



**Final Charter**  
**September 8, 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 his/her 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. Current ex officio Members of the DCTF unanimously agree to abstain during 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 so that a broad set of stakeholder interests representing major crab ports throughout the state can 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 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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40 **Section 2. Task Force Purpose, Deliverables, Timeline, and Process**

41

42 *Task Force Purpose*

43 According to SB 1690, the DCTF shall, among other things, do the following:

44

45 1. Under the guidance of a professional facilitator hired by the Ocean Protection Council  
 46 (OPC) for this purpose, review and evaluate Dungeness crab management measures with  
 47 the 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 committee,  
 52 refining sport and commercial Dungeness crab management, establishing a Dungeness  
 53 crab marketing commission, and the need for statutory changes to accomplish task force  
 54 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 his/her 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 to 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  
76 timeline 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 3.1.1 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 3.1.1.1 Identify, assess, and review: meeting topics, DCTF informational needs, and sources of  
99 information that are relevant and appropriate to DCTF discussions and recommendations,  
100 and draft and final DCTF deliverables;

101 3.1.2 Be fully engaged in DCTF activities;

102 3.1.3 Arrive at each meeting prepared to discuss agenda items. This includes reviewing  
103 materials and information distributed in advance of the meeting;

104 3.1.4 Represent the perspectives and interests of his/her respective constituencies and or  
105 organizations. Be available to his/her constituencies and/or organizational colleagues  
106 between DCTF meetings. Keep his/her organizations and/or constituents informed about  
107 the DCTF process, discussions, and recommendations through various means of  
108 networking and interaction, as appropriate;

109 3.1.5 Negotiate with other DCTF Members to evaluate and decide among various alternatives;

110 3.1.6 Serve on topic or geographic-specific Workgroups (as allowed by the legislation – See  
111 below for further description);

- 112 3.1.7 Work in partnership with an Alternate Member (Alternate) (see below for further
- 113 description) including but not limited to providing regular updates of DCTF activities,
- 114 including Alternates in discussions and consideration of pending DCTF
- 115 recommendations and decisions, ensuring that the Alternate is prepared to represent the
- 116 perspective of the organization and/or constituency at a DCTF meeting or Workgroup
- 117 Meeting; and
- 118 3.1.8 Attend each meeting (as feasible) and notify the Facilitation Team and OPC staff as soon
- 119 as possible if they can not attend.

120  
 121 In the event that an elected commercial fisherman Member must step down, or chooses to step  
 122 down from DCTF, that Member's service will be provided by an Alternate (see Section 3.2). The  
 123 Alternate will fulfill all the elected Member's responsibilities, as consistent with the Member's  
 124 perspective on any voting issues. The Facilitation Team will confirm shared perspective  
 125 between the Alternate and the elected Member and will report and memorialize this during a  
 126 DCTF decision process.

127  
 128 In the event that an appointed Member must step down, or chooses to step down from DCTF  
 129 service, that Member must be replaced by his/her Alternate (if one exists).

130  
 131 **3.2 Alternates-** DCTF Members **representing commercial fishing interests** will identify an  
 132 Alternate due to his/her respective busy schedules, the frequency of DCTF meetings, and the  
 133 critical importance of ensuring commercial fishing representation at all meetings. Each  
 134 commercial fishing Member will propose his/her own Alternate. Members will notify OPC in  
 135 writing once an Alternate has been selected. OPC will forward a list of selected Alternates to the  
 136 entire DCTF. Criteria for the selection of an Alternate will include, but not be limited to the  
 137 following:

- 138
- 139 3.2.1 Only one Alternate will be selected for each elected Member position;
- 140 3.2.2 The Alternate is based out of the same port that the primary Member was elected to
- 141 represent;
- 142 3.2.3 For commercial fishing representatives, the Alternate is a permit holder and represents
- 143 the same production tier as the primary Member was elected for;
- 144 3.2.4 The Alternate demonstrated previous interest or experience in seeking involvement
- 145 and/or participation with the DCTF;
- 146 3.2.6 The Alternate demonstrates a willingness to serve on the DCTF and meet the roles and
- 147 responsibilities of the primary Member, outlined in section 3.1;
- 148 3.2.7 The Alternate demonstrates a commitment to coordinate with other stakeholders in
- 149 his/her respective port as outlined in section 3.1; and
- 150 3.2.8 The Alternate is willing to vote on behalf of the Member

