

Plan Amendment Language for the Moratorium on Vessels Entering The Commercial King and Tanner Crab Fisheries in the Bering Sea/Aleutian Islands

The first sentence in Section 8.1.2 would read:

No Federal fishing permits are required for harvesting vessels, except as required by the Moratorium on new vessels entering the fishery as described in Section 8.1.4. and regulated by 50 CFR (insert part #).

The paragraph contained in Section 8.1.4 would be deleted.

A new section 8.1.4.1 titled "Moratorium on Vessels Entering the Fisheries" would be added. and would read as follows:

8.1.4.1 Moratorium on Vessels Entering the Fisheries

Beginning on (insert the effective date of the moratorium) a moratorium on harvesting vessels (including harvester/processors) entering the BSAI King and Tanner Crab fisheries is in effect. Vessels fishing in State waters will be exempt. The vessel moratorium will last until the Council replaces or rescinds the action, but in any case will end on (insert date three years after the effective date of the moratorium). The Council may however extend the moratorium up to 2 additional years, if a permanent limited access program is imminent.

8.1.4.1.1 Elements of the Moratorium

15. Qualifying Period. In order to qualify, a harvesting vessel must have made a reported landing in one of the designated moratorium fisheries during the period beginning January 1, 1988, and ending February 9, 1992, including landings of moratorium species from State waters. Moratorium species are those managed under Council FMPs and include groundfish (other than fixed gear sablefish) in the BSAI and GOA and BSAI king and Tanner crab.
16. Eligible Fisheries. If a vessel qualifies based on Item 1 above, the following provisions apply:
 - a. A vessel that made a qualifying landing in the BSAI crab fisheries would be eligible to participate in the BSAI crab fisheries under the moratorium.
 - b. A vessel that made a qualifying landing in the BSAI or GOA groundfish fisheries would be eligible to participate in the BSAI/GOA groundfish fisheries AND the BSAI crab fisheries under the moratorium providing:
 - (1) it uses only the same fishing gear in the BSAI crab fisheries that it used in the groundfish fisheries to qualify for the moratorium, and
 - (2) it does not use any fishing gear prohibited in the BSAI crab fisheries.
 - c. A vessel that made a qualifying landing in the BSAI or GOA groundfish fisheries, and during the period February 9, 1992, through December 11, 1994, made a landing in the BSAI crab fisheries would be eligible to continue to participate in the BSAI crab fisheries under the moratorium using the gear with which the crab landing was made.
17. Length Increases During the Moratorium: The 20% Rule.

Moratorium qualified vessels will be limited to a 20% increase in length overall (LOA) as long as the increase does not result in a vessel greater than 125 ft LOA. The 20% increase will be based on the LOA of the original qualified vessel. Vessels over 125 ft LOA may not be lengthened under any circumstance.

18. Reconstruction of Vessels During the Moratorium. An eligible vessel that is reconstructed during the moratorium retains its privilege to participate in all fisheries under the Council's jurisdiction subject to the following provisions: (1) If reconstruction is completed prior to June 24, 1992, the new size is unrestricted and length increases subject to the 20% Rule discussed above are allowed between June 24, 1992 and the end of the moratorium. (2) If reconstruction began prior to June 24, 1992 but was not completed until after that date, the new size would be unrestricted but no more length increases would be allowed. (3) If reconstruction commences on or after June 24, 1992, increases in length may not exceed the 20% Rule. (4) Other types of vessel reconstructions or upgrades may occur as long as they do not result in the lengthening of a vessel.
19. Replacement of Vessels During the Moratorium. During the moratorium, qualifying vessels can be replaced with non-qualifying vessels so long as the replaced vessel leaves the fishery. Though multiple or sequential replacements are allowed, vessel length can only be increased subject to the 20% Rule. In the case of existing qualified vessels over 125 ft LOA, the replacement vessel cannot exceed the length of the original vessel. In the event of a combined replacement/reconstruction, increases in LOA may not exceed the 20% Rule.
20. Replacement of Vessels Lost or Destroyed On or After January 1, 1989 But Before *(insert the effective date of the moratorium)*. Vessels lost or destroyed on or after January 1, 1989 may be replaced provided the following conditions are met. (1) The LOA of the replacement vessel does not exceed the 20% rule. (2) The replacement vessel must make a landing in a moratorium fishery prior to *(insert a date two years after the effective date of the moratorium)* to remain a qualified vessel. The replaced vessel would no longer be a moratorium qualified vessel.
21. Replacement of Vessels Lost or Destroyed After *(insert the effective date of the moratorium)*. Vessels lost or destroyed after *(insert the effective date of the moratorium)* may be replaced subject to the 20% Rule and the replaced vessel would no longer be a moratorium qualified vessel.
22. Salvage of Vessels Lost or Destroyed On or After January 1, 1989. A moratorium qualified vessel lost or destroyed between January 1, 1989 and the end of the moratorium may be salvaged and will be considered a moratorium qualified vessel, as long as it has not already been replaced, as per item 5 above.
23. Salvage of Vessels Lost or Destroyed Before January 1, 1989. A moratorium qualified vessel lost or destroyed before January 1, 1989 may not be replaced. The lost or destroyed vessel may be salvaged and become moratorium qualified if it meets the following two conditions: (1) Salvage operations must have been ongoing as of June 24, 1992. (2) The salvaged vessel must make a landing in a moratorium fishery prior to *(insert a date two years after the effective date of the moratorium)*.

24. Small Vessel Exemptions. Vessels 32 ft or less LOA would be exempted from the moratorium in the Bering Sea and Aleutian Islands.
25. Disadvantaged Communities. New vessels constructed after implementation of Community Development Quota (CDQ) programs, pursuant to an approved CDQ project, will be exempt from the moratorium. In order to qualify for such exemption the vessel must: (1) be constructed solely for the purpose of furthering the goals of a community CDQ project, and (2) be a specialized vessel designed and equipped to meet the needs of a community or group of communities that have specific and unique operating requirements. Such exemptions would be limited to vessels 125 ft LOA and under. These vessels may fish in both CDQ and non-CDQ fisheries. Vessels built pursuant to a CDQ project under this exemption that are transferred to a non-CDQ entity during the life of the moratorium may not be considered eligible under the moratorium.
26. Halibut and Sablefish Fixed Gear Vessels. Halibut and sablefish fixed gear vessels operating under the provisions of the proposed IFQ Amendment will be exempted from the vessel moratorium as it affects directed halibut and sablefish operations. Such an exemption becomes effective at the time of implementation of the IFQ program. Non-qualifying vessels entering the halibut and sablefish fisheries under this exemption may not participate in any other directed fisheries under the Council's authority. If the total retained catch of species other than halibut and sablefish exceeds 20% of the total weight of all species of fish on board, then the vessel must be a moratorium-qualified vessel.
27. Transfer of Moratorium Rights. It shall be assumed that any transfer of vessel ownership includes a transfer of moratorium fishing rights. Moratorium rights may however be transferred without a transfer of ownership of the original qualifying vessel or any subsequently qualified vessel. The recipient of such transfers of rights will bear the burden of proof for moratorium qualification. Transfers of moratorium rights may not be used to circumvent the 20% Rule. Moratorium permits may be transferred only in their entirety; i.e., species or gear endorsements may not be separated and transferred independently.