

UNITED STATES DEPARTMENT OF AGRICULTURE
ANIMAL AND PLANT HEALTH INSPECTION SERVICE
INVESTIGATIVE AND ENFORCEMENT SERVICES

REPORT OF INVESTIGATION

Case Number: TN09128-AC

Subject(s): The Elephant Sanctuary
(Contact Information)

(b)(6), (b)(7)(c)

804 Darbytown Road
Hohenwald, Tennessee 38462
Phone: 931-796-6500
USDA, AC, License # 63-C-0124

Investigator:
(Contact Information)

(b)(6), (b)(7)(c)

920 Main Campus Drive, Suite 200
Raleigh, North Carolina 27606
Phone:

(b)(6), (b)(7)(c)

(b)(6), (b)(7)(c)

Date of Report: November 12, 2009

- Substantiated allegation(s)**
- No violation(s)**
- Insufficient evidence**
- Fact finding**
- Contains Confidential Business Information**

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Reviewer(s) _____

SYNOPSIS

On May 14, 2009, an elephant named Bunny died at The Elephant Sanctuary (TES), located in Hohenwald, Tennessee. Bunny was a fifty-seven year old, female, Asian elephant that arrived at TES in September of 1999. Bunny had a long history of foot problems prior to arriving at TES which subsided during her stay at TES. Her foot problems and the discovery of arthritis in her hind hip during her necropsy may have contributed to her downfall. Bunny went down on May 2, 2009, and never recovered even when she was hoisted to her feet with a back hoe. (b)(6), (b)(7)(c) (b)(6), (b)(7)(c) and the staff at TES continually discussed the option of euthanasia but decided against it as in their opinion the elephant was not suffering due to the pain medications she was receiving. Bunny was kept from exposure of the elements by stretching a tarp above her and covering her with blankets when necessary.

The necropsy on Bunny was led by, University of Georgia, Veterinarian, (b)(6), (b)(7)(c) who stated that she would not be able to give me any kind of statement until the cultures were finished incubating, and the dean and general counsel of the university approved her statement. I do not expect her statement until January of 2010.

BACKGROUND

Subject(s) Information

TES, Animal Care License #63-C-0124, is a 501(c)(3) non profit elephant sanctuary located in Hohenwald, Tennessee. TES was founded in March of 1995 and has grown steadily since then to 2700 acres and 15 elephants.

Subject(s) Previous History

Prior Enforcement Actions

N/A

Prior Adjudications

N/A

NARRATIVE

Basis for Investigation

This investigation was requested in a referral letter sent by Dr. Betty Goldentyer, USDA, Regional Director for Animal Care, to IES, Regional Director, John Kinsella on 01/31/07 (Exhibit 1).

Investigative Findings

This investigation was initiated by a complaint submitted to Deputy Administrator, Chester A. Gipson, DVM from Dr. Robert Hilsenroth, DVM, Executive Director for the American Association of Zoo Veterinarians (AAZV) and Kristin L. Vehrs, Executive Director for the Association of Zoos and Aquariums (AZA), and subsequent issuance of USDA, Animal Welfare Complaint number E09-186 (Exhibits 2 and 3). This complaint focused on the death of Bunny a fifty-seven year old, female, Asian elephant that died at TES. The complaint insinuates that Bunny may have been allowed to suffer from May 2, 2009 until its death on May 14, 2009. The complaint also questions whether the elephant had adequate shelter and veterinary care. Affidavits signed by TES attending veterinarians (b)(6), (b)(7)(c) and (b)(6), (b)(7)(c) show that Bunny died on May 14, 2009 after going down on May 2, 2009 (Exhibits 4 and 5). These exhibits also show that Bunny probably went down due to a history of foot problems and arthritis in her hind hip. Further, a large amount of hay was placed under Bunny, a tarp was placed above her and blankets were made available to keep her comfortable and out of the weather. The attending veterinarians also stated that bunny received the best of treatment and did not die due to neglect or abuse on the part of TES staff. These affidavits also show that euthanasia was a daily topic between the attending veterinarians and TES staff and they were prepared to euthanize the animal if they thought she was suffering. An affidavit signed by TES, (b)(6), (b)(7)(c) dated October 6, 2009 shows that Bunny had a history of foot problems, that she slowed down before her death probably due to arthritis, that TES and the attending veterinarians discussed the possibility of the elephant suffering on a daily basis, and she was shaded from the elements from day one (Exhibit 6). A written response from TES attorneys to USDA, Deputy Administrator for Animal Care, Dr. Chester Gipson dated October 21, 2009 regarding the death of Bunny shows that any perceived problems with the care of the elephants could have been handled with a phone call to TES (Exhibit 7). A copy of an internet news letter from TES, dated May 6, 2009, shows that Bunny went down for the last time (Exhibit 8). A copy of an internet news letter from TES, dated May 15, 2009, shows that Bunny died on May 14, 2009 (Exhibit 9).

At the direction of TES's attorney, the health records involving Bunny are not included in this case to prevent them from being obtained by the Freedom of Information Act and misused in a contradictory way.

After extensive interviews regarding TES, no violation of the Animal Welfare Act has been found regarding the death of the elephant named Bunny. The necropsy report is still pending (Exhibit 10).

