



# Point No Point Treaty Council

Port Gamble S'Klallam • Jamestown S'Klallam

**2023-2024**

**Point No Point Treaty Council**

**In-Common Commercial and Subsistence Dungeness Crab Fishery Regulations**

**#S23-057**

May 31, 2023

The following regulation is promulgated by the Point No Point Treaty Council and shall govern the conduct of off-reservation commercial and subsistence crab fisheries by the Port Gamble S'Klallam and the Jamestown S'Klallam Tribes (PNPTC Member Tribes). This regulation is intended to conform to agreements reached between the Point No Point Treaty Tribes and the State of Washington, as contained in the Annual Crab Management Plans for Region 1, Region 2 West, Region 3, and Region 5. Because some of these regional management agreements have not been finalized, this regulation may be amended to reflect final modifications in those regional plans. In the event one or more of these Puget Sound Crab Plans are not completed before the projected start of tribal fisheries for the management region in question, 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 These emergency regulations will be subsequently superseded when the appropriate Puget Sound Crab Plan is finalized. The term of this regulation is from June 1, 2023 through May 31, 2024. Ceremonial and on-reservation fisheries shall be conducted under the provisions of individual Tribal Fisheries Ordinances and Regulations. All in-common fishing areas not specifically opened by this regulation or subsequent Point No Point Treaty Council regulations shall remain closed to the commercial harvest of crab. Only gear and methods specifically authorized by this regulation may be legally used.

## 1. SPECIES

Dungeness crab (*Metacarcinus magister*), Tanner crab (*Chionoecetes bairdi*), red rock crab (*Cancer productus*).

## 2. TRIBAL FISHING AREAS

For the Jamestown S'Klallam and Port Gamble S'Klallam Tribes: Marine Fish-Shellfish Management and Catch Reporting Areas: 20A (south and west of a line between Toe Point on Patos Island and Point Migley on Lummi Island), 20B, 21A (south and west of Lummi Island and a line running between Carter Point on Lummi Island and the northern

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tip of Vendovi Island), 22A, 22B (north and west of a line between Clark Point on Guemes Island and the southern tip of Vendovi Island, west of Guemes Island and south and west of a line running due south from Kelly's Point on Guemes Island), 23A, 23B, 23C 23D 25A, 25B, 25C 25D, 25E, 26A West (S'Klallam U&A Areas in that portion of 26A south and west of the southern tip of Possession Point on Whidbey Island), 27A, 27B (north of an east-west line from Ayock Pt.), 29.

### **3. TRIBAL FISHER REGISTRATION**

All tribal fishers planning to participate in the 2023-2024 commercial crab fishery must register at their respective Tribal Fisheries Office prior to fishing. Designated days for registration will be announced by the Tribal Fisheries Offices. Fishers are required to register for each Crustacean Management Region planned to be fished (see section 4 below for area descriptions). At the time of registration, fishers shall report the number of pots to be used in each Region. Tribal fishers planning to participate in subsistence crab fisheries must either register at their respective Tribal Fisheries Office, or obtain a subsistence harvest card from their Fisheries Office, prior to fishing.

### **4. MANAGEMENT REGIONS**

Crustacean Management Regions included in these regulations are as follows:

Region 1: Catch areas 20A (south and west of a line between Toe Point on Patos Island and Point Migley on Lummi Island), 20B, 21A (south and west of Lummi Island and a line running between Carter Point on Lummi Island and the northern tip of Vendovi Island), 22A, 22B (north and west of a line between Clark Point on Guemes Island and the southern tip of Vendovi Island, west of Guemes Island and south and west of a line running due south from Kelly's Point on Guemes Island).  
Region 2 West: Catch areas 25B, 25D, 26A West (south and west of the southern tip of Possession Point on Whidbey Island).

Region 3: Sub-region 3-1 (catch areas 23A and 23B), Sub-region 3-2 (catch areas 23D, 25A and 25E), and Sub-region 3-3 (catch areas 23C and 29).

Region 5: Catch areas 25C, 27A, 27B (north of an east-west line from Ayock Pt.).

