



Should Lolita be freed? What's next for her and other large marine mammals in captivity. 5:19

TOURISM

Lolita may never go free. And that could be what's best for her, scientists say

BY CHABELI HERRERA

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For nearly 25 years, the Miami Seaquarium's killer whale, Lolita, has been the star of a sequel that has never been made.

In 1995, inspired by the original tale of Keiko, the whale in the 1993 film "Free Willy," a Washington state governor sought to make Lolita the next captive killer whale returned to the ocean. A fundraising campaign ensued, and soon it seemed that Free Lolita could be the next real-life Free Willy.

Former Gov. Mike Lowry's vision has since spawned hundreds of thousands of dollars in donations, more than a dozen lawsuits and annual protests at the Miami Seaquarium on Aug. 8 — the anniversary of Lolita's 1970 capture off Puget Sound. Moms with their kids, college students in whale costumes and out-of-state advocates turn up on Virginia Key each year to support the Free Lolita movement.

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But often lost in the well-meaning attempts to return Lolita home is one central question: Is freedom really what's best for her?



Lolita the killer whale swimming at the Miami Seaquarium on Wednesday, Aug. 30, 2017, in Key Biscayne.

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The orca, now about 50 years old, remains the last known survivor of the group of more than 50 whales captured 47 years ago. Since her mate died of a brain aneurism in 1980, she has become the only solitary orca in captivity, where she lives in the smallest killer whale tank in the nation.

As the years have passed, the likelihood of her return to the sea — and her ability to adjust

to that change — has become less likely, said Russ Rector, a long-time marine mammal advocate. Lolita’s identity as a living being has been usurped, he said.

“She is just a casualty of captivity and the activists. She has become an icon that quite frankly, nothing has been done for her except a slogan: ‘Free Lolita, Free Lolita,’ ” Rector said. “I’m sure Lolita appreciates that.”

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Russ Rector, animal activist


In recent years, Lolita’s story has been awash in a tidal wave of public opinion that has crashed against marine parks that house captive animals. Kick-started by the release of “Blackfish,” a 2013 documentary detailing the plight of orcas in captivity, the change in public perception has caused shares of marine theme park company SeaWorld to sink by about 40 percent this year alone. Key to that shift was the death of trainer Dawn Brancheau, who was killed by an orca following a performance at SeaWorld Orlando in 2010. SeaWorld has since announced it would end its breeding program for captive orcas.

The “Free Lolita” movement has outlived even its creator, Lowry, who died in March. But the donations keep piling up, the protests go on, and plans for her release continue to resurface.

Just last month, former Miami Beach Mayor Philip Levine and the Miami Beach City Commission unanimously passed a resolution urging the Seaquarium to retire Lolita based on the recommendations of a long-standing plan originally created in 1995 by Washington-based nonprofit Orca Network. It involves transferring Lolita to a seaside sanctuary in the Pacific Northwest, an area very similar to her native home, teaching her to fend for herself, and eventually releasing her back into the wild.

But at this point in her life, Lolita may never get to test the Orca Network’s plan. She may never be the sequel.

And that’s probably in her best interest, some experts say.



Protesters dressed in whale costumes demonstrate outside of the Miami Seaquarium in Key Biscayne on Tuesday, Aug. 8 2017 — the anniversary of Lolita's capture from Puget Sound 47 years ago.

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The Challenge of Release

It was late one night in 1989 when Craig Pelton, then a young whale trainer, snuck into the whale stadium at Miami Seaquarium after it closed and waded into the 50 degree water.

After-hours whale swims were categorically prohibited, so, naturally, the trainers did it from time to time, Pelton said. It was a time before “Blackfish,” before a trainer had been killed by a captive whale, before the “Free Lolita” movement started making waves.

In the water, Pelton watched as Lolita swam over. The orca was in her mid-20s by then, about 20 feet long and 7,000 pounds. A full moon illuminated the stadium below.

Lolita paused and put her pectoral fin under his body — then she snuggled to his side. On Pelton’s other side, Lolita’s tank mate Makani, a Pacific white-sided dolphin, did the same.

“I laid there for about five, 10 minutes, all three [of us] at the surface,” Pelton said. “She was just a sweet animal that was just amazing to work with.”



Miami Seaquarium manager of animal training Marni Wood kisses Lolita the killer whale at the Miami Seaquarium on Wednesday, Aug. 30, 2017, in Key Biscayne.

David Santiago - dsantiago@elnuevoherald.com

By the time he left the park in 1991, Pelton said he learned how limited Lolita's ability to adjust to new surroundings already had become. Pelton, now an assistant clinical professor at the University of Florida's veterinary college, recalls the day he started at the

Seaquarium, when the park installed a slide-out platform to her tank for performances. Lolita struggled to adjust to the change, Pelton said.

“The running joke was that if you were going to build her a new whale stadium, you have to build it next to the old one and put a gate between them to come home at night,” he said. “Even then, her ability to change to new things wasn’t that great.”

Change and assimilation are at the heart of the argument against Lolita’s release.

The Miami Herald spoke to a dozen experts on killer whales around the nation. They included experts without a stake in Lolita’s case, some who worked on the Keiko release project, scientists currently working on seaside sanctuary projects for aquatic mammals and her caretakers at the Seaquarium.

The vast majority said they would advise against moving Lolita to the Pacific Ocean or a seaside sanctuary.

