

FILING ORGANIZATION: LOWER ELWHA KLALLAM TRIBE

The following regulation is promulgated by the Lower Elwha Treaty Council and shall govern the commercial clam fisheries conducted off-reservation and on inter-tidal public lands within Region 8 by the Lower Elwha Klallam Tribe. The term of this regulation is from January 1 through December 31, 2024, and is intended to regulate the oyster harvest by these member Tribes in Region 8 under provisions of Paragraph 4.6 of the U.S. District Court Order of August 28, 1995 (Implementation Order) in U.S. v Washington, Sub-proceeding 89-3. In the event the Region 8 Bivalve Management Plan is completed before the end of this regulation term, this regulation will be superseded by a new regulation conforming to the provisions of the Region 8 Bivalve Management Plan.

REGULATION NUMBER: S24-026

DATE ADOPTED: JUNE 03, 2024

REGULATION MODIFIED REGULATION #S24-001, SECTION 5.  
REGULATION SUPERCEDED: NONE

CATCH AREAS: CATCH REPORTING AREA 27A:  
ANDERSON LANDING (270412), HOOD CANAL #2.

FISHERY TYPE: COMMERCIAL

SPECIES: OYSTERS

ON/OFF RESERVATION: OFF

LEGAL GEAR: HAND HELD PRYING TOOLS

EFFECTIVE DATE(S): JUNE 5 THROUGH 6, 2024  
OPEN DAYS AND HOURS: ANDERSON LANDING (270412), HOOD CANAL #2,  
MONITORED, OPEN FOR OYSTERS:  
WED (6/5) 8:30 AM THRU 12:30 PM,  
TRIBAL QUOTA: 5,000 DOZEN;

THU (6/6) 9:30 AM THRU 1:30 PM,  
TRIBAL QUOTA: 5,000 DOZEN.

OTHER RESTRICTIONS:

1. AS PER REGULATION #S24-001. THIS OPENING IS FOR THE LOWER ELWHA KLALLAM TRIBE
2. ELWHA FISHERS MUST NOTIFY THEIR FISHERIES OFFICE OF THEIR INTENTION TO PARTICIPATE IN AN OPENING AT LEAST 48 HOURS PRIOR TO THE START OF THE OPENING.
3. HARVEST LIMITED TO SINGLE OYSTERS 2.5 INCHES IN LENGTH OR GREATER.
4. USE OF LONG LINES ARE PROHIBITED. PRODUCT MAY BE LEFT ON THE BEACH BY A HARVESTER

ONLY IF WEATHER CONDITIONS MAKE IT UNSAFE TO TRANSPORT OYSTERS BY BOAT. ALL PRODUCT LEFT ON THE BEACH MUST TAGGED. BAGS MUST BE PICKED UP ONLY WHEN BAGS ARE EXPOSED. ANY OYSTERS LEFT FOR MORE THAN 48 HOURS MUST BE REDISTRIBUTED ON THE BEACH. HARVESTERS MUST NOTIFY THE MONITOR PRIOR TO LEAVING PRODUCT ON THE BEACH, AND HARVESTERS MUST NOTIFY THEIR RESPECTIVE FISHERIES OFFICE PRIOR TO RETURNING TO PICK UP BAGGED OYSTERS LEFT ON THE BEACH.

5. INSIDE THE VIBRIO "CONTROL MONTHS" OF MAY THROUGH SEPTEMBER IN THE HOOD CANAL

#2 GROWING AREA, THE FOLLOWING TIME TO TEMPERATURE REQUIREMENTS FOR HARVESTED

OYSTERS MUST BE FOLLOWED (INDIVIDUAL TRIBAL REQUIREMENTS, WHEN MORE RESTRICTIVE, WILL SUPERSEDE THE REQUIREMENTS BELOW):

a. UNLESS NOTED BELOW, OYSTERS MUST REACH AN INTERNAL TEMPERATURE OF 50 DEGREES OF LESS WITHIN 9 HOURS OF HARVEST.

b. IF AIR TEMPERATURE IS GREATER THAN 90 DEGREES AT THE TIME OF HARVEST, OYSTERS MUST REACH AN INTERNAL TEMPERATURE OF 50 DEGREES OR LESS WITHIN 7 HOURS OF HARVEST.

c. DURING THE MONTHS OF JULY AND AUGUST, IF THE WATER OR OYSTER MEAT TEMPERATURE AT THE TIME OF HARVEST IS BETWEEN 68 AND 70 DEGREES, OYSTERS MUST REACH AN INTERNAL TEMPERATURE OF 50 DEGREES OR LESS WITHIN 5 HOURS OF HARVEST.

d. DURING THE MONTHS OF JULY AND AUGUST, IF THE WATER OR OYSTER MEAT TEMPERATURE IS ABOVE 70 DEGREES, HARVEST MUST BE DELAYED AT LEAST 24 HOURS.

