

STATE OF CALIFORNIA
FISH AND GAME COMMISSION
FINAL STATEMENT OF REASONS FOR REGULATORY ACTION

Amend Section 29.80
Title 14, California Code of Regulations
Re: Gear Restrictions

I. Date of Initial Statement of Reasons: April 11, 2011

II. Date of Pre-Adoption Statement of Reasons: NA

III. Date of Final Statement of Reasons: August 4, 2011

IV. Dates and Locations of Scheduled Hearings:

(a) Notice Hearing: Date: May 5, 2011
Location: Ontario

(b) Discussion Hearing: Date: June 30, 2011
Location: Stockton

(c) Adoption Hearing: Date: August 3, 2011
Location: Sacramento, CA

V. Update:

The originally proposed regulatory text of Section 29.80 was not changed.

VI. Summary of Primary Considerations Raised in Support of or Opposition to the Proposed Actions and Reasons for Rejecting those Considerations:

There were no comments raised in support or opposition to this proposal.

VII. Location and Index of Rulemaking File:

A rulemaking file with attached file index is maintained at:
California Fish and Game Commission
1416 Ninth Street
Sacramento, California 95814

VIII. Location of Department files:

Department of Fish and Game
1416 Ninth Street
Sacramento, California 95814

IX. Description of Reasonable Alternatives to Regulatory Action:

(a) Alternatives to Regulation Change:

No alternatives were identified.

(b) No Change Alternative:

No alternatives were identified

(c) Consideration of Alternatives:

In view of information currently possessed, no reasonable alternative considered would be more effective in carrying out the purposes for which the regulation is proposed or would be as effective, and less burdensome to the affected private persons than the proposed regulation.

X. Impact of Regulatory Action:

The potential for significant statewide adverse economic impacts that might result from the proposed regulatory action has been assessed, and the following determinations relative to the required statutory categories have been made:

(a) Significant Statewide Adverse Economic Impact Directly Affecting Businesses, Including the Ability of California Businesses to Compete with Businesses in Other States:

The proposed action will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

(b) Impact on the Creation or Elimination of Jobs Within the State, the Creation of New Businesses or the Elimination of Existing Businesses, or the Expansion of Businesses in California:

The proposed change is not likely to have any negative economic impact.

(c) Cost Impacts on a Representative Private Person or Business:

The agency is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

(d) Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State:

None.

(e) Nondiscretionary Costs/Savings to Local Agencies:

None.

- (f) Programs mandated on Local Agencies or School Districts:

None.

- (g) Costs Imposed on Any Local Agency or School District that is Required to be Reimbursed Under Part 7 (commencing with Section 17500) of Division 4:

None.

- (h) Effect on Housing Costs:

None.

Updated Informative Digest/Policy Statement Overview

In 2010 this section was changed so there could be a legal definition for a hoopnet. The definition included two types of hoopnets to include the traditional style hoopnet as well as a new style hoopnet on the market that was more rigid where the top ring of the hoopnet sat above the bottom ring supported by solid arms. The regulation specified that no more than four arms could be used to support the upper ring. After the regulation was approved by the Office of Administrative Law, the public started calling and complaining about the hoopnet definition and said that there are two current manufactured hoopnets that specifically have five and six rigid arms that support the top ring of the net.

Further research confirmed there are currently at least three types of hoopnets commercially manufactured that have support arms which support the top ring of the hoopnet. The number of arms used to support the top ring of the hoopnets vary from four to six. These hoopnets are manufactured by Promar and Danielson companies. According to a representative from one of the companies, the added rigid arms make the hoopnet more of a sturdy design and therefore the hoopnet will hold up better in detrimental conditions. The added support arms do not assist in making the hoopnet any more efficient in taking crab or lobster.

Changing the wording in the hoopnet definition to allow the Type B hoopnet to have up to six support arms, will allow the existing manufactured hoopnets on the market to be used by the public without increasing the take efficiency of the currently described hoopnet.

The Fish and Game Commission adopted the proposed regulations as noticed at its August 3, 2011 meeting.