

HB

15

ALASKA STATE LEGISLATURE
House Resources Committee

Carl Gatto, Co-Chair

State Capitol Building, Room 108
Juneau, AK 99801-1182
(907) 465-3743
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Rep_Carl_Gatto@legis.state.ak.us



Craig Johnson, Co-Chair

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(907) 465-4993
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FAX

To: Brian Kane, Legislative Legal

From: Debra Higgins

Fax: 2029

Phone:

Date: May 7, 2007

CC:

Re: New CS for HB 15

Pages with Cover: 3

Brian,

The House Resources committee moved CSHB 15(FSH)M out as amended with attached 25-LS0114W.1.

If you have any questions, my number is 3715.

Thanks,

Debbie

adopted -
House Resources
Committee, 5/07/07

AMENDMENT # 1

OFFERED IN THE HOUSE BY REPRESENTATIVE SEATON
TO: CSHB 15(FSH)

1 Page 1, line 2, following "board":

2 Insert "and to the definition of 'immediate family member' under the Alaska
3 Executive Branch Ethics Act as that Act applies to members of the Board of Fisheries;"

4
5 Page 2, lines 4 - 5:

6 Delete "In this subsection, "immediate family" has the meaning given in
7 AS 24.60.990."

8
9 Page 2, following line 5:

10 Insert a new bill section to read:

11 "** Sec. 3. AS 39.52 is amended by adding a new section to read:

12 **Sec. 39.52.915. Applicability to the Board of Fisheries.** Notwithstanding any
13 other provision of this chapter, with respect to the application of this chapter to a
14 member of the Board of Fisheries, "immediate family member" means

15 (1) the spouse or domestic partner of the member; or

16 (2) a parent, child, including a stepchild and an adoptive child, or
17 sibling of the member if the parent, child, or sibling resides with the member, is
18 financially dependent on the member, or shares a substantial financial interest with the
19 member."

20
21 Renumber the following bill sections accordingly.

22
23 Page 2, line 14:

- 1 Delete "sec. 6"
- 2 Insert "sec. 7"
- 3
- 4 Page 2, line 16:
- 5 Delete "Section 3"
- 6 Insert "Section 4"

REPRESENTATIVE PAUL SEATON

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ALASKA STATE LEGISLATURE

House District 35

MEMORANDUM

To: House Resources Co-Chair Craig Johnson
House Resources Co-Chair Carl Gatto
From: Representative Paul Seaton
Date: March 27, 2007
Re: HB 15 Bill Hearing Request

I respectfully request that HB 15 be heard in House Resources at your earliest possible convenience. HB 15 allows members of the Board of Fisheries to deliberate, but not vote, on regulatory proposals before the board if they have a conflict of interest due to a participatory interest in the fishery to which the proposal pertains. HB 15 narrows the definition of immediate family for purposes of defining a conflict of interest due to participation in a fishery.

ALASKA STATE HOUSE OF REPRESENTATIVES

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REPRESENTATIVE PAUL SEATON DISTRICT 35

CS HB 15 (FSH) Sponsor Statement

HB 15 expands the ability of Board of Fisheries members to offer their experienced viewpoint during board debates.

Current law requires board members to declare a conflict and recuse themselves from discussion and voting if they, or a member of their family, have a personal or financial interest in a matter before the board. This requirement prevents commercial fishermen and sport fishing guides from discussing fishery issues that they are intimately familiar with through their participation in the fishery. HB 15 allows commercial and sport fishermen, after full disclosure, to deliberate on fishing issues in which they have a conflict based on their participation in the fishery. These members are not allowed to vote. HB 15 does not allow board members to participate on issues in which they have a paid financial interest as a consultant or a lobbyist.

The Board of Fish is composed of seven members. If one or two members are conflicted out of a discussion because of their in-depth knowledge, the entire process suffers. On average between 2001 and 2006 individual board members were required to recuse themselves on nearly ten percent of the proposals in each board cycle.

Under current law, recusals from board discussion disproportionately affect rural Alaska. Often board members from rural areas have been living in the region for generations and have extensive family involvement in regional fisheries. The applicable definition of immediate family under AS 39.52.960 includes parents, siblings, grandparents, aunts and uncles. This expansive definition of immediate family often takes rural representatives out of board discussion on nearly all of the proposals for their entire region, leaving the board without their representation.

An amendment adopted unanimously by the House Fisheries committee narrows the definition of immediate family for defining a board member's participatory conflict of interest to that definition found in AS 24.60.990. Under this language, a board member would have a conflict of interest on an issue when a board action might affect a member of their household.

HB 15 contains a sunset of 2011, giving the legislature the opportunity to review the effect of the changes imposed by the bill. The Department of Fish and Game is to submit a report to the legislature at this time, detailing the recusals prevented by this change in statute, and providing a recommendation on whether or not the statutory change should be allowed to expire.

FISCAL NOTE

STATE OF ALASKA
2007 LEGISLATIVE SESSION

Fiscal Note Number: 1
 Bill Version: CSHB 15(FSH)
 (H) Publish Date: 3/27/07

Revision Date/Time (Note if correction): _____ Dept. Affected: Fish and Game
 Title Board of Fisheries conflicts of interest RDU Administration and Support
 Component Fish & Game Boards & Advisory Committees
 Sponsor Seaton, Wilson
 Requester House Fisheries Special Committee Component No. 2825

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES	0.0					
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CHANGE IN REVENUES ()	0.0					
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FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2007) cost: 0.0

Mark this box (X) if funding for this bill is included in the Governor's FY 2008 budget proposal:

POSITIONS

Full-time	0					
Part-time	0					
Temporary	0					

ANALYSIS: (Attach a separate page if necessary)

No fiscal impact for the department.

