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August 14, 2017

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

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

Dear Dr. Goldentyer:

I am writing on behalf of PETA to request that the U.S. Department of Agriculture (USDA) promptly investigate Lavern Yoder, dba "Maple Lane Wildlife Farm" (license number 32-C-0178), for the following apparent Animal Welfare Act (AWA) violations, detailed in the attached appendix, which I observed and documented on August 8:

- A bear was clearly lame on his or her hind legs which appeared to have significant muscle atrophy. (*See Video 1.*)
- Two tigers appeared to be lacking muscle mass on their hind ends and one of the animals had an ulcerated lesion on one of her footpads. These physical maladies are likely a result of the tigers being confined to inadequate, alarmingly small corn crib cages with exclusively concrete flooring. (*See Photos 1–2 and Video 2.*)
- Several animals were denied adequate shelter, shade, or other means of cooling off, including tigers, bears, mountain lions, wolves, watusi, and sheep. (*See Video 1, Video 3, and Photos 3–7.*)
- A solitary macaque confined to an inadequate corn crib cage with virtually no enrichment was engaging in self-injurious biting behavior, indicating the animal was suffering from extreme psychological distress. (*See Video 4.*)
- A leopard confined to an inadequate, extremely small corn crib cage was documented pacing, which is also a sign of psychological distress. (*See Video 5.*)
- Birds were confined to tiny, barren cages, without the ability to fly, forage, or perch. (*See Photos 8–9.*)

The concerns I observed were evidence of chronic, long-standing suffering and neglect, and these animals should be inspected by a specialist to their individual species' needs. Please also ensure that *all* animals at Maple Lane Wildlife Farm are handled in accordance with the AWA and hold Lavern Yoder fully accountable for any violations that your investigation reveals.

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,

[REDACTED]

Christine Capaldo, D.V.M., Wildlife Veterinarian, Captive Animal Law Enforcement

[REDACTED]

cc: Dr. Nicolette Petervary, Regional Animal Care Specialist

[REDACTED]

Dr. Laurie Gage, Big Cat and Marine Mammal Specialist

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Dr. Gwendalyn Maginnis, Nonhuman Primate Specialist

[REDACTED]

Appendix

a. Bear With Muscle Atrophy and Lameness in the Hind Legs

On August 8, I observed a bear with a stiff gait and lameness who appeared to have atrophied muscles in his or her hind legs. (*See* Video 1.) This animal is in need of veterinary evaluation and should be placed on an appropriate treatment plan including a regimen for pain management. Please inspect this animal, as well as his or her veterinary records, and ensure that he or she is receiving adequate veterinary care pursuant to 9 C.F.R. § 2.40.

b. Tigers Kept in Corn Cribs Exclusively on Concrete Suffering From Physical Maladies

I observed two female tigers confined to connected corn crib cages with concrete flooring. A worker told me these animals were three years old and were taken in by Maple Lane at just a few weeks old. The tigers were both thin with a BCS of 2.5/5 and appeared to lack muscle mass, most notably involving their hind legs. The cages they were confined to were alarmingly small and lacked any opportunities for climbing, scratching, running, or swimming, and the animals could not walk more than a few paces in any direction. These tigers may have lived in this inadequate environment since they were a few weeks old and have not been able to fully develop their musculature. (*See* Video 2.)

One of the tigers has pink areas on the footpads on at least two of her feet and an ulcerated lesion on the medial aspect of the left rear metatarsal pad—conditions which are most likely caused by being confined to exclusively concrete. (*See* Photos 1 and 2.)

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 sustain foot injuries. Repetitive trauma to the skin and footpads from standing and walking on concrete has apparently led to at least one of these tigers to suffer from a painful ulceration. These conditions can also cause calluses to form on the skin, which can crack open and cause painful infection or abscesses.

These enclosures appear to violate 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," and *Id.* § 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 the tigers, as well as the relevant veterinary records, and ensure that they're receiving adequate care pursuant to 9 C.F.R. § 2.40, including provision (b)(2), which requires "[t]he use of appropriate methods to *prevent*, control, diagnose, and treat diseases and injuries" [*emphasis added*]. Please keep in mind that enclosure modification, including the provision of appropriate natural substrate and climbing structures, are needed to ensure and maintain proper footpad and musculoskeletal health.

c. Animals Without Adequate Protection From the Elements or Other Cooling Measures

Another enclosure confining tigers, as well as the enclosures confining bears, mountain lions, wolves, watusi, and sheep had inadequate protection from the elements. (*See* Video 1, Video 3, and Photos 3–7.) These animals had very little area to stay out of the sun. Some had virtually no shade at all. There also appeared to be no access to adequate shelters for several of these animals, in apparent violation of 9 C.F.R. § 2.131(e), which requires that "[w]hen climatic conditions present a threat to an animal's health or well-being, appropriate measures must be taken to alleviate the impact of those conditions."

