

CALIFORNIA COASTAL COMMISSION

SAN DIEGO AREA
7575 METROPOLITAN DRIVE, SUITE 103
SAN DIEGO, CA 92108-4402
(619) 767-2370



Th14a

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original staff report

Addendum No. 2

October 7, 2015

To: Commissioners and Interested Persons

From: California Coastal Commission
San Diego Staff

Subject: Addendum to **Item Th14a**, Coastal Commission Permit Application
No. 6-15-0424 (SeaWorld), for the Commission Meeting of Thursday,
October 8, 2015.

Staff recommends the following changes be made to the above-referenced staff report:
Deletions shall be marked by a ~~striketrough~~ and additions shall be underlined.

1. The staff report shall be corrected as follows:

Replace all references to February 12, 2014 with February 14, 2014.

2. Add the attached letters to Exhibit 13 – Opposition Letters

a. October 1, 2015 letter from Assemblymember Richard Bloom

b. September 17, 2015 letter from UNITE HERE! Local 11

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Assembly California Legislature



RICHARD BLOOM
CHAIR, BUDGET SUBCOMMITTEE NO. 3 ON RESOURCES & TRANSPORTATION
ASSEMBLYMEMBER, FIFTIETH DISTRICT

STATE CAPITOL
P.O. BOX 942849
SACRAMENTO, CA 94249-0050
(916) 319-2050
FAX (916) 319-2150

DISTRICT OFFICE
2800 28TH STREET, SUITE 105
SANTA MONICA, CA 90405
(310) 450-0041 AND
(818) 596-4141
FAX (310) 450-6090

E-MAIL
assemblymember.bloom@assembly.ca.gov

October 1, 2015

Steven Kinsey
Chairman, California Coastal Commission
& California Coastal Commissioners
California Coastal Commission
45 Fremont Street, Suite 2000
San Francisco, CA 94105-2219

RE: Agenda Item Thursday 14a: No 6-15-0424 (SeaWorld Orca Enclosure Expansion, San Diego)

Dear Chairman Kinsey and Commissioners:

Thank you for the opportunity to address you on the topic of Sea World's "Blue World" project.

In my opinion, in the opinion of the public and in the opinion of the large majority of marine mammal scientists, the era of captive orca display and breeding must come to an end. We know far more about these incredibly intelligent and socially complex marine mammals now than when we first began captive display over 40 years ago. With this in mind, I introduced AB 2140 in our last legislative session. AB 2140 would have prohibited all captive breeding at Sea World's San Diego facility, and limited their display to the 11 whales currently housed there.

I elected to study the issue further before advancing the measure, and the more I learn, the more committed I become to bringing about an end to the practice of orca captivity for display and entertainment. A growing body of marine biology science, demonstrates that highly intelligent orcas, who enjoy virtually unlimited range in their natural environment and live in familial pods, do not thrive in captivity where they are separated from family, restricted to comparatively tiny environs and raised on a regimen that is distinctly different from nature.

Therefore, I fully intend to pursue the policy goals of AB2140 and, consequently, it would be extremely unfortunate and counterproductive if the Coastal Commission were to grant an entitlement to Sea World to expand their captive breeding program in the interim.

Fortunately, your broad jurisdiction under the Coastal Act gives you the authority to advance protective measures for these magnificent marine mammals, and play an important role in bringing captivity practices to a close. Your staff report does an excellent job of establishing that you are not legally preempted by any state or federal law from regulating these activities (contrary to the assertions of Sea World). It also correctly identifies 30230 as the applicable Coastal Act section that gives you specific authority over Sea World's breeding and display practices.

Regrettably, your staff's recommendations do not go far enough. Prohibiting the display of wild whales captured offshore California, and the display or utilization of wild caught whales or their gamete of



individuals captured after February 12, 2014, is largely symbolic. It will do little to protect wild whales, and nothing to limit the continued production of captive orca who will live out their lives in grossly inadequate circumstances.

Please take note that under the staff recommendation, transient whales that pass through California waters (and are, therefore, incontrovertibly, California resources) could still be captured offshore in Mexico, Oregon or elsewhere. This condition, therefore, would not guarantee the protection of orca that are clearly California marine resources and species of great significance to our state.

Moreover, the February 2012 cutoff date for the utilization of sperm from wild-captured whales conveniently allows Sea World to benefit from the 10 wild whales captured by Russia in 2012 and 2013. Moreover, it would allow Sea World to house, display, and breed from any of the captive whale's offspring, whose importation requires far less regulatory oversight. The vague, general condition that the population at the San Diego facility be limited to "sustainable growth" is little comfort, considering that no accredited population guidelines exist thus allowing for as many as 94 whales to be housed at this facility.

As long as captive orca display and breeding is allowed to persist, it will necessitate the continuation of wild capture to periodically replenish the gene pool. The staff report's assertion that captive breeding is preferable to wild capture is misguided. The fact is, that captive breeding perpetuates wild capture. That is why it is imperative that both wild capture and captive breeding must end.

As a former Coastal Commissioner, I would like to assure you that you have it within your discretion to help bring the captive breeding program in San Diego to a close. Your staff agrees that you have the authority to condition the project under Section 30230. Therefore, it is equally clear that you have the authority to prohibit captive breeding. It is totally within your discretion as Commissioners to determine what the appropriate application of 30230 is.

And that is what you should do, along with specifying that the new tank can only be utilized by the existing group of 11 whales. I urge you to exercise your full discretion in support of the whales and the emerging public consensus that the time has come to end the practice of captive orca breeding and display.

Sincerely,

A handwritten signature in black ink, appearing to read 'R. Bloom', with a long horizontal stroke extending to the right.

RICHARD BLOOM
Assemblymember, 50th District

UNITE HERE! *Local 11*

464 Lucas Ave., Suite 201 • Los Angeles, California 90017 • (213) 481-8530 • FAX (213) 481-0352

September 17, 2015

Re: Sea World's Blue World Project

Dear Chairman Kinsey and Coastal Commissioners:

I am writing on behalf of the more than 20,000 members of Unite Here Local 11 to urge the Commission to place conditions on any approval of this project that prohibits the breeding of captive orca or their sale or transport to any place other than a sea pen. Given our current understanding of orca biology, social structure, and physiology, it has become evident that the keeping of orca in captivity for the purpose of entertainment is not appropriate. This practice sends the wrong message to the many young people who come to see them. Working families are interested in giving their children experiences that provide a healthy atmosphere, and send a message of respect for the environment. We believe that coastal access as contemplated by the Coastal Act hinges on promoting practices that respect all of our coastal resources—including the animals.

Reports show that these whales suffer from their captivity and treatment at Sea World. They are impacted both socially and biologically. Is this really the lesson we want our children to learn? We would hope that the message should be to understand and respect the environment and the wildlife that inhabits it.

Please do what you can to end the use of killer whales for breeding and entertainment purposes by, in the least, conditioning the project to require the phasing out of their use.

Respectfully,

Melanie Luthern