

H U R

58

Feb 29 3:05

Shultz, Lars, Lisa, Cowd, Rings  
Vaska - Coll - Gehring

- 015 Szymanski -
- 085 Cowdery - how effect HB 546 -  $\Delta$  not regulated game harvesting - ? 3 mile limit?  
 $\Delta$  Admin. indic on Sen. side they would maintain 3 mile jurisd. ? Other aquariums on permit?  $\Delta$  Sea World only - one of largest 1st knocking on door -
- 0125 Ringstad - intro to teleconf net
- 0130 Cowd - life expectancy? Considerably reduced - deferred to expert witnesses
- 154 Rep Vaska - jurisdictional or biological question?  
 $\Delta$  more appropriately
- 190 Lanny Cornell - Sea World -  
- not opposed to Szym. reso, except where derogatory use of Sea World's name -
- 255 Ruggs - any problem sharing data  $\Delta$  no
- 260 Gill - what benefits accrue to Resource & new info - tour boats - baseline hearing studies blood studies - predator at top of food chain -
- 288 Lisa - Washington state lawsuit  $\Delta$  40-60 animals in 1960s removed from WN/BC waters - extenuating circumstances, economic decision
- 335 Cowdery - what techniques? Injury?  $\Delta$  Basically scine technique - No injuries - Szym - never convicted - bodies of areas floating to shore

- 380 Cowdery - Studies on how whales react return to capture sites - pods bigger
- 400 Uehling - how much revenue to Sea World
  - Δ this year approx 120 million - ? how much to research? Δ approx 5%
- 415 Cowdery - what value to captive orca -
  - Δ depends on cost of capture and transport
- 430 Coll - no longer use of underwater explosives
  - Δ used to keep animals out of net ends better techniques and controversy
  - ? Use of research to justify zoo collection?
  - Δ Understand - only collection - research from platform of capture activities -
- 495 Uehling - why NMFS rule against import killer whales from Iceland Δ Census - SeaWorld agrees w/NMFS
- 520 ADFG - Kelso & Lou Pamplin same dir.
  - AS 16.05.930 - does not prohibit → minimum est
  - look at biological questions - 93 SE 30 PWS 66 Shelakot strat
  - No biological problem to maintaining population
  - Feds have mgmt authority - but state controls activities w/in 3 miles
- 690 Paul Spang - Orca lab. - SeaWorld out of step with times
- 900 Richard Osborne. Mischips - ten year documentation of composition of all killer whales in Puget Sound
  - Captures do not need to be given before photo id is done - should be catalogued within 2 yrs

(3)

1050 Steven Leatherwood - Hubs SeaWorld Research Institute  
Disparities between claims and reality  
2 parts, 1- observational  
2- benign, hands on, release back to pod

1270 Austin Hammond - President ANB Camp No 5  
Haines - Resolution from Convention -  
Related Tlingit legend of Killer Whale -  
If we hurt them, they gonna get after us.

1450 - Dr John Hall - population biology research since 1976  
Anchorage

Tape  
Change

0053

Ron Brinkley - Anch. Questions US Navy's  
research on Marine mammals - that

081 Carolyn Fall - representing 14 people at  
Wilde 3 to L10 - all against Sea World  
taking K/W from Alaskan waters

090 Cecilia Hunter - FBX - other aquariums  
will move in if Sea World is okayed

108 Joe Dobrina - Ktu - Objects to taking  
killer whales

122 George Lewis - Haines - Austin Hammond's nephews  
killer whales provided help 766-2164  
Research material over last 20,000 yrs.

165 Ken Jones - Anch  
Charter Operator in PWS - close contact  
with several pods - would like not to see  
Sea World in PWS - will disrupt charter  
operations

192 Pam<sup>o</sup> Ketchikan → owe whales respect  
should be whales last frontier -

210

215 Gzymanski - asked for special telecont.

222

Adjuvu at 495

MSG 84-00019174 PRTY 1 02/29/84 16:01:59 ORIG: LA08 IN= 0011 OUT= 0024  
FROM: CANDY/ANCHORAGE TO: TOM  
TARGET: LJM7 SUBJ: BRCA T/C

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OMNI # 4

TO TESTIFY:

6. BONNIE STEER

MSG 84-00019195 PRTY 1 02/29/84 16:21:32 ORIG: LV00 IN= 0011 OUT= 0028  
FROM: ANNI/VALDEZ TO: JACK/JUNEAU T/C  
TARGET. LJH7 SUBJ: ORCA T/C

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OMNI #5

TO TESTIFY:

12. KIM GOOD

13. LINDA NESLUND

TO OBSERVE

14. JOHN HILGENDORF

MSG 84-00019246 PRTY 1 02/29/84 17:27:12 ORIG: LA19 IN= 0013 OUT= 0033  
FROM: LARRY/ANCHORAGE TO: TOM/JUNEAU  
TARGET: LJH7 SUBJ: HOUSE RESOURCES-HJR-58-KILLER WHALE

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FINAL STATS:

TO TESTIFY:

1. DR. JOHN D. HALL/SOLACE ENTERPRISES, P.O. BOX 4885, ANCH., 99570, 688-3188
2. RON BRINKLEY, P.O. BOX 4-966, ANCH., 99501
3. TIM JONES/STAN STEPHENS CHARTERS, BOX 106, ANCH., 99510, 349-5070
4. CINDY LOWRY, 9271 CAMPBELL TERR., ANCH., 243-4061
5. LARRY WILLIAMS, SRA BOX 2437A, ANCH., 99587, 345-6267
6. SALLIE HOGG, 3032 W. 42ND PL. #6, ANCH., 99503, 248-1015
7. GALE LAZARUS, AK. ZOO, SRA 1728 W., ANCH., 99507, 344-3022
8. TERRY BURRELL, P.O. BOX 8, ANCH., 99510, 333-2774
9. CHARLES K. (KELLY) WEAVERLING, 1303 W. 39TH PL., ANCH., 99503, 563-2262
10. DAVID J. DRISCOLL, 1146 KARLUK, ANCH.
11. WAYNE HALL, 2411 INGRA ST., ANCH., 99508
12. MARILYN HOUSER/SELF, P.O. BOX 6455, ANCH., (W)274-6524
13. BILL PARKER/SELF, 200 DENALI, 272-4192
14. RACHAEL MEEKS/AK. PRINCESS CHARTERS INC., 3320 SEAWIND DR., ANCH., 345-5583

MSG 84-00019123 PRY 1 02/29/84 15:33:20 ORIG: LK00 IN= 0006 OUT= 0015  
FROM: EVELYN/KETCHIKAN TO: TOM/MODERATOR  
TARGET: LJH7 SUBJ: KILLER WHALES T/C

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OMNI #1

HERE IN KETCHIKAN TO TESTIFY:

1. ▽ JILL DOBRYBNIA, NORTH POINT HIGGENS, KETCHIKAN, AK 99901 PHONE: 247-2307
2. ▽ FAM LEASK, PO BOX 756, WARD COVE, AK 99928 PHONE: 225-4397
3. KATHERINE DREYFUS, PO BOX 8713, KETCHIKAN, AK 99901 PHONE: NONE
4. ROCHELLE ROLLENHAGEN, PO BOX 5311, KETCHIKAN, AK 99901 PHONE: NONE
5. S. D. GRIFFITH, 2509 - 4TH, KETCHIKAN, AK 99901 PHONE: 225-5069

HERE IN KETCHIKAN TO OBSERVE:

1. DAVID S. KIFFER, KTN DAILY NEWS, DOCK STREET, KETCHIKAN PHONE: 225-3157

~~MSG 84-00019131 PRY 1 02/29/84 15:32:30 ORIG: LJAB IN= 0007 OUT= 0016  
FROM: JACK TO: TOM  
TARGET: LJH7 SUBJ: YAKUTAT~~

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~~CATHY/YAUTAT WAS TRYING TO HAIL YOU, AT THE SAME TIME YOU WENT OFF AIR  
FOR A SEC.~~

JACK

MSG 84-00019240 PRTY 1 02/29/84 17:02:36 ORIG: LA08 IN= 0017 OUT= 0031  
FROM: CANDY/ANCHORAGE TO: TOM  
TARGET: LJH7 SUBJ: FURTHER ON THE ORCA T/C

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ALTHOUGH WE DID TAKE THE SURVEY OF "FOR'S" AND "AGAINST'S," SEVERAL PEOPLE  
AFTERWARDS, INCLUDING OUR ORIGINAL REQUESTOR, INDICATED THAT THEY WERE  
UNCOMFORTABLE WITH A SIMPLE YES OR NO. THESE PEOPLE ESPECIALLY INDICATED  
THAT THEY WERE FOR THE RESOLUTION, BUT FELT THAT IT IS TOO WEAK IN ITS PRESENT  
FORM. SO, RATHER THAN MAKE THIS MAKE THIS ANY MORE COMPLICATED THAN IT HAS  
BEEN, WE HAVE ADVISED PEOPLE TO SEND P.O.M'S OR WRITTEN TESTIMONY, AND WILL  
SIMPLY SEND YOU OUR FINAL STATS.

I APOLOGIZE FOR ANY INCONVENIENCE OR CONFUSION THIS MAY HAVE CAUSED.

MSG 84-00019211 PRTY 1 02/29/84 16:30:41 ORIG: LA08 IN= 0016 OUT= 0029  
FROM: CANDY/ANCHORAGE TO: TOM  
TARGET: LQH7 SUBJ: ANOTHER REQUEST

---

TERRY BURRELL, OUR FORMER REQUESTOR, WOULD LIKE THE MESSAGE PASSED ON THAT  
HE DOES FEEL ANOTHER PUBLIC HEARING IS NECESSARY SINCE IT DOES APPEAR  
THAT ANCHORAGE PEOPLE WILL NOT HAVE MUCH OF A CHANCE TO SPEAK.

MSG 84-00019176 PRTY 1 02/29/84 16:05:58 ORIG: LF02 IN= 0005 OUT= 0025  
FROM: PAULA/FKS TO: TOM JNU  
TARGET: LJH7 SUBJ: ORCA T/C

---

WOULD IT BE POSSIBLE FOR THE CHAIR TO ASK THE PEOPLE TO IDENTIFY THEMSELVES  
AND TELL WHAT COMMUNITY THEY ARE FROM. IT IS HARD TO TELL WHERE THE PEOPLE  
WHO ARE SPEAKING ARE FROM.

May I  
reiterate  
1) short testimony,  
2) new info, and  
3) urge spokespeople  
for a group?

---

Will you let  
people know in clos-  
ing of future bill  
hearings?

Bethel NO

#11 Rebecca Reeves

MSG 84-00019132 PRTY 1 02/29/84 15:31:43 ORIG: LA08 IN= 0009 OUT= 0014  
FROM: CANDY/ANCHORAGE TO: TOM  
TARGET: LJH7 SUBJ: TROUBLE ON LINE

---

LEARN ALASKA TELLS US IT IS YAKUTAT -- MICKI IS CALLING THEM RIGHT NOW.

LBX.

MSG 84-00019121 PRTY 1 02/29/84 15:25:09 ORIG: LF02 IN= 0003 OUT= 0012  
FROM: PAULA/FKS TO: TOM JNU  
TARGET: LJH7 SUBJ: PARTICIPANTS HSE RESOURCES HJR 58

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OMNI # 2 - FAIRBANKS PARTICIPANTS

TO TESTIFY:

CELIA M. HUNTER

-----EOM

MSG 84-00019136 PRTY 1 02/29/84 15:34:35 ORIG: LAS3 IN= 0005 OUT= 0017  
FROM: MICKI/ANCHORAGE TO: ELAINE/SITKA  
TARGET: LJH7 SUBJ: YAKITAT CC: TOM

---

HAS GONE OFF LINE AS THEY HAD NO PARTICIPANTS, CATHY ASKED THAT I LET  
YOU KNOW SO YOU COULD INCLUDE HER IN YOUR STATS..

MSG 84-00019126 PRTY 1 02/29/84 15:29:17 ORIG: LF02 IN= 0004 OUT= 0013  
FROM: PAULA/FKS TO: TOM JNU  
TARGET: LJH7 SUBJ: PROBLEM

---

WE WERE NOT ABLE TO HEAR SOME OF THE LEGISLATORS WHO SPEAK. I'M NOT  
SURE WHO WAS TALKING. YAKATAT WAS HAILING YOU ALSO, YOU MAY HAVE HEARD  
THEM BUT WERE UNABLE TO RESPOND.

MSG 84-00019126 PRTY 1 02/29/84 15:29:17 ORIG: LF02 IN= 0004 OUT= 0013  
FROM: PAULA/FKS TO: TOM JNU  
TARGET: LJH7 SUBJ: PROBLEM

---

WE WERE NOT ABLE TO HEAR SOME OF THE LEGISLATORS WHO SPEAK. I'M NOT  
SURE WHO WAS TALKING. YAKATAT WAS HAILING YOU ALSO, YOU MAY HAVE HEARD  
THEM BUT WERE UNABLE TO RESPOND.

FROM: PAULA/FKS

TO: TOM JND

TARGET: LJH7 SUBJ: PARTICIPANT LIST- HOUSE RESOURCES HJR58

---

OMNI # 1 FAIRBANKS PARTICIPANTS

NO PARTICIPANTS AT THIS TIME, WE MAY GET ONE AT A LATER TIME BUT HAVE NOT HEARD FROM HER YET.

---

-EOM

MSG  
FROM  
TARI

OMN

TO

MSG 84-00019112 PRTY 1 02/29/84 15:14:39 ORIG: LR00 IN= 0013 OUT= 0008  
FROM: JOHN IN BARROW TO: KEN  
TARGET: LJH7 SUBJ: 2/29 ORCA T/C.

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OMNI # 1:

TO OBSERVE:

LAURIE KIBBY A.E.W.C. BOX 570 BARROW

MSG 84-00019116 PRTY 1 02/29/84 15:19:57 ORIG: LV00 IN= 0007 OUT= 0010  
FROM: ANNI/VALDEZ  
TARGET: LJH7 SUBJ: KILLER WHALES  
TO: TOM/JACK..JUNEAU T/C

---

OMNI #1

TO TESTIFY:

- ▷ 1. CAROL N. A. FALL
2. DAVE JANKA

TO OBSERVE, AND POSSIBLY TESTIFY LATER:

3. ANNETTE JANKA
4. GEORGE PERKINS
5. GEORGE BERG

WE ARE EXPECTING SEVERAL PEOPLE AFTER 3:30 AND ANOTHER GROUP AFTER 4:00.  
WILL OMNI ANY CHANGES.

Anchorage

~~00019118~~ PRTY 02/29/84 15:23:37 ORIG: LA19 IN= 0011 OUT= 0011  
CANDY/ANCHORAGE TO: TOM  
T: LJH7 SUBJ: ORCA TELECONFERENCE

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OMNI # 3

TO TESTIFY:

2. MARILYN HOUSER
3. BILL PARKER
4. RACHAEL MEEKS
5. JIM MEEKS

MSG 84-00019091 PRTY 1 02/29/84 15:11:02 ORIG: LA19 IN= 0008 OUT= 0006  
FROM: LARRY ANCHORAGE TO: TOM/JUNEAU  
TARGET: LJH7 SUBJ: HOUSE RESOURCES-KILLER WHALES

---

OMNI 1.

TO TESTIFY:

1. DR. JOHN D. HALL, SOLACE ENTERPRISES, ANCHORAGE, 688-3188
2. RON BRINKLEY, P.O. BOX 4-966, ANCH., 99501
3. TIM JONES, STAN STEPHENS CHARTERS, ANCHORAGE, 349-5070
4. CINDY LOWRY, 9271 CAMPBELL TERRACE, ANCH., 243-4061
5. LARRY WILLIAMS, SRA BOX 2437A, ANCH., 99587, 345-6267
6. SALLIE HOGG, 3032 W. 42ND, PL.#6, ANCH., 99503, 248-1015
7. GALE LAZARUS, AK. ZOO, SRA 1728 W., ANCH., 99507, 344-3022
8. DAVID J. DRISCOLL, 1146 KARLUK, ANCH.
9. WAYNE HALL, 2411 INGRA ST., ANCH., 99508,
10. TERRY BURRELL, P.O. BOX 8, ANCH., 99510, 333-2774
11. CHARLES K. (KELLY) WEAVERLIM, 1303 W. 39TH PL., ANCH., 99503, 563-2262

+++++

MSG 84-00019139 FRTY 1 02/29/84 15:38:44 ORIG: LV00 IN= 0008 OUT= 0018  
FROM: ANNI/VALDEZ TO: JACK/TOM JUNEAU T/C  
TARGET: LJH7 SUBJ: KILLER WHALES T/C

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OMNI #2 (FOLLOWING TELEPHONE CALL WHEN WE WERE STOPPED ON CLOCK)

TO TESTIFY:

6. JAMES LETHCOE

TO OBSERVE:

7. KAREN WACKS (MAY DECIDE TO TESTIFY)

8. SUE HOPKINS, VALDEZ VANGUARD

MSG 84-00019145 FRTY 1 02/29/84 15:39:47 ORIG: LJAB IN= 0008 OUT= 0019  
FROM: DORIS TO: TOM  
TARGET: LJH7 SUBJ: PAT'S NAMES

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JAMES LETHCO  
KAREN WACKS  
SUE HOPKINS

MSG 84-00019454 ~~PRTY 1~~ 02/29/84 15:45:16 ORIG: SOL\$ IN= 0006 OUT= 0020  
FROM: LORI, SOLDOTNA FOR BECKY TO: TOM, JNU TC  
TARGET: LJH7 SUBJ: KILLER WHALES TC

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OMNI #1  
TO TESTIFY:

BOB SIZEMORE

EOM

MSG 84-00019153 ERTY 1 02/29/84 15:45:02 ORIG: LV00 IN= 0009 OUT= 0021  
FROM: ANNI VALDEZ TO: JACK/TOM/JUNEAU  
TARGET: LJR7 SUBJ: KILLER WHALES TC

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OMNI #3

TO TESTIFY:

9. LINDA LEVY
10. GENE SALINAS
11. Rebecca Reeves

FYD: WE HAVE 10 PEOPLE SITTING AROUND ONE TABLE WITH ONE MICROPHONE. WHEN IT IS TIME FOR THEM TO TESTIFY WE WILL PASS THE MIKE AS RAPIDLY AS POSSIBLE BUT IT MAY TAKE A MOMENT. THANK YOU.

~~Alaska~~

Haines

left Rebecca Redwine-Monroe (time constraint)

▷ George Lewis 766-2164

Seattle

~~Pat Harris~~

Pat Herron, Greenpeace

John Manley H. Resources C-118

MAR 5 1984

ORCA5!!!

MSG 84-00019298 PRTY 1 03/01/84 07:57:00 ORIG: LV00 IN= 0001 OUT= 0002  
FROM: ANNI/VALDEZ TO: JACK/JUNEAU MODERATOR  
TARGET: LJHV SUBJ: HOUSE RESOURCES COMM./KILLER WHALES

\*\*\*\*\*  
LEGISLATIVE TELECONFERENCE NETWORK SIGN-IN SHEET  
\*\*\*\*\*

DATE: FEBRUARY 29, 1984  
SITE/LOCATION: VALDEZ  
SPONSOR/SUBJECT: HOUSE RESOURCES COMMITTEE/HJR-58

VALDEZ STATS:

UNABLE TO TESTIFY: \_\_\_13\_\_\_  
TESTIFY: \_\_\_1\_\_\_  
OBSERVE: \_\_\_4\_\_\_  
TOTAL: \_\_\_18\_\_\_

LOCAL MODERATOR: ANNI  
\*\*\*\*T/C STARTED: 3:15 P.M.  
\*\*\*\*T/C ENDED: 5:05 P.M.

\*\*\*\*\*

NAME/REPRESENTING	ADDRESS/PHONE	TESTIFY	OBSERVE
1. CAROL M. A. FALL	ST. RT., BOX 10, VALDEZ 835-5046	X	
2. DAVID JANKA	P.O. BOX 1022, VALDEZ	X *	
3. ANNETTE JANKA	P.O. BOX 1022, VALDEZ		X
4. GEORGE PERKINS	P.O. BOX 501, VALDEZ 835-5086	X *	
5. GEORGE BERG	P.O. BOX 1107, VALDEZ 835-4406		X
6. SUE HOPKINS VALDEZ VANGUARD	P.O. BOX 157, VALDEZ 835-2211		X
7. KAREN WACK	P.O. BOX 97, VALDEZ 835-2681	X *	
8. JAMES LETHCOE	P.O. BOX 1313, VALDEZ	X *	
9. LINDA LEVY	P.O. BOX 33, VALDEZ	X *	
10. GENE SALINAS	P.O. BOX 915, VALDEZ	X *	
11. REBECCA J. REEVES	P.O. BOX 2173, VALDEZ	X *	
12. JOHN HILGENDORF	P.O. BOX 2173, VALDEZ		X
13. KIM GOOD	P.O. BOX 2176, VALDEZ 835-2654	X *	
14. LINDA NESLUND	P.O. BOX 1815, VALDEZ 835-4407	X *	
15. CHERYL MYERS	P.O. BOX 354, VALDEZ	X *	
16. KANDI CONNOR	P.O. BOX 2500, VALDEZ	X *	
17. STEVEN STONE	P.O. BOX 2391, VALDEZ	X *	
18. PATRICK LEVY	P.O. BOX 33, VALDEZ 835-4658	X *	

\* DID NOT HAVE OPPORTUNITY TO TESTIFY. HOPEFULLY THERE WILL BE ANOTHER T/C ON THIS SUBJECT WITH MORE TIME AVAILABLE.

SORRY THIS DID NOT GO OFF LAST NIGHT. I HAD A ZORK 22.

