



Connecting whales and people
in the Pacific Northwest

May 31, 2014

Fernando Eiroa, President and CEO
c/o Palace Entertainment
4590 MacArthur Blvd., Suite 400
Newport Beach, CA 92660
Email: Fernando Eiroa <feiroa@palaceentertainment.com>

Dear Mr. Eiroa and Palace Entertainment Officers and Board of Directors,

Congratulations on your recent acquisition of the Miami Seaquarium. I am writing to offer you some historic and scientific background about Lolita, the orca on display at the facility, and some possible prospects for her future.

To introduce myself, I am President of the Board of Orca Network, a non-profit organization in Washington State. Our mission is to educate the public about, and advocate for, the orcas inhabiting the inland waters of Washington and British Columbia. Our email and facebook readers and event attendees number many thousands and our reach is global. Our primary interest is the welfare of the Southern Resident Orca Community, which was listed as an endangered population under the ESA in 2005 and are now down to only 80 members. This unique and cohesive orca clan is endangered primarily due to historic depletions of Chinook salmon, their traditional dietary preference, but also due to the scale of capture operations during the 1960s and 70s, including the removal of Lolita in 1970.

Southern Resident orcas are an intact extended family. There is no dispersal except by capture, and no recruitment from any other orca population. All mating takes place within the extended family. They are culturally and genetically distinct, as demonstrated by their ESA listing.

They communicate using a set of calls passed down the generations within the family. To this day Lolita still calls out in the unique harmonic tones she learned before capture, showing that she remains a member of the Southern Resident Community, regardless of her time away from her family. There is every reason to believe that she still holds vivid memories of her days prior to capture, when she was a young member of her extended family. Her early years unfortunately coincided with the 10-year rash of captures in the Puget Sound region for marine parks from the mid-1960s to the mid-1970s. For historical background on those captures we recommend Erich Hoyt's book, *Orca, The Whale Called Killer*, and a new book to be published in June by Sandra Pollard called *Puget Sound Whales for Sale*.

Since 1995 Orca Network has proposed that Lolita be transported back to the waters of her birth. Our plan is designed in partnership with Kenneth Balcomb of the Center for Whale Research, who has conducted the crucial demographic field studies on the Southern Resident orcas since 1976. We propose that she be relocated to a protected seapen to regain her strength and familiarity with her natal habitat, and eventually be allowed the opportunity to communicate with, see and touch her family. We intend to give her the option to rejoin them if she and her family so choose. If Lolita returns to her care station for further human companionship, care or

485 Labella Vista Way • Freeland, WA • 98249

(360) 331-3543 • 1-866-ORCANET • info@orcانetwork.org • www.orcanetwork.org

provisioning, we are committed to providing for her.

Our proposal for Lolita is supported by most or all major animal welfare groups and a broad cross-section of public opinion. Earthjustice, the environmental legal office that argued successfully for her family's ESA listing, commented in a letter to the National Marine Fisheries Service (NMFS) in favor of Lolita's return home. Our complete proposal for each stage of our retirement proposal for Lolita, including these letters and an array of supporting material, are available in the Lolita section of OrcaNetwork.org.

RECOMMENDATION

Our request to Palace Entertainment is to add your support and active participation toward Lolita's safe and professional reintroduction to her natal waters. I'd like to make a few points in support of this request.

There are literally millions of people on several continents who are eager to see Lolita retired in the waters of her birth. If and when it happens with the support of Palace Entertainment, your company will reap immeasurable international acclaim by media, politicians, celebrities, universities, schools, activists, children, and in fact the general public, for contributing to her retirement.

Conversely, should Palace Entertainment choose to keep Lolita in Miami indefinitely or move her to another park, widespread and often emotional disfavor will likely follow, and negative media and protest demonstrations may become even more active on a recurring basis at whatever facility is holding her. By example, the often clumsy rejection by many marine parks of the growing public awareness that holding whales and dolphins captive amounts to a kind of animal abuse, has led to the industry's dramatic loss of credibility and stature in just the past year.

Public opinion has shifted away from accepting cetaceans in captivity for our entertainment. These protests are no longer just a few activist groups, they are large crowds of the consuming public - your market. We'd like to offer Palace Entertainment a new path toward a solution to this deepening dilemma that would certainly result in a positive media spotlight. There is no significant risk involved at any phase of Lolita's proposed transport and relocation to the Salish Sea. We have repeatedly asked Lolita's former owners to specify where they see real risk, but no answer has been forthcoming.

