

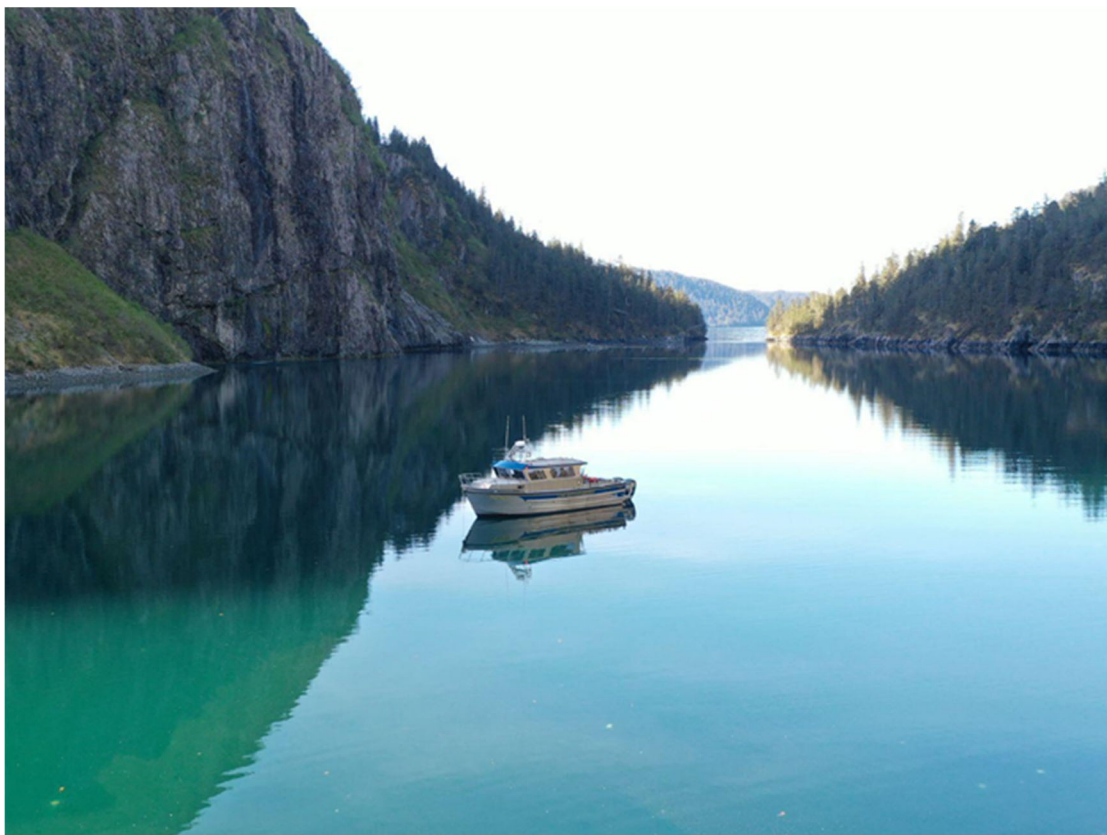


NOAA FISHERIES



Office of Law Enforcement Alaska Enforcement Division

December Report To
North Pacific Fisheries Management Council



October 2020 to September 2021
Report fisheries or marine mammal violations,
call our National Hotline at 1-800-853-1964

<https://www.fisheries.noaa.gov/topic/enforcement>

NOAA Fisheries, Office of Law Enforcement, Alaska Division

Report to the North Pacific Fishery Management Council

December 2021

TABLE OF CONTENTS

1. Enforcement Operational Highlights (April-September)3

2. Joint Enforcement Agreement (State Fiscal Year).....4

3. Outreach and Education (April-September)5

4. Case Updates (April-September)8

5. Incident and Summary Settlement Information (Fiscal Year 2021).....11

6. Observer Program (Fiscal Year 2021)13

Alaska Enforcement Division

1. Enforcement Operational Highlights

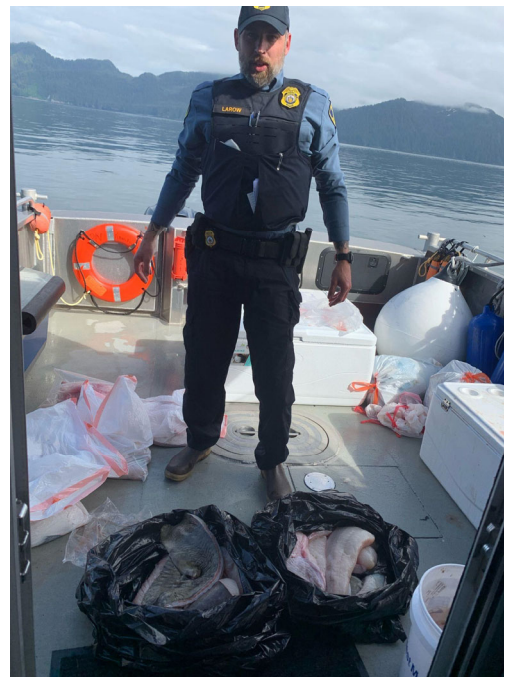
From April 1, 2021, to September 30, 2021, the Office of Law Enforcement (OLE), Alaska Division (AKD) conducted extensive patrols for the purposes of enforcement and education. In addition to daily dockside and vessel patrols, AKD conducted several multi-day patrols. Patrols were often coordinated with partners including U.S. Customs and Border Protection (CBP), U.S. Fish and Wildlife Service (USFWS), U.S. Coast Guard (USCG), Alaska Wildlife Troopers (AWT), and National Park Service (NPS). Partnering with multiple agencies broadens enforcement and outreach opportunities and allows for shared knowledge across agencies.

In April, a team of four Enforcement Officers along with USCG and AWT boarding officers conducted boardings and surveillance in Southcentral Alaska during the 2021 Homer King Salmon Derby. Teams conducted 66 boardings and identified 16 violations including two failure to sign logbooks, four chunked halibut, eight state violations, and two USCG safety violations.

