



Submitted via email

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Re: Straw Proposal: Integrated RAMP Approach, September 2019 Working Group Meeting

Dear Mary and Wendy,

The Center for Biological Diversity submits these comments in response to the Department’s presentation of the straw proposal at the September 2019 working group meeting. It is our understanding that the Department is refining these ideas and providing periodic updates to the working group. In January or February, the Department will finalize the RAMP proposal and release it for public comment. We appreciate your providing public access to the working group meetings and written materials, and accepting public comment during this process.

The regulations provide the foundation for the conservation plan accompanying the Department’s application for an incidental take permit. As a result, the regulations must reflect as closely as possible the advice of the National Marine Fisheries Service (“NMFS”) as to compliance with the Endangered Species Act. At the working group meeting, Dan Lawson underscored that the trigger for management measures – *e.g.*, one confirmed humpback entanglement in California commercial Dungeness crab gear – could not be increased and still protect the humpback whale population. Therefore, the Department must not compromise on that aspect of the straw proposal.

The Department proposed a management measure of a 50 percent reduction in vertical lines once the trigger mentioned above is met; and if two whales are confirmed entangled in California commercial Dungeness crab gear, a statewide closure would go into effect. As above, these measures are critical to the Department’s success in writing regulations that NMFS will find are in compliance with the Endangered Species Act. While alternative management measures may exist that are comparable in effectiveness, those were not apparent or clear at the working group meeting. The closure implemented in spring 2019 pursuant to the settlement seems to have reduced the number of entanglements reported off the West Coast as compared to last year, according to NMFS preliminary numbers circulated at the working group meeting. We

are confident that reducing gear, by closure or other mechanism, will reduce interactions with endangered animals.

Going forward, we re-emphasize our support for the: (1) use of solar loggers to monitor where crab traps are set on a real-time basis, (2) use of ropeless gear in areas closed to fishing, and (3) use of predictive models to inform preventive management measures. First, additional information on density of traps and overlap with marine mammals and sea turtles can provide the information needed to close areas that are smaller than the entire state. Solar loggers could provide this information, thus should be tested and implemented as soon as possible. Second, the Department must facilitate ropeless gear testing and use, as required by our settlement agreement. The proposed regulations must include criteria that define the ropeless gear that the Department allows in the fishery. Please share the Department's ideas for these criteria as soon as possible. Third, the working group meeting participants showed continued interest in ocean modeling as a way to predict optimally forage habitat for whales and sea turtles. The Department must continue to support development and use of these models.

Conclusion

Thank you for your consideration of these comments. We look forward to working with you to protect California's coastal resources by reducing the risk of fishing gear entanglements. Please do not hesitate to contact us with any questions.

Sincerely,



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