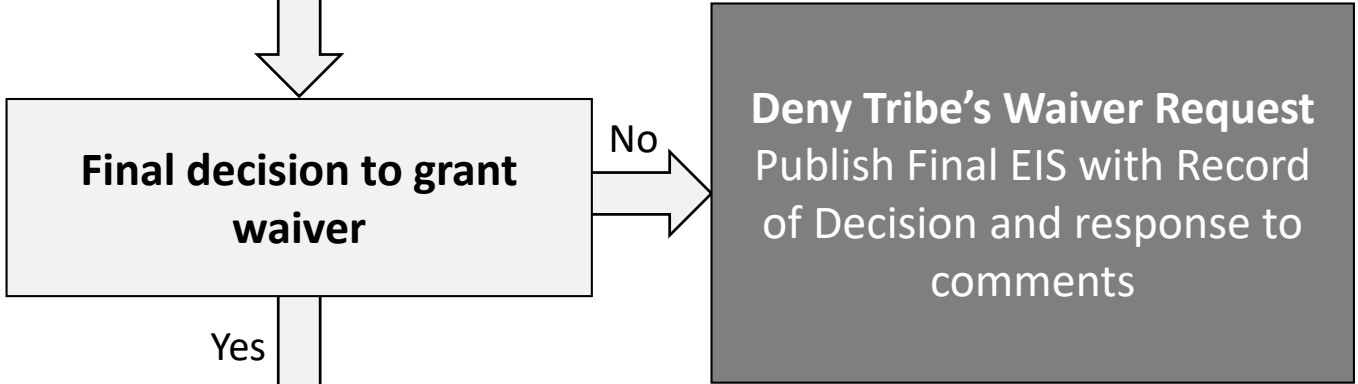


Summary of Steps in Granting or Denying the Makah Tribe's Request for a Waiver of the Marine Mammal Protection Act's (MMPA) Take Moratorium



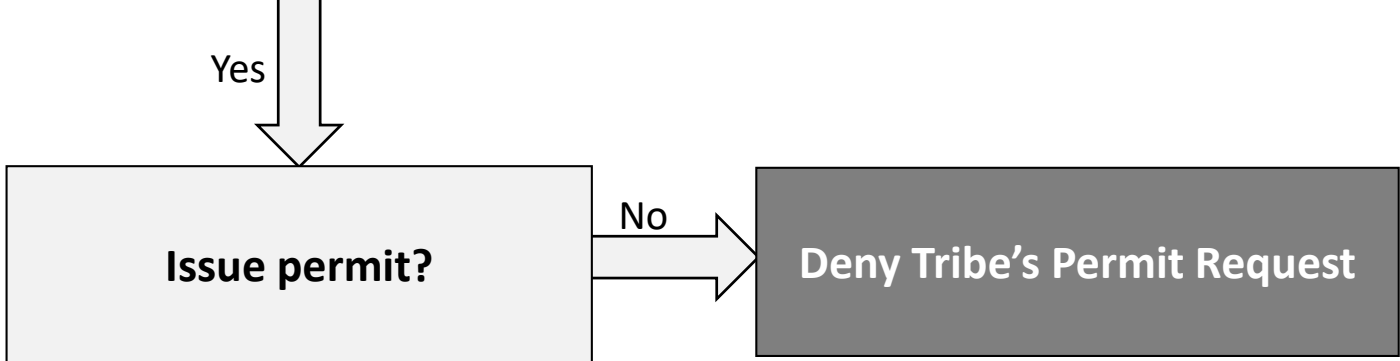
Formal Rulemaking (Trial-type hearing)

- NMFS publishes a *Federal Register* notice of hearing and 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 and written briefs, witness testimony, & cross-examination
- ALJ sends recommendation to NMFS Assistant Administrator (AA)/public comment
- NMFS AA publishes final decision on waiver and regulations
- Final EIS and Record of Decision



MMPA Permit Process

- Tribe applies to NMFS for a permit consistent with the regulations and MMPA
- NMFS publishes a Federal register notice of permit request and solicits public comments
- MFS 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