



## California Dungeness Crab Task Force Charter

*Last Amended October 16, 2019*

### 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. 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

The DCTF is a legislatively-mandated advisory body that reviews and evaluates Dungeness crab fishery management measures and provides recommendations to the Joint Committee on Fisheries and Aquaculture, California Department of Fish and Wildlife (CDFW), and the Fish and Game Commission pursuant to Fish and Game Code (FGC) Section 8276.4. Senate Bills 1690 (Wiggins, 2008) and 369 (Evans, 2011), and 1310 (McGuire, 2018) have amended this Fish and Game Code section. The DCTF was designed so that a broad set of stakeholder interests representing the Dungeness crab industry throughout the state could evaluate current management measures and provide recommendations on future management of the Dungeness crab fishery. The work of the DCTF is expected to be carried out at a minimum of one public meeting each calendar year until the current statute sunsets in 2029, with the goal of reviewing and making recommendations on Dungeness crab management.

Elected and appointed DCTF Members are identified in Table 1.

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

<b>Commercial Fishing Members</b>		
<b>Representative</b>	<b>Port</b>	<b>Production level</b>
David Haddad	Crescent City	Lower
Gerry Hemmingsen	Crescent City	Upper
George Bradshaw	Crescent City	Not specified
Zach Rotwein	Trinidad	Not-specified



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David Helliwell	Eureka	Lower
Michael Cunningham	Eureka	Upper
Scott Hockett	Fort Bragg	Lower
Vince Doyle	Fort Bragg	Upper
Ron Blodgett	Bodega Bay	Lower
Chris Lawson	Bodega Bay	Upper
Larry Collins	San Francisco	Lower
John Barnett	San Francisco	Upper
Jim Anderson	Half Moon Bay	Lower
Geoff Bettencourt	Half Moon Bay	Upper
Tom Hart	South of Half Moon Bay	Lower
William "Bill" Blue	South of Half Moon Bay	Upper
Todd Whaley	Non-resident	Not-specified

<b>Non-Commercial Fishing Members</b>	
<b>Representative</b>	<b>Interest group</b>
Marc Capra	Sport Fishing, voting
Jim Yarnell	Sport Fishing, non-voting
Mel Wickliffe	Crab Processing, voting
Not filled	Crab Processing, voting
Rick Powers	Commercial Passenger Fishing Vessel
Kate Kauer, The Nature Conservancy	Non-governmental organization, non-voting
Not filled	Non-governmental organization, non-voting
Dr. Carrie Pomeroy	University of California Sea Grant, non-voting
Asst. Chief Mike Stefanak	California Department of Fish and Wildlife, non-voting
Christy Juhasz	California Department of Fish and Wildlife, non-voting

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

### *Task Force Purpose*

According to FGC Section 8276.4, 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 recommendations to the Joint Committee on Fisheries and Aquaculture, the California Department of Fish and Wildlife (CDFW), and the Fish and Game Commission no later than January 15, 2022, and by January 15 of every third year thereafter through 2028.
2. Make recommendations by the dates specified in paragraph (1) on all of the following: the need for a permanent Dungeness crab advisory committee, the economic impact of the program described in Section 8276.5 on permit holders 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 the permit holders described in subparagraph (G) of paragraph (1) of subdivision (a)



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of Section 8276.5, refining commercial Dungeness crab management, 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. The task force may establish subcommittees of specific user groups from the task force membership to focus on issues specific to 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 fifteen (15) of the task force Members (DCTF voting procedures are discussed in Section 4 Decision Making and Voting Procedures).

### *Meeting Task Force Deliverables*

The Administrative Team will coordinate with the California Ocean Protection Council (OPC) and CDFW, and directly engage the DCTF in a phased approach to meet the aforementioned legislatively mandated deliverables. Reports are anticipated to be drafted by the Administrative Team annually following the last DCTF meeting of the calendar year. Drafts of these reports are expected to be distributed to DCTF Members for review and comment before they are finalized. Final reports will be written and forwarded to regulators and the legislature at or around January 15 of each year, or earlier. This timeline is subject to change.

### *Legal compliance*

All work of the DCTF will be in compliance with the Bagley-Keene Open Meeting Act. 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**

FGC Section 8276.4 required the composition of the DCTF to include 27 Members representing the following interests: seventeen (17) elected Members representing commercial fishing interests; one (1) voting Member and one (1) non-voting Member representing sport fishing interests; two (2) Members representing crab processing interests; one (1) Member representing commercial passenger fishing vessel (CPFV) interests; two (2) Members representing nongovernmental organization (NGO) interests; one (1) representative of University of California Sea Grant; and two (2) representatives of the CDFW. (See Table 1. Membership of the Dungeness crab task force)



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- 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 FGC Section 8276.4, 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 Section 3.2 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.