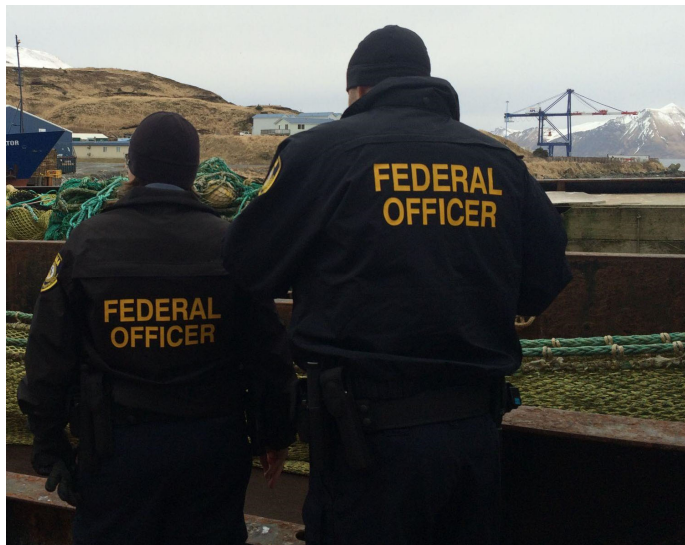
In May, two teams of Enforcement Officers and Special Agents completed a multi-day Southeast Alaska patrol, logging almost 600 nautical miles in the Dixon Entrance area onboard the OLE Patrol Vessel (PV) Natoma Bay. One US-flagged vessel with two anglers onboard was contacted and checked, with no violations documented. Multiple sportfish vessels were also boarded. The patrol was diverted to investigate and collect samples of a dead whale reported by AWT.

In June, a team consisting of three Enforcement Officers and one Alaska Wildlife Trooper completed a three-day patrol from Seward to Whittier, AK on the PV Kingfisher. A USCG Boarding officer joined on day two. 20 boardings were completed and 25 violations were discovered. The violations consisted of four North Pacific Halibut Act violations, 18 State of Alaska violations, and three Coast Guard violations. Over 100 pounds of illegally processed Halibut, 11 Non-Pelagic Rockfish, and one Lingcod were seized.

In June, OLE and AWT completed a patrol of Prince of Wales (POW) Island and surrounding communities onboard PV Gowtauken. During the sea-based joint patrol, multiple strings of unmarked commercial shrimp gear were pulled, recorded, and deck



loaded. Unmarked longline gear was also discovered. Officers provided outreach to the Thorne Bay Charter Association and to the community of Hollis during a town meeting. Multiple dockside boardings resulted in outreach with charter operators to discuss and assist with eLogBooks.



In August, OLE conducted a pulse operation in Dutch Harbor, AK to address a total of 143 observer complaints. Additional complaints were received during the operation, including one involving intimidation of an observer. 73 complaints were furthered by investigation and 61 were closed. Nine remain open because the vessels were not contacted.

In September, an Enforcement Officer completed a two-week patrol with AWT on the PV Enforcer in Southeast AK with a total of 92 vessels boarded and 18 state and federal citations. Four federal violations were issued, one fix-it for subsistence gear markings, and three unreported Guided Angler Fish (GAF).

2. Joint Enforcement Agreement

The purpose of the Joint Enforcement Agreement (JEA) between NOAA-OLE and the Alaska Wildlife Troopers (AWT) is to support operations, administration, and funding for AWT to enforce Federal laws and regulations under the Magnuson-Stevens Act, Endangered Species Act, Marine Mammal Protection Act, Lacey Act, and Northern Pacific Halibut Act. Central to this JEA is the prevention and detection of violations by federally deputized Wildlife Troopers. Deputized Wildlife Troopers provide an overt presence and force multiplier for Federal fisheries enforcement.

The reporting year for the JEA differs slightly from the Federal fiscal year: the “2020” JEA report runs from July 1, 2020 through June 30, 2021. AWT recorded the following actions in direct support of OLE and marine resource protection.

- 315 vessels boarded (commercial, charter, sportfish, and subsistence)

- 111 gear inspections performed
- 698 contacts (industry and public) during execution of field operations
- 757 additional contacts through 41 outreach activities
- 35 State warnings and 36 State citations (many are common state/federal fisheries)
- 20 cases referred to OLE for federal enforcement action.
 - 17 from JEA operations; 3 from non-JEA operations

3. Outreach and Education

NOAA OLE outreach and education efforts facilitate and encourage responsible and sustainable uses of marine resources. OLE agents and officers visited communities and lodges throughout Alaska and utilized multiple online and in-person venues to deliver a strong message of resource protection. Due to COVID-19, OLE was unable to travel to large community events. Instead, OLE provided resources and outreach to small local and virtual events. The table below provide a summary of formal outreach efforts from April 1, 2021, to September 30, 2021.

In addition to community events, OLE worked extensively with industry leaders and representatives by hosting virtual meetings to discuss reported potential compliance issues. In August, the Compliance Analyst and Observer Liaison conducted eight such virtual meetings to provide discussions about regulations and common violations and encouraged self-reporting. In FY 2021, OLE saw a marked increase in self-reported violations - 22 self-reports since April. To learn more about these meetings or the self-reporting processes, contact Compliance Analyst, Alex Perry at [907-271-3021](tel:907-271-3021)/alex.perry@noaa.gov.

Table 3-1: Outreach and Education

Date	Description
4/01/2021	An Assistant Special Agent in Charge and a Special Agent presented to the US Attorney’s office: they provided a PowerPoint presentation of OLE priorities, enforcement procedures, and case examples.
4/21/2021	An Enforcement Officer, with ADF&G, AWT, and USCG representatives, attended the Homer Charter Boat Association Members meeting. Discussions included regulations and the new CHP requirements.

