

May 23, 2018

Casey M. Reitz
Permit Specialist, Wildlife Division
State of Michigan Department of Natural Resources

Via email: [REDACTED]

Dear Ms. Reitz:

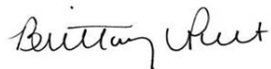
I'm writing on behalf of PETA to alert the Michigan Department of Natural Resources (MDNR) to apparent discrepancies in bear acquisitions and dispositions at Oswald's Bear Ranch, operated by Dean Oswald, and ask that the Wildlife Division investigate Oswald's for any violations of Michigan's Large Carnivore Act (LCA), Mich. Comp. Laws Ann. § 287.1101 et seq., and MDNR's Captive Wild Animal Order.

Upon a meticulous review of public records request responses from both the MDNR and the Department of Agriculture and Rural Development (MDARD), PETA found that:

- Neither agency produced a record of a 2016 transfer of three cubs from an Indiana facility that Oswald's discussed on Facebook
- The MDNR's list of illegal transfers from 2001–2012 has at least 4 illegal transfers missing
- Acquisitions that Oswald's claims to have made were not corroborated with monthly inventory reports
- Oswald's has intentionally misled lawmakers to believe that the ranch is primarily taking in bear cubs who have nowhere else to go, when in truth the ranch has continued to obtain cubs from breeders and hasn't taken in a single orphaned cub from government agencies, if at all, since lawmakers amended the Large Carnivore Act in 2013
- At least three bears who were placed by government agencies at Oswald's were moved to a breeding facility in Arizona

Oswald's discrepancies in record-keeping and track record of operating in bad faith by misleading lawmakers and the public are described in greater detail in the attached appendix. Please investigate these concerns and hold Oswald fully accountable for any and all violations of Michigan law. Thank you for your attention to this matter.

Very truly yours,



Brittany Peet, Esq.
Director, Captive Animal Law Enforcement
[REDACTED]

PEOPLE FOR
THE ETHICAL
TREATMENT
OF ANIMALS
FOUNDATION

Washington, D.C.
1536 16th St. N.W.
Washington, DC 20036
202-483-PETA

Los Angeles
2154 W. Sunset Blvd.
Los Angeles, CA 90026
323-644-PETA

Norfolk
501 Front St.
Norfolk, VA 23510
757-622-PETA

Berkeley
2855 Telegraph Ave.
Ste. 301
Berkeley, CA 94705
510-763-PETA

PETA FOUNDATION IS AN
OPERATING NAME OF FOUNDATION
TO SUPPORT ANIMAL PROTECTION.

AFFILIATES:

- PETA U.S.
- PETA Asia
- PETA India
- PETA France
- PETA Australia
- PETA Germany
- PETA Netherlands
- PETA Foundation (U.K.)

Appendix

a. Apparently undocumented transfer of three cubs from Indiana in April 2016

Oswald shared videos and posts in April and May 2016 discussing the acquisition of three cubs from a facility in Indiana, but neither the MDNR nor MDARD produced a record of this transfer following PETA's records requests submitted in December 2016. The requests were fulfilled in March 2017, so any records of transfers from April and May 2016 should have been included in the responses. Indeed, MDARD produced a Certificate of Veterinary Inspection (CVI) of a May 2016 transfer from Animal Entertainment, Inc. (AEI) in Wisconsin to Oswald's for four male bear cubs (though reportedly only two actually transferred). (*See* Exhibit 1.) However, the timeline below details that there were two different transfers—one from Wisconsin, and an earlier one of three cubs reportedly from Indiana, for a total of five cubs:

- Oswald's [posted to Facebook](#) on April 8, 2016 that they had acquired three cubs from Indiana. (*See* Video 1 and Exhibit 2.)
- On May 9, 2016, the ranch [shared](#) that they were "in the process of receiving more bears who need a place to live and grow worry free." (*See* Video 2 and Exhibit 3.)
- A worker said on [a video posted](#) on May 15, 2016 that the "two sets of cubs are integrating with each other." (*See* Video 3 and Exhibit 4.)
- On May 22, 2016, Oswald's [called for name suggestions](#) for the two additional male cubs, stating that the three cubs acquired in April had been named. (*See* Video 4 and Exhibit 5.)
- Records from the Wisconsin DNR reflect that despite the CVI indicating that four cubs would be transferred to Oswald's from AEI, only two cubs made the trip—which the agency considered illegal. (*See* Exhibit 6 for Wisconsin DNR's summary of the illegal transfer.)
- In [a comment from a post](#) on June 15, 2016, a patron shared that Oswald told her that they had euthanized one of the Indiana cubs. This disposition was not included in the monthly inventory reports received from MDNR. (*See* Exhibit 7.)

b. Oswald's history of illegal bear transfers

As MDNR is fully aware, Oswald's has a history of participating in illegal bear transfers into and out of the state of Michigan. The MDNR compiled a list of these transfers based on Oswald's monthly inventory reports from 2001–2012 (*see* Exhibit 8); however, after reviewing monthly inventory reports and CVIs, it is apparent that at least four transfers were left off that list:

- 2001: 1 M cub, 3 years old, received from Dunbar, WI (*see* May 14, 2001 inventory report, Exhibit 9, p. 9 and MDNR's comprehensive tally of Oswald's bear inventories from 1996–2003, Exhibit 10, p. 2)
- 2004: 1 M cub, 1.5 years old, transferred to a redacted party (*see* November 1, 2004 inventory report, Exhibit 9, p. 20)
- 2009: 2 F cubs, received from Doris Goebel in Indiana (*see* March 14, 2009 inventory report, Exhibit 9, p. 34 and CVI dated March 6, 2009, Exhibit 11, p. 6)
- 2010: 2 M cubs, received from Doris Goebel in Indiana (*see* March 14, 2010 inventory report, Exhibit 9, p. 36 and CVI dated February 26, 2010, Exhibit 11, p. 7)

A U.S. Fish & Wildlife Service investigation in 2011 led investigators to discover that Oswald had repeatedly purchased cubs from out-of-state breeders, specifically from Robert and Deb Virchow in Minnesota and Doris Goebel in Indiana. Oswald was reportedly fully aware that it was illegal and even asked the breeders to falsify government records. (*See* Exhibit 12.)

c. Discrepancies in Oswald's monthly inventory reports

In 2012, Oswald compiled a list since 2000 of all acquisitions from government agencies and breeders, as well as transfers to other captive facilities, presumably to assist MDNR in reconciling the monthly reports to uncover what illegal transfers had occurred. (*See* Exhibit 13.) The transfers on this list are all corroborated elsewhere except for one acquisition of a 4-year-old bear from Minnesota DNR in 2008 (separate from the sow and two cubs also acquired from Minnesota DNR in 2008). There are no monthly inventory reports that mention this acquisition. In MDNR's comprehensive list of acquisitions and dispositions from 1996–2003, there are two mentions of an increase in inventory (in 1997 and 2001) but with no record accounting for these acquisitions. (*See* Exhibit 10.)

There also are no monthly inventory reports that mention the two cubs purchased illegally from Pasty Gauthier in May 2001 (*see* Exhibit 9), as well as the lack of records from the 2016 Indiana acquisition and subsequent disposition—all of which begs the question of whether Oswald has left other information out of monthly inventory reports.

Some disposition records are also baffling when compared with Oswald's acquisition records. The vast majority of the bears that Oswald's has acquired have been cubs, and whenever they have taken in an older bear it is noted very clearly in monthly inventory reports. It is puzzling then that in 2000 a bear named Maude died at apparently 11 years old. (*See* Exhibit 9, p. 6.) That would mean the bear was born around 1989, and there aren't any acquisition records that indicate a bear who matches that age was acquired between 1992 and 2000. Similarly, in 2004, an apparently 25-year-old bear named Griz died from natural causes, which would mean that he would have been born around 1979. (*See* Exhibit 9, p. 18.) There are no records that suggest Oswald was in possession of Maude or Griz before 1992, as the bears he possessed at that time were Susie, Booboo, and Yogi, and their dispositions are noted elsewhere. Either Oswald's original acquisition records of these bears are missing, or their dispositions are misleading.

