

HB

337

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being one
of 414

AGU 122818



Alaska State Legislature
House

HOUSE RESOURCES COMMITTEE

Alvin Osterback, Chairman

Pouch V, State Capitol
Juneau, Alaska 99811
(907) 465-3715

15 March 1977

Dr. Samuel J. Harbo, Jr., Chairman
Board of Game
Box 80522
College, AK 99735

Dear Dr. Harbo,

The House Resources Committee is holding a hearing on HB 337, "An Act relating to the transfer of the division of fish and wildlife protection from the Department of Public Safety to the Department of Fish and Game; and providing for an effective date." This hearing will be on April 1, 1977 at 3:30 p.m. in room 118 of the Capitol Building.

Please bring up HB 337 before your Board Meeting(s), come up with a position, and appear on Friday, April 1, 1977 at 3:30 p.m. to inform the House Resources Committee of that position.

Thank you for your cooperation.

Sincerely,

A handwritten signature in cursive script that reads "Alvin Osterback".

Alvin Osterback, Chairman
House Resources Committee

attachments

cc: Office of the Governor

AO:jn



Alaska State Legislature
House

HOUSE RESOURCES COMMITTEE

Alvin Osterback, Chairman

Pouch V, State Capitol
Juneau, Alaska 99811
(907) 465-3715

15 March 1977

Phillip Daniel, Executive Secretary
United Fishermen of Alaska
Box 1352
Juneau, AK 99802

Dear Phillip,

The House Resources Committee will be holding a hearing on Friday, April 1, 1977 at 3:30 p.m. to consider HB 337, "An Act relating to the transfer of the division of fish and wildlife protection from the Department of Public Safety to the Department of Fish and Game; and providing for an effective date."

Please compile a position on this bill reflecting the feelings of the United Fishermen of Alaska, and present it to the Committee at the hearing.

Thank you for your cooperation.

Sincerely,

A handwritten signature in cursive script that reads "Alvin Osterback".

Alvin Osterback, Chairman
House Resources Committee

attachment

cc: Office of the Governor

AO:jn



Alaska State Legislature
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HOUSE RESOURCES COMMITTEE

Alvin Osterback, Chairman

Pouch V, State Capitol
Juneau, Alaska 99811
(907) 465-3715

15 March 1977

Gordon Jensen, Chairman
Board of Fisheries
Box 264
Petersburg, AK 99833

Dear Mr. Jensen,

The House Resources Committee is holding a hearing on HB 337, "An Act relating to the transfer of the division of fish and wildlife protection from the Department of Public Safety to the Department of Fish and Game; and providing for an effective date." This hearing will be on April 1, 1977 at 3:30 p.m. in room 118 of the Capitol Building.

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Alvin Osterback, Chairman
House Resources Committee

attachments

cc: Office of the Governor

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Alaska State Legislature
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HOUSE RESOURCES COMMITTEE

Alvin Osterback, Chairman

Pouch V, State Capitol
Juneau, Alaska 99811
(907) 465-3715

M E M O R A N D U M

14 April 1977

TO: Steve Cowper, Chairman
House Finance Committee

FROM: Al Osterback, Chairman
House Resources Committee

Here is some more information on HB 337. - a Fiscal Note
from the Department of Fish & Game.

When are you planning to schedule HB 337?

THE LEGISLATURE OF THE STATE OF ALASKA
TENTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. HB 337
Title An Act relating to the transfer of the division of fish and wildlife protection
Requested by _____ Date _____

II. FISCAL DETAIL

Agency Affected Fish and Game
Program Category Affected HRMEC
Budget Request Unit(s) Affected Administration

EXPENDITURES (Thousands of Dollars)

	FY 77	FY 78	FY 79	FY 80	FY 81	FY 82
100 PERSONAL SERVICES		70.4	66.4	65.4	66.4	66.4
200 TRAVEL						
300 CONTRACTUAL		100.3	87.8	87.8	87.8	87.8
400 COMMODITIES						
500 EQUIPMENT		.5				
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
800 CONTINGENCY		20.0				
TOTAL		191.2	154.2	154.2	154.2	154.2

FUNDING (Thousands of Dollars)

GENERAL FUND		124.8	87.8	87.8	87.8	87.8
FEDERAL FUNDS						
OTHER (Specify)						
REDUCTION IN PUBLIC SAFETY BUDGET		66.4	66.4	66.4	66.4	66.4

POSITIONS

FULL TIME		4	4	4	4	4
PART TIME						
TEMPORARY		4 mos.	0	0	0	0

III. ANALYSIS (See Fiscal Note Preparation Instructions, Section III)

Above figures represent impact on additional administrative personnel, office space, duplicate records and communications modifications. Part of above increase would be offset by corresponding reductions of \$66,400 in Public Safety, Office of the Commissioner BRU. The housing program impact is not included in these figures, but increases would be offset by identical decreases in the Public Safety housing program. A figure of \$20,000 is included for unforeseen contingencies. See attached detailed analysis.

IV. DATE 4/1/77 PREPARED BY Jeff Morrison
AGENCY Fish and Game
PHONE 465-4120
Original: Legislative Finance
cc: Budget and Management
Prime Sponsor (First Legislator Named)

All direct costs associated with the Protection Division, including space rental and vehicle rental, are included in the Protection Division budget. Any fiscal impact on the Department of Fish and Game may be divided into increased indirect charges and increased direct charges. Increased indirect charges would include: 1) funding additional personnel in administrative services (personnel, supply, accounting); 2) funding an increase in the housing program; 3) possible increase for a separate records center and central radio dispatch units. Increased direct charges would include: 1) rental of additional space to relocate protection offices where they currently share space with Alaska State Troopers, and 2) replacement or modification of communication equipment so as to become compatible with Fish and Game frequencies. The fiscal impact of these items is detailed below:

Indirect Expenses

1) Additional personnel in administrative services. In 1972, when Protection was transferred to Public Safety, the Department of Fish and Game transferred three positions from the administrative services component. Since that time the Protection Division has grown to a total of 120 personnel in the FY78 Governor's request, up from 74 total personnel in FY72. If Protection is returned, four positions would be required in Fish and Game Administrative Services: a Clerk Typist III in headquarters Personnel, an Accounting Clerk II in Juneau and Accounting Clerk III in Anchorage; and a Supply Clerk in headquarters supply. The annual cost of these positions (including benefits) will be \$66,400. It is assumed that desks, chairs, etc. would be transferred from Public Safety. Any increase for these transferred positions should be offset by a corresponding decrease in the Department of Public Safety's administrative services budget.

2) Housing program. The Department of Public Safety provides housing for Protection Officers in remote areas. The budget for expenses related to housing is in a separate component and totals \$680,500 for the entire department (FY78 Governor's request). Any expenses related to housing for Protection officers would be transferred from the Housing budget in Public Safety to the housing budget in Fish and Game, with no net increase to the State. A precise figure is unavailable at this time because the entire state housing policy is under review at this time, and some units may be disposed of. It is suggested that the proposed legislation allow for the transfer of necessary funds between departments in the event that Protection is transferred, in order to accommodate the delay involved in obtaining good estimates on this matter and other matters.

3) Central dispatch and records center. Protection officers currently use central dispatching units manned 24 hours a day by the Department of Public Safety in six locations: Ketchikan, Juneau, Anchorage, Soldotna, Kodiak and Fairbanks. These dispatch centers provide the following service to all public safety personnel, including Protection officers: 1) 24 hour monitoring of

emergency frequencies for emergencies or public safety matters; 2) forward complaints to officers in area of the complaint; 3) monitor whereabouts of employees in order to follow up on officers who have left radio contact to investigate an activity or question someone (in case officer encounters foul play and is unable to report back); 4) assign complaint/case numbers to all reported complaints; 5) respond to requests for immediate records search at central records center in Juneau. In the event that Protection is transferred, these services can be retained in one of two ways: either the Department of Fish and Game can operate its own central dispatch units, or the Protection division can continue to use the Public Safety central dispatch units. Operation of one CDU would cost about \$90,000 annually in personal services alone. Initial and operating costs of communications equipment makes this alternative prohibitive, leaving the only remaining alternative of continuing to use the existing Public Safety CDUs. The only function now being performed by the CDU which might cause problems if it were continued, is the assigning of complaint/case numbers. This would seem to be a minor administrative problem to overcome.

The operation of the records center in Public Safety integrates the case files of both Protection and State Trooper cases. They are currently intermingled in a consecutive numbering system and I anticipate that Public Safety will continue to require access to Protection case files. If Protection officers use Public Safety CDUs for records checks, it will be mandatory to have Protection case files in the Public Safety records center. At such time as Protection is transferred, then, it would be necessary to have a duplicate set of all Protection case files made for protection headquarters. This one-time expense should hopefully not exceed \$5,000 (4 temporary clerks for about one month, plus copying expenses and new file cabinets). In the future, Protection would need to forward copies of all case files and case numbers to the Public Safety records center. There is currently one data control clerk for Protection in Juneau. If this position is integrated into the records center staff, it may be necessary for Public Safety to include an additional position as a replacement in their fiscal note to the bill.

Direct Expenses

1) Office space. Protection offices are currently located together with other Public Safety offices in many locations. The transfer of Protection to Fish and Game would require that most of those offices be relocated into Fish and Game offices or other separate offices in order to confirm their identity with the new department in the public's mind. In the following locations, Protection offices already exist independently or with Fish and Game, and would require no changes: King Salmon, Soldotna, Sand Point, Bettles, Seward, Wrangell, McGrath (office in home), Tok (office in home), and Talkeetna (office in home). In the following locations, Protection offices may be combined with existing Fish and Game offices, with the only charges being for moving expenses and minor modification: Sitka (rearrange court building); Glennallen; Delta Junction (renovated facility); Cordova; Yakutat; Nome and Dillingham. New stations planned for Aniak, Dutch Harbor, Galena, and St. Mary's would be initially set up as Fish and Game protection offices. In the following locations there are no Fish and Game offices and it may not be desirable or possible

to relocate due to relative shortage of office space: Cantwell and Haines. Total estimated cost for moving expenses and minor modifications in the preceding locations is \$10,000.

The following locations will require the transfer of Protection offices into new office space which would need to be leased in addition to existing Fish and Game offices: Anchorage, Ketchikan, Kodiak, Kotzebue, Fairbanks, Juneau, Petersburg, Valdez, Palmer, and Homer. Due to lease commitments, it may not be possible to use the funds budgeted for the Public Safety leases for leases of the new office space. Fiscal projections assume the worst case situation, wherein previous obligations must be honored for a complete year. It is also assumed that the Director's office and staff would relocate from Anchorage to Juneau. Cost estimates for new space are as follows: Anchorage \$24,000 (2000 sq. ft. @ \$1.00); Ketchikan \$3,000 (remodel expanded space in court building); Kodiak \$8,400 (700 sq. ft. @ \$1.00); Kotzebue \$3,000 (assumes City of Kotzebue will rent space @ \$250/mo.); Fairbanks \$19,400 (1200 sq. ft. @ \$1.35); Juneau \$18,000 (1500 sq. ft. @ \$1.00 - for both Headquarters and Region); Petersburg \$2,400 (200 sq. ft. @ \$1.00); Valdez \$3,600 (300 sq. ft. @ \$1.00); Palmer \$2,400 (200 sq. ft. @ \$1.00); and Homer \$3,600 (300 sq. ft. @ \$1.00). Total estimated additional space costs are \$87,800. Since this is an annual figure, delays in moving would generate some savings; this savings would then be applied to pay for moving expenses. Total direct costs related to office space is estimated at \$97,800.

2) Communications equipment. The Protection Division was appropriated \$133,200 for communications equipment for FY77, and most of this is on order or in use. The status of their communications equipment in FY78 will be very good, and will have the capacity to provide communications between most field stations and Public Safety's Central Dispatch Units. Adding the capability to communicate with Fish and Game offices will involve adding or replacing frequencies to the existing or new equipment. This cost will be minimal, and has been estimated at not-to-exceed \$2,000 by the Division of Communications. Troopers and protection officers currently employ a single frequency VHF reporter network along the Alaskan highway network. Continued use of this frequency for protection law enforcement activities will probably be necessary, and will interface with the Central Dispatch Units discussed previously in this analysis. Fish and Game frequencies (4504 and 3230) will be used by Protection offices for administrative communications not related to actual enforcement activities. Mel Hoversten, Director of Communications, indicates no major problems in the conversion unless Public Safety denies the use of their single frequency VHF repeater network to Protection officers. If this is the case, the conversion cost will undoubtedly go up, assuming the Department of Fish and Game would care to retain the capabilities offered by the VHF repeater network.

Summary

The foreseeable increased costs related to the transfer of Protection are: \$66,400 for four administrative positions; \$5,000 for duplicate records; \$97,800 for office space; \$2,000 for communications modification; and an unspecified amount for transfer of housing units. The increased expenses for

housing and the 4 administrative positions would be offset by corresponding reductions in Public Safety budgets for housing and general administration. The total net increase would then total \$104,800. It would be highly advisable to appropriate an additional \$20,000 for unforeseen contingencies in line 800. This money would only be released, then, when authorized by the Governor when it can be shown that other funding was insufficient

The projections above are based on several assumptions which may change, particularly regarding use of Public Safety communications facilities (CDUs and VHF network). If any assumptions change, the fiscal impact is likely to change also.

An amendment to the bill to allow transfers of funds and positions between departments in accordance with legislative intent would assist greatly in the administration of this bill, as it is unlikely that firm figures will be available regarding the housing program.

Cordova District Fisheries Union

Headquarters: Box 939, Cordova, Alaska



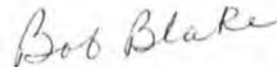
March 25, 1977

Representative Alvin Osterback, Chairman
House Resources Committee
Pouch V
Juneau, Alaska 99811

Dear Representative Osterback,

We somewhat reluctantly support House Bills #337 and 338; returning the Fish and Wildlife Protection back over to the Dept. of Fish and Game. One of the main reasons we support those bills is because #337 will create a Division of Fish and Game Protection. If protection was returned at its old status, we would definitely not support its return.

Sincerely,



Bob Blake
Chairman

bb/jd



TELEGRAM

RCA ALASKA COMMUNICATIONS, INC.

PHONE: 586-6440

TUNEAU, ALASKA 99801

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1977 APR 1 PM 4 32

02026 NL ANCHORAGE ALASKA 70 4-1 1220P AST

PMS REP ALVIN OSTERBACK

JUN

REQUEST YOU VOTE NO ON HB337 THIS LEGISLATION
WILL SEVERELY HANDICAP THE PROTECTION DIVISION
THROUGH A LENGTHY REORGANIZATION WHICH WOULD
RESULT IN A LACK OF TRAINING OF ADEQUATE COMMUNIC
ATIONS AND NOT BEING ASSOCIATED WITH A LAW
ENFORCEMENT ORIENTED DEPARTMENT. I ALSO REQUEST
A NO VOTE ON HB111 IF IT REACHES THE HOUSE FLOOR

CC.

REP ED DANKWORTH

REP JOE HAYES

REP HUNG MALONE

REP STEVE COWPER

REP ALVIN OSTERBACK

MONTE AND TERRY JORDAN

710 307

PUBLIC SAFETY EMPLOYEES ASSOCIATION
P. O. Box 4-2624
Anchorage, Alaska 99502

April 4, 1977

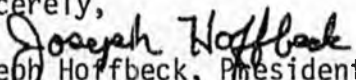
The Honorable Alvin Osterback
House of Representatives
State Capitol Building
Pouch V
Juneau, Alaska 99811

Dear Mr. Osterback:

H. B. 337 and any similar legislation that proposes transferring the Division of Fish and Wildlife Protection back to the Department of Fish and Game is of extreme concern to us. Since many of the members of Fish and Wildlife Protection are members of our group, the Public Safety Employees Association, anything that affects their status affects all of us. In the five years the Fish and Wildlife Protection officers have been members of the Department of Public Safety, their numbers have increased approximately 50%, and their morale has increased to the point where the vast majority strongly oppose returning to the Department of Fish and Game. Their communications equipment has improved from almost nothing to participation in the best system in the State, and their professionalism as law enforcement officers has dramatically improved with increased training and closer association with other law enforcement professionals. We feel that implementation of the standards set by the Alaska Police Standards Council and the further training of members as advocated by the Public Safety Employees Association will further enhance the stature and effectiveness of our Protection officers.

The Public Safety Employees Association is convinced that a transfer of the Division of Fish and Wildlife Protection back into the Department of Fish and Game would be a great disservice to the people of the State and to the protection of their fish and wildlife resources. Such a transfer would throw the enforcement of our fish and game laws back into the debilitating struggle between special interest groups. The enforcement of our laws, whether they are criminal or resource-related, belongs in the hands of law enforcement professionals. No one is claiming that everything is perfect in the Division of Fish and Wildlife Protection, but it is much better than it ever has been. We firmly believe that there is a much better chance of improvement in the Department of Public Safety than in the Department of Fish and Game.

The Public Safety Employees Association would like to go on record as strongly opposing any legislation or administrative action that would encourage or consummate in the transfer of the Division of Fish and Wildlife Protection back to the Department of Fish and Game. Our interest in retaining Fish and Wildlife within the Department of Public Safety is not self-seeking, as our attorney is of the opinion that, even in the Department of Fish and Game, Protection officers - as Peace officers - would remain in our bargaining unit. Our overriding concern is the quality of enforcement given to our fish and game laws.

