



**Working Draft Charter**  
**Version 2 – August 25, 2009**

**Guiding Principles**

The Members of the Dungeness Crab Task Force (DCTF) unanimously agree with the following:

1. All Members will attempt to achieve outcomes that serve the best interest of the entire Dungeness crab industry while mitigating negative impacts to their respective interests;
2. All Members will maintain an open mind, and consider all perspectives before voting on a DCTF recommendation;
3. The DCTF includes participants from the previous Dungeness Crab Steering Committee (Committee). The Committee was a group of people selected to discuss and develop text that was used in the creation of Dungeness crab legislation (ultimately referred to as Senate Bill 1690 and described below);
4. All participants of the Committee serving on the DCTF unanimously recall that the Committee intended for “ex-officio” Members of the DCTF to be non-voting members.
5. Current ex-officio Members of the DCTF unanimously agree that they understood ex-officio status on the DCTF to mean “non-voting”;
6. OPTION: Current Ex-officio Members of the DCTF unanimously agree to abstain from voting on DCTF recommendations to the Legislature (as described below).

**Section 1. Background**

Senate Bill 1690 (SB 1690), sponsored by the office of California State Senator Patricia Wiggins, is designed to provide recommendations on future management of the Dungeness crab fishery by a broad set of stakeholder interests representing major crab ports throughout the state. The bill was signed into law by Governor Schwarzenegger in September 2008 and designates the development and establishment of a DCTF. The work of the DCTF is expected to take place during the course of several meetings held in various crab fishing regions in the state. DCTF meetings will take place between May 2009 and January 2010, with the goal of making recommendations on Dungeness crab management measures by January 15<sup>th</sup>, 2010. Elected and appointed DCTF Members are identified in Table 1.

**Table 1. Membership of the Dungeness Crab Task Force**

<b>Elected Commercial Fishing Members – 17 Total</b>			
<b>Representative</b>	<b>Port</b>	<b>Production level</b>	<b>Vessel</b>
Bill DeBacker	Crescent City	Lower	F/V She N I and F/V Jard
Lee Wilson	Crescent City	Lower	F/V Gold Coast
Brett Fahning	Crescent City	Upper	F/V Rogue
Gerry Hemmingsen	Crescent City	Upper	F/V Pollux
Mike Zamboni	Trinidad	Not-specified	F/V Lucky 50
Don Standley	Eureka	Lower	F/V Terry S
Michael Cunningham	Eureka	Upper	F/V Sally K

William Forkner	Fort Bragg	Lower	F/V Shirley and F/V Audrey
Vince Doyle	Fort Bragg	Upper	F/V Verna Jean
Stan Carpenter	Bodega Bay	Lower	F/V Sandy B
Chris Lawson	Bodega Bay	Upper	F/V Seaward
Lawrence Collins	San Francisco	Lower	F/V Autumn Gale
John Atkinson	San Francisco	Upper	F/V New Rayann
Jim Anderson	Half Moon Bay	Lower	F/V Alliane
Geoff Bettencourt	Half Moon Bay	Upper	F/V Moriah Lee
William "Bill" Blue	South of Half Moon Bay	Not-specified	F/V Morning Light
Randy Smith	Non-resident	Not-specified	F/V Mistasea

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<b>Appointed Members – 10 Total (including 5 Ex-Officio)</b>	
<b>Representative</b>	<b>Interest group</b>
Ben Sleeter	Sport Fishing
Kevin McKernan	Sport Fishing
Bill Carvalho	Crab Processing
Paul Johnson	Crab Processing
Roger Thomas	Commercial Passenger Fishing Vessel (CPFV) – F/V Salty Lady
Rich Young	Ex-officio - Non-governmental organization (Crescent City Harbormaster)
Johanna Thomas	Ex-officio - Non-governmental organization (Environmental Defense Fund)
Jim Waldvogel	Ex-officio - Sea Grant
Steve Riske	Ex-officio - Department of Fish and Game
Brooke McVeigh	Ex-officio - Department of Fish and Game

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## **Section 2. Task Force Purpose, Deliverables, Timeline, and Process**

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### *Task Force Purpose*

42 According to SB 1690, the Dungeness crab task force shall, among other things, do the  
43 following:

44

45 1. Under the guidance of a professional facilitator hired by the Ocean Protection Council for  
46 this purpose, review and evaluate Dungeness crab management measures with the  
47 objective of making recommendations to the Joint Committee on Fisheries and  
48 Aquaculture, the Department of Fish and Game (DFG), and the Fish and Game  
49 Commission no later than January 15, 2010.

