

# **Exhibit H**

**Supplemental  
Public Correspondence received as of  
December 7, 2017**

**Roxann B Borisch**

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**From:** Brad Nahill <brad@seeturtles.org>  
**Sent:** Thursday, December 07, 2017 11:51 AM  
**To:** ODFW.Commission@state.or.us  
**Subject:** Comments on proposed administrative rules for Measure 100  
**Attachments:** OFWC Comments.pdf

**Categories:** Forwarded to Wildlife

Dear Oregon Fish and Wildlife Commission,

Please find attached our comments on the proposed administrative rules for Measure 100. We have a number of concerns with the proposed rules and do not believe that many of them fulfill the intent of the votes of Oregon who overwhelmingly passed this measure.

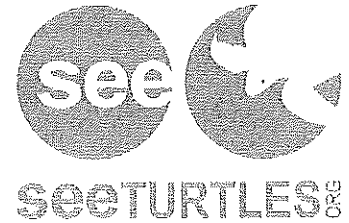
We urge the commission to withdraw these proposed rules and work with the sponsors of the measure to ensure the intent of Measure 100 is enacted into law through the administrative rules.

Thank you-

Brad Nahill

Brad Nahill  
President & Co-Founder  
SEE Turtles  
Help save a baby turtle!  
Take our Pledge to Avoid Turtleshell  
(800) 215-0378

December 7<sup>th</sup>, 2017



Oregon Fish and Wildlife Commission  
4034 Fairview Industrial Dr. SE  
Salem, Oregon 97302  
[ODFW.Commission@state.or.us](mailto:ODFW.Commission@state.or.us)

Re: Comments Urging Amendments to the Regulations Implementing the Wildlife Trafficking Prevention Act

Dear Commissioners,

As a wildlife conservation organization based in Oregon that works on illegal trafficking issues related to critically endangered sea turtles, I am writing to express concern about the current proposed regulations. Oregon votes overwhelmingly approved Measure 100 and strongly support efforts to reduce wildlife trafficking in the state and the proposed regulations do not go far enough to fulfill the intent of the ballot measure.

We urge the Commission to make the following changes to the proposed regulations to ensure that the sale of endangered wildlife parts is controlled to best extent possible:

- Including "Possession with intent to sell," of covered animal species parts is critical to ensure enforcement of Measure 100;
- The Zoological Association of America should be not included in the list of educational and scientific institutions allowed to sell covered species parts and products;
- The musical instrument exception fails to comport with the strict requirements of Measure 100 regarding lawful acquisition of covered species parts. This is particularly important to our organization, as guitar picks made from the shell of hawksbill sea turtles could be exempted;
- The definition of covered animal species has a loophole that would allow the sale of sharks and rays;
- The draft regulations need to make it clear that the Department is prohibited from selling confiscated parts;
- The exception for sales by/to scientific and educational institutions is broader than HB2576;
- The exception for antiques does not meet the strict requirements of Measure 100; and
- Correct taxonomic errors in the definition of covered animal species.

SEE Turtles and our Oregon-based supporters urge the Oregon Fish and Wildlife Commission to stay true to the intent of Measure 100 and HB2576 and to withdraw these proposed regulations from the upcoming meeting agenda. We urge the commission to work with Save Endangered Animals Oregon to implement the will of the state's voters.

We appreciate your consideration,

A handwritten signature in cursive script that reads "Brad Nahill".

Brad Nahill  
President  
SEE Turtles  
Beaverton OR 97007  
800.215.0378  
[brad@seeturtles.org](mailto:brad@seeturtles.org)

## Roxann B Borisch

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**From:** David Kracke <david@craignicholslaw.com>  
**Sent:** Thursday, December 07, 2017 1:24 PM  
**To:** ODFW.Commission@state.or.us  
**Subject:** Public Comments regarding proposed OARs for Measure 100  
**Attachments:** Comment to ODFW re Measure 100 OARs December 2107.pdf

**Categories:** Forwarded to Wildlife

Dear ODFW Commission;

Please accept the attached comments with regard to the proposed OARs for Measure 100. Thank you.

Sincerely,

David Kracke  
International Board Member WildAid

David R. Kracke  
Attorney at Law



4504 S.W. Corbett Avenue, Suite 200  
Portland, OR 97239  
Ph: (503) 224-3018  
Fx: (503) 222-0693  
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## David R. Kracke

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Cell (503) 887-7297  
E-mail: david@craignicholslaw.com  
www.wildaid.org

December 7, 2017

### **Comment to the ODFW regarding Measure 100 proposed administrative rules**

To the Oregon Department of Fish and Wildlife:

Please accept these comments regarding the proposed administrative rules applicable to Oregon's Measure 100.

I am a member of the International Board of WildAid, an organization whose mission is to end the trade in endangered species parts worldwide by reducing demand for those parts. Our motto is "When the buying stops, the killing can too." WildAid was a proud and strong supporter of Measure 100, which, as you know, passed in 2016 with the overwhelming support of Oregon voters.

It is the intent of the voters and the spirit of Measure 100 that must control any effort to define the scope and enforcement of Measure 100 through the implementation of administrative rules.

The will of Oregon voters was clear when Measure 100 passed. Oregonians unambiguously voted to prohibit the sale of the twelve enumerated endangered species' parts within the state. The spirit of the law was clear as well: Protect those species by eliminating the market for those species within Oregon. Any action on the part of ODFW must remain consistent with the will of the voters and any effort to weaken the provisions of Measure 100 must be resisted.

WildAid shares the concerns voiced by the Save Endangered Animals Oregon coalition including the following:

- “Possession with intent to sell” language must be included in the OARs;
- Any narrowing of the definition of “covered animal species” should be avoided including any attempt to allow the sale of “bycatch” including sharks and rays;
- The ZAA should not be included as an “Educational” or “Scientific” institution thereby being exempt from the sales prohibition. They were not included in the original language of HB 2576 and giving the ZAA such an exemption is potentially problematic with regard to unauthorized sales of the protected species;
- The regulations must make it clear that ODFW is prohibited from selling confiscated parts from the enumerated species;
- Any exceptions for sales by and to scientific and educational institutions must be defined as narrowly as possible;
- The musical instrument exception must be more strict than currently proposed to comport with the intent of the will of Oregon voters who passed Measure 100;
- The antique exception needs to be similarly strengthened to maintain consistency with the will of Oregon voters; and
- Any and all taxonomic errors and inconsistencies in the “definitions” portions of the proposed rules must be corrected.

Any efforts to weaken the law through the implementation of rules that narrow its scope or detract from the stated intent of eliminating the trade in the enumerated species’ parts should be resisted and WildAid urges this Commission to act accordingly and uphold the intent of Oregon voters who passed this measure. Thank you for considering these comments.

Sincerely,

*/s/ David R. Kracke*

David R. Kracke  
International Board Member  
WildAid



December 7, 2017

Oregon Fish and Wildlife Commission  
4034 Fairview Industrial Dr.  
SE Salem, Oregon 97302  
[ODFW.Commission@state.or.us](mailto:ODFW.Commission@state.or.us)

***Re: Comments Urging Amendments to the Regulations Implementing the  
Wildlife Trafficking Prevention Act***

Dear Commissioners:

Save Endangered Animals Oregon (SEA-OR) greatly appreciates the Oregon Department of Fish and Wildlife's commitment to enforcing the Wildlife Trafficking Prevention Act adopted by nearly 70 percent of Oregon voters in November 2016 (Measure 100, as amended by HB 2576, codified at ORS 498.022). This law is critical to ensuring that Oregon does not provide a local market for the sale of parts of imperiled species and does not contribute to the poaching and trafficking of species in danger of extinction.

SEA-OR, which represents a large coalition of animal protection and conservation organizations and was the proponent of Measure 100, is pleased to see that some of the provisions contained in the temporary rules established by the Department on July 14, 2017, and ratified by the Commission on August 4, 2017, have been clarified. Namely we agree that it is unnecessary to amend the Department's regulations to address the possession or sale of live members of covered animal species, which was outside the scope of Measure 100.

However, SEA-OR believes it is imperative that the edits identified in the redline at the end of this letter be made to the proposed regulations in order to precisely comport with the intent of voters and legislators in passing Measure 100 and HB 2576. Indeed, SEA-OR opposes adoption of the proposed regulations in their current form. Specifically, the following major changes are essential:

- The prohibition on sale of covered animal species parts and products fails to include "possession with intent to sell," which was a critical component to ensure enforcement of Measure 100;
- The Zoological Association of America (an exotic pet front group, as detailed in the attached factsheet) was not included in the list of educational and scientific institutions allowed to sell covered species parts and products in HB2576 and adding ZAA to the regulations conflicts with this statutory authority and Measure 100;

- The musical instrument exception fails to comport with the strict requirements of Measure 100 regarding lawful acquisition of covered species parts;
- The definition of covered animal species is narrowed in a manner inconsistent with Measure 100, creating a loophole that would allow the sale of bycaught sharks and rays;
- The draft regulations do not make clear that the Department is prohibited from selling confiscated parts, as included in Measure 100;
- The exception for sales by/to scientific and educational institutions is broader than HB2576 (both with respect to the purposes of sale and the date of requisite gift agreements);
- The antique exception fails to comport with the strict requirements of Measure 100 regarding demonstrating provenance of antiques; and
- There are taxonomic errors in the definition of covered animal species.

SEA-OR is happy to work with the Department and Commission to ensure that implementing regulations for Measure 100 and HB2576 comport with the intent of the voters and the legislature and strongly urge the Commission to withdraw this matter from tomorrow's Commission meeting agenda.

Thank you for your consideration,

A handwritten signature in black ink that reads "Kristin Leppert". The signature is written in a cursive, flowing style.

Kristin Leppert  
Campaign Director  
Save Endangered Animals Oregon  
202.812.8717  
[kristin@saveanimalsoregon.com](mailto:kristin@saveanimalsoregon.com)

DIVISION 200

SALE, PURCHASE OR EXCHANGE OF WILDLIFE PARTS

(Excluding, Shellfish and Marine Invertebrates)

635-200-0010

Definitions

(1) Unless specifically stated otherwise in this rule, terms used in this division retain the meaning accorded them under other divisions of OAR chapter 635 and the governing statutes.

**(2) "Bona fide scientific or educational institution means":**

- (a) A career school granted authority to operate under ORS 345.010 to 345.450;
- (b) A community college established under ORS chapter 345.010 to 345.450;
- (c) An education service district as defined in ORS 334.003;
- (d) The Oregon Health and Science University;
- (e) A public high school;
- (f) A public university listed in ORS 352.002;
- (g) Any institution not otherwise listed in the subparagraph that is exempt from ORS 348.594 to 348.615 under ORS 348.597 (2); or a zoo or aquarium that is accredited under standards the equal or exceed the accreditation standards of the Association of Zoos and Aquariums or Zoological Association of America in effect on the effective date of this 2017 Act.

Commented [AF1]: HB 2576 says "A community college established under ORS chapter 341", suggest conforming.

Commented [AF2]: HB 2576 explicitly specified AZA only therefore this reference to ZAA must be removed to comport with the relevant statutory authority. This is critically important, as AZA has far higher standards than ZAA.

(3(2))"Cervid" is defined in OAR 635-045-0002.

**(4) "Covered Animal Species" means:**

- (a) Elephant – Elephantidae – All species
- (b) Rhinoceros – Rhinocerotidae – All Species
- (c) Whale – Cetacea – All Species
- (d) Tiger – Felidae – Panthera tigris
- (e) Lion – Felidae – Panthera leo and Panthera leo persica
- (f) Leopard – Felidae – Panthera pardus, Neofelis nebulosi, Neofelis diardi

Commented [AF3]: Delete because this subspecies is already included in *Panthera leo* and because IUCN no longer uses *persica* (*P. leo leo* and *P. leo melanochaita* are the recognized subspecies).

**Uncia uncia**

- (g) Cheetah – Felidae – Acinonyx jubatus

Commented [AF4]: IUCN recognizes two species of clouded leopard – add *Neofelis diardi*.

**(h) Jaguar – Felidae – Panthera onca**

**(i) Pangolin – Manidae – All species**

**(j) Marine and Leatherback turtles – Cheloniidae and Dermochelyidae – All Species**

**(k) Shark – all species – excluding spiny dogfish as defined in ORS 498.257(1); and excluding species obtained by an activity expressly authorized by federal law or an activity that involves a species that is subject to a federal management plan under Title III of P.L. 94-265 as amended (Magnuson-Stevens Act).**

**(l) Ray – all species – excluding species obtained by an activity expressly authorized by federal law or an activity that involves a species that is subject to a federal management plan under Title III of P.L. 94-265 as amended (Magnuson-Stevens Act), and all species of skate (Rajidae).**

**(5) “Covered animal species part or product” means any item that contains, or is wholly or partially made, from, any covered animal species.**

(6[3]) "Furtaker" means a holder of a furtaker's license or a hunting license for furbearers.

(7[4]) "Furbearer" and "furbearing mammals" are defined in OAR 635-050-0050.

(8[5]) "Processed" means a hide, pelt, or cape that has been:

(a) Permanently preserved through a process such as tanning, freeze-drying or converting to rawhide (but not including salting, drying or freezing); or

(b) Converted into a handcrafted item.

(9[6]) "Raw pelt" is defined in OAR 635-049-0005.

(10[7]) "Road-killed" means struck and killed by a motor vehicle.

**(11) “Sale” or “sell” of covered animals species part or product means an act of selling, trading, or bartering for monetary or non-monetary consideration, and includes any transfer of ownership that occurs in the course of a commercial transaction, but does not include a nonmonetary transfer of ownership by way of gift, donation, or bequest.**

(12[8]) "Unprocessed" means not processed, as defined in this rule.

(13[9]) "Unprotected Mammals" is defined in OAR 635-050-0050.

Statutory Authority: 496.012, 496.138, 496.146, 498.019, 498.022 & 498.042

Stats Implemented: 496.012, 496.138, 496.146, 498.019, 498.022 & 498.042

**Commented [AF5]:** Measure 100 only exempts spiny dogfish and this language weakens the definition included in the measure. There is already an exception in the prohibition section for activities that are expressly authorized by federal law, so adding this verbiage into the definition section could create a loophole (e.g., shark caught as bycatch from a legal fishery should not be able to be sold and undermine the effectiveness of the measure.

