

A Brief Overview of the Bering Sea Hair Crab Fishery and the Vessel Limited Entry Program

CFEC Report No. 07-1N
February 2007

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Abstract

In 2002 the Alaska State Legislature passed a law authorizing CFEC to implement a vessel-based limitation. CFEC adopted regulations establishing a vessel-based limited entry program in the Bering Sea hair crab fishery in 2003. The law, which allows the vessel-based limitation, expires on December 30, 2008. House Bill 16 was introduced in January 2007 in the 25th Alaska Legislature. The bill would delay the sunset date for the vessel permit program until December 30, 2013. This report provides the Alaska Legislature with a brief overview of the Bering Sea hair crab fishery, the vessel moratorium, and the vessel-based limitation.

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1.0 Introduction

In 1979, American vessels began participating in the Bering Sea hair crab fishery. Over the history of the fishery, participation and harvest fluctuated. In 1995 and 1996, the Commercial Fisheries Entry Commission (CFEC or commission) received petitions requesting limited entry in the hair crab fishery. Research into patterns of hair crab participation indicated that limiting the fishery under the state's traditional program would be problematic. Under Alaska's traditional limited entry program, CFEC must award permits only to individuals (permit holders) with a history of landings in the fishery. Limitation under the person-based program could have resulted in increases in participation even after limited entry was implemented, thereby diminishing the benefits and statutory purposes of the program.

CFEC and representatives from the hair crab fleet pursued legislation that would allow CFEC to issue permits that were tied to vessels rather than persons since a vessel-based limited entry program might provide the intended benefits and meet the statutory purposes of limited entry more readily. In 2002, the Alaska State Legislature approved a vessel-based program for the Bering Sea hair crab and weathervane scallop fisheries. The bill included a sunset provision specifying that the law expires on December 30, 2008.

CFEC adopted regulations in 2003 establishing a vessel-based limited entry program in the Bering Sea hair crab fishery. In 2004 the program was implemented; vessel owners applied for vessel entry permits and CFEC issued permits to qualified vessels. The Bering Sea hair crab fishery has been closed since 2000 due to low stock abundance. It was felt at the time of the limitation that if stock levels rose, limitation might help re-open the hair crab fishery and help avoid future closures of the fishery since fishing pressure would be restricted through a limited fleet size.

House Bill 16 was introduced in January 2007 in the 25th Alaska Legislature. The bill would delay the sunset date for the vessel permit program until December 30, 2013. This report provides the Alaska Legislature with a brief overview of the Bering Sea hair crab fishery, the vessel moratorium, and the vessel-based limitation.

2.0 The Bering Sea Hair Crab Fishery

The Bering Sea hair crab (*Erimacrus isenbeckii*) fishery is a small fishery that has usually occurred in the Pribilof Islands area of the Bering Sea. The hair crab fishery was originally pioneered by the Japanese during the 1960's and targeted by American vessels beginning in 1979. In 1980 a yearlong permit fishery was established within a three-mile area of the Pribilof Islands, then in 1984 the hair crab fishery was expanded in the Bering Sea District. Figure 1 indicates the area in which the Bering Sea hair crab fishery was prosecuted.¹

