

POINT NO POINT SECTION 4.6 GEODUCK REGULATION FOR HOOD CANAL

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 Tribe and the Jamestown S'Klallam Tribe (PNPTC member Tribes). The term of this regulation is from April 1, 2023 through March 31, 2024, and is intended to regulate harvest by the member Tribes in Hood Canal under provisions of Paragraph 4.6 of the U.S. District Court Order of August 28, 1995 (Implementation Order) in U.S. v Washington, Sub-proceeding 89-3. In the event the regional geoduck management plan for Hood Canal is completed before the end of this regulation term, this regulation will be superseded by a new regulation conforming to the provisions of the Hood Canal regional geoduck harvest.

FILING ORGANIZATION: POINT NO POINT TREATY COUNCIL

REGULATION NUMBER: #S23-017

DATE ADOPTED: MARCH 17, 2023

REGULATION MODIFIED REGULATION #S23-016, SECTION 6.

REGULATION SUPERCEDED: NONE

CATCH AREAS: SHELLFISH CATCH REPORTING AREAS 25C & 27A, 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: GEODUCK CLAM (*Panopea generosa*)

ON/OFF RESERVATION: OFF

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

EFFECTIVE DATES: APRIL 1, 2023 THROUGH MARCH 31, 2024

DAYS/HOURS: OPEN THE FOLLOWING DAYS AND TIMES:
FOR THE JAMESTOWN TRIBE, MONDAY THROUGH FRIDAY EACH WEEK, FROM 7:00 AM TO 3:00 PM DAILY. FOR THE PORT GAMBLE TRIBE, MONDAY THROUGH FRIDAY OF EACH WEEK, FROM 7:00 AM TO 3:00 PM DAILY. FOR BOTH TRIBES THE FISHERY WILL START MONDAY, APRIL

3 AT 7:00 AM AND CONTINUE WEEKLY, EXCEPT TRIBAL HOLIDAYS. TRACTS WILL BE OPENED SIMULTANEOUSLY, AND EACH TRIBAL MONITOR WILL DETERMINE AT THE BEGINNING OF EACH WEEK THE TRACT THEIR FISHERS WILL HARVEST. EACH TRIBE MAY ONLY FISH ONE TRACT EACH WEEK. WEEKLY CHANGES IN FISHERY LOCATION WILL BE COORDINATED WITH TRIBAL ENFORCEMENT PERSONNEL.

OTHER RESTRICTIONS:

1. AS PER PNPTC REG. #S23-016.
2. 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.
3. THE BOUNDARIES OF THE GEODUCK TRACT WILL BE MARKED BY BUOYS OR DEFINED BY THE MONITOR.
4. FROM APRIL 1 THROUGH APRIL 15 AND FROM JANUARY 15 THROUGH MARCH 31, HARVEST WILL BE RESTRICTED TO -35 FEET OR DEEPER ON THE POINT JULIA #20020 AND PORT GAMBLE INSIDE #20100 TRACTS IN ORDER TO AVOID HERRING SPAWNING ACTIVITY.
5. DURING THE FISHERY, NO VESSEL AT ANCHOR MAY CROSS THE TRACT BOUNDARY WITHOUT THE PERMISSION OF THE MONITOR. ANY VESSEL THAT DOES SO SHALL BE CONSIDERED FISHING IN CLOSED WATERS.
6. DIVE TENDERS MUST REMAIN ON DECK AT ALL TIMES WHEN DIVERS ARE IN THE WATER.
7. EACH GEODUCK CLAM MUST BE EXCAVATED INDIVIDUALLY FROM THE BOTTOM. THE PRACTICE OF "SIDE MINING" IS PROHIBITED. NO GEODUCK CLAM THAT IS PARTIALLY OR WHOLLY EXCAVATED MAY BE REPLACED IN THE SUBSTRATE. ALL GEODUCKS EITHER PARTIALLY OR WHOLLY EXCAVATED MUST BE RETAINED AND THE WEIGHTS RECORDED.
8. FOR THE PORT GAMBLE TRIBE, ALL GEODUCK HARVESTED DURING THIS FISHERY MUST BE OFFLOADED AT POINT JULIA OR SALSBURY POINT COUNTY PARK. FOR THE JAMESTOWN TRIBE, ALL GEODUCK HARVESTED DURING THIS FISHERY MUST BE OFFLOADED AT SALSBURY POINT COUNTY PARK OR PORT LUDLOW.
9. A MINIMUM DISTANCE OF 600 FEET MUST BE KEPT BETWEEN HARVESTING VESSELS. THE MINIMUM DISTANCE CAN BE REDUCED BY THE MONITOR TO 300 FEET, IF WEATHER CONDITIONS ALLOW.
10. EACH VESSEL'S GEODUCK HARVEST MUST BE WEIGHED BEFORE THE VESSEL LEAVES THE HARVEST AREA. IF WEIGHOUT ON THE TRACT IS NOT PRACTICAL, THE ALTERNATE WEIGHOUT SITE WILL BE EITHER POINT JULIA OR SALSBURY POINT COUNTY PARK.
11. ALL COMMERCIAL AND TAKE HOME HARVEST MUST BE REPORTED ON THE OFFICIAL TRIBAL WEIGHOUT FORM, AT THE DESIGNATED WEIGHOUT SITE.
12. IT IS UNLAWFUL TO HARVEST ON THIS TRACT WITHOUT THE PRESENCE OF THE MONITOR, EITHER ON-THE-WATER OR WITHIN VISUAL DISTANCE.
13. DIVERS ARE NOT ALLOWED IN IN THE WATER BEFORE THE OPENING TIME OF 7:00 AM.
14. ALL COMMERCIAL GEODUCK SALES MUST BE MADE TO TRIBALLY APPROVED BUYERS WHO HAVE FILLED OUT A BUYER'S AGREEMENT WITH EITHER THE PORT GAMBLE OR JAMESTOWN TRIBE.

JAMESTOWN SPECIFIC PROVISIONS:

1. IF NITROX BREATHING GAS MIXTURE IS USED, DIVE PROFILES MUST ADHERE TO THE STANDARD AIR/NO DECOMPRESSION LIMITS.
2. FOR THE JAMESTOWN TRIBE, THE MAXIMUM AMOUNT OF TAKEHOME HARVEST FOR JAMESTOWN FISHERS IS 12 POUNDS/DAY.

PORT GAMBLE SPECIFIC PROVISIONS:

1. THE 2023-2024 PORT GAMBLE S'KLALLAM TRIBE SUBTIDAL GEODUCK REGULATION #S23-009 IS ADOPTED INTO THIS REGULATION BY REFERENCE. ALL REQUIREMENTS AND STANDARDS IN THAT REGULATION SHALL BE ENFORCED AGAINST PORT GAMBLE HARVESTERS DURING THIS FISHERY.
2. 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:

DURING THE TERM OF THIS REGULATION THE EXPECTED HARVEST FROM THE PORT GAMBLE TRIBE AND THE JAMESTOWN TRIBE WILL NOT EXCEED 78,706 POUNDS EACH, AS AVAILABLE FROM THE 2023-24 SEASON IN THE HOOD CANAL REGION. THIS REGULATION WILL BE MODIFIED IF THE EXPECTED HARVEST IS TAKEN BEFORE MARCH 31, 2024.

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:

COMMENCE HARVEST OF THE TREATY SHARE OF GEODUCK IN HOOD CANAL.