These findings substantiate the following alleged violation(s):

These findings indicate that the evidence does not support a violation of the following section(s):

9 C.F.R. § 2.40(a) Attending Veterinarian and Adequate Veterinary Care

Each exhibitor shall have an attending veterinarian who shall provide adequate veterinary care.

9 C.F.R. § 2.131(b)(1) Handling of animals

Handling of 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.

9 C.F.R. § 3.127(a) and (b) Facilities, outdoor

Animals should be sheltered to prevent overheating and/or extremes of inclement weather.

MITIGATING AND/OR AGGRAVATING FACTORS

ADDITIONAL INFORMATION

A copy of an Application for License and Animal Welfare certificate show that TES has been approved for operation under a USDA, AC, Class C Exhibitors license number 63-C-0124 (Exhibit 11).

<u>WITNESS LIST</u> <i>Provide First, MI and Last Name with Complete Address</i>		
Name	Title	Address / Phone Number
(b)(6), (b)(7)(c)		
(b)(6), (b)(7)(c)	Veterinary Medical Officer	USDA, APHIS, Animal Care 920 Main Campus Drive, Suite 200 Raleigh, NC 27606 Phone: (b)(6), (b)(7)(C)
(b)(6), (b)(7)(c)		

CASE REPORT DISTRIBUTION (cc)

Program Official(s)

Dr. Betty Goldentyer DVM
USDA, APHIS, AC Regional Director, NC
920 Main Campus Drive, Suite 200
Raleigh, NC 27606

IES Manager(s)

(b)(6), (b)(7)(C)

USDA, APHIS, IES, South Atlantic Area Manager
920 Main Campus Drive
Suite 200
Raleigh, North Carolina 27606
Phone: (919) 855-7080

CASE UPDATES

Program Official(s)

Dr. Betty Goldentyer DVM
USDA, APHIS, AC Regional Director, NC

Primary Investigator

(b)(6), (b)(7)(c)

USDA, APHIS, IES Investigator, NC

IES Area Manager

(b)(6), (b)(7)(C)

USDA, APHIS, South Atlantic Area Manager

IES Deputy Regional Director

Willie Harris
USDA, APHIS, Eastern Region Assistant Director

IES Regional Director

John Kinsella
USDA, APHIS, Eastern Region Director

<u>EXHIBIT LIST</u>			
Exhibit #	Description	Date	Total Pages
Exhibit 1	A Request for Investigation	06/25/09	2
Exhibit 2	A complaint letter from the AAZV	06/24/09	1
Exhibit 3	A USDA, Animal Welfare Complaint	06/25/09	1
Exhibit 4	An affidavit signed by (b)(6), (b)(7)(c)	11/06/09	2
Exhibit 5	An affidavit signed by (b)(6), (b)(7)(c)	11/06/09	2
Exhibit 6	An affidavit signed by (b)(6), (b)(7)(c)	11/06/09	2
Exhibit 7	A response letter from TES, (b)(6), (b)(7)(c)	10/21/09	3
Exhibit 8	A TES, internet newsletter regarding Bunny	05/06/09	1
Exhibit 9	A TES, internet newsletter regarding Bunny	05/15/09	1
Exhibit 10	A pending statement for (b)(6), (b)(7)(c)	N/A	N/A
Exhibit 11	A USDA, Application for License and Certificate for TES	09/30/08	2



Date: June 25, 2009

TN09128

United States
Department of
Agriculture

Marketing and
Regulatory
Programs

Animal and Plant
Health Inspection
Services

Animal Care

920 Main Campus Drive
Suite 200
Raleigh, NC 27606

Tel No. 919-855-7100
Fax No. 919-855-7123

SUBJECT: Request for Investigation of Alleged Violations
Regarding the AWA, Regulations and/or Standards

TO: John Kinsella, Regional Director
Investigative and Enforcement Services
Eastern Region

FROM: Elizabeth Goldentyer, DVM
Regional Director
Eastern Region-Animal Care

RE: Customer # 3348
License/Registration No: 63-C-0124
Elephant Sanctuary, The
183 Buck Hollow Road
PO Box 393
Hohenwald, TN 38462

Previous enforcement actions:

- No Violation-No Action 12Nov08 C# TN08062

Supportive documents enclosed:

- Email from Dr. Elizabeth Goldentyer to Kevin Bolin requesting investigation dated 25Jun09
- Animal Welfare Complaint E09-186 dated 25Jun09
- American Association of Zoo Veterinarians complaint dated 24Jun09
- Application for License Renewal w/certificate dated 6Oct08
- Memo from (b)(6), (b)(7)(c) to Kevin Shea dated 20May09
- Memo to IES Director closing case TN08062 dated 12Nov08
- Memo to IES Regional Director forwarding of Supplemental Information to case TN08062 dated 29Aug08
- Memo to IES Regional Director forwarding of Supplemental Information to case TN08062 dated 28Aug08
- Investigation Request Memo to IES Regional Director dated 5Aug08
- List of The Elephant Sanctuary animal inventory dated 19May09
- Memo from (b)(6), (b)(7)(c) to Dr. Elizabeth Goldentyer dated 1Dec06
- Memo from Dr. Elizabeth Goldentyer to (b)(6), (b)(7)(c) dated 9Aug06
- Memo from (b)(6), (b)(7)(c) dated 24Jul06
- Memo from (b)(6), (b)(7)(c) dated 23Jul06
- Inspection Reports dated 30Mar09, 19May08, 25Apr07, 24Jul06

Animal
Care

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GOVERNMENT
EXHIBIT

Page 1 of 2

APHIS FORM 7070 (MAR 95)

Comments: Request IES contact Dr. Sofranko and Dr. Gage to assist with evaluation of health records.

