

December 7, 2018

Mary Cogliano
Acting Chief, Branch of Permits
Division of Management Authority
U.S. Fish and Wildlife Service

Via electronic submission

Re: Permit No. 701129, Six Flags Great Adventure Safari Park
Docket No. FWS-HQ-IA-2018-0072

Dear Ms. Cogliano,

On behalf of PETA, I submit the following comments urging the U.S. Fish & Wildlife Service (FWS) to deny Six Flags Great Adventure Safari Park's ("Six Flags") request under the Endangered Species Act (ESA) for a captive-bred wildlife (CBW) registration for endangered tigers, threatened red lechwe, and threatened African elephants.

Instead of considering whether to grant the amusement park a permit to buy and sell at-risk species, the FWS should be investigating the illegal activity disclosed in its application. The application shows that Six Flags once held a CBW registration covering bovidae, certain felidae, and South American tapirs. That permit expired on May 30, 2004,¹ yet Six Flags continued to buy ESA-protected animals in apparent violation of 16 U.S.C. § 1538(a)(1)(E), 50 C.F.R. § 17.21(e), and 50 C.F.R. § 17.31(a). It even submitted annual reports to the FWS disclosing nine unlawful transfers, including the following:

- In 2017, Six Flags purchased four red lechwe from Callan Hahn, who is affiliated with the Catoctin Wildlife Preserve, a roadside zoo in Maryland.
- In 2015, Six Flags purchased three red lechwe from Catoctin Wildlife Preserve.
- In 2012, Six Flags purchased a male tiger² from [Stump Hill Farm](#), a roadside zoo in Ohio that churned out tiger cubs for use as high school football mascots until the state of Ohio [seized](#) its big cats. The facility has a lengthy history of federal Animal Welfare Act (AWA) citations, including for [denying](#) adequate

¹ An email in the application states that Six Flags has not held a CBW permit since 2007, but the statement is not substantiated. See Email from Kara Dziwulski, Permits Biologist, FWS, to Jeannie Golden, Six Flags (June 22, 2018, 4:17 PM).

² Six Flags claims that this tiger is a member of the Siberian (Amur) subspecies. But in all likelihood he, like the vast majority of tigers in roadside zoos and circuses, is a "generic" tiger—a hybrid of subspecies. At the time of this sale, FWS regulations authorized interstate commerce with generic, captive-bred tigers without first obtaining a CBW registration, but only if the purpose of such activity was to "enhance the propagation or survival of the species." See U.S. Captive-Bred Inter-subspecific Crossed or Generic Tigers, 81 Fed. Reg. 19,923, 19,923-24, 19,928-29 (May 6, 2016) (explaining the history of the generic tiger loophole). Six Flags bought this tiger for exhibition at a theme park, which in no way "enhances the propagation or survival of the species." Therefore, the sale would not fall under the generic tiger exception.

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veterinary care to a tiger with a gaping two-inch wound in his side, illegally declawing a tiger, and holding tigers in cramped cages.

- In 2009, Six Flags imported a red lechwe from [Henry Hampton](#) in North Carolina.³ Hampton operates Lazy 5 Ranch and the Farm at Walnut Creek, and his AWA record reveals chronic neglect and mistreatment of animals. For example, the U.S. Department of Agriculture has repeatedly cited Hampton for authorizing the use of a paralytic drug on hoofstock without anesthesia, pain relief, or equipment for respiratory support—leaving animals fully conscious, sensitive to pain and suffering, and at risk of suffocation during medical procedures.

Hahn, Stump Hill, and Hampton did not hold CBW registrations or any other ESA permits at the time of these sales. Catoctin did hold a registration, but selling the lechwe to an unregistered, unpermitted facility violated its permit conditions. *See FWS, Special Conditions for Captive-Bred Wildlife Registration* (Rev. 4/2006).

The FWS may deny a permit if an applicant is "not qualified" to hold one, or if the applicant fails to make "a showing of responsibility." 50 C.F.R. § 13.21(b)(5), (3). A willful violation of the laws governing the permitted activity is grounds for revocation of a permit, and a conviction disqualifies a permit applicant if the violation "evidences a lack of responsibility." *Id.* § 13.28(a)(1), 13.21(b)(1). As a former CBW registrant, Six Flags knows that it is illegal to buy protected species without a permit. It has not made a showing of responsibility, is not qualified for an ESA permit, and should be investigated for illegal wildlife trafficking.

