

## QUEETS RIVER GENERAL FISHING REGULATIONS

### I. STATEMENT OF INTENT

The Regulations are designed to protect the fish, wildlife and other natural resources under the jurisdiction of the Quinault Indian Nation and under the regulation of the Queets River Committee.

### II. AUTHORITY

These regulations are adopted pursuant to Quinault Tribal Code Title 51, specifically 51.03.020(d) and 51.18.010 or as thereafter amended, and govern all recreational, guided, commercial, ceremonial, and subsistence fishing on the Queets River within the exterior boundaries of the Quinault Indian Reservation, to the degree consistent with that Title.

When necessary for managing the fisheries of the Quinault Indian Nation, the Nation or its agencies are exempt from the provisions of these Regulations.

### III. DEFINITIONS

1. "Abandoned" shall mean a fishing ground that has not been used, fished from, improved upon, marked, or accessed within the past eighteen (18) months;
2. "Application" shall mean a letter or other written correspondence, including an application form approved by the Committee, formally requesting assignment of a fishing ground;
3. "Assistant" (also "helper) shall mean an individual authorized to aid a ground assignee in fishing operations, including fish delivery, when the ground assignee is present.
4. "Channel" shall mean the one-hundred (100) foot section of the river with its center point measuring from the center of the river at low tide, except between grounds 36 and 38, whereby the "channel" shall mean the fifty (50) foot section of the river with its center point measuring from the center of the river at low tide. In cases where the river flows through two or more separate courses and the water courses are less than one hundred feet in overall widths, the "channel" shall mean one-half of the overall width of each river course with its center point measuring from the center of the river at low tide;
5. "Committee" shall mean the Queets River Committee;
6. "Drift Net" shall mean a gillnet drifting with the current near the surface or in mid-water that is attached to a boat
7. "Eddy Set" shall mean a set-net used during high water that is limited to 15 fathoms in length.
8. "Ground" shall mean an assigned fishing location, and "open ground" shall mean an unassigned fishing location.
9. "High water mark" shall be set by the Queets River Committee, the level of which authorizes the use of high water set locations;
10. "Hired fisherman" shall be those Quinault members placed on the roster as assigned to a specific authorized fisher to fish on the authorized fisher's behalf or to assist the authorized fisher.

11. "Hook" shall mean a set net that is anchored in the form of a four sided partially open box (see figure A)
12. "Location" shall mean a setnet site.
13. "Mouth" shall mean the base level of the river or the lowest point to which it can flow.
14. "Sale or "Sell" shall mean to exchange for money or for trade or barter for any items, goods or services.
15. "Set Net" shall mean a gill-net held in place by anchors so it remains stationary.

#### **IV. ANNUAL FISHING ROSTER AND FISHING GROUNDS, APPLICATION, ELIGIBILITY, ETC.**

##### **1. Annual Fishing Roster**

The Committee shall maintain an annual roster consisting of ground assignees, hired fishermen, and assistants.

##### **2. Roster Eligibility**

No person shall appear on the Queets River Annual Fishing Roster unless the person owns or has access to both a net and a boat, and who is at least 18 years of age.

##### **3. Full Roster Determination**

In order to be considered for the Queets River Annual Fishing Roster, a tribal member must submit an application to the Committee containing such information as required by the Committee. An applicant shall be placed on the Annual Fishing Roster by majority vote of the Committee.

##### **4. Temporary Roster Determination**

When a quorum of the Committee is not available at a meeting to determine whether an applicant will be placed on the Queets River Annual Fishing Roster, the Chairperson of the Committee has the discretion to determine whether or not to place the applicant on the roster until the next Committee meeting at which a quorum is present.

##### **5. Assignment of Fishing Grounds**

All applicants for assignment of fishing grounds must timely submit their applications to the Committee. The Committee shall consider all applications for fishing ground assignments according to the requirements of these Regulations and Title 51 of the Quinault Tribal Code.

##### **5. Appeal of Fishing Ground Assignments**

In the event an applicant disagrees with the decision of the Committee, the applicant shall have the right to appeal as provided in Title 51 of the Quinault Tribal Code.

#### **V. INDIVIDUAL FISHING ELIGIBILITY REGULATIONS**

##### **1. Valid Tribal Membership Required**

No tribal member shall fish on the Queets River for personal consumption, barter or sale, nor shall the member provide guided fishing services, unless the member possesses on his or her person a valid tribal membership card; and provided the member is not prohibited

from participating in any Quinault Indian Nation treaty fisheries by an order of the Quinault Tribal Court.

