



## Inspection Report

MS Leisure Company, Inc.  
4400 Rickenbacker Causeway  
Key Biscayne, FL 33147

Customer ID: **6011009**  
Certificate: **58-C-1252**  
Site: 001  
Miami Seaquarium

Type: FOCUSED INSPECTION  
Date: 12-JAN-2024

### 2.4 Critical

#### Non-interference with APHIS officials.

The facility caused delays for inspecting and implemented new procedures for USDA inspections that interfered with APHIS officials from assessing compliance with the Animal Welfare Act. USDA Inspectors arrived at the facility on January 9, 2024 between 9:00-9:30am, and they met with the facility manager and requested to conduct an inspection. Miami-Dade county representatives also happened to be on site and inspectors met with the county while waiting for the facility to gather the needed personnel to guide the inspection. The facility manager then said they needed to consult with their lawyers as to the inspectors' nature of inspection and asked for copies of identification. This delay lasted two hours. In the meantime, inspectors asked to review requested paperwork, but the facility further delayed, indicating that their legal team would have to review them first. USDA had to insist to get immediate access to the records. The physical walkthrough of the facility began 4.5 hours after the inspectors' arrival.

On the second day of inspection, upon arrival, APHIS officials were informed that the owner of the company would now be requiring the facility staff to video record the inspection process and that no employee was to be alone with APHIS officials. This was concerning to inspectors. Additionally, when inspectors asked questions while on video, facility staff appeared uncomfortable: they asked why they were being recorded and stated that they were uncomfortable with the recordings. Staff members were interviewed on camera, but during the inspection, staff members confided in inspectors that what they stated on camera was not the whole truth as they were not comfortable to be forthcoming with all the relevant details. The facility CEO stated that if the employees wanted to speak to USDA alone, the employee would have to come to management and inform them beforehand.

Delaying the inspection process and eliciting fear and intimidation towards facility employees interferes with APHIS officials' abilities to assess a facility's compliance with the Animal Welfare Act as inspectors require truthful answers from employees regarding the health and welfare of a facility's animals. A licensee shall not interfere with any APHIS official in the course of carrying out his or her duties.

Correct from this day, January 12, 2024, forward.

**2.40(b)(1) Direct Repeat**

**Attending veterinarian and adequate veterinary care (dealers and exhibitors).**

Prepared By: E GONZALEZ

USDA, APHIS, Animal Care

Date:  
20-MAR-2024

Title: VETERINARY MEDICAL  
OFFICER

Received by Title: Facility Representative

Date:  
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The licensee, MS Leisure Company, Inc., has failed to furnish their Attending Veterinarian (AV) the appropriate facilities, personnel, equipment, and services to provide adequate veterinary care to the animals currently under their stewardship. There are several animals deemed critical by the AV that require medical treatments, diagnostic evaluations, and medical procedures that are not being provided to alleviate suffering. Because the AV has had to focus on critical cases, some of the animals have not been provided recommended routine and preventative care for over a year. The facility has not provided the AV with required diagnostic tools and/or staffing to facilitate this care. The veterinary staff consists of a single veterinarian with a veterinary assistant to care for over 45 marine mammals, 50 birds and the aquarium's reptiles, fish, sharks and rays. Many of these animals require special veterinary attention and around the clock husbandry monitoring. Current staffing numbers require employees to perform collateral duties in order to keep up with basic veterinary and husbandry needs of the animals; thereby neglecting their core duties. Within the last week, three trainers were recruited to perform veterinary assistant duties part-time, to help assist with the growing list of critical cases. Additionally, the veterinary assistant has been tasked with taking on administrative work unrelated to the primary task of assisting the veterinarian in caring for the animals and performing necessary veterinary care duties. The veterinary team has been unable to provide necessary evaluations and treatments to the park's animals resulting in a state of unrelieved suffering for the following animals:

- Sushi, a 20-year-old female California Sea Lion, has a complicated medical history that includes bilateral cataracts, corneal pathology, and cyclical bouts of anorexia. From reviewing medical records, in September 2023, the veterinary staff recommended Sushi for cataract surgery with a specialist; however, as of today's inspection, that procedure has yet to be scheduled. In late September 2023, Sushi became critically ill and went off feed. She required intensive medical care and quarantine from her conspecifics. At that time, medical records listed at least 5 oral medications and 3 ocular medications to treat her symptoms. Her last weight on September 21st, 2023, was approximately 188lbs. Her weight on January 11th, 2024, was approximately 136lbs; a loss of 52 pounds. According to the facility, the last 2-3 months have been difficult for her training and veterinary care. After abnormal bloodwork and continued inappetence, the AV was able to borrow radiograph equipment on January 9th, 2023, to obtain diagnostic images of Sushi's lungs. The images revealed severe lung disease which if left untreated could result in irreversible lung damage and/or death. According to the AV, she considered prescribing a bronchoalveolar lavage to collect samples for culture and sensitivity tests; however, with the current limitations of equipment and staff, she was unsure if Sushi would survive the diagnostic procedure due to her critical nature. The facility is unable to provide a veterinary anesthesiologist and specialist for advanced diagnostic and treatment guidance for this animal. On inspection, Sushi's weight loss was visually apparent, and her ribs, spine, and scapulas were visible. She was laying down in her enclosure with her head down and observable sunken eyes. Sushi did not move about when she saw her trainers approach; trainers indicated this was not her typical behavior. USDA VMOs noted a serious decline in health from previous inspections.

- Bud, a 19.5-year-old male California Sea Lion, is deemed per the AV, one of the most critical cases at the facility. In December 2023, he developed an acute case of pyelonephritis which caused him to be in state of kidney failure. A review of trainer records showed that Bud was off feed for approximately 11 days and required extensive care including supportive fluids and multiple medications. Veterinary and husbandry staff had to team up and abandon other duties in order to bring him out of his medical crisis. Bud temporarily returned to eating and normal behavior. On January 9th, 2024, Bud only ate 15 pounds of his recommended 22 pounds of base food. The veterinary and training staff were able to get a restrained blood sample that showed his white blood cell count was elevated. The following day, January 10th, 2024, Bud only consumed 1 pound of fish, with zero consumption again on January 11th. USDA VMOs noted that he was depressed and largely unresponsive. Bud was being administered subcutaneous fluids as supportive care for his kidneys.

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The AV stated during inspection that under the current situation with extremely limited veterinary staff, multiple critically ill patients and difficulty obtaining diagnostic equipment/services, she cannot provide appropriate veterinary care for his condition. Additionally, the facility does not currently have a dedicated intensive care area (dry dock) for a male animal of Bud's size.

On inspection, the AV expressed intent on performing x-rays of Bud's lungs to assess his lung health. Due to emerging critical issues with other animals, the AV couldn't confirm this procedure could be performed timely at her prescription. The AV also indicated that she would want to get additional CT diagnostic imaging to guide Bud's medical care. CT diagnostic imaging of animal Bud's size would require him to undergo general anesthesia. However, the facility is unable to provide the necessary specialists for this procedure to occur. Without appropriate resources, the veterinary staff is unable to maintain the proper level of care to relieve this animal from suffering and this lapse may ultimately lead to his death

