

COURT FILE NUMBER 1601-
COURT QUEEN'S BENCH OF ALBERTA
JUDICIAL CENTRE EDMONTON
APPLICANTS ZOOCHECK CANADA INC., VOICE FOR ANIMALS HUMANE SOCIETY and TOVE REECE
RESPONDENTS HER MAJESTY THE QUEEN IN RIGHT OF ALBERTA (THE MINISTER OF AGRICULTURE AND FORESTRY and THE MINISTER OF ENVIRONMENT AND PARKS)
DOCUMENT **AFFIDAVIT**
ADDRESS FOR SERVICE AND CONTACT MACHIDA JAMES MCCALL
INFORMATION OF PARTY FILING THIS 300, 444-5th Avenue S.W.
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Attention: G. Stephen Panunto
FILE: 6569GSP

I, JULIANNE WOODYER, of the City of Toronto, in the Province of Ontario, **AFFIRM AND SAY:**

1. I am a Campaigns Director for the Applicant, Zoocheck Canada Inc. ("Zoocheck") in this matter. As such, I have personal knowledge of the matters deposed to herein.
2. This Application concerns the ongoing welfare of Lucy (also known as Skanik), the lone Asian elephant held at the Edmonton Valley Zoo (the "Zoo").
3. Based on my review of the laws of Alberta, I believe that the Respondent, Her Majesty The Queen In Right Of Alberta, has responsibility for Lucy's welfare. More particularly, the Minister of Environment and Parks ("AEP") is responsible for enforcing certain parts of the document called the *Government of Alberta Standards for Zoos in Alberta* ("Alberta Zoo Standards") and for issuing zoo permits in Alberta. The Minister of Agriculture and Forestry

("AAF") is responsible for enforcing the requirements of the *Animal Protection Act*, which includes the Alberta Zoo Standards and its regulations.

Zoocheck

4. Zoocheck is a federally incorporated and national animal protection charity established to protect wildlife in captivity and in the wild. Zoocheck accomplishes its objectives through investigation and research, educational programs, lectures and forums, reports and information kits and advocacy.

5. Zoocheck's staff and board has advised both governmental and non-governmental organizations on zoo issues worldwide and works regularly with Canadian government agencies at the municipal, provincial and federal levels of government to develop meaningful laws and regulations for captive wildlife.

6. I have been employed by Zoocheck since 1999 and before that, beginning in 1994, I was Zoocheck's director and have been responsible for many different areas. Prior to working at Zoocheck, I was an Agent of Ontario Society for the Prevention of Cruelty to Animals, responsible for investigating animal cruelty and neglect complaints. Currently, in addition to directing the various wildlife campaigns in which Zoocheck, I am responsible for overseeing the Zoocheck's office administration and accounting.

7. Two important aspects of my job as Zoocheck's Campaigns Director are documenting and researching issues relating to wildlife. I perform these aspects of my job primarily in the following ways:

- (a) videotaping animals and their surroundings, enclosures and the husbandry practices of the institutions where the subject animals are held;

(b) consulting with experts on medical, biology, behavioural, husbandry veterinary and other relevant issues; and

(c) gathering information from various sources, including biology and veterinary journals, other peer-reviewed publications and freedom of information requests from the appropriate government agencies where applicable.

8. I am and have been responsible for Zoocheck's ongoing interest in and advocacy regarding Lucy.

9. Zoocheck has been involved in investigating Lucy's health and conditions, as well as advocating for Lucy, since 2006. I have directed these efforts, which have involved commissioning investigative reports, consulting with elephants experts regarding health and elephant behaviour, observing Lucy at the Zoo personally, attending meetings, making requests for public information pursuant to the *Freedom of Information and Protection of Privacy Act* ("FOIPPA") and writing letters, as described fully below. All FOIPPA requests that I submitted were made on behalf of Zoocheck and are detailed in my affidavit from 2010, a copy of which is attached hereto as **Exhibit 1**.

10. Since my last affidavit, I have continued to file annual freedom of information requests to obtain Lucy's medical records and have shared those with Dr. Philip K. Ensley for his review.

EHS Complaint

11. On September 30, 2010, I sent a written complaint letter to the Edmonton Humane Society ("EHS"), attached hereto as **Exhibit 2** (the "EHS Complaint"), which outlined several violations of the *Animal Protection Act* and the Alberta Zoo Standards, but received no response. I then called the Alberta Society for the Prevention of Cruelty to Animals ("ASPCA"). They

indicated that they maintain an open investigation about Lucy and therefore can't comment on the investigation or its outcome.

12. On October 13, 2010, I sent a copy of the EHS Complaint the ASPCA and to the Solicitor General noting a conflict of interest by the EHS since they are funded by the City of Edmonton, which also owns the Zoo and all the animals, outlining the same conflict of interest between the EHS and the party they were investigating.

13. On November 15, 2010, I received a response from the Minister of Agriculture and Rural Development, attached hereto as **Exhibit 3**. The Minister's response does not comment on the conflict of interest but notes that any concerns with Lucy should be reported to the police and to lay any complaint with them.

14. After receiving the Minister's response, I called the RCMP to discuss making a complaint about Lucy being in distress, as defined in the *Animal Protection Act*, summarized all the issues set out in the EHS Complaint, and requested the RCMP conduct an independent investigation about Lucy's health and living conditions. The officer I talked to indicated they would merely turn it over to the EHS and ASPCA for investigation. Despite attempts, no one would review the EHS' conflict of interest or take responsibility for addressing Lucy's situation and living conditions.

Letters re: Zoo Standards Violations

15. On October 20, 2010, I sent a letter to the Director of Alberta Fish and Wildlife, attached hereto as **Exhibit 4**, outlining violations of the Alberta Zoo Standards and requested that the Department of Environment and Sustainable Resource Development (now called the AEP) cancel the permit of the Zoo for failure to comply with the Alberta Zoo Standards. I did not get a response to my request.

16. On January 27, 2011, I sent a letter to the Zoo's director, Denise Prefontaine, attached hereto as **Exhibit 5**, asking if she would allow us to have two veterinarians present during an upcoming examination of Lucy by the Zoo's consulting veterinarian from the USA, Dr. J. Oosterhuis. Ms. Prefontaine did not respond to the request, nor did anyone else.

17. On November 5, 2015, I sent a letter to the new Minister of the AEP, attached hereto as **Exhibit 6**, outlining the ongoing violations of the Alberta Zoo Standards by the Zoo, including keeping Lucy alone and the risk posed to the public by walking her around the Zoo in close proximity to visitors. In that letter I provided her information regarding the American Zoo Association ("AZA") invoking new rules wherein zoos can no longer manage elephants outside of their enclosures because several people had been injured or killed by zoo elephants. I did not receive a response to my request.

18. On February 26, 2016 I emailed the AEP Minister requesting a meeting to discuss the ongoing violations of the Alberta Zoo Standards, but received no response.

19. On March 8, 2016, I sent another letter to the AEP Minister, attached hereto as **Exhibit 7**, again outlining our concerns about the ongoing violations of the Alberta Zoo Standards by the Zoo and again requested a meeting to discuss the matter. Again, I received no response.

20. On March 24th, 2016, I sent the Minister an email, attached hereto as **Exhibit 8**, with some references regarding people being injured or killed by captive elephants including some at zoos and asked her to take some action to bring the Zoo into compliance with the Alberta Zoo Standards. Again, I received no response.

21. On March 30th, 2016 I sent another email to the Minister, attached hereto as **Exhibit 9**, again advising her about various violations of the Alberta Zoo Standards at the Zoo, pointing out that the Zoo's permit was up for renewal, and that it was the responsibility of the AEP to require

that the Zoo comply with the Alberta Zoo Standards. Again I asked for a meeting, but received no response.

22. On April 8th, 2016, I sent another email to the Minister, attached hereto as **Exhibit 10**, which included an email from a representative of AEP which noted that the Zoo is accredited by Canada's Accredited Zoos and Aquariums ("CAZA") and, in their view, this was proof that the Zoo was meeting high standards. I sent a letter to the Minister explaining that simply being a member of a private zoo industry association is not an assurance that the Zoo meets the provincial standards, and outlined a number of incidents that have happened at CAZA accredited zoos wherein zoos were found to be at fault, and in some cases charged or sued, as a result of the incidents. In any event, I do not believe that being an accredited zoo means that the Zoo is not required to show that it is in compliance with Alberta Zoo Standards, but I understand the AEP's position to be that it does not conduct an independent, detailed review of the Zoo's permit application or Lucy's condition specifically.

2015 Zoo Inspection

23. On April 14th, 2016 I sent another email to the Minister, attached hereto as **Exhibit 11**, after another CAZA accredited zoo owner was charged with cruelty to animals in Ontario and asked her to respond so that we can discuss the violations of the Alberta Zoo Standards at the Zoo.

24. I received a letter from Assistant Deputy Minister Graham Statt dated May 11, 2016, attached hereto as **Exhibit 12**, which advised that an inspection had been done at the Zoo on September 25, 2015 (the "2015 Inspection").

25. The 2015 Inspection did not involve a veterinarian, or anyone with any specific knowledge of elephants. Significantly, despite all of the requests to specifically review Lucy's

enclosure or health conditions, I do not believe that whoever conducted the 2015 Inspection has any particular knowledge of the biological and behavioural needs of elephants, and does not appear to be aware of the fact that the U.S. Zoo Association has deemed elephants so dangerous they have invoked a policy wherein elephants can no longer be managed with direct contact of humans except in very specific emergency related circumstances.

26. Given my shock about the findings noted in Mr. Statt's letter, I applied through the freedom of information process for a copy of the documentation associated with the 2015 Inspection. In response to this request I received a copy of a Zoo inspection report ("Zoo Inspection Worksheet"), attached hereto as **Exhibit 13**.

27. I was shocked to see that the Zoo Inspection Worksheet was essentially a checklist, which omitted several very important requirements of the Alberta Zoo Standards. Many of these omissions directly impact Lucy's health and welfare, and the public safety issues around having a dangerous animal in regular close proximity to the public.

28. Section III. B. 1. of the Alberta Zoo Standards, called "General Exhibit Standards", requires that:

All animals must be maintained in numbers sufficient to meet their social and behavioral needs (unless a single specimen is biologically correct for that animal).

Exhibit enclosures must be of sufficient size to provide for the physical well being of the animal.

All animal exhibits must be of a size and complexity sufficient to provide for the animal's physical and social needs and species typical behaviours and movements.

Exhibit enclosures must include provisions (e.g. permanent and/or non-permanent features and structures) that encourage species typical movements and behaviours.

Enclosures must be of sufficient size and design to allow individual animals the opportunity to avoid or withdraw from contact with other animals in the enclosure or remove themselves from the view of visitors...

29. None of these requirements were included in the Zoo Inspection Worksheet, nor is there any indication that they were adequately considered during the inspection of the Zoo.

30. Additionally, Section II. H. of the Alberta Zoo Standards, called “Public and Staff Safety Standards”, includes the following standards which the Zoo is in violation of and was at the time of the inspection and the permit renewal:

Effective guardrails or barriers must be constructed to prevent contact between the visiting public and any animals posing a safety hazard; and Animals must be safely confined...

Animals in areas where direct contacts with visitors is possible must pose no danger to the public...

31. The Zoo arranges for Lucy to walk through the Zoo guided only with bullhooks, and the Zoo allows children into the elephant enclosure during presentations to groups. Several people have been injured and killed by elephants managed using this disciplinary based management system involving the bullhook; attached as **Exhibit 14** is a spreadsheet of reported elephant incidents based on media reports or zookeeper internet pages. Most progressive zoos have moved to the reward based, Protected Contact management system because it is more humane and less dangerous. Additionally, many jurisdictions in the USA have banned the use of bullhooks, including most recently the state of Rhode Island.

32. Effective September 1, 2014, the AZA (whose standards are referenced in Section III.B.2. of the Alberta Zoo Standards) requires elephant care providers at AZA facilities with elephants not share the same unrestricted space with elephants, except for in certain, well-defined circumstances due to occupational health and safety concerns. A copy of the AZA policy is attached as **Exhibit 15**.

33. The only note regarding these public safety issues in the Zoo Inspection Worksheet was that the “Emu enclosure modified from last inspection. Double fence in place.” I found it very strange that there was such concern regarding the Emu. I am not aware of any life threatening injuries caused by emus in zoos. Meanwhile, there have been several people seriously injured and killed by captive elephants in zoos and circuses using the same management system that is used by keepers who walk Lucy. Yet Zoo inspectors failed to consider that this practice most certainly poses serious risk to the public.

34. I believe that Lucy is in distress as defined in the *Animal Protection Act* and so the Zoo is not adhering to Section III. B. 1 of the Alberta Zoo Standards for the following reasons:

- (a) Elephants are highly intelligent, social animals that require the company of other elephants and who have evolved to live in warm climates and walk over long distances.
- (b) Keeping an elephant in solitary confinement is cruel and fails to accommodate Lucy’s biological and behavioural needs;
- (c) Lucy is confined to a very small area and is unable to achieve even a basic level of fitness and has developed foot problems and joint problems, the leading causes of death in captive elephants - but rarely found in wild elephants;
- (d) Lucy must walk over ice and snow in the cold temperatures in the winter, just to reach another - very small - exercise area, which also cannot provide enough exercise for her to achieve good health and fitness;
- (e) She is unable to escape public view when in her enclosure; and
- (f) Managing Lucy with bullhooks in a free contact system is very dangerous for the keepers and zoo visitors and is known to cause elephants stress.

35. The last reason listed above also contravenes Section II. H of the Alberta Zoo Standards, which states that “Animals in areas where direct contact with visitor is possible must pose no danger to the public...” Despite being under supervision by her keepers, there is no way they could stop Lucy if she were to decide to rampage, as many other elephants have done under the management of bullhooks.

36. When Zoocheck inspects zoos, one of the most important components of our inspection is to consider if the zoo is meeting all laws regarding captive wildlife. Shortly after the Alberta Zoo Standards were enacted, Zoocheck compiled our own checklist of things that could be seen by a visitor of the Zoo which could be serious violations of the Alberta Zoo Standards (the “Zoocheck Checklist”). Since zoos rarely allow anyone access to their records, or off display areas, our checklist is focused on what can be viewed by our own inspectors, or any member of the public. A copy of the Zoocheck Checklist is attached as **Exhibit 16**.

37. The Zoocheck Checklist is far more comprehensive and includes several inspection points required by the Alberta Zoo Standards that are not included on the Zoo Inspection Worksheet. On the other hand, only requirements that the Zoo were satisfying were included in the Zoo Inspection Worksheet, while many that the Zoo are violating were ignored.

38. Despite efforts to bring the Zoo’s numerous, ongoing violations of the Alberta Zoo Standards and Lucy’s health and welfare concerns to the Zoo’s and AEP’s attention, on or about April 1, 2016, the AEP renewed the Zoo’s permit, as shown from the attached **Exhibit 17**.

39. The Zoo’s permit also includes specific provisions, set out in point number 3 of Schedule ‘A’, requiring that the permittee shall ensure that the facility operations comply with the Alberta Zoo Standards. I believe that the AEP and AFF have left the real responsibility of complying with the Alberta Zoo Standards up to the Zoo.

40. Based on our inspections at the Zoo and the expert opinions we have received over the years, the Zoo has failed to comply with the Alberta Zoo Standards as they relate to the keeping of Lucy ever since the standards were enacted. No one we have contacted with any power over Lucy seems to take any of these concerns seriously.

June 2016 Report

41. In July, 2016, I learned that CAZA had engaged Dr. Jon Cracknell, a former vet from Longleat Safari Park in the U.K., to assess Lucy. Dr. Cracknell's report from his visit in June, 2016 (3 months after the Zoo permit was issued) was posted on the Zoo's web site and I have had an opportunity to review it. Although Dr. Cracknell's report is entitled Elephant Welfare Assessment, it is focused primarily on her present health conditions and barely touches on welfare and public safety problems associated with keeping a highly social animal isolated from her species and being managed with bullhooks. Later research revealed that Dr. Cracknell was the veterinarian at the Longleat Safari Park while they have had a lone female elephant that is managed with bullhooks, and I do not believe he has an objective perspective on Lucy's situation as a result.

42. Among other things I noted that Dr. Cracknell asserts in his report that "the Tennessee Elephant Sanctuary ["TES"] does not have the handling system nor culture required to manage Skanik's [Lucy's] problems which require active management." Since I am not aware whether Dr. Cracknell has worked at TES, or even visited the facility, I contacted Janice Zeitlin, CEO of TES, and sent her the report for consideration and comments. She replied to say that she had their 2 veterinarians review the report and they do not agree with Dr. Cracknell's assessment that she could not be cared for at a sanctuary. A copy of the letter from TES is attached at **Exhibit**

Independent Expert Examinations

43. It is necessary to have independent expert examinations of Lucy's health and living conditions, and the Zoo's adherence to the Alberta Zoo Standards, due to the complicated nature of these issues and, more importantly, Lucy cannot advocate for her own well-being. I do not believe that Lucy's caretakers at the Zoo are adequately objective, at least because they have a personal relationship with Lucy.

44. Zoo management and Edmonton council members have long argued that they have had independent expert examinations of Lucy, however on closer examination it has been found that many of the experts they name have actually never examined or opined on Lucy's welfare, nor have they considered the requirements of the Alberta Zoo Standards.

45. In 2013, I filed a freedom of information request with the City of Edmonton regarding correspondence about Lucy. In response, I received several hundred pages of complaints that had been sent to the City of Edmonton. One of the responses, dated December 22, 2011 from Ms. Prefontaine to Gert Zagler, stated that "the Edmonton Valley Zoo Veterinarian has consulted with the following experts regarding Lucy: Smithsonian National Zoo in Washington, D.C., the Wildlife Conservation Society of New York (Bronx Zoo), Toronto Zoo, Calgary Zoo, El Paso Zoo, San Diego Zoo, Los Angeles Zoo and Greater Vancouver Zoo, University of Calgary Veterinary School, Western College of Veterinary Medicine and many more." I also received a telephone call from a donor in January 2015 explaining that they had received a similar letter from an Edmonton council member who also mentioned Missouri State University among others.

46. Since there was no reference to any of these consultations or potential examinations by any of the institutions, I sent requests for information to the institutions noted in the letter. Some

did not respond; of the ones that did, none of them indicated that they had examined Lucy, nor consulted on her ability to be transported or her breathing problem, and I do not believe either the Zoo, the AEP or the AAF have ever requested an independent expert opinion on either of these issues often used to justify keeping Lucy at the Zoo. Rather, I believe all outside consultation concerning Lucy is designed to be narrowly focused, primarily on potential issues which could be used as excuses for keeping her in Edmonton or other public image reasons. In one case, the Smithsonian Institution had been involved with an Herpes test, known as EEHV ELOSA test, which are done in the USA, but not Canada. The Herpes test was not related to Lucy's breathing problem, nor her ability to be transported, but was relevant to Lucy only because she had been sent to the Calgary Zoo on breeding loans a while back and at least one individual in their herd had the Herpes virus.

47. In a telephone call with the information coordinator at the University of Calgary, she said that she had spoken to a University staff person who had been contacted by the Zoo a year or so earlier, asking if they could put them on a list of people they may contact about Lucy. However, even though this person had agreed to be on the list, they had never received any further requests from the Zoo, nor asked to examine or even review her medical records.

Financial Motivations

48. In 2005, an official report for the Zoo was released. Called "Master Plan Update – 2005 (the "Master Plan"), page 36 includes a discussion about moving both elephants to another facility. In the section outlining the pros and cons of moving both elephants, the Master Plan specifically indicate reasons to keep Lucy as follows: "Lucy is the Zoo icon; Elephant is Zoo's logo; potential union problems; Zoo will lose its célèbre for fundraising; and the Zoo will lose attendance." A copy of this Master Plan is attached as **Exhibit 19**.

49. On the same page of the Master Plan, under the recommendations section, they recommend moving Nikki (aka, Nekhanda or Samantha, the African elephant that was previously at the Zoo) but keeping Lucy for the rest of her life in Edmonton alone. They also note that they should “be ready to address CAZA, AZA and PETA issues in a pro-active manner.”

50. Although the author of the Master Plan also explores the option of bringing in other elephants, the Zoo has admitted publically that their facility was not large enough to suitably accommodate a proper social group of elephants.

51. In 2009, after Samantha had been transferred to the North Carolina Zoo, I filed an information request with U.S. Fish and Wildlife for all documentation regarding her transfer. Within the documents provided there was a document sent by Zoo management, attached hereto as **Exhibit 20**, which states that:

If we were to stay in elephants, we would need a substantial capital investment to improve facilities to accommodate up to 6 elephants. Larger outside space, proper safety and restraint equipment, larger interior space, increased operational budgets. As seen in other zoological facilities it is not unreasonable to commit 15-20 million dollars to achieve this goal.

...

We will be under animal rights scrutiny for keeping a single elephant at our facility.

...

CAZA representatives are advising us to get out of elephants.

52. In an email received as part of that same information request, attached hereto as **Exhibit 21**, the North Carolina Zoo’s representative states that part of the rationale for moving Samantha was that:

Valley Zoo has minimal facilities for this animal and their zoo’s management has been striving for several years to get rid of this animal, the biggest stumbling block being city government that doesn’t understand animal management, conservation, inter-zoo management programs etc. To say the least getting to this point has been a great deal of work for the Valley Zoo. They don’t have suitable

space for this animal by itself and they definitely don't have room for any more were she to be bred in Canada, and they have no money to expand their program. Importing this animal to the US is by far the best option for the animal, for the Valley Zoo (who desperately wants to export her to the US) and the best thing for the SSP program for African elephants.

