

**Findings of Alaska Board of Game
2012-190-BOG**

Falconry, Federal Migratory Bird Rulemaking and Delegation of Authority

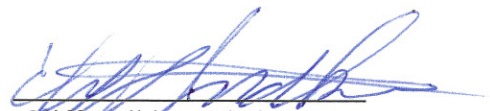
The Board of Game ("board") finds as follows, based on information provided by Department staff and resident falconers.

1. The board normally holds only three regulatory meetings each year and falconry regulations come before the board once every four years.
2. Federal framework regulations for migratory birds include falconry, take of peregrine falcons, captive propagation of raptors, and other rulemaking under 50 CFR Part 21 – Migratory Bird Permits. These rules have been adopted by the US Fish and Wildlife Service under various schedules in recent years. Therefore, developments regarding falconry necessitating regulatory or policy action may occur when the board is not in session.
3. The emergency powers of the Commissioner of the Department of Fish and Game set forth in AS 16.05.060 may not be sufficiently comprehensive or expeditious to permit necessary regulatory actions to adjust falconry regulations.
4. If the emergency powers of the commissioner are not sufficient, and the board is not in session, the State may be without any authority to adjust regulatory measures required for compliance with federal regulations.
5. 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 Procedures Act (AS 44.62) falconry regulations.
- B. To the fullest extent practicable, any regulations adopted shall be consistent with all expressions of current board intent.
- C. To the fullest extent practicable, adjustments will only be made to the Falconry Manual in effect at the time, and adjustments will be minimized regarding other regulatory changes.
- D. To the extent it is possible within the time available to act, the commissioner must 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.
- E. Falconry regulations adopted under this delegation may be made permanent in accordance with the Administrative Procedures Act (AS 44.62).
- F. This delegation shall remain in effect until revoked by the board.

Vote: 7-0
January 15, 2012
Anchorage, Alaska


Cliff Judkins, Chairman
Alaska Board of Game