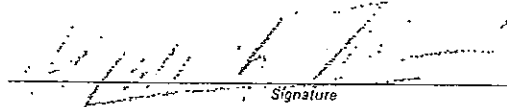



SWF009201

Exporter (name, address, telephone) / Exportateur (nom, adresse, téléphone) <b>Alejandro Bolz</b> <b>Sealand of the Pacific Ltd.</b> <b>1327 Beach Drive</b> <b>Victoria, B.C. CANADA V8S 2M4</b>		<b>EXPORT PERMIT</b> Convention on International Trade in Endangered Species of Wild Fauna and Flora	<b>LICENCE D'EXPORTATION</b> Convention sur le commerce international des espèces de faune et de flore sauvages menacées d'extinction
Consignee at final destination (name, address) / Destinataire à l'ultime destination (nom, adresse) <b>Brad F. Andrews</b> <b>Sea World Inc.</b> <b>7007 Sea World Drive</b> <b>Orlando, Florida U.S.A. 32921</b>		Applicant's reference no. / N° de référence du requérant _____	Date / Date <b>06 January</b>
Applicant (if other than exporter) / Requêteur (si autre que l'exportateur) <b>R/A</b>		Permit, if issued, to be sent to: / Licence, s'il y a lieu, à envoyer à: Exporter <input checked="" type="checkbox"/> Exportateur / Applicant <input type="checkbox"/> Requêteur	
		Exporting Province/Territory / Province/Territoire exportateur <b>British Columbia</b>	
		Country of final destination / Pays de destination finale <b>United States of America</b>	
		Canadian port where Customs export entry will be presented / Port canadien où sera présentée la déclaration d'exportation <b>Victoria</b>	
The undersigned hereby certifies that all information given in this application is true and correct. / Le soussigné certifie que tous les renseignements donnés dans cette formule de demande sont exacts.		<b>N.B. Re-export to U.S.A.</b>	
Signature / Signature 		Country of Origin / Pays d'origine <b>ICELAND - Imported into Canada November 1991</b>	

Appendix / Annexe	Marks / Marques	Description (scientific name, type, etc.) / Description (nom scientifique, genre, etc.)	Quantity / Quantité	Sex / Sexe	Size and Age / Taille et âge
Living Specimens / Spécimens vivants	<b>II</b> <b>Stock No: #3 (1983)</b> <b>Name: Titicum</b>	<b>Orcinus orca - killer whale</b>	<b>one</b>	<b>male</b>	<b>- 20 feet 1/2</b> <b>- approx. age 9 years</b> <b>- weight approx 5000 lbs.</b>
Prepared specimens, parts, by-products / Spécimens préparés, parties, sous-produits					

For Departmental Use Only — À l'usage du ministère seulement

Signature and stamp of issuer / Signature et tampon de l'autorité émettrice  <b>CANADA</b> <b>11</b> <b>ORGANE DE GESTION</b>	Customs stamp of importing country / Tampon de la douane du pays importateur <b>R. H. Hoshenko</b> <b>L. Paika</b>	Permit No. / N° de la licence <b>CA-FO-VA-0001-92</b>
Checked by Collector of Customs / Vérifié par le Receveur de la douane avec l'exemplaire reçu du ministère	Date stamp of port of validation / Timbre à date du bureau de validation	Date of issue / Date d'émission <b>08 January 1992</b>
		Expiry Date / Date d'expiration <b>06 February 1992</b>
		File No. / Dossier n° <b>Source: Wild (Ice)</b>

1300-44 (5/81)



UNITED STATES DEPARTMENT OF COMMERCE  
National Oceanic and Atmospheric Administration  
NATIONAL MARINE FISHERIES SERVICE  
1335 East-West Highway  
Silver Spring, MD 20910  
THE DIRECTOR

SWFO09201

COOPERATIVE AGREEMENT BETWEEN THE  
NATIONAL MARINE FISHERIES SERVICE

AND

SEA WORLD, INC.  
COOPERATIVE AGREEMENT NO. 1Q

This Agreement is entered into under the authority of Sections 109(h) and 112(c) of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1379(h) and 16 U.S.C. 1382(c)) (MMPA) by and between the National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration, U.S. Department of Commerce and Sea World, Inc. (Sea World).

NMFS and Sea World have entered into this agreement for the purpose of importing one (1) adult male killer whale (Orcinus orca), "Tillikum," heretofore in the custody of Sealand of the Pacific Ltd. in Victoria, British Columbia, Canada to render medical treatment and care necessary to ensure the animal's well-being.

It is hereby agreed that the whale referred to herein will be placed under the care and custody of Sea World at the Sea World of Florida facility in Orlando, Florida, until a public display permit is issued applicable to this animal or, if such a permit is denied, until other disposition is arranged in accordance with special condition 2 below. Sea World agrees to comply with the U.S. Department of Agriculture's regulations and standards for marine mammal transport and captive maintenance, the special conditions listed below, and the attached conditions, which are expressly made a part of this Agreement.

