



**LUMMI INDIAN BUSINESS COUNCIL**  
2665 Kwina Road, Bellingham WA 98226. (360) 312-2000  
Natural Resources Department. fisheryregulations@lummi-nsn.gov

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**2024-001 SJI GEODUCK REGULATION**

Filing Date: 1/5/2024      Supersedes Reg: 2023-55      Filing Organization: Lummi

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**EFFECTIVE DATES**      1/5/2024 to 3/31/2025

**AFFECTED ORGANIZATIONS**      Port Gamble S'Klallam Tribe, Jamestown S'Klallam Tribe, Lower Elwha Klallam Tribe, Suquamish Tribe, Point No Point Treaty Council, Tulalip Tribes, Swinomish Indian Tribal Community, Nooksack Tribe, Upper Skagit Tribe, Washington Department of Fish and Wildlife, Washington Department of Natural Resources, and Washington Department of Health.

**CATCH AREA**      Geoduck Tract 02800, NE Alden Bank

**SPECIES**      Geoduck Clam (*Panopea generosa*)

**LEGAL GEAR**      Divers with hand-held manually operated water jet, with a water jet nozzle 5/8 inch inside diameter or less.

**FISHERY TYPE**      Commercial

**DAYS/HOURS BY GEAR**      This fishery will open according the dates and times below pending results of PSP biotoxin sampling and **favorable weather conditions**.  
TRACT OPEN 8:00 AM, Sunday January 7, 2024  
TRACT CLOSE 3:00 PM, Sunday, January 7, 2024, or when Lummi's share is taken, whichever comes first.  
TRACT OPEN 8:00 AM, Monday January 8, 2024  
TRACT CLOSE 3:00 PM, Monday, January 8, 2024, or when Lummi's share is taken, whichever comes first.  
TRACT OPEN 8:00 AM, Tuesday January 9, 2024  
TRACT CLOSE 3:00 PM, Tuesday, January 9, 2024, or when Lummi's share is taken, whichever comes first.  
TRACT OPEN 8:00 AM, Wednesday January 10, 2024  
TRACT CLOSE 3:00 PM, Wednesday, January 10, 2024, or when Lummi's share is taken, whichever comes first.  
TRACT OPEN 8:00 AM, Thursday January 11, 2024  
TRACT CLOSE 3:00 PM, Thursday, January 11, 2024, or when Lummi's share is taken, whichever comes first.

