

ALASKA LEGISLATURE SPECIAL COMMITTEE / SUBJECT FILE 8672

1240 SCOMM 48: HOUSE SPEC. COMMITTEE ON FISHERIES 1985-86

The Division is completing the process of converting seasonal positions to the more highly-trained and cost-effective Fish and Wildlife Enforcement Officers. Qualifications for these positions include law enforcement training and experience.

Another way of stretching resources is to gain public assistance for those offenses which take place in remote areas or with such care that the Division does not ordinarily become aware of them. This principle is behind Division support of Wildlife Safeguard.

Wildlife Safeguard, a program for collecting information about the most serious violations, is working well and is being assisted by the Division.

Wildlife Safeguard offers rewards for reports of major wildlife and fishery resource violations. These rewards are paid when a defendant is charged, and the money comes from public donations. The program is administered by a citizen Board of Directors, with the Division providing a toll-free telephone reporting system and investigating leads furnished by the public.

Activities of the Fish and Wildlife Safeguard program from January 1 to October 31, 1985.

We have logged 91 possible cases from information received on our Zenith 3377 hotline. This is not the total number of calls received. This number represents only those calls where a possible violation was involved. The other calls, which are not logged, are people asking questions on regulations, fishing forecasts, etc.

Wildlife Safeguard telephone calls:

Same day airborne.....	1
Illegal moose.....	23
Illegal bear.....	7
Illegal deer.....	2
Illegal sheep.....	3
Illegal caribou.....	3
Illegal sea otter.....	2
Illegal crab(Commercial fishing).....	4
Illegal salmon(Commercial fishing).....	2
Illegal halibut(Commercial fishing).....	1
Illegal shrimp.....	3
False statement on license or permit.....	9
Motorized vehicle in closed area.....	1
Illegal waterfowl.....	1
Snagging(S/F).....	3

Illegal wolves.....1
Illegal trapping.....1

There are currently 21 cases pending or still being investigated. We have six cases pending review by the state board and under consideration for a reward. So far \$1,000 has been paid out in rewards for 1985 cases.

3. Have Division enforcement efforts been consistent?

Enforcement location, emphasis, and priority must change as required by outside events. These changes are dictated by improvement or decrease of certain species, whether particular populations are in critical need of protection, or where people believe increased enforcement is necessary for their economic well-being.

Personnel permanent and temporary locations are changed, and Division priorities shifted, as the need becomes clear. Management priorities based on information from the Department of Fish & Game are taken into account, as discussed in question 1, above.

The following activity table is derived from individual Trooper activity reports that are completed on a monthly basis.

Statewide Activity Comparison

All figures show percent of patrol or investigation hours worked by field personnel

	FY-81	FY-82	FY-83	FY-84	FY-85
Patrol					
Game	33.4	33.9	30.1	31.7	32.2
Sp.Fish	19.2	16.6	16.5	15.8	16.2
Com.Fish	31.8	35.2	43.1	37.7	37.3
Guiding	2.3	2.5	1.3	2.0	1.6
Investigation					
Game	42.7	36.7	35.2	32.4	37.5
Sp.Fish	3.3	3.4	2.8	3.2	2.5
Com.Fish	25.7	26.4	29.3	22.6	25.9
Guiding	19.7	27.7	16.7	14.7	12.5

Violation Rate Trend

During FY-85 there was a continuation of the upward trend in the violation rate for wildlife and fishery offenses. The violation rate was 27% higher in FY-85 than in FY-81 (9.8% vs. 7.7%). This rate is the percentage of people contacted who were found to be in violation and either warned or cited.

The significance of this upward trend is that it has continued every year since 1981. The figures are based on approximately 260,000 people contacted in the field, and account for more than 23,000 citations and warnings.

Although some of the increase may have resulted from improved performance by the Division or changes in reporting guidelines, it appears that there may be an actual increase in the violation rate. The violation rate can be considered as a "crime rate" figure for wildlife violations. Since so many wildlife violations are not discovered or reported by citizens, it could be misleading simply to use reported violations as with other types of crimes.

During the same years the number of resource user contacts has ranged from 61,000 to 48,000 per year. The number of violations has varied within a range of 3,700 to 5,600 per year. The violation rate, unlike total contacts or violations, has not gone down in any year when compared to the previous year.

Please refer to the graph of the violation rate increase in the appendix.

4. Have Division personnel been adequately trained to deal with complex enforcement issues?

Many cases handled by Division Troopers involve judgment about legal evidence, probable cause, search and seizure, laws of arrest, criminal procedure in general, and civil procedure.

Potentially expensive lawsuits can result from errors in any of these areas.

At least as important is that Alaska courts hold Fish & Wildlife Protection to higher standards of evidence and procedure than other courts in other states. If our law enforcement procedures are not at

least as good as in many major criminal cases, the prosecution will fail.

In numerous other states, conservation officers are not held to the same standards in search and seizure, or in interviewing suspects. A lower burden of care is considered to be appropriate because the penalties in many cases are lower, convicted defendants' livelihood is not affected, and the wildlife and fisheries do not constitute a major industry as well as providing recreation.

Specialized knowledge about wildlife and fisheries enforcement is necessary for the Division. Additionally, because Division troopers may be the only law enforcement officer for many miles, some general criminal background is necessary. This background is not just to enable criminal prosecutions, but for protection of the Trooper, who, because of his uniform, vehicle, badge, and gun becomes a threat to wanted criminals.

Current training for new State Troopers includes criminal and civil procedures at the Academy in Sitka, and also includes two and one-half weeks of specialized wildlife and fisheries instruction. Special training modules have been constructed by the Academy staff, and these are used during on-the-job training of troopers transferring to Fish & Wildlife Protection.

- ✓ Because specialized resource protection training is now given to all potential Troopers, more actual trooper-hours of training in these techniques is being given than in past years.

Division personnel assist in the training of troopers from AST to better enable them to handle resource violation cases.

The particular trooper mentioned in this excerpt transferred to the Division from the Alaska State Troopers. He will receive specialized training in Fish & Wildlife Protection duties most appropriate for his area.

Commissioner's Monthly Highlight Report 2/4/85:

"E" Detachment - Kodiak:

The Sand Point FWP Trooper spent several days on the P/V Woldstad learning investigative procedures and receiving instruction on crab cases. He is finally occupying new office space shared with the AST Trooper in Sand Point. Included is a new jail facility that exceeds all federal requirements. This finally eliminates FWP's promise to the people of Sand Point to provide a full enforcement officer in their region and has been received with very positive results.

5. What were the results of the increased enforcement efforts in the Bristol Bay fishery?

There was lot of public interest in Bristol Bay this summer. I responded by bringing in more Troopers. Judging from public comment received in the Bay area, the expanded program was quite successful.

The Bristol Bay Native Association sent survey questionnaires to all salmon gillnet permit holders for Bristol Bay. There were 800 responses to the survey questionnaire. Funding for the survey was from the state.

Of the approximately 800 people who replied, 88% said that fish and wildlife enforcement people were "everywhere" or "sometimes around". 78% said that enforcement was better than last year. 57% of the respondents thought more enforcement was needed, versus 43% who did not.

Please check the appendix for a copy of survey results less comments, as the comments consist of numerous additional pages.

Our effort in Bristol Bay involved the following personnel and equipment:

1 Captain; 2 Lieutenants; 2 First Sergeants; 2 Sergeants;
1 Corporal; 15 Troopers; 6 seasonals; 4 civilian employees;

P/V Vigilant (100 foot vessel); P/V Trooper (65 foot vessel);
P.S.#1; Compliance; 2 Whalers; 6 skiffs;

1 Grumman Goose (twin engine amphibious aircraft; 2 Cessnas;
2 Supercubs.

This increased attention resulted in an approximate cost of \$491,000. This is an additional cost of about \$180,000 compared with enforcement efforts in 1984.

For additional details on cost data please see the Bristol Bay section in the appendix.

6. What are the total budget and personnel amounts for the Division for the past ten years?

Please see the appendix for the detailed tables of budget actual expenditures and personnel levels.

7. What revenues do Division enforcement efforts bring into the state treasury, including confiscated fish, gear and vessels?

Please see the table of total and net fines in the appendix for revenue from that source. The table does not include the frequently large civil settlements mentioned elsewhere in this report.

The Division does not keep a summary of all seizures of vessels, aircraft, fish and game, or fishing and hunting gear. Details of seizures are filed with the cases individually, and to assemble a complete list for a ten year period would require hand searching of thousands of cases, currently filed in Juneau.

Since a summary of seizures is not available, several excerpts are provided here from the Commissioner's Monthly Highlight Reports. Copies of press releases concerning some of the major cases are also in the appendix.

Commissioner's Monthly Highlight Report 6/3/85:

"E" Detachment - Kodiak:

Detachment personnel working the Togiak herring fishery cited twelve individuals and issued fourteen written warnings for commercial herring fishing violations. Approximately 58 tons of herring were seized along with two gill nets and a purse seine relating to the subject arrests.

Commissioner's Monthly Highlight Report 6/3/85:

"B" Detachment - Juneau:

Of major significance during May was the arrest of a non-resident hunter charged with 32 counts of various big game hunting violations including counts of illegally taking black bear. The violations took place near Petersburg over a two week period. The defendant pled guilty and was given a net sentence of \$6,600 fine, 400 days in jail, license privileges revoked for ten years and his rifle forfeited. Investigation by FWP revealed that the non-resident had hunted illegally

• Reply to Representative Golt: Detailed answers to questions

In Alaska the past six to seven years and commercialized his trophies through his taxidermy business.

Commissioner's Monthly Highlight Report 2/4/85:

"E" Detachment - Kodiak:

During this past month another commercial fishing vessel was forfeited to the state as a result of charges being filed against the fishermen during August of 1984. Estimated value of the vessel has been placed at \$15,000.

Commissioner's Monthly Highlight Report 10/2/84:

"E" Detachment - Kodiak:

The F/V Alaska Coast, a 110 foot crab vessel was forfeited to the state on 9/10/84, resulting from a closed waters violation filed in May 1983.

Commissioner's Monthly Highlight Report 8/3/84:

"B" Detachment - Juneau:

Ketchikan FWP seized an American troll vessel near Cape Muson when, after a routine boarding, found that the fishermen did not possess a valid CFEC permit. In fact the defendant admitted to using another's permit for the past two years. Fifty king salmon were also seized at the time. The 31' vessel is valued at approximately \$35,000. Several complaints have been received of Canadian fishing vessels fishing in Alaskan waters. FWP has been patrolling the area with the Grumman aircraft and 38' P/V Stenella.

Commissioner's Monthly Highlight Report 6/1/83:

"E" Detachment - Kodiak:

On April 29, the Fishing Vessel Vitus Bering was seized in Dutch Harbor following a lengthy investigation by FWP Officers in Dutch Harbor and the Kodiak FWP investigator. The investigation revealed that the vessel (with a current replacement value of three million dollars) was used to take king crab after 1982 season closures in the Bering Sea. The majority of the product was purchased and processed by a floating processor. Following the seizure the vessel was crewed by members of the P/V Vigilant and escorted by the P/V Woldstad to Kodiak. Litigation negotiations are continuing between the Attorney General's Office and the vessel owners for its release. The State is asking for a \$340,000 settlement.



ALASKA STATE LEGISLATURE
HOUSE OF REPRESENTATIVES
RESEARCH AGENCY

Pouch Y, State Capitol
Juneau, Alaska 99811
(907) 465-3991

February 21, 1986

MEMORANDUM

TO: Representative Andre Marrou

FROM: Nancy Pease *Nancy Pease*
Legislative Analyst

RE: Volunteer Wildlife Enforcement Agents
Research Request 86-106

At your request, we are providing information on Montana's program for commissioning volunteers as wildlife enforcement agents.

*Pin Young/Jaw
465-2814* → As you know from your conversation with a former Montana resident, Montana apparently had a program thirty years ago to train volunteers from the community as plainclothes fish and game enforcement agents. Elmer Davis, a 22-year employee of the Enforcement Division of Montana's Fish, Wildlife & Parks Department (MFWP), was unable to recall this program. Mr. Davis stated that, at one time, forest rangers were deputized as game wardens. From the mid-1960s to the present, Montana has trained volunteers who are nonenforcement employees of the Fish, Wildlife and Parks Department as ex officio game wardens.¹

Volunteers for Montana's ex officio warden program must complete one week of intensive training, which the MFWP conducts once each year either at Montana's police academy or at a camp. The training program is led by fish and game wardens and by representatives of the legal system, usually including an attorney general, a state prosecutor and a judge. The program covers legalities and physical procedure for wildlife law enforcement, including:

- fish and wildlife laws;
- officer liability;
- court decisions;

¹Until recently, all biologists with the Alaska Department of Fish and Game (ADFG) were deputized as fish and wildlife protection officers. Since a change in job classifications three years ago, ADFG biologists must opt to receive training for law enforcement.

- search and seizure;
- arrest;
- writing of citations;
- legal preparation of court cases; and
- mock violations, mock arrests and mock trials.

Upon completion of the training program, the ex officio wardens are given peace officer status. The ex officio wardens are not issued wardens' uniforms; they are issued badges. Ex officio wardens who wear the standard field uniform for all Montana's Fish, Wildlife and Parks personnel create a visible law enforcement presence in the field. Some of the most successful ex officio wardens are issued two-way radios. Ex officio wardens are neither encouraged nor discouraged to carry firearms. If they wish to carry firearms, they must qualify quarterly by passing the regular wardens' firearms handling exam.

Most ex officio wardens are field personnel, such as game biologists. However, Mr. Davis states that Montana Fish, Wildlife & Parks management and office staff also volunteer as ex officio wardens and are accepted for training whenever space in the training program allows. Members of the general public are not trained as ex officio wardens.

According to Mr. Davis, the ex officio wardens do not catch a large number of fish and game law violators. However, their visibility and presence in the field may be an important deterrent to potential violators. Mr. Davis states that, in addition to preventing fish and wildlife violations, the program has unified the research/management and law enforcement branches of the Fish, Wildlife and Parks Department by giving field researchers and office staff an appreciation for the difficulties of law enforcement. However, the program has evoked some management complaints that ex officio wardens divert too much time to enforcement in lieu of their regular duties.

You also asked if other states use volunteers for fish and game law enforcement. As of 1984, twenty states had commissioned a total of 1,243 volunteers to assist with enforcing game violations. According to Gordon Robertson of the International Association of Fish & Wildlife Agencies, the powers and responsibilities delegated to these volunteers varies from state to state. At your request, we will provide details on volunteer warden programs in other states.

I hope this information is helpful.

