

March 18, 2014

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

Via UPS (with exhibits) and e-mail: betty.j.goldentyer@usda.gov

Re: Request for an Inspection of Three Bears General Store (License
No. **63-C-0103**)

Dear Dr. Goldentyer:

On behalf of PETA, I am writing to request that the U.S. Department of Agriculture (USDA) inspect Three Bears General Store (Three Bears) and take appropriate action to address any Animal Welfare Act (AWA) violations, including Three Bears' apparent pattern and practice of confining animals—including at least four bears—to a grossly undersized concrete pit with virtually no enrichment. A concerned citizen who recently visited Three Bears observed and documented the four bears, whose improper confinement appears to violate the AWA, and learned of a fifth bear confined to a den, unable to access even the inadequate space mentioned above. Additionally, the citizen learned of another facility, undisclosed to the public and controlled by Three Bears, where additional bears are kept in unknown conditions.

Thank you for your attention to this matter.

Very truly yours,



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

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APPENDIX

I. Apparent Ongoing AWA Violations Concerning Bears Confined to Small, Virtually Barren Cement Pit

A recent report from a concerned citizen strongly indicates that the bears are living in conditions that violate the AWA. The regulations that Three Bears appears to be violating vis-à-vis the conditions in which it keeps bears include the following:

- 9 C.F.R. § 3.128, for its failure to provide adequate space. AWA regulations require that animals be kept in enclosures that are "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." The report mentioned above notes that the bear pit at Three Bears is roughly 45 feet by 100 feet, divided into two levels, with stairs leading to the second level and including a pool estimated at 100 square feet. 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 PETA would be happy to provide.

Bears require large, environmentally complex, natural spaces that allow them to express a wide range of normal movement and behavior, including normal foraging behavior. In the wild, home range sizes for bears can vary from dozens of square miles up to thousands of square miles. Indeed, a *minimum* of one square acre of space for every two to three adult bears is recommended.

The space at Three Bears provides no opportunity for the bears to forage or to exert control over their environment, likely causing stress and anxiety in violation of AWA regulations. Additionally, there is virtually no opportunity for enrichment provided by the bears' environment at Three Bears. This handling also appears to violate 9 C.F.R. § 2.131(b)(1) and (d)(1).

Picture of the bear pit at Three Bears (Feb. 4, 2014)



- 9 C.F.R. §§ 3.129(a), 2.131(d)(4), for its apparent failure to ensure that food is wholesome, palatable, free from contamination, and of sufficient quantity and nutritive value to maintain the bears in good health. The visitor reports that Three Bears staff stated that the bears' diet consists of dog kibble as well as fruit in containers for visitors to purchase and toss to the bears. Three Bears allows uncontrolled public feedings wherein visitors purchase containers with apples and grapes to throw into the cement pits for the bears to eat. This food can become contaminated when tossed into puddles, pools, and excrement. Nutritive value of high-protein dog food, apples, and grapes as a regular diet is insufficient for bears to maintain good health. 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—and thus can constantly transfer bacteria and other pathogens. In addition, unmonitored public feedings would seemingly make it impossible for Three Bears staff to properly ensure that each bear is afforded a "sufficient quantity" of food to stay in good health. The USDA has previously cited Three Bears for failing to provide a sufficiently nutritive diet, on August 19, 2010.

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



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



Empty food containers at Three Bears (Feb. 4, 2014)



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



- 9 C.F.R. § 2.131(d)(1), for its apparent failure to provide the opportunity for the bears to escape public view. According to the visitor, all the doors to dens in the bear pit were closed, preventing any escape from public view. The USDA has previously cited Three Bears for this same violation, on August 19, 2010.
- 9 C.F.R. § 3.131(a), for its apparent failure to repair cracks in the cement floor in the bear pit, which can trap bacteria and other materials, making proper cleaning and sanitation impossible.

Cracks in cement floor in bear pit at Three Bears (Feb. 4, 5, 2014)





- 9 C.F.R. § 3.130, for its apparent failure to provide potable water as often as necessary for the health and comfort of the bears. According to the visitor, except for the pool, there is no apparent water source in the bear pit, thus forcing the bears to drink and bathe in the same water.

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



PETA requests that the USDA take meaningful enforcement to protect the welfare of these animals and to stop Three Bears' apparent pattern and practice of confining animals to grossly inadequate enclosures.