

ALASKA LEGISLATURE SPECIAL COMMITTEE/SUBJECT FILES 8672

3048 SCOMM 138: HOUSE SPECIAL COMMITTEE ON FISHERIES 2005-2006 234

SCOMM

138:12

HOUSE COMMITTEE REPORT

Date Referred to Committee: April 1, 2005

FURTHER REFERRALS: Resources

Date of Committee Action: _____

The HOUSE SPECIAL COMMITTEE ON FISHERIES considered:

HB 241

HOUSE BILL NO. 241

BOARD OF FISHERIES CONFLICTS OF INTEREST

"An Act relating to participation in matters before the Board of Fisheries by members of the board; and providing for an effective date."

Recommends it be replaced with [] HCS or [] CS for _____ (_____)

For Senate Bills with new title: ☐ Technical Title ☐ New Title: HCR_____ ☐ Same Title ☐ New Title

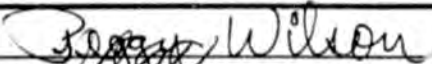
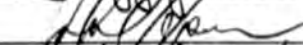
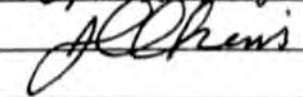
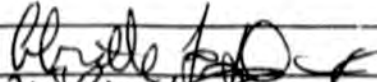
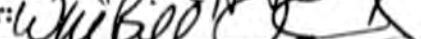
☐ attach amendments

☐ add new referral to _____ Committee

[] Letter of Intent _____ Committee

*List of
Abbrev
for
Depts.:*
ADM
CED
COR
CRT
EED
DEC
DFG
GOV
HSS
LEG
LAW
LWF
MVA
DNR
DPS
REV
DOT
UA

[illegible][illegible]

Signing with recommendations		Printed Last Name	DP	DNP	NR	AM
		WILSON	X			
		HARRIS	X			
		Sam			X	
		ELLIS	L			
Chair: 		Lundy	✓			
Chair: 		Thomas	✓			



Alaska State Legislature

Representative Peggy Wilson

House District 2

Putting Alaska's Families First

*ASAC
Jerry McCune
requested*

MEMORANDUM

Date: April 1, 2005

To: Representative Bill Thomas Co-Chair House Fisheries Committee
Representative Gabrielle LeDoux Co-Chair House Fisheries Committee

From: Representative Peggy Wilson *W*

Re: HB 241 "Board of Fisheries Conflicts of Interest"

The Joint Salmon Industry Task Force recommended in their January 31st, 2003 report to the 23rd Alaska State Legislature that this exact piece of legislation be introduced and passed by the legislature.

The Task Force and I are very concerned with the Board of Fisheries conflict of interest policy. The Task Force and I feel that the Board of Fisheries is not as effective as it should be when members with the most knowledge and experience in certain areas must excuse themselves when those issues arise.

Therefore I have introduced HB 241. I request that you schedule HB 241 for a hearing before the House Special Committee on Fisheries as soon as possible.

I have attached the sponsor statement and a copy of the legislation. Thanks for your consideration.



Alaska State Legislature

Representative Peggy Wilson

House District 2

Putting Alaska's Families First

SPONSOR STATEMENT

HB 241

Board of Fisheries Conflicts of Interest

HB 241 implements changes recommended by the Joint Salmon Industry Task Force to the Board of Fisheries conflict of interest policy. The Board of Fisheries is not as effective as it should be when members with the most knowledge and experience in certain areas must excuse themselves when those issues arise.

The Board of Fisheries is a lay board composed of members with various backgrounds and expertise. Some members are involved in the commercial fishing industry, some in recreational fishing, some are fishing lodge owners and others are public members with an interest in fisheries. Under current policy certain members are conflicted out of participation, which removes them from public record. It would be a better policy to have members state whatever conflict they may have on the record, participate on the record, and vote on the record. These people have knowledge and experience that should be used to assist the Board of Fisheries in making the best possible decisions. Currently they are not allowed to use that expertise. This must be corrected. It is critical that all members of the Board of Fisheries be allowed to use their valuable expertise to add important information and perspective to the subjects being discussed and voted upon.

This bill requires Board of Fisheries members to disclose a personal or financial interest on the record before participating in matters before the board. If they disclose a conflict of interest this would not disqualify a board member from participating in and voting on matters before the board.

I ask for your support of HB 241.

ALASKA STATE LEGISLATURE



Interim:
P.O. Box 109
Wrangell, AK 99929
Phone: (907) 874-3088
Fax: (907) 874-3055

Session:
State Capitol, Room 108
Juneau, AK 99801-1182
Phone: (907) 465-3624
Fax: (907) 465-3175

**REPRESENTATIVE PEGGY WILSON
HOUSE DISTRICT 2**

Fact Sheet for: House Bill 241

Short Title: Board of Fisheries Conflicts of Interest

Summary:

- Changes the conflict of interest policy for the Board of Fisheries – members will declare their conflict, but still participate in discussion and voting.

Benefits:

- Increases the efficiency of the Board of Fisheries by allowing members with the most knowledge and experience in a particular area to participate on the record and to vote on the record instead of having to remove themselves from discussion and voting because of a conflict.

Background:

- HB 241 implements changes recommended by the Joint Salmon Industry Task Force to the Board of Fisheries conflict of interest policy. The Task Force realized that the board is not as effective as it should be when members with the most knowledge and experience in certain areas must excuse themselves when those issues arise.



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

April 4, 2005

Representative Gabrielle LeDoux, Co-Chair
House Special Committee on Fisheries
Alaska House of Representatives
State Capitol (Mail Stop 3100)
Juneau AK 99801-1182

Dear Representative LeDoux,

United Fishermen of Alaska supports passage of HB 241 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 Board members, especially those most informed of the issues concerning a fishery, be able to participate in the discussions and decision making process. UFA feels that the requirement to disclose financial interest while allowing participation works in the legislature and can work in the Board of Fisheries.

We appreciate your consideration on this legislation.

Sincerely,

Mark Vinsel
Executive Director

MEMBER ORGANIZATIONS

Alaska Crab Coalition • Alaska Druggers Association • Alaska Longline Fishermen's Association • Armstrong Keta • At-sea Processors Association
Bristol Bay Reserve • Concerned Area "M" Fishermen • Cordova District Fishermen United • Douglas Island Pink and Chum
Fishing Vessel Owners Association • Groundfish Forum • Kenai Peninsula Fishermen's Association • Kodiak Regional Aquaculture Association
North Pacific Fisheries Association • North Pacific Scallop Cooperative • 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 • Southeast Alaska Herring Seiners Marketing 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 Salmon Association • United Southeast Alaska Gillnetters
Valdez Fisheries Development Association • Western Gulf of Alaska Fishermen



43961 Kalifornsky Beach Road • Suite F • Soldotna, Alaska 99669
(907) 262-2492 • Fax: (907) 262-2898 • E Mail: kpfa@alaska.net

FAX
Cover Sheet
(907) 262-2898 FAX

Date: April 13, 2005

Pages: 3
(Including Cover Sheet)

To: Representative Ladd

Attn: _____

FAX: (907) 465-4956

Subject: HB 241

If there are any problems with this transmission, please call the KPFA office at (907) 262-2492, send a FAX to (907) 262-2898, or email to kpfa@alaska.net.



43961 Kalifornsky Beach Road • Suite F • Soldotna, Alaska 99669
(907) 262-2492 • Fax: (907) 262-2898 • E Mail: kpfa@alaska.net

April 12, 2005

House Special Committee on Fisheries

Co-Chairs: Representative LeDoux and Representative Thomas
Representatives: Harris, Elkins, Wilson, Kapsner, Salmon

KPFA would like to thank Representative Wilson for introducing HB 241. We believe that this is crucial to allowing the Board of Fisheries to deliberate important issues without political interference.

Current board policy requires that all adopted proposals must have four votes of the board in order to pass. No debate, argument or information is allowed by an individual(s) who are conflicted out. No system for defining conflict is in policy except that the Chair would rule on a conflicted issue for the individual if requested or contested. This is very awkward and allows for definition with subjective reasoning.

Our experience with board members since statehood is that decisions by the board require as much personal knowledge by every board member that is available. It is expertise that prompts individuals to volunteer their services to the people of the state.

Current interpretation of conflicts seems to define commercial fishing as having more of a benefit to individual board members than commercial guiding. Yet definition in statutes that addresses legislative conduct states that even non-monetary or benefits to an individual can also be implied as a conflict.

This bill allows the affected users in the state a fair and equal voice to represent the issues openly, thoroughly and fairly.

We wonder what it would be like if doctors would not be allowed to advise on a physicians board or pharmacists or any other professional board. We would have non-professionals or those no longer involved promulgating rules for those that are.

TWO

The North Pacific Fisheries Regional Council is an example of a body that represents different segments of marine users and it is understood that the individual board members represent a high degree of knowledge on specific issues and events. It is our ardent belief that a good board is one that takes into consideration all available information and discusses it from all aspects of the problem and that this allows for more temperate and long term decision making. Something the current BOF does not incorporate at present.

Please support this bill and with a "do pass" out of this committee.

Respectfully,



Paul A. Shadura II
President

Petersburg Vessel Owners Association

PO Box 232

Petersburg, Alaska 99833

Phone: (907) 772-9323

Fax: (907) 772-4495

April 13, 2005

Representative Bill Thomas
Representative Gabrielle LeDoux
Co-Chairs
House Special Committee on Fisheries
Alaska State Legislature
Juneau, AK 99801-1182

Re: Support HB 241 Board of Fisheries Conflict of Interest

Petersburg Vessel Owners Association is a group of commercial fishermen who participate in many fisheries statewide. We support passage of this bill that would allow members of the Board of Fisheries who have a conflict of interest in a matter before the board to declare the conflict, then participate in deliberations and vote on the matter.

Generally, members of the Board of Fisheries are appointed because they have expertise in fisheries issues. It is inevitable that some of this expertise must be gained from participation in a fisheries business of some sort. The current statute prohibits board members with a conflict of interest from participating in discussions or voting. At times, this has resulted in the board member with the greatest expertise in the particular area or fishery being prohibited from providing important information to the board.

Due to the small size of the board and the complex nature of fisheries in this state, it is crucial that all board members, especially those with specific knowledge of the issues being discussed, be allowed to participate in discussions. We would like to note that this affects commercial fishermen, sport fishermen, processors, and charter boat operators that sit on the board.

We appreciate your consideration of these comments and hope you will support this bill. If we can assist you in any way, please feel free to contact us.

Respectfully,

Cora Crome
Director

Alaska Draggers Association

**P.O. Box 991
Kodiak, AK 99615
(907) 486-3910
alaska@ptialaska.net**

April 12, 2005

Representative Gabrielle LeDoux, Co-Chair
House Special Committee on Fisheries
Alaska House of Representatives
State Capital
Juneau, AK 99801

Dear Representative LeDoux:

The Alaska Draggers Association supports passage of HB 241 which provides that Board of Fish members can participate in matters before the Board, if they declare a conflict of interest in a particular fishery.

It's important that Board members be able to discuss all the matters before them. Fish Board members are among the most knowledgeable people in their particular aspect of the fisheries. It's important that they be able to contribute in the decision making process—as long as they clearly state their personal or financial interest in a particular fishery.

Thank you for your support of Kodiak's fishermen.

Sincerely,



Alvin R. Burch
Executive Director



Alaska Trollers Association

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

April 11, 2005

Representative Gabrielle LeDoux, Co-Chair
Representative Bill Thomas, Co-Chair
House Special Committee on Fisheries
Alaska House of Representatives
State Capitol (Mail Stop 3100)
Juneau AK 99801-1182

Dear Representative LeDoux:

The Alaska Trollers Association strongly supports HB 241, 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 the very issues they were most knowledgeable about. ATA believes that this has been damaging not only to the decision process, but has also acted as a deterrent to some individuals who wished 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 their actions. An exceptional group of fishermen has served on the BOF over the years and when they have been 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 241 – let all members of 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

Representative Gabrielle Ledoux, Co-Chair
House Special Committee on Fisheries
Alaska House of Representatives
State Capitol (Mail Stop 3100)
Juneau AK 99801-1182

April 12, 2005

Dear Representative LaDoux

I am in support of HB 241, which would allow for the members of the Board of Fisheries to participate in matters which come before the Board, if they declare their personal and/or financial interest in a fishery.

