



All redactions on this page are pursuant to (b)(6), (b)(7)c

United States
Department of
Agriculture

Animal and
Plant Health
Inspection
Service

4700 River Road
Unit 84
Riverdale, MD
20737

June 29, 2005

Mr. Stephen Leathery
Office of Protected Resources
NOAA, NMFS
1315 East West Highway
Silver Spring, MD 20910

Dear Mr. Leathery:

We have received documentation from Sea World Adventure Parks, Orlando, Florida, in support of their notification to export 2.2 killer whales (*Orcinus orca*) from Sea World in Texas and Florida to Loro Parque, Tenerife, Spain, for evaluation for comparability of care and maintenance standards.

After reviewing all of the information, we find that the facility meets or exceeds comparable standards to the care and maintenance standards of the Animal Welfare Act (AWA). The transportation plans include arrangements to provide qualified personnel and a veterinarian on the transport vehicles.

If there any questions, please feel free to contact this office.

Sincerely,

Barbara Kohn
Senior Staff Veterinarian
Animal Care

cc: [redacted] Sea World Adventure Parks

APHIS:AC:BAKohn:734-7833:6.29.05:SW export Oo Loro Parque Spain.NMF



COMPARABLE STANDARDS EVALUATION FOR FOREIGN FACILITIES

Under the Animal Welfare Act (AWA), regulations require compliance with standards for:

- | | | |
|-----|--|--------------|
| 1. | Facilities: General, Indoor, Outdoor | §3.101-3.103 |
| 2. | Space | §3.104 |
| 3. | Feeding/ food handling | §3.105 |
| 4. | Emergency contingency plans | §3.101 |
| 5. | Adequate number of personnel | §3.108 |
| 6. | Adequate training of personnel | §3.108 |
| 7. | Water Quality | §3.106 |
| 8. | Separation and Isolation | §3.109,3.110 |
| 9. | Adequate veterinary care/ attending veterinarian | §2.40, 3.110 |
| 10. | Protection from elements | §3.103 |
| 11. | Sanitation | §3.107 |
| 12. | Transportation | §3.112-3.118 |
| 13. | Handling | §2.131 |
| 14. | Interactive Programs | §3.111 |

Additional information and documentation may be required by the National Marine Fisheries Service (NMFS) or the U.S. Fish and Wildlife Service (F&WS), depending on species of marine mammals involved. This information may include verification of public access to the facility, documentation on the educational program(s) provided, inventory data needed, and CITES permit requirements. Please contact NMFS and/or F&WS directly for their requirements.

NMFS, Office of Protected Resources: (301) 713-2289
F&WS: (800) 358-2104

Documentation required by APHIS

For evaluation under the AWA:

1. Supply diagrams of all marine mammal enclosures with measurements. The measurements must include: pool dimensions (length, width, depth, diameter, etc.) including depth variations and any underwater or surface obstacles such as islands and platforms (be sure to show measure for narrowest part of all pools; for indoor facilities, include airspace above the pools; dry resting area measurements; for outdoor enclosures, provide description of measures taken to provide protection from elements (shade, temperature extremes, etc.). All pools for all marine mammals, including medical and isolation pools must be included.
2. Inventory of all marine mammals, identifying each enclosure inventory with respect to species and sex. Designate what animals are currently held and what animals are being requested. Identify the proposed housing location for the requested animals.
3. Describe the feeding protocols and food handling protocols for the marine mammals, including method of storage once thawed and sanitation protocols.
4. Provide a written contingency plan, including description of emergency plans in case of loss of power and/or water, provisions for animal movement and care in the event of a natural disaster, and back-up systems.
5. Provide resumes for all employees responsible for or involved in caring for the marine mammals.
6. Provide description of water quality monitoring protocols, including testing schedules for coliforms, pH, chlorine (if used), salinity, and any chemical added to the water. Provide protocols for dealing with high bacterial counts.
7. Describe/diagram isolation and medical pool/enclosure facilities.
8. Provide justification for any marine mammal not housed with other (conspecific) animals, including attempts to locate a companion and plans for increased keeper interactions, if indicated.
9. Describe your program of veterinary care. Provide assurance that individual animal records are kept. Outline frequency and protocol for examinations. Describe necropsy protocols.
10. Describe materials used in pool construction (sealing materials, paints, etc.), dry resting areas, holding pens, etc. Pictures of the enclosures, including fencing, doors, etc., would be very helpful.
11. Indicate perimeter and barrier fencing present, including placement and height. A perimeter fence is required if there are outdoor enclosures. Barrier fencing is required to keep the public away from direct contact with the animals.
12. Provide a written protocol for sanitation procedures, including programs for enclosures, food storage, and food prep. Verify that there is an ongoing maintenance program for the facility.
13. Provide detailed description of transportation arrangements, including enclosures, mode of transport, attendants, time (duration) of transport, etc. Verify that Health certificates will be

issued by the US attending veterinarian, and that copies of the medical records will accompany the animal to the importing facility. Certify that there is adequate lighting in the transport vehicle(s).

14. Describe medical, feeding, behavioral, and water quality records.

14. Provide the documentation required for a "swim-with" or interactive program as outlined in Section 3.111 of the regulations. Facilities must meet these requirements for interactive programs.

In accordance with a request from the National Marine Fisheries Service, the following information is also requested:

16. Inventory information and necropsy reports on any marine mammal which has died at the facility within the previous five years.

Additional documentation required:

17. A letter from the appropriate government official/department certifying that all submitted information is accurate.

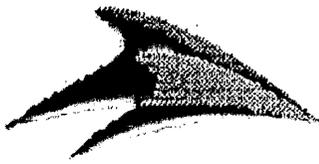
******* AWA Regulations and Standards can be found on Internet at:
www.aphis.usda.gov/animal_welfare under "Regulations" and "Part 3".
Marine Mammal specific sections are §3.100-3.118
(<http://www.aphis.usda.gov/ac/publications/AWR/PART3.HTML>)**

or contact Animal Care office at address below or (301) 734-7833 *****

Inspection of a foreign facility by APHIS personnel, at the expense of the importer and/or exporter, may be an option for verifying comparable standards. For information on this option and its costs, please contact APHIS at

USDA, APHIS, Animal Care
4700 River Road, Unit 84
Riverdale, MD 20737-1234
(301) 734-7833

Please submit document package to Dr. Barbara Kohn at
USDA, APHIS, Animal Care
4700 River Road, Unit 84
Room 6D03.4
Riverdale, MD 20737-1234



SeaWorld
ADVENTURE PARK

Fax

June 22, 2005
(8 Pages)

TO: Dr. Barbara Kohn

FROM: (b)(6), (b)(7)c

RE: Marine Mammal Transfer Notification

We are transmitting from an Omnifax machine. If you are not receiving clearly, or if you have any problems with the transmission, please call us back immediately at (407) 363-2660.



SeaWorld, Inc.
7007 Sea World Drive
Orlando, FL 32821-8097
(407) 363-2660
FAX (407) 345-5397



SeaWorld

ADVENTURE PARKS

June 22, 2005

Stephen L. Leathery
Division Chief, Permits, Conservation and Education Division
National Oceanic Atmospheric Administration
National Marine Fisheries Service
Office of Protected Resources – F/PR1
1315 East-West Highway
Silver Spring, MD 20910

Re: 15-day notice / letter of comity

Dear Stephen:

Enclosed is notice of the intention of Sea World, Inc. ("Sea World") to transfer via export, if not less than 15 days, four killer whales from Sea World San Antonio and Sea World Orlando to the Loro Parque located in the Canary Islands, Spain for purposes permitted under Section 104 of the Marine Mammal Protection Act, as amended.

Enclosed also is a letter from the Island Administration of Tenerife Territory's Environment Management Technical Service that satisfies the requirement of the National Marine Fisheries Service, albeit with which for the record Sea World takes exception, for a letter of comity.

Please let me know if you have any questions.

Sincerely,

(b)(6), (b)(7)c

Corporate Vice President
Zoological Operations

Enclosure



000006

SeaWorld, Inc.
7007 SeaWorld Drive
Orlando, FL 32821-8097
(407) 363-2660
FAX (407) 345-5397
FOIA 11-313

MARINE MAMMAL TRANSFER NOTIFICATION

Sea World, Inc./Sea World, Florida, hereby notifies the National Marine Fisheries Service that, in not less than 15 days from the date below, the marine mammal(s) described below may be transferred to Loro Parque, S.A., Avenida Loro Parque, 38400 Puerto de la Cruz, Tenerife, Spain, for purposes permitted under section 104 of the Marine Mammal Protection Act as amended:

ANIMAL IDENTIFICATION	GENUS/SPECIES	SEX	DATE OF BIRTH	DATE OF ACQUISITION	SOURCE OF ACQUISITION/LOCATION TAKEN FROM WILD (IF APPLICABLE)
SWC-Oo-0226	<i>Orcinus orca</i>	F	05/03/02	05/03/02	CB
SWF-Oo-0401	<i>Orcinus orca</i>	F	02/09/04	02/09/04	CB

DATE: June 22, 2005

SUBMITTED BY:

(b)(6), (b)(7)c

Corporate Vice President
Zoological Operations

Telephone No. (407) 363- (b)(6), (b)(7)

cc: Dr. Barbara A. Kohn, USDA/APHIS

MARINE MAMMAL TRANSFER NOTIFICATION

Sea World, Inc./Sea World, Texas, hereby notifies the National Marine Fisheries Service that, in not less than 15 days from the date below, the marine mammal(s) described below may be transferred to Loro Parque, S.A., Avenida Loro Parque, 38400 Puerto de la Cruz, Tenerife, Spain, for purposes permitted under section 104 of the Marine Mammal Protection Act as amended:

ANIMAL IDENTIFICATION	GENUS/SPECIES	SEX	DATE OF BIRTH	DATE OF ACQUISITION	SOURCE OF ACQUISITION/LOCATION TAKEN FROM WILD (IF APPLICABLE)
SWF-Oo-9901	<i>Orcinus orca</i>	M	06/22/99	06/22/99	CB
SWF-Oo-0001	<i>Orcinus orca</i>	M	11/08/2000	11/08/2000	CB
SWT-Oo-9378	<i>Orcinus orca</i>	M	02/02/93	02/02/93	CB
SWF-Oo-9601	<i>Orcinus orca</i>	F	12/27/96	12/27/96	CB

DATE: June 22, 2005

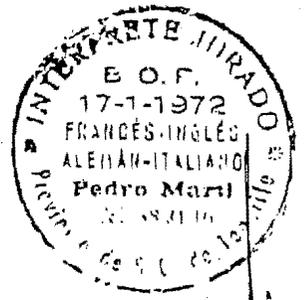
SUBMITTED BY:

(b)(6), (b)(7)c

Corporate Vice President
Zoological Operations

Telephone No. (407) 363 (b)(6), (b)(7)

cc: Dr. Barbara A. Kohn, USDA/APHIS



CERTIFIED TRANSLATION

ISLAND ADMINISTRATION OF TENERIFE
TERRITORY'S ENVIRONMENT MANAGEMENT
TECHNICAL SERVICE

Biodiversity
Los Majuelos
38108 La Laguna

Date: 07 June 2005
Ref.: C.R.P./J.A.D.H./ALL
Phone 843096 Fax 239195

Subject: Credentials of the Company Loro Parque Tenerife
(Canary Islands)

Addressee:
Sea World
Anheuser-Busch Companies
1401 I Street, NW, Suite 200
Washington D.C. 20005-2225

On request from the Company "LORO PARQUE" in PUERTO DE LA CRUZ, TENERIFE, MR. WLADIMIRO RODRIGUEZ BRITO, HEAD OF THE ENVIRONMENT AND LANDSCAPE DEPARTMENT,

CERTIFIES:

The Company Loro Parque, established since 1980 in Puerto de la Cruz, Island of Tenerife, has produced to the competent administration authorities the documents concerning the construction of a specific area for exhibition, maintenance and reproduction of 4 specimens of Orca or Killer Whale (*Orcinus orca*), as well as for importing these specimens from SeaWorld (United States).

In view of the request made by the Company Loro Parque, this Department has carried out an inspection of the building work, still in the execution phase, being carried out for accommodation of the orca specimen. According to what has been executed, the building work corresponds to the rough drafts produced and therefore, according to the "recommendations" existing in this matter at E.U. level, the said infrastructures comply with their provisions. After having checked the remaining documents produced in respect of the maintenance of the existing marine mammals, this Department is in the position to affirm that the documents reflect what Loro Parque is lodging and intends to lodge in the premises.

Loro Parque's experience in the captive breeding of specimen of aquatic mammals is guaranteed, since the facilities devoted to them in the Park, such as the area of sea-lions and dolphins, where not only has been established a successful routine breeding in captivity, but the advanced knowledge in ethology has permitted to establish a highly satisfactory protocol of training and man-animal relation. The experience of this Park covers therefore a large part

after having invested a lot of human and material resources in instruction and research. The way they deal with animals, more specifically with aquatic mammals is more than exquisite, since they observe specifically the recommendations and adaptations required by the Spanish regulations which from time to time may be necessary to guarantee their well-being and health. Should they not be complied with and should therefore the parties decide to return the animals to their country of origin, this authority will within its competence grant comity and not oppose to the animals return.

On the other hand, the relation between the Company Loro Parque, through the Loro Parque Foundation, and the Island Administration, through the Environment Area, has been constant during the last years, leading to the signature of different agreements and conventions for improvement of the mutual co-operation, keeping in mind the protection of environment and especially the conservation of the terrestrial and marine fauna. Among such conventions, it is worth to emphasize one signed between both institutions for protection of aquatic mammals fauna living in the Canarian waters, especially in the trench existing between Tenerife and La Gomera, which for different circumstances generates a number of strandings and actions during the year. This and other relations with the Company evidence the excellent qualification of the technical staff employed by Loro Parque.

In view of all the above circumstances, the qualification and capacity of the Company Loro Parque to receive four specimens of orca (*Orcinus orca*) in their facilities has been accredited and we are able to confirm that both the details supplied to Sea World and the capacity to maintain the marine mammals are correct.

THE HEAD OF THE ISLAND DEPARTMENT
FOR ENVIRONMENT AND LANDSCAPE
(sgd.)

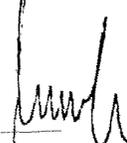
Wladimiro Rodriguez Brito

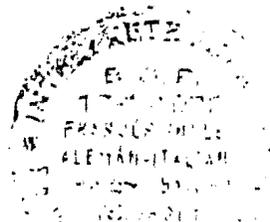
Stamp:

HEAD OF THE ISLAND DEPARTMENT FOR ENVIRONMENT AND LANDSCAPE

Certified true translation from the Spanish text of the document.

Puerto de la Cruz/Tenerife, 10th June 2005


(Pedro Marti)
000010
Sworn Translator



Fecha: 07 de junio de 2005

Ref.: C.R.P./J.A.D.B./A.L.L. Tf: 843096 Fax: 239195

Asunto: credenciales de la empresa Loro Parque de Tenerife (Islas Canarias).



EXCMO. CABILDO INSULAR DE TENERIFE

R.E.L. 0338011
SERVICIO TÉCNICO DE GESTIÓN
TERRITORIAL AMBIENTAL
U.D. Biodiversidad
Los Magueyos - Cr. Los Magueyos, s/n
Pabellón Insular Santiago Martín
38108 La Laguna

Destinatario:

Sea World
Anheuser-Busch Companies
1401 I Street, NW, Suite 200
Washington D.C. 20005-2225

A PETICIÓN DE LA EMPRESA "LORO PARQUE", SITA EN EL PUERTO DE LA CRUZ, TENERIFE, EL SR. CONSEJERO DEL ÁREA DE MEDIO AMBIENTE Y PAISAJE, D. WLADIMIRO RODRÍGUEZ BRITO,

CERTIFICA QUE,

La empresa *Loro Parque*, instalada desde 1980 en el Puerto de La Cruz, isla de Tenerife, ha presentado ante las autoridades administrativas competentes la documentación relativa a la construcción de un área específica para la exhibición, mantenimiento y reproducción de 4 ejemplares de Orca o Killer Whale (*Orcinus orca*), así como para la importación de estos ejemplares de SeaWorld (Estados Unidos).

Atendiendo a la solicitud de la empresa *Loro Parque*, esta administración ha acudido a realizar la inspección de las obras que, aún en fase de ejecución, están realizando para la acomodación de los ejemplares de orca, encontrando que, en función de lo realizado, las obras se adaptan a los croquis presentados, de tal forma que, atendiendo a las "recomendaciones" que sobre la materia existen a nivel de la U.E., las citadas infraestructuras cumplen con lo contemplado en éstas últimas. Revisada asimismo el resto de la documentación aportada, en referencia al mantenimiento de los mamíferos marinos existentes, esta administración está en disposición de asegurar que los documentos son reflejo de lo que, el complejo *Loro Parque*, alberga y pretende albergar en sus instalaciones.

La experiencia que la empresa *Loro Parque* tiene en el ámbito de la cría en cautividad de especies acuáticas mamíferas, está garantizada, al estar especialmente bien dotadas las infraestructuras que, a éstos, dedican en el complejo, como son la zona de los leones marinos y de los delfines, en donde no sólo se ha establecido como rufinaria la cría exitosa en cautividad, sino en donde el avance del conocimiento en etología ha permitido establecer un protocolo de entrenamiento y de relación hombre-animal altamente satisfactorio. De este modo, la experiencia de este Parque abarca a numerosas especies, al haber invertido gran cantidad de recursos humanos y materiales en la formación y en la investigación. En este sentido, el manejo de los animales, más concretamente de los mamíferos acuáticos, cumple con ser exquisito, al

atender específicamente las recomendaciones y las adecuaciones exigidas por la normativa española, que en cada momento sean necesarias para garantizar el bienestar y la salud de éstos. Si se incumplieran y las partes decidieran la devolución de los animales a su país de procedencia, esta administración, dentro de sus competencias, así lo admitiría, no oponiéndose al retorno de los animales.

Por otro lado, la relación entre la empresa *Loro Parque*, a través de la Fundación Loro Parque, y Cabildo de Tenerife, a través del Área de Medio Ambiente, ha sido un constante en los últimos años, llegando a la firma de diferentes acuerdos y convenios en aras de la colaboración mutua con el objetivo de la protección del medio ambiente y en especial de la conservación de la fauna terrestre y marítima de esta zona del atlántico. De entre los anteriores cabe destacar el convenio firmado entre ambas instituciones para la protección de la fauna de mamíferos acuáticos que vive en aguas canarias, en especial en la fosa que existe entre Tenerife y La Gomera, que debido a diferentes circunstancias genera numerosos varamientos y actuaciones a lo largo del año. De ésta y otras relaciones con la empresa, se puede acreditar la excelente cualificación del personal técnico que trabaja en la empresa Loro Parque.

Así, atendiendo a todo lo anterior, se acredita la cualificación y la capacidad de la empresa *Loro Parque*, para acoger en sus instalaciones a cuatro ejemplares de orca (*Orcinus orca*), al poder confirmar que tanto los datos aportados al Sea World, como la capacidad para el mantenimiento de mamíferos marinos es la correcta.

EL CONSEJERO INSULAR DE MEDIO AMBIENTE Y PAISAJE



Wladimir Rodríguez Brito



June 14, 2005

Barbara A. Kohn, D.V.M.
Veterinary Medical Officer
United States Department of Agriculture
Animal & Plant Health Inspection Service
Regulatory Enforcement and Animal Care
4700 River Road
Riverdale, MD 20737-1234

Dear Dr. Kohn:

Please accept the enclosed documentation pertaining to the transport of two killer whales from Sea World in Texas and two killer whales from Sea World in Florida to Loro Parque, S.A.

Please address all requests for clarifications to my office. Thank you.

Sincerely,

(b)(6), (b)(7)c

Corporate Vice President
Zoological Operations

Enclosure



000013

SeaWorld, Inc.
7007 SeaWorld Drive
Orlando, FL 32821-8097
(407) 363-2660
FAX (407) 545-5397
FOIA 11-313

Comparable Standards Evaluation for Foreign Facilities

SUBMISSION

FACILITY:
Loro Parque, S. A.

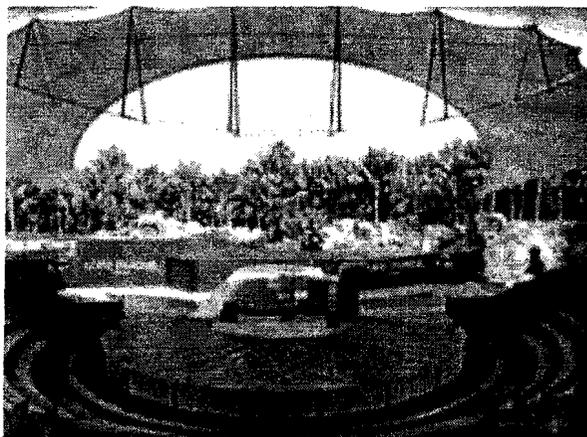


1

DIAGRAMS OF ALL MARINE MAMMAL ENCLOSURES WITH MEASUREMENTS.

ENCLOSURES

All the actual marine mammal enclosures in Loro Parque (californian sea lions and bottlenose dolphins) are equipped with several pools of different depths, connected with channels. This configuration provides the animals a wide and diverse environment, and makes possible to separate groups of animals if necessary.



SEA LIONS

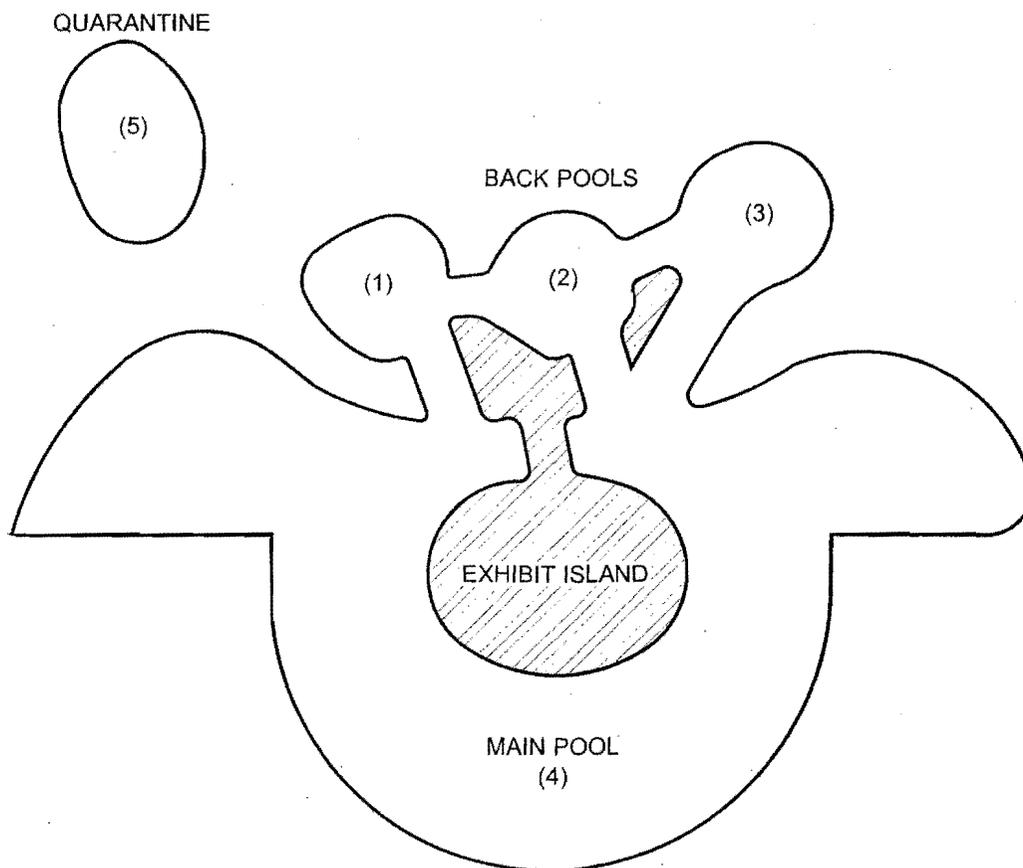
EXHIBIT DIAGRAM:

Main Pool: N° 4

Back Pools: N° 1, 2, 3.

