

May 22, 2019

Paulette Nelson, Assistant Director, Central Services
Hillary Cussen, Wildlife Regulator

Via electronic submission: [REDACTED]

Re: Request to consult with Colorado Parks and Wildlife and other state agencies re: SeaQuest

Dear Assistant Director Nelson and Ms. Cussen,

I am writing on behalf of PETA and its 6.5 million members and supporters to urge the New Jersey Division of Fish and Wildlife (NJDFW) to consult with other agencies that regulate SeaQuest, including Colorado Parks and Wildlife (CPW) and Clark County, Nevada Animal Care and Control (CCAC), prior to issuing a wildlife exhibition permit to the company. Please also consider whether SeaQuest's direct contact business model is antithetical to New Jersey's no contact regulatory scheme.

SeaQuest plans to open a location in Woodbridge Center mall in Woodbridge, New Jersey and has submitted applications to NJDFW for an animal exhibitor permit and a zoological holding permit. NJDFW's animal exhibitor permit application [makes clear](#) that New Jersey is a "no contact" state, meaning that NJDFW prohibits both public hand feeding of regulated exotic and nongame wildlife and taking pictures of the public holding these animals. NJ Admin. Code § 7:25-4.15(b). NJDFW also emphasizes that exhibiting any potentially dangerous wildlife outside of approved cages is prohibited. SeaQuest is an "interactive aquarium" with a business model reliant upon public interaction with captive wildlife—practices prohibited for many animal species in New Jersey.

New Jersey's important restrictions protect the public and animals used for exhibition. However, as detailed in the appendix below, SeaQuest has a documented history of ignoring and violating similar laws and policies in other jurisdictions—laws and policies also intended to protect the public and animals. These problems persist on such a scale that CPW suspended SeaQuest's zoological parks license for two years and CCAC revoked an exotic animal permit.

Please thoroughly investigate SeaQuest's practices in other states prior to issuing any permit for the company to exhibit captive wildlife in New Jersey, and consider whether SeaQuest's business model—and chronic practice of ignoring laws designed to protect animals and the public—are consistent with New Jersey's law and public policy.

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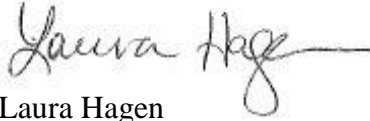
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- PETA France
- PETA Australia
- PETA Germany
- PETA Netherlands
- PETA Foundation (U.K.)

Thank you for your consideration. I welcome the opportunity to discuss this matter with you at your earliest convenience.

Very truly yours,

A handwritten signature in cursive script that reads "Laura Hagen". The signature is written in black ink and includes a long horizontal flourish extending to the right.

Laura Hagen
Counsel, Captive Animal Law Enforcement



APPENDIX

SeaQuest's first location opened in December 2016 and the company has, in its short tenure, developed a [documented history](#)—across multiple jurisdictions—of ignoring and violating laws designed to protect the public and animals. In addition to legal violations, SeaQuest operates in a manner that risks animal welfare and public-safety.

1. SeaQuest's legal violations resulted in a two-year license suspension in Colorado

Last month, Colorado's Division of Parks and Wildlife (CPW) [suspended](#) SeaQuest's zoological parks license for two years following a series of state law and permit violations. The hearing officer's suspension decision—written less than a year after SeaQuest opened—reflected the severity of SeaQuest's violations: "The best interest of regulated wildlife and public safety is at the center of this suspension decision. SeaQuest has repeatedly ignored, or failed to report violations, that included human injuries and wildlife care issues." Ex. A, Part II at ¶ 52. SeaQuest, Littleton has an extensive record that demonstrates disregard for the law, public safety, and animal welfare.