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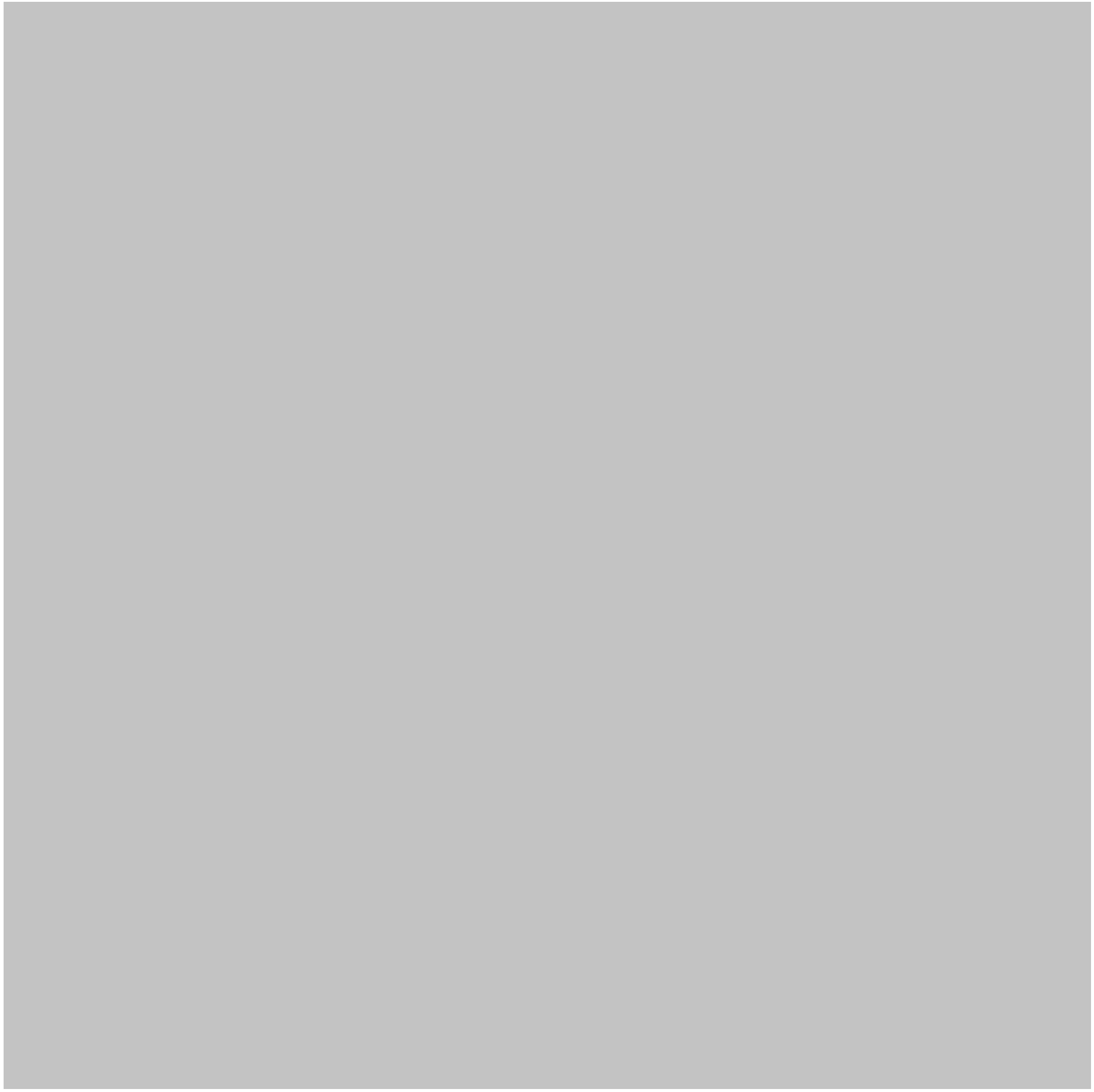
THIS IS ONE REAL ANIMAL THAT I THINK PEOPLE ON BOTH SIDES OF THE CONVERSATION HAVE TO STEP BACK AND SAY, ‘WHAT’S BEST FOR THIS PARTICULAR ANIMAL AT THIS PARTICULAR STAGE OF HER LIFE?...IT’S PROBABLY BETTER TO LEAVE THE ANIMAL WHERE SHE HAS LIVED FOR THE PAST 47 YEARS.

Douglas Wartzok, professor emeritus and professor of biology at Florida International University

“You have to face the fact that this is not a theoretical animal. This is one real animal that I think people on both sides of the conversation have to step back and say, ‘What’s best for this particular animal at this particular stage of her life?’ ” said Douglas Wartzok, professor emeritus and professor of biology at Florida International University, who has a Ph.D. in biophysics. “It’s not an easy answer, [but] my opinion is it’s probably better to leave the animal where she has lived for the past 47 years.”

Wartzok and others argue that the stress of moving Lolita could be catastrophic. Together, the costs involved in building her a new facility, the kind of veterinary care necessary for her at this stage in her life, the risks she could pose to the wild population and the negative impact a new environment could have on her health are, they say, insurmountable.

They point to a test pilot for this kind of release: Keiko.




Keiko, the killer whale, is carried by cradle into a pen at Heimaey, Iceland, on Thursday, Sept. 10, 1998. Keiko died from pneumonia about a year after his full release into the wild.

DON RYAN - AP

Known as “Willy” to film buffs, the real life Keiko was captured when he was about 3 years old and lived in a small tank in a Mexican amusement park until the time pictured in “Free Willy,” a film about a boy who trains the whale to jump to freedom at a marine park. Following the film, scientists worked for years to ween Keiko off his dependency on human interaction, preparing him for his eventual release to the wild.

A study of his case released in 2009 in *Marine Mammal Science*, a peer-reviewed journal, found that Keiko repeatedly swam back to his caretakers' boat, even though his caretakers tried to ignore him to encourage him to swim off on his own. Alone in a Norwegian fjord, Keiko eventually died of pneumonia about a year after his full release. The study concluded his release was "not successful."

"The release of Keiko demonstrated that release of long-term captive animals is especially challenging and while we as humans might find it appealing to free a long-term captive animal, the survival and well being of the animal may be severely impacted in doing so," the study found.



Keiko, the killer whale who became famous as the star of the 'Free Willy' films, is patted by Janne Husby of Norway in the Skaalvik Fjord, in Halså, some 250 miles northwest of the Norwegian capital of Oslo, on Sept. 4, 2002. Keiko died from pneumonia about a year after his full release into the wild.

GORM KALLESTAD - AFP

Keiko, who died at about 26, struggled to adjust without human contact and was unable to assimilate to the wild population, said Mark Simmons, who was the director of husbandry on the Keiko project before leaving it after disagreements over wildlife

practices. Lolita has been in captivity nearly twice as long, he said, making it far less likely she will be able to adjust to a new environment.

“You would have to be just so incredibly careful about how you approximate that change. You can’t control the heavy metal toxicity in the water that is prevalent in our coastal regions. You can’t control the pathogens, the bacteria; her immune system is not adept,” said Simmons, who also authored a book on Keiko’s death called “Killing Keiko.”

“If you gave me a blank check and said, ‘You can do whatever you want to Lolita,’ personally I wouldn’t touch it with a 10-foot pole.”

