large thank you goes out to the folks in the Grants Office, Dax and his team, and Jack and the folks in the Regional Office as well, for helping to shepherd us through this entire process, but we did receive the approval on the five-year submission, and everything looks good, and it's signed-off on, and, as Gregg had mentioned already, we have some funding that's flowing through the system for 2020 already off of this new five-year grant cycle, and so, again, thanks to everybody who assisted us in getting through that process, and we appreciate it.

MR. WAUGH: Any questions on the five-year grant? Okay. Then we also briefed the committee, and let me back up a second. When Jessica became Chair, she wanted to have us going into a calendar year with an approved budget. What we started doing was the Executive Finance Committee meets in October via webinar, and we go over the activity schedules, and the staff put that together based on the activities that you all have identified, and we include the SEDAR activity schedule for informational purposes, because it's the SEDAR Steering Committee that drives that level of activities, and the council administers it, and so it's an FYI sort of item.

Those activity schedules form the basis of the draft 2020 budget, which again there are two major inputs, the fixed costs, which are staff and office-related and state liaison grants and some contracts. Then variable costs are driven by the activity schedules, and so we put that information together and worked with the Executive Finance, and I will let Kelly just give a brief overview of the 2020 draft budget.

MR. KLASNICK: Thanks, Gregg. On the far right, coming back to Attachment 2b, we have a 2020 draft budget expenditure table, again coming back to kind of this five-year grant categories

on the left-hand side here, and, based on the guidance that we had received, particularly at the time that this was prepared, back in September, in order to have it ready for the October webinar that Gregg mentioned, we were targeting basically level funding, essentially, and so around \$3.8 million, and the line items are as you see, and, as Gregg mentioned, I will point out a few items of variation on here.

We are expecting some amount of increase in personnel, depending upon what the President and Congress work out, as far as a federal pay raise or not a federal pay raise, but the scuttlebutt that was floating around when this information was prepared was 2.6 percent, and we'll see if that comes to be or not, but that is built in here as an expectation, and we'll just see what actually happens and adjust accordingly.

The travel item is down a bit from 2019, and, as Gregg mentioned, that's driven from the inputs that are received related to meeting activity and the amount of meetings and the amount of attendees, and, again, there's a good bit of variation in that number, and so we just consistently monitor that as the year moves along, and, if we see a trend, particularly an increase in the spending end, then we would make any adjustments we might need to make related to travel commitments later in the year, if needed, if we had to curtail something there, or, if we're seeing things that are trending under budget, and we have additional meetings that come up, and we're able to support those, then we would add those in and continue that along.

Supplies, no big changes there. Contractual, we're not expecting really any changes there, and so, again, with anticipating a level funding allocation, working hard to maintain our expenditures to meet that, and we're going to touch a little bit on the no-cost extension in a moment or two, which will probably impact some of the total spending, but we'll provide additional detail as we talk about the no-cost extension. Any questions on 2020 draft?

I guess the only other thing that I will point out is, as Gregg mentioned, moving up the timing and having this done in October and then present it to you all at this meeting, which I think certainly makes the most sense logically, but it is a little different than in the past, whenever this was being discussed in March or June of the actual year of the budget that was occurring, and so, from a planning standpoint, this is, I think, more efficient, but certainly the numbers aren't as certain, I guess I will say, because, whenever you guys were looking at this in March or June of 2020, for a 2020 budget, we've already spent three or four months out of the year, and so we were able to give you much more accurate numbers on some of those line items, but, again, I just think, through an ongoing monitoring process, it shouldn't be a problem to keep you all up-to-date, as needed. Any questions on the 2020 line items?

MR. WAUGH: Okay. Then we'll move on to the no-cost extension, and, again, we're finishing up our previous five-year grant, 2015 through 2019, and the administrative procedures allow the councils to request a no-cost extension for work that was not completed, and it had to have been scheduled for completion, but it can't be for any new work items, and so a number of items that result in these items not being completed are -- The government closure was a big one, and the MRIP numbers required additional SSC review and council discussion, and so those items shifted assessments and timing, such that there are amendments that we were working on that could not be completed.

The council was also working on improved access to regulations by commercial fishermen. Right now, they can access PDF documents on Fish Rules, and we're trying to come up with something that is much more effective for them, and that is something that we've been talking about and working on some. The council has also been trying to coordinate with the Gulf Council on that, to be -- To save on resources.

