

State of Alaska FY2002 Governor's Operating Budget

Department of Public Safety
Enforcement and Investigative Services Unit
Component

Component: Enforcement and Investigative Services Unit

Contact: Col. Joel Hard, Director

Tel: (907) 269-5584 **Fax:** (907) 269-5616 **E-mail:** joel_hard@dps.state.ak.us

Component Mission

The mission of the Division of Fish & Wildlife Protection is to protect the state's fish and wildlife resources.

Component Services Provided

- 1) Perform FWP enforcement patrols and conduct investigations throughout Alaska's 586,000 square miles of landmass and 36,000 miles of coastline with vessels, aircraft and vehicles.
- 2) Perform marine enforcement patrols over expanded jurisdiction in the Bering Sea of approximately 335,000 square miles through the Magnuson Fishery Conservation Management Act.
- 3) Maintain 34 FWP post locations throughout the state to serve the public and provide local enforcement response.
- 4) Participate in search and rescue missions statewide.
- 5) Investigate and apprehend criminal offenders.

Component Goals and Strategies

The main goal is to protect all State fish and game resources by decreasing harmful impacts to fish and game resources, reduce opportunities for poachers and increase public awareness and participation in resource protection. Fish & Wildlife Protection Troopers will accomplish this through:

- 67,172 fish and game resource users contacts,
- 7,559 aircraft patrol flying hours,
- 493 large vessel patrol sea days,
- 742 small vessel patrol sea days,
- Timely receive and investigate tips received through the Wildlife Safeguard Hotline, and
- Provide public education on resource related topics to the public and schools.

Key Component Issues for FY2001 – 2002

ENFORCEMENT COVERAGE

Due to the present level of staffing and funding for equipment, 38 commercial fish areas, 24 sport fish areas and 30 hunting areas receive insufficient or no enforcement coverage.

Examples of areas without sufficient coverage are:

- Southeast Alaska commercial salmon gillnet fisheries
- Matanuska-Susitna Valley sport and subsistence big game hunts
- Southeast Alaska and Kenai Peninsula salt water charter fleet fisheries
- Bristol Bay fresh water sport fisheries
- Big game hunting activities north of the Brooks Range
- Bering Sea commercial crab fisheries
- Yakutat, Icy Bay and Gulf Coast commercial fisheries, sport fisheries, hunting and trapping
- Kasilof, Kenai and Copper River personal use and subsistence fisheries

Many other areas do not have sufficient enforcement coverage. In order to stay within existing funding levels, the Division must prioritize allocation of enforcement resources to provide the best coverage it can.

INCREASE IN STATE POPULATION AND RESOURCE USE

In FY1991, 196,162 nonresident sport licenses were sold and in FY2000, 285,166 were sold, an increase of over 45% in 10 years. There are presently 86 funded FWP troopers in Alaska. Population in the state continues to rise. New sport fisheries and hunts open and close on a year around basis. Pressure on populations of fish and game continue to increase resulting in numerous new regulations to curtail harvest and maintain sustained yield. All these new provisions need adequate law enforcement personnel to protect the resource. Many commercial fisheries, big game hunting areas, and sport fisheries receive little or no resource enforcement due to lack of personnel. Feedback from the public continues to emphasize the need for more field enforcement and question whether the current number of troopers is adequate for the task. The FY2002 Governor's budget includes an increment to fund 10 additional FWP troopers and support costs to address this need.

PATROL VEHICLE FUEL PRICE HIKES

Current funding levels do not allow for the increased price of vehicle fuel statewide. FY2000, was the first year that the Division paid vehicle fuel costs as a direct line item. In previous years, it was built into the HWCF operating rate. As such, the Division used an estimated cost per vehicle provided by DOT/SEF to budget for its fuel costs. In FY2000, \$91,900 was budgeted and the latest figures reflect that \$122,900 was paid, a difference of \$31,000.

All FWP Troopers in the field need dependable vehicles, aircraft or vessels whichever is appropriate in order to cover their 7,813 square mile patrol area.

REVENUE FROM FISH & GAME FUND

Due to deteriorating fisheries resulting in reduced fishing efforts and reduced violations, it is anticipated that, in FY2002, FWP will be facing a potential shortfall of \$150.0 from the Fish and Game Fund and a funding source change is being submitted.

