



NOAA FISHERIES

Office of Law Enforcement Alaska Enforcement Division

December Report To
North Pacific Fisheries Management Council



October 2019 to September 2020

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 2020

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Alaska Enforcement Division

1. Enforcement Operational Highlights

From April 1, 2020 to September 30, 2020, 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). Partnered patrols provide the benefit of broader enforcement and outreach opportunities.

In May, a Special Agent and Enforcement Officer completed a 208 mile patrol on the P/V NATOMA BAY between Ketchikan, AK and the eastern side of the US/Canada border. The team contacted two vessels. One vessel, a Canadian commercial crab fishing vessel, was observed fishing just inside the waters of the USA. The vessel immediately retrieved its longline pot gear and transferred it back into the waters of Canada. An extensive search of the area turned up no additional gear in US waters. OLE worked Canadian authorities and both countries contacted the vessel.

In July, three Enforcement Officers completed an eight day patrol on the P/V CAPE ELIZABETH. The team boarded 45 commercial, charter, and recreational vessels between Seward, AK and Tuxedni Bay, AK. 45 boardings resulted in 31 documented violations including halibut over-limits, oversized halibut, exceeding a Charter Halibut Permit passenger capacity, exceeding halibut line limits, failure to monitor Ch. 16, and approaching a humpback whale within 100 yards.



In July, an Enforcement Officer conducted a 13-day patrol on the Alaska Wildlife Trooper P/V ENFORCER in Southeast Alaska. Six federal fisheries violations were documented during the patrol; including five failure to have a valid 2020 CHP and one fishing with longline gear in federal waters without Federal Fishing Permit (FFP). The team conducted 104 joint boardings.

AKD assisted NOAA Protected Resources Division in response to multiple whale strandings. In June, two Enforcement Officers responded to a stranded Gray Whale at Twenty Mile River. After considerable public drama, the Gray Whale freed itself during a high tide. Officers provided outreach to over 100 members of the public and ensured compliance with the 100

yard approach rule.



In July, a Special Agent and a tribal biologist flew on a Coast Guard H-60 out of Kodiak to document whale carcasses and collect samples. The team identified seven gray whales and one fin whale carcass (pictured left).

In July, Enforcement Officers conducted multiple patrols on the P/V KINGFISHER in the Kodiak Archipelago. Patrols focused on subsistence and charter halibut fisheries.

USCG MSST-Seattle and an AKD Enforcement Officer conducted sea patrols in July in the vicinity of Sitka Sound, Peril Straits, Salisbury Sound and Crawfish Inlet. Boarding teams identified violations related to vessel safety, charter halibut, IFQ, and marine mammal viewing. OLE provided boarding teams guidance regarding charter halibut and IFQ regulations.

In September, three Enforcement Officers completed a patrol onboard the P/V CAPE ELIZABETH in the waters off Homer, Anchor Point, Halibut Cove, Seldovia and Port Graham. The operation resulted in 11 boardings and documented six federal violations.

2. Outreach and Education

OLE outreach and education efforts encourage responsible and sustainable uses of marine resources. NOAA agents and officers utilized multiple venues to deliver a strong message of resource protection. Due to COVID-19, many large gatherings were canceled or virtual. **Table 2-1** illustrates some of our formal outreach efforts during April 1, to September 30, 2020.

Table 2-1 – NOAA Office of Law Enforcement Outreach and Education Efforts

Date	Location	Description
July 7, 2020	Petersburg, AK	Enforcement officers hosted an outdoor session for the Petersburg Indian Association's Natural Resources program to teach high-school students about fisheries management.

July 27-30, 2020	Teleconference	The Alaska Eskimo Whaling Commission (AEWC) held its second triannual commissioner’s meeting virtually. OLE answer questions regarding compliance and NOAA co-management.
August 8, 2020	Teleconference	A Special Agent participated in a Halibut Deck Sorting meeting with NPOP and Am80 co-op and discussed potential violations from A season
August 11, 2020	Seward, AK	An Enforcement Officer presented and provided outreach materials to the Seward Boys and Girls Club. Approximately 25 people, including students and staff met outside to learn about law enforcement.
August 21, 2020	Teleconference	Special Agents participated in a Semi-annual teleconference with the Kodiak trawl fleet to discuss regulations and answer questions.

3. 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.

AK1802015 – Eliman Bah, a crewman aboard the F/V Alaskan Lady, was charged under the Magnuson-Stevens Act with harassing a female observer by conduct that had sexual connotations, had the purpose or effect of interfering with the observer’s work performance, or otherwise created an intimidating, hostile, or offensive environment. A \$24,000 NOVA was issued.

AK1805110 – Kent Huff, Greg Taylor, and John Young were charged under the Northern Pacific Halibut Act with failing to carry onboard a charter vessel a legible copy of a valid GAF permit with the assigned charter halibut permit at all times that GAF fish were retained onboard. A \$500 NOVA was issued.

AK1805481 – Harley Ethelbah (operator of the F/V Jean C and IFQ permit holder), Aaron Phillips (IFQ permit holder), and Moderation Enterprises, Inc. (vessel owner) were charged under the

Northern Pacific Halibut Act with retaining more IFQ halibut while fishing in Area 2C than the total amount of unharvested Area 2C IFQ aboard. A \$44,494.10 NOVA was issued.

AK1905035 – Patrick Harmon (operator) was charged under the Marine Mammal Protection Act with taking a humpback whale by striking it with his recreational vessel. A \$7,500 NOVA was issued.

AK1905599 – John McCarthy (operator of the F/V Pacific Star) and Pacstar, Inc. (vessel owner) were charged under the Magnuson-Stevens Act with retaining groundfish bycatch species that exceeded the maximum retainable amount. A \$13,348 NOVA was issued.

Cases Settled

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

AK1604816 – A \$2,000 NOVA was settled for \$200 after considering the Respondent's information relating to his inability to pay the penalty. The NOVA charged Rafael Ruiz under the Northern Pacific Halibut Act with reporting an invalid charter halibut permit number in his logbook.

AK1805110 – A \$500 NOVA was settled for \$450. The NOVA charged Kent Huff, Greg Taylor, and John Young under the Northern Pacific Halibut Act with failing to carry onboard the charter vessel a legible copy of a valid GAF permit with the assigned charter halibut permit at all times that GAF fish were retained onboard.

AK1900767 – A \$14,710.66 NOVA was settled for \$10,000 after considering Respondents' information relating to their inability to pay the penalty due to COVID-19. The NOVA charged Duke My Ogata (operator of F/V Courtney Noral) and Courtney Noral Fisheries, LLC (vessel owner) under the Magnuson-Stevens Act with exceeding the maximum retainable amounts of sablefish and Pacific cod in the Gulf of Alaska.

AK1905599 – A \$13,348 NOVA was settled for \$12,873. The NOVA charged John McCarthy (vessel operator) and Pacstar, Inc. (vessel owner) under the Magnuson-Stevens Act with retaining groundfish bycatch species that exceeded the maximum retainable amount.

Other Actions and Dispositions

AK1606346 – A \$5,900 NOVA became a final administrative order because Respondent Afanasy Basargin took no action in response to the NOVA, which charged him with unlawfully selling 150 pounds of subsistence-caught, sport-caught, or commercially-caught Pacific halibut to undercover officers in violation of the Northern Pacific Halibut Act. The case was referred to NOAA Finance for collection action.

