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House Fisheries Committee
Representative Louise Stutes
State Capitol Room 216
Juneau, AK 99801

February 4, 2025

Re: Support for HB33 Board of Fisheries Conflict of Interest

I submit this letter on behalf of the Alaska Longline Fisherman's Association (ALFA) in support of HB 33, "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." ALFA's members are commercial fishing vessel owners, deckhands and business owners spread throughout Alaska and the Western United States. Our members harvest halibut, sablefish, salmon, crab, shrimp and other resources regulated through the Board of Fisheries process. Many are also avid hunters who live a subsistence lifestyle and hunt and fish to provide food for their families. ALFA supports HB33 because it enables Board of Fisheries members to provide their expertise and knowledge through the deliberative stage of the process. It maintains the intent of the Executive Branch Ethics Act by precluding board members from voting on regulatory proposals for which they may have a potential personal or financial interest under Alaska's Executive Branch Ethics Act.

When strictly interpreted, the Executive Branch Ethics Act undermines the Board of Fisheries process. The act prohibits Board members from acting in matters in which they have a personal or financial interest by providing advice, assistance, or even participating in the process.¹ Under the current Board of Fisheries process, each Board member discloses any possible conflicts of interest at the beginning of the meeting and then may not serve on any committee considering regulatory proposals which may implicate those conflicts and must leave the table during discussion, deliberation and voting. The recusal can occur in cases where the potentially conflicted Board member is the most knowledgeable member with regard to a specific regulatory proposal.

There are only seven members of the Board of Fisheries.² The governor appoints Board members based on their knowledge about fisheries issues and with the aim of maintaining a Board composition that allows for a diversity of interests and points of view.³ Board members use their knowledge in the regulatory process in numerous ways which in general regulates all state water fisheries," as needed for the conservation, development and utilization of fisheries."⁴ These decisions often require knowledge about the history of different fisheries, current fishery participation trends and practices and the local and statewide importance of different fisheries.⁵

This legislation will help strengthen the Board of Fisheries process and further the statutory purpose of the board

¹ AS §§ 39.52.960(14)). AS 39.52.120(b)(4).

² AS § 16.05.221(a).

³ AS § 16.05.221.

⁴ AS §§ 16.05.251(a)(1)-(12).

⁵ AS § 16.05.251(3).

by fully utilizing the experience and knowledge of its members. The current prohibition on participation in deliberations prevents Board members from sharing their expertise to inform the process.

The current recusal process is particularly prejudicial toward Board members from the commercial fishing industry because permit ownership and fishery participation are the most ascertainable potential conflicts. The Alaska Department of Fish and Game's Board Support Section explains that "[c]onflicts are typically found when a board member or their immediate family members have a significant economic or personal interest in a fishery." Data compiled by the Alaska Department of Fish and Game's Board Support Section show that recusals are much more common for the Board of Fisheries.

In the fisheries world, a potentially conflicted Board member will be the leading Board expert in a particular fishery or region. For a Board consisting of seven members, the recusal of one expert in a particular commercial fishery or region from deliberations often means regulatory decisions result from incomplete information. HB 33 will address this significant problem.

Thank you for the opportunity to comment.

Sincerely,

A handwritten signature in black ink, appearing to read "Linda Behnken". The signature is fluid and cursive, with the first name "Linda" and last name "Behnken" clearly distinguishable.

Linda Behnken
Executive Director

Kodiak Seiners Association
PO Box 8835
Kodiak, AK 99615
kodiakseiners@gmail.com
February 20, 2025

House Resources Committee
Alaska State Legislature

RE: Support for House Bill 33 – Board of Fisheries Conflict of Interest Legislation

Dear Co-Chairs Burke and Dibert, and Members of the House Resources Committee,

On behalf of the Kodiak Seiners Association (KSA), I am writing to express our strong support for House Bill 33. This legislation would allow members of the Board of Fisheries & Board of Game to participate in deliberations on matters where they have been deemed to have a conflict of interest, while still prohibiting them from voting on those issues.

Under the current policy, board members with a declared conflict are entirely excluded from deliberations. This restriction prevents the Board from fully benefiting from their expertise and insights. We believe that allowing these members to contribute to discussions—without voting—ensures that all relevant perspectives and critical information are considered in the decision-making process.

