

According to the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0579-0036. The time required to complete this information collection is estimated to average .25 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

FORM APPROVED OMB NO.: 0579-0036

No license may be issued unless a completed application has been received (7 U.S.C. 2132-2143), and the applicant is in compliance with the standards and regulations Section 2133.

U.S. DEPARTMENT OF AGRICULTURE  
ANIMAL AND PLANT HEALTH INSPECTION SERVICE

**APPLICATION FOR LICENSE**  
(TYPE OR PRINT)

RENEWAL

DO NOT USE THIS SPACE - OFFICIAL USE ONLY

SEND THE COMPLETED FORM TO:  
USDA APHIS ANIMAL CARE  
Eastern Region  
920 Main Campus Drive  
Suite 200  
Raleigh, NC 27606-5210  
(919) 855-7100

LICENSE NO./CUST NO	RENEWAL DATE	FEES	
58-C-0147 3253	21-Apr-2010	AMOUNT \$235.00	DATE RECEIVED 2/24/10

1. NAME(S) OF OWNER(S) AND MAILING ADDRESS  
MARINE EXHIBITION CORP INC  
4400 Rickenbacker Causeway  
Miami, FL 33149

2. ALL BUSINESS NAME, LOCATIONS, AND ALL SITES HOUSING ANIMALS (P. O. Box not acceptable)  
4400 Rickenbacker Causeway  
Miami, FL 33149  
County: MIAMI-DADE  
TELEPHONE 305 365-2535

COUNTY: MIAMI-DADE TELEPHONE (305) - 361 - 5705

3. IF PREVIOUSLY LICENSED - NAME AND ADDRESS  
MARINE EXHIBITION CORP INC.  
4400 RICKENBACKER CAUSEWAY  
MIAMI, FL 33149

PREVIOUS LICENSE NO.: MIAMI, FL 33149 - 58-C-0147

4. NAME AND ADDRESS OF OTHER BUSINESS(S) HANDLING ANIMALS IN WHICH APPLICANT/LICENSEE HAS AN INTEREST

5. TYPE OF LICENSE  
 A - Dealer (Breeder)  B - Dealer  C - Exhibitor

6. DATE OF LAST BUSINESS YEAR

FROM					TO						
MO	DAY	YEAR	MO	DAY	YEAR	MO	DAY	YEAR			
0	6	2	8	0	8	0	7	0	3	0	9

7. NATURE OF BUSINESS (Check item that describes nature of your business)

A - Zoo  B - Aquariums  C - Auction  
 D - Breeder  E - Pets  F - Roadside Zoo  
 G - Circus  H - Animal Acts  I - Carnival  
 J - Drive thru  K - Pet Store  L - Broker  
 Zoo

8. TYPE OF ORGANIZATION  
 Partnership  Corporation  Individual  
 Other (Specify) \_\_\_\_\_

9. LIST OWNERS, PARTNERS, AND OFFICERS

NAME AND TITLE	ADDRESS
Arthur Hertz - owner Mike Brown - owner	4400 Rickenbacker Causeway Miami, FL 33149

10. DEALER ONLY

TOTAL NO. OF ANIMALS PURCHASED IN THE LAST BUSINESS YEAR	NOT A FOIA DELETION	DOGS	RABBITS	
TOTAL NO. OF ANIMALS SOLD IN THE LAST BUSINESS YEAR		CATS	NONHUMAN PRIMATES	
TOTAL GROSS AMOUNT DERIVED FROM THE SALE OF ANIMALS		GUINEA PIGS	MARINE MAMMALS	72
DOLLAR AMOUNT OF WHICH FEE IS BASED (Sections 2.6 and 2.7)		HAMSTERS	WILD OR EXOTIC MAMMALS	2
		OTHER (i.e., farm animals) (List Species and No.)	TOTAL:	74

CERTIFICATION

I hereby make application for a license under the Animal Welfare Act 7 U.S.C. 2131 et seq. I certify that the information provided herein is true and correct in compliance with all applicable laws and regulations.

12. SIGNATURE \_\_\_\_\_

14. DATE 3/23/10



United States  
Department of  
Agriculture

Marketing and  
Regulatory  
Programs

Animal and  
Plant Health  
Inspection  
Service

Animal Care

EXPIRATION DATE: APRIL 21, 2011

This is to certify that

MARINE EXHIBITION CORP INC

is a licensed  
under the

CLASS C EXHIBITOR

### Animal Welfare Act

(7 U.S.C. 2131 et seq.)

Certificate No.

58-C-0147

Customer No.

3253

Deputy Administrator

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**U.S. DEPARTMENT OF AGRICULTURE  
ANIMAL AND PLANT HEALTH INSPECTION SERVICE**

**APPLICATION FOR LICENSE**  
(TYPE OR PRINT)

RENEWAL

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SEND THE COMPLETED FORM TO:  
Eastern Region  
920 Main Campus Drive  
Suite 200  
Raleigh, NC 27606-5210  
(919) 855-7100

LICENSE NO./CUST NO	RENEWAL DATE	FEES	
58-C-0147 3253	21-Apr-2009	AMOUNT	DATE RECEIVED
		\$235 <sup>00</sup>	31 March 2009 UMC

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MARINE EXHIBITION CORP INC  
4400 Rickenbacker Causeway  
Miami, FL 33149

2. ALL BUSINESS NAME, LOCATIONS, AND ALL SITES HOUSING ANIMALS (P. O. Box not acceptable)  
4400 Rickenbacker Causeway  
Miami, FL 33149  
County: DADE  
TELEPHONE (305) 365-2535