Sincerely,

Joseph Hoffbeck, President
Public Safety Employees Association

TESTIMONY OF JIM REARDEN
MEMBER OF THE BOARD OF GAME

Thank you Mr. Chairman. My name is Jim Rearden, I'm a member of the Alaska Board of Game, I've been a resident of Alaska for 27 years and in that time I have been professionally involved in Fish and Game Management in various ways. I was head of the Department of Wildlife Management at the University of Alaska for 4 years, I've been a guide, I've been a commercial fisherman, I was area biologist for Commercial Fisheries in Cook Inlet for 11 years for the Alaska Department of Fish and Game, I have worked for the Fish and Wildlife Service as a Game Biologist, presently I am the outdoors editor for the Alaskan Magazine and the Alaska Field Editor for Outdoor Life Magazine. I have strong feelings on this issue, philosophically I think you are absolutely right that the enforcement of Fish and Game regulations belong with the Department of Fish and Game. Looking at the history of the enforcement division under the Department of Fish and Game the enforcement division was a bastard division, they were to be put up with and supported, but they didn't have a full share in the operations of the Department, their input was ignored or negligible, their budget was poor, there was quite a change in personnel in some years it was as high as 50% I believe, turnover within the division. I attribute this largely to the fact that these people were not what you'd call career professional people, and not career conservationists. Of the 67 officers who were with the Department of Fish and Game at the time it was transferred to Public Safety, 27 now remain, in 5 years 40 officers have left the Division. I believe 2 by retirement and I think there has been 1 death. At the time that the Division was

with the Department of Fish and Game the requirements for becoming an officer were a high school diploma, a driver's license and pass a physical examination. The present requirements are identical, with the Department of Public Safety. The training that the men have received since they have been with the Department of Public Safety are at closer alliance with the Court System, with the District Attorney's Offices, has strengthened them in presenting cases, in collecting evidence and in handling the enforcement of role.

I submit that all of the improvements that we have seen in these areas could just have well have come under the Department of Fish and Game. The problem, I talked with some of the Field Officers recently of communication between the officers in the field and the Biologists, the Game Biologists, and the Fisheries Biologists who are charged with management within the various areas, the communications is very poor. If a Fisheries Biologist feels that patrols, stakeout crews or whatever, are necessary in a specific area he can request it if the protection officer doesn't really agree with him the protection officer can pretty well go his own way and no one is really telling him to do it, to what the Biologist the land, the man in charge of the area from the resource standpoint requires.

Now, I maintain at this point that the Division is more effective now, where it is, then it was before. But I maintain that we need a stronger Division, a far stronger and better protection division than we have, and I maintain that it belongs with the Department of Fish and Game and I maintain that it should be a full partner in the management of the resource and in the planning for the protection and handling of the Fish and Game resources throughout the state.

And my recommendations would be to leave it right where it is, until and unless you are fully prepared to establish a top-notch, top

quality protection division of people who are career minded, who will remain with the State and remain in the position for a long enough time to pay for their training and pay for all the costs to the State, and I maintain that this requires first that a man have a college degree of some sort when he is hired, now I would not fire everybody that you have now, I'd give grandfather rights to the officers who are working for the protection of Wildlife, Fish and Wildlife Division as it is now called, and allow those who wish to be transferred back to the Department of Fish and Game to go, but here after I would require a college degree, whether it would be in Law Enforcement, Fisheries Management, Biology, Wildlife Management. From here I would then require them to attend the police academy at Sitka or a similar school to receive the absolutely essential law enforcement work, the next step I would require that they attend a 3 to 4 month intensive program on Fish and Game Management within Alaska so that they will have a knowledge of the reasons behind the regulations and the policies of the Department of Fish and Game, they'll have the conservation information they need to defend the regulations and to explain them to the public. Now, you say a school like this would be costly, I don't think it necessarily would have to be. We have within the Department of Fish and Game some of the finest Fish and Game scientists within the United States and they are recognized as such throughout the United States, these people could very easily prepare a curriculum and teach such a school to the Protection Officers and one other factor I think that is extremely important is that I believe strongly in what I call preventive enforcement and preventive enforcement to me means that an officer who is acquainted with an area doesn't get transferred every

6 months or every year or every 2 years, an officer would be stationed in an area and he would remain there, he would become a part of a community, he would become intimately acquainted with the physical features of the area, the resources of the area, the people of the area, so that he could become truly effective. Now if the officer isn't any good, he isn't gonna, and this happens why, you aren't gonna get any place anyway, so you've got to be sure that the officers are good before you put them in there and there has to be a constant reading process through the recruitment and the training program. This is done in other states and it is quite successful. At the moment an officer represents really the state when he checks fishing licenses, when he watches sportsman on the stream, when he watches hunters out in the field, they have at the moment, no real reason to defend the program of the and the regulations of the Department of Fish and Game, if they don't believe in them the tendency is frequently to say well, yea it's a screwy regulation but I got to enforce it. That basically is about all I have to say Mr. Chairman.

QUESTIONS AND ANSWERS

Rep. Osterback - Mr. Rearden are you aware we have a bill in the House on the floor today, I voted against it but it passed, didn't it pass, and directing the regulations for the Board, or the Department of Fish and Game to follow and the only reason bills like that are coming up is because nobody is satisfied with the way the Department of Public Safety and the Department of Fish and Game are run. When they are coming to the legislators and asking them to pass the laws there has got to be something wrong somewhere along with the Department of Fish and Game or something and this is what we are trying to do

down here where we can get a Department what can handle our resources and try to build them up. The way they have been going the last few years, we've been going down hill and until we do something we are going to keep on going down hill.

Rep. Malone - Thank you Mr. Chairman. Mr. Rearden, Basically what you are saying is that simply moving the Division back and forth isn't gonna help things, it's gonna have to be upgraded and that it should be logically in the Department of Fish and Game and it is not gonna do much good to move it back there unless the State's willing to make a commitment to provide for proper education and training and professionalism on the part of the people in that Division. Is that right?

Mr. Rearden - That's it exactly, yes sir.

Rep. Eliason - Jim I think I agree with most of what you have to say especially about the training programs for the enforcement officers however, I get just a little, I'm gonna put this politely, I get a little bit tired with this college degree syndrome we have when it come to Biologists versus the common ordinary everyday citizens. It seems that a good example today on the floor of the House there has been some, we have been listening and doing and performing what their recommendations have been for years and it seems like they don't have all the answers either. I don't know what the qualifications are for a ordinary State Trooper who is charged with the responsibility of protecting the human resources, I don't suspect that they have to have a college degree so I think that would be just as important, I don't think there is anything in our law that says you have to have a college degree to sit in on Board of

Fish of on the Board of Game. They have some real responsible decisions to make. But it seems to me that we could find very capable people without having the necessary type of qualifications you are looking for.

Mr. Rearden - Representative Eliason let me explain my reasoning and my thinking behind it. As I pointed out the Division of Protection under the Department of Fish and Game was a very weak division it was not a full partner in the operations of the Department of Fish and Game. There were reasons for this. When there was input, frequently it was not well thought out input. There was a social barrier between the professional scientists of the Department of Fish and Game many of whom have masters degrees at the very least, and to have individuals who have a high school diploma and a drivers license essentially and they were very, basically the Division were young men and it still is young men because of the tremendous turnover, there is a barrier there communications barrier and a 3 months or 4 months intensive course in Fish and Game Management is not gonna remove that barrier. I want people who are equal and knowledgable in management of the resources. Looking at each other across the table within the Department of Fish and Game to develop a program in Protection and Management. I don't want this so called social inequality, I want these people to be a full partner and I feel that if you did not increase your educational requirements to equal those of the scientists that we require to have college degrees working for the Department of Fish and Game then you are going to have this problem. Now there are exceptional individuals now, there are some

of them sitting in this room right at this minute. Protection Officers who do not have degrees who could, did and can sit right across the table from any professional and do just as fine as job but the chances of your getting a full staff capable of doing this without requiring this do not seem as great to me.

Rep. Eliason - This is one of the reasons why they split it off to start with, is that right, it was because they had, it was, they were taking the back seat, so to speak.

Mr. Rearden - Mr. Eliason, I think there were many many reasons. I can't really give them all to you.

Rep. Eliason - I can understand the full need for full partnership, but realistically you would think that if we did transfer this Division with college graduates and this training to Fish and Game that they would be given the same consideration as the Division of Commercial Fish or the Division of Sport Fish?

Mr. Rearden - I think it would have to be, they, it would be essential, I think that the Department should be structured so that perhaps the top man in protection would be a Deputy Commissioner and it would be a very strong Division.

Rep. Malone - This is just a question relating to the education question that Dick asked, and that is, to what extent do you think that a person's experience, and we have some people with considerable amount of experience within the Division now, would be a substitute for you know, that educational background that you are talking about.

It's one thing to have somebody coming in off of the street, with say a driver's license and a high school diploma, another thing to have somebody come in from the field with 10 years of experience under their belt, to what extent do you think that that is a substitute?

Mr. Rearden - I think it could be a full substitute in some instances and I think it should be considered, certainly.

Rep. Malone - Thank you Mr. Chairman.

Ernie Haugen - Mr. Chairman I am not in your committee but

Rep. Osterback - Well you are free to speak any time you want with the legislature.

Ernie Haugen - You know I've seen both sides of this here situation when we had the enforcement in the Department and some of the problems that you discussed and the status of the people in protection, but a what's wrong with the Biologists while they are out in the field because a Fish and Game Protection Officer wasn't present that they could make the same arrest as the guy that has protection status?

Mr. Rearden - Some of the Biologists all of whom have authority to make cases . . .

Ernie Haugen - Do they exercise it?

Mr. Rearden - Some do, some do not, some avoid it.

Ernie Haugen - Isn't that probably the reason that Eagan , with all the things that are being developed here made a decision they weren't compatible?

Mr. Rearden - I don't know why Governor Eagan made . . .

Ernie Haugen - Well, I remember. I'm a commercial fisherman and I've seen it all and a last Fall in a certain area there happened to be only one protection officer between Bays that were open but there were Biologists on the ground, violations were taking place and they weren't a, they weren't doing anything the way of enforcement. Do you think that is right.

Mr. Rearden - It is not right sir and the Commissioner has informed the Boards

REST OF TESTIMONY NOT RECORDED DUE TO TAPE RECORDER COMPLICATIONS.
(APPROXIMATELY 3 - 5 MINUTES OF QUESTION/ANSWER)

Mr. Chairman:

My name is Don Tetzlaff, I have been a resident of Alaska since 1956.

In 1961, I started working for the Department of Fish and Game as a Biologist Aide for the Game Division.

In 1965, I transferred from the Game Division to the Protection Division and have been so employed as a Fish and Wildlife Protection officer ever since.

I am presently the Detachment Commander for Southeast Alaska, and have been for the last five years. I presently hold the rank of lieutenant.

Mr. Chairman, I am against House Bill 337, or any bill to transfer the Fish and Wildlife Protection Division to another department.

Over the years, and especially since our transfer in 1972 from the Department of Fish and Game to the Department of Public Safety, we have built one of the best working Fish and Wildlife Divisions in the country.

Even Commissioner Brooks, in his white paper submitted to Gov. Hammond and the Board of Fisheries and Game readily admitted that the 1972 transfer of our division to the Department of Public Safety created, and I quote "better directed and disciplined performance" and said "protection officers now have high morale, enjoy more security in an orderly disciplined work environment".

All of these points are true, plus, I assure you, our goals and objectives when we were with the Department of Fish and Game and those of today are the same, and those are:

1. Protection of resources.
2. To gain a reasonable level of compliance to the state's regulations and laws.

So I ask you, why should we be transferred again? What will this transfer prove? What will be accomplished by the transfer? Will it mean better and more protection of the resources?

Statements have been made that we are more interested in playing cops and robbers and that we are more interested in making a case rather than protecting the resources. NOT TRUE.

Cases are made, yes, it's part of our job to issue citations to those individuals that violate the state's laws and regulations pertaining to our Fish and Wildlife resources, but I assure you the protection of resources comes first, not the case. In fact, my written policy here in Southeast is quality in cases not quantity and prevention of violations, not letting them happen. And by quality I mean those violations that do damage to the resource and not administrative type infractions.

And for the record, let me state, I am not a cop, I was a Fish and Wildlife Protection Officer when we were under the Department of Fish and Game and I am still a Fish and Wildlife Officer under the Department of Public Safety.

It has been stated, that all we are interested in is making cases and that we are not protecting the resource. Point of fact, last year the 11 officers that I have in Southeast logged some 3,626 vessel hours, that's 3,626 patrol hours which were patrols that are initiated with the sole purpose of trying to protect the resources, being seen, and preventing violations. We use stake-out teams in some situations, yes, but last year only 550 some odd hours were logged in as stake-out operations versus the 36 hundred hours that were logged in as preventive type enforcement. Sure some cases were made, what are we suppose to do, look the other way? If those 36 hundred hours are not accepted as an effort to protect the resources, I don't know of any other facts that would.

It has been said that our tactics are equal to "riot squads of Chicago". I'm not sure how this person reached this conclusion, but let me say this, Fish and Wildlife Officers within this department are trained, schooled, taught drilled and encouraged to use discretion, and common sense, be fair but firm and always professional, and consider the resource and the intent of

the regulation. However, if the fish and wildlife user is going to sneak in taking illegal game, so are we going to play sneak to catch him.

It has been stated that our transfer to Public Safety from the Department of Fish and Game has created a communications gap that cannot be bridged, gentlemen, we had communications problems when we were with the Department of Fish and Game and under the same roof, the problem is no greater now. But communications is a two way street. Over the past five years I've probably averaged 50 to 60 visits per year to the Department of Fish and Game offices to communicate with Fish and Game staff. My field officers have a much higher average. How many times have I had a Department of Fish and Game employee come to my office to communicate with me? Well, I can count the times using the fingers on one hand. In fact, just recently I was very impressed with a new Department of Fish and Game employee that had just started working with the Fish and Game department when he came to my office one morning and introduced himself, we discussed fish and game matters to quite some extent and I was really impressed, then prior to his leaving he produced a speeding ticket that he had received the night before and wanted to know if I could help him in any way with the ticket.

In summary, our objectives, which have not changed from Department of Fish and Game days, are:

1. Protection of the Fish and Wildlife resources of the state of Alaska.
2. To gain a reasonable level of compliance to the state's fish and wildlife regulations.
3. (I'm quoting here from a past commissioner's policy memo which is still in effect today) "To develop a group of law enforcement officers who's specialty is enforcement of statutes and regulations as they pertain to Alaska's fish and wildlife resources. To provide to the state, the citizens, and the resources, meaningful, professional and effective law enforcement".

Once again, I ask that you do not approve House Bill 337, for I feel that it would be more damaging to the resources of this great state, rather than an advantage. Thank you.

Presentation to
HOUSE RESOURCE COMMITTEE
and
Joint Session
of the
BOARDS OF GAME & FISH

April 1, 1977

By: Capt. Don M. Roberts
Division of Fish & Wildlife Protection
Department of Public Safety

My name is Don Roberts. I'm a 25-year resident of the state and have 20 years experience in fish and wildlife law enforcement in Alaska. I have worked for the U. S. Fish & Wildlife Service, the Alaska Department of Fish & Game, and the Alaska Department of Public Safety. I'll draw my paycheck each month regardless of whether I work for the Department of Fish & Game or the Department of Public Safety. Also, I'm eligible for retirement in eight months. I'm telling you this because I want you to understand that I speak to you without any axes to grind or fear of reprisal.

There are two primary concerns that we should consider when discussing the fate of the Division of Fish and Wildlife Protection: They are the resource and the resource user. The question then is, "under the supervision of which department can the Fish and Wildlife Officer best serve the public and the resource?"

There are approximately 27 officers of our present staff that were members of the Division when we were part of the Department of Fish and Game. We were horrified at the news on March 28, 1972, that by the stroke of a pen, we were transferred to the Department of Public Safety. We were convinced that it would never work. After all, with the exception of Oregon, wildlife law enforcement in the U. S. had historically been administered by fish and game departments. Our minds were really locked in to this concept. However, as time progressed, it became more and more evident that our stereotyped idea of how an enforcement program should be conducted was completely out of touch with reality.

Under Fish & Game, only a small percentage of our officers had formal law enforcement training; our communications system was poor at its best; we had no dispatch system, which meant that during the time that officers were conducting the majority of patrols (4:30 pm to 8:00 am, weekends & holidays), they had no radio contact with their office or headquarters or other patrol units. This type of program puts the officer's life in jeopardy.

The Division's requests for appropriate equipment and more officers failed to receive the support of the Fish & Game Commissioner's Office. The various commissioners did not comprehend the needs of law enforcement.

Also, under Fish & Game, a portion of our time was devoted to fish and game management type duties such as assisting in test netting lakes, poisoning and restocking lakes, game counts, stream surveys, etc. At the time of our transfer to Public Safety, there was a plan in Fish & Game to assign more of these type of duties to the Protection Officer. That was one of the bones of contention within the division that helped perpetuate the move from Fish & Game to Public Safety.

With the pressures that are on our wildlife resources today, wildlife law enforcement must be conducted on a full-time basis by professional wildlife enforcement officers. We now have those kind of officers.

One of my duties with the Division of Fish & Wildlife Protection is to conduct Division Reviews. It's another way of saying inspections.

In this capacity, I travel statewide and inspect our programs, personnel, office and warehouse equipment, and so forth. In every area I travel to, I call upon the local judges, district attorneys, fish and game personnel and other agencies that our officers do business with. The purpose of my visits to these agencies is to determine what our working relationship is with each of them. Almost without exception, I have received glowing reports from those interviewed. The judges and district attorneys have told me how impressed they are with the professional manner in which our officers handle their cases. Alaska Department of Fish and Game biologists tell me that they feel that we are giving them better service than we did when we were a member of their department. The biologists also tell me that they feel that the rapport among our officers and their staffs is excellent.