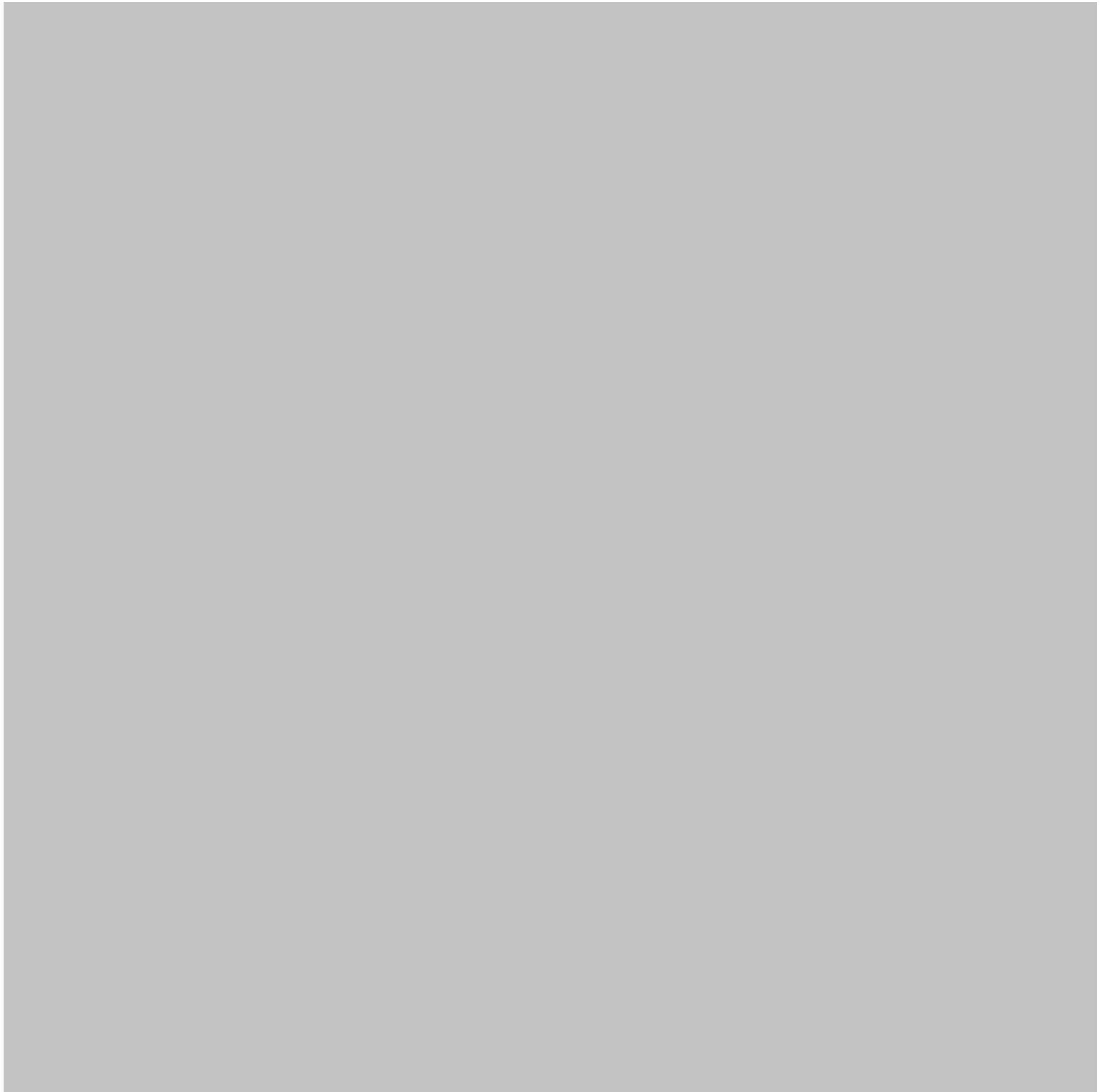
Seaside Sanctuary?

But some believe Lolita could thrive in a controlled, more natural environment — even if that means she may never be released to the ocean.

Maddalena Bearzi, president and co-founder of the California-based Ocean Conservation Society, said a seaside sanctuary could be an option. Bearzi has a Ph.D. in biology.

“It’s true that the psychological damage of Lolita’s sensory and physical isolation and deprivation of social bonding due to captivity is probably somehow already permanent in her,” Bearzi said via email. “Nevertheless, I have no doubt that Lolita would highly benefit from being released to a more appropriate environment such as a sea pen in her native waters.”

Some scientists working on seaside sanctuary projects agree. They’re working on the world’s first permanent sea pen projects.



A visitor sits on top of Mount Constitution, part of Moran State Park and the highest point of the San Juan Islands, where Orca Network hopes to one day build Lolita's seaside sanctuary.

Maddie Meyer - TNS

Orca Network's Lolita plan, for instance, has been around since 1995. The detailed, \$3.6 million plan would first have Lolita swim into a sling at the Seaquarium that is then lifted by a crane and lowered into a large container half-filled with ice water. The container would be transported to Miami International Airport and loaded onto a military transport

aircraft approved for animal transport, which would make the seven-hour flight to Bellingham International Airport in Washington state. Her container would then be transported via truck to a sea-pen site at Eastsound, Orcas Island.

There, she would be cared for by her current staff of trainers and veterinarians, and be given the same medications and the same cuts of fish she eats at the Seaquarium, Orca Network suggests. The cost of the plan, without her release into the wild, is about \$2.9 million and an additional \$1.4 million annually for upkeep.

“Lolita’s close kin will be nearby and she’ll be offered ample human care and companionship indefinitely if she so chooses,” said Howard Garrett, co-founder, director and president of the board at Orca Network. Garrett, who has a degree in sociology and has been working on whale research since 1980, believes Lolita could be safely transitioned to the new site.

SEVERAL SEASIDE SANCTUARY PLANS ARE IN THE WORKS, WHICH CALL FOR MOVING LOLITA TO A NETTED COVE NEAR HER NATIVE WATERS.