We've got a couple of grants for some social work, social analyses, and some work related to the for-hire amendment that did not get completed, and so those are all items that are eligible to continue under that no-cost extension, and the council has one year to expend those funds, and so those amendments that did not get completed are reflected in your priority list, and they are your highest priorities, and so we are addressing the amendments that need to be addressed during the next year.

The committee reviewed that, and the two motions that the committee approved, and I will come back and see if there are any questions here, but the committee did approve the draft operational budget and the no-cost extension, and so, Kelly, did you want to add anything on the no-cost extension?

MR. KLASNICK: Since the webinar in October, everything was submitted, and it is on its way through the process, and it's been approved, and so we're good to go with having those funds carried over into 2020, with the stipulation that we expend those funds sometime before the end of 2020 on that work, as outlined in the no-cost extension, and so all good news in that regard, and, again, thanks to everyone at the Regional Office and the Grants Office who assisted us through that process.

MS. MCCAWLEY: Any questions? I just want to say that I appreciate all your work on that, on the no-cost extension, and I know it was some work putting together all that documentation, and really great work.

MR. WAUGH: Thanks, and staff were really good about putting together the details related to that, and so it was a team effort.

MS. MCCAWLEY: Now we're going to move into Council Follow-Up and Status of Work on Priorities.

DR. CHEUVRONT: This is the way we had left the priorities at the end of the September meeting, and this is Attachment 3a under Tab 2, and it is the only attachment that you have there that was not a PDF document, and so it may not be in numerical sequence in your briefing book files there. What you all had decided in September was that you were no longer going to, at every meeting, set your priorities for the next meeting, and what you were trying to do in September then was to set your priorities for the coming fiscal year. By fiscal year, I mean the federal fiscal year, and so what we would be doing then is, in subsequent meetings, like in December, March, and June, we would be updating you on the status of where we are with different projects and things that we have going on and letting you make adjustments and things, or however you needed to at that time.

In this case, when you're looking at this green line here, which I'm going to take away after this meeting, it was the things that you had decided -- Above that green line was the things that you decided that you wanted to have brought to you in December, and the things that are actually

highlighted in yellow are when you wanted to be able to take final action on each of the different items.

At this meeting, you had planned to take final action on Snapper Grouper Abbreviated Framework 3 for blueline tilefish, Snapper Grouper Regulatory Amendment 33, the red snapper season modifications, and CMP Framework 8, king mackerel trip limits in Season 2, and then we're going to bring to you, in addition to those, work that's been done on CMP Framework 9, Spanish mackerel AMs, Dolphin Wahoo Amendments 10 and 12, Snapper Grouper Regulatory Amendment 31, which is recreational AMs, and then shrimp transit provisions.

Now, I took a page out of Christina's playbook here, and I'm not quite sure exactly how I can scroll with this, but you will see that Christina is the queen of organization in our office, and everything that she does is totally color-coded, and so I color-coded who was working on what by assigning everybody a name, and Roger gets coral for habitat, and isn't that clever? Chip gets brown, for reasons that he knows, and it's an inside office joke, and so everybody else has their colors, and so it's sort of a legend that's over there.

You can see who is working on what, and it's based on the amount of effort that needs to go into different things that we have going on, and so you can see what we have done is we're bringing all these things to you now, in December, and we have right now scheduled a webinar for January, which would be to discuss the Spanish mackerel AMs, but, if you look down here, also, the North and South Carolina SMZs would be discussed at that webinar. Then, in March, these are the amendments that you have coming back to you then, and then June and so on, throughout the rest of the year.

One thing I did want to point out to you is that it's looking like that the recreational AMs, which we have here on Line 7, we have it probably -- What it's showing here is that you would take final action in December, but it's looking like, if things go according to the plan we have now, we could probably take final action in September, which would then allow me to continue to work on it and get it sent in for secretarial review after the September council meeting, so that, once I have retired, somebody else wouldn't inherit that from me to finish that up, and so I think we would be able to finish that up in September, and, looking at the timeline, we would be able to do that, but everything else seems to be going on schedule for right now.

What this will allow you to do is to see, as you finish things, if you finish them earlier or later, you can move things up and down as you want to, and the things above the second green line here are things that you're going to be picking up starting either at the webinar or at the March meeting, and, below the green line, the last green line here, are items that you have that you are working -- That you had started working on, but, as of your last priority discussion, they hadn't made it above the line that you wanted to actively work on right now, and so they're not as high a priority, but, as other things get done, or they get finished earlier, or if they get removed from above the green line, something else might be able to move up in its place.

