

August 16, 2019

Elizabeth Goldentyer, D.V.M.
Associate Deputy Administrator for Animal Care
USDA/APHIS

Robert Gibbens, D.V.M.
Director of Animal Welfare Operations
USDA/APHIS

Via e-mail: [REDACTED], [REDACTED],
aceast@aphis.usda.gov

Re: Additional Evidence of Apparent Animal Welfare Act Violations at Union
County Sportsmen's Club Inc. (License No. 23-C-0176)

Dear Dr. Goldentyer and Dr. Gibbens:

I'm writing on behalf of PETA to provide the USDA with additional evidence of ongoing violations of the Animal Welfare Act (AWA) at Union County Sportsmen's Club Inc. ("UCSC"; license number 23-C-0176). I documented this additional evidence on August 4, 5 and 14:

- A morbidly obese Asiatic black bear named Dillan is in urgent need of evaluation and treatment by a veterinarian who is qualified to diagnose and treat his species:
 - The bear had missing teeth and evidence of advanced dental disease, which is likely causing pain and could be life threatening. (*See Photos 1-2.*)
 - The bear was morbidly obese. (*See Photos 3-4 and Video 1.*)
 - The bear had areas of hair loss and irritated skin. (*See Photos 3-6.*)
 - The bear was confined on concrete, much of which is wet, which can lead to serious physical maladies. (*See Photo 3, Video 1 and Video 2.*)
 - The bear was exhibiting apparent stereotypic rocking behavior, indicating psychological distress. (*See Video 1 and Video 2.*)
- Other animals were in need of evaluation by veterinarians who are qualified to diagnose and treat their species, including deer who had patchy hair loss (*see Photos 7-12*) and an overweight bobcat with a matted haircoat who was confined to concrete (*see Photos 13-15.*)

Please ensure that all of the animals at UCSC are provided with adequate veterinary care, shelter, space, food, and water and are otherwise handled in accordance with the AWA. Recent statements to the press by UCSC's current attending veterinarian, Dr. James Temple, as well as the chronic poor condition of the animals at UCSC indicates that Dr. Temple may lack the training and expertise in the species required to act as an attending veterinarian at UCSC. (*See Exhibits 1 and 2.*) Please hold the facility fully accountable for all violations that your investigation reveals.

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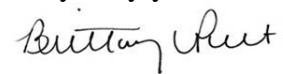
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- PETA Australia
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- PETA Netherlands
- PETA Foundation (U.K.)

Thank you for your attention to this important matter. Please inform me of the complaint number that your agency assigns to this correspondence.

Very truly yours,



Brittany Peet, Esq.
Director, Captive Animal Law Enforcement



Appendix

a. A Morbidly Obese Asiatic Black Bear is in Urgent Need of Evaluation by a Qualified Veterinarian

i. The Bear Had Dental Disease

On August 14, from limited observations, Dr. Valerie Johnson, a Colorado veterinarian with extensive experience treating bears and other wild and exotic animals observed the Asiatic black bear, named Dillan at UCSC and was able to determine that he was missing the lower right canine and had several areas of black mucosa on gingiva suggesting moderate to severe dental disease. (*See* Photos 1-2 taken August 4.) PETA previously alerted the USDA to this bear's dental disease on July 22, and wildlife veterinarian Dr. Heather Rally had opined that this bear's teeth showed indications of advanced gum and dental disease and that he is in need of an urgent evaluation by an experienced veterinarian. (*See* Exhibit 3.)

The USDA cited UCSC twice for inadequate veterinary care regarding this bear's teeth, stating that "[b]roken canines can be very painful and lead to infections that are potentially life threatening."¹ However, UCSC's veterinarian, Dr. James Temple, recently stated "The USDA inspector and I looked at this and at his age which I think is around 35 and weight, which I agree he is overweight, what exactly are we going to do? He still is a bear. I can't just say sit down and let me pull your teeth," (*see* Exhibit 1) indicating his lack of knowledge and experience in providing veterinary care to this species.

