



ELWHA FISHERIES OFFICE

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LOWER ELWHA KLALLAM TRIBE In-Common Horse Clam Regulation for Subtidal Public Lands in the Strait of Juan de Fuca

S19-013

The following regulation is promulgated by the Lower Elwha Klallam Tribe and shall govern commercial and commercial take home horse clam fisheries conducted off-reservation and on subtidal public lands within the Strait of Juan de Fuca by members of the Lower Elwha Klallam Tribe. The term of this regulation is from April 1, 2019 through March 31, 2020. This regulation is intended to comply with provisions of the 2014-2016 Eastern Strait of Juan de Fuca Horse Clam (*Tresus* spp) Management Agreement for Subtidal Fisheries.

Ceremonial fisheries shall be conducted under the provisions of the Lower Elwha Revised Fishing Ordinance and Regulations. All areas and tracts not specifically opened by these regulations shall remain closed to the commercial harvest of horse clams. Only gear and methods specifically authorized by these regulations may be legally used for harvest.

1. SPECIAL PROVISIONS

All geoduck fishery provisions specified in the Fishing Ordinance or Tribal Harvest Management Plans must be adhered to during horse clam harvests.

2. SPECIES

Horse Clam: *Tresus* spp

3. AREAS

Washington Department of Fish and Wildlife Marine Fish-Shellfish Management and Catch Reporting Areas: 23C, 23D, and 25A.

4. MANAGEMENT PERIOD

April 1, 2019 through March 31, 2020.

5. LEGAL GEAR

High pressure water jet with a nozzle size not exceeding 5/8 inch diameter.

6. COMMERCIAL FISHERIES OPENINGS

Harvest will occur between April 1, 2019 and March 31, 2020 during daylight hours, and will be restricted to the following geoduck tracts:

Dungeness West #00350
Protection Island #01000

Commercial horse clam harvests on the above tracts will be managed concurrently with commercial geoduck clam fisheries when these tracts are open for geoduck harvest. Previous emergency regulations that have been filed separately for the Elwha Tribe specify the location and description of the geoduck tracts to be opened, the hours and days of each opening, designated weigh-out times, specific off-load sites, and other provisions necessary to conduct the fishery. Tribal geoduck/horse clam harvesters are responsible for knowing the current applicable regulations. Information on specific openings and closures will be available at the Tribal Fisheries Office.

All fisheries will be monitored according to the Minimum Geoduck Harvest Compliance Standards of the Lower Elwha Klallam Tribe. A harvest monitor will oversee and direct the geoduck/horse clam fishery on all opened tracts. At a minimum, the monitor will remain on-tract each day for the fishery opening and for the weigh-out procedure, and will remain within visual distance of the harvest site during the remaining period. Harvesters are required to check in with the monitor when entering a geoduck tract and prior to beginning fishing. Any vessel that has entered the harvest area may not leave the harvest area without the permission of the monitor. The harvest monitor has the authority to close the fishery to a particular vessel or an individual harvester immediately if a violation of any applicable regulation is observed.

7. EXPECTED EFFORT

Access to this fishery is restricted to specific members of the Lower Elwha Klallam Tribe. Eligible fishers are listed at the Tribal Fisheries Office. The average Tribal effort for the Elwha Tribe is not expected to exceed fifteen vessels per day.

8. EXPECTED HARVEST

A sustainable harvestable amount for sub-tidal horse clams in Hood Canal has not been established by the affected parties. During the term of this regulation, the harvest of

horse clams is not expected to exceed 10,000 pounds. In the event the harvest is projected to exceed this amount, all affected parties will be notified.

9. HARVEST RESTRICTIONS

- A. Diving Safety – All divers, deckhands and vessels planning to participate in the 2019-2020 commercial horse clam fishery must be duly registered with the Lower Elwha Fisheries Office prior to participating in the fishery. All harvesting shall be conducted so as to comply with individual tribal management ordinances/plans, rules, and safety standards governing geoduck fisheries.
- B. All horse clams that are excavated (harvested) from the substrate during a harvest operation will be retained and the weights recorded. No horse clams will be discarded on-tract for any reason after being harvested. No horse clams will be partially excavated from the substrate and then replaced. All horse clams that are excavated, either partially or wholly, must be retained and the weights recorded.
- C. All harvesting will be conducted at a minimum distance of 2 vertical feet from eelgrass beds. Any harvest conducted within or closer than 2 vertical feet to an eelgrass bed will be a violation of this regulation.

10. SANITARY CONTROL OF SHELLFISH

- A. Paralytic Shellfish Poisoning (PSP) Closures – all subtidal geoduck harvest areas are subject to emergency closure for both geoduck and horse clam harvest due to PSP contamination. An emergency closure or opening in effect due to changes in PSP levels will be posted at the Tribal Fisheries Office. In the event a primary geoduck tract is closed due to PSP contamination, an alternate harvest tract may be designated by emergency regulation. Alternate tracts will be chosen from the tracts listed in Section 6.
- B. Labeling – A label must be affixed to each container of commercially harvested horse clams prior to leaving the harvest site. Ready-to-use printed labels are available at the Tribal Fisheries Offices. The labels will be issued only to Tribal members with a valid treaty fishing identification card and current annual fishing permit (sticker) attached to the card.

Each label shall include the following information:

Tribe

Harvester Name or ID Number

Harvest Date

Harvest Region

State – Eastern Strait, WA

Geoduck Tract Name

Geoduck Tract Number

Shellfish Type: “horse clam”

Quantity (in pounds of horse clams, unless conditions warrant a shore-based weigh-out)

Tag Sequence Number

Tribe Certification Number WA587HA

11. CATCH REPORTING

All harvest weigh-outs shall be witnessed by an authorized harvest monitor. The weight of each container will be recorded on the container label and on an official weigh-out form. A carbon copy of the weigh-out form will be given to each fisher and a copy retained by the monitor. After weigh-out, harvested horse clams shall be transferred from the harvest vessel to shore prior to further processing.

The harvest monitor shall record the weight of each fisher's harvest on a weigh-out form approved and adopted by the Elwha Tribe. The weight of each container will be recorded on the container label and on an official weigh-out form. All commercial and commercial take home harvest will be recorded on the weigh-out form. All take-home harvest must be weighed whole with the shell intact.

All commercial and commercial take-home harvest will be reported on Treaty Indian Fishing Receiving Tickets at the point of sale. A separate entry will be made on each fish ticket for the commercial and commercial take-home harvest. In addition, the appropriate geoduck tract name and number must be recorded on the fish tickets. Subsistence or ceremonial harvest will be accounted for by reporting the harvest on an appropriate form as determined by the harvesting Tribe. All harvest information will be made available to all affected parties on a monthly basis.

12. The maximum amount of take home harvest per fisher during a commercial fishery is 50 pounds.

13. AUTHORITY

This regulation is 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