

May 10, 2017

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: [REDACTED] [aceast@aphis.usda.gov](mailto:aceast@aphis.usda.gov)

Re: Request for Investigation of Apparent Animal Welfare Act Violations at  
Summer Wind Farm Sanctuary (License No. 34-C-0227)

Dear Dr. Goldentyer:

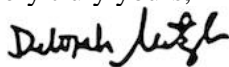
I am writing on behalf of PETA to request that the U.S. Department of Agriculture (USDA) promptly investigate Summer Wind Farm Sanctuary (SWF; license no. 34-C-0227) for the following apparent Animal Welfare Act (AWA) violations, documented by an eyewitness who volunteered at SWF between March and May, 2017 and described in more detail in the attached appendix:

- A tiger named Daisy suffered from ataxia or some other apparently undiagnosed condition that caused her to experience balance issues. (*See Video 1 and Video 2.*) Workers speculated about what caused her trouble. (*See Video 3, Video 4, Video 5, and Video 6.*) Despite her balance issues, apparent vision loss, and reported seizures, SWF planned to move her to an enclosure with a pond, which would be a serious drowning risk. (*See Video 7.*) Given her history of inadequate veterinary care, her suffering undoubtedly will continue if she remains at SWF.
- A tiger named Mohan suffered from painful arthritis, but the owners claimed that he didn't need pain medication. (*See Video 8, Video 9, Video 10, and Video 11.*)
- Two macaques were isolated from each other, which can cause severe psychological stress for these highly social primates. (*See Video 12.*)
- An Asiatic black bear exhibited stereotypical swaying behavior (*see Video 13*), and two brown bears rapidly paced on several occasions (*see Video 14, Video 15, and Video 16*), indicating psychological distress.
- Enclosures were excessively muddy, which is a chronic issue of inadequate drainage at SWF and a potential risk to animal health. (*See Photos 1–9.*)

Please execute the USDA's authority under the AWA to confiscate Daisy and all the other animals suffering at SWF. Please also hold the facility 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  
[REDACTED]

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## Appendix

An eyewitness who volunteered at SWF between March and May 2017 observed and documented the following apparent AWA violations. As you investigate SWF, please ensure that the identity of the eyewitness is protected to the fullest extent of the law.<sup>1</sup>

### **a. Two-Year-Old Tiger in Apparent Need of Veterinary Evaluation and Possible Confiscation**

As the USDA is aware, Daisy the tiger has suffered from a condition that causes her to lose her balance since at least September 2016. SWF was cited on November 9, 2016,<sup>2</sup> for failing to provide her with adequate veterinary care, since the medication that the veterinarian had prescribed was not improving her condition and she clearly needed further diagnostics. According to inspector [REDACTED], "[a] continued deterioration of Daisy's condition will lead to additional animal suffering and possibly death."

From March to May of this year, the eyewitness observed and documented that Daisy was still suffering from balance issues. (*See* Video 1, in which a worker says, "You look a little wobbly," and Video 2, in which Daisy almost falls over at 0:23.)

Workers had various explanations for what caused Daisy's condition but reported that she has had seizures, as well as vision loss. (*See* Video 3, in which a worker says, "When she walks out, she sees a shadow ... it spooks her and she gets scared every time.") Other speculators claimed that an ear infection caused her current condition. (*See* Video 4, in which a worker says, "She had an ear infection, and that ear infection turned her to be like that.") A long-time volunteer also shared how Daisy's issues began after she apparently bit down on a bone, which splintered and went into her brain. (*See* Video 5.) The same person stated that "Daisy's down and we don't know why—neurological, could be an ear infection, could be distemper." (*See* Video 6.) It's obvious that the tiger's condition has not been thoroughly vetted, and she needs appropriate diagnostics to determine what exactly is causing her issues and to help her receive the appropriate treatment.

After reviewing footage of Daisy, as well as the several discussions about her condition, wildlife veterinarian Dr. Christine Capaldo opined that:

I think it is crucial to determine if the tiger is having seizures. If she is having seizures, then this is an indication that there could be something affecting her brain (infection such as distemper or a fungus or a benign or malignant tumor such as meningioma or lymphoma, for example). An ear infection does not go to the brain, despite what they are saying. An ear infection can go to the inner ear and affect balance and coordination and cause ataxia, but it will not cause seizures (because it doesn't go to the brain). It's possible that a bad sinus infection from "a bone she ate" has caused injury to bone or invaded nerves and could have moved into the brain and caused seizures ... she should be evaluated ideally by CT or MRI, +/- a spinal tap. Usually a specialist will perform this.