50

51 2. Make recommendations on the need for a permanent Dungeness crab advisory  
52 committee, refining sport and commercial Dungeness crab management, establishing a  
53 Dungeness crab marketing commission, and the need for statutory changes to accomplish  
54 task force objectives.

55

56 3. In considering Dungeness crab management options, prioritize the review of pot limit  
57 restriction options, harvest allocation, current and future sport and commercial fishery  
58 effort, season modifications, essential fishery information needs, and short- and long-  
59 term objectives for improved management.

60

61 4. Establish subcommittees of specific user groups from the task force membership, if  
62 needed, to focus on issues specific to sport fishing, commercial harvest, or crab

63 processing. The subcommittees shall report their recommendations, if any, to the task  
64 force.

65  
66 5. Forward recommendations to the Joint Committee on Fisheries and Aquaculture, the  
67 department, and the commission upon an affirmative vote of at least two-thirds of the  
68 task force Members (DCTF voting procedures are discussed below).

69  
70 Meeting Task Force Deliverables

71 The Facilitation Team will coordinate with OPC, and directly engage the DCTF in a phased  
72 approach to meet the aforementioned legislatively mandated deliverables. Following the last  
73 meeting, a report will be drafted by the Facilitation Team. A draft of this report is expected be  
74 distributed to DCTF Members for review and comment in late December 2009. A final report  
75 will be written and forwarded to regulators and the legislature by January 15, 2010. This timeline  
76 is subject to change.

77  
78 Legal compliance

79 All work of the DCTF will be in compliance with the Bagley-Keene Open Meeting Act of 2004.  
80 The Facilitation Team, participating state agencies, and DCTF Members are expected to  
81 maintain familiarity and compliance with all aspects of the act as it applies to the work of the  
82 DCTF.

83  
84 **Section 3. DCTF Organization, and Roles and Responsibilities**

85  
86 SB 1690 required the composition of the DCTF to include 27 members representing the  
87 following interests: seventeen elected members representing commercial fishing interests; two  
88 members representing sport fishing interests; two members representing crab processing  
89 interests; one member representing commercial passenger fishing vessel (CPFVs) interests; two  
90 members representing nongovernmental organization (NGO) interests; one representative of Sea  
91 Grant; and two representatives of the DFG. (See Table 1. Membership of the Dungeness Crab  
92 Task Force)

93  
94 3.1 DCTF Members- Collectively, Members of the DCTF will provide recommendations on  
95 Dungeness crab management issues and topics including, but not necessarily limited to,  
96 those listed in SB 1690, as well as the content of the final report. Members have  
97 responsibilities to:

98  
99 3.1.1 Identify, assess, and review: meeting topics, DCTF informational needs, and sources of  
100 information that are relevant and appropriate to DCTF discussions and recommendations,  
101 and draft and final DCTF deliverables;

102 3.1.2 Be fully engaged in DCTF activities;

103 3.1.3 Arrive at each meeting prepared to discuss agenda items. This includes reviewing  
104 materials and information distributed in advance of the meeting;

105 3.1.4 Represent the perspectives and interests of their respective constituencies and or  
106 organizations. Be available to their constituencies and/or organizational colleagues  
107 between DCTF meetings. Keep their organizations and/or constituents informed about  
108 the DCTF process, discussions, and recommendations through various means of  
109 networking and interaction, as appropriate;

- 110 3.1.5 Negotiate with other DCTF members to evaluate and decide among various alternatives;  
111 3.1.6 Serve on topic or geographic-specific Workgroups (as allowed by the legislation – See  
112 below for further description);  
113 3.1.7 Work in partnership with an Alternate Member (Alternate) (see below for further  
114 description) including but not limited to providing regular updates of DCTF activities,  
115 including Alternates in discussions and consideration of pending DCTF  
116 recommendations and decisions, ensuring that the Alternate is prepared to represent the  
117 perspective of the organization and/or constituency at a DCTF meeting or Workgroup  
118 Meeting.  
119 3.1.8 Attend each meeting (as feasible) and notify the Facilitation Team and OPC staff as soon  
120 as possible if they can not attend.  
121  
122