AK1803714 – A \$500 NOVA became a final administrative order because Respondents Nazary I. Basargin (owner of the F/V Foreigner) and Vonifonti Basargin (vessel operator and IFQ permit holder) took no action in response to the NOVA, which charged them with unlawfully taking or possessing an undersized Pacific halibut in violation of the Northern Pacific Halibut Act. The case was referred to NOAA Finance for collection action.

AK1807111 – A Written Warning was issued to charter vessel guide Grayum Hill Norvell under the Northern Pacific Halibut Act for failing to ensure charter vessel anglers who retained Pacific halibut signed the charter logbook on two occasions.

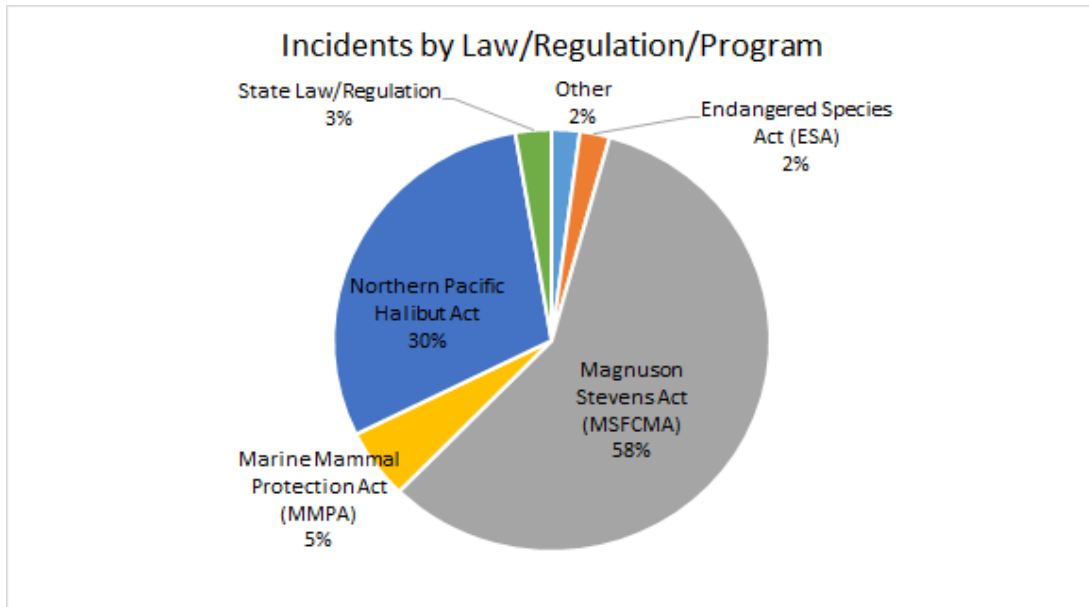
4. Incident and Summary Settlement Information

From October 1, 2019 to September 30, 2020, NOAA officers and agents opened 1494 incidents including 867 Magnuson Stevens Act, 443 Northern Pacific Halibut Act, 80 Marine Mammal Protection Act, 40 State Law/Regulations, 33 Endangered Species Act, and 31 incidents regarding other acts and regulations (**Figure 4-1**).

Of 1313 closed incidents, 583 required no enforcement action - no violation or minor/mitigated violation(s). Agents and officers issued 173 Summary Settlements with 133 of those resolved. At the time of this report, 136 incidents remained under investigation. (**Figure 4-2 and 4-3**)

For reference and by contrast, in FY 2019 NOAA officers and agents opened 2924 incidents vs. 1494 in 2020. We attribute the decline to COVID-19 impacts on OLE, partnered law enforcement agencies, Observer Program (further described in the following section), fishing industry, and tourism (recreational fishing and marine mammal viewing).

Figure 4-1 – Incidents (October 1, 2019 to September 30, 2020) by percent, categorized by primary law, program, or regulation type.



**Other includes Agricultural Marketing Act, CITES (ESA), Lacey Act, High Seas Fisheries Compliance Act, Northern Pacific Fisheries Act, and Other Federal Law/Regulations*

Figure 4-2 – Incident dispositions for incidents created October 1, 2019 to September 30, 2020

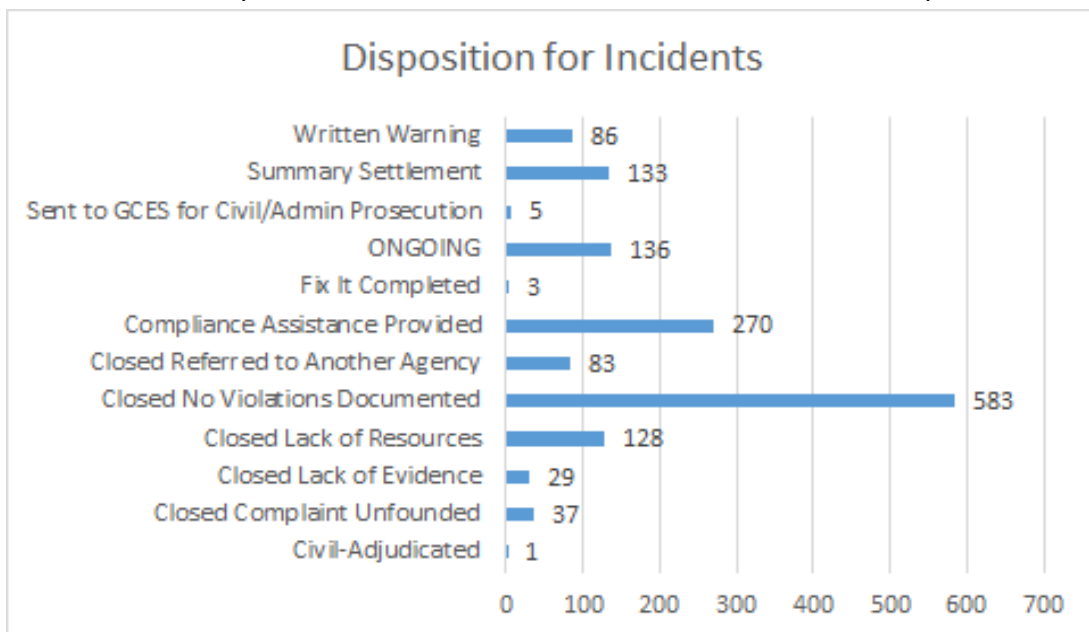
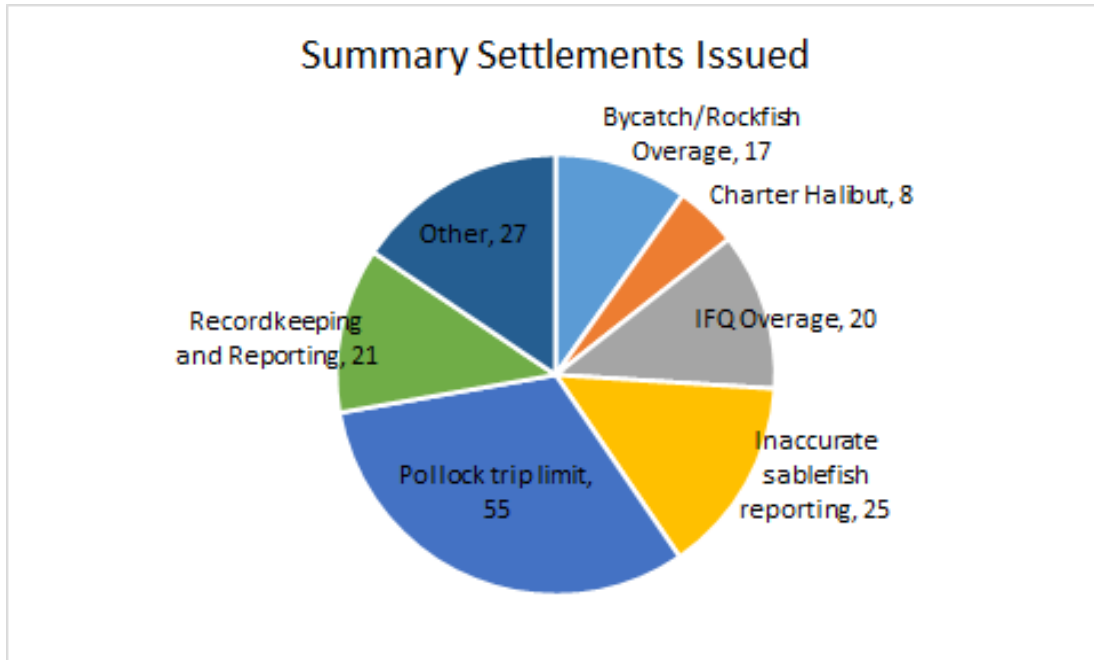


