



UNITED FISHERMEN OF ALASKA

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March 12, 2007

Representative Paul Seaton
Chairman, House Special Committee on Fisheries
Alaska House of Representatives
State Capitol (Mail Stop 3100)
Juneau AK 99801-1182

Dear Representative Seaton,

United Fishermen of Alaska supports passage of HB 15 to provide for Board of Fisheries members to participate in matters before the Board, if they declare their personal or financial interest in a fishery.

Members are on the Board for their expertise in some aspect of fishing. It is vital that all seven Board members, especially those most informed of the issues concerning a fishery, be able to participate in the discussions and decision making process on matters before the Board..

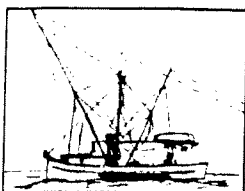
UFA is the largest statewide commercial fishing trade association, representing 36 organizations participating in fisheries throughout Alaska and its offshore waters. We appreciate your consideration on this legislation.

Sincerely,

Mark Vinsel
Executive Director

MEMBER ORGANIZATIONS

Alaska Crab Coalition • Alaska Dragners Association • Alaska Independent Tendemmen's Association • Alaska Longline Fishermen's Association
Alaska Shellfish Association • Alaska Trollers Association • Armstrong Keta • At-sea Processors Association • Bristol Bay Reserve
Concerned Area M' Fishermen • Cook Inlet Aquaculture Association • Cordova District Fishermen United • Crab Group of Independent Harvesters
Douglas Island Pink and Chum • Fishing Vessel Owners Association • Groundfish Forum • Kenai Peninsula Fishermen's Association
Kodiak Regional Aquaculture Association • North Pacific Fisheries Association • Northern Southeast Regional Aquaculture Association
Old Harbor Fishermen's Association • Petersburg Vessel Owners Association • Prince William Sound Aquaculture Corporation
Purse Seine Vessel Owner Association • Seafood Producers Cooperative • Sitka Herring Association • Southeast Alaska Fisherman's Alliance
Southeast Alaska Regional Dive Fisheries Association • Southeast Alaska Seiners Association • Southern Southeast Regional Aquaculture Association
United Catcher Boats • United Cook Inlet Drift Association • United Salmon Association • United Southeast Alaska Gillnetters
Vaidez Fisheries Development Association • Western Gulf of Alaska Fishermen



Alaska Trollers Association

130 Seward St. No. 211
Juneau, Alaska 99801
(907) 586-9400
(907) 586-4473 Fax

March 9, 2007

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

Dear Representative Seaton and Committee Members:

The Alaska Trollers Association strongly supports HB 15, which seeks to allow Board of Fisheries (BOF) members to act on all matters before the Board, so long as they have declared their personal or financial interests.

In years past, BOF members were able to fully participate in all discussions and votes. Board members used a recusal process similar to the North Pacific Fishery Management Council and were rarely found to have a true conflict of interest. Due to grey areas in the state law, this has not been the case in recent years, and extremely capable Board members have been restricted from addressing and voting on the very issues they are most knowledgeable about. ATA believes that, at times, this has been damaging to the decision-making process and has been a deterrent to some well-qualified people who might have applied to serve the state on this lay regulatory board.

The strength of the BOF process is directly related to the caliber of its membership and the science, law, and policy that underpin its actions. An exceptional group of fishermen have served on the BOF over the years. When they were fully enabled to act, the resource, industry, and communities have benefited.

ATA believes that the voting mandate that serves the state legislature also serves its regulatory boards. We encourage you to pass HB 15 – let all members of the Board of Fisheries vote!

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

Sincerely,

Dale Kelley
Executive Director

**QINUYANG -
South Naknek Village
Council**

P.O. Box 70029
South Naknek AK 99670
(907) 246-8614
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southnaknek@starband.net

February 1, 2007

Honorable Bryce Edgmon
Alaska State Legislature
House of Representatives
State Capitol, Room 424
Juneau, AK 99811

Re: House Bill 15

Dear Representative Edgmon:

The South Naknek Village Council objects to House Bill No. 15. The House Bill proposes to play a game of gamesmanship with Alaska Ethics Rules at the same time that there is a magnifying glass regarding the banality of our public servants. We object. I will describe some of the ways that House Bill 15 proposes to make a mockery of the principles of accountability and duties owed to the public by individuals accepting positions as public officials.