123 In the event that an elected commercial fisherman Member must step down, or chooses to step  
124 down from DCTF service, that Member must be replaced by conducting a new election in the  
125 Member's respective port and for his respective production level. The Member's Alternate will  
126 temporarily replace the Member until an election has been held. Candidates for election will  
127 include the Alternate and all commercial crab fishermen who were on the original ballot. Once a  
128 new Member has been elected, that Member will select a new Alternate.  
129

130 In the event that an appointed Member must step down, or chooses to step down from DCTF  
131 service, that Member must be replaced by their Alternate (if one exists).  
132

133 3.2 Alternates- DCTF Members **representing commercial fishing interests** will identify an  
134 Alternate due to their respective busy schedules, the frequency of DCTF meetings, and the  
135 critical importance of ensuring commercial fishing representation at all meetings. Each  
136 commercial fishing Member will propose their own Alternate. Members will notify OPC in  
137 writing once an Alternate has been selected. OPC will forward a list of selected Alternates to  
138 the entire DCTF. Criteria for the selection of an Alternate will include, but not be limited to  
139 the following:  
140

- 141 3.2.1 Only one Alternate will be selected for each elected Member position;  
142 3.2.2 The Alternate is based out of the same port that the primary Member was elected to  
143 represent;  
144 3.2.3 For commercial fishing representatives, the Alternate is a permit holder and represents  
145 the same production tier as the primary Member was elected for;  
146 3.2.4 The Alternate demonstrated previous interest or experience in seeking involvement  
147 and/or participation with the DCTF;  
148 3.2.6 The Alternate demonstrates a willingness to serve on the DCTF and meet the roles and  
149 responsibilities of the primary Member, outlined in section 3.1;  
150 3.2.7 The Alternate demonstrates a commitment to coordinate with other stakeholders in their  
151 respective port as outlined in section 3.1.  
152 3.2.8 The Alternate is willing to vote on behalf of the Member  
153

154 The role of an Alternate is to attend meetings that their respective DCTF Member cannot attend,  
155 participate on their respective DCTF member's behalf, work collaboratively with their respective  
156 Member as well as other DCTF Members to provide recommendations / make decisions / vote  
157 on agenda items only, and negotiate on behalf of their respective DCTF Member and  
158 stakeholders when the Member can not be present. When an Alternate must miss a meeting, they

159 will notify their Member, the Facilitation Team and OPC staff as soon as possible before a  
160 meeting. The DCTF will not spend meeting time to provide background on any agendized items  
161 (historical data/information) for an Alternate, since Alternates are expected to be fully educated  
162 by their respective DCTF Member and/or the Facilitation Team prior to the meeting they are  
163 attending.  
164

165 The Alternate is encouraged to attend as many DCTF meetings as possible, including those  
166 attended by their DCTF Member, and to visit the DCTF website for meeting summaries and  
167 background. .  
168

169 DCTF Members **representing noncommercial fishing interests** (including those representing  
170 sport fishing interests, crab processing interests, commercial passenger fishing vessel interests,  
171 non-governmental organization interests, Sea Grant, and the DFG) are strongly encouraged to  
172 identify Alternates for reasons identical to those listed above for commercial representatives.  
173 Non-commercial fishing interest Alternates will fulfill the same roles and responsibilities as  
174 listed above.  
175

176 3.3 DCTF Facilitation Team- Facilitation services will be provided to support the DCTF  
177 meetings. The Facilitation Team serves as a “third party neutral” whose primary  
178 responsibility is to ensure an open process where all Members’ interests, and opinions are  
179 heard and thoughtfully considered. Specific responsibilities of the Facilitation Team  
180 include:  
181

182 3.3.1 Design and conduct a process (consistent with SB 1690) whereby the DCTF can discuss  
183 legislatively required topics and other issues, and make decisions / recommendations (see  
184 Task Force Purpose – Item 1). This process will ultimately be based on a 2/3 majority  
185 vote of all DCTF Members but may also include consensus decision methods (see  
186 below);

187 3.3.2 Facilitate all DCTF meetings;

188 3.3.3 Provide Members with the necessary skills and advice to negotiate in their self-interest;