Figure 4-3 – Summary Settlements Issued October 1, 2019 to September 30, 2020



** Other includes no FFP, Prohibited Species mishandling, Failure to operate VMS, Undersized halibut, closed season fishing, fishing in closed waters, false reporting area fished, failure to log trip(s) into ODDS, and 3NM Steller Sea lion No Transit incursions.*

5. Observer Program

Introduction

With capable guidance and assistance from our new Compliance Analyst, Alex Perry, OLE, Alaska Division (OLE) has taken a modified approach to this year’s Report. For many statement categories, we will employ metrics to determine *rates* (described in detail below) of potential violations received from the North Pacific Observer Program (NPOP). In previous Reports, OLE and NPOP strictly conveyed observer statement summaries, which often painted an incomplete or inconsistent picture. While we have found no perfect approach, we believe the addition of rates will help to better highlight trends and normalize fluctuations in fishing and observer coverage rates.

Observers record statements regarding potential violations during the debriefing process into an online application hosted by the NPOP. Observers are typically deployed for up to 90 days and may not immediately undergo debriefing. Therefore, there is an inherent lag time for OLE

to receive observer statements, often exceeding three months from the date of potential violation(s). Once completed, the NPOP delivers statements to OLE on a weekly basis.

In a normal year, very few observer contracts extend beyond 90 days. However, beginning in March of 2020 (through present), the NPOP approved many contract extensions. Further, observer debriefing shifted to a remote process to minimize the spread of COVID-19. While FMA handled this transition deftly, this unique combination of factors reduced the number of statements and lengthened the timeline for OLE to receive them.

Fiscal Year 2020 Synopsis

In Fiscal Year 2020, OLE received 597 observer statements of potential violations, with 3422 occurrences described therein (**Table 5-1**). By contrast, in FY2019 OLE received 956 statements describing 7576 occurrences. A number of factors may have driven the decline. There has been a greater lag time before debriefing, potentially stalling delivery of some statements. Longer observer deployments may have reduced the number of statements. NPOP remote training may have changed observers’ ability to distinguish some potential violations. Decreased and consolidated fishing efforts further reduced observer deployments in certain fleets. Finally, partial coverage waivers in some fleets resulted in fewer coverage days during the pandemic.

In the Table below, ‘Ongoing’ typically involves complex investigations. ‘No OLE Action’ includes no violation, closed due to a lack of personnel to conduct an investigation, or closed as ‘info only’. Incidents that resulted in investigation typically combined multiple statements involving the same vessel, operator, and/or company.

Table 5-1. Status of Statements and Incidents, October 27, 2020.

Statements	Incidents	Investigation Statuses
597 statements received and reviewed in FY2020; 41 did not document an actual violation (no incident created)	556 statements forwarded to agents and officers; 258 unique incidents	53 Ongoing (158 statements)
		2 Forwarded for prosecution (2 statements)
		5 Written Warnings issued (8 statements)
		3 Summary Settlements issued (4 statements)
		78 Compliance Assistance Provided (225 statements)
		10 Closed - Referred to another Agency (14 statements)

Comparative Analysis

OLE reached out to our NPOP partners for observer deployed days for fiscal years 2019 and 2020, which they graciously delivered (**Table 5-2**). While previous iterations of this report utilized a rolling three-year summary, this report will examine the two years mentioned for like comparison - capturing recent changes to statement reporting mechanisms. We calculated rates of potential violations using the number of occurrences recorded within all statements for the factor combination, divided by 1000 observer deployed days across the various federally managed fisheries (**Table 5-3**). This is similar to the approach used for NPOP Annual Reports.

This Report examines statements and occurrences by the date of OLE receipt. For FY2019, OLE examined statements delivered between 10/01/2018 and 9/30/2019. FY2020 examines statements delivered 10/1/2019 through 9/30/2020. Gulf of Alaska trawl (OA and RPP) will be analyzed together since the fisheries are often interchanged during an observer deployment.

Table 5-2¹. 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	37988	5.7%	38031	5.6%	652	-5.0%	824	-17.0%
	PARTIAL	1817	-52.8%	1858	-52.0%	109	-22.7%	293	-55.6%
	ALL	39805	0.0%	39889	0.0%	761	-8.0%	1117	-32.4%

The Covid-19 pandemic began mid-way through FY2020, and appears not to have impacted vessel operations falling under the full coverage category from a strict sea day perspective. Though observer sea days increased, the number of cruises decreased. The partial observer coverage sector deployed days, however, decreased by 52.8% in FY20 as compared to FY19.

¹ Data courtesy of our partners with Fisheries Monitoring and Analysis.

Initially, the NPOP released partial coverage vessels from requirements, with the exception of the port of Kodiak. Subsequently, they adopted a port-based deployment model and slowly increased coverage rates. In addition, FY2020 saw the initiation of the Bering Sea and Gulf of Alaska Pollock Fishery Exempted Fishing Permit (EFP), which allowed participating vessels to substitute Electronic Monitoring systems in place of observer coverage requirements.

Table 5-3¹. 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)
	EFP	Pollock Fishery Exempted Fishing Permit

Tables 5-4 and 5-5 break down observer deployed days by the factors in **Table 5-3** (above). 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 Tables 5-4 and 5-5 exceeds the total number in Table 5-2.