The enclosures confining bears and all the tigers (including the two confined to concrete flooring, which can radiate heat¹) also lacked pools in which to bathe or cool off. Submerging in water is a normal species-specific behavior used by tigers and bears in order to thermoregulate effectively.^{2,3,4} These conditions appear to violate 9 C.F.R. § 3.127(a) and (b), which require that "[w]hen sunlight is likely to cause overheating or discomfort of the animals, sufficient shade by natural or artificial means shall be provided to allow all animals kept outdoors to protect themselves from direct sunlight," and "[n]atural or artificial shelter appropriate to the local climatic conditions for the species concerned shall be provided ... to afford them protection and to prevent discomfort to such animals."

PETA previously reported these concerns to the USDA in July. (*See* Complaint No. AC17-719.) Inadequate shade, shelter, and lack of cooling mechanisms are serious issues that can impact an animal's health and well-being, particularly in the summer when temperatures soar, and should be remedied as soon as possible. Recognizing that hot weather can threaten animal health, an August 1, 2014, USDA inspection report of Kirshner Wildlife Foundation stated that "[m]easures should be undertaken to prevent overheating, and ensure the comfort of the animals" and suggested "increased ventilation, fans, misters, pools, and/or frozen treats."⁵ Please inspect all of the aforementioned animals, as well as their veterinary records, and ensure they are receiving adequate veterinary care pursuant to 9 C.F.R. § 2.40.

d. Isolated Long-Tailed Macaque Exhibiting Self-Injurious Behavior

I observed and documented an isolated Java (a.k.a. long-tailed) macaque who was engaging in self-injurious biting behavior. (*See* Video 4.) Long-tailed macaques are naturally very social and intelligent animals who live in large groups in the wild.

Exhibitors "must develop, document, and follow an appropriate plan for environment enhancement *adequate* to promote the psychological well-being of nonhuman primates." 9 C.F.R. § 3.81 [*emphasis added*]. As is apparent from the macaque's self-injurious behavior, Maple Lane does *not* appear to be following a plan of environmental enhancement that is *adequately* addressing the primate's psychological needs. Because he or she "show[s] signs of being in psychological distress through behavior or appearance," the macaque "must be provided special attention regarding enhancement of their environment, based on the needs of the individual species and in accordance with the instructions of the attending veterinarian." *Id.* § 3.81(c).

PETA reported another isolated primate at Maple Lane who was engaging in self-biting and self-hitting behavior. (*See* Complaint No. AC17-719.) I observed this capuchin alone in the same bird cage that he or she was confined to in July. Holding any primate in isolation is an apparent violation of 9 C.F.R. § 3.81(a), requiring the implementation of "specific provisions to address the social needs of nonhuman primates of species known to exist in social groups in nature," and also *Id.* § 2.131(d)(1).

¹*See* K.N. Morgan and C.T. Tromborg, "Sources of Stress in Captivity," *Appl. Animal Beh. Sci.* 102 (2007): 262–302.

²*See* M.A. Sawaya, A.B. Ramsey, and P.W. Ramsey, "American Black Bear Thermoregulation at Natural and Artificial Water Sources," *Ursus* 27.2 (2017): 129–135.

³*See* R. Tilson and P.J. Nyhus, *Tigers of the World: The Science, Politics, and Conservation of Panthera tigris* (Boston: Elsevier, 2010).

⁴*See* C. Biolatti, et al., "Behavioral analysis of captive tigers (*Panthera tigris*): A water pool makes the difference," *Appl. Animal Beh. Sci.* 174 (2016): 173–180.

⁵*See* USDA Inspection Report, Roberta Kirshner, license number 93-C-0504, August 1, 2014.

Pursuant to 9 C.F.R. § 3.81(e)(1), the solitary housing of primates requires an exemption by the attending veterinarian in the environmental enhancement plan, which "must be reviewed at least every 30 days by the attending veterinarian." Please investigate whether the attending veterinarian has made and is qualified to make such an exemption for these primates and—if the plan is being reviewed every 30 days, as required—whether the exemption provides an adequate welfare justification for the isolation of these highly social animals.

Please also inspect these animals—including checking for any self-inflicted wounds—as well as their veterinary records, and ensure that they're receiving adequate veterinary care and treatment pursuant to 9 C.F.R. § 2.40.

a. Leopard Apparently Suffering From Psychological Distress

I documented a leopard pacing, which is also a sign of psychological distress. (See Video 5.) Abnormal pacing behavior is likely caused by a lack of sensory stimulation and suggests poor welfare and suffering.⁶ The repetitive stereotypical pacing of this animal indicates psychological distress, and is a sign that Maple Lane is exhibiting him or her in apparent violation of 9 C.F.R. § 2.131(d)(1).