MSG 84-00019689 PRTY 1 03/01/84 14:22:59 ORIG: LAS3 IN= 0005 OUT= 0070  
FROM: MICKI/ANCHORAGE T/C TO: KEN/JUNEAU T/C  
TARGET: LJHV SUBJ: HOUSE RESOURCES/ HJR 58 "KILLER WHALES"

FINAL STATS

\*\*\*\*\*  
LEGISLATIVE TELECONFERENCE NETWORK SIGN-IN SHEET  
\*\*\*\*\*

DATE: WED. FEBRUARY 29, 1984  
SITE: ANCHORAGE  
SPONSOR/SUBJECT: HOUSE RES. RESCES, HJR 58 "KILLER WHALES"

3..TESTIFIED \*\*\*\*\*T/C STARTED: 3:15  
..19..OBSERVED \*\*\*\*\*T/C ENDED: 5:00PM  
..22..TOTAL

TESTIFIED

\*\*\*\*\*

1. DR. JOHN HALL, SOLACE ENTERPRISES, PO BOX 4885, 99510, 688-3188
2. RON BRINKLEY, PO BOX 4-966, 99501
3. TIM JONES, STAN STEPHENS CHARTERS, BOX 106, 99510 349-5070

OBSERVED

\*\*\*\*\*

1. CLIFF EAMES, 3725 MOUNTAIN VIEW DR., 99508
2. BILLY JOE WARREN, 3601 PETERKIN AVE. #B, 99508
3. MARK COCK, 321 LAKERIDGE DR, EAGLE RIVER, 680-3644

LJHV

\*\*\*\*\*  
UNABLE TO TESTIFY DUE TO TIME  
\*\*\*\*\*

1. CINDY LOWRY, 9271 CAMPBELL TERR. 243-4061
2. LARRY WILLIAMS, SRA BOX 2437A, 99507, 345-6267
3. SALLIE HOGG, 3032 W. 42ND PLACE #6, 99503, 248-1015
4. GALE LAZARUS, ALASKA ZOO, SRA BOX 1728 W. 99507, 344-3022
5. TERRY BURRELL, PO BOX 8, 99510 333-2774
6. CHARLES K. (KELLY) WEAVERLING, 1303 W. 39TH PL. 99503, 563-2262
7. DAVID J. DRISCOLL, 1146 KARLUK, ANCHORAGE
8. WAYNE HALL, 2411 INGRA ST. , ANCHORAGE 99508
9. MARILYN HOUSER, PO BOX 6455, 274-6524
10. BILL PARKER, 200 DENALI, 272-4192
11. RACHEL MEEKS, AK. PRINCESS CHARTERS, INC. 3320 SEAWIND DR. 345-5583
12. JIM MEEKS, SELF, 3320 SEAWIND DR, ANCHORAGE 345-5583
13. BONNIE STEER, SRA BOX 24M, 344-6928
14. DAVID FINKELSTEIN, SELF, 3911 PETERKIN AVE, 99508, 272-9317
15. FRED KOUNTS, 701 C STREET, BOX 43, 271-5006
16. JANIS FOLE, 943 W. 20TH, 99503, 272-2764

MSG 84-00019247 PRTY 1 02/29/84 17:10:27 ORIG: LP02 IN=0000 OUT=0000  
FROM: PAULA/FBX TO: JNO T/C  
TARGET: LJHV SUBJ: FINAL STATS/HOUSE RESOURCES HJR 58/ 2-29

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\*\*\*\*\*  
LEGISLATIVE TELECONFERENCE NETWORK SIGN-IN SHEET  
\*\*\*\*\*

2-29-84 \_\_\_\_\_ : DATE  
FAIRBANKS \_\_\_\_\_ : SITE/LOCATION  
HOUSE RESOURCES/HJR 58/ KILLER WHALES: SPONSOR/SUBJECT

TESTIFIED/PARTICIPATED:

- 1. CELIA M. HUNTER, SR 20974, FKS, AK, 99701 479-2754

OBSERVED:

\_\_\_\_\_STATS\_\_\_\_\_  
1 \_\_\_\_\_TESTIFY/ED \*\*\*\*\*T/C STARTED: 3:15 P.M.  
0 \_\_\_\_\_OBSERVE/ED \*\*\*\*\*T/C ENDED: 5:00 P.M.  
1 \_\_\_\_\_TOTAL

=====EDM

FEBRUARY 29, 1984  
MEDIA STUDIO/UNALASKA  
HOUSE RESOURCES COMMITTEE/  
HJR-58 "KILLER WHALES"

CEC RIORDAN/MODERATOR

NAME/REPRESENTING	ADDRESS/PHONE	TESTIFY	OBSERVE
1. MICHAEL SAFFORD	GENERAL DELIVERY, UNALASKA 581-1297	X	X
2. MARK GUSTAFSON	PO BOX 14, UNALASKA 581-1380	X	

2 TO TESTIFY BUT DID NOT GET TO  
0 TO OBSERVE  
2 TOTAL

T/C STARTED 3:20 P.M.  
T/C ENDED 5:00 P.M.

BOTH PARTIES WOULD LIKE TO BE ABLE TO GIVE THEIR TESTIMONY AT A LATE DATE IF THERE IS TO BE ANOTHER TELECONFERENCE. THEY FELT FLUSTERED THAT THEY WERE NOT ABLE TO BE HEARD.

MSG 94-00019245 PRTY 1 02/29/84 17:10:36 ORIG: 410\$ IN= 0002 OUT= 0079  
FROM: TOM IN JNU TO: ALL SITES ATTN ANC  
TARGET: LJVH SUBJ: PART LIST ORCA T/C 2/29

THOSE NON-COMMITTEE MEMBERS WHO SPOKE,

REP MIKE SZYMANSKI LEG  
LANNY CORNELL, SEA WORLD, SAN DIEGO  
DR. PAUL SPONG, ORCALAB, ALERT BAY, BC  
RICHARD OSBORNE, MOCLIPS CETOLOGICAL INSTITUTE, FRIDAY HARBOR WA  
AUSTIN HAMMOND, ANB-ANS, CAMP 5, HAINES  
STEPHEN LEATHERWOOD, HUBBS-SEA WORLD RESEARCH INSTITUTE, SAN DIEGO, CA  
DENNIS KELSO ADF&G  
LEW FAMPLIN "

THIS IS A QUICK LIST.

TOM.....

MSG 84-00019415 PRTY 1 03/01/84 09:27:30 ORIG: SOL# IN= 0003 OUT= 0013  
FROM: SOLDOTNA/ TC: JUNEAU T/C  
TARGET: LJHV SUBJ: F. STATS

\*\*\*\*\*  
LEGISLATIVE TELECONFERENCE NETWORK SIGN-IN SHEET  
\*\*\*\*\*

2/29/84 . DATE  
SOLDOTNA . SITE/LOCATION  
HJR 58 KILLER WHALES . SPONSOR/SUBJECT  
3:30 : T/C START  
5:00 : T/C ENDED

TESTIFY/ED  
OBSERVE/ED  
1 TOTAL

NAME/REPRESENTING	ADDRESS/PHONE	TESTIFY	OBSERVE
1. ROB SIZEMORE	BOX 4199 KENAI, AK	WANTED TO TESTIFY	
2.		BUT THERE WAS NO	
3.		TIME.	
4.			

\*\*\*REGIONAL STATS\*\*\*

HOMER LTC SITE  
TESTIFIED  
1 OBSERVED  
1 TOTAL

1. SEAN MARTIN	BOX 809, HOMER		X
2.			
3.			
4.			

\*\*\*REGIONAL STATS\*\*\*

SEWARD LTC SITE  
TESTIFIED  
OBSERVED  
0 TOTAL

1.  
2.  
3.

MSG 84-00019242 PRTY 1 02/29/84 17:01:41 ORIG: 460# IN= 0012 OUT= 0078  
FROM: PETERSBURG/DOROTHY TO: JNU/TC  
TARGET: LJHV SUBJ: FINAL STATS

\*\*\*\*\*  
LEGISLATIVE TELECONFERENCE NETWORK SIGN-IN SHEET  
\*\*\*\*\*

\*\*\*\*\*MODERATOR\*\*\*\*\*  
TOM/JUNEAU

DATE FEB.29, 1984  
SITE: PETERSBURG  
SUBJECT: HJR 58 KILLER WHALES

..0...TESTIFIED  
..3...OBSERVED  
..3...TOTAL

\*\*\*\*\*T/C STARTED: 3:15 P.M.  
\*\*\*\*\*T/C ENDED: 5:00 P.M.

\*\*\*\*\*  
TESTIFIED  
--0--

OBSERVED  
\*\*\*\*\*

1. NEVA BOWEN	BOX 68	PETERSBURG, AK 99833	772-4974
2. MARY JANE BEY	BOX 709	PETERSBURG, AK 99833	772-3144
3. MARILYN GEORGE	BOX 1031	PETERSBURG, AK 99833	772-4515

NEVA BOWEN AND MARILYN GEORGE WERE PREPARED TO TESTIFY, BUT TIME WOULD NOT ALLOW.

MSG 84-00019238 PRTY 1 02/29/84 16:58:01 ORIG: LK00 IN= 0008 UUI= 00??  
 FROM: EVELYN/KETCHIKAN TO: JNUTC  
 TARGET: LJVH SUBJ: HJR 58/KILLER WHALES 2/29-TOM MODERATOR

\*\*\*\*\*  
 LEGISLATIVE TELECONFERENCE NETWORK SIGN-IN SHEET  
 \*\*\*\*\*

\_\_FEB 29, 1984\_\_ : DATE  
 \_\_KTN/LIO\_\_ : SITE/LOCATION  
 \_\_HOUSE RESOURCE/KILLER WHALES \_\_ : SPONSOR/SUBJECT

FINAL STATS:

--2----: TESTIFIED                   \*\*\*\*\*T/C STARTED:-3:30PM----  
 --5----: OBSERVED                   \*\*\*\*\*T/C ENDED:-5:00PM----  
 --7----: TOTAL                      NOTE: FOUR PEOPLE WANTED TO TESTIFY--COULDN'T.

NAME/REPRESENTING	ADDRESS/PHONE	TESTIFY	OBSERVE
1. JILL DOBRYBHIA, N. POINT HIGGENS, KETCHIKAN, AK 99901	PHONE: 247-2307	X	
2. PAM LEASK, PO BOX 756, WARD COVE, AK 99928	PHONE: 225-4397	X	
3. KATHERINE DREYFUS, PO BOX 8713, KETCHIKAN, AK 99901	PHONE: NONE		X
4. ROCHELLE ROLLENHAGEN, PO BOX 5311, KETCHIKAN, AK 99901	PHONE: NONE		X
5. S.D. GRIFFITH, 2509 FOURTH AVE, KETCHIKAN, AK 99901			X
6. DAVID S. KIFFER, KTN DAILY NEWS, DOCK ST., KETCHIKAN, AK 99901			X
7. CONNIE GRIFFITH, 2509 FOURTH AVE, KETCHIKAN, AK 99901			X

MSG 84-00019256 PRTY 1 02/29/84 17:34:31 ORIG: LR00 IN= 0015 OUT= 0082  
FROM: JOHN IN BARROW TO: JNUTC STATS (TOM)  
TARGET: LJHV SUBJ: 2/29 (H)RES HJR-58 T/C.

FINAL STATS\*\*\*\*\*FINAL STATS\*\*\*\*\*FINAL STATS\*\*\*\*\*FINAL STATS\*\*\*\*\*  
\*\*\*\*\*FINAL STATS\*\*\*\*\*FINAL STATS\*\*\*\*\*FINAL STATS\*\*\*\*\*FINAL STATS\*\*\*\*\*  
\*\*\*\*\*  
LEGISLATIVE TELECONFERENCE NETWORK SIGN-IN SHEET  
\*\*\*\*\*

FEB. 29, 1984 \_\_\_\_\_ : DATE  
BARROW LIO \_\_\_\_\_ : SITE/LOCATION  
(H)RES --- HJR-58 \_\_\_\_\_ : SPONSOR/SUBJECT

NAME/REPRESENTING	ADDRESS/PHONE	TESTIFY	OBSERVE
1. LAURIE KIBBY	A.E.W.C. BOX 576 BARROW 99723		XXX

\_\_\_\_\_-0-\_\_TESTIFY/ED  
\_\_\_\_\_-1-\_\_OBSERVE/ED  
\_\_\_\_\_-1-\_\_TOTAL

\_\_\_\_\_-STATS\_\_\_\_\_  
\*\*\*\*\*T/C STARTED: \_\_\_3:00\_\_  
\*\*\*\*\*T/C ENDED: \_\_\_5:00\_\_

\*\*\*\*\*  
LEGISLATIVE TELECONFERENCE NETWORK SIGN-IN SHEET  
\*\*\*\*\*

DATE: FEBRUARY 29  
SITE: SITKA  
SPONSOR/SUBJECT: H RESOURCES/KILLER WHALES

0.....TESTIFIED \*\*\*\*\*T/C STARTED: 3:30  
0.....OBSERVED \*\*\*\*\*T/C ENDED: 5  
\*0\* TOTAL

NO ONE IN ATTENDANCE  
\*\*\*\*\*

HAINES	HOONAH	YAKUTAT	CORDOVA
1 TESTIFIED	0 TESTIFIED	0 TESTIFIED	2 TESTIFIED*
1 OBSERVED	1 OBSERVED	0 OBSERVED	2 OBSERVED
*2* TOTAL	*1* TOTAL	0 TOTAL	*4* TOTAL (2 WITNESSES WERE UNABLE TO SPEAK

HAINES/TESTIFIED

1. GEORGE A. LEWIS, BOX 183, HAINES

OBSERVED

1. REBECCA REDWINE-MUNROE, BOX 602, HAINES

HOONAH/OBSERVED

1. CECILIA TAVILIERO, BOX 204, HOONAH

CORDOVA/WISHED TO TESTIFY BUT WERE NOT CALLED

1. ROBYN TAYYAN, BOX 398, CORDOVA
2. SANDRA KING, BOX 965, CORDOVA

OBSERVED

1. BET BROEKENA, BOX 1301, CORDOVA
2. PAMELA STRICKLAND, BOX 1517

PLEASE SUPPORT HSR # 58 - WE ARE CONCERNED  
HOUSE RESOURCES COMMITTEE  
FEB 21 1984

# ALASKA'S KILLER WHALES

PAUL + BONNIE STEER  
S.P.A. Box 241M  
Anch., AK 99507

To: Prince William Sound Boaters and other Concerned Persons

From: Jim and Nancy Lethcoe, Alaskan Wilderness Sailing Safaris (Whittier); Stan Stephens, Stan Stephens Yacht Charters (Valdez), Tim Jones, PWS charter boat skipper; Gail Somerville, Anchorage Friend of the Killer Whales. Beth Buchanan, Alaska Marine Charter Service; Carol Clause, Resurrection Bay Sails (Seward), Bev and Carroll Griffith, Adventure Cruises (Seward), Jeop Reed, Pilot Rock Sailing Charters (Whittier), Joan Gidlund, Prince William Sound Glacier Cruises (Whittier); Bob Scott, Mt. McKinley Alaska Glacier Tours (Anchorage); Anita Stewart, Anchor Tours and Charters (Homer); Katy Case, Case Alaska with Katy (booking agent, Anchorage). Natural History Ventures, (Whittier); Paul and Priscilla Steer, Arctic Tern II Leasing, (Whittier); John Sheety, Marish Charters (Seward). Background materials prepared by Nancy Lethcoe.

## Topic: BACKGROUND SHEET ON KILLER WHALES AND CAPTURE PROGRAMS

Killer whales, *orcinus orca*, are the largest toothed whales utilizing Prince William Sound. Although Killer whales may be seen any time during the year, it is not known whether individual pods, which are permanent family groups, are year round residents or migrants who use the Sound as an important part of their yearly cycle. Larger than normal concentrations of killer whales are often seen in November and early December. Unlike other U.S. coastal areas, virtually no base-line research exists on Alaska's killer whale pods including their size, composition, range, territories and behavior.

In Sept. 1983, the National Marine Fisheries granted Sea World a permit to capture 100 killer whales. The permit authorizes capture of 100 killer whales with an average of 8 killer whales being kept each year for 5 years for public display and breeding purposes. Not more than 30 whales are to be captured each year in Alaska. Prince William Sound's Knight Island pod is a specific target. Sea World's operations are expected to begin in July, 1984.

Among other things, the permit states that:

1. Authorization from the Assistant Administrator for Fisheries (William G. Gordon) is required prior to conducting any capture activities.
2. A local population census study (minimal) must be made.
3. No more than two animals may be removed from any distinct pod and no more than 1/2 of any sex/age class (immature, mature) may be removed for any distinct pod during a 5-year period.
4. The animals shall be taken by the means, in the areas, and for the purposes set forth in the application unless otherwise specified in this Permit.
5. The captured animals can only be held for as long as "the associated animals remain in the area," until authorized by the Assistant Adm. for Fisheries. Authorization to hold them longer is pending on the results of a pilot study to determine how long killer whales can be kept and still return to their original pod.
6. Animals previously captured may be recaptured up to 2 times but not more than once in any calendar year.
7. Animals encircled by net in the course of any authorized activity shall be considered captured.

The permit requires only that the Assist. Admin. for Fisheries be notified that a capture is about to occur, it does not require that an observer be aboard any or all Sea World associated boats from the beginning to the end of the capture effort or that Sea World make available its records so that outside observers can know whether Sea World is abiding by the terms of its permit in capturing the right number of whales the specified number of times.

## REVIEW OF SOME PAST CAPTURE EFFORTS AND POTENTIAL PROBLEM AREAS:

1. The permit does not sufficiently stipulate the capture techniques and any restrictions on such techniques.

To capture killer whales, the hunters must be able to track a pod. Tracking procedures have not been specified in the application or the permit. In the Puget Sound area, there were considerable problems with inhumane tracking procedures, such as harpooning the dominant whale and following the brightly colored float attached to the harpoon for days and weeks at a time. This was banned by the Marine Mammal Protection Act.

Techniques used in the capture need to be analysed for their safety to the killer whales and their humanness. "The ethics of killer whale hunting became a nationwide topic of discussion after a hunter (Don Goldsberry, Chief Collector for Sea World) captured six whales near Olympia, Wash. . . . He used two motorboats, a spotter airplane, and small explosive depth charges to frighten the animals into a net. In an atmosphere of strong public feeling, the State of Washington brought suit against the hunter and the aquarium corporation for which he was acting. Soon the federal government was drawn into the action. By then, three of the captives had escaped and one had been released because it was too large to keep. The corporation abruptly released the remaining two and agreed never again to hunt whales in Puget Sound (voluntarily signed by Dr. Lanny Cornell, Sea World)" (Scheffer, p. 125-126).

The permit states that "the collection techniques and procedures referenced in the applications are acceptable and shall be the manner in which the animals are taken." Sea World's application requests that Donald Goldsberry be allowed maximum flexibility in the use of any techniques described in the two-page paper "A Live Capture Technique for the Killer Whale," by Goldsberry and Asper, 1978 (Ironically, this is the year that another 2 of their captured whales died). The paper recommends using explosives, speedboats, and low-flying aircraft within 50 feet of the water -- or less when landing. This leaves open the use of very low flying and taxiing float planes being used to drive the whales.

2. Observers are needed to see that the terms of the permit are followed. The observers must have access to Sea World Scientific data to know whether whales are being recaptured or taken from the same pods.

In the past, hunters in Puget Sound have attempted to avoid adverse publicity by concealing the deaths of killer whales during capture. "For example, in 1970, the bodies of four baby killer whales, trussed and weighted like Chicago gangsters, washed ashore . . . at the scene of a previous hunt." (Scheffer, p. 125). Observers should be placed aboard all Sea World chase and capture boats to avoid this type of tragedy.

3. Captured killer whales need to be kept either temporarily or permanently. The permit makes no mention of how and where captured killer whales are to be held. Lanny Cornell has stated that they will be kept in nets or on deck for 4-5 days (presumably after they have satisfied the NMFS's concern that killer whales will be able to return to their pods when released.) Sea World's application mentions "allowing" the killer whales to swim into a bay, then closing the bay off with large mesh nets until the killer whales are moved into water once their length in depth. They will be penned in enclosures twice their body length.

4. Some scientists and boat operators claim that persistent hunting "spooks" killer whales. Some collectors, such as Sea World's Don Goldsberry, deny this. However, others report that killer whales learned to recognize the motor of capture boats and avoided going to places where they had been harassed or captured. (Scheffer, p. 127 and personal communication with Bill Boyd, former Skipper of Killer Whale capture boat for Sealand of the Pacific Ltd. Victoria, B.C.). Charter boat operators and recreational boaters in Puget Sound felt that killer whale hunting made the killer whales more wary of boats in general and that fewer migrant pods of killer whales visited Puget Sound waters. At the time, inadequate baseline information was available to ascertain this. No killer whale pod identification, territory, and behavioral studies have been done in Prince William Sound, so Sea World will again be able to argue that their hunting has no demonstrable effect on killer whale population shifts or behavior.

5. In the past, many killer whales have died during the capture process or from illnesses probably resulting from stresses related to capture. In the wild killer whales are believed to live 25 to 50

years. Of the 86 whales kept for exhibition or research between 1961 and 1980, 54 have died; 23 died within the first year. Stress related illnesses, such as pneumonia, ulcers, heart-attacks, and fungus are the major causes of death. Based on statistics in B. Hoyt, *The Whale Called Killer*, pp. 186-192. Of the 223 whales captured in Puget Sound, 10 died during capture, 31 were kept and 182 were released or escaped. These figures are low because accurate records were not kept of any category except whales kept. Hoyt, pp. 182-184. According to Hoyt's statistics, Sea World had kept 18 whales by 1980 of which 9 had died and 7 (from Iceland) had been in captivity for less than 3 years. At the time of the permit, Sea World had 8 whales.

6. Sea World and their chief collector, Donald Goldsberry, have a dubious past record. In 1970, Canada banned the collection of killer whales by non-Canadians partly as a result of abuses associated with Don Goldsberry's activities. In 1976, Sea World voluntarily signed the out-of-court settlement never to hunt in Washington State again as a direct result of lawsuit against them and Donald Goldsberry over their chase and capture procedures. After leaving Washington, Don Goldsberry went to Iceland. In the first two years, he captured 18 whales. Five suffered frostbite through neglect while in the holding pens. Two died. The rest were subsequently released. No attempt was apparently made to follow up on their survival. The Icelandic zoo with which Don Goldsberry is associated is under serious threat of closure by Icelandic authorities for neglecting the animals and treating them inhumanely.

7. Sea World's breeding program: According to Sea World spokesman, Lanny Cornell, Sea World already has enough killer whales to carry on and eventually obtain their breeding objectives, but it would take less time if more whales could be captured and added to the program. However, some marine biologists question whether Sea World or any other aquarium can keep a sufficient number of killer whales alive long enough to carry on a successful breeding program. Female killer whales attain maturity at about 13 years.

8. Opening Pandora's Box: Issuance of a permit to Sea World has opened the possibility that numerous other aquariums and freelance hunters will seek permits. Sea World argues that once they obtain more whales to speed up their breeding program that wild killer whales will no longer need to be captured. In effect, either Sea World will have been given a monopoly on the killer whale market for amusement parks or potentially all other aquariums will now be able to argue that they should receive equal access to and use of the wild killer whale resource.

#### SUGGESTED ACTION:

**STATE LEVEL:** You may wish to write your State Senators and Representatives asking for their support on House Joint Resolution 58 (major sponsor, Rep. Mike Szymanski) and Senate Joint Resolution 31 (major sponsor: Senator Vic Fischer). These bills are currently in the Resources committee. Public opinion messages can be sent to all members of the resources committee by calling 278-3668.

Representative Mike Szymanski and Senator Vic Fischer have introduced joint resolutions that address many of the above concerns. For additional packets of information, including a copy of the permit, contact: Representative Mike Szymanski, Pouch V, Juneau, AK 99811, phone: 465-4978/4979 or Vic Fischer, Pouch V, Juneau, AK. 99811, phone, 465-4954/4955/4997.

**FEDERAL LEVEL:** Legislation has recently been introduced to the House of Representatives seeking a ban on capturing killer whales in all United States waters. You might wish to write Rep. Don Young asking him to support this. Similar letters could be sent to Senators Murkowski and Stevens asking them to co-sponsor this legislation in the Senate.

You might wish to include some of the following points:

1. Sea World maintains that they are confident no killer whales are going to die as a result of their chase and capture program. Sea World should be asked to make a public statement that if a killer whale does die as a result of their capture efforts, that they will voluntarily cease and desist from any

more efforts to capture killer whales in Alaskan waters.