53. Given the foregoing, I believe that the Zoo is making excuses and has financial motivations to keep Lucy rather than conform with the Alberta Zoo Standards.

Moving Lucy

54. In an email exchange I obtained via freedom of information request since our previous legal action, attached hereto as **Exhibit 22**, a provincial Wildlife Biologist, Christine Found, responded to a question about "the need" for Lucy to stay in Edmonton by saying:

As per our discussion, I do not recall (and would not in likelihood say because of our obvious lack of expertise in this area) that there is a "need" for Lucy to stay in Edmonton. The extent of our agreement with Lucy's circumstances would be my agreement with the zookeepers during the zoo inspection earlier this year that she "looks okay". Quite reasonable under the circumstances, I think, otherwise we would not have issued the permit renewal.

55. I am in contact from time to time with Mr. Bob Barker, well known for hosting the Price is Right television show, regarding several of Zoocheck's campaigns that Mr. Barker has helped with over the years. When I told Mr. Barker that we intended to try to get the Alberta Zoo Standards enforced for Lucy, he offered to pay for the transportation of Lucy, should the Zoo agree to allow Zoocheck to select the facility where she will go and be involved with all decisions about her transportation. This is what was done when Mr. Barker paid for the transportation of the Toronto Zoo elephants to a sanctuary in California a few years ago. Mr. Barker's signed letter confirming this offer is attached hereto as **Exhibit 23**.

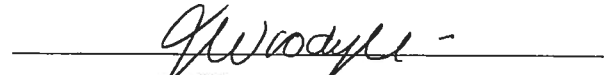
56. I swear this Affidavit in support of this Application for no improper purpose.

SWORN BEFORE ME at the City of)
Toronto in the Province of Ontario, this)
29th day of August, 2016.)
)

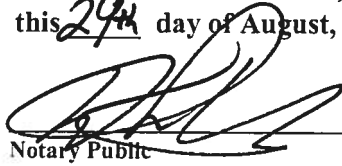


Notary Public in and for the Province of
Ontario

DOUGLAS CHRISTIE
416-267-3775


JULIANNE WOODYER

THIS IS EXHIBIT “ 1 ”
referred to in the Affidavit of
JULIANNE WOODYER
Affirmed in the City of Toronto,
in the Province of Ontario,
this 29th day of August, 2016, before,



Notary Public

Action No: 1003 01655
Sworn by: Julianne Woodyer
Sworn on: January 22, 2010

IN THE COURT OF QUEEN'S BENCH OF ALBERTA
JUDICIAL DISTRICT OF EDMONTON

BETWEEN:

TOVE REECE, ZOOCHECK CANADA INC. and
PEOPLE FOR THE ETHICAL TREATMENT OF ANIMALS INC.

Applicants

-and-

CITY OF EDMONTON

Respondent

AFFIDAVIT OF JULIANNE WOODYER

I JULIANNE WOODYER, of the City of Toronto, in the Province of Ontario, MAKE OATH AND SAY:

Background Information

1. I am a Campaigns Director at Zoocheck Canada Inc. ("Zoocheck"), one of the applicants in this matter. As such, I have personal knowledge of the matters herein deposed. Where I do not have personal knowledge, I have stated the source of my knowledge and declare that I do verily believe all facts herein to be true.
2. Zoocheck Canada is a federally incorporated and national animal protection charity established to protect wildlife in captivity and in the wild. Zoocheck accomplishes its objectives through investigation and research, education programs, lectures and

forums, reports and information kits and advocacy. Zoocheck's staff and board has advised both governmental and non-governmental organizations on zoo issues world wide and works regularly with Canadian government agencies at the municipal, provincial and federal levels of government to develop meaningful laws and regulations for captive wildlife.

3. I have been employed by Zoocheck since 1999 and before that, beginning in 1994, I was the Director on Zoocheck's Board of Directors on and off until November 12, 2000

4. I have been responsible for many different areas within Zoocheck since 1994. Currently, in addition to directing the various wildlife campaigns in which Zoocheck is active, I am responsible for overseeing the Zoocheck's office administration and accounting.

5. Two important aspects of my job as Zoocheck's Campaigns Director are documenting and researching issues relating to wildlife. I perform these aspects of my job primarily in the following ways:

- (a) videotaping animals and their surroundings, enclosures and the husbandry practices of the institutions where the animals are held;
- (b) consulting with experts on medical, biology, behavioural, husbandry veterinary and other relevant issues; and
- (c) gathering information from various sources, including biology and veterinary journals, other peer-reviewed publications and freedom of information requests from the appropriate government agencies where applicable.

6. I am and have been responsible for Zoocheck's ongoing interest in and advocacy regarding Lucy, the lone Asian elephant held at the Edmonton Valley Zoo (the "Valley Zoo").

(A) A Chronology of Zoocheck's Advocacy Regarding Lucy

7. Zoocheck has been involved in investigating Lucy's health and conditions, as well as advocating for Lucy since 2006. I have directed these efforts, which have involved commissioning investigative reports, consulting with elephants experts regarding health and elephant behaviour, observing Lucy at the Valley Zoo personally, attending meetings, making requests for public information pursuant to the *Freedom of Information and Protection of Privacy Act* ("FOIPPA") and writing letters, as described below. All FOIPPA requests that I submitted were made on behalf of Zoocheck.

8. I have attached as **Exhibit A** to this affidavit a chart listing each of my FOIPPA requests and the results of those requests, for ease of reference.

(i) My Visit to the Valley Zoo, May 1-2, 2005

9. On May 1-2, 2005, I visited the Valley Zoo. At that time the Valley Zoo had two elephants: Lucy and Samantha (an African elephant). During this visit I took 63 photos of Lucy, Samantha and other animal exhibits at the zoo. I provided one of the photos I took of Lucy on May 2, 2005, entitled "Lucy in barn, image taken May 2, 2005" to Dr. Philip K. Ensley and Dr. Henry Melvyn Richardson. This photograph is an accurate depiction of Lucy in her barn. Attached to this affidavit as **Exhibit B** is a copy of the photograph entitled "Lucy in barn, image taken May 2, 2005."

(ii) Report by Winnie Kiiru Commissioned by Zoocheck

10. In 2006, Zoocheck retained Winnie Kiiru, an elephant expert from Kenya, to assess all elephant exhibits in Canada. In her resulting report, released in January, 2007 Ms. Kiiru named the Valley Zoo as the worst facility in Canada, primarily due to Edmonton's cold climate and the lack of space in the elephant enclosures. Attached and marked as **Exhibit C** to my affidavit is a copy of Ms. Kiiru's report entitled "The Sad State of Captive Elephants in Canada." I share her opinions.

(iii) FOIPPA Request 2007-G-0035

11. On April 5, 2007, I filed my first Lucy-related *FOIPPA* request, 2007-G-0035, which is attached to my affidavit as **Exhibit D**. In this request I asked for the following records for the period from January 1, 2002 until April 5, 2007:

All records regarding budgets including annual and special budgets for Edmonton Valley Zoo and all records regarding the health of the elephants at the Edmonton Valley Zoo including, but not limited to, veterinary reports, staff reports, other health care provider reports, test results (such as x-rays, blood tests, etc.) and any other documentation regarding the health of the elephants. This should include but not be limited to, foot infections, arthritis, trunk or other injuries and general health information.

12. In a letter dated May 15, 2007 responding to *FOIPPA* request 2007-G-0035 the City provided me with the budget records but denied me the health records. The City's letter to me is attached here as **Exhibit E**. The City's reason for denying me the health records was that "[a] report about the health of the elephants will be published and available to the public by June 17, 2007."

13. The health records for the elephants were never published. However, the City eventually mailed me a copy of the health records I requested in request 2007-G-0035 for both Lucy and Samantha at some point prior to my next *FOIPPA* request on November 28, 2007.

(iv) My Trip to the Valley Zoo on April 25 – 26, 2007

14. On April 25 and 26, 2007, Rob Laidlaw (Zoocheck's Executive Director) and I attended the Valley Zoo as part of a behavioural analysis of Lucy and Samantha and observed Lucy and Samantha from 9 a.m. to 4 p.m. (the hours during which the Valley Zoo was open). We recorded the activity of the elephants every 2 minutes on a chart. In addition to our personal observations on these dates I set up a tripod and took approximately 12 hours of video.

15. Included in the footage taken on April 25, 2007 is a six minute clip of Lucy rocking back and forth in her indoor enclosure, which accurately portrays the rocking motion that I observed Lucy to engage in on that day. I provided a copy of this video to Dr. Keith Lindsay, Dr. Ensley and Dr. Richardson. A copy of this video is attached to Dr. Lindsay's affidavit as Exhibit 4.

16. During my April 25-26, 2007 trip to the Valley Zoo I took 124 photographs of Lucy and Samantha in their outdoor and indoor enclosures. I provided one of those photos, taken on April 26, 2007 and entitled "Outdoor elephant enclosure yard, image taken April 26, 2007" to Dr. Ensley and Dr. Richardson. This photograph accurately depicts Lucy's outdoor enclosure at the Valley Zoo. A copy of the picture "Outdoor elephant enclosure yard, image taken April 26, 2007" is attached here as **Exhibit F**.

17. On April 27, 2007, Mr. Laidlaw and I met with three Edmonton City councillors on behalf of Zoocheck to discuss possible options to move both Lucy and Samantha to an elephant sanctuary. Tove Reece, one of the applicants in this matter, attended this meeting with Mr. Laidlaw and I, on behalf of Voice 4 Animals, a non-profit animal

protection and advocacy organization, for which Ms. Reece works and which has its head office in Edmonton, Alberta.

18. Zoocheck's documentation during the course of the behavioural analysis of Lucy and Samantha revealed that both of these elephants were spending most of their time standing around doing nothing or exhibiting stereotypic behaviour, such as that described in paragraph 15. A copy of the report resulting from this behaviour analysis is attached as **Exhibit G**.

(v) *FOIPPA Request 2007-G-0112*

19. I filed a *FOIPPA* request on November 28, 2007, 2007-G-0112, which is attached as **Exhibit H**. In this request I asked for the following information from April 19, 2007 to November 28, 2007:

All health records for Lucy (Asian elephant at the Edmonton Valley Zoo) including but not limited to, vet reports, staff reports, tests results and veterinary report (Dr. Bob Jones) outlining the diagnosis of Lucy that was reported to the Edmonton Humane Society as the cause of Lucy's physical illness causing her to be unable to travel and all related documentation to the report to the Humane Society. I have attached a letter for your reference from EHS.

20. In a letter dated December 21, 2007 responding to request 2009-G-0112 the City provided me with some health records, but no information regarding Dr. Jones' opinion that Lucy was too ill to be moved or any reports that had been provided to the EHS regarding Lucy. The City also advised me in that letter that certain information was being withheld pursuant to s. 17(1), s. 17(4)(a) and s. 17(4)(g) of *FOIPPA* ("Disclosure harmful to personal privacy") and s. 18(1)(a) and s. 18(1)(b) of *FOIPPA* ("Disclosure harmful to individual or public safety"). A copy of this letter is attached here as **Exhibit I**.

(vi) *FOIPPA Request 2007-G-0117*

21. On December 5, 2007 I filed *FOIPPA* request 2007-G-0117 for the reasons set out immediately below.

22. On or about September 25, 2007 Samantha was moved to the North Carolina zoo on what was described as a minimum five year breeding loan. On September 26, 2007 I filed a complaint with the Edmonton Humane Society ("EHS") regarding the fact that Lucy was being held alone at the Valley Zoo. A copy of that complaint is attached here as **Exhibit J**.

23. On November 19, 2007 I received a letter from the EHS, in response to my complaint dated September 26, 2007, stating:

Lucy has been placed on a strict weight control program and structured exercise to control her arthritis. She received increased training, enrichments and exercise throughout the day. Special attention has been provided in regards to foot and skin care. Video equipment has been installed so that she can be monitored 24 hours a day remotely as to ensure that she is not exhibiting stress induced behaviours. As well extra staff have been assigned to Lucy to ensure that she received extra care and attention. Dr. Jones, Lucy's current veterinarian is of the opinion that it would be detrimental if not fatal to her health to transport her. (emphasis added)

24. A copy of that letter is attached here as **Exhibit K**.

25. On December 5, 2007 I filed *FOIPPA* request 2007-G-0117, which is attached as **Exhibit L**, asking for copies of the video surveillance referenced in EHS' November 19, 2007 letter and particularly between September 25, 2007 (the date of Samantha's move) and the date of my request. However, I was informed by the City in a letter dated December 19, 2007, which is attached as **Exhibit M**, that "the video surveillance equipment that you had referenced in your application had not been installed during the time periods you had requested." The City's response surprised me because it

contradicted the EHS' November 19, 2007 letter in which the EHS specifically stated that "video equipment has been installed."

26. On December 21, 2007 I sent a letter to the EHS advising them that the video equipment had not been installed as they had said in their letter and sent a copy of the City's December 19, 2007 letter. A copy of that letter is attached here as **Exhibit N**. I did not get a response to this letter.

27. On January 22, 2008, I sent a letter to Rob Smyth, the Manager for Recreation Facility Services in the City of Edmonton and asked about the video surveillance and referenced the November 19, 2007 letter from the EHS. A copy of my letter is attached as **Exhibit O**. I received a response letter dated June 25, 2008, a copy of which is attached as **Exhibit P**, which stated:

the camera installation and testing had been completed in late December and that zoo had the ability to remotely monitor Lucy should the need be identified by her daily caregivers or her veterinarian but that the cameras were not used to record any data.

28. To date, and despite my ongoing *FOIPPA* requests, I have never received any information regarding any video surveillance equipment or copies of any video surveillance in the Valley Zoo's elephant enclosures or any information regarding monitoring as described by Mr. Smyth.

(vii) FOIPPA Request 2008-G-0004

29. On December 14, 2007 I filed *FOIPPA* request 2008-G-0004, attached here as **Exhibit Q**, with the City seeking "All medical records for Asian elephant known as Lucy (or Skanik)" for the period from May 1, 1976 through December 31, 2001. By way of a cover letter dated February 14, 2008, which is attached here as **Exhibit R**, the City provided me with the requested records. However, the City advised me that it was

withholding certain information relevant to request 2008-G-0004 pursuant to s. 17(1), s. 17(4)(a) and s. 17(4)(g) of *FOIPPA* (“Disclosure harmful to personal privacy”), s. 18(1)(a) and s. 18(1)(b) of *FOIPPA* (“Disclosure harmful to individual or public safety”) and s. 20(1)(m) (“Disclosure harmful to law enforcement”).

(viii) FOIPPA Request 2008-G-0094

30. On August 19, 2008 I filed *FOIPPA* request 2008-G-0094 with the City of Edmonton for “[a]ll medical records for Lucy (Asian elephant at the Valley Zoo) from November 17, 2007 to present. A list of all veterinarians and other health experts consulted about Lucy’s health since 2000.” A copy of *FOIPPA* request 2008-G-0094 is attached here as **Exhibit S**.

31. By way of a letter from the City dated September 25, 2008, a copy of which is attached as **Exhibit T**, I received the medical records I had requested in *FOIPPA* request 2008-G-0094 but was informed that some information was being withheld under s. 17(1), s. 17(4)(a), s. 17(4)(g) of *FOIPPA* (“Disclosure harmful to personal privacy”), s. 18(1)(a) and s. 18(1)(b) of *FOIPPA* (“Disclosure harmful to individual or public safety”), and s. 20(1)(m) of *FOIPPA* (“Disclosure harmful to law enforcement”).

(ix) Letter to Dean Treichel, August 22, 2008

32. In a letter dated August 22, 2008 to Dean Treichel, the supervisor for animal care and operations at the Valley Zoo, I expressed my concern for Lucy’s health and offered for Zoocheck to pay for a “mutually agreeable team of specialists with clinical experience in dental, respiratory and surgery of elephants to work with your veterinarian to examine Lucy and run any appropriate testing to come up with a definitive diagnosis and work

toward relieving her pain and resolving her health problems.” A copy of that letter is attached here as **Exhibit U**. I did not receive a response to this letter.

(x) FOIPPA Request 2009-G-0003

33. On January 12, 2009 I filed two *FOIPPA* requests. The first request was 2009-G-0003, a copy of which is attached as **Exhibit V**:

All documentation, correspondence and other materials regarding Lucy, aka Skanik & Samantha (elephants at the Edmonton Valley Zoo) for the period from the beginning of January 1, 2006 through January 12, 2009. Information that has already been sent to me or is in my other request on this date for medical records and keeper records can be omitted from this request.

34. By way of a letter dated February 19, 2009, which is attached here as **Exhibit W**, the City provided me with some of the information, requested in request 2009-G-0003 but some records were withheld pursuant to s. 18(1)(a) and s. 18(1)(b) of *FOIPPA* (“Disclosure harmful to individual or public safety”) and s. 25(1) of *FOIPPA* (“Disclosure harmful to the economic and other interests of a public body”).

35. On February 27, 2009 I requested the Information and Privacy Commissioner to review *FOIPPA* request 2009-G-0003. A copy of that request is attached as **Exhibit X**. I believed additional information was available because, in response to that request, I had received virtually no e-mail or other correspondence regarding the logistics of Samantha’s move and no information regarding the installation of video cameras in Lucy’s enclosure. Furthermore, in the information I had received from the City there were references to attempts to find Lucy a companion, yet no documentation such as correspondence or memoranda, corroborated those entries. I believed that none of this “missing” information could have been captured by the exclusions relied upon by the City.

36. In a letter dated April 21, 2009, attached here as **Exhibit Y**, the City informed me that the “third party” had consented to the release of the information requested in request 2009-G-0003. Amongst the additional records I received from the City pursuant to its April 21, 2009 letter was an e-mail exchange which is attached to this affidavit as **Exhibit Z** and is described further below.

37. Despite the additional documents provided by the City pursuant to its April 21, 2009 letter, I still believe that some information was missing. For example, I still received no records relating to Samantha’s move, the results of or reasons for the installation of the video equipment or any attempts by the Valley Zoo to locate a companion elephant for Lucy. However, in its letter dated May 8, 2009, which is attached here as **Exhibit AA**, the Office of the Information and Privacy Commissioner took the position that the City had conducted “an adequate search” (p. 3) in relation to request 2009-G-0003.

(xi) FOIPPA Request 2009-G-0004

38. My second *FOIPPA* request made on January 12, 2009 was request 2009-G-0004, which is attached here as **Exhibit BB**. In this request I asked the City for Lucy’s medical records for August 18, 2008 to January 12, 2009 and elephant keeper records for the January 1, 2007 to January 12, 2009. I was provided copies of these records I requested, by way of letter dated February 19, 2009 which is attached here as **Exhibit CC**. However, I was advised that some information relevant to request 2009-G-0004 was being withheld pursuant to s. 18(1)(a) and s. 18(1)(b) of *FOIPPA* (“Disclosure harmful to individual or public safety”) and s. 25(1) of *FOIPPA* (“Disclosure harmful to the economic and other interests of a public body”).

39. I requested a review of the City's response to *FOIPPA* request 2009-G-0004 by the Information and Privacy Commissioner in a letter dated February 27, 2009, which is attached here as **Exhibit DD**. In that request I asked for certain records which I believed were missing, particularly: (i) diagnostic reports that were referenced in the medical records but not provided; (ii) a particular medical chart, covering the dates requested, that the City had provided me with in previous *FOIPPA* requests but was not subsequently provided; (iii) records relating to the Lucy's respiratory condition that the Valley Zoo's director had mentioned publicly but which were not referenced in any of the records I had received; and (iv) readable copies of the keeper records.

40. On May 8, 2009 the Office of the Information and Privacy Commissioner sent me a report stating that the City had conducted "an adequate search" (p. 5) in relation to *FOIPPA* request 2009-G-0004. That report is attached here as **Exhibit EE**. Nevertheless, by way of a letter dated May 22, 2009, attached here as **Exhibit FF**, the City provided me with additional medical records that were covered by *FOIPPA* request 2009-G-0004 as well as readable copies of the keeper records. I did not receive any diagnostic reports or the chart that has been provided previously; the only record I received regarding Lucy's respiratory condition was one entry in Lucy's medical records relating to nasal discharge.

(xii) FOIPPA Request 2009-G-0039

41. On March 5, 2009 I filed *FOIPPA* request 2009-G-0039 with the City of Edmonton, which is attached here as **Exhibit GG**. However, I eventually amended (and expanded) this request for the reasons set out immediately below.

42. On February 24th, 2009 I had been advised by an associate of Bob Barker's that the Valley Zoo Director, Denise Prefontaine, had agreed to allow Ed Stewart (a co-

founder of the Performing Animal Welfare Society (“PAWS”)) and a veterinarian to visit Lucy. Mr. Barker is an American animal rights advocate and has been active in advocating for Lucy’s transfer to an elephant sanctuary. Over the next few days I called and left messages for Dean Treichel, the supervisor of Animal Care and Operations at the Valley Zoo, to try to arrange a date for the visit. I received a message from Ms. Prefontaine indicating that there must have been a misunderstanding and they would not allow an outside veterinarian to examine Lucy. On March 3, 2009, I received a letter from Ms. Prefontaine confirming this information. A copy of that letter is attached her as **Exhibit HH**.

43. I then became aware that the Valley Zoo planned to host a workshop called “Behind the Scenes with Lucy” on March 7 and 21, 2009 in which participants would be able to see Lucy up close. A copy of the description of that workshop is attached here as **Exhibit II**. I arranged for Mr. Stewart, and Dr. Mel Richardson (a veterinarian) to attend this workshop. On March 2, 2009 I had a Zoocheck employee sign up Mr. Stewart and Dr. Richardson for the workshop and I booked flights for them. However, two or three days after they had been signed up, I learned from a woman from Edmonton who was also signed up for the workshop that the workshop had been cancelled. Our Zoocheck employee called the City of Edmonton and confirmed that the workshop had been cancelled.

