



EXCERPT

60 Days: Progress or Standstill?

By AJ Barse, Communications Director

LUMMI NATION-After 10 years of discussions and 16 months of formal negotiations that failed to produce an adequate response to safety issues on Haxton Way and around the ferry terminal on the Reservation, the Lummi Nation has sent a letter to Whatcom County ending further negotiations and has given Whatcom County 60 days to wrap up ferry service at Gooseberry Point.

Last week, Chairman Cultee and Lummi Nation Staff Attorney Diana Bob traveled to Washington, D.C. to meet with Washington's

congressional delegation. They had face-to-face meetings with Senator Maria Cantwell and Rep. Rick Larsen, as well as Senator Patty Murray's staff. During the visit to Washington, D.C., Chairman Cultee advised Senator Cantwell and Rep. Larsen that the role of the U.S. Bureau of Indian Affairs (BIA) is to affirm fair leases involving Indian lands, not to negotiate terms of agreements with local governments and force Indian tribes into unwanted settlements.

"Our intentions have always been the same, safety is our number one concern for our community with the ferry located at the Gooseberry point terminal on the



Lummi Indian Reservation" said Chairman Cultee

A letter sent out from the LIBC highlighted background history regarding negotiations of the Lummi Island ferry. This was in conjunction with a chronology released by the Lummi Nation to press media and

congressional leaders showing that for most of the history of the Lummi Island ferry, Whatcom County has operated without a lease and without consultation with the Lummi Nation. In 1988, the Lummi Nation and the county signed a lease, but it was never approved by the BIA

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as required by federal law because the lease includes the tribal tidelands, which are trust for the Nation..

"We have allowed the county to run the ferry without an official agreement but this has not been good for our community. Community safety is our primary concern," stated the LIBC in their letter of update to the tribal members of the Lummi Nation.

In May 2010, following nine meetings over a nine-month period where the Lummi Nation presented several options for the county to consider if they wanted to continue with ferry services at Gooseberry Point, the Lummi Nation and Whatcom County negotiating teams reached a 35-year agreement. It seemed the negotiations had finally been resolved; however, Whatcom County Council rejected the deal negotiated by their representatives.

Terry Terry, a full time Lummi Island resident of 8 years who has worked on the Ferry Transportation Committee on Lummi Island, discussed how dif-

ficult it was to work with the County with regards with the ferry.

"The County said openly, that that [the Ferry contract] was so far away that we don't have to worry about it, and that was said 8 years ago!" Terry said.

This committee was disbanded after 6 years as the committee felt that their efforts and information were not being heard or used.

Now in 2011, as year-long negotiations become stagnate, Lummi sent back the monthly operations check from Whatcom County along with a 60-day termination of services letter to remind the Whatcom County council that an agreement has to be made that address the traffic safety concerns that come along with the ferry service, or the ferry service will need to be located off Lummi lands.

Whatcom County Council's way of negotiating and representing the needs of the Lummi Island community has been seen as falling

short. In a posting on the Lummi Island Ferry Forum by creator Wynne Lee, Lee expressed "Islanders (myself included) often express frustration or anger at County and federal officials about the Gooseberry Pt lease stalemate."

County Council continuously states in the press that they have presented the Lummi Nation with a fair deal based off of fair market value. This does not address the plethora of concerns created by the ferry and its traffic, the paramount concern to the Lummi Nation.

Understanding why traffic safety is critical is often lost on Islanders because they don't necessarily see how it impacts them, "We [Lummi Islanders] don't live there, so sometimes we don't understand fully, we have gotten used to just driving through; the County doesn't live there either as they don't get it either" Terry explained.

"We did not realize the high level and speed of the traffic on Haxton until we



walked the new pathway. We do not notice this element when we are driving our car. I would suggest the county administration and the islanders walk the pathway" Terry continued.

For Lummi community members who witness the speeding traffic as their children walk the road to school, or remember the death of a loved one or friend who died on Haxton, it is seen and understood with everyone of the 39 runs the ferry makes during the 18 hours the ferry is in operation each day.

"The number one concern of the Lummi Nation is safety, of both tribal and non-tribal year round residents. Lummi Nation's stance is clear, if the ferry is

going to remain in its current location, safety issues must be addressed," states the LIBC letter.

The LIBC has put out a call to action to its tribal members to let congressional leaders know how the ferry has impacted their lives.

"Contact Representative Rick Larsen and tell him safety must come first: (360) 733-4500," the letter concluded.

The question at hand is what happens after 60 day? The Lummi Nation hopes that Whatcom County realizes that it has an opportunity to negotiate an agreement that will address the safety needs of the Lummi Nation that are associated continued Lummi Island ferry service.