Quarantine: N° 5

SEA LIONS EXHIBIT AND REPRODUCTION AREA



TOTAL VOLUME: 750,000 LITERS
 2 SAND FILTERS, 2 PROTEIN SKIMMERS, WITH A
 TURN OVER OF 180 MINUTES.
 DESINFECTATION BY CHLORINE AND OZONE.

	<u>MAX. DEPTH</u>	<u>MAX. HORIZONTAL WIDTH</u>	<u>MAX. HORIZONTAL LENGTH</u>
MAIN POOL	4m.	26m.	13.6m.
BACK POOLS	3.5m.	14m.	4m.
QUARANTINE	2.0m.	7.6m.	5.3m.

BOTTLENOSE DOLPHIN

FACILITIES

Pool n° 6 reproduction (Photo a)

Pool n° 3:

Pool n° 4: (Photo b and c)

Pool n° 1:

Pool n° 2: Quarantine

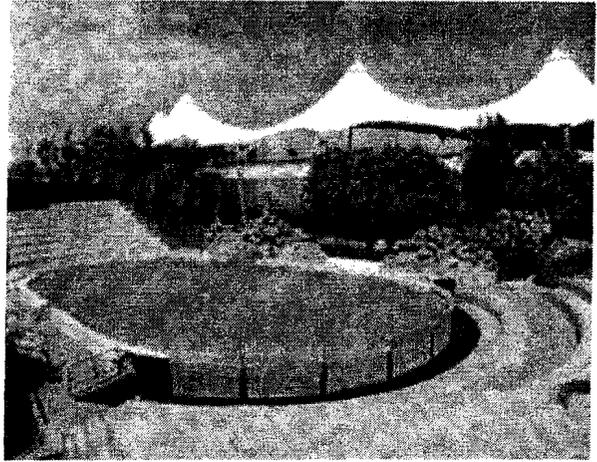


Photo a

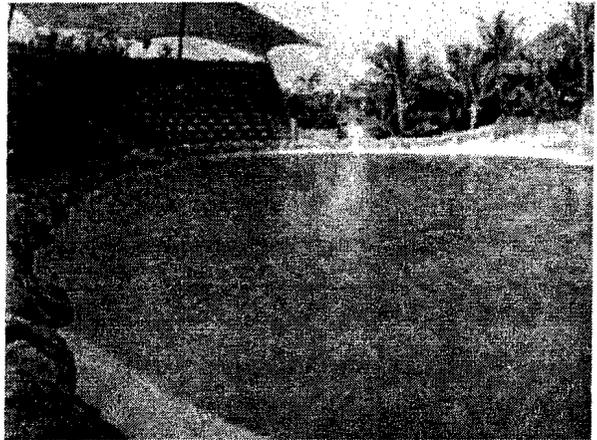


Photo b

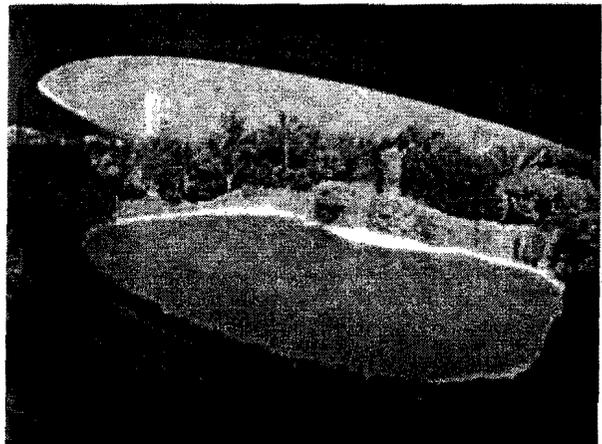
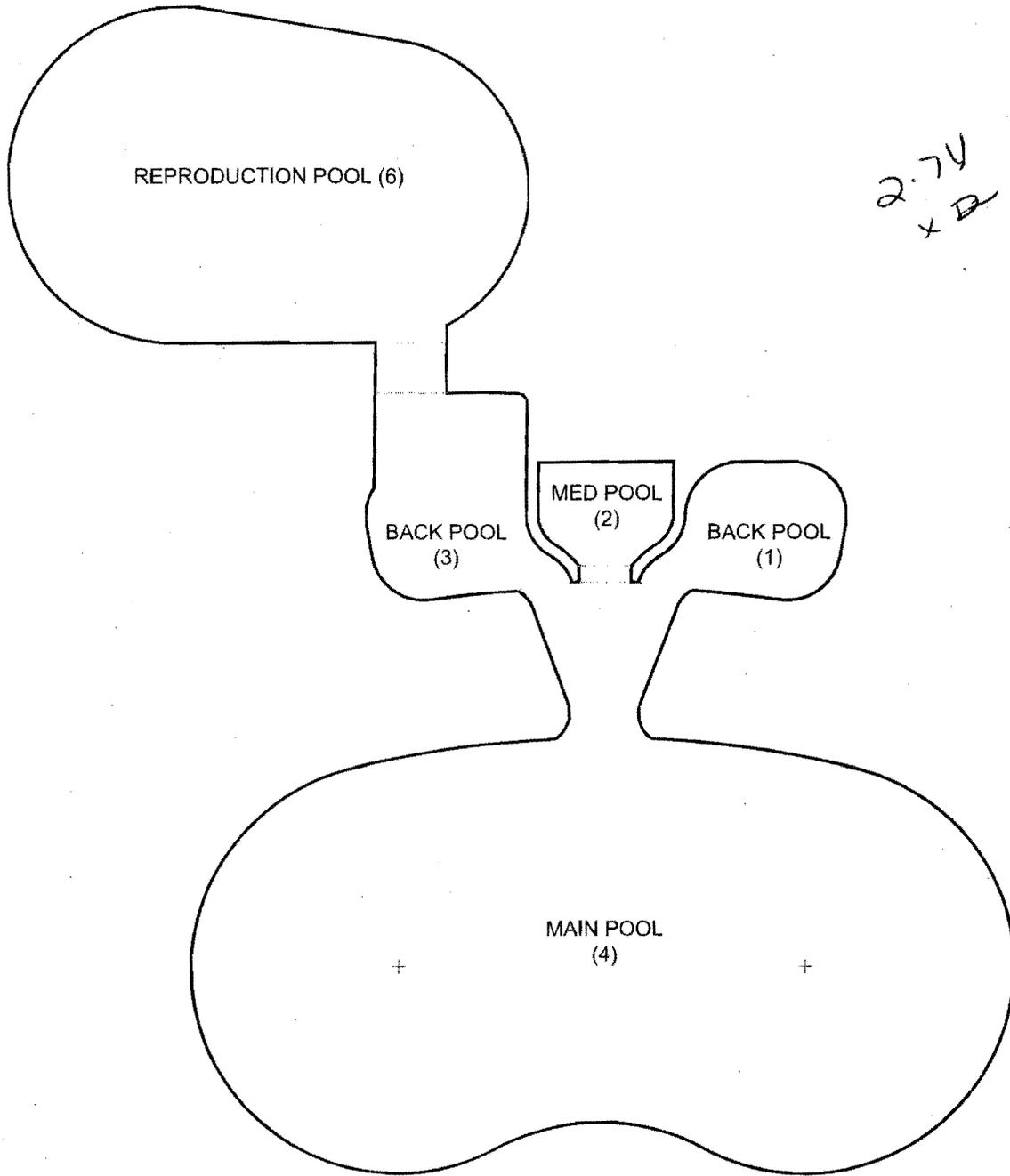


Photo c

DOLPHINS EXHIBIT AND REPRODUCTION AREA



TOTAL VOLUME: 7,000,000 LITERS
 6 SAND FILTERS, WITH A
 TURN OVER OF 180 MINUTES
 DESINFECTATION BY CHLORINE PRODUCED BY ELECTROLYSIS

	<u>MAX. DEPTH</u>	<u>MAX. HORIZONTAL WIDTH</u>	<u>MAX. HORIZONTAL LENGTH</u>
MAIN POOL	4.5m.	40m.	20m.
BACK POOL 1	3.5m.	7.4m.	6.2m.
BACK POOL 3	3.5m.	9.3m.	7.2m.
MED POOL	1.6m.	6m.	6m.
REPRODUCTION POOL	6m.	25m.	15m.

2

INVENTORY OF ALL MARINE MAMMALS

Species	Name	Sex	Birth Date	Father	Mother	Microchip/ID
<i>Tursiops truncatus</i>	Baron	M	1984			968 00 00005 67205
<i>Tursiops truncatus</i>	Paco	M	1985			968 00 00005 66252
<i>Tursiops truncatus</i>	Sanibel	F	1983			968 00 00005 66146
<i>Tursiops truncatus</i>	Ruffles	F	1984			968 00 00003 90187
<i>Tursiops truncatus</i>	Pacina	F	1984			968 00 00005 64261
<i>Tursiops truncatus</i>	Taina	F	11/01/1994	Baron	Crystal	968 00 00005 61364
<i>Tursiops truncatus</i>	Luna	F	21/10/1997	Baron	Crystal	968 00 00005 62254
<i>Tursiops truncatus</i>	Clara	F	07/12/1999	Paco	Pacina	968 00 00004 98970
<i>Tursiops truncatus</i>	Cesar	M	03/01/2001	Baron	Crystal	968 00 00005 60398
<i>Zalophus californianus</i>	Obelix	M				#001
<i>Zalophus californianus</i>	Simbad	M				#002
<i>Zalophus californianus</i>	Lefty	F				#003
<i>Zalophus californianus</i>	Tina	F				#004
<i>Zalophus californianus</i>	Onyx	F	27/06/1988			#005
<i>Zalophus californianus</i>	Opal	F	28/06/1987			#006
<i>Zalophus californianus</i>	Olivia	F	06/07/1996	Obelix	Opal	#007
<i>Zalophus californianus</i>	Bety	F	27/06/1997	Simbad	Tina	#008
<i>Zalophus californianus</i>	Mara	F	28/06/1997	Simbad	Tara	#009
<i>Zalophus californianus</i>	Cleo	F	20/06/1998	Obelix	Onyx	#010
<i>Zalophus californianus</i>	Jon	M	24/06/1999	Simbad	Tara	#011
<i>Zalophus californianus</i>	María	F	25/06/1999	Obelix	Opal	#012
<i>Zalophus californianus</i>	Carmen	F	13/07/2000	Simbad	Tina	#013
<i>Zalophus californianus</i>	Chago	M	17/07/2001	Simbad	Tina	#014
<i>Zalophus californianus</i>	Lolo	M	21/06/2001	Simbad	Tara	#015
<i>Zalophus californianus</i>	Magy	F	30/06/2001	Obelix	Opal	#016
<i>Zalophus californianus</i>	Aitor	M	28/06/2002	Simbad	Olivia	#017
<i>Zalophus californianus</i>	Tara	F	16/06/2004	Obelix	Mara	#018
<i>Zalophus californianus</i>	Ancór	M	18/06/2004	Obelix	Onyx	#019
<i>Zalophus californianus</i>	Polo	M	19/06/2004	Jon	María	#020 (** 2nd gen.)

ANIMALS REQUESTED

Four killer whales (*Orcinus Orca*) (2.2)

PROPOSED HOUSING

New killer whale stadium

3

FEEDING AND FOOD HANDLING PROTOCOLS FOR THE MARINE MAMMALS

FISH ORDERING

All the fish for the sea mammals feeding is bought frozen.

The fish order is submitted by the Curator of Marine Animals, to the executive secretary, who sends a information request on the fish stocks to the supplier.

The supplier sends back information on the available stocks on each species. Before the final order is placed, a detailed information on the available fish should be received, including the species, number of fish per kg., fat content and the date of capture.

The supplier has an extensive experience, as it has been providing fish to feed sea mammals to most zoos in Europe. The supplier is requested to provide the fish with the highest quality.

At least four different frozen fish species are available for purchase. Herring (*Clupea harengus*) represents 50 % of the diet and the rest is completed with capelin (*Mallotus villosus*), mackerel (*Scomber scombrus*) and sprat (*Sprattus sprattus*). Currently, the annual amount of fish consumed is approximately 120 Tons per year.

The fish is obtained frozen (not above -20 °C) from different Dutch suppliers. The temperature of the fish container is monitored

and registered during all transport.

The supplier guarantees the quality standards and commits himself to replace any fish (from a single carton to a whole container) which does not meet the required quality.

Each carton is labeled with the name of the species, the capture date and the expiration date.

When the container arrives to the park it is immediately unloaded to one of our three independent freezers, each of them with a maximum capacity of 10 Tons. The new killer whale exhibit will include another freezer with a total capacity of 35 Tons. Another two small freezers of 5 Tons each are placed on the fish preparation zone. All fish is received and kept packaged on its original plastic sachets and carton packets, to avoid freezer burn and dehydration.

All fish boxes are stored over pallets, 20 cm. off the walls to allow proper air circulation. The piles over the pallet never exceed 14 boxes or 140 centimeters.

The freezers are secure closed and the temperature is constantly monitored. All of them are provided with an acoustic and visual alarm to warn the staff in case of an eventual temperature drop.

These freezers are used exclusively for marine mammal food storage.

The present protocol is complemented with the "Handling Fish Fed to Fish-Eating Animals" manual, of the United States Department of Agriculture (USDA).

FOOD PREPARATION AND HANDLING

The frozen food must be stored at a maximum temperature of -20°C .

Even if the frozen food has an expiration date of one year, it will always be used in a period of time between four to six months.

Fish should be moved from freezer to air-thaw refrigerator no more than 24 hours before bucketing. The air-thawing refrigerator is set at 4°C .

In order to make a correct selection of the fish, it should be totally defrosted, washed with cold water and placed in stainless steel buckets.

The fish is examined one by one, checking the skin and the eyes appearance, and discarding those presenting problems.

Each bucket is covered with ice, closed with a stainless steel cover and stored in the refrigerator at 4°C .

Before each feeding the fish is prepared individually for each animal in small buckets, taking the chance of this preparation to perform a second inspection of the fish.

This protocol is complemented with the manual "Handling Fish Fed to Fish-Eating Animals", published by the United States Department of Agriculture (USDA).

MARINE MAMMAL FEEDING

Only the experienced keepers and trainers, under the supervision of the general curator, can feed the marine mammals

This personnel is also capable to detect abnormal behavior or health problems in the animals.

Visitors are not allowed to feed animals in Loro Parque.

Marine mammals receive a minimum of four daily meals. If an animal rejects a meal the chief trainer and the general curator are immediately informed. If the next meal is also rejected, the curator reports to the veterinarian.

Each animal receives a vitamin supplement in individually established from its daily diet. This supplement is supplied in the first meal of the day. All the animals receive at least three different fish species on its daily diet. Herring represents 50% of the diet, and the rest is completed with variable amounts of capelin, mackerel, sprat and squid.

The amount of food offered to the animals is calculated in basis of its individual metabolic requirements, which are estimated taking into account: the growth status, physical activity, temperature of the environment, breeding status and the body weight objective.

The animals are weighted at least twice a week. If an animal rejects to be weighted or it cannot be weighted because of technical problems, the general curator is informed within the same day.

The food ingested by each animal is controlled weighting the leftovers, which are subsequently discarded. The amount

ingested and the vitamin supplement is then registered in the daily control sheet,

The present protocol is compiled with the "Handling Fish Fed to Fish-Eating Animals" manual, of the United States Department of Agriculture (USDA).

4

EMERGENCY PLANS IN CASE OF LOSS OF POWER AND/OR WATER

POWER LOSS

Loro Parque is equipped with three independent electrical generators that start three seconds after a power failure. These generators are dimensioned to supply the electrical power needed to keep all the park systems working.

All the electrical systems related with the animal enclosures are equipped with alarms to detect any failure and the maintenance staff is available 24 hours a day.

WATER LOSS

Loro Parque gets its seawater directly from the ocean by means of two independent systems to guarantee the water supply. Both systems can pump water directly to the park, and are equipped with water reservoirs to ensure several hours of water supply in case of failure.

EMERGENCY PLAN

Loro Parque has an Emergency Plan, which states all the procedures that should be accomplished by the security personnel. All the systems are supervised 24 hours a day by security personnel, trained to follow the protocols stated on the Emergency Plan.

5

RESUMES FOR ALL EMPLOYEES RESPONSIBLE FOR OR INVOLVED IN CARING FOR THE MARINE MAMMALS

All redactions on this page are pursuant to (b)(6), (b)(7)c

PERSONELL

The staff in charge of the dolphins and the sea lions is formed by 26 persons, whose professional experience is detailed in the following curricula.

These persons are:



Killer Whale's Staff*



Bottlenose Dolphin's Staff



Sea Lion's Staff



* All the Killer Whale's Staff is currently being trained in SeaWorld San Antonio.



(b)(6), (b)(7)c

- *ITALIANO*
- *CASTELLANO*
- *INGLES, nivel de usuario*

(b)(6), (b)(7)c

IDIOMAS

- *CASTELLANO*
- *INGLES , nivel de usuario*

(b)(6), (b)(7)c

IDIOMAS

- *CASTELLANO*
- *INGLES , nivel de usuario*

(b)(6), (b)(7)c

IDIOMAS

- *CASTELLANO*
- *INGLES , nivel de usuario*

(b)(6), (b)(7)c

IDIOMAS

- *CASTELLANO*
- *INGLES*
- *HOLANDES*
- *ALEMAN, nivel usuario*

8
2
3
2
1



(b)(6), (b)(7)c

IDIOMAS

- *CASTELLANO*

(b)(6), (b)(7)c

IDIOMAS

- *CASTELLANO*
- *INGLES, nivel usuario*

(b)(6), (b)(7)c

(b)(6), (b)(7)c

IDIOMAS

- *INGLES*
- *CASTELLANO*
- *ITALIANO*

(b)(6), (b)(7)c

IDIOMAS

- *CASTELLANO*

(b)(6), (b)(7)c

IDIOMAS

- *CASTELLANO (nativo)*
- *ALEMAN (nativo)*
- *INGLES (medio)*

(b)(6), (b)(7)c

IDIOMAS

- *CASTELLANO*
- *FRANCES (nivel usuario)*
- *INGLES (nivel usuario)*

(b)(6), (b)(7)c

IDIOMA

- *CASTELLANO*

(b)(6), (b)(7)c

IDIOMA

- *CASTELLANO*
- *INGLES, nivel alto*

(b)(6), (b)(7)c

IDIOMAS

- *CASTELLANO*
- *INGLES nivel básico*

(b)(7)c, (b)(6)

IDIOMAS

- *CASTELLANO*
- *INGLES nivel básico*

(b)(6), (b)(7)c

IDIOMAS

- *CASTELLANO*
- *INGLES nivel alto*
- *ALEMAN nivel básico*

(b)(6), (b)(7)c

IDIOMAS

- *CASTELLANO*
- *INGLES nivel medio*

(b)(6), (b)(7)c

IDIOMAS

- *CASTELLANO*
- *INGLES nivel alto*

(b)(6), (b)(7)c

IDIOMAS

- *CASTELLANO*
- *INGLES nivel alto*

(b)(6), (b)(7)c

IDIOMAS

- *CASTELLANO*
- *INGLES , nivel de usuario*

(b)(6), (b)(7)c

IDIOMAS

- *CASTELLANO*
- *INGLES , nivel de usuario*

6

DESCRIPTION OF WATER QUALITY MONITORING PROTOCOLS

QUALITY PARAMETERS

The optimal physicochemical and bacteriological parameters of the dolphin pools are based on the requirements of the animals.

Chemicals used on the water treatments:

- Sodium hypochlorite (NaClO)
- Sodium carbonate (Na₂CO₃)

Parameters measured to control the water quality and sampling frequency in a natural seawater system:

- All the samples are labeled with sampling date and time
- Routine analysis will be
 - o Total Chloride, free and residual chloride; pH and temperature
 - o The sampling will be performed twice a day for the total chloride, each two hours for the free chloride, the pH will be measured twice a day and the temperature once a day.

Parameters measured to control the water quality on the pools, and normal ranges:

- The sampling will be performed daily.
- Water temperature during the sampling, normal range 17 to 26 °C.
- pH, normal range 7,6-8,0
- Total Chloride, normal range

under 1,0 ppm

- Ammonium, normal range under 1,0 ppm
- Cooper, normal range under 0,5 ppm
- Nitrate plus nitrite, normal range (Nitrate/50)+(Nitrite/3) under 1
- Conductivity, 2.500 μS/Cm at 20°C

MICROBIOLOGICAL TESTS

Once a week a routine microbiological test will be performed. Analyzing the total number in 100 ml of:

Enterococcus
Faecal Coliforms
Clostridium sulfite reducers

And the total number in 250 ml of:
Pseudomonas aeruginosa.

If the faecal coliform concentration exceeds 1.000 ufc/100 ml, the water will be filtrated to dilute the volume and a immediate evaluation of the system will be initiated. Two more samples will be taken within a 24 hours interval, and if the high bacterial numbers persist the filtration will continue until the acceptable levels are reached.

7

SEPARATION AND ISOLATION

POOL SYSTEMS

This pool system is equipped with a birth and health care pool, which provides the controlled environment required to perform all the special examinations required to assess the health status and gestation tracking.

SEA LIONS

Quarantine pool with independent filtrations system and underwater control window.

DOLPHINS

Quarantine pool, with an independent filtration system, to provide the isolation needed in specific situations.

Acrylic pannels pool for longer isolations, intended to be used in births, with independent filtration system and fully underwater view through the acrylic pannels.



MARINE MAMMALS NOT HOUSED WITH OTHER CONSPECIFIC ANIMALS

GENERAL GROUP MANAGEMENT

The dolphin group has been kept always together.

This jointly management has been established as a main objective, and, in case is needed, a major part of the training time can be devoted to control and correct small social disturbances.

In the same way, no dolphins have been individually isolated.

The same philosophy has been applied to the sea lion group. When two of the males had to be definitively separated, a pair of females were requested in order to establish two different groups, with successful breeding results.

9

VETERINARY CARE PROGRAM

VETERINARY STAFF

The Loro Parque employs three full time veterinarians (Dr. Helge Behncke, Dr. Luis Neves staff veterinarian, and Dr. Annett Häbich). In addition, miss Christina Dreisörner, is also full time employed as nurse and technician. At least two veterinarians are always on duty during the weekdays. During the weekends there is always one veterinarian on duty and other is on call for emergencies.

Finally external consultants of internationally recognized experience visit Loro Parque on a regular basis to further asses the animal health condition, and to advice on potential improvements of the health management (Dr. Andrew Greenwood and Dr. David Taylor (International Zoo Veterinary Group - IZVG))

MEDICAL TRAINING

Our cetaceans are trained to perform the most common medical maneuvers (tube feeding, blood sampling, ultrasound scanning, etc.) and are constantly kept on training for these specific needs. Blood samples to run a complete hematological and blood chemical evaluation is collected from each dolphin, at least four times per year. Further samples are taken if necessary. Every week a blowhole sample is collected

from each animal for cytological and microbiological evaluation.

Apart from the routine assessment, for which both the in-house lab and two external laboratories are used, the medical equipment available for the dolphins is based on a flexible video-endoscope, (12 mm diameter and 190 cm long), and a battery-powered, portable electronic ultrasound machine.

VETERINARY ROUTINES

Veterinary routines are performed on a regular basis to asses the health status of the animals .

Daily:

- Visual examination of all the animals
- Verbal reporting with the trainers on the behavior of the animals
- Verbal reporting with the curator on the behavior of the animals
- Communication with the general curator about the health status of the animals

Weekly:

- Weight control of each animal.
- Verbal reporting on each individual

with the curator

- o Daily amount of food ingested.
- o Actual weight
- o Temperature range of the water pool during the week
- o Rectal temperature of the animals

Monthly:

- Physical examination
 - o Visual examination of the animals
 - o Cytology on feces and blowhole

VETERINARIAN PROTOCOLS

If any behavior, health or feeding problem is detected, the curator and veterinarian should be immediately warned.

