

February 11, 2016

Elizabeth Goldentyer, D.V.M.
Director, Animal Welfare Operations
USDA/APHIS/AC Eastern Region
920 Main Campus Dr., Ste. 200
Raleigh, NC 27606

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

Re: Request for Investigation of Apparent Animal Welfare Act Violations at
McClelland's Critters (License No. 64-C-0185)

Dear Dr. Goldentyer,

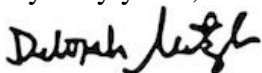
I am writing on behalf of PETA to request that the U.S. Department of Agriculture (USDA) promptly investigate Mike McClelland, dba "McClelland's Critters" (license no. 64-C-0185), for the following apparent Animal Welfare Act (AWA) violations, detailed in the attached appendix, which were observed and documented by a concerned citizen on January 16:

- A black bear was confined to a cramped tunnel enclosure, which did not allow for adequate freedom of movement. *See* [Video 1](#).
- Animals were pacing, indicating psychological distress. *See* [Video 1](#), [Video 2](#), and [Video 3](#).
- Enclosures were in disrepair, and standing water was seen inside enclosures, creating hazardous conditions for the animals. *See* Photos 1–7. Both issues are apparently ongoing and persistent problems at McClelland's and present a serious risk to animal health and well-being.

Please ensure that all animals at McClelland's Critters are provided with adequate veterinary care, shelter, food, and water and are otherwise handled in accordance with the AWA. Please also hold Mike McClelland 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,



Deborah Metzler, M.S.
Wildlife Specialist, Captive Animal Law Enforcement

PEOPLE FOR
THE ETHICAL
TREATMENT
OF ANIMALS
FOUNDATION

Washington, D.C.
1536 16th St. N.W.
Washington, DC 20036
202-483-PETA

Los Angeles
2154 W. Sunset Blvd.
Los Angeles, CA 90026
323-644-PETA

Norfolk
501 Front St.
Norfolk, VA 23510
757-622-PETA

Oakland
554 Grand Ave.
Oakland, CA 94610
510-763-PETA

PETA FOUNDATION IS AN
OPERATING NAME OF FOUNDATION
TO SUPPORT ANIMAL PROTECTION.

AFFILIATES:

- PETA U.S.
- PETA Asia
- PETA India
- PETA France
- PETA Australia
- PETA Germany
- PETA Netherlands
- PETA Foundation (U.K.)

Appendix

A. Bear Confined to Cramped Tunnel

The witness reported that a bear was confined to "a tiny labyrinth of tunnels" and that "the bear can't even stand up straight." See [Video 1](#). Bears naturally engage in the postural behavior of standing on their hind legs and climbing. Denying this bear these essential opportunities for species-specific behavior is in apparent violation of 9 C.F.R. § 3.128, which requires that "[e]nclosures shall ... provide sufficient space to allow each animal to make normal postural and social adjustments with adequate freedom of movement." The USDA acknowledges that even in enclosures for traveling exhibitions, bears need vertical space. See AWA Policy #6,¹ which states that "[b]ears often stand upright on their rear legs and must be allowed sufficient vertical space within their housing enclosure to do so."

B. Animals Exhibiting Signs of Psychological Distress

The witness documented several animals pacing, including the aforementioned bear (see [Video 1](#)), tigers (see [Video 2](#)), and ligers (see [Video 3](#)). Wild carnivores such as bears and big cats are naturally far-ranging animals, and these repetitive stereotypical movements are indicative of psychological distress. Abnormal pacing behavior is likely caused by a lack of sensory stimulation and suggests poor welfare and suffering,² in apparent violation of 9 C.F.R. § 2.131(b)(1) and (d)(1), which require that "[h]andling of all animals shall be done as expeditiously and carefully as possible in a manner that does not cause trauma ..., behavioral stress ..., or unnecessary discomfort" and that "[a]nimals shall be exhibited only for periods of time and under conditions consistent with their good health and well-being," and in possible violation of 9 C.F.R. § 3.128 (stating that "[i]nadequate space may be indicated by evidence of malnutrition, poor condition, debility, stress, or abnormal behavior patterns").

