

Appendix 1. Specific Responses to Comments, Written Comments – Section 132.8, Title 14 (RAMP) (Updated August 2025)

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Comments listed here are referred to as “Category C” comments in the Summary of Comments Received in. Each individual comment letter is also labeled as “C-XX” where the “XX” corresponds to the numbers below.

Comments are paraphrased from the commenters for succinctness. Updates to responses for this Appendix from the prior FSOR submitted in April 2025 are shown in **yellow highlight**.

Glossary:

AG	Alternative Gear	MLC	Marine Life Concentration
CP	Conservation Plan	MMPA	Marine Mammal Protection Act
DCTF	Dungeness Crab Task Force	NIT	Negligible Impact Threshold
DPS	Distinct Population Segment	NMFS	National Marine Fisheries Service
EFP	Experimental Fishing Permit	NOAA	National Oceanic and Atmospheric Administration
EM	Electronic Monitoring	OPC	Ocean Protection Council
ESA	Endangered Species Act	RAMP	Risk Assessment and Mitigation Program
ISOR	Initial Statement of Reasons	TG	Tended gear
ITP	Incidental Take Permit	TRT	Take Reduction Team

Responses to unique comments received during the Public Notice period April 5, 2024 – May 21, 2024.

#	Commentor Name, Format, Date	Comment	Response
C001	Ed Tavaseiff, Email, 4/30/2024	1-a. Explains the concept of TG to help reduce or eliminate whale entanglements, as it was not accurately described in a DCTF meeting. The TG concept would specifically provide opportunities for smaller vessels during November 15 and January 1 when demand is high, and the weather is more conducive for operations by small boats. The vessels would require the operators to continuously tend their traps in a “round robin” fashion	The Department’s proposed language would allow use of actively tended gear during any time of the normal season, including the period from November 15 to January 1. Directly requiring vessel captains and deckhands to always “tend” to their gear is difficult from both a compliance and enforcement points of view, since the definition of “tending” can be ambiguously and highly circumstantial. As such the Department originally opted to specify the maximum distance between the vessel and the deployed traps. Ultimately the active tending tool did not find support among the fleet once it the package was noticed, and it was subsequently removed.

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C001	Ed Tavaseiff, Email, 4/30/2024	1-b. States that incidental take permit requirements are costly, including gear marking. Commentor questions: “What will the pile of rope look like that is discarded? Will these just go into landfill? How will manufactures be able to accommodate this order, in time, and be able to produce the product in all its sizes, distribute, and charge for the new rope?” Commentor also states changing rope on traps is time consuming, and that there will be inconsistent rope color for those that choose to dye the rope to meet gear marking requirements.	The Department is required to apply for an ITP under the ESA. Gear marking, including line marking, is also a component of the settlement agreement. The Department has proposed a phased approach for gear marking, allowing the fleet time to purchase and replace gear as needed, taking into account the typical service life of line. The Department estimates that while some lines may last longer, most trap lines only last roughly 3 years. Permit holders may also opt to paint their lines in lieu of purchasing new lines until the natural end of the original lines’ life. Furthermore, since the requirement will be phased in over 4 years and that lines can be reused for traps deeper than 15 fathoms, the Department is not expecting the amount of discarded lines to be substantially different from the current level. Line manufacturers are well aware of the pending line marking request and are preparing to manufacture the specific line for California, Oregon and Washington.
C001	Ed Tavaseiff, Email, 4/30/2024	1-c. Questions whether it is “so important to know where the whale is entangled? Perhaps a Total Allow Catch (TAC) should be considered instead. If “X” number of whales are documented in a Zone or Zones that exceeds the TAC, then the fishery ends in that Zone or Zones. This is much easier overall and fairer for other zones. Observation is key here and monitoring and specific identification, such as tagging, of entangled whales is most important.”	The framework that the commenter envisions bears strong resemblance to the triggers under subsection (c). The Department will continue to work with stakeholders to improve the language and the implementation of these triggers.
C001	Ed Tavaseiff, Email, 4/30/2024	1-d. Adds a recommendation for a research study and subsequent questions about whale entanglement risk and ship strikes: “Note: A study of the percentage of deployed crab traps to the number of whale entanglements over time would be interesting. Is reducing the number of traps in	Please see General Response A for the estimated level of entanglement risk reduction for blue whales and humpback whales. For response to a cap on total entanglements, please also see response to Comment C001-c. Vessel strike mitigation is outside the scope of the proposed regulation. However, more information can be found on NOAA’s website

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		the water proportional to the number of entanglements? Can we achieve whale safety or a TAC by reducing the number of traps in the water? This must take into to consideration a growing whale population. How would ship strikes look if this data were available, just out of curiosity?”	https://www.fisheries.noaa.gov/west-coast/marine-mammals-west-coast-vessel-strikes) or by reaching out directly to NOAA or the US Coast Guard. Also see General Response I for whale population growth information.
C001	Ed Tavaseiff, Email, 4/30/2024	1-e. Stresses the importance of the Nov. 15 – Jan. 1 time period for small crab operators.	The Department acknowledges that the fall months of the commercial Dungeness crab fishery are important to many permit holders, and has taken action, such as further clarifying the timing surrounding the use of AG. See also General Response B2.
C002	Jeff Falero, Email, 4/7/24	2-a. Requests the justification for changing the Impact Score Calculation away from the MMPA’s MSI framework	Please see General Response C3.
C002	Jeff Falero Email, 4/7/24	2-b. Expresses concern about the economic impact of the line changes on the fleet and the state budget.	The Department acknowledges that there will be costs to the permit holders. However, the Department’s understanding is that a trap line has a limited service life, and that purpose-manufactured lines can be purchased as part of the businesses’ line replacement each year. Please see the attached fiscal impact analysis for impact to the industry and the state budget.
C002	Jeff Falero Email, 4/7/24	2-c. Suggests shortening maximum soak time instead season closures.	Comment noted. Amending service interval requirement is outside the scope of the current rulemaking.
C003	Robert Giordano, Email, 4/5/2024	3. Notices about management actions are unclear and wants increased clarity when communicating management actions.	The Department provides all rulemaking notices required by the requirements of the Administrative Procedure Act and posts information regularly through the Whale Safe Fisheries Listserv for management action updates. All present and past rulemaking documents pertaining to marine life entanglement can be found on the Department’s website at https://wildlife.ca.gov/Conservation/Marine/Whale-Safe-Fisheries .
C004	Center for Biological Diversity,	4-a. Supports the state’s zero annual mortality goal for all state-managed fisheries. The clearest way to achieve this goal for the Dungeness crab fishery is	The Department acknowledges support for the state’s zero annual mortality goal. Please see General Comments A & B1.

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	Email, 04/26/2024	to transition completely to pop-up gear, but the proposed regulatory changes do not make sufficient progress towards that goal. Since RAMP’s implementation, 10 humpback whale entanglements and one leatherback turtle entanglement in Dungeness crab gear have been confirmed. Furthermore, 12 humpback whales were confirmed entangled in Unknown Fishing Gear. More entanglements may have occurred but simply not observed, and the figures do not include entangled gray whales and killer whales, which are protected under MMPA.	
C004	Center for Biological Diversity, Email, 04/26/2024	4-b. Supports amendments that further develops the approval process for AG.	The Department acknowledges the support.
C004	Center for Biological Diversity, Email, 04/26/2024	4-c. Supports allowing use of AG during fishery closure under RAMP.	The Department acknowledges the support.
C004	Center for Biological Diversity, Email, 04/26/2024	4-d. Suggests that new subsection (e)(6), which authorizes AG as a management action, be deleted since it disallows AG by default. By only allowing it under specific circumstances, the Department is disincentivizing participants from investing in the gear. Furthermore, tying the use of the gear to an unpopular management action (fishery closure) creates an unnecessarily high hurdle for the gear’s use. The state has provided	Please see General Response B1.

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		substantial support for AG. Trials since 2021, including those conducted under an EFP approved earlier in 2024, have demonstrated the viability of pop-up gear and provided data that the state can use to authorize their use. There is also evidence showing that pop-up gear can reduce gear loss.	
C004	Center for Biological Diversity, Email, 04/26/2024	4-e. Proposed regulatory changes perpetuates inadequate assessments, and the fishery has operated for 10 years while entangling and killing elevated numbers of whales and sea turtles. The regulations must facilitate the adoption of pop-up gear for use throughout the fishing season.	Please see General Responses A & B1.
C005	DCTF, Email, 05/16/2024	5-a. The triggers for management actions under subsection (c) are excessively low. A 2020 report that underpins NOAA’s stock assessment indicates that the humpback whale stocks have grown 8.2% annually since 1989. The larger population will increase the probability of entanglement, which will constrain the industry’s ability to operate. Commenter also question the value of a lower threshold since the number of entanglements from the Dungeness crab fishery has not been increasing in recent years.	Please see General Responses C3 and I.
C005	DCTF, Email, 05/16/2024	5-b. Fleet Advisory should remain as a potential RAMP Management Action. This tool raises awareness among the fishing community, who can take additional precautions to avoid entanglements.	Please see General Response D1.
C005	DCTF, Email, 05/16/2024	5-c. Remove Surface Gear prohibition as a RAMP Management Action. Department should hold those using excessive surface gear accountable,	Please see General Response D2.

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		<p>but surface gears are critical in helping to locate and recover gear. Their prohibition will lead to gear loss. Permit holders who retried gear in the Central Management Area during April noted that ~85% of all lost gear recovered has no surface gear. Department should instead require permit holders to fish with tight lines.</p>	
C005	DCTF, Email, 05/16/2024	<p>5-d. Remove the Active Tending Requirement Management Action. Commenter questions the enforceability of the four-hour maximum service interval. The tool may also induce gear congestion nearshore.</p>	Please see General Response D3.
C005	DCTF, Email, 05/16/2024	<p>5-e. Recommends that subsections (e)(5) and (i)(1)(A) explicitly permit AG only once the fishery is closed following an opening. Commenter has made clear that they do not support AG use before or during a season opening. Entanglement from an AG during a fishery delay can jeopardize the broader fishery. The fishery is one of the most valuable fishery in the state, and it obtains 80% of its catch in the first 6 weeks of a season, and the fleet should rely on traditional gear during that period.</p>	Please see general Responses B1 and B2.
C005	DCTF, Email, 05/16/2024	<p>5-f. Subsection (g)(3)(C) should be amended to allow continued fishing during data interruption. The vessel owner/operator will share their vessel track lines from a data plotter or other onboard backup device with the department’s law enforcement division upon request until regular data transmission resumes. Experience with onboard tracking devices showed that</p>	Please see General Response E2.

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		malfunctioning often goes undetected for quite some time. Repairing a tracking unit can further take weeks or months, which can cause a vessel to miss a season.	
C006	PCFFA & CCCA Joint Letter, Email, 5/17/2024	6-a. Proposed regulations pose serious operational concerns, in addition to economic and safety of the fleet. Also states there is a lack of sufficient scientific data to support proposed rules to reduce the fishery’s marine mammal interactions. Furthermore, the proposed rules are not in alignment with the long-term interests of the fishing community nor minimizing the adverse impact on the community.	The Department is cognizant of the important role that fisheries play in the coastal communities and the state’s economy. However, the importance of the fishery is balanced against other important societal goals that also carry substantial socioeconomic weight. The Department acknowledges the comment and has revised the proposed regulations to be responsive to the fishing community’s comments submitted during public comment.
C006	PCFFA & CCCA Joint Letter, Email, 5/17/2024	6-b. The Department has not provided industry with adequate opportunities for feedback during the regulation’s development process. Individual permit holders sharing their opinion does not equate industry input.	In response to the comments received from DCTF, PCFFA, CCCA, and other stakeholders, the Department has amended the ISOR for a second 45-day public comment period which will allow for more time for public scoping, including input from industry. The Department remains committed to improving communication with the fleet and cooperation with its representatives.
C006	PCFFA & CCCA Joint Letter, Email, 5/17/2024	6-c. Current measures exceed requirements of the MMPA, and as such any further MMPA take reduction measures would be unlawful.	Please see General Response C3.
C006	PCFFA & CCCA Joint Letter, Email, 5/17/2024	6-d. Department should not rely on OPC’s “zero entanglement” goal. Since OPC is not legislatively mandated to develop the regulation.	The Department bears the responsibility for adopting and implementing RAMP, it remains connected to the state’s larger policy goals, including those set by OPC. It should be noted that OPC has a goal of “zero mortality”, not “zero entanglements”.
C006	PCFFA & CCCA Joint Letter, Email, 5/17/2024	6-e. Regulation should rely on best available science as opposed to the CBD v. Bonham settlement agreement.	RAMP is informed by the best available science and each Management Action chosen is based on the best available information, including input from Dungeness Crab Fishing Gear

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			Working Group. At the same time, the Department’s management must also be informed by its ongoing legal obligations.
C006	PCFFA & CCCA Joint Letter, Email, 5/17/2024	6-f. Department has not clearly articulated how the new RAMP language would impact entanglement scoring, the entanglement thresholds, and the effects of Unknown Fishing Gear entanglements during the development process. The more punitive standard is not backed up by best available data or substantial evidence.	The Department has developed a table to help clarify how entanglements will be accounted under the proposal. The table has been added to the description of the amended subsection (c)(1)(A) in the amended ISOR. The proposed accounting is not necessarily more punitive; while confirmed humpback whale entanglements are no longer discounted to a score of 0.75, confirmed entanglements in unknown gear would phase out and removed completely by 2028.
C006	PCFFA & CCCA Joint Letter, Email, 5/17/2024	6-g. Entanglement scoring should continue to reflect Impact Score calculation while not including any Unknown Fishing Gear entanglement. Furthermore, the regulation should reflect the growth of humpback whale population.	Until gear marking has been fully implemented for the fishery, Unknown Fishing Gear entanglements must be included in the Impact Score or Entanglement Evaluation calculation to ensure “take” for the fishery is being correctly attributed as required by the ESA. Once gear marking is fully implemented on the proposed date of November 1, 2028, Unknown Fishing Gear entanglements will not be considered as a Confirmed Entanglement in commercial Dungeness crab gear. Please also see General Responses C3 & I.
C006	PCFFA & CCCA Joint Letter, Email, 5/17/2024	6-h. Fleet advisory should be maintained as a management tool.	Please see General Response D1.
C006	PCFFA & CCCA Joint Letter, Email, 5/17/2024	6-i. Surface Gear management tool should not be adopted.	Please see General Response D2.
C006	PCFFA & CCCA Joint Letter, Email, 5/17/2024	6-j. Active Tending management tool should not be adopted.	Please see General Response D3.

