

April 22, 2015

Dr. Robert Gibbens, DVM  
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Via e-mail: [Robert.M.Gibbens@aphis.usda.gov](mailto:Robert.M.Gibbens@aphis.usda.gov)

Dear Dr. Gibbens:

Please consider this to be a formal complaint on behalf of Friends of Woodland Park Zoo Elephants (FOWPZE) regarding the transport of elephants Chai and Bamboo by the Woodland Park Zoo (WPZ, license # 91-C-0087) in Seattle, Washington. On April 15<sup>th</sup>, the zoo shipped the elephants out of Seattle, reportedly headed for the Oklahoma City Zoo, and announced on April 17<sup>th</sup> that the elephants were detoured to the San Diego Zoo due to “inclement” weather. We contend that the move put the elephants’ health and welfare in jeopardy and violated provisions of the Animal Welfare Act (AWA).

It is our understanding that steps are being taken at this time to prepare the elephants for transport from San Diego to Oklahoma City; the one person who was able to persuade Bamboo to enter her crate in Seattle is reportedly en route to San Diego. We therefore request your very urgent attention to this potentially deadly plan.

On April 15<sup>th</sup>, the day the elephants were trucked away from WPZ at 6:30 pm, there were clear weather forecasts, at least as early as that morning, for dangerous snowstorms on the planned route to the Oklahoma City Zoo. The storms were expected to commence that night and to continue through the 17<sup>th</sup>. Predictions included temperatures in the 30s widespread over the area, in addition to snow in excess of a foot. The following link provides screen shots of relevant forecasts: [http://livinghumane.com/wpz-elephant-transfer-coincides-with-city-ordinance-for-sanctuary-and-forecasted-snow-storm/?hc\\_location=ufi](http://livinghumane.com/wpz-elephant-transfer-coincides-with-city-ordinance-for-sanctuary-and-forecasted-snow-storm/?hc_location=ufi)

It is our position that the WPZ’s move to rush the transport of the elephants under those predicted circumstances was a blatant violation of several provisions of the AWA and accompanying regulations. We urge your agency to investigate WPZ’s actions and to hold them responsible for what appears to have been a complete disregard for the welfare of Chai and Bamboo in order to get the elephants moved before there could be official intervention.

**Safe Handling and Transport Violations:**

The facts as we have been able to determine them through a variety of sources, including eyewitness observation, zoo statements, and media reports, are as follows: WPZ planned to move their two surviving elephants to the Oklahoma City Zoo over the objection of local advocates as well as some city officials. A denial of a temporary injunction pursuant to a federal lawsuit was appealed,

and the WPZ agreed to hold off on the move during that appeal. A decision was expected on April 15<sup>th</sup>.

While the appeal was pending, one Seattle City Council member announced that she was planning to introduce an ordinance instructing the WPZ to send the elephants to the PAWS sanctuary in California instead of to the Oklahoma City Zoo; the ordinance was drafted on April 15<sup>th</sup>. That same day, the appeal was denied. Almost immediately, the WPZ commenced loading the elephants into crates, which were placed onto a transport truck. According to a whistleblower report, internal zoo memos stated that they were waiting to move the elephants until the ruling on the appeal. The elephants left the zoo at 6:30 pm.

According to an expert in elephant transport, based on photos and video observation of the crates on the transport truck, it does not appear that the crates were climate-controlled, as claimed, or even insulated against the cold. Nor is it clear how the elephants could have been under wireless video observation, as claimed, given that the cameras would have relied on Wi-Fi or cellular signals, and there are “dead zones” on the route taken.

- The trip was predicted by WPZ to take approximately 35 hours, which accords with Google Maps’ determination that normal driving time along the quickest route is 29 hours (allowing for monitoring, feeding, watering stops, and a slower rate of driving speed).
- At 3:30 pm on Thursday, April 16<sup>th</sup> (21 hours after departure), the Oklahoma City Zoo announced that the transport was one-third of the way there, which likely indicates that there had already been problems causing significant delay.
- On Friday, April 17<sup>th</sup> at 2:12 pm (44 hours after departure), the Oklahoma City Zoo announced on its Facebook page that “Due to inclement weather, the Seattle elephant caravan has taken an alternative route.”
- In fact, the elephants had been transported to the San Diego Zoo, arriving at approximately 11 am on Friday. This was finally announced at about 6 pm. It now appears that the elephants will remain in San Diego at their quarantine/treatment facility indefinitely.