Section 1 of the legislation proposes to relax ethical rules so that members of the Board of Fisheries may participate in issues that come before the Board "even though the members have a personal or financial interest in the matter by virtue of their participation in a fishery." This "purpose" appears to be completely at odds with the requirements applicable to all public officials under A.S. 39.52.220. That statute requires a process leading to determine a member's right to vote if he/she has a personal or financial interest in the outcome. Thus, the laudable goal of citizen participation is significantly diminished by personal interests. The greater the financial interest, clearly, the more a position such as a member of the Board of Fisheries may be abused. Yet, Section 1 proposes to alter the existing balance in favor of those with greater power and access to power within our state. And that is wrong.

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with the
K.C. S.S.*

If this were not enough, Section 2, which is also to take effect immediately, would expressly permit (by deletion) a public officer who is a member of the Board of Fisheries from acting on matters before the Board without disclosing his/her financial interest or personal interest in a business or organization relating to the resource under consideration. Section 2 also further strips any oversight with respect to ethical conduct that A.S. 39.52.220 is intended to foster. Indeed, because A.S. 39.52.220 specifically requires full disclosure and a neutral, unbiased determination of the right to vote, while the proposed Section 2 eliminates that requirement, the amendment encourages self-interest in order to advance individual financial and personal agendas when dealing with public resources, and that is wrong.

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February 1, 2007

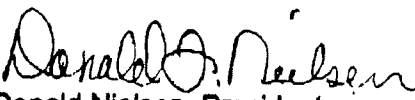
Section 3, by virtue of Section 7 to the proposed House Bill 15, would allow any appointees to the Board of Fisheries a free pass for a period of four years, that is, coincidentally, the length of time of the first term of the present administration with respect to the Board of Fishery matters. Section 3, pursuant to the clear language of Section 7, would not take effect until June 30, 2011. That is special interest legislation in order to protect one of two members of the Board of Fisheries, and it is wrong. It is an abuse of the public process.

Similarly, Section 4 is also intended to shield a public official sitting on the Board of Fisheries from public scrutiny with respect to his/her personal and financial interests brought to the Board of Fisheries for a period of four years. Indeed, Section 4, in referencing the 'Public Officials Ethical Rules' (Ch. 52, Title 39, Alaska Statutes), expressly permits any member with a personal or financial interest in a matter coming before him/her to participate in the matter, limited only to not selling his or her vote to a third person paying for the representation. The member, under such circumstances, is only required to disclose his/her interest on the record, but that disclosure is expressly not subject to the Conflict of Interest Rules under A.S. 39.52.220, which would otherwise expressly prohibit votes based upon self-interest.

Proposed Section 4 simply confirms the cynical and self-interested reasons for HB 15: The people of the State of Alaska will be regulated with respect to fisheries resources by individuals whose sole ethical constraint is not to sell his/her vote to the highest bidder. Section 4 expressly permits such self-interested "public" service, including the use of public funds and public facilities in order to benefit that public official's personal or financial interest.

HB 15 is a bad bill. Alaska has had enough of the scandals involving public officials making decisions to benefit their own personal or financial interests involving public resources. HB 15 is an embarrassment; is a travesty; it should be soundly defeated if it is ever brought for a vote in or out of any committee.

Very truly yours,


Donald Nielsen, President
South Naknek Village Council

cc: Governor Sarah Palin
Senator Lyman Hoffman
Members House of Representatives

Southeast Alaska Fishermen's Alliance

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Juneau, AK 99801

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February 19, 2007

Representative Paul Seaton

Alaska State Legislature

State Capitol, Room 102

Juneau, AK 99801

RE: Support HB 15

Southeast Alaska Fishermen's Alliance (SEAFa) supports HB 15 (conflict of interest) which deals with the issue of allowing a Board of Fish member that is confirmed by the legislature to participate in the process. One of the main strengths of the Alaska process for the management of the fisheries is the Board of Fish and the layman board and full public process but it doesn't make sense to have a layman board and then prohibit them from participating.

We believe that passage of this legislation will make more applicants more interested in participating in the process.