• Bimini, a 24-year-old female Atlantic Bottlenose dolphin, has a complicated medical history and, per the AV, requires specialized diagnostic procedures for adequate veterinary care that cannot currently be provided by the facility. According to her medical record, Bimini has been on at least 2-3 medications (antifungals, antibiotics, and corticosteroids) since September 2022 to treat persistent and serious pulmonary disease. Her last computed tomography (CT) imaging in February 2023 identified multiple bilateral rib fractures in various stages of healing, some acute and causing pleural lesions; marked tracheal stenosis; moderate to severe diffuse lung disease with significant bronchiectasis; bilateral nephrolithiasis and fluid distending both uterine horns. Bimini's multiple bilateral rib fractures in various stages of healing are indicative of conspecific aggression that require experienced, diligent care by training staff to ensure appropriate social grouping as well as secure barriers and fencing separating aggressive animals. Multiple rib fractures from several attacks resulted in pain and suffering. Marked tracheal stenosis which denotes her limited ability to breathe in/out air and could be appreciated by USDA VMOs on physical examination. Her chuff (exhale) was harsh with a deep raspy character to it. Overall, the significant internal disease noted on the radiology report requires further follow up as noted by the AV. Bimini's pulmonary disease significantly affects her respiratory effort and quality of life. In conversations with training staff, Bimini is under the direction by the AV who has restricted her from performing rides, tail pops, bows and side breaches that may exacerbate her respiratory distress. Inspectors asked trainers to have Bimini demonstrate an approved behavior, and upon return to her trainer, Bimini produced an abnormal sounding forced exhalation which sounded uncomfortable. This sound is similar to the chuff heard at rest, but shorter. An associate veterinarian prescribed that Bimini receive a follow-up CT imaging and bronchoscopy in September 2023 prior to any adjustments to her current treatment plan. However, due to the lack of veterinary staff, equipment and specialists (CT imaging and anesthesia), and more pressing critical animal care cases, the AV has been unable to execute her recommendation from four months ago. Atlantic Bottlenose dolphins with respiratory abnormalities often experience a rapid decline in health which can result in pneumonia and death. They would require immediate veterinary attention with appropriate diagnostic equipment onsite as well as highly experienced staff to provide appropriate veterinary care and to alleviate suffering.

• Aries, a 21-year-old male Atlantic Bottlenose dolphin, has a history of severe regurgitation with ongoing medical conditions. At the time of this inspection, USDA Veterinary Medical Officers (VMOs) noted his poor body condition as noted by prominent lateral vertebral spinous processes and semi-prominent scapulas. On lateral presentation, the transverse vertebral processes along the peduncle left severe shadows indicative of his thin body condition. He had a narrowing behind the melon creating an abnormal peanut-like shape of the head and torso of his body. Two USDA veterinarians determined he had a body condition score of 2 out of 5. Trainer records reviewed during current and

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previous USDA inspections noted persistent instances of the time and frequency of his regurgitation; despite this, the facility had not evaluated Aries to address this abnormal behavior. Medical records indicate that the AV "requested staff look into ordering fatty herring (since they are currently receiving lean)" to add to his diet. At the time of inspection, this had not been done. Aries's current weight and blubber reserves are not sufficient for a male dolphin his size per the current literature for *Tursiops truncatus*; furthermore, Flipper Lagoon is not a temperature-regulated enclosure and water temperatures regularly mimic the bay's water temperatures. Cooler water temperatures require dolphins to maintain higher levels of blubber for their health and well-being. Recorded water temperature minimums for Biscayne Bay during the months of January and February average 70.3F and 69.7F respectively. Aries suffers from lingual lesions, chronic keratitis and intermittent blepharospasm. A possible differential diagnosis provided by the AV for the lingual lesions include squamous cell carcinoma which she recommended to biopsy. A review of his medical record identified concerns for the extent of whole mouth tooth erosion noted between photographs dated May 24th, 2023, and January 9th, 2024. Although the ulcerative lesions identified by the facility in May 2023 have healed the total area of abnormal tissue on the tongue has increased to cover a large portion of the tongue. Mouth lesions and deteriorating teeth are painful and impact the animals' well-being. Furthermore, Aries's left eye was closed at the time of inspection, indicative of pain and discomfort, and staff stated that he occasionally opened the eye on overcast days. Medical records indicate that he has had this ocular issue since at least April 2023. The AV prescribed a comprehensive diagnostic evaluation that includes gastroscopy to rule out underlying medical conditions and to address the deep-seated problem of regurgitation. At the time of inspection, a biopsy of his tongue had not been completed; the gastroscope had not been acquired and imaging of his stomach had also not been completed. The AV has stated that she is unable to perform routine follow-ups such as weight checks because she is having to prioritize critically ill animals. Aries is suffering from chronic regurgitation, resultant weight loss and difficulty accepting high volumes of fish. This designates Aries as an animal that must have specialized care and a training plan to correct the regurgitation problem. The facility has not provided this care.

