



Tah-Mahs Ellie Kinley, President
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Sacred Sea, an Indigenous-led 501c3 non-profit
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December 16, 2021

To the Honorable Chairman Jose “Pepe” Diaz and Members, Board of Miami-Dade County
Commissioners:

We are writing you about our relation Sk’aliCh’elh-tenaut (Tokitae/Lolita), the qwe’lhol’mechen (orca) held captive at Miami Seaquarium.

Hy’shqe (thank you) for putting protections in place for the lives held at Miami Seaquarium (MSQ). Our understanding is that you will terminate the lease of Miami-Dade County land to the Miami Seaquarium (and/or their owners/operators) should they not be in compliance with federal and state regulations, and should the welfare of the mammals held there be imperiled.

To this point, we would like to re-iterate our request from October 18, 2021 that a comprehensive medical exam and behavioral evaluation of Sk’aliCh’elh-tenaut be conducted immediately by third-party veterinarians (i.e. not associated with Miami Seaquarium or other employees of the captive industry). Assessing her physical and emotional health is critical to understanding whether or not her basic needs are being met.

To us, Sk’aliCh’elh-tenaut is not an “animal.” She is a qwe’lhol’mechen. This is our term for “orca” and it means “person under the waves.” Further, we are taught that the Southern Resident orcas of the Salish Sea are our relatives. We are from the side of the family that lives on land; she is from the side of the family that lives under water. She is our relative, and we love her and want to care for her as we would a sister, daughter, auntie.

Reputable sources have reported to us that Sk’aliCh’elh-tenaut is suffering. We have heard that she is still on a reduced diet, that this causes her agitation and may be dangerously affecting her kidney levels. We’ve heard that construction in the Whale Stadium may have affected her emotional and/or physical health. We understand that the attending veterinarian who had worked with Sk’aliCh’elh-tenaut for decades is no longer at the Seaquarium. We are worried about the quality and continuity of care for our relation.

Further, we've heard that the USDA is currently conducting a thorough investigation of the Miami Seaquarium. If this is true, we are hoping that the investigators will consult with the attending and assistant veterinarians who were responsible for her care up through the June 8, 2021 inspection. Likewise, we would also request that Caroline McKinney, who is listed as the Senior Veterinary Medical Officer the June 8, 2021 inspection, be consulted. Without the continuity of these sources, we fear that the investigation may miss crucial data points and perspectives.

We know that you have no direct control over the USDA, but we hope that you might reach out to them with this request. As County Commissioners, you are entrusted with enforcing the conditions of the lease. We believe that you have standing to request that the ongoing USDA investigation be rigorous, transparent, and impartial.

As you know, we are concerned about Sk'aliCh'elh-tenaut's immediate health and well-being, but we also know that she can never live fully and truly in a concrete tank. We are committed to bringing her home to the Salish Sea, and we have a culturally-appropriate, scientifically-sound plan to do so in a safe and responsible way. At her Xwlemi Tokw (Lummi Home), Sk'aliCh'elh-tenaut would be protected and would receive ongoing care. Her best interest –not profit or entertainment– would be the guiding principle.

Our relation is currently living on land that you own. You have some power over how she will live out the remainder of her days, which – if she is well and happy and home– could be many. We invite you to learn more about our work for Sk'aliCh'elh-tenaut at www.SacredSea.org.

Hy'shqe for your commitment to Sk'aliCh'elh-tenaut and all the other inhabitants of the Miami Seaquarium.

We look forward to your response.

Sincerely,

Tah-Mahs Ellie Kinley, citizen of Lummi Nation
Squil-le-he-le Raynell Morris, citizen of Lummi Nation

cc:

Honorable Daniella Levine Cava, Mayor of Miami-Dade County
Whale Sanctuary Project
Earth Law Center
Carolyn McKinnie, Senior Veterinary Medical Officer - Marine Mammals and Exotics

Attached: Comment submitted October 18, 2021

Attachment: Comment submitted to the Miami-Dade County Commission

re: Resolution Authorizing and Approving Assignment of Lease from Festival Fun Parks, LLC to MS Leisure Company, Inc. for the Operation and Maintenance of the Demised Premises known as Seaquarium Village

October 18, 2021

To the Honorable Chairman Jose “Pepe” Diaz and Members, Board of County Commissioners,

We, Squil-le-he-le (Raynell Morris) and Tah-Mahs (Ellie Kinley), along with a number of other Lummi Nation tribal members, have long been working to bring our relation Sk’aliCh’elh-tenaut, who is also known as Lolita or Tokitae, home to the Salish Sea.

