

ALASKA STATE LEGISLATURE

LEGISLATIVE BUDGET AND AUDIT COMMITTEE

Division of Legislative Finance



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MEMORANDUM

DATE: August 22, 2020
TO: Legislative Budget and Audit Committee
FROM: Kelly Cunningham, Acting Director
SUBJECT: Preparation for the August 27, 2020 Legislative Budget & Audit Meeting

OMB submitted the following FY21 RPLs for consideration at the August 27, 2020 Legislative Budget and Audit Committee meeting. These RPLs, along with Legislative Finance comments, are posted on our web site at <http://www.legfin.akleg.gov>.

RPL#	Agency	Subject	Amount	Fund Source
05-2021-0075	Education and Early Development	National Endowment for the Arts CARES Act	\$421,500	Federal Receipts (1002) Operating
08-2021-0184	Commerce, Community, and Economic Development	Administration of State of Alaska COVID-19 Small Business Relief	\$249,784,591	Federal Receipts (1002) Operating
10-2021-5047	Natural Resources	Geological and Geophysical Surveys	\$500,000	Federal Receipts (1002) Operating
10-2021-5315	Natural Resources	Federal and Local Government Funded Forest Resource and Fire Program	\$7,000,000	Federal Receipts (1002) Capital
10-2021-5316	Natural Resources	National Historic Preservation Fund	\$500,000	Federal Receipts (1002) Capital
10-2021-5317	Natural Resources	Geologic Mapping for Energy Development (USGS STATEMAP)	\$450,000	Federal Receipts (1002) Capital

RPL#	Agency	Subject	Amount	Fund Source
10-2021-5318	Natural Resources	Critical Minerals Mapping - Earth MRI (3DEEP)	\$1,800,000	Federal Receipts (1002) \$1.5M Statutory Designated Program Receipts (1008) \$300K Capital
10-2021-5319	Natural Resources	Agriculture Grant Programs Funding - Economic Assistance	\$4,000,000	Federal Receipts (1002) Operating
11-2021-0021	Fish and Game	Chinook Mitigation	\$6,200,000	Federal Receipts (1002) Operating
11-2021-0022	Fish and Game	Pacific Coastal Salmon Recovery Fund	\$4,600,000	Federal Receipts (1002) Capital
12-2021-0047	Public Safety	Marine Fisheries Patrol Improvements	\$1,100,000	Federal Receipts (1002) Capital
18-2021-0447	Environmental Conservation	Fairbanks PM2.5 Nonattainment Area Voluntary Heating Device Change Out Program	\$14,717,265	Federal Receipts (1002) Capital

If you have any questions that you want an agency to address at the meeting, please call us so we can help ensure the agency has a response prepared.

**Department of Education and Early Development
Alaska State Council on the Arts**

Subject of RPL: National Endowment for the Arts CARES Act	ADN/RPL #: 05-2021-0075
Amount requested: \$421,500	Appropriation Authority: Sec 1 Ch 8 SLA 2020 pg 10 ln 28
Funding source: Federal Receipts (1002) FY2021 Operating	Statutory Authority: AS 44.27.050, AS 44.27.052

PURPOSE

FY2021 federal authorization is required to expend federal revenues.

On March 27, 2020, Congress passed the federal act known as the Coronavirus Aid, Relief, and Economic Security Act or the CARES Act. With the \$75 million appropriated to the National Endowment for the Arts (NEA) through the CARES Act, the nonprofit arts industry is recognized as an important sector of America's economy.

This NEA funding will be used for grants to community arts organizations, local arts agencies, and network arts partners for emergency relief in response to COVID-19 to sustain operations and allow for modification and adaptation of delivery of services. As part of this important investment, the NEA has designed a plan to expedite the distribution of critical funds to the national, regional, state, and local levels to help retain as many jobs as possible, as quickly as possible. These funds are intended to help save jobs in the arts sector and keep the doors open to the thousands of organizations that add value to America's economy and the creative life of our communities.

Use of these funds is limited to any or all of the following: (1) salary support, full or partial, for one or more positions that are critical to an organization's artistic mission; (2) fees for artists and/or contractual personnel to maintain or expand the period during which such persons would be engaged; and/or 3) facilities costs such as rent and utilities.

The Alaska State Council on the Arts (ASCA) received \$421,500 in federal CARES Act funding from the NEA. Funding will be used to award grants to Alaskan artists.

PREVIOUS LEGISLATIVE CONSIDERATION

On May 1, 2020, the Legislative Budget and Audit Committee approved RPL 05-2020-076 which provided \$421,500 federal authority for the same purpose but limited to FY2020. ASCA was unable to expend the funds prior to June 30, 2020. ASCA's FY2021 appropriation of federal authority is not sufficient to collect and distribute this funding.

TIMING ISSUES

The CARES Act was passed by Congress and signed into law on March 27, 2020. The Alaska State Legislature recessed on March 29, 2020. Given the timing, and the original

intent to make awards in FY2020, ASCA did not request additional federal receipt authority for both FY2020 and FY2021 during the last legislative session.

Documentation of the amount of funding was confirmed in an amended partnership agreement on April 14, 2020. The funds are imminent as State Arts Agencies across the nation are also receiving similar funding and are listed as such on the NEA's website. Funds were available to draw down July 1, 2020. These funds are available for obligation through June 30, 2022. The ASCA will obligate the full amount in FY2021, however, sub-grantees may expend these funds in FY2021 and FY2022.

If disapproved Alaska's portion of federal relief funds will be redistributed to other states and Alaska's creative sector and jobs, which are linked with tourism, education, and other sectors, will struggle to recover.

BUDGETARY ISSUES

These federal funds do not affect the general funds, because they do not require a match. They are not a replacement for the general funds. This request for receipt authority is in response to COVID-19 relief funds. There are no indirect cost recovery or fees for services or other considerations in addition to this request.

Legislative Fiscal Analyst Comment: There are no technical issues with this RPL.

To enable legislative tracking, Legislative Finance will assign federal COVID-19 fund code 1265 to federal appropriations associated with Covid-19.

**Department of Commerce, Community, and Economic Development
Executive Administration
Commissioner's Office**

Subject of RPL: Amendments to State of Alaska COVID-19 Small Business Relief	ADN/RPL #: 08-2021-0184
Unobligated Amount Previously Authorized: \$249,784,591	Appropriation Authority: Sec. 37 Ch. 8 SLA 2020; Sec. 32 Ch. 1, FSSLA 2019; Sec 1 Ch 8 SLA 2020 Pg. 4 Ln 25
Funding Source: Federal Receipts (1002) FY2020 Operating and FY2021 Operating	Statutory Authority: AS 26.23.050(c) AS 44.88, AS 44.33.020(18); (20); (29); (30); (31); (32); (34); (35)

PURPOSE

Legislative approval is requested to ensure that the impacts from the COVID-19 disaster on Alaska small businesses are mitigated by the utilization of federal CARES Act funds to the greatest extent possible through a DCCED AK CARES small business relief program that makes full use of federal funds and that carries out the governor's authority to receive, administer and spend grants and assistance from any source to respond to and recover from the disaster. RPL 08-2020-0251 was approved by the Legislative Budget and Audit Committee on May 11, 2020 and ratified by the Alaska Legislature by passage of House Bill 313 on May 20, 2020.

HISTORY

On March 27, 2020, Congress passed the federal act known as the Coronavirus Aid, Relief, and Economic Security Act (CARES Act). Section 601 of the CARES Act established the Coronavirus Relief Fund (CRF) with the stated purpose of distributing \$150,000,000,000 to states for "necessary expenditures incurred due to the public health emergency with respect to the Coronavirus Disease 2019 (COVID-19)."

The federal CARES Act provided the State of Alaska with \$1,250,000,000 under the CRF. The State, through RPL 08-2020-0251, then allocated \$290,000,000 of the total \$1,250,000,000 to small business relief programs. Of that, \$289,250,000 was designated for AK CARES.

As ratified, RPL 08-2020-0251 provided for grants of between \$5,000 and \$100,000 to qualified licensed and eligible small businesses established prior to March 11, 2020 who had been impacted by COVID-19.

Under the ratified RPL, ineligible businesses include:

- Marijuana-related businesses;
- Businesses that are secondary sources of income;
- Out-of-state businesses;
- Businesses with more than 50 full time equivalent employees;
- Businesses that received funding or have an approved application for the federal Small Business Administration's (SBA) Paycheck Protection Program (PPP) or Economic Injury Disaster (EIDL) loan program; and
- Businesses that have filed for bankruptcy.

Since the ratification of RPL 08-2020-0251 and the subsequent opening of the application process it has become clear that the initial program parameters unduly restrict administration of relief needed by Alaskan small businesses. In particular, the restriction for businesses that have received PPP or EIDL funds have reduced the pool of eligible applicants.

RPL 08-21-0184 removes the restrictions for secondary income sources and for businesses that have received funding or have an approved application for SBA's PPP or EIDL loan program. Restrictions from the Federal CARES Act still apply.

Given the unique nature of AK CARES funds – a short term, reimbursement based, disaster relief grant program, where all grant funds must be expended by a federal deadline (currently December 30, 2020 – but due to ongoing COVID-19 national emergency possibility exists that the deadline could be extended to sometime in 2021) these changes via RPL 08-21-0184 will provide the Department of Commerce, Community and Economic Development (DCCED) maximum flexibility to respond to issues identified in the administration of the program. This flexibility will allow DCCED to ensure AK CARES meets the needs of small businesses in the most effective and efficient manner possible. This may include, but is not limited to, raising the number of full-time equivalent employees a business may have and still qualify for the program, disbursement processes, and allowable expenses. Accordingly, the DCCED will be able to adjust eligibility requirements and grant amounts as necessary to allow for full use of federal funds made available through the CARES Act to assist Alaska businesses.

PREVIOUS LEGISLATIVE CONSIDERATION

The Legislature considered and approved RPL 08-2020-0251 on May 11, 2020. The Legislature then convened and passed HB 313 ratifying the RPL, signed into law May 20, 2020. This RPL will enable DCCED to fully administer federal CARES Act funds to assist Alaska small businesses.

TIMING ISSUES

The CARES Act was passed by Congress and signed into law on March 27, 2020. The Alaska State Legislature recessed on March 29, 2020. Given the timing of the CARES Act and passage of the FY21 Budget, the Governor's Office did not have enough information to request an appropriation during the current legislative process. Funding from the CARES Act is to be spent by December 30, 2020.

Legislative Fiscal Analyst Comment: There are no technical issues with this RPL. The Office of Management and Budget submitted this RPL to notify the legislature that it will be necessary to loosen restrictions in order for the AK CARES program to work as envisioned and provide assistance to the maximum number of Alaskans economically impacted by the pandemic.

Funds will be transferred from the Commissioner's Office to the Alaska Industrial Development and Export Authority (AIDEA) via a Reimbursable Services Agreement and the policies that govern the AK CARES Grant Program will be updated. Once funds are disbursed to businesses meeting the new eligibility requirements stated in this RPL, further restrictions, in compliance with the CARES Act, may be lifted to increase the pool of eligible applicants.

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LFD Contact: Sabrina Javier, Fiscal Analyst, (907) 465-5411

**Natural Resources
Fire Suppression, Land & Water Resources
Geological & Geophysical Surveys**

Subject of RPL: Division of Geological and Geophysical Surveys	ADN/RPL #: 10-2021-5047
Amount requested: \$500,000	Appropriation Authority: Sec 1 Ch 8 SLA 2020 Pg 27 Ln 18
Funding source: Federal Receipts (1002) Operating	Statutory Authority: AS 41.08

PURPOSE

The Division of Geological & Geophysical Surveys (DGGS) requests additional federal receipt authority due to an increase in the number of high-profile, critical projects funded at the federal level, including the Alaska Volcano Observatory (AVO) with United States Geological Survey (USGS), National Aeronautics and Space Administration (NASA) Snow Observation Network, Environmental Protection Agency, and the Bureau of Land Management.

This additional federal receipt authority will allow DGGS to work on continuing projects that include the North Slope Arctic Strategic Transportation and Resources (ASTAR) project. It will also allow the division to support existing Alaska Volcano Observatory personnel that are required to conduct instrument upgrades to help more accurately monitor Alaska’s 54 active volcanoes. DGGS is continuously working on coastal hazard mitigation work, focused on Alaska’s western coastline. These grants total approximately \$215,000.

DGGS anticipates receiving funding from USGS through two cooperative agreements to improve digital mapping data and create a statewide database to archive and distribute age dates for geologic samples, a statewide EPA groundwater study, and a landslide hazard mitigation plan for Barry Arm. These grants total \$285,000.

PREVIOUS LEGISLATIVE CONSIDERATION

The last time DGGS requested additional federal authority was in FY2018, resulting from a large, multi-year project led by the Alaska Volcano Observatory to upgrade instrumentation throughout the Aleutians, Alaskan Peninsula, and Cook Inlet.

TIMING ISSUES

Funds are either approved or they are imminent and in various stages of the award – from issuance of grants, notification of intent to award, and increases to existing funding arrangements. All funds are anticipated, and additional federal funding is necessary to

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be awarded during the fiscal year to meet the need. Email confirmation and funding documents are available.

Approval is needed now to begin the planning and development work that occurs during the off seasons in preparation for the spring, summer and fall field work. The off-season work consists of the analyses, interpretation, mapping and report preparation and publication, and preparation for the upcoming field season. As the work is distributed throughout the year, a delay in approval may preclude the possibility of conducting the work, and loss of federal funds.

BUDGETARY ISSUES

The anticipated funding and resulting project work meet long-term plans, missions, measures and statutory responsibility of the division: *“conduct geological and geophysical surveys to determine the...locations and supplies of groundwater and construction materials; the potential geologic hazards to buildings, roads, bridges, and other installations and structures; and shall conduct such other surveys and investigations as will advance knowledge of the geology of the state...” AS 41.08.020.*

Funding cannot be spent, and work cannot be performed until federal funds have been appropriated. There are no general funds available for these projects.

No new permanent positions will be added, current staff within DGGS will be working on these projects. If this request does not get approved, our ability to address the Barry Arm Landslide adequately will be significantly reduced as will the ability to pursue new mineral exploration. The division has insufficient federal receipt authority to accommodate these grants. We also anticipate requesting additional federal authority in FY2022.

Legislative Fiscal Analyst Comment: There are no technical issues with this RPL.

