

FILING ORGANIZATION: LOWER ELWHA KLALLAM TRIBE

LOWER ELWHA KLALLAM TRIBE 4.6 GEODUCK REGULATION FOR NORTH CENTRAL SOUND. The following regulation is promulgated by the Lower Elwha Klallam Tribe and shall govern the commercial geoduck fisheries conducted off-reservation and on subtidal public lands by the Lower Elwha Klallam Tribe. The term of this regulation is from April 1, 2023 through March 31, 2024. The respective regional fisheries may close prior if the total tribal regional harvest quota is taken.

This regulation is intended to regulate harvest by the Lower Elwha Klallam Tribe under provisions of Paragraph 4.6 of the U.S. District Court Order of August 28, 1995 (Implementation order) in U.S. v Washington, Sub-proceeding 89-3. In the event the Puget Sound Treaty Tribes and the State of Washington reach agreement and the 2023-2024 North Central Puget Sound Harvest Management Plan is completed before the end of this regulation term, this regulation will be superseded by a new regulation conforming to the provisions of the adopted harvest management plan.

REGULATION NUMBER: S23-009

DATE ADOPTED: MARCH 17, 2023

REGULATION(S)
SUPERSEDED/MODIFIED: #S23-008 SECTION 5, MODIFIED

CATCH AREAS: SHELLFISH CATCH REPORTING AREA 26A:
APPLE COVE POINT NORTH TRACT #06250

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 4, 2023 THRU MARCH 31, 2024
DAYS/HOURS: OPEN 8:00AM TO 3:00PM TUESDAY
THRU FRIDAY.

EXPECTED EFFORT: UP TO 18 VESSELS

HARVEST MONITORING: HARVEST ACTIVITY WILL BE MONITORED
BY ELWHA FISHERIES PERSONNEL AND/OR
LEKT FISHERIES ENFORCEMENT AS PER
STATE/TRIBAL AGREEMENT.

OTHER RESTRICTIONS: AS PER ANNUAL REG. #S23-008, ADDITIONALLY:

- A. THE LOWER ELWHA REVISED FISHING ORDINANCE IS ADOPTED INTO THIS REGULATION BY REFERENCE. ALL REQUIREMENTS AND STANDARDS IN THAT REGULATION 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.
- D. 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.
- E. ALL GEODUCK HARVESTED DURING THIS OPENING MUST BE OFF LOADED; FOR APPLE COVE POINT NORTH THE OFFLOAD SITE IS KINGSTON MARINA IN KINGSTON.
- F. THE MINIMUM GEODUCK PRICE WILL BE AS PER TRIBAL RESOLUTION #08-99.
- G. A MINIMUM DISTANCE OF 600 FEET MUST BE KEPT BETWEEN HARVESTING VESSELS. MINIMUM DISTANCE CAN BE REDUCED BY THE MONITOR TO 300 FEET, IF WEATHER CONDITONS ALLOW.
- 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 KINGSTON MARINA.
- 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 PER DAY IS 25 POUNDS.
- 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 PART 1925.605) WILL APPLY TO ALL LOWER ELWHA HARVEST VESSELS.
- L. IF NITROX BREATHING GAS MIXTURE IS USED, DIVE PROFILES MUST ADHERE TO THE STANDARD AIR/NO DECOMPRESSION LIMITS.
- M. EACH VESSEL OWNER AUTHORIZED TO FISH BY THE LOWER ELWHA TRIBAL FISHERIES OFFICE IS ASSIGNED AN INDIVIDUAL QUOTA THAT MAY NOT BE EXCEEDED. INDIVIDUAL QUOTA AMOUNTS ARE ON FILE IN THE LOWER ELWHA FISHERIES OFFICE.
- N. THE TARGET HARVEST DURING THE TERM OF THIS REGULATION IS: 17,530 POUNDS AVAILABLE FOR THE 2023-2024 SEASON IN THE CENTRAL SOUND REGION. ADDITIONAL HARVEST ADJUSTMENTS MAY ALSO BE IMPLEMENTED TO ACCOUNT FOR UNREPORTED GEODUCK MORTALITIES THAT MAY BE ESTIMATED FOR THIS SEASON.

O. CONTACT NUMBERS FOR THE ELWHA MONITORS ARE TERRY STEVENS- 360-565 6250 OR JEREMY GREENE - 360-460-3594.

JUSTIFICATIONS: HARVEST AVAILABLE GEODUCK RESOURCE.

(LOWER ELWHA FISHERIES
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