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<p>Press Release</p>		<p>ATTORNEY GENERAL'S OFFICE</p>

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F/V Westward, LLC and Employee Plead Guilty to Pollution and Reckless Operation

(Craig, Alaska) On June 4, 2009, Sitka Superior Court Judge David V. George, sitting in Craig, sentenced F/V Westward, LLC for violating a state criminal law that makes polluting state waters illegal. The charge arose out of the February 17, 2008 grounding of the *F/V Westward*. Judge George ordered the company to pay a \$25,000 fine and serve a year of probation on the condition that it not violate any more laws, including any environmental laws and regulations. Judge George suspended \$21,500 of the fine.

Jacob Barnett, the skipper of the *Westward*, was also sentenced on a charge of operating a boat in a reckless or negligent manner. Judge George imposed 35 days in jail for the offense but suspended 30 days and provided that the five remaining days could be satisfied by 40 hours of community work service. Judge George also imposed two years of probation with the understanding that the state would move the court to terminate the probation after one year if Barnett completed the community work service.

The *Westward* ran aground near Point Ildefonso off of Prince Wales Island (Photograph 1).



Photograph 1. *Westward* Grounding.

The impact punctured both sides of the hull creating a 4' x 10' hole on the port side and a 2' x 3' hole on the starboard side. Diesel and other oils leaked from the hull to the surrounding waters. Passengers on an over-flight of the grounding observed a long sheen in the vicinity of the boat (Photograph 2). However, it is unclear exactly how much diesel or oil was discharged to the adjacent waters. A majority of the fuel and diesel that was on board was lightered off the boat during the response action.



Photograph 2. Sheen Caused by *Westward* Grounding.

The *Westward* ran aground after Barnett left the wheelhouse unattended with the boat on autopilot. When Barnett returned to the wheelhouse, he found the boat had changed course and they were close to the shore. Barnett tried to disengage the autopilot and change course, but could not do so before running aground.

The waters of Southeast Alaska are subject to the International Regulations for Preventing Collisions at Sea (COLREGS). The COLREGS require all vessels to maintain a proper lookout, to remain apprised of their surroundings and the risk of collision and to operate at a speed that allows them to stop within a short enough distance to avoid a collision under the prevailing circumstances and conditions. Barnett failed this standard when he left the bridge unattended to go below deck.

Under Alaska law, it is illegal to pollute waters of the state. It is also illegal to operate a boat in a reckless or negligent manner so as to endanger the life or property of another. Both offenses are class A misdemeanors that carry a maximum penalty of a \$10,000 fine and a year in jail for individuals and a \$200,000 fine for business organizations. Organizations are liable for the criminal acts of their agents acting within the scope of their employment and for the benefit of the organization.

Assistant Attorney General Daniel Cheyette of the Alaska Department of Law, Criminal Division, Office of Special Prosecutions prosecuted the charges. Criminal investigators from the Alaska Department of Environmental Conservation investigated the incident along with the United States Coast Guard. For further information, contact Assistant Attorney General Cheyette at (907) 269-6250.

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