



Working Draft Charter
Version 1 – May 27, 2009

Note to Reader: The following is a working draft / in-production Charter to be considered, revised, and ultimately ratified by the Dungeness Crab Task Force (DCTF) (defined below). The text in this Working Draft Charter is preliminary and will change. Some sections remain incomplete and reflect a need to discuss and describe options with the full DCTF before memorializing draft text.

Guiding Principles

The Members of the Dungeness Crab Task Force unanimously agree with the following

1. The DCTF should identify industry problems first and then create solutions.
2. DCTF outcomes should have a positive impact on the entire Dungeness crab industry.
3. All Members will attempt to achieve outcomes that serve the best interest of the entire Dungeness crab industry while not posing negative impacts to their respective interests.
4. All Members will maintain an open mind, and consider all perspectives before voting on a DCTF recommendation.
5. All Members will attend all meetings prepared to discuss agenda topics.
6. All DCTF activities will take place in a transparent manner.
7. The DCTF includes participants from the 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).
8. 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.
9. Current ex-officio Members of the DCTF unanimously agree that they understood ex-officio status on the DCTF to mean “non-voting”.
10. OPTION: Current Ex-officio Members of the DCTF unanimously agree to not vote 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 six meetings held in various major crab ports in the state, including Bodega Bay, Crescent City, Eureka, For Bragg, Half Moon Bay and San Francisco. DCTF meetings will take place between May and November 2008, with the goal of making recommendations on

Dungeness crab management measures by January 15th, 2010. DCTF Members are identified in Table 1.

Table 1. Membership of the Dungeness Crab Task Force

Elected Commercial Fishing Members			
Representative	Port	Production level	Vessel
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

Appointed Members	
Representative	Interest group
Ben Sleeter	Sport Fishing
Kevin McKernan	Sport Fishing
Bill Carvalho	Crab Processing
Paul Johnson	Crab Processing
Roger Thomas	Commercial Passenger Fishing Vessel – 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

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

Task Force Purpose

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

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

2. Make recommendations, including, the need for a permanent Dungeness crab advisory committee, refining sport and commercial Dungeness crab management, establishing a Dungeness crab marketing commission, and the need for statutory changes to accomplish task force objectives.
3. In considering Dungeness crab management options, prioritize the review of pot limit restriction options, harvest allocation, current and future sport and commercial fishery effort, season modifications, essential fishery information needs, and short- and long-term objectives for improved management.
4. Establish subcommittees of specific user groups from the task force membership, if needed, to focus on issues specific to sport fishing, commercial harvest, or crab processing. The subcommittees shall report their recommendations, if any, to the task force.
5. Forward recommendations to the Joint Committee on Fisheries and Aquaculture, the department, and the commission upon an affirmative vote of at least two-thirds of the task force Members (DCTF voting procedures are discussed below).

Meeting Task Force Deliverables

The Facilitation Team will coordinate with OPC, and directly engage the DCTF in the following phased approach to meet the aforementioned legislatively mandated deliverables. Following the last meeting (in October or November 2009), a report will be drafted by the Facilitation Team. A draft of this report will be distributed to DCTF Members for review and comment in December 2009. A final report will be written and forwarded to regulators and the legislature by January 15, 2010. This timeline is subject to change.

Table 2. Possible meeting schedule and topics for review

DCTF meeting timeline and location	Review topics
May 26-27: Eureka, CA	Situational analysis findings and opportunities
	History and overview of SB 1690
	Management and regulatory structure
	Phased approach and charter/guiding principles
June 29: Bodega Bay, CA	Identification of additional management topics for review
	Current sport fishery effort
	Refining sport fishery management
	Season modifications (sport fishing)
	Other topics: equal north/south rules, harvesting of females, size
	Brainstorm potential issues and benefits that could be addressed by a permanent Dungeness Crab Advisory Body [i.e. Board, Commission, Task Force, etc)
	Brainstorm potential issues that could be addressed and benefits derived from the development of a crab marketing commission
Possible formation of sub-committees of specific user groups from the task force Membership to focus on issues specific to sport fishing, commercial harvest, or crab processing. The sub-committees shall report their recommendations, if any, to the Task Force	

