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September 27, 2017

LOWER ELWHA KLALLAM TRIBE-Section 4.6 Regulation Commercial and Subsistence Sea Urchin Regulations S17-095

The following regulation is promulgated by the Lower Elwha Klallam Tribe and shall govern the conduct of off-reservation commercial and subsistence fisheries for red and green sea urchins by the Lower Elwha Klallam Tribe. This regulation is intended to comply with provisions of the 2017-2018 Sea Urchin harvest management plan, developed by the U.S. v. Washington Sub-proceeding 89-3 treaty tribes and the State of Washington. In the event the Management Plan is not complete before the projected start of tribal fisheries in each urchin district, emergency regulations will be filed under provisions of Paragraph 4.6 of United States .v. Washington, 898 F. sup. 1453 (W.D. Wash. 1995), as amended by the Stipulation and Order Amending Shellfish Implementation Plan, dated April 8, 2002, (hereafter “Implementation Order”). The term of this regulation is from September 1, 2017 through August 31, 2018. Ceremonial fisheries shall be conducted under the provisions of the Tribal Fisheries Ordinance and regulations. All areas not specifically opened by this regulation shall remain closed to the commercial and subsistence harvest of sea urchins. Only gear and methods specifically authorized by this regulation may be legally used.

1. SPECIES

Red sea urchins – *Mesocentrotus franciscanus*
Green sea urchins – *Strongylocentrotus droebachiensis*

2. FISHING AREAS

Marine Shellfish Management and Catch Reporting Areas 20B, 22A, 23A, 23B, 23C, 23D, 25A, 25B, 25C, 25D, 25E, 26A (Lower Elwha U & A areas in that portion of 26A south and west of the southern tip of Possession Point on Whidbey Island 27A, 27B (north of an east-west line from Ayock Pt.) and 29.

3. OPEN TIMES AND AREAS

All above areas are open to Commercial Urchin harvest September 1, 2017 through August 31, 2018 or until the respective treaty quotas have been reached.

The sea urchin management areas are designated as follows:

A) Red Sea Urchins

San Juan Region:

This area includes District 1, Northern San Juan Islands, (Marine Fish and Shellfish (MFSF) Catch Reporting Area 20B, and those waters of Area 22A north of a line projected east-west one-quarter mile north of Lime Kiln Light on San Juan Island and west of a line projected true north from Limestone Point on San Juan Island); and District 2, Southern San Juan Islands, (those waters of Area 22A south of a line projected east-west one-quarter mile north of Lime Kiln Light on San Juan Island, and Areas 23A, 23B, 25A, and 25B).

Strait of Juan de Fuca Region:

This area includes District 3, Port Angeles (those waters of Area 23C east of a line projected true north from 123 degrees 48.3 minutes west longitude, and Area 23D); District 4, Sekiu, (those waters of Area 23C west of a line projected true north from 123 degrees 52.7 minutes west longitude); and District 5, Neah Bay, (Area 29 east of a line projected true north from Rasmussen Creek).

B) Green Sea Urchins

San Juan Island Region:

MFSF Catch Reporting Areas 20B, 22A, 23A, 23B, 25A, and 25B

Strait of Juan de Fuca Region:

MFSF Catch Reporting Areas 23C, 23D, and 29 east of a line projected true north from Rasmussen Creek.

Tribal harvesters are responsible for knowing the current applicable regulations. Information on specific openings and closures shall be available at the Tribal Fisheries Office.

4. CLOSED AREAS

The following research/management areas will remain closed to fishing for the duration of the 2017-2018 sea urchin season:

- A) Those waters of San Juan Channel and Upright Channel within the following lines; north and west of a line from the northernmost point of Turn Island on San Juan Island to Flat Point on Lopez Island and thence projected from Flat Point true west to Shaw Island, north of a line projected from the northernmost point of Turn Island true west to San Juan Island, west of a line from Neck Point on Shaw Island to Steep Point on Orcas Island, and south of a line from Steep Point on Orcas Island to Limestone Point on San Juan Island.
- B) Those waters of Haro Strait north of a line projected east-west one-half mile south of Eagle Point on San Juan Island and south of a line projected east-west one-quarter mile north of Lime Kiln Light on San Juan Island.
- C) Argyle Lagoon: Those University of Washington-owned tidelands and all bedlands enclosed by the inner spit of Argyle Lagoon on San Juan Island.

D) Those waters within one-quarter mile of Tatoosh Island.

5. GEAR LIMITATIONS

Harvest is restricted to hand held gear that does not penetrate the shell.

6. HARVEST LIMITATIONS

Harvest limits for each urchin species within each management region will conform to the total Treaty share as indicated in section 8 of the 2016-2017 Sea Urchin Harvest Management Plan, and are summarized as follows:

A) Red Sea Urchins:

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| 1. <u>Districts 1&2 San Juan Islands:</u> | <u>175,000 pounds</u> |
| 2. <u>District 3 Port Angeles;</u> | <u>54,000 pounds</u> |
| 3. <u>District 4 Sekiu:</u> | <u>35,000 pounds</u> |

B) Green Sea Urchins

- | | |
|-----------------------------------|-----------------------|
| 1. <u>San Juan Islands:</u> | <u>175,000 pounds</u> |
| 2. <u>Strait of Juan De Fuca:</u> | <u>50,000 pounds</u> |

Size limits for sea urchins (diameter exclusive of spines) are as follows:

A) Red Sea Urchins

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| 1. <u>San Jaun Area—Minimum 3.25 inches; Maximum 5.0 inches</u> |
| 2. <u>Strait of Jaun de Fuca Area—Minimum 3.25 inches; Maximum 5.0 inches</u> |

B) Green Sea Urchins

All Area—Minimum size limit of 2.25 inches

Sea urchins shall not be taken from water shallower than fifteen feet below mean lower low water.

7. OTHER RESTRICTIONS

Divers may harvest sea urchins using surface supplied or self-contained breathing apparatus. All divers and vessels shall adhere to OSHA commercial diving operation standards. All divers must have open water certification by NAUA, PADI or a comparable program. Expected effort is five vessels.

8. COMMERCIAL URCHIN DIVER REGISTRATION

All tribal sea urchin harvesters participating in the 2017-2018 commercial sea urchin fishery must register at the Fisheries Office prior to participating in the fishery. At the time of registering, the name of the harvester and diving vessel shall be reported.

9. COMMERCIAL CATCH REPORTING

All commercial and take home catches shall also be reported on Treaty Indian Fish Receiving tickets as specified in the Tribal Fisheries Ordinance.

10. EMERGENCY REGULATIONS

The above regulations may be amended at any time by emergency regulations. Prior to harvest, each fisher shall check with the Fisheries Office for emergency regulation changes.

11. AUTHORITY

This regulation is promulgated by the Lower Elwha Fisheries Manager under authority specified by the Lower Elwha Klallam Fishing Ordinance Third Edition.

Robert Elofson
Fisheries Manager
Lower Elwha Klallam Tribe