

June 8, 2023

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

Via e-mail: [REDACTED] animalcare@usda.gov

Re: Request to Terminate Animals of Montana, Inc.'s AWA License

Dear Dr. Gibbens:

I am writing on behalf of PETA to request that the U.S. Department of Agriculture (USDA) terminate Animals of Montana, Inc.'s (AoM)—owned and operated by Troy Hyde—Animal Welfare Act (AWA) license (number 81-C-0055) because Hyde has violated state and federal animal welfare laws and regulations.

The USDA may terminate a license if the licensee “has been found to have violated any Federal, State, or local laws or regulations pertaining to the transportation, ownership, neglect, or welfare of animals.” 9 C.F.R. §§ 2.12, 2.11(a)(7).

As further detailed in the attached appendix, Hyde's AWA license was previously terminated for violations of the Lacey Act and Endangered Species Act. Since the USDA last relicensed Hyde in 2011, he has amassed at least 29 violations of state and federal laws and regulations “pertaining to the transportation, ownership, neglect, or welfare of animals,” *id.*, including a criminal conviction for violating state animal exhibition laws and the revocation of Hyde's Montana Roadside Menagerie permit for 22 violations of state captive animal regulations.

For these reasons, PETA requests that the USDA exercises its discretion to terminate Animals of Montana's AWA license.

Respectfully,



Cydnee Bence
Legal Fellow, PETA Foundation
[REDACTED]

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Appendix

1. Background

Troy Hyde, owner of Animals of Montana, Inc. (AoM), possesses a USDA AWA exhibitor's license,¹ a limited Montana Wild Animal Menagerie permit,² and a Montana Fur Farm permit.³

On July 31, 2018, the Director of the Montana Department of Fish, Wildlife & Parks (FWP) issued a final order revoking AoM's Roadside Menagerie permit after an on-site inspection revealed 22 violations of state menagerie laws.⁴ Hyde appealed this revocation several times and the Montana District and Supreme Courts each upheld the revocation.⁵ On September 8, 2021, the Lewis and Clark County District Court of Montana further ordered Hyde and AoM to "lawfully divest itself of the red fox, grey fox, grizzly bear, black bear, mountain lion, black leopard, and any other animals that it may not lawfully possess under its fur farm permit."⁶ Upon information and belief, Hyde has not complied with this order and continues to possess AWA-regulated species.

2. Hyde's violations of state law and regulations disqualify him from holding an AWA license.

The USDA may terminate a license for any reason that would require it to deny an initial license.⁷ Reasons for revocation include if the licensee made any false statements or provided any false or fraudulent records to government agencies or "has been found to have violated any Federal, State, or local laws or regulations pertaining to the transportation, ownership, neglect, or welfare of animals."⁸

Hyde has a substantial history of state and federal violations, including a prior revocation of his USDA exhibitor's license for violations of the Endangered Species Act, Lacey Act, and false statements to a government official:

- **July 29, 2021-** USDA official warning for transporting neonatal cubs.⁹
- **July 31, 2018-** Montana FWP Director upholds the revocation of AoM's Roadside Menagerie permit based on FWP's evidence of 22 *separate animal welfare violations*, including:
 - Violating the terms of his permit by taking a wolf off-site to be photographed without proper approval from FWP. This conduct also led to a jury trial finding Hyde guilty of violating the state's Roadside Menagerie statute.¹⁰

¹ Ex. 1, USDA Inspection Reports of Animals of Montana, Inc., 81-C-0055 (Jan 5, 2016—Feb. 16, 2023).

² The roadside menagerie permit authorizes Hyde to keep one grizzly bear, Adam, for the rest of Adam's life. Hyde may not exhibit any other animals under his menagerie permit. Ex. 2, Mont. Fish, Wildlife, & Parks, Wild Animal Menagerie Permit (Oct. 18, 2021); according to a Jan. 25, 2016 stipulation, until the status of Hyde's roadside menagerie permit was resolved, "FWP will allow AMI to operate its business as if its roadside menagerie permit were in place." Ex. 3, Order on Motion to Stay, Animals of Montana, Inc. v. Montana Department of Fish, Wildlife, and Parks, No. BDV-2015-999 (Mont. Dist. Ct. Amr 31, 2020).

³ Ex. 4, Mont. Fish, Wildlife, & Parks, Fur Farm Permit (Feb 1, 2022).

⁴ Ex. 5, Mont. Fish, Wildlife & Parks' Final Order, Montana Dept. of Fish, Wildlife, and Parks v. Animals of Montana, Inc. (July 31, 2018).

⁵ Ex. 6, Animals of Montana, Inc. v. Montana Department of Fish, Wildlife, and Parks, 2021 MT 130 (2021).

⁶ Ex. 7, Animals of Montana, Inc. v. Montana Department of Fish, Wildlife, and Parks, No. BDV-2015-999 (Mont. Dist. Ct. Sept. 8, 2021).

⁷ 9 C.F.R. § 2.12.

⁸ *Id.* § 2.11(a)(7).

⁹ Ex. 8, USDA Official Warning, Animals of Montana Inc. (July 29, 2021).

¹⁰ MONT. CODE ANN. 87-6-715(1)(a); Ex. 9, Answer Brief of Appellee, Animals of Montana, Inc. v. Mont. Dep't of Fish, Wildlife, and Parks, 2021 MT 130 (2021).