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C006	PCFFA & CCCA Joint Letter, Email, 5/17/2024	6-k. Regulation should clearly state that AG can only be used in the spring once a season has begun and is closing.	Please see General Responses B1 and B2.
C006	PCFFA & CCCA Joint Letter, Email, 5/17/2024	6-l. AG should be validated by an unbiased third party before authorization.	Please see General Response B3.
C006	PCFFA & CCCA Joint Letter, Email, 5/17/2024	6-m. Regulation should specify the types of EM devices allowed and clarify the format, timing, and location of transmission.	Please see General Response E1.
C006	PCFFA & CCCA Joint Letter, Email, 5/17/2024	6-n. Regulation should clarify the responsible party for validating transmission. Vessels should not be asked to return to port in the middle of a derby fishery.	As written in the proposed regulation, the responsibility lies with the permit holder to ensure that the EM device is functioning properly and transmitting data as required as with all other vessel systems prior to departure. Therefore, vessel equipment and/or maintenance responsibility lies with the vessel operator/permit holder. Also see General Response E2.
C006	PCFFA & CCCA Joint Letter, Email, 5/17/2024	6-o. Gear marking should be delayed until an agreement is reached through the Tri-State Crab Commission or the TRT process. It is unclear how buoy marking can improve gear identification.	Please see General Responses F3 and F4.
C006	PCFFA & CCCA Joint Letter, Email, 5/17/2024	6-p. Comments are not to be considered concessions on any aspect of the proposed regulations nor an endorsement for them. Recognizes that settlement agreement of CBD v. Bonham constrains general approach. Believes that proposed regulations can and should be modified and improved in the anticipated CP, which provides the Department with more flexibility.	Please see response for Comment 36a of the 2020 RAMP rulemaking (Office of Administrative Law File 2020-0902-02S). Available at: https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=184263 & https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=184275 .

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C006	PCFFA & CCCA Joint Letter, Email, 5/17/2024	6-q. Supports the emphasis on the role of the Working Group in subsection (d) and in agreement that their recommendations are “critical to informing the Director on management decisions.”	Please see response for Comment 36b of the 2020 RAMP rulemaking (Office of Administrative Law File 2020-0902-02S). Available at: https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=184263 & https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=184275 .
C006	PCFFA & CCCA Joint Letter, Email, 5/17/2024	6-r. Final regulations should strike a balance between protection of species and a thriving, economically viable fishery as expressed by the Legislature in Sections 7056(i), 7056(j) and 8280(a) of the Fish and Game Code.	Please see response for Comment 36c of the 2020 RAMP rulemaking (Office of Administrative Law File 2020-0902-02S). Available at: https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=184263 & https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=184275 .
C006	PCFFA & CCCA Joint Letter, Email, 5/17/2024	6-s. Proposed regulations must allow for adaptability based on best available science as required by Section 7056(g) of the Fish and Game Code. Further states that as new information about gear interactions, whale populations, whale migrations, and other environmental data become available, triggers, impact scores, and other numerical assumptions described may not be consistent with the best available science. The proposed regulations do not allow for this flexibility and must be revised, which is essential for implementating the CP.	Please see response for Comment 36d of the 2020 RAMP rulemaking (Office of Administrative Law File 2020-0902-02S). Available at: https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=184263 & https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=184275 . Additionally, the CP includes an Adaptative Management framework to incorporate new information and science as it becomes available.
C006	PCFFA & CCCA Joint Letter, Email, 5/17/2024	6-t. Recommends that definition of “actionable species” in the proposed regulations should only address certain species or DPS’ that are listed under the ESA as expressly limited in the settlement agreement of CBD v. Bonham. The species or DPS should be identified with reference to the federal listing decisions otherwise unhelpful ambiguities will arise and final regulations should include a provision that removes a species or DPS	Please see response for Comment 36e of the 2020 RAMP rulemaking (Office of Administrative Law File 2020-0902-02S). Available at: https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=184263 & https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=184275 .

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		from the “actionable species” when they are delisted.	
C006	PCFFA & CCCA Joint Letter, Email, 5/17/2024	6-u. Proposed regulations express a preference for “ropeless gear” in the “AG” definition and excludes other gears or methods that may be more effective. “Ropeless gear” remains experimental and commercially unviable and the proposed regulations must be designed to encourage testing of simple and effective AG arrangements such as longlining and yale grips. Information on these gear types have been compiled and provided as an attachment to comment letter. Recommend proposed regulation either eliminate ”including but not limited to ropeless gear” or revise the definition of “AG” to state “gear modifications and other gear innovations, including but not limited to, longlining, alternative riggings, alternative ropes or gear accessories such as yale greps, ropeless gear, pingers, or alternative fishing practices as authorized by the Department pursuant to subdivision (h).” Recommend that modified fishing practices being included at a minimum to definition to provide solutions in isolation or in concert with AG implementation.	Please see response for Comment 36f of the 2020 RAMP rulemaking (Office of Administrative Law File 2020-0902-02S). Available at: https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=184263 & https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=184275 .
C006	PCFFA & CCCA Joint Letter, Email, 5/17/2024	6-v. NMFS will not identify California Commercial Dungeness crab gear unless there is a clear buoy tag that identifies the fishery. This limitation is unacceptable as there are multiple, reliable methods of identifying gear specific to the fishery. NMFS can report	The proposal contains new line marking requirements designed to make gear more identifiable. Please also see response for Comment 36g of the 2020 RAMP rulemaking (Office of Administrative Law File 2020-0902-02S). Available at: https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=184263 &

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		<p>entanglements to the Department, but the Department must reach an evidence-based conclusion that the entanglement involved fishing gear from the fishery to qualify as a “Confirmed Entanglement with California Commercial Dungeness Crab Gear.” Recommends that the Department establish an Entanglement Review Board that utilizes California-specific expertise, such as fishermen in lieu of or in conjunction with NMFS and should not rely solely on this federal agency that admits its limitations to make critical decisions for a fishery managed by the state. Recommends that the Department identify and incorporate to the proposed regulations the separate regulations they have implemented that require distinct gear markings for each fixed gear fishery in California.</p>	<p>https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=184275. See also General Response F4.</p>
C006	PCFFA & CCCA Joint Letter, Email, 5/17/2024	<p>6-w. Supports proposed regulations including more management zones however suggests modifying zones to better correspond to fishing activity and whale distribution as follows: (1) California/Oregon Border to Patrick’s Point; (2) Patrick’s Point to Delgado Canyon; (3) Delgado Canyon to Point Arena; (4) Point Arena to Pigeon Point; (5) Pigeon Point to Lopez Point; (6) Lopez Point to Point Conception; (7) Point Conception to U.S. Mexico Border; (8) “Pacific Leatherback Sea Turtle Foraging Area” from Point Arena (38° 57.5’ N. latitude) to Point Pinos (36° 38.314’ N. latitude). This will align better with the areas where groups of</p>	<p>See response for Comment 36h of the 2020 RAMP rulemaking (Office of Administrative Law File 2020-0902-02S). Available at: https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=184263 & https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=184275.</p>

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		<p>vessels operate from and will allow the Department to better understand interactions of the risk factors and how to effectively manage them at the necessary scale. Emphasizes that Fishing Zone from Lopez Point to US/Mexico Border would be disastrous for the Morro Bay/Avila/Santa Barbara fleet since crab are rarely found south of Point Conception and whale numbers in this area could result in zero fishing opportunity without any conservation benefit for whales. Recommends that if the Department does not adopt the eight-zone structure, at a minimum the single zone from Lopez Point to Point Conception (and separately for Point Conception south to the Mexico border) be considered.</p>	
C006	PCFFA & CCCA Joint Letter, Email, 5/17/2024	<p>6-x. The definition provided for “Impact Score Calculation” is “subject to revision after NOAA’s final determination of injury or mortality.” Under the proposed regulations, the impact score changes based only if the interaction results in a mortality. If NOAA’s injury score determination process has any relevance, then the Department should revise impact scores for Humpback Whales to assign 0.7 for “serious” injury determinations and 0.0 for “nonserious” injury determinations. Similar changes should be made to impact score definitions for Blue Whales. For purposes of MMPA, “non-serious” injury does not count against a marine mammal stock’s potential biological</p>	Please see General Response C3.

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		removal rate (“PBR”), thus a 0.0 score is appropriate.	
C006	PCFFA & CCCA Joint Letter, Email, 5/17/2024	6-y. It is unclear in subsection (b)(4) how and when the Director must “perform an additional risk assessment when new information becomes available.” Recommends that proposed regulations be revised to clarify that when fleet is restricted under a management action that the Director perform the additional assessment “immediately” upon new information becoming available, and if it dictates a management change then Director must “expeditiously” lift or modify restrictions. Cites Section 8276.1(c)(6) of the Fish and Game Code and language provided by the Department in the Notice of Proposed Changes that “any fishery closures are to be minimized in duration and extent, and expeditiously lifted when the risk has been abated.” The text of regulations must be revised to correspond to the Department’s intent language.	Please see response for Comment 36j of the 2020 RAMP rulemaking (Office of Administrative Law File 2020-0902-02S). Available at: https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=184263 & https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=184275 .
C006	PCFFA & CCCA Joint Letter, Email, 5/17/2024	6-z. Strongly opposes any management actions based upon entanglements with “unknown gear.” Three specific objections: 1. The proposed regulations penalize the fishery with 0.5 of an entanglement even if the California commercial crab gear is eliminated as a source of the entanglement and this is arbitrary and unlawful. 2. States that 50% estimate of unknown interactions as the new gear marking program is implemented will decrease, which will make this arbitrary and	This proposal would phase the accounting of Unknown Fishing Gear entanglements out in conjunction with the introduction of gear marking.

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		<p>inaccurate. Encourages that the Department improve gear marking regulations to require that crab lines be marked to effectively eliminate commercial gear as a source for all unknown entanglements. 3. The proposed regulations do not allow for the “unknown gear” metric to be adaptable based on best available information. Recommends that proposed regulations be eliminated entirely since all commercial crab gear will soon be identifiable. Recommends that if not eliminated, then they be revised to address these issues.</p>	
C006	PCFFA & CCCA Joint Letter, Email, 5/17/2024	<p>6-aa. Impact scoring provides no incentive for fishermen to attempt to release entangled whales alive and uninjured and must be revised to incentivize actions that minimize the effects of entanglements. Recommends that confirmed entanglements with Humpback or Blue Whales that are disentangled and uninjured be scored as zero. This is consistent with implementation of the MMPA, in which non-serious injuries do not count against PBR and are valued as zero for purposes of the negligible impact determination. Recommends that if the NMFS subsequently determines that an entanglement resulted in a nonserious injury, then impact score should be revised to zero.</p>	<p>Please see response for Comment 36l of the 2020 RAMP rulemaking (Office of Administrative Law File 2020-0902-02S). Available at: https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=184263 & https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=184275.</p>
C006	PCFFA & CCCA Joint Letter, Email, 5/17/2024	<p>6-bb. Recommends revising the proposed impact score for Blue Whales to align with Humpback Whales and to include a score of zero for non-serious injury entanglements. There is no evidence that each Blue Whale interaction results in</p>	<p>The special accounting for take not resulting in mortality or serious injury is being phased out. Please see General Response C3.</p>

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		mortality and proposed regulation is not based on best available science nor is it consistent with proposed methodology for scoring whale interactions. NMFS recognizes that not every marine mammal interaction with fishing gear results in a mortality.	
C006	PCFFA & CCCA Joint Letter, Email, 5/17/2024	6-cc. Recommends that any Leatherback Sea Turtle interaction that results in the animal being released alive be scored 0.5. The Department has not identified a single instance in which a Leatherback Sea Turtle entanglement has resulted in a mortality and it is nearly impossible for commercial crab gear to entangle a turtle because they rarely feed where gear is deployed. NMFS standard practice is to apply a mortality estimate based upon the posthooking mortality criteria and this approach is most consistent with the best available scientific information. Although crab fishing interacts differently than longline gear, it does not follow that all crab gear interactions result in mortalities.	Please see response for Comment 36n of the 2020 RAMP rulemaking (Office of Administrative Law File 2020-0902-02S). Available at: https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=184263 & https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=184275 .
C006	PCFFA & CCCA Joint Letter, Email, 5/17/2024	6-dd. One in-season interaction with Blue Whales and Pacific Leatherback Sea Turtles not penalize the fishery by closing one or more fishing zones and cites that there is no basis in fact or science for such a result. Recommends that since these species are rare, management triggers should be based solely on a three-year (or longer) running average, which would better account for rare interactions.	Please see response for Comment 36o of the 2020 RAMP rulemaking (Office of Administrative Law File 2020-0902-02S). Available at: https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=184263 & https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=184275 .