**TARGET HARVEST**      11,593 pounds

## RESTRICTIONS

1. Harvest limited to harvest objective identified above.
2. The February 2019 version of the Lummi Nation Commercial Harvest Diving Standards (hereafter, the standards) must be observed pursuant to Regulation 2019-09.
3. Parties participating in dive harvest operations must be classified by the Lummi Natural Resources Department (LNR) pursuant to the standards and Regulation 2019-09.
4. Unless otherwise directed by LNR, the fleet will meet with an LNR representative to receive information packets concerning the fishery prior to opening. Information packets include a tract map indicating tract corner points in Lat/Long, tide corrections and predicted tides, copy of LNR regulation, copy of LNR Hotline bulletin, monitor log, and shellfish sanitation information. All commercial geoduck harvesters are verified in advance by LNR staff, the monitor or designee.
5. All harvesters must provide information requested by LNR staff, the monitor or designee, and LNR enforcement officers observing the fishery.
6. Diving will be restricted to that portion of the tract marked on a map with outside corner coordinates provided by LNR to each vessel prior to the opening.
7. Diving activities must take place during daylight hours only.
8. No harvester shall begin the harvest until the anchor is set and the vessel's latitude and longitude is confirmed to be inside the tract boundaries provided by LNR staff and/or the monitors.
9. The Lummi NE Alden Bank geoduck fishery is normally completed in two consecutive days. The first day is a "derby-style" opener with a pre-determined closing time, usually based on shipping constraints of the buyer(s). All divers must be out of the water when the tract closes, with vessels returning to port shortly thereafter. If there are pounds remaining to be harvested the following day (hereafter, the "mop-up"), any remaining pounds will be split equally amongst the vessels present during the "mop-up". The "mop-up" also closes at a pre-determined time, with vessels returning to port shortly thereafter.
10. Any vessel and/or harvester that exceeds their mop-up share by 10% or more will forfeit the overage to LNR staff and/or Lummi enforcement officers and may face additional penalties in future openers. Proceeds from the sale of mop-up overages typically benefit the Lummi Elders Program.
11. All harvest must be reported to the monitor or designee upon sorting and placement into crates, and a shellfish health tag with the required, relevant harvest information shall be filled out and inserted in the geoduck crate.
12. All sales will be to a WDOH certified shellfish buyer.
13. Harvesters may not sell out until monitor or designee is present to oversee the sale.
14. All sales will be recorded on Treaty Indian Shellfish Receiving Tickets and counter signed by monitor or designee and shall include any additional information required by applicable NSSP, MO provisions.
15. All provisions of the Geoduck Dive Harvest Operations plan filed with the WDOH must be followed with respect to applicable NSSP, MO provisions therein identified.
16. Harvest will be prohibited in depths greater than -70 feet uncorrected and less than -18 feet corrected to mean lower low water, or when eel grass extends below the corrected -18 foot level harvesting shall be at least 2 vertical feet deeper and seaward of eelgrass beds.
17. All landings and sellout of geoduck from the Alden Bank Geoduck Tract will occur at Fisherman's Cove- 2557 Lummi View Dr, Bellingham, WA 98226. Vessels should report directly to the sales site.
18. If anyone develops COVID-19 symptoms, the crew member is to call the Public Health phone line immediately (360-383-8251) to report symptoms and to undergo screening
19. The target harvest represents 10,775 lbs of Lummi's shares for the 2023-2025 San Juan Island Management Plan and 5,387 lbs of Nooksack's shares based upon the Memorandum of Agreement between the Nooksack Indian Tribe and the Lummi Nation on the 26th of May, 2023.
20. Must observe all provisions of Title 10. for further testing.

## CATCH MONITORING

Harvest of geoduck shall be monitored by Natural Resources Enforcement Officers on-site and by LNR staff remotely to ensure that landings by treaty harvesters do not exceed the agreed allocations.

## EXPECTED EFFORT

7 vessels and 15 divers.

