

Chapter 5: Compliance and Enforcement



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Data Preparation

- Previously, summaries of potential violations were reported by number of statements received.
- Summaries will now be reported by number of occurrences; one statement may have documented multiple occurrences of a particular violation.
- Rate of potential violation is number of occurrences per 1,000 deployed days.
- For interpersonal statement types, occurrences per assignment is also assessed.



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Overview of Occurrence Rates

FACTOR COMBINATIONS					SUM TOTALS				STATEMENT CATEGORY GROUP and INCIDENT OCCURRENCE RATE						
									OLE PRIORITY: INTER- PERSONAL	OLE PRIORITY: SAFETY AND DUTIES	COAST GUARD	LIMITED ACCESS PROGRAMS	PROTECTED RESOURCE & PROHIBITED SPECIES	ALL OTHER STATEMENT TYPES	
COVERAGE TYPE	VESSEL TYPE	GEAR TYPE	MANAGEMENT PROGRAM	NMFS REGION	VESSEL/PLANT ASSIGNMENTS	DEPLOYED DAYS	STATEMENTS (all categories)	OCCURRENCES (all categories)	Occurrences per Vessel/Plant Assignment	Occurrences per 1000 Deployed Days					
FULL	CP/MS	HAL	CDQ	BSAI	26	517	6	44	0	0	2.4	9.3	58.9	2.4	12.8
			IFQ	BSAI	3	33	0	1	0	0	0	3.6	36.4	0	0
			GOA	3	89	2	14	0	0	0	3.5	10.3	128.1	0	13.9
		OA	BSAI	73	3577	62	291	0.29	5.9	19.7	7.3	22.3	5.5	20.7	
		A80	BSAI	167	9902	218	890	0.49	8.3	2.6	12.1	12.8	35.0	19.2	
		NPT	CDQ	BSAI	75	1631	24	83	0.08	3.6	1.5	8.8	26.1	4.8	5.9
			OA	BSAI	67	1744	21	80	0.04	1.6	1.4	7.5	22.5	7.2	5.8
			GOA	26	635	10	119	0.18	7.2	2.0	5.1	7.4	5.2	160.5	
		RPP	GOA	11	298	5	8	0.05	2.0	4.5	11.6	5.0	2.3	2.1	
			CDQ	BSAI	7	179	2	4	0	0	0	22.3	0	0	0
	POT	OA	BSAI	12	156	2	39	0	0	0	6.4	0	0	243.6	
		A80	BSAI	5	28	0	0	0	0	0	2.6	0	6.5	0	
		AFA	BSAI	94	5694	107	408	0.43	7.1	0.7	18.4	11.5	23.3	10.6	
		CDQ	BSAI	56	1364	19	59	0.11	4.7	0	13.4	1.2	22.3	1.9	
	RPP	GOA	4	43	1	2	0	0	3.6	24.0	9.6	0	0	0	
		OA	BSAI	33	530	9	32	0.18	11.1	3.5	6.7	0	32.0	7.3	
		RPP	GOA	40	352	12	17	0.14	16.1	1.2	7.5	0	2.3	21.6	
	PTR	AFA	BSAI	94	5694	107	408	0.43	7.1	0.7	18.4	11.5	23.3	10.6	
		CDQ	BSAI	56	1364	19	59	0.11	4.7	0	13.4	1.2	22.3	1.9	
		RPP	GOA	4	43	1	2	0	0	3.6	24.0	9.6	0	0	
CV	NPT	OA	BSAI	33	530	9	32	0.18	11.1	3.5	6.7	0	32.0	7.3	
		RPP	GOA	40	352	12	17	0.14	16.1	1.2	7.5	0	2.3	21.6	
	PTR	AFA	BSAI	94	5694	107	408	0.43	7.1	0.7	18.4	11.5	23.3	10.6	
		RPP	GOA	47	378	13	23	0.02	2.5	14.8	3.6	0	0.5	40.6	
PLANT	(N/A)	AFA	BSAI	69	4858	71	153	0.27	3.8	4.2	3.3	1.4	4.3	14.4	
		BSAI	13	149	2	4	0.03	2.4	2.9	5.2	0	6.3	8.4		
		GOA	15	553	38	518	0.67	18.1	244.1	0	0	276.7	397.8		
PLANT	OA	GOA	6	282	11	18	0	0	0	0	0	21.3	42.6		
PARTIAL	CV	HAL	CDQ	BSAI	4	26	0	0	0	0	0	0	0	0	0
			IFQ	BSAI	6	49	2	3	0	0	6.8	47.6	6.8	0	5.8
			GOA	72	452	18	100	0.04	6.0	3.7	14.7	1.5	112.8	82.8	
		NPT	OA	BSAI	16	78	5	10	0.25	51.3	12.8	0	0	0	64.1
			GOA	41	161	10	22	0.02	6.2	0	12.4	0	58.7	56.7	
		POT	IFQ	BSAI	5	44	7	50	0	0	22.7	613.6	68.2	431.8	
			GOA	24	167	13	60	0.18	25.5	131.7	0	12.0	0	187.2	
		PTR	BSAI	23	128	6	12	0	0	0	23.4	0	0	0	70.3
			OA	GOA	63	276	18	29	0.02	5.1	10.9	7.2	0	20.1	61.3