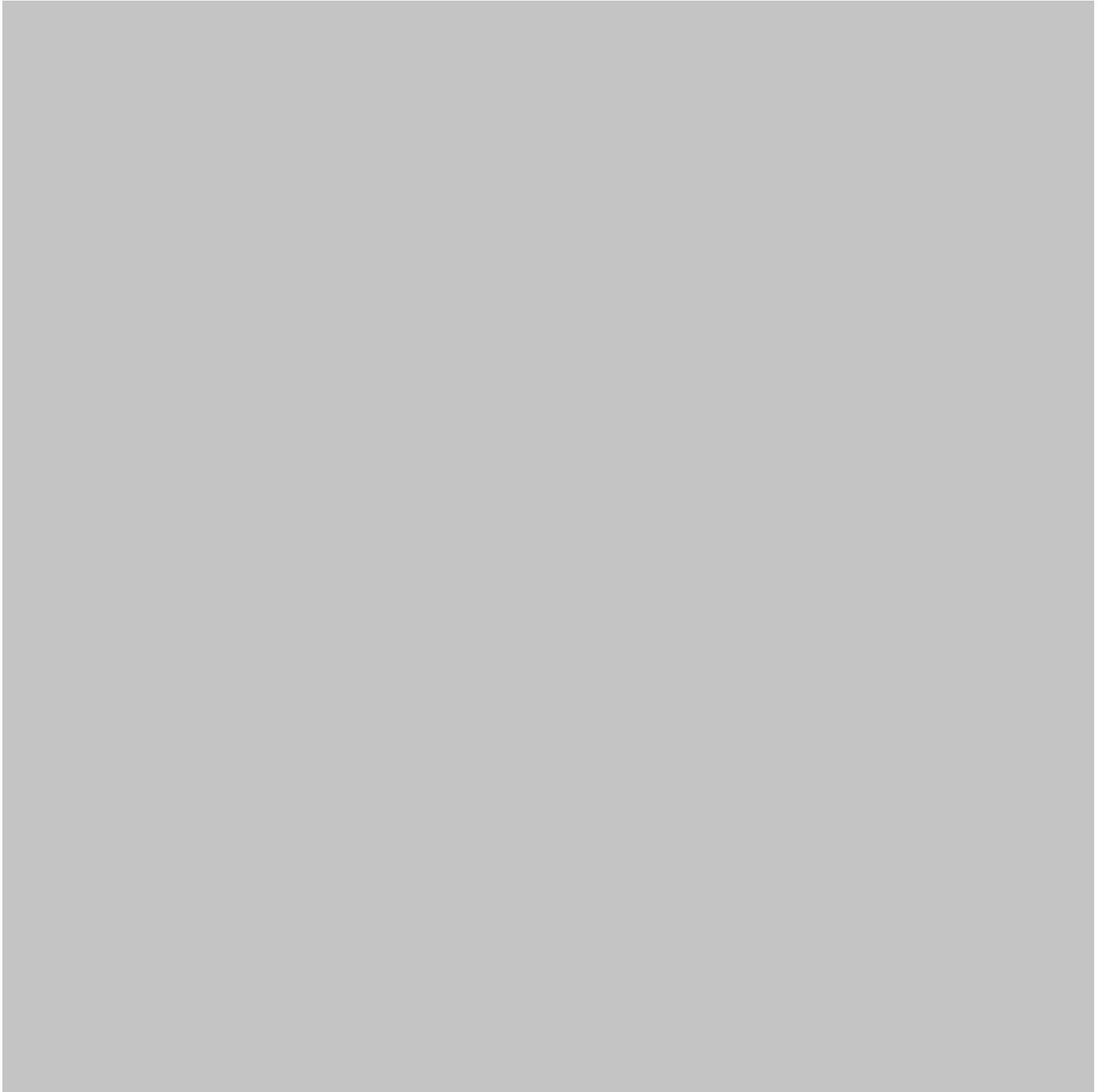
A more recent plan seeks to build a sea pen in the Pacific Northwest or Nova Scotia to house six to eight orcas in the coming years.

The site, in development from not-for-profit organization The Whale Sanctuary Project, is seeking a netted-off cove or bay about 100 acres in size, with good water flushing, said Lori Marino, president of the Whale Sanctuary Project. Once the location is chosen, the organization plans to build a full-service marine mammal veterinary clinic and an education center where visitors can see the whales from afar. No breeding would be allowed.

The project would be an enormous undertaking, with a cost of \$15 million to \$20 million to build and another \$2 million a year in operating costs, Marino predicts. Whether Lolita would be a good candidate for the sanctuary is still unknown.

“There is absolutely no doubt that if she were to be successfully transferred to a seaside sanctuary, the circumstances of her life would just be enormously changed,” Marino said. “That doesn’t mean there isn’t a risk and before any kind of decision like that we would

have to really see what her health was, what kind of pathogen load she was carrying. You can't just take the whale and transfer her into a new environment and say, 'Well, she is going to thrive.'”



In this photo taken July 31, 2015, an orca whale leaps out of the water near a whale watching boat in the Salish Sea in the San Juan Islands, Washington.