The field inspector to contact is (b)(6), (b)(7)(c)

The SACS to contact is (b)(6), (b)(7)(c)

Please notify Kevin Bolin of the case number as soon as it is assigned.

cc: (b)(6), (b)(7)(c)

B. Goldentyer, RD
TN (3348) 63-C-0124



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AMERICAN ASSOCIATION OF ZOO VETERINARIANS

"Dedicated to wildlife health and conservation"

581705 White Oak Road • Yulee, Florida, 32097 • 904-225-3275 • Fax 904-225-3289

24 June, 2009

Chester Gipson, DVM
Deputy Administrator, Animal Care
USDA-APHIS
4700 River Road
Riverdale, MD 20737

Dear Dr. Gipson:

Please consider this letter an official complaint regarding the May 14 death of Bunny, a 57-year old Asian elephant at the Elephant Sanctuary in Tennessee.

The elephant, "Bunny" died on May 14, 12 days after going down on Saturday May 2. Staff at the Elephant Sanctuary determined by May 6 that the elephant was dying, yet she was allowed to die slowly outdoors rather than having euthanasia provide the opportunity to decrease the length of her suffering. We have attached postings from the Elephant Sanctuary's website to provide their timeline in the death of "Bunny". While we recognize that "Bunny" was under veterinary care through this period, we request that the USDA review the records of her medical care and necropsy to ensure that the elephant's treatment was adequate to relieve her pain and suffering and provide for her welfare.

The AAZV and AZA support USDA in its role as an advocate for animal welfare. As professionals with expertise in elephant medicine and husbandry, we recognize that it is our responsibility to provide the best medical treatment to the animals we care for whether this means treating disease or ending the suffering of a terminally ill patient. The AAZV and AZA request that you investigate the possible pain and suffering during Bunny's decline and death and specifically whether "the attending veterinarian has the appropriate authority to ensure the provision of adequate veterinary care and to oversee other aspects of animal care and use" as required by the Animal Welfare Act (9CFR, Ch1 Part 2 subpart D Section 2.40). We also request that the USDA determine if "Bunny" was provided with adequate shelter from sunlight and inclement weather as required under 9CFR, Ch1 Part 3 subpart F Section 3.127 of the Animal Welfare Act.

We urge the USDA to fully investigate the conditions surrounding Bunny's death at the Tennessee Sanctuary.

Sincerely,

Robert Hilsenroth, DVM
Executive Director
American Association of Zoo Veterinarians

Kristin L. Vehrs
Executive Director
Association of Zoos and Aquariums

Attachments: May6Bunnyposting.pdf, May15Bunnyposting.pdf

GOVERNMENT EXHIBIT 2
Page <u>1</u> of <u>1</u>
APHIS FORM 7070 (MAR 05)



USDA, APHIS, Animal Care



ANIMAL WELFARE COMPLAINT

Complaint No. E09-186 Date Entered 25 Jun 09 Received By (b)(6), (b)(7)(c)

Referred To IES for Investigation Reply Due

Facility or Person Complaint Filed Against

Name The Elephant Sanctuary Customer/License/Registration No. 63-C-0124/3348

Address 183 Buck Hollow Rd, P.O. Box 393

City Hohenwald State TN Zip 38462 Phone No (931) 796-6500

Complainant

Name Dr. Robert Hilsenroth Organization American Association of Zoo Veterinarians

Address 581705 White Oak Road

City Yulee State FL Zip 32097 Phone No./Email address (b)(6), (b)(7)(c)

How was complaint received? email

Forward response to FOIA: Yes [] No [X]

Details of Complaint: A 57-year old Asian elephant in declining health, was allowed to die slowly outdoors by The Elephant Sanctuary staff rather than using euthanasia as a means of decreasing the elephant's length of suffering.

Results: IES for Investigation

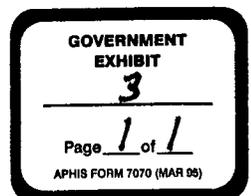
Application packet provided? Yes [] No []

INSPECTOR

DATE

REVIEWED BY

DATE



AFFIDAVIT

I, (b)(6), (b)(7)(c) being duly sworn on oath make the following statement:

to (b)(6), (b)(7)(c) who has identified himself as an investigator with the USDA, APHIS, Investigative and Enforcement Services.

I am the owner of (b)(6), (b)(7)(c)

(b)(6), (b)(7)(c) I am the attending veterinarian for The Elephant Sanctuary (TES). I have worked with the TES since (b)(6), (b)(7)(c) (b)(6), (b)(7)(c) I have a program of veterinary care made up for TES and they follow it to the letter.