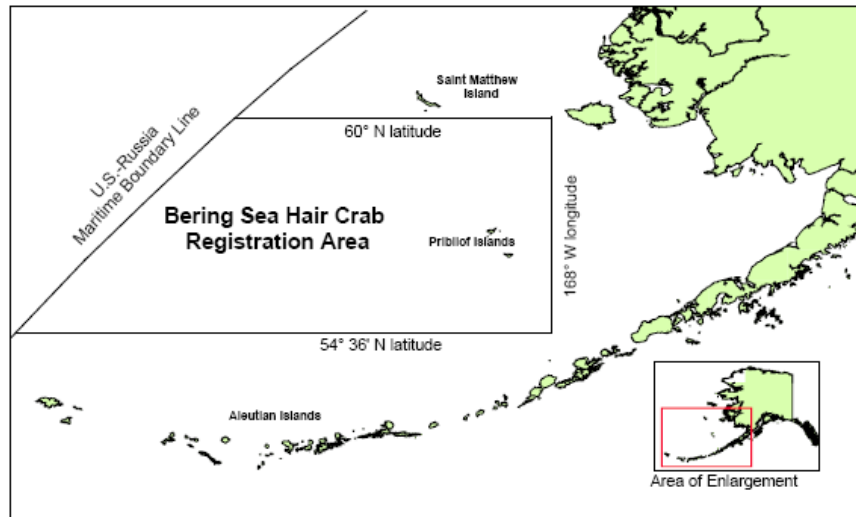


Figure 1. Bering Sea Hair Crab Fishing Area. Source: *Annual Management Report for the Commercial and Subsistence Shellfish Fisheries of the Aleutian Islands, Bering Sea and the Westward Region's Shellfish Observer Program, 2003*. ADF&G Regional Information Report No. 4K04-43, September 2004. Figure 2-13.

In December 1995 and January 1996 the Commercial Fisheries Entry Commission (CFEC or commission) received two petitions requesting limited entry in the Bering Sea hair crab fishery. One petition noted a sharp increase in the number of hair crab vessels that participated in the 1995 season. The petitioners claimed this caused a shorter season, with more gear conflicts and higher amounts of wastage due to lost and tangled gear. The petitioners also expressed concern that spillover of vessels from other Bering Sea fisheries, which were experiencing depressed stock levels, could impact the hair crab fishery, adding even more vessels in future years and complicating conservative management of hair crab. The petition indicated the hair crab fishery was not included in a federal fishery management plan, and therefore was not subject to a federal restricted access program.

¹ There is no formal hair crab registration area established in ADF&G regulations, and as such, the fishing area is established using the terms of a commissioner's permit. ADF&G uses king crab management area, district, and section descriptions for inseason management of the fishery. Between 1997 and 2003, CFEC vessel moratorium permits and interim-use permits issued to skippers participating in the fishery were issued for waters north of 54° 36' N. lat., south of 58° 39' N. lat., and east of the United States – Russia Convention line of 1867. From 2004 onward, CFEC interim-use permits issued to skippers participating in the fishery are for waters described in 5 AAC 35.505(e), the Tanner crab Bering Sea District of Area J (Westward Region). Vessel limited entry permits for the Bering Sea hair crab fishery are for waters of the Bering Sea District as described in 5 AAC 35.505(e) that are beyond five miles from shore.

Research into patterns of hair crab participation indicated that limiting the fishery under the state's traditional program might not be appropriate for this fishery. First, many vessels had been operated by more than one person, so the total number of permit holders with landings significantly exceeded the actual number of units of gear in the fishery. Limitation under the person-based program would likely have resulted in a potential increase in fishing effort even after limited entry was implemented, diminishing the benefits and statutory purposes of the program. A vessel-based permit program could achieve the purposes of limited entry in a more efficient manner than a person-based permit program, largely because the number of vessels with landings was considerably less than the number of persons who recorded landings, and fewer permits were likely to be issued under the vessel-based system.

Second, the traditional owner/operator fishing operation, which is characteristic of Alaska's salmon, herring, and other small-boat fisheries in state waters, was the model upon which the person-based limited entry program was designed. The Bering Sea hair crab fishery is characterized by larger boats that fish far offshore, a majority of which is owned by corporations or partnerships. A vessel-based program was thought to better preserve the character of the fishery and the place of all participants in the fishery – for vessel owners, skippers, and crewmen. If vessel permits were issued to vessel owners, qualifying operations could continue to fish in the same manner as they did in the open access and moratorium years.

