

Proposal 283 is urgently needed to preserve status quo fishing opportunity and community stability in Adak. This regulation addresses emergent fishery changes, and aligns with historical participation and existing opening dates. It is necessary, appropriate and possible to ensure that this regulation is in place for the 2020 season.

1) The decision supporting exclusive registration in the AI subdistrict was implemented in 2 weeks. It is reasonable to believe that it could be so expedited in this case.

2) If it is not possible to expedite that process, it is fully possible to process it as an emergency regulation: AS 44.62.250. Emergency Regulations.

"A regulation or order of repeal may be adopted as an emergency regulation or order of repeal if a state agency makes a written finding, including a statement of the facts that constitute the emergency, that the adoption of the regulation or order of repeal is **necessary for the immediate preservation of the public peace, health, safety, or general welfare**. The requirements of AS 44.62.040 (c), 44.62.060, and 44.62.190 - 44.62.215 do not apply to the initial adoption of emergency regulations; however, upon adoption of an emergency regulation the adopting agency shall immediately submit a copy of it to the lieutenant governor for filing and for publication in the Alaska Administrative Register, and within five days after filing by the lieutenant governor the agency shall give notice of the adoption in accordance with AS 44.62.190 (a). Failure to give the required notice by the end of the 10th day automatically repeals the regulation."

3) If it is neither possible to expedite implementation, or process it as an emergency regulation, the Board can recommend that the Commissioner exercise his emergency authority in 5 AAC 28.647.(e) to set a fixed start date in 5 AAC 28.647.(c) of no earlier than March 15th for the GHF cod fishery in all AI statewaters.

5 AAC 28.647.(e):

(e) The commissioner may open and close, by emergency order, fishing seasons at times other than those specified in this section if the commissioner determines it is necessary to

(1) adapt to unanticipated openings and closures of federal seasons;

(2) provide for maximum fishing opportunity;

(3) maintain sustained yield management; or

(4) provide for orderly fisheries.

Adak Community Dev. Corp.

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