

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 DANIEL J. GREENE, SR.

I, Daniel J. Greene, Sr., 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 trained with the whaling crew and participated in other 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 in Neah Bay on the Makah Reservation my whole life. I am a descendent of several signatories of the Treaty of Neah Bay on both sides of my family. I began fishing when I was 5 years old and learned from my father and grandfather who were also

fishermen. I make my living by operating a 126-foot mid-water trawler to harvest Pacific whiting (also known as hake) in our treaty fishery.

4) I grew up hearing about whaling, and as a fisherman since the age of 13, I learned everything about the ocean, including whaling. Being raised in Neah Bay on the Makah Reservation, whaling is ingrained in how we're brought up.

5) Although I was just finishing high school during the 1999 and 2000 hunts, I was asked to participate in the crew's training and had a direct connection to the 1999 hunt through my father who drove the chase boat for that hunt. In addition to physical training with the 1999 crew, I also prepared spiritually and mentally by fasting, bathing in streams, and praying regularly. I was part of the effort to pull the whale onto shore, and after the whale was landed, I participated by washing blubber on the beach. Our family had meat and blubber in the house, and I remember eating boiled muk-tuk. I was also involved in reconstructing the skeleton from the 1999 whale that now hangs in the Makah Cultural and Research Center (MCRC).

6) I was part of the community celebration that occurred about a week after the hunt, welcoming people with my grandpa Bender Johnson, Jr., the Tribal Council chairman. The togetherness I felt that night was awesome; we were five villages as one, no individuals or families.

7) The next year I went out as part of the family crew organized by John Parker, one of two crews that trained in 2000. We trained together for nearly a year. Four of us were the same age, and we spent a lot of time together as we prepared. Because I was in good shape from playing football, the focus of my training was on the spiritual component. In describing my preparation for whaling, I am being very general. Each family has specific lessons and methods they teach, which are handed down from elders and are not shared outside the family. I prayed a

lot, and this often involving scrubbing my body with branches and bathing in cold streams in order to ground myself in nature and heighten my senses. By bathing and praying, you put yourself out in the elements when the sun comes up, and it makes your senses become more aware and your mind ready to face the risks that are an inherent part of whaling. This preparation complements a whaler's physical training and occurs over an extended period of time.

8) The crew paddled several days a week, including strength training where we towed a log and other times when we emphasized timing, coordination and communication. We made our own paddles at the beginning, following a design used for hunting. The crew also practiced swimming. Preparing as a crew is a deeply personal experience and bonds you with these people for the rest of your life. Twenty years later, I'm still excited to see the crews I was part of, even if we have drifted apart in our day-to-day lives. Between the physical training and bathing and praying, you feel on top of the world.

9) Training also involves watching and observing whales, learning about their reaction to being approached by a canoe, and the places whales are likely to be found based on currents, travel patterns and other information long held by our people. The training that is passed down to us is thorough and it helps build confidence that a crew will be properly prepared to take on the immense physical risks of approaching, harpooning and killing a whale. I have seen the power of a gray whale up close, and I have tremendous respect for what these animals can do to a small boat.

10) The 2000 hunt was not successful in landing a whale. Although our crew approached whales in May, we never got close enough to throw a harpoon. The canoe was damaged, and by the time we had repaired it, the hunt had been stopped by the courts. During

what I hoped would be a short hiatus in whaling, I continued some training with one of the 1999 crew members into 2001.

11) The absence of whaling since 2000 has been heart-wrenching, especially after the two years of hunting where our culture was living and breathing. It was all yanked away from us. I thought I'd be on a whaling crew the rest of my life; now, more than half of my life has been since our last hunt. Our community has been harmed because we haven't been able to realize the health benefits of eating natural foods like whale. Although I have continued some aspects of spiritual preparation at a much lower intensity, the delay and uncertainty has discouraged me and other Makahs from fully preparing for a hunt through physical training and the committed spiritual and mental preparation that is required to bring home a whale.