Moreover, Six Flags' application discloses an extremely high death rate among its red lechwe. Over the last decade, the amusement park has accumulated a total of 20 red lechwe⁴—15 of whom have died of various causes, including "trauma," gastroenteritis, pneumonia, inflammatory bowel disease, sepsis, and clostridial disease. Over the same period, the facility has had only one birth. Also, five out of the nine purportedly Siberian tigers⁵ at Six Flags have died of various ailments in the past decade.

The application does not provide enough information for the FWS to assess whether these deaths were preventable and whether these animals received adequate veterinary care before they died. The theme park did not supply the requisite information on what it has done to prevent future deaths. It also failed to provide resumes of its senior animal care staff, and omitted photographs, blueprints, and other details about its facilities. Without this essential data, the FWS cannot determine "whether the

³ Although this is marked as an "import," the FWS should investigate whether it involved a sale. And even if the transfer is purportedly a donation, it was likely unlawful because it was carried out in the course of a commercial activity, involving "the actual or intended transfer of wildlife . . . from one person to another in pursuit of gain or profit." 50 C.F.R. § 17.3. *See* 50 C.F.R. § 17.31(a) (extending the protections of 50 C.F.R. § 17.21 to threatened wildlife); 50 C.F.R. § 17.21(e) (making it illegal to "deliver, receive, carry, transport, or ship in interstate or [foreign commerce](#), by any means whatsoever and in the course of a [commercial activity](#)" any endangered species); *accord* 16 U.S.C. § 1538(a)(1)(E). Six Flags is an amusement park that exhibits animals for commercial entertainment, so the transfer of animals there for exhibition is a commercial activity.

⁴ There are discrepancies in Six Flags' red lechwe inventory. For example, the 2009 annual report states that Six Flags held eight red lechwe. The 2010 annual report also shows that the park had eight red lechwe, even though one died of sepsis that year. There are no births or purchases reported that year. Similarly, the 2015 annual report states that six Flags held five red lechwe. In 2016, the park reported holding four red lechwe, even though two animals died that year. There are no births or purchases reported that year. Hence, Six Flags has failed to account for two red lechwe acquisitions.

⁵ As discussed in footnote 2, these tigers are likely genetically "generic." There is also a discrepancy in the theme park's Siberian tiger inventory. The 2014 annual report shows the park had six Siberian tigers. In 2015, the park also reported holding six Siberian tigers, even though two tigers died that year and one was born.

expertise, facilities, or other resources available to the applicant appear adequate to enhance the propagation or survival of the affected wildlife." 50 C.F.R. § 17.21(g)(3)(i).

Finally, activities conducted under a CBW registration must be for the purpose of "enhanc[ing] the propagation or survival of the affected species." *Id.* § 17.21(g)(1)(ii). Six Flags has failed to provide any justification for a permit aside from a desire to breed animals for commercial exhibition. There's no evidence that the park participates in any organized breeding programs, such as the Association of Zoos and Aquariums' (AZA) species survival plans. In fact, the AZA has placed a moratorium on the breeding of generic tigers, and it does not have a red lechwe SSP. None of Six Flags' elephants are captive-bred, so they are not eligible to be used in activities covered by a CBW registration. And given the dearth of captive-bred African elephants in the US—and Six Flags' lack of AZA accreditation—there is little chance of the park obtaining any.

The FWS must deny the application, and should investigate Six Flags, Callan Hahn, Catoctin Wildlife Preserve, Stump Hill Farm, and Henry Hampton for the apparently illegal transfers of ESA-protected animals. Pursuant to 50 C.F.R. § 17.22(e)(2), should the FWS decide to issue the permit despite these objections, I hereby request notice of that decision at least ten days prior to the issuance of the permits via e-mail to RMathews@petaf.org or telephone to 202-680-8276.

Very truly yours,



Rachel Mathews, Esq.

Deputy Director | Captive Animal Law Enforcement