



## ~California Dungeness Crab Task Force~

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

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### REPORT

TO: Joint Committee on Fisheries and Aquaculture, Patricia Wiggins, Chair  
California Department of Fish and Game, John McCamman, Acting Director  
California Fish and Game Commission, Jim Kellogg, President  
California Fish and Game Commission, John Carlson, Executive Director

FROM: California Dungeness Crab Task Force

DATE: January 15, 2010

RE: Recommendations from the California Dungeness Crab Task Force regarding management of the fishery in accordance with SB 1690.

APPENDICES: (1) SB1690  
(2) Tri-State Dungeness Crab Commission Memorandum of Understanding (MOU)  
(3) DCTF Membership List  
(4) DCTF Elections Frequently Asked Questions  
(5) DCTF Noncommercial Fishing Appointments  
(6) DCTF Charter  
(7) Summary of DCTF Votes

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This report provides recommendations from the Dungeness crab task Crab Task Force (DCTF) to the Joint Committee on Fisheries and Aquaculture (Legislature), the California Department of Fish and Game (Department), and the Fish and Game Commission (Commission) that may inform future Dungeness crab fishery management changes. This work was completed pursuant to Senate Bill 1690 (2008) (Appendix 1). SB1690 requires a report by the DCTF by January 15, 2010 – the following report fulfills that requirement. However, the DCTF has additional issues it would like to discuss and details to be added to these recommendations – therefore there will be a second report submitted the DCTF by March 31, 2010.

**Additional information, including meeting summaries, is available on the DCTF webpage:**

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

### BACKGROUND

The California Dungeness crab industry is a valuable state resource that has an average ex-vessel value<sup>1</sup> of approximately \$24.4 million a year. With the closure of the salmon fishery and the reduction of the groundfish fleet over the last few years, Dungeness crab is one of the most profitable fisheries remaining in California.<sup>2,3</sup> As a result, the collective demand of both fishermen and consumers has been shown to be shifting toward Dungeness crab. Consequently, there is desire to ensure the health of the Dungeness crab resource, to ensure that it may be fished in perpetuity, and to seize the opportunity to improve the economic health of the fishing communities who rely on the valuable resource.

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<sup>1</sup> Ex-vessel definition: Price received by fishermen for fish landed at the dock.

<sup>2</sup> Hackett, S.H. and King, D. 2009. The Economic Structure of California's Commercial Fisheries. Report Commissioned by the California Department of Fish and Game. [http://www.dfg.ca.gov/marine/eccf/eccf\\_report.pdf](http://www.dfg.ca.gov/marine/eccf/eccf_report.pdf)

<sup>3</sup> The Dungeness crab fishery is an important contributor to the economy of small port communities such as Crescent City

Approximately 80 percent of the Dungeness crab catch is landed in the first six weeks of the season, starting late fall and tapering off in the winter. Throughout the season, there is an obvious bidirectional regional influx of fishermen and gear, known as “effort shift,” along the California coast. Fishermen from all over the West Coast choose to fish in district 10 during the two-week early opener window (between November 15<sup>th</sup> and December 1<sup>st</sup>) to take advantage of the consumer demand for Dungeness crab during the Thanksgiving and Christmas holiday seasons. Following the December 1<sup>st</sup> northern opener, the effort shift moves to the northern regions and creates pressure on the northern extent of the fishery until catch tapers off in the winter.

There are numerous inactive, or “latent”<sup>4</sup>, Dungeness crab commercial fishing permits currently in California. Because latent permits represent unexploited fishing potential, many questions have been raised by members of industry about the economic and biological sustainability of the fishery into the future should latent permits in the Dungeness crab fishery be activated. The data (biological and fishery information) available to inform management on this and other issue has been shown to be significantly lacking.

The California Dungeness crab fishery is shaped by a diverse group of individuals, communities, and viewpoints. Opinions regarding the management goals and objectives for the California Dungeness crab fishery have been shown to generally vary by vessel size and homeport location<sup>5</sup> making it challenging for the group to agree on both long- and short-term goals and management changes for the fishery.

## **CALIFORNIA MANAGEMENT OF THE FISHERY**

The California Dungeness crab commercial fishery is currently managed by the Department pursuant to Fish and Game Code Section 8275 *et seq.*, which requires that the fishery be managed by a 3-S (sex, size, and season) principle, which allow for commercial harvest of only male crabs, greater than 6.25 inches, from mid-November or the beginning of December until the end of June or mid-July. This management strategy is considered very successful because males have the opportunity to reproduce several times before reaching legal size, females are protected from harvest, and the fishing season avoids the soft-shell and primary breeding period. The opening of the season for district 10 as well as districts 6, 7, 8, and 9 is designated by Fish and Game code. In districts 6, 7, 8, and 9, the code delegates the authority to delay the season opening to the Director of the Department if crabs are soft-shelled or low quality. Additionally, in 1995 a limited entry program<sup>6</sup> was implemented that served to limit the total number of permits in the fishery. Currently there are fewer than 600 permits: approximately 440 active and 160 latent.

In contrast to the commercial fishery, the California Dungeness crab sport fishery is managed by the Commission. The sport fishery is managed by season, daily bag limits, and by size. These regulations vary by region and are different for sport fishermen fishing from private boats versus sport fishermen fishing from commercial passenger fishing vessels.

## **WEST COAST MANAGEMENT OF THE FISHERY**

In 1996, the Tri-state Dungeness Crab process was established through a MOU between Pacific States Fisheries Management Commission and Washington, Oregon, and California to facilitate communication and cooperation between the states in managing their Dungeness crab fisheries (See Appendix 2 for MOU). Most notably, this agreement established preseason crab testing<sup>7</sup> from the Washington-British Columbia

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<sup>4</sup> Latent permits refers to a permit that has very few landing in recent years. The exact definition of “latent” was a significant discussion point – see DCTF Recommendation 4 later in this report.

<sup>5</sup> Dewees, C.M. et al. 2004. Racing for crabs. . . Cost and management options evaluated in Dungeness crab fishery. California Agriculture. Vol. 58(4): 186-193.

<sup>6</sup> A limited entry program is a management scheme that restricts the number of permits in a fishery.