**Special Conditions:**

1. Before the adult male killer whale referenced above, "Tillikum," is imported, a certification from an independent veterinarian (not affiliated with Sea World or Sealand of the Pacific, Ltd.) must be submitted to NMFS stating: that the protocol for the transport and acclimation of Tillikum to the Sea World of Florida facility in Orlando, Florida is acceptable (particularly change in temperature considerations), and that Tillikum is in sufficiently stable condition to be transported.

THE ASSISTANT ADMINISTRATOR  
FOR FISHERIES



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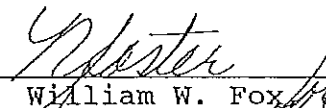
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2. If a permit is not issued for the importation of this killer whale, NMFS, after consultation with Canadian governmental officials, may require that Sea World return Tillikum to Canada to a facility identified by NMFS and the Canadian government or, if no Canadian facility is available, return and release Tillikum at the original location of capture. This condition may be invoked solely at the discretion of NMFS, and, if so invoked, Sea World agrees to pay all costs associated with such alternatives. In this regard, authorization for export will not be granted until protocols for transport and/or release have been reviewed and approved by NMFS in consultation with the Marine Mammal Commission and the Department of Agriculture, Animal and Plant Health Inspection Service.
3. The killer whale imported under the authority of this agreement may not be placed on public display until such time as a public display permit is issued applicable to this animal.
4. This agreement may be revoked, and the provisions of special condition 2 invoked, at any time at the discretion of NMFS. Continued temporary holding by Sea World of Tillikum is solely subject to NMFS discretion.
5. This agreement shall terminate upon issuance of a public display permit to Sea World applicable to the killer whale imported under the authority this agreement, unless terminated sooner in accordance with special conditions 2 or 4 above.

The terms of this Agreement will become effective upon signature of Sea World.

U.S. Department of Commerce  
National Oceanic and  
Atmospheric Administration  
1335 East-West Highway  
Silver Spring, Maryland 20910

Sea World, Inc.  
7007 Sea World Drive  
Orlando, Florida 32821-8097

By:   
William W. Fox, Jr.

By:   
Brad Andrews  
Vice President  
Zoological Operations

Date: 1/8/92

Date: 1/8/92



SWF009201

UNITED STATES DEPARTMENT OF COMMERCE  
National Oceanic and Atmospheric Administration  
NATIONAL MARINE FISHERIES SERVICE  
Silver Spring, Maryland 20910

OCT - 7 1992

Mr. Brad F. Andrews  
Vice President, Operations  
Sea World, Inc.  
7007 Sea World Drive  
Orlando, Florida 32821

Dear Mr. Andrews:

Enclosed is Permit No. 774, issued to Sea World, Inc. authorizing the importation of two (2) adult female killer whales (Orcinus orca) and one (1) calf from Sealand of the Pacific, Ltd., 1327 Beach Drive, Victoria, B.C. V8S 2N4, under the provisions of the Marine Mammal Protection Act of 1972 (MMPA). Permit No. 774 also authorizes the importation, for purposes of public display under Section 104 of the MMPA, of the male killer whale, "Tillikum," that was imported to Sea World under Agreement No. 1Q for medical treatment otherwise unavailable. It is required that you review and comply with the Permit, the Special and General Conditions attached thereto, and the enclosed MMPA and regulations prior to and while engaging in the authorized activities.

Please note that Special Condition B.1.b. requires that, prior to importation, you determine, to the extent practicable, that lactation/nursing has ceased and the killer whale calf to be imported has been weaned. Special Condition B.1.c. requires that, at least 30 days prior to import, you submit an importation plan which must be approved before you initiate final importation arrangements. Special Condition B.2.a. requires that you or your agent notify the Director, Southeast Regional Office, National Marine Fisheries Service (NMFS) ten days in advance of the importation in order for the Regional Director to arrange for an observer to monitor the importation, should he determine that to be desirable. Special Condition B.3.a. requires submission of a summary report of pre/post transport procedures thirty days after the importation.

You are reminded that the killer whale is listed on Appendix II of the Convention on International Trade in Endangered Species of Wild Fauna and Flora. For information on importation requirements for Appendix II animals, you may contact the Office of Management Authority, U.S. Fish and Wildlife Service, P.O. Box 3507, Arlington, Virginia 22203-3507.

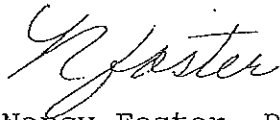


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The fee for this permit is \$200.00. We would appreciate receiving a check for this amount payable to the National Oceanic and Atmospheric Administration. Please submit the check to Chief, Permits Division, Office of Protected Resources, National Marine Fisheries Service, 1335 East-West Highway, Room 7324, Silver Spring, MD 20910.

