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

February 4, 2025

Re: Support for HB33 Board of Fisheries Conflict of Interest

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

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

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

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

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

² AS § 16.05.221(a).

³ AS § 16.05.221.

⁴ AS §§ 16.05.251(a)(1)-(12).

⁵ AS § 16.05.251(3).

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

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

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

Thank you for the opportunity to comment.

Sincerely,

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

Linda Behnken
Executive Director