The veterinarian response should be immediate, and the following steps will be performed to provide a correct evaluation of the health status.

- Individual veterinarian history of the animal.
- Visual examination
- Diagnostic evaluation
- Development of a therapeutic plan
- Initial therapy
- Final decision on all steps should be taken by the veterinarian team in collaboration with the curator.

10 CONSTRUCTION STANDARDS

LORO PARQUE KILLER WHALE STADIUM SPECIFICATIONS

Total Gross Exhibit Volume
Approx. 21,157m³

Water Temperature
13°C

Pools

The water quality parameters should meet the following standard:

Ammonia < 0.05 mg / ltr

Nitrite < 0.1 mg / ltr

Nitrate < 30 mg / ltr

ph 8.0-8.3

Dissolved Oxygen at > 95% saturation

Temperature: 13°C

Chlorine 0.4 mg/ltr

POOL CONSTRUCTION

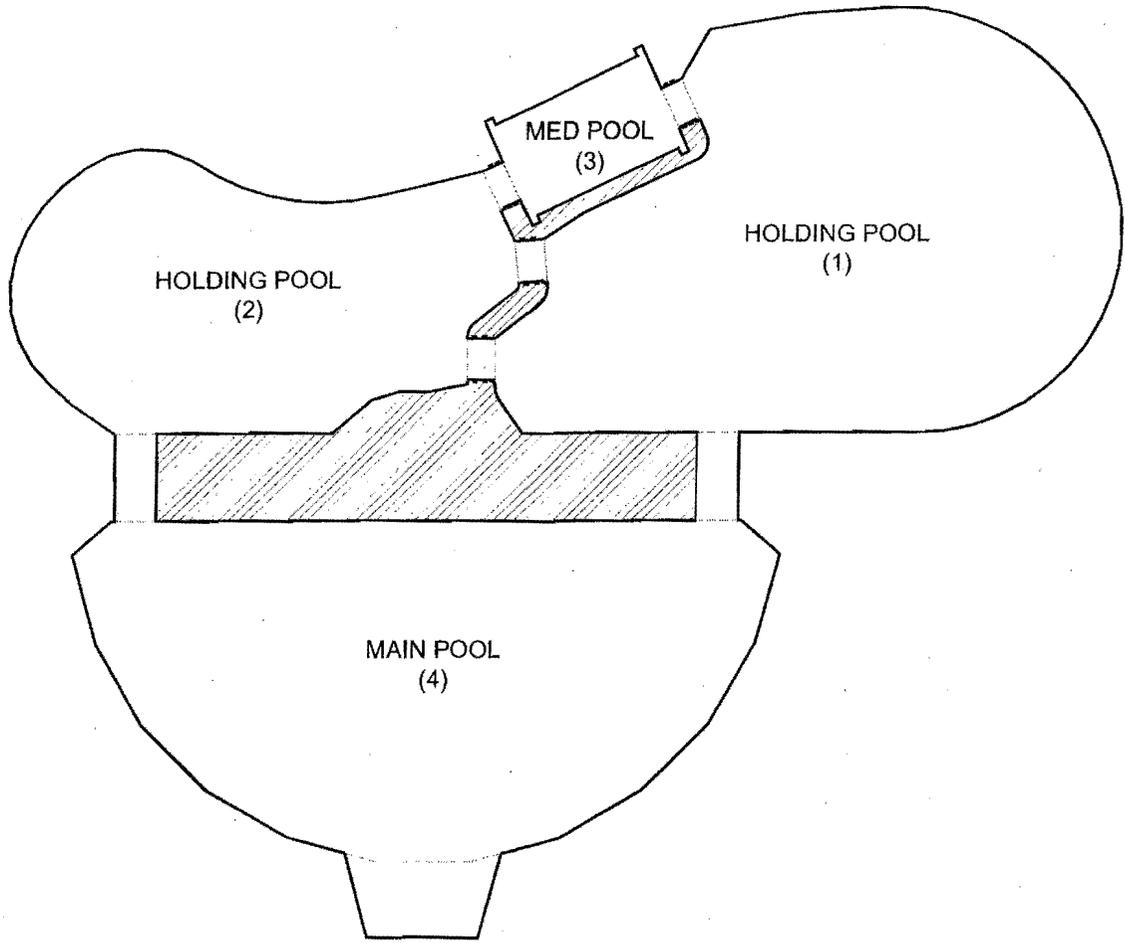
The pools are constructed from reinforced concrete with a strength of 35 N/m². The intention of the construction method is to build watertight pools that do not require the addition of a waterproof coating. To achieve this the concrete will have several additives included in the "mix design" including super plasticizers and air entrainment admixes. Concrete covering over the steel reinforcing will be 70mm. The pools will be constructed in sections and each "joint" will have a hydrophilic water stop that will prevent any seepage of water through cold joints. All surfaces will be left smooth and without holes or cracks and all corners, door entrances, wall tops etc will be finished with a 50-centimeter radius.

COATINGS

All of the pools will be coated with approximately 3mm of METFLEX 120, which is a hot applied polyether urethane,

Exhibit No	Volume (m ³)	Water Level	Turnover Required(mins)	Inlets Required
Showpool	9,178	+49.00	187	22
Holding 1	7,082	+49.00	187	22
Holding 2	4,534	+49.00	187	14
Medpool	363	+49.00	187	2
TOTAL	21,157			

KILLER WHALE EXHIBIT AND REPRODUCTION AREA



7.32
x 2

14.6 m.

TOTAL VOLUME: 21,157,000 LITERS

15 SAND FILTERS, CPS CHAMBER (3No.PROTEIN SKIMMERS, FLUIDISED CARBON CHAMBER, VENTURI CHAMBER) WITH A TURN OVER OF 210 MINUTES.
DESINFECTATION BY CHLORINE AND OZONE.

	<u>MAX. DEPTH</u>	<u>MAX. HORIZONTAL WIDTH</u>	<u>MAX. HORIZONTAL LENGTH</u>
MAIN POOL	12m.	24.5m.	50.8m.
MED POOL	4.2m.	7.1m.	12.4m.
HOLDING POOL 1	8.1m.	30.5m.	44.8m.
HOLDING POOL 2	8.1m.	20.5m.	36.5m.

100% solids coating system with very high abrasion resistance. The coating is not being applied to provide a waterproof barrier but to eliminate the porosity of the concrete and facilitate easy cleaning and sterilization of the pools surface. The coating will be taken up over the wall of the pools and down to the walkway on the outside, ensuring maximum hygiene. The specifications of the material is as follows:

PROPERTY	TEST METHOD	RESULT
Hardness	Shore A	80 – 85
Density	Tensile strength	0.93 g/cm
ASTM	D412	12.0 Mpa
Abrasion resistance	DIN53516	150mm Max

WINDOWS / VIEWING PANELS

The main (or show) pool is fitted with windows around the curved side to allow for underwater viewing of the animals. The panels for the windows are manufactured from acrylic monomer and polished to attain maximum clarity. The panels are 2.0 mtrs high x 3.3 mtrs long x 140 mm thick. The panels are supported by 316 stainless steel mullions on two vertical sides and by a concrete sill at the base. The top edge is unsupported and has a 45 deg bevel on the waterside of the panel into which have been cut small pyramid shaped teeth, which will prevent the animals from resting on top of the panels. Additional 1.2 mtr diameter circular windows have been included in the lower part of each pool to allow underwater viewing by the animal welfare staff from the passage located below and between the main and back pools.

SHADE STRUCTURE

A large shade structure is to be incorporated in the design of the facility that will primarily give shade to the viewing stands and main

show pool. Due to the north facing aspect of the stadium and pools, additional shade will move across the rear holding pools. The shade structure is supported on two large steel arches with tensioning cables and is fabricated from PVC coated polyester material. The material is white and partially translucent, giving a pleasant, bright aspect to the area below the shade structure. The structure is similar to those already covering the dolphin and sealion pools.

LIFE SUPPORT SYSTEM

GENERAL OVERVIEW

The filtration for this system consists of three separate filtration / treatment process's. Water is drawn from the pool by the filtration pumps and passed through the mechanical (sand) filters which have a filtration velocity of 30m³/m²/hr. From here the water enters the Protein Skimmers where ozone is injected using venturi's to produce millions of tiny ozone bubbles. Following the protein skimmer, the water passes through a degassing chamber to remove excess bubbles before returning to the pool by gravity. Additional treatment is provided in the form of a chlorine generator, which provides a residual chlorine level in the pool of 0.4 mg/ltr.

MECHANICAL FILTRATION

Consists of 15 filtration modules each with a pumping capacity of 400 cubic meters per hour giving a total turnover rate of 6,000 cubic meters per hour. Each module consists of the following equipment

Fybroc 8 x 6 x 13 fibreglass 35 KW pump fitted with inverter drive
 1 No Astral 3.0 meter diameter horizontal fibreglass sand filter, 5.0 meters long.

For ease of explanation the following detailed operation is described for module No 1. However the same principle applies to all 15 modules:

Water is drawn by system pump A01 from the pool by its connection with the 900mm ring main located under the floor of the plant room which in turn is connected to the main drain lines and surface skimmers of all four pools. The pump has a flooded suction as it is located approximately five meters below water level of all pools. From the outlet of the pump water is delivered to inlet of the sand filter (upper connection). After passing through the filter, water is delivered to the common 800mm diameter header pipe for delivery to the ozone chamber.

The electronic flow meter FM-A01 located in the outlet of the sand filter measures the flow of water being treated and sends a signal back to the main system control panel. The pump is sized to produce 400 cubic meters per hour flow through a "dirty filter", therefore through a clean filter the speed of the pump is reduced by the PLC to give the required flow. As the filter starts to become "dirty" and the inlet pressure increases, the speed of the pump is increased to provide a constant flow. Once the pump reaches maximum speed the flow will start to decrease. Once the flow has dropped to 80% of the required flow the module PLC triggers a backwash cycle.

PROTEIN SKIMMING

The outlets of the 15 mechanical filtration modules are collected into a common "header" which delivers the water to the upper part of the contact chamber of the protein skimmer located on the floor above the filtration room. The Protein skimmer

consists of three separate contact chambers, each supplied with one third of the system water flow. Each chamber is fitted with 17 venturis which in turn are supplied with water by Venturi pumps. Each pump draws water from the base of the De-gassing chamber and delivers it to the the venturis, which are horizontally located along the side of the protein skimmer contact chamber, approximately 1,200mm above the base of the chamber. Each Venturi pump is inverter controlled to give a total of 255 cubic meters per hour at a constant pressure of 1.2 BarG as measured by the pressure transmitters PT-A01/2/3 fitted into the venture delivery lines.

As water is pumped into the venturis, air is drawn into the venturi and mixed with the water producing millions of tiny air bubbles. As the system water enters the top of the chamber, flowing out of the bottom and is in opposition to the tiny air bubbles, which rise through the body of water in the chamber, this is referred to as a "counter-current" protein skimmer. As the bubbles rise up through the body of the water, surface-active components in the water (dissolved organic compounds) attach to the surface of the bubbles. When the bubbles reach the surface of the protein skimmer the bubbles and organic compounds produce dense foam, which is "skimmed" off to waste.

OZONE

Ozone gas is produced from air by two Triogen 650gr/hr ozone generators. The Ozone gas is produced under partial vacuum and is drawn into the protein skimmers by the venturi's. The effect of the introduction of Ozone is to raise the oxidation / reduction potential (ORP) of the water in the protein skimmers. The effect of this rise in ORP is to oxidise organic compounds and increase

the surface tension of the water, thereby increasing the efficiency of the protein skimmers. Excess ozone is removed through the skimmer top via the foam and off gas lines which are connected to the ozone destructor.

Ozone is controlled by measuring the ORP of the water which is measured by the two ORP sensors ORP-A01 & A02 located on dip poles in the outlet chamber and an average reading is used by the system PLC to switch the ozone generators on/off.

The ozone generators require an independent cooling circuit which is provided by a 200 ltr chilled water reservoir and a 20 KW air cooled chiller unit. The water is re-circulated by pump P-A-22.

CHLORINE

In order to provide a residual oxidation level within the pools chlorine is introduced into the water returning to the pools by means of a chlorine generator which produces chlorine by means of the electrolysis of seawater.

REFRIGERATION

Cooling and temperature control is provided by three 2,000kw titanium plate heat exchangers supplied with chilled water at 5 deg C from the chilling plant. Each of the heat exchangers is supplied with 300 cubic meters per hour of system water which is pumped through the secondary side by the heat exchanger where accumulated heat is given up by the system water before returning to mix with water returning to the pools.

The system has been sized to 200% of maximum cooling demand so that the system can operate for 12 hours during

the night when electricity costs are at their lowest. The system then switches off during the day allowing the pool temperature to rise. However, the system also acts as "duty / standby" as 50% of the cooling system, operating on 24 hour duty, can maintain the temperature in the pools even at peak summer loading.

The temperature of the water in the pool is measured by a temperature sensor and is set at 13 deg C. Once this temperature has been achieved the system PLC switches off the four heat exchanger pumps.

ALARM SYSTEM

A main alarm system will be provided as part of the electrical installation of the life support system. This alarm system will constantly monitor the condition of the life support system and water conditions and will be linked to the animal welfare office during the day and extended to the security office during the night.

In addition to the LSS the alarm system will also be connected to motion detectors around the pool, door and window contacts and panic buttons located on the stage, slide out, medical pool and trainers building.

SECURITY

The facility is located within the boundaries of Loro Parque which already has a security system comprising electronic vigilance and security personnel who control entrance to the park and back of house areas. The killer whale facility will be separated from the park by 2.4 meter high concrete security walls with gated access. These walls will prevent unwanted visitors from gaining access to the back of house areas. On the public side, the public will only be allowed

in during shows and are separated from the back of house facilities by the same walls and gates.

11

PERIMETER AND BARRIER FENCING

GENERAL OVERVIEW

The marine mammal facilities are surveyed by the trainers, curators and maintenance personnel meanwhile the park is opened to the public. When the park is closed the security personnel surveys the facilities both physically and through video monitors.

In the new killer whales facilities the security personnel will perform 24-hour surveillance of the installations and its surroundings, both physically and through video monitors.

SEA LION

The perimeter is surrounded with a vegetation barrier to avoid the visitors coming in.

The stadium and the animal facilities are separated with walls 1,7 to 2,5 meters high. The pool is surrounded by a 1 meter depth 0,8 m wide pit, and a 1 m high acrylic wall.

DOLPHIN STADIUM

Perimeter is surrounded by fences, steel and wooden doors, and walls decorated with artificial rock.

To access the backside of the dolphin stadium stage, there are two paths, both

blocked with signs and doors.

The access to the backside of the dolphin stadium, holding pools, fish kitchen and trainers area, is also blocked with signs and door.

The access to the visitors area of the installation is continuously controlled by the personnel, and blocked with a rope before and after each show.

Entrance to the pool number 6 (reproduction) is blocked first by a rope, and then by a wooden-steel 2,5 m door. The perimeter is fenced with a 2,0 m high metallic fence and surrounded with vegetation.

12

SANITATION PROCEDURES FOR ENCLOSURES, FOOD PREPARATION AND STORAGE

SANITATION PROCEDURES

Before entering the restricted area all the personnel washes their shoes with disinfectant solution. The disinfection chemicals are alternated to avoid bacterial resistance.

Cleaning products are not stored close to the food or the food areas to avoid contamination.

All the fish remains are disposed outside the kitchen in closed bins to avoid any bacterial contamination of the food. All the bins are carried to the garbage disposal area of the park within the next two hours.

The buckets and covers are made of stainless steel, to provide a correct storage and manipulation of the fish. The buckets and covers are washed with soap, and placed in water with a chlorine solution for some minutes. Finally rinsed and dried before the next use.

The kitchen is provided with sinks big enough to submerge the frozen blocks from the air-thaw refrigerator. This sinks have been designed to be easily cleaned and disinfected. All the equipment, including the cookware (knives, tables, containers, etc.) are washed and disinfected daily. First, all the cookware is placed in a chloride solution for a period that depends on the

chlorine concentration (20 seconds in a 100 ppm solution, or 1 minute in a 50 ppm solution). Afterwards, it is rinsed with hot water (70 to 80 °C), and finally washed with a 1% solution of a bactericide (DERBAC), waiting 5 minutes before final rinse. All the tools are autoclaved once a week.

POOL CLEANING

Pools are cleaned daily during two hours, either with a hand brush or mechanical brush to avoid the algal growth that can affect the water quality.

All the cleaning operations are performed by qualified scuba divers, and observing the safety regulations of the World Underwater Federation (CMAS).

At the end of the day, an inspection is performed in each one of the pools to ensure that there is no potential hazard for the animals.

FACILITIES CLEANING

A daily cleaning of all the pool borders and all the areas next to the pools (corridors, skimmers, beaches, etc.) is performed with a hand brush using 50 ppm chlorine solution. Afterwards, all the surfaces are rinsed with water. A further clean is performed weekly scrubbing the surfaces with pressurized water.

13 TRANSPORTATION ARRANGEMENTS

GENERAL OVERVIEW

SeaWorld has been instrumental in the development of successful transport techniques for marine mammals. (Joseph, Asper, and Antrim, 1991). Killer whales have been transported successfully by SeaWorld since 1965 and transport of this nature is not without precedent. Numerous animals of this species, size, and weight have been successfully transported by SeaWorld.

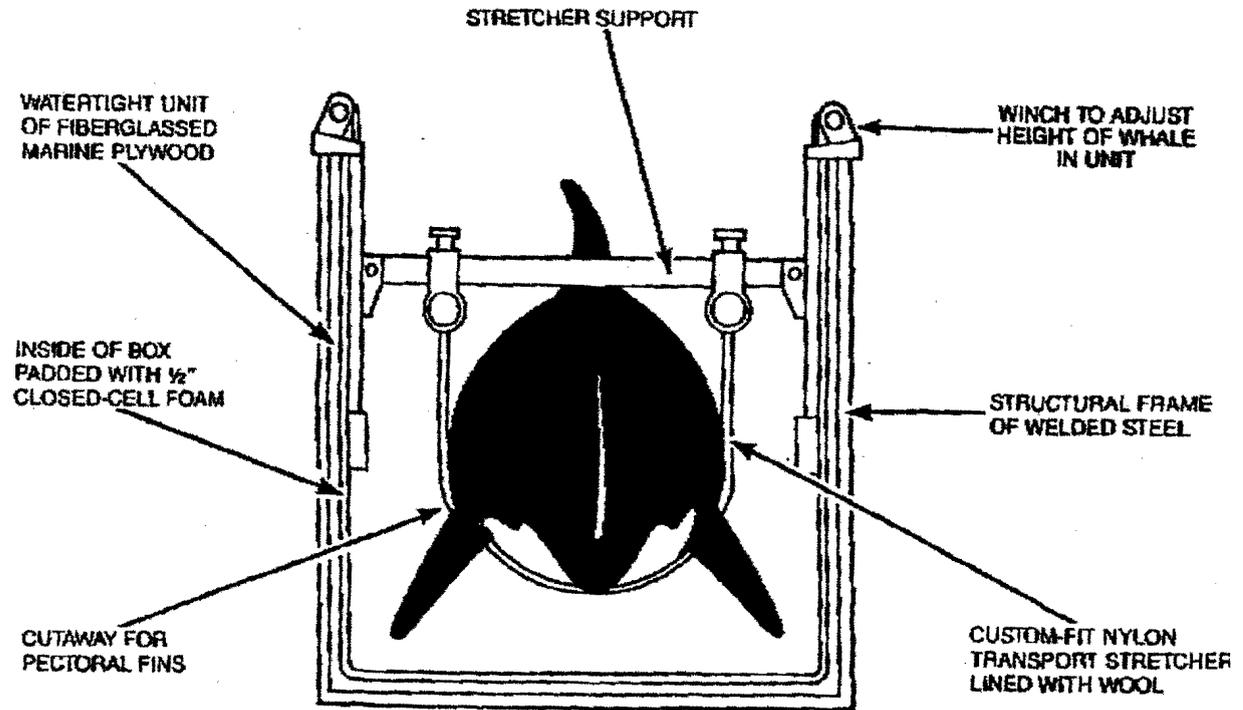
The killer whales will be transported in a specially designed and constructed transport unit. Transport will be via charter or cargo aircraft and truck in accordance with professionally accepted techniques and in compliance with all applicable regulations, standards, and conditions set forth under the Marine Mammal Protection Act, the Animal Welfare Act and the Lacey Act. Transport is anticipated to take less than 20 hours, absent unusual circumstances.

The animals will be transported under the direct supervision of the SeaWorld professional staff. A veterinarian will accompany the animals at all times during the move. For your consideration, illustrations depicting our transport units follow.

Reference -- CRC Handbook of Marine Mammal Medicine: Health, Disease, and Rehabilitation: Leslie A. Dierauf, V.M.D., CRC Press Boston: 1990.

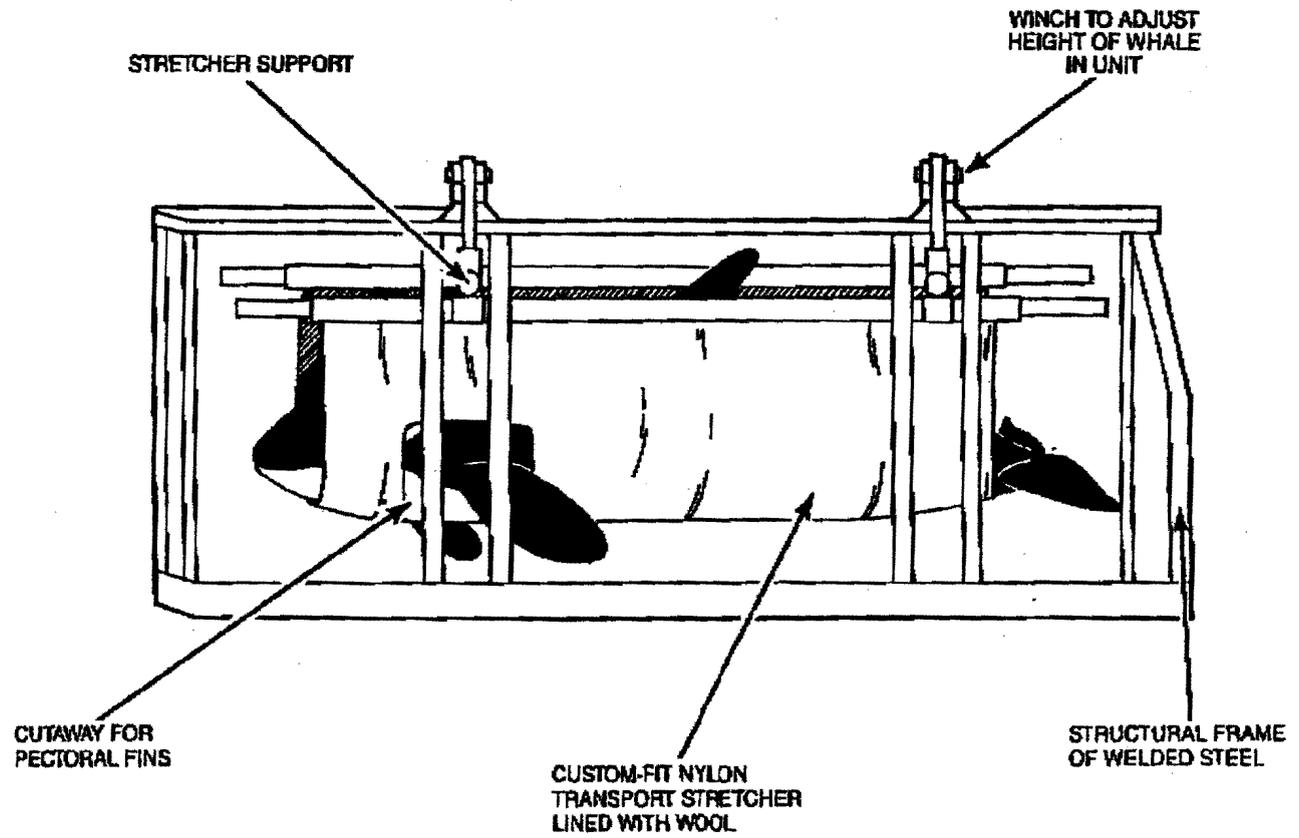
Sea World.

