



## ~California Dungeness Crab Task Force~

<http://www.opc.ca.gov/2009/04/dungeness-crab-task-force/>

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### MEETING #1 SUMMARY EUREKA, CALIFORNIA MAY 26-27, 2009

#### MEETING SUMMARY

#### INTRODUCTION

The purpose of this meeting summary is to:

- Inform all Members of the Dungeness Crab Task Force (DCTF) and the wider public of ongoing work of the DCTF
- Provide a summary of discussions and outcomes from the meeting held in Eureka, California on May 26– 27, 2009

During each meeting of the DCTF, notes are taken Ocean Protection Council (OPC) staff. Subsequently, the neutral project Facilitation Team (staff from T.C. Hoffmann & Associates and the California State University Sacramento, Center for Collaborative Policy [CCP]) reviews and edits the meeting summary, which is then reviewed by the full DCTF.

#### ATTENDEES

##### Task Force Members present:

Jim Anderson, F/V Alliane	Chris Lawson, F/V Seaward
John Atkinson, F/V New Rayann	Kevin McKernan, recreational fisherman
Geoff Bettencourt, F/V Moriah Lee	Brooke McVeigh, CA Department of Fish and Game
William Blue, F/V Morning Light	Lt. Steve Riske, CA Department of Fish and Game
Stan Carpenter, F/V Sandy B	Ben Sleeter, recreational fisherman
Bill Carvalho, Carvalho Fisheries	Randy Smith, F/V Mistasea
Lawrence Collins, F/V Autumn Gale	Don Standley, F/V Terry S and F/V One and All
Michael Cunningham, F/V Sally K	Roger Thomas, F/V Salty Lady, Golden Gate Fishermen's Assoc.
Bill DeBacker, F/V She N I and F/V Jard	Jim Waldvogel, CA Sea Grant
Vince Doyle, F/V Verna Jean	Lee Wilson, F/V Gold Coast
Brett Fahning, F/V Rogue	Richard Young, California Assoc. of Harbor Masters and Port Captains
William Forkner, F/V Shirley and F/V Audrey	Mike Zamboni, F/V Lucky 50
Gerry Hemmingsen, F/V Pollux	
Paul Johnson, Monterey Fish Market	
Maggie Ostdahl- Proposed Alternate for Johanna Thomas, Environmental Defense Fund	

##### Absent:

None

##### OPC staff present:

Neal Fishman  
Chris Blackburn  
Rachelle Fisher  
Cina Loarie

##### Facilitation Team present:

Dave Ceppos  
Dr. Tegan Hoffmann  
Rich Wilson

## MEETING SUMMARY

### 1. *Dungeness Crab Task Force (Task Force) Member ratification*

Dave Ceppos, lead facilitator for the Facilitation Team and Managing Senior Mediator at CCP, welcomed everyone to the first meeting and introduced the rest of the Facilitation Team – Dr. Tegan Hoffmann and Rich Wilson of T.C. Hoffmann & Associates. He explained the neutral role of the Facilitation Team and provided other introductory remarks. The Facilitation Team’s roles include (but are not limited to):

- Provide all DCTF Members a chance to discuss key topics
- Design a coordinated process for the DCTF to complete its mandated work
- Ensure that public comment is provided in an orderly way
- Ensure that DCTF Members consider public input

Mr. Ceppos explained that for this and all other DCTF meetings, each content-based agenda item will include a public comment period (the amount of time will be at the facilitator’s discretion), as well as an additional public comment period at the end of each meeting.

#### **Public Comment:**

- Dave Bitts – Fisherman – Objected to ratification of the DCTF membership due to issues related to how the elections were conducted. He declared that these issues should be resolved before the DCTF is seated.
- David Helliwell – Fisherman – Agreed with the statements made by Mr. Bitts.

Mr. Ceppos agreed to revisit these issues later in the meeting.

### 2. *Welcome, introductions, and initial member input on goals of DCTF*

Mr. Ceppos drew attention to a letter from Mike Chrisman, OPC Chair and Secretary of the Natural Resources Agency, welcoming the members to the DCTF. He performed a roll call of all DCTF members, thanked them for attending the meeting, and formally confirmed their membership in the DCTF.

