

May 7, 2014

Brian Ripley  
Tennessee Wildlife Resources Agency  
Region IV  
Law Enforcement  
3030 Wildlife Way  
Morristown, TN 37814

**Via UPS (with exhibits) and e-mail: [brian.ripley@tn.gov](mailto:brian.ripley@tn.gov)**

Re: Request for Inspection of Bears Held at Three Bears General Store

Dear Mr. Ripley:

On behalf of PETA, I am writing to request that the Tennessee Wildlife Resources Agency (TWRA) inspect Three Bears General Store (Three Bears) and take appropriate action to address any violations of Tennessee law, including Three Bears' failure to provide the bears with wholesome food, clean water, proper sanitation, and adequate shelter. A concerned citizen who recently visited Three Bears observed and documented four bears, whose improper living conditions appear to violate Tennessee law, and learned of a fifth bear confined to a den, unable to access even the inadequate outside enclosure. Additionally, the citizen learned of another facility, undisclosed to the public and controlled by Three Bears, where additional bears are kept in unknown conditions. As described in the appendix that follows and the attached expert statement, the conditions of deprivation in which these bears—who would *each* have a range of about 9,000 acres in the wild but who all together are confined to *less than 4 percent of one acre* at Three Bears—amount to maltreatment and neglect and appear to clearly violate Tennessee law.

Thank you for your attention to this important matter. PETA stands ready to help in any way that it is able, including helping with transferring the bears to a reputable sanctuary that can meet their needs.

Very truly yours,



Delcianna Winders, Esq.  
Director, Captive Animal Law Enforcement  
202-309-3697

cc: Cathi Lasater, Tennessee Wildlife Resources Agency, Law Enforcement ([cathi.lasater@tn.gov](mailto:cathi.lasater@tn.gov))

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## APPENDIX

### I. Legal Background

Tennessee wildlife law prohibits possessing, transporting, importing, exporting, buying, selling, bartering, propagating, or transferring any wildlife, except as provided by the Tennessee Code and rules and regulations promulgated by the Tennessee Fish and Wildlife Commission (TFWC). Tenn. Code § 70-4-401(a). All species of bears are classified as Class I wildlife, i.e., species that are inherently dangerous to humans. *Id.* § 70-4-403(1)(A)(ii)(b). Class I animals may only be possessed by zoos, circuses, and commercial propagators pursuant to a permit issued by the TFWC. *Id.* Thus, private possession of Class I wildlife is prohibited under Tennessee law.

Class I permit holders must meet standards for housing and living conditions as described in Tenn. Code § 70-4-405, including standards for clean water, adequate drainage, uncontaminated food, enclosure sanitation, adequate shelter/shade, and species-specific enclosure standards. Class I exhibitors must also meet the facility specifications of Tenn. Comp. R. & Regs. 1660-01-18-.04(5), which include fencing and enclosure standards designed to protect the animals and the public.

### II. Three Bears Is Not Providing the Bears With Adequate Housing and Living Conditions

A recent report from a concerned citizen, including photographic evidence as well as an expert assessment conducted by Else Poulsen, an expert in bear behavior, husbandry, and management with more than 30 years of experience,<sup>1</sup> strongly indicates that Three Bears is keeping at least five Asiatic black bears in living conditions that violate Tennessee's requirements for housing wildlife.<sup>2</sup> The citizen's report to PETA noted that the bears at Three Bears are kept in a pit that is divided into two levels, with stairs leading to the second level. On the first day of the reporter's visit, there were four bears occupying this space, with a fifth bear reportedly on site at the facility but confined to a separate den. According to facility staff, the fifth bear also would have occupied this space, but "[s]ometimes they just don't feel like getting out. ... So if they don't come out, they don't come out for that day. They get their chance, and if they don't then they're just being lazy and we're gonna leave them in there." The reporter captured this exchange on video, which is available on the DVD labeled "Exhibit 3" provided with this complaint.