KILLER WHALE TRANSPORT UNIT END CUTAWAY VIEW



Sea World.

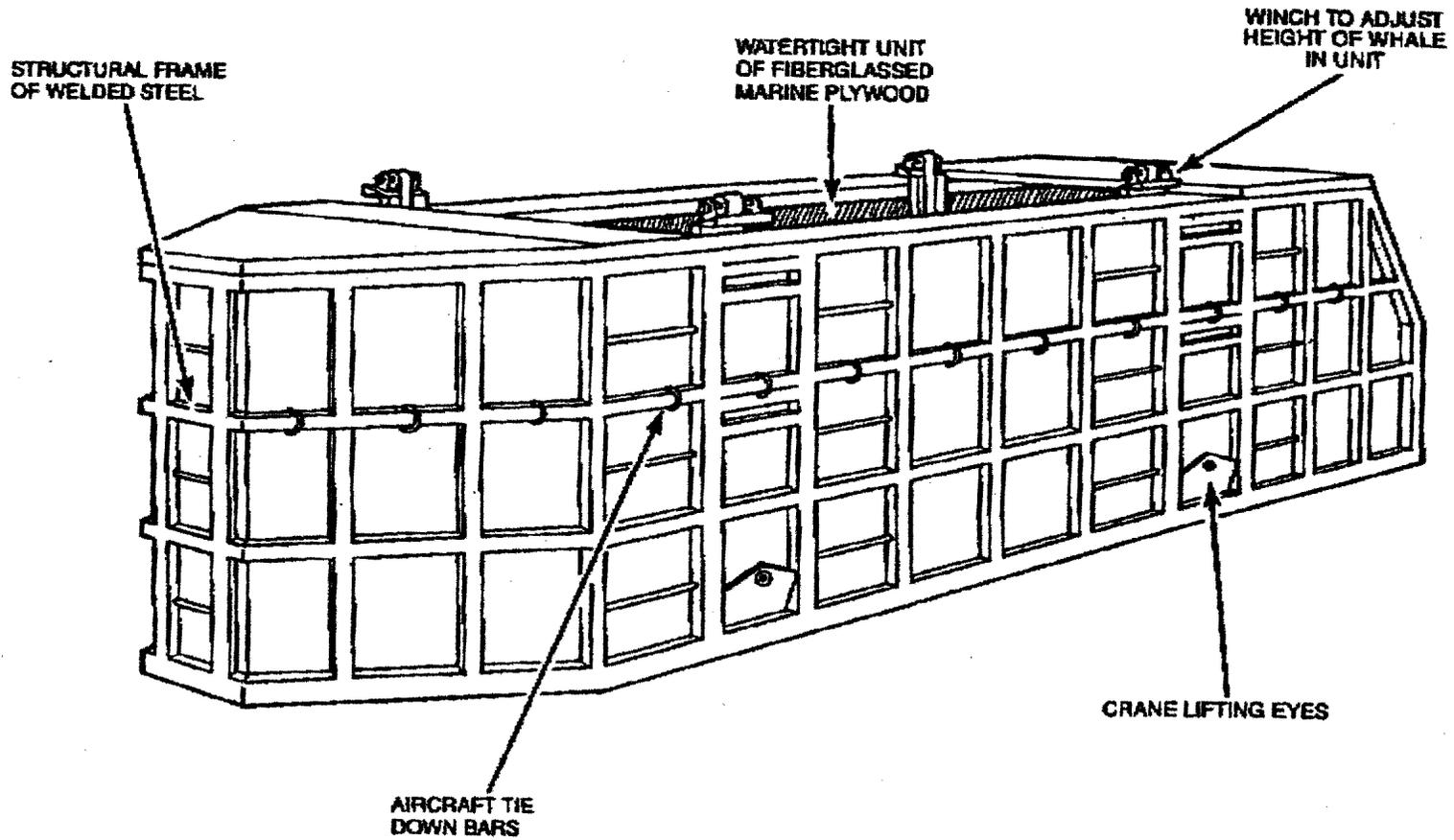
KILLER WHALE TRANSPORT UNIT SIDE CUTAWAY VIEW



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Sea World

KILLER WHALE TRANSPORT UNIT



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14 MEDICAL, FEEDING BEHAVIOURAL AND WATER QUALITY RECORDS

RECORD KEEPING

In the drug control sheet (Attachment 14.A) we specify all the drug characteristics and the animal data, including the treatment duration.

All the results from the aforementioned routine and extra routine tests are double recorded, in the veterinary Clinic and also by the head of cetacean department, so no data can be lost.

Further the veterinary clinic passes to the general record keeper all the medical data, to be inserted into our computerized data base. This means that we have a complete historical and medical database for every animal in the park, since its arrival.

The daily control sheets (Attachment 14.b) are accomplished with the amount of fish eaten by each animal, kilocalories are calculated with data from the fish nutritional analysis, and the form is completed with the drug administration information.

A daily test (Attachment 14.c) is performed to monitor the values of different parameters.

A more detailed record, includes more

specific information on the animals, as the microchip number, CITES birth certificate and the body dimensions when first arrived to our facilities.

All the weight and fish ingestion information is tracked in graphs (Attachment, 14.d)

Moreover, a weekly cytology is performed to each animal, in order to quantify the leukocyte, epithelial cells, fungi, bacteria, parasites and *Candida albicans* (Attachment, 14.e).

Parte diario de dieta Kg/Kcal

Hora		vits	entr. g.	entr. p.	show	entr. p.	show	entr. p.	show	entr. g.	entr. p.	show	extra		%	Kcal	Tot	Tot Kcal
		08.15	10.00	10.30	11.15	12.30	13.00	14.30	15.00	16.00	16.30	17.30	18.00					
Baron	He													0.0	###	0	0.0	0
	Mck													0.0	###	0		
	Spr													0.0	###	0		
	Cap													0.0	###	0		
Paco	He													0.0	###	0	0.0	0
	Mck													0.0	###	0		
	Spr													0.0	###	0		
	Cap													0.0	###	0		
Sanibel	He													0.0	###	0	0.0	0
	Mck													0.0	###	0		
	Spr													0.0	###	0		
	Cap													0.0	###	0		
Ruffles	He													0.0	###	0	0.0	0
	Mck													0.0	###	0		
	Spr													0.0	###	0		
	Cap													0.0	###	0		
Taina	He													0.0	###	0	0.0	0
	Mck													0.0	###	0		
	Spr													0.0	###	0		
	Cap													0.0	###	0		
Luna	He													0.0	###	0	0.0	0
	Mck													0.0	###	0		
	Spr													0.0	###	0		
	Cap													0.0	###	0		
Pacina	He													0.0	###	0	0.0	0
	Mck													0.0	###	0		
	Spr													0.0	###	0		
	Cap													0.0	###	0		
Cesar	He													0.0	###	0	0.0	0
	Mck													0.0	###	0		
	Spr													0.0	###	0		
	Cap													0.0	###	0		
Clara	He													0.0	###	0	0.0	0
	Mck													0.0	###	0		
	Spr													0.0	###	0		
	Cap													0.0	###	0		

ATTACHMENT 14.B

ATTACHMENT 14.C

Fecha _____

Test de Agua - Delinario Loro Parque											
Hora	Pool	CL	CT	CC	Elettr	Elclozid	PH	Salinity	Temp. Agua	Temp. Amb.	Lavado Filtro
	4					1000					
	4					2000					
	5					100					
	6					250					
	6					1006					
	Agua Potable										
	4					1000					
	4					2000					
	5					100					
	6					250					
	6					1006					
	I.T.										
	4					1000					
	4					2000					
	5					100					
	6					250					
	6					1006					
	4					1000					
	4					2000					
	5					100					
	6					250					
	6					1006					
	4					1000					
	4					2000					
	5					100					
	6					250					
	6					1006					
	4					1000					
	4					2000					
	5					100					
	6					250					
	6					1006					
	4					1000					
	4					2000					
	5					100					
	6					250					
	6					1006					

Adjunto 14.C

15 Interactive Program

Loro Parque does not have an Interactive Program.

16

NECROPSIES IN THE PREVIOUS FIVE YEARS

GENERAL OVERVIEW

During the last five years we lost two marine mammals Tara, a 13+ years old female California sea-lion and Crystal, a 20 years old female bottlenose dolphin.

While the death of Crystal was totally accidental, and due to the ingestion of a very big plastic ball that accidentally dropped into the pool overnight, the sea-lion died after a surgery made for the correction of a chronic corneal ulcer.

Please find following the records on the gross necropsy of both animals.

NECROPSY REPORT

Date: 27.05.2003
Species: *Zalophus californianus*
Name: Tara
Age: 13 + years

The animal arrived to Loro Parque in 1989.

All redactions on this page are pursuant to (b)(6), (b)(7)c

She had been experiencing a long history of corneal ulcers, for which she was treated with several different drugs, including local antibiotics and anti-inflammatory.

It was then decided to have the ulcer surgically repaired and [REDACTED] came with a veterinary ophthalmologist from UK, that had experience with marine mammals.

The surgery went pretty smooth, but there was a very strange reaction, when the animal woke up: some "gastric-like" fluid came out of the tracheal tube, when the tube was still in place. Upon this fact, [REDACTED] suggested to put the animal under injectable cephalosporins.

Necropsy was performed by [REDACTED]

At gross necropsy there was nothing really remarkable and the animal was in good body conditions.

We were only impressed by the diameter of the *vena cava*, but [REDACTED] said this can be normal finding in sea-lions.

No other gross abnormalities were detected.

The following organs were put in 10% buffered formalin, for histopathology:

- § Heart
- § Liver
- § Lung
- § Spleen
- § Pancreas
- § Kidney
- § Lymph nodes
- § Adrenals
- § Stomach
- § Intestines
- § Urinary bladder
- § Uterus

[REDACTED]

NECROPSY REPORT

Date: 27.05.2001
Species: *Tursiops truncatus*
Name: Crystal
Age: 20 years
weight: 180 kg

All redactions on this page are pursuant to (b)(6), (b)(7)c

The animal was presented to [REDACTED] with severe respiratory distress. Emergency treatment with Dexamethasone i.m. and i.v. did not succeed. About 15 minutes after showing the first symptoms the animal died.

The animal was lactating a fourth month old calf, later successfully hand raised.

Necropsy was done by [REDACTED] The results are as follow:

Body condition: good

Omentus: hyperemic

Liver: hemorrhagic

Stomach hyperemic areas on the external wall. Inside was found a plastic ball and fish rests.

Lungs. edema

All the other organs were normal.

Samples for histopathology were taken from:

Spleen, liver, pancreas, kidney, stomach, lungs, heart, lymphnodes and ovary.

Samples for microbiology were taken from the heart (sterile blood).

Results did not show any bacterial growth.

The animals died by the accidental ingestion of a plastic ball that she was able to squeeze first, and then swallow.

Macroscopically the cause of the death was due to heart and circulation failure due to the foreign body.

[REDACTED]

17

Certification Letter

A letter from the appropriate government official/department certifying the accuracy of the submitted information follows.



CERTIFIED TRANSLATION



ISLAND ADMINISTRATION OF TENERIFE
TERRITORY'S ENVIRONMENT MANAGEMENT
TECHNICAL SERVICE

Biodiversity
Los Majuelos
38108 La Laguna

Date: 07th June 2005
Ref.: C.R.P./J.A.D.B./ALL
Phone 843096 - Fax 239195

Subject: Credentials of the Company Loro Parque Tenerife
(Canary Islands)

Addressee:
Sea World
Anheuser-Busch Companies
1401 I Street, NW, Suite 200
Washington D.C. 20005-2225

On request from the Company "LORO PARQUE" in PUERTO DE LA CRUZ, TENERIFE, MR. WLADIMIRO RODRIGUEZ BRITO, HEAD OF THE ENVIRONMENT AND LANDSCAPE DEPARTMENT,

CERTIFIES:

The Company Loro Parque, established since 1980 in Puerto de la Cruz, Island of Tenerife, has produced to the competent administration authorities the documents concerning the construction of a specific area for exhibition, maintenance and reproduction of 4 specimens of Orca or Killer Whale (*Orcinus orca*), as well as for importing these specimens from SeaWorld (United States).

In view of the request made by the Company Loro Parque, this Department has carried out an inspection of the building work, still in the execution phase, being carried out for accommodation of the orca specimen. According to what has been executed, the building work corresponds to the rough drafts produced and therefore, according to the "recommendations" existing in this matter at E.U. level, the said infrastructures comply with their provisions. After having checked the remaining documents produced in respect of the maintenance of the existing marine mammals, this Department is in the position to affirm that the documents reflect what Loro Parque is lodging and intends to lodge in the premises.

Loro Parque's experience in the captive breeding of specimen of aquatic mammals is guaranteed, since the facilities devoted to them in the Park, such as the area of sea-lions and dolphins, where not only has been established a successful routine breeding in captivity, but the advanced knowledge in ethology has permitted to establish a highly satisfactory protocol of training and man-animal relation. The experience of this Park covers therefore a large number of species,

after having invested a lot of human and material resources in instruction and research. The way they deal with animals, more specifically with aquatic mammals is more than exquisite, since they observe specifically the recommendations and adaptations required by the Spanish regulations which from time to time may be necessary to guarantee their well-being and health. Should they not be complied with and should therefore the parties decide to return the animals to their country of origin, this authority will within its competence grant comity and not oppose to the animals return.

On the other hand, the relation between the Company Loro Parque, through the Loro Parque Foundation, and the Island Administration, through the Environment Area, has been constant during the last years, leading to the signature of different agreements and conventions for improvement of the mutual co-operation, keeping in mind the protection of environment and especially the conservation of the terrestrial and marine fauna. Among such conventions, it is worth to emphasize one signed between both institutions for protection of aquatic mammals fauna living in the Canarian waters, especially in the trench existing between Tenerife and La Gomera, which for different circumstances generates a number of strandings and actions during the year. This and other relations with the Company evidence the excellent qualification of the technical staff employed by Loro Parque.

In view of all the above circumstances, the qualification and capacity of the Company Loro Parque to receive four specimens of orca (*Orcinus orca*) in their facilities has been accredited and we are able to confirm that both the details supplied to Sea World and the capacity to maintain the marine mammals are correct.

THE HEAD OF THE ISLAND DEPARTMENT
FOR ENVIRONMENT AND LANDSCAPE
(sgd.)

Wladimiro Rodriguez Brito

Stamp:

HEAD OF THE ISLAND DEPARTMENT FOR ENVIRONMENT AND LANDSCAPE

Certified true translation from the Spanish text of the document.

Puerto de la Cruz/Tenerife, 10th June 2005


(Pedro Marti)
Sworn Translator





EXCMO. CABILDO INSULAR DE TENERIFE

R.E.L. 0338011
SERVICIO TÉCNICO DE GESTIÓN
TERRITORIAL AMBIENTAL
U.O. Biodiversidad
Los Mapuelos - C/ Las Macetas, s/n
Pabellón Insular Santiago Martín
38108 La Laguna

Fecha: 07 de junio de 2005

Ref.: C.R.P./J.A.D.B./A.L.L. Tf: 843096 Fax: 239195

Asunto: credenciales de la empresa Loro Parque de Tenerife (Islas Canarias).

Destinatario:

Sea World
Anheuser-Busch Companies
1401 I Street, NW, Suite 200
Washington D.C. 20005-2225

A PETICIÓN DE LA EMPRESA "LORO PARQUE", SITA EN EL PUERTO DE LA CRUZ, TENERIFE, EL SR. CONSEJERO DEL ÁREA DE MEDIO AMBIENTE Y PAISAJE, D. WLADIMIRO RODRÍGUEZ BRITO,

CERTIFICA QUE,

La empresa *Loro Parque*, instalada desde 1980 en el Puerto de La Cruz, isla de Tenerife, ha presentado ante las autoridades administrativas competentes la documentación relativa a la construcción de un área específica para la exhibición, mantenimiento y reproducción de 4 ejemplares de Orca o Killer Whale (*Orcinus orca*), así como para la importación de estos ejemplares de SeaWorld (Estados Unidos).

Atendiendo a la solicitud de la empresa *Loro Parque*, esta administración ha acudido a realizar la inspección de las obras que, aún en fase de ejecución, están realizando para la acomodación de los ejemplares de orca, encontrando que, en función de lo realizado, las obras se adaptan a los croquis presentados, de tal forma que, atendiendo a las "recomendaciones" que sobre la materia existen a nivel de la U.E., las citadas infraestructuras cumplen con lo contemplado en éstas últimas. Revisada asimismo el resto de la documentación aportada, en referencia al mantenimiento de los mamíferos marinos existentes, esta administración está en disposición de asegurar que los documentos son reflejo de lo que, el complejo *Loro Parque*, alberga y pretende albergar en sus instalaciones.

La experiencia que la empresa *Loro Parque* tiene en el ámbito de la cría en cautividad de especies acuáticas mamíferas, está garantizada, al estar especialmente bien dotadas las infraestructuras que, a éstos, dedican en el complejo, como son la zona de los leones marinos y de los delfines, en donde no sólo se ha establecido como rutina la cría exitosa en cautividad, sino en donde el avance del conocimiento en etología ha permitido establecer un protocolo de entrenamiento y de relación hombre-animal altamente satisfactorio. De este modo, la experiencia de este Parque abarca a numerosas especies, al haber invertido gran cantidad de recursos humanos y materiales en la formación y en la investigación. En este sentido, el manejo de los animales, más concretamente de los mamíferos acuáticos, cumple con ser exquisito, al

atender específicamente las recomendaciones y las adecuaciones exigidas por la normativa española, que en cada momento sean necesarias para garantizar el bienestar y la salud de éstos. Si se incumplieran y las partes decidieran la devolución de los animales a su país de procedencia, esta administración, dentro de sus competencias, así lo admitiría, no oponiéndose al retorno de los animales.

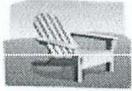
Por otro lado, la relación entre la empresa *Loro Parque*, a través de la Fundación Loro Parque, y Cabildo de Tenerife, a través del Área de Medio Ambiente, ha sido un constante en los últimos años, llegando a la firma de diferentes acuerdos y convenios en aras de la colaboración mutua con el objetivo de la protección del medio ambiente y en especial de la conservación de la fauna terrestre y marítima de esta zona del atlántico. De entre los anteriores cabe destacar el convenio firmado entre ambas instituciones para la protección de la fauna de mamíferos acuáticos que vive en aguas canarias, en especial en la fosa que existe entre Tenerife y La Gomera, que debido a diferentes circunstancias genera numerosos varamientos y actuaciones a lo largo del año. De ésta y otras relaciones con la empresa, se puede acreditar la excelente cualificación del personal técnico que trabaja en la empresa Loro Parque.

Así, atendiendo a todo lo anterior, se acredita la cualificación y la capacidad de la empresa *Loro Parque*, para acoger en sus instalaciones a cuatro ejemplares de orca (*Orcinus orca*), al poder confirmar que tanto los datos aportados al Sea World, como la capacidad para el mantenimiento de mamíferos marinos es la correcta.

EL CONSEJERO INSULAR DE MEDIO AMBIENTE Y PAISAJE



Wladimir Rodríguez Brito



Case# FL10154 Sea World of Florida
Kevin L. Bolin to: Roxanne Folk

07/30/2010 09:03 AM

History: This message has been replied to.

Good morning Roxanne,

I received this Fact Finding case. Dr. Goldentyer reviewed and found no violation. Do I submit a transmittal recommending closure of the case?

Thanks
Kevin

UNITED STATES DEPARTMENT OF AGRICULTURE
ANIMAL AND PLANT HEALTH INSPECTION SERVICE
INVESTIGATIVE AND ENFORCEMENT SERVICES

REPORT OF INVESTIGATION

Case Number: FL10154-AC

Subject(s): Seaworld of Florida
(Contact Information) 7007 Seaworld Drive
Orlando, FL 32821
Phone: 407-363-2351

Investigator: (b)(6) & (b)(7)c
(Contact Information) IES Investigator
920 Main Campus Drive
Suite 200
Raleigh, NC 27606

(b)(6) & (b)(7)c

Date of Report: 04/16/2010

- Substantiated allegation(s)**
- No violation(s)**
- Insufficient evidence**
- Fact finding**
- Contains Confidential Business Information**

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Reviewer(s) (b)(6) & (b)(7)c

SYNOPSIS

On Thursday February 24th 2010, at approximately 1:37pm, Sea World of Florida security received a call in reference to a trainer in the water at the "Dine with Shamu" encounter. Sea World staff and security responded to the scene to find trainer Dawn Brancheau (BRANCHEAU) in the pool with "Tilikum" a 27 year old 12,000 pound male Orca. BRANCHEAU was found to be in the pool and in the mouth of "Tilikum" who did not release her for approximately 45 minutes at which time BRANCHEAU was pronounced dead by medical staff.

BACKGROUND

Subject(s) Information

SeaWorld of Florida, (58-C-0077) is owned and operated by the Blackrock Investment Group based in New York City and is under a subsidiary corporation of 9 parks named SeaWorld Parks & Entertainment. Other parks owned and operated by SeaWorld Parks & Entertainment are located throughout the country and include Sea World San Diego, Sea World San Antonio, Busch Gardens Tampa Bay and Busch Gardens Williamsburg VA:

Subject(s) Previous History

Prior Enforcement Actions

N/A

Prior Adjudications

N/A

NARRATIVE

All redactions on this page are pursuant to (b)(6) & (b)(7)(c).

Basis for Investigation

On February 25th 2010, I received a request from Dr. Greg Gaj from the USDA Animal Care program to accompany him and Dr. Laurie Gage to SeaWorld of Florida located in Orlando Florida in order to look into the circumstances surrounding the death of trainer (BRANCHEAU).

Investigative Findings

On Wednesday February 24th 2010, at approximately 1:37pm, Sea World security received a call in reference to a trainer in the water at the "Dine with Shamu" encounter. Sea World staff and security responded to the scene to find trainer BRANCHEAU in the pool with "Tilikum" a 27 year old 12,000 pound male Orca. BRANCHEAU was found to be in the pool and in the mouth of "Tilikum" who in spite of efforts by SeaWorld staff were not able to get him to release her for approximately 45 minutes at which time BRANCHEAU was pronounced dead by medical staff.

On Friday February 26th 2010, Dr. Gaj, Dr. Gage and I went to SeaWorld to conduct a site visit and preliminary investigation into the circumstances that lead up to the death of trainer BRANCHEAU. At the facility, we met with [REDACTED] of Marine Mammals and [REDACTED] of Veterinary services for SeaWorld of Florida. We asked about the sequence of events leading to the death of trainer BRANCHEAU, how the emergency was handled, and the recent behavior of "Tilikum" as well as the medical history over the past several months. All the information requested was provided for visual review.

We confirmed that the Orca involved in this incident was a 27 year old 12,000 pound adult male named "Tilikum" who has been housed at the park in Orlando since 1992. We were told that on the day in question there was a regular killer whale show that started at about noon in the main stadium. "Tilikum" was not used in this particular show; he was housed in the back pool designated as pool #7 and was used for the "Dining with Shamu" show that day. The "Dining with Shamu" show takes place outside a restaurant in the park, behind the main Shamu Stadium. There venue consists of tables around the pool area for patrons to eat lunch and listen to a trainer give an in-depth talk about the whales. This pool is out of view from the rest of the public.