COUNTY: DADE TELEPHONE (305) - 361 - 5705

3. IF PREVIOUSLY LICENSED - NAME AND ADDRESS  
Same As Above

PREVIOUS LICENSE NO.: 58-C-0147

4. NAME AND ADDRESS OF OTHER BUSINESS(S) HANDLING ANIMALS IN WHICH APPLICANT/LICENSEE HAS AN INTEREST

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FROM						TO					
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8. TYPE OF ORGANIZATION  
 Partnership     Corporation     Individual  
 Other (Specify) \_\_\_\_\_

9. LIST OWNERS, PARTNERS, AND OFFICERS

NAME AND TITLE	ADDRESS
(b)(6)	4400 RICKENBACKER CAUSEWAY MIAMI, FL. 33149

10. DEALER ONLY		11. EXHIBITOR ONLY (No. of animals holding now or held during the last business year, whichever is greater)	
TOTAL NO. OF ANIMALS PURCHASED IN THE LAST BUSINESS YEAR	NOT A FOIA DELETION	DOGS	RABBITS
TOTAL NO. OF ANIMALS SOLD IN THE LAST BUSINESS YEAR		CATS	NONHUMAN PRIMATES
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DOLLAR AMOUNT OF WHICH FEE IS BASED (Section: 2.6 and 2.7)		HAMSTERS	WILD OR EXOTIC MAMMALS
		OTHER (i.e., farm animals) (List Species and No.)	

63  
2

**CERTIFICATION**

I hereby make application for a license under the Animal Welfare Act 7 U.S.C. 2131 et seq. I certify that the information provided herein is true and correct to the best of my knowledge. I hereby acknowledge receipt of and certify to the best of my knowledge I am in compliance with all regulations and standards in 9 CFR, Subpart A, Parts 1, 2, and 3. I certify that I am over 18 years of age.

12. SIGNATURE (b)(6)

14. DATE 3/26/09

APHIS (JAN)



**United States  
Department of  
Agriculture**

**Marketing and  
Regulatory  
Programs**

**Animal and  
Plant Health  
Inspection  
Service**

**Animal Care**

EXPIRATION DATE: APRIL 21, 2010

This is to certify that

MARINE EXHIBITION CORP INC

is a licensed  
under the

CLASS C EXHIBITOR

## **Animal Welfare Act**

(7 U.S.C. 2131 et seq.)

Certificate No.

58-C-0147

Customer No.

3253

Deputy Administrator

MAY 0 1 2008

FORM APPROVED OMB NO. 0579-0036

No license may be issued unless a completed application has been received (7 U.S.C. 2133-2143), and the applicant is in compliance with the standards and regulations Section 2133.

<p><b>U.S DEPARTMENT OF AGRICULTURE</b>  <b>ANIMAL AND PLANT HEALTH INSPECTION SERVICE</b></p> <p><b>APPLICATION FOR LICENSE</b>          (TYPE OR PRINT)</p> <p><b>LICENSE RENEWAL</b></p>	<p><b>DO NOT USE THIS SPACE - OFFICIAL USE ONLY</b></p> <p>SEND THE COMPLETED FORM TO: 920 Main Campus Drive Suite 200, Unit 3040          Raleigh, NC 27606          Telephone: (919) 855-7101</p>										
	<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <th style="width:50%;">CERTIFICATE / CUSTOMER NO.</th> <th style="width:25%;">RENEWAL DATE</th> <th style="width:25%;">FEES</th> </tr> <tr> <td>CERT: 58-C-0147 CUST: 3253</td> <td>21-APR-2008</td> <td> <table border="1" style="width:100%; border-collapse: collapse;"> <tr> <th>AMOUNT</th> <th>DATE RECEIVED</th> </tr> <tr> <td style="text-align: center;">\$235</td> <td style="text-align: center;">[Signature]</td> </tr> </table> </td> </tr> </table>	CERTIFICATE / CUSTOMER NO.	RENEWAL DATE	FEES	CERT: 58-C-0147 CUST: 3253	21-APR-2008	<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <th>AMOUNT</th> <th>DATE RECEIVED</th> </tr> <tr> <td style="text-align: center;">\$235</td> <td style="text-align: center;">[Signature]</td> </tr> </table>	AMOUNT	DATE RECEIVED	\$235	[Signature]
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\$235	[Signature]										

<p><b>1. NAME(S) OF LICENSEE(S) AND MAILING ADDRESS</b></p> <p>Marine Exhibition Corp Inc           4400 Rickenbacker Causeway          Miami, FL 33149 -109</p> <p>Telephone: (305)361-5705</p>	<p><b>2. ALL BUSINESS (Site) LOCATIONS HOUSING ANIMALS; INCLUDE DIRECTIONS TO EACH LOCATION (P.O. Box not acceptable)</b></p> <p>4400 Rickenbacker Causeway          Miami, FL 33149 1095          County: Dade</p> <p>Telephone: (305)361-5705</p>
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<p><b>3. LIST PERSONS 18 YEARS OF AGE OR OLDER AUTHORIZED TO CONDUCT BUSINESS. RESPONSIBLE OFFICIAL SIGNING BLOCK 10 SHOULD BE LISTED IN THIS BLOCK.</b></p> <p>(b)(6)</p>	<p><b>4. (A) PREVIOUS USDA LICENSE NUMBER (if any)</b></p> <p>58 - C - 0147</p> <p><b>(B) ACTIVE USDA CERTIFICATE NUMBER IN WHICH YOU HAVE AN INTEREST:</b></p>
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<p><b>6. DATE OF LAST 12-MONTH BUSINESS YEAR (CALENDAR OR FISCAL)</b></p> <table border="1" style="width:100%; border-collapse: collapse;"> <tr> <th style="width:50%;">FROM</th> <th style="width:50%;">TO</th> </tr> <tr> <td style="text-align: center;">28-JUN-2006</td> <td style="text-align: center;">03-JUL-2007</td> </tr> </table>	FROM	TO	28-JUN-2006	03-JUL-2007	<p><b>7. TYPE OF ORGANIZATION</b></p> <p><input type="checkbox"/> Individual    <input checked="" type="checkbox"/> Corporation    <input type="checkbox"/> Partnership</p> <p><input type="checkbox"/> Other (Specify) _____</p>
FROM	TO				
28-JUN-2006	03-JUL-2007				

