

# **Attachment 4**

Guidelines for Approaching Gray Whales during Whaling Training  
and Making Training Harpoon Throws



# MAKAH TRIBE

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## Guidelines for Approaching Gray Whales during Whaling Training and Making Training Harpoon Throws

*To ensure a safe, efficient and humane hunt and satisfy the requirements of the Makah Whaling Ordinance, all members of a whaling team will complete a training program approved by the Tribe and obtain the certification applicable to their assigned role on the whaling team prior to hunting. The purpose of this document is to establish guidelines for two optional components of the Whaling Training Program: (1) approaching a gray whale as a training exercise, i.e., a training approach; and (2) throwing a training harpoon at a gray whale. As Makah hunters gain experience and improve their understanding of the training necessary for a whaling team to carry out a safe, efficient, and humane hunt, the Tribe anticipates that these Guidelines for Approaching Gray Whales during Whaling Training and Making Training Harpoon Throws ("Training Approach Guidelines") will be adapted to reflect the evolving training needs of whaling teams.*

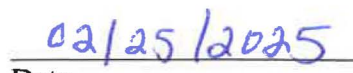
*Training approaches and training harpoon throws may not occur prior to issuance of a NMFS hunt permit and a Tribal training permit.*

*As the Tribe resumes whaling, the Training Approach Guidelines will be adaptively managed to incorporate knowledge and expertise gained from training activities and whaling expeditions. This is a living document that the Makah Tribal Council may modify to advance the Tribe's objective of conducting a safe, efficient, and humane hunt. The Tribe will share any modifications approved by the Council with NMFS.*

***\*\*For purposes of these guidelines, training approaches are defined in Section IV.a and training harpoon throws are defined in Section VI. A, below\*\****

Approved:

  
Timothy J. Greene, Sr., Chairman  
Makah Tribal Council

  
Date

- I. Timing and Location of Training Approaches.<sup>1</sup>
- a. Training approaches may only occur after issuance of a Tribal training permit to the whaling team making the training approach.
  - b. Training approaches may occur between June 1 and November 30. Additional limits on the timing and number of training approaches may be included in a Tribal training permit.
  - c. Training approaches may occur between December 1 and May 31 if the Tribe has obtained any separate authorization to take western North Pacific (WNP) gray whales required by the National Marine Fisheries Service (NMFS).
  - d. It is anticipated that most training approaches will occur during a whaling season but may also be likely to occur in the six (6) weeks immediately preceding a season. The greatest frequency of training approaches is anticipated during the 6-week period prior to issuance of a whaling permit by the Tribe.
  - e. Training that involves approaching a gray whale or making a training harpoon throw will only be allowed in the Pacific Ocean portion of the Makah U&A, west of the Bonilla-Tatoosh line.
  - f. Training that does not involve approaching a gray whale or making a training harpoon throw (for example, canoe paddling to develop strength, endurance, and team coordination) may occur in all waters of the Makah Usual and Accustomed fishing grounds (U&A). The Tribe anticipates this type of training is most likely to occur in the Strait of Juan de Fuca. Training that does not involve approaching a gray whale or making a training harpoon throw may occur without a NMFS hunt permit or a Tribal training permit.
- II. No Hunting Weapons.
- a. No member of a whaling team may carry aboard a training vessel a weapon used by a harpooner or rifleman to strike a whale (*i.e.*, harpoon capable of penetrating the skin of a whale or high-powered rifle).
- III. Recording Training Approaches and Training Harpoon Throws in Training Logbook.  
**See definitions in bold in Sections IV.a and VI.a, below.**
- a. For each training approach and training harpoon throw, a member of the whaling team must record:
    - 1. Date, time, training vessel(s) involved, and members and roles of the whaling team;
    - 2. Location (for example, Makah Bay);
    - 3. Number of gray whales within 100 yards (including whether any such whales were a mother-calf pair or a suspected independent calf);
    - 4. Whether a whale was contacted by the training harpoon; and
    - 5. Approximate closest distance between the training vessel(s) and the whale(s).
  - b. Each training approach and training harpoon throw must be reported to the Tribal hunt observer within 24 hours.
  - c. Training logbooks are subject to inspection by the Tribe and NMFS and should be provided to Makah Fisheries Management once per week during training. More

<sup>1</sup> Training approaches are not a required part of the Whaling Training Program, and therefore the decision whether to conduct this type of training exercise is at the discretion of the whaling captain.

frequent inspection of logbooks may be required to ensure limits on training approaches and training harpoon attempts are not exceeded.