One of the points that has been used by those who desire to put Protection back in Fish & Game is that communication between biologists and enforcement officers is essential to a good management program. I most certainly agree. From what the biologists tell me, that communication is there. We must remember one thing however: If two people are not going to communicate because of personality conflicts of one sort or another, they won't communicate even if they are occupying the same room eight hours a day.

As I said earlier in this presentation, the question is, "Under the supervision of which department can the Fish & Wildlife Officer best serve the resource and the public?" My advice, having worked on both sides of


the fence, is to leave the Division in the Department of Public Safety.

You have a fish and wildlife enforcement agency that you can be proud of. That agency is giving you the best wildlife law enforcement program Alaska has ever had, and, under the Department of Public Safety, is improving each year. Other western states are watching us and are considering following suit. I believe that the Alaska Division of Fish and Wildlife Protection is setting the pace for the nation in modern fish and wildlife law enforcement.

MEMORANDUM

TO: The Honorable Jay S. Hammond
Governor
State of Alaska

DATE : May 6, 1976

FROM:  Richard L. Burton, Commissioner
Department of Public Safety

SUBJECT: Response to Resolution 76-2
of the Boards of Fisheries
and Game

Attached are memoranda of response from two individuals - Colonel Fred Woldstad, Director of the Division of Fish and Wildlife Protection; and Colonel James P. Wellington, Director of the Division of Alaska State Troopers. I asked Colonel Wellington to respond because at the time of the transfer of the Division of Fish and Wildlife to the Department of Public Safety, Colonel Wellington was Deputy Commissioner of the Department of Public Safety.

My comments are simple and are as follows.

In my opinion, the Division of Fish and Wildlife Protection should remain within the Department of Public Safety for the following reasons:

1. The officers are better trained than they were when they were in the Department of Fish and Game.
2. The officers are better equipped.
3. The Division has better communications.
4. The level of enforcement and the quality of the cases put together by the enforcement officers are better than ever before.

The primary mission of the Department of Public Safety is law enforcement and regulation. That is also the prime mission of the Division of Fish and Wildlife Protection; which is different than the mission of the Department of Fish and Game.

These comments briefly summarize those contained in the two attached memoranda.

If you have any questions or desire further information on the matter, please contact me, the Deputy Commissioner, or either of the two Colonels mentioned above.

Attachments

TO: [Richard L. Burton
Commissioner

DATE : April 28, 1976

FROM: *fw* Col. Fred M. Woldstad
Director
Fish & Wildlife Protection
Department of Public Safety

SUBJECT: Board Resolution 76-2

To respond objectively to the Alaska Board of Fisheries and Alaska Board of Game Joint Board Resolution No. 76-2 regarding the Division of Fish and Wildlife Protection, it should be appropriate to analyze the cause for such a resolution. The style of this resolution neglects to define the "WHEREAS" portion commonly used as preface to the resolution itself, and thus appears to open the subject for general debate rather than responding to specific issues.

Initially, it must be assumed that there are objections or doubt that the Division of Fish and Wildlife Protection belongs within the Department of Public Safety. This organizational structure certainly is a severance from tradition, and the pattern of 47 other states, but it should also be recognized that Alaska does not follow the national standard for conservation enforcement in other fashions that are of importance to this discussion. Conservation Officers nationally comprise 32.2 percent of all employees in state fish and wildlife agencies and account for an average annual operating budget outlay of 27.4 percent. In Alaska, Fish and Wildlife Officers comprise only 16.5 percent of all employees in the Alaska Department of Fish and Game and account for only 18.76 percent of the operating budget. A chart depicting this comparison is attached and reproduced from a 1973 study published by the Wildlife Management Institute. Several additional tables are provided to further complete the comparison.

While Alaska is considerably below national standards in personnel and funding, its officers can be favorably compared to any within the country. An article published by the Wildlife Society in the Spring of 1973, describes rather accurately the position of the wildlife enforcement officer nationwide and is worth reproducing. Oddly enough this article recognizes a national problem of intra-department communication in wildlife law enforcement.

Comparing twelve years of accomplishment for a Division under one department with four years of accomplishment with another department is most difficult. The objectives of the Protection Division are simply stated within the budget document and reads; "The primary goal of Fish and Wildlife Enforcement is to protect the renewable resources of the state and to provide an adequate level of enforcement to insure an optimum opportunity for management of Alaska's fish and wildlife resources on a sustained yield basis."

To accomplish this objective, requires both personnel and operating funds.

Under the State system of budgeting, the commissioner of each department exercises authority over the growth of divisions within a department. Upon this initial review system, the growth is then determined by the administration and then the legislature. Growth of the Division of Fish and Wildlife has been less than spectacular at any time during the 16 year history of the division. It can be accurately said, however, the growth potential has been far greater under the Department of Public Safety than at any time during the sixteen years, based primarily on the ability to at least reach administrative and legislative review steps. Prior to 1973, growth was competitive to research and management, and enforcement failed to receive priority status, remaining number six among six divisions.

Growth in ability to achieve the goal of an adequate level of enforcement depends upon financial ability and efficiency. Efficiency without financial assistance has limits, and reaches a point of necessity to select priorities. The selection of priorities is not compatible for satisfaction to the general public or to management and ultimately the Boards of Fish and Game. It can be called lack of communication, coordination, or poor relations, but it is lack of financial ability to meet the needs of the public and management at their level of expectation. The basic difference of the Division of Fish and Wildlife under the Department of Public Safety is that enforcement is not assuming the subservient posture that had characterized twelve years within the Department of Fish and Game, and the morale of the officer produces quality and efficiency, as compared to frustration.

Selection of priorities is not limited to allocation of manpower to activity, but also it is placing a priority on the amount of time an officer spends with his primary responsibility-enforcement-compared to other functions, management assistance and support, hunter safety, etc. Traditionally, the Division of Protection participated actively in sealing programs, nuisance animal problems, collecting programs, permit monitoring and similar management responsibilities. This support has been minimized in favor of enforcement and protection of the resources with minimum dilution of enforcement responsibility.

The Board of Fish and Game has contributed greatly to the problems which seem apparent today. They have given eager reception to management proposals and various refinements to sportman ethics, administratively legislating regulations for the hunter and fisherman. A notable difference between the Board and the state legislature is the attachment of a fiscal note to the output. Means to accomplish the ends has not been part of the role for the Board. Regulations have been promulgated regardless of enforcement potential or even enforceability of the regulation. The system has reached the point of crisis.

Alaska's resources are being managed, using 20th century philosophy and the complexities of the regulations near exceed the ability of the average sportsman to comprehend. The commercial fisherman needs Loran and radar to determine his legality and the sportsman who leaves familiar terrain has to visit an office of the Department to clarify his legal obligations. Obviously, personnel of the Department of Fish and Game believe in adequate law and regulation, but are unable to distinguish between that which is morally wrong and legally wrong, and firmly believe in the 19th century enforcement philosophy that has been taught in the nation's colleges to resource students for the past forty years, that good research data cannot be secured when involved with legality.

The basic difference between the Department of Public Safety and the Department of Fish and Game is essentially, one is concerned with people and their behavior, and the other fish and animals with their related behavior and needs. Enforcement is people management and it is a full time profession. The behavior of our citizens directly influence the quality and quantity of our resources. Social behavior, patterns and values have displayed dramatic changes within a very short period of time. The right to question the competence of professional theory is not a stranger in Alaska's resource management, nor is the right to challenge the validity and authority of resource laws and regulations. People management and biological management of resources are not in harmony in Alaska, nor elsewhere. Each has its own peculiar need for competence and professionalism and that need can only be accomplished if neither is diluted to the point of inefficiency. A department separation of both functions is the only means to secure a maximum benefit to the resources.

Wildlife Enforcement is not apart from any career in law enforcement, and it demands knowledge, high standards of ethics and personal conduct. The law enforcement officer must have personal attributes to allow the job to be done efficiently, such as physical, emotional, intellectual, social and moral. The combination of these attributes in an organization produces an esprit de corps that promotes quality and efficiency and commands respect for the organization and the goals of the organization. These attributes are not part of a wildlife management curriculum and are not attainable within a department that confines its standards to biological considerations.

The material benefits and merits of retaining the Protection Division within the Department of Public Safety have not been elaborated upon, but essentially, are obvious and include:

- 1) recruit training of the highest standard nationwide
- 2) in-service training
- 3) quality vehicular equipment, including aircraft and marine applications
- 4) communications

All of these are essential to law enforcement, and perhaps the greatest benefit that can be secured is support, both in manpower and practical knowledge.

The state is not financially willing or capable of supporting a Division of Fish and Wildlife Protection that can serve the protection needs of the resources and yet supply a service and maintenance section for the Department of Fish and Game, similar to the traditional pattern of other states. To meet a national standard, would require the addition of 158 new positions in the Division of Protection, and to meet only a western state's standard would require 110 new positions.

To address a statement to present and potential relationship of Protection and Fish and Game Management personnel, is to assume the Board has been convinced that poor relationship is detrimental to resources and poor relationship now exists. It is unfortunate the concern of the Board became evident four years after the crisis, and the management plan is being considered with only one set of charts and graphs. Basically, the Division of Protection feels there is a state of being mutually or reciprocally interested in the same objective, but a lack of affinity. This lack of kinship is caused by wide differences in opinion towards professional standards. Mandates will not alter this problem and it is most difficult to associate this with benefits towards resources. Sound management requires wise judgement to accomplish and should include consideration of all sources of pertinent data to achieve the desired end. It took twelve years to gain a seat at the table of deliberation before the Board of Fish and Game, and only when enforcement was accountable to another department was input accepted that was contrary to the fixed posture of management proposals. At the present, relationship is healthy for resources and this should be the objective of the state. The potential relationship will remain healthy to the extent that enforcement is permitted to offer input for consideration.

	WEST	MIDWEST	NORTHEAST	SOUTHEAST	NATIONWIDE	1972 ALASKA	1976 ALASKA
Percent Enforcement Personnel compared to Total Fish & Game Staff	22.5	26.8	31.9	42.7	32.3	16.5	16.5
Percent Budget for Enforcement compared to Total Fish & Game Budget	22.8	28.5	27.9	32.3	27.4	19.0	18.76
Average Patrol District Per/Officer Sq. Miles	1,204	605	182	412	543	8,623	7,239
Arrests/Officer	48	53.7	32.6	54.6	48.7	25	13.5*
Average Fine Collected	27.17	22.29	31.03	22.96	25.12	-----	100.00
Arrests per 1,000 Licenses	5.9	5.0	5.6	8.6	6.4	8.3	6.4

National Statistics shown are for the year 1972, the last year when national statistics were available.

*Arrests/Officer is a function proportionate to the size of the area patrolled and population density. Because of overall size of the state and lower comparative population, Alaska cannot compete in National averages in this category. Arrests are directly proportionate to user contacts, and because of size and lesser density of user, contacts are less than other states. The marked decline in arrests/officer from 1972 compared to 1976 results from a forced reduction in hours worked per day by each officer, and days worked per week by each officer created by budget limitations for overtime payment.

In 1972, officers were on a straight salary basis and work performed as required. Mandatory overtime in 1976 with severe budget limitations for overtime payment has resulted in less hours worked, fewer contacts per officer, hence less arrests per officer.

LAW ENFORCEMENT—ONE THIRD OF THE TRIANGLE

WILLIAM B. MORSE, *Wildlife Management Institute, Portland, Oregon*

Abstract: Law enforcement is as important as research and management in administration of wildlife resources but it has not received proportionate attention from administrators and researchers. Enforcement accounts for $\frac{1}{3}$ of the personnel and over $\frac{1}{4}$ of the budget of state wildlife agencies. Trends show a continued dilution of law enforcement effort per hunter and angler, and an increase in the number of laws enforced. Conservation officers will some day become recreation enforcement officers, but should remain a part of fish and wildlife departments. Recommendations for improving law enforcement include a productive research program, uniform records system, adequate officer numbers for the workload, professional enforcement communications between states, and obtaining general police powers for all conservation officers.

Management of fish and wildlife resources in the United States involves three fundamental activities: research, management, and law enforcement. Research has received primary professional emphasis from The Wildlife Society in both interest and publications. Management is the primary task of administrative agencies, which put research knowledge into operation on the land in order to improve habitat, and to regulate harvests of game species to achieve sustained yields. Law enforcement is the effort, both passive and active, to secure public compliance with the laws and regulations that management uses as tools.

Too often, enforcement is looked upon as a necessary evil, even as an anachronism that must be accepted simply because it exists. Nothing can be further from the truth. Without adequate law enforcement, the finest research and management will have little or no effect in protecting the resource. Scientist and manager alike must realize that wildlife depends on three-way teamwork, and must help give enforcement the stature and tools it needs to operate.

Law enforcement requires consideration, thought, research, and planning in order to be conducted as the major conservation business that it is. On January 1, 1972, there were more than 5,800 employees in state wildlife and fisheries law enforcement, com-

prising 32.2 percent of all employees of state wildlife agencies. Authorized enforcement budgets exceeded \$72 million per year, or 27.4 percent of the annual operating budgets of state agencies (Morse 1972). Yet a hard analytical look at overall state enforcement operations will show that there has been only limited improvement in many years. Most of these improvements have been simple: officers now have automobiles, two-way radios, some jet boats and airplanes, and there have been improvements in recruiting and teaching. Other needs have been overlooked consistently during a period when both research and management techniques have entered the space age. For example, does the officer know why the violator violates? Can he use theory of games on a search for jacklighters? Can he check an offender's record by radio?

Enforcement officers tend to feel alienated to some degree because they are not always considered essential or professional. Better intra-department communication would reduce this feeling. Administrators could help increase the officers' morale, prestige and feelings of worth by spending more time with the officers in the field to learn their problems and needs. Regional forums, where officers from several states could gather to discuss and coordinate

mutual problems, would also help. These forums should be in addition to regional association meetings and should be similar to symposia held on individual wildlife species.

Long overdue changes and improvements in enforcement will not be forthcoming until there is a change in attitude of agency administrators and an emphasis on selling improvements in enforcement to budget-approving personnel and agencies. Even in the most progressive states, the officer in the field still operates by the seat of his pants and his instincts rather than as a modern technician striving to accomplish planned and programmed goals with techniques developed by many disciplines. If law enforcement is to meet present, let alone future needs, it must receive administrative interest commensurate with its personnel numbers, expenditures, and importance as a member of the three-way wildlife and fisheries team. Such co-equal recognition of enforcement with research and management efforts is one of the principal tasks facing wildlife agencies in the '70s.

Table 8A
Basic Information on Conservation Officers, 1972

West	Title of Officer	No. Empl. in Dept.	No. C.O.	No. C.O. Super- visors	2-yr Expan- sion	2-yr Replace- ment	C.O. w/WL Degree	C.O. w/Mini- Other Degree	Res. Rqmt. in Months	No. C.O. w/Fed. Comm.	
Alaska	F&W Off.	418	61	8	6	6	5	10	HS	0	40
Arizona *	F&W Mgr. or Ranger	143	76	12	14	18	18	0	BS-WL	0	75
Calif.	F&G Warden	1,291	279	10	20	28	56	75	2-yr.Col. Ctzn.		260
Colorado	WL C.O.	425	106	6	20	12	57	0	BS-WL	0	70
Hawaii	F&G Warden	69	27	5	0	1	0	1	HS	36	19
Idaho	C.O.	278	65	10	9	6	42	1	BS-WL	0	29
Montana	F&G Warden	286	83	4	0	9	17	5	HS	12	25
Nevada	F&G Warden	105	36**	4	3	0	32	0	BS-WL	0	5
New Mexico	Dist. WL Offr.	163	31	5	2	4	6	4	BS-WL	12	34
Oregon	State Police	445	90	15	8	10	10	8	HS	Resdnt.	0
Utah	C.O.	236	58	9	8	27	34	4	BS-WL	0	23
Wash. (Game)	WL Agent	458	118	13	0	10	20	5	2-yr Col.	0	42
Wash. (Fish)	Fish Pat. Off.	385	36	2	0	0	0	3	HS	0	11
Wyoming	Dep. Gm. Wdn.	285	57	2	0	4	12	6	BS	0	0

Total 4,987 1,123 105 90 135 309 122 (BS-7) (No. Res. 9) 633

* Some Rangers full time ** Only 15 full time

Midwest											
Illinois	Cons. Plc.Off.	-	139	6	10	-	0	-	HS	Co. Res.	-
Indiana	C.O.	-	142	4	0	10	0	3	HS	12	120
Iowa	C.O.	321	66	1	0	2	2	7	1-yrCol.	0	66
Kansas	Game.Prot.	202	60	7	6	5	2	2	HS	0	32
Michigan	C.O.	678	198	6	25	10	8	19	HS	0	61
Minnesota	C.O.	527	142	10	40	10	8	25	-	24	136
Missouri	Consv.Agt.	429	122	12	10	10	0	9	HS	24	134
Nebraska	C.O.	211	46	2	4	-	0	0	HS	0	37
N. Dakota	Game Wrtn.	77	24	5	0	1	1	0	HS	6	16
Ohio	Game Prot.	413	114	7	4	5	5	1	HS	0	30
So. Dakota	C.O.	231	56	16	0	4	14	3	BS-WL	Res.Pref.	50
Wisconsin	Cons. Wrtn.	465	136	18	0	15	28	11	BS	12	0

