

State of Alaska
**Office of Special Prosecutions &
Department of Environmental
Conservation**

James Fayette

Section Chief
Office of Special Prosecutions
310 K Street, Suite 308
Anchorage, Alaska 99501

NEWS RELEASE



PHONE: 907-269-6250
FAX: 907-269-7939
www.law.state.ak.us

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**Dale R. Pruitt Pleads Guilty to Prohibited Operation and Oil Pollution Charges
Related to *F/V Nordic Viking* Grounding**
SOA v. Dale R. Pruitt, 3CO-S08-098 CR

On August 8, 2008, the Cordova District Court imposed sentence on Dale R. Pruitt for his role in the grounding of the *F/V Nordic Viking* near Point Gravina last July. Pruitt pled guilty to criminal charges of operating a boat in a negligent or reckless manner and oil pollution, both Class A misdemeanors. Magistrate Kay Adams adopted the parties' sentencing recommendations. On the operating a boat in a negligent or reckless manner charge, Magistrate Adams imposed a one-year suspended imposition of sentence (SIS) on the condition that Pruitt obey all laws and regulations and enroll in and successfully complete a state-approved alcohol treatment program (Alaska Alcohol Safety Action Program (ASAP)). On the oil pollution charge, Magistrate Adams imposed a conviction of record with 15 days of jail time, 75 additional days of suspended jail time, 40 hours of community work service and four years of probation on the condition that Pruitt obey all laws and regulations, including all environmental laws and regulations.

Nordic Viking LLC owns and operates the *F/V Nordic Viking*. During the summer of 2007, the Nordic Viking was used to tender salmon from fishing boats in Prince William Sound to the salmon processing facility in Cordova operated by Bear and Wolf, LLC.

The *Nordic Viking* ran aground near Point Gravina on July 21, 2007. The grounding occurred at approximately 10:30 p.m. It was still light at the time, the waters were calm and visibility was good. Pruitt was at the helm. The simple explanation for the accident is that the *Nordic Viking* ran onto a rock outcropping directly in front of a large island (Photograph 1). The impact ruptured a front fuel tank (Photograph 2) which released approximately 3500 gallons of diesel to the water. Some of this diesel washed onto the shore of the island next to the accident site (Photographs 3 and 4). The diesel that remained in the water caused sheen that was visible for several days and disrupted salmon fishing for many boats. (Photographs 5 and 6).

Fishing boats in the vicinity of the *Nordic Viking* responded to the scene to evacuate the *Nordic Viking* crew. It was apparent to these responders that Pruitt was intoxicated. Pruitt refused to provide a saliva sample for alcohol testing until asked to do so by his employer the morning after the grounding. Pruitt's saliva sample, provided approximately fourteen hours after the grounding, still registered a presence of alcohol. A urine sample from Pruitt also tested positive for the presence of marijuana. Pruitt denied that he had been drinking. Pruitt told investigators that he had been tired and simply fell asleep.

The *Nordic Viking* was a total loss. The sheen caused by the *Nordic Viking* diesel persisted for several days and disrupted the local salmon fishery. Only a small fraction of the diesel was recovered.

Earlier this year, Nordic Viking, LLC, the owner of the *F/V Nordic Viking*, reached an agreement with the state to resolve its potential liability for the incident. The company paid a \$17,500 fine to the state's oil spill response fund and implemented drug and alcohol testing for a period of a year on other fishing boats operated by its members. The company also engaged in a supplemental environmental project that contributed \$10,000 to the marine debris clean-up program operated by the Gulf of Alaska Keeper. That program collects washed up fishing gear from beaches in Prince William Sound and the Gulf of Alaska.

Under Alaska law, it is to operate a boat in a negligent or reckless manner so as to endanger the life or property of another. It is also illegal to discharge any petroleum product to waters of the state. Both of these regulations can be prosecuted as crimes that carry a maximum penalty of a \$10,000 fine and a year in jail for individuals and a \$200,000 fine for corporations, companies or partnerships.

The United States Coast Guard and the Environmental Crimes Unit of the Alaska Department of Environmental Conservation investigated the incident. The Alaska Department of Law, Criminal Division, Office of Special Prosecutions prosecuted the charges.

Photograph 1



Photograph 2



Photograph 3

Nordic Viking Spill Overflight

Refloating sheen off of beach



N 60° 42.841' W 143° 29.391'

568 ft

07/25/07 16:02:48

Photograph 4

Nordic Viking Spill Overflight

Diesel sheen remobilizing out of rocks and pop weed at Hall's Hole



07/25/07 16:43:09

Photograph 5



Photograph 6

