

January 4, 2024

Sheriff Brian Mueller
Pennington County Sheriff's Office

Via email: [REDACTED]

Re: Request to further investigate Bear Country U.S.A. for apparent violations of SDCL § 40-1-2.3 and § 34-37-16.1.

Dear Sheriff Mueller:

I am writing on behalf of PETA to urge the Pennington County Sheriff's Office to reconsider its decision to close its investigation, and to conduct further investigation, of Bear Country U.S.A., located at 13820 US-16, Rapid City, South Dakota, 57702, for apparent animal mistreatment and neglect in violation of SDCL § 40-1-2.3, and unlawful use of fireworks in violation of SDCL § 34-37-16.1. PETA has provided unimpeachable evidence of these violations, and Bear Country U.S.A. must be held accountable.

“No person owning or responsible for the care of an animal may neglect, abandon, or mistreat the animal.” SDCL § 40-1-2.3. Any violation of this provision is a Class 1 misdemeanor. *Id.* To “neglect” an animal is defined, in relevant part, as “to fail to provide ... care generally considered to be standard and accepted for an animal's health and well-being consistent with the species, breed, physical condition, and type of animal.” *Id.* § 40-1-1(11). To “mistreat” an animal is “to cause or permit the continuation of unjustifiable physical pain or suffering of an animal.” *Id.* § 40-1-1(10). “Animal” includes any mammal except humans. *Id.* § 40-1-1(2).

PETA previously requested that the Pennington County Sheriff's Office investigate Bear Country U.S.A. for apparent neglect and mistreatment of a severely ailing red fox named Mama, as observed and documented extensively by an eyewitness who worked at the facility's [REDACTED] between [REDACTED] and [REDACTED]. Despite the ample evidence submitted with PETA's complaint, the Pennington County Sheriff's Office inexplicably decided to close its investigation for lack of substantiation. PETA is deeply concerned by this decision and urges your office to reopen its investigation into these serious allegations, which are supported by a first-hand witness account and video evidence.

PETA further urges the Pennington County Sheriff's Office to investigate Bear Country U.S.A.'s premature separation, without medical necessity, of bear cubs from their mothers in March and wolf pups from their mothers in early May, as recounted to the eyewitness by multiple Bear Country U.S.A. employees who participated in the separations. As detailed in the attached appendix, the facility's horrific practices, which wildly contravene any standard and accepted level of care in the captive wildlife industry, meet the definition of neglect under SDCL § 40-1-1(11). Moreover, the evidence reveals that Bear Country U.S.A. used fireworks as part of these brutal events, in apparent violation of SDCL § 34-37-16.1.

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PETA thus implores the Pennington County Sheriff's Office to resume its investigation of Bear Country U.S.A and to hold the facility fully accountable for these numerous apparent violations. The public deserves to have confidence that your office takes crimes against animals seriously and, without appropriate enforcement action, Bear Country U.S.A.'s disregard for South Dakota law will likely persist.

Thank you very much for your continued attention to this important matter.

Very truly yours,

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Molly Johnson
Senior Counsel and Manager of Regulatory Affairs
Captive Animal Law Enforcement
PETA Foundation

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Appendix

I. Mama the fox

On July 10, 2023, PETA submitted an investigation request to the Pennington County Sheriff's Office, detailing Bear Country U.S.A.'s failure to provide necessary veterinary care to a red fox named Mama for *more than 10 weeks*. See Original Complaint (Ex. 1). During that time, the eyewitness observed and documented the deterioration of Mama's condition, including fur loss, difficulty walking, and marked thinness, yet the facility failed to obtain veterinary treatment for her, resulting in her prolonged pain and suffering—to which the facility's employee admitted. See e.g. [Video 7](#) (numbering per original complaint), at 0:49-0:53.

In addition to extensive first-hand evidence, PETA's request included an expert opinion from Dr. Monica Bando, a wildlife veterinarian and senior lecturer at the University of Central Lancashire School of Veterinary Medicine. Dr. Bando explained that “an acceptable standard of care” for Mama would have included annual “bloodwork, thorough physical examination, assessment of coat and skin, x-rays if possible and joint assessment to screen for osteoarthritis or degenerative joint disease; together with regular, daily monitoring and recording/tracking of food intake, general appearance, mobility, and welfare status”—none of which Mama received between at least July 11, 2022, and June 7, 2023, based on the evidence submitted with the letter. See Ex. 1, at 2.

Despite this, the Pennington County Sheriff's Office inexplicably closed its investigation, asserting that it could not substantiate a violation of SDCL § 40-1-2.3. Given the overwhelming, direct evidence that Bear Country U.S.A. neglected and mistreated Mama by failing to provide her with a standard and accepted level of veterinary care, thus causing her unjustifiable pain and suffering, PETA urges your office to resume its investigation into this alleged criminal conduct and pursue appropriate charges.