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#	Commentor Name, Format, Date	Comment	Response
C006	PCFFA & CCCA Joint Letter, Email, 5/17/2024	6-ee. Strongly objects to management triggers that would impose closures due to “MLC” of Leatherback Sea Turtles. States that fishery has limited interactions with Leatherback Sea Turtles and closing based on their mere presence in large open-water areas is not consistent with that record, lacks supporting evidence and is unnecessarily punitive. Cites that this is not a term included in the settlement agreement CBD v. Bonham and no U.S. fishery is managed based upon the presence of ESA-listed sea turtles in a fishing area, but operate within the ranges of ESA-listed sea turtles and are successfully managed. Further states that closing a fishery based on presence will have dire ramifications for many U.S. fisheries and that there is no basis for a fishery that has extremely minimal entanglements with and no demonstrated material impacts on the Pacific Leatherback sea turtle species. Recommends that this overly precautionary provision be removed.	Please see response for Comment 36p of the 2020 RAMP rulemaking (Office of Administrative Law File 2020-0902-02S). Available at: https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=184263 & https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=184275 .
C006	PCFFA & CCCA Joint Letter, Email, 5/17/2024	6-ff. Numerical thresholds for MLC triggers should align with the settlement agreement CBD v. Bonham that refers to MLC triggers for observations of 20 or more ESA-listed whales or 5 or more ESA-listed whales over a one-week period and that these apply equally to Humpback and Blue Whales. States there is no basis for MLC triggers less than these amounts by Fishing Zone	Please see response for Comment 36q of the 2020 RAMP rulemaking (Office of Administrative Law File 2020-0902-02S). Available at: https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=184263 & https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=184275 .
C006	PCFFA & CCCA Joint	6-gg. The consequence of exceedances of MLC thresholds do not make sense for the Fall period	Please see response for Comment 36r of the 2020 RAMP rulemaking (Office of Administrative Law File 2020-0902-02S). Available at:

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	Letter, Email, 5/17/2024	because these scenarios occur during a time before the “the Fishing Season opens statewide.”	https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=184263 & https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=184275 .
C006	PCFFA & CCCA Joint Letter, Email, 5/17/2024	6-hh. Recommends that a comma be inserted between “over a one-week period” and “within a single Fishing Zone” to make clear proposed MLC triggers for Humpback Whales and Blue Whales during the fall apply within a single Fishing Zone.	Please see response for Comment 36s of the 2020 RAMP rulemaking (Office of Administrative Law File 2020-0902-02S). Available at: https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=184263 & https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=184275 .
C006	PCFFA & CCCA Joint Letter, Email, 5/17/2024	6-ii. Recommends that revising language under the Spring period specify that “data are unavailable” by Fishing Zone similar to what is stated under the Fall period.	Please see response for Comment 36t of the 2020 RAMP rulemaking (Office of Administrative Law File 2020-0902-02S). Available at: https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=184263 & https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=184275 .
C006	PCFFA & CCCA Joint Letter, Email, 5/17/2024	6-jj. Recommends revising language under the Spring period for Humpback Whales that a “running average” applies “over a one-week period” and inserting a comma between “one week period” and “within a single Fishing Zone” to clarify that both triggers apply to a single Fishing Zone.	Please see response for Comment 36u of the 2020 RAMP rulemaking (Office of Administrative Law File 2020-0902-02S). Available at: https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=184263 & https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=184275 .
C006	PCFFA & CCCA Joint Letter, Email, 5/17/2024	6-kk. The proposed regulations “minimum” fishing zone closures are unsupported and arbitrary and effectively eliminates all other management actions listed in subsection (e) rendering them meaningless since the most extreme management action, a closure, is mandated as a “minimum.” States that this undermines the Department statements made in the ISOR of “flexibility in the choice of a management response is necessary to ensure the Director can consider all timely and relevant information in formulating the most appropriate management response” and “is not proposing an automatic closure” for either Blue	Please see response for Comment 36v of the 2020 RAMP rulemaking (Office of Administrative Law File 2020-0902-02S). Available at: https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=184263 & https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=184275 .

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		Whale or Leatherback Sea Turtle interactions. Recommends that “minimum” language be removed for all species to read: “the Director shall implement, as appropriate, a management action described in subsection (e).” This will allow flexibility to implement another management action, consistent with the Department’s stated intent.	
C006	PCFFA & CCCA Joint Letter, Email, 5/17/2024	6-ll. States that informed decision-making and resulting management measures should be based on best available scientific information. States that proposed regulations should provide for a clear “ramp-up” of management actions that begin with non-closure management measures that may progress to fishing zone closures. States that flexibility is essential for compliance and consistent with existing statute, citing Section 7056(g) of the Fish and Game Code.	Please see response for Comment 36w of the 2020 RAMP rulemaking (Office of Administrative Law File 2020-0902-02S). Available at: https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=184263 & https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=184275 .
C006	PCFFA & CCCA Joint Letter, Email, 5/17/2024	6-mm. Strongly opposes any statewide closures and recommends that all statewide closure provisions be eliminated from the proposed regulations. These are not contemplated by the settlement agreement CBD v. Bonham. States that should an extreme and unanticipated event occur then the Department could consider closing more than one fishing zone as appropriate. States that the sentence mandating the statewide closure is unhelpfully ambiguous. Recommends that if the Department retains the provision for Humpback Whales, although opposed, the provision should be revised as follows: “If an impact score	Please see response for Comment 36x of the 2020 RAMP rulemaking (Office of Administrative Law File 2020-0902-02S). Available at: https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=184263 & https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=184275 .

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		Calculation of three (3) or more is reached during a single Fishing Season, the Director will close the remainder of the Fishing Season statewide.”	
C006	PCFFA & CCCA Joint Letter, Email, 5/17/2024	6-nn. States that the Department justifies the closure for Humpback Whales to “prevent further entanglements and avoid violating terms of the ITP.” States that an ITP will not exist for several years and suggests that NMFS has instructed the Department as to what take levels are or are not appropriate under Section 10 of the ESA and are predecisional and unlawful until full Section 10 process, including public involvement, is completed.	The Department is currently in the process of submitting its application for an ITP. Please see response for Comment 36y of the 2020 RAMP rulemaking (Office of Administrative Law File 2020-0902-02S). Available at: https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=184263 & https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=184275 .
C006	PCFFA & CCCA Joint Letter, Email, 5/17/2024	6-oo. States that the calendar year provisions create the very unacceptable prospect of the fishery being subject to closures for consecutive seasons, which would decimate fishery. States there is no benefit gained from including both single-season triggers and three-year averaging provisions. Recommends that if proposed regulations retain calendar year triggers then it should significantly reduce the number of and to eventually phase out the in-season triggers. Additionally, recommends that if they are retained (1) any management actions based on calendar year trigger terminate at the end of the fishing season and (2) the triggers are recalculated and reevaluated each month. States that this will prevent consecutive, long-running closures.	This proposal attempts to bring RAMP regulations closer in line with the draft CP and the expected ITP terms. The annual and multi-year triggers serve as backstops against exceeding allowed incidental take and carry strong restrictions in the form of mandatory season delays and closures. In-season restrictions provide a path that allows the state to respond more quickly to changing conditions and head off the need for the mandatory delays and closures. Entanglement triggers cannot terminate after a Fishing Season closes because the impact of an entanglement does not end with the Fishing Season. Similarly, the effect that entanglements have on a whale or turtle population do not reset at the end of each month.

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C006	PCFFA & CCCA Joint Letter, Email, 5/17/2024	6-pp. Although questions purpose of the three-year trigger, agrees with the consequence, which provides appropriate flexibility: “the Director shall consult with NOAA and the Working Group. After consultation, the Director shall consider a management action(s) described in subsection (e).”	The three-year trigger will be repealed as part of this proposal.
C006	PCFFA & CCCA Joint Letter, Email, 5/17/2024	6-qq. Proposed regulations penalize fishery for agency failures to collect data by allowing the Department to delay the season until December 31 if data are unavailable to inform management. This is arbitrary, overly precautionary, unsupported by evidence, and unnecessary given other measures in place to safeguard against unacceptable incidental take levels.	Please see response for Comment 36bb of the 2020 RAMP rulemaking (Office of Administrative Law File 2020-0902-02S). Available at: https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=184263 & https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=184275 .
C006	PCFFA & CCCA Joint Letter, Email, 5/17/2024	6-rr. The Department must be more diligent in collecting necessary information, and is required by law (Section 7060 of the Fish and Game Code) to do so. The Department failed to take advantage of a 2-week window to conduct survey during the 2019-2020 season. Existing statutes under the MLMA require the Department to collect and otherwise support the collection of essential fishery information in collaboration with the fishery to the maximum extent practicable. The Department should partner with industry to ensure data collection is fully integrated into the risk assessment process and ensure there is never “unavailable” data.	Please see response for Comment 36cc of the 2020 RAMP rulemaking (Office of Administrative Law File 2020-0902-02S). Available at: https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=184263 & https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=184275 .
C006	PCFFA & CCCA Joint	6-ss. In situations where data is unavailable, only non-closure management measures should be	Please see response for Comment 36dd of the 2020 RAMP rulemaking (Office of Administrative Law File 2020-0902-02S).

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	Letter, Email, 5/17/2024	considered if absolutely necessary, and management measures should be effective for 7 days rather than 15 days. The Department must react quickly when data becomes available.	Available at: https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=184263 & https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=184275 .
C006	PCFFA & CCCA Joint Letter, Email, 5/17/2024	6-tt. Agree fishery management decisions should be based on best available science and relevant, nonspeculative information. Term “statistically valid” is unclear and should be removed or revised to eliminate ambiguity.	Please see response for Comment 36ee of the 2020 RAMP rulemaking (Office of Administrative Law File 2020-0902-02S). Available at: https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=184263 & https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=184275 .
C006	PCFFA & CCCA Joint Letter, Email, 5/17/2024	6-uu. Management considerations should include economic impact for all actions, not just those which equivalently reduce entanglement risk. When closing a Fishing Zone, the Marine Life Management Act requires that the Department must evaluate impact to vessels that fish in that zone.	Please see response for Comment 36ff of the 2020 RAMP rulemaking (Office of Administrative Law File 2020-0902-02S). Available at: https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=184263 & https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=184275 .
C006	PCFFA & CCCA Joint Letter, Email, 5/17/2024	6-vv. Regulations must require the Director explain rationale for management actions which aren’t consistent with majority recommendations of the Working Group. Regulations correctly place special emphasis on role of the Working Group in informing Director’s determinations, but Working Group input is meaningless if Director can ignore their recommendation without providing evidence-supported explanation. Fishery members will reconsider value of participation without this change.	Please see response for Comment 36gg of the 2020 RAMP rulemaking (Office of Administrative Law File 2020-0902-02S). Available at: https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=184263 & https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=184275 .
C006	PCFFA & CCCA Joint Letter, Email, 5/17/2024	6-ww. Mandatory reporting requirements require submission of otherwise confidential and proprietary information to the Department. Regulations must include provisions similar to	Please see response for Comment 36hh of the 2020 RAMP rulemaking (Office of Administrative Law File 2020-0902-02S). Available at:

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		those in the federal Magnuson-Stevens Fishery Conservation and Management Act to preserve confidentiality of this data, and that data cannot be disclosed in response to public records requests under either federal or state law.	https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=184263 & https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=184275 .
C006	PCFFA & CCCA Joint Letter, Email, 5/17/2024	6-xx. One-minute frequency of EM location reporting is too high. Regulations should use a similar rate to the 15-minute interval in federally managed West Coast Groundfish fisheries.	Please see response for Comment 36ii of the 2020 RAMP rulemaking (Office of Administrative Law File 2020-0902-02S). Available at: https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=184263 & https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=184275 .
C006	PCFFA & CCCA Joint Letter, Email, 5/17/2024	6-yy. Development of effective and practical AG and fishing practices is important for minimizing incidental take of protected species. Regulations should require the Director to make a decision within 60 days of receiving a request, with a default approval if no action is taken. The Department needs to demonstrate it is committed to eliminating bureaucracy and red tape.	Please see response for Comment 36jj of the 2020 RAMP rulemaking (Office of Administrative Law File 2020-0902-02S). Available at: https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=184263 & https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=184275 .
C006	PCFFA & CCCA Joint Letter, Email, 5/17/2024	6-zz. Final regulations should allow for easy implementation of gear modifications such as longlining and yale grips. If research trials are required, requirements should be flexible and nonburdensome.	Please see response for Comment 36kk of the 2020 RAMP rulemaking (Office of Administrative Law File 2020-0902-02S). Available at: https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=184263 & https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=184275 .
C006	PCFFA & CCCA Joint Letter, Email, 5/17/2024	6-aaa. Strongly disagrees with ISOR conclusion that the proposed action will not have significant statewide adverse economic impact and agrees with the comments provided by Department of Finance on April 3, 2020. The Department's responses to the DOF comments are insufficient.	Please see response for Comment 36ll of the 2020 RAMP rulemaking (Office of Administrative Law File 2020-0902-02S). Available at: https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=184263 & https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=184275 .
C006	PCFFA & CCCA Joint	6-bbb. Disagrees with statements that Oregon and Washington are developing or have similar	Please see response for Comment 36mm of the 2020 RAMP rulemaking (Office of Administrative Law File 2020-0902-02S).

