United States Department of Agriculture
Animal and Plant Health Inspection Service

154162002370452 PLSMITH insp_id

Inspection Report

Roberta Kirshner
Barry R. Kirshner Wildlife Foundation
P.O. Box 841
Durham, CA 95938

Customer ID: **3769**
Certificate: **93-C-0504**
Site: 002
ROBERTA KIRSHNER

Type: ROUTINE INSPECTION
Date: May-10-2016

No non-compliant items were identified during this inspection.

An exit interview was conducted with the facility representative.

USDA / APHIS / Animal Care Big Cat Specialist, Dr. Laurie Gage, participated in this inspection.

(b) (6), (b) (7)(C) [redacted]

Prepared By:

PAMELA L SMITH, D.V.M. USDA, APHIS, Animal Care **Date:**

Title: VETERINARY MEDICAL OFFICER Inspector 6036 Jun-03-2016

Received By:

ROBERTA KIRSHNER VIA EMAIL **Date:**

Title: LICENSEE Jun-03-2016

United States Department of Agriculture
Animal and Plant Health Inspection Service

Customer: 3769
Inspection Date: May-10-16

Animals Inspected at Last Inspection

Cust No	Cert No	Site	Site Name	Inspection
3769	93-C-0504	002	ROBERTA KIRSHNER	May-10-16

Count	Species
000001	BOBCAT
000001	CANADIAN LYNX
000001	CARACAL LYNX
000001	LEOPARD
000001	NORTHERN/EURASIAN LYNX
000001	OCELOT
000001	RING-TAILED CACOMISTLE
000002	BROWN BEAR
000002	CLOUDED LEOPARD
000002	COATI MUNDI
000002	COYOTE
000002	FENNEC FOX
000002	FISHING CAT
000002	MULE DEER
000002	PUMA
000002	RED FOX
000002	RED-NECKED WALLABY
000002	RINGTAIL LEMUR
000002	SNOW LEOPARD
000003	NORTH AMERICAN BLACK BEAR
000004	LIGER
000005	LION
000005	TIGER

48 **Site Total**

United States Department of Agriculture
Animal and Plant Health Inspection Service

MROSENDALE
224161459090981 insp_id

Inspection Report

Roberta Kirshner
Barry R. Kirshner Wildlife Foundation
P.O. Box 841
Durham, CA 95938

Customer ID: **3769**
Certificate: **93-C-0504**
Site: 002
ROBERTA KIRSHNER

Type: ROUTINE INSPECTION
Date: Jul-20-2016

2.131 (c) (1)

HANDLING OF ANIMALS.

During a public exhibition on May 18, 2016, a male lion cub named Atlas (aged 16 weeks, 2 days) was handled by a member of the public on an open porch at the facility. Photographs of the incident show the animal being held off the ground by a standing individual who grasped the lion s chest under the front legs. There was no harness or leash on the lion. In one photograph the lion appeared to be struggling and pushing away from the individual holding him. A gate into the facility from the public, two-lane road was open at the time of the incident with the gate being approximately 140 feet from the porch and the road approximately 30 feet beyond the gate.

During public exhibition animals must be handled so there is minimal risk of harm to the animal and to the public. The sixteen week old lion Atlas was of sufficient size and strength during the May 18, 2016 inspection to cause harm to, or escape from, a member of the public. Animals of this size and age should have sufficient distance and/or barriers between the animal and the general viewing public to assure the safety of both the animal and the public.

Correct immediately for all future public exhibitions.

An exit interview was conducted with a facility representative.

Accompanied by Dr. Michael Schnell.

Prepared By: (b) (6), (b) (7)(C) [redacted]

MARCY E ROSENDALE, D.V.M. USDA, APHIS, Animal Care — **Date:**

Title: VETERINARY MEDICAL OFFICER Inspector 5039 — Aug-11-2016

Received By:

DELIVERED BY CERTIFIED MAIL — **Date:**

Title: 7014 0150 0000 9881 8705 — Aug-11-2016

United States Department of Agriculture
Animal and Plant Health Inspection Service

Customer: 3769
Inspection Date: Jul-20-16

Animals Inspected at Last Inspection

Cust No	Cert No	Site	Site Name	Inspection
3769	93-C-0504	002	ROBERTA KIRSHNER	Jul-20-16

Count	Species
000001	BOBCAT
000001	CANADIAN LYNX
000001	CARACAL LYNX
000001	LEOPARD
000001	NORTHERN/EURASIAN LYNX
000001	OCELOT
000001	RING-TAILED CACOMISTLE
000002	BROWN BEAR
000002	CLOUDED LEOPARD
000002	COATI MUNDI
000002	COYOTE
000002	FENNEC FOX
000002	FISHING CAT
000002	MULE DEER
000002	PUMA
000002	RED FOX
000002	RED-NECKED WALLABY
000002	RINGTAIL LEMUR
000002	SNOW LEOPARD
000003	NORTH AMERICAN BLACK BEAR
000004	LIGER
000005	LION
000005	TIGER

48 **Site Total**

6. BUYER OR RECEIVER (Name and address, include Zip Code)

Roberta Kirshner
4995 Durham - Pentz Rd
Butte Valley CA 95965

7. USDA LICENSE NO. (If any)
93-C-0504

8. IDENTIFICATON OF ANIMALS BEING DELIVERED

A.	B.	C.	D.	(b) (6), (b) (7)(C) [redacted]	AGE - SEX		H. EST. WEIGHT (lbs.)	I. REMARKS (Condition, etc.)	RECEIVER'S USE	
(b) (6), (b) (7)(C) [redacted]					D. NG	G. NO. ADULT			J.	K.
					M F	M F		"Atlas" 1/25/16		
					M F	M F				
					M F	M F		To be returned by		
					M F	M F		October 2016.		
					M F	M F				
					M F	M F				
					M F	M F				
					M F	M F				
					M F	M F				
					M F	M F				

DELIVERY BY COMMERCIAL CARRIER

9. DELIVERY BY ("X" one)
☐ Buyer's Truck ☒ Dealer's Truck (Seller or Donor)

10. TRUCK LICENSE NO.

11. BILL OF LADING NO.

12. NAME AND ADDRESS OF COMPANY OR FIRM

13. NAME AND ADDRESS OF TRUCK DRIVER

DELIVERY RECEIPT - TO BE COMPLETED BY BUYER OR RECEIVER

14. ANIMALS DELIVERED WERE ("X" one)
☒ IN APPARENT GOOD CONDITION ☐ POOR CONDITION ☐ REJECTED (Attach explanation for rejection)

15. TOTAL NUMBER RECEIVED: 1

16. NUMBER DEAD: Ø

17. NUMBER ALIVE: 1

18. BY (Signa

19. TITLE: Owner

20. DATE: 3/12/16

APHIS FORM 7020
(APR 93)

(Replaces VS FORM 18-20, which is now obsolete, and APHIS Form 7020 (10-90) which may be used.)

ORIGINAL - BUYER'S COPY (Retain)

(b) (6), (b) (7)(C) [redacted]

4. SELLER OR DONOR (Name and Address, Include Zip Code)

Roberto Kerolmer
4995 Durham Ferry Rd
Butte Valley, Calif 95965

5. BUYER OR RECEIVER (Name and Address, Include Zip Code)

7. US 91-B-0108

8. IDENTIFICATON OF ANIMALS BEING DELIVERED

A. CONTAINER TAG NO., CRATE OR PEN NO.	B. NO. ANIMALS	C. PREVIOUS INVOICE NO. (if any)	D. INDIVIDUAL IDENT., TATTOOS, TAG NOS. (if applicable)	E. SPECIES	AGE - SEX F. NO. YOUNG	AGE - SEX G. NO. ADU	H. (b) (6), (b) (7)(C) [redacted]	I.	RECEIVER'S USE	K.
	1			Lion	M 1 F	M F		ATLAS		
					M F	M F				
					M F	M F				
					M F	M F				
					M F	M F				
					M F	M F				
					M F	M F				
					M F	M F				
					M F	M F				
					M F	M F				

DELIVERY BY COMMERCIAL CARRIER

9. DELIVERY BY ("X" one)
☐ Buyer's Truck ☐ Dealer's Truck (Seller or Donor)

10. TRUCK LICENSE NO.

11. BILL OF LADING NO.

12. NAME AND ADDRESS OF COMPANY OR FIRM

13. NAME AND ADDRESS OF TRUCK DRIVER

DELIVERY RECEIPT - TO BE COMPLETED BY BUYER OR RECEIVER

14. ANIMALS DELIVERED WERE ("X" one)
☒ IN APPARENT GOOD CONDITION ☐ POOR CONDITION ☐ REJECTED (Attach explanation for rejection)

15. TOTAL NUMBER RECEIVED

16. NUMBER DEAD Ø

17. NUMBER ALIVE 1

18. TITLE Owner

20. DATE 7/12/16

which is now obsolete, and which may be used:)

FINAL - BUYER'S COPY (Receiver)

(b) (6), (b) (7)(C) [redacted]

United States Department of Agriculture
Animal and Plant Health Inspection Service

Inspection Report

Roberta A Kirshner
P.O. Box 841
Durham, CA 95938

Customer ID: **3769**
Certificate: **93-C-0504**
Site: 002
ROBERTA KIRSHNER

Type: ROUTINE INSPECTION
Date: 20-OCT-2016

3.125(a)

FACILITIES, GENERAL.

In the enclosures for the leopard, Tshuma, and the tiger, David Allen, there were tarps on top of the enclosures that had become so tattered and shredded due to recent winds, that they had pieces hanging down into the enclosures that could potentially be ingested by the animals, posing a serious health risk.

Enclosures should be structurally sound, constructed of appropriate materials, and free of any hazardous items.

Corrected at the time of inspection.

3.125(d)

FACILITIES, GENERAL.

The facility has two large containers to collect water that was previously drained from the bear enclosure water features, and possibly other animal enclosures. This water is used to water plants on the grounds. The water was found to be very dark in color, putrid smelling, and containing aquatic insects. Although no mosquito larva were observed at the time of inspection, there were no mosquito abatement measures in place. Also a wheel barrow was found to have accumulated more that six inches of rainwater, which had also turned a dark color, and was foul-smelling.

All types of waste should be disposed of in a timely manner so as to minimize odors, disease, and vermin infestation.

The presence of standing water which is allowed to become putrid and inhabited by vermin puts the well-being of the animals on site at risk. The facility should put measures in place to ensure that standing water is discarded or used in a timely manner, and does not present health risks.

Personnel began emptying water containers at the time of inspection, and verified completion on 10/21/16.

Prepared By:

PAMELA SMITH USDA, APHIS, Animal Care

Date: 24-OCT-2016

Title: VETERINARY MEDICAL OFFICER 6036

Received By:

ROBERTA KIRSHNER VIA EMAIL

Date: 25-OCT-2016

Title: EXHIBITOR

Inspection Report

3.127(d)

FACILITIES, OUTDOOR.

Although the facility has adequate perimeter fencing in place, a recent plumbing project resulted in a gap underneath the fence greater than six inches that had not been filled in at the time of inspection, despite the fact that the plumbing project was not in progress at the time.

The perimeter fence should keep people and animals from passing under or through the fence, and also act as a secondary containment, in the event that an animal should escape from its primary enclosure. A six inch gap could allow wildlife to enter the area where the animals are, posing a risk of injury or disease transmission, and also could pose an escape risk for some animals on exhibit, such as fennec foxes coatimundi, were they to escape their primary enclosures. The facility should maintain the integrity of the perimeter fence at all times.

Corrected at the time of inspection.

This inspection and exit interview were conducted with the licensee and the additional inspectors listed here.

Additional Inspectors

Jean Bolinger, Compliance Specialist

Marcy Rosendale, Veterinary Medical Officer

Prepared By:

PAMELA SMITH USDA, APHIS, Animal Care

Date: 24-OCT-2016

Title: VETERINARY MEDICAL OFFICER 6036

Received By:

ROBERTA KIRSHNER VIA EMAIL

Date: 25-OCT-2016

Title: EXHIBITOR

United States Department of Agriculture
Animal and Plant Health Inspection Service

Customer: 3769
Inspection Date: 20-OCT-16

Animal Inspected at Last Inspection

Cust No	Cert No	Site	Site Name	Inspection
3769	93-C-0504	002	ROBERTA A KIRSHNER	20-OCT-16

Count	Species
000001	CANADIAN LYNX
000001	CARACAL
000001	LEOPARD
000001	OCELOT
000001	RINGTAIL
000002	BENNETT'S WALLABY / RED-NECKED WALLABY
000002	BROWN BEAR
000002	CLOUDED LEOPARD
000002	COYOTE
000002	FENNEC FOX
000002	FISHING CAT
000002	MULE DEER
000002	NORTHERN/EURASIAN LYNX
000002	RED FOX (INCLUDES SILVER FOX & CROSS FOX)
000002	RINGTAIL LEMUR
000002	SERVAL
000002	SNOW LEOPARD
000002	SOUTH AMERICAN COATI
000003	LIGER
000003	LION
000003	NORTH AMERICAN BLACK BEAR
000003	PUMA / MOUNTAIN LION / COUGAR
000006	TIGER
000049	**Total**

CFR : 3.125(a)

Photographer: M. ROSENDALE

Date and Time: 20-OCT-16 12:30

Inspection No: 2016082567973748

Description:
Closeup of tarp strands hanging in leopard enclosure.

Certificate: 93-C-0504

Legal Name:
ROBERTA A KIRSHNER

CFR : 3.125(a)

Photographer: M. ROSENDALE

Date and Time: 20-OCT-16 12:30

Inspection No: 2016082567973748

Description:
Example of strands of tarp on the floor of the leopard enclosure.

Certificate: 93-C-0504

Legal Name:
ROBERTA A KIRSHNER

CFR : 3.127(d)

Photographer: M. ROSENDALE

Date and Time: 20-OCT-16 13:30

Inspection No: 2016082567973748

Description:
Closeup, perimeter fence defect.

Certificate: 93-C-0504

Legal Name:
ROBERTA A KIRSHNER

CFR : 3.127(d)

Photographer: M. ROSENDALE

Date and Time: 20-OCT-16 13:30

Inspection No: 2016082567973748

Description:
Perimeter fence defect.

Certificate: 93-C-0504

Legal Name:

ROBERTA A KIRSHNER

CFR : 3.125(a)

Photographer: M. ROSENDALE

Date and Time: 20-OCT-16 12:30

Inspection No: 2016082567973748

Description:
Remnant of tarp covering a leopard enclosure with strands hanging into the enclosure.

Certificate: 93-C-0504

Legal Name:
ROBERTA A KIRSHNER

CFR : 3.125(a)

Photographer: M. ROSENDALE

Date and Time: 20-OCT-16 12:30

Inspection No: 2016082567973748

Description:
Shredded tarp on front of a tiger enclosure.

Certificate: 93-C-0504

Legal Name:

ROBERTA A KIRSHNER

CFR : 3.125(a)

Photographer: M. ROSENDALE

Date and Time: 20-OCT-16 12:30

Inspection No: 2016082567973748

Description:
Remnant of tarp covering the tiger enclosure with strands hanging into the enclosure.

Certificate: 93-C-0504

Legal Name:

ROBERTA A KIRSHNER

CFR : 3.125(a)

Photographer: M. ROSENDALE

Date and Time: 20-OCT-16 13:30

Inspection No: 2016082567973748

Description:
Shredded tarp on side of lion enclosure.

Certificate: 93-C-0504

Legal Name:

ROBERTA A KIRSHNER

CFR : 3.125(d)

Photographer: M. ROSENDALE

Date and Time: 20-OCT-16 13:00

Inspection No: 2016082567973748

Description:
Tank of stagnant water with a sample of the water in a clear plastic bottle.

Certificate: 93-C-0504

Legal Name:

ROBERTA A KIRSHNER

CFR : 3.125(d)

Photographer: M. ROSENDALE

Date and Time: 20-OCT-16 13:00

Inspection No: 2016082567973748

Description:
Large tank of stagnant water located adjacent to bear enclosures.

Certificate: 93-C-0504

Legal Name:
ROBERTA A KIRSHNER

CFR : 3.125(d)

Photographer: M. ROSENDALE

Date and Time: 20-OCT-16 13:00

Inspection No: 2016082567973748

Description:
Closeup of stagnant water showing insects on and below the surface of the water.

Certificate: 93-C-0504

Legal Name:

ROBERTA A KIRSHNER

CFR : 3.125(d)

Photographer: M. ROSENDALE

Date and Time: 20-OCT-16 13:00

Inspection No: 2016082567973748

Description:
Second tank with standing water.

Certificate: 93-C-0504

Legal Name:

ROBERTA A KIRSHNER

CFR : 3.125(d)

Photographer: M. ROSENDALE

Date and Time: 20-OCT-16 14:300

Inspection No: 2016082567973748

Description:
Wheelbarrow with stagnant water and debris.

Certificate: 93-C-0504

Legal Name:
ROBERTA A KIRSHNER

United States Department of Agriculture
Animal and Plant Health Inspection Service

Inspection Report

Roberta A Kirshner
P.O. Box 841
Durham, CA 95938

Customer ID: **3769**
Certificate: **93-C-0504**
Site: 002
ROBERTA KIRSHNER

Type: ROUTINE INSPECTION
Date: 07-FEB-2017

No non-compliant items were identified during this inspection.

This inspection and exit interview were conducted with the exhibitor and Dr. Marcy Rosendale, Veterinary Medical Officer.

Additional Inspectors

Rosendale Marcy, Veterinary Medical Officer

Prepared By:

SMITH PAMELA, D V M USDA, APHIS, Animal Care

Date: 08-FEB-2017

Title: VETERINARY MEDICAL OFFICER 6036

Received By:

ROBERTA KIRSHNER VIA EMAIL

Date: 08-FEB-2017

Title: EXHIBITOR

United States Department of Agriculture
Animal and Plant Health Inspection Service

Customer: 3769
Inspection Date: 07-FEB-17

Animal Inspected at Last Inspection

Cust No	Cert No	Site	Site Name	Inspection
3769	93-C-0504	002	ROBERTA A KIRSHNER	07-FEB-17

Count	Species
000001	LEOPARD
000001	OCELOT
000001	RINGTAIL
000002	BENNETT'S WALLABY / RED-NECKED WALLABY
000002	BROWN BEAR
000002	CLOUDED LEOPARD
000002	COYOTE
000002	FENNEC FOX
000002	FISHING CAT
000002	MULE DEER
000002	PUMA / MOUNTAIN LION / COUGAR
000002	RED FOX (INCLUDES SILVER FOX & CROSS FOX)
000002	RINGTAIL LEMUR
000002	SERVAL
000002	SNOW LEOPARD
000002	SOUTH AMERICAN COATI
000003	LIGER
000003	NORTH AMERICAN BLACK BEAR
000003	NORTHERN/EURASIAN LYNX
000004	LION
000007	TIGER
000049	**Total**

United States Department of Agriculture
Animal and Plant Health Inspection Service

Inspection Report

Roberta A Kirshner
P.O. Box 841
Durham, CA 95938

Customer ID: **3769**
Certificate: **93-C-0504**
Site: 002
ROBERTA KIRSHNER

Type: ROUTINE INSPECTION
Date: 26-APR-2017

2.40(b)(2) DIRECT

ATTENDING VETERINARIAN AND ADEQUATE VETERINARY CARE (DEALERS AND EXHIBITORS).

On 4/22/17 a one year old Eurasian Lynx with a history of seizure activity was found dead. According to facility records, on 4/21/17 the animal had "back to back seizures". The attending veterinarian came to check on him, and, according to facility records, she stated that the animal was "still adjusting to the meds", and that they should just keep an eye on him. The next day the animal had a seizure again, and the vet was called, and, according to facility records, she asked the facility to keep a close eye on him, and keep her updated. At 9 PM the animal was found dead in his enclosure.

The exhibitor stated that the animal began having seizures at 8 months old. The animal continued to have intermittent seizures since that time. The only treatment regimen ever attempted was phenobarbital alone, which was not sufficient to adequately control the seizures in this animal.

A female lion cub, approximately 5 months old, was found to be lame in its hindquarters at the time of inspection. On 3/15/17 in the facility records it was noted that the cub was favoring its right front leg. There was no feeding plan available at the time of inspection, and it was unclear as to whether the cub is receiving an appropriate balance of minerals in its diet necessary for normal bone development and growth. No diagnostics have been performed on this animal since its arrival on site. The exhibitor stated that the animal has been observed by two veterinarians, and that the veterinarians expressed a view that the cub would grow out of it. There was no consideration of the possibility of metabolic bone disease, or other orthopedic problems.

Failure to provide appropriate diagnostics and treatment can result in a poor outcome for animals.The exhibitor must ensure that all animals receive appropriate veterinary care, to include the use of appropriate methods to diagnose and treat diseases. Veterinarians should have sufficient experience with the species on hand, so as to ensure appropriate care.

The lion cub should be examined by an experienced veterinarian for a diagnostic workup by 5/1/17. All animals

Prepared By:

SMITH PAMELA, D V M USDA, APHIS, Animal Care

Date: 26-APR-2017

Title: VETERINARY MEDICAL OFFICER 6036

Received By:

ROBERTA KIRSHNER

Date: 26-APR-2017

Title: EXHIBITOR

Inspection Report

should receive appropriate veterinary care from this time forward.

3.129(a)

FEEDING.

There was no feeding plan for exotic cats available for review. At the time of inspection a female lion cub, approximately 5 months old, had a pan of food that consisted entirely of muscle meat without bone. There were not any supplements added to the meal, as the exhibitor stated she gives supplements only with morning or evening meals. The cub was limping at the time of inspection, and a review of the facility records showed that the cub has experienced intermittent lameness, which could be a sign of metabolic bone disease. When the inspectors asked to see the supplements that were being fed to the cub, there was no open container of calcium supplement present. The exhibitor had two unopened sealed bags of a white powder, which she stated was a calcium supplement, but they were not labeled, and it was uncertain what form of calcium they might be, or how much should be fed. When asked how much calcium the exhibitor was feeding to this cub, she stated that it depended on various circumstances. The supplements were being stored in the exhibitor's home, rather than the food prep area. There were no posted feeding instructions present.

Failure to provide an appropriate diet can lead to serious medical problems for the animals. The exhibitor must ensure that diets have sufficient nutritive value to maintain all animals in good health. The diet should be prepared with consideration for the age, species, condition, size, and type of the animal. The exhibitor should develop appropriate diet plans for the exotic cats on site.

To be corrected by 5/26/17.

This inspection and exit interview were conducted with the exhibitor.

Additional Inspectors

Rosendale Marcy, Veterinary Medical Officer

Prepared By:

SMITH PAMELA, D V M USDA, APHIS, Animal Care

Date: 26-APR-2017

Title: VETERINARY MEDICAL OFFICER 6036

Received By:

ROBERTA KIRSHNER

Date: 26-APR-2017

Title: EXHIBITOR

United States Department of Agriculture
Animal and Plant Health Inspection Service

Customer: 3769
Inspection Date: 26-APR-17

Animal Inspected at Last Inspection

Cust No	Cert No	Site	Site Name	Inspection
3769	93-C-0504	002	ROBERTA A KIRSHNER	26-APR-17

Count	Species
000001	CARACAL
000001	LEOPARD
000001	OCELOT
000001	RINGTAIL
000001	SERVAL
000002	BENNETT'S WALLABY / RED-NECKED WALLABY
000002	BROWN BEAR
000002	CLOUDED LEOPARD
000002	COYOTE
000002	FENNEC FOX
000002	FISHING CAT
000002	MULE DEER
000002	NORTHERN/EURASIAN LYNX
000002	PUMA / MOUNTAIN LION / COUGAR
000002	RED FOX (INCLUDES SILVER FOX & CROSS FOX)
000002	SNOW LEOPARD
000002	SOUTH AMERICAN COATI
000003	LION X TIGER HYBRID / LIGER / TIGON
000003	NORTH AMERICAN BLACK BEAR
000004	LION
000004	RING-TAILED LEMUR
000007	TIGER
000050	**Total**

CFR : 3.129(a)

Photographer: P SMITH

Date and Time: 26-APR-17 10 AM - 12 PM

Inspection No: 2016082568212260

Description:
Pan of meat for lame lion cub. Muscle meat with no bone, and no calcium supplement.

Certificate: 93-C-0504

Legal Name:

ROBERTA A KIRSHNER

CFR : 3.129(a) CFR : 2.40(b)(2)

Photographer: P SMITH

Date and Time: 26-APR-17 10 AM - 12 PM

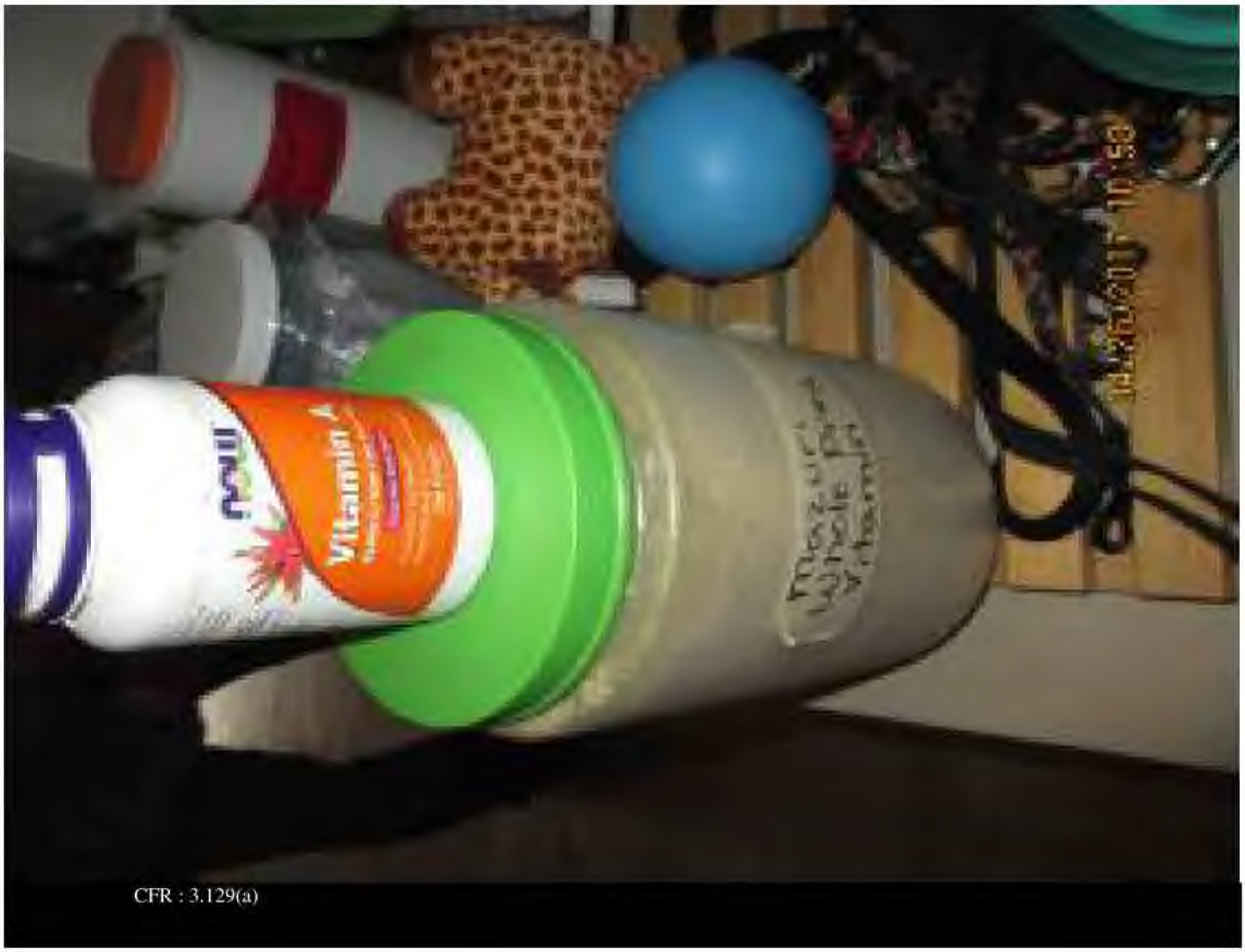
Inspection No: 2016082568212260

Description:
Lion cub, approximately 5 months old.

Certificate: 93-C-0504

Legal Name:

ROBERTA A KIRSHNER



CFR : 3.129(a)

Photographer: P SMITH

Date and Time: 26-APR-17 10 AM - 12 PM

Certificate: 93-C-0504

Inspection No: 2016082568212260

Legal Name:

ROBERTA A KIRSHNER

Description:

Supplements that are reportedly being fed to the tiger cub - kept in house, not food-prep garage area.

CFR : 3.129(a)

Photographer: P SMITH

Date and Time: 26-APR-17 10 AM - 12 PM

Certificate: 93-C-0504

Inspection No: 2016082568212260

Legal Name:

ROBERTA A KIRSHNER

Description:

White powder we were told is calcium supplement. No info on what type of calcium, or how much to give.

CFR : 3.129(a)

Photographer: P SMITH

Date and Time: 26-APR-17 10 AM - 12 PM

Inspection No: 2016082568212260

Description:
The bags of calcium are zip-tied, and there are no open bags.

Certificate: 93-C-0504

Legal Name:

ROBERTA A KIRSHNER

CFR : 3.129(a)

Photographer: P SMITH

Date and Time: 26-APR-17 10 AM - 12 PM

Certificate: 93-C-0504

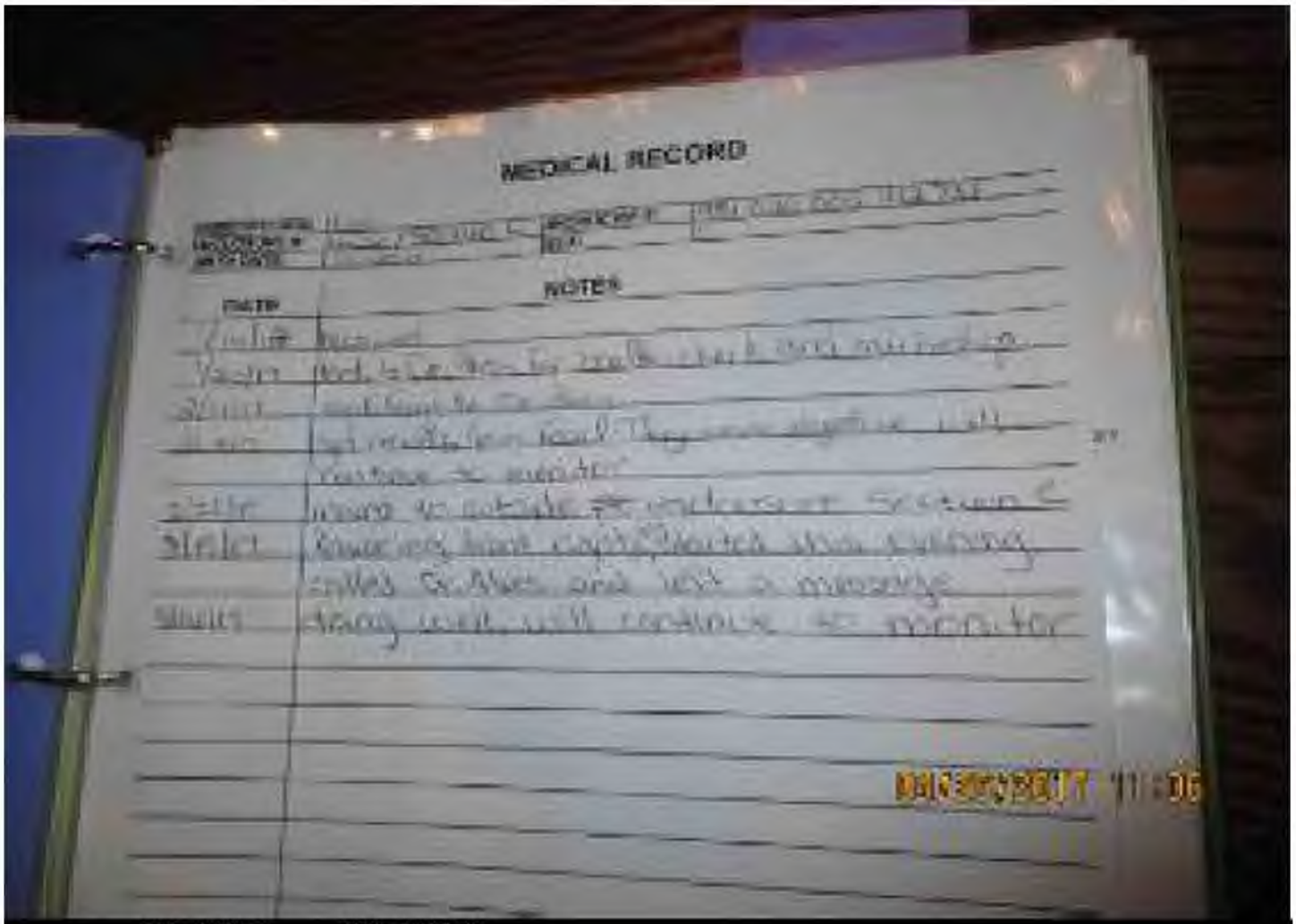
Inspection No: 2016082568212260

Legal Name:

ROBERTA A KIRSHNER

Description:

Another type of calcium supplement was found in a cabinet, but does not appear to be in use.



