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FEDERAL GOVERNMENT REAFFIRMS MAKAH INDIAN WHALING RIGHTS
Assessment Finds Gray Whale Population Healthy

The National Marine Fisheries Service (NOAA fisheries), an agency of the Commerce Department's National Oceanic and Atmospheric Administration (NOAA), today released its environmental assessment of Makah Indian gray whale hunting. The new assessment finds that, due to the government's treaty obligation and the healthy status of the whale population, the tribe's whale hunting will be allowed to continue.

"Our obligation is to accommodate the federal government's trust responsibilities and treaty whaling rights while making sure that tribal whaling won't threaten the eastern North Pacific gray whale population," said William Hogarth, acting director of NOAA Fisheries. "This assessment does exactly that."

The Makah tribe, whose reservation is in the northwest corner of Washington state, resumed whaling in 1998. This action followed removal of the gray whale from the federal endangered species list in 1994 and allocation of a 20-whale aboriginal subsistence quota to the United States from the International Whaling Commission. The tribe has taken only one whale since then, an adult female in 1999.

Under a previous agreement with NOAA Fisheries, the Makah hunt was limited to the whales' migration period from November through June and only in the ocean. Today's document concludes that there is no biological reason for such restrictions and that a limited whale hunt may occur in part of the nearby Strait of Juan de Fuca adjacent to the reservation.

Expanding the hunt to the strait, according to NOAA fisheries, is based on new scientific information and clear biological evidence that relatively small feeding groups of gray whales in the strait regularly mix and breed with the much larger ocean-based main population, mitigating the effects of a Makah hunt in that area.

The 89-page assessment released today mandates that whaling will be cut off in the strait once five whales are “struck,” that is, hit by a hunter’s harpoon, even if the whales are not killed. The tribe is still limited to the original quota set by the whaling commission: no more than five whales may be taken yearly until 2002, when the quota period expires.

Biologists estimate the overall population to be about 26,000 animals, probably the largest it has been since commercial whaling began in the mid-nineteenth century. Commercial whaling drove the number of gray whales so low in the late 1920s that the Makah, traditional whalers for centuries, suspended hunting for more than 70 years.

The 1855 Treaty of Neah Bay gives the Makah the right to hunt whales and seals, the only U.S.-Indian treaty to expressly provide for a tribe’s whale-hunting right.

The new environmental assessment is the outgrowth of a lawsuit brought against NOAA Fisheries in 1997. Although the court never questioned the Makah’s treaty-based right to whale and upheld the federal agency’s management approach, it said the agency should have written its original environmental assessment before it drew up a cooperative agreement with the tribe. Today’s assessment is a direct result of that court finding. NOAA Fisheries will now work out a new cooperative agreement with the tribe, based on the new assessment.

NOAA fisheries is an agency of the Commerce Department’s National Oceanic and Atmospheric Administration (NOAA). The agency is dedicated to protecting and preserving our Nation’s living marine resources through scientific research, management, enforcement, and the conservation of marine mammals and other protected marine species and their habitat. For more information please visit <http://www.nmfs.noaa.gov>