<p><b>8. DEALERS ONLY. Class A or Class B licensees must complete this Block.</b>          (Class C Exhibitors go to Block 9)</p> <p>CLASS A (BREEDER) - LINE 'D' = 1/2 OF LINE 'C'          CLASS B (DEALER) - LINE 'D' = LINE 'C' LESS THE AMOUNT PAID FOR THE ANIMAL(S)          (Sections 2.6)</p> <p>A. TOTAL NO. OF ANIMALS PURCHASED IN THE LAST BUSINESS YEAR</p> <p>B. TOTAL NO. OF ANIMALS SOLD IN THE LAST BUSINESS YEAR</p> <p>C. TOTAL GROSS DOLLAR AMOUNT DERIVED FROM REGULATED ACTIVITIES (SALES, BOOKING FEES, COMMISSIONS, ETC.)</p> <p>D. DOLLAR AMOUNT ON WHICH FEE IS BASED (SECTIONS 2.6 AND 2.7)</p>	<p><b>9. CLASS C EXHIBITORS ONLY. (Number of animals holding now or held during the last business year, whichever is greater.)</b></p> <table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="width:25%;">DOGS</td> <td style="width:25%;"></td> <td style="width:25%;">NONHUMAN PRIMATES</td> <td style="width:25%;"></td> <td style="width:25%;">RODENTS (Do not include lab rats or mice)</td> <td style="width:25%;"></td> </tr> <tr> <td>CATS</td> <td></td> <td>MARINE ANIMALS</td> <td style="text-align: center;">54</td> <td>WILD/EXOTIC HOOFSTOCK</td> <td style="text-align: center;">2</td> </tr> <tr> <td>GUINEA PIGS</td> <td></td> <td>FARM ANIMALS</td> <td></td> <td>BEARS</td> <td></td> </tr> <tr> <td>HAMSTERS</td> <td></td> <td>WILD/EXOTIC CANINES</td> <td></td> <td>WILD/EXOTIC MAMMALS (NOT LISTED ELSEWHERE)</td> <td></td> </tr> <tr> <td>RABBITS</td> <td></td> <td>WILD/EXOTIC FELINES</td> <td></td> <td>TOTAL (ALL ANIMALS LISTED IN BLOCK 9)</td> <td style="text-align: center;">56</td> </tr> </table>	DOGS		NONHUMAN PRIMATES		RODENTS (Do not include lab rats or mice)		CATS		MARINE ANIMALS	54	WILD/EXOTIC HOOFSTOCK	2	GUINEA PIGS		FARM ANIMALS		BEARS		HAMSTERS		WILD/EXOTIC CANINES		WILD/EXOTIC MAMMALS (NOT LISTED ELSEWHERE)		RABBITS		WILD/EXOTIC FELINES		TOTAL (ALL ANIMALS LISTED IN BLOCK 9)	56
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**CERTIFICATION**

I hereby make application for a license under the Animal Welfare Act 7 U.S.C. 2131 et seq. I certify that the information provided herein is true and correct to the best of my knowledge. I hereby acknowledge receipt of and certify to the best of my knowledge I am in compliance with all the regulations and standards in 9 CFR, Subpart A, Parts 1, 2 and 3. I certify that I am 18 years of age or older.

<p>(b)(6)</p>	<p><b>2. SOCIAL SECURITY OR TAX IDENTIFICATION NUMBER</b></p>	<p><b>13. DATE</b></p> <p style="text-align: center;">3 / 21 / 08</p>
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**United States  
Department of  
Agriculture**

**Marketing and  
Regulatory  
Programs**

**Animal and  
Plant Health  
Inspection  
Service**

**Animal Care**

**EXPIRATION DATE: APRIL 21, 2009**

This is to certify that  
**MARINE EXHIBITION CORP INC**  
is a licensed  
under the  
**CLASS C EXHIBITOR**

**Animal Welfare Act**

**(7 U.S.C. 2131 et seq.)**

Certificate No. **58-C-0147**

Customer No. **3253**

Deputy Administrator

ANIMAL WELFARE COMPLAINT

Complaint No. E09-154	Date Entered 19 May 09	Received By (b)(6) (b)(7)(c)
Referred To (b)(6) (b)(7)(c)	Reply Due 19 June 09	

Facility or Person Complaint Filed Against

Name Marine Exhibition Corp Inc/Miami Seaquarium	Customer/License/Registration No. 58-C-0147
---	--

