1. Groundfish fisheries/trawl gear, which includes groundfish pelagic and nonpelagic trawl gears as defined at 50 CFR part 672;

2. Crab fisheries/pot gear, which includes crab pot gear as defined in the Alaska Administrative Code at title 5,

chapters 34 and 35;

Groundfish fisheries/pot gear, which includes groundfish longline pot and pot-and-line gears as defined at 50 CFR part 672; and

4. Groundfish fisheries/hook gear, which includes groundfish hook-andline and jig gears as defined at 50 CFR

part 672.

The Director, Alaska Region, NMFS (Regional Director), will determine the appropriate fishery-specific/gear type endorsement(s) for a moratorium permit based on the permit application received, existing landings records, and the vessel's LOA. The moratorium permit will be endorsed with one or more of the fishery-specific/gear type endorsements listed above. For example, the owner of a vessel that made a legal landing of BSAI Area crabs during January 1, 1988, through February 9, 1992, will be issued a moratorium permit for the vessel endorsed to fish for groundfish and BSAI Area crab with pot gear. The owner of a vessel that made a legal landing from January 1, 1988, through February 9, 1992, of groundfish using trawl and/or hook gear but not pot gear during the qualifying period will be issued a moratorium permit for the vessel endorsed to fish for groundfish with pot, hook, and trawl gear, but the permit will not be endorsed to allow the vessel to fish for BSAI Area crabs unless it also had made a legal landing in the BSAI Area crab fishery during the period February 10, 1992, through December 11, 1994.

4. Transferability

A moratorium qualification is transferable under certain conditions. A moratorium qualification transfer must be approved by the Regional Director before a moratorium permit may be issued based on that qualification. If a vessel owner transfers the moratorium qualification of his vessel, then that vessel is no longer qualified for a moratorium permit to participate in any moratorium fishery after the effective date of the transfer. If the vessel had been issued a moratorium permit, then that permit will become invalid on the effective date of the transfer. A new moratorium permit will be issued for the vessel that the moratorium qualification was transferred to, once the transfer is approved and a permit application is submitted.

The purpose of providing for transfers of moratorium qualification is to allow a vessel owner to make limited improvements to or replace an existing vessel in the moratorium fisheries. Restrictions on transfers are necessary to limit the potential fishing capacity resulting from vessel improvements or replacements. The Regional Director will not approve a transfer of moratorium qualification to a vessel with an LOA exceeding the maximum LOA of the originally qualified vessel, and a moratorium permit will not be issued for the vessel. A moratorium permit becomes invalid if the LOA of the vessel for which it has been issued is increased to exceed the maximum LOA associated with the moratorium qualification.

Moratorium qualification is presumed to belong to the current owner of the vessel that made a legal landing of moratorium species from January 1, 1988, through February 9, 1992, unless otherwise specified in a purchase agreement or contract. The moratorium qualification of a vessel may be transferred from the owner of the vessel to another person by mutual agreement. For example, the moratorium qualification of a vessel may be retained by the vessel's owner for liquidation independently of the vessel. A vessel owner also may choose to retain the moratorium qualification of the vessel when it is sold, lost, or destroyed, so that he/she can obtain a moratorium permit for a replacement vessel. Regardless of the reason for transferring a moratorium qualification, valid documentation of the transfer is required before the transfer will be approved and a moratorium permit issued based on that moratorium qualification.

Fishery-specific/gear type endorsements cannot be separated and transferred independently of the endorsed permit. For example, a moratorium permit that authorizes a vessel to harvest moratorium species of groundfish and crab with pot gear could not be separated into a groundfish/pot permit and a crab/pot permit. Likewise, gear endorsements cannot be transferred separately from the permit. For another example, the hook endorsement on a groundfish/trawl, pot, and hook permit would not be transferrable.

A cutoff date of January 1, 1989, determines whether a qualified vessel that was lost or destroyed can transfer its moratorium qualification to a replacement vessel. The Council reasoned that a vessel owner who lost a vessel before January 1, 1989, would have replaced or salvaged the vessel before the end of the qualifying period if the owner intended to continue participation in the moratorium fisheries.

Salvage of lost or destroyed vessels: The moratorium qualification of a vessel that was lost or destroyed before January 1, 1989, is not valid for purposes of issuing a moratorium permit for that vessel unless salvage of that vessel started before June 24, 1992, and the salvaged vessel's LOA does not exceed its maximum LOA. The salvaged vessel must make a legal landing of a moratorium species within the period January 1, 1996-December 31, 1997, to maintain its qualification for a moratorium permit in 1998.

The moratorium qualification of a vessel lost or destroyed on or after January 1, 1989 is valid for purposes of issuing a moratorium permit for that vessel regardless of when salvage began provided that the vessel has not already been replaced and the LOA of the salvaged vessel does not exceed its maximum LOA.

Replacement of lost or destroyed vessels: The moratorium qualification of a vessel that was lost or destroyed before January 1, 1989, cannot be transferred to another vessel. The moratorium qualification of a vessel that was lost or destroyed on or after January 1, 1989, but before January 1, 1996, can be transferred to a replacement vessel provided the LOA of the replacement vessel does not exceed the maximum LOA of the vessel that was lost or destroyed. The vessel that was lost or destroyed will no longer be a moratorium qualified vessel. The moratorium permit of the replacement vessel will expire on December 31, 1997, unless the vessel makes a legal landing of a moratorium species on or

before that date. The moratorium qualification of a vessel that is lost or destroyed on or after January 1, 1996, may be transferred to a replacement vessel provided the LOA of the replacement vessel does not exceed the maximum LOA of the vessel that was lost or destroyed. The vessel that was lost or destroyed would no longer be a moratorium qualified vessel. In the case of multiple or sequential replacements or reconstructions of a moratorium qualified vessel, the LOA may not be increased beyond the maximum LOA of the original qualifying vessel.

Reconstruction: Vessel reconstruction is defined as a change in the LOA of the vessel from its original qualifying LOA. The moratorium qualification of a vessel is not valid for purposes of issuing a permit for that vessel if at any time on or after June 24, 1992, the LOA of the vessel is increased to exceed its