Because the elephants were moved to a holding location that is not their final destination, they will now be subjected to being reloaded into crates. According to a whistleblower account, Bamboo was reluctant to enter the transport crate the first time; therefore this transport will be subjecting her to unnecessary stress. They will further be subjected to a 1,313 mile journey to Oklahoma City, for a total travel distance of 2,899 miles, nearly 900 miles further than their journey would have been, had poor planning not made rerouting necessary.

Because of the WPZ’s irresponsible decision to move the elephants out so hastily, in the short window of time between ending the constraint from the federal court the possibility of a city-imposed restriction, the elephants were exposed to dangerous road and climatic conditions in clear violation of 9 CFR 3.138 et seq which prohibit, among other things, exposure in transport to temperatures below 45 degrees Fahrenheit.

The WPZ's irresponsible decision to move the elephants out so hastily violated, too, 9 CFR Sec. 2.131 Handling of Animals, which provides, in part, that:

- (a) All licensees who maintain wild or exotic animals must demonstrate adequate experience and knowledge of the species they maintain.
- (b) (1) Handling of all animals shall be done as expeditiously and carefully as possible in a manner that does not cause trauma, overheating, excessive cooling, behavioral stress, physical harm, or unnecessary discomfort. And
- (e) When climatic conditions present a threat to an animal's health or well-being, appropriate measures must be taken to alleviate the impact of those conditions. An animal may never be subjected to any combination of temperature, humidity, and time that is detrimental to the animal's health or well-being, taking into consideration such factors as the animal's age, species, breed, overall health status, and acclimation.

### **Veterinary Care Violations**

Bamboo has a history of chronic colic. It should be obvious that stress is to be avoided, wherever possible, in an elephant with this condition. However, as previously stated, Bamboo entered the transport crate with great reluctance; likely her previous experience being transported to a zoo played a role in this. In addition to the stress of transport, the frigid temperatures along the route would likely have caused physical stress.

We have been informed by a handler at the San Diego Zoo that Bamboo in fact had a colic attack near Salt Lake City and laid down or tried to lie down several times. The WPZ appears to deny this. Apparently in response to this potentially life-threatening emergency—or, at any rate, in response to a medical decision that the elephants needed to rest from the rigors of transport—the WPZ's transport company and veterinary personnel made the decision to drive 750 miles out of their way to the San Diego Zoo, despite the fact that there *are at least six zoos with elephant facilities closer to Salt Lake City* (Denver, Sacramento, Reno, Los Angeles, Albuquerque, and Phoenix) and, more significantly, there is *a zoo with elephants right in Salt Lake City*.

It is our opinion that taking the elephants to San Diego under these circumstances violates the terms of 9 CFR Sec. 2.40, requiring that:

- (b) Each dealer or exhibitor shall establish and maintain programs of adequate veterinary care that include:
  - (1) The availability of appropriate facilities, personnel, equipment and services to comply with the provisions of this subchapter,
  - (2) The use of appropriate methods to prevent, control, diagnose, and treat diseases and injuries, and the availability of emergency, weekend, and holiday care.

FOWPZE urges your agency to fully investigate the transport conditions, and any documentation of the journey and of the decisions made leading up to and during that journey. We particularly urge you to inspect Chai and Bamboo while they are still at the San Diego Zoo, and to prohibit transport from that location until a thorough veterinary evaluation has been made of their ability to

withstand additional travel. Given the welfare concerns stemming from the elephants' response to the long journey they were forced to undergo this past week, we urge you to consider whether their welfare needs would be better served by a significantly shorter journey than the one proposed. The PAWS Sanctuary, only 470 miles from San Diego, has offered to provide a permanent refuge for Chai and Bamboo.

Given the possible imminence of the proposed transport out of San Diego, we again ask that your agency give its immediate attention to this matter, rather than risk compromising the health and welfare of Chai and Bamboo even further than they have already been compromised.

Thank you for your anticipated cooperation.

Sincerely,

Nicole Meyer

Deb Robinson, Esq.