2. Observers should be placed aboard all Sea World chase and capture boats to verify that Sea World follows the stipulations in its permit. National Marine Fisheries Service issued the permit and has enforcement responsibility. However, they apparently have no boats or funding to enforce the stipulations in the permit. According to Jim Brooks of the NMFS (Juneau), Sea World will notify the NMFS when they intend to implement their permit and the NMFS will then place an observer aboard the boat to watch the process from start to finish. The NMFS is pleased that the State of Alaska is considering placing Dept. of Fish and Game personnel aboard the boats. If this is done, then the NMFS will probably deputize the AK. Dept. of Fish and Game personnel. The State would then be expected to pick up the costs of having enforcement officers aboard the boats. According to Jim Brooks, Sea World is very aware of its public image. He is confident that they will not begin any capture operations (even if poor weather delays the arrival of an enforcement officer for several days) until the designated officer is aboard the boat.

3. Before any hunting is permitted in Alaskan waters, Sea World should be required to spend 3 to 5 years establishing base-line research on killer whale pods including their composition, productivity, territories and behavioral patterns. This is needed to obtain a better understanding of the short and long term effects of capturing killer whales on local killer whale populations and behavior. This is a standard professional procedure that for some inexplicable reason has apparently been waived by the National Marine Fisheries Service. Instead they are accepting population estimates which have little statistical reliability and which provide no information on pod size, distribution, behavior, etc.

4. Hunting, capture, and transportation procedures should be subject to periodic public review to guarantee the minimum amount of cruelty and inhumaneness to the animals directly involved and the least amount of harassment possible to those indirectly involved.

5. Some type of follow-up studies should be required on those killer whales that were captured and released to determine what effects if any capture had on the killer whale and if it returned successfully to its original pod or met with subsequent mishaps as a result of capture.

6. Killer whales should not be captured within Alaskan waters until the State of Alaska Dept. of Fish and Game gives its approval.

7. Public hearings should be held in Alaska. Sea World strongly opposes public hearings.

8. Many questions need to be answered on the validity of the research. Is this a responsible research plan or one that fits best with Sea World's own commercial interests? In the judgement of the scientific community is this the type of research that is really needed or are there more important research projects?

9. Sea World maintains that killer whales thrive in an aquarium environment. Sea World should be asked to provide evidence supporting this claim. High death statistics, the failure of killer whales to emit sounds in captivity, reproduction problems (Marineland has had a least 4 killer whales that were conceived in captivity either died prior to birth or within a short time after birth), and physical problems such as collapse of their dorsal fins would seem to indicate that captivity places considerable stress on the whales.

10. The strongest protection that could be given Alaska's killer whales is to ask the State Legislature and Dept. of Fish and Game to prohibit the taking of killer whales within the 3 mile limit.

For additional general information or to place your name on a mailing list to be kept informed of developments, contact the Alaska Wildlife Alliance, P.O. Box 6953, Anchorage, AK 99502. Phone: 277-0897.

MSG 84-00011039 PRTY 1 02/07/84 15:20:51 ORIG: LA09 IN= 0010 OUT= 0105  
FROM: SHIRLEE ANC LIO TO: POMS/JUNEAU INFO  
TARGET: LJHK SUBJ: P.O.M. \

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TO: REPRESENTATIVES LINDAUER, RUSSELL, RINGSTAD, SHULTZ,  
UEHLING, COWDERY, LISKA, VASKA, GOLL, LARSON

FROM: WAYNE HALL  
2411 INGRA STREET  
ANCHORAGE, AK 99508 (H) 277-0897 (W) 266-1416

PLEASE SUPPORT HJR 58 TO PLACE CONDITIONS ON THE CAPTURE OF KILLER  
WHALES BY SEA WORLD AND WORK TO PREVENT ANY CAPTURES WITHIN THREE  
MILES OF ALASKA'S SHORELINE. WE SHOULD NOT BE ENDANGERING THESE  
HIGHLY INTELLIGENT AND SOCIAL ANIMALS SO THEY CAN BE SOLD TO  
TOURISTS IN THE LOWER '48.

\*\*\*\*\*

THIS  BILL  RESOLUTION

has been prepared by the staff of the Legal Services Division of the Legislative Affairs Agency in response to the request and at the direction of the sponsor. The staff has attempted to place it in proper legal and clerical form subject to any special limitations or instructions of the sponsor. Requests for bills and resolutions are kept confidential by the staff and any announcement of intent to have a document drafted or introduced is the prerogative and responsibility of the sponsoring member. The agency or its staff may not endorse or comment on policy matters involved in a bill or resolution. The substance and merits of a bill or resolution are the responsibility of the sponsor.

Delivered to sponsor: 4/11/84

Original sponsors: Szymanski, Martin,  
N.M. Miller, et al

1 IN THE HOUSE

BY THE RESOURCES COMMITTEE

2 CS FOR HOUSE JOINT RESOLUTION NO. 58 (Resources)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 THIRTEENTH LEGISLATURE - SECOND SESSION

5 Relating to the capture of orcas in  
6 Alaska waters.

7 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALASKA:

8 WHEREAS the State of Alaska and its people have an abiding interest in  
9 the wildlife of the state; and

10 WHEREAS the National Marine Fisheries Service has issued to Sea World,  
11 Inc., a permit to capture 100 orcas (killer whales) in Alaska waters and to  
12 retain 10 of the orcas for breeding and public display; and

13 WHEREAS the State of Alaska has been engaged in discussions with Sea  
14 World, Inc., concerning the issuance of a state permit that would condition  
15 the capture of orcas on (1) performance of certain investigations prior to  
16 capture, (2) compliance with conditions regulating the locations, methods,  
17 times and other aspects of capture, (3) providing for observers to be  
18 stationed aboard vessels used for captures, and (4) providing for the  
19 reimbursement of certain costs that may be incurred by the state as a  
20 result of capture activities; and

21 WHEREAS Alaskans have testified overwhelmingly against the capture and  
22 removal of orcas from Alaska waters;

23 BE IT RESOLVED by the Alaska State legislature that the Congress of  
24 the United States is requested to (1) prohibit the taking of orcas in  
25 Alaska waters; or (2) require that the capture of orcas in Alaska waters be  
26 carried out only after public hearings are conducted in Alaska by the  
27 National Marine Fisheries Service and only after obtaining a permit from  
28 the State of Alaska that stipulates conditions for conducting research and  
29 capture activities; and be it

1           FURTHER RESOLVED that the National Marine Fisheries Service is re-  
2 requested to (1) revoke the permit issued to Sea World, Inc., for the capture  
3 of orcas in Alaska waters; or (2) require that Sea World, Inc., obtain a  
4 permit from the State of Alaska and to abide by all conditions of the  
5 Alaska permit before proceeding with any orca capture or research activi-  
6 ties in Alaska waters; and be it

7           FURTHER RESOLVED that the governor of Alaska is respectfully requested  
8 to (1) vigorously pursue implementation of this resolution; and (2) act  
9 firmly to prevent illegal or unauthorized interference with or harassment  
10 of orcas in Alaska waters.

11           COPIES of this resolution shall be sent to the Honorable George Bush,  
12 Vice-President of the United States and President of the U.S. Senate; the  
13 Honorable Thomas P. O'Neill, Jr., Speaker of the House of Representatives;  
14 and to the Honorable Ted Stevens and the Honorable Frank Murkowski, U.S.  
15 Senators, and the Honorable Don Young, U.S. Representative, members of the  
16 Alaska delegation in Congress; William G. Gordon, assistant administrator  
17 for fisheries, National Marine Fisheries Service; and the Honorable Bill  
18 Sheffield, Governor of Alaska.



UNITED STATES DEPARTMENT OF COMMERCE  
National Oceanic and Atmospheric Administration  
NATIONAL MARINE FISHERIES SERVICE  
Washington, D.C. 20235

66

NOV 01 1983

F/M411:PM

Dr. Lanny H. Cornell  
Senior Vice President/  
Zoological Director  
Sea World, Inc.  
1720 South Shores Road, Mission Bay  
San Diego, California 92109

Dear Dr. Cornell:

Enclosed is a signed permit issued under the authority of the Marine Mammal Protection Act of 1972, authorizing the taking of killer whales (Orcinus orca) for the purposes of public display and scientific research. It is required that you review and comply with the Permit, the General Conditions attached thereto, and the enclosed Act and Regulations prior to engaging in the authorized activities. As provided in Section C-2e of the Permit, I have determined that the collection techniques and procedures referenced in the application are acceptable and shall be the manner in which the animals are taken.

Please give careful attention to the Special Conditions of the Permit, noting especially the restrictions, prior authorizations, and reporting requirements. Concerning Special Condition B-2, a preliminary survey is required prior to conducting activities in any area. Information on number of animals, number of groups or pods, and size and distribution of groups or pods observed should be provided. The survey should be designed to provide information on the local abundance of killer whales in that area to be reasonably assured that the minimum population estimates provided in the application are realistic. Removal of animals from any area will be limited to two percent of the minimum population estimate over a two-year period. Based on the current estimates, no more than two animals over a two-year period would be allowed to be removed from Shelikof Strait, Prince William Sound, or Southeast Alaska. Special Conditions B-7 and 8 require you to supply more detailed information on size, structure, and composition of groups or pods, as well as the results of survey and monitoring efforts designed to provide information on the population(s) and the effects of the activities on the animals taken. This information is needed in order to evaluate and consider reauthorization of activities in following years.

Section A-3 authorizes killer whales to be captured a total of three times, but not more than once in any calendar year. In order to comply with this restriction, appropriate animals should be marked or tagged to allow subsequent recognition, unless the animals are recognizable by other means.



Concern has been expressed that animals captured and later released may not rejoin a group or pod of killer whales. Therefore, until further authorization is received, animals may not be held beyond the time required for on-board research activities or beyond the time associated animals remain in the area. In order to be assured that whales are remaining in the area, visual contact with the associated whales must be maintained. Where possible, I further recommend that animals not be held more than 8 hours or beyond dusk. Prior to authorizing more extended temporary holding (beyond the time required for on-board research activities or beyond the time associated animals remain in the area), you are required to develop and submit for approval a study designed to determine whether animals will rejoin a killer whale group or pod upon release. Determinations on further authorization to temporarily hold animals will be made based on results of this study.

In regard to Special Condition E-5, I have determined that further information is required in order to have a better understanding of certain of the proposed research activities and the possible adverse effects to individual animals. The information required for each specific activity is outlined below.

1. Liver biopsies. It is unclear from the information provided whether biopsies will be taken only from animals suspected of having liver disease, a cross-section of apparently healthy animals, or both. Further, no information was provided on the criteria for determining possible liver disease. Therefore, any request to conduct this activity should include (a) clarification of the selection criteria that will be used in determining which animals will be biopsied and the rationale for the numbers of biopsies requested, and (b) the numbers of captive killer whales which have been biopsied and the effects on the animals.

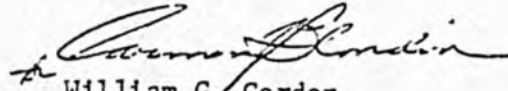
2. Hearing tests and respiratory studies. Prior to authorizing either of these studies, the procedures must be tested on captive killer whales. Any request to conduct these activities should include a description of the specific procedures used on captive animals, time involved to conduct the studies, the effects of the procedures on the animals, and any variations in the procedures proposed to be used in the field studies.

3. Tooth extraction. Any request to conduct tooth extractions should include (a) the numbers of captive killer whales which have had teeth extracted and the effects on the animals; (b) whether any antibiotics, such as tetracycline, will be administered and the type and dosage proposed; and (c) a more detailed description of the procedures to be used in the field, including how the killer whales jaws will be held open to permit tooth extraction.

4. Stomach lavage. Any request to stomach lavage should include (a) a more detailed description of the procedures to be used in the field, including how the killer whales' jaws will be held open to permit stomach lavage, and (b) the rationale for the numbers of animals requested (two animals from each group) and how this will provide a test of the hypothesized difference between diets of large adult males and those of other herd members.

A fee of \$200 is being charged to cover the costs of permit issuance. We would appreciate receiving a check for this amount payable to the National Oceanic and Atmospheric Administration. Please submit the check to the Acting Chief, Protected Species Division, Office of Protected Species and Habitat Conservation, National Marine Fisheries Service, U.S. Department of Commerce, Washington, D.C. 20235. If you have any questions concerning authorized activities or restrictions, please contact us prior to commencing activities under this permit.

Sincerely yours,



William G. Gordon  
Assistant Administrator  
for Fisheries

Enclosures

69

U.S. DEPARTMENT OF COMMERCE  
NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION  
NATIONAL MARINE FISHERIES SERVICE

Permit to Take Marine Mammals    Permit No. 439

Sea World, Inc., 1720 South Shores Road, Mission Bay, San Diego, California 92109, is hereby authorized to take the marine mammals specified below for the purposes of public display and scientific research as described in the Permit Holder's application and subject to the provisions of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1351-1407), the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR Part 216) and the conditions hereinafter set out.

A. Number and Kind of Marine Mammals

1. Up to ten (10) killer whales (Orcinus orca), not less than 11.5 feet in length, of either sex may be taken and maintained in captivity. None of these animals shall be pregnant, nursing or unweaned. No more than two percent of the minimum population estimate for an area may be taken from that area over a two-year period. Furthermore, no more than two (2) animals may be removed from any distinct pod and no more than 1/2 of any sex/age class (immature, mature) may be removed from any distinct pod during a five-year period.
2. Up to ninety (90) killer whales (Orcinus orca) may be taken by capture and release. Animals encircled by net in the course of any authorized activity shall be considered as captured. Except for pregnant, nursing, or unweaned individuals, the following activities may be conducted on animals encircled, subject to the applicable conditions in Section B.
  - a. Up to 90 animals may be restrained, measured, photographed, and have blood samples, blowhole swabs and vaginal swabs taken.
  - b. Up to 90 that are not readily identifiable with natural markings, may be cryogenically marked.
  - c. Up to 20 may be spaghetti or streamer tagged.
  - d. Up to 10 may be radio tagged and tracked.
  - e. Up to 20 may have expired air samples taken.
  - f. Up to 20 may receive hearing tests.


- g. Up to 20 may be stomach lavaged.
  - h. Up to 20 may have one tooth extracted.
  - i. Up to 20 may have one liver biopsy taken.
  - j. Up to 40 may be transported and temporarily held up to 3 weeks prior to release. All others shall be released as soon as possible at the capture site.
3. Animals previously captured under Section A-2 may be recaptured up to 2 times but not more than once in any calendar year. Previously studied animals may be restrained, measured, photographed, blood sampled, remarked if necessary, and have the radio pack removed or changed if necessary. All recaptured animals shall be released as soon as possible at the capture site.

B. Special Conditions

1. The animals shall be taken by the means, in the areas, and for the purposes set forth in the application unless otherwise specified in this Permit.
2. Not more than 30 animals under A-2 and A-3 may be taken per year in the Alaska areas. However, authorization from the Assistant Administrator for Fisheries is required prior to conducting any capture activities in any area. The Permit Holder shall conduct an initial survey of local abundance and shall submit a report which includes the number of animals, number of groups or pods, size of groups or pods and distribution of animals observed.
3. Not more than 4 animals under A-2 and A-3 may be taken per year in the California area. However, no animals shall be taken in California until authorized by the Assistant Administrator for Fisheries. Any request for authorization to conduct capture activities in California shall include a detailed report of at least one year's activities in Alaska, a detailed list of activities and numbers of animals proposed for California, and additional information on the population.
4. None of the animals authorized to be taken under Section A-2 shall be temporarily held beyond the time required for on-board research or beyond the time associated animals remain in the area, or transported to temporary holding facilities until authorized by the Assistant Administrator for Fisheries.
  - a. Provided the Permit Holder submits a satisfactory study design to determine whether the animals will rejoin a killer whale group or pod upon release, an initial authorization will be given by the Assistant Administrator for Fisheries, in consultation with the Marine Mammal Commission, to temporarily hold animals.

- b. Authorization to allow further temporary holdings will be based on the results of the pilot study, and the holding time will be limited to the maximum time experimental animals were held and known to rejoin a killer whale group or pod.
5. No liver biopsies, stomach lavage, tooth extractions, hearing tests or respiratory studies shall be conducted under Section A-2 until authorized by the Assistant Administrator for Fisheries, in consultation with the Marine Mammal Commission.
6. In the event of the mortality of any animal in the field, all further capture activities shall be suspended, and a detailed report shall be submitted which includes the events surrounding the incident, necropsy results, and steps that will be taken to avoid similar problems in the future. Any animal that dies shall be considered taken under A-1 of this Permit. Authorization from the Assistant Administrator for Fisheries is required prior to resuming capture activities.
7. Within 60 days of any capture activities, a detailed report shall be submitted which includes the dates and location of taking, numbers of animals and pods observed, composition of pods, numbers of animals encircled, numbers captured, disposition of animals captured (immediate release, held temporarily, permanently held for captivity), activities conducted on each animal, effects of the activities on the animals and any problems which may have arisen in connection with the activities.
8. By December 31 of each year the permit is valid, an annual report shall be submitted which includes a summary of activities conducted, the results of survey and monitoring efforts designed to provide information on the population and the effects of the activities on the animals taken, and a general plan of activities to be conducted in the following year. Authorization from the Assistant Administrator for Fisheries, in consultation with the Marine Mammal Commission, is required each subsequent year to continue activities.
9. Within 90 days of completion of the research, a final report shall be submitted which includes a summary of the results of the research.
10. The Permit Holder shall notify the Regional Director, Alaska Region, National Marine Fisheries Service, P.O. Box 1668, Juneau, Alaska 98802 (telephone 907-586-7221) or the Regional Director, Southwest Region, National Marine Fisheries Service, 300 South Ferry Street, Terminal Island, California 90731 (telephone 213-548-2575), as appropriate, prior to conducting any field activities in order to determine the specific dates and locations of activities and if a NMFS observer is required. The Permit Holder shall consult with the Regional Director sufficiently in advance to allow for such a determination.
11. Upon the request of the Assistant Administrator for Fisheries, the Permit Holder shall make available for study a copy of all film taken in conjunction with the authorized activities.

12. The Department of Agriculture's regulations and standards, "Marine Mammals; Humane Handling, Care, Treatment, and Transportation," shall apply and are made a part of this Permit.
13. This Permit is valid with respect to the taking authorized herein until December 31, 1988.
- D. All General Conditions attached as Section C shall apply and are made a part hereof, except that Section C-2g, h and i are specifically waived.

  
\_\_\_\_\_  
William G. Gordon  
Assistant Administrator for Fisheries  
National Marine Fisheries Service

NOV 01 1983

\_\_\_\_\_  
Date

SUBMISSION TO NMFS PUBLIC HEARING, SEATTLE, WASH. AUGUST 16-17, 1983

My name is Paul Spong. I am the director of ORCALAB, a 13 year old research station located on Hanson Island in the Johnstone Strait region of British Columbia, Canada.

I wish first to thank you for the opportunity to be here and secondly to say that I am somewhat disappointed at having just ten minutes allocated, as I had hoped to occupy your attention for half an hour. However, I have negotiated a few minutes here and there from some of the other participants who have read my written submission and think it deserves to be heard in its entirety. I therefore beg your indulgence. I won't take half an hour, but I may take twenty minutes. If I cease to be relevant I shall of course expect you to stop me.

I wish to present the report of a workshop on the Sea World application to capture 100 and take 10 *Orcinus orca*. Those involved wish to make it clear that they participated as individuals, not as representatives of the universities, government or private organisations to which they belong. Collectively, the group effort represents the insight of more than 70 years of scientific and other observation of *Orcinus orca*, in captivity and in the ocean.

Sir, may I proceed?

REPORT OF WORKSHOP ON:  
SEA WORLD APPLICATION TO  
CAPTURE 100 AND TAKE 10  
ORCINUS ORCA.

TO: National Marine Fisheries Service,  
Washington, D.C.

PARTICIPANTS: David Bain  
Grahme Ellis  
Linda Ellis  
Deborah Ford  
John Ford  
Jeff Jacobsen  
Susan Kruse  
Paul Spong

OBSERVERS: David Garrick  
Helena Symonds  
Peter Thomas

INFORMATION: Michael Bigg

INTRODUCTION:

1. The meeting was convened by Spong and held at Orcalab, Hanson Island, B.C. and at locations in the Johnstone Strait region, August 12-15, 1983. Bigg was consulted by phone and reviewed the final draft.

2. Although the participants were willing to comment upon the content of the Sea World proposal, it was agreed that others had spoken capably regarding many specifics and to therefore emphasise the potential of field work with *Orcinus orca*, its relevance and its need regarding proposals such as Sea World's.

3. To preface with the conclusion, the Alaskan *Orcinus orca* population, being unexploited and available, represents a unique scientific opportunity which should be grasped before uninformed exploitation occurs. The Sea World breeding plan might be feasible in the future but is unlikely to succeed given the present state of knowledge.

4. The IWC has adopted a mandate to regulate the take of *Orcinus orca*; under its evolving rules a previously unexploited population should be subject to numerical determination before exploitation. Though it has been started, this has not been concluded for the Alaskan *Orcinus orca* population. Obviously, it should reach a point of scientific and statistical satisfaction before exploitation is permitted.

5. Contemporary field studies of *Orcinus orca* (Bigg et al, 1976; Bigg, 1981; Balcomb et al, 1980; Ford and Fisher, 1981) began as a result of live capture from Puget Sound-British Columbia pods in the absence of any knowledge about the population being exploited, and concern for the impact of these removals on the population.

75 animals were removed from this unknown population between 1964 and the present.

It was soon found that individual whales could be identified by natural markings. By 1976 the total B.C. population was individually identified and an accurate census reached.

The conclusion from this work was that the total B.C. population of *Orcinus orca* was just a fraction of what it was previously thought to be. The present B.C. population is 285.

These photo ID studies resulted in discovery of pod dynamics: a family-based social system in which pods are individual family groups stable over time.

Studies of pod distribution indicated there was another level of social organisation, into communities comprising several pods which may occupy home ranges.

Age structure of the population was determined.

Studies of dialects in *Orcinus orca* began in 1978. It was determined that there are pod differences in calls and that stock structure and relationships between pods can be examined using calls. These and related studies continue. There is a good chance that they will succeed in illuminating presently unclear relationships between individuals and pods that are critical to reproduction. Until this information is available, it makes little sense to cull individuals for a breeding programme, as it would amount to haphazard selection and therefore be unlikely to succeed.

Given sufficient effort, it is likely that within a few years there could be sufficient information for selection of certain individuals from the Alaskan *Orcinus orca* population, and have a good chance that they will breed successfully. At present, breeding dynamics are largely unknown and any breeding programme that involves selection and removal of pairs is unlikely to succeed.

#### SPECIFIC COMMENTS:

##### 1. Proposal to pull teeth:

(i) In general, the purpose of aging teeth is to determine the age structure of a population, mortality rates and birth rates. In *Orcinus orca*, the technique should be avoided, it doesn't work well, tooth rings become occluded at 25-30 years, although one individual has been aged at 34 years (Christenson, 1982). Mitchell's 1981 conclusion that an animal visually identified over a continuous period that implied an age of 80 at least, was just 35 years old at death, illustrates the problem. The periodicity of dentine layering has not even been clearly established yet.

(ii) Animals selected for captivity do not need to be aged by pulling teeth: length is sufficient.

(iii) If it is correct that tooth extraction is an easy procedure, it should be possible to prove it on captives. How many existing Sea World or other animals (Oo) have been aged using this technique, with what results?

(iv) Tooth extraction may cause structural damage to the lower jaw, involve possibility of infection, nerve and bone damage.

