

January 10, 2019

Cedar Catanio
Animal Services Officer
City of Folsom Animal Services

Via email: ccatanio@folsom.ca.us; animalservices@folsom.ca.us

Re: Request to Investigate SeaQuest Folsom for Apparent Violations of the Folsom Municipal Code's Animal Care Requirements

Dear Officer Catanio,

On behalf of People for the Ethical Treatment of Animals (PETA), I am writing to request that the City of Folsom Animal Services investigate apparent inhumane care and treatment, and failure to provide veterinary care to multiple animals at the SeaQuest aquarium in Folsom, California (SeaQuest Folsom).

As detailed in the attached Appendix, visitors to SeaQuest Folsom in December 2018 and January 2019 documented the following:

- A fish jumped out of a tank and struggled on the aquarium floor, likely suffocating, for at least two minutes before an employee returned the animal to the water. See [Video 1](#).
- A tortoise with a red, irritated and possibly injured shell was still being forced to engage with the public. See [Video 2](#); Photos 2-5.
- Several fish were found motionless, floating sideways, and breathing rapidly in a tank with cloudy water. Weeks later, the tank was empty. See [Video 3](#); Photo 6.
- A stingray, eel, seahorse, and snake were all reportedly found dead by visitors—not SeaQuest Folsom employees. See [Video 4](#); Ex. A-B.

All animals at SeaQuest Folsom are protected by Folsom's Animal Services Ordinance, which requires that all animals be provided veterinary care, and humane care and treatment. As evidenced in the attached Appendix, SeaQuest Folsom appears to be putting animals at risk of serious injury and death, and treating them inhumanely in violation of these requirements.

Please investigate these apparent violations of Folsom's Animal Services Ordinance, and hold SeaQuest fully accountable for all violations. PETA is able to refer you to appropriate experts in fish and other species at issue in this complaint upon request.

Very truly yours,



Michelle Sinnott
Counsel, Captive Animal Law Enforcement

PEOPLE FOR
THE ETHICAL
TREATMENT
OF ANIMALS
FOUNDATION

Washington, D.C.
1536 16th St. N.W.
Washington, DC 20036
202-483-PETA

Los Angeles
2154 W. Sunset Blvd.
Los Angeles, CA 90026
323-644-PETA

Norfolk
501 Front St.
Norfolk, VA 23510
757-622-PETA

Berkeley
2855 Telegraph Ave.
Ste. 301
Berkeley, CA 94705
510-763-PETA

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AFFILIATES:

- PETA U.S.
- PETA Asia
- PETA India
- PETA France
- PETA Australia
- PETA Germany
- PETA Netherlands
- PETA Foundation (U.K.)

Appendix:

The city of Folsom Animal Services Ordinance requires “[a]ll animal owners” to provide “veterinary care when needed to prevent suffering, and ensure the humane care and treatment of all such animals at all times.” Folsom Municipal Code § 7.04.010.¹ Animal Services officers have a duty to enforce the Animal Services Ordinance. *Id.* § 7.02.030(A).

SeaQuest is located within the city of Folsom at 430 Palladio Pkwy #1801, Folsom, CA 95630. The aquarium opened to the public in November 2018. According to its [website](#), “SeaQuest is home to approximately 1200 animals of 300 different species,” including fish, reptiles, birds, and mammals. All of these animals are protected by the city of Folsom’s Animal Services Ordinance, which requires humane care and treatment at all times and veterinary care when needed. As discussed in detail below, photographs, video, and reports from visitors in December 2018 and January 2019 demonstrate that SeaQuest Folsom is not providing humane care and treatment, and appears not to be providing veterinary care when needed.

I. A Fish Left to Suffocate on the Aquarium Floor

On December 9, 2017, a visitor to SeaQuest Folsom observed a fish—who had reportedly jumped out of an approximately six foot tall tank—flop around on the floor, likely suffocating, for at least two minutes while an employee stood by and did nothing to secure the fish and place him or her back into the water. *See* [Video 1](#). Eventually another employee arrived, removed her sweater, and used it to pick up and return the fish to the tank. *Id.* After being placed back in the water, the fish is seen floating upside down and sideways and barely moving. *Id.* The current condition of this fish is unknown, and it is unknown if veterinary care was sought after this traumatic incident. Despite this potentially deadly accident, SeaQuest Folsom has not added any protective netting over the fish tanks to guard against future issues, which means incidents of this nature are likely to reoccur. *See* Photo 1.

Wildlife veterinarian Heather Rally opined that the fall from the tank onto the floor was alone enough to daze, disorient, or even kill this fish. After surviving the fall, the fish was then subjected to a prolonged period of time outside of the water, which can cause suffocation, hypoxia, brain damage, and death. Additionally, the fish was exposed to environmental pathogens on the aquarium floor. According to Dr. Rally, SeaQuest Folsom should have had this fish evaluated by a veterinarian after this traumatic incident.

