UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration

NOTICE OF VIOLATION AND ASSESSMENT
OF ADMINISTRATIVE PENALTY

RESPONDENTS:

American Seafoods Company LLC 2025 First Ave. Seattle, WA 98121	Jens Johnson [redacted]	Northern Eagle LLC 2025 First Ave. Seattle, WA 98121

VESSEL: F/V NORTHERN EAGLE

FILE NO.: AK1200532

ASSESSED PENALTY: $1,337,000

Respondents, Respondents' attorney or other representative may seek to have this penalty amount modified on the basis that Respondents do not have the ability to pay the assessed penalty. Any request to have the penalty amount modified on this basis must be made in accordance with 15 C.F.R. § 904.102 and should be accompanied by supporting financial information.

This is your official Notice of the civil violation and administrative penalty described herein.

FACTS CONSTITUTING VIOLATION:

Counts 1 - 41 -- Between the dates of February 11 and March 29, 2011, on 41 separate days, while fishing for groundfish in the Bering Sea and Aleutian Island Management Area, Jens Johnson, operator of the F/V NORTHERN EAGLE (a listed AFA catcher/processor), acting through Henryk Migala and other crew of said vessel for himself and on behalf of Northern Eagle LLC and American Seafoods Company LLC, processed pollock and other groundfish that were not weighed on a NMFS-approved scale that meets the Maximum Permissible Error ("MPE") of plus or minus ("±") 3 percent, and which was not maintained in proper operating condition throughout its use, in violation of the Magnuson Stevens Fishery Conservation and Management Act, 16 U.S.C. 1801 et seq. and 16 U.S.C. 1857(1)(A) and (G), the American Fisheries Act, Pub.L. 105-227 (enacted Oct. 22, 1998), and implementing regulations at 50 CFR 679.7(k)(1)(vi)(A), 679.28(b) and 679.28(b)(4), to wit:

Count 1 – On or about February 11, 2012, weighed haul numbers 83 and 84 on a flow scale that was not maintained in proper operating condition and where independent tests conducted by NMFS certified observers show that the flow scale for Haul 83 was weighing -5.8% and -7.5%, and for Haul 84 was weighing -9.7%, which operating condition failed to meet the MPE of ± 3% throughout its use;

Count 2 – On or about February 12, 2012, weighed haul numbers 86 and 87 on a flow scale that was not maintained in proper operating condition and where independent tests conducted by NMFS certified observers show that the flow scale for Haul 86 was weighing -10.1%, and for Haul 87 was weighing -10.8%, which operating condition failed to meet the MPE of ± 3% throughout its use;

Count 3 – On or about February 13, 2012, weighed haul numbers 89 and 90 on a flow scale that was not maintained in proper operating condition and where independent tests conducted by NMFS certified observers show that the flow scale for Haul 89 was weighing -10.1% and - 6.3%, and for Haul 90 was weighing -12.4% and -11.5%, which operating condition failed to meet the MPE of ± 3% throughout its use;

Count 4 – On or about February 17, 2012, weighed haul number 92 on a flow scale that was not maintained in proper operating condition and where independent tests conducted by NMFS certified observers show that the flow scale for Haul 92 was weighing -13.8%, -15.4% and -13.5%, which operating condition failed to meet the MPE of ± 3% throughout its use;

Count 5 – On or about February 18, 2012, weighed haul numbers 93, 94, 95, 96, on a flow scale that was not maintained in proper operating condition and where independent tests conducted by NMFS certified observers show that the flow scale for Haul 93 was weighing -11.7% and -10.4%; for Haul 94 was weighing -11.5%, -11.0% and -10.6%; for Haul 95 was weighing -7.33% and -10.4%; and for Haul 96 was weighing -13.9%, -12.7% and -15.2%, which operating condition failed to meet the MPE of ± 3% throughout its use;

Count 6 – On or about February 19-20, 2012, weighed haul numbers 97, 98, 99 and 100 on a flow scale that was not maintained in proper operating condition and where independent tests conducted by NMFS certified observers show that the flow scale for Haul 97 was weighing -10.4%, -11.8% and -10.7%; for Haul 98 was weighing -12% and -11.6%; for Haul 99 was weighing -13.3%, -12.4% and -11.5%; and for Haul 100 was weighing -12.3%, -13.5% and -4.44%, which operating condition failed to meet the MPE of ± 3% throughout its use;

