

EXHIBIT A



UNITED STATES DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
West Coast Region
1201 NE Lloyd Boulevard, Suite 1100
PORTLAND, OREGON 97232

May 9, 2019

Via email & U.S. mail

DJ Schubert
Animal Welfare Institute
900 Pennsylvania Ave., SE
Washington, DC 20003

Brett Sommermeyer
Sea Shepherd Legal
2226 Eastlake Ave. East #108
Seattle, WA 98102

Re: In re Proposed Waiver and Regulations Governing the Taking of Eastern North Pacific Gray Whales by the Makah Indian Tribe; Docket No. 19-NMFS-0001

Dear Mr. Schubert and Mr. Sommermeyer:

This is in response to your letters dated May 6, 2019, requesting a delay of the August 12, 2019, hearing and related deadlines for the above referenced matter.

Pursuant to National Marine Fisheries Service (NMFS) regulations at 50 CFR part 228 and as specified in the April 5, 2019, *Federal Register* notice announcing an agency hearing on this matter (84 FR 13604), NMFS has appointed the Honorable George J. Jordan, Administrative Law Judge, to act as the presiding officer for this matter. *See* 50 C.F.R. § 228.6. Accordingly, any requests to delay the hearing schedule should be directed to Judge Jordan.

Your letters identified, among other issues, the need for additional time to review the NMFS West Coast Region's direct testimony and potential conflicts with scheduled meetings of the International Whaling Commission. While I appreciate your concerns, the hearing schedule as set forth in the April 5, 2019, notice allows all parties 45 days to prepare initial direct testimony and 120 days to prepare for the hearing, which is twice the amount of time required by agency regulation. 50 C.F.R. § 228.4(b)(2). Also, all parties have until July 2, 2019, (unless Judge Jordan sets a different date in the final hearing agenda) to submit testimony to rebut the initial written testimony of NMFS' witnesses, which is around six weeks after the close of the



International Whaling Commission meeting referenced in your letters. *See* 50 C.F.R. § 228.14(a). Finally, the issues proposed to be addressed at the hearing were evaluated in our Draft Environmental Impact Statement (DEIS) on this matter, which was published in 2015, as your letters note. Your organizations provided comments soon after the release of that DEIS, and there has been ample time since then to review issues addressed by that DEIS.

While I anticipate that NMFS would oppose changes to the published schedule, I suggest that you contact Judge Jordan regarding your request at aljseattle@uscg.mil (note the Hearing Docket Number assigned to this matter: 19-NMFS-0001).

Sincerely,

A handwritten signature in blue ink, appearing to read "Barry A. Thom". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Barry A. Thom
Regional Administrator

Enclosure: Service List

Service List

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