The following is in regards to the death of the elephant known as Bunny, a fifty-seven year old Asian elephant, studbook identification number 161 that arrived at TES September 29, 1999. Bunny had a long history of foot problems prior to arriving at TES; however, problems subsided for years after she arrived at the sanctuary. Bunny slowed down before her death which appeared to be due to arthritis in her hind hip, and a flare up of her foot problems. Bunny went down on May 2, 2009, at which time I was called in, and about four days later I knew she probably wouldn't be getting back up. After continuous discussions with (b)(6), (b)(7)(c) it was decided to keep Bunny on pain medications in the hope that she could pass on her own, peacefully. It is an individual opinion when euthanasia is the best route; however, I thought it would also benefit the other elephants to allow a natural passing. Bunny was allowed all the food and water she could handle during her transition. At no time would I have agreed to keep bunny alive if I thought she was in unbearable pain.

Bunny was covered with a tarp starting with the first day she went down and was at no time exposed to the elements. A large amount of hay was placed under her, and she was covered with

(b)(6), (b)(7)(c)

SIGNATURE OF AFFIANT

Subscribed and sworn to before me at 804 Darbytown Road, Hohenwald, Tennessee 38462 on this 6th day of November, 2009

(b)(6), (b)(7)(c)



AFFIDAVIT

I, (b)(6), (b)(7)(c) being duly sworn on oath make the following statement:

blankets when necessary. Bunny received care 24/7 by trained personnel during her period of transition. In my opinion, Bunny was comfortable during the entire time she was passing.

Bunny died May 14, 2009.

A necropsy was performed on Bunny which was lead by (b)(6), (b)(7)(c) Veterinarian, (b)(6), (b)(7)(c)

(b)(6), (b)(7)(c) The results of the necropsy are still pending.

At no time during Bunny's time at TES was she ever neglected or mistreated. She received the best possible care while she was at TES.

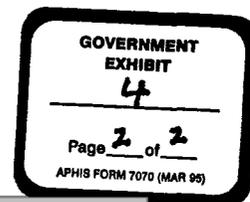
I have read the above statement and it is true and correct to the best of my knowledge.

(b)(6), (b)(7)(c)

SIGNATURE OF AFFIRANT

Subscribed and sworn to before me at 804 Darbytown Road, Hohenwald, Tennessee 38462 on this 6th day of November, 2009

(b)(6), (b)(7)(c)



AFFIDAVIT

I, (b)(6), (b)(7)(c) being duly sworn on oath make the following statement:

to (b)(6), (b)(7)(c) who has identified himself as an investigator with the USDA, APHIS, Investigative and Enforcement Services.

I am a veterinarian for The Elephant Sanctuary (TES) located at 166 Limo View Lane, Hohenwald, Tennessee 38462. My contact number is (b)(6), (b)(7)(c) (b)(6), (b)(7)(c) has a program of veterinary care established for the elephants at TES which the Sanctuary observes.

The following is in regards to the death of the elephant known as Bunny, a fifty-seven year old Asian elephant, studbook identification number 161 that arrived at TES September 29, 1999. Bunny had a long history of foot problems prior to arriving at TES; however, outward clinical signs subsided for years after she arrived at the Sanctuary. Bunny slowed down before her death which appeared to be due to arthritis in her hind hip, (discovered at necropsy) and a flare up of her probable underlying foot pathology. Bunny went down on May 2, 2009, at which time I was called in, together with (b)(6), (b)(7)(c) Following daily discussions with (b)(6), (b)(7)(c) and (b)(6), (b)(7)(c) we decided to keep Bunny on pain medications in the hope that she could pass on her own, peacefully. Bunny was essentially under hospice care to keep her comfortable. At no time would I have agreed to keep Bunny alive if I thought she was suffering.

Bunny was covered with a tarp starting with the first day she went down and was at no time exposed to the elements. A large amount of hay was placed under her, and she was covered with blankets when necessary. In my opinion, Bunny was comfortable during the entire time she was passing.

(b)(6), (b)(7)(c)

SIGNATURE OF AFFIANT

Subscribed and sworn to before me at 804 Darbytown Road, Hohenwald, Tennessee 38462 on this 6th day of November, 2009

(b)(6), (b)(7)(c)



AFFIDAVIT

I, (b)(6), (b)(7)(c) being duly sworn on oath make the following statement:

Bunny died May 14, 2009.

A necropsy was performed on Bunny which was lead by (b)(6), (b)(7)(c) Veterinarian (b)(6), (b)(7)(c)

(b)(6), (b)(7)(c) The results of the necropsy are still pending.

At no time during Bunny's time at TES was she ever neglected or mistreated. She received the best possible care while she was at TES.

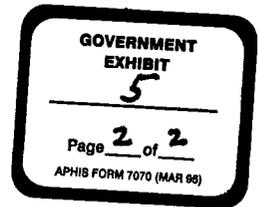
I have read the above statement and it is true and correct to the best of my knowledge.