CFR : 3.129(a) CFR : 2.40(b)(2)

Photographer: P SMITH

Date and Time: 26-APR-17 10 AM - 12 PM

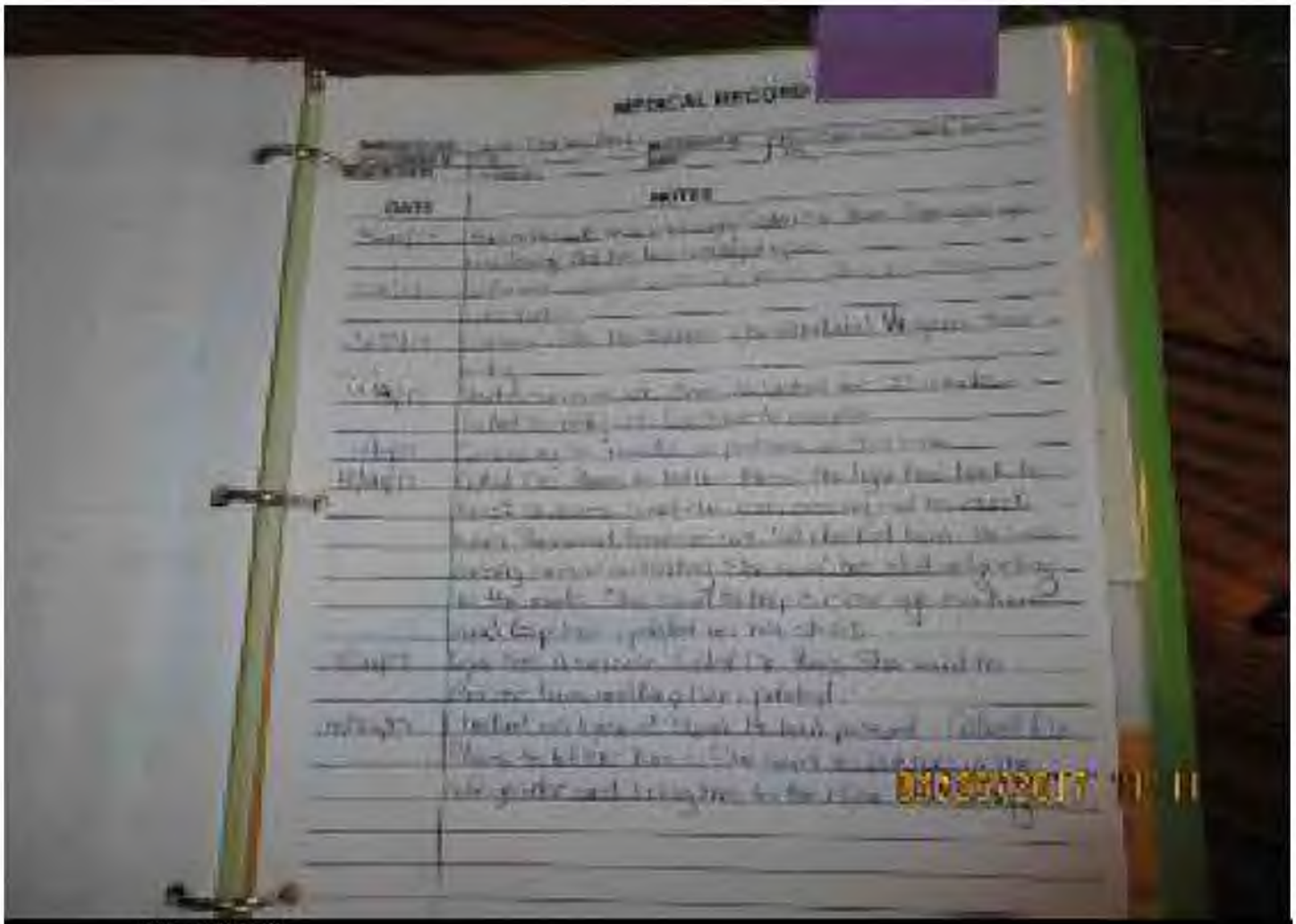
Inspection No: 2016082568212260

Description:
Record on lion cub mentions front leg lameness on 3/15/17

Certificate: 93-C-0504

Legal Name:

ROBERTA A KIRSHNER



CFR : 2.40(b)(2)

Photographer: P SMITH

Date and Time: 26-APR-17 10 AM - 12 PM

Inspection No: 2016082568212260

Description:
Record on lynx that died following seizures.

Certificate: 93-C-0504

Legal Name:

ROBERTA A KIRSHNER

CFR : 2.40(b)(2) CFR : 3.129(a)

Photographer: P SMITH

Date and Time: 26-APR-17 10:45 AM

Inspection No: 2016082568212260

Description:
Lion cub favoring right hind leg.

Certificate: 93-C-0504

Legal Name:

ROBERTA A KIRSHNER

United States Department of Agriculture
Animal and Plant Health Inspection Service

Inspection Report

Roberta A Kirshner
P.O. Box 841
Durham, CA 95938

Customer ID: **3769**
Certificate: **93-C-0504**
Site: 002
ROBERTA KIRSHNER

Type: ROUTINE INSPECTION
Date: 07-JUN-2017

2.40(b)(3) DIRECT

ATTENDING VETERINARIAN AND ADEQUATE VETERINARY CARE (DEALERS AND EXHIBITORS).

A female lion cub named "Lucie", approximately 8 months old, was found to be severely lame, uncomfortable, and unwilling to stand at the time of inspection. At the time of the last inspection on 4/27/17 the cub was exhibiting some lameness in its hindquarters, and had a history of intermittent lameness in the front as well. The exhibitor was asked to have a diagnostic work up completed by a veterinarian who is experienced with this species, by 5/1/17. Radiographs and blood work were completed by that date, but the results were inconclusive. The animal is currently unwilling to stand, and clearly in discomfort. The animal is currently on pain medication, but its condition has not improved, and at the time of the inspection the animal had not been observed by the veterinarian since 5/31/17.

The licensee must have a consultant veterinarian with more experience with big cat nutrition and medicine review every aspect of this case and to determine an appropriate treatment plan including specific guidance about medical care, treatment, diagnostics, diet and nutritional supplements for this animal. The licensee must immediately follow the exact recommendations of the expert veterinarian. The outcome of this consultation must be provided, in writing, to the inspector upon request. This documentation should include the veterinary diagnosis, any diagnostic tests and the outcome of those tests that were performed, any medications or supplements prescribed along with the dosing instructions, the treatment plan, and entries on a log and/or calendar and/or animal health record that list when the medication or supplement is administered to the animals, showing the amounts, and who administered it.

All animals should be observed on a daily basis, with any problems conveyed to the attending veterinarian, or his/her designee, in a timely manner. Failure to consult with a veterinarian, and provide appropriate diagnostics and treatment can result in a poor outcome for animals.

The licensee must ensure all animals at the facility are provided with adequate care to include ensuring that timely and accurate information on problems of animal health, behavior, and well-being is conveyed to the attending veterinarian.

Prepared By:

SMITH PAMELA, D V M USDA, APHIS, Animal Care

Date: 24-AUG-2017

Title: VETERINARY MEDICAL OFFICER 6036

Received By:

ROBERTA KIRSHNER VIA EMAIL & CERT MAIL

Date: 24-AUG-2017

Title: CERTIFIED MAIL # 70162710000016786350

Inspection Report

To be corrected by 6/21/17.

3.129(a) **REPEAT**

FEEDING.

Although the exhibitor now has a feeding plan which shows the correct level of supplements to be added to a muscle meat diet for big cats, in order to ensure optimal bone growth and development in growing cubs, the diet plan was not being correctly followed for an 8 month old lion cub named "Lucie", which was found to be severely lame and in discomfort at the time of inspection.

The exhibitor had not determined how many scoops of the powdered calcium carbonate and calcium gluconate supplements would be equal to the specified number of grams required. It was discovered that over the past week the exhibitor has been giving the animal about 30 grams of calcium gluconate daily when the dose it actually needed was 100 grams daily.

Failure to provide an appropriate diet can lead to serious medical problems for the animals, especially growing cubs, which are susceptible to metabolic bone disease, which can cause lameness and fragile bones. The exhibitor must ensure that diets have sufficient nutritive value to maintain all animals in good health. The diet should be prepared with consideration for the age, species, condition, size, and type of the animal. The exhibitor must comply with the written diet plan, and document which calcium supplement is given, and how many grams per feeding, and maintain these records for inspection.

This inspection and exit interview were conducted with the exhibitor / licensee.

Additional Inspectors

Gage Laurie, Big Cat Specialist

Prepared By:

SMITH PAMELA, D V M USDA, APHIS, Animal Care

Date: 24-AUG-2017

Title: VETERINARY MEDICAL OFFICER 6036

Received By:

ROBERTA KIRSHNER VIA EMAIL & CERT MAIL

Date: 24-AUG-2017

Title: CERTIFIED MAIL # 70162710000016786350

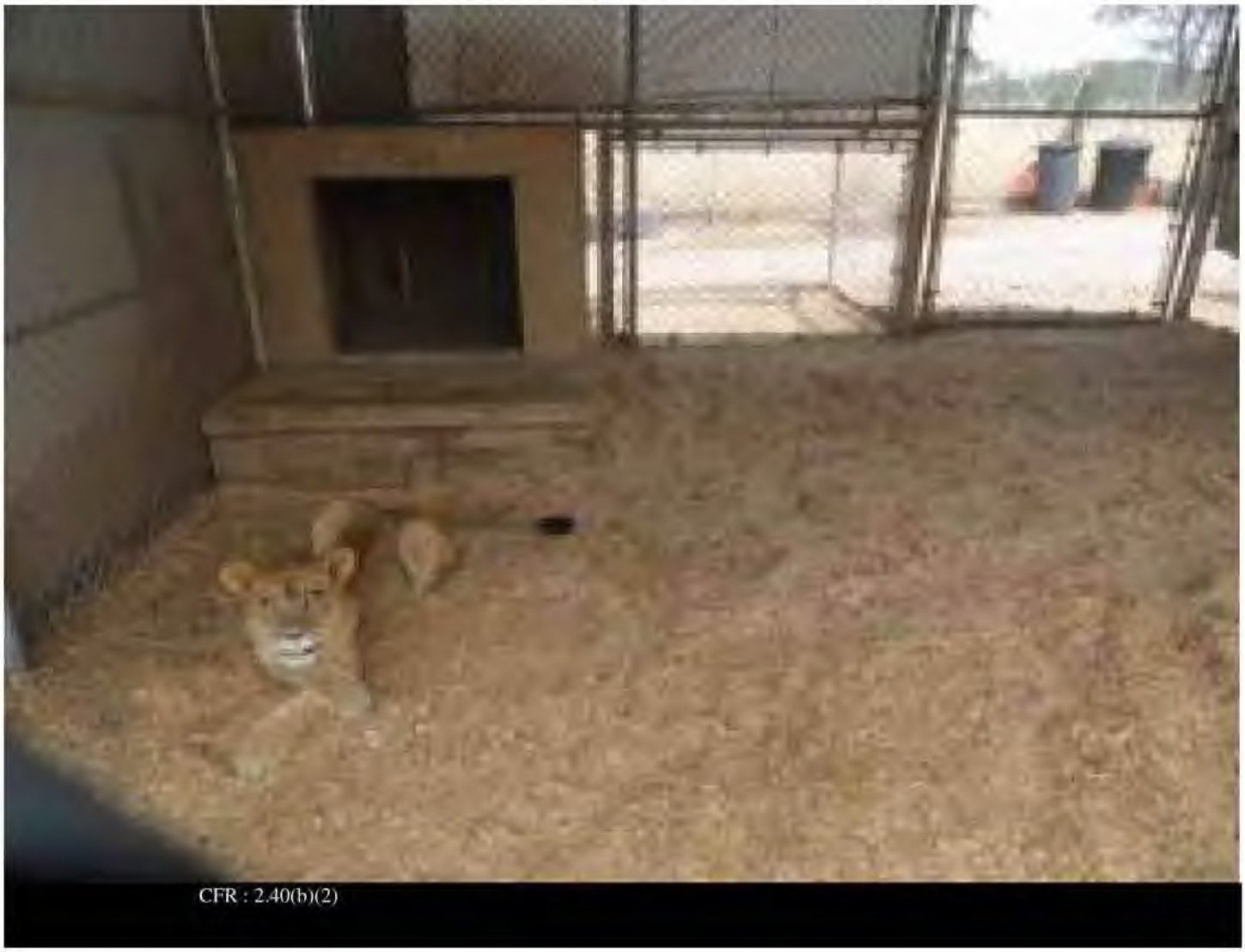
United States Department of Agriculture
Animal and Plant Health Inspection Service

Customer: 3769
Inspection Date: 07-JUN-17

Animal Inspected at Last Inspection

Cust No	Cert No	Site	Site Name	Inspection
3769	93-C-0504	002	ROBERTA A KIRSHNER	07-JUN-17

Count	Species
000001	CARACAL
000001	LEOPARD
000001	OCELOT
000001	RINGTAIL
000001	SERVAL
000001	SNOW LEOPARD
000002	BENNETT'S WALLABY / RED-NECKED WALLABY
000002	BROWN BEAR
000002	CLOUDED LEOPARD
000002	COYOTE
000002	FENNEC FOX
000002	FISHING CAT
000002	MULE DEER
000002	NORTHERN/EURASIAN LYNX
000002	PUMA / MOUNTAIN LION / COUGAR
000002	RED FOX (INCLUDES SILVER FOX & CROSS FOX)
000002	SOUTH AMERICAN COATI
000003	LION X TIGER HYBRID / LIGER / TIGON
000003	NORTH AMERICAN BLACK BEAR
000004	LION
000004	RING-TAILED LEMUR
000007	TIGER
000049	**Total**



Photographer: L GAGE

Date and Time: 07-JUN-17 Approx 11 AM

Inspection No: 2016082568754288

Description:
"Lucie" the lion cub in her enclosure.

Certificate: 93-C-0504

Legal Name:

ROBERTA A KIRSHNER

CFR : 2.40(b)(2) CFR : 3.129(a)

Photographer: L GAGE

Date and Time: 07-JUN-17 Approx 12 PM

Inspection No: 2016082568754288

Description:
Calcium supplements for "Lucie" the lion cub. Dosages are not labeled.

Certificate: 93-C-0504

Legal Name:

ROBERTA A KIRSHNER

CFR : 2.40(b)(2) CFR : 3.129(a)

Photographer: L GAGE

Date and Time: 07-JUN-17 Approx 12 PM

Certificate: 93-C-0504

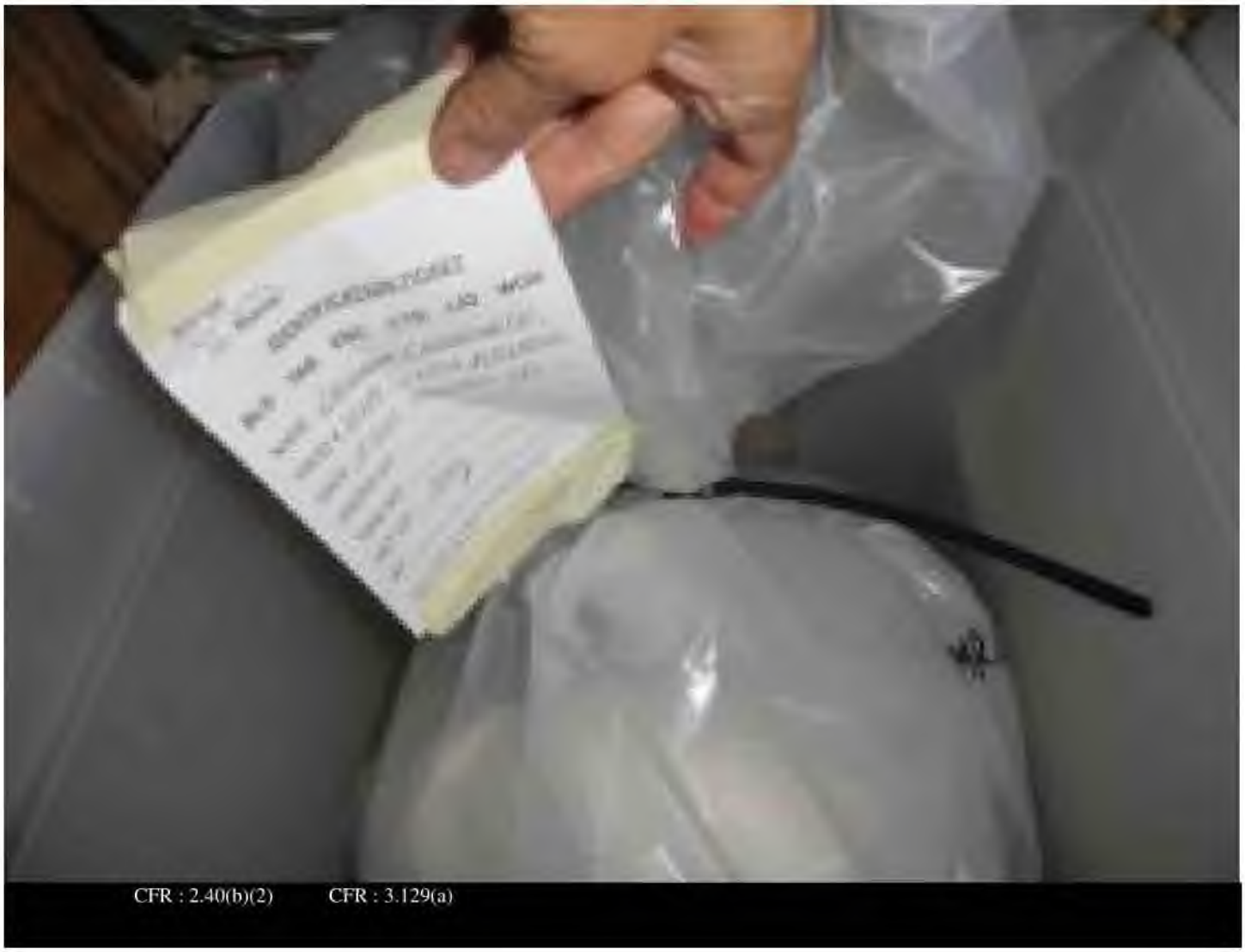
Inspection No: 2016082568754288

Legal Name:

ROBERTA A KIRSHNER

Description:

Calcium, and Vit D and A supplements for "Lucie" the lion cub. Dosages are not labeled.



Photographer: L GAGE

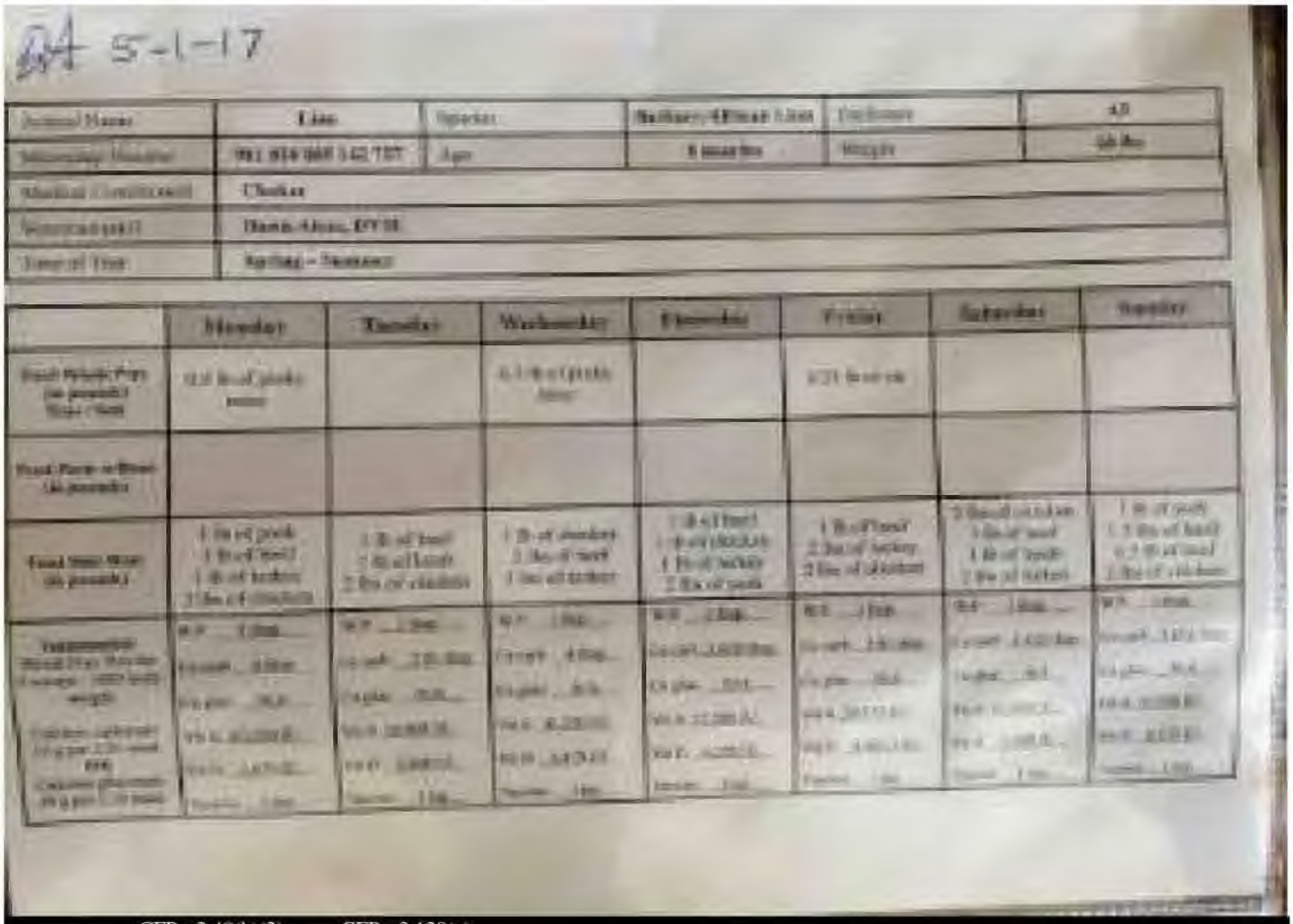
Date and Time: 07-JUN-17 Approx 12 PM

Inspection No: 2016082568754288

Description:
Bulk calcium supplement for "Lucie" the lion cub. Dosages are not labeled.

Certificate: 93-C-0504

Legal Name:
ROBERTA A KIRSHNER



5-1-17

[illegible]	Lucie	[illegible]	[illegible]	[illegible]	[illegible]
[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
[illegible]	Chicken				
[illegible]	[illegible]				
[illegible]	[illegible]				

	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
[illegible]	[illegible]		[illegible]		[illegible]		
[illegible]							
[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]

CFR : 2.40(b)(2) CFR : 3.129(a)

Photographer: P SMITH

Date and Time: 07-JUN-17 Approx 12 PM

Certificate: 93-C-0504

Inspection No: 2016082568754288

Legal Name:

ROBERTA A KIRSHNER

Description:

Feeding and Supplement chart for Lucie - the licensee has been feeding calcium gluconate for the past week, but there is not dosage specified.

Photographer: PROVIDED BY ATTENDING VETERINARIAN

Date and Time: 07-JUN-17 -

Inspection No: 2016082568754288

Description:
Radiograph of Lucie's forelegs taken by Attending Veterinarian on 4/28/17.

Certificate: 93-C-0504

Legal Name:

ROBERTA A KIRSHNER

[redacted]

Photographer: L GAGE

Date and Time: 07-JUN-17 Approx 11 AM

Certificate: 93-C-0504

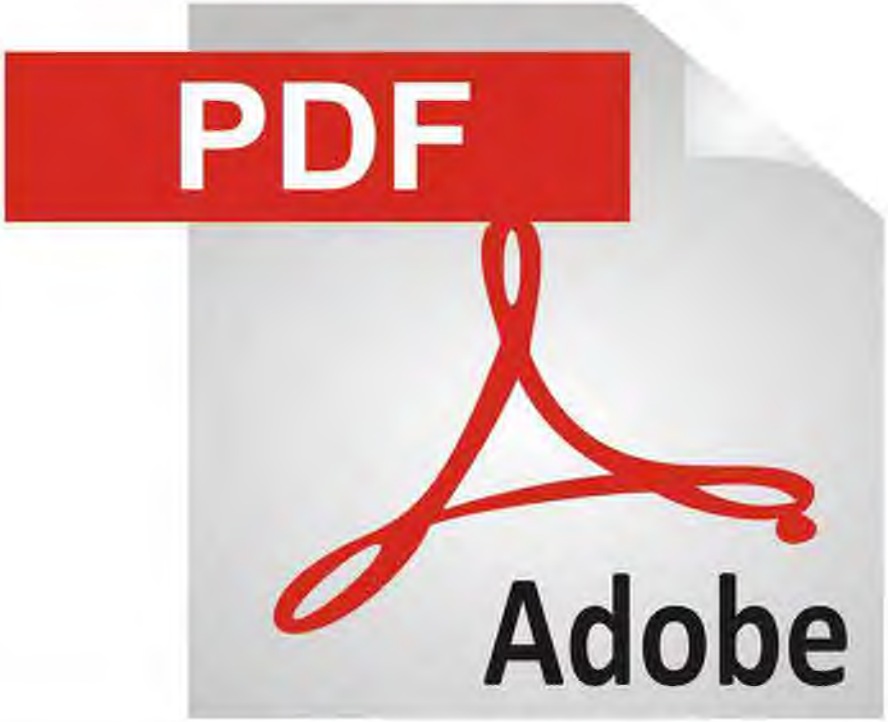
Inspection No: 2016082568754288

Legal Name:

ROBERTA A KIRSHNER

Description:

Video showing lion cub "Lucie" on the day of inspection. She refuses to stand, and carefully guards her left front leg.



[redacted]

Photographer: PROVIDED BY ATTENDING VETERINARIAN

Date and Time: 07-JUN-17 -

Certificate: 93-C-0504

Inspection No: 2016082568754288

Legal Name:

ROBERTA A KIRSHNER

Description:

Medical records for "Lucie" from attending veterinarian, since the previous April inspection.

United States Department of Agriculture
Animal and Plant Health Inspection Service

Inspection Report

Roberta A Kirshner
P.O. Box 841
Durham, CA 95938

Customer ID: **3769**
Certificate: **93-C-0504**
Site: 002
ROBERTA KIRSHNER

Type: --RESCINDED--
Date: 07-JUN-2017

2.40(b)(2) DIRECT REPEAT

ATTENDING VETERINARIAN AND ADEQUATE VETERINARY CARE (DEALERS AND EXHIBITORS).

A female lion cub named "Lucie", approximately 8 months old, was found to be severely lame, uncomfortable, and unwilling to stand at the time of inspection.

At the time of the last inspection on 4/27/17 the cub was exhibiting some lameness in its hindquarters, and had a history of intermittent lameness in the front as well. The exhibitor was asked to have a diagnostic work up completed by a veterinarian who is experienced with this species, by 5/1/17. Radiographs and blood work were completed by that date, but the results were inconclusive. The animal is currently unwilling to stand, and clearly in discomfort. The animal is currently on pain medication, but its condition has not improved, and at the time of the inspection the animal had not been observed by the veterinarian since 5/31/17.

Failure to provide appropriate diagnostics and treatment can result in a poor outcome for animals. The exhibitor must ensure that all animals receive appropriate veterinary care, to include the use of appropriate methods to diagnose and treat diseases. Veterinarians should have sufficient experience with the species on hand, so as to ensure appropriate care.

The licensee must have a consultant veterinarian with more experience with big cat nutrition and medicine review every aspect of this case and to determine an appropriate treatment plan including specific guidance about medical care, treatment, diagnostics, diet and nutritional supplements for this animal. The licensee must immediately follow the exact recommendations of the expert veterinarian. The outcome of this consultation must be provided, in writing, to the inspector upon request. This documentation should include the veterinary diagnosis, any diagnostic tests and the outcome of those tests that were performed, any medications or supplements prescribed along with the dosing instructions, the treatment plan, and entries on a log and/or calendar and/or animal health record that list when the medication or supplement is administered to the animals, showing the amounts, and who administered it.

The licensee must ensure that all animals at the facility are provided with adequate veterinary care, as described by

Prepared By:

SMITH PAMELA, D V M USDA, APHIS, Animal Care

Date: 08-JUN-2017

Title: VETERINARY MEDICAL OFFICER 6036

Received By:

ROBERTA KIRSHNER

Date: 08-JUN-2017

Title: EXHIBITOR

the attending veterinarian and the program of veterinary care. The program for providing adequate veterinary care shall include the use of appropriate methods to prevent, control, diagnose, and treat diseases and injuries.

3.129(a) **REPEAT**

FEEDING.

Although the exhibitor now has a feeding plan which shows the correct level of supplements to be added to a muscle meat diet for big cats, in order to ensure optimal bone growth and development in growing cubs, the diet plan was not being correctly followed for an 8 month old lion cub named "Lucie", which was found to be severely lame and in discomfort at the time of inspection.

The exhibitor had not determined how many scoops of the powdered calcium carbonate and calcium gluconate supplements would be equal to the specified number of grams required. It was discovered that over the past week the exhibitor has been giving the animal about 30 grams of calcium gluconate daily when the dose it actually needed was 100 grams daily.

Failure to provide an appropriate diet can lead to serious medical problems for the animals, especially growing cubs, which are susceptible to metabolic bone disease, which can cause lameness and fragile bones. The exhibitor must ensure that diets have sufficient nutritive value to maintain all animals in good health. The diet should be prepared with consideration for the age, species, condition, size, and type of the animal. The exhibitor must comply with the written diet plan, and document which calcium supplement is given, and how many grams per feeding, and maintain these records for inspection.

This inspection and exit interview were conducted with the exhibitor / licensee.

Additional Inspectors

Gage Laurie, Big Cat Specialist

Prepared By:

SMITH PAMELA, D V M USDA, APHIS, Animal Care

Date: 08-JUN-2017

Title: VETERINARY MEDICAL OFFICER 6036

Received By:

ROBERTA KIRSHNER

Date: 08-JUN-2017

Title: EXHIBITOR

United States Department of Agriculture
Animal and Plant Health Inspection Service

Customer: 3769
Inspection Date: 07-JUN-17

Animal Inspected at Last Inspection

Cust No	Cert No	Site	Site Name	Inspection
3769	93-C-0504	002	ROBERTA KIRSHNER	07-JUN-17

Count	Species
000001	CARACAL
000001	LEOPARD
000001	OCELOT
000001	RINGTAIL
000001	SERVAL
000001	SNOW LEOPARD
000002	BENNETT'S WALLABY / RED-NECKED WALLABY
000002	BROWN BEAR
000002	CLOUDED LEOPARD
000002	COYOTE
000002	FENNEC FOX
000002	FISHING CAT
000002	MULE DEER
000002	NORTHERN/EURASIAN LYNX
000002	PUMA / MOUNTAIN LION / COUGAR
000002	RED FOX (INCLUDES SILVER FOX & CROSS FOX)
000002	SOUTH AMERICAN COATI
000003	LION X TIGER HYBRID / LIGER / TIGON
000003	NORTH AMERICAN BLACK BEAR
000004	LION
000004	RING-TAILED LEMUR
000007	TIGER
000049	**Total**

Photographer: L GAGE

Date and Time: 07-JUN-17 Approx 11 AM

Inspection No: 2016082568410344

Description:
"Lucie" the lion cub in her enclosure.

Certificate: 93-C-0504

Legal Name:

ROBERTA A KIRSHNER

CFR : 3.129(a)

Photographer: L GAGE

Date and Time: 07-JUN-17 Approx 12 PM

Inspection No: 2016082568410344

Description:
Calcium supplements for "Lucie" the lion cub. Dosages are not labeled.

Certificate: 93-C-0504

Legal Name:

ROBERTA A KIRSHNER

CFR : 3.129(a)

Photographer: L GAGE

Date and Time: 07-JUN-17 Approx 12 PM

Certificate: 93-C-0504

Inspection No: 2016082568410344

Legal Name:

ROBERTA A KIRSHNER

Description:

Calcium, and Vit D and A supplements for "Lucie" the lion cub. Dosages are not labeled.

