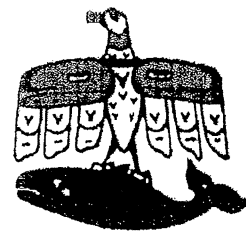


MAKAH TRIBE

P.O. BOX 115 • NEAH BAY, WA 98357 • 360-645-2201



MAKAH ANNUAL FISHING REGULATION OFF-RESERVATION

Year: 2004

Tribal Regulation No.: 2004-05

Date: January 21, 2004

Target Species: Marine Mammals

Management Periods: January 1 through December 31, 2004

Management Area: 3N, 4, 4B, 5, 6C, and all Rivers

Fishery: All commercial fisheries

A. TAKING IS PROHIBITED

It is prohibited to kill, harvest, or harass any marine mammal except as provided by Tribal regulations. The harvest season is closed unless opened by Tribal regulations.

B. INCIDENTAL TAKING (ENTANGLEMENT) OF MARINE MAMMALS DURING FISHING.

Marine mammals that are entangled or ensnared in fishing gear may be killed, and dead marine mammals may be retained for subsistence use, except that:

- 1) Whales, dolphins, and porpoises should be released alive if possible;
- 2) Harbor seals, California sea lions, and sea otters that are not intended for subsistence use, should be released alive if possible.

C. DETERRENCE OF MARINE MAMMALS

Nothing herein shall prohibit a Tribal owner of fishing gear/catch or private property or an employee or agent of such owner, or a Tribal enforcement officer or Makah Fisheries employee from non-lethally:

- 1) Deterring a marine mammal from damaging such gear or catch;
- 2) Deterring a marine mammal from damaging private property or Tribal property;
- 3) Deterring a marine mammal from endangering personal safety.

D. LETHAL DETERRENCE

All means may be used to deter harbor seals, California sea lions, and sea otters from fishing gear, including killing the offending animal, provided however, that reasonable steps which do not result in death or serious injury to the marine mammal have been taken. If the ceremonial and subsistence harvest season is open for that species, they may be killed during fishing without other steps if the marine mammal is retained consistent with the hunting regulations. On-Reservation river fisheries must call a Natural Resources Enforcement Officer to kill marine mammals if gear/catch is being damaged or endangered.

E. SELF-DEFENSE

Nothing herein shall prohibit the killing or injury of a marine mammal if such killing or injury is imminently necessary in self-defense or a life-threatening situation.

F. MONITORING

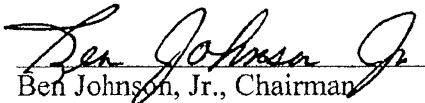
Fishing vessels may be asked to include the Tribal marine mammal biologist or technician as an observer on board vessels to monitor marine mammal interactions. The purpose is to observe marine mammal and fishery interactions and to research and develop methods to reduce the incidental taking of marine mammals and reduce harm to gear and catch caused by marine mammals. Fishing vessels may also be asked to maintain a marine mammal interaction log provided by Makah Fisheries Management.

G. REPORTING

All incidents of mortality or injury to marine mammals are to be reported to the Makah Fisheries Management office within 48 hours, except that incidents occurring during the fishing operations are to be reported within 48 hours of the end of the fishing trip. Makah Fisheries Management will report annually to the National Marine Fisheries Service and the U.S. Fish and Wildlife Service on all mortalities/injuries of marine mammals. Individual and vessel anonymity will be maintained.

H. DELIVERY OF MARINE MAMMALS

Any marine mammals killed pursuant to these regulations, including mortalities in fishing nets, shall be retained, if reasonably possible, and used for subsistence. Examination or sampling of the carcass for scientific purpose by the Tribal marine mammal biologist should be allowed if possible.


Ben Johnson, Jr., Chairman
MAKAH TRIBAL COUNCIL