### **5. OPEN AREAS AND TIMES**

The commercial and subsistence crab fishing season in Region 1 extends from July 1, 2023, through April 15, 2024, or through May 15, 2024 if extension criteria are met. The commercial and subsistence crab fishing season in Region 3, sub-region 3-1 extends from June 15, 2023 through March 31, 2024 (shell condition criteria must be met if fishing in

sub-region 3-1 prior to June 15) and in sub-region 3-2, from June 22, 2023 through March 31, 2024. The fishing season in sub-region 3-3 extends from June 16, 2023 through April 15, 2024. The commercial and subsistence fishing season in Region 2 West extends from June 15, 2023 through February 15, 2024, or through February 28 if extension criteria are met. The fishing season in Region 5 extends from June 15, 2023 through February 28, 2024. Some of these open and closing dates may be modified by crab soft shell condition testing in any Region, or by the complete harvest of the regional Treaty quota. Specific area openings and fishing times for commercial and subsistence Dungeness crab fisheries will be announced in separate regional emergency regulations. Pots or ring nets used in the commercial and subsistence fishery may only be checked from 30 minutes before sunrise to 30 minutes after sunset each day. Fishers participating in commercial openings will be subject to subsistence closures such that subsistence fishing will not be allowed at least one full calendar day prior to and following commercial openings within the catch areas opened to commercial fishing and also in all catch areas directly adjacent to those opened to commercial fishing.

## 6. FISHING AREA RESTRICTIONS

The following specific regional sub-areas shall remain closed to fishing during the times indicated:

### Region 1

- a) The following specific areas of the San Juan Islands Marine Preserve within Region 1 shall remain closed to all crab fishing at all times:
  - i. False Bay - all tidelands and bedlands (sub-tidal areas) of the bay, including all University of Washington-owned tidelands beginning at a marker 400' east of the east entrance of False Bay and extending to the entrance of False Bay, all University of Washington-owned tidelands and bedlands within a line beginning at the University of Washington marker on the shore at the east entrance of False Bay, projected 500 yards offshore, then northwesterly to a point 500 yards offshore along a line projected from a University of Washington marker on the shore at the west side of a small peninsula at the west entrance of False Bay, then to shore along the line to the marker, and all University of Washington-owned tidelands west of the marker to a University of Washington marker 600' west of the small peninsula.

- ii. Friday Harbor – Those tidelands and bedlands adjacent to San Juan Island within a line beginning on the shore 500 yards north of Point Caution, then 500 yards offshore, then south and east following the shoreline to the intersection with a line projected from a University of Washington marker located 100' north of the north entrance of the floating breakwater of the Port of Friday harbor and projected towards Reid Island, then along the line to shore on San Juan Island.
- iii. Argyle Lagoon – Those University of Washington-owned tidelands and all bedlands enclosed by the inner spit of Argyle Lagoon on San Juan Island.
- iv. Yellow and Low Islands – All tidelands and bedlands within 300 yards of Yellow Island and 300 yards of Low Island.
- v. Shaw Island – Those tidelands and bedlands within a line beginning at a University of Washington marker on the shore at Hicks Bay, 122,58',15" west longitude, then due south 500 yards, then north and west at a distance of 500 yards from shore to the intersection with a line projected 261° true from a University of Washington marker on the shore of Parks Bay, which line passes just south of the unnamed island at the north end of Parks Bay, then along the line to the shore of Shaw Island, including all tidelands and bedlands of Parks Bay south of the line.

### Region 3

- a) That part of Discovery Bay south of a line from Contractors Point (N 48° 03' 12.4, W122° 52' 20.3) to Tukey Point (N 48° 03' 12.4, W122° 51' 00.2) will remain closed to commercial fishing through September 4, 2023.
- b) Inside Port Angeles Harbor, west of a line from Ediz Hook (N 48° 08' 22.4, W123° 24' 01.9) to Rayonier dock (N 48° 07' 14.2, W123° 24' 26.9), will remain closed year-round to commercial fishing.

