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June 8, 2017

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

Via e-mail: [REDACTED]; [aceast@aphis.usda.gov](mailto:aceast@aphis.usda.gov)

Re: Request for Investigation of Cherokee Bear Zoo (License No. 55-C-0118)

Dear Dr. Goldentyer,

I'm writing on behalf of People for the Ethical Treatment of Animals (PETA) to request that the U.S. Department of Agriculture (USDA) promptly investigate Barry Coggins, dba "Cherokee Bear Zoo" (CBZ; license number 55-C-0118), for the following apparent Animal Welfare Act (AWA) violations, documented by a concerned citizen on May 28 and detailed in the attached appendix:

- All the adult bears were confined exclusively to small concrete pits. Four of them exhibited apparent stereotypical pacing behavior, indicating psychological distress. (*See Video 1, Video 2, and Video 3.*)
- Black mats and torn pieces thereof were observed in the concrete pits, a potential health hazard if ingested. (*See Video 1, Video 2, and Video 3.*) One bear was licking his or her paw, a potential health concern, particularly when the animal is confined exclusively to concrete. (*See Photo.*)
- A cub was confined alone, and another visitor recently recorded that the bear chewed on cage bars, a sign of distress that puts the animal in danger of breaking teeth. (*See Video 4 and Video 5.*)

Please ensure that animals at CBZ are provided with adequate veterinary care, shelter, and water and are otherwise handled in accordance with the AWA. Please also hold Barry Coggins fully accountable for any and all violations that you discover during your investigation.

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,



Jenni James  
 Counsel, Captive Animal Law Enforcement

cc: Nicolette Petervary, V.M.D., Regional Animal Care Specialist,  
 USDA/APHIS/AC ([REDACTED])  
 Andrea D'Ambrosio, Animal Care Inspector, USDA/APHIS/AC  
 ([REDACTED])

## Appendix

### a. Bears Confined to Concrete Pits Exhibiting Stereotypic Pacing Behavior

The witness observed and documented that all the bears at CBZ are confined to small, virtually barren concrete pits. (See Video 1, Video 2, and Video 3.) Confinement on concrete without any access to a natural substrate is harmful to bears and can cause them to suffer from numerous physical maladies, including early-onset osteoarthritis and foot injuries. Wearing their paws on concrete can also predispose them to painful blisters and ulcers.

The USDA recognizes that confining bears on concrete substrate causes health risks and violates the AWA. A July 20, 2015, USDA inspection report of Pymatuning Deer Park stated the following:

Black bears normally engage in postural behaviors of swimming, climbing, and digging. These bears have no ability to express these behaviors in this enclosure. The female is showing signs of debility consistent with being housed exclusively on concrete (evident by her painful movement and suspected early arthritic changes). There was no fresh hay or soft areas in her den area for resting. This enclosure needs to be addressed and maintained to provide the opportunity for the bears to engage in species appropriate behavior.<sup>1</sup>

The USDA also cited licensee Deer Haven Mini Zoo on October 12, 2016, for failing to provide adequate space to a black bear confined to a corn crib on a concrete slab. The inspection report stated that "the substrate is concrete flooring, which can exacerbate mobility issues and does not allow for digging, an important normal postural adjustment for bears."<sup>2</sup>

The witness also documented that multiple bears were pacing. (See Video 1, Video 2, and Video 3.) This abnormal repetitive movement indicates psychological distress. Abnormal stereotypic behavior is likely caused by a lack of sensory stimulation and suggests poor welfare, as well as suffering.<sup>3</sup> In addition to the mental stress caused by confinement to concrete pits, pacing on the hard concrete floor can contribute to foot and joint problems. In recognition of the health issues associated with bears exhibiting abnormal behavior, a March 27, 2017, USDA inspection report of the Denver Zoo stated:

This enclosure limits the bears' ability to perform species specific behaviors because it lacks adequate functional and structural elements, including adequate space, adequate opportunities to exhibit climbing behavior, and appropriate quantity of natural substrates. Pacing and head swinging in brown bears are abnormal behavior patterns and can indicate stress, frustration or an underlying medical condition. Inadequate enclosures can also contribute to these abnormal behavior patterns.<sup>4</sup>

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<sup>1</sup>See USDA Inspection Report, Pymatuning Deer Park, license number 23-C-0019, July 20, 2015.

<sup>2</sup>See USDA Inspection Report, Deer Haven Mini Zoo, license number 55-C-0111, October 12, 2016.