5/3/2021	A Special Agent participated in a virtual National Observer Program Advisory Team (NOPAT) meeting. Discussions included Workplace Violence Prevention and Response; communication with observers during prosecutions; observer training; and Magnuson-Stevens Act reauthorization.
5/6/2021	An Enforcement Officer met with the owner and guides of Auke Bay Adventures to review Charter Halibut Rules and eLogBook FAQs.
5/17/2021	OLE distributed a compliance assistance outreach letter to participants in the Fixed-Gear Electronic Monitoring Program, highlighting trends in noncompliance and providing regulatory references.
5/18/2021	An Assistant Special Agent in Charge, Enforcement Officer, and Compliance Analyst conducted a NOAA Live! webinar regarding OLE's role in managing marine resources. Kids from around the world, 2nd to 8th grade, participated.
6/8/2021	An Enforcement Officer presented at the Hollis Community Center regarding subsistence halibut hook limits, SHARC permit applications, bycatch, and buoy markings. Approximately a dozen community members attended.
6/15/2021	OLE, AWT, and ADF&G met with Waterfall and Steamboat Lodge personnel to discuss 2021 charter regulations. Approximately 40 guides attended.
6/21/2021	An Enforcement Officer presented at the Petersburg Indian Association Natural Resources Summer Program for high school participants. Topics included fisheries management, enforcement, and NOAA careers.
7/19/2021	The DSAC and a Special Agent represented OLE at the Alaska Eskimo Whaling Commission Second Tri-Annual Meeting of Commissioners.
8/11/2021	OLE Compliance Analyst, Observer Program Liaison, and a Special Agent met with Alaska Groundfish Data Bank (AGDB) to discuss pollock trawl EM EFP issues and potential violation trends in Gulf of Alaska trawl (e.g. Rockfish, Open Access) and processor sectors.
8/11/2021	Compliance Analyst and Observer Liaison met separately with Icicle Seafoods, Glacier Fish, and North Star representatives to discuss potential violations reported in the first half of 2021.
8/16/2021	Compliance Analyst and Observer Liaison met separately with Aleutian Spray Seafoods and Trident Seafoods representatives to discuss potential violations reported in the first half of 2021.
8/23/2021	Observer Program Liaison and Compliance Analyst conducted a meeting with a fleet representative for Ocean Beauty Seafoods to discuss potential violations.
8/24/2021	Compliance Analyst and Observer Liaison met with fleet representatives for O'Hara to discuss 2021 "A season" potential violations.
8/23/2021	OLE attended the AGDB Central Gulf of Alaska Trawl Fleet and Processor Meeting. The OLE Compliance Analyst presented on compliance issues in GOA trawl fisheries.

4. Case Updates

Notices of Violation and Assessment

The NOAA Office of General Counsel, Enforcement Section (GCES) issued Notices of Violation and Assessment (NOVA) in the following civil administrative cases. A NOVA is not evidence of liability; it is only an allegation. A respondent is entitled to a fair hearing before an administrative law judge at which the government must prove liability by a preponderance of the evidence.

AK1906496; Keta Seafoods, L.L.C. and Gregory V. McMillan – Shoreside processor Keta Seafoods, LLC, and owner Gregory V. McMillan were charged jointly and severally under the Northern Pacific Halibut Act (NPHA) with failing to submit a required IFQ Registered Buyers ex-vessel Volume and Value Report. A \$1,500 NOVA was issued.

AK2004893; F/V Marathon – Owner Marathon Fisheries, Inc. and operator Martin Stam were charged jointly and severally under the Magnuson-Stevens Act (MSA) with exceeding the maximum retainable amount of Pacific cod. A \$3,625 NOVA was issued.

AK1906418; F/V Excalibur II – Owners Northern Seiners, Inc. and Leslie Fisheries, Inc. and operator Dale Page were charged jointly and severally under the MSA with failing to accurately record salmon discards in the vessel's daily fishing logbook and its Alaska Department of Fish and Game (ADF&G) fish ticket. A \$4,750 NOVA was issued.

AK2005638 – Plant operator Silver Bay Seafoods, LLC was charged under the MSA for exceeding the applicable Rockfish Program processing cap for Pacific cod by 24,849 pounds, a 25.9% overage. A \$20,475.58 amended NOVA was issued.

AK2005521; F/V Legacy – Crewman Tusi Tausaga was charged under the MSA with observer assault. A \$72,000 NOVA was issued.

AK2101775; F/V Sentinel – Owner/operator Arseny Polushkin was charged under the MSA for interfering with and harassing authorized officers during the lawful discharge of their duties. An \$8,500 NOVA was issued.

AK2003816; F/V Gulf Maiden – Owner Gulf Maiden Corporation and operator Randall Shears were charged jointly and severally under the NPHA and MSA with failing to return Pacific halibut to the sea with a minimum of injury, unlawful discard of rockfish and Pacific cod, and failure to record discards. A \$22,800 NOVA was issued.

Cases Settled

NOAA GCES entered into settlement agreements in the following civil administrative cases:

AK1905306; F/V Pacific Sojourn – Owner Sojourn Fisheries, LLC and operator Roy Wilson were charged jointly and severally under the MSA with unlawfully discarding IFQ sablefish and failing to log the discards. A \$21,500 NOVA was issued. The case settled for \$17,200.

AK1905767 and AK1905392; F/V Anita – Owner F/V Anita LLC and operator Jay Gillman were charged jointly and severally under the MSA and the NPHA with discarding IFQ sablefish and IFQ halibut, failing to report discards, and failing to register an IFQ fishing trip in the Observer Declare and Deploy System. A \$78,250 NOVA was issued. The case settled for \$55,270.

AK1906418; F/V Excalibur II – Co-owners Northern Seiners, Inc. and Leslie Fisheries, Inc., and operator Dale Page were charged jointly and severally under the MSA with failing to accurately record salmon discards in the vessel's daily fishing logbook and its ADF&G fish ticket. A \$4,750 NOVA was issued, and the case settled for \$4,275.