Prepared by: Tom Lawson, Director
 Division: Administrative Services
 Approved by: Denby Lloyd, Commissioner
 Agency: Fish and Game

Phone 465-5999
 Date/Time 3/13/07 12:00 AM
 Date 3/13/2007

FISCAL NOTE

STATE OF ALASKA
2007 LEGISLATIVE SESSION

Fiscal Note Number: HB15CS-LAW-CJL-5-01-07
 Bill Version: CSHB 15(FSH)
 () Publish Date: _____

Revision Date/Time (Note if correction): _____ Dept. Affected: Law
 Title Board of Fisheries conflicts of interest RDU Civil
 Component Natural Resources
 Sponsor Seaton, Wilson
 Requester House Fisheries Special Committee Component No. 2212

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
-----------------------------	--	--	--	--	--	--

CHANGE IN REVENUES ()						
-------------------------------	--	--	--	--	--	--

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
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TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2007) cost: 0.0

Mark this box (X) if funding for this bill is included in the Governor's FY 2008 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

CSHB15(FSH) is intended to allow members of the Board of Fisheries to deliberate, but not vote, on certain matters where they would otherwise have a direct conflict of interest arising out of participation in a fishery. This intent can be accomplished without any increased cost to the Department of Law.

However the current CS results in conflicting definitions of "immediate family member" which would have the effect of conflicting out a member based on participation of more distant relatives in a fishery; this would result in confusion and would almost certainly result in extensive litigation and legal advice to the Board with indeterminate fiscal impacts.

Prepared by: Betty Martin, Director Phone 465-3673
 Division Administrative Services Division Date/Time 5/1/07 10:30 AM
 Approved by: Betty Martin for Talis Colberg, Attorney General Date 5/1/2007
 Agency Department of Law

Recusals due to Conflict of Interest in Quarterly Ethics Reports 2003 - 2006

2003

AIDEA - four recusals
Social Work Examiners - one recusal
Local Boundary Comm. - one recusal
Real Estate Appraisers - one recusal
Pharmacy Board - one recusal
Board of Marine Pilots - one recusal
Board of Fisheries - three recusals
(on 42 regulatory proposals)

2004

Local Boundary Comm. - one recusal
AIDEA - one recusal
Real Estate Comm. - two recusals
Board of Fisheries - four recusals
(on 11 regulatory proposals)

2005

Board of Dental Examiners - one recusal
Social Work Examiners - four recusals
Local Boundary Commission - one recusal
Ag. and Conservation Board - one recusal
Board of Regents - one recusal
Railroad Corporation - one recusal
Board of Fisheries - seven recusals
(on 41 regulatory proposals)

2006

Oil and Gas Conservation Comm. - one recusal (on single issue)
Board of Regents - one recusal (on single issue)
Board of Game - one recusal (on single issue)
Board of Marine Pilots - three recusals (on single issue)
Public Broadcasting Commission - one recusal (on two issues)
Social Work Examiners - two recusals (on two issues)
Local Boundary Commission - one recusal (on two issues)
Board of Professional Counselors - one recusal (on single issue)
Board of Fisheries - three recusals
(on 103 regulatory proposals)

Quarterly Ethics reports (required of boards under AS 39.52.260) may not contain data on all conflicts because they may fail to reflect voluntary recusal where a board member does not appear at the relevant meeting or portion of a meeting because of a conflict. Reports may fail to reflect whether a recusal is for a single matter or a number of matters before a board or commission.

FRANK H. MURKOWSKI, GOVERNOR

DEPARTMENT OF FISH AND GAME

BOARDS SUPPORT SECTION

P.O. BOX 26828
JUNEAU, AK 99802-6828
PHONE: (907) 465-4110
FAX: (907) 465-8094TO: Anne-Marie Palumbo
Associate Attorney
Department of Law

DATE: May 7, 2003

FROM: Diana Cote
Executive Director
Alaska Board of Fisheries

PHONE: 465-6095

FAX: 465-6094

RE: Executive Branch Ethics Act,
AS 39.52 Quarterly Reports
January - March, 2003

As executive director and on behalf of the chair of the Board of Fisheries, following is submitted as the ethics reports for the quarter January - March, 2003.

During this time period, the Board of Fisheries met as follows:

January 20 - 28, Sitka. Regulatory meeting concerning Southeast and Yakutat areas herring, groundfish, subsistence finfish, and Dungeness crab, shrimp and miscellaneous shellfish. The chairman ruled that board member Jensen had conflicts of interest on a portion of the proposals concerning Southeast Alaska Dungeness crab fisheries. Mr. Jensen did not participate in deliberations or voting on proposal 198 (Dungeness crab pot marking requirements), proposals A and 200 - 209 (closed waters to commercial Dungeness crab fishing), proposals 212 - 215 (commercial fishing seasons for Dungeness crab), proposals 216 and 220 (operation of gear), and proposal 218 (align sport fish areas for Dungeness crab with the commercial areas).

January 31 - February 5, Cordova. Regulatory meeting concerning Prince William Sound and Upper Copper/Upper Susitna areas finfish. All members fully participated in board matters.