189 3.3.4 Provide Members with skills and advice to collect and represent the interests of  
190 stakeholders in their respective ports;

191 3.3.5 Apply collaborative, interest-based negotiation methods that foster openness and identify  
192 areas of preliminary and final agreement;

193 3.3.6 Integrate new information and data to inform Member discussion and the negotiation  
194 process;

195 3.3.7 Prepare and provide oversight of meeting agendas and summaries, in consultation with  
196 OPC staff and Members;

197 3.3.8 Prepare a draft report for comment and a final report that captures the recommendations  
198 of the DCTF;

199 3.3.9 Provide orientation to new Members;

200 3.3.10 As project budget and time permits, the Facilitation Team will meet (in person or via  
201 telephone) with the Member and Alternate to ensure shared understanding of the  
202 Member’s perspectives about any items due for discussion at the pending meetings.  
203

204 3.4 Ocean Protection Council (OPC)- The OPC staff will:  
205

- 206 3.4.1 Provide neutral support to the DCTF, including providing research and background
- 207 information on policy, operational, and regulatory matters for DCTF discussion;
- 208 3.4.2 Support the activities of the DCTF including administrative support as well as Member
- 209 travel costs;
- 210 3.4.3 Ensure that DCTF meetings follow the mandates of SB1690, the Bagley-Keene Open
- 211 Meetings Act of 2004, and other pertinent laws;
- 212 3.4.4 Maintain a record of all meeting summaries and materials;
- 213 3.4.5 Consult with the Facilitation Team on draft and final meeting agendas and summaries;
- 214 3.4.6 Maintain the DCTF webpage and email list-serve;
- 215
- 216 3.5 DCTF Workgroups- Workgroups will be created as needed to address specific tasks or
- 217 issues, and to enable the DCTF to address the management topics mandated in SB 1690 in an
- 218 efficient and time sensitive manner. Workgroup composition will consist of DCTF Members
- 219 and potentially Alternates only. The Facilitation Team will provide advice for appropriate
- 220 membership and final memberships will be determined by a Member’s willingness to volunteer.
- 221 Workgroup membership will not be determined by formal DCTF voting procedures. Decisions
- 222 for Member participation may be influenced by a Member’s particular areas of expertise relevant
- 223 to a given Workgroup topic, and/or Members that express a particular need to have input on a
- 224 Workgroup’s topic. All Workgroup meetings will be in compliance with the Bagley-Keene Open
- 225 Meeting Act of 2004. In cases where a Workgroup will meet outside of full DCTF meetings (and
- 226 away from facilitation support), a Workgroup may select a chair to guide their process and
- 227 ensure the group meets roles, responsibilities and deadlines for tasks.
- 228 3.6 Caucuses- During DCTF discussions, it may be desirable to convene representatives of
- 229 similar interests for candid and frank assessments of various proposals. Caucus conversations
- 230 may occur during or apart from DCTF meetings and may include a member of the Facilitation
- 231 Team. All Caucus meetings will be in compliance with the Bagley-Keene Open Meeting Act of
- 232 2004.

233

234 **Section 4. Decision Making and Voting Procedures**

235

236 This section describes the decision-making procedures the DCTF will use including methods

237 mandated by SB 1690 and additional consensus methods that may be used to enhance

238 recommendations that might be otherwise limited to majority rule outcomes. As mandated by

239 SB 1690, “*A recommendation shall be forwarded to the Joint Committee on Fisheries and*

240 *Aquaculture, the Department of Fish and Game, and the Fish and Game Commission upon an*

241 *affirmative vote of at least two-thirds of the task force Members*”. This means that the DCTF

242 must forward a recommendation if 2/3 or more of the Members support it. This does not prohibit

243 the DCTF from also forwarding recommendations with less than a 2/3 majority vote. **For the**

244 **purpose of all votes by the DCTF, 2/3 of the membership is equal to 18 members.**

245

246 Decision Types The DCTF will make two types of decisions:

247

- 248 1. Administrative Decisions: administrative decisions are about the daily activities of the DCTF
- 249 (including but not limited to: logistics, meeting dates and times, agenda revisions, schedules,
- 250 etc.)

251 2. Fishery Management Recommendations: Recommendations about the Dungeness crab  
252 fishery management (including but not limited to topics mandated by SB 1690 and other  
253 topics that the DCTF chooses to address).

