

SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL

SEDAR COMMITTEE

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

March 1, 2010

DRAFT MINUTES

SEDAR Committee:

Duane Harris, Chair
Dr. Brian Chevront
Ben Hartig
Mark Robson

George Geiger, Vice-Chair
David Cupka
Vince O'Shea
Tom Swatzel

Council Members:

Robert Boyles
Dr. Roy Crabtree
Rita Merritt

Dr. Wilson Laney
Mac Currin
Charlie Phillips

Council Staff:

Bob Mahood
Mike Collins
Rick DeVictor
Kari Fenske

Gregg Waugh
Roger Pugliese
John Carmichael

Observers/Participants:

Dr. Mike Travis
Nik Mehta
Bob Gill
Monica Smit-Brunello
Otha Easley

Dr. Jack McGovern
Andy Strelchek
Phil Steele
Dr. Bonnie Ponwith
Hal Robbins

Additional Observers and Participants Attached

The SEDAR Committee of the South Atlantic Fishery Management Council convened in the Club Ballroom of the Jekyll Island Club Hotel, Jekyll Island, Georgia, March 1, 2010, and was called to order at 4:40 o'clock p.m. by Chairman Duane Harris.

MR. HARRIS: Okay, I'm going to call to order the meeting of the SEDAR Committee. The first item is approval of the agenda. Is there any objection to approving the agenda? Seeing none, the agenda is approved. The second item is approval of the minutes of our last meeting. Those were sent out to everybody. Are there any additions or corrections to the minutes? Any objection to approving those minutes? Seeing none, the minutes are approved. The SEDAR Steering Committee Report; I call on John Carmichael to take us through the report of the February conference call.

MR. CARMICHAEL: This is Attachment 1 for the committee. It is the report of the SEDAR Steering Committee. They last met via conference call on February 8th. The primary thing that they discussed at that time were schedule changes. I think most of the council is well aware of these at this time.

There was discussion about the Goliath grouper; the benchmark that Florida is conducting and a spiny lobster update that Florida is conducting so your requests there were supported by the steering committee and they supported those. They're doing a couple of additional Gulf of Mexico tilefish stocks in SEDAR 22, which is a nice value added to that assessment.

Most importantly, though, perhaps to this council is changing of the red snapper, which was scheduled to be an update, and as you know you discussed terms of reference and appointments to that assessment in December. Now it has, with the blessing of the steering committee, become a benchmark assessment. Part of that is the recognition of the number of issues that were raised by the council, things they would like to be looked at in that assessment; looking at potentially in more depth than be comfortable in dealing with in an update framework.

The benchmark brings the opportunity to go through a data workshop and look at the data in much more review, bring in greater levels of participation and opens the opportunity to pretty well change anything that the group decides needs to be changed with regard to that stock assessment. We will open that one up again and do it as a benchmark.

The plan still is to meet the deadline requested by the council of having this available to you in your December meeting. We've pretty well scrambled in getting up to speed on that over the last couple of weeks, which we'll talk about as we get to one of our later items and we deal with the SEDAR administrative issues.

The next thing the steering committee discussed was progress on our procedural changes, which really have taken hold in 2010, moving to the webinars for the assessment workshop. We've had some webinars so far. They've been well received by people. They've been effective and they appreciate at not having to travel. We're looking forward to fully rolling those out on our assessment workshops this year.

A lot of what the SEDAR Steering Committee talked about this time had to deal with the review panel process because there was some confusion amongst the councils as to what the intention was with the review. The SEDAR Steering Committee set out last May with trying to clear up some of the confusion between the SSCs with their role in reviewing an assessment that has gone through a SEDAR Peer Review and discussed the idea of having sort of a joint review with all the SSC involved.

We looked into that and logistically it began to get quite confusing, and I think the councils began to wonder how all of that would pan out as the SSCs commented on it and the councils commented on it over the last year. The steering committee has recommended a slight modification to the review panel, to go back to a normal separate review panel as we've done for many years for SEDAR, but to bring in three SSC members.

I guess I should say it is up to three; you're not obligated to appoint three, but up to three SSC members who sit on the review panel as reviewers. It would be the three CIE and the three SSC people. And then also to have an SSC representative chair the review panel and that this chair has a facilitator role and not in a review role.

That is what we're intending with the red snapper that is coming up and then the Goliath review that will be coming up also in the fall of this year and as the benchmarks that we roll out down the road. Are there any questions on that because that is a bit of a change?

MR. HARTIG: Yes, it is and the SEDAR assessments I have been to, usually that chair was from another region; a NMFS person from another region in the country, and that is a major change here where we're to have our SSC person chair the review workshop?

MR. CARMICHAEL: Yes, when the changes were put in place last year and discussed, the idea was that the review would be more or less a component of an SSC meeting and it would be chaired by an SSC member going into that, so we're retaining that part of the changes that were rolled out last May, that the SSC chairs it.

We're seeing that more and more around the country in the peer review things. We recognized in the past it has been done by people from other regions, but every region is really strapped for people and personnel, and that's one of the reasons that we looked at other ways of getting a chair because it has become so difficult to get a chair. We would like to look to our SSC and have a bit more ability to bring in people from the SSC who we think would be good facilitators and to clarify their role as being facilitators.

MR. HARTIG: That's an excellent change; thank you.

DR. CHEUVRONT: And I'm assuming the SSC has been in the discussion or at least they have been notified that this is going to happen. Have you gotten any objection from them? I can see how they might have – I mean, they're always concerned about the amount of time that they're already putting into these issues, and my fear would be is that it ends up being just one or two people consistently being the chairs of these review committees.

MR. CARMICHAEL: We haven't formally talked to them about it, but we have passed the word to them. I have talked to quite a few of them about it and it is being fairly well received. One of the things the steering committee talked about, just to add on to this, is that the councils perhaps in conjunction with the SSCs should kind of identify those members who would be good performers as a facilitator type to be a chair and those who would be very good technical reviewers and that we have this idea of sort of parsing out the SSC into those two groups with regard to the SEDAR reviews.

DR. PONWITH: To that point, Mr. Chairman, that's exactly the notion of having an SSC member chair. We were concerned about having large numbers of SSC members at these review committees and having some of them with expertise other than the technical expertise that might be especially valuable for a review of a stock assessment.

As you know, the SSCs are fairly interdisciplinary; that we could get people who are very skilled traffic cops in terms of running those meetings efficiently and effectively and put them in that kind of role and save your technical people to actually be the "sets of eyes" on that work.

MR. GEIGER: I like that idea; I think it's a great idea. If I might make another suggestion, you used the term you were going to identify those people who were suitable to doing this, you might have more than you can just readily identify and you might be able to train people by allowing somebody to attend the meeting to observe closely how the chairman conducts the meeting and provide it as training for a subsequent appointment as a chair. Instead of just sending somebody raw, you might be able to build the majority of you SSC members into potential chairs.

DR. LANEY: The only thing I wanted to add, Mr. Chairman, was – and I think John is already aware of these – the ASMFC had produced some guidance documents for their technical committees that might be useful for the SSC to take a look at in terms of running meetings. There was also some training that we took as technical committee chairs as ASMFC got NMFS, I believe – Vince may know more details about that, but the National Marine Fisheries Service actually provided that training to us and we found that very useful.

MR. CARMICHAEL: I think that's a good idea and we will get this in there. I remember doing some training as an ASMFC Chair a long time ago when I was a technical committee chair and it was helpful. We could consider doing something like that across the board. That was the primary procedural things that they talked about.

The next item the steering committee talked was about conflict of interest. This somewhat comes out of some of the language that is in the National Standard 2 Guidelines. The steering committee is interested into looking at this further. We're going to talk about this some here as well as with the SSC Selection Committee on how we deal with conflict of interest in the real versus perceived financial interest versus other interests.

The steering committee is aware of the issue and it is going to let this play out a bit and see what the councils come up with and see what finally comes out of the National Standard Guidelines when they get finalized, so that's an issue for further discussion. Next we talked about the procedural workshops, and this is definitely one of interest around this table, certainly. They

talked about holding the Historical Catch Procedural Workshop in 2010, which we had talked about before.

The steering committee agreed that with the recent assessment additions and the schedules for a number of these assessments to be expedited and have information to the councils on a number of stocks by December, that they didn't feel there were the resources available. Especially with a lot of technical people within the agency, it would be very important in evaluating historical data, but they just didn't feel the resources were there to pull off the Historical Catch Workshop in 2010. It stays on the schedule for 2011 and it's at the top of the list for funding in 2011 if we can do that, but it's just a calendar workload priority issue.