NP

STATE OF ALASKA

DEPARTMENT OF PUBLIC SAFETY

OFFICE OF THE COMMISSIONER

BILL SHEFFIELD, GOVERNOR

POUCH N
JUNEAU, ALASKA 99811
PHONE: 465-4322

February 26, 1986

The Honorable Ronald Larson
Alaska State Legislature
P.O. Box V
Juneau, Alaska 99811

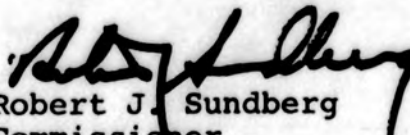
Dear Representative Larson:

Attached, is a vessel analysis prepared by the Division of Fish and Wildlife Protection. This analysis was prepared as partial response to the Division of Legislative Audit Special Report on Marine Enforcement.

The issues discussed in this analysis should assist in your understanding of vessel operations.

A copy of this analysis has also been provided to your counterpart in the Senate, and to the assigned fiscal analyst.

Sincerely,


Robert J. Sundberg
Commissioner

Attachments

cc: Tom Maher, Fiscal Analyst
Finance Sub-Committee/Chairman

Jan 21/86

Fish & Wildlife Protection
Vessel Analysis

Colonel Robert M. Henderson

Director

January 23, 1986

ANALYSIS OF ALTERNATIVES
PATROL VESSELS VIGILANT AND WOLDSTAD

Alternative/action affecting both vessels - see also legislative intent

An analysis of the crew requirements for the P/V Woldstad and P/V Vigilant indicated that some of the commissioned personnel time could be productively used in other Division tasks during certain periods. In response to this finding, and pursuant to the agreement to implement immediately any short-run improvements, crew assignments for these two vessels have been changed already.

The specific changes and analysis are detailed below.

(* denotes commissioned personnel)

P/V Woldstad:

<u>(Prior to April 1, 1985)</u>		<u>(After April 1, 1985)</u>	
*Captain	PCN 12-3107	*Captain	PCN 12-3107
*Sergeant	PCN 12-3025	Engineer	PCN 12-3159
*Trooper	PCN 12-3130	Asst. Bt. Ofc.	PCN 12-3156
Engineer	PCN 12-3159	Asst. Bt. Ofc.	PCN 12-3155
Asst. Bt. Ofc.	PCN 12-3156		
Asst. Bt. Ofc.	PCN 12-3155		

P/V Vigilant:

<u>(Prior to April 1, 1985)</u>		<u>(After April 1, 1985)</u>	
*Lieutenant	PCN 12-3157	Engineer	PCN 12-3113
*Sergeant	PCN 12-3108	Asst. Bt. Ofc.	PCN 12-3133
*Trooper	PCN 12-3109	Asst. Bt. Ofc.	PCN 12-3110
Engineer	PCN 12-3113		
Asst. Bt. Ofc.	PCN 12-3133		
Asst. Bt. Ofc.	PCN 12-3110		

The troopers pulled off these vessels were assigned other law enforcement supervisory and patrol duties based on shore, and a rotation system was established to include these personnel and other shore-based personnel on an "as needed" basis to man the vessels when they depart for enforcement patrol duty.

The retention of the vessels' skippers as commissioned personnel by reason of practicality, cost effectiveness, and efficiency was necessary and remains so.

The primary use of these vessels is for the enforcement of state laws and regulations. It is reasonable and necessary to expect that the individual in charge be an experienced law enforcement officer with a rank commensurate with those responsibilities inherent with supervision of personnel, decision of patrol needs, safety of crew, and responsibilities for high value equipment.

It is fortunate that the Marine Section has evolved sufficiently that we have qualified, ranking officers with extensive law enforcement experience. These officers are trained, experienced seamen and skippers and are respected by the fishing industry.

The replacement of these men by non-commissioned skippers would only require duplication in the wheelhouse. An additional commissioned officer would be needed for those incidents requiring enforcement decisions, regulation interpretation, patrol techniques, proper search and rescue decisions compatible with Department procedures, and to serve as a more knowledgeable witness for court testimony regarding violations. In addition, it is likely that civilian skippers would be taken into the Inland Boatmen's Union similar to State Ferry skippers. This would then require two skippers for each vessel due to the contract requiring 3 months on - 3 months off for each individual. This would result in an increased expenditure for more salary and benefits costs.

There are no positions other than the Engineers and deck hands (Asst. Boat Officers) which could be better filled by civilians. All other positions for sea duty patrol require law enforcement experience.

ALTERNATIVE TO THE USE OF THE P/V VIGILANT

Replace P/V Vigilant with two power scows and a 51 foot patrol vessel

The P/V Vigilant, at its currently budgeted usage of 70 sea days per year, can be functionally replaced by two scows permanently stationed in Bristol Bay, and a 51 foot Delta Marine vessel stationed in Sand Point.

There are two advantages to replacement of the P/V Vigilant.

1. Patrol advantages to alternate utilization of power scows in place of the P/V Vigilant for Bristol Bay

- a. The ability to carry four (4) patrol skiffs per scow versus the total of two (2) now carried by the Vigilant.
- b. The ability to retrieve and launch skiffs for patrol would be enhanced. Due to the Vigilant's design, skiffs cannot now be launched in rough water.
- c. Due to deck space each scow would have the ability to handle and store more shackles of fishing gear. The kind and number of violations in Bristol Bay normally require the seizure of large amounts of gear.
- d. Scows will be more efficient for search and rescue work due to shallow water capabilities. Much of this work takes place close to shore.
- e. Ability to power directly into shore and off-load seized nets during low tide. Currently, the Vigilant must wait for room at the City dock or a cannery dock for off-loading. This offloading necessarily occurs during the fishing periods when our patrol efforts should be on the fishing grounds.
- f. Shallow draft would allow safe entry into rivers at Nushagak, Kvichak, Naknek, Egigik, Ugashik, and Port Moller. The power scows can be allowed to go dry in protected waters or during good weather, meaning enforcement efforts would be less restricted by local tide conditions.

2. Lower yearly operating cost for the two power scows and 51 foot vesselComparison of operating costs, P/V Vigilant vs. Power Scows

The replacement of the P/V Vigilant by two scows located in Bristol Bay and replacement of the P/V Compliance at Sand Point by a 51' Delta Marine will effect an estimated annual operating budget savings of \$97,390, a biannual capital budget savings of \$90,000.

The cost comparison is based on current projections of 70 sea days for the Vigilant and a projected 2.5 months of operations for each of the scows. Costs for the Vigilant and projections for the Scows and the Delta Marine are taken from FY86 budget projections, except for Risk Management charges, which are taken from the significantly higher FY87 assessment. Costs are for crew and operating costs and do not include enforcement personnel.

The Compliance and Delta Marine are assumed to have comparable costs, except for increased diesel and maintenance requirements for the Delta Marine.

Other assumptions are listed under the respective budget categories, below.

		<u>Vigilant</u>	<u>Pwr. Scows</u>
<u>Pers Svs</u>	Vigilant: Skipper, 30% annual base & ben.; Engineer & 2 Asst. Boat Officers, annual salaries. Scows: 2 Skippers (Sgts), 21% annual base w/benefits; 2 Engineers & 2 A.B.O.'s (seasonals), 4 months, each. Delta Marine: same crew and sea days as Compliance.	210,283	196,543
<u>Travel</u>	Includes operations & admin, travel & per diem.	6,000	6,900
<u>Othr Svs</u>	Note: Major Maintenance is discussed below, under Capital Bdgt. Communications, Space & Utilities Minor Repairs, includes electronics Insurance and other services charges	20,300 11,000 25,450	8,000 4,000 18,500
<u>Supplies</u>	Food Diesel and lubricants Parts & Supplies Misc.	8,000 32,500 8,000 11,200	9,000 11,600 1,000 500
<u>Eqpmnt</u>	Repair & replacement items over \$500	21,700	1,000
Total one-year operating budget costs:		<u>\$54,433</u>	<u>\$257,043</u>

Capital Biannual major maintenance and repairs for major vessels has been projected at \$90,000 each. This is a cost figure averaged from several years of yard work. It would not necessarily be the cost for any random two year period. The scows are not projected to require regular major maintenance.

Other The hull valuation of the Vigilant is currently \$1,000,000 for Risk Management purposes. For this analysis the sale (surplus) value of the Vigilant is assumed to be at the full hull valuation. Surplus of the Compliance is expected to result in \$25,000 of income to the state. Purchase of both power scows is expected to cost \$850,000, and the 51' Delta Marine, \$572,400.

ALTERNATIVES TO THE USE OF THE P/V WOLDSTAD

Alternative 1 -

Use of power scows to patrol the 30 day herring fishery at Togiak

The use of the power scows for patrol of the Togiak herring fishery in Bristol Bay involve the same advantages described for the salmon fishery (see P/V Vigilant alternative, page 3).

An additional advantage is the release of the PV Woldstad for that 30 day period. The Woldstad could thus be used to patrol the crab fishery in the Adak area and closures of the crab fishery not previously worked, which are marine areas for which the Woldstad is particularly suited.

who thought of idea of power scows? experience

Alternative 2 -**Use large aircraft instead of the vessel for crab patrol**

The closest comparison to our operation is the United States Coast Guard, since they are also charged with fisheries enforcement in waters off Alaska. They use long range Lockheed C-130 aircraft, which have four turbine engines for safety, and which cost approximately \$15,000,000 each.

Using an aircraft of shorter range, lower speed, or lacking the sophisticated instrument flying equipment that these aircraft have, would severely limit the ability to patrol on days when weather is marginal. Because weather frequently is bad either at the aircraft base location, or at the intended patrol area, patrol would be quite sporadic.

The C-130 aircraft are used for patrols in the Westward area waters, and are based in Kodiak. Patrols frequently last nine hours. During heavy fishing periods, at least two of these aircraft would be in use most of the week. The charter, or "market" cost to operate this aircraft is approximately \$3600 per hour, or \$32,400 for a normal patrol day.

The cost for only two aircraft, operated only 100 days per year each, would be approximately \$6,480,000, exclusive of the cost of any commissioned personnel or observers from Fish and Wildlife Protection. This amount exceeds the FY 86 operating budget request for both the Marine Enforcement Section and the Aircraft section. Both of these sections are, under current conditions, supporting many functions in addition to commercial fisheries patrol in the Westward area.

Fish and Wildlife Protection uses aircraft with the vessels, where the aircraft can efficiently and safely be used for surveillance or spotting of vessels and gear.

Fish and Wildlife Protection does not believe that the necessary patrol work could be done with aircraft alone to save the cost of the vessels.

It is true that we use aircraft to aid in fisheries patrol. However, there are problems with the use of aircraft without an accompanying vessel. It is necessary to be able to identify the fishermen on the boat to be able to charge someone in court successfully. From the air, that is nearly impossible. Sometimes that can be accomplished at a later time through investigation, but it is more practical and cost-effective to be able to call in a vessel to board the violating fishing boat, establish identities, and take statements.

In the shellfish fisheries, a vessel is a necessity. All the airplane can do is perhaps identify the numbers on buoys and identify vessels at sea. They have no way of establishing what is on the other end of the line below the buoy, or what the vessel is doing. Essential shellfish patrol activities include pulling pots and boarding vessels.

Aircraft are also too dependent on good weather. If our enforcement work depended solely on aircraft, there would be no enforcement presence whenever the weather was foggy, windy, or unflyable for any other reason. Needless to say, this is a frequent state of the weather in fishing areas. Strict reliance on aircraft would render an enforcement program meaningless.

Alternative 3 -

Use aircraft with the vessel for crab patrol -

It is both practical and desirable to use aircraft to supplement and enhance the patrol capabilities of the P/V Woldstad. At the present time Division aircraft are not completely suitable for this mission, but there is a plan which may result in a turbine-powered twin being available for longer range and offshore patrol duty.

Because of its speed and higher vantage point compared with a vessel, the right aircraft could be of considerable assistance in locating vessels and/or fishing gear.

Current Division aircraft lack carrying capacity, de-icing equipment, and power reserve for making patrols more effective, and at the same time, safer for enforcement personnel.

Alternative 4 -**Charter or lease similar size and type of vessel**

The suggestion of leasing vessels for all patrol functions has many drawbacks. One is that operating costs for the P/V Woldstad are less than charter costs for a similar but less specialized vessel.

Comparison of costs, P/V Woldstad vs. lease

Fish and Wildlife Protection obtained prices from Kodiak vessel owners to lease one of their vessels for patrol. Prices listed were quoted in 1985.

100' vessel: \$2000 to 2500 per day, plus fuel (500 to 800 gals. per day).

120' vessel: \$4800 per day plus fuel.

Fuel cost is approximately \$1.00 per gallon.

These prices include a crew of 4 (Captain, Engineer, and two Asst. Boat Officers). The cost of enforcement personnel required to be on board during all patrol periods is not included.

Actual operating expenses for the P/V Woldstad during Fiscal Year 1985 totaled \$456,667.

Salaries used as the basis for this figure include four personnel, to make comparison with the above figures meaningful. One Captain, as currently assigned, is considered at 70% of his salary, since he has duties in addition to direct day-to-day operation of the vessel. Personnel costs for two Asst. Boat Officers and one Engineer are included, also in comparison with the above charter crew.

Based on actual vessel operating patrol days (175 during FY-85), the cost averages only \$2,610 per day.

This total does not include any appreciable outlay for maintenance, since major maintenance is required only once in each two year period and was deferred during FY-85. Estimated expenditures could add approximately \$520 per day for repair and replacement, including parts, supplies and equipment.

This would total \$3,130 per day for the expected longer term operating cost for the P/V Woldstad.

Additional considerations

Enforcement programs would be difficult to adjust within the season because state procedures require that these vessel needs be put to bid. If we bid for a vessel between certain dates, we would have the vessel for those dates. Many of the season openings and closings are made by emergency order,

with only several hours or days notice. Because of this lack of notice, we might have to pay for a vessel we don't need, or be unable to obtain one in time.

Another aspect of own vs. lease should be addressed. During the present slow crab fishing period in the Westward area, suitable and safe vessels may be available for lease. But during better fishing times it is less likely that the Department would be able to lease an acceptable safe vessel. If such a vessel were available it probably would not be for the lease figures quoted above, but would be available only at a premium during a time of peak demand.

Connected with the own vs. lease comparison is the time lag that is inevitable if this program is re-directed. It is faster to covert from owning to leasing than the reverse. If vessels were not available to lease, or became too expensive to lease, the process of obtaining vessels, modifying them, or having them built involves significant additional delay in the normally lengthy process of obtaining funding. If this occurred, the fisheries would be unprotected during a period when no suitable vessels were available.

When a need arises for a search and rescue, there is no time to begin looking for a vessel and crew that are sea-worthy, available, and ready to go. There would be occasions every year when a search and rescue would not be launched because of the unavailability of a ready vessel.

If we did not have our vessels and we could not lease a vessel either because of lack of funds or lack of an available vessel, there could be unpredictable effects on the resource and on the fishermen. A few individual fishermen who have no respect for the law could get all the fish, or irreversible damage to the resource could occur. Some fishery populations are very susceptible to being wiped out.

