



## **2018 Mid-Year Convention Toppenish, Washington**

### **RESOLUTION #18 - 32**

#### **“TOKITAE, THE SOUTHERN RESIDENT KILLER WHALE POPULATION, AND THE SALISH SEA: OUR SACRED OBLIGATION”**

#### **PREAMBLE**

We, the members of the Affiliated Tribes of Northwest Indians of the United States, invoking the divine blessing of the Creator upon our efforts and purposes, in order to preserve for ourselves and our descendants rights secured under Indian Treaties, Executive Orders, and benefits to which we are entitled under the laws and constitution of the United States and several states, to enlighten the public toward a better understanding of the Indian people, to preserve Indian cultural values, and otherwise to promote the welfare of the Indian people, do hereby establish and submit the following resolution:

**WHEREAS**, the Affiliated Tribes of Northwest Indians (ATNI) are representatives of and advocates for national, regional, and specific tribal concerns; and

**WHEREAS**, ATNI is a regional organization comprised of American Indians/Alaska Natives and tribes in the states of Washington, Idaho, Oregon, Montana, Nevada, Northern California, and Alaska; and

**WHEREAS**, as indigenous peoples we honor in all ways our relation to Creation and in that spirit acknowledge a sacred obligation to ensure all our relations are treated in a dignified manner that reflects tribal cultural values that have been passed down for countless generations; and

**WHEREAS**, one of our revered relations is the Blackfish who is the subject of tribal oral histories in Washington, Oregon, Alaska, and elsewhere, whose cultural and spiritual significance to these tribes cannot be underestimated, whose sentience, complex social organization, use of tools, language and songs are acknowledged by the Lummi and other ATNI

member-tribes and whom we therefore call in our language, and is acknowledged by the Lummi and other ATNI member tribes to be, “the people under the water”; and

**WHEREAS**, in 1970, in Penn Cove (Whidbey Island) in Washington State, there occurred a brutal and immoral “round-up” of Blackfish that resulted in the death of adult and immature Blackfish and the abduction of many of our relations who were then shipped off to marine parks where all but one have since died; and

**WHEREAS**, the one remaining captive Blackfish in the United States, Tokitae (*aka* Lolita), has been separated from her family since 1970 and from any other Blackfish since the suicide of her sole companion, the Blackfish “Hugo,” in 1980, but to the present day she still calls out and recognizes the distinct dialect and unique identifying song of her native L-pod of the Southern Resident Killer Whale (SRKW) population; and

**WHEREAS**, she has since 1970 been kept in an 80’ long, 20’ deep, open-air circular tank in the Miami Seaquarium where, under heavy medication and the guise of “public education,” but, in reality in the interest of profit for Miami Seaquarium, Palace Entertainment, and Parques Reunidos (PQR), she performs humiliating and unnatural tricks for the public twice daily, every day; and

**WHEREAS**, her capture and captivity are all one interconnected and continuous crime against nature and a violation of our ancestral cultural values such that it is our sacred obligation to reunite her with her family where she can assume her rightly place in the natural order, live out the remaining decades of her life in accordance with natural law, and help bring healing to the past trauma of L-pod; and

**WHEREAS**, contrary to the half-truths and misinformation promoted by Miami Seaquarium, there is more than ample scientific evidence to demonstrate that: 1) she is in grave peril in Miami where in her ageing, inadequate, open-air tank she is subject to unnatural conditions, intense heat, and to potential harm inflicted by hurricanes that are increasing in frequency, duration, and intensity, and 2) she is a prime candidate for rehabilitation in a designated sanctuary to be made available to her in Eastsound (Orcas Island, Washington State) that is part of her natal waters and which contains a king salmon hatchery; and

**WHEREAS**, it is imperative to understand the context of this obligation in terms of an inherent right and a treaty right, and in terms of indigenous ways of knowing the natural law as embodied in our relationship to Tokitae, to her family, and to the SRKW population; and

**WHEREAS**, her rehabilitation and reunion will bring increased attention to Executive Order 18-02, signed by Governor Jay Inslee on March 13, 2018, establishing the Southern Resident Killer Whale Recovery and Task Force; and

**WHEREAS**, this effort will also help focus tribal efforts to take all the steps necessary to preserve and protect the biodiversity and cultural significance of the Salish Sea and restore it to its original vigor; now