The idea behind this was to keep from losing things that you had said that you wanted to work on, so we can keep them on the list, and we can move things around, and so, Madam Chair, that's kind of where we are with the priorities. We are still on track with everything as you left them in September, and the follow-up is there in the briefing book, like it is every meeting, showing you where we are on all the different projects and everything that's going on.

One of the things that I did want to let you know is that, probably in the coming year, we're going to be looking at other ways that we can keep track of some of the things that are in the follow-up and maybe go to perhaps an electronic format, where we can track progress of some of the like FMP development and things, because, right now, when you look at that document, it's a hundred-page document. It's really -- It's got a lot of information in it, and it's really huge, but sometimes, even though -- It's indexed, but sometimes it's still a little bit cumbersome to get through, and so we want to look at it again, in light of some electronic advancements and things, and see what we can do to help make it easier for staff to work with it, but also for other people to use it as a reference to keep track of information, and so whatever questions you all have, but that's all I have for you.

MS. MCCAWLEY: Thank you. I think this is great, and it really lets us see what we're working on and what we committed to, so that we don't have meeting-to-meeting amnesia about what we worked on or what we said we were going to do at the next meeting. I think it would help, removing that upper green line, and it's a little bit confusing to me. Now that we're past September, maybe we can take that off. I also like the color-coding, so you can see how many staff are working on the various amendments and how you don't want to overload any one individual. What was the yellow versus the black, again? I can't remember.

DR. CHEUVRONT: Yellow means that was the meeting we were planning on taking final action.

MS. MCCAWLEY: Other questions for Brian about the priorities? I think this is really helpful.

MR. BELL: I know, when we were deciding the ranking and stuff, there was a document that described a brief synopsis of what each was, and so that's still living, because, for those of us with really fuzzy memories, we go, oh, that's what that was.

DR. CHEUVRONT: Yes, and that document actually is -- That's actually a living document that we use internally that we update at the end of every council meeting, but, now that you bring that up, maybe what we'll do is include that document in the briefing book, just as a helpful reminder, because that gives you a little more detail, in a more narrative style, of where we are with the development of each of the documents, and so, yes, I'll take that to heart and make sure it gets in.

MS. MCCAWLEY: That sounds great. Any more comments or questions or discussion on the priorities or the style or the setup of the priorities?

MR. CONKLIN: I just want everybody to be cognizant that recreational permit and reporting and commercial electronic logbooks are both on there with a high ranking. The logbooks are something that we've been pushing for since the dinosaurs got extinct, and I've seen some updates, and I think we all have, that that's sort of low-hanging fruit, and so, if there's ever a way to get that moved up, that sure would be nice. Thank you.

MS. MCCAWLEY: Very good point.

MR. WAUGH: Monica has left the room, and I will follow-up with her, but I think we had some discussion at a prior meeting about whether the council would actually have to take action for the existing paper commercial logbooks to become electronic, and I can't remember whether Monica

looked into that and got back to us or not, and it seems to me that that should be something that the agency could do and that it wouldn't require a plan amendment to make that change, but I will follow-up with Monica, and we'll get back to you by Full Council.

MS. MCCAWLEY: Any more discussion or questions? Thank you, Brian. Thanks for going over this. Next up is the NMFS documents that we need to review, and I'm going to turn it back over to Gregg.

MR. WAUGH: Thank you, Madam Chair. If you look at page 4 of your overview, this is where we get into talking about these documents. There are three of them that are out for review, and I don't think it would be an effective use of our time to try and develop some comments here on the fly. Certainly, if anyone has some specific comments, we would be glad to entertain them, but we had a number of these reviewed by our SSC and staff, in some instances, and so I'll go through that and just point out what's in here.

I have talked with Jessica, and what we would like to do is give council members between now and the close of business on Monday, December 9, to get any suggestions to me, and then I will work with Jessica next week on getting the comment letter out, and so the first item was a draft procedural directive for electronic data monitoring and data retention, and that's Attachment 4a.

This was discussed at the CCC meeting, and we had a workgroup that put together a report, and that's Attachment 4b, and so you can take a look at that, and there was indeed a motion that the CCC approved outlining its position, and the CCC is in the process of preparing a letter to comment on that, and so that's one document, and, basically, we have not had to deal with this. Some of the west coast councils have, and, in terms of video monitoring, there is issues with how long that data has to be maintained and who bears the cost, and the cost can be quite significant, and the industry is paying a portion of it, and so there's concerns about controlling the costs.

