

**Secure, Store and Maintain Seized Vessels****FY2003 Request: \$90,000**  
**Reference No: 6131****AP/AL:** Appropriation**Project Type:** Transitional**Category:** Public Protection**Location:** Statewide**Contact:** Kenneth E. Bischoff**House District:** Statewide (HD 1-40)**Contact Phone:** (907)465-4336**Estimated Project Dates:** 07/01/2002 - 06/30/2004**Brief Summary and Statement of Need:**

This project will fund, on a 24-month schedule, the state's obligation to secure, store, and maintain vessels seized as a result of illegal commercial fishing activity. When a vessel is seized, it is the state's responsibility to ensure that the seized vessel is stored securely and maintained until the vessel is either forfeited to the state or returned to the defendant.

<b>Funding:</b>	<b>FY2003</b>	<b>FY2004</b>	<b>FY2005</b>	<b>FY2006</b>	<b>FY2007</b>	<b>FY2008</b>	<b>Total</b>
Gen Fund	\$90,000		\$90,000		\$120,000		\$300,000
<b>Total:</b>	<b>\$90,000</b>	<b>\$0</b>	<b>\$90,000</b>	<b>\$0</b>	<b>\$120,000</b>	<b>\$0</b>	<b>\$300,000</b>

<input type="checkbox"/> State Match Required	<input type="checkbox"/> One-Time Project	<input type="checkbox"/> Phased - new	<input type="checkbox"/> Phased - underway	<input checked="" type="checkbox"/> On-Going
0% = Minimum State Match % Required		<input type="checkbox"/> Amendment	<input type="checkbox"/> Mental Health Bill	

**Operating & Maintenance Costs:**

	<u>Amount</u>	<u>Staff</u>
Project Development:	0	0
Ongoing Operating:	0	0
One-Time Startup:	0	0
<b>Totals:</b>	<b>0</b>	<b>0</b>

**Additional Information / Prior Funding History:**

Sec 19, Ch 79, SLA 1993, \$150.0

**Project Description/Justification:****PROJECT DESCRIPTION**

This project will fund the state's obligation to secure, store, and maintain vessels seized as a result of illegal commercial fishing activity.

**PROJECT NEED STATEMENT**

When the state seizes a vessel which has been involved in a major commercial fishing violation, it is the state's responsibility to ensure that the seized vessel is stored securely and maintained until the vessel is either forfeited to the state or returned to the defendant. To meet this obligation, the state incurs costs such as storage, survey, moorage, engineering, and fuel.

**DOCUMENTATION OF ESTIMATED CAPITAL COSTS**

The estimated cost of \$90,000 is based upon the division's anticipated multi-year need for funds to store and maintain seized vessels. The balance of previous CIP funds earmarked for this purpose were reappropriated to make a funding shortfall in the purchase of the 65' catamaran enforcement vessel recently acquired for the Kodiak area. The need for vessel seizure funds still remains.

No vessel seizure funds exist for FY02 and any such expenditures put pressure on operational funds for fisheries patrols. The lack of activity in recent fiscal years should not be construed as the lack of need for vessel seizure funds in future fiscal years. Recent fiscal years produced poor fishing harvests, and fewer boats were out fishing.

The potential to incur costs of at least \$50,000 a year is always present. For example, if a large commercial crab vessel

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valued at over 1 million dollars were seized, many additional expenses are necessary to provide proper security of the vessel while it is under the state seizure. The vessel may need to be ferried from the fishing ground with the possibility of escort. It would require dock space rental since it would be too large to effectively dry dock. Shore power costs, routine maintenance, and other related expenses would be incurred and could very well continue for more than a year depending on the progression of the case and court proceedings.

During the summer of 1992, an additional \$50,000 was expended through a reimbursable services agreement with the Department of Fish Game, Fish & Game Fund, for expenses relating to vessel seizure operational costs. Fish & Wildlife Protection seized eighteen vessels and did not have sufficient seizure fund dollars for unanticipated operational costs. A portion of the proceeds from the settlement of the case was to be returned to the Fish & Game Fund.

The division currently has one fishing vessel and one support skiff under seizure. The vessel is a 58-foot salmon purse seiner estimated at a present value of \$300,000 seized August 2000 in the Sitka region.

### **ANALYSIS OF ESTIMATED OPERATING COSTS**

There are no new operating costs for this project.

### **IDENTIFICATION OF ALTERNATIVES CONSIDERED**

1. Do not seize vessels: Vessel seizures are necessary and required for evidentiary purposes. Vessel seizures also act as a deterrent for other commercial fishing violations. Any vessel damaged while under FWP control will likely result in liability claims against the State which has happened.
2. Fund the project from the operating budget: Charging this expenditure against the operating budget would have a significant negative impact on the division's resource enforcement programs that have already been reduced due to increases in fixed costs.

### **PROJECT EVALUATION STATEMENT**

Protection of the resource is critical to resource preservation and the stimulation of economic growth. Without the ability for this division to seize vessels, which are illegally reaping the harvests of our commercial fisheries, the detriment to resource and Alaskans will be tenfold. Resources cannot be maintained if the stocks are not protected against over-harvest by the fishers. Commercial fishing is a major revenue producer for this state and its residents, and more importantly, if properly protected and managed, is a renewable resource which will allow Alaska to prosper in spite of its declining oil revenues. This project cannot be delayed without serious loss to the resource.