

October 16, 2024

Captain Casey Thomas
 Oregon State Police
 Fish and Wildlife Division

**Re: Request to investigate West Coast Game Park Safari for
 apparent violations of Oregon law and regulations**

Via E-mail: [REDACTED]

Dear Captain Thomas:

I am writing on behalf of PETA to request that the Oregon State Police (OSP) investigate West Coast Game Park Safari (WCGPS) (46914 Highway 101, Bandon, OR 97411) for apparent animal neglect and violations of Oregon Department of Fish and Wildlife (ODFW) regulations.

A person commits animal neglect in the second degree by “intentionally, knowingly, recklessly or with criminal negligence ... [f]ail[ing] to provide minimum care for an animal in such person's custody or control.” OR. REV. STAT. ANN. § 167.325(1)(a). “Minimum care” is defined by statute as “care sufficient to preserve the health and well-being of an animal,” and includes a non-exhaustive list of requirements, such as providing sufficient food and necessary veterinary care. *Id.* § 167.310(9). Additionally, ODFW regulations require animal exhibitors that hold native wildlife to possess a Wildlife Exhibitor/Animal Entertainment permit (exhibitor’s permit) and be accredited by the Association of Zoos and Aquariums (AZA) or the Zoological Association of America (ZAA). Or. Admin. R. 635-044-0475(10). OSP is charged with enforcing criminal animal neglect and is the State’s preferred enforcer of wildlife laws. OR. REV. STAT. ANN. §§ 181A.080(1)(a), 496.605– 496.615.

As detailed in the attached appendix, on April 15 and August 20, 2024, federal inspections at WCGPS revealed apparent second-degree animal neglect and possession of native wildlife without a valid state permit. *Id.* § 167.325; Or. Admin. R. 635-044-0475(10). Specifically, WCGPS has apparently denied animals sufficient food and necessary veterinary treatment in violation of the federal Animal Welfare Act (AWA) and in apparent violation of Oregon law. OR. REV. STAT. ANN. § 167.325. The same inspections revealed that WCGPS continues to hold native wildlife, yet according to public records, WCGPS’ temporary exhibitor’s permit expired

PEOPLE FOR
 THE ETHICAL
 TREATMENT
 OF ANIMALS
 FOUNDATION

Washington
 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

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- PETA Netherlands
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June 30, 2023, and WCGPS failed to renew the permit or become AZA or ZAA accredited as stipulated.

PETA urges the OSP to promptly investigate and hold accountable WCGPS for all apparent violations of Oregon law and ODFW regulations.

Thank you for your time and consideration of this important matter.

Sincerely,



Cydnee Bence
Counsel, Captive Animal Law Enforcement
PETA Foundation



Cc:

Jake Kamins, Senior Assistant Attorney General
Oregon Department of Justice



Meredith Flax, Assistant Section Chief
Environment and Natural Resources Division
U.S. Department of Justice



Devon Flanagan, Trial Attorney
Environment and Natural Resources Division
U.S. Department of Justice



Seth Barsky, Deputy Assistant Attorney General
Environmental Crimes Section, Wildlife and Marine
United States Department of Justice



Appendix

West Coast Game Park Safari (WCGPS) is a roadside zoo in Bandon, OR, owned and operated by Brian Tenney. Exhibit 1, Temporary Exhibitor’s Permit (Feb. 1, 2023). As an exhibitor, WCGPS is licensed by the U.S. Department of Agriculture (USDA) under the federal Animal Welfare Act (AWA) and subject to periodic inspections. USDA inspections on April 15 and August 20, 2024, revealed that WCGPS is committing apparent second-degree animal neglect and possessing native wildlife without a valid state permit. Exhibit 2, USDA Inspection Reports (Apr. 15–Aug. 20, 2024). Not only is WCGPS apparently operating without a valid Exhibitor/Animal Entertainment permit (exhibitor’s permit) from the Oregon Department of Fish and Wildlife (ODFW), WCGPS is apparently unqualified to hold an exhibitor’s permit because it has not been accredited by the Association of Zoos and Aquariums (AZA) or the Zoological Association of America (ZAA). Or. Admin. R. 635-044-0475(10).