February 20 - 28, Ketchikan. Regulatory meeting concerning Southeast and Yakutat areas remaining finfish. The chairman ruled that board member Jensen had conflicts of interest on a portion of the proposals concerning Southeast Alaska salmon fisheries. Mr. Jensen did not participate in deliberations or voting on proposals 366 - 367 (Hidden Falls Hatchery Terminal Harvest Area management plan), proposal 368 (Deep Inlet Hatchery Terminal Harvest Area management plan), proposals 369 - 370 (Anita Bay Terminal Harvest Area management plan), proposal 380 (Allocation guidelines for pink, chum, sockeye salmon between commercial net fisheries), proposals 383 - 385 and 388 - 390 (Fishing seasons and periods for net gear), proposal 391 - 392 (Northern Southeast seine fishery allocation and seasons), and proposals 210 - 211 (creation of exclusive Dungeness crab harvest area).

March 17 - 25, Anchorage. Regulatory meeting concerning statewide Dungeness crab, shrimp, miscellaneous shellfish, and miscellaneous items. All members fully participated in board matters.

cc: Ed Dersham, Chairman
Lance Nelson, Dept. of Law

STATE OF ALASKA

3/17 ✓

FRANK H. MURKOWSKI, GOVERNOR

DEPARTMENT OF FISH AND GAME

BOARDS SUPPORT SECTION

P.O. BOX 25528
JUNEAU, AK 99802-8528
PHONE: (907) 465-4110
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TO: Anne-Marie Palumbo
Associate Attorney
Department of Law

DATE: March 4, 2005

FROM: Diana Cote
Executive Director
Alaska Board of Fisheries

PHONE: 465-6095
FAX: 465-8094

RE: Executive Branch Ethics Act,
AS 39.52 Quarterly Reports
April 2003 through December 2004

As executive director and on behalf of the chair of the Board of Fisheries, following is submitted as the ethics reports for the seven quarters beginning April 1, 2003 through December 31, 2004.

During this time period, the Board of Fisheries met as follows:

April 30 and May 14, 2003, Teleconferences. Regulatory meeting concerning Dutch Harbor food and bait herring fishery. All members fully participated in board matters.

June 24, 2003, Teleconference. Regulatory meeting concerning Bristol Bay Red King Crab fishery. All members fully participated in board matters.

October 4, 2003, Anchorage. Regulatory meeting concerning Pribilof Islands Blue King Crab fishery. All members fully participated in board matters.

November 12 – 17, 2003, Anchorage. Regulatory meeting concerning statewide finfish issues. All members fully participated in board matters.

November 18 – 19, 2003, Anchorage. Regulatory meeting concerning Chignik Salmon Purse Seine Cooperative fishery. The chair ruled that board member Art Nelson had conflicts of interest on all of the proposals before the board at this meeting. Mr. Nelson did not participate in deliberations or voting during this meeting.

December 9 – 17, 2003, Anchorage. Regulatory meeting concerning Bristol Bay Area finfish fisheries. All members fully participated in board matters.

January 12 – 19, 2004, Fairbanks. Regulatory meeting concerning Arctic-Yukon-Kuskokwim Area finfish fisheries. All members fully participated in board matters.

February 15 – 26, 2004, Anchorage. Regulatory meeting concerning Alaska Peninsula/Aleutian Islands finfish fisheries. All members fully participated in board matters.

April 4 – 5, 2004, Anchorage. Regulatory meeting concerning the Prince William Sound salmon allocation plan. All members fully participated in board matters.

Anne-Marie Palumbo

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July 1 and 5, 2004, Teleconference. Regulatory meeting concerning Kaslof River sockeye salmon fisheries. All members fully participated in board matters.

July 19, 2004, Teleconference. Regulatory meeting concerning Kaslof River and Kenai River late-run sockeye fisheries. The chair ruled that board member Mel Morris had a conflict of interest on the emergency petition that was before the board. Mr. Morris did not participate in deliberations or voting during this meeting.

August 4, 2004, Teleconference. Regulatory meeting concerning Cook Inlet Eastside commercial setnet and Kenai River personal use fisheries. All members fully participated in board matters.

September 28, 2004, Teleconference. Regulatory meeting concerning Kenai River coho fisheries. All members fully participated in board matters.

November 11 - 13, 2004, Anchorage. Regulatory meeting concerning Lower Cook Inlet Area finfish fisheries. The chair ruled that board member Ed Dersham had a conflict of interest on proposals 17 (concerning guide registration), 18 (concerning Dolly Varden management plan), 19 and 20 (both concerning trout fisheries), 21 (requiring presentment of fishing gear upon request) and 23 (prohibiting the use of a gaff on fish intended to be released). Mr. Dersham did not participate in deliberations or voting on these proposals during the meeting. The chair also ruled that board member Robert Heyano had a conflict of interest on proposal 33 (concerning the amount of allowable drift gillnet gear in Bristol Bay). Mr. Heyano did not participate in deliberations or voting on this proposal during the meeting.

November 14 - 17, 2004, Anchorage. Regulatory meeting concerning Chignik Area finfish fisheries. The chair ruled that board member John Jensen had a conflict of interest in an emergency petition that was submitted to the board, concerning Durgeness crab fisheries in Southeast Alaska. Mr. Jensen did not participate in deliberations or voting on this emergency petition during the meeting.

January 7 - 10, 2005, Anchorage. Regulatory meeting concerning Kodlak Area finfish fisheries. The chair ruled that board member Robert Heyano had a conflict of interest on proposals 95, 97, and 98 (herring fisheries). Mr. Heyano did not participate in deliberations or voting on these proposals during the meeting.

