

2024/2025 Annual Shellfish Regulations

BE IT ENACTED by the Nisqually Indian Tribe of the Nisqually Reservation, Washington, an Indian Tribe organized and existing pursuant to the Indian Reorganization Act of June 18, 1934, (48 Stat. 984), as amended, acting in accordance with the Constitution and By-Laws approved by the Assistant Secretary of Interior on September 9, 1946, the following Shellfish Regulations effective for the period April 1, 2024 through March 31, 2025.

ARTICLE I

Shellfish fishermen shall adhere to the provisions as set forth in Ordinance No. 1-1981, now Nisqually Fishing Code, dated June 4, 1981 and July 31, 1991 respectively, governing the exercise of fishing rights reserved by and secured to the Nisqually Indian Tribe by the Treaty of Medicine Creek. Promulgation of these regulations in no way limits the right of the Nisqually Indian Tribe to enact regulations governing commercial harvest of shellfish where deemed appropriate.

ARTICLE II

These regulations shall govern the conduct of all commercial and subsistence shellfish fisheries by members of the Nisqually Indian Tribe. Eligibility to participate in this fishery shall be limited to enrolled members of the Nisqually Indian Tribe unless modified elsewhere within this regulation.

ARTICLE III

These shellfish regulations may be modified by the Nisqually Fish Commission upon 24-hour notification in accordance with Nisqually Fishing Code.

ARTICLE IV

All areas not specifically opened by an "Emergency Regulation" approved by the Nisqually Fish Commission shall remain closed to the harvest of shellfish. Only gear and methods specifically authorized by these regulations may be legally used. Shellfish taken for ceremonial and subsistence purposes authorized by this regulation package shall not be used for commercial purposes.

ARTICLE V

Marine fish and shellfish management and catch reporting areas 28A and 28B as defined by the Washington Department of Fish and Wildlife Shellfish Management Areas.

ARTICLE VI

Violation of these Shellfish Regulations shall subject the offender to those penalties as provided by Nisqually Fishing Code Title 14 (14.19.05 Violation of Regulations) and may result in temporary suspension of fishing privileges.

ARTICLE VII

Certain shellfish grounds with the areas covered by these regulations may not be safe to harvest shellfish due to paralytic shellfish poisoning (PSP) or other contaminants. The Nisqually Natural Resources staff will have up-to-date information for the active harvest area. Divers/tenders are advised to contact the Tribe's Natural Resource Shellfish Program Manager at (360) 456-5221 extension 2138.

COMMERCIAL GEODUCK FISHERY PROVISIONS

Species

Geoduck (*Panopea generosa*)

Legal Gear

The only legal gear for this fishery is a high pressure, hand held water jet, with a maximum continuous 3/4-inch inside diameter.

Open Areas and Times

Open areas are specified through Emergency Regulations approved by the Fish Commission. These regulations will open specific tracts for harvest within the Tribe's Usual and Accustomed fishing areas. All other areas are closed until notified otherwise.

Sub-Areas

For allocation purposes the Tribe's Usual and Accustomed fishing area will be divided into two sub-areas, an In-common Area and an Exclusive Area. The In-common Area is defined as those waters within Carr Inlet north of the line drawn from Hogan Point to Mahnckes Point ; north of the line drawn from Hyde Point to Gordon Point; and south of the Tacoma Narrows Bridge. The Exclusive Area is defined as those waters south of the line drawn from Hogan Point to Mahnckes Point; south and west of the line drawn from Hyde Point to Gordon Point; and east of the line drawn from Johnson Point to Devils Head.

Allocation of Geoduck Pounds

1. The tribe's annual Total Allowable Catch (TAC) for the 2024 – 2025 geoduck season will be allocated among all eligible Nisqually tribal member divers as follows:
 - a. *all active geoduck* divers (those divers who have participated in the fishery the previous year and were considered "active" or "new divers" who have harvested a minimum of 1,000 pounds) will receive a full geoduck Individual Diver Quota (IDQ) for each sub-area (the In-common Area & the Exclusive Area),
 - b. *all new divers*, (newly certified divers who have not harvested a minimum of 1,000 pounds, or those individuals who have not actively participated in the commercial geoduck fishery within the past year) will receive a reduced IDQ for each sub area, not to exceed a total of 1,000 pounds.

All divers will have until Monday, July 01, 2024 to harvest their IDQ's. All remaining pounds after **July 1st**, will be redistributed in a second allocation to eligible divers as determined by the Fish Commission. Extension of the reallocation date will not be considered. Allocations will be delineated in emergency geoduck regulations and will reflect the remaining TAC.

2. All divers will be responsible to dive and harvest only their IDQ (i.e., IDQ's are non-transferable). Any harvester found to be harvesting another diver's IDQ will have their harvest privileges suspended until further notice from the Fish Commission. It shall be a violation of these regulations, and of the provisions of the Nisqually Fishing Code for a diver to harvest another diver's IDQ.

3. Individuals are solely responsible for tracking the pounds remaining in their IDQ in each area. If the IDQ is exceeded the following adjustments will be made to their stumpage fee:

Pounds OVER	ADJUSTMENT
0-24	If the diver is eligible for reallocation the pounds will be subtracted from that diver's reallocation, if the diver is not eligible for allocation or there is no individual reallocation. The pounds will be subtracted from the diver's allocation the following year.
25-50	the pounds will be subtracted from that diver's reallocation and restitution shall be an amount equal to what the harvester received from the sale of the geoduck.
50 or more	the pounds will be subtracted from that diver's reallocation and restitution shall be an amount equal to what the harvester received from the sale of the geoduck in addition to a fee of \$5 per pound

Stumpage Fee

The Nisqually Fish Commission will set a flat fee, known as a stumpage fee, for this fishery. This fee is necessary to balance the financial needs of the Shellfish Program and the tribal member fishers. The exact fee will be delineated in the Emergency Regulation and determined based on the total 2024/2025 geoduck allocation and the minimum needs of the 2024/2025 Shellfish Program.