Today, we wish to share with you our connection to Sk’aliCh’elh-tenaut, our grave concern for her current health and safety at the Miami Seaquarium, and our request that you mandate that her urgent immediate needs be addressed. We also hope that you will understand that her ongoing physical, emotional, cultural, and spiritual needs simply cannot ever be met in a concrete tank. She is an intelligent, soulful, family-oriented individual who needs and deserves to be back in her home waters.

Sk’aliCh’elh-tenaut was taken —without our consent— from our Salish Sea home in 1970, and she has been held at the Miami Seaquarium ever since. Our Lhaq’temish people know orca whales as qwe’lhol’mehen, meaning, “the people below the water.” Our ancestral teachings hold that the qwe’lhol’mehen clan known as the Southern Resident Orcas intermarried with our people long ago. They are our literal relations. Sk’aliCh’elh-tenaut is our sister, our auntie, our cousin, our daughter.

Sk’aliCh’elh-tenaut’s abduction from her mother and her L-pod family reminds us of the time when our own children were taken from us and sent to boarding schools. Some of those children never came back, but when children did return to us, our families felt healed and whole. For this reason, we have been working to bring Sk’aliCh’elh-tenaut back to the Salish Sea, so that she, her orca family, and our Lhaq’temish families, can begin to heal. It is our Xa xalh Xechnging (sacred obligation) to help make families, and our Salish Sea home, whole again.

We have invited Miami Seaquarium and any and all of its parent companies to work with us in good faith for the best interest of Sk’aliCh’elh-tenaut, and to bring her to her Xwlemi Tokw (Lummi Home) in the Salish Sea. We have an operational plan drawn up by the world’s foremost veterinarians, scientists, and field researchers on how to do this responsibly, and we have a short-list of possible sites in the Salish Sea, where we will provide for her ongoing physical, emotional, and cultural care. We hope that the Dolphin Company, when they assume operations of Miami Seaquarium, will choose to work with us to this end.

However, today we wish to highlight our alarm at the USDA inspection report from this past June. It is clear from the report that Sk’aliCh’elh-tenaut is suffering from conditions at the Miami Seaquarium. We ask that you ensure that:

- she be fed enough
- she be fed high quality food
- her performance routines must be safe and not endanger her in any way, and must be appropriate for her age

- she be in safe, good quality, regularly monitored water
- she be kept with safe and appropriate companions
- she be kept safe from the audience (and their children and cameras)
- she have a USDA veterinarian do an independent full physical examination and behavioral assessment

We further need assurance that:

- her tank and whale stadium not pose any threat to her, whether through disrepair (peeling paint), inadequate shade, inadequate swimming space, exposure to storms and storm-related damages, or anything else

Aside from the recent inspection report, it has long been known that her tank is too small to meet basic Animal Welfare Act requirements, and that similarly her keen psycho-social need for companionship with another orca has not been met for years.

While Sk'aliCh'elh-tenaut's immediate health and safety must be seen to, relocation is the only real option for Sk'aliCh'elh-tenaut's long-term physical and psychological well-being. She has worked tirelessly for the Miami Seaquarium for over 50 years now. She deserves to be back at home.

We are prepared to work with and share our operational plan with The Dolphin Company, USDA, and other relevant governmental agencies. We have excellent potential sites in Sk'aliCh'elh-tenaut's natal waters. We appreciate that many people in Miami-Dade County love Lolita, and many of them are supporting us in our efforts. A better life for Sk'aliCh'elh-tenaut is possible, and we hope that you will be part of making it happen sooner rather than later.

Hy'shqe (thank you),

Raynell Morris

Squil-le-he-le (Raynell Morris)

Ellie Kinley

Tah-Mahs (Ellie Kinley)