Table 5-4¹. Factor combinations where at least 3 observer cruises were deployed in FY2019, 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
2019	FULL	CP/MS	HAL	CDQ	BSAI	569	27	31	32
				IFQ	GOA	137	5	5	5
				OA	BSAI	4582	86	119	122
			GOA		68	4	4	4	
			NPT	A80	BSAI	10460	187	263	278
				CDQ	BSAI	2088	103	122	124
				OA	BSAI	2146	79	86	86
					GOA	708	29	29	29
			RPP	GOA	224	10	10	10	
		POT	CDQ	BSAI	111	6	6	6	
			OA	BSAI	160	12	12	12	
		PTR	AFA	BSAI	4561	95	107	110	
			CDQ	BSAI	1198	58	62	62	
		CV	NPT	OA	BSAI	385	20	22	22
				RPP	GOA	565	38	42	58
			PTR	AFA	BSAI	8407	189	232	277
				RPP	GOA	213	30	31	38
		PLANT	AFA	BSAI	2365	60	64	66	
	PARTIAL	CV	HAL	CDQ	BSAI	30	5	5	5
				IFQ	BSAI	188	16	19	23
					GOA	1486	50	86	237
					OA	BSAI	11	3	3
				GOA		61	15	16	17
				NPT	OA	BSAI	246	21	22
			GOA			358	38	54	85
			POT		CDQ	BSAI	23	4	4
				IFQ	GOA	114	15	16	17
OA					BSAI	364	30	36	56
			GOA	46	9	9	9		
PTR			OA	GOA	938	55	89	216	

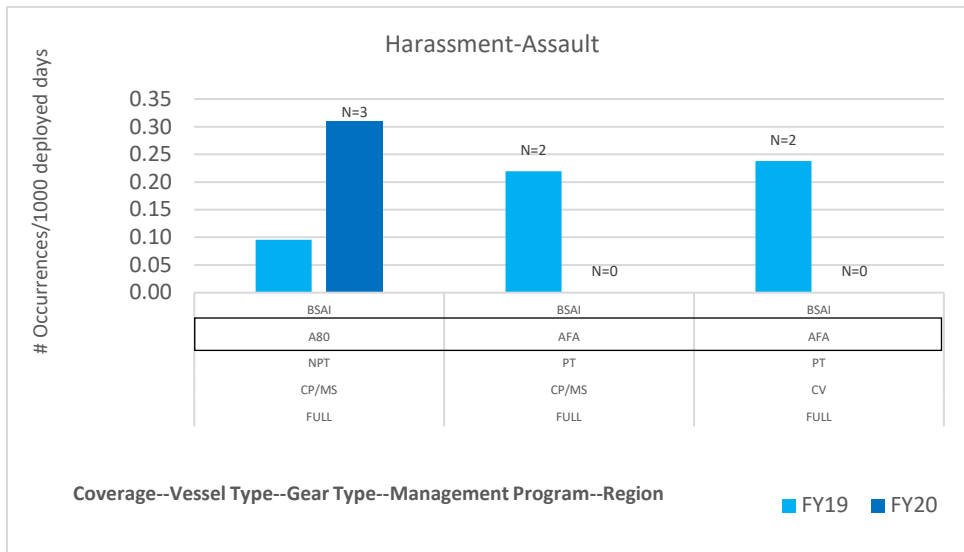
Table 5-5¹. Factor combinations where at least 3 observer cruises were deployed in FY2020, depicting total days, number of observer, total cruises, and distinct observer assignments.

FISCAL YEAR	COVERAGE TYPE	VESSEL TYPE	GEAR TYPE	MANAGE-MENT PROGRAM	NMFS REGION	TOTAL DAYS	TOTAL OBSERVERS	TOTAL CRUISES	DISTINCT OBSERVER ASSIGNMENTS	
2020	FULL	CP/MS	HAL	CDQ	BSAI	481	22	25	25	
				IFQ	GOA	138	4	4	4	
				OA	BSAI	3836	61	88	91	
			NPT	A80	BSAI	9783	156	205	210	
				CDQ	BSAI	2057	88	102	102	
				OA	BSAI	1704	64	71	71	
					GOA	761	31	33	33	
				RPP	GOA	352	14	14	14	
				POT	CDQ	BSAI	239	9	9	9
			IFQ		BSAI	45	4	4	4	
			OA		BSAI	148	10	10	10	
			PTR	A80	BSAI	32	7	7	7	
		AFA		BSAI	5412	87	113	116		
		CDQ		BSAI	1278	57	69	70		
		RPP		GOA	43	4	4	4		
		CV	NPT	OA	BSAI	531	32	32	34	
				RPP	GOA	339	26	27	35	
			PTR	AFA	BSAI	8460	148	175	199	
				RPP	GOA	351	33	35	42	
		PLANT		AFA	BSAI	4343	60	72	73	
				OA	BSAI	114	8	10	10	
	GOA				429	14	14	15		
	PARTIAL	CV	HAL	CDQ	BSAI	26	3	3	4	
					BSAI	76	9	9	10	
					GOA	574	40	55	96	
				NPT	OA	BSAI	80	14	14	17
						GOA	167	25	31	42
IFQ					BSAI	44	4	4	5	
POT			IFQ	GOA	127	15	18	19		
				OA	BSAI	160	17	19	26	
			GOA		12	3	3	3		
			PTR	OA	GOA	426	38	47	90	
PLANT				OA	GOA	175	4	4	5	

OLE Priority: OLE prioritizes cases involving actions or behavior that negatively impact observers or their data. The following statement types are captured in this category: Harassment-Assault (**Figure 5-1**); Harassment-Sexual (**Figure 5-2**); Interference/Sample Biasing (**Figure 5-3**); Intimidation, coercion, hostile work environment (**Figure 5-4**); Reasonable Assistance (**Figure 5-5**); and Safety-NMFS.

For several categories within OLE Priority, the number of statements and occurrences was very low. Therefore, caution should be used interpreting trends and results. Likewise, multiple observers assigned to the same vessel often completed separate statements for a single potential violation – artificially increasing the rate. Additionally, some reports describe interactions between observers or between crewmembers, not involving the observer directly.

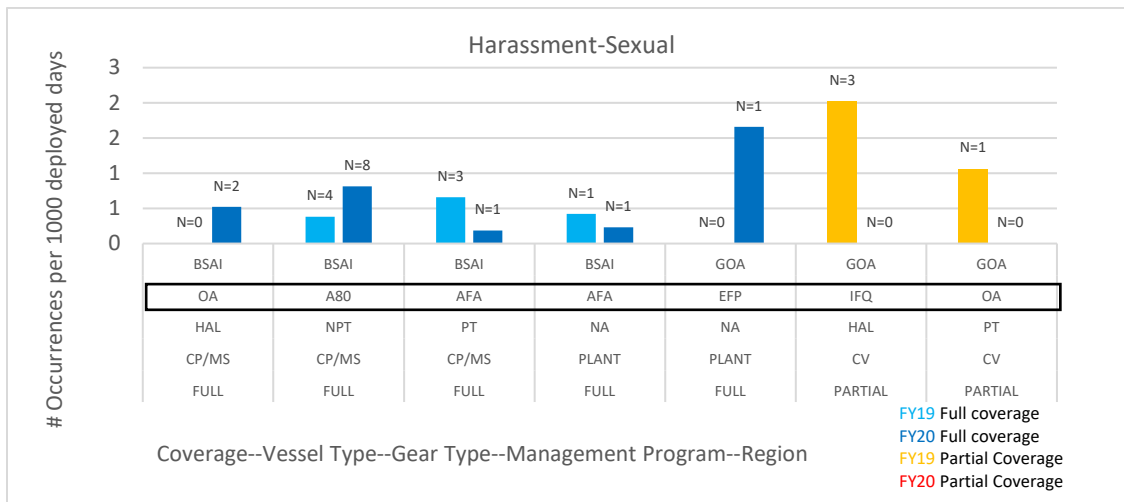
Figure 5-1. Harassment-Assault



For all charts, N equals the total number of occurrences reported and each bar represents the rate for the listed factors: i.e. the first set of bars represent the Catcher Processor/ Mothership Amendment 80 vessels, fishing with non-pelagic trawl gear in the BSAI, and falling into the full observer coverage category.