CFR : 3.129(a)

Photographer: L GAGE

Date and Time: 07-JUN-17 Approx 12 PM

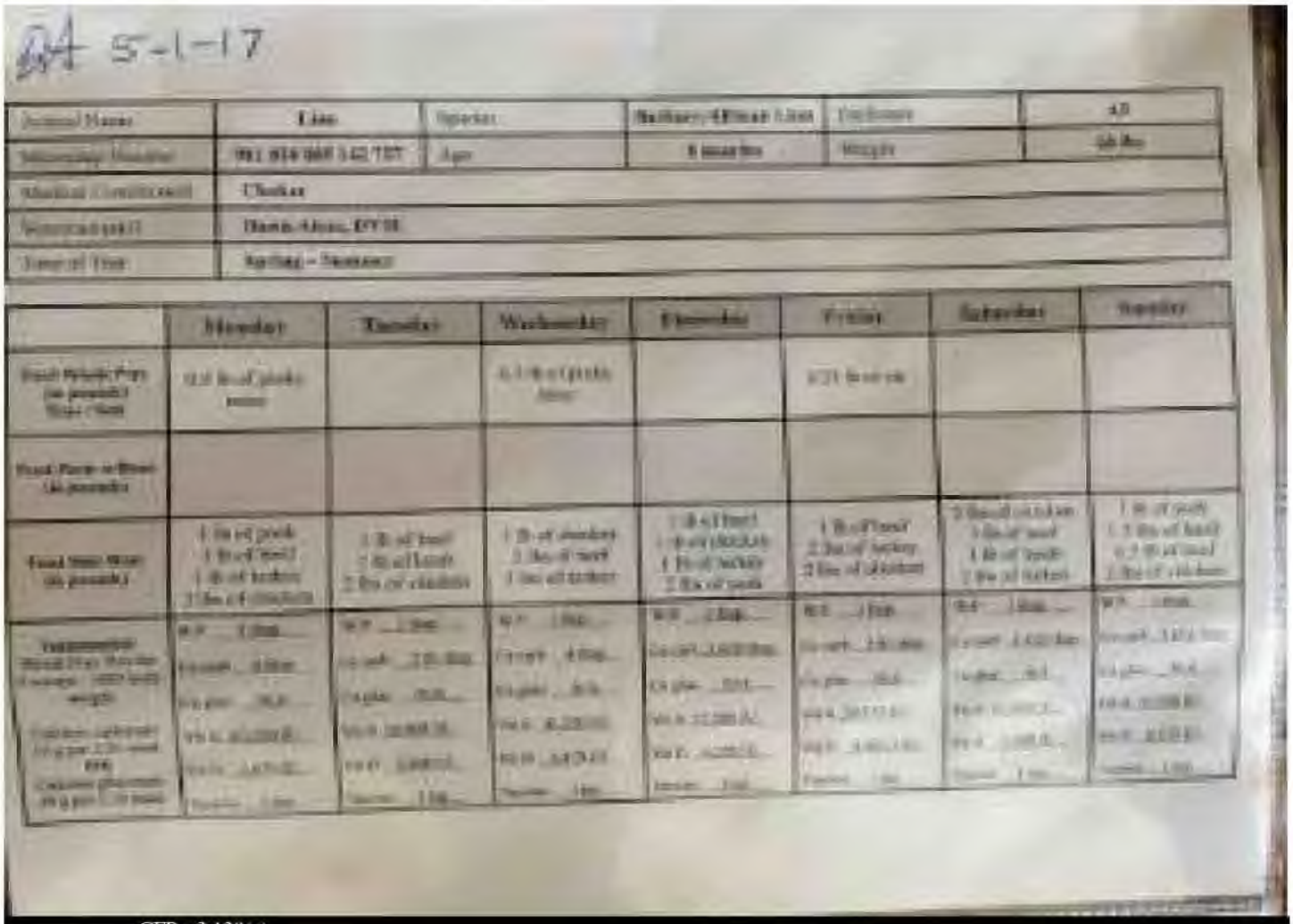
Inspection No: 2016082568410344

Description:
Bulk calcium supplement for "Lucie" the lion cub. Dosages are not labeled.

Certificate: 93-C-0504

Legal Name:

ROBERTA A KIRSHNER



5-1-17

[illegible]	Lucie	[illegible]	[illegible]	[illegible]	[illegible]
[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
[illegible]	Chicken				
[illegible]	[illegible]				
[illegible]	[illegible]				

	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
[illegible]	[illegible]		[illegible]		[illegible]		
[illegible]							
[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]

CFR : 3.129(a)

Photographer: P SMITH

Date and Time: 07-JUN-17 Approx 12 PM

Certificate: 93-C-0504

Inspection No: 2016082568410344

Legal Name:

ROBERTA A KIRSHNER

Description:

Feeding and Supplement chart for Lucie - the licensee has been feeding calcium gluconate for the past week, but there is not dosage specified.

Photographer: PROVIDED BY ATTENDING VETERINARIAN

Date and Time: 07-JUN-17 -

Inspection No: 2016082568410344

Description:
Radiograph of Lucie's forelegs taken by Attending Veterinarian on 4/28/17.

Certificate: 93-C-0504

Legal Name:

ROBERTA A KIRSHNER

[redacted]

Photographer: L GAGE

Date and Time: 07-JUN-17 Approx 11 AM

Certificate: 93-C-0504

Inspection No: 2016082568410344

Legal Name:

ROBERTA A KIRSHNER

Description:

Video showing lion cub "Lucie" on the day of inspection. She refuses to stand, and carefully guards her left front leg.

CFR : 2.40(b)(2) CFR : 3.129(a)

Photographer: PROVIDED BY ATTENDING VETERINARIAN

Date and Time: 07-JUN-17 -

Certificate: 93-C-0504

Inspection No: 2016082568410344

Legal Name:

ROBERTA A KIRSHNER

Description:

Medical records for "Lucie" from attending veterinarian, since the previous April inspection.

United States Department of Agriculture
Animal and Plant Health Inspection Service

Inspection Report

Roberta A Kirshner
P.O. Box 841
Durham, CA 95938

Customer ID: **3769**
Certificate: **93-C-0504**
Site: 002
ROBERTA KIRSHNER

Type: FOCUSED INSPECTION
Date: 26-JUN-2017

2.40(b)(2) **REPEAT**

ATTENDING VETERINARIAN AND ADEQUATE VETERINARY CARE (DEALERS AND EXHIBITORS).

This was a focused inspection regarding the status of a lion cub named "Lucie".

A female lion cub named "Lucie", approximately 8 1/2 months old, was previously found to be severely lame, uncomfortable, and unwilling to stand at the time of the previous inspection on 6/7/17.

At the time of the inspection prior to that, on 4/27/17, the cub was exhibiting some lameness in its hindquarters, and had a history of intermittent lameness in the front as well. The exhibitor was asked to have a diagnostic work up completed by a veterinarian who is experienced with this species, by 5/1/17. Radiographs and blood work were completed by that date, but the results were inconclusive. Subsequently two radiologists who specialize in zoo animals reviewed the radiographs at the request of the USDA / APHIS / Big Cat Specialist. Both radiologists stated that the radiographs showed thinned bone cortices, which is typically seen in metabolic bone disease, which can be caused by a dietary deficiency. Currently the animal is able to stand only momentarily, with great reluctance, and she is not able to walk, but does crawl. Although the lion cub seems more comfortable than she did at the time of the 6/7/17 inspection, her condition has not significantly improved. Additionally the lion cub has a history of difficulty swallowing. Although the lion cub's body condition appears healthy, the licensee states that all the lion's meals are being fed to her by hand out of necessity. The last time the attending veterinarian observed the animal, according to records on hand, was 6/12/17, which was two weeks ago.

At the time of the last inspection on 6/7/17, the exhibitor was asked to have a consultant veterinarian with a higher level of expertise with big cat nutrition and medicine review every aspect of this case and to determine an appropriate treatment plan including specific guidance about medical care, treatment, diagnostics, diet and nutritional supplements for this animal. The licensee has not complied with this request, as of the time of the 6/26/17 inspection.

Failure to provide appropriate diagnostics and treatment can result in a poor outcome for animals. The exhibitor

Prepared By:

SMITH PAMELA, D V M USDA, APHIS, Animal Care

Date: 02-JAN-2018

Title: VETERINARY MEDICAL OFFICER 6036

Received By:

ROBERTA KIRSHNER VIA CERTIFIED MAIL

Date: 03-JAN-2018

Title: CERT MAIL # 70151520000160728698

Inspection Report

must ensure that all animals receive appropriate veterinary care, to include the use of appropriate methods to diagnose and treat diseases. Veterinarians should have sufficient experience with the species on hand, so as to ensure appropriate care.

The licensee must have a consultant veterinarian with a higher level of expertise with big cat nutrition and medicine review every aspect of this case and to determine an appropriate treatment plan including specific guidance about medical care, treatment, diagnostics, diet and nutritional supplements for this animal. The licensee must immediately follow the exact recommendations of this expert veterinarian. The outcome of this consultation must be provided, in writing, to the inspector upon request. This documentation should include the veterinary diagnosis, any diagnostic tests and the outcome of those tests that were performed, any medications or supplements prescribed along with the dosing instructions, the treatment plan, and entries on a log and/or calendar and/or animal health record that list when the medication or supplement is administered to the animal, showing the amounts, and who administered it.

The licensee must ensure that all animals at the facility are provided with adequate veterinary care, as described by the attending veterinarian and the program of veterinary care. The program for providing adequate veterinary care shall include the use of appropriate methods to prevent, control, diagnose, and treat diseases and injuries.

This inspection was conducted on 6/26/17 with the licensee, and the inspector was accompanied by Dr. Gage during the inspection.

The exit interview was conducted on 6/27/17 with the licensee, and the inspector was accompanied by the Supervisory Animal Care Specialist, Dr. Kathleen Garland.

Additional Inspectors

Gage Laurie, Big Cat Specialist

Prepared By:

SMITH PAMELA, D V M USDA, APHIS, Animal Care

Date: 02-JAN-2018

Title: VETERINARY MEDICAL OFFICER 6036

Received By:

ROBERTA KIRSHNER VIA CERTIFIED MAIL

Date: 03-JAN-2018

Title: CERT MAIL # 70151520000160728698

United States Department of Agriculture
Animal and Plant Health Inspection Service

Customer: 3769
Inspection Date: 26-JUN-17

Animal Inspected at Last Inspection

Cust No	Cert No	Site	Site Name	Inspection
3769	93-C-0504	002	ROBERTA A KIRSHNER	26-JUN-17

Count	Species
000001	LION
000001	**Total**

CFR : 2.40(b)(2)

Photographer: P SMITH

Date and Time: 26-JUN-17 Approx 1 PM

Inspection No: 2016082569008485

Description:
Lion cub w difficulty standing and walking.

Certificate: 93-C-0504

Legal Name:

ROBERTA A KIRSHNER

CFR : 2.40(b)(2)

[redacted]

Photographer: P SMITH

Date and Time: 26-JUN-17 Approx 1 PM

Inspection No: 2016082569008485

Description:
Lion cub with difficulty standing and walking.

Certificate: 93-C-0504

Legal Name:

ROBERTA A KIRSHNER

United States Department of Agriculture
Animal and Plant Health Inspection Service

2016082568434760 Insp_id

Inspection Report

Roberta A Kirshner
P.O. Box 841
Durham, CA 95938

Customer ID: **3769**
Certificate: **93-C-0504**
Site: 002
ROBERTA KIRSHNER

Type: --RESCINDED--
Date: 26-JUN-2017

2.40(b)(2) DIRECT REPEAT

ATTENDING VETERINARIAN AND ADEQUATE VETERINARY CARE (DEALERS AND EXHIBITORS).

This was a focused inspection regarding the status of a lion cub named "Lucie".

A female lion cub named "Lucie", approximately 8 1/2 months old, was previously found to be severely lame, uncomfortable, and unwilling to stand at the time of the previous inspection on 6/7/17.

At the time of the inspection prior to that, on 4/27/17, the cub was exhibiting some lameness in its hindquarters, and had a history of intermittent lameness in the front as well. The exhibitor was asked to have a diagnostic work up completed by a veterinarian who is experienced with this species, by 5/1/17. Radiographs and blood work were completed by that date, but the results were inconclusive. Subsequently two radiologists who specialize in zoo animals reviewed the radiographs at the request of the USDA / APHIS / Big Cat Specialist. Both radiologists stated that the radiographs showed thinned bone cortices, which is typically seen in metabolic bone disease, which can be caused by a dietary deficiency. Currently the animal is able to stand only momentarily, with great reluctance, and she is not able to walk, but does crawl. Although the lion cub seems more comfortable than she did at the time of the 6/7/17 inspection, her condition has not significantly improved. Additionally the lion cub has a history of difficulty swallowing. Although the lion cub's body condition appears healthy, the licensee states that all the lion's meals are being fed to her by hand out of necessity. The last time the attending veterinarian observed the animal, according to records on hand, was 6/12/17, which was two weeks ago.

At the time of the last inspection on 6/7/17, the exhibitor was asked to have a consultant veterinarian with a higher level of expertise with big cat nutrition and medicine review every aspect of this case and to determine an appropriate treatment plan including specific guidance about medical care, treatment, diagnostics, diet and nutritional supplements for this animal. The licensee has not complied with this request, as of the time of the 6/26/17 inspection.

Failure to provide appropriate diagnostics and treatment can result in a poor outcome for animals. The exhibitor

Prepared By:

SMITH PAMELA, D V M USDA, APHIS, Animal Care

Date: 27-JUN-2017

Title: VETERINARY MEDICAL OFFICER 6036

Received By:

ROBERTA KIRSHNER

Date: 27-JUN-2017

Title: EXHIBITOR

Inspection Report

must ensure that all animals receive appropriate veterinary care, to include the use of appropriate methods to diagnose and treat diseases. Veterinarians should have sufficient experience with the species on hand, so as to ensure appropriate care.

The licensee must have a consultant veterinarian with a higher level of expertise with big cat nutrition and medicine review every aspect of this case and to determine an appropriate treatment plan including specific guidance about medical care, treatment, diagnostics, diet and nutritional supplements for this animal. The licensee must immediately follow the exact recommendations of this expert veterinarian. The outcome of this consultation must be provided, in writing, to the inspector upon request. This documentation should include the veterinary diagnosis, any diagnostic tests and the outcome of those tests that were performed, any medications or supplements prescribed along with the dosing instructions, the treatment plan, and entries on a log and/or calendar and/or animal health record that list when the medication or supplement is administered to the animal, showing the amounts, and who administered it.

The licensee must ensure that all animals at the facility are provided with adequate veterinary care, as described by the attending veterinarian and the program of veterinary care. The program for providing adequate veterinary care shall include the use of appropriate methods to prevent, control, diagnose, and treat diseases and injuries.

This inspection was conducted on 6/26/17 with the licensee, and the inspector was accompanied by Dr. Gage during the inspection.

The exit interview was conducted on 6/27/17 with the licensee, and the inspector was accompanied by the Supervisory Animal Care Specialist, Dr. Kathleen Garland.

Additional Inspectors

Gage Laurie, Big Cat Specialist

Prepared By:

SMITH PAMELA, D V M USDA, APHIS, Animal Care

Date: 27-JUN-2017

Title: VETERINARY MEDICAL OFFICER 6036

Received By:

ROBERTA KIRSHNER

Date: 27-JUN-2017

Title: EXHIBITOR

United States Department of Agriculture
Animal and Plant Health Inspection Service

Customer: 3769
Inspection Date: 26-JUN-17

Animal Inspected at Last Inspection

Cust No	Cert No	Site	Site Name	Inspection
3769	93-C-0504	002	ROBERTA A KIRSHNER	26-JUN-17

Count	Species
000001	LION
000001	**Total**

CFR : 2.40(b)(2)

Photographer: P SMITH

Date and Time: 26-JUN-17 Approx 1 PM

Inspection No: 2016082568434760

Description:
Lion cub w difficulty standing and walking.

Certificate: 93-C-0504

Legal Name:

ROBERTA A KIRSHNER

CFR : 2.40(b)(2)

Photographer: P SMITH

Date and Time: 26-JUN-17 Approx 1 PM

Inspection No: 2016082568434760

Description:
Lion cub with difficulty standing and walking.

Certificate: 93-C-0504

Legal Name:

ROBERTA A KIRSHNER

United States Department of Agriculture
Animal and Plant Health Inspection Service

Inspection Report

Roberta A Kirshner
P.O. Box 841
Durham, CA 95938

Customer ID: **3769**
Certificate: **93-C-0504**
Site: 002
ROBERTA KIRSHNER

Type: FOCUSED INSPECTION
Date: 28-JUN-2017

This was a focused inspection on "Lucie" the lion.

No non-compliant items were identified during this inspection.

This inspection and exit interview were conducted with the exhibitor.

Additional Inspectors

Garland Kathleen, Supervisory Animal Care Specialist

Prepared By:

SMITH PAMELA, D V M USDA, APHIS, Animal Care

Date: 02-JAN-2018

Title: VETERINARY MEDICAL OFFICER 6036

Received By:

ROBERTA KIRSHNER VIA CERTIFIED MAIL

Date: 03-JAN-2018

Title: CERT MAIL # 70151520000160728698

United States Department of Agriculture
Animal and Plant Health Inspection Service

Customer: 3769
Inspection Date: 28-JUN-17

Animal Inspected at Last Inspection

Cust No	Cert No	Site	Site Name	Inspection
3769	93-C-0504	002	ROBERTA A KIRSHNER	28-JUN-17

Count	Species
000001	LION
000001	**Total**

CFR : 2.40(b)(2)

Photographer: P SMITH

Date and Time: 28-JUN-17 -

Inspection No: 2016082569008476

Description:
Lion cub Lucie still experiencing some difficulty standing and walking.

Certificate: 93-C-0504

Legal Name:

ROBERTA A KIRSHNER

United States Department of Agriculture
Animal and Plant Health Inspection Service

Inspection Report

Roberta A Kirshner
P.O. Box 841
Durham, CA 95938

Customer ID: **3769**
Certificate: **93-C-0504**
Site: 002
ROBERTA KIRSHNER

Type: --RESCINDED--
Date: 28-JUN-2017

2.40(b)(2) DIRECT REPEAT

ATTENDING VETERINARIAN AND ADEQUATE VETERINARY CARE (DEALERS AND EXHIBITORS).

This was a focused inspection regarding the status of a lion cub named "Lucie", and facility records.

A female lion cub named "Lucie", approximately 8 1/2 months old, was previously found to be severely lame, uncomfortable, and unwilling to stand at the time of a previous inspection on 6/7/17.

At the time of the inspection prior to that, on 4/27/17, the cub was exhibiting some lameness in its hindquarters, and had a history of intermittent lameness in the front as well. The exhibitor was asked to have a diagnostic work up completed by a veterinarian who is experienced with this species, by 5/1/17. Radiographs and blood work were completed by that date, but the results were inconclusive. Subsequently two radiologists who specialize in zoo animals reviewed the radiographs at the request of the USDA / APHIS / Big Cat Specialist. Both radiologists stated that the radiographs showed thinned bone cortices, which is typically seen in metabolic bone disease, which can be caused by a dietary deficiency. Currently the animal is able to stand only momentarily, with great reluctance, and she is not able to walk, but does crawl. Although the lion cub seems more comfortable than she did at the time of the 6/7/17 inspection, her condition has not significantly improved. Additionally the lion cub has a history of difficulty swallowing. Although the lion cub's body condition appears healthy, the licensee states that all the lion's meals are being fed to her by hand out of necessity. The attending veterinarian has been monitoring the cub's status, and was on site to evaluate her status two days ago.

At the time of the 6/7/17 inspection, the exhibitor was asked to have a consultant veterinarian with a higher level of expertise with big cat nutrition and medicine review every aspect of this case and to determine an appropriate treatment plan including specific guidance about medical care, treatment, diagnostics, diet and nutritional supplements for this animal. The licensee has been attempting to contact a veterinary specialist to fulfill this requirement. At the time of this inspection on 6/28/17, it was verified that the licensee had made initial contact with a consultant who had stated that he was willing to provide the required consultation in the near future.

Prepared By:

SMITH PAMELA, D V M USDA, APHIS, Animal Care

Date: 28-JUN-2017

Title: VETERINARY MEDICAL OFFICER 6036

Received By:

ROBERTA KIRSHNER

Date: 28-JUN-2017

Title: EXHIBITOR

Inspection Report

Failure to provide appropriate diagnostics and treatment can result in a poor outcome for animals. The exhibitor must ensure that all animals receive appropriate veterinary care, to include the use of appropriate methods to diagnose and treat diseases. Veterinarians should have sufficient experience with the species on hand, so as to ensure appropriate care.

The licensee must ensure that there is follow-through with the consultation with an expert specialist. A specialist veterinarian who has extensive experience in big cat nutrition and medicine must review every aspect of this case and to determine an appropriate treatment plan including specific guidance about medical care, treatment, diagnostics, diet and nutritional supplements for this animal. The licensee must immediately follow the exact recommendations of this expert veterinarian. The outcome of this consultation must be provided, in writing, to the inspector upon request. This documentation should include the veterinary diagnosis, any diagnostic tests and the outcome of those tests that were performed, any medications or supplements prescribed along with the dosing instructions, the treatment plan, and entries on a log and/or calendar and/or animal health record that list when the medication or supplement is administered to the animal, showing the amounts, and who administered it.

The licensee must ensure that all animals at the facility are provided with adequate veterinary care, as described by the attending veterinarian and the program of veterinary care. The program for providing adequate veterinary care shall include the use of appropriate methods to prevent, control, diagnose, and treat diseases and injuries.

This inspection and exit interview were conducted with the exhibitor.

Additional Inspectors

Garland Kathleen, Supervisory Animal Care Specialist

Prepared By:

SMITH PAMELA, D V M USDA, APHIS, Animal Care

Date: 28-JUN-2017

Title: VETERINARY MEDICAL OFFICER 6036

Received By:

ROBERTA KIRSHNER

Date: 28-JUN-2017

Title: EXHIBITOR

United States Department of Agriculture
Animal and Plant Health Inspection Service

Customer: 3769
Inspection Date: 28-JUN-17

Animal Inspected at Last Inspection

Cust No	Cert No	Site	Site Name	Inspection
3769	93-C-0504	002	ROBERTA A KIRSHNER	28-JUN-17

Count	Species
000001	LION
000001	**Total**

CFR : 2.40(b)(2)

Photographer: P SMITH

Date and Time: 28-JUN-17 -

Inspection No: 2016082568439063

Description:
Lion cub Lucie still experiencing some difficulty standing and walking.

Certificate: 93-C-0504

Legal Name:

ROBERTA A KIRSHNER

United States Department of Agriculture
Animal and Plant Health Inspection Service

2016082568681552 Insp_id

Inspection Report

Roberta A Kirshner
P.O. Box 841
Durham, CA 95938

Customer ID: **3769**
Certificate: **93-C-0504**
Site: 002
ROBERTA KIRSHNER

Type: ROUTINE INSPECTION
Date: 02-AUG-2017

No non-compliant items were identified during this inspection.

"Lucie" the 9 month old lion cub continues to improve, and the owner / exhibitor is working with a zoo animal specialist consultant veterinarian to address dietary needs. USDA / APHIS / Animal Care will continue to closely monitor the nutrition of juvenile animals at this facility.

This inspection and exit interview were conducted with the owner / exhibitor.

Additional Inspectors

Gage Laurie, Big Cat Specialist

Prepared By:

SMITH PAMELA, D V M USDA, APHIS, Animal Care

Date: 07-AUG-2017

Title: VETERINARY MEDICAL OFFICER 6036

Received By:

ROBERTA KIRSHNER VIA EMAIL

Date: 07-AUG-2017

Title: OWNER / EXHIBITOR

United States Department of Agriculture
Animal and Plant Health Inspection Service

Customer: 3769
Inspection Date: 02-AUG-17

Animal Inspected at Last Inspection

Cust No	Cert No	Site	Site Name	Inspection
3769	93-C-0504	002	ROBERTA A KIRSHNER	02-AUG-17

Count	Species
000001	BOBCAT
000001	CARACAL
000001	FENNEC FOX
000001	OCELOT
000001	RINGTAIL
000001	SERVAL
000002	ARCTIC FOX
000002	BENNETT'S WALLABY / RED-NECKED WALLABY
000002	BROWN BEAR
000002	COYOTE
000002	FISHING CAT
000002	LEOPARD
000002	LION X TIGER HYBRID / LIGER / TIGON
000002	MULE DEER
000002	NORTHERN/EURASIAN LYNX
000002	PUMA / MOUNTAIN LION / COUGAR
000002	RED FOX (INCLUDES SILVER FOX & CROSS FOX)
000002	SNOW LEOPARD
000002	WHITE-NOSED COATI
000003	CLOUDED LEOPARD
000003	NORTH AMERICAN BLACK BEAR
000004	LION
000004	RING-TAILED LEMUR
000006	TIGER
000052	**Total**

[redacted]

Photographer: P SMITH

Date and Time: 02-AUG-17 Approx 12 PM

Inspection No: 2016082568681552

Description:
"Lucie" the 9 mo old lion is now able to walk, and continues t improve.

Certificate: 93-C-0504

Legal Name:

ROBERTA A KIRSHNER

[redacted]

Photographer: P SMITH

Date and Time: 02-AUG-17 -

Certificate: 93-C-0504

Inspection No: 2016082568681552

Legal Name:

ROBERTA A KIRSHNER

Description:

The zoo specialist veterinary consultant provided a report from his visit, with dietary guidelines for Lucie. Documentation re diet currently being fed to Lucie.

United States Department of Agriculture
Animal and Plant Health Inspection Service

Inspection Report

Roberta A Kirshner
P.O. Box 841
Durham, CA 95938

Customer ID: **3769**
Certificate: **93-C-0504**
Site: 002
ROBERTA KIRSHNER

Type: ROUTINE INSPECTION
Date: 04-OCT-2017

No non-compliant items were identified during this inspection.

This inspection and exit interview were conducted with the exhibitor.

Additional Inspectors

Gage Laurie, Big Cat Specialist

Prepared By:

SMITH PAMELA, D V M USDA, APHIS, Animal Care

Date: 05-OCT-2017

Title: VETERINARY MEDICAL OFFICER 6036

Received By:

ROBERTA KIRSHNER VIA EMAIL

Date: 05-OCT-2017

Title: EXHIBITOR

United States Department of Agriculture
Animal and Plant Health Inspection Service

Customer: 3769
Inspection Date: 04-OCT-17

Animal Inspected at Last Inspection

Cust No	Cert No	Site	Site Name	Inspection
3769	93-C-0504	002	ROBERTA A KIRSHNER	04-OCT-17

Count	Species
000001	BOBCAT
000001	CARACAL
000001	FENNEC FOX
000001	OCELOT
000001	RINGTAIL
000001	SERVAL
000002	BENNETT'S WALLABY / RED-NECKED WALLABY
000002	BROWN BEAR
000002	COYOTE
000002	FISHING CAT
000002	LEOPARD
000002	LION X TIGER HYBRID / LIGER / TIGON
000002	MULE DEER
000002	NORTHERN/EURASIAN LYNX
000002	PUMA / MOUNTAIN LION / COUGAR
000002	RED FOX (INCLUDES SILVER FOX & CROSS FOX)
000002	SNOW LEOPARD
000002	WHITE-NOSED COATI
000003	CLOUDED LEOPARD
000003	NORTH AMERICAN BLACK BEAR
000004	LION
000004	RING-TAILED LEMUR
000006	TIGER
000050	**Total**

United States Department of Agriculture
Animal and Plant Health Inspection Service

PSMITH

2016082569021255 Insp_id

Inspection Report

Roberta A Kirshner
P.O. Box 841
Durham, CA 95938

Customer ID: **3769**
Certificate: **93-C-0504**
Site: 002
ROBERTA KIRSHNER

Type: ROUTINE INSPECTION
Date: 09-JAN-2018

No non-compliant items were identified during this inspection.

This inspection and exit interview were conducted with the exhibitor.

Additional Inspectors

Gage Laurie, Big Cat Specialist

Prepared By:

SMITH PAMELA, D V M USDA, APHIS, Animal Care

Date: 17-JAN-2018

Title: VETERINARY MEDICAL OFFICER 6036

Received By:

ROBERTA KIRSHNER VIA EMAIL

Date: 17-JAN-2018

Title: EXHIBITOR

United States Department of Agriculture
Animal and Plant Health Inspection Service

Customer: 3769
Inspection Date: 09-JAN-18

Animal Inspected at Last Inspection

Cust No	Cert No	Site	Site Name	Inspection
3769	93-C-0504	002	ROBERTA KIRSHNER	09-JAN-18

Count	Species
000001	CARACAL
000001	FISHING CAT
000001	NORTH AMERICAN BLACK BEAR
000001	OCELOT
000001	PUMA / MOUNTAIN LION / COUGAR
000001	RINGTAIL
000001	SERVAL
000002	BENNETT'S WALLABY / RED-NECKED WALLABY
000002	COYOTE
000002	LEOPARD
000002	MULE DEER
000002	NORTHERN/EURASIAN LYNX
000002	RED FOX (INCLUDES SILVER FOX & CROSS FOX)
000002	SNOW LEOPARD
000002	WHITE-NOSED COATI
000003	CLOUDED LEOPARD
000003	LION X TIGER HYBRID / LIGER / TIGON
000004	LION
000004	RING-TAILED LEMUR
000006	TIGER
000043	**Total**

United States Department of Agriculture
Animal and Plant Health Inspection Service

Inspection Report

Roberta A Kirshner
P.O. Box 841
Durham, CA 95938

Customer ID: **3769**
Certificate: **93-C-0504**
Site: 002
ROBERTA KIRSHNER

Type: --RESCINDED--
Date: 15-AUG-2019

2.131(e) DIRECT

HANDLING OF ANIMALS.

On the day of inspection on 8/15/19 the temperature reached ~104 degrees F during the inspection, at approximately 5 pm. When we arrived for inspection, the gates were locked and the licensee was called and returned 25 minutes later from town (so had been gone for at least 45 minutes with no one visible monitoring the animals). The forecasted temperature for the late afternoon was greater than 100 degrees and there was an extreme heat warning in effect.

Many of the animals without additional water beyond drinking water were panting and appeared uncomfortably hot and distressed, especially the overweight animals (such as the caracal and clouded leopard). The mule deer were open mouth breathing with a respiratory rate in excess of 200 breaths per minute. Open mouth breathing and visible respiratory effort was seen in the coatis, coyotes, clouded and snow leopards.

A Kestrel thermometer reading in front of a typical enclosure was 102-104.8 degrees F. An infrared thermometer showed the surface temperature within the den box where a clouded leopard was panting to be around 106 degrees F, and 110 degree F under the deck in the ringtail enclosure, where the ringtail was residing.

A few of the enclosures had a pool in addition to the drinking water, including the bears, fishing cats and two tigers, as well as occasional smaller basins for some animals, but these were not large enough for the animals to get into. These smaller basins only had a few of inches of water, which would heat up quickly in temperatures above 100 degrees. The majority of the enclosures did not have any additional basins of water supplied beyond drinking water containers, which had no ice in them.

The facility has a water/cooling protocol which states that when temperatures are above 90 degrees, the animals may be cooled using the following methods: pools that the animal can get into (in addition to drinking water), ice in the drinking water, ice blocks, hosing down the decks or the animals, raising the tarps for better air circulation and frozen ice treats. These measures were not being adequately employed at the time of inspection.

Prepared By:

FRANK KATHARINE, D V M USDA, APHIS, Animal Care

Date: 20-AUG-2019

Title: VETERINARY MEDICAL OFFICER 6091

Received By:

ROBERTA KIRSHNER

Date: 20-AUG-2019

Title: DELIVERED BY HAND

Inspection Report

Measures should be undertaken to prevent overheating, and ensure the comfort of the animals during hot weather. Severely hot weather can cause discomfort and threaten the health of the animals.

To be corrected immediately.

Exit interview conducted on August 20, 2019 with facility representative.

Additional Inspectors

Smith Pamela, Veterinary Medical Officer

Prepared By:

FRANK KATHARINE, D V M USDA, APHIS, Animal Care

Date: 20-AUG-2019

Title: VETERINARY MEDICAL OFFICER 6091

Received By:

ROBERTA KIRSHNER

Date: 20-AUG-2019

Title: DELIVERED BY HAND

United States Department of Agriculture
Animal and Plant Health Inspection Service

Species Inspected

Customer: 3769
Inspection Date: 15-AUG-19
--RESCINDED--

Cust No	Cert No	Site	Site Name	Inspection
3769	93-C-0504	002	ROBERTA KIRSHNER	15-AUG-19

Count	Scientific Name	Common Name
000002	*Acinonyx jubatus*	CHEETAH
000001	*Bassariscus astutus*	RINGTAIL
000002	*Canis latrans*	COYOTE
000001	*Canis lupus*	GRAY WOLF / GREY WOLF / TIMBER WOLF
000001	*Caracal caracal*	CARACAL
000003	*Lemur catta*	RING-TAILED LEMUR
000001	*Leopardus pardalis*	OCELOT
000001	*Leptailurus serval*	SERVAL
000002	*Lynx lynx*	NORTHERN/EURASIAN LYNX
000001	*Lynx rufus*	BOBCAT
000002	*Nasua narica*	WHITE-NOSED COATI
000003	*Neofelis nebulosa*	CLOUDED LEOPARD
000002	*Notamacropus rufogriseus*	BENNETT'S WALLABY / RED-NECKED WALLABY
000002	*Odocoileus hemionus*	MULE DEER
000004	*Panthera leo*	LION
000003	*Panthera leo x p. tigris*	LION X TIGER HYBRID / LIGER / TIGON
000004	*Panthera pardus*	LEOPARD
000006	*Panthera tigris*	TIGER
000001	*Prionailurus viverrinus*	FISHING CAT
000002	*Puma concolor*	PUMA / MOUNTAIN LION / COUGAR
000002	*Uncia uncia*	SNOW LEOPARD
000001	*Ursus americanus*	NORTH AMERICAN BLACK BEAR
000002	*Ursus arctos*	BROWN BEAR
000002	*Vulpes vulpes*	RED FOX (INCLUDES SILVER FOX & CROSS FOX)
000051	**Total**	

CFR : 2.131(e)

Photographer: PSMITH

Date and Time: 15-AUG-19 5:49 PM

Inspection No: 2016082569577682

Description:

Temperature measured with Kestrel device in front of the enclosure for Dana the tiger - 102.6 degrees.

