



LUMMI INDIAN BUSINESS COUNCIL

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

2024-011 N CPS GEODUCK 4.6 REGULATION

Filing Date: 2/8/2024 Supersedes Reg: 2023-32 Filing Organization: Lummi

EFFECTIVE DATES	2/8/2024 to 3/31/2024
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, Washington Department of Fish and Wildlife, Washington Department of Natural Resources, and Washington Department of Health.
CATCH AREA	Geoduck Tract 06250, Apple Cove Point North, Kingston
SPECIES	Geoduck Clam (<i>Panopea generosa</i>)
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 pending results of PSP biotoxin sampling and favorable weather conditions. OPEN 7:30 AM March 14, 2024 CLOSE 4:00 PM. March 14, 2024, or when Lummi's share of quota is taken, whichever comes first. OPEN 7:30 AM March 15, 2024 CLOSE 4:00 PM. March 15, 2024, or when Lummi's share of quota is taken, whichever comes first. OPEN 7:30 AM March 16, 2024 CLOSE 4:00 PM. March 16, 2024, or when Lummi's share of quota is taken, whichever comes first.
TARGET HARVEST	17,829 lbs

RESTRICTIONS

Harvest limited to harvest objective identified above. The February 2019 version of the Lummi Nation Commercial Harvest Diving Standards (hereafter, the standards) must be observed pursuant to Regulation 2019-09. Parties participating in dive harvest operations must be classified by the Lummi Natural Resources Department (LNR) pursuant to the standards and Regulation 2019-09. 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 will be verified by LNR staff and/or other monitors. All harvesters must provide information requested by LNR staff, the monitors, and LNR enforcement officers monitoring the fishery. 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. Diving activities must take place during daylight hours only. 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. Lummi geoduck fisheries are normally completed in two consecutive days. The first day is a "derby-style" opener typically closing by 4:00 p.m. All divers must be out of the water when the tract closes, with vessels returning to port shortly thereafter. The second day may also be conducted "derby-style" if there are sufficient pounds remaining in the tribal share to warrant that. Alternatively, the second day may be conducted as a "mop-up" fishery. In this case, if there are pounds remaining to be harvested the second day, the remaining pounds are split equally amongst the vessels present during the "mop-up". The "mop-up" also closes typically no later than 4:00 p.m., with vessels returning to port shortly thereafter. The on-site LNR monitor makes the determination to close the tract based on his or her catch-accounting for the fishery. A reduction or an extension may be issued based on input from the Lummi Fisheries and Natural Resources Commission and market forces, including previously-scheduled overseas flights. 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. All harvest must be reported to the monitor upon sorting and placement into crates, and a monitor tag with all of the information required shall be filled out and inserted in the geoduck crate. All sales will be to a WDOH certified shellfish buyer. Harvesters may not sell out until LNR staff and/or a monitor is present to oversee the sale. All sales will be recorded on Treaty Indian Fish Receiving Tickets and counter signed by LNR staff and/or the monitor, and shall include any additional information required by applicable NSSP, MO provisions. 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. 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. Must observe all provisions of Title 10.

ADDITIONAL RESTRICTIONS RELATED TO COVID 19 PANDEMIC

18. By a unanimous vote of six representatives from upper management at LNR and the Lummi Fisheries and Natural Resources Commission on July 29, 2020, participants in the dive fisheries are strongly encouraged to follow the web-posted coronavirus (COVID 19) health and safety guidelines provided by the Lummi Public Health Team (final document of record dated May 14, 2020).

19. While most health and safety guidelines are identified in the Lummi Public Health Team document of record, others may be disseminated to the fleet via text, website, or other related communications. These measures are being adopted to ensure appropriate social-distancing and to reduce the risk of transmission between fishers and buyer and buyer's employees.

20. Only those fishers on the current list of record, updated December 10, 2021, are approved to participate in this fishery. No other fishers will be considered for this opening unless they have met the minimum qualifications as described in #3 above.

21. Sharing of diver masks and related gear between divers is strongly discouraged. Should sharing of equipment occur, it is highly recommended that affected divers be tested for COVID 19 at the Lummi Tribal Health Center, or the designated facility, as soon as possible after the fishery. Results may not be available for 2 or 3 days.

22. Commercial harvest diving crews will practice appropriate social-distancing, wear face masks and gloves, and minimize double-handling of equipment whenever possible, to reduce the risk of COVID 19 transmission.