(b)(6), (b)(7)(c)

SIGNATURE OF AFFIANT

Subscribed and sworn to before me at 804 Darbytown Road, Hohenwald, Tennessee 38462 on this 6th day of November, 2009

(b)(6), (b)(7)(c)



AFFIDAVIT

I, (b)(6), (b)(7)(c) being duly sworn on oath make the following statement:

to (b)(6), (b)(7)(c) who has identified himself as an investigator with the USDA, APHIS, Investigative and Enforcement Services.

I am the (b)(6), (b)(7)(c) of The Elephant Sanctuary (TES) located at 804 Darbytown Road, Hohenwald, Tennessee 38462. My contact number is (b)(6), (b)(7)(c) I have worked in this position since (b)(6), (b)(7)(c) TES is a 501(c)(3) non profit organization and our USDA License number is 63-C-0124. The regular veterinarians for TES are (b)(6), (b)(7)(c) TES has a program of veterinarian care established for the care of the elephants. (b)(6), (b)(7)(c) have both provided care and services for the elephants. A phone number for (b)(6), (b)(7)(c) and a phone number for (b)(6), (b)(7)(c) (b)(6), (b)(7)(c)

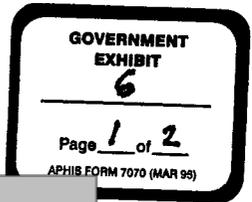
TES has a total of fifteen elephants, two African, thirteen Asian, and all are female. TES employee's twenty-three salaried individuals for administration, elephant care givers and maintenance.

The following is in regards to the death of the elephant known as Bunny, a fifty-seven year old Asian elephant, studbook identification number 161 that arrived at TES September 29, 1999. Bunny had a long history of foot problems prior to arriving at TES; however, outward clinical signs subsided for years after she arrived at the Sanctuary. Bunny slowed down before her death which appeared to be due to arthritis in her hind hip, (discovered at necropsy) and a flare up of her probable underlying foot pathology. Bunny went down on May 2, 2009, at which time I called in, (b)(6), (b)(7)(c) Following daily discussions with (b)(6), (b)(7)(c) and

(b)(6), (b)(7)(c)
SIGN

Subscribed and sworn to before me at 804 Darbytown Road, Hohenwald, Tennessee 38462 on this 6th day of October, 2009

(b)(6), (b)(7)(c)



AFFIDAVIT

I, (b)(6), (b)(7)(c) being duly sworn on oath make the following statement:

(b)(6), (b)(7)(c) we decided to keep Bunny on pain medications in the hope that she could pass on her own, peacefully. Bunny was essentially under hospice care to keep her comfortable. At no time would I have agreed to keep Bunny alive if I thought she was suffering.

Bunny was shaded with a tarp starting with the first day she went down and was at no time exposed to the elements. A large amount of hay was placed under her, and she was covered with blankets when necessary. In my opinion, Bunny was comfortable during the entire time she was passing.

A typical day for Bunny prior to May 2, 2009 included feeding of diets at 0800, 1700, and 2200, with fruits, grain, vegetables, hay, and medical supplements. Out in the habitat with Shirley and used 2200 acres, waded in the ponds, walked slowly around woods and meadows. Caregivers checked on her a minimum of 3 times a day; fed prepared diets three times a day, watered her two and if needed offered her hay two more times. This is the normal feeding schedule for all elephants at the Sanctuary. Bunny was allowed access to other elephants and her best friends were other elephants named Shirley and Tarra. I am not a veterinarian but, to the best of my knowledge Bunny died from complications related to lying down from old age.

Bunny died May 14, 2009.

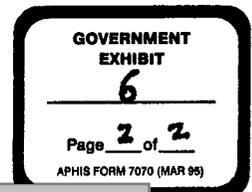
A necropsy was performed on Bunny which was lead by (b)(6), (b)(7)(c) Veterinarian (b)(6), (b)(7)(c)

(b)(6), (b)(7)(c) The results of the necropsy are still pending.

I have read the above statement and it is true and correct to the best of my knowledge.

(b)(6), (b)(7)(c)

SI



Subscribed and sworn to before me at 804 Darbytown Road, Hohenwald, Tennessee 38462 on this 6th day of October, 2009

(b)(6), (b)(7)(c)

WALLER LANSDEN DORTCH & DAVIS, LLP

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333 SOUTH GRAND AVENUE, SUITE 1800
LOS ANGELES, CALIFORNIA 90071
(213) 382-3680

October 21, 2009

VIA EMAIL AND FIRST CLASS MAIL

Chester Gipson, DVM
Deputy Administrator, Animal Care
USDA-APHIS
4700 River Road
Riverdale, MD 20737

Re: The Elephant Sanctuary in Tennessee: Death of Bunny

Dear Dr. Gipson:

I write on behalf of The Elephant Sanctuary in Tennessee ("Sanctuary"), in response to a letter to you dated June 24, 2009, co-signed by Robert Hilsenroth, DVM, Executive Director, American Association of Zoo Veterinarians ("AAZV"), and Kristin L. Vehrs, Executive Director, Association of Zoos and Aquariums ("AZA"). (See Tab 1 for a copy of their letter.) Dr. Hilsenroth and Ms. Vehrs asked that you consider their letter an "official complaint"; please consider this letter an official response from the Sanctuary.

