



ELWHA FISHERIES OFFICE

760 Stratton Rd
Port Angeles, WA 98363

(360) 457-4012
FAX: (360) 452-4848

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LOWER ELWHA KLALLAM TRIBE Annual Commercial and Subsistence Dungeness Crab Fishery Regulations S23-028

The following regulation is promulgated by the Lower Elwha Klallam Tribe and shall govern the conduct of off-reservation commercial and subsistence crab fisheries by the Lower Elwha Klallam Tribe. This regulation is intended to conform to agreements reached between the Lower Elwha Tribe and the State of Washington, as contained in the Annual Crab Management Plans for Region 1, Region 2 West, Region 3, and Region 5. Because some of these regional management agreements have not been finalized, this regulation may be amended to reflect final modifications in those regional plans. The term of this regulation is from June 1, 2023 through May 31, 2024. Ceremonial and on-reservation fisheries shall be conducted under the provisions of the Lower Elwha Klallam Revised Fishing Ordinance. All fishing areas not specifically opened by this regulation or subsequent Lower Elwha Klallam Tribe regulation shall remain closed to the commercial harvest of crab. Only gear and methods specifically authorized by this regulation may be legally used.

1. SPECIES

Dungeness crab (*Cancer magister*).

2. TRIBAL FISHING AREAS

Marine Fish-Shellfish Management and Catch Reporting Areas: 20B, 22A, 23A, 23B, 23C, 23D, 25A, 25B, 25C, 25D, 25E, 26A West (all Klallam usual and accustomed areas in that area south and west of a line drawn from the southern tip of Possession Point on Whidby Island 110° true to the shipwreck on the opposite shore), 27A, 27B (north of an east-west line from Ayock Point), 29.

3. TRIBAL FISHER REGISTRATION

All tribal fishers planning to participate in the 2023-2024 commercial crab fisheries must register at the Tribal Fisheries Office prior to fishing. Designated days for registration will be announced by the Tribal Fisheries Office. Fishers are required to register for each Crustacean Management Region planned to be fished (see section 4 below for area descriptions). At the time of registration, fishers shall report the number of pots to be used in each Region.

4. MANAGEMENT REGIONS

Crustacean Management Regions included in these regulations are as follows:

REGION 1: Catch areas 20B, 22A

REGION 2 West: Catch areas 25B, 25D, 26A West (all Klallam U & A areas in that portion south and west of a line drawn from the southern tip of Possession Point on Whidbey Island 110 degrees true to the shipwreck on the opposite shore).

REGION 3: Catch areas 23A, 23B, 23C, 23D, 25A, 25E, 29

REGION 5: Catch areas 25C, 27A, 27B

5. OPEN AREAS AND TIMES

The commercial and subsistence crab fishing season in Region 1 extends from July 1st 2023 through April 15th, 2024 or through May 15th, 2024, if extension criteria are met. The commercial and subsistence crab fishing season in region 3, subregion 3-1 extends from June 15, 2023 through March 31, 2024 (shell condition criteria must be met if fishing in sub-region 3-1 prior to June 15) and sub-region 3-2, from June 22, 2023 through March 31, 2024. The fishing season in regions 3-3 extends from June 16, 2023 through April 15 2024. The commercial and Subsistence fishing season in Region 2 West extends from June 15, 2023 through February 15, 2024, or through March 1 if extension criteria are met. The fishing Season in Region 5 extends from June 15, 2023 through February 28, 2024. Some of these open and closing dates may be modified by soft shell condition testing in any Region, or by the complete harvest of the Regional Treaty quota. Specific area and openings and fishing times for commercial and subsistence Dungeness crab fisheries will be announced in separate regional emergency regulations. Pots or ring nets used in the commercial and subsistence fishery may only be checked 30 minutes before sunrise and 30 minutes after sunset each day. Fishers participating in commercial openings will be subject to subsistence closures such that subsistence fishing will not be allowed at least one full calendar day prior to and following commercial openings within the catch areas opened to commercial fishing and also in all directly adjacent to those opened to commercial fishing

FISHING AREA RESTRICTIONS

The following specific regional sub-areas shall remain closed to fishing during the times indicated:

Region 1

A. The following specific areas of the San Juan Islands Marine Preserve Within Region 1 shall remain closed to all crab fishing at all times:

- a) False Bay — All tidelands and bedlands (subtidal areas) of the bay, including all University of Washington-owned tidelands beginning at a marker 400' east of the east entrance of False Bay and extending to the entrance of False Bay, all University of Washington-owned

tidelands and bedlands within a line beginning at the University of Washington marker on the shore at the east entrance of False Bay, projected 500 yards offshore, then northwesterly to a point 500 yards offshore along a line projected from a University of Washington marker on the shore at the west side of a small peninsula at the west entrance of False Bay, then to shore along the line to the marker, and all University of Washington-owned tidelands west of the marker to a University of Washington marker 600' west of the small peninsula.

