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To: MakahDEIS.nwr@noaa.gov;
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When my mother was in elementary she used to get punished for speaking our Makah language. The teacher would beat the back of her hand when she spoke our language, if she didn't cry then they would turn her hand over and beat the other side until she spoke English. This happened in the 1940's and 50's, not very long ago. Many people (including the government) have been attempting to take away our culture. It was illegal to speak our language, sing our songs, do our dances, to have Indian parties, or even gatherings for many decades. As it is now, our language is "NEARLY EXTINCT". We have no one who speaks our language fluently, all of our elders who knew it has passed away. Some of our language is recorded but much of it has been **lost forever!** How much more will we lose?

Even though the Ninth Circuit Court ruled the way that they did, there are some important facts which should be mentioned. Also, there are important facts of our treaty that aren't mentioned. Unless I overlooked it, I haven't seen Article. VI. of the US Constitution mentioned is the DEIS. Art. VI. US Constitution states "and all Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land; and the Judges in every State shall be bound.....". The US Constitution should not be optional and neither is our treaty!

Alternative 6 is my choice, and this is why:

1. The judges in the Ninth Circuit Court were wrong, they never followed the US Constitution and our Makah Treaty.

a. They never supported Article. VI. of the US Constitution. Even though congress is the supreme law of the land, Art. VI should have applied. There is no conservation issue for the gray whales. The gray whale population has reached the Optimal Sustainable Population (OSP). The Environmental Assessment should have sufficed. Not even the Endangered Species Act (ESA) applies in this argument. Why? Because they are not on the Endangered Species List, they are not even on the Threatened Species List! Article. VI. should be at least mentioned in the DEIS. How can they ignore Article VI of the US Constitution?

b. The MMPA, Section 14 states that this will in no way alter or change any agreements or treaties with the Native Americans and the US. This is mentioned in there for a reason. Our treaty was signed in 1855, the MMPA was enacted in 1972. More importantly, a treaty is a government to government agreement just like an agreement with any

other country. They are not optional.

c. The agreement between our two governments (Makah & US) were very specific. In our gov't to gov't treaty agreement it stated very clearly that we gave up 275,000 acres to reserve the right to hunt whales. This to is not mentioned in the DEIS. The judges of the 9th Circuit Court never upheld our treaty. What would happen if we (the Makah's) tried to change the treaty? Our treaty is not up for public comment!

2. Native Americans established our version of the National Environmental Protection Act, NEPA, thousands of years ago. We called it culture. For salmon fishing, our culture was to take the first fish prepare a meal and bring it to the ocean or river for an offering of a good return the following season. The second fish was to be given to an elder who is not in your family. The third is to be given to an elder in your family. The fourth is to be eaten and rest will be given away or cured for winter supplies. My grandmother taught me to be a conservationist with everything I gather, whether it is herbs or anything else. If it were a conservation issue I am positive that we would abide by ESA, NEPA, MMPA, or nature.

3. I am a Makah Whaler and the religious part of the training is one of the most important part of being a whaler. I can't go into any details but we prayed many times a day. We thanked the creator for everything that we had, we even prayed for the anti-whalers. The EIS is a government document but the religious aspect needs to be considered, because whaling has everything to to with the approval of the creator to take home one of the world's most wonderful creatures. Our culture is based upon living by natures laws and the creator. Our society has been here longer than the mid-evil days, the Romans, and even King Tut himself. How many other societies can say this? Makah's have been here since the days of the Pagan's, the ones who built Stone Henge. If you want to know what life was like during the days of the Egyptians just ask a Native American, we still have the same culture and almost the same way of life. Neah Bay, Wa. established 2992 **BC**.

The Makah's stopped whaling more than 10 years before it was illegal to hunt whales. We are not the ones who brought them close to extinction. Some say that we just want to slaughter the whales. They forget about the term "slaughter houses". This is where steaks and hamburgers come from. Some religions don't allow consumption of pork, some revere the cow as a sacred animal. Some

countries have penalties for abusing cows, even punishable by death, yet they still don't impose their belief upon us.

The creator gave us our language, he gave us this land to live on, our culture is the way he showed us how to take care of it.