Sincerely,

Kathy Hansen

Kathy Hansen

Executive Director

**United Southeast Alaska Gillnetters**

P.O. Box 23378, Ketchikan, AK 99901 Phone & Fax (907) 247-2471 Email: usag@kpunet.net

March 16, 2007

Representative Paul Seaton, Chair
House Special Committee on Fisheries
Alaska State Legislature
Juneau, AK 99801

Send Via Fax to: 907-465-3472

Dear Chairman Seaton,

The United Southeast Alaska Gillnetters (USAG) supports HB 15 which would give the members of the Alaska Board of Fisheries the same privileges with respect to conflict of interest regulations as other members of Alaska's boards and commissions. Under the current restrictions, an Alaska Board of Fisheries (BoF) member must excuse themselves from the table when issues in which they have a financial interest, no matter how slight, are addressed. This makes the knowledge of the board member who is most familiar with the issues involved in an area or situation unavailable to the other board members. USAG believes one result of this is less informed decisions and in some cases inaction on particular problems that would have been addressed if the conflicted member had been able to participate. We believe the passage of this legislation will result in the BoF making better decisions in all areas of the State. Implicit in this support is the provision that the conflicted member will fully disclose any such conflicts in advance of board action.

Thank you for introducing this important Bill and considering our support for it.

Yours Truly,

Kenneth Duckett
Executive Director

HB 15 Testimony

My name is Christine Koski, I have held a Cook Inlet salmon set net permit for 15 years and have actively fished in Cook Inlet for over 25 years. I am a single mom with 4 children. The majority of my income comes from commercial fishing. I currently live in the Kenai/Soldotna area. My children are also actively involved in commercial set net fishing and have been since they were born.

Approximately 35% of women are permit holders involved in Cook Inlet salmon set net commercial fishing as well as being involved in other commercial fisheries in the entire State.

I have attended BOF regulatory meetings for decades and in the last 5 years I have been active in the process. My involvement is to ensure that there is an opportunity for my children to continue commercial fishing as their parents and grandparents have.

It is impossible to express my concerns or to suggest changes to improve my capability to harvest salmon when I feel that there is no way to communicate with representation from the current members of the BOF.

Since I have been involved in the process there has been no set net commercial fishing person. To make matters worse it is difficult to converse with the gender bias on the Board. I can appreciate that there is a 14% representation for my gender currently, it still leaves me with a significant impediment with communicating and making changes relative to my situation. I want active participants from my area so that not only will I be able to communicate but so will other similarly situated stakeholders.

HB 15 moves to open up more representation for individuals like myself. Please consider the changes that will give more fair and equitable representation to the commercial fisher women in the State. Committee members please realize that Cook Inlet set net fisher women are hard working individuals who do not wish entitlements but want to make our own way and to instill in our children the lessons of hard work and just rewards. The majority of my livelihood is derived and supplemented with part time employment. We are not wealthy, we do not make 10's of thousands of dollars. Please support HB 15 as presented.

John E. Jensen
P.O. Box 681
Petersburg Alaska
907-772-4635
omasou@pci.net

March 22, 2007

House Fisheries Special Committee

Dear Chair Seaton and Committee Members,

This is a note in support of HB 15.

My name is John Jensen and I'm a commercial fisherman and also a member of the Alaska Board of Fisheries. Two other members of my immediate family are commercial fishermen and are permit holders.

It is frustrating at times not being able to participate in the discussions on proposals that come before the Board of Fish that we are involved in. These three permits kept me from participating in 61 proposals (a third of the SE proposals) last year during the Southeast Alaska portion of the yearly cycle.

I am one of the two commercial seats on the board. I am a life-long fisherman from Southeast Alaska and I couldn't provide my expertise and perspective on the subjects before us in order to provide a better understanding for the rest of the Board members on the issues.

I believe a person should be able to disclose his or her interests on record and then be able to fully participate in the matters before them. Many issues require clarification that I can provide.

There is a set of criteria that we have to follow on allocative issues; these are found in AS 16.05 .251 (e). These 7 criteria are our guide lines for allocating fish between user groups and are read into the record for each allocative issue using one or all seven criteria. These criteria, in my opinion, if followed would keep personal interests on the straight and narrow.

As stated in AS 16.02. 221 (a),

The governor shall appoint each member on the basis of interest in public affairs, good judgment, knowledge, and the 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.

