

UNITED STATES OF AMERICA
DEPARTMENT OF COMMERCE
NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

In re:

**Proposed Waiver and Regulations
Governing the Taking of
Eastern North Pacific Gray
Whales by the Makah Indian Tribe**

Administrative Law Judge
Hon. George J. Jordan
Docket No. 19-NMFS-0001

**DECLARATION OF NAOMI A. ROSE, PH.D.
ON BEHALF OF THE ANIMAL WELFARE INSTITUTE IN SUPPORT OF ITS
EXPEDITED MOTION TO EXTEND WAIVER PROCEEDING SCHEDULE**

I, Naomi A. Rose, Marine Mammal Scientist for the Animal Welfare Institute, declare as follows:

1. I currently work as the Marine Mammal Scientist for the Animal Welfare Institute. Previously, I worked as marine mammal scientist for The Humane Society of the United States (May 1993 to Aug. 2004), marine mammal scientist for Humane Society International (Aug. 2004 to Mar. 2008), and senior scientist for Humane Society International (Mar. 2008 to July 2013).
2. I earned a Ph.D. in Biology in 1992 from the University of California, Santa Cruz. My dissertation was entitled The Social Dynamics of Male Killer Whales, *Orcinus orca*, in Johnstone Strait, British Columbia. I also earned a B.A. in Biology and French in 1984 from Mount Holyoke College.
3. I am an internationally recognized expert on marine mammal conservation issues and on the welfare of captive marine mammals. I am a specialist in cetaceans, a taxonomic order that includes whales and dolphins. I have conducted research on the rehabilitation and reintroduction of long-term captive cetaceans, the behavior of killer whales, spinner dolphins, northern elephant seals, and Australian sea lions, and physical and biological oceanography,

among other areas. I am the primary or co-author of over thirty peer-reviewed publications on topics that include: marine mammals in captivity; whale and dolphin cognition, culture, conservation, and human perceptions; the intersection between marine conservation science and policy; shifting baselines in cetacean research publications, illegal captures of wild bottlenose dolphins; solitary sociable cetaceans; whale watching and ecotourism; and reviews of environmental threats.

4. I have been a Member of the Society for Marine Mammalogy since 1985 and Sigma Xi, The Scientific Research Society, since 1983. I have served as a reviewer for the Archives of Oral Biology (2017), Frontiers (2015-2017), the Journal of Marine Biology (2012), the Journal of Cetacean Research and Management (2011), Current Ecology (2009), Anthrozoös, the Journal of the International Society for Anthrozoology (2003–2009), Coastal & Marine Tourism Congress Proceedings (2007), and the Journal of the Marine Biological Association of the United Kingdom (2006).

5. I have participated in over one hundred professional conferences and committees, most recently the 22nd Biennial Conference on the Biology of Marine Mammals (Oct. 2017), the International Whaling Commission’s Modeling and Assessment of Whale Watching Workshop (April 2018), the 4th Global Animal Welfare Congress (May 2017), and the International Conference on Marine Mammals of the Holarctic (Sept. 2014). I also chaired a United Nations workshop on marine mammal watching in the Wider Caribbean (Oct. 2011). I have served as an invited participant of the International Whaling Commission (“IWC”) Scientific Committee since 2000, serving primarily on the Subcommittees on Whale Watching and Environmental Concerns.

6. My involvement with the Makah whaling issue dates back to 1994. I was the primary author of comments for The Humane Society of the United States (HSUS) on every regulatory action with a public comment period related to the proposed Makah whale hunt. I wrote affidavits and reviewed the complaints and responses for the various court cases in which The HSUS was a plaintiff. I was consulted on the NGO efforts at the IWC when the Makah sought an aboriginal subsistence whaling quota for gray whales throughout the 1990s. When I began attending the IWC Scientific Committee meetings in 2000, I participated in the aboriginal subsistence whaling discussions in the Aboriginal Whaling Management Procedure sessions and the gray whale discussions in the Bowhead, Right, and Gray Whale sessions. I wrote op-eds, website articles, advocacy alerts, and other campaign materials for The HSUS on this issue and was interviewed by various traditional media throughout the 1990s until 2012.

7. From May 10 to May 22, 2019, I am attending the IWC Scientific Committee meeting in Nairobi, Kenya. Many of the world's leading cetacean experts attend this 12-day long meeting. They prepare papers on cetacean management, scientific study of cetaceans, threats to cetaceans and their habitat, cetacean species stock structure, and a wide variety of other cetacean-related subjects for submission and consideration by their peers. As noted in 6 above, one of the Scientific Committee's subcommittees has focused on bowhead, right, and gray whales, and a current subcommittee focuses on stocks subject to aboriginal subsistence whaling, including the North Pacific gray whales. I am aware that there will be papers submitted to the meeting directly relevant to gray whales and to the administrative hearing. Those papers may be posted to the Scientific Committee's website within the next few days but will likely not be available to cite or even submit as an exhibit to written testimony filed

with Judge Jordan until the Scientific Committee's meeting report is published (likely in mid-late June). Even then, the relevant papers may not be available to cite or submit as exhibits without written permission from the authors.

8. Furthermore, other experts who could be identified as witnesses for the purpose of the administrative hearing are also attending the Scientific Committee meeting and, similarly, will be unable to review and analyze information relevant to the hearing and to prepare substantive testimony by the May 20 deadline.

9. For several reasons including extensive work-related travel since the beginning of March 2019, preexisting deadlines, and preparation for the IWC Scientific Committee meeting, I have been unable to review the extensive amount of new material produced by NMFS with its April 2019 federal register notices, nor have I been able to engage in the preparation of comments, and will effectively be unable to do so prior to the current deadline on May 20, 2019. I have been traveling, primarily out of the country in different time zones, on work-related travel for 25 of the past 69 days and will be out of the country, in Kenya and China, on work-related travel for 32 of the next 36 days (through the middle of June).

10. With a 90-day extension, I will have sufficient time to participate meaningfully in the upcoming process related to the Makah request for a waiver to the Marine Mammal Protection Act, including consulting on the preparation of comments and testimony undertaken by my employer, the Animal Welfare Institute, once I am back in the office on June 17. Without such an extension, my ability to participate, and hence that of the Animal Welfare Institute, will be severely compromised.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing statements are true and correct to the best of my knowledge, information, and belief.

Executed this 10th day of May, 2019.

A handwritten signature in black ink, appearing to read "Naomi A. Rose", is written over a horizontal line. The signature is cursive and somewhat stylized.

Naomi A. Rose