• Three macaws are currently demonstrating behavior consistent with unrelieved psychological distress. The facility does not have the means to mitigate these behaviors and provide the special attention they need. The facility states the birds become easily stressed with large crowds and high stimulation situations; therefore, Broomhilda, Mandy, and Monty, three Blue and Gold Macaws, tend to stay off exhibit and housed in a temperature and humidity-controlled room. USDA inspectors observed the birds initially sitting calmly on their perches but quickly began exhibiting signs of distress when inspectors entered the room. These behaviors included Mandy head bobbing and shivering, and Broomhilda's and Monty's respiration rates increasing noticeably. Feather plucking is a sign of psychological distress and also affects the birds' ability to thermoregulate. Broomhilda and Mandy have been chronic feather-pluckers. On inspection, Broomhilda was observed to be missing feathers along her wings, chest and back, exposing pink skin. Mandy was missing feathers along the wings, entire chest and back of his head, exposing pink skin. In reference to the feather picking, the AV stated their follicles are most likely destroyed, and the birds will likely never regrow their feathers. Monty also intermittently plucks. He was missing feathers along the chest and wings but not to the extent where pink skin is exposed. Prioritization of critical health cases in the park does not allow the facility to provide the specialized veterinary care that the AV has prescribed. The total flock of 21 parrots is split between two small housing areas, one of which is an older trailer that still requires repairs and, as noted on previous USDA inspections, emitted strong noxious odors. These odors can predispose birds to serious respiratory conditions that require additional medical care. Monty's medical record states that on January 7th, 2023, that he had a diagnosis of chronic air sacculitis. There were no infectious organisms seen so the AV suspects it was related to the poor air quality in the bird enclosure. The AV has identified the facility's inability to provide appropriate medical and husbandry care that she believes these birds need. Her medical opinion is that they should be rehomed because in the current environment, with the current resources, the facility is unable to relieve these three birds of their

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psychological distress.

The facility has failed to provide adequately trained personnel, equipment, facilities and services for the aforementioned animals requiring specialized veterinary care. A single veterinarian without sufficient staff and resources cannot effectively address the complex and increasingly deteriorating conditions of these six critical animals nor address routine medical issues that occur day to day with the remaining 43 marine mammals, 47 birds and reptiles, fish, sharks and rays the licensee maintains at the park.

The licensee, MS Leisure Inc., shall maintain a program of adequate veterinary care that includes the appropriate facilities, personnel, equipment, and services to provide for all animals, both healthy and requiring specialized veterinary care, maintained at their facility.

### **3.108(a) Critical Repeat**

#### **Employees or attendants.**

There remains an insufficient number of adequately trained employees to care for the facility's animals since the last inspection. The facility has adjusted staffing levels on days they are closed to the public with staffing of three (3) trainers per area on closed days and then increasing to five (5) to six (6) trainers on days they are open to the public, specifically for shows and guest interactions. The staffing level is the same despite the number of animals in the area, three (3) total trainers are assigned to each of the following areas: Golden Dome consisting of 8 Harbor seals and 13 Sea Lions; Dolphin Harbor with 12 dolphins; Flipper pool with 6 dolphins. Regardless of the park being open or closed, the dolphins, harbor seals and sea lions require the same level of husbandry care, training sessions and enrichment daily. Over the past month, several dolphins and sea lions have been ill, requiring additional observation time and husbandry care to manage their medical care needs. On days when the park is closed, employees from the life support team or other areas are pulled to assist in handling animals despite not having marine mammal experience. Additionally, the staff at Flipper/Top Deck have limited experience as the manager for the area stated that she cannot leave them unsupervised during shows or public interactive sessions. This particular area oversees male bottlenose dolphins that are demonstrating behavioral challenges, including the holding and mouthing of non food items by Ripley and chronic regurgitation by Aries.

