

March 11, 2020

Steve Stone
West Coast Region
NOAA Fisheries
1201 Northeast Lloyd Boulevard, Suite 1100
Portland, OR 97232

RE: The Nature Conservancy's comments on NMFS Proposed Waiver and Regulations Governing the Taking of Marine Mammals for the Makah Indian Tribe [NOAA-NMFS-2019-0037]

Dear Mr. Stone:

The Nature Conservancy strongly supports the Makah Tribe's exercise of its treaty rights, including its express right to engage in whaling under the Treaty of Neah Bay. We are writing today to urge you to grant a waiver of the Marine Mammal Protection Act's moratorium on the take of marine mammals to allow the Makah to hunt a limited number of Eastern North Pacific gray whales.

The Nature Conservancy does not come by this position lightly. Our stance derives from our steadfast commitment to support tribal treaty rights, and from our understanding based on our review of the relevant science that the proposed activity would not represent a risk to the Pacific Coast Feeding Group of Eastern North Pacific gray whales.

The Makah have worked through a robust federal review process which includes a scientific review of the potential impacts of the proposed whaling activity on grey whales. Under NMFS's proposed waiver, Makah would be authorized to harvest an average of two whales per year from the robust, non-endangered stock of eastern north Pacific gray whales under a carefully designed management approach. Both international and domestic marine mammal scientists have thoroughly studied this stock and determined that it is at healthy abundance levels and that the proposed Makah hunt can proceed without adverse impacts.

Makah whaling is fundamental to their society and culture. While many things have changed for the Makah people since the Treaty of Neah Bay was signed in 1855, whaling has always been fundamental to their society and culture. As Makah tribal member Greig Arnold stated in his testimony "whale hunting is an essential element of Makah subsistence and culture...[w]haling is central to our identity as Makahs" (Docket No. 19-NMFS-0001, Initial Direct Testimony of Greig Arnold, page 1-2).

The Nature Conservancy recognizes that supporting the rights of the Makah and other indigenous peoples around the globe is core to our values as an organization, and is an important strategy to that will lead to good stewardship of our natural resources. We respectfully request that the Makah Tribe's treaty right to hunt gray whales be honored, and that NMFS approve the waiver.

Sincerely,

/s/ *Michael S. Stevens*

Michael S. Stevens
Washington State Director
The Nature Conservancy

CC (by email):

Timothy J. Greene, Sr., Chairman, Makah Tribal Council (timothy.greene@makah.com)

Patrick DePoe, Treasurer, Makah Tribal Council (patrick.depoe@makah.com)

Barry Thom, Regional Administrator, West Coast Region, NMFS (barry.thom@noaa.gov)