

*see also
#79-53-FB*

ALASKA BOARD OF FISHERIES

RESOLUTION EFFECTUATING DELEGATION OF AUTHORITY TO ADOPT EMERGENCY REGULATIONS

WHEREAS, the Board of Fisheries is normally in session for only a few weeks during each year;

WHEREAS, the Board of Fisheries attempts to meet only in the offseason, so that any difficulty in obtaining the attendance of all members is minimized;

WHEREAS, the custom of the Board of Fisheries to meet in the offseason results in the Board not being convened during peak periods of resource harvesting;

WHEREAS, unusual or unforeseen developments regarding fisheries resources necessitating regulatory action often occur when the Board of Fisheries is not in session;

WHEREAS, the emergency powers of the Commissioner set forth in AS 16.05.060 may not be sufficiently comprehensive to permit necessary regulatory action;

WHEREAS, if the emergency powers of the Commissioner are not sufficient, and the Board itself cannot act, the State of Alaska collectively will be without any authority to adopt regulatory measures for the conservation and protection of fisheries resources;

WHEREAS, the Board of Fish and Game, and the Boards of Fisheries and Game, have avoided this problem in the past by making a standing delegation of authority to the Commissioner to adopt emergency regulations, which delegation has existed since the 1960's;

WHEREAS, as a legal safeguard, it is desirable to reconfirm this delegation in writing at a formal meeting of the Board of Fisheries;

NOW, THEREFORE, BE IT RESOLVED, that the Board of Fisheries hereby makes the following delegation of its rulemaking authority under AS 16.05.251 to the Commissioner of Fish and Game, such delegation being carried out pursuant to AS 16.05.270, with the following conditions and limitations:

1. The Commissioner may adopt, in accordance with the Administrative Procedure Act (AS 44.62), emergency regulations where an emergency exists as described in AS 44.62.250.
2. To the fullest extent practicable, any regulations adopted shall be consistent with all ^{current} expressions of Board intent.
3. To the extent it is possible within the time available to act, the Commissioner shall attempt to obtain the views of Board members prior to adopting such regulations if the matter involves a major policy decision.

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4. This delegation shall remain in effect until revoked by the Board of Fisheries.

ADOPTED (date) 12/12/75

VOTE 6-0

SIGNED: Borden Jensen
Chairman