

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

<i>In re:</i>	)	Administrative Law Judge
	)	Hon. George J. Jordan
Proposed Waiver and Regulations Governing the Taking of Eastern North Pacific Gray Whales by the Makah Indian Tribe	)	Docket No. 19-NMFS-0001
	)	RINs: 0648-BI58; 0648-XG584
	)	

**DECLARATION OF MARIA PASCUA**

I, Maria Pascua, declare as follows:

1) I am a member of the Makah Tribe. Like all Makahs, I am a beneficiary of the Tribe’s treaty-reserved right to hunt whales. I participated in activities associated with the Tribe’s successful gray whale hunt in 1999, and I have personally experienced the benefits to our community from that hunt and plan to be involved in future Makah hunts. Once this process is completed, I hope the Tribe can go hunting again on a regular basis and exercise the “right of . . . whaling” that our ancestors secured to us in the Treaty of Neah Bay.

2) I support the Makah Tribe’s proposed issues of fact for this hearing. Specifically, I believe that whale hunting is an essential element of Makah subsistence and culture, that the Treaty of Neah Bay secured to the Makah Tribe the right to hunt whales, and that the Tribe’s treaty right supports the National Marine Fisheries Service’s proposed waiver and regulations that are the subject of the hearing.

3) I have lived most of my life in Neah Bay on the Makah Reservation. For a period of time after my father passed away, I also lived in Port Angeles and Tacoma. I am married and have five children, three of whom are from my husband’s previous marriage. One of our daughters and two sons still live in Neah Bay.

4) As a teenager and young adult, I worked for the Tribe in ways that were deeply

connected to Makah culture, history and language. In the mid-1970s while I was in high school I worked in a lab in our old fisheries building with artifacts from the Ozette Village archaeological site. During this time, other Makahs and I also made replicas of various kinds of baskets, a cradle covering, and rain hats that were intended to be used in the Makah Cultural and Research Center (MCRC) after it was opened in 1979.

5) In the late 1970s I collected words for a Makah language dictionary funded by a National Endowment for the Humanities grant and subsequently taught Makah language classes based on this research. I and other members of the language project team met with native Makah speakers to develop the word list. In retrospect, I wish we had been able to do more with the elders who knew our language to develop conversational dialog and example sentences before they passed away. The word list resulting from the project, which currently includes a few thousand words and is updated periodically, is held in house by the Makah Language Program.

6) I attended Seattle Bible College where I earned a B.A. in Christian Education, and a few years later went to The Evergreen State College (1984-1986) where I earned a Liberal Arts B.A. and K-8 teaching certificate through a collaboration with the University of Puget Sound. I later obtained a Makah language endorsement on my teaching certificate and a separate certification for First Peoples' Language and Culture and Oral and Tribal Traditions.<sup>1</sup> I am currently studying for a Masters Degree in Indigenous Language Revitalization at the University of Victoria.<sup>2</sup> My work includes long range plans for developing language course materials for online use by Makahs who live both on and off of the reservation. My hope is to include common dialog scenarios that will be useful to Makahs who wish to use the language in their daily lives.

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<sup>1</sup> <http://www.k12.wa.us/Certification/Teacher/FirstPeoplesIS.aspx>.

<sup>2</sup> <https://www.uvic.ca/future-students/indigenous/language/index.php>.

7) Since the early 1980s I have worked most of the time in the Neah Bay schools teaching Makah language. This included a successful effort in the mid-1990s to develop accredited language courses that enable our students to earn credits toward their graduation requirements in grades K through 12. Makah was one of the first tribes to adapt this into the curriculum. Since then, the Makah Language Program has expanded to include three levels of instruction at Neah Bay High School, and we have six active language teachers. I teach all three levels on a regular basis. In 2010 we added conversational Makah to the curriculum to expand beyond words and phrases. Our program includes outreach to the Makah community, adult language classes, and cross-peer teaching. In addition to my language classes, I occasionally teach a cultural arts or weaving (*e.g.*, Northwest basket weaving) class for art credits depending on need.