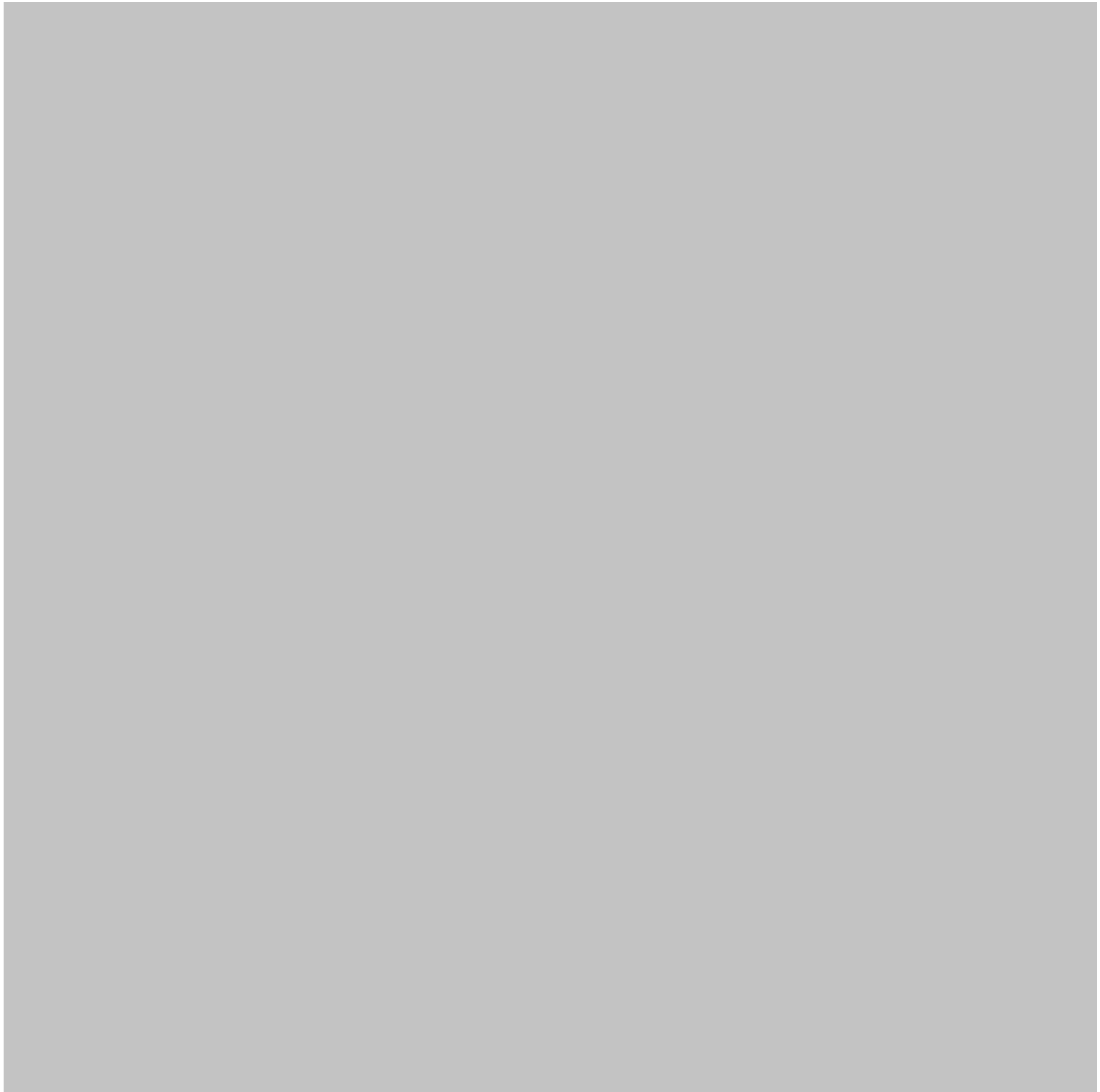
Elaine Thompson - AP

There is also critical concern that Lolita may harm an already overstressed Southern Resident killer whale population, an endangered community in the Northwestern Pacific whose numbers have been declining rapidly in recent years because of pollution, vessel noise and food shortages.

“The last thing we would want to do is introduce a whale into that environment where it could have a negative impact on the Southern Resident orca,” Marino said.

And, the same issues that pose a threat to the orca population may also pose a threat to Lolita were she to be retired to that region, said Shari Tarantino, president of the board of directors at Orca Conservancy, a Washington-based nonprofit organization.

“The Salish Sea is a primary shipping route for fossil fuels, and a sanctuary facility could trap her in an oil spill. It is an area used for military exercises that may have resulted in fatalities of wild killer whales. There have been disease outbreaks that have resulted in unusual mortality events of other cetaceans at a time when killer whale mortality was also high. Smoke and ash from fires currently pose risks to respiratory health,” Tarantino said via email.



In this undated photo provided by the University of Washington, Southern resident killer whales swim off the coast of San Juan Island, Washington. A study published on June 29, 2017, says that the small population of endangered Puget Sound orcas are having pregnancy problems because of stress from not getting enough salmon to eat.

Jane Cogan - AP

While the organization advocates for Lolita's release, she said, it also is concerned about Lolita's ability to survive in a new environment.

“Killer whales and other cetaceans that have been in a facility for more than about two years have exhibited increased mortality rates when moved to a new setting,” she said. That holds true whether the orca was captured from the wild, transferred between aquariums, or released to the wild.


“Thus she would be a bad candidate for moving out of her current facility.”

Closed Window

Lolita may have had a window of opportunity for release 25 years ago, when the “Free Lolita” movement began, said Rector, the activist who has been working for decades to shut down the Seaquarium and similar facilities.

“Lolita has missed her window because of activists that have blown it. They have used her for a funding source.”

As for unfulfilled plans to build sanctuaries, he said, “If you haven’t done something in 20 years, you are probably not going to do it.”



Animal activist Russ Rector holds a Miami Seaquarium shot glass at his Fort Lauderdale home on Nov. 2, 2017. Rector believes moving Lolita, an orca who has lived most of her 50 years alone in an arguably small tank at the Miami Seaquarium, would face a number of hurdles to be successfully transferred to a netted, seaside sanctuary near her original home by Puget Sound.

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Garrett of the Orca Network said the nearly \$13,000 in annual donations the organization has received in the past five years, plus about \$4,000 annually from 2002 to 2013, has gone to raising awareness for Lolita's plight. Any donations for her sea pen reportedly

have gone to a fund in her name created by the Lummi Tribal Nonprofit Foundation, not Orca Network, Garrett said. Figures were not available.

But the window for Lolita's release was officially shuttered in 2015, Rector said.

Until then, Lolita was not covered under the endangered species listing for the Southern Resident Killer Whale because she was captured in 1970, before the Marine Mammal Protection Act was passed in 1972. People for the Ethical Treatment of Animals and other advocacy groups fought to include her in the listing, a move they hoped would bring her new protections from alleged harm and harassment.

Instead, the designation made it more difficult for Lolita to be moved from the Seaquarium.

LOLITA'S MOVE WOULD REQUIRE A PERMIT FROM NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION FISHERIES AND EXTENSIVE SCIENTIFIC RESEARCH.