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<sup>1</sup>Ex. 1, Curriculum Vitae of Else Poulsen.

<sup>2</sup>Ex. 2, Professional assessment from Else Poulsen, captive bear expert and founder of [Behavioral & Environmental Solutions](#).



Picture of the pit in which the bears are confined at Three Bears (Feb. 4, 2014)

The bears' living conditions appear to violate the following provisions:

- **Tenn. Code § 70-4-405(d), for maintaining the bears "in a manner that results in the maltreatment or neglect of such wildlife"**<sup>3</sup>: Asiatic black bears require large, environmentally complex natural spaces that allow them to express a wide range of normal movement and behavior, including normal foraging behavior.<sup>4</sup> These bears are genetically programmed to expect a range of 8,960 acres.<sup>5</sup> However, the bears at Three Bears are living in a space of only 1,614 square feet, only about 4 percent of an acre. Indeed, a *minimum* of one square acre of space for one or two adult bears is recommended.<sup>6</sup>

The concrete pit at Three Bears provides no opportunity for the bears to forage, dig day beds or dens, causing the bears to be sensory deprived. Other than a few colored balls, virtually no enrichment has been provided in the bears' environment. Nearly barren concrete enclosures such as this one, which do not give animals any opportunity to engage in enriching activities, are known to cause aberrant behavior, such as pacing, self-mutilation, fur loss, and discord between animals in the group.<sup>7</sup> Additionally, the facility informed Ms.

<sup>3</sup>Although neither "maltreatment" nor "neglect" are defined in Tennessee's wildlife resources statutes or regulations, the terms are defined elsewhere. The state's cruelty to animals section defines "neglect" as "every act, omission, or neglect whereby unreasonable physical pain, suffering, or death is caused or permitted." Tenn. Code § 38-1-401(2). Further, Merriam-Webster defines the term "maltreat" as "to treat cruelly or roughly" and "neglect" as "to fail to take care of or to give attention to." Merriam-Webster, definitions of "maltreat" and "neglect," <http://www.merriam-webster.com/> (last visited Apr. 24, 2014).

<sup>4</sup>See Ex. 2, Poulsen Assessment at pp. 1–3.

<sup>5</sup>See *Id.* at p. 2.

<sup>6</sup>See *Id.*

<sup>7</sup>See *id.* ¶ 10.

Poulsen that the bears are not given the opportunity to hibernate,<sup>8</sup> which is a natural urge that cannot be controlled. If the bears' urge to hyper-feed in preparation for hibernation is not satisfied in the fall, they are being starved.<sup>9</sup> And if they are not allowed to hibernate in the winter, they are being kept up while physically compromised.<sup>10</sup> This lack of species-specific husbandry to accommodate critical genetic urges causes the bears to experience additional mental and physical stress as well as hardship.<sup>11</sup> Additional stress is caused when bears are forced to live in an inappropriate social structure, which is the case with the ones at this facility. The group consists of an adult male and female pair and their three adult offspring, and it appears likely from the photos that there is at least one dominant male, most likely two.<sup>12</sup> Dominant animals tend to succeed in competing for food resources, shade, and other preferred spaces, which can easily cause stress in such a small overpopulated area.<sup>13</sup> Additional stress is caused when young males are housed in the same enclosure as the male who sired them, an arrangement that is not natural for bears.<sup>14</sup>

Indeed, according to the visitor, the bears were exhibiting stereotypical pacing behavior. In addition to the mental stress that confinement causes bears to experience, pacing on a hard concrete floor wears down their paw pads, which are adapted for soft forest floors.<sup>15</sup> At least one bear at Three Bears has paw pads that are worn.<sup>16</sup> Furthermore, these paw pads dry out when the concrete surfaces become wet through hosing down or swimming, which washes away the bears' natural oils and causes the pads to become cracked.<sup>17</sup>