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<sup>1</sup>*See* 5 USC § 552(b)(6) (protecting information from disclosure when its release would cause a clearly unwarranted invasion of personal privacy and where such privacy interest outweighs any public interest that would be advanced by the disclosure of the individuals not employed with the government); *see also* 5 USC § 552(b)(7)(C) (protecting from disclosure records or information collected for law-enforcement purposes when its release reasonably could be expected to constitute an unwarranted invasion of personal privacy), *Id.* § 552a(b) (prohibiting the disclosure of information by government agencies without the consent of the individual to whom the record pertains, barring a few specific exceptions).

<sup>2</sup>*See* USDA Inspection Report, Summer Wind Farm Sanctuary, license number 34-C-0227, November 9, 2016.

If she is not [currently] having seizures, then she could have an ear infection that has moved into her inner ear. (Again, the inner ear is not the brain.) If she has an inner ear infection, then she could have balance issues. Evaluating the inner ear would be beneficial to rule out bacterial infections or benign tumors such as polyps. If she has a CT or MRI for seizures, they could look at the ears too. There are other diseases that can cause balance issues, so this tiger should have a complete workup with blood work and evaluation of diet.

On May 3, a volunteer shared that SWF had plans to move Daisy to an enclosure with a pond, because "she's not doin' too good on her back legs—she's not very strong with them—and so they're hoping maybe by having the pond she'll be able to, like, do, like, a little 'therapy.'" (See Video 7.)

Dr. Capaldo said the following:

I absolutely do *not* think this is an appropriate course of action and agree that there will be a **serious risk of drowning if she is moved into an area with a pond**. This tiger appears to have ataxia (loss of coordination), and ataxia does *not* equal weakness. While the tiger may also have weakness issues, the ataxia is the most concerning issue because this means she does not have complete control of her coordination. She certainly could drown if placed near water and is at even more risk if she has a seizure. During a seizure, she could roll or fall into water, and animals are unconscious during a seizure.

It seems the staff members do not fully understand ataxia and are confusing it with weakness. This cat could benefit from an evaluation from a veterinary neurologist, as some regular veterinarians have difficulty evaluating neurologic animals.

If an animal is suffering as the result of an exhibitor's failure to comply with AWA regulations, and if—despite the USDA's reasonable request that "adequate care be given to alleviate the animal's suffering or distress"—the exhibitor *still* fails to comply, the USDA "may confiscate the animal(s) for care, treatment, or disposal ... if, in the opinion of the administrator, the circumstances indicate the animal's health is in danger." (See 9 C.F.R. § 2.129(a).)

According to the USDA's [Animal Welfare Inspection Guide](#), "[w]hen an animal is determined to be suffering and relief is **not** provided by the facility, and there is **no** evidence relief will be provided in the immediate future, confiscation should always be considered" [*emphasis original*]. Furthermore, the guide states that an example of suffering includes "[a]nimals with serious medical problems [who] are **not** receiving adequate veterinary care" [*emphasis original*].

Based on SWF's continued failure to treat Daisy's condition effectively (since at least September 2016) and failure to secure the veterinary evaluation that she plainly needs, the USDA should execute its authority to confiscate her *immediately*. PETA stands ready to assist with arranging for Daisy's placement in an appropriate sanctuary where she could obtain the care that she desperately needs.

Daisy's condition is not improving, and given the widespread misunderstanding about what her exact afflictions are, SWF is not prepared or experienced enough to continue caring for this animal. Daisy's suffering clearly will continue at SWF, as it is either unwilling or incapable of providing her with appropriate treatment.

### **b. Geriatric Tiger in Apparent Need of Veterinary Evaluation**

The eyewitness observed and documented that a geriatric white tiger named Mohan was apparently suffering from painful arthritis. Although this is a common affliction in older animals, it's treatable with an appropriate therapeutic regimen that can alleviate pain. ██████████, one of SWF's owners, apparently feels that pain medications work only sometimes and that "as long as they're eating, drinking, and defecating, and movin' around—they're all right." (*See* Video 8.)

Mohan clearly struggles to walk and is most likely in pain. (*See* Video 9, in which guests quickly spot his labored gait and a tour guide explains that "nothin' helps with him," and Video 10, in which he clearly struggles to take even a few steps.) ██████████'s wife, ██████████, explained that Mohan receives a "rub" of "minerals and vitamins and stuff," but she apparently feels that he doesn't need pain medication. (*See* Video 11.)

