

ALASKA BOARD OF FISHERIES  
Resolution #80-81-FB

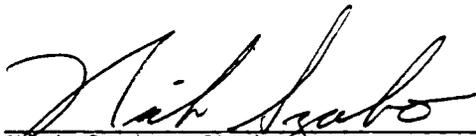
Delegation of Authority to Commissioner  
Regarding AS 44.62.220 Petitions

- WHEREAS, the Board of Fisheries holds two full regulatory meetings annually, and five regional hearings annually, and is presently served by 66 local Fish and Game Advisory Committees; and
- WHEREAS, the present system of conducting finfish business in December and shellfish matters in April has worked to provide a degree of stability and reliability in the regulatory system; and
- WHEREAS, the Board recognizes the right of the public to petition the Board as provided by AS 44.62.220-230 and desires to establish an equitable procedure for expeditiously processing regulatory petitions; and
- WHEREAS, the Board should be informed of all regulatory matters throughout the year; and
- WHEREAS, the Board may delegate authority to adopt regulations under AS 16.05.251,

NOW THEREFORE BE IT RESOLVED THAT THE ALASKA BOARD OF FISHERIES, as provided in AS 16.05.270 hereby delegates certain duties described below to the Commissioner of the Alaska Department of Fish and Game regarding any of the following petitions received while the Board of Fisheries is not in session:

1. Undocumented regulatory petitions. Upon receipt of a petition that is not based on reliable facts, information or data, or requests changes that are contrary to the Board's responsibilities under AS 16.05.221 or AS 16.05.251, the Commissioner shall deny the petition in accordance with AS 44.62.230 and notify the Board members and the Executive Director pursuant to AS 16.05.270.
2. Routine regulatory petitions. Upon receipt of a petition that does not relate to remedy an emergency situation, the Commissioner shall inform and consult with the Chairman or Vice Chairman of the Board of Fisheries prior to denying the petition or setting the matter for a hearing in accordance with AS 44.62.230. The Commissioner shall notify the Board and the Executive Director of his decision pursuant to AS 16.05.270.
3. Emergency regulatory petitions. Upon receipt of a petition that requires emergency action, the Commissioner shall inform and make a reasonable attempt to consult with a quorum of the full membership of the Board of Fisheries before taking any action under AS 44.62.220-230. The Commissioner shall make reasonable efforts to communicate with all members individually or through a telephonic conference call. If the Commissioner, in his discretion, decides to accept the petition, he shall determine whether or not an emergency exists under AS 44.62.250 and, if so, file the emergency

regulation and findings of emergency with the Lieutenant Governor's Office. The Commissioner shall notify the Board and the Executive Director of his decision pursuant to AS 16.05.270.



---

Nick Szabo, Chairman  
Alaska Board of Fisheries

ADOPTED: December 14, 1980  
6/0  
Anchorage, Alaska