6. A LABEL ISSUED BY THE HARVESTERS TRIBAL FISHERIES OFFICE MUST BE AFFIXED TO EACH BAG

OR CONTAINER OF COMMERCIALY HARVESTED CLAMS IMMEDIATELY FOLLOWING HARVEST.

THE LABEL MUST BE CLEARLY VISIBLE WITHOUT OPENING THE BAG OR CONTAINER. EACH LABEL

SHALL INCLUDE THE FOLLOWING INFORMATION:

i) TRIBE

ii) TRIBE CERTIFICATION NUMBER

a. ELWHA- WA587HA

iii) HARVESTER NAME AND/OR ID NUMBER

iv) HARVEST DATE

v) DOH GROWING AREA DESIGNATION

vi) BEACH NUMBER (BIDN)

vii) SHALLFISH TYPE

viii) QUANTITY HARVESTED

ix) TAG SEQUENCE NUMBER

REQUIRED INFORMATION ON THE LABELS SHALL BE ENTERED LEGIBLY USING AN INDELIBLE MARKER.

7. THE TRIBAL HARVEST LIMIT FOR ANDERSON LANDING IS 5,000 DOZEN PER DAY. ONCE A LIMIT

HAS BEEN REACHED BY ALL TRIBAL HARVESTERS, AS DETERMINED BY THE BEACH MONITORS,

8. AT THE CLOSE OF HARVEST OR ONCE THE QUOTA HAS BEEN TAKEN, ONLY OYSTERS

BAGGED/BUCKETED AND COUNTED CAN BE REMOVED FROM THE BEACH. PILED OYSTERS WILL NOT BE ALLOWED TO BE COUNTED AND BAGGED AFTER THE CLOSURE OF THE FISHERY.

9. HARVESTERS ARE REQUIRED TO REPORT THEIR CATCH TO THE MONITOR ON THE BEACH IMMEDIATELY FOLLOWING THE HARVEST. HARVEST CAN NOT BE REPORTED TO THE FISHERIES OFFICE AFTER THE CLOSURE OF THE FISHERY. FAILURE TO REPORT HARVEST TO THE MONITOR WILL BE A VIOLATION OF THIS REGULATION.

10. TRIBAL HARVESTERS WHO SELL TO A BUYER OTHER THAN THAT REPORTED TO THE MONITOR MUST NOTIFY THEIR RESPECTIVE TRIBAL FISHERIES OFFICE OF THE DISCREPANCY WITHIN 12 HOURS OF THE TIME OF SALE.

11. HARVESTERS WHO DO NOT SELL THEIR HARVEST ON THE BEACH MUST PROVIDE TRIP RECORDS TO THE INITIAL DEALER THAT DEMONSTRATE COMPLIANCE WITH THE TIME TO TEMPERATURE REQUIREMENTS CONTAINED HEREIN. RECORDS MUST INCLUDE THE TIME OF HARVEST AND THE TIME THE PRODUCT IS SOLD TO A DEALER.

12. HARVESTERS ARE NOT ALLOWED TO CROSS PRIVATE PROPERTY IN ORDER TO ACCESS TIDELANDS FOR COMMERCIAL PURPOSES WITHOUT THE CONSENT OF THE PROPERTY OWNER(S).

COVID-19 RESTRICTIONS:

1. HARVESTERS MUST MAINTAIN A DISTANCE OF AT LEAST 6 FEET BETWEEN THEMSELVES AND ALL OTHER HARVESTERS, MONITORS, ENFORCEMENT AND BUYERS THROUGHOUT THIS OPENING.

2. HARVESTERS WITH COLD OR FLU-LIKE SYMPTOMS ARE NOT ALLOWED TO PARTICIPATE IN THIS OPENING. HARVESTERS EXHIBITING THESE SYMPTOMS MAY BE ASKED TO LEAVE THE TIDELANDS.

CATCH REPORTING:

1. ALL COMMERCIAL HARVEST MUST BE REPORTED ON TREATY INDIAN FISH RECEIVING TICKETS. THE GROWING AREA AND BIDN MUST RECORDED ON THE FISH TICKET AT THE POINT OF SALE.

2. ELWHA TRIBAL BUYERS MUST RETURN COMPLETED FISH TICKETS INTO ELWHA'S FISHERIES OFFICE NO LATER THAN 5 DAYS FOLLOWING COMMERCIAL HARVEST

(LOWER ELWHA FISHERIES  
760 STRATTON Rd  
PORT ANGELES, WA 98363)