



### Inspection Report

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

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

Type: ROUTINE INSPECTION  
Date: 17-JUL-2023

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#### 2.40(a)(2)

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

The facility failed to recognize veterinary authority. Records indicate that on numerous occasions, the attending veterinarian (AV) made the determination that certain actions needed to be taken, these determinations were not followed, or her authority was ignored.

- On January 3, 2023, after treatment for foreign body ingestion, the AV determined that the current enclosure was no longer suitable for the pacific white-sided dolphin "Elelo" and recommended that he be transferred to another facility. The transfer had not yet happened at the time of inspection.
- On July 6, 2023, after noting continued foreign body ingestion by "Elelo", the AV determined that the facility did not have the equipment to keep this animal in the current pool as the pool needs to undergo a significant amount of maintenance and there is a repeat risk of foreign body ingestion. The AV stated that she contacted the administration to try and expedite the process and plan to ship the animal to another facility as mentioned six months earlier.
- It was reported by several employees that a newly appointed corporate trainer, in charge of dolphin training, was instructing other employees not to contact the AV and undermining her authority, which created a very stressful environment. A Chain of Command chart was displayed in the trainer's office at Top Deck. This chart showed him at the top of the chain and did not include the AV. When asked, he stated that he did not report to facility management but instead answered to two corporate personnel. Numerous other employees reached out anonymously but hesitated to give formal statements for fear of retaliation.

Failure to ensure that the attending veterinarian has appropriate authority over the veterinary care of the animals can lead to unnecessary stress, discomfort, and suffering of the animals.

Each dealer and exhibitor shall assure that the attending veterinarian has appropriate authority to ensure the provisions of adequate veterinary care and to oversee the adequacy of other aspects of animal care and use. To be corrected from this day, (date of finalized report), forward.

#### 2.40(b)(1)

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

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**Prepared By:** CHARLES PALMER  
USDA, APHIS, Animal Care  
**Title:** VETERINARY MEDICAL OFFICER

**Date:**  
27-SEP-2023

**Received by Title:** Facility Representative

**Date:**  
27-SEP-2023



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The facility failed to provide proper equipment or services to ensure adequate veterinary care.

- On July 5, 2023, the AV noted that the gastroscope was very outdated and not working properly. She recommended purchasing a new system. This was not yet approved at the time of inspection.
- The facility does not own scales that can be routinely used at all enclosures. As a result, the three adult manatees held at the facility, have not been weighed in more than 5 years.

Properly functioning equipment is necessary for diagnosing, treating and maintaining the health of the animal. Accurate weights are essential for dosing medications and providing adequate routine care.

The facility shall ensure the availability of appropriate equipment and/or services to provide adequate veterinary care. To be corrected by August 25, 2023.

### 2.131(c)(1)

#### Handling of animals.

On March 19, 2023, a member of the public was bitten on the hand by “Gemini”, a dolphin housed at Dolphin Harbor, during a “Meet and Greet” interaction with another dolphin. “Gemini” broke from station and swam towards the group of guests as they had their hands on the surface of the water, waiting to touch the other dolphin as she swam by. As trainers instructed the guests to withdraw their limbs, “Gemini” popped up and grabbed one of the guest’s hand. The girl pulled her hand back with “Gemini’s” mouth still closed. “Gemini” let go but stayed in front of the guests as they stood up.

Inadequate handling or control of animals during public interactions can lead to injury of the public and the animals.

During public exhibition, any animal must be handled so there is minimal risk of harm to the animal and to the public. To be corrected from this day, (Date of finalized report), forward.

### 3.101(a)(1)

Repeat

#### Facilities, general.

The facility failed to maintain a marine mammal enclosure in good repair and protect the animals from injury. On January 3, 2023, “Elelo”, a five-year-old pacific white-sided dolphin housed in Pompano pool 3, underwent a gastroscopy procedure to identify and remove foreign material from his digestive tract. The procedure successfully removed a plastic zip tie, a piece of broken plastic, and what was described as a large piece of cement. Zip ties are used to secure the fencing around the sides of the pool, the broken plastic was determined to likely be from a target pole, and divers noted that the floor of the pool has a layer of broken, flaking cement. On July 5, 2023, “Elelo” was once again suspected to have a foreign body. He was made to regurgitate, producing sand and glass filtration media.

