

May 25, 2017

Jim Husband
Fish & Wildlife Information Service, Permits Manager
Department of Game and Inland Fisheries

Via e-mail: [REDACTED]

Re: Supplemental Request for Investigation of Widespread and Egregious Animal Suffering at Wilson's Wild Animal Park in Apparent Violation of Permit

Dear Mr. Husband:

I am writing on behalf of my client, PETA, to provide supplemental evidence and again request that the Virginia Department of Game and Inland Fisheries (VDGIF) immediately investigate Wilson's Wild Animal Park (Wilson's), located at 985 W. Parkins Mill Road, Winchester, VA 22602 for numerous apparent permit violations, detailed in the attached appendix. After a visit to the facility on May 2, during which eyewitnesses, including a wildlife veterinarian, observed and documented numerous permit violations, PETA submitted a request to VDGIF to investigate. On May 17, additional eyewitnesses, including another wildlife veterinarian, visited Wilson's and observed additional apparent permit violations, including:

- Two obese Himalayan black bears were confined in a small, barren enclosure with unsanitary conditions, including several piles of feces and urine puddles and water soaked kibble on the ground
- A lion cub held in solitary confinement in a cramped enclosure
- An alpaca with overgrown nails
- A goat, who had hair loss on the top of his nose and a mucoid nasal discharge, was apparently suffering from a skin condition or respiratory infection
- Birds with feather loss and over-crowded enclosures
- Several animals appeared to be hot without sufficient ability to cool down

In light of these additional apparent permit violations, please promptly investigate Wilson's Wild Animal Park and, if your investigation confirms that the exhibitor is in violation of state permit requirements, please remove the animals and revoke the exhibitor's permit to prevent other animals from suffering due to Wilson's inability or unwillingness to provide humane conditions. PETA stands ready to assist VDGIF in locating reputable sanctuaries willing to accept the animals. Thank you for your attention to this important matter.

Very truly yours,



Mackenzie Landa, Esq.
Legal Fellow
[REDACTED]

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 VDGIF permit is required, pursuant to Virginia law, for Wilson's to continue to exhibit wild animals. 4 VAC § 15-30-10. Therefore, if Wilson's is found to be in violation of the conditions of the Department's permit, the permit should be revoked and Wilson's should be prohibited from exhibiting wild animals.

According to VDGIF's permit, animals held by exhibitors "must be confined under sanitary and humane conditions." Permit at 4. The following observations, along with the attached photos and videos, show that Wilson's confines animals under conditions that are inhumane and therefore in violation of VDGIF's mandates.

a. VDGIF has Jurisdiction and the Authority to Take Action

VDGIF has concurrent jurisdiction with the United States Department of Agriculture (USDA) and the authority to take action without acting in concert with the USDA. The federal Animal Welfare Act explicitly states that it does not preempt more restrictive state and local laws. *See* 7 U.S.C. § 2143(a)(8) (Federal animal welfare standards "shall not prohibit any State (or a political subdivision of such State) from promulgating standards in addition to those standards promulgated by the Secretary"). This statutory invitation to exercise concurrent jurisdiction makes clear that state and local enforcement authorities have no basis to decline to take action against USDA licensees who violate their laws.

Furthermore, Virginia law mandates that the VDGIF "*shall* exist to . . . serve as the agency responsible for the administration and enforcement of all rules and regulations of the Board [of Game and Inland Fisheries], the statutory provisions of [the Game and Inland Fisheries] title, and related legislative acts." VA Code Ann. § 29.1-109 (emphasis added). These statutes and regulations require exhibitors to obtain a permit issued by the VDGIF and comply with all permit conditions in order to legally exhibit wild animals in Virginia. 4 Va. Admin. Code § 15-290-60 ("wild animals may be exhibited with a permit . . . under such restrictions and conditions as the board may prescribe"), *Id.* at § 15-30-5 (the Director of the VDGIF has the authority to "establish permit conditions" and "render final permit decisions."). The VDGIF clearly not only has statutory authority, but is required to enforce the commonwealth laws regulating wild animals in Virginia.

Because these regulations plainly fall within the laws the VDGIF is statutorily required to enforce, State law clearly grants the VDGIF jurisdiction over permits issued to facilities exhibiting wild animals, such as Wilson's, including decisions to revoke or refuse to renew such permits. Pursuant to the permit issued by the VDGIF, "failure to comply with the provisions of a permit may result in the revocation or suspension of the permit for a period up to but not to exceed five (5) years." Permit at 8.

b. USDA Does not Regulate Birds

The Animal Welfare Act does not currently regulate birds. 7 U.S.C. § 2132(g). Therefore, the USDA cannot provide a remedy for the mistreatment of birds at Wilson's.

c. Animals Confined on Concrete Substrate in Cramped, Barren and Inadequate Enclosures

i. Himalayan Black Bears

Two Himalayan black bears were confined on concrete substrate in a cramped and barren enclosure with no bedding and several piles of feces and urine puddles. (*See photo 5*). Rather than adequately cleaning the enclosure of urine and fecal matter, Wilson's employees appear to hose the feces with only water, leaving it just outside the enclosure. (*See photo 12*).