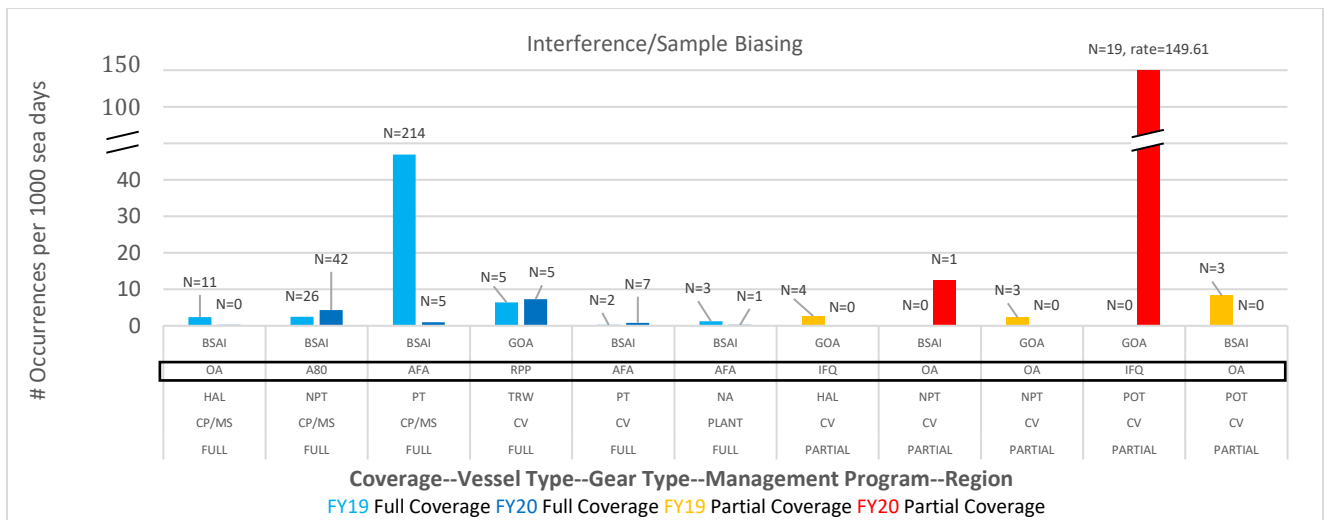
Harassment-Assault (Figure 5-1): In 2020, across all factor combinations, a single A80 vessel had statements in this category, wherein three separate statements detailed a single event. Therefore, the rate essentially remained the same across years. For the other two fleet categories charted, rates went from .22 and .24, respectively, to zero.

Figure 5-2. Harassment-Sexual.



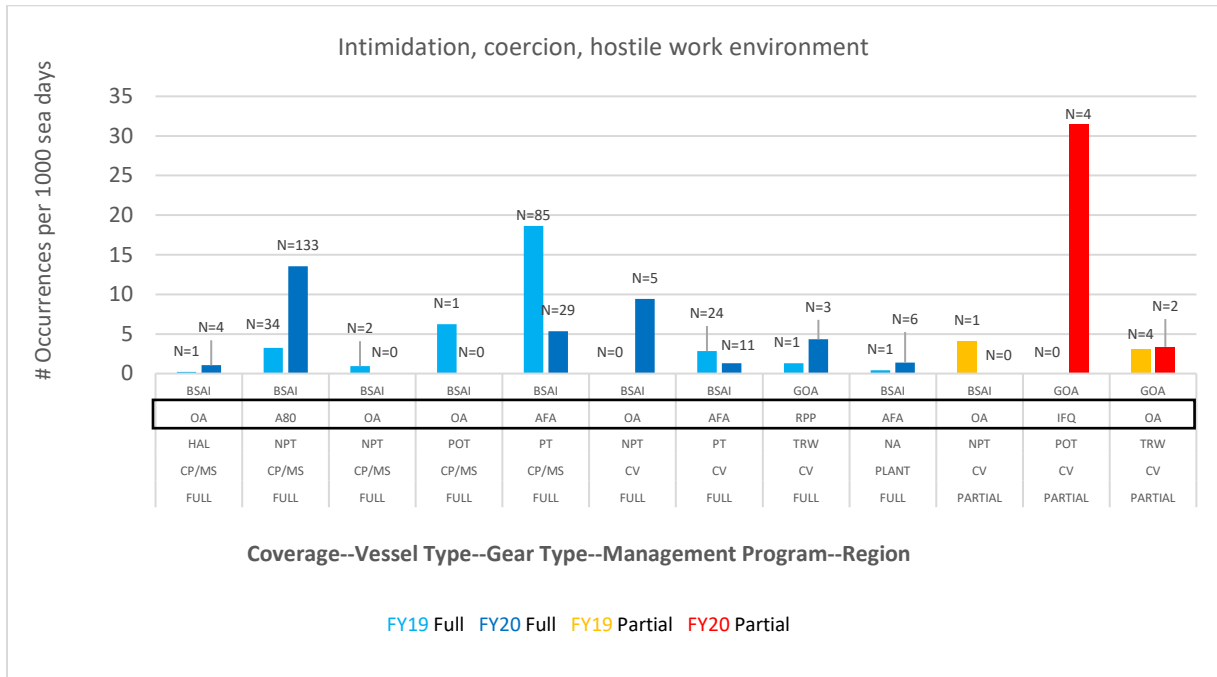
Harassment-Sexual (Figure 5-2): OLE noted a concerning trend in Amendment 80 sector where there were 8 occurrences involving 6 separate incidents. Low report numbers in many other factor combinations along with reduced sea days in FY20, may have caused artificially high rates in some categories. For example, in FY20 we noted the plant category in the Gulf of Alaska had a single occurrence, and the incident did not take place at the plant. Again, when N is very small, drawing meaningful inferences from the data is difficult.