Alternative 5 -**Charter or lease different size or type of vessel**

The P/V Woldstad is a specially-designed law enforcement patrol vessel which was built to our specifications by the low bidder; similarities to a crabber are primarily the ability to pick and stack crab pots. The P/V Woldstad is a very economical vessel to own and operate for its size. (See figures under alternative 3, page 10)

It operates very efficiently at speeds from 7 to 15 knots due to its CPP system. It can respond to emergencies completely beyond the range of smaller vessels, or those built for a different purpose.

Other vessels offered to the State have been completely inadequate replacements for the P/V Woldstad.

They are not equal to the P/V Woldstad in sea-keeping ability, and would require at least the following capabilities (added cost unknown) for use in existing and future fisheries:

- a. Equipment to pick commercial fishing gear efficiently and store for duration of patrol -- i.e., shellfish pots, gillnets, purse seines, and long lines for inspection and seizure;
 1. Ability to pick king crab pots at the rate of 12 per hour -- P/V Woldstad can pick 15 to 20.
 2. Ability to carry 80 7'x7' crab pots.
- b. Equipment to efficiently launch and retrieve patrol skiffs;
- c. Ability to transport skiffs to 25' on deck, transport 32' seasonal endurance vessels, and 24' moving vans;
- c. Search and rescue capability;
- d. Firefighting capability;

Additional factors that must be taken into account for maximum effectiveness

- o Maximum range.
- o Insulation for winter use.
- o Ability to provide adequate berthing, mess, and accommodations for 4 to 9 additional people for periods up to 60 days.

- o Ability to handle icing conditions--this element of design and use has been a major factor in the loss of vessels in North Pacific waters in recent years.
- o Sophisticated communications and navigational equipment--this has proven important in search and rescue, in vessel and crew safety, and in carrying out the assigned fishery missions.
- o Towing equipment and ability.
- o To insure the safety of our personnel and limit our liability, these vessels would have to be U.S. Coast Guard licensed to carry passengers for hire upon all waters of Alaska up to 200 miles offshore and the Master, Mate, and Engineer would have to be similarly licensed.

Alternative 6 -**Amend regulations to allow placement of observers aboard crab vessels**

The Division of Fish and Wildlife Protection strongly supports the current program of observers on catcher-processor vessels. The Division was recently instrumental in making sure that an additional \$100,000 resulting from a fisheries case was made available for use in the observer program. ? few

This alternative considers the additional step of requiring or allowing observers on board all other crab fishing vessels.

Fish and Wildlife Protection does not consider an observer program to be a good replacement strategy for the P/V Woldstad. There would probably be considerable industry resistance to the program. Some objections might center on the lack of crew space on an average fishing vessel. This is not as much of a consideration on the catcher-processors (where an observer program is allowed by current regulations). Catcher-processors have quarters and eating facilities for many more people, and the addition of one does not take 10% to 20% of their total crew space.

Cost factor for observers**Assumptions:**

The observer is a Fisheries Technician III.

This observer is employed for a total of approximately three months (90 days).

Average cost per day includes benefits and sea pay.

All food and sleeping space is at industry expense (no per diem or meal allowance to be paid to observers).

Cost per day = \$187.22

Cost per day for observers aboard ten vessels = \$1872

Cost per vessel monitored = \$16,849

As many as 350 vessels may be participating in the fishery at any given time. Observers aboard only ten vessels would probably have a negligible enforcement or preventive effect. If all these vessels, or even one-third, were to have observers aboard, the cost would be much higher than current expenses for the P/V Woldstad, and with an undetermined benefit.

Considering both cost and potential benefits, this type of program is not an effective enforcement alternative to the P/V Woldstad.

Alternative 7 -

Regulation change preventing storage in closed areas during closed seasons

This alternative would allow aircraft patrol of the closed areas. Without use of a large patrol vessel, no proof could be attempted that buoys had crab pots (or illegally fishing crab pots) attached. The regulation would have to forbid deployment of unmarked buoys, and the deployment of marked buoys of the type used commonly on crab gear.

A regulation change would not totally relieve the need for a large patrol vessel. If buoys were observed, or if pots were actually fishing in violation, a vessel would still be required to pick up the buoys or pots.

Alternative 8 -

Federal enforcement of fisheries outside the three-mile limit

It should be recognized that the "three-mile" limit includes waters more than three miles from land, since the limit is defined by lines that go from headland to headland. On a deeply indented coastline, this includes large bodies of water.

This alternative would require the same use of a vessel within closer coastal areas for Alaska fishing. The vessel would be required to be able to travel in bad weather, and to go to any area needed at almost any time fishing was possible. The ability to pull pots and stay on the fishing grounds in bad weather would still be required.

ATTACHMENT NUMBER FOUR

ONE-MAN TROOPER POSTS

MEMORANDUM

State of Alaska

TO: The Honorable Peter Goll
Alaska State Legislature

DATE: February 21, 1986

FILE NO:

FROM: *RS.*
Robert J. Sundberg
Commissioner
Department of Public Safety

TELEPHONE NO: 465-4322

SUBJECT: One-Man Trooper
Posts

The following locations are manned by one State Trooper, either assigned to the Division of Alaska State Troopers or the Division of Fish and Wildlife Protection.

Some of these Posts are augmented by temporary assignments, depending on the workload. As an example, during commercial fisheries, there could be numerous Troopers assigned to Dutch Harbor.

AST

Girdwood
Crown Point
Cooper Landing
Tyonek
St. Paul Island
St. Mary's
Noorvik
Healy
7 Mile Camp
Fort Yukon
Barrow
Harding Lake
Deadhorse

FWP

Dutch Harbor
Bettles
Coldfoot
Wrangell
Hoonah
Sand Point
Unalakleet
McGrath

✓ All Troopers are required by statute to enforce criminal laws, (AS 18.65.080), Fish and Game laws and regulations (AS 16.05.150), and traffic laws and regulations. In addition, commissioned officers of the Department of Public Safety are peace officers with statewide jurisdiction. They are certified by the Alaska Police Standards Council and must meet minimum standards that have been established. All Troopers are recognized as police officers and are participants in special retirement and benefit programs established by the State.

The Department of Public Safety recognizes its responsibility to enforce laws and regulations of the State relating to wildlife resources as well as the enforcement of criminal laws. The Department is fulfilling its mission.

ATTACHMENT NUMBER TWO

DIVISION OF FISH AND WILDLIFE PROTECTION BUDGETS
AND PERSONNEL FY76 TO FY86

**FISH AND WILDLIFE PROTECTION
BUDGET AND PERSONNEL INFORMATION
FY 77 - FY 86**

	FY 86	FY 85	FY 84	FY 83	FY 82	FY 81
	<u>AUTHORIZED</u>	<u>ACTUAL</u>	<u>ACTUAL</u>	<u>ACTUAL</u>	<u>ACTUAL</u>	<u>ACTUAL</u>
ENFORCEMENT	9824.8	9099.4	8955.9	8943.2	8523.1	7005.1
DIRECTOR'S OFFICE	271.6	268.8	761.9	694.7	822.9	753.6
AIRCRAFT	870.4	997.3	942.6	1035.4	1065.8	952.5
WATERCRAFT ENFORCEMENT	2445.2	3033.4	2710.0	2869.3	2122.3	1944.2
Totals	13412.0	13398.9	133704.4	13542.6	12534.1	10655.4
*) TOTAL INCOME from fish seized and given processor by Dept. deposited of AV'd to GF	N/A	\$51.6	40.1	\$24.0	\$129.8	\$139.8

*) PERSONNEL BY COMPONENT: AUTHORIZED POSITIONS (AU) - PERMANENT FULL- TIME POSITIONS (PF) - PERMANENT PART-TIME POSITIONS (PP)

	<u>AUTHORIZED</u>			<u>ACTUAL</u>			<u>AUTHORIZED</u>			<u>ACTUAL</u>			<u>AUTHORIZED</u>			<u>ACTUAL</u>			<u>AUTHORIZED</u>			<u>ACTUAL</u>			<u>AUTHORIZED</u>			<u>ACTUAL</u>			<u>AUTHORIZED</u>			<u>ACTUAL</u>		
	AU	PF	PP	AU	PF	PP	AU	PF	PP	AU	PF	PP	AU	PF	PP	AU	PF	PP	AU	PF	PP	AU	PF	PP	AU	PF	PP	AU	PF	PP	AU	PF	PP	AU	PF	PP
ENFORCEMENT	147	111	36				145	110	35	145	110	35	157	107	50	145	107	38	156	106	50	156	106	50	156	106	50	156	106	50	143	93	50	143	93	50
DIRECTOR'S OFFICE	4	4	0				4	4	0	4	4	0	11	11	0	11	11	0	12	12	0	12	12	0	12	12	0	12	12	0	11	11	0	11	11	0
AIRCRAFT	6	6	0				12	11	1	10	10	0	12	11	1	11	10	1	12	11	1	12	11	1	12	11	1	12	11	1	12	11	1	12	11	1
WATERCRAFT ENFORCEMENT	18	18	0				23	21	2	23	21	2	23	21	2	24	22	2	24	22	2	24	22	2	24	22	2	24	22	2	19	17	2	19	17	2

*) (4)

BY MONTH, FISCAL YEAR: FILLED AND VACANT COMMISSIONED OFFICERS ONLY

	<u>Filled</u>	<u>Vacant</u>	<u>Filled</u>	<u>Vacant</u>	<u>Filled</u>	<u>Vacant</u>	<u>Filled</u>	<u>Vacant</u>	<u>Filled</u>	<u>Vacant</u>	<u>Filled</u>	<u>Vacant</u>	<u>Filled</u>	<u>Vacant</u>	<u>Filled</u>	<u>Vacant</u>
July	102	7	102	10	104	12	108	8	100	3	97	0				
August	102	7	105	6	106	10	107	9	99	16	100	1				
September	102	7	104	7	106	10	107	9	100	15	-	-				
October	101	8	104	7	106	10	106	10	100	15	100	6				
November	101	8	104	7	106	10	106	10	108	7	102	5				
December			104	7	105	10	106	8	108	11	101	6				
January			103	8	106	9	105	10	108	11	97	6				
February			103	8	106	9	104	11	107	12	101	6				
March			102	9	105	10	104	11	107	12	-	-				
April			102	9	105	10	108	7	112	7	105	4				
May			102	9	106	9	106	9	109	10	105	4				
June			102	7	102	10	104	12	110	6						

	FY 80	FY 79	FY 78	FY 77	FY 76
(1)	<u>ACTUAL</u>	<u>ACTUAL</u>	<u>ACTUAL</u>	<u>ACTUAL</u>	<u>ACTUAL</u>
ENFORCEMENT	5063.6	5384.8	4557.8	3607.6	3336.2
DIRECTOR'S OFFICE	695.5	560.4	603.9	466.0	482.8
AIRCRAFT	831.1	805.9	700.9	617.8	501.4
MARINE ENFORCEMENT	1581.9	1123.9	903.2	489.9	766.9
Totals	8172.1	7875.0	6765.8	5181.3	5087.3
(2) TOTAL INCOME from fish seized and given to processor by Dept. Deposited or AV'd to GF	\$14.4	N/A	N/A	N/A	N/A

(1) PERSONNEL BY COMPONENT: AUTHORIZED POSITIONS (AU) - PERMANENT FULL- TIME POSITIONS (PF) - PERMANENT PART-TIME POSITIONS (PP)

	<u>AUTHORIZED</u>			<u>ACTUAL</u>			<u>AUTHORIZED</u>			<u>ACTUAL</u>			<u>AUTHORIZED</u>			<u>ACTUAL</u>			<u>AUTHORIZED</u>			<u>ACTUAL</u>		
	AU	PF	PP	AU	PF	PP	AU	PF	PP	AU	PF	PP	AU	PF	PP	AU	PF	PP	AU	PF	PP	AU	PF	PP
ENFORCEMENT	111	87	[24]	*142	88	54	111	87	[24]	111	88	[23]	100	86	[14]	100	86	[14]	72	72	0	72	72	0
DIRECTOR'S OFFICE	12	12	0	12	12	0	11	11	0	12	12	0	14	14	0	14	14	0	14	14	0	14	14	0
AIRCRAFT	11	10	[1]	11	10	[1]	11	10	[1]	11	10	[1]	11	10	[1]	11	10	[1]	9.3	8	[1.3]	9.3	8	[1.3]
MARINE ENFORCEMENT	17	17	[3]	19	17	1+1	20	17	[3]	20	17	[3]	13.8	13	[.8]	13.8	13	[.8]	14	14	0	14	14	0

*[] designate "temporary", rather than permanent part-time positions

(3) (4) BY MONTH, FISCAL YEAR: FILLED AND VACANT COMMISSIONED OFFICERS ONLY

	<u>Filled</u>	<u>Vacant</u>	<u>Filled</u>	<u>Vacant</u>	<u>Filled</u>	<u>Vacant</u>	<u>Filled</u>	<u>Vacant</u>	<u>Filled</u>	<u>Vacant</u>
July	93	11	89	11	76	18	-	-	-	-
August	90	11	90	11	83	13	-	-	-	-
September	91	10	89	13	82	14	72	11	-	-
October	91	10	89	13	90	6	72	11	-	-
November	94	9	89	13	-	-	72	11	-	-
December	91	10	-	-	88	8	-	-	89	7
January	87	10	91	8	89	8	70	13	-	-
February	91	10	-	-	88	8	69	14	-	-
March	89	12	93	8	87	9	69	14	-	-
April	-	-	93	12	90	7	75	8	-	-
May	91	10	-	-	92	5	76	7	-	-
June	-	-	92	12	-	-	78	5	-	-

(1) Data Source: Short Form Free Conference Committee Report, FY 77 - FY 86

(2) Data Source: DPS, Administrative Services, Accounting

(3) Data Source: "Monthly Summary of Personnel Changes"

(4) Data not shown for Seasonal employees; records do not indicate information requested.

ATTACHMENT NUMBER THREE

GENERAL LAW ENFORCEMENT RESPONSIBILITIES

October 6, 1985

To:

My name is Brandon Anderson. I am a senior at the University of Alaska Fairbanks, completing a degree in Wildlife Mgt./ Natural Resources Law enforcement. For the past year I have been working on an extensive study of the publics' knowledge and perceptions of wildlife law in Alaska. This project took me all over the State, literally from Ketchikan to Barrow, learning how people feel about game law enforcement.

The results of that study are not the point of this letter. However, much of what I have to say is supported by comments generated by that study. (copies enclosed). During the course of the past year and a half, I spoke with many State Troopers, Fish and Wildlife Protection Officers, former F.W.P. employees, Dept. of Fish and Game employees, university professors, U.S. Fish and Wildlife Service Special Agents, Park Rangers, and other citizens who expressed concern over this issue. I am now expressing my concern, based on ~~my own~~ my own personal feelings, and those of many others, on this extremely important issue in Alaska. The issue is the trend of the Department of Public Safety to "geld" the Division of Fish and Wildlife Protection.

The importance of wildlife resources in Alaska cannot be underestimated. From the economic perspective alone, the value of commercial fishing, sport fishing, hunting, non-consumptive uses, and tourism which all directly depend on wildlife, is very high. The non-market values of wildlife in Alaska, part of the very essence of this State, are immeasurable.