## 2. Assistants

No tribal member exercising treaty Indian fishing rights shall be assisted in commercial fishing operations by any person other than the member's legally recognized spouse, child(ren), or another enrolled member of the Quinault Indian Nation. No person shall conduct any fishing activities on a fishing ground unless authorized by the ground assignee and the Committee.

## 3. Hired Fishermen

A person shall not act as a hired fisherman on more than one fishing ground or conduct any fishing activities on a fishing ground unless authorized by the ground assignee and the Committee.

## 4. Name Must Appear on Annual Fishing Roster

Only persons named on the Queets Annual Fishing Roster shall be allowed to fish commercially on the Queets River.

# **VI. INDIVIDUAL GROUND REGULATIONS**

## 1. Minimum Distance between Fishing Grounds

A. Fishing grounds shall be numbered and identified by the Committee and/or its designees annually.

B. A minimum distance of two hundred and fifty-five (255) feet must be maintained between fishing grounds, except at grounds 35 and 37, and 36 and 38 whereby a minimum distance of one-hundred and fifteen (115) feet shall be maintained. Ground assignees of both grounds are responsible to ensure the minimum distance is adhered to.

## 2. Fishing in Channel Prohibited

Fishing in the channel is only permitted during high water with the use of drift nets.

## 3. Obstructions in Channel Prohibited

No person shall keep, allow to be kept or fail to remove from the channel, any stake, net, lead, or other obstruction of any kind whatsoever. Ground assignees shall be responsible for the channel in the front of their respective ground.

## 4. Hook Length Requirement

No person shall use a hook exceeding 50 feet in length (to be used by those fishers who have no pocket on their web); provided, however, that in no case shall the hook extend into the channel. A fisher may not use more than one hook per net.

## 5. Mouth Fishing Prohibited

No person shall place a net in front of the mouth of the channel.

## 6. Frightening of Fish Prohibited

No person shall use a splash rope or any other device(s) to frighten the fish, except during the act of drift netting where only splash pole is allowed.

7. Gear Removal Required

All persons shall ensure that nets and/or other gear is lifted, and any fish removed at least once during a twenty-four (24) hour period. Nets not lifted within twenty-four (24) hours may be removed by Tribal enforcement officers; gear and catch removed shall be subject to seizure and forfeiture as authorized by Quinault Tribal Code Title 51.

8. Maximum Length for Nets During High Water

No person shall use more than one (1) net per location except that during high water, two (2) short set nets no longer than fifteen (15) fathoms in length each shall be allowed.

9. Change of Fishing Ground

No person shall change fishing grounds without the consent and approval of the Committee.

11. Ground Assignments

Only an enrolled member of the Quinault Indian Nation may be assigned a fishing ground on the Queets River.

12. Abandonment and Forfeiture of Fishing Grounds

If any assigned fishing ground is abandoned, forfeited for a violation of these Regulations, or if the ground assignee dies, the Committee shall designate the successor, subject to any right of appeal permitted in Quinault Tribal Code Title 51.

**VII. DRIFT NET FISHING**

1. Prohibited Drift Net Fishing Areas

No person shall conduct drift net operations between the river mouth and fishing grounds 37 and 38.

2. Drift Net Fishing Prohibited Except During High Water

No person shall conduct drift net operations except during periods of high water, resulting from either rain or heavy snow melt and as otherwise permitted by seasonal regulation.

3. Maximum Length of Drift Nets

No person shall use a drift net exceeding forty-five (45) fathoms.

4. Maximum Number of Drift Nets

- A. No person shall fish or control more than one drift net at a time.
- B. Only a ground assignee or a ground assignee's hired fisherman is authorized to drift net fish.

5. Minimum Distance Between Drift Nets

No person shall drift net fish unless a minimum of five hundred (500) feet is maintained between drift nets by two separate boats.

6. Fish Traps are Prohibited

A. No person shall use both a set net and a drift net working together as a trap.

B. No person shall operate a drift net in a manner acting as a seine to surround or trap fish.

7. Use of Eddy Set Nets

No person shall control more than two (2) eddy-set nets of a maximum length of fifteen (15) fathoms each and one drift-net of a maximum length of forty-five (45) fathoms at the same time during high water.

