APHA Letter of Support 3/13/17
Subject: HB 87

Dear House Resource Committee Members,

I'm writing on behalf of my client the Alaska Professional Hunters Association.

Alaska Professional Hunters Association's (APHA) board of directors met this morning and considered their position on HB 87. The following headings and brief explanations address various aspects of their current position RE: HB 87.

Interest/Standing:

APHA is an association of professional hunting guides who has been active since 1972. APHA's members rely on fair allocation of big game hunting opportunities for their livelihoods. Historically hunting guides have been appointed to the Board of Game.Registered guide Nathan Turner (Nenanna) sits on the Board of Game at this time.

APHA is supportive of clear statutory guidelines that address potential financial conflict where a public service could be used to financially benefit an individual board member or their family.

Board of Game vs. Board of Fish

APHA opposes removing the BOG from HB87 thereby treating the BOG differently than the BOF. Removing the BOG from HB87 will eventually have the result of the courts deciding that the legislature has made a statement of policy to be more restrictive on the BOG than the BOF. The original statutes treated both boards the same, we would like that policy to continue.

Conservation:

APHA is first and foremost interested in the effects of any change to the BOG that would undercut its effectiveness at addressing conservation concerns.

APHA can see a benefit to conservation discussion and record building by allowing a board member to deliberate on a proposal where they have a financial interest. A financial interest often translates into knowledge of the resource in question. Members of the public are asked to be knowledgeable about wildlife as a pre-requiset to appointment to the BOG and the BOF.

APHA is concerned that allowing a board member to vote on a proposal could elevate financial gain as motive or disincentives conservation based restrictions. APHA's concerns are not leveled at hunting guides in particular but generally where financial interests are concerned (transporters, photographers, etc.).

Public Trust:

Clearly public trust in the BOG will be undercut if members with financial conflicts are allowed to vote on proposals. APHA is opposed to measures that undercut the publics trust in vital institutions such as the BOG or BOF.

APHA would suggest that requiring conflicted BOG members to sit through deliberations could enhance the publics trust in the board process. This is suggested based on the public having a chance for a board member to go on the record where their interests are concerned. This will minimize frivolous accusations of improper influence "behind the scenes" by requiring participation in the deliberative process. APHA sees this as the core policy call to be made on HB87 and is supportive of thorough vetting of this matter.

APHA would be opposed to HB87 if it becomes clear that the publics trust will somehow be compromised by allowing conflicted members to deliberate or participate in board discussions.

Interestets With Financial Interest- Board of Game

What follows is a short list of some interests that have financial conflicts while sitting on the Board of Game. Hunting guides are merely one user group with specific conflicts.

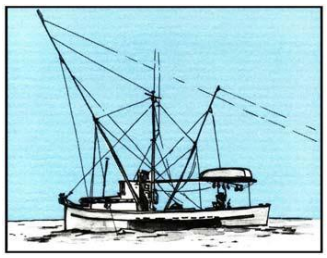
- Transporters
- Hunting Guides
- Wildlife Photographers
- Outdoor Gear Manufactures
- Trappers
- Sporting Good Store Owners
- Tour Operators
- Private Landowners
- Hunt Planners

Summary:

APHA appreciates the discussion that surrounds HB87. If the committee feels HB87 offers a long-term benefit to resource conservation, while maintaining the public's trust in the board process, we ask that you move it forward in the legislative process.

Thor Stacey

(907) 723 1494



Alaska Trollers Association
130 Seward #205
Juneau, AK 99801
(907) 586-9400 ph
ata@gci.net

February 6, 2017

Representative Louise Stutes, Chair
House Fisheries
Alaska House of Representatives
State Capitol (Mail Stop 3100)
Juneau AK 99801-1182

Dear Representative Stutes and Committee Members:

The **Alaska Trollers Association supports HB 87**, which seeks to allow Board of Fisheries (BOF) members to act on all matters before the Board, so long as they divulge their personal or financial interests and no significant conflict exists. In the event a majority of the other BOF members determine there is a conflict, the bill would still allow the BOF member to deliberate, but not vote.