23. Finally, all participating crew members agree to practice social-distancing with their families and households. 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 for further testing.

**CATCH
MONITORING**

Harvest of geoduck shall be monitored by Natural Resources Staff and/or Natural Resources Enforcement Officers to ensure that landings by treaty harvesters do not exceed the agreed allocations.

EXPECTED EFFORT 10 vessels and 20 divers

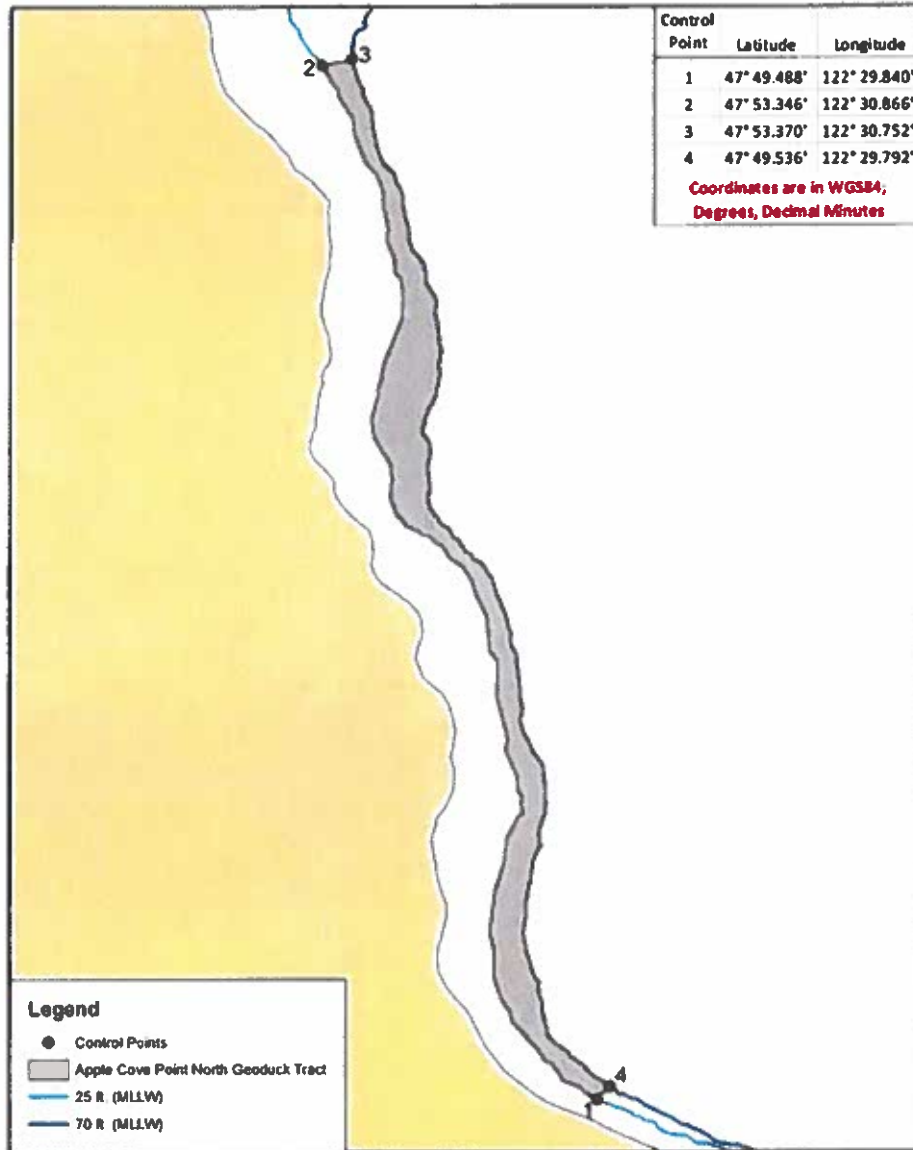
CELL NUMBERS



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 is a SIP 4.6 opening notice as there is currently no signed co-management plan (i.e., the 2023-2024 North Central Puget Sound Region Harvest Management Plan for the Subtidal Geoduck Clam (*Panopea generosa*) Fishery) and is promulgated pursuant to Chapter 10.6 of the Lummi Natural Resources Code

