

To: Animal Welfare Western Division, USDA
2150 Centre Ave., Building B, Mailstop 3W11
Fort Collins, CO 80526-8117

From: Zimbabwe Conservation Task Force
San Antonio, TX
(210) 322-7573

Formal Complaint

The Zimbabwe Conservation Task Force (ZCTF): US Operations has been observing several species currently residing at the San Antonio Zoo, operated by the San Antonio Zoological Society, located at: 3903 North St. Mary's Street, San Antonio, Texas 78212- 3199.

In almost three years of observations at this location, we have observed and recorded several clear violations of the Animal Welfare Act (AWA). We have filed, to date, several complaints attached with photographic and/or video evidence in support of these claims. Furthermore, we have requested an investigation into the death of Alport, the 49- year-old female, African elephant, who died at the facility on November 2, 2007, on the basis of inadequate veterinary care and failure to provide euthanasia, as an alternative to the suffering she endured for several hours prior to her death.

Due to obvious lack of enforcement, we have requested a new inspector for the San Antonio Zoo. It is our belief, and has been for some time, that the inspector assigned to this location has been compromised. As a result of this, in the past, we have filed with the AGSEC, OIG, and Congressman Lamar Smith for a congressional inquiry into the matter. Furthermore, we have asked for an investigator to review the San Antonio Zoo.

Alport, a 49-year-old female, African elephant, deceased:

Alport went down two week prior to her death, sustaining a serious injury. Prior to this injury, she was already in a weakened state and had become emaciated. She was then moved to the elephant barn, wasn't eating well, and went down again on November 1, 2007. A crane was not brought in to get her back on her feet, to relieve the pressure on her heart and lungs. She suffered greatly from November 1 to November 2, 2007, before expiring on her side. She was not euthanized once it was determined that she was beyond medical help and would expire.

We believe that this is clearly inhumane treatment and unethical on the part of the zoo's upper management. As a result, Alport died in extreme stress. The San Antonio Zoo's Director, Stephen J. McCusker, has given conflicting statements regarding her cause of death: in 2008, that she died as a result of a torn ACL, equating a football injury, and most recently, cited in the San Antonio Express News this week, that she died of a severe hip injury.

We are, again, formally requesting an investigation into the events surrounding her deaths: the six months prior, in which her health deteriorated; the cause of this deterioration; the injury she sustained and how this came to happen; and ultimately, the 24 hours prior to her death.

Lucky, a 50-year-old female, Asian elephant:

Lucky has suffered mental stress, due to confinement, resulting in extreme stereotypical behavior, which we have provided video evidence of dating back to 2007. Her water source in the exhibit, has been found, on numerous observations, to be unclean and dirty – photographic evidence has been provided. There is limited shade in the enclosure, and Lucky is often exposed in the elephant yard to direct sunlight and the heat of the Texas sun. The substrata is unnatural and compact, and although covered with sand, it provides little comfort to her feet, especially in direct sunlight, when the sand heats up.

The exhibit is outdated, cramped, and does not provide enough space to meet her species' requirements for proper, healthy movement of joints and muscles. This has been evidenced in observations: she leans into her side, thereby relieving pressure from the other side, which is obviously causing her discomfort. Her former veterinarian, Dr. Mel Richardson, has released a statement claiming that Lucky is overweight, furthering our suspicion that she has joint issues due to lack of physical activity.

The San Antonio Zoo kept Lucky in solitary confinement for a period of two years and five months after the death of Alport and had been denied the company of her own species, Asian elephants, since the death of Ginny in 2004.

We request that this be investigated and the Animal Welfare Act be enforced.

Boo, a 55-year-old female, Asian elephant:

That Boo has suffered, both physically and mentally prior to her arrival at the San Antonio Zoo, is without question. It was imperative that she be removed from Wilbur Davenport in Leggett, Texas. However, other alternatives to this zoo should have been found. The Performing Animal Welfare Society (PAWS) in California made a formal offer months before the settlement agreement was reached with Davenport, and 24 hours before the settlement was signed, an offer was also made by the Elephant Sanctuary (TES) in Tennessee. Davenport made contact with ZCTF to arrange sanctuary for Boo 48 hours prior to the settlement agreement; it was not his wish that Boo come to the San Antonio Zoo, rather that she go to either sanctuary.

The San Antonio Zoo is not equipped, due to the size of the exhibit, to allow proper introductions and acclimatization of Lucky and Boo. Given Lucky's known aggressive behavior towards Alport and Boo's aggression towards other elephants in the past, this is not only a bad match but could also be a potentially dangerous situation for both elephants and their keepers.

The San Antonio Zoo's public statement that they will be acclimated through the elephant barn's stalls by "trunk touching" violates the quarantine Boo is under. This subjects Lucky to unwarranted contact at this point. The zoo has a record of dismal failure of the acclimatization process: Lucky and Alport, which often resulted in their separation, Ginny's aggression towards

Wanda, resulting in Wanda being pushed into the moat on more than one occasion, and the death of a 25-year-old elephant keeper, Jubal Cox.

In the months leading up to Jubal Cox's death, Ginny showed aggression towards him. Ginny attacked and was called off by the head elephant keeper two weeks prior to Cox's death. This was known to zoo, and yet, he was allowed entry to the yard – alone. The zoo failed to follow safety procedures by failing to retrain Cox or remove him from the elephant yard, which resulted in his death. The zoo has little training in introductions and does not have the space to provide safety should anything go badly for either elephant.