<sup>7</sup> The crab quality testing predicts the meat recovery rate by the December 1 season opener, from which the shell

border to Point Arena. Additionally, it is through the Tri-state committee that the three states have had the ability to discuss and align management of Dungeness crab in their respective states including coordinating fair start clauses.<sup>8</sup>

The Dungeness crab fisheries in Washington and Oregon are also high value fishery as well. In contrast to the California commercial fishery, the Fish and Wildlife Commissions in Oregon and Washington are significantly involved in commercial management of Dungeness crab. Historically, both states have experienced similar trends as the California fishery, including the presence of latent permits in the fishery, an increase of gear in the water, and a derby dynamic. In an effort to ameliorate these issues and distribute fishing throughout the entire Dungeness crab commercial fishing season, the Washington Department of Fish and Wildlife (WDFW) established a tiered Dungeness crab trap limit system in 1999. The Oregon Department of Fish and Wildlife (ODFW) followed suit in 2006 by establishing a trap limit program modeled after Washington's system. While these management efforts have reduced the amount of gear in the water, there is no evidence that the pot programs actually reduce the derby dynamic of the fishery. Consequently, as presented by WDFW and ODFW staff at DCTF meetings, these efforts have been met with mixed reviews by the Dungeness crab industry.

## **SB1690**

In an effort to proactively alleviate issues of concern in California, SB1690 was passed in September 2008 to establish a Dungeness crab task force (DCTF) representative of the varied fishery interests. SB1690 (which added Section 8276.4 to the California Fish and Game Code) directs the DCTF to review and evaluate the Dungeness crab fishery and make recommendations to the Legislature, the Commission, and the Department. The bill designated the California Ocean Protection Council (OPC) as the body responsible for developing and administering the DCTF. SB1690 mandates that the DCTF be composed of 25 members including 17 members representing commercial fishing interests, 2 members representing sport fishing interests, 2 members representing crab processing interests, one member representing commercial passenger fishing vessel interests, 2 members representing nongovernmental organization interests, one member representing Sea Grant, and two members representing the Department. The OPC held an election with commercial Dungeness crab fishing permit holders for the commercial fishing seats, as designated in SB1690, and appointed the remaining members to the DCTF (see Appendices 3, 4, and 5). The OPC contracted a neutral consultant team to facilitate and mediate DCTF meetings.

## **OBJECTIVES**

The goal of the DCTF was to satisfy the mandates of SB1690. The DCTF discussed management goals and objectives but did not take a formal vote to recommend or prioritize these objectives.

## **DCTF PROCESS AND PROCEDURES**

The DCTF convened meetings from May 2009 through October 2009 and voted on the recommendations included in this report on October 22, 2009. Due to the state budget constraints, the group was only able to convene four meetings. SB1690 required that "a recommendation shall be forwarded to the Joint Committee on Fisheries and Aquaculture, the department, and the commission upon an affirmative vote of at least two-

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condition and quality are inferred.

<sup>8</sup> Fair start provisions require fishermen to commit to fishing only in a specific location for a period of time prior to being able to leave that region to go fish another area. For example, in Oregon, in the case of a delayed opening in Oregon or California, fishermen with permits in both states must commit to fishing in one zone only. If fishermen are committed to the zone that opens on December 1, they have to wait at least 30 days before they are allowed to fish in the zone that was delayed.

thirds of the task force members.” A DCTF charter was voted on and approved by the group in September 2009 to establish ground rules and voting procedures for the group (see Appendix 6). In the DCTF charter, the group agreed that they would forward recommendations that had been approved by 2/3 of the entire body (18 members), and they would also forward recommendations that had been approved by 2/3 of the members that were not labeled as “ex officio” (15 members). The voting protocol established that there would be an initial vote of all members except those labeled as “ex officio.” If 2/3 or 15 of these members approve of the recommendation, then a nonbinding poll was given to ascertain the opinion of those members labeled as “ex officio.” The following voting protocol, described in the DCTF Charter, was used to conduct straw polls and final voting:

- **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.

Both thumbs up and thumbs sideways votes were combined to determine whether a 2/3 majority was reached.

#### **FOLLOW UP REPORT AND CONTINUING WORK OF THE DCTF**

Because the DCTF was not able to come to agreement on all issues prior to this report, the DCTF plans to meet again in February 2010. At this meeting they will further refine their ideas and vote on outstanding issues (as outlined in SB1690): criteria for a pot limit program for district 10; future restrictions on permits according to SB1690; refining sport regulations; improving collection of essential fishery information (biological and fishery data); the need for a permanent advisory committee; and potentially other outstanding topics. A follow up report will be submitted to the Legislature, the Commission, and the Department on March 31, 2010 to further refine recommendations from the DCTF provided below.

#### **DCTF RECOMMENDATIONS**

The recommendations provided below represent the agreements of the DCTF members; however, they are not the *verbatim* language from when the votes were taken. Because of the *ad hoc* nature of the conversations at the DCTF meetings, some of the language used during voting was not wholly accurate and/or insufficiently represented the actual intent of DCTF. The actual language from the meeting is included Appendix 7 for reference. Explanatory notes are provided below recommendations, when necessary.

**Recommendation 1-** Work through the Tri-state committee and California state decision-makers to move the fair start line, which is currently at the northern edge of District 10, south to California/Mexico Border.

VOTE:

*Vote of all DCTF members excluding the ex officio members:*

Thumbs up	Thumbs Sideways	Thumbs Down	Absent
17	3	1	1

*Vote of the ex officio members:*

Thumbs up	Thumbs Sideways	Thumbs Down	Abstained	Absent
1	0	0	2	2

NOTES:

The DCTF would like to work with the Tri-State Dungeness crab committee to assess the positive and/or negative implications of including district 10 in the Tri-State Agreement (e.g., If pre-season crab quality testing is required, district 10 may also be subject to delays in the season opener based on crab quality; District 10 may be offered further regional protections not currently experienced during the regular season). If it is determined to be a positive change, then the DCTF will work with the Tri-State Dungeness crab committee to amend Oregon and Washington laws to include district 10 in the regular season fair start clause (i.e., even when the season is not delayed).

**Recommendation 2-** The DCTF proposes that new crab legislation be introduced in early 2010 that would serve as placeholder language to implement a trial, “pay to play” (paid for by participants of the district 10 fishery) pot limit program in district 10. The pot limit program should be designed as a pilot: active for three years, adaptively managed, and reviewed to inform future management measures.