Please ensure that Dillan has been evaluated by a qualified and experienced veterinarian pursuant to 9 C.F.R. § 2.40.

ii. The Bear Was Morbidly Obese

On August 4, 5 and 14, Dillan was observed to be morbidly obese. (*See* Photo 3 and Video 1.) Dr. Johnson opined that his body condition score was a 9/9 and this puts him at risk for obesity related conditions such as severe osteoarthritis, diabetes mellitus, pancreatitis and other endocrine and metabolic disorders. Dr. Johnson also noted that his inability to hibernate due to the management conditions as well as the inappropriate diet have likely exacerbated this problem. On August 14, food in Dillan's cage appeared to be dog food mixed with a sauce of some sort and broccoli. (*See* Photo 4.) He was observed eating the dog food with sauce but he separated out the broccoli and did not eat it.

The USDA has previously noted Dillan's obesity and cited UCSC, stating that "[o]besity poses a significant risk to the health of the animal and it is imperative that a diet that is nutritious and an appropriate quantity is fed daily as directed by the attending veterinarian."²

Please ensure that Dillan has been evaluated by a qualified veterinarian pursuant to 9 C.F.R. § 2.40. Please also ensure that he is receiving an adequate diet pursuant to 9 C.F.R. § 3.129(a), which requires that "[t]he food shall be wholesome, palatable, and free from contamination and of sufficient quantity and nutritive value to maintain all animals in good health."

¹See USDA Inspection Report, Union County Sportsmen's Club Inc., license number 23-C-0176, Oct 24, 2017, July 13, 2017.

²See USDA Inspection Report, Union County Sportsmen's Club Inc., license number 23-C-0176, February 8, 2019, February 15, 2018, October 24, 2017, July 13, 2017.

Dillan's poor body condition may also be caused by his cramped cage and inability to perform normal postural behaviors such as roaming, climbing, swimming, and digging, in violation of 9 C.F.R. § 3.128, which requires that "[e]nclosures shall be constructed and maintained so as to provide sufficient space to allow each animal to make normal postural and social adjustments with adequate freedom of movement. Inadequate space may be indicated by evidence of malnutrition, poor condition, debility, stress, or abnormal behavior patterns."

iii. The Bear Had Hair Loss and Irritated Skin

On August 14, Dillan was observed with an area of hair loss on the hind end and an area of irritated skin on the left side of his body that he was frequently scratching at. (See Photos 3, 5 and 6.) Dr. Johnson opined that the area on the left side of his body of irritated skin with red tissue and crusting likely represents inflamed or infected skin that is likely secondary to moisture and could have an underlying cause such as allergies, mites, fungal or other etiology, and a further workup is needed to diagnose and treat dermatologic diseases.

Dillan was also observed with a few pink pills mixed in with his food that appeared similar to commercially available diphenhydramine. (See Photo 4.) He was eating some of the food but did not consume the pills and no employees were present to ensure that he ingested them.

Please inspect Dillan, as well as the relevant veterinary records, and ensure that he is receiving adequate veterinary care from a veterinarian who is trained and qualified for the species and that UCSC is following veterinary recommendations pursuant to 9 C.F.R. § 2.40.

iv. The Bear Was Confined on Concrete

On August 4, 5 and 14, Dillan was observed confined to the same cramped concrete-floored enclosure. (See Photo 3, Video 1, Video 2, and Exhibit 3.) According to Dr. Johnson, confinement on concrete is known to cause extensive orthopedic issues in animals in captivity and Dillan is already showing some stiffness in the hind end.

The USDA previously cited UCSC for lack of adequate veterinary care for this bear, stating that "[he is] under treatment for arthritis, but [is] currently housed in a concrete slab enclosure with no soft resting surfaces."³

In addition, many areas on the concrete floor appeared wet or damp, including around the trench that runs across the enclosure with running water to the pool. Confinement on wet concrete can cause damaged skin, cracks in the skin and footpads, infections, abscesses, lameness, and pain and may be contributing to the hair loss on Dillan's hind end.

This enclosure appears unchanged, and is in apparent violation of 9 C.F.R. §§ 3.128 and 2.131(d)(1), which requires that "[a]nimals shall be exhibited only for periods of time and under conditions consistent with their good health and well-being." Please inspect Dillan, as well as his veterinary records, and ensure that he is receiving adequate veterinary care by a qualified veterinarian pursuant to 9 C.F.R. § 2.40.

v. The Bear Exhibited Apparent Stereotypic Rocking Behavior

On August 4 and 5, Dillan was again exhibiting abnormal repetitive rocking and swaying of his head for the entirety of my visit, nearly an hour, on both days. (See Video 1, Video 2, and

³See USDA Inspection Report, Union County Sportsmen's Club Inc., license number 23-C-0176, July 13, 2017.

