POINT NO POINT TREATY COUNCIL

Port Gamble S'Klallam * Jamestown S'Klallam

Fishery Services Program

April 23, 2019

POINT NO POINT TREATY COUNCIL
IN-COMMON
BOTTOMFISH REGULATION
#F19-006

The following regulations, promulgated by the Point No Point Treaty Council, shall govern the conduct of commercial and subsistence fisheries by members of the Point No Point Treaty Tribes in the In-Common Areas, 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 any species of fish not included in this regulation or other Tribal or Treaty Council regulations specifically authorizing such harvest.

TOPIC 1. SPECIES

Pacific Cod, Walleye Pollock, Pacific Tomcod, Pacific Whiting (hake), flounders, dabs and soles (excluding Pacific Halibut), greenlings, Lingcod, Ratfish, Sablefish, Cabezon, Spiny Dogfish, all species of sharks and skates, all species of rockfish, all surf perches, smelts.

Pacific Halibut and herring fisheries are not covered under this regulation, but are covered under separate regulations.

TOPIC 2. AREAS

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

TOPIC 3. EFFECTIVE DATES

These regulations shall be effective for the period of May 1, 2019 through April 30, 2020.

TOPIC 4. DAYS AND TIMES

Open 7 days a week, 24 hours a day, except as restricted in Topics 6 through 11 of these regulations.

TOPIC 5. GEAR

a) Commercial

Set lines Maximum 500 hooks/skate, maximum 3,000 hooks /vessel.
Bottomfish troll (max. 2 lines/boat; max. 4 spreads/line; topspread must be less than 24' from the end of the line).
Hand line, Bottomfish jigs.
Hand held dipnets (3 ft. max. diameter).
Ringnet (6 ft. maximum diameter).
Rake.
Beach seines (max. length 165 fms., min. mesh 5"). Thread size (multifilament only) no finer than seine #12.
Bottomfish set/drift gillnets (max. length 165 fms., min. mesh 5". Thread size no finer than seine #12).
Bottomfish pots (must have one wall made of cotton fiber or a vertical wall attached with cotton hangings).

b) Subsistence

Hand lines.
Bottomfish 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.

TOPIC 6. SPECIAL RESTRICTION ON SET NETS

a) Dogfish: 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.

b) Pacific Cod: Areas 23A (west of a line 335° true from Dungeness Light), 23C, 23D, 29 open all year, until the Treaty share is taken. All other areas closed to Pacific Cod set net.

TOPIC 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 Topic 1: Beach seines may not be used for capture between May 1 and September 30.

TOPIC 8. SPECIAL RESTRICTIONS ON FISHING WITH TROLL GEAR

Troll gear may be used for the commercial harvest of species mentioned in Topic 1 only as follows:

a) Areas 23A, 23B: open May 1 through November 30; except Area 23A (west of a line 335° true from Dungeness Light) is open for Pacific Cod all year or until the Treaty share is taken.

b) Area 23D: open December 1 through April 30; except open for Pacific Cod all year or until the Treaty share is taken.

c) Areas 23C, 29 open all year.

d) All other areas closed to bottomfish troll.

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

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

a) Areas 23A, 23B, 23D, 25A, 25B, 25C, 25D, 25E, 26A: open May 1 through November 30; except that Area 23A (west of a line 335° true from Dungeness Light) and Area 23D are open for Pacific Cod all year or until the Treaty share is taken.

b) Areas 27A, 27B: open December 1 through April 30.

c) Areas 23C, 29: open all year.

d) All other areas closed to jig (handline) gear and bottomfish pots.

TOPIC 10. SPECIAL RESTRICTIONS ON SET LINES IN COMMERCIAL FISHERIES

Bycatch in the Commercial Halibut Fishery:

a) Areas 20B, 22A, 25A, 25B, 25C, 25D, 25E, 26A, 27A, 27B: Limit 15 Pacific Cod per day allowed as commercial bycatch in the commercial halibut fishery.

b) Limit 4 Lingcod per day allowed as commercial bycatch in the commercial halibut fishery, unless commercial retention of Lingcod is authorized under another section of this regulation.

c) During commercial halibut fisheries all incidentally caught rockfish must be retained and recorded on commercial fish tickets as take-home, and can only be used for subsistence or ceremonial purposes – no commercial sale of rockfish species caught in a commercial halibut fishery opening.