First, I apologize for taking your time with this matter. If either Dr. Hilsenroth or Ms. Vehrs would have taken the time to call or email the Sanctuary or one of the many veterinarians associated with the Sanctuary during or after Bunny's final days, Sanctuary staff and its veterinarians could have responded to any questions regarding Bunny's medical status, care, and treatment. Unfortunately, Dr. Hilsenroth and Ms. Vehrs never called or emailed the Sanctuary staff or veterinarians to ask any questions regarding Bunny. This fact alone makes one wonder if the leadership of the AAZV and AZA ever cared about Bunny's welfare, or rather that their sole intent is to find means to discredit the work of the Sanctuary. In fact, although Dr. Hilsenroth and Ms. Vehrs cloak their "official complaint" to you as a request for investigation, in an email communication



Letter to Chester Gipson, DVM
October 21, 2009
Page 2

apparently directed to AAZV and AZA member organizations, Ms Vehrs relayed these "allegations" to other entities without seeking answers from the Sanctuary or awaiting the results of a USDA investigation into the factual basis for the allegations. (See Tab 2 for a copy of this email.) The facts seem irrelevant to Dr. Hilsenroth and Ms. Vehrs; the allegations and communications thereof appear to be all that matter.

Second, I apologize for the delay in responding to the "official complaint"; however, Dr. Hilsenroth and Ms. Vehrs failed to send a copy of their letter to the Sanctuary. Again, the Sanctuary is always amenable to discussion with representatives of the AAZV, AZA, or other organizations regarding the care and treatment, even in death, of an elephant resident of the Sanctuary. The Sanctuary wishes Dr. Hilsenroth and Ms. Vehrs would have had the courtesy to send a copy of their letter to the Sanctuary; unfortunately, the Sanctuary had to learn of the existence of the letter third-hand, and much belated.

Now to the "official complaint" itself. Dr. Hilsenroth and Ms. Vehrs apparently have two complaints, both of which could have been answered at any point by a phone call or other communication to the Sanctuary. Both of these "allegations" (See Ms. Vehrs's email addressed to her "Colleagues" at Tab 2) arise under regulations promulgated under the Animal Welfare Act. First, Dr. Hilsenroth and Ms. Vehrs request an investigation whether the Sanctuary violated 9 C.F.R. § 2.40(a)(2), specifically whether the Sanctuary ensured that "the attending veterinarian has appropriate authority to ensure the provision of adequate veterinary care and to oversee the adequacy of other aspects of animal care and use." The answer is unequivocally "yes."

Bunny was under the care and supervision of three veterinarians, (b)(6), (b)(7)(c)

(b)(6), (b)(7)(c)

(b)(6), (b)(7)(c)

Both

(b)(6), (b)(7)(c)

were often on-site

with Bunny for hours directing Bunny's caregiving team. The Sanctuary placed no constraints on their authority to direct and provide "adequate veterinary care." In fact, veterinarians were on site every day beginning May 2, 2009, through May 14, 2009.

Dr. Hilsenroth's and Ms. Vehrs's second inquiry is whether Bunny was provided with adequate shelter from sunlight and inclement weather as required by 9 C.F.R. § 3.127(a) and (b). Once again, the answer is an unequivocal "yes." Sanctuary staff erected a twenty-foot by forty-foot tarp over Bunny on the first day after it was determined that she was unable to rise on her own or support her own

Letter to Chester Gipson, DVM
October 21, 2009
Page 3

weight with the assistance of a machine. This shelter remained over Bunny during the period May 2, 2009, through May 14, 2009.

If you wish, the attending veterinarians are amenable to preparing affidavits regarding the care provided to Bunny during her last days.

I hope this letter adequately addresses any issues raised by Dr. Hilsenroth and Ms. Vehrs in their June 24, 2009 letter to you. If you need additional information or would like to discuss this matter, please don't hesitate to call me directly ((615) 850-8876) or (b)(6), (b)(7)(c) at the Sanctuary (b)(6), (b)(7)(c). As always, the Sanctuary is dedicated to transparency in its care and treatment of elephants and it welcomes all communications with the USDA.

Very truly yours,


Michael K. Stagg

Enclosures

cc: Robert Hilsenroth, DVM, Executive Director, *American Association of Zoo Veterinarians*
Kristin L. Vehrs, Executive Director, *Association of Zoos and Aquariums*

(b)(6), (b)(7)(c)

(b)(6), (b)(7)(c)

The Elephant Sanctuary in Tennessee

The Sanctuary

Our Elephants

Rescue Stories

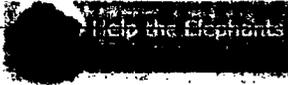
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Bunny is Passing

2009-05-06

From the Sanctuary
 May 6, 2009

Leave a Message for Bunny

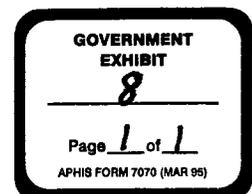
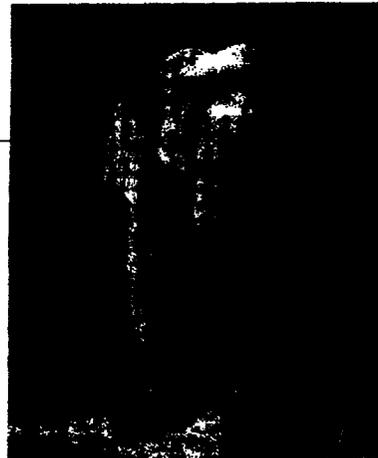
Last Saturday, Bunny, our second to the oldest elephant, resident of the Sanctuary for the past ten years, lay down in one of her favorite areas of the habitat for the final stage of her life. She is now passing. Shirley, her best friend, and Tarra, her little sister, have been keeping vigil while Bunny is tended to 24/7 by veterinarians and caregivers. Her process is being honored as part of the natural cycle that it is.