Allowing BOF members to share information about the issues they know best is a crucial part of the lay board process and should be permitted. In years past, BOF members fully participated in all discussions and nearly all votes. Board members used a recusal process similar to the North Pacific Fishery Management Council and were rarely found to have a true conflict that would be expected to compromise their vote. Individuals sometimes abstained from voting voluntarily.

When the state's ethics rules were tightened, the BOF modified its process to the point that extremely capable Board members are sometimes restricted from voting - or even speaking - on the very issues they are most knowledgeable about. The BOF chairman is the ultimate arbiter and some have denied voting privileges on a proposal simply because another member's brother or aunt participated in the fishery, whether or not their financial interests were intertwined. ATA believes this is damaging to the decision-making process and acts as a deterrent for well-qualified people to volunteer their time and energy to this regulatory body. Why serve on such a board if you aren't allowed to share knowledge and perspective on that which you are most familiar? And why invest sole responsibility in the BOF chairman to rule on when and how another member can participate?

The BOF considers hundreds of proposals each year and individuals are confronted with only a handful of initiatives that directly impact their own fishery; most of which would have little to no effect on the value of their personal operation. For example, over 1,000 trollers land fish each year, so a BOF member who happens to troll would share the benefit (or penalty) of any action with about 999 other permit holders and their deckhands. Obviously our fleet is quite large, but most Alaska fisheries involve hundreds of participants and the impact of any BOF action is still spread amongst many people. In those rare cases where this isn't true, allowing all of the other BOF members to determine the level of conflict will help ensure an ethical voting process, while still allowing the board and public to benefit from the member's expertise.

The strength of the BOF is directly related to the caliber of its members and the quality of science, law, and policy that underpin its actions. **Providing a recusal process; narrowing conflict of interest criteria to a board member and his/her immediate family and only when there is financial reliance; allowing members to participate in all deliberations; and, permitting them to vote in all but the most extraordinary cases just makes good sense.**

ATA believes the voting mandate that serves the state legislature also serves its regulatory boards. An exceptional group of fishermen have served on the BOF over the years. When they are fully enabled to act, the resource, industry, and communities can benefit from their collective knowledge. **We encourage you to vote in support of HB 87 – let all members of the Board of Fisheries speak to the issues and vote!**

If I can be of assistance on this or other matters, feel free to contact me.

Sincerely,

Dale Kelley
Executive Director

Cordova District Fishermen United
PO Box 939 | 509 First Street | Cordova, AK 99574
phone. (907) 424 3447 | fax. (907) 424 3430
web. www.cdfu.org

February 13, 2017

Chair Louise Stutes
House Fisheries Committee
Alaska State Legislature
State Capitol Room 406
Juneau, AK 99801

Dear Chair Stutes and Members of the House Fisheries Committee,

Cordova District Fishermen United (CDFU) appreciates this opportunity to express our organizations support for House Bill 87 – an Act relating to participation in matters before the Board of Fisheries and the Board of Game by the members of the respective boards; and providing for an effective date.

CDFU is a non-profit membership organization representing over 900 commercial fishing families who participate in commercial fisheries in Alaska's Area E, which includes Prince William Sound, the Copper River region and the northern-central Gulf. It is our mission to preserve, promote and perpetuate the commercial fishing industry in Area E and to further promote safety at sea, legislation, conservation, management and general welfare for the mutual benefit of all our members.

The commercial fishermen of Area E have a strong and historic relationship with the Alaska State Legislature and State of Alaska Departments that we foster with great care, proactive communications and representation. CDFU would like to formally state our strong support for HB 87 and the added measure of flexibility that this policy change would provide to members of the Board of Fisheries and the important processes that this Board engages in and the critical decisions that are made through this forum.

In years past, it has been difficult to gain the full knowledge or experience that Board of Fisheries members espouse due to the ethical limitations placed upon the Board. Although ethical limitations are important, it is imperative that the Board be able to share their input and expertise freely with the public and with other decision makers. Here amongst the fleet members of Area E, there are many leaders who are lifelong Alaskans with decades of invaluable experience, and yet, they would be conflicted out of serving on the Board of Fisheries. This dilemma does a disservice to the important work of the Board of Fisheries which is why we stand behind HB 87.

