§ 253.30 Crab IFQ loans.

(a) Specific definitions. For the purposes of this section, the following definitions apply:

1. Crab means those crab species managed under the Fishery Management Plan for Bering Sea/Aleutian Island (BSAI) King and Tanner Crab.
2. Crab FMP means the Fishery Management Plan for BSAI King and Tanner Crab.
3. Crab quota share means a BSAI King and Tanner Crab permit, the base amount of which is used as a basis for the annual calculation of a person’s Crab IFQ, also abbreviated as “Crab QS.”
4. Crab captains or crewmen. The Program may finance up to 80 percent of the cost of purchasing Crab QS by a citizen:
   (1) Who is or was:
      (i) A captain of a crab fishing vessel, or
      (ii) A crew member of a crab fishing vessel;
   (2) Who has been issued the appropriate documentation of eligibility by RAM;
   (3) Whose aggregate holdings of QS will not exceed any limit on Crab QS holdings that may be in effect in the Crab FMP implementing regulations or applicable statutes in effect at the time of loan closing; and will not hold either individually or collectively, based on the initial QS pool, as published in 50 CFR Part 680, Table 8; and
   (4) Who, at the time of initial application, meets all other applicable eligibility requirements to fish for crab or hold Crab QS contained in the Crab FMP implementing regulations or applicable statutes in effect at the time of loan closing.

(b) Refinancing. (1) The Program may refinance any existing debts associated with Crab QS that an applicant currently holds, provided that:
   (i) The Crab QS being refinanced would have been eligible for Program financing at the time the applicant purchased it;
   (ii) The applicant meets the Program’s applicable lending requirements; and
   (iii) The applicant would meet the requirements found in the Crab FMP implementing regulations at the time any such refinancing loan would close.
2. The Program may refinance an amount up to 80 percent of Crab QS’s current market value; however, the Program will not disburse any amount that exceeds the outstanding principal balance, plus accrued interest (if any), of the existing Crab QS debt being refinanced.
3. In the event that the current market value of Crab QS and current principal balance do not meet the 80 percent requirement in paragraph (c)(2) of
this section, applicants seeking refi-
nancing may be required to provide ad-
ditional down payment.

(d) Maturity. Loan maturity may not
exceed 25 years, but may be shorter de-
pending on credit and other consider-
ations.

(e) Repayment. Repayment schedules
will be set by the loan documents.

(f) Security. Although the quota share
will be the primary collateral for a
Crab QS loan, the Program may re-
quire additional security pledges to
maintain the priority of the Program’s
security interest. The Program, at its
option, may also require all parties
with significant ownership interests to
personally guarantee loan repayment
for any applicant that is a corporation,
partnership, or other entity. Subject to
the Program’s credit risk determina-
tion, some projects may require addi-
tional security, collateral, or credit en-
hancement.

(g) Crew member transfer eligibility cer-
tification. The Program will accept
RAM transfer eligibility certification
as proof that applicants are eligible to
hold Crab QS. The application of any
person determined by RAM to be un-
able to receive such certification will
be declined. Applicants who fail to ob-
tain appropriate transfer eligibility certifica-
tion within 45 working days of the
date of application may lose their
processing priority.

(h) Crab Quota Share Ownership Limi-
tation. A program obligor must comply
with all applicable maximum amounts,
as may be established by NMFS regu-
lations, policy or North Pacific Fishery
Management Council action.

(i) Program credit standards. Crab QS
loans are subject to all Program gen-
eral credit standards and requirements.
Collateral, guarantee and other re-
quirements may be adjusted to indi-
vidual credit risks.

§§ 253.31–253.49 [Reserved]

Subpart C—Interjurisdictional
Fisheries

§ 253.50 Definitions.
The terms used in this subpart have
the following meanings:

Act means the Interjurisdictional
(Title III).

Adopt means to implement an inter-
state fishery management plan by
State action or regulation.

Commercial fishery failure means a se-
rious disruption of a fishery resource
affecting present or future productivity
due to natural or undetermined causes.
It does not include either:
(1) The inability to harvest or sell
raw fish or manufactured and processed
fishery merchandise; or
(2) Compensation for economic loss
suffered by any segment of the fishing
industry as the result of a resource dis-
aster.

Enforcement agreement means a writ-
ten agreement, signed and dated, be-
tween a state agency and either the
Secretary of the Interior or Secretary
of Commerce, or both, to enforce Fed-
eral and state laws pertaining to the
protection of interjurisdictional fish-
ery resources.

Federal fishery management plan
means a plan developed and approved
under the Magnuson Fishery Conserva-
tion and Management Act (16 U.S.C.
1801 et seq.).

Fisheries management means all ac-
tivities concerned with conservation,
restoration, enhancement, or utiliza-
tion of fisheries resources, including
research, data collection and analysis,
monitoring, assessment, information
dissemination, regulation, and enforce-
ment.

Fishery resource means finfish, mol-
lusks, and crustaceans, and any form of
marine or Great Lakes animal or plant
life, including habitat, other than ma-
rine mammals and birds.

Interjurisdictional fishery resource
means:
(1) A fishery resource for which a
fishery occurs in waters under the ju-
risdiction of one or more states and the
U.S. Exclusive Economic Zone; or
(2) A fishery resource for which an
interstate or a Federal fishery manage-
ment plan exists; or
(3) A fishery resource which migrates
between the waters under the jurisdic-
tion of two or more States bordering
on the Great Lakes.