However, the legislature must receive additional clarifying recommendations from the DCTF by March 31, 2010 or the bill author shall not pursue the legislation to implement the trial pot limit in district 10. These clarifying recommendations will include, but may not be limited to, the following issues:

- The cost for a pot limit program that will be assessed on the fishery participants who choose to fish district 10 (e.g., the price per pot tag)<sup>9</sup>
- Pot limit criteria and structure (e.g., number of pots per boat)

VOTE:

*Vote of all DCTF members excluding the ex officio members:*

Thumbs up	Thumbs Sideways	Thumbs Down	Absent
18	1	2	1

*Vote of the ex officio members:*

Thumbs up	Thumbs Sideways	Thumbs Down	Abstained	Absent
1	0	0	2	2

NOTES:

The DCTF agrees that they would like to recommend a pilot pot limit program in district 10. However, the group has not yet agreed on how a pot limit should be structured. The DCTF would also like more information to assess the cost and ensure the ability to manage and enforce the pilot program effectively. As such, the DCTF would like to recommend that a spot bill be introduced to the California Legislature regarding the pot limit program. The DCTF will meet in February 2010 to discuss and vote on the clarifying recommendations for the pot limit program. However, if the legislature does not receive further guidance from the DCTF by March 31, 2010, the DCTF would like for this recommendation to become void.

<sup>9</sup> This cost will be estimated from an analysis and estimate conducted by the OPC and the Department and consistent with Oregon and Washington programs (including administration and enforcement).

**Recommendation 3-** Ask the California Attorney General to read and assess the Magnuson-Stevens Fishery Conservation and Management Act (especially section 302) and determine whether the state of California can determine the rights of a California permit holder based solely on California landings without taking into consideration landings generated in other states using another states' permit. These rights may include, but are not limited to, limited entry criteria and tier assignments under a pot limit program.

VOTE:

*Vote of all DCTF members excluding the ex officio members:*

Thumbs up	Thumbs Sideways	Thumbs Down	Absent
20	0	0	2

*Vote of the ex officio members:*

Thumbs up	Thumbs Sideways	Thumbs Down	Abstained	Absent
1	0	0	2	2

NOTES:

There was a question among the DCTF members as to whether California must consider landings made by fishermen fishing in other states, when those landings are made under a separate permit, when establishing CA management criteria (i.e., if a California permitholder also fishes in Oregon with an Oregon permit, must the Oregon landing also be included when calculating that fisherman's cumulative landings for his/her California permit). The DCTF chose to not vote to support any restrictions on latent permits or details of a pot limit program without satisfying this inquiry. Please note that the Magnuson-Stevens Fishery Conservation and Management Act sections mentioned in the original recommendation were incorrect. The intent was to review Magnuson-Stevens Fishery Conservation and Management Act section 302 which pertains to the management of Dungeness crab, not 112 and 203 as originally stated.

**Recommendation 4-** The DCTF requests that the legislature make permanent the language of SB1690 related to limited entry:

“Eligibility to take crab in California waters and offshore for commercial purposes may be subject to restrictions, including, but not limited to, restrictions on the number of traps utilized by that person, if either of the following occurs:

- (1) A person holds a Dungeness crab permit with landings of less than 5,000 pounds between November 15, 2003, and July 15, 2008, inclusive.
- (2) A person has purchased a Dungeness crab permit on or after July 15, 2008, from a permitholder who landed less than 5,000 pounds between November 15, 2003, and July 15, 2008, inclusive.”<sup>10</sup>

In addition, by March 31, 2010, the DCTF will forward additional recommendations related to potential limitations for permits that fall within these criteria.

VOTE:

*Vote of all DCTF members excluding the ex officio members:*

Thumbs up	Thumbs Sideways	Thumbs Down	Absent
18	0	2	2

*Vote of the ex officio members:*

<sup>10</sup> Fish and Game Code Section 8276.4 (h)

Thumbs up	Thumbs Sideways	Thumbs Down	Abstained	Absent
1	0	0	2	2

NOTES:

Currently the control language in SB1690 (above) remains in effect only until January 1, 2011, and as of that date will be repealed unless a later enacted statute deletes or extends that date. The DCTF recommendation is to remove the sunset date from this statute by amending the Fish and Game code section 8276.4. At the February 2010 meeting, the DTCF may vote on additional recommendations regarding restrictions on permits that fall within this definition. If the DCTF votes on additional recommendations, these will be provided in the report submitted by March 31, 2010. Yet, should no additional recommendations be provided, recommendation 4 should remain in effect as there is not a *requirement* that follow up to this recommendation take place.

**Senate Bill No. 1690**

CHAPTER 727

An act to add and repeal Section 8276.4 of the Fish and Game Code, relating to Dungeness crab.

[Approved by Governor September 30, 2008. Filed with  
Secretary of State September 30, 2008.]

LEGISLATIVE COUNSEL'S DIGEST

SB 1690, Wiggins. Dungeness crab.

Existing law regulates the Dungeness crab fishery and permits the Director of Fish and Game to delay the opening of the Dungeness crab fishery in specified situations and regulates the taking of crab during those delays. Existing law sets forth the qualifications for a Dungeness crab vessel permit, and provides that no person shall use a vessel to take, possess, or land Dungeness crab for commercial purposes without a Dungeness crab vessel permit.

Existing law establishes the Ocean Protection Council and requires the council to, among other things, coordinate activities of state agencies that are related to the protection and conservation of coastal waters and ocean ecosystems, to improve the effectiveness of state efforts to protect ocean resources within existing fiscal limitations.

This bill would require the council to make a grant, upon appropriation of funding by the Legislature, for the development and administration of a Dungeness crab task force, and would specify the membership of the task force. The bill would require the task force, among other things, to review and evaluate Dungeness crab management measures, with the objective of making recommendations related to Dungeness crab to the Joint Committee on Fisheries and Aquaculture, the Department of Fish and Game, and the Fish and Game Commission by January 15, 2010. The task force would cease to exist on January 1, 2011.

The provisions of the bill would be repealed on January 1, 2011, as specified.

