

July 1, 2024

Nathaniel Arnold
Acting Chief of Enforcement, Law Enforcement Division
California Department of Fish and Wildlife

Via email: nathaniel.arnold@wildlife.ca.gov

Re: Request for Investigation of Kirshner and Revocation of Its CDFW Permit

Dear Acting Chief Arnold:

I am writing on behalf of PETA to urge the California Department of Fish and Wildlife (CDFW) to investigate the Barry R. Kirshner Wildlife Foundation (Kirshner) and revoke its restricted species permit (No. 2496) (CDFW Permit) for repeatedly failing to provide adequate nutrition and veterinary care to the animals it confines.

Since the beginning of this year alone, the U.S. Department of Agriculture (USDA) has issued Kirshner 13 citations for violations of the federal Animal Welfare Act (AWA):

- **January 8, 2024:** The USDA issued Kirshner a citation for failing to provide adequate veterinary care to two animals. A mule deer’s hooves were so overgrown they were “impacting [his] stance” and a tiger cub named Shyra—who was born at the facility last year—“appeared to have decreased muscle mass and instability in the hind end.”¹ The USDA discussed calcium supplementation with Kirshner, but the attending veterinarian had not been contacted.²
- **February 12, 2024:** The USDA issued Kirshner a citation after Shyra the tiger cub sustained several fractures resulting from metabolic bone disease, which is “commonly due to calcium-deficient diets such as boneless meat without appropriate supplements.”³ Shyra “did not have normal ambulation, she had progressive weakness, walking a few steps with her hind end lower than her front end and then dragging her hind legs behind her” and it was “presumed that the fractures . . . are painful.”⁴ Kirshner had been giving Shyra about seven to 11 percent of the recommended dose of an expired calcium-containing supplement.⁵
- **February 12, 2024:** The USDA issued Kirshner a second citation for failing to provide adequate veterinary care to Shyra and three other animals, whose injuries had not been reported to the attending veterinarian.⁶ Inspectors observed a lion-tiger hybrid with two, three-by-two-inch wounds with serosanguinous discharge on his front leg and a lion and a mule deer with open wounds.⁷
- **February 14, 2024:** The USDA issued Kirshner a repeat citation for not following the veterinarian’s recommendations for Shyra by failing to provide

¹ Ex. 1, USDA Inspection Report (Jan. 8, 2024).

² *Id.*

³ Ex. 2, USDA Inspection Report (Feb. 12, 2024).

⁴ *Id.*

⁵ *Id.*

⁶ Ex. 3, USDA Inspection Report (Feb. 12, 2024).

⁷ *Id.*

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her with adequate padding and instead using sheets and blankets that were an ingestion risk.⁸

Shyra is not the first cub Kirshner has apparently malnourished. In 2017, the USDA repeatedly cited it for failing to provide a lion cub named Lucie with adequate nutrition and veterinary care; Lucie was unable to walk and, like Shyra, was believed to be suffering from metabolic bone disease following Kirshner's inadequate nutritional supplementation.⁹ Records PETA obtained from the CDFW show that despite being prohibited from breeding restricted species under the terms of its state permit, Kirshner possessed a tiger that gave birth to two cubs on June 18, 2023.¹⁰ On June 20, 2023, one "white cub was found deceased."¹¹ Shyra, the surviving cub, is presumably the one who was diagnosed with metabolic bone disease and later confiscated by the CDFW and [placed at the Oakland Zoo for rehabilitation](#) and later [placed at the Performing Animal Welfare Society sanctuary](#). While Kirshner did not inform the CDFW of the animals' birth until January 26, 2024, PETA alerted the CDFW and asked it to investigate Shyra the tiger's birth on July 20, 2023.¹² According to records subsequently obtained by PETA, there is no indication that the CDFW investigated. Instead, the agency renewed Kirshner's CDFW permit after an inspection on November 9, 2023, during which it concluded that "all animals appear in good health."¹³

CDFW regulations require restricted species permittees to supply animals with "[f]ood . . . in sufficient quantity and nutritive value to maintain the animal in good health[]" and that it be "prepared with consideration for the age, species, condition, and size of each animal."¹⁴ They also require that "[a]nimals . . . be observed every day by the person in charge of the care of the animals or by someone who is working under his or her direct supervision[]" and that "[s]ick or diseased, stressed, injured, or lame animals . . . be provided with veterinary care"¹⁵ Kirshner's native species exhibiting conditions, including for mule deer, require "compliance with any other federal laws governing transportation and possession of animals."¹⁶

Accordingly, PETA urges the CDFW to investigate Kirshner for violating CDFW regulations and permit conditions including for repeatedly failing to provide the animals it confines with adequate nutrition and veterinary care; breeding tigers; and failing to comply with the AWA with regard to mule deer, and hold it accountable, including by revoking its CDFW permit pursuant to Cal. Code Regs. tit. 14, § 671.1(c)(6) and referring it to the Attorney General for criminal prosecution under Cal. Penal Code § 597(b).

Very truly yours,



Jonathan Morris

Senior Counsel and Manager of Legislative Affairs, Captive Animal Law Enforcement

cc: Erica Manes, Assistant Chief, Northern Enforcement District, CDFW (erica.manes@wildlife.ca.gov)

Attachments

⁸ Ex. 4, USDA Inspection Report (Feb. 14, 2024).

⁹ Ex. 5, 2017 USDA Inspection Reports.

¹⁰ Ex. 6, Kirshner 2023 CDFW Permit; Ex. 7, Email from Kirshner to the CDFW (Jan. 26, 2024).

¹¹ Ex. 7, Email from Kirshner to the CDFW (Jan. 26, 2024).

¹² Ex. 8, PETA Letter to the CDFW (July 20, 2023).

¹³ Ex. 9, CDFW Inspection Form (Nov. 9, 2023).

¹⁴ Cal. Code Regs. tit. 14, § 671.2(a)(1).

¹⁵ *Id.* § 671.2(a)(7).

¹⁶ Ex. 6, Kirshner 2023 CDFW Permit.