

-10 file.

# FISHING VESSEL OWNERS' ASSOCIATION INCORPORATED

4005 20TH AVE. W., ROOM 232  
SEATTLE, WASHINGTON 98199-1290  
PHONE (206) 284-4720 • FAX (206) 283-3341

SINCE 1914

September 29, 2015

Mr. Dan Hull, Chairman  
North Pacific Fishery Management Council  
605 W. 4th Ave., Ste 306  
Anchorage, AK 99501-2252

RE: **B-Reports**

Chairman Dan Hull:

On behalf of the members of the Fishing Vessel Owners' Association (FVOA) of Seattle, I am writing to the North Pacific Fishery Management Council (NPFMC) with concern over the recent information of claims of assault and intimidation to observers and restricted access complaints also from observers.

There was a statement in the May 2014 Annual Report of the North Pacific Groundfish Halibut Observer program of great concern. It stated:

"Observers reported a number of incidents of harassment, intimidation, hostile work environment or attempted sample bias related to the collection of prohibited species catch data" (page 87)

NOAA enforcement provided recent accounting on these possible infractions mentioned in the report referenced above. It appears that there are close to 100 cases at any one time under review. We think this is serious enough that Council should request the following from NOAA Enforcement. At the very least the violations should be segregated into vessel sectors.

1. Is there evidence that these violations are intended to discredit a vessel's bad tow and take it out of the accounting?
2. How many violations that would affect accounting of bycatch species?
3. Can the vessels be separated into industry sectors, such as, catcher vessels, CP's, Trawl limited entry, Amendment 80, freezer longliner, etc.?
4. Is there evidence of among crew (two or more) or different vessels of coordinated attempts to mislead the observers, harass them or affect the outcome of the data being collected?
5. Can the name of the vessels be given?

6. Is there evidence of collusion between vessel owners or owners and crew? Is that being investigated?
7. Is there evidence of complicity on the part of any observers or government officials? Is that being investigated?
8. When can indictments be expected? How many? Who? What charges? Or will civil penalties be the sole response? If yes, then when? Will the economic incentive to cheat be removed?

Please find attached the recent accounting of alleged violations from NOAA enforcement.

Sincerely,

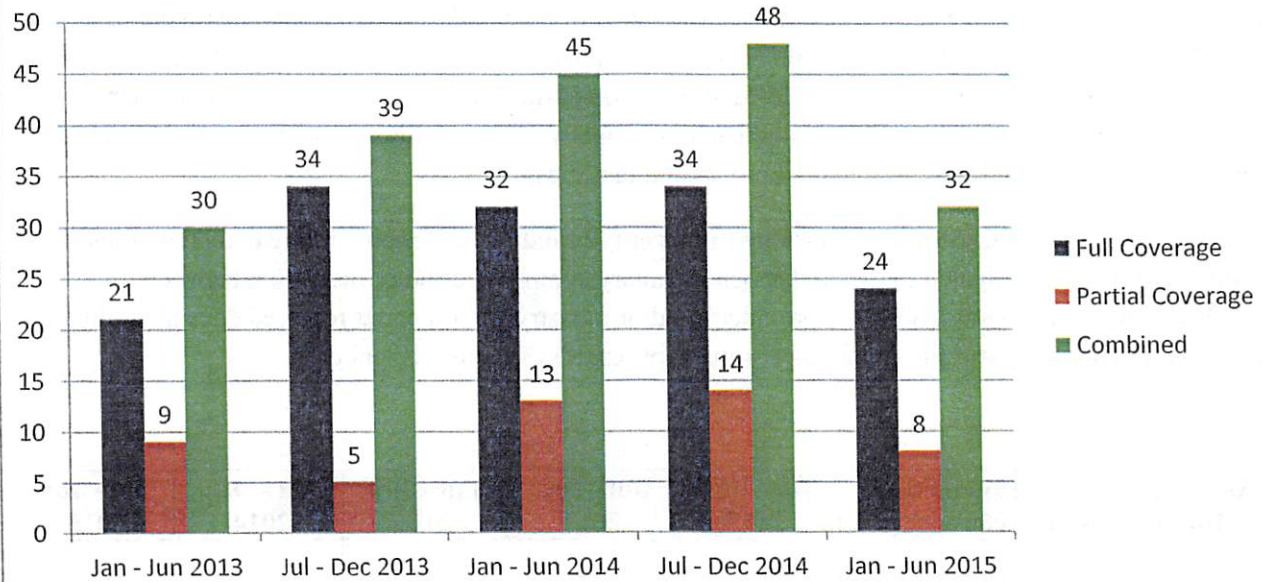
A handwritten signature in black ink, appearing to read "Per Odegaard". The signature is fluid and cursive, with the first name "Per" being more prominent than the last name "Odegaard".

