



ELWHA FISHERIES OFFICE

760 Stratton Rd
Port Angeles, WA 98363

(360) 457-4012
FAX: (360) 452-4848

April 25, 2023

LOWER ELWHA KLALLAM TRIBE Bottomfish Regulations F23-009

The following regulations are promulgated by the Lower Elwha Klallam Tribe and shall govern the conduct of commercial and subsistence Bottom fish fisheries by members of the Lower Elwha Klallam tribe in the areas and times as outlined below. All areas not specifically opened by these regulations shall remain closed to commercial fishing. Only gear specifically authorized by these regulations may be lawfully used. It shall be unlawful to harvest for commercial purposes, species of fish not included in this or other Tribal regulations specifically authorizing such harvest.

1. SPECIES

Pacific cod, Walleye pollock, Pacific tomcod, whiting, flounders, dabs and soles (excluding Pacific Halibut), greenlings (including lingcod), ratfish, sablefish, cabezon, spiny dogfish, all species of sharks, Skates, all species of rockfish, and all surf perches, Sardines, anchovies, and smelt. Pacific halibut and herring are covered under separate regulations.

2. AREAS

Marine Fish and Shellfish Areas 20B, 22A, 23A, 23B, 23C 23D, 25A, 25B, 25C, (except Port Gamble Bay), 25D, 25E, 26A (withing Klallam U&A areas), 27A, 27B (north of Ayock), and 29.

3. SEASON

These regulations shall be effective for the period of January 1, 2023, through December 31, 2023.

4. DAYS AND TIMES

Open 7 days a week, 24 hours a day, except as restricted in Sections 6 through 12 of these regulations.

5. GEAR

a) Commercial

Set lines Maximum 500 hooks/skate, maximum 3,000 hooks/vessel.

Bottom fish troll (max. 2 lines/boat: max. 4 spreads/line: topspread must be less than 24 ft from the end of the line).

Hand line, Bottom fish jigs.

Hand Held dipnets (3 ft. max. diameter).

Ringnet (6ft. maximum diameter).

Rake.

Beach seines (max. length 165 fms., min. mesh 5"). Thread size (multifilament only) no finer than seine #12.

Bottom fish set/drift gillnets (max. length 165 fms., min. mesh 5". Thread size no finer than seine #12).

Bottom fish pots (must have one wall made of cotton fiber or a vertical wall attached with cotton hangings).

b) Personal Use

Hand lines.

Bottom fish Jigs (max. 2 hooks per line/2 lines per fisher).

Baitfish jigs (3 treble or 9 single hooks max.).

Hand held dipnets (3 ft. max. diameter).

Rake.

6. SPECIAL RESTRICTION ON SET NETS

Dogfish Season: Areas 23C, 23D, 25A, 25B, 25C (west of a line from Twin Spits to the Pope & Talbot stack), 27A, 27B; open all year. No more than four dogfish nets may be used at one time. All other areas closed to Dogfish set net.

Pacific Cod Season: Areas 23A (west of a line 335 degrees true from Dungeness Light), 23C, 23D, 29. Open all year. All other areas closed to Pacific Cod set net.

7. SPECIAL RESTRICTIONS ON BEACH SEINE FISHING

a) Surf Perches: Beach seines may not be used for capture between May 1 and August 31.

b) Species other than surf perches listed in Section 1: Beach seines may not be used for capture between May 1 and September 30.

8. SPECIAL RESTRICTIONS ON TROLL GEAR FISHING

Troll gear may be used for the commercial harvest of species mentioned in Section 1, except Pacific Cod, only as follows:

- a) Areas 23A and 23B: open May 1 through November 30. For Pacific Cod, Pacific Tomcod, Walleye Pollock, and Pacific Whiting (hake) Area 23A (west of a line 335 degrees true from Dungeness Light) open all year or until the Treaty share is taken.
- b) Area 23D: open January 1 through April 30 and December 1 through December 31. For Pacific Cod, Pacific Tomcod, Walleye Pollock, and Pacific Whiting (hake), Area 23D open all year, until the Treaty share is taken.
- c) Area 23C, 29: open all year.