## CELL NUMBERS

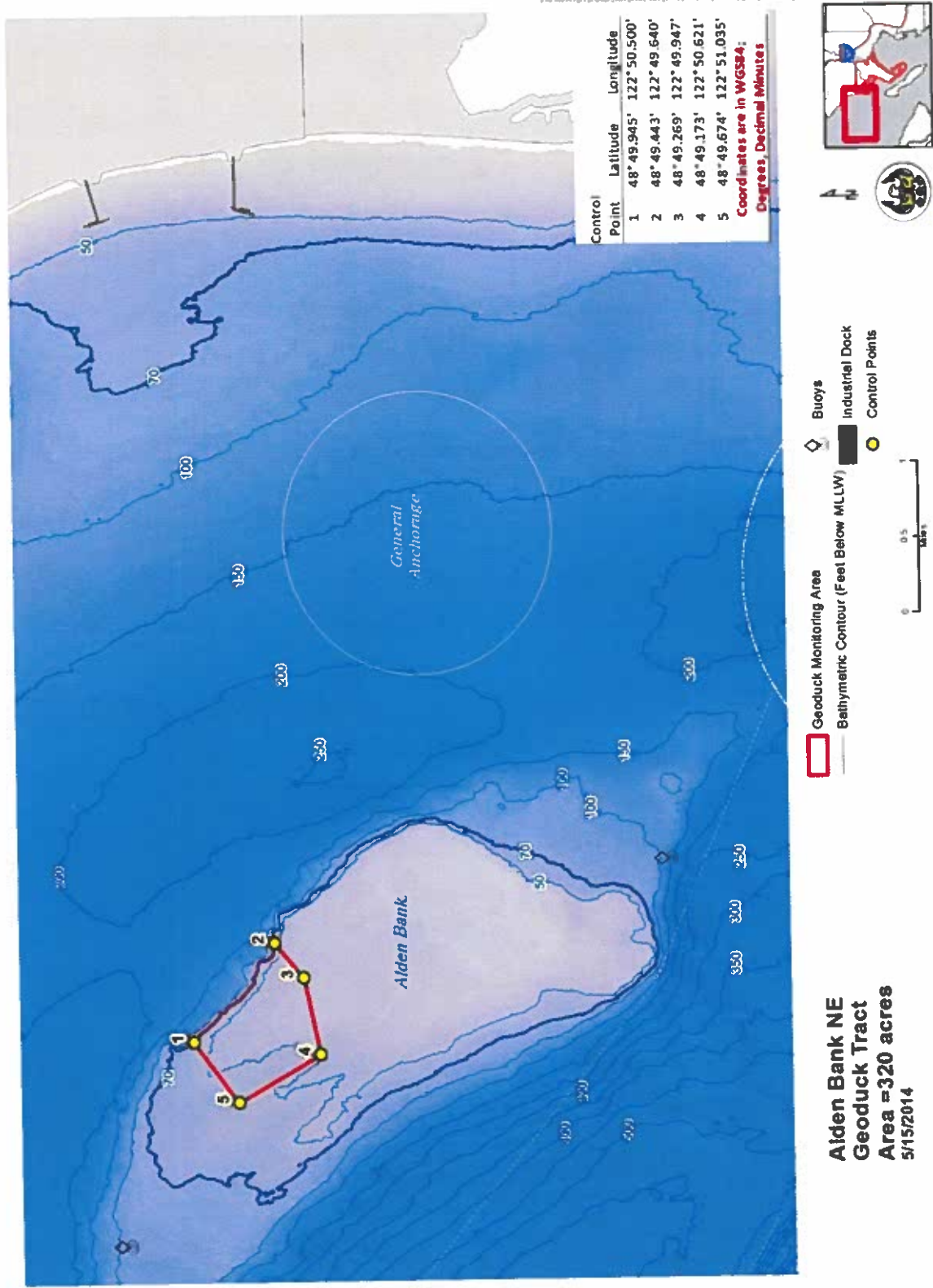
Contact Sgt. Ed Conway (360-410-6813) for onsite enforcement information. Contact Elden Hillaire (360-393-2797), Thomas Olsen (360-441-2113), or Megan Russell (206-948-1016) for off-site information.

## JUSTIFICATION

This notice is to pursue harvest as per the signed co-manager agreement of the 2023-2025 San Juan Island/Strait of Georgia Region Harvest Management Plan for the Subtidal Geoduck Clam (*Panopea generosa*) Fishery, and the Memorandum of Agreement between the Nooksack Indian Tribe and the Lummi Nation on the 26th of May, 2023, and is promulgated pursuant to Chapter 10.6 of the Lummi Law and Order Code.

# APPENDIX B

## Harvest Sites



**Alden Bank NE  
Geoduck Tract  
Area = 320 acres  
5/15/2014**

State of Washington  
Department of Health  
Office of Environmental Health & Safety

SHELLFISH OPERATION LICENSE AND CERTIFICATE OF APPROVAL

THIS IS TO CERTIFY that the

**LUMMI INDIAN BUSINESS COUNCIL**

establishment owned or operated by

**MERLE JEFFERSON**

located at

3801-B KWINA RD

BELLINGHAM, WA 98226

has been inspected and found to meet the sanitary requirements of Chapter 69.30 RCW and the rules and regulations of the State Board of Health, and is hereby licensed as a commercial shellfish operation. A certificate of approval as prescribed in Chapters 69.30 RCW and 246-282 WAC is hereby granted for the harvesting of shellfish for human consumption from the following general location(s):

