



# Point No Point Treaty Council

Port Gamble S'Klallam • Jamestown S'Klallam

2011-2012

## Point No Point Treaty Council

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

#S11- 053

June 2, 2011

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 These emergency regulations will be subsequently superseded when the appropriate Puget Sound Crab Plan is finalized.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, 2011 through May 31, 2012. 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 (*Cancer magister*).

#### 2. TRIBAL FISHING AREAS

For the Jamestown S'Klallam and Port Gamble S'Klallam Tribes: Marine Fish-Shellfish Management and Catch Reporting Areas: 20B, 22A, 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 2011-2012 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 20B, 22A

REGION 2 West: Catch areas 25B, 25D, 26A West (south and west of the southern tip of Possession Point on Whidbey Island).

REGION 3: Catch areas 23A, 23B, 23C, 23D, 25A, 25E, 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 June 16, 2011, through April 15, 2012. The commercial and subsistence crab fishing season in Region 3, sub-regions 3-1 and 3-2, extends from June 25, 2011 through March 31, 2012. The fishing season in Region 3, sub-region 3-3 extends from June 18, 2011 through March 31, 2012. The commercial and subsistence fishing season in Region 2 West extends from June 1, 2011 through March 31, 2012, and the fishing season in Region 5 extends from July 1, 2011 through February 28, 2012. 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.

### **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.

- b) The following specific areas of Region 1 will remain closed to commercial fishing from June 1 through September 30, but will be open for subsistence fishing according to the aforementioned schedule:
- i. That portion of Area 22A in Westcott and Garrison Bays east of a line projected due south from Point White to its intersection of San Juan Island.
  - ii. That portion of Area 22A in East Sound north of a line from the southern point of Judd Bay on the west to Giffin Rocks on the east.
  - iii. That portion of Area 20B that includes all waters of Prevost Harbor between Stuart Island and Satellite Island southwest of a line extending from Charles Point on Stuart Island to the northwest tip of Satellite Island, and southwest of a line projected to the southeast end of Satellite Island bearing 120° true north to Stuart Island.
  - iv. That portion of Area 22A in Blind Bay south of a line projected due west from Point Hudson to its intersection of Shaw Island.
  - v. That portion of Area 22A in Fisherman Bay south of an east-west line projected through the red #4 buoy at the entrance to Fisherman Bay.
  - vi. That portion of Area 22A in Mud Bay south of a line projected through Crab and Fortress Islands and intersection Lopez Island on both ends.

- vii. That portion of Area 20B that includes all waters of Echo, Spring, Fossil, and Shallow Bays on Sucia Island west of a line from the east tip of Ewing Island to the east tip of North Finger Island, thence to Johnson Point, thence to Ev Henry Point.
- viii. That portion of Area 22A in Deer Harbor north of a line from Steep point to Pole Pass.

### Region 2 West

The following areas within Region 2 West will remain closed to commercial fishing during the times specified:

- a) Useless Bay – That portion of Area 26A in Useless Bay north and east of a line from the south end of the Double Bluff State Park seawall (47° 58.782”N, 122° 30.84”W) projected 110° true to the boulder on shore (47° 57.690”, 122° 26.742”) shall remain closed to commercial fisheries from June 1 through September 6, 2011.
- b) Port Townsend Bay – Area 25D will be closed to tribal commercial fisheries from July 1 through September 6, 2011.

### Region 3

That part of Discovery Bay south of a line from Contractors Point to Tukey Point will remain closed 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. Outside Region 5, the maximum allowable number of crab pots and ring nets combined will be 5 pots/ring nets per fisher per day. Within Region 5, the maximum allowable number of crab pots and ring nets combined will be 1 pot/ring net per fisher per day.

- 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 half red and half white. If any portion of the buoy is red, none of the remaining portion of the buoy may be white. If any portion of the buoy is white, none of the remaining portion of the buoy 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. For commercial crab fisheries in Region 1 and Region 5, buoys may also carry a buoy tag, or other form of specific buoy identification, which will be described in detail in the appropriate emergency regulation.
  
- 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.

## 8. GEAR DEFINITIONS

Commercial 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
- c) 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.

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>1/4</sup> 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. It is unlawful for fishers to retain and possess any female, undersized and soft-shelled Dungeness crabs. All female, undersized and soft-shelled crabs must be returned to the water unharmed.
- c) The daily subsistence harvest limit in each Region will be 10 crabs per fisher, unless otherwise stipulated in emergency regulations .

## **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. 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 will be 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) this 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 offices.
- c) Butter clams that are purchased may be used for bait, provided that: 1) the use of such clams for bait has been approved by the individual tribe; 2) the tribe has developed a list of all fishermen who will use purchased butter clams for bait, and that such lists will be updated weekly; 3) the weekly lists will be furnished to fisheries enforcement personnel; 4) the butter clams in bait cans are left in chunks large enough to be identifiable by enforcement personnel. Only those fishermen whose name appears on the weekly individual tribal lists will be approved to use butter clams as bait in the in-common crab fishery. Butter clams can only be purchased from a commercial seller of clams who possesses both a Washington State commercial seafood seller's license and a shellstock shipper or shucker/packer certification from the Department of Health. In addition, all commercial sellers must be approved by the respective tribe.

## **12. 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.

**13. AUTHORITY**

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

A handwritten signature in cursive script, appearing to read "Randy Hatch".

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Randy Hatch, Sr. Treaty Area Shellfish Biologist  
Point No Point Treaty Council