

ALASKA BOARD OF GAME

Resolution #79-20-GB

RELATING TO BROWN BEAR IN GMU 4

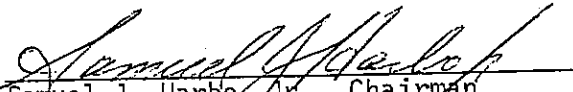
WHEREAS, brown bear in Game Management Unit 4, including Admiralty Island, are at reduced population levels; and

WHEREAS, the incidental and unreported kill may be a significant factor in this population reduction; and

WHEREAS, the Board of Game has restricted the hunting period for brown bear in Game Management Unit 4, including in the spring of 1979, a closure by field announcement when a certain harvest level is attained; and

WHEREAS, this requires intensive enforcement and hunt monitoring;

NOW THEREFORE BE IT RESOLVED, the Alaska Board of Game respectfully encourages the United States Forest Service to provide manpower, funds, and other appropriate measures to assist the Department of Fish and Game and Department of Public Safety in monitoring bear hunting on Admiralty Island, if necessary through a cooperative agreement between the United States Forest Service and the Alaska Departments of Public Safety and Fish and Game.


Samuel J. Harbo, Jr., Chairman
Alaska Board of Game

ADOPTED: April 7, 1979
Anchorage, Alaska

VOTE: 6/0

ALASKA BOARD OF GAME

RESOLUTION SANCTIONING CERTAIN PROCEDURES FOR DELEGATIONS OF AUTHORITY

WHEREAS, AS 16.05.270 authorizes the Board of Game to delegate its authority to adopt regulations under AS 16.05.251 in accordance with the Administrative Procedure Act (AS 44.62), so that the Commissioner may adopt regulations on behalf of the Board;

WHEREAS, the need for a delegation of authority most often arises where regulatory action is necessary but it is impossible or impractical to convene the entire Board;

WHEREAS, where regulatory action is necessary but it is impossible to convene the Board, the State government may be unable to undertake any regulatory action unless a delegation of authority can be executed;

WHEREAS, AS 16.05 does not require a formal meeting of the Board in one geographical location to accomplish a delegation of authority;

WHEREAS, requiring the Board to meet in one physical location to make a delegation of authority would largely defeat the purpose of AS 16.05.270, since a meeting of the Board would eliminate the necessity for a delegation;

WHEREAS, delegations of authority have been carried out in the past using a telephone poll of Board members or in the alternative, a vote by mail;

WHEREAS, this type of procedure has been utilized (in the form of notation voting) by Federal agencies with the full knowledge of Congress and the approval of Federal courts;

NOW, THEREFORE, BE IT RESOLVED, that the Board of Game hereby interprets AS 16.05 to permit telephone polls or mail votes for purposes of executing a delegation of authority and sanctions this procedure; Provided, that in any instance where the Commissioner solicits a delegation from the Board, he shall (1) make a good faith effort to contact all Board members so as to enable each of them to vote, and (2) permit Board members the opportunity to discuss the proposed delegation with other Board members before voting, if they express a desire to do so; and Provided further, that nothing in this Resolution shall be construed to waive the right of any two Board members to call a Board meeting pursuant to AS 16.05.310.

ADOPTED (date) 12/11/75
VOTE 6-0

SIGNED: *Samuel J. Harbo*
CHAIRMAN

ALASKA BOARD OF GAME

RESOLUTION EFFECTUATING DELEGATION OF AUTHORITY

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

WHEREAS, many of the regulations adopted by the Board of Game 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 Game thereunder;

NOW, THEREFORE, BE IT RESOLVED, that the Board of Game hereby makes the following delegation of its rulemaking authority under AS 16.05.255 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 Game.

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

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 Game.

ADOPTED (date) 12/11/75

VOTE 6-0

SIGNED: Samuel J. Berber
Chairman