

FILING ORGANIZATION: LOWER ELWHA KLALLAM TRIBE

The following regulation is promulgated by the Lower Elwha Klallam Tribe and shall govern the conduct of off-reservation commercial Dungeness crab fisheries.

The term of this regulation is from June 15, 2024 through February 15, 2025, unless superseded, and is intended to regulate the Dungeness crab harvest

by the Lower Elwha Klallam Tribe in Region 2W under provisions of Paragraph 4.6 of United States v. Washington, 898 F. supp. 1453 (W.D. Wash. 1995),

as amended by the Stipulation and Order Amending Shellfish Implementation Plan, dated April 8, 2002, (hereafter "Implementation Order").

In the event the Region 2W Crab Harvest Management Plan is completed before the end of this regulation term, this regulation will be superseded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 2W Crab Harvest Management Plan.

REGULATION NUMBER: #S24-108

DATE ADOPTED: DECEMBER 10, 2024

REGULATION: LEKT REGULATIONS #S24-018, SECTION 5 AND SECTION 7

REGULATION MODIFIED: #S24-106

CATCH AREAS: SHELLFISH MANAGEMENT REGION 2 WEST, DESCRIBED AS SHELLFISH CATCH REPORTING AREAS 25B, 25D AND ALL KLALLAM U & A AREAS IN THAT PORTION OF 26AW SOUTH AND WEST OF THE SOUTHERN TIP OF POSSESSION POINT ON WHIDBEY ISLAND.

FISHERY TYPE: COMMERCIAL

SPECIES: DUNGENESS CRAB (*Metacarcinus magister*)

ON/OFF RESERVATION: OFF

EFFECTIVE DATES: DECEMBER 9, 2024 THROUGH DECEMBER 11, 2024

DAYS/HOURS: 1) OPEN 12:00 PM MONDAY DECEMBER 9, 2024,
CLOSED 2:00 PM WEDNESDAY DECEMBER 11, 2024

2) FOR ALL OPEN AREAS, POTS MAY ONLY BE CHECKED FROM 30 MINUTES BEFORE SUNRISE TO 30 MINUTES AFTER SUNSET EACH DAY.

LEGAL GEAR: AS PER REGULATION #S24-018, SECTION 7 AND SECTION 8 IN ADDITION:

FOLLOWS: 1. POT LIMITS FOR EACH OF THE AREAS WILL BE AS

AND
A. FOR ALL AREAS COMBINED 50 POTS PER FISHER
PER VESSEL.
B. AREA 25D: 20 POTS PER FISHER AND PER VESSEL.
2) BUOY COLORS MAY BE ANY COLOR EXCEPT RED AND
WHITE.
NO RED AND WHITE COMBINATION OF ANY TYPE IS
PERMITTED.
PORTION MAY BE
WHITE.
IF ANY PORTION OF THE BUOY IS WHITE, NO REMAINING
PORTION MAY BE
RED.
4) POTS MAY ONLY BE FISHED FROM 30 MINUTES BEFORE
SUNRISE
TO 30 MINUTES AFTER SUNSET ON EACH OPEN DAY.
5) LOST GEAR MUST BE REPORTED TO ENFORCEMENT IMMEDIATELY
FOLLOWING
CLOSE OF FISHERY
AND A LOST POT FORM MUST BE SUBMITTED WITHIN THE
SUBSEQUENT 24
HOURS.

IN-COMMON RESTRICTIONS: In addition to those restrictions above, the following restrictions, which all Region 2W Tribes are imposing for this opening, notwithstanding any contrary provisions in their respective tribal codes, all apply:

1. Barging of pots will only be permitted up to 1 hour prior to the fishery opening and after the close of the fishery. It is prohibited to barge pots or tow boats within 1 hour prior to opening and during the fishery. Only operational vessels with functional conventional pot-pullers shall be used for transporting or fishing crab gear.
2. Only 1 permit shall be issued per licensed fisher.
3. Each boat shall have 1 permit per boat and no more than 50 pots total, including a maximum of 20 pots in catch area 25D. Zip ties issued by the Tribe's Fisheries Office may only be used when tags are not available. All tribes with a pot tagging system in place shall use the appropriate tags for this fishery.
4. At least one buoy must be clearly marked per pot with the vessel number of the boat fishing registered to that gear.
5. All boats must set their own registered gear at the beginning of the fishery and must pick up their own registered gear at the end of the fishery. During the fishery, not including the initial drop and final pick up, a boat may run up to two sets of gear as long as the registered owner or operator of that gear is on board the boat working the gear. Any adjustment to the timing of the summer and winter seasons will be reflected in updated regulations.
6. The use of ground lines is not permitted during summer fishery.
7. All gear shall be removed from the water prior to the time of fishery closure, subject to two narrow exceptions. First, if gear cannot be lifted from the water prior to closure because of a mechanical failure, fishers must immediately notify Enforcement. Enforcement will document any breakdown including any gear lifted from or remaining in the water.

Another boat or Enforcement may lift the pots but the gear may not be redeployed. Second, if winds are above 20 knots and it would be unsafe to transport the pots, the gear can remain in the water in non-fishing condition until it is safe to transport.

8. Fishers shall not have crab on board a vessel while recovering pots after closure of the fishery.

9. It is unlawful to have on board a vessel, purchase or attempt to sell a female crab or male crab less than 6.25 inches measure across the back in front of the horns.

10. It is unlawful to have on board a vessel, purchase or attempt to sell soft crab.

11. There shall be no crab in transit to a buyer more than 4 hours after the close of a fishery unless otherwise notified by the fisher to Enforcement for delays due to late closures, weather, or mechanical failure requiring transit of crab to occur 4 hours after the close of the fishery.

Violation of in-common restrictions will be subject to penalties in individual Tribal codes.

OTHER RESTRICTIONS: AS PER REGULATION #S24-018, SECTION 7 AND SECTION 8 IN ADDITION:

CALIPER 1) THE MINIMUM SIZE FOR LEGAL CRAB IS 6 1/4 INCHES,
IN FRONT MEASUREMENT ACROSS THE BACK OF THE CRAB, IMMEDIATELY
OF THE TIPS.

UNLWFUL FOR FISHERS TO 2) ONLY MALE CRAB MAY BE TAKEN. IT IS
UNDERSIZED, RETAIN AND POSSESS ANY FEMALE DUNGENESS CRAB,
UNDERSIZED, OR SOFT-SHELLED CRABS. ALL FEMALE DUNGENESS CRAB,
OR SOFT-SHELLED CRABS MUST BE RETURNED TO THE WATER
UNHARMED.

OR TAMPER WITH 3) IT IS UNLAWFUL TO REMOVE FROM THE WATER
ANOTHER
LEGIBLE FISHER'S CRAB GEAR. ANY CRAB GEAR FOUND WITHOUT
TRIBAL IDENTIFICATION MARKINGS MUST BE TURNED INTO THE
FISHERIES OFFICE.

REGISTRATION: ALL TRIBAL FISHERS PLANNING TO PARTICIPATE IN THE
REGION 2 WEST CRAB FISHERY MUST REGISTER AT THE TRIBAL
OFFICE PRIOR TO FISHING. AT THE TIME OF REGISTRATION,
FISHERS SHALL REPORT THE NUMBER OF POTS TO BE USED

CLOSED AREAS: AS PER REGULATION #S24-018, SECTION 6.

CATCH REPORTING: ALL COMMERCIAL CATCHES SHALL BE REPORTED ON TREATY INDIAN FISH RECEIVING TICKETS. THE WEIGHT OF ALL CRAB RECEIVED AND NOT PURCHASED FOR ANY REASON SHALL BE RECORDED AS TAKE HOME OR SPECIES CODE CODE 20-561 ON TREATY INDIAN FISH RECEIVING TICKETS. ALL SUBSISTENCE CRAB HARVEST SHALL BE REPORTED ON SHELLFISH SUBSISTENCE CARDS. CARDS ARE AVAILABLE THE TRIBAL FISHERIES OFFICE

JUSTIFICATION: HARVEST OF THE TREATY SHARE OF CRAB IN REGION 2 WEST. *ADDED 2 HOUR TO FISHERY DUE TO WEATHER*

(LOWER ELWHA FISHERIES
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