

Kodiak Seiners Association

PO Box 8835

Kodiak, AK 99615

kodiakseiners@gmail.com

April 28, 2023

House Resources Committee

Representatives Tom McKay, Chair Alaska State

Legislature

RE:HB35 – Conflict of Interest: BD

Fisheries/Games Dear Committee members,

The Kodiak Seiners Association (KSA) supports HB35, which would allow members of the Board of Fisheries to deliberate, but not vote, on matters for which they have been determined to have a conflict of interest. We believe that the current policy unnecessarily restricts board members from participating in the deliberative process and that conflicted board members should be allowed to provide their wisdom and expertise on any issue. Excluding conflicted members from deliberation often isolates the remaining board members from critical information.

Board members are typically selected for their knowledge, wisdom, and integrity. The deliberation of a conflicted member may be guided by their personal self-interest; however, the deliberative process is even more tainted by the excluding critical knowledge that would otherwise be unavailable to the remaining board members. To be clear, we do not believe that conflicted board members should be permitted to cast a vote, but they should be allowed to provide the voting members with essential information during deliberation so they may make their decisions based on the best available information.

The Kodiak Seiners Association is an advocacy group representing 105 permit holders and active commercial fishing vessels operating in the Kodiak Management Area.

Sincerely,

Darren Platt, President, Kodiak Seiners Association



Southeast Alaska Fishermen's Alliance

1008 Fish Creek Rd

Juneau, AK 99801

Email: kathy@seafa.org

Cell Phone: 907-465-7666

Fax: 907-917-5470

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

April 19, 2023

House Resources Committee
Representative Tom McKay, Chair
Alaska State Legislature
Juneau, AK 99811

RE: SUPPORT HB 20 Board of Fish Conflict of Interest

Dear House Resource Committee Members,

Southeast Alaska Fishermen's Alliance (SEAFA) strongly supports HB 20 which allows Board of Fish (BOF) and Board of Game members to deliberate on regulatory proposals. SEAFA would support legislation that allowed participation in the deliberations but not allowed to vote if they have a conflict as a compromise. 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 20 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 20 to provide the Board the benefit of the knowledge of the Board member and a clear and transparent public process.**

SEAFSA 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



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

March 24, 2023

Chair Rep. Tom McKay
House Resources Committee
State Capitol Room 124
Juneau AK, 99801
House.Resources@akleg.gov

RE: Support HB 20 – Conflict of Interest Bill

Dear Chair McKay and Committee Members,

Cordova District Fishermen United (CDFU) is an industry-based nonprofit strengthening commercial fishing in the Prince William Sound region by advocating for the needs of community-based fishermen. Since 1935, CDFU has represented fishermen and their families for thriving fisheries that sustain regional ecosystems, communities, and ways of life - ensuring they are well informed, resourced, and mobilized to affect positive change for all harvesters in the region.

We are writing to offer our support for the conflict of interest bill HB 20, as it pertains to the Board of Fisheries.

When a conflict of interest for a Board of Fisheries member is registered, CDFU sees great value for Board of Fisheries members to continue to participate in deliberations, but abstain from voting on the official matters in perceived conflict because of their areas of expertise. For example, a board member with immediate familial conflicts should be able to remain at the table while deliberations on a proposal occur, participate in the discussion about what the proposal means, speak to the allocative aspects of the proposal if necessary. More importantly, a board member's conflict of interest can indicate a close understanding of a particular matter - it's important to be able to participate and elucidate other board members when the full effects or intents of a proposal are not being discussed.

“Participating in deliberations” would allow a board member to discuss the proposal, to answer questions if asked, to ask questions of ADF&G 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.

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. We are in favor of board members with a conflict of interest participating in deliberations, but refraining from voting.

Sincerely,

A handwritten signature in black ink, appearing to read 'Ezekiel Brown', with a stylized, flowing script.

Ezekiel Brown
President

A handwritten signature in black ink, appearing to read 'Jess Rude', with a stylized, flowing script.

Jess Rude
Executive Director



April 26, 2023

RE: HB 20 - Conflict of Interest Bill

Dear Representative Stutes and Committee Members,

Southeast Alaska Seiners Association (SEAS) represents over 100 seine permit holders. SEAS' is on record as supporting this legislation in the last legislative cycle, and again is an advocate for this change. We believe allowing Board of Fisheries members to participate in deliberations but abstain from voting when they are considered to have a conflict of interest will add valuable information, history, and knowledge to matters that come before this body. As it stands now, many times the only other people in the room who may have similar knowledge and background that are allowed to speak are ADF&G staff; much of the time they do not participate in these deliberations to avoid the appearance of arguing for any "side" when there may be allocation implications in the outcome.