**Commented [AF6]:** This weakens the definition included in Measure 100. There is already an exception in the prohibition section for activities that are expressly authorized by federal law, so adding this verbiage into the definition section could create a loophole (e.g., rays caught as bycatch from a legal fishery should not be able to be sold and undermine the effectiveness of the measure.

**Commented [AF7]:** Moving comma to comport with Measure 100

**Commented [AF8]:** Note that Measure 100 includes a definition of person, could be helpful to add that here.

"Person" means any individual, firm, partnership, joint venture, corporation, limited liability company, joint stock company, estate, trust, receiver, syndicate, association[,] or other legal entity

**Commented [AF9]:** Scrivener's error, definition is singular.

635-200-0080

**Wildlife Not Native to Oregon**

(1) Except as provided in ORS 498.022 and this rule, any person may sell, purchase or exchange the parts of any species other than those species listed in Appendix 5 ("Extant, Self-Sustaining Oregon Vertebrates by Physiographic Provinces, Selected Community Types and Selected Habitat Components") of the Oregon Wildlife Diversity Plan 1993-1998 (November 1993).

(2) Any person may sell, purchase, or exchange the inedible parts of bullfrogs (*Rana catesbeiana*).

(3) The sale, purchase, or exchange of nonnative cervid parts is governed by section 60 of this rule.

~~(4) Except as provided in ORS 498.022, this rule, or other rules of the commission, no person may purchase, sell, offer for sale, or possess with the intent to sell any "covered animal species" part or product.~~

Statutory Authority: 496.012, 496.138, 496.146, 498.019, 498.022 & 498.042

Stats Implemented: 496.012, 496.138, 496.146, 498.019, 498.022 & 498.042

**Commented [AF10]:** It would reduce confusion to have one section pertaining to sale of covered animal species parts that conforms exactly to Measure 100. Since ORS 498.022 is cross-referenced in paragraph (1) here, this paragraph is duplicative.

635-200-0135

**Sale of Covered Animal Species**

~~(1) Except as otherwise provided in ORS 498.022 or Subsection (2) of this Section, these rules or other rules of the commission, a person may not purchase, sell, or exchange, or offer for sale, or possess with intent to sell to purchase, sell or exchange any item that the person knows or should know is a covered animal species part or product.~~

~~(2) Subsection (1) of this rule does not apply to:~~

~~(a) To employees or agents of federal or state government undertaking any law enforcement activities pursuant to federal or state law or any mandatory duties required by federal or state law;~~

~~(b) When the activity is expressly authorized by federal law;~~

~~(c) When the activity involves a species that is subject to a federal management plan under Title III of P.L. 94-265 (16 U.S.C. 1851-1869), as amended; or~~

~~(d) When the activity is exempt under ORS 498.257(3) or 509.160(3);~~

~~(e) When the covered animal species part or product is a fixed component of an antique that is not made wholly or primarily of the covered animal species; and provided that the antique status is established by the owner or seller of the~~

**Commented [AF11]:** We strongly urge conforming this subsection precisely to Measure 100.

**Commented [AF12]:** The definition of sale includes bartering/trade, so exchange becomes redundant and could cause confusion. Similarly, prohibiting "offer to purchase" is not included in Measure 100 and could unnecessarily subject the regulations to First Amendment challenge.

**Commented [AF13]:** This is a critical component of Measure 100 that must be incorporated. Further, Measure 100 includes a statutory presumption that we recommend adding in here.

"There is a presumption of possession with intent to sell a covered animal species part or product when the part or product is possessed by a retail or wholesale establishment or other forum engaged in the business of buying or selling of similar items. This rebuttable presumption [shall] does not preclude a finding of intent to sell based on any other evidence [which] that may serve to independently establish such intent."

**Commented [AF14]:** Strongly urge amendments here to conform to Measure 100.

antique with documentation evidencing provenance and showing the covered animal species part or product to be

at least 100 years old as of July 1, 2017; and provided that the

total weight of part or product is less than 200 grams.

(f) When the covered animal species part or product is a fixed component of a musical instrument, including, but not limited to, string instruments and bows, wind and percussion instruments, and pianos; provided that

(A) The covered animal species part or product ~~instrument~~ was legally acquired;

(B) The total weight of the covered animal species part or product is less than 200 grams.

(g) To the noncommercial transfer of ownership of a covered animal species part or product to a legal beneficiary of estate, trust or other inheritance;

(h) To the possession of a covered animal species part or product by any enrolled member of a federally recognized Indian tribe; or

(i) To the sale of a covered animal species part or product by or to a bona fide scientific or educational institution when the sale is made pursuant to a written gift agreement or similar instrument entered into before July 1, 2017.

(3) The Department may permit the purchase, sale or donation of covered animal species parts or products by or to a bona fide scientific or educational institution for scientific or educational purposes as defined in ORS 498.022(h)(A); if

(a) The covered animal species part or product or part was legally acquired;

(b) The purchase, sale or donation is made pursuant to a written gift agreement or similar instrument entered into prior to July 1, 2017;

(c) The purchase, sale or donation is not prohibited by federal law;

(d) The permit applicant ~~requester~~ submits documentation to the Department detailing the proposed transaction including the type of covered animal species part or product to be purchase, sold or exchanged and the source of the covered animals species part or product; and

(e) The bona fide scientific or educational institution keeps, and provides to the Department, documentation from the transaction detailing the type of covered animal species part or product acquired and the source of the part or product.

(4) A person who sells, offers to sell, or possess with the intent to sell parts or products that closely resembles material from a covered animal species must, upon request by the Department, immediately provide proof that the material used for the part or product is not from a covered animal species.

**Commented [AF15]:** Measure 100 explicitly requires the part or product be less than 200 grams, not just that an appraiser says that the part is less than 200 grams. These edits are critical to comport with the independent requirements of Measure 100.

**Commented [AF16]:** Measure 100 says the part must be legally acquired, not the instrument – this is a very important distinction. For example, while a piano may have been legally acquired, if it is refurbished with ivory keys from recently-poached elephants, sale of the piano is illegal under current law.

**Commented [AF17]:** Edits to conform exactly to HB 2576

**Commented [AF18]:** Critical to comport with HB 2576 so that this does not become a loophole.

**Commented [AF19]:** Critical to comport with HB 2576 so that this does not become a loophole.

Statutory Authority: 496.012, 496.138, 496.146, 498.022 & 498.026, 506.025

Stats Implemented: 496.012, 496.138, 496.146, 498.022 & 498.026, 506.025

635-200-0140

Confiscation or Disposal, of Covered Animal Species Parts or Products, Civil Penalty

(1) Each violation of ORS 498.022(2) may result in confiscation or required disposal of the covered animal species part or product as directed by the Department and consistent with ORS 498.022, and imposition of a civil penalty not to exceed \$6,500 or an amount equal to two times the total value of the covered animal species part or product, whichever is higher. "Total value" means either the fair market value or the actual price paid for a covered animal species part or product, whichever is greater.

(1)(2) The Department shall provide notice of its intent to confiscate or require disposal of a covered animal species part or product and of its intent to impose a civil penalty in the form provided in ORS 183.415.

(2)(3) The person to whom the notice is addressed shall have 20 days from the date of service of the notice in which to make written application for a contested case hearing. If no application for a hearing is made within the time allowed, the Department may issue a final order.

(3)(4) Final orders will be issued by the Director.

(4)(5) Any civil penalty imposed pursuant to ORS 498.022 and this rule shall be payable to the Department.

Statutory Authority: 496.012, 496.138, 496.146 & 496.665, 496.675, 497.238, 497.308, 497.318, 498.022 & 498.026

Stats Implemented: 496.012, 496.138, 496.146 & 496.665, 496.675, 497.238, 497.308, 497.318, 498.022 & 498.026

Commented [AF20]: Measure 100 makes clear the Department can't sell the part or product, so limiting here.

Commented [AF21]: This is an important defined term for Measure 100, recommend adding here.

# Zoological Association of America

## Analytical Report of Standards, Practices, and Facilities

Exempting the Zoological Association of America (ZAA) severely weakens laws and regulations intended to restrict the private possession of dangerous wild animals to qualified facilities



“[Expanding permission to ZAA facilities to keep large carnivores in Michigan] could lead to gaps in public health protection and animal welfare.”

Michigan Governor Rick Snyder, in vetoing changes to Michigan’s Large Carnivore Act<sup>1</sup>

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# Executive Summary

The deceptively-named Zoological Association of America (ZAA) has weak standards, endorses poorly run roadside zoos, traveling zoos, and private menageries, and promotes the private ownership of exotic pets as well as the commercialization of wildlife. Despite threats to public safety and animal welfare, ZAA standards allow public contact with dangerous wild animals. Attempts to exempt ZAA facilities from state dangerous wild animal laws were defeated in California, Louisiana, Michigan, and Texas.<sup>2,3,4</sup> And officials in Clark County, Nevada, rejected a ZAA exemption in a new ordinance after two ZAA backyard menageries had caused a significant burden to county officials over safety and code violations.<sup>5</sup> ZAA has no affiliation with the highly respected Association of Zoos and Aquariums (AZA), which has a long history of setting industry standards for zoological institutions.

## ZAA's Exploitation of Tigers

Rampant breeding and exhibition of tigers, particularly white tigers, is popular with ZAA, despite the fact that it serves no conservation purpose and even undermines conservation efforts. One ZAA facility offers close encounters with a liger (a tiger-lion hybrid), which is unhealthy for the animal and equally damaging to conservation. White tigers are not a sub-species, but simply an aberrant color variation of Bengal tigers. All captive white tigers are inbred and many suffer serious congenital defects, such as shrunken hearts, kidney ailments, cataracts, club feet, and crippling hip dysplasia. The Association of Zoos and Aquariums (AZA) Tiger Species Survival Plan condemns the breeding of white tigers.

The ZAA opposes a regulation proposed by the U.S. Fish & Wildlife Service that would provide an important monitoring tool to help prevent captive tigers in the U.S. (estimated to be in the thousands) from fueling the illegal black market for tiger parts.<sup>6</sup> Such opposition demonstrates a callous disregard for conservation and welfare issues.

## Concerns about ZAA's facilities, members, and activities include the following:

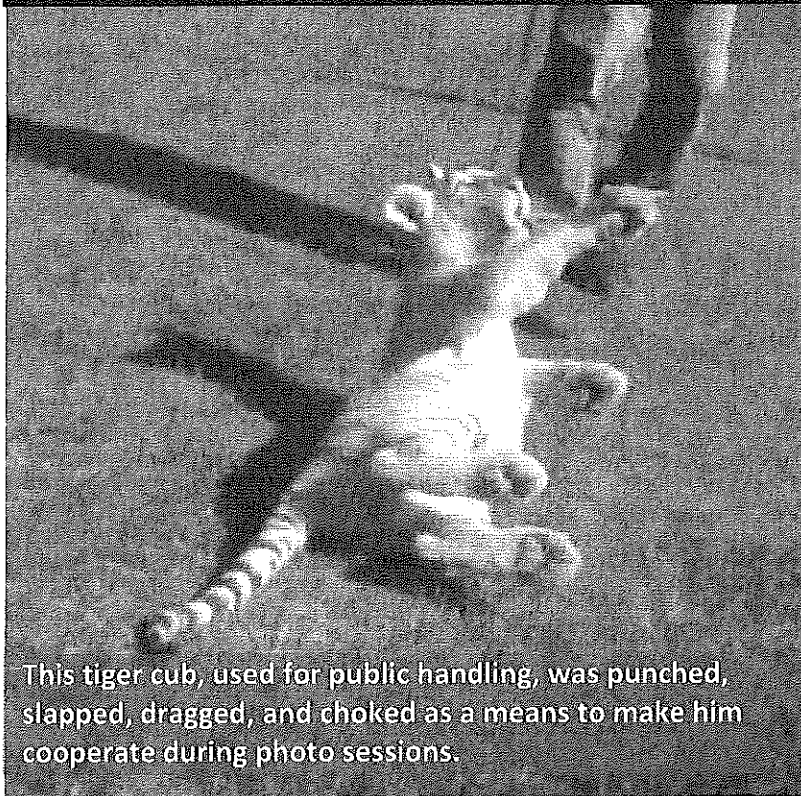
- Unprofessional conduct that includes wildlife trafficking, cruelty to animals, providing false information to law enforcement, and misappropriation of assets from taxpayer-supported zoos
- People have been critically injured and suffered permanent disabilities from attacks by animals ranging from elephants to big cats to chimpanzees at facilities operated by ZAA members
- Allowing the public to have unsafe contact with dangerous wild animals
- Disposing of unwanted wild animals in harmful and irresponsible ways
- Inexperienced staff and insufficient staffing levels
- Numerous USDA fines and official warnings for serious and chronic problems
- Serious animal welfare concerns, such as:
  - inadequate veterinary care
  - inhumane methods of euthanasia
  - inadequate feeding
  - filthy drinking water
  - lack of shelter from sunlight and the elements
  - cramped, undersized, and filthy enclosures
  - little to no environmental enrichment
  - depriving newborn bears, big cats, and primates of maternal care
  - subjecting big cats to declawing—a procedure that does not comply with the federal Animal Welfare Act requirements for adequate veterinary care because it causes considerable pain and chronic health problems

## ZAA standards pale in comparison to AZA standards

ZAA's vague accreditation standards allow conditions that were common at zoos 30 or 40 years ago, but which are totally inconsistent with modern animal care practices. ZAA's accreditation inspections are inadequate and, in some cases, ZAA accredits facilities without conducting an accreditation inspection.

On the other hand, the AZA has a rigorous and comprehensive accreditation process as well as strong standards and policies to address safety, provide for animal health and welfare that greatly exceeds the minimum standards of the federal Animal Welfare Act, ensure fiscal responsibility, and prevent wild animals from entering the pet trade and canned hunting facilities.