Moreover, as was reported in complaint number AC17-719, the leopard was confined to a cramped, barren corn crib with inadequate horizontal space and no vertical space, pool or hiding areas to engage in normal postural behavior.⁷ Recognizing the potential risks inherent in confining big cats to inadequate spaces, a May 6, 2011, USDA inspection report on Kirby Van Burch stated that "[b]ig cats must be provided with appropriate resting platforms that allow them to make species appropriate movements and postures for the sake of their well-being."⁸ The lack of vertical space and the pacing behavior suggest that Maple Lane is not providing this animal with sufficient space or the ability to engage in species-typical behaviors, in apparent 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 ... stress, or abnormal behavior patterns."

Recognizing the health concerns that pacing can indicate in naturally far-ranging animals, an October 12, 2016, USDA inspection report of Deer Haven Mini Zoo cited the facility for failing to provide adequate veterinary care to three pacing animals. The USDA also cited Waccatee Zoo on May 9, 2017, for failing to provide adequate veterinary care for several animals displaying stereotypical behaviors. These inspection reports required the exhibitors to seek veterinary evaluation for these animals, stating that "[a]bnormal behavior patterns can be indicative of physical or psychological issues that may require medical treatment or habitat/husbandry modification, and must be evaluated promptly by the attending veterinarian in order to receive appropriate treatment and management."^{9,10}

In addition to the serious health implications of stereotypical behavior, the USDA has also recognized that abnormal pacing may be a result of inadequate space. The USDA cited Denver Zoo on March 27, 2017, for failing to provide adequate space for bears displaying stereotypical behaviors.

⁶R.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?* *Zoo Biology* 24, 499–518 (2005).

⁷See J. Vaz, *et al.*, "Prevalence and Determinants of Stereotypic Behaviours and Physiological Stress Among Tigers and Leopards in Indian Zoos," *PLoS One* 12.4 (2017): e0174711.

⁸See USDA Inspection Report, Kirby Van Burch, license number 43-C-0320, May 6, 2011.

⁹See USDA Inspection Report, Deer Haven Mini Zoo, license number 55-C-0111, October 12, 2016.

¹⁰See USDA Inspection Report, Kathleen Futrell, dba Waccatee Zoo, license number 56-C-0230, May 9, 2017.

The inspector stated that the abnormal behavior of pacing "can indicate stress, frustration or an underlying medical condition. Inadequate enclosures can also contribute to these abnormal behavior patterns."¹¹ The USDA also cited Waccatee Zoo on May 9, 2017, for failing to provide adequate space for bears, including one who was observed pacing. The inspection report stated that the animals "have large ranges in the wild, and require exercise which includes walking" and that "provisions for varied exercise options that include water activities and climbing are especially important in order to preserve muscle tone and joint function [as they age], as well as to preserve behavioral health."¹²

Please inspect the leopard and any other animal exhibiting stereotypical behaviors, as well as their veterinary records, and ensure that they have been evaluated by a veterinarian pursuant to 9 C.F.R. § 2.40. Please also take into consideration that habitat modification—including providing more space for the animal, hiding areas, a pool, and a complex and enriching environment, pursuant to 9 C.F.R. § 3.128—may help alleviate the distressed abnormal behaviors.

b. Birds Confined to Cramped, Inadequate Cages

I documented birds¹³ who were confined alone to tiny, barren cages with mesh flooring. The only perches these animals had were too close to the roof to allow the birds to actually rest on them. (See Photos 9 and 10.) Perching [is a natural behavior for birds and is essential](#) in order to prevent foot problems. Some of the small cages confined large birds such as pheasants and curassows; these are birds that nest, walk, run and forage on the ground similar to chickens, in addition to being able to fly. These poor conditions are wholly inadequate for these animals—who need space to fly short distances, substrate to walk and forage on, and room to perch comfortably—and are in apparent violation of 9 C.F.R. §§2.131(d)(1) and 3.128. Please inspect these birds, and their veterinary records, and ensure that they are receiving adequate veterinary care pursuant to 9 C.F.R. § 2.40.

¹¹See USDA Inspection Report, Denver Zoological Foundation, license number 84-C-0002, March 27, 2017.

¹²See USDA Inspection Report, Kathleen Futrell, dba Waccatee Zoo, license number 56-C-0230, May 9, 2017.

¹³Although the USDA has not yet developed specific standards for birds, these warm-blooded animals are covered by the plain language of the AWA (see 7 U.S.C. § 2132(g); see also 9 C.F.R. § 1.1), AWA regulations, including the general AWA standards set forth in subpart F, 9 C.F.R. §§ 3.125–142.