Certificate: 93-C-0504

Legal Name:

ROBERTA A KIRSHNER

CFR : 2.131(e)

Photographer: PSMITH
Date and Time: 15-AUG-19 5:29 PM
Inspection No: 2016082569577682
Description:
Temperature on Kestrel device while right in front of the enclosure for Tenacity the coyote. This enclosure faces into the sun.

Certificate: 93-C-0504
Legal Name:
ROBERTA A KIRSHNER

CFR : 2.131(e)

Photographer: PSMITH

Date and Time: 15-AUG-19 5:33 PM

Inspection No: 2016082569577682

Description:

Temperature measured with Kestrel device in front of Coati enclosure - 104.0 degrees F.

Certificate: 93-C-0504

Legal Name:

ROBERTA A KIRSHNER

CFR : 2.131(e)

Photographer: P SMITH

Date and Time: 15-AUG-19 5:43 PM

Certificate: 93-C-0504

Inspection No: 2016082569577682

Legal Name:

ROBERTA A KIRSHNER

Description:

A clouded leopard named Rosie in enclosure D1 was lying on its wooden platform, panting heavily. There was a small plastic pan of water in the enclosure, but not large enough for the animal to get into. The temperature there measured 102.8 degrees.

CFR : 2.131(e)

Photographer: PSMITH

Date and Time: 15-AUG-19 5:49 PM

Certificate: 93-C-0504

Inspection No: 2016082569577682

Legal Name:

ROBERTA A KIRSHNER

Description:

A tiger named Dana in enclosure D5 was panting. There was no water in the enclosure apart from a bucket of drinking water. The temperature in front of D5 was 102.6 degrees. This video is in slow motion.

CFR : 2.131(e)

Photographer: PSMITH

Date and Time: 15-AUG-19 5:30 PM

Certificate: 93-C-0504

Inspection No: 2016082569577682

Legal Name:

ROBERTA A KIRSHNER

Description:

A snow leopard named Frederick in enclosure D8 was pacing and panting loudly, and he was seen to be wobbly in his hind-quarters. There was no water available in his enclosure beyond the bucket of drinking water.

CFR : 2.131(e)

Photographer: PSMITH

Date and Time: 15-AUG-19 5:55 PM

Certificate: 93-C-0504

Inspection No: 2016082569577682

Legal Name:

ROBERTA A KIRSHNER

Description:

Two mule deer were observed to be open-mouthed breathing, panting rapidly with a respiratory rate of approximately 212 respirations per minute. The temperature at the front of the enclosure was 101.4 degrees.

CFR : 2.131(e)

Photographer: PSMITH

Date and Time: 15-AUG-19 6:09 PM

Certificate: 93-C-0504

Inspection No: 2016082569577682

Legal Name:

ROBERTA A KIRSHNER

Description:

In enclosure A9 a clouded leopard named Nebula was inside its large wooden box structure panting rapidly. The temperature in front of the enclosure was 103.5 degrees, and the IR gun showed a reading of 106 degrees inside the box next to the animals. The only water available was the drinking water.

CFR : 2.131(e)

Photographer: PSMITH

Date and Time: 15-AUG-19 5:14 PM

Inspection No: 2016082569577682

Certificate: 93-C-0504

Legal Name:

ROBERTA A KIRSHNER

Description:

An obese caracal named Zeus in enclosure C9 was panting rapidly. This animal did have a water basin in its enclosure, but the basin was not really large enough for the animal to lie down in.

CFR : 2.131(e)

Photographer: PSMITH

Date and Time: 15-AUG-19 5:23 PM

Certificate: 93-C-0504

Inspection No: 2016082569577682

Legal Name:

ROBERTA A KIRSHNER

Description:

An obese clouded leopard named Bow in enclosure C4 was crouched underneath a small, low platform, panting rapidly, and then came out in our presence, and lay down in a sprawled posture, mewing softly and sneezing occasionally while panting rapidly. The temperature was measured at 102.6 degrees. This enclosure had no water receptacle except for the bucket of drinking water.

CFR : 2.131(e)

Photographer: PSMITH

Date and Time: 15-AUG-19 5:28 PM

Inspection No: 2016082569577682

Certificate: 93-C-0504

Legal Name:

ROBERTA A KIRSHNER

Description:

A coyote named Tenacity in enclosure C15 was lying behind a round metal tub that contained about six inches of water, in the shade created behind the tub. The coyote got up and walked to a shadier area of the enclosure, where it stood panting very rapidly. Although the water tub was large enough for the animal to get into, the metal tub was sitting in the sun, and the water may have been very hot. The temperature there registered at 104.8 degrees.

CFR : 2.131(e)

Photographer: PSMITH

Date and Time: 15-AUG-19 5:31 PM

Certificate: 93-C-0504

Inspection No: 2016082569577682

Legal Name:

ROBERTA A KIRSHNER

Description:

Infrared thermometer gun reading for the ground just inside the opening under the deck for Addie, the ringtail. This is where the ringtail resides.

CFR : 2.131(e)

Photographer: PSMITH

Date and Time: 15-AUG-19 5:32 PM

Certificate: 93-C-0504

Inspection No: 2016082569577682

Legal Name:

ROBERTA A KIRSHNER

Description:

Two coatis, Bernie and Nina, in enclosure C13 were breathing heavily – audibly panting with mouths wide open. They did not have any water apart from their drinking water accessible in the enclosure. The temperature was read with the Kestrel at 104.0 degrees.

CFR : 2.131(e)

Photographer: PSMITH

Date and Time: 15-AUG-19 5:34 PM

Inspection No: 2016082569577682

Certificate: 93-C-0504

Legal Name:

ROBERTA A KIRSHNER

Description:

An elderly coyote (approx. 20 yrs old) named Wiley in enclosure C11 was standing in the shade next to pan of food and a large pan of water. The coyote was standing still and panting rapidly. The pan of water was not large enough for the animal to get into. Temperature was measured at 103.9 degrees.

CFR : 2.131(e)

Photographer: PSMITH

Date and Time: 15-AUG-19 5:45 PM

Certificate: 93-C-0504

Inspection No: 2016082569577682

Legal Name:

ROBERTA A KIRSHNER

Description:

A snow leopard named Brenda II in enclosure D4 was breathing in a loud and labored manor, with its mouth open. With every exhale this animal would extend its tongue out, and curl its upper lip, lifting its nose. There was no water in the enclosure besides the drinking water. The temperature was measured at 101.8 degrees.

CFR : 2.131(e)

Photographer: EMAILED FROM FACILITY

Date and Time: 15-AUG-19 -

Inspection No: 2016082569577682

Description:
The facility's own Water / Cooling Protocol

Certificate: 93-C-0504

Legal Name:

ROBERTA A KIRSHNER

USDA

USDA, APHIS, Animal Care

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are

ANIMAL WELFARE COMPLAINT

Complaint No.	Date Entered	Received By
AC16-246	9-Feb-16	D.W.
Referred To		**Reply Due**
Garland/Smith		9-Mar-16

Facility or Person Complaint Filed Against

Name	Customer/License/Registration No.
ROBERTA KIRSHNER	3769/93-C-0504

Address
P.O. BOX 841

City	State	Zip	Phone No
DURHAM	CALIFORNIA	95938	530520-9437

Complainant

Name	Organization
Anonymous	

Address

City	State	Zip	Phone No./Email address

How was complaint received?
email

Details of Complaint: Complaint regarding handling of juvenile lion.

Results: Animal records were reviewed and enclosures inspected at the facility on July 20, 2016 with Dr. M. Schnell. The animal named in the complaint, a male lion cub named Atlas, was no longer housed at the facility having been returned to his original owner. The licensee was questioned about the public exhibition of the lion cub and acknowledged that it was handled by a member of the public at the age of 16 weeks, two days on May 18, 2016 and that the incident occurred on her front porch, with no harness or collar, and while the front gate to her property was open. The front gate was found open at the time of the inspection. Weights were not on record for the animal at the facility. The attending veterinarian was contacted by telephone and stated that she estimated the weight of the animal at approximately 30 pounds a few days prior to the May 18th incident. She stated that the animal was in good health at that time. The attending veterinarian also stated that she examined the cub and issued a health certificate for the animal on 7/15/2016.

Application packet provided? Yes ☐ No ☒

INSPECTOR	DATE
M. Rosendale, DVM, VMO	1-Sep-16
REVIEWED BY	DATE
TYLER FIELDS Acting SACS, VMO	06-Sep-16

Digitally signed by TYLER FIELDS
DN: c=US, o=U.S. Government, ou=Department of Agriculture, cn=TYLER FIELDS, 0.9.2342.19200300.100.1.1=12001002[illegible]
Date: 2016.09.06 16:51:32 -07'00'

USDA

United States Department of Agriculture
Animal and Plant Health Inspection Service

MROSENDALE
224161459090981 insp_id

Inspection Report

Roberta Kirshner
Barry R. Kirshner Wildlife Foundation
P.O. Box 841
Durham, CA 95938

Customer ID: **3769**
Certificate: **93-C-0504**
Site: 002
ROBERTA KIRSHNER

Type: ROUTINE INSPECTION
Date: Jul-20-2016

2.131 (c) (1)

HANDLING OF ANIMALS.

During a public exhibition on May 18, 2016, a male lion cub named Atlas (aged 16 weeks, 2 days) was handled by a member of the public on an open porch at the facility. Photographs of the incident show the animal being held off the ground by a standing individual who grasped the lion s chest under the front legs. There was no harness or leash on the lion. In one photograph the lion appeared to be struggling and pushing away from the individual holding him. A gate into the facility from the public, two-lane road was open at the time of the incident with the gate being approximately 140 feet from the porch and the road approximately 30 feet beyond the gate.

During public exhibition animals must be handled so there is minimal risk of harm to the animal and to the public. The sixteen week old lion Atlas was of sufficient size and strength during the May 18, 2016 inspection to cause harm to, or escape from, a member of the public. Animals of this size and age should have sufficient distance and/or barriers between the animal and the general viewing public to assure the safety of both the animal and the public.

Correct immediately for all future public exhibitions.

An exit interview was conducted with a facility representative.

Accompanied by Dr. Michael Schnell.

Prepared By: (b) (6), (b) (7)(C) [redacted]

MARCY E ROSENDALE, D.V.M. USDA, APHIS, Animal Care — **Date:**

Title: VETERINARY MEDICAL OFFICER Inspector 5039 — Aug-11-2016

Received By:

DELIVERED BY CERTIFIED MAIL — **Date:**

Title: 7014 0150 0000 9881 8705 — Aug-11-2016

Wonsbeck, Ordean W - APHIS

From:	Fields, Tyler W - APHIS
Sent:	Tuesday, September 6, 2016 5:57 PM
To:	Wonsbeck, Ordean W - APHIS
Cc:	Rosendale, Marcy E - APHIS
Subject:	FW: AC16-246, 3769, Roberta Kirshner FW: USDA APHIS ANIMAL CARE - Animal Welfare Complaint Submission
Attachments:	AC16-246 complaint (002).pdf

Dean,
Please close this attached complaint AC16-246.

Thank you,
Tyler

From: Rosendale, Marcy E - APHIS
Sent: Tuesday, September 6, 2016 4:37 PM
To: Fields, Tyler W - APHIS <Tyler.W.Fields@aphis.usda.gov>
Subject: FW: AC16-246, 3769, Roberta Kirshner FW: USDA APHIS ANIMAL CARE - Animal Welfare Complaint Submission

For closure.

From: Smith, Pamela L - APHIS
Sent: Wednesday, August 31, 2016 8:53 AM
To: Rosendale, Marcy E - APHIS <Marcy.E.Rosendale@aphis.usda.gov>
Subject: FW: AC16-246, 3769, Roberta Kirshner FW: USDA APHIS ANIMAL CARE - Animal Welfare Complaint Submission

Complaint attached.

From: Wonsbeck, Ordean W - APHIS
Sent: Tuesday, February 9, 2016 7:10 AM
To: Garland, Kathleen M - APHIS <Kathleen.M.Garland@aphis.usda.gov>; Smith, Pamela L - APHIS <Pamela.L.Smith@aphis.usda.gov>
Cc: Gage, Laurie J - APHIS <Laurie.J.Gage@aphis.usda.gov>; Nowakowski, Craig A - APHIS <Craig.A.Nowakowski@aphis.usda.gov>; Cotier, Charolette - APHIS <Charolette.C.Cotier@aphis.usda.gov>
Subject: FW: AC16-246, 3769, Roberta Kirshner FW: USDA APHIS ANIMAL CARE - Animal Welfare Complaint Submission

Hi Drs. Garland and Smith,

Forwarded is complaint AC16-246, for you. I have attached the complaint form.

Thank you.

Dean Wonsbeck

USDA/APHIS/ANIMAL CARE
Inspection & Licensing Assistant
970-494-7472

970-494-7461 (Fax)

From: AC West
Sent: Tuesday, February 09, 2016 7:33 AM
To: Wonsbeck, Ordean W - APHIS
Subject: AC16-####, 3769, Roberta Kirshner FW: USDA APHIS ANIMAL CARE - Animal Welfare Complaint Submission

Thanks,

From: noreply@aphis.usda.gov [mailto:noreply@aphis.usda.gov]
Sent: Monday, February 08, 2016 8:52 PM
To: AC West
Subject: USDA APHIS ANIMAL CARE - Animal Welfare Complaint Submission

Details of complaint:

- Name of USDA licensee/registrant: Roberta Kirshner
- USDA license/registration number:
- City/State:Oroville, CA
- Complaint details:I went to the Kirshner "sanctuary" (really?) this weekend (Feb 7, 2015) and was asked if I wanted to buy tickets to be photographed with a brand new baby tiger cub. I was somewhat appalled that this is supposed to be a conservation center and sanctuary and they would be handling baby tigers with the public. what kind of conservation message is that? But, my biggest concerned is that the animal will be heat stressed being handled for 6 hours. The day I went it was about 80* and most cats were hot and panting, or just lying in their tiny cages to avoid heating stress. Really this roadside zoo should be shut down due to small cage conditions for these large animals with huge home ranges, but the handling of baby animals for money is so egregious and against any sanctuary policy I know of. They are perpetuating the captive breeding of these animals, only to use them as a commodity and stick them behind bars. Pathetic, and criminal, I hope. You can hold a tiger on Feb. 14, 2016. http://kirshner.org/

Submitted To: acwest@aphis.usda.gov

Complaint Contact Information:
Can Contact Complainer: No, I would like to remain anonymous.

Name:
Organization:
Street Address:
Apt/Suite:
City / State / Zip: , ,
Phone Number:
Email:
Submitted on: Feb 8, 2016 8:51:32 PM MST

USDA

USDA, APHIS, Animal Care

Animal Care

ANIMAL WELFARE COMPLAINT

Complaint No.	Date Entered	Received By
AC17-338	3-Apr-17	LBA

Referred To	Reply Due
GARLAND/ SMITH	3-May-17

Facility or Person Complaint Filed Against

Name	Customer/License/Registration No.
ROBERT A KIRSHNER	3769/ 93-C-0504

Address
4995 DURHAM- PENTZ ROAD

City	State	Zip	Phone No
OROVILLE	CA	95965	5305209437

Complainant

Name	Organization
(b) (6), (b) (7)(C) [redacted]	

Address

City	State	Zip	Phone No./Email address
			(b) (6), (b) (7)(C) [redacted]

How was complaint received?
Email

Details of Complaint: 1.) Possible dead deer; 2.) Enclosures too small; 3.) No food or water; 4.) Baby animals distressed during photo shoots; 5.) Mud and shavings.

Results: An inspection occurred on 4/26/17. 1.) No deer deaths - same two deer as last inspection in January; 2.) Enclosures meet minimum requirements under Animal Welfare Act regulations; 3.) All animals had adequate food and water at the time of inspection; 4.) No animals wee being used for photo shoots at the time of inspection; 5.) All anomals had adequate dry areas and bedding at the time of inspection.

USDA / APHIS / Animal Care will continue to closely monitor this facility.

Application packet provided? Yes ☐ No ☒

INSPECTOR	DATE
Dr. Pamela L Smith, Veterinary Medical Officer	5/1/17

REVIEWED BY	DATE
(b) (6), (b) (7)(C) [redacted] Digitally signed by KATHLEEN GARLAND DN: c=US, o=U.S. Government, ou=Department of Agriculture, cn=KATHLEEN GARLAND, 0.9.2342.19200300.100.1.1=1200100012500 1 Date: 2017.05.10 15:06:10 -07'00'	5/10/2017

USDA

United States Department of Agriculture

Animal and Plant Health Inspection Service

Animal Care

(b) (6), (b) (7)(C) [redacted]

April 3, 2017

Dear Complainant:

Thank you for your correspondence dated 4/3/2017 concerning Robert A Kirshner. Your concern has been issued number AC17-338. **If you wish to know the results of our findings, you must send a request, in writing, to our Freedom of Information Act office. Depending on the circumstances of the situation, please allow us enough time (30 to 60 days) to thoroughly look into your concerns.**

FOIA requests can be submitted three ways--

1. **Web Request Form: https://efoia-pal.usda.gov/App/Home.aspx**
2. **Fax: 301-734-5941**
3. **US Mail: USDA, APHIS, FOIA**
   4700 River Road, Unit 50
   Riverdale, MD 20737

Should you have any questions regarding the APHIS FOIA process or need assistance using the Web Request Form please contact APHIS FOIA at 301-851-4102

Animal Care is the division of the U.S. Department of Agriculture (USDA) that is responsible for the enforcement of the Animal Welfare Act. The Act provides minimum standards for the humane care and use of animals at USDA licensed or registered facilities.

Animal Care inspectors conduct routine unannounced inspections at all USDA licensed and registered facilities to ensure that they are meeting or exceeding these minimum standards. Our inspectors also conduct searches for unlicensed facilities conducting regulated activities. We perform inspections and searches when necessary in response to valid concerns and complaints received from the public to ensure the well-being of the animals and compliance with the law. If violations are found, enforcement action appropriate for the circumstances will be initiated.

Please be assured that we will look into your concerns and take appropriate action if necessary.

Thank you for your interest in the welfare of these animals.

Sincerely,

(b) (6), (b) (7)(C) [redacted]

Craig Nowakowski
Director of Program Support
USDA APHIS Animal Care

From: Atkinson, Lauren B - APHIS
To: Atkinson, Lauren B - APHIS
Subject: FW: Complaint #AC17-***- Roberta Krishner- #3769
Date: Monday, April 3, 2017 3:03:36 PM
Attachments: Screenshot_20170402-211636.png

From: (b) (6), (b) (7)(C) [redacted]
Sent: Monday, April 3, 2017 2:15 PM
To: Juarez, Bernadette R - APHIS <Bernadette.R.Juarez@aphis.usda.gov>
Subject:

i live in northern California there is a hidden sanctuary for wildlife here i seen today that is exploiting animals for money. I BELIEVE one of the deer was dead. There is every type of wild cat species there in 6x6 cages no food or water in the sun barely breathing or moving. They are charging people $80 to take pictures with baby animals as they cry and scream. I left crying many people upset with the conditions these cats are in. Huge 1000lb white tiger on its back with kids toys all around no wear to move. And rabbit shavings and mud as padding. Please i need help reporting this place. The animals are dying in this 1000sq ft house on property hidden in the northern California hills. The address there is

4995 dur-ham pentz road Oroville California 95965

If you google the address it shows some of the animals conditions. Thanks in advance I dont even know where to begin!

From: (b) (6), (b) (7)(C)
To: Juarez, Bernadette R - APHIS
Subject: [CAUTION: Suspicious Link]RE:
Date: Monday, April 3, 2017 1:53:59 PM

PROCEED WITH CAUTION: This message triggered warnings of **potentially** malicious web content. Evaluate this email by considering whether you are expecting the message, along with inspection for suspicious links.

Questions: Spam.Abuse@wdc.usda.gov

Also here is a link showing multiple baby animals being held and there is a video at the bottom of the bear and the caretaker telling the vistor they feed them crackers because the bear isnt old enough to eat solids https://m.facebook.com/story.php?story_fbid=1020921156346908 3&id=1320836117

On Apr 3, 2017 12:31 PM, (b) (6), (b) (7)(C) wrote:
Thank you so much!! Ill let everyone know I have over 20 people trying to help me contact someone. You have made our day! I appreciate it very much!

On Apr 3, 2017 12:23 PM, "Juarez, Bernadette R - APHIS" <Bernadette.R.Juarez@aphis.usda.gov> wrote:

Thanks. We will treat this as a public complaint involving animal welfare.

Bernadette

From: (b) (6), (b) (7)(C)
Sent: Monday, April 3, 2017 2:15 PM
To: Juarez, Bernadette R - APHIS <Bernadette.R.Juarez@aphis.usda.gov>
Subject:

i live in northern California there is a hidden sanctuary for wildlife here i seen today that is exploiting animals for money. I BELIEVE one of the deer was dead. There is every type of wild cat species there in 6x6 cages no food or water in the sun barely breathing or moving. They are charging people $80 to take pictures with baby animals as they cry and scream. I left crying many people upset with the conditions these cats are in. Huge 1000lb white tiger on its back with kids toys all around no wear to move. And rabbit shavings and mud as padding. Please i need help reporting this place. The animals are dying in this 1000sq ft house on property hidden in the northern California hills. The address there is

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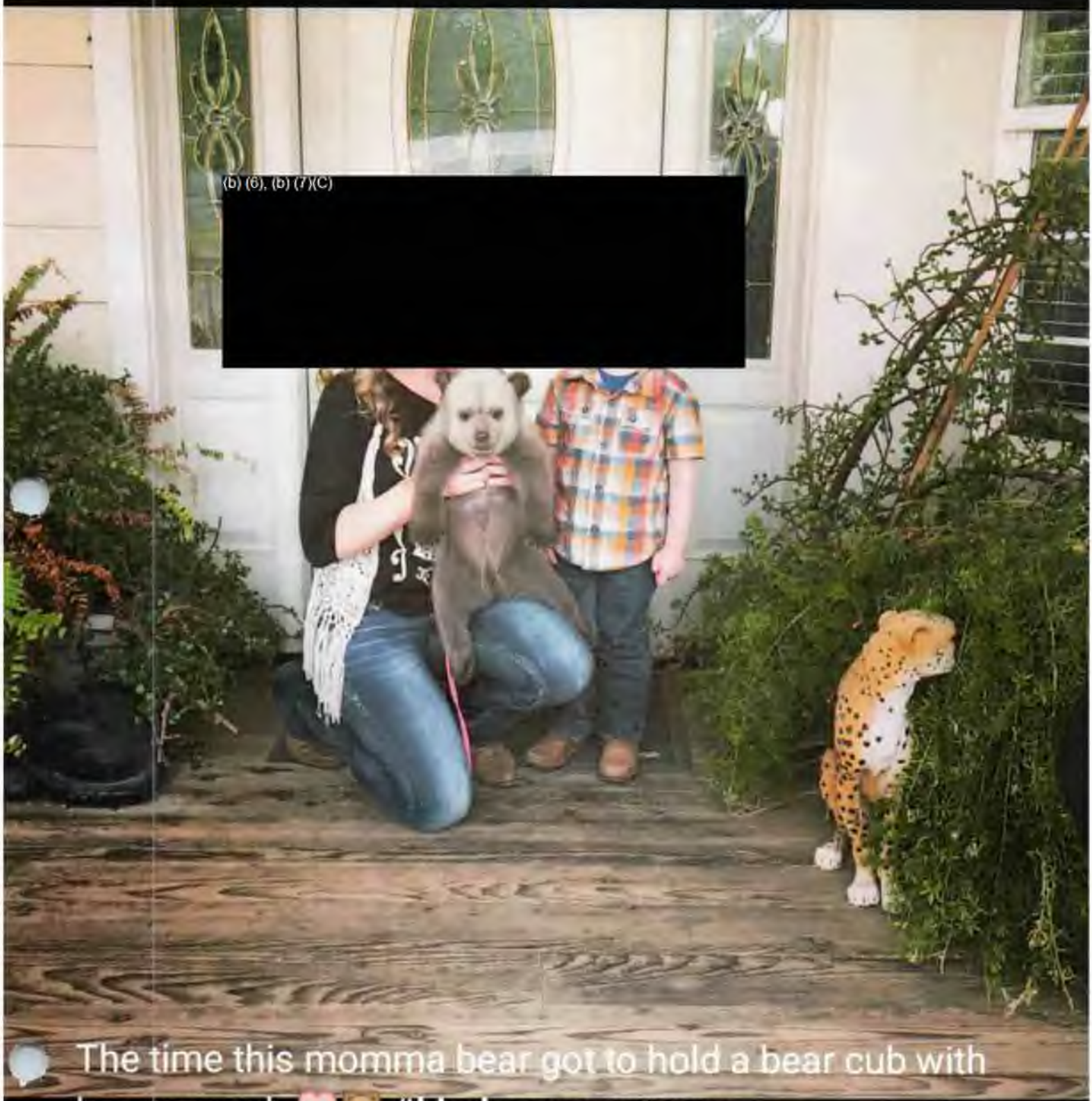
begin!

This electronic message contains information generated by the USDA solely for the intended recipients. Any unauthorized interception of this message or the use or disclosure of the information it contains may violate the law and subject the violator to civil or criminal penalties. If you believe you have received this message in error, please notify the sender and delete the email immediately.

[redacted]



The time this momma bear got to hold a bear cub with her man cub 🤍🐻 **#kirshnersanctuary #babyeuropeanbrownbear #cub #mymancub #mybearcub #worthit #weekend #adv**... See more

USDA

USDA-APHIS-Animal Care

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ANIMAL WELFARE COMPLAINT

Complaint No.	Date Entered:	Processed By:
AC18-125	28-Dec-17	ERF

Referred To:	Reply Due:
Smith / Garland	27-Jan-18

Facility or Person Complaint Filed Against

Name:	Customer No.:	License No.:
Roberta A. Kirshner	3769	93-C-0504

Address:	Email Address:
P.O. Box 841	admin@kirshner.org

City:	State:	Phone No.:
Durham	CA	(530) 520-9437

Complainant Information

Name:	Organization:
[redacted] (b) (6), (b) (7)(C)	PETA

Address:	Email Address:
501 Front Street	[redacted] (b) (6), (b) (7)(C)

City:	State:	Phone No.:
Norfolk	VA	[redacted] (b) (6), (b) (7)(C)

How was the Complaint received?
Email

Details of Complaint:
SEE ATTACHED

Results:
Facility was inspected on 1/9/18.
1.) Complaint stated: Inadequate enclosures, too small, lack of climbing structures and pools. Findings: All enclosures meet AWA regulation requirements. Big cat enclosures are approximately 400 sq ft. More space would be beneficial to the animals, but is not required under AWA regulations. Animals are able to make social and postural adjustments. At minimum animals are able to perch on den boxes. Some have additional climbing structures. Some pools are provided.
2.) Complaint stated: Stereotypical behavior – pacing – indicative of distress. Findings: Pacing was only observed intermittently, in response to the approach of a keeper, etc. Indications of distress not noted.
3.) Complaint stated: Obese animals / poor muscle mass. Findings: Several animals are overweight. This has been an intermittent issues, and has been successfully addressed in the past. Licensee indicated that animals will be on restricted diet, and exercise will be encouraged. No wasted animals observed.
4.) Complaint stated: Macaw w feather loss. Findings: Macaws were observed. No problems w feather loss were seen.
5.) Complaint stated: Employee banging on cage, and yelling at lemur. Findings: Video was reviewed, and various Animal Care reviewers did not interpret the lemur's behavoir as indicative of stress. The employee seemed stressed, and further training of this employee was encouraged. No problems were noted at the time of inspection.

6.) Complaint stated: Photo-shoot lion cub appears excessively tired or sedated. Findings: Cub was examined. Cub is now too old / too big for photo shoots, but was found to have a very mellow, relaxed disposition. Licensee and attending veterinarian were questioned about sedation, and there was no evidence that this occurred.	
Application Kit Provided: Yes: ☐ No: ☒	
Inspector: Dr. Pamela L Smith, VMO, accompanied by Big Cat Specialist Dr. Laurie Gage	Date: 17-Jan-18
Reviewed By: KATHLEEN GARLAND Digitally signed by KATHLEEN GARLAND Date: 2018.02.07 13:25:25 -08'00'	Date: 7-Feb-18

USDA

United States Department of Agriculture

Animal and Plant Health Inspection Service

Animal Care

December 28, 2017

(b) (6), (b) (7)(C) - PETA
501 Front Street
Norfolk VA, 23510

Dear Complainant:

Thank you for your correspondence dated 12/21/2017 concerning Roberta A. Kirshner . Your concern has been issued number AC18-125. **If you wish to know the results of our findings, you must send a request, in writing, to our Freedom of Information Act office. Depending on the circumstances of the situation, please allow us enough time (30 to 60 days) to thoroughly look into your concerns.**

FOIA requests can be submitted three ways--

1. **Web Request Form: https://efoia-pal.usda.gov/App/Home.aspx**
2. **Fax: 301-734-5941**
3. **US Mail: USDA, APHIS, FOIA**
   4700 River Road, Unit 50
   Riverdale, MD 20737

Should you have any questions regarding the APHIS FOIA process or need assistance using the Web Request Form please contact APHIS FOIA at 301-851-4102

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Please be assured that we will look into your concerns and take appropriate action if necessary.

Thank you for your interest in the welfare of these animals.

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

Craig Nowakowski
Director of Program Support
USDA APHIS Animal Care

From:	(b) (6), (b) (7)(C) [redacted]
To:	AC West
Cc:	Gage, Laurie J - APHIS; Maginnis, Gwendalyn M - APHIS
Subject:	Request to investigate Barry R. Kirshner Wildlife Foundation, Lic. No. 93-C-0504
Date:	Thursday, December 21, 2017 8:09:11 AM
Attachments:	2017-12-21_Request to Investigate Kirshner Wildlife Foundation_93-C-0504.pdf 2017-12-21_Photosheet for USDA_Kirshner Wildlife Foundation.pdf

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Dear AC West,

Please see the attached correspondence, sent on behalf of PETA, requesting an inspection of Barry R. Kirshner Wildlife Foundation (license number 93-C-0504). Thank you for your timely attention to this matter. Please inform me of the complaint number your agency assigns to this correspondence.

Regards,

(b) (6), (b) (7)(C) [redacted]
Wildlife Specialist
Captive Animal Law Enforcement
PETA Foundation
757-409-1182

PEOPLE FOR
THE ETHICAL
TREATMENT
OF ANIMALS
FOUNDATION

Washington, D.C.
1536 16th St. N.W.
Washington, DC 20036
202-483-PETA

Los Angeles
2154 W. Sunset Blvd.
Los Angeles, CA 90026
323-644-PETA

Norfolk
501 Front St.
Norfolk, VA 23510
757-622-PETA

Berkeley
2855 Telegraph Ave.
Ste. 301
Berkeley, CA 94705
510-763-PETA

December 21, 2017

USDA/APHIS/Animal Care
Western Region

Via e-mail: acwest@aphis.usda.gov

Re: Request for Investigation of Apparent Animal Welfare Act Violations at Barry R. Kirshner Wildlife Foundation (License No. 93-C-0504)

Dear AC West:

I am writing on behalf of PETA to request that the U.S. Department of Agriculture investigate Roberta A. Kirshner, dba "Barry R. Kirshner Wildlife Foundation" (license number 93-C-0504), for the following apparent Animal Welfare Act (AWA) violations, detailed in the attached appendix, which were documented by concerned citizens on November 1 and December 7, and by a member of the public who posted a photo on Facebook on December 17:

- On both days, several animals were confined to inadequate enclosures and exhibited apparent stereotypical pacing behavior, likely indicating psychological distress. (*See* Video 1, Video 2, Video 3, Video 4, and Video 5, taken on November 1, and Video 6, Video 7, Video 8, Video 9, Video 10, Video 11, Video 12, Video 13, and Video 14, taken on December 7.) Many of these animals were obese and had poor muscle mass. (*See* Video 10, Video 11, Video 14, and Photo 1.)
- A macaw had feather loss, a sign of psychological distress or health problems. (*See* Photo 2.)
- An employee was observed banging on a cage with a broom and yelling at a ring-tailed lemur while inside an enclosure with this animal, who appeared distressed. (*See* Video 15.)
- A lion cub, while being handled by a member of the public, appears excessively tired or possibly sedated in a photo recently posted to Facebook. (*See* Photo 3.)

