

FILING ORGANIZATION: POINT NO POINT TREATY COUNCIL

REGULATION NUMBER: #S23-098

DATE ADOPTED: JULY 21, 2023

REGULATION MODIFIED NONE

REGULATION SUPERCEDED: NONE

CATCH AREAS: SHELLFISH CATCH REPORTING AREAS 23D, 25A, 25C & 27A, PROTECTION ISLAND #01000, EAST STRAIT, DUNGENESS WEST TRACT #00320, EAST STRAIT, COON BAY TRACT #19900, HOOD CANAL #1, POINT JULIA TRACT #20020, HOOD CANAL #1, PORT GAMBLE INSIDE #20100, HOOD CANAL #1, THORNDYKE #20550, HOOD CANAL #1.

FISHERY TYPE: COMMERCIAL

SPECIES: HORSE CLAM (*Tresus spp.*)

ON/OFF RESERVATION: OFF

LEGAL GEAR: HIGH PRESSURE WATER JET, NOT TO EXCEED 5/8 INCH DIAMETER NOZZLE.

EFFECTIVE DATES: JULY 24, 2023 THROUGH MARCH 31, 2024

DAYS/HOURS: 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 AND THE HOURS AND DAYS OF EACH OPENING.

HARVEST RESTRICTIONS:

1. THIS REGULATION GOVERNS THE FISHING ACTIVITY OF BOTH THE JAMESTOWN S'KLALLAM HARVESTERS AND THE PORT GAMBLE S'KLALLAM HARVESTERS. PORT GAMBLE INSIDE TRACT #20100 IS OPEN FOR PORT GAMBLE S'KLALLAM TRIBE ONLY.
2. 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.

3. ALL DIVERS, DECKHANDS AND VESSELS PLANNING TO PARTICIPATE IN THE 2023-2024 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 TO COMPLY WITH INDIVIDUAL TRIBAL MANAGEMENT ORDINANCES/PLANS, RULES, AND SAFETY STANDARDS GOVERNING GEODUCK FISHERIES.
4. 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.
5. 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.

OTHER RESTRICTIONS:

1. 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.
2. HARVESTERS ARE REQUIRED TO CHECK IN WITH THE MONITOR WHEN ENTERING A GEODUCK TRACT AND PRIOR TO BEGINNING FISHING.
3. ANY VESSEL THAT HAS ENTERED THE HARVEST AREA MAY NOT LEAVE THE HARVEST AREA WITHOUT THE PERMISSION OF THE MONITOR.
4. 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.
5. ALL COMMERCIAL AND TAKE-HOME HARVEST MUST BE REPORTED ON THE OFFICIAL TRIBAL WEIGHOUT FORM, AT THE DESIGNATED WEIGHOUT SITE.
6. 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.
7. IT IS UNLAWFUL TO HARVEST ON THIS TRACT WITHOUT THE PRESENCE OF THE MONITOR, EITHER ON-THE-WATER OR WITHIN VISUAL DISTANCE.
8. DIVERS ARE NOT ALLOWED IN IN THE WATER BEFORE THE OPENING TIME OF 7:00 AM.

9. ALL COMMERCIAL HORSE CLAM SALES MUST BE MADE TO TRIBALLY APPROVED BUYERS WHO HAVE FILLED OUT A BUYER'S AGREEMENT WITH EITHER THE PORT GAMBLE OR JAMESTOWN TRIBE.

SANITARY CONTROL OF SHELLFISH:

1. 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.
2. LABELING - A LABEL MUST BE AFFIXED TO EACH CONTAINER OF COMMERCIALY 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
- GROWING AREA
- GEODUCK TRACT NAME/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

JAMESTOWN SPECIFIC PROVISIONS:

1. IF NITROX BREATHING GAS MIXTURE IS USED, DIVE PROFILES MUST ADHERE TO THE STANDARD AIR/NO DECOMPRESSION LIMITS.

PORT GAMBLE SPECIFIC PROVISIONS:

1. FOR THE PORT GAMBLE TRIBE, ALL DIVER BOATS MUST NOTIFY THE MONITOR ONCE DURING THE TIME BETWEEN THE SURFACING OF ONE DIVER AND THE SUBMERGENCE OF ANOTHER DIVER.

EXPECTED EFFORT:

ACCESS TO THIS FISHERY IS RESTRICTED TO SPECIFIC MEMBERS OF THE PORT GAMBLE AND JAMESTOWN TRIBES. ELIGIBLE FISHERS ARE LISTED AT THE RESPECTIVE TRIBAL FISHERIES

OFFICE. THE AVERAGE COMBINED TRIBAL EFFORT DURING THE TERM OF THIS REGULATION IS EXPECTED TO BE TWELVE VESSELS PER DAY.

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.

CONTACT INFORMATION:

THE PORT GAMBLE HARVEST MONITOR DURING THE TERM OF THIS REGULATION IS TED SEACHORD, CELL # 360-731-2978. THE JAMESTOWN HARVEST MONITOR DURING THE TERM OF THIS REGULATION IS ANDREW MINKS, CELL # 360-582-6355.

JUSTIFICATION:

THIS REGULATION IS INTENDED TO COMPLY WITH PROVISIONS OF THE 2022-24 HORSE CLAM MANAGEMENT PLANS FOR HOOD CANAL AND THE 2023 – 2025 HORSE CLAM MANAGEMENT PLAN FOR THE EASTERN STRAIT OF JUAN DE FUCA.