Meeting Summary
DCTF Executive Committee
Tuesday, September 19, 2017

Meeting Participants

EC Members Present	Bill Blue, Larry Collins, Mike Cunningham, Vince Doyle, Brett Fahning
EC Members Absent	Geoff Bettencourt, Bill Carvalho
Other Meeting Participants	Paige Berube, Ocean Protection Council Christy Juhasz, CA Department of Fish and Wildlife Sonke Mastrup, CA Department of Fish and Wildlife Cpt. Bob Puccinelli, CA Department of Fish and Wildlife Craig Shuman, CA Department of Fish and Wildlife Tom Weseloh, Joint Committee on Fisheries and Aquaculture Rachelle Fisher, DCTF Administrative Team Kelly Sayce, DCTF Administrative Team

Meeting Summary

All "next steps" are in bold below.

1. Welcome, introductions, agenda overview

- The DCTF Administrative Team (Admin Team) introduced call participants and welcomed everyone to the meeting. During the call, the Dungeness Crab Task Force (DCTF) Executive Committee (EC) will discuss the current domoic acid sampling schedule, the long-term structure and functioning of the DCTF or industry-representative organization, and receive an update on the status of whale entanglements in the California Dungeness crab fishery. Ideas and options developed by the EC on these topics will be presented to the DCTF for consideration and review during the October 16-18, 2017 meeting.
- The Admin Team explained the EC is a subcommittee of the DCTF. The EC cannot make decisions on behalf of the DCTF and will report back to the full DCTF with the outcomes of this conference call. During the October 24-25, 2016 DCTF meeting, the EC was directed to address priority topics, such as developing proposals to inform the long-term functioning of the DCTF. Additionally, the EC is tasked with moving DCTF recommendations forward between DCTF meetings.
- Meeting ground rules and guidelines for providing public comment were reviewed, and the Admin Team walked through the agenda. The Admin Team reminded those on the call that public comments are also welcomed via email at info@dungenesscrabtaskforce.com if they are having trouble getting through on the phone line. Emailed comments received during the conference call may be read aloud during the call as time permits, and also included in the meeting summary (which may be paraphrased to improve readability).
- The Admin Team reminded call participants this is a working meeting of the EC. Public comment is welcomed, however will be limited if we are unable to get through the agenda in a timely fashion.

2. Updates on issues involving the Dungeness crab fishery including, but not limited to, the domoic acid sampling schedule.

- The Admin Team reminded call participants that an email was sent on September 13, 2017 via the DCTF email list detailing many updates regarding the Dungeness crab fishery and requested that any questions about the updates be sent to info@dungenesscrabtaskforce.com.
- *Domoic Acid/Harmful Algal Blooms (HABs):* The California Department of Fish and Wildlife (CDFW) explained that the first round of sampling is expected to start as early as this week (the week of September 19, 2017) or the following week. CDFW is working to schedule sampling as early as possible to make sure results are available to inform the November 15 and December 1 season openers. It takes about 10 days for the Richmond lab to process samples and post results.
    - An EC Member requested an update and verification on the status of razor clam sampling based on tests in late July that indicated domoic acid levels above the threshold.
        - **CDFW will confirm where razor clam sampling results are posted and share the information with the EC/DCTF.**
        - Tom Weseloh, Joint Committee on Fisheries and Aquaculture (JCFA), shared that only two of the clams tested on July 23, 2017 tested high. Domoic acid levels are trending downward right now and this is the lowest he has seen in a year and a half. **Mr. Weseloh will forward the information to the Admin Team for distribution.**
        - Another EC member asked where mussel sampling results are posted. **CDFW will confirm where mussel sampling results are posted and share will also this information.**
- The Admin Team emphasized that the upcoming EC meeting on October 3, as well as the DCTF meeting on October 16-18, are opportunities for the EC and DCTF to make suggestions and recommendations on how to improve the process for being responsive to elevated levels of domoic acid and any other concerns they have related to this topic.
    - Mr. Weseloh stated that the JCFA is also scheduling a meeting for October 27 in Eureka from 1 p.m. to 5 p.m. and will feature updates from the EC and the CA Dungeness Crab Fishing Gear Working Group (Whale Working Group). In preparation for the meeting, State Senator Mike McGuire will be hosting a prep call to gather information from the DCTF on priority discussion topics. Additional information will be made publicly available on the JCFA webpage in the coming days.

