

**Grower's Notice of Intent to Create a New Artificial Shellfish Bed or  
to Enhance an Existing Natural Shellfish Bed under  
Section 6.3 of the Revised Shellfish Implementation Plan**

***PLEASE MAIL THIS NOTICE TO THE TRIBES LISTED ON PAGE 4  
YOU MAY ALSO RETURN THIS NOTICE TO DOH OR WDFW, WHICH WILL  
FORWARD IT TO THE TRIBES FOR YOU***

Grower Name:	Date:
Name of company:	
Address:	E-mail Address:
	Phone / fax numbers:
Location of shellfish bed proposed for cultivation – Tax parcel number(s) & water body(ies):	
County:	
Name of owner of parcel(s) and contact information:	
Date that you plan to begin cultivation of shellfish on parcel(s): (this date must be at least 60 days after Tribe's receipt of this notice):	Shellfish species proposed for cultivation:
Has this parcel ever been harvested commercially for any species of shellfish? Yes _____ No _____ If yes, please provide details on next page	Has this parcel ever been cultivated for any species of shellfish? Yes _____ No _____ If yes, please provide details on next page
(optional) Is parcel certified for shellfish harvest by the Department of Health (or has it been in the past)? Yes _____ No _____ If yes, please provide cert. # _____	(optional) Is parcel covered by an Emerging Commercial Fishery License/Permit or Aquatic Farm Registration issued by WDFW (or has it been in the past)? Yes _____ No _____ If yes, please provide license/permit # or AFR # _____

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Please summarize the history of shellfish harvest and/or enhancement on the parcel(s) proposed for cultivation, including for (1) Manila Clams, (2) Native Littleneck Clams, (3) Pacific Oysters, and (4) Geoduck, including the nature and quantity of the harvest and/or enhancement, when the harvest and/or enhancement occurred, and who conducted the harvest and/or enhancement.

(Attach additional pages if necessary. You may also attach records of harvest and/or enhancement.)

In what “Area” is the parcel proposed for shellfish cultivation located? \_\_\_\_\_

- Area 1 = all waters of southern Puget Sound west of a line drawn from Johnson’s Point to Devil’s Head
- Area 2 = all waters of Puget Sound south of the Tacoma Narrows Bridge to the line drawn from Johnson’s Point and Devil’s Head
- Area 3 = all waters of Hood Canal south of the Hood Canal Bridge
- Area 4 = all remaining waters east of the west end of the Strait of Juan de Fuca not included within Areas 1, 2, or 3.

Does the parcel proposed for shellfish cultivation contain (or has it previously contained) a density of mature, marketable Manila Clams, Native Littleneck Clams, Pacific Oysters, or Geoduck, greater than or equal to the density set forth in the table below?

Yes \_\_\_ No \_\_\_

	Area 1	Area 2	Area 3	Area 4
Manila Clams	0.14 lbs./sq. ft.	0.10 lbs./sq. ft.	0.11 lbs./sq. ft.	0.07 lbs./sq. ft.
Native Littleneck Clams	0.14 lbs./sq. ft.	0.10 lbs./sq. ft.	0.11 lbs./sq. ft.	0.07 lbs./sq. ft.
Pacific Oysters	0.33 oyster/sq. ft. *	0.33 oyster/sq. ft. *	0.33 oyster/sq. ft. *	0.33 oyster/sq. ft. *
Geoduck	0.01 ducks/sq. ft. **	0.01 ducks/sq. ft. **	0.01 ducks/sq. ft. **	0.01 ducks/sq. ft. **

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\* This density applies currently only to the waters of Hood Canal south of a line drawn from Olele Point to Foulweather Bluff, but a tribe may seek application of this density to other waters.

\*\* The Consent Decree and Settlement Agreement for Geoduck provides that the density of an intertidal area proposed for geoduck cultivation shall be established by an initial harvest of the entire wild geoduck stock in the area, under an agreement between the Grower and affected treaty Tribes.