HWCF RATE INCREASES

DOT/SEF has advised that with the FY2002 replacement rates,"the replacement rates were developed with one change in the methodology. Inflation is now included in the first year of an asset's life. In the past the lack of the inflation rate has caused an under-recovery on the cost of new replacement vehicles. The inflation rate used in the calculations was based on when a vehicle was put into service or anticipated to be put into service. Actual Anchorage Consumer price index (CPI) was used prior to FY2000 and a projection of 3% is used for FY2000 and beyond. This change in methodology should help alleviate the under-recovery situation." It is estimated that this incremental funding request of \$36.7 will allow the Division to continue operations consistent with FY2001 and address these rate increases.

Major Component Accomplishments for FY2000

SPORT FISHING ENFORCEMENT

Fishery disaster declarations in the Yukon/Kuskokwim regions resulted in reduced sport and subsistence fisheries, requiring essential monitoring patrols. Although necessary, these patrols garnered fewer contacts and citations indicating general angler compliance to emergency regulations.

The same was true for other areas and fisheries as well. Poor King Salmon and Sockeye returns to the Kenai River impacted sport fishing seasons and bag limits, and the commercial season. Emergency regulations reduced angler effort and enforcement resulted in fewer observed violations. Extensive patrols of the clam beaches this season, including Cook Inlet and the Katchemak Bay area where Razor clam bag limits were reduced, resulted in citation and warning rates well under expectations. Compliance improved due to similar efforts last season.

The upper Cook Inlet Silver Salmon run exceeded expectations and was significantly improved from recent years. With this healthy late run of Silvers, increased effort by sport and personnel use fishers was noticed. Complicated fishery regulations for Parks Highway fisheries also required an intensity of enforcement. These adjustments provided for fairly consistent violation rates overall.

GENERAL HUNTING ENFORCEMENT

430 hunters passed through the Koyukuk area mandatory check station at Ella's Cabin located on the confluence of the Yukon and Koyukuk Rivers. This number was down by 300 hunters from 1999 largely due to the implementation of a drawing permit system for moose hunters. As a result, the number of moose killed was reduced by 100 animals from last year to 279 moose killed this year. 96 fewer cows were killed in 2000 than in 1999.

The past two years there has been a visible increase in the number of moose wasted in the immediate Fairbanks vicinity. This past hunting season there were 14 moose carcasses found that were wasted.

Moose hunting in Game Management Unit 13 & 14 was shortened both in the fall general hunt and the winter Game Management Unit 14 hunt. The fall hunt was reduced to 20 days with the winter hunt being shortened to 10. However, with these season reductions, illegal moose kills continued at prior year levels. In some cases violators went to extreme effort to avoid detection. For example, an illegal moose was discovered after closer inspection of the antlers revealed that the skull plate had been broken with a metal plate installed with screws to spread the antler width to 50.5 inches.

Troopers put more effort into enforcing hunting along the Haul Road. This effort uncovered additional violations of the firearm restriction and salvaging all the edible meat requirements. The number of hunters has not increased significantly and the success rate is determined solely by the caribou migrations across the Haul Road.

COMMERCIAL FISHING ENFORCEMENT

Following a State investigation, a Kenai seafood processor was charged in Federal court with conspiracy and illegal halibut purchases. Approximately \$42,000 worth of halibut caught in violation of federal regulations was purchased and an effort was made to alter records to legitimize the purchases. The involved fisherman was sentenced to six months in jail followed by six months of home detention. He was fined \$3,000, forfeited his fishing vessel, and ordered to surrender his Individual Fishing Quotas. The Processor is awaiting trial.

A purse seiner was seized following a creek robbing complaint at Redfish Bay in Southeast Alaska. The F/V Tsiu had set inside the markers of this sensitive salmon fishery. ADF&G described the impact of this violation to Redfish Bay sockeye as devastating. They had observed about 14,000 fish in the closed waters at the head of the bay, very close to their necessary escapement goal. This illegal catch in closed waters resulted in only 1,000 fish left in the bay, raising serious biological and subsistence concerns. It characterizes the importance of an enforcement presence in all fisheries, something current Division resources cannot provide. The vessel has been seized and the skipper and seizure are pending in court.