MR. HARTIG: Just one comment, John, if I may; I don't have any problem with that, that's fine. The discard mortality, though, I thought we could handle in the new data workshop with the benchmark assessments since it's going to be pretty species specific for anything we deal with. I don't know that we really have to have, unless you see any real problems, a discard mortality workshop in and of itself.

MR. CARMICHAEL: Well, we see some need to have one overall in the region to look in the discard mortality studies and to make sure we're interpreting the information consistently across assessments and perhaps to compel some improved research in that arena that's more applicable across a wider range of fisheries and species and areas.

We do see a lot of need there for discard mortality. Definitely with the case of red snapper, yes, both the historic catch in red snapper and the discard mortality, we can adequately address through a benchmark process now. We remain interested in these issues in terms of a bigger picture, longer term, how they affect things across assessments.

The final item was discussing the budget, and this is another item that the committee here should talk some about in terms of giving advice to your representatives to the steering committee, which will next meet in May. I think it's the 18th in conjunction with the council chairs meeting. They got an update on the budget and we've been largely level funded for a number of years and that continues to be the case now.

What we're seeing is increased expenses within SEDAR for things like member stipends. There are a lot of projects going on this year and some of our kind of fixed costs like that, the council members participation in the workshops and the stipends that they receive has kind of become an increasing budget item; whereas, our travel we've been able to hold the line despite a greatly increased number of projects this year by using the webinars.

That's one the things that the steering committee talked about and the councils are being asked to talk about this issue of stipends with a couple of questions. We've added three SSC appointees at the review panel, and that was in addition and it wasn't worked into the budget as proposed so we're kind of left with a bit of a gap in the budget.

It really comes down to the councils being asked what do you think the tradeoff is between the SEDAR budget covering the three SSC appointees or the SEDAR budget covering the council

member stipends and letting the councils, from their budgets, pick up the SSC appointees. The steering committee recognized that this was the kind of issue the council needed to weigh in on and left it open and wants you guys to give them some feedback, which we can discuss here on our item at the end of this meeting about giving advice to your representatives to the steering committee. That was the end of the issues with the February conference call.

MR. GEIGER: Mr. Chairman, I would like to thank Dr. Ponwith and the Science Center for changing the red snapper SEDAR assessment date. I think that was significant. I wasn't at the meeting and I know what happens in regard to planning this schedule and what it does to the schedule when we make a change like this. Everybody still has all their limbs and appendages, so the fight couldn't have been too bad.

The one thing that really bothers me about this a bit is that I've received a lot naunie-naunie e-mails from people who say we're getting a new assessment and there is an assumption from the public that the results of this new assessment are going to be favorable. I don't know what they're going to be, but I just fear when people prejudice what the results of a stock assessment or any management effort is going to be based on what we've seen in the past.

I don't know what I'm trying to say is other than use discretion in terms of committing the people who are making a commitment and expressing your personal opinion as to what you think the outcome of the stock assessment is going to be because we don't know and people are trying to get that – at least they're trying to get it out of me. But, thank you, Bonnie, for making that change in the date.

MR. CURRIN: I'm not on your committee, but regarding the budget, John, I think I heard Monica earlier today say there was an additional \$5 million for assessment improvements in the NMFS budget this year; is that correct or did I misunderstand that?

DR. PONWITH: That is to go towards stock assessment scientists and the much begged for fishery-independent sampling. I would be very concerned about allowing the peer review process costs swell at the expense of doing the fishery-independent sampling that we've all been pushing so very hard for.

MR. CURRIN: Thank you, and it was just a question on whether that was going to be some money that might fill in some of your gaps.

MR. MAHOOD: Mac, we'll talk about this at the executive/finance committee meeting, but basically we got about \$25,000 more this year than what we had last year. We didn't get a whole lot more and, of course, our activity level keeps increasing, so at some point – and this year, really, there are some questions about what we should and shouldn't fund with the SEDAR funds. I know Bonnie has raised a couple of issues and we'll talk about that a little bit.

MR. HARRIS: Other comments or questions? John, where are we?

MR. CARMICHAEL: Item 4, SEDAR Participant Appointment Process. Okay, the next item deals with how the South Atlantic Council basically administers their responsibilities to SEDAR,

which is making appointments to workshop, approving the schedule and the terms of reference. Attachment 3 is a simple one-page overview of the council process as we follow it here at the South Atlantic. The idea there is to get some formal approval of this and get it out of just my operational notes and our staff operational notes and to put it in somewhere where it's properly recognized and become the policy of the council, perhaps through the SOPPs or something.

I'm not exactly sure of the best place to take this. What it does is it addresses how we identify participants between the SEDAR coordinators initiating the process and then staff, between myself and working with the other technical staff like Rick and the other species leads, to send out a request to our AP members; and through me to our SSC members to find out who is eligible and who is available, who is interested in participating in a given workshop.

We run it through I&E because we have the requirement of people serving on SEDAR workshops also being appointed to our SEDAR APs; develop a list; and then just to summarize, develop a list, which we will show you one example here for red snapper in a few minutes; and ask you to then make the appointments and approve those individuals to the list.

There is a provision in here for some replacements in the event someone can't attend. It really puts it to the executive director and council chair, this committee's chair and then the chair of the appropriate FMP that would be dealing with the species that is being assessed. There are some comments about the administration of the SEDAR Advisory Panel, which is intended to be administered very similar to any other AP in that people are appointed and named and they're approved for that panel.

Then they'll vote for you to appoint them to a workshop. That's necessary because those SEDAR workshops and those people you appoint on those panels give an advisory role to the council, so it would be compliant with the Advisory Committee Act that those people are expected to be on an AP. This just solidifies it and I think if we agree to this here and see if there are any comments or suggestions, and then perhaps I guess it will go to the SOPPs Committee where Bob will figure out where we should best put it within our council process.

MS. SMIT-BRUNELLO: John, would you tell me why there are dates tied into here. For example, number two under item one, SEDAR coordinator sends it's broad request, blah, blah, blah by May 1, and then later on we have different things happening by October 1. What happens if you have like red snapper, something gets thrown on to the SEDAR schedule out these dates, so it falls without – would you want the dates in here and maybe you should tell me why you have them.

MR. CARMICHAEL: We could probably pull the dates. The dates were in there – initially there were more detailed dates to try and show how far back in time the process begins, because in some cases – when we first were putting this together there were questions being asked, well, why are you asking for appointments now for something that is a year and a half away or what have you, so that's where they started, but perhaps if we make this part of the policy, the dates should be removed. Then with regards to something like red snapper, yes, when we get something that is squeezed in and we're scrambling, then we follow it with deadlines significantly shorter and try to stock to the policies but recognize we don't have as much lead.

MS. SMIT-BRUNELLO: Well, it's just a thought. I mean, there may be good reasons for having certain time periods in here and then you could build in some other language that gives you enough wiggle room if something comes up at the last minute. I'll think about it more.

MR. HARRIS: John, with respect to that, yes, I think we could remove the dates from this guidance document, if you will, whether we put it in SOPPs or however we handle it, but our annual schedule is going to have the dates in it, so maybe that's how we take care of the schedule and make sure everybody knows what is coming up and what the dates are for it.

MR. CARMICHAEL: That is a good suggestion I think; keep it in our planning process and not so much in our codified SOPPs process.

MR. HARRIS: Further questions or comments about this document? Do you want a motion to approve that –

MR. CARMICHAEL: Yes.

MR. HARRIS: – or recommend it to go forward to the council? Brian.

DR. CHEUVRONT: Mr. Chairman, I'll go ahead and make that motion that we accept the SEDAR Administrative Approval Process and – this goes to the steering committee? We just approve it.

DR. CHEUVRONT: Oh, it has to go to SOPPs, Okay.

MR. HARRIS: Well, right now we think it's going to SOPPs; seconded by Mr. Cupka. Is there on the motion? Is there objection to the motion? Without objection, that motion carries. The next item on the agenda is the Conflict of Interest Policies, Item 5, Attachments 4 and 5.

MR. CARMICHAEL: This has come up in interest with SEDAR quite recently and the National Standard 2 Guidelines mention more things about conflict of interest. It was discussed at the National SSC Meeting last fall. There are some issues with – there is an OMB Peer Review Guideline that SEDAR is in compliance with. It came out about the time SEDAR was getting rolling. We're in compliance with them with regard to reviewers' independence and things of that nature.

