

**NISQUALLY
ANNUAL FISHING REGULATION
Title 14
2022 / 2023**

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 Annual Fishing Regulations for the year ending June 30, 2023.

ARTICLE I: Net fisherman shall adhere to the provisions as set forth in Nisqually Tribal Code, Title 14, Chapter II-Fishing, dated July 31, 1991, (Ordinance 1 – 1981, dated June 1981) governing the exercise of fishing rights reserved by and secured to the Nisqually Indian Tribe by the Treaty of Medicine Creek.

ARTICLE II: The Nisqually Indian Tribe reserves the right to conduct ceremonial and subsistence fisheries in all usual and accustomed fishing areas, subject to the regulations established by the Nisqually Fish Commission.

ARTICLE III: The Nisqually Indian Tribe further reserves the right to exercise emergency openings and closures or Tribal fishing activities in all usual and accustomed ground and stations, on condition that promulgated fishing activities or test fishing warrant an opening or closure on the basis of availability of a fish species to the Tribal fishery or for necessary spawning escapement. In the event escapement data warrant such action, an area within the usual and accustomed fishing places of the Nisqually Indian Tribe may be **OPENED** at the discretion of the Nisqually Fish Commission for the purpose of fishing for the benefit of the Community Council. The Nisqually Fish Commission is hereby authorized to enter into contractual agreements on behalf of the Nisqually Indian Tribe with any enrolled Nisqually Tribal member establishing the terms and conditions of such fishing activities. Any monies accruing from test fisheries as a result of these contractual agreements shall be deposited in a local bank to the credit of the Nisqually Tribal test fisheries fund.

ARTICLE IV: Violations of these Annual Fishing Regulations shall subject the offender to those penalties as provided by Nisqually Tribal Code, Title 14, Chapter II-Fishing, Section 14.23.09.

ARTICLE V: The Tribal fish tax for the 2022/2023 fishing season shall be \$0.02 (2%) on each dollar from the sale of fish caught by enrolled members or authorized assistants as provided by Nisqually Tribal Code, Title 14, Chapter II-Fishing, Section 14.22.01.

**I. NISQUALLY EXCLUSIVE FRESHWATER USUAL AND ACCUSTOMED AREA
COMMERCIAL FISHERY**

Area 83D: Nisqually River from Nisqually River delta (see map 1) to confluence of Mainstem and Kalama Creek Side Channel ~river mile 9 (marked with flagging). (see map 2).

Area 83F: Shenahnum (McAllister) Creek; all freshwater courses of the creek upstream of the boat launch ramp at Luhr Beach (see map 2).

Special Freshwater Closure Areas: The Nisqually River above confluence of Mainstem and Kalama Creek side channel~river mile 9 (marked with flagging), and all freshwater courses of Sequelitchew Creek, Chambers Creek, Red Salmon Creek, all lakes between Steilacoom and Shenahnum Creek, tributaries of the Nisqually River, and all other fishing places within the usual and accustomed area of the Nisqually Indian Tribe shall be closed to all fishing pursuant to these regulations and Nisqually Tribal Code, Title 14, Chapter II -- Fishing.

2022/2023 NISQUALLY AND MCALLISTER CREEK REGULATIONS

<u>Management Period</u>	<u>Gear Type</u>	<u>Harvest Rate 1</u>	<u>Comments</u>
July 3 – Oct 1, 2022 (NR)	GN	~27%	Unmarked Chinook
July 3 – Nov 6, 2022 (McA.Ck)	Multiple	Open	Chinook
October 2 – Nov 19, 2022 (NR)	GN	Open	Coho
October 7 – Nov 23, 2022(McA.Ck)	Multiple	Closed	Coho
Nov 20, 2022– January 31, 2023(NR)	GN	ISU	Late Chum
Dec 1, 2022– January 31, 2023(NR)	GN	Incidental	Steelhead

Nisqually River (Area 83D) Tribal Net (AC net closed)

