



Point No Point Treaty Council

Port Gamble S'Klallam • Jamestown S'Klallam

2013-14 Point No Point Treaty Council In-Common Horse Clam Regulation for Subtidal Public Lands #S13-024

April 15, 2013

The following regulation is promulgated by the Point No Point Treaty Council and shall govern commercial horse clam fisheries conducted off-reservation and on subtidal public lands within Hood Canal and the Strait of Juan de Fuca by the Port Gamble S'Klallam and the Jamestown S'Klallam Tribes (PNPTC Member Tribes). The term of this regulation is from April 15, 2013 through March 31, 2014. This regulation is intended to comply with provisions of the 2012-14 regional Horse Clam Management Plans for Hood Canal and for the Eastern Strait of Juan de Fuca. Ceremonial and on-reservation fisheries shall be conducted under the provisions of individual Tribal Fisheries Ordinances 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.

1. Special Provisions

All geoduck fishery provisions specified in Individual Tribal Fisheries Ordinances 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, 25A, 25C (excluding Port Gamble Bay), 27A, and 27B (north of east-west line from Ayock Point).

4. Management Period

April 15, 2013 through March 31, 2014.

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 15, 2013 and March 31, 2014, during daylight hours, and will be restricted to the following geoduck tracts:

Port Gamble #20000
Port Gamble Inside #20100
Case Shoal South #20450
Hazel Pt. (Toandos) #21000
Warrenville (Big Beef) #21450
Siebert Creek #00300
Protection Island #1000
Freshwater Bay #00100

Commercial horse clam harvests on the above tracts will be managed concurrently with commercial geoduck clam fisheries when these tracts are open to the Port Gamble and Jamestown Tribes for geoduck harvest. Emergency regulations filed separately for each PNPTC Member Tribe will 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. Fisheries at the Port Gamble Inside tract will be opened exclusively to the Port Gamble Tribe, unless otherwise indicated. 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 and at the Point No Point Treaty Council Central Office.

All fisheries will be monitored according to agreed harvest monitoring and catch accounting procedures contained in the regional geoduck management plans. 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 each PNPTC Tribe. Eligible fishers are listed at the individual Tribal Fisheries Offices. The average Tribal effort for all PNPTC Tribes is not expected to exceed ten vessels per day.

8. Expected Harvest

A sustainable harvestable amount for sub-tidal horse clams in Hood Canal or the Strait of Juan de Fuca 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 2013-2014 commercial horse clam fishery must be duly registered with their respective Tribal 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 and the Point No Point Treaty Council 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

*State

*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:

PGS'K WA589HA

JS'K WA588SS

11. Catch Reporting

All harvest weigh-outs shall be witnessed by an authorized harvest monitor. Weighing will occur at the harvest site, before the vessel leaves the site, or at a designated off load site, if weighing on the water is impractical due to weather or other conditions as determined by the monitor. An alternate weigh-out site will be described in the emergency regulations. 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.

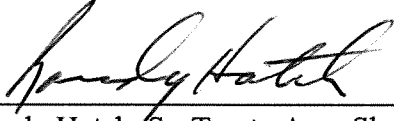
The harvest monitor shall record the weight of each fisher's harvest on a weigh-out form approved and adopted by the respective Tribe. The weight of each container will be recorded on the container label and on an official weigh-out form. All commercial and commercial take home harvest will be recorded 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 Fish 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. Authority

The above in-common regulation is promulgated by the Point No Point Treaty Council under the authority delegated by the member Tribes



Randy Hatch, Sr. Treaty Area Shellfish Biologist
Point No Point Treaty Council

**I CERTIFY THAT COPIES OF THIS DOCUMENT WERE
MAILED PREPAID ON 4-16-13 TO ALL PERSONS
REQUIRED BY FEDERAL DISTRICT COURT'S
ORDER OF MARCH 1, 1976**

SIGNED: Shirley Bobbitt
TITLE: ES manager