



## **~California Dungeness Crab Task Force~**

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

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### **Charter**

***Adopted September 8, 2009***

***Revised March 12, 2012***

### **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 his/her respective interests;
2. All Members will maintain an open mind, and consider all perspectives before voting on a DCTF recommendation;
3. All participants of the previous Dungeness Crab Steering Committee serving on the DCTF unanimously recall that the Committee intended for the five (5) Members representing non-governmental organizational interests, Sea Grant and the Department of Fish and Game to be non-voting Members.
4. Current non-voting Members of the DCTF unanimously agree to abstain during voting on DCTF recommendations to the Legislature (as described below).

### **Section 1. Background**

Senate Bill (SB) 1690 (2007 - 2008 Reg. Sess.), sponsored by the office of California State Senator Patricia Wiggins, was designed so that a broad set of stakeholder interests representing major crab ports throughout the state could evaluate current management measures and provide recommendations on future management of the Dungeness crab fishery. The bill was signed into law by Governor Schwarzenegger in September 2008 and designated the development and establishment of a DCTF. The DCTF was reestablished by Senate Bill (SB) 369 (2011 - 2012 Reg. Sess.), which was sponsored by the office of California State Senator Noreen Evans and signed into law by Governor Jerry Brown. The work of the DCTF is expected to be carried out during the course of several public meetings held throughout the state. DCTF meetings will take place between March 2012 and January 2017, with the goal of reviewing the Department of Fish and Game's proposed trap limit program by May 1, 2012 and making recommendations on Dungeness crab management measures by January 15, 2015 and January 15, 2017.

Elected and appointed DCTF Members as required by SB 369 are identified in Table 1.



**Table 1. Membership of the Dungeness crab task force**

<b>Elected Commercial Fishing Members</b>			
<b>Representative</b>	<b>Port</b>	<b>Production level</b>	<b>Vessel</b>
David Bennett	Crescent City	Lower	
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
TBD	Fort Bragg	Lower	
Vince Doyle	Fort Bragg	Upper	F/V Verna Jean
Chuck Cappotto	Bodega Bay	Lower	
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
Todd Whaley	Non-resident	Not-specified	

<b>Appointed Members</b>	
<b>Representative</b>	<b>Interest group</b>
Marc Gorelnik	Sport Fishing
Jim Yarnall	Sport Fishing
Bill Carvalho	Crab Processing
Paul Johnson	Crab Processing
Roger Thomas	Commercial Passenger Fishing Vessel – F/V Salty Lady
Rich Young	Non-voting - Non-governmental organization (Crescent City Harbormaster)
David Crabbe	Non-voting - Non-governmental organization
Carrie Pomeroy	Non-voting - Sea Grant
Bob Farrell	Non-voting - Department of Fish and Game
Christy Juhasz	Non-voting - Department of Fish and Game

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

*Task Force Purpose*

According to SB 369, the DCTF shall, among other things, do the following:

1. Review and evaluate Dungeness crab management measures described in Fish and Game Code section 8276.5 with the objective of making initial recommendations to the Joint Committee on Fisheries and Aquaculture, the Department of Fish and Game (DFG), and the Fish and Game Commission no later than January 15, 2015, and final recommendations no later than January 15, 2017.
2. Make recommendations on the need for a permanent Dungeness crab advisory committee, the economic impact of the program described in Section 8276.5 on permitholders of different tiers and the economies of different ports, the cost of the program to the department, including enforcement costs, the viability of a buyout program for



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the permit holders described in subparagraph (G) of paragraph (1) of subdivision (a) of Section 8276.5, refining sport and commercial Dungeness crab management, and the need for statutory changes to accomplish task force objectives by January 15, 2015.<sup>3</sup> 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 his/her 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).

6. Review and make recommendations to the legislature on a proposed Dungeness crab trap limit program for all California permits to be submitted to the DCTF by the Director of the Department of Fish and Game. The DCTF shall make recommendations within 60 days of receipt of the proposed program. Only recommendations that have a consensus vote of at least 15 voting members shall be transmitted to the Director and the Legislature. Transmitted recommendations that have less than the required 15 votes will be regarded as a lack of consensus in the crab industry.

### *Meeting Task Force Deliverables*

The Administrative Team will coordinate with OPC, and directly engage the DCTF in a phased approach to meet the aforementioned legislatively mandated deliverables. Following the last meetings in 2014 and 2016, reports will be drafted by the Administrative Team. Drafts of these reports are expected to be distributed to DCTF Members for review and comment in late December 2014 and December 2016. Final reports will be written and forwarded to regulators and the legislature by January 15, 2015 and January 15, 2017. This timeline is subject to change.