Address  
4400 RICKENBACKER CAUSEWAY

City MIAMI	State FL	Zip 33149	Phone No 305-361-5705
---------------	-------------	--------------	--------------------------

Complainant

Name (b)(6) (b)(7)(c)	Organization public
--------------------------	------------------------

Address  
(b)(6) (b)(7)(c)

City (b)(6) (b)(7)(c)	State	Zip	Phone No /Email address
--------------------------	-------	-----	-------------------------

How was complaint received? fax

Forward response to FOIA: Yes  No

**Details of Complaint: Complainants state that the tank in which Tokitae (Lolita) is in is not big enough for the animal to move around. Lolita is limited to only 35 feet of moving space. Lolita has also developed a dark yellow spot under her rostrum. Her teeth are also falling out and are chipped. There is also an indentation behind her blow hole that indicates weight lose.**

Results: *see memo*

Application packet provided? Yes  No

INSPECTOR (b)(6) (b)(7)(c)

REVIEWED BY (b)(6) (b)(7)(c)

DATE *6-1-09*

DATE *7/31/09*

JUN 10 2009

# Memorandum

To: Eastern Regional Office  
CC: (b)(6) (b)(7)(c)  
From: (b)(6) (b)(7)(c)  
Date: 6/1/2009  
Re: Complaint #E09-154

---

On June 1, 2009 I conducted a routine inspection of the Miami Seaquarium, 58-C-0147, in response to the above referenced complaint. No non-compliances were identified during this inspection.

Specifically in response to the complaint:

1. Lolita's coloring is normal, her teeth remain unchanged from examination conducted in 2005 by (b)(6) (b)(7)(c) and the indentation behind her blowhole is from weight gain. This Orca is healthy with no current medical abnormalities.
2. The dolphin "missing" from the Whale Stadium is on breeding loan to Shedd Aquarium.
3. The Tursiops housed at Top Deck do not have skin conditions, diseases or incisions at the base of their flukes. No strange lumps were identified. Their rostrums appear normal for aged animals. One Tursiops has scars under the rostrum from repeated removal of squamous cell carcinoma lesions.
4. Lolita is housed with Pacific white sided dolphins. Whales and dolphins are considered biologically related. The animals are not separated in the enclosure.
5. The whale enclosure was measured in 1995 (and in 1988) by Animal Care and IES. The size of the enclosure exceeds minimum requirements for one Orca and allows Lolita to be housed with up to four Pacific white sided dolphins. The documentation is on file at Animal Care headquarters.



May 19, 2009

(b)(6) (b)(7)(c)

United States  
Department of  
Agriculture

Marketing and  
Regulatory  
Programs

Animal and Plant  
Health Inspection  
Services

Animal Care

920 Main Campus Drive  
Suite 200  
Raleigh, NC 27606

Tel No. 919-855-7100  
Fax No. 919-855-7123

Dear Complainant,

Thank you for your letter of May 15, 2009 concerning Miami Seaquarium. Your concern has been issued number E09-154. If you wish to know the results of our findings, you must send a request, in writing, to our Freedom of Information Act office. Depending on the circumstances of the situation, please allow us enough time (30 to 60 days) to thoroughly investigate your concerns.

FOIA requests can be submitted three ways--

1. Email: foia.officer@aphis.usda.gov
2. Fax: 301-734-5941
3. US Mail: USDA, APHIS, FOIA  
4700 River Road, Unit 50  
Riverdale, MD 20723

Animal Care is the division of the U.S. Department of Agriculture (USDA) that is responsible for the enforcement of the Animal Welfare Act. The Act provides minimum standards for the humane care and use of animals at USDA licensed or registered facilities.

Animal Care inspectors conduct routine unannounced inspections at all USDA licensed and registered facilities to ensure that they are meeting or exceeding these minimum standards. Our inspectors also conduct searches for unlicensed facilities conducting regulated activities. We perform inspections and searches when necessary in response to valid concerns and complaints received from the public to ensure the well-being of the animals and compliance with the law. If violations are found, enforcement action appropriate for the circumstances will be initiated.

Please be assured that we will look into your concerns and take appropriate action if necessary.

Thank you for your interest in the welfare of these animals.

Sincerely,

  
Elizabeth Goldentyer, D V M  
Regional Director – Animal Care  
Eastern Region

*animal  
care*

Animal Care is a part of the Department of Agriculture's Animal and Plant Health Inspection Service.

An Equal Opportunity Provider and Employer



May 19, 2009

(b)(6) (b)(7)(c)

United States  
Department of  
Agriculture

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Regional Director – Animal Care  
Eastern Region

*animal  
care*

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An Equal Opportunity Provider and Employer

E09-154

# ATTENTION: COMPLAINT

USDA, APHIS-Animal Care

920 Main Campus Road

Suite 200

Raleigh, NC 27606

Fax-919-855-7123

(b)(6) (b)(7)(c)

Filing a complaint against:  
Miami Seaquarium  
4400 Rickenbacker Causeway  
Key Biscayne, Florida 33149  
(305) 365-2523

Complaint: Under USDA and APHIS standards an Orcinus Orca tank has to be a minimum of 48 feet in all directions.