\*\*\*A 20.5 year old female sea lion, Sushi, had been in the designated treatment area for over a month and on Dec 18, 2023 she ate only 8 of 12 pounds of fish offered. On subsequent days, her diet amount fed out and the quality of her interactions with trainers decreased, per reviewing training records. She began to eat only intermittently unless given an appetite stimulant. Even though the area had two critical sea lions, as designated by the AV, staffing remained at the same levels of three trainers assigned to this area on park closed days or five to six when the park was open.

\*\*\*A 19.5 year old adult male sea lion, Bud, was showing signs of illness and went off food starting Dec 8, 2023 and remained anorectic for 11 days. On day 4 of his inappetence, while the park was closed, he was placed on 24-hour watch with the team consisting of three trainers. On Dec 15, 2023 the park closed early due to storms and although Bud was still on 24- hour watch and at no food consumption for 8 days; 4 of the 6 trainers assigned to the area were sent home.

\*\*\*Ongoing and unresolved regurgitation issues with Aries is a health concern as this dolphin has been identified thin, 2.5 BSC out of 5 by the AV, with no additional blubber storage going into colder water temperatures during the winter months.

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The Senior manager of the park has stated he has experience with animals that regurgitate and can work with the animal, but he has not developed a specified plan to address his specific regurgitation issue, nor has he trained the newer staff members how to identify this behavioral challenge and put a plan into action. Regurgitation issues with marine mammals can lead to prolonged physical and psychological issues and should be managed daily for their health and wellbeing which is not occurring due to recently hired new staff.

Without a sufficient number of adequately trained employees, the necessary husbandry practices required to maintain these species cannot be provided, putting the health and welfare of the marine mammals at risk, especially when the attending veterinarian deems one as a critical care animal.

A sufficient number of adequately trained employees must be utilized to maintain the prescribed husbandry practices set forth in Marine Mammal Subpart of the Animal Welfare Act.

This inspection and exit interview were conducted with facility representatives.

Additional Inspectors:

ANDREA D AMBROSIO, ANIMAL CARE INSPECTOR

MARIO MERCADO, VETERINARY MEDICAL OFFICER

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### Species Inspected

Cust No	Cert No	Site	Site Name	Inspection
6011009	58-C-1252	001	Miami Seaquarium	12-JAN-2024

Count	Scientific Name	Common Name
000013	<i>Zalophus californianus</i>	CALIFORNIA SEA LION
000008	<i>Phoca vitulina</i>	HARBOR SEAL
000018	<i>Tursiops truncatus</i>	BOTTLENOSE DOLPHIN
000009	<i>Spheniscus demersus</i>	AFRICAN PENGUIN / CAPE PENGUIN
000029	<i>Phoenicopterus ruber</i>	AMERICAN FLAMINGO
000004	<i>Ara chloropterus</i>	RED-AND-GREEN MACAW / GREEN-WINGED MACAW
000002	<i>Ara macao</i>	SCARLET MACAW
000001	<i>Ara militaris</i>	MILITARY MACAW
000005	<i>Ara ararauna</i>	BLUE-AND-YELLOW MACAW / BLUE-AND-GOLD MACAW
000001	<i>Ara, Anodorhynchus, Primolius, Diopsittaca spp hybrid</i>	MACAW HYBRID
000002	<i>Amazona autumnalis</i>	RED-LORED PARROT / RED-LORED AMAZON
000001	<i>Cacatua galerita</i>	SULPHUR-CRESTED COCKATOO / GREATER SULPHUR-CRESTED COCKATOO
000003	<i>Cacatua alba</i>	WHITE COCKATOO / UMBRELLA COCKATOO
000001	<i>Cacatua moluccensis</i>	SALMON-CRESTED COCKATOO / MOLUCCAN COCKATOO
000001	<i>Psittacus erithacus</i>	CONGO AFRICAN GREY PARROT / GRAY PARROT
000098	<b>Total</b>	