Please ensure that all animals at Barry R. Kirshner Wildlife Foundation are being [redacted] are, space, shelter, food, and water and are [redacted] th the AWA. Please also hold Roberta A. [redacted] nd all violations that you discover during your [redacted]

[redacted] portant matter. Please inform me of the complaint number that your agency assigns to this correspondence.

PETA FOUNDATION IS AN OPERATING NAME OF FOUNDATION TO SUPPORT ANIMAL PROTECTION.

AFFILIATES:
- PETA U.S.
- PETA Asia
- PETA India
- PETA France
- PETA Australia
- PETA Germany
- PETA Netherlands
- PETA Foundation (U.K.)

Very truly yours,

(b) (6), (b) (7)(C) [redacted]

Wildlife Specialist, Captive Animal Law Enforcement

(b) (6), (b) (7)(C) [redacted]

cc: Laurie Gage, D.V.M., Big Cat and Marine Mammal Specialist
(laurie.j.gage@aphis.usda.gov)
Gwendalyn Maginnis, D.V.M., Nonhuman Primate Specialist
(gwendalyn.m.maginnis@aphis.usda.gov)

Appendix

a. Several Animals Exhibited Apparent Stereotypical Pacing Behavior

Witnesses on November 1 and December 7 observed and documented that many animals, confined to small cages, were pacing. These included lions, tigers, ligers, cougars, a leopard, a clouded leopard, a serval, a bobcat, and coyotes. (*See* Video 1, Video 2, Video 3, Video 4, and Video 5, taken on November 1, and Video 6, Video 7, Video 8, Video 9, Video 10, Video 11, Video 12, Video 13, and Video 14, taken on December 7.) This type of pacing is an abnormal behavior likely caused by a lack of sensory stimulation and suggests poor welfare and suffering.[1] Wild felids and canids are naturally far-ranging animals, and their stereotypic pacing—an "abnormal behavior pattern"—is a sign of distress. Research has shown that captive animals who would normally travel vast distances in the wild over large natural home ranges are more likely to develop abnormal stereotypic behavior because of stress and deprivation.[2]

The abnormal pacing exhibited by numerous animals on two different days suggests that Roberta Kirshner is exhibiting these animals in violation of 9 C.F.R. § 2.131(b)(1) and (d)(1), which provide that animals may only be exhibited "in a manner that does not cause … behavioral stress … or unnecessary discomfort" and "under conditions consistent with their good health and well-being." Moreover, these animals are held in enclosures that do not provide sufficient space to engage in species-typical behavior, in apparent violation of 9 C.F.R. § 3.128, which requires that "[e]nclosures shall be constructed and maintained so as to provide sufficient space to allow each animal to make normal postural and social adjustments with adequate freedom of movement. Inadequate space may be indicated by evidence of malnutrition, poor condition, debility, stress, or abnormal behavior patterns."

Many of the small cages also lack climbing structures and pools, which are necessary for the animals to engage in species-specific behavior that helps to reduce abnormal behavior. All the cages confining the cats lacked complexity and had limited platforms, climbing structures, and vertical space necessary for these species to retreat, rest, and observe their surroundings. Recognizing the potential risks inherent in confining big cats to inadequate spaces, a May 6, 2011, USDA inspection report on Kirby Van Burch stated that "[b]ig cats must be provided with appropriate resting platforms that allow them to make species appropriate movements and postures for the sake of their well-being."[3] Species such as leopards, clouded leopards, and other wild cats are naturally arboreal and require vertical space to engage in the normal postural behavior of climbing to rest and avoid disturbances.[4,5]

In addition to assisting with thermoregulation, the presence of a pool with clean water has been shown to enhance significantly the welfare of tigers and leopards in captivity, who would naturally

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[1]*See* G.J. Mason, "Stereotypies and suffering," *Behavioural Processes* 25 (1991): 103–04; R.R. Swaisgood and D.J. Shepherdson, "Scientific approaches to enrichment and stereotypies in zoo animals: what's been done and where should we go next?" *Zoo Biology* 24 (2005): 499–518.

[2]*See* R. Clubb and G. J. Mason, "Natural behavioural biology as a risk factor in carnivore welfare: how analysing species differences could help zoos improve enclosures," *Applied Animal Behaviour Science* 102.3 (2007): 303–328.

[3]*See* USDA Inspection Report of Kirby Van Burch, license number 43-C-0320, May 6, 2011.

[4]*See* J. Vaz, *et al.*, "Prevalence and determinants of stereotypic behaviours and physiological stress among tigers and leopards in Indian zoos," *PLoS One* 12.4 (2017): e0174711.

[5]*See* Wielebnowski, Nadja C., *et al.*, "Noninvasive assessment of adrenal activity associated with husbandry and behavioral factors in the North American clouded leopard population," *Zoo Biology* 21.1 (2002): 77–98.

enter water ponds in the wild.[6,7] Recent USDA Inspection Reports of Wilson's Wild Animal Park stated that "[t]igers often engage in running, climbing, jumping and water play. They should be housed in an enclosure with adequate space and structures that allow them to engage in natural behaviors. The current enclosure must be modified or husbandry practices adjusted in a manner that will allow the tigers to jump, climb, run and water play to improve their overall well-being."[8]

Moreover, many of the animals observed pacing were also obese and had poor muscle mass, likely because of the inadequate size and complexity of enclosures that fail to allow these animals to engage in normal postural behavior, such as climbing, jumping, running, and water play. (*See* Video 10, Video 11, Video 14, and Photo 1.) Please inspect all these animals, as well as their veterinary records, and ensure that they have been evaluated by a veterinarian pursuant to 9 C.F.R. § 2.40, including provision (b)(2), which requires "[t]he use of appropriate methods to *prevent*, control, diagnose, and treat diseases and injuries" [*emphasis added*].

Not only do health concerns related to abnormal pacing require veterinary evaluation, the pacing itself may also indicate the need for medical treatment and management. An October 12, 2016, a USDA inspection report regarding Deer Haven Mini Zoo cited the facility for failing to provide three pacing animals, including a bear, a bobcat, and a coatimundi, with adequate veterinary care. The inspector stated that "[a]bnormal behavior patterns can be indicative of physical or psychological issues that may require medical treatment or habitat/husbandry modification, and must be evaluated promptly by the attending veterinarian in order to receive appropriate treatment and management."[9]

b. A Macaw Had Feather Loss, a Sign of Psychological Distress or Health Problems

On November 1, a witness observed and documented that a macaw had feather loss on the abdomen and legs.[10] (*See* Photo 2.) Feather loss could be indicative of parasites, skin infection, nutritional imbalance, or systemic disease and can have implications for birds' physical health, as the increased metabolic demands for feather replacement make animals susceptible to disease and decrease their ability to thermoregulate.[11] Alternatively, feather loss can result from overplucking, which is a sign of psychological distress if self-inflicted, or a sign of incompatibility if caused by pecking from a conspecific.

Please inspect this animal, as well as the relevant veterinary records, and ensure that she or he is receiving adequate care and treatment pursuant to 9 C.F.R. § 2.40. Feather plucking is an abnormal behavior pattern and may indicate psychological distress, in apparent violation of 9 C.F.R. § 3.128. Please also ensure that the macaws are handled in accordance with § 2.131(b)(1) and (d)(1) and that they're not being housed incompatibly in violation of 9 C.F.R. § 3.133, which requires that

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[6]*See* Biolatti, Cristina, *et al.*, "Behavioural analysis of captive tigers (*Panthera tigris*): A water pool makes the difference," *Applied Animal Behaviour Science* 174 (2016): 173–180.

[7]*See* Vaz, Janice, *et al.*, "Prevalence and determinants of stereotypic behaviours and physiological stress among tigers and leopards in Indian zoos," *PloS One* 12.4 (2017): e0174711.

[8]*See* USDA Inspection Reports, Wilson's Wild Animal Park, license number 52-C-0038, September 18, 2017, and July 19, 2017.

[9]*See* USDA Inspection Report, Deer Haven Mini Zoo, license number 55-C-0111, October 12, 2016.

[10]Although the USDA has not yet developed specific standards for birds, these warm-blooded animals are covered by the plain language of the AWA (*see* 7 U.S.C. § 2132(g); *see also* 9 C.F.R. § 1.1) and AWA regulations, including the general AWA standards set forth in subpart F, 9 C.F.R. §§ 3.125–142.

[11]*See* W.J. Rosskopf and R.W. Woerpel, "Feather picking and therapy of skin and feather disorders." *Diseases of cage and aviary birds*, 397–405 (1996).

"[a]nimals housed in the same primary enclosure must be compatible. Animals shall not be housed near animals [who] interfere with their health or cause them discomfort."

c. An Employee Caused the Ring-Tailed Lemurs Distress

On December 7, a witness observed and documented that an employee was in a cage with ring-tailed lemurs who appeared to be distressed. (*See* Video 15.) One lemur was vocalizing and jumping around the cage toward the employee, who was yelling at the animal and banging on the cage with a broom. The lemur's apparent distress and aggressive behavior toward the employee suggest that Roberta Kirshner is exhibiting the lemurs in violation of 9 C.F.R. § 2.131(b)(1) and (d)(1).

The employee's behavior, suggests that she is not adequately trained or supervised as required by 9 C.F.R. § 3.85, which provides that "employees who provide husbandry practices and care, or handle nonhuman primates, must be trained and supervised by an individual who has the knowledge, background, and experience in proper husbandry and care of nonhuman primates to supervise others. The employer must be certain that the supervisor can perform to these standards."

Properly trained and knowledgeable employees could have alleviated the stress of this lemur, which appears to be caused by the presence of humans, in a variety of ways. Ideally, Ms. Kirshner would add a lock out area so the staff does not have to go into the cage with the lemurs in the first place, but even without structural changes, the situation could have been remedied with better trained or additional staffing. For instance, as soon as the employee puts down a bowl at 0:48, the lemur is immediately occupied at the bowl, which is filled with what appears to be food. A properly trained employee would have given the food immediately upon entering the cage to occupy the lemur without causing distress while the employee cleaned the cage. Additional methods of enrichment, including foraging opportunities or positive reinforcement training could also help alleviate the lemur's unnecessary distress.

d. Apparent Excessive Public Handling of a Lion Cub

A recent photo posted to Facebook shows a lion cub who appears to be asleep or sedated while being held by a member of the public. (*See* Photo 3.) In the photo, the lion's eyes are closed and the tongue is sticking out. Wildlife veterinarian Christine Capaldo, opined that the lion's tongue hanging out could indicate that the lion is excessively tired or exhausted, or possibly sedated, and that the excessive handling could cause stress and compromise the immune system, increasing susceptibility to disease.

It appears that Ms. Kirshner may be compromising this lion's health due to excessive public handling and/or sedating the animal for photo ops, which appears to violate 9 C.F.R. § 2.131(c)(3), which requires that "[y]oung or immature animals shall not be exposed to rough or excessive public handling or exhibited for periods of time which would be detrimental to their health or well-being," and *id.* § 2.131(c)(1) which requires that "[d]uring public exhibition, any animal must be handled so there is minimal risk of harm to the animal and to the public." Please also ensure that this cub, and all cubs handled by the pubic, are handled in accordance with § 2.131(b)(1) and (d)(1), and that they are receiving adequate veterinary care and treatment pursuant to *id.* § 2.40.

Roberta A. Kirshner, dba "Barry R. Kirshner Wildlife Foundation"
License No. 93-C-0504
Durham, CA

Photo 1: An obese caracal (December 7, 2017)

Photo 2: A macaw with feather loss on the abdomen and legs (November 1, 2017)

Photo 3: A lion cub, who appears exhausted or sedated while being handled by the public (posted on Facebook on December 17, 2017)

USDA

USDA-APHIS-Animal Care

Animal Care

ANIMAL WELFARE COMPLAINT

Complaint No.	Date Entered:	Processed By:
AC18-216	30-Jan-18	LBA

Referred To:	Reply Due:
GARLAND/ SMITH	1-Mar-18

Facility or Person Complaint Filed Against

Name:	Customer No.:	License No.:
ROBERTA A KIRSHNER	3769	93-C-0504

Address:	Email Address:
4995 DURHAM-PENTZ RD	

City:	State:	Phone No.:
OROVILLE	CA	530-520-9437

Complainant Information

Name:	Organization:
[redacted]	

Address:	Email Address:
	[redacted]

City:	State:	Phone No.:

How was the Complaint received?
Email

Details of Complaint:
SEE ATTACHED

Results:
This facility has been inspected by USDA / APHIS / Animal Care approximately every three months over the last couple years, with the most recent inspection occurring on 1/9/18. Unfortunately the Animal Welfare Act (AWA) regulations do not have specific space requirements for these species, but rather states only "so as to provide sufficient space to allow each animal to make normal postural and social adjustments with adequate freedom of movement." Whereas not ideal, we have not found the enclosures to be out of compliance with AWA regulations. On many visits the animals were found to be playful, or relaxed, and not exhibiting pacing behavior. We have observed that pacing increases in response to the presence of keepers, and feeding times. We have noted that the licensee has made an effort to socially house animals when they are compatible. The AWA regulations state only, for these species, that animals housed together must be compatible. USDA / APHIS / Animal Care will continue to monitor the well-being of the animals at this facility.

Application Kit Provided:
Yes: ☐ No: ☒

Inspector:	Date:
Dr. Pamela L. Smith, Veterinary Medical Officer	5-Feb-18
Reviewed By:	Date: 7-Feb-18

USDA

United States Department of Agriculture

February 2, 2018

Animal and Plant Health Inspection Service

Animal Care

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

Dear Complainant:

Thank you for your correspondence dated 1/9/2018 concerning KIRSHNER RESCUE. Your concern has been issued number AC18-216. **If you wish to know the results of our findings, you must send a request, in writing, to our Freedom of Information Act office. Depending on the circumstances of the situation, please allow us enough time (30 to 60 days) to thoroughly look into your concerns.**

FOIA requests can be submitted three ways--

1. **Web Request Form: https://efoia-pal.usda.gov/App/Home.aspx**
2. **Fax: 301-734-5941**
3. **US Mail: USDA, APHIS, FOIA**
   4700 River Road, Unit 50
   Riverdale, MD 20737

Should you have any questions regarding the APHIS FOIA process or need assistance using the Web Request Form please contact APHIS FOIA at 301-851-4102

Animal Care is the division of the U.S. Department of Agriculture (USDA) that is responsible for the enforcement of the Animal Welfare Act. The Act provides minimum standards for the humane care and use of animals at USDA licensed or registered facilities.

Animal Care inspectors conduct routine unannounced inspections at all USDA licensed and registered facilities to ensure that they are meeting or exceeding these minimum standards. Our inspectors also conduct searches for unlicensed facilities conducting regulated activities. We perform inspections and searches when necessary in response to valid concerns and complaints received from the public to ensure the well-being of the animals and compliance with the law. If violations are found, enforcement action appropriate for the circumstances will be initiated.

Please be assured that we will look into your concerns and take appropriate action if necessary.

Thank you for your interest in the welfare of these animals.

Sincerely,

Craig Nowakowski
Director of Program Support
USDA APHIS Animal Care

From: AC West
To: Atkinson, Lauren B - APHIS
Subject: FW: Help please
Date: Wednesday, January 24, 2018 10:28:04 AM
Attachments: image001.png

#3769

Sincerely,

Fort Collins: 2150 Centre Ave., Building B, 3W11, Fort Collins CO, 80526
Phone: 970-494-7478 Email: ACWest@aphis.usda.gov

Raleigh: 920 Main Campus Drive, Suite 200, Raleigh, NC 27606
Phone: 919-855-7100 Email: ACEast@aphis.uda.gov

Join the Animal Care Stakeholder Registry and receive emails on topics of interest

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From: (b) (6), (b) (7)(C), (b) (7)(D)
Sent: Tuesday, January 9, 2018 2:51 PM
To: AC West <acwest@aphis.usda.gov>
Subject: Help please

I went to Kirshner Rescue in Oroville California the other day and was horrified by the facility. (b) (6), (b) (7)(C), (b) (7)(D)

Don't know who to contact about them, can you do anything, or send my email on to someone who might?

Thank you

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

From: (b) (6), (b) (7)(C), (b) (7)(D)
Sent: (b) (6), (b) (7)(C), (b) (7)(D)
To: admin@kirshner.org
Subject: (b) (6)

I recently visited your rescue, and have been is despair ever since. I am grateful that these animals have been removed from their past and placed in a safe environment, however "just living" can be a different kind of torture for these animals.

I have worked with shelter animals for 45+ years, and I know that just getting an animal home is not the answer, getting an animal the RIGHT home should be the goal. Adopting a dog to a home to be left alone in the backyard without attention for years, I think, is worse than a quick painless Euthanasia.

I assume that you started and run your sanctuary from your heart,, However animal hoarders are the first to tell you that that they do what they do because they "love" animals. Good intentions and love, although necessary, is not enough.

You have large majestic lions and tigers in

extremely too small of cages. All of you cats pace. Desperately pace. They repetitively pace. The psychological expression of boredom and broken spirits. An obvious example are circus elephants with their leg chains, rocking and pacing. Your docent said that the cats are pacing their cage to measure their boundaries? Not true, they are so tightly wound from lack of exercise, pent up nervous energy, and extreme boredom, they are about to explode. I think that the smallness of their cages are mental torment for these animals. The lack of stimulation is torment for these animals. The isolation is torment for many of these animals. Example, you have two coyotes in separate cages?? Your docent said you don't put them together because they would bond so tightly that when one died the other would then die of grief. IF that is your true reason, I think it better to live happily with comfort,

companionship, and love for your entire lifetime, and then have the last one grieve to death. They are both going to die anyway. Why make them suffer with loneliness and boredom for years until they do?
Most of your cages only have the front exposed, they can't see out of the other three walls, can't even see the other neighboring animals. And you have only one bear?? There's another bear somewhere that needs rescue, that you could bring in to be your lonely bears true companion. And same story for several of your other single breeds. Living in a tiny cell in isolation, is how we punish our worst criminals. It is also how you punish your rescues.

Go to P.A.W.S.,, look at how rescued (big) animals <u>should be</u> housed. Go to Harvest Home and Animal Place, sanctuaries that understand that happiness and enrichment is

essential for the animals they choose to be responsible for.

For all beings on earth, it is not about how long you live, it is about how WELL YOU LIVE.

You took the first step by rescuing these animals that are in your care, I'm asking you now to do the right thing and to provide them with QUALITY of LIFE. Give them space and give them companionship and give them stimulation, otherwise you are just another poorly run zoo, or roadside attraction.

Peace and Blessings

USDA

USDA-APHIS-Animal Care

Animal Care

ANIMAL WELFARE COMPLAINT

Complaint No.	Date Entered:	Processed By:
AC18-238	21-Feb-18	ERF

Referred To:	Reply Due:
Smith / Garland	23-Mar-18

Facility or Person Complaint Filed Against

Name:	Customer No.:	License No.:
Roberta A Kirshner	3769	93-C-0504

Address:	Email Address:
P.O. BOX 841	admin@kirshner.org

City:	State:	Phone No.:
Durham	CA	(530) 520-9437

Complainant Information

Name:	Organization:
(b) (6), (b) (7)(C) [redacted]	PETA

Address:	Email Address:
501 Front Street	(b) (6) @petaf.org

City:	State:	Phone No.:
Norfolk	VA	(757) 409-1182 or (757) 622-PETA

How was the Complaint received?
Email

Details of Complaint:
SEE ATTACHED

Results:
This facility has been inspected by USDA / APHIS / Animal Care approximately every three months over the last couple years. The facility was visited again on 3/14/18, with the following findings:
Claim - Inadequate enclosures and stereotypical behavior: Unfortunately the Animal Welfare Act (AWA) regulations do not have specific space requirements for these species, but rather states only "so as to provide sufficient space to allow each animal to make normal postural and social adjustments with adequate freedom of movement." Whereas not ideal, we have not found the enclosures to be out of compliance with AWA regulations. On many visits the animals were found to be playful, or relaxed, and not exhibiting pacing behavior. We have observed that pacing increases in response to the presence of keepers, and feeding times. We have noted that the licensee has made an effort to socially house animals when they are compatible. The AWA regulations state only, for these species, that animals housed together must be compatible.
Claim - Deer with hair loss and red irritated skin near the right shoulder was in need of medical evaluation: The deer has received care, and the skin was intact and did not appear irritated.
Claim - A lion who was reportedly diagnosed with a genetic disease may instead have a nutritional deficiency: This lion, "Samson", is currently under adequate care and receiving an adequate diet. USDA / APHIS / Animal Care will continue to monitor the well-being of the animals at this facility.
Claim - Insufficient barriers for wallaby: The wallabies had suffucient barriers at the time of inspection.

Application Kit Provided:
Yes: ☐ No: ☒

Inspector: Dr. Pamela L. Smith, Veterinary Medical Officer	Date: 22-Mar-18
Reviewed By:	Date: 2-Apr-18

USDA

United States Department of Agriculture

February 21, 2018

Animal and Plant Health Inspection Service

Animal Care

(b) (6), (b) (7)(C) PETA
501 Front Street
Norfolk VA, 23510

Dear Complainant:

Thank you for your correspondence dated 2/1/2018 concerning Roberta A Kirshner. Your concern has been issued number AC18-238. **If you wish to know the results of our findings, you must send a request, in writing, to our Freedom of Information Act office. Depending on the circumstances of the situation, please allow us enough time (30 to 60 days) to thoroughly look into your concerns.**

FOIA requests can be submitted three ways--

1. **Web Request Form: https://efoia-pal.usda.gov/App/Home.aspx**
2. **Fax: 301-734-5941**
3. **US Mail: USDA, APHIS, FOIA**
   4700 River Road, Unit 50
   Riverdale, MD 20737

Should you have any questions regarding the APHIS FOIA process or need assistance using the Web Request Form please contact APHIS FOIA at 301-851-4102

Animal Care is the division of the U.S. Department of Agriculture (USDA) that is responsible for the enforcement of the Animal Welfare Act. The Act provides minimum standards for the humane care and use of animals at USDA licensed or registered facilities.

Animal Care inspectors conduct routine unannounced inspections at all USDA licensed and registered facilities to ensure that they are meeting or exceeding these minimum standards. Our inspectors also conduct searches for unlicensed facilities conducting regulated activities. We perform inspections and searches when necessary in response to valid concerns and complaints received from the public to ensure the well-being of the animals and compliance with the law. If violations are found, enforcement action appropriate for the circumstances will be initiated.

Please be assured that we will look into your concerns and take appropriate action if necessary.

Thank you for your interest in the welfare of these animals.

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

Sincere

Craig Nowakowski
Director of Program Support
USDA APHIS Animal Care

From:	(b) (6), (b) (7)(C) [redacted]
To:	AC West
Cc:	Gage, Laurie J - APHIS; Petervary, Nicolette - APHIS; D"Ambrosio, Andrea - APHIS
Subject:	Request to investigate Barry R. Kirshner Wildlife Foundation, Lic. No. 93-C-0504
Date:	Thursday, February 1, 2018 8:50:37 AM
Attachments:	2018-02-01_Request to Investigate Barry R. Kirshner Wildlife Foundation_93-C-0504.pdf 2018-02-01_Photosheet for USDA_Barry R. Kirshner Wildlife Foundation.pdf

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Dear AC West,

Please see the attached correspondence, sent on behalf of PETA, requesting an inspection of Roberta A. Kirshner, dba the "Barry R. Kirshner Wildlife Foundation" (license number 93-C-0504). Thank you for your timely attention to this matter. Please inform me of the complaint number your agency assigns to this correspondence.

Regards,

(b) (6), (b) (7)(C) [redacted]
Wildlife Specialist
Captive Animal Law Enforcement
PETA Foundation
757-409-1182

PETA FOUNDATION

PEOPLE FOR THE ETHICAL TREATMENT OF ANIMALS FOUNDATION

Washington, D.C.
1536 16th St. N.W.
Washington, DC 20036
202-483-PETA

Los Angeles
2154 W. Sunset Blvd.
Los Angeles, CA 90026
323-644-PETA

Norfolk
501 Front St.
Norfolk, VA 23510
757-622-PETA

Berkeley
2855 Telegraph Ave.
Ste. 301
Berkeley, CA 94705
510-763-PETA

February 1, 2018

USDA/APHIS/Animal Care
Western Region

Via e-mail: acwest@aphis.usda.gov

Re: Request for Investigation of Apparent Animal Welfare Act Violations at the Barry R. Kirshner Wildlife Foundation (License No. 93-C-0504)

Dear AC West:

I am writing on behalf of PETA to request that the U.S. Department of Agriculture investigate Roberta A. Kirshner, dba the "Barry R. Kirshner Wildlife Foundation" (license number 93-C-0504), for the following apparent Animal Welfare Act (AWA) violations, detailed in the attached appendix, which were documented by a concerned citizen on January 21:

- A deer with hair loss and red irritated skin near the right shoulder was in need of medical evaluation. (*See* Photos 1 and 2.)
- A lion who was reportedly diagnosed with a genetic disease may instead have a nutritional deficiency.
- Several animals were confined to inadequate enclosures and exhibited apparent stereotypical behavior, including pacing, head-rolling, and repetitive pawing at the cage, likely indicating psychological distress. (*See* Video 1, Video 2, Video 3, Video 4, Video 5, Video 6, Video 7, and Video 8.)
- There were insufficient barriers between the public and a wallaby (*See* Photos 3 and 4.)

Please ensure that all animals at the Barry R. Kirshner Wildlife Foundation are being provided with adequate veterinary care, space, shelter, food, and water and are otherwise handled in accordance with the AWA. Please also hold Roberta A. Kirshner fully accountable for any and all violations that you discover during your inspection.

Thank you for your attention to this important matter. Please inform me of the complaint number that your agency assigns to this correspondence.

Very truly yours,

(b) (6), (b) (7)(C)
[redacted]

Wildlife Specialist, Captive Animal Law Enforcement
(b) (6), (b) (7)(C)
[redacted]

cc: Laurie Gage, D.V.M., Big Cat and Marine Mammal Specialist (laurie.j.gage@aphis.usda.gov)
Nicolette Petervary, V.M.D., Regional Animal Care Specialist, USDA/APHIS/AC (nicolette.petervary@aphis.usda.gov)
Andrea D'Ambrosio, Animal Care Inspector, USDA/APHIS/AC (andrea.d'ambrosio@aphis.usda.gov)

PETA FOUNDATION IS AN OPERATING NAME OF FOUNDATION TO SUPPORT ANIMAL PROTECTION

AFFILIATES
- PETA U.S.
- PETA Asia
- PETA India
- PETA France
- PETA Australia
- PETA Germany
- PETA Netherlands
- PETA Foundation (U.K.)

Appendix

a. A Deer Had Red Irritated Skin and Hair Loss

A witness observed and documented that a deer had red irritated skin and possible hair loss near the right shoulder. (*See* Photos 1 and 2.) Wildlife veterinarian Christina Capaldo opined that the irritated skin could be caused by a wound, ectoparasites, a bacterial or fungal infection, or allergies and should be evaluated by a veterinarian.

Please inspect this deer, as well as the relevant veterinary records, and ensure that he or she is receiving adequate veterinary care pursuant to 9 C.F.R. § 2.40.

b. A Lion Was Possibly Misdiagnosed and Potentially Suffering From a Nutritional Deficiency

The facility currently houses a lion named Samson, who, according to its website, was diagnosed with osteogenesis imperfecta (OI), or brittle-bone disease. The website also claims that his condition is similar to human OI, which is caused by a genetic mutation. As evidenced by this Facebook post, people with OI often visit Samson for this reason.

According to wildlife veterinarians Heather Rally and Christine Capaldo, while an OI-like syndrome in cats is recognized, the condition is rare, and the cause is unknown. A genetic mutation has not yet been identified as the cause of this syndrome in cats. Case studies of those diagnosed with an OI-like syndrome have ruled out nutritional deficiencies as a cause.[1] Ruling out nutritional deficiencies is necessary because metabolic bone disease can cause symptoms similar to those of OI, is much more common in cats, and often results in pathologic fractures because of improper diet.[2] Big cats require mineral supplements in addition to a proper diet. Dr. Capaldo noted that nutritional causes of brittle bones, such as metabolic bone disease, can often be diagnosed through diet assessment, bloodwork, and other testing.

There is a history of inappropriate diets and nutritional deficiency issues at the facility, which raises questions about the accuracy of Samson's diagnosis. On April 3, 2014, Kirshner was cited for the condition of two grossly obese felids, failure to provide a veterinary-approved feeding plan by species, and inadequate diets for multiple species that included Cheez-Its, Lunchables, and tandoori chicken burritos.[3] On June 7, 2017, the facility was cited for the condition of a female lion cub named Lucie, who was severely lame and not receiving the correct amount of supplements in her diet. The inspection report stated that "[f]ailure to provide an appropriate diet can lead to serious medical problems for the animals, especially growing cubs, which are susceptible to metabolic bone disease, which can cause lameness and fragile bones."[4]

According to an August 2, 2017, inspection report, Kirshner is now working with a veterinarian to address Lucie's dietary needs, but it's unclear whether other big cats, including Samson, are receiving or have received the appropriate diet and supplementation, including during times of bone growth. On December 12, 2017, PETA alerted the USDA that four animals, including a caracal, a leopard,

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[1] *See* Michelle D. Evason, Susan M. Taylor, and Trevor N. Bebchuk, "Suspect osteogenesis imperfecta in a male kitten." *The Canadian Veterinary Journal* 48.3 (2007): 296–298.

[2] *See* K. Feigin, J. Mayer, and M. Solano, "What is your diagnosis?" *Journal of the American Veterinary Medical Association* 228.12 (June 15, 2006): 1865–1866.

[3] *See* USDA Inspection Report of Roberta A Kirshner, license number 95-C-0504, April 3, 2014.

[4] *See* USDA Inspection Report of Roberta A Kirshner, license number 95-C-0504, June 7, 2017.

and a clouded leopard, appeared to be obese and had poor muscle mass, indicating that the diets for the cats at the facility may continue to be insufficient. (*See* Complaint No. AC18-125.)

Please ensure that Samson is receiving an adequate and balanced diet of "sufficient quantity and nutritive value to maintain [this] animal in good health" as well as an appropriate amount of supplementation as required by 9 C.F.R. § 3.129(a). Please also review his veterinary records to ensure that Kirshner has obtained all necessary bloodwork and other testing to rule out nutritional deficiencies and accurately diagnose his condition, as required by 9 C.F.R. § 2.40.

c. Several Animals Exhibited Apparent Stereotypical Behavior

A witness observed and documented that several animals who were confined to tiny, virtually barren cages were exhibting abnormal behavior. A bear, a Eurasian lynx, a lion, a liger, and two tigers were all oberved pacing. (*See* Video 1, Video 2, Video 3, Video 4, Video 5, and Video 6.) A clouded leopard was pacing and engaged in head-rolling. (*See* Video 7.) The lion cub Lucie was repetitively pawing at the corner of a cage. (*See* Video 8.) Abnormal behavior appears to be the norm at this facility. PETA alerted the USDA on December 21, 2017, that several animals were pacing on two different days, including six on one day and nine on another. (*See* Complaint No. AC18-125.)

Abnormal behavior is likely caused by a lack of sensory stimulation and suggests poor welfare and suffering.[5] Bears and wild felids are naturally far-ranging animals, and their stereotypic pacing—an "abnormal behavior pattern"—is a sign of distress. Research has shown that captive animals who normally travel vast distances in the wild over large natural home ranges are more likely to develop abnormal stereotypic behavior because of stress and deprivation.[6] In addition, abnormal behavior appears to correlate with the extent to which the captive environment restricts natural behavior.[7] All the animals who have been observed exhibiting abnormal behavior here are confined to tiny cages that don't have climbing structures—and few have pools. They don't give the animals sufficient space or complexity to exhibit species-typical behavior, such as running, climbing, and water play, which they have a biological expectation to perform.[8,9,10] The USDA has repeatedly cited numerous facilities for a lack of adequate space and structures that allow animals to engage in natural behavior.[11,12,13,14] The animals at these facilities were exhibiting abnormal behaviors or showing signs

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[5]*See* G.J. Mason, "Stereotypies and suffering," *Behavioural Processes* 25 (1991): 103–04; R.R. Swaisgood and D.J. Shepherdson, "Scientific approaches to enrichment and stereotypies in zoo animals: what's been done and where should we go next?" *Zoo Biology* 24 (2005): 499–518.