With this in mind, it is a mystery why the State seems to be ignoring all of this by attempting to merge the Division respons-

responsible for protection of Wildlife, F.W.P., into the "Blue Shirt" division of the Alaska State Troopers. Although not overtly obvious to the average citizen, this apparently is the move being attempted by the directors of the Dept. of Public Safety.

I would like to present some evidence in support of maintaining, in fact enhancing a separate division of Fish and Wildlife Protection.

Current research in the field of conservation law enforcement continually emphasizes the need for better trained, better educated officers in all aspects of this field. This includes basic biology, wildlife management, etc., as well as law enforcement training.

An example: The Wildlife Society, founded in 1937, is a professional, non-profit organization dedicated to the wise management and conservation of the wildlife resources of the world. The Societys' membership of nearly 8000 is comprised of research scientists, educators, communications specialists, conservation law enforcement officers, resource managers, and administrators from all over the world. In a recent publication, Conservation Policies of the Wildlife Society, the section on law enforcement reads:

Conservation Law Enforcement

Regulation of activities of the participating public is a major element in the management of all natural resources, particularly wildlife. An increase in human populations and a burgeoning recreational interest in the out-of-doors have accelerated public use of an already diminished resource base. In the future, more people will have fewer resources to share. Public information programs, however extensive or imaginative, will not by themselves protect the resource base sufficiently from public abuse. Imperative to the perpetuation and sustained use of natural resources is a sound legal system that combines equitable laws and judicious law enforcement. The effective enforcement of laws governing natural resources depends upon personnel who are adequately trained in the legal and biological aspects of their profession.



The policy of The Wildlife Society, in regard to conservation law enforcement, is to:

1. Advise candidates pursuing law enforcement careers in the field of natural resources management to gain formal training at the university level in biology, ecology, conservation education, and law enforcement.
2. Urge that public agencies concerned with the enforcement of resource laws employ broadly trained professionals, preferably appropriately trained university graduates.
3. Recommend that public resource agencies provide extensive on-the-job training for all law enforcement employees who lack understanding of the modern techniques of their profession.
4. Encourage conservation law enforcement officers to affiliate with resource-oriented professional societies.



International Game Warden magazine, in its' fall 1984 issue featured an article (attached) which discussed the problem within the Dept. of Public Safety from an outsiders point of view. From my conversations with officers, the article was accurate and to the point.

Joining Up

Up until 1983, the Fish and Wildlife Division recruited its officers separately from the highway patrol. Even though they attended the same academy, the recruits were designated to become fish and wildlife officers upon graduation. Since 1983, both divisions recruit together and all recruits receive the same training with little or no specific wildlife training. Upon graduation from the academy, everyone goes straight into the highway patrol division. If they want to become fish and wildlife officers, they must compete with veteran "blue shirts" for the fish and wildlife positions and since seniority is the criteria for assignment, you have to accumulate a few whiskers before you are successful. In some respects, this could be beneficial to fish and wildlife, for they are getting seasoned officers; however, it is also a disadvantage for they may be losing a number of good warden candidates who have a singular desire to become wardens and may never enter the service because they do not want to serve the time as regular policemen. (I have never been convinced that the jobs of policemen and warden are synonymous! A good cop does not

necessarily make a good warden.) Under this system you are also missing the enthusiasm and drive of recruits as wardens.

Future Problems

The wildlife division will be soon understaffed more than it is now. With the population growing, and the area so vast, coverage will be even more difficult. Unless the need to assist, in solving people problems is met, wildlife enforcement will suffer.

It is my personal opinion, that most of the public has an over-inflated idea of game populations in Alaska. Many urban Alaskans, but especially people from outside, think there is game behind every bush — especially big game. This is most certainly untrue in most areas. Seemingly, it would appear that the hunting is as good now, as it was in the past. Most of the public do not want to accept the fact that it is changing. Much of the mystery and charm that attracts people to Alaska, is that it is wild and free. This is true to a point, but there are changing factors now. As more people come, the more constriction appears. Everyone that moves to Alaska wants to be the last person allowed to do so. Land to live on is shrinking. The cause of this is the amount of it that lies in government and native hands. When dispersal of the land, that had been a federal territory, was undertaken, some of it went into federal parks and refuges and etc. Than a great deal of it went to state government for various purposes. Lastly, to settle their claim to

aboriginal rights in 1971, there was a huge allotment of land given to the native population. The state and the natives had over ten years to decide on what lands they wanted to have. This selection is about done and the legal shuffling is about finished. Already, no trespassing signs and gates are being erected at access points to lands that everyone roamed or hunted on at will. Trespass was almost unheard of in Alaska. Already the hassles have started over right to land use and the wildlife officer and troopers stand right in the middle. It is a most unpopular spot.

The game and fish department, who manage the resource, have jockeyed regulations in all directions, in order to let everyone hunt that wants to. Legal moose, for instance, in some areas have to have a 36 inch spread of antlers. In other areas, they can be much smaller, but can have no more than two forks on one side. During a 30 inch snow that occurred in early September on the second day of caribou season, an emergency closure of the season had to be ordered in the snow area, for it had driven the caribou down from the mountains and across a highway. The hunters lined the road and killed them as they passed. After the emergency closure, about 100 dead or wounded caribou were left unclaimed.

Eventually, it will require that the number of hunters be limited by permit and this again is generally unacceptable to many Alaskans. It goes against the desire to be unfettered and it will be resisted and as always the warden will be in the front line. Regulations are creeping into the Alaskan life to mar the idea of it being a wild frontier and it will require a considerable enforcement effort if it is to stay.

My Opinion (For what it is worth)

In viewing the organization as an outsider, but as an old warden, I was impressed with the youth of the officers. I can't remember anyone over 40. They possess just a little bit more acceptance of danger than most of us are required to do. Alaska is an unforgiving environment, most of the time, and one can't afford to be unprepared or take unnecessary risks.

They seem to concentrate more on

Enforcement in the Last Frontier

the serious offenses, and do not have the same concern for petty offenses that many officers in more populated areas seem to have. I was impressed with all the officers that I met.

But, if I were a fish and wildlife officer in Alaska, I would be a little concerned, as to the turn the division seems to be taking. I cannot quarrel with their being in the Department of Public Safety. It has brought better pay, better working conditions, and a better pension plan. The joint use of facilities with the troopers has been beneficial. But it has not been without some drawbacks. The changing, in the recent past, to the trooper designation and the change in hiring practice, has lost some of the wildlife officers identity. No longer can an aspiring wildlifer come into the organization in that position. He must come in as a trooper, be trained in that capacity, and work in that position. The time of his transfer from the road to the wilds is very uncertain. It may be enough to send a good

prospect elsewhere. I am not sure why our profession has to be the one that is always diluted. I would suspect that there are few wardens in the U.S. or Canada that would prefer to be highway troopers, or they would have joined those organizations. It seems a little unfair to our profession to force recruits into trooper blue, if they really want to be in warden brown. *Why not make all highway troopers serve time as wardens, before they become troopers?* Puts a different twist on it, doesn't it? Under the present system, I can't help but think that wildlife enforcement will eventually suffer, as more and more people move in and bring their problems with them and the troopers have to handle them. The people problems will get precedent. I understood that wardens are beginning to be issued white trucks to match the white squads, so that they will be recognized as troopers when they make traffic stops. I had to wonder if all blue shirts, in place of brown, may be not

far off.

Perhaps the picture is not as it appeared to me. However, I have to think that the way it all started was best. Two separate divisions working for the same department, but maintaining their own identity and separate responsibilities and duties.

If I could wish something for the Alaskan Department of Safety, for all the kind hospitality their members gave to us, it would be that the blue shirt budget swells each year and the brown shirt budget does the same and the two would march side by side *but in separate ranks*, together for a better Alaska.

We are all law enforcement officers, but all law enforcement is not the same. There is an age-old pride and uniqueness in being a game warden. I don't want it to be lost or threatened, anywhere, for the sake of budget.

To all our good friends that we made on our trip to Alaska, we say, "Thank you and God Bless!"

These articles make it clear that the wildlife resources in Alaska could suffer terribly if this "efficiency" move within Public Safety occurs. However another aspect of this situation was not adequately covered in these articles, and it is one with which I have much personal experience.

Young persons who would like to be employed as an Alaskan Fish and Wildlife Officer, particularly those with university educations, are simply no longer able to. Unless of course they are willing to wait out 10+ years of being a "blue shirt" trooper and then, maybe acquire enough seniority to compete with many others to "bid" into F.W.P.. I can tell you what happens in reality. Ambitious, optimistic young persons educated in Alaskan Universities, about Alaskan resource issues simply go elsewhere, while the Department of Public Safety continues to hire seasonals from "outside" with little or no knowledge of wildlife in Alaska, or the sensitive, unique Alaskan management situations.

Full time Wildlife Troopers are increasingly transfers from other law enforcement agencies, from within or outside this state.

Is this a problem? Let me relate some more personal experiences.

A friend worked as a seasonal F.W.P. aide for 3 summers. He related a story of working with an officer who was attempting to identify the skeletal remains of an animal. According to my friend, this man could not even begin basic identification, not even the taxonomic family, of this animal. A "suspect" was watching, amused.

I had a long conversation during a trip with a fish and Wildlife

Trooper. In discussing some studies going on in the area (South-central) by Fish and Game biologists, I discovered this officer did not know some of the most basic wildlife management techniques (methods of capturing and marking, aerial surveys using radio telemetry, etc).

On one particularly disturbing occasion, I was "riding along" with a Wildlife Trooper when we encountered a man commercial fishing. After license checking, etc., the conversation between the two turned to a Black Bear this fellow had been watching across the river. He seemed to be relating the simple pleasure of watching the bear. The officer said "shoot them whenever you can, they're vermin". Then added with afterthought, "but make sure you have a license". This is conservation ethic?

I want to make it clear that these stories are not intended to belittle the officers or the Division of Fish and Wildlife Protection. On the contrary, these are otherwise very dedicated people (with the exception of the last one) and these incidents are overshadowed by hundreds of positive ones. Yet imagine the impression that can be portrayed to often well educated, back-country wise people with incidents like these. The fault here rests with the management system that fails to recognize the need for well trained, wildlife knowledgeable people who have a sincere desire to protect the resource, rather than make a lateral career shift out of boredom or whatever.

My recommendation is that Public Safety either maintain a strong, autonomous division of Fish and Wildlife Protection, with increased

emphasis on interaction with field biologists from ADF&G, or be moved back within the Department of Fish and Game with full Division status.

I truly hope those decision makers within the Alaska Department of Public Safety will choose to do what is best for wildlife management first and foremost.

Sincerely,

Brandon Anderson

must drive marked trucks and wear uniforms at all times.

- The Alaska State Trooper Academy at Sitka has dropped the special five-week training unit on wildlife case investigation previously given to all Fish and Wildlife Protection officers. Now only state trooper training is given.

- Before an academy graduate can work for Fish and Wildlife Protection, he must serve a year as a state trooper. No one is now recruited specifically for Fish and Wildlife Protection.

- State troopers can now bid for Fish and Wildlife Protection positions. Previously, only trained Fish and Wildlife Protection officers could bid. Positions are awarded on a seniority basis, and natural resource enforcement background or training is not required.

- Many Fish and Wildlife Protection officers have been assigned to state trooper duties, which takes them away from protecting fish and game.

- The Department of Public Safety is experimenting at various posts with combining wardens and troopers under one supervisor. A department study recommends moving away from separate supervisors.

None of these changes has been as demoralizing as the perception by wardens that their appointed leaders are not dedicated to protecting fish and game. A common theme in our more than 30 interviews with officers last spring was that they could endure most of what is going on within the division if they were allowed to do their jobs — protect Alaska's fish and game.

Jimmy Boyd was trying to protect the resource last March. When a patrol plane spotted 24 crab pots still fishing in Chaik Bay near Chatham Strait the day after commercial crabbing season closed in southeastern Alaska, First Sergeant Boyd, skipper of the P/V *Enforcer*, knew that there were problems with the crab fishery. His boat had seized 51 crab pots for fishing before the season. He had to stop after the first 51 he checked because that's all he could get on board.

On Friday, March 1, Boyd sailed the *Enforcer* out of Juneau, planning to enforce the regulations and seize the illegal crab pots from the waters of Chaik Bay. But as he cleared harbor, Lieutenant Conrad Seibel radioed Boyd that no overtime was permitted, and that the *Enforcer* had to be tied up at Sitka, its home port, before midnight that day.

If the boat happened to be at sea after midnight, each member of the crew of four would have gotten an additional 15 hours of pay.

Boyd couldn't work a major commercial crabbing violation and still get his 10-knot vessel to Sitka in less than 12 hours, so he took the *Enforcer* to Sitka, leaving the illegal pots uninvestigated.

Boyd reached Sitka and resigned. A veteran Alaska warden, he felt he was unable to do his job with all the roadblocks thrown in his way. Another officer described him as a "... smart, tough, good, game warden. He has ethics — which are kind of scarce these days."

Nine days passed before a patrol boat got to Chaik Bay. By then the crab pots were gone.

Jimmy Boyd isn't alone in being frustrated. Other Alaska wardens are

also contemplating resigning because they aren't allowed to do their job. Often, their orders are more subtle than those Boyd received. Rather than being told to ignore wildlife, wardens are assigned traffic patrol, escorting prisoners, burglary investigations, and the like — activities which keep them out of the fish and game field.

The two wardens at Nome, for example, have been reporting to a trooper supervisor since September, 1984. In one two-month period last winter, the two wardens filed approximately 160 case cards, more than 130 of which were non-fish and game cases. Thus, more than 75 percent of their documented performance was for other than game warden work.

Case cards are heavily utilized for performance records by troopers. Wardens, however, submit few. A warden might check a hundred fishing licenses in a day, but he only files a case card if he issues a citation. Troopers, on the other hand, file a case card for almost every action. One frustrated warden commented, "Ninety percent of the trooper case cards are junk. If they chase a cat out of a tree, they fill out a case card."

Wardens working as troopers are required to log the same case cards, no matter how trivial the incidents.

When *ALASKA* magazine asked how much time was spent working outside of game law enforcement, wardens assigned to trooper duties estimated from 30 to 90 percent.

"A good indication that the two divisions are going to become one is the chain of command," Stickles told us. At Kodiak, Lieutenant Steve Reynolds, a Fish and Wildlife Officer, recently assumed command of both the wardens and troopers in the region.

Commissioner of Public Safety Bob Sundberg last May told *ALASKA* magazine that having Reynolds in overall charge in Kodiak was an experiment, but an experiment that he said is working. Of a recently completed staffing study, which he had yet to approve, Sundberg said, "No use having two captains if one can do the job. The study has concluded that we should have, not two masters in one area, but one."

Sundberg believes that the two jobs — that of the wardens and of

Continues on page 74



Alaska's Game Wardens

An Endangered Species?