- b) Friday Harbor — Those tidelands and bedlands adjacent to San Juan Island within a line beginning on the shore 500 yards north of Point Caution, then 500 yards offshore, then south and east following the shoreline to the intersection with a line projected from a University of Washington marker located 100' north of the north entrance of the floating breakwater of the Port of Friday harbor and projected towards Reid Island, then along the line to shore on San Juan Island.
- c) Argyle Lagoon — Those University of Washington-owned tidelands and all bedlands enclosed by the inner spit of Argyle Lagoon on San Juan Island.
- d) Yellow and Low Islands — All tidelands and bedlands within 300 yards of Yellow Island and 300 yards of Low Island.
- e) Shaw Island — Those tidelands and bedlands within a line beginning at a University of Washington marker on the shore at Hick Bay, 122, 58', 15" west longitude, then due south 500 yards, then north and west at a distance of 500 yards from shore to the intersection with a line projected 261 ° true for a University of Washington marker on the shore of Parks Bay, which line passes just south of the unnamed island at the north end of Parks Bay, then along the line to the shore of the Shaw Island, including all tidelands and bedlands of Parks Bay south of the line.

Region 3

- A. That part of Discovery Bay south of a line from Contractors Point (N48 03' 12.4, W122 52'20.3) to Tukey Point will remain closed to commercial fishing through September 3.
- B. Inside Port Angeles Harbor, west of a line from Ediz Hook (N 48 08' 22.4, W123 24'01.9 to Rayonier dock (N48 07'14.2, W123 24'26.9), will remained closed year-round to commercial fishing.

6. GEAR USE LIMITATIONS

- A. Legal commercial gear shall include crab pots, ring nets, dip nets and other hand operated instruments that do not penetrate the shell. Area specific pot limits will be identified in separate regional emergency crab regulations.
- B. Legal subsistence gear shall include crab pots, ring nets, dip nets and other hand operated instruments that do not penetrate the shell. The maximum allowable number of crab and ring nets combined, outside Region 5, will be 5 pots and/or ring nets per fisher per day. Within Region 5, the maximum allowable number of gear will be two pots or ring nets combined per fisher per day.
- C. Longline fishing will be allowed in Region 1, Region 2 West, and Region 3 only. Longlines will not be allowed for crab fisheries in Region 5. The following restrictions apply to the use of longlines in those Regions for which longlines will be legal:
 - i. A maximum of 10 pots per longline will be allowed.
 - ii. Each longline must have at least one buoy attached that complies with the buoy restrictions described below, provided that additional buoy restrictions may be identified in separate regional emergency regulations.
- D. Buoy Use Requirements:

All unattended pots and ring nets shall have buoys attached. Buoys attached to gear can be any color or color combination except half red and half white. If red and white buoy colors are used, a minimum of 30% of the surface buoy(s) will be prominently marked with an additional color other than red and white.

1. All buoys shall be constructed of durable material, and capable of floating a 5-pound weight, excluding plastic, metal bottles and other containers. At least one buoy measuring 5 inches in diameter by 11 inches in length or larger must be attached to each crab pot or ring net line. The buoy line shall be weighted to keep the buoy line from floating.
2. All buoys shall be conspicuously marked with the Tribal Identification Card number of the fisher operating the gear and with the initials of the Lower Elwha Tribe (LEK). Buoys shall be marked in such a way that the fisher identification and tribal affiliation can be identified without removing the gear from the water. In addition to the above identification requirements,

buoys attached to longlines will also be marked with a double "LL" symbol.