(v) In view of recent collections (e.g. USSR take of 920 in 1981) there are likely to be sufficient available teeth for any conclusion that would be informative regarding the species; the Sea World contribution would be a small addition to the collection presently available for analysis.

(vi) A proven technique exists for determining population age structure, reproduction and mortality: long-term photo identification. In British Columbia analyses of a 10 year data file indicate a median age of 48 years, so any definitive study would take some time.

(vii) Conclusion: if the study will not yield population age structure, there is little point in doing it.

## 2. Proposal to Examine Stomach Contents:

(i) Field work, though it might not be as conclusive regarding specifics, is likely to be sufficiently informative regarding feeding habits and needs. For example, in British Columbia scale sampling has established that all salmon species are taken.

(ii) If stomachs are sampled from an entire pod, content analyses are likely to be duplicate, therefore multiple replication of the procedure in a single capture is likely redundant.

(iii) If the whales are lifted on deck for this treatment, the stress involved may induce vomiting, though in such cases material might be salvaged from deck scrapings. If animals are left in nets for a prior adaptation period, digestion might reduce the usefulness of the lavage.

## 3. Proposal for Radio Tagging:

(i) Radio tags involving bolt attachment of packages to dorsal fins have proven ineffective and harmful in past studies (Bigg, pers. comm.) Photographs are appended documenting this point.

(ii) Suction tags have proven useful as a short-term method of benign radio tagging in other cetacean species (Goodyear, 1981), and should be used prior to any potentially injurious procedures.

(iii) Satellite tracking and benign attachment procedures may prove useful in the future, but at this time studies of movement using natural markings are likely to be more informative, especially if conducted over a long period.

(iv) At the present time, studies of movement using natural markings are probably more effective and less harmful than the proposed radio tagging.

## 4. Proposal to attach Spagetti or Streamer Tags:

(i) This is largely redundant, given the effectiveness of photo identification. The only advantages would be easier identification of marked animals by aerial observation and by untrained observers.

## 5. Proposal for Freeze Branding:

(i) This proposal is also redundant.

(ii) Cryogenic markings have a limited duration, almost certainly less than that of natural markings (Bigg, pers. comm.)

6. Proposal to conduct Hearing Studies:

(i) In itself, the use of surface electrodes and computer extraction of auditory evoked potentials would not be harmful.

(ii) However, stress associated with removal of the animals from the water is cause for concern. The procedure would prolong deck time, as it could not be accomplished simultaneously with gastric or stomach lavage.

(iii) In view of the small number of subjects required for this type of study, there are probably already sufficient numbers of captives available. How many captives has the procedure been applied to?

7. Proposal to conduct Liver Biopsies:

(i) This procedure, presumably of use in the selection of animals for permanent removal, is also likely to be stressful.

(ii) Blood analyses are likely to be as useful for chromosome study and health screening.

(iii) Has the procedure been proven safe and useful with captives?

8. Proposed Breeding Programme:

(i) Given the present state of knowledge, selection of animals for breeding will be difficult. It is not even possible to say whether they should be from the same or different pods or dialect groups. For example, Marineland's Orky and Corky, the only captive pair to produce offspring to date (4, all failed to survive infancy), are from the same dialect group. However, another pair from a single capture, Marineworld's Yaka and Nepo, did not breed or even attempt copulation.

(ii) Of all the combinations of haphazard captive pairings that have occurred over the past 15 years, none has resulted in successful breeding and rearing. This indicates the dimension of the problem.

(iii) Experiential, as well as genetic factors seem likely to be critical. In the Marineland case, the parents do not seem to have sufficient knowledge about rearing to conduct it successfully. Although this factor might be countered by placement of mature animals in the captive group, this presents another problem: mature *Orcinus orca* do not survive very long in captivity.

(iv) Possibly the best experience/age compromise would be to take 4-5 year old animals that had younger siblings. These might have learned something about rearing and still be young enough to survive.

(v) Given sufficient field effort, it would probably be possible to make selections with a fair chance of success. Once the breeding units

are sorted out, this could be done. Skin and blood samples would enable determination of parents and offspring. However, this would require invasive procedures. Moreover, it is first necessary to determine pod membership, a task that requires at least two years of intensive effort.

(vi) Cytogenetic studies might be useful in determining blood lines. For example, saddle patch consistency between individuals very likely result from close genetic association. In Alaska, this study could possibly be done in 2-3 years.

(vii) If haphazard selection procedures are used, which would be the case if the project proceeds in the absence of the required knowledge, removals could be detrimental to pod survival. For example, in B.C.'s "B" pod, there is a single female; if she were to be taken the pod would eventually terminate.

(viii) If transient animals are selected first, they are very unlikely to breed with other individuals from resident pods. Would this mean the breeding programme would have to rely entirely on transients? It may not be immediately apparent which pods are transient and which are resident.

(ix) The proposal covers a size range from birth to sexual maturity. As indicated above, mature animals have very little chance of captive survival. Furthermore, the taking of mature reproducing members of a pod would likely diminish the reproductive potential of the pod, and as well disrupt the close-knit social structure of the pod by removing key members. Mature animals should not be taken.

(x) Determination of genetic associations, using acoustics, cytogenetics, behavioural observation and other methods, is one of the most exciting aspects of current field investigations of *Orcinus orca* in British Columbia and Puget Sound. Yet, in both populations the genetic situation is clouded by the fact that these are already exploited stocks. The Alaskan population, being unexploited, therefore represents a great scientific opportunity and challenge. It would be most unfortunate if the scientific opportunity is not fully exploited before physical interference with the pods occurs.

(xi) To conclude, not enough is presently known about the key factors involved in *Orcinus orca* reproduction for the Sea World breeding proposal to have any real chance of success at this time. However, if the needed scientific effort is made, perhaps within a few years enough will be known to justify the attempt.

#### SCALE OF TAKE:

1. If the Sea World request is granted, in fairness NMFS and others will be constrained to issue permits for further removals to replace existing display animals at other sites over the next five years.

2. This need can be anticipated as follows:

Miami                      2      (Hugo, recently dead, Toki, old)

San Francisco 1-2 (Yaka, old, Nepo recently dead)  
 Los Angeles 2 (Orky, Corky, old)  
 Ontario 1-2 (Kandu, Nootka, old)  
 Vancouver 0-1 (Hyak, old)

Total 6-9

Other sites:

Victoria . 0 (just got 3 Icelandics, 2 alive)  
 Sea World 0 (have enough Icelandics to last a while)

Unexpected deaths are an unknown factor.

Added to the Sea World request, it is quite likely that permits for 20 removals from the Alaskan population could be issued in the next five years.

3. To maintain population levels with this level of removal, a sustainable population of 500-1000 would be needed, if growth rates are similar to those of B.C. (1-2%). However, because the B.C. population is already depleted, it's growth rate is probably higher than that of the Alaskan population. It is reasonable to conclude that the Alaskan population should be demonstrated to comprise at least 1000 available animals before a take of 20 is permitted.

RESEARCH! WORTH DOING:

This should be non-injurious to the whales, not like tagging or pulling teeth, and could include the following:

Blood tests:

Health  
 Enzymes  
 Chromosomes  
 Hormones (nepro status)

Photos: ID

Morphology  
 Sexing

Respiratory gases

Hearing tests

Measurements

Acoustics

Stomach contents (marginal)

Biopsies (for protein sequences - marginal)

RESEARCH THAT IS NOT PROPOSED BUT SHOULD BE:

Recordings of sounds from individuals, ? using contact hydrophones.

Stress measurement.

Extensive population study using photo identification techniques, prior to permit issuance.

POTENTIAL CANADIAN CONFLICT:

1. The Sea World application does not specify capture sites within Alaskan waters.
2. The northern British Columbia community of *Orcinus orca* probably spends some time in Alaskan waters, although the duration and distance of this penetration is not yet known.
3. Because of this there is a possibility that B.C. pods could be subject to capture within Alaskan waters.
4. This potential conflict should be resolved before any permits are issued to take the species in Alaskan waters.

SUMMARY:

1. The permit request to take 10 animals exceeds the number required for public display by Sea World.
2. Establishment of a breeding programme is the only justification for a large take, but:
3. *Orcinus orca* need experience to successfully rear calves.
4. Experienced animals will be very difficult to maintain.
5. Distantly related *Orcinus orca* may not be able to breed due to chromosomal incompatibility.
6. Closely related *Orcinus orca* may have inbreeding problems.
7. An appropriate pair could be determined for B.C. whales within 2

years (if politically acceptable, they could then be taken).

8. Several years of study will be needed before a pair of Alaskan animals could be taken that would have a reasonable chance of breeding.

9. As the Alaskan *Orcinus orca* population is still unexploited, great care should be taken to avoid repetition of the mistakes of the past that were made with B.C. and Puget Sound populations.

10. The IWC, as it has adopted a mandate to manage *Orcinus orca* stocks, should be involved in the process. If NMFS wishes to issue the permit requested by Sea World, it should be referred to the IWC for comment by the Scientific Committee.

#### CONCLUSION:

Sea World should show why their breeding programme will succeed where they and others have failed. Considerable research needs to be done before it is seriously considered. Once the research is done, a large take might be approved, provided the population is numerically sufficient to sustain it, and once Sea World has demonstrated that they have a reasonable chance to obtain a successful breeding result.

It would be foolish to proceed with a breeding programme in the present climate of knowledge about reproduction in *Orcinus orca*. In a few years more will be known, perhaps enough to do it successfully. To proceed now would be against Sea World's own best interest. If the programme is attempted now, and fails as it almost certainly will, NMFS might be heavily constrained to refuse any further application.

#### REFERENCES:

- Bigg, M.A., MacAskie, I.B. and Ellis, G. 1976. Abundance and movements of killer whales off eastern and southern Vancouver Island, with comments on management. Unpubl. Rep., Arctic Biol. Stn. Ste Anne de Bellevue, Quebec. 21pp.
- Bigg, M.A. 1981. An assessment of killer whale (*Orcinus orca*) stocks off Vancouver Island, British Columbia. Paper SC/JN81/KW4, International Whaling Commission, Cambridge.
- Balcomb, K.C., Boran, J.R., Osborne, R.W., and Haenel, N.J. 1980. Observations of killer whales (*Orcinus orca*) in greater Puget Sound, State of Washington. Rep. MMC-78/13 to U.S. Marine Mammal Commission, Washington, D.C. 41pp.
- Christenson, I. 1982 KILLER WHALE IN NORWEGIAN COASTAL WATERS. REPORT OF THE INTERNATIONAL WHALING COMMISSION, 32, 633-41.
- Ford, J.K.B. and Fisher, H.D. 1981. Killer whale (*Orcinus orca*) dialects as an indicator of stocks in British Columbia.

U.S. DEPARTMENT OF COMMERCE  
NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION  
NATIONAL MARINE FISHERIES SERVICE

Notice of Issuance of Permit

On March 17, 1983, Notice was published in the FEDERAL REGISTER (48 FR 11310) that an application had been filed with the National Marine Fisheries Service by Sea World, Inc., 1720 South Shores Road, San Diego, California 92109 for a Public Display/Scientific Research permit under the Marine Mammal Protection Act of 1972 to take killer whales. Sea World requested to take a total of up to 100 killer whales over a 5-year period in order to study the biology, reproduction, and population dynamics of this species. Up to 10 animals were requested to be permanently maintained for public display and captive breeding, and up to 90 were requested to be captured, some maintained up to three weeks, studied, sampled, marked and/or tagged and released. Up to 10 of these animals were requested to be radio tagged and tracked. Also, Sea World requested to recapture and reexamine some animals. These activities were requested to be conducted in the waters off Alaska and California.

The public comment period originally closed April 16, 1983, and was subsequently extended until August 26, 1983 (48 FR 16934, 22976, and 32376.) A public hearing was held on August 16 and 17 in Seattle, Washington, and the hearing record remained open until August 26, 1983. All comments and documents postmarked by that date were evaluated and considered in the final decision.

U.S. DEPARTMENT OF COMMERCE  
NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION  
NATIONAL MARINE FISHERIES SERVICE

Permit to Take Marine Mammals Permit No. 439

Sea World, Inc., 1720 South Shores Road, Mission Bay, San Diego, California 92109, is hereby authorized to take the marine mammals specified below for the purposes of public display and scientific research as described in the Permit Holder's application and subject to the provisions of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407), the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR Part 216) and the conditions hereinafter set out.

A. Number and Kind of Marine Mammals

1. Up to ten (10) killer whales (Orcinus orca), not less than 11.5 feet in length, of either sex may be taken and maintained in captivity. None of these animals shall be pregnant, nursing or unweaned. No more than two percent of the minimum population estimate for an area may be taken from that area over a two-year period. Furthermore, no more than two (2) animals may be removed from any distinct pod and no more than 1/2 of any sex/age class (immature, mature) may be removed from any distinct pod during a five-year period.
2. Up to ninety (90) killer whales (Orcinus orca) may be taken by capture and release. Animals encircled by net in the course of any authorized activity shall be considered as captured. Except for pregnant, nursing, or unweaned individuals, the following activities may be conducted on animals encircled, subject to the applicable conditions in Section B.
  - a. Up to 90 animals may be restrained, measured, photographed, and have blood samples, blowhole swabs and vaginal swabs taken.
  - b. Up to 90 that are not readily identifiable with natural markings, may be cryogenically marked.
  - c. Up to 20 may be spaghetti or streamer tagged.
  - d. Up to 10 may be radio tagged and tracked.
  - e. Up to 20 may have expired air samples taken.
  - f. Up to 20 may receive hearing tests.

- g. Up to 20 may be stomach lavaged.
- h. Up to 20 may have one tooth extracted.
- i. Up to 20 may have one liver biopsy taken.
- j. Up to 40 may be transported and temporarily held up to 3 weeks prior to release. All others shall be released as soon as possible at the capture site.

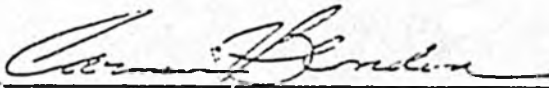
3. Animals previously captured under Section A-2 may be recaptured up to 2 times but not more than once in any calendar year. Previously studied animals may be restrained, measured, photographed, blood sampled, remarked if necessary, and have the radio pack removed or changed if necessary. All recaptured animals shall be released as soon as possible at the capture site.

B. Special Conditions

1. The animals shall be taken by the means, in the areas, and for the purposes set forth in the application unless otherwise specified in this Permit.
2. Not more than 30 animals under A-2 and A-3 may be taken per year in the Alaska areas. However, authorization from the Assistant Administrator for Fisheries is required prior to conducting any capture activities in any area. The Permit Holder shall conduct an initial survey of local abundance and shall submit a report which includes the number of animals, number of groups or pods, size of groups or pods and distribution of animals observed.
3. Not more than 4 animals under A-2 and A-3 may be taken per year in the California area. However, no animals shall be taken in California until authorized by the Assistant Administrator for Fisheries. Any request for authorization to conduct capture activities in California shall include a detailed report of at least one year's activities in Alaska, a detailed list of activities and numbers of animals proposed for California, and additional information on the population.
4. None of the animals authorized to be taken under Section A-2 shall be temporarily held beyond the time required for on-board research or beyond the time associated animals remain in the area, or transported to temporary holding facilities until authorized by the Assistant Administrator for Fisheries.
  - a. Provided the Permit Holder submits a satisfactory study design to determine whether the animals will rejoin a killer whale group or pod upon release, an initial authorization will be given by the Assistant Administrator for Fisheries, in consultation with the Marine Mammal Commission, to temporarily hold animals.

- b. Authorization to allow further temporary holdings will be based on the results of the pilot study, and the holding time will be limited to the maximum time experimental animals were held and known to rejoin a killer whale group or pod.
5. No liver biopsies, stomach lavage, tooth extractions, hearing tests or respiratory studies shall be conducted under Section A-2 until authorized by the Assistant Administrator for Fisheries, in consultation with the Marine Mammal Commission.
  6. In the event of the mortality of any animal in the field, all further capture activities shall be suspended, and a detailed report shall be submitted which includes the events surrounding the incident, necropsy results and steps that will be taken to avoid similar problems in the future. Any animal that dies shall be considered taken under A-1 of this Permit. Authorization from the Assistant Administrator for Fisheries is required prior to resuming capture activities.
  7. Within 60 days of any capture activities, a detailed report shall be submitted which includes the dates and location of taking, numbers of animals and pods observed, composition of pods, numbers of animals encircled, numbers captured, disposition of animals captured (immediate release, held temporarily, permanently held for captivity), activities conducted on each animal, effects of the activities on the animals and any problems which may have arisen in connection with the activities.
  8. By December 31 of each year the permit is valid, an annual report shall be submitted which includes a summary of activities conducted, the results of survey and monitoring efforts designed to provide information on the population and the effects of the activities on the animals taken, and a general plan of activities to be conducted in the following year. Authorization from the Assistant Administrator for Fisheries, in consultation with the Marine Mammal Commission, is required each subsequent year to continue activities.
  9. Within 90 days of completion of the research, a final report shall be submitted which includes a summary of the results of the research.
  10. The Permit Holder shall notify the Regional Director, Alaska Region, National Marine Fisheries Service, P.O. Box 1668, Juneau, Alaska 98802 (telephone 907-586-7221) or the Regional Director, Southwest Region, National Marine Fisheries Service, 300 South Ferry Street, Terminal Island, California 90731 (telephone 213-548-2575), as appropriate, prior to conducting any field activities in order to determine the specific dates and locations of activities and if a NMFS observer is required. The Permit Holder shall consult with the Regional Director sufficiently in advance to allow for such a determination.
  11. Upon the request of the Assistant Administrator for Fisheries, the Permit Holder shall make available for study a copy of all film taken in conjunction with the authorized activities.

12. The Department of Agriculture's regulations and standards, "Marine Mammals; Humane Handling, Care, Treatment, and Transportation," shall apply and are made a part of this Permit.
  13. This Permit is valid with respect to the taking authorized herein until December 31, 1988.
- D. All General Conditions attached as Section C shall apply and are made a part hereof, except that Section C-2g, h and i are specifically waived.



William G. Gordon  
Assistant Administrator for Fisheries  
National Marine Fisheries Service

NOV 01 1983

Date

Notice is hereby given that on NOV 0 1 1983, as authorized by the provisions of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407), the National Marine Fisheries Service issued a permit to Sea World, Inc., subject to certain conditions set forth therein. The Permit establishes restrictions on the number and locations of animals which may be removed from the wild each year, and requires a preliminary survey of each area prior to the collection of animals. The Permit does not authorize any extended temporary removal, capture activities in California waters, or liver biopsy, stomach lavage, tooth extractions, hearing tests or respiratory studies at this time, but these activities may be authorized in the future based on additional information which may be submitted by Sea World. The Permit requires suspension of activities in the event of any mortality, and provides for annual review and required reauthorizations in order for the Permit Holder to continue activities each subsequent year.

The Permit is available for review in the following offices:

Assistant Administrator for Fisheries, National Marine Fisheries Service, 3300 Whitehaven Street, N.W., Washington, D.C.;

Regional Director, National Marine Fisheries Service, Southwest Region, 300 South Ferry Street, Terminal Island, California 90731;

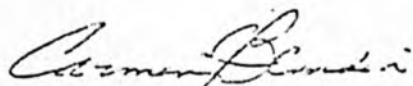
Regional Director, National Marine Fisheries Service, Alaska Region, P.O. Box 1668, Juneau, Alaska 99802;

Regional Director, National Marine Fisheries Service, Northeast Region, 14 Elm Street, Federal Building, Gloucester, Massachusetts 01930; and

Regional Director, National Marine Fisheries Service, Southeast Region, 9450  
Koger Boulevard, St. Petersburg, Florida 33702; and

Regional Director, National Marine Fisheries Service, Northwest Region, 7600  
Sand Point Way, N.E., BIN C15700, Seattle, Washington 98115.

The complete record, including the application, all supplemental information  
and the hearing record, is available for review in the Office of Protected  
Species and Habitat Conservation. For further information, contact the Office  
of Protected Species and Habitat Conservation, National Marine Fisheries  
Service, U.S. Department of Commerce, Washington, D.C. 20235 (telephone 202-  
634-7529).



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Carmen J. Blondin, Deputy Assistant Administrator  
for Fisheries Resource Management  
National Marine Fisheries Service

NOV 01 1983

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Date.



Official Business

# Alaska State Legislature

## Senate Committee on State Affairs

Vic Fischer, Chair • Pouch V

Juneau, Alaska 99811  
(907) 465-4954

### MEMORANDUM

TO: Senator \_\_\_\_\_

FROM: Senator Vic Fischer

DATE: January 19, 1984

RE: Co-sponsorship of Senate resolution relating to the capture of Orcas (Killer Whales) in Alaska waters.

Attached is a copy of a resolution concerning the capture of Orcas in Alaska waters that I will introduce on Monday, January 23. If you would like to co-sponsor this resolution, please contact me or my aide, Ginger Baim, at 4954 before Friday, January 20.

Rep. Szymanski will introduce an identical resolution in the House on the same date. He has 24 co-sponsors at this time.

While the resolution is pretty much self-explanatory, following are salient points to consider:

- \* Permits for capturing marine animals for research and/or public display are issued by the NMFS under authority of federal law. Without management authority for marine mammals, including Orcas, Alaska cannot restrict or prohibit capture in state waters. Because of this, Alaska has had virtually no say on whether these captures should be allowed or the conditions under which Orcas may be captured.
- \* The National Marine Fisheries Service issued a permit to Sea World, Inc. to capture up to 100 Killer Whales in Southeast Alaska and Prince William Sound and to remove 10 to their stateside facilities for public display purposes.
- \* Although the current permit authorizes Sea World to conduct research on the captured whales, it does not require it. As a result, if the past is any indicator, virtually all the "research" that will be done will be to assure that the 10 animals taken stateside are healthy and will have little value to the worlds scientific community.
- \* This permit was issued without any public hearings in Alaska and virtually no press coverage until after the comment period had closed. The only public hearing on the permit was held in the State of Washington, where residents of that state strongly urged hearings in Alaska so that Alaskans would have an opportunity to comment.

- \* The permit was issued without any reliable indicator of what the Orca population in Alaska is. Although estimates vary, there is little data to suggest that the total population of Orcas in Alaska is more than 500, and it is probably far less than that.
- \* Considerable reduction in the overall Orca population of specific areas has followed Sea World, Inc. capturing attempts in the past. Evidence suggests that Orcas are reluctant to return to areas where capturing has occurred and that capturing attempts in Alaska would seriously diminish the opportunities for Alaska residents and visitors to observe Orcas in their natural setting.
- \* There is evidence that Sea World, Inc. has violated terms of similar permits in the past, specifically by using underwater explosives to herd Orcas into their nets. The ADF&G was denied their request to approve or disapprove capture activities by Sea World, Inc. in order to avoid conflicts and assure compliance with terms of the permits.
- \* The capturing, harassment, and public display in captivity of Orcas is offensive to the religious and cultural traditions of Native people in Southeast Alaska. The ANB passed a resolution in opposition to the permitted capture.

Because of these concerns, the resolve section of the resolution requests that future permits require that scientific research in response to recommendations of the UA, ADF&G, and other recognized scientific bodies be conducted on site (in Alaska waters) as a condition of granting the permit.