- It is the fishermen's responsibility to pay their stumpage fee for the previous harvest week to the Tribe's Accounting Department
- If paid Wednesday by 4 p.m., the diver is eligible to dive Thursday to Sunday.
- If paid Thursday by 4 p.m., the diver is eligible to dive Friday to Sunday.
- If paid Friday by 3 p.m., the diver is eligible to dive Saturday and Sunday.
- At the conclusion of the fishery, fishermen have two (2) weeks to pay any remaining stumpage on pounds harvested to the Tribe's Accounting Department.
- If a harvester is not current in their payment of stumpage fees, they will not be allowed to tend *or* harvest.
- A harvester will not be permitted to participate in the geoduck fishery until stumpage is paid in full.

Tribal Member Diver Eligibility Criteria

1. In addition to obtaining an Annual Nisqually Indian Tribe Fish Sticker, All divers and tenders participating in this fishery must obtain a current year Tribal geoduck/tender sticker at a cost of no more than \$10.00, in accordance with Section 14.03.02 of the Nisqually Tribal Code Title 14. This sticker shall be affixed to the holder's Tribal identification card at time of purchase by Natural Resources staff.
2. All Nisqually tribal harvest divers participating in this fishery must provide **Proof of Training** for commercial surface supplied diving to the Natural Resources Department before participating in this fishery.

-If a diver (new or active) has not harvested within the last annual fishery, that diver must have successfully completed an accredited commercial surface supplied refresher diving course within the last calendar year and provide the Natural Resources Department with Proof of Training before re-entering the fishery.

3. All Nisqually tribal harvest divers and tenders must have current CPR/1st Aid certification.
4. All divers and tenders are required to submit and pass a urine analysis drug screening prior to participating in the geoduck fishery. Any diver or dive tender that is cited of any crime involving drugs or alcohol during the harvest season must retest and pass a urine analysis prior to reentering the fishery. The Tribe will provide the source of the testing.
5. All divers and dive tenders onboard during a dive incident will be required to submit a urine analysis drug screening within 24 hours of the dive incident. The tribe will provide the source of the testing.
6. Any diver injured in a dive accident is required to get medical clearance before re-entering the fishery.

It is understood that diving is an inherently dangerous activity, and it is recommended that all divers consult their physician annually regarding their health status and the risks of diving.

Catch Reporting

1. All geoduck must be weighed out daily by the geoduck monitor and recorded on a numbered "weigh out" slip prior to the boat leaving the tract.
2. All commercially harvested geoduck must be sold within 24 hours of the close of each day's fishery.
3. All commercial catches will be reported on Treaty Indian Fish Receiving tickets as specified in Tribal fisheries ordinances.
4. All Subsistence or Take Home catches must be reported on Weigh Out slips.

Other Harvester Requirements

1. All vessels participating in this fishery must provide to the Natural Resources Department and the geoduck monitor, documentation of the following:
 - Ownership and valid registration of the vessel in use by a tribal member.
 - Official Washington Department of Health certification of the vessel.
 - A Current Washington Department of Health Shellstock Harvester's License.
2. Each harvest vessel must have the following equipment to legally participate in the geoduck fishery:
 - A large dive flag or "Alpha" flag,
 - An accurate depth finder,
 - Means to accurately gauge the tide levels on an hourly basis,
 - A working VHF radio,
 - Dive tables,
 - Any other equipment mandated by U.S. Coast Guard regulations.
 - Compressor with semi- annual breathing air quality tests. Tests will be conducted prior to beginning harvesting and at 6-month intervals.
3. All divers are required to obtain and affix to each crate a shellstock identification tag that meets the WA Department of Health criteria.
4. All fishermen planning on buying geoducks from other divers must obtain a Fish Buyer's license from the Washington State Department of Health and provide copies to the Natural Resources Department for Fish Commission review.

Copies of the above information shall be kept within the Natural Resources Department for ease of reference.

Additionally

1. All areas are closed unless specifically opened by an Emergency Regulation.
2. A representative from each harvest vessel must call into the Geoduck Hotline (360-486-9590) by 10 pm the night prior to the day of intended harvest. Information given must include:
 - Vessel name
 - Vessel captain
 - Harvesters/tenders
 - Intended tract
 - Designated contact's phone number
3. Open areas will be clearly defined with marker buoys at the designated GPS endpoints of the individual tract and at the shallow water boundaries (-18MLLW corrected). The monitor upon recognition shall immediately replace missing buoys.
4. All boats will check in with the Tribal geoduck monitor prior to entering the designated tract.
5. All boats participating in this fishery will not leave the tract until they complete a check out with the monitor.
6. All boats will check in with the Tribal geoduck monitor prior to each diver entering the water and upon the diver's return to the surface.
7. The Nisqually Tribal geoduck monitor has the authority to board and search all vessels participating in the fishery.
8. Vessels are required to maintain a distance of 500 feet from one another while harvesting.
9. Harvesting vessels cannot raft up with other commercial geoduck boats while on tract. Harvest vessels may use a skiff as a tender.
10. Harvest vessels may not be under way while there is a diver in the water, that is, no "live boat" harvesting.
11. The following individuals may close the fishery consistent with these regulations, on short notice due to safety concerns, health concerns (not limited to PSP and/or pollution), allocation concerns, or adverse weather conditions:
 - The Fish and Wildlife Officer (Monitor)
 - Natural Resources Director
 - Natural Resources Manager

Closure must be accompanied by official written justification to the Nisqually Fish Commission.

12. Harvest shall only occur within the range of -18ft (MLLW corrected) to a maximum depth of -70 feet (MLLW uncorrected). Any harvest shallower than -18 feet MLLW or deeper than -70 feet (MLLW uncorrected) shall result in the ban of sale of any geoduck harvested and confiscation of product by the Nisqually Indian Tribe (product from any non-certified area cannot be sold per Washington State Department of Health and NSSP regulations).