*The people of the State of California do enact as follows:*

SECTION 1. Section 8276.4 is added to the Fish and Game Code, to read:

8276.4. (a) The Ocean Protection Council shall make a grant, upon appropriation of funding by the Legislature, for the development and administration of a Dungeness crab task force. The membership of the Dungeness crab task force shall be comprised of all of the following:



- (1) Two members representing sport fishing interests.
- (2) Two members representing crab processing interests.
- (3) One member representing commercial passenger fishing vessel interests.
- (4) Two ex officio members representing nongovernmental organization interests.
- (5) One ex officio representative of Sea Grant.
- (6) Two ex officio members representing the department.
- (7) Seventeen members representing commercial fishery interests, elected by licensed persons possessing valid Dungeness crab permits in their respective ports and production levels, as follows:
  - (A) Four members from Crescent City.
  - (B) One member from Trinidad.
  - (C) Two members from Eureka.
  - (D) Two members from Fort Bragg.
  - (E) Two members from Bodega Bay.
  - (F) Two members from San Francisco.
  - (G) Two members from Half Moon Bay.
  - (H) One member from ports south of Half Moon Bay.
  - (I) One member who has a valid California nonresident crab permit.
- (b) For ports with more than one representative, elected members and their alternates shall represent both the upper and lower, and in some cases middle, production levels. Production levels shall be based on the average landing during the previous five years, of valid crab permit holders who landed a minimum of 25,000 pounds of crab during the same period.
- (c) The Dungeness crab task force shall do all of the following:
  - (1) Under the guidance of a professional facilitator hired by the Ocean Protection Council for this purpose, review and evaluate Dungeness crab management measures with the objective of making recommendations to the Joint Committee on Fisheries and Aquaculture, the department, and the commission no later than January 15, 2010.
  - (2) Make recommendations, including, but not limited to, the need for a permanent Dungeness crab advisory committee, refining sport and commercial Dungeness crab management, establishing a Dungeness crab marketing commission, 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.
  - (d) The task force may establish subcommittees of specific user groups from the task force membership to focus on issues specific to sport fishing, commercial harvest, or crab processing. The subcommittees shall report their recommendations, if any, to the task force.
  - (e) The Ocean Protection Council may include in a grant, funding to cover department staffing costs, as well as task force participant travel.

(f) A recommendation shall be forwarded to the Joint Committee on Fisheries and Aquaculture, the department, and the commission upon an affirmative vote of at least two-thirds of the task force members.

(g) The task force shall cease to exist on January 1, 2011.

(h) Eligibility to take crab in California waters and offshore for commercial purposes may be subject to restrictions, including, but not limited to, restrictions on the number of traps utilized by that person, if either of the following occurs:

(1) A person holds a Dungeness crab permit with landings of less than 5,000 pounds between November 15, 2003, and July 15, 2008, inclusive.

(2) A person has purchased a Dungeness crab permit on or after July 15, 2008, from a permitholder who landed less than 5,000 pounds between November 15, 2003, and July 15, 2008, inclusive.

(i) This section shall remain in effect only until January 1, 2011, and as of that date is repealed unless a later enacted statute, which is enacted before January 1, 2011, deletes or extends that date, or it is rendered inoperative by commission regulations.



**MEMORANDUM OF UNDERSTANDING REGARDING MANAGEMENT  
OF THE PACIFIC COAST DUNGENESS CRAB FISHERY<sup>1</sup>**

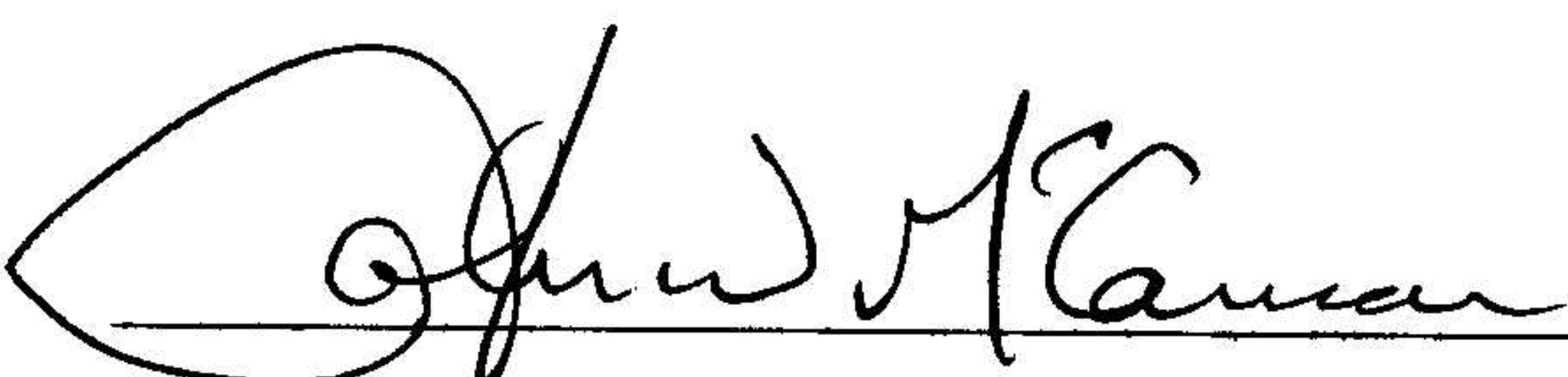
The Directors of the fishery agencies of California, Oregon, and Washington recognize that a need exists for interstate cooperation in management of the Pacific Coast Dungeness crab fishery in general, and specifically in dealing with adjustments of the fishing season.

Therefore, the Directors of the aforementioned agencies declare it to be their intent to take mutually supportive actions to further the management and maximize the sound economic and biological utilization of the crab resource when appropriately requested by the Director of one of the other three cooperating state agencies.


With regard to the incidence of soft shelled crab at the beginning of the winter season, the Directors endorse the recommendations agreed to by the state agency representatives of the Tri-State Dungeness Crab Committee and agree to take whatever measures necessary to implement its provisions.

Should any state agency decide that it cannot act within the provisions of this agreement, or is unable to meet its financial obligations under this agreement, the Directors agree to provide at least 30 days advance notice to the remaining parties of the agency's intent.

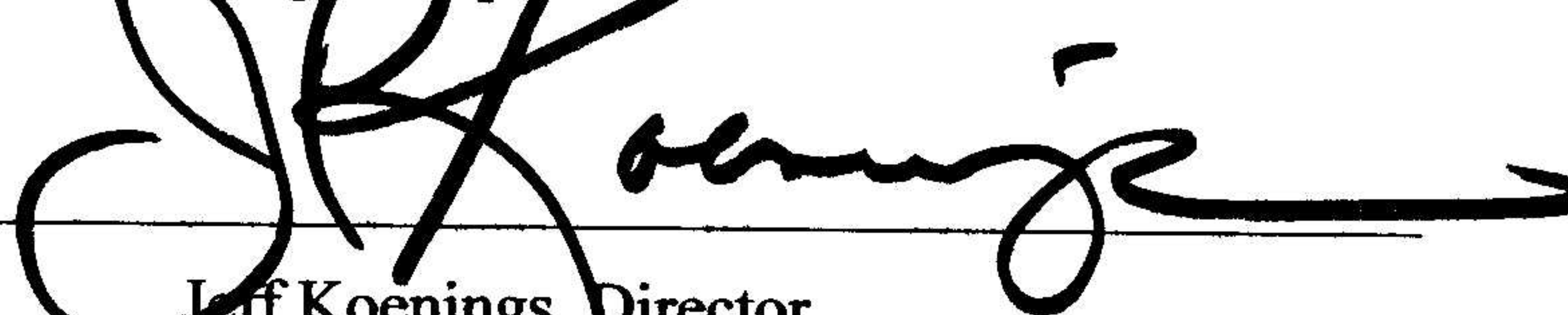
10/2/07  
Date

  
John McCamman, Acting Director  
California Department of Fish and Game

10/18/07  
Date

  
Roy Elicker, Director  
Oregon Department of Fish and Wildlife

11/13/07  
Date

  
Jeff Koenings, Director  
Washington Department of Fish and Wildlife

<sup>1</sup> Supersedes the memorandum dated April 1996; last modified August 24, 2007





