

March 18, 2014

Robert M. Gibbens, D.V.M., Western Regional Director
 USDA-APHIS-Animal Care
 2150 Centre Ave., Building B, Mailstop 3W11
 Fort Collins, CO 80526-8117

Via UPS and e-mail (without exhibits): robert.m.gibbens@usda.gov

Re: Request for Investigation of The Garold Wayne Interactive Zoological Park

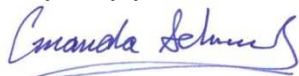
Dear Dr. Gibbens:

I am writing on behalf of PETA to request that the U.S. Department of Agriculture (USDA) promptly investigate possible violations of the Animal Welfare Act (AWA) by The Garold Wayne Interactive Zoological Park (license no. 73-C-0139), operated by Joe Schreibvogel. PETA recently learned of a video, titled "[The Death of a Friend](#)," published on YouTube by Schreibvogel in January (the "video"; copy attached on disc), which portrays the apparent discovery and aftermath of the death of a chimpanzee named Bongo at the facility. As detailed in the attached appendix, the video depicts several apparent violations of AWA regulations, including, but not limited to:

- Failing to inform a veterinarian of Bongo's death
- Failing to observe the animals daily in order to assess their health and well-being
- Causing animals behavioral stress and placing them at risk of physical harm
- Using inadequate perimeter fencing that puts chimpanzees and the public at risk
- Housing incompatible animals with each other
- Failing to employ a sufficient number of trained employees

In addition, pursuant to 9 C.F.R. § 2.126, please inspect all records pertaining to Bongo and the other chimpanzee who died recently at the facility. Given that Schreibvogel is already under multiple investigations by the USDA for failure to meet minimum standards of care—including in relation to mysterious animal deaths—it is critical that the USDA investigates this matter for additional AWA violations. Please also ensure that Schreibvogel provides the animals at the facility with proper care and treatment and hold him accountable for any and all AWA violations. Thank you for your attention to this important matter.

Very truly yours,



Amanda Schwoerke
 Counsel
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cc: Gary Goldberg, Field Specialist in Non-Human Primates, USDA-APHIS-AC

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Appendix

PETA recently learned of a video, "[The Death of a Friend](#)," published on YouTube by Joe Schreibvogal on January 12, 2014 (the "video") (copy attached on disc). The video shows a chimpanzee, Bongo, lying on the floor of her enclosure, apparently dead. After unsuccessfully—and improperly—performing CPR and mouth-to-mouth resuscitation (it is unclear whether these actions are being taken in a sincere attempt to help the chimpanzee or are staged for the purposes of the video), Schreibvogal and GW staff members move Bongo's body and bury her in a shallow grave on facility grounds.

The video depicts several apparent violations of the AWA regulations, including:

- 9 C.F.R. § 2.40(b)(2), which provides that "[e]ach dealer or exhibitor shall establish and maintain programs of adequate veterinary care that include . . . the use of appropriate methods to prevent, control, diagnose, and treat diseases and injuries, and the availability of emergency, weekend, and holiday care." In the video, Joe Schreibvogal tells a staff member that Bongo was "laying flat on the ground, wobbling," immediately before her death. Video 08:41-09:37. When the staff member asks whether this is "the same thing that happened to the other one," Schreibvogal responds, "We don't know. She died in her sleep in the middle of the night." *Id.* Yet, despite the unexplained death of a chimpanzee, on the heels of the unexplained death of another chimpanzee, it does not appear from the video that Schreibvogal even informed a veterinarian of Bongo's death before burying her on the property, much less providing the attending veterinarian an opportunity to examine Bongo or order a necropsy to determine the cause of her death, including to ensure that she did not die of a contagious or infectious condition that could harm the other chimpanzees housed at the facility.
- 9 C.F.R. § 2.40(b)(3), which requires "[d]aily observation of all animals to assess their health and well-being," as well as that there be "a mechanism of direct and frequent communication" between the facility and the attending veterinarian "so that timely and accurate information on problems of animal health, behavior, and well-being is conveyed to the . . . veterinarian." Describing Bongo's death, Schreibvogal clearly suggests that staff at the facility failed to properly observe the animals "to assess their health and well-being," stating, "[S]he was wobbling. *And the staff is too stupid to even see it.* She was laying flat on the ground, wobbling. *And nobody saw it.*" Video 08:41-09:37. And, as discussed above, it appears from the video that GW failed to convey "timely and accurate information" about Bongo's death to the attending veterinarian before burying the chimpanzee.
- 9 C.F.R. § 2.131(b)(1), which provides 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, physical harm, or unnecessary discomfort." In the video, Schreibvogal holds two very young animals—likely puppies—near the bars of a chimpanzee's enclosure and encourages the chimpanzee to reach through the bars and pet the baby animals, which she does several times. Being held out to and handled by a much larger animal is likely stressful to a young animal. Moreover, chimpanzees can be aggressive, are extremely strong, and attacks by chimpanzees through cage bars are common. Katherine Harmon, *Why Would a Chimpanzee Attack Human?*, *Scientific American* (Feb. 19, 2009),

<http://www.scientificamerican.com/article/why-would-a-chimpanzee-at/> (Exhibit 1).

Allowing a chimpanzee, with five times the arm strength of a human, *id.*, to handle a young animal places the animal at serious risk of “physical harm” and “unnecessary discomfort.”