13. Any vessel or harvester found harvesting off the designated tract will have their privilege to harvest suspended immediately and may not resume harvest until further notice from the Nisqually Fish Commission.
14. Fishing hours will be defined in an Emergency Regulation. Any harvest vessel found harvesting before or after the hours of operation as stated in the emergency regulation will be suspended from harvesting geoduck and horse clams for the remainder of that day and the next day of operation. Continued violations will result in longer suspension periods.
15. Undercutting, "high grading", sorting or other forms of fishing practice that results in wastage of the resource are prohibited. If wastage of any kind is found, the monitor will take action as appropriate.

Violations

The following section describes violations that will be subject to the penalties contained within the Nisqually Tribal Code, Section 14.19 and the Nisqually Tribal Court is vested with jurisdiction over these offenses.

1. On tract outside of official harvest hours.
2. Participating in this fishery under the influence of drugs or alcohol.
3. Harvest beyond predetermined allocation or IDQ.
4. Utilization of non-member or unregistered divers and/or tenders.
5. Failure to follow any restrictions/requirements outlined in this Annual Regulation or relevant Emergency regulations.
6. Failure to keep necessary records and submit them to the Tribe and the Washington Department of Health.
7. Wastage of any resource taken in this fishery.
8. Fishing outside depth boundaries or on a closed tract as delineated by Annual or Emergency regulation.

COMMERCIAL HORSE CLAM PROVISIONS

Species

Horse clams, also known as gaper clams (*Tresus spp.*)

Legal Gear

The only legal gear for this fishery is a high pressure, hand held water jet, with a maximum continuous 3/4-inch inside diameter.

Open Areas and Times

Horse clam harvesting will occur only on open commercial geoduck tracts or other areas within the Tribe's Usual and Accustomed fishing areas established by an Emergency Regulation approved by the Fish Commission.

Time periods in which horse clam harvesting will be allowed will be established by an Emergency Regulation approved by the Fish Commission. These times will coincide with geoduck harvesting times to facilitate monitoring.

Total Allowable Catch and Individual Quota

Total Allowable Catch and Individual Diver Quotas will be established by an Emergency Regulation approved by the Fish Commission. At this time, no Tribal or State TAC has been established for horse clams in any region or area.

Catch Reporting

1. All horse clams must be weighed out daily by the designated monitor and recorded on a numbered "weigh out" slip prior to the boat leaving the tract.
2. All harvesters must report their intended buyer to the monitor at the time of weigh-out.
3. All commercially harvested horse clams must be sold within 24 hours of the close of each day's fishery.
4. All commercial catches will be reported on Treaty Indian Fish Receiving tickets as specified in Tribal fisheries ordinances.
5. All Subsistence or Take-Home catches must be reported on Weigh Out slips

Tribal Member Diver Eligibility Criteria

1. In addition to obtaining an annual Nisqually Indian Tribe Fish Sticker, all divers and tenders participating in the horse clam fishery must obtain a current year Tribal geoduck sticker at a cost of no more than \$10.00, in accordance with Section 14.03.02 of the Nisqually Tribal Code Title 14. This sticker shall be affixed to the holder's Tribal identification card by Natural Resources staff before participating in any horse clam fishery.
2. All divers must have a remaining geoduck IDQ in order to participate in the horse clam fishery.
3. All divers and tenders participating in the horse clam fishery must notify the Nisqually Natural Resources Shellfish Program Manager no less than a week in advance to facilitate harvest monitoring and resource management.
4. All Nisqually tribal harvest divers participating in this fishery must provide documentation of an approved commercial dive certification to the Natural

Resources Department before participating in this fishery.

- If a diver has not harvested within the last annual fishery, that diver must have successfully completed an accredited commercial surface supplied refresher diving course within the last calendar year and provide the Natural Resources Department with Proof of Training before re-entering the fishery

5. All Nisqually tribal harvest divers and tenders must have a current CPR/1st Aid certification.
6. All divers and dive tenders are required to submit and pass a urine analysis drug screening prior to participating in the horse clam fishery. Any diver or dive tender that is cited of any crime involving drugs or alcohol during the harvest season must retest and pass a urine analysis prior to reentering the fishery.
7. All divers and dive tenders onboard during a dive incident will be required to submit a urine analysis drug screening within 24 hours of the dive incident. The tribe will provide the source of the testing.

Stumpage Fee

The Nisqually Fish Commission will set a flat fee, known as a stumpage fee, for this fishery. This fee is necessary to balance the financial needs of the Shellfish Program and the tribal member fishermen. The exact fee will be delineated in the emergency regulation and determined based on the total 2024/2025 horse clam allocation and the minimum needs of the 2024/2025 Shellfish Program.

- It is the fishermen's responsibility to pay their stumpage fee for the previous harvest week to the Tribe's Accounting Department. If paid Wednesday by 4 p.m., the diver is eligible to dive Thursday to Sunday.
- If paid Thursday by 4 p.m., the diver is eligible to dive Friday to Sunday.
- If paid Friday by 3 p.m., the diver is eligible to dive Saturday and Sunday.
- At the conclusion of the fishery, fishermen have two (2) weeks to pay any remaining stumpage on pounds harvested to the Tribe's Accounting Department.
- The harvester will not be allowed to continue harvesting until stumpage is paid in full.

Other Harvester Requirements

1. All vessels participating in the horse clam fishery must provide to the Natural Resources Department and the shellfish monitor, documentation of the following:
 - Ownership and valid registration of the vessel in use by a tribal member.
 - Official Washington Department of Health certification of the vessel.
 - A current Shellstock Harvester's License.
2. Each harvest vessel must have the following equipment to legally participate in the horse clam fishery:
 - A large dive flag or "Alpha" flag
 - An accurate depth finder
 - Means to accurately gauge the tide levels on an hourly basis
 - VHF radio
 - Dive tables
 - Any other equipment mandated by U.S. Coast Guard regulations
 - Compressor with semi-annual breathing air quality tests. Tests will be conducted

- prior to beginning harvesting and at 6-month intervals.
3. All divers are required to obtain and affix to each crate a Shellstock identification tag that meets the WA Department of Health criteria.
 4. All fishermen planning on buying horse clams from other divers must obtain a Fish Buyer's license from the Washington State Department of Health and provide copies to the Natural Resources Department for Fish Commission.