## **Dungeness Crab Task Force Members**

### **Sport Fishing Representatives**

- Kevin McKernan
- Ben Sleeter

### **Crab Processing Representatives**

- Bill Carvalho, Carvalho Fisheries
- Paul Johnson, Monterey Fish Market

### **Commercial Passenger Fishing Vessel Representative**

- Roger Thomas, F/V Salty Lady, Golden Gate Fishermen's Association

### **Nongovernmental Organization Representatives**

- Johanna Thomas, Environmental Defense Fund
- Richard Young, California Association of Harbor Masters and Port Captains

### **Sea Grant**

- Jim Waldvogel, Sea Grant Marine Advisor

### **California Department of Fish and Game**

- Brooke McVeigh
- Lt. Steve Riske

### **Commercial Fishing Representatives**

- Crescent City, Lower Production Level
  - Bill DeBacker (F/V She N I and F/V Jard)
  - Lee Wilson (F/V Gold Coast)
- Crescent City, Upper Production Level
  - Brett Fahning (F/V Rogue)
  - Gerry Hemmingsen (F/V Pollux)
- Trinidad
  - Mike Zamboni (F/V Lucky 50)
- Eureka, Lower Production Level
  - Don Standley (F/V Terry S)
- Eureka, Upper Production Level
  - Michael Cunningham (F/V Sally K)
- Fort Bragg, Lower Production Level

- William Forkner (F/V Shirley and F/V Audrey)
- Fort Bragg, Upper Production Level
  - Vince Doyle (F/V Verna Jean)
- Bodega Bay, Lower Production Level
  - Stan Carpenter (F/V Sandy B)
- Bodega Bay, Upper Production Level
  - Chris Lawson (F/V Seaward)
- San Francisco, Lower Production Level
  - Lawrence “Larry” Collins (F/V Autumn Gale)
- San Francisco, Upper Production Level
  - John Atkinson (F/V New Rayann)
- Half Moon Bay, Lower Production Level
  - Jim Anderson (F/V Alliane)
- Half Moon Bay, Upper Production Level
  - Geoff Bettencourt (F/V Moriah Lee)
- South of Half Moon Bay
  - William “Bill” Blue (F/V Morning Light)
- California Nonresident
  - Randy Smith (F/V Mistasea)

## **Dungeness Crab Task Force- Commercial Fishing Elections Frequently Asked Questions**

### **How was the Dungeness crab task force (task force) commercial fishing election carried out?**

Ocean Protection Council (OPC) staff obtained a list of all valid Dungeness crab commercial fishing permit holders from the California Department of Fish and Game (DFG). These permit holders were mailed a form on December 17, 2008 which asked them to provide their updated contact information, declare their home port, nominate individuals to serve on the task force, and state whether they would be willing to serve on the task force if elected. On January 29, 2009, a second letter was mailed to permit holders with an anonymous ballot enclosed. Permit holders were asked to rank all the nominees on the ballots in order of preference; ballots were specific to each permit holder's home port-production tier combination. Voting concluded on February 20, 2009. Once ballots were tabulated, elected representatives were notified of their appointment and their names were released to the public on March 12, 2009.

### **How were the ballots tabulated?**

All first choice votes were compiled for a particular home port-production tier combination. If no nominee received a majority of the votes then an instant run-off voting (IRV) process was used. IRV is a voting system used for single-winner elections in which voters rank candidates in order of preference. If no candidate received a majority of first preference rankings, then the candidate with the fewest number of votes was eliminated and that candidate's votes were redistributed to the voter's next preference among the remaining candidates. This process was repeated until one candidate had a majority of votes among remaining candidates.

### **Who was allowed to participate in the Dungeness crab task force commercial fishing elections?**

All valid Dungeness crab commercial permit holders were invited to participate in the voting process. If a permit holder had another licensed Dungeness crab fishermen using their permit, the permit holder was allowed to assign their vote to be cast by the active, licensed permit user. Additionally, these licensed commercial Dungeness crab fishermen who did not own a permit were allowed to be nominated and elected to the task force (i.e., it was often the case that a permit holder would prefer that their boat captain serve on the task force and participate in the task force elections in their place).

### **I was nominated by my peers so why was my name not included on the ballot?**

If an individual was nominated to the task force and declared in the first mail out form that they were not willing to serve on the task force if elected, then their name was not included on the ballot. If a nominated individual did not return the first form, OPC staff contacted them to ask if they wanted to accept the nomination. If the individual declined the nomination or if OPC staff could not reach the nominated individual, the name was not included as a nominee on the ballot. Staff needed the consent of each nominated individual prior to placing their names on the ballot to avoid releasing private or confidential information.

**How were the production tiers calculated?**

Production levels were calculated pursuant to the direction of Section 8276.4 of the California Fish and Game Code and were “based on the average landing during the previous five years, of valid crab permit holders who landed a minimum of 25,000 pounds of crab during the same period.” In other words, everyone within a specific port who landed at least 25,000 pounds in five years was put into a pool. The five-year cumulative landings of all of the individuals in the pool were averaged. Everyone who landed more than the average was placed in the upper tier and everyone who landed below the average (including those who landed less than 25,000 pounds in five years) was placed in the lower tier. This calculation was specific to each port and therefore the division between the upper and lower tier varied from port to port.

**Some of the nominees on my nonresident ballot are from Crescent City. Why are they on the nonresident ballot?**

California nonresident permit holders are defined as those individuals paying for a nonresident permit regardless of where their boat is berthed.

**The ballot I received is not my home port. Why did I receive a ballot for the wrong home port?**

If you did not return the first mail out and, therefore did not declare an updated home port, a home port was assigned to you based on existing DFG data that can be updated when fishermen renew their yearly permit.

