

**NISQUALLY
ANNUAL FISHING REGULATION
Title 14
2026/2027**

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, 2027.

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 2026/2027 fishing season shall be \$0.00 (0%) 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.

2026/2027 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, 2026 (NR)	GN	~24%	Unmarked Chinook
July 3-Oct 1, 2026 (NR)	Drift 6” GN	10 dead UMUT	Release UMUT Chinook
July 3 – Nov 6, 2026(McA.Ck)	Multiple	Closed	Chinook
October 2 – Nov 19, 2026 (NR)	GN	Open	Coho
October 7 – Nov 23, 2026(McA.Ck)	Multiple	Closed	Coho
Nov 20, 2025– January 31, 2027(NR)	GN	ISU	Late Chum
Dec 1, 2025– January 31, 2027(NR)	GN	Incidental	Steelhead

2026 LOAF language:

Nisqually River (Area 83D) Tribal Net (All Citizens net closed)

Chinook	<p>Gill Net – 3 days a week; Wk 32 (wb 8/2) through Wk 36 (wb 8/30). Fishing boundary: Mouth of Nisqually River up to Clear Creek (approximate RM 5) at flagging.</p> <p>Hatchery Selective Drift up to 1 day/wk, Wk 32 (wb 8/2) through Wk 36 (wb 8/30) and up to 3 days Wk 37 (9/6) or until 100 adult UMUT Chinook are encountered. Fishing boundary: I-5 upriver to Clear Creek (approximate RM 5) at flagging.</p> <p>Change in Ratio data collection; staff driven Drift Gill Net; 1-4 days/wk, Wk 29 (wb 7/12) through Wk 47 (wb 11/15). Release all fish. Fishing boundary: Upriver of Sport Fishing Boundary.</p>
Coho	<p>Gill Net –3 days a week; Wk 42 (wb 10/11) through Wk 46 (wb 11/8). Fishing boundary: Wk 42 and Wk 43, mouth of Nisqually River up to Clear Creek (approximate RM 5) at flagging. Wks 44-46, upper boundary Kalama Creek at flagging.</p>
Chum	<p>No directed Chum fishery. If Yelm Escapement ISU reaches 409 live count on or before January 2, fishing schedule: 2-3 days/wk through Wk 4 (wb 1/17/27). Fishing boundary: Mouth of Nisqually River up to Clear Creek (approximate RM 5) at flagging.</p>

	Staff driven GN drift test fishery total encounter 250 Chum - Release all fish. 1-5 days a week: Wk 47 (wb 11/15) through Wk 5 (wb 1/24/2027). Fishing boundary: Mouth of Nisqually River up to RM13.
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McAllister Creek (Area 83F) Tribal Net (All Citizens net closed)

Chinook	Closed
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. During Hatchery Selective Fishery- drift only 6" gill net. Release all wild Chinook into recovery bag at end of drifts. Must launch and pull from Reuben's Camp.
3. Chum-all mouths and courses of sloughs and side channels are closed.
4. No net shall extend beyond 1/3 the width of the channel of the Nisqually River at any tide.
5. No GN net shall exceed beyond 2/3 the width of the channel below I-5 on McAllister Creek at low tide.
6. All nets shall be clearly identified with **NISO and fishing ID number with letters no less than 1" in height.** Buoys from recycled jugs from nontoxic products only.
7. **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.
8. Fishing locations in freshwater areas shall be not less than 250 feet apart.
9. 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.
10. All net mesh restrictions refer to stretched mesh.
11. There will be no wasting or destroying food fish.
12. All nets are to be removed from the river at the end of Chinook September 2, 2026 and then removed again at the end of Coho November 11, 2026. Any nets remaining after these dates 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.

2026 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 (All Citizens net closed)

Chinook	Closed
Coho	Closed
Chum	Closed

Carr Inlet (Area 13A) Tribal Net¹ (All Citizens net closed) ¹Based on Medicine Creek Treaty Tribal proposed annual regulations. Individual Tribal regulations may deviate from this schedule.

Chinook	8/1 – 9/20, 7 days/wk, opens in sections.
Coho	9/13 – 10/24, 7 days/wk, opens in sections.
Chum	10/25 – 11/14, 7 days/wk, opens in sections. 11/15 – 11/28, 7 days/wk, beach seines and shore-anchored setnets only. May be extended by agreement of the Medicine Creek Treaty Tribes.

Chambers Bay (Area 13C) Tribal Net¹ (All Citizens net closed)

Chinook	7/26 – 10/10; Beach seines Sunday noon to Tuesday noon. Set nets Wednesday noon to Friday noon.
Coho	10/11 – 10/31; 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.