Public Comment

No public comment was received.

3. Discuss the long-term structure and functioning of the DCTF or industry-representative organization including, but not limited to, incorporation/organizational status (e.g., non-profit, commission, council, etc.), elections process, selection of alternates and replacements between elections, term-limits, etc.

- During the October 2016 meeting, the DCTF tasked the EC with developing ideas and options regarding the DCTF's organizational structure and function beyond 2019. The DCTF must arrive at a recommendation(s) during its October 16-18, 2017 meeting to avoid a lag in the DCTF's operations. Based on that conversation and EC calls in March and June 2017, a number of options have been developed to support this discussion (here).
    - EC Members agreed that identify/confirming what funding is available to support an organization will help inform the type of entity the DCTF could be. It was stated that the industry are generally

supportive of an entity like the DCTF moving forward, however determining a clear pathway towards securing funding is a fundamental need.

- An EC Member acknowledged that there continues to be confusion on whether or not funding is available to support the DCTF's operations moving forward.
- CDFW stated that if the DCTF decides how to move forward, CDFW can help access funds from the Dungeness Crab Account. In the short-term, CDFW is taking steps to develop a contract for administering the DCTF through 2019 using funds from the Dungeness Crab Account. CDFW is also looking at the spending authority and the possibility of using Dungeness Crab Account funds to support the DCTF beyond 2019.
- Mr. Weseloh elaborated that he thought accessing funding from the Dungeness Crab Account will be possible, however the mechanism for how the funds will be allocated are not yet understood since the DCTF has not yet decided what type of entity it will be moving forward. The funding could be distributed with an annual appropriation depending on how the legislation was crafted.
- The Admin Team explained that without a decision on how the DCTF wants to move forward (i.e. as a body through the California Department of Food and Agriculture, nonprofit, etc.), CDFW is not able to make a commitment on providing funding because they don't know what the cost will be.
- An EC Member made a recommendation for the DCTF to suggest that the Dungeness Crab Account funding be used for the DCTF moving forward.
- CDFW asked for clarification on what that means to use those funds to support the DCTF. Does it require maintaining a facilitation team? How many meetings will there be per year, etc.?
    - The Admin Team stated that the DCTF can recommend specific uses for the Dungeness Crab Account and how it can (or not) be used to support DCTF operations. The Admin Team will contact David Goldenberg to get an understanding of the cost to support a council and commission and what types of activities/tasks that funding supports.

- The Admin Team suggested exploring options for the DCTF's future incorporation status. The Admin Team invited Kate Kauer with The Nature Conservancy to join the call as a resource on nongovernmental organization (NGO) structure and function. Additionally, the Admin Team developed a draft decision tree with different organizational structure options to help support the EC in its discussions. The Admin Team started by asking the EC: Do you see value in the DCTF moving forward? Would the future organization need a vote of industry before moving forward? Should it be established legislatively?
    - There was general agreement by EC Members on the value of the DCTF moving forward and generally support an industry-wide vote to establish the DCTF.
    - The Admin Team provided a brief overview on the options presented in the decision tree, including the difference between a council and a commission.
        - When considering becoming a council, it's worth noting that there isn't an option to engage in any legal action. If a council is sued, the organization can use CDFA's legal team, while a commission would have to hire lawyers. In summary, a council is legally protected by the state, but couldn't sue or participate in lobbying.
        - Additionally, if the DCTF chooses to become either a council or a commission, CDFA will work with the industry to develop legislation and, if it passes, will then send out for a fleet-wide vote to confirm the industry's support.