The Board of Fish process, which is central to the management structure for which the State of Alaska is known and held as an example of good stewardship, has worked well in most all cases since its inception. There are not many things which I believe could provide for substantive improvement in the process, however this is one of those few. We, the State and the users of the marine resources, spend a great deal of time and energy to find, evaluate, and support the members who serve this process. They are held to be some of the most knowledgeable and involved members of the community at large, with the transparency that comes with the disclosure requirement it is counterproductive to limit the very expertise that we so ardently sought because they have some involvement in a specific area of the resource, it is exactly why we asked them to serve. I realize that there are some people who will say that the conflict which arises when a decision might bring an economic change/benefit to a fishery is not appropriate use of the position, however after some thirty years in the industry and I don't know how many Board of fish meetings, with numerous different groupings of membership it is my firm conviction that the decisions rendered by any of the Boards (many that I have not agreed with) have always involved a class which has had significance to a broad sector of the users and while there may have been the potential for a personal gain, the basis for the decision lay in the class and with the resource. I personally believe that those who over the years have served the State and the resource have on average lost more economically than they have ever gained; it has always been wonderment to me that the process has been so effectively sustained. With the requirement for full disclosure, adoption of this legislation will maximize the utilization of the board members expertise and therefore improve the over all process.

Bruce Wallace
F/V Odyssey
P.O. Box 8572
Ketchikan Alaska 99901
9047 North Tongass Hi-way

Gig Decker
P.O. Box 2138
Wrangell, AK 99929
Ph: 907-874-3110
Fax: 907-874 4270
gigdecker@gci.net

House Fisheries Committee
Representative Gabrielle LeDoux
Representative Bill Thomas

April 12, 2005

RE: Support for HB 241

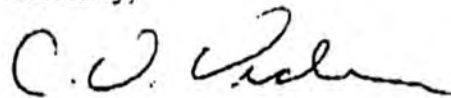
Dear Representatives LeDoux and Thomas,

I am writing on behalf of my personal fishing business in support of HB 241.

This bill will allow the Board of Fisheries to operate under similar conflict of interest rules as the State Legislature. This new system will allow members on the Board of Fisheries who have expertise in a certain area to any potential declare conflicts, but still participate in the discussions and voting.

Thanks for your consideration.

Sincerely,



Gig Decker

Cc: Mark Vinsel, Executive Director, United Fishermen of Alaska



United Cook Inlet Drift Association

43961 K-Beach Road, Suite E • Soldotna, Alaska 99669 • (907) 260-9436 • fax (907) 260-9438 • ucida@acsalaska.net

April 12, 2005

Representative Gabrielle LeDoux, Co-Chair
House Special Committee on Fisheries
Alaska House of Representatives
State Capitol (Mail Stop 3100)
Juneau AK 99801-1182

Dear Representative LeDoux:

United Cook Inlet Drift Association (UCIDA) supports passage of HB 241 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 board members, especially those most informed of the issues concerning a fishery, be able to participate in the discussions and decision making process. UCIDA feels that the requirement to disclose financial interest while allowing participation works in the legislature and can work in the Board of Fisheries.

We appreciate your consideration on this legislation.

Sincerely,

A handwritten signature in dark ink that reads "Roland R. Maw". The signature is written in a cursive, flowing style.

Roland R. Maw
Executive Director

Representative Gabrielle LeDoux, Co-Chair
House Special Committee on Fisheries
Alaska House of Representatives
Juneau, AK 99801
Fax 465-4956

Dear Representative LeDoux,

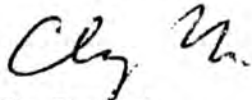
My name is Clay Bezenek, and I'm a commercial fisherman from Ketchikan. I've been fishing for 22 years, from Norton Sound to Tree Point.

I support HB 241 as it allows for, what I feel the most experienced people to be directly involved in fisheries decisions. There are enough checks and balances in the BOF process to allow for conflict declaration, and this bill, if it becomes law would be a useful tool for all members of the State.

During our last administration I had to grit my teeth every time there was an appointee, because there was a pattern developing that removed the most informed people from the process. I feel like we are just coming back to center now. Please help give us the tools to manage the State's resources with the most experienced and knowledgeable people available.

Thanks for your time,

Sincerely,



Clay Bezenek
Commercial Fisherman



**Obsession Fisheries L.L.C.
Perseverance Fisheries L.L.C.
Fishing Charters**

King • Opilio • Tanner • Salmon • Cod • Halibut

P.O. Box 3476 • Kodiak, Alaska 99615 • 907-487-2248 • Fax 907-487-2515

April 11, 2005

Representative Bill Thomas, Co Chair
Representative Gabrielle LeDoux, Co Chair
House Special Committee on Fisheries
Alaska House of Representatives
State Capitol (Mail Stop 3100)
Juneau AK 99801-1182

Dear Representative LeDoux

I support passage of HB 241 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 experience and expertise in some aspect of fishing. I think that all Board members, especially those most informed of the issues concerning a fishery, be able to participate in the discussions and decision making process. I feel that the requirement to disclose financial interest while allowing participation works in the legislature and can work in the Board of Fisheries.

I appreciate your consideration of this legislation.

Sincerely,

A handwritten signature in black ink, appearing to read "Jeff Steele", is written over the word "Sincerely,". The signature is fluid and cursive.

Jeff Steele

Cc: Peggy Wilson

FISCAL NOTE

STATE OF ALASKA
2005 LEGISLATIVE SESSION

Fiscal Note Number: _____
 Bill Version: H.B. 241
 () Publish Date: _____

Revision Date/Time (Note if correction): _____ Dept. Affected: Fish and Game
 Title An act relating to participation RDU Administration and Support
in matters before the Board of Fisheries Component Boards of Fisheries and Game
 Sponsor Representative Wilson
 Requester House Fisheries Committee Component No. 2048

Expenditures/Revenues

(Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011
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						
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 (FY2005) cost: 0.0

Mark this box (X) if funding for this bill is included in the Governor's FY 2006 budget proposal: ☐

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

Prepared by: Sarah Gilbertson Phone 465-6137
 Division Legislative Liaison Date/Time 4/12/05 6:30 PM
 Approved by: McKie Campbell, Commissioner Date 4/12/2005
 Agency Alaska Department of Fish & Game

Kimberly Wallace

HB 241

Kim =
is this
the
herring
bill

From: Linda Kozak [kozak@alaska.com]
Sent: Monday, April 04, 2005 6:14 PM
To: Kimberly Wallace
Subject: Re: HB0241A

Kim, is this bill likely to go somewhere? I would like to talk with you next week (if not too late) about this. ~~I am one of the reasons that the board has the current policy they have~~ - I was one of a group of Bristol Bay setnet fishermen who sued the board over conflict of interest in the 1980's when five of the seven were drift permit holders in the bay and voted on an issue against setnetters. It went to the ~~Supreme Court~~, where some of the board members were personally chastised by the court for their votes, which were clearly a conflict. Anyway, I'm at the Council meetings in Anchorage, but if next week isn't too late, could we chat? If it is, I could try to call you this week during a break in the meetings.

Thanks,
Linda Kozak

Kimberly Wallace wrote:

Please find attached House Bill 241 sponsored by Representative Wilson entitled: Board of Fisheries Conflicts of Interest

Please forward your comments to Kimberly_Wallace@legis.state.ak.us

Best regards, Kim

Kimberly Wallace
Legislative & Fisheries Committee Aide
Representative Gabrielle LeDoux
District 36
State Capitol
Juneau, AK 99801-1121
Phone: 907.465.2487
Fax: 907.465.4956

No virus found in this incoming message.

Checked by AVG Anti-Virus.

Version: 7.0.308 / Virus Database: 266.9.1 - Release Date: 4/1/2005

4/5/2005

HJ

Bill would allow BOF members to participate despite conflict

[print] [close]

Article published on Thursday, Apr 07th, 2005

By JAN DANIELSKI

text size: [-] [+]

Mirror Writer

Currently, members of the Alaska Board of Fisheries can not participate in board business if they have a personal stake in the issue under consideration.

That will change if House Bill 241 becomes law.

The bill, introduced April 1 by Rep. Peggy Wilson, R - Wrangell, is the second attempt by legislators to address a recommendation from the Joint Legislative Salmon Industry Task Force in 2003 to change the ethics disclosure policy for the BOF.

As it is written now, the bill would require all BOF members "to participate in the 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."

The proposed legislation further stipulates that before participating, members must disclose all personal or financial interests related to the issue in question.

Wilson would like the conflict-of-interest policy for the BOF to be more like that for the Alaska Legislature.

"It is frustrating when an appointed official cannot talk about or vote on an issue," Wilson said.

Members to the seven-person board are usually appointed because they have experience in some segment of the fisheries.

"The board needs to hear every angle of an issue in order to make the best decisions," she said.

"On the legislative floor we acknowledge conflicts of interests, disclose them and then go on to talk and vote."

The board needs to be able to do the same thing, Wilson said.

BOF member Mel Morris of Kodiak agreed.

"The only feeling I have is, (the way it is now) makes it hard to hear all sides of an issue," Morris said.

Those in the charter business interpret differently. There's no uniform agreement. The ultimate arbiter is the chair," Holm said.

Wilson agreed discrepancies exist.

"Commercial fishing interests are excluded every time," she said. "If a (board member is associated with) commercial sportfishing or lodges, it doesn't always happen."

Last year, Senate Bill 69 by Sen. Tom Wagoner, R - Kenai, proposed a similar change to BOF ethics disclosure policy but ran the bill up against the end of the session and died, according to several legislative aides.

The first hearing on HB 241 is expected next week.

"I've had to conflict myself out of 32 proposals this year because I have a business that operates in the Cook Inlet sockeye salmon fishery."

Furthermore, the current disclosure policy is interpreted differently by the board members, Morris said.

"Now it is up to the individual member to interpret if he is conflicted or not. It would be good to get some definition of what a conflict is," he said.

The interpretive quality of current policy also causes conflict among members associated with different segments of the fishing industry.

"People with commercial sportfishing aren't conflicted out like (those with) commercial fishing," Mark Vinsel, interim executive director of the United Fishermen of Alaska, said. "That comes into play every time we have a discussion about this."

UFA is a statewide organization representing commercial fishing groups, individuals, businesses and crewmembers. The organization supports HB 241.

Oliver Holm, formerly on the BOF and currently a member of the Alaska Department of Fish and Game Kodiak Advisory Committee, agreed there are differences in how members interpret the disclosure policy.

"It's unfair to commercial fishermen.

[print] [close]

(C) promote and strengthen the faith and confidence of the people of this state in public officers;

(3) holding public office or employment is a public trust and that as one safeguard of that trust, the people require public officers to adhere to a code of ethics;

(4) a fair and open government requires that executive branch public officers conduct the public's business in a manner that preserves the integrity of the governmental process and avoids conflicts of interest;

(5) in order for the rules governing conduct to be respected both during and after leaving public service, the code of ethics must be administered fairly without bias or favoritism;

(6) no code of conduct, however comprehensive, can anticipate all situations in which violations may occur nor can it prescribe behaviors that are appropriate to every situation; in addition, laws and regulations regarding ethical responsibilities cannot legislate morality, eradicate corruption, or eliminate bad judgment; and

(7) compliance with a code of ethics is an individual responsibility; thus all who serve the state have a solemn responsibility to avoid improper conduct and prevent improper behavior by colleagues and subordinates.

(b) The legislature declares that it is the policy of the state, when a public employee is appointed to serve on a state board or commission, that the holding of such offices does not constitute the holding of incompatible offices unless expressly prohibited by the Alaska Constitution, this chapter and any opinions or decisions rendered under it, or another statute. (§ 1 ch 87 SLA 1986; am § 80 ch 74 SLA 1998)

Effect of amendments. — The 1998 amendment, effective January 1, 1999, in subsection (a) rewrote paragraphs (1)-(3) and added paragraphs (4)-(7).

Article 2. Code of Ethics.

Section

- 110. Scope of code
- 120. Misuse of official position
- 130. Improper gifts
- 140. Improper use or disclosure of information
- 150. Improper influence in state grants, contracts, leases, or loans

Section

- 160. Improper representation
- 170. Outside employment restricted
- 180. Restrictions on employment after leaving state service
- 190. Aiding a violation prohibited

Administrative Code. — For executive branch code of ethics, see 9 AAC 52.

Sec. 39.52.110. Scope of code. (a) The legislature reaffirms that each public officer holds office as a public trust, and any effort to benefit a personal or financial interest through official action is a violation of that trust. In addition, the legislature finds that, so long as it does not interfere with the full and faithful discharge of an officer's public duties and responsibilities, this chapter does not prevent an officer from following other independent pursuits. The legislature further recognizes that

(1) in a representative democracy, the representatives are drawn from society and, therefore, cannot and should not be without personal and financial interests in the decisions and policies of government;

(2) people who serve as public officers retain their rights to interests of a personal or financial nature; and

(3) standards of ethical conduct for members of the executive branch need to distinguish between those minor and inconsequential conflicts that are unavoidable in a free society, and those conflicts of interests that are substantial and material.

(b) Unethical conduct is prohibited, but there is no substantial impropriety if, as to a specific matter, a public officer's

(1) personal or financial interest in the matter is insignificant, or of a type that is possessed generally by the public or a large class of persons to which the public officer belongs; or

(2) action or influence would have insignificant or conjectural effect on the matter.

