

June 10, 2014

Dr. Elizabeth Goldentyer
Eastern Regional Director
USDA, APHIS, Animal Care

Via e-mail: betty.j.goldentyer@usda.gov

Re: Supplement to April 22, 2014, Request for Investigation of Wolf Run Wildlife Refuge (license no. 61-C-0118) and Request for Enforcement Action

Dear Dr. Goldentyer:

I am writing on behalf of People for the Ethical Treatment of Animals (PETA) with an update to PETA's attached April 22, 2014, request for investigation of Wolf Run Wildlife Refuge (license no. 61-C-0118; "Wolf Run") concerning three wolf-dog hybrids who escaped from Wolf Run on April 16 (complaint number E14-189) (Exhibit 1) to urge the U.S. Department of Agriculture (USDA) to pursue enforcement action against Wolf Run for violating 9 C.F.R. § 3.125(a), 9 C.F.R. § 3.127(d) and any other pertinent provisions and to upgrade the two current NCIs concerning the escape to direct violations. These actions are called for in light of a disturbing Facebook post reportedly made by Wolf Run Director Mary Kindred, described in the attached appendix, and a [news report](#) indicating that Cheyenne, one of three wolf-dog hybrids who escaped from Wolf Run on April 16, was **found dead** during the week of May 16, at least **one month after she escaped**. (Exhibit 2-3.)

Thank you for your attention to this important matter. Please hold Wolf Run accountable for any and all Animal Welfare Act (AWA) violations related to Cheyenne's death, and please inform me of the complaint number that your agency issues to this correspondence. I can be reached at 202-540-2191 or BrittanyP@petaf.org.

Very truly yours,



Brittany Peet
Counsel

Exhibits

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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

On May 5, 2014, the USDA cited Wolf Run for violations of the following:

- 9 C.F.R. § 3.125(a) (requiring that housing facilities "must be constructed of such material and of such strength as appropriate for the animals involved" and that "indoor and outdoor housing facilities shall be structurally sound and shall be maintained in good repair to contain the animals")
- 9 C.F.R. § 3.127(d) (requiring that "all outdoor housing facilities (i.e., facilities not entirely indoors) must be enclosed by a perimeter fence that is of sufficient height to keep animals and unauthorized persons out. Fences less than 8 feet high for potentially dangerous animals, such as, but not limited to, large felines ..., ... wolves, ... or less than 6 feet high for other animals....") (Exhibit 4.)

These violations were designated as "Indirect" noncompliances and concerned, inter alia, the escape of the three wolf-dogs from Wolf Run "by digging underneath and by pushing the gate of their enclosure." *Id.* The USDA stated that Wolf Run's "failure to contain the animals can evolve into a dangerous situation, putting at risk of injury or death the animals and the public," and ordered that "[Cheyenne] must be captured and returned to its family group as soon as possible to avoid possible injuries, trauma, or even death." Wolf Run failed to comply with the USDA's order, and Cheyenne was reportedly found dead approximately two weeks after the order, resulting in the issuance of violations. (Exhibit 2.) That Cheyenne died after being at large for at least one month is grounds for upgrading the current violations to direct noncompliances, "a noncompliance that is currently adversely affecting the health and well-being of the animal, or has the high potential to adversely affect the health and well-being of the animal in the near or immediate future." *USDA APHIS, 2013 Animal Welfare Inspection Guide, 2-5.* Cheyenne had been at large for two weeks when the USDA initially inspected Wolf Run concerning this incident—a situation fraught with risks that had "the high potential to adversely affect" her health and well-being. Cheyenne's subsequent death, likely as a direct result of Wolf Run's failure to capture her, exceeds the "adversely affecting the health and well-being of the animal" standard for direct noncompliances.

An April 23 Facebook post reportedly made by Kindred stated that she knew "exactly where [Cheyenne was]," and it defies credulity that Wolf Run could not recover Cheyenne during the approximately one month that she was at large, despite apparently knowing exactly where she was. (Exhibit 3.) A whistleblower provided PETA with screenshots of the Facebook post stating Kindred's belief that, while at large, Cheyenne "is happier than she's ever been or will be in her life," that Cheyenne was "loving her freedom," and that "the thought of her looking at the world through a fence is heartbreaking." *Id.* The post stated the following:

We still have one dog out but know exactly where she is as well as where she has been and the landowner has declared that if one person steps foot on the property they better have a search warrant. I'm certain that she is happier than she's ever been or will be in her life. She has woods, food and water and has made friends with the landowners dogs. They play and then nap in the shade. I know she must come back. But the thought of her looking at the world through a fence is heartbreaking. I despise the

breeding. Putting animals like this in such gray areas. Not pets, not wildlife. Shy freaks of nature that are misunderstood. For the record, my husband darted Luna and Lakoda and they came back into the facility immediately. Cheyenne...she's been through hell. She had puppies, her babies were taken away from her and put into a carrier. All were loaded into a van with no collars/leashes, carriers and transported to Wolf Run. Once here they popped out of the back of the van one by one. All but Cheyenne. She clung to the floor and held tight. When she was finally dragged out and into the habitat, she was attacked by the other females. I've rarely felt as sorry for anyone as we have Cheyenne. We'll get her but it will be several days. We are not darting her again until the previous drugs are vacating her body. In the mean time, she's laying in the sunny patches. Ears up, relaxed, nose in the air, surrounded by violets and wild flowers and loving her freedom.

Id.

This post raises serious concerns that Kindred may have deliberately delayed Cheyenne's recovery or that she may have intentionally allowed Cheyenne to remain at large. That Cheyenne remained at large for at least one month also raises concerns that, prior to her death, Wolf Run may have failed to provide Cheyenne with the basic requirements for food, water, shelter, and veterinary care required by the AWA. Please also investigate whether Wolf Run violated the following:

- 9 C.F.R. § 2.40(b) (requiring that each "exhibitor shall establish and maintain programs of adequate veterinary care," including, inter alia, "(3) [d]aily observation of all animals to assess their health and well-being" and "(4) [a]dequate guidance to personnel involved in the care and use of animals regarding handling, immobilization, anesthesia, analgesia, tranquilization, and euthanasia")
- 9 C.F.R. § 3.127(a) (requiring that "[w]hen sunlight is likely to cause overheating or discomfort of the animals, sufficient shade by natural or artificial means shall be provided to allow all animals kept outdoors to protect themselves from direct sunlight")
- 9 C.F.R. § 3.127(b) (requiring that "[n]atural or artificial shelter appropriate to the local climatic conditions for the species concerned shall be provided for all animals kept outdoors to afford them protection and to prevent discomfort to such animals. Individual animals shall be acclimated before they are exposed to the extremes of the individual climate.")
- 9 C.F.R. § 3.129(a) (requiring that "[t]he 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. Animals shall be fed at least once a day")
- 9 C.F.R. § 3.130 (requiring that "[i]f potable water is not accessible to the animals at all times, it must be provided as often as necessary for the health and comfort of the animal. Frequency of watering shall consider age, species, condition, size, and type of the animal.")