The second document is draft carryover and phase-in, and that's included as Attachment 4c, and the SSC reviewed this and provided their comments, and we also have some staff comments at the bottom of page 4, carrying over to page 5, and this gets into how, if all of an ACL is not harvested, how can you carry over some of it and what are the issues associated with that.

Then the final document, we talked about it a little bit here, the Modernizing Recreational Fisheries Management Act draft report, and that's included as Attachment 4d, and the SSC provided their comments, and we've got them shown here, and we will certainly include those in a draft response, but those are the three items that are out for review, and I just wanted to give everybody the opportunity to provide any comments that you might have now at the meeting, or after you've had a chance to look at some of this some more, but definitely by close of business on Monday. Between myself and John, we'll be glad to answer any questions that you all have.

MS. MCCAWLEY: Questions?

MR. BELL: So just pending our input then, letters would be -- Or a letter would be written?

MR. WAUGH: Yes, and any comments you all get to me by next Monday, and I will be working on a draft letter, and then we'll get that in.

MS. MCCAWLEY: Any more questions or comments? Send your comments on these topics to Gregg.

MR. WAUGH: Monica, we talked about you while you were gone, but it was all good. The issue came up about commercial electronic logbooks. Right now, it's paper, and the Center has been working towards making it electronic, and I couldn't remember if we already had the discussion, but does the council actually have to do a plan amendment or some change to make the switch from paper to electronic, or is that within the agency's ability to make that change?

MS. SMIT-BRUNELLO: I guess, as a cautionary tale, I would say to pencil in that, yes, you'll need to do an amendment, and that's what we had to do when we switched to electronic dealer reporting, and that's what we've had to do with some other situations in which it was all paper, and now we have a new electronic system, and so I would think that you should maybe even not use pencil, but a pen to put in the fact that there's going to be an amendment that's needed.

MR. WAUGH: That's fine, and we'll work that into the schedule, but the industry, and I know Jack Cox is in the audience, and he made this known while he was a council member and on the Snapper Grouper AP, there is nothing, once this is up and running, that would stop fishermen voluntarily switching over and starting to use it. The mandatory aspect is something that we would then implement, and so, once the Center has this ready to go, then fishermen can start using it immediately, and then we would follow-up with an amendment at some point.

MS. MCCAWLEY: All right. Thanks for the clarification on that, Monica. All right. Now we're going to move into Other Business, and we had an item added under Other Business, which was a council award that we discussed a little bit at the October Executive Finance meeting, and I believe that we're going to have some more specifics to talk about that award today.

MR. CARMICHAEL: In response to raising this at the webinar meeting, I looked into what ASMFC does, and I reached out to the other councils, to get a sense of what different groups are doing. In the ASMFC, I think quite a few people are familiar with it, and they have their David Hart Award, and they have their Awards for Excellence.

David Hart is at the annual meeting, and the Awards for Excellence are at the winter meeting, and so they're divided up, and the Awards for Excellence address biological, legislative, enforcement, and management contributions to the management program, and so they give out a number of the Awards of Excellence each year, and the David Hart is more of the -- It's the named award, and it's more the lifetime contribution type of award that they do.

In both cases, there is criteria for the awards, and there is a process, and there's an Awards Committee that accepts the information, accepts the nominations, and reviews them and determines who the award recipients are, and there is a nomination process and an announcement that's given out, and so people are told that the awards are now open, and they're encouraged to submit folks.

I looked at some of the other councils, and the Mid-Atlantic does something quite similar. They have a named award, the Rick Savage Award, and they also do an Award of Excellence, and so I guess the Rick Savage Award is, again, like the lifetime, and it's more formal, and there is a

notification provided that they're accepting applications, and applications come to the Executive Director, and they're reviewed by the Executive Committee, and they give the award out.

Then they have their Award of Excellence, which is something they do a bit more as needs arise. Nominations can be made at any time and submitted to the Executive Director, and, once they're received, they are reviewed by the Executive Committee, and they decide to have an awards ceremony at one of their meetings, and so it's kind of similar to the ASMFC, but the Awards of Excellence they use are a little more flexible.