If yes, what species \_\_\_\_\_

If yes, for each species, please provide your estimates as to the density and overall quantity of mature, marketable shellfish that is (or was) present on the bed, explain the basis for your estimates, and attach any survey data.

If no, for each species, please explain the basis for your density estimates, and attach any survey data.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

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***PLEASE MAIL THIS NOTICE TO THE TRIBES LISTED BELOW  
FOR THE COUNTY WHERE YOUR PARCEL IS LOCATED***

<u>Kitsap County</u> Jamestown S’Klallam Lower Elwha Klallam Lummi Nation Muckleshoot Nisqually Port Gamble S’Klallam Puyallup Skokomish Suquamish Tulalip	<u>Island County</u> Jamestown S’Klallam Lower Elwha Klallam Lummi Nation Port Gamble S’Klallam Stillaguamish Suquamish Swinomish Tulalip Upper Skagit	<u>San Juan County</u> Jamestown S’Klallam Lower Elwha Klallam Lummi Nation Port Gamble S’Klallam Suquamish Swinomish Tulalip
<u>Skagit County</u> Lummi Nation Stillaguamish Suquamish Swinomish Tulalip Upper Skagit	<u>Snohomish County</u> Stillaguamish Suquamish Swinomish Tulalip Upper Skagit	<u>Whatcom County</u> Lummi Nation Suquamish Swinomish Tulalip Upper Skagit
<u>Clallam County</u> Jamestown S’Klallam Lower Elwha Klallam Makah Port Gamble S’Klallam Suquamish	<u>Jefferson County</u> Jamestown S’Klallam Lower Elwha Klallam Port Gamble S’Klallam Skokomish Suquamish	<u>Mason County</u> Jamestown S’Klallam Port Gamble S’Klallam Skokomish Squaxin Island Suquamish
<u>Pierce County</u> Muckleshoot Nisqually Puyallup Squaxin Island	<u>King County</u> Muckleshoot Puyallup Suquamish Tulalip	<u>Thurston County</u> Nisqually Squaxin Island

***SEE PAGE 5 FOR TRIBAL ADDRESSES  
YOU MAY ALSO RETURN THIS NOTICE TO DOH OR WDFW, WHICH  
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<p><b>Jamestown S’Klallam Tribe</b> Attn: Shellfish Program 1033 Old Blyn Hwy Sequim, WA 98382</p>	<p><b>Nooksack Tribe</b> Attn: Shellfish Program PO Box 157 Deming, WA 98244</p>	<p><b>Stillaguamish Tribe</b> Attn: Shellfish Program PO Box 277 Arlington, WA 98223</p>
<p><b>Lower Elwha Klallam Tribe</b> Attn: Shellfish Program 51 Hatchery Road Port Angeles, WA 98363</p>	<p><b>Port Gamble S’Klallam Tribe</b> Attn: Shellfish Program 31912 Little Boston Road NE Kingston, WA 98346</p>	<p><b>Suquamish Tribe</b> Attn: Shellfish Program PO Box 498 18490 Suquamish Way Suquamish, WA 98392</p>
<p><b>Lummi Nation</b> Attn: Shellfish Program 2616 Kwina Road Bellingham, WA 98226</p>	<p><b>Puyallup Tribe</b> Attn: Shellfish Program 6824 Pioneer Way West Puyallup, WA 98371</p>	<p><b>Swinomish Indian Tribal Community</b> Attn: Shellfish Program 11404 Moorage Way LaConner, WA 98257</p>
<p><b>Makah Tribe</b> Attn: Shellfish Program P.O. Box 115 Neah Bay, WA 98357</p>	<p><b>Sauk-Suiattle Tribe</b> Attn: Shellfish Program 5318 Chief Brown Lane Darrington, WA 98241</p>	<p><b>Tulalip Tribes</b> Attn: Shellfish Program 6406 Marine Dr. Tulalip, WA 98271</p>
<p><b>Muckleshoot Tribe</b> Fisheries Division Attn: Shellfish Program 39015 172nd Avenue SE Auburn, WA 98092</p>	<p><b>Skokomish Tribe</b> Attn: Shellfish Program North 541 Tribal Center Road Skokomish Nation, WA 98584</p>	<p><b>Upper Skagit Tribe</b> Attn: Shellfish Program 25944 Community Plaza Way Sedro Woolley, WA 98284</p>
<p><b>Nisqually Tribe</b> Attn: Shellfish Program 12501 Yelm Highway SE Olympia, WA 98513</p>	<p><b>Squaxin Island Tribe</b> Attn: Shellfish Program 200 SE Billy Frank Jr. Way Shelton, WA 98584</p>	

