

ALASKA BOARD OF GAME

DELEGATION OF AUTHORITY TO ADOPT WATERFOWL REGULATIONS

The Board of Game ("board") makes the following findings:

1. The board normally holds only two regulatory meetings each year.
2. The board attempts to meet only in March and November thereby minimizing the difficulty in obtaining the attendance of all members and the interested public.
3. Proposed Federal framework regulations for migratory bird hunting are not published until July. Therefore, developments regarding waterfowl resources necessitating regulatory action often occur when the board is not in session.
4. The emergency powers of the Commissioner of Fish and Game set forth in AS 16.05.060 may not be sufficiently comprehensive or expeditious to permit necessary regulatory action before the September 1 opening of migratory bird seasons.
5. If the emergency powers of the commissioner are not sufficient, and the board itself cannot act, the State may be without any authority to adopt necessary regulatory measures required for compliance with Federal regulations.
6. The board has avoided this problem in the past by making standing delegations of authority to the commissioner to adopt emergency regulations. These delegations have existed since the 1960's.

THEREFORE THE BOARD RESOLVES that it hereby makes the following delegation of its rulemaking authority under AS 16.02.255 and AS 16.05.258 to the commissioner to be carried out under AS 16.05.270:

- A. The commissioner may adopt, in accordance with the Administrative Procedure Act (AS 44.62), waterfowl regulations.

- B. To the fullest extent practicable, any regulations adopted shall be consistent with all expressions of current board intent.
- C. To the extent it is possible within the time available to act, the commissioner shall attempt to obtain the views of the members of the board before adopting such regulations under this delegation if the matter involves a major policy decision.
- D. Waterfowl regulations adopted under this delegation may be made permanent in accordance with the Administrative Procedure Act (AS 44.62).
- E. This delegation shall remain in effect until revoked by the board.

Dated: \_\_\_\_\_

4/27/89

*Heinrich Springer*

Heinrich Springer, Chairman  
Alaska Board of Game

At: Anchorage, Alaska

Vote: 5-0 (Nageak and Jackson absent)