All of the above information shall be kept within the Natural Resources Department for ease of reference.

Additionally:

1. All areas are closed unless opened by an emergency regulation.
2. Open areas will be clearly defined with marker buoys at the designated GPS endpoints of the individual tract and at the shallow water boundaries (-18 MLLW corrected). The monitor upon recognition shall immediately replace missing buoys.
3. All boats will check in with the Tribal monitor prior to entering the designated tract.
4. All boats participating in this fishery will not leave the tract until they complete a check out with the monitor.
5. All boats will check in with the Tribal geoduck monitor prior to each diver entering the water and upon the diver's return to the surface.
6. Vessels are required to maintain a distance of 500 feet from one another while harvesting.
7. Harvesting vessels cannot raft up with other commercial geoduck boats while on tract. Harvest vessels may use a skiff as a tender.
8. Harvest vessels may not be under way while there is a diver in the water, that is, no "live boat" harvesting.
9. The monitor has the authority to board and search all vessels participating in the fishery.
10. Harvest shall only occur within the range of -18ft (MLLW corrected) to a maximum depth of -70 feet (MLLW uncorrected). Any harvest shallower than -18 feet MLLW or deeper than -70 feet (MLLW uncorrected) shall result in the ban of sale of any horse clam harvested and confiscation of product by the Nisqually Indian Tribe (product from any non-certified area cannot be sold per Washington State Department of Health and NSSP regulations).
11. Any vessel or harvester found harvesting off the designated tract will have their privilege to harvest suspended immediately and may not resume harvest until further notice from the Nisqually Fish Commission.
12. Fishing hours will be designated in the emergency regulation. Any harvest vessel found harvesting before or after the hours of operation as stated in the emergency regulation will be suspended from harvesting geoduck and horse clams for the remainder of that day and the next day of operation. Continued violations will result in longer suspension periods.
13. Undercutting, "high grading", sorting or other forms of fishing practice that results in wastage of the resource are prohibited. If wastage of any kind is found, the monitor will take action as appropriate.

16. The following individuals may close the fishery consistent with these regulations, on short notice due to safety concerns, health concerns (not limited to PSP and/or pollution), allocation concerns, or adverse weather conditions:

- The Fish and Wildlife Officer (Monitor)
- Natural Resources Director
- Natural Resources Manager

Closure must be accompanied by official written justification to the Nisqually Fish Commission.

Violations

The following section describes violations that will be subject to the penalties contained within the Nisqually Tribal Code, section 13.01.20 and the Nisqually Tribal Court is vested with jurisdiction over these offenses.

1. On tract outside of official harvest hours.
2. Participating in this fishery under the influence of drugs or alcohol.
3. Harvest beyond predetermined allocation or IDQ.
4. Utilization of non-member or unregistered divers and/or tenders.
5. Failure to follow any restrictions/requirements outlined in this Annual Regulation or relevant Emergency regulations.
6. Failure to keep necessary records and submit them to the Tribe and the Washington Department of Health.
7. Wastage of any resource taken in this fishery.
8. Fishing outside depth boundaries or on a closed tract as delineated by Annual or Emergency regulations.

COMMERCIAL CRAB PROVISIONS

Species

- Dungeness crab (*Cancer magister*)
- Red Rock crab (*Cancer productus*)

Legal Gear

- Traps:

All traps/pot gear must be equipped with biodegradable escape mechanisms that include the following:

- Attachment of pot lid hooks or tie-down straps with a single strand or loop of untreated cotton twine no larger than thread size 120 so that the pot lid will open freely if the twine or fiber is broken or
 - A 3 inch by 5 inch biodegradable cord panel into which the lid hook attaches that is constructed of untreated cotton twine no larger than thread size 120, and
 - Two escape rings not less than 4.25” inside diameter located on the top half of the pot and be unimpeded by the entry tunnels, bait boxes, or any other structures or materials.
- Ring nets
 - Dip nets
 - Any hand-operated instruments that do not penetrate the shell
 - Scuba diving

Open Areas and Times

Harvest is limited for dates and open areas defined through an Emergency Regulation approved by the Fish Commission. These regulations will open specific areas for harvest within the Tribe's Usual and Accustomed fishing areas. All other areas are closed until notified otherwise.

Individual Harvester Limits

An Emergency Regulation shall define individual harvester limits.

Catch Reporting

1. All commercial fishers are required to register/report *intended fishing* area, vessel and *number of pots* to Nisqually Natural Resources prior to setting gear **for each opening**.
2. All commercial catches will be reported within 24 hours of landing on Treaty Indian Fish Receiving tickets as specified in Tribal fisheries Ordinances.
3. All crab harvesters must provide harvest information on **each day's or trip's landings** to the Nisqually Department of Natural Resources. This harvest information may be reported by mailing or delivering daily harvest logs (provided by the Natural Resources office) by the first of each month.

4. Commercial harvest information reported by fishers to tribal offices will include the following for each day fished:
 - Date of harvest, Vessel name or boat registration number,
 - Location fished by referencing the nearest landmark, bay or GPS reading,
 - Pounds landed including subsistence, ceremonial, and commercial pounds,
 - Average depth of harvest, and
 - The name of the buyer(s) the catch was sold to.

Additionally:

1. In addition to obtaining a Nisqually Indian Tribe Fish Sticker, all harvesters participating in this fishery must obtain a Tribal crab sticker and have it affixed to their Tribal identification card before participating in this fishery.
2. Sex and size restriction: Measuring at the widest point on the carapace (immediately in front of, but not including the outside of the tips), only male crabs that are a minimum of 6.25" in width may be retained. It is unlawful for fishers to retain and possess any undersized, female or soft-shell crab.
3. All unattended pot gear must be attached with weighted line to buoys capable of floating a 5-lb weight with a Nisqually Tribal identification number and the letters "NISQ" clearly marked on the buoy.
4. Buoys must be constructed of durable material (no bottles or plastic jugs may be used as buoys).
5. Buoys attached to gear can be any color or color combination except all yellow (used for recreational shrimp) or half red and half white (used for recreational crab).
6. It is unlawful to set pots within 250 feet of another fisher's string of pots.
7. Only certified and registered Nisqually Tribal members may participate in the crab fishery.
8. Unless otherwise specified, all harvesters must check their gear at least every 7 days.
9. All harvesters must report lost or stolen gear to fisheries.
10. It is unlawful to pull gear that is registered to another harvester.