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	Letter, Email, 5/17/2024	mitigation programs in effect. Measures in these states are not comparable to the draconian triggers and actions in the proposed regulations. Proposed regulations will therefore cause competitive disadvantages for the California fleet.	Available at: https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=184263 & https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=184275 .
C006	PCFFA & CCCA Joint Letter, Email, 5/17/2024	6-ccc. Letter builds on earlier comment letter submitted on June 29, 2020. Comments are not concessions on any aspects of the proposed regulations, should not be taken as an endorsement of the Department’s approach. Except as otherwise stated, CCCA restates all comments from June 29, 2020 letter.	Please see response for Comment 89a of the 2020 RAMP rulemaking (Office of Administrative Law File 2020-0902-02S). Available at: https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=184263 & https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=184277 .
C006	PCFFA & CCCA Joint Letter, Email, 5/17/2024	6-ddd. Appreciates the Department responsiveness to some of CCCA’s earlier comments.	Please see response for Comment 89b of the 2020 RAMP rulemaking (Office of Administrative Law File 2020-0902-02S). Available at: https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=184263 & https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=184277 .
C006	PCFFA & CCCA Joint Letter, Email, 5/17/2024	6-eee. Hope the Department addresses remaining concerns. RAMP regulations and related CP and Section 10 ESA permit will govern operation of the fishery for years to come, and it is essential the Department provide a regulatory framework which protects listed species and allows the fishery to remain economically viable.	Please see response for Comment 89c of the 2020 RAMP rulemaking (Office of Administrative Law File 2020-0902-02S). Available at: https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=184263 & https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=184277 .
C006	PCFFA & CCCA Joint Letter, Email, 5/17/2024	6-fff. CCCA supports retaining the following amendments made to the originally proposed regulations in the final version of the regulations: (1) additions of subsections (a)(4)(D) and (a)(4)(E); (2) revisions and additions to subsection (a)(7); (3) elimination of “minimum of” language regarding Fishing Zone delays or closures; (4) replacement of	Please see response for Comment 89d of the 2020 RAMP rulemaking (Office of Administrative Law File 2020-0902-02S). Available at: https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=184263 & https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=184277 .

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		statewide closure in subsection (c)(2)(B)(1) with implementation of management actions on a Fishing Zone basis; (5) revisions to subsection (g)(2) to require compliance with new EM provisions starting with the 2023-24 fishing season; (6) addition of subsection (g)(4). CCCA recommends revising subsection (g)(2)(A) and (B) to allow apply requirements to either all vessels or a representative sample of the fleet.	
C006	PCFFA & CCCA Joint Letter, Email, 5/17/2024	6-ggg. Amended ISOR provides conflicting information regarding how Impact Score Calculations will be revised after NOAA completes their final determination of injury or serious mortality. ISOR states that the score “will” be revised, but also states that the Department has no discretion to modify the score.	The concept of Impact Score is being repealed. Please see General Response C3.
C006	PCFFA & CCCA Joint Letter, Email, 5/17/2024	6-hhh. The Department misconstrues MMPA standards and processes for assessing fishery interactions with marine mammals. Proposed regulations should expressly recognize and address situations where whales are successfully disentangled and released unharmed and free from all fishing gear, in alignment with NOAA’s Serious Injury Guidelines which are incorporated by reference in the proposed regulations. Under Sections 117 and 118 of the MMPA, nonserious injuries have no legal ramifications and are scored as 0 in NMFS SARs, not “closer to zero” as stated on page 12 of the Amended ISOR.	Please see General Response C3.
C006	PCFFA & CCCA Joint	6-iii. If proposed regulations are intended to align with MMPA and NMFS process for assessing	Please see General Response C3.

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C006	PCFFA & CCCA Joint Letter, Email, 5/17/2024	6-jjj. Reiterates objections to prior comments on MLC provisions.	Please see response for Comment 89h of the 2020 RAMP rulemaking (Office of Administrative Law File 2020-0902-02S). Available at: https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=184263 & https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=184277 .
C006	PCFFA & CCCA Joint Letter, Email, 5/17/2024	6-kkk. Removal of “Fishing Zone” in subsection (c)(2)(A)(4) implies that a delay would be statewide, rather than for the applicable Fishing Zone. Language should be amended to constrain delays or other management actions to the relevant Fishing Zone, consistent with framing in the main clause of subsection (c)(2)(A)(4).	Please see response for Comment 89i of the 2020 RAMP rulemaking (Office of Administrative Law File 2020-0902-02S). Available at: https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=184263 & https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=184277 .
C006	PCFFA & CCCA Joint Letter, Email, 5/17/2024	6-lll. Regulations should clarify that MLC refers to local abundance of Actionable Species within each Fishing Zone between Point Conception and the California/Oregon border to avoid misinterpretations that MLC is assessed based on the entire area covered by Fishing Grounds rather than by Fishing Zone.	Please see response for Comment 89j of the 2020 RAMP rulemaking (Office of Administrative Law File 2020-0902-02S). Available at: https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=184263 & https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=184277 .
C006	PCFFA & CCCA Joint	6-mmm. Strongly objects to incorporation of the OPC zero-entanglement goal in any form or for any purpose in the proposed regulations. OPC is not a	Please see response for Comment 89k of the 2020 RAMP rulemaking (Office of Administrative Law File 2020-0902-02S). Available at:

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	Letter, Email, 5/17/2024	state agency and has no delegated rulemaking authority from the State Legislature. By relying on the OPC goal for the proposed regulations, the Department is acting outside its legally delegated authority and contrary to the findings of SB 1309, which describe a goal of minimizing entanglement “to the fullest extent practicable”.	https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=184263 & https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=184277 .
C006	PCFFA & CCCA Joint Letter, Email, 5/17/2024	6-nnn. RAMP regulations and related permit are intended to secure ESA compliance for the State, and OPC goal far exceeds the standards of the ESA and MMPA. Holding the fishery accountable to the OPC goal would be unprecedented in the history of US fisheries and subject the fishery to even more impossible and draconian measures than the already protective standards under MMPA. Adherence to this goal would eliminate the State’s most economically important fishery.	Please see response for Comment 89l of the 2020 RAMP rulemaking (Office of Administrative Law File 2020-0902-02S). Available at: https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=184263 & https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=184277 .
C006	PCFFA & CCCA Joint Letter, Email, 5/17/2024	6-ooo. The Department must remove all references to the OPC goal from rulemaking documents and revise any elements predicated upon it.	Please see response for Comment 89m of the 2020 RAMP rulemaking (Office of Administrative Law File 2020-0902-02S). Available at: https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=184263 & https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=184277 .
C006	PCFFA & CCCA Joint Letter, Email, 5/17/2024	6-ppp. Supports statement in amended ISOR that Working Group function is needed to inform management response.	Please see response for Comment 89n of the 2020 RAMP rulemaking (Office of Administrative Law File 2020-0902-02S). Available at: https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=184263 & https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=184277 .
C006	PCFFA & CCCA Joint Letter, Email, 5/17/2024	6-qqq. Proposed regulations should be amended to reflect the Working Group recommendation is specifically incorporated into the risk assessment	Please see response for Comment 89o of the 2020 RAMP rulemaking (Office of Administrative Law File 2020-0902-02S). Available at:

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		process, and subsection (a)(12) should be revised accordingly.	https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=184263 & https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=184277 .
C006	PCFFA & CCCA Joint Letter, Email, 5/17/2024	6-rrr. Proposed regulations are unclear as to whether notification of anticipated risk assessment will convene the Working Group, and subsection (b)(2) should be amended to clarify that the Working Group is convened as part of the risk assessment process and at what point in that process this will occur.	Please see response for Comment 89p of the 2020 RAMP rulemaking (Office of Administrative Law File 2020-0902-02S). Available at: https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=184263 & https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=184277 .
C006	PCFFA & CCCA Joint Letter, Email, 5/17/2024	6-sss. Proposed regulations do not clearly state what information the Working Group should consider and review when developing management recommendations. Subsection (d)(1) should be amended to more clearly define scope of the Working Group as providing a recommendation based on an independent assessment of considerations identified in subsections (d) and (e).	Please see response for Comment 89q of the 2020 RAMP rulemaking (Office of Administrative Law File 2020-0902-02S). Available at: https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=184263 & https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=184277 .
C006	PCFFA & CCCA Joint Letter, Email, 5/17/2024	6-ttt. Subsection (d) should be revised to require the Department to seek information regarding the identified management considerations.	Please see response for Comment 89r of the 2020 RAMP rulemaking (Office of Administrative Law File 2020-0902-02S). Available at: https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=184263 & https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=184277 .
C006	PCFFA & CCCA Joint Letter, Email, 5/17/2024	6-uuu. Disagrees with revisions to subsection (a)(4)(A) removing the Department’s role in determining origin of gear involved in entanglements. Fishery is managed by the Department, not NMFS, and the Department is more suited to making such determinations. The Department should retain a role, informed by the Working Group, in this process.	Please see response for Comment 89s of the 2020 RAMP rulemaking (Office of Administrative Law File 2020-0902-02S). Available at: https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=184263 & https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=184277 .

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#	Commentor Name, Format, Date	Comment	Response
C006	PCFFA & CCCA Joint Letter, Email, 5/17/2024	6-vvv. Seeks clarification that solar logger reporting at one-minute intervals would meet requirements of the reporting requirement in subsection (g)(2)(A). If so, regulation is acceptable. If another system (such as VMS) is required, the regulations is unacceptable and financially prohibitive and the Department must prepare a new economic analysis for public review and comment.	Please see response for Comment 89t of the 2020 RAMP rulemaking (Office of Administrative Law File 2020-0902-02S). Available at: https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=184263 & https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=184277 .
C006	PCFFA & CCCA Joint Letter, Email, 5/17/2024	6-www. Suggests revising subsection (g)(2)(B) to allow for monitoring a representative subsample of the fleet.	Please see response for Comment 89u of the 2020 RAMP rulemaking (Office of Administrative Law File 2020-0902-02S). Available at: https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=184263 & https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=184277 .
C006	PCFFA & CCCA Joint Letter, Email, 5/17/2024	6-xxx. The Dungeness crab fishery is characterized by its derby nature where 94% of all landings occurred prior to April 1 between 2000-2022. To preserve that tradition, commenter requests that only fleet advisory, depth constraint, vertical line/gear reduction, and fishery delay be used during the period of season opening. The authorization of AG can be used only once the season has opened. This is necessary to preserve the fair and orderly opening and successful harvest of the fleet.	Please see General Response B2.
C007	Chris Lish, Email, 5/19/2024	7. Expresses support for AG (pop-up) and desire for AG (pop-up) to be utilized during the entire fishing season, not just when traditional gear is prohibited.	However with the final adopted regulatory text, the Department has reverted the adopted regulatory language in subsection 132.8(e)(4) to maintain the current date restriction on AG (on April 1 or later), See also General Response B1.
C008	The Nature Conservancy,	8-a. Clarify objectives of EM in the ISOR to specify vessel monitoring program objectives and info needs, and how current EM location data will be	Please see General Response E1.

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#	Commentor Name, Format, Date	Comment	Response
	Email, 5/17/2024	analyzed to fulfill info needs. Furthermore, add device requirements for EM that expand on unit performance standards to specify requirements for accuracy, ruggedness, data events, and transmission requirements to clarify how data should be uploaded and to where (g)(2)(3)(A). Also recommends a compliance guide be created to offer non-mandatory guidance in accordance with the OPC report. Should also add vendor acquisition process for EM in (g)(2)(3)(A): specify the process fishers must take when establishing a new device and/or vendor, including what info to provide, when and to whom.	
C008	The Nature Conservancy, Email, 5/17/2024	8-b. Clarify responsibilities and enforcement in monitoring compliance and data transmission under (g)(2)(3)(c) and ensure requirements for permit holders are practical.	As written in the proposed regulation, the responsibility lies with the permit holder to ensure that the EM device is functioning properly and transmitting data as required. Also see response to comment C006-n.
C008	The Nature Conservancy, Email, 5/17/2024	8-c. Use a survey approval process to create more transparency in RAMP data source selection and interpretation. Update (c)(2) to create a process that establishes basic criteria for data sources and an annual process by which the Department in consultation with NOAA, will review whether data sources meet requirements and can be used as a trigger.	Current RAMP data sources are based on best available science, and while a process to approve new sources of data might prove to be useful, it does not need to be included in regulation.
C008	The Nature Conservancy, Email, 5/17/2024	8-d. Revise (c)(2) to allow use of survey data from prior assessment periods or adjacent zones when data is otherwise unavailable. Clarify (b)(1) to say that MLC data will continue to be collected during closures	Proposed amendments to RAMP regulations already remove the stipulation that a MLC surveys are “only current through the first risk assessment immediately following the survey”. Due to limited funding and the Department resources, survey data is not typically collected during closures, but is not explicitly prohibited in regulation.