151  
 152 The role of an Alternate is to attend meetings that his/her respective DCTF Member cannot  
 153 attend, participate on his/her respective DCTF Member's behalf, work collaboratively with  
 154 his/her respective Member as well as other DCTF Members to provide recommendations/make  
 155 decisions/vote on agenda items only, and negotiate on behalf of his/her respective DCTF  
 156 Member and stakeholders when the Member can not be present. When an Alternate must miss a  
 157 meeting, they will notify his/her Member, the Facilitation Team and OPC staff as soon as  
 158 possible before a meeting. The DCTF will not spend meeting time to provide background on  
 159 any agenda items (historical data/information) for an Alternate, since Alternates are expected

160 to be fully educated by his/her respective DCTF Member and/or the Facilitation Team prior to  
161 the meeting they are attending.

162  
163 The Alternate is encouraged to attend as many DCTF meetings as possible, including those  
164 attended by his/her DCTF Member, and to visit the DCTF website for meeting summaries and  
165 background.

166  
167 DCTF Members **representing noncommercial fishing interests** (including those representing  
168 sport fishing interests, crab processing interests, commercial passenger fishing vessel interests,  
169 non-governmental organization interests, Sea Grant, and the DFG) are strongly encouraged to  
170 identify Alternates for reasons identical to those listed above for commercial representatives.  
171 Non-commercial fishing interest Alternates will fulfill the same roles and responsibilities as  
172 listed above in Section 3.2 for commercial Alternates.

173  
174 3.3 DCTF Facilitation Team- Facilitation services will be provided to support the DCTF  
175 meetings. The Facilitation Team serves as a “third party neutral” whose primary responsibility is  
176 to ensure an open process where all Members’ interests, and opinions are heard and thoughtfully  
177 considered. Specific responsibilities of the Facilitation Team include:

178  
179 3.3.1 Design and conduct a process (consistent with SB 1690) whereby the DCTF can discuss  
180 legislatively required topics and other issues, and make decisions/recommendations (see  
181 Task Force Purpose – Item 1). This process will ultimately be based on a 2/3 majority  
182 vote of all DCTF Members but may also include consensus decision methods (see  
183 below);

184 3.3.2 Facilitate all DCTF meetings;

185 3.3.3 Provide Members with the necessary skills and advice to negotiate in his/her self-interest;

186 3.3.4 Provide Members with skills and advice to collect and represent the interests of  
187 stakeholders in his/her respective ports;

188 3.3.5 Apply collaborative, interest-based negotiation methods that foster openness and identify  
189 areas of preliminary and final agreement;

190 3.3.6 Integrate new information and data to inform Members’ discussion and the negotiation  
191 process;

192 3.3.7 Prepare and provide oversight of meeting agendas and summaries, in consultation with  
193 OPC staff and Members;

194 3.3.8 Prepare a draft report for comment and a final report that captures the recommendations  
195 of the DCTF;

196 3.3.9 Provide orientation to new Members; and

197 3.3.10 As project budget and time permits, the Facilitation Team will meet (in person or via  
198 telephone) with the Member and Alternate to ensure shared understanding of the  
199 Member’s perspectives about any items due for discussion at the pending meetings.

