



ELWHA FISHERIES OFFICE

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March 20, 2019

LOWER ELWHA KLALLAM In-common Geoduck Regulation Subtidal Public Lands S19-012

The following regulations are promulgated by the Lower Elwha Klallam Tribe and shall govern the commercial geoduck fisheries in the Lower Elwha Klallam Tribe's usual and accustomed fishing areas by members of the Lower Elwha Klallam tribe from April 1, 2019 through March 31, 2020 for the Hood Canal, Central Sound, and Eastern Strait regions. This regulation is intended to comply with provisions of the 2019-2020 Regional Geoduck Management Plans for Eastern Strait of Juan de Fuca, Hood Canal, and Central Puget Sound. In the event the Regional Management Plans for Hood Canal, the Eastern Strait of Juan de Fuca and/or Central Puget Sound are not completed before the projected start of Tribal fisheries in each of those regions, specific emergency regulations will be filed under Paragraph 4.6 of *United States v. Washington*, 898 F. supp. 1453 (W.D. Wash. 1995), as amended by the Stipulation and Order Amending Shellfish Implementation Plan, dated April 8, 2002, (hereafter "Implementation Order"). These emergency regulations will remain in place either until they expire or until they are superseded by new regulations filed in accordance with provisions of the final agreements in each region.

Ceremonial geoduck fisheries shall be conducted under the provisions of the Lower Elwha Klallam Fishing Ordinance Third Edition. All areas and tracts not specifically opened by these regulations shall remain closed to the harvest of geoduck clams. Only gear and methods specifically authorized by these regulations may be legally used.

1. SPECIES

Geoduck Clams: *Panopea Generosa*

2. AREAS

Harvest areas for the Lower Elwha Klallam Tribe include Washington Department of Fish and Wildlife Marine Fish-Shellfish Management and Catch Reporting Areas: 20B, 22A, 23A, 23B, 23C, 23D, 25A, 25B, 25C, 25D, 25E, 26A (South of a line from Possession Point to Picnic Point), 27A, 27B (north of east-west line from Ayock Point) and 29.

3. MANAGEMENT PERIOD

April 1, 2019 through March 31, 2020.

4. LEGAL GEAR

High pressure water jet with a nozzle size not exceeding an inner diameter of 5/8 inch.

5. COMMERCIAL FISHERIES OPENINGS

All commercial geoduck fisheries shall be opened by emergency regulation. Emergency regulations will specify location and description of the geoduck tract to be opened, the hours and days of each opening, designated weigh-out times, specific off-load sites, and other provisions necessary to conduct the fishery. Harvest will be restricted to the following tracts:

- | | |
|--------------------------|-------------------------------|
| Port Gamble #20000 | Protection #01000 |
| Thorndyke #20550 | Dungeness West #00320 |
| Hazel Point # 21000 | Apple Cove Point North #06250 |
| Coon Bay # 19900 | Vinland #207750 |
| Port Gamble inside#20100 | Point Partridge #03100 |

Tribal geoduck harvesters are responsible for knowing the current applicable regulations. Information on the specific openings and closures shall be available at the Tribal Fisheries Office and posted at the Tribal Center. Emergency regulations may be modified at any time based on in-season management information.

All fisheries shall be monitored. A harvest monitor shall oversee and direct the geoduck fishery on all opened tracts. At a minimum, the monitor will remain on-tract each day for the fishery opening and for the weigh-out procedure, and will remain within visual distance of the harvest site during the remaining period. Harvesters are required to check in with the monitor when entering a geoduck tract and prior to beginning fishing. Any vessel that has entered the harvest area may not leave the harvest area without the permission of the monitor. The harvest monitor has the authority to close the fishery to a particular vessel or an individual harvester immediately if a violation of any applicable regulation is observed.

6. EXPECTED EFFORT

The average Tribal effort is expected to be eighteen vessels per day.