(c) The attorney general, designated supervisors, hearing officers, and the personnel board must be guided by this section when issuing opinions and reaching decisions. (§ 1 ch 87 SLA 1986)

NOTES TO DECISIONS

Significance of personal or financial interest.
— Substantial evidence supported the hearing officer's findings that Department of Corrections' official had neither a personal nor a financial interest in the awarding of a contract concerning the housing of

minimum security prisoners to a bidder for whom she had served as vice-president of operations. KILA, Inc. v. State, Dep't of Admin., 876 P.2d 1102 (Alaska 1994).

Cited in Gates v. City of Tenakee Springs, 822 P.2d 455 (Alaska 1991).

Sec. 39.52.120. Misuse of official position. (a) A public officer may not use, or attempt to use, an official position for personal gain, and may not intentionally secure or grant unwarranted benefits or treatment for any person.

(b) A public officer may not

(1) seek other employment or contracts through the use or attempted use of official position;

(2) accept, receive, or solicit compensation for the performance of official duties or responsibilities from a person other than the state;

(3) use state time, property, equipment, or other facilities to benefit personal or financial interests;

(4) take or withhold official action in order to affect a matter in which the public officer has a personal or financial interest;

(5) attempt to benefit a personal or financial interest through coercion of a subordinate or require another public officer to perform services for the private benefit of the public officer at any time; or

(6) use or authorize the use of state funds, facilities, equipment, services, or another government asset or resource for partisan political purposes; this paragraph does not prohibit use of the governor's residence for meetings to discuss political strategy and does not prohibit use of the communications equipment in the governor's residence so long as there is no special charge to the state for the use; in this paragraph, "for partisan political purposes"

(A) means having the intent to differentially benefit or harm a

(i) candidate or potential candidate for elective office; or

(ii) political party or group;

(B) but does not include having the intent to benefit the public interest at large through the normal performance of official duties.

(c) In addition to other provisions of this section, a public officer who is a member of the Board of Fisheries or the Board of Game may not act on a matter before the board if the public officer has not disclosed in the manner set out in AS 39.52.220 all personal or financial interests in a business or organization relating to fish or game resources.

(d) In this section, when determining whether a public officer is considered to be performing a task on government time, the attorney general and personnel board shall consider the public officer's work schedule as set by the public officer's immediate supervisor, if any. A public officer other than the governor and lieutenant governor who, during the work days, engages in political campaign activities other than minor, inconsequential, and unavoidable campaign activities shall take approved leave for the period of campaigning.

(e) [Effective July 1, 2005.] Except for supplying information requested by the hearing officer or the entity with authority to make the final decision in the case, a public officer shall not respond to contacts initiated by the hearing officer or the individual, board, or commission with authority to make the final decision in the case, a public officer shall not attempt to influence the outcome of an administrative hearing by directly or indirectly contacting or attempting to contact the hearing officer or individual, board, or commission with authority to make the final decision in the case assigned to the hearing officer.

(1) contact is made in the presence of all parties to the hearing or the parties' representatives and the contact is made a part of the record; or

(2) fact and substance of the contact is promptly disclosed by the public officer to all parties to the hearing and the contact is made a part of the record. (§ 1 ch 87 SLA 1991; am § 5 ch 121 SLA 1992; am §§ 81, 82 ch 74 SLA 1998; am § 59 ch 163 SLA 2004)

Cross references. — For prohibition against nepotism, see AS 39.90.020.

Effect of amendments. — The 1992 amendment, effective September 20, 1992, added subsection (c).

The 1998 amendment, effective January 1, 1999, in subsection (b) added "or require another public officer

to perform services for the private benefit of the public officer at any time;" at the end of paragraph (5) and added paragraph (6); and added subsection (d).

The 2004 amendment, effective July 1, 2005 added subsection (e).

NOTES TO DECISIONS

Official action not required. — The statute prohibiting use of official position for personal gain does not require "official action," but only that employees use their position for personal gain or to seek employment. *Skvorc v. State Personnel Bd.*, 996 P.2d 1192 (Alaska 2000).

Solicitation of compensation sufficient. —

Since the ethics statute does not require that a violation involve actual or present receipt of money, solicitation of compensation, including prospective or contingent economic benefits, suffices. *Skvorc v. State Personnel Bd.*, 996 P.2d 1192 (Alaska 2000).

Cited in *Gates v. City of Tenakee Springs*, 822 P.2d 455 (Alaska 1991).

Sec. 39.52.130. Improper gifts. (a) A public officer may not solicit, accept, or receive, directly or indirectly, a gift, whether in the form of money, service, loan, travel, entertainment, hospitality, employment, promise, or in any other form, that is a benefit to the officer's personal or financial interests, under circumstances in which it could reasonably be inferred that the gift is intended to influence the performance of official duties, actions, or judgment.

(b) Notice of the receipt by a public officer of a gift with a value in excess of \$150, including the name of the giver and a description of the gift and its approximate value, must be provided to the designated supervisor within 30 days after the date of its receipt

(1) if the public officer may take or withhold official action that affects the giver; or

(2) if the gift is connected to the public officer's governmental status.

(c) In accordance with AS 39.52.240, a designated supervisor may request guidance from the attorney general concerning whether acceptance of a particular gift is prohibited.

(d) The restrictions relating to gifts imposed by this section do not apply to a campaign contribution to a candidate for elective office if the contribution complies with laws and regulations governing elections and campaign disclosure.

(e) A public officer who, on behalf of the state, accepts a gift from another government or from an official of another government shall, within 60 days after its receipt, notify the Office of the Governor in writing. The Office of the Governor shall determine the appropriate disposition of the gift. In this subsection, "another government" means a foreign government or the government of the United States, another state, a municipality, or another jurisdiction.

(f) A public officer who knows or reasonably ought to know that a family member has received a gift because of the family member's connection with the public office held by the public officer shall report the receipt of the gift by the family member to the public

Sec. 39.52.190. Aiding a violation prohibited. It is a violation of this chapter for a public officer to knowingly aid another public officer in a violation of this chapter. (§ 1 ch 87 SLA 1986)

Article 3. Disclosure and Action to Prevent Violations.

Section

- 210. Declaration of potential violations by public employees
- 220. Declaration of potential violations by members of boards or commissions
- 230. Reporting of potential violations

Section

- 240. Advisory opinions
- 250. Advice to former public officers
- 260. Designated supervisor's report and attorney general review
- 270. Disclosure statements

Sec. 39.52.210. Declaration of potential violations by public employees. (a) A public employee who is involved in a matter that may result in a violation of AS 39.52.110 — 39.52.190 shall

(1) refrain from taking any official action relating to the matter until a determination is made under this section; and

(2) immediately disclose the matter in writing to the designated supervisor and the attorney general.

(b) A public employee's designated supervisor shall make a written determination whether an employee's involvement violates AS 39.52.110 — 39.52.190 and shall provide a copy of the written determination to the public employee and to the attorney general. If the supervisor determines that a violation could exist or will occur, the supervisor shall,

(1) reassign duties to cure the employee's potential violation, if feasible; or

(2) direct the divestiture or removal by the employee of the personal or financial interests that give rise to the potential violation.

(c) A designated supervisor may request guidance from the attorney general, in accordance with AS 39.52.240, when determining whether a public employee is involved in a matter that may result in a violation of AS 39.52.110 — 39.52.190. (§ 1 ch 87 SLA 1986; am §§ 87, 88 ch 74 SLA 1998)

Effect of amendments. — The 1998 amendment, effective January 1, 1999, added "and the attorney general" at the end of paragraph (a)(2) and added "and

shall provide a copy of the written determination to the public employee and to the attorney general" at the end of the first sentence in subsection (b).

NOTES TO DECISIONS

Silence is not approval of activity. — Because the ethics statute requires an employee involved in activities potentially barred by the statute to refrain from taking any official action relating to that matter until a determination is made, approval is a prereq-

uisite to entering into any otherwise prohibited contract, and a failure to respond may not be construed as approval. *Skvorc v. State Personnel Bd.*, 996 P.2d 1192 (Alaska 2000).

Sec. 39.52.220. Declaration of potential violations by members of boards or commissions. (a) A member of a board or commission who is involved in a matter that may result in a violation of AS 39.52.110 — 39.52.190 shall disclose the matter on the public record and in writing to the designated supervisor and to the attorney general. The supervisor shall determine whether the member's involvement violates AS 39.52.110 — 39.52.190 and shall provide a copy of the written determination to the board or commission member and to the attorney general. If a member of the board or commission objects to the ruling of the supervisor, or if the supervisor discloses an involvement requiring a determination, the members present at a meeting, excluding the involved member, shall vote on the matter. If the supervisor or a majority of the members voting determine that a violation will exist if the member continues to participate, the member shall refrain from voting, deliberating, or participating in the matter.

(b) The designated supervisor or the board or commission may request guidance from the attorney general, in accordance with AS 39.52.240, when determining whether a member of a board or commission is involved in a matter that may result in a violation of AS 39.52.110 — 39.52.190. (§ 1 ch 87 SLA 1986; am § 89 ch 74 SLA 1998)

Effect of amendments. — The 1998 amendment, effective January 1, 1999, in subsection (a) added "and to the attorney general" at the end of the first sentence and added "and shall provide a copy of the written

determination to the board or commission member and to the attorney general" at the end of the second sentence.

Sec. 39.52.230. Reporting of potential violations. A person may report to a public officer's designated supervisor, under oath and in writing, a potential violation of AS 39.52.110 — 39.52.190 by the public officer. The supervisor shall provide a copy of the report to the officer who is the subject of the report and to the attorney general, and shall review the report to determine whether a violation may exist. The supervisor shall act in accordance with AS 39.52.210 or 39.52.220 if the supervisor determines that the matter may result in a violation of AS 39.52.110 — 39.52.190. (§ 1 ch 87 SLA 1986; am § 90 ch 74 SLA 1998)

Effect of amendments. — The 1998 amendment, effective January 1, 1999, inserted "and to the attorney general" in the second sentence.

39.52.240. Advisory opinions. (a) Upon the written request of a designated supervisor or a board or commission, the attorney general shall issue opinions interpreting this chapter. The requester must supply any additional information requested by the attorney general in order to issue the opinion. Within 60 days after receiving a complete request, the attorney general shall issue an advisory opinion on the question.

(b) The attorney general may offer oral advice if delay would cause substantial inconvenience or detriment to the requesting party.

(c) The designated supervisor or a board or commission shall make a written determination based on the advice of the attorney general. If the advice of the attorney general provides more than one way for a public officer to avoid or correct a problem found under AS 39.52.110 — 39.52.190, the designated supervisor or the board or commission shall, after consultation with the officer, determine the alternative that is most appropriate and advise the officer of any action required of the officer to avoid or correct the problem.

(d) A public officer is not liable under this chapter for any action carried out in accordance with a determination made under AS 39.52.210 — 39.52.240 if the officer fully disclosed all relevant facts reasonably necessary to the determination.

(e) The attorney general may reconsider, revoke, or modify an advisory opinion at any time, including upon a showing that material facts were omitted or misstated in the request for the opinion.

(f) A person may rely on an advisory opinion that is currently in effect.

(g) A request for advice made under (a) of this section is confidential.

(h) The attorney general shall post on the Alaska Online Public Notice System (AS 44.62.175), with sufficient deletions to prevent disclosure of the persons whose identities are confidential under (g) of this section, the advisory opinions issued under this section that the attorney general determines to be of major import because of their general applicability to executive branch officers. (§ 1 ch 87 SLA 1986; am § 2 ch 54 SLA 2000)

Effect of amendments. — The 2000 amendment, effective May 12, 2000, substituted "shall post on the Alaska Online Public Notice System (AS 44.62.175)"

for "shall publish in the Alaska Administrative Journal" in subsection (h).

Southeast Alaska Fishermen's Alliance

9369 North Douglas Highway
Juneau, AK 99801



Phone 907-586-6652

Fax 907-586-5648

E-mail: seaafa@gcl.net

April 7, 2005

Representative Gabrielle LeDoux, Co-Chair
Representative Bill Thomas, Co-Chair
House Committee on Fisheries
Alaska State Legislature
Juneau, AK 99801

RE: Support HB 241

The Southeast Alaska Fishermen's Alliance (SEAFA) strongly supports HB 241, which would allow a Board of Fish member to fully participate in the Board process. This is a priority piece of legislation for our organization. Currently, a Board of Fish member who has the most information and knowledge in a specific fishery because he participates in the fishery is unable to fully share his knowledge with the remainder of the committee. The Board Member is actually required to leave the table and sit in the audience remaining silent during deliberations because the Board member has been conflicted out of the discussion.