"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.

Sincerely,

Phil Doherty
Executive Director – SEAS
PO Box 6238
Ketchikan, AK 99901

Support for HB20
PO Box 232 Petersburg, AK 99833

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

April 17, 2023

House Resources Committee
Representative McKay, Chair
Alaska State Legislature
Juneau, AK 99811

RE: Support HB20 Participation in Matters before the Board of Fisheries

Dear Chair McKay and House Resources Committee Members,

Petersburg Vessel Owner's Association (PVOA) is composed of 85 members participating in a wide variety of species and gear type fisheries in state and federally managed waters and businesses supportive to the industry. PVOA members fish throughout Alaska from Southeast to the Bering Sea. Targeted species include salmon, herring, halibut, sablefish, crab, shrimp, sea cucumbers, and geoducks.

Petersburg Vessel Owner's Association supports HB20 that would allow Board of Fisheries and Board of Game members to deliberate on regulatory proposals, but not vote when they are found to have personal or financial interests. 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 Fisheries 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 manner, 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.

PVOA believes this bill would 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 conflict of interest would strengthen the Board of Fisheries process. We would be happy to answer any questions.

Respectfully,



Megan O'Neil
Executive Director

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

April 25, 2023

Representative Tom McKay, chair
House Resources Committee
Juneau Capitol, rm 124
Juneau, Ak 99801

Dear Representative McKay and committee members,

United Southeast Alaska Gillnetters support HB 20. Passage of this bill would allow for a conflicted Board of Fisheries member to deliberate on proposals, but not let that particular board member vote. Too many times in meetings in the past have we seen the board member most knowledgeable on a particular fishery or proposal removed from the process. In the process, deliberations are the final step before a proposal goes to vote. Conflicted board members in some cases can supply meaningful information that would allow for a more thorough discussion to allow board members who do vote make reasonable regulatory changes.

The makeup of the BOF should consist of members chosen and confirmed reflective of the wide variety of stakeholders in the state, that represent commercial, sport/charter, personal use, and subsistence, so all views can be objectively considered. The most prevalent conflicts for board members at BOF meetings have to do with commercial fisheries proposals. Under the current rules, we feel that this puts commercial fish users at a disadvantage, and removes pertinent discussion from the public process. If this law were to pass, the chair of the BOF could note on the record that a particular board member was conflicted and would not be voting on a particular proposal. Other board members would note the conflict, and accordingly assess any input that the conflicted board member may offer. This would ensure the extensive knowledge

of the collective board could be utilized to its highest potential, while still not compromising the actual vote on the proposal.

United Southeast Alaska Gillnetters represents 175 fleet members and support businesses in the SE region. We are dedicated to the long-term economics of our fishery and the region, where we live and fish. We appreciate the opportunity to comment, and are available to expand on our views for this particular bill.

Sincerely,

A handwritten signature in black ink, appearing to read 'Max Worhatch', with a stylized, cursive script.

Max Worhatch

Executive Director



UNITED FISHERMEN OF ALASKA

Mailing Address: P.O. Box 20229, Juneau AK 99802-0229

Phone: (907) 586-2820

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

March 6, 2023

Chair Tom McKay
House Resources Committee
State Capitol Room 128
Juneau AK, 99801

RE: Support HB 20 – Conflict of Interest Bill

Dear Chair McKay and Committee Members,

United Fishermen of Alaska (UFA) is the statewide commercial fishing trade association, representing 37 commercial fishing organizations participating in fisheries throughout the state, and the federal fisheries off Alaska's coast. At our meeting this January, UFA's board of directors reaffirmed the association's support of a conflict of interest bill, as it pertains to the Board of Fisheries.

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 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

Ed King

From: Charles Treinen [REDACTED]
Sent: Tuesday, April 25, 2023 12:16 PM
To: House Resources
Cc: Donna Page
Subject: HB20--Please hear, support and pass.

Rep. Stutes, House Resources Chair:

As a participant in the Board of Fish process for over 30 years, I have too often been frustrated by the inability of BOF members to participate in discussion of proposals when there is a conflict of interest perceived in spite of critical expertise in the given fishery. It is beyond time to allow participation in discussion even if voting is not allowed due to a the perceived conflict.

It is also well understood that the conflict of interest determinations are applied asymmetrically with commercial interests most often losing the opportunity to discuss issues about which they are likely to have special knowledge of. Correction of this problem is long overdue. Please take action!

Chip Treinen