Bunny is the first resident of the Sanctuary to die of natural causes; old age, a gift and a phenomenon for any elephant living in captivity. Bunny's passing is not made easier on her family because she has lived a full life, but we are overjoyed that she spent her golden years in a place that she adored, surrounded, cherished by loving individuals; elephants and humans alike.

Bunny is still with us, though she is slowly waning. She is receiving fluids, pain meds, antibiotics, and homeopathic remedies under the authority of her veterinary team.

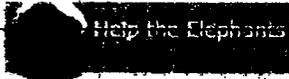
Her greatest love at the Sanctuary was being outdoors where she has chosen to be in the final stage of her life, in a beautiful valley beside a babbling brook with a huge blue sky overhead.

We honor Bunny's process. She will be supported through this process until she determines that it is her time to go. Throughout this process her veterinary team will ensure that she experiences no pain.





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57-Year-Old Bunny the Elephant Lives to a Ripe Old Age
 2009-05-16

From the Elephant Sanctuary
 Hohenwald, Tennessee
 May 15, 2009

On May 14, at around 3:30pm Central Time, Bunny, the second to the oldest elephant resident of The Elephant Sanctuary in Tennessee, died peacefully in the company of her caregivers. Bunny's long time elephant companions, Shirley and Tarra, kept a round-the-clock vigil nearby.

Bunny suffered from no diseases, and approximately six weeks prior to her death had visibly slowed down and was no longer walking as far as she usually did. A necropsy will be performed on Saturday, May 16 with her burial immediately following. The veterinary team that attended Bunny during her short transition expect the necropsy finding to support their suspicion that Bunny died of natural causes as result of her age.

Bunny was born in 1952, captured in the wilds of Asia and transported to America as a young calf. For more than forty years, she lived at the Meeker Park Zoo in Evansville, Indiana.

In 1999 Bunny was officially retired and arrived at The Elephant Sanctuary in Tennessee on September 29, 1999 as the Sanctuary's fifth resident. Within hours, Bunny had met and was instantly adored by all the other elephants, especially Shirley and Jenny. Her first days exploring the habitat were underscored by constant and cheerful trumpeting—a sign that she was more than pleased with her new home and friends.

Bunny is the first resident of the Sanctuary to die of natural causes; old age, a gift and a phenomenon for any elephant living in captivity. Science tells us that the longevity of Asian elephants is around 60 years, but according to a recent study released by the AZA, the average life of an elephant in captivity is only 40 years. In another study, researchers analyzed data from over 4500 elephants to show that animals in European zoos have about half the median life span of conspecifics in protected populations in range countries. "We suggest stress and/or obesity as likely causes of zoo elephants' compromised survivorship." (R. Clubb, G. Mason et al. 12/12/08)

Operating on 2,700 acres in Hohenwald, Tennessee, The Elephant Sanctuary in Tennessee www.elephants.com has been developed specifically to provide a place for traumatized elephants to recover from the debilitating experience of captivity. The nonprofit organization, accredited by The Association of Sanctuaries and licensed by the U.S. Department of Agriculture and the Tennessee Wildlife Resources Agency, is designed specifically for old, sick or needy elephants that have been retired from zoos and circuses.

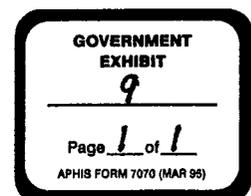
To find out more about the plight of captive elephants, and to learn more about Bunny's life and all the residents of The Elephant Sanctuary in Tennessee, please visit our website at www.elephants.com.



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OCT - 6 2008

FORM APPROVED OMB NO. 0579-0036

No license may be issued unless a completed application has been received (7 U.S.C. 2133-2143), and the applicant is in compliance with the standards and regulations Section 2133.

<p>U.S DEPARTMENT OF AGRICULTURE ANIMAL AND PLANT HEALTH INSPECTION SERVICE</p> <p>APPLICATION FOR LICENSE (TYPE OR PRINT)</p> <p>LICENSE RENEWAL</p>	<p style="text-align: center;">DO NOT USE THIS SPACE - OFFICIAL USE ONLY</p> <p>SEND THE COMPLETED FORM TO: 920 Main Campus Drive Suite 200, Unit 3040 Raleigh, NC: 27606 Telephone: (919) 855-7101</p>										
	<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <th style="width:50%;">CERTIFICATE / CUSTOMER NO.</th> <th style="width:25%;">RENEWAL DATE</th> <th style="width:25%;">FEES</th> </tr> <tr> <td>CERT: 63-C-0124 CUST: 3348</td> <td>06-OCT-2008</td> <td> <table border="1" style="width:100%; border-collapse: collapse;"> <tr> <th style="width:50%;">AMOUNT</th> <th style="width:50%;">DATE RECEIVED</th> </tr> <tr> <td>\$ 85.⁰⁰</td> <td>6 OCT 08</td> </tr> </table> </td> </tr> </table>	CERTIFICATE / CUSTOMER NO.	RENEWAL DATE	FEES	CERT: 63-C-0124 CUST: 3348	06-OCT-2008	<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <th style="width:50%;">AMOUNT</th> <th style="width:50%;">DATE RECEIVED</th> </tr> <tr> <td>\$ 85.⁰⁰</td> <td>6 OCT 08</td> </tr> </table>	AMOUNT	DATE RECEIVED	\$ 85. ⁰⁰	6 OCT 08
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\$ 85. ⁰⁰	6 OCT 08										

