

November 3, 2023

Via email

Hon. Daniella Levine Cava
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mayor@miamidade.gov

Miami-Dade Board of County Commissioners

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Re: Termination of Miami Seaquarium's Lease for Violating Federal Law

Dear Mayor Levine Cava, Chairman Gilbert and Members of the Board of Commissioners:

I am writing again on behalf of People for the Ethical Treatment of Animals (PETA) and its nearly 43,000 members and supporters in Miami-Dade County to respectfully urge you to immediately initiate termination of the Miami Seaquarium's lease in light of *another* United States Department of Agriculture (USDA) inspection report (IR) documenting that the conditions at the Seaquarium violate the bare minimum standards of the federal Animal Welfare Act (AWA). Most notably, the Seaquarium was issued a repeat citation for *failing to maintain enclosures in good repair*, a critical citation for housing a dolphin with others who apparently *broke several of her ribs* and for *holding a manatee without another member of his species*, and citations for failing to provide *protection from direct sunlight* and allowing a dolphin trainer to *undermine the attending veterinarian's authority*. It is time for the County to break the Miami Seaquarium's cycle of abuse.

In October 2021, PETA urged the County Commissioners to deny assignment of the Miami Seaquarium lease to The Dolphin Company and instead terminate the lease in light of the USDA's [2021 IR](#). The 2021 IR documented *more than thirty-five*

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violations of the AWA. The Seaquarium was cited for, among other things, *feeding animals rotten food, failing to provide enough food to maintain animals' health, ignoring the attending veterinarian's recommendations, and housing incompatible animals together resulting in injuries and deaths.* The Seaquarium was also cited for failing to provide several animals with *adequate shelter from direct sunlight*, either causing or perpetuating eye lesions in the animals. According to the IR, “[d]irect sunlight can adversely affect the animal’s health, especially eye health, resulting in corneal damage and premature cataracts.” Although the County Commissioners assigned the Miami Seaquarium lease with the understanding that The Dolphin Company would commit to animal health and welfare, *the change in ownership has done nothing to change the Seaquarium’s chronic violations and animal abuse.* In September 2022, the USDA issued [another IR](#) documenting that the Seaquarium *starved animals to emaciation to force them to perform and disregarded the dolphins’ subsequent aggression, putting trainers and guests at risk of physical harm.* In addition, despite the USDA’s 2021 citation and warning regarding sunlight, the USDA found that the animals were again *subjected to direct sunlight* because the Seaquarium changed “the layout of the guest interactions” so they were *away from the shade.* Considering these egregious violations, on November 8, 2022, PETA urged you to terminate the Miami Seaquarium lease to finally end this sordid chapter in the County’s history.

A year later and nothing has changed. The Miami Seaquarium has *once again* failed to meet the *minimum* standards of care, violating the AWA. The USDA’s latest [damning IR](#), issued in late September and recently made publicly available, shows that the animals continue to suffer.

- The Miami Seaquarium has *failed to provide necessary equipment to ensure adequate veterinary care and treatment.* The Seaquarium had not weighed three manatees *in more than five years* because it did not own scales that it could use in all marine mammal enclosures. Yet, “[a]dequate weights are essential for dosing medications and providing adequate routine care.” Its failure to monitor the manatees’ weight is particularly notable here, where the Seaquarium has caused dolphins and manatees to become emaciated and the U.S. Fish & Wildlife Service previously suspended the Seaquarium from receiving any rescued manatees, demoting it from a critical care facility for rescued animals to a holding facility because its conduct “was not consistent with the standard of care for a critical care facility.” The Seaquarium also did not own a functioning gastroscope, an instrument used to inspect an animal’s digestive system. The USDA emphasized that “[p]roperly functioning equipment is necessary for diagnosing, treating and maintaining the health of the animal[s].” The Seaquarium was previously cited for violating the same regulation, 9 C.F.R. § 2.40(b), in 2022.
- The Seaquarium has repeatedly *failed to maintain enclosures in good repair to prevent animal injuries.* The enclosure for Elelo, a Pacific white-sided dolphin, fell into a state of disrepair. Divers noted that the pool’s floor had a layer of broken, flaking cement, which Elelo ingested along with a plastic zip tie and other broken plastic that the Seaquarium uses and introduced into the enclosure. Months later, Elelo vomited sand and glass filtration media. In 2021, the Seaquarium was issued two citations, one critical, for violating the same regulation, 9 C.F.R. § 3.101, because “several pools and surrounding structures had surfaces that were in disrepair.” Enclosures that fall into states of disrepair pose a safety and health risk to the animals.
- The Seaquarium has *ignored the attending veterinarian’s recommendations*, including the recommendation to relocate Elelo after he ingested plastic and cement due to the enclosure’s poor conditions. The USDA noted that several employees had reported “that a newly appointed corporate trainer, in charge of dolphin training, was instructing other employees