I. Second Degree Animal Neglect

A person commits animal neglect in the second degree by “intentionally, knowingly, recklessly or with criminal negligence ... [f]ail[ing] to provide minimum care for an animal in such person's custody or control.” OR. REV. STAT. ANN. § 167.325. “Minimum care” is defined by statute as “care sufficient to preserve the health and well-being of an animal,” and includes a non-exhaustive list of requirements, such as providing sufficient food and necessary veterinary care. *Id.* § 167.310(9). To act “knowingly” means that “a person acts with an awareness that the conduct of the person is of a nature so described or that a circumstance so described exists.” *Id.* § 161.085(8). “Criminal negligence” is defined by statute as a failure to “be aware of a substantial and unjustifiable risk that the result will occur or that the circumstance exists” and “[t]he risk must be of such nature and degree that the failure to be aware of it constitutes a gross deviation from the standard of care that a reasonable person would observe in the situation.” *Id.* § 161.085(10). Thus, a person may be criminally negligent if they *should have* been aware of the risk. *See State v. S.N.R.*, 320 P.3d 569 (Or. Ct. App. 2014) (defendant should have been aware of a problem with their driving ability, which created a substantial risk of injury).

Under Oregon law, “[i]t shall be the duty of any peace officer to arrest and prosecute any violator of [the state’s cruelty-to-animals laws] for any violation which comes to the knowledge or notice of the officer.” OR. REV. STAT. ANN. § 133.379. Animal neglect in the second degree is a Class B misdemeanor unless the offence is “part of a criminal episode involving 11 or more animals,” in which case it is a Class C felony. *Id.* § 167.325(2)–(3). Class B misdemeanors are punishable by up to six months’ imprisonment and/or up to \$2,500 in fines. *Id.* §§ 161.615(2), 161.635(1)(b). Class C felonies are punishable by up to five years’ imprisonment and/or up to \$125,000 in fines. §§ 161.605(2), 161.625(1)(d).

a. WCGPS apparently failed to provide a capybara with sufficient food and nutrition.

Oregon law requires that animals are provided with “[f]ood of sufficient quantity and quality to allow for normal growth or maintenance of body weight.” *Id.* §§ 167.325, 167.310(9)(a).

On August 20, 2024, USDA inspectors witnessed a capybara who “was thin with visible ribs and hip bones.” Exhibit 2, at Aug. 20, 2024. A WCGPS representative stated that the capybara’s condition was the result of competition from other capybaras and that the capybara was “the runt.” *Id.* The facility falsely told inspectors that it had consulted its attending veterinarian; however, the attending veterinarian informed inspectors that he had not been consulted about the capybara’s condition. *Id.* The USDA cited WCGPS for failing to provide animals with a diet “of sufficient quantity and nutritive value to maintain all animals in good health.” 9 C.F.R. § 3.129(a).

Based on this animal’s body condition as documented by the USDA, the facility apparently failed to provide the capybara with sufficient food to maintain his/her bodyweight. Exhibit 2. WCGPS apparently knew of the capybara’s body condition as it noted to inspectors that the animal was “the runt,” likely referring to the animal’s small and weak condition. *Id.* WCGPS thus apparently knowingly failed to provide the capybara with “food of sufficient quantity and quality to allow for normal growth or maintenance of body weight.” OR. REV. STAT. ANN. § 167.310(9)(a).

b. WCGPS apparently failed to provide 33 fallow deer and a Bengal tiger with veterinary care.

To meet the standard of minimum care required under Oregon law, animals must be provided with “[v]eterinary care deemed necessary by a reasonably prudent person to relieve distress from injury, neglect or disease.” OR. REV. STAT. ANN. §§ 167.310(9)(d), 167.325.