TOPIC 11. SPECIAL RESTRICTIONS ON SPECIES IN COMMERCIAL FISHERIES

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

c) All Brown, Copper, Yelloweye, Bocaccio, Canary, and Quilback rockfish shall be released in good condition, whenever possible, and may not be sold. Whenever feasible, release these rockfish species using a descending device to return the fish to as close to capture depth as possible. If unharmed release is not possible, retention is permitted for C&S purposes only and must be recorded on a commercial fish ticket as take-home.

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 retention in authorized by PNPTC halibut regulations.

f) Lingcod may not be harvested commercially at any time in Areas 25B, 25C, 25D, 26A, 27A, 27B. All incidentally caught Lingcod, in these areas, must be released unharmed. Exemptions: four (4) Lingcod per day allowed as commercial bycatch during a commercial halibut fishery (commercial size limits apply); and subsistence harvest covered by these regulations under Topic 13.

g) Lingcod may be harvested commercially between May 1 and July 15 in Areas 20B, 22A, 23A, 23B, 23C, 23D, 25A, 25E, 29. All Lingcod captured at other times, must be released unharmed. Exemptions: four (4) Lingcod per day allowed as commercial bycatch during a commercial halibut fishery (commercial size limits apply); and subsistence harvest covered by these regulations under Topic 13.

h) All Lingcod measuring less than 24", or more than 40", must be released unharmed.

i) All Pacific Cod, in Areas 20B, 22A, 25A, 25B, 25C, 25D, 25E, 26A, 27A, 27B, must be released unharmed. Exemption: 15 Pacific Cod per day allowed as commercial bycatch during a commercial halibut fishery.

j) In Areas 25A and 25E, smelt fishing shall be prohibited between May 1 and October 31.

k) In Area 27B, smelt fishing shall be prohibited between May 1 and September 30.

TOPIC 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).

TOPIC 13. SUBSISTENCE FISHERIES

a) All Brown, Copper, Yelloweye, Bocaccio, Canary, and Quillback rockfish shall be released in good condition, whenever possible. Whenever feasible, release these rockfish using a descending device to return the fish to as close to capture depth as possible. If unharmed release is not possible, retention is permitted for subsistence purposes only, and must be recorded as such on a subsistence card or as take-home on a commercial fish ticket.

b) Smelts/sardines/anchovies: bag limit of 20 lbs. combined.

c) Lingcod may be harvested for subsistence May 1 through September 30 in all areas, additionally Area 29 is open October 1 through October 15, 2019 and April 15 through April 30, 2020.

d) Minimum size for subsistence Lingcod in Area 29 is 22", for all other areas Lingcod measuring less than 22" or more than 40" must be released unharmed.

e) Daily total bag limit is **15 bottomfish** regardless of species (*i.e.* all species combined), subject to the individual bag limits and area restrictions listed in the table below:

AREA	RESTRICTIONS
29	Daily limit may include only: • four (4) Lingcod
23A, 23C, 23D	Daily limit may include only: • four (4) Lingcod • two (2) Cabezon • five (5) rockfish
20B, 22A, 23B, 25A, 25B, 25C, 25D, 25E, 26A (within S'Klallam U&A areas)	Daily limit may include only: • four (4) Lingcod • two (2) Cabezon • five (5) rockfish • ten (10) surf perches, Pacific Cod, or Walleye Pollock
27A, 27B	Daily limit may include only: • two (2) Lingcod • two (2) Cabezon • five (5) rockfish • ten (10) surf perches, Pacific Cod, or Walleye Pollock

TOPIC 14. EMERGENCY REGULATIONS

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

TOPIC 15. AUTHORITY

These in-common regulations are promulgated by the Point No Point Treaty Council under authority delegated by the member Tribes.

SCOTT P. BASS

Finfish Program Manager,
Point No Point Treaty Council

I CERTIFY THAT COPIES OF THIS DOCUMENT WERE MAILED PREPAID ON 9-24-19 TO ALL PERSONS REQUIRED BY FEDERAL DISTRICT COURT'S ORDER OF MARCH 1, 1974.

SIGNED:

TITLE: Fis Manager