Please examine Mohan's condition and his veterinary records to ensure that he's receiving adequate care pursuant to 9 CFR § 2.40. He should be evaluated by a veterinarian who is experienced with geriatric big cats and placed on a drug therapy that alleviates his apparent pain and suffering.

### **c. Macaques in Solitary Confinement**

Two macaques named Huey and Deuters were confined to separate enclosures, with an empty enclosure between them, and could not see or touch each other. (*See* Video 12.) The witness saw that Deuters would be moved to the middle enclosure temporarily for feeding, but the witness did not see him shifted to the middle enclosure for more than approximately five minutes at any time. During those brief shifts, the witness did not see Deuters interact with Huey, and the monkeys apparently could still not see each other because of the solid wall between enclosures.

Monkeys have complex physical, social, and psychological needs. In the wild, macaques live in large social groups with complex dominance hierarchies, and much of their lives involve navigating group politics. Without this necessary social interaction, they are afflicted with loneliness, boredom, and depression. Keeping these monkeys in solitary confinement is in apparent violation of 9 CFR § 3.81(a), requiring that "[t]he environment enhancement plan must include specific provisions to address the social needs of nonhuman primates of species known to exist in social groups in nature." Confining primates without social stimulation is inconsistent with their good health and well-being, indicating that these animals are being exhibited in apparent violation of 9 CFR § 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."

Furthermore, in accordance with 9 CFR § 3.81(e)(1), any solitary housing exemption from the environment enhancement plan "must be reviewed at least every 30 days by the attending veterinarian."

### **d. Bears Exhibiting Signs of Psychological Distress**

The witness observed and documented that an Asiatic black bear was stereotypically swaying his or her head back and forth (*see* Video 13) and that two juvenile brown bears were repeatedly pacing. (*See* Video 14, Video 15, and Video 16.)

These repetitive stereotypical movements are indicative of psychological distress. Abnormal pacing or swaying behavior is likely caused by a lack of sensory stimulation and suggests poor welfare and

suffering,<sup>3</sup> in apparent violation of 9 CFR § 2.131(b)(1), which requires that exhibition "does not cause trauma ... behavioral stress ... or unnecessary discomfort," and in possible violation of 9 CFR § 3.128 (stating that "[i]nadequate space may be indicated by evidence of ... stress, or abnormal behavior patterns"). Bears are naturally far-ranging animals, and their stereotypic pacing—an "abnormal behavior pattern"—is a sign of psychological distress.

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, including a bear. The inspector stated 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."<sup>4</sup>

Please examine the veterinary records of the bears at SWF and ensure that they are provided with adequate care pursuant to 9 CFR § 2.40.

**e. Inadequate Drainage Resulting in Excessively Muddy Conditions**

The witness observed and documented excessively muddy conditions and standing water in several enclosures, including those confining the cougar, the brown bears, Mohan and Daisy, and the geese.<sup>5</sup> (*See* Photos 1–9.)

These conditions apparently violate 9 CFR § 3.127(c), which requires that "[a] suitable method shall be provided to rapidly eliminate excess water." This is an ongoing concern at SWF, which has been cited repeatedly during the last decade for inadequate drainage, including on May 17, 2016, for a muddy tiger enclosure; October 6, 2015, for a bear enclosure with no dry areas; August 13, 2014, for a bear enclosure with excessive standing water; May 8, 2014, for a llama enclosure with no dry areas; January 17, 2012, for two muddy tiger enclosures; April 7, 2008, for a muddy Scottish Highlander cattle pen; and June 4, 2007, for a muddy tiger pen.<sup>6</sup>

The geese also repeatedly had muddy drinking water, and on two occasions, the eyewitness documented a thick layer of mud in the water receptacle (*see* Photos 7 and 9), in apparent violation of 9 CFR § 3.130, which requires that potable water "must be provided as often as necessary for the health and comfort of the animal. ... All water receptacles shall be kept clean and sanitary."

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<sup>3</sup>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?* Zoo Biology 24, 499–518 (2005).

<sup>4</sup>*See* USDA Inspection Report, Deer Haven Mini Zoo, license number 55-C-0111, October 12, 2016.

<sup>5</sup>Although 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 USC § 2132(g); *see also* 9 CFR § 1.1) and AWA regulations, including the general AWA standards set forth in subpart F, 9 CFR §§ 3.125–142.

<sup>6</sup>*See* USDA Inspection Report, Summer Wind Farm Sanctuary, license number 34-C-0227, for each of the dates listed.