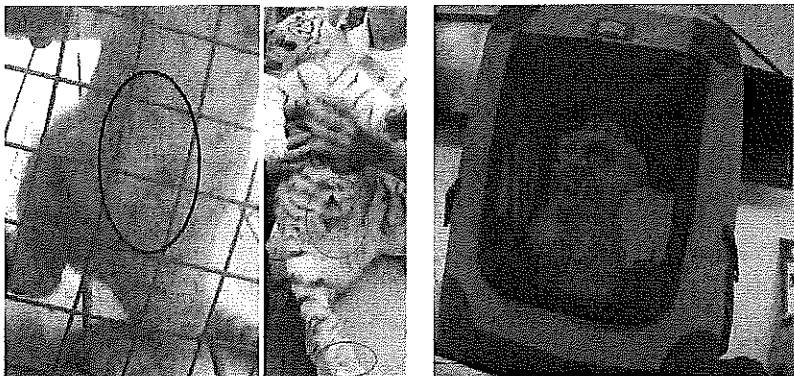
# ZAA's Abusive Treatment of Tiger Cubs



This tiger cub, used for public handling, was punched, slapped, dragged, and choked as a means to make him cooperate during photo sessions.

In 2014, HSUS conducted undercover investigations at two roadside zoos—Tiger Safari (TS) in Oklahoma, owned by Bill Meadows and accredited by ZAA affiliate Feline Conservation Federation, and Natural Bridge Zoo (NBZ) in Virginia, owned by ZAA professional members Karl and Debbie Mogensen. Both facilities use tigers supplied by ZAA-accredited Myrtle Beach Safari (a.k.a. T.I.G.E.R.S.) owned by ZAA professional member Kevin Antle in South Carolina. Antle is a tiger breeder who warehouses dozens of tigers in box stalls in a horse barn and offers public contact with tigers, chimpanzees, orangutans, and other dangerous wild animals.

TS, NBZ, and MBS are among many ZAA members and affiliates that breed and acquire tigers for the sole purpose of using cubs for photo ops with the public.



These tiger cubs, infected with ringworm, were used for public handling.

This 3-week-old tiger cub, infected with ringworm, was handled by 27 people at TS on the very day that she endured a 19-hour car ride from MBS.

## The investigations of ZAA members and affiliates revealed:

- Food deprivation and excessive hunger, which caused the cubs a great deal of stress and frustration, was used to control the cubs while they were handled by children and adults.
- The cubs were fed a nutritionally-deficient diet, which could cause metabolic bone disease, a common ailment of privately owned, hand-reared tiger cubs.
- During the nearly 5-month investigation, the cubs at NBZ were never seen by a veterinarian and TS blatantly ignored veterinary recommendations to provide the cubs with a proper diet and vet care.
- The cubs were handled by dozens of people daily, which disrupted their sleep and rest.
- The public handled cubs infected with ringworm, coccidia, and giardia.
- The cubs were routinely subjected to physical abuse, such as being hit, smacked, punched, choked, and dragged.



A tiger cub, used for public handling, is being hit on the face.

Public handling began at TS and NBZ when the tigers cubs were 3 to 4 weeks of age respectively. At such a young age, the cubs are especially vulnerable to illness because their immune systems are not yet developed. Since the cubs were pulled from their mothers during birth, they were also deprived of the benefit of maternal antibodies contained in mother's milk.

The tigers continued to be used for public handling until they were more than 17 weeks old, weighed close to 50 pounds, and were considerably more dangerous and difficult to handle.



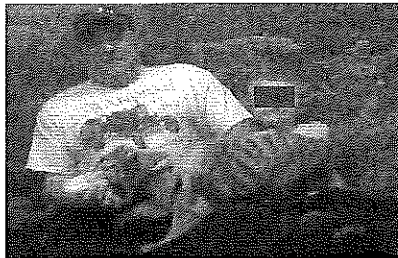
A juvenile tiger weighing nearly 50 pounds is used for public handling.

## Experts Oppose Public Contact with Big Cats

Agitated tiger cubs bite at members of the public.

According to Ronald Tilson, Ph.D., who coordinated the AZA Tiger Species Survival Plan from 1987 to 2011 and has decades of experience in tiger husbandry:

- Allowing public contact with animals who are often unhealthy poses a risk to public health and safety.
- Prematurely removing a big cat cub from its mother is not condoned by the majority of animal care professionals because it negatively impacts the welfare of both the cub and its mother.
- Hand-reared cubs are susceptible to behavioral disorders, causing them to display abnormal traits as adults.
- Big cats normally sleep up to 80 percent of every 24-hour day, but public handling severely interrupts this sleep cycle, causing exhaustion, anxiety, and illness.
- The business of using these animals as photographic props undermines legitimate conservation efforts.



**“You take that fist and you punch him right in the nose as hard as you can.”**

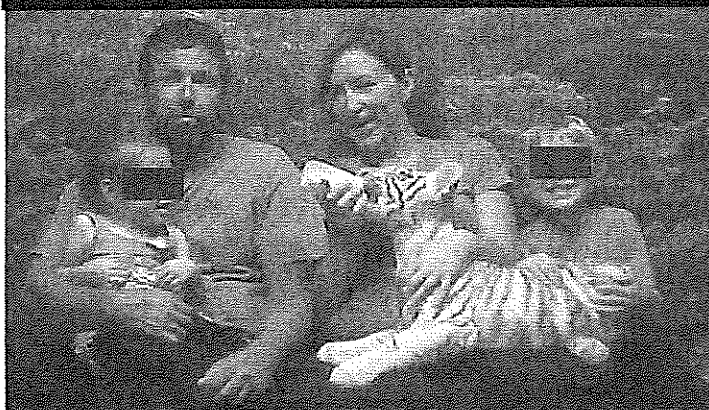
**Bill Meadows instructing his niece to discipline tiger cubs**



A small child peeks out over the top of a juvenile tiger during a photo session.



Inches away from a baby, this juvenile tiger reaches out with his claws and knocks a bottle from a man's hand.



A tiger cub infected with coccidia and giardia has unsafe contact with infants, toddlers, and small children.



A tiger cub struggles and slips from a boy's grasp.

## Hidden dangers

The National Association of State Public Health Veterinarians recommends against public contact with wild and exotic carnivores, such as lions and tigers, because of their strength, unpredictability, and the pathogens they may carry.

In addition to documented cases of tiger cubs infected with ringworm, coccidia, and giardia being used for public handling, a significant number of captive exotic cats commonly shed *Salmonella* in their feces, including drug-resistant strains, putting those who handle the animals at risk. Further, a single bite wound from an exotic cat can spread multiple pathogens, including a *Pasteurella*-like bacteria.



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# Analysis of a ZAA Accreditation Inspection

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## Wright Park Zoo in Dodge City, Kansas

According to the following report, the ZAA accreditation inspection of Wright Park Zoo was conducted by ZAA co-founder Jim Fouts and Wright Park Zoo's veterinarian, Dr. Darin Huck. Since half of the 2-person inspection team was affiliated with Wright Park Zoo, there was a built-in bias to the inspection process. In contrast, AZA does not allow inspection team members to be affiliated with the zoo that is being inspected.

The ZAA inspection took just 2½ hours, which appears to be an insufficient amount of time to conduct a thorough inspection of the facility's animal enclosures and buildings, animals, protocols and records, as well as conduct staff interviews. Even for a small facility, an AZA accreditation inspection would take a minimum of two days.

Inspectors with the U.S. Department of Agriculture (USDA) and casual zoo visitors have observed more deficiencies at Wright Park Zoo than the ZAA inspectors. Since ZAA's 2010 accreditation inspection of Wright Park Zoo, the USDA has cited the zoo for 40 violations of the Animal Welfare Act, including 14 citations for cages in disrepair (such as a tiger cage with a broken weld), 5 citations for failure to address the psychological well-being of primates—including a self-mutilating macaque placed on an anti-anxiety drug, 5 citations for inadequate veterinary care, and 5 citations for poor sanitation. In 2015, the USDA issued an official warning against Wright Park Zoo for repeated violations.

And visitors to Wright Park Zoo who posted reviews on TripAdvisor describe the zoo as "Small, outdated, and not at all well kept," "with a lot of concrete and bars," "not organized," and "animals looking kinda grim."

The narrative from the ZAA inspection regarding safety procedures at Wright Park Zoo, which possesses big cats, bears, and primates, simply states, "While not the bible some zoos produce, [it] is to the point. Could be a bit more specific." This indifference to safety measures is consistent with ZAA's animal handling practices that allow unsafe public contact with 90-pound bears, tiger and lion cubs, chimpanzees and orangutans, and even elephants; the fact that ZAA does not require accredited facilities to have insurance protection for visitors, staff, and volunteers; and there is no review of staff training and protocols for the use of capture equipment.

In total, AZA inspectors review 56 items related to safety and security versus just four for ZAA's inspection of the Wright Park Zoo.

The ZAA inspection report for Wright Park Zoo would lead a reasonable person to assume that the zoo could not qualify for accreditation. In 19 of 20 categories the zoo was rated as merely satisfactory or in need of correction. The report clearly stated that the zoo was insufficiently staffed and even the medical care and nutritional needs of the zoo's animals—the very services provided by one of the ZAA inspectors—were considered only satisfactory. Yet, astoundingly, the zoo was granted accreditation.

And in some cases, such as for the Montgomery Zoo in Alabama, accreditation is granted with no accreditation inspection at all.

# Zoological Association of America

## Accreditation Program - Inspection Form

New  Renewal

Facility Name: Wright Park Zoo

Address: P.O. Box 880

City: Dodge City

State: KS Zip: 67801

Owner/Manager: Tony Hornberger

Is this facility Public  Private  Educational

Inspection Date: 8/26/10

Inspector # 1: Jim Fouts

Inspector # 2: DR Darin Huck

Start Time/Date: 10:45

Finish Time/Date: 1:15

### Recommendation of Inspection Team:

Approve:  Deny:  Table:

Remarks: We recommend approval

J Fouts 8/26/10

Darin Huck 8/26/10

1.) Physical Facilities:

A.) How are the animals maintained? Describe the physical facilities, islands, aviaries, pastures, buildings, etc. Attach photos.

Need to correct \_\_\_\_\_ Satisfactory  Excellent \_\_\_\_\_

Remarks photos enclosed. Overall some facilities are old (Tigers bears etc) but are well maintained & clean. A variety of other facilities for primates, sm mammals are well kept

B.) What is the overall condition and appearance of the facilities?

Need to correct  \* Satisfactory  Excellent \_\_\_\_\_

(If this is a public facility, is it attractively laid out? Is it designed for people and animals?)

Remarks \*I would suggest that the maxmoseet facility window be rebuilt to give animals & keepers more vertical space (both sides) of this room should be redone. New bison yard to be constructed should have a catch pen/alleyway to be able to handle & work on the bison.

C.) Is there a regular program for building, mechanical, exhibit, and ground maintenance?

Need to correct \_\_\_\_\_ Satisfactory  Excellent \_\_\_\_\_

Remarks The facility is maintained by city crews and is reasonably well kept. Keepers mow grass & maintain exhibits.

2.) Collection type:

A.) Number of specimens: Birds 90 Mammals 34 Reptiles 0

B.) Number of species: Birds 21 Mammals 18 Reptiles 0

3.) Level of Animal Care:

A.) Are the number of specimens and/or species appropriate for the size of the exhibits?

Need to correct \_\_\_\_\_ Satisfactory  Excellent \_\_\_\_\_

Remarks Seem to be OK

B.) How many care for the collection? 2 Is this adequate? yes  
Need to correct \_\_\_\_\_ Satisfactory \_\_\_\_\_  Excellent \_\_\_\_\_

Remarks Actually 1 fulltime, 1 3/4 time. While the zoo looks nice the keepers sometimes work 7 days a week partial days add to exceed 40 hrs. The zoo really should have at least one other part time position -

C.) Knowledge of personnel actually maintaining the collection

Need to correct \_\_\_\_\_ Satisfactory  Excellent \_\_\_\_\_

Remarks Supervisor Tony has been at the zoo 3 1/2 yrs, assistant keeper working 5 years -

D.) Does the veterinary care provided for the animal collection appear sufficient?

Need to correct \_\_\_\_\_ Satisfactory  Excellent \_\_\_\_\_

Remarks Yes - Dr Huck has a special interest in the zoo and does a lot of work pro bono as the zoo has a small veterinary budget.

E.) Is the institution's preventative medicine program adequate and implemented?

Need to correct \_\_\_\_\_ Satisfactory  Excellent \_\_\_\_\_

Remarks Practices regular deworming program <sup>vet</sup> does regular walkthrus with supervision, vacinates for prevention (west nile, rabies, et)

F.) In the event of an emergency, when the veterinarian is not on premises, is the response time adequate?

Need to correct \_\_\_\_\_ Satisfactory  Excellent \_\_\_\_\_

Remarks 3 vet in clinic that serve the zoo + 24 on call service

**4.) Collection Diets:**

A.) Are the nutritional requirements of the collection being met?

Need to correct \_\_\_\_\_ Satisfactory  Excellent \_\_\_\_\_

Remarks consults regularly with vet & zoo colleagues, attends conferences

B.) How are the nutritional needs of the collection determined?

Need to correct \_\_\_\_\_ Satisfactory  Excellent \_\_\_\_\_

Remarks thru consultation with vet & other zoos, & conferences

C.) Food storage areas, pest control.

Remarks good storage & pest control, freezers clean

**5.) Security - Risk Management Plan:**

A.) Are there safety procedures for the animal collection, visitors and Staff? Need to correct \_\_\_\_\_ Satisfactory  Excellent \_\_\_\_\_

Remarks attached - while not the bible some zoos produce is to the point. Could be a bit more specific

B.) Is there a safety plan for animal escapes?

Need to correct \_\_\_\_\_ Satisfactory  Excellent \_\_\_\_\_

Remarks see above - attached

C.) Is there a safety plan for disasters both natural and man-made?

Need to correct \_\_\_\_\_ Satisfactory  Excellent \_\_\_\_\_

Remarks see above - attached

D.) Is there a provision for the collection beyond the owner's life?

Need to correct \_\_\_\_\_ Satisfactory \_\_\_\_\_ Excellent \_\_\_\_\_

Remarks N.A. City zoo

**6.) Recorded Collection Data:**

A.) Are animal health files maintained and up to date?

Need to correct \_\_\_\_\_ Satisfactory  Excellent \_\_\_\_\_

Remarks Dr. Buck maintains health records at clinic, copies kept in zoo office

B.) Is acquisition and disposition information kept on file?

