From: diane_weinstein@msn.com
To: MakahDEIS.nwr@noaa.gov;
Subject: 2008 Makah DEIS
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August 14, 2008

Donna Darm
Asst. Regional Administrator, Protected Resources Div.
National Marine Fisheries Service
7600 Sand Point Way NE
Seattle, WA 98115

Subject: 2008 Makah DEIS

Dear Ms. Darm:

As a concerned citizen, I would like to submit the following comments concerning the 2008 Makah DEIS:

1. The DEIS, as well as the previous Environmental Assessment (EA), contains bias, half-truths, fallacies and misrepresentations. As for example, on page 3-290 the DEIS states that "One jet ski operator ran into a Coast Guard vessel" even though television cameras clearly showed the Coast Guard boat intercepting in such a way as to cause the jet ski operator to be hit and run over. This and other subtle and not so subtle variations from the truth taint the entire document.

2. The DEIS is also tainted by NMFS's history of closeness with the Makah and their unwavering support of the whale hunt. As for example:

- Showing strong support and backing for the whale hunt in the media and other statements and actions.

- Allowing a cultural presentation by the Makah at previous EA hearings and not allowing others to also make presentations.

- Allowing printed materials from the Makah to be distributed at the EIS Public Scoping Meeting without also allowing written material from those opposed to the whale hunt. The materials in question included The Makah Nation on Washington's Olympic Peninsula Visitor Guide and The Makah Indian Tribe and Whaling: Questions and Answers Makah Tribal Council and Makah Whaling Commission January 2005.

- Minimizing and dismissing public comments on the previous EA (90% of

these comments were against allowing the whale hunt).

- Discouraging public comment with the overwhelming 900 plus page DEIS along with a short comment period.

- Refusing to listen, accept, and recommend reasonable alternatives to the hunt.

3. An independent citizen and scientific review board, outside of NMFS and other government influence, should edit the DEIS as well as other documents for truth and accuracy.

4. The public input process for the DEIS was flawed. At the October 2005 public scoping meeting in Seattle, the attendees were divided into groups and a facilitator wrote down their comments and alternatives on a flip chart. These ideas were so condensed and mangled by the process that they were no longer recognizable, and yet this is what was then supposed to be used to develop the alternatives in the DEIS.

5. The May 2008 DEIS meeting in Seattle was also flawed and biased. People had to choose between giving/listening to oral comments or attending a question and answer session. There was a signup sheet to give oral comments and if you were attending the Q & A session, the questions had to be written down prior to the session on blue cards. Only three people signed up to give oral comments, all of which spoke against the whale hunt. The facilitator then allowed other people to speak in favor of the whale hunt, even though they had not signed up. After giving comments, I attended the remainder of the Q & A session and they refused to allow me to ask additional questions because they had not been written down previously on the blue cards. The meeting was then disbanded even though it was a full hour prior to the stated end time. People should not have to choose between giving oral comments and asking questions. If the rules were bent to allow additional people to speak, they should have also allowed people to ask additional questions, especially when there was a full hour remaining.

6. The alternatives presented in the DEIS go above and beyond what the Makah have asked for and show a pro-whaling bias by NMFS. Real alternatives such as a ceremonial hunt where the whales are not actually injured or killed, development of ecotourism, and federal compensation for not hunting should have been included but were wrongly dismissed.

7. NMFS has repeatedly stated that the Makah have a treaty right to hunt whales. The treaty states that, "The right of taking fish and of whaling or sealing and usual and accustomed grounds and stations is further secured ***to said Indians in common with all citizens of United States*** ...". Since the citizens of the United States do not have the right to hunt whales, neither do the Makah. This key clause is conveniently excluded throughout the DEIS and other documents.

8. NMFS has repeatedly stated that the IWC gave permission for the Makah whale hunt. The DEIS should state the truth that the IWC did not give permission and that this was just a side agreement between the U.S. and Russia.

9. The DEIS needs to explain why the NMFS thinks that the IWC gray whale quota applies to the Makah and why a separate specific request has not been made.