AK2005638 – Plant operator Silver Bay Seafoods, LLC was charged under the MSA for exceeding the applicable Rockfish Program processing cap for Pacific cod by 24,849 pounds, a 25.9% overage. A \$20,475.58 amended NOVA was issued. The case settled for \$18,428.

AK2004893; F/V Marathon – Owner Marathon Fisheries, Inc. and operator Martin Stam were charged jointly and severally under the MSA with exceeding the maximum retainable amount of Pacific cod. A \$3,625 NOVA was issued, and the case settled for \$3,375.

AK1906825; F/V Cameron – Owner Overa Fisheries, LLC and operator Roger Overa were charged jointly and severally under the MSA with operating a vessel in the Gulf of Alaska Pacific cod fishery without carrying an operable NMFS-approved Vessel Monitoring System (VMS) and without complying with VMS requirements. A \$15,000 NOVA was issued, and the case settled for \$10,000.

AK2003816; F/V Gulf Maiden – Owner Gulf Maiden Corporation and operator Randall Shears were charged jointly and severally under the NPHA and MSA with failing to return Pacific halibut to the sea with a minimum of injury, unlawful discard of rockfish and Pacific cod, and failure to record discards. A \$22,800 NOVA was issued, and the case settled for \$20,250.

Other Actions and Dispositions

Civil Administrative Hearing

AK1802105; F/V Alaskan Lady – On September 1-2, 2021, an Administrative Law Judge presided over the hearing in NOAA’s civil administrative case against Eliman S. Bah, a crewman aboard the F/V Alaskan Lady, for his sexual harassment of a female fisheries observer in 2018. The Superseding NOVA, issued under the MSA, assessed a civil penalty of \$24,000. The hearing was conducted by video conference. The Administrative Law Judge’s decision as to liability and civil penalty amount is forthcoming.

Default

AK2101775; F/V Sentinel – Owner/operator Arseny Polushkin was charged under MSA for interfering with and harassing authorized officers during the lawful discharge of their duties. An \$8,500 NOVA was issued. The NOVA became a final administrative decision due to default. The entire civil penalty will be referred to NOAA Finance for collection.

AK1906496; Keta Seafoods, L.L.C. and Gregory V. McMillan – Shoreside processor Keta Seafoods, LLC, and owner Gregory V. McMillan were charged jointly and severally under the Northern Pacific Halibut Act (NPHA) with failing to submit a required IFQ Registered Buyers ex-vessel Volume and Value Report. A \$1,500 NOVA was issued. The NOVA became a final administrative decision due to default. The entire civil penalty was referred to NOAA Finance for collection.

Criminal Sentencing

NOAA OLE and GCES assisted the U.S. Attorney’s Office in Anchorage with the following criminal prosecution in U.S. District Court:

United States v. Stevens, No. 3:20-cr-00773-JMK-DMS (D. Alaska 2021). On August 5, 2021, James A. Stevens, vessel owner, operator, fleet manager, and IFQ permit holder was sentenced for violating the Lacey Act’s felony false labeling provision. Stevens must pay a \$1,000,000 fine, serve six months in federal prison, 126 days in a halfway house, and perform 80 hours of community service. During the three years that he is supervised by the United States Probation Office after he is released from prison, Stevens will be subject to VMS and EM conditions, drug testing, and other standard conditions. Stevens pled guilty to knowingly submitting false information concerning the locations and regulatory areas where 903,208 pounds of IFQ halibut and IFQ sablefish were harvested on IFQ landing reports, ADF&G fish tickets, and in his logbooks. His crime spanned four IFQ fishing seasons (i.e., 2014–2017). He is currently serving his prison sentence.

5. Incident and Summary Settlement Information

From October 1, 2020 to September 30, 2021, NOAA officers and agents opened 1719 incidents including 1012 Magnuson Stevens Act, 465 Northern Pacific Halibut Act, 102 Marine Mammal Protection Act, 63 Endangered Species Act, 43 State Law, and 34 other (Lacey Act, North Pacific Fisheries Act, and Other Federal Law). (Figure 5.1)

Figure 5.1 – Incidents by percent **October 1, 2020, to September 30, 2021**, categorized by primary law.

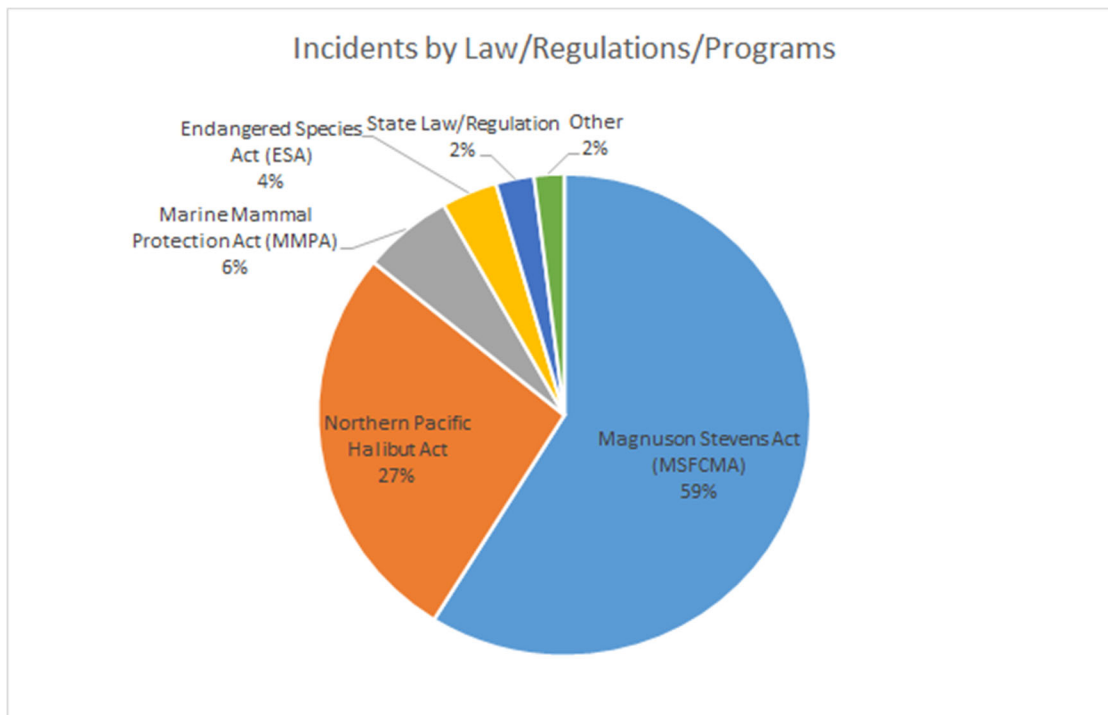


Figure 5.2 – Incident dispositions for incidents created October 1, 2020, to September 30, 2021

