

## **House Bill 26 Letters of Support 2021 – Index**

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# UNITED FISHERMEN OF ALASKA

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February 24, 2021

Chair Louise Stutes  
House Fisheries Committee  
State Capitol Room 208  
Juneau AK, 99801

## **RE: Support HB 26 – Conflict of Interest Bill**

Dear Chair Stutes and Committee Members,

United Fishermen of Alaska (UFA) is the statewide commercial fishing trade association, representing 36 commercial fishing organizations participating in fisheries throughout the state, and the federal fisheries off Alaska's coast. The UFA Board of Directors recently met and voted to support HB 26, currently before your committee.

United Fishermen of Alaska has long advocated allowing Board of Fisheries members to participate in deliberations but abstain from voting when they are considered to have a conflict of interest. To clarify UFA believes that the board member with immediate familial conflicts should be able to stay at the table while deliberations occur and participate in the discussion about what the proposal means, speak to the allocative aspects of the proposal if necessary, and more importantly, clarify when it becomes apparent that the board members are not understanding the effects and intents of the proposal. This can sometimes be done by speaking to the proposal directly or asking the right question to the staff. We have noticed over the years that sometimes even when the board is asking for information and direction from ADF&G staff on how a proposal is allocative; they are not answered because ADF&G does not want to appear to be arguing for one side of the allocation or another.

“Participating in deliberations” would allow a board member to discuss the proposal, to answer questions if asked, to ask questions of staff, to help build the record, and to state their opinion; they would not be allowed to make amendments, substitute motions, vote on amendments, vote on the proposal, or vote on whether a proposal should be brought back for reconsideration.

In past testimonies for this bill, we have heard that a board member may participate in public testimony and participate in the committee process if they have a conflict of interest. Board members who conflict out of deliberations bring valuable information and resources to the discussion that other board member could benefit from. There is a possibility that board members could gain inside knowledge from the recused board member outside of public deliberations.

UFA believes if the board member participated in the deliberations that those discussions would be on record and provide greater transparency to the process.

Thank you for your consideration,

Regards,



Matt Alward  
President



Frances H. Leach  
Executive Director

#### MEMBER ORGANIZATIONS

Alaska Bering Sea Crabbers • Alaska Longline Fishermen's Association • Alaska Scallop Association • Alaska Trollers Association  
Alaska Whitefish Trawlers Association • Area M Seiners Association • At-sea Processors Association • Bristol Bay Fishermen's Association  
Bristol Bay Regional Seafood Development Association • Bristol Bay Reserve • Cape Barnabas, Inc. • Concerned Area "M" Fishermen  
Cook Inlet Aquaculture Association • Cordova District Fishermen United • Douglas Island Pink and Chum • Freezer Longline Coalition • Fishing Vessel  
Owners Assn Groundfish Forum • Kenai Peninsula Fishermen's Association • Kodiak Crab Alliance Cooperative • Kodiak Regional Aquaculture  
Association • Kodiak Seiners Association • North Pacific Fisheries Association • Northern Southeast Regional Aquaculture Association • Northwest  
Setnetters Association • Petersburg Vessel Owners Association • Prince William Sound Aquaculture Corporation • Purse Seine Vessel Owner  
Association • Seafood Producers Cooperative • Southeast Alaska Herring Conservation Alliance • Southeast Alaska Fisherman's Alliance • Southeast  
Alaska Regional Dive Fisheries Association • Southeast Alaska Seiners  
Southern Southeast Regional Aquaculture Association • United Catcher Boats • United Southeast Alaska Gillnetters  
Valdez Fisheries Development Association



# Southeast Alaska Fishermen's Alliance

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Website: <http://www.seafa.org>

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March 15, 2021

House Fisheries Committee  
Representative Tarr, Chair  
Alaska State Legislature  
Juneau, AK 99811

## RE: SUPPORT HB 26 Board of Fish Conflict of Interest

Dear House Fisheries Committee Members,

**Southeast Alaska Fishermen's Alliance (SEAFA) strongly supports HB 26 which allows Board of Fish (BOF) and Board of Game members to deliberate on regulatory proposals but not vote.** Our testimony will focus on the Board of Fish aspect of this legislation. This is the most critical piece of legislation that can be passed to help strengthen the Board of Fish process as a transparent public process. The strength of the Board process is that it is a lay board with members having a variety of knowledge and different backgrounds. **When board members aren't allowed to use their knowledge to inform the process and educate fellow board members it discourages highly qualified individuals from submitting their name for the board.**

Currently at the beginning of the meeting, a Board member declares and discloses any possible conflicts. For those proposals, the Board member does not serve on the committee hearing the proposal, and the Board member must leave the table when the proposal is discussed, deliberated and voted on. Before the board even considers the proposal during deliberations, the meeting is actually stopped so the Board member can walk to the public portion of the meeting room, like sending a kindergarten kid to the corner of the room when they get in trouble. Often the Board member in conflict is the only board member with an understanding of the issue being discussed. **A Board of Fish member is vetted by the Governor's office and the Legislature before being confirmed, we should have some trust in that process.**

If HB 26 passes, the other board members are reminded when a proposal is first introduced during deliberations that a member has a conflict, the remaining board members will view any information provided during deliberations with a lens of understanding that the Board member has a financial conflict and may be affected by the outcome of the proposal similar to the current process at the State Legislature.