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C008	The Nature Conservancy, Email, 5/17/2024	8-e. Increase clarity and transparency in ISOR and improve consultation practices. Expand justification to better explain how ESA standard informs approach to impact score calculations and provide a more thorough explanation for the time series data used to inform attribution of entanglements and unidentified gear. Recommend that only WG and DCTF meetings where RAMP 2.0 was discussed as a formal agenda item and meeting materials were developed be included in the ISOR (g)1	The ISOR is developed following the California Administrative Procedure Act and must follow specific guidelines within. Based on feedback received during the public comment period, the Department will delay the proposed rulemaking and initiate a second 45-day public comment period to allow more time to receive input from the fleet, interested stakeholders, Working Group, and DCTF. Working Group and DCTF meetings where RAMP 2.0 was discussed are now specifically highlighted in the ISOR.
C008	The Nature Conservancy, Email, 5/17/2024	8-f. Work with WG and DCTF more effectively to leverage expertise and input towards shared goals.	Based on feedback received during the public comment period, the Department will delay the proposed rulemaking and initiate a second 45-day public comment period to allow more time to receive input from the fleet, interested stakeholders, Working Group, and DCTF.
C009	Susan Rotwein, F/V Miss Phyllis, Email, 05/21/2024	9-a. Overall economic impact to the Dungeness crab fleet will be in excess of a \$50 million loss in any one season due to proposed regulations, specifically line marking, buoy marking, and EM. Proposes alternative method to calculate the cost per pot to comply with proposed regulations, which results in an estimate cost to a single fisherman to be \$16,450, which is greater than the Department’s estimate of \$9,418.	As explained in the ISOR, it is the Department’s understanding that while practices differ between operators, all trap gear must be serviced and re-rigged each year prior to the season. As such there should not be additional labor costs. As stated in the Department’s analysis, spools of 1,200-ft trap lines generally cost less than \$300. Since only 20 fathoms (120 ft; 15 fathoms of submerged line and assuming 5 fathoms of surface line) are require to be marked, it is unclear how the per-trap material cost would add up to \$50. After consultation with fishery representatives, the Department has withdrawn the buoy marking requirement under former subsection 132.8(h)(1). See also General Response F4.
C009	Susan Rotwein, F/V Miss Phyllis,	9-b. States the Department underestimated the reporting costs, including annual reporting and buoy tag reconciliation and replacement and provides an alternative analysis.	Please see General Response F4. As noted in its economic analysis, the Department relies on the U.S. Department of Labor and Statistics (https://www.bls.gov/oes/2023/may/oes_ca.htm) for its wage information.

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#	Commentor Name, Format, Date	Comment	Response
	Email, 05/21/2024		
C009	Susan Rotwein, F/V Miss Phyllis, Email, 05/21/2024	9-c. States that proposed regulations will further disincentivize permitholders to participate in the fishery since regulations will add a further financial burden to permitholders.	The Department is cognizant of the compliance cost. However, the legal mandates under federal ESA must also be met and CDFW has secured funding to offset the transition costs for line purchase.
C009	Susan Rotwein, F/V Miss Phyllis, Email, 05/21/2024	9-d. Delays in opening should be restricted to Fishing Zones 3 and 4, not statewide. Fishing Zones 1 and 2 should open on December 1 st .	The Director has flexibility in implementing RAMP management actions by Fishing Zones except under specific instances, such as leatherback turtle entanglement. The Director will continue to use the best available science regarding which Fishing Zones to restrict or open based on RAMP’s requirements.
C010	NGO Joint Letter, Animal Welfare Institute, email, May 21, 2024	10-a. “More conservative limits on the number of entanglements of humpback whales, blue whales, and Pacific leatherback sea turtles, including consideration of out-of-season entanglements, which, if exceeded, would result in a statewide vertical line closure.”	The proposed RAMP regulations are more conservative than the triggers currently written in regulation, and align with the draft CP being submitted as part of the ITP package to NOAA Fisheries. In addition, the proposed entanglement evaluation process will evaluate all entanglements that occur throughout a calendar year, which include out-of-season entanglements.
C010	NGO Joint Letter, Animal Welfare Institute, email, May 21, 2024	10-b. The Department “enact a rolling 3-year limit on entanglements”	It is unclear what action or change is to be made to “enact a 3-year limit on entanglements”. The proposed entanglement limits are in alignment with proposed backstops included in the draft CP to be submitted as part of the ITP package to NOAA Fisheries and consistent with guidance CDFW has received to align with the take prohibition limits under the ESA and MMPA.
C010	NGO Joint Letter, Animal Welfare Institute, email, May 21, 2024	10-c. All Fishing Zones should be closed when an entanglement of a Pacific Leatherback Sea Turtle is entangled, or when a sea turtle is observed in a Fishing Zone with risk of entanglement.	Please see General Response C2.

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C010	NGO Joint Letter, Animal Welfare Institute, email, May 21, 2024	10-d. Both surface gear and full line be uniquely marked	Please see General Response F1.
C010	NGO Joint Letter, Animal Welfare Institute, email, May 21, 2024	10-e. The fishery should fully transition to manufactured line by 2028, with painting of line allowed as an interim option.	Please see General Response F2.
C010	NGO Joint Letter, Animal Welfare Institute, email, May 21 2024	10-f. Requests additional measures and accountability related to lost gear. Commentor provides examples of measures such as returning trap tags to the Department at the end of the season and suggesting trap reductions for permit holders who lose large amounts of gear.	Please see General Response G1 for response concerning tag collection. The Department is not considering penalizing individuals based on trap loss since loss can be attributed to a variety of factors such as weather events, vessel traffic or conflict with other fisheries.
C010	NGO Joint Letter, Animal Welfare Institute, email, May 21, 2024	10-g. Supports the authorization of AG before the start of the next fishing season	Support noted. See also General Response B1.
C010	NGO Joint Letter, Animal Welfare Institute, email, May 21, 2024	10-h. Supports the EM requirements and supports use of EM data to inform future risk assessments.	Support noted.

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#	Commentor Name, Format, Date	Comment	Response
C011	NGO Joint Letter Blueecology, Email, 5/21/24	11-a. Amend the AG section to remove language restricting pop-up gear use to only during a Fishery Closure. Commentor wants pop-up gear to be allowed entire season and that this would promote use of pop-up gear and reduce entanglement risk.	Please see General Response B1.
C011	NGO Joint Letter Blueecology, Email, 5/21/24	11-b. Supports the changes to the AG section allowing certain limitations to be applied to authorizations.	Comment noted.
C011	NGO Joint Letter Blueecology, Email, 5/21/24	11-c. Supports limiting traditional vertical lines or gear while allowing AG during a fishery delay/closure.	AG will only be allowed in the event of a season closure following a delay for reasons noted under General Response B2. See also General Response B1.
C011	NGO Joint Letter Blueecology, Email, 5/21/24	11-d. Supports the removal of the April 1 st or later restriction from the management action AG.	Support noted. However with the final adopted regulatory text, the Department has reverted the adopted regulatory language in subsection 132.8(e)(4) to maintain the current date restriction on AG (on April 1 or later), See also General Response B1.
C011	NGO Joint Letter Blueecology, Email, 5/21/24	11-e. The current AG management action is confusing, and this will disincentivize fishermen’s adoption of AG.	Please see General Responses B1 & B2.
C011	NGO Joint Letter Blueecology, Email, 5/21/24	11-f. Implementing the use of AG only until after a Fishery Closure/Delay discourages its adoption and is an unnecessary hurdle.	Currently there are no approved AG types, and as currently written and proposed, RAMP regulations only authorize its use during a Fishery Closure due to the current development status and potential for gear conflict. Please see also General Response B1.

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#	Commentor Name, Format, Date	Comment	Response
C011	NGO Joint Letter Blueecology, Email, 5/21/24	11-g. Remove the consideration of the economic impact management action because they think the directors decision should be based on science and entanglement risk instead.	Please see General Response H.
C011	NGO Joint Letter Blueecology, Email, 5/21/24	11-h. Notes that previous testing shows that pop-up gear is ready for approval and more testing of pop-up gear is occurring this spring, and that data will add to the body of evidence that suggests pop-up gear should be authorized.	Please see General Response B1.
C012	NGO Joint Letter, Earthjustice, Email 05/21/2024	12-a. The California Dungeness crab fishery is causing mortality and serious injury for the Central America/Southern Mexico humpback whale population at three times its NIT, and the rate is higher than 10% of the population’s potential biological removal. The automatic closure after 3 confirmed humpback whale entanglements in particular would lead to the threshold for the population being exceeded. As such the trigger should occur after no more than 2 humpback whale entanglements.	Please see General Responses A & C1.
C012	NGO Joint Letter, Earthjustice, Email 05/21/2024	12-b. Opposes eliminating the 3-year rolling entanglement trigger, which is necessary to provide a backstop that accounts for entanglements that occur in-season but not detected until after the season has ended. Along the same line of logic, a 3-year rolling average should also be implemented for blue whales.	Please see General Response C1.
C012	NGO Joint Letter, Earthjustice,	12-c. An entanglement of leatherback sea turtle should activate a 10-year management action. If a	The proposal would require immediate closure in Fishing Zones 3 and 4, as well as substantial season contraction in those zones for

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	Email 05/21/2024	turtle is observed or entangled, closure should potentially expand beyond Fishing Zones 3 and 4.	the following 9 years, totaling 10 years of management actions. Please see also General Response C2.
C012	NGO Joint Letter, Earthjustice, Email 05/21/2024	12-d. Suggests a fixed winter season for conventional gear; this would provide greater certainty for the fleet and reduce management cost.	The fixed season would be implemented for Confirmed Entanglement triggers and a permanent fixed season would require a statutory change. Applying the framework to MLC triggers is not appropriate since the presence of Actionable Species in different Fishing Zones has been variable between the years.
C012	NGO Joint Letter, Earthjustice, Email 05/21/2024	12-e. Supports removal of the “Fleet Advisory” management tool.	Please see General Response D1.
C012	NGO Joint Letter, Earthjustice, Email 05/21/2024	12-f. “Fishery” and “season” closures should be recharacterized as “conventional gear” closure.	The name change will have little practical effect on whale entanglement reduction and can create confusion since no AG is authorized as of early 2025. Please also see General Response B1.
C012	NGO Joint Letter, Earthjustice, Email 05/21/2024	12-g. Opposes the new Surface Gear Limitation and Active Tending Management Actions, as there is no evidence suggesting their effectiveness. If Active Tending is to be implemented, it should be coupled with gear reduction.	Please see General Responses D2 and D3.
C012	NGO Joint Letter, Earthjustice, Email 05/21/2024	12-h. Data on lost traps be added as a consideration under RAMP, as they reflect the level of entanglement in derelict gear.	The proposed amendments to subsection (g) aim to improve the available information on lost traps, which the Director can then use as part of the Fishing Season dynamics consideration.
C012	NGO Joint Letter, Earthjustice,	12-i. Opposes consideration of economic factors under RAMP. ESA jurisprudence explicitly disallows consideration of economic factors.	Please see General Response H.

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#	Commentor Name, Format, Date	Comment	Response
	Email 05/21/2024		
C012	NGO Joint Letter, Earthjustice, Email 05/21/2024	12-j. Unknown Fishing Gear cannot be discounted until all California Dungeness crab gear are visibly, consistently, uniquely, and comprehensively marked. Proposed language is not sufficient as it allows non-uniform line marking and does not require all lines to be marked. Instead, all lines should be marked by 2025 regardless of line length, and all lines must be purpose-manufactured with the identifying colors by 2028.	Based on the reasons described in the ISOR, the Department believes that the new line marking requirements would reduce Unknown Gear entanglements for the commercial Dungeness crab fishery. See also General Response F1.
C012	NGO Joint Letter, Earthjustice, Email 05/21/2024	12-k. Commenter supports authorization of pop-up gear starting with the 2024-2025 season. Effort under the EFP Program has shown that the gear is reliable and successful.	Support noted. But see General Response B1.
C012	NGO Joint Letter, Earthjustice, Email 05/21/2024	12-l. Commenter supports having additional terms for pop-up gear use, but requests that the maximum service interval be increased to 7 days to improve the economic viability of the gear.	Please see General Responses B1 and B4.
C012	NGO Joint Letter, Earthjustice, Email 05/21/2024	12-m. Commenter supports authorizing pop-up AG now with added terms and conditions on their use and scale up its operation over time.	Please see General Response B1.
C012	NGO Joint Letter, Earthjustice, Email 05/21/2024	12-n. Commenter requests a new requirement that permit holders must return all trap tags at the end of each fishing season to account for the level of trap loss. Further management actions may then occur contingent on the level of trap loss.	Please see General Response G1.