Mr. Ceppos subsequently conducted a participatory exercise by asking each DCTF member, as part of self-introductions, to express: 1) their concerns; 2) their intentions; and 3) what they hoped to achieve from the DCTF process. The following statements reflect concerns, intentions, and hopes expressed by individual DCTF members:

Concerns	Intentions	Hopes
<ul style="list-style-type: none"> <li>• Fishery is not evolving in a way that is in the best interest of everyone.</li> <li>• Nervous about the outlook of crab after witnessing the decline of salmon and decreased access to rock cod.</li> <li>• DCTF could cause damage to a fishery that many California harbors and communities depend on.</li> <li>• Potential issues exist with 200 unused permits in the fishery being fished more due to other stock declines.</li> <li>• Dungeness crab industry profitability and sustainability local California ports should be maintained.</li> <li>• The DCTF will take something that is not broken (the 3S management system) and change it.</li> <li>• The lack of representation from Eureka on the DCTF.</li> <li>• How DCTF recommendations will be used by the legislature and others.</li> <li>• Inequalities among the recreational, Commercial Passenger Fishing Vessel (CPFV), and commercial regulations.</li> <li>• Marine Protected Areas (MPAs) and wave energy conflicts.</li> <li>• Impacts of Individual Transferrable Quotas (ITQ)</li> <li>• Globalization and nationalization of fish processing: meaning that crabs caught in California are often not sold in California.</li> <li>• Arbitrary assignments for high tier and low tier production designations and how that may translate to pot limits.</li> <li>• Decisions of the DCTF be made on fact and not conjecture.</li> <li>• Being a target if things come out negatively for recreational fishermen.</li> <li>• Lack of science available to inform the process.</li> <li>• Inequalities in the District 10 early season opener.</li> <li>• Uncertain role of environmental groups on the DCTF.</li> <li>• DCTF recommendations may result in a decrease in the economic output of the fishery.</li> <li>• The number of issues to be discussed is too great for the time allotted to the DCTF.</li> <li>• The whole DCTF process is “fixed”.</li> </ul>	<ul style="list-style-type: none"> <li>• Several members expressed no preconceived intentions about what should be done in the fishery until everything is heard.</li> <li>• California Sea Grant, the Department of Fish and Game (DFG), and Environmental Defense Fund intend to aid the forum of discussion by bringing resources, including the research and informational needs of industry, to the DCTF.</li> <li>• Other members expressed their intentions to: <ul style="list-style-type: none"> <li>○ Ensure that this process includes the range of affected industries.</li> <li>○ Communicate with their constituents and voice concerns to the DCTF.</li> <li>○ Be as open minded and fair as possible in this process and to bring a unique perspectives to the table.</li> <li>○ Use the DCTF as a forum to explore ways to maintain profitability and economic viability of Dungeness crab.</li> <li>○ Use the DCTF forum to address marketing and basic concerns.</li> <li>○ Discuss and examine ways to improve the economic efficiency of the fishery and reduce the derby dynamic of the fishery through pot limits or daylight only fishing.</li> <li>○ Ensure that recreational fishing interests are heard in an equitable way.</li> <li>○ Ensure transparency in the DCTF process.</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• Improve economic efficiency of the fishery and to do no harm to the fishery.</li> <li>• Save the Dungeness crab fishery so that it can be around for another 100 years of fishing and to make the fishery better for the future.</li> <li>• Ensure a sustainable Dungeness crab industry.</li> <li>• Achieve equitable solutions and recommendations that benefit the full Dungeness crab industry and California consumers and that the product is something that “everyone can live with.”</li> <li>• Interests of California consumers are weighed in the discussions.</li> <li>• Find a way to slow the fishery that would allow fishing longer into the season.</li> <li>• Split the state in two with 300 pots per boat and a 30 day fair start (meaning boats must commit to fish a particular area for 30 days).</li> <li>• The DCTF can open lines of communication between all ports.</li> <li>• The DCTF can serve as an advisory body regarding future legislation and regulations that affect the industry.</li> <li>• The process will be transparent.</li> <li>• Decisions will be based on fact and not emotion or conjecture.</li> <li>• The DCTF can clearly identify problems before solutions are discussed.</li> <li>• The DCTF would be a long standing group that would filter information and serve as a “think tank” for the legislature.</li> <li>• Laws and regulations will be consistent and enforceable.</li> <li>• The DCTF is a success for collaborative fisheries.</li> </ul>