Significant Occurrence Rates

- PLANT GOA
 - Interpersonal
 - Rate of .67 per assignment
 - When reported to plant management, management assisted observers.
 - Safety and Interference
 - 244.1/1,000 deployed days
 - Protected Resources & Prohibited Species
 - Rate of 267.7/1,000 deployed days
 - “Other”
 - 397.8/1,000 deployed days
 - Reasonable assistance and restricted access



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Significant Occurrence Rates

- CP NPT BSAI A80
 - Interpersonal
 - Rate of .49 per assignment.
 - Often reported in-season, to vessel management.
- CP PTR BSAI AFA
 - Interpersonal
 - Rate of .43 per assignment.
 - Observers were less likely to report occurrences to vessel management.



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Significant Occurrence Rates

- **CV POT BSAI IFQ**
 - Limited Access category
 - 613.6/1,000 deployed days.
 - Discard of sablefish (black cod)
 - “Other” category
 - 431.8/1,000 deployed days.
 - Record keeping and reporting inaccuracies
- **CV POT GOA IFQ**
 - Safety and Interference category
 - 131.7/1,000 deployed days.
 - Interference with observer’s sampling methods.
 - Intimidation
 - Failure to conduct wheel watch/lookout (Coast Guard Rule 5)



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Status of Statements and Incidents

Statements	Incidents	Statuses
<p>619 Statements received and reviewed in 2020</p> <p>39 statements did not document an actual violation</p> <p>580 statements were forwarded to agents and officers</p>	<p>223 new incidents created (532 statements)</p> <p>48 statements were added to 19 open incidents</p>	43 Ongoing (142 statements)
		2 Forwarded for prosecution (2 statements)
		7 Written Warnings issued (44 statements)
		8 Summary Settlements issued (24 statements)
		64 Compliance assistance provided (157 statements)
		118 Closed - No OLE Action (211 statements)
<p><i>Excludes 60 Observer Coverage potential violations reported by Agency Staff.</i></p>	<p><i>Multiple statements are often combined into a single incident if the same vessel, operator, or company is involved.</i></p>	



Meetings with Industry

- 10 collaborative meetings with 10 companies
 - Fleet wide and management program concerns
 - Company and vessel specific concerns
 - Safety and observer work environment
- Amendment 80 co-op meeting
- Halibut Deck Sorting check in meetings
- GOA catcher vessel fleet meeting



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Enforcement Operations

In February 2021, four OLE agents and officers deployed to the port of Dutch Harbor for a pulse operation, targeting open investigations from 2020.

The operation started with 59 individual incidents containing 219 individual statements involving 50 separate vessels or processing facilities.

- 37 were resolved with compliance assistance
- 10 summary settlements were issued, 29 written warnings were issued
- 25 statements were closed due to lack of evidence.
- 91 statements remain open and are still currently under investigation.
- Three additional investigations were opening involving the safety or work environment of observers.



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- AK1701779; F/V Seafisher. Iakopo Jake Vae was issued a \$60,000 NOVA for forcibly assaulting and sexually harassing an observer.
- AK1802015; F/V Alaskan Lady. Eliman Bah was issued a \$24,000 NOVA for harassing a fisheries observer by conduct that had sexual connotations, the purpose or effect of interfering with the observer's work performance, or otherwise created an intimidating, hostile, or offensive environment.
- AK1804012; FV Seafisher. Ioane Ioane was issued a \$24,000 NOVA for harassing a fisheries observer by conduct that had sexual connotations, the purpose or effect of interfering with the observer's work performance, or otherwise created an intimidating, hostile, or offensive environment.



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Questions?



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