Enclosures that fall into states of disrepair may no longer be able to safely contain the animals and may produce foreign material which could be ingested and become injurious to the animals.

Indoor and outdoor housing facilities for marine mammals must be structurally sound and must be maintained in good repair to protect the animals from injury.

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#### 3.103(b)

##### Facilities, outdoor.

The facility failed to provide protection from the weather or direct sunlight. At Pompano Pool 1, housing an adult male manatee, records indicated the overhead tarp was removed for 10 days in March of 2023 and for an unspecified number of days in April of 2023. This left no natural or artificial shade to protect the animal from direct sunlight.

Direct sunlight can adversely affect the animal's health, especially skin and eye health.

Natural or artificial shelter shall be provided for all marine mammals kept outdoors to afford them protection from the weather or from direct sunlight. Corrected by the time of inspection.

#### 3.108(a)

##### Employees or attendants.

The facility failed to maintain a sufficient number of adequately trained employees. 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. As a result, all routine samples were placed on hold so that non-routine/unwell animals could be prioritized. By June 17, 2023, three veterinary technicians resigned leaving a single veterinarian and zero full time support staff. At the time of inspection, only one of four, open technician positions was filled and two associate veterinarian positions remained vacant, resulting in the continued prioritization of sick and/or urgent cases until additional staff can be obtained.

Insufficient staffing can result in poor husbandry practices and the inability of the veterinary team to provide routine care and maintenance of the animals.

A sufficient number of adequately trained employees or attendants, responsible to management and working in concert with the attending veterinarian, must be utilized to maintain the prescribed level of husbandry practices. To be corrected by October 25, 2023.

#### 3.109                      Critical

##### Separation.

On February 27, 2023, a CT scan conducted on "Bimini", revealed the 23-year-old female dolphin, housed at Dolphin Harbor, had multiple bilateral rib fractures in various stages of healing. These injuries were incidental findings and determined to likely be caused by conspecific aggression. Once the injuries were known, the facility placed the animal in a safer group. Housing incompatible animals together can negatively impact their health and welfare and may cause serious injury and even death. Marine mammals must not be housed in the same enclosure nor be housed near other animals that cause them unreasonable stress, discomfort or interfere with their good health. Corrected by the time of inspection.

"Romeo", an adult male manatee has been housed alone in Pompano Pool 1 since the 3 juvenile manatees he was housed with were released back to the wild in the Spring of 2023. Although numerous attempts have been made to

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acquire another manatee, it was determined that the facility did not yet meet the requirements to receive another animal.

Manatees are semi-social animals and do better medically and psychologically when they are housed in pairs or groups. Marine mammals, whenever known to be primarily social in the wild, must be housed in their primary enclosure with at least one compatible animal of the same or biologically related species. To be completed in two phases; Phase 1: Develop a written plan approved by the attending veterinarian, developed in consultation with the husbandry/training staff, that includes the justification for the length of time the animal will be kept separated or isolated, information on the type and frequency of enrichment and interaction, if appropriate, and provisions for periodic review of the plan by the attending veterinarian. Phase 2: Implement the plan and return to compliance. Phase 1 to be corrected by August 8, 2023. Phase 2 to be corrected by October 25, 2023.

This inspection and exit interview were conducted with facility representatives.

Additional Inspectors:

KRISTIN NAPOLI, SUPERVISORY ANIMAL CARE SPECIALIST

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### Species Inspected

Cust No	Cert No	Site	Site Name	Inspection
6011009	58-C-1252	001	Miami Seaquarium	17-JUL-2023

Count	Scientific Name	Common Name
000013	<i>Zalophus californianus</i>	CALIFORNIA SEA LION
000008	<i>Phoca vitulina</i>	HARBOR SEAL
000020	<i>Tursiops truncatus</i>	BOTTLENOSE DOLPHIN
000003	<i>Trichechus manatus</i>	CARIBBEAN MANATEE
000002	<i>Lagenorhynchus obliquidens</i>	PACIFIC WHITE-SIDED DOLPHIN
000046	<b>Total</b>	