3.0 The Moratorium and Development of a Vessel-Based Limitation

There was a risk associated with allowing the hair crab fishery to remain under open access while a vessel-based program was analyzed, debated, and potentially passed by the legislature: more boats could enter the fishery during the interim, adding to the existing conservation and economic problems. Recognizing this potential problem, the legislature passed a bill establishing a temporary moratorium for new vessels in the hair crab fishery in 1996. The moratorium went into effect on July 4, 1996 and was scheduled to expire on June 30, 2000.² Only vessels that made legal hair crab landings in the directed Bering Sea hair crab fishery from 1993 to 1995 were eligible for permits to fish during the moratorium.

The moratorium law directed the Alaska Department of Law and CFEC to draft legislation that would give CFEC the authority to implement vessel-based limited entry programs in fisheries in which traditional person-based limited entry programs would not effectively fulfill the commission's statutory duties. The proposed bill was introduced and referred to the Senate Resources Committee in 1999 as Senate Bill 143. No hearings were scheduled for the bill; it stayed in the Resources Committee and the legislature took no action on the bill. In 2000, CFEC again asked for the bill to be scheduled for consideration, but again it did not leave the committee. At the end of the 2000 session, SB 143 died. The legislature passed House Bill 429, which extended the moratorium until July 2003, when it became apparent during the 2000 session that legislation for a vessel permit program might not pass.³

During the 2002 legislative session, CFEC provided a draft bill to the legislature to authorize a vessel-based limited entry program. The draft bill was reworked by legislative counsel and was significantly amended in the House Resources Committee to allow CFEC to use this authority only in the Bering Sea hair crab and weathervane scallop fisheries. The amended bill passed the state House and was sent to the Senate Resources Committee. After passing through the Senate Resources and Judiciary committees, the bill was amended on the Senate floor to add a sunset provision specifying that the law expire on December 30, 2008.⁴

² See Section 3, ch. 126, SLA 1996.

³ See Ch. 30, SLA 2000.

⁴ See Section 2, ch. 137, SLA 2002.

4.0 Bering Sea Hair Crab Vessel Limitation

On February 14, 2003, CFEC issued a notice of proposed regulation changes to establish a vessel permit limited entry program for the Bering Sea hair crab pot fishery. The notice invited public comment on the regulations and established a comment period from February 14 through April 2, 2003. Two public hearings were held by teleconference during the public comment period. After reviewing and considering all comments, the commission held a scheduled public meeting on June 5, 2003. At this meeting, the commission could either adopt the regulations as proposed, or adopt an amended form of the regulations, or take no action. The commission voted unanimously to accept several amendments to the original proposal and to adopt the regulations as amended. These regulations became effective on September 21, 2003. Principal elements of the adopted regulations included:

- Limitation of the Bering Sea hair crab fishery with vessel permits issued to vessel owners.
- To qualify for a permit, a vessel must have participated in at least 1 year from 1993 through 1995 and 1 year from 1996 through 2002 *or* at least 2 years from 1993 through 1995.
- No person or entity may hold an ownership interest in more than 2 vessel permits, unless the ownership existed at initial issuance.
- Permanent substitution of vessels is allowed, but the substitute vessel may not exceed the overall length of the original qualifying vessel.
- Vessel permits are transferable.
- The Bering Sea administrative area corresponds to the waters of the ADF&G Bering Sea management district for hair crab that are beyond five miles from shore.

The application period for a vessel entry permit in the Bering Sea hair crab fishery began January 2, 2004 and ended April 15, 2004. During this time the commission received twenty applications from vessel owners. Applications were evaluated, and based on qualification standards outlined in the regulations, sixteen of the vessels qualified for permits, two did not qualify, and two are still pending before the commission. Table 1 indicates the sixteen vessels and their owners that qualified for a Bering Sea hair crab vessel entry permit.⁵

⁵ Between December 13, 2003 and January 19, 2005, NMFS administered a capacity reduction program (buyback) in the Bering Sea/Aleutian Islands crab fisheries. Four vessels that qualified for a Bering Sea hair crab vessel entry permit were bought out under the federal buyback program. This raises the legal question: must a vessel owner who was bought out through this federal program relinquish a state issued permit based on the vessel's fishing history? An additional implication of the buyback is that these four vessels are prohibited from participating in any future commercial fishing activities for any species, including hair crab.