Count 7 – On or about February 20, 2012, weighed haul numbers 101, 102, and 103 on a flow scale that was not maintained in proper operating condition and where independent tests conducted by NMFS certified observers show that the flow scale for Haul 101 was weighing -12.1% and -12.2%; for Haul 102 was weighing -11.1%, -11.5%, -12.3% and -10%; and for Haul 103 was weighing -12.2%, -13.6% and -12.3%, which operating condition failed to meet the MPE of ± 3% throughout its use;

Count 8 – On or about February 21-22, 2012, weighed haul numbers 104, 105, 106 and 107 on a flow scale that was not maintained in proper operating condition and where independent tests conducted by NMFS certified observers show that the flow scale for Haul 104 was weighing -15.5%, -14.7%, and -11.3%; for Haul 105 was weighing -5.5%; for Haul 106 was weighing -6.5%, -13.6% and -10.7%; and for Haul 107 was weighing -11.8%, -14.6% and -13.3%, which operating condition failed to meet the MPE of ± 3% throughout its use;

Count 9 – On or about February 22-23, 2012, weighed haul numbers 108, 109, 110 and 111 on a flow scale that was not maintained in proper operating condition and where independent tests conducted by NMFS certified observers show that the flow scale for Haul 108 was weighing -12.6%, -12.9% and -16.7%; for Haul 109 was weighing -13.1%, -11.4% and -10.7%; for Haul 110 was weighing -9.9%; and for Haul 111 was weighing -10.4%, -12.2% and -9.9%, which operating condition failed to meet the MPE of ± 3% throughout its use;

Count 10 – On or about February 23, 2012, weighed haul numbers 112, 113 and 114 on a flow scale that was not maintained in proper operating condition and where independent tests conducted by NMFS certified observers show that the flow scale for Haul 112 was weighing -7.7%, -9%, -10.7%

and -11.3%; for Haul 113 was weighing -5%, -4.2% and -4.6%; and for Haul 114 was weighing -4.7%, -5% and -5.6%, which operating condition failed to meet the MPE of ± 3% throughout its use;

Count 11 – On or about February 24, 2012, weighed haul numbers 115, 116 and 117 on a flow scale that was not maintained in proper operating condition and where independent tests conducted by NMFS certified observers show that the flow scale for Haul 115 was weighing -2.7%, -4.7% and -4.4%; for Haul 116 was weighing -4.4%, -5.3% and -2.8%; and for Haul 117 was weighing -5.6%, -4.7% and -5.9%, which operating condition failed to meet the MPE of ± 3% throughout its use;

Count 12 – On or about February 25, 2012, weighed haul numbers 118, 119, 120 and 121 on a flow scale that was not maintained in proper operating condition and where independent tests conducted by NMFS certified observers show that the flow scale for Haul 118 was weighing -3.7%, -5.8%, -3.4% and -4.3%; for Haul 119 was weighing -4.9% and -4.3%; for Haul 120 was -5.3%, -3.8% and 4.3%; and for Haul 121 was weighing -4.9% and -3.5%, which operating condition failed to meet the MPE of ± 3% throughout its use;

Count 13 – On or about February 26, 2012, weighed haul numbers 122, 123 and 124 on a flow scale that was not maintained in proper operating condition and where independent tests conducted by NMFS certified observers show that the flow scale for Haul 122 was weighing -4.5%, -3.5% and -7.6%; for Haul 123 was weighing -8.5%, -6.6% and -3.3%; and for Haul 124 was weighing -7.7%, -6.3% and -6.4%, which operating condition failed to meet the MPE of ± 3% throughout its use;

Count 14 – On or about February 27, 2012, weighed haul numbers 125, 126 and 127 on a flow scale that was not maintained in proper operating condition and where independent tests conducted by NMFS certified observers show that the flow scale for Haul 125 was weighing -8%, -8% and -8%; for Haul 126 was weighing -8.8%, -9.4% and -10.2%; and for Haul 127 was weighing -8.2%, -7.8% and -6.1%, which operating condition failed to meet the MPE of ± 3% throughout its use;

Count 15 – On or about February 28, 2012, weighed haul numbers 128 and 130 on a flow scale that was not maintained in proper operating condition and where independent tests conducted by NMFS certified observers show that the flow scale for Haul 128 was weighing -8.2%, -7.4% and -9.9%; and for Haul 130 was weighing -13.6% and -11.3%, which operating condition failed to meet the MPE of ± 3% throughout its use;

