

NMFS INTERNAL MEMO

1995 — MAKAH TRIBE PLANS TO PROCESS AND SELL MARINE MAMMAL PRODUCTS TO JAPAN AND NORWAY

The facsimile reproduction on the following page is a scanned copy of a NMFS internal memo (obtained under the Freedom of Information Act) dated April, 1995, that clearly spells out NMFS awareness that the Makah tribe intended, from the beginning, to build a processing plant to process whales, porpoises and other marine mammals for commercial sale to potential customers outside the US. It also spells out their specific intent to reduce harbor seal populations back to their 1980 population levels, one-half to one-third of their 1995 population.

The memo was written to Michael Tillman, NMFS, the deputy commissioner for the US delegation to the IWC, and shows his clear knowledge of the Makah's commercial focus for as long as he has supported this issue. This belies his insistence that the Makah hunt is based on their resumption of their cultural "subsistence" whaling practices. See Howard Schiffman's article, page 3 of this issue, for the legal definition of subsistence hunting.

The names in brackets have been added for purposes of clarity.

Whalewatcher

APR-27-1995 13:18

NMFS SLC DIR.OFC.

G19 546 5055 P.84/84

To; MFT [Michael F. Tillman]

From: RLB [Robert Brownell]

[Jay Barlow] [Joyce Sisson]

Section on whaling cleared by Barlow, Sisson,
and John Heyning (SRG, Chair).

[Dr. John Heyning, Scientific Review Group Chair]

RLB 2/2/95

**NOTES FROM THE DISCUSSION OF TREATY RIGHTS DURING THE APRIL 1995
PACIFIC SCIENTIFIC REVIEW GROUP MEETING**

[Pacific Fish Management Council]

Terry Wright reviewed the issue of Northwest Indian Treaty Rights and marine mammal management. There are about 20 tribes in the area and 5 different treaties that are in effect. The Makah treaty, for example, specifically mentions whaling and sealing rights. At the time of the treaty (1869), the Makahs were active in commercial whaling and sealing, serving as harpooners on whaling ships because of the experience gained in their traditional hunting. Because of the specific hunting rights detailed in the treaty and their participation in commercial whaling at the time the treaty was signed, the Makahs claim that their rights include both subsistence and commercial hunting of marine mammals. The traditional hunting grounds for the Makah and other tribes included the entire Washington coast out to about 150 miles.

The Makah intend to harvest gray whales (starting in 1995), harbor seals (5 already taken), California sea lions, minke whales, small cetaceans such as harbor porpoise and Dall's porpoise, and, potentially in the future, sea otters. The Makah are planning to operate a processing plant so as to sell to markets outside the U.S. The Makah have started discussions with Japan and Norway about selling their whale products to both countries. The plant could be used to process the catches of other tribes as well. The Makah and other tribes intend to reduce local populations of harbor seals to one-half to one-third of current population levels to about the 1980 levels within 5 years. There would be no limit placed on catches of California sea lions because it is believed that the sea lions are transiting through the area.

Wright suggested that the main issue for the SRG will be that a co-management plan involving the tribal representatives, state and federal agencies would be in place rather than that of a take team. The tribes have enforcement and management responsibilities as part of this co-management scheme.