- Placing a member of the public in danger by failing to control a tiger during a photoshoot. Hyde directed a member of the public to use a weed whacker to “annoy the tiger into moving.”¹¹
- Failing to put a padlock on dangerous animals’ cages including the bear, coyote, bobcat, Siberian lynx, black leopard, arctic wolf, gray wolf, and other animals’ cages.¹²
- Failing to provide wolves with drinking water. According to FWP, the wolves “were either out of water, water was froze, or what was left in the bottom was brownish-black from saturation by fecal matter.”¹³
- Keeping wolves in “unsanitary” and “over-crowded” cages, such that Hyde failed to handle wolves in a humane manner.¹⁴
- And, failing to clean a cross-fox’s cage for several days, leading to the accumulation of “a significant amount of feces within the enclosure.”¹⁵
- **July 24, 2017-** USDA issued an official warning for failing to keep housing structurally sound, resulting in the permanent escape of a fisher.¹⁶
- **July 6, 2016-** USDA cited Hyde for knowingly obtaining animals from an unlicensed source
 - On the APHIS form 7020, three skunks were acquired from a person who does not hold a current license.¹⁷
- **January 5, 2016-** USDA cited Hyde after a fisher escaped from AoM and was never recovered.¹⁸
- **September 10, 2015-** Operating a roadside menagerie without a permit¹⁹
 - Hyde took a wolf into a location that was not authorized for indemnification in Virginia City, MT. He was cited, and a jury trial on September 9th, 2015 in Virginia City found AoM guilty of operating a roadside menagerie without authorization (indemnity).
- **November 4, 2012-** Violation of Occupational Safety and Health Act²⁰
 - Hyde failed to report a work-related fatality when a bear attacked an employee; Hyde exposed employees to potential attacks from captive bears while performing activities including but not limited to sanitation of the enclosure.
- **June 6, 2005- March 10, 2009** Termination proceedings to terminate AoM’s USDA license for violating ESA, Lacey Act, and false statements.²¹ Hyde’s license is terminated for a period of two years.
- **May 2000-** Violation of the Endangered Species Act
 - Hyde negotiated with Nancy Kraft the purchase of a Siberian tiger, Keeno, and arranged to transport Keeno from Minnesota to Montana. While Hyde was permitted to own Siberian tigers, Kraft did not have any permit or license to engage

¹¹ Ex. 5.

¹² *Id.*

¹³ *Id.*

¹⁴ *Id.*

¹⁵ *Id.*

¹⁶ Ex. 10, USDA Official Warning, Animals of Montana Inc. (July 24, 2017).

¹⁷ Ex. 1, at July 6, 2016.

¹⁸ Ex. 1, at Jan 5, 2016.

¹⁹ Ex. 11, *Montana v. Hyde*, Citation No. A216671 (Mont. Just. Ct., May 10, 2015); Ex. 12, Mont. Dep’t of Fish, Wildlife, and Parks, Notice of Revocation (Dec. 15, 2015).

²⁰ Ex. 13, U.S. Occupational Health and Safety Admin., Citation and Notice of Penalty, Animals of Montana, Inc., Inspection # 724901 (April 29, 2013).

²¹ In re: Animals of Montana Inc., AWA Docket No. D-05-0005 (March 10, 2009).

in the interstate commercial activity with these, or any other, endangered species.²²

- **May 1999-** Violations of the Endangered Species Act and Lacey Act
 - Hyde transported a tiger who had been sold in violation of the Endangered Species Act. Further Hyde falsified an APHIS 7020 form, listing the sale of the tiger as a “permanent breeding loan” despite having no breeding agreement or intent to breed the tiger, in violation of the Lacey Act.²³

Any of these individual instances of unlawful conduct is sufficient to *again* terminate AoM’s AWA license. Hyde’s unlawful conduct shows an outrageous disregard for animal welfare and public safety. Further, despite repeated convictions and citations, Hyde continued to engage in unlawful conduct. State and federal officials gave Hyde multiple opportunities to bring AoM into bare minimum legal compliance, but Hyde was either unable or unwilling to do so. Accordingly, the USDA should immediately terminate Hyde’s AWA license for violations of state and federal law pertaining to the ownership, neglect, and welfare of animals under 9 C.F.R. §§ 2.12, 2.11(a)(7).

3. Conclusion

Since Hyde was relicensed in 2011, he has amassed 29 violations of state and federal laws pertaining to the transportation, ownership, neglect, or welfare of animals:

- Twenty-two separate violations of state captive animal regulations, leading to his Roadside Menagerie permit being permanently revoked;
- one state criminal conviction for exhibition without a permit;
- two USDA official warnings for transporting neonatal cubs across the country and allowing a fisher to permanently escape;
- two USDA AWA citations for obtaining animals from an unlicensed source and allowing the fisher to escape;
- two OSHA citations, including failing to report that an employee was fatally wounded by a captive bear.

In terminating Hyde’s AWA license in 2008, you stated that allowing AoM to keep its AWA license despite Hyde’s violations of federal laws:

undermines APHIS’s ability to work cooperatively with other agencies that are similarly responsible for implementing animal protection statutes, jeopardizes the integrity of the U.S. Department of Agriculture’s Animal Care Program, and sends a message to Hyde, AOM, other regulated persons, and the public, that APHIS allows persons who are untruthful and who violate laws aimed at protecting animals to engage in AWA-regulated activities.²⁴

This statement remains true. Hyde’s initial AWA license termination did not deter him from continuing to violate animal welfare laws.

For the above reasons, PETA urges the USDA to hold Hyde accountable by immediately terminating Animals of Montana’s AWA license.

²² US. v. Kraft et al., 2005 WL 578313 (D. Minn. 2005).

²³ *Id.*

²⁴ Ex. 14, Supplemental Declaration of Robert M. Gibbens, D.V.M., In Re: Animals of Montana, Inc., AWA No. D-05-0005 (Aug. 12, 2008).