



LUMMI INDIAN BUSINESS COUNCIL

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2019-09 HARVEST DIVING STANDARDS REGULATION

Filing Date: 2/1/2019

Supersedes Reg: None

Filing Organization: Lummi

EFFECTIVE DATES:	Effective from February 01 2019 to February 01 2024, or until superseded or Treaty harvest is taken
REG. SUPERSEDED	This regulation supersedes Regulation 2013-24 Commercial Harvest Diving Standards.
AFFECTED ORGANIZATIONS	As per the February 2019 version of the Lummi Natural Resources Department (LNR) Commercial Harvest Diving Standards, all eligible Lummi tribal members and non-Lummi treaty tribal members who qualify to participate in the Lummi Nation's commercial dive fisheries.
HARVEST AREAS	All usual and accustomed fishing grounds and stations of the Lummi Nation.
FISHERY TYPE	Commercial.
SPECIES	Giant red or California sea cucumber (<i>Parastichopus californicus</i>), red sea urchin (<i>Mesocentrotus franciscanus</i>), green sea urchin (<i>Strongylocentrotus droebachiensis</i>), geoduck clam (<i>Panopea generosa</i>), and pink and spiny scallops (<i>Chlamys</i> spp.).
LEGAL GEAR	Commercial harvest diving equipment, or its equivalent, as outlined/reviewed in the February 2019 version of the LNR Commercial Harvest Diving Standards.
RESTRICTIONS	<ol style="list-style-type: none">1. The February 2019 version of the LNR Commercial Harvest Diving Standards (hereafter, the standards) applies to and is currently in effect for every regulated Lummi commercial dive fishery until further notice or until superseded by an updated version of the standards.2. All eligible participants in the Lummi Nation's commercial dive fisheries must be familiar with the standards. Electronic copies of this regulation and the standards may found at the following link: https://www.lummi-nsn.gov/Website.php?PageID=323.3. Every eligible participant of the Lummi Nation's commercial dive fisheries shall meet a minimum number of safety requirements. These include fitness to participate in the dive fisheries, successful completion of a minimum number of certifications and trainings, and annual equipment maintenance and service as outlined in the standards. The minimum age for a diver is 18 years, whereas the minimum age for a hose tender is 15 years.4. Eligible participants shall be classified by LNR to perform various duties aboard a diving support vessel (e.g., hose tender, trainee diver, experienced diver, and experienced dive operator). LNR will issue classification cards to eligible participants on a management year or seasonal basis indicating that the eligible fishers have met their requirements for that management year or season; expiration dates apply.5. A copy of the the standards must be onboard and made available to every crew member who is eligible to participate in a commercial harvest diving operation under the auspices of the Lummi Nation. A limited number of printed hard copies of the standards will be made available by LNR for this purpose.6. Every Lummi-registered fishing vessel (i.e., diving support vessel) participating in the Lummi Nation's commercial dive fisheries must have onboard an emergency oxygen administration kit. Besides the common onboard safety equipment (e.g., approved flotation devices, emergency signaling equipment, and fire suppression devices), all eligible participants must be familiar with the components and use of an emergency oxygen administration kit. To this end, and besides all other personnel requirements as outlined in the standards, all eligible participants shall maintain current certifications in first aid, CPR, and emergency oxygen administration.7. A non-Lummi treaty tribal member participating in a regulated Lummi commercial dive fishery shall have qualifications that meet or exceed those required by the Lummi Nation. Proof of these qualifications must be presented to the LNR Diving Safety Administrator prior to the non-Lummi treaty tribal member working aboard the Lummi-registered diving support vessel.8. In addition, the non-Lummi treaty tribal member's usual and accustomed fishing grounds and stations must overlap those of the Lummi Nation. And finally, it shall be the responsibility of the non-Lummi treaty tribal to ensure that his or her treaty tribe promulgates a regulation opening its commercial dive fishery alongside that of the Lummi Nation.
JUSTIFICATION	The justification for this regulation stems from the Lummi Nation's Natural Resources Code of Laws, Title 10, Chapter 10.05 Vessel Registration, 10.05.070 Fish Vessel Safety Regulations , whereby the Director of the Lummi Natural Resources Department, in consultation with the Lummi Fisheries and Natural Resources Commission, may promulgate regulations concerning the safe operation of fishing vessels to protect the fishers, the resource, and the general public.