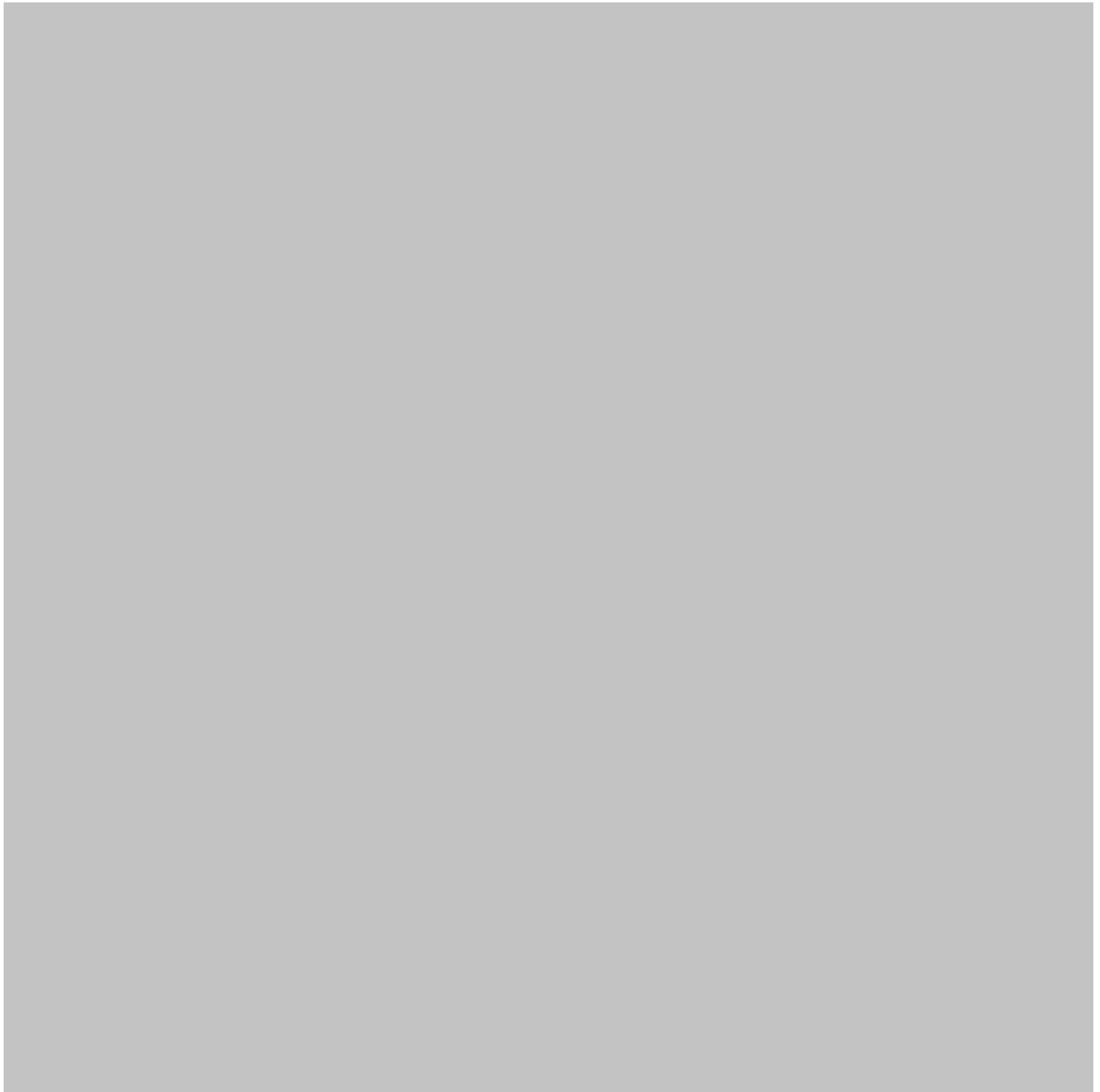
Prior to the designation, a group could have retired Lolita by acquiring her from the Seaquarium, Rector said. Now that she is included, any move would require a permit from the National Oceanic and Atmospheric Administration Fisheries, which would have to ensure that releasing Lolita would not pose a serious risk to her livelihood.

“Any future plans to move or release Lolita would ... undergo rigorous scientific review,” said the National Marine Fisheries Service, the federal agency that oversees Lolita, in its ruling. “Releasing a whale that has spent most of its life in captivity raises many concerns. Previous attempts to release captive killer whales and dolphins have often been unsuccessful and some have ended tragically with the death of the released animal.”

The Tank

All arguments about Lolita end up dwelling on the size of her tank. The 80 by 60 foot concrete pool, bisected by a work island, is part of what fueled the Free Lolita campaign to begin with. It remains a source of consternation for activists and sympathizers.

Pelton, the former whale trainer, said he hopes to see her in a bigger pool one day. Wartzok, the FIU professor, called her tank “not a very good environment for a whale to live in.” Bearzi said Lolita's current environment has “deprived [her] from expressing all aspects of her social and ecological complexity.”



Miami Seaquarium manager of animal training Marni Wood working with Lolita the killer whale at the Miami Seaquarium on Wednesday, Aug. 30, 2017, in Key Biscayne.

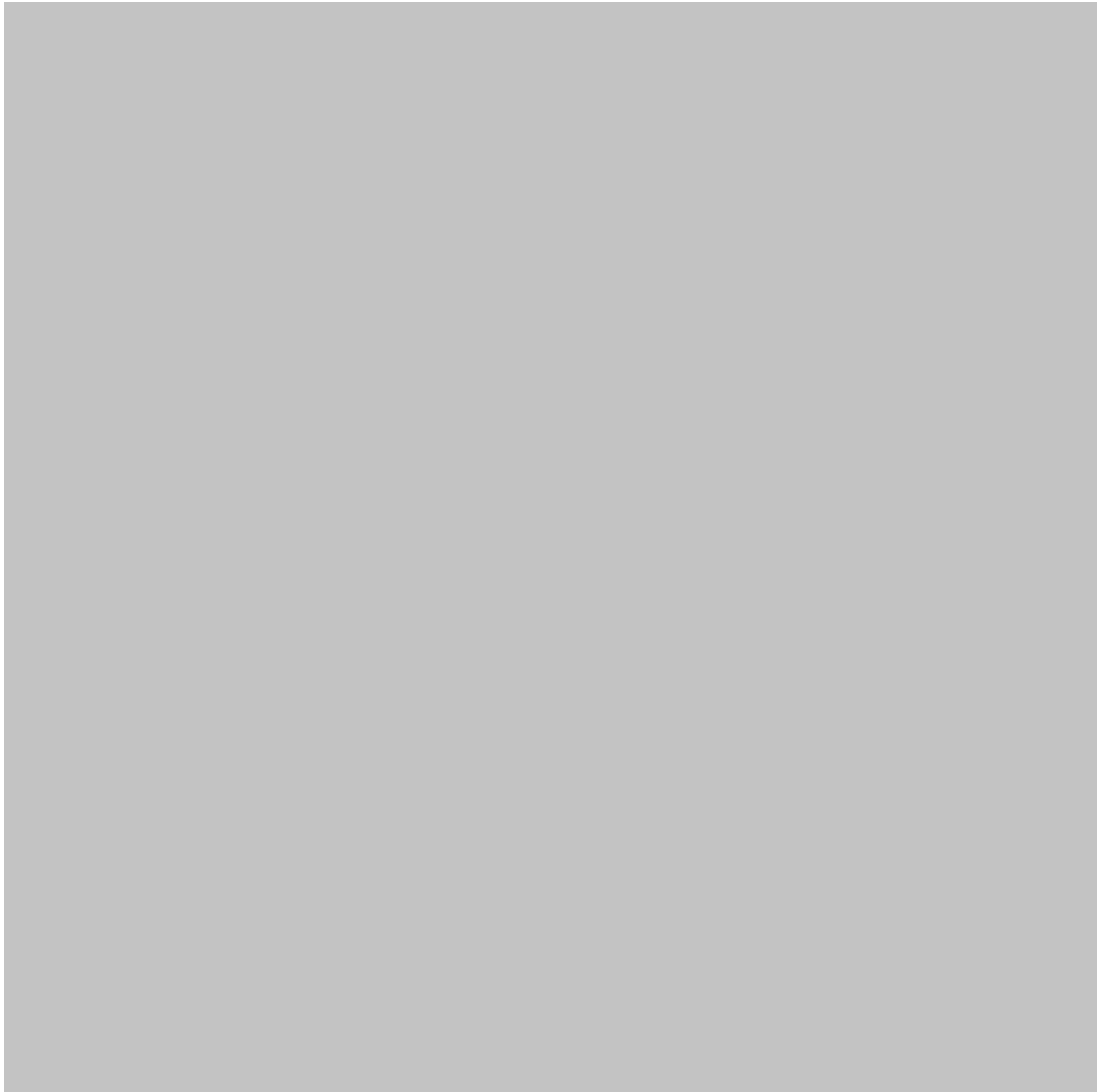
David Santiago - dsantiago@elnuevoherald.com