Cordova District Fishermen United
PO Box 939 | 509 First Street | Cordova, AK 99574
phone. (907) 424 3447 | fax. (907) 424 3430
web. www.cdfu.org

Additionally, we appreciate the clarification of deliberation proceedings. We believe that this added flexibility will only incentivize knowledgeable and credible leaders to serve in this capacity in the years to come, and will promote a culture of bipartisanship and full consideration at the Board level and beyond.

Thank you, Chair Stutes and Committee, for lending full consideration to the positions of CDFU. We are hopeful that HB 87 will receive your full support and will advance to positive discussions on the floor. Please do not hesitate to reach out to CDFU for comment, support, or with any questions.

Sincerely,

Jerry McCune
President of the Board, CDFU

Rachel Kallander
Executive Director, CDFU

CC:

Representative Fansler
Representative Kreiss-Tomkins
Representative Tarr
Representative Chenault
Representative Eastman
Representative Neuman

Dear Representatives Stutes and Ortiz;

I want to express my support for HB 87, CONFLICT OF INTEREST: BD FISHERIES/GAME. I believe this action is long overdue.

As a retired biologist with the Alaska Department of Fish and Game with over 30-years' experience, I participated in many meetings of the Alaska BOF. As such, I was witness to a few times (actually not that many during my tenure with the Dept.) when BOF members, who were particularly knowledgeable about proposals that were before the BOF were not allowed to even sit at the dais during deliberations, let alone discuss or vote on the issues. In a few of those cases, the BOF members who were allowed to vote were not as fully informed as they should have been and made decisions that, in my opinion, were wrong. If the conflicted BOF member(s) had been allowed to discuss the issues the votes may have been different. I also find it very frustrating when BOF members are conflicted out of the majority of proposals due to conflicts of interests. Specifically, in the case of John Jensen of Petersburg, he has often been conflicted out of the majority of commercial fishing proposals because he has family members who commercial fish and may (or maybe not) be affected by the decisions of the BOF. Mr. Jensen is from a large family of commercial fishermen that extends back many decades and he is extremely knowledgeable on virtually all Southeast Alaska commercial (and sport) fisheries. While, maybe he shouldn't be allowed to vote, by not allowing him to participate in the discussions, the BOF is often relegated to making decisions with less information than they should have. This is not good for either the resource or commercial fisheries and fishermen.

Thank you for introducing HB 87. If I can be of assistance as this bill moves through the Legislator, please don't hesitate to contact me.

Sincerely,

Brian Lynch

Petersburg, AK 99833

Support HB87
PO Box 232 Petersburg, AK 99833

Petersburg Vessel Owner's Association
(907) 772-9323 email: pvoa@gci.net

February 14, 2017

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

RE: Support HB 87 Board of Fish Conflict of Interest

Dear Committee Members,

Petersburg Vessel Owner's Association supports HB87 that would allow Board of Fish and Board of Game members to deliberate on regulatory proposals, but not vote. We will limit our comments to the Board of Fisheries only. Allowing Board members with expertise in a fishery to deliberate, but not vote, helps the entire Board make more informed decisions.

Before the ethics rules were changed, Board of Fish members were allowed to fully participate in discussions and were less often conflicted out of voting. This bill would not change the process entirely back to this manor, since Board members would still not be allowed to vote on proposals that they have personal or financial interests in. However, they would be able to contribute to the discussions on matters they have the most experience in and help educate the remaining voting members.

We support the definition of 'immediate family member' in this bill that includes only those that live with the member, are financially dependent on them, or distant family members with which they are business partners.

It is our understanding that an amendment to this bill is being considered that would change the Board process from a three-year cycle to a five-year cycle. This was also considered during the December 2015 joint Board of Fish and Board of Game work session. **PVOA supported the proposed change in cycle length and asked that Board Members' terms be lengthened to match the cycle.** Understanding all the fisheries, gear types, and users is a great burden for Board of Fish members, especially new ones. PVOA believes terms that match the cycle length would help the Board maintain members with history of the fisheries and process. Allowing all members to deliberate proposals would be a further aid to new Board Members.