Other agency policies we have been in compliance with within SEDAR. There have just been some questions asked with regard to the National Standard 2 and potential changes, some of the issues about conflict of interest and what maybe constitutes a perceived conflict of interest. There were some issues raised by I think the Snapper Grouper Committee or during full council at the last meeting about sort of how broad conflict of interest may apply and whether or not it's solely financial conflicts of interest, which is where it has traditionally been applied; and if someone earned some income off of a decision that they were involved in reviewing or actions they were reviewing, then that was a conflict or interest.

We went back and looked at NMFS' forms that applied to this and there is a NMFS form for reviewers that are appointed by the agency for serving as peer reviewers. They fill out a form about confidentiality and conflict of interest. You guys were given copies of this. It reads for purposes of this agreement, I understand financial interests may include employment and several other things, so it tends to get at the financial side.

We haven't really discussed conflict of interest with regard to, say, the SSC people who are appointed by the council or the opportunity to appoint another independent reviewer to a review panel and conflicts of interest within the SSC, although the SSC members do fill out financial disclosure forms just as you council members do.

We've discussed that through the selection committee but it has not come up with SEDAR. I think right now the steering committee's attitude is somewhat that we should probably wait and see what comes out of the final national standard guidelines and decide if SEDAR needs to change, but then the council here also needs to discuss this with regard to who you'll appoint to workshops and what standards you think need to apply to those you appoint to participate at the data and assessment level.

I guess the proposed action here that we can discuss is the potential for having a more formalized conflict of interest screening at the council level; and if we do that, what would the forms look like, who might handle that screening, who would be the person to decide if they conflict exists, and if a conflict of interest is solely a financial issue or is a conflict or interest potentially broader than just finances.

MR. HARRIS: Comments or questions; you don't want to deal with this issue at this time? It's an important issue and we're going to have to deal with it sometime, whether it's now or later. Brian, I knew you were going to help me out.

DR. CHEUVRONT: John, can you give us some examples of non-financial conflicts of interest that we might need to be concerning ourselves with? Vince.

MR. O'SHEA: I can tell you some potential conflicts of interest that have been raised in the commission form. If a reviewer was viewed as serving as an advisor or somehow participated in the academic training of one person and that person was then in a review capacity somewhere else down the line, so if somebody served as an advisor to somebody while they're getting their graduate degree and then the graduate person did the stock assessment and then that professor was then put on the peer review panel, that was cited as a conflict of interest.

The second conflict of interest is a geographic concern; that if the reviewer lived in the geographic area where the stock in question was of high value or interest to that state or to that entity, that that person's credibility and objectivity was challenged. Those are two that I can think of right off the top, John.

MR. CARMICHAEL: We had issues raised regarding potential parties in lawsuits for stocks that might have actions pending and be looking at reviews of an assessment or an update or some sort, so there have been a lot of issues raised. There has been some raised against SSC members

that by their involvement in making recommendations to the council on things like fishing levels and their role or their job with their agency, perhaps, that they may have some conflict of interest and not put a purely unbiased view on reviewing the assessment.

MR. BOYLES: Mr. Chairman, I'm not on your committee, but I'd like to remind the committee I brought this up before and John just referenced it. In the case of fishery-independent data collection we have our staff at the South Carolina Department of Natural Resources who are involved in primary data collection through the MARMAP Program.

Some of those individuals are invited to participate in the SEDAR process, and then some of those same individuals are members of the SSC. It's a reality that I'm not real comfortable with, but I don't know that there a lot of good options given how many stock assessment folks there are out there, but I think that's clearly a case of a conflict of interest or at least a perception of a conflict of interest.

DR. PONWITH: To that point, it's a discussion that we've had before, but I think it bears repeating that there's a tension in a well-constructed review panel between familiarity with the issue versus independence from the issue. Sometimes it's very difficult to achieve both of those components in a single person.

In a scenario like Mr. Boyles brought up is that you certainly want people on the committee who are familiar enough with the fishery and familiar enough with the issues and the science behind it that they don't spend so much time spinning up and getting ready to do that assessment; and yet you run the risk if they're too close to the assessment that they lack the element of independence, which is absolutely critical for a good peer review.

In our discussions in the past what we have landed on in those situations for state advisors, federal advisors and academic advisors that it wouldn't necessarily preclude your being on the committee. It would be that when you got to the point where it came time to vote, you would recuse yourself if you were in the chain of command or someone who was under review or whose work was under review.

There, again, you can have a pristine process, but I think what it requires is a balance of both. Some of the examples I think we were raising up as creating a little bit more concern might be certainly Mr. O'Shea's example was a good one, but also a situation where a hired consultant was put up as a potential member for an actual technical seat on a panel, and that would be something that I would think would be pretty important to have an opinion on before we were in that situation.

MR. O'SHEA: There are two things here, and I think Robert hit on a good point that we're going to find – and we've had other discussions on this about how deep the pool is to find scientists, so we set these very high standards and then you find out we can't get anybody to serve. I still think this is a worthwhile exercise to go down through to maybe look at some of these things that have been in the past brought up in some venues as conflicts of interest and say you know what, it's a tradeoff and it's acceptable.

The second option that a lot of organizations use in terms of dealing with conflicts of interest is just put in a disclosure requirement; so rather than be an exclusionary thing and get into making this participant perhaps a second rate participant on the thing, it may be to say require in a certain instance you have to make a full disclosure so that's out in front for the public to look at.

MR. HARRIS: Other comments? Well, I just had a comment. All of these workshops are open to the public. I think what we're getting to right now is a discussion of who should be appointed as workshop participants versus just a member of the public that attends the workshop as an open access workshop. One of those questions that was brought up earlier was the appointment of people as participants that are actively involved in lawsuits against the National Marine Fisheries Service on some of these issues.

I think that is the discussion that we have got to have, and we've got to come to some kind of conclusion on that issue, and it would be better if we do it sooner rather than later because the next item on the agenda is appointing people to some workshops. If there are any thoughts on that, I would entertain those at this time. Vince.

MR. O'SHEA: Well, this is someone who is sitting here with probably five lawsuits pending against us. I just don't understand how somebody on the one hand can be on the side of a lawsuit – I mean, the lawsuit is a part of the process and people are allowed to do that. The law provides for that and it's a way for folks to challenge the regulations and the interpretation of the regulations and the acts of agencies and hold agencies accountable.

I don't want to be bad mouthing lawsuits, but I think on the other hand they're divisive and by definition you're picking a side when you get into a lawsuit, and I think you need to take that into consideration and saying is this person really going to be objective, is it fair to expect them to be objective to be involved in a science question where they're also involved in advising a party on the side of a lawsuit. Thank you.

DR. CHEUVRONT: I liked the suggestion that Vince made about having full disclosure as maybe or perhaps as an alternative to start excluding people based on a conflict of interest form. I don't have enough experience in this realm to know what we need to do to consider that, but I think that is – we have such a limited pool to draw from and I don't know what it takes to come up with that kind of a disclosure statement or requirement that we have for people.

Does that mean they have to recuse themselves from certain kinds of votes and things like that? I would like to see us consider that, but as far as the lawsuit issue goes that to me is almost like a separate case and I don't know how to handle that one. I'm not sure what to say about that.

MR. HARRIS: Well, with respect to full disclosure, I agree with you and I think we can handle that. As you said, there is a limited pool of folks in certain arenas. There is not a limited pool in other arenas. Finding fishermen to participate in these workshops, there are lots of fishermen. There might not be a lot of them that want to participate or has the time to participate, but there are a lot of fishermen out there.

The question is do you invite a fisherman as a workshop participant, that you invite to participate in the workshop that is involved in a lawsuit against us, and I have a hard time approving someone when there are a lot of people out there that we could find and appoint to participate in these workshops. That's my opinion about that issue. The full disclosure thing, I think you're right. I think it's part of the process that we're involved in, and I think you and Vince said it very well.

DR. CHEUVRONT: Well, to that point, in thinking about it now after the comments that you've just made, the folks that tend to be in short supply tend to be the folks who aren't suing NMFS, and so maybe that could be a separate – well, there is a tendency I would think.

DR. CRABTREE: Well, no, we don't have that many scientists suing us.

DR. CHEUVRONT: That's what I mean; those aren't the guys who typically are suing you, so maybe we can just separate these out as two completely separate issues.