Count 16 – On or about February 28-29, 2012, weighed haul number 131 on a flow scale that was not maintained in proper operating condition and where independent tests conducted by NMFS certified observers show that the flow scale for Haul 131 was weighing -11.1%, -10% and -5.7%, which operating condition failed to meet the MPE of ± 3% throughout its use;

Count 17 – On or about March 3, 2012, weighed haul numbers 132, 133 and 134 on a flow scale that was not maintained in proper operating condition and where independent tests conducted by NMFS certified observers show that the flow scale for Haul 132 was weighing -2.5%, -3.7%, -10.6% and -10.3%; for Haul 133 was weighing -9.7%. -10.1% and -9.1%; and for Haul 134 was weighing -8.4%, 09% and -8.4%, which operating condition failed to meet the MPE of ± 3% throughout its use;

Count 18 – On or about March 3-4, 2012, weighed haul numbers 135, 136 and 137 on a flow scale that was not maintained in proper operating condition and where independent tests conducted by NMFS certified observers show that the flow scale for Haul 135 was weighing -9.7%, -8.1% and -9%; for Haul 136 was weighing -10.7%, -7.4% and -6.2%; and for Haul 137 was weighing -13.1%, -13.9% and -12.8%, which operating condition failed to meet the MPE of ± 3% throughout its use;

Count 19 – On or about March 5, 2012, weighed haul numbers 138, 139, and 140 on a flow scale that was not maintained in proper operating condition and where independent tests conducted by NMFS certified observers show that the flow scale for Haul 138 was weighing -11.6%, -11.6% and -12.2%; for Haul 139 was weighing -12.9% and -13.1%; and for Haul 140 was weighing -13.6%, -12.9% and -11.1%, which operating condition failed to meet the MPE of ± 3% throughout its use;

Count 20 – On or about March 5-6, 2012, weighed haul numbers 141, 142, 143 and 144 on a flow scale that was not maintained in proper operating condition and where independent tests conducted by NMFS certified observers show that the flow scale for Haul 141 was weighing -14.1%, -13.1% and -12.2%; for Haul 142 was weighing -12.3% and -11.7%; for Haul 143 was weighing -11.8%, -11.1% and -11.3%; and for Haul 144 was weighing -12.4%, -8.2% and -5.1%, which operating condition failed to meet the MPE of ± 3% throughout its use;

Count 21 – On or about March 7, 2012, weighed haul numbers 145, 146, 147 and 148 on a flow scale that was not maintained in proper operating condition and where independent tests conducted by NMFS certified observers show that the flow scale for Haul 145 was weighing -10.1%, -10.8% and -11.6%; for Haul 146 was weighing -11.9% and -10.1%; for Haul 147 was weighing -12.7%, -15.2% and -15.1%; and for Haul 148 was weighing -18%, -13.5% and -17.5%, which operating condition failed to meet the MPE of ± 3% throughout its use;

Count 22 – On or about March 8-9, 2012, weighed haul numbers 149, 150 and 151 on a flow scale that was not maintained in proper operating condition and where independent tests conducted by NMFS certified observers show that the flow scale for Haul 149 was weighing -17.3%, -15.5% and -17.1%; for Haul 150 was weighing -13%, -11.5% and -15.5%; and for Haul 151 was weighing -9%, -11.9% and -14.1%, which operating condition failed to meet the MPE of ± 3% throughout its use;

Count 23 – On or about March 9, 2012, weighed haul numbers 152, 153 and 154 on a flow scale that was not maintained in proper operating condition and where independent tests conducted by NMFS certified observers show that the flow scale for Haul 152 was weighing -17.5%, -8.9% and -17.3%; for Haul 153 was weighing -13.8%, -14.3% and -14.4%; and for Haul 154 was weighing -14%, -12.6% and -16.3%, which operating condition failed to meet the MPE of ± 3% throughout its use;

Count 24 – On or about March 10-11, 2012, weighed haul numbers 155, 156, 157 and 158 on a flow scale that was not maintained in proper operating condition and where independent tests conducted by NMFS certified observers show that the flow scale for Haul 155 was weighing -13.2%, -15.3% and -14.9%; for Haul 156 was weighing -13%, -15.2%, -11.8% and -14.6%; for Haul 157 was weighing -14.7%, -13.5% and -13.5%; and for Haul 158 was weighing -14%, -11.9% and -14.4%, which operating condition failed to meet the MPE of ± 3% throughout its use;