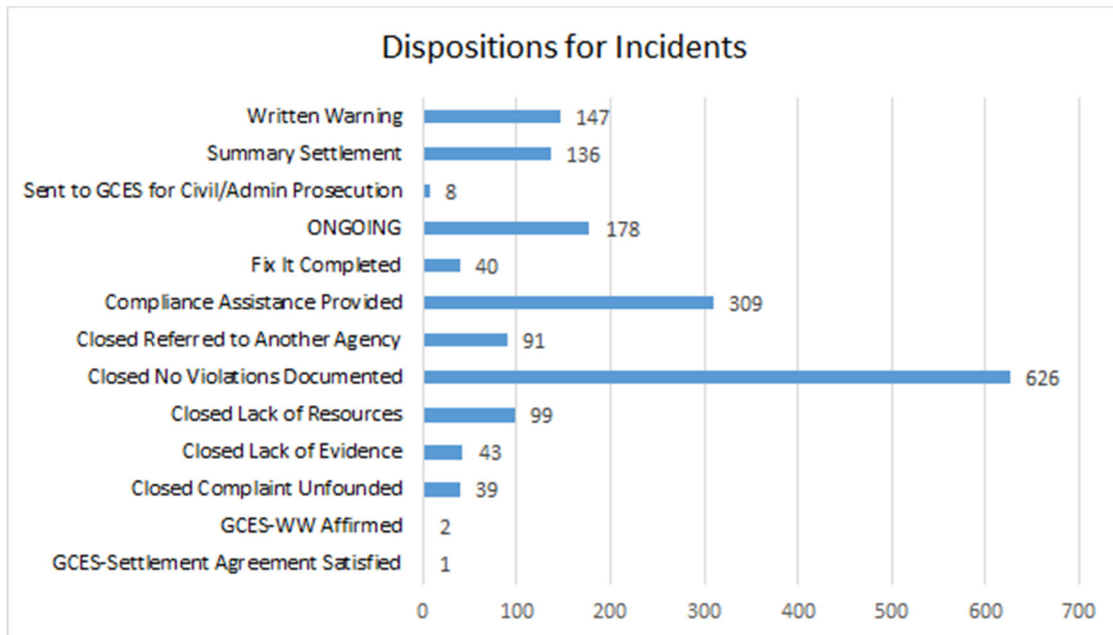
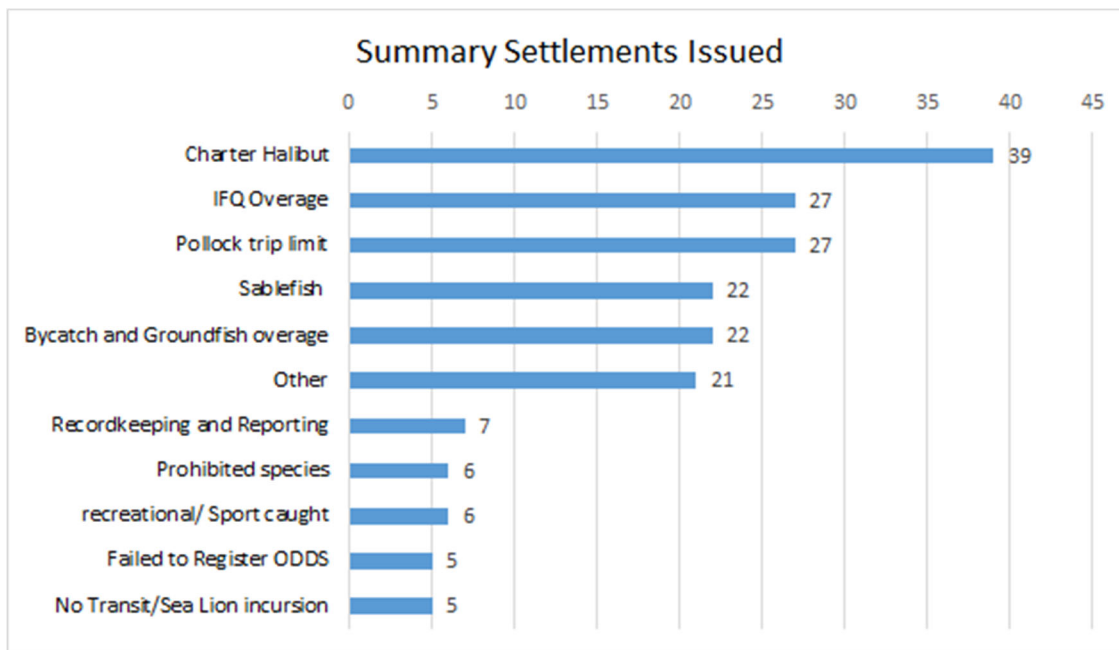


Figure 5.3 Summary Settlements Issued October 1, 2020, to September 30, 2021.



** Many incidents include multiple violation counts.*

6. Observer Program

For continuity with the prior fiscal years, this North Pacific Observer Program (NPOP) statement analysis reports potential violation *rates* – the metric remains number of violations per 1000 observer deployed days. Examining rates of potential violations enables OLE to normalize yearly fluctuations in fishing and observer coverage rates to more accurately illuminate trends. This facilitates OLE prioritization and distribution of labor and resources.

