



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
Silver Spring, MD 20910

March 13, 2009

Dear BSAI Crab Buyback Vessel Owner:

We are sending this letter because you are identified by the National Vessel Documentation Center as being the owner of record for a crab fishing vessel that relinquished its fishing rights as part of the Bering Sea and Aleutian Islands (BSAI) King and Tanner crab fishing capacity reduction program. In the years since this program was implemented, we have received and continue to receive many inquiries regarding potential uses of the former crab fishing vessels. This attempts to clarify one of the recurring points of concern, tendering.

There are several pertinent documents which you may want to reference including the Magnuson-Stevens Fishery Conservation and Management Act, the program's authorizing legislation, and the resulting regulations. For more information, please visit our web site at: http://www.nmfs.noaa.gov/mb/financial_services/buyback.htm. The intent of the legislation along with the language of Section 312 (b)(2) makes it clear that the vessels are prohibited from fishing anywhere in the world.

We have recently become aware that certain vessels may be tendering salmon and herring from catcher vessels and delivering the fish to processing plants. Regardless of where (at sea or internal waters) this type of activity occurs, please note NOAA Fisheries considers this action to be fishing and prohibited by a crab buyback vessel. Furthermore, the NOAA Fisheries Office of Law Enforcement may pursue any violation with remedies and penalties available under applicable law. Such remedies may include, but are not limited to, the seizure and scrapping of an offending vessel at the owner's expense.

We recognize there are an infinite number of possibilities for using the former crab fishing vessels. We have been considering and will continue to look at each on a case-by-case basis as requested. We also acknowledge that each is fact dependent of the particular issues at hand.

Please call us at (301) 713-2390 if you have questions or need further information.

Sincerely,

Leo Erwin, Chief
Financial Services Division

Enclosures