200

201 3.4 Ocean Protection Council (OPC)- The OPC staff will:

202

203 3.4.1 Provide neutral support to the DCTF, including providing research and background  
204 information on policy, operational, and regulatory matters for DCTF discussion;

205 3.4.2 Support the activities of the DCTF including administrative support as well as Member  
206 travel costs;

207 3.4.3 Ensure that DCTF meetings follow the mandates of SB1690, the Bagley-Keene Open  
208 Meetings Act of 2004, and other pertinent laws;

- 209 3.4.4 Maintain a record of all meeting agendas, summaries, and materials;
- 210 3.4.5 Consult with the Facilitation Team on draft and final meeting agendas and summaries;
- 211 3.4.6 Maintain the DCTF webpage and email list-serve.
- 212
- 213 3.5 DCTF Workgroups- Workgroups will be created as needed to address specific tasks or
- 214 issues, and to enable the DCTF to address the management topics mandated in SB 1690 in an
- 215 efficient and time sensitive manner. Workgroups will consist only of Members and their
- 216 Alternates (as needed and appropriate). In the event that an Alternate and Member are present at
- 217 the same meeting, their perspective will constitute a "single voice" in discussions. In such events,
- 218 Alternates will observe rather than participate and will not get an additional voice by virtue of
- 219 being present. The Facilitation Team will provide advice for appropriate Membership and final
- 220 Memberships will be determined by a Member's and/or Alternate's willingness and availability
- 221 to volunteer. Workgroup Membership will not be determined by formal DCTF voting
- 222 procedures. Decisions for Member participation may be influenced by a Member's particular
- 223 areas of expertise relevant to a given Workgroup topic, and/or Members that express a particular
- 224 need to have input on a Workgroup's topic. All Workgroup meetings will be in compliance with
- 225 the Bagley-Keene Open Meeting Act of 2004. In cases where a Workgroup will meet outside of
- 226 full DCTF meetings (and away from facilitation support), a Workgroup may select a chair to
- 227 guide his/her process and 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**

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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 which might otherwise be 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 Therefore, any vote of 18 or more DCTF Members constitutes a mandatory recommendation.

246

247 In addition to the mandatory 2/3 vote, the DCTF has agreed that a vote of 15 or more Members

248 (excluding ex officios) also constitutes a recommendation, and will be forwarded to the

249 legislature (reporting methods to be determined).

250

251 Decision Types- The DCTF will make two types of decisions:

252

- 253 1. Administrative Decisions: administrative decisions are about the daily activities of the  
254 DCTF (including but not limited to: logistics, meeting dates and times, agenda revisions,  
255 schedules, etc.)  
256 2. Fishery Management Recommendations: recommendations about the Dungeness crab  
257 fishery management (including but not limited to topics mandated by SB 1690 and other  
258 topics that the DCTF chooses to address).

259  
260 The DCTF agrees that all administrative decisions will be made on a simple majority vote of all  
261 Members present, including ex officio's, at a given meeting (including full DCTF meetings and  
262 DCTF Workgroup meetings). Administrative decisions will not require, and will not include  
263 sending recommendations with less than 2/3 majority vote.  
264

265 The DCTF agrees that all fishery management recommendations about the Dungeness crab  
266 fishery will be made using a range of procedures that will include methods mandated by SB 1690  
267 and additional consensus methods (described below). It is understood that for all fishery  
268 management recommendations, the DFG Members and other ex officio Members will abstain  
269 during voting procedures. DFG leadership has determined it is impracticable for DFG to vote on  
270 items that they may be expected to enforce at a later date. DFG will be an active participant in  
271 discussions and potential straw polls (described below)  
272

273 Consensus Discussion/Decision Procedures: The DCTF will seek mutually acceptable and  
274 beneficial conclusions whenever possible. In that context, the DCTF consensus process is based  
275 on principles of "consensus with accountability". Consensus with accountability requires all  
276 Members to try to reach consensus while at all times supporting and expressing his/her self-  
277 interest. In the event a Member must reject a proposal, that Member must provide a counter  
278 proposal that legitimately attempts to achieve his/her interest, and the interests of the other  
279 Members.  
280

