

August 3, 2016

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

Via e-mail: [aceast@aphis.usda.gov](mailto:aceast@aphis.usda.gov)

Re: Request for Investigation of Apparent Animal Welfare Act Violations at  
Bailiwick Animal Park (License No. 21-C-0452)

Dear Dr. Goldentyer:

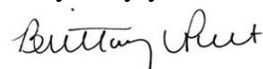
I am writing on behalf of PETA to request that the U.S. Department of Agriculture (USDA) promptly investigate Bailiwick Animal Park ("Bailiwick"; license number 21-C-0452) for the following apparent Animal Welfare Act (AWA) violations, detailed in the attached appendix, that were documented by a concerned citizen who visited the facility on June 30:

- An employee endangered the public and herself by entering the enclosure confining a brown bear while the witness was standing behind a 3-foot secondary barrier. *See* [Video 1](#).
- A coatimundi had alopecia. Bailiwick has a history of confining coatimundis with apparent hair loss or skin conditions. Two coatimundis were also seen pacing, a sign of psychological distress. *See* Video 2 and Video 3.
- Sheep were unshorn, which can cause overheating. Unshorn animals are an ongoing concern at Bailiwick. *See* Photos 1–3.
- An isolated lemur exhibited severe stereotypical behavior, and a baboon was seen pacing, indicating psychological distress and inadequate environmental enrichment. *See* Video 4 and Video 5.
- A pig-tailed macaque was confined in isolation, which can lead to severe psychological trauma for this highly social species. *See* Video 6.

Please ensure that all animals at Bailiwick are provided with adequate veterinary care, shelter, food, and water and are otherwise handled in accordance with the AWA. 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,



Brittany Peet, Esq.  
Director, Captive Animal Law Enforcement

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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. Public Endangerment

The witness observed a keeper feeding Tallulah the Syrian brown bear. Two keepers distracted Tallulah to the far end of her pen while another keeper quickly entered the cage to toss food on the floor. Tallulah appeared to behave aggressively toward the keepers, as indicated by her posture and her quick charge into the fence. See [Video 1](#). According to expert Jay Pratte, who has more than 25 years of experience working with all eight extant species of bears, "This is an *extremely* dangerous situation. That bear is really fast, and the woman putting the food in is racing [her]. The women distracting [her] are using food lures, and their voices are pitched to encourage ... and someone is going to get injured, or [she] will escape by this scenario."

This practice is especially alarming because Tallulah is seen running back toward the keeper who placed the food down and quickly shut the door as Tallulah reached that end of the pen, just narrowly avoiding allowing Tallulah to escape.

In some cases, volunteers are considered to be members of the public by the USDA. See USDA Big Cat Question and Answer, Commonly Asked Big Cat Questions, interpreting 9 C.F.R. § 2.131(c)(1). And allowing them to come into direct contact with dangerous animals is an apparent violation of 9 C.F.R. § 2.131(c)(1) and (d)(3), which require that "[d]uring 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" and that "dangerous animals such as ... bears ... must be under the *direct control* and supervision of a knowledgeable and experienced animal handler" [*emphasis added*].

The witness who observed and documented this situation was standing behind a 3-foot secondary barrier, which is inadequate to contain a bear when the primary enclosure is insecure, also in apparent violation of 9 C.F.R. § 2.131(c)(1) and (d)(3).

Pratte further opined that the keepers "are naïve of behavior. The bear's ear position and posture are of frustration, or possibly warning, not play like they appear to be interpreting and encouraging. Someone will likely be injured by this animal." Based on this expert assessment, Bailiwick may be in violation of 9 C.F.R. § 2.131(d)(2), which states that "[a] responsible, knowledgeable, and readily identifiable employee or attendant must be present at all times during periods of public contact," and *Id.* § 3.132, which requires that "[a] sufficient number of adequately trained employees shall be utilized to maintain the professionally acceptable level of husbandry practices set forth in this subpart. Such practices shall be under a supervisor who has a background in animal care."

Moreover, Pratte believes that Tallulah "looks underweight [and] is also not losing all of [her] coat properly, so probably has some nutritional issues. At this point, a brown bear would be stuffing himself on food, berries, salmon, etc. to build up fat stores for winter." Please inspect Tallulah, as well as her veterinary records, and ensure that she is receiving adequate veterinary care pursuant to 9 C.F.R. § 2.40. Please also ensure that Bailiwick is following an appropriate nutritional program, in accordance with 9 C.F.R. § 3.129(a), which requires that "food shall be wholesome, palatable, and free from contamination and of sufficient quantity and nutritive value to maintain all animals in good health. The diet shall be prepared with consideration for the age, species, condition, size, and type of the animal."

**b. Coatimundis in Apparent Need of Veterinary Care and Suffering From Psychological Distress**

The witness observed and documented that a coatimundi exhibited alopecia, affecting both left and right flanks, the thorax, and at least the base of the tail. *See* Video 2.

PETA previously reported on a coatimundi with hair loss from the top of his or her tail, which was documented on August 16, 2015 (*see* complaint number AC15-641). It's possible that this is the same animal, because his or her tail appears to be short, like that of the animal reported in AC15-641. If this is the case, this animal has experienced a serious deterioration in skin health. Regardless, skin conditions can be indicative of systemic pathology, parasites, or other disease processes and may be itchy and painful. This condition requires veterinarian evaluation for diagnostic workup and appropriate treatment.

Please investigate the coatimundi's condition, as well as his or her veterinary records, and ensure that this animal is receiving adequate veterinary care pursuant to 9 C.F.R. § 2.40.