**Department of Natural Resources
Fire Suppression, Land & Water Resources
Forest Management**

Subject of RPL: Federal & Local Government Funded Forest Resource and Fire Program	ADN/RPL #: 10-2021-5315
Amount requested: \$7,000,000	Appropriation Authority: Sec 1, Ch 3, FSSLA2019, Pg 5, Ln 27
Funding source: Federal Receipts (1002) Capital	Statutory Authority: AS 41.17.055

PURPOSE

The federal authority being requested is intended to fund projects that include competitive grant awards for hazardous fuels reduction, wildfire and prevention education, special forest disease surveys, forest restoration projects, biomass inventories and grants to volunteer fire departments (VFDs) and communities for various urban forestry. The Division of Forestry also contracts to operate the field portion of the Forest Inventory Analysis program in Interior Alaska. The recipients of the pass thru grants, both private and public, shall significantly benefit from these projects. This project provides short-term and long-term positive economic impact as it provides seasonal job opportunities, and it helps support and manage local wildland fire programs.

PREVIOUS LEGISLATIVE CONSIDERATION

The Federal and Local Government Funded Forest Resource and Fire Program capital appropriation has been in effect since 2013 (see prior funding history below):

- Sec. 1, Ch. 3, FSSLA2019, pg. 5, ln. 27, SB19 \$1,400,000
- Sec. 1, Ch. 19, SLA2018, pg. 7, ln. 33, SB142 \$1,400,000
- Sec. 1, Ch. 1, SLA2017, pg. 6, ln. 9, SB23 \$1,400,000
- Sec. 1, Ch. 2, SLA2016, pg. 5, ln. 24, SB138 \$1,800,000
- Sec. 1, Ch. 38, SLA2015, pg. 5, ln. 23, SB26 \$1,800,000
- Sec. 1, Ch. 18, SLA2014, pg. 57, ln. 32, SB119 \$1,800,000
- Sec. 1, Ch. 16, SLA2013, pg. 71, ln. 29, SB18 \$1,500,000

The funds are utilized in accordance with program and project requirements as approved by the granting agency. Historically, an amount between \$1,400,000 and \$1,800,000 has been appropriated for these purposes in order to meet Alaska's vast forest and fire-related needs. Forestry's federal grants have increased and we anticipate higher federal amounts will be requested in the future. The project enlists cooperation at the local level throughout Alaska, using a combination of federal resources and other funding provided by municipalities.

There is no intent language in the appropriation bill, and no prior Revised Program Legislative (RPL) has been submitted prior to this one.

A \$7.0 million federal capital request was included in the initial FY2021 capital bill (HB207). It was not a part of the final FY2021 HB205 operating and capital bill passed by the legislature.

TIMING ISSUES

These activities are generally conducted during the summer. A majority of the federal funds are in-hand, but the work cannot begin until the federal authority has been appropriated. These funds are critical and necessary for the State to complete this work during the short field season in Alaska. Other projects that can only be conducted during the summer include wildfire risk reduction via fuel mitigation, fire prevention education outreach, and equipping rural village fire crews.

If approval is denied, the division will not be able to execute the federally funded projects that will consequently affect communities in Alaska that are the end recipients of the respective programs.

BUDGETARY ISSUES

The funding fits into long-term plans, missions and measures of the division, in helping Alaska communities by administering the Community Forestry, Conservation Education, Forest Health, and Stewardship programs; managing wildland fire program on public, private and municipal lands; and providing technical assistance to forest landowners. The program also supports timber management work on federal lands via the Good Neighbor Authority projects and supports jobs and the forest products sector in both direct and indirect ways.

The requested federal receipt authority will be distributed as follows:

Personal Services	2,000,000.00
Travel	275,000.00
Services	2,975,000.00
Commodities	250,000.00
Capital Outlay	-
Grants	1,500,000.00
Total	7,000,000.00

The federal funding will leverage the State's resources in accomplishing programs and projects that are in accord with the division's underlying forest resource and fire programs. It will create some flexibilities whereby some positions can be reallocated for this purpose.

There is no excess receipt authority in the past years to be utilized because it diminishes as the federal award amount multiplies over the course of seven years.

The requested federal receipt authority will be spent for five years contingent to the lifespan of the grant awards.

Legislative Fiscal Analyst Comment: There are no technical issues with this RPL.

**Department of Natural Resources
Parks and Outdoor Recreation
Office of History and Archaeology**

Subject of RPL: National Historic Preservation Fund	ADN/RPL #: 10-2021-5316
Amount requested: \$500,000	Appropriation Authority: Sec 1, Ch 3, FSSLA2019, Pg 5, Ln 32
Funding source: Federal Receipts (1002) Capital	Statutory Authority: AS 41.35, AS 44.37 P.L. 89-665, as amended by P.L.96-515 (Title54USC 300101 et seq.: Historic Preservation)

PURPOSE

This project provides funds for Alaska’s on-going State Historic Preservation Program which includes sub-grants to local governments, for-profit and nonprofit organizations, individuals, and owners of historic properties. There is an ongoing need for the protection, preservation, and rehabilitation or restoration of historic properties. Other historic preservation projects eligible for grants include surveys and inventory of historic properties, education, planning, and training.

This program permits the Department of Natural Resources to accept funds from the federal government, the private sector, and local governments and to pass these funds to historic preservation grant recipients, which assist in meeting statewide historic preservation planning goals. This program provides short-term and long-term positive economic impact as it supports historic sites and local organizations within Alaska.

PREVIOUS LEGISLATIVE CONSIDERATION

This project was last appropriated in FY2020. The National Historic Preservation Fund requires a 40% state match. General fund program receipt (GFPR) and unrestricted general fund will be needed and requested at a later date. There is no intent language in the appropriation bill, and no previous RPL has been requested or considered for this capital project.

Prior funding history:

- Sec. 1, Ch. 3, FSSLA2019, pg. 5, ln. 32, SB19 \$500,000
- Sec. 1, Ch. 19, SLA2018, pg. 8, ln. 12, SB142 \$550,000
- Sec. 1, Ch. 1, SLA2017, pg. 6, ln. 18, SB23 \$400,000
- Sec. 1, Ch. 2, SLA2016, pg. 5, ln. 29, SB138 \$800,000
- Sec. 1, Ch. 38, SLA2015, pg. 5, ln. 26, SB26 \$800,000
- Sec. 1, Ch. 18, SLA2014, pg. 58, ln. 21, SB119 \$800,000
- Sec. 1, Ch. 16, SLA2013, pg. 72, ln. 9, SB18 \$800,000

A \$650.1M (\$500K Federal and \$150.9K state match) capital request was included in the initial FY2021 capital bill (HB207). It was not part of the final FY2021 HB205 operating and capital bill passed by the legislature. The department confirmed funding is being aligned so that in-kind match can be used.

TIMING ISSUES

The funding is anticipated and must be applied for by October 1, 2020 and federal authorization should be in place prior to applying. The funds are imminent, and the division anticipates conducting public meetings, survey work, and restoration work during the summer months of 2020. Delay and disapproval of this capital request will cause us to lose an entire field season and would jeopardize our ability to meet project deadlines and federal reporting requirements.

BUDGETARY ISSUES

The funds are critical to the long-term plans and the core mission of the Office of History and Archaeology (OHA) and the State's historic preservation program as outlined in Alaska's State Historic Preservation Plan "Saving Our Past: Planning for Our Future 2018-2023." The funds are necessary for the State to fulfill program requirements of a State Historic Preservation Program as authorized by the National Historic Preservation Act and its regulations and to maintain certification.

This request represents reimbursable federal grant dollars. Current and future budgets are affected to the extent that OHA and local sub-grantees incur expenditures and bill the National Park Service for reimbursements.

If the federal grant funds are not accepted on time, an opportunity to invest in Alaska's historic properties would be missed and threatened historic properties would be at greater risk. Without this funding, the state's historic preservation program could not sub-grant those funds to the public, government, and business sectors.

The requested federal receipt authority will be distributed as follows:

Personal Services	170,000.00
Travel	5,000.00
Services	30,000.00
Commodities	2,100.00
Capital Outlay	-
Grants	292,900.00
Total	500,000.00

Legislative Fiscal Analyst Comment: There are no technical issues with this RPL.

**Department of Natural Resources
Fire Suppression, Land & Water Resources
Geological & Geophysical Surveys**

Subject of RPL: Geologic Mapping for Energy Development (USGS STATEMAP)	ADN/RPL #: 10-2021-5317
Amount requested: \$450,000	Appropriation Authority: Sec 1, Ch. 3, FSSLA2019, pg. 5, ln. 30
Funding source: Federal Receipts (1002) Capital	Statutory Authority: AS 41.08.020

PURPOSE

This project will:

- 1) Use federal funds from a United States Geological Survey (USGS) STATEMAP grant, which are necessary to produce a 1:63,360-scale bedrock geological map of the Rooftop Ridge area of the North Slope. The formations are known to host billions of barrels of oil in the subsurface.
- 2) Use federal funds from a USGS STATEMAP grant to compile bedrock geology maps from the Yukon-Tanana Upland into the GeMS map schema for electronic distribution.

The primary purpose of this project is to acquire a comprehensive new geologic data set that will catalyze private-sector oil and gas exploration beyond the core Prudhoe Bay area. In addition, this information will provide a sounder technical basis for estimates of undiscovered resources. The primary accomplishment of this project will be the production of a detailed geologic map covering two inch-to-mile quadrangles in the central North Slope foothills; an area of intense interest to industry, and adjacent to the FY2020 STATEMAP map area.

This work benefits the mineral exploration and mining economic sectors as it provides some of the baseline data needed to identify mineral resources, which is a necessary precursor to mining. The mapping assists with identifying areas that may be favorable to the identification of a wide number of mineral occurrences from precious and base metals to critical minerals. This project provides long-term positive economic impact as it will develop the State's resources.

PREVIOUS LEGISLATIVE CONSIDERATION

A \$600,000 (\$300K federal and \$300,000 state match) capital request was included in the initial FY2021 capital bill (HB207). It was not part of the final FY2021 HB205 operating and capital bill passed by the legislature. The department will be able to use existing funds for match.

Prior funding history:

Sec. 1, Ch. 3, FSSLA2019, pg. 5, ln. 30 SB2002 \$600,000

Sec. 1, Ch. 19, SLA2018, pg. 8, ln. 24, SB142 \$600,000

Sec. 1, Ch. 1, SLA2017, pg. 6, ln. 12, SB23 \$2,100,000

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Sec. 1, Ch. 2, SLA2016, pg. 5, ln. 27, SB138 \$200,000

Sec. 1, Ch. 38, SLA2015, pg. 5, ln. 21, SB26 \$800,000

STATEMAP grants have been received by the Department of Geological and Geophysical Surveys (DGGS) since 1993 prior to FY2016 (SLA2015), this funding was included in the operating budget.

This project was last appropriated in FY2019. There is no intent language in the appropriation bill, and no previous RPLs have been requested or considered for this capital project.

This capital project was included in the FY2021 Governor's Budget; however, it did not get included in the approved budget bill (HB205). Since the original request, we were notified that the grant amount was higher than anticipated, therefore federal funds in the full amount of the grant amount are being requested. Match funding has been identified.

TIMING ISSUES

Geologic mapping on the North Slope must occur during the summer. It is not possible to do the work in the winter months.

Funds are imminent, the federal receipt authority is needed for this season in order to complete the planned field work. A delay of approval will preclude the possibility of conducting the work, and the department will be unable to fulfill the grant requirements within the timeframe of this grant.

BUDGETARY ISSUES

This project directly aligns with the division's statutory mission to "*conduct geological and geophysical surveys to determine the potential of Alaskan land for production of metals, minerals, fuels, and geothermal resources...*" AS 41.08.020.

Funding for this project by expenditure type is noted below:

Personal Services	\$435,000
Travel	\$5,000
Contractual	\$5,000
Service	\$5,000
Total	\$450,000

This work is of great interest to the oil and gas industry. The combined funding will produce a geologic map of the Colville River area on the North Slope, which is an economically significant area.

This federal funding provides salary support for several Fairbanks-based staff. All existing positions in the DGGS Energy Section working on this project, and the majority of the positions in the Geologic Information Center will be partially supported by this grant. One new long-term non-permanent (LTNP) Geographic Information System (GIS) Analyst III and one LTNP Geologist II will be required to complete the work.

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Grants for this purpose are given annually however because the grant funding overlaps two state fiscal years, a minimum of a two-year funding term is needed, and we have insufficient federal receipt authority to accommodate this grant.

Legislative Fiscal Analyst Comment: There are no technical issues with this RPL. The Department plans to provide State match through a combination of previously appropriated Capital GF and in-kind personal service staff hours.

**Department of Natural Resources
Fire Suppression, Land & Water Resources
Geological & Geophysical Surveys**

Subject of RPL: Critical Minerals Mapping – Earth MRI (3DEEP)	ADN/RPL #: 10-2021-5318
Amount requested: \$1,800,000	Appropriation Authority: Sec 1, Ch 3, FSSLA2019, pg. 5, ln. 18
Funding source: \$1,500,000 Federal Receipts (1002) / \$300,000 Statutory Designated Program Receipts (1108) Capital	Statutory Authority: AS 41.08.020

PURPOSE

This ten-year project will geologically map the state at 1:100,000 scale, create new geophysical survey data, digitally upgrade historical geophysical surveys, and publish the resulting data and associated reports. This funding will allow us to provide that information for the mineral-rich and mining-friendly Interior. Both the state and federal governments recognize this as a region with high mineral potential and that this mapping is critical for successful mineral exploration.

The Alaska Minerals Commission considers this data collection as their highest priority for state support to the mining industry in their 2019 annual report, and again as a priority in their 2020 annual report. This project provides short-term and long-term positive economic impact as it will spur private sector investment in Alaska, generate jobs, and help the nation’s critical mineral supply.

PREVIOUS LEGISLATIVE CONSIDERATION

This is a continuation of the FY2019 National Mineral Security Program – Three-Dimensional mapping Economic Empowerment Program (3DEEP) capital project. This project has been renamed by the United States Geological Survey (USGS) as Earth MRI (Mapping Resources Initiative).

In FY2020, Division of Geological and Geophysical Surveys (DGGS) received roughly \$1.2 million from the USGS under this program. It conducted geological mapping and has contracted a geophysical survey with those funds. Earth MRI is anticipated to be a decade-long initiative that contributes significant data to understand critical and other mineral resources in Alaska.

Previous funding history:

- Sec. 1, Ch. 3, FSSLA2019, pg. 5, ln. 18, SB2002 \$600,000
- Sec. 1, Ch. 1, SLA2019, pg. 5, ln.18, SB19 \$3,000,000
- Sec. 1, Ch. 19, SLA2018, pg. 8, ln. 14, SB142 \$5,000,000

There is no intent language in the appropriation bill, and there have been no previous RPLs for this project.

A \$2.45 million (\$1.5 million federal and \$950K state match) capital request was included in the initial FY2021 capital bill (HB207). It was not a part of the final FY2021 HB205 operating and capital bill passed by the legislature. The department confirmed state match is not required to receive this federal funding.