Figure 5-3. Interference/Sample Biasing



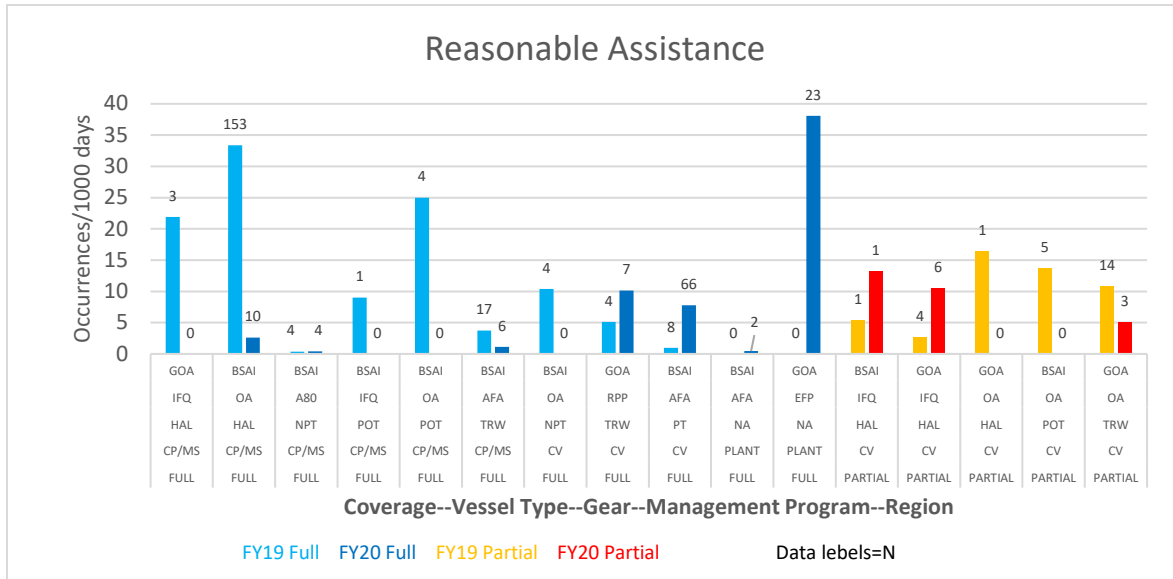
Interference/Sample Biasing (Figure 5-3): OLE made outreach efforts to the CP/MS fleets that may have driven some rates down in this category. The high rate of occurrences in FY19 for the AFA CP/MS fleet (46.92) was due to 2 statements reporting the same 100 occurrences each (where one sampled haul = one occurrence) concerning crowding of the observers' sample station. In FY20, the high rate for partial coverage Gulf of Alaska IFQ pot fleet resulted from 2 statements detailing circumstances where the captain's behavior prevented random sampling.

Figure 5-4. Intimidation, coercion, hostile work environment.



Intimidation, coercion, hostile work environment (Figure 5-4): For FY19, the highest rate was in the AFA CP/MS sector, in part (45 of the 85 occurrences) due to an observer-observer conflict. The rate for that fleet decreased in FY20. For FY20 the highest rate (31.50) was in the CV pot sector targeting IFQ in the Gulf of Alaska. OLE noted a large rate increase the AM80 fleet that coincides with the introduction of the halibut deck sorting.

Figure 5-5. Reasonable Assistance.



Reasonable Assistance (Figure 5-5): The reasonable assistance category describes scenarios where observers were not provided assistance to perform duties, including both physical to mechanical assistance. The highest rate in FY19 was 33.39 in the CP/MS sector using longline in the BSAI. That rate fell substantially in FY20, as did several others in the full coverage categories - perhaps indicating success of AKD’s outreach and enforcement efforts to these fleets. In FY20, the highest rate (38.08) was found in the EFP plant sector in the Gulf of Alaska. Again, observers have not been deployed to plants in the Gulf of Alaska for several years, and occurrences were generally related to offloads where fish were run too deeply and too fast for observers and assisting plant personnel to access salmon.

Safety-NMFS: Regarding Safety-NMFS statements, we elected to describe individual occurrences as in previous years, rather rates. In FY20, OLE received 46 total Safety statements (some with multiple incidents) detailing potential safety violations, and in FY19 OLE received 90 statements. FY19 statements described nine reports of vessels failing to maintain a proper watch, and in FY20 this fell to three statements. In FY19, there was one instance of improperly marked lifesaving equipment. That number rose to four in FY20. FY20 statements included the following:

- lack of wheel watch (3 statements)
- improperly marked or un-marked/expired lifesaving equipment (4 statements)
- preventing safe access to sample station (1 statement)

- bedbugs (7 statements)
- parting of mainwire (1 statement)
- sample station under mainwire (1 statement)
- reported/suspected drug use (2 statements)
- failure to dog watertight doors during inclement conditions (5 statements)
- impeded high traffic lanes/slick floors/sidewalks (latter due to icing) (10 statements)
- lack of drills (testing EPIRB) (1 statement)
- non-potable water (1 statement);
- toxic material/chemical exposure (3 statements)
- tsunami evacuation (plant) (2 statements)
- lack of timely safety orientation (2 statements)
- unsafe forklift operation (1 statement);
- no station bill (1 statement)
- lack of access to lifesaving equipment (1 statement)
- locked hatch (no egress) (1 statement)

Table 5-6. LAPP Statement Comparison FY19 and FY20.

STATEMENT TYPE: Limited Access Programs	FY19	FY20
	Statement #	Statement #
AFA		
CP/MS	16	15
CV	5	7
PLANT	6	4
Am80	78	55
Catcher Processor Longline	21	10
Central GOA Rockfish Program		
CP/MS	0	0
CV	1	1

Limited Access Privilege Programs (Table 5-6): This section describes statement categories specific to Limited Access Privilege Programs (LAPP). As the majority of statements describe issues specific to the LAPP, we have not compared across sectors. The majority of statements for American Fisheries Act (AFA), Amendment 80 (A80), and CP Longliner involved flowscales, Motion Compensated Platform (MCP) scales, and/or sample station issues (**Table 5-6**). In

CP/MS sector, observer statements involved flowscales and sample stations and often captured a very large numbers of occurrences.

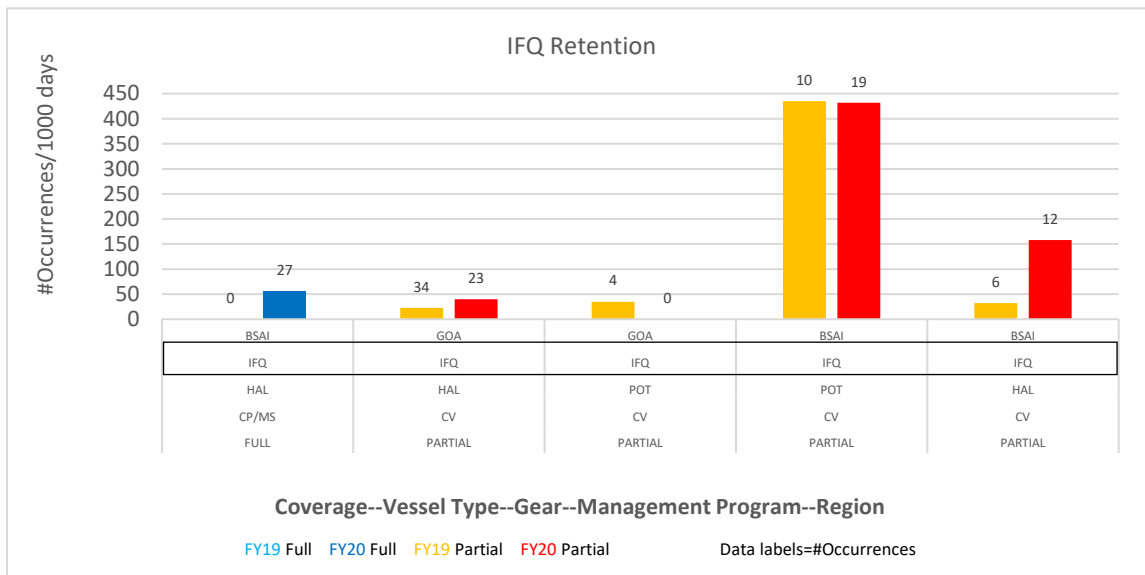
AFA: AFA includes CP/MS vessels fishing pelagic trawl (PT) gear, Catcher vessels fishing PT, and plants receiving deliveries. All fall under the full observer coverage category. Between FY19 and FY20, the statement numbers and likewise the rates fell for two of the three sectors described in this statement category.

