

POINT NO POINT SECTION 4.6 GEODUCK REGULATION FOR EASTERN STRAIT

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 the eastern Strait of Juan de Fuca 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for the eastern Strait of Juan de Fuca is completed before the end of this regulation term, this regulation will be superseded by a new regulation conforming to the provisions of the eastern Strait of Juan de Fuca regional geoduck harvest.

FILING ORGANIZATION: POINT NO POINT TREATY COUNCIL

REGULATION NUMBER: #S23-018

DATE ADOPTED: MARCH 17, 2023

REGULATION MODIFIED REGULATION #S23-016, SECTION 6.

REGULATION SUPERCEDED: NONE

CATCH AREAS: SHELLFISH CATCH REPORTING AREA 23D,
DUNGENESS WEST TRACT #00320, EAST STRAIT

SHELLFISH CATCH REPORTING AREA 25A,
PROTECTION ISLAND #01000, EAST STRAIT

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 SATURDAY OF EACH
WEEK, FROM 7:00 AM TO 3:00 PM DAILY. FOR THE PORT GAMBLE
TRIBE, TUESDAY THROUGH FRIDAY OF EACH WEEK, FROM 7:00 AM TO
3:00 PM DAILY. FOR BOTH TRIBES THE FISHERY WILL START SATURDAY,

APRIL 1 AT 7:00 AM AND CONTINUE WEEKLY, EXCEPT TRIBAL HOLIDAYS. FOR THE PORT GAMBLE TRIBE, HARVEST MAY OCCUR ON MONDAYS IF THERE IS A VALID PSP SAMPLE FROM THE PREVIOUS WEEK. THE PORT GAMBLE MONITOR WILL DETERMINE ON A WEEKLY BASIS WHETHER FISHING WILL OCCUR ON MONDAY. ALL WEEKLY FISHERY EXTENSIONS 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.
3. THE BOUNDARIES OF THE GEODUCK TRACT WILL BE MARKED BY BUOYS OR DEFINED BY THE MONITOR.
4. 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.
5. DIVE TENDERS MUST REMAIN ON DECK AT ALL TIMES WHEN DIVERS ARE IN THE WATER.
6. 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.
7. ALL GEODUCK HARVESTED DURING THIS FISHERY MUST BE OFFLOADED AT PORT ANGELES HARBOR FOR DUNGENESS WEST (#00320) AND JOHN WAYNE MARINA FOR PROTECTION ISLAND (#01000). OTHER OFFLOAD SITES WILL BE STIPULATED BY EMERGENCY REGULATION.
8. 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.
9. 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 PORT ANGELES HARBOR FOR DUNGENESS WEST (#00320) AND JOHN WAYNE MARINA FOR PROTECTION ISLAND (#01000).
10. ALL COMMERCIAL AND TAKE HOME HARVEST MUST BE REPORTED ON THE OFFICIAL TRIBAL WEIGHOUT FORM, AT THE DESIGNATED WEIGHOUT SITE.
11. IT IS UNLAWFUL TO HARVEST ON THIS TRACT WITHOUT THE PRESENCE OF THE MONITOR, EITHER ON-THE-WATER OR WITHIN VISUAL DISTANCE.
12. THE FISHERY WILL BE MANAGED ACCORDING TO THE 2023-24 GEODUCK HARVEST MONITORING AND COMPLIANCE STANDARDS CONTAINED IN THE STRAIT OF JUAN DE FUCA GEODUCK HARVEST MANAGEMENT PLAN, EXCEPT THAT DIVERS MAY BE ALLOWED TO HARVEST BEYOND THE BOUNDARY OF TRACT BUOY MARKERS ON ANY TRACT IF THESE MARKERS ARE REPOSITIONED AT LEAST 300 FEET INSIDE OF THE ACTUAL TRACT BOUNDARY.
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 65,237 POUNDS EACH, AS AVAILABLE FROM THE 2023-24 SEASON IN THE EASTERN STRAIT 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 THE EASTERN STRAIT.