- The Admin Team reminded EC Members that the DCTF forwarded a recommendation in the January 2017 report for mandatory membership in the organization and holding elections every three years. These specifications will impact what kind of organization they can establish.
- The EC discussed the option of establishing a council or a commission through the CDFA.
    - The EC discussed the possibility of funding a council or commission by using revenue generated by trap tag fees via the Dungeness Crab Account.
        - An EC Member explained that the California Salmon Council is funded by a salmon stamp. If the DCTF decides to operate as a council, there will be additional costs for an Executive Director and audit expenses ($7,000-$8,000/year). There are benefits to having CDFA as the administrator, however there are trade-offs to all of the options on the table.
        - An EC Member stated that involving an Executive Director would be a change to the way the DCTF currently operates, and would likely take over the role of running DCTF meetings and operations. All monies involved would be collected by CDFA and paid to the council. In addition, the council receives protection from CDFA's lawyers.
    - There was concern expressed about the amount of money spent in Oregon to establish a commission and some EC Members highlighted the need for any organization to have clear goals to measure achievements against.
        - An EC Member also stated that a nonprofit may be cheaper to establish based on this experience and asked if a council or commission could accept donations to offset start up costs. **The Admin Team will look into whether CDFA organizations are allowed to accept donations.**
        - An EC Member asked if the DCTF formed a commission, could they participate with the Oregon Dungeness Crab Commission in price negotiations. **The Admin Team will check in with David Goldenberg, Sea Urchin Commission and Salmon Council, to understand CDFA council and commission's ability to engage in price setting and negotiations.**
- The EC discussed the option of establishing an NGO.
    - An EC Member stated that having an Executive Director in place might be more appropriate and useful if the DCTF was established as an NGO. This would allow the DCTF to solicit philanthropic and government grants which are tax deductible. This also might be simpler than creating new state laws to establish a body through CDFW. An EC Member asked if the Admin Team could take on the responsibilities of an NGO Executive Director.
    - The Admin Team has not received a firm response on CDFW's ability to funnel funding from the Dungeness Crab Account to an NGO, but is not optimistic about the response since they have been unable to find this kind of precedent set.
    - An EC Member asked if an NGO could be set up through a similar pathway as the CDFA option with an industry-wide vote. **The Admin team explained it was unclear, but would work with TNC lawyers to better understand the feasibility of this option**.
    - A couple EC Members believe there would be a lot less government interference to establish and run a 501c3.

- An EC Member asked who would be responsible for carrying out elections if the DCTF was to be structured as an NGO.
    - The Admin Team explained that the NGO would be responsible for carrying out the elections, and for securing long-term funding for all DCTF operations including elections. There are examples of fishery organizations operating as NGOs, such as the California Lobster and Trap Fishing Association (CLTFA), which have their elections run by board members.
        - Two EC Members expressed that they would like to see the ports handle elections and have the DCTF handle tallying election results.
- Ms. Kauer offered to seek legal input on the best path forward if the DCTF could develop a list of organizational functions it would like to have in place moving forward. For example, is DCTF considering lobbying, are there more details available on governance structure, etc.
    - An EC Member asked if it was possible to develop a list of organizational functions for both an NGO and CDFA options to get feedback on the EC's lingering questions. Another EC Member asked for guidance on what would be involved in developing a nonprofit with a budget. The Admin Team responded that this task is straightforward for the CDFA options. However, since the DCTF does not have a lawyer on staff the EC will have to rely on Ms. Kauer's offer to better understand the nonprofit pathways and options.