By Tom Gresham and Ron Dalby
Illustration by Bruce Bulloch

He's dedicated, trained, professional and competent. He's a game warden in Alaska, the job he's wanted ever since he can remember. Officially, he's called a "Fish and Wildlife Protection Officer."

Sounds great, doesn't it? Unfortunately that warden is watching his organization, his job and his career slowly slip away. The fish and game that he loves and is trained to protect will go unprotected, and he's powerless to do anything about it.

His option? Lacking the years of service that would allow him to retire, to get out with dignity as the old-timers are doing, he can either add his resignation to the growing stack, or he can surrender his dream and stay on the job. By doing so he'll throw away his training and perhaps a degree in wildlife management as the emphasis of the Division of Fish and Wildlife Protection shifts from protecting fish and game to general law enforcement.

The one thing he is unable to do is to remain an Alaska game warden, for it appears that soon there will be no such thing.

Alaska's Fish and Wildlife Protection officers are asking why wildlife law enforcement is being phased out by politicians and their appointees. It seems clear that is what is happening, for a series of small, seemingly unrelated changes are occurring in the division — changes only someone on the inside can easily see as a pattern. In total, they spell the end of the professional game warden in Alaska.

"If I was Commissioner of Public Safety and my goal was to eliminate Fish and Wildlife Protection with the least amount of public stir and the least amount of internal upheaval," said Bob Stickles, a former director of Fish and Wildlife Protection, "I would nickel and dime it exactly the way that it has been nicked and dined so far.

"The transition is so smooth and slow in merging the troopers and the wardens into one that it hasn't raised the ire of legislators who are protective of fish and game. No one has realized it is happening, excepting the troops involved."

Stickles estimates there is one chance in five that Fish and Wildlife Protection will survive as an effective organization.

Fish and Wildlife Protection

officers don't work for the Alaska Department of Fish and Game. Since 1972, Alaska's game wardens have been part of the Department of Public Safety. They are ranked with Alaska State Troopers, and, in reality, they are state troopers. The troopers and wardens are separate divisions within the Department of Public Safety.

The current director of the game wardens, Colonel Robert "Red" Henderson, was appointed Alaska's chief game warden in early 1983. Previously he was a Kodiak city police supervisor, and Palmer's chief of police.

Much of the concern within the warden force centers around a loss of identity. Officers point to a series of changes that show how Alaska's wardens are slowly but steadily being absorbed by troopers.

In the past two years:

- Wardens were required to turn in their badges, which were replaced with trooper badges.
- Their title was changed from officer to trooper.
- The warden's brown trucks are being repainted to the Trooper black and white.
- No undercover work is allowed. Fish and Wildlife Protection Officers

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ALASKA'S GAME WARDENS

Continued from page 17

the troopers — are interchangeable. He also thinks that protecting wildlife is the simpler of the two.

"It's easier to cross-train a blue-shirt (trooper) to do brown-shirt (warden) work than vice versa," he said.

Don Roberts, a state and federal game warden in Alaska for more than 20 years and former deputy director of Fish and Wildlife Protection, disagrees. "More goes into a crime scene investigation on a moose kill," he said, "than normally goes on at a trooper murder case."

One warden, unhappy with the commissioner's lack of understanding of his duties, said, "We are pros in a very limited specialty field. Unfortunately, neither the public nor other law enforcement professionals know what our specialty is all about and



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The idea that the jobs are interchangeable may, in part, be responsible for the cross-over bidding practices which allow a trooper to bid for and be assigned a warden's position, based only on seniority. The current practice of allowing troopers to bid for warden's positions is the single most devastating change from the standpoint of morale, say field officers we talked with.

Sundberg said that the cross-divisional bidding resulted from actions of the Public Safety Employees Association. "Because of the bidding process within the bargaining unit, any vacant position in either division is filled by seniority. That wasn't a policy change here," he said. "That happened in negotiations with the unions."

Bob Piazza, head of PSEA, told ALASKA® a different story. He said

the union had nothing to do with the cross-bidding arrangements. He said it was strictly Public Safety's decision. The union had never challenged the earlier practice of allowing only wardens to bid for warden positions, he said.

According to Piazza, "Bidding between the divisions is the most destructive thing that has ever happened to Public Safety, because the long-range effect will be to eliminate professional fish and game wardens in Alaska."

"They are two specialized career fields," he said. "You have fish and wildlife professionals, some with degrees in wildlife management, and you're just throwing that away."

Money, or lack of it, seems to be the catalyst for the changes. State revenues are declining, and Public Safety's budget has suffered along with other state agencies. In a cutback last spring, Public Safety's budget for overtime pay was trimmed \$400,000. Of this, \$300,000 was to come from fish and game protection and \$100,000 from the troopers, according to Public Safety officials.

There are about 100 wardens and 300 troopers; thus three quarters of a budget cut was to be absorbed by one quarter of the force — immediately prior to the busy spring, summer, and fall period when fish and game law violations are at their highest.

Commissioner Sundberg, like Colonel Henderson, is a former city police chief (Fairbanks) with no game warden experience. Working wardens that ALASKA® magazine talked with went to great lengths to describe the uniqueness of their work, hoping to create a greater understanding of their role — an understanding that these wardens are convinced their commissioner lacks.

Game wardens believe their job is largely preventative work, while troopers, except in the case of traffic offenses, react after the fact. Troopers don't have a murder case until the act is committed; probably no amount of patrolling will prevent the murder.

Poaching, on the other hand, can be prevented, the wardens believe, by a combination of open and undercover patrols. Here's how one veteran officer described his job:

"Let's say I'm assigned to patrol a 150-mile stretch of road. A trooper could drive that distance and back in a single shift. But, if I'm to protect the fish and game there, I throw a case of C-rations and my sleeping bag into my truck, and I may be on that stretch of road for two, maybe three days. I drive

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slowly, maybe 25 mph, looking for tracks, searching for drag marks where maybe an animal has been killed. I stop and visit with a trapper I know. We have coffee, and chances are good he'll tell me something of value about hunting activities in the area.

"I might stop at a lodge which may be closed for the season, although the owner is living there. He'll invite me in and maybe he'll also give me a tip or two — or maybe he'll tell me it's been too cold for anyone to be out. I'll spend the night somewhere alongside the road. Next day I'll continue on. If the patrol is uneventful, I might cover the 300-mile round-trip in two or three days and talk with seven or eight people. I've been visible. Even the people I don't talk with hear I've been there.

"I have prevented illegal taking of fish and game — and that's an important part — perhaps the most important part — of my job."

This warden will have no case cards to show for his two or three days' work.

Don Collingsworth, Commissioner of Fish and Game, told ALASKA[®], "As our population grows, and as demands for wildlife become more intense, we're going to need more money to protect what we have. There's going to be even more need for Fish and Wildlife Protection. Unfortunately, the trend seems to be going the other way."

Alaska's game wardens are already stretched thin, even when not performing trooper functions. There are 102 full-time wardens, according to Commissioner Sundberg. Of those, perhaps 20 are in supervisory positions and about an equal number are on fisheries patrol boats. This leaves about 60 officers for 591,000 square miles — all of Alaska. Factor in the lowest figure provided for field officers for doing trooper's work (30 percent), and you've effectively cut this force to about 42 active wardens.

"Alaska must have a separate force dedicated to protecting fish and game," says Al Thompson, who, although he shuns the limelight, is probably Alaska's most famous warden. His exploits at catching poachers and protecting wildlife on the Kenai Peninsula have made him almost a legend in his time. When asked how he would arrange his priorities if he had to do both warden and trooper work, Thompson said that, for an officer charged with both responsibilities, crimes against people would have to take precedence over poaching. Thompson, who retired last May,

made clear that during his years of protecting fish and game, his priorities were "... the resource, the public, and the bureaucracy, in that order."

It is well known among the older wardens that Thompson ignored regular hours, didn't put in for overtime (which he probably wouldn't have gotten anyway), and performed his job for his monthly salary, working nights and weekends whenever and wherever he thought he could do something for the fish and game he was hired to protect.

"That's the way it used to be," he remembers. "We had professionals who were dedicated to protecting Alaska's fish and game, and we didn't worry about overtime, discomfort, lack of equipment. We knew what had to be done, and we did it."

"Somebody's got to start looking out for the resource," Stickies told

*The long-range effect
will be to eliminate
professional fish and
game wardens in
Alaska.*

us. "If they do combine the two divisions, the priority is going to be drunk drivers, robberies, rapes, and chasing tail lights. After a time, when the hard-core, dedicated, professional game wardens in Alaska are gone, the people who are left won't really know how to tackle the job of protecting Alaska's fish and game."

Colonel Henderson has told his supervisors that he would go back to the old ways of separate wardens and troopers if they could prove that the changes in Public Safety are damaging the resource.

Former deputy director of Fish and Wildlife Protection Don Roberts is deeply concerned with this approach. He thinks this shows a lack of understanding of fish and game protection. "By the time you can prove that it's hurting the resource, it will be too late," says Roberts. □

Tom Gresham is Editor of ALASKA[®] magazine. Ron Dalby is Managing Editor, and a former Alaska game warden.

MEMORANDUM

State of Alaska

TO: All Commissioned Personnel
Fish & Wildlife Protection
Department of Public Safety
State of Alaska

FROM: Colonel Robert M. Henderson
Director
Fish & Wildlife Protection
Anchorage

DATE: July 18, 1985

FILE NO: 6a

TELEPHONE NO: 269-5509

SUBJECT: Alaska Magazine
August Issue

There is an article in the August issue of the Alaska magazine entitled Alaska Game Wardens - An Endangered Species?. I am sure when this magazine article hits the street there will be questions directed to some of you concerning its contents. I will take this time to explain to you the Division's position on these issues, since the authors of the article failed to interview or contact me before publishing. Some of the statements are totally false and some other statements only tell one side of the issue. The Fish and Wildlife Troopers are not being absorbed by the Alaska State Troopers nor are they an endangered species.

I will first address the statements which are totally false:

1. "No undercover work is allowed. Fish and Wildlife Protection officers must drive marked trucks and wear uniforms at all times." This is not true. The order was and still is that officers must have their supervisor's permission to work undercover. Routine patrol requires an officer to be in uniform and drive a marked vehicle. This provides for high visibility which is a deterrent to people who would violate the fish and game regulations.
2. "The warden's brown trucks are being repainted to the Trooper's black and white." Trucks are not being indiscriminately repainted. As we get new vehicles they are being ordered with white color for high visibility. Many state law enforcement emergency vehicles have commonly been colored white throughout the nation since the early '60's, including many Fish and Game units.
3. "Public Safety's budget for overtime pay was trimmed \$400,000. Of this \$300,000 was to come from Fish and Wildlife Protection and \$100,000 from Troopers." This is not true. \$85,000 was cut from this Division's overtime budget at my direction, I do not know how much was cut from the Alaska State Trooper's budget.

Some of the statements made by the author are true, but no reasons are given other than to infer that the Fish and Wildlife Troopers are not allowed to carry out their responsibilities and are being phased out and absorbed by the Alaska State Troopers.

1. "Warden's were required to turn in their badges, which were replaced with Trooper badges." This is true. The personnel assigned to the Fish and Wildlife Protection Division have been Troopers since 1972. When this Division was placed under the Department of Public Safety

the personnel were classified officially as Troopers. The pay classification says Trooper and we are being paid as Troopers. But more important to me was the identification problems experienced by the Fish and Wildlife Troopers themselves. This concern was expressed to me by many field Troopers. Many people thought they were U.S. Fish and Wildlife Agents, Fish and Game employees, Park Rangers or Army personnel which led to changing the public designation to Fish and Wildlife Trooper.

2. The statement that the special five week training unit on wildlife case investigation which was given only to the Recruit Fish and Wildlife Troopers at the Academy was dropped is true. It was replaced with 2-1/2 weeks of specific Fish and Wildlife training now given to all Recruits at the Academy, not just a select few.
3. It is true that a Recruit graduating from the Academy must work a year as an Alaska State Trooper before being allowed to bid on a position within either Division, that is the case for all Recruit Troopers, not just those wanting to bid for FWP positions. All of them must serve one year's probation before they are allowed to bid on any position.
4. It's true that no one is recruited specifically for Fish and Wildlife Protection. Colonel Kolivosky and I make the final selection of the Recruits selected to attend the Academy. At the last Academy, out of 30 persons selected, eight were selected who ultimately want to be Fish and Wildlife Troopers. It is cost effective to centralize recruiting practices.

It is true that all State Troopers can bid on any vacant position in either Division. This language has been in the contract for several years. It was challenged approximately 18 months ago when a junior Fish and Wildlife Trooper was chosen over a senior Alaska State Trooper to fill a position in Fish and Wildlife Protection. A grievance was filed by the senior Trooper, went to arbitration and the arbitrator ruled in favor of PSEA. I would approve changing the contract to allow Fish and Wildlife Protection Troopers to have first right of bid on vacant position within the Fish and Wildlife Protection Division. But that change must come from within the bargaining unit (PSEA).

5. "Many Fish and Wildlife Protection Officers have been assigned to State Trooper duties which takes them away from protecting fish and game." We are cross-training Fish and Wildlife Troopers and Alaska State Troopers to be able to assist each other when time allows. But both divisions have their priorities and the Fish and Wildlife Commanders have been instructed that Alaska State Trooper duties do not take priority over Fish and Wildlife Protection duties except in life threatening situations.

6. "The Department of Public Safety is experimenting at various posts with combining Wardens and Troopers under one supervisor." This is true in selected areas of the state where it is more cost effective and the goals and objectives of the Division can be accomplished.

Just a brief comment on the statement made about the P/V Enforcer not being allowed to work a major commercial crabbing violation in Southeast. This decision was made by the Fish and Wildlife Protection Commander in Juneau and with good reason. The author of the article was told that there was more to the story than he was told but the Commander did not feel he could discuss it publicly. It was a situation where the Commander believed the pots could have been picked up during the previous week. My policy is that the Commanders are responsible for their area and will run their Detachments.

The quoted estimated 30 to 90 percent of a Fish and Wildlife Trooper's time was spent outside Fish and Wildlife Protection duties is misleading. Since the Fish and Wildlife Troopers are now cutting case cards on all work performed, it is possible to accurately know how much work is done on other duties. In FY-84 seven percent of the Fish and Wildlife Protection budget was spent on other than fish and wildlife duties. The statistics for a two month period in Nome was correct. That was in the middle of winter when the fish and wildlife work was slow. I am sure that the statistics in the summer months would reflect 99 percent of the work is fish and wildlife related.

I have been in Alaska over 25 years and 18 years in law enforcement and several years as a commercial fisherman. I was an Alaska State Trooper in 1972 and 1973 and assigned in 1973 to work in the Fish and Wildlife Protection Division. I will share with you some thoughts and observations for the past 25 years:

Alaska, unlike any of the lower 48 states, has historically had not only more wildlife resources to protect, but a huge commercialization of that resource spread over a large, diversified area of cultures, climates and terrain that is unequalled anywhere on earth.

