

See 88-121-FB
96-07-FB

ALASKA BOARD OF FISHERIES

RESOLUTION EFFECTUATING DELEGATION OF AUTHORITY

WHEREAS, the Board of Fisheries characteristically adopts numerous regulations during the course of any year;

WHEREAS, many of the regulations adopted by the Board of Fisheries are highly complex and interrelated with other regulations already in force;

WHEREAS, in view of the voluminous regulatory matter 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;

WHEREAS, 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;

WHEREAS, it is impractical, unnecessary, and contrary to the public interest to initiate action by the full Board itself to make technical corrections in the regulations;

WHEREAS, 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 promulgated by the Board of Fisheries thereunder;

NOW, THEREFORE, BE IT RESOLVED, that the Board of Fisheries hereby makes the following delegation of its rulemaking authority under AS 16.05.251 and AS 16.05.827 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), permanent or emergency regulations of a technical nature designed to eliminate inconsistencies, ambiguities, or other technical deficiencies in existing regulations of the Board of Fisheries.

2. All regulations adopted by the Commissioner under this delegation must be consistent with all expressions of the Board intent. Regulations which

cannot

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 therefor.

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

ADOPTED (date) 12/12/75

VOTE 6-0

SIGNED: London Jensen
Chairman