Additionally, Oswald himself has admitted to hunting bears in the past (*see* Exhibit 12, p. 5 and Exhibit 14). Two disposition records from 2002 and 2006, respectively, say that bears were euthanized because they were "mean" (*see* Exhibit 9, pgs. 10 and 27), and several others between 2003–2006 note that bears were "harvested," which, in common parlance, is a euphemism for saying that animals were slaughtered. (*See* Exhibit 9, pgs. 13, 19, 26, and 27.) Neither euthanizing bears for being "mean" nor "harvesting" them appears to be authorized under the LCA's provisions allowing one to kill a large carnivore he or she sees "chasing, attacking, injuring, or killing" a human being or "[l]ivestock, poultry, or a mammalian pet"¹ or to euthanize a large carnivore who "potentially exposes a human, livestock, or a mammalian pet to rabies."²

d. Oswald's purposefully misleading claims to lawmakers and government agencies

In January 2002, Daniel Garber, the Chief Assistant Prosecutor for Livingston County, wrote a letter intending to provide an analysis of how Oswald was exempt from the Large Carnivore Act (LCA), so Oswald could continue to acquire bear cubs and allow public contact with the animals. The letter made the basis for this exemption in part on the understanding that Oswald had "provided homes for many orphaned or abandoned bears." (*See* Exhibit 15.) According to Oswald's own list of bears acquired from government agencies beginning in 1992, only 5 rescued bears had been brought to

¹Mich. Comp. Laws. Ann. § 287.1111(1).

²*Id.* § 287.1110.

Oswald's at the time this letter was written. (See Exhibit 16.) In that same 10-year time period, records show that Oswald had purchased or received 19 cubs from breeders or parties other than government agencies.³ (See Exhibits 9 and 10.)

In January 2013, Oswald advocated to the Governor's office to allow his for-profit venture of cub photo ops to continue, claiming that "allowing bear cubs to be rescued" was a matter of "urgency" and a "needed effort." (See Exhibit 17). This information was provided to lawmakers in bad faith. In 26 years, records show that Oswald has legitimately rescued 24 bears, 2 of whom were returned to MDNR within a few months—while in the same time frame, he has bred 13 cubs and purchased or received 60 bear cubs from breeders or parties other than government agencies⁴ (including three acquired this year from a Wisconsin breeder, See Exhibit 11, p. 22). A total of *over three times* as many animals have been acquired apparently for the purpose of selling cub photo ops than those who were actually taken in from the wild.

In a separate letter to MDNR, Oswald took his misleading claims of his "rescue" efforts even further by stating, "Within a few weeks, I will be expecting a phone call asking if I can accept rescued bear cubs. **This call will probably be from either the Michigan DNR or a DNR in another State** [sic]." (See Exhibit 18, emphasis added.) This letter came nearly eight years after MDNR's last cub placement to Oswald's facility. Around the time that Oswald was pressuring lawmakers to amend the LCA, MDNR explained to MDARD that the agency no longer placed bears with Oswald as a matter of policy in how orphaned cubs have been handled since 2005. (See Exhibit 19.)

Oswald has manipulated lawmakers, government agencies, and the general public into believing that the ranch is primarily a rescue facility and that the "health and welfare" of the cubs he acquires each year are dependent on the ranch's ability to take in these animals. Nothing could be further from the truth. Removing sensitive and vulnerable cubs from their mothers weeks after their birth—as is likely the case with Oswald's 60 acquisitions of bear cubs from captive breeders—is known to actually *suppress* their immune systems and can lead to long-term psychological and physical distress. Bear cubs' proper emotional, psychological, and behavioral development depends largely upon normal rearing and social learning through the strong mother-cub bond.⁵ Black bears in the wild typically rely on their mother's milk for a year and stay by her side for at least 1.5 years.⁶ Purposefully tearing cubs from their mothers is certainly not in the best interest of their "health and welfare."