254 The DCTF agrees that all administrative decisions will be made on a simple majority vote of all  
255 Members present, including ex-officio's, at a given meeting (including full DCTF meetings and  
256 DCTF Workgroup meetings).

257  
258 The DCTF agrees that all fishery management recommendations about the Dungeness crab  
259 fishery will be made using a range of procedures that will include methods mandated by SB 1690  
260 and additional consensus methods (described below). It is understood that for all fishery  
261 management recommendations, the DFG Members will abstain from voting. DFG leadership  
262 has determined it is impracticable for DFG to vote on items that they may be expected to enforce  
263 at a later date. DFG will be an active participant in discussions and potentially straw polls  
264 (described below)

265  
266 Consensus Discussion / Decision Procedures: The DCTF will seek mutually acceptable and  
267 beneficial conclusions whenever possible. In that context, the DCTF consensus process is based  
268 on principles of "consensus with accountability". Consensus with accountability requires all  
269 Members to try to reach consensus while at all times supporting and expressing their self-  
270 interest. In the event a Member must reject a proposal, that Member must provide a counter  
271 proposal that legitimately attempts to achieve their interest, and the interests of the other  
272 Members.

273  
274 In seeking consensus on an interim or final recommendation, Members will voice their opinions  
275 with specific proposals along the way, rather than waiting until a final recommendation has been  
276 developed. At all times, Members will ensure that they are providing input on a decision  
277 commensurate to their prescribed role and constituency regarding the Dungeness crab industry.  
278 The basic sequential decision process will be as follows:

279  
280 Straw Polls: The DCTF will use straw polls to assess the degree of preliminary support for an  
281 idea before it is submitted as a formal proposal for final consideration by the DCTF. Members  
282 may indicate only tentative approval for a preliminary proposal without fully committing to its  
283 support. Straw Polls will potentially include subsequent work by the DCTF to revise the text of a  
284 recommendation and to prepare it for a final vote through either consensus or majority rule  
285 procedures (see below).

286  
287 Draft and Final Decisions: The DCTF will use the following three levels to indicate a Member's  
288 degree of approval and support for any proposal or decision being considered and to determine  
289 the degree of consensus.

290  
291       Thumbs Down:       I do not agree with the proposal. I feel the need to block its  
292                                   adoption and propose an alternative.  
293  
294       Thumbs Sideways:   I can accept the proposal although I do not necessarily  
295                                   support it.  
296  
297       Thumbs Up:         I think this proposal is the best choice of the options available  
298                                   to us.  
299

300 Abstention At times, a pending decision may be infeasible for a Member to weigh  
301 in on. Examples could include but not be limited to: a Member can not  
302 get a consensus of his/her constituents and therefore can not offer a  
303 proposal or opinion; and other similar conditions.

304 |  
305 The goal is for all Members to be in the ‘Thumbs Up’, or Thumbs Sideways’ levels of  
306 agreement. The DCTF will be considered to have reached consensus if all Members are at those  
307 two levels. If any Member is at a ‘Thumbs Down’ level, that Member must provide a counter  
308 proposal that legitimately attempts to achieve their interest and the interests of the other  
309 Members. The DCTF will stop and evaluate how best to proceed. Members that abstain from  
310 particular proposals are encouraged to explain why abstention is in their best interest.

311  
312 In the event of disagreements, the DCTF, in consultation with the Facilitation Team, will decide  
313 how best to move forward. For example, additional discussion may be needed to help understand  
314 unresolved concerns before proceeding further; or the group may benefit from creating additional  
315 options; or the question may be set aside and addressed at a later time. Discussions to reach  
316 resolution may take place with the full DCTF or the Facilitation Team may request smaller  
317 groups (such as Workgroups, interest-based Caucuses, or individual Members) to draft proposal  
318 language during or between DCTF meetings.

319  
320 Majority Rule Decision Procedures: In the event that consensus decision methods are not  
321 feasible and/or consensus cannot be achieved, majority decision-making procedures defined in  
322 SB 1690 (and as interpreted by the DCTF) will supercede all other decision methods.