Illegal importation and possession of wildlife:

- Before SeaQuest opened, CPW discovered that a SeaQuest manager was keeping illegally imported animals in the basement of her home. Ex. B, pp. 5/64-11/64 at "Unlawful Possession of One Two-Toed Sloth and Two Capybaras." CPW cited and fined SeaQuest for unlawful importation and possession of an unlicensed two-toed sloth, and issued a warning for unlawful importation and possession of two unlicensed capybaras. *Id.* at p. 1.
- Two months later, CPW issued another warning after the company again illegally imported animals—this time, a caiman and a wallaby. Ex. C, pp. 2 at "Warning D726456," 4 at "Importation Violations on Regulated/Unregulated Species." CPW's report stated, "The requirement to obtain importation permits has been covered with various [SeaQuest] staff. In addition, this requirement has been included in documentation sent by [CPW staff]." *Id.* SeaQuest's staff was aware of Colorado's requirements, yet chose to ignore them.
- Despite all of this, SeaQuest illegally imported six wood ducks, resulting in yet another warning from CPW. Ex. C, p. 2 at "Warning D726445."

Operating without a license:

- Following its discovery of an illegal sloth and capybaras at a SeaQuest manager's home, CPW explicitly advised SeaQuest that it was prohibited from moving the unlicensed animals to the Littleton facility before their license approval. Ex. B, p. 7/64 at "5/21/2018." Ten days later, officials found all three animals illegally located at SeaQuest. *Id.* p. 9/64 at "5/31/2018"
- The Colorado Department of Agriculture (CDA) ordered SeaQuest to cease and desist operations on July 23, 2018 after the company was denied a license but was found to have been operating since May 9 without one. Ex. D. CDA had denied SeaQuest's request for temporary exemption from state licensing requirements while CDA processed the company's license application. *Id.* at pp. 3-4. SeaQuest then failed to report the cease and desist order to CPW, as required by the company's zoological parks license, resulting in another CPW citation and fine. Ex. A, Part 1 at Episode 2.

Animal injuries, deaths, and failure to provide adequate animal care

- CPW issued SeaQuest a warning for failing to report the deaths of 250 trout. Ex. C, p. 2 at “Warning D726456.”
- CPW cited SeaQuest for failing to report the death of a regulated kookaburra, who apparently died by “drowning in a water bowl.” Ex. C, pp. 2 at “Citation D726423,” 5 at “Required Mortality Reporting.”
- CPW records document a disturbing event in which a SeaQuest visitor’s child kicked and stomped on birds in the interactive aviary, resulting in the death of five birds and injuries to others. Ex. E.
- CDA reportedly opened an investigation into SeaQuest after [local news outlets reported](#) that the aquarium gave 80 parakeets to a teenage employee who stored them in his parents’ garage after CDA ordered the company to shut down its interactive aviary (following the cease and desist order). Allegedly, the birds were offered for free on Facebook and the teenager and his mother handed out parakeets and cages from a vehicle in a Lowe’s parking lot. Ex. F.
- CPW cited SeaQuest for failing to report injuries to a sloth, who was burned by a heat lamp on two different occasions, one of which was so severe that the sloth winced when attempting to eat. Ex. A, Part 1 at Episode 5. SeaQuest failed to notify a veterinarian about the injury and then lied to officials, saying that they did. *Id.*

Human injuries

- CPW records detail at least 41 human injuries caused by interactions with animals. Ex. G.
- SeaQuest repeatedly failed to report these injuries as required by law. CPW issued SeaQuest a warning in August 2018 for five counts of failing to report human injuries and issued a citation a month later for two additional counts. Ex. C, p. 2 at “Warning D726456” (warning for five counts of failure to report); Ex. A, Part 1 at ¶¶ 39-40 (citation for two counts of failure to report).
- Of the dozens of human injuries, the fact that three visitors were bitten by a puffer fish on three different occasions is particularly concerning. Ex. G (Aug. 27, 2018, Dec. 21, 2018, Jan. 5, 2019 incidents). According to wildlife veterinarian Dr. Heather Rally, puffer fish secrete tetrodotoxin, a potent neurotoxin, from the skin and other internal organs. Dr. Rally states that a puffer fish bite may transfer some of this neurotoxin into a person, and handling a puffer fish can cause numbness and difficulty breathing—signs of tetrodotoxin toxicity that can lead to death by suffocation. Indeed, the August 27, 2018 incident resulted in the visitor calling 911 after experiencing numbness and difficulty breathing after she touched and was bitten by a puffer fish.