Sincerely



Nancy Foster, Ph.D.  
Director  
Office of Protected Resources

Enclosures



SWFO09201

UNITED STATES DEPARTMENT OF COMMERCE  
National Oceanic and Atmospheric Administration  
NATIONAL MARINE FISHERIES SERVICE  
1335 East-West Highway  
Silver Spring, MD 20910  
THE DIRECTOR

## Public Display Permit No. 774

Sea World, Inc., 7007 Sea World Drive, Orlando, Florida 32821, is hereby authorized to import the marine mammals specified below for public display 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

Two (2) adult females, and one (1) calf killer whale (Orcinus orca) may be imported from Sealand of the Pacific and permanently maintained for public display purposes. The male killer whale, "Tillikum," that was imported to Sea World under Agreement No. 1Q for medical treatment otherwise unavailable may also be imported and permanently maintained for public display purposes.

### B. Special Conditions

#### 1. Import/Display

- a. The importation authorized by this Permit shall be conducted as described, and for the purposes set forth, in the application.
- b. Prior to the importation, the Permit Holder must determine, to the extent practicable, that lactation/nursing has ceased and the killer whale calf to be imported has been weaned.
- c. At least 30 days prior to importation, the Permit Holder must submit a detailed importation plan in writing to the Director, Office of Protected Resources. This plan must address: the plans and facilities for transport and maintenance of the requested animals; include the Permit Holder's determination in accordance with paragraph 1.b.; state that the killer whales to be imported have been determined by the Permit Holder to be ready

THE ASSISTANT ADMINISTRATOR  
FOR FISHERIES



for importation/transport and describe the manner in which this determination was made by the Permit Holder; and state the point in time or action upon which the Permit Holder will assume sole responsibility for the care and maintenance of the killer whales to be imported. Following the Director's review and approval of this plan the Permit Holder may proceed with final importation arrangements; specific dates and times of import shall be provided in accordance with notification condition 2.a.

- d. No marine mammals taken or imported hereunder may be used in a human/marine mammal swim program where a member of the public is allowed to enter the water with a marine mammal for recreational swimming, snorkeling or scuba diving activities, unless specifically authorized by the Assistant Administrator for Fisheries. For purposes of this condition, a member of the public is any general visitor or customer who engages in an interactive swimming activity with a marine mammal.
- e. The authority to import the marine mammals as authorized herein shall extend from the date of issuance through December 31, 1993. The terms and conditions of the Permit shall remain in effect as long as the marine mammals, and/or the progeny of such marine mammals, imported hereunder are maintained in captivity under the authority and responsibility of the Permit Holder.

2. Notification

- a. The Permit Holder or its agent is required to notify the Director, Southeast Region, 9450 Koger Blvd., St. Petersburg, FL 33702 in writing, at least ten days in advance of the importation. This notification must include the planned departure and estimated arrival times and dates, transport mode(s) and route including port of entry and any intermediary stops, and the names and qualifications of the individuals accompanying the animals during transport. A copy of this notification should also be provided to the Chief, Permits Division, Office of Protected Resources. At the discretion of the Regional Director a NMFS observer may be assigned to monitor the importation. Ten days advance notice to the Regional Director and the Permits Division is also required for any future transfers of these animals to other Sea World facilities.

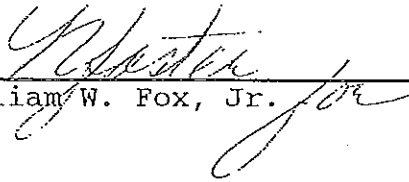
- b. Upon the death of each animal the Permit Holder is required to notify the Chief, Permits Division, Office of Protected Resources by telephone, so that, if practicable, arrangements may be made for a qualified observer to be present at the necropsy.
- c. The Permit Holder must provide notification concerning the animal/human interaction history of each of the animals referred to in A. to all personnel whose responsibilities include the handling, training, or other direct interaction with or management of the animals referenced in A., including any activities in which Permit Holder personnel enter the primary enclosure (i.e., pool) in which any of these animals are held.

3. Reporting

- a. Thirty days after the importation, the Permit Holder must submit a summary report of pre and post-transport procedures, including any isolation/quarantine procedures, used to determine the health of the animals both prior to and following the import, including any medical tests.
- b. The Holder shall submit a report by December 31, 1992, and annually thereafter, describing the health and condition of all marine mammals held. This report shall be submitted to the Assistant Administrator for Fisheries, National Marine Fisheries Service, 1335 East-West Highway, Suite 7324, Silver Spring, Maryland 20910.

C. General Conditions

All applicable General Conditions attached as Section C and the U.S. Department of Agriculture care and maintenance standards shall apply and are made a part hereof.

  
\_\_\_\_\_  
William W. Fox, Jr.

OCT - 7 1992

\_\_\_\_\_  
Date