**THEREFORE BE IT RESOLVED**, that ATNI supports and endorses the efforts being coordinated by the Lummi Nation to return Tokitae to her family and calls upon Miami Seaquarium, Palace Entertainment, and Parques Reunidos to agree to negotiate the terms and conditions for her release and safe return to her natal waters; and

**BE IT FURTHER RESOLVED**, that ATNI calls on Morgan Stanley, a significant investor in PQR, to insist that Parques Reunidos advocates to Palace Entertainment and Miami Seaquarium to partner with the Lummi Nation to secure the release and return of Tokitae to her family; and

**BE IT FURTHER RESOLVED**, that ATNI calls upon Governor Inslee and Washington State legislators to work with the Lummi Nation to secure any state permits that might be required for the return and rehabilitation of Tokitae and her reunion with her family; and

**BE IT FINALLY RESOLVED**, that in the context of the campaign for Tokitae, the SRKW population, and the Salish Sea, that ATNI supports the Lummi Nation’s “Statement on the Cultural Significance and Management of the Xwullemy (the Salish Sea)” and for all agencies of the state, local, and federal government to comply with the Statement (See attached Statement and Map).

**CERTIFICATION**

The foregoing resolution was adopted at the 2018 Mid-Year Convention of the Affiliated Tribes of Northwest Indians, held at the Legends Casino Hotel - Toppenish, Washington, on May 21-24, 2018.




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Leonard Forsman, President



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Norman Jean Louie, Secretary

Attachment: Lummi Salish Sea Statement and Salish Sea Map



**The Cultural Significance and Management  
of the  
*Xwullemy*<sup>1</sup> (Salish Sea)  
Cultural Significance of the Salish Sea**

- I. The Salish Sea, known in the Lummi language as *Xwullemy* has been the home of the Lummi and other tribes since time immemorial. It defines the identity of the Lummi Nation and sustains our existence. It is intimately associated with virtually all the events and patterns of events in history that have defined the Lummi Nation as a culture.
- II. The 1855 Treaty of Point Elliott, which like other treaties executed by tribal governments and the United States government, constitutes the supreme law of the land, guarantees to the people of the Lummi Nation the right to fish in their usual and accustomed places, which comprise the fresh and salt waters of the Salish Sea.
- III. The Lummi Nation holds that the Salish Sea is eligible for the National Register of Historic Places (NRHP), for listing as a National Historic Landmark, and for inclusion in the World Heritage List, for its association with the culture, traditions, and history of the Lummi people.
- IV. The fish, shellfish, marine mammals, avian life, plant life, water quality and air quality of the Salish Sea all are elements that contribute to its cultural significance, as do the traditions and traditional lifeways of the Lummi people.

**Management of the Salish Sea and its Contributing Elements**

- I. In their compliance with federal and state laws the Lummi Nation expects agencies of the federal, state, and local governments to consult in good faith (i.e., adhere to the principles of full, prior, and informed consent) with the Lummi Nation to avoid adverse effects on the tangible and intangible cultural properties of the Salish Sea, and to adopt such measures as are agreed upon to restore culturally significant aspects of the Salish Sea that have deteriorated or been adversely affected by human activities over the years. Until such time as there is meaningful consultation with the Lummi Nation and it formally agrees with the proposed measures, our position should be construed as opposed to the proposed activity. Any action contrary to this position would be in violation of our treaty, the Supreme Law of the Land.
- II. The Lummi Nation expects that such consultation will be carried out with full respect for the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP).
- III. While the Lummi Nation does and will cooperate with other tribes and governments to ensure the proper management of the Salish Sea and its contributing elements, no one but the Lummi Nation is authorized to speak for the Lummi Nation without the Lummi Nation's explicit agreement. We expect all agencies to adhere to the protocols of government-to-government relations.

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<sup>1</sup> *Xwullemy* is the language term that historically referred to the glaciers that existed in our area and now refers to the glacial peaks and the waters left behind by the receded glaciers to become the sea and fresh water and includes other bioregion properties. Thus, *Xwullemy* (as a language-based term(s) for many if not all aspects of our bioregion. The *Xwullemy* or Salish Sea can be viewed as having both the practical side of our *lhaqtemish* people but also have our spiritual and religious significance as yet the another side.  
LABC Approved March 13, 2018