2026/2027 C&S FRESHWATER HOOK AND LINE 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 Watershed from the mouth to the glacier, Ohop Creek, Mashel River, including but not limited to Mineral Lake, Harts Lake, Long Lake, Ohop Lake, and Alder Lake. Other lakes including Lake St. Claire, Hicks Lake, and Pattison Lake.

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, Kokanee, Chum, **and** Trout (Rainbow or Cutthroat) and other game fish other than steelhead.

Conservation Closure: Steelhead

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.

2026/2027 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, 2026 to June 30, 2027 unless the Tribe has enacted conservation or an allocation closure for a species.
- Bottom Fish:** Lincod Min. Size 26". Max size 36". Cabezon Min. size 18". Rockfish, Pacific Cod, Pollock, Hake, Wolf-Eel, Sixgill, Sevengill, and Thresher Sharks no fishing for, retaining, or possessing.
- Bag Limit:** Lincod limit two per day, no bag limit on other fish – 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, cast net, beach seine, 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.

Marine Mammal Incidental: See Appendix A.

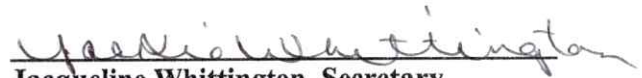
CERTIFICATION

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 2026/2027, were then presented to the Nisqually Tribal Council at a meeting held on the 8th day of June 2026, at which a quorum was present by a vote of 5 FOR, 0 AGAINST, and 0 ABSTAINED.

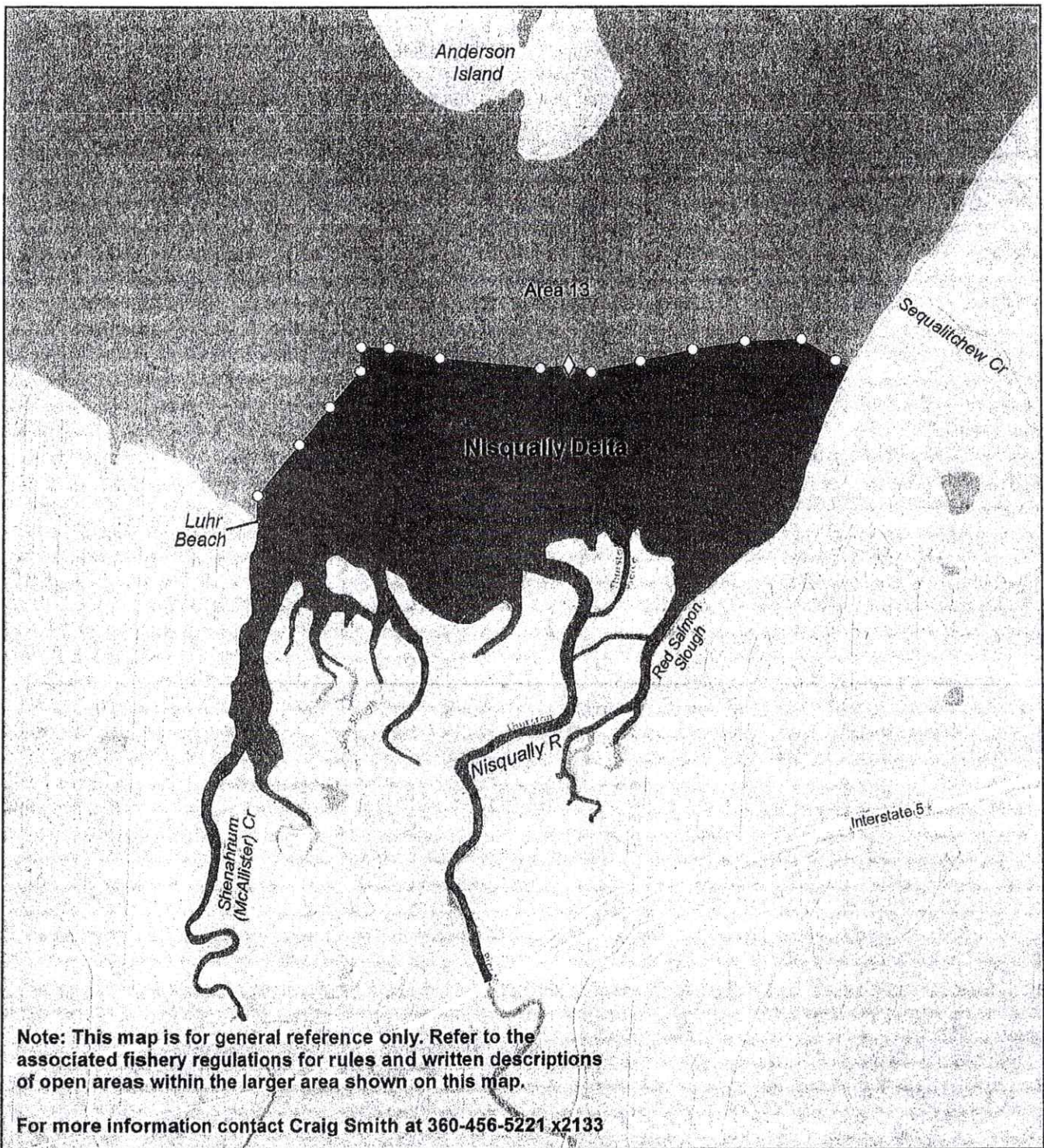
ATTEST:





**Ken Choke, Chair
Nisqually Indian Tribe**

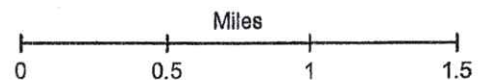


**Jacqueline Whittington, Secretary
Nisqually Indian Tribe**



Map 1 - Nisqually Delta

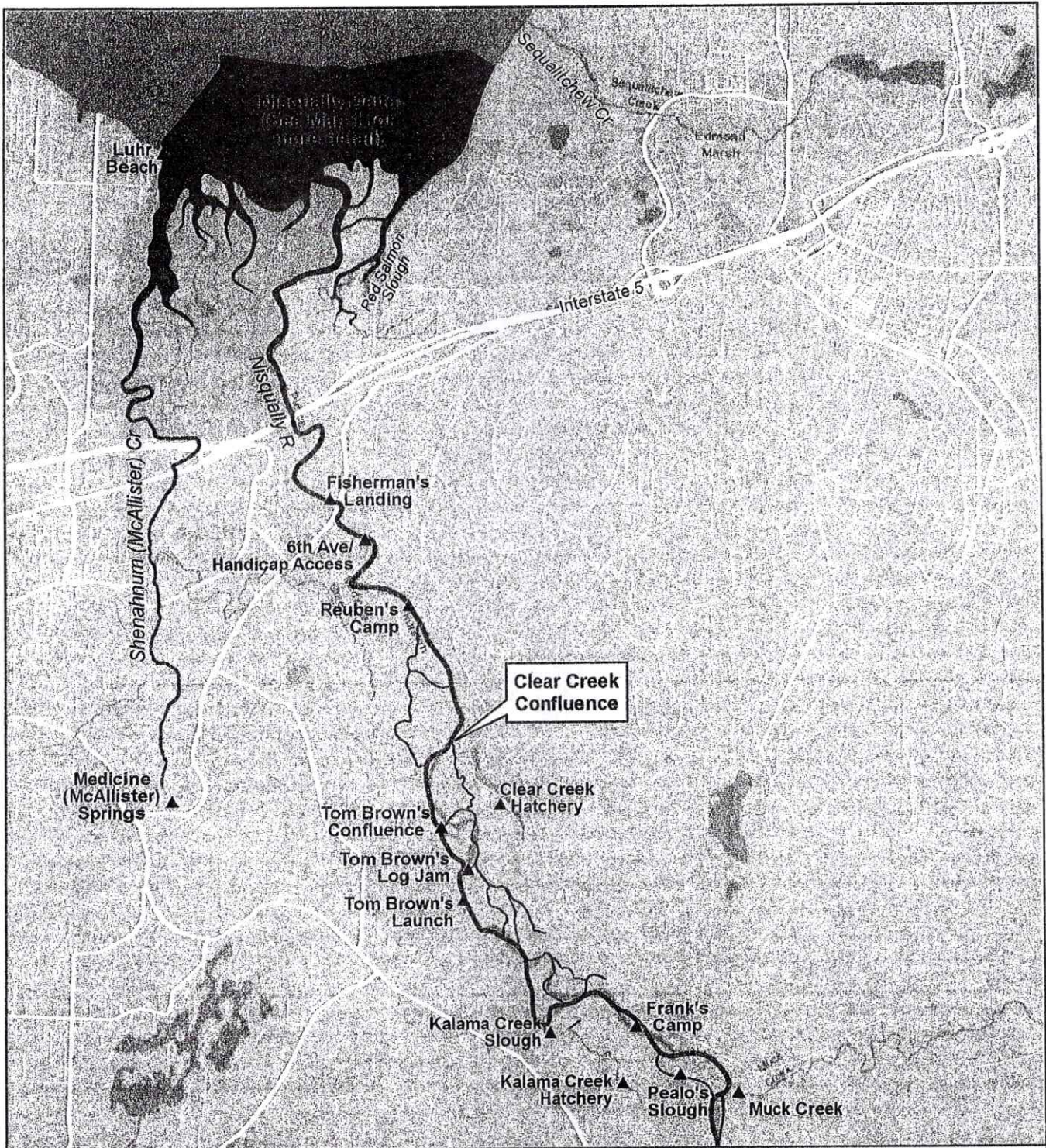
- Delta Pilings
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-  Area 13
-  Area 83