Please also examine the veterinary records of these animals and ensure that they are being provided with adequate veterinary care pursuant to 9 C.F.R. § 2.40.

C. Enclosures in Disrepair and Inadequate Drainage Resulting in Hazardous Conditions

The witness also documented several enclosures in disrepair and wood covered in algae, indicating that the material is at risk of warping and deteriorating. See Photos 1–5. Coupled with the standing water that the witness documented inside enclosures (see Photos 5–7), it is apparent that McClelland's has a drainage issue that could lead to compromised structures and hazardous conditions for the animals.

The state of the baboon enclosure (see Photo 1) with algae-covered wood is in apparent violation of 9 C.F.R. § 3.80(a)(1), which requires that "enclosures must be designed and constructed of suitable materials so that they are structurally sound" and "[t]hey must be kept in good repair." McClelland's has been previously cited for primate enclosures in disrepair, including deteriorated boards with exposed nails (August 18, 2015,³ and February 18, 2009⁴) and green film on surfaces (November 12, 2014,⁵ and March 25, 2015⁶).

¹See USDA *Animal Care Policy Manual* (2015)

<https://www.aphis.usda.gov/animal_welfare/downloads/Animal%20Care%20Policy%20Manual.pdf>.

²R.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).

³See USDA Inspection Report, Mike McClelland, violation of 9 C.F.R. § 3.80(a)(1), dated August 18, 2015.

⁴See USDA Inspection Report, Mike McClelland, violation of 9 C.F.R. § 3.75(c), dated February 18, 2009.

⁵See USDA Inspection Report, Mike McClelland, violation of 9 C.F.R. § 3.75(c)(3), dated November 12, 2014.

⁶See USDA Inspection Report, Mike McClelland, violation of 9 C.F.R. § 3.75(c)(3), dated March 25, 2015.

The state of the bear and big-cat enclosures (*see* Photos 2–5) are in apparent violation of 9 C.F.R. § 3.125(a), requiring that "outdoor housing facilities shall be structurally sound and shall be maintained in good repair to protect the animals from injury." McClelland's has been repeatedly cited for violations of 9 C.F.R. § 3.125(a), including splitting wood on a bear enclosure (July 20, 2006); broken wood on tiger and bear enclosures (January 30, 2008; November 12, 2014; March 25, 2015; and November 12, 2015); and rotten wood in a tiger enclosure, cracked wood and exposed nails in a cougar enclosure, and wooden posts in disrepair in a bear enclosure (August 18, 2015).

The witness also documented standing water in big-cat enclosures (*see* Photo 5–7), in apparent violation of 9 C.F.R. § 3.127(c), which requires that "[a] suitable method shall be provided to rapidly eliminate excess water." McClelland's has been repeatedly cited for violations of 9 C.F.R. § 3.127(c), including standing water in a tiger enclosure (February 18, 2009) and muddy enclosures (April 3, 2009, and August 18, 2015).

McClelland's appears to have long-standing drainage problems, despite the USDA's recent⁷ statement that "[a]n area that doesn't drain and that allows water and mud to accumulate has the potential to cause sanitation related disease. A suitable method shall be provided to rapidly eliminate excess water. Correct by September 18, 2015." This condition remains apparently uncorrected.

In addition to the hazardous conditions of these enclosures, some of the materials that they are constructed with are inadequate for containing dangerous animals. The bear and tiger enclosures are constructed of welded wire stapled to wooden posts (*see* Photos 2, 3, 6, and 7), which cannot safely contain these adult animals. Pursuant to 9 C.F.R. § 2.40(b)(1), "exhibitor[s] shall establish and maintain programs of adequate veterinary care that include ... appropriate facilities." The USDA has recognized that cages "constructed of welded wire panels and wood" cannot accommodate the needs of strong adult animals and that "inadequate housing facilities leads to multiple problems including: poor sanitation, improper shelter from the elements, failure to contain the animals and inadequate veterinary care."⁸

⁷See USDA Inspection Report, Mike McClelland, dated August 18, 2015.

⁸See USDA Inspection Report, Summer Wind Farm Sanctuary (license no. 34-C-0227), dated October 6, 2015.