Total 3,554 1,245 94 99 72 68 80 (BS-2) (No Res. Req. 6) 682

Table 9A
How the Conservation Officer Spends His Time, 1972

West	Law Enf. %	Game Mgmt. %	Fish Mgmt. %	Hunter Safety %	Youth Ed. %	Public * Rel. %	* Lands %	Pollution Control %	Fores- try %	Snow- mobile %	Boating %	Misc. & Other %
Alaska	80	5	5	2	2	3	-	3	-	-	-	-
Arizona	40	20	10	1	1	1	2	-	1	-	-	24
California	89	-	-	-	-	-	-	-	-	-	-	11
Colorado	28	28	4	7	7	-	4	-	-	4	2	14
Hawaii	80	5	5	-	3	6	-	-	-	-	-	-
Idaho	65	6	4	2	1	1	4	2	1	-	-	15
Montana	20	10	10	3	2	30	-	5	-	-	5	15
Nevada	60	10	8	-	5	12	1	2	2	-	-	-
New Mexico	25	20	20	2	5	2	20	2	1	-	-	3
Oregon	70	5	5	2	1	2	-	-	-	-	-	15
Utah	66	8	7	-	-	6	-	-	-	-	-	13
Wash. (Game)	53	8	8	3	3	17	4	-	-	-	-	5
Wash. (Fish)	100	-	-	-	-	-	-	-	-	-	-	-
Wyoming	46	15	-	-	-	-	-	-	-	-	-	39

Average 59 10 6 2 2 7 1 1 .5 .3 .5 11

* Includes Acquisition and Management

Midwest	Law Enf. %	Game Mgmt. %	Fish Mgmt. %	Hunter Safety %	Youth Ed. %	Public * Rel. %	* Lands %	Pollution Control %	Fores- try %	Snow- mobile %	Boating %	Misc. & Other %
Illinois	82	-	-	5	2	-	3	3	5	-	-	-
Indiana	50	-	-	1	3	14	-	2	5	-	25	-
Iowa	50	5	5	2	2	31	3	1	1	-	-	-
Kansas	50	5	5	5	5	20	4	5	-	-	-	-
Michigan	60	1	2	3	3	8	2	-	-	-	-	21**
Minnesota	46	7	5	2	1	5	2	2	-	15	15	-
Missouri	-	-	-	-	-	-	-	-	-	-	-	-
Nebraska	60	10	5	4	4	4	-	3	-	-	10	-
North Dakota	65	10	10	-	-	10	-	-	-	-	-	5
Ohio	35	20	20	5	-	5	5	10	-	-	-	-
South Dakota	25	15	9	3	3	12	22	3	-	-	-	8
Wisconsin	-	-	-	-	-	-	-	-	-	-	-	-

Average 52 7 6 3 2 11 4 3 1 1 5 3

* Includes Acquisition and Development

** Includes Boating and Snowmobile

SEARCHED	INDEXED
SERIALIZED	FILED
APR 26 1976	
FBI - ANCHORAGE	
FROM:	DATE:
TO:	SUBJECT:

TO: [Richard L. Burton, Commissioner
Department of Public Safety
Juneau

DATE: April 26, 1976

FROM: Colonel J. P. Wellington, Director
Alaska State Troopers
Anchorage

SUBJECT: Division of Fish and
Wildlife Protection - Retention
Within the Department of Public
Safety

As you know, Commissioner, when the Division of Fish and Wildlife Protection was transferred from the Department of Fish and Game to the Department of Public Safety I was the Deputy Commissioner of the Department of Public Safety and am therefore familiar with some of the problems that we experienced during the transition.

What we found was that we inherited a division that was financially in tough shape, the morale was down and there were a number of factions within the division which were creating problems.

Now Commissioner, I don't want to pick at old sores or try to create any problems because I think the Division of Fish and Wildlife Protection, since coming to Public Safety, has operated quite efficiently and quite effectively; but I think if there is any attempt to move the Division back to Fish and Game, then we have to look objectively at what the Division was when it arrived in Public Safety.

TRAINING - For the most part the officers did not have any formal training program. Some of them attended the State Trooper Academy and others attended various short courses and also the Division conducted a yearly meeting which was a mixture of partying and training, but for the most part lasted no more than three or four days. In other words, they had no formal training program, which is now afforded them at the Public Safety Academy in Sitka.

EQUIPMENT - For the most part their equipment was in a poor state of repair and in a lot of cases not appropriate for the work to be performed. As you will probably recall yourself, a majority of the Protection officers were equipped with station wagons which certainly is not the type of vehicle that is geared to do the type of work that the Protection Officers do. This would include off-road travel plus hauling outboard motors, moose meat, gasoline, etc. Apparently the station wagons were very comfortable for the Protection Officer to ride in, but certainly were not functional, and since the Division has come to Public Safety a majority of the vehicles have been changed over to a functional pickup.

As far as radio communication is concerned, the Protection Officers had no radio contact with anybody after 4:30 or on week ends and holidays. At the present time they are tied in with the Department of Public Safety network and have radio communications

Commissioner Richard L. Burton

April 26, 1976

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in all the major areas, plus the use of the Department teletype system. This was all put in after the Division came to Public Safety. Since coming to Public Safety additional vessels have been acquired and additional aircraft. Again, because the Department of Public Safety is primarily law enforcement oriented and a need for adequate equipment is thoroughly understood, the Division of Fish and Wildlife Protection has benefited from this progressive thinking within the Department, both in the past and at the present.

It appeared, Commissioner, as if the purchasing of equipment was kind of on a haphazard method, with each regional supervisor determining what he needed. As a result of that there appeared to be an overbuying in certain areas and underbuying in other areas. For example, each Protection Officer had a pair of hip boots, a spotting scope, binoculars and a very expensive Pen-tex camera; but they had no radio equipment, either portable or mobile, they had no hard copy communication system, and did not even carry suitable firearms when in the field.

ORGANIZATIONAL STRUCTURE AND SUPERVISION - This is the area, Commissioner, that gets a little touchy, but I think in order to thoroughly evaluate the problem you have to look at the guts of the organization that the Department of Public Safety inherited.

It appeared as if there was very little control from the top, or if there was, the supervisors took an indifferent attitude to supervision and therefore many things were going on within the Division which would not be tolerated by you or I and certainly are not tolerated today.

When the Division came over to Fish and Wildlife Protection, the aircraft were being utilized for semi-personal business, such as transporting moose meat, personal gear, sightseeing, etc. The stakeout camps were also being utilized as personal hunting lodges and departmental equipment was being utilized for personal use, such as boats, binoculars, hip boots, etc. were all being used support private hunting or fishing trips. In addition, their evidence handling, recording and disposition procedure left a lot to be desired. In fact, to the embarrassment of the Department, we found that at least two polar bear hides were improperly disposed of, one being given to the Catholic Church in Fairbanks for a raffle and the other being lost which cost the State in excess of \$6,000.

In other words, Commissioner, the whole administrative operation seemed to be very shoddy and without proper direction, thus creating several embarrassing situations for the State and the Division.

Now I'm sure that somebody might say that these situations could all be taken care of within the Department of Fish and Game if the Division was transferred back; and my answer to that would be, "Why wasn't it done during the first ten years?"

CONCLUSION - I feel that the Division of Fish and Wildlife Protection, since coming to the Department of Public Safety, is better equipped, better trained, better disciplined

Commissioner Richard L. Burton

April 26, 1976

Page 3

and has better morale than it did while being under the Department of Fish and Game. Also I feel that the enforcement effort has been increased as a result of having better equipment, better communications, better training and better direction.

I think an individual who proposes that the Division be transferred back to Fish and Game should objectively look at what the Division was and doing prior to its coming to Public Safety and what it has accomplished after coming to Public Safety; and I think if you objectively review both situations, you will find that the Division is functioning 100% better today than it was when it was transferred.

I think also that people who have worked under both systems would readily admit that the procedures today are better than they were under Fish and Game. Now I know that we still have some individuals who are not inclined to support the fact that the Division is functioning better today than it was four years ago; and so that I can only say, Commissioner, those individuals are probably the ones who were misusing the State equipment, abusing their authority and creating problems for the Director of Fish and Wildlife Protection while it was under Fish and Game.

I think also it is important to look at what the Department of Fish and Game is designed to do and what the Department of Public Safety is designed to do. By this I mean primarily the Department of Fish and Game is research orientated, whether it be commercial fishery research and rehabilitation or wildlife research and rehabilitation, whereas the Department of Public Safety is primarily a law enforcement agency. As we have so often said, the enforcement of the Fish and Game laws are no different than the enforcement of our criminal statutes. All the rules of criminal procedure apply, and I think the records will reflect, and I'm sure the D.A.'s will concur, that the cases being made by the Division of Protection in the last three years are considerably better than the cases made prior to the Division's transfer. This can only be attributed to the increase in training and the administrative review given the report.

Again, I think one should ask: "What is being done today versus what was being done under the old concept," and I defy anybody to substantiate with hard facts the proposition that the Division of Fish and Wildlife Protection should be returned to the Department of Fish and Game.

JPW:me

ALASKA BOARD OF FISHERIES AND GAME OFFICE OF THE GOVERNOR

JOINT BOARD COLLECTION NO. 76-2

Commissioner James Brooks
✓ Commissioner Richard Burton

April 19, 1976

The Board of Fisheries and Game
Jay S. Hammond
Governor

Attached Resolution 76-2 of the
Boards of Fisheries and Game

At the request of the Boards of Fisheries and Game, I am asking that each of you carry out the request of the Boards enunciated in their Resolution 76-2.

I would ask that you submit your initial response to me by May 15. After review by myself, I will then ask each of you to respond to the points raised in that input.

Additionally, I would request that each of you in your initial submission include a section of pertinent questions which would be addressed, in questionnaire form, to appropriate enforcement and management personnel at the field level.

cc: All Members
Boards of Fisheries & Game

76 APR 26 PM 12 31
DEPT. OF PUBLIC SAFETY
BUREAU, ALASKA

Commissioner	2 Deputy Comm.
Director, F&W	Dir., Adm. Ser.
Fire Marshall	Building Sec.
Info. Officer	
<input type="checkbox"/> FOR YOUR INFORMATION	
<input checked="" type="checkbox"/> ACTION <i>Draft response</i>	
<input type="checkbox"/> REPLY	
FROM:	DATE
Comm. Off. PUBLIC SAFETY BJO	

TELEGRAM

ALASKA COMMUNICATIONS, INC.
1977 MAR 17 PM 19:51
ANCHORAGE, ALASKA 99501
PHONE: 586-8440

#

02257 POM ANCHORAGE AK 15 03-17 506P AST

PMS EP ALVIN OSTERBACK

JUN

I SUPPORT HB337 STOP CRIME BEFORE IT STARTS NO MORE

COPS AND ROBBERS

JACK NEWELL

BOX 4-2344

ANCHORAGE AK 99509

ALASKA BOARD OF FISHERIES AND ALASKA BOARD OF GAME

JOINT BOARD RESOLUTION NO. 76-2

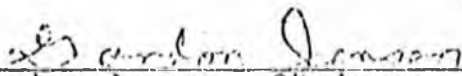
REGARDING THE DIVISION OF FISH AND WILDLIFE PROTECTION

The Board of Game and the Board of Fisheries, meeting in joint session on April 2, 1976 in Anchorage, Alaska, respectfully request the Governor to direct the Commissioners of Fish and Game and Public Safety to prepare a "white paper" statement regarding the relative merits of the Protection Division under the jurisdiction of their respective departments. Such statements should include but not be limited to:

1. Objectives of the Protection Division
2. Present and potential relationship of Protection and Fish and Game management personnel

Following the preparation of the "white paper" said Commissioners should prepare briefs of response to each others statement.

The Governor is further requested to provide the Boards with all, or part, at his discretion, of said "white paper" and responses. Further, should the Governor wish comment from the interest of the public, that he seek response from one or more disinterested but knowledgeable person or persons on this subject.



Gordon Jensen, Chairman of the
Joint Session of the
Alaska Board of Fisheries and
Alaska Board of Game

DATED: April 2, 1976
Anchorage, Alaska

March 15, 1977

Richard L. Burton, Commissioner
Department of Public Safety
Pouch N
Juneau, Alaska 99811

Dear Commissioner Burton:

Please be available to the House Resources Committee on Friday, April 1, 1977 at 3:30 p.m. to testify on House Bill 337 "An Act relating to the transfer of the division of fish and wildlife protection from the Department of Public Safety to the Department of Fish and Game; and providing for an effective date."

Sincerely,

Alvin Osterback, Chairman
House Resources Committee

AO/dn

cc: Office of the Governor

March 15, 1977

James W. Brooks, Commissioner
Department of Fish and Game
Support Building
Juneau, Alaska 99801

Dear Commissioner Brooks:

Please be available to the House Resources Committee on Friday, April 1, 1977 at 3:30 p.m. to testify on House Bill 337 "An Act relating to the transfer of the division of fish and wildlife protection from the Department of Public Safety to the Department of Fish and Game; and providing for an effective date."

Sincerely,

Alvin Osterback, Chairman
House Resources Committee

AO/dn

cc: Office of the Governor



DEPARTMENT OF FISHERIES

ROOM 115, GENERAL ADMINISTRATION BLDG.
OLYMPIA, WASHINGTON 98504
Phone: 753-6600

Dixy Lee Ray

~~GOVERNOR~~
GOVERNOR

Frank Haw

~~FRANK HAW~~
DIRECTOR

March 10, 1977

~~Mr. Dickson Nelson, Administrative Assistant~~
House of Representatives' Resource Committee
Pouch V
Juneau, Alaska 99801

~~Enclosure~~

I am responding to your recent telephone request for information regarding fishery law enforcement in the State of Washington.

The enclosed material was taken from our budget requests and, for the most part, should be self explanatory. It shows the overall agency organization and then details the law enforcement division under the Field Services Program with a written summary of duties and responsibilities of that division.

If you require someone from the Department to testify on House Bills 337 and 338, I recommend you contact Mr. Bruce Gruett, Assistant Director for Field Services. Mr. Gruett was instrumental in developing the Department's present enforcement program and can (and will) speak candidly on any phase of it.

Sincerely,

Henry O. Wendler, Manager
Intergovernmental Operations

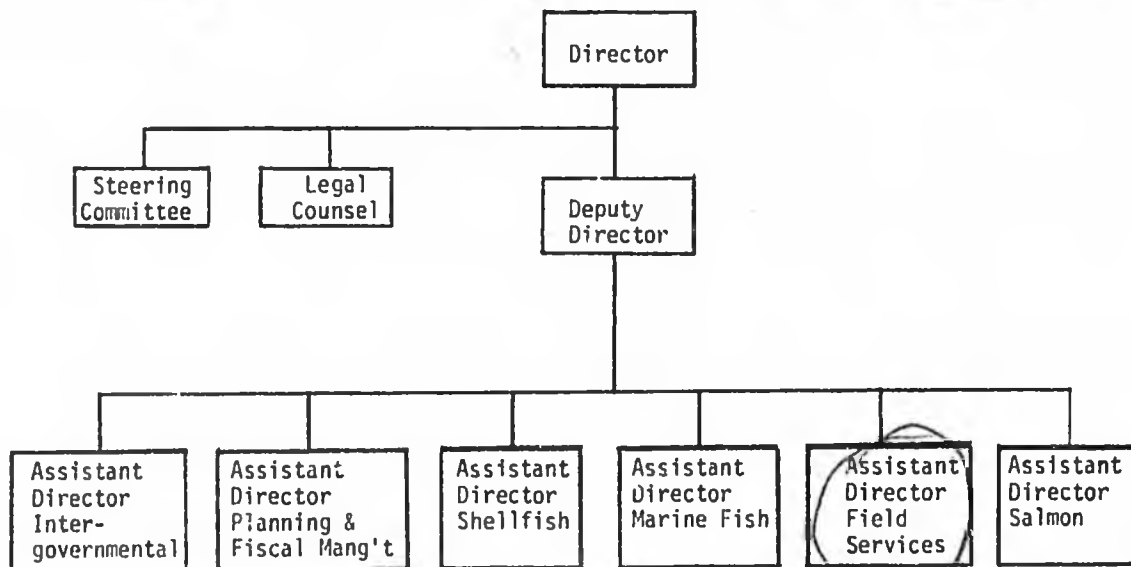
Enclosure

cc: B. Gruett

State of Washington
BIENNIAL BUDGET ESTIMATES

AGENCY	Code 480	Title Department of Fisheries
PROGRAM		Agency Organizational Chart - Page 1
ELEMENT		

DATE



SEE DETAILS ON PAGES 2,3,4,5.

relates to following material. →

Agency

GENERAL JUSTIFICATION MATERIAL

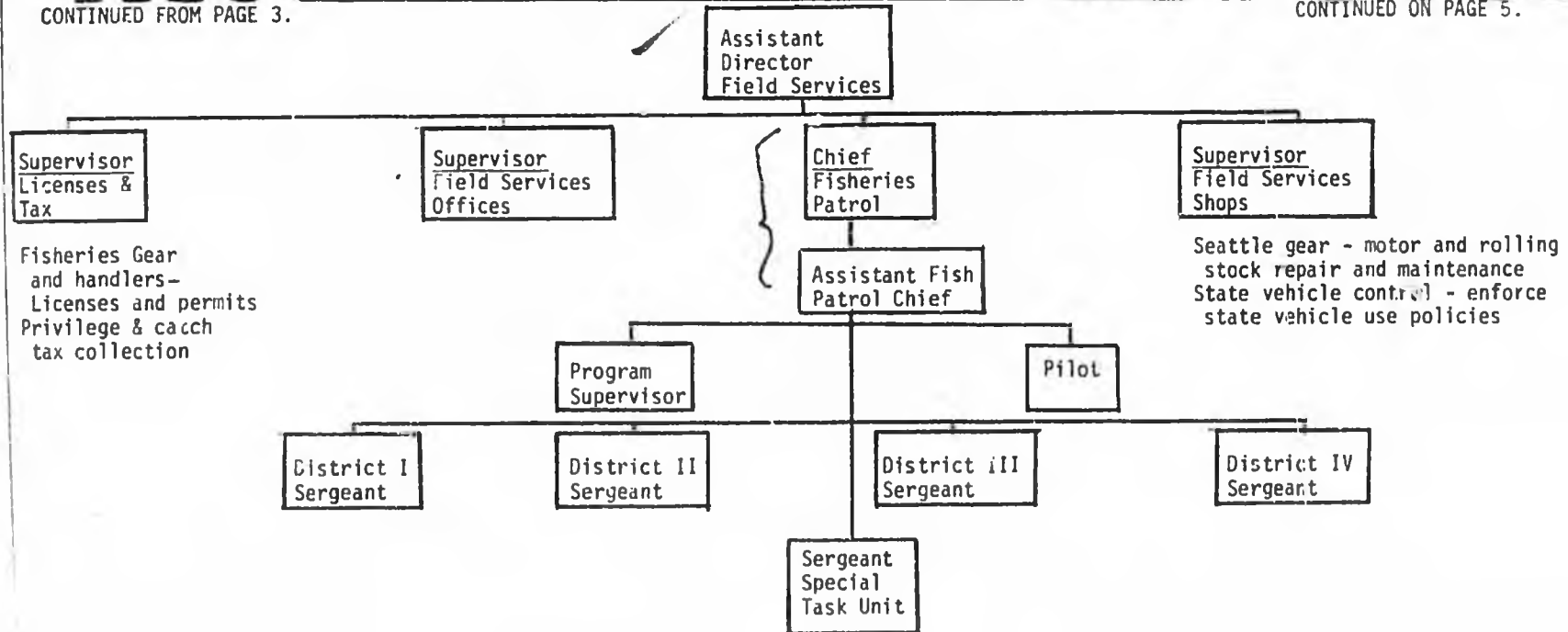
State of Washington
BIENNIAL BUDGET ESTIMATES

AGENCY	Code 480	Title DEPARTMENT OF FISHERIES
PROGRAM		AGENCY ORGANIZATIONAL CHART - PAGE 4
ELEMENT		

DATE

CONTINUED FROM PAGE 3.