## **7. GEAR USE LIMITATIONS**

- a) Legal commercial gear shall include crab pots, ring nets, dip nets and other hand operated instruments that do not penetrate the shell. Area specific pot limits will be identified in separate regional emergency crab regulations.
- b) Legal subsistence gear shall include crab pots, ring nets, dip nets and other hand operated instruments that do not penetrate the shell. Unless otherwise specified in emergency regulations, the maximum allowable number of crab pots and ring nets combined will be 1 pots/ring nets per fisher per day within Region 5 and 5 pot/ring net per fisher per day in all other areas.
- c) Longline fishing will be allowed in Region 1, Region 2 West, and Region 3 only. Longlines will not be allowed for crab fisheries in Region 5. The following restrictions apply to the use of longlines in those Regions for which longlines will be legal:
  - i. A maximum of 5 pots per longline will be allowed.
  - ii. Each longline must have at least one buoy attached that complies with the buoy restrictions described below, provided that additional buoy restrictions may be identified in separate regional emergency regulations.
- d) Buoy Use Requirements:
  - i. All unattended pots and ring nets shall have buoys attached. Buoys attached to gear can be any color or color combination, except red and white. If any portion of a buoy is red, no remaining portion may be white. If any portion of a buoy is white, no remaining portion may be red.
  - ii. All buoys shall be constructed of durable material, excluding plastic, metal bottles and other containers. At least one buoy measuring 5 inches in diameter by 11 inches in length or larger must be attached to each crab pot or ring net line. The buoy line shall be weighted to keep the buoy line from floating.
  - iii. All buoys shall be conspicuously marked with the Tribal Identification Card number of the fisher operating the gear and with the initials of the fisher's tribe (PG for Port Gamble or J for

Jamestown). Buoys shall be marked in such a way that the fisher identification and tribal affiliation can be identified without removing the gear from the water. In addition to the above identification requirements, buoys attached to longlines will also be marked with a double "LL" symbol.

- iv. All buoys attached to crab pots fished for subsistence purposes shall have subsistence buoy tags attached. Subsistence tags are issued by each tribe's Natural Resources Department.
- v. Buoy tags may not be exchanged among fishers. Fishers may only use buoy tags that were issued expressly in their names for their use.
- e) A crab pot shall only be fished at locations where the pot is completely covered by water during all stages and conditions of tides.
- f) Holding Container Requirements:
  - i. Holding containers can only be used for commercial catch. Subsistence catch cannot be held in a holding container of any kind.
  - ii. All holding containers shall be conspicuously marked with the Tribal Identification Card number of the fisher operating the gear and with the initials of the fisher's tribe (PG for Port Gamble or J for Jamestown). Holding containers shall be marked in such a way that the fisher identification and tribal affiliation can be identified without removing the container from the water.
  - iii. Holding containers shall only be held at locations where the container is completely covered by water during all stages and conditions of tides.
- g) Lost gear must be reported to enforcement immediately following the close of fisheries. Port Gamble fishers must also fill out a lost pot form and submit it to their Natural Resources office within 24 hours of the close of fisheries.
- h) Crab pots being used for subsistence harvest may not be allowed to soak longer than 10 consecutive days without being checked.

## **8. GEAR DEFINITIONS**

For commercial and subsistence fisheries, a crab pot is an enclosed trap with at least two escape rings or ports located in the upper half of the trap. The inside diameter of the escape rings or port shall not be less than 4 <sup>1</sup>/<sub>4</sub> inches. Additional provision for escapement from the pot (in the event the pot is lost while fishing) shall be by one of the following methods:

- a) By attaching pot lid hooks or tie down straps with a single strand or loop of untreated cotton or other natural fiber no larger than thread size 120; or
- b) By providing an unobstructed opening in the pot mesh no less than 3 by 5 inches which is laced or sewn closed with untreated cotton twine or other natural fiber not larger than thread size 120 (the opening must be located in the top half of the pot and must not be blocked by entry tunnels, bait boxes, or any other structures or materials); or
- a) By attaching the pot lid or one pot side that serves as a pot lid with not more than three single loops of untreated cotton twine or other natural fiber no larger than thread size 120. The pot lid or side must open freely if the twine or fiber is broken.