<sup>3</sup>See G.J. Mason, *Stereotypies and Suffering*, 25 *Behavioural Processes* 103–104 (1991); R.R. Swaisgood and D. J. Shepherdson, *Scientific Approaches to Enrichment and Stereotypies in Zoo Animals: What's Been Done and Where Should We Go Next?* 24 *Zoo Biology* 499, 500 (2005).

<sup>4</sup>See USDA Inspection Report, Denver Zoological Foundation, license number 84-C-0002, March 27, 2017.

Like the enclosures at Pymatuning Deer Park, Deer Haven Mini Zoo, and the Denver Zoo, the concrete enclosures in which the bears at CBZ are held fail to provide them with opportunities for the normal postural behavior of climbing or digging, as well as adequate space, as seen by the abnormal pacing of four of the bears. The enclosures at CBZ fail to provide the bears with any sort of soft, natural substrate, making CBZ even more deficient than the Denver Zoo, which provides a sand pit area. The enclosed concrete walled pits at CBZ also fail to provide the bears with any opportunity to view their surroundings or fully use their keen sense of smell, basic types of behavior that bears have the genetic expectation of expressing.

Like those at Pymatuning Deer Park, Deer Haven Mini Zoo, and the Denver Zoo, the enclosures at CBZ appear to violate 9 C.F.R. § 3.128, which requires enclosures to "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," and *Id.* § 2.131(d)(1), which states that "[a]nimals shall be exhibited only for periods of time and under conditions consistent with their good health and well-being."

**b. Bears at Risk of Injury From Chewed or Torn Mats**

These concrete pits also contain black mats, some of which were torn or in pieces, indicating that they have been chewed or clawed by the bears. (*See* Video 1, Video 2, and Video 3.) As PETA noted in its November 16, 2016, and March 3, 2017, complaints to the USDA on the same issue (*see* Complaint No. AC17-113 and No. AC17-282), these mats in no way replicate the appropriate natural substrate that bears require to ensure and maintain proper footpads and musculoskeletal health and to engage in normal postural behavior. The witness observed that one of the brown bears licked his or her paw repeatedly. (*See* Photo.) Wildlife veterinarian Dr. Christine Capaldo opined that this may indicate pain because of arthritis, footpad, or skin issues caused by injury, infection, or wounds. This bear's apparent injury likely demonstrates that the mats are not a sufficient substitute for natural substrate and that they don't protect the bears from the deleterious effects of being confined to concrete.

Fragmented mats also pose a health hazard to bears if they're ingested, which—according to Dr. Capaldo—could result in gastrointestinal upset or even a fatal obstruction. The USDA recognizes that the risk of ingesting foreign materials violates the AWA. For example, licensee Exotic Feline Rescue Center was cited on June 1, 2016, for failing to remove plastic barrels that were chewed and destroyed, stating that "[t]he ingestion of small pieces of plastic can cause possible medical problems including blockages, lacerations or mouth injuries,"<sup>5</sup> and licensee Plumpton Park Zoo was cited on July 27, 2010, after a tiger cub reportedly ingested pieces of plastic and died and inspectors noted that "[t]he tiger was able to ingest foreign objects ... resulting in animal suffering and death."<sup>6</sup>

Please inspect these animals, as well as the relevant veterinary records, and ensure that they are receiving adequate care pursuant to 9 C.F.R. § 2.40(b)(2), which requires "[t]he use of appropriate methods to *prevent*, control, diagnose, and treat diseases and injuries" (emphasis added).

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<sup>5</sup>*See* USDA Inspection Report, Exotic Feline Rescue Center, license number 32-C-0098, June 1, 2016.

<sup>6</sup>*See* USDA Inspection Report, Plumpton Park Zoological Gardens Inc., license number 51-C-0021, July 27, 2010.

**c. Solitary Bear Cub in Distress and at Risk of Injury From Stereotypic Bar-Biting Behavior**

A young bear cub was confined alone (*see* Video 4) and can be seen chewing on the cage bars in a video recently posted to Facebook by another CBZ patron. (*See* Video 5.) Dr. Capaldo opined that the bear's bar chewing could fracture the animal's teeth or cause him or her to suffer a jaw injury. Chewing on the cage bars is also an abnormal behavior and indicates psychological distress—likely caused by a lack of sensory stimulation or other form of deprivation—and suggests poor welfare and suffering.<sup>7</sup> Wildlife veterinarian Dr. Heather Rally opined that this distress is likely attributed to the combination of social and maternal deprivation, inadequate space, and exposure to stressful circumstances. Please inspect the cub to determine whether the conditions at CBZ are causing the bear to suffer in violation of 9 C.F.R. §§ 2.131(d)(1) and 3.128 or placing the animal at risk of injury, in violation of 9 C.F.R. § 2.40.

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<sup>7</sup>*Id.*