- 9 C.F.R. §§ 3.77(f) and 3.78(d), which provide, in relevant part, that “the outdoor area of a sheltered housing facility” and “an outdoor housing facility,” respectively, “must be enclosed by a fence that is of sufficient height to keep unwanted species out” and that “[f]ences less than 6 feet high must be approved by the Administrator.” In one scene, the video shows Schreibvogel step over the fence surrounding chimpanzees’ enclosures, Video 02:14-02:18, and, in another, Schreibvogel stands next to a metal fence surrounding the chimpanzees’ enclosures, which only reaches his waist, *id.* at 17:47-17:48. This strongly suggests that the perimeter fences at GW may not be “of sufficient height to keep unwanted species out” and protect the chimpanzees. *See also* 9 C.F.R. § 2.131(d) (“During public exhibition, any animal must be handled so there is minimal risk of harm to the animal and to the public, with sufficient distance and/or barriers between the animal and the general viewing public so as to assure the safety of animals and the public.”). A recent video taken by a visitor to GW Zoo in January 2014 also shows the low metal fences surrounding the chimpanzees’ enclosures. Jan. 2014 Video, available at http://www.petapreview.com/4preview/permanent/chimpanzee_at_gw_zoo.asp (copy attached on disc).
- 9 C.F.R. § 3.81(a)(1), which provides that a nonhuman primate “should be housed separately” if he “exhibits vicious or overly aggressive behavior.” The video suggests that the male chimpanzee who shared Bongo’s enclosure may have contributed to her death. A staff member asks Schreibvogel why he didn’t “use [his] gun” as a “warning shot to get [the other chimpanzee] off.” Video 08:41-09:37. Schreibvogel responds that the other chimpanzee “was trying to protect her.” *Id.* The video shows Bongo lying dead on the enclosure floor, but not the events preceding her death.
- 9 C.F.R. § 3.83(a)(3), which provides that “[n]onhuman primates may not be housed with other . . . animals unless they are compatible, do not prevent access to food, water, or shelter by individual animals, and are not known to be hazardous to the health and well-being of each other.” As discussed above, the video suggests that Bongo may have been housed with an incompatible male chimpanzee, who contributed to her death.
- 9 C.F.R. § 3.84(c), which provides that “[p]remises where housing facilities are located, including buildings and surrounding grounds, must be kept clean and in good repair . . . to reduce or eliminate breeding and living areas for rodents, pests, and vermin,” and requires that premises “be kept free of accumulations of trash, junk, waste, and discarded matter.” The video shows GW Zoo staff members dig a shallow grave for Bongo next to an outbuilding and bury her on the property without first preparing her body. When one staff member stands at the bottom of the grave next to Bongo’s body, the top of the hole does not come up to the back of the staff member’s knees. Video 14:20-14:45. Burying a decomposing body in a shallow grave on land surrounding housing facilities clearly creates a breeding ground for rodents, pests, and vermin.

- 9 C.F.R. § 3.85, which mandates that licensees “have enough employees to carry out the level of husbandry practices and care required” and provides that “employees who provide husbandry practices and care, or handle nonhuman primates, must be trained and supervised by an individual who has the knowledge, background, and experience in proper husbandry and care of nonhuman primates to supervise others.” The video strongly suggests that GW does not have a sufficient number of trained employees to handle and care for nonhuman primates. Schreibvogel repeatedly states that not a single employee responded to his call for assistance when he discovered Bongo “wobbling” on the floor of her enclosure with a male chimpanzee on top of her. *See* Video 08:41-09:37 (“Out of 18 people on this [unintelligible], how come I couldn’t get no help? Not one person answered my plea for help. Not one. . . . I called for help twice and not a fuck you, what do you need, or nothing.”), 09:56-10:30 (employees discussing that “no one came” when Schreibvogel “said come to the primate house”), 10:33-10:44 (“Not one person answered me. If John Paul would have been getting killed, he’d be laying there on that stretcher.”). Moreover, the video depicts several employees reaching through the bars of the chimpanzees’ enclosures to hold their hands, pet them, touch their faces, and rub their backs. Video 01:59-02:06, 02:10-02:22, 02:30-02:36, 02:38-02:43, 02:47-02:48, 15:34-15:44, 16:26-16:30, 15:06-15:13, 15:28-15:33. In one disturbing scene, Schreibvogel bends forward and kisses a chimpanzee through the bars of the enclosure, touching his tongue to hers and joking about “french kissing.” *Id.* 02:30-02:43. Adequately-trained employees would not engage in such casual direct contact with chimpanzees, who, again, are very dangerous in captivity and have five times the arm strength of a human. *Why Would a Chimpanzee Attack Human?*, *supra*. Attacks by captive chimpanzees on humans are “common” and “[m]ost of the time they attack through cage bars.” *Id.* In 2012, for example, two male chimpanzees at a sanctuary grabbed a tour guide by the feet, pulled him under a perimeter fence into their enclosure, and dragged him almost a half-mile. The guide, who was in critical condition, lost an ear and several fingers and toes, in addition to other injuries. [Chimp Attack at Goodall Center Injures UTSA Student](#), *mysanantonio.com*, June 29, 2012 (Exhibit 2). In 2009, a chimpanzee at the Berlin Zoo grabbed the arm of the zoo’s director through the bars of his cage and bit off most of the director’s forefinger when the man tried to give him a snack. [Finger Food: Chimp Bites Off Berlin Zoo Director’s Finger](#), *Spiegel Online*, June 8, 2009 (Exhibit 3). And, in 2004, a woman feeding animals at the Wild Wilderness Drive-Thru Safari in Arkansas lost much of her hand, including two fingers, when a chimpanzee reached through the bars of his cage, grabbed her, and bit her. Tracy M. Neal, *Woman Sues After Monkey Bites Off Fingers*, *Benton County Daily Record*, Jan. 28, 2005 (Exhibit 4).