



Working Draft Charter
Version 2 – August 25, 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 their 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. **OPTION:** Current Ex-officio Members of the DCTF unanimously agree to abstain from 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 to provide recommendations on future management of the Dungeness crab fishery by a broad set of stakeholder interests representing major crab ports throughout the state. The bill was signed into law by Governor Schwarzenegger in September 2008 and designates the development and establishment of a DCTF. The work of the DCTF is expected to take place during the course of 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 15th, 2010. Elected and appointed DCTF Members are identified in Table 1.

Table 1. Membership of the Dungeness Crab Task Force

| Elected Commercial Fishing Members – 17 Total | | | |
|--|---------------|-------------------------|--------------------------|
| Representative | Port | Production level | Vessel |
| Bill DeBacker | Crescent City | Lower | F/V She N I and F/V Jard |
| Lee Wilson | Crescent City | Lower | F/V Gold Coast |
| Brett Fahning | Crescent City | Upper | F/V Rogue |
| Gerry Hemmingsen | Crescent City | Upper | F/V Pollux |
| Mike Zamboni | Trinidad | Not-specified | F/V Lucky 50 |
| Don Standley | Eureka | Lower | F/V Terry S |
| Michael Cunningham | Eureka | Upper | F/V Sally K |

| | | | |
|---------------------|------------------------|---------------|----------------------------|
| William Forkner | Fort Bragg | Lower | F/V Shirley and F/V Audrey |
| Vince Doyle | Fort Bragg | Upper | F/V Verna Jean |
| Stan Carpenter | Bodega Bay | Lower | F/V Sandy B |
| Chris Lawson | Bodega Bay | Upper | F/V Seaward |
| Lawrence Collins | San Francisco | Lower | F/V Autumn Gale |
| John Atkinson | San Francisco | Upper | F/V New Rayann |
| Jim Anderson | Half Moon Bay | Lower | F/V Alliane |
| Geoff Bettencourt | Half Moon Bay | Upper | F/V Moriah Lee |
| William "Bill" Blue | South of Half Moon Bay | Not-specified | F/V Morning Light |
| Randy Smith | Non-resident | Not-specified | F/V Mistasea |

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| Appointed Members – 10 Total (including 5 Ex-Officio) | |
|--|---|
| Representative | Interest group |
| Ben Sleeter | Sport Fishing |
| Kevin McKernan | Sport Fishing |
| Bill Carvalho | Crab Processing |
| Paul Johnson | Crab Processing |
| Roger Thomas | Commercial Passenger Fishing Vessel (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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39 **Section 2. Task Force Purpose, Deliverables, Timeline, and Process**

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41 Task Force Purpose

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

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- 45 1. Under the guidance of a professional facilitator hired by the Ocean Protection Council for
46 this purpose, review and evaluate Dungeness crab management measures with the
47 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 2. Make recommendations on the need for a permanent Dungeness crab advisory
51 committee, refining sport and commercial Dungeness crab management, establishing a
52 Dungeness crab marketing commission, and the need for statutory changes to accomplish
53 task force objectives.
- 54 3. In considering Dungeness crab management options, prioritize the review of pot limit
55 restriction options, harvest allocation, current and future sport and commercial fishery
56 effort, season modifications, essential fishery information needs, and short- and long-
57 term objectives for improved management.
- 58 4. Establish subcommittees of specific user groups from the task force membership, if
59 needed, to focus on issues specific to sport fishing, commercial harvest, or crab
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62

63 processing. The subcommittees shall report their 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 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 timeline
76 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 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
99 3.1.1 Identify, assess, and review: meeting topics, DCTF informational needs, and sources of
100 information that are relevant and appropriate to DCTF discussions and recommendations,
101 and draft and final DCTF deliverables;
- 102 3.1.2 Be fully engaged in DCTF activities;
- 103 3.1.3 Arrive at each meeting prepared to discuss agenda items. This includes reviewing
104 materials and information distributed in advance of the meeting;
- 105 3.1.4 Represent the perspectives and interests of their respective constituencies and or
106 organizations. Be available to their constituencies and/or organizational colleagues
107 between DCTF meetings. Keep their organizations and/or constituents informed about
108 the DCTF process, discussions, and recommendations through various means of
109 networking and interaction, as appropriate;