**VIII. GENERAL REGULATIONS**

1. Fishing in the Queets River shall be closed except at those times, places or locations specified as "open" by regulation.

2. These general regulations shall be incorporated by reference into all regulations pertaining to fishing activities in the Queets River.

3. These general regulations shall be enforced in accordance with Quinault Tribal Code Title 51.

**IX. GEAR AND SPECIES RESTRICTIONS**

1. Gillnets Authorized

The use of gillnets, whether a setnet or driftnet, shall be authorized when opened by regulation.

2. Snag Technique Fishing Prohibited

No person shall harvest fish on the Queets River by the use of snagging techniques.

3. One Pole Maximum

No person shall control more than one fishing pole or line at a time.

4. Pole and Scoop Net Authorized

Pole and scoop nets are authorized for use during commercial fisheries by any person named on the Queets fishing roster, provided no person shall use a pole net or scoop net from a boat.

5. Dynamite Prohibited

No person shall use dynamite in the river for fishing purposes.

6. Prohibited Gear

No person shall use weirs, traps, fish wheels and/or other gear and methods not authorized under these regulations, except where specifically approved by the Committee and/or specific regulations.

7. Smelt Fishing

Smelt fishing shall be permitted by in season or emergency regulation only.

8. Non Retention of Green Sturgeon (Acipenser medirostris)

No person shall take, retain, or otherwise keep a Green Sturgeon. All Green Sturgeon must be released immediately when caught.

9. Gear removal

Fishers shall remove their nets from fishing locations within one hour of the close of each opening to a location within the fisher's control. A location within the fisher's control includes, but is not limited to, the fisher's home, vessel, or vehicle.

10. Gear Identification

Each net must have the fisher's identification number burned, carved, or written with waterproof ink on the outermost float of each net in such a manner as to be easily readable. If a net is such that the identification float is submerged, a line connecting the outermost end of the net to a properly identified float on the surface must be present if water flow or tidal conditions permit.

**X. SALE OF FISH AND FISH TICKETS**

1. Sales of Fish

Fishers may only sell fish to a Quinault Indian Nation Seafood Enterprise or Quinault Nation licensed fish buyers with the following exception: fishers may sell a combined maximum of three salmon or steelhead per day (or the maximum number of fish allowed by Title 51) to persons other than a Quinault Seafood Enterprise or Quinault Nation licensed fish buyers. On any given day, a fisher may not sell more than three total fish under this exception.

2. Fish Tickets

A fish ticket shall be prepared and provided to Quinault Division of Natural Resources reporting all fish taken during any fishery, whether commercial, recreational, or subsistence, and whether sold or used for barter, trade, or personal consumption, in compliance with regulations promulgated by the Director. In addition to any other information required by regulations, fish tickets shall bear:

- A. The ground assignee's name and enrollment number; and
- B. The signature and enrollment number of the member of the Quinault Indian Nation that actually caught and is selling the fish; and

3. Reporting

A. A fisher must report any and all fish caught for any purposes, including but not restricted to, fish caught for home use (subsistence), ceremonial, barter, trade, commercial or bank sale, on the appropriate fish ticket and submit the fish ticket to the Quinault Division of Natural Resources within such time as required by regulation, unless those fish are delivered to a Quinault Seafood Enterprise or a Quinault licensed fish buyer.

B. The Quinault Seafood Enterprise or Quinault licensed fish buyer must report any and all fish obtained from a fisher on the appropriate fish ticket and submit the fish ticket to the Quinault Division of Natural Resources within such time as required by regulation.

C. Fishing guides must report any and all fish caught by the guide or guide's client(s) on the appropriate fish ticket and submit the fish ticket to the Quinault Division of Natural Resources within such time as required by regulation.

**XI. MISCELLANEOUS PROVISIONS**

1. Savings Clause

Should any paragraph, subparagraph, clause, sentence, or phrase of these Regulations be declared invalid, or be in conflict with Quinault Tribal Code Title 51, such decision shall not affect the validity of the remaining portions of these Regulations, and those remaining portions shall remain in full force and effect and, to this end, provisions of these Regulations are declared severable.

2. Enforcement of Regulations

These Regulations shall be enforced in accordance with Quinault Tribal Code Title 51.



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Fishery Policy Spokesperson



David Bingaman

Director, Quinault Division of Natural Resources



Sandra Wells-Kalama

Chair, Queets Committee