CONTINUED ON PAGE 5.



Fisheries Gear and handlers— Licenses and permits Privilege & catch tax collection

Seattle gear - motor and rolling stock repair and maintenance State vehicle control - enforce state vehicle use policies

Law Enforcement
State, Federal, Inter—
National Fisheries laws, statues and fish treaties and compacts
Gear Moratorium - limit entry
Data collection - recreation, comm'l
Indian and other resource impacts
Collectors & special fisheries permits

Agency

State of Washington
BIENNIAL BUDGET ESTIMATES

AGENCY	Code 480	Title WASHINGTON DEPARTMENT OF FISHERIES
PROGRAM	050	FIELD SERVICES
ELEMENT		PROGRAM NARRATIVE

DATE

INTRODUCTION

The Field Services Program is made up of long-established elements in the Department. During the reorganization, which took place in August 1975, the Patrol and Licensing Sections were taken out of Category Support and placed in a separate program, Field Services. The elements within this program are Law Enforcement, representing all patrol activities; Shop Support, which was formerly part of the Patrol Division; Licenses; and Administrative Support.

Law Enforcement

The Law Enforcement, or Patrol element, is responsible for the enforcement of all fisheries laws and regulations pertaining to fishing (both sport and commercial), habitat protection, and protection of State facilities. Such work pertaining to the sport and commercial fisheries for salmon involves over 57 marine and Columbia River management areas for one to five species; over 12,000 licensed commercial fishermen and dealers; several thousand Indian fishermen; and over 580,000 sports fishermen. In addition to the salmon fisheries, the Fisheries Patrol Officers must protect the shellfish and marine fish resources by enforcing the various fishing regulations. These same officers must also enforce the rules and regulations pertaining to the Hydraulics Code, Forest Practices Code, and other similar laws designed to protect the state's fisheries resources by other resource users.

The goal of Law Enforcement is to attain maximum compliance with food fish and shellfish laws and regulations by members of the three user groups: Indian, non-Indian, and sport. Prior to 1974 it was evident that in order to attain that goal, a steady and continuing increase in manpower and equipment would be necessary. The full impact of the "Boltd" decision must now be recognized and the need for sharp increases in effort must be met if we are to restore order to the fishery.

During the past several years the growing complexities of the fishing regulations and needs to meet the conditions set by the Federal courts resulted in over 162 separate regulation changes in 1975, more than double the preceding year. Such a variety of changes has multiplied the workloads for our Fisheries Patrol Officers without a similar increase in staffing. A further complicating factor has been the setting of different fishing seasons, areas, and gears for Indian and non-Indian commercial fishermen. This discrepancy encourages law violations and vastly complicates the job of gaining compliance with the law.

The Patrol Division is organized with a Chief, Assistant Chief, Program Supervisor, four Sergeant districts, and an aircraft support section. The Sergeant districts cover different areas throughout the state and each presently has eight patrol officers, an equivalent number of vehicles, and various numbers of boats ranging from 5-foot prams to 40-foot ex-Coast Guard vessels.

State of Washington
BIENNIAL BUDGET ESTIMATES

DATE

AGENCY	Code 480	Title WASHINGTON DEPARTMENT OF FISHERIES
PROGRAM	050	FIELD SERVICES
ELEMENT		PROGRAM NARRATIVE

The Federal Government has provided law enforcement with funds for 12 Fisheries Patrol Officers through the Federal fiscal year ending September 30, 1977. State funding is requested for the remainder of the 1978-79 State biennium in order to continue with that program in case those Federal funds are not available in the Federal fiscal year beginning October 1, 1977.

The Patrol Division has found it necessary to concentrate men and equipment in "hot spots" on emphasis patrols. Up to now this has been done by taking men from their assigned duty areas for several days and sometimes weeks at a time. This practice was acceptable until recently due to the limited number of occasions during the course of a year when the need for emphasis patrols occurred. This is no longer the case due to the frequent need for emphasis patrols in high-violation-rate areas. We are asking for a unit consisting of a Patrol Sergeant and six officers to handle those problems.

In order to meet present-day problems, Harvest Management people must have accurate and timely statistical data to work with. Our experiences since the "Boldt" decision graphically show that much stronger emphasis must be placed on enforcement of fish ticket regulations in order that all catches are properly recorded and reported.

We have for many years been called upon to patrol the Pacific Ocean coastal waters and the offshore waters in order to gain compliance with our laws and regulations. We do not have patrol boats suitable for that type of patrol, and are asking for funds

to purchase a 60-foot vessel at a cost of \$225,000. This vessel would be used primarily in coastal waters for law enforcement purposes but would also be available to the Salmon, Marine Fish, and Shellfish Programs for test fishing purposes. We believe part of the costs of operating this vessel will be recovered by contracting with the Federal Government as a result of the Extended Jurisdiction Law.

Most of the small boats we are now operating have been used for many years under difficult, hard-use conditions. We are asking for funds to replace five of our older 19-foot fiberglass, inboard-outboard drive boats with 23 footers.

Aircraft Support

The Aircraft Support Section consists of two surplus DeHavilland Beaver aircraft, both on floats, one of which is amphibian. These aircraft are flown and maintained by two pilots and a pilot-mechanic. All programs within the Department utilize these aircraft for a variety of Departmental functions and, in Fiscal Year 1976, these two aircraft logged over 824 hours on Department duties. Such aircraft usage has greatly aided the Department in meeting its pyramiding obligations without a similar increase in staffing.

Shop Support

This element was, prior to reorganization, split in the Patrol and Research & Management Divisions, and has since been

B 1

State of Washington
BIENNIAL BUDGET ESTIMATES

GENERAL JUSTIFICATION MATERIAL

AGENCY	Code 480	Title WASHINGTON DEPARTMENT OF FISHERIES
PROGRAM	050	FIELD SERVICES
ELEMENT		PROGRAM SUPPORT

DATE

transferred to the Field Services Program. Its functions are to provide maintenance and repair for marine and marine-oriented equipment and Department-owned and operated vehicles in all programs.

This consists of helping to maintain the many boats, motors, vehicles, and other equipment needed to keep the patrol functioning. Such work involves the repairs and normal maintenance of 35 patrol vehicles, 30 boats, and 11 outboard motors. This section has also experienced an increased workload brought on by greater usage of the equipment and an increase in the number of officers.

We are asking for one additional person in that element to cope with this increased workload.

Licenses

The Fisheries License Division processes approximately 21,000 license applications, renewals, and transfers annually. In addition, it is responsible for several other functions such as privilege tax collection, issuance of special buoy brands, herring fishing validation decals, and special permits.

Both the salmon license moratorium and herring validation laws caused many new, time-consuming problems for our license people, and this increased workload will be extended and possibly expanded as a result of Phase II of the salmon license moratorium and limited-entry laws.

We are asking for an increase of 1.5 FTE's and the

appropriate funds to handle that increased workload.

Administrative Support

Field Services Administrator is responsible for overseeing and guiding all activities carried out by the program.

During the 1975-77 biennium we intend to continue to provide special services to user groups in difficult areas, over and above that which could be provided through the existing field offices. Most of the problems and tasks are handled at these offices are enforcement and license-related, and they are people who have a great deal of knowledge and expertise in these areas. For that reason, we will staff the west coast and north coast offices with a Fisheries Patrol Officer and a clerk.

The fifth FTE requested for this element is for the Assistant Director, Field Services, in charge of the entire program. This position, created during the previous biennium, has been utilizing a vacant Patrol Officer position. The authorization and funding of this Assistant Director position will allow the Patrol Officer position to report to Law Enforcement where it is needed.

10 MARCH 1977

HARRY WENDLER, WITH THE STATE OF WASHINGTON DEPARTMENT OF FISH & GAME WILL BE SENDING US A RUN DOWN ON THEIR PROTECTION PROGRAM. IT IS HANDLED WITHIN THE DEPARTMENT. IT IS CONSIDERED A "MODEL" PROGRAM. IN WASHINGTON, THE FISH & GAME BIOLOGISTS WORK RIGHT ALONG WITH THE FISHERMEN IN THE STREAM & TICKET THEM ON THE SPOT FOR VIOLATIONS.



Alaska State Legislature

House

JUNEAU ALASKA

M E M O R A N D U M

10 March 1977

SUBJECT: Fish & Game Protection
TO: Fellow Legislators
FROM: Alvin Osterback, Representative

I am concerned with the management of the fisheries resource, particularly the fisheries protection program in our State. The Department of Public Safety is handling enforcement from a "cop and robber" viewpoint, rather than from one of protecting and saving the resource. I think these two bills are a step in the right direction towards saving the resource.

As it is now, the Department of Fish and Game makes the regulations, expecting Public Safety to enforce them. Many times this causes discrepancies between regulating and enforcing. The Departments are not coordinating these activities, which are so valuable to saving the resource.

For example, we see the Fish and Game people involved on a daily basis up here in the legislature. They are always here to testify pro or con. Sometimes they do not even come to testify (usually when they have testified on the particular bill at a previous meeting) but the Department

always makes sure there is someone here to answer questions on Fish and Game matters. Many discussions focus around enforcement matters -- and who is our expert advisor? Not the Department of Public Safety, but Fish and Game.

I do see one problem that may arise with this bill. That is whether or not the stream surveillance guards will be allowed to be trained at the Sitka Police Academy. I realize that this is an inhouse problem, so Fish & Game will have to work this out with Public Safety.

I know the fishermen in my district will back me up on this legislation. As a matter of fact, I think fishermen all over the state will support this legislation. I asked Phil Daniels before I drafted this bill about the merits of it. He is here tonight to answer any questions you may have on the fisherman's viewpoint.

Banks hire their own security guards. Likewise, I think with Fish and Game doing their own security work, we'd be buying our insurance to save the resources, since this is the Department's overall concern.

I was concerned about this matter long before the Commissioner of Public Safety gave some testimony before my committee regarding stream surveillance. At that time he said (and I quote) "You wouldn't get me to go out there and stand with a sign on my head saying I'm standing there, not

unless I had a twin 50 caliber machine gun to back me up." Personally, I would expect this way of thinking from a riot squad in Chicago, but never from a typical Alaskan.

I look forward to this legislation accomplishing better management of our fish and game resources. I know it will bring about better coordination between regulations and enforcement.

"WHITE PAPER"

on

Relative Merits of Fish and Game Protection Under
the Jurisdiction of the Department of Public Safety
Versus the Department of Fish and Game.

by

James W. Brooks
Commissioner of Fish and Game

Submitted to Governor Jay S. Hammond
May 15, 1976

Relative Merits of Fish and Game Protection Under the Jurisdiction of the Department of Public Safety Versus the Department of Fish and Game.

Governor Hammond requested that the Commissioner of the Department of Public Safety and the Commissioner of the Department of Fish and Game respond to the Board of Fisheries and Board of Game Joint Resolution 76-2 which sought the preparation by each Commissioner of a "white paper" statement "...regarding the relative merits of the Protection Division under the jurisdiction of their respective departments." In addition, the statement was to include a discussion of the objectives of the Protection Division and the present and potential relationship of protection and fish and game management personnel. (A copy of Resolution 76-2 is appended.) The Governor further requested that each Commissioner prepare a list of pertinent questions which would be addressed to appropriate enforcement and management personnel at the field level.

Background

The responsibility for fish and game protection was assigned to the Department of Fish and Game with the enactment of Title 16 in 1959, and remained there until transferred to the Department of Public Safety in March, 1972, by Governor Egan's Administrative Order No. 16 (copy appended).

An explanation of the circumstances and reasons that prompted the Governor to take such action is germane to this review. Because I was not associated with the state government at the time of these events, the following account relies on reports by fish and game personnel, my own observations after being appointed Commissioner in August, 1972, and discussions with Governor Egan.

The basic trouble seemed to be rooted in a lack of effective leadership and control during the year or two preceding the transfer. Protection personnel were permitted a loose, undisciplined mode of individual activities. Each officer was generally allowed to function independently and establish and record his own duty hours. In some cases, unverified compensatory time claims totaled several weeks or even months annually. One officer is reputed to have lived in Hawaii several months a year on compensatory time (I have no means of substantiating this statement, but it enjoyed wide circulation in 1972). Such autonomy of protection personnel yielded extremes in performance. In the Kodiak-Alaska Peninsula area, management and protection personnel developed highly cooperative working relationships and their programs were superior. Unfortunately, there were other places, where at times, protection programs were notably poor. It appears that where the protection program went well, it was due to the initiative and conscientious efforts of field personnel rather than leadership and a structured system that encouraged good performance.

During 1971 and early 1972, several protection officers organized a Fish and Game Protection Officer's Association to bring pressure both within and outside of normal administrative channels to further their special interests. Their demands were widely published in newspapers and other media and were directly conveyed to the Legislature. At this point, it was evident to all that the Commissioner and the Director of the Protection Division had allowed the situation to deteriorate beyond their ability to effect immediate remedy.

With the problems in the open and their causes reasonably well understood, there were various actions indicated and available to correct the wrongs and reestablish an orderly, properly administered protection program. However, only one of the options promised instant effectiveness and that was the Governor's choice. He transferred the Protection Division out of ADF&G and into the Department of Public Safety. The aircraft section went along intact; several of the smaller vessels were also transferred although the larger vessels remained with the Department of Fish and Game.

Transition Period 1972-1975

The immediate effect of placing the Protection Division within the Department of Public Safety was to disorganize the clique that presumed to represent most protection officers and bring a stop to their unauthorized power thrusts and expressions. Within a short time, some officers resigned and others were reassigned. A colonel in the troopers was soon placed in charge of the Division. There was a period of a year or two when many officers felt great uncertainty about their status, although each change seemed to contribute to improved stability. The independent work habits of protection personnel gave way to a better directed and disciplined performance. Training programs in police science enhanced the professional capabilities of the officers and seemed to improve their stature and pride in their positions. Perhaps the peer relationship with troopers in contrast to their former association with resource managers was beneficial to morale. While the early period of transition from ADF&G to DPS was indeed traumatic to many individuals and to the protection program, accommodation to

the new organization has been rapid. Program changes have been significant with genuine improvement in some functional areas and some deficiencies in others.

The early deliberate effort to dissociate protection from the Department of Fish and Game, which understandably followed on the Governor's action, caused a serious diminution of effective

protection work. With insufficient communications between protection and management personnel, the deployment of protection effort sometimes bore no apparent relationship to resource needs.

It will not further the purpose of this review to dwell on or document incidents, although I will cite a couple that reveal how unpredictable decisions could misdirect effort. In late summer of

1972, a rather critical period with respect to protection of commercial fisheries (salmon escapement being vulnerable to

poaching off stream mouths) every protection officer was ordered to Anchorage for a training session. Salmon losses occurred. In

1973, protection officials disagreed with certain of the Board's fishing regulations in the Kuskokwim River. When the managers

failed to waive the regulations (they lacked the authority), every protection officer was removed from the entire river for the duration of the season. During the past two years, however, actions of the

above described nature have ceased to occur. Some improvement in communication and coordination between management and protection can be noted, but many believe it is still inadequate.