We urge you to pass this bill and allow Board Members that are appointed by the Governor and confirmed by Legislature for their expertise to better contribute to the decisions of the Board. Thank you for considering our comments; we believe this change of participation and conflicts of interest will strengthen the Board of Fish process. We would be happy to answer any questions.

Support HB87
PO Box 232 Petersburg, AK 99833

Petersburg Vessel Owner's Association
(907) 772-9323
email: pvoa@gci.net

Petersburg Vessel Owner's Association (PVOA) is composed of over 100 members participating in a wide variety of species and gear type fisheries. An additional 35 businesses supportive to our industry are members. Targeted species include salmon, herring, halibut, sablefish, cod, crab, shrimp, pollock, tuna, geoduck, and sea cucumber.

Respectfully,

Megan O'Neil

Megan O'Neil
Executive Director

Southeast Alaska Fishermen's Alliance

9369 North Douglas Highway

Juneau, AK 99801

Phone: 907-586-6652 Email: seafa@gci.net

Fax: 907-523-1168 Website: http://www.seafa.org

February 8, 2017

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

RE: SUPPORT HB 87 (version O) Board of Fish Conflict of Interest

Dear Committee Members,

Southeast Alaska Fishermen's Alliance (SEAFA) strongly supports HB 87 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 discussed the proposal, 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 the board is reminded when a proposal is first introduced 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 the interpretation of 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. **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 the have more conflicts from proposals then 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.

This legislation also appropriately defines "immediate family member" to those that actually live within the household and related to the board member and not every brother, cousin, or distant in-laws that hold a permit.

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 have 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 87 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 300+ 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,

Kathy Hansen
Executive Director

SEAFOOD PRODUCERS COOPERATIVE

PRODUCERS, PROCESSORS & MARKETERS OF PREMIUM QUALITY SEAFOODS

13 February, 2017

SPC support for CS HB87:

Representative Stutes, Chair
House Fisheries
Alaska House of Representatives
State Capitol (mail stop 3100)
Juneau, Alaska 99801-1182

Dear Representative Stutes and Committee Members:

Seafood Producers Cooperative is the longest existing and largest North American fisherman-owned company. Our 500 Alaskan commercial fishermen owners, families, and employees extend our appreciation and gratitude to you for sponsoring House Bill 87. We thank all the House Fisheries Committee members for the effort you have devoted to gathering public testimony and processing this important legislation. Finding knowledgeable, capable, and willing Alaskans with economic connection to our fisheries to serve on the State Board of Fish has been a decades' long challenge. Application of the ethics code and conflict of interest procedures should be consistent and inclusive of all Board members in proposal deliberation.

This bill succinctly clarifies exclusions from Board votes on proposals where members have direct financial conflict. CS HB87, unshackles the participation of the Board of Fish members who have extensive knowledge of the fisheries and their economic, social, cultural and scientific management principles. Currently these members are prohibited from deliberating or writing on proposals because of familial economic fishery connections.

We thank you and encourage your support for this sensible and essential legislation.

Sincerely,

Joseph E. Morelli
CEO & President
Seafood Producers Cooperative

cc: Richard Davis
westbank47@yahoo.com

OFFICE: 2875 ROEDER AVENUE, SUITE 2 • BELLINGHAM, WA 98225
PHONE (360) 733-0120 • FAX (360) 733-0513
EMAIL: spc@spcsales.com

PLANT: 507 KATLIAN • SITKA, ALASKA 99835
PHONE (907) 747-5811 • FAX (907) 747-3206
EMAIL: spcak@gci.net

UNITED FISHERMEN OF ALASKA

Mailing Address: PO Box 20229, Juneau AK 99802-0229
Physical Address: 410 Calhoun Ave Ste 101, Juneau AK 99801
Phone: (907) 586-2820 Fax: (907) 463-2545
Email: ufa@ufafish.org Website: www.ufafish.org