**Public Comment:**

- Bill Webb – Fisherman – Expressed his concerns for individuals that are just entering the fishery, yet stated that there should be a pot limit in district 10 because “out-of-area” boats fishing the area for two weeks is a problem.
- Dave Crabbe – Consultant – Believes that Dungeness crab is a jewel fishery and believes that the DCTF could serve as a model for other fisheries in California.
- David Helliwell – Fisherman – Mr. Helliwell read a prepared statement and addressed 3 concerns: 1) conflict of interest among the elected members; 2) heavy weighting of DCTF commercial fishing membership toward upper tier boats; and 3) lack of transparency. Mr. Helliwell requested that the voting for the DCTF commercial fishing seats be redone to increase confidence in the DCTF. [Click here](#) to see Mr. Helliwell’s full statement.

Mr. Ceppos directed the meeting to examine page 3, paragraphs 3 and 4 of Mr. Helliwell’s statement regarding conflicts of interest in the DCTF and requested a point conversation between OPC staff, the DCTF, and the public. It was explained that it would be impossible to exclude individuals from serving on the DCTF for a conflict of interest since nearly every Member has an economic interest in the industry. Additionally, the Political Reform Act of 1974 does not apply to the DCTF since it is an advisory body and not a rule-making body.

The point discussion also addressed Mr. Helliwell’s concerns about legitimacy of the voting process, the manner in which home ports were assigned in the voting process, and the effectiveness of DCTF members to contact their constituents since there is not a public list of who voted. While voting lists are confidential information, OPC staff noted that various tools were used to ensure the legitimacy of the voting process. The DCTF and members of the public were informed that all data used during the voting process came from DFG permits and landing receipts. All permit holders were allowed to declare a home port in the first mailing of the election process. Port declarations, when questionable, were compared against ground-truthing data, NOAA vessel registry lists, and landings information to ensure accuracy. Permit holders that did not respond to the first mailing were assigned to a home port based on DFG permit information. Finally, while voting lists and port lists are confidential information, OPC staff has offered assistance to port representatives to contact their constituents.

### *3. Present and discuss results of the Task Force situational analysis and introduce draft charter*

Rich Wilson presented and discussed the [key findings of the DCTF situational analysis](#) conducted by the Facilitation Team during the month of April 2009. The presentation focused on emerging patterns and common viewpoints held by DCTF members in the following areas:

- Understanding the creation and purpose of the DCTF
- Economics and the structure of the fishery
- Regulations, management, and enforcement
- Opportunities and needs for the commercial and recreational harvests
- Meeting DCTF objectives

- Information and data needs

Following the presentation, Mr. Wilson opened up the floor for discussion.

Several issues were discussed, including contrasting patterns of early agreement seen in the interview data with the knowledge that some issues will present greater challenges for member collaboration, the definition of *ex officio* and the implications for DCTF voting, and the dependency that members have on each other in forging 2/3 or consensus recommendations for the fishery.

*Ex officio* means “by virtue of one’s office or position.” Many members expressed concern that what they thought were non-voting seats can, technically, vote. Others explained that the steering committee—which conducted preliminary industry collaboration that informed the development and signing of SB1690—did not intend to give DFG or the nongovernmental organizations (NGO) a voting option. When the members who served on the steering committee were asked to recall that *ex officio* was intended to mean non-voting, there was a unanimous yes. After speaking individually with each *ex officio* member, Mr. Ceppos explained that all five *ex officio* members said that they are willing to abstain from voting.

The DCTF is not prohibited from sending a report from a majority, a minority, 2/3 of non-*ex officio* members, etc. to the legislature and regulators. However, a report may only be sent if it is voted on and approved by the DCTF as explained by the decision-making rules in the DCTF Charter, once ratified, and by the Bagley-Keene Open Meetings Act. According to the Bagley-Keene Act, a minimum of a quorum (14 DCTF members), not a subset of DCTF members, must participate in a vote for the item to be approved or denied by the DCTF.

All outstanding voting issues were deferred to later agenda items when they could be discussed in more detail.

#### *4. Informational session - history and overview of SB1690 and overview of management roles and policy/regulatory process*

Fred Euphat, staff representative from Senator Patricia Wiggins’s office, provided an [overview of SB1690 and described the history and objectives of the bill](#).

Mr. Euphrat stressed the importance of the DCTF in the context of many other factors facing the industry, such as collapse of salmon stocks and new restrictions on harvesting rockfish, oil drilling, wave energy development, and the establishment of marine protected areas (MPAs). Moreover, Mr. Euphrat highlighted the opportunity of the DCTF to influence the legislative process as the largest sponsorship body representing the Dungeness crab industry.