II. Premature maternal separation

As raised by the eyewitness during her July 26, 2023, interview with Investigator [REDACTED], Bear Country U.S.A. prematurely separated bear cubs from their mothers in March and wolf pups from their mothers in early May. Both events were recounted to the eyewitness in detail by Bear Country U.S.A. employees who participated in the separations, and PETA urges the Pennington County Sheriff's Office to investigate these traumatic and gratuitous practices as an additional violation of SDCL §§ 40-1-2.3 and 40-1-1(11).

Bear cub removal

- On March 30, 11 bear cubs approximately four to eight weeks old were removed from seven mothers. While recounting the day's events, one worker, [REDACTED], described how distressing the separation was for both the mothers and cubs. She said that “the triplets came from a really pissed-off mom. She would not get away from the den. [REDACTED] [the [REDACTED]] was carrying all of them. He ran over, ran in fast, slammed the door. 'Cause [the mothers] get mad when they hear [their cubs] cry, and those ones were absolutely howling. They were *not* happy.” See [Video A](#).
- On May 8, the eyewitness spoke to [REDACTED], one of the [REDACTED] who took part in the cub separation on March 30 about how the facility generally removes the cubs from the dens. [REDACTED] described how they use a long fiberglass pole and “jam it up” in the den and wiggle it around to scare the mothers out, but “if they're with babies, they don't want to [leave],” so if that doesn't work, they

set off bottle rockets. █████ described that two workers stand outside the den with shotguns (implying that they will shoot the mothers if they try to defend themselves and their cubs). He explained that, if the mothers don't immediately run away after exiting the dens, workers either "chase them with a four wheeler" or "toss out some bottle [rockets] or whatever." He also added that another worker, █████, runs a chainsaw, without the chain, to create enough noise to drown out the cubs' cries, "so the moms don't really realize" that their cubs are being taken. █████ admitted that the process is "a little bit bad on the morals, you know, stealing children and taking them to a white van." See [Video B](#).

- On May 10, █████, the █████, corroborated what █████ had told the eyewitness. █████ said that he had taken part in the cub retrievals for 10 years and is the person who climbs into the dens to grab the cubs. He confirmed that employees shake a fiberglass pole to scare the mothers out of the dens and, if that doesn't work, they toss bottle rockets into the dens. █████ also confirmed that employees run chainsaws, without the chains, "so the mothers can't hear the babies screaming." See [Video C](#).

- In the weeks following the separation from their mothers, several cubs were reluctant to eat. They thrashed around and bit, scratched, and otherwise struggled when they were held; cried out of apparent frustration or distress; and refused to latch to bottles. See, e.g., [Video D](#). After several failed attempts to bottle-feed, workers offered the cubs a lamb's milk replacement formula in a bowl, but they often did not consume the full amount they were supposed to.

- On April 12, less than two weeks after they were removed from their mothers, two cubs were exhibited to a group of approximately 22 children and their chaperones. The encounter began with staff bottle-feeding the cubs, walking around to allow the visitors to touch the cubs, and then the cubs were put on the ground to walk among the group. One cub was repeatedly crying out, hiding under a table, and appeared distressed. █████, the █████, explained to the guests that the cub's cries meant that he was alone, scared, and nervous. See [Video E](#). After approximately 45 minutes, the cubs began to pant and look very tired.

- According to Dr. Bando—who has nearly 15 years of clinical and research experience working on captive bear issues, including providing integrated veterinary and behavioral rehabilitation and long-term care to over 170 rescued bears, most of whom came from highly traumatic conditions—premature maternal separation is a known cause of trauma for bears, who are highly intelligent and tightly bonded to their mothers throughout the first several years of life. She opined that "there is a reason it is so challenging to separate mothers from their cubs. The fact that [Bear Country U.S.A.] needs to rely on extreme fear tactics like chainsaws and bottle rockets to scare mothers from their cubs demonstrates their innate drive to protect their cubs. Using fear tactics elicits a stress response for both mothers and cubs." Dr. Bando added that, in nature, mothers release soothing hormones that promote strengthening of their maternal bond and provide a sense of comfort to relieve cubs' anxiety," but "separating cubs from their mothers is a source of fear and stress, and depriving them of that crucial maternal care that they would normally receive for the first few years of their lives can have profoundly detrimental effects on their brain development and brain function, resulting in increased anxiety, inability to cope with their captive environment, inability to respond appropriately to stressors, dysregulation of emotions, and the development of abnormal behaviors, chronic stress, and increased susceptibility to disease." The physiological disruption that these cubs endured undoubtedly resulted in their reluctance to eat and overall physical and psychological health.