According to HUGHES the main show in Shamu Stadium had just ended as had the lunch show at the "Dine with Shamu" facility. As the patrons left the "Dine with Shamu" lunch show, they exited to a viewing window below pool #7 to see an underwater demonstration with "Tilikum". The lunch show had three trainers that presented the whale. One trainer, BRANCHEAU, was in charge of working the whale, along with one back-up trainer (the "spotter"), and the announcer who was also a trainer. Once the lunch patrons went to the lower window, the spotter trainer went below to join the guests and to target the whale to the underwater window for some photographs. The announcer then became the "Spotter" up top, but was standing in the rocky area across from the lunch area.

The primary trainer, BRANCHEAU, was some distance from the announcer/spotter and was playing with/entertaining the whale until the patrons were getting in place at the viewing window. BRANCHEAU was lying down in the water in the shallow "haul-out" area to the right of the scales used to weigh the marine mammals. One eye witnesses stated that her long hair was floating out into the pool near "Tilikum's" mouth at which time he either grabbed it or it became entangled in his teeth. BRANCHEAU tried but was unable to pull her hair back from "Tilikum's" grasp and was pulled into the pool. "Tilikum" reportedly pushed BRANCHEAU and grabbed her possibly in the mid section then took her underwater. At this point the announcer/spotter deployed the emergency alarm for all available staff to respond.

Nets were put into the water in an attempt to control "Tilikum" but they could not get him to release BRANCHEAU. [REDACTED] was on scene within 5 to 10 minutes of hearing the emergency call, and told us he could tell that BRANCHEAU was no longer alive by the time he got to the pool. After several minutes, staff was able to net "Tilikum" into the adjacent medical pool but that pool did not have a false bottom/lift in it, so they still could not get the whale to release BRANCHEAU. Staff then used nets to direct "Tilikum" into medical pool #5, and were able to raise the false bottom in that pool out of the water and finally got "Tilikum" to release the body of BRANCHEAU. At this point BRANCHEAU was pronounced dead by medical staff and the Orange County Sheriff's Office was notified and responded to conduct a death investigation.

Dr. Gaj and Dr. Gage reviewed the medical records of "Tilikum" provided by [REDACTED] "Tilikum" had recently been treated with antibiotics and antifungal drugs since about February 11th 2010 because bloodwork indicated an inflammatory issue, and his white blood cell count had been somewhat elevated at that time. Blood had been drawn on Monday February 22nd 2010, and indicated he was improving. One antibiotic had been discontinued after the Sunday treatment, but he continues to be maintained on a second antibiotic and an antifungal drug. Blood was drawn again Thursday February 25th 2010. "Tilikum" had reportedly appeared somewhat lethargic the previous week but was much improved by Sunday February 21st 2010.

[REDACTED] also relayed that there were no reports from trainers that "Tilikum" was exhibiting any unusual or aggressive behavior leading up to the incident as reported by several patrons at the "Dine with Shamu" show. [REDACTED] did point out some construction going on at an adjacent pool to the "Dine with Shamu" show, but said that it had been going on for a while and that "Tilikum" and the other Orca were accustomed to it. As a result of the medical record review, there were no noncompliant items identified. No copies of medical records were requested at that point.

We next went to the area where the incident occurred for a visual inspection, a facility called Shamu Stadium. [REDACTED] walked us through the sequence of events as they knew them. It appeared that SeaWorld staff did everything within their ability to control "Tilikum" and rescue BRANCHEAU. It also appears that all the safety protocols and safety procedures in place at the time were followed. As a result of the inspection at the Shamu Stadium and "Dine with Shamu" pool, no non compliant items were identified at that point.

On March 1st 2010, the Eastern Regional Animal Care Office received a complaint from PETA in reference to this incident, citing a past history of injury and death of people interacting with "Tilikum" as well as a number of alleged Animal Welfare violations. Dr. Gaj provided a response to the complaint citing that there were no non-compliant items identified in our February 26th 2010 visit (Exhibit #2)

On March 18th 2010, I contacted Lt. [REDACTED] of the Florida Fish and Wildlife Conservation Commission. [REDACTED] informed me that there were no applicable violations of Florida wildlife laws that would be followed up by his agency and that no report was generated.

Dr. Gage completed a preliminary report into the incident including photos and a summary of her review of the medical records and conversation with [REDACTED]. In her report, Dr. Gage does not identify any non-compliant items in violation of the Animal Welfare act, but does suggest some protocol changes involving the interaction with Orca should be made going forward (Exhibit #1).

After my investigation at SeaWorld of Florida and reviewing the facts gathered with Dr. Gaj and Dr. Gage, as well as a review of the medical records and death investigation report of the Orange County Sheriff's Office (Exhibit #3), I do not find evidence at this time that there are any non-compliant items identified that would be considered violations of the Federal Animal Welfare Act or any evidence to support the claims made in animal welfare complaint E10-093.

Program concurrence for this case to be closed out as a fact finding report was provided by Dr. Gaj in the form of an email (Exhibit #4)

These findings substantiate the following alleged violation(s):

N/A

These findings indicate that the evidence does not support a violation of the following section(s):

N/A

MITIGATING AND/OR AGGRAVATING FACTORS

N/A

ADDITIONAL INFORMATION

N/A

All redactions on this page are pursuant to (b)(6) & (b)(7)(c).

WITNESS LIST

Provide First, MI and Last Name with Complete Address

Name	Title	Address / Phone Number
[REDACTED]	Investigator	920 Main Campus Drive, Suite 200 Raleigh, NC 27606 (813) 486-[REDACTED]
Dr. Greg Gaj	Veterinary Medical Officer	920 Main Campus Drive, Suite 200 Raleigh, NC 27606 (813) 486-9019
Dr. Laurie Gage	Veterinary Medical Officer	920 Main Campus Drive, Suite 200 Raleigh, NC 27606 (813) 486-9019
[REDACTED]	[REDACTED] of Animals (SeaWorld of Orlando)	7007 Sea World Drive Orlando, FL 32821 (407) 363-[REDACTED]
[REDACTED]	[REDACTED] of Veterinary Services (SeaWorld of Orlando)	7007 Sea World Drive Orlando, FL 32821 (407) 363-[REDACTED]

CASE REPORT DISTRIBUTION (cc)

Program Official(s)

Dr. Betty Goldentyer
Regional Director
USDA-APHIS-AC
920 Main Campus Drive #200
Raleigh, NC 27606
(919) 855-3046

IES Manager(s)

Samuel Santiago, Caribbean Area Manager
USDA-APHIS-IES
15444 S.W. 32 Terrace
Miami, FL 33185
Cell: (786) 385-1944

CASE UPDATES

Program Official(s)

Betty Goldentyer, Regional Director of Animal Care Program , Raleigh, NC

Primary Investigator

(b)(6) & (b)(7)c

IES Area Manager

Samuel Santiago, Caribbean Area, Miami, FL.

IES Deputy Regional Director

Willie D. Harris, Eastern Region, Raleigh, NC.

IES Regional Director

John S. Kinsella, Eastern Region, Raleigh, NC.

EXHIBIT LIST

Exhibit #	Description	Date	Total Pages
1	Report prepared by Dr. Laurie Gage	Not dated	4
2	Animal Care complaint E10-093	03/01/10	5
3	Orange County Sheriff's Department death investigation report #2010-016715	04/28/10	48
4	Program concurrence email from Dr.Gaj	06/16/10	1

PRELIMINARY REPORT

RE: Killer Whale Incident at Sea World Orlando

Prepared by Laurie J. Gage, DVM, Dipl. ACZM USDA APHIS Animal Care

I accompanied Dr. Greg Gaj and IES Investigator [REDACTED] on a site visit/preliminary investigation to Sea World Orlando on February 26, 2010 in response to the death of a marine mammal trainer on Wednesday February 24, 2010. We interviewed the marine mammal [REDACTED], and the [REDACTED] of Veterinary Services, [REDACTED]. We asked about the sequence of events leading to the death of the trainer, how the emergency was handled, the recent behavior of the killer whale, and the medical history of the whale "Tilly" over the past 7 months.

We confirmed that the incident was caused by an adult male killer whale called "Tilly" who has been housed at the park in Orlando since 1992. We were told there was a regular killer whale show that started at about noon, that did not include Tilly. Tilly was housed in the back pool (pool #7) and was used for the "Lunch with the Whale" show that day. There are tables for patrons to eat lunch near the back pool and listen to a trainer give an in-depth talk about the whales. This pool is out of view from the rest of the public. The main show had just ended as had the lunch show. As the patrons left the lunch show, they exited to a viewing window below pool #7 to see an underwater demonstration with Tilly. The lunch show had three trainers that presented the whale. One trainer, Dawn, was in charge of working the whale, one back-up trainer (the "spotter"), and one announcer who was also a trainer. Once the lunch patrons went to the lower window, the spotter trainer went below to join the guests and to target the whale to the underwater window for some photographs. The announcer then became the "Spotter" up top, but was standing in the rocky area across from the lunch area.

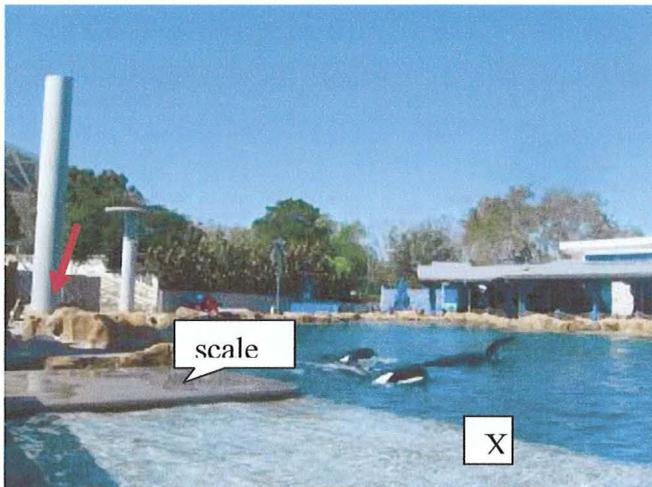


Figure 1 Shallow area of Pool #7 Announcer at location of the red arrow.

The primary trainer, Dawn, was some distance from the announcer/Spotter and was playing with/entertaining the whale. She was lying down in the water in the shallow haul-out area to the right of the scale (Figure 1 at "X"). The eye witnesses stated that her long hair was floating in the pool and the whale grabbed her hair. Dawn tried but was unable to pull her hair back from the whale's grasp and was pulled into the pool. The whale pushed her and grabbed her (presumably

by the waist) and took her underwater. The announcer/spotter deployed the emergency alarm system (Figure 2)

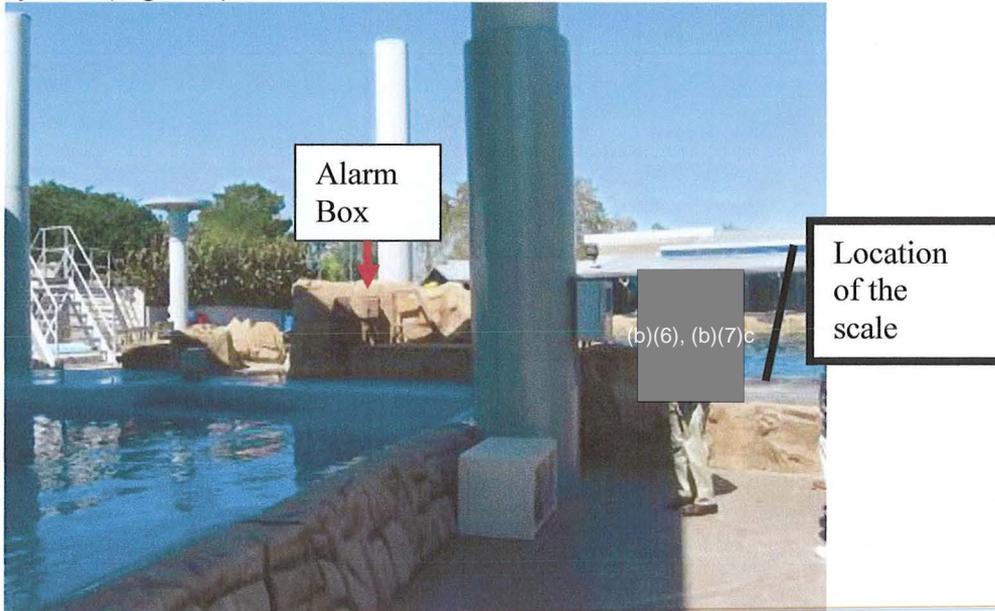


Figure 2 Location of Emergency Alarm Box, trainer was laying in shallow area just to the right of this photo

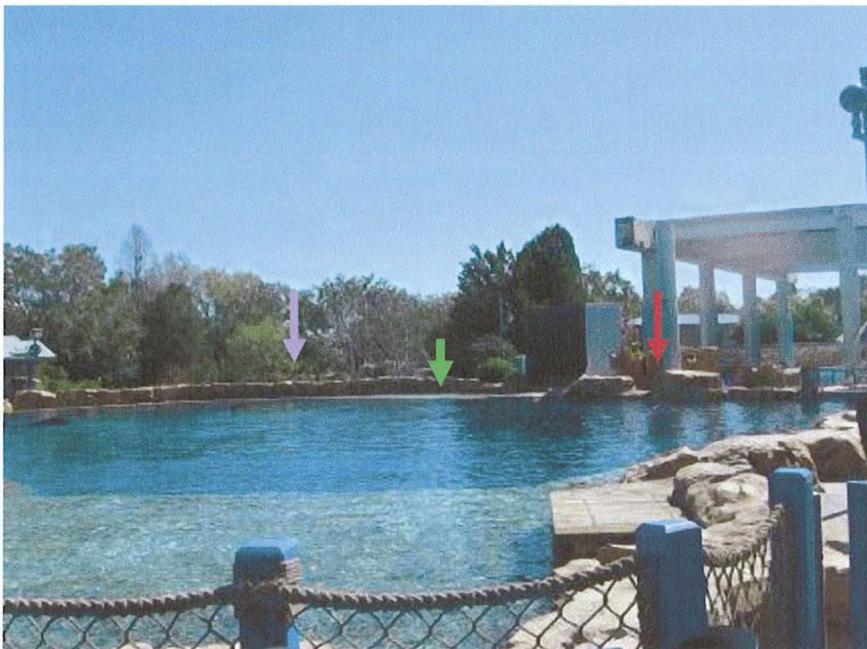


Figure 3 View of Announcer and emergency box area (red arrow), shallow slide out area where trainer went into the water (green arrow), and location of the underwater windows (purple arrow).

Nets were put into the water in an attempt to control the whale but they could not get him to release Dawn. (b)(6) & (b)(7)c was on scene within 5 – 10 minutes of hearing the emergency call, and told us he could tell that Dawn was no longer alive by the time he got to the pool. They

Signature

were able to net Tilly into the adjacent medical pool but that pool did not have a false bottom, and they could not get the whale to release the body. They then used nets to direct Tilly into med pool #5, and were able to raise the false bottom in that pool and finally got him to release the body.

We viewed the medical records of the whale. He had recently been treated with antibiotics and antifungal drugs since about Feb 11 because his bloodwork indicated an inflammatory issue, and his white blood cell count had been somewhat elevated at that time. Blood had been drawn on Monday Feb 22, and indicated he was improving. One antibiotic had been discontinued after the Sunday treatment, but he continues to be maintained on a second antibiotic and an antifungal drug. Blood was drawn again Thursday Feb 25. The whale had appeared somewhat lethargic last week but was much improved by Sunday February 21. We observed the whale while we were on site, and he seemed bright and alert. I reviewed the bloodwork and the medical records and feel from those documents and the appearance of the whale, that whatever was wrong last week was indeed improving. The bloodwork indicated an inflammatory problem, and [REDACTED] said the treatment was precautionary. This whale had a similar issue last October that was treated and fully resolved. It is unknown where the inflammation was but they had ruled out the teeth using a thermography unit, but were suspicious of the respiratory tract based on history of other whales with similar blood parameters and clinical signs.

After careful reflection I have several questions that would help me to form a final conclusion.

The announcer/trainer was key in this incident. I would like to know how much trainer experience that person had because it appears that he/she was the only person available to control the situation when it happened. I have a few questions about the moments after Tilly grabbed Dawn's hair.

What did the announcer/trainer do as soon as they saw this happen?

- Did they use the recall tone/pipes immediately to recall the whale?
- Did they go to the alarm system and how do they deploy the emergency alarm system? Do they make a phone call or hit a button?

This is important because if the alarm system requires the person in that area to make a phone call, then that person can not participate in helping the victim for the moments it takes to make the phone call. Even if they have to run back and hit a button, I think seconds make a difference in an emergency like this.

The only person available to help Dawn had to make a critical decision. If that person were an experienced trainer who knew this whale, I think they may have chosen to immediately try to control the situation by using a recall device or otherwise distract the whale. I think a less-experienced person would have opted to go to the phone/button and deploy the emergency system.

The way their system is set up now, it is impossible for the announcer/trainer to do both the emergency button/phone deployment AND provide immediate help or assistance to the victim.

I think the only chance Dawn had in this situation was to have an experienced trainer immediately available to try to control the whale, or to try to assist her by grabbing her to ensure she did NOT end up in the pool with this whale. Once she was in the pool with this whale, I think the situation was probably hopelessly out of control and I don't know that anything could have changed the outcome.

The other problem I see with this situation is that if had Dawn been squatting or standing up, rather than laying down on that shallow area ledge, she might have had a better chance at controlling the situation. Laying in the water on that shallow shelf gave her virtually no control over the animal if he chose to misbehave and made it easy for her to slip into the pool. And she didn't have her back up person standing there to assist.

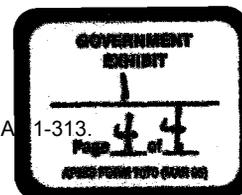
I think any time they work with a dangerous animal, regardless of how well trained it is, there should be an experienced back up (spotter) whose only job is to get the situation under control by using methods the animals are preconditioned to respond to, such as the recall pipes/sound. Someone else with less experience could be the one who deploys the emergency system.

~~Once we review the police documents and find out how much training experience the announcer~~
trainer had, and how that person responded to this emergency, I can make a better evaluation of this incident and where the inherent weaknesses were.

It appears that there were safety protocols in place and the safety procedures were followed. It seems to be a very unfortunate accident. I do not get the impression this incident started as an aggressive act by the whale towards its trainer but rather an animal that became possessive over the trainer after she entered the water.

I feel we should evaluate Sea World's new emergency contingency plans and their killer whale handling protocols once they have been updated.

REPORT TRANSMISSIONS BIRTH CENTER 1



ANIMAL WELFARE COMPLAINT

Complaint No. E10-093	Date Entered 1 March 2010	Received By T Tubia
Referred To Gaj	Reply Due 2 April 2010	

Facility or Person Complaint Filed Against

Name Sea World of Florida		Customer/License/Registration No. 3108 / 58-C-0077	
Address 7007 Sea World Drive			
City Orlando	State FL	Zip 32821	Phone No 407.363.2351

Complainant

Name (b)(6) & (b)(7)c		Organization PETA	
Address 501 Front Street			
City Norfolk	State VA	Zip 23510	Phone No./Email address

How was complaint received?

Forward response to FOIA: Yes No

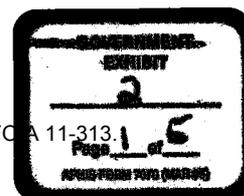
Details of Complaint: The complainant requests that the USDA - AC look into the death of a trainer killed by an Orca whale at Sea World of Florida and the holding tank the whale is now being kept in. They believe it is far too small.

Results: Dr. Laurie Gage, Field Specialist for Big Cats and Marine Mammals, (b)(6) & (b)(7)c an IES Investigator and I made a visit to Sea World Orlando on 2/26/2010 to review and evaluate the circumstances which lead to the death of a trainer by an Orca named Tillikum. We interviewed both the Attending Veterinarian and the Marine Mammal Curator, reviewed Tillikum's medical records over the past 7 months and discussed Tillikum's behavior prior to the incident. We also toured the pool and discussed the events that happened immediately prior, during and after the incident. There is currently an open investigation and additional information is still being gathered. The holding pools housing Tillikum at the time of the incident (pool 7) and on the date of our visit (pool 2) have sufficient space to meet and house 1-2 adult orcas. There were no noncompliant items identified on 2/26/2010.

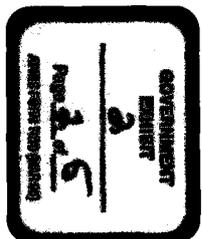
Application packet provided? Yes No

INSPECTOR
Greg Gaj
REVIEWED BY

DATE
3-Mar-10
DATE



Required	Total					Total				
Animals	Depth	MHD	SA	Volume	Pool	Depth	MHD	SA	Volume	Length
	(ft)	(ft)	(ft ²)	(ft ³)		(ft)	(ft)	(ft ²)	(ft ³)	(ft)
	(AAL/2)	(2XAAL)								
1 to 2	12	48	1,356	21,704	Slow Pool	34	75	10,000	360,000	170
3	12	48	2,034	27,130	Holding #2	15	75	3,892	58,379	75
4	12	48	2,712	32,556	Holding #3	15	75	3,892	58,379	75
5	12	48	3,390	37,982	Holding #4	15	75	6,300	94,500	125
6	12	48	4,068	43,408	Pool #7	28	75	9,000	225,000	125
7	12	48	4,746	48,834						
8	12	48	5,424	54,260						





Teresa J
Tubia/NC/APHIS/USDA
03/02/2010 03:53 PM

To
cc
bcc

Subject Fw: Request to Investigate 02-24-2010 Incident at SeaWorld
Orlando, from PETA

Regards,
TJ

Teressa Jane Tubia
ILA - AC
Eastern Region
919.855.7108 (o)
919.855.7123 (f)

----- Forwarded by: Betty J Goldentyer/NC/APHIS/USDA on 03/01/2010 02:26 PM -----



(b)(6) & (b)(7)c
03/01/2010 11:09 AM

To <betty.j.goldentyer@aphis.usda.gov>
cc

Subject Request to Investigate 02-24-2010 Incident at SeaWorld
Orlando, from PETA

March 1, 2010

Dr. Elizabeth Goldentyer

Director, Eastern Region

USDA/APHIS/AC

Via e-mail: betty.j.goldentyer@aphis.usda.gov

Dear Dr. Goldentyer:

Please consider this letter an official request for the USDA to investigate possible violations of the Animal Welfare Act regarding the killing of a trainer by an orca at SeaWorld Orlando, USDA license #58-C-0077.

According to media reports and eyewitness accounts, on February 24 at approximately 2 p.m. during a live show at SeaWorld Orlando's Shamu Stadium, the 12,300-pound, 22.5-foot-long male orca Tilikum suddenly and unexpectedly raced around the tank, shot out of the water, grabbed trainer Dawn Brancheau in his mouth, thrashed her about violently, and pulled her underwater, drowning her in front of horrified spectators, including many children. A SeaWorld official confirmed in media reports that the facility has in its possession a video tape of the attack. We ask that the USDA confiscate the video to evaluate the incident for possible AWA violations.



We are terribly saddened to learn of Ms. Brancheau's death. Yet we are not at all surprised that incidents like this keep occurring. The latest attack marks the third human fatality involving Tilikum. He was also involved in a 1999 death at SeaWorld Orlando, when the bruised and scratched body of a man, who had gained access to the tank after hours, was found draped over the orca. In 1991 at Sealand of the Pacific in British Columbia, Tilikum was one of three orcas involved in the drowning of a trainer who had fallen into the tank. Wednesday's attack was the second time in two months that a trainer died in a pool with an orca. A trainer's ribcage was crushed when a stunt with an orca went awry in December at a marine park in Spain.

SeaWorld was well aware of the dangers involving this orca—in fact, trainers were not supposed to enter the pool with him—yet they continued to use him in public performances. In addition, witnesses who had seen the earlier show that day reported that Tilikum was ornery and not responding to directions and that a trainer had even remarked to the audience that the orcas were not in the mood to perform, yet the shows went on as planned.

While SeaWorld states that Tilikum is not currently being isolated, numerous other media reports and aerial photos indicate that he was being kept in a very cramped holding pen, barely large enough for him to turn around. Weighing more than 6 tons, Tilikum is the largest orca in captivity. Please determine if this holding pen is adequate for an animal of Tilikum's size.