TIMING ISSUES

Funding is anticipated and the funds are imminent. The division has received notification from USGS that our preproposals are approved, and our final grant proposal has been submitted. The project is anticipated to start July 1, 2020; however, work cannot begin until the federal authority has been appropriated.

The mapping project uses all Alaska personnel, and an Alaska helicopter company. The mapping must occur during the summer and is not possible to do in the winter months. COVID-19 is not considered likely to have a major impact on the geological mapping and geochemical analyses because the mapping is in an unpopulated part of the Yukon-Tanana Upland and is not community based. However, COVID-19 may impact the airborne geophysical survey, as staff for geophysical contractors will have to come to Alaska, either from the Lower 48, or overseas. Depending on travel and quarantine restrictions, this could delay data collection to 2021. In order to avoid compressing too many projects into one season, even with a delay in the data collection, completing the mapping portion of the project this year will free up the Alaska staff to do other projects in the future.

These funds are critical and necessary for the State to complete this work during the summer, and it is not possible to complete in the winter months. Delay of the project will cause us to lose an entire field season, and it could double the workload for the following year which will be unmanageable. This would also jeopardize our ability to meet project deadlines and federal reporting requirements, which would lapse the federal funds.

BUDGETARY ISSUES

This project directly aligns with the Divisions statutory mission to *“conduct geological and geophysical surveys to determine the potential of Alaskan land for production of metals, minerals, fuels, and geothermal resources...” AS 41.08.020.*

Below is the line item distribution for the proposed capital project:

Personal Services	\$475,000
Travel	\$50,000
Contractual	\$1,267,000
Supply	\$8,000
Total	\$1,800,000

This request represents reimbursable federal grant dollars. Current and future budgets are affected to the extent that the division incurs expenditures and bills USGS and the Bureau of Land Management (BLM) for reimbursements. The SDPR being requested will allow us to receive funds from Resolution Minerals and with the Northern Star Resources Limited, the operator of the Pogo gold mine, to contribute toward geophysical surveys.

Agency Contact: Steve Masterman, Chief Geologist (907) 451-5007

LFD Contact: Conor Bell (907) 465-3795

This federal funding provides salary support for several Fairbanks-based staff and contract staff. All existing positions in the DGGs Mineral Resources section will be working on this project, and several positions in the Geologic Information Center will be partially supported by this grant as well. If this capital project does not get approved, some permanent staff could be laid off, and the area that will be mapped will be significantly reduced resulting in a potential reduction of new mineral exploration. This is a capital project request that requires federal authorization. The division has insufficient federal receipt authority to accommodate this grant.

Legislative Fiscal Analyst Comment: There are no technical issues with this RPL.

**Department of Natural Resources
Agriculture
Agricultural Development**

Subject of RPL: Agriculture Grant Programs Funding - Economic Assistance	ADN/RPL #: 10-2021-5319
Amount requested: \$4,000,000	Appropriation Authority: Sec. 1, Ch. 8, SLA 2020, pg. 28, ln. 3
Funding source: Federal Receipts (1002) FY2021 Operating	Statutory Authority: AS 03, AS 03.22

PURPOSE

The federal receipt authority being requested will be used to receive funds from the United States Department of Agriculture (USDA) Agricultural Marketing Service (AMS) division. This funding will provide small agricultural micro grants to individuals and organizations to provide growing resources to Alaska food growers and to increase food security and resiliency in rural communities and Alaska as a whole. The funds are specifically granted to the State of Alaska to make these small awards. All Alaskans will benefit from increased food security in our state and decreasing dependence on outside resources and the high shipping costs associated to them.

Without this authorization, there will be fewer funds available which could reduce the amount of food the Alaska growers are able to produce during the summer season. Each month delayed means that the projects which will be funded are delayed and Alaska growers will suffer.

PREVIOUS LEGISLATIVE CONSIDERATION

This is a sector of specialty grants and is part of the existing federal grant program the division receives. There has been no previous appropriation for this capital project. There is no intent language in the appropriation bill, and no previous RPLs has been considered.

A \$4.0 million capital request was included in the initial FY2021 capital bill (HB207). It was not a part of the final FY2021 HB205 operating and capital bill passed by the legislature. No state match is required.

TIMING ISSUES

The funding is anticipated, and the funds are imminent. This funding was included in Section 4206 of the 2018 Farm Bill – Micro-Grants for Food Security. We anticipate receiving the federal funds in time for the current season and granting the funds out in July; therefore, we need federal receipt authority before we can accept the funds.

As soon as we get notification from USDA for Request for Proposal, we will need to coordinate with producers and agricultural organizations and nonprofits to review their requests and determine if they meet the requirements. We need to release the funds to

Agency Contact: David Schade, Division Director (907) 761-3867
LFD Contact: Conor Bell (907) 465-3795

the eligible local organizations in a timely manner, especially with high rates of food insecurity. This will also allow producers to conduct activities they can only do during the summer such as building community gardens and planting materials and crops. We anticipate receiving 200-300 requests from local organizations.

BUDGETARY ISSUES

This project fits the division's long-term plans and mission, which is to increase and support all agricultural development in the state. This funding will increase the resiliency of the agricultural market in Alaska and food security of rural locations.

This request represents reimbursable federal grant dollars. Current and future budgets are affected to the extent that the division and local sub-grantees incur expenditures and bill USDA for reimbursements.

The department has not incurred any costs to date to implement the program due to the lack of federal receipt authority, and the use of general funds for this grant are not expected in the future.

This federal program allows us to allocate 3% of the grant for grant administration. This will cover existing positions' time and potentially one new position to process and review the grant applications and to cover the anticipated increase workload.

Line Item Breakdown:

Personal Services	120,000
Travel	20,000
Services	80,000
Commodities	10,000
Capital Outlay	10,000
Grants	3,760,000
Total	4,000,000

The 2018 Farm Bill allocates \$4.0 million to Alaska each year for four years. The division has \$2.0 million in-hand but anticipates receiving up to \$4.0 million from USDA for the remainder of the year. This is an increase to the current federal program in the Division of Agriculture, so there is no excess federal receipt authority that can be utilized for this program.

Legislative Fiscal Analyst Comment: There are no technical issues with this RPL.

**Department of Fish and Game
Commercial Fisheries
Statewide Fisheries Management**

Subject of RPL: Chinook Mitigation	ADN/RPL #: 11-2021-0021
Amount requested: \$6,200,000	Appropriation Authority: Sec 1 Ch 8 SLA2020 Pg 14, Ln 12
Funding source: Federal Receipts (1002) Operating	Statutory Authority: AS 16.05.020(2)

PURPOSE

The Pacific Salmon Treaty (Treaty) provides for the conservation and management of salmon that span the international border between the U.S. and Canada. Since ratification in 1985, the Treaty has been instrumental in reducing interceptions, preventing overfishing, and improving salmon management. Southeast Alaska is home to a significant number of salmon enhancement facilities and programs. Primary impacts of the harvest reduction are on Southeast Alaska “hook and line fisheries,” which include commercial troll and sport fisheries and associated interests.

The contributions of hatchery raised Chinook and coho salmon are important to the troll and sport fisheries most affected by the reduction in Treaty harvests. Alaska hatchery produced Chinook salmon provide significant benefits because they may be harvested in addition to the annual Chinook salmon quota set under the Treaty.

Southeast Alaska Chinook Salmon Fishery Mitigation Program components include the following:

- Hatchery fish marking, tagging, and evaluation – \$4.7 million (included in Fish and Wildlife Service (FWS) federal fiscal year (FFY) 2020 funding). Alaska is held accountable for gaps in its information by what is known as the *risk factor*. In short, the risk factor considers potential errors in Alaska’s data and reduces Chinook harvest levels accordingly.
- Hatchery enhancement projects – \$1.5 million included in National Oceanic and Atmospheric Administration (NOAA) FFY2020 funding. Alaska is interested in replacing as much of the 7.5% reduction taken in the 2019 agreement as possible with increased hatchery production. Hatchery production will be expanded across seven locations for an increase of up 2.5 million yearling releases per site per year.
- Hatchery research. Funds may also be used to develop brood stocks and to conduct critical hatchery-related research into marine survival, alternate life history traits, migration and other information that can increase fishing opportunities.

Legislative Fiscal Analyst Comment: The Department shared the following plan for the distribution of these funds:

Chinook Mitigation Process

For guidance and oversight on the use of Chinook salmon mitigation funds, ADF&G is utilizing a process that includes a 10-member Chinook Salmon Mitigation Stakeholder Advisory Panel (Stakeholder Panel). The make-up of this entity includes the following public membership: Commercial salmon troll (3), Sport Fish (2), Gillnet (1), Seine (1), Regional Aquaculture Associations (2) and Hatchery Operator (1). The Stakeholder Panel will consider proposals and make recommendations to the ADF&G commissioner by super majority vote.

FFY20 DOI/USFWS Funding - \$4,700,000

Two tagging trailers will be purchased for \$2,698,300. One will be provided to the Southern Southeast Regional Aquaculture Association (SSRAA) and the other to DIPAC, and may be shared with the Northern Southeast Regional Aquaculture Association (NSRAA). Proposals for usage will be considered by the Stakeholder Panel on a rolling basis.

FFY20 DOC/NOAA Funding - \$1,397,463

The Stakeholder Panel met in April 2020 to consider proposals for salmon enhancement and to develop recommendations for utilization of the FY20 grant. Of the nine proposals received, two were withdrawn. Of the remaining seven proposals, four were recommended by super majority vote for funding:

1. Port Armstrong Hatchery Production – Armstrong-Keta Inc. (AKI) \$226,623
2. Sawmill Creek Hatchery Expansion – Phase I Northern Southeast Regional Aquaculture Association (NSRAA) \$451,600
3. Sawmill Creek Hatchery Phase II – Northern Southeast Regional Aquaculture Association (NSRAA) \$204,240
4. Increased Hatchery Production at Whitman Lake and Neets Bay Hatcheries – Southeast Regional Aquaculture Association (SSRAA) \$515,000

PREVIOUS LEGISLATIVE CONSIDERATION

The Southeast Alaska Chinook Salmon Fishery Mitigation Program was established in 2009 as part of the Pacific Salmon Treaty negotiations and is designed to alleviate economic impacts to the 15 percent reduction in Chinook salmon harvest levels under the 2009 revision of the Treaty. This program continues to be necessary due to an additional 7.5 percent reduction in Chinook harvest levels under the 2019 revision. Alaska's willingness to accept another loss to Chinook fisheries was predicated, in part, on a mitigation package designed to offset economic consequences. Distribution of mitigation funds is intended to benefit those most directly affected by the economic impacts of the Chinook harvest reductions in Southeast Alaska. The Department worked with fishery stakeholders and hatchery operators to identify priority uses for these funds. Projects to increase production of and access to hatchery salmon ranked highest in priority.

The Department has received two prior year capital projects during state fiscal years (SFY) 2011 and 2012 in the amount of \$7.5 million. Both of those capital projects have since been closed out and not available to add authority.

TIMING ISSUES

The federal distribution amount has been largely unknown for all of SFY2020. The appropriation of these federal funds was unusual in that they were requested by and appropriated to the U.S. Section of the Pacific Salmon Commission. The U.S. Commissioners had tense discussions regarding how FFY2020 appropriations would be allocated among the states, federal government, and Pacific Northwest Indian tribes, which was ultimately agreed upon in late February in Vancouver, BC. The U.S. Commissioners agreed to allocate \$1.5 million from the Department of Commerce, NOAA appropriation and \$4.7 million from the Department of Interior, FWS to the State of Alaska for the mitigation program. The FWS spent considerable time, working through a process to disperse the funding, which was further delayed due to COVID-19. An electronic transfer was received by the Department of Fish and Game on April 28, 2020. Additional authority is needed in order for the Department to spend these funds.

BUDGETARY ISSUES

The Southeast Alaska Chinook Salmon Fishery Mitigation Program will be an on-going project for the Department. There will be additional federal funding in future years with a total of up to \$23 million. It is estimated that the funding will be spent over a five-year period with the potential of additional years depending on Treaty outcomes.

The \$1.5 million NOAA grant will be allocated to expand hatchery infrastructure at four facilities to accommodate increases in salmon production. The \$4.7 million FWS allocation will be used to purchase, operate, and maintain two specialized tagging trailers.

The preference is for this authority to be in a capital project that would begin SFY2020 but due to the process available, the Department will use existing SFY2020 operating authority, and request SFY2021 operating authority through the Revised Program Legislative process, in hope of receiving a SFY2021 supplemental capital project early SLA2021.

Legislative Fiscal Analyst Comment: There are no technical issues with this RPL.

**PACIFIC SALMON TREATY
SOUTHEAST ALASKA CHINOOK FISHERY MITIGATION
PROGRAM**

**APPLICATION FOR FEDERAL ASSISTANCE
FFY 2020/SFY 2021 STATEMENT OF WORK**

**FFY 2020/SFY 2021 Award Amount: \$1,397,463
Award Period: From July 1, 2020 through June 30, 2021**



**Submitted to:
National Oceanic and Atmospheric Administration
National Marine Fisheries Service
P.O. Box 21668
Juneau, Alaska 99802-1668**

**Coordinated by:
Dani Evenson
Principal Investigator**

**Submitted by:
Clay Kent
Federal Grants Coordinator**

**Alaska Department of Fish and Game
Commercial Fisheries Division
P.O. Box 115526
Juneau, Alaska 99811-5526**

May 14, 2020

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OVERVIEW

The Southeast Alaska Chinook Salmon Fishery Mitigation Program was established in 2009 to mitigate economic impacts of the 15% reduction in Chinook salmon harvest levels in the region under the 2009 revision of the Pacific Salmon Treaty (PST). This mitigation program will continue due to an additional 7.5% reduction in Chinook harvests under the 2019 revision of the PST. Alaska's willingness to accept a 7.5% reduction to Chinook fisheries was predicated, in part, on a mitigation package to offset economic consequences. Primary impacts of the harvest reduction are on "hook and line fisheries," which include commercial troll and sport fisheries and associated interests in Southeast Alaska.

The Southeast Alaska Chinook Mitigation Program Stakeholder Panel recommended four projects for federal funding under this grant during FY 2020. The overall objective of all four programs is to increase hatchery production in support of increased harvest opportunity to offset losses associated with harvest level reductions in the newly negotiated PST. Proposed projects were approved by Alaska Department of Fish & Game (ADF&G) Commissioner and funds will be administered by ADF&G.

BACKGROUND/NEED OF FEDERAL FUNDING

Chinook salmon fisheries in Southeast Alaska generate income, provide recreation, and are valuable sources of nutrition. The annual harvest level of Chinook salmon in Southeast Alaska is set under provisions of the PST, an agreement between the United States (U.S.) and Canada that addresses conservation and allocation of salmon stocks that migrate across the international boundary and are harvested by fisheries in both nations. Salmon that spawn in one nation but may be harvested in both nations are a shared resource.