The visitor reported that Three Bears staff stated that the bears' diet consists of dog kibble as well as fruit and dog biscuits, which visitors purchase and toss to the bears. According to the visitor, these public feedings are unsupervised. Therefore, it is virtually impossible to monitor the bears' caloric intake. In addition, dog food is too high in protein for Asiatic black bears, particularly for adult bears such as those at Three Bears.<sup>18</sup> A diet of dog food coupled with only apples and grapes, which bears no resemblance to their natural diet, does not provide them with the nutrition that they need.<sup>19</sup> The lack of opportunity to engage in normal behavior that would regulate their weight in the wild, coupled with the unsupervised feedings and inadequate diet at Three Bears is likely to lead to weight problems.<sup>20</sup>

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<sup>8</sup>Three Bears General Store advertises bear feeding year-round on the facility's website. Three Bears General Store, *Bear Habitat*, <http://www.threebearsgeneralstore.com/bear-habitat.aspx>.

<sup>9</sup>*See id.* ¶ 13.

<sup>10</sup>*See id.*

<sup>11</sup>*See id.*

<sup>12</sup>*See id.* ¶ 15.

<sup>13</sup>*See id.*

<sup>14</sup>*See id.*

<sup>15</sup>*See id.* ¶ 2.

<sup>16</sup>*See* Ex. 4, video 3, 01:55–02:10.

<sup>17</sup>*See id.* ¶ 3.

<sup>18</sup>*See id.* ¶ 11.

<sup>19</sup>*See id.*

<sup>20</sup>*See id.* ¶¶ 11, 12, 14.

The constant public feedings encourage the bears to stand on their hind legs.<sup>21</sup> This is very difficult for these bears because their front end is heavier than their hind end.<sup>22</sup> Thus, they can frequently be seen holding onto objects or leaning into concrete rocks to support their back-legged stance in order to take the pressure off their hind quarters and steady their stand.<sup>23</sup> They are not morphologically built for this behavior, which causes damage to their hip and knee joints.<sup>24</sup>

In conclusion, the conditions these bears are forced to live in, which in no way resemble their natural environment and give them no opportunity to engage in natural behaviors, is likely causing them unreasonable mental and physical pain and suffering and may even lead to their deaths.

- **Tenn. Code § 70-4-405(e)(2), for failing to ensure that food provided to the bears is not contaminated:** Three Bears allows uncontrolled public feedings, in which visitors can purchase containers with apples, grapes, and dog biscuits to toss to the bears. This food can easily become contaminated when tossed into puddles, pools, and excrement. The bears' feed can also be easily contaminated by the visitors themselves. Unlike zoo professionals, they fail to wear gloves when feeding the bears—and are not even required to wash their hands before doing so—and thus can readily transmit bacteria and other pathogens.<sup>25</sup>

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<sup>21</sup>See Ex. 5, Screenshots from Three Bears General Store Facebook page, *available at* [https://www.facebook.com/ThreeBearsGeneralStore/photos\\_stream](https://www.facebook.com/ThreeBearsGeneralStore/photos_stream).

<sup>22</sup>See Ex. 2, Poulsen Assessment, *supra* note 2, ¶ 7.

<sup>23</sup>See *id.*; Ex. 4, video 1, 00:04, 00:09, 00:11, 00:18, 00:23; video 3, 03:13, 03:27, 03:35, 07:45; *see also* Ex. 5, Facebook Screenshots.

<sup>24</sup>See Ex. 2, Poulsen Assessment, *supra* note 2, ¶ 7.

<sup>25</sup>See *id.* ¶ 12.