Need to correct \_\_\_\_\_ Satisfactory \_\_\_\_\_ Excellent

Remarks files available in office and seem to be complete

C.) Is reproduction information of the collection recorded?

Need to correct \_\_\_\_\_ Satisfactory  Excellent \_\_\_\_\_

Remarks Yes - breeding limited as zoo is small

D.) How are collection specimens individually identified?

Need to correct \_\_\_\_\_ Satisfactory  Excellent \_\_\_\_\_

Remarks New animals (mammals) microchipped, birds mostly common/domestic species so no IDs given

**7.) Licensing and Permits:**

A.) Are all appropriate permits and inspections on file and current?

Need to correct \_\_\_\_\_ Satisfactory  Excellent \_\_\_\_\_

Remarks USDA permit 48-C-0140 attached - no other permits required

8.) Continuing Education:

A.) Membership in other organizations. Subscriptions to industry publications. Attendance at conferences, seminars or symposiums  
Need to correct \_\_\_\_\_ Satisfactory  Excellent \_\_\_\_\_

Remarks AAZK, ZAA Conference

B.) Involvement in environmental, educational, conservation programs.  
Need to correct \_\_\_\_\_ Satisfactory \_\_\_\_\_ Excellent \_\_\_\_\_

Remarks NO - Very small zoo

9.) Educational Facilities:

A.) Are the programs held on-site , off-site \_\_\_\_\_, both \_\_\_\_\_?

B.) How many presentations are averaged a year? 10

C.) Who are the audiences? Mostly grade school, some developmental groups

D.) Who performs the presentations. (owner, paid staff, volunteers)

Supervisor

E.) How are presenters trained? no formal training, observing other zoo programs & working with educators

F.) If off-site presentations are done, how are the vehicles designed? Are they safe and provide comfort for the animals? How is food and water transported/stored for the animals?

NA

- G.) Is the public allowed contact with the animals? Yes , No   
 If so, what are the policies and procedures when there is contact?  
Goats/sheep/llama thru or over fence, No contact in enclosure
- H.) Are Class I animals used in presentations? Yes , No   
 If so describe the safety policies.
- I.) For on-site presentations, are they performed in classrooms, arenas, outdoor stages? Tours of facility
- J.) What other educational materials are used in programs?  
Only graphics & animal artifacts -

10.) Total number of employees: Full time 2 Part time 1-3/4 time

Remarks <sup>①</sup> The Zoo could use a few more animals - has some empty enclosures.  
<sup>②</sup> Certainly should have at least one more part time employee  
<sup>③</sup> Could work to develop & cultivate an education program. This has not been done to date probably due to lack of time required due to short staffing

Questions may be routinely added or deleted from the above by the Board of Directors. Further, the Accreditation committee may add any information concerning the Applicant or their Inspection Evaluation that they deem important. The Accreditation Committee may, at its discretion, allow the Applicant time to correct/improve deficiencies.

Evaluations for Accredited Members shall occur every 5 years or as deemed necessary by the Board of Directors.

**INSPECTORS-** Please feel free to attach any additional materials, permits, licenses, brochures or narrative that you feel will be helpful in judging this facility.

# AZA standards versus ZAA standards

Accreditation by the Association of Zoos & Aquariums (AZA) ensures that highly qualified, knowledgeable, and experienced professionals provide care for animals in a safe and secure environment at modern facilities. In contrast, the deceptively-named Zoological Association of America (ZAA) has weak standards, accredits poorly run roadside zoos and private menageries, and promotes the private ownership of exotic pets and the commercialization of wildlife. The chart below illustrates a few important differences between the two organizations.

	AZA	ZAA
<b>Year established</b>	1924 <sup>7</sup>	2005 <sup>8</sup>
<b>Accredited Facilities</b>	223 <sup>9</sup> (primarily city-run zoos or zoos operated by a non-profit zoological society).	57 <sup>10</sup> (primarily privately-owned roadside zoos and menageries).
<b>Mission</b>	"Provides members the services, high standards and best practices needed to be leaders and innovators in animal care, wildlife conservation and science, conservation education, the guest experience, and community engagement." <sup>11</sup>	One stated purpose of ZAA is to "Protect and defend the right to own exotic and domestic animals, both privately and publicly ..." <sup>12</sup>
<b>Accreditation Application</b>	A comprehensive 29-page document that requires detailed information about the facility's animals, <sup>13</sup> veterinary care, <sup>14</sup> physical facilities, <sup>15</sup> safety and security, <sup>16</sup> conservation, <sup>17</sup> education, <sup>18</sup> research, <sup>19</sup> governing authority, <sup>20</sup> staff, <sup>21</sup> operating budget and sources of funding, <sup>22</sup> and also requires copies of the facility's policies, procedures, records, lists, and reports.	A simple 9-page document that requires the candidate to provide basic contact information as well as very minimal information about the facility's animals, physical site, and programs, only three short questions about safety, as well as a section dedicated to hunting ranches seeking ZAA accreditation. <sup>23</sup>
<b>Insurance</b>	Insurance required covering visitors, staff, volunteers/docents, and physical facilities. <sup>24</sup>	No reference to insurance in its standards or accreditation application.
<b>Fiscal responsibility</b>	Institution must demonstrate financial stability. <sup>25</sup>	No reference to financial stability, operating budgets, or funding sources.
<b>Inspection process for new facilities</b>	A team of specially-trained inspectors, including at least one veterinarian as well as animal and operations experts spends several days visiting every area of an applicant's facility, interviewing staff, checking records, reviewing protocols, ensuring financial stability, and examining physical facilities and animals. <sup>26</sup>	Two ZAA professional members (which could include convicted felons or owners of facilities with serious and chronic Animal Welfare Act violations) separately evaluate the facility. <sup>27</sup>
<b>Inspection process for re-accreditation</b>	Each facility must go through the entire accreditation process every five years to ensure that facilities are maintaining the highest standards of animal care. <sup>28</sup>	Re-accreditation requires only one inspector. <sup>29</sup>

	AZA	ZAA
<b>Safety and security for potentially dangerous large carnivores, large reptiles, medium to large primates, and large hoofstock</b>	<ul style="list-style-type: none"> <li>Alarm systems in place for animals posing serious threat of catastrophic injury and/or death.<sup>30</sup></li> <li>Protocols and procedures in place to notify staff in the event of a bite injury, attack, or escape.</li> <li>Conducts routine emergency drills to insure procedures are followed in the event of an attack or escape.</li> <li>Submits a written report to AZA within 30 days of an escape or serious injury, detailing the incident and describing actions taken by the facility, and may result in a special inspection.<sup>31</sup></li> </ul>	The 2015 animal care standards (although copied in part from AZA) do not specifically include safety standards for inherently dangerous large carnivores, large reptiles, medium to large primates, or large hoofstock, contain a simple 1-page risk management section with few details, and has no requirement to notify ZAA of attacks or escapes.
<b>Public handling of big cat cubs, bear cubs, and primates</b>	<p>Largely supports a proposal under consideration by the U.S. Department of Agriculture to ban public handling of big cats, bears, and primates under the federal Animal Welfare Act.<sup>32</sup></p> <p>AZA-accredited zoos in Michigan opposed a bill to weaken existing state law by allowing the public to handle and pose with bear cubs up to 90 pounds.<sup>33</sup></p> <p>Citing concerns for animal welfare and public safety, the AZA opposed a bill to weaken existing state law in Kansas by allowing public contact with tiger, lion, and other big cat cubs.<sup>34</sup></p>	<p>At least a dozen ZAA facilities and members offer public handling of big cat cubs, bear cubs, and/or primates.</p> <p>A ZAA-accredited menagerie in Michigan allows the public to handle and pose with bear cubs up to 90 pounds.</p> <p>ZAA supported a bill to weaken existing state law in Kansas by allowing public contact with tiger, lion, and other big cat cubs.</p>
<b>Zoonotic diseases</b>	<p>Detailed information regarding zoonotic diseases, preventive measures, staff training, the use of personal protective equipment, and quarantine areas in compliance with standards developed by the American Association of Zoo Veterinarians.<sup>35</sup></p> <p>A tuberculin (TB) testing/surveillance program must be established for appropriate staff in order to ensure the health of both the employees and the animals.<sup>36</sup></p>	<p>One sentence about minimizing zoonotic disease risks during quarantine of fish and one sentence about “sanitary precautions” for wildlife used in public contact.<sup>37</sup></p> <p>No requirement or recommendation for a tuberculosis testing and surveillance program.</p>

	AZA	ZAA
<b>Safety committee</b>	A 25-member Safety Committee disseminates best practices, recommends changes in best practices and professional training, reviews incident investigations, and addresses emerging safety issues. <sup>38</sup>	No safety committee.
<b>Security</b>	Security on a 24-hour, year-round basis. <sup>39</sup>	No requirement for 24-hour security.
<b>Controlled substances</b>	Written, formal procedures must be available to the animal care staff for the use of animal drugs for veterinary purposes and appropriate security of the drugs must be provided. <sup>40</sup>	No references to use or secure storage of controlled substances.
<b>Exotic Pets</b>	Policy recognizing that wild animals do not make good pets. <sup>41</sup>	ZAA defends the right of individuals to own exotic animals and accredited facilities and members breed and sell a variety of wild animals to the public. <sup>42,43,44</sup>
<b>Sample animal disposition policies (primates, auctions, and hunting)</b>	<p>Primates may not be sold, traded, or given to individuals or to animal dealers known to place primates with individuals.<sup>45</sup></p> <p>Non-domesticated animals shall not be disposed of at animal auctions or to any organization or individual that may use or sell the animal at an animal auction, and animals shall not be disposed of to organizations or individuals that allow the hunting of these animals or their offspring.<sup>46</sup></p>	<p>Members sell primates to pet monkey dealers and to private parties.<sup>47,48,49,50,51,52</sup></p> <p>No policy against hunting zoo animals or selling them at auctions. Evidence of facilities selling wild animals at auction, to hunting ranches and canned hunt operators, to exotic-animal breeders and dealers, as well as slaughtering African lions and black bears, once used for public handling, for the sale of their meat.<sup>53,54,55,56</sup></p>
<b>Species Survival Plan (SSP)</b>	Captive breeding is conducted on the basis of sound science and professional husbandry standards, analyzing genetic lineages and making breeding recommendations that preserve and/or increase genetic integrity and account for the space available within SSP participating zoos for adult animals. <sup>57</sup>	Animals are bred, and inbred, with no regard for genetic diversity or permanent placement for adult animals. Tiger cubs are produced year-round solely to supply the demand for public handling and without a commitment to provide appropriate and life-long care.
<b>Illegal trade in tiger parts</b>	Supports proposed federal regulations to help prevent captive tigers in the U.S. from fueling the illegal black market for tiger parts by monitoring breeding and disposition. <sup>58</sup>	Opposes proposed federal regulations to help prevent captive tigers in the U.S. from fueling the illegal black market for tiger parts by monitoring breeding and disposition. <sup>59</sup>

	AZA	ZAA
<b>Animal welfare</b>	<ul style="list-style-type: none"> <li>Facilities provide species-specific behavioral enrichment and husbandry that greatly exceed the minimum standards of federal law.<sup>60</sup></li> <li>A 12-member Animal Health Committee ensures high quality and comprehensive animal health care.<sup>61</sup></li> <li>An 18-member Animal Welfare Committee develops assessment tools and drives the creation of detailed, species-specific animal care manuals.<sup>62</sup></li> <li>Veterinary coverage must be available to the animals 24 hours a day, 7 days a week.<sup>63</sup></li> <li>Keepers are trained to recognize abnormal behavior and clinical symptoms of illness and dietary and husbandry requirements.<sup>64</sup></li> <li>A 9-member Nutrition Scientific Advisory Group develops guidelines to enhance feeding programs based on sound scientific principles.<sup>65</sup></li> <li>Necropsies are performed on deceased animals to determine if the cause of death may be related to nutritional status or other aspects of husbandry.<sup>66</sup></li> </ul>	<p>There is no reference to routine veterinary care requirements or species-specific animal care manuals, references to psychological well-being of animals are few and vague, dietary and husbandry standards are very brief and lacking in detail, and there is no mention of conducting necropsies to determine what caused the death of an animal.<sup>67,68</sup></p>
<b>Open door policy</b>	Institutions must develop a clear process for identifying, communicating, and addressing animal welfare concerns within the institution in a timely manner, and without retribution. <sup>69</sup>	No policy for staff to communicate animal welfare concerns.
<b>Sample caging requirements (chimpanzees and tigers)</b>	<p>2,000-square-feet of indoor and outdoor space and useable vertical heights of over 20 feet for chimpanzees.<sup>70</sup></p> <p>A minimum of 1,206-square-feet per enclosure, with 50 percent more floor space added for each additional tiger; minimum vertical height of 12 feet for top-covered enclosures; and tigers must be provided with a pool large enough for swimming.<sup>71</sup></p>	<p>240-square-feet and 8 feet of vertical height for chimpanzees<sup>72</sup></p> <p>360-square-feet for up to two tigers with 25 percent more floor space for additional tigers, vertical height of 8-feet for top-covered enclosures, and no requirement for a pool.<sup>73</sup></p>
<b>Social needs of elephants</b>	Female elephants must be kept in social groupings of at least three elephants. <sup>74</sup>	Two ZAA members—Natural Bridge Zoo and Myrtle Beach Safari—house solitary female elephants. <sup>75,76</sup>

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# Problems with ZAA facilities and members

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Unless otherwise noted, the photos in this section were taken at Catoctin Zoo\* in Thurmont, Maryland, and Natural Bridge Zoo† in Natural Bridge, Virginia. In September 2013, The HSUS arranged for two captive wildlife experts with more than 80 years of combined experience to visit and evaluate the ZAA-accredited Catoctin Zoo\*. The experts observed injured animals, inappropriate mixed-species exhibits, undersized and outdated cages, poorly designed, unhealthy, and potentially unsafe exhibits, filthy cages, dirty drinking water, soiled food bowls, a lack of enrichment for many species, and enclosures in disrepair.

