



Point No Point Treaty Council

Port Gamble S'Klallam • Jamestown S'Klallam

2023-2024 Point No Point Treaty Council In-Common Geoduck Regulation for Subtidal Public Lands #S23-016

March 17, 2023

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, 2023 through March 31, 2024. This regulation is intended to comply with provisions of the 2023-2024 regional Geoduck Management Plans for Hood Canal, North Central Puget Sound, North Puget Sound, San Juan Islands and the Eastern Strait of Juan de Fuca. In the event the Regional Management Plans for Hood Canal, North Central Puget Sound, North Puget Sound, San Juan Islands or Eastern Strait of Juan de Fuca 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 These emergency regulations will remain in place either until they expire or until they are superseded by new regulations filed in accordance with provisions of the final annual management plans for either region. 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: *Panopea 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: 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

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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), 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, 2023 through March 31, 2024

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, 2023 and March 31, 2024, during daylight hours, and will be restricted to the following geoduck tracts:

Coon Bay #19900
Point Julia #20020
Port Gamble Inside #20100
Thorndyke #20550
Hazel Pt. (Toandos) #21000
Vinland #20750
Dungeness West #00320
Protection Is. #01000
Apple Cove Point North #06250
Foulweather East #04950
Point Partridge #03100

Commercial geoduck harvests on the above tracts will be managed by specific openings and closures using emergency regulations. Emergency regulations will be filed 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 Office.

All commercial geoduck sales must be made to a tribally-approved buyers who have filled out a buyer's agreement with either the Port Gamble or Jamestown Tribe.

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 2023-2024 treaty share, including any applicable carryover pounds from the previous season, in the Eastern Strait of Juan de Fuca Region, the Hood Canal Region, and the North Central Puget Sound Region. 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 2023-2024 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 2023-2024 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.

D. In order to protect herring spawning populations, the shoreward boundaries of the Point Julia #20020 and Port Gamble Inside #20100 tracts will be -35 feet MLLW from April 1 through April 15 and from January 15 through March 31. The shoreward boundaries for these tracts will be -25 feet MLLW at Point Julia #20020 and -18 feet MLLW at Port Gamble Inside #20100 at all other times.

10. Sanitary Control of Shellfish

A. Shellfish Biotoxin Closures - All subtidal geoduck harvest areas are subject to emergency closure for geoduck clam harvest due to risk of illness caused by elevated levels of naturally occurring biotoxins (DSP/PSP/ASP). Any emergency closure or re-opening due to changes in biotoxin levels will be posted at the Tribal Fisheries Office and the Point No Point Treaty Council Office. In the event an emergency closure halts harvest at a primary geoduck tract, 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:

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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, if requested, 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



Austin Paul, Subtidal Shellfish Program Manager
Point No Point Treaty Council