44. On March 13, 2009, after having received some information from an anonymous informant who claimed to work within the City of Edmonton, I filed an amendment to my *FOIPPA* request numbered 2009-G-0039, attached here as **Exhibit JJ**, which expanded my previous request.

45. On March 30, 2009, I was advised that I had to pay a \$2590.00 fee in order for my *FOIPPA* request 2009-G-0039 to be completed; that letter is attached as **Exhibit KK**. It was the first time that I had been asked to pay more than the usual (and nominal) *FOIPPA* request fee. I applied for a fee waiver, which was granted.

46. By way of a letter dated May 22, 2009, a copy of which is attached as **Exhibit LL**, the records I requested in *FOIPPA* Request 2009-G-0039 were granted. However, the City withheld some of the information I was seeking pursuant to s. 17(1) and s. 17(4) of *FOIPPA* (“Disclosure harmful to personal privacy”) and s. 24(1) of *FOIPPA* (“Advice from Officials”).

(xiii) My Visit to the Valley Zoo on March 16, 2009

47. Despite the cancellation of the “Behind the Scenes with Lucy” workshop, I decided to have Mr. Stewart and Dr. Richardson attend the Valley Zoo anyway and I accompanied them. On March 16, 2009, Mr. Stewart, Dr. Richardson and I attended the Valley Zoo. I took video footage on March 16, 2009 while at the Valley Zoo. One video shows Lucy in her indoor enclosure at different points during the day. At several points in the video Lucy engages in the rocking motion in her indoor enclosure for periods of time ranging from 30 seconds to two minutes. A copy of this video is attached to Dr. Lindsay’s affidavit as Exhibit 5.

48. A second video I took shows two clips Lucy being taken on the same walk outdoors by her keepers along an icy path. A copy of this video is attached to Dr. Lindsay’s affidavit as Exhibit 6.

49. I note that on March 16, 2009, I observed Mr. Stewart slip and almost fall a number of times on the same path that I videotaped Lucy walking on, due to the icy conditions.

50. Both of the videos described in paragraph 45 accurately reflect what I observed on March 16, 2009 at the Valley Zoo. I provided copies of both of these video clips from March 16, 2009 to Dr. Lindsay, Dr. Ensley and Dr. Richardson for the preparation of their affidavits in this matter.

51. Also on March 16, 2009 I took 23 photos of Lucy and other animal exhibits including one entitled "Lucy outside barn in snow, image taken March 16, 2009," a copy of which is attached here as **Exhibit MM**, and "Lucy walking on snow and ice, image taken March 16, 2009," a copy of which is attached here as **Exhibit NN**. These two photos accurately depict Lucy outside of her enclosure on that date. I provided copies of these two photos to Dr. Ensley and Dr. Richardson.

(xiv) Rob Laidlaw's Visit to the Valley Zoo on June 1, 2009

52. Mr. Laidlaw advises me, and I verily believe, that on June 1, 2009 he attended the Valley Zoo and took two photos of Lucy inside her enclosure, entitled: "Lucy inside enclosure, image taken June 1, 2009," a copy of which is attached here as **Exhibit OO**, and "Lucy in barn, image taken June 1, 2009," a copy of which is attached here as **Exhibit PP**. Mr. Laidlaw advises me and I verily believe that these photographs accurately depict Lucy inside her indoor enclosure on those dates. I provided copies of these two photographs taken on June 1, 2009, to Dr. Ensley and Dr. Richardson.

(xv) *FOIPPA Request 2009-G-0100*

53. On July 22, 2009 I filed a continuing *FOIPPA* request, numbered 2009-G-0100, starting from March 14, 2009 and running continuously for two years. A copy of that request is attached as **Exhibit QQ**. In this request I requested:

- Medical and health records for Lucy, aka Skanik (Asian elephant at the Edmonton Valley Zoo). These records should include, but not limited to, staff notes, journals, correspondence, etc.; all veterinarian records; all diagnostic reports both at the city and kept with the veterinarian's records; the journal of care maintained by the zoo, all e-mails or other correspondence regarding Lucy's health
- A list of all vets who have examined and/or treated and/or offered an opinion on Lucy's health
- Copies of any vet opinions
- Copies of all correspondence, including e-mails, regarding Lucy. The email trail that shows when records were requested from the zoo and any other emails pertaining to Lucy
- All documentation and correspondence, including e-mails trails, notes of city staff, etc. referencing Zoocheck Canada.
- All documentation and correspondence regarding Dean Treichel's visit to the PAWS sanctuary in or around April, 2009.

54. After obtaining a partial fee waiver from the City in relation to *FOIPPA* request, and by way of cover letter dated October 20, 2009 the City provided me with the first instalment of information pursuant to this continuing *FOIPPA* request. A copy of that letter is attached as **Exhibit RR**. However, according to the City's October 20, 2009 letter, some of the information I had requested had been excluded pursuant to s. 17(1) ("Disclosure harmful to personal privacy"), s. 18(1) ("Disclosure harmful to individual or public safety") and s. 27(1) ("Privileged Information") of *FOIPPA*.

55. On November 16, 2009 I requested the Information and Privacy Commissioner conduct a review of the City's first response to my continuing *FOIPPA* request 2009-G-

0100, a copy of which is attached as **Exhibit SS**. The basis for my request was that I believed that a number of documents and records were missing as detailed in that letter. I also asked the Information and Privacy Commissioner to consider the City's reasons for severing information that they did. I have not yet had a response from the Information and Privacy Commissioner to my November 16, 2009 request.

56. By way of a letter dated December 7, 2009, which is attached here as **Exhibit TT**, I received the second instalment of documents in response to my continuing *FOIPPA* request 2009-G-0100. In that letter the City advised me that some information was being withheld pursuant to s. 17(1) of *FOIPPA* ("Disclosure harmful to personal privacy"), s. 24 of *FOIPPA* ("Advice from Officials"), s. 25 of *FOIPPA* ("Disclosure harmful to the economic and other interests of a public body"), s. 27 of *FOIPPA* ("Privileged information") and s. 29 ("Information that is or will be available to the public") of *FOIPPA*.

57. The City's letter of December 7, 2009 also stated that the video of Lucy's endoscope was available to be viewed at the CN Tower in Edmonton once an appointment is booked with Dr. Milton Ness, the Valley Zoo's in-house veterinarian.

58. Ms. Reece advises me and I verily believe that she made two attempts to contact Dr. Ness and set up an appointment to view this video since I received the City's December 7, 2009 letter. Ms. Reece's first message, left during the week of December 14, 2009, was not returned. Ms. Reece called again on January 4, 2010 and reached Dr. Ness; however, Dr. Ness was unwilling to book a viewing appointment at that time and advised Ms. Reece that he would return her call later. After hearing this, I contacted the *FOIPPA* office in Edmonton to express my concern over the difficulty in viewing the

video. Ms. Reece advises me and I verily believe that she has not yet been contacted by Dr. Ness but that she did receive a call back from the *FOIPPA* office indicating that they would allow her to come to their office to view the video on Thursday January 21, 2010

(xvi) My Sketches of Lucy's Indoor and Outdoor Exhibits

59. Ms. Reece advises me, and I verily believe, that she attended the Valley Zoo on October 7, 2009, and took measurements of Lucy's indoor and outdoor enclosures using a professional laser distance measurer. Ms. Reece provided me with rough sketches of Lucy's enclosures with the measurements she had taken. Based on her rough sketch and measurements I created two separate sketches on October 30, 2009 – one of Lucy's indoor enclosure, a copy of which is attached here as **Exhibit UU**, and one of Lucy's outdoor enclosure, a copy of which is attached here as **Exhibit VV**. Both of these sketches reasonably accurate drawings of Lucy's exhibit. I provided copies of both of these sketches to Dr. Joyce Poole, Dr. Lindsay, Dr. Ensley and Dr. Richardson.

(B) Additional Documents Provided to the Applicants' Experts

60. In addition to the photographs, videos and sketches I provided to experts retained by the applicants in this matter, as described above, I provided the following documents to the experts retained by the applicants in this matter in order to provide them with information with which they could prepare their affidavits.

(i) Lucy's Veterinary Medical Records

61. Based on the records provided by the City through my *FOIPPA* requests, I was able to obtain essentially continuous veterinary medical records for Lucy spanning from May 1, 1976 to October 14, 2009 which I believe to be accurate, though, as noted above, portions of Lucy's veterinary medical records have been withheld by the City.

62. I provided a copy of these veterinary medical records to Dr. Ensley and Dr. Richardson. They have been attached as Exhibit C in Dr. Ensley's affidavit.

(ii) Lucy's Daily Keeper Log Books

63. I have also obtained the keeper log books for Lucy spanning from January 1, 2008 to July 14, 2009 through my *FOIPPA* requests, which I believe to be accurate.

64. I provided a copy of the Daily Log Books to Dr. Ensley and Dr. Richardson. They have been attached as Exhibit D in Dr. Ensley's affidavit.

(iii) Health Record for Lucy (1980-March 2009)

65. Based on the veterinary medical records and the keeper log books I have obtained, I created a document entitled "Health Record for Lucy (1980-March 2009)" in order to enhance the readability of these two groups of documents. The "Health Record for Lucy (1980-March 2009)" document spans from February 15, 1980 to June 24, 2009. In creating this document I included notations from Lucy's veterinary medical records and daily keeper logs and their corresponding dates in a manner that accurately summarizes these records.

66. I provided a copy of the Health Record for Lucy (1980-March 2009) to Dr. Lindsay and Dr. Richardson. A copy is attached here as **Exhibit WW**.

(iv) Lucy's Walks 2008

67. I created a document entitled "Lucy's Walks 2008." In this document I condensed the daily keeper records into a more readable, spreadsheet format. In the document "Lucy's Walks 2008" I set out the date, the amount of time Lucy was taken out for a walk and any unusual notations as included in the keeper logs for that date. Additionally, I added the midday temperatures in Edmonton on that day as recorded by the

Environment Canada website. I personally compiled the first half of this spreadsheet and a Zoocheck employee compiled the second half of this spreadsheet.

68. At the bottom of the document "Lucy's Walks 2008" I calculated the following:

- (a) Total minutes on walks during 2008. I calculated this by adding the numbers taken directly from the keeper logs. Lucy was outside for a total of 39,550 minutes in 2008.
- (b) Total hours out of enclosure during 2008. I calculated this by taking the total minutes on walks and dividing it by 60. Lucy spent 659 hours outdoors in 2008.
- (c) Percent of year spent outside of the indoor enclosure. I calculated this by taking the total number of minutes she spent outside in 2008 and dividing that by the total number of minutes in a year. Lucy spent 7.5% of 2008 outdoors.
- (d) Average number of hours outside of her indoor enclosure per day. I calculated this taking the total number of hours she was outside in 2008 and divided it by 365 days. Lucy spent an average of 1.8 hours per day outside of her indoor enclosure in 2008.

69. This document, Lucy's Walks 2008, is an accurate summary of Lucy's daily keeper records and the temperatures in Edmonton. In addition, the calculations described above accurately reflect the amount of time Lucy spent out of her indoor enclosure in 2008.

70. I provided this document to Dr. Poole, Dr. Lindsay, Dr. Ensley and Dr. Richardson.

71. A copy of this document is attached here as **Exhibit XX**.

(v) Lucy's Walks 2009 (March – July)

72. Pursuant to my *FOIPPA* requests I also received a three page walk log that looks like a calendar for March – July, 2009 setting out the dates and times on which she was taken out on walks. I added in the midday temperatures, as recorded on the Environment Canada website, on each date on which there was a notation.

73. This document, *Lucy's Walks 2009*, accurately reflects the amount of time Lucy was taken out of her indoor enclosure for the months of March to July, 2009 as well as the temperatures in Edmonton on those days.

74. I provided this document to Dr. Poole, Dr. Lindsay, Dr. Ensley and Dr. Richardson.

75. A copy of this document is attached here as **Exhibit YY**.

(C) My Concerns that Certain Veterinary Records are Being Held Off-Site

76. I am concerned by the number of documents it appears the City has withheld from me pursuant to my *FOIPPA* requests. I am particularly concerned by the fact that the City has frequently relied on the “individual or public safety” exception under s. 18 of *FOIPPA* in order withhold elephant medical records. I do not understand how Lucy's medical records could pose any individual or public safety concern.

77. As described in above, pursuant to my requests to the Information and Privacy Commissioner to review *FOIPPA* requests 2009-G-0003 and 2009-G-0004 that body found on both occasions that the City had conducted an adequate *FOIPPA* search and that there were no additional documents to be disclosed. As a result of the fact that no additional documents were uncovered pursuant to a review by the Information and

Privacy Commissioner, I believe that part of the medical records I have requested are being kept off of City property, contrary to the Part II.B of the Government of Alberta Standards for Zoos in Alberta (the "GASZA Standards").

78. Part II.B of the GASZA Standards require zoo operators to keep a copy of veterinary treatment records on the premises:

The veterinarian must document their veterinary treatment activities as per the AVMA health record-keeping protocol. The zoo operator must keep a copy of these records on the premises.

79. Furthermore, after reading Exhibit AA, I became concerned that Lucy's medical records were being influenced by concerns other than medical accuracy.

80. Exhibit AA is an e-mail chain between Jan Archbold (a City employee who appears to work in the Communications, Attractions & Cultural Facilities department of Fort Edmonton Park) and Ms. Prefontaine (the Director of the Valley Zoo). Dr. Ness, was cc'ed on all three of these emails. In the first email in this e-mail exchange, dated January 23, 2009, Ms. Archbold asks Ms. Prefontaine to have Dr. Ness to do routine checks on Lucy and write into her medical records "Lucy doing well. Or something like that [...]" so that when we create a pdf that is secured (I've figured out a way to do that), the [redacted] would have no choice to post her good health along with any treatment information." Ms. Prefontaine's response, sent about 45 minutes later, is that Lucy's medical "need to be more substantial than this in order to effectively manage her health." However, Ms. Prefontaine suggested creating a monthly summary of Lucy's health to post. Ms. Archbold, in a response sent four minutes later, agrees with Ms. Prefontaine's suggestion.

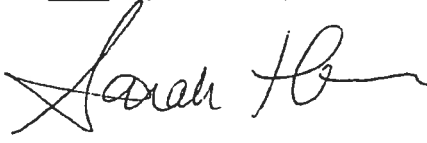
81. I am concerned that other, similar suggestions to obscure Lucy's medical records have been made and even carried out but that the documents substantiating my concerns have been severed from my *FOIPPA* requests.

(D) Dr. James Oosterhuis's Reputation in the Non-Profit, Animal Protection Community

82. Dr. James Oosterhuis has the reputation in the non-profit, animal protection community of being a witness who is exclusively used by zoos, circuses and other captive animal facilities and that he consistently provides opinions that captive animals should remain at the institution in which they are held. For this reason I am doubtful of his objectivity in treating Lucy, and of the reliability his Elephant Consultation Report, dated September 10, 2009.

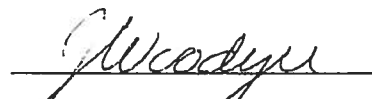
83. I swear this Affidavit in support of this Application for no improper purpose.

Sworn before me at the City of Toronto)
this 22nd day of January, 2010.)

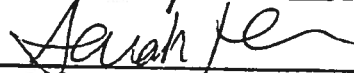
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A Commissioner for taking Affidavits etc.

SARAH HAN.
Barrister and Solicitor


JULIANNE WOODYER

This is Exhibit "A" referred to in the
affidavit of Julianne Woodyer
sworn before me, this 22nd
day of January 20 10



A COMMISSIONER FOR TAKING AFFIDAVITS

Barrister and Solicitor

Summary of FOIPPA Requests made by Zoocheck regarding Lucy

Date of FOIPPA Request	FOIPPA Request Number	Records/Documents Requested from the City of Edmonton	Dates Covered by the FOIPPA Request	Records/Documents Received from the City of Edmonton	Information Denied by the City of Edmonton and section of FOIPPA relied upon (if any)
Apr. 5, 2007	2007-G-0035	<ul style="list-style-type: none"> all budget information for the Valley Zoo all records relating to the health of the elephants at the Valley Zoo 	Jan. 1, 2002 – Apr. 5, 2007	budget information for the Valley Zoo for the dates requested	<ul style="list-style-type: none"> all records relating to the health of the elephants at the Valley Zoo for the dates requested withheld pursuant to s. 29(1)(b) of FOIPPA NOTE: these medical records were eventually obtained
Nov. 28, 2007	2007-G-0112	All medical records for Lucy, including any report by Dr. Jones re: Lucy being too sick to move	Apr. 19, 2007 - Nov. 28, 2007	medical records for the dates requested	<ul style="list-style-type: none"> some information withheld from disclosure pursuant to s. 17(1), s. 17(4)(a), s. 17(4)(g), s. 18(1)(a), and s. 18(1)(b) of FOIPPA
Dec. 12, 2007	2007-G-0117	Copies of video of Lucy taken by video equipment installed at the Valley Zoo	Sep. 25, 2007 – Dec. 5, 2007	none	<ul style="list-style-type: none"> video surveillance equipment had not been installed during the requested time periods
Dec. 14, 2007	2008-G-0004	All medical records for Lucy	May 1, 1976 – Dec. 31, 2001	medical records for the dates requested	<ul style="list-style-type: none"> Some information withheld from disclosure pursuant to s. 17(1), s. 17(4)(a), s. 17(4)(g), s. 18(1)(a), s. 18(1)(b), and s. 20(1)(m) of FOIPPA
Aug. 19, 2008	2008-G-0094	<ul style="list-style-type: none"> all medical records for Lucy a list of all 	Nov. 17, 2007 – Aug. 19,	<ul style="list-style-type: none"> Medical records requested for the dates requested List of all 	<ul style="list-style-type: none"> Some information withheld from disclosure pursuant to s. 17(1), s. 17(4)(a), s.

		veterinarians/experts consulted re: Lucy	<ul style="list-style-type: none"> 2008 2000 – Aug. 19, 2008 	veterinarians/experts consulted re: Lucy for the dates requested	17(4)(g), s. 18(1)(a), s. 18(1)(b), and s. 20(1)(m) of FOIPPA
Jan. 12, 2009	2009-G-0003	all documentation, correspondence and other materials re: Lucy and Samantha	<ul style="list-style-type: none"> Jan. 1, 2006- Jan. 12, 2009 	documentation, correspondence and other materials re: Lucy and Samantha	<ul style="list-style-type: none"> Some information withheld from disclosure pursuant to s. 18(1)(a), s. 18(1)(b), s. 25(1) of FOIPPA NOTE: Ms. Woodyer requested the Information and Privacy Commissioner to review these results; after this request was made the City disclosed additional records but withheld some information from these documents pursuant to s. 17(1) of FOIPPA
Jan. 12, 2009	2009-G-0004	<ul style="list-style-type: none"> Medical records for Lucy Elephant keeper records 	<ul style="list-style-type: none"> Aug. 18, 2008 – Jan. 12, 2009 Jan. 1, 2007 – Jan. 12, 2009 	<ul style="list-style-type: none"> Medical records for Lucy from August 18, 2008 – January 12, 2009 Elephant keeper records from January 1, 2007 – January 12, 2009 	<ul style="list-style-type: none"> some information withheld from disclosure pursuant to s. 18(1)(a), s. 18(1)(b), s. 25(1) of FOIPPA NOTE: After Ms. Woodyer requested that the Information and Privacy Commissioner review the results of this FOIPPA request, and despite the fact that the IPC stated there were no more records to be produced relevant to this request the City provided

	2009-G-0039	<ul style="list-style-type: none"> (based on the Mar. 13, 2009 request) Medical records for Lucy A list of all vets who have examined/treated Lucy All correspondence re: Lucy Emails showing when records were requested from the zoo All documentation and correspondence re: cancellation of the "Behind the Scenes with Lucy" workshops 	<ul style="list-style-type: none"> Jan. 13, 2009 – Mar. 12, 2009 Aug. 27, 2008 – Mar. 12, 2009 Jan. 13 – Mar. 13, 2009 	<ul style="list-style-type: none"> Medical records requested from January 13 – March 12, 2009 List of vets who have examined/treated Lucy from August 27, 2008 – March 12, 2009 correspondence re: Lucy from January 12, 2009 – March 12, 2009 documentation and correspondence re: cancellation of the "Behind the Scenes with Lucy" workshops 	<ul style="list-style-type: none"> some information withheld from disclosure pursuant to s. 17(1), s. 17(4), and s. 24(1) of FOIPPA
<p>Mar. 5, 2009 and amended on Mar. 12 and 13, 2009</p>	2009-G-0100-1 (first installment)	<ul style="list-style-type: none"> Medical records for Lucy A list of all vets 	Mar. 14, 2009 – onward	<ul style="list-style-type: none"> "health" records (including keeper records) for the requested period 	<ul style="list-style-type: none"> Some information severed and withheld pursuant to s. 17(1), s. 18(1), and s. 27(1) of FOIPPA
<p>Jul. 22, 2009 (This was a</p>	2009-G-0100-1 (first installment)	<ul style="list-style-type: none"> Medical records for Lucy A list of all vets 	Mar. 14, 2009 – onward	<ul style="list-style-type: none"> "health" records (including keeper records) for the requested period 	<ul style="list-style-type: none"> Some information severed and withheld pursuant to s. 17(1), s. 18(1), and s. 27(1) of FOIPPA