MS. MERRITT: This may not be a good analogy and I'm just playing the devil's advocate. I'm not advocating that you take people who are suing us and put them on these, but if you think in terms of corporate America, you have the whistle blower laws. In that case you have an employee who may be suing the company and the company is obligated not to either fire or have any kind of recrimination or other negative activities involving that person.

I don't know; I'm just kind of thinking out loud that is something to keep in mind that there may very well be some people who actually have some very good information even if you don't agree with it who might be a participant. I'm just throwing that out without trying to force the issue.

MS. SMIT-BRUNELLO: Well, I think along the lines of what Vince said, it's clearly in the Magnuson Act and in other Acts people have a right to sue on these and there are sometimes good reasons for lawsuits in their minds. It increases our workload but that is okay; it's the public is right.

I think rather than focus on that you ought to just focus on the qualifications of the individuals who are potentially up for appointment and not necessarily – I don't know how you're going to make a policy in terms of litigants or potential litigants or scientists hired by litigants, however you want to look at it. I think that you just have to look at the qualifications of the individuals involved and what they bring to the table.

DR. CRABTREE: I was just going to point out we've had council members who were members of organizations that were suing us before on actions that council took. I think you do have to be very careful with this one.

MR. BOYLES: Mr. Chairman, I'm not on your committee. Monica, under Magnuson or any of the regulations that are being reviewed now; is there a hook, is there a legal hook for a conflict of interest problem in the stock assessment process? In other words, if there was a documented conflict of interest, would that make us any more vulnerable to challenges under Magnuson?

MS. SMIT-BRUNELLO: I guess, Robert, one doesn't come to mine off the top of my head. I'll look into it further but for right now I don't think so. I mean you get to is this the best available scientific information and really that's what it comes down to. Then we have to have a record to support the fact that we're claiming it is the best available scientist. Certainly, someone could make allegations in a lawsuit whether it rose to the level of where a certain member's participation and whether some review part of it, I guess that could be brought to bear, but I just don't see a great problem with that right now

DR. CRABTREE: And let's be careful that just because someone disagrees and then exercises their right to sue, that's not a conflict of interest. That's just a disagreement potentially so I think we need to be real careful with this. There are conflicts of interest that are going to occur, but just disagreeing and all doesn't constitute that.

DR. LANEY: Mr. Chairman, I'm not on your committee either, but just so I'm clear it sounds to me like some of this could be taken care of under full disclosure, depending upon how you define full disclosure. I'm presuming – and somebody correct me if I'm wrong – that you mean potential financial conflicts of interest but also appointments that you may hold or memberships or positions as an officer in other organizations; is that what you mean by full disclosure in this case; anything that could potentially create a perception of or a factual conflict of interest?

MS. SMIT-BRUNELLO: Well, you're looking at me, Wilson, and it wasn't necessarily something I brought up. I'm assuming so; I guess it just depends how detailed the questionnaire is that you ask this individual.

DR. LANEY: Well, just to that point, I'll offer up that I have to annually fill an OGE-450 which is a financial disclosure, but it also has on there – it asks me what organizations I'm participating in and what positions I might hold and all that sort of things. I could offer that up if that's something the committee or council wants to look at.

MR. PHILLIPS: Mr. Chairman, I'm not part of your committee either, but as hard as it seems like you all have working to get people to come, even if they have a lawsuit, as long as it's disclosed where they're coming from, I don't think you want to lock them out and give them the perception that because you don't agree with whoever they are through a lawsuit or something you can't participate. We need them to participate.

MR. CURRIN: I was just going to agree that I think a disclosure form or mechanism is the way to go. The extent of that disclosure or the content of that disclosure can then be used by the selection committee to determine whether there is enough conflict there or perceived conflict to select the person or not select him. I would voice my support of a disclosure form in some way being developed and then considered by the selection committee.

MR. HARRIS: All right, I'm hearing support for a disclosure form and an offer by Wilson to assist us in developing that disclosure form. John, do you have enough to go on with respect to that at this point in time?

MR. CARMICHAEL: I have enough to go on and get us through to the next meeting I guess, since we'll meet at every meeting, and perhaps have some options for things to consider under the disclosure form and maybe some examples, I don't know. We'll do some digging on it, but, yes, I think we had some discussion and we have bit of focus here and some good points were made to kind of narrow the debate for the next round.

MR. MAHOOD: Of course, one thing, this will be a decision of the steering committee, so I guess we would be making a recommendation. As far as we internally recommend people to be appointed, that could be our policy, but if the other councils recommend somebody we generally go with that and we don't question their recommendation. This would pertain to in-house appointments for the South Atlantic Council's recommendations coming out of the SEDAR Committee.

MR. HARRIS: Right; I hope everybody understood that to be the case. Vince.

MR. O'SHEA: I think John's offer to put in some examples might be useful for the next round of discussion on this, and these are actual examples that we know of that have happened or potential theoretical examples, because we're throwing around some terms here about whether or not you're actually suing. Anyway, I just think some examples of potential roles that people could have in the lawsuit process so that we understand clearly what we're saying is acceptable and what we're ready to live with versus something that we have a problem with.

MR. HARRIS: Yes, it was a poor choice of words on my part of somebody suing us should be excluded from the process. It simply goes to the biased nature of them being involved in the process and we want unbiased folks involved in the process. Certainly, you can have an opinion; we expect you to have opinions. We expect you to offer those opinions but we want unbiased folks participating in this process.

MR. O'SHEA: But at the end of the day we want the people in the audience to believe what the stock assessment says and have credibility in it because it's objective science and that it's not being driven by other agendas. I think that should be an important goal here that it's accepted by the public as being objective science.

MR. HARRIS: With question. Wilson.

DR. LANEY: Mr. Chairman, I've pulled the form up and it says "Standard U.S. Office of Government Ethics Form"; and just so everybody knows what else is on it besides your financial assets, Part 2 has to deal with liabilities; Part 3 is outside positions; Part 4 is any agreements or arrangements that you might have for current or future employment, et cetera; and Part 5 is gifts and travel reimbursement. That is the kind of information that is covered on this particular form.

MR. HARRIS: Thank you, Wilson. Anything else on that agenda item? John, Item 6.

MR. CARMICHAEL: Item 6, SEDAR Approvals; doing with a couple of the up and coming projects. We'll start off with Goliath grouper and then we'll get into red snapper. Goliath

grouper, as I said, is being led by Florida. They're doing the data and assessment workshop. SEDAR is coming in to give the peer review.

Working with Florida and typical in the process, the councils are asked if you want to appoint some SSC or AP members to those workshops to represent your interests in there and to help Florida out in getting the broad representation that they like to have at these workshops. In looking at this, one thing a number of members had asked the last time we talked about participants is some concern about a number of the advisory panel participants over the years and whether or not attendance was hitting where it was expected to be; that some members have been appointed and ultimately were not able to attend.

There was some concern about whether some individuals were having difficulty in attending and repeatedly missing workshops. This led you to look at some alternates in your next round, which I think is a good idea. We filled out Table 1 in the overview that shows back to SEDAR 15 all the South Atlantic appointees and who actually was able to participate. That's there for your information and I'll add that for SEDAR 23 we've contacted advisory panel people and we have Don DeMaria and Greg DeBrango who have indicated that they're willing to participate in the data and assessment workshops there with Florida if you so choose to appoint them.

We've been talking with the SSC, which is the other side of the equation. We've been talking with the SSC and we have not secured an SSC representative who has committed to participating here in Goliath, but we've been pushing them really hard for red snapper, which we'll talk about in a second. We may come up a little short there at this time with Goliath. We know this is being run by Florida, which means we do have an SSC representative in Luis Barbieri, who will be participating.

MR. HARTIG: John, is the Goliath assessment going to be both Gulf and South Atlantic assessment.

MR. CARMICHAEL: Yes, so the Gulf would have to make some appointments as well.

MR. HARRIS: Is there a recommendation based on what John said with respect to the AP appointees to the Goliath Grouper Assessment? Don DeMaria and Greg DeBrango and they been contacted and have both agreed to serve, right?

MR. CARMICHAEL: That is correct.

MR. HARRIS: The chair would entertain a motion to appoint those two individuals. Mark.

MR. ROBSON: I would move that we appoint Don DeMaria and Greg DeBrango for the Goliath Grouper Assessment.

MR. HARRIS: Is there a second to the motion? Seconded by Ben. Discussion on the motion? Is there objection to the motion? Seeing none, that motion passes. You said you've got the SSC member with Luis Barbieri. Do we have the council representative already appointed on those; has that been done yet, John?

