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<http://www.wsj.com/articles/seaworld-sues-over-orca-breeding-ban-1451493595>

## BUSINESS

# SeaWorld Sues Over Orca Breeding Ban

Company says California agency overstepped when it banned the breeding of captive killer whales



SeaWorld opposes a California commission's ban on breeding orcas at its San Diego park. *PHOTO: RUARIDH STEWART/ZUMA PRESS*

Associated Press

Dec. 30, 2015 11:39 a.m. ET

**SAN DIEGO**—A California commission was overreaching when it banned the breeding of captive killer whales at a \$100 million planned exhibit at San Diego's SeaWorld, the park

says in a lawsuit.

The suit filed Tuesday in San Diego County Superior Court said the park's treatment of its whales is subject to federal law and not the decisions of the California Coastal Commission, which must approve major new building developments in coastal cities.

The commission endorsed the orca tank expansion known as "Blue World," but in a surprising and serious blow to the park included a ban on breeding at the planned facility and prohibitions on the sale, trade or transfer of the whales.

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#### EARLIER COVERAGE

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"This  
last-

- SeaWorld to End Killer Whale Shows in San Diego (<http://www.wsj.com/articles/seaworld-to-end-orca-shows-in-san-diego-1447099786>) (Nov. 9)
- SeaWorld Plans to Challenge Commission on Killer Whale Breeding Ban (<http://www.wsj.com/articles/seaworld-plans-to-challenge-commission-on-killer-whale-breeding-ban-1445010417>) (Oct. 16)
- SeaWorld Considering Options After Conditional BlueWorld Approval (<http://www.wsj.com/articles/seaworld-considering-options-after-conditional-blueworld-approval-1444402033>) (Oct. 9)
- SeaWorld Investors Fear California's Push Back (<http://blogs.wsj.com/moneybeat/2015/10/09/seaworld-investors-fear-californias-push-back/>) (Oct. 9)

minute 'no breeding or transfer' condition is unprecedented," SeaWorld said in the lawsuit, which claims the commission's action is illegal because it has no jurisdiction over the orcas.

"The orcas are not, in any way, part of the coastal or marine environment," the lawsuit says. "All of SeaWorld's activities with respect to the care, breeding and transportation of orcas occur onshore in the orca pools and not in the marine environment and are specifically governed by federal law."

Noaki Schwartz, spokeswoman for the Coastal Commission, said the agency couldn't comment on the particulars of the lawsuit, but the commission said that it "stands by its decision in October to protect killer whales."

People for the Ethical Treatment of Animals, the main group opposing the project, said Tuesday that the commission was within its rights and made the correct decision.

"It's clear that the company's primary intention in pursuing the Blue World Project was to breed more orcas to confine to tanks," PETA said.

SeaWorld said in October that it would challenge the decision and that it had hired attorneys to examine it but didn't give specifics before filing the lawsuit Tuesday.

Last month, Orlando, Fla.-based SeaWorld Entertainment Inc. said it would end theatrical orca shows at the San Diego park after visitors at the tourist attraction made it clear they prefer seeing killer whales act naturally rather than doing tricks.

The shows will continue at the company's Orlando and San Antonio parks, which aren't affected by the breeding ban.

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