

FILING ORGANIZATION: LOWER ELWHA KLALLAM TRIBE

The following regulation is promulgated by the Lowe Elwha Klallam Treaty Council and shall govern the commercial geoduck clam fisheries conducted off-reservation and on subtidal public lands by the Lower Elwha S'Klallam Tribe. The term of this regulation is from April 3, 2019 through June 30, 2020, and is intended to regulate harvest by the member Tribes in Hood Canal 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 regional geoduck management plan for Hood Canal is completed before the end of this regulation term, this regulation will be superceded by a new regulation conforming to the provisions of the Strait of Juan De Fuca regional geoduck harvest

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REGULATION NUMBER: S19-016-correction

DATE ADOPTED: APRIL 01, 2019

REGULATION(S)

SUPERSEDED/MODIFIED: #S19-012, SECTION 5, MODIFIED

CATCH AREAS: SHELLFISH CATCH REPORTING AREA 23D,
DUNGENESS WEST TRACT #00320
25A PROTECTION ISLAND 01000

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 1, 2019 THROUGH MARCH 31, 2020

DAYS/HOURS: OPEN TUESDAY THROUGH FRIDAY, FROM 7:00 A.M. TO
3:00 P.M., EACH DAY. REFER TO RESTRICTION # "O"
FOR FURTHER INFORMATION.

OTHER RESTRICTIONS: AS PER ANNUAL REG. #S19-012, ADDITIONALLY:
A. THE 2018 LOWER ELWHA GEODUCK MANAGEMENT PLAN
IS ADOPTED INTO THIS REGULATION BY REFERENCE.
ALL REQUIREMENTS AND STANDARDS IN THAT PLAN
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.
- E. 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.
- D. ALL GEODUCK HARVESTED DURING THIS FISHERY MUST BE OFF LOADED AT THE PORT ANGELES BOAT HAVEN IN PORT ANGELES.
- E. THE MINIMUM GEODUCK PRICE WILL BE AS PER TRIBAL RESOLUTION #08-99.
- F. A MINIMUM DISTANCE OF 600 FEET MUST BE KEPT BETWEEN HARVESTING VESSELS. THE MINIMUM DISTANCE CAN BE REDUCED BY THE MONITOR TO 300 FEET, IF WEATHER CONDITONS ALLOW.
- G. THE QUOTA FOR THIS FISHERY IS 75,000 LBS.
- 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 THE PORT ANGELES BOAT HAVEN IN PORT ANGELES.
- 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 IS 25 POUNDS PER DAY.
- 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 AND PART 1925.605) WILL APPLY TO ALL LOWER ELWHA HARVEST VESSELS.
- L. EACH VESSEL OWNER AUTHORIZED TO FISH BY THE 2016 LOWER ELWHA GEODUCK MANAGEMENT PLAN IS ASSIGNED AN INDIVIDUAL QUOTA THAT MAY NOT BE EXCEEDED. INDIVIDUAL QUOTA AMOUNTS ARE ON FILE IN THE LOWER ELWHA FISHERIES OFFICE.
- M. ONLY ONE TRACT WILL BE OPENED AT A TIME.

JUSTIFICATIONS:

HARVEST AVAILABLE GEODUCK RESOURCE.
ADDITION OF TRACK

(LOWER ELWHA FISHERIES
760 STRATTON RD

PORT ANGELES, WA 98363)