MR. CARMICHAEL: No, we haven't. Are there any council members interested in being appointed to that?

MR. ROBSON: Let me say yes to both for Goliath and for red snapper, but I have to check on – this may sound a little bizarre, but we are under very tight travel restrictions even if I'm reimbursed for travel, so I'll need to look into how much I can leave the state for this kind of an observation.

MR. HARRIS: It's all going to be in state; isn't it?

MR. ROBSON: Is red snapper, too?

MR. HARRIS: We're only on Goliath right now.

MR. ROBSON: Yes, I'm going to participate in both of those as much as I possibly can.

MR. HARRIS: Okay, we have two volunteers; we have Mark and Ben on SEDAR 23. Nobody wants to make a motion for one or the other, I take it.

MR. GEIGER: I make a motion that those two individuals be appointed to the Goliath – all three meetings, guys?

MR. ROBSON: I'll see what we can do, yes.

MR. HARRIS: You made a motion, go ahead.

MR. GEIGER: Mr. Chairman, I'd like to amend that motion just for point of discussion. If in fact Mark can't make it, I will serve as a backup. How is that? That gives us two people.

MR. CARMICHAEL: Can I just add a budget reality here. Bob is probably thinking the same thing.

MR. HARRIS: Yes, please add budget reality because that is why Bob is coming up.

MR. CARMICHAEL: For the SEDAR Work Plan, I think we've budgeted one council member from each council.

MR. MAHOOD: Right and there will be discussion at the Executive/Finance Committee meeting where that pay comes out of, the hide of the council or the hide of the SEDAR. I've done a little research with what all the other councils are doing and I'll let everybody know at –

MR. GEIGER: All right, I'm ready. Mr. Chairman, I make a motion that Ben Hartig be appointed to the Goliath Grouper SEDAR.

MR. ROBSON: Second.

MR. HARRIS: Okay, there is a motion and a second; is there discussion on the motion? Is there objection to the motion? Congratulations, Ben, you're appointed. Okay, John, are we going to the next one?

MR. CARMICHAEL: Goliath Grouper Terms of Reference and the schedule; and the terms of reference are the typical SEDAR terms of reference. You could consider approving both of these perhaps in one motion. The schedule, I'll just run down the particular events of probably most concern. They're having a data evaluation workshop April 26th to 30th; assessment workshop, August 2nd to 6th. The review is to be held in the Keys November 15th through 19th.

Just to fill everybody in, we have been successful in getting this coordinated with spiny lobster, so the intent is like the first three days of that work will be the independent peer review of Goliath and then a subset of the Gulf and South Atlantic SSCs will roll in and review the spiny lobster update.

The bottom line of probably most interest is that the plan is for the complete report submitted to the council at your December meeting and then the next meeting of the Gulf Council, which I believe is in January. Bob, I think that's when their next meeting would be; so, to this council in December. The terms of reference are the standard suite. I don't think there is a substantial change there, so I offer those for approval.

MR. HARRIS: Is there a motion to approve –

MR. GEIGER: So moved.

MR. HARRIS: – the schedule and the terms of reference? Motion by George Geiger; second by Dave Cupka. Discussion on the motion? Is there objection to the motion? That motion carries without objection.

MR. CARMICHAEL: Now we can move into red snapper. As I've said, we've scrambled here. You appointed some people to what was at the time a snowy grouper, black sea bass and red snapper update. Then that changed at the steering committee to become a black sea bass update to be scheduled later in the year, so we're not talking about that in detail at this meeting, but we are talking about the red snapper benchmark because that has a lot of work to be done to be done by your December meeting.

We contacted everyone who was appointed before and found out who is interested in serving on red snapper. We've put a plea out to the advisory panel again and to others to see who wanted to participate. We've been in contact with the state directors and others to find out who within the state agencies has data and other things to bring into the data workshop.

This really developed just over the last couple of weeks, getting word to everybody and getting replies. That's why it wasn't in your briefing materials on a good list like we would have preferred to have, but scrambling with the time we have we were able to e-mail you a list of suggested participants for consideration.

It shows who has agreed to serve on the data workshop, the assessment workshop, the review workshop, and it also notes a couple of members who – where it says “add AP”; that means these are individuals who were not on any of the existing APs of the council and they’ve never been appointed to the SEDAR AP.

You would need to consider them for appointment to the SEDAR AP. One of the members who is on here expressing interest in red snapper is currently up for consideration on an AP, and that’s Robert Johnson of Florida who participated in our independent monitoring workshop, also. The other thing to point out is with the SSC, we have to coordinate at this stage who is going to serve on the review and the other workshops so that you maintain independence of the reviewers.

We have identified John Boreman and Matt Cieri as potential reviewers and a couple of other SSC members to be on the data and assessment workshops. We have talked to Scott Crosson of North Carolina about being the review panel chair. He is willing to do that I think he’d be a very good facilitator for that. I guess I give you now this list with that one addition of Scott as a potential SSC chair for the review panel for you to consider.

One other note, I guess, is someone who is on here who is not on an AP at the moment, you could appoint them perhaps provisionally and say presuming that they get approved and appointed to the AP, then they can participate on the SEDAR workshops.

MR. GEIGER: Gregg, would you please scroll down to the AP members. Rodney Smith is up there from the AP; and to the best of my knowledge – and correct me if I’m wrong – I don’t believe Rodney has even attended an AP meeting since he has been appointed to that AP. I don’t know if we have had any other people apply and he was selected from amongst the list of applicants. John, was there a list of applicants for the AP to attend this SEDAR? We’re filling five seats; is that it?

MR. CARMICHAEL: At your last meeting you appointed a number of people and you appointed additional alternates. You appointed Zack Bowen, Steve Amick, Rodney Smith, Bobby Cardin and Kenny Fex. We also had Tom Burgess who said he was interested in just doing the black sea bass. That’s how we’ve ended up with this group. The others were listed in your motion as alternates.

MR. GEIGER: I just brought up to the committee’s attention that I don’t believe Rodney Smith has attended a Snapper Grouper AP meeting, and I don’t know committed he is to this process. Have we been touch with him?

MR. CARMICHAEL: Yes, he replied to us that he was interested in participating in this; potentially interested. You don’t have unlimited seats as to how many SEDAR is willing to pay. I think we typically budget for about 6 AP members, tops, no more than that at a typical data workshop.

MR. GEIGER: Well, my concern was appointing him as opposed to somebody else if we have a list of prospective attendees other than –

MR. CARMICHAEL: Right, this is the list of people who said they're interested and potentially as far as they know right now able to participate, so it's up to you to decide kind of who do you think is going to bring the most to the table considering that you can't just – you know, realistically, you can't appoint everybody. You can't appoint the entire AP so you need to kind of decide who is going to the best representatives there and fill the need.

MR. ROBSON: I was going to ask about the SSC participants. In talking to Luis Barbieri and because red snapper is such a critical fishery issue for our state he is certainly willing and able to participate as an SSC member at least in the assessment and review workshop stuff. I don't know whether that's going to work for the numbers that we have here; then in addition to that even one of his staff to be available as a state agency representative at the assessment or review workshop from his assessment team.

MR. CARMICHAEL: So Luis is interested in participating in the AW and did you say he might be able to appoint another member of the Florida Assessment Group to serve on the AW? That would be helpful.

MR. ROBSON: Yes, and I'm not sure if it would be Mike Murphy or Behzad. It would only be one of those.

DR. CHEUVRONT: I also noticed that you have both Stephanie McNerny and Alan Bianchi on there. I believe when I was requested to suggest names for this, we couldn't decide which one of them. It's not going to be both of them because it would be one or the other.

MR. CURRIN: I would hope that we'd try some time out before these things, begin contacting all of these people who are supposed to participate again and ensure that they are in fact intending to participate; so if they're not, then we have time to contact one of our alternates to try to get them filled in.

MR. HARRIS: Remind me when the data workshop is, John.

MR. CARMICHAEL: The data workshop is May 24th through 28th; it's that last full week in May.

MR. HARRIS: So we have to do it at this meeting?

MR. CARMICHAEL: Yes.

MR. HARRIS: We might have some alternates in the event some of these folks cannot any longer participate. Is the state agency group populated correctly now? Does it have Mark's folks on there? Okay, Mike Murphy for the assessment workshop from the Florida Fish and Wildlife Commission, right?

MR. ROBSON: Maybe.