The eyewitnesses observed one of the bears laying on and later eating what appeared to be water and urine soaked food on the ground of the cement cage. The food may have been wet from a trough of water that was apparently leaking. The eyewitnesses then observed the bear stand up and urinate, and the urine drained in the direction of the food. The bear continued to eat the apparently water and urine soaked food. These conditions clearly violate the permit requirement that "[a]nimals must be confined under sanitary and humane conditions." Permit at 4.

One bear was observed pacing and "clacking" his jaw, a gesture that may indicate fear, agitation, or be an expression of defending one's territory. Additionally, the eyewitnesses observed and documented pink areas on at least one foot pad on the other bear which may be indicative of repetitive trauma and pressure due to living on concrete. (*See photo 6*).

Housing two adult Asiatic black bears in an enclosure that is a mere fraction of the size of their natural range with no individual space or the ability to escape each other's immediate presence is likely to cause chronic stress, anxiety, and aggression for both animals. Indeed, this was demonstrated during our visit by the aggressive jaw-clapping gestures in one of the animals and obvious physical avoidance.

These animals would roam over vast territories in search of nuts, fruits, invertebrates, and even some larger prey. They have a complex array of natural behaviors that help them succeed in their natural habitats including an incredible nose for scouting and strong arms equipped with claws for digging and overturning rocks and logs in search of food. Bears typically spend a majority of their days foraging in the wild in order to sustain their large size and build fat reserves for hibernation. Foraging is a behavior that these animals have a strong genetically ingrained drive to perform in order to succeed at life, and subsequently, they suffer psychologically when denied the ability to do so. When wild animals are denied opportunities to engage in natural, instinctual behaviors that are meaningful to them, the animals experience deprivation angst, stress, and boredom, which have a dramatic impact on their health and wellbeing. These animals develop abnormal, mindless, repetitive behaviors, such as pacing, that are indicative of chronic deprivation.

On the day the eyewitnesses visited the facility, the temperature was estimated to reach 89 degrees and there was no cloud cover. (*See exhibit 1*). Both bears were observed panting. One of the bears entered the trough, apparently in an attempt to cool down; but, there appeared to be very little water in the trough and the bear continued to pant. Bears will submerge in a body of water to cool themselves off; however, this bear was apparently denied the opportunity to do so from the lack of water in the trough. While the bear was in the trough, he growled as the other bear walked nearby to get water. These bears do not have adequate space to perform normal species specific behavior and are competing for critical resources.

ii. Camel Enclosure

The camel shelter appeared full of mud and/or feces. (*See* photo 11). There were no other areas where the camels could seek protection from the elements or shelter. Camels forced to stand in unsanitary conditions such as mud or fecal material can suffer from foot and skin conditions such as pain and infections.

iii. Lynx

A lynx, also housed in a barren, concrete enclosure, was observed pacing. (*See* photo 7). This behavior is an indication of psychological distress likely resulting from a lack of sensory stimulation from being confined in inadequate conditions, and lack of adequate space.

These conditions appear to violate the permit conditions that require the exhibit area to “be appropriately sized to allow adequate space to live humanely within” and wildlife to “be maintained in safe, clean, uncrowded, appropriately sized enclosures.” Permit at 4. As a result, this animal is suffering unnecessarily from psychological distress and inadequate space and exercise.

iv. Lion Cub

The eyewitnesses also observed and documented a five-month old lion cub being held in solitary confinement in a small enclosure. (*See* photo 8, 14). In the wild, lion cubs would nurse for 7 months or longer and stay with their mothers for up to two-and-a-half years. They remain dependent on their mothers for food for up to two years. Lions would be raised by a pride of related females who would all share the responsibility of raising each other’s young and teaching them crucial social skills. The cub kept at Wilson’s should not only be with his mother, but should also be interacting with other members of his pride, including other cubs around his age. The cub requires these social interactions not only for proper physical development, but also for psychological development. Research has shown that maternal deprivation can have damaging, life-long psychological consequences for young animals. His inadequate enclosure and physical isolation are guaranteed to cause distress for a cub who would normally never be alone at his vulnerable age.

d. Animals in Apparent Need of Veterinary Care

The eyewitnesses observed an alpaca with overgrown nails. (*See* photo 2-3). Hooves and nails require regular corrective trimming, and inadequate treatment can lead to serious health and welfare concerns, including lameness, joint problems, and tripping. Overgrown nails can also crack which can cause pain, swelling, and infection.

The witnesses also observed a goat with hair loss on the top of his nose. The goat had loss of pigment and possible eroded skin around his nose and nostril as well as a crusty mucoid discharge in this area. Wildlife veterinarian Dr. Christine Capaldo opined that these symptoms may have been from a respiratory infection, or a result of an immune-mediated, UV induced, or infectious skin disease. (*See* photo 1).

One of the pigeon's left eyes appeared abnormal or injured which could cause blindness and pain. (*See photo 4*). Dr. Capaldo opined that the wound may be related to trauma from other birds.

e. Birds with Feather Loss and in Overcrowded Enclosures

A cockatoo and multiple macaws had feather loss on the chest, belly, head, and tail. (*See photos 9-10*). Feather loss could be caused by stress, boredom, nutritional deficiencies, parasites or disease. The eyewitnesses also observed and documented the pigeon and chicken enclosures to be overcrowded.