



Point No Point Treaty Council

Port Gamble S'Klallam • Jamestown S'Klallam

2015-2016 Point No Point Treaty Council In-Common Geoduck Regulation for Subtidal Public Lands #S15-017

March 31, 2015

The following regulation is promulgated by the Point No Point Treaty Council and shall govern the commercial geoduck clam fisheries conducted off-reservation and on subtidal public lands by the Port Gamble S'Klallam, and the Jamestown S'Klallam Tribes (PNPTC Member Tribes). The term of this regulation is from April 1, 2015 through March 31, 2016. This regulation is intended to comply with provisions of the 2015-16 regional Geoduck Management Plans for Hood Canal, Central Puget Sound, and the Eastern Strait of Juan de Fuca. In the event the Regional Management Plans for either Hood Canal, the Strait of Juan de Fuca or Central Puget Sound are not completed before the projected start of tribal fisheries in each of those regions, emergency regulations will be filed under Paragraph 4.6 of *United States v. Washington*, 898 F. supp. 1453 (W.D. Wash. 1995), as amended by the Stipulation and Order Amending Shellfish Implementation Plan, dated April 8, 2002, (hereafter "Implementation Order"). These emergency regulations will remain in place either until they expire or until they are superseded by new regulations filed in accordance with provisions of the final annual management plans for either region. Ceremonial and on-reservation fisheries shall be conducted under the provisions of the individual Tribal Fisheries Ordinances and Regulations. All areas and tracts not specifically opened by these regulations shall remain closed to the harvest of geoduck 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.

2. Species

Geoduck Clams: *Panope generosa*

3. In-Common Fishing Areas

For the Jamestown S'Klallam and Port Gamble S'Klallam Tribes:
Washington Department of Fish and Wildlife Marine Fish-Shellfish Management
and Catch Reporting Areas: 20B, 22A, 23A, 23B, 23C, 23D, 25A, 25B, 25C,
25D, 25E, 26A (south of a line from Possession Pt to Picnic Pt.), 27A, 27B (north
of an east-west line from Ayock Point), and 29.

4. Management Period

April 1, 2015 through March 31, 2016

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, 2015 and March 31, 2016, during daylight
hours, and will be restricted to the following geoduck tracts:

Coon Bay #19900
Port Gamble #20000
Port Gamble Inside #20100
Case Shoal South #20450
Hood Head East #20200
Hazel Pt. (Toandos) #21000
Warrenville (Big Beef) #21450
Dungeness West #00320
Protection Is. #01000
Apple Cove Point North #06250

Commercial geoduck harvests on the above tracts will be managed by specific
openings and closures using emergency regulations. Emergency regulations will
be filed separately for each PNPTC Member Tribe and will specify 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 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 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

The average Tribal effort is expected to be ten vessels per day.

8. Expected Harvest

During the term of this regulation, harvest will not exceed the 2015-16 Treaty share in the Eastern Strait of Juan De Fuca Region, the Hood Canal Region, and the Central Puget Sound Region, as calculated from the draft 2015 Geoduck Atlas. The actual harvest by Point No Point Member Tribes in each region will depend upon intertribal management agreements and other sharing arrangements in place for the 2015-2016 geoduck season. The Treaty share for each region may be further modified pending final agreement on the geoduck quotas within each region. Additional quota adjustments may be implemented to account for unreported geoduck mortalities that may be estimated for this season, and for carryover of unharvested geoducks from last season. Actual target quotas for each Point No Point Member Tribe, if established, will be stipulated in emergency regulations for each region.

9. Harvest Restrictions

A. Diving Safety - All divers, deckhands and vessels planning to participate in the 2015-2016 commercial geoduck 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 geoducks that are excavated (harvested) from the substrate during a harvest operation will be retained and the weights recorded. No geoducks will be discarded on-tract for any reason after being harvested. No geoducks will be partially excavated from the substrate and then replaced. All geoducks 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 geoduck 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 geoducks 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
- *Growing Area
- *Geoduck Tract Name/Number
- *Shellfish Type: "geoduck clam"
- *Quantity (in pounds of geoduck, 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 will 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. After weigh-out, 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 geoduck will be transferred from the harvest vessel to shore prior to further processing.

The harvest monitor will 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. The Point No Point Treaty Council will make all harvest information available to all affected parties on a quarterly basis, unless a more frequent reporting schedule is stipulated in the regional management plans.

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 3/30/15 TO ALL PERSONS
REQUIRED BY FEDERAL DISTRICT COURT'S
ORDER OF MARCH 1, 1978

SIGNED: Shannon Boldt
TITLE: FIS MANAGER