

moratorium groundfish species, such as Pacific cod and rockfish, up to the maximum allowable retention limits set forth at 50 CFR parts 672 and 675. The retention of these species is required under the IFQ program regulations at 50 CFR part 676, unless retention is otherwise restricted or prohibited by Federal or state regulations. Hence, a moratorium permit would not be required of vessels used by fishermen with IFQs for halibut or sablefish.

A moratorium permit would be issued to the person who owns a moratorium-qualified vessel after approval of an application for a moratorium permit for that vessel. Moratorium qualification would be a characteristic of a vessel that stays with the vessel, except as described below. NMFS would maintain a database of vessels that are moratorium-qualified according to official landings records. If the owner of a vessel that would require a moratorium permit applies for one, NMFS may issue a permit if the vessel is on the list of moratorium-qualified vessels and is within its maximum LOA. Moratorium permits would be valid only for the year in which they are issued. A vessel owner who receives a moratorium permit for a vessel one year may not necessarily receive one for the same vessel in a succeeding year if the vessel loses its moratorium qualification.

The moratorium qualification of a vessel could be lost if it is transferred to another vessel or person, or if the vessel's LOA is increased to exceed the maximum LOA for that vessel. A vessel's maximum LOA is defined in the proposed rule as the greatest LOA that the vessel, or its replacement, may have and remain qualified for a moratorium permit. The maximum LOA of a vessel that is less than 125 ft (38.1 m) LOA would be either 1.2 times the vessel's original qualifying length, or 125 ft (38.1 m), whichever is less. The maximum LOA of a vessel that is 125 ft (38.1 m) or greater would be equal to its original qualifying length. The original qualifying length of a vessel would be the LOA of the vessel on or before June 24, 1992. This limited length increase allowance, known as the "20 percent rule," is intended to provide an owner of a smaller vessel with an opportunity to increase the vessel's stability by widening and lengthening the hull. The 20 percent rule could increase safety margins for a vessel, although it also would provide an opportunity to increase its fishing capacity. The Council recognized this possibility, and limited any vessel length increases to a vessel less than 125 ft (38.1 m) LOA. The Council made this decision on June

24, 1992, to discourage a vessel owner from increasing the vessel's length substantially between that date and the potential implementation date of the moratorium. Any violation of the 20 percent rule would nullify the moratorium qualification of the vessel that exceeds its maximum LOA.

3. Crossovers

The Council's original moratorium proposal would not have limited the ability of a vessel that qualified for a moratorium permit because of a legal landing, for example, of a moratorium crab species to cross over to a fishery for a moratorium groundfish species, even if it had no previous landing history in a groundfish fishery. For the reasons described above, the Council decided at its meeting in December 1994, to limit crossovers. The rationale for this revision is to allow a vessel to move between the groundfish and BSAI crab fisheries as intended in the original moratorium proposal, but to limit that movement based on the type of fishing gear used by the vessel either to qualify for the moratorium or during the period of time immediately following the qualifying period and before December 11, 1994. This crossover limitation recognizes the basic similarity of fishing gear used in the BSAI crab fisheries and some groundfish fisheries. It also recognizes the fact that some moratorium-qualified vessels crossed over to enter a new moratorium fishery after the cutoff date of February 9, 1992, based on the Council's original moratorium proposal. These vessels would be allowed to continue to operate in these fisheries under the moratorium but would be restricted to using the fishing gear used from February 10, 1992, through December 11, 1994, the date of the Council's decision on the revised moratorium proposal.

Either of two conditions would allow a moratorium-qualified vessel that had a legal landing during the qualifying period only in the groundfish fishery to cross over under the moratorium as a new vessel in the BSAI crab fishery (or vice versa):

1. The vessel could cross over into the new fishery providing it uses only the same basic (authorized) fishing gear that it used to qualify for the moratorium; or
2. The vessel could cross over into the new fishery providing it had made a legal landing in that fishery during the period February 10, 1992, through December 11, 1994, and it uses only the same basic (authorized) fishing gear that it used during that period.

Example 1. A vessel that made a legal landing in the BSAI crab fisheries during the qualifying period would be

eligible for a moratorium permit to operate in that fishery and in the BSAI or GOA groundfish fisheries using pot gear where that gear is authorized. The only legal fishing gear in the BSAI crab fisheries is pot gear. Therefore, this vessel would be limited in crossing over into the groundfish fisheries to using pot gear.

Example 2. A vessel that made a legal landing in the BSAI or GOA groundfish fisheries during the qualifying period would be eligible for a moratorium permit to operate in that fishery using any authorized fishing gear for groundfish. The same vessel also made a legal landing in the BSAI crab fishery during the period February 10, 1992, through December 11, 1994. Therefore, this vessel also would be eligible for a moratorium permit to operate in the BSAI crab fishery, and its flexibility to move between fisheries using any authorized gear would be unlimited.

Example 3. A vessel that made a legal landing in the BSAI crab fisheries during the qualifying period would be eligible for a moratorium permit to operate in that fishery and in the BSAI or GOA groundfish fisheries using pot gear where that gear is authorized. The same vessel also made a legal landing in the groundfish fisheries using hook-and-line gear during the period February 10, 1992, through December 11, 1994. Therefore, this vessel also would be eligible for a moratorium permit to operate in the groundfish fisheries using hook-and-line gear. This vessel would not be eligible to cross over into the groundfish fishery using trawl gear under the moratorium, but would be limited to fishing for groundfish with either pot or hook-and-line gear.

This revision to the proposed moratorium would require NMFS to issue moratorium permits with fishery-specific fishing gear endorsements. A moratorium permit would not be valid without at least one gear endorsement. Four types of fishery/gear endorsements are proposed that comprise categories of fishing gear that are specifically authorized in Federal regulations (with respect to groundfish) or in State of Alaska regulations (with respect to crab). These fishery/gear endorsement categories are as follows:

- a. Groundfish/trawl, includes groundfish pelagic and nonpelagic trawl gears as defined at 50 CFR part 672;
- b. Crab/pot, includes crab pot gear as defined in the Alaska Administrative Code at title 5, chapters 34 and 35;
- c. Groundfish/pot, includes groundfish longline pot and pot-and-line gears as defined at 50 CFR part 672; and