

LOWER ELWHA KLALLAM TRIBE

FILING ORGANIZATION: LOWER ELWHA

The following regulation is promulgated by the Lower Elwha Treaty Council and

shall govern the conduct of off-reservation commercial Dungeness crab fisheries by

the Lower Elwha Klallam Tribe in Region 1. The term

of this regulation is from June 1, 2021 through May 31, 2022, unless superceded,

and is intended to regulate the Dungeness crab harvest by the Lower Elwha Klallam Tribe

in Region 1 under provisions of 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"). In the event the Region 1 Crab Harvest

Management Plan

is completed before the end of this regulation term, this regulation will be

superceded by a new regulation conforming to the provisions of the Region 1 Crab

Harvest Management Plan.

REGULATION NUMBER: #S21-101

DATE ADOPTED: NOVEMBER 9TH, 2021

REGULATION MODIFIED: NONE

REGULATION: LEKT REGULATION #S21-029 SECTION 5, AND SECTION 7.

CATCH AREAS: SHELLFISH MANAGEMENT REGION 1 (CATCH REPORTING AREA 20B, 22A, THAT PORTION OF 20A SOUTH AND WEST OF A LINE BETWEEN TOE POINT OF A LINE BETWEEN TOE POINT ON PATOS ISLAND AND POINT MIGLEY ON LUMMI ISLAND, THAT PORTION OF 21A SOUTH AND WEST OF LUMMI ISLAND AND A LINE RUNNING BETWEEN CARTER POINT ON LUMMI ISLAND AND THE NORTHERN TIP OF VENDOVI ISLAND, AND THAT PORTION OF 22B NORTH AND WEST OF A LINE BETWEEN CLARK POINT ON GUEMES ISLAND AND THE SOUTHERN TIP OF VENDOVI ISLAND, WEST OF

GUEMES ISLAND AND SOUTH AND WEST OF A
LINE RUNNING DUE SOUTH FROM
KELLYS POINT ON GUEMES ISLAND).

FISHERY TYPE: COMMERCIAL
SPECIES: DUNGENESS CRAB
ON/OFF RESERVATION: OFF
EFFECTIVE DATES: NOVEMBER 12TH 2021 THRU NOVEMBER
22ND, 2021
DAYS/HOURS: OPENS FRI, NOV 12TH 2021 AT 8:00 AM TO MON, NOV
22ND 2021 AT 5:00 PM

LEGAL GEAR:

- 1) AS PER REGULATION #S21-029, SECTION 7 AND SECTION 8.
- 2) A BUOY MAY BE ANY COLOR EXCEPT FOR A COMBINATION OR RED AND WHITE. IF ANY PORTION OF A BUOY IS RED, NO REMAINING PORTION MAY BE WHITE. IF ANY PORTION OF A BUOY IS WHITE, NO REMAINING PORTION MAY BE RED.
- 3) THE POT LIMIT IN REGION 1 IS 30 BUOY TAGGED POTS PER VESSEL.

OTHER RESTRICTIONS:

- 1) SPECIAL AREA CLOSURES AND OTHER AREA RESTRICTIONS IN THE SAN JUANIS WILL BE AS STIPULATED IN REGULATION #S21-029, SECTION 6.
- 2) THE MINIMUM SIZE FOR LEGAL CRAB IS 6 1/4 INCHES, CALIPER MEASUREMENT ACROSS THE BACK OF THE CRAB, IMMEDIATELY IN FRONT OF THE TIPS.
- 3) ONLY MALE CRAB MAY BE TAKEN.
- 4) RECENTLY MOLTED, SOFT-SHELLED CRAB MAY NOT BE TAKEN. ALL CRAB TAKEN MUST BE CHECKED FOR SHELL HARDNESS.
- 5) IT IS UNLAWFUL FOR FISHERS TO RETAIN AND POSSESS ANY FEMALE, UNDERSIZED AND SOFT-SHELLED DUNGENESS CRABS. ALL FEMALE, UNDERSIZED AND SOFT-SHELLED