**Certified Tribal Harvest Areas for the Lummi Tribe**

Printed on: 6/26/2023

Effective beginning: 7/1/2023

License No: 0098

Washington Cert No: WA-0098-SS

*Dani Toupet*

for Todd Phillips R.S., Director

Office of Environmental Health and Safety

**This license/certificate expires June 30, 2024, and is revocable and NOT transferable.**



# Harvest Site Certificate

Print Date: June 26, 2023

Company Name: LUMMI INDIAN BUSINESS COUNCIL      Company Owner: MERLE JEFFERSON  
Address: 3801-B KWINA RD, BELLINGHAM      License Number: WA-0098-SS      License End Date: 06/30/2024

## Harvest Sites

### NSSP Growing Area: Alden Bank

Application Number	MWSS Number and Classification	Site Number	Lease Expires	Signed CAAMP on file	Certification Date
2013-281	33 Approved	Geoduck Tract: 02800 -Alden Bank		N/A	07/08/2014
	Owner:		Acres: 320.00	Site ID: 02800	
	Harvest Type: Wild	Species: Geoducks, Scallop			
	Comments: Strait of Georgia W.Lummi Reservation				

### NSSP Growing Area: Birch Bay

Application Number	MWSS Number and Classification	Site Number	Lease Expires	Signed CAAMP on file	Certification Date
1991-36	22 Approved	Recreational Beach: 200060-BIRCH BAY SP		N/A	07/19/1991
	Owner: WASHINGTON STATE DEPT OF PARKS AND RECREATION		Acres: 192.00	Site ID: Birch Bay State Park	
	Harvest Type: Not Specified	Species: Butter Clams, Littleneck Clams, Manila Clams, Pacific Oysters			
	Comments: Birch Bay State Park				
1991-37	30 Approved	Recreational Beach: 200070-S BIRCH PT		N/A	07/19/1991
	Owner: Department of Natural Resources		Acres: 0.00	Site ID: South Birch Point	
	Harvest Type: Not Specified	Species: Littleneck Clams, Manila Clams, Pacific Oysters			
	Comments: South Birch Point				