When I first started attending Board of Fish meetings in 1988, this was the process used and it worked. With changes to the ethics act, this changed and has not been a healthy change for public transparency of the process. With the current conflict of interest process in place, discussions with the board member with the conflict takes place in the background and not in front of the public as it should be because they know they won't be able to share their expertise on the proposal during deliberations. **Similar to the State Legislature, board member expertise provides crucial and educational information to ensure that those allowed to vote are informed prior to voting.**

Commercial fishermen tend to have more conflicts from proposals than other members involved in the sport or subsistence fisheries. This is probably a combination of more commercial proposals as well as being able to define a financial conflict of interest easily by the fisheries they participate in and hold limited entry permits for. It is important to have fishermen with a variety of backgrounds, gear types and fisheries because fishing and fishing gear can be complicated with small nuances that even the Department of Fish and Game and Enforcement do not always understand.

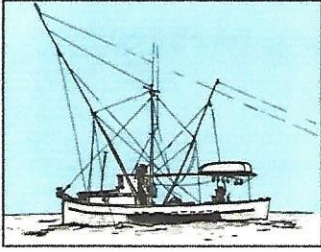
It is our opinion that the Board of Fisheries has gone too far to the letter of the law of the Executive Branch Ethics Act and has forgotten that the State wants industry members to participate as is true with the State Legislature. If you look at the majority of Boards and Commissions in the state that are tied to types of licenses, they are exempted from the Executive Branch Ethics Act so that the members involved in the industry are able to fully participate (i.e. barbers, teachers, medical professions, professional Guide Board, Marine Pilots etc.). **This Legislation by allowing participation but not voting on a proposal, you have reached a compromise that we believe is within the intent of the ethics act. Please pass HB 26 to provide the Board the benefit of the knowledge of the Board member and a clear and transparent public process.**

SEAFA is a multi-gear/multi-species membership based commercial fishing association representing our 330+ members involved in the salmon, crab, and shrimp fisheries of Southeast Alaska as well as longline fisheries in SE and the Gulf of Alaska.

Sincerely,

A handwritten signature in black ink, appearing to read "Kathy Hansen", followed by a long horizontal line extending to the right.

Kathy Hansen  
Executive Director



## Alaska Trollers Association

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www.aktrollers.org

February 24, 2021

Honorable Speaker Stutes, Chair  
House Special Committee on Fisheries  
Alaska State Legislature  
Juneau, AK 99811

RE: HB 26 CONFLICT OF INTEREST: BD FISHERIES/GAME

Dear Fisheries Committee,

Alaska Trollers Association (ATA) represents the many power and hand trollers throughout Southeast Alaska and up to, and including, Yakutat. Our membership exceeds 400 and is 85% Alaska resident so trollers are an important and big part of the Southeast Alaska economy. We write only on Board of Fisheries matters as they pertain to this bill.

We support HB 26 as an incremental improvement to the Board of Fisheries conflict of interest statutes. It is our understanding this bill would allow those seated on the Board of Fisheries and Game to deliberate on matters they have expertise on but are currently precluded from participating on entirely per current statutes. This is only an incremental advance due to the following.

Conflicts of interest abound in our small state. Although a confirmed board member is generally disqualified due to a financial interest of themselves or "an immediate family member", there remain many situations not specified with a financial effect that could influence a deliberation or the outcome of a vote. Nor do the conflict interest statutes address potential vote trading or political pressures that may come to bear. It's a slippery slope having laws that specify some conflict situations.

This works the other way too. Currently there is at least one Board of Fisheries member whose sibling holds an inactive hand troll limited entry permit. Although the sibling has reportedly not fished that permit for nearly a half dozen years, this sibling ownership currently disqualifies this board member from all Board participation on this fishery. (Perhaps it should be added that the value of the hand troll permit is only about \$8,000.) HB 26 would allow this member to deliberate on matters surrounding this fishery but we assert this individual should be allowed to vote as well.

Alaska legislators have has long since dealt with their conflicts of interest successfully in which they disclose possible conflicts to the body, acknowledged them, then a vote is cast, usually allowing that conflicted individual to vote. We are not proposing a free pass. There is a level of presumption, or should be, that a level of integrity comes with any lay board appointment. The process would be better served by having board appointments sign a legal statement asserting their impartiality and reducing or eliminating Board of Fisheries conflict language in statute that apply.

ATA appreciates you introducing and hearing HB 80 and allowing us to provide input to this committee. Thank you.

Sincerely,

A handwritten signature in black ink, appearing to read "Amy Daugherty".

Amy Daugherty  
Executive Director