In a normal year, very few observer contracts extend beyond 90 days. However, due to ongoing impacts from the COVID-19 pandemic in FY21, many contract extension were approved by the NPOP, resulting in longer and fewer observer deployments. Observer debriefings were completed remotely.

Fiscal Year 2021 Synopsis

In Fiscal Year 2021, OLE received 715 observer statements of potential violation(s), with 4247 occurrences described (**Table 6-1**). In FY2020, OLE received 597 statements describing 3422 occurrences. FY2019, the last “normal” year, had 956 statements describing 7576 occurrences. The NPOP increased from deploying observers from 1 port (2020 onset of the pandemic) to 14.

Table 6-1. Status of Statements and Incidents (*data taken November 4, 2021*).

Statements	Incidents	Statuses
715 statements received and reviewed in FY2021; 56 statements did not document an actual violation (no incident created in TRIDENT)	638 statements were forwarded to agents and officers; assigned to 240 unique incidents	81 Ongoing (226 statements)
		1 Forwarded for prosecution (2 statements)
		7 Written Warnings issued (24 statements)
		4 Summary Settlements issued (12 statements)
		50 Compliance Assistance Provided (164 statements)
		1 Closed - Referred to another Agency (1 statement)
		98 Closed - No OLE Action (209 statements)

‘Ongoing’ typically involves complex investigations. ‘No OLE Action’ includes incidents determined not to be a violation after investigation, closed due to a lack of personnel, and closed for information. Statements are regularly combined into a single investigative incident if the same vessel, operator, and/or company is involved.

Comparative Analysis

OLE requested observer deployed day data for FY2021 from our NPOP partners (**Table 6-2**). With these data, OLE compiled a rolling three-year summary in this Report. Rates were calculated using the number of occurrences recorded (within each statement type) per deployed days (Table 6-4), multiplied by 1000 observer deployed days.

As we refine the reporting process, there are two key changes incorporated this year that are slightly different from the prior year:

- Duplicate statements reporting the same potential violation/occurrence(s) were omitted this year, but were included in prior years. The Observer Program and our Liaison staff encourage all observers to report all potential violations they witness. In future iterations, we will NOT include double reports of the same occurrence(s).
- We excluded reports this year depicting incidents that occurred while an observer was assigned to a vessel, but **not** involving the vessel/processor (e.g. observer-observer issues or issues occurring in ports not associated with the vessel/processor).

Consistent with the prior year, all cases forwarded for investigation *were* included in rate calculations, regardless of the outcome, as those statements merited OLE examination.

This Report examines statements and occurrences by the date of OLE receipt during the corresponding fiscal year (October – September). We have opted to include tables, analysis, and descriptions only for those categories where we saw noteworthy trends; we did not include all categories. CDQ and pollock trawl EFP sector analyses are captured under overlapping programs - Gulf of Alaska trawl fleets (OA and RPP) and BSAI A80 are analyzed under trawl.

Table 6-2¹. Observer Deployed Days, broken out by coverage type under the Observer Program’s Annual Deployment Plan (ADP).

FISCAL YEAR	COVERAGE TYPE	TOTAL DISTINCT OBSERVER DEPLOYED DAYS		TOTAL VESSEL-PLANT DEPLOYED DAYS		TOTAL CRUISES		TOTAL VESSEL-PLANT ASSIGNMENTS	
		Value	YOY change	Value	YOY change	Value	YOY change	Value	YOY change
2019	FULL	35940		36004		686		993	
	PARTIAL	3849		3867		141		660	
	ALL	39789		39871		827		1653	
2020	FULL	37957	5.6%	38000	5.5%	652	-5.0%	824	-17.0%
	PARTIAL	1826	-52.6%	1867	-51.7%	109	-22.7%	293	-55.6%

¹ Data courtesy of Fisheries Monitoring and Analysis.

	ALL	39783	0.0%	39867	0.0%	761	-8.0%	1117	-32.4%
2021	FULL	34616	-8.8%	34827	-8.4%	600	-8.0%	795	-3.5%
	PARTIAL	2673	46.4%	2766	48.2%	101	-7.3%	349	19.1%
	ALL	37289	-6.3%	37593	-5.7%	701	-7.9%	1144	2.4%

Note that total distinct observer deployed days decreased in 2021 relative to the prior two years. Interestingly, full coverage deployed days decreased from 2020 to 2021, while partial coverage deployed days increased by 46%. The increase in ports covered meant that partial coverage trips were less likely to be granted a coverage waiver.

Tables 6-4 breaks down observer deployed days by the factors in **Table 6-3**. Note that because vessels may simultaneously participate in multiple factor combinations in a day (e.g. CDQ and other management programs, PT and NPT, etc.) and each of these observer deployed days are counted independently, the total number of deployed days for **Table 6-4** exceeds the total numbers in **Table 6-2**.

Table 6-3¹. Factor Descriptions used in rate calculations.

Factor	Value	Description
Coverage Type	FULL	Full Coverage
	PARTIAL	Partial Coverage
Vessel Type	CP/MS	Catcher-Processor/Mothership vessel
	CV	Catcher Vessel
	PLANT	Shorebased Processor (floating or land)
FMP Area	BSAI	Bering Sea/Aleutian Islands
	GOA	Gulf of Alaska
Gear Type	HAL	Hook-and-Line
	NPT	Non-Pelagic Trawl
	POT	Pot (single or strung)
	PT	Pelagic Trawl
	TRW	Trawl (combined when multiple types are used)
Management Program	A80	Amendment 80
	AFA	American Fisheries Act
	CDQ	Community Development Quota
	IFQ	Individual Fishing Quota
	OA	Open Access
	RPP	Rockfish Pilot Program (CGOA Rockfish Program)

Table 6-4¹. Factor combinations where at least 3 observer cruises were deployed in FY2021, depicting total days, number of observers, total cruises, and distinct observer assignments.