Possible violations of the Animal Welfare Act include the following:

- Part 2, Subpart I, Sec. 2.131(a): "All licensees who maintain wild or exotic animals must demonstrate adequate experience and knowledge of the species they maintain."
- Part 2, Subpart I, Sec. 2.131(b)(1): "Handling of all animals shall be done as expeditiously and carefully as possible in a manner that does not cause trauma, overheating, excessive cooling, behavioral stress, physical harm, or unnecessary discomfort."
- Part 2, Subpart I, Sec. 2.131(d)(1): "Animals shall be exhibited only for periods of time and under conditions consistent with their good health and well-being."
- Part 2, Subpart E, Sec. 3.103(3)(b): "Natural or artificial shelter which is appropriate for the species concerned, when the local climatic conditions are taken into consideration, shall be provided for all marine mammals kept outdoors to afford them protection from the weather or from direct sunlight."
- Part 2, Subpart E, Sec. 3.104(a): "Enclosures smaller than required by the standards may be temporarily used for nonmedical training, breeding, holding, and transfer purposes. If ... holding is to last longer than 2 weeks, such extension must be justified in writing by the attending veterinarian on a weekly basis."

According to (b)(6) & (b)(7)c of zoological operations at SeaWorld San Diego and a former orca trainer, orcas perform as much as eight times a day, 365 days a year at SeaWorld parks, so this behavior "can be expected" The Division of Occupational Safety and Health (Cal/OSHA) released a statement (before retracting it), following an investigation into a 2006 incident in which Kasatka, a 7,000-pound, 17-foot-long orca, dragged a trainer underwater at



SeaWorld San Diego, saying that it is "only a matter of time" before a trainer is killed by one of the park's orcas and that "[t]he trainers recognize this risk and train not for 'if' an attack will happen but 'when.'"

Please investigate this tragedy and pursue aggressive enforcement of the Animal Welfare Act if violations are found. Thank you for looking into this urgent matter. I can be reached at 727-742- (b)(6) & (b)(7)c @peta.org.

Sincerely,

(b)(6) & (b)(7)c

Captive Wildlife Specialist

People for the Ethical Treatment of Animals





**ORANGE COUNTY SHERIFF'S OFFICE
INVESTIGATIVE REPORT
CASE NUMBER 2010-016715**

All redactions on this page are pursuant to (b)(6) & (b)(7)(c).

INVESTIGATOR:

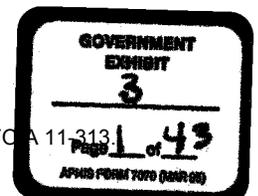
[REDACTED]
Special Operations and Investigations Division
Major Case Section
Homicide Squad
2500 West Colonial Drive
Orlando, Florida 32804
407-254-7000 Extension [REDACTED]

OFFENSE INFORMATION:

Type of Incident: Accidental Death
Date of Occurrence: February 24, 2010
Time of Occurrence: Approximately 1337 hours
Location of Occurrence: 7007 Sea Harbor Drive
Orlando, Florida 32821
Zone 50

VICTIM INFORMATION:

Name: Dawn Therese Brancheau
Age: 40
Date of Birth: [REDACTED] NOT A FOIA DELETION
Race/Sex: White/Female
Address: [REDACTED]
Height: 5'01"
Injuries: ***DECEASED***
Drowning and traumatic injuries.



All redactions on this page are pursuant to (b)(6) & (b)(7)(c).

VICTIM NEXT OF KIN INFORMATION:

Contact numbers:

Home:

Cell:

Address:

Relation: Spouse

NOT A FOIA DELETION

ANIMAL INFORMATION:

Name: Tilikum Shamu
Species: Orca/Killer Whale
Age: 27 years 8 months
Weight: 12,000 pounds
Length: 23 feet
When acquired: 1992

MEDICAL EXAMINER'S OFFICE INFORMATION:

Office of the District Nine Medical Examiner
2350 East Michigan Street
Orlando, Florida 32806
(407) 836-9499

Medical Examiner Investigator (b)(6) & (b)(7)(c)

Investigator (b)(6) & (b)(7)(c) responded to the scene and took possession of the victim's body.

Medical Examiner Doctor (b)(6) & (b)(7)(c)

On February 25, 2010, Doctor (b)(6) of the District Nine Medical Examiner's Office conducted an autopsy on Dawn Brancheau. Doctor (b)(6) & (b)(7)(c) determined the victim's cause of death was due to drowning and traumatic injuries and the manner of death was an accident.

LAW ENFORCEMENT INFORMATION:

ORANGE COUNTY SHERIFF'S OFFICE

UNIFORM PATROL DIVISION

SECTOR 1 PATROL

1111 North Rock Springs Road
Apopka, Florida 32712
(407) 254-1001

Deputy

Deputy [REDACTED] was the first deputy to arrive on scene. He was working in an off-duty capacity within Sea World when he heard the call on the Sea World radio system. Deputy [REDACTED] arrived when Sea World personnel were attempting to retrieve Dawn Brancheau's body from Tilikum the whale. He completed the incident report.

SECTOR 5 PATROL

6825 Westwood Boulevard
Suite A
Orlando, Florida 32821
(407) 351-9368

Captain

Captain [REDACTED] was the captain on duty. She responded to the scene to assist with scene containment.

Lieutenant

Lieutenant [REDACTED] was the on duty watch commander. He responded to the scene to coordinate the scene and assist with scene containment.

Deputy

Deputy [REDACTED] responded to the scene to assist with scene containment.

Corporal

Corporal [REDACTED] responded to the scene to assist with scene containment.

**ORANGE COUNTY SHERIFF'S OFFICE
INVESTIGATIVE REPORT
CASE NUMBER 2010-016715
EID 2685**

All redactions on this page are pursuant to (b)(6) & (b)(7)(c).

Deputy [REDACTED]
Deputy [REDACTED] responded to the scene to assist with scene containment.

SECTOR 3 PATROL

475 West Story Road
Ocoee, Florida 34761
(407) 254-6801

Deputy [REDACTED]
Deputy [REDACTED] responded to the scene to assist with scene containment.

SPECIAL OPERATIONS AND INVESTIGATIONS DIVISION

2500 West Colonial Drive
Orlando, Florida 32804
(407) 254-7000

Major [REDACTED]
Major [REDACTED] responded to the scene.

MAJOR CASE SECTION

2500 West Colonial Drive
Orlando, Florida 32804
(407) 254-7000

Lieutenant [REDACTED]
Lieutenant [REDACTED] responded to the scene.

HOMICIDE SQUAD

2500 West Colonial Drive
Orlando, Florida 32804
(407) 254-7000

Detective [REDACTED]
Detective [REDACTED] was the lead investigator assigned to the case.



Detective [REDACTED]
Detective [REDACTED] assisted with the follow up investigation. He was present with me for the sworn, audio recorded interviews with [REDACTED]
[REDACTED]

Detective [REDACTED]
Detective [REDACTED] responded to the scene to assist with the follow up investigation. He conducted sworn, audio recorded interviews of [REDACTED]
[REDACTED]. He also assisted with reviewing statement affidavits for completeness.

Detective [REDACTED]
Detective [REDACTED] responded to the scene to assist with the follow up investigation. He assisted with coordinating the investigation at the Killer Whale pools.

Detective [REDACTED]
Detective [REDACTED] responded to the scene to assist with the follow up investigation. She assisted with coordinating the collection of statements and interviews of witnesses who had been taken to "The Terrace." She also conducted sworn, audio recorded interviews of [REDACTED]
[REDACTED]

Detective [REDACTED]
Detective [REDACTED] responded to the scene to assist with the follow up investigation. He conducted sworn, audio recorded interviews of [REDACTED]
[REDACTED] with the assistance of Detective [REDACTED]

Detective [REDACTED]
Detective [REDACTED] responded to the scene to assist with the follow up investigation. He conducted sworn, audio recorded interviews of [REDACTED]
[REDACTED] with the assistance of Detective [REDACTED]. He also assisted with reviewing statement affidavits for completeness.

Corporal [REDACTED]
Corporal [REDACTED] was one of the homicide supervisors on scene.



Corporal [REDACTED]
Corporal [REDACTED] conducted a sworn, audio recorded interview of [REDACTED]. He also assisted with reviewing statement affidavits for completeness.

Sergeant [REDACTED]
Sergeant [REDACTED] was the homicide supervisor on scene.

ROBBERY SQUAD
2500 West Colonial Drive
Orlando, Florida 32804
(407) 254-7000

Sergeant [REDACTED]
Sergeant [REDACTED] responded to the scene to assist with the follow up investigation. He assisted with reviewing statement affidavits for completeness.

Corporal [REDACTED]
Corporal [REDACTED] responded to the scene to assist with the follow up investigation. He assisted with reviewing statement affidavits for completeness.

Detective [REDACTED]
Detective [REDACTED] responded to the scene to assist with the follow up investigation. He conducted sworn, audio recorded interviews of [REDACTED]. He also assisted with reviewing statement affidavits for completeness.

Detective [REDACTED]
Detective [REDACTED] responded to the scene to assist with the follow up investigation. He conducted sworn, audio recorded interviews of [REDACTED].

Detective [REDACTED]
Detective [REDACTED] responded to the scene to assist with the follow up investigation. He assisted with reviewing statement affidavits for completeness.



FAMILY CRIMES SQUAD

2500 West Colonial Drive
Orlando, Florida 32804
(407) 254-7000

All redactions on this page are pursuant to (b)(6) & (b)(7)(c).

Detective [REDACTED]

Detective [REDACTED] responded to the scene to assist with the follow up investigation. She assisted with reviewing statement affidavits for completeness.

Detective [REDACTED]

Detective [REDACTED] responded to the scene to assist with the follow up investigation. She conducted a sworn, audio recorded interview of [REDACTED]

Detective [REDACTED]

Detective [REDACTED] responded to the scene to assist with the follow up investigation. He assisted with reviewing statement affidavits for completeness.

FORENSICS UNIT

2500 West Colonial Drive
Orlando, Florida 32804
(407) 254-7122

Crime Scene Investigator [REDACTED]

Crime Scene Investigator [REDACTED] was the lead investigator from the Forensics Unit on this case. She photographed and documented the scene for evidence. She completed a forensics report.

Crime Scene Investigator [REDACTED]

Crime Scene Investigator [REDACTED] responded to the scene and assisted Crime Scene Investigator [REDACTED] with documenting and processing the scene. He also collected surveillance video from Sea World security and turned this video over to me.



All redactions on this page are pursuant to (b)(6) & (b)(7)(c).

Crime Scene Investigator [REDACTED]
Crime Scene Investigator [REDACTED] was the Forensics unit supervisor on scene. He assisted Crime Scene Investigator [REDACTED] with documenting and processing the scene.

OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

5807 Breckenridge Parkway
Suite A
Tampa, Florida 33610
(813) 626-1177

Investigator [REDACTED]
Investigator [REDACTED] responded to the scene on behalf of the Occupational Safety and Health Administration (OSHA). OSHA was in charge of ensuring proper safety operating procedures were being followed and that the death was not as a result of bad practices or *unsafe procedures*. If OSHA found there to be indications of culpability on the organization, they could levy fines and/or file federal charges via the United States Department of Justice.

FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION

620 South Meridian Street
Tallahassee, Florida 32399
(850) 488-4676

Lieutenant [REDACTED]
Lieutenant [REDACTED] responded to the scene on behalf of the Florida Fish and Wildlife Conservation Commission. Florida Fish and Wildlife Conservation Commission were in charge of ensuring Florida State Statutes were followed in the care of captive animals. Lieutenant [REDACTED] later told me their agency determined case law did not provide requirements under *Florida State Statute for Florida Fish and Wildlife Conservation Commission* to enforce violations of state statute concerning killer whales.

All redactions on this page are pursuant to (b)(6) & (b)(7)(c).

WITNESS INFORMATION:

Name: [REDACTED]

Date of Birth: [REDACTED]

Race/Sex: White/Male

Address: [REDACTED]

Work Phone: [REDACTED]

Home Phone: [REDACTED]

NOT A FOIA DELETION

[REDACTED] is an employee of Sea World. He responded to the *Dine with Shamu* area after receiving a call for assistance. [REDACTED] assisted with utilizing nets on Tilikum the Whale. He completed a sworn, written statement affidavit.

Name: [REDACTED]

Date of Birth: [REDACTED]

Race/Sex: White/Male

Address: [REDACTED]

Work Phone: [REDACTED]

Home Phone: [REDACTED]

NOT A FOIA DELETION

[REDACTED] is an employee of Sea World. He responded to the *Dine with Shamu* area after hearing the alarm. [REDACTED] assisted with utilizing nets and with moving the seven smaller whales into another pool. He completed a sworn, written statement affidavit. He also submitted to a sworn, audio recorded interview with Detective Tara Evans.



**ORANGE COUNTY SHERIFF'S OFFICE
INVESTIGATIVE REPORT
CASE NUMBER 2010-016715
EID 2685**

All redactions on this page are pursuant to (b)(6) & (b)(7)(c).

Name: [REDACTED]
Date of Birth: [REDACTED]
Race/Sex: White/Male
Address: [REDACTED]
Work Phone: [REDACTED]
Home Phone: [REDACTED]

NOT A FOIA DELETION

[REDACTED] is an employee of Sea World. He responded to the *Dine with Shamu* area after hearing the alarm. [REDACTED] assisted with utilizing nets and with moving the seven smaller whales into another pool. He completed a sworn, written statement affidavit.

Name: [REDACTED]
Date of Birth: [REDACTED]
Race/Sex: White/Female
Address: [REDACTED]
Work Phone: [REDACTED]
Home Phone: [REDACTED]

NOT A FOIA DELETION

[REDACTED] is an employee of Sea World. She was at the glass viewing area of *Dine with Shamu* when she heard the alarm and then saw Tilikum had Dawn Brancheau in his mouth. She completed a sworn, written statement affidavit. She also submitted to a sworn, audio recorded interview with Detective [REDACTED]



ORANGE COUNTY SHERIFF'S OFFICE
INVESTIGATIVE REPORT
CASE NUMBER 2010-016715
EID 2685

All redactions on this page are pursuant to (b)(6) & (b)(7)(c).

Name: [REDACTED]
Date of Birth: [REDACTED]
Race/Sex: White/Female
Address: [REDACTED]
Work Phone: [REDACTED]
Home Phone: [REDACTED]

NOT A FOIA DELETION

[REDACTED] is an employee of Sea World. She was at the glass viewing area of *Dine with Shamu* and noticed Dawn Brancheau in the water. She completed a sworn, written statement affidavit. She also submitted to a sworn, audio recorded interview with Detective [REDACTED]

Name: [REDACTED]
Date of Birth: [REDACTED]
Race/Sex: White/Female
Address: [REDACTED]
Home Phone: [REDACTED]

NOT A FOIA DELETION

[REDACTED] is an employee of Sea World. She was working the *Dine with Shamu* section when she heard the alarm. She then saw Tilikum had a trainer in his mouth. She completed a sworn, written statement affidavit. She also submitted to a sworn, audio recorded interview with Detective [REDACTED]

Name: [REDACTED]
Date of Birth: [REDACTED]
Race/Sex: White/Female
Address: [REDACTED]
Phone: [REDACTED]

NOT A FOIA DELETION

[REDACTED] was a guest at the *Dine with Shamu* show. She was at the viewing window when she observed Tilikum with a trainer in his mouth. She completed a sworn, written statement affidavit. She also submitted to a sworn, audio recorded interview with Detective [REDACTED]



ORANGE COUNTY SHERIFF'S OFFICE
INVESTIGATIVE REPORT
CASE NUMBER 2010-016715
EID 2685

All redactions on this page are pursuant to (b)(6) & (b)(7)(c).

Name: [REDACTED]
Date of Birth: [REDACTED]
Race/Sex: White/Male
Address: [REDACTED]
Work Phone: [REDACTED]
Cell Phone: [REDACTED]

NOT A FOIA DELETION

[REDACTED] is an employee at Sea World. He responded to the *Dine with Shamu* area after receiving a call of a problem in the pool. He then assisted with escorting other employees to a safe area. He completed a sworn, written statement affidavit.

Name: [REDACTED]
Date of Birth: [REDACTED]
Race/Sex: Black/Male
Address: [REDACTED]
Home Phone: [REDACTED]

NOT A FOIA DELETION

[REDACTED] is an employee at Sea World. He was working in the *Dine with Shamu* area when he observed Tilikum pull Dawn Brancheau into the water. He completed a sworn, written statement affidavit. He also submitted to a sworn, audio recorded interview with Detective [REDACTED]

Name: [REDACTED]
Date of Birth: [REDACTED]
Race/Sex: White/Male
Address: [REDACTED]
Home Phone: [REDACTED]

NOT A FOIA DELETION

[REDACTED] is an employee at Sea World. He responded to the *Dine with Shamu* pool area after the alarm was sounded. He assisted with utilizing nets and with moving the seven smaller whales into another pool. He completed a sworn statement, written affidavit.

ORANGE COUNTY SHERIFF'S OFFICE
INVESTIGATIVE REPORT
CASE NUMBER 2010-016715
EID 2685

All redactions on this page are pursuant to (b)(6) & (b)(7)(c).

Name: [REDACTED]
Date of Birth: [REDACTED]
Race/Sex: White/Female
Address: [REDACTED]
Work Phone: [REDACTED]
Home Phone: [REDACTED]

NOT A FOIA DELETION

[REDACTED] is an employee at Sea World. She responded to the *Dine with Shamu* pool after the alarm had sounded. She assisted with utilizing nets on *Tilikum*. She completed a sworn, written statement affidavit.

Name: [REDACTED]
Date of Birth: [REDACTED]
Race/Sex: White/Male
Address: [REDACTED]
Home Phone: [REDACTED]

NOT A FOIA DELETION

[REDACTED] is an employee at Sea World. He responded to the *Dine with Shamu* pool after the alarm had sounded. He assisted with utilizing nets on *Tilikum*. He completed a sworn, written statement affidavit.

Name: [REDACTED]
Date of Birth: [REDACTED]
Race/Sex: White/Male
Address: [REDACTED]
Work Phone: [REDACTED]
Home Phone: [REDACTED]

NOT A FOIA DELETION

[REDACTED] is an employee at Sea World. He was working the *Dine with Shamu* area when he observed *Tilikum* pull Dawn Brancheau into the water. He then called for assistance via security radio. He completed a sworn, written statement affidavit. He also submitted to a sworn, audio recorded interview with Detective [REDACTED]

ORANGE COUNTY SHERIFF'S OFFICE
INVESTIGATIVE REPORT
CASE NUMBER 2010-016715
EID 2685

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Name: [REDACTED]

Date of Birth: [REDACTED]

Race/Sex: White/Male

Address: [REDACTED]

NOT A FOIA DELETION

Home Phone: [REDACTED]

[REDACTED] is a paramedic with Sea World who responded to a call of a person in the water. After seeing Dawn Brancheau was in the water, he called for fire rescue to respond. He completed a sworn, written statement affidavit. He submitted to a sworn, audio recorded interview with Detective [REDACTED]. I later obtained a telephone recorded statement from him to clarify certain details.

Name: [REDACTED]

Date of Birth: [REDACTED]

Race/Sex: White/Male

Address: [REDACTED]

NOT A FOIA DELETION

Home Phone: [REDACTED]

[REDACTED] is an employee at Sea World. He responded to the *Dine with Shamu* area and assisted with utilizing the nets on Tilikum. He completed a sworn, written statement affidavit.

Name: [REDACTED]

Date of Birth: [REDACTED]

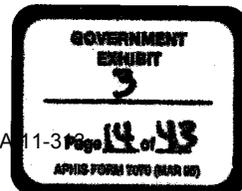
Race/Sex: White/Female

Address: [REDACTED]

NOT A FOIA DELETION

Home Phone: [REDACTED]

[REDACTED] is an employee at Sea World. She responded to the *Dine with Shamu* area and assisted with utilizing the nets on Tilikum. She completed a sworn, written statement affidavit.



ORANGE COUNTY SHERIFF'S OFFICE
INVESTIGATIVE REPORT
CASE NUMBER 2010-016715
EID 1685

All redactions on this page are pursuant to (b)(6) & (b)(7)(c).

Name: [REDACTED]
Date of Birth: [REDACTED]
Race/Sex: White/Female
Address: [REDACTED]
Cell Phone: [REDACTED]

NOT A FOIA DELETION

[REDACTED] is an employee at Sea World. She responded to the *Dine with Shamu* pool area after the alarm was sounded. She assisted with utilizing nets and with moving the seven smaller whales into another pool. She completed a sworn, written statement affidavit.

Name: [REDACTED]
Date of Birth: [REDACTED]
Race/Sex: White/Male
Address: [REDACTED]
Cell Phone: [REDACTED]

NOT A FOIA DELETION

[REDACTED] is an employee at Sea World. He responded to the *Dine with Shamu* pool area after the alarm was sounded. He assisted with utilizing nets on Tilikum. He completed a sworn, written statement affidavit.

Name: [REDACTED]
Date of Birth: [REDACTED]
Race/Sex: White/Female
Address: [REDACTED]
Cell Phone: [REDACTED]
Work Phone: [REDACTED]

NOT A FOIA DELETION

[REDACTED] is an employee at Sea World. She was working the *Dine with Shamu* interaction with [REDACTED] and Dawn Brancheau. [REDACTED] observed Tilikum pull Dawn Brancheau into the water and then assisted with the rescue efforts. She completed a sworn, written statement affidavit. She also submitted to a sworn, audio recorded interview with Corporal [REDACTED]



ORANGE COUNTY SHERIFF'S OFFICE
INVESTIGATIVE REPORT
CASE NUMBER 2010-016715
EID 2685

All redactions on this page are pursuant to (b)(6) & (b)(7)(c).

Name: [REDACTED]

Date of Birth: [REDACTED]

Race/Sex: White/Male

Address: [REDACTED]

NOT A FOIA DELETION

Home Phone: [REDACTED]

[REDACTED] is an employee at Sea World. He responded to the *Dine with Shamu* area after the alarm sounded. He assisted with utilizing nets on Tilikum. He completed a sworn, written statement affidavit.

Name: [REDACTED]

Date of Birth: [REDACTED]

Race/Sex: White/Male

Address: [REDACTED]

NOT A FOIA DELETION

Cell Phone: [REDACTED]

[REDACTED] is an employee at Sea World. He was working the *Dine with Shamu* area and observed Dawn Brancheau feeding and interacting with Tilikum. He then observed Dawn Brancheau enter the water. He completed a sworn, written statement affidavit. He also submitted to a sworn, audio recorded interview with Detective [REDACTED]

Name: [REDACTED]

Date of Birth: [REDACTED]

Race/Sex: White/Female

Address: [REDACTED]

NOT A FOIA DELETION

Work Phone: [REDACTED]

Home Phone: [REDACTED]

[REDACTED] is an employee at Sea World. She responded to the *Dine with Shamu* area after the alarm sounded. She assisted with utilizing the nets on Tilikum. She completed a sworn, written statement affidavit.

ORANGE COUNTY SHERIFF'S OFFICE
INVESTIGATIVE REPORT
CASE NUMBER 2010-016715
EID 2685

All redactions on this page are pursuant to (b)(6) & (b)(7)(c).

Name: [REDACTED]
Date of Birth: [REDACTED]
Race/Sex: White/Male
Address: [REDACTED]
Work Phone: [REDACTED]
Home Phone: [REDACTED]

NOT A FOIA DELETION

[REDACTED] is an employee at Sea World. He responded to the *Dine with Shamu* area after the alarm sounded. He assisted with utilizing the nets on Tilikum. He completed a sworn, written statement affidavit.

Name: [REDACTED]
Date of Birth: [REDACTED]
Race/Sex: White/Female
Address: [REDACTED]
Home Phone: [REDACTED]

NOT A FOIA DELETION

[REDACTED] is an employee at Sea World. She responded to the *Dine with Shamu* area after the alarm sounded. She assisted with utilizing the nets on Tilikum. She completed a sworn, written statement affidavit.