To adequately provide wildlife protection for this unique area and to provide the enforcement control necessary to reduce the rampant over-harvesting and destruction of the wildlife resources, an enforcement branch of specially trained officers armed with adequate equipment to do the job was required. This simply was not being accomplished prior to 1972, under the control of the Department of Fish and Game.

In those days, as it is now, the Fish and Game Department was a research and management organization funded mainly for that purpose and headed from the commissioner level on down by professional biologists not oriented in law enforcement. The Department was not thought of nor considered a law enforcement agency.

The Protection Division of that Department was the smallest of four major divisions, with very little money, manpower or equipment. Training consisted for the most part of a one week meeting of all officers every year or so to hear lectures by guest speakers from other conservation agencies. (Only a select few were allowed to attend the AST Academy.)

New officers were hired off the street or from "lower 48" departments, had little or no training and normally did not attend a recruit academy. They were poorly paid with no overtime compensation and very few benefits. In fact, they were not required to have college degrees and therefore were viewed as subservient to and less qualified than the employees of the other divisions. The officers and their supervisors were classified a range or more lower in pay than their counterparts in other divisions.

Although these protection officers were for the most part dedicated "game wardens" you can see how frustrated they must have been. Through no fault of their own they were underpaid, low budgeted, had little equipment and little training. They made few major cases yet the fishing industry was the most important industry in Alaska and the hunting guides were untouchable and free to exploit as they pleased.

Beginning with the move to Public Safety in April, 1972, conditions changed drastically. Overnight the Division was the second largest entity in a totally law enforcement oriented department. The entire Fish and Game Aircraft Section was moved over with this Division and has since doubled the number of aircraft along with installation of the latest in radio communications and navigational equipment.

Patrol vehicles were upgraded from sedans and station wagons to pickups, 4x4's, snowmachines and ATV's. Radios were installed. All communications were linked to 24-hour dispatch and NCIC.

Water vessels were upgraded from small wooden bartenders and fiberglass bellbouys to four high endurance vessels and numerous medium range vessels, high quality riverboats and inland water skiffs.

Good quality uniforms, sidearms, leather gear and personal issue equipment were purchased.

The number of officers has doubled and all new officers beginning in 1972 were sent through the Public Safety Academy. Specialized training has been provided, salaries were increased, overtime was initiated and better health benefits were gained. The retirement was dropped from 25 to 20 years.

Beginning in 1976, an undercover operation began with special funding and has continued to this day. That operation has put many unethical guides out of business and curbed the worst of commercial hunting crimes. We

now have the fear and respect of that industry. Our efforts have resulted in similar success against the commercial fish violators, as evidenced by our team effort success this year in Bristol Bay and our past forfeiture of multimillion dollar vessels. The DA's are listening, the courts are listening, the violators are listening and so is the public. We're doing our job better than we've ever done before. Each year adds improvement.

The recent article in the Alaska Magazine has not helped our effort during a critical time in our Division's history.

Like it or not, we've been "Troopers" since 1972. That was our classification soon after arriving with Public Safety. Our first badges issued by this Department said "Trooper." Our pay classification says "Trooper." We were given that rating early on and we're paid for it.

We are proud of our identity as Fish and Wildlife Troopers, a specialized unit with uniforms readily identifiable to the public and others. One of past problems we are finally outgrowing is being mis-identified as the Fish and Wildlife Service, Fish and Game employees or Park Rangers.

There is absolutely no other division of game wardens in the world better trained and equipped than we are. We can be additionally proud that there is no other police agency better trained than we are.

We have what it takes to do our job of protecting the wildlife resources better than anyone. In addition, we can do a better job of enforcing all of the criminal laws in Alaska in our spare time; when our priorities allow, better than any police agency in the state. We can do it standing on our head. I believe that...do you?

Let the bad apples have their say about sour grapes. Let the malcontents go elsewhere. We'll go on without them and not lose sight of our number one priority, which is the protection of Alaska's wildlife resources.

RMH/rt

c: Commissioner Sundberg
Colonel Kolivosky
Major Gilmour



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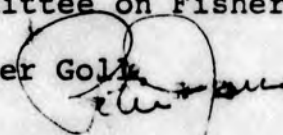
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MEMORANDUM

February 20, 1986

TO: Members
House Special Committee on Fisheries

FROM: Representative Peter Goll
Chairman 

SUBJECT: Fish and Wildlife Enforcement Hearings

The House Special Committee on Fisheries will conduct hearings on fish and wildlife protection at 8:30-10:00 a.m., February 25 and 27. We will be soliciting public testimony on both days from all sites on the teleconference network. All legislative information offices are now scheduled to participate in the teleconference, and I have given permission to add any other site upon request.

I have identified three primary areas of concern that we will address during the hearing process: (1) enforcement coverage; (2) training; and (3) general law enforcement responsibilities. Other issues are likely to be raised during public testimony and committee discussion; attached are some of the comments we have received to date (attachment #1).

Enforcement Coverage

Information provided by the Department of Public Safety indicates that the personnel levels in the Division of Fish and Wildlife Protection have decreased slightly over the past five years (attachment #2), while the violation rate has increased. According to department statistics, 9.8 percent of the people contacted in the field during FY85 were found to be in violation of fish and game laws, compared to a 7.7 percent violation rate in FY81.

Considering recent increases in the state's population base and expansion of Alaska's commercial fisheries, the slight decline in personnel suggests that enforcement coverage has actually decreased.

Training

The last training session for troopers at the Public Safety Academy in Sitka offered a 42-hour course in fish and

wildlife protection. Academy Director James Lansbery said this section probably will be expanded to 67-73 hours during the next class with the addition of cold water survival training. Captain Lansbery stressed that much training ✓pertinent to fish and wildlife enforcement is covered in other courses.

Additional training is given once a trooper is assigned to a fish and wildlife protection post through numerous "mini-modules" covering issues such as sport fishing, trapping and commercial fishing.

When officers were specifically trained as troopers or fish and wildlife protection officers, the academy offered about five weeks of specialized training in fish and wildlife enforcement.

✓Also eliminated from the Academy cirricula in recent years has been a course in "cross cultural" training designed to familiarize all law enforcement officers with the Alaska Native culture.

General Law Enforcement Responsibilities

I have received much concern from the public regarding the involvement of fish and wildlife protection officers in general law enforcement duties (attachment #3). According to figures by the Department of Public Safety, fish and wildlife protection officers spent 7% of patrol and investigative hours on general law enforcement and traffic responsibilities in FY85. Commissioner of Public Safety Robert Sundberg said cross training of general law enforcement troopers and fish and wildlife protection officers is critical, in part, because of the large number ✓of one-man trooper posts and the seasonal nature of fish and wildlife responsibilities (attachment #4).

Another concern raised by the sharing of responsibilities by the troopers and fish and wildlife protection officers has been posting of personnel. Under a ruling by an arbitrator last year, the Department was forced to bid all position openings by seniority. This meant, for instance, troopers with no wildlife enforcement experience would have preference over qualified protection officers. A recently signed memorandum of understanding between the department and the employees bargaining unit (attachment #5) now allows protection officers first priority on openings within the unit, followed by seniority bidding by troopers.

ATTACHMENT NUMBER FIVE

MEMORANDUM OF UNDERSTANDING BETWEEN PUBLIC SAFETY
AND THE PUBLIC SAFETY EMPLOYEES ASSOCIATION

ARBITRATORS RULING ON ASSIGNMENT OF PROTECTION POSTS

LETTER OF UNDERSTANDING
BETWEEN
THE STATE OF ALASKA
AND
THE PUBLIC SAFETY EMPLOYEES
ASSOCIATION

THIS LETTER OF UNDERSTANDING between the State of Alaska, hereinafter referred to as the State, and the Public Safety Employees Association, hereinafter referred to as the Association in entered into in accordance with Article 30 of the Collective Bargaining Agreement, and shall remain in effect from the date of signing to December 31, 1986.

When a vacancy is to be filled in accordance with Article 12, the State may determine prior to the required posting notice to either fill the vacancy from members within the employing division or from members of all divisions covered by this collective bargaining agreement. The posting shall indicate that the bidders for consideration shall be either from the employing division or from all divisions.

For the State of Alaska

Edward L. Stamber

For the Public Safety Employees
Association

Date

1-7-86

Date

4 of 7

LETTER OF UNDERSTANDING
BETWEEN
THE STATE OF ALASKA
AND
THE PUBLIC SAFETY
EMPLOYEES ASSOCIATION

THIS LETTER OF UNDERSTANDING between the State of Alaska, hereinafter referred to as the State, and the Public Safety Employees Association, hereinafter referred to as the Association is entered into in accordance with Article 30 of the Collective Bargaining Agreement.

The parties agree that the following shall apply during the calendar year 1986.

TRANSFERS FROM OUTPOST LOCATIONS, AND TRANSFERS FOR THE NEEDS OF THE STATE. It is recognized that the seniority language of Article 12 in conjunction with the stricter budgetary requirements of the State has created a situation wherein members are unable to secure transfers from outpost assignments within reasonable time periods. It is further recognized that circumstances may arise wherein the State needs to transfer members from outpost locations for the needs of the State and the need of the member.

1. Prior to February 15, 1986 the State will solicit transfer requests from all members of the bargaining unit. Any member who fails to respond to the State's inquiry in a timely manner will be deemed not interested in transfer during 1986, but may nevertheless be subject to transfer as provided in Article 12 of the Agreement. By February 20, 1986 the State shall forward to the Association office copies of all responses received and a listing of all members who failed to respond.
2. Prior to March 15, 1986 the State will provide to the Association a proposed plan for transfers to be effected during 1986. Excepting emergencies and those transfers awarded through the normal bidding procedures of Article 12, this transfer plan shall incorporate all proposed transfers during 1986.

3. Between March 16 and April 16, 1986 the State and Association will meet and confer on the proposed transfer plan. The Association shall assign the members of the negotiation team who have full awareness and knowledge of the intent of this letter of understanding, to meet and confer with the purpose of removing those questionable transfers which may exist. The transfer plan shall be prepared in final form by the State. Prior to May 1, 1986 a copy shall be provided to the Association.
4. The Association shall have 15 days to review the States plan. During this period of time the parties shall attempt to remove any questionable areas of the plan.
5. Should questionable areas not exist after the process of item 4 above the State shall then implement the entire plan. This shall be considered final and binding, and not subject to the grievance process.
6. Should either party believe the other party to be acting contrary to the intent of this letter of understanding at the completion of item 4 above, either party may serve written notice that this letter of understanding is nullified.

Bruce A. Cummings
In Agreement for the State of Alaska

12/18/85
Date

Robert M. Reagan
In Agreement for the Public Safety
Employees Association

12/18/85
Date

465-4322

January 24, 1986

Mr. Robert Piazza
Business Representative
Public Safety Employees Association
P.O. Box 4-2624
Anchorage, AK 99509

Dear Mr. Piazza:

Attached is our suggested form to be used to identify transfer requests. If the form meets your approval, we are ready to send it to all PSEA members.

We will generate reports by classification, seniority, locations desired, time in present location, etc.

Please advise me as soon as possible if you approve this form, or have suggestions for its modification.

Sincerely,

James D. Vaden
Deputy Commissioner

cc: Fran Kinney
Personnel Officer, DPS

Bruce Cummings
Division of Labor Relations, DOA

REQUEST FOR TRANSFER CONSIDERATION

For Office Use Only	1	1	1	Bus / / /	Cs / / /
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Name _____ Date of Employment _____

Rank _____ Length of Service in this rank _____

Detachment	Duty Station

Date assigned to present duty station _____

Assignment: Patrol ___ Investigation ___ J.S. ___ Narcotics ___
Vessels ___ Other ___ Specify _____

Special training since Academy _____

Special Qualifications (List licenses & certifications with expiration dates)

List assignments and dates since your employment with Public Safety:

Date	_____	to: _____	Assignment _____
Date	_____	to: _____	Assignment _____
Date	_____	to: _____	Assignment _____
Date	_____	to: _____	Assignment _____
Date	_____	to: _____	Assignment _____

Number and ages of persons living in your home. # : , , , , ,

Do you wish to transfer between May and September of 1986?

List 3 locations, in order of preference, where you would prefer to be stationed.

Location	Duty Assignment
1. _____	_____
2. _____	_____
3. _____	_____

Please list any special circumstances you would like to have considered in regard to this request, i.e., children about to enter school; financial; medical needs; spouse's career; etc.

Would you be willing to help with the expenses of the move?

Packing _____
Unpacking _____
Loading _____
Unloading _____
Other _____

Comments: _____

* May continue on back or with other sheets.

Mail to: Personnel Section
Division of Administrative Services
P.O. Box N
Juneau, AK 99811

ISSUE 3: Assignment and Transfer

The 1983 contract sets forth the requirements on assignment and transfer. Article 12 is a modified seniority clause where qualifications, length of service and interests of the Department are considered. The State would continue the current contract language. The Association proposed entirely new language and concepts for Article 12.

The Association proposed to delete the existing Section 1 modified seniority language and substitute it with strict seniority language. Pursuant to the language proposed by the Union seniority would be the only factor in filling vacant positions.

The complex nature of police work when combined with the unique geographical situation in Alaska requires that management have greater flexibility than allowed by the Association's proposal. While current Section 1 is not a model of clarity it has served the parties well in spite of some difficulties which are to be expected in the area of filling vacant positions.

The Association proposed to modify the job posting requirements of Section 2(a) to require a copy of the notices to be sent to the Association. In addition, copies of transfer requests would have to be provided to the Association. It was also the position of the Association that a vacancy could not be

filled unless it was posted at each post in the Department throughout the State of Alaska.

The Department has approximately 58 posts located throughout Alaska. Mail service and communication links to the remote posts are sometimes difficult and slow. Association witnesses complained that notices were not received until after the vacant positions were filled.

The Arbitrator was persuaded that the situation might be improved if the Association received copies of vacancy notices. The Fish and Wildlife Division currently provides the notices to the Association. A requirement to mail notices to the Association would not create a burden on the State.

I was convinced that the Association should not be provided copies of all transfer requests. If individual members wish to give the Association a copy of their transfer requests they are free to do so. However, the State should not be burdened with the task of sending copies of all transfer requests to the Association. Likewise, the Association proposal to allow filling of a vacancy only if the notice was posted at each post should not find its way into the contract. With 58 posts spread out all over Alaska, monitoring of this provision would be impossible.

Included in the Association's Section 1 proposal were several restrictions on the right of management to transfer employees. Management would be precluded from transferring members with over

five years service, sixty days notice prior to transfer and additional time off to accomplish a move to the new job site. Further, the Association proposal would expressly permit transfers as a form of discipline.

The proposed limitations on the right of the State to transfer members are too restrictive. It is a fundamental management prerogative to determine when and where the work will be accomplished. In the field of public safety it is even more imperative that the employer retain adequate flexibility to see that the public is adequately protected.