**Why does someone have their name on both the upper and lower tier ballots for my home port?**

Production tiers were based on landings by permit, not by “L” number. Thus, if an individual owns more than one permit, then they are eligible to represent and vote on both permits (i.e., If someone has two permitted boats, one that has high landings and one that has low landings, then that person is eligible to represent both the high landings boat and the low landings boat).

**I am in the lower production tier. Does this mean I get fewer pots?**

Production tiers were calculated according to the language of the bill to determine representatives for the task force. These production tiers are ONLY for the purposes of creating the task force – not for establishing future management.

**Why can't I vote for someone in a different production tier than my own?**

Pursuant to Section 8276.4(a)(7), valid permit holders may only vote for representatives within their home port and production tier.



## CALIFORNIA OCEAN PROTECTION COUNCIL

Mike Chrisman, Secretary for Resources, Council Chair  
John Garamendi, Lieutenant Governor, State Lands Commission Chair  
Linda Adams, Secretary for Environmental Protection  
Susan Golding, Public Member  
Geraldine Knatz, Public Member  
Darrell Steinberg, State Senator  
Pedro Nava, State Assemblymember

### MEMORANDUM

TO: Ocean Protection Council

FROM: OPC Staff

DATE: March 17, 2009

RE: Dungeness Crab Task Force Noncommercial Fishing Representatives

ATTACHMENTS: [Call for nominations](#)

---

### REQUESTED ACTION:

Staff recommends the council approve the following resolution:

“The Ocean Protection Council hereby appoints Ben Sleeter and Kevin McKernan (recreational fishermen), Bill Carvalho and Paul Johnson (processors), Roger Thomas (commercial passenger fishing vessel), and Johanna Thomas and Richard Young (nongovernmental organizations) to serve as representatives to the Dungeness crab task force, pursuant to Senate Bill 1690 (Chapter 727, Statutes of 2008). If any of these individuals are unable to serve through the tenure of the Dungeness crab task force, the Ocean Protection Council hereby grants authority to the Council Chair to appoint a replacement for that member.”

### BACKGROUND:

Senate Bill 1690 (which added Section 8276.4 of the California Fish and Game Code) requires the establishment of a Dungeness crab task force (task force) to review and evaluate Dungeness crab management measures and make management recommendations. The Ocean Protection Council (OPC) is designated as the entity to develop and administer the task force. The goal of the task force is to provide recommendations concerning Dungeness crab fishery management to the Joint Committee on Agriculture and Fisheries, the California Department of Fish and Game (DFG), and the California Fish and Game Commission (FGC).

Pursuant to the directives of the bill, the task force is to be composed of 27 members as follows: two members representing sport fishing interests, two members representing crab processing interests, one member representing commercial passenger fishing vessels (CPFVs) interests, two members representing nongovernmental organization (NGO) interests, one representative of Sea Grant, two representatives of DFG, and seventeen members representing commercial fishing interests.



OPC staff has been working to convene the task force. To identify the commercial fishermen representatives, staff administered a two-step election by mail: 1) a request for nominations was sent out in a first mailing in which permit holders were also asked to provide updated personal information; 2) in a second mailing, permit holders were asked to rank nominees in order of preference using anonymous ballots. In addition, Sea Grant and DFG selected their own representative(s) for the task force. Jim Waldvogel, a marine advisor located in Del Norte County, will represent Sea Grant and Brooke McVeigh, a biologist, and Steve Riske, a patrol lieutenant, will represent DFG.

The OPC is being asked to appoint the remaining representatives on the task force. In December 2008, staff sent out a request for nominations for the NGO, sport fishing, processing, and CPFV representatives (attachment 1). Nominees were ranked based on the following criteria: experience and knowledge of the Dungeness crab industry, time availability, support from industry, geographical balance, diversity of views and opinions, the ability and willingness to represent others within their category (i.e., candidates for the processor slot should be willing to bring in ideas from other processors not on the task force), and their willingness and ability to work in a group dynamic. After all nominations were reviewed and ranked, staff interviewed the top several candidates in each category. Following the interviews, top choices were vetted with DFG.

## **Recommended Task Force Members**

### *Sport Fishing Interests*

**Ben Sleeter** has participated in the recreational Dungeness crab fishery out of San Francisco and Pillar Point for a number of years. Mr. Sleeter is a member of the Marine Life Protection Act (MLPA) North Central Coast Stakeholder Group as well as on the board of directors for the Coastside Fishing Club. Staff believes that his work on the MLPA Stakeholder Group demonstrates his ability to communicate his views in a group similar to this task force. His position with the Coastside Fishing Club gives him the ability to easily communicate with others in the sport fishing community, which staff believes will allow him to better serve as a representative voice of the sport fishing community. Mr. Sleeter received five nominations from individual commercial fishermen, demonstrating his good working relationship with the commercial fishing sector. Those that nominated Mr. Sleeter believe he understands the issues facing the Dungeness crab fishery and will be a constructive member of the task force.

**Kevin McKernan** is a sport fisherman from Crescent City. Having fished crab recreationally in the area for almost fifteen years, Mr. McKernan is part of a very small fishing community and is familiar with the issues facing both the recreational and commercial fishermen. Mr. McKernan previously worked for the Yurok Tribe Environmental Program on issues such as watershed and salmon restoration. He currently works for the National Conservation System Foundation and has participated in various advisory groups related to TMDLs, water quality, and the Klamath dams. Mr. McKernan's work demonstrates his excellent interpersonal skills and ability to work collaboratively and constructively on difficult issues.

### *Crab Processing Interests*

**Bill Carvalho** is President of Carvalho Fisheries, which has been servicing ports in Eureka, Trinidad, Crescent City, and in the state of Oregon for the past thirteen years. Carvalho fisheries is a large processor that handles approximately 1,000,000-3,000,000 pounds of live and frozen

crab a year. In addition to the processing and distribution of Dungeness crab, the company is also involved with quality research and development such as the creation of a “minimal mercury” label, pathogen reductions, nutritional enhancements, and processing upgrades. Mr. Carvalho’s knowledge of the industry and interest in sustainable fisheries would greatly enhance Dungeness crab task force discussions. One nominator wrote “I believe [Mr. Carvalho] would be easy to work with and would fairly represent both large and small processors/buyers.”