Count 25 – On or about March 11, 2012, weighed haul numbers 159, 160 and 161 on a flow scale that was not maintained in proper operating condition and where independent tests conducted by NMFS certified observers show that the flow scale for Haul 159 was weighing -10.7%, -13.5% and -11.1%; for Haul 160 was weighing -15.1%, -17.2% and -16.6%; and for Haul 161 was weighing -16.7%, -12.3% and -18.1%, which operating condition failed to meet the MPE of ± 3% throughout its use;

Count 26 – On or about March 11-12, 2012, weighed haul numbers 162, 163 and 164 on a flow scale that was not maintained in proper operating condition and where independent tests conducted by NMFS certified observers show that the flow scale for Haul 162 was weighing -14.6%, -15.9% and

-14.1%; for Haul 163 was weighing -15.9%, -14.2% and -11.4%; for Haul 164 was weighing -11%, -7.9% and -9.1%, which operating condition failed to meet the MPE of ± 3% throughout its use;

Count 27 – On or about March 12-13, 2012, weighed haul numbers 165, 166, 167 and 168 on a flow scale that was not maintained in proper operating condition and where independent tests conducted by NMFS certified observers show that the flow scale for Haul 165 was weighing -7.9%, -10.5% and -8.4%; for Haul 166 was weighing -11.4%, -10%, -8.7% and -8.7%; for Haul 167 was weighing -15.1%, -14.3% and -16.2%; and for Haul 168 was weighing -15.2%, -14.9% and -13.6%, which operating condition failed to meet the MPE of ± 3% throughout its use;

Count 28 – On or about March 14, 2012, weighed haul numbers 169, 170 and 171 on a flow scale that was not maintained in proper operating condition and where independent tests conducted by NMFS certified observers show that the flow scale for Haul 169 was weighing -12%, -9.3% and -8.4%; for Haul 170 was weighing -10.4%, -8.6% and -12.3%; for Haul 171 was weighing -8.5%, -11.9% and -11.9%, which operating condition failed to meet the MPE of ± 3% throughout its use;

Count 29 – On or about March 17, 2012, weighed haul number 172 on a flow scale that was not maintained in proper operating condition and where independent tests conducted by NMFS certified observers show that the flow scale for Haul 172 was weighing -25.1%, which operating condition failed to meet the MPE of ± 3% throughout its use;

Count 30 – On or about March 18-19, 2012, weighed haul numbers 173, 174, 175, 176 and 177 on a flow scale that was not maintained in proper operating condition and where independent tests conducted by NMFS certified observers show that the flow scale for Haul 173 was weighing -18%; for Haul 174 was weighing -16.7% and -17.8%; for Haul 175 was weighing -10.7%, -14.4% and -13.3%; for Haul 176 was weighing -14.6%, -15.4% and +3%; and for Haul 177 was weighing -12.7% and -8.7%, which operating condition failed to meet the MPE of ± 3% throughout its use;

Count 31 – On or about March 19-20, 2012, weighed haul numbers 178, 179 and 180 on a flow scale that was not maintained in proper operating condition and where independent tests conducted by NMFS certified observers show that the flow scale for Haul 178 was weighing -15.8%, -10.8% and -9.5%; for Haul 179 was weighing -11.3%, -15.3% and -13.9%; and for Haul 180 was weighing -13.5%, -14.1% an -14.3%, which operating condition failed to meet the MPE of ± 3% throughout its use;

Count 32 – On or about March 20-21, 2012, weighed haul numbers 181, 182 and 183 on a flow scale that was not maintained in proper operating condition and where independent tests conducted by NMFS certified observers show that the flow scale for Haul 181 was weighing -13%, -13% and -14.7%; for Haul 182 was weighing -12.2%, -17.5% and -14.8%; for Haul 183 was weighing -14.4%, -13.8% and -11.3%, which operating condition failed to meet the MPE of ± 3% throughout its use;

Count 33 – On or about March 21-22, 2012, weighed haul numbers 184, 185 and 186 on a flow scale that was not maintained in proper operating condition and where independent tests conducted by NMFS certified observers show that the flow scale for Haul 184 was weighing -15.5%, -14.2% and -14.1%; for Haul 185 was weighing -14.4%, -12.9% and -14.7%; for Haul 186 was weighing -13.2%, -13.2% and -7.4%, which operating condition failed to meet the MPE of ± 3% throughout its use;

