

COQUILLE INDIAN TRIBE
Chapter 261
CLAM GATHERING REGULATION

General

1. Purpose

The purpose of this regulation is to establish procedures and processes to implement the provisions, policies, and requirements of the Clam Gathering Ordinance under Coquille Tribal Code Chapter 260 for the exercise of clam gathering by members of the Coquille Indian Tribe. The Coquille Indian Tribe hereby adopts by reference the Oregon Sportfishing Regulations in their current form. Nothing in this Regulation constitutes a submission to the jurisdictional or legislative authority of the State of Oregon.

2. Definitions

For purposes of the Clam Gathering Ordinance and these procedures, the following definitions shall apply:

- a. "Committee" shall mean the Natural Resources Committee established pursuant to Coquille Indian Tribal Code (CITC) Chapter 144;
- b. "Dead Shells" shall mean the shells of the deceased species listed in Section 3(b) below, and also of the shells of deceased crab of all species;
- c. "Tribal Member" for the purposes of the Clam Gathering Ordinance and this regulation shall mean an enrolled Tribal Member as defined by the Coquille Tribe Constitution and pursuant to Coquille Indian Tribal Code (CITC) Chapter 192;
- d. "Gathering" shall mean the exercise of traditional, ceremonial or subsistence collection of clams. In the Clam Gathering Ordinance and this regulation, the term "Gathering" is not intended to include all traditional, ceremonial and subsistence materials or species gathered or used by the Tribe and its ancestors;
- e. "Clam" or "Clams" shall mean those species described in Section 3(b) below;
- f. "Tribal Newsletter" shall mean K'wen 'inish-ha, the Coquille Indian Tribal government newsletter;
- g. "Tribe" shall mean the Coquille Indian Tribe.

Procedures

The following procedures will be used to comply with the requirements of the Clam Gathering Ordinance ("Ordinance"), Coquille Indian Tribal Code 260.010 et seq.

1. Organizational Responsibility: The Natural Resources Department shall be responsible for implementation of this regulation.

COQUILLE INDIAN TRIBE
Chapter 261
CLAM GATHERING REGULATION

2. Licensing: Any Tribal Member who wishes to participate in Gathering may apply for a Tribal Clam Gathering License (“License”). A License is valid for the calendar year in which it is issued.
- a. Eligibility: Any Tribal Member may apply for a License, provided that he or she signs an application form stating that he or she agrees to comply fully with all provisions of the Ordinance and this regulation, and his or her Gathering privileges are not currently suspended or revoked as provided in the Ordinance.
 - b. License Application: Tribal Clam Gathering License Applications will be made available on the Tribe’s website (www.coquilletribe.org) and at the office of the Natural Resources Department, 3050 Tremont Street, North Bend, Oregon 97459. An application may require a Tribal member to identify the quantity of Clams harvested under the preceding year’s license and other information relevant to assist the Tribe and the State to manage the Clam resource. Completed applications must be returned to the Natural Resources Department electronically or by hard copy. The Natural Resources Department shall have ten (10) days to either approve or deny an application. Approved applications are valid only for the calendar year in which they are issued; every Tribal Member seeking to participate in Clam Gathering shall complete a new Tribal Clam Gathering License Application each calendar year. License applications and licenses shall be free of charge.
 - c. While Gathering: All Clam Gatherers must have in their possession a **complete Tribal Clam Gathering License**, which they must be prepared to produce upon request by Oregon Department of Fish and Wildlife representatives or Tribal or State peace officers. Inspectors may also inspect gear and catch. **A complete License includes:**
 - i. Tribally-issued identification, showing the Tribal Member’s name, photograph and identification number;
 - ii. A current, original Tribal Clam Gathering License (issued by the Coquille Indian Tribe); and
 - iii. A copy of current Special Gathering Permit for clams (letter issued by the State of Oregon), as well as any other information required by the Tribe Natural Resources Department.

COQUILLE INDIAN TRIBE
Chapter 261
CLAM GATHERING REGULATION

- d. Validity: The License is valid only for the calendar year in which it is issued, and expires on December 31st of that year. Tribal Members who have already reported their Gathering information for that year may apply for a new license on January 1st.
3. Clam Harvest: Clams may be gathered in Coos County, Oregon and Curry County, Oregon, except in areas closed for conservation purposes or management purposes, including marine reserves, marine gardens, research reserves, shellfish preserves, habitat refuges, and other federal or State marine protected areas. Licenses for Clam Gathering shall not apply to those areas. All Clam gathering must be completed by hand or hand-powered tools. Clam gatherers under the age of 12 must be accompanied by and under the supervision of an adult. None of the Clams gathered under this Ordinance shall be used for commercial purposes; *provided*, that Dead Shells may be used for commercial purposes when consistent with Oregon law.
 - a. Quantity: Harvest of clams is limited to that which can reasonably be expected to be used by the Gatherer and their family, with no waste. For special ceremonies, Gathering is limited to the amount expected to be used during the ceremony, with no waste.
 - b. Species: Clam gathering will include Razor Clams, Bay Clams (Butter/Martha Washington, Littleneck, Cockle, Gaper/Empire), Softshell and Purple Varnish clams, provided that:
 - i. It shall be unlawful to remove clams from the shell before leaving the clamming area; and
 - ii. Unbroken butter, cockle, or littleneck clams may be returned to the immediate digging area if they are unbroken. All razor, gaper, paddock and softshell clams must be retained regardless of size or condition.
 - c. Prohibited Items: Clam gathering may only be completed by hand or hand-powered tools, such as shovels or tubes. Prohibited tools for Clam Gathering are any tools that are not hand-powered, including but not limited to those that are motor-powered.
 - d. Closures: Gatherers shall abide by any Clam harvest closures put in place due to the issuance of a Public Health Advisory by the Oregon Department of Agriculture. As provided in the Oregon Fishing Regulations, harvest of any species with a shellfish public health advisory will be closed immediately within

COQUILLE INDIAN TRIBE
Chapter 261
CLAM GATHERING REGULATION

the area specified and will remain closed until the advisory is removed. For current information concerning shellfish public health advisories please call 503-986-4728 or 800-448-2474. Closures are listed on the Oregon Department of Agriculture's website:

<http://www.oregon.gov/ODA/programs/FoodSafety/Shellfish/Pages/ShellfishClosures.aspx>

4. Reporting: Annually, Gatherers shall report the quantity of each species harvested to the Natural Resources Department. Gatherers who were licensed the previous year may not apply for a new license until their gathering information from the previous year has been reported.
 - a. Reporting Form: Gatherers shall report the quantity of each species harvested by completing the Clam Gathering Reporting Form. That form will be available on the Tribe's website, as well as in the office of the Natural Resources Department, 3050 Tremont Street, North Bend, Oregon 97459. Completed forms may be returned to the Natural Resources Department electronically or by hard copy. The Reporting Form must be completed and submitted to the Natural Resources Department within thirty (30) days of the close of the calendar year for which the license was granted, but may be submitted at any time before the close of calendar year for which the license was granted, in order to allow the Tribal Member to apply for a License for the new year. [This reporting deadline would be most useful if the Tribe plans to use clam gathering data. Otherwise, it might not be necessary.]
 - b. Failure to Report: No Tribal Member shall receive a Tribal Clam Gathering License unless he/she has first submitted the information required to be reported for the previous year's Gathering. Failure to report as required by the Ordinance may result in additional sanctions imposed by the Natural Resources Director.
5. Questions: All questions about Clam Gathering as provided for in this Regulation can be directed to the Coquille Indian Tribe Natural Resources Department, 3050 Tremont Street, North Bend, Oregon 97459 (541) 756-0904.