As you can see from the above image the Orca at the Miami Seaquarium, Lolita only has 35 feet to the island in the middle which is completely solid. Currently she is being kept in this tank with four Pacific White-Sided dolphins; two of the dolphins are not trained yet so she is denied access to the medical pool, thus making the space available to her only 35 feet in one direction. The Seaquarium is also breeding the Pacific White-Sided dolphins with the potential of having six (three mothers and three offspring) housed in that tank with Lolita within the next year. Space requirements change with the addition of more animals that are specified by two different categories of marine mammals and therefore the space provided for Lolita at the Miami Seaquarium is substantially inadequate for a whale of her size (22 feet, 7000 lbs). I will refer you to Animal Care Resource Guide/ Dealer Inspection Guide, Primary Enclosure and Space Requirements at:  
[http://www.aphis.usda.gov/animal\\_welfare/downloads/manuals/dealer/space.pdf](http://www.aphis.usda.gov/animal_welfare/downloads/manuals/dealer/space.pdf)

The second part of my complaint consists of information found on the Animal Care Resource Guide/ Exhibitor Inspection Guide found at:

[http://www.aphis.usda.gov/animal\\_welfare/downloads/manuals/eig/11.2\\_eig.pdf](http://www.aphis.usda.gov/animal_welfare/downloads/manuals/eig/11.2_eig.pdf)

which specifies that:

**Marine Mammals [3.109]**

*Captive marine mammals which are social in the wild must be housed with at least one compatible animal of:*

- the same species, or
- a biologically related species.

The Orca at the Miami Seaquarium has been kept there without another Orca since 1980. I request that these complaints are thoroughly looked into for the health, wellbeing, and safety of this Orca.

Thank you for taking the time to read my complaint and better the life of a captive Orca.

(b)(6) (b)(7)(c)



Dr. Elizabeth Goldentyer  
APHIS Eastern Region  
920 Main Campus Drive  
Raleigh, NC 27606

(b)(6) (b)(7)(c)

Email:

May 15, 2009

Dear Dr. Goldentyer:

We request that an inspector and veterinarian be immediately sent to the Miami Seaquarium located at 4400 Rickenbacker Causeway in Miami, Florida in regard to the progressive deterioration of several marine mammals at this facility.

Tokitae (Lolita) - Orca

Since April, Lolita has developed a dark yellow spot under her rostrum. The area is progressively worsening and darkening. This darkened yellow area is located beneath an area where she is losing teeth. Additional teeth have become chipped since April. There is also a deepening indentation behind Lolita's blowhole. This is indicative of weight loss.

Several veterinarians who have observed Lolita have diagnosed these symptoms as indicative of a severe infection which is not being treated.

Bottlenose Dolphins - Top Deck Dolphin Tank

The underneath base of the flukes appears abnormal and diseased. One dolphin was observed with a large lump where an incision has been made. The rostrums of the dolphins are worn and scraped from rubbing and chewing the cement of the tank.

These mammals require immediate medical intervention.

We would like to be notified as to the date of inspection and receive a report of your findings. We look forward to your response.

(b)(6) (b)(7)(c)

**Dr. Elizabeth Goldentyer**  
**APHIS Eastern Region**  
**920 Main Campus Drive**  
**Suite 200**  
**Raleigh, NC 27606**  
**Fax: 919 855-7123**

**Dear Dr Goldentyer,**

**Please, your urgent help is needed. As of Sunday, May 2, 2009**  
**Lolita's condition is worsening due to infection and 40 years of imprisonment in a**  
**deadly, illegal tank. One dolphin has likely died and another group of dolphins are**  
**diseased. Lolita is 42 years old.**

**Your urgent help is needed, Dr. Elizabeth Goldentyer, today. Please send APHIS**  
**inspectors to the Miami Seaquarium. Lolita and the dolphins must receive**  
**immediate and proper medical attention.**

**She appears to have an infection. For the last month and a half she has had a dark**  
**yellow spot under her rostrum, it has progressively been getting darker and now it**  
**is right beneath where the teeth are falling out and looking chipped. Also she is**  
**losing weight & there is an indent behind the blowhole which is indicative of losing**  
**weight.**

**Only 3 dolphins are in the tank with her. The forth is missing.**

**Another disturbing thing is that the bottlenose dolphins in the Top Deck dolphin**  
**tank all seem to have some sort of disease on the underneath base of their flukes,**  
**and one has a strange lump where it looks like an incision has occurred. Their**  
**rostrums are all messed up too it looks like from rubbing and chewing at the cement**  
**of the tank. Your urgent help is needed.**

**Please help,**

(b)(6) (b)(7)(c)

**Plantation, FL 33317**

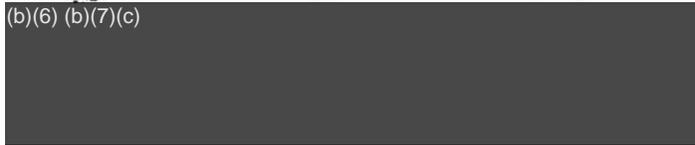
5/17/2009

Dr. Charly G. Rodriguez

Please send your responses to the  
 Miami Seaquarium. Lolita and Trish are  
 suffering. Lolita has an infection and  
 it is worsening. Trish has been in pain  
 for 40 years (in response to smallpox vaccine)  
Please help her avoid the remaining  
 injections.

Thank you so much,

(b)(6) (b)(7)(c)



Dear Dr. Goldentzer,  
RE: Lolita - Dolphins at Miami Seaquarium

As a concerned Citizen and animal advocate, I am requesting the APHIS inspectors be sent to the Seaquarium and help these poor animals in distress. I also plan on writing our congressmen, that nothing has been done and that there are violations and inhumane treatment. Please!!! Help these sea creatures.