Further, it requests that public hearings be held in Alaska prior to issuing any future permits to capture Alaska Orcas, that the state have the ability to monitor compliance with the permits, and that the state be reimbursed for any losses that result from the permitted captures.

I have a great deal of information and backup on this issue that I would be happy to share. I believe it's important to keep the emotion out of this issue -- the facts are alarming enough. It's clear, through the statewide news coverage, that Alaskans are very concerned about this issue. I believe it's imperative that we address it through this resolution.

# Sea World



Lanny H. Cornell, D.V.M.  
Senior Vice President/  
Zoological Director

January 9, 1984

Don W. Collinsworth  
Commissioner  
Alaska Department of Fish and Game  
Support Building  
Juneau, Alaska 99811

Dear Mr. Collinsworth:

As you will recall, several of us from Sea World have visited over the last several years with you and your staff to explore the possibility of our obtaining permits from the State of Alaska and from the federal government (National Marine Fisheries Service) to collect killer whales in Alaskan waters for public educational display and captive propagation here at Sea World and to conduct benign nonharmful research on wild killer whales in Alaskan waters. As you probably already know, we have obtained from National Marine Fisheries Service permits to collect an average of two killer whales per year over a five-year period - a total of 10 whales.

We therefore would like to follow through now with our original inquiry to collect an average of two killer whales per year from Alaskan waters (Kodiak, Shelikof Straits, Prince William Sound, Southeast) over a five-year period for the purposes of public educational display at our three Sea World parks in San Diego, California; Aurora, Ohio; and Orlando, Florida, and to conduct benign, nonharmful research on an unspecified number of killer whales which would be encircled coincidental to the collecting activities. These whales would be studied at the site of encirclement and released. The studies would include such things as morphometrics, blood

Don W. Collinsworth  
January 9, 1984  
page two



sampling for genetic determination, photography, some animals would be cryogenically marked (painless freeze branding) and approximately six animals over the five-year period would have small radio-packs attached so their movements could be monitored by satellite. All of these activities, of course, and others as your Department recommends, will be conducted in concert with your scientists as well as those from the University of Alaska. As you know, we have worked closely in the past with such eminent scientists as Dr. Robert Elsner and Dr. John Burns, among others. Previous studies in concert with the Alaska Department of Fish and Game have included work on seals, sea lions and walrus. (We have, over the last few years, rescued and returned to good health an average of six or so walrus pups per year in cooperation with your Department and various Alaskan native corporations as well as Fish and Wildlife Service.)

These proposed studies on killer whales and other marine mammals in Alaska will provide data that are currently unavailable on the natural history, physiology, population dynamics, etc. as we have discussed. In addition, locations of groups of killer whales and other cetaceans will be more exactly pinpointed to allow tourist vessels and scientists to observe them in the wild.

Although we have had reports over the last few years of large numbers of killer whales ranging from several hundred to several thousand in Alaskan waters, the literature currently indicates there are approximately 250 to 300 animals minimum in the areas we suggest. We are currently in the process of conducting field research which will give us a more concise idea of minimum population numbers. Some of these early data will be available later this year and should boost the minimum numbers.

There have been some misconceptions about this project. Some would imply it is too extensive or is

Don W. Collinsworth  
January 9, 1984  
page three



in conflict with the U.S./IWC position. This is not the case, however. Neither the United States' position on whaling nor the IWC moratorium are threatened. Both the Russians and the Japanese are envious of the United States' capabilities with public-display. These they do not now have, but they will, in time, develop them. Further, the IWC position presently allows for the aboriginal taking of whales and, as you know, the United States' position on this issue immeasurably exceeds any position on live capture for public display. We believe these "problems" are intended to divert attention from the truth.

Our only intent at the outset was and still is to follow the IWC requests which outline coordination of science with capture for public display so as to accumulate as much knowledge as possible about marine mammals.

As you are already aware, the IWC charter currently extends only to the great whales taken for slaughter on the high seas. It was once previously extended to include bottlenosed whales, following six years of debate - a move still protested by some of the members. The IWC has not extended the charter to cover other whales and has certainly never studied live capture for public display as an obligation.

Some IWC killer whale management recommendations have been made: 1) The IWC asked the Soviets not to kill any more killer whales in the Antarctic after they killed over 900 killer whales in 1979-80. This request is valid, however, only until the Soviets provide more data on population and provide information on those already killed. The Soviet reply has been that they intend to slaughter no more killer whales and thus they foresee no need to supply the data requested. 2) Norway has been allowed to kill 52 killer whales each year ad infinitum, based on a minimum population of 1,115 killer whales in their waters. This quota is voluntary, but the Norwegians are complying.

Don W. Collinsworth  
January 9, 1984  
page four



Many countries which are signators to the IWC charter also are in favor of the moratorium and also currently exhibit killer whales for public display. They are not likely to abstain from or vote against the moratorium unless it conflicts with their display of cetaceans.

There is no move at present to include live capture in the IWC charter as this almost exclusively occurs in sovereign waters, not on the high seas. And, the total numbers taken for public display are so minute as to be nonexistent compared to those in fisheries, commercial slaughter and for scientific research alone. There are in all of North America a total of approximately 1400 seals, sea lions, dolphins and whales to educate 110-120 million visitors each year to zoological parks and aquaria.

We have on several occasions attended meetings to discuss the project. In May 1983 we suggested to National Marine Fisheries Service that the appropriate site for a public hearing would be in Alaska. We have met with representatives of the University of Alaska, the Alaska Department of Fish and Game, National Marine Fisheries Service, Alaska, the Alaska Congressional delegation representatives, as well as representatives from Governor Sheffield's office. In addition we have met with Alaska charter and tourist interests and look forward to more cooperation with these groups to enhance their knowledge of wild marine mammals.

The field studies and the research alongside or aboard our collecting vessels is to be accomplished in concert with scientists from Sea World, the Hubbs-Sea World Research Institute, the University of Alaska Institute of Marine Science and the Alaska Department of Fish and Game, as well as other scientists you may designate. Several of us will be in Juneau on or about February 8, 1984 and would like to continue our discussions on this matter

Don W. Collinsworth  
January 9, 1984  
page five



with you at that time at your convenience. We will be visiting earlier in that week with some of the people already indicated at the University of Alaska in Fairbanks.

Sea World currently maintains three killer whales in our Orlando, Florida park, three in San Diego, California and two for our Aurora, Ohio facility. Our goal would be to double these numbers for the creation of small breeding groups which would also serve to enhance our public educational displays.

Our oldest male killer whale is approximately 25 years old and has been with us for over 15 years. Other killer whales in our care have been with us for approximately 7 years and are 10-12 years old. All are doing well and are approaching sexual maturity. Thus we believe we have an opportunity which has never before been available - the captive propagation of killer whales.

To accommodate the success of our propagation program, we have designed and begun construction on huge new killer whale facilities in our Orlando park. This 5 million gallon "ocean" will be 4-5 times larger than our current facilities which are the world's largest. We also plan similar facilities in our San Diego park to be completed in 1987. We have also just finished remodeling the Ohio whale pools.

The research project, which is currently budgeted at \$250,000 per year for the five year period, a total of \$1.25 million, will be administered by the nonprofit Hubbs-Sea World Research Institute. Almost all of these funds will be spent in Alaska, as that is where the majority of the work will take place. This means an added \$5-7 million to the Alaska economy if you include a dollar multiplier of 5-7.

Don W. Collinsworth  
January 9, 1984  
page six



We have successfully conducted many projects in Alaska without incident in the past with the cooperation of the Alaska Department of Fish and Game, and we look forward to the onset of this particularly important project with your approval and cooperation.

Sincerely,

Lanny H. Cornell, D.V.M.

LHC/lđ

cc: Robert A. Hinman

Mr. Robert B. Brumsted

2

January 16, 1984

information compiled by Sea World, Inc., to include mortality reports, capture reports, summaries of research results, and annual reports.

At your earliest convenience, please advise as to your intentions to fulfill the above requests. Should you consider these conditions unnecessary, the State may decide to oppose the Sea World, Inc. program in state waters.

Sincerely,



*fw* Don W. Collinsworth  
Commissioner

cc: William G. Gordon

bcc: Game Headquarters  
John Burns  
Rep. Mike Szymanski

DWC:WLP:M<sup>2</sup>:h

January 16, 1984

Mr. Robert B. Brumsted, Chief  
Permits and Documentation Division  
U.S. Department of Commerce  
NOAA/NMFS  
Washington, DC 20235

Dear Mr. Brumsted:

In our departmental letter to you, dated July 6, 1983, regarding application P2M by Sea World, Inc., we stated our concurrence with the issuance of that permit by your agency. However, we requested that as a condition of the permit, "approval of the State of Alaska must be obtained prior to any effort by Sea World, Inc. to take killer whales in state waters, under the broader authority of a Federal permit."

We have reviewed Mr. William G. Gordon's November 1, 1983, letter and your agency's permit (#439) to Sea World, Inc., which authorizes the taking of killer whales in Alaska waters. We did not find a permit condition which requires the permittee to obtain approval from the State of Alaska prior to conducting activities in state waters. Therefore, I request the following actions be initiated by your agency:

- (1) provide the permittee (Sea World, Inc.) with a written supplemental permit condition which requires State of Alaska approval prior to any efforts being undertaken to capture killer whales in state waters;
- (2) require that an observer from the National Marine Fisheries Service and/or the State be present during all capture operations in state waters; and
- (3) establish a procedure whereby the State of Alaska will receive copies of all reports and pertinent

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July 6, 1983

Mr. Robert B. Brumsted, Chief  
Permits and Documentation Division  
U.S. Department of Commerce  
NOAA/NMFS  
Washington, D.C. 20235

Dear Mr. Brumsted:

The following comments pertain to a scientific research and public display permit application submitted to your agency by Sea World, Inc. (application P2M). Taking of up to 100 killer whales would be authorized with up to 10 actually being removed from the wild. It is our understanding that most of the proposed research involving taking (as defined in the MMPA) as well as the capture and removal of whales would occur in waters adjacent to Alaska.

The Department of Fish and Game recommends approval of the Sea World, Inc. application. Killer whales are an important and highly visible component of the marine fauna of our waters. Nonetheless, relatively little is known about these magnificent animals. It is important that basic information about habitat preferences and utilization, movement patterns, food habits, and stock identity be obtained. The Federal Government is now on an accelerated leasing schedule of the outer continental shelf, for purposes of petroleum exploration and production. It is very important that basic biological information about living resources that use those lease areas be obtained.

We foresee a steady reduction in Federal and State funds available for biological investigations of our marine areas. Sea World, Inc. appears willing to underwrite, at least in part, scientific research which has applicability to issues raised by development of the outer continental shelf. We fully recognize that significant benefits will also accrue to Sea World in the form of gate receipts generated by killer whales they capture and maintain for public display. The trade-off, however, appears acceptable especially in view of the number of killer whales occurring in waters near Alaska.

\* { One condition of the permit that we request is that approval of the State of Alaska must be obtained prior to any effort by Sea World, Inc. to take killer whales in State waters, under the broader authority of a Federal permit. There are many reasons for this, not the least of which is to avoid conflicts within designated State sanctuaries or marine

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Robert B. Brumsted

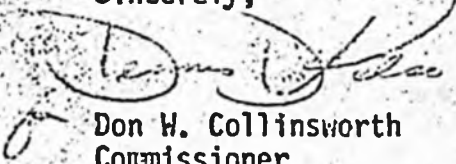
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July 6, 1983

mammal viewing areas. Additionally, there are other areas where the work might be interpreted as harassment of killer whales and might result in strong opposition from our citizens. Killer whales have an important role in the religious and social systems (e.g., clan totems) of peoples of some cultures within Alaska.

Thank you for the opportunity to comment.

Sincerely,



Don W. Collinsworth  
Commissioner

cc: John Burns, ADF&G

DWC/RAH/tm



## SUMMARY

SEA WORLD, INC. KILLER WHALE (ORCINUS ORCA)

SCIENTIFIC RESEARCH AND PUBLIC DISPLAY PERMIT

After three years of study and preparation and nine months of public, government and scientific review, Sea World, Inc. was issued a permit by the National Marine Fisheries Service (NMFS) under the authority of the Marine Mammal Protection Act of 1972 to collect killer whales (Orcinus orca) for the purposes of public educational display, captive breeding and scientific research.

The permit authorizes the collection of an average of two killer whales per year from Alaskan waters over a five year period - a total of 10 whales - for public educational display and propagation in Sea World's facilities in San Diego, California, Orlando, Florida and Aurora, Ohio.

Killer whales occur in groups or "pods". As the two animals a year are collected, an unknown number of associated animals - probably less than 10-20 a year - will be encountered. The second portion of the project as approved by NMFS will allow recognized scientists from a number of universities and other research institutions to detain some of these additional animals for a brief period to conduct important, nonharmful research. All research conducted under the permit will be supervised and coordinated by the Hubbs-Sea World Research Institute. This research is in part responsive to and supportive of the recommendations and policies of the International Whaling Commission.

The killer whales selected for maintenance at Sea World will be merged with its current captive population. This will allow Sea World to establish in all three facilities social units comparable to the four- to ten-member pods frequently found in the wild and considered to be the primary breeding units. Sea World expects these groups to become reproductive. This expectation is based on several years of documented study on whales and a pilot propagation program with dolphins and other marine mammals which has culminated in the successful breeding of 28 bottlenose dolphins (Tursiops truncatus) at Sea World and dozens of seals and sea lions. Sea World also currently has a pregnant beluga whale.

### PUBLIC DISPLAY AND CAPTIVE BREEDING

This portion of the permit authorizes the collection of a total of 10 killer whales over a five year period from Alaskan waters.



An average of two animals will be collected per year. Of the 10 animals removed, approximately two to three will be males and approximately seven to eight will be females. All will be juveniles and young adults between 340 cm and 550 cm (approximately 11 feet to 17 feet) long. These animals will be merged with Sea World's animals and maintained in Sea World's facilities in San Diego, California, Orlando, Florida and Aurora, Ohio. The Sea World objective is two-fold: to establish a captive breeding program and to continue to maintain public educational display schedules.

#### Captive Breeding Program

In 1981 scientists at Sea World began to develop plans for a killer whale breeding program. The program rationale and approach are based on its highly successful breeding program which, as mentioned previously, has resulted in the live-births of 28 bottlenose dolphin calves since 1977. Sea World has five more pregnant bottlenose dolphins. During the formative stages of this dolphin breeding program some theorized that marine animals could not be expected to reproduce in captivity in significant numbers. Sea World commenced its breeding program and disproved their theory in just a few short years. The total number of births at Sea World is greater than the combined births at all other facilities in the U.S. during the 1977-1983 time frame.

From the data available on killer whales in the proposed study area, it appears that an average pod contains about four to six individuals. Under the program, Sea World would establish a small colony of five or six animals of varying sex and age classes in each of its facilities. We are convinced that such groupings will enhance social adjustment, breeding and educational display.

Until recently, sea World's female killer whales have not been old enough to reproduce. We have only recently observed the beginning of sexual activity. One male killer whale is currently of breeding size and age, and several females are approaching sexual maturity. Hopefully these animals will be the first to conceive and reproduce successfully. They and the newly collected animals will form a core group for the breeding colonies.

Sea World scientists are confident killer whales can successfully reproduce in a Sea World environment. The program is designed to be self-sustaining as are the current bottlenose dolphin, California sea lion and harbor seal populations at Sea World.

Sea World will be able to maintain educational display schedules



and its commitment to the public, as well as its responsibility to science and the species' reproduction in captivity.

Public Display

In the space of two decades, Sea World has had an unparalleled impact on public awareness of marine mammals. This is due entirely to the public display of these magnificent animals and educational programs based on their physical presence. It is impossible to convey on paper the thrill and joy people experience as they touch the smooth skin of a killer whale and feel the warm air rush from its blow. These experiences - and Sea World offers many different kinds - foster a deep and unforgettable bond which serves to endear the animals of the sea to mankind. No movie, book, or TV program could have such a profound effect.

Since the opening of the first small park in San Diego in 1964, Sea World has hosted nearly 75 million visitors. In the last ten years alone, Sea World has shown an attendance increase of over ten percent each year. In 1983, nearly seven million people experienced marine mammals at Sea World parks, and projections are that ten million people a year will visit Sea World parks by 1990. Sea World's formalized educational program "Exploration Breach" has taught dozens of marine life programs to over 1.5 million students since its inception in 1972. A program coordinator for the Orange County Public School System in Florida wrote in recent correspondence, "We are dependent upon Sea World to provide marine biological programs. During May of 1983 alone, over 20,000 students were involved from the state's educational institutions."

Sea World provides continuing education programs, conducts a preceptorship program for veterinary medical students, and offers an impressive range of programs for the mentally, visually or severely handicapped. Sea World has been the recipient of numerous educational and graphics awards and was rated by the Stanford Research Institute as "the world standard, against which all others of its kind are measured," adding that it is "superior from a family perspective in every way."

NON-HARMFUL SCIENTIFIC RESEARCH

Killer whales to be studied under the permit will be examined in the field. Killer whales can be found as solitary individuals but are usually in groups ranging from 4-20 animals. The encirclement of such a group offers an opportunity for research which would otherwise be wasted.



An International Whaling Commission (IWC) workshop on killer whales held in 1981 (IWC 32: 617-694) stated in one of its reports, "...noting that chromosomal and biochemical studies may yield information concerning stocks and populations of killer whales, the meeting recommends that such studies be undertaken for all killer whales currently in captivity, and whenever opportunity exists, to conduct studies on stranded and harvested whales in the wild."

Sea World has already conducted such studies with captive killer whales as well as other marine mammals and wishes to encourage these and other important studies of free-ranging killer whales coincidentally with the collection of animals for public display.

The National Marine Fisheries Service permit allows for the restraint of up to 90 animals for a length of time necessary to conduct the benign research activities for which the animals are selected. Some of the data collection procedures require only a few minutes. Other procedures require several hours. All will be conducted boatside or on the science vessel and the whale subjects released immediately afterward.

The summary of authorized activities listed below reflects various requirements and restrictions, as described.

- 1) The collection over a five-year period of an average of two animals per year (for a total of 10 animals) for public educational display and captive propagation.
- 2) The authority to conduct important, nonharmful scientific research on up to 90 additional animals encircled in the nets coincidentally during the five-year collection effort. A specific number of animals for each research activity is defined. Some studies require further review and authorization from the Assistant Administrator of the National Marine Fisheries Service in consultation with the Marine Mammal Commission.
- 3) Animals incidentally encircled for research might be examined up to two times, but not more than once in each calendar year. Previously studied animals may be restrained, measured, blood-sampled, remarked if necessary and may have radiotelemetric packs removed or changed if necessary.
- 4) The permit requires suspension of all activities in the event of any mortality. Any animal that dies will be considered taken under the 10 authorized for public educational display and captive propagation.



5) The permit must be reviewed and reauthorized by the Assistant Administrator for Fisheries in consultation with the Marine Mammal Commissioner annually.

6) The permit prohibits the taking of any pregnant, nursing or unweaned animals.

7) Detailed status, annual and thorough research activity reports will be submitted.

All activities authorized under this permit will be conducted in consultation with the Alaska Department of Fish and Game.

Sea World recognizes the importance of this research and has committed over \$1.25 million over a five-year period with the hope that it will serve as a catalyst to promote funding from additional sources, such as state and federal governments and related entities. In addition, in conjunction with the University of Alaska and the Alaska Department of Fish and Game, the Hubbs-Sea World Research Institute will co-sponsor annual conferences on all marine mammals in Alaska for the purposes of definition of future goals and to examine the data produced by this research project.

A number of scientists and organizations will be associated with the research conducted under this permit. Among these are: Mr. John Burns, Alaska Dept. of Fish and Game; Dr. Robert Elsner, University of Alaska; Mr. John Hall, Anchorage, Alaska; Mr. Kenneth C. Balcomb, Ocean Research Education, Gloucester, Massachusetts; Dr. Deborah Duffield, Portland State University; Dr. Colin M. Bloor and Francis C. White, University of California; Dr. Dan Costa, University of California, Santa Cruz; Dr. Sam Ridgway, Naval Ocean Systems Center, San Diego, CA; Mr. Stephen Leatherwood, Hubbs-Sea World Research Institute, San Diego; Dr. Bruce Mate, Oregon State University, Newport, OR; Dr. Bernd Wursig, Moss Landing Marine Laboratory, Moss Landing, CA; Dr. Lanny H. Cornell, Sea World, San Diego, California.

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January 27, 1984

Senator Vic Fischer  
Alaska State Legislature  
Pouch V  
Juneau, AK 99811

Dear Senator Fischer:

Senator Fischer, members of the Committee. I regret I cannot be with you personally, but I, like you, am currently wrapped up in our legislative session. I appreciate the opportunity to submit this letter to you.

In 1976, I had the unfortunate experience of witnessing an Orca capture operation conducted by many of the same individuals now associated with Sea World, Inc. My family, as well as a number of other witnesses, watched as the capture team used airplanes, a flotilla of power boats, and explosive devices to herd pods of Orcas half way down Puget Sound.

As a result of numerous citizen complaints from witnesses of this capture attempt in Budd Inlet in 1976, the state of Washington sued Sea World, and numerous federal agencies, in the U.S. Federal Court on the grounds that they had violated the terms of their capture permit.

Settling out of court, Sea World agreed to release the whales it had in its possession at the time and never again capture Orcas in Washington State waters.

Shortly after the court case, the Washington State Senate passed a resolution calling for an immediate moratorium on the intimidation, harassment, beating, and capturing of Orcas in Puget Sound and adjacent salt waters. At that time, we modeled our policy after the British Columbia prohibition of Orca captures.

Since 1976, Washington State has had, in effect, a whale sanctuary within its waters. My hope is that this sanctuary would be extended to other states and provinces.

AG

Senator Vic Fischer

1/27/84

page 2

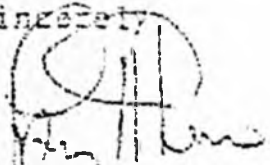
I am unequivocally opposed to the capture of Orca whales for display purposes, especially in amusement parks such as Sea World. Orcas are highly intelligent, sensitive, and social mammals which should be protected from unnecessary harassment, pain, and death. The life expectancy of Orcas in captivity is drastically shortened to an average of four or five years compared to the 50 to 60 years for whales living in the wild.

Very little research on the population of Orcas has been done in the wild. This important research should not be conducted by a private amusement park, but by a publicly funded research body, such as the University of Alaska.

In addition, the capture of Orcas for exhibition purposes stands in opposition to our stated national policy to "bring an end to capture of whales for commercial purposes" throughout the world. As has been pointed out by many members of Congress, further capture of Orcas for exhibition purposes will undermine the position of the U.S. at International Whaling Commission meetings in the future.

Mr. Chairman, members of the Committee, I thank you for the opportunity to present these comments.

Sincerely,



RALPH MUNRO  
Secretary of State

RM:db

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TESTIMONY OF VIVIA BOE TO THE ALASKA STATE SENATE RESOURCES COMMITTEE

JANUARY 30, 1984

Good afternoon. My name is Vivia Boe. I am testifying on behalf of the one million members of Greenpeace International, an environmental organization. My work with Greenpeace over the past five years has included research into the capture of orca for public display. I have acted as a representative of Greenpeace in meetings with aquarium officials to discuss capture plans and have viewed their killer whale displays with them at their invitation. I had such a meeting with Dr. Cornell at Sea World in San Diego just this past September. I have also observed killer whales extensively in the wild, and am a naturalist on board educational whale watching trips in Washington's San Juan Islands each summer.