Many DCTF members expressed skepticism regarding DFG and the legislature and feared that they will impose regulations on the fishery that do not reflect the intent of the DCTF recommendations.

#### *5. [Member activity on opportunities for collaboration](#)*

The Facilitation Team led DCTF members in an activity called “Walk a Mile.” The activity was intended to help members better understand why others have taken specific positions on management issues related to the fishery, and how this understanding helps forge dependencies that will be a necessary part of the DCTF process of collaboration. Based on results of the situational analysis conducted by the Facilitation Team, the following topics were introduced for discussion during the “Walk a Mile” exercise:

- Upper Tier/Lower Tier Competition
- Trap Limits
- Fair Start Clause
- Uniform Start Date
- Early Season Price Setting
- Commercial Use of Sport Laws/Equity in Sport-Commercial Laws
- Use of/Retirement of Latent Permits

Additional issues added by the DCTF to the list of discussion topics included:

- External threats such as MPAs and wave energy buoy farms
- Local fish being sold nationally and internationally
- Raises in landing taxes
- Derelict gear legislation
- Splitting management of the state (zonal management)

In the exercise, each member was asked to select an issue, think about their perspective, and then visualize someone else’s counter perspective and explain why they may have that perspective. The intent of this exercise was to help DCTF members see and understand the rationale of the perspective of others, which will be useful in future meetings when discussing potential recommendations on management issues.

Following “Walk a Mile”, the Facilitation Team led members through a second, related exercise called “Win/Lose.” The “Win/Lose” exercise was designed to foster greater understanding of the impacts of management changes on someone who holds a different perspective than themselves. Based on topics from the previous exercise, DCTF members were asked to consider, and document confidentially on a note card, what would happen if they got precisely what they want and it improves management from their perspective. Members were then tasked to ask themselves what would happen to the other guy who did not see it as they did? In other words, if they “won,” how would someone else “lose”? The purpose of this exercise was to highlight the willingness of members to empathize with the interests of others and comprise for the good of the industry.

## 6. *General public comment*

Public comment was heard on non-agenda items:

- Bob Berry – Fisherman – Raised the issue of latent permits. He explained that he recently invested a lot of money into buying a latent permit and wants to be a crab fisherman. From his perspective, it is not fair to push someone out of the fishery with less historical landings.
  - The DCTF briefly discussed this issue – considering the idea that it would be best

to look at latent permits case by case.

- Jim Waldvogel – DCTF member – distributed a paper entitled [\*Statutory and Regulatory Derelict Fishing Gear Provisions for Selected Fisheries\*](#).
- David Helliwell – Fisherman – Requested to see a record of the final steering committee meetings that created the recommendation for the DCTF
  - Various DCTF members agreed it was important to see a historical record of the crab steering committee process, and how it contributed to the development of SB 1690, in order to build equity and trust within the group and to instill confidence in the process.

In response to Mr. Helliwell's request, OPC staff agreed to post the records of meetings facilitated by the Environmental Defense Fund with crab fishermen in 2008 (the previous crab steering committee) on the main DCTF website (<http://www.opc.ca.gov/2009/04/dungeness-crab-task-force/>).

7. Since the meeting extended past scheduled 5:00 p.m. end time, various DCTF Members left before the meeting had concluded due to prior obligations. Mr. Ceppos adjourned the meeting at 6:00 p.m.

**Day 2 - May 27, 2009**  
**8:30 a.m.-12:00 p.m.**

8. *Welcome and recap of Day 1*

Mr. Ceppos reintroduced the DCTF Facilitation Team, recapped the previous day's events, and provided an overview of the current day's agenda. He explained that, per the Bagley Keene Open Meetings Act, the use of a voice recorder to record meetings by any member of the public, the DCTF, the DCTF support team, etc. would be allowed at all meeting.

**Public Comment:**

- Forest Wooden – Fisherman – Requested that the DCTF be reseeded so that the five members who were appointed by the OPC be elected by their peers, rather than appointed by the OPC.
  - The DCTF discussed the process of elected versus appointed DCTF members. Several members voiced concerns about the process of selection and composition of the appointed DCTF members. Others expressed views that it was a fair, transparent, public process. In response to concerns expressed, OPC staff explained, in the lack of specific direction from SB 1690, that the council assumed authority to appoint non-commercial DCTF members, and did so in a public meeting held on March 17, 2009. Senator Wiggin's staff further explained that since no voting constituency was mentioned in SB1690 for the noncommercial fishing seats, the OPC's interpretation of the bill was valid.