January 17 - 29, 2005, Anchorage. Regulatory meeting concerning Upper Cook Inlet Area finfish fisheries. The chair ruled that board member Ed Dersham had a conflict of interest on proposals 149 (concerning restrict nonresident user before restricting resident user), 250 (concerning nonresident angler limit for king salmon), and 298 (limiting the number of pounds of sport-caught fish that can be exported). Mr. Dersham did not participate in deliberations or voting on these proposals during the meeting. The chair also ruled that board member Mel Morris had a conflict of interest on proposals 144, 145, 147, 148, 151, 153, 154, 155, 156, 191 (concerning Kenai late-run sockeye commercial fisheries), 158 (concerning Russian River sockeye salmon fisheries), 178, 188, 192, 194, 196 (concerning Northern District commercial salmon fisheries), 189 (concerning Central District weekly fishing periods), 217 and 224 (concerning allowable commercial gear), 231, 234, 235, 239, 242, and 243 (concerning changes to the Upper Cook Inlet Salmon Management Plan). Mr. Morris did not participate in deliberations or voting on these proposals during the meeting.

cc: Art Nelson, Chairman
Lance Nelson, Dept. of Law

STATE OF ALASKA

DEPARTMENT OF FISH AND GAME

BOARDS SUPPORT SECTION

FRANK H. MURKOWSKI, GOVERNOR

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TO: Anne-Marie Palumbo
Associate Attorney
Department of Law

DATE: May 12, 2005

FROM: Diana Cote 
Executive Director
Alaska Board of Fisheries

PHONE: 485-6095

FAX: 485-6094

RE: Executive Branch Ethics Act,
AS 39.52 Quarterly Report
January through March 2005

As executive director and on behalf of the chair of the Board of Fisheries, following is submitted as the ethics reports for the quarter beginning January 1, 2005 through March 31, 2005. Please note that the information concerning the two January 2005 meetings below was previously reported in a memorandum dated March 4, 2005.

During this time period, the Board of Fisheries met as follows:

January 7 – 10, 2005, Anchorage. Regulatory meeting concerning Kodiak Area finfish fisheries. The chair ruled that board member Robert Heyano had a conflict of interest on proposals 95, 97, and 98 (herring fisheries). Mr. Heyano did not participate in deliberations or voting on these proposals during the meeting.

January 17 – 29, 2005, Anchorage. Regulatory meeting concerning Upper Cook Inlet Area finfish fisheries. The chair ruled that board member Ed Dersham had a conflict of interest on proposals 149 (concerning restrict nonresident user before restricting resident user), 250 (concerning nonresident angler limit for king salmon), and 298 (limiting the number of pounds of sport-caught fish that can be exported). Mr. Dersham did not participate in deliberations or voting on these proposals during the meeting. The chair also ruled that board member Mel Morris had a conflict of interest on proposals 144, 145, 147, 148, 151, 153, 154, 155, 156, 191 (concerning Kenai late-run sockeye commercial fisheries), 158 (concerning Russian River sockeye salmon fisheries), 178, 188, 192, 194, 196 (concerning Northern District commercial salmon fisheries), 189 (concerning Central District weekly fishing periods), 217 and 224 (concerning allowable commercial gear), 231, 234, 235, 239, 242, and 243 (concerning changes to the Upper Cook Inlet Salmon Management Plan). Mr. Morris did not participate in deliberations or voting on these proposals during the meeting.

March 7 – 13, 2005, Anchorage. Regulatory meeting concerning statewide king and Tanner crab fisheries, and supplemental issues. The chair ruled that board member Robert Heyano had a conflict of interest on a portion of proposal 456 (as related to the request to establish an optimal escapement goal for Kvichak River sockeye salmon), and proposals 420 (Bering Sea/Aleutian Islands king and Tanner crab community development quota), 424 and 426 (pot gear in BS/AI

Anne-Marie Palumbo

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king and Tanner crab fisheries). Mr. Heyano did not participate in deliberations or voting on these proposals during the meeting. In addition, the chair ruled that board member John Jensen had a conflict of interest on proposals 402, 404 (Southeast Alaska Tanner crab fisheries), and 457 (king salmon fisheries in Taku and Stikine rivers in Southeast Alaska). Mr. Jensen did not participate in deliberations or voting on these proposals during the meeting.

cc: Art Nelson, Chairman
Lance Nelson, Dept. of Law

STATE OF ALASKA

FRANK H. MURKOWSKI, GOVERNOR

DEPARTMENT OF FISH AND GAME**BOARDS SUPPORT SECTION**

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TO: Anne-Marie Palumbo
Associate Attorney
Department of Law

DATE: December 30, 2005

FROM: Diana Cote 
Executive Director
Alaska Board of Fisheries

PHONE: 465-6096

FAX: 465-6094

RE: Executive Branch Ethics Act,
AS 39.52 Quarterly Report
October through December 2005

As executive director and on behalf of the chair of the Board of Fisheries, following is submitted as the ethics reports for the quarter beginning October 1, 2005 through December 31, 2005.

During this time period, the Board of Fisheries met as follows:

October 13 - 14, 2005, Girdwood. Nonregulatory meeting concerning organization for the 2005/2006 meeting cycle. All members participated fully in board matters.

October 15 - 18, 2005, Girdwood. Regulatory meeting concerning state waters trawl fisheries for pollock in Cook Inlet/Central Gulf, Western Gulf of Alaska, and Aleutian Islands areas. The chair ruled that board member Mel Morris had a conflict of interest on the Central Gulf of Alaska portion of the proposal. Mr. Morris did not participate in deliberation or voting on this portion of the proposal during the meeting.

November 15 - 16, 2005, Anchorage. Regulatory meeting concerning Chignik purse seine cooperative fishery. All members participated fully in board matters.