# Washington State Department of Health Office of Environmental Health and Safety (360)236-3330

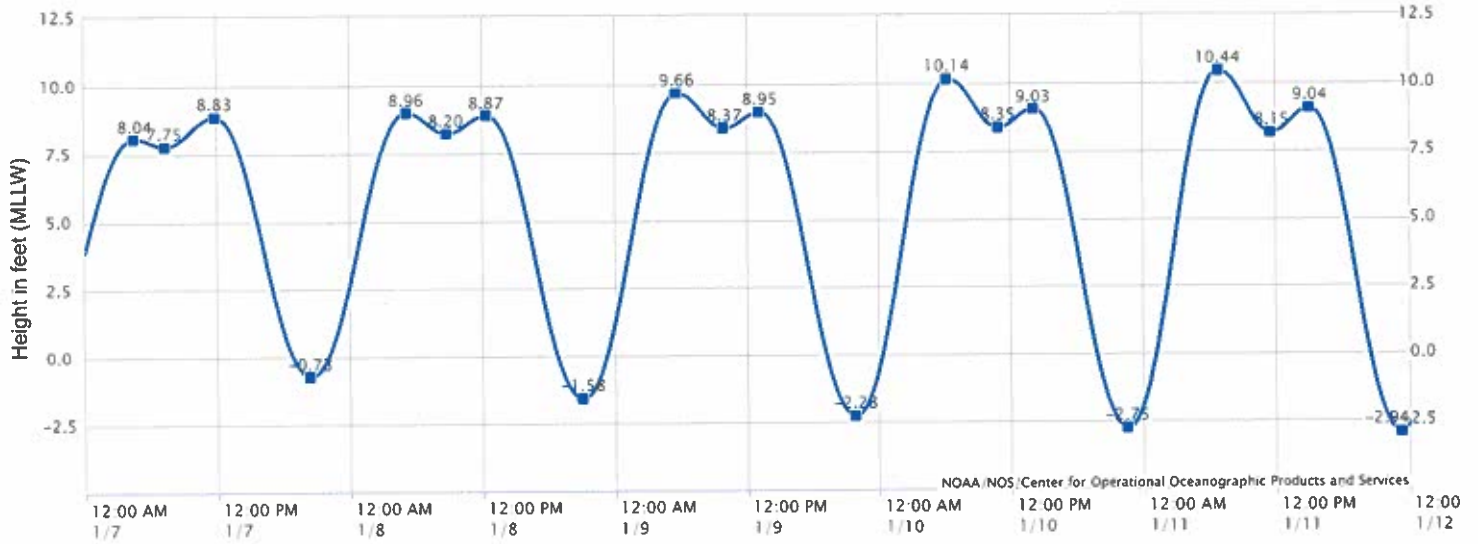
## PSP Daily Report

January 3, 2024

PSP Number	Date Collected	Site Name	Subsite	County	Species	PSP Result (µg/100g)	Tissue	Collector
202400015	12/30/2023	Samish Bay		Skagit	Pacific Oyster	NTD	Whole	Penn Cove Shellfish, LLC
202400016	12/31/2023	Penn Cove		Island	Blue Mussel	NTD	Whole	Penn Cove Shellfish, LLC
202400017	01/02/2024	Apple Cove Pt N Tract #06250		Kitsap	Geoduck	NTD	Gut	Lummi Indian Nation/Lummi Shellfish
202400018	01/02/2024	Alden Bank Tract #02800		Whatcom	Geoduck	NTD	Gut	Lummi Indian Nation/Lummi Shellfish
202400019	01/02/2024	Agate Pass Tract #06800		Kitsap	Geoduck	57	Gut	Suquamish Seafoods
202400020	01/02/2024	Olympia	Olympia Yacht Club	Thurston	Blue Mussel	NTD	Whole	Department of Health
202400021	01/02/2024	Zittel's Marina		Thurston	Blue Mussel	NTD	Whole	Department of Health
202400022	01/02/2024	Boston Harbor Marina		Thurston	Blue Mussel	No Test	Whole	Department of Health
202400023	01/02/2024	Olympia	Hearthfire	Thurston	Blue Mussel	No Test	Whole	Department of Health
202400024	01/02/2024	Pitship Point	John Wayne Marina	Ciallam	Blue Mussel	NTD	Whole	Olympic Peninsula Baywatchers
202400025	01/02/2024	Seilacoom Dock		Pierce	Blue Mussel	NTD	Whole	Puget Sound Restoration Fund
202400026	01/01/2024	Lofall		Kitsap	Blue Mussel	NTD	Whole	Kitsap County Health District
202400027	01/02/2024	Port Gambale Bay		Kitsap	Blue Mussel	NTD	Whole	Port Gambale S'Klallam Tribe
202400028	01/02/2024	Portage Bay		Whatcom	Blue Mussel	NTD	Whole	Lummi Indian Nation/Lummi Shellfish
202400029	01/02/2024	Lummi Bay		Whatcom	Blue Mussel	NTD	Whole	Lummi Indian Nation/Lummi Shellfish
202400030	01/02/2024	Squalicum Harbor		Whatcom	Blue Mussel	NTD	Whole	Whatcom County Health Department
202400031	01/02/2024	Kingston Marina		Kitsap	Blue Mussel	<38	Whole	Kitsap County Health District
202400032	01/02/2024	Eagle Harbor		Kitsap	Blue Mussel	NTD	Whole	Kitsap County Health District
202400033	01/02/2024	Port Washington Marina		Kitsap	Blue Mussel	NTD	Whole	Kitsap County Health District
202400034	01/02/2024	Poulsbo Marina		Kitsap	Blue Mussel	NTD	Whole	Kitsap County Health District
202400035	01/02/2024	Birch Bay Village		Whatcom	Blue Mussel	NTD	Whole	Puget Sound Restoration Fund



**NOAA/NOS/CO-OPS  
Tide Predictions at 9449424, Cherry Point WA  
From 2024/01/07 12:00 AM LST/LDT to 2024/01/11 11:59 PM LST/LDT**



Note: The interval is High/Low, the solid blue line depicts a curve fit between the high and low values and approximates the segments between.  
Disclaimer: These data are based upon the latest information available as of the date of your request, and may differ from the published tide tables.