- 110 3.1.5 Negotiate with other DCTF members to evaluate and decide among various alternatives;
111 3.1.6 Serve on topic or geographic-specific Workgroups (as allowed by the legislation – See
112 below for further description);
113 3.1.7 Work in partnership with an Alternate Member (Alternate) (see below for further
114 description) including but not limited to providing regular updates of DCTF activities,
115 including Alternates in discussions and consideration of pending DCTF
116 recommendations and decisions, ensuring that the Alternate is prepared to represent the
117 perspective of the organization and/or constituency at a DCTF meeting or Workgroup
118 Meeting.
119 3.1.8 Attend each meeting (as feasible) and notify the Facilitation Team and OPC staff as soon
120 as possible if they can not attend.
121
122

123 In the event that an elected commercial fisherman Member must step down, or chooses to step
124 down from DCTF service, that Member must be replaced by conducting a new election in the
125 Member's respective port and for his respective production level. The Member's Alternate will
126 temporarily replace the Member until an election has been held. Candidates for election will
127 include the Alternate and all commercial crab fishermen who were on the original ballot. Once a
128 new Member has been elected, that Member will select a new Alternate.
129

130 In the event that an appointed Member must step down, or chooses to step down from DCTF
131 service, that Member must be replaced by their Alternate (if one exists).
132

133 3.2 Alternates- DCTF Members **representing commercial fishing interests** will identify an
134 Alternate due to their respective busy schedules, the frequency of DCTF meetings, and the
135 critical importance of ensuring commercial fishing representation at all meetings. Each
136 commercial fishing Member will propose their own Alternate. Members will notify OPC in
137 writing once an Alternate has been selected. OPC will forward a list of selected Alternates to
138 the entire DCTF. Criteria for the selection of an Alternate will include, but not be limited to
139 the following:
140

- 141 3.2.1 Only one Alternate will be selected for each elected Member position;
142 3.2.2 The Alternate is based out of the same port that the primary Member was elected to
143 represent;
144 3.2.3 For commercial fishing representatives, the Alternate is a permit holder and represents
145 the same production tier as the primary Member was elected for;
146 3.2.4 The Alternate demonstrated previous interest or experience in seeking involvement
147 and/or participation with the DCTF;
148 3.2.6 The Alternate demonstrates a willingness to serve on the DCTF and meet the roles and
149 responsibilities of the primary Member, outlined in section 3.1;
150 3.2.7 The Alternate demonstrates a commitment to coordinate with other stakeholders in their
151 respective port as outlined in section 3.1.
152 3.2.8 The Alternate is willing to vote on behalf of the Member
153

154 The role of an Alternate is to attend meetings that their respective DCTF Member cannot attend,
155 participate on their respective DCTF member's behalf, work collaboratively with their respective
156 Member as well as other DCTF Members to provide recommendations / make decisions / vote
157 on agenda items only, and negotiate on behalf of their respective DCTF Member and
158 stakeholders when the Member can not be present. When an Alternate must miss a meeting, they

159 will notify their Member, the Facilitation Team and OPC staff as soon as possible before a
160 meeting. The DCTF will not spend meeting time to provide background on any agendized items
161 (historical data/information) for an Alternate, since Alternates are expected to be fully educated
162 by their respective DCTF Member and/or the Facilitation Team prior to the meeting they are
163 attending.
164

165 The Alternate is encouraged to attend as many DCTF meetings as possible, including those
166 attended by their DCTF Member, and to visit the DCTF website for meeting summaries and
167 background. .
168

169 DCTF Members **representing noncommercial fishing interests** (including those representing
170 sport fishing interests, crab processing interests, commercial passenger fishing vessel interests,
171 non-governmental organization interests, Sea Grant, and the DFG) are strongly encouraged to
172 identify Alternates for reasons identical to those listed above for commercial representatives.
173 Non-commercial fishing interest Alternates will fulfill the same roles and responsibilities as
174 listed above.
175

176 3.3 DCTF Facilitation Team- Facilitation services will be provided to support the DCTF
177 meetings. The Facilitation Team serves as a “third party neutral” whose primary
178 responsibility is to ensure an open process where all Members’ interests, and opinions are
179 heard and thoughtfully considered. Specific responsibilities of the Facilitation Team
180 include:
181