[6]*See* R. Clubb and G. J. Mason, "Natural behavioural biology as a risk factor in carnivore welfare: how analysing species differences could help zoos improve enclosures," *Applied Animal Behaviour Science* 102.3 (2007): 303–328.

[7]*See* S.S. Vickery and G.J. Mason, "Behavioral persistence in captive bears: implications for reintroduction," *Ursus* (2003): 35–43.

[8]*Id.*

[9]*See* J. Vaz, *et al.*, "Prevalence and determinants of stereotypic behaviours and physiological stress among tigers and leopards in Indian zoos," *PLoS One* 12.4 (2017): e0174711.

[10]*See* N.C. Wielebnowski, *et al.*, "Noninvasive assessment of adrenal activity associated with husbandry and behavioral factors in the North American clouded leopard population," *Zoo Biology* 21.1 (2002): 77–98.

[11]*See* USDA Inspection Report, Deer Haven Mini Zoo, license number 55-C-0111, October 12, 2016.

[12]*See* USDA Inspection Report, Denver Zoological Foundation, license number 84-C-0002, March 27, 2017.

[13]*See* USDA Inspection Report, Pymatuning Deer Park, license number 23-C-0019, July 20, 2015.

[14]*See* USDA Inspection Reports, Wilson's Wild Animal Park, license number 52-C-0038, September 18, 2017, and July 19, 2017.

of debility. Providing animals with the space and essential furnishings necessary to allow them to engage in species-specific behavior can prevent and help reduce abnormal behavior.[15,16,17,18]

The number of individuals and species exhibiting abnormal behavior and the prevelancet of the behavior at this facility indicate that the conditions in which these animals are confined suggest that Kirshner is exhibiting them in violation of 9 C.F.R. § 2.131(b)(1) and (d)(1), requiring that animals may only be exhibited "in a manner that does not cause … behavioral stress … or unnecessary discomfort" and "under conditions consistent with their good health and well-being." Moreover, these animals are confined to cages that do not provide sufficient space to engage in species-typical behavior, in apparent violation of 9 C.F.R. § 3.128, requiring that "[e]nclosures shall be constructed and maintained so as to provide sufficient space to allow each animal to make normal postural and social adjustments with adequate freedom of movement. Inadequate space may be indicated by evidence of malnutrition, poor condition, debility, stress, or abnormal behavior patterns."

d. There Were Insufficient Barriers Between the Public and a Wallaby

A witness observed and documented that the public had access to the fence of an enclosure confining a wallaby. (*See* Photos 3 and 4.) Visitors could easily have been grabbed, scratched, or bitten through the chain-link fence.

The lack of barriers between the public and the wallaby appear to violate 9 C.F.R. § 2.131(c)(1), which requires "sufficient distance and/or barriers between the animal and the general viewing public so as to assure the safety of animals and the public." The apparent unattended public access to the wallaby appears to violate 9 C.F.R. § 2.131(d)(2), which requires that "[a] responsible, knowledgeable, and readily identifiable employee or attendant must be present at all times during periods of public contact."

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[15] *See* C. Biolatti, *et al.*, "Behavioural analysis of captive tigers (*Panthera tigris*): A water pool makes the difference," *Applied Animal Behaviour Science* 174 (2016): 173–180.

[16] *See* R. Clubb and G. J. Mason, "Natural behavioural biology as a risk factor in carnivore welfare: how analysing species differences could help zoos improve enclosures," *Applied Animal Behaviour Science* 102.3 (2007): 303–328.

[17] *See* J. Vaz, *et al.*, "Prevalence and determinants of stereotypic behaviours and physiological stress among tigers and leopards in Indian zoos," *PloS One* 12.4 (2017): e0174711.

[18] *See* S.S. Vickery and G.J. Mason, "Behavioral persistence in captive bears: implications for reintroduction," *Ursus* (2003): 35–43.

Roberta A. Kirshner, dba the "Barry R. Kirshner Wildlife Foundation"
License No. 93-C-0504
Durham, California
January 21, 2018

Photo 1: A deer with red irritated skin and possible hair loss

Photo 2: A deer with red irritated skin and possible hair loss

Photo 3: Inadequate barriers between the public and a wallaby

Photo 4: Inadequate barriers between the public and a wallaby

USDA

USDA-APHIS-Animal Care

Animal Care

ANIMAL WELFARE COMPLAINT

Complaint No.	Date Entered:	Processed By:
AC18-607	10-Aug-18	WDA

Referred To:	Reply Due:
Smith/Garland	9-Sep-18

Facility or Person Complaint Filed Against

Name:	Customer No.:	License No.:
Roberta A Kirshner	3769	93-C-0504Re

Address:	Email Address:

City:	State:	Phone No.:

Complainant Information

Name:	Organization:
(b) (6), (b) (7)(C) [redacted]	PETA Foundation

Address:	Email Address:
	(b) (6) [redacted] @petaf.org

City:	State:	Phone No.:
		757-409-1182

How was the Complaint received?
Email

Details of Complaint:
SEE ATTACHED

Results:

Application Kit Provided:
Yes: ☐ No: ☐

Inspector:	Date:
Reviewed By:	Date:

USDA

United States Department of Agriculture

Animal and Plant Health Inspection Service

Animal Care
Western Region

August 10, 2018

(b) (6) [redacted]
(b) (6) [redacted]@petaf.org

Dear Complainant:

Thank you for your correspondence dated 27-Jul-18 concerning BarryR Kirshner. Your complaint has been issued number AC18-607. **Depending on the circumstances of the situation, please allow us enough time (30 to 60 days) to thoroughly look into your concerns.** After that time, the status of our findings may be requested through the Freedom of Information Act (FOIA) office.

FOIA Requests can be submitted three ways:

1. Web Request Form: https://efoia-pal.usda.gov/App/Home.aspx
2. Fax: 301-734-5941
3. US Mail:
   USDA- APHIS- FOIA
   4700 River Road, Unit 50
   Riverdale, MD 20737

Should you have any questions regarding the APHIS FOIA process or need assistance using the Web Request Form **please contact the APHIS FOIA office at 301-851-4102.**

Animal Care is the division of the U.S. Department of Agriculture (USDA) that is responsible for the enforcement of the Animal Welfare Act. The Act provides minimum standards for the humane care and use of animals at USDA licensed or registered facilities.

Animal Care inspectors conduct routine unannounced inspections at all USDA licensed and registered facilities to ensure that they are meeting or exceeding these minimum standards. Our inspectors also conduct searches when necessary in response to valid concerns and complaints received from the public to ensure the well-being of the animals and compliance with the law. If violations are found enforcement action appropriate for the circumstances will be initiated.

Please be assured that we will look into your concern(s) and the appropriate action(s) will be taken.

Thank you for your interest into the welfare of these animals.

Sincerely, (b) (6), (b) (7)(C) [redacted]

Craig Nowakowski
Director of Program Support
USDA APHIS Animal Care

An Equal Opportunity Provider and Employer

From:	(b) (6), (b) (7)(C) [redacted]
To:	AC West
Cc:	Gage, Laurie J - APHIS
Subject:	Request to investigate Barry R. Kirshner Wildlife Foundation Lic. No. 93-C-0504
Date:	Friday, July 27, 2018 4:23:40 PM
Attachments:	2018-07-27_Request to Investigate Barry R. Kirshner Wildlife Foundation_93-C-0504.pdf

---

Dear AC West,

Please see the attached correspondence, sent on behalf of PETA, requesting an inspection of the Barry R. Kirshner Wildlife Foundation (license number 93-C-0504). Thank you for your timely attention to this matter. Please inform me of the complaint number your agency assigns to this correspondence.

Regards,

(b) (6), (b) (7)(C) [redacted]
Wildlife Specialist
Captive Animal Law Enforcement
PETA Foundation
757-409-1182

PETA FOUNDATION

PEOPLE FOR THE ETHICAL TREATMENT OF ANIMALS FOUNDATION

Washington, D.C.
1536 16th St. N.W.
Washington, DC 20036
202-483-PETA

Los Angeles
2154 W. Sunset Blvd.
Los Angeles, CA 90026
323-644-PETA

Norfolk
501 Front St.
Norfolk, VA 23510
757-622-PETA

Berkeley
2855 Telegraph Ave.
Ste. 301
Berkeley, CA 94705
510-763-PETA

July 27, 2018

USDA/APHIS/Animal Care
Western Region

Via e-mail: acwest@aphis.usda.gov

Re: Request for Investigation of Apparent Animal Welfare Act Violations at the Barry R. Kirshner Wildlife Foundation (License No. 93-C-0504)

Dear AC West:

I am writing on behalf of PETA to request that the U.S. Department of Agriculture investigate Roberta A. Kirshner, dba the "Barry R. Kirshner Wildlife Foundation" (license number 93-C-0504), for animals in apparent need of veterinary care, which would indicate violations of the Animal Welfare Act (AWA).

On July 21, a witness observed and documented an obese tiger, named Dana, walking with a severe limp. (*See* Video 1.) According to the facility's website, Dana had health issues when she arrived. Wildlife veterinarian Heather Rally opined that severe musculoskeletal deformities cause unnatural stress on the animal's joints, ligaments, and tendons and almost always are associated with some chronic pain. According to Dr. Rally, if Dana has had musculoskeletal deformities her entire life, then she is even more predisposed to developing painful arthritis and this would be expected only to progress and become more severe and painful over time. Therefore, Dana should be proactively managed medically to slow the progression of her painful condition and also to treat her discomfort. In addition, Dana appears obese. Added weight would cause additional stress on the joints and associated deformities, potentially adding to her pain and discomfort.

Please inspect Dana and her veterinary records, and ensure that she is receiving adequate veterinary care pursuant to 9 C.F.R. § 2.40. Please also ensure that she is receiving an adequate diet pursuant to 9 C.F.R. § 3.129(a), which requires that "[t]he food shall be wholesome, palatable, and free from contamination and of sufficient quantity and nutritive value to maintain all animals in good health."

A witness also observed and documented a lion cub, named Lucie, who had a large [redacted] (*See* Video 2.) Please inspect Lucie and her [redacted] he is receiving adequate veterinary care pursuant [redacted] nd severity of the of the wound, please also ensure [redacted] with the AWA, including ensuring that the [redacted] prevents her from injury pursuant to 9 C.F.R. [redacted]

Please ensure that all animals at the Barry R. Kirshner Wildlife Foundation are being provided with adequate veterinary care, space, shelter, food, and water and are otherwise handled in accordance with the AWA. Please also hold Roberta A. Kirshner fully accountable for any and all violations that you discover during your inspection.

PETA FOUNDATION IS AN OPERATING NAME OF FOUNDATION TO SUPPORT ANIMAL PROTECTION.

AFFILIATES:
- PETA U.S.
- PETA Asia
- PETA India
- PETA France
- PETA Australia
- PETA Germany
- PETA Netherlands
- PETA Foundation (U.K.)

Thank you for your attention to this important matter. Please inform me of the complaint number that your agency assigns to this correspondence.

Very truly yours,

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

Wildlife Specialist, Captive Animal Law Enforcement
757-409-1182 (b) (6) @petaf.org

cc: Laurie Gage, D.V.M., Big Cat and Marine Mammal Specialist
(laurie.j.gage@aphis.usda.gov)

USDA

USDA-APHIS-Animal Care

Animal Care

ANIMAL WELFARE COMPLAINT

Complaint No.	Date Entered:	Processed By:
AC18-607	10-Aug-18	WDA

Referred To:	Reply Due:
Smith/Garland	9-Sep-18

Facility or Person Complaint Filed Against

Name:	Customer No.:	License No.:
Roberta A Kirshner	3769	93-C-0504Re

Address:	Email Address:

City:	State:	Phone No.:

Complainant Information

Name:	Organization:
(b) (6), (b) (7)(C) [redacted]	PETA Foundation

Address:	Email Address:
	(b) (6) [redacted] @petaf.org

City:	State:	Phone No.:
		757-409-1182

How was the Complaint received?
Email

Details of Complaint:
SEE ATTACHED

Results:
The facility received a complete inspection on 8/22/18 in response to this complaint. As noted in the complaint, the tiger named "Dana" has had a limp from an early age. The animal is under appropriate veterinary care, as evidenced in the records which were examined. The lion named "Lucie" has fully healed from the wound on her neck, where there is now a visible scar. Records indicate that she received appropriate veterinary care, including antibiotics. USDA / APHIS / Animal Care personnel continue to reinforce the need to avoid excessive weight, particularly with those thos animals that have structural abnormalities likely to stress joints.

Application Kit Provided:
Yes: ☐ No: ☒

Inspector:	Date:
Dr. Pamela L. Smith, Veterinary Medical Officer	23-Aug-18
Reviewed By:	Date:
David Sabala SACS	27-Aug-18

USDA

United States Department of Agriculture

Animal and Plant Health Inspection Service

Animal Care
Western Region

August 10, 2018

(b) (6), (b) (7)(C)
(b) (6), (b) (7)(C)@petaf.org

Dear Complainant:

Thank you for your correspondence dated 27-Jul-18 concerning BarryR Kirshner. Your complaint has been issued number AC18-607. **Depending on the circumstances of the situation, please allow us enough time (30 to 60 days) to thoroughly look into your concerns.** After that time, the status of our findings may be requested through the Freedom of Information Act (FOIA) office.

FOIA Requests can be submitted three ways:

1. Web Request Form: https://efoia-pal.usda.gov/App/Home.aspx
2. Fax: 301-734-5941
3. US Mail:
   USDA- APHIS- FOIA
   4700 River Road, Unit 50
   Riverdale, MD 20737

Should you have any questions regarding the APHIS FOIA process or need assistance using the Web Request Form **please contact the APHIS FOIA office at 301-851-4102.**

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Please be assured that we will look into your concern(s) and the appropriate action(s) will be taken.

Thank you for your interest into the welfare of these animals.

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

Craig Nowakowski
Director of Program Support
USDA APHIS Animal Care

An Equal Opportunity Provider and Employer

From:	(b) (6), (b) (7)(C)
To:	AC West
Cc:	Gage, Laurie J - APHIS
Subject:	Request to investigate Barry R. Kirshner Wildlife Foundation Lic. No. 93-C-0504
Date:	Friday, July 27, 2018 4:23:40 PM
Attachments:	2018-07-27_Request to Investigate Barry R. Kirshner Wildlife Foundation_93-C-0504.pdf

---

Dear AC West,

Please see the attached correspondence, sent on behalf of PETA, requesting an inspection of the Barry R. Kirshner Wildlife Foundation (license number 93-C-0504). Thank you for your timely attention to this matter. Please inform me of the complaint number your agency assigns to this correspondence.

Regards,

(b) (6), (b) (7)(C)
[redacted]
Wildlife Specialist
Captive Animal Law Enforcement
PETA Foundation
757-409-1182

PETA FOUNDATION

PEOPLE FOR THE ETHICAL TREATMENT OF ANIMALS FOUNDATION

Washington, D.C.
1536 16th St. N.W.
Washington, DC 20036
202-483-PETA

Los Angeles
2154 W. Sunset Blvd.
Los Angeles, CA 90026
323-644-PETA

Norfolk
501 Front St.
Norfolk, VA 23510
757-622-PETA

Berkeley
2855 Telegraph Ave.
Ste. 301
Berkeley, CA 94705
510-763-PETA

July 27, 2018

USDA/APHIS/Animal Care
Western Region

Via e-mail: acwest@aphis.usda.gov

Re: Request for Investigation of Apparent Animal Welfare Act Violations at the Barry R. Kirshner Wildlife Foundation (License No. 93-C-0504)

Dear AC West:

I am writing on behalf of PETA to request that the U.S. Department of Agriculture investigate Roberta A. Kirshner, dba the "Barry R. Kirshner Wildlife Foundation" (license number 93-C-0504), for animals in apparent need of veterinary care, which would indicate violations of the Animal Welfare Act (AWA).

On July 21, a witness observed and documented an obese tiger, named Dana, walking with a severe limp. (*See* Video 1.) According to the facility's website, Dana had health issues when she arrived. Wildlife veterinarian Heather Rally opined that severe musculoskeletal deformities cause unnatural stress on the animal's joints, ligaments, and tendons and almost always are associated with some chronic pain. According to Dr. Rally, if Dana has had musculoskeletal deformities her entire life, then she is even more predisposed to developing painful arthritis and this would be expected only to progress and become more severe and painful over time. Therefore, Dana should be proactively managed medically to slow the progression of her painful condition and also to treat her discomfort. In addition, Dana appears obese. Added weight would cause additional stress on the joints and associated deformities, potentially adding to her pain and discomfort.

Please inspect Dana and her veterinary records, and ensure that she is receiving adequate veterinary care pursuant to 9 C.F.R. § 2.40. Please also ensure that she is receiving an adequate diet pursuant to 9 C.F.R. § 3.129(a), which requires that "[t]he food shall be wholesome, palatable, and free from contamination and of sufficient quantity and nutritive value to maintain all animals in good health."

A witness also observed and documented a lion cub, named Lucie, who had a large [redacted] (*See* Video 2.) Please inspect Lucie and her [redacted] he is receiving adequate veterinary care pursuant [redacted] nd severity of the of the wound, please also ensure [redacted] with the AWA, including ensuring that the [redacted] prevents her from injury pursuant to 9 C.F.R. [redacted]

Please ensure that all animals at the Barry R. Kirshner Wildlife Foundation are being provided with adequate veterinary care, space, shelter, food, and water and are otherwise handled in accordance with the AWA. Please also hold Roberta A. Kirshner fully accountable for any and all violations that you discover during your inspection.

PETA FOUNDATION IS AN OPERATING NAME OF FOUNDATION TO SUPPORT ANIMAL PROTECTION.

AFFILIATES:
- PETA U.S.
- PETA Asia
- PETA India
- PETA France
- PETA Australia
- PETA Germany
- PETA Netherlands
- PETA Foundation (U.K.)

Thank you for your attention to this important matter. Please inform me of the complaint number that your agency assigns to this correspondence.

Very truly yours,

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

Wildlife Specialist, Captive Animal Law Enforcement
757-409-1182 | (b) (6), (b) (7)(C) @petaf.org

cc: Laurie Gage, D.V.M., Big Cat and Marine Mammal Specialist
(laurie.j.gage@aphis.usda.gov)

USDA

USDA-APHIS-Animal Care

Animal Care

ANIMAL WELFARE COMPLAINT

Complaint No.	Date Entered:	Processed By:
AC18-643	23-Aug-18	ERF

Referred To:	Reply Due:
Smith / Garland	22-Sep-18

Facility or Person Complaint Filed Against

Name:	Customer No.:	License No.:
Roberta A. Kirshner	3769	93-C-0504

Address:	Email Address:
P.O. BOX 841	admin@kirshner.org

City:	State:	Phone No.:
Durham	CA	(530) 520-9437

Complainant Information

Name:	Organization:
(b) (6), (b) (7)(C) [redacted]	PETA

Address:	Email Address:
501 Front Street	(b) (6), (b) (7)(C) [redacted] @petaf.org

City:	State:	Phone No.:
Norfolk	VA	(757) 409-1182

How was the Complaint received?
Email

Details of Complaint:
SEE ATTACHED

Results:
This issue of providing mecahnisms for cooling has been addressed previously on several occasions at this facility. Inspections have occurred when temperatures were over 95 degrees F. The facility has a written plan that specifies the use of pools, wetting decks, and distributing ice. During the most recent inspections it has been observed that more pools are in use.

This complaint was received on 8/23/18. It was decided that we would wait for temperatures over 95 degrees to conduct an inspection, and revisit this issue again in repsonse to this complaint. The rest of August saw temperatures no higher than 91 degrees. September was cooler than ususal as well, with average temps of 89 degrees. On Sept 7 the temp did reach 99, but inspectors were unavailable on that day, and temps otherwise did not surpass 95 degrees. The high for October was 87, and for November so far only 84 degrees. So the animals are not currently experiencing high temperatures. The issue has been revisited by phone with the licensee, and USDA / APHIS / Animal Care will continue to monitor this facility.

Application Kit Provided:
Yes: ☐ No: ☒

Inspector:	Date:
Dr. Pamela L Smith, Veterinary Medical Officer	14-Nov-18
Reviewed By:	Date: 21-NOV-18

USDA

United States Department of Agriculture

Animal and Plant Health Inspection Service

Animal Care Western Region

August 23, 2018

(b) (6), (b) (7)(C) [redacted]

501 Front Street
Norfolk VA, 23510

Dear Complainant:

Thank you for your correspondence dated 14-Aug-18 concerning Roberta A. Kirshner. Your complaint has been issued number AC18-643. **Depending on the circumstances of the situation, please allow us enough time (30 to 60 days) to thoroughly look into your concerns.** After that time, the status of our findings may be requested through the Freedom of Information Act (FOIA) office.

FOIA Requests can be submitted three ways:

1. Web Request Form: **https://efoia-pal.usda.gov/App/Home.aspx**
2. Fax: 301-734-5941
3. US Mail:
   USDA- APHIS- FOIA
   4700 River Road, Unit 50
   Riverdale, MD 20737

Should you have any questions regarding the APHIS FOIA process or need assistance using the Web Request Form **please contact the APHIS FOIA office at 301-851-4102.**

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Please be assured that we will look into your concern(s) and the appropriate action(s) will be taken.

Thank you for your interest into the welfare of these animals.

Sincerely, (b) (6), (b) (7)(C) [redacted]

Craig Nowakowski
Director of Program Support
USDA APHIS Animal Care

An Equal Opportunity Provider and Employer

From:	(b) (6), (b) (7)(C) [redacted]
To:	AC West
Cc:	Gage, Laurie J - APHIS
Subject:	Additional evidence for inspection of Roberta A. Kirshner, dba the "Barry R. Kirshner Wildlife Foundation," Lic. No. 93-C-0504
Date:	Tuesday, August 14, 2018 11:00:08 AM
Attachments:	Ex 1. Chico Municipal, CA Calendar - Weather Underground.pdf Ex 2. Chico Municipal, CA Calendar - Weather Underground.pdf 2018-08-14_Request to Investigate Barry R. Kirshner Wildlife Foundation_93-C-0504.pdf 2018-08-14_Photosheet for USDA_Barry R. Kirshner Wildlife Foundation.pdf

---

Dear AC West,

Please see the attached correspondence, sent on behalf of PETA, providing additional evidence of apparent violations of the AWA by Roberta A. Kirshner, dba the "Barry R. Kirshner Wildlife Foundation" (license number 93-C-0504). Thank you for your timely attention to this matter. See complaint number AC18-607, sent on July 27.

Regards,

(b) (6), (b) (7)(C) [redacted]
Wildlife Specialist
Captive Animal Law Enforcement
PETA Foundation
757-409-1182

PETA FOUNDATION

PEOPLE FOR THE ETHICAL TREATMENT OF ANIMALS FOUNDATION

Washington, D.C.
1536 16th St. N.W.
Washington, DC 20036
202-483-PETA

Los Angeles
2154 W. Sunset Blvd.
Los Angeles, CA 90026
323-644-PETA

Norfolk
501 Front St.
Norfolk, VA 23510
757-622-PETA

Berkeley
2855 Telegraph Ave.
Ste. 301
Berkeley, CA 94705
510-763-PETA

August 14, 2018

USDA/APHIS/Animal Care
Western Region

Via e-mail: acwest@aphis.usda.gov

Re: Additional Evidence of Apparent Animal Welfare Act Violations at the Barry R. Kirshner Wildlife Foundation (License No. 93-C-0504)

Dear AC West:

I am writing on behalf of PETA to provide the U.S. Department of Agriculture with additional evidence of apparent violations of the Animal Welfare Act (AWA) by Roberta A. Kirshner, dba the "Barry R. Kirshner Wildlife Foundation" (license number 93-C-0504).

On July 21 and again on August 3, witnesses reported and documented numerous tigers, tiger hybrids, and leopards confined to cages that lacked pools for the animals to bathe, swim, or cool themselves and many of them were observed panting, even while resting in the shade. (*See* July 21: Topaz Video 1, Dana Video 2, Brenda Video 3, Bow Video 4, Isaac Video 5, Adara Video 6 and Photos 1, 3, 5, 7, 8; August 3: Topaz Video 7 (at 0:52 there is an unused pool outside of the cage), Dana Video 8, Brenda Video 9, Tshuma Video 10, and Photos 2, 4, 6, 9, 10.)

Throughout the past month, temperatures in the area have reached into the 90's and 100's. (*See* Exhibit 1 and 2.) Submerging in water is a normal species-typical behavior of tigers and leopards in order to thermoregulate effectively and is beneficial to other captive exotic cats as a means of cooling off in the heat. Kirshner has been previously cited for failing to provide cats with basins of water or with other cooling measures "to prevent overheating, and ensure the comfort of the animals,"[1] which resulted in a penalty issued on November 17, 2015 along with other violations. The lack of adequate cooling measures appears to violate 9 C.F.R. § 2.131(e), requiring that "[w]hen 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."

In addition, the presence of a pool with clean water has been shown to significantly [redacted]pards.[2,3] A recent USDA inspection report of [redacted]at "[t]igers often engage in running, climbing, [redacted]be housed in a manner that allows them to [redacted]."[4] The lack of adequate pools for both [redacted]ral behavior of swimming and soaking also [redacted].128, which requires that "[e]nclosures shall be [redacted]

[1] *See* USDA Inspection Report, Roberta Kirshner, license number 93-C-0504, August 1, 2014.
[2] Vaz, Janice, et al. "Prevalence and determinants of stereotypic behaviours and physiological stress among tigers and leopards in Indian zoos." *PloS one* 12.4 (2017): e0174711.
[3] Biolatti, Cristina, et al. "Behavioural analysis of captive tigers (Panthera tigris): A water pool makes the difference." *Applied Animal Behaviour Science*174 (2016): 173-180.
[4] *See* USDA Inspection Report, Wilson's Wild Animal Park, license number 52-C-0038, July 19, 2017.

PETA FOUNDATION IS AN OPERATING NAME OF FOUNDATION TO SUPPORT ANIMAL PROTECTION

AFFILIATES:
- PETA U.S.
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constructed and maintained so as to provide sufficient space to allow each animal to make normal postural and social adjustments with adequate freedom of movement."

Recognizing the health risks associated with heat stress and lack of cooling measures, a May 17, 2017, USDA inspection report of Roers Zoofari LLC stated that "[d]uring days when temperatures are above 85 degrees and animals are showing sign of heat stress, immediate measures must be taken to prevent the animals from overheating. Measures to provide immediate relief from heat stress must be developed and implemented in consultation with the attending veterinarian."[5] Please inspect these animals and the veterinary records, and ensure that they are receiving adequate veterinary care pursuant to 9 C.F.R. § 2.40.

Please ensure that all animals at the Barry R. Kirshner Wildlife Foundation have adequate cooling measures and that they are being provided with adequate veterinary care, space, shelter, food, and water and are otherwise handled in accordance with the AWA. Please also hold Kirshner fully accountable for any and all violations that you discover during your inspection.

Thank you for your attention to this important matter. Please inform me of the complaint number that your agency assigns to this correspondence.

Very truly yours,

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

Wildlife Specialist, Captive Animal Law Enforcement
757-409-1182 | (b) (6), (b) (7)(C) @petaf.org

cc: Laurie Gage, D.V.M., Big Cat and Marine Mammal Specialist (laurie.j.gage@aphis.usda.gov)

[5] *See* USDA Inspection Report, Roers Zoofari LLC, license number 52-C-0283, May 17, 2017.

Elev **236ft** **39.8** °N, **121.86** °W

Chico Municipal, CA ★

75° CHICO MUNICIPAL STATION (/HISTORY/DAILY/US/CA/CHICO/KCIC/DATE/2018-8-10?CM_VEN=LOCALWX_PWSDASH) | CHANGE

CALENDAR (/CALENDAR/US/CA/CHICO/KCIC/DATE/2018-8)

- TODAY (/WEATHER/US/CA/OROVILLE/39.50,-121.57)
- HOURLY (/HOURLY/US/CA/OROVILLE/39.50,-121.57)
- 10-DAY (/FORECAST/US/CA/OROVILLE/39.50,-121.57)
- CALENDAR (/CALENDAR/US/CA/CHICO/KCIC/DATE/2018-8)
- HISTORY (/HISTORY/DAILY/US/CA/CHICO/KCIC/DATE/2018-8-10)
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July **2018** View

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
1 Clear Actual: 102° | 71° 0 in	2 Mostly Sunny Actual: 98° | 68° 0 in	3 Partly Cloudy Actual: 89° | 66° 0 in	4 Partly Cloudy Actual: 84° | 62° 0 in	5 Clear Actual: 89° | 57° 0 in	6 Mostly Sunny Actual: 87° | 66° 0 in	7 Mostly Sunny Actual: 95° | 60° 0 in
8 Mostly Sunny Actual: 95° | 64° 0 in	9 Clear Actual: 95° | 64° 0 in	10 Clear Actual: 96° | 68° 0 in	11 Clear Actual: 98° | 68° 0 in	12 Mostly Sunny Actual: 98° | 68° 0 in	13 Partly Cloudy Actual: 86° | 75° 0 in	14 Mostly Sunny Actual: 100° | 71° 0 in
15	16	17	18	19	20	21

Mostly Sunny Actual: 98° | 73° 0 in	Clear Actual: 100° | 69° 0 in	Clear Actual: 102° | 73° 0 in	Mostly Sunny Actual: 102° | 73° 0 in	Mostly Sunny Actual: 102° | 75° 0 in	Mostly Sunny Actual: 96° | 71° 0 in	Clear Actual: 96° | 71° 0 in
22 Mostly Sunny Actual: 95° | 73° 0 in	23 Mostly Sunny Actual: 100° | 75° 0 in	24 Clear Actual: 102° | 73° 0 in	25 Clear Actual: 104° | 75° 0 in	26 Mostly Sunny Actual: 98° | 73° 0 in	27 Partly Cloudy Actual: 95° | 73° 0 in	28 Partly Cloudy Actual: 95° | 75° 0 in
29 Partly Sunny Actual: 95° | 73° 0 in	30 Partly Sunny Actual: 93° | 71° 0 in	31 Partly Sunny Actual: 95° | 73° 0 in	1 Partly Sunny Actual: 95° | 73° 0 in	2 Mostly Cloudy Actual: 91° | 69° 0 in	3 Partly Sunny Actual: 93° | 68° 0 in	4

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Elev 236ft 39.8 °N, 121.86 °W

Chico Municipal, CA ★

75° CHICO MUNICIPAL STATION (/HISTORY/DAILY/US/CA/CHICO/KCIC/DATE/2018-8-10?CM_VEN=LOCALWX_PWSDASH) | CHANGE

CALENDAR (/CALENDAR/US/CA/CHICO/KCIC/DATE/2018-8)

- TODAY (/WEATHER/US/CA/OROVILLE/39.50,-121.57)
- HOURLY (/HOURLY/US/CA/OROVILLE/39.50,-121.57)
- 10-DAY (/FORECAST/US/CA/OROVILLE/39.50,-121.57)
- CALENDAR (/CALENDAR/US/CA/CHICO/KCIC/DATE/2018-8)
- HISTORY (/HISTORY/DAILY/US/CA/CHICO/KCIC/DATE/2018-8-10)
- WUNDERMAP (/WUNDERMAP?LAT=39.79527664&LON=-121.85832977)

August 2018 View

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
29 Partly Sunny Actual: 95° | 73° 0 in	30 Partly Sunny Actual: 93° | 71° 0 in	31 Partly Sunny Actual: 95° | 73° 0 in	1 Partly Sunny Actual: 95° | 73° 0 in	2 Mostly Cloudy Actual: 91° | 69° 0 in	3 Partly Sunny Actual: 93° | 68° 0 in	4 Partly Cloudy Actual: 95° | 64° 0 in
5 Mostly Cloudy Actual: 86° | 66° 0 in	6 Partly Sunny Actual: 91° | 60° 0 in	7 Partly Cloudy Actual: 91° | 66° 0 in	8 Partly Cloudy Actual: 93° | 66° 0 in	9 Partly Sunny Actual: 96° | 68° 0 in	10 Partly Cloudy Forecast: 99° | 70° 0 in	11 Partly Cloudy Forecast: 95° | 66° 0 in
12	13	14	15	16	17	18

Sunny Forecast: 93° | 66° 0 in	Sunny Forecast: 91° | 64° 0 in	Sunny Forecast: 91° | 63° 0 in	Sunny Forecast: 89° | 65° 0 in	Sunny Forecast: 91° | 67° 0 in	Sunny Forecast: 95° | 69° 0 in	Sunny Forecast: 96° | 68° 0 in
19 Sunny Forecast: 95° | 68° 0 in	20 Sunny Forecast: 94° | 68° 0 in	21 Sunny Forecast: 94° | 68° 0 in	22 Sunny Forecast: 94° | 69° 0 in	23 Sunny Forecast: 95° | 69° 0 in	24 Average: 93° | 57° 0 in	25 Average: 93° | 57° 0 in
26 Average: 93° | 57° 0 in	27 Average: 93° | 57° 0 in	28 Average: 93° | 57° 0 in	29 Average: 92° | 57° 0 in	30 Average: 92° | 57° 0 in	31 Average: 92° | 57° 0 in	1

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Roberta A. Kirshner, dba the "Barry R. Kirshner Wildlife Foundation"
License No. 93-C-0504
Oroville, California

Photo 1: The cage confining Rosie, the clouded leopard, lacked a pool to cool off in (July 21, 2018)

Photo 2: The cage confining Rosie, the clouded leopard, *still* lacked a pool to cool off in a couple weeks later (August 3, 2018)

Photo 3: The cage confining Outlaw, a liger, lacked a pool to cool off in (July 21, 2018)

Photo 4: The cage confining Outlaw, a liger, *still* lacked a pool to cool off in a couple weeks later (August 3, 2018)

Photo 5: The cage confining an Amur leopard lacked a pool to cool off in (July 21, 2018)

Photo 6: The cage confining an Amur leopard *still* lacked a pool to cool off in a couple weeks later (August 3, 2018)

Photo 7: The cage confining Tshuma, a leopard, lacked a pool to cool off in (July 21, 2018)

Photo 8: The cage confining Nebula, a clouded leopard, lacked a pool to cool off in (July 21, 2018)

Photo 9: The cage confining Bow, a clouded leopard, *still* lacked a pool to cool off in a couple weeks later (August 3, 2018)

Photo 10: The cage confining Isaac, a liliger, *still* lacked a pool to cool off in a couple weeks later (August 3, 2018)

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Product & Tracking Information

Postal Product:
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Features:
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DATE & TIME	STATUS OF ITEM	LOCATION
November 23, 2015 , 12:49 pm	Delivered	**DURHAM, CA 95938**

Your item was delivered at 12:49 pm on November 23, 2015 in DURHAM, CA 95938.