I wish also to speak as a lifelong resident of the State of Washington. My family lives on San Juan Island, from which more killer whales are seen than from any other place in Washington State waters. I can remember seeing killer whales frequently as a child, and on one occasion saw over one hundred whales at one time leaping and cabotting just offshore. That was before the waters of Washington state became the prime hunting grounds of Sea World and the rest of the aquarium industry. By the time the State of Washington finally banned the whale captors from our waters, our killer whale population had been decimated to nearly one half of its pre-exploited size. I've come to Alaska in the hope that the State of Alaska will be able to benefit from Washington's long experience with Sea World and its chief collector of whales, Mr. Don Goldsberry.

I want to compliment Senator Vic Fischer and the other sponsors of the Joint Resolution dealing with the capture of killer whales in Alaska waters, and also want to thank you, the members of this committee, for the opportunity to make this presentation.

Washington State's experience with Sea World Incorporated began in 1965. In October of that year, the first of a long series of whales bearing the stage name of "SHAMU" was netted and sent to Sea World in Southern California. Over the next five years, Goldsberry and his partner Ted Griffin rounded up an estimated total of 192 killer whales in Washington State waters. Twenty three were put on display. At least nine more were killed by the capture operations.

By 1970, Sea World Incorporated had purchased the Seattle Marine Aquarium, which was previously owned by Ted Griffin. Under Sea World's ownership, the aquarium became little more than a temporary holding facility for captured orcas bound for

Sea World pools in Florida and California. That year, 1970, was the peak year for killer whale capture activities in the combined Northwest--British Columbia and Washington State--waters. The many deaths brought about by the captures induced the Canadian government to ban the harassment, capture, and killing of orcas except for under restricted permits, to Canadian captors only.

By 1970, Sea World's Don Goldsberry had captured over half of all the killer whales on display worldwide. He had attained another distinction too--that of killing more whales during capture than anyone else. In August of 1970 Goldsberry drove 80 orcas--probably the entire Puget Sound population--into Penn Cove near Seattle.

Seven were taken into captivity. At least four others died. The dead whales washed up on our beaches some months after the capture. Their bellies had been slit open, their insides weighted down with stones and pieces of metal. They had then been wrapped in chains, taken out to sea, and dumped. Obviously, it was hoped that their deaths would not be discovered. It was at this time that public controversy erupted over Sea World's activities. In 1971, Washington State passed laws regulating the captures. A \$1000 permit fee would be required and state game officials would have to be present to ensure humane handling of the whales.

The controversy came to a head--and to an end--in 1976. Mr. Goldsberry followed a pod of whales south in Puget Sound and herded them into Olympia Harbor, right past the State Capitol Building. Many witnesses watched as the whales were driven into shallow Budd Inlet by high-speed motorboats, explosives, and an airplane.

Among the witnesses was our present Secretary of State Ralph Munro, then chief aide to Governor Dan Evans. Munro and his family and friends were among the many people out enjoying the fine spring weather in boats. Later, affidavits from Munro and other witnesses at Budd Inlet that day would tell of terrified and confused whales trapped by speedboats, and of the horrible shrieks heard when the explosives were thrown in the water.

It just so happened that just a couple of miles away, at Evergreen State College, a conference was being held that day on the subject of killer whales. The conferees called for an end to the capture which was in progress in Budd Inlet. Over one thousand people converged on shore at the capture site, where the 6 trapped could be clearly seeing a capture at close hand sparked public sympathy for the animals.

International headlines and the Washington State lawsuit referred to in your Resolution were the results.

Then Governor Dan Evans and Washington state Attorney General Slade Gorton filed suit in Federal Court on behalf of Washington State against Mr. Goldsberry, Dr.

Cornell, Sea World Incorporated, the U.S. Department of Commerce, the National Oceanic and Atmospheric Administration, and the U.S. National Marine Fisheries Service. They charged that Sea World Incorporated had violated the terms of their permit by the use of explosives and aircraft "in an inhumane manner" to get the whales into the nets. The case was settled out of court after a drawn-out legal battle. A federal judge ordered that the six whales be set free, and Sea World Incorporated agreed to give up the permit they were holding, and to never again capture killer whales in Washington State waters.

Washington then became, in effect, a sanctuary for killer whales. But as I mentioned earlier (and it bears repeating), the whales' numbers had already been reduced to half their unexploited level. Not only the individual whales, but also their potential offspring, had been removed. Today, our resident killer whale population remains depleted. All but one of the killer whales taken away by Sea World are dead.

Later in the same year, after he was forced out of the whale capture business in Washington State, Don Goldsberry moved his operations to Iceland. He captured 18 whales in his first two years there, selling nine of them to Sea World Incorporated.

Five of the whales contracted frostbite while neglected in holding pens in freezing winter weather. Two died in January, 1978. Their health and thus their commercial value thrown into question, the others were released one month later, their eventual fates unknown. The zoo in Iceland with which Don Goldsberry has cooperated to the present time on the whale captures is now under serious threat of closure by the Icelandic authorities. Official inspections of the facility have turned up reports of grossly negligent treatment of various species remaining there. Dead animals were found in pens, one of them a dead "joey" (baby kangaroo) hanging from its emaciated mother's pouch. This zoo, like the Seattle Marine Aquarium before it, has become a front for the whale capture industry. And like the Seattle Marine aquarium, it will probably be closed down when the captures cease.

Thus, I think the need to move on elsewhere again to fresh capture grounds. Which brings us to the present discussion of Sea World's permit to capture one hundred whales in your waters.

(By the way, I am almost sorry to have to relate such a scandalous history to you.

But what I have said is firmly substantiated by facts, and it is important that you be aware of the background of the permit-holders who now come to you for your whales.)

The permit issued by National Marine Fisheries Service for the Alaska captures has come under severe criticism for its laxity and vagueness, so it is very fitting that the Alaska State Legislature is exercising its right--and its responsibility--to see that its whales are protected. Your resolution is a very positive step. However, it needs to be strengthened some if it is to be effective. With your permission I would like to go through some major points about the permit and the resolution.

First, the permit does not adequately address the issue of capture techniques.

It appears that no restrictions whatsoever have been placed on Sea World's use of the same explosive devices and herding techniques that witnesses in Washington state found so brutal and dangerous. The permit states (and I quote) that "the collection techniques and procedures referenced in the applications are acceptable and shall be the manner in which the animals are taken." The permit application states that Don Goldsberry should be allowed to have maximum flexibility to use any of the techniques described in Goldsberry and ASper's 1978 paper titled, "A Live Capture Technique for the Killer Whale". This document, written the year at least two of five killer whales captured by Goldsberry died as a result of negligent treatment, is less than two pages long. It recommends the now-familiar explosives speedboats, and low-flying aircraft. Remember, in 1976, Sea World Incorporated was charged with illegally using aircraft to drive the whales into the nets. The permit they then held specified they were to use aircraft for locating whales only.

The present permit, since it simply rubber-stamps the capture techniques vaguely outlined in the permit application, allows use of aircraft within 50 feet of the water as an aid to capture the whales. I believe this was wrongly overlooked by the National Marine Fisheries Service. In addition, the aircraft may fly lower if it is landing. For Sea World to state the obvious fact that an airplane can fly low in order to land strikes me as an attempt to create a loophole. You would do well to amend your resolution to require that it be clearly spelled out that low-flying aircraft not be used at all.

Another grave flaw in the permit is its failure to require observation of the capture by anyone other than Sea World's employees. The permit simply states that the captors must notify the National Marine Fisheries Service when whales are about to be captured. This means that those parts of the operation which pose the most risk of injury or death to the whales, the herding and the netting, would have occurred before Federal or State officials could arrive on the scene.

It is excellent that your resolution addresses this vital problem. I strongly recommend, though, that you amend this section to require that there be one

outside observer on board the lead vessel at each capture site. Observation should begin at the onset of efforts to locate target animals, and should continue on a 24 hour a day basis right up to the time the whales are captured and exported to their final destinations. It is well to remember that the National Marine Fisheries Service and the Washington State Game Department were sued along with Sea World Incorporated in 1976. They were charged with gross negligence in failing to properly supervise the Budd Inlet capture. The National Marine Fisheries' record of enforcement of orca capture regulations is very poor, and this lax permit for captures in your waters is just one more example of this serious inadequacy. I am heartened to hear your State Game Department is expressing concern about Sea World's plans.

Washington State's Game Department was more or less a victim of a lack of communication on the part of the Federal government. The current director of the Washington State Game Department came out with a strong statement in opposition to Sea World's current plans at the Federal hearings in Seattle last August. This statement was read by our Secretary of State Ralph Munro as part of his own testimony, which has been entered into your records on this resolution.

I suggest that you add to your resolution a paragraph referring to the serious depletion of the Washington state killer whale population as a direct result of the whale capture industry, and Sea World and Don Goldsberry in particular. This is a very important point.

Next I would like to say that Alaskans are quite right to fear that orca capture activities will discourage or prevent killer whales from returning to areas they now frequent. Even aquarium officials have remarked that this is sometimes the case. Pedder Bay in British Columbia (on Vancouver Island) is a very good example. Once a favorite feeding and playing area for killer whales, it was shunned after being the scene of several horrendous whale trappings and deaths.

Alaska's citizens, visitors, and tourist industry will certainly gain nothing by Sea World's plan. But they stand to lose a priceless part of Alaska's wild beauty. The only guaranteed profits will go to California, Florida, and Ohio, where children will have to pay some \$10 each to see a tamed clown in a pitifully small pool.

I was going to address the dubious value of the research and experiments which are proposed. But since Richard Osborn from Moclips Cetological Society is testifying today, I will not take up any more of your time. Greenpeace International is aware from our dealings with the worldwide whale research and conservation movement that Rich and his colleagues are the most respected authorities on the subject of killer whales and techniques of studying them in the field.



SUBMISSION TO  
THE U.S. NATIONAL MARINE FISHERIES SERVICE

COMMENTS CONCERNING SEA WORLD, INC'S  
ORCA CAPTURE PERMIT APPLICATION UNDER  
THE GUIDELINES OF THE U.S. MARINE  
MAMMAL PROTECTION ACT

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Greenpeace Northwest

Alan Reichman, Wildlife  
Campaign Coordinator

June 6, 1983

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SUBMISSION TO THE U.S. NATIONAL MARINE FISHERIES SERVICE

COMMENTS CONCERNING SEA WORLD, INC.'S ORCA CAPTURE PERMIT

APPLICATION UNDER THE GUIDELINES OF THE U.S. MARINE MAMMAL

PROTECTION ACT

The Pacific Northwest regional office of Greenpeace—with approximately 20,000 members—is opposed to granting Sea World, Inc. a permit to capture killer whales (orcinus orca) from Alaska and California coastal waters under the guidelines of the U.S. Marine Mammal Protection Act.

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Greenpeace Northwest has experienced Sea World orca capture operations firsthand in the past as a result of our location. Therefore, we are submitting comments in addition to those submitted by Greenpeace U.S.A., emphasizing our experience with Sea World as well as other concerns.

There are four facets of our position opposing a potential Sea World orca capture permit:

1. The biological and ethical implications of capturing orcinus orca and holding them in captivity.
2. The clear lack of scientific justification for Sea World's proposed exploitation of Alaska and California orcinus orca populations; as well as an equally clear lack of scientific justification for the scientific research they propose to conduct.
3. Sea World's interest in procuring a source of display animals for its highly profitable marine circus operations—as well as potential sale to other aquaria worldwide. Sea World's proposed research appears to possibly represent an attempt to justify its desire to provide its facilities with a resource.
4. Sea World's pitiful capture operations in the State of Washington. As citizens of Washington State, we have experienced the negligence of Sea World firsthand. In 1976, the State of Washington successfully sued Sea World and their capture operation was subsequently shut down.

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## I. BIOLOGICAL AND ETHICAL IMPLICATIONS

The risks of mortality to orcas during capture operations, transport, and captivity are manifold. There is a bonafide risk of death for non-target as well as target animals during capture, and an exceptionally high risk of mortality to captive animals during transport as well as the first few months of captivity. Furthermore, the longevity of captive orcas is far below that of orcas in the wild (please see the attached table provided by Washington Secretary of State Ralph Munro concerning orcas captured in Washington State and British Columbia waters from 1961-1976). Also, no orcas have ever successfully bred in aquaria facilities anywhere in the world. Thus, captive orcas are denied an opportunity to contribute to the survival of their particular pod or the population as a whole.

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Ethical considerations must also be scrutinized. For instance, we must consider the importance of the pod as the intricate social unit which orcas live within. During capture operations, entire pods are harassed: often by "California seal devices" (which are better known as seal bombs), high speed boats, and sea planes. As a result, non-target animals are adversely affected by such operations. All orcas within an affected pod are disrupted and disturbed by the removal of individual members. A trauma factor for all the whales must be considered. Furthermore, the conditions of confinement in aquaria enclosures are not acceptable by modern zoo-keeping standards. Orcas can range up to one hundred miles per day in the wild. Enclosures which are not realistically much larger than backyard swimming pools simply are not adequate. Orcas have sophisticated sonar systems for communication, hunting and navigation and live in perpetual distress in a captive environment wherein their communications reverberate off concrete walls.

## II. LACK OF SCIENTIFIC JUSTIFICATION FOR PERMIT

Sea World does not provide ample evidence supporting their estimate of a world orca population of 200,000 animals. Furthermore, Sea World does not provide sufficient information concerning the stocks in Alaska and California they wish to exploit. Greenpeace Northwest supports the reasons given by the Moclips Cetological Society of Friday Harbor, WA. in its opposition of a potential Sea World permit for these reasons as well as the others they cite.

We agree with Moclips' critique of Sea World's plan to develop a "sustained captive breeding population." Orcas have never successfully bred in captivity. Greenpeace Northwest recommends that Sea World demonstrate that it can provide a captive environment wherein orcas that are currently in captivity can successfully breed before they are permitted to capture more orcas for the explicit purpose of breeding orcas. Until Sea World can successfully demonstrate that captive orca breeding is possible, a permit should not be granted.

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Also, Sea World does not provide sufficient justification for the research that it wishes to conduct. They do not establish that such research could not be successfully conducted from orcas that are currently in captivity. There, especially is no justification for Sea World to transport orcas away from the capture site if they are going to be released. Sea World needs to clarify its intentions concerning the duration of time they intend to experiment on whales. They are requesting up to three weeks to conduct experimentation yet Lanny Cornell claims the whales will be held only twenty minutes to two hours in a Seattle Post-Intelligencer article of June 2, 1983 (which is enclosed). Sea World only concedes that it will "attempt" to release orcas near other orcas. Furthermore, they could never insure that orcas would be released at locations where they could reintegrate themselves into their pods. Given the intricacy and dynamacy of the relationship between an individual orca and its pod this could cause an inhumane level of pain and suffering.

In summation, Greenpeace Northwest is in agreement with the Mammals Catalogical Society's comments concerning Sea World's lack of evidence regarding orca population sizes; the lack of credibility for their proposed "sustained breeding population"; and the lack of justification for the validity as well as methodology of the research they propose to conduct.

### III. SEA WORLD'S OVERRIDING INTEREST IN PROCURING DISPLAY ANIMALS

When one traces the history of the orca capture industry, one realizes that Sea World may be more interested in procuring a source of display animals for its highly profitable marine circuses than it hopes to increase scientific knowledge of orcinus orca.

As I will further explain in section IV of these comments, Sea World conducted its capture operations in Washington State waters until it was successfully sued by the State of Washington in 1976. As a result, Sea World's "orca capture expert" Donald Goldsberry travelled to Iceland where he helped start a similar capture operation based at the Saedryasafned Zoo (see accompanying portion of Erich Hoyt's The Whale Called Miller, New York, E.P. Dutton, 1981). Iceland has been Sea World's source of orcas since 1977.

Since the National Marine Fisheries Service has temporarily stopped issuing permits allowing the importation of orcas from Iceland, Sea World is wondering where its display animals will be obtained from. The National Marine Fisheries Service should consider the possibility that Sea World is submitting this application because its Icelandic source has dried up.

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#### IV. SEA WORLD'S RECORD IN WASHINGTON STATE

Until March of 1976, Sea World regularly attempted—many times successfully—to capture orcas in Washington State coastal waters. Their capture operations raised considerable public concern. One such occasion is described by Sheldon Campbell in his Lifeboats to Ararat (New York: Times Books, 1978):

"A year before this time (Campbell has described a confrontation between Goldsberry and Don McGaffin, a columnist with Seattle's KING-TV which is an NBC affiliate, in the preceding paragraph) a tragedy had occurred which stirred many of the residents around Penn Cove to anger, for by 1970 killer whales were a welcome addition to the local scenery, coming as they did around the same time every year, generally in August, remaining awhile, and then departing on what happened to be an annual migration. In 1970 some of the visiting whales had been left behind dead, their corpses washing up along the shore. Several had their bellies slit and rocks, concrete, and old chunks of iron placed inside. Because whale collectors had been in the vicinity before the deaths, some residents blamed them. (Footnote at bottom of page: "Nothing was proved but accidents do occur in animal collecting, particularly in the earlier stages of developing capture techniques.").

While it has never been proven that Sea World's orca capture operation under the direction of Donald Goldsberry killed the orcas, it has never been proven otherwise.

In early March of 1976, Sea World attempted its last ever capture attempt in Puget Sound waters. Sea World utilized seal bombs, high speed boats, and sea planes to herd whales from north of the Tacoma-Narrows Bridge to Budd Inlet, just outside of Olympia. A heated public outcry ensued. On Wednesday, March 10, Governor Dan Evans asked Attorney General Slade Gorton to file suit in District Court at Seattle to block the removal of orcas that were trapped at Budd Inlet.

The lawsuit questioned whether Sea World was authorized to use the seal bombs, etc. within the terms of the permit that had been issued by the U.S. National Marine Fisheries Service. I have enclosed some of the transcripts of Sea World's appeal that was dismissed by the U.S. District Court. Many of the transcripts from the successful suit are not included in the file that is held in archives in Seattle, WA.

Judge Morell Sharpe's verdict ruled that the defendants illegally pursued orcas in a prohibited zone north of the Tacoma-Narrows Bridge. Moreover, Sea World's permit stipulated that the allowed method of capture would be as follows:

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"Methods of capture will be allowing the animals to enter a bay or harbor and then closing off the mouth or entrance with a specially designed mesh net which keeps the animals inside the bay but allows the passage of fish back and forth. From this point another net is placed inside the original net to herd the animal into a working area and from there the animals are divided into smaller groups and put in floating pens large enough to accommodate two or three animals as necessary. Some animals which are to be taken are then separated, placed in floating pens, and the remaining animals are freed. The size of the pens would be adjusted so that individual animals accommodated would have at least twice their body length in depth within the pen. This method allows the collector to evaluate the animals and pick out the most likely specimens, while not placing undue stress on the animals."

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Clearly, these terms do not permit the usage of explosives, high speed boats, and sea planes for herding. Sea World broke the terms of its agreement.

While Sea World is not asking for authority to capture orcas from Puget Sound waters in this application, we must consider that they have not followed National Marine Fisheries Service regulations in the past. I have enclosed a copy of the 1976 Washington State Senate Resolution that bans capture and harassment of orcas in Washington State coastal waters.

Interestingly enough, the text that Sea World cites as its description of the techniques it plans to utilize in proposed capture operations is co-authored by none other than Donald Goldsberry.

#### V. SUMMATION

Greenpeace Northwest agrees with the recommendations of the Mollusks Cetological Society of Friday Harbor, WA. and further recommends that:

- 1) Sea World, Inc. conducts any scientific research it deems necessary on orcas that are currently in captivity at its facilities in San Diego, CA., Aurora, OH., and Orlando, FL., as well as other aquaria worldwide.
- 2) Sea World, Inc. demonstrate that it can successfully develop a captive environment where orcas that are currently in captivity can breed successfully. Orcas that are currently in captivity at their facilities as well as other aquaria could be transferred to the new enclosure system.
- 3) Public hearings be conducted to further scrutinize Sea World, Inc.'s application. Citizens should be invited to voice their opinions con-

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cerning this proposal. A hearing should be held in the Puget Sound region of Washington State as the citizens of Washington State have had experience with Sea World, Inc.'s capture operations in the past and should be allowed to participate in the decision-making process.

Yours Sincerely,

*Alan Reichman*

Alan Reichman  
Wildlife Campaign Coordinator  
Greenpeace Northwest

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A Scientific Review of the SeaWorld Permit Application  
of March 7, 1983 for Public Display and Scientific Research  
Under the Marine Mammal Protection Act

16 - August - 1983

by Richard Ferraro and Dr. Merrill Spencer

Seattle, Washington

abstract:

On March 7, 1983 SeaWorld requested a five year permit to confine and capture Orca *Orcinus* (killer whale) for the reasons of public display and scientific experimentation.

This review addresses all scientific aspects of this permit request and is presented by two concerned research scientists. The SeaWorld permit request should not be approved. We request that this written review be entered into the record.

authors:

Richard Ferraro is a research scientist specializing in computer applications of medical electronics. He has a masters degree in Electrical Engineering, and acts as a consultant to electronics corporations, hospitals, Universities and the National Institutes of Health. He has focused his attention, in the past 18 months, to the Orca of the Puget Sound.

Dr. Merrill Spencer is a physiologist specializing in the field of Cardiovascular research. He has published over 160 scientific papers including comparative Physiology subjects, and 7 papers on Orca and Grey Whale physiology. He has served on many National panels reviewing scientific research proposals. He has participated in the capture of wild Orca in the San Juan Islands as well as Grey Whales of Laguna Ojo De Lebríe Baja California and thus has first hand experience with the logistical and stress related problems involved in the capture and confinement process.

review and risk assessment:

The general criticisms we have of the SeaWorld permit request are that it is poorly organized, omits important information, and lacks consideration for scientific hypothesis and protocol. The consultants listed have no defined roles nor is the five year plan clearly outlined.

The risks to *Orcinus Orcinus*, both individuals and pods, are not clearly identified in either the capture and handling techniques nor in the medical procedures. Subsequently the methods for minimizing obvious risks are missing.

For example the risk of infection due to the tooth extraction process is not dealt with. No mention is made to the use of antibiotics in minimizing this infection potential. Nor is it suggested that the Orca whose teeth are to be extracted could be the animals that SeaWorld currently holds or plans to keep. Their standard animal husbandry program would further minimize the risk of infection.

The specific criticisms of the SeaWorld permit application follow. We have reorganized each of the experiments and procedures into the following five categories:

### 1. Breeding

There is no hypothesis stated as to how SeaWorld plans to successfully breed Orca when they have been unsuccessful in the past. The procedural changes such as larger pools, hormone levels, Karyotyping, vaginal swabs, and increased numbers of whales proposed could be tested on the 8 existing captive SeaWorld Orca. If a larger population of captive whales or a larger tank are believed to be the solutions to the unsuccessful breeding problem then the 8 current captive Orca owned by SeaWorld could be put into one of SeaWorlds larger tanks to prove the hypothesis. It is also not proposed that the freshly captured animals will be held in the larger tanks.

