



## **2024-088 PINK AND SPINY SCALLOPS 4.6 REGULATION**

Filing Date:  
11/4/2024

Supersedes Reg: None

Filing Organization: Lummi

EFFECTIVE DATES	11/15/2024 to 10/31/2025
AFFECTED ORGANIZATIONS	Lower Elwha, Jamestown, Nooksack, PNPTC, Port Gamble, Suquamish, Swinomish, Tulalip, WDFW
HARVEST AREAS	<p>The current areas approved for harvest and available to Lummi fishers are 1) DOH-Approved shellfish growing areas in Marine Fish/Shellfish Catch Reporting Areas 20A, 20B, 21A, 21B, 22A, 22B, and 25B, and 2) DOH-restricted Alden Bank Scallop Area 1, and 3) DOH-restricted Rosario Strait Scallop Area 2. See attached maps or view them at: <a href="https://fortress.wa.gov/doh/eh/maps/OSWPViewer/index.html">https://fortress.wa.gov/doh/eh/maps/OSWPViewer/index.html</a>. This regulation opens a portion of the Lummi Nation usual and accustomed fishing grounds and stations (U&amp;A). It is not, and should not be taken as, a statement of the limits of Lummi U&amp;A in the waters between Haro Strait, Rosario Strait and the San Juan Islands in the north and Admiralty Inlet in the south, or in any other waters.</p>
SPECIES	<p>Pink and spiny scallops (<i>Chlamys rubida</i> and <i>Chlamys hastata</i>, respectively). Due to the similarities in appearance, size-at-age, and other life history parameters, pink and spiny scallops (<i>Chlamys</i> sp.) will be managed as if they were a single species. There is no need to distinguish or differentiate between the two species for the purposes of this fishery.</p>
FISHERY TYPE	COMMERCIAL
ON/OFF RESERVATION	OFF-RESERVATION
LEGAL GEAR	Restricted to individual harvest by hand using diving gear only.
DAYS/HOURS	<p>OPEN BY PERMIT ONLY As early as 11/29/2024 though 10/31/25</p>
TARGET HARVEST	20,000 pounds (whole weight including shell).
EXPECTED EFFORT	Five boats, 15 divers

## RESTRICTIONS

1. 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.
2. The minimum crew size is three; however, more fishers are allowed as per the Natural Resources Code (Title 10). At least three of the fishers participating in commercial harvest diving operations must be classified by LNR pursuant to the LNR Commercial Harvest Diving Standards. These three fishers should have in their possession their current diving/hose tending classification cards issued by LNR. Eligibility to participate in a Lummi commercial harvest diving operation can also be confirmed through the LNR fishing database and/or by contacting the LNR Diving Safety Administrator at 360-312-2261
3. Diving activities must take place between official sunrise and sunset, i.e., harvest is restricted to daylight hours only.
4. Shipboard logs (e.g., dive log and/or harvest log) must be available for inspection by authorized LNR staff, LNR Enforcement, and other parties authorized by the LNR Director.
5. All commercial harvest diving operations must notify LNR of their intent to harvest pink and spiny scallops. The pink and spiny scallops fishery is by permit only. All conditions of temporary permits apply. All divers must have in their possession temporary permits issued by the Lummi Natural Resources Department (LNR).
6. Only the commercial shellfish growing areas identified in this regulation are currently approved for harvest. All other areas are closed to harvest of pink and spiny scallops.
7. Size limit: The minimum shell heights for pink and spiny scallops shall be two (2) inches.
8. No other species of commercial shellfish, including sea cucumbers, may be on a vessel that has pink or spiny scallops on board.
9. All pink and spiny scallops harvested by an individual diver must be sold using that diver's fishing identification on the fish ticket.
10. Product may only be sold to licensed shellfish buyer with a Washington State Department of Health (DOH)-approved relay plan and permit for relaying pink and spiny scallops from harvest area.
11. Besides the temporary LNR permit, all divers must have in their possession copies of the DOH-approved shellfish buyer's shellfish license, harvest site certification, and relay permit.

## JUSTIFICATION

This regulation is a notice to proceed with harvest in the absence of co-manager agreement of the 2024-2025 Pink and Spiny Scallops Harvest Management Plan and is promulgated pursuant to Chapter 10.6 of the Lummi Nation Natural Resources Code.