323  
324 In the context of agreements and understandings described in the Guiding Principles, the  
325 following procedures will be used:

- 326  
327 1. For all DCTF recommendations, Straw Polls (as described above) will be used to develop  
328 initial ideas and draft text for recommendations;  
329 2. When a draft recommendation is ready for a vote by the DCTF, the recommendation will  
330 first be voted on by all Members EXCEPT ex-officio Members;  
331 3. Following the initial vote described in #2 above, a second vote will be conducted by all  
332 Members including ex-officios (but not including DFG Members);  
333 4. Outcomes from voting procedures will be memorialized in the project record and in meeting  
334 summaries. If a 2/3 majority (**18 or more members**) is reached in a vote (either including or  
335 not including ex-officios), that recommendation will be forwarded to the Legislature and  
336 other parties as mandated in SB 1690.  
337 5. In the event that a 2/3 majority is not achieved in either 2 or 3 above, the results of the vote,  
338 including a description of how Members voted will be forwarded to the Legislature and other  
339 parties as mandated in SB 1690.

340  
341 Regarding decision documents prepared by / for the DCTF, all documents will be identified as  
342 DRAFT until a final ratification on the particular document has been made by the DCTF. If a  
343 decision document receives the necessary 2/3 majority vote or better, it will be formally revised  
344 and referred to as a FINAL document.

345  
346 |



347 **Section 5. Communication Protocols**

348

349 5.1 DCTF Member communication- DCTF Members and their Alternates serve as conduits  
350 for two-way information with their constituencies and organizations. Constituents wanting to  
351 provide input to the process are encouraged to provide their concerns and suggestions to their  
352 individual Members on the DCTF. Members will make an effort to communicate regularly with  
353 their constituencies and colleagues to keep them informed about the process and the issues under  
354 discussion.

355

356 Members are not prohibited from speaking with the media, but must indicate that they are  
357 providing their individual perspectives and are not speaking for the DCTF. Participants should  
358 neither characterize the positions and views of any other Member nor should they ascribe  
359 motives or intentions to the statements or actions of other Members.

360

361 5.2 Information Publication- Materials will be prepared/provided on a regular basis to  
362 support the DCTF process. A DCTF webpage ([http://www.opc.ca.gov/2009/04/dungeness-crab-](http://www.opc.ca.gov/2009/04/dungeness-crab-task-force/)  
363 [task-force/](http://www.opc.ca.gov/2009/04/dungeness-crab-task-force/)) and an email list-serve have been set up to aid in the dissemination of these  
364 materials. Materials prepared/provided for the DCTF may include the following materials and  
365 general schedules for development and distribution:

366

367 5.2.1 A list of DCTF Members has been made available to the public on the DCTF webpage  
368 that includes participant name and represented interest(s). Should an interested party have  
369 focused comments for a DCTF Member, the individual(s) will be encouraged to work  
370 through OPC staff and the Facilitation Team to convey the comments to the appropriate  
371 DCTF Member(s);

372

373 5.2.2 Preliminary draft materials are for discussion purposes and will be made available prior  
374 to each meeting;

375

376 5.2.3 Meeting agendas will be made available to DCTF Members and the public ten (10) days  
377 prior to each meeting; agendas sent to the public will include the name and contact  
378 information of DCTF Members for respective ports

379

380 **Section 6. Charter Amendments**

381

382 DCTF Members may amend this Charter by following the same decision-making guidelines set  
383 forth in Section 4. Amendments may be proposed by DCTF Members during a DCTF meeting.  
384 The proposal will be agendized for discussion and possible action at the next DCTF meeting.

385

386 **Section 7. Ground Rules**

387

388 All DCTF Members, OPC, the Facilitation Team, and public participants of a meeting agree to:

- 389 1. Arrive promptly to all meetings and be prepared for the meeting agenda;  
390 2. Stay for the duration of the entire meeting and inform the facilitator in advance if this is not  
391 possible;  
392 3. Turn cell phones to silent;

- 393 4. Minimize actions that could be distracting to discussions. If meeting attendee behavior  
394 becomes distracting to DCTF Members, those Members should speak with the Facilitation  
395 Team to intervene;
- 396 5. Participate in a problem-solving approach based on respectful and constructive discussion,  
397 where the interests of all participants and the public are considered in developing proposals  
398 and recommendations;
- 399 6. Listen for understanding and openly discuss issues with others who hold diverse views;  
400 acknowledge and seek clarification of others' perspectives; and verify assumptions when  
401 necessary.  
402

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