Count 34 – On or about March 22, 2012, weighed haul numbers 187, 188, 189 and 190 on a flow scale that was not maintained in proper operating condition and where independent tests conducted by NMFS certified observers show that the flow scale for Haul 187 was weighing -13.8%, -10.7% and

-12.2%; for Haul 188 was weighing -10.9%, -6.9% and -8.4%; for Haul 189 was weighing –9.8%, -11.8% and -10%; and for Haul 190 was weighing -11.4%, -4.6% and -10.9%, which operating condition failed to meet the MPE of ± 3% throughout its use;

Count 35 – On or about March 23-24, 2012, weighed haul numbers 191, 192, 193, 194, 195 and 196 on a flow scale that was not maintained in proper operating condition and where independent tests conducted by NMFS certified observers show that the flow scale for Haul 191 was weighing -11.8%, -12.6% and -9.6%; for Haul 192 was weighing -10.3%, -12.9% and -9.9%; for Haul 193 was weighing -14.6%, -13.5% and -14%; for Haul 194 was weighing -15.1% and -11%; for Haul 195 was weighing -14%, -14.1% and -12.5%; and for Haul 196 was weighing -12.4% and -13.2%, which operating condition failed to meet the MPE of ± 3% throughout its use;

Count 36 – On or about March 24-25, 2012, weighed haul numbers 197, 198, 199 and 200 on a flow scale that was not maintained in proper operating condition and where independent tests conducted by NMFS certified observers show that the flow scale for Haul 197 was weighing -13.1% and -15.6%; for Haul 198 was weighing -16.1% and -15.4%; for Haul 199 was weighing -14.8%, -15.1% and -15.5%; and for Haul 200 was weighing -16.4%, -15.2% and -13.9%, which operating condition failed to meet the MPE of ± 3% throughout its use;

Count 37 – On or about March 25, 2012, weighed haul numbers 201, 202 and 203 on a flow scale that was not maintained in proper operating condition and where independent tests conducted by NMFS certified observers show that the flow scale for Haul 201 was weighing -18.7%, -15% and -16.8%; for Haul 202 was weighing -8.5%, -19.2% and -16.6%; and for Haul 203 was weighing -13.8%, -12.8% and -11.6%, which operating condition failed to meet the MPE of ± 3% throughout its use;

Count 38 – On or about March 26, 2012, weighed haul numbers 204, 205 and 206 on a flow scale that was not maintained in proper operating condition and where independent tests conducted by NMFS certified observers show that the flow scale for Haul 204 was weighing 10.5%, -7.3% and -15.6%; for Haul 205 was weighing -14%, -13.7%, -14% and -14.4%; and for Haul 206 was weighing -16.7%, -18.8% and -16.2%, which operating condition failed to meet the MPE of ± 3% throughout its use;

Count 39 – On or about March 26-27, 2012, weighed haul numbers 207, 208, 209 and 210 on a flow scale that was not maintained in proper operating condition and where independent tests conducted by NMFS certified observers show that the flow scale for Haul 207 was weighing -15.4%, -14.2% and -16.3%; for Haul 208 was weighing -14.5%, -15% and -18.1%; for Haul 209 was weighing -18.1%, -15.2% and -13.8%; and for Haul 210 was weighing -12.1%, -9.8% and -15.4%, which operating condition failed to meet the MPE of ± 3% throughout its use;

Count 40 – On or about March 28, 2012, weighed haul numbers 211, 212 and 213 on a flow scale that was not maintained in proper operating condition and where independent tests conducted by NMFS certified observers show that the flow scale for Haul 211 was weighing -14.5%, -13.4% and -14.4%; for Haul 212 was weighing -16.8%, -18% and -16.2%; and for Haul 213 was weighing -15.2%, -15.1% and -13.5%, which operating condition failed to meet the MPE of ± 3% throughout its use;

Count 41 - On or about March 28-29, 2012, weighed haul numbers 214, 215 and 216 on a flow scale that was not maintained in proper operating condition and where independent tests conducted by NMFS certified observers show that the flow scale for Haul 214 was weighing -14.7%, -15% and

-16.2%; for Haul 215 was weighing -17.6%, -17.6% and -12.1%; and for Haul 216 was weighing -9.3%, -9.5% and -9.4%, which operating condition failed to meet the MPE of ± 3% throughout its use;