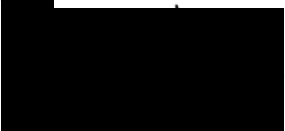
not to contact the [attending veterinarian] and undermining her authority, which created a very stressful environment.” The USDA explained that a “[f]ailure to ensure that the attending veterinarian has appropriate authority . . . can lead to unnecessary stress, discomfort, and suffering of the animals.” The Seaquarium violated the same regulation, 9 C.F.R. § 2.40(a), in 2021 when corporate trainers and management ignored the attending veterinarian’s recommendations and concerns over animal health, and in 2022 because the attending veterinarian was not consulted before decreasing the animals’ diets to the point of emaciation.

- The Seaquarium has *failed to adequately handle animals during public interactions*, resulting in a guest being bitten on the hand by a dolphin. According to the USDA, “Inadequate handling or control of animals during public interactions can lead to injury of the public and the animals.” Just last year, the Seaquarium was issued two critical citations for violating the same regulation, 9 C.F.R. § 2.131, after it deprived dolphins of their full dietary and nutritional needs to ensure performance during public encounters and two dolphins each bit guests on at least six different occasions. The Seaquarium also violated this regulation in 2021.
- The Seaquarium has *failed to house* a manatee with a member of his species even though “[m]anatees are semi-social animals and do better medically and psychologically when they are housed in pairs or groups.” The Seaquarium has also continued to *house incompatible animals together*, causing dolphin Bimini to suffer from multiple bilateral rib fractures. The inspection report indicates, “Once the injuries were known [on February 27, 2023], the facility placed the animal in a safer group.” Yet in 2021, the Seaquarium was also issued a critical citation for violating this same regulation, 9 C.F.R. § 3.109, because it allowed two dolphins to break into Bimini’s enclosure—which was separated by sections of underwater fencing held together by plastic zip ties, like that which Elelo ingested—causing her “at least 4 broken ribs.” Accordingly, the Seaquarium apparently continued to hold her with incompatible animals such that she has sustained broken ribs on several occasions, even following the USDA’s initial citation.
- The Seaquarium has *failed to provide protection from direct sunlight*. For ten days in March and an unspecified number of days in April, the Seaquarium removed an overhead tarp that provided shade for a manatee. This left the manatee with *no* natural or artificial shade to protect him from direct sunlight. As the USDA has time and again indicated—including in its 2021 IR for a violation of the same provision, 9 C.F.R. § 3.103(b)—“[d]irect sunlight can adversely affect the animal’s health, especially skin and eye health.” Last year, the USDA also found that the Seaquarium forced dolphins to look directly into the sun during public interactions.
- The Seaquarium has *failed to maintain an adequate number of trained staff*, especially veterinary staff. “The termination of employment of an associate veterinarian on March 27, 2023, resulted in a single veterinarian to care for the 46 marine mammals and hundreds of birds, fish, sharks and rays housed at the facility.” This veterinarian had *no* full-time support. Consequently, the veterinarian had to prioritize only sick and urgent cases, halting *all* routine checkups. The USDA stated that an insufficient number of staff can lead to inadequate animal care.

The Miami Seaquarium has violated not only the AWA but also its lease, as the County acknowledged in issuing its notice of default on November 2. As you know, Section 11 of the third-amended lease requires the Seaquarium to “keep the Demised Premises and all improvements and personal property

thereon, exclusive of animals, in *a good state of repair and in a clean condition*, subject to damage or destruction by fire or other elements, . . . and *shall maintain animals in accordance with federal laws and regulations*, including the Marine Mammal Protection Act and the *Animal Welfare Act* as applicable.” (Emphases added). Under section 16(A), if the Seaquarium violates any of the conditions of the lease, the County “shall notify [the Seaquarium] in writing of said violations and [it] shall have forty-five (45) days from receipt of such notice to remedy said violations.” Under section 16(C), if “any violation of the covenants and conditions of [the lease] is not remedied within the cure periods set forth in Section 16(A) above, then, the date upon which [the lease] shall terminate shall be set by [the County.]”

The Miami Seaquarium has violated the lease’s terms. The Seaquarium has received repeated violations for failing to maintain the enclosures in a good state of repair, subjecting the animals to safety and health risks. It has regularly violated the AWA, as the USDA’s 2021, 2022, and 2023 IRs demonstrate. The IRs further demonstrate that the Seaquarium has continued to violate the same regulations even after its lease was amended to require compliance. It has had not forty-five days, but *years* to cure its chronic and repeated violations. Despite having every opportunity to do so, the Seaquarium has proven unable or unwilling to operate lawfully, even amidst intense public scrutiny of the facility. The time has come to break the Miami Seaquarium’s cycle of abuse by immediately initiating proceedings to terminate the lease.



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