POINT NO POINT TREATY COUNCIL SECTION 4.6 SCALLOP REGULATION

The following regulation is promulgated by the Point No Point Treaty Council and shall govern the conduct of off-reservation commercial scallop fisheries by the Port Gamble S'Klallam and the Jamestown S'Klallam 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 Pink and Spiny Scallops Harvest Management Plan. This regulation is intended to regulate the Pink and Spiny scallop harvest by these member Tribes 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 In the event the Management Plan is completed before the end of this regulation term, this regulation will be superseded by a new regulation conforming to the provisions of the new plan. The term of this regulation is from November 1, 2026 through October 31, 2027. Ceremonial and on-reservation fisheries shall be conducted under the provisions of individual Tribal Fisheries Ordinances and Regulations. All areas not specifically opened by this regulation or subsequent Point No Point Treaty Council regulations shall remain closed to the commercial harvest of Pink and Spiny scallops. Only gear and methods specifically authorized by this regulation may be legally used.

FILING ORGANIZATION: POINT NO POINT TREATY COUNCIL

REGULATION NUMBER: #S26-148

DATE ADOPTED: OCTOBER 16, 2026

REGULATION MODIFIED: NONE

REGULATION SUPERCEDED: #S26-144

CATCH AREAS:

1. DOH-APPROVED GROWING AREAS WITHIN 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 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, 25A, 25B.
2. THAT PORTION OF DOH-RESTRICTED ALDEN BANK SCALLOP AREA 1 WITHIN CATCH REPORTING AREA 20B.
3. THAT PORTION OF DOH-RESTRICTED ROSARIO STRAIT SCALLOP AREA 2 WITHIN CATCH REPORTING AREA 22A.
4. DOH-RESTRICTED BURROWS BAY SCALLOP AREA 3.
5. DOH-RESTRICTED LOPEZ ISLAND SOUTHEAST SCALLOP AREA 4.

FISHERY TYPE: COMMERCIAL

SPECIES: PINK SCALLOP (*Chlamys rubida*) AND SPINY SCALLOP (*Chlamys hastata*)

ON/OFF RESERVATION: OFF

EFFECTIVE DATES: NOVEMBER 1, 2026 THROUGH OCTOBER 31, 2027.

DAYS AND HOURS:

THE COMMERCIAL PINK AND SPINY SCALLOP FISHERY FOR THE PORT GAMBLE AND JAMESTOWN S'KLALLAM TRIBES WILL BE OPEN CONTINUOUSLY THROUGHOUT THE TERM OF THIS REGULATION, OR UNTIL THE TARGET HARVEST IS TAKEN, SUBJECT TO EMERGENCY MODIFICATION.

HARVEST RESTRICTIONS:

1. LOT TESTING IS REQUIRED FOLLOWING DOH CRITERIA FOR OPENING SCALLOP HARVEST IN DOH-APPROVED GROWING AREAS
2. DIVERS MAY ONLY HARVEST SCALLOPS BY HAND WITH THE USE OF SURFACE SUPPLIED AIR OR SELF-CONTAINED UNDERWATER BREATHING APPARATUS (SCUBA).
3. HARVEST LIMITED TO SCALLOPS WITH SHELL HEIGHT 2 INCHES OR GREATER, MEASURED FROM THE HINGE TO THE PART OF THE SHELL FARTHEST FROM THE HINGE.

EXPECTED HARVEST:

THE TRIBAL HARVEST TARGET FOR THE PERIOD OF NOVEMBER 1, 2026 THORUGH OCTOBER 31, 2027 IS 20,000 POUNDS.

CLOSED AREAS:

1. THOSE WATERS OF SAN JUAN CHANNEL AND UPRIGHT CHANNEL WITHIN THE FOLLOWING LINES: NORTH AND WEST OF A LINE FROM THE NORTHERNMOST POINT OF TURN ISLAND TO FLAT POINT ON LOPEZ ISLAND AND THENCE PROJECTED FROM FLAT POINT TRUE WEST TO SHAW ISLAND, NORTH OF A LINE PROJECTED FROM THE NORTHERNMOST POINT OF TURN ISLAND TRUE WEST TO SAN JUAN ISLAND, WEST OF A LINE FROM NECK POINT ON SHAW ISLAND TO STEEP POINT ON ORCAS ISLAND, AND SOUTH OF A LINE FROM STEEP POINT ON ORCAS ISLAND TO LIMESTONE POINT ON SAN JUAN ISLAND.
2. THOSE WATERS OF HARO STRAIT NORTH OF A LINE PROJECTED DUE WEST FROM THE SOUTHERNMOST POINT OF CATTLE POINT ON SAN JUAN ISLAND TO THE INTERNATIONAL BORDER AND SOUTH OF A LINE PROJECTED DUE WEST FROM A POINT ONE-QUARTER MILE NORTH OF LIME KILN LIGHT ON SAN JUAN ISLAND TO THE INTERNATIONAL BORDER.
3. ARGYLE LAGOON: THOSE UNIVERSITY OF WASHINGTON-OWNED TIDELANDS AND ALL BEDLANDS ENCLOSED BY THE INNER SPIT OF ARGYLE LAGOON ON SAN JUAN ISLAND.

4. THOSE WATERS OF THE STRAIT OF JUAN DE FUCA IN THE VICINITY OF LOW POINT WEST OF A LINE PROJECTED TRUE NORTH FROM THE SHORELINE AT 123 DEGREES 48.3 MINUTES WEST LONGITUDE TO THE INTERNATIONAL BORDER, AND EAST OF A LINE PROJECTED TRUE NORTH FROM THE SHORELINE AT 123 DEGREES 52.7 MINUTES WEST LONGITUDE TO THE INTERNATIONAL BORDER.

OTHER RESTRICTIONS:

1. ALL COMMERCIAL HARVESTERS MUST REGISTER AT THEIR RESPECTIVE TRIBAL FISHERIES OFFICE PRIOR TO PARTICIPATING IN THE FISHERY.
2. ALL COMMERCIAL SCALLOP SALES MUST BE MADE TO TRIBALLY APPROVED BUYERS WHO HAVE FILLED OUT A BUYER'S AGREEGMENT WITH EITHER THE PORT GAMBLE OR JAMESTOWN TRIBE.

CATCH REPORTING:

1. FISHERS ARE REQUIRED TO RECORD ALL COMMERCIAL HARVEST ON FISH RECEIVING TICKETS.
2. FISHERS ARE REQUIRED TO MAINTAIN HARVEST LOGS OF ALL FISHING ACTIVITY. COMMERCIAL HARVEST LOGS WILL INCLUDE, FOR EACH DAY FISHED, THE MFSF CATCH AREA, LOCATION FISHED (NEAREST LANDMARK, BAY, OR GPS COORDINATES), POUNDS LANDED, GEAR TYPE, AVERAGE DEPTH OF HARVEST AND DURATION FISHED.
3. JAMESTOWN TRIBAL BUYERS MUST RETURN COMPLETED FISH TICKETS INTO JAMESTOWN'S FISHERIES OFFICE NO LATER THAN 6 DAYS FOLLOWING COMMERCIAL HARVEST.

JUSTIFICATION:

COMMENCE TREATY HARVEST OF AVAILABLE SCALLOP RESOURCE. THIS REGULATION REMOVES REFERENCE TO SUBSISTENCE FISHERIES IN THE 4.6 HEADING AT THE TOP OF THIS REGULATION.

POINT NO POINT TREATY COUNCIL
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