Gear Limitations

Harvesters are limited to no more than 50 pots per individual **and** no more than 50 pots may be fished from a boat.

Fish Tax

A 2 % fish tax will be applied to all commercial pounds recorded on Treaty Indian Fish Receiving Tickets.

Violations

The following section describes violations that will be subject to the penalties contained within the Nisqually Tribal Code, section 14.19 and the Nisqually Tribal Court is vested with jurisdiction over these offenses.

1. Participating in this fishery under the influence of drugs or alcohol.
2. Harvest beyond predetermined allocation or IDQ.
3. Utilization of non-member or unregistered fishing assistants.
4. Failure to follow any restrictions/requirements outlined in this Annual Regulation.
5. Failure to keep necessary records and submit them to the Tribe.
6. Wastage of any resource taken in this fishery.

COMMERCIAL SHRIMP FISHERY PROVISIONS

Species

- Pink shrimp (*Pandalus eous*, *Pandalus jordani*)
- Coonstripe shrimp (*Pandalus hypsinotus*, *Pandalus danae*)
- Spot shrimp (*Pandalus platyceros*)

Legal Gear

- Hand dip nets, shrimp pots, and ring nets
- All pot gear must be equipped with biodegradable escape mechanisms that include the following methods:
 - Attachment of pot lid hooks or tie-down straps with a single strand or loop of untreated cotton twine no larger than thread size 120 so that the pot lid will open freely if the twine is broken.
 - An opening in the pot mesh not less than 3 inches by 5 inches that is laced or sewn closed with untreated cotton twine no larger than thread size 120. The opening must be located within the top half of the pot and be unimpeded by the entry tunnels, bait boxes, or any other structures or materials.
- All unattended pot gear must be attached with weighted line to buoys capable of floating a 5-lb weight with a Nisqually Tribal identification number and the letters "NISQ" clearly marked on the buoy.
- Buoys must be constructed of durable material (no bottles or plastic jugs may be used as buoys).
- Buoys attached to gear can be any color or color combination except all yellow (used for recreational shrimp) or half red and half white (used for recreational crab).

Gear Limitations

- Harvesters are limited to fishing 35 pots per boat at any one time.

Open areas and Times

- Harvest is limited to dates and open areas defined through an Emergency Regulation approved by the Fish Commission. These regulations will open specific areas for harvest within the Tribe's Usual and Accustomed fishing areas. All other areas are closed until notified otherwise.

Total Allowable Catch (TAC) and Individual Quotas

- An Emergency Regulation shall define the TAC and individual harvester quotas.

Catch Reporting

- All shrimp harvesters must register at the Natural Resources Department prior to setting pots.
- All commercial catches will be reported at time of sale on Treaty Indian Fish Receiving tickets as specified in Tribal fisheries Ordinances.
- All tribal shrimp harvesters, for both commercial and take home, must provide daily harvest information to the Nisqually Department of Natural Resources. This harvest information may be reported by mailing/delivering daily harvest logs by the first of each month.
- Commercial harvest information reported by fishers to tribal offices will include the following for each day fished:
 - Date of harvest
 - Vessel name or boat registration number,
 - Location fished (nearest landmark, bay or GPS reading)
 - Pounds landed
 - Take home pounds
 - Average depth of harvest.
 - The name of the buyer(s) the catch was sold to

Other Harvest Requirements

- In addition to obtaining a Nisqually Indian Tribe Fish Sticker, all harvesters participating in this fishery must obtain a Tribal Shellfish sticker and have it affixed to their Tribal identification card before participating in this fishery.
- To minimize catching and sorting juvenile spot shrimp through incidental take when using small mesh pots, fishers targeting for or retaining spot shrimp may only pull pots with a minimum mesh opening of 1 inch (a mesh that a 7/8 inch-square peg will pass through the mesh openings), except for flexible (web) mesh pots where the mesh must be a minimum of 1 ¾ inch stretch measure. (stretch measure is defined as the distance between the inside of one knot to the outside of the opposite vertical knot of one mesh when the mesh is stretched vertically).
- Unless otherwise specified, all harvesters must check their gear at least every 7 days.
- It is unlawful to pull gear that is registered to another harvester.
- Only registered Nisqually Tribal members may participate in this shrimp fishery.

Fish Tax

- A 2% fish tax will be applied to all commercial pounds recorded.

Violations

The following section describes violations that will be subject to the penalties contained within the Nisqually Tribal Code, section 14.19 and the Nisqually Tribal Court is vested with jurisdiction over these offenses.

7. Participating in this fishery under the influence of drugs or alcohol.
8. Harvest beyond predetermined allocation or IDQ.
9. Utilization of non-member or unregistered fishing assistants.
10. Failure to follow any restrictions/requirements outlined in this Annual Regulation.
11. Failure to keep necessary records and submit them to the Tribe.
- 12.** Wastage of any resource taken in this fishery.

COMMERCIAL SEA CUCUMBER FISHERY PROVISIONS

Species

Sea Cucumbers (*Parastichopus californicus*)

Legal Gear

This fishery is restricted to individual harvest by hand collection using scuba or surface supplied diving.

Open Areas and Times

- Open areas are restricted to the open and approved areas within the specific usual and accustomed fishing areas within the 28A and 28B region (see attached map).
- Harvest will occur from 8:00am or sunrise, whichever is later until 5:00pm or sunset, whichever is earlier.

Individual Quotas

- Total Allowable Catch and Individual Quotas will be established by an Emergency Regulation approved by the Fish Commission.
- The total Nisqually quota for cucumbers will be evenly distributed to those individuals participating in the fishery.
- The weight of the cucumbers for the calculation of quota is the “split and drained” weight.

Fish Tax

A 2% fish tax will be applied to all commercial pounds recorded.