Amendment 80: The Amendment 80 fleet comprises CP/MS vessels using predominantly non-pelagic trawl gear in the BSAI. The number of statements and rates declined between years.

Catcher Processor Longline: This statement category describes the CP/MS fleet fishing primarily hook and line gear, typically in the BSAI. In FY19, the majority of occurrences involved sample station crowding and safety issues. In FY20, many occurrences described sample station issues and IR/IU discard. Statement numbers and incident occurrence declined between years.

Rockfish Program: With a single instance in this category for each year (describing disparate potential violations), there is not enough data to infer conclusions.

Figure 5-6. IFQ Retention.



IFQ Retention (Figure 5-6): This statement category references a LAPP composed of partial coverage longline vessels. IFQ retention statements primarily describe IFQ mandatory retention issues. In FY19 and FY20, the highest rates derived from a single partial coverage pot vessel fishing in the BSAI.

Table 5-7. Protected Species.

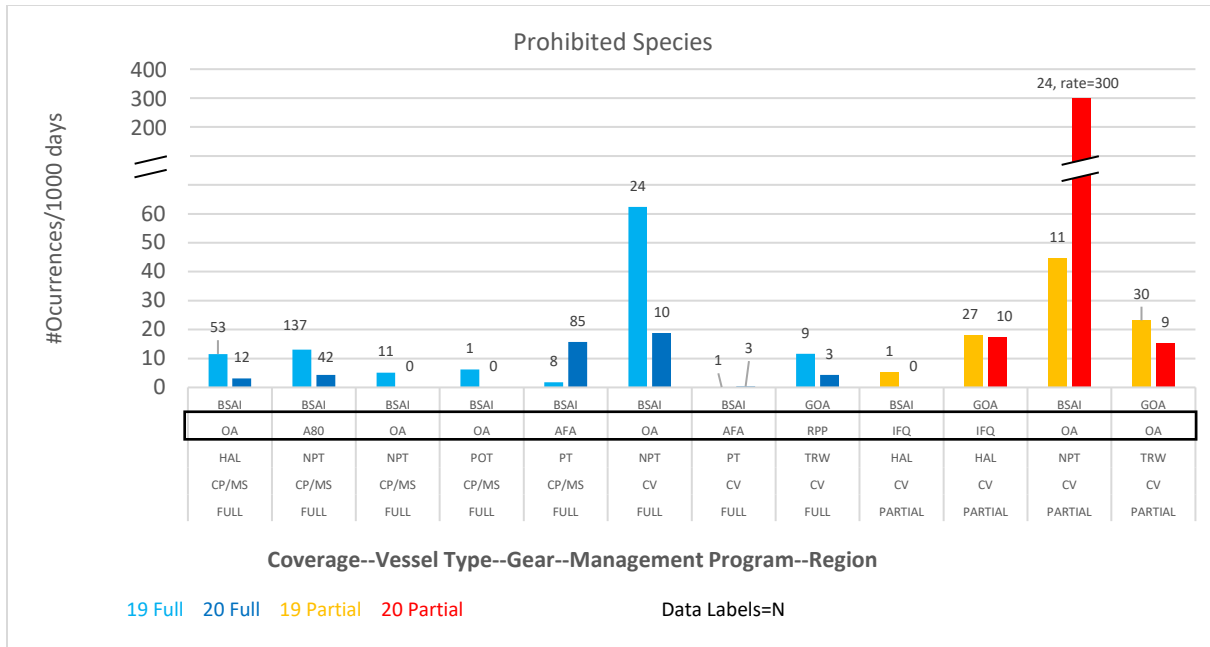
STATEMENT TYPE: Protected Resources and Prohibs	FY19			FY20		
Gulf or Alaska Salmon Bycatch						
Vessel type:	Statement #	Occurrences	Rate	Statement #	Occurrences	Rate
CV trawl Rockfish	1	2	2.57	1	1	1.45
CV trawl Open Access	23	26	20.06	16	21	35.41
EFP PLANT	NA	NA	NA	6	131	216.89
Bering Sea (Am91) Salmon Bycatch						
Vessel type:	Statement #	Occurrences	Rate	Statement #	Occurrences	Rate
CP/MS PT	28	314	68.84	21	108	19.96
CV PT	31	41	4.88	18	33	3.90
PLANT	13	39	16.49	4	14	3.22
Halibut Deck Sorting						
Vessel type:	Statement #	Occurrences	Rate	Statement #	Occurrences	Rate
CP/MS A80 NPT BSAI	NA	NA	NA	8	23	2.34
CP/MS AFA NPT BSAI	NA	NA	NA	3	7	1.29

Protected Species (Table 5-7): The Protected Species category contains the following statement types: Gulf of Alaska Salmon Bycatch, Bering Sea Pollock Salmon Bycatch, and Halibut Deck Sorting. Under Gulf of Alaska Salmon Bycatch the high rate of occurrence under the EFP raised a concern. We attribute the trend to the addition of observers to Gulf of Alaska processors.

For Am91 Salmon Bycatch, the highest rate for both years was CP/MS vessels participating in the AFA program. However, they showed improvement from FY19 to FY20 for both number of statements and rate of occurrences. In fact, that trend of fewer statements and lower rates was found in all sectors in this category. OLE attributes improvements to enforcement, outreach, and corresponding industry efforts (vessel owners, captains, and managers).

Statements under the Halibut Deck Sorting heading addressed issues observers encountered relating to the Deck Safety Plan or impeded sampling. AKD actively performed outreach with industry in advance of the newly regulated program (vessel owners, captains, and managers) to make them aware of program requirements. We anticipate additional OLE efforts in 2021.

Figure 5-7. Prohibited Species



Prohibited Species (Figure 5-7): This statement category contains potential violations related to mishandling and retention of prohibited species (generally halibut). For FY19, the highest rate was found in the full coverage CV non-pelagic trawl fleet fishing open access in the BSAI. For FY20 the highest rate was in the partial coverage CV non-pelagic trawl fleet fishing open access in the BSAI. Note that vessels using non-pelagic trawl gear have higher halibut encounter rates. In general, rates were higher in the partial coverage fleets than in the full coverage fleet and full coverage fleets overall showed declining rates between years.