During a 2014 undercover investigation of the Natural Bridge Zoo†, owned by ZAA professional members, HSUS gathered evidence demonstrating that the zoo:

- Failed to provide adequate veterinary care to sick and injured animals
- Failed to safely and humanely handle animals, causing extreme distress
- Failed to provide animals wholesome, uncontaminated food and proper nutrition
- Failed to properly clean cages—maggots, algae and mushrooms were commonly found growing in filthy enclosures
- Failed to separate animals who were not compatible, resulting in fighting, injuries, illness and death
- Failed to provide clean drinking water or any water at all
- Failed to provide enrichment for the psychological well-being of primates
- Failed to control insect bird, and rodent infestations
- Failed to properly train staff and maintain an adequate number of staff

Many of these findings were substantiated in a subsequent 27-page USDA inspection report that cited Natural Bridge Zoo† for 31 violations of the federal Animal Welfare Act.

Detailed concerns about ZAA facilities, members, and activities include the following:



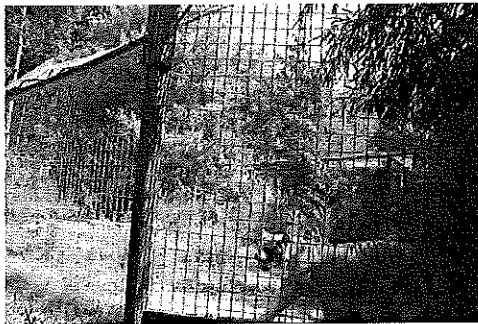
This jaguar—one of two that mauled a keeper—is likely able to reach his leg through the wide gaps in the fencing.

## Attacks

- In 2016, Virginia Safari Park\* agreed to settle a lawsuit by paying \$155,000 after a 10-year-old girl was hospitalized for several days when she was bitten on the arm by a camel.<sup>81</sup>
- In 2015, an 8-year-old boy was scratched and bitten by a lemur who jumped onto him during a “hands on” program at Zooworld\* in Florida. The boy sustained two approximately 1-inch-long scratches on the back of his neck and a bite to his ear lobe.<sup>82</sup>
- In 2014, a construction worker at the Zoological Wildlife Foundation\* in Florida had his thumb bitten off by a tiger when he stuck his hand into the animal’s cage. Emergency responders rushed the man to a hospital for treatment.<sup>83</sup>
- In 2014, several university students were bitten during a public



A tiger is able to fit his paw through a gap in the enclosure.



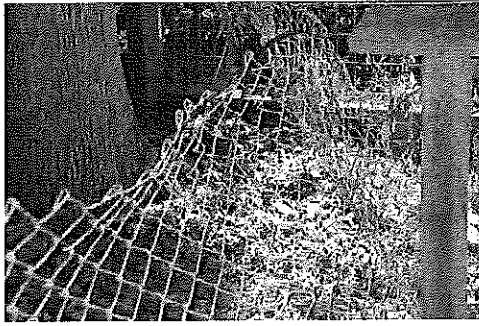
Tigers can jump at least 16-feet vertically, yet this tiger was housed in an enclosure with an estimated 10-foot high fence.

handling session with two 3-month-old, 30-pound lion cubs at Six Flags Great Adventure\* in New Jersey.<sup>84,85</sup>

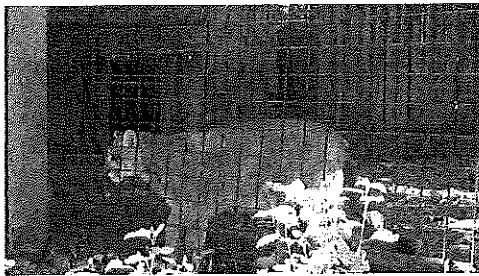
- In 2014, a woman was bitten by a 14-week-old African lion cub during public contact exhibition at Wild Wilderness Safari† in Arkansas.<sup>86</sup>
- In 2014, a worker at McCarthy's Wildlife Sanctuary† in Florida was hospitalized in critical condition after she was bitten on the hand by a spectacled cobra while cleaning the snake's cage. Expensive antivenin for the exotic snake bite had to be flown in by Miami-Dade Fire Rescue helicopter because the facility did not keep a supply of antivenin on hand.<sup>87,88</sup>
- In 2013, a woman visiting Two Tails Ranch\* in Florida was hospitalized with life-threatening injuries after she was attacked during unsupervised contact with an elephant.<sup>89,90</sup>
- In 2013, a visitor at the Montgomery Zoo\* in Alabama was scratched by a jaguar who was able to reach his paw through the wires of the enclosure.<sup>91</sup>
- In 2010, a jaguar at the Panther Ridge Conservation Center† in Florida tore off a woman's thumb.<sup>92</sup>
- In 2009, an inexperienced and unsupervised animal care worker at Catoctin Zoo\* in Maryland was attacked and critically injured by two jaguars.<sup>93,94</sup>
- In 2008, Judy Berenst†, owner of Panther Ridge Conservation Center in Florida, was attacked by two cheetahs during a fundraising event and airlifted to a hospital.
- In 2008, Mark McCarthy†, owner of McCarthy's Wildlife Sanctuary in Florida, suffered bone-deep bite wounds from an adult tiger during a photo shoot for a music video. The tiger began to choke and panicked when a chain tightened around her neck and body.<sup>95,96</sup>
- In 2004, in two separate incidents at Wild Wilderness Safari† in Arkansas, a woman was bitten by a tiger and a worker lost two fingers when she was bitten by a chimpanzee.<sup>97,98</sup>
- In 2002, two workers were attacked by cougars at Wild Wilderness Safari† in Arkansas.<sup>99,100</sup>

## Escapes

- In 2016, a guenon at the Forest Park Zoo\* in Massachusetts escaped by opening the unlocked door of his enclosure. The primate was recaptured three days later.<sup>101</sup>
- In 2014, a bear cub being transported by Vogel Exoticst† in Minnesota broke out of a travel crate and escaped from a trailer. The facility was



A bent, sagging fence next to a tiger cage could easily allow a child to penetrate the public safety barrier.



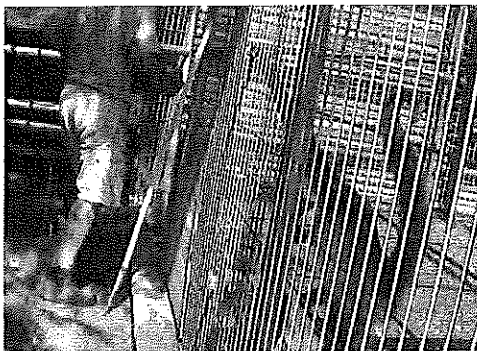
This cougar was euthanized after being attacked by a wolf in an adjacent cage.

unaware of the escape until reaching their final destination. Local authorities captured the bear cub.<sup>102</sup>

- In 2014, an alligator escaped from Washington Park Zoo\* in Indiana and was found at a nearby boat dealership.<sup>103</sup>
- In 2013, a tiger at the Montgomery Zoo\* in Alabama escaped from an enclosure through a break in the fencing and was loose in the adjacent enclosure that housed gazelles and other animals for approximately 30 minutes.<sup>104</sup>
- In 2012, Wild Wilderness Safari† in Arkansas was cited for the seventh time in about a decade for allowing primates, including macaques, to escape and run loose in the park.<sup>105</sup>
- In 2012, an alligator escaped from Jo-Don Farms† in Wisconsin and was loose for several months.<sup>106</sup>
- In 2011, a baboon escaped from Six Flags Great Adventure's\* drive-through park in New Jersey and was recaptured two days later at a farm 20 miles away.<sup>107,108</sup>
- In 2010, a 500-pound tiger, owned by Kevin Antle† and on exhibit at Jungle Island\* in Florida, escaped by jumping over a 14-foot-high fence in pursuit of a primate who had also escaped and was running amok. The tiger came within 10 feet of a 2-year-old toddler and four people were hurt during the chaos.<sup>109,110</sup> Following the escape, Antle was cited by the USDA for housing the tiger in an enclosure that was even less secure than the one he had previously escaped from.<sup>111</sup>
- In 2010, a 100-pound tiger broke through Plexiglas at Tiger World† in North Carolina and passed "just feet" in front of families with young children.<sup>112,113,114</sup>
- In 2008, fifteen patas monkeys escaped from Safari Wilderness Ranch\* in Florida by swimming across a 60-foot-wide moat and then climbing a 28-foot fence. One monkey was shot to death and it took nearly eight months to recapture the rest of them.<sup>115,116</sup>
- In 2008, a spider monkey escaped from Washington Park Zoo\* in Indiana and was found at a nearby boat dealership.<sup>117</sup>
- In 2008, a lion and tiger, both adults, escaped overnight from their cage at Mark McCarthy's Wildlife Sanctuary† in Florida. Three area schools were placed on lockdown while law enforcement searched for the animals. The big cats were captured the next day.<sup>118,119</sup>
- In 2007, a Syrian brown bear burrowed out of an enclosure and escaped from Safari Niagara\* in Canada, leading authorities on a 14-hour chase through wooded areas.<sup>120</sup>
- In 2005, a 500-pound Bengal tiger escaped from a cage at Panther Ridge Conservation Center† by pushing past a woman who was



Visitors are able to reach across inadequate safety barriers and touch capuchin monkeys and gibbons.



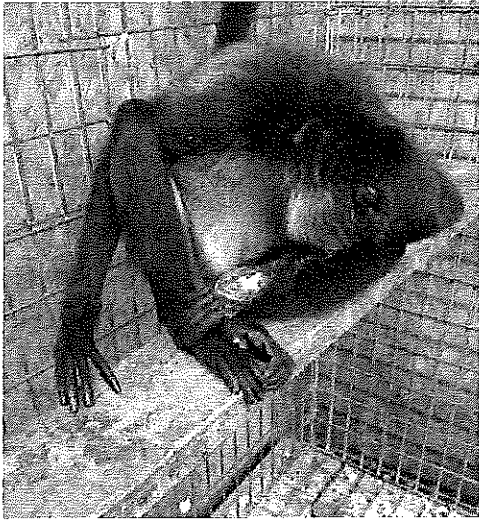
In many of the poorly-designed cages, animals have an opportunity to escape every time a cage door opens.

feeding him. More than 20 sheriff's deputies and state wildlife officers responded as the tiger wandered the grounds for more than two hours.<sup>121</sup>

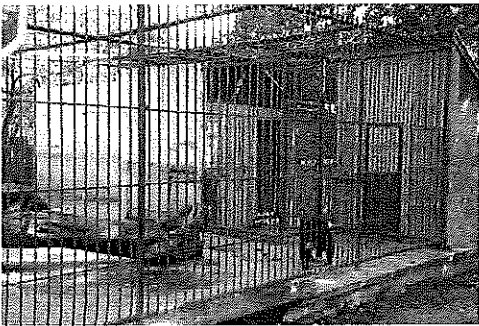
- In 2003, two Asiatic bears escaped from their enclosure at the Natural Bridge Zoo† in Virginia. The bears broke into a nearby home and nearly attacked the homeowner. Both bears were shot and killed.<sup>122</sup>

### Additional safety concerns

- Oswald's Bear Ranch\* in Michigan allows members of the public to handle bear cubs weighing up to 90 pounds and was cited by the USDA for using physical abuse to discipline bear cubs being used for photo opportunities with the public as well as allowing children to have unsafe contact with bear cubs.<sup>123,124,125,126</sup>
- Tanganyika Wildlife Park\* in Kansas was cited by the USDA for allowing a lemur to interact with and sit on a human infant who was in a carrier on the ground, which "resulted in risk of disease transmission, injury to the public, and injury/stress [to] the animal."<sup>127</sup>
- Six Flags Discovery Kingdom\* in California was cited by the USDA for allowing the public to have unsafe contact with an elephant, which put "the public and the animals at risk of serious consequences in the event of unanticipated behavior."<sup>128</sup>
- Gulf Breeze Zoo\* in Florida was cited by the USDA for repeatedly failing to provide sufficient public safety barriers around primate cages.<sup>129,130</sup>
- Lion Habitat Ranch\* in Nevada was cited by the USDA for allowing the public to have unsafe contact with adult lions.<sup>131</sup>
- Wild Wilderness Safari† in Arkansas was cited by the USDA for repeatedly failing to provide sufficient safety barriers, including for enclosures containing rhinos, hippos, and clouded leopards.<sup>132</sup>
- Zooworld\* in Florida was cited by the USDA for:
  - Insufficient safety barriers that could allow members of the public access to primate and big cat cages.<sup>133,134,135</sup>
  - Failure to quarantine a recently acquired wild skunk—a species that is considered a significant carrier of rabies in the United States. The skunk was kept in the gift shop and taken off-site by a keeper. After one week, the skunk developed symptoms of a neurological illness and was euthanized.<sup>136</sup>
- Walking with Lions† in California was cited repeatedly by the USDA for allowing members of the public to have direct contact with big cats.<sup>137</sup>
- Have Trunk Will Travel\* in California was cited by the USDA for unsafe



A female spider monkey caged with an aggressive male suffered a hand injury that was neglected for two weeks until the wound became badly infected.



