

Makah hunt (as well as aboriginal subsistence whaling in general and the other subsistence hunts) on its website, available at: <https://iwc.int/aboriginal>. The Tribe prepared a Description of the Makah Hunt, which was posted on the IWC's website at least 90 days before the start of the meeting pursuant to the procedures approved for the meeting (around the middle of June 2018). The Tribe's description includes a summary of the proposed alternating season hunt plan, which the National Marine Fisheries Service (NMFS) had requested the IWC's Scientific Committee review earlier in 2018. The Tribe's Description of the Hunt is available at <https://iwc.int/makah-tribe>. A true and correct copy is attached as Exhibit 2.

4. Because of court decisions that required additional environmental review and a waiver under the MMPA in order for the Tribe to exercise the "right of ... whaling" secured for the Tribe in the 1855 Treaty of Neah Bay, the Makah Tribe has not been able to undertake a hunt since 2000. In that time, many elders in our community have died without the opportunity to eat whale meat, blubber and oil or to engage in the ceremonies, songs, dances, and other cultural practices that are integral to whaling and the use of whale products. At the same time, an entire generation of young Makahs has been born and grown to adulthood without experiencing a whale hunt by our people. Whaling is central to our identity as Makahs, and the long process to obtain a waiver has denied us the ability to exercise our treaty whaling right and meet our subsistence and cultural needs.

5. We have learned in this waiver process that delays of days tend to turn into weeks, weeks become months, and months become years. When we submitted our request for a waiver over 14 years ago, no one could have imagined it would take so long simply to get to the point where NMFS has made a proposal to issue the waiver, much less the required hearing on that proposal and the accompanying proposed regulations and a final decision on the waiver and

regulations. The delay requested by AWI and Sea Shephard would add to the long cumulative delay that has already caused significant harm to the Tribe in this process.

6. The Tribe has been working very hard to prepare its testimony for this hearing, and we anticipate that we will be able to submit that testimony by the May 20 deadline established in NMFS's federal register notice of April 5.

7. We also know that the hearing is part of a larger administrative process, and if NMFS ultimately approves the waiver, the Tribe would need to obtain more authorizations before we go whaling. It is therefore all the more important that the hearing proceed as scheduled so that all interested parties present their evidence about the proposal and the process can move forward.

I declare, under penalty of perjury under the laws of the United States, that the foregoing is true and correct to the best of my knowledge, information and belief.


Patrick DePoe

Dated: 5/15/19