Additionally, this coatimundi's rapid pacing was documented. *See* Video 2. Another coatimundi confined to a separate enclosure was also observed pacing. *See* Video 3. 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.<sup>1</sup> This behavior is a sign that Bailiwick is not exhibiting these animals "in a manner that does not cause ... behavioral stress ... or unnecessary discomfort" or "under conditions consistent with their good health and well-being," in apparent violation of 9 C.F.R. § 2.131(b)(1) and (d)(1). Moreover, Bailiwick is likely not providing these animals with sufficient space, in apparent violation of 9 C.F.R. § 3.128, which states that "[i]nadequate space may be indicated by evidence of malnutrition, *poor condition*, debility, stress, or *abnormal behavior patterns*" [*emphasis added*].

**c. Unshorn Animals Despite Summer Heat**

The witness observed several sheep who had thick and matted wool, which had plainly not been sheared recently. *See* Photos 1–3. At the time of the observations, the temperature was in the 80s and forecast to rise. *See* attachment.

This is particularly concerning because the USDA has previously cited Bailiwick for not shearing animals, likely causing them discomfort, with the potential for overheating. *See* USDA Inspection Report, Bailiwick Ranch, Inc. (license number 21-C-0314), March 8, 2016. The inspector stated that "[t]o ensure the health and comfort of the animals, in the warmer weather, this will need to be addressed ... by May 15, 2016." This violation appears to remain uncorrected. Although this was previously cited as a violation of 9 C.F.R. § 2.40(b)(2), please note that *Id.* § 2.131(b)(1) also requires that animals be exhibited "in a manner that does not cause ... overheating ... or unnecessary discomfort."

Please inspect all the animals at Bailiwick with wool, including sheep, llamas, and alpacas, as well as their veterinary records, and confirm that they are being shorn properly at regular intervals to ensure that they do not become overheated or otherwise experience discomfort. Please also ensure that Bailiwick is providing these animals with adequate veterinary care, pursuant to 9 C.F.R. § 2.40.

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<sup>1</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).

**d. Primates Suffering From Apparent Psychological Distress**

The witness observed and documented that an isolated lemur exhibited severe stereotypical swaying behavior, indicating psychological distress. This animal moved his or her upper body in rapid clockwise circles. *See* Video 4. This is not the first time that this behavior has been documented and reported by PETA to the USDA (*see* complaint number AC15-641). The witness also observed a baboon pacing, which is another sign of psychological distress. *See* Video 5.

Stereotypical behavior, such as repetitive pacing or moving in circles, is likely a sign of poor welfare and stress. According to Georgia Mason,<sup>2</sup> a renowned and widely published animal-behavior researcher and professor at the University of Guelph:

[S]tereotypies should warn us that the animal has probably been in an unchanging and frustrating environment, and that its welfare has probably been unsatisfactory. Much evidence does indeed link the development of stereotypies with specific sub-optimal environments. The development of a stereotypy in an individual is therefore the sign of an animal that has probably been suffering, and whose well-being may be poor still.

Exhibitors "must develop, document, and follow an appropriate plan for environment enhancement *adequate* to promote the psychological well-being of nonhuman primates" [*emphasis added*] 9 C.F.R. § 3.81. As is apparent from the pacing baboon and the stressed demeanor and bizarre behavior of this lemur, Bailiwick does not appear to be following a plan of environmental enhancement that is *adequately* addressing the primates' psychological needs. Because they "show signs of being in psychological distress through behavior or appearance," the primates "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).

Primates naturally spend much of their day traveling and foraging for food as a group, and their physical, behavioral, and psychological needs cannot be met when they're confined to small spaces. The severity of these types of stereotypical behavior indicates inadequate environmental enrichment and could also be caused in part by inadequate space.

In addition to the solitary lemur, the witness also documented that a pig-tailed macaque was kept in solitary confinement. *See* Video 6. This was previously reported to the USDA (see complaint number AC15-641) but remains a concern. The macaque does not appear to be able to see or hear other primates.

Primates have complex physical, social, and psychological needs. In the wild, primates live in very large social groups with complex dominance hierarchies, and much of their lives involve negotiating group politics. Without this necessary interaction with others of their kind, primates are afflicted by loneliness, deprivation, and depression.

Keeping these primates in solitary confinement is an apparent violation of 9 C.F.R § 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." Furthermore, Bailiwick is exhibiting these animals in apparent violation of 9 C.F.R. § 2.131(b)(1) and (d)(1).

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<sup>2</sup>G.J. Mason, *Stereotypies and Suffering*, Behavioural Processes 25, 103–15 (1991).

Bailiwick has received repeated citations from the USDA for violating 9 C.F.R. § 3.81, including repeatedly failing to provide a plan for environmental enrichment (*see* USDA Inspection Reports for license no. 21-C-0134 on May 4, 2009; Sept. 8, 2009; and April 3, 2012), failure to include monkeys and prosimians in the environmental enhancement plan (Aug. 30, 2012), and repeated failure to have the plan reviewed by the attending veterinarian (April 3, 2014; Sept. 9, 2014; and Jan. 22, 2015). This level of repeated noncompliance is alarming and indicative of a severe lack of attention to the psychological well-being of the primates at Bailiwick.

As you investigate the apparent violations described above, please also examine the primates and their veterinary records and ensure that they are receiving adequate husbandry and veterinary care, pursuant to the mandates of 9 C.F.R. § 2.40.