Board members are appointed for their knowledge, experience, and integrity. While personal interests may be present, excluding conflicted members from deliberations can lead to decisions made without crucial input from those with firsthand experience. We firmly believe that improving the deliberative process in this way will lead to more informed and balanced fisheries management decisions.

The Kodiak Seiners Association represents 70 permit holders and active commercial fishing vessels operating in the Kodiak Management Area. We urge the legislature to pass House Bill 33 to enhance the effectiveness and fairness of the Board of Fisheries decision-making process.

Thank you for your time and consideration. Please feel free to reach out if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Darren Platt", with a stylized flourish at the end.

Darren Platt
President
Kodiak Seiners Association



RESIDENT HUNTERS OF ALASKA

unapologetically **FOR ALASKAN RESIDENTS**

Working hard to ensure our wildlife is managed sustainably with an emphasis on protecting and enhancing resident hunting opportunities!

www.residenthuntersofalaska.org

February 5, 2025

To: House Fisheries Committee

Re: HB 33 - Conflict of Interest Boards of Fisheries and Game

Dear Chair Stutes and members of the House Fisheries Committee,

Resident Hunters of Alaska (RHAK) is a hunting conservation organization with some 3,500 members from across the state who support sustainable wildlife management policies and a resident hunting priority as mandated in Article 8 of our state constitution.

RHAK **supports** HB 33 as currently drafted to allow Board of Fisheries and Board of Game members who declare they have a conflict of interest on a proposal before them to still be allowed to participate in deliberations.

There are many instances, particularly on the Board of Fisheries, when the most knowledgeable board member on a specific proposal before the board must declare a conflict of interest, because he or she or a family member has a financial interest in the outcome of a proposal. Under the current system, that member then cannot even deliberate on that proposal. It is important that we allow a member of either board who declares a conflict of interest, who may have intimate knowledge regarding a proposal, to at least participate in deliberations over that proposal.

It is equally important, however, that a member with a declared conflict of interest on a particular proposal is **not** allowed to vote on that proposal.

Sincerely,

Mark Richards – Executive Director Resident Hunters of Alaska



Southeast Alaska Fishermen's Alliance

1008 Fish Creek Rd

Juneau, AK 99801

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February 18, 2025

House Special Committee on Fisheries

Alaska State Legislature

Alaska State Capitol

Juneau, AK 99811

RE: SUPPPORT HB 33 – CONFLICT OF INTEREST BOARD OF FISH/GAME

Dear Representative Louise Stutes and Committee Members,

Southeast Alaska Fishermen's Alliance (SEAFA) strongly supports HB 33 which allows Board of Fish (BOF) and Board of Game members to deliberate on regulatory proposals. SEAFA supports this legislation that would allow participation in the deliberations, sharing the Board members knowledge of the area/fishery but not voting as a compromise to current practices. 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 on that proposal, and the Board member must leave the table when the proposal is being 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 33 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 then 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 knowledge of the issue and 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 the 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 proposal 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 background, gear types and fisheries because fishing and fishing gear can be complicated with small nuances that even the Dept 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 want the industry members to participate as is true with the State Legislature. If you look at the majority of the 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 full able to participate (i.e. barbers, teacher, medical professions, professional Guide board, Marine pilots etc.). **This legislation by allowing participation but not voting on a proposal, we believe meets the intent of the Ethics Act. Please pass HB 33 to provide the Board of Fish 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 primarily involved in the salmon, crab, 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 flourish line.

Kathy Hansen
Executive Director



UNITED FISHERMEN OF ALASKA

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Phone: (907) 586-2820

E-mail: ufa@ufa-fish.org **Website:** www.ufa-fish.org

February 5, 2026

Chair Louise Stutes
House Fisheries Committee
State Capitol Room 216
Juneau AK, 99801

RE: Support HB 33 – Conflict of Interest: Bd Fisheries/Game

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. UFA supports HB 33: "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."

UFA 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 ADF&G staff the right questions. 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 testimonies for previous versions of 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. While this is true, it is UFA's position that board members who conflict out of deliberations bring valuable information and resources to the discussion that other board members

could benefit from. Allowing board members to participate in deliberations would put discussions on record and bring greater transparency to the process.

