



# LUMMI INDIAN BUSINESS COUNCIL

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Natural Resources Department. Fax: (360) 380-6989

## 2021-107B N CPS GEODUCK REGULATION

Filing Date: 12/20/2021

Supersedes Reg: 2021-32

Filing Organization: Lummi

EFFECTIVE DATES:	Effective from December 20 2021 to March 31 2022, or until superseded or Treaty harvest is taken
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 according the dates and times below pending results of PSP biotoxin sampling and favorable weather conditions.

### CLOSED UNTIL FURTHER NOTICE

TARGET HARVEST	~2,300 lb; Unless otherwise directed by LNR fishery monitor(s), during this mop-up fishery, the participating vessels will be limited to no more than six (6) crates each at approximately 50-lb per crate.
RESTRICTIONS	<ol style="list-style-type: none"><li>1. Harvest limited to harvest objective identified above.</li><li>2. The February 2019 version of the Lummi Nation Commercial Harvest Diving Standards (hereafter, the standards) must be observed pursuant to Regulation 2019-09.</li><li>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.</li><li>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 will be verified by LNR staff and/or other monitors.</li><li>5. All harvesters must provide information requested by LNR staff, the monitors, and LNR enforcement officers monitoring the fishery.</li><li>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.</li><li>7. Diving activities must take place during daylight hours only.</li><li>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.</li><li>9. 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.</li><li>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.</li><li>11. 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.</li><li>12. All sales will be to a WDOH certified shellfish buyer.</li><li>13. Harvesters may not sell out until LNR staff and/or a monitor is present to oversee the sale.</li></ol>

14. 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.
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. 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	7 vessels and 15 divers; This opening is a mop-up fishery intended for the vessels and crews that participated during the April 28-30, 2021 fishery.
CELL NUMBERS	Contact Sgt. Ed Conway (360-410-6813) for onsite enforcement information. Contact Elden Hillaire (360-393-2797), Brandon Revey (360-296-1887), or Karl Mueller (360-733-4535) for off-site information.
JUSTIFICATION	This is a notice to pursue harvest as per the signed, co-manager agreement of the <u>2021-2022 Northern Central Puget Sound Region Commercial Harvest Management Plan for the Subtidal Geoduck Clam (<i>Panopea generosa</i>) Fishery</u> , and is promulgated pursuant to Chapter 10.6 of the Lummi Natural Resources Code.