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C012	NGO Joint Letter, Earthjustice, Email 05/21/2024	12-o. Commenter supports further measures to reduce derelict gear, including ongoing trap retrieval efforts and season-long trap reduction in several Fishing Zones.	Support noted.
C012	NGO Joint Letter, Earthjustice, Email 05/21/2024	12-p. Commenter supports EM and urges the Department to compile and analyze data for RAMP management activities.	Support noted.
C013	David Bitts, Letter, 5/9/2024	13-a. The ‘document’ needs an introduction to include a summary of why RAMP exists for the fishery, a summary of changes since implementation of RAMP 1.0 including species population trends and yearly rates of entanglement, and a biological rationale for developing RAMP 2.0. The rationale should address if/how RAMP 1.0 is inadequate to allow for the rebuilding of humpback whale populations.	The original RAMP rulemaking documents can be accessed at https://wildlife.ca.gov/Notices/Regulations/RAMP . The current ISOR provides an abridged description of the background surrounding marine life entanglements. While some proposed changes are rooted in developing understanding towards the species, many of the proposed changes, such as additional reporting requirements and gear marking, are tied to ongoing management needs that are not directly related to the species’ population trends. These justifications can be found in the body of the ISOR.
C013	David Bitts, Letter, 5/9/2024	13-b. A discussion, analysis, and proposals are needed to effectively deal with the removal of lost or abandoned gear during the post season. Lost or abandoned gear appears to be the most serious issue needing attention in RAMP 2.0	Please see General Response G2.
C013	David Bitts, Letter, 5/9/2024	13-c. AG is the second most important issue in RAMP 2.0. AG that has been the focus so far is expensive, unreliable, and untried. States that ringnets, cone traps, and scoop traps are good alternatives to traditional gear that need to be tended to frequently and deployed in shallow	Please see General Response B5. Please see General Response D3 regarding gears that require active tending.

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#	Commentor Name, Format, Date	Comment	Response
		waters (<15 fathoms). The use of these AG is the only instance where a 4-hour tending interval makes sense	
C013	David Bitts, Letter, 5/9/2024	13-d. Better buoy marking is needed according to statistics shared at a Nov. 2023 DCTF meeting. Buoy marking on all 4 sides is the best approach, one side being the “L” number	After consultation with fishery representatives, the Department has withdrawn the buoy marking requirement under former subsection 132.8(h)(1). See also General Response F4.
C013	David Bitts, Letter, 5/9/2024	13-e. Painting or dyeing lines is not as effective since polypropylene line cannot be dyed and paint will rub off quickly. Supports the Department procurement of floating line to be made available to the fleet.	Please see General Response F2.
C013	David Bitts, Letter, 5/9/2024	13-f. Purple top shots are overkill. The top shots of line would be a huge expense and provide little improvement in identification rate for entangled whales.	As noted in the ISOR, over half of the entanglements with unknown origin between 2013 and 2020 had at least one visible buoy. Marking of the upper portion of the line, including surface line, will significantly improve the chance of gear identification.
C013	David Bitts, Letter, 5/9/2024	13-g. Questions EM requirements: “How do I know if my Lime stops working?” and “How do I fix it or get it fixed?”. States that fishers won’t likely return to port if the EM unit stops transmitting, especially if the malfunction occurs early in the season.	Please see General Response E2.
C014	Oceana, Email, 5/21/2024	14-a. Authorize and create a regulatory regime to manage pop-up gear could help fishermen on the water to provide whale safe crab. Pop-up gear eliminates the entanglement threat posed by conventional fishing lines.	Please see General Response B1.
C014	Oceana, Email, 5/21/2024	14-b. A coordinated approach for robust line and buoy marking is needed to identify the fishery and state of origin for assessing entanglements.	See General Responses F1 through F3. After consultation with fishery representatives, the Department has withdrawn the buoy marking requirement under former subsection 132.8(h)(1). See also General Response F4.

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#	Commentor Name, Format, Date	Comment	Response
C014	Oceana, Email, 5/21/2024	14-c. Stronger regulations are needed to prevent and retrieve lost and abandoned gear.	The Department is proposing additional reporting requirements for lost gear to better prevent future gear loss. See also General Responses G2.
C015	Cresalia, Email, 5/20/2024	15-a. Agrees with and supports the joint letter from PCFFA and CCCA.	Comment noted.
C015	Cresalia, Email, 5/20/2024	15-b. Timeline for revising impact score calculations should be modified and the scoring remain calculated at 0.75 for confirmed CA Dungeness crab entanglements and 0.38 for Unknown gear entanglements until November 2028 at which time confirmed CA Dungeness crab entanglements shall be 1 and Unknown gear entanglements shall not be considered as a confirmed entanglement with CA Dungeness crab gear. The score should also be in alignment with NMFS calculation of PBR and that interactions that do not results in serious injury or death be scores as zero rather than 1.	Please see General Response C3.
C015	Cresalia, Email, 5/20/2024	15-c. Retain Fleet Advisory as a management action	Please see General Response D1.
C015	Cresalia, Email, 5/20/2024	15-d. Remove surface gear reduction from management action options. If it is to remain, the language should be clarified to reflect compliance with best practices only.	Please see General Response D2.
C015	Cresalia, Email, 5/20/2024	15-e. Remove active tending from management actions, as the action is unsafe, unreasonable, difficult to enforce, and not support by best available science.	Please see General Response D3.

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C015	Cresalia, Email, 5/20/2024	15-f. Clarify that AG shall only be used in spring following a season closure due to elevated risk and not during a season delay in fall/winter. Revise section (e)(5) to “Director may delay the opening of the commercial Dungeness crab fishing season within any fishing zone(s) or may prohibit the commercial take possession of Dungeness Crab except with AG after the season closes”. Also revise section (i)(1)(C)(3) regarding trial results, section (i)(1)(C)(4) requiring compliance with (i)(1)(B)(5) and section (i)(1)(C)(5) requiring a retrieval plan for non-deployed AG should all be revised to require validation by unbiased third party to ensure AG types meet the criteria in (i)(B) prior to authorization. Request an additional limitation to state “Limited to the months following a closure after fishing has occurred for the season”.	With the final adopted regulatory text, the Department has reverted the adopted regulatory language in subsection 132.8(e)(4) to maintain the current date restriction on AG (on April 1 or later), See also General Responses B1 through B3.
C015	Cresalia, Email, 5/20/2024	15-g. Enhance device and transmission requirements in section (g)(3)(A) and (C). Have clear and feasible compliance requirements, for example requiring that the device is on and transmitting before leaving port or that the Department will notify the operator if transmission is not being received.	Please see General Response E2.
C015	Cresalia, Email, 5/20/2024	15-h. Delay gear marking from November 1, 2024 until after an agreement is reached through the Tri-State Crab Commission or the TRT.	Please see General Response F3.
C016	Nilsen, Email, 5/19/2024	Comments A2-a and A2-b are consistent with General Comments A1 & B1, see Appendix 1.	Please see General Response A & B1.

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C016	Nilsen, Email, 5/19/2024	16-a. Describes how current crabbing methods pose an entanglement threat to marine life due to the lengthy vertical lines and trailer buoys.	Comment noted. RAMP is designed to help reduce the amount of marine life entanglements associated with crab traps.
C016	Nilsen, Email, 5/19/2024	16-b. Address derelict or “ghost” lobster traps.	This proposal focuses on preventing and mitigating marine life entanglements involving commercial Dungeness crab fishery, and comments related to the commercial lobster fishery is outside the scope.
C017	Epperson, Email, 5/15/2024	17-a. The Department is doing a great job protecting wildlife for all.	Comment noted.
C017	Epperson, Email, 5/15/2024	17-b. Only allow pop-up gear during fishery closures, not throughout the entire fishing season.	Please see General Response B2.
C017	Epperson, Email, 5/15/2024	17-c. California must not take action towards the unrealistic goal of zero annual mortality and serious injury. Regulations need to allow for crabbing.	While the Department bears the responsibility of adopting and implementing RAMP, it remains connected to the state’s larger policy goals, including the goal of zero mortality. The Department will continue to work to fulfill its various legal and policy mandates to the best of its ability. It will also continue to balance fishing opportunity with the protection of endangered species.
C017	Epperson, Email, 5/15/2024	17-d. Do not promote the use of pop-up gear.	Please see General Response B5.
C017	Epperson, Email, 5/15/2024	17-e. Harvest killer whales to reduce whale deaths.	Comment is outside the scope of the proposed regulation.
C018	Holmes, Email, 5/16/2024	Comments A2-a and A2-b are consistent with General Comments A1 & B1.	Please see General Response A & B1.
C018	Holmes, Email, 5/16/2024	18-a. Pop-up trap should be pursued as a solution.	Please see General Response B1.

Appendix 1. Specific Responses to Comments, Written Comments – Section 132.8, Title 14 (RAMP) (Updated August 2025)

#	Commentor Name, Format, Date	Comment	Response
C018	Holmes, Email, 5/16/2024	18-b. There are many human-imposed issues that plague our oceans, including lower pH, rising temperatures, seafloor mining, bycatch, overharvesting, noise pollution and plastic pollution.	Comment is outside the scope of the proposed regulation.
C019	Simpson, Email, 5/15/2024	Comments A2-a and A2-b are consistent with General Comments A1 & B1.	Please see General Response A & B1.
C019	Simpson, Email, 5/15/2024	19-a. The seen and unseen torture of living creatures due to humans must end.	Comment noted, however, the scope of the comment is too broad and outside this rulemaking.
C020	Lipmanson, Email, 5/17/2024	Comment A2-b is consistent with General Comments A1 & B1.	Please see General Response A & B1.
C020	Lipmanson, Email, 5/17/2024	20-a. Regulations need to mandate pop-up crab traps and similar gear throughout the commercial and recreational crab season.	Please see General Response B1.
C021	Kaye, Email, 5/15/2024	21-a. Please fix the animals and birds tangled in fishing lines, hooks, and junk.	Comment noted, however, the scope of the comment is too broad and outside this rulemaking.
C022	Langejans, Email, 5/15/2024	Comments A2-a and A2-b are consistent with General Comments A1 & B1.	Please see General Response A & B1.
C022	Langejans, Email, 5/15/2024	22-a. Pop-up gear is an innovative solution that eliminates wildlife entanglements. The Department should take the next step to protect whales and sea turtles by advancing pop-up gear use in the state. Other forms of fishing in the ocean need to be eliminated and made illegal.	Please see General Response B1.
C023	Bermudez, Email, 5/16/2024	Comments A2-a and A2-b are consistent with General Comments A1 & B1.	S Please see General Response A & B1.

Appendix 1. Specific Responses to Comments, Written Comments – Section 132.8, Title 14 (RAMP) (Updated August 2025)

#	Commentor Name, Format, Date	Comment	Response
C023	Bermudez, Email, 5/16/2024	23-a. As new fishing technology and safer innovations become available, their use should be mandatory.	Please see General Response B1.
C024	Martin, Email, 5/16/2024	Comments A2-a and A2-b are consistent with General Comments A1 & B1.	Please see General Response A & B1.
C024	Martin, Email, 5/16/2024	24-a. Society must bear the higher prices for more sustainably sourced food.	Comment noted, however, the scope of the comment is too broad and outside this rulemaking.
C025	Sikes, Email, 5/15/2024	25-a. Support pop-up gear for everyone who fishes.	Please see General Response B1.
C026	Fruehling, Email, 5/20/2024	26-a. AG should be used in the spring only, following a closure and not during a season delay in the Fall/Winter.	Please see General Responses B1 and B2.
C026	Fruehling, Email, 5/20/2024	26-b. Agree and support with joint PCFFA and CCCA letter.	Comment noted.
C026	Fruehling, Email, 5/20/2024	26-c. Revise impact score calculations to remain as currently written in the RAMP regulations. Request that the scoring aligns with the NMFS calculation of PBR and entanglements that do not result in serious injury or mortality be scored as zero instead of one.	Please see General Response C3.
C026	Fruehling, Email, 5/20/2024	26-d. Retain Fleet Advisory as a Management Action.	Please see General Response D1.
C026	Fruehling, Email, 5/20/2024	26-e. Remove Surface Gear Reduction as a Management Action.	Please see General Response D2.
C026	Fruehling, Email, 5/20/2024	26-f. Remove the proposed Active Tending Management Action.	Please see General Response D3.

Appendix 1. Specific Responses to Comments, Written Comments – Section 132.8, Title 14 (RAMP) (Updated August 2025)

#	Commentor Name, Format, Date	Comment	Response
C026	Fruehling, Email, 5/20/2024	26-g. Require third party validation of AG testing results to ensure gear types meet the RAMP requirements.	Please see General Response B3.
C026	Fruehling, Email, 5/20/2024	26-h. Enhance EM device and transmission requirements, including vessels are required to ensure device is on and transmitting prior to departing port. If data transmission is interrupted during fishing activities, the owner shall immediately notify LED upon returning to port.	Please see General Response E2.
C026	Fruehling, Email, 5/20/2024	26-i. Delay gear marking until an agreement is reached through the Tri-State Crab Commission or the TRT.	Please see General Response F3.
C027	Atkinson, Email, 5/20/2024	27-a. Supports the joint letter by PCFFA and CCCA, as it is a true reflection of fleet concerns.	Comment noted.
C028	Alexander, Email, 5/21/2024	28-a. Supports the CCCA letter.	Comment noted.
C029	Flading, Email, 5/20/2024	29-a. Agree and support with join PCFFA and CCCA letter.	Comment noted.
C029	Flading, Email, 5/20/2024	29-b. Revise impact score calculations to remain as currently written in the RAMP regulations. Request that the scoring aligns with the NMFS calculation of PBR and entanglements that do not result in serious injury or mortality be scored as zero instead of one.	Please see General Response C3.
C029	Flading, Email, 5/20/2024	29-c. Retain Fleet Advisory as a Management Action.	Please see General Response D1.