Chinook	<p>Gill Net - 2 days a week wk 33 (wb 8/7) through wk 36 (wb 8/28).</p> <p>Fishing boundary: Mouth of Nisqually River up to approximate RM 5 at flagging.</p> <p>Selective gear staff driven testing. 1-5 days/wk, wk 32 (wb 7/31) through wk 40 (wb 9/25) or until 150 adult Chinook are encountered.</p> <p>Change in Ratio data collection staff driven TN 1-3 days/wk, wk 32 (wb 7/31) through wk 46 (wb 11/6). Release all fish.</p>
Coho	<p>Gill Net - 1 day wk 41 (wb 10/2) ,then 3 days wk 42 (wb 10/9) through wk 46 (wb 11/6).</p> <p>Fishing boundary: Mouth of Nisqually River up to approximate RM 6 at Tom Brown's Log Jam at flagging wk 42-43. Upper boundary Kalama Creek at flagging wks 44-46.</p>
Chum	<p>No directed Chum fishery. If Yelm Escapement ISU reaches 404 live count on or before January 2, fishing schedule: 2-3 days/wk through wk 4 (wb 1/22/2023). Fishing boundary: Mouth of Nisqually River up to approximate RM 5 at confluence of Clear Creek and mainstem Nisqually.</p> <p>Test Fishery will require agreement and a planned meeting between WDFW and the Nisqually Tribes before implementation.</p>

McAllister Creek (Area 83F) Tribal Net (AC net closed)

Chinook	Gill Net 3-5 days/wk during the following weeks: wk 31 (wb 7/24) through wk 45 (wb 10/30). Freshwater courses.
Coho	Closed.
Chum	Closed.

Provisions

1. Commercial and C+S Fisheries -Any combination of 2 gill nets **per** active fisher combined cannot exceed 250 feet in length. No singular set net can exceed 125 feet in length. No drift gill net can exceed 70 feet in length.
2. Chum-all mouths and courses of sloughs and side channels are closed.
3. No net shall extend beyond 1/3 the width of the channel of the Nisqually River at any tide.
4. No GN net shall exceed beyond 2/3 the width of the channel below I-5 on McAllister Creek at low tide.
5. All nets shall be clearly identified with **owner's name** (first and last) **and fishing ID number with letters no less than 1" in height.** Buoys from recycled jugs from nontoxic products only.
6. **All nets can be tended only by owner and or authorized assistant-"active fisher".** Gill nets shall be tended not less than once every 24 hours.
7. Fishing locations in freshwater areas shall be not less than 250 feet apart.
8. It is the fisherman's responsibility to check the actual Emergency Regulation, by calling the Natural Resource Department 360-456-5221 ext 2133 or Dave Blanksma at 556-6776 or 701-6696.
9. All net mesh restrictions refer to stretched mesh.
10. All nets are to be removed from the river at the end of Coho season. Any nets remaining after November 6, 2022 will be considered abandoned and will be removed by the Tribal Law Enforcement Patrol and owner will be cited for littering.

II. IN-COMMON MEDICINE CREEK MARINE AREA COMMERCIAL FISHERY

In-Common Medicine Creek Area: From the Narrows Bridge South and all areas North of a line projecting from Mahnckes Point on the Key Peninsula to the westernmost point of McNeil Island boarding on Pitt Passage, then extending from Hyde Point on McNeil Island to Gordon Point on the mainland (see Map 3). Refer to Medicine creek emergency regulation for fishery specifics. 2022 LOAF language:

Fox Island/Ketron Island (Area 13)

Chinook	Tr	8/1-9/15, 7 days/wk
	AC	Closed
Coho	Tr	9/15 – 10/20, 7 days/wk

	AC	Closed
Chum	Tr	Closed unless opened by Medicine Creek Treaty Tribes' agreement
	AC	Closed

Area 13 Tribal Net (AC net closed)

Chinook	Closed
Coho	Closed
Chum	Closed

Carr Inlet (Area 13A) Tribal Net ¹(AC net closed) ¹ Based on Medicine Creek Treaty Tribal proposal annual regulations. Individual Tribal regulations may deviate from this schedule.

Chinook	8/1 – 9/17, 7 days/wk, opens in sections.
Coho	9/11 – 10/22, 7 days/wk, opens in sections.
Chum	10/23 – 11/12, 7 days/wk.
	11/13 - 12/3, 7 days/wk, Beach seines and shore anchored Set nets only.

Chambers Bay (Area 13C) Tribal Net¹ (AC net closed)

Chinook	7/24 – 10/8; Beach seines Sunday noon to Tuesday noon. Set nets Wednesday noon to Friday noon.
Coho	10/9 – 10/29; Beach seines Sunday noon to Monday noon. Set nets Monday noon to Tuesday noon.
Chum	Closed for conservation.