Aug 10-11: Crescent City, CA	Latent permits
	Essential fishery information needs
	Current and future commercial fishery effort
	Refinement of commercial management:
	Season modification
	Season opener
	Fair start clause
	Introduction and review of management tools and options
Sept 8: San Francisco, CA	Short and long-term objectives for improved management
	Possible formation of sub-committees to address latent permits
	Commercial regulations – Pot limit restriction options and harvest allocation
Oct 13-14: Half Moon Bay, CA	Short and long-term objectives for improved management
	Additional issues highlighted in situational analysis
	Commercial regulations – Pot limit restriction options and harvest allocation (re-visit)
Nov 9-10: Fort Bragg, CA	Review of all management topics and proposed recommendations
	Proposed changes to recommendations based on interest-based negotiation
	Full review of proposed recommendations
	Final edits based on interest-based negotiation
	Voting and approval
	Need for a permanent Dungeness crab advisory body (conduct needs assessment; introduce case studies)
	Need for a crab marketing commission (conduct needs assessment; introduce case studies)

Legal compliance

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

Section 3. DCTF Organization, and Roles and Responsibilities

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

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

- Identify, assess, and review: meeting topics, DCTF informational needs, and sources of information that are relevant and appropriate to DCTF discussions and recommendations, and draft and final DCTF deliverables;
- Be fully engaged in DCTF activities;
- Arrive at each meeting fully prepared to discuss agenda items; this includes reviewing materials and information distributed in advance of the meeting. OPC staff, in coordination with the Facilitation Team, will strive to make all meeting materials available to DCTF Members at least 7 business days prior to meetings;
- Represent the perspectives, concerns, and interests of their respective constituencies. Maintain contact with their constituencies between DCTF meetings. Keep their organizations and/or interest-based constituents informed about the process, discussions, and recommendations through various means of networking and interaction, as appropriate. This may include formal or informal meetings, phone calls, or written correspondence. Should a DCTF Member require assistance in contacting their constituents, they should contact OPC staff;
- Memorialize outcomes from communication with constituents to provide a transparent record of the process;
- Seek and report back on feedback received as a result of informational briefings with related organizations and/or interest-based constituencies to ensure that agreements developed by the DCTF are acceptable to the organizations and/or constituents that are represented;
- Identify and participate in public outreach/participation activities, beyond those associated with their constituency;
- Negotiate with multiple interests to evaluate and decide among various alternatives;
- Serve on topic or geographic-specific Subcommittees (as allowed by the legislation – See below for further description);
- Work in partnership with an Alternate (see below for further description) including but not limited to providing regular updates of DCTF activities, including Alternates in discussions and consideration of pending DCTF recommendations and decisions, ensuring that the Alternate is prepared to represent the perspective of the organization and/or constituency at a DCTF meeting or Subcommittee Meeting.

When a Member must miss a meeting, they will notify the Facilitation Team and OPC staff as soon as possible before a meeting and will coordinate the attendance of their alternate.

In the event that an elected commercial fisherman Member must step down, or chooses to step down from Task Force service, that Member must be replaced by conducting a new election in the Member's respective port and for his respective production level. In the event that an appointed Member must step down, or chooses to step down from Task Force service, that Member must be replaced by OPC appointment.

3.2 Alternates- DCTF Members **representing commercial fishing interests** will identify an Alternate Member (Alternate) due to their respective busy schedules, the frequency of DCTF meetings, and the critical importance of ensuring commercial fishing representation at all meetings. Each commercial fishing Member will propose their own Alternate.

Criteria for the selection of an Alternate will include, but not be limited to the following:

- Only one Alternate will be selected for each elected Member position;
- The Alternate is based out of the same port that the primary Member was elected to represent;

- The Alternate represents the same production tier as the primary Member was elected for;
- The Alternate demonstrated previous interest or experience in seeking involvement and/or participation with the DCTF;
- The Alternate demonstrates a willingness to serve on the DCTF and meet the roles and responsibilities of the primary Member, outlined in section 3.1;
- The Alternate demonstrates a commitment to coordinate with other stakeholders in their respective port as outlined in section 3.1.