For example during a Southeast Board of Fish meeting in Ketchikan, one of the Board members was conflicted out and unable to participate in the deliberations of the net proposals for salmon because his son owned a seine permit and his brother owned a gillnet permit. This member had in the past participated in both fisheries and had a through understanding of the issues; he would not have personally benefited financially but was still barred from participating in the deliberations based on the advice of the Board's attorney. If a Board member states on the record his conflict and then provides the information on the region/fishery he has to other board members, the conflict just disclosed is current in the other board member's minds and they are able to listen to the information provided allowing for the bias contained in the information. If a Board of Fish member believes that it is inappropriate to vote they should be allowed to abstain from the final vote but should participate in the process prior to that.

We hope with the passage of this legislation, that commercial fishermen will be more willing to serve on this important board. Fishermen are disinclined to go through the process of being appointed to the Board, if they are conflicted out of participating in the deliberations on the fisheries they most know and understand.

SEAFA believes in the importance of a lay board. This type of Board provides us with the best chance of having a diversity of interests and the knowledge and expertise of the different fisheries and regions around the State. It is also important that the Legislature and the Governor appoint Board of Fish members of a high caliber with sufficient interest in the fisheries and a commitment to do the work and then be allowed to do the work unhindered.

Thank you for considering our testimony and if we can be of any additional help on fishery issues please give us a call.

Sincerely,

A handwritten signature in black ink, appearing to read "Kathy Hansen", followed by a horizontal line extending to the right.

Kathy Hansen,
Executive Director

CC: Representative Peggy Wilson,
UFA



Suzanne Hancock

From: Cindy [ucida@acsalaska.net]
Sent: Tuesday, April 12, 2005 11:09 AM
To: Rep. Bill Thomas; Rep. Gabrielle LeDoux; Rep. Peggy Wilson; Mark Vinsel
Subject: HB 241
Attachments: 2005.maw.hb241.doc

Please see attached letter of support for HB 241.

4/12/2005

April 12, 2005

Representative Bill Thomas, Co-Chair
House Special Committee on Fisheries
Alaska House of Representatives
State Capitol (Mail Stop 3100)
Juneau AK 99801-1182

Dear Representative Thomas:

United Cook Inlet Drift Association (UCIDA) supports passage of HB 241 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 board members, especially those most informed of the issues concerning a fishery, be able to participate in the discussions and decision making process. UCIDA feels that the requirement to disclose financial interest while allowing participation works in the legislature and can work in the Board of Fisheries.

We appreciate your consideration on this legislation.

Sincerely,

Roland R. Maw
Executive Director



United Cook Inlet Drift Association

43961 K-Beach Road, Suite E • Soldotna, Alaska 99669 • (907) 260-9436 • fax (907) 260-9438 • ucida@acsalaska.net

April 12, 2005

Representative Gabrielle LeDoux, Co-Chair
House Special Committee on Fisheries
Alaska House of Representatives
State Capitol (Mail Stop 3100)
Juneau AK 99801-1182

Dear Representative LeDoux:

United Cook Inlet Drift Association (UCIDA) supports passage of HB 241 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 board members, especially those most informed of the issues concerning a fishery, be able to participate in the discussions and decision making process. UCIDA feels that the requirement to disclose financial interest while allowing participation works in the legislature and can work in the Board of Fisheries.

We appreciate your consideration on this legislation.

Sincerely,

A handwritten signature in cursive script that reads "Roland R. Maw".

Roland R. Maw
Executive Director



United Cook Inlet Drift Association

43961 K-Beach Road, Suite E • Soldotna, Alaska 99669 • (907) 260-9436 • fax (907) 260-9438 • ucida@acsalaska.net

April 12, 2005

Representative Gabrielle LeDoux, Co-Chair
House Special Committee on Fisheries
Alaska House of Representatives
State Capitol (Mail Stop 3100)
Juneau AK 99801-1182

Dear Representative LeDoux:

United Cook Inlet Drift Association (UCIDA) supports passage of HB 241 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 board members, especially those most informed of the issues concerning a fishery, be able to participate in the discussions and decision making process. UCIDA feels that the requirement to disclose financial interest while allowing participation works in the legislature and can work in the Board of Fisheries.

We appreciate your consideration on this legislation.

Sincerely,

A handwritten signature in cursive script that reads "Roland R. Maw".

Roland R. Maw
Executive Director



Alaska State Legislature

Please enter into the record my testimony to the House Fisheries Special Committee
Committee name

Committee on NO. 241, dated 04/13/05
Bill/Subject

Public confidence will be undermined should special exceptions be afforded to Board of Fisheries members regarding ethical matters of potential conflicts of interest. Not disqualifying a Board of Fisheries member from participating in matters before the Board is wrong if his or her actions are not subject to AS 39.52.220, AS 39.52.110 - 39.52.190 & AS 39.52.240.

Shame on you Representative Wilson for proposing that Fisheries Board Members be treated differently than Board of Game members.

A solution would be to have alternative Members for the Board of Fisheries to serve in the event of conflicts of interest. Not one major fishery has escaped the effects of overfishing. Resources of our oceans are too valuable to risk sacrifice because of unethical management. Reject This House Bill No 241

Signed:

Gavan Buearia
Testifier

Natural Resource issues / Public concerns
Representing (Optional)

P.O. Box 870798 Wasilla, AK 99687
Address

373-4974
Phone number



Alaska Trollers Association

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

April 11, 2005

Representative Gabrielle LeDoux, Co-Chair
Representative Bill Thomas, Co-Chair
House Special Committee on Fisheries
Alaska House of Representatives
State Capitol (Mail Stop 3100)
Juneau AK 99801-1182

Dear Representative LeDoux:

The Alaska Trollers Association strongly supports HB 241, 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 the very issues they were most knowledgeable about. ATA believes that this has been damaging not only to the decision process, but has also acted as a deterrent to some individuals who wished 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 their actions. An exceptional group of fishermen has served on the BOF over the years and when they have been 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 241 – let all members of 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

SCOMM

138:13



Representative Ralph Samuels

House District 29

House Bill 251

Sponsor Statement

House Bill 251 would allow the Board of Fisheries to assign additional fishing privileges to persons who hold two commercial fishing entry permits in the same salmon fishery. This could bring market forces to bear reducing permits in those fisheries where permits are underutilized.

This legislation does not force the purchase or sale of entry permits. It is not a mandate for fleet consolidation; but, rather, another tool that could assist specific fisheries in dealing with their respective challenges.

Proposals to allow additional fishing privileges would be submitted to the Board of Fisheries for their consideration. The board would still be constrained by all other statutes and regulations governing them. Escapements, conservation, and allocation needs would be considered in any proposal that would come before the board.

House Bill 251 does not mandate any changes in commercial fisheries management. It simply provides the ability for the board to have another tool.

Kimberly Wallace

From: Rena Balzer [rena_balzer@fishgame.state.ak.us]
Sent: Friday, April 08, 2005 1:36 PM
To: Kimberly Wallace
Cc: 'Sarah Gilbertson'; 'Landa Baily'
Subject: Mike Saunders' Request Regarding "Permit Stacking"

Kim,

I've just faxed over to you the specific proposals Mr. Saunders was referring to. The cover letter contains the following:

"I've tracked it all down I believe! Mike Saunders had the wrong proposal number, but having the author of the proposer helped. It is Proposal 378 and 379. I have enclosed those here, which at the bottom of each proposal you will see a list of Names followed by either PC XX or AC XX number in the "Oppose" column. Those are the written comments received on these proposals that opposed the issue.

Mr. Saunders may have mentioned that the Board of Fisheries (BOF) voted these proposals down due to large opposition? I have also enclosed the official vote record indicated that the BOF actually voted to take NO ACTION on these proposals due to not having the statutory authority. This may explain why it is now in the Legislative process.

If you would still like copies of these written comments faxed to you, please let us know ASAP to enable time to pull them and get them to you before the hearing on Monday morning."

Rena M. Balzer
Publications Specialist II
Division of Boards Support, Dept. Fish & Game
Ph: 907.465.6097
<http://www.boards.adfg.state.ak.us/>

Kimberly Wallace

From: Rena Balzer [rena_balzer@fishgame.state.ak.us]
Sent: Friday, April 08, 2005 2:32 PM
To: Kimberly Wallace
Cc: 'Landa Baily'; 'Sarah Gilbertson'
Subject: HB 451 - Permit Stacking Comments in PDF format

Kim,

Instead of faxing you, I should have attached the complete package to you as a PDF file (see attached). The technology is fairly new yet, and I'm not in the habit of using it yet for such informational requests!

So to completely inundate you, here is everything I've faxed to you and more in one file, including a complete set of written advisory committee comments and public comments.

Rena M. Balzer
Publications Specialist II
Division of Boards Support, Dept. Fish & Game
Ph: 907.465.6097
<http://www.boards.adfg.state.ak.us/>

-----Original Message-----

From: Mike & Kate Saunders [mailto:Saunderosa@aptalaska.net]
Sent: Wednesday, April 06, 2005 11:11 PM
To: Rep. Gabrielle LeDoux
Subject: Permit stacking 251

Rep. LeDoux:

This bill is a re-run of a BOF proposal 284 of a couple years ago which I fought as President of Lynn Canal Gillnetters Assn. We had a special meeting on it that was one of the best attended meetings that we have ever had and we were almost unanimous in our opposition of it

The idea that one fisherman can buy advantage over another is repulsive to me. If a fisherman wants to own an extra permit and wants to fish it he can buy another boat and put his son or uncle or wife on board. That should be the limit of owning two permits.

For a fisherman to own two permits to get to fish more days of the week than the fisherman who owns only one, is a violation of the trust we entered into with the State of Alaska when we bought our entry permits.

(I paid \$100,000.) The same is true if there to be advantage in respect to open area. If certain areas are open more days or only to owners of two permits, then, not only is the richer man who has the liquid assets available going to be able to out compete his brother who is tied to the dock because he only has one. But those marginalized in this manner will begin a downward spiral, because they are going to get to fish less than they are now. This isn't good for the fleet. To give some guys a bonus for having money in their pockets and the rest of us the shaft. Isn't right.

This applies to extra gear as well.

If you are interested in views in opposition to this legislation then you need seek no farther than letters opposed to BOF proposal 284 which was rejected by the BOF because of all the opposition. It was this same ugly idea.

Sincerely yours,

Mike Saunders

STATE OF ALASKA

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

FACSIMILE TRANSMITTAL SHEET

TO:	Kim Wallace	FROM:	Rena M. Balzer, Publications Specialist II
COMPANY:	Representative Gabrielle LeDoux	DATE:	4-08-2005
FAX NUMBER:	465-4956	SENDER'S FAX NUMBER:	907.465.6094
PHONE NUMBER:	465-2487	SENDER'S PHONE NUMBER:	907.465.6097
RE:		TOTAL NO. OF PAGES INCLUDING COVER:	3

☐ URGENT ☒ FOR REVIEW ☐ PLEASE COMMENT ☐ PLEASE REPLY ☐ PLEASE RECYCLE

NOTES/COMMENTS:

Kim,

I've tracked it all down I believe! Mike Saunders had the wrong proposal number, but having the author of the proposer helped. It is Proposal 378 and 379. I have enclosed those here, which at the bottom of each proposal you will see a list of Names followed by either PC XX or AC XX number in the "Oppose" column. Those are the written comments received on these proposals that opposed the issue.

Mr. Saunders may have mentioned that the Board of Fisheries (BOF) voted these proposals down due to large opposition? I have also enclosed the official vote record indicated that the BOF actually voted to take NO ACTION on these proposals due to not having the statutory authority. This may explain why it is now in the Legislative process.

If you would still like copies of these written comments faxed to you, please let us know ASAP to enable time to pull them and get them too you before the hearing on Monday morning.

Cheers!

Rena M. Balzer

Publications Specialist II

Division of Boards Support, Dept. Fish & Game

Ph: 907.465.6097

<http://www.boards.adfg.state.ak.us/>

PROPOSAL 378 - 5 AAC 33.310. FISHING SEASONS AND PERIODS FOR NET GEAR.
Amend this regulation to provide the following:

Alaska Department of Fish and Game will manage the Southeast Alaska gillnet fisheries by having an opening split in half to be first fished by a vessel having only one permit (A permit), then allowing the vessels that have two permits (A and B permits) to continue fishing the second half of the opening.

PROBLEM: In order to create more viable salmon fishery in Southeast Alaska, allow the stacking of Southeast salmon gillnet permits on vessels so that a person who buys an extra gillnet permit (B permit) will be able to fish twice as much. This would involve a different management scheme that would create opening twice as long. If you have two permits (A and B), you will be able to fish the whole opening and if you have one permit (A) you would only fish the first half of the opening.

WHAT WILL HAPPEN IF NOTHING IS DONE? By not eliminating salmon gear and/or stacking permits in Southeast Alaska it will be to the demise of our salmon industry due to the glut of salmon on the world market.

WILL THE QUALITY OF THE RESOURCE HARVESTED OR PRODUCTS PRODUCED BE IMPROVED?

WHO IS LIKELY TO BENEFIT? All commercial gillnet salmon fisherman.

WHO IS LIKELY TO SUFFER? No one.