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

187 3.3.2 Facilitate all DCTF meetings;

188 3.3.3 Provide Members with the necessary skills and advice to negotiate in their self-interest;

189 3.3.4 Provide Members with skills and advice to collect and represent the interests of
190 stakeholders in their respective ports;

191 3.3.5 Apply collaborative, interest-based negotiation methods that foster openness and identify
192 areas of preliminary and final agreement;

193 3.3.6 Integrate new information and data to inform Member discussion and the negotiation
194 process;

195 3.3.7 Prepare and provide oversight of meeting agendas and summaries, in consultation with
196 OPC staff and Members;

197 3.3.8 Prepare a draft report for comment and a final report that captures the recommendations
198 of the DCTF;

199 3.3.9 Provide orientation to new Members;

200 3.3.10 As project budget and time permits, the Facilitation Team will meet (in person or via
201 telephone) with the Member and Alternate to ensure shared understanding of the
202 Member’s perspectives about any items due for discussion at the pending meetings.
203

204 3.4 Ocean Protection Council (OPC)- The OPC staff will:
205

- 206 3.4.1 Provide neutral support to the DCTF, including providing research and background
- 207 information on policy, operational, and regulatory matters for DCTF discussion;
- 208 3.4.2 Support the activities of the DCTF including administrative support as well as Member
- 209 travel costs;
- 210 3.4.3 Ensure that DCTF meetings follow the mandates of SB1690, the Bagley-Keene Open
- 211 Meetings Act of 2004, and other pertinent laws;
- 212 3.4.4 Maintain a record of all meeting summaries and materials;
- 213 3.4.5 Consult with the Facilitation Team on draft and final meeting agendas and summaries;
- 214 3.4.6 Maintain the DCTF webpage and email list-serve;
- 215
- 216 3.5 DCTF Workgroups- Workgroups will be created as needed to address specific tasks or
- 217 issues, and to enable the DCTF to address the management topics mandated in SB 1690 in an
- 218 efficient and time sensitive manner. Workgroup composition will consist of DCTF Members
- 219 and potentially Alternates only. The Facilitation Team will provide advice for appropriate
- 220 membership and final memberships will be determined by a Member’s willingness to volunteer.
- 221 Workgroup membership will not be determined by formal DCTF voting procedures. Decisions
- 222 for Member participation may be influenced by a Member’s particular areas of expertise relevant
- 223 to a given Workgroup topic, and/or Members that express a particular need to have input on a
- 224 Workgroup’s topic. All Workgroup meetings will be in compliance with the Bagley-Keene Open
- 225 Meeting Act of 2004. In cases where a Workgroup will meet outside of full DCTF meetings (and
- 226 away from facilitation support), a Workgroup may select a chair to guide their process and
- 227 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**

235

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 that might be otherwise 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

246 Decision Types The DCTF will make two types of decisions:

247

- 248 1. Administrative Decisions: administrative decisions are about the daily activities of the DCTF
- 249 (including but not limited to: logistics, meeting dates and times, agenda revisions, schedules,
- 250 etc.)

300 Abstention At times, a pending decision may be infeasible for a Member to weigh
301 in on. Examples could include but not be limited to: a Member can not
302 get a consensus of his/her constituents and therefore can not offer a
303 proposal or opinion; and other similar conditions.

304 |
305 The goal is for all Members to be in the ‘Thumbs Up’, or Thumbs Sideways’ levels of
306 agreement. The DCTF will be considered to have reached consensus if all Members are at those
307 two levels. If any Member is at a ‘Thumbs Down’ level, that Member must provide a counter
308 proposal that legitimately attempts to achieve their interest and the interests of the other
309 Members. The DCTF will stop and evaluate how best to proceed. Members that abstain from
310 particular proposals are encouraged to explain why abstention is in their best interest.

311
312 In the event of disagreements, the DCTF, in consultation with the Facilitation Team, will decide
313 how best to move forward. For example, additional discussion may be needed to help understand
314 unresolved concerns before proceeding further; or the group may benefit from creating additional
315 options; or the question may be set aside and addressed at a later time. Discussions to reach
316 resolution may take place with the full DCTF or the Facilitation Team may request smaller
317 groups (such as Workgroups, interest-based Caucuses, or individual Members) to draft proposal
318 language during or between DCTF meetings.