Table 1. Qualifying Vessels for Bering Sea Hair Crab Vessel Entry Permits and Their Owners.¹

Vessel Name	ADFG Number	Vessel Length	Vessel Owner
American Star	06369	154	American Star & Owners
Aquila	62505	165	Tamarak Ventures LLC
Arctic Eagle	61111	126	Arctic Eagle LLC
Arctic Sea	33696	134	Kristian E. Poulsen Ent. Inc.
Maverick	45706	92	F/V Maverick LLC
North Pacific	06205	96	North Pacific LLC
North Sea	36047	126	Kristian E. Poulsen Ent. Inc.
Ocean Cape	29923	98	Ocean Cape LLC
Ocean Olympic	56111	166	Ocean Olympic LLC
Pacesetter	21436	127	Pacesetter Mariner, Inc.
Polar Lady	36822	105	MGF Fisheries Inc.
Royal Viking	03718	108	Royal Viking Inc.
Shaman	00036	110	Mattsen Fisheries Inc.
Theresa Marie	00034	93	Marwin Inc.
Time Bandit	65577	113	Time Bandit LLC
Zolotoi	40917	102	Zolotoi General Partnership

¹ The vessel owner at the time of the application for a vessel entry permit.

In traditional, person-based limited entry fisheries, permits are only issued to natural persons. Each permit holder is required to declare his or her residency when they are issued a permit, and again each year when they renew their permits. In vessel-based limited entry fisheries, permits are issued to vessel owners regardless of whether they are a natural person or an entity. In many cases the entity reflects a complex structure of natural persons and/or other entities. Because entities do not have residency in the same sense that natural persons do, recipients of vessel entry permits are not required to declare a residency. As a result, CFEC is not able to provide a breakdown of resident and nonresident permit holders, as is typically done for the traditional, person-based limited entry fisheries.

5.0 Current Status of the Hair Crab Resource and Fishery

The National Marine Fisheries Service (NMFS) estimates the distribution and abundance of the hair crab resource in the eastern Bering Sea each year when it conducts its annual Eastern Bering Sea Trawl Survey. Figure 2 indicates the estimated abundance of large male hair crab in the Bering Sea from the NMFS survey for 1980 through 2006.⁶ Between 1980 and 2006, the hair crab population has seen a dramatic decline. The estimated levels in 2005 were just 2.0% of the 1980 population. A slight increase in large male abundance was detected in the 2006 survey, but overall, the estimated population is a small fraction of initial levels seen for hair crab.