OTHER SOLUTIONS CONSIDERED? None.

PROPOSED BY: Richard Eliason

(HQ-02-F-104)

FAVOR

OPPOSE

McCoy Taylor PC1

Mike Saunders/Lynn Canal Gillnetters PC2

17 Southeast Drift Gillnet Permit Holders PC3

RI Eliason PC5

United SE AK Gillnetters PC10

Norman Hughes PC12

SE AK Fishermen's Alliance PC16

Sitka AC1

Upper Lynn Canal AC4

Petersburg AC6

Ketchikan AC9

Capt. Cal's Charter PC28

FINAL ACTION: Carries Fails Tabled No Action See Prop. # _____

ABSENT _____ **ABSTAIN** _____

DATE _____ **TIME** _____ **TAPE #** _____

PROPOSAL 379 - 5 AAC 33.310. FISHING SEASONS AND PERIODS FOR NET GEAR.
Amend this regulation to provide for the following:

Salmon may be taken with purse seines and gillnets in the following locations only during fishing periods established by emergency order that will generally begin on Sundays. A gillnet may be fished only if the operator has both a current Southeast Alaska seine permit and Southeast Alaska gillnet permit. (The seine permit must have been an active permit within the last two years prior to stacking.)

PROBLEM: In order to create more viable salmon fisheries in Southeast Alaska, stacking a Southeast seine permit onto a Southeast gillnet boat and allow the gillnetter to fish in seine areas within Southeast Alaska. This would reduce effort in both the seine and gillnet fisheries by eliminating a Southeast seine permit (and unit of gear) and by allowing a gillnet boat to fish outside his traditional area. Being that seine gear is a lot more efficient than gillnet gear, it would leave more fish in the water for the other gillnetters and seiners and allow more and opportunity to make a living.

WHAT WILL HAPPEN IF NOTHING IS DONE? By not eliminating salmon gear in Southeast Alaska, it will be to the demise of our salmon industry due to the glut of salmon on the world market.

WILL THE QUALITY OF THE RESOURCE HARVESTED OR PRODUCTS PRODUCED BE IMPROVED?

WHO IS LIKELY TO BENEFIT? All commercial salmon fisherman.

WHO IS LIKELY TO SUFFER? The seine permit holders who have not fished their permits in the last two years.

OTHER SOLUTIONS CONSIDERED?

PROPOSED BY: Richard I. Eliason Jr.

(HQ-02-F-105)

FAVOR

OPPOSE

United SE AK Gillnetters PC10

Norman Hughes PC12

Sitka AC1

Upper Lynn Canal AC4

Petersburg AC6

Ketchikan AC9

SE AK Fishermen's Alliance PC16

FINAL ACTION: Carries Fails Tabled No Action See Prop. # _____

ABSENT _____ **ABSTAIN** _____

DATE _____ **TIME** _____ **TAPE #** _____

B O A R D O F F I S H

PROPOSAL #

378

Date: 2/27 Time: 2:08pADOPT AMEND NO ACTION TABLE

FINAL ACTION

DEFER

Motion: Andrews Second: _____

	YES	NO	ABSTAIN	ABSENT
Engel	_____	_____	_____	_____
Andrews	_____	_____	_____	_____
Morris	_____	<u>Wto</u>	_____	_____
Dersham	_____	_____	_____	_____
Jensen	_____	_____	_____	_____
R. Nelson	_____	<u>objection</u>	_____	_____
A. Nelson	_____	_____	_____	_____

Amendment: _____

board has no authority

CARRIES ✓

FAILS _____

DATE: 2/27/03 TIME: 2:08p

PROPOSAL #

379

Date: 2/27 Time: 2:08pADOPT AMEND NO ACTION TABLE

FINAL ACTION

DEFER

Motion: Andrews Second: _____

	YES	NO	ABSTAIN	ABSENT
Engel	_____	_____	_____	_____
Andrews	_____	_____	_____	_____
Morris	_____	<u>Wto</u>	_____	_____
Dersham	_____	_____	_____	_____
Jensen	_____	<u>objection</u>	_____	_____
R. Nelson	_____	_____	_____	_____
A. Nelson	_____	_____	_____	_____

Amendment: _____

board has no authority

CARRIES ✓

FAILS _____

DATE: 2/27/03 TIME: 2:09p

PROPOSAL #

382

Date: 2/27 Time: 2:10pADOPT AMEND NO ACTION TABLE

FINAL ACTION

DEFER

Motion: Engel Second: Nelson

	YES	NO	ABSTAIN	ABSENT
Engel	<u>✓</u>	_____	_____	_____
Andrews	<u>✓</u>	_____	_____	_____
Morris	<u>✓</u>	_____	_____	_____
Dersham	<u>✓</u>	_____	_____	_____
Jensen	<u>✓</u>	_____	_____	_____
R. Nelson	<u>✓</u>	_____	_____	_____
A. Nelson	<u>✓</u>	_____	_____	_____

Amendment: _____

CARRIES 70

FAILS _____

DATE: 2/27/03 TIME: 2:15p

Peter Thompson - Kodiak 486-2527 - PO Box 3037

Told chairman of House Fisheries he would like to submit this during his testimony this AM.

HOUSE BILL NO. 251 SUPPORT PETITION

THE UNDERSIGNED ALASKA LIMITED ENTRY PERMIT HOLDERS SUPPORT THE ADOPTION OF HOUSE BILL NO. 251

NAME	SIGNATURE	ADDRESS
PETER THOMPSON	<i>Peter Thompson</i>	Box 3037 KODIAK
Lefoy Cossette	<i>Lefoy Cossette</i>	Box 8670 Kodiak
Andrew Cossette	<i>Andrew Cossette</i>	Box 8196 Kodiak
John C. Dochterman	<i>John C. Dochterman</i>	Box 3886 Kodiak AK
George Kirk	<i>George Kirk</i>	Box 2796 Kodiak AK
David Lee	<i>David Lee</i>	Box 1970 Kodiak
John Weatherly	<i>John Weatherly</i>	Box 1339 Kodiak, AK
Mike Friccero	<i>Mike Friccero</i>	Box 2187 Kodiak AK
John C. Ure	<i>John C. Ure</i>	1324 ISMAILLOD KODIAK
David J. Jankowski	<i>David J. Jankowski</i>	3805 COHO CIR KODIAK
ALEXIS KWACHKA	<i>Alexis Kwachka</i>	326 COPE ST. KODIAK
Stash Anderson	<i>Stash Anderson</i>	3964 Clifside Rd Kodiak
Kurt Anderson	<i>Kurt Anderson</i>	Box 310 Kodiak AK
BRUCE SCHAETLER	<i>Bruce Schaetler</i>	
Ryan Johnson	<i>Ryan Johnson</i>	1325 Mission Rd.
Barry Davis	<i>Barry Davis</i>	200 W 34th Ave #556 Anch
Ty Ruck	<i>Ty Ruck</i>	Box 2725 Kodiak AK
Kelly Beyers	<i>Kelly Beyers</i>	PO Box 427 Mt. Anikun A
Paul Kohn	<i>Paul Kohn</i>	PO Box 95 Partitions Hk
JEFF ROBERTS	<i>Jeff Roberts</i>	Box 661 Kodiak

State of Alaska
Commercial Fisheries Entry Commission

License Year 2005 Statistics on Holders of Multiple Permits in the Same Salmon Fishery

March 8, 2005

received
from Henry
4/8/05
12pm

Permit Holders	Permit Fishery	Fishery Description
4	S 01A	Salmon, Purse Seine, Southeast
1	S 01E	Salmon, Purse Seine, Prince William Sound
4	S 01K	Salmon, Purse Seine, Kodiak
1	S 01M	Salmon, Purse Seine, AK Peninsula/Aleutian Islands
2	S 03A	Salmon, Drift Gillnet, Southeast
1	S 03H	Salmon, Drift Gillnet, Cook Inlet
2	S 03M	Salmon, Drift Gillnet, AK Peninsula/Aleutian Islands
25	S 03T	Salmon, Drift Gillnet, Bristol Bay
1	S 04K	Salmon, Set Gillnet, Kodiak

FISCAL NOTE

STATE OF ALASKA
2005 LEGISLATIVE SESSION

Fiscal Note Number: _____
 Bill Version: H.B. 251
 () Publish Date: _____

Revision Date/Time (Note if correction): _____ Dept. Affected: Fish and Game
 Title An Act Authorizing the Board of RDU Administrative Services
Fisheries to Adopt Component Boards Support
 Sponsor Representative Samuels
 Requester House Fisheries Committee Component No. 148

Expenditures/Revenues (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011
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						
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 (FY2005) cost: 0.0

Mark this box (X) if funding for this bill is included in the Governor's FY 2006 budget proposal: ☐

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

Passage of this legislation would have no fiscal impact.

Prepared by: Sarah Gilbertson
 Division: Legislative Liaison
 Approved by: McKie Campbell, Commissioner
 Agency: Alaska Department of Fish & Game

Phone 465-6137
 Date/Time 04/07/05 8:35 a.m.
 Date 4/7/2005

DATE: 04/11/05

UPDATE: 1

[illegible]

DATE:

UPDATE #:

Y or N

REPRESENTING/AFFILIATION

[illegible]

DATE: 4-11-05

Update #1

Y or N

[illegible]



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

April 8, 2005

Representative Gabrielle Ledoux, Co-Chair
House Special Committee on Fisheries
Alaska House of Representatives
State Capitol (Mail Stop 3100)
Juneau AK 99801-1182

Dear Representative LeDoux,

UFA supports HB 251 authorizing the Board of Fisheries to adopt regulations regarding fishing by a person who holds two entry permits for a salmon fishery.

Ownership of two permits in a fishery for the purpose fleet consolidation is already provided for under state law (AS 16.43.140). There are now no incentives for fishermen to purchase second permits to accomplish the intended purpose of this law. The Board of Fisheries has established regulations that provide additional fishing privileges for two-permit holding fishermen, fishing from the same boat. HB 251 would remove the statutory prohibition on the Board of Fisheries from considering this concept in the case where two permits in the same fishery are held by one fisherman.

This bill provides the Board of Fisheries tools they may use to consolidate effort, increase the efficiency of fishing operations and improve the ex-vessel quality of salmon.

This bill will give the Board of Fisheries the authority to provide incentives for fishermen to purchase second permits in a fishery. UFA feels that this bill can provide a way for the reduction of active fishermen in a fishery, towards the optimum number, without state or federal buyback funding.

Thank you for your consideration.

Sincerely,

Bob Thorstenson, Jr.
President



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

April 8, 2005

Representative Bill Thomas, Co-Chair
House Special Committee on Fisheries
Alaska House of Representatives
State Capitol (Mail Stop 3100)
Juneau AK 99801-1182

Dear Representative Thomas,

UFA supports HB 251 authorizing the Board of Fisheries to adopt regulations regarding fishing by a person who holds two entry permits for a salmon fishery.

Ownership of two permits in a fishery for the purpose fleet consolidation is already provided for under state law (AS 16.43.140). There are now no incentives for fishermen to purchase second permits to accomplish the intended purpose of this law. The Board of Fisheries has established regulations that provide additional fishing privileges for two-permit holding fishermen, fishing from the same boat. HB 251 would remove the statutory prohibition on the Board of Fisheries from considering this concept in the case where two permits in the same fishery are held by one fisherman.

This bill provides the Board of Fisheries tools they may use to consolidate effort, increase the efficiency of fishing operations and improve the ex-vessel quality of salmon.

This bill will give the Board of Fisheries the authority to provide incentives for fishermen to purchase second permits in a fishery. UFA feels that this bill can provide a way for the reduction of active fishermen in a fishery, towards the optimum number, without state or federal buyback funding.

Thank you for your consideration.

Sincerely,

Bob Thorstenson, Jr.
President

STATE OF ALASKA

DEPARTMENT OF FISH AND GAME

Boards Support Section

01
FRANK H. MURKOWSKI, GOVERNOR

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

FACSIMILE TRANSMITTAL SHEET

TO:	Kim Wallace	FROM:	Rena M. Balzer, Publications Specialist II
COMPANY:	Representative Gabrielle LeDoux	DATE:	4-08-2005
FAX NUMBER:	465-4956	SENDER'S FAX NUMBER:	907.465.6094
PHONE NUMBER:	465-2487	SENDER'S PHONE NUMBER:	907.465.6097
RE:		TOTAL NO. OF PAGES INCLUDING COVER:	22

☐ URGENT ☒ FOR REVIEW ☐ PLEASE COMMENT ☐ PLEASE REPLY ☐ PLEASE RECYCLE

NOTES/COMMENTS:

HB251
The best I felt comfortable narrowing it down to was 21 pages of comments regarding the aforementioned permit stacking issue (HB 4517) now before Rep. LeDoux. As I mentioned on the phone, a lot of these were near identical comments and some contained comments on a long list of other proposals. I have included only portions of those comments that pertain to Proposals 378 and 379. You may have to look for those Prop #'s for the relevant data.

