



Point No Point Treaty Council

Port Gamble S'Klallam • Jamestown S'Klallam

2014

**Point No Point Treaty Council
In-Common Subsistence Clam and Oyster Regulation for Public Tidelands
Emergency Modification #S14-059**

June 24, 2014

The following emergency regulation modifies the listed sections of the Point No Point Treaty Council In-Common Subsistence Clam and Oyster Regulation on Public Tidelands (#S14-002). All other sections of Regulation #S14-002 will remain in effect.

5. **FISHERIES OPENINGS**

Subsistence clam and oyster fisheries shall be open all year on all public tidelands, beginning January 1, 2014 through December 31, 2014, provided that all public beaches will be closed to subsistence fishing 4 hours before the scheduled opening of a commercial clam or oyster fishery on the same beach. In addition, for Port Gamble fishers only, all public beaches will be closed to subsistence fishing 4 hours after the scheduled closure of a commercial clam or oyster fishery on the same beach. Any public beach may be closed to subsistence clam or oyster fishing at any time during the season by emergency regulation. The following beaches shall remain closed to subsistence clam and oyster harvest for the entire year:

A. San Juan Islands:

- 1) False Bay - All tidelands of the Bay.
- 2) Friday Harbor - University of Washington tidelands extending from the boundary marker 1,500 feet north of Point Caution, then south along the shore to the boundary marker located 100 feet north of the entrance of the floating breakwater of the Port of Friday Harbor.
- 3) Argyle Lagoon - All University of Washington tidelands enclosed by the inner spit.
- 4) Garrison Bay - All tidelands of Guss Island and all state and federally owned tidelands south of the boundary marker approximately 1,000 yards south of Bell Point.
- 5) Yellow and Low Islands - All tidelands

6) Shaw Island - University of Washington tidelands extending from the boundary marker in Hicks Bay west and north along the shore, around Point George into and including all of Parks Bay.

B. Pitship Point (BIDN 250057)

The following public/private beaches will be opened by emergency regulation only:

C. *Indian Island Beaches: Indian Island beaches harvested under the annual agreement between the Tribes and the Navy will be opened to subsistence fishing by emergency regulation. Beaches will generally be open to subsistence harvest during regularly scheduled commercial fisheries.*

6. **OTHER RESTRICTIONS**

A. **Paralytic Shellfish Poisoning (PSP) Closures:** All public tidelands are subject to emergency closure for clam and oyster harvest due to risk of PSP. Before harvesting any oyster and clam species from any beach, fishers shall determine whether any new closures or openings are in effect due to changes in PSP by contacting the Tribal Fisheries Offices or the Point No Point Treaty Council Central Office.

B. **Vibrio parahaemolyticus (V.p.) Restrictions:** An outbreak of *Vibrio parahaemolyticus* in Hood Canal during the months of June, July, August, or September may result in the closure of one or more growing areas in the region. In the event that a growing area is closed due to *V.p.*, subsistence fishing on any beach within that growing area will also be suspended for the duration of the closure. Notification of beach closures to subsistence harvest will be by emergency regulation.

C. **Bait Restrictions:** It shall be unlawful to use subsistence clams or oysters for bait in any other shellfish fishery.

D. **Clam Harvest Restrictions:**

- 1) Minimum Size Limit - No clams smaller than 1-1/2 inches in length (38 mm) shall be harvested in subsistence fisheries, except in Quilcene Bay where the minimum size will be 1-1/4 inches (32 mm), or except as specified by emergency regulations or prior agreement between the PNPTC member Tribes and the State of Washington.
- 2) Backfilling - All holes made during clam digging must be backfilled prior to digging at another location.

- E. **Oyster Harvest Restrictions:**
Minimum Size Limit – The minimum size limit for Pacific oysters will be 2-1/2 inches (63 mm) in length, except as may be specified by emergency regulation or prior agreement between the PNPTC member Tribes and the State of Washington. The minimum size limit for Olympia oysters will be 1-1/4 inches (32 mm) in length unless modified by emergency regulation.
- F. **Bag Limits:** Daily subsistence bag limits per fisher are as follows:
- 1) Native littleneck, Manila, and soft-shell clams: 20 pounds combined, subject to the restrictions in #2 below;
 - 2) Native littleneck and Manila clams at Dosewallips North and South, Wolfe Property, Shine Tidelands, Duckabush, and Bangor: 10 pounds combined;
 - 3) Butter Clams: 20 pounds;
 - 4) Geoduck: 6 clams;
 - 5) Cockles: 15 pounds;
 - 6) Mussels: 20 pounds;
 - 7) Oysters: 100 oysters;
 - 8) Horse clams: 10 clams.

Harvesters are not allowed to be in possession of more than one bag limit at a time. *Bag limits for Indian Island, when different from the general bag limits above, will be stipulated in the annual Bivalve Shellfish Harvest Plan for Naval Magazine Indian Island, between the Treaty Tribes and the U.S. Navy, and will be repeated in emergency regulations.*

G. If subsistence or ceremonial harvest is held or hung, the holding container must be conspicuously marked with the Tribal Identification Card number of the fisherman holding the product. The holding container shall be marked in such a way that the fisherman and tribal affiliation can be identified without removing the container from the water. Daily limits of two or more harvesters cannot be combined. Only one bag limit can be held per holding container. In addition, ceremonial harvesters must report location of held product to the Fisheries office.

H. **Wastage:** It will be a violation of this Regulation for any harvester to allow any shellfish gathered for subsistence or ceremonial purposes to become unfit for human consumption due to improper handling or neglect.

I. Harvesters are not allowed to cross private property in order to access tidelands for subsistence or ceremonial purposes without the consent of the property owner(s).

J. Jamestown S'Klallam Tribal Harvester Restrictions: Each properly licensed Jamestown S'Klallam Tribal harvester may be assisted by no more than one assistant, provided that the assistant is either the harvester's spouse, or a relative. Both the spouse and/or the relative assistant must possess the appropriate identification card issued by Jamestown Tribe.

9. AUTHORITY

The Point No Point Treaty Council, under the authority delegated by the member tribes, promulgates the above in-common regulations.



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

I CERTIFY THAT COPIES OF THIS DOCUMENT WERE
MAILED PREPAID ON 6-24-14 TO ALL PERSONS
REQUIRED BY FEDERAL DISTRICT COURT'S
ORDER OF MARCH 1, 1976

SIGNED: Shannon Boldt
TITLE: FIS MANAGER