After decades of negotiations between the U.S. and Canada regarding the management and allocation of salmon stocks that originate in one country and are harvested in the fisheries of the other, the U.S. and Canada (the Parties) ratified the Pacific Salmon Treaty (PST) in 1985. The agreement covers fisheries on many stocks of salmon harvested in the area between Cape Suckling, Alaska and Cape Falcon on the northern Oregon coast.

The PST establishes general principles and guidelines for the conservation and allocation of salmon stocks in the treaty area, and establishes the Pacific Salmon Commission (PSC) to negotiate fishery provisions supported by advisory panels and technical committees. This treaty is essential because Pacific salmon are highly migratory, spending years at sea, travelling thousands of miles before returning to their native rivers to spawn and, in doing so, cross international boundaries. The United States and Canada cooperate to prevent overfishing, provide optimum production, and ensure that each country receives benefits that are equivalent to the production of salmon in its waters.

Renegotiations of PST Chinook salmon provisions, which set harvest levels for Southeast Alaska and British Columbia fisheries, as well as harvest provisions for fisheries in the Pacific Northwest, were completed in 2018. Reaching coast wide agreement on Chinook salmon provisions was very difficult due to wide migratory range of stocks and variability in status as well as the economic importance to the parties. Several are in a depressed status, and many stocks originating in the Pacific Northwest are listed under the U.S. Endangered Species Act (ESA).

Principal factors addressed in negotiations included impacts on Pacific Northwest salmon stocks listed under the ESA; impacts on Canadian stocks listed under the Species at Risk Act; and impacts on the Chinook salmon prey base for Southern Resident Killer Whales listed under the ESA. During talks to revise the PST, commissioners were confronted with dynamic environmental conditions such as wide swings in salmon survival rates, changes in salmon migration patterns, and continued declines in the productivity of wild Chinook salmon in the Salish Sea.

Many Southern U.S. (Washington, Oregon, Idaho) stocks that are listed under the ESA or otherwise viewed as stocks of concern undergo substantial harvests in Canadian fisheries, especially those fisheries off the West Coast of Vancouver Island. Securing reductions in these Canadian harvests was a fundamental position of U.S. negotiators. Canada's negotiators insisted that Alaska make parallel reductions, in part to address conservation concerns that they allege for some of their stocks.

In response, the U.S. and Canada agreed to fishery reductions for both nations, new conservation objectives for several salmon populations, and enhanced stock assessments to inform decision-makers in both countries. The revised agreement calls for a 12.5% reduction in the harvest of the Canadian Chinook fishery on the West Coast of Vancouver Island and a parallel reduction of 15% in the Southeast Alaska Chinook fisheries. The revised PST agreement formed the basis for securing the required Section 7 incidental take permit under the ESA for conduct of the Southeast Alaska Chinook salmon fisheries. These reductions and other fishery provisions were found by the National Marine Fisheries Service in 2019 to be sufficient to support the no jeopardy finding required under the ESA. That no jeopardy determination allowed for conclusion of formal adoption procedures by the governments.

In addition to the funding that is mandated in the international Treaty, there are agreements amongst the parties in the U.S. section for funding for important U.S. interests. U.S. negotiators agreed funding should also be provided for mitigation of economic consequences of harvest reductions in Southeast Alaska, to increase the prey base for ESA-listed Southern Resident Killer Whales, and for a program to address critical habitat for ESA-listed Chinook salmon stocks in Puget Sound.

Alaska's willingness to accept a 7.5% reduction to Chinook fisheries predicated, in part, on a mitigation package to offset economic consequences. These reductions were needed to secure a 12.5% reduction in West Coast Vancouver Island fisheries to support ESA-listed Chinook stocks in the Pacific Northwest. The U.S. negotiators agreed that Federal funding should be provided for mitigation of economic consequences to the State of Alaska and its stakeholders of harvest reductions in Southeast Alaska.

PROGRAM SUMMARY

The Southeast Alaska Chinook Salmon Fishery Mitigation Program was established in 2009 to mitigate economic impacts of the 15% reduction in Chinook salmon harvest levels in the region under the 2009 revision of the PST. This mitigation program will continue due to an additional 7.5% reduction in Chinook harvests under the 2019 revision of the Treaty. Alaska's willingness to accept a 7.5% reduction to Chinook fisheries was predicated, in part, on a mitigation package

to offset economic consequences. Primary impacts of the harvest reduction are on “hook and line fisheries,” which include commercial troll and sport fisheries and associated interests.

The ADF&G is designated as the State of Alaska (state) entity to receive and administer Alaska Chinook Salmon Mitigation funds.

For guidance and oversight on the use of Chinook salmon mitigation funds, ADF&G is utilizing a process that includes a 10-member Chinook Salmon Mitigation Stakeholder Advisory Panel (Stakeholder Panel). The make-up of this entity is as follows:

Alaska Chinook Salmon Mitigation Stakeholder Advisory Panel (Public Members)

- Commercial salmon troll (3)
- Sport Fish (2)
- Gillnet (1)
- Seine (1)
- Regional Aquaculture Associations (2)
- Hatchery Operator (1)

ADF&G coordinates the Panel process. The Stakeholder Panel has identified actions that would provide economic benefits to offset the losses to Treaty harvest shares and enhancement projects to produce hatchery salmon rated highest priority. Program components include:

- **Hatchery fish marking, tagging, and evaluation.** Alaska is held accountable for gaps in its information by what is known as the *risk factor*. In short, the risk factor considers potential errors in Alaska’s data and reduces Chinook harvest levels accordingly. Alaska is interested in expanding its hatchery marking and tagging rate to reduce the annual risk factor and expand access to hatchery-produced fish. Note: this program component is being funded with an FY20 Department of Interior appropriation.
- **Hatchery enhancement projects.** Alaska is interested in replacing as much of the 7.5% reduction taken in the 2019 agreement as possible with increased hatchery production. Hatchery production will be expanded across seven locations for an increase of up 2.5 million yearling releases per year. Project elements may include construction and development of infrastructure (i.e., new raceways) and operations and management costs to accommodate increases in production.
- **Hatchery Research.** Funds may also be used to develop brood stocks and to conduct critical hatchery-related research such as survivability and other information that can create increased fishing opportunity that works in conjunction with appropriate measures of reduced interception of wild Treaty stocks.

The ADF&G Commissioner is responsible for approving projects and tentative amounts recommended by the Panel. ADF&G is the primary state agency responsible to oversee hatchery salmon production and issue permits for hatchery operations under precautionary laws, regulations and policies designed to ensure that enhanced production provides benefits to common property fisheries without negative impacts on wild salmon stocks (e.g., *Policy for the Management of Sustainable Salmon Fisheries; Genetic Policy*).

ADF&G will continue to provide overall program oversight, coordination, and accounting. Changes at individual hatcheries to implement mitigation efforts may require amendments to existing permits which will be reviewed by ADF&G per State statute. As part of its responsibilities, ADF&G will conduct site visits to ensure that projects are consistent with goals and reported activities.

GOALS AND OBJECTIVES

Goals and objectives of the Southeast Alaska Chinook Salmon Mitigation program are to mitigate economic impacts of 7.5% harvest reductions by increasing production of and access to hatchery-produced salmon in Southeast Alaska. Primary impacts of the Chinook salmon harvest reduction are on Southeast Alaska “hook and line fisheries,” which include commercial troll, sport fish, and associated interests. The primary goal is to offset, to the extent that funding allows, the lost spring and early summer Chinook opportunity from reductions in the directed sport and commercial harvest of Chinook salmon resulting from the 2019 PST Agreement.

STATEMENT OF WORK

In December 2019 congress appropriated \$35.5 million in the Department of Commerce budget to support implementation of the 2019 PST Agreement. The U.S. Section of the Pacific Salmon Commission agreed to allocate \$1.5 million of these funds (inclusive of NOAA overhead) to support hatchery enhancement projects for the Southeast Alaska Chinook Salmon Fishery Mitigation during the February 2020 annual meeting of the Pacific Salmon Commission in Vancouver, BC. The West Coast Region of NOAA provided the State of Alaska with an estimated net grant amount of \$1,397,463 after NOAA overhead was subtracted in March 2020.

Once the grant amount was known, ADF&G solicited project proposals for salmon hatchery enhancement from Southeast Alaska hatchery operators in late March. Nine proposals were received totaling \$3,054,160.

The Stakeholder Panel met in April 2020 to consider proposals for salmon enhancement and to develop recommendations for utilization of the FY20 grant. Of the nine proposals received, two were subsequently withdrawn. Of the remaining seven proposals, four are recommended by the Stakeholder Panel by super majority vote for funding. Stakeholder Panel recommendations for funding hatchery enhancement projects with FY20 grant funds are:

1. Port Armstrong Hatchery Production – \$226,623
2. Sawmill Creek Hatchery Expansion: Phase I – \$451,600
3. Sawmill Creek Hatchery Phase II – \$204,240
4. Increased Hatchery Production at Whitman Lake and Neets Bay Hatcheries – \$515,000

The ADF&G Commissioner approved the four projects and tentative amounts recommended by the Panel.

ADF&G will pass through all grant funds with sub-awards to the hatchery operators for these four programs. Sub-awards will be consistent with federal requirements per 2 CFR 200.330 and Alaska Statutes AS 36.30.850.b(20) and AS 36.30.850.d.

1. Port Armstrong Hatchery Production

ADF&G will contract with Armstrong-Keta Inc. (AKI) to purchase four net pen frames, appropriate nets, and mooring equipment; installation of a feed blower system to reduce labor costs; and an upgrade of the incubation facilities will enable Port Armstrong Hatchery to increase production by 733,000 coho salmon. Port Armstrong Hatchery has a capacity of 5 million coho salmon eggs but currently lacks the infrastructure necessary to reach full coho salmon production.

2. Sawmill Creek Hatchery Expansion: Phase I

ADF&G will contract with Northern Southeast Regional Aquaculture Association (NSRAA) to conduct Phase I of its project to expand its operations at the Sawmill Creek Hatchery (SCH). Sawmill Creek Hatchery has a capacity of 50 million chum, 3.44 million coho and 2 million Chinook salmon. Phase I of the proposal involves working with the City and Borough of Sitka (CBS) to develop a reliable water source for the current Sawmill Creek Hatchery, or additional new facility. Currently water from the Blue Lake penstock supply can be interrupted during FERC directed inspection of the tunnel and penstock, or during emergency repair situations. NSRAA wishes to construct a new building on recently leased property adjacent to the existing SCH facility that will be designed to produce 2,000,000 zero-check or 500,000 yearling Chinook salmon. Scott Wagner, NSRAA General Manager, will oversee the program.

3. Sawmill Creek Hatchery Phase II

ADF&G will contract with Northern Southeast Regional Aquaculture Association (NSRAA) to conduct Phase II to expand its operations at Sawmill Creek Hatchery (SCH). The new facility will be designed as a recirculating aquaculture system with a focus on heated rearing for production of zero-check Chinook salmon; but would also be capable of flow through culture for traditional yearling production. Additional Chinook salmon production will provide more opportunity for commercial fleets. Scott Wagner, NSRAA General Manager, will oversee the program.

4. Increased Hatchery Production at Whitman Lake and Neets Bay Hatcheries

ADF&G will contract Southern Southeast Regional Aquaculture Association (SSRAA) to increase hatchery production at two locations near Ketchikan with a goal to release an additional 1.2 million fall coho and 250,000 Chinook salmon. SSRAA will purchase and install net pens at Whitman Lake Hatchery and Neets Bay Hatchery. At Neets Bay Hatchery, the new pens will be used for saltwater rearing coho salmon. The fish will be transferred to saltwater pens in July at a size of 3.5 grams and reared until release the following May. This rearing strategy allows for increased production while minimizing freshwater rearing space, which is currently fully utilized by mid-summer. Increased coho salmon production at Neets Bay Hatchery will benefit the commercial troll and sport fleets.

At Whitman Lake Hatchery, a 2-pen array with feed storage will be installed at Herring Bay to allow rearing 150,000 additional Chinook salmon each spring. The new pens will allow for additional production without taxing freshwater rearing densities. Additional components of the project include purchase of a skiff to service the pens and rearing support (i.e. feed). Dave Landis, SSRAA General Manager, will oversee the program.

PROJECT OUTCOMES

Alaska is interested in replacing as much of the 7.5% reduction taken in the 2019 agreement as possible with increased Alaska hatchery production. Anticipated project outcomes are: (1) 733,000 coho released at Port Armstrong Hatchery; (2) the development and installation of a new water supply at Sawmill Creek Hatchery to enable increases in hatchery production in the near future; and (3) production of an additional 1.2 million fall coho and 250,000 Chinook salmon for release at Whitman Lake Hatchery and Neets Bay Hatchery.

PERSONNEL

Principal Investigator:

Dani Evenson

Treaty Coordinator, Division of Commercial Fisheries

Alaska Department of Fish and Game

Ms. Evenson is a salmon fishery scientist with the ADF&G of Commercial Fisheries primarily focusing on Pacific Salmon Treaty issues. Her duties include coordination of all facets of Alaska's PST participation (agency and public) and coordination of Southeast Alaska Chinook Mitigation Stakeholder Panel process. She has more than 2 decades of experience spanning the Pacific coast with emphasis on practical applications of fisheries research and natural resource policy development and implementation. She has a track record for building comprehensive research programs to address questions of interest to resource management and is particularly effective at bridging gaps between science and policy. Recent projects include a review of the Implementation of salmon hatchery policies designed to provide protection for wild stocks; implementation of the newly agreed to Chinook chapter of the PST; and Chinook salmon genetic mixed stock analyses of fishery catches. She is a member of the Pacific Salmon Commission's Chinook Technical Committee and Selective Fishery Evaluation Committee, and an alternate State of Alaska designee on the Pacific Fishery Management Council.

STATE OF ALASKA

Pacific Salmon Treaty Implementation



Salmon fisheries are vitally important to the regional economy and an essential part of the long-standing social fabric of Southeast Alaska. Annual harvest levels of salmon in Southeast Alaska are subject to provisions of the Pacific Salmon Treaty (Treaty) between the U.S. and Canada. The Treaty addresses conservation and allocation of salmon stocks that migrate across the international boundary and are harvested in the fisheries of both nations. Thus, salmon are a shared resource.

A high degree of cooperation and coordination is required between the nations to prevent overfishing, provide optimum production, and ensure that each country receives benefits that are equivalent to the production of salmon in its waters.

Left: A Chinook salmon is released. Photo by Ken Marsh.