Currently I am not able to fully utilize *my ability in the field of action*, and my job on the Board is compromised.

I urge you to please consider and pass HB15 so that I may fully participate in the process and be a totally effective member of the Board of Fisheries.

Respectfully submitted,

John E. Jensen



Fish & Game Transition Team

Issues Report to

Governor Sarah Palin

Members

Dick Bishop, co-chair
Ben Mulligan
Craig Compeau
Eric Olsen
John Winther
Mark Vinsel
Roland Maw
Trefon Angason

Ken Johns, co-chair
Bruce Knowles
Dave Donald
Joe Klutsch
Larry Cotter
Phil Cutler
Tom Gemmel

Clem Tillion
Dave Otness
Dr "Jack" Frost
Linda Kozak
Rod Arno
Tony Gregorio



Board of Fisheries and Board of Game Conflict of Interest

Issue Statement: Currently Board of Fisheries (and perhaps Board of Game) conflict of interest rules bar commercial representatives with knowledge in a fishery from discussing the topics, losing a valuable source of information in discussions.

Discussion:

The conflict of interest interpretation has been expanded too far in the case of commercial fishermen or not far enough for other individuals. A commercial fisherman who tries to sit on the Board of Fish will be conflicted out of any discussion of any fishery he holds a permit for and additionally for any fishery that his parents, wife, brothers or sisters or children own. But in comparison a charter operator is almost never conflicted from action on any proposal even if they benefit the industry in allocation issues in an area they operate in or if they have a business partner that holds permits. At the time a proposal comes up for discussion that a board member has a conflict with the meeting is stopped until the board member has left the table and entered the audience. This policy makes it extremely difficult to get good individual to submit their name for the board of fish, and keeps the informed from participating on many matters pertaining to commercial fishing. When Board members are prevented from voting the balance of votes may be swayed.

In essence, the more you know on commercial fishing, the less likely you will be able to provide input if you are on the Board of Fisheries.

The issue does not seem to affect the Board of Game, as there are no professional market hunters that would be deemed to be at the same level of conflict of interest. A change in Board of Fisheries regulations may affect Board of Game conflicts in the future.

The Transition Team subgroups agree on the concept of allowing those with expertise to deliberate, but there are differing views as to whether those with conflicts should be allowed or required to vote, or excluded.

Recommendations:

- Legislative bills have been introduced in the last two sessions, and are expected to be introduced in the coming session, so this may not be an action item for the Governor, but the Transition Team feels compelled to advise her of the problem.

- Only the household members or immediate family should be considered for conflict so as not to unfairly bias the process against longstanding families with extensive affected relatives.

Consequences Of Inaction:

Lack of valid information in Board of Fisheries deliberations
Reluctance of well qualified members to serve on Board. Lack of public confidence in the Board of Fisheries Process, and state management.

9:52:29 AM

ART NELSON, Chair, Board of Fisheries, testified in support of HB 241. He said he'd like to comment on two general areas where the conflict of interest regulations have been problematic for the board. He said:

*Rep Wilson Bill in
24 legislature*

The first one is the difficulties that it presents oftentimes with the operation of the board and our functioning and our deliberations. As the chairman of the board, I'm kind of responsible to be the ethics supervisor for all the members, and so of course before each meeting I go around to the various members, particularly those that may have conflicts arising with the different meetings we have ahead of us and ... those conflicts can be either financial or personal in nature, and can be interpreted very broadly. ... Oftentimes even if there's going to be a perceived conflict that we are advised to be conservative in that and ... it's no offense meant to the [DOL]; it's their job to be conservative and make our decisions be not only legally valid but defensible in court. ... The board spends upwards of 40 or sometimes more days per year in our regulatory meeting, and the last thing I want to have happen is ... having an extensive regulation that took a lot of time to put together be struck down because we failed to follow the letter of the ethics rules.

MR. NELSON continued:

What's also problematic ... is the potential for losing a board member due to a conflict of interest. We're a seven-member board, and regardless of how many board members are present and participating. So whether there's absences and/or conflicts, we always still have to have four votes to carry any motion. And so especially if it's compounded with an absence by another board member, a lot of times it becomes very difficult for us to take regulatory action.

MR. NELSON noted that some well-qualified people are not even interested in being on the board because they know they wouldn't be allowed to vote on important matters.