On April 15, 2024, the USDA issued a direct citation, the most serious level of noncompliance, to WCGPS for failing to provide veterinary care to all of the fallow deer at the facility—33 in total.¹ Exhibit 2, at Apr. 15, 2024. Inspectors witnessed that every deer at the facility showed “signs of a dull, rough, hair coat.” *Id.* Twenty of these deer had “patchy hair loss along their body, with a mottled appearance to the neck, areas of complete hair loss encircling their eyes and along the top of the muzzle,” while two deer were “thin to extremely thin” with over 75% hair loss. *Id.*; Photos 1–2. Inspectors noted that the hair loss was not consistent with seasonal shedding and that the “body conditions, coat appearance and hair loss can be indicators of parasites, nutritional deficiencies, or other underlying medical conditions.” Exhibit 2. WCGPS did not contact its attending veterinarian about the deer’s hair loss and body condition. *Id.*

Wildlife veterinarian, Dr. Mason Payne, DVM, reviewed the USDA inspection report and opined:

¹ U.S. DEP’T. OF AGRIC., [ANIMAL CARE INSPECTION GUIDE](#), 2.4.6 (Mar. 8, 2024) (“A ‘Direct’ noncompliance is a Critical noncompliance that is currently **(at the time of the inspection) having a serious or severe adverse** effect on the health and well-being of the animal.”) (emphasis original).

The widespread clinical signs throughout the population indicate that this is likely an environmental or husbandry-related cause. Proper veterinary care would involve physical exams, skin scrapings, hair samples for dermatophyte testing, fecal testing for internal parasites, and thorough nutritional evaluation. Bloodwork or radiographs on certain individuals could also be warranted depending on those preliminary diagnostic findings.

Treatment could involve anti-parasitic medications, anti-fungal medications, or nutritional supplements, among others. If parasites are found to be the cause, environmental contamination is highly likely and environmental decontamination would be very important to occur at the same time as individual treatment, or else re-infection would be highly likely.

All 33 fallow deer at WCGPS showed signs of disease, indicating possible transmission of disease or parasites. A reasonably prudent person would have secured veterinary care for any deer who were showing signs of disease, such as severe hair loss and poor body condition. WCGPS failed to even notify its attending veterinarian about the deer's condition, much less secure veterinary treatment. Exhibit 2. WCGPS knew, or should have known, that every fallow deer in its custody was in apparent need of veterinary care to address the animals' hair loss and poor body condition. 9 C.F.R. § 2.40(b)(3) (requiring daily observation of all animals and reporting relevant information to the facility's attending veterinarian). By unreasonably failing to provide 33 fallow deer with veterinary care, WCGPS apparently failed to provide animals with the minimum care required under Oregon law. OR. REV. STAT. ANN. §§ 167.310(9)(d), 167.325.

Also on April 15, 2024, the USDA issued a direct citation to WCGPS for failing to provide veterinary care to a Bengal tiger who was found dead after a fight with another tiger. Exhibit 2, at Apr. 15, 2024. A WCGPS representative stated that on the evening of October 14, 2023, employees witnessed a fight between a male and female tiger. *Id.* The tigers were eventually separated, and employees did not see any open wounds or blood on the male tiger but noted that he appeared "sore." *Id.* WCGPS did not notify its attending veterinarian. *Id.* At approximately 9:00AM on October 15, 2023, employees found the male tiger dead. *Id.* WCGPS' records state that "wounds showd [*sic*] possible fight with mate and due to age succumbed to wounds." Photo 3. The USDA stated that a "[l]ack of communication in a timely manner could have contributed to the death of the tiger." Exhibit 2, at Apr. 15, 2024.

Any reasonably prudent person would, at a bare minimum, *contact* a veterinarian after a reportedly elderly tiger was in a fight with another tiger, but WCGPS did not. Upon reviewing the USDA inspection report, Dr. Payne explained, "fights between large animals can result in significant trauma to the underlying muscle, without obvious external wounds. . . . The tiger being 'sore' without large external wounds would be an obvious indication that there was significant internal trauma that would require bloodwork and radiographs to assess."

