



Point No Point Treaty Council

Port Gamble S'Klallam • Jamestown S'Klallam

2010

Point No Point Treaty Council

In-Common Subsistence Clam and Oyster Regulation for Public Tidelands #S10-002

December 22, 2009

The following regulation is promulgated by the Point No Point Treaty Council and shall govern subsistence fisheries for clams and oysters conducted off-reservation and on public tidelands by the Port Gamble S'Klallam and the Jamestown S'Klallam Tribes (PNPTC Member Tribes). This regulation is intended to conform with agreements reached between the Point No Point Treaty Tribes and the State of Washington, as contained in the Annual 2010 Bivalve Management Plans for Public Tidelands in Region 1 (Strait of Juan de Fuca), Region 2 (San Juan Islands), Region 4 (Central Puget Sound), Region 5 (Admiralty Inlet), and Region 8 (Hood Canal). In the event the Management Plans for one or more Regions is not completed in a timely manner, 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") to control the harvest.

The term of this regulation is from January 1, 2010 through December 31, 2010. Annual commercial fisheries shall be governed by separate regulation. On-reservation and ceremonial fisheries shall be conducted under the provisions of the individual Tribal Fisheries Ordinances and Regulations. All areas not specifically opened by these regulations shall remain closed to commercial harvest of clams and oysters. Only gear and methods specifically authorized by these regulations may be legally used.

1. SPECIES

- a. Clams: Manila, native littleneck, butter, horse, cockle, inter-tidal geoduck, soft-shell, macoma, piddock
- b. Oysters: Pacific, Olympia
- c. Mussels

2. **AREAS**

For the Jamestown S’Klallam and Port Gamble S’Klallam Tribes: Shellfish Catch Reporting Areas 20B, 22A, 23A, 23B, 23C, 23D, 25A, 25B, 25C, 25D, 25E, 26A (all S’Klallam U&A within that portion of area 26A south and west of a line drawn from the southern tip of Possession Point on Whidbey Island 110° true to the shipwreck on the opposite shore), 27A, 27B (north of an east-west line from Ayock Point), 29.

3. **MANAGEMENT PERIOD**

January 1, 2010 through December 31, 2010

4. **LEGAL GEAR**

Only hand-held implements including forks, rakes, shovels, picks and prying tools will be allowed.

5. **FISHERIES OPENINGS**

Subsistence clam and oyster fisheries shall be open all year on all public tidelands, beginning January 1, 2010 through December 31, 2010, provided that any public beach may be closed to subsistence clam or oyster fishing at any time during the season by emergency regulation. The following beaches shall remain closed to subsistence clam and oyster harvest for the entire year:

1. San Juan Islands:
 - a. False Bay - All tidelands of the Bay.
 - b. Friday Harbor - University of Washington tidelands extending from the boundary marker 1,500 feet north of Point Caution, then south along the shore to the boundary marker located 100 feet north of the entrance of the floating breakwater of the Port of Friday Harbor.
 - c. Argyle Lagoon - All University of Washington tidelands enclosed by the inner spit.
 - d. Garrison Bay - All tidelands of Guss Island and all state and federally owned tidelands south of the boundary marker approximately 1,000 yards south of Bell Point.
 - e. Yellow and Low Islands - All tidelands
 - f. Shaw Island - University of Washington tidelands extending from the boundary marker in Hicks Bay west and north along the shore, around Point George into and including all of Parks Bay.
2. Pitship Point (BIDN 250057)

6. **OTHER RESTRICTIONS**

- A. **Paralytic Shellfish Poisoning (PSP) Closures:** All public tidelands are subject to emergency closure for clam and oyster harvest due to risk of PSP. Before harvesting any oyster and clam species from any beach, fishers shall determine whether any new closures or openings are in effect due to changes in PSP by contacting the Tribal Fisheries Offices or the Point No Point Treaty Council Central Office.
- B. **Bait Restrictions:** It shall be unlawful to use subsistence clams or oysters for bait in any other shellfish fishery.
- C. **Clam Harvest Restrictions:**
- 1) **Minimum Size Limit** - No clams smaller than 1-1/2 inches in length (38 mm) shall be harvested in subsistence fisheries, except in Quilcene Bay where the minimum size will be 1-1/4 inches (32 mm), or except as specified by emergency regulations or prior agreement between the PNPTC member Tribes and the State of Washington.
 - 2) **Backfilling** - All holes made during clam digging must be backfilled prior to digging at another location.
- D. **Bag Limits:** Daily subsistence bag limits per fisher are as follows:
- 1) Native littleneck, Manila, and soft-shell clams: 20 pounds combined, subject to the restrictions in #2 below;
 - 2) Native littleneck and Manila clams at Dosewallips North and South, Wolfe Property, Shine Tidelands, Duckabush, and Bangor: 10 pounds combined;
 - 3) Butter Clams: 20 pounds;
 - 4) Geoduck: 6 clams;
 - 5) Cockles: 15 pounds;
 - 6) Mussels: 20 pounds;
 - 7) Oysters: 100 oysters;
 - 8) Horse clams: 10 clams.

7. **SUBSISTENCE CATCH REPORTING**

- 1) All subsistence clam and oyster harvest shall be reported on shellfish subsistence cards. Tribal subsistence harvest reporting cards are available at the Tribal Fisheries Offices. Harvesters are required to have a valid shellfish subsistence card in their possession during the subsistence harvest. Cards are valid only when signed by authorized Tribal Fisheries staff.

- 2) Harvesters shall complete the harvest card prior to leaving the beach.
- 3) Required information to be reported on the card includes: a) the specific beach where harvest occurred, b) the month and day of harvest, and c) the species and quantity harvested.
- 4) The return date of completed cards shall be designated at each Tribal Fisheries Office. Fishers should contact their Tribal Fisheries Office staff for the return date of completed cards.

8. **EMERGENCY REGULATIONS**

The above regulations may be amended at any time by emergency regulations. Prior to harvest, each fisher shall check with their respective Tribal Fishery Office or the Point No Point Treaty Council Central Office for emergency regulation changes.

9. **AUTHORITY**

The Point No Point Treaty Council, under the authority delegated by the member tribes, promulgates the above in-common regulations.



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