December 1 - 6, 2005, Valdez. Regulatory meeting concerning Prince William Sound, Upper Copper River, and Upper Susitna River finfish issues. The chair ruled that board member Robert Heyano had a conflict of interest on proposals 78 and 79. Mr. Heyano did not participate in deliberation or voting on this portion of the proposal during the meeting.

December 29, 2005, Teleconference. Nonregulatory meeting concerning scheduling issues for the January and March 2006 meetings. All members participated fully in board matters.

cc: Art Nelson, Chair
Lance Nelson, Dept. of Law

FRANK H. MURKOWSKI, GOVERNOR

DEPARTMENT OF FISH AND GAME**BOARDS SUPPORT SECTION**

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PHONE: (907) 465-4110
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TO: Anne-Marie Palumbo
Associate Attorney
Department of Law

DATE: April 6, 2006

FROM: Jim Marcotte
Executive Director
Alaska Board of Fisheries

PHONE: 465-6095
FAX: 465-8094

RE: Executive Branch Ethics Act,
AS 39.52 Quarterly Report
January through March 2006

As executive director and on behalf of the chair of the Board of Fisheries, following is submitted as the ethics reports for the quarter beginning January 1, 2006 through March 31, 2006.

During this time period, the Board of Fisheries met as follows:

January 22 – February 1, 2006, Ketchikan. Regulatory meeting concerning Southeast Alaska and Yakutat finfish. The chair ruled that board member John Jensen had a conflict on proposals 84, 87, 88, 103-106, 111, 117, 123-127, 131, 133, 134, 136, 138-142, 156-158, 160-164, 166-168, 170, 186, 188, 189, and 192. These proposals addressed herring and salmon fisheries. Mr. Jensen did not participate in deliberation or voting on these proposals.

February 20 – 26, 2006, Ketchikan. Regulatory meeting concerning Southeast Alaska groundfish, Dungeness crab, shrimp, and miscellaneous shellfish and Aleutian Islands area Pacific cod fishery. The chair ruled that board member Robert Heyano had a conflict of interest on proposal 399 to establish an Aleutian Islands district Pacific cod fishery. That determination was overridden by a vote of the board after further discussion of Mr. Heyano's involvement in a Community Development Quota program. The board concluded that the establishment of a state managed fishery was a broader state policy issue and that the relationship between Mr. Heyano's CDQ program and the proposed fishery was insignificant. The vice chair ruled that board member Art Nelson had a conflict of interest on proposal 399. Mr. Nelson did not participate in deliberation or voting on this proposal. The chair ruled that board member John Jensen had a conflict on proposals 226-234, 269, and 271-282. These proposals addressed Dungeness crab and groundfish fisheries. Mr. Jensen did not participate in deliberation or voting on these proposals.

March 17 – 23, 2006, Anchorage. Regulatory meeting concerning statewide Dungeness crab, shrimp, and miscellaneous shellfish (except Southeast and Yakutat) and supplemental issues. The chair ruled that board member Robert Heyano had a conflict proposal 396 to alter CDQ crab quotas. Mr. Heyano did not participate in deliberation or voting on this proposal.

FRANK H. MURKOWSKI, GOVERNOR

DEPARTMENT OF FISH AND GAME

BOARDS SUPPORT SECTION

P.O. BOX 25526
JUNEAU, AK 99802-5526
PHONE: (907) 465-4110
FAX: (907) 465-6094

**TO: Anne-Marie Palumbo
Associate Attorney
Department of Law**

DATE: April 6, 2006

**FROM: Jim Marcotte
Executive Director
Alaska Board of Fisheries**

**PHONE: 465-6095
FAX: 465-6094**

**RE: Executive Branch Ethics Act,
AS 39.52 Quarterly Report
January through March 2006**

As executive director and on behalf of the chair of the Board of Fisheries and Board of Game, following is submitted as the ethics reports for the quarter beginning January 1, 2006 through March 31, 2006.

During this time period, the Board of Fisheries and Board of Game met jointly as follows:

March 21, 2006, Anchorage. Regulatory meeting concerning qualifications for advisory committee membership. All members participated fully in board matters.

**cc: Kristy Tibbles, Executive Director, Board of Game
Lance Nelson, Dept. of Law
Steve Daugherty, Dept. of Law**

Summary of Board of Fisheries Vote Abstentions (2001-2006)



**Board Support Section
Alaska Department of Fish and Game
January 29, 2007**

Summary of Board of Fisheries Vote Abstentions (2001-2006)