The role of an Alternate is to attend meetings that their respective DCTF Member cannot attend, participate on their respective DCTF member's behalf, work collaboratively with their respective Member as well as other DCTF Members to provide recommendations / make decisions on agenda items only, and negotiate on behalf of their respective DCTF Member and stakeholders when the Member can not be present. The DCTF will not spend meeting time to provide background on any agenda items (historical data/information) for an Alternate, since Alternates are expected to be fully educated by their respective DCTF Member and/or the Facilitation Team prior to the meeting they are attending.

The Alternate is strongly encouraged to attend as many DCTF meetings as possible, including those attended by the official DCTF member, and visit the DCTF website for meeting summaries and background. An alternate's historical perspective of what has taken place in prior meetings, and their established relationship with other DCTF members is critical to the success of the DCTF.

DCTF Members **representing noncommercial fishing interests** (including those representing sport fishing interests, crab processing interests, commercial passenger fishing vessel interests, nongovernmental organization interests, Sea Grant, and the California Department of Fish and Game) are strongly encouraged to identify Alternates for reasons identical to those listed above for commercial representatives. Non-commercial fishing interest Alternates will fulfill the same roles and responsibilities as listed above.

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

- Design and conduct a process (consistent with SB 1690) whereby the DCTF can discuss legislatively required topics and other issues, and make decisions / recommendations (see Task Force Purpose – Item 1). This process will ultimately be based on a 2/3 majority vote of all DCTF Members but may also include consensus decision methods (see below);
- Facilitate all DCTF meetings;
- Provide Members with the necessary skills and advice to negotiate in their self-interest;
- Provide Members with skills and advice to collect and represent the interests of stakeholders in their respective ports;
- Apply collaborative, interest-based negotiation methods that foster openness and identify areas of preliminary and final agreement;
- Integrate new information and data to inform Member discussion and the negotiation process;

- Prepare and provide oversight of meeting agendas and summaries, in consultation with OPC staff and Members;
- Prepare a draft report for comment and a final report that captures the recommendations of the DCTF;
- Provide orientation to new Members;
- The Facilitation Team will meet (in person or via telephone) with the Member and Alternate to ensure shared understanding of the Member's perspectives about any items due for discussion at the pending meetings.

3.4 OPC- The OPC staff will:

- Provide neutral support to the DCTF, including providing research and background information on policy, operational, and regulatory matters for DCTF discussion;
- Support the activities of the DCTF including administrative support as well as Member travel costs;
- Ensure that DCTF meetings follow the mandates of SB1690, the Bagley-Keene Open Meetings Act 2004, and other pertinent laws;
- Maintain a record of all meeting summaries and materials;
- Consult with the Facilitation Team on draft and final meeting agendas and summaries;
- Maintain the DCTF webpage and email list-serve;

3.5 DCTF Subcommittees- Subcommittees will be created as needed to address specific tasks or issues, and to enable the DCTF to address the management topics mandated in SB 1690 in an efficient and time sensitive manner. Subcommittee composition will consist of DCTF Members and potentially Alternates only. Membership will be advised on by the Facilitation Team and will be determined by Member willingness to volunteer. Subcommittee membership will not be determined by formal DCTF voting procedures. Decisions for Member participation may be influenced by a Member's particular areas of expertise relevant to a given Subcommittee topic, and/or Members that express a particular need to have input on a Subcommittee's topic. All Subcommittee meetings will be in compliance with the Bagley-Keene Open Meeting Act.

3.6 Caucuses. During DCTF discussions, it may be desirable to convene representatives of similar interests for candid and frank assessments of various proposals. Caucus conversations may occur during or apart from DCTF meetings and may include a member of the Facilitation Team. All Caucus meetings will be in compliance with the Bagley-Keene Open Meeting Act.