319
320 Majority Rule Decision Procedures: In the event that consensus decision methods are not
321 feasible and/or consensus cannot be achieved, majority decision-making procedures defined in
322 SB 1690 (and as interpreted by the DCTF) will supercede all other decision methods.

323
324 In the context of agreements and understandings described in the Guiding Principles, the
325 following procedures will be used:

- 326
327 1. For all DCTF recommendations, Straw Polls (as described above) will be used to develop
328 initial ideas and draft text for recommendations;
329 2. When a draft recommendation is ready for a vote by the DCTF, the recommendation will
330 first be voted on by all Members EXCEPT ex-officio Members;
331 3. Following the initial vote described in #2 above, a second vote will be conducted by all
332 Members including ex-officios (but not including DFG Members);
333 4. Outcomes from voting procedures will be memorialized in the project record and in meeting
334 summaries. If a 2/3 majority (**18 or more members**) is reached in a vote (either including or
335 not including ex-officios), that recommendation will be forwarded to the Legislature and
336 other parties as mandated in SB 1690.
337 5. In the event that a 2/3 majority is not achieved in either 2 or 3 above, the results of the vote,
338 including a description of how Members voted will be forwarded to the Legislature and other
339 parties as mandated in SB 1690.

340
341 Regarding decision documents prepared by / for the DCTF, all documents will be identified as
342 DRAFT until a final ratification on the particular document has been made by the DCTF. If a
343 decision document receives the necessary 2/3 majority vote or better, it will be formally revised
344 and referred to as a FINAL document.

345
346 |

347 **Section 5. Communication Protocols**

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349 5.1 DCTF Member communication- DCTF Members and their Alternates serve as conduits
350 for two-way information with their constituencies and organizations. Constituents wanting to
351 provide input to the process are encouraged to provide their concerns and suggestions to their
352 individual Members on the DCTF. Members will make an effort to communicate regularly with
353 their constituencies and colleagues to keep them informed about the process and the issues under
354 discussion.

355
356 Members are not prohibited from speaking with the media, but must indicate that they are
357 providing their individual perspectives and are not speaking for the DCTF. Participants should
358 neither characterize the positions and views of any other Member nor should they ascribe
359 motives or intentions to the statements or actions of other Members.

360
361 5.2 Information Publication- Materials will be prepared/provided on a regular basis to
362 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/)
363 [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
364 materials. Materials prepared/provided for the DCTF may include the following materials and
365 general schedules for development and distribution:

366
367 5.2.1 A list of DCTF Members has been made available to the public on the DCTF webpage
368 that includes participant name and represented interest(s). Should an interested party have
369 focused comments for a DCTF Member, the individual(s) will be encouraged to work
370 through OPC staff and the Facilitation Team to convey the comments to the appropriate
371 DCTF Member(s);

372
373 5.2.2 Preliminary draft materials are for discussion purposes and will be made available prior
374 to each meeting;

375
376 5.2.3 Meeting agendas will be made available to DCTF Members and the public ten (10) days
377 prior to each meeting; agendas sent to the public will include the name and contact
378 information of DCTF Members for respective ports

379
380 **Section 6. Charter Amendments**

381
382 DCTF Members may amend this Charter by following the same decision-making guidelines set
383 forth in Section 4. Amendments may be proposed by DCTF Members during a DCTF meeting.
384 The proposal will be agendized for discussion and possible action at the next DCTF meeting.

385
386 **Section 7. Ground Rules**

387
388 All DCTF Members, OPC, the Facilitation Team, and public participants of a meeting agree to:

- 389 1. Arrive promptly to all meetings and be prepared for the meeting agenda;
390 2. Stay for the duration of the entire meeting and inform the facilitator in advance if this is not
391 possible;
392 3. Turn cell phones to silent;

- 393 4. Minimize actions that could be distracting to discussions. If meeting attendee behavior
394 becomes distracting to DCTF Members, those Members should speak with the Facilitation
395 Team to intervene;
- 396 5. Participate in a problem-solving approach based on respectful and constructive discussion,
397 where the interests of all participants and the public are considered in developing proposals
398 and recommendations;
- 399 6. Listen for understanding and openly discuss issues with others who hold diverse views;
400 acknowledge and seek clarification of others' perspectives; and verify assumptions when
401 necessary.
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