

96-163-FB

(previously)  
(Finding #96-07-FB)

**ALASKA BOARD OF FISHERIES**

**DELEGATION OF AUTHORITY TO  
CORRECT TECHNICAL ERRORS IN REGULATIONS**

(Replaces Finding #88-121-FB)

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

1. The board characteristically adopts numerous regulations during the course of any year.
2. Many of the regulations adopted by the board are highly complex and interrelated with other regulations already in force.
3. In view of the volume of regulatory proposals considered by the board at each meeting, it is impossible to prevent occasional ambiguities, inconsistencies, or other technical shortcomings in regulations adopted by the board.
4. Technical deficiencies in regulations may preclude successful prosecution of regulatory violations, or prevent the intent of the board from being fully implemented, or other consequences not desired by the board.
5. It is impractical, unnecessary, and contrary to the public interest to initiate action by the full board to make technical corrections in the regulations.
6. The commissioner and staff of the Department of Fish and Game, and personnel of the Departments of Law and Public Safety are most likely to notice technical deficiencies in the regulations as a result of daily administration of Title 16 and regulations adopted by the board.

THEREFORE THE BOARD RESOLVES that it hereby makes the following delegation of its rulemaking authority under AS 16.05.251 and AS 16.05.258 to the commissioner of the Department of Fish and Game to be carried out under AS 16.05.270:

- A. The commissioner may adopt, in accordance with the Administrative Procedure Act (AS 44.62), permanent or emergency regulations of a technical nature designed to eliminate inconsistencies, ambiguities, or other technical deficiencies in existing regulations of the board.
- B. The commissioner may reopen board regulatory projects after filing of the original regulations, and may sign a new adoption order reflecting the board's adoption of the regulations where the regulations were noticed and adopted by

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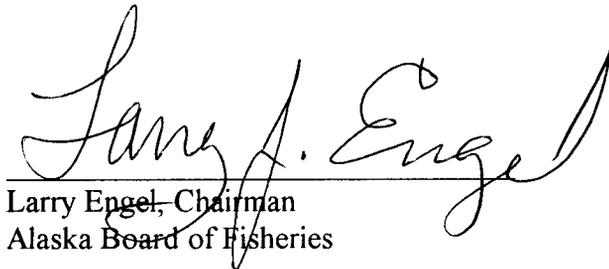
the board within the current or previous regulatory cycle, and through administrative error, the regulations are not correctly reflected in the administrative code. The commissioner may make technical corrections in the regulations so long as they continue to be consistent with the board's original intent.

- C. All regulations adopted by the commissioner under this delegation must be consistent with all current expressions of the board intent. Regulations that would result in a significant substantive amendment or addition to existing board regulations not covered by the board's original intent are not permitted, and a separate delegation must be obtained for significant and substantive changes.
- D. This resolution replaces Finding #88-121-FB.
- E. This delegation of authority shall remain in effect until revoked by the board.

Dated: December 14, 1996

Cordova, Alaska

Vote: 5-0-2 absent



Larry Engel, Chairman  
Alaska Board of Fisheries