

August 4, 2016

Elizabeth Goldentyer, D.V.M.
Director, Animal Welfare Operations
USDA/APHIS/AC Eastern Region

Via e-mail: aceast@aphis.usda.gov

Re: Request for Termination of Bear Path Acres Animal Educational Center's
Animal Welfare Act License (No. 52-C-0214)

Dear Dr. Goldentyer:

I am writing on behalf of PETA to request that the U.S. Department of Agriculture (USDA) initiate proceedings to terminate the license of Bear Path Acres Animal Educational Center, Inc. (BPA; license no. 52-C-0214), because the Virginia Department of Game and Inland Fisheries (VDGIF) has suspended BPA's wildlife exhibitor and rehabilitator permits. Absent a successful appeal, this suspension will last until January 31, 2021. VDGIF based the suspension on the following apparent violations of state law,¹ which it is continuing to investigate and which also appear to be Animal Welfare Act (AWA) violations:

- Unauthorized transfer of a bobcat and serval to nonpermitted persons and failure to register and report wildlife. Please determine whether the recipient of these animals holds an AWA license, as required by 7 U.S.C. § 2134.
- Incompatible animals—specifically, a white-tailed deer housed with a domestic dog inside the owner's home. Please determine whether this pairing violated 9 C.F.R. § 3.133 or 9 C.F.R. § 2.131(b)(1).
- Allowing an inexperienced and nonpermitted volunteer to handle a raccoon. Please determine whether this was public contact,² in possible violation of 9 C.F.R. § 2.131(c)(1) and (d)(2), and determine whether this incident demonstrates that the facility lacks sufficient staffing and training, as required by 9 C.F.R. § 3.132.

Since BPA cannot exhibit animals without violating state law, please begin termination proceedings, pursuant to 9 C.F.R. § 2.12, which provides that "[a] license may be terminated during the license renewal process *or at any other time for any reason that an initial license application may be denied* pursuant to § 2.11" [*emphasis added*]; *see also* 9 C.F.R. § 2.11(a)(5) ("A license will not be issued to any applicant who . . . [i]s or would be operating in violation or circumvention of any Federal, State, or local laws") and *id.* § 2.11(a)(6) (prohibiting licensure when an applicant has "been found to have violated any Federal, State, or local laws or regulations pertaining to the transportation, ownership, neglect, or welfare of animals").

¹See Rebecca Chappell, "Bear Path Acres Forced to Close Doors Due to Permit Violations," *Tidewater News*, July 28, 2016 (attached).

²See USDA Big Cat Question and Answer, Commonly Asked Big Cat Questions, interpreting 9 C.F.R. § 2.131(c)(1) to apply to volunteers.

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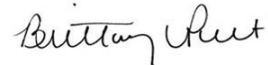
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- PETA Germany
- PETA Netherlands
- PETA Foundation (U.K.)

Termination is particularly appropriate here since BPA has repeatedly demonstrated that it cannot or will not comply with AWA standards. Since 2013 alone, only two of 11 inspections were found to have no noncompliant items, whereas the other nine found several violations, including some repeat and direct violations of the AWA. In just the last year, PETA has reported more than 40 apparent AWA violations at BPA to the USDA (*see* complaint numbers AC16-068, AC16 249, and AC16-506). On May 25, 2016, the USDA issued an official warning to BPA for a direct violation of 9 C.F.R. § 2.40 and repeat violations of 9 C.F.R. § 3.127(b) and (c).

Please exercise your authority to terminate BPA's exhibitor license based on the alleged violations from VDGIF and the apparent AWA violations. PETA is prepared to assist in finding placement for the animals at reputable sanctuaries.

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,

A handwritten signature in cursive script that reads "Brittany Peet".

Brittany Peet, Esq.
Director, Captive Animal Law Enforcement