8) Whaling occupies a full section in the language curriculum taught in Neah Bay schools. We cover words for the equipment, positions in the canoe, training, and other aspects of whaling. For example, the Makah generic word for whale is **čítapuk**; more specifically, gray whale is **six<sup>w</sup>a:wix**. We also teach the words for harpoon (**du·puyaq**), sealskin float (**tuk<sup>w</sup>aqapł**), paddle (**łata·wačak**), and whaling canoe (**ʔuʔu·taḥsac** also **čičítapa·taḥsac** or **čítapsac**). Whaling is also connected to place names on the reservation, such as **Či·ʔawa·ʔiyak** for First Beach, which means “for butchering whales.” We sing songs and tell stories connected with whaling to emphasize the cultural importance. We also have other activities that help the students connect with the experience of whaling, which they are too young to have seen in person. In 1999 it was great to see how the whale hunt brought life to the words and stories about whaling we had been teaching. Once we had landed a whale, certain songs could be used

collectively, like the songs sung while towing a whale to shore.<sup>3</sup> Other songs are owned by families and can only be sung by them. The same is true for certain dances. For example, the Parker family has a lady's whale dance which is sometimes used when we host a potlatch.

9) In the 1980s I worked on a Makah traditional cultural property study where we went on boat trips throughout the marine and fresh waters where Makahs traditionally fished and hunted whales and seals. I worked with Hugh Smith, a native Makah speaker, and other Makah speakers to identify places and landmarks.

10) My work with the Ozette archaeological materials, Makah language and traditional cultural properties formed the basis for an article I wrote for National Geographic about the Ozette Village. The article, titled *Ozette: A Makah Village in 1491* highlighted Makah whaling through the Ozette artifacts and was published in the October 1991 edition of the magazine devoted to our country's Native American heritage.

11) Whaling is the biggest part of our culture. My father and grandfather always talked to us about whaling. I am a descendant of treaty signatory Tse-kauwtl (also spelled Tse-heu-wrl, Tse-kaw-wtl and Tee-knw-wrl in treaty documents) and from the Makah whaler Wilson Parker, who was my great-grandfather. His father and grandfather (and probably even further back) were also whalers. When we resumed exercising our treaty whaling rights in the 1990s, it was exciting to see traditional gear in use and the whalers – including several members of my family – providing for our people.

12) I was connected to preparations for the 1999 and 2000 hunts because whalers would come to my husband's sweat house to pray and prepare. Whaling stories and information

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<sup>3</sup> For example, "Go into that bay, that is the path" (meaning the landing place of the canoe). The whale towing song. See Densmore, F. (1939) p. 59. *Nootka and Quileute Music*. Washington D.C.: Government Printing Office.

about whaling preparation, process and ceremonies were told in our house and in our sweat house. Four of my cousins – Theron Parker, Gordon Parker, Andy Noel, and Bruce Gonzales – were on the 1999 whaling crew.

13) After the whale was landed, I spent part of four days cutting up blubber and meat at the Tribe’s processing plant in preparation for the community meal. I also experimented with whale products, preparing them in different ways – smoking, frying, stewing, boiling, and rendering blubber into oil.

14) The community feast held several days after the hunt was an extraordinary event, reflecting the great importance of the whale as a food resource and central part of our culture. We fed the capacity of the high school gym three times; Nuu-chah-nulths from Vancouver Island and people from all over the region (and some from even farther away) came to celebrate with us. I helped out in a variety of ways at this important community event – by singing the prayer song at the opening; helping prepare plates for guests, and watching and witnessing. Makah names were given to some of the whaling crew members, including my cousin who was the harpooner and received a name that means “getter of the fin” for the part of the whale that goes to the harpooner. A Nuu-chah-nulth woman gave the crew and others who were closely involved in the hunt masks for the chief’s dance, which are usually only given within a family. Throughout the night, as is Makah’s custom, we showed tremendous respect for the whale and treated it as our honored guest.