No where is it mentioned in this proposal whether any or all of the proposed Orca to be kept by SeaWorld for breeding purposes will be required to perform and how this performance schedule would effect the whales ability to breed.

### 2. Animal Husbandry

Tests involving the health care of the captured Orca including blood chemistry, liver biopsy, hematology, and nasal swabs are important for animal husbandry to protect the dollar investment. This is health care of captured animals and therefore provide no scientific justification for this proposal any more than these procedures are considered scientific research projects when applied to human health care.

### 3. Gastric Lavage

The reviewers believe that the gastric lavage has scientific merit in the analysis of the stomach contents of free ranging Orca. Gastric lavage could provide valuable information comparing stomachs contents of the free ranging Orca with the sacrificed Orca data from Rice. The only comparisons discussed however relate to adult male/non adult males however, and no mention is made regarding stress related changes caused by the capture process preceding the stomach lavage.

#### 4. Population Dynamics, Vocalizations, Body Dimension, and Growth Rates

Census data obtained in the population dynamics studies could be of scientific merit yet we feel the success others are having with visual and photographic techniques merit further consideration.

Certain data from vocalizations, radio telemetry, spaghetti streamers cryogenic marking, and tagging desired could be acquired using less invasive techniques currently being successfully employed with free ranging Orca. The highly invasive techniques proposed could damage the very data they are trying to obtain by capturing, tagging with various markers, releasing and recapturing the Orca.

The mensural data made available through the original capture could be of scientific value however the plan to recapture the same whales up to 3 times involves serious risk to the individual Orc and to the pod. It is unclear as to how SeaWorld plans on using this mensural data. Again we feel that more extensive use of less invasive techniques should be explored before resorting to the proposed invasive techniques.

#### 5. Respiratory Gas Analysis, Hearing and Aging

Certain data related to respiratory gas analysis, hearing thresholds and tooth extraction desired in this experiment could be obtained using already existing captive Orca. No justification is given for performing the hearing threshold tests or the respiratory gas analysis on Orca under captive conditions, what information is being looked for with these tests, or why they couldn't be performed on existing captive Orca.

#### conclusion:

In conclusion this 5 year massive invasion of Orca environment in the Alaskan waters is not justified on the basis of the scientific aspects of this proposal. The benefits proposed in this permit application are far outweighed by the risks of such an aggressive invasive disturbance of the free ranging Orca of the Alaskan and California waters.

98TH CONGRESS  
1ST SESSION

H. R. 4457

To prohibit the taking and importation of killer whales for public display purposes.

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IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 17, 1983

Mr. CHANDLER (for himself, Mr. FOLEY, Mr. DICKS, Mr. MORRISON of Washington, Mr. LOWRY of Washington, and Mr. SWIFT) introduced the following bill; which was referred to the Committee on Merchant Marine and Fisheries

---

A BILL

To prohibit the taking and importation of killer whales for public display purposes.

1        *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*  
3 That section 101(a)(1) of the Marine Mammal Protection Act  
4 of 1972 (16 U.S.C. 1371(a)(1)) is amended by adding at the  
5 end thereof the following new sentence: "After the effective  
6 date of this sentence, no permit may be issued for the taking  
7 and importation of killer whales (*Ornicus orca*) for public dis-  
8 play purposes."

9        SEC. 2. The amendment made by the first section of this  
10 Act shall take effect on the date of the enactment of this Act



*Grand Camp*  
*Alaska Native Brotherhood*

71ST, ANNUAL ANB-ANS GRAND CAMP CONVENTION  
JUNEAU, ALASKA  
NOVEMBER 14-19, 1983

RESOLUTION NO. 92

WHEREAS, Sea World of San Diego, California has been issued a permit by the Federal government to capture 100 killer whales in a period of five years, and

WHEREAS, The state of Washington and the government of Canada have both opposed and stopped the capture of killer whales within their water boundaries in the past, and

WHEREAS, Sea World has promised safe capture of these mammals, but has caused many deaths in past captures because of their use of seal bombs, high speed boats, sea planes, and methods of capture, and

WHEREAS, These offenses during the capture of killer whales influenced the state of Washington to file a law suit against Sea World in 1976, putting an end to their operations and cancelling their permit, and

WHEREAS, The state of Alaska has no mammal protection laws to protect killer whales, or to prevent this type of operation within the water boundaries of Alaska, NOW

THEREFORE BE IT RESOLVED that the 71st Annual Grand Camp Convention of the Alaska Native Brotherhood and Sisterhood assembled in Juneau, Alaska strongly urge the State of Alaska to enact legislation banning the capture of killer whales within the boundaries of Alaska waters, and

BE IT FURTHER RESOLVED that an intense investigation be conducted by the Dept. of Fish and Game on the methods used by Sea World in their capturing methods in Puget Sound. Copies of this resolution to be sent to the Assistant Administrator for Fisheries, Washington, D.C., to Alaska Legislature, and the U. S. Delegation from Alaska.

ATTEST:

I certify that this resolution was adopted by the ANB-ANS Grand Camp in Convention at Juneau during the week of Nov. 14-19, 1983.

*Ronald Williams*  
\_\_\_\_\_  
Ronald Williams, Grand President

*Albert Kookesh*  
\_\_\_\_\_  
Albert Kookesh, Grand Secretary

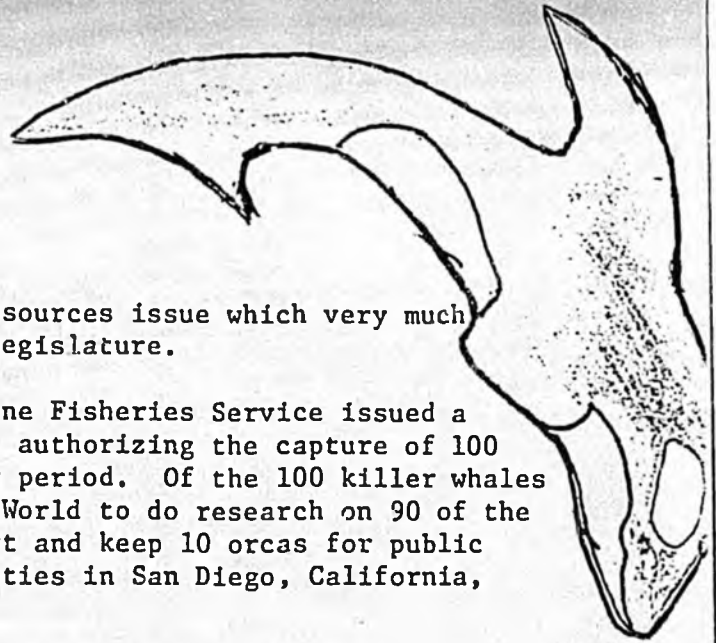
Past ANB Grand Presidents  
Roy Deane, 1982  
Arthur Wain, 1981  
C. J. ...

Frank Peratrovich  
Patrick J. Paul  
Thomas Jackson  
John ...

Frank See  
Walter Scotell  
Richard Still  
Stephen ...

Nelson D. Frank  
Frank O. Williams  
Herbert Hove  
Richard B. ...

# ORCA NEWS



Dear Friend:

I wish to bring to your attention a resources issue which very much concerns me and others in the Alaska Legislature.

On November 1, 1983, the National Marine Fisheries Service issued a permit to Sea World Inc. of San Diego, authorizing the capture of 100 killer whales (orcas) over a five year period. Of the 100 killer whales to be captured, the permit allows Sea World to do research on 90 of the and then release them, and to transport and keep 10 orcas for public display in Sea World's aquarium facilities in San Diego, California, Aurora, Ohio, and Orlando, Florida.

Several facts have surfaced on this issue which concern me:

## BACKGROUND

1. No public hearings have ever been held on this issue in Alaska. In August 1983 a hearing was held in Seattle on this permit but no one representing the State of Alaska attended.

2. Sea World readily admits that its primary objective is to capture 10 whales for inclusion in their captive breeding program and that the research they are proposing is of secondary interest.

3. The methods which have been utilized by Sea World and its associates in the past have been controversial in nature. In 1976, during a Puget Sound capture operation conducted by Sea World, many witnesses saw orcas being harassed by underwater explosives and herded into nets by low-flying aircraft, obviously putting the whales into a frenzy. The State of Washington filed suit against Sea World for violation of its permit. Before the case was heard in court, Sea World offered to settle out of court; Sea World promised to never again seek a permit to capture orcas in Washington waters, if the State of Washington would drop its suit, which it did. Subsequently, a resolution was passed by the Washington State Legislature banning the capture of orcas from state waters.

4. Since 1976 and until recently, Sea World imported its orcas from Iceland. However, the National Marine Fisheries Service has now banned the further export of whales from Iceland. California and British Columbia do not permit orca captures. According to Dr. Cornell of Sea World, other than the Antarctic, Alaska is the only remaining place for such capture activities to take place.

5. There is a question of how well the orca, a sensitive and very intelligent mammal, will adapt in captivity. Testimony has been presented that the life span of the orca is considerably shortened in captivity, that the whale ceases to emit sounds, that the structure of the dorsal fin changes, that the whales do not reproduce in captivity. Orcas have not adapted well to life in captivity.

6. There have been no definitive studies done on the population dynamics of the orca in Alaskan waters; we have no more than an ESTIMATE of how

many whales there are. We know nothing of pod distribution, pod composition, breeding habits, feeding habits, resident vs. transient pods. Such studies have been done in Puget Sound and in British Columbia through photography and observation and have proved invaluable and thorough--and benign. While it is true that Sea World must provide a "minimal estimate" of the number of orcas in Alaska before beginning capture activities, scientists who have been involved in the Puget Sound and British Columbia studies feel that much more must be known about population dynamics in Alaska before any intrusive activity takes place

7. Finally, Sea World has said that it would not proceed with this operation unless the Alaska Department of Fish and Game issues them a state permit. The permit is now in the process of negotiation and the Department has not yet made a commitment as to what it intends to do.

As a result of these concerns, two identical resolutions have been introduced in the Legislature to protect the interests of Alaskans and its resource, the orca. HJR 58, which I sponsored with 25 House cosponsors, and SCR 31, introduced by Senator Vic Fischer, with 9 cosponsors request the National Marine Fisheries Service to amend the permit to include stricter requirements with regard to the proposed activities and their enforcement.

It is my hope that the resolutions will increase the public's awareness of what is happening and to allow public participation for the first time in what is happening. House Hearings have been scheduled for February 29 on House legislation and Representative John Ringstad of Fairbanks has indicated that it is his intention to hold a teleconference at this time so that people may hear and debate both sides of the issue. I URGE YOU TO LEARN ABOUT THIS ISSUE, TO CHECK THE FACTS AND LISTEN TO THE TESTIMONY BEFORE YOU COME TO ANY CONCLUSIONS. Alaskans have several options:

- 1) Support the Sea World permit as it now stands. Capture activities will probably start in July 1984;
- 2) Support that intensive, non-harmful population dynamics research be done on the Alaska orca population PRIOR to any capture activities taking place, in order to insure that no harm is done to the orca population and that if capture does take place, it is done in a manner that has the least adverse effect on the orcas and their family and social structure;
- 3) Or, like Washington, request a ban on any orca capture activities within Alaska's waters.

Please feel free to contact my office for any further information or back-up material which you would like. You may also contact Representative Niilo Koponen or Representative Mike Davis both of whom are cosponsors on the House resolution. By calling the Anchorage Legislative Information Office(278-3668) you may send a free public opinion message to legislators expressing your feelings and at this same office you may also obtain copies of the proposed legislation.

Rep. Mike Szymanski



Official Business

# Alaska State Legislature <sup>FEB 27 1984</sup>

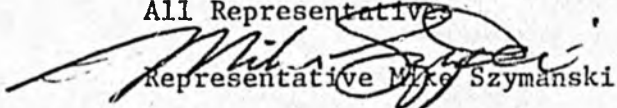
House of Representatives

Representative Mike Szymanski

SR-A-Box 1304B  
Anchorage, Alaska 99502  
Phone (907) 349-3373

While in Session  
Pouch V  
State Capitol  
Juneau, Alaska 99811

February 27, 1984

TO: All Representatives  
FROM:  Representative Mike Szymanski  
SUBJECT: HJR 38 - relating to the capture of killer whales in Alaskan waters

I am enclosing a copy of several petitions which were signed during the Fur Rendezvous in Anchorage. The people who signed the petitions were under the impression that the list could be taken to the Legislative Information Office and public opinion messages sent out individually. However, this is not procedurally possible.

I have sent letters to all the petitioners informing them of the teleconferenced hearing on HJR 38 which is to be held in House Resources on February 29

I thought you might wish to know of the increasing interest that is being shown in this issue.

PETITION:



ISSUE: ALASKA'S KILLER WHALES  
TO: ALASKA'S SENATORS AND REPRESENTATIVES (STATE AND FEDERAL)

we the undersigned would like to see the following:

1. the holding of public hearings in Alaska on the capture of killer whales by Sea World or any other organization;
2. the approval (or disapproval) by the Alaska Dept. of Fish and Game of any permits to capture killer whales in Alaskan waters.

NAME ADDRESS:

Richard  
 Affiliated Keyes PO Box 111212 Anch AK 99511  
 Sharon Wallingford 2121 Incha Ave 99502  
 John Mallan PO Box 1003 Eagle River, AK, 99577  
 Susan Pickler 3301 E Tudor Rd Anch AK 99524  
 Cheryl Robinson <sup>1545</sup>~~353~~ 50 Hoyt sp 63 Anch 99508  
 Chipmunk R. Howe 1601 ATKINSON ANCHORAGE 99504  
 Jimmy Dufresne " " " " "  
 Chris Lett 8422 Lake Otis Anch AK 99508  
 Michel White 4220 Baxter Anch AK  
 George Lemay - George Lemay - 2715 Aspin Dr. Anch  
 Mary Woodson BOX 2083 KENAI 99603  
 Tom Ecklis 7801 E 20TH ANCHORAGE AK 99504  
 MIKE KOTIK 3920 MARQUIS ANCHORAGE AK. 99502  
 Gloria Masovic 3341 W. 84th Anch. AK. 99502  
 Jim Farnsworth 7800 DeBarr Pl. #36 Anch. Ak. 99504

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2. the approval (or disapproval) by the Alaska Dept. of Fish and Game of any permits to capture killer whales in Alaskan waters.

NAME	ADDRESS:	
James Lethcoe	Box 1313	Valdez Alaska 99686
Max Clemens	Box 1345	Seward, Alaska 99664
Tom Wells	2641 Goodposter Cir.	Eagle River, AK 99577
Lanette Williams	Box 873323	Wasilla AK 99587
Mr Scott John	1831 BUNKER 2900 Bonfau	ANCH AK 99503. Anch. 99504
Naomi J Parker	3338 Wesleyan Dr.	Anch. 99508
Eleanor Reiter	3343 Wesleyan	Anch. 99508
Randy Feyer	268c Louisa	Anch 99508
Kelly Bryan	"	"
Stanley R. Dennis	423 W. 22 Ave #206	ANCHORAGE 99503
Jean Cleveland	5401 Jackman	Anch. 99507
Elmer J. Kagnago	3030 Seawind Dr	Anchorage 99516
Bob Gill	3491 W <del>St</del>	Anchorage 99503
R. C. Lind	P.O. Box 6229	ANCH 99502
John Gasman	12541 Sander #1	Anch. 99516
Lois Gasman	12541 Sander #1	Anch 99516
Jan Krabovic Jan Krabovic	1175 Oceanview Dr	Anch. Ak 99515

PETITION:

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NAME

ADDRESS:

Anna Stanley SR 511 Eagle River Lane ER, AK 99577  
 William T Knox 4306 Nelson Ave. Anch. Ak. 99502  
 Catherine S. Maxwell 10260 James Town Dr #6A Anch 99502  
 John B. Dalrymple SR1 Box 3527, Chugiak, Ak  
 Randy M. Kelly 8031 Bank Court Anchorage AK 99504  
 Barbara J. Asher SRA Box 13. B 11100 Magnolia St. Anchorage AK 99516  
 (James C. Bender) 4383 Rendezvous Cir. Anch 99504  
 Virginia Pest Thelen Box 4-744 Anchorage AK 99509  
 Augustine G. Light 1304 Nunaka Dr. Anchorage AK 99504  
 James J. Magnien Star Route D Box 9300 Palmer 99645  
 Anna Lotze " " "  
 Lisa Kemp " " "  
 Daniel Pym 333 W. York #11 Anch AK 99502  
 Julian Corral 3627 Air Port W. Fairbanks  
 Marilyn Lurvey 1421 Maryanne St Fairbanks  
 Paul Scott P.O. Box 111711 Anch AK 99511

TO ALASKA'S SENATORS AND REPRESENTATIVES

We the undersigned would like to see all capturing & killing whales banned in Alaskan waters.

- | name                          | Address   |
|-------------------------------|---|
| Henry L. Lettier              | P.O. Box 701, Whittier, AK. 99686                 |
| <del>John Long</del>          | 3605 ARCTIC BLVD. #353 ANCH. AK 99503             |
| Carol Clouse                  | 3210 Lark Ct ANCHORAGE AK- 99507                  |
| <del>Pierre H. Authier</del>  | 8441 RYDALS PL. ANCHORAGE 99504                   |
| PIERRE H. AUTHIER             |   |
| <del>Sharon Wallingford</del> | 2121 Jaska Anchorage 99502                        |
| <del>Arthur D. Keyes</del>    | PO Box 111212 Anch. 99511                         |
| Alan T. Jones                 | Box 106 Anchorage Alaska 99510                    |
| James Setherer                | Box 737B Valdez Alaska 99664                      |
| <del>Edwin Haller</del>       | Box 1003 Eagle River, AK 99577                    |
| <del>Norman Pichler</del>     | 3301 E Tudor Rd anch, ak 99584                    |
| Norman Williams               | 6715 EILEEN CR ANCH AK 99507                      |
| Edith D. Barrowclough         | P.O. Box 110243 Anchorage, AK. 99511              |
| Stephen B Coyne               | P.O. Box 1561N ANCHORAGE, AK 99507                |
| Joyce Crozier                 | SRA Box 1561N Anch. AK 99507                      |
| Jan Vrsalovic                 | 1175 Oceanview Dr. Anch. AK 99515                 |
| <del>Jan Vrsalovic</del>      |   |
| <del>Wayne R. Howe</del>      | 1601 ATKINSON - ANCHORAGE 99504                   |
| <del>Jenny Dufresne</del>     | " " " "   |
| <del>Herbert C. Doup</del>    | 6010 STABDEM DR., ANCHORAGE, AK 99504             |
| HERBERT C. DOUP JR            | Ron Kenworthy 7800 DeBarr Rd. #36 Anch. AK. 99504 |
| Lori Grabowski                | 7800 DeBARR #36 ANCH AK 99504                     |

PETITION:

ISSUE: ALASKA'S KILLER WHALES  
 TO: ALASKA'S SENATORS AND REPRESENTATIVES (STATE AND FEDERAL)

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 and Game of any permits to capture killer whales in Alaskan  
 waters.

NAME

ADDRESS:

Joyce M Murphy	8070 Old Seward Hwy	Anchorage, AK 99502
Virginia Johnson	8050 Old Seward Hwy	Anchorage, AK 99502
Alma Murphy	Box 4-1702	Anchorage AK 99509
David Griffin	1201 W 93rd	Anch. AK 99502
Mary A. Ford	6327 High Place	Anchorage AK 99509
Mary Ann Hall	6327 High Place	Anchorage, 99502
Peter Lerach	3712 Alexander Ave.	Anch. AK 99504
Judy Richards	2205 N. Boniface	Anch. AK. 99504
Jack O. Halliday	4360 Spennard Rd #22	Anch AK 99508
Sharon M. Leonard	P.O. Box 642	WHITTIER AK 99693
David Stepanovich	SR3 Box 7613	Chugiak Alaska 99567
Linda Stepanovich	SR3 Box 7613	Chugiak AK 99567
<del>Alan T. Jones</del>	Box 106	Anchorage Alaska 99510
Chris B. Bean	Box 16 Willow,	AK 99688
John L. Thorpe	P.O. Box 1092	Palmer AK 99645.
Mike Lander	P.O. Box 17-748	Big Lake, AK. 99607

To: Alaska's Senators and representatives

We the undersigned would like to see all capturing  
of Killer Whales banned in Alaskan waters.

Signature: Printed name: Address

Signature:	Printed name:	Address
John C. Nelson	John C Nelson	P.O. Box 773468 1244 Le Riva, AK 99577
Raymond Reger	Raymond Reger	1527 F Anchorage 99501
Jamie K. Rayer	JAMIE Rayer	1527 FST Anchorage 99501
P. A. Larkins	P. A. LARKINS	3439 MCKENZIE ANCHORAGE 99503
Jean E. Larkins	JEAN E LARKINS	3439 McKenzie Anchorage 99503
Dan A. Mayer	Dan A. Mayer	8220 Montrose St Anchorage 99506
Randi Gross	Randi Gross	3443 Bobbie Cir. Anch. 99502
Harold Gross	HAROLD GROSS	3443 BOBBIE AVE. 99502
Gregg L. Ashwill	GREGG ASHWILL	603 W. 42nd ANCH 99501
Steve White	Steve White	Box 988, <del>ANCH</del> Cav. Lova, AK 99502
JB Bennison	JB BENNISON	SPR1024-A Anch, AK 99505
Karen E. Brett	KAREN E. Brett	Box 205 Ninikhiik, AK. 99503
Bruce Vadla	BRUCE VADLA	Box 294 Girdwood, Ak. 99587
Jules V. Tilston	JULES V. TILSTON	4780 CAMBRIDGE WAY ANCH. 99508
Pat Tilston	PAT TILSTON	4780 Cambridge Way Anch. 99508
Jim Curran	JIM CURRAN	4114 Keka #2 99508
Kathy Purinton	KATHY PURINTON	4831 Wesleyan Dr 99508
Linda C. Dwyer	LINDA C. DWYER	8851 Pioneer Dr. 99504
Dennis L. Dwyer	Dennis L. Dwyer	8851 Pioneer Dr. 99504
Chin Chung	CHIN CHUNG	P.O. Box 1356 Valdez AK
Mai Chung	MAI CHUNG	14589 DRAKE, FBKS, AK
Nancy Wreggit	NANCY WREGGIT	6415 Tollhurst Anch, AK.