10. The idea that the Makah whale hunt is needed for subsistence is unfounded and is not recognized by the IWC. The original request for five whales per year is based upon five ancestral villages, not a dietary need. The DEIS fails to mention that the IWC has never recognized the Makah subsistence need.

11. The claim of cultural need for the Makah whale hunt is also unfounded and sets a dangerous precedent that could be used to justify repeating all kinds of cruel, senseless, and horrible acts of violence. Cultural killing of whales is akin to animal sacrifice. Times have changed since the Makah originally hunted whales and there is no going back. This is the 21st century and cultural traditions that involve violence and killing should be left in the past. The DEIS needs to address animal sacrifice and its damaging effect upon society.

12. If a waiver is granted under the Marine Mammal Protection Act, this sets the stage for other groups or commercial enterprises to do the same thing. The DEIS needs to clearly address this weakening of the MMPA.

13. The DEIS wrongly minimizes the negative health effects of eating whale meat. Whale meat is full of toxins, contaminants and food-borne pathogens and is especially unhealthy and dangerous for children to eat, however, the DEIS states that there is insufficient information for it to be considered a problem.

14. The DEIS wrongly minimizes the negative aspects on the Makah such as the further separation and isolation of the Makah from mainstream America, which will do nothing but intensify their social and economic problems. The whale hunt has further divided our society and has encouraged anger and hatred.

15. The DEIS should fully address the violent message the whale hunt sends to our children. How do you reconcile the joy of watching these highly social and intelligent creatures, then turn around, and allow them to be harpooned just because someone's ancestors have done so in the past.

16. The DEIS should fully address the human emotional and psychological impacts of seeing a whale killed and our waters turning red with blood.

17. The DEIS states that the whales should be killed humanely. There is no humane way to kill a whale. It cannot be determined when death actually occurs and they can suffer for hours. The Makah say that they will get better at killing with practice. This obviously did not occur with the illegally killed whale that took eleven hours to die.

The whale was harpooned and shot 16 times, and this was done by men who had trained and participated in the previous hunts.

18. The DEIS states the No-Action Alternative #1 will not result in fewer whales killed, because if the Makah do not kill the whales then the Chukotka Natives will. This is the same as saying we should not protect migratory species in this country because if we do not kill them, other countries will. Just because another country allows killing, it does not mean that we should.

19. Our resident whales need to be fully protected and the DEIS should not trivialize the issue. A full scientific study needs to be done to identify our resident whales and how their numbers are replenished. Since the "experts" can only guess at this point, they should err on the side of caution.

20. According to the DEIS, the estimated population of the Eastern North Pacific Gray Whales has dropped 33% from 29,758 in 1997/1998 to 20,110 in 2006/2007. A 33% drop in population is huge and needs to be fully explained and not just dismissed as a normal change in population. With such a drop in population, it is imprudent to allow whales to be hunted. In addition:

- IWC Commissioner Doug De Master said that the gray whale population is estimated at 17,000 whales, which is a full 3000 less than the NMFS estimate.
- The IWC Scientific Committee and the Marine Mammal Commission have requested new studies to ascertain the current status of the whales. These requests have been ignored by NMFS.
- Canadian researchers estimate the population to be as low as 15,000. When the population was at this level before, the whales were listed under the Endangered Species Act.
- There has been a significant reduction in the number of calves. Last year's count was 100.
- Global warming is creating food shortages and many whales are showing signs of emaciation.
- The whales are migrating later and seeking other feeding areas.
- There has been a significant increase in the number of "stinky" whales.
- Oil and gas development rapidly accelerating in the gray whale feeding areas.
- According to new genetic research the original population of gray whales was 118,000. The remaining population is a tiny fraction of the original population and the IWC quota of 140 whales will put the survival of the gray whales at risk.

21. DEIS Table 4-1 Primary Differences Among Alternatives, And Associated Assumptions for Analysis shows the assumed number of whales with harpoon attempts and approaches, number of rifle shots, etc. These assumptions are based upon 1999-2000 hunts. The data from the illegal hunt should also be included since several of the men had trained and participated in the previous hunts.