Tribal Member Diver Eligibility Criteria

1. All divers and tenders participating in the sea cucumber fishery must obtain a current year Tribal Shellfish sticker at a cost of no more than \$10.00, in accordance with Section 14.03.02 of the Nisqually Tribal Code Title 14. This sticker shall be affixed to the holder’s Tribal identification card before participating in any sea cucumber fishery.
2. All Nisqually tribal harvest divers participating in this fishery must provide documentation of an approved commercial dive certification to the Natural Resources Department before participating in this fishery.
3. If a diver (new or active) has not harvested within the last annual fishery, that diver must have successfully completed an accredited commercial surface supplied refresher diving course within the last calendar year and provide the Natural Resources Department with Proof of Training before re-entering the fishery
4. All Nisqually tribal harvest divers must have a current CPR/1st Aid certification.
5. All divers and dive tenders are required to submit and pass a urine analysis drug screening prior to participating in the horse clam fishery. Any diver or dive tender that is cited of any crime involving drugs or alcohol during the harvest season must retest and pass a urine analysis prior to reentering the fishery.

Other Harvester Requirements

1. All vessels participating in this fishery must provide to the Natural Resources Department, documentation of the following:
 - Ownership and valid registration of the vessel in use by a tribal member.
2. Each harvest vessel must have the following legal equipment to legally participate in the Sea Cucumber fishery:
 - A large dive flag or “Alpha” flag
 - An accurate depth finder
 - VHF radio
 - Dive tables
 - Any equipment mandated by U.S. Coast Guard regulations
 - Compressor with semi- annual breathing air quality tests. Tests will be conducted prior to beginning harvesting and at 6-month intervals. The Tribe will provide testing equipment and administer tests.
3. All of the above information shall be kept within the Natural Resources Department for ease of reference.

Catch Reporting

1. All Nisqually sea cucumber harvesters must provide enforcement or Nisqually Natural Resources with a pre-fishing plan at least 72 hours prior to fishing. This plan will include the following information:
 - Date(s) of harvest
 - Location for fishing (nearest landmark, bay or GPS reading)
 - Number of divers
2. Location and time for weigh out to allow enforcement or a member of the Natural Resources staff can meet the fisher at dockside. All sea cucumbers must be weighed out daily by the designated monitor or Natural Resources employee and recorded on a numbered “weigh out” slip.
3. All commercial and take home catch shall be reported on Treaty Indian Fish Receiving tickets as specified in Tribal fisheries Ordinances.
4. Commercial harvest information reported on Treaty Indian Fish Receiving tickets will include the following for each day fished
 - Date of harvest
 - Vessel name or boat registration number
 - Location fished (nearest landmark, bay or GPS reading)
 - Pounds landed.
 - The name of the buyer(s) the catch was sold to

Violations

The following section describes violations that will be subject to the penalties contained within the Nisqually Tribal Code, section 14.19 and the Nisqually Tribal Court is vested with jurisdiction over these offenses.

1. Participating in this fishery under the influence of drugs or alcohol.
2. Harvest beyond predetermined allocation or IDQ.
3. Utilization of non-member or unregistered fishing assistants.
4. Failure to follow any restrictions/requirements outlined in this Annual Regulation.
5. Failure to keep necessary records and submit them to the Tribe
6. Wastage of any resource taken in this fishery.

COMMERCIAL INTERTIDAL CLAM FISHERY PROVISIONS

Species and minimum size limits

- Native Littleneck Clam (*Protothaca staminea*) minimum size of 1 ½”
- Manila Clam (*Venerupis philippinarum*) minimum size of 1 ½”
- Butter Clam (*Saxidomus giganteus*) minimum size of 1 ½”
- Pacific Oyster (*Crassostrea gigas*) minimum size of 2 ½”
- Olympia Oyster (*Ostreola conchaphila*) minimum size of 1”
- Soft Shell Clam (*Mya arenaria*)
- Cockle (*Clinocardium nuttallii*) minimum size of 1 ½”
- Mussel (*Mytilus spp.*)
- Horse Clam (*Tresus spp.*)
- Geoduck (*Panopea abrupta*)

Legal Gear

Hand-held fork, rake, shovel, or pick as determined by an Emergency Regulation from the Nisqually Fish Commission.

Open Areas and Times

Open areas will be delineated through Emergency Regulations approved by the Fish Commission. These regulations will open specific beaches for harvest within the Tribe's Usual and Accustomed fishing areas. All other areas are specifically closed until notified otherwise.

Individual Quotas

The emergency regulation shall define individual harvester limits.

Other Harvester Requirements

1. In addition to obtaining a Nisqually Indian Tribe Fish Sticker, all harvesters participating in this fishery must obtain a Tribal shellfish sticker and have it affixed to their Tribal identification card before participating in this fishery.
2. All tribal intertidal clam harvesters, for both commercial and take home, must provide daily harvest information to the Nisqually Department of Natural Resources. This harvest Information may be reported by mailing/delivering daily harvest logs by the first of each month.
3. All commercial catches will be reported on Treaty Indian Fish Receiving tickets as specified in Tribal fisheries Ordinances.
4. All harvesters are required to pass the Washington Department of Health Shellfish Harvester training and provide copies of the certificate to the Natural Resources Department for Fish Commission review prior to participating in any opening.
5. All harvesters are required to obtain and affix a shellstock identification tag that meets the WA Department of Health criteria to each bag of commercially harvested clams or oysters prior to leaving the beach.

6. All fishermen planning on buying or selling bivalves (e.g. clams, oyster, or mussels) must obtain a Shellfish harvester/buyer's license from the Washington State Department of Health and provide copies to the Natural Resources Department for Fish Commission review.

Other Harvest Requirements

1. All holes made during intertidal clam digging must be backfilled
2. All clams with broken or cracked shells must be retained and recorded as "weighback" on Treaty Indian Fish receiving tickets.