IV. Training Approaches of Gray Whales.

- a. For purposes of these Training Approach Guidelines, **a training approach occurs when a whaling team conducting training exercises in a training vessel paddles a canoe and/or drives a motorized vessel within 100 yards of a gray whale.** A continuous sequence of maneuvers with the same individual whale will be counted as one approach.
- b. Whaling teams will limit the duration of a training approach to one hour.
- c. Whaling teams will observe breathing intervals and surfacing patterns of approached whales. It is anticipated that most observations of a whale during a training approach will occur no closer than ten (10) yards from the whale.
- d. During some training approaches, a whaling team may paddle the canoe to within harpoon striking distance. As a rough estimate, it is anticipated that such approaches will occur during approximately 30% of training approaches.
- e. Whaling teams will not target calves or mother-calf pairs for approaches. If a whaling team inadvertently maneuvers within 100 yards of a calf or mother-calf pair, after identifying the presence of a calf the whaling team will remove the training vessel(s) to a distance of at least 100 yards from the calf or mother-calf pair and remain at least 100 yards from them for the remainder of the training exercises.

V. Timing and Location of Training Harpoon Throws.<sup>2</sup>

- a. Training harpoon throws may only occur after (1) issuance of a Tribal training permit to the whaling team making the training harpoon throw and (2) other requirements in Section VI below are satisfied.
- b. Training harpoon throws may occur between July 1 and October 31 in years of summer/fall hunts. Additional limits on the timing and number of training harpoon throws may be included in a Tribal training permit.
- c. Training harpoon throws may occur at any time during winter/spring hunts (December 1 – May 31) if the Tribe has obtained any separate authorization to take WNP gray whales required by NMFS. Under these circumstances, training harpoon throws may also occur during the subsequent seven (7) months of the calendar year in which those winter/spring hunts end (*i.e.*, at a maximum this would be a thirteen (13) month period from December 1 through December 31 of the following calendar year).
- d. Training that involves making a training harpoon throw on a gray whale will only be allowed in the Pacific Ocean portion of the Makah U&A, west of the Bonilla-Tatoosh line.

<sup>2</sup> Training harpoon throws are not a required part of the Whaling Training Program, and therefore the decision whether to conduct this type of training exercise is at the discretion of the whaling captain.

VI. Making Training Harpoon Throws on Gray Whales; Prerequisite Training Approaches; Limits.

- a. **A training harpoon throw is an attempt to contact a gray whale with a blunted spear-like device that is designed to replicate the weight and balance of a whaling harpoon but is incapable of penetrating the skin of a gray whale.**
- b. Whaling teams are encouraged to make at least ten (10) training approaches prior to making a training harpoon throw. Before making a training harpoon throw, whaling teams must notify Makah Fisheries Management and other entity designated by the Council of their intent to make a training harpoon throw.
- c. Because the number of harpoon attempts (whether unsuccessful strike attempts during a hunt or training harpoon throws during training) is strictly limited, a whaling team will not attempt to make more than three (3) training harpoon throws, unless otherwise authorized by a Tribal training permit, and must report all training harpoon attempts to the Tribal hunt observer within 24 hours and record them in the training logbook (both successful and unsuccessful, *i.e.*, no contact with the whale). See Section III, above, for more information on recording and reporting.
- d. Training harpoons will be made to simulate the length, weight and balance of the harpoon used in the hunt. They will be identified as training harpoons and will be made to float so that they do not need a line and float attached for retrieval. Instead of a harpoon head, the training harpoon will be blunted with rubber, foam, or other material to prevent the harpoon from penetrating the whale.
- e. Whaling teams will not attempt to make training harpoon throws on a calf or an adult gray whale accompanied by a calf after a member of the whaling team has identified the presence of a calf.
- f. It is anticipated that a whaling team will make a training harpoon throw on a given gray whale only one (1) time and will make best efforts to limit contact with the same whale to no more than two (2) times.
- g. During training approaches where a whaling team attempts to make a training harpoon throw, a motorized support vessel must be present.
  - i. Gray whales can react unpredictably to contact and may respond aggressively to being contacted by a training harpoon. The presence of a support vessel may be needed for the safety of the whaling team.
  - ii. Training harpoon throw attempts and the associated training approaches may also be used as a training exercise for the support vessel crew by simulating hunt conditions for the chase boat skipper, safety officer, and rifleman (without the actual high-powered rifle on board).