A commercial holding container is an enclosed container placed in the water, which is used to keep previously caught crab. Provision for escapement from the container (in the event the container is lost) shall be by one of the following methods:

- a) By attaching container lid hooks or tie down straps with a single strand or loop of untreated cotton or other natural fiber no larger than thread size 120; or
- b) By providing an unobstructed opening in the container no less than 3 by 5 inches which is laced or sewn closed with untreated cotton twine or other natural fiber not larger than thread size 120 (the opening must be located in the top half of the container and must not be blocked by any structures or materials); or
- c) By attaching the container lid with not more than three single loops of untreated cotton twine or other natural fiber no larger than thread size 120. The container lid must open freely if the twine or fiber is broken.

## 9. HARVEST LIMITATIONS

- a) The minimum size for Dungeness crab will be 6 <sup>1</sup>/<sub>4</sub> inches. Size is measured by caliper across the back of the crab immediately in front of the tips.

- b) Only male Dungeness crabs may be harvested.
- c) Recently molted, soft-shelled crabs may not be harvested. All crab must be checked for shell hardness.
- d) It is unlawful for fishers to retain and possess any female, undersized and soft-shelled Dungeness crabs. All female, undersized and soft-shell crabs must be returned to the water unharmed.
- e) All crab found in gear pulled after the close of a fishery must be returned to the water unharmed.
- f) The daily subsistence harvest limit in each Region will be 10 crabs per fisher, unless otherwise stipulated in emergency regulations.
- g) The harvest of Tanner and red rock crab may only occur during open Dungeness crab commercial fisheries. Only male Tanner crabs 4.5 inches (or 114 mm) or larger and male red rock crab 5 inches (or 127 mm) or larger in carapace width may be retained. Gear must have the two 4 1/4-inch escape rings that are currently required for Dungeness crab traps or a minimum stretch mesh size of 4 inches. All Tanner and red rock crab harvested, including take-home crab, must be recorded on fish receiving tickets according to the provisions of Section 10.

## **10. CATCH REPORTING**

- a) All commercial catches shall be reported on Treaty Indian Fish Receiving tickets, as specified in individual Tribal Fisheries Ordinances. This includes any catches retained for commercial take home or for personal sales. The weight of all crab received and not purchased for any reason shall be recorded as take-home or species code 20-561 on Treaty Indian Fish Receiving tickets.
- b) All subsistence crab harvest shall be reported on shellfish subsistence cards. Cards are available at the tribal fisheries office.

## **11. PRODUCT SALES**

All commercial crab sales intended for resale must be made to tribally-approved buyers who have filled out a Buyer's Agreement with either the Port Gamble or Jamestown Tribes.



Tribal members can obtain a list of approved buyers from their Fisheries Office. Any sale intended for resale to a non-approved buyer will be a violation of this regulation. Jamestown tribal buyers must return completed fish tickets into Jamestown's Fisheries Office no later than 6 days following commercial harvest.

Roadside sales are commercial sales made to individuals for the purpose of personal consumption and not for resale. Roadside sales are allowed by the Port Gamble Tribe only. Any roadside sales are subject to the following restrictions:

- a) All roadside sales must be made within 72 hours of the fishery closing.
- b) All roadside sales must be reported to the Port Gamble fisheries office no later than three days after the date of sale.

## **12. BAIT RESTRICTIONS**

The use of any clam species for bait in any in-common fishing area will be restricted according to the following provisions:

- a) The use of any clam species dug from beaches opened for subsistence harvest is prohibited.
- b) Geoduck clams may be used for bait, provided that: 1) the clams are left in chunks such that the species is easily identifiable by enforcement personnel; and 2) the use of geoducks for bait has been approved by the individual tribe. Additional restrictions regarding the amount of geoducks that can be used for bait by an individual fisherman will be posted at the respective tribal fishery office.
- c) Prior to using any purchased clams as bait, fishers must first provide enforcement with proof of purchase.

## **13. EMERGENCY REGULATIONS**

The above regulation may be amended at any time by emergency regulations. Prior to harvest, each fisher shall check with their Tribal Fishery Office for emergency regulation changes.

## **14. AUTHORITY**

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



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Point No Point Treaty Council