2001/2002 COOK INLET/KODIAK CYCLE

<u>Meeting dates</u>	<u>Topics</u>	<u>Proposals</u>	<u>Engel</u>	<u>Coffey</u>	<u>Miller</u>	<u>White</u>	<u>R. Nelson</u>	<u>Dersham</u>	<u>Umphenour</u>	<u>Comments</u>
Oct. 11-13, 2001	Worksession (17 ACRs)	0	0	0	0	0	0	0	0	
Nov. 8-12, 2001	Lower Cook Inlet	44	0	0	0	0	0	12	0	Dersham conflict on 15-20, 24, 25, 29, 30, 35, 36 salmon
Nov. 13-14, 2001	Groundfish, Crab	7	0	0	0	0	0	0	0	
Jan. 7-14, 2002	Kodiak and Chignik finfish	69	0	0	0	0	0	0	0	
Feb. 6-20, 2002	Upper Cook Inlet finfish	291	0	0	0	0	0	27	0	Dersham conflict on 126, 147-150, 152-162, 201-206, 265, 266, 285-287 (guided fisheries and saltwater sport salmon).
Mar. 14-21, 2002	Statewide king and Tanner crab, supplemental issues	107	0	0	3	0	0	0	0	Miller conflict on 475, 480, and 483 (crab and Area A)
Jun. 16, 2002	VMS, Kenai chinook	2	0	0	0	0	0	0	0	
TOTAL NUMBER OF PROPOSALS FOR CYCLE:		520	0	0	3	0	0	39	0	
NUMBER OF PROPOSALS WITH CONFLICT:		42								
PERCENT OF PROPOSALS WITH CONFLICT:		8.1%								
TOTAL NUMBER OF VOTES		3,640								
NUMBER OF VOTES WITH CONFLICT:		42								
PERCENT OF VOTES WITH CONFLICT:		1.2%								
MAXIMUM PERCENTAGE OF MEMBER CONFLICTS PER MEETING:		9.3%								

Summary of Board of Fisheries Vote Abstentions (2001-2006)

2002/2003 PWS AND SOUTHEAST CYCLE

<u>Meeting dates</u>	<u>Topics</u>	<u>Proposals</u>	<u>Engel</u>	<u>Jordan</u>	<u>White</u>	<u>Szczesny</u>	<u>R. Nelson</u>	<u>Dersham</u>	<u>Holm</u>	<u>Comments</u>
Oct. 17-19, 2002	Worksession (36 ACRs)	0	0	0	0	0	0	0	0	
Oct. 20-21, 2002	Groundfish, Chinook	5	0	0	0	0	0	0	0	
			<u>Engel</u>	<u>Jordan</u>	<u>vacant</u>	<u>Szczesny</u>	<u>R. Nelson</u>	<u>Dersham</u>	<u>Holm</u>	
Dec. 5-6, 2002	Chinook	16	0	0	0	0	0	0	0	
			<u>Engel</u>	<u>Morris</u>	<u>Jensen</u>	<u>A. Nelson</u>	<u>R. Nelson</u>	<u>Dersham</u>	<u>Andrews</u>	
Jan. 20-28, 2003	Southeast herring, groundfish, Dungeness crab, shrimp, misc. shellfish	174	0	0	19	0	0	0	0	Jensen conflict on 188, A, 200-208, 212-216, 218, 220 (Dungeness crab).
Jan. 31-Feb. 5, 2003	Prince William Sound and Copper River finfish	104	0	0	0	0	0	0	0	
Feb. 20-28, 2003	Southeast and Yakutat finfish	122	0	0	16	0	0	0	0	Jensen conflict on 366-370 (Hidden Falls, Deep Inlet, and Anita Bay terminal area), 380 (allocation), 383-385, 388-392 (allocation and seasons), and 210-211 (Dungeness crab).
Mar. 17-25, 2003	Statewide dungeness crab, shrimp, misc. shellfish, supplemental issues	71	0	0	0	0	0	0	0	
Apr. 30, 2003	Dutch Harbor food and bait herring	1	0	0	0	0	0	0	0	
May 14, 2003	Dutch Harbor food and bait herring	1	0	0	0	0	0	0	0	
Jun. 24, 2003	Bristol Bay red king crab	2	0	0	0	0	0	0	0	
TOTAL NUMBER OF PROPOSALS FOR CYCLE:		496	0	0	35	0	0	0	0	
NUMBER OF PROPOSALS WITH CONFLICT:		35								
PERCENT OF PROPOSALS WITH CONFLICT:		7.1%								
TOTAL NUMBER OF VOTES		3,472								
NUMBER OF VOTES WITH CONFLICT:		35								
PERCENT OF VOTES WITH CONFLICT:		1.0%								
MAXIMUM PERCENTAGE OF MEMBER CONFLICTS PER MEETING:		13.1%								

Summary of Board of Fisheries Vote Abstentions (2001-2006)

2003/2004 BRISTOL BAY, A-Y-K, ALASKA PENINSULA CYCLE

<u>Meeting dates</u>	<u>Topics</u>	<u>Proposals</u>	<u>Morris</u>	<u>A. Nelson</u>	<u>Jensen</u>	<u>Andrews</u>	<u>R. Nelson</u>	<u>Dersham</u>	<u>Bouse</u>	<u>Comments</u>
Oct. 1-3, 2003	Worksession (24 ACRs)	0	0	0	0	0	0	0	0	
Oct. 4, 2003	Pribilof Islands blue king crab	1	0	0	0	0	0	0	0	
Nov. 12-17, 2003	Statewide finfish	31	0	0	1	0	0	0	0	Jensen conflict on Area A registration
Nov. 18-19, 2003	Chignik purse seine coop fishery	6	0	6	0	0	0	0	0	Nelson conflict on all proposals
Dec. 9-17, 2003	Bristol Bay finfish	75	0	0	0	0	0	0	0	
Jan. 12-19, 2004	Arctic-Yukon-Kuskokwim finfish	32	0	0	0	0	0	0	0	
Feb. 15-26, 2004	Alaska Peninsula/Aleutian Islands finfish	84	0	0	0	0	0	0	0	
Apr. 4-5, 2004	Prince William Sound allocation plan	2	0	0	0	0	0	0	0	
TOTAL NUMBER OF PROPOSALS FOR CYCLE:		231	0	6	1	0	0	0	0	
NUMBER OF PROPOSALS WITH CONFLICT:		7								
PERCENT OF PROPOSALS WITH CONFLICT:		3.0%								
TOTAL NUMBER OF VOTES		1,617								
NUMBER OF VOTES WITH CONFLICT:		7								
PERCENT OF VOTES WITH CONFLICT:		0.4%								
MAXIMUM PERCENTAGE OF MEMBER CONFLICTS PER MEETING:		3.2%								

