

January 6, 2023

Robert M. Gibbens, D.V.M.
Director, Animal Welfare Operations
USDA-APHIS-Animal Care

Via email: [REDACTED]

**Re: Request for Revocation of Spring River Zoo's Exhibitor License
(No. 85-C-0005)**

Dear Dr. Gibbens:

I'm writing on behalf of PETA to request that the U.S. Department of Agriculture (USDA) file an administrative action against and terminate the exhibitor license of Spring River Park and Zoo, located at 1306 East College Boulevard, Roswell, New Mexico 88201, for habitually failing to comply with the Animal Welfare Act (AWA) and its regulations—specifically regulations governing housing facilities—causing the deaths of multiple animals, including most recently four animals killed by a dog attack on December 28, 2022.

AWA regulations allow the USDA to terminate an exhibitor's license "at any time for any reason that a license application may be denied pursuant to § 2.11" 9 C.F.R. § 2.12. The USDA also has the authority to suspend or revoke a license where a licensee has failed to comply with the AWA or its regulations or standards. 7 U.S.C. § 2149(a); 9 C.F.R. § 2.1(d). According to AWA regulations, "housing facilities shall be structurally sound and shall be maintained in good repair to protect animals from injury and to contain the animals." 9 C.F.R. § 3.125(a).

Five animals were killed at Spring River Zoo as a result of inadequate fencing and housing facilities in 2022. The facility has a history of animal escapes due to inadequate facilities, and the USDA has cited Spring River for these and other AWA violations, including over inadequate veterinary care, sanitation, and animal welfare:

- **December 28, 2022:** Three Barbary sheep and one wallaby "were killed by three dogs that appear to have entered the facility by digging under a new perimeter fence" and "were able to force their way into areas where the four animals were being housed when they were killed[.]"¹ Spring River Zoo had previously been cited for inadequate

¹ Terri Harber, *Four Animals at Spring River Zoo Killed by Dogs*, ROSWELL DAILY RECORD (Dec. 30, 2022), https://www.rdrnews.com/news/local/four-animals-at-spring-river-zoo-killed-by-dogs/article_39430262-87cb-11ed-aa66-474b2e4bfe17.html.

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perimeter fencing, including “multiple breaches at the bottom of the fence line where the fence is torn or pulled upward, resulting in 4”-12” gaps.”²

- **July 28, 2022:** The USDA issued Spring River Zoo a critical, repeat citation when a female elk had to be euthanized after sustaining irreparable injuries caused by a missing section of paneling in the primary enclosure. The female elk and a male elk passed through the opening created by the missing panel, where the female elk’s left hind leg became ensnared and shattered.³ The USDA had previously cited Spring River Zoo for a fifteen-foot section of fencing in the elk holding area that was “loose and curled upward and inward, creating an ~8-10” gap underneath and causing the fencing material to protrude into the interior of that holding enclosure by several inches.”⁴
- **February 24, 2022:** The USDA cited Spring River Zoo for lack of sanitation when inspectors found “heavy accumulation of brow-to-black dirt/debris” on the floors and “brownish to pink fluid that has pooled and dried in the drawers and on the shelves” of the refrigerator where fresh meat, bones, and produce are kept.⁵
- **July 23, 2021:** The USDA issued a direct, repeat citation in response to Spring River’s failure to provide veterinary care and hoof trimming to a longhorn steer. The steer’s hooves were so overgrown that he suffered muscle depletion and depressions in his spine.⁶
- **July 15 2021:** The USDA cited Spring River for not having an exercise plan for a wolf hybrid or an enrichment plan for three lemurs, noting in particular that lemurs have “complex social and intellectual needs that need to be addressed when in captivity.”⁷
- **July 7, 2021:** A female black bear being held at Spring River Zoo escaped her enclosure “by pulling aside a layer of chain link material on the roof of the enclosure[.]” The USDA issued Spring River a critical citation for the incident, finding that “[t]he former design and construction of the enclosure was inadequate to contain the bear” and “could have resulted in harm to the animal, other animals, or even people.”⁸
- **October 10, 2020:** A beaver escaped the facility when he was being held in an enclosure that did not have dig barriers, thereby allowing him to dig under two chain-link fences and a picket fence. The beaver was never found. The USDA issued a critical citation for the incident.⁹
- **April 7, 2014:** The USDA issued Spring River a critical citation when a bear cub “was able to gain access to the roof area of its outdoor enclosure” after swimming across the moat surrounding the bear enclosure, which had been “overfilled due to employee inattention[.]”¹⁰

Spring River Zoo’s numerous critical and direct citations, which have resulted in numerous animal deaths and risked public safety, evidence its unwillingness or inability to comply with AWA regulations. Allowing this facility to maintain an imprimatur of legitimacy by retaining its

² USDA Inspection Report (Nov. 29, 2021) (issued Dec. 1, 2021).

³ See USDA Inspection Report (July 28, 2022).

⁴ USDA Inspection Report (July 15, 2021).

⁵ See USDA Inspection Report (Feb. 24, 2022) (issued Feb. 28, 2022).

⁶ See USDA Inspection Report (July 23, 2021); USDA Inspection Report (July 15, 2021).

⁷ USDA Inspection Report (July 15, 2021).

⁸ *Id.*

⁹ *Id.*

¹⁰ USDA Inspection Report (Apr. 7, 2014) (issued Apr. 10, 2014).

AWA license would be contrary to the purpose of the AWA. Accordingly, PETA respectfully requests that the USDA closely review Spring River Zoo's lengthy history of serious AWA violations and pursue enforcement action to terminate or revoke this facility's AWA license.

Very truly yours,



Anna Whistler

Counsel, Captive Animal Law Enforcement