Wolf pup removal

- When asked by the eyewitness if the facility's process for removing wolf pups is the same as the process for removing bear cubs, █████ said wolf pup retrieval is "a little more frightening," because

the mothers are “a lot more protective.” He described how, in the past, he had used tranquilizer darts to sedate at least one of the wolves. (See [Video C.](#))

- On May 23, five approximately four-week-old wolf pups were removed from their mother(s) and brought to the Wildlife Center. The eyewitness noted that they were shaking and appeared terrified. They avoided eye contact, huddled together, and trembled. None of the pups took the lamb’s milk replacement formula offered to them. (See [Video F.](#))
- On May 24, the pups were still unwilling to eat, and huddled together and trembled as the workers attempted to feed them. The eyewitness spoke with ██████ about the process of removing the wolf pups from their mothers on May 23. He described how one of the wolves was not easily spooked from the den, so he “was throwing firecrackers and you know, poking her with a stick, because [he] could see her, she was just right in front of [the pups].” He stated that “finally we were going to sedate her with a jab stick, so we all just kind of stepped back and she shot out of there like a rocket and left, then we could get them.” ██████ explained that “usually we like to get them before they’re older, so they—when they open their eyes and, you know, they [imprint] on us a little.” (See [Video G.](#))
- Dr. Bando stated that wolves are social pack animals with intricate social dynamics, and removing pups this young from their mothers is distressing for them, “hence the need for extreme fear tactics to override the mothers’ innate drive to protect their young. The pups would be stressed, traumatized, fearful, anxious, confused, and would not understand what was happening to them, which can result in a cascade of physiological impacts related to profound stress and behavioral manifestations of that stress—including the reluctance to eat.”

According to animal behaviorist Jay Pratte—who has over 30 years of experience working with and studying carnivores, including large canids and bears—“premature maternal/parental separation is unnecessary and not reflective of industry standards”; instead, “current best practice is to only separate individual infants for medical necessity, providing treatment and attempting reintroduction to the mother or social group as soon as possible.” Mr. Pratte explained that “[t]errorizing the mothers/parents out of dens and away from the offspring that they are genetically driven to protect is not an industry standard nor recommended by any professional organization,” and “[t]he use of punitive and aversive stimuli leads to permanent physiological and psychological changes in learning ability, behavior, and coping mechanisms in animals.” Based on his review of the footage from Bear Country U.S.A., Mr. Pratte opined that:

In the scenarios described by employees, the bears and wolves experience constant psychological duress, which results in acute and chronic medical concerns for these animals. Staff members force the separations using aversive stimuli, fear, and dominance tactics. The animals cannot avoid these situations, nor can they avoid the aversive stimuli, resulting in unavoidable trauma. The cumulative effects of distress will likely shorten these animals’ lives and, in severe cases, lead to myopathy, injury, or even death.

Indeed, industry standards for captive black bears and gray wolves expressly dictate that mothers and pups should not be separated or disturbed—contrary to Bear Country U.S.A.’s practice of violently tearing infant animals away from their mothers. In its standards for both bear and canid sanctuaries, the Global Federation of Animal Sanctuaries dictates that “[i]nfants ... remain with the mother as appropriate for natural rearing,” and “[i]nfants are only removed from females for hand-rearing if there

is a threat to the life of the infant or the mother.”¹ Similarly, the Association of Zoos & Aquariums prescribes in its standards for large canids that “[h]and-rearing is not recommended” and “animals should not be unduly disturbed throughout the breeding season, whelping, and pup-rearing periods,” as it is “important to keep stress levels at a minimum at all times.”² Although the AZA has not yet promulgated specific standards for black bears, its care manual for other bear species—namely, sun and sloth bears—likewise dictates that “[h]and-rearing of healthy bear cubs is not recommended because it is not currently possible to meet the behavioral and social needs of bear cubs to promote species-appropriate behaviors in these animals as adults.”³ Accordingly, Bear County U.S.A.’s practice of taking weeks-old bear cubs and wolf pups from their mothers—for no reason other than that they “are nice out front for people to see” ([Video C](#) at 4:48)—plainly constitutes a failure “to provide ... care generally considered to be *standard and accepted* for an animal’s health and well-being consistent with the species, breed, physical condition, and type of animal” (SDCL § 40-1-1(11) (emphasis added)), in violation of SDCL § 40-1-2.3.