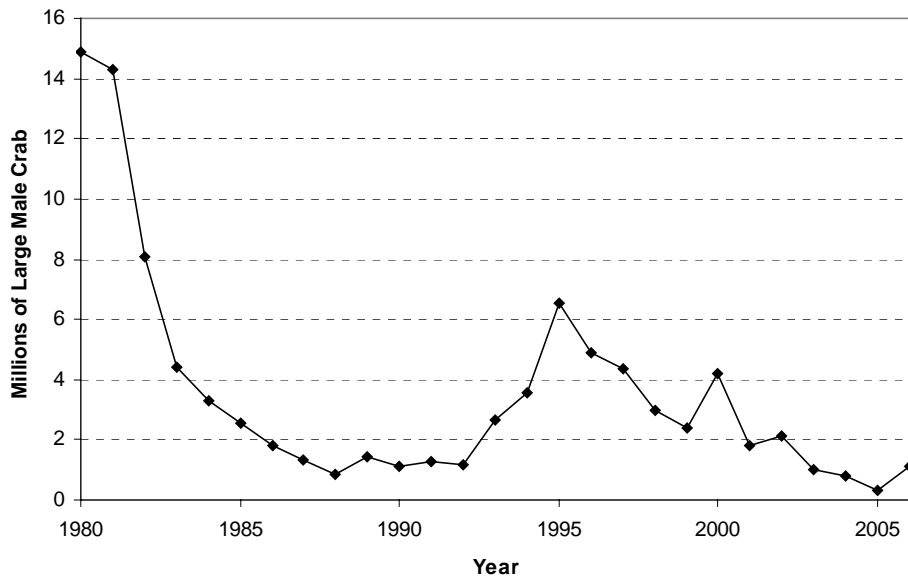


Figure 2. Estimated Abundance of Large Male Hair Crab in the Bering Sea, 1980-2006. Source of data: Rugolo, L.J., E.A. Chilton, C.E. Armistead, and J.A. Haaga. 2006. *Report to industry on the 2006 Eastern Bering Sea crab survey*. AFSC Processed Rep. 2006-17, 61 p. Alaska Fish. Sci. Cent., NOAA, Natl. Mar. Fish. Serv., Kodiak Fish. Res. Cent., 301 Research Court, Kodiak, AK 99615-7400 and Stevens, B.G., R.S. Otto, J.A. Haaga, and R.A. MacIntosh. 1998. *Report to industry on the 1997 Eastern Bering Sea crab survey*. AFSC Processed Rep. 98-02, Alaska Fish. Sci. Cent., NOAA, Natl. Mar. Fish. Serv., P.O. Box 1638, Kodiak AK 99615-1638.

Population trends and weak performance in commercial fisheries indicate that the Bering Sea hair crab population is severely depressed. Despite closure of the commercial fishery since 2000, the hair crab resource has not begun to rebuild.⁷ Much of the important hair crab habitat near the Pribilof Islands is closed to bottom trawling, so the traditional hair crab fishing grounds are fairly protected. Since 2000 there has been minimal human-caused hair crab mortality and there is very little bycatch of hair crab in other fisheries. It is likely that the population remains low due to poor recruitment, changes in

⁶ Abundance estimates were obtained from: Rugolo, L.J., E.A. Chilton, C.E. Armistead, and J.A. Haaga. 2006. *Report to industry on the 2006 Eastern Bering Sea crab survey*. AFSC Processed Rep. 2006-17, 61 p. Alaska Fish. Sci. Cent., NOAA, Natl. Mar. Fish. Serv., Kodiak Fish. Res. Cent., 301 Research Court, Kodiak, AK 99615-7400 and Stevens, B.G., R.S. Otto, J.A. Haaga, and R.A. MacIntosh. 1998. *Report to industry on the 1997 Eastern Bering Sea crab survey*. AFSC Processed Rep. 98-02, Alaska Fish. Sci. Cent., NOAA, Natl. Mar. Fish. Serv., P.O. Box 1638, Kodiak AK 99615-1638.

⁷ See Alaska Department of Fish and Game, *Bering Sea Hair Crab Fishery Closed for 2005/2006 Season*, ADF&G News Release, October 20, 2005.

environmental conditions, and predation by other species in the area.⁸ Forrest Bowers, ADF&G Area Management Biologist, does not believe the hair crab resource will recover enough in the next five years to warrant opening the commercial fishery.⁹ Hair crab appear to be a fragile resource and a conservative management approach is warranted.

Participation, harvest, and earnings in the Bering Sea hair crab fishery have fluctuated greatly over the history of the fishery. Table 2 indicates the total commercial harvest of the Bering Sea hair crab fishery by year, the total earnings, average ex-vessel price, the number of persons and vessels with landings, and the average and median harvest and earnings per person or vessel. Because of low stock abundance, the Bering Sea hair crab fishery has been closed since 2000. As a result, nearly half of the years that the fishery was under a moratorium and all of the years since limited entry has been in effect have been closed to commercial fishing. If stock levels rise, the limited fleet size may facilitate the opening of the fishery in the future.