The living conditions Lucky faces will now be faced by Boo: lack of shade, natural substrata, consistently unclean drinking water in the yard, inability to submerge in the pool, and lack of space for adequate, healthy movement in the yard. If the acclimatization fails between these two elephants, then you have removed Boo and condemned her to a life of confinement, as they will both remain here until their “demise” as the Director, Stephen J. McCusker, has stated publicly in recent news. McCusker has also claimed that, as Africa Live Phase III goes into construction, Lucky would be shipped out and African elephants would replace her. One would assume that this statement now applies to Boo as well.

Sababu, a 25-year-old female, black eastern rhinoceros, and her offspring, Henry, a 5-year-old male:

Both Sababu and Henry reside in small, cramped exhibits and are exposed to extreme temperatures ranging from the Texas heat to documented lows of 45-degree weather. Suspected improper diet for Sababu has caused severe bowel issues for months. (A recommended proper diet for captive black rhinoceros, received from experts in Zimbabwe, Africa, was filed in a past complaint.) Sababu remained covered in her own feces for months, until diet and bowel issues were addressed. Parts of the habitats' walls are suspected to be made of gunite, a material that reflects heat back into the exhibits. The exhibits themselves provide little shade or relief. Thus, when they are trying to escape the heat by leaning against the wall, as both are prone to do in the summer months, the gunite radiates the heat back out, amplifying the effects.

Misters are operating in the habitats, although Sababu is rarely seen using them, and in some cases, they're turned off entirely. Access to the upper pen where Sababu's water container is kept is often blocked off to such a point that she cannot access water. This container, from the beginning of 2009 to date, is in disrepair; it appears contaminated by rust or build up, and the water is often low and/or dirty. The exhibit does not prevent interactions between the public and the rhinoceros while they are out. There is little to no shade in the exhibits. There is no natural substrata, nor is there a mud wallow for either rhinoceros – something that is an absolutely necessary component for this species, to both allow them to cool themselves off, as well as to help with parasites. (Their counterparts in the wild have a symbiotic relationship with birds for accommodate for this.)

Lesions and ulcerations, caused by a suspected immune repression, have appeared on both rhinoceros. Sababu's started in late 2008, and one was seen on Henry in 2009. We believe these are a direct result of their poor habitat conditions. (Our counterparts in Africa have not seen the

likes of this before.) The conditions they are currently in do not meet the needs of their critically endangered species.

Henry has exhibited extreme agitation during the months of construction in front of his exhibit and nothing was done to alleviate his fear due to the noise generated from jackhammers and other construction equipment. Prior to this, Henry was a very curious, social animal, and these events have left him with a nervous disposition, not noted in our observations before.

Charlie and Caesar, 22-year-old (?) male spotted hyenas, siblings:

Caesar exhibits extreme stereotypical behavior, often pacing for hours at a time, back and forth in the habitat. There is little to no enrichment for them, and the exhibit is barren and cramped. Fighting has been observed on more than one occasion, resulting in minor injuries to Caesar.

USDA inspector, Dr. Elizabeth Pannill:

Dr. Pannill has found numerous issues and cited the zoo for these incidents, none of which relate to the cases above. She has not cited the zoo for these violations and has found the zoo to be in noncompliance while investigating these complaints. Evidence was provided to the contrary and was not taken into account. There has been little to no improvement to relieve the aforementioned animals from their conditions/habitats. She has not acted in the best interest and welfare of the animals above by enforcing the Animal Welfare Act.

After many years of service with the San Antonio Zoo, Dr. Pannill has a friendly relationship with them, and this has compromised her ability to act in an unbiased position, as her job requires. As a direct result of her lack of enforcement, these animals continue to suffer, and Boo was allowed to be transferred to the zoo, which was unfit for one elephant, much less two. Had she acted in good faith, this zoo would have never been considered as an appropriate placement for Boo. In short, she has failed, not only the animals that rely on her to protect them under the Animal Welfare Act, but also, in the long run, has failed Boo and any other animals that will come here in the future.

On numerous occasions, things at the zoo give the appearance of being tipped off when the USDA is to arrive, and this impedes the ability of anyone in the USDA to effectively do their job. While we understand the frustration of many in the USDA and the minimal level of care afforded, events like these undermine the very things you are attempting to do. I do not envy your position, and there are many who have earned my deepest regard and respect for their care and concern, but this is simply not the case.

Dr. Pannill has blatantly disregarded the welfare of the animals under her watch. She has formally stated that she has seen no evidence of stereotypical behavior from Lucky, while we have strong evidence of the contrary – backdated with video footage from 2007 – and have sworn out a legal affidavit that was sent out to the USDA several weeks prior to Boo’s arrival. Your agency has proof of this, and yet she denies having seen it. If she could not obtain it from you, we would gladly have provided her with it. However, it is difficult to believe she could not access it through your agency.

We ask that a new investigator be placed at the San Antonio Zoo, and short of that, we request that an unbiased investigator look into these issues and uphold the Animal Welfare Act.

Best Regards,

A handwritten signature in purple ink that reads "Karrie D. Kern". The signature is written in a cursive, flowing style.

Karrie D. Kern
CEO of US Operations
Zimbabwe Conservation Task Force