Counts 42 through 81 -- Between the dates of Feb. 11 and March 29, 2012, on 40 separate days, while fishing for groundfish in the Bering Sea and Aleutian Island Management Area, Jens Johnson, operator of the F/V NORTHERN EAGLE (a listed AFA catcher/processor), acting for himself and on behalf of Northern Eagle LLC and American Seafoods Company LLC, failed to record the scale weight of each haul to the nearest pound or .001 mt and submitted inaccurate information in the Daily Cumulative Production Logbook (DCPL) by using the inaccurate weights generated by the Vessel's flow scale, in violation of the Magnuson Stevens Fishery Conservation and Management Act, 16 U.S.C. 1801 et seq. and 16 U.S.C. 1857(1)(A) and (G), the American Fisheries Act, Pub.L. 105-227 (enacted Oct. 22, 1998), and implementing regulations at 50 CFR 679.5(c)(4)(vi)(H)(2) and 679.7(a)(10)(iii), to wit:

Count 42 – On or about February 11, 2012, failed to record the accurate scale weight for Haul 83 to the nearest pound or .001 mt;

Count 43 - On or about February 12, 2012, failed to record the accurate scale weights for Hauls 84, 86 and 87 to the nearest pound or .001 mt;

Count 44 - On or about February 13, 2012, failed to record the accurate scale weights for Hauls 89 and 90 to the nearest pound or .001 mt;

Count 45 – On or about February 18, 2012, failed to record the accurate scale weights for Hauls 92, 93, 94, 95 and 96 to the nearest pound or .001 mt;

Count 46 – On or about February 19, 2012, failed to record the accurate scale weights for Hauls 97, 98 and 99 to the nearest pound or .001 mt;

Count 47 – On or about February 20, 2012, failed to record the accurate scale weights for Hauls 100, 101 and 102 to the nearest pound or .001 mt;

Count 48 – On or about February 21, 2012, failed to record the accurate scale weights for Hauls 103, 104, 105 and 106 to the nearest pound or .001 mt;

Count 49 – On or about February 22, 2012, failed to record the accurate scale weights for Hauls 107, 108, 109 and 110 to the nearest pound or .001 mt;

Count 50 – On or about February 23, 2012, failed to record the accurate scale weights for Hauls 111, 112, 113 and 114 to the nearest pound or .001 mt;

Count 51 – On or about February 24, 2012, failed to record the accurate scale weights for Hauls 115, 116 and 117 to the nearest pound or .001 mt;

Count 52 – On or about February 25, 2012, failed to record the accurate scale weights for Hauls 118, 119 and 120 to the nearest pound or .001 mt;

Count 53 – On or about February 26, 2012, failed to record the accurate scale weights for Hauls 121, 122 and 123 to the nearest pound or .001 mt;

Count 54 – On or about February 27, 2012, failed to record the accurate scale weights for Hauls 124, 125 and 126 to the nearest pound or .001 mt;

Count 55 – On or about February 28, 2012, failed to record the accurate scale weights for Hauls 127, 128 and 130 to the nearest pound or .001 mt;

Count 56 – On or about February 29, 2012, failed to record the accurate scale weight for Haul 131 to the nearest pound or .001 mt;

Count 57 – On or about March 3, 2012, failed to record the accurate scale weights for Hauls 132, 133 and 134 to the nearest pound or .001 mt;

Count 58 – On or about March 4, 2012, failed to record the accurate scale weights for Hauls 135 and 136 to the nearest pound or .001 mt;

Count 59 – On or about March 5, 2012, failed to record the accurate scale weights for Hauls 135 and 136 to the nearest pound or .001 mt;

Count 60 – On or about March 6, 2012, failed to record the accurate scale weights for Hauls 137, 138, 139 and 140 to the nearest pound or .001 mt;

Count 61 – On or about March 7, 2012, failed to record the accurate scale weights for Hauls 145, 146, 147 and 148 to the nearest pound or .001 mt;

Count 62 – On or about March 8, 2012, failed to record the accurate scale weights for Hauls 149 and 150 to the nearest pound or .001 mt;

Count 63 – On or about March 9, 2012, failed to record the accurate scale weights for Hauls 151, 152, 153 and 154 to the nearest pound or .001 mt;

Count 64 – On or about March 10, 2012, failed to record the accurate scale weights for Hauls 155, 156 and 157 to the nearest pound or .001 mt;

Count 65 – On or about March 11, 2012, failed to record the accurate scale weights for Hauls 158, 159, 160 and 161 to the nearest pound or .001 mt;

Count 66 – On or about March 12, 2012, failed to record the accurate scale weights for Hauls 163, 163 and 164 to the nearest pound or .001 mt;