Elections for commercial fishing representatives will be held every three years in each port, on a staggered basis across ports, as described in FGC Section 8276.4. Non-commercial fishing Members will be appointed by the Chair of the OPC when a Member steps down or is removed. CDFW appoints the members representing CDFW, and the University of California Sea Grant appoints the member representing the University of California Sea Grant.



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, who will serve and vote in the Member's place until the next election is held in the port pursuant to FGC Section 8276.4 (also 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), who will serve and, if applicable, vote in the Member's place until that position is filled as required pursuant to FGC Section 8276.4.

### 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 level 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 agendized 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 agendized 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 CDFW) 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 may be created as needed to address specific tasks or issues, and to enable the DCTF to address the management topics mandated in FGC Section 8276.4 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. 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.

### 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.

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

This section describes the decision-making procedures outlined in FGC 8276.5 that the DCTF will use, including consensus methods that may be used to enhance recommendations, which might otherwise be limited to majority rule outcomes. Subsection (c) of FGC 8276.5 states, *“For the purposes of this section, a proposed recommendation that receives an affirmative vote of at least 15 of the non-ex officio members of the Dungeness crab task force may be transmitted to the director or the Legislature as a recommendation, shall be considered to be the consensus of the task force, and shall be considered to be evidence of consensus in the Dungeness crab industry. Any proposed recommendation that does not receive a vote sufficient to authorize transmittal to the director or Legislature as a recommendation shall be evidence of a lack of consensus by the Dungeness crab task force, and shall be considered to be evidence of a lack of consensus in the crab industry.”* **This means that the DCTF will forward a recommendation if 15 (excluding non-voting members) or more of the Members support it.** This does not prohibit the DCTF from also forwarding recommendations with less than 15 affirmatives.

### 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.)
2. Fishery Management Recommendations: recommendations about the Dungeness crab fishery management (including but not limited to topics mandated by FGC Sections 8276.4 and 8276.5 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 15 affirmative votes.

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 FGC Sections 8276.4 8276.5 and additional consensus methods (described below). It is understood that for all fishery management recommendations, the CDFW Members and other non-voting Members will abstain during voting procedures. CDFW leadership has



determined it is impracticable for CDFW to vote on items that they may be expected to enforce at a later date. CDFW 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.

**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





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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 FGC Section 8276.4 and 8276.5 (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 be voted on by all Members; non-voting members will abstain;
3. Outcomes from voting procedures will be memorialized in the project record and in meeting summaries. Upon reaching at least 15 affirmative votes of Members (excluding non-voting members), that recommendation will be forwarded to the Legislature and other parties as mandated in FGC Section 8276.4.
4. 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 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 15 votes 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, CDFW 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 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. Meeting Agreements**

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.

## **APPENDIX A**

### **DCTF Executive Committee Operating Procedures**

The Dungeness Crab Task Force (DCTF) created an Executive Committee (EC) by unanimous vote on April 2, 2012.

#### **Role and Purpose**

The role of the EC is to:

- Make recommendations to the DCTF and develop proposals for the DCTF's consideration.
- Support the DCTF Administrative Team in developing and planning for DCTF meeting.
- Provide clarification to the Legislature, California Department of Fish and Wildlife (CDFW), and the Fish and Game Commission on DCTF actions, as needed.
- Serve as a sounding board and forum for open idea sharing for the Dungeness crab fleet.
- Identify the need for DCTF subcommittees to be developed.

As explained in FGC Section 8276.4, the EC will report back to the DCTF on the committee's activities.

#### **Membership and Organization**

Eight DCTF members have been appointed by the collective DCTF to serve on the EC. The DCTF approves the following members of the EC:

- John Barnett
- Geoff Bettencourt
- Bill Blue
- George Bradshaw
- Larry Collins
- Mike Cunningham
- Gerry Hemmingsen
- Zach Rotwein

#### **Procedures and Process**

All Workgroup meetings will be in compliance with the Bagley-Keene Open Meeting Act of 2019. The Administrative Team will coordinate with OPC and CDFW to support the EC. In cases where the EC will meet outside of full DCTF meetings, a member of the DCTF Administrative Team will provide facilitation and note taking support to guide the process and ensure the group meets roles, responsibilities and deadlines for tasks. Summaries from every EC meeting will be drafted and shared with the DCTF and public. Other deliverables and documents may be drafted based on the outcomes of EC meetings, as appropriate.



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An EC meeting will only be convened if a quorum (5) of members is present. An Executive Committee Member may send their DCTF meeting Alternate to participate in an Executive Committee meeting when the Member is unable to be present.

### *Legal compliance*

All work of the EC will be in compliance with the Bagley-Keene Open Meeting Act of 2019. The Administrative Team, participating state agencies, and EC/DCTF Members are expected to maintain familiarity and compliance with all aspects of the act as it applies to the work of the DCTF.

All ground rules and communications processes in the DCTF Charter apply to the EC.

### **Decision Making and Voting Procedures**

All ideas, proposals, suggestions, etc. generated by the EC must be unanimously agreed upon by the quorum present during the meeting to be forwarded to the DCTF.