

State of California
Fish and Game Commission
Addendum to Finding of Emergency and Statement of Proposed Emergency Regulatory Action

Emergency Regulatory Action to Amend Subsection 29.80(b)
Title 14, California Code of Regulations
Re: Hoop Nets

Date of Addendum: October 28, 2022

I. Addendum to Statement of Facts Constituting the Need for Emergency Regulatory Action

At the August 17, 2022 California Fish and Game Commission (Commission) meeting, the California Department of Fish and Wildlife (Department) notified the Commission that there has been a dramatic increase in the use of hoop nets in the recreational crab fishery and that gear manufacturers are developing new hoop net designs that follow current hoop net Type B regulations but function like traps. The Commission is a five-member body of governor-appointed officials that are subject to the Bagley-Keene Open Meeting Act (sections 11125 and 11125.7(a), California Government Code) that requires the Commission only take action on subjects at a public meeting where notice of the subject has been given. As the Commission was not previously aware of this issue, no agenda item in August allowed the Commission to consider any rulemaking action. The next regularly scheduled meeting for the Commission was October 12-13, 2022. When the Commission undertakes regular rulemaking, the Commission must consider sport fishing regulations at three separate public meetings (Section 255, California Fish and Game Code). Compliance with the regular rulemaking process and the three-meeting process required by the Fish and Game Code, and the Commission's existing meeting schedule, would not allow the Commission to adopt a regulation sooner than February of 2023. Even if the Commission were able to schedule additional meetings not already contemplated, a regular rulemaking would not be adopted until well after the scheduled opening of the recreational season. Therefore, the Commission did not have sufficient time to complete a regular rulemaking with full Office of Administrative Law review prior to the opening of the recreational Dungeness crab season.