

ALASKA BOARD OF FISHERIES

DELEGATION OF AUTHORITY  
TO ADOPT EMERGENCY REGULATIONS

see also  
#75-4-FB

WHEREAS, the Board of Fisheries normally holds only two regulatory meetings each year; and

WHEREAS, the Board of Fisheries attempts to meet only in the off-season, thereby minimizing the difficulty in obtaining the attendance of all members; and

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

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

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

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;

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 expressions of current Board intent.
3. 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 prior to adopting such emergency regulations if the matter involves a major policy decision.
4. Emergency regulations adopted under this authority may be made permanent in accordance with the Administrative Procedure Act (AS 44.62) if the emergency regulation will expire before the next regularly scheduled meeting of the Board and the Commissioner determines after consultation with the Board of Fisheries that it is necessary that the regulation remain in effect until the time of

that meeting. Consultation will be made in a manner, such as a telephone conference call, that will allow the members of the Board and the Commissioner to conduct simultaneous discussions.

5. This delegation cancels the delegation titled RESOLUTION EFFECTUATING DELEGATION OF AUTHORITY TO ADOPT EMERGENCY REGULATIONS (#75-2-FB) dated December 12, 1975.

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

ADOPTED: December 4, 1979  
Anchorage, Alaska  
VOTE: 7/0

  
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Nick Szabo, Chairman  
Alaska Board of Fisheries