III. NISQUALLY CEREMONIAL AND SUBSISTENCE FISHERIES

Ceremonial and Subsistence Fishery Definition:

Ceremonial: Traditional tribal ceremonies.

Subsistence: Personal subsistence consumption by tribal members and their immediate families.

United States v. Washington, 384 F. Supp. 312, 343 (1974).

Authorized C&S Fisherman: Any enrolled member of the Nisqually Tribe. Enrolled members who do not possess a valid fisherman identification card, such as children under 16 years of age, may request a special "subsistence" card. This card will be issued free of charge to any enrolled member, it

constitutes acceptable identification as specified in Section 14.21.02 of the Tribal Code, Title 14-Fishing.

2022/2023 FRESHWATER C&S HOOK AND LINE C&S REGULATIONS

Open all year for all species **except steelhead**. Closed to taking of any species the Tribe has closed due to conservation. No bag limit. All catches must be reported weekly to the Nisqually Department of Natural Resources.

- Open Areas:** Nisqually River from the mouth to the glacier, Ohop Creek, Mashel River.
- Gear Type:** Hook and Line.
- Season:** Open all year for all species unless the Tribe has enacted a conservation closure for a species.
- Bag Limit:** None unless noted otherwise below. All adult salmon and adult steelhead catches must be reported weekly to the Tribal Natural Resources Department.
- Species:** Chinook, Coho, Pink, Chum, **and** Trout (Rainbow or Cutthroat).
- Minimum Size:** 6” all year above LaGrande Dam and from July 1 through February 28th in all open waters below LaGrande Dam. 10” from March 1 through June 30th for all trout below LaGrande Dam on the river and on the Mashel River, and Ohop Creek.
- NOTE:** **Muck Creek is closed to fishing.**

2022/2023 MARINE C&S HOOK & LINE FISHING REGULATIONS

- Open Areas:** All waters of Puget Sound South of an East-West line through the Northern tip of Vashon Island (commercial catch reporting areas 11, 11A, 13, 13A, 13C, 13D-K, or Sport Punch card areas 11 and 13).
- Gear Types:** Hook and Line
- Season:** Open all year for all species July 1, 2022 to June 30, 2023 unless the Tribe has enacted conservation or an allocation closure for a species.
- Bag Limit:** None – all salmon catches must be reported weekly to the Nisqually Department of Natural Resources 360-456-5221 ext. 2133
- Eligibility:** Any enrolled member of the Nisqually Tribe. Enrolled members who do not possess a valid fisherman identification card, such as children under the age of 16 years of age, may request a special “subsistence” card. This card will be

issued free of charge to any enrolled member, it constitutes acceptable identification as specified in Section 14.21.02 of the Tribal Code Title 14- Fishing.

IV. SPECIAL FISHERIES

Traps, Fish-wheels, Traditional, or other innovative harvest tool: The Nisqually Fish Commission may, as data indicates, determine specific stocks of salmon or steelhead to constitute an over escapement, i.e., numbers beyond the needs of natural spawning or hatchery goals. The Tribe may then be directed to harvest this surplus through use of a Tribal operated fishing trap or dip net (See Article III, Annual Fishing Regulations).

Test Fishery: Test fisheries may be operated at the discretion of the Nisqually Fish Commission for purposes of biological research. Twenty-four hours prior to the test fishery all interested parties will be given notice of 1) Number of fishing units; 2) Area; 3) Identification of fisherman.

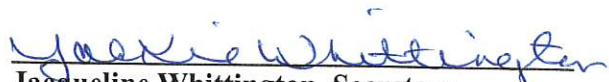
CERTIFICATION

I certify that the above Annual Fishing Regulations were presented at a Public Hearing held on, as stated in a notice sent by mail to the last known address of all fisherman of the Nisqually Indian Community above the age of 18. Said notice was mailed ten days prior to the hearing. The above Annual Fishing Regulations 2022/2023, were then presented to the Nisqually Tribal Council at a meeting held on the 16th day of June, 2022, at which a quorum was present by a vote of _____ **FOR**, _____ **AGAINST**, and _____ **ABSTAINED**.

ATTEST:



Willie Frank III
Nisqually Indian Tribe



Jacqueline Whittington, Secretary
Nisqually Indian Tribe