Name: [REDACTED]
Date of Birth: [REDACTED]
Race/Sex: Black/Male
Address: [REDACTED]
Work Phone: [REDACTED]
Home Phone: [REDACTED]

NOT A FOIA DELETION

[REDACTED] is an employee at Sea World. He responded to the *Dine with Shamu* area after the alarm sounded. He assisted with utilizing the nets on Tilikum. He completed a sworn, written statement affidavit.



**ORANGE COUNTY SHERIFF'S OFFICE
INVESTIGATIVE REPORT
CASE NUMBER 2010-016715
EID 1685**

All redactions on this page are pursuant to (b)(6) & (b)(7)(c).

Name: [REDACTED]
Date of Birth: [REDACTED]
Race/Sex: White/Male
Address: [REDACTED]

Work Phone: [REDACTED]
Cell Phone: [REDACTED]

NOT A FOIA DELETION

[REDACTED] is a paramedic with Sea World who responded to a call of a person in the water. When he arrived, he observed Dawn Brancheau was still in Tilikum's mouth. He completed a sworn, written statement affidavit.

Name: [REDACTED]
Date of Birth: [REDACTED]
Race/Sex: Black/Male
Address: [REDACTED]
Home Phone: [REDACTED]

NOT A FOIA DELETION

[REDACTED] is an employee at Sea World. He was working the *Dine with Shamu* area and observed Dawn Brancheau was in the water, in the mouth of Tilikum. He completed a sworn, written statement affidavit.

Name: [REDACTED]
Date of Birth: [REDACTED]
Race/Sex: White/Male
Address: [REDACTED]
Work Phone: [REDACTED]
Home Phone: [REDACTED]

NOT A FOIA DELETION

[REDACTED] is an employee at Sea World. He responded to the *Dine with Shamu* area after the alarm sounded. He assisted with utilizing nets on Tilikum. He completed a sworn, written statement affidavit.



ORANGE COUNTY SHERIFF'S OFFICE
INVESTIGATIVE REPORT
CASE NUMBER 2010-016715
EID 2685

All redactions on this page are pursuant to (b)(6) & (b)(7)(c).

Name: [REDACTED]
Date of Birth: [REDACTED]
Race/Sex: White/Female
Address: [REDACTED]
Work Phone: [REDACTED]
Home Phone: [REDACTED]

NOT A FOIA DELETION

[REDACTED] is an employee at Sea World. She responded to the *Dine with Shamu* area after the alarm sounded. She assisted with utilizing nets on Tilikum. She completed a sworn, written statement affidavit.

Name: [REDACTED]
Date of Birth: [REDACTED]
Race/Sex: White/Female
Address: [REDACTED]
Work Phone: [REDACTED]
Home Phone: [REDACTED]

NOT A FOIA DELETION

[REDACTED] is an employee at Sea World. She responded to the *Dine with Shamu* area after the alarm sounded. She assisted with utilizing nets on Tilikum. She completed a sworn, written statement affidavit.

Name: [REDACTED]
Date of Birth: [REDACTED]
Race/Sex: White/Female
Address: [REDACTED]
Home Phone: [REDACTED]

NOT A FOIA DELETION

[REDACTED] is an employee at Sea World. She was working in the underwater viewing area of *Dine with Shamu* when she observed Tilikum dive to the bottom of the tank with a trainer in his mouth. She assisted with crowd control at that time. She completed a sworn, written statement.



ORANGE COUNTY SHERIFF'S OFFICE
INVESTIGATIVE REPORT
CASE NUMBER 2010-016715
EID 2685

All redactions on this page are pursuant to (b)(6) & (b)(7)(c).

Name: [REDACTED]
Date of Birth: [REDACTED]
Race/Sex: *White/Female*
Address: [REDACTED]
Work Phone: [REDACTED]

NOT A FOIA DELETION

[REDACTED] is a paramedic with Sea World who responded to the *Dine with Shamu* area to assist with medical care for Dawn Brancheau. She completed a sworn, written statement affidavit.

Name: [REDACTED]
Date of Birth: [REDACTED]
Race/Sex: *White/Male*
Address: [REDACTED]
Work Phone: [REDACTED]
Home Phone: [REDACTED]

NOT A FOIA DELETION

[REDACTED] is a paramedic with Sea World who responded to a call of a person in the water. When he arrived, he observed Dawn Brancheau was still in Tilikum's mouth. He completed a sworn, written statement affidavit.

Name: [REDACTED]
Date of Birth: [REDACTED]
Race/Sex: *White/Male*
Address: [REDACTED]
Home Phone: [REDACTED]

NOT A FOIA DELETION

[REDACTED] is an employee at Sea World. He was working the *Dine with Shamu* encounter with Dawn Brancheau. He observed Dawn Brancheau's hair enter Tilikum's mouth and Dawn Brancheau attempting to retrieve her hair from Tilikum. [REDACTED] pushed the alarm button and began attempting to divert Tilikum's attention. He also assisted with utilizing the nets on Tilikum. He completed a sworn, written statement affidavit. He also submitted to a sworn, audio recorded interview with me and Detective [REDACTED]



ORANGE COUNTY SHERIFF'S OFFICE
INVESTIGATIVE REPORT
CASE NUMBER 2010-016715
EID 2685

All redactions on this page are pursuant to (b)(6) & (b)(7)(c).

Name: [REDACTED]

Date of Birth: [REDACTED]

Race/Sex: White/Female

Address: [REDACTED]

NOT A FOIA DELETION

Home Phone: [REDACTED]

[REDACTED] is an employee at Sea World. She responded to the *Dine with Shamu* area after the alarm sounded. She assisted with utilizing the nets on Tilikum. She completed a sworn, written statement affidavit.

Name: [REDACTED]

Date of Birth: [REDACTED]

Race/Sex: White/Female

Address: [REDACTED]

NOT A FOIA DELETION

Work Phone: [REDACTED]

Home Phone: [REDACTED]

[REDACTED] is an employee at Sea World. She responded to the *Dine with Shamu* area after the alarm sounded. She assisted with utilizing the nets on Tilikum. She completed a sworn, written statement affidavit.

Name: [REDACTED]

Date of Birth: [REDACTED]

Race/Sex: White/Female

Address: [REDACTED]

NOT A FOIA DELETION

Work Phone: [REDACTED]

Home Phone: [REDACTED]

[REDACTED] is an employee at Sea World. She responded to the *Dine with Shamu* area after the alarm sounded. She assisted with utilizing the nets on Tilikum and the seven smaller whales. She completed a sworn, written statement affidavit.



**ORANGE COUNTY SHERIFF'S OFFICE
INVESTIGATIVE REPORT
CASE NUMBER 2010-016715
EID 1685**

All redactions on this page are pursuant to (b)(6) & (b)(7)(c).

Name: [REDACTED]
Date of Birth: [REDACTED]
Race/Sex: White/Female
Address: [REDACTED]
Work Phone: [REDACTED]
Home Phone: [REDACTED]

NOT A FOIA DELETION

[REDACTED] is an employee at Sea World. She was working the security dispatch center and heard a call on the radio for a trainer in the water. She also heard the alarm for the same section. She completed a sworn, written statement affidavit.

Name: [REDACTED]
Date of Birth: [REDACTED]
Race/Sex: White/Female
Address: [REDACTED]
Work Phone: [REDACTED]
Home Phone: [REDACTED]

NOT A FOIA DELETION

[REDACTED] is an employee at Sea World. She was working the security dispatch center and heard a call on the radio for a trainer in the water. She also heard the alarm for the same section. She completed a sworn, written statement affidavit.

Name: [REDACTED]
Date of Birth: [REDACTED]
Race/Sex: White/Male
Address: [REDACTED]
Home Phone: [REDACTED]
Cell Phone: [REDACTED]

NOT A FOIA DELETION

[REDACTED] Brancheau is Dawn Brancheau's spouse. He submitted to a sworn, audio recorded interview with Detectives [REDACTED]



ORANGE COUNTY SHERIFF'S OFFICE
INVESTIGATIVE REPORT
CASE NUMBER 2010-016715
EID 2685

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Name: [REDACTED]

Date of Birth: [REDACTED]

Race/Sex: White/Female

Address: [REDACTED]

NOT A FOIA DELETION

Cell Phone: [REDACTED]

[REDACTED] was a visitor at the *Dine with Shamu* encounter. She was standing at the underwater viewing area when she saw a trainer in the water with Tilikum. She submitted a sworn, audio recorded interview over the phone with me.

Name: [REDACTED]

Date of Birth: [REDACTED]

Race/Sex: White/Male

Address: [REDACTED]

NOT A FOIA DELETION

Home Phone: [REDACTED]

[REDACTED] is an employee at Sea World. He assisted with utilizing the nets on Tilikum. He submitted a sworn, audio recorded statement with Detective [REDACTED] and me.

Name: [REDACTED]

Date of Birth: [REDACTED]

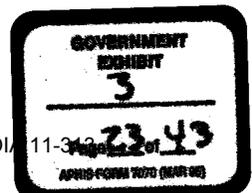
Race/Sex: White/Male

Address: [REDACTED]

NOT A FOIA DELETION

Home Phone: Unknown

[REDACTED] is an employee at Sea World. He arrived when Tilikum was in the medical pool. He submitted a sworn, audio recorded statement with Detective [REDACTED]



ORANGE COUNTY SHERIFF'S OFFICE
INVESTIGATIVE REPORT
CASE NUMBER 2010-016715
EID 2685

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Name: [REDACTED]
Date of Birth: [REDACTED]
Race/Sex: White/Female
Address: [REDACTED]
Home Phone: Unknown

NOT A FOIA DELETION

[REDACTED] is an employee at Sea World. She arrived when Tilikum was in the medical pool. She submitted to a sworn, audio recorded interview with Detective [REDACTED]

INVESTIGATIVE DETAILS:

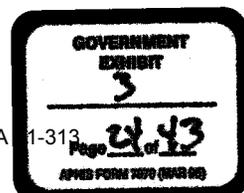
On Thursday, February 24, 2010, at approximately 1337 hours, Sea World security received a call concerning a trainer in the water at the *Dine with Shamu* encounter. At approximately 1404 hours, this information was relayed to the Orange County Sheriff's Office Communications Center.

Deputy Sheriff [REDACTED] was working in an off duty capacity at Sea World and was asked to respond to the *Dine with Shamu* area in reference to this call. When he arrived, he observed multiple trainers attempting to corral Tilikum the whale using nets. Deputy [REDACTED] observed a trainer was inside Tilikum's mouth when he arrived.

February 24, 2010

At approximately 1520 hours, I arrived on scene at the *Dine with Shamu* area. I immediately noticed a tent had been set up next to the "D" pool. Underneath this tent was the body of Dawn Brancheau, which had been covered with towels or sheets. It was approximately five feet from the side of "D" pool. Tilikum the whale could clearly be seen at the edge of "D" pool. He would periodically lift himself above the pool wall.

Crime Scene Investigator [REDACTED] Crime Scene Investigator [REDACTED], and Crime Scene Investigator [REDACTED] responded to the scene. Crime Scene Investigator [REDACTED] photographed the area. Because of Tilikum's close proximity to Dawn Brancheau's body, Crime Scene Investigator [REDACTED] and Crime Scene Investigator [REDACTED] assisted with



moving her body against the building wall and away from the pool wall. Dawn Brancheau was lying on a stretcher and the stretcher was simply lifted and moved without handling her body. Crime Scene Investigator [REDACTED] photographed the area before and after Dawn Brancheau was moved.

Detective [REDACTED] and I spoke with Sea World trainer [REDACTED]. [REDACTED] had responded to the alarm call for assistance and was one of the first employees on scene. [REDACTED] agreed to show Detective [REDACTED] and me the layout of the pools near *Dine with Shamu*. [REDACTED] was not present when Dawn Brancheau fell in the pool. Because of this, he could not show us the location where she entered the pool with Tilikum.

Detective [REDACTED] and I then met with Sea World trainer [REDACTED]. [REDACTED] was acting as a sponer for Dawn Brancheau when she entered the pool area with Tilikum. He agreed to show us the locations of himself, Dawn Brancheau, and [REDACTED] (another Sea World trainer) when Dawn Brancheau entered the pool area. [REDACTED] also agreed to show us the layout of the pools and the *Dine with Shamu* area. Crime Scene Investigator [REDACTED] responded with us as well to photograph the area.

[REDACTED] explained the pool Tilikum was currently in ("D" pool) is a medical pool. This pool has a false bottom that can be lifted for medical emergencies. This is designed for veterinarians to be able to better access the whales for medical treatment. While [REDACTED] showed us the area of the pools, Tilikum was in "D" pool but had access to the adjacent pool which is "E" pool. "E" pool is a larger pool that sits between two medical pools.

[REDACTED] then showed us the area where Dawn Brancheau had been interacting with Tilikum during the *Dine with Shamu* show. The *Dine with Shamu* show takes places in "G" pool. This pool is surrounded by a rock wall. The dining area for the *Dine with Shamu* encounter is on the north side of the pool. The interaction area for the trainers is on the south side of the pool. There is a cement slab on the south side of the pool that is covered by a small amount of water. [REDACTED] said this is where Dawn Brancheau was interacting with Tilikum. To the west of this cement slab is a concrete scale and [REDACTED] was sitting a short distance to the west of the scale on the rocks, monitoring Dawn Brancheau with Tilikum. At the beginning of the *Dine with Shamu* show, [REDACTED] was a short distance east of Dawn



Brancheau monitoring her activities.

██████████ said after the show ended, ██████████ went below to the underwater viewing area of "G" pool, which is located on the north side of the pool. Dawn Brancheau was lying on her stomach in the water covering the cement slab of "G" pool. Tilikum was interacting with her nose to nose. Dawn Brancheau's long hair floated on the water into Tilikum's mouth; ██████████ then saw Dawn Brancheau struggling to free her hair from Tilikum's mouth. He immediately pushed the alarm button and when ██████████ turned back around, Dawn Brancheau was nowhere to be seen.

██████████ showed us to the underwater viewing area of "G" pool. He also showed us the dining area. ██████████ explained after additional assistance arrived, he and other trainers began utilizing nets to try and redirect Tilikum from "G" pool to the "F" pool, which is a small pool that is also used as a medical pool. Once Tilikum entered "F" pool, while still holding Dawn Brancheau, the staff attempted to extricate Dawn Brancheau from Tilikum. Tilikum was netted in "F" pool and still would not release Dawn Brancheau.

There were additional whales in "E" pool, which is located between "F" pool and "D" pool. Once the other whales were transferred from "E" pool, Tilikum was then given access to "E" pool; however, he would still not release Dawn Brancheau.

Tilikum was finally directed from "E" pool into "D" pool. When inside "D" pool, Tilikum still would not release Dawn Brancheau. Because of this, the bottom of "D" pool was raised which ultimately beached Tilikum. A net was then used in this pool as well which enabled staff members to extract Dawn Brancheau from Tilikum's mouth.

Crime Scene Investigator ██████████ met with ██████████ of Sea World security. ██████████ provided a copy of surveillance video from a surveillance camera at the underwater viewing area for *Dine with Shamu*. Crime Scene Investigator ██████████ also met with ██████████ of Sea World security. ██████████ provided him with a copy of video from the security control tower. This video shows the surface area of the *Dine with Shamu* pool. The camera was manually re-adjusted to this area after the alarm sounded for a problem at *Dine with Shamu*. Prior to this, the security control



tower camera had been positioned at the front turnstiles. Crime Scene Investigator [REDACTED] turned both of these videos over to me on February 25, 2010.

The video provided by [REDACTED] began at 1337 hours on February 24, 2010, and showed the following relevant information:

Time stamp 13:38:10.76, a splash can be seen in the far right corner of the video.

Time stamp 13:38:17.96, Tilikum can be seen swimming into camera view.

Time stamp 13:38:19.83, Dawn Brancheau can be seen underneath Tilikum. She is free from him at this time.

Time stamp 13:38:21.97, Dawn Brancheau can be seen attempting to swim to the surface.

Time stamp 13:38:24.10, Tilikum can be seen striking Dawn Brancheau as she is attempting to swim to the surface.

Time stamp 13:38:26.27, Dawn Brancheau can be seen again attempting to swim to the surface.

Time stamp 13:38:31.08, Tilikum can be seen striking Dawn Brancheau, and he then immediately began swimming underwater with Dawn Brancheau in his mouth. Because of the direction Tilikum was swimming, Dawn Brancheau can not be seen by the underwater camera at this point.

Time stamp 13:43:02.25, Tilikum changes swimming directions and Dawn Brancheau can be seen held in his mouth but she appears lifeless.

A full listing of Tilikum and Dawn Brancheau's movements from a time stamp of 13:38:10.76 until the video ends at a time stamp of 14:01:05.23 is attached to this report.

The video provided by [REDACTED] is an extremely pixilated video. Individual features of people can not be distinguished. The video is from such

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a far distance from the pool, Dawn Brancheau is never seen in this video. Tilikum can be seen in the video swimming at a great speed in what appears to be an agitated state. Employees and trainers can also be seen in the video attempting the rescue of Dawn Brancheau. The video does show that within less than three minutes, trainers had nets in the water to try and contain Tilikum in "G" pool. Once Tilikum moves to the west side of "E" pool, he can not be seen due to ceiling overhangs covering "E" pool. The video does not show when or how Dawn Brancheau entered the water in "G" pool.

Numerous detectives from the Orange County Sheriff's Office responded to Sea World to assist with interviewing witnesses. The majority of witnesses had been relocated to another area of the park known as "The Terrace." The witnesses at this location were provided with statement affidavits to complete. Sergeant [REDACTED]

Detective [REDACTED] assisted by reviewing statement affidavits for completeness.

The following individuals are employees for Sea World who responded to the pool after the alarm sounded: [REDACTED]

[REDACTED] All of these individuals assisted with the netting procedures after the alarm was sounded. They all completed sworn, written statement affidavits.

[REDACTED] is also an employee with Sea World. She responded after the alarm sounded to assist with netting Tilikum. [REDACTED] said she could see "a woman's ponytail in the whale's mouth." She assisted with netting the whales in "E" pool and with netting Tilikum into "D" pool. [REDACTED] said after Tilikum was netted in the "D" pool, they were able to remove Dawn Brancheau's body from Tilikum's mouth. Tilikum still had Dawn Brancheau's arm and [REDACTED] said he was netted again to retrieve her arm. [REDACTED] completed a sworn, written statement affidavit.

[REDACTED] are also employees with Sea World. They were both working in the security dispatch center for Sea World. [REDACTED] called 911 after the alarm sounded. They repositioned the camera from



the security tower in order to see the pools in the *Dine with Shamu* area. They both completed sworn, written statement affidavits.

_____ is a supervisor at Sea World. He responded to the *Dine with Shamu* area after receiving notice a trainer was in the pool with a whale. He assisted with removing employees under his charge in the dining room to another location. _____ completed a sworn, written statement affidavit.

_____ were paramedics that responded after the alarm sounded for a problem at the *Dine with Shamu* area. They are all employed as paramedics by Sea World. They all completed sworn, written statement affidavits.

At approximately 1553 hours, Corporal _____ spoke with _____ completed a sworn, written statement affidavit. Corporal _____ conducted a sworn, audio recorded interview with _____. This interview took place at "The Terrace." The following is a synopsis of this interview:

_____ was acting as a spotter for Dawn Brancheau during the *Dine with Shamu* show. At the end of the show, _____ went below to the underwater viewing area of "G" pool. The individuals who watched the *Dine with Shamu* show normally go to this area after the show for photo opportunities with the whales (in this case Tilikum). When _____ went below, _____ stayed above the surface as a spotter for Dawn Brancheau. Dawn Brancheau was interacting with Tilikum, and _____ told her she was ready for Dawn Brancheau to ask Tilikum to come to the window for photographs. _____ was waiting for Tilikum to come to the window when she saw "him pull her in." _____ then saw Dawn Brancheau in the water on top of Tilikum. _____ did not see how Dawn Brancheau ended up in the water. _____ knew Dawn Brancheau was in trouble as soon as she saw this because Tilikum is a "possessive" animal. He normally keeps things that he has and will not release them. _____ did not think Tilikum ever allowed Dawn Brancheau to come to the surface.

At approximately 1558 hours, Detective _____ spoke with _____ completed a sworn, written statement affidavit.



ORANGE COUNTY SHERIFF'S OFFICE
INVESTIGATIVE REPORT
CASE NUMBER 2010-016715
RID 2685

All redactions on this page are pursuant to (b)(6) & (b)(7)(c).

Detective [REDACTED] conducted a sworn, audio recorded interview with [REDACTED]. This interview took place at "The Terrace." The following is a synopsis of this interview:

[REDACTED] is employed at Sea World as a security officer. He was working security at the *Dine with Shamu* restaurant on February 24, 2010. The show had just finished and Dawn Brancheau and [REDACTED] were still across the pool. Dawn Brancheau was interacting with Tilikum. She was on her knees, touching Tilikum's nose. Dawn Brancheau moved to the far left and she was petting Tilikum when he grabbed either her hair or her arm and pulled her into the pool. Tilikum remained underwater with Dawn Brancheau. [REDACTED] sounded the alarm and other trainers began arriving and using the nets to try and corral Tilikum. [REDACTED] never saw Dawn Brancheau struggling or moving after she was initially pulled into the pool.

At approximately 1610 hours, Detective [REDACTED] spoke with [REDACTED]. [REDACTED] completed a sworn, written statement affidavit. Detective [REDACTED] conducted a sworn, audio recorded interview with [REDACTED]. This interview took place at "The Terrace." The following is a synopsis of this interview:

[REDACTED] is employed at Sea World as a table host/server in the *Dine with Shamu* dining room. He was beginning to bus or clear his tables. The *Dine with Shamu* show normally ends around 1330 hours and guests begin to move out of the dining room to the underwater viewing area. Between 1330 hours and 1340 hours, [REDACTED] saw Dawn Brancheau feeding Tilikum; he believes she was crouched down as she was doing this. When he looked back, Dawn Brancheau was gone. He then heard the alarm sound. [REDACTED] saw additional trainers arrive and they began bringing nets across into the pool. [REDACTED] assisted with the nets until additional trainers arrived.

At approximately 1616 hours, Detective [REDACTED] spoke with [REDACTED]. [REDACTED] completed a sworn, written statement affidavit. Detective [REDACTED] conducted a sworn, audio recorded interview with [REDACTED]. This interview took place at "The Terrace." The following is a synopsis of this interview:

██████████ is employed at Sea World as a server in the *Dine with Shamu* dining room. The show had ended and ██████████ was in the back of the dining area talking with guests when he heard someone say, "Oh no." ██████████ turned around and saw Dawn Brancheau sliding into the water. He saw ██████████ immediately turn to hit the alarm button and then heard the alarm sound. ██████████ saw the trainers bringing out nets; ██████████ helped pull the nets until more help arrived. He saw Tilikum come to the surface at one point and could see Tilikum had possession of Dawn Brancheau. Tilikum immediately took Dawn Brancheau back under the water. ██████████ saw Tilikum corralled into "F" pool prior to him being escorted to another location.

At approximately 1616 hours, Detective ██████████ spoke with ██████████. ██████████ completed a sworn, written statement affidavit. Detective ██████████ conducted a sworn, audio recorded interview with ██████████. This interview took place at "The Terrace." On March 29, 2010, at approximately 1230 hours, I spoke with him on the telephone and this interview was recorded. The following is a synopsis of these interviews:

██████████ is employed at Sea World as a paramedic. He received a call for a person in the water and responded to the *Dine with Shamu* area. When he arrived, ██████████ was told someone was in the water. ██████████ was present for three to four minutes and did not see anyone surface. He was present at the pools for thirty minutes or longer before Dawn Brancheau could be extricated from Tilikum. ██████████ realized the call had changed from a rescue call to a recovery call. At one point, he observed Dawn Brancheau had been scalped, but he did not see her bleeding from the injury. He said he knew at that point she was deceased. ██████████ also believed based on how Dawn Brancheau's body was moving she had a broken neck.

