

**Appendix 3.** Specific Responses to Comments, 15-day public comment period #1 (June 25 – July 11, 2025) – Section 132.8, Title 14 (RAMP)

**Appendix 3. Specific Responses to Comments, Written Comments from 15-day public comment period (June 25 – July 11, 2025) – Section 132.8, Title 14 (RAMP)**

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.

**Glossary:**

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

**Responses to unique comments received during the Public Notice period June 25 – July 11, 2025.**

#	Commentor Name, Format, Date	Comment	Response
C092	Anthony Urie, Email, 6/25/25	a. The use of AG is unconstitutional and does not meet constitutional scrutiny. Any attempt by the Department to implement such unconstitutional regulations will not meet the scrutiny needed pursuant to Ninth Circuit precedence.	Comment noted. The Department is committed to work with all stakeholders to develop AG requirements that are transparent and effective. <a href="#">This comment is vague and does not provide sufficient information specifying how the alternative gear requirements are unconstitutional or cite the Ninth Circuit precedence referenced. However, the Department has ensured the regulations meet the clarity requirements of the Administrative Procedure Act and are within the scope of the Department’s statutory</a>

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			<p>authority. As such, implementation of the regulations would not be unconstitutional. Please also see General Response B5.</p>
C092	Anthony Urie, Email, 6/25/25	<p>b. The application to the Dungeness crab fleet of an unknown whale entanglement of negative points is punitive and in violation of the due process and equal protection clause of the Federal Constitution.</p>	<p>As explained in the ISOR and prior regulatory documents, attribution of the Dungeness crab fishery to certain proportion of Unknown Fishing Gear entanglements is based on existing data. Please see General Response C3, and <a href="#">response to comment C092-a</a>.</p>
C093	Bart Chadwick, Email, 6/28/25	<p>a. It is unclear what line marking, buoy marking, and tag requirements apply to AG. These requirements should be spelled out, referenced to other sections, or indicated that they will be clarified under the specific conditions of the authorization.</p>	<p>The Department is not proposing any regulation that exempts AG from the proposed marking requirements. The Department will also explore specifying these terms as part of AG’s authorization.</p>
C093	Bart Chadwick, Email, 6/28/25	<p>b. Section i states that “Gear must include a back-up release capability so it will surface in the event of an equipment failure...” However, if the gear surfaces when no one is present, this creates a potential entanglement risk. Currently the primary back-up method for most popup gear is to use grappling which does not require that the system will surface in the event of a failure. The language here should be modified to just specify that a reliable back-up method must be part of the system.</p>	<p>This comment is outside the scope of the 15-day re-notice.</p>
C093	Bart Chadwick, Email, 6/28/25	<p>c. Section b(4)(B) states that “(B) A Fishing Zone that closes pursuant to this section will not reopen until the following Fishing Season except for the use of Alternative Gear as authorized pursuant to subsection (i).” Presumably this closure could take place at any time during the statutory season. However, Section e(4) states that “During a Fishery</p>	<p>Due to concerns raised by other members of the commercial fishing fleet concerning AG, the Department has decided to revert the authorization of AG to only after April 1.</p>

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		Closure occurring on April 1, and upon authorization pursuant to subsection (j), the Director shall allow the use of Alternative Gear within any closed Fishing Zone(s).” These two conditions should be made consistent so that the use of alternative gear should be allowed whenever the condition in Section b(4)(B) occurs and not be linked to the April 1 date which is entirely arbitrary with respect to risk assessment.	
C094	Joint ENGO Letter, Email, 7/10/2025	a. Current and proposed RAMP 2.0 regulations do not sufficiently respond to entanglement risk and will continue to result in unlawful numbers of whale entanglements. RAMP needs to be more precautionary and responsive.	Comment noted. Please see General Response A.
C094	Joint ENGO Letter, Email, 7/10/2025	b. Recommend reverting to previous Alternative Gear language to allow the use of alternative gear at any time a closure may be implemented after the fishing season has opened to protect endangered species from entanglements.	Due to concerns raised by other members of the commercial fishing fleet concerning AG, the Department has decided to revert the authorization of AG to only after April 1. The Department also notes that following a season closure prior to April 1, fishing with vertical lines would be prohibited thereby protecting endangered species from entanglements.
C094	Joint ENGO Letter, Email, 7/10/2025	c. Amend the entanglement assignment process (subsection (a) Definitions, and subsection (4)(C) Confirmed Entanglements) to clearly require expeditious assignment of entanglements and thus trigger more responsive, appropriately timed management actions. Proposed language: “Assignments must be made within two weeks (14 days) of the initial entanglement report to NOAA or by the date of the next risk assessment, whichever comes first. Subsequent updates to the original	This comment is outside the scope of the 15-day re-notice. No changes have been proposed to alter the entanglement assignment process during the 15-day re-notice public comment period. The Department does note that when sufficient data are available and demonstrated by current practice, it will work expeditiously to make an assignment and will not wait until the quarterly review.

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		assignments may be made quarterly based on updated or new information.”	
C094	Joint ENGO Letter, Email, 7/10/2025	d. Concern over the delayed implementation of gear marking, including the removal of buoy marking and the delayed implementation of line marking. Since regulations will allow for CA commercial Dungeness crab gear to be unmarked until 2028, the regulations should revert to the current scoring of one half. Once full line marking requirements are in place in 2028, the unknown entanglement score may be reduced. Request the following language be added to subsection (c)(2): “Until November 1, 2028, a Confirmed Entanglement in Unknown Fishing Gear shall be applied as <i>one half (0.5)</i> of a Confirmed Entanglement in California Commercial Dungeness Crab Gear for the purposes of subsection (c)(1)(B).”	This comment is outside the scope of the 15-day re-notice. While the removal of buoy marking is within the current scope, line marking was not included in the 15-day re-notice. Additionally, the tags attached to commercial Dungeness crab buoys along with the proposed line marking requirements are expected to contribute substantially to the gear’s identifiability.
C095	Pacific Coast Federation of Fishermen’s Associations (PCFFA), Email, 7/17/2025	a. Supports the Department’s proposed amendments in the RAMP rulemaking that were released for public comment on June 25, 2025. Opposes the modifications proposed by the Natural Resources Defense Council’s (NRDC) letter.	Comment noted.
C095	PCFFA, Email, 7/17/2025	b. Supports the reversion to the original RAMP language for Alternative Gear, specifically the April 1 date when Alternative Gear may be authorized. Opposes the NRDC recommendation to remove the April 1 date.	Comment noted.

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C095	PCFFA, Email, 7/17/2025	c. Supports the Department’s recommendation to reduce the proration of Unknown entanglements as line marking is being implemented. Opposed NRDC’s recommendation to retain the proration until line marking implementation is complete.	Comment noted, outside the scope of the 15-day re-notice.
C095	PCFFA, Email, 7/17/2025	d. Supports the Department’s proposed changes to entanglement review language included in earlier comment periods. Opposes NRDC’s recommendation to implement a two-week deadline to evaluate an entanglement under RAMP.	Comment noted, outside the scope of the 15-day re-notice.