If you need to know WHO provided the comment, you may need the other fax to see the name next to the comment number.

TGIF,

Rena M. Balzer
Publications Specialist II
Division of Boards Support, Dept. Fish & Game
Ph: 907.465.6097
<http://www.boards.adfg.state.ak.us/>

378/379

Proposal 368

Motion/Second to support proposal 368. Ty Barkhoefer/Moe Johnson. Discussion: The Department opposed to section (b) and commented that it would be disruptive to the fishery and community, and they are neutral on the allowcative part of this proposal. Bill Paden who is on the NSRAA board commented that this is a job for NSRAA and that they spend a great deal of time dealing with redrawing the lines a few years ago. Bill opposes this proposal. Ty Barkhoefer a gillnet fisherman comments that he is opposed to this proposal. Question by John Murray. 0 Yes, 13 No. Motion failed.

Proposal 378

Motion/Second to support proposal 378. Bill Paden/Ty Barkhoefer. Discussion: The Department commented that this proposal wants to allow gillnet fisherman with two permits to fish twice as much as a gillnet fisherman with one permit. Bill Paden asked the Department if this proposal would cut a fisherman with one permit in half? Ralph Guthrie commented he read this proposal, as having a two-day opening than a fisherman with two permits would get another two-day opening. John Murray commented that the author of this proposal should take this up with the legislature. Question by Dennis Longstreath. 0 Yes, 13 No. Motion failed.

Proposal 379

Motion/Second to support proposal 379. Noel Johnson/Moe Johnson. Discussion: The Department is neutral but has concerns with figuring out catch data. Question by Bill Paden. 0 Yes, 13 No. Motion failed.

Proposal 380

Motion/Second to support proposal 380. Ty Barkhoefer/Bill Paden. Discussion: This is about historical averages dealing with wild stocks and not to change percentages between gear groups. The Department has significantly altered the seine fishery because of different market value and these changes have enhanced the value of the fish. Eric Jordan commented that the gillnetters were looking for different management and he is concerned with the way things are managed now. He is in support of this proposal. Moe Johnson the department already manages thing this was. Question by Bill Paden. 10 Yes, 1 No, 2 Abstain. Motion carried.

Proposal 384 and 385

Motion/Second to support proposal 384 and 385. John Murray/Bill Paden. Discussion: Dennis Longstreath commented that the actual numbers need to be negotiated with Canada. This can be passed now or later because this is just a formality. Ralph Guthrie commented that this is only a partial proposal because only the gillnet fishery is in this proposal, he also commented that if only one user group is address only one fishery will be allowed. Motion to amend by Dennis Longstreath/Second Bill Paden. Amendment to read " In proposals 384 and 385 that in addition to the gillnet fleet, the seine and troll fleets be included. Question to amendment Bill Paden 13 Yes, 0 No. Amendment passed. Question on proposal as anended by Bill Paden. 13 Yes, 0 No. Motion carried.

Proposal 391

Motion/Second to support proposal 391. Bill Paden/Noel Johnson. Discussion: John Murray asked how do you tell between wild stocks and hatchery sockeye. Eric Jordan commented that

AC. COMMENT# 1

Escapement Goal-BEG at the original figure of 2500-5000 that the committee built the plan on. **MOTION PASSED 7-1 VOTE**

New business

1. **LETTER TO GOVERNOR MURKOWSKI:** Shane Horton moved, Mike Ward 2nd to write a letter to GOVERNOR MURKOWSKI describing the last year and the committee's frustrations with the process and ADF&G, passed unanimously. Shane Horton and Norm Hughes volunteered to be on committee.
2. **ADF&G FISH PROPOSALS - BOF Meeting of 20-24:** comments due 2-06
3. the committee voted on the following proposals:

PROPOSAL 368 - MOVE TO ADOPT BY Norm Hughes, 2nd by Mike Ward, withdrawn.

PROPOSAL 378 - MOVE TO ADOPT BY John Katzeek, 2nd by Mike Ward, failed unanimously 0-8.

PROPOSAL 379 - MOVE TO ADOPT BY Shane Horton, 2nd by Rocky Hickman, failed unanimously 0-8.

PROPOSAL 381 - MOVE TO ADOPT BY Mike Ward, 2nd by Shane Horton, passed unanimously 8-0.

PROPOSAL 388 - MOVE TO ADOPT BY Mike Ward, 2nd by SHANE Horton, passed unanimously 8-0.

PROPOSAL 347 - MOVE TO ADOPT BY Mike Ward, 2nd by Rocky Hickman to modify this proposal as follows: rather than increase the Bag limit on Dolly Varden from 2 to 5, increase it from 2 to 4, based on increasing pressure observed by local Sport Fish personnel, passed unanimously 8-0.

PROPOSAL 392 - MOVE TO ADOPT BY Norm Hughes, 2nd b Mike Ward to modify this proposal from the 15,000 sockeye down to a 10,000 sockeye limit for Seiners in this area.

Norm Hughes requested that the board support his appointment to the REGIONAL FEDERAL SUBSISTENCE BOARD; WE WILL TAKE IT UP AT THE NEXT MEETING IN ABOUT TWO WEEKS WHEN WE HAVE ELECTIONS. THE PLANNING COMMISSION IS WAITING . TIME TO adjourn.

Adjournment 7PM

SUBMITTED BY Mike Ward Mike Ward, Sec. 2-05-03

AC. COMMENT# 4

#355 Failed 0-0

#356 Failed 0-8 This proposal is not specific as to where it would apply. It looks region-wide. We weren't interested in applying this everywhere.

#357 - 359 Failed 0-8

#360 Carried 7-1

#362 Carried 6-2

#362 -363 Failed 0-7 one member out.

#364 Failed 0-8

#365 Took no action out of our area.

We recessed for the night at 10:30 PM.

The Petersburg Fish and Game Advisory Committee reconvened At 7:00 PM ,February 5,2003. Attending from the ADF&G, were William Bergman, Troy Thynes, Brian Lynch and Doug Fleming. Cora Crome represented the Petersburg Vessel Owners. Seven (7) committee members were present. We were short of a quorum but decided to consider these proposals anyway.

#366 Failed 0-7 We don't agree with taking opportunity away from one group to raise another groups %.

#367 Failed 0-7

#368 Failed 0-7 Gillnetters are not out of their range and this would not help trollers very much.

#369 -370 We considered this issue when we voted on proposals 210-211. Our comments are the same.

#371 Carried 7-0 This was supported by the ADF&G.

#372 Failed 0-7 Same as #371 but the Lat/Lon is not correct.

#373 Carried 7-0 There was some concern by sportfishermen that the June 1 starting date could effect sportfishing. We also want to be sure that sportfish caught in the Terminal Harvest Area, do not count against the Pacific Salmon Treaty quota.

#374 - 376 Carried 7-0

#377 Failed 0-7 This is the last year fish will be returning to Earl Wess Cove. It is already being managed this way.

#378 Failed 0-7 We do not think the Board (BOF) has the authority to do this.

#379 Failed 1-6

#380 Carried 7-0

#381 Carried 7-0

#382 Carried 6-1 A minority opinion felt that this and other proposals pertaining to a Drift Gillnet fishery for King Salmon do not need to be acted on until a fishery is authorized through the Pacific Salmon Treaty.

#383 Failed 0-7 This could already be authorized by (EO) authority. The ADF&G is opposed. When Sockeye fishing is occurring, this area would be open to harvest Chum salmon.

#384 Carried 4-3

#385 Carried 4-3

#386 Carried 6-1 Same comments as #382

#387 Failed 1-6

#388 Failed 0-7 We feel that present management is working and adequate protection is given to affected stocks.

AC. COMMENT#

6

Page 4

Proposal 377 - T.Fisher moves to approve, R.Moyer 2nd.

D.House - Department is opposed. Proposal is unclear. It needs to be rewritten.

Vote: Favor 1 - T.Fisher

Against 5

Proposal 378 - T.Fisher moves to approve, R.Moyer 2nd.

D.House - Department is neutral.

K.Duckett - From audience - Board of Fish does not have the authority to do this.

Vote: Favor 0

Against 6

Proposal 379 - T.Fisher moves to approve, R.Moyer 2nd.

D.House - This would allow a person who holds a gillnet and a purse seine permit to gillnet in purse seine areas.

Vote: Favor 0

Against 6

Proposal 380 - 390 - T.Fisher moves to approve, R.Moyer 2nd.

K.Duckett - From Audience - The change in the Seine Management Plan to seven days a week is causing a concern as far as allocation of fish to the gillnet fleet.

D.Castle - The purse seine fleet does not think that the allocation of fish to the respective users will be altered. Poor egg values is the reason for the shift to a four day on, one day off season. Processors want to even the flow of product through their facilities.

K.Duckett - From Audience - Everyone is in sympathy to improve quality and improve efficiencies but all gear groups need safeguards.

K.Andrews - She has concerns with this proposal. Seiners have the ability to harvest large amounts of fish within a very short time span.

D.Castle - There is a need to look at time and area closures.

R.Moyer - The Clover Pass area was very poor for cohoes this year because of the intense seine pressure. There was a dramatic drop in sport catches whenever the seiners fished near by.

K. Andrews - We need mechanisms to look at allocations and wild stock escapements.

Vote: Favor 5

Against 1 - D.Castle

Meeting set for Thursday, January 30, 2003

Meeting brought a close at 9:00 P.M.

Secretary Rudy Franulovich

AC. COMMENT# 9

This idea of stocking licenses is ludicrous. It is discriminatory in the fact that at this time in the history of our fishery this would be allowing the few that have money to take advantage of those that don't.

Most of the gillnetters that live in Haines own homes, pay property taxes, buy groceries from our local store (I store now or we lost the other one), fuel their boats here and generally support Haines. Lets not try to cut the number of supporters of our town down in number.

Coffee shop talk I've heard is almost completely against this.

The only suggestion I have on this fishery is lets be conservative in our openings and make sure we rebuild our escapement quickly so when prices rebound we will have fish to catch.

Of course this comes from a man who has fished here, thirty years

COMMENT# 1

only

Page 1 of 2

another decade or two and I'll
be able to give more insight
toward future comments.

Thank You
McCoy Taylor

McCoy TAYLOR
BOX 506
HAINES, ALASKA
99827

907 766 2143

COMMENT# 1

Page 2 of 2

**Written testimony for Board of Fish
Proposal #378
Against the Proposal
From: Mike Saunders, Pres. Lynn Canal Gillnetters Assn.**

RECEIVED
NOV 29 2002
BOARDS

To: Esteemed Board of Fish Representatives,

Proposal #378 allowing stacking of S.E. Gillnet Permits so that two could be held by the same individual, and; also mandating the Dept. of Fish and Game to manage gillnet fishing periods by splitting the openings so that the individual owning two, (A & B) permits is allowed to fish twice as long as the individual who holds one, (A) permit, is one of the most disturbing pieces of social engineering that I have yet heard of.

The author of this proposal is attempting to mislead the Board when he states in the proposal that, if adopted, it "would create an opening twice as long."

Gillnet openings in Southeast Alaska are already managed by the Dept of Fish and Game to allow maximum harvest days to the fleet while still allowing for required escapement levels of wild stocks.

What will happen is that the fisherman who owns one permit, (A), (most of the fleet), will get to fish half the time he currently does under existing regulations. The fisherman who buys a second permit, thereby owning two, (A&B) permits will get to fish the entire opening that we all get to fish now, only a bunch of us will have to be tied up at the dock.

Under the "What if nothing is done" section of this proposal, the author states that the result of nothing being done will be nothing less than, "the demise of the Salmon Industry due to the glut of salmon on the world market."

This is not true and in fact this proposal does nothing nor claims to do anything about the glut of salmon on the world market. All this proposal does, if enacted, is put more fish in a few fish holds and less fish in a lot of fish holds.

The proposal does not address the question, "Will the quality of the resource harvested or products produced be improved?"
They would not be.

The answer to the question, "Who is likely to benefit?" being stated as, "all commercial gillnet fishermen", is not true. A few fishermen would benefit by having an unfair advantage over the rest of the fleet.

In fact, I asked the author of this proposal at lunch during a break at the Fall 2002 NSRAA Board Meeting whether or not he was trying to buy an advantage over the rest of the fleet and he said, "Yes." That is the whole point of his proposal.

Under "Who is likely to suffer?" The proposal says, "no one."

This is also untrue. Every S.E. Alaska Drift Gillnet Permit holder who does not purchase a second permit will suffer as their fishing time will get cut in half.

In order to compete fairly in the fishery everyone would have to buy a second permit. And not every one can afford to do that. Some won't out of principal. Some will file lawsuits. Some won't realize what is going on until it is too late. Some will mistakenly think they can still compete in a rigged game.