22. The DEIS wrongly minimizes the negative effects on other wildlife including endangered species. The whale hunt would have a negative impact on other birds, fish, and mammals, as their lives would be disrupted by boats, helicopters, and guns being fired in our National Marine Sanctuary.

23. The DEIS Glossary does not include a definition of the word "sanctuary". Since NMFS obviously does not understand the meaning of the word, it should be added to the Glossary. Webster's defines sanctuary as "a refuge for wildlife where … hunting is illegal". It goes against all reason to allow whaling in our National Marine Sanctuary.

24. The DEIS wrongly minimizes the economic impact of the whale hunt at the national, state, and local levels.

25. The DEIS wrongly minimizes the economic impact of the whale hunt on the whale watching industry as well as local tourism. The whales have only known friendly vessels will soon learn to avoid all boats. People will also avoid the whale watching tours so as not to encourage the whales to think that people our friendly and it is safe to approach boats. The tourism and the whale watching industry in Iceland took a major hit when Iceland resumed commercial whaling.

26. The DEIS wrongly minimizes the effect on worldwide whaling. Japan as well as other nations are already claiming that they also have the right to hunt whales if we do. Canadian tribes now also want to resume whaling. The definition of subsistence whaling will be expanded and result in increased whaling and less conservation.

27. The DEIS needs to address the fact that the Makah whale hunt will open the door to commercial whaling.

28. The DEIS Table 4-3 Estimated Costs of Enforcement Related Activities and Resources shows costs ranging from a half million to two million dollars. This is an outrageous waste of taxpayer money, just so that the Makah can hunt whales and feel better about themselves.

29. The full taxpayer cost of supporting the Makah whale hunt should be included in the DEIS. This should include all monies paid and received, past and present by federal, state, and local governments. The costs should include but not be limited to those for preparing the EIS and other documents; conducting meetings; supplying guns or other equipment; training; tracking whales; bringing in experts; sending

representatives to the IWC meetings; deals and negotiations with other governments; press conferences; use of the Coast Guard; use of the National Guard; law enforcement such as the Washington State Highway Patrol and local police; closing roads, and court and legal fees, etc. All future and ongoing costs should also be included.

30. With the recent national disasters and the war on terrorism, our Coast Guard and the National Guard are already stretched too thin. These resources should not be diverted to aid and abet whaling in our National Marine Sanctuary. The need for these resources and the effect on our national security and disaster preparedness should be included in the DEIS.

31. The DEIS lists elements common among action alternatives 2 - 6 (page 2-5). One of these elements is "Tribal enforcement of whaling regulations". This is like having the fox guard the hen house. After promising tough prosecution of the illegal whalers, The Makah Tribal Court only fined the men $20 each. This clearly shows that they cannot or will not enforce whaling regulations.

32. NMFS insists that the illegal whale hunt by the Makah should have no bearing on the DEIS. According to the July 29, 2008 Peninsula Daily News article "Court memos suggest on eve of sentencing that Makah Tribal Council OK'd whale hunt last year". If this proves to be true, then it shows a complete lack of respect for the laws of the U. S. and the application by the Makah should be denied.

33. If the general public is restricted in order to protect their safety, then this denies them their right to access and enjoy the coastal areas. The rights of citizens and public safety should not be sacrificed so that the Makah can kill whales just to feel better about themselves.

34. It is morally wrong to hunt whales that have only known friendly human contact and who willing come up to boats expecting to be greeted, as they are in the birthing lagoons in Baja. Killing these friendly whales is akin to shooting fish in a barrel and a betrayal of their trust.

35. Lastly, the whale hunt is unnecessary, cruel, and inhumane and no amount of rationalization can ever change that.

For the sake of the whales, other wildlife, the Makah and the general public, the only reasonable and responsible alternative is the No-Action (Alternative #1).

Please advise that my comments have been received and will be taken into full consideration.

Sincerely,

Diane Weinstein

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