Section 4. Decision Making and Voting Procedures

This section describes the decision-making procedures the Task Force will use including methods mandated by SB 1690 and additional consensus methods that may be used to enhance recommendations that might be otherwise limited to majority rule outcomes. As mandated by SB 1690, "*A recommendation shall be forwarded to the Joint Committee on Fisheries and Aquaculture, the Department of Fish and Game, and the Fish and Game Commission upon an affirmative vote of at least two-thirds of the task force Members*". This means that the DCTF must forward a recommendation if 2/3 or more of the Members support it. This does not prohibit the DCTF from also forwarding recommendations with less than a 2/3 majority vote.

Decision Types The DCTF will make two types of decisions:

1. Administrative Decisions: administrative decisions are about the daily activities of the DCTF (including but not limited to: logistics, meeting dates and times, agenda revisions, schedules, etc.)
2. Industry Recommendations: Recommendations about the Dungeness crab industry (including but not limited to topics mandated by SB 1690 and other topics that the DCTF chooses to address).

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

The DCTF agrees that all industry recommendations about the Dungeness crab industry will be made using a range of procedures that will include methods mandated by SB 1690 and additional consensus methods (described below). It is understood that for all industry recommendations voting procedures, the California Department of Fish and Game DCTF Members will abstain from voting.

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

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

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

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

Thumbs Down: I do not agree with the proposal. I feel the need to block its adoption and propose an alternative.

Thumbs Sideways:	I am not enthusiastic about it, but I can accept the proposal.
Thumbs Up:	I think this proposal is the best choice of the options available to us.
Abstention	At times, a pending decision may be infeasible for a Member to weigh in on. Examples could include but not be limited to: a topic that has statutory implications that an agency representative can not be on record conflicting with; a Member can not get a consensus of his/her constituents and therefore can not offer a proposal or opinion; and other similar conditions.

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

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

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

In the context of agreements and understandings described in the Guiding Principles, the following procedures will be used.

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

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

Section 5. Communication Protocols

5.1 DCTF Member communication- DCTF Members and their Alternates serve as conduits for two-way information exchange with their constituencies. Constituents wanting to provide input to the process are encouraged to channel their concerns and suggestions through their individual Members on the DCTF. DCTF Members will make a concerted outreach effort to communicate regularly with their constituencies to keep them informed about the process and the issues under discussion.

DCTF Members will in no way be prohibited from speaking with the media, but must indicate that they are providing their individual perspectives and are not speaking for the DCTF. Participants should neither characterize the positions and views of any other party nor should they ascribe motives or intentions to the statements or actions of other DCTF Members.

5.2 Information Publication- Materials will be prepared/provided on a regular basis to support the DCTF process. A DCTF webpage (<http://www.opc.ca.gov/?p=444>) and an email list-serve have been set up to aid in the dissemination of these materials. Materials prepared/provided for the DCTF may include the following materials and general schedules for development and distribution:

- A list of DCTF Members has been made available to the public on the DCTF webpage that includes participant name and represented interest(s). Should an interested party have focused comments for a DCTF Member, the individual(s) will be encouraged to work through OPC staff and the facilitator to convey the comments to the appropriate DCTF Member(s).
- Preliminary draft materials are for discussion purposes and will be made available prior to each meeting.
- Meeting agendas will be made available to DCTF Members and the public ten (10) days prior to each meeting.

Section 6. Charter Amendments

DCTF Members may amend this Charter by following the same decision-making guidelines set forth in the Final Charter (to be determined). Amendments may be proposed by DCTF Members

during a DCTF meeting. The proposal will be agenized for discussion and possible action at the next DCTF meeting.

Section 7. Ground Rules

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

- Arrive promptly to all meetings and be prepared for the meeting agenda;
- Stay for the duration of the entire meeting;
- Turn cell phones to silent;
- Minimize actions that could be distracting to discussions. Should meeting attendee behavior become distracting to DCTF Members, those individuals should speak with the Facilitation Team to intervene;
- Participate in a problem-solving approach based on respectful and constructive dialogue, where the interests of all participants and the public are considered in developing proposals and recommendations;
- Listen for understanding and openly discuss issues with others who hold diverse views; acknowledge and seek clarification of others' perspectives; and verify assumptions when necessary.

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