MR. HARRIS: Either him or the other associate whose name is Behzad. Is that one name or is that two names? Okay, can you add those names, one or the other, to that, Behzad or Murphy?

DR. PONWITH: Mr. Chairman, I know it falls outside of the purview, but it might help in terms of looking for complementary scientists as you're contemplating this is at the last council meeting there was a lot of discussion about bringing in science center expertise from outside of the region to try and bring in more diversity in terms of the types of issues being dealt with by other science centers.

At the same time as you've gone out scoping for state and SSC members, I've done the same on the science center side, and the names of the people that we're looking at right now is Jim Inalee from the Alaska Fisheries Science Center, who is a very senior stock assessment scientist, one of the real leaders in the National Marine Fisheries Service in stock assessments. Also another one is Paul Rago or Gary Shepherd from the Northeast Fisheries Science Center.

We're looking at schedules to see whether they're going to be able to fit this in. Then also there was an interest in having someone from the Gulf of Mexico come and join us, and that would be someone involved in the Gulf of Mexico Red Snapper Stock Assessment for the sake of kind of doing compare and contrast, and that would be Dr. Brian Linten.

MR. HARRIS: Is that for the assessment workshop?

DR. PONWITH: That would be for assessment.

DR. LANEY: A question for John and also for Bonnie, too, I think. In view of the discussions about those early Fish and Wildlife Service red snapper data, would it be beneficial to have somebody from that program at least at the data workshop?

MR. CARMICHAEL: I believe that it would.

MR. HARRIS: Is this list of state agency representatives populated now as we want it? If it is, I'd entertain a motion to go ahead and approve that.

MR. GEIGER: Mr. Chairman, I'll make a motion that we approve the following state agency representatives that Mr. Carmichael presented.

MR. HARRIS: Second by Ben. Is there discussion on the motion? Is there objection to the motion? Without objection. Okay, let's move back up to the scientists. Based on Bonnie's recommendation, she had several names for the assessment workshop.

MR. CARMICHAEL: The council isn't required to approve those. They get appointed through the process. They're appointed by the science center director.

MR. HARRIS: Do we need to approve this list then, John, that's up there now?

MR. CARMICHAEL: Yes, you need to approve your SSC people, you AP people and your other people and your council members.

DR. CHEUVRONT: I would like to go ahead and make the motion that we accept the list of SSC members for the Red Snapper SEDAR as listed on John's list.

MR. CUPKA: Second.

MR. HARRIS: Is there discussion on the motion?

MR. ROBSON: Again, we're talking about the list as –

DR. CHEUVRONT: The SSC only.

MR. ROBSON: As modified.

MR. HARRIS: Right, as modified up there on the board. Further discussion on the motion? Is there objection to the motion? Without objection, that motion carries. Okay, we've got two of them down; let's go on. Can you remind me how many AP members we wish to appoint to this Red Snapper SEDAR?

MR. CARMICHAEL: I believe that I budgeted for six on this one, knowing that there was a lot of interest, when we did our activities schedule.

MR. HARRIS: And we, as George said, perhaps need to have some alternates if one or more of those folks decides they cannot attend. We have five up there as recommended appointees and then we have five alternates below that. Is there any desire to move one of the alternates? Brian.

DR. CHEUVRONT: Looking at the list of folks here and knowing the nature of this fishery, it just seems to me like it would be helpful to have at least an angler from Florida or Georgia moved to that list.

MR. ROBSON: To the AP list?

DR. CHEUVRONT: To the AP list, right.

MR. HARRIS: Do you mean a private recreational angler?

DR. CHEUVRONT: Exactly.

MR. ROBSON: I'm not familiar with our AP completely, who is on there, but I was thinking the same thing, but I was wondering if there is somebody from that Cape Canaveral area. That's a core area of the fishery.

MR. GEIGER: Rodney Smith is a recreational angler. He lives in Satellite Beach; he is Cape Canaveral.

MR. ROBSON: All right, but there was some concern about whether he's active.

MR. GEIGER: That is what we're selecting alternates, I guess.

MR. ROBSON: So maybe we need an alternate if there is a private recreational angler that could participate and contribute.

MR. HARRIS: Well, I don't have one Georgia so I'll defer to Florida to come up with a private recreational angler to go to the top of the list unless you want to substitute somebody else for Rodney Smith in that regard, and then we'll need two.

MR. GEIGER: Well, Rob Harris is on the AP; isn't he, John?

MR. CARMICHAEL: Yes, he was on there as an alternate.

MR. GEIGER: He says Florida recreational; why don't we just move him up?

MR. HARRIS: It's okay with me. If you want to do it, just go ahead and do it.

MR. GEIGER: That's not the ideal selection and we would like to have somebody who is in the range of the fishery.

DR. CRABTREE: Well, that's what I thought; he is from Key West so he is not involved in this fishery. I know him; I think he's a good guy and all that, but he is just not involved in this fishery. Mark, can you look into this and we'll fill this hole in at full council because I really think this is a critical position, and we need to make sure we get someone who is really experienced in this fishery.

MR. ROBSON: Yes, that's what I was going to ask.

DR. CRABTREE: Lord knows I probably have a thousand names on my computer here that have e-mailed me.

MR. ROBSON: That's what I was going to ask is that we look into adding somebody to the list and get back to folks here at the council.

MR. HARRIS: Just put to be determined under the name and we'll wait until Mark finds somebody and we'll deal with it at full council. Is the alternate list okay with everybody. Well, I'll entertain a motion. George.

MR. GEIGER: Mr. Chairman, I'll make a motion that we approve the AP members from the list as projected by Mr. Carmichael.

MR. HARRIS: Second by Tom Swatzel. Is there discussion on the motion?

MR. CARMICHAEL: Does that motion includes the alternates as well?

MR. GEIGER: The principals and the alternates.

MR. HARRIS: Is there further discussion on the motion? Is the motion clarified, John?

MR. CARMICHAEL: Yes, sir, it is.

MR. HARRIS: Is there objection to the motion? Then without objection that motion carries.

MR. HARTIG: I've felt like the only Indian in the crowd at most of the assessments I've gone to and now we have all these people that we're going to put forward. It would be great if they all can attend. Is this the first time we've done this many people for any assessment?

MR. CARMICHAEL: We've typically done three to four. SEDAR 19, I think we appointed five. Our past has been three and I doubled the number of people for this one just because of the large amount of interest.

MR. HARTIG: I think it's great; I think it's fantastic.

MR. GEIGER: We just hope that everybody shows up.

MR. HARRIS: That is critical that these folks that tell us they are going to participate do participate. I don't want to see anymore X's up there by names that have agreed to participate and then don't. Okay, other constituency representatives, John.

MR. CARMICHAEL: These are individuals from outside of the AP or the other categories who have expressed interest in participating in the workshops. You have, for example, Robert Johnson who was involved in the independent monitoring workshop and had told us at that time, he said, "You know, I'd like to be involved the next time around you do an assessment of these things."

Bob Jones contacted us from the Southeast Fisheries Association and said he wouldn't mind being considered for the workshops. Rusty Hudson, who we talked about in December with regard to the others and his role in the fishery, and he has been involved in quite a few of the SEDAR workshops, interested in being in the data workshop.

Also, Frank Hester, who is coming and appointed as an analytical voice a number of times and a scientist. Rusty and Frank were appointed the last time, so we carried their names forward here. The other is William Kenny who contacted me this week over e-mail, and he is a faculty scientist at the University of Florida in the Paleo-Biology Department. He said that he has been working with Carl Wickstrom to understand SEDAR 15 and said he wouldn't mind being considered for this workshop as well. I guess he's been looking at SEDAR 15 over the last couple of months, he said. Other than that, I don't really know anymore about him as an individual.

DR. CRABTREE: So these are people that we would be inviting and would we be paying their travel or what does this mean to be a constituency representative? Robert Johnson, I've talked to many times and I think he'd bring a lot to the table. Bob Jones; we all know Rusty; Frank

Hester, they've been involved but William Kenny, if all we have is just an e-mail, but what does it mean to be a constituency representative?

MR. CARMICHAEL: At this point this is just a bookkeeping notation to help you keep track of who they are and who is an AP member, which might help you trigger their involvement and their past experience in the fishery. If they're appointed; say, it is a data workshop or the assessment workshop, then they just become a regular member of the panel.

Now you could choose to, say, appoint them as an observer, but SEDAR is open to have observers come, anyway, so there is really no need for you to appoint someone who would just attend as an observer unless you chose to say, well, we'll appoint them as an observer and pay their travel, which is another kind of wrinkle on things at the data and assessment level which you've never done.