This shockingly inhumane and outdated sun bear cage meets ZAA's inadequate standards. In contrast, the AZA-accredited Oakland Zoo provides sun bears with 1-acre of natural habitat that allows the bears to climb, dig, swim, and forage.

handling of elephants while giving rides to the public.<sup>138</sup>

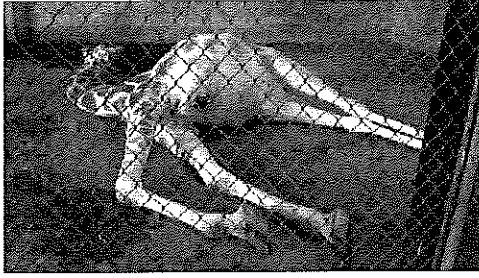
- DeYoung Family Zoo† in Michigan was cited by the USDA for having three tiger cages and a cage containing three adult lions that were “not adequate to ensure containment of the animals.”<sup>139</sup>

### Declawing big cats

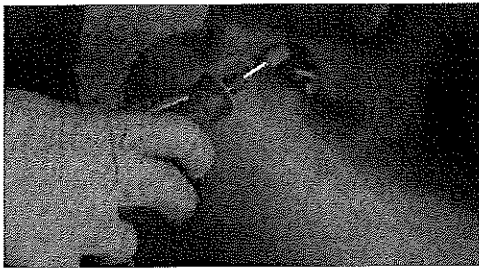
- In 2013, Dirk Arthur† in Nevada was cited for declawing two juvenile tigers and one juvenile lion, despite having been previously warned by the USDA that declawing large felids was not allowed under the Animal Welfare Act.<sup>140</sup>
- In 2013, Triple D Game Farm\* in Montana was cited for declawing a 2-month-old tiger cub.<sup>141</sup>
- In 2010, Lion Habitat Ranch\* in Nevada was cited for declawing two lion cubs.<sup>142</sup>
- In 2009, Panther Ridge† in Florida was cited for declawing two clouded leopards.<sup>143</sup>

### Welfare concerns

- In 2016, the USDA cited Wildlife World Zoo\* in Arizona for failure to provide supplemental heat to 59 primates housed outdoors in temperatures that dropped to 36 degrees. Numerous primates were observed huddled together and shivering. The facility was also cited for failure to provide adequate shelter from the cold, filthy and rodent-infested conditions, inadequate public safety barriers, and inadequate veterinary care.<sup>144</sup>
- In 2016, the USDA cited Wright Park Zoo\* in Kansas for failure to provide veterinary care to a sheep with rapid respiration and an altered gait and a macaque still exhibiting self-injurious behavior and suffering hair loss (the attending veterinarian recommended the macaque be relocated to another facility or placed on anti-anxiety medications), as well as repeatedly failing to have an adequate enrichment plan for primates.<sup>145</sup>
- In 2016, the USDA cited Bearizona\* after an animal, presumably a cougar, entered the facility and killed a Dall lamb and for the death of a Dall sheep who was killed by a male goat after an employee left a gate open.<sup>146</sup>
- In 2016, the USDA cited California Living Museum\* for failure to observe animals on a daily basis, failure to promptly communicate health issues with the attending veterinarian, and failure to separate incompatible animals. The decomposed bodies of two foxes were found in a poorly maintained enclosure and adequate veterinary care was not provided to a fox with a leg injury, a fox with eye



An elderly and underweight pregnant giraffe was found dead. She had not fully recovered from giving birth to twins before being bred again.



Rather than separate incompatible monkeys, a DeBrazza monkey's teeth were filed down with a rotary grinder to prevent him from inflicting bite wounds on his cage mates. The monkey was only partially sedated and began struggling during the procedure.

inflammation, and a deer with a swollen hock and injured hoof.<sup>147</sup>

- In 2016, the USDA cited Myrtle Beach Safari\* for failure to have an adequate veterinary care program for a recurring problem of tiger cubs infected with ringworm, including addressing public safety issues.<sup>148</sup>
- In 2016, the USDA cited Pittsburgh Zoo\* for failure to provide sea lions with adequate shade and unhealthy chlorine levels in their pool, both of which may be contributing to the long history of sea lions suffering from painful eye disorders at the facility.<sup>149</sup>
- In 2016, the USDA cited Animal Source Texas† for failure to provide veterinary care to four gemsbok who were weak and covered with ticks and one day were “found dead” and for disposing of three dead kudu and one dead gemsbok in an unapproved watershed area, which could facilitate spread of disease.<sup>150</sup>
- In 2015, the USDA cited Zooworld\* in Florida for failure to provide relief from excessive heat to primates showing signs of heat exhaustion on a day that the heat index was 115 degrees in the shade.<sup>151</sup>
- In 2015, the USDA cited Zoological Wildlife Foundation\* for failure to provide veterinary care to primates who were fighting and causing injuries to each other and failure to provide adequate enrichment to three singly-housed primates.<sup>152</sup>
- In 2015, the USDA cited Wright Park Zoo\* in Kansas for failure to provide any bedding during bitterly cold temperatures to its wolf-dogs, failure to provide veterinary care to a macaque exhibiting self-injurious behavior and suffering hair loss on both forearms, as well as repeatedly failing to have an adequate enrichment plan for primates.<sup>153</sup>
- During a 4-day inspection conducted in January 2015 in response to an HSUS undercover investigation, the USDA cited Natural Bridge Zoo† in Virginia for 31 Animal Welfare Act violations, including:<sup>154</sup>
  - Inhumanely killing guinea pigs by slamming the animals on a concrete floor.
  - Failure to provide veterinary care to 35 animals with various health issues.
  - Using physical abuse on an injured DeBrazza monkey by jabbing him with sticks.
  - Allowing the public to handle tiger cubs as young as 4 weeks of age before the cubs have fully intact immune systems and are susceptible to many infectious diseases.
  - Using tiger cubs who were too big and too strong for public handling.
  - Unsafe handling of an elephant.



An untrained keeper is cleaning a macaque cage wearing only gloves and no face mask, eye shields, or other protective gear, despite the danger of contracting the deadly Herpes B virus from macaques. At AZA-accredited zoos, keepers wear personal protective equipment, such as biohazard safety suits when working around many primate species.

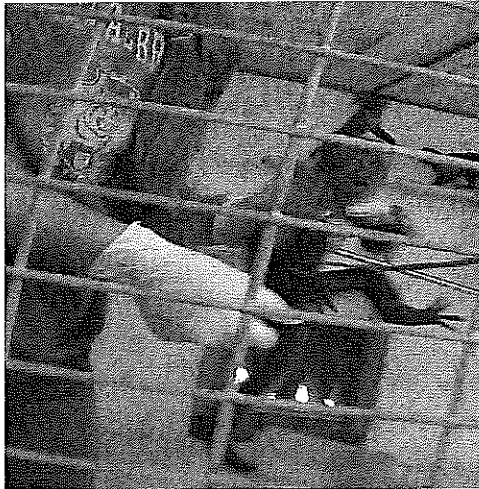


No environmental enrichment is provided to promote the psychological well-being of the many primate species kept in small, barren cages.

- Failure to provide food and water to bears who were locked in a den from December through March in an attempt to force hibernation.
  - Failure to provide primates with minimum space and environment enrichment.
  - Filthy and cluttered conditions and a severe rodent infestation.
- In 2015, Wildlife World Zoo\* was cited by the USDA for concealing areas that contained regulated species from the inspector. The facility was also cited for failure to have an attendant present while the public had contact with giraffes and kangaroos, filthy cages, enclosures in disrepair, unsanitary feeding practices, filthy water receptacle, and housing animals near a foul-smelling garbage dump.<sup>155</sup>
  - In early 2015, the public learned of two preventable primate deaths at the Forest Park Zoo\* in Massachusetts. A marmoset died from injuries sustained in a fight with other monkeys, and a tamarin died from exposure to cold temperatures after the zoo failed to have a back-up generator when an electrical malfunction shut off power to a heating system.<sup>156</sup>
  - In 2014, Bearizona\* in Arizona was cited repeatedly by the USDA for failure to provide adequate veterinary care to sick animals.<sup>157,158</sup>
  - In 2014, Reston Zoo in Virginia, one of three zoos owned by Eric Mogensen†, was cited by the USDA for:<sup>159,160</sup>
    - Ignoring veterinary recommendations to provide urgent veterinary care to an African porcupine who was left outdoors for hours in 8-degree weather. The warm-weather porcupine subsequently died.
    - Failure to provide adequate veterinary care to a camel who exhibited pain and lameness and was thin with hairloss over most of his body.
    - Subjecting a Scottish highland cow to unnecessary pain and distress by refusing to provide adequate veterinary care for more than a month to a progressively worsening head wound.
  - In 2014, Wild Wilderness Safari† in Arkansas was cited by the USDA for repeated failure to provide numerous animals, including primates who were losing fingertips, toes, and tails to frostbite, with adequate shelter, repeated failure to provide injured animals with veterinary care, storing food in filthy and unsanitary conditions, providing animals contaminated food and water, filthy cages, and insufficient public safety barriers in all areas of the facility.<sup>161,162,163</sup>
  - In 2014, Six Flags\* in California was cited by the USDA for the deaths of two dolphin calves that were apparently related to poor water



A baby camel suffered a traumatic death by hanging after her neck became wedged in a gap between a gate and a wall.



Newborn monkeys are violently separated from their fiercely-protective mothers for sale to the pet trade.

quality.<sup>164</sup>

- In 2014, Montgomery Zoo\* in Alabama was cited by the USDA for failure to provide veterinary care to a newborn rhino who staff observed was not nursing. The calf was not separated, monitored, or offered supplemental feeding and subsequently died.<sup>165</sup>
- In 2014, Zooworld\* in Florida was cited by the USDA for failure to feed a veterinarian-approved diet to adult big cats and cubs, failure to provide adequate environmental enrichment to a solitary lemur, failure to provide a sufficient public safety barrier around a kangaroo enclosure, and housing two newly acquired tiger cubs at locations that had not been inspected and approved.<sup>166</sup>
- In 2014, citing substandard conditions and failure to demonstrate that a proposed movie project would enhance the propagation or survival of endangered tigers, the U.S. Fish & Wildlife Service denied Myrtle Beach Safari's\* (a.k.a. T.I.G.E.R.S.) application to export and re-import 18 tigers to and from Mexico.<sup>167</sup>
- In 2013, a 7-month-old lion at Wild Wilderness Safari† in Arkansas was found dead in an enclosure, apparently strangled to death by a collar an employee had left on the lion.<sup>168</sup>
- In 2013, Zooworld\* in Florida was cited by the USDA for:<sup>169</sup>
  - Staff unilaterally ignoring instructions from the attending veterinarian, including feeding sugary foods to a diabetic tamarin, failing for months to provide supplements to squirrel monkeys suffering from a calcium deficiency, and feeding a lion the morning after anesthesia, which interfered with the veterinarian's ability to evaluate the lion's condition.
  - Inadequate drainage in a lion's cage that resulted in an anesthetized lion being dropped by staff while wading through knee-deep mud and causing an extremely painful injury that led to the lion's euthanasia.

### Insufficient, untrained, and unqualified staff

- In 2014, Bearizona\* in Arizona was cited by the USDA for allowing an unqualified employee to administer anesthesia to a river otter.<sup>170,171</sup>
- Gulf Breeze Zoo\* in Florida was cited by the USDA in 2014 after an untrained and unsupervised intern allowed the escape, and subsequent death, of a short-tailed opossum.<sup>172</sup>
- Hernando Primate\* in Florida—which had been cited for filthy cages, enclosures in disrepair, unsanitary food storage, housing together incompatible species, an unsafe lion enclosure, failure to have an environmental enrichment plan for a newly acquired chimpanzee—was cited by the USDA in 2013 for having only one inexperienced



This capuchin monkey, found dead, was apparently poisoned by the careless placement of rat bait.



A sick lamb who went untreated for a week thrashed and writhed in pain for more than 40 minutes before he finally died.

employee to care for all the animals at the facility.<sup>173</sup>

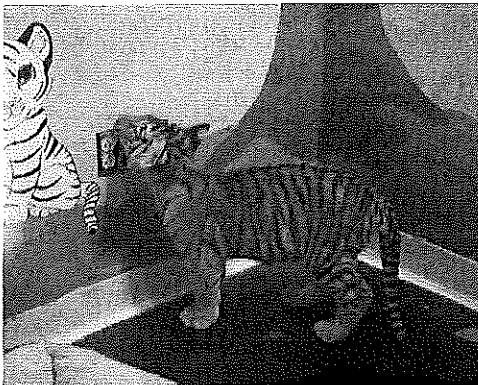
- Citing Wild Wilderness Safari's† inadequate facilities, inexperienced staff, and inability to prevent hybridization or aggressive interactions between species, in 2011 the U.S. Fish & Wildlife Service denied a Captive-Bred Wildlife (CBW) registration application for numerous species of primates, big cats, and other animals at the Arkansas facility.<sup>174</sup>
- Catocin Zoo\* in Maryland was cited by the USDA in 2009 for failure to adequately train and appropriately supervise employees after a keeper who had been on the job for only two months was mauled by two jaguars.<sup>175</sup>
- Citing Florida-based NGALA's (a.k.a. Close-up Creatures)\* inexperienced staff, the U.S. Fish & Wildlife Service denied a Captive-Bred Wildlife (CBW) registration application for numerous species of big cats in 2010.<sup>176</sup>
- Following the deaths of approximately 25 animals in a 9-month period at Animal Source Texas‡, a USDA inspector wrote on a 2010 inspection report, "Current animal care personnel do not have experience working with the exotic species brokered through this facility. This could be a contributing factor to the high number of animal deaths this facility has experienced ..." <sup>177</sup>

## Financial stability and succession planning

- The Bucks County Zoo (a.k.a. Animal Junction)\* in Pennsylvania was a privately-owned menagerie that consisted of a collection of caged animals—including primates and a tiger cub—displayed inside a warehouse at an industrial park. Just 2½ years after opening, the zoo went out of business in October 2011. It advertised its displaced and deadly reticulated pythons and gaboon viper in *Animal Finders' Guide*, a publication that caters to the pet trade (see Appendix 3).<sup>178</sup> After the zoo moved out, the property owner claimed the zoo had caused more than \$100,000 in damage.<sup>179</sup>
- Zooworld\* in Florida, which keeps more than 100 animals including 10 big cats, 2 bears, 44 primates, and 2 giraffes on a 5.4-acre property, lost nearly \$77,000 in 2013. The zoo was sold for \$900,000 to a new owner in December 2014. Despite the zoo's long history of Animal Welfare Act violations, the new owner reduced staff by nearly half.<sup>180</sup>
- In 2014, county officials closed Roos-n-More\*, a 3-acre zoo with 385 animals in Nevada, after an inspection revealed several violations related to operating a business on residential property. The zoo began soliciting money from the public to raise the more than \$100,000 needed for upgrades in order to re-open.<sup>181</sup>



This mandrill bled to death just hours after the owner observed, and then ignored, a fresh wound inflicted by a cage-mate.



This tiger cub had access to an exposed electrical outlet with no face plate, posing a risk of electrocution.

