

October 20, 2009

The Honorable Stephen Mandel  
Mayor of Edmonton

Edmonton City Council  
2<sup>nd</sup> Floor, City Hall  
1 Sir Winston Churchill Sq.  
Edmonton, AB T5J 2R7



Dear Mayor Mandel and City Councillors:

The Province of Alberta does not permit individuals or corporations to neglect the welfare of animals. Certain standards, enforced through the Animal Protection Act, require that when an animal is in distress, those responsible for the animal's care must act to relieve that harm. Lucy, the solitary elephant at the Edmonton Valley Zoo, is in distress, and zoo officials are unwilling or unable to protect her from further injury.

The Association of Zoos and Aquariums' (AZA) Standards for Elephant Care and Management—the very standards incorporated into the Animal Protection Act—state that it is inappropriate to house female elephants alone and recommend that zoos accommodate a minimum of three female elephants per enclosure. These standards, developed by zoo owners and operators, are inadequate, but they certainly represent a bare minimum humane standard for the protection and care of captive elephants. Still, the conditions under which Lucy lives do not meet even these abysmal standards.

We know that Lucy is sick and that she is suffering from the following:

- Psychological distress because of isolation from other elephants
- Stress because of boredom as a result of being alone in her small enclosure for the vast majority of each day
- Pain because of arthritis, which is exacerbated by the hard substrates in her enclosure, lack of exercise, obesity, and the cold climate
- Chronic foot infections (a leading cause of death in captive elephants) because of standing on hard substrates and lack of ability to exercise
- Obesity because of lack of ability to exercise normally (elephants in the wild have evolved to be on the move for 75 percent or more of their day, yet Lucy is exercised less than 10 percent of each day)
- Upper respiratory problems, which Lucy has suffered from for more than five years yet which the zoo has been unable to relieve or even diagnose

The extent of Lucy's illnesses is unclear because the Edmonton Valley Zoo has steadfastly refused to allow any independent veterinarian access to Lucy to evaluate her health. Instead, the zoo is relying on the opinion of Dr. James E. Oosterhuis that Lucy is "happy" yet cannot be moved from the zoo to a more hospitable environment because of her chronic health conditions. This is not a defensible argument. Lucy became ill because

of her captivity at the Edmonton Valley Zoo, and now the zoo is using the illnesses it caused as justification for failing to take the action necessary to alleviate that suffering. Furthermore, Dr. Oosterhuis' views as a veterinarian are not consistent with current knowledge and understanding of elephants and modern standards for their care. He has consistently defended cruel treatment of elephants by zoos and circuses and is neither independent nor reliable.<sup>1</sup>

PETA and Zoocheck intend to ensure the enforcement of the Animal Protection Act at the Edmonton Valley Zoo. Litigation under the Animal Protection Act against the City of Edmonton will be time-consuming and costly for the city, as well as a waste of city resources. It is an irresponsible use of taxpayer dollars to perpetuate Lucy's captivity. She has given enough to the people of Edmonton and has earned enough money for the Edmonton Valley Zoo as an "attraction." Overwhelming expert evidence supports the conclusion that moving Lucy to a sanctuary is the best way for her to heal—both physically and emotionally. Lucy must be given the opportunity to retire to a spacious and natural environment in a temperate climate where she will have her choice of elephant companions.

We have hired a legal team, led by civil rights and animal rights lawyer Clayton Ruby, and are prepared to take legal action against the city. We have attached an application for declaratory judgment, which will be filed if the city continues its refusal to deal humanely, fairly, and legally with Lucy.

We hope that the City of Edmonton will act in Lucy's best interest and take the steps necessary to facilitate Lucy's transfer to a sanctuary, thus ensuring that legal action will be unnecessary.

Thank you for your attention to this very important matter. May we please have a response from you by November 19?

Sincerely,



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<sup>1</sup>In 2007, Dr. Oosterhuis was the only person of 11 experts and stakeholders consulted about Maggie, the solitary elephant at the Alaska Zoo, who did not think she should be moved to a sanctuary. Maggie's health problems have healed almost completely since her relocation. In 1988, Dr. Oosterhuis concluded that beating a restrained elephant in the head with an axe handle for a period of two days was not harmful. Over the years, Dr. Oosterhuis has also cleared three elephants to work in animal performances who later died because of their continued exhibition.