Present Protection Program

Administrative Status:

Within the past year and a half, senior protection officers have replaced troopers in certain key leadership positions in the Division

of Fish and Wildlife Protection. All protection personnel who made the transition from pre 1972 years now seem to have high morale, enjoy new security and an orderly, disciplined work environment. They are paid overtime according to a fair and reasonable schedule in contrast to the irregular compensatory time arrangements that prevailed in the Department of Fish and Game. Administrative areas adopted by Public Safety originally differed from those established by Fish and Game and precipitated real difficulties in field communication during the early years, but such problems have been largely resolved. Administratively, protection officers and troopers enjoy parity, and as mentioned earlier, this has stimulated professional pride. It appears that the administrative structure of the Division of Fish and Wildlife Protection within the Department of Public Safety is tight and sound, a situation that may be aided by deemphasizing the use of temporary employees in favor of permanent staffing.

Functional Status"

There is near-consensus among fish and game managers that, once violations are known, protection personnel generally do an excellent job of police work, of putting together a case that will result in a court conviction. The training and orientation of protection officers seems to be directed toward such skills. There is also high praise for protection efforts in connection with easily predictable and accessible problem areas. The Director of Sport Fisheries is most gratified with the protection recently given recreational fisheries along road and river systems. A lesser degree of satisfaction with the protection field program is voiced

by commercial fisheries and game managers, who believe that more emphasis must be placed on preventive enforcement and directing effort more precisely into situations where resource values are high. It is recognized that the protection program suffers from limitations of manpower, equipment and money. Nevertheless, there is pessimism among commercial fish and game managers that any amount of protection effort that might materialize would be effectively directed according to conservation requirements.

Protection Objectives

The basic objectives of fish and game protection include at least the following elements:

1. Protection of fish and game from taking outside of the approved management regime. Such illegal taking could involve numbers, time, place, or mode of taking, license violations or other infractions of laws or regulations.

2. Apprehension of violators, including the development of evidence and preparation of cases for prosecution.

There are numerous other collateral things that might be considered second order objectives although they are more in the nature of actions that relate directly to one or the other basic objective. The following responsibilities are among those that would fall into this category:

1. Rendering assistance to the public.
2. Promoting public appreciation of fish and game resources.
3. Promoting an understanding of and respect for fish and game laws.
4. Developing good communications with resource managers.
5. Striving to be at the right place at the right time, etc.

There can be little doubt that the issue of whether the fish and

game protection program should be administered by ADF&G or DPS will turn on the relative importance that is placed on each of the basic objectives. Both objectives are absolutely essential, but it is possible that the proper balance between them can only be struck within the administrative structure and environment of one or the other department. This question is discussed later in the evaluation of the proposal to return the protection function to Alaska Department of Fish and Game.

Comments on the Status Quo:

1. It's easier not to change. Any major organizational shift is disrupting to people and established programs.

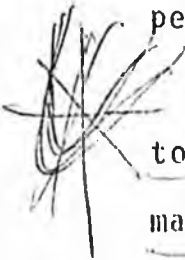
2. The Department of Public Safety projects authority; public attacks on it aim less at programs than on incidents of alleged misconduct of individual officers. Complaints reaching the office of the Commissioner of Fish and Game declined in relation to public awareness that protection was being administered by Public Safety. This decline was probably real and did not altogether represent a redirection of complaints.

3. Protection officers receive excellent police training and have back up support of the troopers' investigative resources. While the same training and support might be furnished to protection officers in ADF&G, it was not obtained for various reasons prior to the Protection Division transfer.

4. Protection officers are paid overtime in common with troopers. In ADF&G, biologists are not paid overtime. It is likely that problems would arise where two types of professionals were compensated differently.

5. Protection officers and troopers meet common qualifications, wear uniforms, and frequently assist each other which obviously enhances their professional relationships. Should the Division of Fish and Wildlife Protection be returned to ADF&G, a different relationship would exist between managers and protection personnel. Great care would be necessary in making certain that equality was preserved; that mutual respect and cooperation dominated attitudes.

6. It is probable that more efficient use of aircraft, vessels, and their support resources would be possible if these were consolidated in the Department of Fish and Game. Presently, management and protection field personnel rarely share equipment because of the complexities of coordinating use and, to some degree perhaps, a covetous attitude about it.



7. The protection program presently appears to give priority to law enforcement with the aim of apprehending violators and making good strong cases, as opposed to preventing as many violations as possible by promoting the idea that detection is highly certain. As mentioned earlier, this view is strongly supported by commercial fisheries managers whose knowledge about the vulnerability of resources and the incentives to violate does not regularly mesh with the protection efforts in their areas. This problem may represent more than poor communications.

Evaluation of Options

The basic question being examined in this report is whether the responsibility for fish and game protection should remain in DPS or be returned to ADF&G. It is perfectly clear that either arrangement can work if given the support and direction it needs, but it is probable that one could be superior in long term results.

Fish and Game personnel recognize the excellent job of case development and pure law enforcement work that is being accomplished in the existing system, but they maintain that it does not offer sufficient resource protection, too often coming after the damage is done.

Whether right or not, experienced resource managers insist that certainty of being found guilty and punished after being caught does not inhibit violations. Rather, probability of being detected and caught in the act does discourage attempts to violate. Thus, commercial fisheries and game managers want preventive enforcement directed at protecting resources; their concerns are not allayed by the large number of convictions for license and similar technical violations. While such laws and regulations have a good purpose and must be enforced, they should not demand inordinate attention in relation to the potentially large losses of resources through illegal harvests, particularly in our commercial fisheries. Resource managers fear that protection will never complement management well enough to bring about the best possible conservation program if it remains isolated both administratively and functionally. The intimate association with the troopers may well encourage an increased orientation toward strict law enforcement allowing the greater charge of resource protection to be less influential in setting priorities and deploying effort. It is probable, however, that the actions of protection personnel to operate with the barest minimum of formal contacts with fish and game personnel during the early transition period is partly responsible for the evolution of presently held opinions.

Admin
Rec'd

There are practical constraints to be dealt with if ADF&G were to once again assume the primary responsibility for protection. Because administrative support for the Fish and Wildlife Protection Division is shared with the troopers, it seems unlikely that it could readily be split off and transferred to ADF&G. Similarly, there may be problems in separating the record processing and storing functions. Then too, the office space vacated by the Protection Division when it left ADF&G has long since been filled, requiring in several locations that new space be rented to accommodate the return of protection personnel. All of these matters could be dealt with properly only if advance planning and preparations were carried out.

In summary, fair consideration of most pertinent element lends to the conclusion that there are advantages and disadvantages associated with any course of action. Looking to the best long term performance, the weight of opinion of resource managers favors the return of protection to ADF&G. They believe that the partnership of purpose that exists between resource management and resource protection cannot be satisfactorily implemented in the field while separate departments are involved. Policy and programs aimed at promoting proper priorities and coordination would, they fear, simply break down before achieving their intended purposes. They point out that 48 of the 50 states have reached the same conclusion, partly at least, for the same reasons.

Recommendations

1. Planning and budgeting procedures should be initiated to provide for the transfer of primary fish and game protection responsibility back to the Department of Fish and Game on July 1, 1977. These actions can go forward without immediate

need for a final decision, pending further evaluation of the desirability of such transfer.

2. Direct that both Commissioners attempt to find policy and procedural remedies to shortcomings of the present protection program as identified in this report.

Questions to Protection and Management Personnel.

1. Do you believe that management personnel should participate in development of protection priorities involving field operations?
2. Do you believe that communications on a day-to-day basis between management and protection personnel are adequate? If not, is improvement achievable?
3. Do you believe that management personnel should be paid overtime on the same basis as protection officers?
4. Do you believe that case development and convictions are more important than preventive type functions?
5. Do you believe that the declining use of temporary protection officers and stake-out activities are justified by the benefits of strengthening a permanent corps of officers?
6. Do you believe that the overall, long term performance of the protection program will be better served by retention of the protection responsibility in the Department of Public Safety?
Please state reason, but avoid reciting incidents or names.

ALASKA BOARD OF FISHERIES AND ALASKA BOARD OF GAME

JOINT BOARD RESOLUTION NO. 76-2

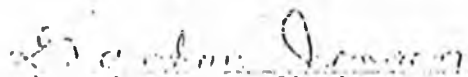
REGARDING THE DIVISION OF FISH AND WILDLIFE PROTECTION

The Board of Game and the Board of Fisheries, meeting in joint session on April 2, 1976 in Anchorage, Alaska, respectfully request the Governor to direct the Commissioners of Fish and Game and Public Safety to prepare a "white paper" statement regarding the relative merits of the Protection Division under the jurisdiction of their respective departments. Such statements should include but not be limited to:

1. Objectives of the Protection Division
2. Present and potential relationship of Protection and Fish and Game management personnel

Following the preparation of the "white paper" said Commissioners should prepare briefs of response to each others statement.

The Governor is further requested to provide the Boards with all, or part, at his discretion, of said "white paper" and responses. Further, should the Governor wish comment from the interest of the public, that he seek response from one or more disinterested but knowledgeable person or persons on this subject.


Gordon Jensen, Chairman of the
Joint Session of the
Alaska Board of Fisheries and
Alaska Board of Game

DATED: April 2, 1976
Anchorage, Alaska

STATE OF ALASKA

OFFICE OF THE GOVERNOR

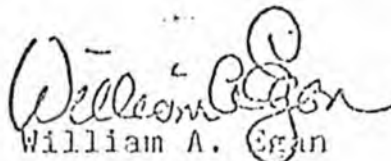
ADMINISTRATIVE ORDER

#16

Pursuant to the authority vested in me by Article III, Section 23 of the Constitution of the State of Alaska, it is hereby ordered:

1. That the Division of Protection within the Department of Fish and Game is now and hereafter shall be a Division within the Department of Public Safety;
2. That the Commissioner of Public Safety shall exercise full supervisory and administrative authority over all personnel assigned to the Division of Protection, over budgetary items allocated to the Division and equipment and facilities used primarily in its work and currently assigned to the custody of the Department of Fish and Game;
3. That the responsibility for the enforcement of statutes and regulations enacted or adopted for the protection of the State's fish and game resources which involve criminal or civil penalty shall henceforth be administered by the Department of Public Safety;
4. That this order is effective immediately as to the direction, supervision and administrative authority over personnel of the Division. The Commissioner of Public Safety is authorized, according to law, to make such changes in the organization of the Division and the assignment of responsibilities among its personnel as he deems appropriate to the efficient administration of the Division and the performance of its duties;
5. That during a transitional period, the Department of Fish and Game in cooperation with the Department of Public Safety shall continue to do all things necessary or appropriate in the maintenance of administrative services, payroll maintenance, the upkeep of equipment and facilities and the exercise of other responsibilities necessary to assure a smooth transition;
6. That as the Commissioner of Public Safety determines the readiness of the Department of Public Safety to assume responsibility for such support activity, facilities and equipment he shall from time to time in consultation with the Commissioner of Fish and Game issue directives effecting such transfers which shall have the same force and effect as this order;

The transfer of the Division of Protection from the Department of Fish and Game to the Department of Public Safety constitutes a change in the organization of the executive branch and in the assignment of functions among its units considered necessary for efficient administration and not requiring statutory change. This Administrative Order, implementing that transfer, takes effect March 28, 1972.


William A. Egan
Governor

MEMORANDUM

TO: [The Honorable Jay S. Hammond
Governor
State of Alaska

DATE : May 6, 1976

FROM: Richard I. Burton, Commissioner
Department of Public Safety

SUBJECT: Response to Resolution 76-2
of the Boards of Fisheries
and Game

Attached are memoranda of response from two individuals - Colonel Fred Woldstad, Director of the Division of Fish and Wildlife Protection; and Colonel James P. Wellington, Director of the Division of Alaska State Troopers. I asked Colonel Wellington to respond because at the time of the transfer of the Division of Fish and Wildlife to the Department of Public Safety, Colonel Wellington was Deputy Commissioner of the Department of Public Safety.

My comments are simple and are as follows.

In my opinion, the Division of Fish and Wildlife Protection should remain within the Department of Public Safety for the following reasons:

1. The officers are better trained than they were when they were in the Department of Fish and Game.
2. The officers are better equipped.
3. The Division has better communications.
4. The level of enforcement and the quality of the cases put together by the enforcement officers are better than ever before.

The primary mission of the Department of Public Safety is law enforcement and regulation. That is also the prime mission of the Division of Fish and Wildlife Protection; which is different than the mission of the Department of Fish and Game.

These comments briefly summarize those contained in the two attached memoranda.

If you have any questions or desire further information on the matter, please contact me, the Deputy Commissioner, or either of the two Colonels mentioned above.

Attachments

MEMORANDUM

TO: [Richard L. Burton
Commissioner

DATE : April 28, 1976

FROM: *fw* Col. Fred M. Woldstad
Director
Fish & Wildlife Protection
Department of Public Safety

SUBJECT: Board Resolution 76-2

To respond objectively to the Alaska Board of Fisheries and Alaska Board of Game Joint Board Resolution No. 76-2 regarding the Division of Fish and Wildlife Protection, it should be appropriate to analyze the cause for such a resolution. The style of this resolution neglects to define the "WHEREAS" portion commonly used as preface to the resolution itself, and thus appears to open the subject for general debate rather than responding to specific issues.

Initially, it must be assumed that there are objections or doubt that the Division of Fish and Wildlife Protection belongs within the Department of Public Safety. This organizational structure certainly is a severance from tradition, and the pattern of 47 other states, but it should also be recognized that Alaska does not follow the national standard for conservation enforcement in other fashions that are of importance to this discussion. Conservation Officers nationally comprise 32.2 percent of all employees in state fish and wildlife agencies and account for an average annual operating budget outlay of 27.4 percent. In Alaska, Fish and Wildlife Officers comprise only 16.5 percent of all employees in the Alaska Department of Fish and Game and account for only 18.76 percent of the operating budget. A chart depicting this comparison is attached and reproduced from a 1973 study published by the Wildlife Management Institute. Several additional tables are provided to further complete the comparison.

While Alaska is considerably below national standards in personnel and funding, its officers can be favorably compared to any within the country. An article published by the Wildlife Society in the Spring of 1973, describes rather accurately the position of the wildlife enforcement officer nationwide and is worth reproducing. Oddly enough this article recognizes a national problem of intra-department communication in wildlife law enforcement.

Comparing twelve years of accomplishment for a Division under one department with four years of accomplishment with another department is most difficult. The objectives of the Protection Division are simply stated within the budget document and reads; "The primary goal of Fish and Wildlife Enforcement is to protect the renewable resources of the state and to provide an adequate level of enforcement to insure an optimum opportunity for management of Alaska's fish and wildlife resources on a sustained yield basis."

To accomplish this objective, requires both personnel and operating funds.

Under the State system of budgeting, the commissioner of each department exercises authority over the growth of divisions within a department. Upon this initial review system, the growth is then determined by the administration and then the legislature. Growth of the Division of Fish and Wildlife has been less than spectacular at any time during the 16 year history of the division. It can be accurately said, however, the growth potential has been far greater under the Department of Public Safety than at any time during the sixteen years, based primarily on the ability to at least reach administrative and legislative review steps. Prior to 1973, growth was competitive to research and management, and enforcement failed to receive priority status, remaining number six among six divisions.

Growth in ability to achieve the goal of an adequate level of enforcement depends upon financial ability and efficiency. Efficiency without financial assistance has limits, and reaches a point of necessity to select priorities. The selection of priorities is not compatible for satisfaction to the general public or to management and ultimately the Boards of Fish and Game. It can be called lack of communication, coordination, or poor relations, but it is lack of financial ability to meet the needs of the public and management at their level of expectation. The basic difference of the Division of Fish and Wildlife under the Department of Public Safety is that enforcement is not assuming the subservient posture that had characterized twelve years within the Department of Fish and Game, and the morale of the officer produces quality and efficiency, as compared to frustration.

Selection of priorities is not limited to allocation of manpower to activity, but also it is placing a priority on the amount of time an officer spends with his primary responsibility-enforcement-compared to other functions, management assistance and support, hunter safety, etc. Traditionally, the Division of Protection participated actively in sealing programs, nuisance animal problems, collecting programs, permit monitoring and similar management responsibilities. This support has been minimized in favor of enforcement and protection of the resources with minimum dilution of enforcement responsibility.

The Board of Fish and Game has contributed greatly to the problems which seem apparent today. They have given eager reception to management proposals and various refinements to sportman ethics, administratively legislating regulations for the hunter and fisherman. A notable difference between the Board and the state legislature is the attachment of a fiscal note to the output. Means to accomplish the ends has not been part of the role for the Board. Regulations have been promulgated regardless of enforcement potential or even enforceability of the regulation. The system has reached the point of crisis.

Alaska's resources are being managed, using 20th century philosophy and the complexities of the regulations near exceed the ability of the average sportsman to comprehend. The commercial fisherman needs Loran and radar to determine his legality and the sportsman who leaves familiar terrain has to visit an office of the Department to clarify his legal obligations. Obviously, personnel of the Department of Fish and Game believe in adequate law and regulation, but are unable to distinguish between that which is morally wrong and legally wrong, and firmly believe in the 19th century enforcement philosophy that has been taught in the nation's colleges to resource students for the past forty years, that good research data cannot be secured when involved with legality.

The basic difference between the Department of Public Safety and the Department of Fish and Game is essentially, one is concerned with people and their behavior, and the other fish and animals with their related behavior and needs. Enforcement is people management and it is a full time profession. The behavior of our citizens directly influence the quality and quantity of our resources. Social behavior, patterns and values have displayed dramatic changes within a very short period of time. The right to question the competence of professional theory is not a stranger in Alaska's resource management, nor is the right to challenge the validity and authority of resource laws and regulations. People management and biological management of resources are not in harmony in Alaska, nor elsewhere. Each has its own peculiar need for competence and professionalism and that need can only be accomplished if neither is diluted to the point of inefficiency. A department separation of both functions is the only means to secure a maximum benefit to the resources.