**Paul Johnson** founded the Monterey Fish Market in 1979, a business that sells sustainably-captured and cultured seafood and promotes ocean conservation. The Monterey Fish Market, compared to Carvalho Fisheries, is a small producer, buying approximately 50,000 pounds of crab per year and dealing almost completely with live crab. A former chef and the co-author of *The California Seafood Cookbook*, Mr. Johnson currently serves on the advisory board of the Monterey Bay Aquarium’s Seafood Watch Program and has published the book *Fish Forever: The Definitive Guide to Understanding, Selecting, and Preparing Healthy, Delicious and Environmentally Sustainable Seafood*. Mr. Johnson was nominated by three members of the commercial fishing industry.

#### *CPFV Interests*

**Roger Thomas** has been a sport fisherman in California for nearly 40 years and has run the F/V Salty Lady out of San Francisco since 1978. He is very active in the fishing community and served on the North Central MLPA Regional Stakeholder group and as an advisor on the Pacific Fisheries Management Council. Mr. Thomas has also been very involved in fisheries policy work and testified at the House Natural Resources Subcommittee on Fisheries, Wildlife, and Oceans Oversight Hearing in May 2008. As President of the Golden Gate Fishermen’s Association, Mr. Thomas is in a unique position to widely disseminate task force meeting updates and outcomes to other members of the fishing industry. Mr. Thomas also received support from both the commercial fishing industry and other CPFV owners. Not only did he receive five nominations from commercial fishermen, but one CPFV owner forfeited his own nomination in favor of Mr. Thomas. One nominator wrote “I think [Mr. Thomas] is a fair individual with honest opinions.”

#### *NGO Interests*

**Johanna Thomas** is the Director of Fisheries Projects for the Pacific Ocean program of the Environmental Defense Fund (EDF). Ms. Thomas has more than 15 years of experience working in fisheries conservation and manages EDF’s efforts to implement market-based management solutions in the Pacific region. Under the direction of Ms. Thomas, EDF convened a steering committee of Dungeness crab fishermen that resulted in the creation and passage of SB1690. Through this work, Ms. Thomas has engaged extensively in the Dungeness crab fishery, has built trust with members of the commercial fishing community, and gained considerable knowledge about the issues facing the industry. EDF plans to convene meetings with other NGOs to ensure that the lines of communication remain open during the task force meetings.

**Richard Young** is the current harbormaster in Crescent City. Previously a commercial fisherman, he is also currently a Director with the California Association of Harbor Masters and Port Captains. Drawing on current and past experience, he brings a unique position to the task force since he is very well connected to commercial fishermen in both California and Oregon

and well attuned to the issues facing the Dungeness crab industry. Mr. Young realizes the importance of the commercial Dungeness crab fishery to small coastal communities and believes that it is necessary to promote both biological and economic sustainability of the fishery.

### **All Nominees**

#### *Sport Fishing Interests*

Kevin McKernan

Paul Pierce

Ben Sleeter

#### *Crab Processing Interests*

Donald E. Alber, Alber Seafoods, Inc.

Joe Caito, Caito Fisheries

Richard Carroll, Ocean Gold Seafoods

Bill Carvalho, Carvalho Fisheries and Wild Planet Fisheries

John A. Dooley, F/V Shellfish

Paul Johnson, Monterey Fish Market

#### *CPFV Interests*

Phillip Glenn, Celtic Charter Service

Tom Mattusch, F/V Huli Cat

Roger Thomas, F/V Salty Lady, Golden Gate Fishermen's Association

#### *NGO Interests*

Ben Bowman, Food & Water Watch

David Crabbe

Astrid Scholz, Ecotrust

Johanna Thomas, Environmental Defense Fund

Richard Young, California Association of Harbor Masters and Port Captains

### **Appointment of sport fishing, crab processing, CPFV, and NGO interests**

Although all recommended task force members have confirmed that they are able and willing to serve on the task force, unforeseen circumstances may arise. Because the people appointed to these positions do not have alternates, it is in the best interest of the task force to have replacement representatives appointed as quickly as possible. Since the OPC meets only quarterly, staff is requesting the council to grant authority to the Chair to fill a vacancy if one arises.

## **CONSISTENCY WITH CALIFORNIA OCEAN PROTECTION ACT:**

This project is consistent the Ocean Protection Act, Division 26.5 of the Public Resources Code (PRC), in the following respects:

The California Ocean Protection Act (COPA) identifies duties and activities of the council in PRC Section 35615. This includes coordinating activities of state agencies, establishing policies to coordinate the collection of scientific data related to the ocean, transmitting the results of research and investigations to state agencies to provide information for policy decisions, or recommending to the legislature changes in law or identify changes in federal law.

Convening a Dungeness crab task force is consistent with these COPA objectives in that the task force will make fishery management recommendations to the Legislature and other state agencies. Data and information about biological and economic aspects of the Dungeness crab industry that is garnered for the purposes of informing task force members will be used to bolster any policy recommendations that the group reaches. The task force will provide a forum for the various stakeholders to discuss improved management of this fishery and, in particular examine fishery informational needs, management options, the establishment of a Dungeness crab marketing commission, the need for a permanent task force, and the need for statutory changes relating to the management of the Dungeness crab fishery.

## **CONSISTENCY WITH THE OPC'S STRATEGIC PLAN GOALS & OBJECTIVES:**

The proposed project is consistent with the OPC's Strategic Plan adopted June 8, 2006, in the following respects:

**Goal A (Governance) Objective 2b:** “Work with all relevant state agencies to develop necessary legislation, regulations, or other tools to improve ocean governance.” The OPC will work with the task force participants—including DFG—to provide direction for future management. The recommendations of the task force will likely span the range of potential ideas, including suggestions for legislative changes.

**Goal E (Ocean and Coastal Ecosystems) Objective 2:** “Help to establish ecologically and economically sustainable fisheries.” The task force will review and evaluate all aspects of the fishery and may recommend regulatory changes that would enhance both ecological and economic sustainability of the Dungeness crab fishery.

**Goal E (Ocean and Coastal Ecosystems) Objective 4b:** “Investigate the feasibility of various sustainable fishery management approaches, such as vessel buybacks, different quota systems, and limited entry programs. Encourage the development of sustainable fishing gear.” SB1690 instructs the task force to discuss harvest allocations, pot limit restrictions, season modifications, the need for statutory changes, and other potential management options. The task force will allow fishermen and stakeholders to work cooperatively with the OPC and DFG to review management options and apply market-based approaches to the fishery’s management policies and regulations.



**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

38

<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

39

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**

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 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.

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.

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

357  
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.

388  
389  
390  
391

392 **Section 6. Charter Amendments**

393

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 agendized 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.