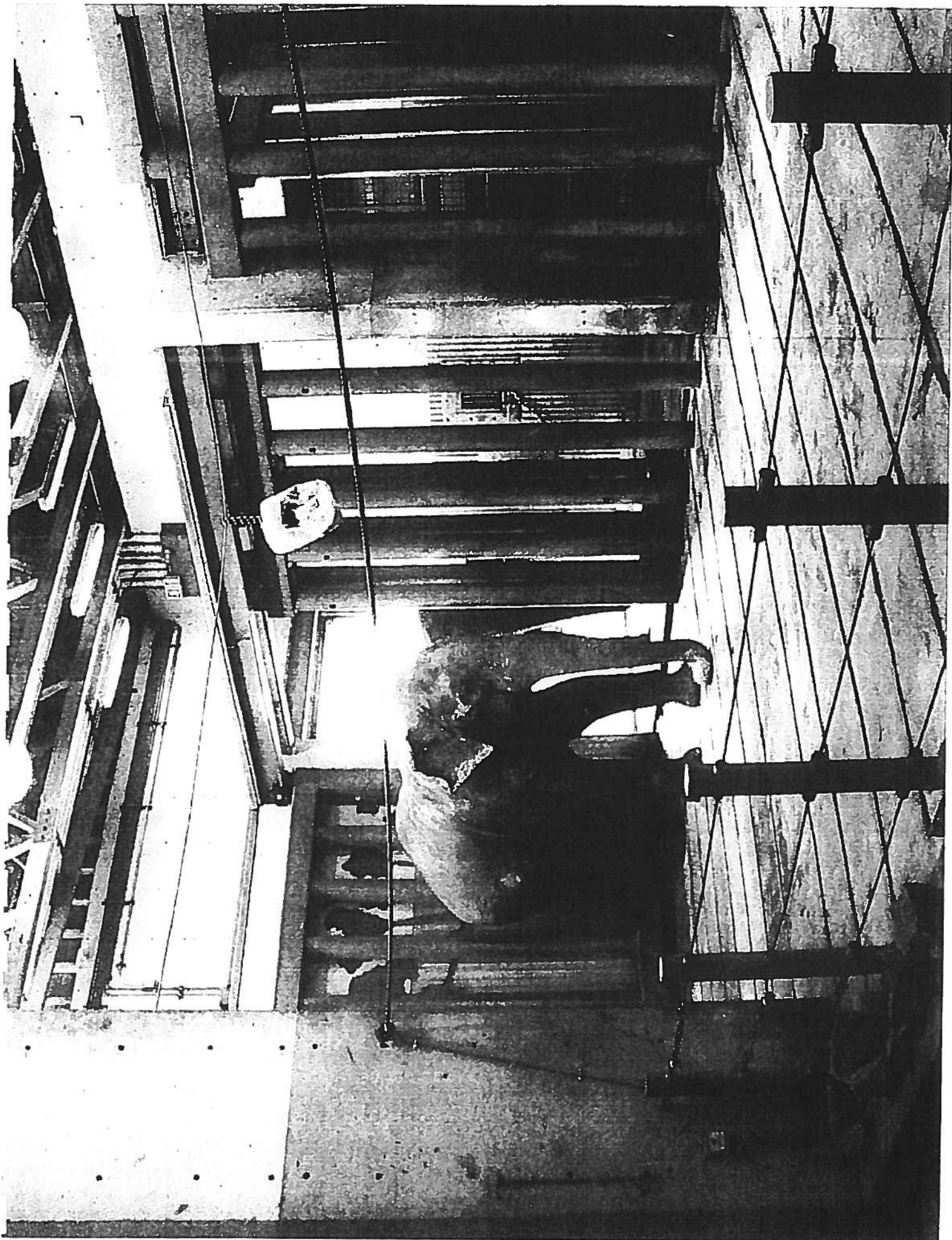
<p>continuing request)</p>	<p>who have examined/treated Lucy</p> <ul style="list-style-type: none"> • Copies of vet opinions • All correspondence re: Lucy • All documents and correspondence referencing Zoocheck Canada • All documents and correspondence re: Dean Treichel's visit to PAWS in April, 2009 	<p>Oct. 15, 2009 – onward</p>	<ul style="list-style-type: none"> • Documents re: vet consultations • Records of staff travel to PAWS • Documents and correspondence re: Zoocheck Canada 	<ul style="list-style-type: none"> • NOTE: Ms. Woodyer requested the Information and Privacy Commissioner to conduct a review of the City's handling of this request; this review has not yet concluded
<p>Oct. 15, 2009</p>	<p>2009-G-0100-2 (second installment)</p> <ul style="list-style-type: none"> • Same as directly above 	<p>Oct. 15, 2009 – onward</p>	<ul style="list-style-type: none"> • "health" records • Records re: vet consultations • Vet list • Correspondence re: Lucy • A copy of Lucy's endoscope is available to be viewed upon booking of an appointment 	<ul style="list-style-type: none"> • Some information severed and withheld pursuant to s. 17(1), s. 24, s. 25, s. 27, and s. 29 of FOIPPA

This is Exhibit "B" referred to in the
affidavit of Julienne Woodyer
sworn before me, this 22nd
day of January 2010



X COMMISSIONER FOR TAKING AFFIDAVITS

Barrister and solicitor



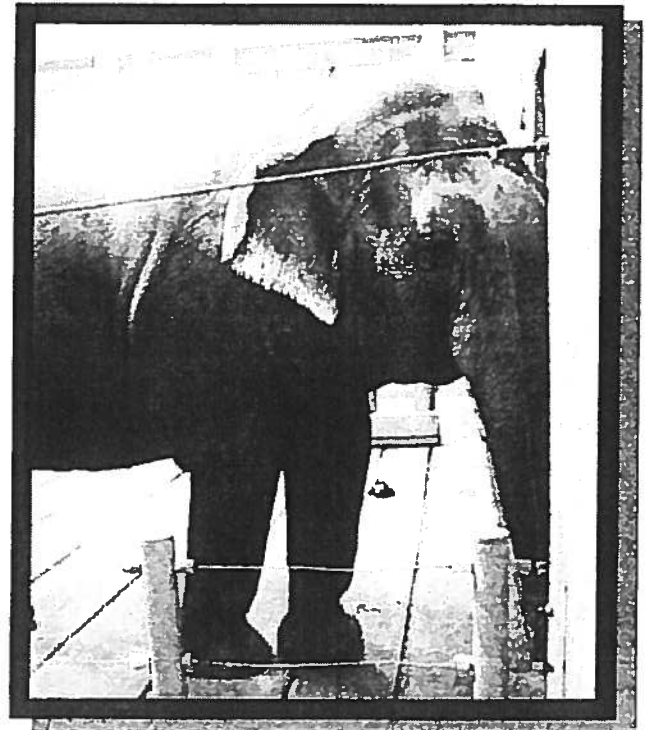
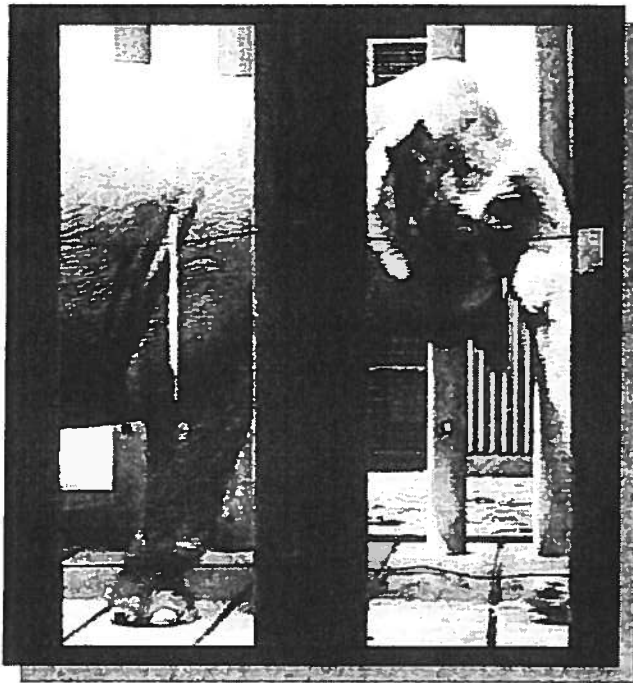
This is Exhibit "C" referred to in the
affidavit of Julienne Woodyer
sworn before me, this 22nd
day of January 2010

Sarah F.
A COMMISSIONER FOR TAKING AFFIDAVITS

Barrister and solicitor



The Sad State of Captive Elephants in Canada



by Winnie Kiiru
January 2007

The Sad State of Captive Elephants in Canada

by Winnie Kiiru

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ABOUT THE AUTHOR

Winnie Kiiru has been working to protect the wildlife of Kenya for more than 15 years and currently serves as a consultant to numerous local and international wildlife organizations.

Most recently, Ms. Kiiru served as Project Manager for the Amboseli Human-Elephant Conflict Project where she worked with engineers and technicians to develop and test humane deterrents to prevent human-elephant conflict situations.

From 2000 until 2004, Ms. Kiiru served as the East Africa Representative for the Born Free Foundation (BFF), an international wildlife protection charity based in the United Kingdom. As the BFF representative, Kiiru represented the foundation in regional and international conservation forums and in the delivery of their African field projects.



During that time Ms. Kiiru also served as Regional Representative of the Species Survival Network, a coalition of 67 non-governmental wildlife protection organizations from around the world.

From 1992 until 1997, Winnie Kiiru was employed by the Kenya Wildlife Service (KWS). For several years, she served as a Research Scientist for the KWS Elephant Management Program where she designed and supervised nationwide surveys of Kenya's elephant populations. She was also responsible for monitoring human-elephant conflict throughout the country and for the development of mitigation strategies.

During her last two years at the KWS, she was a Community Specialist responsible for a broad range of human-elephant conflict mitigation work across the country.

Ms. Kiiru received her Bachelor of Education (Science) from the Kenyatta University in 1990 and a Masters degree in Tropical Resource Ecology from the University of Zimbabwe in 1995. She is currently pursuing her PhD in Biodiversity Management through the University of Kent.

Winnie Kiiru lives in Nairobi, Kenya with her husband and two sons.

INTRODUCTION

It is now widely acknowledged that elephants are sentient beings, self aware, highly intelligent and with complex social networks. Elephants share these attributes with humans, apes and dolphins. Long-term studies conducted by the Amboseli Elephant Research Project have led to greater understanding of the complex nature of elephant social, cognitive, emotional and communicative abilities.

An elephant family is comprised of a matriarch, her female offspring and their young. The matriarch leads the family group through a range of daily, seasonal and lifetime events including periods of food abundance, droughts, matings, births and deaths. The core family units may vary in size ranging from 6 to 20 individuals. During periods of abundance these individual units come together as members of related clans or bond groups, forming large aggregates of over 100 and sometimes even up to 1000 elephants. Males are known to leave the nuclear family grouping at the age of 14 to 15, but studies have now shown that males spend over 70 percent of their time in association with other males or with family groups. Elephants in the wild can live to between 60 and 70 years.



In recent years, the question of elephants in captivity has become an important area of focus. Studies have shown that elephants in captivity suffer a wide range of problems due to the inability of zoos to meet their ecological, social, behavioral and physiological needs. Elephants are adapted to survive across a wide range of habitats and climatic zones ranging from deserts, mountains, wetlands and the vast savannahs of Africa with their large seasonal variations in temperature, rainfall and thus availability of food. To be able to survive in these complex environments, elephants have evolved a complex repertoire of adaptations in their social organization, behavior and physiology. Elephants in zoos are denied the opportunity to utilize these unique and innate attributes. The result is frustration and boredom often manifested in the form of stereotypic behavior and aggression.

Elephants in zoos also suffer a range of health problems resulting from their captivity. These include foot infections, arthritis and obesity, among others. Elephant range in both Africa and Asia falls within tropical and sub-tropical climatic zones. While elephants in these zones may experience short periods of low temperatures, these are not comparable to the winters in the temperate zones. During winter, elephants in western zoos spend prolonged periods indoors standing on concrete floors. This exposure to hard, cold and often moist floors can result in severe foot problems. Elephants are adapted to walk long distances (up to 40 kilometers in a single day). In the wild the pads on the bottom of their feet wear down as they walk. In zoos, the foot pad and the toes require constant trimming and treatment as they do not have the opportunity to wear naturally as they would in the wild. In many cases, despite provision of foot care by zoo staff, captive elephants have developed infections which cannot heal properly. Improper healing occurs because the captive elephants cannot walk long distances; consequently, they have poor circulation. . This condition is very serious and the leading cause of death in elephants living in North American zoos.

Obesity in elephants is attributed to long periods of inactivity and the use of food to entertain elephants as part of 'enrichment' programming. Obesity and chronic stress precipitate circulatory problems, another prevalent cause of death in zoo elephants. Infant mortality resulting from birth related complications, rejection of the young calves by the mothers and the forced separation of young calves from their mothers have impacted the breeding programmes in zoos.

Adult male elephants provide a major challenge for zoos, particularly when they are in musth. Elephants in musth are often aggressive and energetic. They need to be provided with ample space and stimulation during these periods or they become destructive and potentially dangerous. Zoos are on record for chaining bulls for long periods and transferring them regularly between facilities to get rid of 'problem' animals.

ELEPHANTS IN CANADA

Records indicate that there are about 35 elephants in zoos across Canada. These elephants are found in private and municipal zoos across the country. The provincial governments are responsible for setting the laws that govern these facilities while the Canadian Association of Zoos and Aquariums (CAZA) sets national industry guidelines. Unfortunately, these guidelines are voluntary and many accredited zoos in Canada reportedly fall short of the guidelines outlined by CAZA. Canadian zoos are encouraged to seek accreditation from CAZA and/or the American Zoo and Aquarium Association (AZA). Accreditation is also voluntary and not a legal requirement.

The CAZA accreditation process guide contains a full chapter on guidelines for elephant management and care. The guide recognizes that 'The intelligence, strength and social needs of these magnificent animals can pose many challenges for managers of elephants in human care. Facilities that manage elephants should therefore understand the substantial human, financial, and ethical commitments involved in appropriately maintaining elephants'.

The guidelines cover the areas of personnel, training, tools, husbandry, facilities, behavior, reproduction, veterinary care, nutrition, conservation, education and research. Among the tools that are recommended for use in care and management of elephants include the guide, ankus or elephant hooks as traditional tools used for directing elephant behavior. Chaining is listed as an acceptable method of temporary restraint. Facilities are advised to limit the time elephants spend tethered, unless tethering is necessary for veterinary treatment or transport. The Elephant Restraint Device (ERD) is highly recommended, particularly in facilities managing bulls or elephants in protected contact. Recommended safety tools include pepper spray, fire extinguishers, electric prods, tranquilizer guns and an elephant gun, which is a gun of sufficient caliber to dispatch an elephant.

The guidelines do not define minimum space requirements for indoor or outdoor enclosures. They recommend that adequate space be provided to allow elephants to exercise and interact socially with others. Holding space for males must be designed to best care for the male elephant in musth. Indoor space should also have adequate space for elephants to move about and lie down without restriction.

As noted earlier, zoos are not required to maintain these requirements by law. Incidents reported in Canadian zoos, both recent and in the past, indicate that many zoos have not adhered to these guidelines. Cases of cruelty to elephants, where handlers use bull hooks and electric prods, resulting in injury to elephants and triggering public concern have been recorded in Canada. A report about an elephant that severed her trunk caught in a door latch in August of 2006 received national attention. The climatic conditions elephants have to endure in Canada and the resultant health problems are a cause for concern. The legislative arrangement where zoos are governed by provincial governments, some of which lack the will or the capacity to monitor the welfare of elephants in zoos, is an added problem.

This report was compiled after a visit to Canadian zoos to assess the conditions of elephants. All visits were unannounced to allow the author to view the elephants as any member of the public

would. The visits were preceded by a study of the studbook record to ascertain the number of elephants held in each facility. Media reports were also studied to familiarize the author with the happenings in various zoos. Where possible, zoo staff were interviewed or their presentations to the public used as sources of information. Information bulletins in the facilities were also studied. The author looked at the general body condition of the elephants, the activity during the period of observation, the size and condition of the enclosure and the information available to the public.

TORONTO ZOO - ONTARIO

The Toronto Zoo is partially funded by the City of Toronto and operated by a management board which includes a city councilor. There is also the Toronto Zoo Foundation with a board of directors which oversees the fund raising activities. The Toronto Zoo is accredited by both AZA and CAZA.

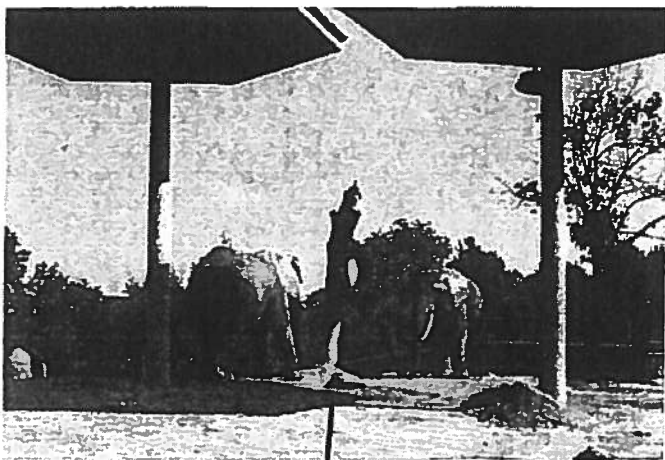
Information available from the studbook indicates that the Toronto Zoo has kept 10 African elephants over the years of which three are noted as dead.

- Tara - female, wild caught from Mozambique, estimated year of birth (EYB) 1969
- Tessa - female, wild caught in Mozambique EYB 1969
- Iringa - female, wild caught in Mozambique, EYB 1969
- Tequila - female, wild caught in Mozambique EYB 1970
- Toka - female, wild caught in Mozambique, EYB 1970
- Thika - female, born at Toronto Zoo to mother Tequila and father Tantor in 1980
- Patsy - female, wild-caught in Mozambique EYB 1967

The following elephants are marked as having died in the studbook:

- Tantor - male, wild caught in Mozambique, EYB 1969, **died 1989**
- Toronto - female born at Toronto Zoo to mother Toka and father Tantor in 1984, **died in 1994**
- TW - female, born at the Toronto Zoo to Mother Tessa and father Tantor, **died two days after birth**

I visited this zoo on the 7th day of September, 2006. There were a total of seven African elephants on display in an enclosure split into two by a walkway. The elephants wandered around, some singly and others in pairs. They dusted themselves and fed on hay piles situated throughout the enclosure. The elephants showed no visible injuries or difficulties walking around. Stereotypic behavior was not observed.



The elephant enclosure has no trees or shrubs, just man made structures, rocks, termite mounds, fake tree stumps and huge umbrella-like structures. This was in stark contrast to the lush vegetation all around the zoo. There was a pool in one of the enclosures.

One of the information bulletins contained information on the various ways the keepers have devised to keep the elephants interested. This included treats hidden in the termite mound like structures, shade umbrellas with nozzles that sprayed a cooling mist on the elephants and food in barrels tied high up in the ground for elephants to find. A discussion with one of the keepers indicated that keeping the elephants busy was a big challenge. Foot infections were a problem, especially with the older females. Protected contact is used with all the elephants.

This zoo has an African elephant called Thika. The author was born and brought up in Thika, a beautiful little town in Kenya, just north of Nairobi. According to the stud book record, Thika was the only surviving calf of the three born in the Toronto Zoo. She was also the youngest female here, being only 26. If she was in the wild in Kenya, she would probably have two calves by now. She would not have to look at lush vegetation from across the fence but would have access to the beautiful forests of the Aberdare mountain range just north of Thika town.

At approximately 7 acres, the Toronto Zoo elephant enclosure was larger than some of the other zoos I visited in Canada. That said it is still extremely small in comparison to 2700 acres afforded to the elephants living at The Elephant Sanctuary in Tennessee which is a mere fraction of the size of the area an elephant in the wild would utilize in their lifetime. It appears that the staff at the Toronto Zoo are attempting various ways of enriching the elephant's lives, but the fact that artificial enrichment is necessary is a symptom that the environment is deficient to start with. Lack of enrichment is a consistent problem with the majority of North American zoos that keep elephants, as are the foot problems experienced by captive elephants.

CALGARY ZOO - ALBERTA

The Calgary Zoo in Alberta, run by the Calgary Zoological Society, is a registered non-profit, charitable organization controlled by a board of directors. It is an accredited member of the American Zoo and Aquarium Association (USA) and the Canadian Association of Zoos and Aquariums.

According to the Asian Elephant studbook, the Calgary Zoo has 4 Asian elephants:

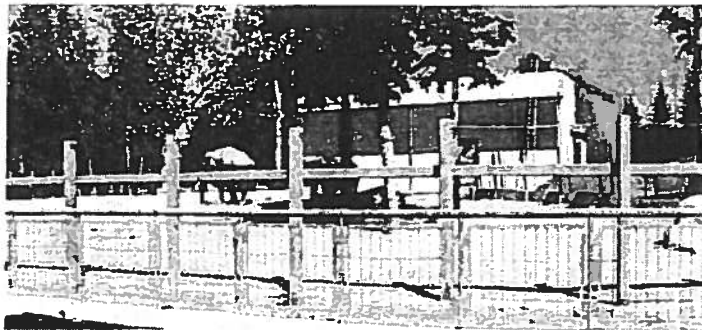
- Ganesha a.k.a Spike - male, captive bred in the USA, estimated year of birth (EYB) 1981
- Kamala - female, captured in Sri Lanka, EYB 1975
- Swarna - female, captured in Sri Lanka, EYB 1975
- Maharani a.k.a Rani - female, born at Calgary Zoo to mother Kamala and father Bandara in 1990

The following elephants are marked as having died in the records:

- Bandara – male, captured in Sri Lanka, EYB 1975, **died in 1991**
- Gyrette – female, captured in Thailand, EYB 1959, **died February 9, 1967**
- Gyro – males, captured in Asia, EYB 1959, **died June 26, 1967**
- Unnamed baby – born at the Calgary zoo, **died in less than one month after birth**

Maharani gave birth in 2004 at age 14, but rejected the baby, who died less than one month later. The death of the baby was the fourth death at the Zoo. In 1967, two elephants died at Calgary Zoo. Gyrette a female elephant wild caught in Thailand and Gyro, a male elephant, wild caught from Asia. They were both 8 years old at the time of their death. Bandara, another male elephant, who was wild caught in Sri Lanka, died in 1991 at the age of 16 years.