## **Grower's Notice of Intent to Create a New Artificial Shellfish Bed or to Enhance an Existing Natural Shellfish Bed under Section 6.3 of the Revised Shellfish Implementation Plan**

### **ADDITIONAL INFORMATION REGARDING SECTION 6.3 OF THE REVISED SHELLFISH IMPLEMENTATION PLAN**

The Revised Shellfish Implementation Plan requires that you provide the information included in this form to the Tribes prior to your cultivation activities so that you and the Tribes may resolve any questions regarding the Tribes' treaty rights on your tidelands, and so that there will be no future dispute as to whether (or what portion of) the shellfish on your tidelands are naturally-occurring or cultivated.

If you state your belief that the parcel proposed for cultivation does not contain the minimum density of Manila Clams, Native Littleneck Clams, or Pacific Oysters (i.e., does not contain a natural bed of any of those species), and if the Tribes dispute your belief, the Tribes must notify you within 30 days of receiving this notice. After the Tribes provide you such notice, the Tribes may survey the shellfish populations on the parcel upon 14 days notice. You have the right to be present for any tribal survey, and you may also conduct your own survey. If the survey(s) and any relevant evidence of commercial harvest activity confirms your belief that the parcel does not contain a natural shellfish bed (or if the Tribes do not dispute your belief), then the Tribes are entitled to no share of the shellfish on your tidelands.

If you state your belief that the minimum density of any species is present, or if following the survey(s) and review of any relevant evidence of commercial harvest activity, a natural bed is determined to be present, then you and the affected Tribes are required to develop a harvest plan that provides the Tribes up to a 50% share of the naturally-occurring shellfish on a continuing basis. The Tribes are not entitled to any share of the increase in shellfish production on the parcel that results from your cultivation activities. Unless you agree otherwise, the terms of the harvest plan are controlled by the Revised Shellfish Implementation Plan and Consent Decree and Settlement Agreement for Manila Clams, Native Littleneck Clams, and Pacific Oysters.

For geoduck, whether a natural bed is present is determined by an initial harvest of the standing stock under an agreement between you and the affected Tribes, as provided by the Consent Decree and Settlement Agreement for Geoduck.

You may contact the Tribes at the addresses above with any questions or concerns or to receive a sample harvest plan. The Revised Shellfish Implementation Plan, and the Consent Decrees and Settlement Agreements for Manila Clams, Native Littleneck Clams, Pacific Oysters, and Geoduck, are available at <http://www.squaxinisland.org/government/departments/legal/shellfish/> The State and the Tribes have also jointly developed a pamphlet, Commercial Shellfish Harvesting and Cultivating on Private Lands, A Summary of State Regulatory Requirements and Indian Treaty Harvest Rights, with further information. The pamphlet is available at:

The Washington Department of Health Help Desk  
The Washington Department of Fish and Wildlife Help Desk  
The Northwest Indian Fisheries Commission  
<http://wdfw.wa.gov/fishing/commercial/>  
<http://wdfw.wa.gov/licensing/commercial/>  
<http://www.doh.wa.gov/ehp/sf/commercial.htm>