Thank you

(b)(6) (b)(7)(c), All redactions on this page are pursuant to (b)(7)(c). All redactions on this page are pursuant to (b)(5). All records are being withheld pursuant to (b)(7)(a). All black boxes on this page are EO12600 information

E09-154

MAY 26 2009

**Dr. Elizabeth Goldentyer  
APHIS Eastern Region  
920 Main Campus Drive  
Suite 200  
Raleigh, NC 27606  
Fax: 919 855-7123**

**Dear Dr Goldentyer,**

**Please, your urgent help is needed. As of Sunday, May 2, 2009  
Lolita's condition is worsening due to infection and 40 years of imprisonment in a  
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diseased. Lolita is 42 years old.**

**Your urgent help is needed, Dr. Elizabeth Goldentyer, today. Please send APHIS  
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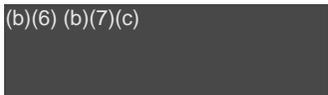
**She appears to have an infection. For the last month and a half she has had a dark  
yellow spot under her rostrum, it has progressively been getting darker and now it  
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losing weight & there is an indent behind the blowhole which is indicative of losing  
weight.**

**Only 3 dolphins are in the tank with her. The fourth is missing.**

**Another disturbing thing is that the bottlenose dolphins in the Top Deck dolphin  
tank all seem to have some sort of disease on the underneath base of their flukes,  
and one has a strange lump where it looks like an incision has occurred. Their  
rostrums are all messed up too it looks like from rubbing and chewing at the cement  
of the tank. Your urgent help is needed.**

**Please help,**

(b)(6) (b)(7)(c)





### ANIMAL WELFARE COMPLAINT

Complaint No. 07-243	Date Entered 08-Aug-07	Received By (b)(6) (b)(7)(c)
Referred To (b)(6) (b)(7)(c)	Reply Due 08-Sep-07	

**Facility or Person Complaint Filed Against**

Name MIAMI SEAQUARIUM	Customer/License/Registration No. #3253 58-C-0147		
Address 4400 RICKENBACKER CAUSEWAY			
City Miami	State FL	Zip 33149	Phone No (305) 361-5705

**Complainant**

Name (b)(6) (b)(7)(c)	Organization		
Address			
City	State	Zip	Phone No./Email address

How was complaint received? e-mail

Forward response to FOIA: Yes  No

**Details of Complaint:**

**Ok, here are some things the average person doesn't know. Jupiter and Zo, the 2 calves will be separated from their mothers soon, they will go to flipper lagoon. Diesel the Sea Lion who is about 1 yr old swallowed a screw that a maintenance man left behind while installing new doors in the back pools about 1 month ago. Sushi the young sea lion had a pup about 2 months ago. It was a boy and it died after about 6 days even though it had 24 hour watch. Sushi rejected the pup. April was severely sick last month to the point where the pool had to be dropped and she had to be captured to treat, but she was once again sick a couple of days ago. Cathi is recovering from an eye infection which coincidentally occurred last month when the top decks filtration system broke down and was not fixed for TWO WEEKS. The pool was completely green and full of fungus etc. Samantha has become very aggressive towards divers and they are beginning to restrict contact between divers and her. Toki's tank is no longer allowed to be dove by any one other than a trainer. This is because she has become overly aggressive to divers. The seals fur is falling out do to the hot temperature of the water, MSQ won't fund a cooler pool. There is a proposal in EFFECT to create a swim with the sea lions program I have seen it with my own eyes. Training is now taking place to train the sea lions to do these swims, ect. The program should kick off in**

about 1 year. Have you noticed [redacted] hand? He is missing a finger. it was taken off while he was trying to forcefully move dolphins with a net between pools. The dolphin was the cause I don't know if he bit it off or if the finger got caught up in the net and the dolphin swam. Also, i don't know if this is a violation or not but- there is an exposed copper pipe at the bottom of the top deck pool that is charged. If you were to grab it all the hairs on your arm would stand up and your open wounds on your hands would sting like hell. I don't know what this does to the dolphins but anyways. When a diver was approaching the pool to dive toki's pool toki was fast swimming etc, finally toki actually slid out onto the stage trying to go after a diver. This whole paragraph is all over the place but I just wrote it was I remember.

Would it help you to have a list of the medications and vitamins that all the animals are taking? Some of these meds I have no idea what they are for.

Does this help? Please keep this source (me) anonymous. Also just out of curiosity do u have any other trainers that work as spies for you? I don't need names im just curious.

---

Results: *Invalid inspection. 9/17/07*

---

Application packet provided? Yes  No

INSPECTOR

DATE

---

REVIEWED BY

DATE



USDA, APHIS, Animal Care

RECEIVED  
SEP 25 2007  
BY:

animal  
are

#3253

58-C-014

### ANIMAL WELFARE COMPLAINT

Complaint No. 07-243	Date Entered 08-Aug-07	Received By (b)(6) (b)(7)(c)
Referred To (b)(6) (b)(7)(c)	Reply Due 08-Sep-07	

#### Facility or Person Complaint Filed Against

Name MIAMI SEAQUARIUM	Customer/License/Registration No. #3253 58-C-0147		
Address 4400 RICKENBACKER CAUSEWAY			
City Miami	State FL	Zip 33149	Phone No (305) 361-5705

#### Complainant

Name (b)(6) (b)(7)(c)	Organization		
Address			
City	State	Zip	Phone No./Email address