1. NAME(S) OF LICENSEE(S) AND MAILING ADDRESS

The Elephant Sanctuary
 183 Buck Hollow Rd. P.O. Box 393
 Hohenwald, TN 38462

Telephone: (931)796-6500

2. ALL BUSINESS (Site) LOCATIONS HOUSING ANIMALS; INCLUDE DIRECTIONS TO EACH LOCATION (P.O. Box not acceptable)

183 Buck Hollow Rd.
 Hohenwald, TN 38462
 County: Lewis

Telephone:

3. LIST PERSONS 18 YEARS OF AGE OR OLDER AUTHORIZED TO CONDUCT BUSINESS. RESPONSIBLE OFFICIAL SIGNING BLOCK 10 SHOULD BE LISTED IN THIS BLOCK.

(b)(6), (b)(7)(c)

4. (A) PREVIOUS USDA LICENSE NUMBER (if any)

—

(B) ACTIVE USDA CERTIFICATE NUMBER IN WHICH YOU HAVE AN INTEREST:

63-C-0124

6. DATE OF LAST 12-MONTH BUSINESS YEAR (CALENDAR OR FISCAL)

FROM	TO
05-OCT-2007	06-OCT-2008

7. TYPE OF ORGANIZATION

Individual Corporation Partnership

Other (Specify) Elephant Sanctuary

8. DEALERS ONLY. Class A or Class B licensees must complete this Block. (Class C Exhibitors go to Block 9)

CLASS A (BREEDER) - LINE 'D' = 1/2 OF LINE 'C'
 CLASS B (DEALER) - LINE 'D' = LINE 'C' LESS THE AMOUNT PAID FOR THE ANIMAL(S)
 (Sections 2.6)

NOT A FOIA DELETION

A. TOTAL NO. OF ANIMALS PURCHASED IN THE LAST BUSINESS YEAR		CATS		NONHUMAN PRIMATES	
B. TOTAL NO. OF ANIMALS SOLD IN THE LAST BUSINESS YEAR		GUINEA PIGS		FARM ANIMALS	
C. TOTAL GROSS DOLLAR AMOUNT DERIVED FROM REGULATED ACTIVITIES (SALES, BOOKING FEES, COMMISSIONS, ETC.)		HAMSTERS		WILD/EXOTIC CANINES	17
D. DOLLAR AMOUNT ON WHICH FEE IS BASED (SECTIONS 2.6 AND 2.7)		RABBITS		WILD/EXOTIC FELINES	17

9. CLASS C EXHIBITORS ONLY. (Number of animals holding now or held during the last business year, whichever is greater.)

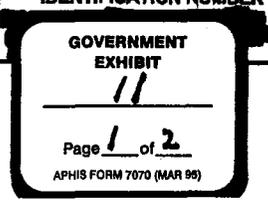
RODENTS (Do not include lab rats or mice)		WILD/EXOTIC HOOFSTOCK	
BEARS		WILD/EXOTIC MAMMALS (NOT LISTED ELSEWHERE)	17
TOTAL (ALL ANIMALS LISTED IN BLOCK 9)			17

CERTIFICATION

I hereby make application for a license under the Animal Welfare Act 7 U.S.C. 2131 et seq. I certify that the information provided herein is true and correct to the best of my knowledge. I hereby acknowledge receipt of and certify to the best of my knowledge I am in compliance with all the regulations and standards in 9 CFR, Subpart A, Parts 1, 2 and 3. I certify that I am 18 years of age or older.

10. SIGNATURE	11. PRINT NAME	12. SOCIAL SECURITY OR TAX IDENTIFICATION NUMBER	13. DATE
(b)(6), (b)(7)(c)	(b)(6), (b)(7)(c)		9/30/08

APHIS FORM





EXPIRATION DATE: OCTOBER 6, 2009

**United States
Department of
Agriculture**

**Marketing and
Regulatory
Programs**

**Animal and
Plant Health
Inspection
Service**

Animal Care

This is to certify that

THE ELEPHANT SANCTUARY

is a licensed
under the

CLASS C EXHIBITOR

Animal Welfare Act

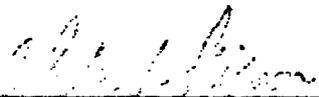
(7 U.S.C. 2131 et seq.)

Certificate No.

63-C-0124

Customer No.

3348



Deputy Administrator