I think given that we have travel restrictions, we can't appoint in all cases everyone we may wish to appoint. I would think that if you wished to fund someone's passage there and their time there, then they should be someone who you think has enough to offer that they should be on the panel. These are just other individuals that are up for your consideration as other appointees that you think may bring expertise and knowledge that will benefit it.

They would be treated just as participants, just as an AP member. Within your appointments, you're not just limited to members of APs. When it comes to representing the fishery or other areas and knowledge, you have the ability to appoint others and add them to the SEDAR Pool. In this case it's William Kenny and Robert Johnson who are not currently in the SEDAR Pool.

Robert Johnson is in your applications' package for I think the Snapper Grouper AP for this meeting, so he has been vetted through the AP process. William Kenny has not; he hasn't been through the background check and that wouldn't be able to be effective obviously in the next couple of days. The others are on APs of the council. Frank and Rusty both have been appointed to the SEDAR Pool several years ago.

MR. HARRIS: Other comments? What is the desire of the committee?

MR. HARTIG: Well, where are we on this list now?

MR. HARRIS: What do you mean where are we on the list; we're down towards the bottom.

MR. HARTIG: Aren't Rusty and Frank already approved or not; did we approve them at the last meeting?

MR. HARRIS: They are approved for the update assessment. We're simply revisiting this for the benchmark assessment.

MR. HARTIG: Certainly, they should be approved for the benchmark and I would Robert Johnson to that as a motion.

MR. HARRIS: Okay, read the motion out.

MR. HARTIG: Okay, what is the capacity?

MR. CARMICHAEL: You're appointing them to the panel.

MR. HARTIG: Appoint to the panel the following individuals: Robert Johnson, Rusty Hudson and Frank Hester.

MR. HARRIS: You just said three. I didn't say three; was the target three?

MR. CARMICHAEL: There is no target. It's however many individuals you think can be appointed until Bob tells us we've busted by budget by too much.

MR. HARRIS: Well, that is something of great concern to me so we're going to have to revisit this in the Executive/Finance Committee meeting, so I just caution you to be reasonable. There is a motion; is there a second to the motion? The motion is to appoint Robert, Rusty and Frank Hester to the data workshop and assessment workshop. George seconds the motion. Discussion on the motion? Mark.

MR. ROBSON: Well, again, I've seen a lot of interaction with and from Bob Jones on this. I was just wondering – he is on the list and now he not in the motion. I'm presuming he would be someone who would actively participate.

MR. HARTIG: Well, to that point, Mark, basically everyone on there, Rusty has extensive experience with red snapper in his fishing career. Robert Johnson has extensive experience with red snapper specifically in his fishing career. Bob Jones, for all he has done and all he has done for red snapper and been involved in this process, frankly does not.

That is the only reason I did not include Bob because he doesn't have the specific red snapper expertise in the fishery that I believe is needed for this panel. That's why I didn't include Bob. I certainly have nothing against Bob and I applaud all his efforts so far to get us where we are in red snapper, but he doesn't have the technical experience for this panel, and that's why I didn't move him forward.

MR. HARRIS: Further discussion on the motion? Is there objection to the motion? That motion carries without objection. Council representatives; how many were we targeting on this one?

MR. CARMICHAEL: Two.

MR. HARRIS: Okay, we're targeting two folks. Is there a motion? Brian.

DR. CHEUVRONT: Not a motion, but I'm requesting a clarification. We show George and Charlie down for the data workshop, but are we going to get commitments out of folks for the –

MR. CHEUVRONT: We could just probably update it and just put them on there for all three, but we could adjust this as you guys see fit, however they intend to work it out or however many you wish to appoint.

DR. CHEUVRONT: And also I think that because the assessment workshop is going to be done by webinar, that wouldn't preclude other folks from just watching and all that, correct?

MR. HARTIG: I don't have the technical experience in red snapper to be that good on the panel. I do have experience in the SEDAR process and I can help the other fishermen get through it, but basically I don't have the necessary experience in species specific to red snapper to be on that panel – to represent the council; excuse me.

MR. CARMICHAEL: Then you may want to come to the data workshop perhaps and help a lot of the new people the firsts time, which would be a good thing to say maybe Ben just wants to do the data workshop.

MR. HARTIG: Yes, that I would be glad to do.

MR. ROBSON: Well, I would defer to my colleagues but there is an appeal to having I think George and Charlie there officially representing at least those two key states in commercial and recreational fishing.

MR. HARTIG: Okay, there was a suggestion that Ben be appointed to the data workshop but not to the other two workshops. Brian.

DR. CHEUVRONT: Mr. Chairman, I would like to go ahead and make a motion that we appoint George Geiger and Charlie Phillips to the data, the assessment and review workshops and Ben Hartig to the data workshop.

MR. HARTIG: That's a good motion; is there a second to the motion? Second by Dave Cupka. Discussion on the motion? Objection to the motion? Seeing none, that motion carries. Where are we now, John?

MR. CARMICHAEL: SEDAR Red Snapper Benchmark Schedule and terms of reference. The schedule is essentially the data workshop is the last week of May; scoping as soon as we can affect it between this meeting and probably the 1st of April given that now we have the list of participants; and the review to be held in mid-November. I'm trying to remember; it's like 8th through 11th of November or 8th, 9th, 10th of November; and then the final product to you at your December meeting, which is perhaps the most important deadline.

A series of webinars for the assessment workshop process will be held during June, July and August. The pre-review, which is the new step in the process, the new wrinkle where the draft assessment report will go out for general comments, available to the public, available to the SSC. We will request a written review from a representative appointed through the CIE. That will happen probably the last week of August, the first week of September.

That will be time to make some final adjustments and get it to the review panel for their meeting. Now, actually I think the review panel – I should look at the schedule – the review panel is October and the SSC review of it is in November at the SSC meeting. We have got it squeezed in there with a shoehorn without a moment's extra time and plan to get it to you in December.

The terms of reference incorporate a number of changes that were suggested by the Snapper Grouper Committee primarily at their last meeting. There are a few extra wrinkles. Predominantly these are within the data workshop component because you can get at a number of the data issues. I think we have covered all the bases here, but if there is anything anybody sees that they'd like to add that, we can certainly do that.

MR. WAUGH: A couple of items on the terms of reference for the data workshop – Item 2 deals with evaluating the adequacy of available life history information, and number eight deals with evaluating and discuss the adequacy of available data for accurately characterizing harvest and discards.

I think what they should be reviewing is whatever the written plan is that is in place now for biological sampling and for discards so that we have some idea of exactly what is going on now for those two. I think it would be helpful to clarify that what they should be reviewing is some written documentation of what is in place now.

The other is on Item 5 which I think is a more important issue where they're reviewing available research on discard mortality rates. They should provide a critique or a review of every published study. What we had with red grouper is that there was a lot of pressure – I don't know whether it was the data workshop and/or the assessment workshop – from participants.

There are some that feel that scientists can weather public pressure better than the council process; I don't. What happened there is that there was a lot of pressure to use a low range of discard mortality and that got addressed at the review workshop. The reviewers bracketed it with a published estimate of discard mortality rates.

I think that is one issue that we need to tighten up on and have them review all the published discard mortality studies; and then if they develop a recommendation that goes beyond what is published and has been peer reviewed, then they provide that as almost a separate justification. There should be a review and a recommendation of what the published literature offers; and then if there is some recommendation based on public input at that meeting, then that can be provided or extend that range, but certainly the recommended value or range from public input at that meeting should include the published literature unless you have rationale for throwing one of the published values.

DR, CRABTREE: I don't disagree with anything Gregg said. The problem with all that, though, is you can have all the published values, but we all know – and it's pretty well documented in the Gulf with snapper grouper that the discard mortality rates are a function of depth, and what we don't know is where all the fishing takes place and what depth is that.

Even you had the perfect answer about what – you know, a perfect curve to describe the discard mortality as a function of depth, you're still faced with the problem of, okay, what depth are the fish caught at, and so it still is a very difficult problem that relies on a lot of assumptions in the end because we don't collect that kind of data. Particularly in the recreational fishery, we don't collect any data on what depth people fish at. I guess you can look at catch in state waters versus catch in the EEZ and that kind of thing. I just wanted to throw that in.

MR. HARRIS: If it's the desire of the committee, if you agree with what Gregg recommended, we're going to need to change the wording of those several terms of reference numbers. I don't have the language, Gregg. We might have to put the language up there to see exactly what it would offer.