I visited Calgary Zoo on the 4th of September, 2006. The elephants were found in a small yard surrounded by heavy duty metal bars and an electric fence. One side of the enclosure was under construction.



I observed three female Asian elephants feeding on hay that was placed in small piles on the ground. The only three trees in the yard had mesh wire wrapped around the trunks. The ground was mainly loose dirt with no vegetation cover. There were huge rock like structures around the yard and no visible shade structures. There was no visible mud wallow or pool of water. It was a hot day and the keepers hosed the elephants with water. Two men were observed in the enclosure collecting elephant dung. They both had bull hooks hanging from their belts. An adult bull Asian elephant with metal caps on his tusks was released from the barn to join the females soon after the clean up.

Next to the elephant exhibit, a display of elephant dung, a piece of tusk and what looked like a child's adventure with paint provided the props for an enthusiastic young man as he talked and responded to questions about elephants. According to him, Spike, the bull elephant, broke his tusk while throwing a rubber tire against the roof of the barn during a time when he was in musth. The tires were provided in the barn to keep him active. He now 'proudly' wears the largest dental cap in the world. All contact with Spike is protected and an 'elephant hugger' or Elephant Restraint Device is used to restrain him during cleaning and other procedures. He reported that it is a serious challenge to keep Spike busy and Spike sometimes exhibited stereotypic behavior when bored. The youngest female was Maharani and she had indeed lost a calf two years ago. Maharani had mated with Spike just three weeks earlier and a pregnancy was anticipated. The zoo staff person showed a painting, which he indicated was painted by Kamala, who had developed the art of painting using her trunk.

During the talk, the elephants continued to wander around the enclosure, dusting themselves occasionally with the loose dirt, rubbing against the rocks and feeding on hay arranged in small piles in the enclosure. They seemed to be in good body condition with no visible injuries or displays of stereotypic behavior. The male, Spike, however, seemed rather large for his 25 years. The presenter confirmed that the elephants remain indoors at all times when the zoo is closed to the public and in the winter when temperatures fall below -5 degrees C. He also informed the author that chains are used to restrain the elephants during procedures such as foot care and veterinary treatment.

In an effort to protect zoo staff, many zoos are moving away from free contact management in favour of protected contact where keepers do not enter the enclosure with elephants. At the Calgary Zoo, free contact is still exercised with the females while Spike is managed by protected contact.

According to an article in the Globe and Mail newspaper dated March 26, 2004, a 38 year old elephant keeper at the Calgary Zoo suffered chest, spinal and shoulder injuries when a female elephant pinned her against the wall.

The information bulletin outside the enclosure showed the layout of a refurbished elephant exhibit. The new look exhibit, 'the elephant crossing', was expected to expand the space available to the elephants, both indoors and outdoors, to allow zookeepers to enhance animal enrichment, and to offer exciting experiences for visitors. The zoo staff person indicated that the new enclosure will be approximately twice as big as the existing area. The project, which is reportedly expected to cost ten million Canadian dollars, is part of a zoo improvement plan dubbed 'Project Discovery 2010'.

Even with the addition of space, the area allotted to the elephants at the Calgary Zoo will still be thousands of times smaller than the area used by elephants in the wild and therefore will not allow the elephants ample opportunity to exercise all of their natural behaviors. In addition, given that Calgary's climate is very cold in the winter and the elephants are locked in while the zoo is not open, these elephants will continue to spend more than half of their lives inside the barn.

PARC SAFARI ZOO - QUEBEC

This Quebec facility is located near Montreal. It is a privately owned facility and is CAZA accredited. The elephant enclosure is located in the drive-through section of the park. According to the elephant studbook, this facility has housed 7 African elephants over the years, only three are still alive.

According to the Asian Elephant studbook, Parc Safari currently has 3 Asian elephants:

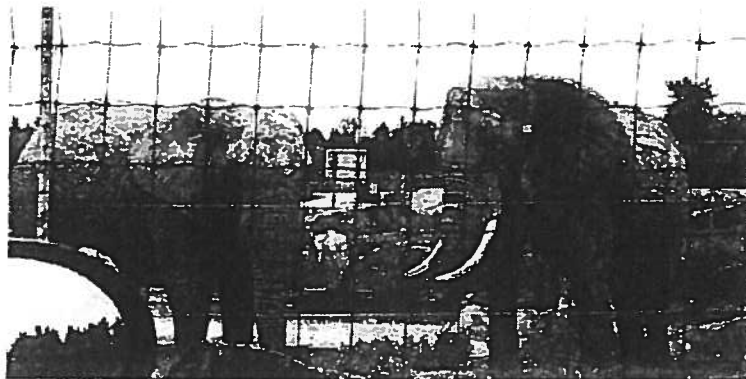
- Churchill - male wild caught (no country of origin listed), estimated year of birth (EYB) 1974
- Carole - female, wild caught in Zimbabwe, EYB 1983
- Junot (a.k.a Michael) - male wild caught in Zimbabwe, EYB 1983

The following elephants are marked as having died in the records:

- Semo - male wild caught (no country listed) EYB 1969, died 1984, had a baby Tess - who was transferred to another zoo at 19 months old
- Mary - female, wild caught (no country listed) EYB, 1969, died 1985
- Root - female, wild caught (no country listed), EYB 1969, died 1990
- Majestica - male, wild caught (no country listed), EYB 1970, moved or died, no details given but he is no longer at PS

I visited on a chilly (approximately 14° C), damp morning on the 13th of September, 2006. Two adult African elephants were on display in the elephant enclosure. The male was probably 23 year old Michael from Zimbabwe. The female's identity was more difficult to guess as she certainly looked older than 23, which is Carole's age according to the studbook. When I arrived at the enclosure the elephants were standing just outside the gate that led to the barn as if begging to be let in, probably to seek relief from the cold, damp weather. Except for worn, packed dirt paths, the outdoor enclosure was mostly grass covered but had no trees. There were rocks all around the enclosure and at the one end was a pool of water.

The fencing around the elephant enclosure consists of hot wires strung horizontally around the perimeter with deer fencing outside of the wires. If an elephant were sufficiently motivated to leave the enclosure, this fencing would not hold the elephants inside.



After about 15 minutes of observing the elephants standing outside the barn, the male then started to walk towards the pool of water along what appeared to be a well used path. The female just stood at the same spot, swaying her head and shifting her weight from one foot to the other. After a while she turned very slowly and started to follow. She made slow steps and appeared to

be stiff and sore. It appeared that she may be suffering from arthritis related pain and possible foot infections. She also kept stopping to rub her right breast. Meanwhile the male stopped to scoop some soil from a hole near the pool of water. Eventually, the female got to where the male was scooping soil and she joined in. After a few minutes, the male suddenly started to walk towards the barn and the female followed slowly behind. While standing near the barn entrance, the female flinched periodically as though experiencing weakness in her legs.

Records show that the elephants and a number of other animals in this zoo have been in quarantine since 1993 due to bovine tuberculosis. This is not really surprising, given the very cold temperatures that the animals here have to endure. It is quite surprising to learn from Zoocheck that, even with the TB problem, the zoo still has rented elephants on site for elephant rides. There was no keeper in sight and the elephants stood for a long period of time near the barn door. It started to drizzle and there was no visible sheltered area for the elephants to escape the rain or wind chill.

While the Parc Safari elephant enclosure was somewhat larger than others I have visited in Canada, it is still a small fraction of the size of the enclosure at the Elephant Sanctuary in Tennessee and thousands of times smaller than the area used by elephants in the wild. Three elephants cannot be described as anything close to a natural social grouping. Furthermore, the climate in Quebec, particularly in the winter, is inappropriate for elephants and the female is showing signs of physical distress likely caused by an arthritic condition and possible foot problems.

GRANBY ZOO - QUEBEC

This is a privately owned zoo and is accredited by both AZA and CAZA.

According to the studbook, this facility has housed 4 African elephants over the years but currently only two are still living.

- Toutonne - female, wild caught (no country listed), estimated year of birth (EYB) 1979
- Sarah - female, wild caught (no country listed) EYB 1984

The following elephants are marked as having died in the records:

- Gretchen -, female, captured in South Africa, EYB 1965, **died 1998**
- Eltypo - female, wild caught (no country listed) EYB 1970, **died 1986**

I reviewed this facility on video since it was not open while I was in Quebec. The video was recorded on the 23rd day of September, 2006, a chilly (approx. 10° C) and rainy day.

The elephants were in small yard which had a few trees in the middle and was surrounded by an electric wire and a small fence. The area containing the trees had another hot wire around it keeping the elephants from getting to the trees. There were patches of grass and dirt in the enclosure and what seemed like a 'play' area with a tire and wooden frame. For most of the one hour recording, Sarah walked in circles around the enclosure. She walked very fast and made the same circle over and over. She stopped for a few moments to look at visitors on the other side of the fence but she generally spent the bulk of her time walking around the enclosure. At one point, she picked up a small ball and carried it along on her trunk. Toutonne on the other hand moved very little. She stood at the furthest corner of the enclosure, totally oblivious of Sarah's activity or that of the visitors.

She moved slowly and appeared to be overweight and very sore, probably due to an arthritic condition which, as mentioned above, is common in zoo elephants, especially those forced to live in cold climates.

According to the studbook records, Toutonne is only 27 but she certainly looked older than that. The keeper carried a bull hook which suggests that the zoo likely does not practice protected contact.



In 1987, the *Montreal Gazette* reported that Toutonne suffered bruises, lost patches of skin and had three welts resulting from an incident where an "untrained keeper tried to show her who was boss" and misused a training prod in the process. The SPCA was contacted but no charges were laid.

The Granby Zoo elephant enclosure is very small, certainly not adequate for the elephants to express all of their natural behaviors and the social grouping is not appropriate for the species. Of most concern is the climate, which is completely inappropriate for elephants and may be the cause of physical disorders.

AFRICAN LION SAFARI - ONTARIO

The African Lion Safari (ALS) is a privately owned facility located near Hamilton, Ontario and is accredited by CAZA .

The following inventory is based on the Asian Elephant Studbook printed in 2000. Since there is no government requirement in Canada for reporting elephant births and deaths, the inventory information is not current. Calves not listed were seen at the facility, and since the elephants are not all on display at this facility, it is not possible to accurately list all elephants at this facility.

According to the Asian Elephant studbook printed in 2000, 13 elephants were listed in this zoo

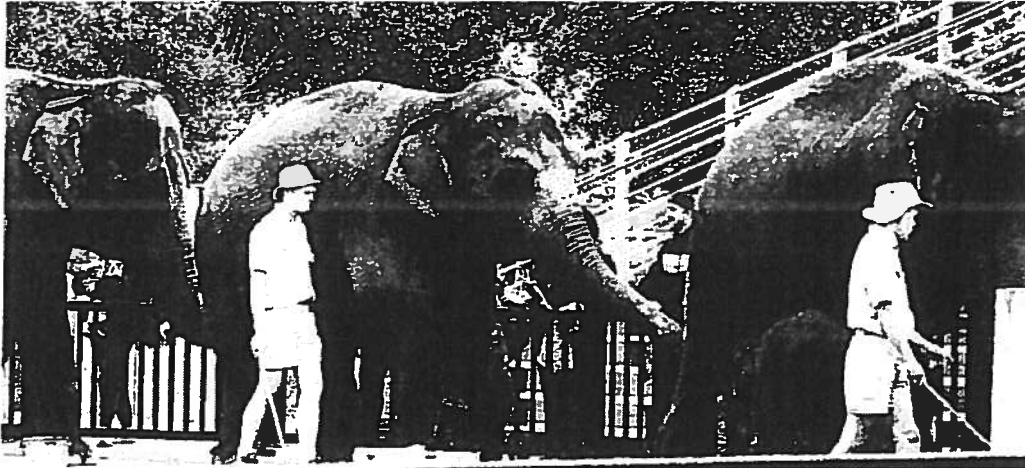
- Kitty - female captured in Thailand estimated year of birth (EYB) 1965
- Jenny - female, captured in Thailand, EYB 1967
- Rex - male captured in Kamataka, EYB 1968
- Dame - female, wild-caught (no country listed), EYB 1970
- Mugwamp (a.k.a Maggy) - female, captured in Burma, EYB 1968
- Phoebe - female, captive bred in Israel, year of birth (YB) 1987, no longer at ALS, unsure if died or traded)
- Natasha - female, born at ALS 1994
- Piccolo - female, born at ALS in 1994
- Samson - male, born at ALS in 1998
- Albert - male, born at ALS in 1998, no longer at the facility, possibly dead or traded;
- George - male, born at ALS in 1999
- Johnson - male, born at ALS in 2001
- Lily - female, born in Israel in 1985

The following elephants are marked as having died in the studbook:

- Beau Thai - male, born at Houston Zoo in 1984 **died at ALS in 1988**
- Gina - female, captured in Thailand, EYB 1958, **died in 1986**
- Unnamed baby - born at ALS in 1993, **died shortly after birth;**

I visited this facility on the 15th of September, 2006. A group of elephants, three adults and four calves of different ages, were on display in the outdoor enclosure. The enclosure substrate was largely dirt with small patches of grass. There were no large trees or pools of water in this enclosure. A mother and her young calf stood in one corner of the enclosure with the mother stopping frequently for the calf to feed. Another of the young calves wandered around among the adults and appeared not to have a close bond with any of the females on display. This calf made half hearted attempts to feed on hay that was placed in small piles on the ground. The calf was then observed trying to suckle from the breast feeding mother but was gently pushed away. In the same group was another female that seemed to be lactating but she seemed to show no interest in this wandering calf. The two older calves did not seem to take much interest in each other either. This was probably a group of unrelated elephants with the exception of the mother and calf.

An elephant show, dubbed "*The Elephant Round Up*," was the highlight event of the day at the zoo. Many families and their young children gathered in an arena to watch the show. Led by two guides each with a bull hook in hand, three adult Asian elephants and a young calf sprinted into the arena. The elephants held each other by the tail.



They got to the middle of the arena and after the 'safari salute', a manipulated behavior consisted of the elephant's raising one front leg up and waving his trunk, the commentator introduced the elephants as Lily with baby Logan, Dame and Maggy. After the introduction, an elephant pulled a log around the enclosure. Lily was then made to push the log back, with her calf running wildly alongside. Next, Maggy picked up a coin from the palm of a spectator's hand and after that lifted one of the trainers up with her trunk. The woman commentator then climbed onto Maggie's back and Maggie 'helped' her to climb down by raising her foot. The elephants were then made to lie down on their sides. The show went on with a number of other sequences, including drumbeating, painting and even a headstand. All the while, the young calf ran frantically after the mother as she performed. The men with the bull hooks were giving commands and walking around looking tense and stiff throughout the show. I believe the bullhook was seen as a threat by the elephants. The presence of the calf was truly baffling. In the wild, elephant mothers are very protective of their young. Here was this mother, forced to go through this humiliating routine of circus style tricks and meanwhile her calf ran along, seemingly totally bewildered all through the show.

The audience was informed during the show that 11 baby elephants have been born in this facility since 1991. Three of them were born in the last year, including the calf that was in the arena during the show. This calf, Logan, was born in April, 2006, together with another named Emily. The third calf was born in November of 2005. These were the two calves on display in the elephant enclosure. Emily was the calf who did not seem to have a mother in the group. This zoo certainly has a large breeding programme. Being a private facility, ALS is not subject to Freedom of Information laws and so it is difficult for interested parties to keep track of the breeding program or records of elephant movements in and out of the zoo.

After the main show, the crowd surged forward and many wanted to touch the elephants. The crowd was very noisy and the guides were visibly nervous. The guard rail separating the people

and the elephants was not adequate to contain elephants and one could easily envisage an elephant breaking through and trampling this group of enthusiastic families and their children. The audience seemed totally oblivious of this possibility, despite reports in the media revealing that indeed the African Lion Safari facility has had their fair share of incidents:

In 1992, *The Toronto Sun* reported that a 14 year old boy was injured when he was stepped on by an elephant named Tara. The kid was apparently leading the elephant through the zoo at the time.

In 1989, the *Globe and the Mail* and other media reported that a 21 year old elephant trainer at ALS was crushed to death by Tusko a bull elephant.

In this same facility, two young people were attacked when driving through the tiger enclosure and suffered serious injuries.

After the 'Elephant Round Up' groups of parents eagerly waited in line to pay for elephant rides for their young children. Information about this facility reveals that the elephants are regularly used in films, commercials, parades, circuses and private parties.

African Lion Safari reportedly has the biggest elephant breeding program in Canada as part of the Species Survival Plan (SSP). This SSPs were developed to create self-sustaining captive populations of particular animals, not for the purpose of returning animals to the wild, The elephant SSP's have no plan to return animals to the wild so they have little real conservation value, if any, to wild elephant populations. Furthermore, the circus style elephant show provides little, if any, positive education and in fact may result in negative education about normal elephant behavior.

BOWMANVILLE ZOO - ONTARIO

Bowmanville zoo is a privately owned facility located about 45minutes east of Toronto. The zoo is an accredited member of CAZA.

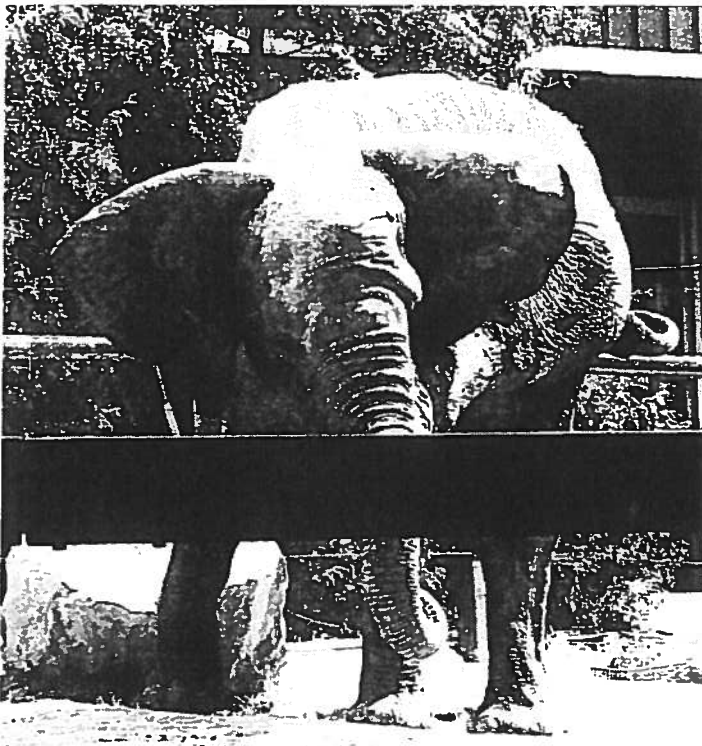
According to studbook records, Bowmanville Zoo currently has 4 elephants.

- Vance - male, Asian from Thailand, captured from the wild, EYB 1971
- Caesar - male, Asian, origin not clear, EYB 1986
- Limba - Female Asian from Vietnam, captured from the wild EYB 1964
- Kesheiba (a.k.a Sheba) - African, Female Captured from the wild, Mozambique EYB 1975, on loan from Bridgeport Zoo.

The following elephants are marked as having died in the records:

- Angus - male, African captured from South Africa, **27 years old at death**
- Lisa - female, Asian captured from Thailand, **32 years old at death**
- Tony - male, Asian country of origin unknown, **27 years old at death**

I visited this zoo on the 6th of September 2006. There were two elephants on display in a small enclosure surrounded by a short steel fence with horizontally-running cables. The elephants stood at the back of the enclosure close to the barn. One of the elephants, an adult Asian male, had his tusks sawn off, leaving two short stubs.



This elephant exhibited stereotypic behavior, standing on the spot and swaying his head and trunk repeatedly from side to side. Next to him was a tuskless female African elephant. She had great difficulty walking. Her hind legs were very stiff and rigid, and thus she had a very strange walk. After walking a few paces, she kicked her back legs forward and rubbed the pads of her feet against her ears. She repeated this strange movement with the other leg. She repeated this after every few steps. Her legs seemed very sore and at one point, when she spotted a bird in the enclosure, she attempted to move forward to chase the bird but the effort was too much. She backed towards the top of the enclosure, shook her head vigorously and then kicked her legs towards her ears again. She seemed visibly agitated.

The Asian male continued to sway from side to side, totally oblivious of the female's presence. This male was probably Vance. Information from Zoocheck Canada indicates that in 1990, Vance suffered a serious leg injury during a show when he was being forced to walk on his hind legs. Vance was then propped up in the barn in a sling until the injury healed. In 2003, Vance underwent a thermograph to diagnose a leg ailment.