281 In seeking consensus on an interim or final recommendation, Members will voice his/her  
282 opinions with specific proposals along the way, rather than waiting until a final recommendation  
283 has been developed. At all times, Members will ensure that they are providing input on a  
284 decision commensurate to his/her prescribed role and constituency regarding the Dungeness crab  
285 industry. The basic sequential decision process will be as follows:  
286

287 Straw Polls: The DCTF will use straw polls to assess the degree of preliminary support for an  
288 idea before it is submitted as a formal proposal for final consideration by the DCTF. Members  
289 may indicate only tentative approval for a preliminary proposal without fully committing to its  
290 support. Straw Polls will potentially include subsequent work by the DCTF to revise the text of  
291 a recommendation and to prepare it for a final vote through either consensus or majority rule  
292 procedures (see below).  
293

294 Draft and Final Decisions: The DCTF will use the following three levels to indicate a Member's  
295 degree of approval and support for any proposal or decision being considered and to determine  
296 the degree of consensus.  
297

298       Thumbs Down:       I do not agree with the proposal. I feel the need to block its  
299                               adoption and propose an alternative.  
300



347 5. Minimum required attendance for a vote to take place is 15 voting Members (excluding ex  
348 officios). All other majority recommendation rules will apply if 15 or more voting Members  
349 are present.

350  
351 Regarding decision documents prepared by/for the DCTF, all documents will be identified as  
352 DRAFT until a final ratification on the particular document has been made by the DCTF. If a  
353 decision document receives the necessary 2/3 majority vote or better, it will be formally revised  
354 and referred to as a FINAL document.

355

## 356 **Section 5. Communication Protocols**

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358 5.1 DCTF Member communication- DCTF Members and his/her Alternates serve as conduits  
359 for two-way information with his/her constituencies and organizations. Constituents wanting to  
360 provide input to the process are encouraged to provide his/her concerns and suggestions to  
361 his/her individual Members on the DCTF. Members will make an effort to communicate  
362 regularly with his/her constituencies and colleagues to keep them informed about the process and  
363 the issues under discussion.

364

365 Members are not prohibited from speaking with the media, but must indicate that they are  
366 providing his/her individual perspectives and are not speaking for the DCTF. Participants should  
367 neither characterize the positions and views of any other Member nor should they ascribe  
368 motives or intentions to the statements or actions of other Members.

369

370 5.2 Information Publication- Materials will be prepared/provided on a regular basis to  
371 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/)  
372 [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  
373 materials. Materials prepared/provided for the DCTF may include the following materials and  
374 general schedules for development and distribution:

375

376 5.2.1 A list of DCTF Members has been made available to the public on the DCTF webpage  
377 that includes participant name and represented interest(s). Should an interested party  
378 have focused comments for a DCTF Member, the individual(s) will be encouraged to  
379 work through OPC staff and the Facilitation Team to convey the comments to the  
380 appropriate DCTF Member(s);

381

382 5.2.2 Preliminary draft materials are for discussion purposes and will be made available prior  
383 to each meeting;

384

385 5.2.3 Meeting agendas will be made available to DCTF Members and the public ten (10) days  
386 prior to each meeting; agendas sent to the public will include the name and contact  
387 information of DCTF Members for respective ports.

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392 **Section 6. Charter Amendments**

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

397

398 **Section 7. Ground Rules**

399

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

- 402 1. Arrive promptly to all meetings and be prepared for the meeting agenda;
- 403 2. Stay for the duration of the entire meeting and inform the Facilitation Team in advance if this  
404 is not possible;
- 405 3. Turn cell phones to silent;
- 406 4. Minimize actions that could be distracting to discussions. If meeting attendee behavior  
407 becomes distracting to DCTF Members, those Members should speak with the Facilitation  
408 Team to intervene;
- 409 5. Participate in a problem-solving approach based on respectful and constructive discussion,  
410 where the interests of all participants and the public are considered in developing proposals  
411 and recommendations;
- 412 6. Listen for understanding and openly discuss issues with others who hold diverse views;  
413 acknowledge and seek clarification of others' perspectives; and verify assumptions when  
414 necessary.