At approximately 1616 hours, Detective ██████████ spoke with ██████████. ██████████ completed a sworn, written statement affidavit. Detective ██████████ conducted a sworn, audio recorded interview with ██████████. This interview took place at "The Terrace." The following is a synopsis of this interview:

██████████ is employed at Sea World in the *Dine with Shamu* dining room. She was cleaning tables and saw Dawn Brancheau interacting with Tilikum.

ORANGE COUNTY SHERIFF'S OFFICE
INVESTIGATIVE REPORT
CASE NUMBER 2010-016715
EID 2685

All redactions on this page are pursuant to (b)(6) & (b)(7)(c).

[REDACTED] was sitting near the tone box watching Dawn Brancheau. [REDACTED] heard splashing and saw Dawn Brancheau with a fish in her hand. [REDACTED] looked down and when she looked back up, Dawn Brancheau was gone. She then heard the alarm sound. [REDACTED] did see Tilikum surface at one point and when he did, he had Dawn Brancheau in his mouth possibly by the torso. [REDACTED] noticed Dawn Brancheau's shoes were in the pool. Other trainers arrived and used nets and threw food in the pool to try and distract Tilikum. [REDACTED] saw other servers assist with the nets. [REDACTED] also saw Tilikum become more "frantic"; he was only coming to the surface long enough to breathe. She saw the trainers corral Tilikum into "F" pool before she left the area.

At approximately 1636 hours, Detective [REDACTED] and Detective [REDACTED] spoke with [REDACTED] completed a sworn, written statement affidavit. Detective [REDACTED] and Detective [REDACTED] conducted a sworn, audio recorded interview with [REDACTED]s. This interview took place at "The Terrace." The following is a synopsis of this interview:

[REDACTED] is employed at Sea World to assist with the animal shows and photo tours. [REDACTED] answers questions from guests during the photo sessions. At approximately 1330 hours, she responded to the underwater Shamu viewing area. [REDACTED] was aware a trainer for the *Dine with Shamu* show would be at the viewing area around 1330 hours. This show takes place once a day every day. At around 1335 hours, [REDACTED] could see one of the trainers (Dawn Brancheau) working with Tilikum. A person can see the surface of the water from the underwater viewing area, this is simply not captured on camera. She heard [REDACTED] say, "hey Dawn, we're ready." From the underwater viewing area, [REDACTED] saw Tilikum doing a deep dive and Dawn Brancheau was in his mouth. Dawn Brancheau's sandals immediately came off. [REDACTED] then heard the alarm sound and saw [REDACTED] running to the top of the pool. The show had already ended at this point and only the last photo opportunity needed to be completed.

At approximately 1636 hours, Detective [REDACTED] spoke with [REDACTED] completed a sworn, written statement affidavit. Detective [REDACTED] conducted a sworn, audio recorded interview with [REDACTED]t. This interview took place at "The Terrace." The following is



ORANGE COUNTY SHERIFF'S OFFICE
INVESTIGATIVE REPORT
CASE NUMBER 2010-016715
EID 2685

All redactions on this page are pursuant to (b)(6) & (b)(7)(c).

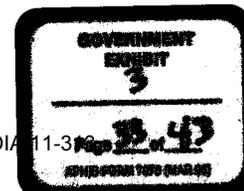
a synopsis of this interview:

_____ is a tourist who was visiting Sea World from the Netherlands. She had booked an animal photo tour for February 24, 2010. Included in this tour was lunch at the *Dine with Shamu* stadium. Lunch finished at approximately 1330 hours and _____ went downstairs to the underwater viewing area. A guide in this area asked the guests to move away from the window. The guide told the guests the whale (Tilikum) would be directed to come to the window. _____ saw Tilikum swimming down and he had a trainer in his mouth. Tilikum was holding the trainer by her shoulder and neck. _____ could see the trainer's legs. Tilikum was shaking the trainer and moving extremely fast. _____ then heard an alarm sound and saw nets entering the water. _____ was then escorted from the area.

At approximately 1639 hours, Detective _____ and I spoke with _____ completed a sworn, written statement affidavit. Detective _____ and I conducted a sworn, audio recorded interview. This interview took place in the offices by the trainer's locker room at "D" pool. The following is a synopsis of this interview:

_____ is employed at Sea World as an animal trainer. He was working in the position of a spotter for Dawn Brancheau during the *Dine with Shamu* show on February 24, 2010. _____ and Dawn Brancheau discussed how smoothly the show had gone. The show had no problems and the interaction had concluded. A photo tour was at the underwater viewing area and Dawn Brancheau needed to direct Tilikum to the window for the photo tour. _____ had acted as a second spotter during the show but changed location to the underwater viewing area for the final photo opportunity.

Dawn Brancheau was lying on her stomach, face to face with Tilikum in the concrete area between the wall and the scale of "G" pool. She was lying in three to four inches of water. _____ observed a current of water blow Dawn Brancheau's long ponytail into Tilikum's mouth. Dawn Brancheau began trying to pull her hair out of Tilikum's month. _____ then turned around to hit the alarm button. When he turned back around, _____ could not see Dawn Brancheau or Tilikum. He did see Dawn



All redactions on this page are pursuant to (b)(6) & (b)(7)(c).

Brancheau's sandals floating on top of the water. [REDACTED] then grabbed the emergency air to throw to Dawn Brancheau but he was unable to do this since he could not see her under the water. When other trainers arrived, they all began using the nets to corral Tilikum.

[REDACTED] said it appeared Tilikum was holding Dawn Brancheau by her hair and maybe her arm as well. Throughout the ordeal, Tilikum changed the positions in which he held Dawn Brancheau. Whenever the trainers attempted to retrieve Dawn Brancheau, Tilikum became more agitated and he would not allow anyone near her. [REDACTED] and other trainers "asked for control." This is done by slapping the water. They did this in order to try and get Tilikum to focus on them and release Dawn Brancheau. Tilikum was unresponsive to "slaps."

[REDACTED] did not see anything incorrect or out of the ordinary that Dawn Brancheau did to agitate Tilikum. The face to face time between Dawn Brancheau and Tilikum seemed to be going well until this occurred. There were no precursors during the day on February 24, 2010, to indicate Tilikum would have reacted this way. [REDACTED] said Tilikum does not have any toys that are similar to hair which would cause Tilikum to mistake Dawn Brancheau's hair for a toy. All of his toys are large plastic objects. He also verified no one ever goes in the pool with Tilikum because of his past history.

At approximately 1642 hours, Detective [REDACTED] spoke with [REDACTED]. [REDACTED] completed a sworn, written statement affidavit. Detective [REDACTED] conducted a sworn, audio recorded interview with [REDACTED]. This interview took place at "The Terrace." The following is a synopsis of this interview:

[REDACTED] is employed at Sea World as an animal trainer. He was working inside the fish house when he heard the "G" pool alarm. [REDACTED] immediately responded to "G" pool. He began assisting with the net reels. Four people are needed to work one net reel. [REDACTED] and the other people there began using the net to try and move Tilikum to the smaller pool ("F" pool). The net kept snagging on the rocks and Tilikum was able to get behind the net. He could see Tilikum was holding Dawn Brancheau in his mouth by her neck and shoulder. [REDACTED] continued to assist with the rescue operations until Dawn Brancheau was extricated from Tilikum.



ORANGE COUNTY SHERIFF'S OFFICE
INVESTIGATIVE REPORT
CASE NUMBER 2010-016715
EID 2685

All redactions on this page are pursuant to (b)(6) & (b)(7)(c).

At approximately 1647 hours, Detective [REDACTED] spoke with [REDACTED] [REDACTED] completed a sworn, written statement affidavit. Detective [REDACTED] conducted a sworn, audio recorded interview with [REDACTED] This interview took place at "The Terrace." The following is a synopsis of this interview:

[REDACTED] is employed at Sea World as a photographer. She was at the underwater viewing area of *Dine with Shamu* waiting for a photo tour to arrive. [REDACTED] was at the underwater viewing area as well. [REDACTED] tapped on the glass to get Tilikum's attention but he remained at the surface with Dawn Brancheau. [REDACTED] then told Dawn Brancheau she was ready for Tilikum to come to the window for photographs. [REDACTED] then saw Tilikum swimming extremely fast. Dawn Brancheau was in the water with Tilikum and [REDACTED] is aware trainers do not get into the water with Tilikum. [REDACTED] knew at this point something was wrong. She then began ushering guests out of the area. [REDACTED] had not yet taken any photographs when this occurred.

At approximately 1651 hours, Medicolegal Investigator [REDACTED] with the District Nine Medical Examiner's Office arrived at the scene. Investigator [REDACTED] photographed and documented the scene on behalf of the District Nine Medical Examiner's Office. Dawn Brancheau's body was turned over to Investigator [REDACTED] and transported to the District Nine Medical Examiner's Office.

After Medicolegal Investigator [REDACTED] arrived, Crime Scene Investigator [REDACTED] responded with him and unknown Sea World employees to search the area for Dawn Brancheau's hair, scalp, and whistle. These items were located in the bottom of "F" pool. Crime Scene Investigator [REDACTED] utilized a net to retrieve Dawn Brancheau's hair and scalp. Crime Scene Investigator [REDACTED] then observed an unknown Sea World employee dive to the bottom of the "F" pool and recover her whistle. These items were turned over to Medicolegal Investigator [REDACTED]

At approximately 1657 hours, Detective [REDACTED] and Detective [REDACTED] conducted a sworn, audio recorded interview with [REDACTED] This interview took place at "The Terrace." The following is a synopsis of this



ORANGE COUNTY SHERIFF'S OFFICE
INVESTIGATIVE REPORT
CASE NUMBER 2010-016714
EID 2685

interview:

All redactions on this page are pursuant to (b)(6) & (b)(7)(c).

is the spouse of Dawn Brancheau. He was contacted by and told Dawn Brancheau had been injured. is not employed by Sea World. He had no additional information concerning this incident.

At approximately 1657 hours, Detective and I spoke with . We conducted a sworn, audio recorded interview with . This interview took place in the offices by the trainer's locker room at "D" pool. The following is a synopsis of this interview:

is employed at Sea World as an animal trainer. He heard the alarm sound for "G" pool and immediately responded to that area. assisted with deploying the nets and began slapping the water for Tilikum to respond. Tilikum did not respond to slaps on the water or the nets. A second net was deployed and Tilikum finally responded by entering "F" pool. could see Tilikum was holding Dawn Brancheau by her hair, but he periodically changed this position to holding her by the arms and legs. When Tilikum was in the medical pool ("D" pool) he was holding Dawn Brancheau by her arm.

worked with Tilikum in 1995 and 1996 and returned to work with him again in 2008. Tilikum was acquired because of an incident in Canada and because of this there has never been any intention by any trainers of getting in the water with Tilikum. He has been deemed to have tendencies that make him unsafe. worked with Tilikum earlier in the day and did not notice any issues. Tilikum showed no precursors of being agitated or unwilling to perform.

At approximately 1658 hours, Detective spoke with . Detective conducted a sworn, audio recorded interview with . This interview took place at "The Terrace." The following is a synopsis of this interview:

is employed at Sea World as the assistant curator of animal training. She has worked at Shamu stadium for twenty-four years and was present when Tilikum arrived at Sea World. was also best



friends with Dawn Brancheau. She was on the telephone in her office when she found out the alarm had been sounded at *Dine with Shamu*. [REDACTED] told her husband, [REDACTED], she needed to go to Shamu stadium. When she arrived, Tilikum was in "G" pool and moving into "F" pool. [REDACTED] could see Tilikum was holding Dawn Brancheau in his mouth (possibly by her torso). The trainers had netted Tilikum to try and get him to release Dawn Brancheau. He was becoming more agitated and [REDACTED] assisted as Tilikum was moved to "E" pool and finally to "D" pool. [REDACTED] said Tilikum was holding Dawn Brancheau as if she was his possession. Tilikum's past history is that when he obtains a person, he does not let them go.

At approximately 1700 hours, Detective [REDACTED] spoke with [REDACTED]. He conducted a sworn, audio recorded interview with [REDACTED]. This interview took place at "The Terrace." The following is a synopsis of this interview:

[REDACTED] is employed at Sea World. He was working in his office on February 24, 2010, when he received information from [REDACTED] there was a problem at Shamu stadium. He drove through the park with his wife to *Dine with Shamu*. When [REDACTED] arrived, he observed around forty people near the medical pool ("F" pool). [REDACTED] also observed Tilikum was in "F" pool with a trainer. He had no additional information about this incident.

At approximately 1710 hours, Detective [REDACTED] spoke with [REDACTED]. [REDACTED] completed a sworn, written statement affidavit. Detective [REDACTED] conducted a sworn, audio recorded interview with [REDACTED]. This interview took place at "The Terrace." The following is a synopsis of this interview:

[REDACTED] is employed at Sea World as a guide for the animal show and photo tour. She was working at the underwater viewing area on February 24, 2010 and preparing for a photo session with Tilikum. [REDACTED] was in the underwater viewing area as well. [REDACTED] had her back to the window when she heard the alarm sound. She turned around and saw Tilikum with a trainer in his mouth. Tilikum was swimming faster than normal. [REDACTED] began ushering out the guests and called 911.

ORANGE COUNTY SHERIFF'S OFFICE
INVESTIGATIVE REPORT
CASE NUMBER 2010-016715
EID 2685

All redactions on this page are pursuant to (b)(6) & (b)(7)(c).

This 911 call goes to Sea World dispatch. [REDACTED] said prior to this, the show appeared to be normal. Everything had gone as planned during the show itself.

At approximately 1720 hours, I spoke with [REDACTED] is employed at Sea World as [REDACTED] of Health and Safety. She provided background information on Dawn Brancheau, [REDACTED]. Dawn Brancheau was employed in a supervisor position. She was hired on February 7, 1994 and had been working with Tilikum since this date. [REDACTED] was employed as a senior trainer in the water. He was hired on June 15, 2004 and had been working at Shamu stadium from January 7, 2008 until the present date. [REDACTED] was employed as a senior trainer one in the water. She was hired on February 9, 1998, and had been working at Shamu stadium from April 25, 2005, until the present date. [REDACTED] also provided me with a copy of a statement written on a Sea World Health Services Memo by [REDACTED]

At approximately 1727 hours, Detective [REDACTED] and I spoke with Deputy [REDACTED]. We conducted a sworn, audio recorded interview with Deputy [REDACTED]. *This interview took place in the offices by the trainer's locker room at "D" pool. The following is a synopsis of this interview:*

Deputy [REDACTED] was working in an off-duty capacity at Sea World. He is required to carry a Sea World radio when working this particular detail. He heard a commotion on the Sea World radio and began heading towards Shamu stadium. When Deputy [REDACTED] arrived on scene, fire rescuc personnel were already present. Employees on scene told Deputy [REDACTED] Tilikum had pulled a trainer into the water. Deputy [REDACTED] could see Tilikum still had Dawn Brancheau in his mouth. He was holding her by the arm and thrashing violently back and forth. He was already in the forward pool ("F" pool) when Deputy [REDACTED] arrived.

February 25, 2010

At approximately 0900 hours, Doctor [REDACTED] of the District Nine Medical Examiner's Office conducted an examination of Dawn Brancheau. He ruled the cause of death drowning and traumatic injuries and the manner of death an accident.



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At approximately 0930 hours, I received information a guest of Sea World had provided a video tape to Channel 35 news. I spoke with Public Information Officer [REDACTED], who attempted to obtain the video tape directly from Channel 35 news without success. However, Public Information Officer [REDACTED] was able to provide me with a copy of the news footage itself when it was aired on Channel 35 news. The male guest on the news coverage (using the name of [REDACTED] stated he turned his personal video camera off just before Dawn Brancheau ended up in the water with Tilikum. The video footage (no date or time stamp) showed Dawn Brancheau lying in the water face to face with Tilikum. It also showed her hair very close to Tilikum's mouth. The male guest was not positively identified, located, or interviewed during this investigation.

At approximately 1454 hours, I received an electronic mail from Public Information Officer [REDACTED]. The electronic mail stated a phone call was received by the Orange County Sheriff's Office Public Information Office from a female named [REDACTED] who was a witness to the incident on February 24, 2010.

At approximately 1550 hours, I called the phone number provided for [REDACTED]. I received no answer and left a message.

At approximately 1730 hours, I received a call back from [REDACTED]. She identified herself as [REDACTED] a guest visiting from Vermont. I scheduled to conduct a telephone interview with her on February 26, 2010, between 0930 hours and 1000 hours.

February 26, 2010

At approximately 0951 hours, I spoke with [REDACTED]. This conversation took place over the telephone. I conducted a sworn, audio recorded interview with [REDACTED]. The following is a synopsis of the interview with [REDACTED].

She was a guest at the 12:30 show for *Dine with Shamu* on February 24, 2010. [REDACTED] had attended two previous *Dine with Shamu* shows. During the show on February 24, 2010, [REDACTED] saw nothing out of the ordinary or different from the two previous shows she attended. She observed a female

ORANGE COUNTY SHERIFF'S OFFICE
INVESTIGATIVE REPORT
CASE NUMBER 2010-016715
EID 2685

All redactions on this page are pursuant to (b)(6) & (b)(7)(c).

trainer (Dawn Brancheau) interacting with Tilikum. Dawn Brancheau was lying on the platform and hugging Tilikum. Dawn Brancheau was also feeding Tilikum fish. [REDACTED] went to the underwater viewing area with her family. When she looked up from the underwater viewing area, [REDACTED] saw Dawn Brancheau in the water. Dawn Brancheau was "scrambling" to get out of the water. [REDACTED] then saw Tilikum approaching Dawn Brancheau and he "impacted her squarely in the chest." [REDACTED] watched as Tilikum looped around and came back towards Dawn Brancheau with his mouth open. [REDACTED] was then escorted out of the area.

March 4, 2010

At approximately 0900 hours, I called [REDACTED] with Sea World security. I asked if there was any additional video that showed the *Dine with Shamu* area on February 24, 2010. [REDACTED] told me there were only two video angles of that particular area and both of those had been provided to me.

March 8, 2010

At approximately 1131 hours, I received an electronic mail from Public Information Officer [REDACTED]. He had forwarded an electronic mail to me from an individual named [REDACTED]. The following is a synopsis of this electronic mail:

[REDACTED] said he was a guest at Sea World on February 24, 2010. He attended the 12:30 "Believe" show. During this show, he believed the whales were behaving abnormally. [REDACTED] said at the end of the show, a second whale somehow entered the stadium with the whale who was performing the splash portion of the show. The two whales began aggressively chasing each other and the trainers were finally able to separate them. They waited five to ten minutes for the whale (believed to be Tilikum) to "cool down." After the cool down period, they resumed the "splash" portion of the show but the whale did not want to participate. The complete electronic mail from [REDACTED] is attached.



ORANGE COUNTY SHERIFF'S OFFICE
INVESTIGATIVE REPORT
CASE NUMBER 2010-016715
EID 2685

All redactions on this page are pursuant to (b)(6) & (b)(7)(c).

March 29, 2010

At approximately 1307 hours, I called the work telephone number for [REDACTED] in order to get clarification on several details from her original interview. I received no answer and so left a message on her answering machine.

March 31, 2010

At approximately 1034 hours, I again called the home telephone number for [REDACTED]. I received no answer and so left a message on her answering machine. I then called the number she had provided as an alternate number. This number is a cellular phone. I received no answer and so left a message.

At approximately 1343 hours, I received a call from [REDACTED] with Sea World Security. He told me someone had relayed to him I wanted to speak with a trainer. [REDACTED] asked for the trainer's name and said he would provide her with my cellular phone number to call me.

April 6, 2010

As of this date, I still had received no response from [REDACTED]. I called [REDACTED] in order to try and obtain information as to how [REDACTED] would have relayed to Dawn Brancheau that she was ready for Tilikum to be sent to the underwater viewing area window. I received no answer and so left a message on the answering machine. A short time later, I received a call from a female (she did not identify herself). The female stated the phone number I had called for [REDACTED] was incorrect.

April 14, 2010

At approximately 1154 hours, I received a voice message from [REDACTED]. I called her back and received no answer. I left a message.

At approximately 1310 hours, I received a call from [REDACTED]. This phone conversation was sworn and audio recorded. [REDACTED] explained in her first interview, when she described Dawn Brancheau was on top of Tilikum, she meant Dawn Brancheau was actually positioned to Tilikum's



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side, but he was rolling in the water and so appeared slightly above him. Dawn Brancheau was not positioned on his dorsal area. [REDACTED] could not advise whether Tilikum had a hold of Dawn Brancheau's body at this time.

In addition, [REDACTED] explained how she called to Dawn Brancheau. There is a position in the underwater viewing area where there is a slight gap in the roof and so voices can be projected to the platform where Dawn Brancheau was working with Tilikum. [REDACTED] simply yelled to Dawn Brancheau from this area. She said she could not see Dawn Brancheau at that time because of Tilikum's position in front of Dawn Brancheau.

There is no additional information concerning this case at this time.

ATTACHMENTS:

- Log of Tilikum and Dawn Brancheau's movements in the pool from a time stamp of 13:38:10.76 until a time stamp of 14:01:05.23
- District Nine Medical Examiner's Office Case Synopsis
- Map of Shamu stadium pools
- Thirty-Nine Statement Affidavits
- Crime Scene Contamination Sheets
- Orange County Sheriff's Office Computer Aided Dispatch sheet
- Orange County Fire Rescue Computer Aided Dispatch sheet
- Sea World statement by [REDACTED]
- Electronic mail from Public Information Officer [REDACTED] in reference to [REDACTED]
- Electronic mail from Public Information Officer [REDACTED] in reference to [REDACTED]



DISPOSITION:

This case is closed as an accidental death.

REFERRED TO:

Orange County Sheriff's Office Records Section

(b)(6) & (b)(7)c

4/28/10
(date)

Homicide Squad

Sworn to and subscribed before me, the undersigned Authority, this

28 day of April, 2010.

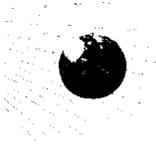
(b)(6), (b)(7)c

4-28-10
(date)

Sergeant Daniel Sanchez
Supervisor, Homicide Squad

In compliance with Orange County Sheriff's Office Written Directives, and Florida Statute 119, the completed investigative report becomes public record unless exempt from disclosure by law. Requests for review and/or copies of completed investigations are granted in accordance with applicable law.





Gregory S
Gaj/FL/APHIS/USDA
06/16/2010 02:36 PM

To (b)(6) & (b)(7)c FL/APHIS/USDA@USDA
cc
bcc
Subject Re: Seaworld Case (FL10154-AC)

A fact finding investigation is okay.

Gregory S. Gaj, D.V.M.
Supervisory Animal Care Specialist
Eastern Region- Animal Care

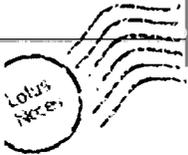
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(b)(6) & (b)(7)c

Hi Greg: I have this case written up as a fact find...

06/16/2010 02:17:05 PM



(b)(6) & (b)(7)c FL/APHIS/USDA
06/16/2010 02:17 PM

To Gregory S Gaj/FL/APHIS/USDA@USDA
cc
Subject Re: Seaworld Case (FL10154-AC)

Hi Greg:

I have this case written up as a fact finding, I know we talked about this on the phone last week and I agree with you and Dr. Gage that there were no apparent non-compliant items or violations of the Animal Welfare Act at SeaWorld as a result of the trainers death, but as per our manual, I need to get program concurrence in writing to close this case out. If you could confirm that a fact finding report is acceptable to the Animal Care Program in this instance I will finish it up and submit it...Thanks...

(b)(6) & (b)(7)c

Senior Investigator, Florida
United States Department of Agriculture
Investigative and Enforcement Services
920 Main Campus Drive, Suite 200
Raleigh, NC 27606
Cell: 813-486-9019

Gregory S Gaj

Hey (b)(6), (b)(7) Sorry about taking so long on this. I'll t...

06/03/2010 08:24:44 AM