Violations

The following section describes violations that will be subject to the penalties contained within the Nisqually Tribal Code, Section 14.19 and the Nisqually Tribal Court is vested with jurisdiction over these offenses

1. Participating in this fishery under the influence of drugs or alcohol.
2. Harvest beyond predetermined allocation or IDQ.
3. Utilization of non-member or unregistered fishing assistants.
4. Failure to follow any restrictions/requirements outlined in this Annual Regulation.
5. Failure to keep necessary records and submit them to the Tribe and the Washington Department of Health
6. Wastage of any resource taken in this fishery

COMMERCIAL SQUID FISHERY PROVISIONS

Species

- Opal Squid (*Loligo opalescens*)
- Humboldt squid (*Dosidicus gigas*)

Legal Gear

- Squid Jigging Gear, Herring Rake, Dip Bag, or Brail Nets.
 - Dip bag net and brail may not exceed 10 feet in diameter nor have a mesh less than 1-inch stretch measure.
- Each vessel fishing for squid may use a lighting system with a combined power of not more than 30 kilowatts (30,000 watts). Lights of 200 watts or greater must be shielded and may not be directed to any point more than 100 feet from the fishing site while fishing or attracting squid.

Open areas and Times

- Harvest is limited to dates and open areas defined through an Emergency Regulation approved by the Fish Commission. These regulations will open specific areas for harvest within the Tribe's Usual and Accustomed fishing areas. All other areas are closed until notified otherwise.

Total Allowable Catch (TAC) and Individual Quotas

- An Emergency Regulation shall define the TAC and individual harvester quotas.

Catch Reporting

- All squid harvesters must register at the Natural Resources Department prior to departing.
- All commercial catches will be reported at time of sale on Treaty Indian Fish Receiving tickets as specified in Tribal fisheries Ordinances.
- All squid harvesters, for both commercial and take home, must provide daily harvest information to the Nisqually Department of Natural Resources. This harvest information may be reported by mailing/delivering harvest logs by the first of each month.
- Commercial harvest information reported by fishers to tribal offices will include the following for each day fished:
 - Date of harvest
 - Vessel name or boat registration number,
 - Location fished (catch area, nearest landmark, or GPS reading)
 - Gear type used, total wattage of lights (if used)
 - Duration fished
 - Pounds landed
 - Incidental catch/ bycatch
 - Average depth of harvest.

Other Harvest Requirements

- In addition to obtaining a Nisqually Indian Tribe Fish Sticker, all harvesters participating in this fishery must obtain a Tribal Shellfish sticker and have it affixed to their Tribal identification card before participating in this fishery.
- Only registered Nisqually Tribal members may participate in this squid fishery.

Fish Tax

- A 2% fish tax will be applied to all commercial pounds recorded.

Violations

The following section describes violations that will be subject to the penalties contained within the Nisqually Tribal Code, section 14.19 and the Nisqually Tribal Court is vested with jurisdiction over these offenses.

- Participating in this fishery under the influence of drugs or alcohol.
- Harvest beyond predetermined allocation or IDQ.
- Utilization of non-member or unregistered fishing assistants.
- Failure to follow any restrictions/requirements outlined in this Annual Regulation.
- Failure to keep necessary records and submit them to the Tribe.
- Wastage of any resource taken in this fishery.

SUBSISTENCE SQUID FISHERY PROVISIONS

Species

- Opal Squid (*Loligo opalescens*)
- Humboldt squid (*Dosidicus gigas*)

Legal Gear

- Squid Jigging Gear, Herring Rake, Dip Bag, or Brail Nets.
 - Dip bag net and brail may not exceed 10 feet in diameter nor have a mesh less than 1-inch stretch measure.
- Each vessel fishing for squid may use a lighting system with a combined power of not more than 30 kilowatts (30,000 watts). Lights of 200 watts or greater must be shielded and may not be directed to any point more than 100 feet from the fishing site while fishing or attracting squid.

Open areas and Times

- Harvest is limited to dates and open areas defined through an Emergency Regulation approved by the Fish Commission. These regulations will open specific areas for harvest within the Tribe's Usual and Accustomed fishing areas. All other areas are closed until notified otherwise.

Total Allowable Catch (TAC) and Individual Quotas

- An Emergency Regulation shall define the TAC and daily subsistence limits.
- No ceremonial or subsistence harvests are to be sold commercially.

Catch Reporting

- All subsistence and ceremonial squid harvests must be reported to Nisqually Natural Resources Department office on a bi-weekly basis. A subsistence tag will be issued to each harvester by the Natural Resources Department to report catches on. Subsistence harvest tags must be submitted before another is issued.

Other Harvest Requirements

- In addition to obtaining a Nisqually Indian Tribe Fish Sticker, all harvesters participating in this fishery must obtain a Tribal Shellfish sticker and have it affixed to their Tribal identification card before participating in this fishery.
- Only registered Nisqually Tribal members may participate in this squid fishery.

SUBSISTENCE CRAWFISH FISHERY PROVISIONS

Species

- Crawfish (*Pacifastacus spp.*)

Legal Gear

- Shellfish pots, ring nets, star traps, collection by hand or hand dipnets, or any hand operated instrument that **will not** penetrate the shell.

Open areas and Times

- Harvest is limited to dates and open areas defined through an Emergency Regulation approved by the Fish Commission. These regulations will open specific areas for harvest within the Tribe's Usual and Accustomed fishing areas. All other areas are closed until notified otherwise.

Total Allowable Catch (TAC) and Individual Quotas

- An Emergency Regulation shall define the TAC and daily subsistence limits.
- No ceremonial or subsistence harvests are to be sold commercially.

Catch Reporting

- All subsistence and ceremonial crawfish harvests must be reported to Nisqually Natural Resources Department office on a bi-weekly basis. A subsistence tag will be issued to each harvester by the Natural Resources Department to report catches on. Subsistence harvest tags must be submitted before another is issued.

Other Harvest Requirements

- In addition to obtaining a Nisqually Indian Tribe Fish Sticker, all harvesters participating in this fishery must obtain a Tribal Shellfish sticker and have it affixed to their Tribal identification card before participating in this fishery.
- Only registered Nisqually Tribal members may participate in this crawfish fishery.