COMMENT# 2
1 of 3

What would happen eventually is that the value of the single, (A) permit will be downgraded. It won't be an (A) permit anymore. The (A&B) permit will become the more valuable A permit and the single permit will be the less valuable B permit, much like the Power Troll and Hand Troll permits in that fishery.

This is the worst sort of buy back scheme possible with the most human fallout any such scheme I could imagine would have. Even if it were the venue of the Board of Fish to engage in this sort of social engineering, surely, the Board must see that this proposal does nothing to address the failings of the Salmon Industry, but; in fact, uses that pretense as a guise for a few fishermen to engage an unfair advantage over the rest of the fleet.

Sincerely yours,
Mike Saunders
Pres. Lynn Canal Gillnetters Assn.

COMMENT# 2

2 of 3

Proposal 378 Gillnet permit
stacking

Lynna Canal Gillnetters
Assn. - (Items)

Voted - 100 - unanimously

COMMENT#

2

3 of 3

To: Alaska Board of Fish

I am a Southeast Drift Gillnet Permit holder residing in the Chilkat Valley and I fish Lynn Canal.

I am oposed to Board of Fish Proposal #378 for many of the same reasons Lynn Canal Gillnetters Assn. President Mike Saunders outlined in his letter against the proposal. I support Mike in his efforts to defeat this proposal.

Signed:

Dean Rulby

RECEIVED

DEC 26 2002

BOARDS

P.S.

F/V ROYUE
Box 1012
Haines, AK 99827
907 723 2429

This is simply a reallocation of the Resource to a few that can afford it. If this happens all will suffer (mostly)! I know I will. It's coming to skinning seasons and losing half of my fishing time and having to compete with the ones who own two permits would not be good.

COMMENT#

3

To: Alaska Board of Fish

I am a Southeast Drift Gillnet Permit holder residing in the Chilkat Valley and I fish Lynn Canal.

I am oposed to Board of Fish Proposal #378 for many of the same reasons Lynn Canal Gillnetters Assn. President Mike Saunders outlined in his letter against the proposal. I support Mike in his efforts to defeat this proposal.

Signed: Larry Craig Hogwood

P.S.

This proposal is one of the most dumbest thing's I have ever heard of. This will only hurt myself and all other fisher men. I can already fish all I want why would I want to spend more money to fish the same fish.

COMMENT#

3

RECEIVED

DEC 17 2002

12/17/02

To: Alaska Board of Fish

BOARDS

I am a Southeast Drift Gillnet Permit holder residing in the Chilkat Valley and I fish Lynn Canal.

I am oposed to Board of Fish Proposal #378 for many of the same reasons Lynn Canal Gillnetters Assn. President Mike Saunders outlined in his letter against the proposal. I support Mike in his efforts to defeat this proposal.

Signed: R Boyce
RICHARD BOYCE
F/V ELEANOR S 48805

P.S.

FISH PROPOSAL #378 FAILS TO ADDRESS ANY PROBLEMS THAT OUR SALMON INDUSTRY HAS. #378 DOES NOT: REDUCE OVERALL SALMON TAKE, DOES NOT INCREASE QUALITY, DOES NOT INCREASE MARKET. IN FACT ALL #378 DOES IS GIVE A DISPROPORTIONATE SHARE OF FISH TO HOLDERS OF 2 PERMITS, AS AN EXAMPLE, IF 10% OF FLEET BUY EXTRA PERMITS, THEN 90% STILL FISH SAY 2 DAYS, WITH LOW CATCH RATE DUE TO LOTS OF BOATS, BUT 10% THAT FISHERS SECOND 2 DAYS ENJOYS HIGH CATCH RATES DUE TO REDUCED GEAR IN WATER SINGLE PERMIT HOLDERS ARE FURTHER PENALIZED BY LESS BUILD UP TIME FOR NEW FISH TO THE AREA.

COMMENT#

3PLEASE VOTE NO ON #378

To: Alaska Board of Fish

I am a Southeast Drift Gillnet Permit holder residing in the Chilkat Valley and I fish Lynn Canal.

I am oposed to Board of Fish Proposal #378 for many of the same reasons Lynn Canal Gillnetters Assn. President Mike Saunders outlined in his letter against the proposal.

I support Mike in his efforts to defeat this proposal.

RECEIVED

DEC 12 2002

BOARDS

Signed: *Jim J Taylor*

P.S.

As a Limited entry Permit Holder currently still making Payments on a decreasing value permit having to buy another permit to remain competitive could quite possibly drive me into Bankruptcy. This proposal would benefit fishermen with other means of income who could afford a second permit

Jim J Taylor

COMMENT# *3*

Alaska Board of Fisheries
Attn: BOF Comments
Alaska Department of Fish and Game
Proposal 378 Salmon

First and foremost we would not want to disrupt any existing gillnet fisheries in southeast, but to allow ADF&G some latitude to give whoever has an extra permit some type of extended time. Extended time that ADF&G usually won't give when there is the normal fleet of gillnetters. I would like to say the proposal 378 is just an idea that needs to be greatly expanded on, for instance the proposal as written states that it would give a person that has two permits double the fishing time than that of a person that holds one permit. After input from fellow gillnetters we realize that double the fishing time would be asking too much and it would be tough for ADF&G to manage, especially when some weekly openings are 5 days long to start with. The scenarios that can be in place for people that have two permits could be endless and very creative. Last year maybe the person with the extra permit could have fished extra days in area 8 even though it was closed to the whole fleet for conservation reasons. This type of arraignment would be perfect for fishing area 11 & 15c, targeting DIPAC chums. Other issues involve some type of area registration for the person with two permits, mainly for areas that are within a few hours of running. If a person registered in area 11 for his extension area he would not be allowed to travel to area 15 to fish the extra days, this giving ADF&G a better handle on their management strategy for the extra days. Some concern is that there may not be enough extra permits to go around for people to buy leaving them on the dock while a portion of the fleet continues fishing. Another way to look at this is what happens in a supply and demand situation? Most likely if you could not find an extra permit your current permit value would increase making you a benefactor of the proposal without the extra investment. Other areas of concern would be the that Special and Terminal Harvest areas (Deep Inlet, Anita Bay, Neets Bay, Boat Harbor, Limestone Inlet, etc) would not be affected by this proposal.

Hopefully this letter clears the air about the intentions of proposal 378. I know it's easier to lie and distort the facts, like some of the opponents of proposal 378 have been doing on the North End. I ask that you at least try to digest it before you trash it.

PS I talked to the Division of Investments the other day about permit financing. State value on a permit is 27k, they will loan on 100% of the 27k at 7% for 14 years, your yearly payment would be \$3000.00, pretty cheap investment for a few extra days.

Thank you for your Time and Service,

RI Ellison Jr

709 Sistrand St
Sitka 99835

COMMENT# 5

RECEIVED
JAN 05 2003
BOARDS



RECEIVED
FEB 04 2003
BOARDS

United Southeast Alaska Gillnetters

PO Box 23378 Ketchikan, AK 99901 (907) 247-2471 Fax (907) 225-0241 Email: usag@gci.net

February 2, 2003

Ed Dersham, Chair
Board of Fisheries
P.O. Box 25526
Juneau, AK 99802-5526

Dear Mr. Dersham:

The United Southeast Alaska Gillnetters Association represents commercial fishermen whose primary source of income is derived from drift gillnetting for salmon in Southeast Alaska. We respectfully submit our position and perspective on Proposal 316, Proposals 368 through 374, and Proposals 376 through 392 that are of primary concern to our fleet. The proposals and our comments are:

Proposal 316: This proposal would increase the number of chinook in the sport allocation from its present 20% to a proposed 30% by reducing the allocation to the troll fleet. It might also reduce the number of treaty chinook allocated to the net fleets. We do not think that more chinook should be reallocated away from the troll fleet to an ever-expanding charter sport fleet. We are also opposed to any change in the allocation that presently goes to the seine and gillnet fleets. In the years that the net fleets do not catch their entire allocation of chinook, we are in favor of the department distributing those unused fish to the troll fleet. Our main concern about losing a portion of our allocation of chinook is that when we exceeded our limit in the past, the department has instituted 'night closures' and reduced fishing area and time. The chinook salmon represent a small portion of our income and when these restrictive measures are applied they disrupt our targeted chum and sockeye fisheries, resulting in a far greater detrimental impact on our incomes. Therefore the net fleets need their allocation of chinook to remain the same even if that allocation is not fully utilized so that our targeted fisheries will not be adversely impacted. We catch most of our chinook early in the salmon season and have no problem with unused fish being caught by the trollers later in the year so that Alaska's full allocation of treaty fish can be utilized.

Proposal 368: This proposal would change the boundaries of the Deep Inlet Terminal Harvest Area and the conduct of the common property harvest in the terminal area. The proposal would increase gillnet and troll access to the terminal area and reduce seine access. The reason presented for the change is that the goals of the Southeast Alaska Enhanced Salmon Allocation Plan are not being met. We support the Allocation Plan and recommend that the Board of Fish (BoF) consider this proposal from the perspective of the implementation of that plan. In the early spring of 2002 when this proposal was being drawn up the final allocation numbers for 2001 were not available. The data for 2000 showed the gillnet fleet to be below its target range for that year and for the 5 year rolling average. This would have been the first year the fleet was outside its range and corrective action favoring the fleet would not normally have been considered until after the fleet was outside its range for three five year periods in succession. Also in 2000, however, the

Comments on Board of Fish Proposals
February 20 to March 2, 2003 Meeting in Ketchikan

troll fleet and the seine fleets were outside of their respective allocation limits. The troll fleet significantly on the low side and the seine fleet significantly on the high side. Based on this situation, shifting fish to the gillnet and troll fleets from the seine fleet as this proposal would do could reduce the amount the seine fleet was over their range; reduce the amount the troll fleet was under their range; and bring the gillnet fleet back within their range.

We now have 2001 data available and we have a somewhat different perspective. The point number for 2001 for the gillnetters shows us to be above our target for the 2001 season and within our range for the 5 year rolling average period. The point number for 2001 for the seine fleet is within their target and the troll point number while significantly improved, is still somewhat below range. If we continue to experience the conditions in the fishery that produced the 2001 allocation figures, we conclude that the gillnet fleet does not require a change to this terminal area at this time.

We would also take this opportunity to say that we believe it is best that proposals relating to the management of the terminal harvest areas come from the aquaculture association that is responsible for the terminal area's management in conjunction with the Department of Fish and Game. We also believe the Southeast Joint Regional Planning Team should make proposals concerning the management of terminal areas to achieve balance in the allocation program.

Proposals 369 and 370: These proposals attempt to minimize the potential conflict that may develop between the existing crab fishery in Anita Bay and the increased activity from the gillnet and seine fleets accessing fish returning to this terminal harvest area. Proposal 370 would close the entire inner portion of the bay from June 15th to June 25th. Proposal 369 extends the time of the closure to July 10th but reduces the area that is closed to allow the salmon net fleet's closer access to the net pen area where returning salmon will home. After July 10th the entire bay would be open to salmon fishing. The disadvantage of this arrangement is that some fish will home to the net pen area inside the line and remain in that area inaccessible to net fishermen even if crab gear is not in the bay. Those fish will lose quality rapidly and will be very low value when finally taken in the fishery after July 10th. The advantage is that potential gear conflicts will be avoided, at least in the inner part of the bay where most of the crab fishery is conducted. We are in favor of trying this compromise and recommend that the BoF approve these proposals.

Proposals 371 and 372: Both of these proposals expand the Anita Bay Terminal Harvest Area. This action is requested as the salmon that were being released in the Earl West Cove Terminal Area are now being released in Anita Bay. Also Anita Bay is now receiving an additional 6 million summer chum fry that were previously released in Neets Bay as part of the Southeast Sustainable Salmon Fund program. The original boundary was to allow the Burnett Inlet Hatchery a small area for a coast recovery fishery. The expanded area is required to allow the seine and gillnet fleets room to conduct a rotational common property fishery. The larger terminal area will also allow returning fish to be harvested quicker which will produce a higher quality product. We support the expansion of the Anita Bay Terminal Harvest Area and think that proposal 371 submitted by the Southern Southeast Regional Aquaculture Association (SSRAA) is the better of the two proposals.

Proposal 373: The salmon that were released at Earl West Cove are now being released in Anita Bay. This includes chinook, summer chum, and fall coho salmon. This proposal revises the timing applied to the terminal area and the species involved. We support this proposal.

Proposal 374: The SSRAA Board of Directors approved establishment of an early rotation in the Neets Bay Terminal Harvest Area for the net fleets to access chinook salmon that were not

Comments on Board of Fish Proposals
February 20 to March 2, 2003 Meeting in Ketchikan

intercepted in the common property fishery. In past years these fish have been cleaned up by the cost recovery fishery and used for cost recovery. The SSRAA Board wanted to get more of these fish in the hands of fishermen if possible and established the early rotation. We support this proposal and ask the BoF to approve it.

