

IN THE DISTRICT/SUPERIOR COURT FOR THE STATE OF ALASKA
AT Kodiak

COMPLAINT

Related Search Warrant(s): _____

State of Alaska,		
Plaintiff,		
vs.		
Steven D. Spain		
Defendant 1 of 1.		
Date of Birth: [REDACTED]/1961	AP SIN: [REDACTED]	
Operator License Number: [REDACTED]		
State: <input checked="" type="checkbox"/> AK <input type="checkbox"/> CDL? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
Mailing Address: [REDACTED]		
City: Kodiak	State: AK	ZIP: 99615

CASE NO. _____

STATEMENT OF CHARGES:

COUNT I

Defendant(s)	ATN	CTN	Date Offense	Offense Location
Steven D. Spain	118713497	001	04/16/2023	Sitkalidak Strait
Statute/Reg/Ordinance (from UOCT)	Offense Title		Modifier	
5AAC 39.164(b)(1)	Nonpelagic trawl gear restrictions		<input type="checkbox"/> Attempt - AS 11.31.100 <input type="checkbox"/> Solicitation - AS 11.31.110 <input type="checkbox"/> Conspiracy - AS 11.31.120 <input type="checkbox"/> Gang-Related - AS 12.55.137	
Class: M U				
DV Related: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Motor Vehicle Used in Commission of Offense – AS 28.15.181(a)			
If Traffic Offense: <input type="checkbox"/> Highway Work Zone <input type="checkbox"/> Traffic Safety Corridor				
Commercial Vehicle? <input type="checkbox"/> Yes <input type="checkbox"/> No If Yes, type: <input type="checkbox"/> >26,000 lbs. <input type="checkbox"/> >15 passengers <input type="checkbox"/> Hazardous Materials				

The complainant states that on or about 04/16/2023, at or near Sitkalidak Strait, in the Third Judicial District, State of Alaska, the above-named Defendant did negligently commit the offense of nonpelagic trawl gear restrictions when he:

Operated nonpelagic trawl gear in the waters of Alaska in the Kodiak groundfish registration area described in 5AAC28.400.

Probable Cause Statement: See attached affidavit.

VRA CERTIFICATION. I certify that this document and its attachments do not contain (1) the name of a victim of a sexual offense listed in AS 12.61.140 or (2) a residence or business address or telephone number of a victim of or witness to any crime unless it is an address used to identify the place of the crime or it is an address or telephone number in a transcript of a court proceeding and disclosure of the information was ordered by the court.

I certify under penalty of perjury that the foregoing is true.

05/03/2023

Date



Complainant's Signature

Nathan Walsh Sergeant

Type or Print Name and Title

IN THE DISTRICT/SUPERIOR COURT FOR THE STATE OF ALASKA
AT Kodiak

AFFIDAVIT by Police Officer
In Support of Complaint

Related Search Warrant(s): _____

State of Alaska, Plaintiff, vs. Steven D. Spain Defendant 1 of 1.		
Date of Birth: 05/16/1961	APSIN: 6808287	
Operator License Number: 6808287		
State: <input checked="" type="checkbox"/> AK <input type="checkbox"/> CDL? <input type="checkbox"/> Yes <input type="checkbox"/> No		
Mailing Address: PO Box 529		
City: Kodiak	State: AK	ZIP: 99615

CASE NO. _____

Defendant(s)	ATN	CTN(s)	Date Offense	Offense Location
Steven D. Spain	118712349	001	4/16/2023	Sitkalidak Strait

I, Sergeant Nathan Walsh

attest to the following and state:

Between April 12-16, 2023, it was observed that the fishing vessel (F/V) Mar Pacifico 23131 operated non-pelagic trawl gear in state waters, in Sitkalidak Strait which is closed to non-pelagic trawl gear fishing. This was confirmed by the vessel monitoring system (VMS), logbooks, and interviews conducted.

On April 16, 2023, at approximately 1053 hours, I boarded the F/V Mar Pacifico 23131 while it was anchored out in front of Gibson Cove in Kodiak. I contacted the operator and permit holder who was identified as Steven Spain by an Alaska temporary driver's license. Investigation revealed Spain did have a current 2023 miscellaneous saltwater finfish trawl vessel permit for vessels 90 – 125 feet. Spain was operating in the trawl fishery and was currently waiting to offload his load of fish.

Upon his vessel, I observed two trawl nets; the aft reel was non-pelagic, and the forward reel was the pelagic net per my interview with Spain. A pelagic trawl is defined as a trawl where the net, or the trawl doors or other trawl-spreading device, do not operate in contact with the sea-bed, and which does not have attached to it any protective device, such as chafing gear, rollers, or bobbins, that would make it suitable for fishing in contact with the sea bed. Spain stated he was mostly operating his pelagic gear in state waters.

I observed his forward reel, the pelagic trawl gear, had chafing gear and chain rib lines attached to it making this net suitable for fishing on the sea-bed. I explained to Spain that the chafing gear is not allowed on the pelagic gear per state regulations. In essence, Spain stated he was not sure as this is "new territory" for him and if he gets a citation for it everyone else should get one too because most people have their nets configured this way. Spain stated the main reason the chafing gear is on his pelagic gear is to protect the net as it comes onboard the vessel.

From April 12-16, 2023, the F/V Mar Pacifico made 3 hauls; the daily fishing logbook (DFL) shows haul #36, #37, and #38. Haul #36 shows in state waters in Sitkalidak Strait with the duration of the tow being 14 hours and 7 minutes. Logbook records show pelagic gear operated in haul #36 but based on our observations all gear on this vessel are non-pelagic.

Overall, this investigation revealed that Spain operated the F/V Mar Pacifico using non-pelagic trawl gear in the waters of Alaska within the Kodiak groundfish registration area.

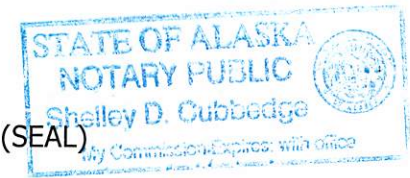
VRA CERTIFICATION. I certify that this document and its attachments do not contain (1) the name of a victim of a sexual offense listed in AS 12.61.140 or (2) a residence or business address or telephone number of a victim of or witness to any crime unless it is an address used to identify the place of the crime or it is an address or telephone number in a transcript of a court proceeding and disclosure of the information was ordered by the court.

05/03/2023
Date

Nathan Walsh
Complainant's Signature

Nathan Walsh Sergeant
Type or Print Name and Title

Subscribed and sworn to or affirmed before me at Kodiak, Alaska, on May 3 2023



Shelley D. Cubbage
Notary Public or other person authorized to administer oaths.
My commission expires: with office