⁸ Bowers, Forrest. 2006. Personal communication. Alaska Department of Fish and Game; PO Box 920587, Dutch Harbor, AK 99692-0587.

⁹ Ibid.

Table 2. The Bering Sea Hair Crab Total Harvest and Earnings, and Average and Median Harvest and Earnings Per Person or Vessel With Landings, 1979-2006.¹

Year	Fishery Status	Total Harvest ²	Total Earnings ³	Average Ex-	Persons With Landings	Harvest ²		Earnings ³		Vessels With Landings ⁴	Harvest ²		Earnings ³		
				Vessel Price ³		Average	Median	Average	Median		Average	Median			
1979		**	**	**	18	**	**	**	**	16	**	**	**	**	
1980		69,009	\$50,272	\$0.728	19	3,632	271	\$2,646	\$190	17	4,059	511	\$2,957	\$358	
1981		2,128,349	\$1,713,285	\$0.805	96	22,170	1,906	\$17,847	\$1,534	76	28,005	1,805	\$22,543	\$1,452	
1982		1,225,098	\$799,250	\$0.652	80	15,314	1,676	\$9,991	\$1,088	69	17,755	2,127	\$11,583	\$1,296	
1983		888,447	\$628,556	\$0.707	61	14,565	715	\$10,304	\$685	49	18,132	1,170	\$12,828	\$868	
1984		568,717	\$746,654	\$1.313	24	23,697	1,234	\$31,111	\$1,322	24	23,697	666	\$31,111	\$852	
1985		**	**	**	5	**	**	**	**	6	**	**	**	**	
1986		**	**	**	4	**	**	**	**	3	**	**	**	**	
1987	Open Access	23,243	\$43,337	\$1.865	8	2,905	645	\$5,417	\$1,278	8	2,905	645	\$5,417	\$1,278	
1988		3,406	\$4,656	\$1.367	12	284	194	\$388	\$229	12	284	194	\$388	\$229	
1989		**	**	**	1	**	**	**	**	**	1	**	**	**	**
1990		0	\$0	\$0	0	0	0	\$0	\$0	0	0	0	\$0	\$0	
1991		379,715	\$1,237,491	\$3.259	6	63,286	6,502	\$206,249	\$21,190	6	63,286	6,502	\$206,249	\$21,190	
1992		1,338,818	\$2,815,534	\$2.103	18	74,379	42,833	\$156,419	\$90,078	17	78,754	30,119	\$165,620	\$63,340	
1993		1,439,155	\$3,109,853	\$2.161	27	53,302	33,881	\$115,180	\$73,217	22	65,416	32,333	\$141,357	\$69,872	
1994		1,904,287	\$5,768,782	\$3.029	20	95,214	83,095	\$288,439	\$251,778	14	136,021	95,499	\$412,056	\$289,362	
1995		1,986,106	\$5,441,930	\$2.740	25	79,444	69,476	\$217,677	\$190,364	21	94,576	102,373	\$259,140	\$280,502	
1996		713,309	\$1,993,699	\$2.795	20	35,665	31,588	\$99,685	\$88,287	19	37,543	32,778	\$104,932	\$91,615	
1997		650,240	\$2,078,167	\$3.196	18	36,124	27,756	\$115,454	\$88,707	16	40,640	38,876	\$129,885	\$124,246	
1998		**	**	**	12	**	**	**	**	12	**	**	**	**	
1999	Moratorium	**	**	**	9	**	**	**	**	8	**	**	**	**	
2000		**	**	**	3	**	**	**	**	3	**	**	**	**	
2001									-- No Fishery --						
2002								-- No Fishery --							
2003								-- No Fishery --							
2004	Limited Entry							-- No Fishery --							
2005								-- No Fishery --							
2006									-- No Fishery --						
									-- No Fishery --						

** Data is masked for confidentiality where fewer than four participants, vessels, or processors (by ADF&G processor code or Federal ID when available) are indicated on fish ticket data within a year.