Control Points Map: Apple Cove Point North Commercial Geoduck Tract # 06250



 1:37,491 1 inch = 0.59 miles	<p>Data Sources</p> <p>Projection for data is GCS_Washington Geographic System 1984 Units: Decimal Degrees Coastline layer: is from DNR 1:24,000 scale created 09-20-99 Contours are from NOAA soundings</p> <div style="display: flex; align-items: center; justify-content: center;"> <div style="margin-right: 5px;">0</div> <div style="margin-right: 10px;">0.25</div> <div style="margin-right: 10px;">0.5</div> <div style="margin-right: 10px;">1</div> <div style="margin-right: 10px;">1.5</div> <div style="margin-right: 10px;">Miles</div> </div>	 Map Date: March 04, 2010 Map Author: O. Everingsong File: Data/Ocean/Geoduck
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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.

NSSP Growing Area: Eliza Island

Application Number	MWSS Number and Classification	Site Number	Lease Expires	Signed CAAMP on file	Certification Date
2014-458	62 Approved	Geoduck Tract: 02990	-X-bed	N/A	12/18/2014
	Owner:		Acre: 54.00		Site ID:
	Harvest Type: Wild	Species: Geoducks			

NSSP Growing Area: Foulweather Bluff East

Application Number	MWSS Number and Classification	Site Number	Lease Expires	Signed CAAMP on file	Certification Date
2020-73	854 Approved	Other: Approved Scallop Harvest Area: Foulweather Bluff East		N/A	02/12/2020
	Owner:		Acre: 387.50		Site ID:
	Harvest Type: Wild	Species: Scallop			
	Comments: Biotoxin Required Lot Testing, subtidal scallop harvest				
2023-150	855 Approved	Other: Geoduck Tract (Foulweather 04950)		N/A	04/07/2023
	Owner:		Acre: 140.00		Site ID:
	Harvest Type: Wild	Species: Geoducks			
	Comments: No harvest permitted in the Unclassified area, East of 47.92459, -122.57859 and 47.92206, -122.57846. Location Type: Geoduck Tract (Foulweather 04950).				

NSSP Growing Area: Kingston

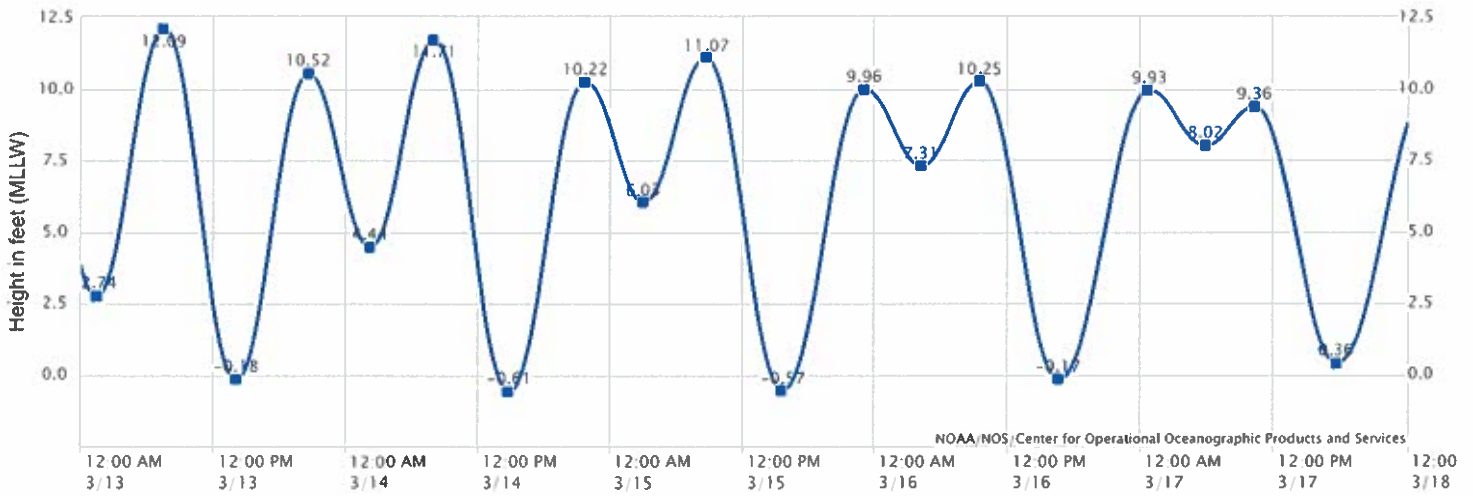
Application Number	MWSS Number and Classification	Site Number	Lease Expires	Signed CAAMP on file	Certification Date
2002-128	531 Approved	Geoduck Tract: 06250	-Apple Cove Point North	N/A	04/29/2002
	Owner:		Acre:		Site ID:
	Harvest Type: Not Specified	Species: Geoducks			

