

Marine Fisheries Patrol Improvements**FY2007 Request: \$1,400,000****Reference No: 35825**

AP/AL: Appropriation
Category: Public Protection
Location: Statewide

Project Type: Health and Safety**Contact:** Dan Spencer, Director, Administrative Services**House District:** Statewide (HD 1-40)**Contact Phone:** (907)465-5488**Estimated Project Dates:** 10/01/2006 - 09/30/2008**Brief Summary and Statement of Need:**

The Alaska State Legislature urged the division to seek additional funds for its patrol efforts in federal waters of the North Pacific Ocean and Bering Sea. This project is a result of lengthy negotiations with the National Marine Fisheries Service. Federally regulated marine fisheries occur on a year-round basis in the coastal and offshore waters of the State of Alaska. Both the federal and state governments share an interest in ensuring these fisheries are protected.

Funding:	FY2007	FY2008	FY2009	FY2010	FY2011	FY2012	Total
Fed Rcpts	\$1,400,000	\$2,500,000	\$2,500,000	\$2,500,000	\$2,500,000	\$2,500,000	\$13,900,000
Total:	\$1,400,000	\$2,500,000	\$2,500,000	\$2,500,000	\$2,500,000	\$2,500,000	\$13,900,000

<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:	1,113,600	17
One-Time Startup:	0	
Totals:	1,113,600	17

Additional Information / Prior Funding History:

Chapter 3, FSSSLA 2005, Page 64, Line 6-7 \$2,500,000 (JEA#4 and JEA#5)

Chapter 159, SLA 2004, Page 32, Line 17-18 \$1,250,000 (JEA#4)

Chapter 82, SLA 2003, Page 33, Line 20 & Chapter 159, SLA 2004, Page 82, Line 28-31 \$1,250,000 (JEA#3)

Chapter 1, SSSLA 2002, Page 45, Line 17 \$1,001,450 (JEA#2)

RPL 12-2-0075 & 12-2-0100 for a total of \$1,001,450 federal receipts were combined and approved as a single capital RPL by the Legislative Budget and Audit Committee on October 23, 2001 (JEA#1).

Project Description/Justification:

The National Oceanic and Atmospheric Administration (NOAA), National Marine Fisheries Services (NMFS), has entered into an agreement with the State of Alaska, Department of Public Safety, Alaska State Troopers, to enforce federal laws and regulations under the Magnuson-Stevens Fishery Conservation and Management Act; the Endangered Species Act of 1973; the Lacey Act Amendments of 1981; and the Northern Pacific Halibut Act of 1982.

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Federally regulated marine fisheries occur on a year-round basis in the Exclusive Economic Zone (EEZ) offshore of the State of Alaska. This agreement (Joint Enforcement Agreement or JEA) provides a framework plan for the enforcement of federal and state fisheries regulations in the EEZ offshore of the State of Alaska.

Recognizing enforcement needs in the North Pacific Ocean and Bering Sea, the Department of Public Safety cooperates with the NMFS in enhanced patrols available through the Coastal Stewardship Act. The NMFS recognizes that Alaska maintains the assets and personnel for efficient patrols and rather than create a redundant infrastructure, they prefer to augment the state's programs.

Fish and wildlife law enforcement in Alaska's coastal and offshore environments is of broad common interest to both the state and federal governments. However, these large geographic expanses suffer an absence of federal logistical support for patrolling, monitoring, and investigating fish and wildlife related activities and impacts.

Even though Alaska's enforcement logistical capabilities are well beyond those available to the NMFS and other federal agencies, the Alaska Bureau of Wildlife Enforcement (ABWE) is unable to broaden or enhance its field presence without additional funding. In many cases, enhancing state funding will provide additional air and sea patrols during which state and federal concerns can be met concurrently. Such enhancement of existing state assets and infrastructure is much more cost effective than developing similar assets in the federal government.

This cooperative project is consistent with long-term state enforcement. For decades, the State of Alaska has been delegated federal enforcement authority in federal waters. These fisheries are of common concern to both state and federal managers. This project demonstrates that the federal government is concerned about enforcement presence and has agreed to share in the high costs of marine offshore enforcement in support of ABWE's expanded resource patrols.

The need for additional dockside monitoring and enforcement presence has increased with the change in federal fisheries from open competitive to quota share systems. As these quota share systems are being developed, newly designed fisheries result that have significantly changed the scope of enforcement. The system has created fisheries that are open nearly all year and has resulted in a significant need for increased dockside monitoring of landings. NMFS has requested assistance and has agreed to enhance state funding to provide increased department shore-side presence to monitor landings.

All agreement funding is intended to augment the work currently performed by ABWE using existing personnel. The agreement will also fund a full-time sergeant (JEA coordinator) and administrative clerk in Kodiak, state trooper JEA supervisor in Soldotna, and fourteen public safety technician positions. Public safety technicians are located in the following communities: Dutch Harbor (2), Kodiak (3), Soldotna (1), Cordova (1), Juneau (1), Hoonah (1), Ketchikan (1), Anchor Point (1), Seward (1), Petersburg (1), and Sitka (1). These positions will be primarily assigned to dockside monitoring and inspections for IFQ/IPQ fishery compliance. Funding used for personal service costs will also pay for premium pay (sea day pay and overtime, plus related benefits) due to the additional enforcement efforts that the division will provide. Funding will also cover costs associated with new vehicles purchased, and will supplement housing in Dutch Harbor.

The division will provide a minimum of 21 large vessel patrol sea days and a minimum of 75 King Air aircraft patrol hours as well as 221 additional small aircraft patrol hours to patrol coastal and offshore waters under terms of the agreement. The division has also committed to a minimum of 1,350 dockside and at sea inspections during the various fisheries around the state with the increased personnel afforded in this agreement.

This project will not result in any additional operating costs requiring state general fund appropriations. These federal funds cannot be used to reduce current state enforcement efforts.

The Joint Enforcement Agreements (JEA) increased significantly in state FY2006. Therefore, JEA #4 uses state authorization from the FY2005 capital appropriation and part of DPS's FY2006 capital appropriation. This appropriation request will provide authorization for the balance of JEA #5 not covered by the remaining FY2006 capital appropriation. Appropriation requests for future agreements will be for the full agreement amount each year.