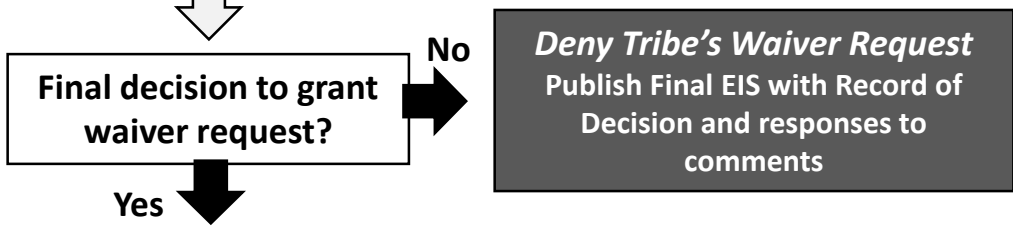


Summary of Steps in Granting or Denying the Makah Tribe's Request for a Waiver of the Marine Mammal Protection Act's (MMPA) Take Moratorium



Formal Rulemaking (Trial-type hearing)

- NMFS publishes a *Federal Register* notice of hearing & proposed waiver & regulations (governed by MMPA regulations at 50 CFR 228 & overseen by an administrative law judge (ALJ)/presiding officer)
- Interested parties may seek to participate
- Hearing before the ALJ with oral & written briefs, witness testimony & cross examination
- ALJ sends recommendation to NMFS Assistant Administrator (AA) / public comment
- NMFS AA publishes a final decision on waiver and regulations
- Final EIS and Record of Decision



MMPA Permit Process

- Tribe applies to NMFS for a permit consistent with regulations and MMPA
- NMFS publishes a *Federal Register* notice of permit request and solicits public comments
- NMFS determines appropriate level of National Environmental Policy Act (NEPA) review
- NMFS decides whether to issue permit to the Tribe



Whaling Convention Act Authorization

- NMFS enters into a cooperative agreement with the Tribe
- NMFS publishes annual notices allocating the U.S. quota of gray whales to the Tribe
- Tribe manages & monitors the hunt and files reports to NMFS