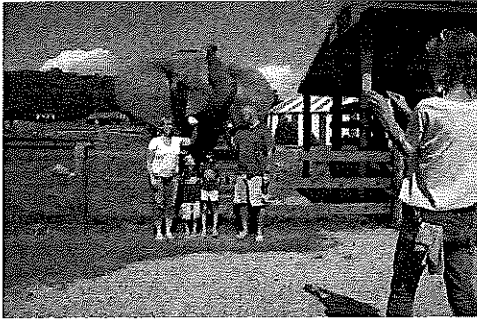
- Roo Ranch\* in South Dakota, which opened on a whim in 2006 following a trip to Australia, closed after the death of the owner in 2009.<sup>182</sup>

### Inadequate space

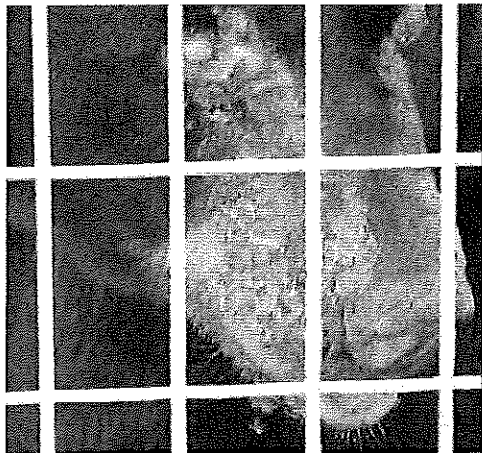
- York's Wild Kingdom\* in Maine was cited by the USDA in 2015 for failure to provide minimum space to capybaras, a semi-aquatic species who were not given access to a pool during winter months.<sup>183</sup>
- In 2015, the Clark County zoning commission ordered Lion Habitat Ranch\* in Nevada to immediately halt breeding operations, new animal acquisitions, and public contact with lion cubs. The 6-acre backyard menagerie houses 46 lions, a giraffe, ostriches, and emus, which are more animals than its special use permit allows.<sup>184,185</sup>
- Nevada-based Dirk Arthur† was cited by the USDA in 2013, and again in 2014, for failure to provide minimum space to big cats who were being exhibited at a casino.<sup>186,187</sup>
- The Montgomery Zoo\* in Alabama was cited by the USDA in 2012 for failure to provide minimum space to a surplus black bear who was kept in an undersized cage that prevented her from standing upright on her hind legs.<sup>188</sup>
- Catoctin Zoo\* in Maryland was cited by the USDA in 2007 for failure to provide minimum space to three sun bears kept in an 8.5' x 8.5' x 8' cage in an off-exhibit area.<sup>189</sup>
- Buddy Jordan's† NBJ Zoological Park in Texas was cited by the USDA in 2013 for failure to provide minimum space to a male gibbon who was housed in a 4' x 4' x 4' cage.<sup>190</sup>
- Wildlife Wonders\* in Georgia has been cited repeatedly by the USDA for failure to provide animals, including a primate, with minimum space as well as filthy, rodent-infested conditions and feeding a diseased goat carcass to wolves.<sup>191,192</sup>
- Citing Louisiana's Zoo of Acadiana's (a.k.a. Zoosiana)\* inadequate space and lack of cage furnishings, in 2009 the U.S. Fish & Wildlife Service denied a Captive-Bred Wildlife (CBW) registration application for numerous species of primates, big cats, and other animals.<sup>193</sup>

### Disposing of animals in harmful and irresponsible ways

- William Coburn†, operator of Wild Acres Ranch and Safari Adventures\* at Kalahari Resorts in Ohio uses tiger, lion, and bear cubs for public handling and has African lions and black bears slaughtered to sell their meat. Coburn has also been cited by the USDA for



This elephant is used for rides and other public contact, despite a history of aggressive behavior. Elephants are highly social, yet she is housed alone.



This bear at Tregembo Animal Park in North Carolina, managed by Sheri Tregembo†, went without adequate veterinary care for severe facial lesions.<sup>77</sup>

numerous serious violations of the Animal Welfare Act.<sup>194,195</sup>

- ZAA co-founder Jim Fouts† was exposed in a *60 Minutes* piece for selling endangered antelope at an auction where animals may end up at canned hunt facilities.<sup>196</sup>
- Tanganyika\* sent snow leopards and lemurs to Zoological Wildlife Conservation Institute in Oregon, a private menagerie with a lengthy list of Animal Welfare Act violations that include knowingly giving false information to a USDA inspector, declawing exotic cats, failure to obtain requisite health certificates for 13 primates who were transported across state lines, and allowing unsafe public contact with primates.<sup>197,198,199</sup>
- Buddy Jordan† has sold animals to hunting ranches and operators of exotic-animal auctions and is on the board of directors of the Exotic Wildlife Association, a group that advocates for canned hunting of rare and endangered species.<sup>200,201</sup>
- Bearizona\* in Arizona transferred a black bear to Lee Greenly, owner of Minnesota Wildlife Connections, who had previously allowed a customer to illegally kill a captive-reared black bear contained in a 3-acre enclosure with a bow-and-arrow.<sup>202</sup> Greenly also pleaded guilty to two felony counts of aiding hunters to kill wild bears at baiting stations that he maintained illegally inside a national wildlife refuge. Greenly's USDA license was revoked for more than a dozen violations, including failure to provide adequate veterinary care and mishandling animals.<sup>203</sup>
- Zooworld\* in Florida placed a "free to good home" classified ad for a 7-year-old cougar in *Animal Finders' Guide*, a publication that caters to the exotic pet trade (see Appendix 3).<sup>204</sup>
- Wildlife World Zoo\* in Arizona transferred a tiger cub to a roadside zoo in Pennsylvania and sent five New Guinea singing dogs to a roadside facility in Oklahoma.<sup>205,206</sup> Both facilities had been repeatedly cited by the USDA for failing to provide animals with veterinary care.<sup>207,208</sup>
- Nevada-based Dirk Arthur† sent three tigers and one leopard to a Colorado roadside zoo with pending USDA charges that include failure to provide adequate veterinary care, improper and unsafe handling, and filthy and deteriorating conditions.<sup>209,210,211</sup>
- Living Treasures Animal Park† in Pennsylvania sent a 4-week-old tiger to Plumpton Park Zoo in Maryland (a facility that has accumulated 109 USDA violations since 2006). The tiger was kept in a keeper's home and died a few months later after ingesting plastic materials and cloth. A necropsy revealed the tiger was anemic, had a heavy flea infestation, and suffered from metabolic bone disease, which is often

**“[The ZAA is] an advocacy group for private (animal) owners that does not represent the national or international zoo and aquarium profession.”**

Steve H. Taylor, director,  
Cleveland Metroparks Zoo<sup>78</sup>

**“Most of these [ZAA facilities] are what I refer to as ‘roadside menageries.’”**

Mark Reed, director,  
Sedgwick County Zoo<sup>79</sup>

associated with an improper diet.<sup>212,213</sup>

- Tiger World† in North Carolina sent two tigers to Conservators’ Center† in North Carolina with the knowledge that they would be sent to an unstable environment at the Baghdad Zoo while Iraq was embroiled in military conflict and many citizens were without access to basic necessities.<sup>214</sup>

### **Unprofessional conduct**

- In 2015, two animal care directors at Six Flags\* in California filed a wrongful termination lawsuit when they were fired in apparent retaliation after complaining “repeatedly that crumbling infrastructure, poor water quality, improper diets, overmedication, improper surgical procedures, abusive training techniques, insufficient salt in the tanks and other compliance issues were endangering the health of the animals, and in some cases endangering employees and the public.”<sup>215</sup>
- In 2015, Wildlife World Zoo\* was cited by the USDA for concealing areas that contained regulated species from the inspector. The zoo’s deputy director, on multiple inspections, told the inspector that no regulated species were housed near the garbage dump, when in fact many animals were kept in that area and the inspector found conditions that violated the Animal Welfare Act.<sup>216</sup>
- Meghan Mogensen, director of Reston Zoo in Virginia—one of three zoos owned by Eric Mogensen†—pleaded guilty in 2013 to cruelty to animals and was sentenced to one month in jail after she was charged with drowning a sick wallaby as well as possession of ketamine, a controlled substance.<sup>217,218,219</sup>
- In October 2011, Johnny Martinez†, then ZAA board member and director of the Washington Park Zoo\*, was suspended by Michigan City, Indiana, officials after he used the zoo for a personal after-hours party during which the doors to the primate house were left open, allowing temperatures to fall into the low 60s, and party-goers consumed concessions without paying for them and left the grounds littered with trash.<sup>220</sup> In September 2014, Martinez was fired from the Washington Park Zoo\* and was subsequently hired by Natural Bridge Zoo† in Virginia.<sup>221,222</sup>
- Lex Salisbury†, former president of Tampa’s Lowry Park Zoo, was forced to resign in 2008 and the zoo temporarily lost its AZA accreditation when an audit concluded that Salisbury owed more than \$200,000 to the city for taking the zoo’s animals and equipment to his private ZAA properties, making zoo employees work for his personal ZAA business venture, giving himself an unauthorized bonus, and taking his wife on expensive zoo-funded trips. As of 2013, Salisbury

**“You can’t just rearrange the letters and expect it to have the same meaning. ... We [the AZA] are recognized by governments all over the world as setting the standard for zoos.”**

Steven Feldman, AZA, Senior Vice President of External Affairs<sup>80</sup>

was a member of the ZAA board of directors.<sup>223,224</sup>

- In 2008, Safari Niagara\* in Canada was fined \$2,000 after pleading guilty to making a false statement to a conservation officer regarding native wildlife kept at the facility.<sup>225</sup>
- In 2002, Tim Rivers† of Animals in Motion was sentenced to six months in federal prison for selling endangered big cats, including a tiger and leopards, to an animal-slaughter ring. Rivers, who has admitted to at least nine arrests related to cruelty to animals, toured the country for years with an act that forced a mule to jump from a 30-foot ramp into a pool.<sup>226,227</sup>

### USDA Enforcement Actions

- In 2016, the USDA issued an official warning against Zooworld\* in Florida for repeated failure to provide adequate veterinary care, repeated failure to adequately clean and sanitize primate cages, repeated failure to maintain cages, and inadequate public safety barriers.<sup>228</sup>
- In 2015, the USDA fined Zoological Wildlife Foundation\* in Florida \$1,313 after a tiger bit a member of the public on the hand, causing serious bodily injury.<sup>229</sup>
- In 2015, the USDA issued an official warning against Cougar Mountain Zoo\* in Washington for failure to provide veterinary care to an emaciated reindeer.<sup>230</sup>
- In 2015, the USDA issued an official warning against Wright Park Zoo\* in Kansas for failure to provide clean, dry bedding to wolf-dogs during bitterly cold temperatures and repeated failure to maintain enclosures in good repair.<sup>231</sup>
- In 2014, the USDA fined Montgomery Zoo\* in Alabama \$8,107 for the escape of a tiger and a hyena from poorly maintained cages, a barn fire that killed two goats, allowing unsupervised contact with animals in the petting zoo, and failure to repair rusty primate cages.<sup>232</sup>
- In 2014, the USDA fined Two Tails Ranch\* in Florida \$857 after an elephant attacked a visitor who was taking photos of the elephant. The woman was hospitalized for months with life-threatening injuries. Facility owner Patricia Zerbini† failed to report the incident to authorities.<sup>233,234</sup>
- In 2014, the USDA issued an Official Warning against Nevada-based Dirk Arthur† for housing a snow leopard in a flimsy, rusty cage with broken welds that may not contain the animal and leaving a collar and chain on a caged bobcat, which became entangled on a bolt and created an obvious hazard for the bobcat.<sup>235,236</sup>

- In 2013, the USDA issued an Official Warning against Triple D Game Farm\* in Montana for subjecting a 2-month old tiger to declawing—a procedure that “can cause ongoing pain, discomfort, or other pathological conditions” in violation of veterinary care regulations.<sup>237,238</sup>
- In 2013, the USDA fined Zooworld\* in Florida \$1,571 after a 5-month-old giraffe sustained cervical injuries due to unsafe conditions and was euthanized, having an insufficient public safety barrier at the dingo enclosure, a muddy tiger enclosure, and rodent-infested conditions in primate and bear enclosures.<sup>239</sup>
- In 2013, the USDA issued an Official Warning against Capital of Texas Zoo\* for failure to provide veterinary care to underweight animals, repeated failure to maintain facilities in good repair, repeated failure to feed animals an appropriate diet, repeated failure to keep premises clean and in good repair, and inadequate pest control.<sup>240</sup>
- In 2013, the USDA issued an Official Warning against Wildlife World Zoo\* in Arizona for failure to safely handle a 3-month-old tiger cub brought to a television studio and failure to maintain facilities to protect the animals from injury and contain the animals.<sup>241</sup>
- In 2013, the USDA issued an Official Warning against Susan Bradshaw† of Zooville USA in Florida for repeated failure to provide animals with clean drinking water and remove excess accumulations of feces from numerous cages.<sup>242</sup>
- In 2013, the USDA issued an Official Warning against Scott Edwards† of Sharkarosa Exotic Park in Texas for failure to provide animals with clean drinking water and repeated failure to maintain the perimeter fence, which may have allowed predators to enter the property and kill numerous animals.<sup>243,244</sup>
- In 2012, Catocin Wildlife Zoo\* in Maryland, was fined \$12,000 by the USDA to settle charges of repeatedly violating the veterinary care, handling, housing, and husbandry standards of the federal Animal Welfare Act.<sup>245,246</sup>
- In 2012, Animal Source Texas‡ was fined \$59,777 by the USDA to settle charges of repeatedly failing to provide veterinary care, including to animals in obvious distress, and inexperienced staff that may have contributed to the deaths of 25 animals in a 9-month period.<sup>247,248,249</sup>
- In 2012, the USDA issued an Official Warning against Leesburg Animal Park, operated by Shirley Johnson† in Virginia for repeated failure to construct a perimeter fence of sufficient height.<sup>250</sup>
- In 2012, the USDA issued an Official Warning against Jungle Island\* in Florida for failure to construct and maintain cages to safely contain a

gibbon and a tiger who had both escaped, and failure to have a responsible adult available to conduct an animal welfare inspection.<sup>251</sup>

- In 2011, the USDA fined Panther Ridge\* in Florida, owned by Judy Berenst†, \$2,786 for allowing a member of the public to pet a jaguar through its enclosure, resulting in the jaguar biting the woman's thumb.<sup>252</sup>
- In 2011, the USDA fined Tiger World in North Carolina, owned by Lea Jaunakaist†, \$2,571 for a tiger escape.<sup>253</sup>
- In 2011, the USDA issued an Official Warning against Six Flags\* in New Jersey for the escape of two baboons.<sup>254</sup>
- In 2010, the USDA issued an Official Warning against Hemker Zoo\* in Minnesota for repeated failure to maintain enclosures in good repair to protect animals from injury and failure to provide animals with shelter from sunlight and inclement weather.<sup>255</sup>
- In a 2009 USDA administrative court proceeding, Mario Tabrauet†, owner of Zoological Wildlife Foundation\*, admitted to providing falsified documents and making false statements to the USDA while helping an unlicensed individual acquire a tiger from Myrtle Beach Safari\*. <sup>256</sup>

\*Currently or recently identified as an accredited facility. Accredited facilities can vote for the Board of Directors.