November 21, 2015 , 11:00 am	Available for Pickup	DURHAM, CA 95938
November 21, 2015 , 9:02 am	Out for Delivery	DURHAM, CA 95938
November 21, 2015 , 8:52 am	Sorting Complete	DURHAM, CA 95938
November 21, 2015 , 7:30 am	Arrived at Unit	DURHAM, CA 95938
November 20, 2015 , 11:26 pm	Departed USPS Facility	WEST SACRAMENTO, CA 95799
November 20, 2015 , 9:32 am	Arrived at USPS Destination Facility	WEST SACRAMENTO, CA 95799
November 19, 2015 , 6:14 pm	Departed USPS Facility	GAITHERSBURG, MD 20898
November 18, 2015 , 7:55 pm	Arrived at USPS Origin Facility	GAITHERSBURG, MD 20898
November 18, 2015 , 6:40 pm	Accepted at USPS Origin Sort Facility	RIVERDALE, MD 20737
November 17, 2015	Pre-Shipment Info Sent to USPS	

Available Actions

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Tracking (or receipt) number

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USDA

United States Department of Agriculture

Animal and Plant Health Inspection Service

Animal Care
Western Region

2150 Centre Avenue
Building B, 3W11
Fort Collins, CO
80526
Phone: 970/494-7478

October 27, 2016

Roberta Kirshner
PO Box 841
Durham, CA 95938

License No.: 93-C-0504
Customer No.: 3769

Dear Ms. Kirshner,

Your appeal of the inspection report dated July 20, 2016 was reviewed by an Animal Care appeal team consisting of the Assistant Regional Director in Raleigh, NC, our Big Cat and Marine Mammal Specialist, and me. The appeal is addressed as follows:

Section 2.131(c)(1)
The inspection report documents that a juvenile lion was handled by a member of the public. There was no barrier present, nor any means of maintaining sufficient distance between the lion and the member of the public. There was also no leash or harness attached to the lion and therefore no way to restrain the lion to prevent an escape or to mitigate an attack. The citation will therefore stand as written.

All decisions made by the appeal team are final and represent Animal Care's final determination for this appeal. We have enclosed a factsheet explaining our appeals process for your reference. The factsheet can also be found at the following link: http://www.aphis.usda.gov/publications/animal_welfare/2014/appeals_process.pdf.

At USDA Animal Care, ensuring the welfare of the animals we regulate is at the heart of everything we do.

Sincerely,

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

[redacted]

Robert M. Gibbens, DVM
Director, Animal Welfare Operations
USDA, APHIS, Animal Care

BARRY R. KIRSHNER WILDLIFE FOUNDATION

A Non-Profit Organization Dedicated to Conservation and Education

August 20, 2016

Dr. Robert Gibbens
Regional Director
USDA/APHIS/AC Western Region
2150 Centre Avenue, Building B, Mailstop #3W11
Fort Collins, CO 80526-8117

Via E-mail and Registered Mail

RE: *Appeal*
July 20, 2016 Routine Inspection Report
Customer ID #3769
Permit Certification #93-C-0504
Site #002

Dear Dr. Gibbens:

We are in receipt of the above-referenced *Routine Inspection Report* dated August 11, 2016, which we received via U. S. Certified Mail on August 15, 2016. We appreciate this opportunity to respond to your findings on our actions in reference to USDA guidelines on Section 2.131 (c) (1) of the *Animal Welfare Act* and hereby appeal the findings, based on the following information.

Please note that the lion cub in question was 16 weeks old, weighed, at most, 31 pounds and was determined fit and safe to handle. We have submitted testimony herein that refutes the complainant's estimate that the lion weighed between 75-100 pounds and disagree with the finding that the lion was of ". . . sufficient size and strength . . . to cause harm to, or escape from, a member of the public." In over 23 years of operation, Kirshner has never had a single incident where the public was in danger from handling a baby animal. Over the years, we believe we have upheld not only the letter of the law, but also the spirit of the law.

To begin, we would like to outline the history of the subject male lion at our facility.

- The lion was born on January 25, 2016.
- He arrived at our facility on March 12, 2016, weighing 7.5 pounds.
- The photograph in question was taken on May 18, 2016 when the lion was 16 weeks and 2 days of age.
- The lion had been weighed two days prior to this photo session at 31 pounds.
- The lion was shipped to a different facility on July 17, 2016. Please see the attached statement from the person who transported the animal to its new location attesting that the lion's weight was 47 pounds on the date of transport on July 17, 2016.

P.O. Box 841 Durham, Ca 95938 (530) 533-1000 www.kirshner.org admin@kirshner.org

- Also attached is a statement by the receiver of this lion who verifies the lion's weight as of July 17, 2016 as under 55 pounds.
- Therefore, it is not possible that the lion weighed anywhere near the 75-100 pounds alleged in the complaint filed on this May 18, 2016 occurrence.

Below are relevant facts pertaining to the photo session on May 18, 2016.

- During the photo session on the front porch of our facility, I and a 12-year experienced volunteer were present at all times supervising the handling of the lion by this male visitor. We were both in close proximity (3-4 feet) to the visitor at all times and the photo took place between the barriers of house and the porch railing.
- While handling the animal, the visitor expressed no apprehension, but rather appeared very relaxed and happy with the experience.
- The *Routine Inspection Report* states that in one photograph, the lion appeared to be pushing against the visitor/handler with its back legs. The visitor was instructed to hold the animal under its front legs, with the animal's back to the visitor to minimize exposure. I had to stop the session prematurely as the visitor turned the animal's front side toward him which made the animal uncomfortable.

We are aware that APHIS is in the process of taking public comment until August 31, 2016 on revising the relevant *Animal Welfare Act* regulations regarding public handling of animals. We sincerely hope that this effort results in very specific guidelines that facilities can rely upon to provide the best possible environment and care for our animals. Kirshner has always acted in good faith and in accordance with regulations and guidelines, as witnessed by over 23 years of never having any accidents, injuries or loose animals.

However, age and weight restrictions on public handling of animals are not specific under current USDA regulations and much is left for facilities to seek clarification on from its inspectors. In the absence of any specific regulations, we have sought and relied on counsel from our inspectors to ensure that we stay within our legal boundaries. USDA inspectors have informed me and others who operate similar facilities that 16 weeks of age is the suggested upper limit. No such suggestions on weight have been offered. Again, in the absence of specific regulations from USDA, we have operated in accordance with USDA regulations and upon the suggestions of USDA inspectors on public handling of animals. Hopefully, the new regulations will provide the necessary clarity to both facilities and inspectors and help eliminate the need for subjective findings.

After reviewing the inspection report, I noticed a mistake and notified Dr. Marcy Rosendale, who was the inspector, on August 17, 2016 of the following error. In the second paragraph, second sentence of the inspection report, it says "during the May 18, 2016 inspection." There was no inspection on this day. Dr. Rosendale informed me that the report should have read "during the May 18, 2016 photo exhibition." She then informed me that she would be unable to send the amended inspection report until after August 23, 2016. Per Dr. Rosendale's direction, I am signing the inspection report as is and I will await the amended inspection report.

I received the inspection report on August 15, 2016. I was informed by Dr. Rosendale, that we had 10 days from the date signed at the bottom of the inspection report, which was August 11, 2016, to appeal. That allows only 7 days from the date we received the inspection report, for Animal Care to receive our appeal. The Animal Care Appeals Process Factsheet reads that "Animal Care must receive this appeal within 21 days of the facility receiving the finalized inspection report." This would mean that I would have until September 5, 2016 to appeal. However, I wanted to ensure that this appeal was not rejected due to the received date. I would appreciate clarification on the appeals process.

Thank you for this opportunity to respond to and appeal the findings of the *Routine Inspection Report*. I would be happy to discuss this matter at your convenience. Please call at (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) I look forward to hearing from you.

Sincerely,

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

Roberta Kirshner
Executive Director

Enclosures: Statement of Lion Transporter
Statement of Lion Receiver
Statement of Foundation Staff Member

USDA

United States Department of Agriculture
Animal and Plant Health Inspection Service

MROSENDALE
224161459090981 insp_id

Inspection Report

Roberta Kirshner
Barry R. Kirshner Wildlife Foundation
P.O. Box 841
Durham, CA 95938

Customer ID: **3769**
Certificate: **93-C-0504**
Site: 002
ROBERTA KIRSHNER

Type: ROUTINE INSPECTION
Date: Jul-20-2016

2.131 (c) (1)

HANDLING OF ANIMALS.

During a public exhibition on May 18, 2016, a male lion cub named Atlas (aged 16 weeks, 2 days) was handled by a member of the public on an open porch at the facility. Photographs of the incident show the animal being held off the ground by a standing individual who grasped the lion s chest under the front legs. There was no harness or leash on the lion. In one photograph the lion appeared to be struggling and pushing away from the individual holding him. A gate into the facility from the public, two-lane road was open at the time of the incident with the gate being approximately 140 feet from the porch and the road approximately 30 feet beyond the gate.

During public exhibition animals must be handled so there is minimal risk of harm to the animal and to the public. The sixteen week old lion Atlas was of sufficient size and strength during the May 18, 2016 inspection to cause harm to, or escape from, a member of the public. Animals of this size and age should have sufficient distance and/or barriers between the animal and the general viewing public to assure the safety of both the animal and the public.

Correct immediately for all future public exhibitions.

An exit interview was conducted with a facility representative.

Accompanied by Dr. Michael Schnell.

Prepared By: (b) (6), (b) (7)(C) [redacted]
MARCY E ROSENDALE, D.V.M. USDA, APHIS, Animal Care
Date: Aug-11-2016
Title: VETERINARY MEDICAL OFFICER Inspector 5039

Received By: (b) (6), (b) (7)(C) [redacted] 8-20-16 I am appealing this inspection report because the above findings are untrue and inaccurate.
DELIVERED BY CERTIFIED MAIL
Title: 7014 0150 0000 9881 8705
Date: Aug-11-2016

ATTN: ALL CONCERNED
RE: ANIMAL TRANSPORT

THIS MEMO IS TO CONFIRM TRANSPORT OF A LION CUB WEIGHING 47 POUNDS FROM KIRSCHNER'S WILDLIFE FACILITY TO MOLLY SCHAFFER'S POSSESION IN SALEM OREGON ON 17 JULY 2016. TRANSFER WAS COMPLETED WITH NO INCIDENTS.

(b) (6), (b) (7)(C)
[redacted]

8/17/2016

(b) (6), (b) (7)(C)
[redacted]

(b) (6), (b) (7)(C) [redacted]

8/17/2016 3:33 PM

Lion cub

To Kirshner Admin <admin@kirshner.org>

To Whom It May Concern:

I received a lion cub on July 17th from the Barry Kirshner Wildlife Foundation. I did not weigh him, but I did pick him up and would guestimate that he weighed approximately 50 - 55 lbs.

(b) (6), (b) (7)(C) [redacted]

August 18, 2016

To whom this may concern,

My name is (b) (6), (b) (7)(C) [redacted] and I have been a part of the Barry R. Kirshner Wildlife Foundation for over 12 years. I personally weighed Atlas, the lion in question, on May 15, 2016. At that time he weighed 31 pounds. There is no possible way I would be able to lift an animal that was 75-100 pounds.

I was personally there during the photo session in question on May 18, 2016. One of the photos shows me standing there only three feet away from the visitor and the lion. I can verify that Roberta Kirshner was right there with me as well. We strive to ensure safety for animals and members of the public at all times.

If you have any further questions regarding this please do hesitate to contact me at (b) (6), (b) (7)(C) [redacted]

Sincerely,

(b) (6), (b) (7)(C) [redacted]

USDA

United States Department of Agriculture

Animal and Plant Health Inspection Service

4700 River Road
Riverdale, MD 20737

December 7, 2017

Roberta Kirshner
Barry R. Kirshner Wildlife Foundation
P.O. Box 841
Durham, CA 95938

License No. : 93-C-0504
Customer No. : 3769

Dear Mrs. Kirshner:

Your July 12th, 2017 appeal of citations on the USDA inspection reports dated June 26th and June 28th, 2017 was thoroughly reviewed by an Animal Care appeal panel consisting of a Supervisory Animal Care Specialist, an Assistant Director, a Senior Staff Veterinarian, and me. The appeal is addressed below.

Section 2.40(b)(2) on the June 26th, 2017 inspection report will remain, but the "direct" designation will be removed. The documentation submitted with the appeal package confirms that diagnostics were not completed and appropriate treatments were not given prior to the June 26th inspection.

Section 2.40(b)(2) on the June 28th, 2017 inspection report will be removed. We appreciate that Dr. Alves examined "Lucy" immediately after the June 26th inspection and that Dr. Phillips has since been to your facility to conduct a thorough evaluation and to discuss a treatment plan, including a proper diet, for "Lucy". It is recommended that you closely follow the treatment plans prescribed by both Drs. Alves and Phillips and continue direct and frequent communication with Dr. Alves about any changes in "Lucy's" health status.

You should receive a copy of the amended inspection report within the next 2-3 weeks. All decisions made by the appeal panel are final and represent Animal Care's final determination for this appeal.

At USDA Animal Care, ensuring the welfare of the animals we regulate is at the heart of everything we do.

Sincerely,

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

[redacted]

Robert Gibbens, DVM
Director, Animal Welfare Operations
USDA, APHIS, Animal Care

An Equal Opportunity Provider and Employer

BARRY R. KIRSHNER WILDLIFE FOUNDATION

A Non-Profit Organization Dedicated to Conservation and Education

July 12, 2017

Robert Gibbens, DVM
Regional Director
USDA/APHIS/AC Western Region
2150 Centre Avenue, Building B, Mailstop #3W11
Fort Collins, CO 80526-8117

RE: *Appeal*
June 27, 2017 Focused Inspection Report
June 28, 2017 Focused Inspection Report
Customer ID #3769
Permit Certification #93-C-0504
Site #002

Dear Dr. Gibbens:

This letter will serve as my appeal of the noncompliance items listed in the above-referenced inspection reports on the care and feeding of my female lion cub, Lucie. I appreciate this opportunity to respond to your findings and will do so by the issues as raised in both reports.

ATTENDING VETERINARIAN AND ADEQUATE VETERINARY CARE (DEALERS AND EXHIBITORS)

To review, the lion cub referenced in the inspection report had come to me in January 2017 because of her pre-existing medical conditions, which included a vitamin A deficiency, dysphasia (a propensity to choke), and potential airway compromise. The facility that transferred her to me felt that I would be better equipped to manage her conditions. Diagnostics had been done in November 2016. There were no signs in the diagnostic paperwork pointing to metabolic bone disease. After Lucie received an injury from jumping from her den box, my veterinarian and I developed a treatment plan which included an estimate of at least 90 days before Lucie would be able to walk again successfully.

At the April 27, 2017 inspection, I was directed by USDA inspector Dr. Pamela Smith to have diagnostic radiographs and blood work performed on Lucie. I complied. The inspection report states that the findings at that time were inconclusive. I requested that a licensed animal radiologist review the report. On June 12, 2017, I received the attached report from (b) (6), (b) (7)(C) [redacted] which shows no findings for metabolic bone disease, but recommends further tests should be conducted if Lucie did not recover properly.

P.O. Box 841 Durham, Ca 95938 (530) 533-1000 www.kirshner.org admin@kirshner.org

(b) (6), (b) (7)(C) is an independent, board-certified radiologist who had previously consulted for me on another case (Samson, a Barbary/African Lion, Microchip # (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) diagnosed Samson with metabolic bone disease (with a secondary rule-out of osteogenesis imperfecta). I felt she was highly qualified to evaluate Lucie's case. Her determination was not consistent with the USDA-engaged veterinarians.

It should be further noted that Samson was treated under the direction of the attending veterinarian and the previously-approved diet plans, and his condition rapidly resolved. Today, Samson is healthy and has normal gait and mobility. If the dietary plans were inadequate, and/or the attending veterinarian's treatment plans were inappropriate, Samson would not have fully recovered. Medical records regarding Samson are available upon request to support my assertion that there is not a systemic deficiency in diet or veterinary care at my facility.

No other animals in my care have developed symptoms of metabolic bone disease, nor have any been diagnosed with this condition and I have never had any USDA violations or citations pertaining to metabolic bone disease in my resident animals.

DIRECTIVE TO SECURE A SECOND OPINION FROM A BIG CAT SPECIALIST

At the inspection of June 7, 2017, USDA inspector Dr. Pamela Smith directed me to secure a second opinion on Lucie's condition from a consultant veterinarian with big cat nutrition and medicine experience to review the case and recommend treatment. I have operated in good faith to meet this requirement.

At the June 7, 2017 inspection, I asked for any recommendations that the inspectors might have that would meet their expectations and/or USDA requirements. While I did not receive any recommendations at that time, USDA inspector Dr. Pamela Smith did provide me with names on June 23, 2017. I immediately proceeded to contact the veterinarians listed by USDA, with the following results:

Honolulu Zoo – did not respond
San Francisco Zoo – declined to participate
Sacramento Zoo – declined to participate
Omaha Zoo (b) (6), (b) (7)(C) – declined to participate
(b) (6), (b) (7)(C) – did not respond
(b) (6), (b) (7)(C) did not respond
– did not respond
(b) (6), (b) (7)(C) – declined to participate, but said "It would be hard to find someone with more experience than (b) (6), (b) (7)(C) is my current veterinarian.
Michigan State University (b) (6), (b) (7)(C) – declined to participate, stating that a site visit would be required to "fairly and accurately assess the case in question"

While these contacts were not successful, during the June 28, 2017 inspection, I made initial contact with a consultant who had stated that he was willing to provide the required consultation in the near future. I have entered into a consultation agreement with (b) (6), (b) (7)(C), (b) (4) On July 11, 2017 (b) (6), (b) (7)(C), (b) (4) visited my facility and I am waiting to hear his feedback from his visit. At the time of the visit, he was very positive about Lucie's progress.

DIET/NUTRITION PLANS

Regarding the June 7, 2017 violation cited in the case of Lucie, I feel that several factors were not taken into consideration:

- The diet plans for animals at this facility have been approved as adequate by numerous inspectors and more than one veterinarian prior to the current inspector's visits.
- Diet plans were revised at the direction of USDA inspector Dr. Pamela Smith and USDA Big Cat Specialist, Dr. Laurie Gage.
- The diet plans were *approved* by the current USDA inspector Dr. Pamela Smith, Dr. Laurie Gage, and two private practice veterinarians with experience working with big cats.
- The diet plan for Lucie was *approved* by USDA inspector Dr. Pamela Smith and Dr. Laurie Gage. At a subsequent visit, USDA inspector Dr. Pamela Smith and Dr. Laurie Gage disagreed about the amount of calcium being supplemented, creating uncertainty about their prior approval of this plan for Lucie. USDA inspector Dr. Pamela Smith and Dr. Laurie Gage resolved their disagreement and verbally informed me that the diet was adequate for Lucie. Subsequent visits to observe Lucie in a very short time frame, only one day apart, were then used as evidence of a lack of improvement and inadequate dietary correction by me. This is in direct contradiction to recent prior visits.
- Under the presumptive diagnosis of metabolic bone disease, both USDA inspector Dr. Pamela Smith and Dr. Laurie Gage approved the dietary supplementation of calcium. They verified that the diet plan I developed was adequate. This includes the use of more than one form of calcium supplementation. At no time did I deviate from the previously approved diet plan.
- The source of calcium was previously stated to be less important by USDA inspector Dr. Pamela Smith and Dr. Laurie Gage as long as the appropriate amount was being supplemented. USDA inspector Dr. Pamela Smith and Dr. Laurie Gage expressed concerns that the calcium carbonate was switched to calcium gluconate, which was in direct contradiction to their prior statements and approval of the diet plan. I would like to clearly state that the change was instituted to ensure that Lucie ingested calcium with food so that appropriate supplementation could be achieved. Aversion to the prior form of calcium in the food had developed, and the change in format alleviated this aversion and ensured that Lucie ate adequately. Without adequate food intake, calcium supplementation could not be achieved at all.
- When I was directly questioned about adding calcium to the diet above and beyond the previously approved diet program, USDA inspector Dr. Pamela Smith and Dr. Laurie Gage did not clearly state whether they felt that over-supplementation was a risk, nor did they indicate that additional calcium was warranted for treatment of Lucie.
- I engaged my attending veterinarian to address additional possible rule-outs for Lucie's symptoms and available test results. As a result of this, vitamin A and vitamin B1 are also being supplemented. This is to ensure that other possible concurrent conditions contributing to Lucie's clinical signs are being addressed. I recognize that further lab tests would be able to more certainly assess the need for these treatments. However, the danger to Lucie undergoing the required anesthesia outweighs the benefit of obtaining the data. Treatment is readily available, effective and safe, and therefore has been instituted to address possible deficiencies of vitamins A and B1.
- Keeper notes and direct observations indicate gradual improvement of Lucie's clinical signs. This is in agreement with the expected length of time required to correct presumed metabolic bone disease (i.e. 2-3 months), as well as vitamin A/B1 deficiency (days to weeks).

- Since approval by USDA inspector Dr. Pamela Smith, Dr. Laurie Gage, and the attending veterinarian, the therapeutic plan has resulted in gradual, steady improvement of Lucie. Reluctance to move has decreased considerably, and Lucie has exhibited several normal behaviors such as standing, walking, grooming, and playing. It is generally accepted that these activities are decreased or absent in animals in significant pain or poor condition.
- USDA inspector Dr. Pamela Smith and Dr. Laurie Gage stated that they expected improvement beyond what was exhibited by Lucie on their repeated visits. These visits were only days apart, and improvement was noted by myself and my staff. It is unreasonable to expect improvement more rapidly than the commonly accepted time frame to resolve the suspected condition(s).
- My extensive experience in handling, training, and observing big cats has led to the following conclusions:
    - Lucie has been hand-fed since she was born (never fed on mother) and she has established this process as "normal", and she does not deviate from this practice willingly. To ensure adequate food intake, I have continued to feed this way. Lucie's "normal" feeding position is sternally recumbent.
    - The anticipation of feeding has caused Lucie to adopt the feeding posture (sternal recumbency) whenever I am nearby. This is indistinguishable from an inability or reluctance to stand and should not be taken as such without further evidence.
    - Multiple methods of encouraging food intake have been attempted, including:
        - whole chicken stuffed with cottage cheese (calcium supplement included and diced to prevent choking)
        - smashed whole prey items

Thank you for this opportunity to address your concerns and I hope the information provided will clarify issues cited in the June 26, 2017 and June 28, 2017 inspection reports. I remain committed to address any outstanding items surrounding the care and feeding of Lucie. Please contact me at [redacted] or admin@kirshner.org with any questions or concerns.

Sincerely,

[redacted]

Roberta Kirshner
Executive Director

USDA

United States Department of Agriculture
Animal and Plant Health Inspection Service

Inspection Report

Roberta A Kirshner
P.O. Box 841
Durham, CA 95938

Customer ID: 3769
Certificate: 93-C-0504
Site: 002
ROBERTA KIRSHNER

Type: FOCUSED INSPECTION
Date: 26-JUN-2017

2.40(b)(2) DIRECT REPEAT

ATTENDING VETERINARIAN AND ADEQUATE VETERINARY CARE (DEALERS AND EXHIBITORS).

This was a focused inspection regarding the status of a lion cub named "Lucie".

A female lion cub named "Lucie", approximately 8 1/2 months old, was previously found to be severely lame, uncomfortable, and unwilling to stand at the time of the previous inspection on 6/7/17.

At the time of the inspection prior to that, on 4/27/17, the cub was exhibiting some lameness in its hindquarters, and had a history of intermittent lameness in the front as well. The exhibitor was asked to have a diagnostic work up completed by a veterinarian who is experienced with this species, by 5/1/17. Radiographs and blood work were completed by that date, but the results were inconclusive. Subsequently two radiologists who specialize in zoo animals reviewed the radiographs at the request of the USDA / APHIS / Big Cat Specialist. Both radiologists stated that the radiographs showed thinned bone cortices, which is typically seen in metabolic bone disease, which can be caused by a dietary deficiency. Currently the animal is able to stand only momentarily, with great reluctance, and she is not able to walk, but does crawl. Although the lion cub seems more comfortable than she did at the time of the 6/7/17 inspection, her condition has not significantly improved. Additionally the lion cub has a history of difficulty swallowing. Although the lion cub's body condition appears healthy, the licensee states that all the lion's meals are being fed to her by hand out of necessity. The last time the attending veterinarian observed the animal, according to records on hand, was 6/12/17, which was two weeks ago.

At the time of the last inspection on 6/7/17, the exhibitor was asked to have a consultant veterinarian with a higher level of expertise with big cat nutrition and medicine review every aspect of this case and to determine an appropriate treatment plan including specific guidance about medical care, treatment, diagnostics, diet and nutritional supplements for this animal. The licensee has not complied with this request, as of the time of the 6/26/17 inspection.

Failure to provide appropriate diagnostics and treatment can result in a poor outcome for animals. The exhibitor

Prepared By: (b) (6), (b) (7)(C) [redacted]
SMITH PAMELA, D V M (b) (6), [redacted], APHIS, Animal Care
Date: 27-JUN-2017
Title: VETERINARY MEDICAL OFFICER 6036

Received By: (b) (6), (b) (7)(C) [redacted]
ROBERTA KIRSHNER
Date: 27-JUN-2017
Title: EXHIBITOR

The complete records are not being taken into account and the full situation is not being assessed. I do not agree. (b) (6), (b) (7)(C) [redacted]

must ensure that all animals receive appropriate veterinary care, to include the use of appropriate methods to diagnose and treat diseases. Veterinarians should have sufficient experience with the species on hand, so as to ensure appropriate care.

The licensee must have a consultant veterinarian with a higher level of expertise with big cat nutrition and medicine review every aspect of this case and to determine an appropriate treatment plan including specific guidance about medical care, treatment, diagnostics, diet and nutritional supplements for this animal. The licensee must immediately follow the exact recommendations of this expert veterinarian. The outcome of this consultation must be provided, in writing, to the inspector upon request. This documentation should include the veterinary diagnosis, any diagnostic tests and the outcome of those tests that were performed, any medications or supplements prescribed along with the dosing instructions, the treatment plan, and entries on a log and/or calendar and/or animal health record that list when the medication or supplement is administered to the animal, showing the amounts, and who administered it.

The licensee must ensure that all animals at the facility are provided with adequate veterinary care, as described by the attending veterinarian and the program of veterinary care. The program for providing adequate veterinary care shall include the use of appropriate methods to prevent, control, diagnose, and treat diseases and injuries.

This inspection was conducted on 6/26/17 with the licensee, and the inspector was accompanied by Dr. Gage during the inspection.

The exit interview was conducted on 6/27/17 with the licensee, and the inspector was accompanied by the Supervisory Animal Care Specialist, Dr. Kathleen Garland.

Additional Inspectors

Gage Laurie, Big Cat Specialist

Prepared By: (b) (6), (b) (7)(C) [redacted]

SMITH PAMELA, D V M (b) (6), [redacted] USDA, APHIS, Animal Care

Date: 27-JUN-2017

Title: VETERINARY MEDICAL OFFICER 6036

Received By (b) (6), (b) (7)(C) [redacted]

ROBERTA KIRSHNER

Date: 27-JUN-2017

Title: EXHIBITOR

The complete records are not being taken into account and the full situation is not being assessed. I do not agree (b) (6), (b) (7)(C) [redacted]

United States Department of Agriculture
Animal and Plant Health Inspection Service

Inspection Report

Roberta A Kirshner
P.O. Box 841
Durham, CA 95938

Customer ID: 3769
Certificate: 93-C-0504
Site: 002
ROBERTA KIRSHNER

Type: FOCUSED INSPECTION
Date: 28-JUN-2017

2.40(b)(2) DIRECT REPEAT

ATTENDING VETERINARIAN AND ADEQUATE VETERINARY CARE (DEALERS AND EXHIBITORS).

This was a focused inspection regarding the status of a lion cub named "Lucie", and facility records.

A female lion cub named "Lucie", approximately 8 1/2 months old, was previously found to be severely lame, uncomfortable, and unwilling to stand at the time of a previous inspection on 6/7/17.

At the time of the inspection prior to that, on 4/27/17, the cub was exhibiting some lameness in its hindquarters, and had a history of intermittent lameness in the front as well. The exhibitor was asked to have a diagnostic work up completed by a veterinarian who is experienced with this species, by 5/1/17. Radiographs and blood work were completed by that date, but the results were inconclusive. Subsequently two radiologists who specialize in zoo animals reviewed the radiographs at the request of the USDA / APHIS / Big Cat Specialist. Both radiologists stated that the radiographs showed thinned bone cortices, which is typically seen in metabolic bone disease, which can be caused by a dietary deficiency. Currently the animal is able to stand only momentarily, with great reluctance, and she is not able to walk, but does crawl. Although the lion cub seems more comfortable than she did at the time of the 6/7/17 inspection, her condition has not significantly improved. Additionally the lion cub has a history of difficulty swallowing. Although the lion cub's body condition appears healthy, the licensee states that all the lion's meals are being fed to her by hand out of necessity. The attending veterinarian has been monitoring the cub's status, and was on site to evaluate her status two days ago.

At the time of the 6/7/17 inspection, the exhibitor was asked to have a consultant veterinarian with a higher level of expertise with big cat nutrition and medicine review every aspect of this case and to determine an appropriate treatment plan including specific guidance about medical care, treatment, diagnostics, diet and nutritional supplements for this animal. The licensee has been attempting to contact a veterinary specialist to fulfill this requirement. At the time of this inspection on 6/28/17, it was verified that the licensee had made initial contact with a consultant who had stated that he was willing to provide the required consultation in the near future.

I do not agree. I do not feel they have all the facts. Lots of calls are made and three veterinarians have agreed to give an opinion on what is going on. (b) (6), (b) (7)(C)

Prepared By: (b) (6), (b) (7)(C) [redacted]
SMITH PAMELA, D V M USDA, APHIS, Animal Care
Date: 28-JUN-2017
Title: VETERINARY MEDICAL OFFICER 6036

Received By: (b) (6), (b) (7)(C) [redacted]
ROBERTA KIRSHNER
Date: 28-JUN-2017
Title: EXHIBITOR

Inspection Report

Failure to provide appropriate diagnostics and treatment can result in a poor outcome for animals. The exhibitor must ensure that all animals receive appropriate veterinary care, to include the use of appropriate methods to diagnose and treat diseases. Veterinarians should have sufficient experience with the species on hand, so as to ensure appropriate care.

The licensee must ensure that there is follow-through with the consultation with an expert specialist. A specialist veterinarian who has extensive experience in big cat nutrition and medicine must review every aspect of this case and to determine an appropriate treatment plan including specific guidance about medical care, treatment, diagnostics, diet and nutritional supplements for this animal. The licensee must immediately follow the exact recommendations of this expert veterinarian. The outcome of this consultation must be provided, in writing, to the inspector upon request. This documentation should include the veterinary diagnosis, any diagnostic tests and the outcome of those tests that were performed, any medications or supplements prescribed along with the dosing instructions, the treatment plan, and entries on a log and/or calendar and/or animal health record that list when the medication or supplement is administered to the animal, showing the amounts, and who administered it.

