(3) For an original qualifying vessel under reconstruction on June 24, 1992, the LOA on the date reconstruction was completed, provided that maximum LOA is certified under § 676.4(e).

Moratorium crab species means species of king or Tanner crabs harvested in the Bering Sea and Aleutian Islands Area, the commercial fishing for which is governed by part 671 of this chapter.

Moratorium groundfish species means species of groundfish, except sablefish caught with fixed gear as defined at § 676.11, harvested in the Gulf of Alaska or harvested in the Bering Sea and Aleutian Islands management area, the commercial fishing for which is governed by parts 672 and 675 of this chapter, respectively.

Moratorium qualification means a transferable prerequisite for a moratorium permit.

Moratorium species means any moratorium crab species or moratorium groundfish species.

Original qualifying LOA means the LOA of the original qualifying vessel on June 24, 1992.

Original qualifying vessel means a vessel that made a legal landing during the qualifying period.

Person means any individual who is a citizen of the United States or any United States corporation, partnership, association, or other entity (or its successor in interest), whether or not organized or existing under the laws of any state.

Qualifying period means from January 1, 1988, through February 9, 1992.

Reconstruction means a change in the LOA of the vessel from its original qualifying LOA.

Regional Director means the Director, Alaska Region, NMFS, or an individual to whom the Regional Director has delegated authority.

§ 676.3 Moratorium permits.

This section is effective from January 1, 1996, through December 31, 1998.

(a) *General requirement*. Except as provided under paragraph (b) of this section, any vessel used to catch and retain any moratorium crab species or to conduct directed fishing for any moratorium groundfish species must have a valid moratorium permit issued for that vessel under this part on board the vessel at all times it is engaged in fishing activities. The term of the moratorium permit is for the duration of the moratorium unless otherwise specified.

(1) A moratorium permit issued under this part is valid only if:

(i) The vessel's LOA does not exceed its maximum LOA;

(ii) The vessel's moratorium qualification has not been transferred;

(iii) The permit has not been revoked or suspended under 15 CFR part 904 (Civil Procedures):

(iv) The permit is endorsed for all gear types on board the vessel; and

(v) The permit's term covers the fishing year in which the vessel is fishing.

(2) À moratorium permit must be presented for inspection upon the request of any authorized officer.

(b) Moratorium exempt vessels. A moratorium exempt vessel is not subject to the moratorium permit requirement of paragraph (a) of this section and is not eligible for a moratorium permit. A moratorium exempt vessel may catch and retain moratorium species provided it complies with the permit requirements of the State of Alaska with respect to moratorium crab species, Federal permit requirements at parts 672 and 675 of this chapter with respect to moratorium groundfish species, and other applicable Federal and State of Alaska regulations. A moratorium exempt vessel is a vessel in any of the following categories:

(1) Vessels other than catcher vessels or catcher/processor vessels;

(2) Catcher vessels or catcher/ processor vessels less than or equal to 26 ft (7.9 m) LOA that conduct directed fishing for groundfish in the Gulf of Alaska;

(3) Catcher vessels or catcher/ processor vessels less than or equal to 32 ft (9.8 m) LOA that catch and retain moratorium crab species in the Bering Sea and Aleutian Islands Area or that conduct directed fishing for moratorium groundfish species in the Bering Sea and Aleutian Islands management area;

(4) Catcher vessels or catcher/ processor vessels that are fishing for IFQ halibut, IFQ sablefish, or halibut or sablefish under the Western Alaska Community Development Quota Program in accordance with regulations at subparts B and C of this part and that are not directed fishing for any moratorium species; or

(5) Catcher vessels or catcher/ processor vessels less than or equal to 125 ft (38.1 m) LOA that after November 18, 1992, are specifically constructed for and used in accordance with a Community Development Plan approved under § 675.27 of this chapter, and are designed and equipped to meet specific needs that are described in the Community Development Plan.

(c) *Moratorium qualification*. A vessel has moratorium qualification if the vessel is an original qualifying vessel, is not a moratorium exempt vessel under paragraph (b) of this section, and its moratorium qualification has not been transferred. A vessel also has moratorium qualification if it receives a valid moratorium qualification through a transfer approved by the Regional Director under § 676.4 and that moratorium qualification is not subsequently transferred.

(d) Moratorium permit endorsements. A moratorium permit will be endorsed for one or more fishery-specific gear type(s) in accordance with the endorsement criteria of paragraph (e) of this section. A fishery-specific gear type endorsement authorizes the use by the vessel of that gear type in the specified fisheries. Fishing gear requirements for the Bering Sea and Aleutian Islands Area crab fisheries as set forth in the Alaska Administrative Code at title 5, chapters 34 and 35; and fishing gear requirements for the Gulf of Alaska and the Bering Sea and Aleutian Islands management area groundfish fisheries are set forth at parts 672 and 675 of this chapter. A moratorium permit may be endorsed for any one or a combination of the following fishing gear types:

(1) Trawl, which includes pelagic and nonpelagic trawl gear;

(2) Pot, which includes longline pot and pot-and-line gear; and

(3) Hook, which includes hook-andline and jig gear.

(e) *Gear endorsement criteria*. For purposes of this paragraph, from January 1, 1988, through February 9, 1992, is "period 1," and from February 10, 1992, through December 11, 1994, is "period 2." Fishery-specific gear type endorsement(s) will be based on the following criteria:

(1) *Crab fisheries/pot gear endorsement*. A moratorium permit for a vessel may be endorsed for crab fisheries/pot gear if the vessel:

(i) Made a legal landing of a moratorium crab species in period 1;

(ii) Made a legal landing of a moratorium groundfish species with any authorized fishing gear in period 1, and, in period 2, made a legal landing of a moratorium crab species; or

(iii) Made a legal landing of moratorium groundfish in period 1 with pot gear.

(2) Groundfish fisheries/trawl gear endorsement. A moratorium permit may be endorsed for groundfish fisheries/ trawl gear if the vessel:

(i) Made a legal landing of a moratorium groundfish species with any authorized fishing gear in period 1; or

(ii) Made a legal landing of a moratorium crab species in period 1, and, in period 2, made a legal landing of a moratorium groundfish species using trawl gear.