Since making these misleading claims in January 2013, Oswald has not taken in a single cub who was orphaned in the wild, from MDNR or any other agency, according to available records. In

³Records show that of these 19 bears, a total of 15 were noted as purchased or received from breeders; two were received from a redacted party (10/13/1999); one was purchased or received from an unknown source (12/4/1999); and one was received from a redacted party in Dunbar, WI (5/14/2001). Since MDNR did not redact acquisitions from government agencies in its records, these are almost certainly acquisitions of captive-born bears, likely from breeders.

⁴Records show that of these 60 bears, a total of 51 were noted as purchased or received from breeders; four were from redacted parties prior to 2002 (see supra note 3); two were "purchased or received" from a redacted party (3/12/2013); and three were from an unknown party in Indiana (4/8/2016).

⁵Galef, B.G. & Laland, K.N. (2005). Social learning in animals: Empirical studies and theoretical models. *BioScience*, 55(6), 489–499. (Ex. 20); Bekoff, M. & Daniels, T.J. (1984). Life history patterns and the comparative social ecology of carnivores. *Ann. Rev. Ecol. Syst.*, 15, 191–232. (Ex. 21)

⁶Herrero, S. (1972). Aspects of evolution and adaption in American black bears (*Ursus americanus*) and brown and grizzly bears (*U. arctos*) of North America. *Intl Conf. on Bear Rsch and Management*, 2, 221–231. (Ex. 22)

contrast, records and photo and video evidence show that Oswald has purchased or received 22 cubs from captive breeders⁷ since he pressured lawmakers to amend the LCA so he could "rescue" cubs. In 2013 and 2015, the Ohio Department of Agriculture placed a total of 8 seized bears at Oswald's. These adult bears were already held in captivity and were not orphaned cubs in need of a home, as Oswald's would have lawmakers and patrons believe is the ranch's main source of acquisitions.

e. Bears placed by government agencies later shipped across the country by Oswald's

Oswald's list of bear acquisitions from government agencies from 1992–2011 includes Bonnie and Clyde, two cubs who were acquired in 2004 from the MDNR. (*See* Exhibit 16 and Exhibit 9, p. 17.) In 2008, Oswald's also acquired a sow named Solo and her two yearlings, Kaden and Cora, from the Minnesota DNR. (*See* Exhibit 16.) According to the monthly inventory reports, Solo died just under three months later, from what Oswald claims was a "drug overdose." (*See* Exhibit 9, p. 31 and 33.)

According to a 2010 CVI, Kaden, Cora, Clyde, and four other bears were shipped cross-country to Bearizona in Williams, Arizona. (*See* Exhibit 11, p. 8.) MDNR considered that transfer to be illegal (*see* Exhibit 8). One of the bears (who is unidentified) died shortly after the transport. (*See* Exhibit 12.) Bearizona is a known breeding facility and has supplied cubs to Oswald's on at least two occasions: two cubs shipped in 2013 (*see* Exhibit 23 and Exhibit 9, p. 44) and three cubs in 2015 (*see* Exhibit 9, p. 50 and Exhibit 11, p. 18). Surely it was not the government's intention that the orphaned cubs rescued from Michigan or Minnesota lands and placed in a Michigan facility be shipped across the country to an Arizona bear-breeding facility.

Oswald's Bear Ranch has proven through repeatedly misleading claims, discrepancies in inventories and reporting, and illegal transfers (including moving some of the two dozen legitimately rescued bears they have acquired in over 25 years to a breeder) that its record-keeping is deficient at best, and at worst, plainly falsified. From both state and federal investigations, it is clear that Oswald's has operated in bad faith, and its bear inventories and records should be thoroughly examined. As you investigate these discrepancies, please hold Oswald accountable to the fullest extent of the law for any and all violations that you uncover.

⁷Of the 22 bears acquired since 2013, a total of 17 were from known breeders and the remaining eight were most likely from breeders: two were "purchased or received" from a redacted party (3/12/2013) and three were from an unknown party in Indiana (4/8/2016).