The facility’s conduct is made even more egregious—and evidently illegal—by the use of fireworks. Mr. Pratte “emphatically state[d] ... that the use of any type of incendiary device as an animal management tool is inappropriate, barbaric, and unnecessary,” and “not representative of industry standards.” According to Mr. Pratte, “[t]he use of bottle rockets or other incendiary devices to force the parents out of their dens and away from offspring is both barbaric and dangerous. The explosive devices can go off unexpectedly, misfire, and even cause fires to clothing or to grass, leaves, or any bedding,” while “[t]he infants are at a higher risk of permanent damage to their bodies, eyes/nose/mouth, and hearing loss from the explosions.” Bear County U.S.A.’s reliance on fireworks to purposefully terrify animals while carrying out the premature maternal separations therefore constitutes further neglect in violation of SDCL §§ 40-1-1(11) and 40-1-2.3.

The facility’s use of fireworks also appears to violate SDCL § 34-37-16.1, which prohibits the use of “consumer fireworks except during the period from June twenty-seventh to the first Sunday after July fourth, and during the period beginning December twenty-eighth to January first.” “Consumer fireworks” are defined as “fireworks designed primarily to produce visible effects by combustion; that comply with the construction, chemical composition, and labeling regulations promulgated by the U.S. Consumer Product Safety Commission 16 C.F.R. Part 1507, effective January 1, 2019, and that are classified as 1.4G, UN0336 under the American Pyrotechnics Association Standard 87-1, 2001 edition” (SDCL § 34-37-1), which includes bottle rockets and firecrackers⁴—the devices that Bear County U.S.A.’s employees described using. As detailed above, the cub and pup separations took place on March

¹ *Standards for Bear Sanctuaries*, GLOBAL FEDERATION OF ANIMAL SANCTUARIES (GFAS) (Dec. 2019), at 24, <https://sanctuaryfederation.org/wp-content/uploads/2020/02/Bear-Standards-2019.pdf>; *Standards for Canid Sanctuaries*, GFAS (Dec. 2019), at 26, <https://sanctuaryfederation.org/wp-content/uploads/2020/02/Canid-Standards-2019.pdf>.

² *Large Canid (Canidae) Care Manual*, ASSOCIATION OF ZOOS & AQUARIUMS (AZA) (2012), at 58-59, https://assets.speakcdn.com/assets/2332/large_canid_care_manual_2012r.pdf.

³ *Sun Bear & Sloth Bear (Helarctos malayanus & Melursus ursinus) Care Manual*, AZA (2019), at 57, https://assets.speakcdn.com/assets/2332/sun_and_sloth_bear_care_manual_2019.pdf; see also *Polar Bear (Ursus maritimus) Care Manual*, AZA (2009), at 52 (noting that “[f]emales should be given every opportunity to raise their cubs, and hand-rearing should be considered as a last resort”), https://assets.speakcdn.com/assets/2332/polar_bear_care_manualr.pdf.

⁴ See *APA Standard 87-1*, Version 12/01/01, at 3.1.2.1 and 3.1.3.1, <https://www.americanpyro.com/assets/docs/PHMSADocs/apa%20stand%20%2087-01.pdf>.

30, 2023, and May 23, 2023, respectively—well outside the permissible window for when consumer fireworks may be used.⁵

III. Conclusion

For the reasons stated above, Bear Country U.S.A. appears to have neglected not only Mama the fox by failing to provide her with standard and accepted veterinary care but also all of the infant and adult black bears and grey wolves who have been subjected to the facility’s violent practice of premature maternal separation, which is directly at odds with any accepted industry standards, in violation of SDCL §§ 40-1-1(11) and 40-1-2.3. The facility also appears to have blatantly violated SDCL § 34-37-16.1 by using consumer fireworks during these premature maternal separations, which occurred in the Spring, outside the brief periods when fireworks may be lawfully used in celebration of Independence Day and New Year’s. PETA requests that the Pennington County Sheriff’s Office fully investigate Bear Country U.S.A. for all conduct described herein and hold the facility accountable for any and all violations.

⁵ Notably, Bear Country U.S.A. admitted to the U.S. Department of Agriculture that it has used fireworks to separate the bear cubs from their mothers, resulting in the agency citing the facility for violating the federal Animal Welfare Act; however, the facility claims that “fireworks will no longer be used to get animals out of their den.” Inspection Report of Bear Country U.S.A. (License No. 46-C-0005), Aug. 10, 2023, <https://aphis--c.documentforce.com/sfc/dist/version/download/?oid=00Dt0000000GyZH&ids=0683d000009e49r&d=%2Fa%2F3d000001fDjY%2F7oubQ1i8mv0OXYHCyfAMYBvBkEMNVCYxqqwUwfn1zFM&asPdf=false>.