The New England also has a named award for a former council member, as does the North Pacific. The North Pacific is kind of annual, and they don't necessarily give it out every year, and it seems like they give it out at most each year, and what the common threads of these things are is that there is a -- There is a nomination process, and there is some language about what folks should do and responsibility for who can submit the nominations and then who reviews them, and so, like in the case of the Mid-Atlantic, the Awards of Excellence, those are submitted by council members.

I think we could model something off of those various groups, and I like the idea of say using the Executive Committee to review them, so we're not having to create another committee, and I think, if we wanted to do something, say follow the line of the Mid-Atlantic's Award of Excellence, that's something we could do relatively quickly, just put something out there that we would create this award, and we could follow that lead in having council members make the submissions and do it as the situation arises, and then you can recognize people pretty promptly, because we also talked about having multiple levels of awards.

If we wanted to come up with something that was more the lifetime type award that perhaps we give out every year, in the sense that we give out the Law Enforcement Officer of the Year, and we would probably do it at a different meeting than we do that one, because you don't want to take anybody's thunder, but, you know, we could decide someone from the council's past who perhaps it would be named after, and I think that would take a little more thought and a little more time to work out, but I think we could certainly do both approaches.

I think, if there's feedback from the committee on how we might like to proceed, then we could come up with a more formal process describing both of these, building off of some of the others, and come up with a criteria about when we do the nominations and when we give out the award and who would review them, what type of criteria there might be.

MS. MCCAWLEY: Thanks for researching that, John, and so I was looking back to some of our discussion at the meeting, and the discussion was really all over the place, kind of like you were saying, and there was discussion of it that kind of started with maybe a science-specific award, to recognize a scientist, and then we started talking about multiple awards, like maybe -- Since we have a Law Enforcement Officer of the Year, and then there was a scientist-type award, and then maybe more of a management side, and it wouldn't have to be a single individual. It could be a team of people, and we've done that with the Law Enforcement Award, and so I guess I'm just looking around to folks, to figure out what people want to do here.

John gave a couple of different scenarios, and one scenario is we would do one of these annually, and another scenario was that people could submit anytime, and then the Executive Finance Committee would review them as they come in, and I would maybe lean away from that. I mean,

it seems like maybe we kind of have a -- Like here's our call of time period when you would submit these, like we do for Law Enforcement Officer of the Year, and then that's a set meeting that the Executive Finance Committee would then review that and make decisions in closed session and then give that away at a subsequent meeting, and you're suggesting not at the same meeting where we do the Law Enforcement Officer of the Year, which is a good point, and so I guess I would be looking for some feedback. I know that, David, you were one of the ones that brought this up initially, and so I'm looking for feedback on what people think about this.

MR. WHITAKER: I agree with you, and I think I would like to see an annual award, rather than sort of randomly coming up with some Awards of Excellence, but that might be something to consider later on, as we get into this. That's my personal preference, is to have one that could be open to either managers and/or scientists, and that's just my personal preference, and we could do it another way, if everybody feels that way.

MS. MCCAWLEY: Other thoughts?

MR. POLAND: I would certainly suggest that, just starting out, we start with one, and I know we had a lot of discussion at the committee meeting back in October about we do science and we do managers, and we do -- I mean, the sky is the limit with those, but I certainly say we start with one, and then, when we advertise it, make it broad enough that multiple categories will fall in, something as simple as an individual contributed to the science and management and well-being of our natural resources of the South Atlantic region, something like that. Then, after we award a few, and we feel like we want to diversify a little bit more, maybe revisit this discussion, but I say, right now, let's just start with one kind of overarching excellence award.

MS. MCCAWLEY: Okay.

MR. BELL: So just focusing on what it is that we're recognizing, or awarding folks for, it's perhaps just significant contribution to the council's process and outcome, and so it could be science, or it could be management, and there are folks that are real stand-out folks that participate in APs and things, and so we just kind of keep it geared towards significant contributions of -- So we've got law enforcement covered, in terms of that's kind of the overall mission on a larger scale, but just kind of maybe keep it sort of simple and, like Steve said, just one to kind of get going with.

MS. MCCAWLEY: Okay.

MR. WHITAKER: I took the liberty of drafting something, and if you want to hear what that sounds like. The award is given annually to the person or persons who have made substantial contributions to the understanding, management, and sustainability of the marine resources and habitat of the South Atlantic region, either through a career, consistent involvement and accomplishment, or through highly-significant achievements during the previous year. That last part, we might want to modify, but that's just something for food for thought.