SUBSISTENCE and CEREMONIAL INTERTIDAL CLAM PROVISIONS

Species and minimum size limits

- Native Littleneck Clam (*Protothaca staminea*) minimum size of 1 ½”
- Manila Clam (*Venerupis philippinarum*) minimum size of 1 ½”
- Butter Clam (*Saxidomus giganteus*) minimum size of 1 ½”
- Pacific Oyster (*Crassostrea gigas*) minimum size of 2 ½”
- Olympia Oyster (*Ostreola conchaphila*) minimum size of 1”
- Soft Shell Clam (*Mya arenaria*)
- Cockle (*Clinocardium nuttallii*) minimum size of 1 ½”
- Mussel (*Mytilus spp.*)
- Horse Clam (*Tresus spp.*)
- Geoduck (*Panopea abrupta*)

Legal Gear

Hand-held fork, rake, shovel or pick as determined by an Emergency Regulation approved by the Nisqually Fish Commission.

Harvest Limits

An Emergency Regulation will establish individual harvester limits for subsistence or ceremonial purposes.

Open Areas and Times

Open areas will be defined through Emergency Regulations approved by the Fish Commission. These regulations will open specific beaches for harvest within the Tribe's Usual and Accustomed fishing areas. All other areas are closed until notified otherwise.

Other Restrictions

- All holes made during intertidal clam digging must be backfilled
- All clams with broken or cracked shells must be retained
- No ceremonial or subsistence harvests are to be sold commercially.

Catch Reporting

All subsistence and ceremonial clam harvests must be reported to Nisqually Natural Resources Department office on a bi-weekly basis. A subsistence tag will be issued to each harvester by the Natural Resources Department to report catches on. Subsistence harvest tags must be submitted before another is issued.

SUBSISTENCE and CEREMONIAL CRAB PROVISIONS

Species

- Dungeness (*Cancer magister*)
- Red Rock (*Cancer productus*)

Legal Gear

- Pots that must have the following:
 - Two escape rings not less than 4.25" inside diameter located on the top half of the pot.
 - A 3"x5" biodegradable cord panel or loop must be attached to the lid hook.
- Ring nets
- Hand dip nets
- Any hand-operated instruments that do not penetrate the shell
- Scuba diving

Open Areas and Times

Open areas will be defined through Emergency Regulations approved by the Fish Commission. These regulations will open specific areas for harvest within the Tribe's Usual and Accustomed fishing areas. All other areas are closed until notified otherwise.

Additionally

- No ceremonial or subsistence harvests are to be sold commercially.
- All Nisqually Tribal crab subsistence or ceremonial harvesters must provide daily harvest information to the Nisqually Department of Natural Resources. This harvest information may be reported by mailing/delivering daily harvest logs (available at the Natural Resources office) by the first of each month.
- Subsistence and ceremonial harvest information reported by fishers to tribal offices will include the following for each day fished:
 - Date of harvest
 - Vessel name or boat registration number,
 - Location fished by referencing the nearest landmark, bay or GPS reading
 - Pounds landed for subsistence or ceremonial use
 - Average depth of harvest.
- Sex and size restriction: Measuring at the widest point on the carapace (immediately in front of, but not including the outside of the tips) only male crabs that are a minimum of 6.25" may be harvested. It is unlawful for fishers to retain and possess any undersized, female, or soft-shell crab.
- All unattended pot gear must be attached with weighted line to buoys capable of floating a 5-lb weight with a Nisqually Tribal identification number and the letters "NISQ" clearly marked on the buoy.

- Buoys must be constructed of durable material (no bottles or plastic jugs may be used as buoys).
- Buoys attached to gear can be any color or color combination except all yellow (used for recreational shrimp) or half red and half white (used for recreational crab).
- It is unlawful to pull gear that is registered to another harvester.

Gear Limitations

A maximum of four (4) pots and/or ring nets for each fisherman is allowed under this regulation.

Daily Harvest Limits

An Emergency Regulation shall define individual harvester limits for subsistence and ceremonial.

SUBSISTENCE and CEREMONIAL SHRIMP PROVISIONS

Species

- Pink shrimp (*Pandalus eous*, *Pandalus jordani*)
- Coonstripe shrimp (*Pandalus hypsinotus*, *Pandalus danae*)
- Spot shrimp (*Pandalus platyceros*)

Legal Gear

- Hand dip nets, shrimp pots, and ring nets.
- All unattended pot gear must be attached with weighted line to buoys capable of floating a 5-lb weight with a Nisqually Tribal identification number, the letters "NISQ" and the number of pots attached clearly marked on the buoy.
- Buoys must be constructed of durable material (no bottles or plastic jugs may be used as buoys).
- Buoys attached to gear can be any color or color combination except all yellow (used for recreational shrimp) or half red and half white (used for recreational crab).

Gear limitations

A maximum of four (4) pots and/or ring nets for each fisherman is allowed under this regulation.

Daily harvest limits

- An Emergency Regulation will define daily harvest limits for subsistence and ceremonial shrimp.
- No ceremonial or subsistence harvests are to be sold commercially.

Additionally

- Open areas will be established through Emergency Regulations approved by the Fish Commission. These regulations will open specific areas for harvest within the Tribe's Usual and Accustomed fishing areas. All other areas are closed until notified otherwise. Unless otherwise specified, all harvesters must check their gear at least every 7 days.
- It is unlawful to pull gear that is registered to another harvester.

CERTIFICATION

I certify that the above Annual Shellfish Regulations were presented at a Public Hearing on January 31st and February 8th, as stated in a notice sent by mail to the last known address of all members of the Nisqually Indian Community above the age of 18. Said notice was mailed ten days prior to the hearing. The above Annual Shellfish Regulations for 2024/2025 were then presented to the Nisqually Tribal Council at a **regular** meeting held on (month)_____, (day)_____, 2024, at which a quorum was present by a vote of ____FOR, ____AGAINST, and ____ABSTAINED.

ATTEST:

Willie Frank III, Chairman
Nisqually Indian Tribe

Jackie Whittington, Secretary
Nisqually Indian Tribe