¹ Only commercial harvest of Bering Sea hair crab was included in this table. Landings made with invalid permit serial numbers were excluded.

² Harvest is in pounds.

³ In nominal dollars. Earnings and ex-vessel prices have not been adjusted for inflation.

⁴ The number of vessels with landings includes unlicensed vessels.

Note: This table includes both directed commercial hair crab harvests and hair crab bycatch in other crab fisheries. An ADF&G commissioner's permit was required for participation in the directed hair crab fishery and required for eligibility in the hair crab limited entry program. This note was added for clarification purposes following the initial web posting and distribution of this report.

6.0 Current Status of Permit Holders

The regulations adopted by CFEC established vessel entry permits in the Bering Sea hair crab fishery that are transferable. The vessel entry permits may be transferred by sale, trade, gift, or through inheritance. There are conditions that must be met for a vessel entry permit to be transferred, however. The recipient of a permit must own the vessel listed on the vessel entry permit or they must substitute a vessel they do own at the time of the permit transfer. The overall length of a substitute vessel must be equal to or less than the length of the original qualifying vessel. And lastly, no transfer may occur which would result in any person or entity holding ownership interest in more than two vessels in the Bering Sea hair crab fishery.

As of February 1, 2007, four Bering Sea hair crab vessel entry permits have been permanently transferred. One of the recipients made a permanent vessel substitution at the same time as the permit transfer. As required, the substitute vessel was of equal or lesser length than the original qualifying vessel. Table 3a indicates the thirteen vessels and their owners that are current holders of Bering Sea hair crab vessel entry permits and Table 3b lists the three vessels and their owners that qualified for a vessel entry permit but have not yet been issued a permit.¹⁰

Table 3a. Current Vessel Entry Permit Holders in the Bering Sea Hair Crab Fishery and Their Vessels.

Current Vessel Name	ADFG Number	Vessel Length	Current Permit Holders
American Eagle	00039	118	American Eagle LLC
Aquila	62505	165	Tamarak Ventures LLC
Arctic Sea	33696	134	Coastal Villages Region Fund
Maverick	45706	92	F/V Maverick LLC
North Pacific	06205	96	North Pacific LLC
North Sea	36047	126	Coastal Villages Region Fund
Ocean Cape	29923	98	RSD (Ocean Cape), LLC
Ocean Olympic	56111	166	Ocean Olympic LLC
Polar Lady	36822	105	MGF Fisheries Inc.
Royal Viking	03718	108	Royal Viking Inc.
Shaman	00036	110	Mattsen Fisheries Inc.
Theresa Marie	00034	93	Marwin Inc.
Time Bandit	65577	113	Time Bandit LLC

Table 3b. Vessels and Vessel Owners Qualified for a Bering Sea Hair Crab Vessel Entry Permit.¹

Qualified Vessel Name	ADFG Number	Vessel Length	Qualified Vessel Owner
American Star	06369	154	American Star & Owners
Pacesetter	21436	127	Pacesetter Mariner, Inc.
Zolotoi	40917	102	Zolotoi General Partnership

¹ Vessels have qualified for a vessel entry permit, but a permit has not yet been issued to the vessel owners, either due to the loss of the vessel or at the request of the vessel owners.

¹⁰ Vessels qualified for a Bering Sea hair crab vessel entry permit but either the vessel was lost and a replacement vessel has not been substituted or the vessel owners have requested that the permit not be issued at this time.

7.0 Conclusion

In 2003, CFEC adopted regulations establishing a vessel-based limited entry program in the Bering Sea hair crab fishery. The program was implemented and vessel entry permits issued beginning in 2004. The law authorizing CFEC to administer a vessel-based limited entry program in the Bering Sea hair crab fishery expires on December 30, 2008. If passed, House Bill 16 would delay the sunset date for the vessel entry program until December 30, 2013.

8.0 References

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