MS. MCCAWLEY: That sounds great, David. I like that.

MR. WOODWARD: I'm not on your committee, but I have served as the ASMFC Awards Committee Chair for a small eternity, and, this past year, we actually developed an SOP document with some very specific guidance to those that are nominating candidates, to try to help focus in

their efforts, so that you've got an articulate, clear nomination document, and I would suggest that we certainly do something similar here, if we decide to do an award.

MS. MCCAWLEY: I think that's a great idea. We don't want one person submitting a one-page document and another person submitting a twenty-five-page document for a nomination, and I think that's excellent. I guess, John, are you wanting some kind of motion, or are you just going to take this as direction? What do you think the next steps are, and when can we see something? I would love it if you could incorporate the wording that David suggested.

MR. CARMICHAEL: It sounds like the council supports doing this, and I think maybe a motion to develop an Award of Excellence would suffice to do that, and then I would think, at the March meeting, come to you with a guidance document, as Spud mentioned, and the Mid-Atlantic has one as well, which does a similar thing, and I think that's a good idea, and then I would ask David if you could send me that as an email or something, if you have it as a file, or let me write it down, because I think that did give a really good description of what the purpose of the award would be.

Then I think, in March, we could consider what we actually call it, and we can think about when nominations would be due, and this would be in the SOPPs, and when would you give the award out, and we could -- If some folks have some ideas, and the Law Enforcement Award is given out in September, and so, if you wanted to have say nominations to you by June, you could give the award in September. If you all like that, I could work that in as a starting point.

MS. MCCAWLEY: Well, but we don't want to do it the same time as the Law Enforcement Advisory Panel, but we could still look at it -- We could have the nominations in June and then maybe give the law enforcement one in September and give the other one in December, or maybe it doesn't really -- Maybe, when we look at this in March, we decide it doesn't matter that the Law Enforcement Award and this annual award are given out at the same time. Mel, do you have any thoughts on that?

MR. BELL: Just, having watched the ASMFC process, they do multiple awards, and so I wouldn't see a big problem with that.

MR. DIAZ: We only do a Law Enforcement Award, but one of the things that came up during our conversation that may be helpful for you all is we decided to take the nominations and decide on the award at the same time of year, but wait to actually give the award until it was in the home state of that officer, where their family could maybe come, or it may be more personal to them if they had more people that was able to come.

MS. MCCAWLEY: All right. That is certainly a consideration there, and then that would take a modification on both this award and maybe the Law Enforcement Award.

MR. WHITAKER: I like what Dale said, but I was considering that maybe we have it at the March meeting, and it's in Georgia, and it's not quite as far to travel, and it's kind of centrally located, but either way.

MS. MCCAWLEY: All right. Good suggestions. Any more thoughts or discussion? **We have a draft motion on the board that says the South Atlantic Council Fishery Management Council**

**develop an Annual Award of Excellence.** Would someone that's on the committee like to make that motion?

MR. BREWER: **So moved.**

MS. MCCAWLEY: It's moved by Chester and seconded by Steve. We've had a lot of discussion on this. Any more discussion? Are there any more points that we want to bring up right now?

MR. CARMICHAEL: Do we want to call it an Award of Excellence? David had some pretty good ideas here, and I don't want to -- He says okay. He has South Atlantic Marine Resource Conservation Award, South Atlantic Fisheries Conservation Award, or various people we could name it after. Do you all feel like you want to just mull some of those over? I think that would be fine, but I would say that, like by March, it would be nice to know what we're going to call it.

MS. MCCAWLEY: I think, maybe when you bring the specifics to us in March, maybe there is some options for names in there. All right. Any more discussion? **Any objection to this motion? Seeing none, that motion is approved.**

MR. WAUGH: Madam Chair, one other item, and it's not really under Other Business here, but you and I discussed this briefly, was to sort of give people a heads-up on the menhaden item, and this is in Late Materials, and we were going to address it under Other Business in Full Council, and it is Attachment 8 in the Full Council Late Materials. I just got a request from NMFS that, if at all possible, we could have our response to them by noon on Friday, and so we had talked about raising it on Thursday afternoon, and I don't know if -- We could start talking about it now as well, and I will leave it up to you.

MS. MCCAWLEY: I am good to start that discussion now, and that will let folks start a letter, if that's what we want to do, and so, Chester, I saw your hand in the air, and it's on this menhaden discussion, right?

