

FILING ORGANIZATION: LOWER ELWHA KLALLAM TRIBE

The following regulation is promulgated by the Lower Elwha Klallam Tribe 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 The term of this regulation is from June 1, 2023 through May 31, 2024, unless superseded, and is intended to regulate the Dungeness crab harvest by the Lower Elwha Klallam Tribe in Region 1 under provisions of Paragraph 4.6 of United States v.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the Region 1 Crab Harvest Management Plan is completed before the end of this regulation term, this regulation will be superseded by a new regulation conforming to the provisions of the Region 1 Crab Harvest Management Plan.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: #S23-100

DATE ADOPTED: OCTOBER 25, 2023

REGULATION MODIFIED: S23-099

REGULATION: LEKT REGULATION #S23-028 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: OCTOBER 27TH, THROUGH FEBRUARY 28TH, 2024  
DAYS/HOURS: OPEN 8:00 AM FRIDAY 27TH, 2023,  
CLOSE 6:00 PM WEDNESDAY FEBRUARY 28TH, 2024.

LEGAL GEAR: 1) AS PER REGULATION #S23-028, 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 50 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 #S23-028,  
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.

**EXPECTED HARVEST:**

THE TRIBAL HARVEST TARGET FOR THIS SEASON  
FOR  
ALL TRIBES COMBINED IS 2,300,000 POUNDS.  
LEKT SPECIFIC PROVISIONS:

**ALL BOATS MUST SET THEIR OWN REGISTERED  
GEAR AT THE BEGINNING OF THE FISHERY  
AND MUST PICK UP THEIR OWN REGISTERED  
GEAR AT THE END OF THE FISHERY. DURING  
THE FISHERY NOT INCLUDING THE INITIAL  
DROP AND FINAL PICK UP, A BOAT MAY RUN  
UP TO 3 SETS OF GEAR ON BOARD THE BOAT  
WORKING THE GEAR.**

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

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: Harvest the available Dungeness crab resource in Region 1.

\*CHANGED TO ALLOW 3 QUOTAS TO BE FISHED ON 1 VESSEL\*

\*PLEASE SEE BOLD TEXT OF REGULATION\*

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