According to Zoocheck Canada, Bowmanville Zoo has a long history of using their elephants for various types of entertainment shows including circuses, parades, fairs, films, children's parties commercials, etc. This is confirmed by numerous media reports in the *Globe and the Mail*, Canada's largest national newspaper. One report I read also indicated that the elephants are chained inside the barn periodically, although I was unable to observe this myself.

One of the two owners of Bowmanville Zoo, Michael Hackenberger, has been publicly accused on several occasions of mistreating elephants. For example, in 2002, a Winnipeg Humane Society media release indicated that Hackenberger had flown to Winnipeg to discipline an elephant that he had loaned to the Assiniboine Park Zoo. The elephant, Limba, had attacked a keeper at the zoo, so, according to the release, "Limba's owner flew into Winnipeg from his home in Ontario following the attack, purchased a whip and electric prod at a local livestock supply company and beat the elephant as a reprisal for the attack."



The elephant enclosure at Bowmanville Zoo is very small, a mere fraction of the size of sanctuary enclosures and miniscule compared to the area used by elephants in the wild. The elephants that I observed at this facility were exhibiting stereotypic behaviors indicating that they are likely stressed or bored. In addition, the stiff stance of the African elephant and her restricted gait would indicate that she may be suffering from an arthritic condition or other joint disorders. Furthermore, as I have mentioned throughout this report, the climate is inappropriate for these animals, causing them to be kept in barns for a significant portion of their lives. The allegations of heavy-handed tactics being used to 'control' the elephants is also concerning.

EDMONTON VALLEY ZOO - ALBERTA

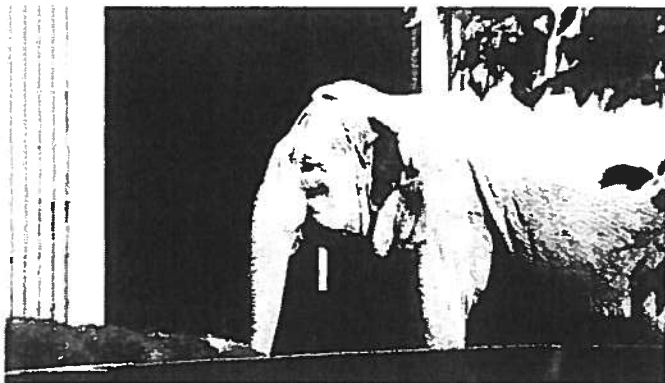
The Edmonton Valley Zoo in Alberta is operated by the City of Edmonton and is an accredited member of the CAZA. The funding from the zoo is therefore mainly from City Council, who have full control over the zoo's management. In 2005 a proposal was put in front of council to spend up to \$ 80 million to upgrade the zoo. The plan indicated that the zoo should focus on cold climate species, and yet still advocates keeping elephants as a flagship species at the zoo.

According to the studbooks, the Valley Zoo has only two elephants;

- Lucy - female, captured in Sri Lanka, estimated year of birth (EYB) 1975
- Samantha - female, captured in Zimbabwe, (EYB) 1988

I visited this zoo on the 5th of September. The outdoor enclosure was surrounded by a low metal barrier and an electric fence. There was no vegetation in the enclosure and the ground was mainly earth. There was ample vegetation outside the enclosure, which gave the appearance of a lush environment, but the elephants had no access to it. There were no rocks to rub against or pools of water to drink from or to wallow in. It was a hot day (approximately 28° C) when I visited.

Upon my arrival, Lucy was standing just outside the door of the barn. Samantha was locked inside the barn and a sign on the door announced that she was not going to be on display as she was recuperating from a trunk injury. She had been in the news since recently after she severed her trunk caught in a door latch. The elephant barn door was open and therefore it was possible to catch glimpses of her behind the bars in the barn.



Lucy walked into the barn after awhile and stood near the metal bars that separated her from Samantha. Lucy then walked out of the barn and took a position just outside the door. She started to move back and forth making one step forward and then rocking back and forth on the spot, a stereotypic behavior which may be an indicator of stress and/or boredom. She repeated this for about 10 minutes. With Lucy standing away from the doorway,

Samantha could be observed better through the barn door and the severed end of her trunk was now visible as she swayed vigorously from side to side.

As Lucy continued rocking back and forth, a family with some young children stopped briefly to look at her. The mother explained that the elephant was 'dancing'. Just then Lucy's trunk touched a ball that had been lying on the ground next to her and the young mother explained that she was now 'playing ball'. The children were delighted. They stood there for a few more minutes and then walked away. This kind of misinformed interpretation of elephant behavior is typical in a zoo setting due to elephants exhibiting aberrant behaviors and living in unnatural

settings. Lucy made no attempt to dust herself or cool herself by flapping her ears while standing in the hot midday sun. There were no keepers in sight and numerous attempts to find them were fruitless.

According to information Zoocheck Canada acquired from Valley Zoo staff, Lucy and Samantha are locked in the barn when the zoo is closed and in the winter when temperatures drop below minus 10° C The zoo is open between 9.30am and 4pm on weekdays and from 9.30 am to 6pm on weekends and holidays. Between October 10 and December 31, the zoo closes at 4.30pm everyday. Given Edmonton's northern climate and the zoo schedule, this means that, in an average year, the elephants would be locked in approximately 70% of the time.

Various newspaper journals including the *Edmonton Journal* have reported that Lucy suffers from arthritis and foot infections. These conditions probably result from standing for long hours on hard, cold surfaces.

After reviewing all of the elephant enclosures in Canadian zoos, it is my opinion that the Edmonton Valley Zoo is the worst at this time. The climate in Edmonton is completely inappropriate for elephants. This cold climate, combined with the zoo's lock-in policy, results in the elephants being locked inside the barn for most of their lives and they are showing physical ailments as a result. In addition, the stereotypic behavior exhibited by Lucy and Samantha are typical of stressed elephants in zoos. I recommend that the City of Edmonton take immediate action to move Lucy and Samantha to a sanctuary that can provide them with a more appropriate physical and social environment and to close the elephant exhibit at this zoo.

SUMMARY OF OBSERVATIONS

From the studbook records and information from these visits, there are currently approximately 35 elephants in zoos across Canada. The youngest is an Asian elephant born at the African Lion Safari in November, 2005. The oldest elephant in Canada is 42 year old Limba, a female Asian elephant at the Bowmanville Zoo. Over the years Canadian zoos have held a total of 58 elephants. Of these 58 elephants, 18 have died under varying circumstances and 4 could not be accounted for as it could not be confirmed if they were dead or had been transferred to other facilities.

Of the dead elephants, 4 were born in various zoos in Canada. Maharani Junior died after 30 days in Calgary Zoo. TW died after two days in Toronto Zoo. An unnamed baby died soon after birth at African Lion Safari and Toronto died after 10 years in the Toronto Zoo. The African Lion Safari has the largest breeding programme, accounting for at least 8 captive bred Asian elephants born in Canada and listed in the studbook. Maharani in the Calgary Zoo is the 9th Canadian born Asian elephant in the studbook records. Thika is the only surviving African elephant born in Canada. The studbook records indicate that there were a total of 22 Asian and 13 African elephants in Canada when the information was compiled.

From this survey, it is clear that elephants in Canadian zoos suffer in varying degrees all of the classical problems exhibited by elephants in captivity in the western countries. The problems in Canadian zoos are compounded by severe and long winters and, to a smaller extent, some exceptionally hot summer days. The space available for elephants both indoors and outdoors is inadequate in all of the zoos visited. Even where there is a large outdoor enclosure, like Parc Safari Zoo in Quebec, the elephants have to spend many hours indoors due to the severe cold for a significant portion of the year. The CAZA guidelines are voluntary, non-punitive and therefore not particularly useful in ensuring that even a minimum standard of care is being met. In addition, these guidelines do not give any recommendations on the size of elephant exhibits. AZA space requirements are 400 sq ft, indoors, for a single female, and 600 sq ft for a male or female with a calf. Outside the requirements are 1,800 sq ft for a single animal with an additional 900 sq ft for each additional elephant. A number of US zoos have closed their elephant exhibits because they cannot meet these space requirements, as well as for other reasons. The Detroit Zoo and the San Francisco Zoo have opted to send their elephants to sanctuaries, while the Lincoln Park Zoo in Chicago has opted not to bring in more elephants after the death of their existing elephants. The Philadelphia Zoo and the Bronx Zoo have also closed their elephant exhibits. Furthermore, there continue to be chronic problems with captive elephants in US zoos that do meet the AZA standards, including foot problems, arthritis and stereotypic behaviors. These problems indicate that even the AZA standards are not adequately meeting the animal's needs.

Stereotypic behaviors were observed at the Bowmanville Zoo, Edmonton Valley Zoo and Granby Zoo. It was confirmed that, even in places where elephants were not seen actively engaged in pointless repetitive behaviors, the keepers had a great challenge keeping the elephants busy, particularly when dealing with adult males, like Spike at the Calgary Zoo.

Health problems related to foot infections and arthritis were clearly evident. The keepers referred repeatedly to foot care routines as being constantly required by elephants in the zoos visited.

Medical records from these zoos would certainly give a clearer picture of the health issues they experience. However, these records are not available to the public as the law does not provide for them to be released, even on request.

The information available to the public was often found to be inaccurate or misleading. For example, at the Bowmanville Zoo, the information display indicated that captive elephants live longer than their wild counterparts. In addition, the use of the term 'herd' to describe two elephants of different species in an enclosure is also untrue and the use of the term 'habitat' to describe a barren enclosure with concrete tree stumps and ant hills is equally misleading.

The continued assertion to the public that elephants are faced with extinction in the near future in both Africa and Asia is also grossly incorrect. There are an estimated 400,000 elephants in the wild in Africa and 50,000 Asian elephants. Although severe poaching contributed to the reduction of the number of elephants in Africa and Asia in the 1970s and 80s, the problem has been brought under control. In Botswana in southern Africa there are over 120,000 elephants in the wild. Kenya in East Africa has a population of 35,000 elephants and the numbers are growing steadily.

Zoos claim that they play a central role in conservation and education. They say that, by giving the public an opportunity to see elephants, they encourage people to care about elephants in the wild. But those claims have not been substantiated. Elephant conservation projects in Africa and Asia are unable to meet their modest budgets, while zoos continue to spend astronomical amounts of money building elephant exhibits, despite expert advice from field biologists and other scientists who have established that the unique needs of elephants cannot possibly be met in zoos. The claim that funds from zoos support conservation in Africa is dubious. Zoos spend huge amounts of money building new exhibits, but negligible amounts on conservation in the wild. The contribution of zoo-based 'Species Survival Plans' to conservation in the wild is not convincing. Zoos have not demonstrated any ability or plan to re-populate the wild with elephants from zoos.

The use of elephants in circus style shows in zoos demonstrates a commercial side to zoos that totally disregards the elephant as a species. To make an elephant stand on her head, beat drums or 'paint' T-shirts is disgraceful and provides a simplistic, negative view of these amazing animals. The actions necessary to make elephants docile enough to perform these acts is incompatible with the conservation and education agenda that zoos pretend to stand for. Nowhere in the wild do elephants have to do any of these acts. They add no value to their survival and are purely for human amusement. The desperation of zoos to attract crowds leads them to use elephants in this way. Under normal circumstances, elephants are gentle creatures that move in a relatively slow and methodical way and so do not lend themselves very well to human amusement. Anybody wanting to enjoy elephants would have to see them in natural environments and have the time to observe them for long periods. This education of the natural behavior of elephants can be accomplished through television programming, movies, publications, internet or ecotourism. Education about elephant behavior is not possible in the zoo where people breeze through exhibits at lightning speed to get to the next attraction. When they do spend a few minutes at an enclosure, they see elephants exhibiting aberrant behaviors in unnatural settings.

Keeping elephants in Canadian zoos only perpetuates the suffering of these highly intelligent, social animals and provides an inaccurate view of natural elephant behavior, social activities and even their physical attributes.

RECOMMENDATIONS

Canada is no place for elephants. The winters are too severe. All zoos in Canada that are currently holding captive elephants should take immediate action to relocate them to more suitable facilities in warmer climates.

The Edmonton Valley Zoo, in my opinion, is the most problematic due to its northern location and cold climate. Lucy and Samantha are both suffering from stereotypic behavior and Lucy shows signs of severe arthritis and possible foot problems. The City of Edmonton should take immediate steps to move these two elephants to a more appropriate facility, such as The Elephant Sanctuary, in Tennessee, where they will have the ability to heal and can live in more healthy social groupings with other elephants.

CAZA should adopt a no breeding policy for its members and furthermore should formulate a strategy for the phase-out and relocation of elephants to more suitable physical and social environments in warmer regions.

The provincial governments in Canada should ban the use of elephants in traveling shows or other entertainment acts. These acts expose elephants to cruelty as the training regimes require tools such as bull hooks and deprivation of food to achieve dominance.

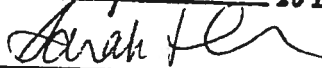


Zoocheck Canada
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Toronto, Ontario
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Tel: (416) 285-1744
Fax: (416) 285-4670

Web site: www.zoocheck.com
E-mail: zoocheck@zoocheck.com

This is Exhibit "D" referred to in the
affidavit of Julianne Woodyer
sworn before me, this 22nd
day of January 2010



A COMMISSIONER FOR TAKING AFFIDAVITS

Barrister and solicitor

Request to Access Information

Personal information on this form is collected under Alberta's *Freedom of Information and Protection of Privacy Act* and will be used to respond to your request. Instructions for completing this form are on the back.

About you

<input type="checkbox"/> Mr.	<input checked="" type="checkbox"/> Ms	<input type="checkbox"/> Dr.	Last name	First name
<input type="checkbox"/> Mrs.	<input type="checkbox"/> Miss		Woodyer	Julie
Name of company or organization (if applicable) Zoocheck Canada Inc.				
Mailing address 2646 St. Clair Ave. E				
City or town Toronto		Province Ontario		Postal code M4B 3M1
Telephone (daytime) (416) 285-1744	Telephone (evening) (416) 451-5976	Fax number (416) 285-4670	E-mail address julie@zoocheck.com	

About your request

1. What kind of information are you requesting access to?

- General information (Please attach the initial fee of \$25.)
 Personal information (No initial fee is required for personal information.)

2. To which Department are you making your request? (Please fill in the name of the organization.)

Community Services (Re: Edmonton Valley Zoo)

3. Do you want to: (a) receive a copy of the record? OR (b) examine the record?

About the information you want to access

1. What records do you want to access? Please give as much detail as possible. (If you want access to your personal information, be sure to give all your previous names. For another person's information, you must attach proof that you can legally act for that person. If you need more space, please attach a separate sheet of paper.)

All records regarding budgets including annual and special budgets for Edmonton Valley Zoo and all records regarding the health of the elephants at Edmonton Valley Zoo including, but not limited to, veterinary reports, staff reports, other health care provider reports, test results (such as x-rays, blood tests, etc.) and any other documentation regarding the health of the elephants. This should include, but not be limited to foot infections, arthritis, trunk or other injuries and general health information.

2. What is the time period of the records? Please give specific dates. (See reverse for details.)

January 1, 2002 to present

Your signature

Signature <i>J. Woodyer</i>	Date April 5, 2007
--------------------------------	-----------------------

For FOIP office use only:

Date received	Request number

This is Exhibit "E" referred to in the
affidavit of Julienne Woodyer
sworn before me, this 22nd
day of January 2010

Sarah

A COMMISSIONER FOR TAKING AFFIDAVITS

Barrister and solicitor



COMMUNITY
SERVICES

MAILING ADDRESS
P.O. BOX 2359
EDMONTON, ALBERTA
T5J 2R7

May 15, 2007

Our Ref.: 2007-G-0035

Zoocheck Canada Inc.
2646 St. Clair Ave. E
Toronto, Ontario
M4B 3M1

Attention: Ms. Julie Woodyer

Dear Ms. Woodyer:

Re: Freedom of Information and Protection of Privacy Act
Access to Information Request 2007-G-0035

Jim McCargar @
edmonton.ca

I am replying to your request of April 17, 2007 for access to records regarding the Edmonton Valley Zoo.

The City of Edmonton is pleased to inform you that access is being provided to the detailed budget records for the Edmonton Valley Zoo. A copy of this record is attached. City of Edmonton budget documents are available to the public and you can access them through the City's website at www.edmonton.ca and by "budget" as your search criteria.

The second part of your request dealt with access to information regarding the health of the elephants at the Edmonton Valley Zoo from January 1, 2002 to April 17, 2007. The City of Edmonton is denying access to these records pursuant to section 29(1)(b) of the *Freedom of Information and Protection of Privacy (FOIP) Act*. A report about the health of elephants will be published and available to the public by June 17, 2007. To obtain a copy of this report, you may contact Denise Prefontaine, Director, at (780) 496-6237. The report will be available by June 17, 2007.

Section 65 of the *Freedom of Information and Protection of Privacy Act* provides that you may make a written request to the Information and Privacy Commissioner to review this matter. You have 60 days from the date of this notice to request a review by writing to the Commissioner at 410, 9925-109 Street, Edmonton, Alberta T5K 2J8.

Section 67(1) of the *Freedom of Information and Protection of Privacy Act* requires the Commissioner to give a copy of your request for review to the head of a public body and to any other person who, in the Commissioner's opinion, is affected by the request. Therefore your request for review should not contain any information that you do not wish exchanged with the other parties.

When requesting a review, please provide the Office of the Commissioner with the following information:

1. The reference number noted at the top of this notice.
2. A copy of this letter.
3. A copy of your original request form that you sent to the City of Edmonton.

Enclosed is a receipt in the amount of \$25.00. If you have any questions or concerns about your request please contact Janet Adams, FOIP Assistant, at (780) 496-3881 or me at the number below.

Sincerely,

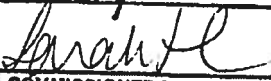


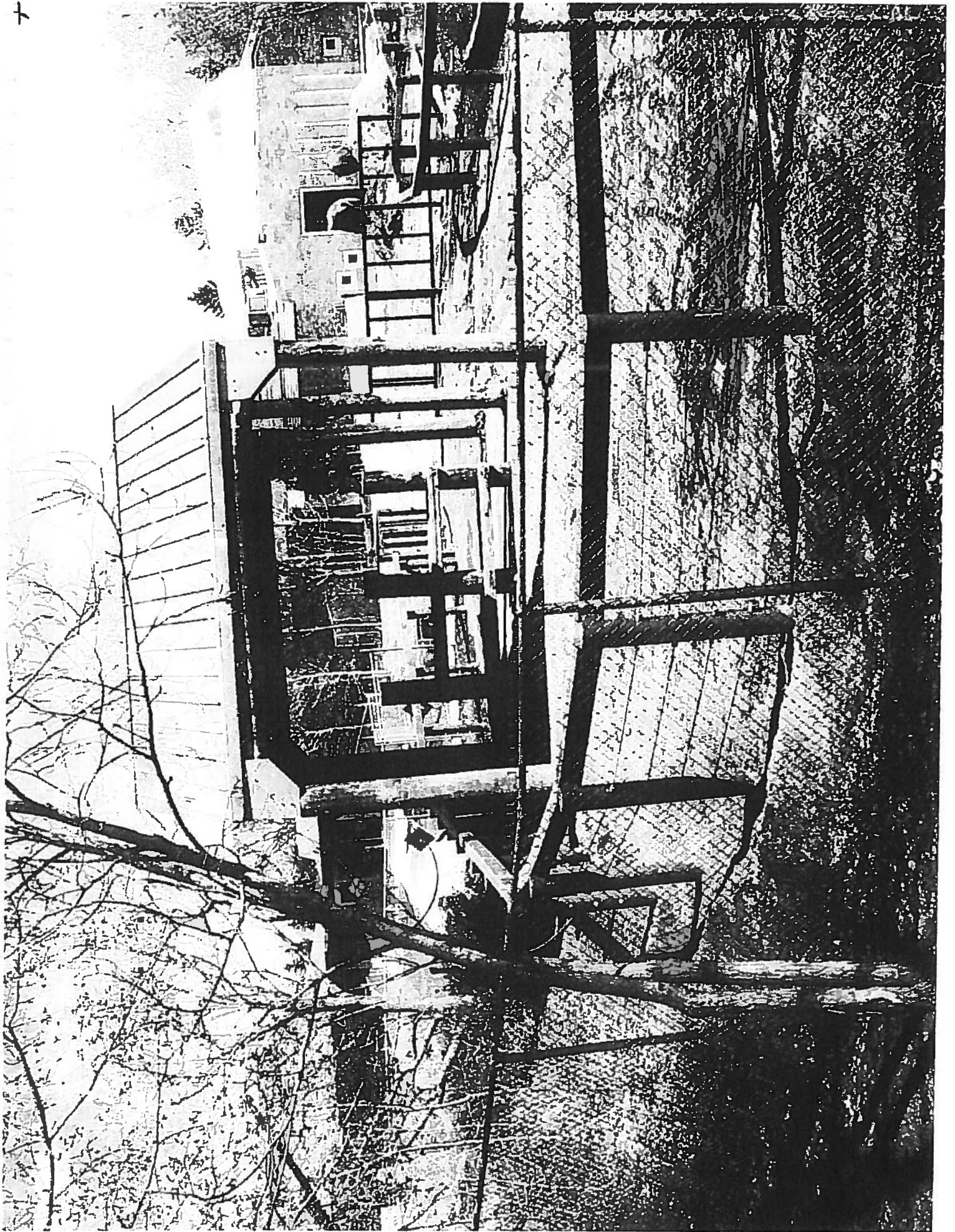
Tim McCargar
FOIP Coordinator
(780) 496-1543

Encl.

Fax: 780-496-1518.

