From: karlukkid@aol.com
To: MakahDEIS.nwr@noaa.gov;
cc: karlukkid@aol.com;
Subject: Questions and Input
Date: Wednesday, June 04, 2008 3:30:53 PM

I have read the DEIS on Makah Whale hunting requests. I have the following concerns:

Page 2 of the Overview of the Makah Tribes Waiver Request bullet 5 states: Provide detailed photographic monitoring etc.....
Question: Who will provide this photographic monitoring and what non-tribal source will ensure the accuracy of such reporting?

Same page bullet 9 states: Restrict the use of whale products to local consumption.
Question: What processes or audits are in place to ensure that these products are not exported and if members of the Makah tribe are found to have engaged in export, what penalties are proposed, and what external corresponding processes exist.

Same page last bullet states: .....requiring Tribal enforcement of Tribal regulations.
Observation: The Makah Tribe was unable to prosecute or seat a jury against their members that hunted illegally last year, that hunt resulted in the mutilation of a whale. In my view their wavier should be suspended for any violation given that their own Council is unable and or un-willing to prosecute obvious transgressions against the law. The rationalization that was reported in the press was that all of the actors were related to some one in the tribe so therefore there was a conflict of interest with respect to seating a jury.

With Respect to the Document Titled Application For a waiver etc submitted by the Makah Tribe I have the following questions and or comments.

Page-iv- The definition of the word "Strike". Specifically " A harpoon blow counts as a strike if the harpoon is embedded in the whale"
Comment: For what length of time. If a whale is struck and after two or three hours the harpoon becomes dislodged is it then not a strike? What is to prevent the "hunters"(sic) from removing the harpoon in favor of a different animal or to avoid having the strike count?

Page 3 paragraph two: "during the 1999 hunt these methods resulted in a time to death of approximately eight minutes".
Comment: I would call your attention to last year's illegal; hunt when the whale suffered for hours and died, the method of capture was, to my knowledge as described in this paragraph. Clearly this is an erroneous and disingenuous statement.

Page 4 paragraph two states: "tribal monitoring....etc.
Comment: Who monitors the Tribe, where is the independent oversight of this process and what is the documented audit plan.

Page 4 last paragraph "Tribal Enforcement...etc
Comment: I re-iterate the point above the Tribe was unable to enforce or punish their own commensurate with the serious nature of the offenses associated with the illegal hunt last year. Furthermore, the Seattle Times has frequently documented the Makah Tribes inability to enforce basic law. They indicated in an Article this year that 50% of the houses on the reservation are contaminated with Meth-Amphetamine residue. In that same article the Tribe was bemoaning the absence of Law Enforcement Resources from the BIA. So whom is going to enforce these new regulations, clearly there is not process capability and or resources for adequate oversight of the incremental burden of tribal whaling.

In addition to this throughout the application the Makah indicate that there will be training and certification for the whalers. If basic needs, ie health safety etc are not being met by the current economic situation, where are the resources going to come from for this certification and training process. Furthermore where is the curriculum and associated processes?

Page 5,section A regarding: cultural renaissance and provide significant nutritional resources.

Comment: Cultural renaissance. The primary premise throughout this application is that the Tribe will receive social benefit and relief by participating in these efforts. What measurements are in place and or anticipated to measure this? It seems to me that if the Government were to grant this waiver to the Marine Mammals Act, then there should be evidence of the benefit. Examples are numerous, unemployment rate, domestic violence, reduction of vandalism to no-tribal vehicles visiting

Point of the Arches, High School graduation etc. But there are no measurements. I can accept since I am a white man, it is difficult if not impossible to understand the cultural significance, however, demonstrable success would not only further the continuation of whaling but generate tangible goodwill in the non-tribal community. Their own statistics indicate that only 39% of the Tribe participated in the ceremonial rights of the last kill, indicating that this renaissance theory is questionable at best.

Comment: Significant nutritional benefit. The Tribes own document indicates that 30% of the tribe cooked the meat of the whale killed in 2005. How are the Makah Tribe going to consume five whales worth of meat a year. In my view the rest will be wasted for the non-measured esoteric "cultural renaissance". Clearly five animals a year is an excessive harvest irrespective of the overall whale population.

With respect to the NOAA EIS, Chapter 2 "Alternatives" section 2-8 lines 2-3.
Comment: Grenades? How can this even be considered from a human safety standpoint, not to mention incremental impact adjacent aquatic and avian life. Given the emotional nature of this issue, and the fact that previous hunts have been attended by individuals protesting and or attempting to disrupt the hunt arming one side with explosives seems to me to be inane.

Summary:

I oppose this Waiver. However if it must go on, then the points I have raised above need to be thought through and implemented. The Makah request lacks depth, relative to specific process oversight, funding for incremental programs and third party validation of compliance with the Waiver. The reality is that the Makah cannot afford, manage or enforce their own Tribal concerns today, and our unable to even mete out punishment to recognized violators of the law, ie rogue whalers. What changes our going to occur all of a sudden to provide them the resources and process capability to fulfill their responsibilities under this application. The fact is nothing will, it will be business as usual in the pursuit of "cultural renaissance" at the expense of fifty whales.

Thoughtfully and respectfully Submitted by Bruce Herron, 425 761 6544,,, karlukkid@aol.com

Stay informed, get connected and more with AOL on your phone.