15) While there are so many positive aspects of the 1999 hunt, Makahs also experienced hostility, harassment and threats by protestors, who opposed any hunting of whales. Our efforts to go whaling – to exercise our treaty-protected rights – gave rise to an open and hurtful expression of hate and violence toward the Tribe, as people who came to the reservation

yelled “save a whale, kill an Indian.” Although I was not directly threatened or harassed because of whaling, when Sea Shepherd and other protesters were around the reservation in the late 1990s my son, who was in Head Start at the time, wondered if the protestors were going to shoot us. It is so sad that a preschooler had to worry about his family – or himself – being shot under any circumstances, let alone for exercising a fundamental right of the Tribe. This helped me understand how stressful it can be for our community with the protestors attacking us simply for exercising our rights, practicing our culture, and obtaining food for the community.

16) The absence of whaling since 2000 has been an emotional letdown after we’d come so far in developing a modern and efficient hunt. The inability to continue whaling was very discouraging to the crew, other families that hoped to go whaling, and the community as a whole. For me it is an injustice that we have been prevented from whaling for so long that another generation has now been raised without whaling in our village. Except for the recent ship-struck humpback whale, I have been prevented from using whale products and enjoying their health benefits, including reducing consumption of processed foods, that would follow from eating or otherwise using them on a regular basis.

17) When I think about what the Treaty right means, I am thankful that our ancestors insisted that Makahs always have the right to harvest one of our biggest food sources, even though we have an abundance of other marine life around us. Our leaders did their best to make it known to the United States treaty negotiators how important whales and other marine mammals were for us as a people, and that they wanted them to be available for my generation and generations to come.

18) When we go whaling again, I see many more opportunities to utilize the whale than we had in 1999 – both edible and non-edible parts (such as bone for carving) – because we

have more knowledge. People are very excited to share and try new preparations for whale meat and blubber like we did in 1999, whether they get it at a community feast or as a chunk straight from butchering on the beach. For example, my family used a Filipino preparation called adobo from my husband's dad's side.

19) Whale products will fit naturally into my family's and our community's continuing reliance on subsistence resources even though they have not been a regular part of our diet. All of my sons hunt elk and deer and have fished at some point in their lives. My brothers have all fished, and two of them made it a livelihood; even family members who live away from Neah Bay would come home and go fishing. When my brothers were fishing, they'd bring over crab and fish. In our community, people stop by and share fish or a bag of clams. It may seem random, but it's part of our custom as Makahs, especially when you become older and people know that you like certain traditional foods that are not easy to harvest. It comes naturally to us as Makahs, and our customary use of subsistence resources is one of the ways we have always been able to live in a remote location. In Neah Bay, it's important to learn how to do things and be self-reliant. And it's important to preserve ways of doing things – like hunting and utilizing whales. It's how we've survived here for a very long time.

20) A great example of how Makahs still utilize and rely on subsistence resources was the humpback whale that was killed by a ship and towed to our shore this past summer (August 2018). Our community greeted the whale and we were able to sing whaling-related songs like towing and prayer songs and a general song of appreciation for this whale, our honored guest. Following some biological sampling by our fisheries biologists, the whale was butchered and distributed to our people. I was present and received meat, blubber and baleen. Despite the unexpected nature of this event, the distribution process went very smoothly. Other

ceremonies happened in the subsequent days as cultural protocols in our traditions require. The whale came to shore the night before the Tribe's Makah Days event. Because many family members and friends come back to Neah Bay for the Makah Days weekend, the arrival of the whale added a special element to this annual reunion and celebration of Makah culture and helped remind people in a tangible way of the continuing importance of whales to our identity, subsistence and culture.

21) I am concerned that everything about whaling is getting so complex with many layers of regulation, but I firmly believe that our treaty whaling rights should always be upheld. The recent experience with the humpback was exciting and wonderful, but it is no substitute for hunting and utilizing whales on a regular basis. Over the years, I have heard outsiders suggest that the Tribe should substitute some other activity for hunting whales, sort of like counting coup, which is a Plains Indian tradition but foreign to our Tribe. These people aren't seeing the hunt from the Makah perspective. To us, it doesn't make any sense to have a ceremonial touching of a whale instead of a hunt because we would miss out entirely on the central purpose of providing food and resources to our people.

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.

  
Maria Pascua

Dated: 5-13-19