

FILING ORGANIZATION: LOWER ELWHA KLALLAM TRIBE

REGULATION NUMBER: S21-049

DATE ADOPTED: JULY 27, 2021

REGULATION(S) #S20-008, SECTION 5,  
MODIFIED: S21-042

CATCH AREAS: SHELLFISH CATCH REPORTING AREA 23D,  
DUNGENESS WEST TRACT #00320  
25A PROTECTION ISLAND 01000

FISHERY TYPE: COMMERCIAL

SPECIES: GEODUCK CLAM (PANOPE ABRUPTA)

ON/OFF RESERVATION: OFF

LEGAL GEAR: HIGH PRESSURE WATER JET, 5/8 INCH DIAMETER  
NOZZLE

EFFECTIVE DATES: APRIL 1, 2021 THROUGH MARCH 31, 2022

DAYS/HOURS:

OPEN TUESDAY THROUGH FRIDAY, FROM 8:00 A.M. TO  
3:00 P.M., EACH DAY. REFER TO RESTRICTION # "O"  
FOR FURTHER INFORMATION.

OTHER RESTRICTIONS: AS PER ANNUAL REG. #S20-008, ADDITIONALLY:

- A. THE 2021 LOWER ELWHA GEODUCK MANAGEMENT PLAN IS ADOPTED INTO THIS REGULATION BY REFERENCE. ALL REQUIREMENTS AND STANDARDS IN THAT PLAN SHALL BE ENFORCED DURING THIS FISHERY.
- B. THE BOUNDARIES OF THE GEODUCK TRACT ARE MARKED BY BUOYS OR DEFINED BY THE MONITOR.
- C. DURING THE FISHERY, NO VESSEL AT ANCHOR MAY CROSS THE TRACT BOUNDARY WITHOUT THE PERMISSION OF THE MONITOR. ANY VESSEL THAT DOES SO SHALL BE CONSIDERED FISHING IN CLOSED WATERS.
- E. EACH GEODUCK CLAM MUST BE EXCAVATED INDIVIDUALLY FROM THE BOTTOM. THE PRACTICE OF "SIDE MINING" IS PROHIBITED. NO GEODUCK CLAM THAT IS PARTIALLY OR WHOLLY EXCAVATED MAY BE REPLACED IN THE SUBSTRATE. ALL GEODUCKS EITHER PARTIALLY OR WHOLLY EXCAVATED MUST BE RETAINED AND THE WEIGHTS RECORDED.

- D. ALL GEODUCK HARVESTED DURING THIS FISHERY MUST BE OFF LOADED AT THE PORT ANGELES BOAT HAVEN IN PORT ANGELES.
- E. THE MINIMUM GEODUCK PRICE WILL BE AS PER TRIBAL RESOLUTION #08-99.
- F. A MINIMUM DISTANCE OF 600 FEET MUST BE KEPT BETWEEN HARVESTING VESSELS. THE MINIMUM DISTANCE CAN BE REDUCED BY THE MONITOR TO 300 FEET, IF WEATHER CONDITONS ALLOW.
- G. THE QUOTA FOR THIS FISHERY IS 85,726 LBS.
- H. EACH VESSEL'S GEODUCK HARVEST MUST BE WEIGHED BEFORE THE VESSEL LEAVES THE HARVEST AREA. IF WEIGHOUT ON THE TRACT IS NOT PRACTICAL, THE ALTERNATE WEIGHOUT SITE WILL BE THE PORT ANGELES BOAT HAVEN IN PORT ANGELES.
- I. ALL COMMERCIAL AND TAKE HOME HARVEST MUST BE REPORTED ON THE OFFICIAL TRIBAL WEIGHOUT FORM, AT THE DESIGNATED WEIGHOUT SITE.
- J. THE MAXIMUM AMOUNT OF TAKE HOME HARVEST PER FISHER IS 25 POUNDS PER DAY.
- K. THE FISHERY WILL BE MANAGED ACCORDING TO THE MINIMUM HARVEST COMPLIANCE STANDARDS ADOPTED BY THE LOWER ELWHA TRIBE. IN ADDITION, OSHA COMMERCIAL DIVING REGULATIONS (STANDARDS CFR 29, PART 1910, SUBPART T, PART 1917.1 AND PART 1925.605) WILL APPLY TO ALL LOWER ELWHA HARVEST VESSELS.
- L. EACH VESSEL OWNER AUTHORIZED TO FISH BY THE 2016 LOWER ELWHA GEODUCK MANAGEMENT PLAN IS ASSIGNED AN INDIVIDUAL QUOTA THAT MAY NOT BE EXCEEDED. INDIVIDUAL QUOTA AMOUNTS ARE ON FILE IN THE LOWER ELWHA FISHERIES OFFICE.
- M. ONLY ONE TRACT WILL BE OPENED AT A TIME.

EXPECTED HARVEST:

DURING THE TERM OF THIS REGULATION THE EXPECTED HARVEST FROM THE LOWER ELWHA TRIBE WILL NOT EXCEED 85,726 POUNDS, AS AVAILABLE FROM THE 2021-22 SEASON IN THE EASTERN STRAIT REGION; THE EXPECTED HARVEST FROM THE LOWER ELWHA TRIBE WILL NOT EXCEED 28,616 POUNDS, AS AVAILABLE FROM APPENDIX C OF THE 2021-2022 EASTERN STRAIT OF JUAN DE FUCA GEODUCK HARVEST MANAGEMENT PLAN. THIS REGULATION WILL BE MODIFIED IF THE EXPECTED HARVEST IS TAKEN BEFORE MARCH 31, 2022

JUSTIFICATIONS:

CONTINUE HARVEST OF THE TREATY SHARE OF GEODUCK IN THE EASTERN STRAIT. THIS REGULATION PROVIDES NOTICE THAT THE LOWER ELWHA TRIBE HAS HARVESTED THEIR 2021-2022 SHARE AND IS NOW TARGETING THEIR CARRYOVER SHARE AS PROVIDED BY THE 2021-2022 EASTERN STRAIT OF JUAN DE FUCA GEODUCK HARVEST MANAGEMENT PLAN.

(LOWER ELWHA FISHERIES  
760 STRATTON RD  
PORT ANGELES, WA 98363)