Count 67 – On or about March 13, 2012, failed to record the accurate scale weights for Hauls 165, 166 and 167 to the nearest pound or .001 mt;

Count 68 – On or about March 14, 2012, failed to record the accurate scale weights for Hauls 168, 169, 170 and 171 to the nearest pound or .001 mt;

Count 69 – On or about March 17, 2012, failed to accurately record the scale weight for Haul 172 to the nearest pound or .001 mt;

Count 70 – On or about March 18, 2012, failed to record the accurate scale weights for Hauls 173, 174, 175 and 176 to the nearest pound or .001 mt;

Count 71 – On or about March 19, 2012, failed to record the accurate scale weights for Hauls 177, 178, 179 and 180 to the nearest pound or .001 mt;

Count 72 – On or about March 20, 2012, failed to record the accurate scale weights for Hauls 181 and 182 to the nearest pound or .001 mt;

Count 73 – On or about March 21, 2012, failed to record the accurate scale weights for Hauls 183, 184 and 185 to the nearest pound or .001 mt;

Count 74 – On or about March 22, 2012, failed to record the accurate scale weights for Hauls 186, 187, 188, 189 and 190 to the nearest pound or .001 mt;

Count 75 – On or about March 23, 2012, failed to record the accurate scale weights for Hauls 191, 192, 193, 194, 195 and 196 to the nearest pound or .001 mt;

Count 76 – On or about March 24, 2012, failed to record the accurate scale weights for Hauls 197, 198 and 199 to the nearest pound or .001 mt;

Count 77 – On or about March 25, 2012, failed to record the accurate scale weights for Hauls 200, 201, 202 and 203 to the nearest pound or .001 mt;

Count 78 – On or about March 26, 2012, failed to record the accurate scale weights for Hauls 204, 205 and 206 to the nearest pound or .001 mt;

Count 79 – On or about March 27, 2012, failed to record the accurate scale weights for Hauls 207, 208, 209 and 210 to the nearest pound or .001 mt;

Count 80 – On or about March 28, 2012, failed to record the accurate scale weights for Hauls 211, 212 and 213 to the nearest pound or .001 mt;

Count 81 - On or about March 29, 2012, failed to record the accurate scale weights for Hauls 214, 215 and 216 to the nearest pound or .001 mt.

STATUTE/REGULATION VIOLATED:
Magnuson Stevens Fishery Conservation and Management Act, 16 U.S.C. 1801 et seq.; 16 U.S.C. 1857(1)(A) and (G); 50 CFR 679.28(b), (b) (4) and 679.7(k)(1)(vi)(A) and 50 CFR 679.5(c)(4)(vi)(H)(2) and 679.7(a)(10)(iii).

SEIZED ITEM(S):
None.

NOTICE:
This is not a criminal action. Respondents, Respondents' attorney, or other representatives have 30 days following service of this Notice in which to respond. During this time any Respondent may:

---

1. Accept the assessed penalty by signing the AGREED DISPOSITION below and returning this document to Agency counsel:

   Susan Auer, Senior Enforcement Attorney
   Office of the General Counsel, Enforcement Section, Alaska
   P.O. Box 21109
   Juneau, Alaska 99802

   Upon receipt of your signed AGREED DISPOSITION, Agency counsel will sign it and mail copies to you and the NOAA Finance Office. The NOAA Finance Office will send you a bill and direct you where to send your payment. (Do NOT send your check or money order to Agency counsel. It will be returned to you.)

2. Seek to have this Notice modified to conform to the facts or the law as Respondent sees them, by contacting in writing the attorney specified below. (If you seek to have the penalty amount modified by Agency counsel on the basis that you do not have the ability to pay the assessed penalty, your request must be made in accordance with the Agency's civil procedure regulations at 15 C.F.R. Part 904, and should be accompanied by supporting financial information.)