WCGPS' employees noted that the tiger was "sore," indicating that staff could see that the animal was suffering from injuries. Dr. Payne opined, "being 'sore' indicates the tiger was showing signs of pain. This could indicate significant trauma to the skeletal muscles or internal organs, both of which can be life-threatening conditions." Had WCGPS notified its attending veterinarian of the altercation, the veterinarian may have been able to relieve the tiger's distress from his apparently fatal injuries. It is Dr. Payne's opinion that:

This tiger should have been evaluated by a veterinarian, especially considering the elderly age of the tiger. Just the one basic diagnostic of bloodwork (complete blood count and chemistry panel) might have discovered evidence of kidney damage, internal bleeding, or diffuse intravascular coagulation, and a vet could potentially have instituted life-saving treatment such as fluid therapy, coagulants, or blood infusions. Bloodwork and radiographs are usually warranted in cases of physical trauma, especially in elderly animals, since externally unapparent injuries are common and can be life-threatening.

Instead, WCGPS failed to obtain veterinary care for a visibly injured, elderly tiger. Thus, WCGPS appears to have knowingly failed to provide a tiger with veterinary treatment necessary to relieve distress from injury, in apparent violation of Oregon law. OR. REV. STAT. ANN. § 167.310(9)(d), 167.325.

- c. WCGPS apparently failed to provide a chimpanzee with care sufficient to preserve his health and well-being

George is a chimpanzee whom WCGPS has held in isolation since November 2023. Exhibit 2, at Aug. 20, 2024. During the latest inspection, "'George' was observed facing the wall of his main enclosure or moving about the exhibit and looking at guests, but there was no vocalizing for attention or active interaction with enrichment in the enclosure that is normal for the species." *Id.* Further, WCGPS' attending veterinarian informed inspectors that "he does not see or provide care for the nonhuman primates at the facility" nor does he "see animals in emergent situations." *Id.* The USDA cited WCGPS for failing to maintain a written enrichment plan that provides for George's special needs as a solitary chimpanzee (9 C.F.R. § 3.81(c)(4)) and for failing to employ an attending veterinarian who can provide care for nonhuman primates (9 C.F.R. § 2.40(a)(1)) specifically stating that "[t]his needs to be addressed to ensure the overall health of the animals." Exhibit 2, at Aug. 20, 2024.

These conditions likely constitute a take of a federally protected species under the Endangered Species Act (ESA). A federal court has previously ruled that the ESA prohibits keeping a chimpanzee "in isolation, depriving him of the social interaction and psychological stimulation fundamental to his well-being," and depriving a chimpanzee of "complex and sanitary

environments.”² Similarly, the USDA has acknowledged that “[s]ocial interactions are considered to be one of the most important factors influencing the psychological well-being of most nonhuman primates.”³ According to chimpanzee experts, long-term solitary confinement is extremely distressing for chimpanzees and can have detrimental effects on chimpanzees’ well-being.⁴ Chimpanzees are such an active and intelligent species that denying them the ability to engage in social behaviors is injurious to their physical and psychological health.

The failure to provide minimum care “sufficient to preserve the health and well-being of an animal” constitutes criminal animal neglect. OR. REV. STAT. ANN. §§ 167.325, 167.310(9). According to USDA inspection reports, WCGPS has kept George—a highly social animal—in isolation for nearly a year; failed to provide a written plan that accounts for his months-long solitary confinement; and failed to secure an attending veterinarian who can provide George with necessary routine or emergent care. Exhibit 2. Consequently, WCGPS has apparently neglected George by failing to provide him with minimum care sufficient to preserve his health and well-being in violation of Oregon law. OR. REV. STAT. ANN. §§ 167.325, 167.310(9).

II. WCGPS is seemingly not accredited by the AZA or ZAA, as required under Oregon Department of Fish and Wildlife regulations.

Wildlife may not be held for exhibition without a Wildlife Exhibitor/Animal Entertainment permit (exhibitor’s permit). Or. Admin. R. 635-044-0440(2), 635-044-0475. As of January 1, 2022, only AZA- or ZAA-accredited facilities may hold native wildlife captive for exhibition. Or. Admin. R. 635-044-0475. “Native” is defined as “indigenous to Oregon, not introduced.” Or. Admin. R. 635-044-0420 (15). “Wildlife” is defined as “fish, shellfish, amphibians and reptiles, feral swine as defined by State Department of Agriculture rule, wild birds as defined by commission rule and other wild mammals as defined by commission rule.” OR. REV. STAT. ANN. § 496.004(19). Black bears, cougars, bobcats, wolves, raccoons, and skunks may only be held in captivity under an exhibitor’s permit or wildlife sanctuary permit.⁵ Or. Admin. R. 635-044-0460(1), 635-044-0450(3).