2. SeaQuest’s legal violations resulted in a permit revocation in Clark County, Nevada

Colorado agencies are not alone in expending resources to address SeaQuest’s ongoing legal violations and failure to provide appropriate animal care. Last month, Clark County Animal Control (CCAC) [revoked SeaQuest Las Vegas’ exotic wildlife permit](#) for possessing unpermitted animals, including illegally bred otters. Ex. H. SeaQuest not only ignored permit conditions and local law prohibiting them from breeding the otters, they tried to profit from it. A [hearing officer concluded](#) SeaQuest, “[i]nstead of remedying this violation . . . attempted to capitalize and profit from it...” and “...willfully tried to take advantage of the situation by marketing and attempting to exhibit the baby otters.” Ex. I, p. 3. SeaQuest’s record in Clark County demonstrates a concerning but familiar indifference to local authority and legal restrictions intended to protect animals and the public.

Operating without a permit

- CCAC issued a warning letter to SeaQuest in April 2018 for housing regulated animals (otter and coati) without a permit. Ex. J.

Illegal possession and breeding of wildlife

- In March 2019 CCAC cited and fined SeaQuest \$2,000 for possessing unpermitted animals after the company bred two Asian small-clawed otters in violation of its captive wildlife permit. Ex. K, pp. 2 at bullet 5, 3.
- Even after CCAC notified SeaQuest of the permit violation, the company staged a Valentine’s Day media event to “introduce” the illegally held otter pups to the public—a brazen plan exemplifying SeaQuest’s pointed disregard for the law. Ex. L, pp. 1 (SeaQuest’s press release), 2 at “1/11/2019” (demonstrating SeaQuest’s awareness of the violation prior to the planned media event).
- SeaQuest also repeatedly ignored permit provisions limiting the animals it was authorized to possess and display. SeaQuest’s permit allowed exhibition and possession of two individually identified otters and three individually identified coatis. Ex. K, p. 1; Ex. I, ¶ 1. However, when a permitted otter died, SeaQuest simply replaced the deceased otter with a new animal without notifying CCAC; SeaQuest did not have a permit for the new otter, yet exhibited her anyway. Ex. I, ¶ 2. SeaQuest also brought additional unpermitted coati to the Las Vegas facility, bringing the total to seven (four more than were permitted)—again without notifying CCAC. Ex. L, p. 3 at “3/1/19.”

Failure to provide appropriate animal care

- In reviewing the facts surrounding the illegal otter breeding (and upholding CCAC’s citation resulting from the incident) the hearing officer “question[ed] the knowledge and experience of [SeaQuest aquariums] as [the mother otter] was first identified as being pregnant only one week prior to giving birth.” Ex. I, p.3.
- CCAC cited SeaQuest in October 2018 for failure to restrain an animal properly after a capybara—who SeaQuest was transporting in a dog crate in the back of an open-bed truck—escaped and was found in a Target parking lot with multiple injuries. Ex. M.
- CCAC inspection reports from 2017, document staff statements that SeaQuest did not have routine veterinary visits, self-treated some animals, and were unaware of the severity of some animal illnesses. Ex. N. Inspectors noted a number of dirty tanks; visibly-sick lionfish left on public display; a touch tank unmonitored by staff; birds in overcrowded, dirty cages; and some bird enclosures “lack[ing] husbandry,” with the parakeet enclosure displaying “a large amount of feces on the branches.” *Id.* Inspectors also noted that staff reported there was no safety plan in place for the swim-with-the-sharks and stingray exhibits. *Id.* at p. 2 at “02/01/17”
- [Five former SeaQuest employees came forward](#) to ABC-Las Vegas in February 2019, expressing concern that SeaQuest Las Vegas is dangerous for the public, staff, and animals. One former employee reported that children stomped on and killed birds in the interactive aviary, and that the dead birds were thrown in the garbage, reportedly to prevent SeaQuest from having to document their deaths. Another former employee reported a similar pattern with small turtles, some of whom were crushed by children. The former employees reported that a large octopus was “literally cooked alive” after a change in the tank’s temperature. They also provided videos and photos of sump room walls covered in black mold, a dead turtle left to rot for days in a koi tank,