I don't disagree with anything you said either, Gregg. I just think we need to know exactly what it is we're going to vote on with respect to the terms of reference. I don't think anybody disagrees with the schedule. Let's just make sure we have the terms of reference down and everybody knows what we're voting on.

MR. WAUGH: This is your Attachment 9A, and what it would be is adding a statement to number two that they review the written plan for biological sampling; and in Statement Item 8, that they review the written plan for collecting discard data.

MR. HARRIS: Comments on the recommendation? Is there a desire to add those to the terms of reference? Bonnie.

DR. PONWITH: Just a clarification, Gregg; would it be more precise to say "a written description of the biological sampling regime under which the existing data have been collected?"

MR. WAUGH: Yes, as long as it includes what the sampling rates are and so forth; yes, that's the same item.

MR. HARRIS: Does everybody understand? Do we need to put it up there or are you good to vote on it without the language on the screen? George.

MR. GEIGER: Yes, can I just make a motion to add we provide a written description of the sampling regime under which the sampling was conducted? It's basically what Bonnie said.

MR. HARRIS: You can if you want to. Is there a second to the motion?

MR. HARTIG: Second.

MR. HARRIS: Is there discussion? Is there objection to the motion? Without objection. Let's go back to the full terms of reference with this amended motion. Is there a motion to approve the schedule and the terms of reference as amended by this motion?

MR. ROBSON: I so move.

MR. HARRIS: Second by Brian. Discussion on the motion? Is there objection to the motion? Without objection, that motion carries.

MR. CARMICHAEL: There's one final item to talk about. This is the next SEDAR Steering Committee meeting, which is coming up near the end of May. Here is your chance to give some advice back to your representatives for things that should be discussed at the steering committee.

What we know will be discussed is scheduling – we always discuss scheduling – and the issue about the budget, which we kind of introduced earlier in this meeting.

The scheduling first, let's talk about that. We know a couple of things are happening. We know that there is a good chance we might actually get some money to get some independent monitoring. We're looking to some independent monitoring programs to be going into place. We had a workshop to talk about how they should be done.

We know the council is considering some changes that could greatly change your interpretation of fishery-dependent data, especially the CPUE information. One discussion at the SEDAR Steering Committee was that it's quite possible that we could be looking at needing to do benchmarks of many stocks in the future because we're going to have the possibility of changed data.

We may then wish to, in 2011, next year, consider doing more updates. We had some stocks scheduled for 25 and on the schedule for the South Atlantic to benchmarks and we kind of changed that and I think left that open with the steering committee and talk about what you guys would like to see done next in SEDAR , so in 2011 things that you'd really get in like March of 2012.

In putting this document together, this overview, prior to the steering committee meeting, I was looking at things for potential benchmarks and put together Table 2, Figure 1, to try and identify some stocks that might be high ranking in the overall landings that have not been assessed, and some things emerged like sheepshead, cravalle, gray snapper, blue runner, tilefish up on the top of the list that haven't been assessed.

Some of these are primarily are inside of three miles, cravalle, gray snappers and sheepshead. Those are some things to consider if you want to go the benchmark route. Now your other choice is to look at the fact that you've bumped the snowy grouper assessments update. You've bumped the tilefish update, and you probably could consider a gag update.

You might want to spend 2011 requesting an additional series of updates to get you some more up-to-date information on some of these other benchmark species. That's two directions to throw out there for you to consider.

DR. CHEUVRONT: I would certainly like to put my support behind doing the updates for the species that we know are already of concern. Some of the others like the cravalles and sheepshead, I don't think are as of much concern for the council's management needs right now. I understood why the red snapper was obviously moved up this year, but snowy grouper got bumped for that.

I mean, red snapper is not as a big a deal to North Carolina as perhaps the snowy grouper is. I realize it's only an update, but you gave us a good list of updates, John, that I think all are very much of concern to this council, and I would really like to suggest that we go ahead and recommend that those updates be done as opposed to starting a new benchmark at this point.

MR. CARMICHAEL: We listed snowy, tile and gag, and I don't know if the workload at that time or if the workforce could sustain a fourth species. We certainly want to get there. Perhaps red porgy – I am looking at the update schedule now – red porgy was updated in 2006. I'm surprised that has been that long actually at this point in time, so that tells me that was probably data through 2005; so as a fourth I think perhaps red porgy would be the one to consider. If we have a change in our data collection we might not be able to do an update. We might have to be faced with doing new benchmarks.

MR. HARRIS: Well, let's ask Bonnie. With the new money that we anticipate is coming to the science center, what does that do with respect to our schedule?

DR. PONWITH: It is going to help the schedule tremendously. I'll be hiring at least one and more than likely two stock assessment scientists and adding them into the loop. We're working on the recruitment notices right now. That's a long process. I think the earliest that we would have someone on board, if we snagged a couple of good people, would be – maybe midsummer is a realistic turnaround time when we've posted it and done the appropriate advertising.

The thing is that I would want them as journeymen stock assessment scientists to be in an assist mode for the first full year of their presence so that they could get their footing. That said, they would be a tremendous help in terms of extra sets of hands to help with some of these analyses. What I would have to do is take a look at these species and match a lead scientist for each one. The key is they team on them, but each species needs a lead scientist to be the point person at these meetings. What I'm going to have to do is take a look and see what the commitments are and what the skill sets are relative to each of those species and then weigh in.

MR. HARRIS: So would object to us at this point in time making a recommendation to add those four updates to 2011?

DR. PONWITH: If they can go for discussion and there is flexibility to revisit that, I think that would be fine.

MR. HARTIG: John, when was the last date we did a benchmark for golden tilefish?

MR. CARMICHAEL: SEDAR 4 was completed in 2004.

MR. HARTIG: How many years is that?

MR. CARMICHAEL: Data through probably 2003, so potentially six, seven – at least six and maybe seven new years of data.

MR. HARTIG: You're looking at almost nine years. Given that timeframe and the changes we have seen in the fishery, would it be appropriate to ask for a golden tilefish benchmark? There are unprecedented changes that have happened in the tilefish fishery since the hurricanes of 2004. I don't know how much more work it is or if we could off the red porgy update to get a golden tilefish benchmark. Given the change in the fishery, I think it is warranted for more species than I can think of for golden tilefish. It has really changed that much.

MR. CARMICHAEL: Changes in the fishery aren't a problem with the update process. New data sets; new modeling techniques; new ways of dealing would be a problem, but I don't believe that we're at that point on tilefish. I think that an update will handle what we need to do. It can certainly look at any changes in the fisheries and the trends in the time series without any problem at all.

MR. GEIGER: I make a motion, Mr. Chairman, that we provide guidance to the steering committee for the next meeting to provide updates in 2011 for gag, snowy, golden tilefish and red porgy, leaving open adjustments to the schedule as necessary.

MR. HARRIS: We have a motion and we have a second by Brian. Discussion on the motion? Is there objection to the motion? Without objection, that motion carries. John.

MR. CARMICHAEL: The other item was the budgeting issue within SEDAR and stipends coming out of the SEDAR budget versus the council budget. We can take this up here or elsewhere if you're not ready.

MR. CUPKA: Mr. Chairman, I would suggest that you wait and discuss it in the Executive/Finance, and I think Bob has indicated that, also.

MR. HARRIS: I agree. What else do we have, John?

MR. CARMICHAEL: That's all I have, sir.

MR. HARRIS: Do we need a timing and task motion? We're good. Okay, is there any other business to come before the SEDAR Committee. Roy.

DR. CRABTREE: It's not really other business, but I think, John, that you guys need to be real aware of the attention – and I'm sure you are of this – this red snapper benchmark that is coming up. I think you need to take that into account when you're booking rooms and be prepared for large numbers of people to turn out. I think you need to really think through how you're going to handle it because I think you may well have a packed house for some of these; I don't know.

MR. HARRIS: Good point, Roy. Other business.

MR. HARTIG: Well, just to Roy's point, we're having discussions now with the fishermen, trying to pare that number down to the people we really need at the table. I don't know how well that will work.

DR. CRABTREE: Well, that's the point, I don't either, so I think we need to be prepared and have thought it all through so we don't get a bunch of scientists sitting there scratching their heads what we do now.

MR. HARRIS: Okay, seeing no other hands, the SEDAR Committee is adjourned.

(Whereupon, the meeting was adjourned at 6:25 o'clock p.m., March 2, 2010.)

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