Exhibit 3.) I did not observe Dillan exhibit this behavior on August 14, likely because we arrived as he was being provided with an evening meal, and he retired to a small shed when he finished eating. Dr. Johnson opined that these behaviors are evidence of psychological problems due to stress or lack of appropriate space, enrichment, or appropriate simulation of a natural habitat.

A July 13, 2017, USDA inspection report cited UCSC for inadequate space for this bear due to the repetitive rocking he exhibited throughout the inspection, stating that "[t]his is an abnormal behavior pattern and can be due to the limited functionality of his enclosure."⁴ These conditions appear to be unchanged and are in apparent violation of 9 C.F.R. §§ 3.128 and 2.131(b)(1) and (d)(1).

An October 24, 2017, USDA inspection report of UCSC cited the facility for failing to provide adequate veterinary care to this bear due to this abnormal rocking behavior. The inspector stated that "[t]his is an abnormal behavior pattern and can be due to the limited functionality of his enclosure, or potentially from pain from a broken tooth. This bear should be evaluated by the attending vet with appropriate methods to diagnose and treat injuries for this animal."⁵

In addition, gunshots could be heard on both days and while Dillan exhibited this abnormal behavior. Intense continuous and unpredictable noises such as this cause chronic stress, chronic arousal, elevated heart rates, blood pressure and metabolic rates, and disrupt sleep patterns, which could lead to abnormal behaviors, immunosuppression, illness, hearing loss and possibly death.⁶ The USDA cited the facility for lack of adequate veterinary care for a blind, deaf bobcat who would jump or flinch when gunshots would go off. The inspector stated that since "shots are fired frequently throughout the day every day, the facility should consult with the attending vet and determine an appropriate method to alleviate the stressful impact."⁷

Please inspect Dillan, as well as his veterinary records, and ensure that he has been evaluated by a qualified veterinarian pursuant to 9 C.F.R. § 2.40. Please also ensure that a qualified veterinarian has evaluated the stressful impact of the continuous gunfire on all of the animals confined at the facility pursuant to 9 C.F.R. § 2.40.

b. Deer Had Hair Loss

On August 14, deer were observed with patchy hair loss over their entire bodies. (*See* Photos 7-12.) Dr. Johnson observed and opined that they had dorsal alopecia and hyperkeratosis (thickened skin) which suggests they are pruritic (or itchy) and trying to scratch themselves on objects. According to Dr. Johnson, this condition is likely to be contagious as all animals are affected, which could be the result of mites, fungal infection or other parasites.

Please inspect these deer, as well as the relevant veterinary records, and ensure that they are receiving adequate veterinary care pursuant to 9 C.F.R. § 2.40

c. A Bobcat Was Overweight, Confined on Concrete, and Flinched Due to Gunshots

On August 4, 5 and 14, the bobcat was observed to be overweight, had matted hair, and was confined to a concrete-floored enclosure. (*See* Photos 13-15.) Dr. Johnson opined that his body

⁴*Id.*

⁵*See* USDA Inspection Report, Union County Sportsmen's Club Inc., license number 23-C-0176, October 24, 2017.

⁶Morgan, K. N., and Tromborg, C.T. "Sources of stress in captivity." *Applied animal behaviour science* 102.3-4 (2007): 262-302.

⁷*See* USDA Inspection Report, Union County Sportsmen's Club Inc., license number 23-C-0176, July 13, 2017.

condition score was a 7.5/9. Matted hair can be due to the inability to groom because of obesity or indicative of illness in cats. On August 5, I observed that the bobcat flinched every time a gunshot was fired. According to Dr. Johnson, the concrete enclosure and proximity to a firing range is inappropriate for a reclusive species such as a bobcat.

Please inspect this bobcat, as well as the relevant veterinary records, and ensure that he or she is receiving adequate veterinary care and that a qualified veterinarian has evaluated the stressful impact of the continuous gunfire on this animal pursuant to 9 C.F.R. § 2.40. Please also ensure that he or she is receiving an adequate diet pursuant to 9 C.F.R. § 3.129(a).

In addition, the confinement to concrete without any access to a natural substrate is harmful to felids and can cause them to suffer from numerous physical maladies, including early-onset osteoarthritis and foot injuries. Wearing their paws on concrete also can predispose them to painful blisters and ulcers. This enclosure appears to violate 9 C.F.R. § 3.128, and *id.* § 2.131(d)(1).