†Individual, facility owner, or facility representative currently or recently identified as a professional member.

Professional members can vote, run for the Board of Directors, and conduct facility inspections. Professional members are sponsored by two individuals and approved by the Board of Directors.

‡Currently or recently identified as a commercial member.

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## Roxann B Borisch

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**From:** Sandi Cornez <sandicornez@gmail.com>  
**Sent:** Wednesday, December 06, 2017 4:31 PM  
**To:** ODFW.Commission@state.or.us  
**Subject:** Friday's Agenda Concern with proposed rules as drafted

I am writing to you because these proposed rules listed below run counter to the spirit of Measure 100. Please remove this item from Friday's agenda.

Thank you.  
Sandi Cornez

- The prohibition on sale of parts fails to include "possession with intent to sell," which was a critical component of Measure 100
- The definition of covered animal species is narrowed in a manner inconsistent with Measure 100, creating a loophole that would allow the sale of bycaught sharks and rays
- ZAA is currently on the list of educational and scientific institutions allowed to sell covered species parts and products (they were not included in HB 2576)
- The regulations do not make clear that DFW is prohibited from selling confiscated parts
- The exception for sales by/to scientific and educational institutions is broader than HB2576 (both respect to the purposes of sale and date of gift agreement)
- The musical instrument exception fails to comport with the strict requirements of Measure 100 regarding lawful acquisition of covered species parts
- The antique exception fails to comport with the strict requirements of Measure 100 regarding demonstrating provenance of antiques
- There are taxonomic errors in the definition of covered animal species

Sandi Cornez  
Food Consultant

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**"Each Small Kindness, Like A Seed, Grows Tall In Memory"**



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December 7, 2017

**VIA ELECTRONIC MAIL – [odfw.commission@state.or.us](mailto:odfw.commission@state.or.us)**

Oregon Fish and Wildlife Commission  
4034 Fairview Industrial Drive SE  
Salem, OR 97302

*Re: Draft Rules Implementing the Wildlife Trafficking Prevention Act (Measure 100)*

Dear Chair Finley and Members of the Commission:

Please consider the following comments of Humane Oregon on the draft rules to implement the Wildlife Trafficking Prevention Act. In short, we ask you to defer adoption of the rules pending further collaboration with the chief sponsors of Ballot Measure 100 (2016) to ensure that the rules are consistent with the measure and with HB 2576 (2017).

Humane Oregon was formed in 2014 to help advocate for humane treatment of animals in Oregon's political process and elections. We are a moderate but progressive animal welfare organization, with board members from many different parts of Oregon's animal welfare community. We are not affiliated with any other state or national organization.

Humane Oregon is one of the many organizations that helped put Measure 100 on the ballot and ensure its passage. Our volunteers were among those who spent hours standing on street corners, walking parade routes, etc., to collect the more than 100,000 signatures required to qualify the measure for the ballot. Those efforts should be respected by ensuring that administrative rules to implement the measure are carefully crafted to carry out the intent of the measure and not create exemptions that are not in the measure or the follow-on bill, HB 2576.

Thank you for considering our comments.

Sincerely,

*Brian Posewitz*

Brian Posewitz  
Board Member and Administrator



Oregon Fish and Wildlife Commission  
4034 Fairview Industrial Dr.  
SE Salem, Oregon 97302  
[ODFW.Commission@state.or.us](mailto:ODFW.Commission@state.or.us)

December 7, 2017

Re: Proposed Regulations Implementing the Wildlife Trafficking Prevention Act

Dear Commissioners:

Last year, the Oregon Humane Society was proud to support Measure 100, which embodied and illustrated the high regard Oregonians have for animals, especially endangered species that need protection from extinction and cruelty. Over 69% of Oregon voters passed Measure 100, one of the strongest state-level measures in the country to combat wildlife trafficking. By passing Measure 100, Oregonians removed the demand and diminished the market for wildlife parts.

When Oregon passed Measure 100, we joined existing wildlife trafficking bans in California, Washington, and Hawaii, creating a blockade against wildlife trafficking spanning the West Coast. However, some of the proposed regulations implementing Measure 100 do not align with the intent of the voters and exposes Oregon as a weak point for wildlife trafficking on the West Coast. For example, the musical instrument exception and the antique exception fail to comport with the strict requirements of Measure 100. In addition, the prohibition on sale of covered animal species parts and products fails to include "possession with intent to sell," which was an essential element of Measure 100 to ensure enforcement of the ban.

The Oregon Humane Society believes that work still needs to be done to guarantee the regulations are reflective of the intent of Oregon voters. Therefore, the Oregon Humane Society **opposes** the adoption of the proposed regulations in their current form and urges the Commission to **withdraw** this matter from tomorrow's Commission Meeting Agenda.

Thank you for your consideration.

Sincerely,

Sharon Harmon  
CEO, Oregon Humane Society  
[sharon@oregonhumane.org](mailto:sharon@oregonhumane.org)  
(503) 416-2992

# Steve Martin's Working Wildlife

2010 Lakeshore Dr. Selma, OR. 97538 (661) 993-2498 email:info@workingwildlife.com

December 7, 2017

Dear Commissioners,

My name is Steven Martin of Working Wildlife. I have been training exotic animals for film for more than 40 years in Southern California. I purchased 100 acres in Selma, Oregon back in 2009, with the intention of downsizing and moving my facility and animals to my Oregon ranch. I have spent the past eight years building and readying my ranch for my animals. It has taken me all these years to save and build all of my caging and buildings and I am finally nearing completion of this project. I am also in the process of finalizing the sale of my Southern California facility. Now, I am hearing of another commission hearing planned for December 8th 2017, that would threaten all of my plans. I was only told about this measure/ban yesterday by Mr. Rosenaur. I was shocked and frustrated to hear that, like last year, we were overlooked by the Department of Fish and Wildlife, and were not given any information about this ruling and not given any time to prepare ourselves for any defense. I was at the last meeting and only found out about it less than 24 hours beforehand and had to drive 1,800 miles roundtrip to attend and give my three minutes of testimony. I was working on a film in Los Angeles at that time. Today I am hearing of this, while working on a film in Montana, and have no way to be there tomorrow to make my statement. This is very disappointing. This ban is catastrophic to the countless hours of work and years of planning I have put into re-establishing my small business in my home state of Oregon. I strongly urge you to not allow the W.T.P.A. measure to continue the way it has been written.

Thank you for your time and consideration on this matter,

Steve Martin

Working Wildlife Inc.

Dear Commissioners,

1/19/17

My name is Hayden Rosenaur and I am an Animal owner/Stakeholder in this great state of Oregon. A gentlemen, named "Steve Martin" and I were at the last meeting this last summer and spoke in front of you regarding our small animal businesses and how the new proposed regulations would strongly effect our way of life and be detrimental to our businesses and animals. I as well as a few other animal owners that have interest in these proposed regs., have expressed our displeasure with how these regulations could keep us from continuing to care for our animals and families.

This afternoon on January, 19<sup>th</sup> 2017, I was startled by a text from another Stakeholder, asking me if I was going to be at the Jan. 20<sup>th</sup> meeting in Salem. Imagine my surprise when I had not been informed up until this time of this meeting continuation. Steve Martin and I went through a lot of trouble to make last summers meeting, but found it profoundly important for us to make the last-minute commitment. Again we were accidently informed of that meeting the night before and I and Mr. Martin had to drive up from Southern California to be there.

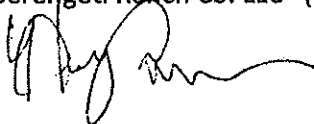
Neither Mr. Martin, nor I were sent any information regarding the meeting or the Division 44 revisions as we were promised that we would have ample time to review them by staff members of the Department "O.D.F.W." I met with Dr. Gillin and Mr. Boatner, back last September regarding the Division 44 revisions. I was able to join in on a meeting with both gentlemen when yet another Stakeholder was to meet with them.

I made the time to drive all the way up to Salem yet again to try to be a part of this process of protecting my rights. Dr. Gillin and Mr. Boatner seemed willing to work with us which I found refreshing and promising. Dr. Gillin made clear that they wanted to create Regs that would not interfere with our businesses. The gentlemen claimed that when they were through with the revisions that they would allow us ample time to review them and offer any input before the next hearing. Mr. Steve Martin, Scott Handley, nor myself ever received anything regarding the revisions or the meeting. After contacting many Stakeholders, it is evident that very few Stakeholders were made aware.

I would like to believe that this was nothing more than a simple clerical error, however it seems that somehow there has been a serious breakdown in this process, and we feel our rights as Oregon State Tax payers may be getting overlooked. None of us have been able to review these revisions so therefore it is our wish to have the opportunity as we should be entitled to. I ask the Commissioners to not vote on this subject until it has been fairly distributed to all Stakeholders and allow those individuals to be able to review them and make comments. Thank you for your cooperation on this matter.

Regards,

Hayden S. Rosenaur  
Serengeti Ranch Co. LLC (661) 269-1999



Serengeti Ranch LLC

C.L.E.A.R.

## Conservation League for Elephants and Rhino

P.O. Box 2399, WHITE CITY, OR. 97503 (661) 269-1999 EMAIL: CLEARCONSERVATION@GMAIL.COM

Dear Commissioners,

My name is Hayden Rosenaur and I am a resident/property owner and tax payer of the State of Oregon. I am also a major stakeholder regarding any state lawmaking relating to exotic animal species. We house and care for many species of animals. Our nearly seven-hundred acre facility cares for a wide variety of animals from elephants to monkeys, leopards, and even rhinos. Therefore, the laws you vote on regarding many endangered animals affects me and my colleagues substantially. You would think that it would be of the utmost importance for ODFW to notify and invite these stakeholders whose lives will dramatically be affected by these decisions. I was not notified nor invited to any of the other commission hearings in the past and certainly was not given the opportunity to defend the future of our animals and family in this case as well.

Attached is a letter written by me on 1/19/17 to the Commission detailing the exact same behavior displayed by the Department, in which they denied most of us our legal right to defend our small businesses and livelihoods. Keep in mind that this is not the first time in recent years that we have been denied this pertinent information. Each time I have found out about these hearings by accident in conversation just a day or two before the hearing dates. Just like before, I have been forced to give up many days of paid work and spend countless hours driving up from filming in Southern California. I will spend hundreds of dollars in fuel and drive all night in order for me to attend tomorrows hearing due to these circumstances. Mr. Steve Martin, is also a stake holding Oregon state resident and is currently filming in Montana. He was also very surprised that he was denied his rights by not receiving any information or notification regarding this measure or hearing.

This measure was nefariously written by an Animal Rights Organization, who wrote it for the sole purpose of confusing the Voters into believing that this ban had something to do with protecting wildlife by stopping the trafficking of Endangered Species' parts and products. I read the ballot measure, when I voted, and nowhere did the initiative describe "live animals". Everyone I have spoken with that voted yes, explained to me that they were led to believe that the measure was to keep people from selling illegal contraband. The Voters apparently were duped into voting on a measure that has a completely different agenda. It seems that I, as well as many other stake holders, can now be considered a law breaking endangered species trafficker, if this measure is allowed to stay on the books as it now reads, with the words "live animal" hidden within it.

Like so many California business owners, I moved my small animal business to Southern Oregon from Southern California five years ago. I wanted to give my family a better life and at the same time, escape the extreme Government over-reach that so many small California businesses are suffering from. I did all of the research and followed all laws and regulations when I moved to Oregon. I had no idea, that in just a few short years, I would be forced into a far worse situation in the state I now call home. California was very difficult to keep up with all of their regulations, as it seems that they intend to force out most small businesses with their red tape and taxation. They are also in financial ruin because of their practices. Is this to be the future of Oregon? I spent a tremendous amount of money and time to uproot our lives to move to Oregon. We have spent millions of dollars, and thousands of man hours to build our facilities, and now our future is to be threatened once again by even more government over-reach?

This ban, (the way it is written) will only destroy law abiding citizens who choose to follow laws. The illegal traffickers will just get smarter at how they smuggle and traffic their products. The state has absolutely no way to enforce this ban. If a criminal wants to make money, he will figure out a way to hide a small Ivory figurine. But when I need to move a 9,000 pound elephant, I would only be able to do it with the states permission, as it would be impossible for me to sneak around with such a massive animal. So I and my colleagues will be the ones that suffer the consequences of this ban while the criminals will continue their business as usual. It is my understanding that the Department doesn't even have a strategy to enforce this law. So again, only the law-abiding citizens will be denied their ability to continue with their life's work.

My Veterinarian wife and I have 45-years combined experience with elephants and rhinos. We recently founded C.L.E.A.R. (Conservation League for Elephants and Rhinos) which is an organization dedicated to African Wildlife with a special emphasis on Elephants and Rhinoceros. What better way to protect endangered species than through strong conservation practice. CLEAR will raise funding and awareness while offering sanctuary to elephants and rhinoceros. However, our plans are certain to be shattered by this ban. We have worked so hard for so many years to get to this point and it is so depressing to be dealt this blow. We are all about protecting animals however this ban is not the answer. Nobody is sneaking around the state with elephants, leopards, and rhinos in the trunk of their Buick.

We beg you, the Commissioners of this great state to consider the ramifications of allowing this measure to continue the way it stands. We feel that our legal rights have been unjustly overlooked and strongly ask you to not adopt the temporary ruling.

We thank you kindly for your time and understanding on this matter and believe that "NO" is the right choice on this measure.

Best Regards,

Hayden S. Rosenaur



C.L.E.A.R. (661) 269-1999