This is Exhibit "F" referred to in the
affidavit of Julienne Woodyer
sworn before me, this 22nd
day of January 2010


A COMMISSIONER FOR TAKING AFFIDAVITS
Barrister and solicitor



This is Exhibit "G" referred to in the
affidavit of Julienne Woodyer
sworn before me, this 22nd
day of January 20 19



A COMMISSIONER FOR TAKING AFFIDAVITS

Barrister and solicitor

Observations of an Asian Elephant at Edmonton Valley Zoo, Alberta (2007)

VALLEY ZOO BACKGROUND

The Valley Zoo is a municipally owned and operated facility located in the River Valley Park System in the heart of Edmonton, Alberta. Established in 1959, the zoo is a menagerie-style, urban facility displaying a broad range of animal species, including reptiles, birds, ungulates, primates, big cats and elephants, in a variety of exhibit types. Many of the exhibits were originally designed as part of a children's storybook theme.

ELEPHANT FACTS

Elephants are highly social, intelligent, sensitive animals with very complex systems of communication, that include physical contact, body movements and postures, chemical cues, seismic vibrations, infrasound and a broad array of audible vocalizations. They are long-lived with some individuals surviving into their 80s.

Wild elephants live in a structured, matriarchal clan society, the core unit being the family, which typically consists of a female, her dependent offspring, and grown daughters with their dependent offspring. Females tend to live out their lives in the same family group, while males disperse once they reach sexual maturity. Some males may congregate for periods of time in bachelor herds

Asian elephants tend to be forest dwellers, while African elephants have historically occupied a variety of habitat types, including savannah, forest and desert. Elephant home ranges vary in size from a low of 14km² in an African groundwater forest to thousands of square kilometers for savannah and desert elephants.

VALLEY ZOO ELEPHANTS

At the time this study took place, two elephants were in residence at the Valley Zoo.

Samantha, a 19 year old female African elephant, arrived at the zoo as an infant after her family was killed during a culling operation in Zimbabwe. In 2006, Samantha tore off a 20cm section of her trunk after it was caught in a gate latch. In September 2007, Samantha was sent to the North Carolina Zoo on a multi-year breeding loan.

Lucy, a 31 year old female Asian elephant born in Sri Lanka, arrived at the zoo when she was two years old. Since her arrival, Lucy has experienced a range of health issues, including recurrent foot problems and arthritis.

CONDITIONS

The Valley Zoo elephant enclosure consists of a barn separated into two distinct stalls divided by a concrete wall and entrance corridors that allow access between the stalls and to the outdoor yard. The floor of the barn is marginally, sloping, grooved concrete. A small electric barrier and dry moat separates one stall from the visitor gallery window, while the other stall is separated by a heavy steel grid barrier. An alcove behind one of the stalls contained a sizable sand mound.

The outdoor yard consists of relatively flat, bare earth substrate surrounded by a steel fence of moderate height. One end of the yard contains a large, open canopy structure with several ground level vertical, wooden posts (presumably for rubbing) and a hanging plastic barrel. There were no other features in the enclosure.

OBSERVATION CRITERIA

To determine the extent of Lucy's daily activity and species-typical behaviour, several criteria were formulated as part of a simple ethogram for recording purposes. These criteria were based in part on similar behavioural studies conducted in other jurisdictions. Each criterion represents a basic facet of elephant movement or behaviour.

Idle: Remaining stationary in a standing position in one location, including sleeping.

Moving: Any movement of the entire body greater than ½ of body length.

Trunk explore: Use of the trunk to explore and/or manipulate immediate surroundings, including substrate, furnishings and objects. Does not include drinking containers/apparatus or food items.

Social: Any interaction, such as trunk touching, head or body contact, tail touching, moving forward or backward resulting in contact, smelling or probing and inspecting feces or urine.

Aggression: Any aggressive social interaction, such as biting, butting with head and pushing with force causing Samantha to bend her legs.

Abnormal Behaviour: Unusual or repetitive behaviours, such as head pushing against wall or gate, bobbing, weaving, swaying of body, stepping back and forth and pacing in a repeated pattern.

Vocalize: Any sound generated from the vocal cords or trunk, including trumpets, roars, barks, snorts, growls, squeals and rumbles.

Drink/ Eat: Any activity involving drinking out of a receptacle or hose and any consumption of food items.

Interaction: Any interaction with Valley Zoo staff.

Location: Whether body is positioned indoors, outdoors or in the barn door access area.

Observers were also asked to record significant activity not represented in the observation criteria, as well as anything they considered particularly noteworthy or unusual.

METHOD

Lucy was observed on April 25-26, 2007 during the Valley Zoo's regular business hours (9 am – 4 pm). Observation criteria were listed on prepared sheets and observers recorded Lucy's activity at two minute intervals, each observation representing one focal point. Individual focal points may represent concurrent criteria. For example, stereotypic swaying exhibited while standing stationary would result in both the idle and the abnormal behaviour criteria being recorded. A total of 356 focal points are represented in this report.

RESULTS

Idle

Lucy spent the majority of her observed time in a stationary position. A total of 274 (77%) of 356 focal points. On Day 1 Lucy was idle for 153 (81%) of 189 focal points. On Day 2 she was idle for 121 (72%) of 167 focal points.

Note: On Day 2, zoo staff walked Lucy out of her enclosure to a wooded section of the zoo property and then back again. Whether or not this activity and the way it was conducted is a regular part of the management regime is not known. Weather conditions were the same on both observation days.

Moving

Movement of more than ½ body length. A total of 56 (15.5%) of 356 focal points. On Day 1 Lucy moved for 16 (8.5%) of 189 focal points. On Day 2 movement was recorded for 40 (23%) of 167 focal points.

Note: 35 (87%) out of 40 focal points took place during Lucy's walk.

Throwing

Lucy exhibited almost no contact with the substrate and no throwing of earth, straw or other materials. A total of 3 (.85%) of 356 focal points. Two of 189 focal points on Day 1 and one of 167 focal points on Day 2.

Explore Trunk

Minimal use of trunk to explore surroundings. A total of 28 (7.8%) of 356 focal points.

Social

Virtually no social activity was observed. Only 2 (.56%) of 356 focal points. One focal point on Day 1 and one on Day 2. Each social interaction consisted of reaching out for a brief trunk touch.

Aggression

No aggressive behaviours recorded.

Abnormal Behaviour

Abnormal behaviours (excluding idleness) consisted primarily of rocking forward and backward, swaying and head bobbing. A total of 30 (8.4%) out of 356 focal points. 23 focal points on Day 1 and seven on Day 2.

Vocalize

Vocalizations were heard at 11 (3%) of 356 focal points. One focal point on Day 1 and 10 focal points on Day 2.

Drink/ Eat

A total of 89 (25%) out of 356 focal points. 36 focal points on Day 1 and 56 focal points on Day 2.

Interaction

Total of 65 (18%) of 356 focal points. 65 focal points on Day 1 and 19 focal points on Day 2.

Note: The majority of the interaction with staff took place during a demonstration in front of a group of young children and Lucy's walk through the zoo grounds.

Location

A total of 184 (51%) of 356 focal points recorded Lucy as being indoors, meaning her entire body was in the elephant barn. 177 (49%) focal points indicate Lucy being partially or entirely outdoors.

COMMENTARY

Depending on the species, location and resources available, wild elephants are known to walk distances ranging from a minimum of about 8 – 12 kilometers to many dozens of kilometers on a daily basis. However, while the total daily distance traveled is impressive, the time that elephants remain active, 20 out of every 24 hours (18 devoted to foraging), is equally significant and impressive.

The observations of Lucy during this review indicate that she is abnormally inactive. On Day 1 she was inactive for 81% of the time and on Day 2 she was inactive 72% of the time. For a highly social, extremely active species that is biologically and behaviourally structured for walking and foraging, this finding is cause for concern. It does not however properly convey the gravity of Lucy's situation, because Lucy's movement and stimulation are further restricted through confinement indoors during off hours, a practice that may exacerbate her already serious physical health issues, such as arthritis, and contribute to a variety of unpleasant emotional states.

At the end of the first observation period (approx. 4 pm), Lucy was placed indoors. She was let out at 9 am the next morning, having spent 15 hours (62.5% of the day) confined indoors. While there may be minor daily fluctuations in the total time Lucy is kept indoors, it almost certainly is the majority of her time. This was corroborated by zoo staff. While not a consideration during this study, Lucy's situation will be considerably more problematic during winter months when she may be kept in for additional periods of time because of inclement weather.

Lucy's spatially restricted, behaviourally impoverished living conditions are antithetical to what is currently known about natural elephant biology, behaviour and lifestyle. The key elements in establishing an acceptable quality of life for elephants in captivity, such as space to roam, explore and exercise, unfettered access to the outdoors, appropriate stimulation and social contact with other elephants are restricted or missing altogether.

Prepared by Zoocheck Canada, 788 ½ O'Connor Drive, Toronto, Ontario, M4B 2S6, Canada
zoocheck@zoocheck.com

This is Exhibit "H" referred to in the
affidavit of Julianne Woodyer
sworn before me, this 22nd
day of January 2010

Sarah de

A COMMISSIONER FOR TAKING AFFIDAVITS

Barrister and solicitor



Request to Access Information

Personal information on this form is collected under Alberta's *Freedom of Information and Protection of Privacy Act* and will be used to respond to your request. Instructions for completing this form are on the back.

About you

<input type="checkbox"/> Mr. <input checked="" type="checkbox"/> Ms <input type="checkbox"/> Dr. Last name <input type="checkbox"/> Mrs. <input type="checkbox"/> Miss Woodyer		First name Julie	
Name of company or organization (if applicable) Zoocheck Canada Inc.			
Mailing address 2646 St. Clair Ave. E			
City or town Toronto		Ontario	Postal code M4B 3M1
Telephone (daytime) (416) 285-1744	Telephone (evening) (416) 451-5976	Fax number (416) 285-4670	E-mail address julie@zoocheck.com

About your request

1. What kind of information are you requesting access to?
 General information (Please attach the initial fee of \$25.)
 Personal information (No initial fee is required for personal information.)
2. To which Department are you making your request? (Please fill in the name of the organization.)

Community Services (Re: Edmonton Valley Zoo)

3. Do you want to: (a) receive a copy of the record? OR (b) examine the record?

About the information you want to access

1. What records do you want to access? Please give as much detail as possible. (If you want access to your personal information, be sure to give all your previous names. For another person's information, you must attach proof that you can legally act for that person. If you need more space, please attach a separate sheet of paper.)

All health records for Lucy (Asian elephant at the Edmonton Valley Zoo) including, but not limited to, vet reports, staff reports, test results and veterinary report (Dr. Bob Jones) outlining the diagnosis of Lucy that was reported to the Edmonton Humane Society as the cause of Lucy's physical illness causing her to be unable to travel and all related documentation to the report to the Humane Society. I have attached a letter for your reference from EHS.

2. What is the time period of the records? Please give specific dates. (See reverse for details.)

April 19, 2007 to present


Your signature

Signature <i>Julie Woodyer</i>	Date November 28, 2007
-----------------------------------	---------------------------

For FOIP office use only:

Date received	Request number

This is Exhibit "I" referred to in the
affidavit of Julianne Woodyer
sworn before me, this 22nd
day of January 2010


A COMMISSIONER FOR TAKING AFFIDAVITS
Barrister and solicitor

December 21, 2007

Julie Woodyer

Zoocheck Canada Inc.
2646 St. Clair Avenue E.
Toronto, ON
M4B 3M1

Dear Ms. Woodyer:

Re: *Freedom of Information and Protection of Privacy Act*
Access to Information Request (Edmonton Valley Zoo)

I am replying to your request of December 3, 2007 for to all health records for Lucy (the elephant located at the Edmonton Valley Zoo).

Some of the records you requested contain information that is withheld from disclosure under the *Freedom of Information and Protection of Privacy Act*. We have severed the excepted information so that we could disclose to you the remaining information in the records.

The severed information is withheld from disclosure under section 17(1), 17(4)(a)(g), and 18(1)(a)(b) of the Act. The detailed sections supporting the excising of particular information are indicated on the face of the record. For your convenience, I have attached a copy of sections 17 and 18 of the Act to this release package.

If you have any questions or concerns about this request, please contact the undersigned at 496-1543. If you have any questions related to the content of the records, you may wish to contact Denise Prefontaine via email at denise.prefontaine@edmonton.ca.

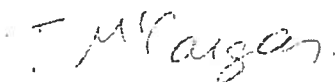
Under section 65 of the *Freedom of Information and Protection of Privacy Act*, you may ask the Information and Privacy Commissioner to review the decision that the records you requested are excluded from the scope of the Act. You have 60 days from the receipt of this notice to request a review by writing the Information and Privacy Commissioner at 410, 9925 – 109 Street, Edmonton, Alberta, T5K 2J8.

Section 67(1) of the *Freedom of Information and Protection of Privacy Act* requires the Commissioner to give a copy of your request for review to the head of a public body and to any other person who, in the Commissioner's opinion, is affected by the request. Therefore your request for review should not contain any information that you do not wish exchanged with the other parties.

If you wish to request a review, please provide the Office of the Commissioner with the following information:

1. The reference number quoted at the top of this notice.
2. A copy of this letter.
3. A copy of your original request for information that you sent to the City of Edmonton Community Services Department.

Sincerely,



Timothy McCargar
Director, Strategic Services Branch
Community Services Department
FOIP Coordinator

Encls.

Section 17 - Disclosure harmful to personal privacy

17(1) The head of a public body must refuse to disclose personal information to an applicant if the disclosure would be an unreasonable invasion of a third party's personal privacy.

(2) A disclosure of personal information is not an unreasonable invasion of a third party's personal privacy if

(a) the third party has, in the prescribed manner, consented to or requested the disclosure,

(b) there are compelling circumstances affecting anyone's health or safety and written notice of the disclosure is given to the third party,

(c) an Act of Alberta or Canada authorizes or requires the disclosure,

(d) repealed,

(e) the information is about the third party's classification, salary range, discretionary benefits or employment responsibilities as an officer, employee or member of a public body or as a member of the staff of a member of the Executive Council,

(f) the disclosure reveals financial and other details of a contract to supply goods or services to a public body,

(g) the information is about a licence, permit or other similar discretionary benefit relating to

(i) a commercial or professional activity, that has been granted to the third party by a public body, or

(ii) real property, including a development permit or building permit, that has been granted to the third party by a public body,

and the disclosure is limited to the name of the third party and the nature of the licence, permit or other similar discretionary benefit,

(h) the disclosure reveals details of a discretionary benefit of a financial nature granted to the third party by a public body,

(i) the personal information is about an individual who has been dead for 25 years or more, or

(j) subject to subsection (3), the disclosure is not contrary to the public interest and reveals only the following personal information about a third party:

(i) enrolment in a school of an educational body or in a program offered by a post-secondary educational body,

(ii) repealed,

(iii) attendance at or participation in a public event or activity related to a public body, including a graduation ceremony, sporting event, cultural program or club, or field trip, or

(iv) receipt of an honour or award granted by or through a public body.

(3) The disclosure of personal information under subsection (2)(j) is an unreasonable invasion of personal privacy if the third party whom the information is about has requested that the information not be disclosed.

(4) A disclosure of personal information is presumed to be an unreasonable invasion of a third party's personal privacy if

(a) the personal information relates to a medical, psychiatric or psychological history, diagnosis, condition, treatment or evaluation,

(b) the personal information is an identifiable part of a law enforcement record, except to the extent that the disclosure is necessary to dispose of the law enforcement matter or to continue an investigation,

(c) the personal information relates to eligibility for income assistance or social service benefits or to the determination of benefit levels,

(d) the personal information relates to employment or educational history,

(e) the personal information was collected on a tax return or gathered for the purpose of collecting a tax,

(e.1) the personal information consists of an individual's bank account information or credit card information,

(f) the personal information consists of personal recommendations or evaluations, character references or personnel evaluations,

(g) the personal information consists of the third party's name when

(i) it appears with other personal information about the third party, or

(ii) the disclosure of the name itself would reveal personal information about the third party,

or

(h) the personal information indicates the third party's racial or ethnic origin or religious or political beliefs or associations.

(5) In determining under subsections (1) and (4) whether a disclosure of personal information constitutes an unreasonable invasion of a third party's personal privacy, the head of a public body must consider all the relevant circumstances, including whether

(a) the disclosure is desirable for the purpose of subjecting the activities of the Government of Alberta or a public body to public scrutiny,

(b) the disclosure is likely to promote public health and safety or the protection of the environment,

(c) the personal information is relevant to a fair determination of the applicant's rights,

(d) the disclosure will assist in researching or validating the claims, disputes or grievances of aboriginal people.

- (e) the third party will be exposed unfairly to financial or other harm,
- (f) the personal information has been supplied in confidence,
- (g) the personal information is likely to be inaccurate or unreliable,
- (h) the disclosure may unfairly damage the reputation of any person referred to in the record requested by the applicant, and
- (i) the personal information was originally provided by the applicant.

RSA 2000 cF-25 s17;2003 c21 s5

Section 18 - Disclosure harmful to individual or public safety

18(1) The head of a public body may refuse to disclose to an applicant information, including personal information about the applicant, if the disclosure could reasonably be expected to

- (a) threaten anyone else's safety or mental or physical health, or
- (b) interfere with public safety.

(2) The head of a public body may refuse to disclose to an applicant personal information about the applicant if, in the opinion of a physician, a regulated member of the College of Alberta Psychologists or a psychiatrist or any other appropriate expert depending on the circumstances of the case, the disclosure could reasonably be expected to result in immediate and grave harm to the applicant's health or safety.

(3) The head of a public body may refuse to disclose to an applicant information in a record that reveals the identity of an individual who has provided information to the public body in confidence about a threat to an individual's safety or mental or physical health.

1994 cF-18.5 s17;1999 c23 s10;2006 cH-7 s153.3

Section 20 - Disclosure harmful to law enforcement

20(1) The head of a public body may refuse to disclose information to an applicant if the disclosure could reasonably be expected to

- (a) harm a law enforcement matter,
- (b) prejudice the defence of Canada or of any foreign state allied to or associated with Canada,
 - (b.1) disclose activities suspected of constituting threats to the security of Canada within the meaning of the Canadian Security Intelligence Service Act (Canada),
- (c) harm the effectiveness of investigative techniques and procedures currently used, or likely to be used, in law enforcement,

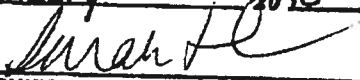
- (d) reveal the identity of a confidential source of law enforcement information,
 - (e) reveal criminal intelligence that has a reasonable connection with the detection, prevention or suppression of organized criminal activities or of serious and repetitive criminal activities,
 - (f) interfere with or harm an ongoing or unsolved law enforcement investigation, including a police investigation,
 - (g) reveal any information relating to or used in the exercise of prosecutorial discretion,
 - (h) deprive a person of the right to a fair trial or impartial adjudication,
 - (i) reveal a record that has been confiscated from a person by a peace officer in accordance with a law,
 - (j) facilitate the escape from custody of an individual who is being lawfully detained,
 - (k) facilitate the commission of an unlawful act or hamper the control of crime,
 - (l) reveal technical information relating to weapons or potential weapons,
 - (m) harm the security of any property or system, including a building, a vehicle, a computer system or a communications system, or
 - (n) reveal information in a correctional record supplied, explicitly or implicitly, in confidence.
- (2) Subsection (1)(g) does not apply to information that has been in existence for 10 years or more.
- (3) The head of a public body may refuse to disclose information to an applicant if the information
- (a) is in a law enforcement record and the disclosure could reasonably be expected to expose to civil liability the author of the record or an individual who has been quoted or paraphrased in the record, or
 - (b) is about the history, supervision or release of an individual who is under the control or supervision of a correctional authority and the disclosure could reasonably be expected to harm the proper custody or supervision of that person.
- (4) The head of a public body must refuse to disclose information to an applicant if the information is in a law enforcement record and the disclosure would be an offence under an Act of Canada.
- (5) Subsections (1) and (3) do not apply to
- (a) a report prepared in the course of routine inspections by an agency that is authorized to enforce compliance with an Act of Alberta, or
 - (b) a report, including statistical analysis, on the degree of success achieved in a law enforcement program unless disclosure of the report could reasonably be expected to interfere with or harm any of the matters referred to in subsection (1) or (3).
- (6) After a police investigation is completed, the head of a public body may disclose under this section the reasons for a decision not to prosecute

(a) to a person who knew of and was significantly interested in the investigation, including a victim or a relative or friend of a victim, or

(b) to any other member of the public, if the fact of the investigation was made public.

RSA 2000 cF-25 s20;2002 c32 s7

This is Exhibit "J" referred to in the
affidavit of Julienne Woodyer
sworn before me, this 22nd
day of January 2010


A COMMISSIONER FOR TAKING AFFIDAVITS
Barrister and solicitor



Zoocheck Canada Inc.

2646 St. Clair Ave East
Toronto, Ontario
M4B 3M1

phone: 416.285.1744 Fax: 416.285.4670
toll free number: 1-833-801-3222
julie@zoocheck.com
www.zoocheck.com

September 26, 2007

Edmonton Humane Society
12251 - 67 Street NW
Edmonton, Alberta
T5B 1M8

Re: Zoo regulation violation at Edmonton Valley Zoo

I am writing to report a violation of the *Government of Alberta Standards for Zoos* at the Edmonton Valley Zoo. As you may have heard through media coverage, the Valley Zoo has moved Samantha, an African elephant to the US on a breeding loan for the next 5 years. The move has left, Lucy, a female Asian elephant, alone in the zoo's exhibit.

