

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 The term of this regulation is from June 1, 2022 through May 31, 2023, unless superseded, and is intended to regulate the Dungeness crab harvest by the Lower Elwha Klallam Tribe in Region 1 under provisions of Paragraph 4.6 of United States v.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the Region 1 Crab Harvest Management Plan is completed before the end of this regulation term, this regulation will be superseded by a new regulation conforming to the provisions of the Region 1 Crab Harvest Management Plan.

REGULATION NUMBER: #S22-071

DATE ADOPTED: September 7, 2022

REGULATION MODIFIED: NONE

REGULATION: LEKT REGULATION #S22-031 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 VENDОВI ISLAND, AND THAT PORTION OF 22B NORTH AND WEST OF A LINE BETWEEN CLARK POINT ON GUEMES ISLAND AND THE SOUTHERN TIP OF VENDОВI 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: SEPTEMBER 13TH, 2022 THROUGH SEPTEMBER 14TH, 2022

DAYS/HOURS: OPEN 8:00 AM TUESDAY, SEPTEMBER 13TH, 2022,
CLOSE 7:00PM WEDNESDAY, SEPTEMBER 14TH, 2022

LEGAL GEAR: 1) AS PER REGULATION #S22-031, SECTION 7 AND SECTION 8.
2) A BUOY MAY BE ANY COLOR EXCEPT FOR A COMBINATION OF 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 JUANS WILL BE AS STIPULATED IN REGULATION #S22-031, 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 THE 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 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 2022-23 Harvest Management Plan for Region 1

(LOWER ELWHA FISHERIES 760
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