The Division's primary role of law enforcement includes Area M fisheries enforcement, the subject of a continuing heated debate related to fisheries disaster declarations in the Yukon/Kuskokwim regions. In June, three commercial seiners were observed discarding salmon overboard during a commercial fishing period while FWP troopers conducted a stakeout for illegal activity at Popoff Island. The skippers were charged with failing to retain the salmon caught and are awaiting trial. This case validated long-term suspicions of chum dumping in the False Pass region and resulted in formal direction to the Board of Fish to address regulations in the area.

BRISTOL BAY COMMERCIAL SALMON ENFORCEMENT

In 1999, the Division implemented changes to our enforcement effort enhancing enforcement in the Egegik District and the Dillingham area. This year we continued this practice and added an extra Trooper in Dillingham during the peak of the run and continued to operate two jet skiffs in the Egegik District. With these added resources the Division cited over 200 fishermen for fishing violations, an increase over 160 cases in 1998, and 157 in 1999. Troopers arrested two fishermen and seized one vessel for fishing without a permit, and one fisherman was arrested twice for this same offense. This was the first year that a permit holder was not allowed to fish Bristol Bay because of the new point system instituted 3 years ago by the Legislature.

WILDLIFE INVESTIGATION BUREAU

This small investigative unit worked closely with other wildlife law enforcement agencies, targeting unlicensed guides - a source of growing concern for the industry. Major investigations undertaken by this unit were recognized and prosecuted at Federal levels resulting in more severe criminal penalties. For example, two Yakutat residents were sentenced to one year and eighteen months respectively, for illegally guiding for and taking Mountain Goats.

In contrast, a nonresident prosecuted in State court was sentenced to ten days with five suspended, fined \$10,000 with \$5,000 suspended and ordered to pay \$5,000 restitution for illegally guiding black bear hunters on Prince of Wales Island. The State investigation determined this illegal guide had taken 11 bears during the 1998 and 1999 seasons.

To help decrease overall waste related cases primarily in western Alaska in the fall of 2000, WIB developed, published and distributed among the public and transporters, the Guide to Correct Field Dressing and Care of Big Game. It is yet too early to determine how helpful this was in improving meat salvage requirements.

STATEWIDE ISSUES

The impact from the Whittier tunnel opening failed to be as great as expected this summer. No noticeable increase in reported violations occurred, although increased access to the area was possible. The northwest part of Prince William Sound was routinely patrolled by our Valdez and Cordova post troopers in patrol skiffs. While there was increased motor vehicle activity no increased resource violations have been noticed to date. Anticipated increased resource user activity will require a permanent presence in the future.

Statutory and Regulatory Authority

- 1) Aeronautics (AS 02)
- 2) Criminal (AS 11)
- 3) Environment (AS 46)
- 4) Fish & Game (AS 16)
- 5) Fish & Game (5 AAC)
- 6) Guide/Outfitting (12 AAC)
- 7) Guide/Outfitting (AS 08)
- 8) Health & Safety (AS 18)
- 9) Limited Entry (20 AAC)
- 10) State Government (AS 44)

Enforcement and Investigative Services Unit**Component Financial Summary***All dollars in thousands*

	FY2000 Actuals	FY2001 Authorized	FY2002 Governor
Non-Formula Program:			
Component Expenditures:			
71000 Personal Services	8,828.0	8,799.7	9,581.7
72000 Travel	312.7	492.7	596.7
73000 Contractual	1,592.3	1,763.5	2,161.6
74000 Supplies	291.0	259.2	514.2
75000 Equipment	133.7	11.6	11.6
76000 Land/Buildings	0.0	0.0	0.0
77000 Grants, Claims	0.0	0.0	0.0
78000 Miscellaneous	0.0	0.0	0.0
Expenditure Totals	11,157.7	11,326.7	12,865.8
Funding Sources:			
1004 General Fund Receipts	10,569.3	10,630.4	12,474.9
1007 Inter-Agency Receipts	39.3	165.1	60.3
1024 Fish and Game Fund	549.1	3.8	0.0
1053 Investment Loss Trust Fund	0.0	49.4	0.0
1134 Fish & Game Duplicated Expenditures	0.0	478.0	330.6
Funding Totals	11,157.7	11,326.7	12,865.8