MR. BREWER: Yes, and all I was going to do is say the same thing that you just said. Let's go ahead and get that started, because it needs to get in, and I think there's an absolute drop-dead date of like the 6<sup>th</sup>, I believe it is, and so, if we can get it in earlier -- I don't know how much dissention there's going to be. I mean, it's something that we're just acting in support of the ASMFC.

MS. MCCAWLEY: Once again, this is a letter, and we have received a letter asking if we want to comment, and so this would be a letter that we would prepare that would go to the Secretary about -- It has to do with Virginia and the non-compliance, and so I'm looking around to folks that are on the ASMFC, and I don't know if you want to add anything here to this discussion.

MR. WAUGH: Let me just frame it a little bit, please, and we've got Bob Beal in the audience, too. Bob may want to come up to the table. This goes back to the underlying authority of ACFCMA, which gives the interjurisdictional FMP authority then, if a state is not in compliance with the requirements of that act, then they can be found out of compliance, and, if they don't come into compliance, then, as I understand it, the state waters can be closed.

This is sort of the teeth to ensure compliance with the regional interjurisdictional plans at the state level, and the example here is menhaden, but the big issue is that underlying authority, and I think

it was flounder where New Jersey, I believe it was that was found out of compliance, and the Secretary chose not to take any action. If this happens again, it's going to make it very difficult for states to implement regulations in compliance with ASMFC, because there's no consequences if you don't. It will be very difficult for individual states to then take the necessary management actions.

To sort of bring this closer to home, menhaden, the important tie for menhaden is that part of the action was to be a little more precautionary in setting the quota for some ecosystem services that menhaden provide, and I'm sure that Bob can explain this better than I, but what brings it home to us is we're facing a similar situation with Spanish mackerel, in that we have a Spanish mackerel ACL, and, if that ACL is met, and states don't come into compliance, then that ACL is going to be exceeded, and so ASMFC is looking to us to get some input on what changes we would like to see them make in the Spanish mackerel plan, and vice versa, and so this -- While the issue is menhaden, the underlying implications are much broader.

MS. MCCAWLEY: Spud or Mel?

MR. WOODWARD: It would take a long time to tell the whole story, but the bottom line is that the integrity of the interstate fisheries management process is what is in jeopardy, so to speak, and there were long deliberations leading to a decision, and the State of Virginia's legislature failed to act to bring Virginia law into compliance with Amendment 3 of the menhaden plan, and the prosecutor of the reduction fishery promised not to exceed the quota for the Chesapeake Bay, but did in fact do it in September, and so the commission unanimously, and I believe this is unprecedented, and Bob can correct me, voted to find the Commonwealth of Virginia out of compliance with Amendment 3 to the Interstate Plan for Atlantic Menhaden, and I believe that's the first time that the actual offending state voted to find itself out of compliance. What we need is the endorsement of the regional fishery management councils to communicate to the Secretary the importance of preserving the integrity of the interstate fishery management process.

MS. MCCAWLEY: All right. Comments or concerns or thoughts? I guess the first question is do we want to write a letter? I guess that's the first question.

MR. BREWER: Yes, we want to write a letter. We've already got almost a template for what that letter can and should look like, and I agree with Gregg. The importance of this issue goes far beyond just this one species. You've got the integrity of the system that's been put in place that is in question, or is now being questioned or threatened. I understand that the Governor of Virginia also wrote a letter in support of the finding of the Atlantic States Marine Fisheries Commission, and so, to me, this is something that is just absolutely clearly, clearly, that we need to support.

MR. BELL: Just something to keep in mind too, from an underlying standpoint, is, to the degree that this has a tie to accounting for ecosystem-based needs for the species, and, obviously, menhaden is a very important forage species for a lot of species that ASMFC manages, as well as things that we manage, or NMFS deals with, and so, in the NOAA Fisheries Strategic Plan for 2019 through 2022, it discusses, under meeting the challenges of fisheries in the future, or in this time period, that they intend to utilize or incorporate ecosystem-based principles into fishery management.

This concept is consistent with NOAA Fisheries' own strategic goals, and, to the degree that the Secretary might consult NOAA Fisheries about this, the principle that's underlying here, that we're concerned about, is in their strategic plan, and so, I mean, I could see where it makes sense for them to support this finding, and there are much bigger things, as Chester said, I think at stake here, and it's really are we going to take incorporating ecosystem-based principles into fisheries seriously, because here is a case where it's come up through the commission, but are we going to back it or not back it?