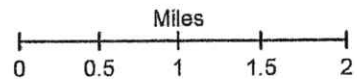
Nisqually Indian Tribe

Data derived from: Pilings - Billy Frank Jr. Nisqually National Wildlife Refuge;
Pile Beacon - NOAA; Basemap - ESRI World Light Gray Canvas Base

Cartography by: J.Cutler, 6/19/2017



Map 2 - Nisqually River and Shenahnum (McAllister) Creek



Note: This map is for general reference only. Refer to the associated fishery regulations for rules and written descriptions of open areas within the larger area shown on this map.

For more information contact Craig Smith at 360-456-5221 x2133

Basemap - ESRI World Light Gray Canvas Base

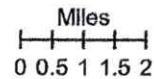


Nisqually Indian Tribe

Cartography by: J.Cutler, 5/28/2019



Map 3 - Nisqually Marine Usual and Accustomed Area



Note: This map is for general reference only. Refer to the associated fishery regulations for rules and written descriptions of open areas within the larger area shown on this map.

For more information contact Craig Smith at 360-456-5221 x2133



Nisqually Indian Tribe

Cartography by: K. Anderson, 6/10/2024

Basemap - ESRI World Light Gray Canvas Base

Appendix A

TRIBAL REGULATION GOVERNING INCIDENTAL TAKE OF MARINE MAMMALS IN TREATY FISHERIES

Affected Species: California Sea Lion, Steller Sea Lion, Harbor Seal

Effective Dates: June 30, 2026 to June 30, 2027

Management Area: Nisqually Tribes U & A

Fishery: Commercial and Ceremonial and Subsistence Fisheries

1. Purpose.

This regulation enacted by the Nisqually Tribe ("Tribe") is intended to implement the Tribe's right of taking fish under the Treaty of Medicine Creek, which includes the right to defend fishing gear and catch from interference by marine mammals. Consistent with Congress's determination that nothing in the 1994 amendments to the Marine Mammal Protection Act ("MMPA") "alters or is intended to alter any treaty between the United States and one or more Indian tribes," Pub. L. No. 103-238, § 14, 108 Stat. 532, 558 (1994), this regulation describes those circumstances identified by the Tribe under which the incidental take of marine mammals by tribal members exercising treaty reserved fishing rights and certain identified tribal fisheries enforcement and management professionals is authorized.

This regulation also establishes a framework for government-to-government coordination between the Tribe and the National Oceanic and Atmospheric Administration ("NOAA") regarding the incidental take of marine mammals in treaty fishing operations. The Tribe and NOAA will share information intended to improve science-based management of marine mammals and facilitate Tribal enforcement of this regulation and NOAA enforcement of the MMPA and its implementing regulations.

2. Definitions.

- (a) "Take" means to harass, hunt, capture, collect, or kill, or attempt to harass, hunt, capture, collect, or kill a marine mammal.
- (b) "Incidental take" means the taking of a marine mammal in the course of treaty fishing operations (i) because it is directly interfering with fishing operations, (ii) as a consequence of the steps used to secure the fish in connection with fishing operations or (iii) as a measure of self-defense to ensure the safety of the crew or vessel.
- (c) "Marine mammal" means any marine mammal that is not depleted (as defined in the MMPA) or listed under the federal Endangered Species Act.
- (d) "Serious injury" means any injury that will likely result in mortality.
- (e) "Tribal fisheries enforcement and management professional" means a person authorized by the Tribe to enforce or manage the Tribe's treaty right to take fish.

(f) "Tribal treaty fisher" means a person authorized by the Tribe to exercise the Tribe's treaty fishing rights.

3. Prohibitions.

It is prohibited to take a marine mammal except as otherwise provided by this regulation.