Food container for purchase at Three Bears (Feb. 5, 2014)

- **Tenn. Comp. R. & Regs. 1660-01-18-.04(5), for failing to exhibit the bears "in a manner that provides for the protection of the animals and the public at all times,"** such as "deterrent fencing" that shall be "at least eight feet in height *to deter the throwing of foreign objects into the cage area*" (Emphasis added): While the fencing surrounding the bear enclosure may meet the minimum height, it does not meet the objective of deterring "the throwing of foreign objects into the cage area" because the visitor area is partially elevated above the bear pit. Visitors can view the bears from above the pit from the third floor, from the top of the pit at the second floor, or at ground level. As mentioned above, visitors can purchase containers with food scraps to throw down into the concrete pits. The concerned citizen reported that these feedings were unsupervised and therefore there was nothing to deter visitors from throwing other foreign objects into the bear pit and potentially harming the bears—to the contrary, visitors are *encouraged* to throw objects into the enclosure.
- **Tenn. Code § 70-4-405(e)(1) for failing to provide drinking water in clean containers.** According to the visitor, the only water source in the bear pit is the approximately 100 square foot pool. Thus, the bears are forced to drink and bathe in the same water.



Sole apparent water source in bear pit at Three Bears, with feces nearby (Feb. 4, 2014)

- **Tenn. Code § 70-4-405(d) for maintaining the bears in unsanitary conditions resulting in the maltreatment and neglect of the bears, and § 70-4-405(e)(3) for its apparent failure to remove fecal matter and food waste from the enclosure as often as necessary.** The concrete floor of the bear pit is cracked. These cracks can trap bacteria and other materials, making proper cleaning and sanitation impossible. As the photographs below demonstrate, the bear pit was littered with fecal matter and what appeared to be old food scraps that visitors had thrown into the pit, indicating that the enclosure had not been properly cleaned for at least several hours, possible even days.



Scraps of apples and dog treats at Three Bears (Feb. 4, 2014)



Feces in a bear pit at Three Bears (Feb. 5, 2014)





Cracks in the concrete floor of a bear pit at Three Bears (Feb. 4 and 5, 2014)



Cracks in the concrete floor of a bear pit at Three Bears (Feb. 4 and 5, 2014)

- **Tenn. Code § 70-4-405(g)(5) for failing to provide bears with adequate shelter from inclement weather conditions and shade from the sun:** As the first photograph in this complaint demonstrates, Three Bears has not equipped the bear pit with sufficient shade or shelter. According to the visitor, all the doors to dens in the bear pit were closed, preventing

any escape from inclement weather or excessive heat.<sup>26</sup> Asiatic black bears are not genetically adapted to an environment in which they are consistently exposed to the sun.<sup>27</sup> Instead, they are adapted to diffused and inconsistent incidence of sunlight, and constant exposure to sunlight can damage their eyes.<sup>28</sup> Yet the bears are locked out and on exhibit daily, and the only shade is that caused by the movement of the sun. Thus, the bears must constantly follow the sun's movements to find shade, which can be a problem for five adult bears when at least one of them is a dominant male who can choose the best sites first, leaving others with less favorable sites.<sup>29</sup> Indeed, the videos attached to this complaint appear to show several bears with cloudy eyes, indicating possible damage.<sup>30</sup>

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PETA requests that the TWRA take meaningful enforcement action to protect the welfare of these animals and to stop Three Bears' apparent pattern and practice of confining animals to grossly inadequate enclosures, including by revoking Three Bears' exhibitor's permit and by exercising your authority to seize the bears under § 70-4-415. Please also investigate the citizen's report of an additional location where Three Bears keeps bears in unknown conditions. PETA recently obtained the address of this additional location, which, according to the facility's most recent USDA license application, is located at 2069 Fox Ln. in Sevierville, Tenn.<sup>31</sup>

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<sup>26</sup>See *supra* Part II at p. 2; see also Ex. 3, video of exchange with Three Bears staff.

<sup>27</sup>See Ex. 2, Poulsen Assessment, *supra* note 2, ¶4.

<sup>28</sup>*Id.*

<sup>29</sup>See *id.*

<sup>30</sup>See *id.*; see also Ex. 4, video 3.

<sup>31</sup>Ex. 6, Application for license from Bill Delozier to USDA APHIS Animal Care (Jan. 14, 2014).