March 2, 2017

Representative Andy Josephson, Co-Chair
Representative Geran Tarr, Co-Chair
House Resources Committee
Alaska State Legislature
State Capitol
Juneau, AK 99801-1182

RE: Support for CSHB 87 regarding Board of Fisheries Conflict of Interest

Dear Co-Chairman Josephson and Tarr, and Committee Members,

United Fishermen of Alaska (UFA) is the statewide commercial fishing trade association, representing 34 commercial fishing organizations participating in fisheries throughout the state, and the federal fisheries off Alaska's coast.

UFA supports CSHB 87 to address Board of Fisheries conflict of interest.

We support the bill's changes to the definition of family members to be considered in potential conflicts of interest. In current practice, a conflict of interest is considered as an economic or financial conflict on the basis of commercial fishing permit ownership in the extended family including brothers, parents, children, aunts, uncles, grandparent, and spouse's parent and siblings, regardless of any financial linkage, or dependency on the board member[1].

The far reaching extension to family members outside of any real financial conflict of interest is unreasonable and unnecessary, and has been unfairly used to effectively reduce the Board from the intended seven members to six or less. The resulting imbalance of board actions affects the commercial sector most often since other sectors are rarely found to have a conflict of interest.

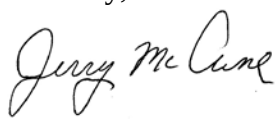
According to sec. 16.05.221, Board of Fisheries members are appointed by the Governor **"on the basis of interest in public affairs, good judgement, knowledge, and ability in the field of action of the board, and with a view to providing diversity of interest and points of view in the membership.**" The current practice is preventing valuable input from board members in many cases of extended family with commercial fishing involvement where no real conflict of interest exists. In addition, members deemed to have a conflict are even required to remove themselves

[1] Background Information on the Alaska Board of Fisheries Conflict of Interest Disclosures, February 5, 2009, Document submitted for HB 41 in 2009 Legislature: http://www.legis.state.ak.us/basis/get_documents.asp?session=26&docid=5022)

from the seat at the board table; in fact the board process is stopped until the board member is in the public section of the room. This eliminates the input from board members that often have the most experience and knowledge of the topic, which is counterproductive and contrary to the basis for the member's service to the board.

UFA supports refining the conflict to family members for whom there is real conflict of interest, and urges passage of CSHB 87.

Sincerely,



Jerry McCune
President

Mark Vinsel
Executive Administrator

UNITED SOUTHEAST ALASKA GILLNETTERS

Box 2196, Petersburg AK 99833 * (253) 237-3099 * usag.alaska@gmail.com * akgillnet.org

March 16, 2017

Representative Josephson, Co-Chair
Representative Tarr, Co-Chair
House Resources Committee
Alaska State Legislature
Juneau, AK 99801-1182

RE: SUPPORT for HB87: *"An Act relating to participation in matters before the Board of Fisheries and the Board of Game by the members of the respective boards; and providing for an effective date."*

Dear Representatives Josephson, Tarr and other Committee Members:

United Southeast Alaska Gillnetters represents the interests of 473 permit holders and their families and WE SUPPORT the Fisheries side of this bill (we have no comment regarding the Board of Game).

Specific Board of Fisheries members are appointed by the Governor and confirmed by the Legislature. This is done in part for the diverse knowledge each Member brings to the table. Our state's fisheries are extremely complex. There is no way each Member could know all the intricacies surrounding sport, commercial and subsistence fisheries in each Alaskan region. If put into effect, HB 87 would lift the vail so those with knowledge around the table can speak and share their expertise.

This is long overdue. If you've ever been to a Board of Fisheries meeting you'll understand how difficult it is to watch a knowledgeable Board Member leave the table and be quiet when he could offer a great deal to assist the group in their decision-making process. We support this bill and respectfully ask you to pass it today.

Thank you,

Cynthia Wallesz

Cynthia Wallesz
Cc: Representative Stutes