

**CA Dungeness Crab Fishing Gear Working Group  
Meeting to Discuss Draft RAMP Regulations  
Summary of Key Highlights  
January 15, 2020**

The California Dungeness Crab Fishing Gear Working Group (Working Group) convened on January 15, 2020 to review and discuss an early draft of the [Risk Assessment and Mitigation Program \(RAMP\) regulations](#) prepared and shared by the California Department of Fish and Wildlife (CDFW) on January 2, 2020. The Working Group was asked to provide a unified voice on agreed upon comments/feedback to CDFW regarding the current iteration of the draft RAMP regulations. While consensus could not be reached as a result of this call, the following is a summary of key topics discussed during the call that can be available to CDFW as a reference. Topics included below may also be revisited by the Working Group during future meetings.

For more information about the Dungeness Crab Fishing Gear Working Group, please contact [info@cawhalegroup.com](mailto:info@cawhalegroup.com) or visit <http://www.opc.ca.gov/whaleentanglement-working-group/>.

***General Discussion, Draft RAMP Regulations***

- The Working Group identified this early draft of the RAMP regulations as a product of CDFW and highlighted that these draft regulations as submitted to the Working Group were not a Working Group product.
- The Working Group discussed its role, and the role of its advisors, as a responsive management entity to the state and as an integral part of the RAMP's operations both in form and function.
  - The group discussed the need for the RAMP regulations to clearly define the role of the Working Group and its advisors. Concern was expressed that the group's role in supporting the state to develop strategies and solutions to address the complex issue of marine life entanglements is significantly reduced, and in some areas eliminated, from the current draft regulations.
- There was interest expressed in continuing to discuss the specifics of the draft RAMP regulations (e.g., objective criteria, thresholds, etc.).
  - The Working Group requested that CDFW circulate as soon as possible its rationale for the objective criteria, thresholds, and management measures that have been considered in drafting the RAMP regulations. This will help the Working Group make informed comments and provide complete, thoughtful feedback to CDFW.
- Working Group participants may provide additional feedback to CDFW as the draft regulations continue to take shape.
  - The group recognized that its individual participants and their related associations may provide input to the CDFW Director on the regulations and there was general support expressed for this parallel effort.

***Considering Additional Data Sources***

- The Working Group flagged that the current draft regulations limit the types/sources of information that will be considered when assessing entanglement risk. Specifically, there was discussion regarding draft section 132.8(c) which states "the department may only consider the following information."

- The group discussed the importance of having the RAMP regulations written in a way that allows all best available science to be considered as it becomes available and not limit or preclude CDFW or the Working Group from utilizing additional data sources to inform decision-making and evaluation of risk.
- There was also general agreement that the RAMP regulations should include clear standards and criteria and that any new information received would need to be considered through this lens.
- Most Working Group participants suggested including the concept/term ‘adaptive management’ in the RAMP regulations, which would further illustrate the need to be responsive to new sources of information once the regulations are in place. Concerns were expressed that the term ‘adaptive’ has multiple interpretations and could imply that the objective criteria in the RAMP regulations could be changed or altered in the absence of future regulatory revisions. Instead, adaptive management should be used to describe the process of amending RAMP regulations in the future.

#### ***Considering All Four Risk Factors***

- The Working Group discussed how the RAMP has been designed to consider the relationship across four risk factors: entanglements, marine life concentrations, forage/ocean conditions, and fishing dynamics. The connection across these four factors is core to the process to assess relative risk of entanglements.
  - The group discussed how current draft regulations do not fully consider two of the four risk factors, as designed by the Working Group; forage/ocean conditions and fishing dynamics are absent from the draft. Concerns were expressed about this and the importance of including all four risk factors in the RAMP regulations to effectively evaluate risk was highlighted during the call.
  - The group encouraged CDFW to consider available datasets related to forage/ocean conditions and work with factor leads to establish clear standards and criteria for this factor in the first iteration of RAMP regulations.
  - The group also highlighted the need to design the RAMP regulations so they can be responsive to additional data sources that become available related to fishing dynamics.

#### ***Entanglement Factor, Account for Disentanglements/Self-Releases (Appropriate Discounting)***

- The group discussed recent feedback shared with CDFW by Pieter Folkens regarding the need to consider successful disentanglements and confirmed self-releases as mitigations of entanglements.
- Some participants were concerned that such discounting will already occur in the NMFS marine mammal stock assessment process and such discounting in the RAMP regulations may undermine the primary goal of the RAMP to prevent entanglements.
- The Working Group identified this topic as a priority for its next meeting (February 2020) to begin to evaluate considering disentanglements/self-releases as part of the criteria included in the entanglement risk factor of the draft RAMP regulations.

#### ***Fishing Dynamics Data Sources***

- The Working Group agreed the RAMP regulations should be responsive to fishing dynamics data (e.g., the regular evaluation of eTix).
- Some Working Group participants suggested the RAMP regulations should include additional mandatory gear location monitoring to better inform the fishing dynamics factor of the RAMP, and enable more fine-scale management measures that minimize economic impacts. Solar loggers are one tool the Working Group has been investigating, but there is concern about the fleet's readiness to be required to use these tools in the near-term.

#### ***Process for Removing Management Measures***

- The group discussed the need for additional clarity in the draft RAMP regulations on the process for lessening/removing management actions on the fishery due to entanglement risk, including additional detail on the role the Working Group will play in that process. The group questioned the process for conducting risk analyses and removing restrictions on the fleet accordingly.
- Detail on the reduction/removal of management actions may already be sufficiently included in Section 132.8(b)(3) of the draft proposed RAMP regulations.

#### ***Gear Innovations***

- The group discussed removing the 14-day waiting period after the season closes to test gear innovations. A suggestion was made to test alternative gears concurrently with traditional gear to better understand how/if alternative gear will minimize entanglement risk.
- Some participants would like the RAMP regulations to limit the scope of "alternative gears" to those methods that reduce vertical lines (e.g., ropeless gear, stringing gear). Other participants do not want to limit the types of alternative gear types that could be used under certain management restrictions.

#### ***Supplemental Regulatory Components***

- *CDFW Director's Decision Making Process:* Some Working Group participants are interested in discussing the need to further define the process in which the CDFW Director provides a science-based rationale in circumstances where the Director's determination of risk differs from a Working Group recommendation. Some participants felt this may be duplicative of the Director's existing responsibilities under the RAMP regulations to describe the scientific basis for any risk determination.
- *Working Group's Objectives:* Working Group participants are interested in reviewing the economic impacts information that will be available by CDFW as part of the regulatory package, including conducting an analysis of how the use of alternative gears may help mitigate economic impacts of closures to traditional gear. This information will help the Working Group to consider the conditions for assessing the Working Group's primary objective: to support thriving whale and sea turtle populations along the West Coast, and a thriving and profitable Dungeness crab fishery.