12) Even though it feels as if we've been waiting for a new government approval of our hunt for an eternity, people are still talking about going whaling again. A few years ago, a younger cousin who was passionate about whaling and the Makah language inspired me to prepare more intensively for a hunt, practice my language, and share the experience of the 1999 and 2000 hunts with my young sons. My cousin was very young when we last hunted, but he dreamed of being on a crew with me and other members of the Greene family. He would come over to my house and we'd talk Makah, trying to get conversational in our language again using whaling as a focal point. He was very persistent with this, and he pushed me to practice my language skills by talking about whaling gear and techniques. These conversations helped reignite my interest and desire to go whaling again.

13) For me, language is an important part of being a whaler. I grew up around elders speaking Makah, including when I'd give away fish and hear their stories in Makah and English. Makah language has also been an important part of instruction about whaling when we learn

about proper preparation from elders in the family. I've always enjoyed listening and studying our language, took Makah language classes in junior high and high school, and became a teacher's assistant. Shortly after I graduated from high school, I made a statement in Makah at a public meeting on whaling, where I spoke about the history of the Makah people.

14) Whaling was a significant part of our Makah language classes. I remember studying the canoes, different positions of the crew and their responsibilities, parts of the whale (and how it was distributed), ceremonies, dimensions of the harpoon, and the paddles we used. The language component of whaling was complemented by teachings about whaling culture and spiritual practices. When we go whaling again, I am excited to incorporate Makah language into our preparation for the hunt, especially our physical training in the canoe.

15) I am eager for the Tribe to get back to whaling so we can realize all of the positive things that come from exercising our treaty right. When we are whaling, the whole tribal community benefits. I liked seeing us come together, teach each other about whaling, and share our natural food. This togetherness brings me happiness. When we go whaling again it will have an instant impact on the community – more stories about whaling will be told; our culture and language will be reinvigorated; our identity as whalers will be strengthened; we will have natural, healthy foods in our community; and whaling crews will be training, preparing, and developing the closeness that has a ripple effect throughout the community. To put it simply, hunting whales allows us to meet the ongoing cultural and subsistence needs of our community, and I hope this process will be completed in the near future so that we can hunt and have access to whale products on a regular basis.

16) A hunt is required to provide fresh, healthy whale meat and blubber to our people. One of the keys to whaling is that we get to eat food that sustained Makahs for thousands of

years. We would all benefit from having more traditional foods (and fewer processed foods) in our diet. The hunt also provides the focus and commitment that unites a crew and our community as a whole like it did in 1999. We all know that life moves too fast. Whaling is something that requires making more time for listening and learning, like in the old days. It's important to bring this back and make it a regular part of our community's life.

17) I also know from experience that whaling has brought out the worst in some people, who have harassed Makahs for exercising our rights. I experienced discrimination firsthand from opponents of whaling. I remember being kicked out of at least one store, where our track team bus had stopped; it was obvious we were from Neah Bay and the store owner yelled at us to leave. Since my family was involved in tribal leadership and in the 1999 and 2000 hunts, when I was growing up we'd get calls from the time Makah first started talking about resuming whaling. The callers would say things about killing our family and doing bad things to my mother. These were unfortunate, but regular occurrences at our house through the latter part of the 1990s.

18) Despite these negative experiences – and the potential for them to return when we go whaling again – I cannot imagine Makahs without whaling. The treaty means everything; we gave up so much to hold onto those rights, which are a way of life and represent who we are as people. Makahs tell the story of the Thunderbird who caught us a whale to save us from famine. Exercising the treaty right is more important to us than the land that we gave up – it's in the dancing and ceremonies, the songs, the food and health, the spiritual practices – that unite us as Makahs. That's irreplaceable. It's unimaginable that anyone would think of asking us to give this up.

19) At least some of the hostility toward Makah whaling comes from a lack of understanding about our history and culture, as well as the continuing importance of subsistence foods in our remote community. Fish – most often halibut and salmon – are a staple in our house. Oils and dried marine mammals used to be a bigger part of our diet. I'm also teaching my children about plant uses. Visiting others in the community often involves sharing something you've caught. I go out for subsistence fishing on my own, and I also hunt elk and deer annually. Our community as a whole relies heavily on subsistence resources. Many people dry and smoke fish, and whale products would fit right into our processing, sharing and use of the abundant natural resources we are fortunate to have access to.

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.


Daniel J. Greene, Sr.

Dated: 5-14-2019