Start here →

PETITION:

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NAME

ADDRESS:

Augustus A. Jelline 21-443 #E CITRUS Elmendorf <sup>AK</sup> ~~AFI~~ <sub>99506</sub>  
 Ray de l'Étoile 21-443 H CITRUS AVE ELMENDORF AFB, AK 99506  
 Stephen J Burg PO Box 665 Eagle River AK 99577  
 James O. Egan SEA BOX 97-D Anchorage AK 99507  
 Raymond Roper 1527 F Anchorage AK 99501  
 Janice K. Royce 1527 F ST Anchorage AK 99501

12. The undersigned would like to see ~~all~~ all capturing of killer whales banned in Alaskan waters.

NAME

ADDRESS

~~Bill~~ MANINGER - P.O. Box 1021, FBKS., AK. 99707

~~Chris Lett~~ 8422 Lake Stis Anch AK. 99508

~~Mike White~~ 4220 Baxter Anch AK 99508

~~Red Praser~~ P.O. Box 241 Clam Gulch Ak. 99568

~~George Lett~~ - George Lett - 2715 Aspen Dr., Anch AK 99503

~~Mary Haddock~~ Box 2083 Kenai 99603

~~Tom Cockin~~ 7801 E 80th Anch AK 99507

~~Ruth Arcand~~ Ruth Arcand 4530 O'Malley Rd .. 99516

~~George Arcand~~ George Arcand 4530 O'Malley Rd, Anchorage 99516

~~Stana Masovic~~ 3341 W. 84th - Anch AK. 99502

~~Bob Pomroy~~ 7800 Debarre Ak. #36 Anch. AK. 99504

~~Lori Habowski~~ 7800 Debarre #36 ANch. AK 99504

W. W. Kail Box 11134 Anchorage AK 99511

John Connolly 6839 Stella Pl. Anch. Ak. 99507

Mary Kate Smith 6839 Stella Pl. Anch ak. 99507

Alvo A. Schmitt 3407 Spenard Anchorage 99503

Eric Johnson 931 W 71st Anch AK 99502

Heidi M. Jamason 1336 W 23 #212 Anch, AK. 99503

~~George Eisen~~ SRA Box 57-D Anch. AK 99507

Jeff J. Anderson 530 Tonsina Ct. Eagle River 99577

Alex Jansen Wennekens 2110 Dawidowich Ct Anchorage, 99501

Charles A. Peters SRA Box 5477-Q Anchorage AK 99576

I, the undersigned, would like to see a total ban on the capture of killer whales in Alaska waters.

Signature

Printed name

address:

Anne Streit

Anne Streit

3000 W 34<sup>th</sup> Anch., AK

JEFF SHEETZER

JEFF SHEETZER

3076 BETTLES BAY LP Anch AK

DAVE COKER

DAVE COKER

308A BUNNEL ST ANCHORAGE, AK.

LISA MAHAN

LISA MAHAN

PO Box 110257 Anch, AK

Ellen Evans

Ellen Evans

Box 18, Twenty Grand Eagle River AK.

CAROLINE KAPUOSKI

CAROLINE KAPUOSKI

272 E. DYEA Ft. Rich, AK

STEPHEN J. BOUCHARD

STEPHEN J. BOUCHARD

2406 W. 34<sup>th</sup> Anch, AK.

LORIN BLAKELY

LORIN BLAKELY

3941-B CHECKMATE DR. ANCH, AK.

GRETCHEN L. WISE

GRETCHEN L. WISE

3605 S. ARCTIC #166 Anch. 99503

MAUREEN E. WISE

MAUREEN E. WISE

410 E. 45<sup>th</sup> Anch #2 99503

Deborah Fields

Deborah Fields

6825 Timothy St Anch. 99502

ROBERT GROSSNICKHE

Robert Grossnickhe

7331 Augustine Ave. Anch. 99504

ROVANO N. SILVERIO

ROVANO N. SILVERIO

8610 E 7<sup>th</sup> Anch, AK. 99504

KATHRYN REIMAN

10505 Humble Berry Dr Anch AK 99515

Kathryn Reiman

3605 arctic #1329 ANCH AK 99503

Rebecca J. Marshall

Rebecca J. Marshall

5901 E. 6th, Sp. 116, Anch. AK 99504

Sandra C. Ryan

Sandra C. Ryan

1023 W. 26th Ave. #302 Anchorage, AK 99502

Sandra C. Ryan

ISSUE: ALASKA'S KILLER WHALES  
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 waters.

NAME

ADDRESS:

~~Shirley Bost Jim Bost~~ 3501 Hartwood Pl. Anch. AK 99504  
~~Janice Jameson Diane Joneson~~ 1386 W23 Anch. AK 99503  
 Fannie McEvoy (Ferrie McEvoy) 4751 Mars Dr. Anch. AK 99507  
~~Susan BURG~~ PO Box 665, Eagle River, AK 99570  
~~Eric Eason~~ SRA BOX 47-D, ANCHORAGE, AK 99507  
~~John Ole~~ SRA 2517-A, ANCHORAGE, AK 99516  
 Charles R. Lewis Box 1972 Soldotna AK 99669  
 Annen M. Lewis P.O. Box 1972 Soldotna, AK 99669  
~~Janice Janssen~~ 2110 Darwinlight Ct, Anchorage 99501  
~~Charles J. Peterson~~ SRA Box 5472-Q Anchorage AK 99516

We, the undersigned, would like to see a total ban on the capture of killer whales in Alaska waters.

GAIL SOMERVILLE	Gail Somerville	7301 DURANDA CT, ANCHORAGE, 99507
PAUL STEER	Paul Steer	SRABox 24M anchorage 99507
Bonnie Steer (Priscilla)	Priscilla Steer	SRABOX 24M Anch 99507
Will Knoppe	Will Knoppe	Box 2095-G SR Anch AK 99516
Susan Clough	Susan Clough	9700 Prospect Dr. Anch 99511
Diane Crawford	Diane Crawford	1718 SRA Anch. Ak. 99507
Ruth Schmidt	Ruth Schmidt	1040-C-St, Anch. AK 99501
LINDA GOODRICH	Linda Goodrich	830 E TB Anch 99502
CONNIE VAN HORN	Connie Van Horn	6830 OAKWOOD DR, ANCH. 99507
Walter A. Van Horn	Walter A. Van Horn	6830 Oakwood Dr. Anch. 99507
KEN FENDLETON	Ken Fendleton	8631 VIGOR CIR. ANCH. 99504.
BRUCE STACY	Bruce Stacy	6515 Colgate Bldg Anchorage 99507
DAVID ANDERSON	David Anderson	10550 Overd Anch. AK 99507
Mary R. Cassell	Mary R. Cassell	4238 Cherry Cross Anch 99504
Betty Boudart	BETTY BOUDART	Box 11010 Anch. AK 99511
Bo Boudart	Bo Boudart	" " "
Jim BERRY	Jim Berry	Box 8704 INDIAN AK 99540
<del>Shirley Bost</del>	<del>Shirley Bost</del>	<del>3521 Westwood Pl, Anch. AK 99504</del>
SHANTI ELDER	Shanti Elder	3921 Bryant Ridge Pl, #2, Anch. 99504
William J. Deen	W. J. Deen	11776 Wilderness Dr. Anch. AK 99511
Ruth J. Deen	Ruth J Deen	PO. Box 110618 Anch-
Timothy G. Konkus	TIMOTHY G. KONKUS	804 Pst. #7, Anch. 99501
Marge A. Kiley	Marge A. Kiley	Box 387 Cordova 99574
WALTER B. WOOD	Walter B. Wood	705 MULDOON Rp. Sp. 158 99504

PETITION:

ISSUE: ALASKA'S KILLER WHALES

TO: ALASKA'S SENATORS AND REPRESENTATIVES (STATE AND FEDERAL)

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-----  
 NAME ADDRESS:  
 -----

*Diane E. Messin* - 3900 W. 72<sup>nd</sup> St. Anch. Ak. 99502  
(Messin)

*Carol Ann Sullivan* 1644-B Geneva Dr. Anch. Ak. 99501

*Paul Emberson* POB 112113 ANCH AK 99511

*Richard Messin* Box 121527 Anch Ak 99510

*Maureen Richmond* Box 4-079 Anch 99509

*BANTON PENNY* 4581 Sandy Beach Dr. 99503.

*James O. Chubb* P.O. Box 279  
 NEENAH 99760

*Smith I. Kuhn* P.O. Box 11-1843 99511  
KENNETH L. KUHN

*Stephen B. Croyer* P.O. Box 1561N ANCHORAGE. AK 99507

*Joyce Croyer* SR A Box 1561N Anch. AK 99507

*J. B. Self* SR A 1459G. Anch. AK 99515

*Walter B. Wood* 705 MULDOON RD. Sp. 158<sup>1616</sup> 99514

*Margy Lynne Kadletz* 1525 Alder Dr. Anch. AK 99508



Official Business

# Alaska State Legislature House Resources Committee

## SIGN-IN

FEB 29, 1984

HJR 58  
ORCAS

NAME	ADDRESS	PHONE	REPRESENTING
REP. MIKE SZYMANSKI			SPONSOR
LANNY CORNELL	1720 South Shores San Diego CA 92102	619 222-6363	SEA WORLD
Dr. PAUL SPONG	Box 258, Alert Bay, B.C. VAN 1A0		Orca lab, Alert Bay B.C.
Richard Osborne	P.O. Box 945, FRIDAY HBR. WA.		Moclrys Cetological Institute
DICK FARNELL	P.O. BOX 2633, JUNEAU, AK 99803		JUNEAU GROUP - SIERRA CLUB
Austin Hammond	Haines	766-2606	self - A.N.B. - A.N.S. - Camp #5
Stephen Leatherwood	2225 Etiwanda St. San Diego, Calif.	619- 2228591	Hubbs Sea World Research Institute
Guy Oliver	421 Judy Lane JUNEAU	586-4042	SELF
Linda Corder	P.O. BOX 1811 Juneau, A.K.	no home 465-2875W	ORCA
John McManis	Box 2502 Juneau A.K. 99803	787-5068	@

FEB 29





FEB 28 1984

UNIVERSITY OF ALASKA, FAIRBANKS  
Fairbanks, Alaska 99701

24 February 1984

Representative John Ringstad  
Chairman, House Resources Committee  
Alaska State Legislature  
Pouch V (MS 3100)  
Juneau, AK 99811

Dear Representative Ringstad:

I understand that the House Resources Committee will conduct a hearing on 29 February 1984 on the issue of capture of killer whales in Alaskan near-shore seas. I gave testimony concerning this matter before the Senate Resources Committee on 31 January, but I will be unable to attend the meeting of your committee next week. The purpose of this letter is to enter my written testimony into the record, and I should be very grateful if it can be accepted in this manner.

My comments are directed to two parts of this issue: my experience of collaborative work with Sea World and the related autonomous Hubbs-Sea World Research Institute in San Diego and my knowledge of the background and prospects for the research program which is planned in conjunction with the killer whale capture. It is my opinion that much of the discussion of these issues has resulted in exaggeration and inflammation of the purposes and likely outcome of these activities.

From 1961 until 1970 I was a member of the research staff and from 1970 to 1973 a faculty member at Scripps Institution of Oceanography. Stimulated by earlier Alaskan experience, I had embarked on a program of study of marine mammal physiology expecting to explore the mechanisms whereby these animals can experience long and deep dives underwater and can protect themselves from the effects of life-long immersion in polar seas. The nearby Sea World oceanarium was just getting started in the early 1960's, and their activities naturally attracted the attention of persons involved in marine mammal studies. From the beginning, Sea World has shown an interest in providing opportunities for qualified scientists to study their captive animals in ways that would not harm them. Sea World management was and continues to be, of course, especially interested in new knowledge which contributes to the healthy condition of their marine mammals, but their enlightened attitude toward research has extended well beyond those concerns. It is fair to say that Sea World has supported investigations of physiology, behavior and animal welfare by many reputable scientists which would not otherwise be possible. That dedication to understanding these remarkable animals has steadily gained in strength and effectiveness as Sea World has grown and initiated new and improved technology for husbandry of marine mammals. That organization and its research arm - Hubbs-Sea World Research Institute - are today world leaders in this field.

Sea World research into the care of captive dolphins, for example, has progressed to such a level that it is no longer necessary for them to capture those animals in the wild. In recent years, 20 live births of dolphins have taken place at Sea World. It is for a similar purpose, among others, that the presently debated killer whale capture is proposed. If any organization is to succeed in the captive breeding of killer whales, it is likely to be Sea World. I believe that we should applaud these efforts. Sea World proposes to take 10 killer whales into captivity over a period of 5 years. In that process more whales would be temporarily held for a few hours in order to evaluate which animals would be taken into captivity. For this reason Sea World has sought to "take" up to 100 killer whales. News reports sometimes fail to make this distinction clear, and the public then may be left with the inaccurate impression that a total of 100 Alaskan killer whales are destined for removal to California.

The proposed research program will provide an unprecedented opportunity to expand our knowledge of killer whales in the Alaskan environment. Seventeen scientists from several institutions will take part in more than a dozen research projects. These are not trivial activities, and they are not hobbies. They are part of the long-term, step-by-step process by which reliable and useful scientific information is acquired.

Since I joined the faculty of the University of Alaska in 1973 I have continued research investigations of marine mammals. I have also continued collaborative studies with colleagues in other places, including Sea World. Much of our research success depends upon team work to realize the most productive means for acquiring new information and understanding of marine mammals. As a result of such studies we know more about the biology of those animals and, incidentally, about our own physiological processes. Adaptations to long underwater diving, for instance, were originally identified in mammals and birds which live in aquatic habitats. We know today that those adaptations can also be traced in other species, including humans, as a defense against the threats of asphyxia. Studies of aquatic animals have led directly to new appreciation of the importance of these reactions in medical problems. The possible implications extend to protection of newborn infants against asphyxia, survival of victims of near-drowning and hypothermia, prevention of sudden infant death syndrome and new perspectives on heart disease.

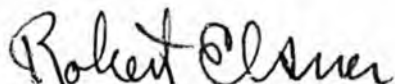
Quite apart from these examples of contributions to human health, there is a great need to learn more about marine mammal populations, distribution and ecology in these days when rapid and possibly irreversible changes are taking place in our marine environments. I cannot think of a location where such knowledge can be more usefully gained and put into practice than here in Alaska. In my view the State of Alaska can gain considerable benefits while making adequate safeguards for a rational and considered approach to this issue.

There is clearly a basis for difference of opinion regarding the ethics of keeping animals in captivity for purposes of public display. Many millions of Americans accept that premise as reasonable, and they have

gained enormously by the educational and aesthetic values which have been derived from appreciation of Nature gained through learning about animals in this way. Sea World, its profit motives notwithstanding, has made an essential and lasting contribution to that public knowledge and appreciation. There is also a basis for disagreement about the use of animals for scientific research. Certainly, every thoughtful and humane person would accept the idea that such animals should be well cared for and not subjected to unkind treatment. Such conditions are accepted as the responsibility of scientists and form the basis upon which new knowledge is founded. I have confidence that the proposed killer whale research will adhere strictly to these policies.

There have been recent news reports suggesting that the Greenpeace organization intends to use its ship to physically interfere with the killer whale captures if they are undertaken in Alaskan waters. In my opinion such an activity would constitute a most unfortunate and uninformed misplacement of that group's priorities. An otherwise well-meaning and sincere concern for animal welfare would be dissipated in an irrational effort. How much more useful a contribution to Alaskan interests and to our society could be made if we would join forces to make certain that the resources available to the State of Alaska could be brought to bear in such a way as to assure maximum sensible use and beneficial results from this unique opportunity.

Respectfully,



Robert Elsner  
Professor of Marine Science

RE/rmh

cc: Chancellor O'Rourke  
Representative Mike Davis  
Senator Vic Fischer  
Senator Bettye Fahrenkamp  
Editor, Fairbanks Daily News-Miner  
John Burns, ADF&G  
National Marine Fisheries Service



UNITED STATES DEPARTMENT OF COMMERCE  
National Oceanic and Atmospheric Administration  
NATIONAL MARINE FISHERIES SERVICE  
Washington, D.C. 20235

FEB 22 1984

F/M411:PM

Mr. Don W. Collinsworth  
Commissioner  
Alaska Department of Fish and Game  
P.O. Box 3-2000  
Juneau, Alaska 99802

MAR 12 1984

Dear Mr. Collinsworth:

This is in regard to your letter of January 16, 1984, concerning Permit No. 439 issued to Sea World, Inc. which authorizes the taking of killer whales in waters off Alaska.

I appreciate your concerns over the taking of killer whales in areas which conflict with State sanctuaries and viewing areas or religious and social systems in Alaska. Factors such as these are considered by the National Marine Fisheries Service (NMFS) Regional Offices, who make a final determination on the specific dates and locations of takings under permit. Special Condition B-10 of Permit No. 439 requires Sea World to receive approval from the NMFS Alaska Region prior to any takings in the Alaska area. As indicated in our letter to you of November 1, 1983, the Alaska Region will consult with the Alaska Department of Fish and Game prior to allowing any takings in State waters. I will also encourage Sea World to consult directly with your department well in advance to discuss and determine those State areas which would be unacceptable for capture operations, and understand that Sea World has already been in contact with your staff.

The requirement for observers to accompany activities under permit is also determined by the Regional Office. The NMFS intends to require observers for both the temporary capture of animals for research and the capture of animals for display. The arrangements for observers will also be coordinated with your Department and, at your request, the Alaska Region will require Sea World to accommodate State of Alaska observers.

Concerning your last request, I will send you copies of all reports received from Sea World as well as all authorizations or modifications made by NMFS to Permit No. 439. I believe that these provisions address your concerns.

Sincerely yours,

Richard B. Roe  
Director  
Office of Protected Species  
and Habitat Conservation

bcc: Cornell and Heffernar-Sea World





# Alaska Princess CHARTERS inc.

8RA 647 Anchorage, AK 99507 (907) 345-5583

MAR 5 1984

March 1, 1984

Representative John Ringstad  
House Resources Committee  
Alaska State Legislature  
Pouch V  
Juneau, Alaska 99811

Dear Representative Ringstad

I attended the Alaska State Legislature Teleconference Hearings in Anchorage today on the subject of HJK 58. Because of the high number of people wanting to testify and the limited amount of time available for testimony, I was unable to testify as I had intended. Enclosed is a copy of the text that I had intended to read. I hope that you will find it useful in your consideration of this resolution and I hope that you will conclude, as I have, that this resolution should not be passed. Let's get on with the research!

Sincerely,

Rachael D. Meeks  
President

RDM:ajh  
Attachment



Alaska Princess  
CHARTERS inc.

RACHAEL MEEKS  
President

3320 Seawind Drive · Anchorage, AK 99516 (907) 345 5583

"DISCOVER Prince William Sound With Us."

I appreciate the opportunity to provide input to your consideration of House Joint Resolution 58. I do not support it.

My name is Rachael Meeks and I am the President of Alaska Princess Charters, Inc., a charter operation which derives its entire income from cruises in Prince William Sound.

Sea World's request for a permit to remove ten killer whales and study up to 90 more during the next five years caught my interest in May 1983 when I read an article about it in the ANCHORAGE TIMES. It was at a time when we were gearing up for our summer season. During the winter of 1982-83, we had requested information on the killer whales in Prince William Sound from various governmental agencies. The only information that was provided was the most recent report of the Marine Mammal Protection Act of 1972 published by the US Department of Commerce. It stated that killer whale populations are unknown, although they are large enough to not be considered an endangered species.

After further researching Sea World's application for the permit, I sent letters of support to the National Marine Fisheries Service, Governor Bill Sheffield, Representative Don Young and Senators Murkowski and Stevens. Additionally, I personally spoke with Senator Murkowski about this issue and indicated my support. During this time, the press did a good job of covering the issue on TV, radio and in the Alaska newspapers.

Public hearings were held during August 1983 in Seattle, Washington, despite the fact that Sea World had previously suggested to National Marine Fisheries Service (NMFS) that public hearings be held in Alaska. I contacted NMFS in Juneau and voiced opposition to hearings outside the state, but all they could recommend was to send in my public comment, which I did.

At the hearing, renowned scientists, veterinarians, the general public and even politicians testified both for and against granting Sea World this permit.

After evaluation of all the input, the National Marine Fisheries Service apparently believed that the advantages of this research outweighed the disadvantages and they granted Sea World its permit to capture killer whales in Alaskan waters. I believe that there has been adequate input to have made a rational decision and that that decision has been made. With this in mind, I do not understand why the legislature in Juneau is practically starting the process all over again; unless it is to get more publicity for what has become an emotional issue. Where were Mike Syzmanski and Vic Fischer last year when the hearings were in progress? And why didn't they make their comment during the public comment period just like the rest of us?

I have been to Sea World's San Diego Park as a tourist and I am impressed with its educational programs. Of course, seeing a whale in the wild is incomparable to seeing one in an aquarium, yet, marine parks such as Sea World are the only place where most people can acquire the sense of wonder that comes from exposure to these magnificent animals. Anyone who sees the orcas perform is unlikely to ever be indifferent about harm done to whales. Therefore, marine parks not only expand our knowledge and understanding of the whales, but I believe they also mass-produce opposition to commercial whaling. I base this on the fact that the countries that have extensive commercial whaling operations such as Russia and Japan, do not have marine mammal parks like Sea World. From my research, I have learned that over 75 million visitors have attended Sea World Parks. Sea World has a formal education program that has reached over 1½ million students since its inception in 1972. A program coordinator for the Orange County Public School System in Florida wrote that they depend on Sea World to provide marine biological programs. During May 1983 alone, over 20,000 students were involved from that state's educational institutions. I understand that continuing education programs are provided, a veterinary program for medical students is conducted and a range of programs are available for the mentally, visually and severely handicapped. Sea World has been the recipient of numerous educational awards and was rated by the Stanford Research Institute as "the world standard, against which all others of its kind are measured."

To make allegations that Sea World would jeopardize this permit by abusing it is absurd. There is no reason to believe that the captured whales from Alaska will not

receive as good of care as the whales that Sea World currently has. These whales range in age from 8 to 25 years old and have been in captivity for from 6 to 15 years.

We support this research on the killer whales particularly in Prince William Sound because whales are a prime attraction in our charter business. While the capture of a few whales may make the whales skittish for a while, I believe that the benefits of establishing a baseline of population and migratory patterns will be lasting, especially in view of the increased numbers of cruise ships coming into Prince William Sound. We do not need another fiasco like Glacier Bay where small operators like myself were denied permits to enter the bay due to the fact that whale population research was incomplete.

Instead of rehashing the permit process at the state level, I believe we would be far better off to do everything possible to support Sea World in their research and benefit from that research as well as capitalize on the advertising aspect of offering OUR killer whales to the people of the less fortunate states. Particularly at a time of dwindling oil revenues, we are wise to invest in renewable resources; namely tourism. Providing a few killer whales to the lower 48 could stimulate interest in the state and supplement the Division of Tourism's advertising campaign. Who knows? Sea World may even name one of the whales after a famous Alaskan!

From: North Pacific Fishermen's Federation

TO: Senate Resources  
House Resources

SUB: Sea World proposed capture of killer whales.

Madam Chairmen

Mr. Chairman

As I am frequently around killer whales, I am intensely appreciative of and respect the magnificence of these mammals. It is hard to visualize these mammals in captivity.

I have met with representatives of Sea World and discussed their proposal to capture a few killer whales. After consideration of some important reasons for the whales capture, we would appreciate being put on record as supportive of Sea World's proposal.

The educational benefits to the public, the scientific benefits to the deeper and better understanding of the killer whales, the expression of seemingly ease of the whales to adapt to captivity, the quality personnel and facilities as expressed by many who have visited Sea World as well as representative document and personnel, seem to give credibility to Sea World's proposal.

We believe the killer whales are going to

be studied to a great extent, anyway. We would definitely appreciate these types of projects done in the private sector rather than by governmental agencies. The results will be thorough, the care will be the best, and the costs and investment be protected. This, as past experience shows, is not the case with governmental involvement.

These capturing activities should, as can be worked out with Sea World representatives, be done in a manner as to not hinder fishing activities in Southeast Alaska.

Jerry Arnold  
Chairman NPFF  
Box 3020  
Juneau, Ak. 99803  
907-789-9923

# SeaWorld



*Entertainment  
Education  
Research*