## Summary of Dungeness Crab Task Force (DCTF) Votes

This document provides a summary of votes taken by the DCTF on day 2 of the October 21-22, 2009 meeting in Ukiah, California. Any vote marked as “approved” will be forwarded as a recommendation in the January 15, 2010 DCTF final report to the Department of Fish and Game, the Fish and Game Commission, and the Joint Committee on Fisheries and Aquaculture. All straw poll votes are nonbinding and will not be included into the final report without a formal vote from the DCTF. Pending additional work to be completed by the DCTF, straw polls may be voted on at a later date, subsequent to the January 15 report submission date. Any votes taken following January 15<sup>th</sup> will be memorialized in a “scope document” that informs future DCTF efforts. These votes may also be included in potential legislation regarding Dungeness crab management.

The following voting protocol, described in the DCTF Charter, was used to conduct straw polls and final voting:

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

**Thumbs Sideways:** I can accept the proposal although I do not necessarily support it.

**Thumbs Up:** I think this proposal is the best choice of the options available to us.

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

For more background about the votes memorialized at the Ukiah meeting, please refer to the DCTF meeting 4 summary at: <http://www.opc.ca.gov/2009/04/dungeness-crab-task-force/>

- **APPROVED: Recommendation 1-** Work through the Tri-state committee and California state decision-makers to move fair start line south to California/Mexico Border

Vote of all DCTF Members (ex officio Members abstained):

Thumbs up: Atkinson, Anderson, Bettencourt, Bennett, Blue, Carpentar, Carvahlo, Collins, DeBacker, Fahning, Forkner, Goucher, Hemmingsen, Johnson, Lawson, Powers, Smith.

Thumbs Sideways: Standley, Cunningham, Sleeter

Thumbs Down: Estes

Absent: McKernan

Vote of the ex officio Members:

Thumbs up: Young

Abstained: McVeigh, Wilcox

Absent: Thomas, Waldvogel

- **Straw Poll:** Work through Tri-state committee and California state decision-makers to reduce out-of-state fleet migration and address issues such as unintended consequences from out-of-state pot limits and Washington buyback. (21 thumbs up; 0 thumbs down; 0 thumbs sideways; 3 abstentions)
- **APPROVED: Recommendation 2-** DCTF proposes new crab legislation. In this legislation there would be a placeholder that includes a provision for a trial “pay to play” (paid for by participants of the District 10 fishery) pot limit program in District 10. This program will be piloted for three years, adaptively managed, and reviewed to inform future management measures. The provision must have recommendations from the DCTF by March 31, 2010 or the bill author will pull the trial pot limit in District 10 provision from the bill.

Recommendations will be made by the DCTF on the following issues, but not limited to:

- DCTF, legislature, and DFG cost analysis and estimate consistent with Oregon and Washington management (includes administration and enforcement) costs for pot limit program
- Pot limit criteria and structure

Vote of all DCTF Members (ex officio Members abstained):

Thumbs up: Atkinson, Anderson, Bettencourt, Bennett, Blue, Carpenter, Carvahlo, Collins, DeBacker, Estes, Fahning, Forkner, Goucher, Hemmingsen, Johnson, Lawson, Smith, Standley

Thumbs Sideways: Powers

Thumbs Down: Cunningham, Sleeter

Abstained: McVeigh, Wilcox, Young

Absent: McKernan

Vote of the ex officio Members:

Thumbs up: Young

Abstained: McVeigh, Wilcox

Absent: Thomas, Waldvogel,

- **Straw poll:** “To shop to the ports”- Pilot test a “pay to play” (paid for by participants of District 10 fishery) pot limit program in District 10. This program will be piloted for three years, adaptively managed, and reviewed to inform future management measures. The pilot pot limit program will have a 400 pot limit cap and a 100-200 pot limit on latent permits. (18 thumbs up; 1 thumbs down; 2 thumbs sideways; 3 abstentions)
- **APPROVED: Recommendation 3-** Ask California Attorney General to read and assess Magnuson-Stevens Fishery Conservation and Management Act sections 112 and 203 and determine whether the state of California can determine the rights of a California permit holder based solely on California landings without taking into consideration landings generated in other states. These rights may include but are not limited to limited entry and pot limits.



Vote of all DCTF Members (ex officio Members abstained):

Thumbs up: Atkinson, Anderson, Bettencourt, Bennett, Blue, Carpenter, Carvahlo, Cunningham, DeBacker, Estes, Fahning, Forkner, Goucher, Hemmingsen, Johnson, Lawson, Powers, Sleeter, Smith, Standley

Abstained: McVeigh, Wilcox, Young

Absent: McKernan

Vote of the ex officio Members:

Thumbs up: Young

Abstained: McVeigh, Wilcox

Absent: Thomas, Waldvogel,

- **Straw poll:** Amend section 8276 of DFG code by changing the date November 15, 2003 to November 15, 2002. (1 thumb up; 16 thumbs down; 1 thumb sideways; 3 abstentions)
- **APPROVED: Recommendation 4-** Make permanent the language of SB1690 related to limited entry (see below) and by March 31, 2010 the DCTF will forward additional recommendations related to potential limitations of latent permits.

Fish and Game Code Section 8276.4 (h) Eligibility to take crab in California waters and offshore for commercial purposes may be subject to restrictions, including, but not limited to, restrictions on the number of traps utilized by that person, if either of the following occurs:

(1) A person holds a Dungeness crab permit with landings of less than 5,000 pounds between November 15, 2003, and July 15, 2008, inclusive.

(2) A person has purchased a Dungeness crab permit on or after July 15, 2008, from a permit holder who landed less than 5,000 pounds between November 15, 2003, and July 15, 2008, inclusive.

Vote of all DCTF Members (ex officio Members abstained):

Thumbs up: Atkinson, Anderson, Bettencourt, Bennett, Blue, Carpenter, Carvahlo, DeBacker, Estes, Fahning, Forkner, Goucher, Hemmingsen, Johnson, Lawson, Powers, Sleeter, Smith

Thumbs Down: Cunningham, Standley

Abstained: McVeigh, Wilcox, Young

Absent: McKernan

Vote of the ex officio Members:

Thumbs up: Young

Abstained: McVeigh, Wilcox

Absent: Thomas, Waldvogel

- **ACTION:** Recommendations on future management of the California Dungeness crab sport fishery  
**No action was taken**

- **ACTION:** Consideration and possible adoption of a recommendation to create a Dungeness crab marketing commission  
**No action was taken**
- **ACTION:** Consideration and possible adoption of a recommendation to create a permanent Dungeness crab advisory committee  
**No action was taken**