

Coastal Marine Boundary Mapping**FY2013 Request: \$180,000****Reference No: 53975****AP/AL:** Appropriation**Project Type:** Research / Studies / Planning**Category:** Natural Resources**Location:** Statewide**House District:** Statewide (HD 1-40)**Impact House District:** Statewide (HD 1-40)**Contact:** Jean Davis**Estimated Project Dates:** 07/01/2012 - 06/30/2017**Contact Phone:** (907)465-2422**Brief Summary and Statement of Need:**

This project supports Department of Natural Resources (DNR) missions of oil and gas development and defense of title to submerged lands and fisheries resources by providing for a coastal boundary consultant to review decisions of the US Baseline Committee affecting Alaska's off shore limit. The consultant will review the Bureau of Ocean and Energy Management, Regulation and Enforcement (BOEMRE) block diagrams for Southeast Alaska determining bay closure lines and calculating the three nautical mile limit, prepare offshore boundary plats, recompute North Slope offshore boundary in conformance with US Supreme Court 84 original decision, coordinate and update procedures for interaction between DNR and BOEMRE.

Funding:	<u>FY2013</u>	<u>FY2014</u>	<u>FY2015</u>	<u>FY2016</u>	<u>FY2017</u>	<u>FY2018</u>	<u>Total</u>
Gen Fund	\$180,000						\$180,000
Total:	\$180,000	\$0	\$0	\$0	\$0	\$0	\$180,000

<input type="checkbox"/> State Match Required	<input checked="" type="checkbox"/> One-Time Project	<input type="checkbox"/> Phased - new	<input type="checkbox"/> Phased - underway	<input 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
<u>One-Time Startup:</u>	0	
Totals:	0	0

Additional Information / Prior Funding History:**Project Description/Justification:**

Under AS 38.04.062, it is the Department of Natural Resources (DNR) responsibility to identify and map state submerged land. This provides the basis of oil and gas lease tracts and fisheries management limits.

The Division of Mining, Land and Water, Survey Section (MLW) has begun a comprehensive review of U.S. Baseline Committee decisions and is requesting reconsideration where it can be demonstrated that under the United Nations Convention on the Law of the Sea (UNCLOS), incorrect decisions were made. To date, we have reviewed committee decisions for approximately 20% of Alaska's coast. This capital project will provide for timely analysis of the remaining committee decisions for the entire coastline of Alaska. The Bureau of Ocean Energy Management, Regulation and Enforcement (BOEMRE) and the Baseline Committee have agreed to consider the state issues. This federal agency and State Department committee is charged with determining from where the measurement of the three nautical mile limit begins.

In some areas, it may be to the state's advantage to conduct field surveys. For example, in Kachemak Bay in 2009, there was an event at Bluff Point where land formed at the mouth of the bay, which may be a viable headland. This CIP will identify such areas and prepare proposals for surveys to be conducted.

This project will also consider the pros and cons of permanently fixing all or portions of the Submerged Land Act (SLA) boundary.

This project will develop processes for coordinated State / Federal review prior to future baseline changes, including state input to National Oceanic and Atmospheric Administration (NOAA) before new charts are published. DNR will work with the Baseline Committee on issues surrounding the three nautical miles covered by the UNCLOS/Geneva Convention, and with BOEMRE on questions regarding the SLA, including prior and future Outer Continental Shelf (OCS) lease boundary agreements and their effect on other federal/state jurisdictional boundaries

Why is this Project Needed Now?:

Alaska's ability to maintain control of off shore development and commercial fisheries within the current three nautical mile limit is in jeopardy.

In 2006, the U. S. Baseline Committee conducted a reevaluation of Alaska's coastline. However, contrary to standard procedure, the BOEMRE was not involved in the committee's deliberations for Alaska's 35,000 miles of coastline. DNR was not consulted or informed of this activity and had no opportunity to comment on the changes. DNR believes that the committee made some incorrect decisions which adversely affect state interests. The Federal U. S. Baseline Committee has unilaterally taken action moving "bay closing lines" in Alaska, which threatens to reduce the extent of state owned waters. The effect is particularly significant in Kachemak Bay and Uyak Bay, and others where it affects active fisheries enforcement and management. In Kachemak Bay, the charted line shifted seven nautical miles into the bay, which would reduce the state's ownership by 64,000 acres. Without action on the state's part, the committee action ultimately will affect the state-federal ownership boundary. This impacts oil and gas leasing, fisheries management, and other jurisdictional issues, such as the waste dumping by cruise ships.

Recently, the Alaska Dept of Fish and Game (ADF&G) was informed that National Marine Fisheries, Kodiak Enforcement has been directed to enforce the newly charted three nautical mile line. The affect of this action essentially transferred fisheries management to the federal government in areas previously under state jurisdiction. This is a serious concern and on January 10, 2011, ADF&G Commissioner Cora Campbell sent a letter to NOAA requesting that the enforcement be to the old line until DNR's issues are addressed.

Prior to issuance of any oil and gas leases by the BOEMRE or DNR, the Submerged Lands and OCS Lands Act Boundaries are officially determined through review and approval by both agencies. In most cases, agreement is reached and using existing charts, the precise boundary is computed mathematically and platted with signatures by both agencies. Other times, agencies jointly fund and conduct a field survey to identify and locate salient points from which the SLA boundary is computed.

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These agreed to boundaries are ambulatory and subject to change as the coast changes and/or when better mapping is available.

According to BOEMRE staff, 70% of Alaska boundaries are not yet agreed upon and they are hoping to use the 2006 NOAA baseline boundaries.

Specific Spending Detail:

<u>LINE ITEM</u>	<u>DOLLAR AMOUNT</u>	<u>DESCRIPTION (text)</u>
Personal Services	\$ 50,000	In-house staff: Land Survey Manager II 10-1789 Land Surveyor II – 10-1843 Land Surveyor I – 10-2197 Land Survey Tech – 10-1778
Travel	\$ 10,000	Meetings and present to committee
Services	\$ 120,000	Contract and Attorney General Office support

State Match Required:

- NO**
 YES

Project Support:

ADF&G, Fishing Industry and the Division of Oil and Gas

Project Opposition:

None known