FEDERAL FUNDING

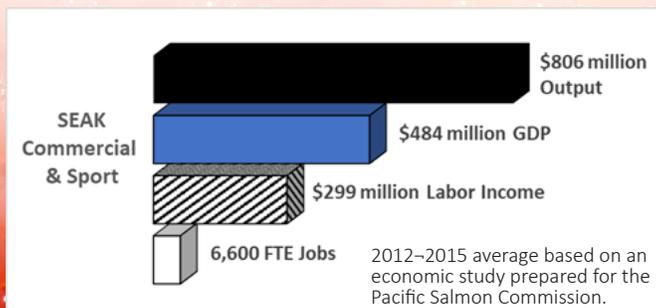
The newly negotiated 2019 revision to the Pacific Salmon Treaty (Treaty) requires the State of Alaska to manage fisheries and allocations for specific areas and salmon species, and to implement numerous stock assessment, catch monitoring, and catch sampling programs. Alaska is engaged in three chapters of the Treaty requiring participation in two bilateral Panels and eight bilateral technical committees.

U.S. obligations under the Pacific Salmon Treaty are fundamentally a federal commitment. Funding is requested annually for the State of Alaska to meet U.S. obligations. This funding is critical for providing the data, analyses, fishery management, and bilateral coordination essential to implement the Treaty. In federal FY20, Alaska requested \$8,990,650 and received a base grant of \$5,615,000.

The 2019 Treaty also calls for a 7.5% reduction in Chinook salmon harvest levels in Southeast Alaska to meet the provisions of the Endangered Species Act. Subsequently, U.S. negotiators agreed that \$22,400,00 in mitigation funding should also be provided to offset economic consequences of the harvest reduction.

The goals and objectives of the Southeast Alaska Chinook Salmon Mitigation program are to mitigate economic impacts of the 7.5% harvest reduction by increasing production of and access to hatchery-produced salmon in Southeast Alaska. Primary impacts of the Chinook salmon harvest reduction are on "hook and line fisheries," which include commercial troll, sport fish, and associated interests.

Southeast Alaska Communities Rely on Salmon



TRANSBOUNDARY RIVERS

CHAPTER 1: Transboundary Rivers (Taku, Stikine, Alesek) requires abundance-based management of Chinook, sockeye, and coho salmon returning to transboundary rivers based upon specified stock assessments, required conservation measures, and harvest sharing agreements. A jointly implemented sockeye salmon enhancement program in the Taku and Stikine watersheds is required. The sockeye enhancement specifications provide strong incentives for bilateral agreement and provide a bridge between the U.S. and Canada concerning catch shares in both rivers.

NORTHERN BOUNDARY AREA

CHAPTER 2: Northern Boundary Area (areas adjacent to Alaska's southern boundary with British Columbia) defines obligations that limit (1) the interceptions of Canadian Nass and Skeena-origin sockeye salmon in Southeast Alaska fisheries, and (2) the interceptions of Alaska-origin pink salmon in Canadian fisheries through an abundance-based management regime. Obligations include providing forecasts, fishery monitoring, catch sampling for age and origin, and extensive bilateral coordination.

CHINOOK SALMON

CHAPTER 3: Chinook Salmon (covers Chinook salmon throughout the geographic range of the Treaty) is complex; it lists individual stocks or stock groups with specific management and monitoring measures and lists extensive duties and assignments to the Chinook Technical Committee. Chapter 3 obligations for all Treaty fisheries include annual estimation of catch, exploitation rates and escapement, as well as forecasting annual abundance indices. Thus, the management regime is data intensive, and is difficult and costly to fully implement.

Salmon eggs. Photo by John Hyde.

SOUTHEAST ALASKA CHINOOK SALMON FISHERY MITIGATION PROGRAM

The Southeast Alaska Chinook Salmon Fishery Mitigation Program was established in 2009 to alleviate economic impacts of the 15% reduction in Chinook salmon harvest levels under the 2009 revision of the Treaty. This program continues to be necessary due to an additional 7.5% reduction in Chinook harvests under the 2019 revision. Alaska's willingness to accept another loss to Chinook fisheries was predicated, in part, on a mitigation package designed to offset economic consequences.

The Alaska Department of Fish and Game (ADF&G) is the State entity that administers program funds and is advised by a Stakeholder Panel of representatives from sport, troll, gillnet, and seine fisheries, hatchery operators, and local communities. The Panel has identified actions that would provide economic benefits to offset the losses to Treaty harvest shares. Projects to increase salmon production ranked in highest priority.

The contributions of hatchery raised Chinook and coho salmon are important to the "hook and line" fisheries, including commercial troll and sport fisheries, most affected by the reduction in Treaty harvests. Alaska hatchery-produced Chinook provide significant benefits because they may be harvested in addition to the annual Chinook harvest quota set under the Treaty.

TOTAL COST	\$22.4 M
FY20 FUNDING RECEIVED	\$6.2 M
FY21 FUNDING REQUEST	\$16.2 M

FY20 Investments

- \$4.7 M in Department of Interior funding is supporting the construction of two automated tagging trailers, tagging supplies, and operations.
- \$1.5 M in Department of Commerce funding is being allocated to expand hatchery infrastructure at four facilities to accommodate increases in salmon production.



Chinook salmon fry. Photo by Ryan Ragan.

Program components include the following:

- Hatchery fish marking, tagging, and evaluation – \$4.7 M (included in FY20 funding). Alaska is held accountable for gaps in its information by what is known as the risk factor. In short, the risk factor considers potential errors in Alaska's data and reduces Chinook harvest levels accordingly. Alaska is interested in reducing the annual risk factor and improving access to hatchery-produced fish by expanding marking and tagging rates at Alaska hatcheries.
- Hatchery enhancement projects – \$17.7 M (\$1.5 M included in FY20 funding). Alaska is interested in replacing as much of the 7.5% reduction taken in the 2019 agreement as possible with increased hatchery production. Hatchery production will be expanded across seven locations for an increase of up to 2.5 million yearling releases per year.
- Hatchery Research. Funds may also be used to develop brood stocks and to conduct critical hatchery-related research into marine survival, alternate life history traits, migration, and other information that can increase fishing opportunities.

CONTACT INFORMATION:

Alaska Department of Fish and Game
Commissioner's Office
(907) 465-6136



Robin Savo holds a Chinook salmon. Photo used with permission.

**Department: Fish & Game
Division of Commercial Fisheries
Pacific Coastal Salmon Recovery Fund**

Subject of RPL: Pacific Coastal Salmon Recovery Fund	ADN/RPL #: 11-2021-0022
Amount requested: \$4,600,000	Appropriation Authority: Sec. 1, Ch. 3, FSSLA 2019, pg. 4, ln. 7
Funding source: Federal Receipts (1002) Capital	Statutory Authority: AS 16.05.020(2)

PURPOSE

The Alaska Sustainable Salmon Fund (AKSSF) is Alaska’s program for administrating federal funds from the Pacific Coastal Salmon Recovery Fund (PCSRF) program. The overall objective is promoting sustainability of Alaska’s salmon populations and maintaining salmon populations that are utilized for subsistence. The Department operates the program according to congressional and federal guidance. The State provides grants and funding to State agencies and subrecipients through competitive calls for proposals for stock assessment, harvest monitoring, and habitat conservation and restoration projects. If this program were discontinued, the Department would lose funding for numerous salmon projects, resulting in significant impacts to Division of Sport Fish, Division of Commercial Fisheries, Habitat Section, and Subsistence Section. PCSRF projects contribute to multiple core services, including conserving fish stocks based on scientifically sound assessments (Commercial Fisheries), conducting fisheries research (Sport Fish), protecting and restoring fish habitat (Sport Fish), maintaining and updating the Anadromous Waters Catalog (Habitat), improving and protecting habitat (Habitat), and assessing the amounts reasonably necessary for subsistence (Subsistence). Collectively, PCSRF projects contribute to long-term sustainability of salmon populations and salmon habitats, thereby ensuring harvest opportunities are maintained. The economic benefits of PCSRF projects on Alaskan businesses are also significant and spread across all regions of the state.

PREVIOUS LEGISLATIVE CONSIDERATION

The Department applies for Pacific Coastal Salmon Recovery Fund (PCSRF) grants on an annual basis. Since the PCSRF program began in FY2000, capital projects have been appropriated 15 times to facilitate receipt of these funds (totaling \$323 million), including FY2019 (Sec. 1, Ch. 3, SLA 2019, pg. 4, ln. 7). This project allows the Department to receive grant funds from the PCSRF program.

A \$4 million capital request was included in the initial FY2021 capital bill (HB207). It was not a part of the final FY2021 HB205 operating & capital bill passed by the legislature. The amount of the grant available has increased since the budget was submitted. The Department confirmed that State match is not required to receive this federal funding.

TIMING ISSUES

The Department's application for its FFY2020 Pacific Coastal Salmon Recovery Fund grant is currently being processed. The anticipated federal Notice of Grant Award (NGA) is expected to be received in July or August. Upon receiving the NGA, the Department has 30 days to accept the award. Depending on the timing of the NGA, the Department needs receipt authority available in the time period of the end of July through September to accept and allocate the award. The proposals that get awarded through this federal funding would not be able to proceed without the award being accepted and the accounting structures in place to make the federal drawdowns. Delays in approval could result in an inability to fund projects in 2021 and reduced competitiveness for future federal awards (if funds are not utilized in a timely manner). If the request is disapproved, there will be a significant loss in services (see description under "Purpose") as well as significant economic impacts across the state as many of these projects directly or indirectly contribute to private sector jobs.

BUDGETARY ISSUES

The AKSSF is solely funded by the PCSRF program. AKSSF funding from the FFY2020 PCSRF grant cycle has not yet been awarded or accepted. The program funds multi-year projects (currently being proposed) with the federal funds utilized over a five-year period. There is no excess authority from previous years. Previous capital requests have matched the PCSRF funding, which is also anticipated to be the case this year and in future years. Two existing positions (a Program Coordinator II and an Accounting Technician III) are partially funded by the PCSRF award, though 97% of the funds are allocated to projects awarded through competitive calls for proposals.

This program supports a variety of projects to maintain sustainability of Alaska salmon populations, enhance the ability of the department to monitor salmon stocks, eradicate invasive species like northern pike, restore salmon habitat, provide critical information to help manage salmon fisheries, and contribute to the economy and food security of the people of Alaska.

Legislative Fiscal Analyst Comment: There are no technical issues with this RPL.

**Department of Public Safety
Alaska State Troopers
Alaska Wildlife Troopers Marine Enforcement**

Subject of RPL: Marine Fisheries Patrol Improvements	ADN/RPL #: 12-2021-0047
Amount requested: \$1,100,000	Appropriation Authority: Sec 1, Ch 3, FSSLA 2019, Pg 6, Ln 21
Funding source: Federal Receipts (1002) Capital	Statutory Authority: AS 44.41.020 – Powers and duties of Department AS 18.65.010 – AS 18.65.110 AS 16 (Fish & Game)

PURPOSE

This project is part of an ongoing joint enforcement agreement (JEA) with the National Marine Fisheries Service (NMFS). Federally regulated marine fisheries occur on a year-round basis in the coastal and offshore waters of Alaska. Both the federal and state governments share an interest in ensuring these fisheries are protected. This project will help the Department achieve its mission to ensure public safety, enforce fish and wildlife laws, and to protect wildlife resources. The JEA federal funding has historically been included in the capital budget as a portion has funded equipment purchases.

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 logistical enforcement capabilities are well beyond those available to most federal agencies, DPS is unable to broaden or enhance its field presence without this additional federal 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 within the federal government.

Legislative Fiscal Analyst Comment: This funding is used for capital equipment purchases, and a significant portion is used for qualifying personal services costs for Alaska Wildlife Troopers (see the attached AWT JEA FFY19 Operations Plan).

PREVIOUS LEGISLATIVE CONSIDERATION

This item has been included annually in the Department's capital budget request. FSSLA2019 appropriation reference is SB19 Sec. 1, Ch. 3, FSSLA2019, pg. 6, Ln 21. The amount requested each year is slightly over \$1 million, depending on the availability of federal funds. There is no state match requirement. There have been no previous RPLs for this activity.

A \$1.1 million federal capital request was included in the initial FY2021 capital bill (HB207). It was not part of the final FY2021 HB205 operating and capital bill passed by the legislature.

TIMING ISSUES

While the need for funding was anticipated, recent events surrounding the COVID-19 epidemic were not. DPS has received JEA funding since at least FY2003. The most recent award letter is included. Federal awards are available for a period of one year unless extended by NMFS.

If federal receipt authority were delayed or disapproved, the Alaska Wildlife Troopers (AWT) would not be able to fulfill its obligations under the FFY2019 JEA agreement. The JEA agreement was negotiated in July 2019 and DPS is required to fulfill specific mandates as part of the agreement. Additionally, through the JEA, the federal government has agreed to pay the majority share of a medium class patrol vessel for the Cordova Troopers. The Department's ability to adequately patrol marine fisheries would be adversely affected, putting one of Alaska's most important natural resources at greater risk of overexploitation.

BUDGETARY ISSUES

This funding fits into the continuing operations of the department by enhancing AWT's ability to conduct marine fisheries enforcement activities and protect one of Alaska's most important natural resources. There is no anticipated future pressure for general funds, and no state match is required. If receipt authority were not granted, the Department would require additional general funds to maintain current activities or would be forced to curtail fisheries enforcement efforts. This program is expected to continue indefinitely, and the Department intends to seek funding in future budget cycles.

Legislative Fiscal Analyst Comment: There are no technical issues with this RPL.

2019 COOPERATIVE ENFORCEMENT PROGRAM



APPLICATION

**State of Alaska
Department of Public Safety
Alaska Wildlife Troopers**

**NATIONAL MARINE FISHERIES SERVICE
OFFICE OF LAW ENFORCEMENT**

AGENCY CONTACT INFORMATION	
State/Territory/Commonwealth of:	Alaska
Name of Agency:	Alaska Wildlife Troopers
Principal Address:	5700 East Tudor Rd. Anchorage, AK 99507
Telephone:	907-269-5509
Web Address:	www.state.ak.us
Name of Agency Head:	Douglas Massie
Agency Head's Title:	Colonel/Director
Agency Head's Telephone:	907-269-5955
Agency Head's E-Mail:	douglas.massie@alaska.gov
Principle CEP Contact:	Douglas Massie
CEP Contact Telephone:	907-269-5955
CEP Contact E-Mail:	douglas.massie@alaska.gov

ABOUT THE AGENCY	
Number of Employees of Agency (Sworn and Unsworn):	153
Number of Sworn Employees:	89
Number of Sworn Employees Dedicated to Marine Conservation Law Enforcement:	40
Number of Vessels Used in Marine Law Enforcement:	34
Number of Aircraft Used in Marine Law Enforcement:	42

GOVERNOR'S APPLICATION AND SIGNATURE

I, the undersigned, Governor of the State of Alaska, pursuant to 16. U.S.C. §1861(h), apply to the Secretary, United States Department of Commerce for the execution of a Joint Enforcement Agreement that will authorize the deputation and funding of marine law enforcement officers of this jurisdiction to perform those duties of the Secretary relating to law enforcement provisions under the marine resource laws enforced by the Secretary and as described herein and in the proposed Joint Enforcement Agreement.