NSSP Growing Area: Lummi Bay

Application Number	MWSS Number and Classification	Site Number	Lease Expires	Signed CAAMP on file	Certification Date
1999-571	38 Approved	Parcel: Whatcom 20AS1C		N/A	07/21/1999
	Owner: LUMMI INDIAN BUSINESS COUNCIL		Acre: 0.00		Site ID: 20A-S1C
	Harvest Type: Not Specified	Species: Littleneck Clams, Manila Clams, Pacific Oysters			
	Comments: 20A-S1C				



NOAA/NOS/CO-OPS
Tide Predictions at 9445639, KINGSTON, APPLE TREE COVE WA
From 2024/03/13 12:00 AM LST/LDT to 2024/03/17 11:59 PM LST/LDT
 Subordinate Station | Ref. Station (Seattle 9447130) | Time offsets (high: -5 min. low: -5 min.) | Height offsets (high: *0.97 ft. low: *1 ft.)



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: KINGSTON, APPLE TREE COVE, WA
 Action: Daily
 Product: Tide Predictions
 Start Date & Time: 2024/3/13 12:00 AM
 End Date & Time: 2024/3/17 11:59 PM

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

Date	Day	Time	Hgt	Time	Hgt	Time	Hgt	Time	Hgt
2024/03/13	Wed	01:23 AM	2.74 L	07:27 AM	12.09 H	2:02 PM	-0.18 L	8:34 PM	10.52 H
2024/03/14	Thu	02:11 AM	4.44 L	08:01 AM	11.71 H	2:50 PM	-0.61 L	9:43 PM	10.22 H
2024/03/15	Fri	03:04 AM	6.03 L	08:39 AM	11.07 H	3:40 PM	-0.57 L	11:04 PM	9.96 H
2024/03/16	Sat	04:10 AM	7.31 L	09:23 AM	10.25 H	4:36 PM	-0.17 L		
2024/03/17	Sun	12:46 AM	9.93 H	05:51 AM	8.02 L	10:19 AM	9.36 H	5:40 PM	0.36 L

Corrections to Apple Tree Cove tides to accommodate harvesting between –18 ft MLLW and –70 ft MLLW at the Apple Cove Point North geoduck tract (#06250)

Wednesday 3/13/2024				
Height (ft)	Tide	Time	Shallow end of tract (ft)*	Deep end of tract (ft)*
3	L	3:31 a.m.	21	73
12	H	7:27 a.m.	30	82
0	L	2:02 p.m.	18	70
11	H	8:34 p.m.	29	81

* Depth that will appear on divers' depth gauges.

Thursday 3/14/2024				
Height (ft)	Tide	Time	Shallow end of tract (ft)*	Deep end of tract (ft)*
4	L	2:11 a.m.	22	74
12	H	8:01 a.m.	30	82
-1	L	2:50 p.m.	17	69
10	H	9:43 p.m.	28	80

* Depth that will appear on divers' depth gauges.

Friday 3/15/2024				
Height (ft)	Tide	Time	Shallow end of tract (ft)*	Deep end of tract (ft)*
6	L	3:04 a.m.	24	76
11	H	8:39 a.m.	29	81
-1	L	3:40 p.m.	17	69
10	H	11:04 p.m.	28	80

* Depth that will appear on divers' depth gauges.

Saturday 3/16/2024				
Height (ft)	Tide	Time	Shallow end of tract (ft)*	Deep end of tract (ft)*
7	L	4:10 a.m.	25	77
10	H	9:23 a.m.	28	80
-1	L	4:36 p.m.	17	69

* Depth that will appear on divers' depth gauges.

Sunday 3/17/2024				
Height (ft)	Tide	Time	Shallow end of tract (ft)*	Deep end of tract (ft)*
10	L	12:46 a.m.	28	80
8	H	5:51 a.m.	26	88
9	L	10:19 a.m.	27	89
0	H	5:40 p.m.	18	70

* Depth that will appear on divers' depth gauges.