Appendix 1. Specific Responses to Comments, Written Comments – Section 132.8, Title 14 (RAMP) (Updated August 2025)

#	Commentor Name, Format, Date	Comment	Response
C029	Flading, Email, 5/20/2024	29-d. Remove Surface Gear Reduction as a Management Action.	Please see General Response D2.
C029	Flading, Email, 5/20/2024	29-e. Remove the proposed Active Tending Management Action.	Please see General Response D3.
C029	Flading, Email, 5/20/2024	29-f. AG should be used in the spring only, following a closure and not during a season delay in the Fall/Winter.	Please see General Responses B1 and B2.
C029	Flading, Email, 5/20/2024	29-g. Require third party validation of AG testing results to ensure gear types meet the RAMP requirements.	Please see General Response B3.
C029	Flading, Email, 5/20/2024	29-h. Enhance EM device and transmission requirements, including vessels are required to ensure device is on and transmitting prior to departing port. If data transmission is interrupted during fishing activities, the owner shall immediately notify LED upon returning to port.	Please see General Response E2.
C029	Flading, Email, 5/20/2024	29-i. Delay gear marking until an agreement is reached through the Tri-State Crab Commission or the TRT.	Please see General Response F3.
C030	Wehr, Email, 5/20/2024	30-a. Agree and support with join PCFFA and CCCA letter.	Comment noted.
C030	Wehr, Email, 5/20/2024	30-b. Revise impact score calculations to remain as currently written in the RAMP regulations. Request that the scoring aligns with the NMFS calculation of PBR and entanglements that do not result in serious injury or mortality be scored as zero instead of one.	Please see General Response C3.
C030	Wehr, Email, 5/20/2024	30-c. Retain Fleet Advisory as a Management Action.	Please see General Response D1.

Appendix 1. Specific Responses to Comments, Written Comments – Section 132.8, Title 14 (RAMP) (Updated August 2025)

#	Commentor Name, Format, Date	Comment	Response
C030	Wehr, Email, 5/20/2024	30-d. Remove Surface Gear Reduction as a Management Action.	Please see General Response D2.
C030	Wehr, Email, 5/20/2024	30-e. Remove the proposed Active Tending Management Action.	Please see General Response D3.
C030	Wehr, Email, 5/20/2024	30-f. AG should be used in the spring only, following a closure and not during a season delay in the Fall/Winter.	Please see General Responses B1 and B2.
C030	Wehr, Email, 5/20/2024	30-g. Require third party validation of AG testing results to ensure gear types meet the RAMP requirements.	Please see General Response B3.
C030	Wehr, Email, 5/20/2024	30-h. Enhance EM device and transmission requirements, including that vessels are required to ensure device is on and transmitting prior to departing port. If data transmission is interrupted during fishing activities, the owner shall immediately notify LED upon returning to port.	Please see General Response E2.
C030	Wehr, Email, 5/20/2024	30-i. Delay gear marking until an agreement is reached through the Tri-State Crab Commission or the TRT.	Please see General Response F3.
C031	Melz, Email, 5/20/2024	31-a. Agrees with the DCTF’s recommendation to remove the Active Tending Management Action due to time constraints, but applauds the Department for offering early season opportunity. Suggest using only the distance requirement with an 8-mile radius, remove the time requirement.	Please see General Response D3.
C031	Melz, Email, 5/20/2024	31-b. Allow AG in the fall fishery, not only after a spring closure, to allow access to the crab resource during the holiday season.	Please see General Responses B1 and B2.

Appendix 1. Specific Responses to Comments, Written Comments – Section 132.8, Title 14 (RAMP) (Updated August 2025)

Responses to unique comments received during the Public Notice period December 6, 2024 – January 21, 2025.

#	Commentor Name, Format, Date	Comment	Response
C061	Susan Golledge-Rotwein, Email, 01/20/2025	61-a. The proposed regulations would result in an overall impact of over \$10 million per season on the commercial Dungeness crab fishery, with no economic benefit derived.	The revised Economic and Fiscal Impact Statement estimates the economic impact of this regulation to be below \$10 million. The total statewide dollar costs that businesses and individuals may incur to comply with this regulation over its lifetime is estimated to be \$1,456,882 per season, largely due to proposed gear marking, electronic monitoring and reporting requirements. The total statewide benefits from this regulation over its lifetime was estimated to be \$147 million. Furthermore, the protection of endangered species is an important goal of the state. These species do confer economic (and non-economic) benefits to the state, such as through tourism revenue.
C061	Golledge-Rotwein, Email, 01/20/2025	61-b. The Department has underestimated the cost of the proposed regulations. The Department must estimate the economic cost to the fleet due to delay/closure as well as cost to implement the new regulations.	Please see the attached economic analysis for the Department’s estimate for economic cost.
C061	Golledge-Rotwein, Email, 01/20/2025	61-c. The Department has underestimated the cost for line marking under the proposed regulations. The per-trap cost for compliance is \$50 for rope and \$16 for splicing. The total cost for 126,800 traps would be \$8,368,800.00, which for a three-year phase-in would be \$2,789,600.00.	Please see General Response F4 and response to Comment 9-a.
C061	Golledge-Rotwein, Email, 01/20/2025	61-d. The Department has underestimated the cost for reporting under the proposed regulations. The per-hour cost for a captain is \$125, and the total cost for each vessel per year is \$1,000.	Please see General Response F4 and response to Comment 9-b.

Appendix 1. Specific Responses to Comments, Written Comments – Section 132.8, Title 14 (RAMP) (Updated August 2025)

#	Commentor Name, Format, Date	Comment	Response
C061	Golledge-Rotwein, Email, 01/20/2025	61-e. Almost 40% of all permit holders chose not to fish their permits in 2023, and the proposed regulations would promote a continued downward trend.	As described in the ISOR, the Dungeness crab fishery’s compliance with relevant federal laws and the state’s own policy goals are critical to its continuing operation.
C061	Golledge-Rotwein, Email, 01/20/2025	61-f. The proposed regulations are arbitrary and unreasonably restrictive, and the level of protection for protected species is not based on science, data, or federal regulation.	The Amended ISOR did not provide further substantive changes to languages related to entanglement or MLC triggers. As such this comment is outside the scope of the second comment period. The triggers are informed by both the status of the population, including the endangered Central America humpback whale population, as well as mandates under ESA (federal statute), which does not distinguish between incidents involving serious injury or mortality and incidents that do not.
C062	Ed Tavasieff, Email, 01/11/2025	62-a. Requiring all permit holders to purchase new purpose-manufactured ropes will incur great expense to the fleet and result in massive waste of rope. Alternatively, ropes can be spray-painted with small bands roughly 24 in. apart, with black paint signifying gear from California, Red for Oregon, and green for Washington.	The proposed regulation already allows for permit holders to spray-paint their lines in lieu of purchasing purpose-manufactured lines.
C063	San Francisco Crab Boat Owners Association, Email, 01/21/2025	63-a. The Department should delay the rulemaking package pending the result from the federal TRT process.	The comment is outside the scope of the re-notice. Please see General Response J.
C063	SFCBOA, Email, 01/21/2025	63-b. The whale populations are thriving, with growth rates of 7-8% annually. Fisheries management should support both crab harvest and whale conservation, which the TRT can achieve.	The comment is outside the scope of the re-notice. Please see General Responses I & J.

Appendix 1. Specific Responses to Comments, Written Comments – Section 132.8, Title 14 (RAMP) (Updated August 2025)

#	Commentor Name, Format, Date	Comment	Response
C064	Jason Salvato, Email, 01/21/2025	64-a. The federal TRT process will use the most updated data. Since the Department has already submitted for the ITP, it is important to wait on RAMP 2.0 for the TRT decision.	The comment is outside the scope of the re-notice. Please see General Response J.
C064	Salvato, Email, 01/21/2025	64-b. AG should only be kept as one of the tools within a toolbox. Instead of mandating AG, regulations should operate on a sliding scale that reflect the status of the whale stocks.	Please see General Response B2.
C065	Monterey Bay Aquarium, Email, 01/20/2025	65-a. Department should prioritize and expedite the adoption of RAMP 2.0 regulations concerning AG and EM. Ropeless gear should be authorized before the start of the 2025-26 fishing season.	The Department is currently overseeing multiple EFPs involving AG. The results from these EFPs will inform the authorization for the AGs going forward. Please see General Response B1.
C065	MBA, Email, 01/20/2025	65-b. Line marking should be required for the entire length of the line on a gear.	The comment is outside the scope of re-notice. Please see General Response F1.
C065	MBA, Email, 01/20/2025	65-c. The elimination of the 3-year average triggers would weaken protection for the protected species. Triggers accounted on an “ongoing basis” is vague and could create further uncertainties.	The comment is outside the scope of re-notice. Please see General Response C1.
C065	MBA, Email, 01/20/2025	65-d. The Automatic reopening of January 1 due to high MLC may still subject whales to entanglement.	The comment is outside the scope of re-notice. The December 31 end date only applies in the event that no MLC data are available by December 15. If there are data to the contrary, the Director may take further management actions.
C065	MBA, Email, 01/20/2025	65-e. The Department should provide additional justifications for its reasoning behind the proposed entanglement triggers.	The comment is outside the scope of re-notice. Please see General Response C1.
C065	MBA, Email, 01/20/2025	65-f. The Department should consider additional measures within RAMP 2.0 to address post-season and ghost gear entanglements.	The comment is outside the scope of re-notice. Please see General Response G2.

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#	Commentor Name, Format, Date	Comment	Response
C066	Oceana, Email, 01/21/2025	66-a. The proposed regulations concerning AG and EM should be finalized without further delay. Gear testing for the Sub Sea Sonics/Guardian Ropeless Systems have resulted in great success, which EM is a key tool for management going forward.	Please see response to comment C065-a.
C066	Oceana, Email, 01/21/2025	66-b. To reliably and consistently identify gear during an entanglement, the entire length of line on a gear should be marked.	Please see General Response F1.
C066	Oceana, Email, 01/21/2025	66-c. Maintaining the current 3-year rolling entanglement trigger would increase the likelihood of securing a take authorization from the federal government. The current triggers would not prevent the NIT from being exceeded for Humpback Whales.	The comment is outside the scope of re-notice. Please see General Response C1.
C067	Pacific Coast Federation of Fishermen’s Association, Email, 01/21/2025	67-a. The Department should align RAMP regulations with the upcoming TRT process. The TRT process would utilize the most-up-to-date data. Changing the regulations now would waste time and resources. As a vital industry, the Dungeness crab fishery has endured and adapted to significant economic impact, and further sacrifices must be informed by the most recent data.	The comment is outside the scope of the re-notice. Please see General Response J.
C067	PCFFA, Email, 01/21/2025	67-b. The thresholds for MLC triggers still reflect interim and arbitrary metrics. The final thresholds should align with the result of the TRT process.	The comment is outside the scope of the re-notice. Please see General Responses J and C3.
C067	PCFFA, Email, 01/21/2025	67-c. Impact scoring should account for take based on MMPA, including the mortality and serious injury standard.	The comment is outside the scope of re-notice. Please see General Response C3.

Appendix 1. Specific Responses to Comments, Written Comments – Section 132.8, Title 14 (RAMP) (Updated August 2025)

#	Commentor Name, Format, Date	Comment	Response
C067	PCFFA, Email, 01/21/2025	67-d. Most landings each year occur prior to April 1. It is important that AG not be allowed until a spring closure occurs following an opening. Specifically, the proposed language for the current subsection (e)(5) should be enumerated throughout Section 132.8, and current subsection (e)(4) should explicitly state that AG cannot be used during a season opening’s delay.	The comment is outside the scope of re-notice. Please see General Response B2.
C067	PCFFA, Email, 01/21/2025	67-e. Supports the development of AG generally, but it should not be tied directly to RAMP. Rushing the AG provisions risks prioritizing a small group of permit holders over the benefit for the entire fleet. Instead, the Department should create stand-alone regulations for AG authorization. While this approach requires additional administrative work, it would avoid unnecessary burden on the fleet and create more opportunities for participation.	The comment is outside the scope of re-notice. Multiple gear types are currently under testing through the Department’s EFP program. Since the purpose of authorizing AG is to allow its use during RAMP closure, incorporating that authorization’s criteria into RAMP regulation is determined to be the most reasonable option.
C067	PCFFA, Email, 01/21/2025	67-f. Fleet supports the current gear marking rule, including maintaining the 2028 implementation dates.	Comment noted.
C067	PCFFA, Email, 01/21/2025	67-g. Proposed regulations pose serious operational concerns, in addition to economic and safety of the fleet. The regulations also run counter to the importance that the legislature has placed on the Dungeness fishery. Furthermore, the proposed rules are not in alignment with the long-term interests of the fishing community nor minimizing the adverse impact on the community.	The comment is outside the scope of re-notice. Please see response to comment C006-a.
C067	PCFFA, Email, 01/21/2025	67-h. The Department has not provided industry with adequate opportunities for feedback during the regulation’s development process. Individual	The comment is outside the scope of re-notice. Please see response to comment C006-b.