There is, however, significant risk involved in moving Lolita to any other facility. As a member of the Southern Resident orca community, Lolita would not likely merge socially with other captive orcas, virtually all of which are of Icelandic origin or captive born. She would not easily subordinate herself to any established social hierarchy and would probably suffer significant stress and possibly bodily injury if placed with any other whales in captivity.

CAPTIVE ORCA SHOWS ARE NO LONGER ACCEPTABLE

In North America and Europe the tide is turning rapidly against the practice of holding orcas captive. On May 24 large demonstrations coordinated by the Empty the Tanks movement protested at approximately 50 marine mammal display institutions worldwide to protest the business of captive whale and dolphin entertainment, including an all-time high of 300+ demonstrators in front of the Seaquarium. The National Aquarium in Baltimore announced May 14 that it may soon no longer have dolphins on exhibit. The aquarium is considering moving their eight dolphins to an ocean-side sanctuary. A poll released May 29 shows that fully half of Americans oppose keeping orcas in captivity for public display, compared to an identical 2012 poll that showed 39 percent opposing the practice.

Also May 29, 38 members of Congress wrote a letter to the Sec. of Agriculture asking them to update their regulatory framework to ensure the humane treatment of orcas and other marine animals in captivity. It

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is precisely the disregard by the USDA's Animal and Plant Health Inspection Service of Animal Welfare Act regulations pertaining to the size of the Seaquarium whale tank, the lack of shade from the Miami sun and her solo confinement, that is being contested in court at this time.

A recent poll in the UK showed that 86% of the British public is opposed to holding orcas captive. Calif. bill AB2140 would end captive orca entertainment routines and breeding programs in that state, and require that the current captives be returned to the sea. Almost 1.2 million people have signed an online petition in support of the bill. A similar bill is now pending in New York. AB2140 is currently on hold until early 2015 to develop models for setting up seapens to care for the captives, a task we have addressed for nearly two decades in preparation for Lolita's retirement.

SeaWorld reported that attendance dropped 13 percent in the first quarter of 2014. Several of SeaWorld's corporate owners and officers have sold off large blocks of SeaWorld stock, which dropped over 7 points when Blackfish was shown and has not recovered.

Over 21 million people have watched repeated showings of Blackfish on CNN, and an equal or greater number have seen the film on Netflix, where it is available in 51 countries. Blackfish is now also distributed by NBC Universal to theaters in Asia, Italy, Portugal, central and eastern Europe, Scandinavia, and Latin America.

When the Miami-Dade County Commission approved the sale of the Miami Seaquarium to Palace Entertainment, Commissioner Xavier Suarez asked, "is there something that can be contemplated [to help Lolita]?" Commissioner Barbara Jordan asked, "Is there a retirement program for whales?"

Palace Entertainment is in a position to enjoy many years of enthusiastically positive and completely free marketing, and could forever be known as the champion and pioneer of the movement to free captive orcas. The momentum toward greater concern, respect and empathy for captive whales and dolphin is rising as we speak. Their return to natural settings, whether to protected seapens or in some cases complete releases, are fast becoming the order of the day. This is your chance to create a huge following of highly favorable public attention simply by providing assistance to help Lolita return home at long last, *or* to find yourselves the object of universal scorn for turning your back on Lolita.

It's a miracle that Lolita is still alive. All the other 40+ members of her community who were captured and removed for display in theme parks before 1973 had died by 1987, and yet Lolita somehow maintains her health, her courage and her patience. Please offer her the respect she deserves by playing a positive role in her much-deserved retirement.

I look forward to engaging with you in productive dialogue toward working together to retire Lolita in the waters where she was born and raised.

Sincerely,



Howard Garrett
Orca Network

CC: administrator@palaceentertainment.com, marketing@palaceentertainment.com, owens@palaceentertainment.com, mbaroni@palaceentertainment.com, rpaegert@palaceentertainment.com, gborman@palaceentertainment.com, bill.lentz@palaceentertainment.com, jjudy@palaceentertainment.com, acabuco@palaceentertainment.com, mwischmeyer@palaceentertainment.com