### *Legal compliance*

All work of the DCTF will be in compliance with the Bagley-Keene Open Meeting Act of 2004. The Administrative 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 369 required the composition of the DCTF to include 27 Members representing the following interests: seventeen (17) elected Members representing commercial fishing interests; two (2) Members representing sport fishing interests; two (2) Members representing crab processing interests; one (1) Member representing commercial passenger fishing vessel (CPFVs) interests; two (2) Members representing nongovernmental organization (NGO) interests; one (1) representative of Sea Grant; and two (2) representatives of the DFG. (See Table 1. Membership of the Dungeness crab task force)



- 3.1.1. 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 369, as well as the content of the final report. Members have responsibilities to:
  - 3.1.1.1 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;
- 3.1.2 Be fully engaged in DCTF activities;
- 3.1.3 Arrive at each meeting prepared to discuss agenda items. This includes reviewing materials and information distributed in advance of the meeting;
- 3.1.4 Represent the perspectives and interests of his/her respective constituencies and or organizations. Be available to his/her constituencies and/or organizational colleagues between DCTF meetings. Keep his/her organizations and/or constituents informed about the DCTF process, discussions, and recommendations through various means of networking and interaction, as appropriate;
- 3.1.5 Negotiate with other DCTF Members to evaluate and decide among various alternatives;
- 3.1.6 Serve on topic or geographic-specific Workgroups (as allowed by the legislation – See below for further description);
- 3.1.7 Work in partnership with an Alternate Member (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 Workgroup Meeting; and
- 3.1.8 Attend each meeting (as feasible) and notify the Administrative Team as soon as possible if they can not attend.

In the event that an elected commercial fisherman Member must step down, or chooses to step down from DCTF, that Member's service will be provided by an Alternate (see Section 3.2). The Alternate will fulfill all the elected Member's responsibilities, as consistent with the Member's perspective on any voting issues. The Administrative Team will confirm shared perspective between the Alternate and the elected Member and will report and memorialize this during a DCTF decision process.

In the event that an appointed Member must step down, or chooses to step down from DCTF service, that Member must be replaced by his/her Alternate (if one exists).



### 3.2 Alternates

DCTF Members **representing commercial fishing interests** will identify an Alternate due to his/her 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 his/her own Alternate. Members will notify the Administrative team in writing once an Alternate has been selected. The Administrative Team will forward a list of selected Alternates to the entire DCTF and OPC. Criteria for the selection of an Alternate will include, but not be limited to the following:

- 3.2.1 Only one Alternate will be selected for each elected Member position;
- 3.2.2 The Alternate is based out of the same port that the primary Member was elected to represent;
- 3.2.3 For commercial fishing representatives, the Alternate is a permit holder and represents the same production tier as the primary Member was elected for;
- 3.2.4 The Alternate demonstrated previous interest or experience in seeking involvement and/or participation with the DCTF;
- 3.2.5 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;
- 3.2.6 The Alternate demonstrates a commitment to coordinate with other stakeholders in his/her respective port as outlined in section 3.1; and
- 3.2.7 The Alternate is willing to vote on behalf of the Member.

The role of an Alternate is to attend meetings that his/her respective DCTF Member cannot attend, participate on his/her respective DCTF Member's behalf, work collaboratively with his/her respective Member as well as other DCTF Members to provide recommendations/make decisions/vote on agenda items only, and negotiate on behalf of his/her respective DCTF Member and stakeholders when the Member can not be present. When an Alternate must miss a meeting, they will notify his/her Member, the Administrative Team and OPC staff as soon as possible before a meeting. 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 his/her respective DCTF Member and/or the Administration Team prior to the meeting they are attending.

The Alternate is willing to vote on behalf of the Member to be fully educated by his/her respective DCTF Member and/or the Administrative Team prior to the meeting they are attending. The Alternate is encouraged to attend as many DCTF meetings as possible, including those attended by his/her DCTF Member, and to visit the DCTF website for meeting summaries and background.

DCTF Members **representing noncommercial fishing interests** (including those representing sport fishing interests, crab processing interests, commercial passenger fishing vessel interests, non-governmental organization interests, Sea Grant, and the DFG) 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 in Section 3.2 for commercial Alternates.

### 3.3 DCTF Workgroups

Workgroups will be created as needed to address specific tasks or issues, and to enable the DCTF to address the management topics mandated in SB 369 in an efficient and time sensitive manner. Workgroups will consist only of Members and their Alternates (as needed and appropriate). In the event that an Alternate and Member are present at the same meeting, their perspective will constitute a "single voice" in discussions. In such events, Alternates will observe rather than participate and will not get an additional voice by virtue of being present. The Administrative Team will provide advice for appropriate Membership and final Memberships will be determined by a Member's and/or Alternate's willingness and availability to volunteer. Workgroup 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 Workgroup topic, and/or Members that express a particular need to have input on a Workgroup's topic. All Workgroup meetings will be in compliance with the Bagley-Keene Open Meeting Act of 2004. In cases where a Workgroup will meet outside of full DCTF meetings (and away from facilitation support), a Workgroup may select a chair to guide his/her process and ensure the group meets roles, responsibilities and deadlines for tasks.