9. SPECIAL RESTRICTIONS ON BOTTOMFISH POTS AND JIG (HANDLINE) GEAR

Jigs and pots may be used for the commercial harvest of species mentioned in Section 1 only as follows:

- a) Areas 23A, 23B, 23D, 26A: open May 1 through November 30. In Area 23A (west of a line 335 degrees true from Dungeness Light) and in Area 23D, jigs and pots may be used for Pacific Cod, Pacific Tomcod, Walleye Pollock, and Pacific Whiting (hake) all year, until the Treaty share is taken.
- b) Areas 27A, 27B: closed May 1 through November 30.
- c) Areas 23C, 29: open all year.

10. SPECIAL RESTRICTIONS ON SET LINES IN COMMERCIAL FISHERIES

Set lines may be used for the commercial harvest of species listed in Section 1 only as follows:

- a) Areas 23C and 29: Open all year.
- b) Areas 23A, 23B, 23D, 25A, 25B, 25C, 25D, 25E, 26A: Open May 1 through November 30, except that Area 23A (west of a line 335o true from Dungeness Light) and Area 23D are open for Pacific Cod, Pacific Tomcod, Walleye Pollock, Pacific Whiting (hake) all year.
- c) Areas 20B and 22A: Opened by emergency regulation.
- d) Areas 27A, 27B: Closed.
- e) Area 23A (east of a line 335o true from Dungeness Light), 23B, 25A, 25B, 25C, 25D, 25E, 26A: Set lines set deeper than 150 ft must be set on soft bottom, sand, or mud substrates only, in waters deeper than 150 feet set lines prohibited on hard bottom, rocky, high relief, hardpan, and rugose substrates.

11. SPECIAL RESTRICTIONS VARIOUS SPECIES IN COMMERCIAL FISHERIES

- a) All anadromous fish (salmon, trout, and sturgeon) when captured incidentally when fishing commercially for any of the species listed in Section 1, must be released unharmed unless their retention is authorized by Tribal regulations.

- b) Brown, Copper, Yelloweye, Bocaccio, Canary, and Quilback rockfish shall be released in good condition whenever possible, preferably using a descending device to return the fish to as close to capture depth as possible (except during a commercial halibut fishery opening all rockfish must be retained and recorded as take-home on a commercial fish ticket). If unharmed release is not possible, retention is permitted for subsistence purposes only and must be recorded as take-home on a commercial fish ticket. No commercial sale of these rockfish species.
- c) All starry flounder measuring less than 14" must be released unharmed.
- d) All English sole measuring less than 12" must be released unharmed.
- e) All halibut must be released unharmed unless their retention is authorized by Lower Elwha Klallam Tribe halibut regulations.
- f) Lingcod:
 - i. Lingcod measuring less than 26" must be released unharmed;
 - ii. Area 29, Lingcod may be harvested commercially from March 10 through October 31;
 - iii. Area 23C, Lingcod may be harvested commercially from April 1 through September 30 with a commercial landing limit of 300 pounds per day;
 - iv. Areas 20B, 22A, 23A, 23B, 23D, 25A, 25C, 25E Lingcod may be harvested commercially from May 1 through August 31. All Lingcod captured at other times must be released unharmed. All Lingcod measuring more than 40" must be released unharmed (legal size range 26 – 40 inches). Limit of the first six (6) legal sized Lingcod landed per day (not including any catch retained for subsistence);
 - v. Areas 27A and 27B, Lingcod may not be harvested commercially. Incidentally caught Lingcod in these areas must be released unharmed. Subsistence harvest is covered by these regulations under Section 13.
- g) Pacific Cod, Pacific Tomcod, Walleye Pollock, Pacific Whiting:
 - i. Areas 23A (west of a line 3350 true from Dungeness Light), 23C, 23D, 29, Pacific Cod, Pacific Tomcod, Walleye Pollock, Pacific Whiting (hake) may be harvested commercially year-round;
 - ii. Areas 23A (east of a line 3350 true from Dungeness Light), 23B, 25A, Pacific Cod, Pacific Tomcod, Walleye Pollock, Pacific Whiting (hake) may be harvested commercially year-round with a daily landing limit of 200 pounds;
 - iii. Areas 20B, 22A, 25B, 25C, 25D, 25E, 26A, 27A, 27B no retention of Pacific Cod, Pacific Tomcod, Walleye Pollock, Pacific Whiting.
- h) In Areas 25A and 25E, smelt fishing shall be prohibited between May 1 and October 31.
- i) In Area 27B, smelt fishing shall be prohibited between May 1 and September 30.

j) Six-Gill and Seven-Gill Sharks: No retention; Six-Gill and Seven-Gill sharks may not be removed from the water and must be released unharmed.

k) Wolf-Eel: No retention.