3. A crab pot shall only be fished at locations where the pot is completely covered by water during all stages and conditions of tides.
4. It will be unlawful for a crab fisher to remove or pull a crab pot from the water that is not registered by that fisher, without prior permission from their enforcement program.
5. Holding Container Requirements:
 - a. Holding containers can only be used for commercial catch. Subsistence catch cannot be held in a holding container of any kind.
 - b. All holding containers shall be conspicuously marked with the Tribal Identification Card number of the fisher operating the gear with the initials of the tribe. Holding containers shall be marked in such a way that the fisher identification and tribal affiliation can be identified without removing the container from the water.
 - c. A holding container shall only be held at location where the container is completely covered by water during all stages and conditions of tides.

7. GEAR DEFINITIONS

Commercial crab pot is an enclosed trap with at least two escape rings or ports located in the upper half of the trap. The inside diameter of the escape rings or port shall not be less than 4 1/4 inches. Additional provisions for escapement from the pot (in the event the pot is lost while fishing) shall be by one of the following methods:

- a) By attaching pot lid hooks or tie down straps with a single strand or loop of untreated cotton or other natural fiber no larger than thread size 120; or
- b) By providing an opening in the pot mesh no less than 3 by 5 inches which is laced or sewn closed with untreated cotton twine or other natural fiber not larger than thread size 120 (the opening must be located in the top half of the pot and must not be blocked by entry tunnels, bait boxes, or any other structures or materials) or by attaching the pot lid or one pot side that serves as a pot lid with not more than three single loops of untreated cotton twine or other natural fiber no larger than thread size 120. The pot lid or side must open freely if the twine or fiber is broken.

Commercial Holding Container is an enclosed container placed in the water, which is used to keep previously caught crab. Provision for escapement from the container (in the event the container is lost) shall be by one of the following methods:

- a) By attaching container lid hooks or tie down straps with a single strand or loop of untreated cotton or other natural fiber no larger than thread size 120; or
- b) By providing an opening in the container no less than 3 by 5 inches which is laced or sewn closed with untreated cotton twine or other natural fiber not larger than thread size 120 (the opening must be located in the top half of the container and must not be blocked by any structures or materials); or
- c) By attaching the container lid with not more than three single loops of untreated cotton twine or other natural fiber no larger than thread size 120. The container lid must open freely if the twine or fiber is broken.

HARVEST LIMITATIONS

- a) The minimum size for Dungeness crab will be 6 1/4 inches. Size is measured by caliper across the back of the crab immediately in front of the tips.
- b) Only male Dungeness crabs may be harvested. It is unlawful for fishers to retain and possess any female Dungeness crabs and any soft-shelled crabs. All female and soft-shelled crabs must be returned to the water unharmed.
- c) The daily subsistence harvest limit in each Region will be 10 crabs per fisher, unless otherwise stipulated in emergency regulations.
- d) Subsistence crab fisheries will close two calendar days prior to a scheduled commercial fishery and will remain closed two calendar days following a commercial fishery.
- e) Commercial Crab fishers may not fish subsistence crab during commercial openers in the area opened for harvest and any immediately adjacent to the commercial fishery

8. CATCH REPORTING

- a) All commercial catches shall be reported on Treaty Indian Fish Receiving tickets, as specified in the Lower Elwha Klallam Revised Fishing Ordinance. This includes any catches retained for commercial take home or for personal sales. The weight of all crab received and not purchased for any reason shall

be recorded as take home or species code 561 on Treaty Indian Fish Receiving tickets.

- b) All subsistence crab harvest shall be reported on shellfish subsistence cards. Cards are available at the Fisheries Office.

9. BAIT RESTRICTIONS

Geoduck clams may be used for bait, provided that: 1) the clams are left in chunks such that the species is easily identifiable by enforcement personnel; and 2) this use of geoducks for bait has been approved by the tribe. Additional restrictions regarding the amount of geoducks that can be used for bait by an individual fisherman will be posted at the Fisheries Office.

10. EMERGENCY REGULATIONS

The above regulation may be amended at any time by emergency regulations. Prior to harvest, each fisher shall check with their Tribal Fishery Office for emergency regulation changes.

11. AUTHORITY

These regulations are promulgated by the Lower Elwha Klallam Fisheries Manager under authority specified by the Lower Elwha Klallam Fishing Ordinance Third Edition.



Samantha Rae
Harvest Manager
Lower Elwha Klallam Tribe