and birds drinking and bathing in a bug-infested aviary drain before interacting with guests. Ex. O.

- Just last week, [another former employee came forward](#), alleging that SeaQuest withheld food to force animals to interact with guests who pay to feed them. She also reported that a juvenile Asian water monitor was badly burned and that others had parts of their tails chewed off due to inappropriate co-housing with incompatible species. Ex. P.

Human Injuries

- Two employees each received multiple injuries from a coati in a single incident earlier this year. Ex. Q. An employee, who was interacting with the coati, attempted to remove him/her when it began climbing on her. *Id.* The coati bit the employee on her ear and scratched both of her wrists. *Id.* A second employee attempted to help “control the animal,” which resulted in injuries: a bite on his thigh and scratches to both wrists. *Id.*
- A former employee recently alleged that coatis at the facility have bitten children and broken skin, that capybaras have chewed holes through clothing, and that lorikeets became food-aggressive, biting ears and necks, sometimes breaking skin. Ex. P, p. 3 at “Further Coverage.”

While CCAC issued SeaQuest a new exotic animal permit, the permit imposes tighter restrictions, including a requirement that SeaQuest microchip permitted animals and that it provide CCAC with all veterinary records related to permitted animals. Ex. R.

3. SeaQuest’s problems extend to its other locations

In December 2018, when a [fish jumped out of a tank](#), at SeaQuest’s Folsom, California location, an employee simply looked on for at least two minutes while the animal struggled on the floor, likely suffocating, telling concerned patrons that she was not trained on touching the animal. Less than a month after the facility opened, a visitor [found a dead stingray](#) in the touch tank. Witnesses reported that children were hovering around the pool, touching the reportedly decomposing animal. Ex. S.

The USDA cited SeaQuest in Fort Worth, Texas earlier this year, after two visitors were injured by an Asian small-clawed otter who was allowed to interact with the public without a restraint or barrier between them. Ex. T. SeaQuest apparently did not remedy these issues: a recent Fort Worth location visitor reported via a Facebook review that she was bitten on the back of the leg “several times” by the otter. Ex. U. SeaQuest and Vince Covino, the company’s owner, have also kept animals on site and in open-air tanks during the construction of at least two aquarium facilities; Mr. Covino was cited for this at the Austin Aquarium in Texas. Ex. B, p. 6 at “5/18/18”; Ex. V.

In just over two years, SeaQuest has racked up violation after violation, in state after state. Their disregard for state and local authority appears to be an institutionalized practice, one that places animals and the public at risk. Accordingly, PETA requests that NJDFW consult with other state and local agencies that maintain jurisdiction over SeaQuest, prior to making any permit determination that would allow SeaQuest to exhibit wildlife in New Jersey. Further, in light of the above information, NJDFW should closely monitor SeaQuest and include stringent reporting restrictions including requiring SeaQuest to report human and animal injuries on any permit to ensure all state laws are followed (in addition to existing reporting mandates). *See* New Jersey Stat. Ann. § 23:4-63.3(g) (department may

attach permit conditions to protect animals or the public health, safety, or welfare); NJ Admin. Code 7:25-4.6(f) (quarterly reporting for zoos).