Summary of Board of Fisheries Vote Abstentions (2001-2006)

2004/2005 COOK INLET/KODIAK CYCLE

<u>Meeting dates</u>	<u>Topics</u>	<u>Proposals</u>	<u>Morris</u>	<u>A. Nelson</u>	<u>Jensen</u>	<u>Andrews</u>	<u>Heyano</u>	<u>Dersham</u>	<u>Bouse</u>	<u>Comments</u>
Jul. 1, 2004	Teleconference re Kaslof sockeye	1	0	0	0	0	0	0	0	
Jul. 5, 2004	Teleconference re Kaslof sockeye	1	0	0	0	0	0	0	0	
Jul. 19, 2004	Teleconference re Kaslof and Kenai late-run sockeye	1	1	0	0	0	0	0	0	Morris conflict on emergency petition re Cook Inlet
Aug. 4, 2004	Teleconference re Cook Inlet eastside commercial and Kenai personal use	1	0	0	0	0	0	0	0	
Sep. 28, 2004	Teleconference re Kenai River coho	1	0	0	0	0	0	0	0	
Oct. 5-7, 2004	Worksession (24 ACRs)	0	0	0	0	0	0	0	0	
Nov. 11-13, 2004	Lower Cook Inlet finfish	34	0	0	0	0	3	6	0	Dersham conflict on 17-21 and 23 (guide registration, Dolly Varden, trout, enforcement, and gaff use). Heyano conflict on 33 (Bristol Bay drift gear).
Nov. 14-17, 2004	Chignik finfish	33	0	0	1	0	0	0	0	Jensen conflict with emergency petition re Dungeness crab in southeast.
Jan. 7-10, 2005	Kodiak finfish	134	0	0	0	0	3	0	0	Heyano conflict on three herring proposals
Jan. 17-29, 2005	Upper Cook Inlet finfish	258	25	0	0	0	0	3	0	Dersham conflict on 149, 250, and 289. Morris conflict on 144, 145, 147, 148, 151, 153-166, 191 (Kenai sockeye), 158 (Russian River sockeye), 178, 188, 182, 194, 195 (Northern District salmon), 189 (Central District periods), 231, 134, 135, 139, 242, and 243 (Upper Cook Inlet plans).
Mar. 7-13, 2005	Statewide king and Tanner crab, supplemental issues	68	0	0	3	0	4	0	0	Heyano conflict on Proposals 458 (OEG for Kvichak), 420 (Bering sea crab CDQ) 424 & 426 (pot gear Bering sea crab). Jensen conflict on 402 & 404 (Southeast Tanner crab) and 457 (Taku and Sitkine king salmon)
TOTAL NUMBER OF PROPOSALS FOR CYCLE:		532	26	0	4	0	10	9	0	
NUMBER OF PROPOSALS WITH CONFLICT:		49								
PERCENT OF PROPOSALS WITH CONFLICT:		9.2%								
TOTAL NUMBER OF VOTES		3,724								
NUMBER OF VOTES WITH CONFLICT:		49								
PERCENT OF VOTES WITH CONFLICT:		1.3%								
MAXIMUM PERCENTAGE OF MEMBER CONFLICTS PER MEETING:		9.7%								

Summary of Board of Fisheries Vote Abstentions (2001-2006)

2005/2006 PWS AND SOUTHEAST CYCLE

		<u>Proposals</u>	<u>Morris</u>	<u>A. Nelson</u>	<u>Jensen</u>	<u>Andrews</u>	<u>Heyano</u>	<u>Campbell</u>	<u>Bouse</u>	<u>Comments</u>
Oct. 13-14, 2005	Worksession (45 ACRs)	0	0	0	0	0	0	0	0	
Oct. 15-16, 2005	State-waters trawl	3	1	0	0	0	0	0	0	Morris conflict on Central Gulf of Alaska portion of proposal
Nov. 15-16, 2005	Chignik salmon	1	0	0	0	0	0	0	0	
Dec. 1-8, 2005	Prince William Sound and Copper River finfish	84	0	0	0	0	2	0	0	Heyano conflict on Proposals 78 and 79 (sablefish, herring)
Dec. 29, 2005	Teleconference re Adak P-cod	0	0	0	0	0	0	0	0	
Jan. 22-Feb. 1, 2006	Southeast and Yakutat finfish	142	0	0	39	0	0	0	0	Jensen conflict on specific salmon and herring proposals
Feb. 20-26, 2006	Southeast groundfish, dungeness crab, shrimp, misc. shellfish; plus Aleutian Island P-cod	82	0	1	22	0	0	0	0	Nelson conflict on Proposal 398 (Aleutian Islands P-cod); Jensen conflict on 226-234, 269, and 271-282 (crab, groundfish)
Mar. 17-23, 2006	Statewide dungeness crab, shrimp, misc. shellfish, supplemental issues	107	0	1	0	0	1	0	0	Heyano conflict on Proposal 396 (alter CDQ crab quotas); Nelson conflict on Nunavak coop plan
May 3, 2006	Bering Sea crab	1	0	0	0	0	0	0	0	
TOTAL NUMBER OF PROPOSALS FOR CYCLE:		420	1	2	61	0	3	0	0	
NUMBER OF PROPOSALS WITH CONFLICT:		67								
PERCENT OF PROPOSALS WITH CONFLICT:		16.0%								
TOTAL NUMBER OF VOTES		2,940								
NUMBER OF VOTES WITH CONFLICT:		67								
PERCENT OF VOTES WITH CONFLICT:		2.3%								
MAXIMUM PERCENTAGE OF MEMBER CONFLICTS PER MEETING:		27.5%								

