



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
1315 East-West Highway
Silver Spring, Maryland 20910

February 6, 2023

Makah Indian Tribe
Brian C. Gruber, Marc Slonim, Wyatt Golding
Ziontz Chestnut, Attorneys at Law
2101 4th Avenue, Suite 1230
Seattle, Washington 98121-2331

Dear Mr. Gruber, Mr. Slonim, and Mr. Golding:

On September 23, 2021, Administrative Law Judge (ALJ) George J. Jordan issued his Recommended Decision on the proposed waiver and regulations under the Marine Mammal Protection Act (MMPA) governing the taking of eastern North Pacific gray whales (*Eschrichtius robustus*) by the Makah Tribe. On December 10, 2021, we provided you with an update on the process. Since then, we released the Supplemental Draft Environmental Impact Statement on July 1, 2022 and accepted public comments through November 3, 2022. We are currently developing the Final Environmental Impact Statement (FEIS), responding to the public comments, and conducting consultation under the Endangered Species Act with the U.S. Fish and Wildlife Service and our West Coast Region. We anticipate that the FEIS will be published this summer. This will be followed by a mandatory “wait period” (generally 30 days) before a final decision is made on the proposed action. Therefore, we anticipate that the final decision will be made by the Agency this summer.

We understand this has been a lengthy administrative process and appreciate your continued patience as we work toward a final decision.

Sincerely,

A handwritten signature in black ink, appearing to read "Kimberly 3 Damon".

Kimberly Damon-Randall
Director, Office of Protected Resources





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Marine Mammal Commission
Michael L. Gosliner
4349 East-West Highway, Room 700
Bethesda, Maryland 20814-4498

Dear Mr. Gosliner:

On September 23, 2021, Administrative Law Judge (ALJ) George J. Jordan issued his Recommended Decision on the proposed waiver and regulations under the Marine Mammal Protection Act (MMPA) governing the taking of eastern North Pacific gray whales (*Eschrichtius robustus*) by the Makah Tribe. On December 10, 2021, we provided you with an update on the process. Since then, we released the Supplemental Draft Environmental Impact Statement on July 1, 2022 and accepted public comments through November 3, 2022. We are currently developing the Final Environmental Impact Statement (FEIS), responding to the public comments, and conducting consultation under the Endangered Species Act with the U.S. Fish and Wildlife Service and our West Coast Region. We anticipate that the FEIS will be published this summer. This will be followed by a mandatory “wait period” (generally 30 days) before a final decision is made on the proposed action. Therefore, we anticipate that the final decision will be made by the Agency this summer.

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NOAA-NMFS Northwest Section
Office of General Counsel
Chris McNulty, Laurie K. Beale, Caitlin B. Imaki
NW 7600 Sand Point Way NE
Seattle, Washington 98115

Dear Mr. McNulty, Ms. Beale, and Ms. Imaki:

On September 23, 2021, Administrative Law Judge (ALJ) George J. Jordan issued his Recommended Decision on the proposed waiver and regulations under the Marine Mammal Protection Act (MMPA) governing the taking of eastern North Pacific gray whales (*Eschrichtius robustus*) by the Makah Tribe. On December 10, 2021, we provided you with an update on the process. Since then, we released the Supplemental Draft Environmental Impact Statement on July 1, 2022 and accepted public comments through November 3, 2022. We are currently developing the Final Environmental Impact Statement (FEIS), responding to the public comments, and conducting consultation under the Endangered Species Act with the U.S. Fish and Wildlife Service and our West Coast Region. We anticipate that the FEIS will be published this summer. This will be followed by a mandatory “wait period” (generally 30 days) before a final decision is made on the proposed action. Therefore, we anticipate that the final decision will be made by the Agency this summer.

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Margaret Owens
Peninsula Citizens for the Protection of Whales
612 Schmitt Road
Port Angeles, Washington 98363

Dear Ms. Owens:

On September 23, 2021, Administrative Law Judge (ALJ) George J. Jordan issued his Recommended Decision on the proposed waiver and regulations under the Marine Mammal Protection Act (MMPA) governing the taking of eastern North Pacific gray whales (*Eschrichtius robustus*) by the Makah Tribe. On December 10, 2021, we provided you with an update on the process. Since then, we released the Supplemental Draft Environmental Impact Statement on July 1, 2022 and accepted public comments through November 3, 2022. We are currently developing the Final Environmental Impact Statement (FEIS), responding to the public comments, and conducting consultation under the Endangered Species Act with the U.S. Fish and Wildlife Service and our West Coast Region. We anticipate that the FEIS will be published this summer. This will be followed by a mandatory “wait period” (generally 30 days) before a final decision is made on the proposed action. Therefore, we anticipate that the final decision will be made by the Agency this summer.

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Sea Shepherd Conservation Society
Catherine Pruett
Brett Sommermeyer
P.O. Box 8628
Alexandria, Virginia 22306

Dear Ms. Pruett and Mr. Sommermeyer:

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Sea Shepherd Legal
Catherine Pruett
Brett Sommermeyer
2226 Eastlake Ave, East #108
Seattle, Washington 98102

Dear Ms. Pruett and Mr. Sommermeyer:

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Scott Rumsey
Acting Regional Administrator
NOAA-NMFS West Coast Region
1201 NE Lloyd Boulevard, Suite 1100
Portland, Oregon 97232

Dear Mr. Rumsey:

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Animal Welfare Institute
Eubanks & Associates, LLC
William Eubanks, Elizabeth Lewis
900 Pennsylvania Avenue, SE
Washington, D.C. 20003

Dear Mr. Eubanks and Ms. Lewis:

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