The Association proposal that transfer should be recognized as a form of discipline should not be adopted. Transfer is not normally accepted by arbitrators as an appropriate form of discipline. A transfer as a disciplinary measure traditionally moves the problem without solving it. Likewise, I see no need for adoption of the Association proposal to increase the number of days for a trip to new work sites from three to five days.

Section 1(d) of the Association proposal already exists in the current contract. It is not unreasonable to require the State to inform a senior bidder of the reasons why a transfer request was denied. In addition, with a modification, Section 1(b) of the Association proposal should be included in the contract. Vacant positions should "normally" be filled from within the bargaining unit before going outside the unit to fill a vacant position.

The Association proposed to establish a hardship review committee to consider and review unusual transfer requests and involuntary transfers. The unusual transfer request was aimed at providing a means to deal with the situation of members stationed in remote areas who need and want to return to a more populated area. Trooper Wilcox testified in fascinating detail of the professional and personal problems of providing law enforcement services in a remote area. He testified of his desire to transfer out of a remote area after five years of service and of the difficulties he faced in attempting to gain a transfer.

The difficulty with using Trooper Wilcox's testimony as a basis for establishing a review committee was that he has not bid on vacancies that were available. It appears that Trooper Wilcox is waiting for a vacancy in only the exact place he wants to move. The problems expressed by Wilcox in getting the vacancy notices in time to bid on jobs could be resolved if he was more aggressive in seeing that management got the notices to him. Finally, my award will require the State to supply vacancy notices to the PSEA which should also help to spread the word on vacant positions.

The Association proposal to establish a review committee to oversee involuntary transfers represents an unnecessary and excessive intervention into the inherent responsibilities of management to control and direct the workforce. The evidence also clearly established that management has not abused the right to

transfer employees. Out of 182 transfers since 1982 only 1 has been identified as an involuntary transfer.

In conjunction with the proposals in Article 12 the Association proposed to change the definition of transfer in Article 1, Section 2(o). For the reasons stated in rejecting the Association proposals in Article 12, the proposed new transfer definition should not become a part of the contract. It is properly the role of management to determine where the work of the Department can best be accomplished.

AWARD

The Arbitrator orders that Article 12 be modified to state:

ARTICLE 12

ASSIGNMENT AND TRANSFER

Section 1

The State shall continue its policy of transferring members based on the best interests of the Department, including consideration of special qualifications. Where those factors are relatively equal, preference of the member and length of service shall be major factors in effecting the transfer. The provisions of this Article apply only to lateral transfers. Vacancies will normally be filled from the request of members with the most

bargaining unit seniority who meet the qualifications of the announced vacancy before vacancies are filled by going outside the unit to hire new personnel.

Section 2

(a) The Employer will monthly circulate notices which shall be prominently posted at each duty station concerning available duty posts and will maintain a file of transfer requests. A member desiring a transfer shall submit his request(s) on forms to his detachment or unit commander. All such transfer requests, with appropriate endorsements, shall be forwarded to division and department headquarters. Transfer requests shall only be filled after fifteen (15) days from date of issuing the notice of vacancy, provided the notice is mailed on or before the effective date of notice. The Employer will forward a copy of all vacancy notices to the PSEA office in Anchorage at the same time vacancy notices are released for posting.

Section 2

(b) (c) (d) (e) (f) (g) and (h). Retain current contract language.

ATTACHMENT NUMBER ONE

WRITTEN COMMENTS SUBMITTED BY THE PUBLIC



Bering Sea Fishermen's Association

632 Christensen Drive
Anchorage, Alaska 99501
(907) 279-6519

January 4, 1986

Representative Peter Goll, Chairman
Special Committee on Fisheries
Alaska State Legislature
House of Representatives
Pouch V
Juneau, Alaska 99811

Dear Representative Goll:

Thank you for your letter requesting comments on enforcement of fisheries regulations. Bering Sea Fishermen's Association is concerned with several matters of enforcement in the fisheries of Western Alaska and we appreciate the Committee providing us an opportunity to voice the concerns.

There are areas in which we consider the level of enforcement inadequate, and this lack of enforcement certainly does create economic incentives for fishermen to break the law. Since the majority of regulations in Title 16 are intended to protect the resource, lack of enforcement does indeed jeopardize the resource.

The exclusive registration regulation prohibits herring fishermen from fishing in several of the Western Alaska herring fisheries if they take part in any other herring fishery in the State that year. The regulation also prohibits vessels from being involved in an exclusive fishery and any other fishery. By all appearances, enforcement has been minimal. Enforcement of this regulation requires boarding vessels during the season. Local fishermen in the Western Alaskan herring fisheries feel that there have been numerous incidences of fishermen participating in several of the herring fisheries in Western Alaska in flagrant violation of the regulation.

For the past two years I have seen no attempt to enforce the exclusive registration regulation on the fishing grounds in the Norton Sound herring fishery. To fishermen who stand to make thousands of dollars by participating in several of these fisheries, there certainly is an incentive to face what has proved to be a very small risk of being detected.

You ask if there is consistency in enforcement of fishing regulations. I feel that in many cases there is not. Generally it is easier and less

expensive to monitor and enforce minor and unintentional violations such as having gear in the water a few minutes past a closure or a short distance inside a closed area. Intentional calculated violations such as fishing without a permit, selling subsistence fish and fishing far inside closed areas are more difficult to enforce and often more detrimental to the resource. For example, while there was little attempt to enforce the exclusive registration regulation during the Norton Sound herring season, there was significant patrolling to cite fishermen whose nets weren't out of the water on time.

Protection personnel should not necessarily overlook unintentional violations, but they should have some sensitivity towards rural users who, because of misunderstanding or circumstance, commit violations. After receiving your letter I asked residents from various areas of western Alaska for input about enforcement problems. In response I heard several stories of over zealous officers diligently pursuing minor subsistence violators while neglecting major violation enforcement.

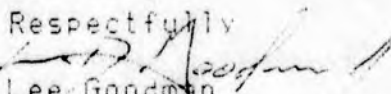
✓ Attendance at Fish and Game Advisory Committee meetings by enforcement personnel would help improve the relationship between fishermen and enforcement. Fish and Wildlife would be able to ask fishermen first hand what problems and concerns they have with enforcement policy and methods. Also, it would improve officers' understanding of the fisheries they are involved with.

Specific problems we have heard of include the selling of roe from subsistence fish in areas of the Yukon river, and selling roe from commercial fish while discarding the carcasses.

One of the most important problems facing Fish and Wildlife Enforcement during the 1986 season will be in the Alaska Peninsula-Aleutian Islands fishery. The Board of Fisheries has put a cap on the harvest of chum salmon which is caught incidentally with the sockeye salmon. Once the chum ceiling is reached, the entire fishery will be shut down. Since the chums are worth a fraction of what sockeyes are worth, there will be incentive for fishermen and processors to either dispose of chums, or to list them as other species so as to keep the sockeye fishery open. The Board instituted the chum cap because of dangerously low chum runs in parts of western Alaska. Violations of this sort may be very damaging to the resource, consequently, we hope to see a major enforcement effort in this area.

Thank you for your inquiry. Please let us know when you have a schedule for hearings, and feel free to contact us should you have further questions.

Respectfully


Lee Goodman
Extension Specialist



UNITED COOK INLET DRIFT ASSOCIATION

BOX 4640- KENAI, ALASKA 99611

P. O. Box 324
Kenai, Alaska 99611
December 24, 1985

Representative Peter Goll
Special Committee on Fisheries
Touch V
Juneau, Alaska 99811

Dear Representative Goll,

Fish and Wildlife enforcement in Cook Inlet has most of the same problems as other parts of the state.

In the 1985 season the "on the grounds" enforcement presence consisted of one vessel over 30', one plane to fly boundary lines, and a rubber raft to oversee a fleet of almost 600 boats.

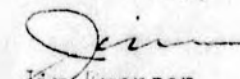
The consensus of the drift fleet is that there should be one or two more vessels and that the plane should have radio contact with the fleet.

Loran has not proved to be the final navigational solution most of us had hoped for (Cook Inlet has notoriously weak and inconsistent Loran signals) and many violations could be avoided if the plane had radio contact with boats. We have offered to buy them a radio, if necessary, to no avail.

A related problem is the consistent pleas from sport fishermen for more enforcement on the Kenai River.

The enforcement personnel, both on the grounds and the river, have been courteous and reasonably knowledgeable about the fishery.

Yours truly,


Jim Evenson
President

JB:ne

cc: Jack Cadigan, Executive Director
United Fishermen of Alaska

NUNAM KITLUTSISTI

Protectors of the Land, Inc.
P.O. Box 2068 • Bethel, Alaska 99559
907/543-2856

December 19, 1985

Representative Peter Goll
Alaska State House of Representatives
Chairman, Special Committee on Fisheries
Pouch V
Juneau, AK 99811

Dear Representative Goll,

Thank you very much for your letter of interest seeking our input on Fish and Wildlife Protection (FWP) enforcement activity and effectiveness. Our work program concerns the Yukon-Kuskokwim Delta. On certain migrating resources or industries, we have a wider perspective. We would like to restrict our comments to these areas.

Lack of consistency and the degree of commitment by FWP officers have been a constant public complaint from those users who witness violations not cited by FWP. Three examples come to mind:

A. Nelson Island Herring Fishery

The Nelson Island village cluster agreed to a pioneer commercial fishery in 1985 on damaged Eastern Bering Sea herring stocks. These herring are essential for the subsistence way of life. After three court cases stretching over seven years to prevent overutilization and promote conservation of these damaged stocks Nelson Island's elders finally agreed to a limited commercial fishery. In exchange for consent on a commercial opening, the Board of Fisheries established a super-exclusive use area that would promote local utilization of 10% of the spawning herring biomass. Bays south and north of Nelson Island above Cape Newenham have similar exclusive use area restrictions on both boat captains and vessels registration and participation.

Western Alaskan herring fleets did not enter into limited entry Southeastern, Kodiak, and Southcentral herring fisheries. An equity compromise reached at the Alaskan Board of Fisheries prevented nomadic high efficiency herring fleets from walking the Western Alaskan coastline and devastating small northern EBSH stocks fished by local, hands-on fleets.

FWP officers are supposed to check each permit holder in the large Togiak herring fishery, recording the vessel identification number, captain's license, and crewmember names. This listing was to preclude a crewmember in Togiak becoming a captain or re-using a Togiak vessel in a northern exclusive use registration area.

In 1985, this procedure was not followed by FWP. Numerous reports came to our office from fishermen in the registration areas north of Cape Newenham that the nomads were in. There was no checking of registration at Goodnews Bay, and Kokechik Bay by FWP in our district, and in Norton Sound.

Nelson Island is a case in point. ADFG and ourselves had reported to FWP that apparent violations of the exclusive use registration area was occurring at Nelson Island where Icycle processing operations were using Petersburg fishermen. FWP's Andy Blank came to Nelson Island on one day. There was ice between the ADFG camp and the Petersburg fleet. Rather than wait around for the ice to move and check the fleet, FWP's Blank left. The Petersburg fleet was never checked by FWP. That high-tech fleet took 38% of the harvest versus 204 local small boats. In a flagrant violation of the law, Icycle's processing boat picked up these fishing skiffs and moved them to Norton Sound. The fishermen went to Toksook Bay to begin their air travel to Norton Sound. Villagers surrounded the airplane, removed the fishermen, and held a public meeting. Fishermen were asked to show their permits. Two of the fishermen had in their possession captain's licenses from other districts. The name of each fishermen was recorded, and forwarded to ADFG, the FWP, and CFEC.

- a. Hammond K. Vainle
- b. Allen Fee
- c. Tim Tienhaara
- d. Ty Cummins
- e. Bryan Kanpoll
- f. Axel Stolpe
- g. Robert L. Swanson
- h. John R. Swanson
- i. Jerry E. Dahl, Jr.
- j. Jeff Meucci

This flagrant violation of the law by Icycle and its contract herring fishermen has escaped any civil penalty. Icycle and FWP have undermined creditability of the State's regulatory and enforcement system.

The Committee should be especially concerned in this issue in that small northern populations of eastern Bering Sea Herring may be subjected to intense fisheries if the expected decline in Togiak herring biomass starts in 1987. Institutionalization of an effective monitoring and diligent enforcement will dissuade nomads from violating the regulations, protect low technology fisheries, and insure conservation among these damaged stocks.

B. Upriver Yukon Blackmarket on Summer and Fall Chum Eggs

Salmon allocation is a continuing allocative problem amongst the numerous users of a comparative small Yukon salmon resource. Illegal fishing exacerbates conservation and competition between user groups.

1. Summer Chums

Several processors established roe processing stations in Y-4 in the mid-1970's to process roe from commercial caught summer chum salmon. There is no market for summer chum flesh. This commercial fishery is justified by ADFG since summer chums are an underutilized stock. Access to a market has spawned a blackmarket subsistence roe fishery in Y-4. Complaints about this fishery have continued for years. Open abuse has been reported at Fish and Game Advisory Committee meetings, and before the Alaskan Board of Fisheries, yet FWP has done nothing to curtail this illegal operation.

2. Fall Chums

A second issue continually discussed at local Fish and Game Advisory, Regional Councils, and the Alaska Board of Fisheries is the illegal use of eggs from Fall Chums in the village of Tanana at the confluence of Y-5 and Y-6.

The Board has regularly received reports that subsistence caught eggs of Fall Chums have routinely entered the commercial egg processing industry in a fishery where a market for flesh does exist. Fall chums are a threatened species in the Yukon River. Misuse of this resource by a group of users confounds already series management and allocation problems on the Yukon River. FWP has failed after numerous years of complaints to undertake any enforcement action to curtail this activity.

C. North Aleutian Peninsula Intercept Fisheries

1. Fishing Beyond Three Nautical Miles

NK has received fishermen and pilot reports that fishermen in the North Aleutian Peninsula fisheries repeatedly went beyond the three mile territorial sea of the State of Alaska to intercept Bristol Bay and Arctic-Yukon-Kuskokwim salmon. One pilot report made to the Alaskan Board of Fisheries this year was that an American seine boat was observed with gear in the water more then forty nautical miles from the North Aleutian Peninsula.

The reason that numerous complaints were received this year was that FWP had removed all its officers from the North Aleutian Peninsula to target Bristol Bay. In that violations of those reported in the North Aleutian Peninsula affected conservation of salmon stocks throughout Western Alaska, a poor decision by FWP had widespread ramifications.

2. A New Issue:Chum-Chucking in False Pass

The Alaskan Board of Fisheries has amended 5 AAC 09.365 South Unimak and Shumagin Islands June salmon Management Plan to place a cap of 400,000 chums. Once the ceiling for less valuable chums is reached in that fishery now compressed from June 10 to June 24, the more valuable sockeye fishery will close by emergency order. The incentive to cheat by discarding chums to avoid reaching the cap and continue the sockeye fishery is real.