Estimated Revenue Collections

Description	Master Revenue Account	FY2000 Actuals	FY2001 Authorized	FY2001 Cash Estimate	FY2002 Governor	FY2003 Forecast
Unrestricted Revenues						
None.		0.0	0.0	0.0	0.0	0.0
Unrestricted Total		0.0	0.0	0.0	0.0	0.0
Restricted Revenues						
Interagency Receipts	51015	39.3	165.1	165.2	60.3	60.3
Fish and Game Fund	51045	549.1	481.8	481.8	330.6	330.6
Investment Loss Trust Fund	51393	0.0	49.4	49.4	0.0	0.0
Restricted Total		588.4	696.3	696.4	390.9	390.9
Total Estimated Revenues		588.4	696.3	696.4	390.9	390.9

Enforcement and Investigative Services Unit**Proposed Changes in Levels of Service for FY2002**

The Division continues to operate at a minimally acceptable level of enforcement efforts with many areas of the state being unpatrolled or randomly patrolled at best. Any inflationary factors to be considered without additional dollars result in reduced program efforts. Presently,

- Since 1991, the state population has grown from 569,054 to 633,000, the equivalent of a larger city population.
- In FY1991, 380,872 resident and nonresident sporting licenses were sold in Alaska. In FY2000, 465,503 were sold, an increase of over 22% in 10 years.
- In the last decade, Trooper positions have remained essentially flat, and unable to keep pace with a growing state population and the hunting and fishing public.
- Each FWP field trooper has to cover over 7,813 square miles.

END RESULT:

Many commercial fisheries, big game hunting areas, and sport fisheries receive little or no resource enforcement. Both commercial and sport fisheries resources are continuing to grow and this Division must keep pace with the growth. This can only be done through having adequate personnel and modern equipment, which will provide the Division the ability to provide necessary protection of the state's valuable resources.

INCREASED PRESENCE:

In FY2002, incremental funding approval will greatly improve the service level afforded by this Division. 10 FWP Troopers are requested to bolster present enforcement efforts. The funding proposed will provide personal services and support costs of the personnel in FY2002.

**Summary of Component Budget Changes
From FY2001 Authorized to FY2002 Governor**

All dollars in thousands

	<u>General Funds</u>	<u>Federal Funds</u>	<u>Other Funds</u>	<u>Total Funds</u>
FY2001 Authorized	10,679.8	0.0	646.9	11,326.7
Adjustments which will continue current level of service:				
-Funding Source Switch from Fish & Game Fund to General Fund	150.0	0.0	-150.0	0.0
-Technical Adjustment: I/A Funds from Enforcement/ISU to Aircraft Section	0.0	0.0	-105.0	-105.0
-Year 2 Labor Costs - Net Change from FY2001	8.4	0.0	-1.0	7.4
Proposed budget increases:				
-FWP 10 New Commissioned Officers	1,600.0	0.0	0.0	1,600.0
-HWCF Rate Increases	36.7	0.0	0.0	36.7
FY2002 Governor	12,474.9	0.0	390.9	12,865.8

Enforcement and Investigative Services Unit**Personal Services Information**

Authorized Positions			Personal Services Costs	
	FY2001 Authorized	FY2002 Governor		
Full-time	107	119	Annual Salaries	6,500,219
Part-time	21	19	COLA	159,346
Nonpermanent	0	0	Premium Pay	746,134
			Annual Benefits	2,484,759
			<i>Less 3.12% Vacancy Factor</i>	<i>(308,758)</i>
			Lump Sum Premium Pay	0
Totals	128	138	Total Personal Services	9,581,700

Position Classification Summary

Job Class Title	Anchorage	Fairbanks	Juneau	Others	Total
Administrative Assistant	1	0	0	0	1
Administrative Clerk II	1	0	1	4	6
Administrative Clerk III	3	1	1	3	8
Captain PS	2	0	0	1	3
Criminal Justice Technician I	1	0	0	0	1
F&W Aide	4	2	2	21	29
Lieutenant PS	2	1	1	2	6
Mail Clerk Carrier I	1	0	0	0	1
Major PS	1	0	0	0	1
Micro/Network Tech I	1	0	0	0	1
Radio Dispatcher II	0	0	0	1	1
Sergeant PS	1	1	1	8	11
State Trooper	9	4	4	52	69
Totals	27	9	10	92	138