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#	Commentor Name, Format, Date	Comment	Response
		permit holders sharing their opinion does not equate industry input.	
C067	PCFFA, Email, 01/21/2025	67-i. Current measures exceed requirements of the MMPA, and as such any further MMPA take reduction measures would be unlawful.	The comment is outside the scope of re-notice. Please see response to comment C006-c.
C067	PCFFA, Email, 01/21/2025	67-j. Department should not rely on OPC’s “zero entanglement” goal. Since OPC is not legislatively mandated to develop the regulation.	The comment is outside the scope of re-notice. Please see response to comment C006-d
C067	PCFFA, Email, 01/21/2025	67-k. Regulation should rely on best available science as opposed to the CBD v. Bonham settlement agreement.	The comment is outside the scope of re-notice. Please see response to comment C006-e.
C067	PCFFA, Email, 01/21/2025	67-l. Department has not clearly articulated how the new RAMP language would impact entanglement scoring, the entanglement thresholds, and the effects of Unknown Fishing Gear entanglements during the development process. The more punitive standard is not backed up by best available data or substantial evidence.	The comment is outside the scope of re-notice. Please see response to comment C006-f.
C067	PCFFA, Email, 01/21/2025	67-m. Entanglement scoring should continue to reflect Impact Score calculation while not including any Unknown Fishing Gear entanglement. Furthermore, the regulation should reflect the growth of humpback whale population.	The comment is outside the scope of re-notice. Please see response to comment C006-g.
C067	PCFFA, Email, 01/21/2025	67-n. Fleet advisory should be maintained as a management tool.	The comment is outside the scope of re-notice. Please see response to comment C006-h.
C067	PCFFA, Email, 01/21/2025	67-o. Surface Gear management tool should not be adopted.	The comment is outside the scope of re-notice. Please see response to comment C006-i.
C067	PCFFA, Email, 01/21/2025	67-pj. Active Tending management tool should not be adopted.	The comment is outside the scope of re-notice. Please see response to comment C006-j.

Appendix 1. Specific Responses to Comments, Written Comments – Section 132.8, Title 14 (RAMP) (Updated August 2025)

#	Commentor Name, Format, Date	Comment	Response
C067	PCFFA, Email, 01/21/2025	67-q. Regulation should clearly state that AG can only be used in the spring once a season has begun and is closing.	The comment is outside the scope of re-notice. Please see response to comment C006-k.
C067	PCFFA, Email, 01/21/2025	67-r. AG should be validated by an unbiased third party before authorization.	The comment is outside the scope of re-notice. Please see response to comment C006-l.
C067	PCFFA, Email, 01/21/2025	67-s. Regulation should specific the types of EM devices allowed and clarify the format, timing, and location of transmission.	The comment is outside the scope of re-notice. Please see response to comment C006-m.
C067	PCFFA, Email, 01/21/2025	67-t. Regulation should clarify the responsible party for validating transmission. Vessels should not be asked to return to port in the middle of a derby fishery.	The comment is outside the scope of re-notice. Please see response to comment C006-n.
C067	PCFFA, Email, 01/21/2025	67-u. Gear marking should be delayed until an agreement is reached through the Tri-State Crab Commission or the TRT process. It is unclear how buoy marking can improve gear identification.	The comment is outside the scope of re-notice. Please see response to specific comment C006-o and General Response F3.
C067	PCFFA, Email, 01/21/2025	67-v. Asserts that the MLC triggers and impact scoring are arbitrary interim measures carried over from the 2019 Settlement Agreement and are not based on scientific or technical analyses. These provisions should not continue to drive management.	The comment is outside the scope of the re-notice. Please see General Response J.
C067	PCFFA, Email, 01/21/2025	67-w. MLC triggers should not be fixed in regulations but should allow for adjustment based on science since 2019.	The comment is outside the scope of the re-notice. Please see General Response I regarding potential trend in whale population.
C067	PCFFA, Email, 01/21/2025	67-x. Impact scoring should consider the mortality and serious injury threshold under MMPA.	The comment is outside the scope of the re-notice. Please see General Response C3.
C067	PCFFA, Email, 01/21/2025	67-y. Appreciates Department’s continuing work on RAMP and supportive of the ongoing CP/ITP process. However, commenter believes that no	The comment is outside the scope of the re-notice. Please see General Response J.

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#	Commentor Name, Format, Date	Comment	Response
		further actions on RAMP should be taken. The Department should instead enter the TRT process with any proposed changes.	
C067	PCFFA, Email, 01/21/2025	67-z. MLC and impact scoring provisions are based on outdated 2019 Settlement Agreement and not technical analyses. They should no longer be driving fishery management decisions.	The comment is outside the scope of the re-notice. Please see General Responses I and J.
C067	PCFFA, Email, 01/21/2025	67-aa. Values the update to RAMP 2.0, but believes that triggers for management actions should balance entanglement risk with adverse impact to fisheries and local communities.	The triggers are outside the scope of the re-notice. The state is always seeking ways to minimize any impact to the fishery while also fulfilling the legal requirements of both ESA and MMPA.
C067	PCFFA, Email, 01/21/2025	67-bb. The MLC triggers are arbitrary. The triggers should be continuously adjustable based on current whale populations.	The comment is outside the scope of the re-notice. Please see General Response I regarding potential trend in whale population.
C067	PCFFA, Email, 01/21/2025	67-cc. Impact scoring should take into consideration the serious injury or mortality threshold.	The comment is outside the scope of the re-notice. Please see General Response C3.
C067	PCFFA, Email, 01/21/2025	67-dd. Believes that the TRT process will ensure cohesive, science-driven management that minimizes disruption to the fleet. Commenter supports the Department’s ongoing work, but requests that the Department aligns RAMP 2.0 with the result of the TRT process.	The comment is outside the scope of the re-notice. Please see General Response J.
C067	PCFFA, Email, 01/21/2025	67-ee. The Dungeness crab fishery lands the vast majority of its landings each year by April 1 st . To preserve this characteristic, the Department should further clarify that AG cannot be used until a season has already open and then becomes subject to a closure. Commenter further recommends that the regulatory provision be separated into two distinct parts, opening the	The comment is outside the scope of re-notice. Please see General Response B2.

Appendix 1. Specific Responses to Comments, Written Comments – Section 132.8, Title 14 (RAMP) (Updated August 2025)

#	Commentor Name, Format, Date	Comment	Response
		season and closing it, with AG use only available for the latter.	
C068	The Nature Conservancy, Email, 01/21/2025	68-a. The spatial data that EM confers is important for RAMP’s implementation, but the proposed regulations fail to clearly justify the need for the level of monitoring required, including how the collected data would be analyzed.	The comment is outside the scope of re-notice. Please see General Response E1.
C068	TNC, Email, 01/21/2025	68-b. The ISOR lacks clarity on how the collected data could differentiate between transit and fishing activities, and it does not provide justification to the required “no less than once a minute” frequency requirement.	The comment is outside the scope of re-notice. Please see General Response E1.
C068	TNC, Email, 01/21/2025	68-c. The Department should better enumerate ways to minimize economic burdens and uncertainties on the fleet, such as establishing technology standards for EM, or by clarifying the statement “or when the vessel is otherwise participating in the California commercial Dungeness crab fishery” in subsection (g)(3).	The comment is outside the scope of re-notice. Please see General Response E1.
C068	TNC, Email, 01/21/2025	68-d. Examples such as the NMFS Alaska Region’s justification for vessel monitoring system and commenter’s report to OPC provide examples of how the Department’s EM requirements can be better justified and fleshed out.	Comment noted.
C068	TNC, Email, 01/21/2025	68-e. MLC determinations should be standardized. Specifically, the Department should provide explicit criteria for how data are collected, annual review with federal partners, and initiate industry-led vessel surveys.	The comment is outside the scope of re-notice. The Department will continue to improve its data gathering methodologies as it continues to work with various partners to collect data and incorporate them into risk assessments.

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#	Commentor Name, Format, Date	Comment	Response
C069	Chad Dahlberg, Email, 01/21/2025	69. The new regulations are putting the fleet out of business; whale number is at an all-time high while the number of fishermen are getting fewer. The Department should wait for the TRT process before making further regulatory changes.	The comment is outside the scope of the re-notice. Please see General Response J.
C070	Andrew Cresalia, Email, 01/21/2025	70-a. The Department has already submitted for an ITP. The Department should thus wait for the TRT’s decision, which will be based on the most recent data. The decision can result in lower thresholds.	The comment is outside the scope of the re-notice. Please see General Response J.
C070	Cresalia, Email, 01/21/2025	70-b. The current number of interactions is due to whale population thriving.	The comment is outside the scope of the re-notice. Please see General Response I.
C070	Cresalia, Email, 01/21/2025	70-c. AG should only be kept as one of the tools within a toolbox. Instead of mandating AG, regulations should operate on a sliding scale that reflects the status of the whale stocks.	The comment is outside the scope of re-notice. Please see General Response B2.
C071	Sean Hodges, Email, 1/21/2025	71-a. The Department should wait to implement RAMP 2.0 until there is a new stock assessment as the whale population may have increased.	The comment is outside the scope of the re-notice. Please see General Response J.
C071	Sean Hodges, Email, 1/21/2025	71-b. Does not support pop-up gear.	The comment is outside the scope of the re-notice. Please see General Response B5.
C072	John Atkinson, Email, 1/21/2025	72-a. The Department should slow the implementation of RAMP 2.0	The comment is outside the scope of the re-notice. Please see General Response J.
C072	John Atkinson, Email, 1/21/2025	72-b. The fleet has already made efforts to purchase whale safe fishing line in previous years, and will incur more costs to change again.	The proposed regulation allows permit holders to spray paint their lines in lieu of purchasing purpose-manufactured lines, which should allow permit holders to minimize transition cost. Following the transition phase, the cost of purchasing purpose-

Appendix 1. Specific Responses to Comments, Written Comments – Section 132.8, Title 14 (RAMP) (Updated August 2025)

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			manufactured lines should subsume into each permit holder’s regular course of line replacement.
C072	John Atkinson, Email, 1/21/2025	72-c. Should take time and see what the TRT will produce.	The comment is outside the scope of the re-notice. Please see General Response J.
C072	John Atkinson, Email, 1/21/2025	72-d. Does not support pop-up gear.	The comment is outside the scope of the re-notice. Please see General Response B5.
C073	Holly Fruehling, Email, 1/21/2025	73-a. The federal TRT process will use the most updated data. Since the Department has already submitted for the ITP, it is important to wait on RAMP 2.0 for the TRT decision.	The comment is outside the scope of the re-notice. Please see General Response J.
C073	Holly Fruehling, Email, 1/21/2025	73-b. AG should only be kept as one of the tools within a toolbox. Instead of mandating AG, regulations should operate on a sliding scale that reflects the status of the whale stocks.	The comment is outside the scope of re-notice. Please see General Response B2.
C074	Shane Wehr, Email, 1/21/2025	74-a. The federal TRT process will use the most updated data. Since the Department has already submitted for the ITP, it is important to wait on RAMP 2.0 for the TRT decision.	The comment is outside the scope of the re-notice. Please see General Response J.
C074	Shane Wehr, Email, 1/21/2025	74-b. AG should only be kept as one of the tools within a toolbox. Instead of mandating AG, regulations should operate on a sliding scale that reflects the status of the whale stocks.	The comment is outside the scope of re-notice. Please see General Responses B2 & I.
C075	Robert Maharry, Email, 01/21/2025	75. The Department should delay the rulemaking package pending the result from the federal TRT process.	The comment is outside the scope of the re-notice. Please see General Response J.
C091	Tim Calvert, Email, 01/21/2025	91-a. RAMP 2.0 should be delayed until the ITP has been considered based on the latest assessment data.	The RAMP regulatory package has previously been delayed in response to public comments received during the initial public comment period. Additionally, the Department has been

Appendix 1. Specific Responses to Comments, Written Comments – Section 132.8, Title 14 (RAMP) (Updated August 2025)

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			working closely with NMFS for the past four years as the ITP application has been in development. An ITP cannot be issued without a regulatory framework in place, per NMFS guidance. . Please also see General Response I.
C091	Tim Calvert, Email, 01/21/2025	91-b. Management decisions should be flexible and reflect the ever-changing conditions in the ocean rather than a permanent attempt to "fix" the problem in a static manner based on the situation 5 years ago.	The Department uses ‘best available science’ as stated in the current and proposed RAMP regulations t account for changing ocean conditions to make management decisions. The RAMP program is inherently dynamic, as management decisions are made on a monthly or bi-monthly basis based on current conditions and species movements.
C091	Tim Calvert, Email, 01/21/2025	91-c. Mandatory alternative gear is massively expensive and pretty much not an option for the majority of current and long active fishermen who already invested in their current gear	Alternative Gear is not required for any fisherman to use, rather, it provides alternate gear options for those wishing to continue to fish during periods when traditional gear is not allowed following a season closure.
C091	Tim Calvert, Email, 01/21/2025	91-d. These last several years have been extremely difficult ones for our livelihoods, businesses, and families. There needs to be some balance. The State and Federal management ought to be working on our behalf rather than against us. Fishing families are also worthy of protection	Comment noted. The current and proposed RAMP regulatory text retains economic considerations when determining management actions in subsection (d)(4) and the dual goals of RAMP include maximum fishing opportunity and species protection.