How was complaint received? e-mail

Forward response to FOIA: Yes  No

#### Details of Complaint:

Ok, here are some things the average person doesn't know. Jupiter and Zo, the 2 calves will be separated from their mothers soon, they will go to flipper lagoon. Diesel the Sea Lion who is about 1 yr old swallowed a screw that a maintenance man left behind while installing new doors in the back pools about 1 month ago. Sushi the young sea lion had a pup about 2 months ago. It was a boy and it died after about 6 days even though it had 24 hour watch. Sushi rejected the pup. April was severely sick last month to the point where the pool had to be dropped and she had to be captured to treat, but she was once again sick a couple of days ago. Cathi is recovering from an eye infection which coincidentally occurred last month when the top decks filtration system broke down and was not fixed for TWO WEEKS. The pool was completely green and full of fungus etc. Samantha has become very aggressive towards divers and they are beginning to restrict contact between divers and her. Toki's tank is no longer allowed to be dove by any one other than a trainer. This is because she has become overly aggressive to divers. The seals fur is falling out do to the hot temperature of the water, MSQ won't fund a cooler pool. There is a proposal in EFFECT to create a swim with the sea lions program I have seen it with my own eyes. Training is now taking place to train the sea lions to do these swims, ect. The program should kick off in

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Would it help you to have a list of the medications and vitamins that all the animals are taking? Some of these meds I have no idea what they are for.

Does this help? Please keep this source (me) anonymous. Also just out of curiosity do u have any other trainers that work as spies for you? I don't need names im just curious.

**Results:**

*See memo attached*

Application packet provided? Yes  No

INSPECTOR

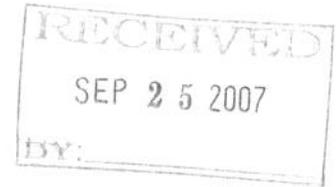
(b)(6) (b)(7)(c)

DATE 9-20-07

REVIEWED BY

DATE

SEP 25 2007



# Memo

**To:** (b)(6) (b)(7)(c)  
**From:** [REDACTED]  
**CC:** Eastern Regional Office  
**Date:** September 21, 2007  
**Re:** Complaint 07-243 Miami Seaquarium

---

On September 17, 2007 I conducted a routine inspection at the above referenced facility in response to this complaint.

**Jupiter and Zo, the 2 calves will be separated from their mothers soon, they will go to flipper lagoon.** These calves are just over a year old and will only be separated from their mothers when age appropriate. They will be housed in Dolphin Harbor when moved.

**Diesel the Sea Lion who is about 1 yr old swallowed a screw that a maintenance man left behind while installing new doors in the back pools about 1 month ago.** The maintenance man could not confirm that in fact a screw was missing; there may have been a miscount. It was a possibility that one was missing and Diesel was housed closest to the area where the doors were installed. No one saw Diesel eat a screw but as a precaution he was administered mineral oil twice, watched for symptoms and his feces examined for elimination of the screw. The alleged missing screw could have easily gone down a drain, etc.

**Sushi the young sea lion had a pup about 2 months ago. It was a boy and it died after about 6 days even though it had 24 hour watch.**

**Sushi rejected the pup.** The sea lion pup was born 1 month premature. Sushi did not reject the pup; it was too weak to nurse. It was born with neurological problems and other medical concerns. Necropsy indicated primary cause of death may have been encephalitis.

**April was severely sick last month to the point where the pool had to be dropped and she had to be captured to treat, but she was once again sick a couple of days ago.** April is a Tursiops in her 40's. At the time of this inspection she was doing well medically. However, she has a history of a chronic liver condition. She can become quite ill during acute flare ups of this condition. Review of her medical records indicated she experienced 2 recent flare ups which appeared to be treated appropriately.

RECEIVED  
SEP 25 2007  
BY:

**Cathi is recovering from an eye infection which coincidentally occurred last month when the top decks filtration system broke down and was not fixed for TWO WEEKS. The pool was completely green and full of fungus etc.**

The Top Deck pool area houses a total of 8 Tursiops. Cathi is one of 3 females over 40 in this pool. She has mild chronic kidney disease and chronic intermittent ocular problems of a non-infectious nature. The eye problems do not appear to be related to water quality in any way such as chlorine or other additives. In the last year, the Top Deck pump system malfunctioned once but was repaired the same day. Review of water quality records for the last year did not indicate any issues with water quality in this pool. Coliforms, pH, chlorine and other parameters performed by this facility were specifically reviewed during this inspection for the Top Deck pool. The facility was cited for non-compliance for 3.106 for failing to perform coliform counts at least weekly on several occasions in 2007 and failing to document any testing on one date in April 2007.

**Samantha has become very aggressive towards divers and they are beginning to restrict contact between divers and her. Toki's tank is no longer allowed to be dove by any one other than a trainer. This is because she has become overly aggressive to divers.**

The Orca Toki and 20 year old Tursiops Samantha try to remove the fins from new divers in the pools. It is a game rather than aggression. If the inexperienced divers become frightened by this maneuver they are not forced to go back in the pools and the trainers assume the diving duties. This back up protocol has been in place for many years at the facility.

**The seals fur is falling out do to the hot temperature of the water, MSQ won't fund a cooler pool.**

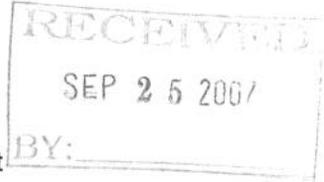
The facility has 2 Harbor seals. One has an allergic dermatitis that is restricted to a small area on one side of the face/neck only and does not involve alopecia. This seal must be maintained on low does of Pred, probably for life. The other seal exhibits alopecia only when molting. During this inspection this seal looked healthy and the fur 100% normal.