12. **SPECIAL RESTRICTIONS FOR MARINE AND SHELLFISH PROTECTED AREAS**

Area 22A: The San Juan Islands Marine Preserves are closed to commercial finfish harvest to protect marine fish production areas and to avoid disrupting long-term research projects.

a) False Bay: The tidelands of False Bay on San Juan Island and the water 500 yards seaward of its entrance, beginning at a line bearing due south (180° true) from the east entrance of the bay (longitude 123 °04'00" W) to a line bearing due south from the west side of the small peninsula at the west entrance of the bay (longitude 123 °04'30" W). The tidelands extending 400 feet to the west of the entrance of the bay and 600 feet to the east of the entrance of the bay also remain closed.

b) Point Caution: The shore of San Juan Island from near the Port of Friday Harbor to the vicinity of Point Caution to 500 yards seaward, beginning north of a line from the point of land (latitude 48°32'26.5" N, longitude 123 °00'53" W) between the port of Friday Harbor and Beaverton Cove (bearing 65° true) to Reid Rock buoy and ending east of a line perpendicular to the shore 500 yards west of Point Caution; to a distance of 500 yards offshore between these lines.

c) Argyle Lagoon: The waters enclosed by the inner spit of Argyle Lagoon on San Juan Island.

d) Yellow and Low Islands: The Tidelands and waters to 300 yards seaward around Yellow Island and the tide lands and waters to 300 yards seaward around Low Island (a small island south of Yellow Island).

e) Southwest shore of Shaw Island: The area on the southwest shore of Shaw Island, beginning from a line south from Hicks Bay (longitude 122°58'15" W) continuing west and north to a line which bears 261° true from the marker on the shore of Parks Bay to Point Caution and which passes just south of the unnamed island at the north entrance of Parks Bay (latitude 48 °33'57" N, longitude 122°58'58" W).

13. **PERSONAL USE FISHERIES**

Harvest of bottom fish for personal use shall be subject to the following daily bag limits and area restrictions:

Lingcod may be harvested for subsistence year-round in all areas; Lingcod measuring less than 22" must be released unharmed, except in Area 29 there is no minimum size for subsistence Lingcod.

Subsistence harvest open year-round; daily total bag limit is 15 bottom fish regardless of species (i.e. all species combined), subject to the individual bag limits and area restrictions listed in the table below:

Area 29: Daily limit may include only: Fifteen (15) bottom fish total.

Areas 23A, 23C, 23D: 15 fish daily bag limit with no more than 5 rockfish and/or 4 lingcod, 2 cabezon, and/or 15 surf perches, pacific cod, or walleye pollock included.

Areas 20B, 22A, 23B, 25A, 25B, 25C, 25D, 25E, 26A: 15 fish daily bag limit with no more than 5 rockfish and/or 4 lingcod, 2 cabezon, and/or 10 surf perches, pacific cod, or walleye pollock included.

Areas 27A and 27B: 15 fish daily bag limit with no more than 5 rockfish and/or 2 lingcod, 2 cabezon, and/or 10 surf perches, pacific cod, or walleye pollock included.

Smelt/sardines/anchovies: bag limit of 20 lbs. combined.

14. EMERGENCY REGULATIONS

The regulations promulgated herein may be modified at any time by emergency regulations.

15. AUTHORITY

These regulations are promulgated by the Lower Elwha Klallam Fisheries Manager under authority specified by the Lower Elwha Klallam Fishing Ordinance Third Edition.



Samantha Rae
Harvest Manager
Lower Elwha Klallam Tribe