- The EC discussed the process for replacing DCTF Members, term limits, and the role of alternates.
    - The Admin Team reminded EC Members that the DCTF had previously recommended holding elections every three years. The Admin Team asked the EC to discuss options for replacing individuals who step down before their three-year term is complete.
        - An EC Member suggested replacing the person who leaves with the runner-up in the election. Another EC Member suggested leaving it up to the ports to decide who should be the replacement for a given DCTF Member.
        - An EC Member suggested having an alternate fill the seat until the next election happens.
    - The Admin Team asked if there should be term limits on how long a DCTF member can serve. Can DCTF Members be re-elected?
        - An EC Member responded that it can be challenging to find fishermen willing to serve on the DCTF and perform the required duties (attending meetings, email, etc.). If someone steps down, the DCTF loses the collective history, experience and knowledge of that individual and it can be difficult to find a new person to commit to the expense and time of being a volunteer. With this in mind, it would be best to allow DCTF Members to continue to serve if re-elected and not have term limits. Another EC Member agreed and stated that it's too hard to find people to replace current members.
    - The Admin Team asked if alternates should be allowed to serve on the DCTF.
        - An EC Member stated that alternates should be allowed because the DCTF needs to have a quorum to hold a meeting. Another EC Member agreed and suggested that a representative and an alternate be voted for at the same time during the election. An EC

Member expressed support for each port identifying their representatives and alternates without holding elections.

- An EC member stated that it was only necessary to have alternates for voting seats.

- The Admin Team reminded the EC that the DCTF had expressed general support for retaining processors on the DCTF moving forward. While there still needs to be a formal recommendation to this effect, the EC was asked how processors should be selected or appointed to the DCTF. In the past, processors were nominated through a public solicitation process and appointed by the OPC.
    - An EC Member suggested that DCTF Members vote on who fills the processors' seat(s).

- Ac EC Member asked what the administrative costs would be if the organization were set up through for CDFA and CDFW.
    - The Admin Team responded that pursuing CDFW as an administrator isn't an option at this moment. Mr. Weseloh elaborated that having a state department serve as an administrator can be difficult to pass legislatively because a cap is placed on funding even though an organization's (i.e. the DCTF) costs and the state department's administrative costs increase over time.
    - An EC Member commented that CDFW's administrative costs should not be too extensive since their only responsibility will be to write a check to the DCTF annually.
    - The Admin Team asked if the EC wants to consider the CDFW option moving forward in addition to CDFA and the NGO options.
        - No response was received.
- The Admin Team responded that they would investigate cost structures for each option to discuss at the October 2017 meeting in Ukiah.

Public Comment

- George Bradshaw, commercial fisherman, stated he agrees that the DCTF needs to figure out a funding source to determine what can be achieved moving forward. Putting a request into CDFW to access the Dungeness Crab Account funding would be important to allow the DCTF to better understand what could be achieved through that option. For elections, if peers elect the representatives and there's only so many people who want to put forward their time and energy, then there shouldn't be a term limits.

- The EC continued to discuss the function of a future DCTF organization.
    - The Admin Team asked how frequently the future DCTF organization should meet and how many in-person meetings should there be.
        - An EC Member highlighted the need for phone calls to be responsive to crises and timely issues like domoic acid. In-person meetings are difficult to coordinate based on everyone's schedule and should be focused on a three-day meeting once a year. However, if an in-person meeting isn't necessary then the meeting budget should be carried forward to the next year.
    - The Admin Team reiterated that there have typically been five to six calls a year and asked if it's valuable to have subcommittee calls, like the EC, to move things forward between DCTF meetings.

        - An EC Member responded he would prefer moving forward with a small group because coordinating calls with the full DCTF would be too difficult to manage.
        - An EC Member suggested having calls with the full DCTF if necessary, such as when a vote is required in a timely fashion. Another EC Member asked if costs should be added to the budget to support a full DCTF conference call. Another EC Member confirmed that adding one extra emergency conference call for the full DCTF should be added to the costs as a backup plan.

