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Mr. Charlton Bonham
Director, California Department of Fish and Wildlife
1416 9th Street, 12th Floor
Sacramento, CA 95814

RE: Draft Risk Assessment and Mitigation Program (RAMP) Regulations

Dear Mr. Bonham:

The Nature Conservancy (the Conservancy) appreciates the opportunity to preview and provide input on the early draft Risk Assessment and Mitigation Program (RAMP) regulations recently shared by the California Department of Fish and Wildlife (CDFW) with the California Dungeness Crab Fishing Gear Working Group (Working Group). The Conservancy's mission is to conserve the lands and waters upon which all life depends, including thriving ocean ecosystems. Particularly in the face of a changing climate, we need to be able to respond to changing ocean and fishery conditions faster and more effectively. To do this, we need to develop new approaches for how we collect and use information and leverage partnerships to achieve priority management and conservation goals. Taken together, this model of 'cooperative adaptive management' can significantly improve outcomes, as demonstrated by the work and progress of the Working Group. In close partnership with state and federal managers and expert advisors, the Working Group has driven innovative science-based approaches to reducing entanglement risk, including the Risk Assessment and Mitigation Program (RAMP) now subject to formalization via a rulemaking process.

We respectfully submit preliminary feedback aimed at ensuring these regulations reflect the legislative direction to formalize the RAMP in its latest iteration and incorporate the adaptive and science-based approach that has been fundamental to the Working Group's efforts to date.¹ Specifically, the draft regulation **curtails the RAMP framework** from an assessment of four risk factors to just two factors, with explicit exclusion of the oceanographic and forage factor- which can help to understand and predict whale distribution patterns- and functional exclusion of the fishing dynamics factor. We view these factors as essential to the successful reduction of risks for whales and sea turtles and, therefore, strongly recommend that the inclusion of these factors be reconsidered.

In addition, the draft regulation **prescribes a narrow set of acceptable information sources** - some of which are resource intensive and not consistently available - rather than seeking use of all best available

¹ State law requires CDFW to adopt regulations that include the RAMP "as that program may be amended from time to time until the regulations are adopted . . ." (FGC §§ 8276.1(a)(2), 8276.1(b))

science. Though well-intended, we are concerned that such prescriptive language will require a new rulemaking to allow consideration of additional information, resulting in higher agency cost burdens related to regulatory revisions and unintended negative consequences for both marine life and the fishery for the duration of the rulemaking process. We recommend CDFW consider more inclusive language, noting there are many examples of use of standards such as 'best available science' in California regulations and use of best available science in decision making is required under the Marine Life Management Act.

This curtailed framework and prescriptive language, combined with ambiguity regarding Working Group role in the risk assessment process, do not align with adaptive management principles core to this group's five years of collective effort. This is also counter to the findings in [Senate Bill 1309](#) that management measures designed to address marine life entanglement are anticipated to adapt as new information and technologies become available.² We recommend further clarifying the role of the Working Group and incorporation of standards-based language where possible.

The Conservancy values and looks forward to ongoing partnership with CDFW to support development of regulations that more clearly reflect the Working Group's collaborative efforts to support the improved conservation of whale and sea turtle populations and a thriving Dungeness crab fishery.

Sincerely,



Kate Kauer
Associate Director, Oceans Program
California Chapter
The Nature Conservancy

² Senate Bill No. 1309, Section 2 [articulating legislative findings related to Section 6] (2018).