Wildlife Enforcement is not apart from any career in law enforcement, and it demands knowledge, high standards of ethics and personal conduct. The law enforcement officer must have personal attributes to allow the job to be done efficiently, such as physical, emotional, intellectual, social and moral. The combination of these attributes in an organization produces an esprit de corps that promotes quality and efficiency and commands respect for the organization and the goals of the organization. These attributes are not part of a wildlife management curriculum and are not attainable within a department that confines its standards to biological considerations.

The material benefits and merits of retaining the Protection Division within the Department of Public Safety have not been elaborated upon, but essentially, are obvious and include:

- 1) recruit training of the highest standard nationwide
- 2) in-service training
- 3) quality vehicular equipment, including aircraft and marine applications
- 4) communications

All of these are essential to law enforcement, and perhaps the greatest benefit that can be secured is support, both in manpower and practical knowledge.

The state is not financially willing or capable of supporting a Division of Fish and Wildlife Protection that can serve the protection needs of the resources and yet supply a service and maintenance section for the Department of Fish and Game, similar to the traditional pattern of their states. To meet a national standard, would require the addition of 158 new positions in the Division of Protection, and to meet only a western state's standard would require 110 new positions.

To address a statement to present and potential relationship of Protection and Fish and Game Management personnel, is to assume the Board has been convinced that poor relationship is detrimental to resources and poor relationship now exists. It is unfortunate the concern of the Board becomes evident four years after the crisis, and the management plan is being considered with only one set of charts and graphs. Basically, the Division of Protection feels there is a state of being mutually or reciprocally interested in the same objective, but a lack of affinity. This lack of kinship is caused by wide differences in opinion towards professional standards. Mandates will not alter this problem and it is most difficult to associate this with benefits towards resources. Sound management requires wise judgement to accomplish and should include consideration of all sources of pertinent data to achieve the desired end. It took twelve years to gain a seat at the table of deliberation before the Board of Fish and Game, and only when enforcement was accountable to another department was input accepted that was contrary to the fixed posture of management proposals. At the present, relationship is healthy for resources and this should be the objective of the state. The potential relationship will remain healthy to the extent that enforcement is permitted to offer input for consideration.

	WEST	MIDWEST	NORTHEAST	SOUTHEAST	NATIONWIDE	1972 ALASKA	1976 ALASKA
Percent Enforcement Personnel compared to Total Fish & Game Staff	22.5	26.8	31.9	42.7	32.3	16.5	16.5
Percent Budget for Enforcement compared to Total Fish & Game Budget	22.8	28.5	27.9	32.3	27.4	19.0	18.76
Average Patrol District Per/Officer Sq. Miles	1,204	605	182	412	543	8,623	7,239
Arrests/Officer	48	53.7	32.6	54.6	48.7	25	13.5*
Average Fine Collected	27.17	22.29	31.03	22.96	25.12	-----	100.00
Arrests per 1,000 Licenses	5.9	5.0	5.6	8.6	6.4	8.3	6.4

National Statistics shown are for the year 1972, the last year when national statistics were available.

*Arrests/Officer is a function proportionate to the size of the area patrolled and population density. Because of overall size of the state and lower comparative population, Alaska cannot compete in National averages in this category. Arrests are directly proportionate to user contacts, and because of size and lesser density of user, contacts are less than other states. The marked decline in arrests/officer from 1972 compared to 1976 results from a forced reduction in hours worked per day by each officer, and days worked per week by each officer created by budget limitations for overtime payment.

In 1972, officers were on a straight salary basis and work performed as required. Mandatory overtime in 1976 with severe budget limitations for overtime payment has resulted in less hours worked, fewer contacts per officer, hence less arrests per officer.

LAW ENFORCEMENT—ONE THIRD OF THE TRIANGLE

WILLIAM B. MORSE, *Wildlife Management Institute, Portland, Oregon*

Abstract: Law enforcement is as important as research and management in administration of wildlife resources but it has not received proportionate attention from administrators and researchers. Enforcement accounts for $\frac{1}{3}$ of the personnel and over $\frac{1}{4}$ of the budget of state wildlife agencies. Trends show a continued dilution of law enforcement effort per hunter and angler, and an increase in the number of laws enforced. Conservation officers will some day become recreation enforcement officers, but should remain a part of fish and wildlife departments. Recommendations for improving law enforcement include a productive research program, uniform records system, adequate officer numbers for the workload, professional enforcement communications between states, and obtaining general police powers for all conservation officers.

Management of fish and wildlife resources in the United States involves three fundamental activities: research, management, and law enforcement. Research has received primary professional emphasis from The Wildlife Society in both interest and publications. Management is the primary task of administrative agencies, which put research knowledge into operation on the land in order to improve habitat, and to regulate harvests of game species to achieve sustained yields. Law enforcement is the effort, both passive and active, to secure public compliance with the laws and regulations that management uses as tools.

Too often, enforcement is looked upon as a necessary evil, even as an anachronism that must be accepted simply because it exists. Nothing can be further from the truth. Without adequate law enforcement, the finest research and management will have little or no effect in protecting the resource. Scientist and manager alike must realize that wildlife depends on three-way teamwork, and must help give enforcement the stature and tools it needs to operate.

Law enforcement requires consideration, thought, research, and planning in order to be conducted as the major conservation business that it is. On January 1, 1972, there were more than 5,800 employees in state wildlife and fisheries law enforcement, com-

prising 32.2 percent of all employees of state wildlife agencies. Authorized enforcement budgets exceeded \$72 million per year, or 27.4 percent of the annual operating budgets of state agencies (Morse 1972). Yet a hard analytical look at overall state enforcement operations will show that there has been only limited improvement in many years. Most of these improvements have been simple: officers now have automobiles, two-way radios, some jet boats and airplanes, and there have been improvements in recruiting and teaching. Other needs have been overlooked consistently during a period when both research and management techniques have entered the space age. For example, does the officer know why the violator violates? Can he use theory of games on a search for jacklighters? Can he check an offender's record by radio?

Enforcement officers tend to feel alienated to some degree because they are not always considered essential or professional. Better intra-department communication would reduce this feeling. Administrators could help increase the officers' morale, prestige and feelings of worth by spending more time with the officers in the field to learn their problems and needs. Regional forums, where officers from several states could gather to discuss and coordinate

mutual problems, would also help. These forums should be in addition to regional association meetings and should be similar to symposia held on individual wildlife species.

Long overdue changes and improvements in enforcement will not be forthcoming until there is a change in attitude of agency administrators and an emphasis on selling improvements in enforcement to budget-approving personnel and agencies. Even in the most progressive states, the officer in the field still operates by the seat of his pants and his instincts rather than as a modern technician striving to accomplish planned and programmed goals with techniques developed by many disciplines. If law enforcement is to meet present, let alone future needs, it must receive administrative interest commensurate with its personnel numbers, expenditures, and importance as a member of the three-way wildlife and fisheries team. Such co-equal recognition of enforcement with research and management efforts is one of the principal tasks facing wildlife agencies in the '70s.

Table 8A
Basic Information on Conservation Officers, 1972

West	Title of Officer	No. Empl. in Dept.	No. C.O.	No. C.O. Supervisors	2-yr Expan- sion	2-yr Replace- ment	C.O. w/WL Degree	C.O. w/Mini- mum Other Degree Edu- cation	Res. Rqmt. in Months	No. C.O. w/Fed. Comm.
Alaska	F&W Off.	418	61	8	6	6	5	10 HS	0	40
Arizona *	F&W Mgr. or Ranger	143	76	12	14	18	18	0 BS-WL	0	75
Calif.	F&G Warden	1,291	279	10	20	28	56	75 2-yr.Col, Ctzn.		260
Colorado	WL C.O.	425	106	6	20	12	57	0 BS-WL	0	70
Hawaii	F&G Warden	69	27	5	0	1	0	1 HS	36	19
Idaho	C.O.	278	65	10	9	6	42	1 BS-WL	0	29
Montana	F&G Warden	286	83	4	0	9	17	5 HS	12	25
Nevada	F&G Warden	105	36**	4	3	0	32	0 BS-WL	0	5
New Mexico	Dist. WL Offr.	163	31	5	2	4	6	4 BS-WL	12	34
Oregon	State Police	445	90	15	8	10	10	8 HS	Resdnt.	0
Utah	C.O.	236	58	9	8	27	34	4 BS-WL	0	23
Wash. (Game)	WL Agent	458	118	13	0	10	20	5 2-yr Col.	0	42
Wash. (Fish)	Fish Pat. Off.	385	36	2	0	0	0	3 HS	0	11
Wyoming	Dep. Gm. Wdn.	285	57	2	0	4	12	6 BS	0	0

Total 4,987 1,123 105 90 135 309 122 (BS-7) (No.Res. 9) 633
 * Some Rangers full time ** Only 15 full time

Midwest	Title of Officer	No. Empl. in Dept.	No. C.O.	No. C.O. Supervisors	2-yr Expan- sion	2-yr Replace- ment	C.O. w/WL Degree	C.O. w/Mini- mum Other Degree Edu- cation	Res. Rqmt. in Months	No. C.O. w/Fed. Comm.
Illinois	Cons. Plc.Off.	-	139	6	10	-	0	- HS	Co. Res.	-
Indiana	C.O.	-	142	4	0	10	0	3 HS	12	120
Iowa	C.O.	321	66	1	0	2	2	7 1-yrCol.	0	66
Kansas	Game.Prot.	202	60	7	6	5	2	2 HS	0	32
Michigan	C.O.	678	198	6	25	10	8	19 HS	0	61
Minnesota	C.O.	527	142	10	40	10	8	25 -	24	136
Missouri	Consv.Agt.	429	122	12	10	10	0	9 HS	24	134
Nebraska	C.O.	211	46	2	4	-	0	0 HS	0	37
N. Dakota	Game Wrdsn.	77	24	5	0	1	1	0 HS	6	16
Ohio	Game Prot.	413	114	7	4	5	5	1 HS	0	30
So. Dakota	C.O.	231	56	16	0	4	14	3 BS-WL	Rcs.Pref.	50
Wisconsin	Cons. Wrdsn.	465	136	18	0	15	28	11 BS	12	0

Total 3,554 1,245 94 99 72 68 80 (BS-2) (No Res. Req. 6) 682

Table 9A
How the Conservation Officer Spends His Time, 1972

West	Law Enf. %	Game Mgmt. %	Fish Mgmt. %	Hunter Safety %	Youth Ed. %	Public * Rel. %	Lands %	Pollution Control %	Fores- try %	Snow- mobile %	Boating %	Misc. & Other %
Alaska	80	5	5	2	2	3	-	3	-	-	-	-
Arizona	40	20	10	1	1	1	2	-	1	-	-	24
California	89	-	-	-	-	-	-	-	-	-	-	11
Colorado	28	28	4	7	7	-	4	-	-	4	2	14
Hawaii	80	5	5	-	3	6	-	-	-	-	-	-
Idaho	65	6	4	2	1	1	4	2	1	-	-	15
Montana	20	10	10	3	2	30	-	5	-	-	5	15
Nevada	60	10	8	-	5	12	1	2	2	-	-	-
New Mexico	25	20	20	2	5	2	20	2	1	-	-	3
Oregon	70	5	5	2	1	2	-	-	-	-	-	15
Utah	66	8	7	-	-	6	-	-	-	-	-	13
Wash. (Game)	53	8	8	3	3	17	4	-	-	-	-	5
Wash. (Fish)	100	-	-	-	-	-	-	-	-	-	-	-
Wyoming	46	15	-	-	-	-	-	-	-	-	-	39
Average	59	10	6	2	2	7	1	1	.5	.3	.5	11

* Includes Acquisition and Management

Midwest	Law Enf. %	Game Mgmt. %	Fish Mgmt. %	Hunter Safety %	Youth Ed. %	Public * Rel. %	Lands %	Pollution Control %	Fores- try %	Snow- mobile %	Boating %	Misc. & Other %
Illinois	82	-	-	5	2	-	3	3	5	-	-	-
Indiana	50	-	-	1	3	14	-	2	5	-	25	-
Iowa	50	5	5	2	2	31	3	1	1	-	-	-
Kansas	50	5	5	5	5	20	4	5	1	-	-	-
Michigan	60	1	2	3	3	8	2	-	-	-	-	21**
Minnesota	46	7	5	2	1	5	2	2	-	15	15	-
Missouri	-	-	-	-	-	-	-	-	-	-	-	-
Nebraska	60	10	5	4	4	4	-	3	-	-	10	-
North Dakota	65	10	10	-	-	10	-	-	-	-	-	5
Ohio	35	20	20	5	-	5	5	10	-	-	-	-
South Dakota	25	15	9	3	3	12	22	3	-	-	-	8
Wisconsin	-	-	-	-	-	-	-	-	-	-	-	-
Average	52	7	6	3	2	11	4	3	1	1	5	3

* Includes Acquisition and Development
** Includes Boating and Snowmobile

Commissioner Richard L. Burton

April 26, 1976

Page 2

in all the major areas, plus the use of the Department teletype system. This was all put in after the Division came to Public Safety. Since coming to Public Safety additional vessels have been acquired and additional aircraft. Again, because the Department of Public Safety is primarily law enforcement oriented and a need for adequate equipment is thoroughly understood, the Division of Fish and Wildlife Protection has benefited from this progressive thinking within the Department, both in the past and at the present.

It appeared, Commissioner, as if the purchasing of equipment was kind of on a haphazard method, with each regional supervisor determining what he needed. As a result of that there appeared to be an overbuying in certain areas and underbuying in other areas. For example, each Protection Officer had a pair of hip boots, a spotting scope, binoculars and a very expensive Pen-tex camera; but they had no radio equipment, either portable or mobile, they had no hard copy communication system, and did not even carry suitable firearms when in the field.

ORGANIZATIONAL STRUCTURE AND SUPERVISION - This is the area, Commissioner, that gets a little touchy, but I think in order to thoroughly evaluate the problem you have to look at the guts of the organization that the Department of Public Safety inherited.

It appeared as if there was very little control from the top, or if there was, the supervisors took an indifferent attitude to supervision and therefore many things were going on within the Division which would not be tolerated by you or I and certainly are not tolerated today.

When the Division came over to Fish and Wildlife Protection, the aircraft were being utilized for semi-personal business, such as transporting moose meat, personal gear, sightseeing, etc. The stakeout camps were also being utilized as personal hunting lodges and departmental equipment was being utilized for personal use, such as boats, binoculars, hip boots, etc. were all being used support private hunting or fishing trips. In addition, their evidence handling, recording and disposition procedure left a lot to be desired. In fact, to the embarrassment of the Department, we found that at least two polar bear hides were improperly disposed of, one being given to the Catholic Church in Fairbanks for a raffle and the other being lost which cost the State in excess of \$6,000.

In other words, Commissioner, the whole administrative operation seemed to be very shoddy and without proper direction, thus creating several embarrassing situations for the State and the Division.

Now I'm sure that somebody might say that these situations could all be taken care of within the Department of Fish and Game if the Division was transferred back; and my answer to that would be, "Why wasn't it done during the first ten years?"

CONCLUSION - I feel that the Division of Fish and Wildlife Protection, since coming to the Department of Public Safety, is better equipped, better trained, better disciplined

Commissioner Richard L. Burton

April 26, 1976

Page 3

and has better morale than it did while being under the Department of Fish and Game. Also I feel that the enforcement effort has been increased as a result of having better equipment, better communications, better training and better direction.

I think an individual who proposes that the Division be transferred back to Fish and Game should objectively look at what the Division was and doing prior to its coming to Public Safety and what it has accomplished after coming to Public Safety; and I think if you objectively review both situations, you will find that the Division is functioning 100% better today than it was when it was transferred.

I think also that people who have worked under both systems would readily admit that the procedures today are better than they were under Fish and Game. Now I know that we still have some individuals who are not inclined to support the fact that the Division is functioning better today than it was four years ago; and to that I can only say, Commissioner, those individuals are probably the ones who were misusing the State equipment, abusing their authority and creating problems for the Director of Fish and Wildlife Protection while it was under Fish and Game.

I think also it is important to look at what the Department of Fish and Game is designed to do and what the Department of Public Safety is designed to do. By this I mean primarily the Department of Fish and Game is research orientated, whether it be commercial fishery research and rehabilitation or wildlife research and rehabilitation, whereas the Department of Public Safety is primarily a law enforcement agency. As we have so often said, the enforcement of the Fish and Game laws are no different than the enforcement of our criminal statutes. All the rules of criminal procedure apply, and I think the records will reflect, and I'm sure the D.A.'s will concur, that the cases being made by the Division of Protection in the last three years are considerably better than the cases made prior to the Division's transfer. This can only be attributed to the increase in training and the administrative review given the report.

Again, I think one should ask: "What is being done today versus what was being done under the old concept," and I defy anybody to substantiate with hard facts the proposition that the Division of Fish and Wildlife Protection should be returned to the Department of Fish and Game.

JPW: me

ALASKA DEPT. OF PUBLIC SAFETY
OFFICE OF THE GOVERNOR

Commissioner James Brooks
/ Commissioner Richard Burton

April 19, 1976

Jay S. Hammond
Governor

Attached Resolution 76-2 of the
Boards of Fisheries and Game

At the request of the Boards of Fisheries and Game, I am asking that each of you carry out the request of the Boards enunciated in their Resolution 76-2.

I would ask that you submit your initial response to me by May 15. After review by myself, I will then ask each of you to respond to the points raised in that input.

