

November 8, 2022

Via email

Hon. Daniella Levine Cava
 Mayor, Miami-Dade County
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Dear Mayor Levine Cava and Commissioners:

On behalf of People for the Ethical Treatment of Animals (PETA) and its more than 41,000 members and supporters in Miami-Dade County (“County”), I am writing again to urge you to terminate the Miami Seaquarium’s lease *in light of a newly released United States Department of Agriculture (USDA) [inspection report \(IR\)](#) documenting that the facility starved animals to emaciation to force them to perform and disregarded the dolphins’ subsequent aggression, putting trainers and guests at risk of physical harm*. It’s time for the County to finally end this sordid chapter in its history.

One year ago, on October 15, 2021, PETA urged the County Commissioners to deny assignment of the lease agreement regarding Miami Seaquarium from Festival Fun Parks, LLC to MS Leisure Co., Inc., a wholly-owned subsidiary of Controladora Dolphin S.A. de C.V. (The Dolphin Company). Among other ongoing problems with animal welfare at the facility, we expressed concern with the manner in which the Mayor’s recommendation to approve the lease minimized the USDA’s [last damning IR](#)—which documented dolphins being fed rotten fish, with poor water quality, and held incompatibly such that they injured and killed each other, among other citations—as “non-significant.”

Indeed, among the violations from the 2021 IR was Miami Seaquarium’s failure to provide animals with adequate shelter from direct sunlight, either causing or perpetuating eye lesions in multiple animals. According to that IR, “[d]irect

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sunlight can adversely affect the animal's health, especially eye health, resulting in corneal damage and premature cataracts. Though lesions or damage may have initially occurred from chlorine or trauma, direct sunlight can cause further damage to the eyes." Despite this citation and warning, the USDA's 2022 IR found that this year the facility changed "the layout of the guest interactions" so they were *away* from the shade, such that the animals were again required to look directly into the sun.

As you know, the 2022 IR did not stop there. The Miami Seaquarium was cited with *four "critical" violations of the Animal Welfare Act* as a result of this focused inspection. These included:

- The facility cut the diets to nine dolphins at the Dolphin Harbor exhibit by 60% "for the purpose of ensuring the animals performed for the guest interactions." The records indicate that the dolphins were starved for months, and were so emaciated that their scapula, ribs, and spines were prominent, their muscle mass decreased, and they had indentations in the "nuchal" area—a well-established sign of emaciation in cetaceans.
- "The food deprivation these dolphins were subjected to also led to increased incidents of unwanted behaviors such as splitting or breaking from sessions, swimming over ledges where guests may stand, sinking during line-ups and aggressing against trainers." The IR notes as an example that dolphin Calypso's "severity and frequency of these behaviors increased" substantially after The Dolphin Company took control over the facility.
- Likewise, there were "multiple aggressive incidents when a dolphin 'mouthed' a member of the public during an in-water interaction." Although the records show that the animals exhibited well-recognized warning behaviors prior to "mouthing" or biting guests, "[t]he facility staff elected to continue guest interactions with animals that were exhibiting aggressive warning behaviors."
- Aries, a dolphin, was documented regurgitating for 88 days in a period of just over four months, during which he regurgitated during 137 sessions, 35 of which were "throughout the session or excessively," and 135 of 137 were during public encounters. This behavior "could have been associated with diet cuts or other medical concerns," but the facility failed to provide him with sufficient "access to appropriate and timely medical care."

This conduct violates not only the federal Animal Welfare Act regulations, but apparently also the state's cruelty-to-animals law. *See* Fla. Stat. § 828.12(1) (a misdemeanor to unnecessarily deprive an animal of necessary sustenance); *id.* § 828.12(2) (a felony to commit or fail to commit an act with results in the "excessive or repeated infliction of unnecessary pain or suffering"); *State v. Morival*, 75 So. 3d 810, 811 (Fla. Dist. Ct. App. 2011) (noting an owner's failure "to provide food for a dog for a few days while the owner goes on vacation" would be a misdemeanor, while "cases in which an owner ... feeds a dog so little that it suffers malnutrition over an extended period such that the animal loses a high percentage of its normal body weight" would be a felony).

This abuse and suffering also occurred notwithstanding last year's damning inspection, and that Snuggles, an emaciated manatee with an empty gastrointestinal tract, has since died at the facility. After Snuggles' death, Miami Seaquarium was demoted from a critical care facility for rescued animals to just a holding facility, and even some of the manatees they held were transferred elsewhere at the U.S. Fish & Wildlife Service's (FWS) insistence. Per FWS records, FWS advised that the care she received "was not consistent with the standard of care for a critical care facility."

Ultimately, the facility was “closed to all incoming critical care or holding cases,” and two manatees were transferred to other facilities due to concerns for their welfare. Despite the last inspection report and this tragedy that *should* have made Miami Seaquarium particularly sensitive to depriving animals of adequate sustenance, they then proceeded to intentionally starve dolphins over a period of several months, during which the problem would have been obvious to any veterinarian or staff who works with them.

For years, each of the Miami Seaquarium’s owners has violated the lease’s terms by confining highly intelligent and social animals in harmful conditions at the facility. Most recently, that has included flagrantly ignoring veterinary advice that led to the sickness, injury, and, in some instances, the deaths of animals at the facility. Since the County approved assignment of the facility’s lease to The Dolphin Company just one year ago, the history of abuse now also includes starving animals over several months to force them to perform in even more guest interactions than before, with complete disregard for their welfare and those of the humans who interact with them.

Despite formal memoranda from Mayor Levine Cava and the Parks, Recreation, and Open Spaces Department (PROS) implying the existence of a new lease agreement between the County and The Dolphin Company, PROS has confirmed that as of November 7, the lease has not yet been finalized and is expected to be in the coming weeks. We strongly urge you to instead immediately initiate proceedings to terminate the lease. To do anything else after The Dolphin Company, which was represented as a savior for the facility, starved animals into submission and to emaciation will ensure that the County’s promises to do better by the animals confined there ring hollow.

Very truly yours,



Jared Goodman
General Counsel, Animal Law