3. Request a hearing (like a trial) before an Administrative Law Judge (ALJ) to deny or contest all, or any part, of the violation charged and the civil penalty assessed. If a hearing is requested, the ALJ will independently determine whether a violation occurred and what penalty, if any, is warranted. THE ALJ IS NOT BOUND BY THE AMOUNT ASSESSED IN THIS NOTICE BUT MAY FIX A PENALTY BASED UPON HIS JUDGMENT OF WHAT IS APPROPRIATE, UP TO THE MAXIMUM PROVIDED BY LAW. Under the Magnuson Stevens Fishery Conservation and Management Act, A MAXIMUM CIVIL PENALTY OF $100,000 MAY BE ASSESSED FOR EACH VIOLATION. (Effective December 14, 2004, a maximum civil penalty of $130,000 may be assessed for each violation. 69 Fed.Reg. 74416 (Dec. 14, 2004). For violations that occur after Dec. 11, 2008, the maximum civil penalty for each violation is $140,000. (73 Fed.Reg. 75321 (Dec. 11. 2008).) A hearing request must be in writing and be dated, and must be served either in person or by certified or registered mail, return receipt requested, at the address specified below. The request must either be accompanied by a copy of this Notice or refer to the case number appearing in the heading of the Notice;

4. Take no action. If no Respondent responds within 30 days of service of this Notice, this Notice (including the assessed penalty) becomes final in accordance with 15 C.F.R. 904.104.

For good cause shown, Respondents may, within the 30-day period specified above, obtain an extension of time to respond.

JOINT AND SEVERAL LIABILITY:
This civil penalty is assessed jointly and severally against Jens Johnson, Northern Eagle LLC and American Seafoods Company LLC. Respondents jointly, and each individually, are liable for the assessed penalty. Whether one pays the entire amount or each pays equal or unequal portions is for Respondents to determine. This case will not be closed, however, against any Respondent until the entire penalty amount is paid.

WARNING! IF NO RESPONDENT EXERCISES THE RIGHTS SPECIFIED ABOVE WITHIN 30 CALENDAR DAYS FOLLOWING SERVICE OF THIS NOTICE, ALL OF THE ALLEGATIONS AND THE PENALTY HEREIN WILL BE TAKEN AS ADMITTED AND THIS ASSESSMENT WILL BECOME A FINAL ADMINISTRATIVE ORDER ENFORCEABLE IN ANY UNITED STATES DISTRICT COURT

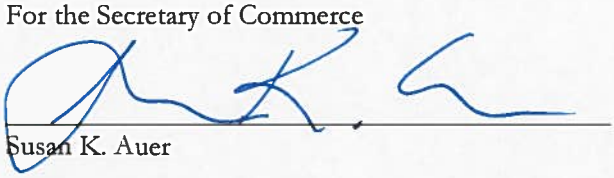
---

as provided in the Magnuson Stevens Fishery Conservation and Management Act, 16 U.S.C. 1801 et seq. and 16 U.S.C. 1858(a), and the implementing regulations located at 15 C.F.R. Part 904.

FINDINGS, CONCLUSIONS AND ORDER:
Based on a review and application of the facts that comprise the violation charged, penalty schedules, penalty matrixes, adjustment factors, and economic considerations set forth in NOAA's Policy for Assessment of Penalties and Permit Sanctions (see attached penalty worksheets and www.gc.noaa.gov/documents/031611_penalty_policy.pdf), I hereby find and conclude that the Respondents herein violated the Magnuson Stevens Fishery Conservation and Management Act, 16 U.S.C. 1801 et seq., as alleged, and that a just and reasonable disposition for such violation(s) is a civil penalty in the aggregate amount of $1,337,000.

IT IS SO ORDERED.

For the Secretary of Commerce



Susan K. Auer

Dated: Wednesday, May 8, 2013

Send reply or make inquiry to: Susan K. Auer, Senior Enforcement Attorney, NOAA, Office of General Counsel, U.S. Department of Commerce, P.O. Box 21109, Juneau, Alaska 99802. Telephone: (907) 586-7078, Email: susan.auer@noaa.gov.

In accordance with the provisions of the Small Business Regulatory Enforcement Fairness Act, the Small Business Administration has established a National Small Business and Agriculture Regulatory Ombudsman to receive comments from small businesses about excessive or unfair federal regulatory enforcement actions. If a small business wishes to comment on the enforcement actions of NOAA, it may do so via the internet at www.sba.gov/ombudsman, email at ombudsman@sba.gov, mail (Small Business Administration, Office of the National Ombudsman, 409 Third St. SW, Washington, D.C. 20416), or by calling 1-888-REG-FAIR. Please note: The right to file comments with the Ombudsman is independent of the rights afforded every respondent, including the right to contest the assessment of a civil monetary penalty or permit sanction. If you wish to exercise any of your rights as a respondent, you must do so in accordance with the procedures described in this document and 15 C.F.R. Part 904, and separately from any comments you may provide to the Ombudsman.