FISCAL YEAR	COVERAGE TYPE	VESSEL TYPE	GEAR TYPE	MANAGEMENT PROGRAM	NMFS REGION	TOTAL DAYS	TOTAL OBSERVERS	TOTAL CRUISES	DISTINCT OBSERVER ASSIGNMENTS
2021	FULL	CP/MS	HAL	CDQ	BSAI	363	25	26	26
				OA	BSAI	3523	58	71	74
			NPT	A80	BSAI	9508	159	192	197
				CDQ	BSAI	1304	72	76	76
				OA	BSAI	1436	56	59	60
					GOA	626	22	23	23
				RPP	GOA	391	16	16	16
				POT	CDQ	BSAI	148	6	6
			IFQ		GOA	133	4	4	4
			PTR	OA	BSAI	111	5	5	5
		A80		BSAI	10	3	3	3	
		AFA		BSAI	5409	96	113	117	
		CDQ		BSAI	1421	59	67	67	
		RPP		GOA	48	3	3	3	
		OA		BSAI	430	22	22	25	
		CV	NPT	RPP	GOA	399	38	40	48
				AFA	BSAI	4911	112	120	133
			PTR	RPP	GOA	374	43	44	59
				AFA	BSAI	4303	90	104	107
		PLANT	OA	BSAI	674	18	18	18	
	GOA			1302	47	57	63		
	BSAI			121	10	10	12		
	PARTIAL	CV	HAL	IFQ	BSAI	121	10	10	12
					GOA	951	49	66	158
				OA	GOA	34	6	6	7
					BSAI	52	7	7	9
			NPT	OA	GOA	136	21	22	37
					BSAI	9	3	3	3
			POT	IFQ	BSAI	22	3	3	4
					GOA	562	39	50	76
				OA	BSAI	128	9	9	15
					GOA	49	5	5	6
			PTR	OA	GOA	312	29	31	62
			PLANT	OA	GOA	440	6	8	10

The GOA plant days categorized here as Partial Coverage are characterized solely as a function of *funding mechanism*. Plants are required to have observers at 100% (or greater) when participating in the EFP fishery, and offload duties are shared between full and “partial coverage” observers. Therefore, we combine the partial coverage and full coverage GOA plant days and categorize them as full coverage (per the standard coverage definitions) for rate generation. This is consistent with the 2020 Report. For reference, FY19 and FY20 tables can be found in OLE’s December 2020 Report to Council.

OLE Priority Statements: Statements that affect observers personally comprise the first two categories, OLE Priority: “Interpersonal,” and “Safety and Duties.” OLE prioritizes cases involving actions or behavior that negatively impact observers or data collection. Assault, sexual harassment, sexual assault, and rape are OLE’s highest priorities. The following are captured in the “Interpersonal” category: Harassment-Assault; Harassment-Sexual; and Intimidation, Coercion, Hostile Work Environment (**Table 6-5**). Safety, and Interference/Sample Biasing follow (**Table 6-6**). These violation types impact an observer safety and ability to collect data. *For several categories within OLE Priority, the number of statements and occurrences remain low. Hence, caution should be used interpreting trends and results.*

Interpersonal (Table 6-5)

OLE Priority: Interpersonal		FULL																	PARTIAL													
		Plant		CP/MS											CV				CV													
		NA			TRW		NPT		PTR		HAL			POT		NPT	PTR	TRW	NPT	TRW	HAL			POT								
		AFA	OA	A80	RPP	CDQ	OA	AFA	CDQ	CDQ	IFQ	OA	IFQ	OA	OA	AFA	RPP	OA	OA	CDQ	IFQ	OA	CDQ	IFQ	OA							
STATEMENT TYPE	YEAR	BSAI	BSAI	GOA	BSAI	GOA	BSAI	BSAI	GOA	BSAI	BSAI	BSAI	BSAI	GOA	GOA	BSAI	BSAI	BSAI	BSAI	GOA	BSAI	GOA	BSAI	BSAI	GOA	BSAI	BSAI	GOA	BSAI	GOA		
Harassment-Assault	21	0.23			0.11																											
	20				0.31																				2.02							
	19				0.10																											
Harassment-Sexual	21	0.93		2.87	0.84	6.83																										
	20	0.24		1.31																												
	19	0.44																														
Intimidation, Coercion, Hostile Work Environment	21	1.39		1.72	5.04	4.56																										
	20	1.45			13.55																											
	19	0.44			3.25																											

Safety and Duties (Table 6-6)

OLE Priority: Safety and Duties		FULL																	PARTIAL														
		Plant		CP/MS											CV				CV														
		NA			TRW		NPT		PTR		HAL			POT		NPT	PTR	TRW	NPT	TRW	HAL			POT									
		AFA	OA	A80	RPP	CDQ	OA	AFA	CDQ	CDQ	IFQ	OA	CDQ	OA	OA	AFA	RPP	OA	OA	CDQ	IFQ	OA	CDQ	IFQ	OA								
STATEMENT TYPE	YEAR	BSAI	BSAI	GOA	BSAI	GOA	BSAI	BSAI	GOA	BSAI	BSAI	BSAI	BSAI	GOA	GOA	BSAI	BSAI	BSAI	BSAI	GOA	BSAI	GOA	BSAI	BSAI	GOA	BSAI	BSAI	GOA	BSAI	GOA			
Interference/Sample Biasing	21	0.23		8.61	6.72																												
	20	0.24																															
	19	1.33																															
Safety-NMFS	21	18.82		0.57	3.78																												
	20	3.37		160.77	12.63																												
	19	37.24			8.60																												

Harassment-Assault: in FY21, the rates at BSAI plants participating in AFA and A80 vessels were lower than prior years.

Harassment-Sexual: in FY21, the highest rate was found in the CP/MS sector participating in the trawl Rockfish program; the second highest rate was seen in the CP/MS pelagic trawl AFA fleet (BSAI). Rates might have been higher due to tensions and longer deployments during COVID.

Intimidation, Coercion, Hostile Work Environment: the highest rate was again found in the partial coverage pot catcher vessel fleet.