### 3.4 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 Administrative Team. All Caucus meetings will be in compliance with the Bagley-Keene Open Meeting Act of 2004.

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

This section describes the decision-making procedures the DCTF will use, including methods mandated by SB 369 and additional consensus methods that may be used to enhance recommendations which might otherwise be limited to majority rule outcomes. As mandated by SB 369, *"Except as otherwise provided in Section 8276.5, 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, or if 15 Members support it (excluding non-voting members).** This does not prohibit the DCTF from also forwarding recommendations with less than a 2/3 majority vote. Therefore, any vote of 15 or more DCTF Members constitutes a mandatory recommendation.

### 4.1 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.)



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2. Fishery Management Recommendations: recommendations about the Dungeness crab fishery management (including but not limited to topics mandated by SB 369 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 non-voting members, at a given meeting (including full DCTF meetings and DCTF Workgroup meetings). Administrative decisions will not require, and will not include sending recommendations with less than 2/3 majority vote.

The DCTF agrees that all fishery management recommendations about the Dungeness crab fishery will be made using a range of procedures that will include methods mandated by SB 369 and additional consensus methods (described below). It is understood that for all fishery management recommendations, the DFG Members and other non-voting Members will abstain during voting procedures. DFG leadership has determined it is impracticable for DFG to vote on items that they may be expected to enforce at a later date. DFG will be an active participant in discussions and potential straw polls (described below)

### 4.2 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 his/her self-interest. In the event a Member must reject a proposal, that Member must provide a counter proposal that legitimately attempts to achieve his/her interest, and the interests of the other Members.

In seeking consensus on an interim or final recommendation, Members will voice his/her 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 his/her prescribed role and constituency regarding the Dungeness crab industry. The basic sequential decision process will be as follows:

### 4.3 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).

### 4.4 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.



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- Thumbs Down: I do not agree with the proposal. I feel the need to block its adoption and propose an alternative.
- Thumbs Sideways: I can accept the proposal although I do not necessarily support it.
- 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 Member cannot get a consensus of his/her constituents and therefore cannot 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 his/her 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 his/her best interest.

In the event of disagreements, the DCTF, in consultation with the Administrative Team, 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 Administrative Team may request smaller groups (such as Workgroups, interest-based Caucuses, or individual Members) to draft proposal language during or between DCTF meetings.

### 4.5 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 396 (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; non-voting members will abstain;
3. Following the initial vote, and presuming a 2/3rds majority and/or at least 15 voting Members, (as described in #2 above), a non-binding poll will be conducted to determine the opinion of the non-voting member. This will be included in the recommendations provided to the legislature.
4. Outcomes from voting procedures will be memorialized in the project record and in meeting summaries. In a 2/3 majority, or at least 15 voting Members is reached in a vote



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(excluding non-voting members), that recommendation will be forwarded to the Legislature and other parties as mandated in SB 369.

5. Minimum required attendance for a vote to take place is 15 voting Members (excluding non-voting members). All other majority recommendation rules will apply if 15 or more voting Members are present.

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 2/3 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 his/her Alternates serve as conduits for two-way information with his/her constituencies and organizations. Constituents wanting to provide input to the process are encouraged to provide his/her concerns and suggestions to his/her individual Members on the DCTF. Members will make an effort to communicate regularly with his/her constituencies and colleagues to keep them informed about the process and the issues under discussion.

Members are not prohibited from speaking with the media, but must indicate that they are providing his/her individual perspectives and are not speaking for the DCTF. Participants should neither characterize the positions and views of any other Member nor should they ascribe motives or intentions to the statements or actions of other 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/2009/04/dungeness-crab-task-force/>) 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:

5.2.1 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 Administrative Team to convey the comments to the appropriate DCTF Member(s);

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

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

### **Section 6. Charter Amendments**

DCTF Members may amend this Charter by following the same decision-making guidelines set



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forth in Section 4. Amendments may be proposed by DCTF Members during a DCTF meeting. The proposal will be agendized for discussion and possible action at the next DCTF meeting.

### **Section 7. Ground Rules**

All DCTF Members, OPC, the Administrative Team, and public participants of a meeting agree (subject to availability) to:

1. Arrive promptly to all meetings and be prepared for the meeting agenda;
2. Stay for the duration of the entire meeting and inform the Administrative Team in advance if this is not possible;
3. Turn cell phones to silent;
4. Minimize actions that could be distracting to discussions. If meeting attendee behavior becomes distracting to DCTF Members, those Members should speak with the Administrative Team to intervene;
5. Participate in a problem-solving approach based on respectful and constructive discussion, where the interests of all participants and the public are considered in developing proposals and recommendations;
6. 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.