Per Odegaard  
President

RDA:cb

Enclosures

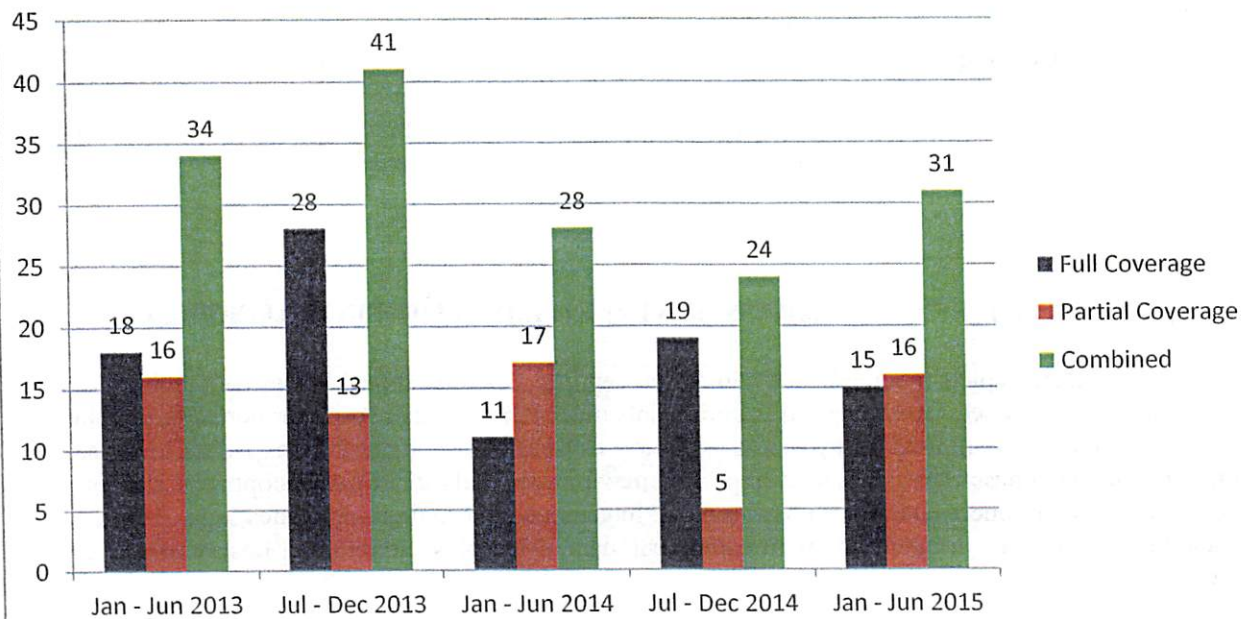
## Assault, Sexual Harassment & Intimidation/Interference Complaints



## REASONABLE ASSISTANCE & RESTRICT ACCESS

The below graphic depicts complaints involving failure to provide reasonable assistance and/or restricted access to sample areas, fish, records, and/or equipment.

## Reasonable Assistance & Restricted Access Complaints



## VIOLATION TRENDS JANUARY 2013 - JULY 2015

The tables below detail the number of complaints the Office of Law Enforcement (OLE) received during January 2013 – June 2015. The first table indicates reports of potential assault, sexual harassment or intimidation/interference. The second table details the number of complaints reporting potential failure to provide reasonable assistance and/or restricted access. To put the numbers in perspective, more than 400 individual observers are deployed in Alaska fisheries annually. They deploy for more than 40,000 days on more than 350 individual vessels and at 14 processing facilities.

The numbers in the tables do not demonstrate the severity of individual reports. Many potential violations reported to OLE are mitigated inseason through voluntary compliance and/or mediation between observers, observer program, observer providers, and/or industry. A complaint received does not indicate guilt; a complaint is an allegation that may or may not result in an enforcement case.

| <b>Assault, Sexual Harassment &amp; Intimidation/Interference</b> | <b>Jan - Jun 2013</b> | <b>Jul - Dec 2013</b> | <b>Jan - Jun 2014</b> | <b>Jul - Dec 2014</b> | <b>Jan - Jun 2015</b> |
|---|-----------------------|-----------------------|-----------------------|-----------------------|-----------------------|
| Full Coverage   | 21                    | 34                    | 32                    | 34                    | 24                    |
| Partial Coverage  | 9                     | 5                     | 13                    | 14                    | 8                     |
| Combined  | 30                    | 39                    | 45                    | 48                    | 32                    |

| <b>Reasonable Assistance &amp; Restricted Access</b> | <b>Jan - Jun 2013</b> | <b>Jul - Dec 2013</b> | <b>Jan - Jun 2014</b> | <b>Jul - Dec 2014</b> | <b>Jan - Jun 2015</b> |
|--|-----------------------|-----------------------|-----------------------|-----------------------|-----------------------|
| Full Coverage  | 18                    | 28                    | 11                    | 19                    | 15                    |
| Partial Coverage                                     | 16                    | 13                    | 17                    | 5                     | 16                    |
| Combined   | 34                    | 41                    | 28                    | 24                    | 31                    |

### ASSAULT, SEXUAL HARASSMENT & INTIMIDATION/INTERFERENCE

The graphic below depicts the number of complaints reporting assault, sexual harassment and/or intimidation/interference. An increased in complaints means that more observers reported that violation type. The number of complaints may rise as compliance rates drop or as observer experience levels, training, and awareness improve. Victim reporting may be impeded by individual coping processes, victim fear, career concern, and/or embarrassment. Interference/intimidation includes sample bias; discarding, destroying, or tampering with equipment, data or samples; coercion; or hostile work environment.