WCGPS is not accredited by either the AZA or ZAA. Exhibit 4, Accredited Facilities (Oct. 10, 2024). On January 1, 2023, ODFW issued WCGPS an interim exhibitor’s permit that expired on January 31, 2023, with the condition that WCGPS “show proof that it is actively working towards and is in the process of acquiring accreditation status from the AZA or ZAA” prior to the permit’s

² *Missouri Primate Foundation v. People for the Ethical Treatment of Animals, Inc.*, 2017 WL 4176431, *2 (E.D. Mo. 2017); see also *People for the Ethical Treatment of Animals, Inc., v. Sawyer*, 2021 WL 6211391, *1 (E.D. Mo. 2021) (granting summary judgment on PETA’s ESA claims).

³ USDA, ANIMAL & PLANT HEALTH INSPECTION SERVICE, FINAL REPORT ON ENVIRONMENT ENHANCEMENT TO PROMOTE THE PSYCHOLOGICAL WELL-BEING OF NONHUMAN PRIMATES § IV.A (1999).

⁴ Lopresti-Goodman et al., *Stereotypical Behaviors in Chimpanzees Rescued from the African Bushmeat and Pet Trade*, 3 BEHAVIORAL SCI. 1 (2013), <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4217614/>.

⁵ To the extent that WCGPS may argue that it can continue to hold its captive-bred bobcats and raccoon under ODFW’s “grandfathering” exemption, WCGPS failed to renew its exhibitor’s permit prior to its expiration, making the exemption inapplicable to WCGPS. See Or. Admin. R. 635-044-0470(2)(a)(D).

expiration. Exhibit 5, Interim Exhibitor's Permit (Jan. 1, 2023). WCGPS apparently failed to meet that condition and, on February 1, 2023, ODFW issued the facility a temporary exhibitor's permit with the same condition, that WCGPS must submit proof that it is working towards AZA or ZAA accreditation prior to the permit's expiration. Exhibit 1. That permit expired on June 30, 2023. *Id.* On March 27, 2024, PETA received ODFW's response to a public records request for all records regarding WCGPS from January 1, 2023, to March 27, 2024. Exhibit 6, Public Records Request (Dec. 7, 2023). PETA did not receive any records of another exhibitor's permit issued to WCGPS after February 1, 2023, or any records indicating that WCGPS was actively working towards AZA or ZAA accreditation.

As discussed above, WCGPS is not accredited by the AZA nor ZAA, nor has it shown any evidence of active efforts to become accredited. Per WCGPS' most recent USDA inventory on August 20, 2024, the facility holds the following native species: two bobcats; one Canada lynx; three red fox; and one raccoon. Exhibit 2, at Aug. 20, 2024. Accordingly, WCGPS is apparently holding native wildlife without an exhibitor's permit in violation of ODFW regulations. Or. Admin. R. 635-044-0475. Further, WCGPS is ineligible to hold the necessary exhibitor's permit because it is not AZA or ZAA accredited. *Id.* WCGPS was given multiple opportunities to come into compliance with ODFW regulations and is apparently unwilling or unable to do so. For these reasons, PETA urges the OSP to investigate and hold accountable WCGPS for apparent violations of ODFW regulations, including by confiscating any unlawfully held animals. Or. Admin. R. 635-044-0475, 635-044-0490(8).

III. Conclusion

Recent USDA inspections on April 15 and August 20, 2024, reveal apparent animal neglect at WCGPS in violation of Oregon law. OR. REV. STAT. ANN. § 167.325. WCGPS has apparently failed to provide multiple animals with sufficient food or necessary veterinary care. These inspections also revealed the presence of native wildlife, apparently held without the necessary exhibitor's permit from ODFW. The facility's refusal or inability to comply with ODFW regulations compounds the serious nature of WCGPS' apparent neglect. PETA urges the OSP to promptly investigate and hold accountable WCGPS for any and all violations of Oregon law and ODFW regulations.