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LOWER ELWHA KLALLAM TRIBE Sea Cucumber Regulation S21-112

The following regulation is promulgated by the Lower Elwha Klallam Tribe and shall govern the conduct of off-reservation commercial and subsistence sea cucumber fisheries by the Lower Elwha tribal fishers. This regulation is intended to conform to agreements reached between the Puget Sound Treaty Tribes and the State of Washington as contained in the 2021-2022 Sea Cucumber Harvest Management Plan. In the event the management plan is not completed before the projected start date, an emergency regulation 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. The term of this regulation is from August 1, 2021 through July 31, 2022.

Ceremonial and on-reservation fisheries shall be conducted under the provisions of the Lower Elwha Klallam Fishing Ordinance Third Edition. All areas not specifically opened by this regulation shall remain closed to the harvest of sea cucumbers. Only gear and methods specifically authorized by this regulation may be legally used.

1. SPECIES

Sea Cucumbers (*Parastichopus californicus*)

2. FISHING AREAS

Catch Reporting Areas: 20B, 22A, 23A,23B, 23C, 23D, 25A-25E, AND 29

3. MANAGEMENT PERIOD

August 1, 2021 through July 31, 2022.

4. FISHERIES OPENINGS

All areas listed in Section 2 of this regulation, with exceptions listed in Section 5 below, will remain open to sea cucumbers harvest through March 31, 2021 or until each total tribal regional harvest quota is taken, whichever comes first.

For the 2021-2022 season, Tribal and State Managers agree to close the sea cucumber fishery from April 1 to June 15 to protect the peak spawning period of *Parastichopus californicus*.

Each day's harvest shall begin at 6:00 a.m. or official sunrise, whichever is later, and end 30 minutes after sunset. The tribal regional harvest quotas, in pounds of split, drained sea cucumbers, are as follows:

San Juan Region 1 (20B, 22A)	114,000
Region 2-1 (23A, 23C, 23D, and 29)	64,000
Region 2-2 (23B, 25A, 25B, 25C, 25D, 25E)	42,466
Region 4 (27A, 27B)	0

** Due to persistent low dissolved oxygen events in Hood Canal, the parties agree that no sea cucumber fisheries will occur in this region during the 2021-22 season.

5. CLOSED AREAS

The following specific areas shall remain closed to fishing at all times:

- 5.1** 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 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.
- 5.2** Those waters of Haro Strait north of a line projected due west from the southernmost point of Cattle Point on San Juan Island to the international border and south of a line projected due west from a point one-quarter mile north of Lime Kiln Light on San Juan Island to the international border.
- 5.3** Argyle Lagoon: Those University of Washington-owned tidelands and all bedlands enclosed by the inner spit of Argyle Lagoon on San Juan Island.
- 5.4** Those waters within one-quarter mile of Tatoosh Island at 0.0 tide height.
- 5.5** Those waters of the Strait of Juan de Fuca in the vicinity of Low Point west of a line projected true north from the shoreline a 123 degrees 48.3 minutes and east of a line projected true north from the shoreline at 123 degrees 52.7 minutes west longitude.
- 5.6** Titlow Beach Marine Preserve - All waters due west from the southern end of the Tacoma Outboard Association building near the boat launch ramp to the outer harbor line, then south following the outer harbor to a line due west from the old ferry

landing dock at the 6th Ave. extension then following the line to the high water line then to the point of origin.

5.7 The following areas are closed to sea cucumber harvest at all times for health-related reasons:

5.7.1 The waters of Eagle Harbor west of a line projected from Wing Point to Eagle Harbor Creosote Light Number 1 then due west to the shore on Bainbridge Island.

5.7.2 The waters of Sinclair Inlet west of a line projected southerly from the easternmost point of Point Turner to landfall below the Veteran's Home in Annapolis.

6. GEAR USE LIMITATIONS

Dive Fishery: Harvest equipment is restricted to individual harvest by hand. Divers may harvest sea cucumbers using surface supplied or self-contained breathing apparatus (SCUBA).

7. HARVEST RESTRICTIONS

A. All tribal commercial sea cucumber harvesters planning to participate in the 2021-2022 commercial sea cucumber fisheries must register at the tribal fisheries office prior to participating in the fishery. At the time of registering, the name of the harvester and vessel each harvester plans to dive from shall be reported.

B. All harvesting shall be conducted in accordance with individual tribal management ordinances/plans, rules, and safety standards governing sea cucumber and other dive fisheries.

C. All areas are currently closed to sea cucumber trawl fisheries. Trawl fisheries may resume in certain areas with the agreement of appropriate State and Tribal parties.

D. The subsistence fishery daily catch limit per fisher for all areas is 25 sea cucumbers per day. There are no size limits.

8. HARVEST REPORTING

A. All tribal sea cucumber harvesters, both commercial and take home, must provide daily harvest information to the fisheries office. This harvest information can be reported either by a text message copy of the fish ticket within 24 hours of each harvest. Commercial dive harvest information will include the following for each day fished: date of harvest, vessel name or boat registration number, location fished, pounds landed.

B. All commercial and take home catches shall also be reported on Treaty Indian Fish Receiving tickets as specified in Tribal Fisheries Ordinances. It should be noted on

the ticket whether the harvest was reported as whole weight cucumbers or a presumptive split and drained weight. If a presumptive split and drained weight is used to report landings of whole weight cucumbers, a separate study will be conducted to determine this adjustment factor. Harvest summaries by region will be sent to all affected parties on a monthly basis.

- C. For the 2021-2022 season, the Elwha tribe will enter catch data in TOCAS maintained on the Northwest Indian Fisheries Commission web site. The catch data source for this database will be fish tickets.

9. EMERGENCY REGULATIONS

The above regulations may be amended at any time by emergency regulations. Prior to harvest, each fisher shall check with their tribal fishery office for emergency regulation changes.

10. AUTHORITY

These regulations are 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