Summary of Board of Fisheries Vote Abstentions (2001-2006)

2006/2007 BRISTOL BAY, AYK, ALASKA PENINSULA CYCLE

<u>Meeting dates</u>	<u>Topics</u>	<u>Proposals</u>	<u>Morris</u>	<u>A. Nelson</u>	<u>Jensen</u>	<u>Andrews</u>	<u>Heyano</u>	<u>Campbell</u>	<u>Williams</u>	<u>Comments</u>
Oct. 12-13, 2006	Worksession (29 ACRs)	0	0	0	0	0	0	0	0	
Oct. 14-15, 2006	State-waters trawl	6	1	0	0	0	0	0	0	Morris conflict on Cook Inlet Pollock
Oct. 31, 2006	Teleconference re Adak pollock	0	0	0	0	0	0	0	0	
Dec. 4-12, 2006	Bristol Bay finfish	120	0	0	0	0	38	0	0	Heyano conflict on Nushagak River salmon, herring
Jan. 31-Feb. 5, 2007	Arctic-Yukon-Kuskokwim finfish	56								
Feb. 6-11, 2007	Alaska Peninsula/Aleutian Islands finfish	48								
Mar. 9-13, 2007	Statewide finfish	26								
TOTAL NUMBER OF PROPOSALS FOR CYCLE:		256	1	0	0	0	38	0	0	
NUMBER OF PROPOSALS WITH CONFLICT:		39								
PERCENT OF PROPOSALS WITH CONFLICT:		15.2%								
TOTAL NUMBER OF VOTES		1,792								
NUMBER OF VOTES WITH CONFLICT:		39								
PERCENT OF VOTES WITH CONFLICT:		2.2%								
MAXIMUM PERCENTAGE OF MEMBER CONFLICTS PER MEETING:		31.7%								

Six-year summary for 2001/2002 through 2006/2007 cycles

MEAN NUMBER OF PROPOSALS PER CYCLE:	409	(Range: 231 - 532)
MEAN NO. OF PROPOSALS WITH CONFLICT:	40	(Range: 7 - 67)
PERCENT OF PROPOSALS WITH CONFLICT:	9.7%	(Range: 3.0 - 15.7%)
MEAN NUMBER OF VOTES PER CYCLE:	2,864	(Range: 1,717 - 3,724)
MEAN NUMBER OF VOTES WITH CONFLICT:	40	(Range: 7 - 67)
PERCENT OF VOTES WITH CONFLICT:	1.4%	(Range: 0.4 - 2.2%)
AVERAGE MAXIMUM PERCENTAGE OF MEMBER CONFLICTS PER MEETING:	15.7%	(Range: 3.2 - 31.7%)



UNITED FISHERMEN OF ALASKA

211 Fourth Street, Suite 110
Juneau, Alaska 99801-1172
(907) 586-2820
(907) 463-2545 Fax
E-Mail: ufa@ufa-fish.org
www.ufa-fish.org

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.

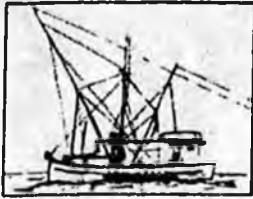
UFA is the largest statewide commercial fishing trade association, representing 36 organizations participating in fisheries throughout Alaska and its offshore waters. We appreciate your consideration on this legislation.

Sincerely,

Mark Vinsel
Executive Director

MEMBER ORGANIZATIONS

Alaska Crab Coalition • Alaska Druggers Association • Alaska Independent Tendermen's Association • Alaska Longline Fishermen's Association
Alaska Shellfish Association • Alaska Trollers Association • Armstrong Keta • At-sea Processors Association • Bristol Bay Preserve
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 • Silka 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
Valdez 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) 248-8614
(907) 248-8813 Fax
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.

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.

● Page 2

February 1, 2007

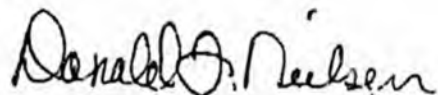
Section 3, by virtue of Section 7 to the proposed House Bill 15, would allow any appointees to the Board of Fisheries a free pass for a period of four years, that is, coincidentally, the length of time of the first term of the present administration with respect to the Board of Fishery matters. Section 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

9369 North Douglas Highway

Juneau, AK 99801

Phone 907-586-6652

Fax 907-523-1168

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



E-mail: seafa@gci.net

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,

A handwritten signature in black ink, appearing to read "Kenneth Duckett".

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@gci.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),

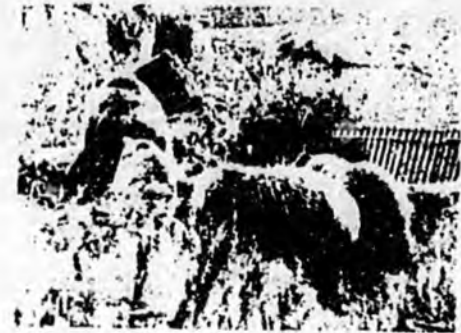
The governor shall appoint each member on the basis of interest in public affairs, good judgment, knowledge, and the ability in the field of action of the board and with a view to providing diversity of interest and points of view in the membership.

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 Kiutsch
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.