**For Follow Up:**

- OPC staff will provide the DCTF with a white paper describing its authority to appoint some of the DCTF members and how the members were chosen.

## 9. *Project approach and scope of discussion going forward*

Mr. Ceppos presented the [draft Guiding Principles](#) for discussion by the DCTF. The draft principles were derived from member viewpoints expressed during interviews with the Facilitation Team conducted in April 2009 as part of a project situational analysis. Mr. Ceppos highlighted that the Guiding Principles represent the basis of a shared foundation for the DCTF, in essence what all hold to be true about the DCTF process and their commitment as elected and appointed members. Mr. Ceppos facilitated discussion, where members further developed the Guiding Principles.

Following discussion of the Guiding Principles, DCTF members discussed the legality of *ex-officio* members potentially abstaining from voting and what constitutes a recommendation from the DCTF. In addition, the DCTF discussed edits and additions to the Guiding Principles based on member interests. Amendments to the Guiding Principles, as part of a DCTF Charter, will be posted on the DCTF webpage prior to the next meeting.

## 10. ***ACTION: Consideration and possible ratification of revised Task Force Charter and “Guiding Principles”- (Revisions to the Task Force Charter will be made based on day 1 discussions)***

**No action was taken**

Mr. Ceppos led a discussion and explanation of the [DCTF draft Charter document](#) as a tool that will guide that DCTF process and establish the “rules of engagement” for all members. The Charter will include enhanced descriptions of member roles and responsibilities, accountabilities, and decision-making protocols and options. In reviewing the draft working Charter for the DCTF process, members discussed the following edits and additions:

- Selection of Alternates
- Selection of replacements in the event of Member resignation
- Various options for voting on recommendations produced by the DCTF

Revisions to the DCTF draft working Charter, including the Guiding Principles and sections 3.1, 3.2 and 4, will be posted on the DCTF webpage before the next meeting. Until the Charter is ratified, straw polls will be used to assess levels of agreement and approval.

### **For Follow up:**

- DCTF members will identify alternates by next DCTF meeting in Bodega Bay.
- Members will think about whether they want to allow alternates to vote in their place and will memorialize their conclusion in the draft working Charter at the next meeting.
- OPC staff will help DCTF members reach out to their constituents by sending emails and letters.
- In addition to making DCTF information available on the DCTF webpage and email list-serve, OPC staff will also mail out meeting agendas to all 600 permit holders prior to each meeting and include the DCTF representatives’ contact information.
- OPC staff will set up a conference line for DCTF member use.

11. *Closing thoughts and Task Force next steps*

Mr. Ceppos provided some closing thoughts and a [preliminary road map](#) for future DCTF meetings. Based on feedback provided by members, Mr. Ceppos highlighted the preliminary nature of the proposed road map and ensured members that their concerns and viewpoints would be taken into consideration as the Facilitation Team begins to design agendas and key discussion points of upcoming DCTF meetings.

In response to skepticism expressed by some DCTF members and the public regarding the participation of processors, Bill Carvahlo and Paul Johnson, the two processing representatives, offered some clarifications regarding their businesses and their intent as DCTF Members. Mr. Carvahlo clarified the role of Sea Change Fund in regard to his own business and offered to step down if he was forced to provide any service or take any action that may present a conflict of interest to his role on the DCTF. Mr. Johnson offered clarifications on his role with the Monterey Bay Aquarium Seafood Watch Program and expressed that he wants to ensure that as many fishermen remain on the water, that they make money, and that the Dungeness crab fishery remains viable.

DCTF members discussed how to proceed when a member was faced with a conflict of interest. Mr. Ceppos explained that it is unfair to only ask Mr. Carvalho and Mr. Johnson to be transparent in their communications if the rest of the members do not intend to behave in the same manner. The appropriateness of members stepping down was discussed to deal with issues of subjective transparency.

12. OPC staff briefly discussed the travel reimbursement for DCTF members.

13. Since the meeting extended past scheduled 12:00 p.m. end time, various DCTF Members left before the meeting had concluded due to prior obligations. The meeting was adjourned at 2:15pm.