- DUNGENESS CRABS MUST
BE RETURNED TO THE WATER UNHARMED.
- 6) IN THE EVENT THAT WEATHER PROHIBITS
REMOVAL OF POTS AND
HARVEST, POTS MAY BE LEFT ON THE
GROUNDS CLUSTERED IN A
NON-FISHING POSITION AND COLLECTED AT
A LATER DATE,
PROVIDED
THAT NOTICE HAS BEEN GIVEN TO LEKT
COUNCIL
OFFICE OF THE LATE RETRIEVAL.
 - 7) IT IS UNLAWFUL TO REMOVE FROM THE
WATER OR TAMPER WITH ANOTHER
FISHER'S CRAB GEAR. ANY CRAB GEAR
FOUND WITHOUT LEGIBLE
IDENTIFICATION MARKINGS MUST BE
TURNED IN TO THE TRIBAL
FISHERIES OFFICE.
 - 8) ALL CRAB POTS MUST BE REGISTERED WITH
THE FISHERIES DEPARTMENT
AND MUST HAVE THE APPROPRIATE COLORED
BUOY TAG, WHEN REQUIRED,
ATTACHED AT THE TERMINAL END OF EACH
BUOY LINE. TAGS ARE
AVAILABLE AT THE FISHERIES
ENFORCEMENT DEPARTMENT.

LEKT SPECIFIC PROVISIONS:

- 1) LOST GEAR MUST BE DECLARED
THROUGH SUBMISSION OF A LOST
POT FORM TO ENFORCEMENT WITHIN
24 HOURS OF THE CLOSE OF
THE FISHERY.

LEKT SPECIFIC PROVISIONS:

- 1) LOST GEAR MUST BE LOCATED WITHIN
48 HOURS OF THE CLOSE
OF THE FISHERY. THE OWNER OF
GEAR PULLED BY ENFORCEMENT
MORE THAN 48 HOURS AFTER THE
CLOSE OF THE FISHERY WILL
BE IN VIOLATION OF THIS
REGULATION.

IN-COMMON RESTRICTIONS: In addition to those restrictions above, the following restrictions, which all Region 1 tribes are imposing for this opening, notwithstanding any contrary provisions in their respective tribal codes, all apply:

It is prohibited to barge pots or tow boats for the purposes of hauling gear before, during, or after the fishery opening.

Each boat shall have 1 permit per boat and not fish more than 30 tagged or zip-tied pots. Zip ties may only be used for marking pots in this opener and only by tribes transitioning to use of a pot tagging system when tags are not available. All other tribes with a pot tagging system in place shall use the appropriate tags for this fishery.

All buoys must be marked with the vessel number of the boat fishing that gear.

All registered boats must set and pick their own registered gear.

The use of ground lines is not permitted during summer fishery.

All gear shall be removed from the water prior to the time of fishery closure, subject to two narrow exceptions. First, if gear cannot be lifted from the water prior to closure because of a mechanical failure, fishers must immediately notify Enforcement. Enforcement will document any breakdown including any gear lifted from or remaining in the water. Another boat or Enforcement may lift the pots but the gear may not be redeployed. Second, if winds are above 20 knots and it would be unsafe to transport the pots, the gear can remain in the water in non-fishing condition until it is safe to transport.

Fishers shall not have crab on board a vessel while recovering pots after closure of the fishery.

It is unlawful to have on board a vessel, purchase or attempt to sell a female crab or male crab less than 6.25 inches measure across the back in front of the horns.

It is unlawful to have on board a vessel, purchase or attempt to sell soft crab.

There shall be no crab in transit to a buyer more than 4-hours after the close of a fishery.

Violation of in-common restrictions will subject to penalties in individual Tribal codes.

REGISTRATION: ALL TRIBAL FISHERS PLANNING TO PARTICIPATE IN THE REGION 1 CRAB FISHERY MUST REGISTER AT THE TRIBAL FISHERIES OFFICE PRIOR TO FISHING. AT THE TIME OF REGISTRATION, FISHERS SHALL REPORT THE NUMBER OF POTS TO BE USED.

CATCH REPORTING: ALL COMMERCIAL CATCHES SHALL BE REPORTED ON TREATY TREATY INDIAN FISH RECEIVING TICKETS. THE WEIGHT OF ALL CRAB RECEIVED AND NOT PURCHASED FOR ANY REASON SHALL BE RECORDED AS TAKE HOME OR SPECIES CODE 20-561 ON TREATY INDIAN FISH RECEIVING TICKETS. ALL SUBSISTENCE CRAB HARVEST SHALL BE REPORTED ON SHELLFISH SUBSISTENCE CARDS. CARDS ARE AVAILABLE AT THE TRIBAL FISHERIES OFFICE.

JUSTIFICATION: Pursuant to the 2021-22 Harvest Management Plans for
Region 1

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