

We are Valerie Greene, JD, a former SeaWorld Senior Trainer, Dr. Jenna Wallace, former Assistant Attending Veterinarian at the Miami Seaquarium and key witness in the 2021-2022 USDA inspection, and Joseph Kleiman, a trade journalist covering zoo and aquarium design and operations. Together, we have more than thirty years experience working with animals in zoos, aquariums, veterinary hospitals, and wildlife rescue facilities. Fate brought us together through our common concern for a single captive whale.

In the heat and humidity of Miami, Florida, an orca from the waters of Washington state has lived alone without another of her kind for more than forty years. Tokitae, also known by the stage name Lolita, has remained in that tank with only dolphin companions since 1980. The tank is the smallest in the world housing a killer whale, at 80 feet by 35 feet, with a huge concrete barrier that rises from the bottom of the tank splitting the pool into two separate areas. The depth of the tank is only 20 feet. Tokitae is 22 feet long.

In 2015, [NOAA added her](#), under the [Endangered Species Act \(ESA\)](#), to the listing of the [Southern Resident Killer Whale](#) population from which she was taken. But last year, in an unprecedented move, the USDA issued a license to the new owners of Miami Seaquarium that [excluded the structure housing this orca](#) from the park's license. As a result, she is barely under government oversight today.

This perplexing action was approved by senior USDA management even though just nine months earlier, in September 2021, the USDA issued [a scathing 17-page report](#) documenting numerous violations of the Animal Welfare Act (AWA), including feeding rotten fish to Tokitae, poor water quality and staff disregarding veterinary advice.

Despite Tokitae not being under the USDA's supervision, the new owners of the park continued to receive citations from the federal government. [A September 2022 USDA report, referred to as "disturbing" by the county](#), reported multiple instances of dolphin aggression on both trainers and visitors due to food deprivation, among other things.

Higher up the government food chain, [Animal Care Deputy Administrator Betty Goldentyer was subpoenaed](#) in 2022 by a federal grand jury investigating lab animal breeder Envigo. The Department of Justice [seized 4,000 beagles](#) after the USDA repeatedly documented mistreatment but failed to act. [Goldentyer retired](#) in April 2023.

This is the same Betty Goldentyer that [in 2012 stated that Tokitae's tank met AWA standards](#) and that the grandstand's roof provided appropriate shade for the tank, a claim [contradicted by the 2021 USDA inspection](#). For decades, USDA has selectively disregarded the fact that Tokitae's tank does not meet the federally mandated minimum size requirements for a killer whale. Dr. Wallace alerted DOJ investigators in the Envigo case that Tokitae, under the USDA and Goldentyer, lost primary federal protections when a license was granted to new owner The Dolphin Company that did not include the orca.

The tank has long been a point of contention. Miami-Dade County Commissioner [Raquel Regalado told NBC News in February 2022](#), weeks before the transfer of ownership, that "She [Tokitae] has pneumonia. She is getting better, but she has been very sick and she's an older whale, we've known that the tank is small and there's [been] a lot of issues for some time ..."

Now, the entire stadium surrounding her is a risk factor for both Tokitae and her caretakers. Within an 18-month period, the Miami-Dade Board of Unsafe Structures [went from allowing the stands to be filled with park guests to limiting occupancy of the structure to only 10 people](#).

[Miami-Dade politicians have partnered with The Dolphin Company and the non-profit Friends of Toki](#) to repatriate the orca to her home waters in Washington state. The project is being financed by Indianapolis Colts owner Jim Irsay. The timeline given in March 2023 was eighteen to twenty-four months.

This poses a problem. Hurricane season runs from June 1 through November 30, which places Tokitae in her tank for two whole hurricane seasons.

[The conditions of the stadium are worse now](#) than when the last hurricane hit the park. The building has been allowed to deteriorate for the past few years to the point where a chain link fence circles the tank. [Per the park's attorney, repairs to any part of the structure would be disruptive to Tokitae](#).

The partnership is committed to moving Tokitae directly to a sea pen in Washington. That decision will be up to federal regulators, and it will be a lengthy process. In Canada, where the non-profit Whale Sanctuary Project (WSP) has been developing a sanctuary, [conversations between its Executive Director, Charles Vinick, and government agencies](#) have been ongoing for more than three years. [A Canadian orca named Kiska that WSP proposed be donated for its sanctuary](#) died earlier this year without construction even having commenced.

Vinick is also co-founder and board member of Friends of Toki, tasked with Tokitae's move. Yet, more than a year after the organization began caring for her, she remains in [a crumbling tank](#) surrounded by a crumbling structure with no hurricane evacuation plan in place.

Time is running out. Hurricane season is upon us and for her safety and that of her caretakers, Tokitae must be removed to another tank, with a medical pool with a lift and scale, where she can continue her treatment and training in preparation for the next step in her life.

The easiest thing to do would be to move her to an existing theme park tank. However, we have sent a simplified outline to Jim Irsay on what's needed to build a standalone tank, independent of any park, where she can continue her regimen. Our outline was shared with the co-founders of Friends of Toki. They are aware.

A different tank is imperative for the safety of Tokitae and her caretakers. Once safe, then the powers that be can decide the next move.

But tick tock, storm clouds are forming.

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