7. EXPECTED HARVEST

During the term of this regulation, harvest will not exceed the 2019-20 Treaty share in the Eastern Strait of Juan De Fuca Region, the Hood Canal Region and the Central Puget Sound Region, as calculated from the 2019 Geoduck Atlas. The actual harvest by Lower Elwha Fishers in each region will depend upon intertribal management agreements and other sharing arrangements in place for the 2019-2020 geoduck season. The Treaty share for each region may be further modified pending final agreement on the geoduck quotas within each region. Additional quota adjustments may be implemented to account for unreported geoduck mortalities that are estimated for this season, and for carryover of unharvested geoduck from last season.

8. HARVEST RESTRICTIONS

A. Diving Safety – All divers, deckhands and vessels planning to participate in the 2019-2020 commercial geoduck fisheries must be registered with the Tribal Fisheries Office prior to participating in the fishery. All harvesting shall be conducted so as to comply with individual tribal management plans/ordinances, rules, and safety standards governing geoduck fisheries, in particular the Elwha Geoduck Plan and Lower Elwha Klallam Fishing Ordinance, Third Edition.

B. All geoduck that are harvested from the substrate during a harvest operation shall be retained and the weights recorded. No geoduck shall be discarded on-tract for any reason after being harvested. No geoduck will be partially excavated from the substrate and then replaced. All geoduck that are excavated, either partially or wholly, must be retained and the weights recorded.

C. All harvesting shall be conducted at a minimum distance of 2 vertical feet from eelgrass beds. Alternatively, a buffer zone of at least 180 feet around eelgrass beds can be used when the tract is marked to exclude the eelgrass area. Any harvest conducted within or closer than 2 vertical feet to an eelgrass bed or within the alternate buffer area will be a violation of this regulation.

9. SANITARY CONTROLS

A. Paralytic Shellfish Poisoning (PSP) Closures – all subtidal geoduck harvest areas are subject to emergency closure for geoduck clam harvest due to PSP contamination. An emergency closure or opening in effect due to changes in PSP levels will be posted at the Tribal Fisheries Office. In the event a primary geoduck tract is closed due to PSP contamination, an alternate harvest tract may be designated by emergency regulation.

B. Labeling – A label must be affixed to each container of commercially harvested geoduck prior to leaving the harvest site. Ready-to-use printed labels are available at the Tribal Fisheries Office. The labels will be issued only to Tribal members with a

valid treaty fishing identification card and current annual fishing permit attached to the card. Each label must contain the following information:

- Lower Elwha Klallam Tribe
- Harvester Name or ID Number
- Harvest Date
- Growing Area
- State
- Geoduck Tract Name / number
- Shellfish Type: “geoduck clam”
- Quantity (in pounds)
- Tag Sequence Number
- Tribe Certification Number: WA587HA

10. CATCH REPORTING

All harvest weigh-outs shall be witnessed by an authorized harvest monitor. Weighing shall occur at the harvest site, before the vessel leaves the site, or at a designated off-load site, if weighing on the water is impractical due to weather or other conditions as determined by the monitor. An alternate weigh-out site will be described in the emergency regulation. The weight of each container will be recorded on the container label and on an official weigh-out form. A carbon copy of the weigh-out form will be given to each fisher and a copy retained by the monitor. After weigh-out, harvested geoduck shall be transferred from the harvest vessel to shore prior to further processing.

The harvest monitor shall record the weight of each fisher’s harvest on a weigh-out form approved and adopted by the Lower Elwha Klallam Tribe. The weight of each container will be recorded on the container label and on an official weigh-out form. All commercial and commercial take home harvest will be recorded on the weigh-out form. All take home harvest must be weighed whole with the shell intact.

All commercial and commercial take-home harvest will be reported on Treaty Indian Fish Receiving Tickets at the point of sale as per the Lower Elwha Klallam Fishing Ordinance Third Edition. In addition the tract name or number must be recorded on the fish tickets.

11. AUTHORITY

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

Robert Elofson, Fisheries Manager,
Lower Elwha Klallam Tribe