If we're not going to take it seriously and we're not going to move on it, and we're not going to say it's important, then why are we spending our time discussing it? I think that's something on a little bit larger scale that's applicable here, and that's just to keep in mind that it is consistent. Incorporation of ecosystem-based principles is consistent with NOAA Fisheries' own strategic plan.

MS. MCCAWLEY: Other folks?

MR. WAUGH: Bob, do you want to weigh-in? Not to put you on the spot, but I think you have a good view of this.

MR. BEAL: I have too much of a view of this, probably. I don't have a lot to add. I think what Spud said was right on. There's a long history of this, and we would be here until the wee hours of the night if you guys really wanted to know every detail that has happened over the last few years, but, obviously, it's an important issue to ASMFC, and it does -- The outcome of this will impact sort of the basic fabric of how the interstate process works, and so I think support from the councils is very important, and I think the Secretary -- The act requires the Secretary to reach out to the three east coast councils and provide the opportunity to comment, and that doesn't mean -- I don't think the Secretary is just going through that sort of pro forma because the law says it.

I think the Secretary really wants to know what the councils think, and, if this council agrees and wants to support the commission -- I know the Mid-Atlantic Council is going to write a letter in support of the commission, and New England has a draft letter in their briefing materials, and they are meeting this week, and they're going to discuss it tomorrow morning, and so there's probably a high likelihood that all three councils have the potential to support the commission, and I think that's a strong message, that we can say the three federal councils, fifteen Atlantic Coastal States, ASMFC unanimously all support this direction and feel this is an important management tool that the interstate management process is relying on. This is not just a pro forma letter and a sort of token request by the Secretary, and I think there's going to be strong consideration to this letter.

To follow-up on Spud's comment, I think one or two other states have voted themselves out of compliance, but it doesn't happen very often. Usually the state that is out of compliance feels strongly that what is occurring in their state is not needed or the regulations that ASMFC is asking them to implement are not needed, and that's not the situation here in Virginia.

It's a unique fishery, and it's the only fishery in the Commonwealth of Virginia that is managed through their legislative process, through the General Assembly. All other fisheries are managed through the Virginia Marine Resources Commission, their state fishery management agency, and so it's an outlier in the management system in Virginia, and so it's really unique, and Spud is right that the governor did send a letter to -- The Governor of Virginia did send a letter to the Secretary

of Commerce saying, yes, we feel we are out of compliance, and please follow through on the ASMFC's request to implement a moratorium until the state implements the appropriate regulations.

I can answer questions, and I can talk all night on this if you want, but that's kind of the background on it. Maybe it's a better happy-hour conversation, or something else along those lines, but I'm happy to answer any questions that you guys might have, and, if this council doesn't decide until later in the week, I think you'll know then, Madam Chair, what the other two councils are doing, and the draft letter that New England has -- If there's any value in that, I can share that with anyone that might want it as well.

MS. MCCAWLEY: Thank you.

MR. BREWER: **I would like to make a motion that the council send a letter to the Secretary of Commerce in support of the actions of the Atlantic States Fishery Management Council, as it relates to menhaden, or that can be cleaned up by anybody that would like to clean it up.**

MS. MCCAWLEY: All right, and so we have a motion. **The motion reads that the council send a letter to the Secretary of Commerce in support of the actions of ASMFC on menhaden.** Is there a second to that motion? It's seconded by Steve. Any more discussion on this?

MR. BREWER: My thought on this is that we would get the letter together for council review, to be approved before it was sent, and either sometime earlier this week or in Full Council, either one, and I just wanted to get the ball rolling and get a draft letter out there, probably something very close to the same letter that was sent out by the Mid-Atlantic.

MS. MCCAWLEY: All right. Does that sound doable?

MR. WAUGH: What I can do is I will get with Bob and get that letter and see what the other councils have written and circulate it right away, and maybe we can take this up first thing under Full Council on Thursday and get it approved, and then I can shoot it up to Alan on Thursday afternoon.

MS. MCCAWLEY: That sounds great.

MR. WAUGH: Okay.

MS. MCCAWLEY: All right. Any more discussion on this motion? **Is there any objection to this motion? Seeing none, that motion is approved.** Is there any other business to come before the Executive Finance Committee? Then we're adjourned.

(Whereupon, the meeting adjourned on December 2, 2019.)

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

Transcribed By:  
Amanda Thomas  
January 6, 2020

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