SeaQuest Folsom employee’s failure to act quickly and appropriately after the fish jumped out of the tank likely resulted in prolonged pain and suffering for this animal.² The first employee who arrived at the scene does nothing. After the public pleads with her to take some action to save the

¹ The Animal Services Ordinance does not define animal, and words “not defined [in the Code] shall be construed and understood according to their ordinary and common usage and meaning.” Folsom Municipal Code § 7.02.010. The ordinary meaning of animal is “any of a kingdom (Animalia) of living things.” Merriam-Webster, <https://www.merriam-webster.com/> (last visited Dec. 31, 2018). The term owner includes “a person. . . corporation . . . organization, or entity of any kind owning, harboring, or having control, custody, or possession of an animal.” Folsom Municipal Code § 7.02.010

² The [consensus within the scientific community](#) is that fish do feel pain, and can suffer.

fish struggling on the floor, she stated that she was not trained on touching the fish—an absurd statement given that SeaQuest allows visitors to touch the fish, stingrays, and other animals at the aquarium with their bare hands. It was several minutes before another employee arrived at the scene and took action to return the fish to the water.

The video of this incident shows a SeaQuest Folsom employee standing idly by as a fish suffocated on the aquarium floor. This was inhumane, in violation of the Folsom Animal Services Ordinance. In addition, please investigate whether SeaQuest Folsom obtained veterinary care for this fish after this incident, as required by Folsom’s Animal Services Ordinance.

II. Public Contact Allowed with an Injured Tortoise

On December 17, 2018, a visitor observed and documented a large tortoise with an irritated shell that was red and appeared ulcerated. *See* [Video 2](#); Photos 2-3. Two weeks later, on December 31, 2018, a visitor documented that this condition persisted, Photo 4, and that despite the animal’s injury the public was still allowed touch and interact with the tortoise. *See* Photo 5.

Dr. Rally opined that the tortoise could have an injury, infection, or thermal burn. Regardless of the source of this animal’s injury, the public should not continue to have contact with the tortoise because such contact could be causing further injury or be a source of infection.

Please investigate whether this tortoise is receiving veterinary care as required by Folsom’s Animal Services Ordinance. While this tortoise is recovering, it is inhumane for SeaQuest Folsom to allow public interaction with the animal.

III. Sick or Stressed Fish Housed in Tanks with Cloudy Water

On December 17, 2018, a visitor observed and recorded a fish tank in the SeaQuest Folsom gift shop that had very cloudy water. *See* [Video 3](#). The fish contained in this tank appeared listless, and some appeared to be floating diagonally. According to Dr. Rally, the respiration rates for these fish were high and appeared strained, especially for their level of inactivity. A visitor documented the same gift shop fish tank on January 3, but it was empty. *See* Photo 6. The location and condition of the fish previously maintained in this tank is unknown.

Dr. Rally opined that the level of inactivity observed in December is not normal for healthy fish and that their condition was likely related to water quality issues, such as low oxygen or high CO₂, nitrates, or chlorine. Aquariums should regularly test water quality to ensure that it is within vital life-supporting parameters specific to the species in each tank.

Please investigate the current condition of these fish, including whether they died due to poor water quality. If SeaQuest Folsom is not monitoring or maintaining appropriate water quality levels for the aquatic species at the facility those animals are not being treated humanely, as required by Folsom’s Animal Services Ordinance.

IV. SeaQuest Folsom Staff Unaware that Animals Had Died

On at least two occasions, visitors to SeaQuest Folsom had to point out to employees that an animal had died. On December 9, 2018, a visitor to the aquarium [discovered and alerted](#) SeaQuest Folsom employees to a dead stingray in a touch tank. The visitor described the stingray as decomposing at the bottom of the tank while kids were “still touching” the animal’s corpse. While SeaQuest Folsom General Manager Pete Mordwinow admitted the stingray died, he stated that the [cause of death](#) was still “under investigation” by “Palladio mall officials and SeaQuest employees, but not any outside agencies.”

Approximately one week later, on December 17, 2018, another visitor to the aquarium discovered and alerted SeaQuest employees to a dead eel. *See* [Video 4](#). After being alerted to the dead eel, an employee reportedly stated, “Oops, yeah, he looks dead, I’ll take care of it.” *Id.*

Two other members of the public reported that they observed dead animals during their visits to SeaQuest Folsom. A visitor on January 1, 2019 [reported](#) that he “[s]aw a dead seahorse in one of the aquariums.” Ex. A (Yelp Review). On the same day, [another visitor](#) reported that there was a “[v]ery large dead snake still in exhibit for kids to see.” Ex. B (Facebook Review).

A critical component to ensuring an animal receives “veterinary care when needed to prevent suffering,” Folsom Municipal Code § 7.04.010, is daily observation of the animals’ physical condition. The four deaths documented above were discovered by visitors to the aquarium—not SeaQuest Folsom employees. While the cause of death is unknown, the mere fact that SeaQuest Folsom staff failed to discover these dead animals raises serious questions about whether employees are appropriately identifying sick animals in a timely manner and providing them with veterinary care needed to prevent suffering. It also raises concerns about whether SeaQuest Folsom has an adequate number of employees to monitor, and humanely care for the approximately 1,200 animals at the aquarium.

These reported deaths combined with the other issues identified above suggest that SeaQuest Folsom is not treating the animals in its care humanely at all times. Please investigate these deaths—as well as any additional unreported deaths—to ensure that all the animals at SeaQuest Folsom are receiving appropriate veterinary care and are being treated humanely as required by Folsom’s Animal Services Ordinance.