- The Admin Team revisited the DCTF's expressed concern about not having access to their constituents contact information. In response, the Admin Team developed an online sign-up form that would link permitholders with their DCTF member(s), however no one has used the form to-date despite it being circulated through the public email list and to all DCTF Members. The Admin Team asked if there are other steps that can be taken to better address this issue.
    - An EC Member responded that DCTF Members need to have a list of all permitholders they represent including their contact information so they can contact them at their leisure. DCTF Members are not provided with this list because CDFW says this contact information is confidential. He wondered whether changing the DCTF's status to a commission or council would provide Members access to this list.
        - CDFW indicated that changing to a commission or council would not change the confidentiality rules and that permitholders' contact information could not be shared with DCTF Members.
    - An EC Member asked if it was possible to send a mailing to each commercial fisherman providing information on how they can contact their DCTF representative.
        - An EC Member explained that the Salmon Council has sent a letter with a stamped envelope to permitholders requesting this kind of information. He explained the response was minimal and stated that people in the fleet aren't as concerned as EC Members are about receiving information about the fishery or participating in the DCTF process.
        - An EC Member stated that it is the responsibility of individual fishermen to get in touch with their DCTF representatives, not the other way around.

Public Comment

- Landon Carpenter, commercial fisherman, emailed the following comment: No more fees! I would vote to let the DCTF dissolve. CDFW should do its job and conduct a successful fishery. Have a board meeting every couple of years to make changes or adjustments to the fishery and move on. No NGOs, no 501c3s, no legal issues, no problems. A more streamlined process that removes advisory bodies from the fishery is obviously not popular for those that make a living by making meeting after meeting, and obviously, it is a conflict of interest if any such body can vote in the decision of its fate. If CDFW needs any further money for gathering or disseminating information for purposes of voting to change the fishery, then they should get it from a landing tax as the allocation between permit tiers is not representative of the stake to which the larger players need to have input.
- George Bradshaw, commercial fisherman, commented that while a single in-person DCTF meeting with a full vote per year was sufficient in the past, with issues like domoic acid and whale entanglements there needs to be more frequent meetings with the full DCTF. He acknowledged that it's hard to budget, however it seems like once-a-year meetings aren't enough to deal with pressing issues that come up before the season starts.
    - The Admin Team added that legislative timing needs to be taken into account for a DCTF meeting as well.

- Mr. Bradshaw responded that by the time the DCTF starts talking about an issue again, it's past the legislative time frame and then the DCTF is stuck and can't do anything again until the next legislative schedule. A possible solution might be scheduling a meeting for legislative issues and if it's not needed, then roll the budget for that meeting over to a future meeting.
- Mr. Bradshaw continued that as far as the fleet contacting their DCTF representatives, personal conflicts may prevent permitholders from reaching out to their DCTF representative(s). It is generally easy to access DCTF representatives during the fishing season and it's pretty easy for members of the fleet to access DCTF representatives' contact information if they want to.

- Don Marshall, commercial fisherman, agreed with Mr. Bradshaw. He thinks that dissolving the DCTF is a bad idea because there are so many things happening in the fishery that it's important to keep to have a forum for the conversation. There are good DCTF representatives, the fleet is able to get a hold of them and representatives have been pretty open. It's important to have DCTF representatives who keep information flowing, particularly during the fishing season.
  - The Admin Team asked if there is a way for DCTF representatives to share information.
    - Mr. Marshall responded that some DCTF representatives aren't that easy to get a hold of. He suggested that the Admin Team keep sending out emails to fishermen so everyone has the opportunity to share the information. Representatives need to keep their ears open and reach out to their peers prior to a vote to get feedback from members of the fleet.

4. Continue review status of whale entanglements in the California Dungeness crab fishery under consideration by the Dungeness Crab Fishing Gear Working Group to pilot projects during the 2017-18 fishing season.

- The Admin Team asked what kind of information would be helpful to be presented at the in-person meeting.
  - An EC Member said a presentation that outlines where the Working Group started, where they are now, and what more the DCTF can do to support their efforts would be helpful. **The Admin Team will relay this request to the Working Group.**

5. General public comment

No public comment was received.

6. Adjourn

- The Admin Team summarized the next steps that emerged from the call discussions.
  - The Admin Team will produce a summary of this conference call and post it on the DCTF webpage once it has been reviewed for accuracy by the EC.
  - The next EC call is scheduled for October 3, 2017 at 10am. The call will be a collective opportunity to discuss how the CDFW can best help moving forward with the ongoing domoic acid challenge and what the fleet would like to have in place to be responsive to this issue.