The licensee must ensure that all animals at the facility are provided with adequate veterinary care, as described by the attending veterinarian and the program of veterinary care. The program for providing adequate veterinary care shall include the use of appropriate methods to prevent, control, diagnose, and treat diseases and injuries.

This inspection and exit interview were conducted with the exhibitor.

Additional Inspectors

Garland Kathleen, Supervisory Animal Care Specialist

I do not agree. I do not feel they have all the facts. Lots of calls have been made and there are three veterinarians have agreed to give an opinion on what is going on. (b) (6), (b) (7)(C) [redacted]

Prepared By: (b) (6), (b) (7)(C) [redacted]

SMITH PAMELA, D V M USDA, APHIS, Animal Care

Date: 28-JUN-2017

Title: VETERINARY MEDICAL OFFICER 6036

Received By: (b) (6), (b) (7)(C) [redacted]

ROBERTA KIRSHNER

Date: 28-JUN-2017

Title: EXHIBITOR

Memo RE: Focused Inspection on Heat Issues at Roberta Kirshner's on 8/15/19 – Drs. Frank and Smith, VMOs

At the time of inspection beginning around 5 PM the temperature was approximately 103 degrees Fahrenheit at the facility. Temperatures measured with a Kestrel device, in from of animal enclosures 102.5 to 104.8, depending on shade and directional orientation of the enclosures. There was no breeze present during the inspection. Whereas as all animals had some shade, many animals appeared quite distressed by the heat. For example:

An obese caracal named Zeus in enclosure C9 was panting rapidly. This animal did have a water basin in its enclosure, but the basin was not really large enough for the animal to lie down in.

An obese clouded leopard named Bow in enclosure C4 was crouched underneath a small, low platform, panting rapidly, and then came out in our presence, and lay down in a sprawled posture, mewing softly and sneezing occasionally while panting rapidly. The temperature was measured at 102.6 degrees. This enclosure had no water receptacle except for the bucket of drinking water.

A coyote named Tenacity in enclosure C15 was lying behind a round metal tub that contained about six inches of water, in the shade created behind the tub. The coyote got up and walked to a shadier area of the enclosure, where it stood panting very rapidly. Although the water tub was large enough for the animal to get into, the metal tub was sitting in the sun, and the water may have been very hot. The temperature there registered at 104.8 degrees.

In the enclosure for the ringtail named Addie, C14, the ringtail was in its usual daytime location, out of sight underneath the wooden platform in the enclosure. The IR gun was used to measure the temperature just inside the opening under the platform, and it read 111.0 degrees. We were not able to assess the condition of the animal.

Two coatis, Bernie and Nina, in enclosure C13 were breathing heavily – audibly panting with mouths wide open. They did not have any water apart from their drinking water accessible in the enclosure. The temperature was read with the Kestrel at 104.0 degrees.

An elderly coyote (approx. 20 yrs old) named Wiley in enclosure C11 was standing in the shade next to pan of food and a large pan of water. The coyote was standing still and panting rapidly. The pan of water was not large enough for the animal to get into. Temperature was measured at 103.9 degrees.

A clouded leopard named Rosie in enclosure D1 was lying on its wooden platform, panting heavily. There was a small plastic pan of water in the enclosure, but not large enough for the animal to get into. The temperature there measured 102.8 degrees.

A snow leopard named Brenda II in enclosure D4 was breathing in a loud and labored manor, with its mouth open. With every exhale this animal would extend its tongue out, and curl its upper lip, lifting its nose. There was no water in the enclosure besides the drinking water. The temperature was measured at 101.8 degrees.

A tiger named Dana in enclosure D5 was panting. There was no water in the enclosure apart from a bucket of drinking water. The temperature in front of D5 was 102.6 degrees. Nearby another tiger had a pool of water, and the tiger was inside the pool, and then leapt out and sprung up at us when we approaching. This animal was not panting nor distressed. This tiger was the only tiger or liger or lion we saw out of twelve that had a pool large enough that it could get into the pool. The bears also had pools that they were utilizing to cool off, and they appeared comfortable.

A snow leopard named Frederick in enclosure D8 was pacing and panting loudly, and he was seen to be wobbly in his hind-quarters. There was no water available in his enclosure beyond the bucket of drinking water.

Two mule deer were observed to be open-mouthed breathing, panting rapidly with a respiratory rate of approximately 212 respirations per minute. The temperature at the front of the enclosure was 101.4 degrees.

In enclosure A9 a clouded leopard named Nebula was inside its large wooden box structure panting rapidly. The temperature in front of the enclosure was 103.5 degrees, and the IR gun showed a reading of 106 degrees inside the box next to the animals. The only water available was the drinking water.

The issue of protecting the animals from excessive heat has been discussed many times with the licensee, since this area sometimes experiences high temperatures. The facility has a "Water / Cooling Protocol" which calls for the following steps to be taken when temperatures exceed 90 degrees:

1.) "Adding ice to drinking water" – The licensee said that this was being done, but when we arrived the drinking water did not have any ice.

2.) "Putting blocks of ice in the animals enclosures" – This was not observed, nor were there wet spots suggesting that it had been done earlier.

3.) "Placing pools/containers/troughs/tanks in the enclosures, where appropriate, for animals to get in and swim. These containers are kept onsite" – Very few animals had a pool they could actually fit into. Small basins of water will also heat up to the outside temperature more quickly. Some larger pools were onsite but not in use. The licensee claims that some animals get too excited and playful when they have a pool, and that this causes them to overheat.

4.) "Hosing down decks" – The decks were all dry at the time of our arrival. Volunteers arrived and began wetting decks during our inspection.

5.) "Hosing down the animal" – This was not observed. Only the animals with ample pools were wet.

6.) "Rolling up the tarps on one or both sides of the enclosure for better air circulation" – Some enclosures had tarps rolled up, but there was no breeze this day, and the tarps were providing important shade.

7.) "Giving the animals a frozen food treat" – This was not observed.

The cooling efforts were clearly inadequate on this day, with many animals distressed with the high temperatures. During past visits to the facility, including where our big cat specialist was in attendance, it has been suggested that misters be considered as an effective method of cooling for this climate, and especially since not all species or animals will utilize pools, but the licensee states that she used them in the past and that there were respiratory problems. This has not been observed at other facilities that use misters.

USDA
United States Department of Agriculture

Animal and Plant Health Inspection Service

4700 River Road
Riverdale, MD 20737

October 9, 2019

Roberta A Kirshner
P.O. Box 841
Durham, CA 95938

License No: 93-C-0504
Customer No. : 3769

Dear Ms. Kirshner:

Your September 1, 2019 appeal of citations on the USDA inspection report dated August 15, 2019 was thoroughly reviewed by an Animal Care appeal panel consisting of a Supervisory Animal Care Specialist, an Assistant Director, a Species Specialist, and me. The appeal is addressed below.

Citation 2.131(e) Handling of Animals will remain.

The appeal team determined that based upon video evidence and the observations of two Veterinary Medical Officers, some of the animals were described as exhibiting signs of discomfort beyond what might be expected on a hot day including visible respiratory effort, such as open mouth breathing and increased panting. Kestrel thermometer readings in front of a typical enclosure was in the range of 102-104° F.

We recognize your effort to provide relief by having a water/cooling protocol, however based upon the environmental conditions at the time of the inspection, it was apparent that some animals were in need of additional relief from the extreme temperatures. Some of the additional relief that may have been offered to these animals was listed in your water /cooling protocol which states that one or more methods listed in the protocol would be used when temperatures rise above 90° F.

The appeal team did remove the DIRECT designation from the citation. Although additional cooling relief was needed, the animals noted did not exhibit severe distress from the temperatures.

You should receive a copy of the amended inspection report within two weeks.

All decisions made by the appeal panel are final and represent Animal Care's final determination for this appeal.

Sincerely,

MICHAEL NEAFSEY

Digitally signed by MICHAEL NEAFSEY
Date: 2019.10.10 16:53:15 -04'00'

Michael Neafsey, DVM MPH DACVPM
Acting Director, Animal Welfare Operations
USDA, APHIS, Animal Care

USDA Animal Care. *Ensuring humane treatment. Serving people. Doing right.*

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BARRY R. KIRSHNER WILDLIFE FOUNDATION

A Non-Profit Organization Dedicated to Conservation and Education

September 1, 2019

USDA Animal Care
2150 Centre Avenue, Building B
Mailstop #3W11
Fort Collins, CO 80526

To whom this may concern,

I, Roberta Kirshner, am the Executive Director/Resident Trainer of the Barry R. Kirshner Wildlife Foundation (*Kirshner*). On August 15, 2019, Dr. Katharine Frank and Dr. Pamela Smith of USDA came to conduct inspections of our facility. On August 20, 2019, I received their attached inspection report (*Enclosure 1*). This letter will serve as *Kirshner's* appeal of the noncompliance item listed in the inspection report.

Item 2.131(a) Direct

Handling of Animals

On August 15, 2019, I received a phone call from Inspector Dr. Pamela Smith notifying me that she was at my gate for an inspection. I had gone to visit a friend who is terminally ill with stage IV cancer and assist with her daughter's horses while she tended to her sick mother. After receiving Dr. Smith's phone call, I immediately returned to Kirshner and arrived within 20 minutes of Dr. Smith's call. To my knowledge, there is no regulation that requires me to be on site 24 hours per day.

It was noted in the inspection report that there was "no one visible monitoring the animals". I enclose herein statements from the two volunteers who were on site in my absence and who were there during the inspection (*Enclosures 2, 3*). I never leave the animals unattended when I feel that there is any concern about their well-being. In addition, my phone allows me to directly monitor Kirshner's property through an app linked to our video surveillance apparatus.

Before I left that day, I personally checked each animal to ensure their well-being. Ice had been added to the drinking water buckets within an hour before I left the property. As stated in the volunteer statements mentioned above, during the inspection, I had two volunteers refilling water buckets and hosing down decks. The volunteers had just finished refilling drinking buckets and hosing down the animals' decks in section A just as the inspectors and I walked by.

P.O. Box 841 Durham, CA 95938 (530) 533-1000 www.kirshner.org admin@kirshner.org

The deer referenced in the inspection report are referred to as mule deer. I request that this portion of the report be corrected as the deer in question are actually black-tailed deer. Panting is a natural cooling method of deer and all animals because they do not have sweat glands. According to my attending veterinarian, (b) (6), (b) (7)(C) deer are physically incapable of having a respiratory rate in excess of 200 breaths per minute.

I have had a cooling protocol in place with our attending veterinarian and on file with USDA for many years (*Enclosures 4, 5*). Every animal is provided a drinking water bucket and each is assigned a very specific cooling protocol that has been personalized to suit its needs. Not every animal will utilize or benefit from having an additional water basin. In these cases, they are given ice in their water buckets, frozen meat and ice blocks. The side tarps of their enclosures can be rolled up, or their decks are hosed down. All of the assigned protocols must be used with care because they can come with unwanted results if administered incorrectly. For example, hosing down a deck too often can create humidity which can result in discomfort for certain animals. Water basins for the animals to play in can cause harm to certain animals because they tend to play too hard for conditions, causing them to overheat.

Also, the cooling water basins are given to the animals based on their individual needs and proclivities. Not every animal likes to be submerged in water. Some animals are given smaller basins as they choose to only put their feet in the water. Some of the basins have less water than others because the animals like to get in and splash causing the water to overflow. The water in the basins get changed and added to frequently because of this and to keep the water cool. Please note that during the inspection, neither inspector checked the temperature of any water basin or drinking water bucket.

Measures are always undertaken to provide the most comfort for each individual animal. The age, health, species, and acclimation of the animal is always taken into consideration when the attending veterinarian and myself decide which cooling method is best.

After the inspection, I contacted my attending veterinarian, (b) (6), (b) (7)(C) came out and checked all of the animals, (b) (6), (b) (7)(C) then called Dr. Smith and left a message that she would like to discuss the cooling protocols with her. As of this writing, Dr. Smith has not returned the phone call from (b) (6), (b) (7)(C)

It is noted in the inspection report that these items were to be corrected immediately. The cooling protocols that Kirshner follows have been approved by USDA and our attending veterinarian, (b) (6), (b) (7)(C) were the protocols in place at the time of the inspection. They were being routinely followed on the day of our inspection as they are on any day which requires it. Should the Inspectors have any specific recommendations over and above what is in our approved protocols, we would be eager to discuss those with you.

It has been brought to my attention that during an exit interview, if there are noncompliance items found, that the inspector is to show the licensee any pictures that pertain to the items. To date, I have never been shown any pictures from the inspector. I have always strived to maintain an open communication with any inspector. I do my best to keep up with all of the new regulations put in place. If there is ever a time that I am not in compliance, I immediately correct the issue. It would be most helpful to me and the inspector to look through the pictures together to come up with a plan quickly to fix any noncompliance item that may show up.

The animals' safety and comfort is the most important part of caring for them. Our facility has housed animals in this climate since 1994. We have never once lost an animal due to temperature. Acclimating each animal to this specific environment is key to ensuring comfort and safety.

I would also like to note that I feel it was very inappropriate for Dr. Smith to comment that I need more help because of my age. There is no justification for this statement. I would not take on animals if I felt that I was unable to give them the proper care. There are four shifts of volunteers that come in throughout the day and night. Many of which are on 24-hour call.

I hope this information is responsive to your needs. I am available at your convenience to discuss these matters with you. I can be reached a (b) (6), (b) (7)(C) [redacted]

Sincerely,

Robert Kirshner

Robert Kirshner
Executive Director

Enclosures
1 Inspection Report
2 Statement by (b) (6), (b) (7)(C) [redacted]
3 Statement by (b) (6), (b) (7)(C) [redacted]
4 Water Cooling Protocol
5 Water Cooling Protocol Addition

USDA

United States Department of Agriculture
Animal and Plant Health Inspection Service

2016082569577682 Insp_id

Inspection Report

Roberta A Kirshner
P.O. Box 841
Durham, CA 95938

Customer ID: **3769**
Certificate: **93-C-0504**
Site: 002
ROBERTA KIRSHNER

Type: FOCUSED INSPECTION
Date: 15-AUG-2019

2.131(e) DIRECT

HANDLING OF ANIMALS.

On the day of inspection on 8/15/19 the temperature reached ~104 degrees F during the inspection, at approximately 5 pm. When we arrived for inspection, the gates were locked and the licensee was called and returned 25 minutes later from town (so had been gone for at least 45 minutes with no one visible monitoring the animals). The forecasted temperature for the late afternoon was greater than 100 degrees and there was an extreme heat warning in effect.

Many of the animals without additional water beyond drinking water were panting and appeared uncomfortably hot and distressed, especially the overweight animals (such as the caracal and clouded leopard). The mule deer were open mouth breathing with a respiratory rate in excess of 200 breaths per minute. Open mouth breathing and visible respiratory effort was seen in the coatis, coyotes, clouded and snow leopards.

A Kestrel thermometer reading in front of a typical enclosure was 102-104.8 degrees F. An infrared thermometer showed the surface temperature within the den box where a clouded leopard was panting to be around 106 degrees F, and 110 degree F under the deck in the ringtail enclosure, where the ringtail was residing.

A few of the enclosures had a pool in addition to the drinking water, including the bears, fishing cats and two tigers, as well as occasional smaller basins for some animals, but these were not large enough for the animals to get into. These smaller basins only had a few of inches of water, which would heat up quickly in temperatures above 100 degrees. The majority of the enclosures did not have any additional basins of water supplied beyond drinking water containers, which had no ice in them.

The facility has a water/cooling protocol which states that when temperatures are above 90 degrees, the animals may be cooled using the following methods: pools that the animal can get into (in addition to drinking water), ice in the drinking water, ice blocks, hosing down the decks or the animals, raising the tarps for better air circulation and frozen ice treats. These measures were not being adequately employed at the time of inspection.

Prepared By: KATHARINE FRANK Digitally signed by KATHARINE FRANK Date: 2019.08.20 14:26:53 -07'00'

FRANK KATHARINE, D V M USDA, APHIS, Animal Care

Date: 20-AUG-2019

Title: VETERINARY MEDICAL OFFICER 6091

Received By:

ROBERTA KIRSHNER

Date: 20-AUG-2019

Title: DELIVERED BY HAND

06 SEP 2019
20-00772-F_000231

Inspection Report

Measures should be undertaken to prevent overheating, and ensure the comfort of the animals during hot weather. Severely hot weather can cause discomfort and threaten the health of the animals.

To be corrected immediately.

Exit interview conducted on August 20, 2019 with facility representative.

Additional Inspectors

Smith Pamela, Veterinary Medical Officer

Prepared By: KATHARINE FRANK Digitally signed by KATHARINE FRANK Date: 2019.08.20 14:27:23 -07'00'

FRANK KATHARINE, D V M USDA, APHIS, Animal Care

Date: 20-AUG-2019

Title: VETERINARY MEDICAL OFFICER 6091

Received By:

ROBERTA KIRSHNER

Date: 20-AUG-2019

Title: DELIVERED BY HAND

United States Department of Agriculture
Animal and Plant Health Inspection Service

Customer: 3769
Inspection Date: 15-AUG-19

Species Inspected

Cust No	Cert No	Site	Site Name	Inspection
3769	93-C-0504	002	ROBERTA KIRSHNER	15-AUG-19

Count	Scientific Name	Common Name
000002	*Acinonyx jubatus*	CHEETAH
000001	*Bassariscus astutus*	RINGTAIL
000002	*Canis latrans*	COYOTE
000001	*Canis lupus*	GRAY WOLF / GREY WOLF / TIMBER WOLF
000001	*Caracal caracal*	CARACAL
000003	*Lemur catta*	RING-TAILED LEMUR
000001	*Leopardus pardalis*	OCELOT
000001	*Leptailurus serval*	SERVAL
000002	*Lynx lynx*	NORTHERN/EURASIAN LYNX
000001	*Lynx rufus*	BOBCAT
000002	*Nasua narica*	WHITE-NOSED COATI
000003	*Neofelis nebulosa*	CLOUDED LEOPARD
000002	*Notamacropus rufogriseus*	BENNETT'S WALLABY / RED-NECKED WALLABY
000002	*Odocoileus hemionus*	MULE DEER
000004	*Panthera leo*	LION
000003	*Panthera leo x p. tigris*	LION X TIGER HYBRID / LIGER / TIGON
000004	*Panthera pardus*	LEOPARD
000006	*Panthera tigris*	TIGER
000001	*Prionailurus viverrinus*	FISHING CAT
000002	*Puma concolor*	PUMA / MOUNTAIN LION / COUGAR
000002	*Uncia uncia*	SNOW LEOPARD
000001	*Ursus americanus*	NORTH AMERICAN BLACK BEAR
000002	*Ursus arctos*	BROWN BEAR
000002	*Vulpes vulpes*	RED FOX (INCLUDES SILVER FOX & CROSS FOX)
000051	**Total**	

20-00772-F_000233

8/29/2019

On 8/15/2019, I was at the Barry R. Kirshner Wildlife Foundation. I was hosing down the decks with another volunteer when Roberta Kirshner had to go offsite. When she came back, I saw her and two inspectors walking around the facility doing an inspection. The decks were still wet in one of the areas that the inspectors saw because another volunteer and I had just finished checking and filling the water buckets and hosing the decks.

(b) (6), (b) (7)(C) [redacted]

9/4/19

Date

06 SEP 2019
20-00772-F_000234

8/29/2019

I, (b) (6), (b) (7)(C) [redacted] was at the Barry R. Kirshner Wildlife Foundation during the time of the inspection on August, 15, 2019. I was onsite while Roberta was gone. After Roberta came back, I personally saw the inspectors with her doing the inspection. During the inspection, I was working with another volunteer hosing down the decks. The inspectors came by the area right after we were finished hosing down the decks and refilling the drinking buckets.

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

[redacted]

9-4-19

Date

Barry R. Kirshner Wildlife Foundation
Dba Barry Kirshner Wildlife Sanctuary & Educational Center

BA 7-27-16
BA 1-12-17
BA 8-21-19
w/ addendum.

Standard Operating Procedures Manual

Water/Cooling Protocol

All animals are to have access to clean drinking water at all times regardless of air temperature. Water buckets are to be checked every four to five hours daily, regardless of air temperature, to ensure there is clean, cool and ample water available. Please refer to the "Cleaning Protocol" in this manual for proper drinking water container cleaning procedures. All animals are provided with shade in their enclosures and are acclimated to the temperatures in Butte County. This protocol refers to aid in cooling animals down when temperatures rise above 90 degrees.

When the air temperature rises above 90 degrees, the animals will pant to cool themselves down. The methods listed below are used to help cool them down. One or more of the following methods are used on an individual basis:

1. Adding ice to animals' drinking water container. We always have a freezer dedicated for ice and always full for this purpose;
2. Putting blocks of ice in the animals' enclosures. Ice blocks are also kept in our freezer;
3. Placing pools/containers/troughs/tanks in the enclosures, where appropriate, for animals to get in and swim. These containers are kept onsite;
4. Hosing down decks;
5. Hosing down the animal;
6. Rolling up the tarps on one or both sides of the enclosure for better air circulation;
7. Giving the animals a frozen food treat.

All of the methods mentioned above have been discussed with and approved by the attending veterinarian. The method/s used to help the cooling process are chosen by the Executive Director/Resident Trainer. Some of these methods can stimulate the animals such as introducing a new item such as a pool. It could encourage strenuous physical activity, which generates additional body heat, and could make the temperature problem worse rather than better. Once a method is chosen, the animal is monitored closely by the Executive Director/Resident Trainer and the senior volunteers to make sure the animal does not overheat.

Some of the methods mentioned above require an animal be placed in its lockout. Please refer to the "Lockout Protocol" in this manual for proper lockout procedures.

06 SEP 2019
20-00772-F_000236

Add to existing protocol for cooling 8-21-19

90° - roll up tarps for air flow

95° - add ice to drinking water

100° - add or check water in pools or put ice blocks in pens or frozen food treats.

105° and above - hose down decks or animals if not adequately cooled with pools or ice

Need thermometers for external environment temp.

Need instaread food thermom. like for meat for water + pools

United States Department of Agriculture
Animal and Plant Health Inspection Service

Inspection Report

Roberta A Kirshner
P.O. Box 841
Durham, CA 95938

Customer ID: **3769**
Certificate: **93-C-0504**
Site: 002
ROBERTA KIRSHNER

Type: FOCUSED INSPECTION
Date: 15-AUG-2019

2.131(e)

HANDLING OF ANIMALS.

On the day of inspection on 8/15/19 the temperature reached ~104 degrees F during the inspection, at approximately 5 pm. The forecasted temperature for the late afternoon was greater than 100 degrees and there was an extreme heat warning in effect.

Many of the animals without additional water beyond drinking water were panting and appeared uncomfortable and hot, especially the overweight animals (such as the caracal and clouded leopard). Open mouth breathing and visible respiratory effort was seen in a coyote, clouded and snow leopards.

A Kestrel thermometer reading in front of a typical enclosure was 102-104.8 degrees F. An infrared thermometer showed the surface temperature within the den box where a clouded leopard was panting to be around 106 degrees F, and 110 degree F under the deck in the ringtail enclosure, where the ringtail was residing.

A few of the enclosures had a pool in addition to the drinking water, including the bears, fishing cats and two tigers, as well as occasional smaller basins for some animals, but these were not large enough for the animals to get into. These smaller basins only had a few of inches of water, which would heat up quickly in temperatures above 100 degrees. The majority of the enclosures did not have any additional basins of water supplied beyond drinking water containers, which had no ice in them.

The following animals were observed to be in need of additional efforts to provide relief from the temperature due to their continued panting and open mouthed breathing: the snow leopard Brenda II, the clouded leopards Nebula and Rosie, and the coyote Wiley.

The facility has a water/cooling protocol which states that when temperatures are above 90 degrees, the animals may be cooled using the various methods, however

Prepared By:

FRANK KATHARINE, D V M USDA, APHIS, Animal Care

Date: 20-AUG-2019

Title: VETERINARY MEDICAL OFFICER 6091

Received By:

ROBERTA KIRSHNER

Date: 20-AUG-2019

Title: DELIVERED BY HAND

Inspection Report

additional measures should be undertaken to prevent overheating, and ensure the comfort of all animals during hot weather. Severely hot weather can cause discomfort and threaten the health of the animals.

To be corrected August 20, 2019

Exit interview conducted on August 20, 2019 with facility representative.

Additional Inspectors

Smith Pamela, Veterinary Medical Officer

Prepared By:

FRANK KATHARINE, D V M USDA, APHIS, Animal Care

Date: 20-AUG-2019

Title: VETERINARY MEDICAL OFFICER 6091

Received By:

ROBERTA KIRSHNER

Date: 20-AUG-2019

Title: DELIVERED BY HAND

U.S. Department of Agriculture
Animal and Plant Health Inspection Service

Compliance Activity Summary

Licensee/Facility Name: Kirshner Foundation	Date of Compliance Activity: 6-28-2016
USDA Customer Number: 3769	Compliance Specialist: Bolinger, Jean
Site Number: 002	Home Inspector: Pamela Smith VMO

		Standards & Regulations *'X' where items discussed*	DOGS		CATS		GUINEA PIGS		HAMSTERS		RABBITS		PRIMATES		MARINE MAMMALS		All OTHER SPECIES	
FACILITIES	GENERAL	Structure & Condition	3.1		3.1		3.25		3.25		3.50		3.75		3.101		3.125	
		Condition & Site	3.1		3.1								3.75		3.101			
		Surfaces & Cleaning	3.1		3.1								3.75		3.101			
		Utilities/Washroom/Storage	3.1		3.1		3.25		3.25		3.50		3.75		3.101		3.125	
		Drainage & Waste Disposal	3.1		3.1		3.25		3.25		3.50		3.75		3.101		3.125	
	INDOOR	Temperature/Ventilation/ Lighting	3.2		3.2		3.26		3.26		3.51		3.76		3.102		3.126	
		Interior Surfaces	3.2		3.2		3.26		3.26		3.51				3.101			
		Drainage													3.101		3.126	
	SHELTERED	Temperature/Ventilation/Lighting	3.3		3.3								3.77					
		Shelter from elements	3.3		3.3								3.77					
		Surfaces	3.3		3.3													
		Capacity/Perimeter fence/Barrier											3.77					
	OUTDOOR	Restrictions or Acclimation	3.4		3.4		3.27		3.27				3.78		3.103			
		Shelter from elements	3.4		3.4		3.27				3.52		3.78		3.103		3.127	
		Drainage					3.27				3.52						3.127	
		Construction	3.4		3.4		3.27						3.78		3.101			
		Capacity/Perimeter fence/Barrier											3.78		3.101		3.125	
	MO-BILE	Temperature/Ventilation/Lighting	3.5		3.5								3.79					
		Public Barrier											3.79					
PRIMARY ENCLOS-URE		General Requirements	3.6		3.6		3.28		3.28		3.53		3.80		3.104		3.125	
		Space & Additional Requirements	3.6		3.6		3.28		3.28		3.53		3.80		3.104		3.128	
		Protection from Predators	3.6		3.6		3.25		3.25		3.52		3.80		3.101		3.125	
ANIMAL HEALTH & HUSBANDRY		Exercise & Socialization	3.8															
		Environment Enhancement											3.81					
		Feeding	3.9		3.9		3.29		3.29		3.54		3.82		3.105		3.129	
		Watering	3.10		3.10		3.30		3.30		3.55		3.83		3.106		3.130	x
		Cleaning & Sanitization	3.11		3.11		3.31		3.31		3.56		3.84		3.107		3.131	
		Housekeeping & Pest Control	3.11		3.11		3.31		3.31		3.56		3.84		3.107		3.131	
		Employees	3.12		3.12		3.32		3.32		3.57		3.85		3.108		3.132	x
		Social Grouping & Separation	3.7		3.7		3.33		3.33		3.58				3.109		3.133	
TRANSPORTATION		Primary Enclosure	3.14		3.14		3.36		3.36		3.61		3.87		3.113		3.137	
		Primary Conveyance	3.15		3.15		3.37		3.37		3.62		3.88		3.114		3.138	
		Food & Water	3.16		3.16		3.38		3.38		3.63		3.89		3.115		3.139	
		Care in Transit	3.17		3.17		3.39		3.39		3.64		3.90		3.116		3.140	
		Handling during Transportation	3.19		3.19		3.41		3.41		3.66		3.92		3.118		3.142	
ALL OTHER ITEMS-ALL SPECIES		Identification	2.50	x														
		Records & Holding Period	2.75-2.78		2.101		2.132		2.133	x								
		Handling	2.131		x													
		Veterinary Care	2.40		x													
		Other																

Targeted areas covered:

- 2.40 (a)(1) Attending Veterinarian and Adequate Veterinary Care (Dealers & Exhibitors)
- 2.40 (b)(2) Attending Veterinarian and Adequate Veterinary Care (Dealers & Exhibitors)
- 2.131 (e) Handling of Animals

Pre-visit Information:

The WRO and VMO Pamela Smith recommended Roberta Kirshner as a potential candidate for a targeted Compliance visit. Licensee Roberta Kirshner was contacted on June 2, 2016, by VMO Smith, and offered a compliance visit in which the AV was encouraged to attend. It was explained to her that finding a direct NCI would result in the cessation of the compliance visit and an inspection would be conducted. Furthermore, she was advised that participating in the Compliance program did not prevent any pending enforcement action from going forward nor would it prevent any future enforcement action if compliance is not achieved.

Summary:

A general review of the history of inspection reports issued for the past three years was conducted in the sit down session. The licensee was encouraged to take a proactive approach in managing the facility. The licensee was provided with educational presentations to reiterate the agencies expectation of daily observation and appropriate methods to prevent, control, diagnose and treat diseases and injuries. In depth discussion also focused on appropriate identification of animals, availability of medical records, and preventative veterinary care. The licensee, head keeper and AV attended the sit-down meeting which was audio recorded by the licensee. The licensee participated in the walkthrough.

Changes planned by facility:

- Individual animal health records will be maintained to document the identification of illness or disease, the diagnosis, treatment, and prognosis from the AV.
- Due to ongoing renaming of animals they will be identified by their microchips on medical and health records in the future to provide a way to accurately track appropriate care and medical treatment.
- Self-inspections will be implemented
    - Daily observation of each animal
    - Inspection findings will be documented
- Licensee and the attending veterinarian to create a plan for veterinary care and documentation, including diagnostics on animals exhibiting signs of illness, injury or disease, also to include full necropsies on animals which no immediate cause of death is found during a gross necropsy.
- Proper training of employees/volunteers
- Improved method of providing relief from extreme heat such as a misting system, availability of ice blocks, adding swimming pools and/or increased frequency of hosing down of decks/enclosures by staff.

Short-term results: Review of progress will be done upon completion of the first routine inspection post compliance visit.

Long-term results: Follow up on progress will occur on the following time frame:

- July 12, 2016
- December 29, 2016
- June 29, 2017
- December 29, 2017
- June 29, 2018

USDA

United States
Department of
Agriculture

Animal and Plant
Health Inspection
Service

920 Main Campus
Drive, Suite 200
Raleigh, NC 27606

93-C-0504 # 3769
Roberta A Kirshner
P.O. Box 841
Durham, CA 95938

March 31, 2016

Dear licensee,

We write to you regarding the care and handling requirements for newborn and infant nondomestic cats 4 weeks (28 days) of age or younger (neonate or neonatal). Among other things, the Animal Welfare Act regulations require licensees to provide these animals with preventive and responsive veterinary care and adequate housing and nutrition, and to ensure that they are handled safely and protected from harm.

Neonatal nondomestic cats have special handling and husbandry needs. Nondomestic cats of this age range are not able to thermoregulate, and do not have fully functioning immune systems to fight off disease and infection. Neonates obtain immunity from their mother, primarily through antibody-rich colostrum (first milk), and should be housed with their mother as long as possible after birth to promote good health. Their health is at risk if they are exposed to other animals or offered for public contact. Until these animals can thermoregulate and are immunocompetent, they should be housed in the controlled environment of a heated, clean, and sheltered enclosure (such as a nursery), or in a clean, sheltered enclosure with the mother and any healthy siblings.

This serves as official notice to exhibitors and dealers that failing to house neonate nondomestic cats in a controlled, sanitary, temperature-controlled environment (as described above), and failing to handle such animals in a manner that does not expose them to public contact, feeding, or handling, are considered noncompliant with the veterinary care and handling requirements of the Animal Welfare Act regulations. See 9 C.F.R. §§ 2.40(a), 2.40(b)(1), 2.40(b)(2), 2.40(b)(4), 2.131(b)(1), 2.131(c)(1), 2.131(c)(3), 2.131(d)(1), 2.131(e).

More information on the requirements of neonatal nondomestic cats may be found in the attached Animal Care Tech Note.

If you have questions, you may contact the Raleigh, NC office at 919-855-7100, the Fort Collins, CO office at 970-494-7478.

Sincerely,

Craig Nowakowski
Director, Program Support
Animal Care