Signature

Date

Printed Name

If authority has been delegated to another official by the Governor, use the following Designee Application and Certification

DESIGNEE APPLICATION AND CERTIFICATION

On behalf of the Governor of the State of Alaska, pursuant to 16 U.S.C. §1861(h), I, Amanda Price, apply to the Secretary, United States Department of Commerce for the execution of a Joint Enforcement Agreement that will authorize the deputation and funding of marine law enforcement officers of this jurisdiction to perform those duties of the Secretary relating to law enforcement provisions under the marine resource laws enforced by the Secretary and as described herein and in the proposed Joint Enforcement Agreement.

I **certify** that I have been officially delegated the authority to make and sign this Application.

Amanda Price

Signature

7/1/2019

Date

Amanda Price

Printed Name

Commissioner

Title

CERTIFICATION OF CONFIDENTIALITY

I, Amanda Price, hereby **certify** that I have confirmed with the appropriate legal authority in the State of Alaska, and I hereby **certify** that the law in this jurisdiction, which is marked below, has not changed since the initial confidentiality certification by the Attorney General, or the highest ranking legal officer of the State of Alaska.

State law **does not** allow the state to maintain the confidentiality of information as required by 16 U.S.C. §1881a.

State law **does** allow the state to maintain the confidentiality of information as required by 16 U.S.C. §1881a.

Amanda Price

7/1/2019

Signature

Date

Amanda Price

Commissioner

Printed Name

Title

CAPACITY CERTIFICATION

I, Douglas Massie, the undersigned, certify that I am the head of the agency identified in this Application and I certify that the agency has the capacity to undertake and complete the marine law enforcement obligations described in this Application and the proposed Joint Enforcement Agreement, and to assist with the enforcement needs described therein.

Douglas A. Massie

7-1-19

Signature

Date

Douglas Massie

Director

Printed Name

Title

2019 JOINT ENFORCEMENT AGREEMENT
Between
The U.S. Department of Commerce
National Oceanic and Atmospheric Administration
National Marine Fisheries Service
Office of Law Enforcement
And
State of Alaska
Department of Public Safety
Alaska Wildlife Troopers

I. PURPOSE

The purpose of this Joint Enforcement Agreement (JEA) between the U.S. Department of Commerce, (DOC), National Oceanic and Atmospheric Administration, (NOAA), National Marine Fisheries Service, (NMFS), Office of Law Enforcement, hereafter "OLE," and above-named agency, hereafter "AGENCY," is to facilitate the operations, administration, and funding of the AGENCY to enforce Federal laws and regulations under the statutes set forth in the Cooperative Enforcement Agreement (CEA) between the OLE and the AGENCY. Further, this JEA sets forth specific operational requirements necessary to carry out this JEA and explains the methods by which compliance is to be accomplished. Where used in this JEA, the term "State" means any State of the United States, Commonwealth, Territory or Possession in which the AGENCY is located.

II. BACKGROUND AND SCOPE

This JEA is intended to be consistent with the purposes and intent of §1861(h) of the Magnuson-Stevens Fishery Conservation and Management Act, ("MSFCMA"), 16 U.S.C. §1801, to the extent applicable to the regulated activities. In addition, this JEA and Division Enforcement Plan (DEP) are intended to provide a framework for the enforcement of Federal and State fisheries regulations in the Exclusive Economic Zone (EEZ) offshore of the State, between the OLE and the AGENCY. Central to this JEA is the prevention and detection of violations by officers from the AGENCY who are deputized to enforce certain Federal laws and regulations. Key features of this jointly administered plan include an increased overt presence by officers of the AGENCY to achieve higher levels of voluntary compliance with Federal regulations, the issuance of Federal funds by the OLE, and the processing through resolution of certain specified cases, which could be handled under either Federal or State law.

III. AUTHORITY

- A. This JEA is authorized by 16 U.S.C. §§1861(a) and (h) of the Magnuson-Stevens Fishery Conservation and Management Act.

- B. Participation in this JEA is dependent upon the existence of a current Cooperative Enforcement Agreement (CEA) between the OLE and the AGENCY, which deputizes State officers to perform marine resource law enforcement for DOC/NOAA. During the course of this JEA, the AGENCY may enforce any statute authorized in the CEA.
- C. Depending upon the priorities set forth in the DEP, as modified periodically, DOC/NOAA may, or may not, provide funding under this JEA pursuant to any or all of the following statutory provisions:

DOC/NOAA has authority to protect the Nation's fisheries and engage in fishery conservation and management activities under the Magnuson-Stevens Fishery Conservation Management Act (MSFCMA) generally. DOC/NOAA is further authorized, under 16 U.S.C. §1861 (a), to enforce provisions of the MSFCMA and, in conducting such enforcement, to utilize the personnel, services, equipment (including aircraft and vessels), and facilities of such State agencies on a reimbursable basis or otherwise.

DOC/NOAA has authority to protect the Nation's threatened and endangered species and engage in their conservation under the Endangered Species Act (ESA) generally. DOC/NOAA is further authorized, under 16 U.S.C. §1540 (e)(1) to enforce provisions of the ESA and, in conducting such enforcement, to utilize the personnel, services, and facilities of such State agencies with or without reimbursement.

DOC/NOAA has authority to prevent illegal trafficking of fish and wildlife taken and/or possessed in violation of State, Federal, Indian tribal and foreign laws and engage in conservation and management activities under the Lacey Act Amendments (Lacey Act) generally. DOC/NOAA is further authorized, under 16 U.S.C. §3375 (a) to enforce provisions of the Lacey Act and, in conducting such enforcement, to utilize the personnel, services, and facilities of such State agencies with or without reimbursement.

DOC/NOAA has authority to protect the Nation's marine mammals and engage in conservation and management activities under the Marine Mammal Protection Act of 1972 (MMPA) generally. DOC/NOAA is further authorized, under 16 U.S.C. 1377 (b) and 16 U.S.C. §1861 (h)(1), to utilize State personnel, services, and facilities to enforce the provisions of the MMPA.

DOC/NOAA has authority to protect the Nation's fisheries and engage in fishery conservation and management activities under the Atlantic Coastal Fisheries Cooperative Management Act (ACFCMA) generally. DOC/NOAA is further authorized, under 16 U.S.C. §5106 (h), to enforce provisions of the ACFCMA and, in conducting such enforcement, to utilize the personnel, services, and facilities of such State agencies on a reimbursable basis or otherwise.

DOC/NOAA has the authority to protect the Nation's highly migratory species fisheries and engage in fishery conservation and management activities under the Atlantic Tunas Convention Act of 1975 (ATCA) generally. DOC/NOAA is further authorized, under 16 U.S.C. §971d(a), to utilize, with the concurrence of the Secretary of the department in which the Coast Guard is

operating (insofar as utilization involves enforcement at sea), with or without reimbursement and by agreement with any agency of any State, the personnel, services, and facilities of that agency for the enforcement purposes of the ATCA.

DOC/NOAA has authority to protect the Nation's national marine sanctuaries and engage in conservation and management activities under the National Marine Sanctuaries Act (NMSA) generally. DOC/NOAA is further authorized under 16 U.S.C. §1437 (h), to enforce provisions of the NMSA and, in conducting such enforcement, to utilize the personnel, services, and facilities of such State agencies on a reimbursable or non-reimbursable basis.

DOC/NOAA has authority to protect the Nation's Pacific halibut and engage in their conservation and management activities under the Northern Pacific Halibut Act (Halibut Act) generally. DOC/NOAA is further authorized, under 16 U.S.C. §773i (a), to enforce provisions of the Halibut Act and, in conducting such enforcement, to utilize the personnel, services, and facilities of such State agencies on a reimbursable basis or otherwise.

DOC/NOAA has authority to enter into agreements to prevent, deter, and eliminate illegal, unreported, and unregulated fishing under the Port State Measures Agreement Act of 2015 (PSMA) generally. DOC/NOAA is further authorized under 16 U.S.C. § 7407 to enforce provisions of the PSMA and, in conducting such enforcement, to utilize the personnel, services, and facilities of such State agencies on a reimbursable or non-reimbursable basis.

- D. The State has the authority to enter into this JEA and conduct the activities contemplated by this JEA under Alaska Statute Title 16, 16.05.050.

IV. DEPUTIZATION

Consistent with and subject to the provisions of the current CEA, those law enforcement officers who are members of the AGENCY and who are designated by the State as marine conservation law enforcement officers shall possess the powers and authorities provided in the CEA, and are authorized to perform the duties of DOC/NOAA contemplated by this JEA, relating to the law enforcement provisions of the MSFCMA, and any other marine resource law detailed in the AGENCY'S current CEA.

V. COMPONENTS

The components of this JEA include the current CEA, this document, the Division Enforcement Plan, (either the original or as modified), the Financial Plan, and any amendment or addendum which may be executed according to this JEA. All of the documents, including the CEA, whether physically attached or not, are incorporated by reference and are made a part hereof.

VI. COMPLIANCE WITH COOPERATIVE ENFORCEMENT PROGRAM MANUAL (CEP MANUAL)

The recipient of funds under the CEP agrees to comply with the terms, conditions, policies, and procedures found in the CEP Manual, including any updated version that may be posted or published during the period of performance. A copy of the CEP Manual will be provided to the AGENCY by OLE upon request. The AGENCY will be promptly notified of any changes to the CEP Manual during the period of performance.

GENERAL TERMS

- A. All enforcement activities under this JEA shall be conducted in compliance with the terms of this JEA and its components.**
- B. Subject to the availability of appropriate funding, the AGENCY will provide fully trained, equipped and federally deputized officers to conduct specific, directed, and targeted enforcement activities by patrolling at sea and/or dockside using AGENCY equipment to increase compliance with Federal law and regulations, and/or other fully trained and equipped AGENCY personnel to conduct administrative or support activities necessary for the administration of this JEA.**
- C. The ability of the AGENCY to operate within this JEA will be subject to limitations which include but are not limited to: weather conditions, mechanical problems, compliance with the Federal Fair Labor and Standards Act, and emergency deployment due to natural or manmade disasters, state emergencies or civil disturbances, or domestic terrorism contingencies.**
- D. Allocation of patrol hours to a particular vessel or geographic location will be made on the basis of operational needs with the overall goal of achieving the highest possible compliance with the Federal fishing laws and regulations detailed in the CEA. Operational considerations will dictate the number of officers deployed for each patrol.**
- E. The AGENCY will engage in community education and outreach activities as part of this JEA and may incorporate JEA funding to develop and distribute promotional and educational material for this purpose. The materials should inform the public of the problems our various federally protected living marine resources are encountering. It should also inform the public of the importance of reporting suspected abuses and possible violations of existing State and Federal laws and regulations pertaining to living marine resources.**
- F. The AGENCY will notify the OLE regional office, or any senior OLE regional supervisor of any incident in which AGENCY officers performing work under this JEA use any degree of force in the course of their duties which results in any injury or death. This notification will take place within four (4) hours of any serious injury or life threatening event including death, or within 24 hours for less significant injuries. Such notification will include the date, time, location, type of force used, identity of person(s) injured and nature of the injuries, and any injured person(s) current status and location, if known (i.e. hospitalized, home rest, etc.). Upon written request from the Director, OLE, or the Office of General Counsel Enforcement Section, (GCES), the AGENCY will provide all information related to the incident to the OLE or the GCES. Any information provided by the AGENCY shall be subject to all confidentiality provisions as provided by Federal law.**
- G. Based on the availability of funding and training billets, the OLE will fund and pay for specialized training, not required by the CEP, for state and territorial law enforcement officers, including the Marine Law Enforcement Training Program, or such other special training as may be developed in the future, from funding sources outside of this JEA. The OLE will pay certain enumerated costs related to such training, including tuition, lodging and meals. No other costs are authorized, unless specifically approved in writing by OLE. The agency will pay the remaining costs, to include travel and any other related cost.**

Costs for other training required by the terms of the CEP will be funded by appropriate notation and approval in the Financial Plan of this JEA.

VII. AGENCY RESOURCE COMMITMENT

- A. The primary consideration from the AGENCY is the commitment to provide a specified number of hours for Federal marine resource law enforcement priorities, in terms of personnel and equipment, in exchange for a specified funding from the OLE.
- B. During the term of this JEA, AGENCY will provide 5,030 hours of specific, directed, and targeted Federal marine resource law enforcement or related activity under this agreement as set forth in the DEP.
- C. The AGENCY and OLE agree that the total number of hours set forth in the DEP is intended to be flexible and allow the most efficient and effective use of those hours for the purposes of increased Federal marine resource law enforcement.

VIII. FEDERAL ENFORCEMENT PRIORITIES

During the term of this JEA, the AGENCY agrees to focus its enforcement effort and committed hours on those Federal enforcement priorities outlined in the DEP and identified herein for increased enforcement activity.

IX. PURCHASES/EXTERNAL COSTS

- A. The AGENCY may, with the approval of OLE, purchase equipment or services that are required in order to complete the terms of a current or future JEA priority up to a maximum of fifty percent (50%) of the total amount provided herein.
- B. Funds will be disbursed to the AGENCY upon the receipt of invoices confirming delivery of equipment or services purchased with JEA funds during the term of this agreement, or of a properly executed contractual document between the AGENCY and a vendor obligating the AGENCY to purchase a particular item or items. A detailed description of and justification for all purchases is set forth in the Financial Plan attached hereto.
- C. Any equipment or service purchased will be used primarily for marine conservation law enforcement.
- D. The AGENCY will, within 30 days of the delivery of any equipment or service obtained under the Financial Plan, as may be amended from time to time, of this JEA, provide copies of proof of purchase to the OLE.

X. HANDLING OF INVESTIGATIONS & CASES

- A. AGENCY officers will investigate and enforce violations of Federal marine natural resource laws and regulations according to the authority provided in the CEA and the priorities provided in this JEA. Specific reporting and decision requirements shall be followed as provided in the CEP Manual.