4. Incidental Take Authorized.

A tribal treaty fisher and tribal fisheries enforcement and management professional may incidentally take a marine mammal, under the circumstances specified below, when exercising, enforcing or managing the Tribe's treaty right to fish.

5. Incidental Take of a Marine Mammal Interfering with Treaty-Reserved Fishing – Preventing Interference.

(a) Preventing Interference – Non-Lethal Acts.

A tribal treaty fisher or tribal fisheries enforcement and management professional may incidentally take a marine mammal by deterring it from damaging catch or deployed fishing gear, so long as such acts of deterrence are not intended to result in the death of or serious injury to the marine mammal. Potential non-lethal deterrence methods will include those set forth in the most recent NOAA Fisheries Guidance (updated November 2015) attached hereto, or such other measures as may be added to this provision after consultation with NOAA.

(b) Preventing Interference – Lethal Acts.

A tribal treaty fisher or tribal fisheries enforcement and management professional, after attempting non-lethal steps to deter a California sea lion, Steller sea lion, or harbor seal from damaging catch or deployed fishing gear, may incidentally take the California sea lion, Steller sea lion, or harbor seal by lethal means consistent with Section 5(c) below.

(c) Public Safety.

Tribal treaty fishers and tribal fisheries enforcement and management professionals shall ensure that any methods used to prevent a marine mammal from interfering with their fishing operations will not create an imminent risk to public safety.

6. Incidental Take of a Marine Mammal as a Consequence of Steps Used to Secure Fish.

A tribal treaty fisher may incidentally take a marine mammal as a consequence of the steps used to secure fish in connection with treaty fishing operations. Such incidental take includes but is not limited to entanglement of a marine mammal in fishing gear.

7. Self-Defense.

A tribal treaty fisher or a tribal fisheries enforcement and management professional may incidentally take by non-lethal or lethal means a marine mammal if such take is imminently necessary in self-defense or a life-threatening situation.

8. Information Sharing.

For purposes of information sharing under this section only, "marine mammal" means any seal, sea lion, whale, dolphin, porpoise or sea otter.

A tribal treaty fisher or tribal fisheries enforcement and management professional shall report any incidental take resulting in mortality or serious injury of a marine mammal to the Tribe's Fisheries Department within 48 hours of landing, or as soon as reasonably possible.

The Tribe's Fisheries Department shall provide on an annual basis by January 15 a summary report to the Northwest Indian Fisheries Commission ("NWIFC"), regarding aggregate incidental takes resulting in mortality or serious injury of marine mammals by tribal treaty fishers or tribal fisheries enforcement and management professionals, including number of marine mammals taken, approximate date, species, location (e.g. catch area), fishery gear type and target species (e.g. salmon troll, salmon drift gillnet, groundfish trawl), and disposition (mortality or serious injury). The NWIFC shall aggregate the information received into a single report and provide it to NOAA Fisheries. Individual tribe, fisher, and vessel anonymity shall be maintained. In lieu of the process above, any tribe can report directly to NOAA Fisheries.

To facilitate Tribal enforcement of this regulation and NOAA enforcement of the MMPA and its implementing regulations, the Tribe shall coordinate with NOAA Office of Law Enforcement and share information relevant to such enforcement, including Tribal fishing regulations establishing open seasons and areas, this marine mammal regulation and contact information for the Tribe's Fisheries Department and Fisheries Enforcement Office. Upon request, the Tribe shall share with NOAA Office of Law Enforcement relevant information it has obtained from any reports submitted pursuant to Section 8(b) above regarding the incidental take of a marine mammal by a tribal treaty fisher or tribal fisheries enforcement and management professional. The Tribe shall also share information regarding and the disposition of any incident involving incidental take referred to the Tribe for investigation, including the outcome of any prosecution arising from the incident.

9. Disposition of Carcass.

The carcass of any marine mammal incidentally taken and killed under this regulation may be returned to the sea. If the carcass is retained, it must be made available to the Tribe's Fisheries Department for biological sampling, after which it shall be provided for ceremonial and subsistence use within the tribal community consistent with Tribal law and custom.

10. Penalties.

Failure to observe and comply with any provision of this regulation shall be punishable by civil and/or criminal penalties as follows or as specified in Section 14.04.01 of the Tribe's Environment and Natural Resources Title 14.

11. Reservation of Rights.

By adopting this regulation as Tribal law, the Tribe is not waiving any right, claim, defense or other legal entitlement regarding the Tribe's treaty fishing right or other rights held by the Tribe, nor is it intending to define or interpret the scope of its treaty right to take marine mammals.