**There is a proposal in EFFECT to create a swim with the sea lions program I have seen it with my own eyes. Training is now taking place to train the sea lions to do these swims, ect. The program should kick off in about 1 year.**

This is being discussed but no training has begun. Swim with the sea lion programs are not prohibited by the Animal Welfare Act.

**Have you noticed [REDACTED] hand? He is missing a finger. it was taken off while he was trying to forcefully move dolphins with a net between pools. The dolphin was the cause I don't know if he bit it off or if the finger got caught up in the net and the dolphin swam.** I believe this happened many, many years ago. Sorry, but I couldn't think of a socially acceptable way to bring this up and link it to the inspection process. Seaquarium trains their dolphins to go through gates.

**Also, i don't know if this is a violation or not but- there is an exposed copper pipe at the bottom of the top deck pool that is charged. If you were to grab it all the hairs on your arm would stand up and your open wounds on your hands would sting like hell. I don't know what this does to the dolphins but anyways.** This is an anode rod (sacrificial) and is not charged or copper. It is protected from the animals but would not harm them if they contacted it.



**When a diver was approaching the pool to dive toki's pool toki wast fast swimming etc, finally toki actually slid out onto the stage trying to go after a diver.** Staff has no knowledge of this incident. Toki will float in front of a new diver at the edge of the stage to block their access to the pool (see above-games to play with inexperienced divers.)

This complaint was found to be generally invalid. One non-compliance was cited during this inspection concerning water quality. However, the water quality non-compliance appeared to have no connection with the issues raised in this complaint.



JUN 10 2009

152091443110844 MMOORE  
insp\_id

## Inspection Report

---

MARINE EXHIBITION CORP INC  
MIAMI SEAQUARIUM  
4400 RICKENBACKER CAUSEWAY

Customer ID: 3253  
Certificate: 58-C-0147  
Site: 001  
SEAQUARIUM

MIAMI, FL 33149

Type: ROUTINE INSPECTION  
Date: Jun-01-2009

---

No non-compliances identified during this inspection.

All previously identified non-compliances have been corrected.

End of report.

---

Prepared By:

*Mary Moore DVM*  
MARY E MOORE, D V M      USDA, APHIS, Animal Care

Title: (b)(6) (b)(7)(c)

Date:

Jun-01-2009

Received By:

Title:

Date:

Jun-01-2009



RECEIVED  
SEP 26 2007  
BY:

3253 cust\_id

356001 insp\_id

5925 site\_id

**INSPECTION REPORT**

**MARINE EXHIBITION CORP INC  
MIAMI SEAQUARIUM**

**Customer ID: 3253**

**Certificate: 58-C-0147**

**4400 RICKENBACKER CAUSEWAY  
MIAMI, FL 33149 1095**

**Site: 001**

**SEAQUARIUM**

**Inspection**

**Type: ROUTINE INSPECTION**

**Date: SEP-17-2007**

**3.106 ( b )**

**WATER QUALITY.**

(b) Bacterial standards.

(3) Water samples shall be taken and tested at least weekly for coliform count and at least daily for pH and any chemical additives that are added to the water to maintain water quality standards.

\*Coliform count testing exceeded the minimum required weekly testing on at least 3 occasions in 2007. Facility records indicate testing was performed on January 17 and 26, a 9 day period, February 6 and 21, a lapse of 15 days and August 21 and 30, more than a week between tests.

\*On April 19, 2007, no test results were recorded for pH and chemical additives for those areas requiring daily water testing at this facility.

To ensure water quality is maintained at conditions which are acceptable and optimum for the health and well-being of marine mammals all coliform testing must be conducted at least weekly and pH and chemical additives must be tested on a daily basis.

Correct by: All future water quality testing must be conducted and recorded as required.

This is an amended inspection report based on the September 17, 2007 inspection.

Prepared By: Mary Moore DVM  
MARY MOORE, D V M , USDA, APHIS, Animal Care

Title: VETERINARY MEDICAL OFFICER , Inspector ID: 1044

Date:  
SEP-18-2007

Received By: (b)(6) (b)(7)(c)

Title: (b)(6) (b)(7)(c)

Date:  
SEP-18-2007



3253

MMOORE

3253 cust\_id

SEP 25 2007

356000 insp\_id

5925 site\_id

**INSPECTION REPORT**

BY:

**MARINE EXHIBITION CORP INC  
MIAMI SEAQUARIUM**

Customer ID: 3253

Certificate: 58-C-0147

Site: 001

SEAQUARIUM

Inspection

Type: ROUTINE INSPECTION

Date: SEP-17-2007

4400 RICKENBACKER CAUSEWAY  
MIAMI, FL 33149 1095

**3.107 ( b )  
SANITATION.**

(b) Bacterial standards.

(3) Water samples shall be taken and tested at least weekly for coliform count and at least daily for pH and any chemical additives that are added to the water to maintain water quality standards.

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Correct by: All future water quality testing must be conducted and recorded as required.

Prepared By: *Mary Moore DVM*  
MARY MOORE, D V M , USDA, APHIS, Animal Care

Title: VETERINARY MEDICAL OFFICER, *[Redacted]*

Received By: *[Redacted]*

Title: *[Redacted]*

Date:  
SEP-17-2007

Date:  
SEP-17-2007