- B. Except as otherwise provided, the disposition and/or prosecution of cases developed as a result of AGENCY investigations of Federal law or regulation for which AGENCY officers have been properly deputized will be handled according to the terms set forth below.**
- 1. All AGENCY investigations of violations of the MMPA and the NMSA will be referred to OLE for disposition/prosecution.**
 - 2. Violations of a Federal MSFCMA priority established in the DEP, which are investigated pursuant to jurisdiction granted in 16 U.S.C. §1856 or where there is a synonymous state law violation, including but not limited to size or possession limits will be handled as a state violation regardless of whether the violation occurs in State waters or the EEZ.**
 - 3. Violations of a Federal MSFCMA priority occurring in the EEZ, where jurisdiction has not been conferred pursuant to 16 U.S.C. §1856, will be referred to OLE for disposition.**
 - 4. Where a state has enacted legislation synonymous with the ESA, the state will handle as appropriate any violation occurring in state waters. ESA violations occurring in the EEZ will be referred to OLE for disposition.**
 - 5. Notwithstanding the existence of concurrent or synonymous jurisdiction set forth in paragraphs 2 and 4, if the AGENCY investigation involves special circumstances or factors such as, 1) significant damage/impact to the resource/fisheries management plan, 2) high regional or national interest, which would make Federal prosecution more appropriate, and/or 3) interstate trafficking or false labeling, the AGENCY will consult with OLE regarding the appropriate disposition.**
 - 6. For cases referred to the OLE, the OLE may, after consultation with GCES and/or the Department of Justice, refer appropriate cases back to the AGENCY for disposition.**
 - 7. The AGENCY will handle as appropriate all cases which do not comply with Federal procedures and guidelines, practices, laws, or regulations, such as cases which are no longer eligible for action under the Civil Asset Forfeiture Reform Act of 2000 ("CAFRA").**
 - 8. To the extent that it applies, the AGENCY certifies that it has the authority and jurisdiction to handle concurrent cases as set forth above.**
- C. Investigations involving violations of State marine natural resource laws, which involve no Federal nexus will be handled according to AGENCY policy and State law and are not covered by this JEA.**
- D. Notwithstanding any provisions of this Section, the OLE reserves the right to investigate and dispose of any case, whether initiated by the AGENCY or otherwise, involving a violation of a Federal law or regulation falling within its jurisdiction.**

XI. FUNDING

The funding of this JEA is for one (1) year. The OLE has obligated \$1,095,180.00 for specified enforcement efforts detailed in the DEP. This JEA obligates a total of \$1,095,180.00 which will be disbursed according

to the terms set forth below. All responsibilities under this JEA are subject to the availability of appropriated funds.

- A. All funding for work performed by the AGENCY and for purchases made for the benefit of the AGENCY will be on a reimbursable basis.
- B. The term "reimbursable basis" means that funds will be distributed to the AGENCY by OLE for "work performed" or "purchases made" after the AGENCY has provided OLE with an invoice showing that such work has been performed or that such purchases have been made, or there exists a contractual document obligating the AGENCY to purchase a particular item or items.
- C. The term "work performed" means service hours performed by AGENCY personnel, aircraft and/or patrol vessels as required under this JEA.
- D. The term "purchases made" means the AGENCY has taken possession of and paid for the item(s) detailed in JEA financial plan, or has entered into a binding contract to complete the purchase as evidenced by a purchase order or similar contractual device.
- E. Documentation of work performed must be submitted to OLE by the AGENCY on a monthly basis on invoices prescribed by OLE.
- F. Invoices detailing purchases made will be submitted to OLE within 30 days by the AGENCY.
- G. The OLE will promptly process all requests for reimbursement.

XII. PERIOD

This JEA becomes effective on July 1, 2019, or when signed by the Director. Unless extended or modified by amendment, the JEA expires one year from the effective date. It may be terminated before that date by mutual written agreement of the OLE and the AGENCY.

The AGENCY may request, at least 30 days prior to the expiration or termination of this JEA, that the OLE extend the expiration date of this JEA for the purposes set forth above.

The OLE may at its sole discretion, and so long as this JEA has not already expired or been terminated, agree to extend the expiration date of this JEA to any date up to the congressionally mandated limit of the availability of the funds.

XIII. USE OF FUNDS

All monies allocated under this JEA are intended to fund the AGENCY for all reasonable, direct services, and direct and indirect costs outlined in the JEA, such as personnel, vessel expenses, equipment purchase, maintenance, fuel, and repairs.

XIV. MEASUREMENT OF PERFORMANCE OBJECTIVES

The OLE is required to conduct regular OLE division-level inspections and reviews, and periodic on-site performance reviews of the AGENCY in order to verify and measure the AGENCY's reported activities,

expenditures, and overall performance. The AGENCY will cooperate in these reviews as provided in Sections XVI and XVII, below.

XV. RECORD RETENTION/ACCESS

The AGENCY shall keep such records relating to services performed and purchases made under this agreement as deemed necessary by the Department of Commerce, National Marine Fisheries Service, and/or the OLE. Upon written request, the AGENCY will make available to the OLE, within ten (10) business days, copies of all records, invoices or other evidence of payments to third parties for all services performed or purchases made for the OLE under this agreement.

XVI. AUDIT, EXAMINATION, AND REVIEW

Representatives of the Department of Commerce, its Office of Inspector General, and the Office of Law Enforcement shall have access, for the purpose of audit, examination, and review, to any books, documents, papers, and records of the AGENCY that relate to the services performed or purchases made under this agreement.

XVII. CONFIDENTIALITY OF DATA AND INFORMATION

Pursuant to this JEA, the OLE may provide confidential data and information to the AGENCY, including data pursuant to 16 U.S.C. §1861(i), provided the State has certified to the OLE that State law provides for the confidentiality of that data in accordance 16 U.S.C. §1881a. Where State law cannot maintain that confidentiality, the OLE will not provide the State or its officers with any data that is deemed confidential data pursuant to 16 U.S.C. §1881a. If, at any time during the term of this JEA, the State can show that they can provide for the confidentiality of data pursuant to 16 U.S.C. §1881a, this JEA may be amended to allow State access to such confidential data.

XVIII. INJURIES AND PROTECTION FROM LIABILITY

AGENCY officers, while acting according to and under the authority of this JEA may be provided coverage for injuries sustained while enforcing Federal laws and provided protection from liability, as set forth in the CEA.

XIX. MODIFICATION AND CANCELATION

The provisions of this JEA may be modified by written agreement or amendment, or cancelled by written agreement of both parties.

In furtherance of the overall goal to maximize the efficiency of enforcement operations, the OLE and the AGENCY recognize that Federal enforcement priorities may change during the course of the JEA. In the event that a change in enforcement strategy is required, and so long as the AGENCY has the resources and is capable of performing the additional duties, the OLE and the State AGENCY may, by amendment or other written agreement, modify the work to be performed or equipment, services, or property to be purchased under the JEA. This JEA recognizes and encourages that flexibility.

XX. OTHER PROVISIONS

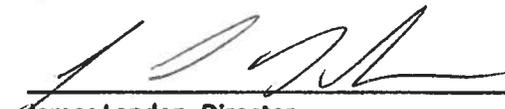
Nothing herein is intended to conflict with any current DOC, NOAA, NMFS, or State directives. If any provisions of this JEA are inconsistent with such directives, those portions of this JEA that are inconsistent shall be invalid, but the remaining terms and conditions shall remain in full force and effect. At the first opportunity for review of the JEA, all necessary changes will be accomplished by either an amendment to this JEA or by entering into a new agreement, whichever is deemed expedient to the interest of both parties.

Should disagreements arise on the interpretation of the provisions of this JEA, or amendments, and/or revisions thereto, that cannot be resolved at the operating unit level; the area(s) of disagreement shall be stated in writing by each party and presented to the other party for consideration. If agreement on interpretation is not reached within thirty days, the parties shall forward the written presentation of the disagreement to respective higher officials for appropriate resolution.

XXI. ENTIRE AGREEMENT

This JEA (together with the documents referred to in this JEA) constitutes the entire agreement between the parties with respect to its subject matter for the current fiscal year and constitutes and supersedes all prior agreements, representations and understandings of the parties, written or oral.

FOR OLE:



James Landon, Director
National Oceanic & Atmospheric Administration
National Marine Fisheries Service
Office of Law Enforcement

7/2/19

Date

FOR AGENCY:



Colonel Douglas Massie
State of Alaska
Department of Public Safety
Alaska Wildlife Troopers

7-1-19

Date

**DIVISION ENFORCEMENT PLAN
2019 JOINT ENFORCEMENT AGREEMENT
Between
The U.S. Department of Commerce
National Oceanic and Atmospheric Administration
National Marine Fisheries Service
Office of Law Enforcement
And
The State of Alaska
Department of Public Safety
Alaska Wildlife Troopers**

PART ONE—GENERAL TERMS

I. DURATION

This Division Enforcement Plan (DEP) covers the period from July 1, 2019, or when signed by the Director, to June 30, 2020, or from the period of one year from the date signed by the Director.

II. COMPONENTS

There are three (3) components to this DEP: Part One—General Terms, Part Two—Execution Priorities and Part Three—General Enforcement, are found within the Financial Plan. Each component is a part hereof and incorporated by reference.

III. PURPOSE

The purpose of this DEP is to set forth the specific operational requirements necessary to carry out the provisions of the Joint Enforcement Agreement (JEA) between the U.S. Department of Commerce, National Oceanic and Atmospheric Administration, National Marine Fisheries Service, Office of Law Enforcement, hereafter, "OLE," and the above-named agency, hereafter "AGENCY." Further, this DEP explains the methods by which compliance is to be accomplished. The DEP will serve as the day-to-day operational framework for this JEA.

IV. SCOPE OF PLAN

This DEP identifies living marine resource and conservation priorities targeted for increased enforcement under the JEA; explains, describes, and elaborates upon the work to be performed by the AGENCY; mandates reporting requirements; sets forth enforcement guidelines; and identifies points of contact for the AGENCY and the OLE.

V. ASSISTANCE OBTAINING MAGNUSON-STEVENSON ACT CONFIDENTIAL DATA

- A. The Magnuson-Stevens Marine Fishery Conservation and Management Act allows State law enforcement personnel access to Magnuson-Stevens Act confidential data, for enforcement

purposes, pursuant to 16 USC 1881a (b)(1)(C). In some circumstances the AGENCY and/or OFFICER will have direct access to Magnuson-Stevens Act confidential data, for enforcement purposes, via arrangements with OLE. In other circumstances, Magnuson-Stevens Act confidential data will not be directly accessible to the AGENCY and/or OFFICER (e.g. data maintained by NMFS Regions, NMFS Science Centers, NMFS Offices, and/or OLE). In those circumstances the AGENCY and/or its OFFICERS will follow the procedures outlined below to obtain access to Magnuson-Stevens Act confidential information to which they do not otherwise have direct access.

- B. If the AGENCY or OFFICER needs access to Magnuson-Stevens Act confidential data to which they do not otherwise have direct access for enforcement purposes, the AGENCY or OFFICER shall request, orally or in writing, OLE's assistance with obtaining said data. Any such request should be directed to the Division Cooperative Enforcement Program (CEP) Coordinator responsible for this JEA. In the event that the CEP Coordinator is unavailable, the request should be directed to the Division CEP Manager contact listed for this JEA. In the event that the JEA contact is unavailable, the request may be directed to the Assistant Director (AD) or Deputy Special Agent-in-Charge (DSAC) for the OLE Region in which the AGENCY is located.
- C. Where State law does not permit the AGENCY to maintain the confidentiality of MSFCMA information as required by 16 U.S.C. §1881a, confidential data cannot be requested by and will not be shared with the AGENCY.

VI. INVOICES

- A. OLE will reimburse the AGENCY for approved costs related to services performed or purchases made on a monthly basis upon receipt of a properly executed invoice from the AGENCY.
- B. The AGENCY will submit monthly documentation for payment of services performed or purchases made on invoices prescribed by OLE no later than 30 days from the end of the month for which reimbursement is sought.
- C. An AGENCY may revise, amend, or modify an invoice for which they have already received payment from OLE. Such revision, amendment, or modification must be made within 60 days of the end of the month for which payment was received. OLE may grant a different period of time to revise, amend, or modify based on extraordinary circumstances.

VII. MONTHLY REPORTING

- A. The AGENCY will submit a monthly report of all enforcement activity according to the terms provided in Parts 2 and 3 of the DEFP.
- B. The AGENCY will provide a separate list of each citation issued or arrest made during the month, by fishery, fishery management plan, priority, and will include the citation or arrest number.
- C. The AGENCY will report each education and outreach activity and the estimated number of individuals in attendance.

D. The AD of the Division in which the AGENCY is located may request that the AGENCY provide additional information or reports, as needed, to manage, plan, and evaluate AGENCY performance under this JEA.

E. The AGENCY will provide the following additional information to the OLE: N/A

VIII. FINAL REPORTING

A. The AGENCY will submit a final report, in a format prescribed by OLE, of all activities and purchases made during the term of this JEA.

B. The final report must be submitted within 90 days of the expiration or termination of this JEA.

C. In the event that the JEA has been extended solely to enable the AGENCY to complete purchases approved in this JEA, delivery of the final report will not be delayed beyond the 90-day limit. Notation should be made in the final report that the JEA was extended to complete approved purchases and the circumstances requiring the extension. When all purchases requiring the extension have been made, the AGENCY will submit a supplemental statement to the final report with 30 days of the completion of the transaction.

IX. MODIFICATIONS

Alterations, modifications, and changes to the DEP are expected as needs and priorities change during the course of this JEA. The DEP may be modified by amendment to the DEP where substantive provisions will be altered, modified, or changed.

X. CONTROLLING STATUTES, REGULATIONS, ETC.

For purposes of this DEP, Federal procedures and guidelines, practices, and law may include, but are not limited to, the following:

The Magnuson-Stevens Act, the Endangered Species Act, the Marine Mammal Protection Act, the Lacey Act, the Atlantic Tunas Convention Act, the National Marine Sanctuaries Act, the Atlantic Coastal Fisheries Cooperative Management Act, the Northern Pacific Halibut Act, the Port State Measures Act, the Freedom of Information Act, the Privacy Act, and regulations and notices issued there under;

In addition to the statutes and regulations above, all other regulations and notices issued under the authority of DOC, include, but are not limited to:

15 C.F.R. Part 904

50 C.F.R. Parts 600 and 622

The Civil Asset Forfeiture Reform Act of 2000 (CAFRA)

The Small Business Regulatory Enforcement Fairness Act (SBREFA)

Applicable DOJ provisions

XI. CONTACTS

For Agency: Colonel Douglas Massie, Director, Alaska Wildlife Troopers
(907)269-5955
douglas.massie@alaska.gov

Division CEP Manager: Nathan Lagerwey, DSAC, Alaska Enforcement Division
(907) 586-7225
nathan.lagerwey@noaa.gov

Division CEP Coordinator: Eliza Copps, Program Analyst, West Coast Enforcement Division
(206) 526-6139
eliza.copps@noaa.gov

XII. SIGNATURES

It is agreed that the OLE and the AGENCY will complete the JEA and DEP according to the terms and conditions set forth herein.