While the legality of the size of Lolita's tank has been questioned numerous times, including by the U.S. Department of Agriculture's Office of the Inspector General earlier this year, a 1999 ruling by the USDA stands. The tank meets the necessary requirements.

“I don’t think space is relative to the overall health of her,” said Robert Rose, curator emeritus at the Miami Seaquarium, who has been working with Lolita for more than 22 years. “Having that bigger pool or that large ocean isn’t going to help her in any way shape or form. ... Sometimes change is very hard, especially when you get older.”

The Seaquarium strongly refutes that the tank is too small or that Lolita is unhappy, though it did try to build her a larger enclosure in the 1990s.

Then, the park battled the village of Key Biscayne to begin a \$70 million expansion, which called for a new \$9 million to \$10 million whale stadium. The fight lasted nearly a decade.



Barbara Fulchini, foreground, 24, of Miami, and Adriana Pruitt, center, 32, of Miramar, attempt to turn back people at the entrance to the Miami Seaquarium during a protest against Lolita's decades-long captivity on Sunday, Aug. 8, 2015.

Wilfredo Lee - AP

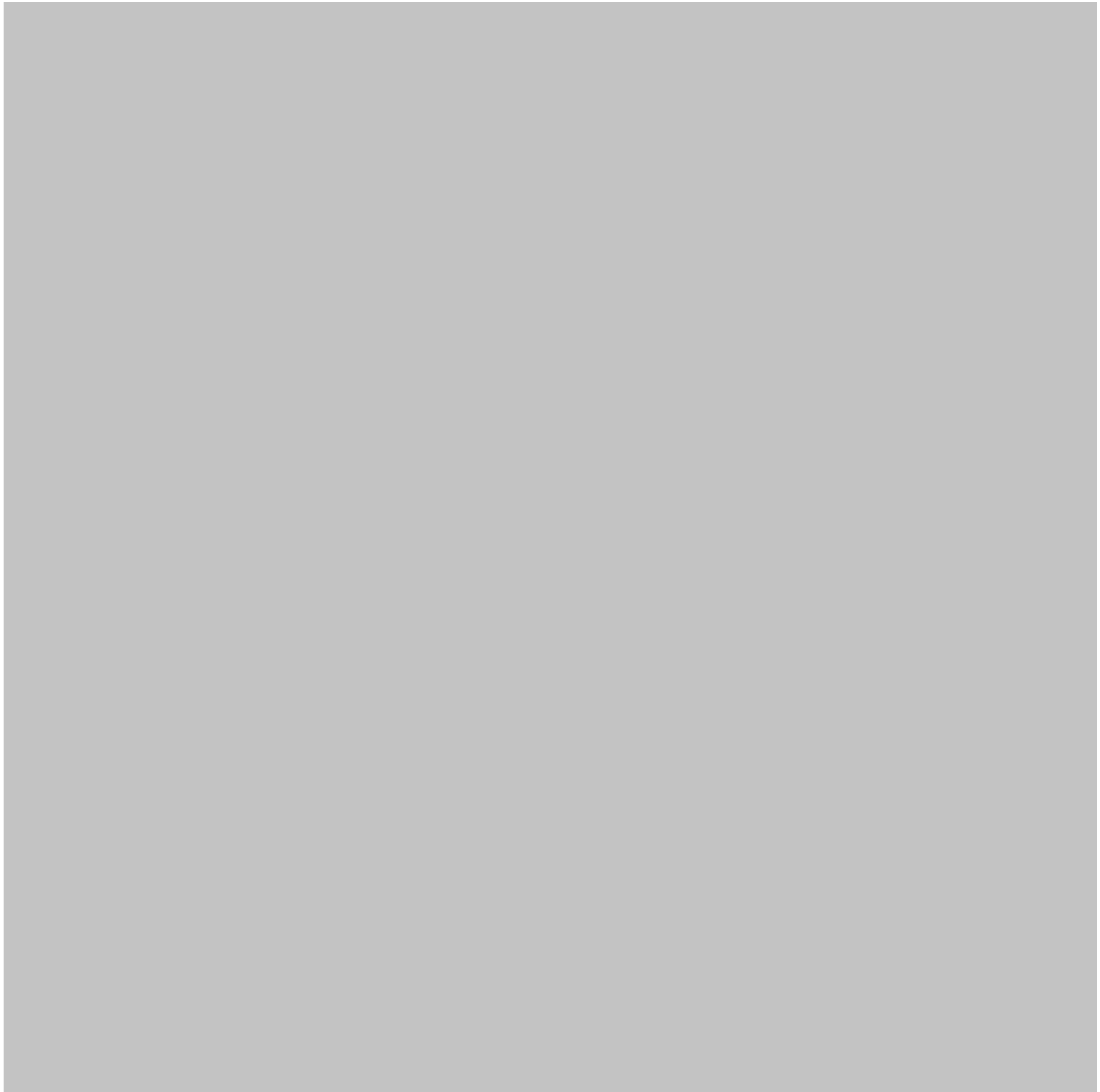
“[We spent] millions of dollars in legal battle with Key Biscayne and we want to Tallahassee twice before the master plan was ultimately denied, and a new killer whale stadium was a part of this plan,” said Eric Eimstad, assistant general manager and chief

marketing officer of the Seaquarium. “But today we have an animal that is [more than 50 years old] and what is really in her best interest? Changing her environment I don’t think in any way would be to her benefit.”