Interference/Sample biasing: the FY21 highest rate was in the partial coverage pot catcher vessel fleet fishing IFQ.

Safety-NMFS: In order to present the most useful information, we again elect to describe individual safety statements. Note that a statement may include multiple issues. In FY21, there were 59 total “Safety-NMFS” statements (in FY20 there were 46, and in FY19 there were 90). FY21 statements included the following issues:

- unsafe working conditions (e.g. high traffic lanes, parting gear, power loss, etc.) - 22 statements in FY21; 13 in FY20
- lack of safety orientation (none, incomplete, or not timely) - 13 statements in FY21; two in FY20
- unsanitary conditions, inadequate food/water - eight statements in FY21; one in FY20
- lack of wheel watch - seven statements in FY21; three in FY20; and nine in FY19
- COVID issues (e.g. quarantine, lack of adherence to CDC guidelines) - seven statements in FY21; none in FY20
- reported/suspected drug or alcohol use - six statements in FY21; two in FY20
- watertight doors (e.g. leaking, not dogging during inclement conditions) - five statements in FY21; five in FY20
- toxic material/chemical exposure - two statements in FY21; one in FY20
- lack of access to lifesaving equipment - two statements in FY21, one in FY20
- bedbugs - one statement in FY21; seven in FY20
- tsunami evacuation - one statement, vs two in FY20

Table 6-8. Other Statement Categories - Statements in this category capture the majority of the other statement types.

All Other Statement Types		FULL																	PARTIAL															
		Plant		CP/MS													CV		CV															
		NA		TRW		NPT		PTR		HAL			POT		NPT	PTR	TRW	NPT	TRW	HAL			POT											
		AFA	OA	A80	RPP	CDQ	OA	AFA	CDQ	CDQ	IFQ	OA	CDQ	OA	OA	AFA	RPP	OA	OA	CDQ	IFQ	OA	CDQ	IFQ	OA									
STATEMENT TYPE	YEAR	BSAI	BSAI	GOA	BSAI	GOA	BSAI	BSAI	GOA	BSAI	BSAI	BSAI	BSAI	GOA	BSAI	BSAI	BSAI	BSAI	BSAI	BSAI	GOA	BSAI	GOA	BSAI	BSAI	GOA	BSAI	BSAI	GOA	BSAI	GOA			
Disruptive/ Bothersome Behavior - Conflict Resolved	21	1.63		1.15	3.68	2.28				1.48					0.28			18.60	5.29	1.29					4.46									
	20	1.45		1.31						2.22				7.25			1.30		6.76		0.59	4.35	50.00	8.43										
	19	1.77				4.46		0.47		1.32				7.30		1.09				0.24	1.29				0.67									
Reasonable Assistance	21	1.16		5.17	0.42										6.53			4.65	6.52	2.59												31.25		
	20	0.48		30.06	0.41					1.11					2.61						10.14			5.06		13.16	10.45							
	19				0.38					3.73				21.90	33.39	9.01	25.00	10.39	0.95	5.14			10.80		5.32	2.69		16.39				13.74		
Failure to Notify	21	3.02		99.31	2.21					31.43					1.70					10.79														
	20	2.65		81.04	1.02					3.14					2.61					0.47	10.14	12.50	1.69								7.87			
	19	5.77			1.24			3.73		53.72					0.87			2.60	8.21	17.99			2.31		10.64	2.69		16.39				2.75		
Inadequate Accommodations	21	2.79		22.96	0.53									4.54						1.29			24.55			2.10								
	20	5.80			0.92					0.37									0.71				1.69								7.87			
	19	41.23			0.10					5.92					1.31										7.40									
IR/IU	21														4.25							3.88			42.41									
	20				1.12					2.63				2.08								1.45		1.69								13.74		
	19				11.57				1.41	22.40					9.82					1.19	7.71	105.69	10.03		26.60	8.08						5.49		
Recordkeeping and Reporting	21	8.37		70.03	20.91	4.56				16.45					27.25		342.34		32.38	1.29	38.46	49.11			18.93					14.23	7.81			
	20	3.99		13.07	9.58				132.72	1.66					55.79		67.57		20.33	33.33	62.50	43.84			146.34				454.55	188.98	137.50			
	19	164.04			14.05				1.41	78.93			7.30		73.77	9.01	25.00	36.36	45.56	93.83	16.26	64.81			5.32	86.14								
Restricted Access	21	0.23		1.15	0.21					6.10					10.50																			
	20	0.24		54.90								4.16																						
	19	35.47								0.88					0.22																			

Disruptive/Bothersome Behavior - Conflict Resolved: These statements describe situations where observers and industry members work together to successfully address conflict at sea. Fisheries with non-pelagic trawl gear tend to produce high encounter rates for halibut, which may increase pressure on observers and result in negative interactions. OLE conducted industry meetings addressing this and the rate fell between FY21 and FY20. Future reductions of halibut and crab PSC may further increase scrutiny of observer data.

Reasonable Assistance: The reasonable assistance category of statements describes scenarios where observers determined that a vessel or processor may not have provided adequate assistance to facilitate successful performance of their duties. Observer assistance is a priority area for OLE. In FY21, the high rate of 31.25 was found in the partial coverage pot fleet fishing open access in the BSAI.

Failure to Notify: This statement type spans multiple regulations with differing requirements, but generally refers to a vessel or plant's requirement to inform an observer of bringing fish onboard or the beginning of an offload. The highest rate for FY21 (99.31) was again found at the GOA plants participating in the trawl Electronic Monitoring EFP, and was an increase from the FY20 rate. OLE provided outreach to this sector via compliance assistance letters and industry meetings. Because there has been a considerable EFP adjustment period, OLE anticipates little lenience will be provided upon implementation of a regulated program.

Inadequate Accommodations: Observers are required to have accommodations equal to officers on vessels. The highest rate for FY21 was found in the partial coverage trawl catcher vessel sector fishing open access in the GOA.