Marine Mammal (no table): Marine mammal statements captured instances of marine mammals feeding on catch and marine mammal harassment. During FY20, the Observer Program instructed observers to record marine mammal interactions during halibut deck sorting. These statements documented the phenomenon of marine mammals (in particular orcas) feeding on deck sorted and discarded halibut. While predation of discarded halibut does not indicate a direct violation, this marine mammal learned behavior is nonetheless interesting. In FY20, there were 12 statements detailing 242 occurrences of marine mammal interactions in the Amendment 80 fleet.

Table 5-8. Seabird

STATEMENT TYPE:	FY19		FY20	
Seabird				
Vessel type:	Statement #	Occurrences	Statement #	Occurrences
FULL CP/MS HAL OA BSAI	1	8	1	1
FULL CV PT AFA BSAI	1	1	0	0
FULL PLANT AFA BSAI	1	4	0	0
PARTIAL CV HAL IFQ BSAI	2	13	0	0
PARTIAL CV HAL IFQ GOA	11	55	3	16
PARTIAL CV HAL OA BSAI	0	0	1	4
PARTIAL CV HAL OA GOA	1	16	0	0

Seabird (Table 5-8): Seabird statements detail potential violations regarding deployment of approved seabird avoidance measures and seabird harassment. The highest rates occurred in the partial observer coverage categories, and rates generally declined between years in both partial and full coverage categories.

Table 5-9. Other Statement Types.

All Other Category			FULL														PARTIAL												
			CP/MS							CV			PLANT				CP/MS	CV											
			HAL		NPT			POT		PT	TRW	NPT	PT	TRW	NA		HAL	HAL		NPT	POT		TRW						
			IFQ	OA	A80	OA	IFQ	OA	AFA	RPP	OA	AFA	RPP	AFA	EPF	IFQ	IFQ	OA	OA	IFQ	OA	OA							
STATEMENT TYPE	YEAR	NUMBERS	BSAI	GOA	BSAI	GOA	BSAI	BSAI	GOA	BSAI	BSAI	GOA	BSAI	BSAI	GOA	BSAI	GOA	GOA	BSAI	GOA	BSAI	GOA	BSAI	GOA	BSAI	GOA	BSAI	GOA	
Disruptive/ Bothersome Behavior - Conflict Resolved	FY19	Statements		1	4		9	1			5	1		2	1	3			1									1	
		Occurrences		1	5		13	1			6	1		2	1	4			1										1
		Rate		7.30	1.09		1.24	0.47			1.32	4.46		0.24	1.29	1.69			0.67										0.77
Behavior - Conflict Resolved	FY20	Statements	1		2		7			1	8			2	2	4	1			1								4	
		Occurrences	1		5		56			1	12			5	3	6	1			4								5	
		Rate	7.25		1.30		5.79			6.76	2.22			0.59	4.35	1.38	1.66			50.00									8.43
Recordkeeping and reporting	FY19	Statements		1	13		17		1	1	2	11		3	55	10	12			1	27			2		6	12	47	
		Occurrences		1	338		147		1	1	4	360		14	383	73	370			1	128			4		6	19	84	
		Rate		7.30	73.77		14.05		1.41	9.01	25.00	78.93		36.36	45.56	93.83	156.45			5.32	86.14			16.26		52.63	52.20	64.81	
Recordkeeping and reporting	FY20	Statements			3		13		2		2	5		22	11	4	1	1		10			2	3	2	4	20		
		Occurrences			214		94		101		10	9		172	23	9	10	1		84			5	20	24	22	26		
		Rate			55.79		9.58		132.72		67.57	1.66		20.33	33.33	3.81	16.56	1.74		146.34			62.50	454.55	188.98	137.50	43.84		
Restricted Access	FY19	Statements			1						1					4													
		Occurrences			1						4					80													
		Rate			0.22						0.88					33.83													
Restricted Access	FY20	Statements	1													1	1												
		Occurrences	2													1	42												
		Rate	4.16													0.23	69.54												
Failure to Notify	FY19	Statements			4		10	4			12		1	6	5	4			1	3			1			1	3		
		Occurrences			4		13	8			245		1	69	14	13			2	4			1			1	3		
		Rate			0.87		1.24	3.73			53.72		2.60	8.21	17.99	5.50			10.64	2.69			16.39			2.75	2.31		
Failure to Notify	FY20	Statements			5		5			4			4	4	3	5						1			1		1		
		Occurrences			10		10				17			4	7	11	62					1			1		1		
		Rate			2.61		1.02				3.14			0.47	10.14	2.53	102.65					12.50			7.87		1.69		
Inadequate Accommodations	FY19	Statements			4		1			1					5					2									
		Occurrences			6		1			27					93					11									
		Rate			1.31		0.10			5.92					39.32					7.4									
Inadequate Accommodations	FY20	Statements					8			1			2		4									1			1		
		Occurrences					9			2			6		24								1			1	1		
		Rate					0.92			0.37			0.71		5.53									7.87			1.69		

Other Statement Types (Table 5-9)

The remaining statement categories capture the majority of other observer statement types including Disruptive/Bothersome Behavior - Conflict Resolved; Recordkeeping and Reporting; Restricted Access; Failure to Notify; Inadequate Accommodations.

Disruptive/Bothersome Behavior - Conflict Resolved: These statements describe situations where observers and industry work together to address conflicts. In FY19, the highest rate was reported in the IFQ CP/MS hook and line fleet in the Gulf of Alaska. In FY20, the highest rate was reported in the IFQ CP/MS hook and line fleet in the BSAI. In FY20, the highest rate of occurrences was found in non-pelagic trawl, open access in the BSAI (partial coverage).

Recordkeeping and Reporting: This category primarily captures potential issues with logbooks (vessels) and fish tickets (plants). In catcher vessel fixed gear categories, inaccurate set and retrieval times accounted for many of the occurrences. In some cases, potential violations were repeated many times over the course of an observer cruise, resulting in many occurrence. In FY19 the highest rate was 156.45 in the full coverage AFA plant sector; statement numbers and rates for those plants fell in FY 20. In FY20, the highest rate was in the CV IFQ pot fishery (454).

Restricted Access: The highest rates in this category involved plants. In FY20, OLE noted the high rate for plants participating in the Gulf of Alaska pollock EFP. The rates were driven by lack of access to a computer for data entry and transmission.

Failure to Notify: This statement type spans multiple regulations, but generally refers to vessel or plant requirements to inform observers of fishing or offload activity. In FY19, the highest rate was in the CP/MS AFA fleet (12 statements detailing 245 occurrences). In FY20, OLE noted the high rate for Gulf of Alaska EFP plants.

Inadequate Accommodations: Observers are required to have accommodations equal to officers on vessels. The highest rate for FY19 was in the plant AFA sector; FY20 the highest rate was in the pot catcher vessel, partial coverage category in the Gulf of Alaska IFQ program.

Contractor Problems (no table): This statement type does not correlate to factor combinations and does not have an associated rate. In FY19, OLE received 17 statements reporting 52 occurrences; in FY20, observers recorded seven statements and nine occurrences.

ODDS (no table): ODDS issues are reported directly to OLE by NPOP staff. Potential violations include no or inaccurate trip reporting. In FY19, OLE received 118 ODDS-related issues, compared with 59 issues reported in FY20.