But former village attorney Stephen Helfman claimed that the Seaquarium hid behind its expansion legal battle to avoid building the tank, which was permitted without village approval because it is a marine exhibit.

“That’s the old red herring they love to throw out there, that the village of Key Biscayne won’t let them build a new tank for Lolita,” Helfman told the Herald, as reported in a 1998 article. “We have no problem with them building any size tank they like. They can build away at their whim with regard to a new tank for Lolita.”

But the Seaquarium said it obtained financing and building permits for a new tank groundbreaking scheduled for Sept. 24, 2001. After 9/11, tourism took a nose dive around the country, making it “impossible” to move forward with the plan, the park said in a statement.



A group of children from Ozark, Missouri, watch Seaquarium training manager Heather Keenan interact with Lolita after their afternoon show on Sept. 1, 2010.

MARICE COHN BAND - MIAMI HERALD STAFF

While the Seaquarium, a private entity, won't say how much of its profit is tied to Lolita's popularity, she is something of a rarity. Only three other parks in the country feature a headline killer whale act: SeaWorld Orlando, SeaWorld San Diego and SeaWorld San Antonio.

In SeaWorld Orlando, the orca tanks are about twice as deep as Lolita's, according to SeaWorld, which would only discuss the depth of its tanks.

“You could take Lolita's tank and grandstand and put it in the pool in Orlando and still have pool left over,” Rector said. “That should tell you something.”

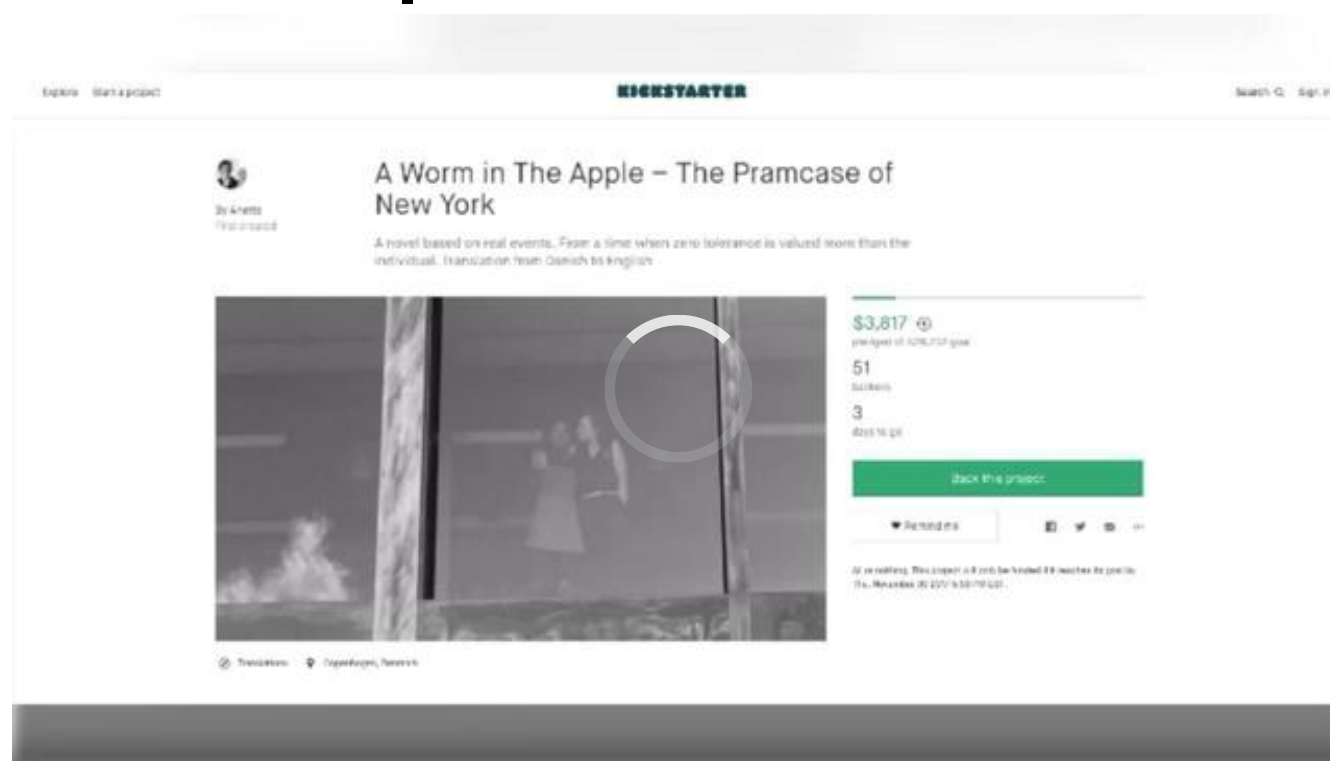
After decades following Lolita's case, he is now convinced she is out of options.

“Lolita is going to die in that tank and there is nothing anybody can do about it,” he said.

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COMMENTS

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Jennofur OConnor

For those with legitimate concerns about Lolita's ability to fend for herself, these questions must be asked: Even if there are risks, aren't we morally compelled to give her the chance? Doesn't she deserve some measure of what she's been denied? Can even the risk of failure outweigh the opportunity for her to spend her last days off-display with some degree of autonomy and self-determination? And of course, she wouldn't simply be dumped into the ocean. The process would

determination? And of course, she wouldn't simply be dumped into the ocean. The process would be a considerable undertaking, with marine biologists, animal behaviorists, and scientists involved in their rehabilitation.

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Lucy Post

Lolita deserves better than to die in the tiny, barren tank where she's been confined for decades. We cannot give up on her.

[Like](#) · [Reply](#) · Nov 20, 2017 10:10am



Kim Marie · San Francisco, California

This headline is a bunch of hooey. Lolita has been confined to tanks for decades - she deserves the chance to live in a reputable coastal sanctuary at the very least.

[Like](#) · [Reply](#) · Nov 20, 2017 9:43am



Allison Marie

Hands down Lolita should be freed to a seaside sanctuary. She has been held captive long enough. She has worked for SeaWorld's profit long enough. It is time for Lolita to profit. It is time for Lolita to be free.

[Like](#) · [Reply](#) · Nov 20, 2017 9:43am



Craig Shapiro · Georgia Southern University

Lolita has been exploited her entire life -- she's owed the opportunity to experience even a taste of the freedom she's been denied. Given orcas' intelligence and resourcefulness, I believe she'll adjust fine in a coastal sanctuary. The chance should be taken.

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