From: Bob & Gail Stagman
To: MakahDEIS.nwr@noaa.gov;
Subject: 2008 Makah DEIS
Date: Wednesday, July 09, 2008 12:59:39 AM

Thank you for the opportunity to offer comment on the Draft Environmental Impact Statement for proposed authorization of the Makah tribe's grey whale hunt. I urge you to adopt the No Action Alternative which would deny the Makah tribe any authorization to hunt grey whales.

Under Section 101(a)(3)(A) of the Marine Mammal Protection Act there is a currently active moratorium prohibiting the take of marine mammals. There is no valid reason to waive this moratorium to permit Makah hunting of grey whales. The claim that treaty rights require that this hunting be permitted under the claim of aboriginal subsistence whaling is invalid for at least two reasons: 1) The Supreme Court has upheld the ability of the MMPA to pre-empt treaty hunting rights if the marine mammal conservation goals of the MMPA are jeopardized; 2) claims by the Makah that they must be allowed to pursue aboriginal subsistence whaling are a sham since traditional whale hunting no longer exists among the Makah.

The definition of "aboriginal subsistence whaling" under the International Whaling Commission includes 1) personal consumption and utilization of whale products and 2) barter, trade, or sharing of whale products among family or closely related members, and 3) the making and selling of handicraft items made from whale parts. The Makah have not eaten whale meat or performed traditional ritual whale hunting in some 80 years. There was absolutely no interest by the Makah people in consuming the flesh of the grey whale killed in an authorized hunt several years ago, and the carcass rotted in the local dump. Additionally, there was no traditional Makah ritual associated with that hunt as the rituals had long ago been discarded and forgotten. The grey whale killed illegally by rogue Makah hunters last September was lost on the ocean floor after four hours of agonizing suffering as the hunters were completely incompetent.

The grey whale has only recently escaped from the jaws of extinction, and its population numbers remain tenuous and subject to wide fluctuation. Calf mortality is up significantly. Highly successful ecotourism in grey whale watching, an opportunity offered to and refused by the Makah, has created a migratory population of grey whales habituated to and actually seeking out people. Abandonment of the strict United States prohibition on whaling would send a disastrous message to groups all along the grey whale migratory route encouraging hunting with potential ruinous consequences for the species.

Reinstituting currently extinct ritual Makah whaling would require a total re-education of the entire Makah population in consuming and utilizing whale products. Numerous Makah seniors who have protested the resumption of

whaling have been subjected to physical and psychological intimidation by militant whalers.

The conservation goals of the MMPA plus the existence of the Olympic Coast National Marine Sanctuary must be utilized to deny any authorization for a Makah tribe grey whale hunt. The prospect of a bloody and cruel hunt of these gentle giants to appease the egos of a small cadre of militant hunters is outrageous and unacceptable. Adopt the NO ACTION ALTERNATIVE.

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