**High/Low Tide Prediction Data Listing**

Station Name: Cherry Point, WA  
Action: Daily  
Product: Tide Predictions  
Start Date & Time: 2024/1/7 12:00 AM  
End Date & Time: 2024/1/11 11:59 PM

Source: NOAA/NOS/CO-OPS  
Prediction Type: Harmonic  
Datum: MLLW  
Height Units: Feet  
Time Zone: LST/LDT

Date	Day	Time	Hgt	Time	Hgt	Time	Hgt	Time	Hgt
2024/01/07	Sun	04:30 AM	8.04 H	07:16 AM	7.75 L	11:47 AM	8.83 H	8:23 PM	-0.73 L
2024/01/08	Mon	05:06 AM	8.96 H	08:47 AM	8.20 L	12:21 PM	8.87 H	9:03 PM	-1.58 L
2024/01/09	Tue	05:39 AM	9.66 H	09:54 AM	8.37 L	1:08 PM	8.95 H	9:45 PM	-2.28 L
2024/01/10	Wed	06:13 AM	10.14 H	10:46 AM	8.35 L	2:03 PM	9.03 H	10:29 PM	-2.75 L
2024/01/11	Thu	06:47 AM	10.44 H	11:33 AM	8.15 L	3:03 PM	9.04 H	11:13 PM	-2.94 L

**Corrections to Cherry Point Tides to accommodate harvesting between -18 ft MLLW and -70 ft MLLW at the Alden Bank Geoduck Tract (#02800)**

<b>Sunday 1/7/24</b>				
<b>Height (ft)</b>	<b>Tide</b>	<b>Time</b>	<b>Shallow end of tract (ft)*</b>	<b>Deep end of tract (ft)*</b>
8	H	4:30 AM	26	78
8	L	7:16 AM	26	78
9	H	11:47 AM	27	79
-1	L	8:23 PM	17	69

**\* Depth that will appear on divers' depth gauges**

<b>Monday 1/8/24</b>				
<b>Height (ft)</b>	<b>Tide</b>	<b>Time</b>	<b>Shallow end of tract (ft)*</b>	<b>Deep end of tract (ft)*</b>
9	H	5:06 AM	27	79
8	L	8:47 AM	26	78
9	H	12:21 PM	27	79
-2	L	9:03 PM	16	68

**\* Depth that will appear on divers' depth gauges**

<b>Tuesday 1/9/24</b>				
<b>Height (ft)</b>	<b>Tide</b>	<b>Time</b>	<b>Shallow end of tract (ft)*</b>	<b>Deep end of tract (ft)*</b>
10	H	5:39 AM	28	80
8	L	9:54 AM	26	78
9	H	1:08 PM	27	79
-2	L	9:45 PM	16	68

**\* Depth that will appear on divers' depth gauges**

<b>Wednesday 1/10/24</b>				
<b>Height (ft)</b>	<b>Tide</b>	<b>Time</b>	<b>Shallow end of tract (ft)*</b>	<b>Deep end of tract (ft)*</b>
10	H	6:13 AM	28	80
8	L	10:46 AM	26	78
9	H	2:03 PM	27	79
-3	L	10:29 PM	15	67

**\* Depth that will appear on divers' depth gauges**

<b>Thursday 1/11/24</b>				
<b>Height (ft)</b>	<b>Tide</b>	<b>Time</b>	<b>Shallow end of tract (ft)*</b>	<b>Deep end of tract (ft)*</b>
10	H	6:47 AM	28	80
8	L	11:33 AM	26	78
9	H	3:03 PM	27	79
-3	L	11:13 PM	15	67

**\* Depth that will appear on divers' depth gauges**