The reason that the Board instituted the chum cap was the serious conservation problems that exists is all Western Alaskan major chum salmon spawning rivers. A take of 400,000 chum was at best a political compromise, not a conservation figure arrived at by the Board. Discarding of chums far in excess of 400,000 will contribute to additional conservation problems, and exacerbate in-river allocation disputes amongst users. Close supervision of the fishery to prevent wide-spread discarding of less valuable chums by the False Pass fisheries will prevent a serious conservation problem from developing.

I hope that these examples that address your final questions on consistency and focus on most important enforcement problems will assist the Committee in focusing its attention on FWP issues in Western Alaska.

in peace,

Harold Sparck
harold sparck, director

BRISTOL BAY NATIVE ASSOCIATION

P.O. Box 189

DILLINGHAM, ALASKA 99576

(907) 842-5257



December 17, 1985

Rodger Painter
Prof. Asst. - Fisheries Committee
Pouch V
Juneau, Alaska 99811

Dear Mr. Painter:

Enclosed are the results of the survey on enforcement activities we sent to all salmon gillnet permit holders for Bristol Bay. We received 800 responses out of 2940 questionnaires for a 27% return rate.

Results of the survey indicate that the level of enforcement in Bristol Bay increased during the 1985 salmon season but there is still a need for improvement as is evidenced by the statistics and the statements by fishermen. The comments compiled and attached are representative of hundreds of written remarks that were made by respondents.

This survey was made possible by funds provided to the Bristol Bay Native Association Fisheries Program by the 14th Alaska State Legislature.

If we can be of further assistance please feel free to contact us.

Sincerely,

BRISTOL BAY NATIVE ASSOCIATION

Deborah Tennyson
Executive Director

Jim Timmerman
Fisheries Coordinator

Enclosures:

December 5, 1985

August 1985 (2940 surveys were sent out in September)
results received to date total 800

AUGUST, 1985 SURVEY: THE BRISTOL BAY NATIVE ASSOCIATION IS COLLECTING INFORMATION ON ENFORCEMENT ACTIVITIES DURING THE SALMON SEASON AND WOULD LIKE YOUR HELP. WOULD YOU TAKE THE TIME TO FILL OUT THIS SURVEY AND RETURN TO US?

1. DISTRICT YOU FISHED DURING MOST OF THE RED SEASON. YOU MAY CHECK MORE THAN ONE.

EGEGIK	295
UGASHIK	230
NAKNEK/KVICHAK	362
NUSHAGAK	144
TOGIAK	53

2. FISH AND WILDLIFE ENFORCEMENT PEOPLE WERE:

EVERYWHERE	522
SOMETIMES AROUND	293
NEVER SAW THEM	74

3. I MOSTLY SAW FISH AND WILDLIFE:

AIRPLANES	411
SKIFFS	314
POWER BOAT	383
NEVER SAW THEM	65

4. DID YOU SEE ANY FISHING VIOLATIONS:

YES	627
NO	159

5. WHAT TYPE:

FISHING OUTSIDE THE LINE	500
MORE THAN 3 NETS	113
SETNETTERS WHO DRIFT FISH	123
DRIFT FISHERMEN SETNETTING	95
OTHER	6

PAGE 2

5a. WAS ENFORCEMENT BETTER THAN LAST YEAR?

YES	520
NO	143

6. WAS ENFORCEMENT IN THE AREA AT THE TIME OF THE OBSERVED VIOLATION?

YES	338
NO	386

7. IF ENFORCEMENT WAS NOT PRESENT DID YOU REPORT THE VIOLATION?

YES	120
NO	367
DID NOT WANT TO	41
DID NOT KNOW HOW	73
DID NOT HAVE TIME	114

8. IF REPORTED, WAS ANYTHING DONE?

YES	41
NO	85
DON'T KNOW	24

9. DO YOU THINK WE NEED MORE ENFORCEMENT?

YES	370
NO	276

10. DO YOU THINK WE NEED LESS ENFORCEMENT?

YES	71
NO	594

11. YOUR BOAT/SET NET SITE WAS CHECKED BY FISH & WILDLIFE?

YES	306
NO	476

IF YES, WHAT DID THEY CHECK?

PERMITS	278
CREW LICENSES	258
NETS	150
BOUYS	79
OTHER MARKING	55

12. HAVE YOU EVER CONTACTED FISH & WILDLIFE FOR ASSISTANCE?
(Search, Rescue, Law Enforcement)

YES 209
NO 563

IF YES DID THEY HELP?

YES _____ 121 _____
NO _____ 71 _____

3. ANY SUGGESTIONS FOR FISH & WILDLIFE ABOUT ENFORCEMENT ACTIVITIES?

CHECK ALL BOATS/SET NET SITES	
FOR PERMITS, ETC.	448
BETTER EXPLANATIONS OF THE LAWS	152
MORE AIRPLANE SURVEILLANCE	219
MORE SKIFF PATROLS	246
MORE POWER BOAT PATROLS	214
MORE NIGHT PATROLS	266
MORE LINE CHECKS	299

14. DO YOU THINK YOU UNDERSTAND COMMERCIAL FISH REGULATIONS?

YES	645
NO	23
NOT SURE	105

15. OTHER COMMENTS: (SUGGESTIONS/CONCERNS ABOUT ENFORCEMENT)

[illegible]

ADDITIONAL RESULTS RECEIVED AFTER SUBMITTING EXECUTIVE REPORT 10/18/85

5. TYPE VIOLATIONS

I saw Fish and Wildlife service watching (more than once) boats fishing outside the line without doing anything.

Early fishing on transfers.

6. ENFORCEMENT IN AREA

Johnson Hill, many boats over line - many citations - overall, good job by enforcement.

Yes, - About (1) one dozen boats were fishing above North Cape Line and doing right well, thank you.

9. MORE ENFORCEMENT

On the beach, because there is as much violation on the beach as there is out in the boats.

Along the Lines started in 1985

More in the outer areas - 2 to 10 miles out.

15. OTHER COMMENTS:

For fishermen obeying the law, its pretty hard to catch 200,000 pounds of fish. You should observe where these boats fish.

This season the enforcement was much better than previously. I applaud the enforcement effort and believe that the level of enforcement must be maintained or increased.

Get back to a local intercept fishery where fishermen fishing in a particular district harvest fish returning to that district and not a fishery where fishermen in a particular district harvest fish trying to reach another district.

I was boarded for fishing over the line - I started pulling too late and had about 50 fathoms to pull when we crossed the line. Fish and Game boarded my vessel - gave me a warning citation - which I deserved.

I would like to see harsher jail sentences and/or fines levied against those who break fishing regulations.

Need creative escapement practices, shorter openings to see what fish are doing, types, sizes, age, volume, also streams need to be cleaned.

Check boats over setnets with unrealistic high catches for using too much gear, etc.

Boats were fishing many miles outside the line. Because of the great numbers, the enforcement people could not catch all the violators.

I think there should be night patrols at Middle Bluff. When a boat transfers into a district he should show Fish & Game proof of his transfer time. I've heard Fish & Game officers complain that they can only bust 2 or 3 people a day and the rest of the day is spent doing paper work. Just pull their permit cards and do paper work when period is over.

Statistical analysis of deliveries by permit holders - look for multi-boat deliveries.

Enforcement for 1985 was the best I've seen in the bay.

The regulation books need to be published earlier.

Transfer officer for each district.

Get a boat that is more seaworthy than the Endurance.

Need a speedier way to arrest more than one boat at a time.

All boats should have name and homeport painted legibly on it in accordance with USCG regs.

We have observed drift nets passing between set nets during the night tides more often than during the day time.

More enforcement and checking in Ugashik and Port Heiden offshore fishing.

Very little enforcement in the Northern and Northwestern districts of the Alaska Peninsula where people down there are bragging that they fish 7 days a week and up to 30 miles offshore.

Set nets skiffs should be required to have a vessel license to control share-cropping fishermen using one permit.

What can be done about the dangerous and unsafe operation of boats.

Check closer for setnetters drift fishing at night.

Boats fish Cinder River in fog.

If someone has 70,000 pounds of fish on the books and the basic average is 14,000 pounds shouldn't they know who to watch?

I personally know of one boat that didn't have a Bristol Bay permit.

Need to pressure legislatures to assure continued funding for Fish & Game protection.

Fish and Game enforcement is inadequate for the number of responsibilities they presently have.

5. TYPE VIOLATIONS:

Fishing night before openings and in closed areas when foggy.

Fishing all districts without transferring.

Setnetters in Queen Slough put out 3 nets, moved sites, etc.

Deep mesh gear.

6. ENFORCEMENT IN AREA:

'Compliance' went around a net that was drifting over the line to get to our boat for a routine check of licenses. We were not fishing at the time

Johnson Hill Line - they picked up dozens at a time.

Not enough manpower to enforce line.

Enforcement occupied issuing tickets.

7. REPORT VIOLATION:

No, the way 'the Book' says to do it is not practical, i.e. photographs with landmarks.

13. SUGGESTIONS ABOUT ENFORCEMENT:

Pay more attention to the illegal tenders and their private fleets.

Fog/night/windy weather enforcement was not around at the line.

Have an officer stationed on the beach during the season in each district so he could be contacted when a violation is observed.

Offshore patrols for illegal fishing.

Update new/changed fishing regulations 2 months prior to season opening.

When checking Lorans for over the line violations - F & W should have their own on board the protection vessel. If they use the fishermen's Loran they need to know enough to tell if the Loran is right or if it is programmed to read the line by switching to a waypoint.

Put officers on tenders at different times to check licenses and gear.

All enforcement patrolmen should have a pre-season meeting with concerned fishermen so the fishermen could teach the enforcement people where to be and when.

15. OTHER COMMENTS:

Issuance of citations must be speeded up.

The enforcement was excellent this year, but what they had to enforce was ridiculous. The problem now rests with the fish management people in Fish and Game.

The accidents and near misses which occurred at Egegik in 1985 needs to be addressed. The operation of a fishing vessel which endangers the life of another is criminal.

When the Ugashik district was shut down to drifters for punishment instead of arresting the violators (a minority) the ADF&G chose to punish all of us, as a result, those of us who chose to fish legally suffered a double loss. Besides losing out on the fish caught by outlaws, we were then denied fishing time.

I have never in 15 years been checked for area registration.

I fished Egegik for 16 years so I know what fish they are catching. The lines have got to be moved in to protect Naknek/Kvichak fish.

Each year it seems that there are a number of fishermen who catch a considerable amount of fish more than even the best fishermen. General opinion seems to be that these people fish illegally to a considerable extent.

Period openings in the middle of the night invites illegal fishing.

I know of people who don't transfer and make any opening they want.

Two boats fishing one permit, boat with permit clears three nets while boat without permit hangs onto three nets that are fishing. When boat with permit clears the nets he resets and switches with the boat without the permit.

Limited Entry permits were intended to limit fishermen. Every year there are more and more boats.

False Pass fishermen were almost fishing Ugashik this year.

There should not be more than 6 hours notice for opening of periods. This way boats can't run back and forth without transferring.

What we need is the False Pass area closed. Port Moller and Cape Menshikoff - what they should have here is the same type of 'terminal area' that we have in Bristol Bay. They fish False Pass, then move up to Port Moller - two chances at the same fish. We get one.

ADF&G office hours do not always accommodate with fishermen's decisions to transfer districts.

15. OTHER COMMENTS:

Certain fishermen are outlaws, most of us know who they are, yet these people manage to defy the law time after time.

Night enforcement should be a priority.

All violators names and boat names need to be published in the paper, plus their fines, trial dates, out come of trial. Lets the rest of us know what we face if we violate the fishing laws.

Should send enforcement to areas outside of Area T. With so much concentration of enforcement in Bristol Bay, we leave little enforcement for Port Moller and False Pass.

Penalties for those blatantly abusing the law must be much greater than the financial rewards for doing so.

I believe I am in compliance with all the regulations but a checklist would be helpful - i.e., numbers on boat, nets, buoys, permits, etc.

Establish a radio 'Hot Line' for those observing violations. No reward except - thank you for your interest.

A buoy is a one time cost - setting buoys would eliminate the need for patrols at lines and allow needed enforcement elsewhere.

In Naknek they (Fish & Wildlife Protection) ticketed people, in Ugashik they gave them time to get back inside the line.

I think that for the start of fishing periods, KDLG could give a countdown. This would help make everyone legal.

Most violations I see occur after most people have gone home including Fish and Wildlife Protection. I think that Fish and Wildlife should stay in the Bay 10 - 14 days longer.

Set net buoys are for the most part inadequate, poorly marked, too submersible.

I was totally appalled by the decision to close the Ugashik District because of a few violators on the North line. Let the cops handle the violations and Fish and Game manage escapement.

Our legislators should be encouraged to increase the penalties for illegal fishing activities. Robbing the resource should be viewed in the same way as robbing a bank.

An undercover investigation with major violations as the sole purpose or aim would bring, I believe, very surprising results.

Why is this survey done by the Bristol Bay Native Association instead of Fish and Wildlife people?

BRISTOL BAY NATIVE ASSOCIATION

P.O. BOX 189
DILLINGHAM, ALASKA 99576
PHONE (907) 842-5257

December 19, 1985

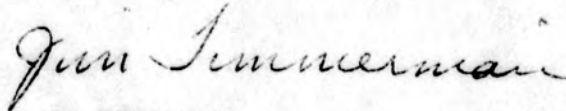
Rodger Painter
Professional Assistant - Fisheries Committee
Pouch V
Juneau, Alaska 99811

Dear Mr. Painter:

Enclosed are some additional comments for the Enforcement Survey that were inadvertently left out of the packet we sent you on December 17, 1985.

Sincerely,

BRISTOL BAY NATIVE ASSOCIATION



Jim Timmerman
Fisheries Coordinator

JT/en

Enclosures

SPECIAL NOTES: Enforcement Survey Comments

5. Type Violations

Drift boats go dry with their gear out late in the season in the Ugashik District. A popular spot for this is right of Smokey Point in the blind channel.

Setnetters using more than 3 nets.

I have seen more than one boat with the same license (ADF&G) number.

I know of people using and having aboard more than 3 nets. Enforcement doesn't seem to check this.

'18 Wheelers' disappearing over the horizon at dusk - returning with full loads at dawn July 15 - 19.

Enforcement officers should be more courteous.

Setnetters with unmarked pegs outside their nets.

Drift fishermen too close (between) setnets.

Fishing in an area not registered for or before legal transfer time very common.

Fishing during closures.

Deep mesh nets.

Setnets at sites without permits, e.g., on permit site on site on Kvichak and one at Ugashik at the same time.

More than one boat fishing on a permit.

Fishing way below (outside) line before period opens, then coming in with a big load when the period starts.

Reckless operation of fishing vessel.

Many fishing far below line and some without permits, tenders were helping them get rid of their fish.

I myself set my net out half an hour early - never got caught.

Setnetting more than one site, like 3 or 4 nets after most of the people go home.

Commercial fishermen robbing subsistence nets on Kanakanak Beach prior to commercial openings.