Additionally, I would request that each of you in your initial submission include a section of pertinent questions which would be addressed, in questionnaire form, to appropriate enforcement and management personnel at the field level.

cc: All Members
Boards of Fisheries & Game

76 APR 26 PM 12 31
DEPT. OF PUBLIC SAFETY
BUREAU, ALASKA

AB	Commissioner	2	Deputy Comm.
3	Director, F&W		Dir., Adm. Ser.
	Fire Marshal		Building Ser.
	Info. Officer		
	<input type="checkbox"/> FOR YOUR INFORMATION		
	<input checked="" type="checkbox"/> ACTION <i>Draft response</i>		
	<input type="checkbox"/> REPLY		
FROM:			DATE
Comm. Off. PUBLIC SAFETY JMO			

ALASKA BOARD OF FISHERIES AND ALASKA BOARD OF GAME

JOINT BOARD RESOLUTION NO. 76-2

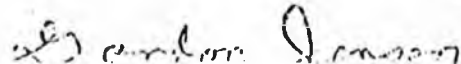
REGARDING THE DIVISION OF FISH AND WILDLIFE PROTECTION

The Board of Game and the Board of Fisheries, meeting in joint session on April 2, 1976 in Anchorage, Alaska, respectfully request the Governor to direct the Commissioners of Fish and Game and Public Safety to prepare a "white paper" statement regarding the relative merits of the Protection Division under the jurisdiction of their respective departments. Such statements should include but not be limited to:

1. Objectives of the Protection Division
2. Present and potential relationship of Protection and Fish and Game management personnel

Following the preparation of the "white paper" said Commissioners should prepare briefs of response to each others statement.

The Governor is further requested to provide the Boards with all, or part, at his discretion, of said "white paper" and responses. Further, should the Governor wish comment from the interest of the public, that he seek response from one or more disinterested but knowledgeable person or persons on this subject.



Gordon Jensen, Chairman of the
Joint Session of the
Alaska Board of Fisheries and
Alaska Board of Game

DATED: April 2, 1976
Anchorage, Alaska

Mr. Chairman, my name is Dick Burton. I'm the Commissioner of the Department of Public Safety.

I didn't know until now we were in paratroop business. It's news to me.

Unfortunately, after listening to the testimony of the sponsor of the bill that is was introduced with good faith and with good intent. However, limited entry, Mr. Ron Rickey, Fish and Game, or no one else is responsible for stake out crews except me and this is the first time I've had an opportunity to speak to the bill. I wasn't afforded the opportunity to have any input into the bill and some factual figures prior to its drafting and introduction. I have some copies, not enough to go around, but I'll share them with you when I have comments from the Director of Fish and Wildlife and then I have a few comments of my own. For the record I'd like to read one of the major impacts of the bill, the comments some from Colonel Walstead. Implementation of the Bill would have severe detrimental results to the fisheries resources unless an approximate 400% increase in temporary man months were funded to provide stream guards for protection of salmon spawning streams. In addition to the temporary man power, additional support funds would be necessary to provide field gear, such as, tents, skiffs, outboard motors, mattresses, cots, etc. - everything that goes to support a man in the field. Implementation of the bill is legislation of enforcement methods and provides a license to steal. It would afford and offer the maximum advantage to theft of fish stocks by commercial fisherman that can be envisioned. Perpetuation of fish stocks would be limited to those areas where a stream guard was stationed

to the funding provided for temporary personnel. Southeast Alaska alone has an excess of 2,500 spawning streams and each should be protected. It would be physically and financially impossible to thoroughly protect the areas unless the fisherman is faced with the prospect of apprehension during the violation thru a means he cannot predetermine under the terms of the bill absence of a visible stream guard would assure the fisherman that the stream is unprotected and vulnerable.

I have a fiscal note attached to this. As near as we could figure in the time we had allowed for what it would take to provide adequate protection we figure in just temporary man months for a fishing season throughout the state of 459 man months and with extra commodities and equipment involved, a very conservative figure of \$1.3 million just for stream guards during the summer.

I equate this with, its like saying there are 2,500 First National Banks scattered around and you have people in 100 of them. The other 2,400 not even having cashiers, tellers at the windows. You can go in and help yourself to the money. I consider stealing resources from the state every bit as important as stealing money from a bank. People who steal 20-30,000 fish are as much a criminal and felon as the guy who holds up the bank. I would say that in the same respect, if we're going to have to stand out there and be visible on those few streams that we can barely afford to cover because of manpower and money requirements, that if this was a fair way to enforce the law, perhaps on the patrol cars of our troopers we should have a sign saying we are answering a call to an armed robbery at the bank and let them have a chance to get out of there, or we only answer calls to these banks on Wednesdays or Thursdays and not on Mondays or Fridays. Thats a little facetious but its the same kind of approach. I wish I would have been afforded the opportunity to have this discussed with us and with the people responsible for this prior to it.

I think we could have come to an equitable solution, whether it be budget approach or whatever to increase the enforcement capability. When you take the coastline of Alaska and we're responsible for the 3 mile off shore limit and we're responsible for 38,000 miles of shoreline, that makes roughly 105 square miles of water to cover alone. With 86 men I couldn't even cover that, let alone the land mass of the state.

Snider: Commissioner, what other forms of surveillance do you use in comparison to the number of stream guards? And what is the stream guard's salary on a temporary basis in the summer months?

Mr. Herman, Director of Administrative Services, Department of Public Safety: \$3,375/summer (3 months), \$2,000 overtime, and equipment \$3,3000/man.

Burton: other methods of surveillance aircraft, boats, we move the people

The combined Board of Fish and Game at their last meeting in Soldotna, came on record very strongly about wanting to increase the stakeout and stream guard program in use in the same manner as it is now. We've met with the seine boat associations around southeast and other people and the honest fishermen, they're after us to increase this type of enforcement effort. Prior to statehood, this was used to a good degree and they had alot of temporary manpower. Of course the dollar an hour figure has changed with today's collective bargaining and everything. But they had a great number of people involved in those programs and it was successful and it can be. And we had apprehended people in major areas prior to them taking the fish out of there. We've made some significant changes, particularly in Mr. Osterback area this last year. I opened a post at Sand Point. It was the first time they've had anyone there in a long time. The overlenght gear

with a seine net. You probably read recently we had a \$19,000 fine from on a crab boat from out there, a major (ill). We're still working after the boat too. Although for the area and the amount of people we got to cover I would venture a guess that 30%-40% of all crab and shrimp taken out in that area, not just salmon, is taken illegally and that is taken in closed areas. I don't have the copy with me, I had it on my desk this morning comparing this past year with 4 years ago, the type of cases being made where protected resources are not and the number of cases for fishing in closed areas has increased several hundred percent over what it was a few years past. A lot of this is attributed to the stream guard. I do not know about anybody parachuting into the alders until I heard it here. That is news to me. I'd like to know about that. It may have been some other department because nobody talked to me about it.

Snider: Do you know of any stream guards being shot at because of sneaking around in the brush or camouflage techniques?

Burton: I've been in law enforcement since 1954 starting in 1954 in Ketchikan, mostly Southeast Alaska, and I've heard over the years many stories of people. They'll go in and shoot up a beach, whether they know there is anyone there or not -- just to let them know they're coming in and anybody that's fished knows this. We had a case years ago of a federal stream guard that flat disappeared off the face of the earth, don't know what happened to him except that we're pretty sure it was a homicide. Sure, that happens. I doubt if I could hire anybody, especially the temporaries that you get who are college kids and so forth. You wouldn't get me to go out there and stand with a sign on my head saying I'm standing there, not unless I had a twin 50 caliber machine gun to back me up.

I would like to have more stream protection, but just the impact of this HB 111 to try to provide and identify the major streams of where

we would put people to meet the requirements of what we'd have to feel we were providing some protection, with the changes of this bill would take an additional \$1.3 million.

Malone: Commissioner, I don't understand. You say if you don't have anyone there you say its protected now?

Burton: They don't know where we're at. We have stream guard in one area.

Malone: Just a minute, you said 30-40% of the catch was being taken illegally.

Burton: In the crab and shrimp area out in that Aleutian Peninsula Ch.in. I'm talking about crab/shrimp. We don't have spawning streams for that. Pure and simple manpower coverage.

Malone: What were the recommendations of the Board regarding increased stream surveillance.

Burton: Well, most of their recommendations is they just want it done. Thats all. They just want to see it increased.

Malone: To what extent?

Burton: They didn't convey that to me. I just got it off the minutes when they were discussing it with the Department of Fish and Game.

Malone: Well, do you think it needs to be increased?

Burton: Certainly

Malone: Does that increase reflecting the Department's budget?

Burton: As best we could reflect it, yes.

Malone: What sort of increase is planned for the budget year?

Burton: Presently, right now, in the budget for Fish and Wildlife protection, an additional 10 new officers and I couldn't quote you the number of temporary man months for temporaries in the summer, which was increased, but it was increases over the last year. We've got a significant increase.

Malone: Do you have any estimate the value of confiscated catches or gear equipment by stream guards?

Burton: I don't have it broken down like that we could do it.

Lt. Tedsloff, Commander of Southeast Region who operates stream guard programs

Malone: Do you have any way of estimating what the illegal catch do to stream robbers right now, in terms of dollars?

Lt. Tedsloff: I think you'd first have to establish what you're talking about, crab, shrimp, salmon, and are we talking about the

Sound or Cook Inlet or Bristol Bay. Each area's different you see and I can speak on Southeast in Southeast, maybe 10-20% salmon is taken illegally. I feel in good control of Southeast Alaska Peninsula, Kodiak, etc., is a completely picture.

Burton: It would take a concerted effort by several agencies to come up with a scientific guess of how many fish are being caught illegally. We'd like to think that all the ones fishing illegally are the ones we're catching but we know better than that, so it's strictly an assumption.

Burton: You got a problem and I'll tell you in a minute, regardless of whether stream guards are going to be standing out there with signs on them, visible or hidden. It's a summer time, temporary employee you're hiring. This is why we've cut down in the past few years on our temporary and asked for more permanent, full time, trained, professional offices because you've got these kids that are out of school, you have a training problem, you have a problem when they get out there and see a couple boat loads of fishermen, it makes your knees shake a little bit and your hands shake a little bit to go up and approach them. We have it, but not in every case. We do have some good young people. The other problem that comes around is about the time the D.A.'s and the fisherman defense funds and everything gets involved and drag it out until time to go to court, that kid's back in college. He might be in South America and then the D.A. won't prosecute because the witness is not there. Those are real problems, but I don't think we're going to change anything by having stream guards standing out there where everybody can see them.

Burton: It would be fruitful to get together and talk this over but an alternative would include the same thing that this does and it gets down to bucks... I would welcome the opportunity to talk to somebody... Any questions you have, a subcommittee on it, or anything

else, we'd be more than happy to.
This is the first contact I've had with anyone on this bill. I did not know exactly what was wanted, what was expected, or what was going to be asked as far as preparing for this. If you'd like as was discussed earlier, for a small group of us to get together we'd certainly be more than happy to sit down and make all the information that we can get together.

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BC-Wildlife Protection - 2 Takes, 460-920

SE: REFILE FOR PMS

By G. MICHAEL HARMON

Associated Press Writer

JUNEAU AP -Legislation to transfer fish and wildlife protection officers from the Department of Public Safety to the Department of Fish and Game has lifted the lid from a intense tug-of-war which has been simmering behind the scenes for more than a year.

The discoveries include previously undisclosed exchanges between the two agencies over the issue, including bitter allegation from the Department of Public Safety questioning the motives of proponents within the Department of Fish and Game.

In return, supporters have accused the Department of Public Safety of fostering un-Alaskan, riot squad attitudes.

The controversy surfaced with a bill HB337 by House Resources Chairman Alvin Osterback, D-Sand Point, to return fish and wildlife protection officers to the Department of Fish and Game.

The Division of Protection was moved to the Department of Public Safety five years ago by then-Gov. Bill Egan.

Osterback, who has scheduled a hearing on the bill April 1 in connection with a joint meeting of the fish and game boards, says he introduced the legislation after concluding that the Department of Public Safety is "more interested in playing cops and robbers than protecting our resources."

In an enforcement program aimed exclusively at obtaining convictions, Osterback says protection officers sit by and watch as salmon stream robbers net and boat thousands of fish before making arrests.

"They could arrest these people after they catch three or four fish," Osterback says. "But they are letting them get 50,000. I want them to protect our resources and stop crime before it occurs."

Osterback says attitudes in the Department of Public Safety were graphically demonstrated during a recent appearance before his committee by Commissioner Richard Burton.

Burton was appearing in opposition to another Osterback-backed bill to require stream guards to remain visible under the premise that crime prevention in the area of fish and wildlife protection is more important than arresting offenders.

Based on a tape recording of the committee meeting, Osterback quoted Burton as saying: "You would 'nt get me to go out there and stand with a sign on my head saying I'm standing here, not unless I had a twin 50 caliber machine gun to back me up."

"Personally," Osterback replied, "I would expect this way of thinking from a riot squad in Chicago, but never from a typical Alaskan.

"The Department of Public Safety is handling enforcement from a 'cop and robber' viewpoint, rather than from one of protecting and saving the resource."

Burton was out of town and could not be reached for comment, and Fish and Game Commissioner James Brooks declined to discuss the issue because Gov. Jay Hammond has not reached a position on the controversy.

More

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BC-Wildlife Protection - 1st add, 450

SE: REFILE FOR FMS

JUNEAB: controversy.

But the opposing views of Burton and Brooks were gleaned from position papers they prepared last May in response to a joint resolution from the boards of fish and game.

In his paper, Brooks acknowledged that the transfer to Public Safety was prompted by a lack of effective leadership and control within the agency which led to a "loose, undisciplined mode of individual activities" by protection personnel.

He also readily admitted that the 1972 transfer to the Department of Public Safety created "a better directed and disciplined performance," and said protection officers now "have high morale, enjoy new security and an orderly, disciplined work environment."

But Brooks added that "the protection program presently appears to give priority to law enforcement with the aim of apprehending violators and making good strong cases, as opposed to preventing a many violations as possible by promoting the idea that detection is highly certain."

In conclusion, Brooks supported the view of management personnel in his department that "the partnership of purpose that exists between resource management and resource protection cannot be satisfactorily implemented in the field while separate departments are involved."

In his position paper, Burton appeared to substantiate the claim that under the Department of Public Safety, fish and wildlife officers are more interested in enforcement than protection.

Like the department, Burton said the "prime mission" of the division is law enforcement and regulation and should not be moved.

Burton's position paper also included the comments of Alaska State Troopers Director J. P. Wellington who reiterated Brooks' acknowledgment of poor control from the top during the previous organization and hinted that things may not have changed.

"Now I'm sure that somebody might say that these situations could all be taken care of within the Department of Fish and Game if the division was transferred back," Wellington said. "And my answer to that would be, 'Why wasn't it done during the first ten years.'"

Wellington said he was aware of criticism of his agency and moves to regain control of protection officers from within the Department of Fish and Game and concluded that "those individuals are probably the ones who were misusing the state equipment, abusing their authority and creating problems for the director of fish and wildlife protection while it was under fish and game."

Asked for comment, Hammond said he had not made up his mind on the issue, but the transfer proposal picked up the support of House Speaker Hugh Malone, D-Kenai.

Hammond said he had questions about "the costs required to make the change and whether this change would really solve problems or if it is more cosmetic in nature."



Alaska State Legislature

House

JUNEAU ALASKA

M E M O R A N D U M

10 March 1977

SUBJECT: Fish & Game Protection
TO: Fellow Legislators
FROM: Alvin Osterback, Representative

I am concerned with the management of the fisheries resource, particularly the fisheries protection program in our State. The Department of Public Safety is handling enforcement from a "cop and robber" viewpoint, rather than from one of protecting and saving the resource. I think these two bills are a step in the right direction towards saving the resource.

As it is now, the Department of Fish and Game makes the regulations, expecting Public Safety to enforce them. Many times this causes discrepancies between regulating and enforcing. The Departments are not coordinating these activities, which are so valuable to saving the resource.

For example, we see the Fish and Game people involved on a daily basis up here in the legislature. They are always here to testify pro or con. Sometimes they do not even come to testify (usually when they have testified on the particular bill at a previous meeting) but the Department

always makes sure there is someone here to answer questions on Fish and Game matters. Many discussions focus around enforcement matters -- and who is our expert advisor? Not the Department of Public Safety, but Fish and Game.

I do see one problem that may arise with this bill. That is whether or not the stream surveillance guards will be allowed to be trained at the Sitka Police Academy. I realize that this is an inhouse problem, so Fish & Game will have to work this out with Public Safety.

I know the fishermen in my district will back me up on this legislation. As a matter of fact, I think fishermen all over the state will support this legislation. I asked Phil Daniels before I drafted this bill about the merits of it. He is here tonight to answer any questions you may have on the fisherman's viewpoint.

Banks hire their own security guards. Likewise, I think with Fish and Game doing their own security work, we'd be buying our insurance to save the resources, since this is the Department's overall concern.

I was concerned about this matter long before the Commissioner of Public Safety gave some testimony before my committee regarding stream surveillance. At that time he said (and I quote) "You wouldn't get me to go out there and stand with a sign on my head saying I'm standing there, not

unless I had a twin 50 caliber machine gun to back me up." Personally, I would expect this way of thinking from a riot squad in Chicago, but never from a typical Alaskan.

I look forward to this legislation accomplishing better management of our fish and game resources. I know it will bring about better coordination between regulations and enforcement.

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Phil Daniels

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Jim Beaton