Regards,



Matt Alward
President



Tracy Welch
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 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

UNITED SOUTHEAST ALASKA GILLNETTERS

Box 2196, Petersburg AK 99833 * (253) 279-0707 * usag.alaska@gmail.com * akgillnet.org

USAG'S MAIN PURPOSE IS TO PROTECT, SERVE AND ENHANCE SOUTHEAST ALASKA'S COMMERCIAL GILLNET FISHERY

February 5, 2025

Representative Louise Stutes, Chair
House Fisheries Committee
Alaska State Legislature
Juneau, AK 99801

Dear Representative Stutes and Committee members-

United Southeast Alaska Gillnetters would like to offer our support for HB 33. Our organization has been active in the Board of Fisheries process for many cycles. The issues facing Board members are often unique to specific species and areas far from the realm of knowledge of many Board members. On occasion, a Board member will be conflicted from deliberations and voting on proposals due to his or her involvement, or a family member's involvement in a particular fishery. Unfortunately, the Board member conflicted has the greatest knowledge of the intricacies of the fishery, knowledge that would likely be helpful to other Board members in deliberations. HB 33 would allow those conflicted members to deliberate on the subject, but would not allow them to vote, thereby imparting their expertise on the subject. It is our belief that passage of this bill will make the process better, as more information and understanding is always better in making these sometimes highly allocative decisions.

Currently, there are no Board members from our area, Southeast Alaska. This is partly due to the fact there are people in the commercial fishing industry who are willing, but who would find themselves conflicted when they have meetings for our region. Our opinion is that passage of this bill will give a larger, and more knowledgeable pool of people to support for this very important job.

We appreciate your consideration of this bill, and will be following its progress.



Max Worhatch, Executive Director

1/26/2026

Senate Community and Regional Affairs

120 4th Street, Juneau AK 99801

RE: Support for HB 33 “An Act relating to participation in matters before the Board of Fisheries and the Board of Game by members of the respective boards;”

Petersburg vessel Owners Association, or PVOA is a commercial fisheries advocacy group representing the needs of the commercial fishing industry and support business that it relies on. PVOA members participate in State and Federal fisheries throughout Alaska and along the West Coast and our membership relies on sound management structures to ensure the longevity and stability in the industry. PVOA supports HB 33 and sees it as an opportunity to elevate the decision-making process at the Board of Fisheries by allowing for valuable, experiential knowledge to be interjected in the deliberation process.

The issue that HB 33 is trying to fix is that currently, a board member at Board of Fisheries meetings cannot participate in deliberation or vote on a commercial fishery decision that they themselves or a family member is invested in. While we recognize the concern that current conflict of interest rules stem from, it also eliminates the ability for a board member with knowledge of a particular fishery from partaking in the conversation to provide context or clarify questions during the deliberation stage of the process. This can lead to decision making without all available information that could be provided and works to dissuade fishermen from participating in the process and attempt to get on the board, as they know that they would not be allowed to speak on the subject matter that they know most about. PVOA supports the language of HB 33 that allows for knowledgeable Board members to participate in deliberation, but remain unable to vote on potential conflicts of interest.

We also see this bill as an evening of the playing field among all three user groups of the fisheries resources; commercial, sport and subsistence. A board member that participates in sport and/or subsistence harvest of a specific fishery is allowed to partake in deliberation, but a commercial harvester that harvests that same fishery is not allowed to participate or vote. PVOA sees this as an imbalanced management structure by excluding certain users from providing pertinent information for decision making. Many of our fisheries throughout the State have a commercial, sport and subsistence harvest component to them. When the commercial component is routinely left out of the conversation or dissuaded from providing information or points of clarification, it degrades trust in the system for fishermen and does not work encourage further participation by the user group.

PVOA supports HB 33 and thanks the Community and Regional Affairs Committee for the opportunity to provide comments today and look forward to answering any further questions the Committee may have.

Thank you,

A handwritten signature in cursive script that reads "Nels Evens".

Nels Evens

Executive Director

Petersburg Vessel Owners Association

pvoa@gci.net