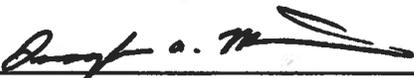
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Date: 2019.07.02 11:02:29 -08'00'

Willard Ellis, Assistant Director
National Oceanic & Atmospheric Administration
National Marine Fisheries Service
Office of Law Enforcement
Alaska Enforcement Division

7/2/2019

Date


Colonel Douglas Massie
State of Alaska
Department of Public Safety
Alaska Wildlife Troopers

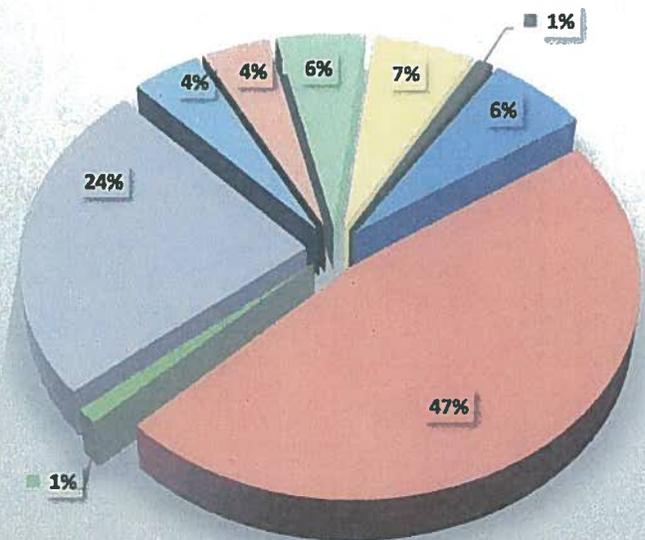
7-1-19

Date

**ALASKA JEA2019
TOTAL COSTS**

CALCULATION OF TOTAL JEA COSTS:	TOTAL:
Indirect Costs (MANUAL ENTRY = 15% of total value of JEA excluding value of alternative funding)	\$164,277.00
Training Costs (MANUAL ENTRY = (1.5% of the Total Obligation)	\$16,427.70
General Enforcement: IFQ Halibut Docksides Inspections/Outreach Activities/Administrative Duties	\$56,800.00
DIRECT PURCHASES	\$431,315.31
Execution Priority 1: Observer Interference Violations	\$11,200.00
Execution Priority 2: Operation Groundfish/Observer Pulse Op Patrol	\$220,800.00
Execution Priority 3: Kodiak Medium Class Vessel Hook and Line Patrol	\$38,600.00
Execution Priority 4: Marine Mammal Protection/ Endangered Species Act Medium Class Vessel Patrols	\$38,600.00
Execution Priority 5: Southeast Alaska IFQ and Charter Halibut/Sablefish Patrol	\$50,300.00
Execution Priority 6: Medium Class Vessel Halibut/Sablefish Patrols	\$57,900.00
Execution Priority 7: CDQ Inspections Northwestern Alaska and Dillingham Regions	\$8,960.00
SUBTOTAL (indirect costs + direct purchases + execution priorities + general enforcement)	\$1,095,180.01
TOTAL VALUE OF JEA:	\$1,095,180.01

JEA Total Cost by Percentage



- General Enforcement: IFQ Halibut Docksides Inspections/Outreach Activities/Administrative Duties
- DIRECT PURCHASES
- Execution Priority 1: Observer Interference Violations
- Execution Priority 2: Operation Groundfish/Observer Pulse Op Patrol
- Execution Priority 3: Kodiak Medium Class Vessel Hook and Line Patrol
- Execution Priority 4: Marine Mammal Protection/ Endangered Species Act Medium Class Vessel Patrols
- Execution Priority 5: Southeast Alaska IFQ and Charter Halibut/Sablefish Patrol
- Execution Priority 6: Medium Class Vessel Halibut/Sablefish Patrols
- Execution Priority 7: CDQ Inspections Northwestern Alaska and Dillingham Regions

**ALASKA JEA2019
SUMMARY OF ALL JEA2019 ENFORCEMENT HOURS**

TOTAL HOURS COMMITTED:		5,030	
Execution Priority 1: Observer Interference Violations	Activity Hours		Activity Hours
Dockside–Personnel:	100	Outreach+Admin/Clerical:	0
At Sea–Personnel:	0	At Sea–Vessel:	0
Air–Personnel:	0	Air–Aircraft:	0
TOTAL HOURS:	100	1.99%	of total hours
JEA PRESENCE HOURS (Static #)		100	
Execution Priority 2: Operation Groundfish/Observer Pulse Op Patrol	Activity Hours		Activity Hours
Dockside–Personnel:	0	Outreach+Admin/Clerical:	0
At Sea–Personnel:	2100	At Sea–Vessel:	300
Air–Personnel:	0	Air–Aircraft:	0
TOTAL HOURS:	2400	47.71%	of total hours
JEA PRESENCE HOURS (Static #)		300	
Execution Priority 3: Kodiak Medium Class Vessel Hook and Line Patrol	Activity Hours		Activity Hours
Dockside–Personnel:	0	Outreach+Admin/Clerical:	0
At Sea–Personnel:	200	At Sea–Vessel:	100
Air–Personnel:	0	Air–Aircraft:	0
TOTAL HOURS:	300	5.96%	of total hours
JEA PRESENCE HOURS (Static #)		100	
Execution Priority 4: Marine Mammal Protection/ Endangered Species Act Medium Class Vessel Patrols	Activity Hours		Activity Hours
Dockside–Personnel:	0	Outreach+Admin/Clerical:	0
At Sea–Personnel:	200	At Sea–Vessel:	100
Air–Personnel:	0	Air–Aircraft:	0
TOTAL HOURS:	300	5.96%	of total hours
JEA PRESENCE HOURS (Static #)		100	
Execution Priority 5: Southeast Alaska IFQ and Charter Halibut/Sablefish Patrol	Activity Hours		Activity Hours
Dockside–Personnel:	0	Outreach+Admin/Clerical:	0
At Sea–Personnel:	500	At Sea–Vessel:	100
Air–Personnel:	0	Air–Aircraft:	0
TOTAL HOURS:	600	11.93%	of total hours
JEA PRESENCE HOURS (Static #)		100	
Execution Priority 6: Medium Class Vessel Halibut/Sablefish Patrols	Activity Hours		Activity Hours
Dockside–Personnel:	0	Outreach+Admin/Clerical:	0
At Sea–Personnel:	300	At Sea–Vessel:	150
Air–Personnel:	0	Air–Aircraft:	0
TOTAL HOURS:	450	8.95%	of total hours
JEA PRESENCE HOURS (Static #)		150	
Execution Priority 7: CDQ Inspections Northwestern Alaska and Dillingham Regions	Activity Hours		Activity Hours
Dockside–Personnel:	80	Outreach+Admin/Clerical:	0
At Sea–Personnel:	0	At Sea–Vessel:	0
Air–Personnel:	0	Air–Aircraft:	0
TOTAL HOURS:	80	1.59%	of total hours
JEA PRESENCE HOURS (Static #)		80	
Execution Priority 8: [Describe]	Activity Hours		Activity Hours
Dockside–Personnel:	0	Outreach+Admin/Clerical:	0
At Sea–Personnel:	0	At Sea–Vessel:	0
Air–Personnel:	0	Air–Aircraft:	0
TOTAL HOURS:	0	0.00%	of total hours
JEA PRESENCE HOURS (Static #)		0	
SUMMARY OF HOURS:			
EXECUTION PRIORITIES	4230	84.10%	of total hours
TOTAL HOURS:	800	15.90%	of total hours
GENERAL ENFORCEMENT			
JEA PRESENCE HOURS (Static #)		500	
GRAND TOTAL OF ALL JEA PRESENCE HOURS		1430	
GRAND TOTAL HOURS:	5030	100.00%	% ALL HOURS

Alternate Funding
(for reference only)

ALASKA JEA2019
PERSONNEL COSTS

REQUIREMENT: Submit supporting documents indicating all deductions and benefits that determine the total hourly wage of each position identified on this Personnel Costs tab. Failure to submit supporting documents will result in the rejection of this Division Enforcement & Financial Plan.

Position Title	Hourly Rate
Alaska Wildlife Trooper	\$112.00

Position Title	Hourly Rate
Public Safety Technician	\$57.00

Position Title	Hourly Rate
Supervisory Alaska Wildlife Trooper	\$120.00

Position Title	Hourly Rate

Position Title	Hourly Rate
Administrative Assistant I	\$54.00

Position Title	Hourly Rate

Position Title	Hourly Rate
Personnel P/V Stimson	\$78.00

Position Title	Hourly Rate

Position Title	Hourly Rate
Personnel P/V Enforcer	\$78.00

Position Title	Hourly Rate

**ALASKA JEA2019
VESSEL COST**

Mld Range Vessel	Cost per Gallon or Quart	Gallons or Quarts per Hour	Total Cost/Hour
Fuel	\$3.08	50.00	\$154.00
Oil	\$8.00	1.00	\$8.00
Vessel #1 Total Operating Cost Per Hour			\$162.00

Long Range Vessel	Cost per Gallon or Quart	Gallons or Quarts per Hour	Total Cost/Hour
Fuel	\$3.16	60.00	\$189.60
Oil	\$4.50	0.13	\$0.59
Vessel #2 Total Operating Cost Per Hour			\$190.19

Long Range Vessel	Cost per Gallon or Quart	Gallons or Quarts per Hour	Total Cost/Hour
Fuel	\$3.47	30.30	\$105.14
Oil	\$7.50	1.00	\$7.50
Vessel #3 Total Operating Cost Per Hour			\$112.64

	Cost per Gallon or Quart	Gallons or Quarts per Hour	Total Cost/Hour
Fuel	\$0.00	0.00	\$0.00
Oil	\$0.00	0.00	\$0.00
Vessel #4 Total Operating Cost Per Hour			\$0.00

Vessel Type (Select)	Cost per Gallon or Quart	Gallons or Quarts per Hour	Total Cost/Hour
Fuel	\$0.00	0.00	\$0.00
Oil	\$0.00	0.00	\$0.00
Vessel #5 Total Operating Cost Per Hour			\$0.00

Vessel Type (Select)	Cost per Gallon or Quart	Gallons or Quarts per Hour	Total Cost/Hour
Fuel	\$0.00	0.00	\$0.00
Oil	\$0.00	0.00	\$0.00
Vessel #6 Total Operating Cost Per Hour			\$0.00

Vessel Type (Select)	Cost per Gallon or Quart	Gallons or Quarts per Hour	Total Cost/Hour
Fuel	\$0.00	0.00	\$0.00
Oil	\$0.00	0.00	\$0.00
Vessel #7 Total Operating Cost Per Hour			\$0.00

**ALASKA JEA2019
AIRCRAFT COST**

Multi Engine	Cost per Gallon or Quart	Gallons or Quarts per Hour	Total Cost/Hour
Fuel	\$0.00	0.00	\$0.00
Oil	\$0.00	0.00	\$0.00
Aircraft #1 Total Operating Cost Per Hour			\$0.00

Aircraft Type (Select)	Cost per Gallon or Quart	Gallons or Quarts per Hour	Total Cost/Hour
Fuel	\$0.00	0.00	\$0.00
Oil	\$0.00	0.00	\$0.00
Aircraft #2 Total Operating Cost Per Hour			\$0.00

Aircraft Type (Select)	Cost per Gallon or Quart	Gallons or Quarts per Hour	Total Cost/Hour
Fuel	\$0.00	0.00	\$0.00
Oil	\$0.00	0.00	\$0.00
Aircraft #3 Total Operating Cost Per Hour			\$0.00

Aircraft Type (Select)	Cost per Gallon or Quart	Gallons or Quarts per Hour	Total Cost/Hour
Fuel	\$0.00	0.00	\$0.00
Oil	\$0.00	0.00	\$0.00
Aircraft #4 Total Operating Cost Per Hour			\$0.00

Department of Environmental Conservation
Division of Air Quality
Air Quality

Subject of RPL: Fairbanks PM2.5 Nonattainment Area Voluntary Heating Device Change Out Program	ADN/RPL #: 18-2021-0447
Amount requested: \$14,717,265	Appropriation Authority: Sec 1, Ch. 19, SLA 2018, pg. 4, ln 27
Funding source: Federal Receipt (1002) Capital	Statutory Authority: AS 46.03

PURPOSE

The Fairbanks North Star Borough (FNSB) routinely records some of the highest levels of fine particulate matter (PM2.5) air pollution in the nation. Wood smoke is the primary source, contributing between 60% and 80% to PM2.5 levels. The Environmental Protection Agency (EPA) has classified the FNSB as a serious nonattainment area. As a result of the serious problem and threat to public health, EPA requires the FNSB and State to implement strict air pollution controls in the area. The project under this federal award is designed to enhance the implementation of the committed PM2.5/wood smoke reduction measures identified in the local air quality plan.

Changing out older, higher polluting home heating devices is an effective way to reduce air pollution. The FNSB's voluntary program allows residents with solid fuel (e.g. wood, coal, etc.) burning appliances used as primary, secondary, or emergency backup heating sources to upgrade their heaters or convert to oil, electric, natural gas, or propane heaters. The program will also assist local residents that have no other source of adequate heat than wood or coal heat by helping them to replace, repair, or upgrade existing inadequate, undersized, malfunctioning, and/or defective non- solid fuel heaters reducing their long-term reliance on solid fuel. The Department of Environmental Conservation estimates that 1,578 solid fuel fired heating devices will be replaced, removed, or repaired through the voluntary program. Program participants are projected to qualify for an average reimbursement rate of \$6,288, though due to the range of options, that amount will vary significantly based on the type of conversion.

PREVIOUS LEGISLATIVE CONSIDERATION

The Department has received two prior appropriations for this purpose: Sec 1, Ch. 1, SLA 2017, pg. 4, ln 15, and Sec 1, Ch. 19, SLA 2018, pg. 4, ln 27. An RPL (1800369) was approved in October, 2019, to increase the FY2019 appropriation by \$5,000.0.

This request was included in the initial FY2021 capital bill (HB207) at \$5,000.0. This project was not included in the final FY2021 HB205 operating and capital bill passed by the legislature. Please note the amount has since increased because EPA recently decided to combine two years of Targeted Air Shed funds and the total anticipated award amount has been increased accordingly.

TIMING ISSUES

The Department anticipates EPA awards for this fully federal grant in the last half of 2020. Given the need to improve air quality to meet federally required progress goals, the Department wants to initiate work quickly following an award. If the funding is not approved, the Department would be unable to accept the federal award delaying needed progress in improving air quality.

BUDGETARY ISSUES

No state fund match is required for this federal grant. The Department plans to partner with the Department of Commerce, Community, and Economic Development and the FNSB to administer the voluntary change out program as detailed in the grant application. Since the original capital request, EPA decided to combine two years of Targeted Air Shed funds and increased the total award amount, and the Department has increased this RPL request accordingly.

Legislative Fiscal Analyst Comment: There are no technical issues with this RPL.