Proposal 376: The SSRAA Board wanted to assure maximum opportunity for the net fleets late in the salmon season and assure complete cleanup of the fall chum and coho returning to Nakat Inlet. They did this by instituting an open fishery after September 17. We support this proposal.

Proposal 377: This proposal will allow for a continuous rotation in the Eastern Passage Terminal Harvest Area (Earl West Cove). The advantage of this rotation is that it provides the net fleets with more fishing time to access to the fish returning to the terminal area. It also allows for quicker harvest of the fish when they enter the terminal area and therefore produces a higher quality fish. Another advantage of increasing harvest opportunity with the continuous rotation is that the quicker harvest of the fish reduces the potential for straying. We support this proposal.

Proposal 378: We do not believe the implementation of this proposal is within the jurisdiction of the Board. AS 16.43.140(c) reads as follows: "(5)consolidation of the fishing fleet for a salmon fishery; however, a person may hold not more than two entry permits for a salmon fishery under this paragraph, but the person who holds two entry permits for a salmon fishery may not engage in fishing under the second entry permit." We think this would prohibit the type of action contemplated in this proposal. This is however, a point of interest for our fleet and we are attempting to determine what our members think about this and similar kinds of ideas for fleet reduction.

Proposal 379: This is an interesting proposal that would reduce the size of the seine fleet by allowing a gillnet permit owner to stack a seine permit on a gillnet permit and then fish gillnet gear in seine area's when they are open to seining. We believe that if this proposal were to be seriously considered that the seine fleet would ask for the same opportunity to stack a gillnet permit on a seine permit and then be allowed to fish seine gear in gillnet area's. The end result of these actions would be the complete loss of the historical separation between the two gear types. This separation is necessary because of the gear conflicts that may develop when the two gear types are fished together. The much greater size and efficiency of seine gear would place the gillnet fleet at a distinct disadvantage if this kind of arrangement were instituted. We understand that there is a great deal of economic stress in our fisheries at this time, but we don't believe that this would result in an overall constructive change. We are opposed to this proposal and ask the BoF to reject it.

Proposal 380: The United Southeast Alaska Gillnetters Association (USAG) submitted this proposal in an attempt to address the changes taking place in the management of the seine fishery. We fully appreciate the economic stress that the seine fleet is encountering as we are facing those exact same problems. In the past, commercial fisheries have been managed to assure obtaining the required escapement goal for the respective species or systems while providing the fleet an opportunity to catch any harvestable surplus. Management regimes have not been adjusted based on economic considerations except perhaps spreading openings to allow facilities to handle the volumes harvested. Last season was the first season where adjustments were made in management to improve quality, increase fishing time, reduce packer expenses, and attempt to provide a steady flow of fish to processors to improve overall efficiency and economy. We support these kinds of changes, which we hope will improve the quality and economy of the salmon industry. We do feel however, that it is inappropriate that these kinds of decisions only be discussed with one fleet when the changes can and do affect the other fleets. We therefore believe that when the Department is considering such changes it should include the other affected fleets in

368-supports. we believe that this is a win for the trollers while not affecting the days the gillnetters fish in deep inlet.

378-against. creating two classes of gillnetters is not a good way to consolidate the fleet.

381-supports. allows for more flexibility on start time and could improve fish quality.

387supports.

388supports. help in conserving soceyes in Lynn Canal.

391-against. does not conserve socceyes in Lynn Canal.

392-supports.

Norman Hughes
Lynn Canal Gillnetters Association

RECEIVED
FEB 02 2002
BOARDS

COMMENT#

12

RECEIVED
FEB 06 2003

BOARDS

Hey Art here: I go again. These are my personal comments.

274 support it as written with addition of new beg from F&G. range 1750 to 3500. I worked hard at meetings in haines last spring to build a consensus with all users of the resource. This will work well.

316 NO. giving un used kings to sport is no good. Just because we don't catch the limit doesn't mean we won't. If we get the limit it can stop us from catching other salmon in season.

368 support. THis will give trollers more access to chums and cut the seiners while not cutting into the gillnetter days in deep inlet.

378 NO. Not a good way to rationalize the fishery. Two classes of fishers in same gear group is no good.

379 NO. This will make a mess af f&G data gathereing.

380 Support. Keeping gillnetters in the loop when seiner change management style is good.

384 Support The fish are back and we are ready to fish them.

385 Support. The kings are back and we are ready to fish them.

388 Support. For years gillnetters in 15c have been trying to conserve chilkoot sockeye. 6 inch nets, less days a week. This has contributed to a reduced catch of dipac chums. Right now dipac gets 65% and we get less than 35% It should be the other way around. We lose fishing time to conserve on chilkoot. The seiners should share the burden too.

391 NO The seiners have been out of there allocation for years they don't need more fish.

392 Support:

Norman Hughes

COMMENT# 12

FEB 06 2003

BOARDS

Southeast Alaska Fishermen's Alliance9369 North Douglas Highway
Juneau, AK 99801

Phone 907-586-6652

Fax 907-586-5648 E-mail: seafa@gci.net

February 6, 2003

Alaska Department of Fish and Game
Board Support Section
Attn: Board of Fish Comments
PO Box 25526
Juneau, AK 99802-5526

RE: Board of Fish salmon/finfish proposals

Chairman Ed Dersham and Board of Fish Members,

The Southeast Alaska Fishermen's Alliance would like this opportunity to comment on salmon and finfish proposals before you at the February 2003 Board of Fish meeting in Ketchikan. We are a non-profit membership group formed in 2000 to represent the interests of our members involved in the salmon, crab, shrimp and longline fisheries. Within our salmon division, the largest majority of salmon fishermen are involved in the drift gillnet followed by trollers and a few salmon seine fishermen who are involved in other fisheries we represent.

Proposal #282 - Support. We support this proposal to allow additional access to hatchery chinook by increasing the amount of treaty fish that may be caught during the spring hatchery openings. The troll fleet is out of balance in the SE Enhanced Allocation Plan and this proposal would allow additional access to hatchery chinook, which would help address the troller's imbalance.

Proposal #285 - Support. We support this ADFG housekeeping proposal that would allow the Dept flexibility and clarify when and how the spring troll fisheries are opened and closed.

Proposal #286 - Support. We support this ADFG proposal to open additional waters in District 14 since there are no conservation concerns in this area.

Proposal #287 - Support. We support this ADFG proposal to clarify if the waters in front of salmon streams are open during the spring fisheries.

Proposal #378 & #379 - Both of these proposals take statutory changes. While it is likely those changes to the statutes may occur in the next year or two we believe that the statute change should occur prior to having a discussion with the fleet. Both of these proposals have contributed to many discussions within the fleet and forcing some members of the fleet to look at current conditions and what the future of the fleet should look like. At this time there is no consensus on whether a majority of the fleet is in support or opposed to this proposal or similar ideas.

Proposal #381 - Oppose. While the change in this proposal would provide ADFG the flexibility to change the starting time of the fishery, there are a lot of considerations that should be dealt with prior to changing the starting time. Such as is it appropriate to have different districts starting at different times. Will changing the starting time of the fishery increase the conflicts between the gillnet and sport fisheries. Who will determine what the starting time should be and what will be the process? ADFG or a couple of fishermen, the processors? While it would be nice to start the first day earlier such as the suggested time in the proposal 6:00 am, what will be the effect in ending the fishery early in the morning at 6:00 am. Nor do we understand the justification given in the proposal that changing the starting time of the fishery increases the quality of the fish.

Proposal #382 - Support. This proposal would allow a fisherman to use their current net if a king fishery is ever established. In today's market for gillnet kings and the cost of net it would be prohibitive to most fishermen to participate in the fishery if they had to have a special net in order to participate.

Proposal #383 - Support. This proposal establishes corridor areas in the District 8 to allow gillnet harvest of Anita Bay returns with 6" minimum mesh restriction while protecting weaker sockeye stocks. ADFG has stated at Advisory committee meetings that they are neutral on the allocative aspects of this proposal but is opposed to this proposal because they feel that there will be an unacceptable harvest on wild stocks and that it would be against the mixed stock policy. In the mixed stock policy under (d) it states that the board will restrict new or expanding mixed stock fisheries unless otherwise provided for by management plans or application of the board's allocation criteria. This proposal is asking for a District 8 management plan so that the Dept may open this area and allow the opportunity to harvest the fish when they are in better shape rather than harvesting the darker fish out of the terminal harvest area when they are less desirable. The other regulation that should be considered while discussing this proposal is AS 16.10.440 (a) Fish released into the natural waters of the state by a hatchery operated under AS 16.10.400-16.10.470 are available to the people for common use and are subject to regulation under applicable law in the same way as fish occurring in their natural



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

April 28, 2005

Representative Gabrielle LeDoux
Alaska State Legislature
State Capitol (Mail Stop 3100) Room 412
Juneau AK 99801-1182

Dear Representative LeDoux,

UFA supports HB 251 authorizing the Board of Fisheries to adopt regulations regarding fishing by a person who holds two entry permits for a salmon fishery.

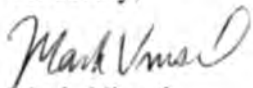
Ownership of two permits in a fishery for the purpose fleet consolidation is already provided for under state law (AS 16.43.140). There are now no incentives for fishermen to purchase second permits to accomplish the intended purpose of this law. The Board of Fisheries has established regulations that provide a modest additional fishing gear use for two permit-holding fishermen, fishing from the same boat. HB 251 would remove the statutory prohibition on the Board of Fisheries from considering this concept in the case where two permits in the same fishery are held by one fisherman.

This bill provides the Board of Fisheries tools they may use to consolidate effort, increase the efficiency of fishing operations and improve the ex-vessel quality of salmon.

This bill will give the Board of Fisheries the authority to consider incentives for fishermen to purchase second permits in a fishery. UFA feels that this bill can provide a way for the reduction of active fishermen in a fishery, towards the optimum number, without state or federal buyback funding.

Thank you for your consideration of HB 251.

Sincerely,


Mark Vinsel
Executive Director

MEMBER ORGANIZATIONS

Alaska Crab Coalition • Alaska Dragger's Association • Alaska Longline Fishermen's Association • Armstrong Keta • At-sea Processors Association
Bristol Bay Reserve • Concerned Area "M" Fishermen • Cordova District Fishermen United • Douglas Island Pink and Chum
Fishing Vessel Owners Association • Groundfish Forum • Kenai Peninsula Fishermen's Association • Kodiak Regional Aquaculture Association
North Pacific Fisheries Association • North Pacific Scallop Cooperative • 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 • Southeast Alaska Herring Seiners Marketing Association
Southeast Alaska Regional Dive Fisheries Association • Southeast Alaska Seiners Association • Southern Southeast Regional Aquaculture Association
United Catcher Boats • United Salmon Association • United Southeast Alaska Gillnetters • Valdez Fisheries Development Association
Western Gulf of Alaska Fishermen



Official Business

Alaska State Legislature

Senate

Office of the Secretary

State Capitol, Room 213
Juneau, Alaska 99801-1182
Phone: (907) 465-3701

Fax: (907) 465-2832

Email: senate_secretary@legis.state.ak.us

CONCUR

March 22, 2006

MESSAGE TO THE HOUSE

MR. SPEAKER:

The Senate passed CS FOR HOUSE BILL NO. 251(RES) with the following amendment(s):

SENATE CS FOR CS FOR HOUSE BILL NO. 251(RES)

"An Act authorizing the Board of Fisheries to adopt regulations regarding fishing by a person who holds two entry permits for a salmon fishery."

and it is returned for consideration.

A handwritten signature in cursive script that reads "Kirsten Waid".

Kirsten Waid
Secretary of the Senate



ALASKA STATE LEGISLATURE Limbo File

Sponsor:	Representative Samuels
Current Version:	SCS CSHB 251 (RES)
Contact:	Tim Benintendi, 465-3715
Date:	March 23, 2006

Limbo File Comparison Sheet for House Bill 251

Short Title: COMMERCIAL FISHERY MULTIPLE PERMIT HOLDERS

Summary:

The bill intends to give the Board of Fish additional authority in assigning fishing privileges to those in a salmon fishery who hold more than one limited entry permit. It accomplishes that goal by placing that discretion with the panel having the responsibility and the oversight to do so, with intimate knowledge of each of the state's salmon fisheries.

The House Resources CS identified specific language that directed the Board of Fish to consider issuing extra or modified gear, additional times, and/or permission to fish in other areas. The Senate Resources CS simply pulled that specific language and replaced it with more generalized language which authorizes the Board to consider "*an additional fishing opportunity appropriate for that particular fishery.*"

Benefits:

In an era when many limited entry permits are going unused, this bill allows the Board of Fish to reduce the number of unused permits in a fishery, and enhance the economic opportunities of those who remain active.

Changes:

The Senate Resources Committee changes eliminate language on page 1, lines 9-12 of the House Resources version.

Acceptance:

Representative Samuels concurs with the changes to HB 251 and urges members to concur.