It is well known that elephants are highly social animals, particularly females, and thereby suffer when kept in an environment without contact with other elephants. Human caregivers cannot compensate for the lack of same-species companionship. For this reason, zoo associations world-wide advise that elephants should never be housed alone. I have attached documentation from a few associations for your reference. The following are quotes taken from those documents:

- The Canadian Association of Zoos and Aquariums and the US Association of Zoos and Aquariums both note in their standards that "**It is inappropriate to keep highly social female elephants singly**";
- The World Association of Zoos and Aquariums standards indicate that "**Elephants are social animals and should not be kept alone**" and;
- The Best Practices by the Coalition of Captive Elephant Well-Being, 2005 requires that "**Asian elephants shall be held in groups no smaller than 5 adults**".

The *General Exhibit Standards* within the *Government of Alberta Standards for Zoos* requires that "All animals must be maintained in numbers sufficient to meet their social and behavioural needs". Given that Lucy is alone, the zoo is very clearly violating Alberta's zoo standards.

According to the most recent elephant studbook, Lucy is not an SSP elephant, (copy included for your reference) so there is no reason that Lucy could not be moved as soon as permits can be obtained. We have been in contact with the Elephant Sanctuary in Tennessee, the best facility available for elephants in North America, to find out if they could take in Lucy. The directors, Carol Buckley and Scott Blais, have indicated that they would be willing care for Lucy for the rest of her life. The Sanctuary will also pay the costs of moving her.



Zoocheck Canada Inc.

2646 St Clair Ave East
Toronto Ontario
M4B 3M1

phone: 416.285.1744 Fax: 416.285.4670
toll free number: 1-888-801-3222
julie@zoocheck.com
www.zoocheck.com

Given that the Valley Zoo is violating the standards and there is an immediate option to relieve Lucy's suffering, I request that you take immediate action to enforce the Alberta Zoo Standards and arrange to move Lucy to The Elephant Sanctuary as soon as possible.

Yours sincerely,

Julie Woodyer
Campaigns Director

cc. Ron Bjorge, Director, Alberta Fish and Wildlife
Canadian Association of Zoos and Aquariums
Edmonton City Council

This is Exhibit "K" referred to in the
affidavit of Julienne Woodyer
sworn before me, this 22nd
day of January 20 10

Sarah H
A COMMISSIONER FOR TAKING AFFIDAVITS

Barrister and solicitor



ANIMAL PROTECTION SERVICE
EDMONTON HUMANE SOCIETY
12251 - 67 Street
Edmonton, Alberta T5B 1M8
Phone (780) 491-3502/3517 Fax: (780) 479-8946



November 19, 2007

Zoocheck Canada
2646 St. Clair Avenue East
Toronto, ON
M4B 3M1

Re: Concern for "Lucy" at Edmonton Valley Zoo

Dear Julie:

The Animal Protection Department has carefully reviewed all the information regarding Lucy's health and condition at the Edmonton Valley Zoo. The Animal Protection Officers did receive your letter containing Dr. Richardson's review of Lucy's past medical history and her recommendations, as well as the "Review of the Welfare of Zoo Elephants in Europe." Our office also received Dr. Jones, Lucy's current veterinarian, assessment and opinion of Lucy's current condition, as well as what the Edmonton Valley Zoo handlers are doing to provide extra care and stimulation now that Samantha has been moved.

Lucy has been placed on a strict weight control program and structured exercise to control her arthritis. She receives increased training, enrichments and exercise throughout the day. Special attention has been provided in regards to foot and skin care. Video equipment has been installed so that she can be monitored 24 hours a day remotely as to ensure that she is not exhibiting stress induced behaviors. As well extra staff has been assigned to Lucy to ensure that she receives extra care and attention.

Dr. Jones, Lucy's current veterinarian is of the opinion that it would be detrimental if not fatal to her health to transport her. According to the Animal Protection Regulations

Section 10(1) No person shall load or transport animals that, by reason of infirmity, illness, injury, fatigue or any other cause, would suffer unduly during transport.

The Animal Protection Department has concluded by the information provided that it would not be in Lucy's best interest to be transported.

If you have any further questions as to the conclusions of this investigation contact the Animal Protection Department at (780) 491-3517 or email constables@edmontonhumanesociety.com:

Regards,

Peace Officer J. Olson Reg #12092
Animal Protection Department
Edmonton Humane Society

This is Exhibit "L" referred to in the
affidavit of Julianne Woodyer
sworn before me, this 22nd
day of January 2010

Sarah Fe
A COMMISSIONER FOR TAKING AFFIDAVITS
barrister and solicitor



Request to Access Information

Personal information on this form is collected under Alberta's *Freedom of Information and Protection of Privacy Act* and will be used to respond to your request. Instructions for completing this form are on the back.

About you	<input type="checkbox"/> Mr. <input checked="" type="checkbox"/> Ms <input type="checkbox"/> Dr. Last name		First name	
	<input type="checkbox"/> Mrs. <input type="checkbox"/> Miss Woodyer		Julie	
Name of company or organization (if applicable) Zoocheck Canada Inc.				
Mailing address 2646 St. Clair Ave. E				
City or town Toronto		Ontario		Postal code M4B 3M1
Telephone (daytime) (416) 285-1744	Telephone (evening) (416) 451-5976	Fax number (416) 285-4670	E-mail address julie@zoocheck.com	

About your request

1. What kind of information are you requesting access to?
 General information (Please attach the initial fee of \$25.)
 Personal information (No initial fee is required for personal information.)
2. To which Department are you making your request? (Please fill in the name of the organization.)

Community Services (Re: Edmonton Valley Zoo)
3. Do you want to: (a) receive a copy of the record? OR (b) examine the record?

About the information you want to access

1. What records do you want to access? Please give as much detail as possible. (If you want access to your personal information, be sure to give all your previous names. For another person's information, you must attach proof that you can legally act for that person. If you need more space, please attach a separate sheet of paper.)

Copies of video of Lucy the Elephant since she has been alone at Edmonton Valley Zoo

In a letter from the Edmonton Humane Society, they indicated that "video equipment has been installed so that Lucy can be monitored 24 hours a day remotely as to ensure she is not exhibiting stress induced behaviours". I have attached a copy of the letter for your reference.

It is these videos that I am interested in viewing.
2. What is the time period of the records? Please give specific dates. (See reverse for details.)

September 25, 2007 to present

Your signature

Signature	Date
	December 5, 2007

For FOIP office use only:

Date received	Request number
Dec 12/07	

This is Exhibit "M" referred to in the
affidavit of Julienne Woodyer
sworn before me, this 22nd
day of January 2010



A COMMISSIONER FOR TAKING AFFIDAVITS

Barrister and solicitor

Our File #: 2007-G-0117

December 19, 2007

Julie Woodyer

Zoocheck Canada Inc.
2646 St. Clair Avenue E.
Toronto, ON
M4B 3M1

Sept 25 - Dec 12th

Dear Ms. Woodyer:

Re: *Freedom of Information and Protection of Privacy Act*
Access to Information Request (Edmonton Valley Zoo)

I regret to inform you that a search by the City of Edmonton has failed to retrieve any records relating to the subject of your request. Edmonton Valley Zoo has informed me that the video surveillance equipment that you had referenced in your application had not been installed during the time periods that you had requested. As such, there are no video records available for you to view.

If you have any questions about this letter, please write or call me at 780-496-1543.

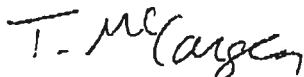
Under section 65 of the *Freedom of Information and Protection of Privacy Act*, you may ask the Information and Privacy Commissioner to review the finding that records relevant to the request could not be located, as they do not exist. You have 60 days from the date of this notice to request a review by writing to the Information and Privacy Commissioner at 410, 9925 - 109 Street, Edmonton, Alberta, T5K 2J8.

Section 67(1) of the *Freedom of Information and Protection of Privacy Act* requires the Commissioner to give a copy of your request for review to the head of a public body and to any other person who, in the Commissioner's opinion, is affected by the request. Therefore your request for review should not contain any information that you do not wish exchanged with the other parties.

If you wish to request a review, please provide the Office of the Commissioner with the following information:

1. The reference number quoted at the top of this notice.
2. A copy of this letter.
3. A copy of your original request for information that you sent to the City of Edmonton.

Sincerely,



Timothy McCargar

Director, Strategic Services Branch

Community Services Department

FOIP Coordinator

This is Exhibit "N" referred to in the
affidavit of Julienne Woodyer
sworn before me, this 22nd
day of January 2010

Sarah E

A COMMISSIONER FOR TAKING AFFIDAVITS

Barrister and Solicitor



Zoocheck Canada Inc.

2646 St. Clair Ave. East
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toll free number 1-868-801-3222
julie@zoocheck.com
www.zoocheck.com

Edmonton Humane Society
12251 - 67 Street NW
Edmonton, Alberta
T5B 1M8

December 21, 2007

Re: Video Surveillance equipment in Lucy's enclosure

In your letter regarding Lucy, the elephant at the Valley Zoo, dated November 19, 2007, you stated that "video equipment has been installed so that she can be monitored 24 hours a day remotely as to ensure that she is not exhibiting stress induced behaviours."

Please find enclosed a letter I received in response to a Freedom of Information request filed with the City of Edmonton in which I requested copies of the video tape from the surveillance Equipment that you referenced between the time that Samantha left the zoo on September 25th through to the date of the request on December 5, 2007. As you will see in the letter I received back from the City, the zoo has advised them that the view equipment had not been installed.

I hope that you will confirm if you actually saw the video equipment or if the zoo simply told you they had installed it. We have found that there are continual discrepancies of this sort in the information received by various parties from the zoo staff.

In addition, I was talking to Robin Hale from CAZA about a week ago about Lucy and he indicated that the Valley Zoo had advised CAZA that they could not move the elephant because of her respiratory condition. Yesterday on CBC radio the zoo announced that it turns out that she only has a molar breaking through.

Given that zoo and circus elephants with the same foot problems and arthritis as Lucy has are moved around constantly, some for weeks at a time and this new information from the zoo that she does not have a respiratory problems but merely has a tooth coming in. She can be moved safely. I hope you will consider inviting in an outside veterinarian not connected with the zoo who has expertise in moving elephants to provide you with an opinion so that the zoo.

Yours sincerely,

Julie Woodyer
Campaigns Director

cc. The Honourable Fred Lindsay, Solicitor General for Alberta

This is Exhibit "0" referred to in the
affidavit of Julianne Woodyer
sworn before me, this 22nd
day of January 20 10

Sarah E
A COMMISSIONER FOR TAKING AFFIDAVITS
Barrister and solicitor



Zoocheck Canada Inc.

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M1B 3M1

phone: 416 285.1744 Fax: 416.285.4670
toll free number: 1-888-301-3222
julia@zoocheck.com
www.zoocheck.com

Rob Smyth
Branch Manager, Recreational Facilities
City of Edmonton
11th floor 10004 104th Ave.
Edmonton, AB T5J 0K1

January 22, 2008

Dear Mr. Smyth,

Re: Elephant surveillance at Edmonton Valley Zoo

On November 19th, 2007, I received a letter from the Edmonton Humane Society (EHS) regarding Lucy, the Asian elephant at the Edmonton Valley zoo, indicating that the zoo had installed video equipment in order to monitor Lucy's behaviour 24 hours per day remotely. I filed a freedom of information request to get copies of recordings of Lucy's behaviour from this equipment. I was informed by the Freedom of Information office on December 19th that the zoo had not installed the equipment as of December 12th, 2007.

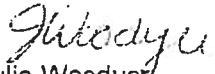
I followed up with the staff person in the FOIPP office after the holidays as to the discrepancy between the information the Edmonton Humane Society had provided and what the FOIPP office had been told by the zoo staff and when the equipment would be installed so that I could get copies of the recordings. I was informed that the equipment had been installed after December 12th but that there were no recorded records of the elephant but that it was being monitored live, 24 hours per day. He suggested I follow up with you as to the procedures being used and the discrepancy in information received from zoo staff via EHS and the FOIPP office.

In relation to this issue I have the following questions:

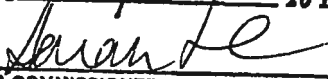
1. What date were the cameras installed?
2. What is the make and model of the cameras, recording, monitoring or related equipment?
3. Is anything being recorded with the cameras?
4. If the cameras are recording Lucy, why?
5. Is there any log being maintained to record Lucy's behaviour?
6. How many staff members are monitoring Lucy around the clock (24 hours per day)?
7. What is the training of each staff person to recognize and deal with stress behaviour in elephants?

I look forward to a written response at your earliest convenience.

Yours sincerely,


Julie Woodyer
Campaigns Director

This is Exhibit "P" referred to in the
affidavit of Julianne Woodyer
sworn before me, this 22nd
day of January 2010


A COMMISSIONER FOR TAKING AFFIDAVITS
Barrister and solicitor



COMMUNITY
SERVICES

MAILING ADDRESS
P.O. BOX 2359
EDMONTON, ALBERTA
T5J 2K7

June 25, 2008

Julie Woodyer, Campaigns Director
Zoocheck Canada Inc.
788 ½ O'Connor Dr.
Toronto, Ontario
M4B 2S6

Dear Ms Woodyer:

Re. Elephant Surveillance at Edmonton Valley Zoo

I am in receipt of your letter of January 22nd regarding the installation of video equipment at the Edmonton Valley Zoo and your subsequent memo of June 17th. I apologize for the delay in responding to your letter, it appears there was a gap with the mailing of our original response.

You indicate in the January 22nd letter that the Edmonton Humane Society (EHS) had advised you that the zoo had installed video equipment as of November 19th, 2007. I cannot speak to this claim as I am not in receipt of the letter you received from EHS but can confirm that the information provided to EHS in November was that video equipment was in the process of being installed. The equipment was not fully operational until late December, 2007.

You further claim that the department FOIP coordinator indicated details of our operating procedures to you regarding the cameras. Again, I cannot verify what was said to you by the FOIP coordinator, however, the information provided to the FOIP office was that the camera installation and testing had been completed in late December and that zoo had the ability to remotely monitor Lucy should the need be identified by her daily caregivers or her veterinarian but that the cameras were not used to record any data.

Cameras are used to monitor other animals at Edmonton Valley Zoo as required. Such monitoring of any animal is done by trained animal care or animal health staff members. To this time, there has been no requirement for such monitoring of Lucy.

Yours truly,

Rob Smyth, Manager
Recreation Facility Services Branch
Community Services Department

RS/dp

EDMONTON

2007



CULTURAL CAPITAL
CAPITAL CULTURELLE
CANADA / CANADA

This is Exhibit "Q" referred to in the
affidavit of Julienne Woodyer
sworn before me, this 22nd
day of January 2010



A COMMISSIONER FOR TAKING AFFIDAVITS

Barrister and solicitor



Request to Access Information

Personal information on this form is collected under Alberta's *Freedom of Information and Protection of Privacy Act* and will be used to respond to your request. Instructions for completing this form are on the back.

About you	<input type="checkbox"/> Mr. <input checked="" type="checkbox"/> Ms. <input type="checkbox"/> Dr.	Last name		First name
	<input type="checkbox"/> Mrs. <input type="checkbox"/> Miss	Woodyer		Julie
Name of company or organization (if applicable) Zoocheck Canada Inc.				
Mailing address 2646 St. Clair Ave E				
City or town		Province	Postal code	
Toronto		Ont.	M4B 3M1	
Telephone (daytime)	Telephone (evening)	Fax number	E-mail address	
(416) 285-1744	(416) 451-5976	(416) 285-4670	julie@zoocheck.com	

About your request

1. What kind of information are you requesting access to?
 General information (Please attach the initial fee of \$25.)
 Personal information (No initial fee is required for personal information.)
2. To which Department are you making your request? (Please fill in the name of the organization.)
 Community Services (Re: Edmonton Valley Zoo)
3. Do you want to: (a) receive a copy of the record? OR (b) examine the record?

About the information you want to access

1. What records do you want to access? Please give as much detail as possible. (If you want access to your personal information, be sure to give all your previous names. For another person's information, you must attach proof that you can legally act for that person. If you need more space, please attach a separate sheet of paper.)
 All medical records for Asian elephant known as Lucy (or SKanik).
2. What is the time period of the records? Please give specific dates. (See reverse for details.)
 May 1, 1976 → December 31, 2001

Your signature

Signature: *Julie Woodyer* Date: Dec. 14/07

For FOIP office use only:

Date received	Request number

This is Exhibit "R" referred to in the
affidavit of Julianne Woodyer
sworn before me, this 22nd
day of January 2010

Janeke
A COMMISSIONER FOR TAKING AFFIDAVITS

Barrister and solicitor



COMMUNITY
SERVICES

MAILING ADDRESS
P.O. BOX 2359
EDMONTON, ALBERTA
T5J 2R7

February 14, 2008

Our File #: 2008-G-0004

Julie Woodyer

Zoocheck Canada Inc.
2646 St. Clair Avenue E.
Toronto, ON
M4B 3M1

Dear Ms. Woodyer:

Re: *Freedom of Information and Protection of Privacy Act*
Access to Information Request (Edmonton Valley Zoo)

I am responding to your request of January 14, 2008 for access to information.

We are pleased to provide access to all medical records for the Asian Elephant known as Lucy from May 1, 1976 to December 31, 2001.

A copy of the records is attached.

Some of the records you requested contain information that is withheld from disclosure under the *Freedom of Information and Protection of Privacy Act*. We have severed the excepted information so that we could disclose to you the remaining information in the records.

The severed information is withheld from disclosure under section 17(1), 17(4)(a)(g), 18(1)(a)(b), and 20(1)(m) of the Act. The detailed sections supporting the excising of particular information are indicated on the face of the record. For your convenience, I have attached a copy of sections 17 and 18 of the Act to this release package.

If you have any questions or concerns about this request, please contact the undersigned at 496-1543. If you have any questions related to the

COMMUNITY
SERVICESMAILING ADDRESS
P.O. BOX 2359
EDMONTON, ALBERTA
T5J 2R7

content of the records, you may wish to contact Denise Prefontaine via email at denise.prefontaine@edmonton.ca.

Under section 65 of the *Freedom of Information and Protection of Privacy Act*, you may ask the Information and Privacy Commissioner to review the assessment of a fee or any other matter concerning this response to your request. You have 60 days from the date of this notice to request a review by writing to the Information and Privacy Commissioner at 410, 9925 – 109 Street, Edmonton, Alberta, T5K 2J8.

Section 67(1) of the *Freedom of Information and Protection of Privacy Act* requires the Commissioner to give a copy of your request for review to the head of a public body and to any other person who, in the Commissioner's opinion, is affected by the request. Therefore your request for review should not contain any information that you do not wish exchanged with the other parties.

If you wish to request a review, please provide the Office of the Commissioner with the following information:

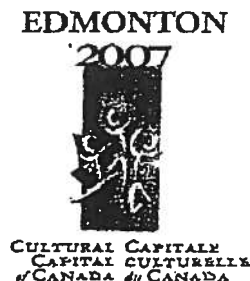
1. The reference number quoted at the top of this notice.
2. A copy of this letter.
3. A copy of your original request for information that you sent to the City of Edmonton - Community Services Department.

Sincerely,

A handwritten signature in black ink that reads "T. McCargar".

Timothy McCargar

Director, Strategic Services Branch
Community Services Department
FOIP Coordinator



This is Exhibit "S" referred to in the
affidavit of Julianne Woodyer
sworn before me, this 22nd
day of January 20 10

Sarah L

A COMMISSIONER FOR TAKING AFFIDAVITS

Barrister and solicitor



Request to Access Information

Personal information on this form is collected under Alberta's *Freedom of Information and Protection of Privacy Act* and will be used to respond to your request. Instructions for completing this form are on the back.

About you	<input type="checkbox"/> Mr.	<input checked="" type="checkbox"/> Ms.	<input type="checkbox"/> Dr.	Last name	First name
	<input type="checkbox"/> Mrs.	<input type="checkbox"/> Miss		Woodyer	Julie
Name of company or organization (if applicable) Zoocheck Canada					
Mailing address 788 1/2 O'Connor Dr					
City or town		Province		Postal code	
Toronto		Ontario		M4B 2S6	
Telephone (daytime)	Telephone (evening)	Fax number	E-mail address		
(416) 285-1744	(416) 451-5976	(416) 285-4670	julie@zoocheck.com		

About your request

1. What kind of information are you requesting access to?
 - General information (Please attach the initial fee of \$25.)
 - Personal information (No initial fee is required for personal information.)
2. To which Department are you making your request? (Please fill in the name of the organization.)
Community Services (Valley Zoo)

About the information you want to access

3. Do you want to: (a) receive a copy of the record? OR (b) examine the record?
1. What records do you want to access? Please give as much detail as possible. (If you want access to your personal information, be sure to give all your previous names. For another person's information, you must attach proof that you can legally act for that person. If you need more space, please attach a separate sheet of paper.)
All medical records for Lucy (Asian elephant at the Valley Zoo) from Nov 17, 2007 to present
A list of all veterinarians + other health experts consulted about Lucy's health since 2000
2. What is the time period of the records? Please give specific dates. (See reverse for details.)
As stated above

Your signature

Signature Woodyer	Date Aug 19, 2008
----------------------	----------------------

For FOIP office use only

Date received	Request number

This is Exhibit "T" referred to in the
affidavit of Julienne Woodyer
sworn before me, this 22nd
day of January 2010

Larant
A COMMISSIONER FOR TAKING AFFIDAVITS

Barrister and solicitor



COMMUNITY
SERVICES

MAILING ADDRESS
P.O. BOX 2359
EDMONTON, ALBERTA
T5J 2R7

Our File #: 2008-G-0094

September 25, 2008

Julie Woodyer
Zoocheck Canada
788 ½ O'Connor Drive
Toronto, ON
M4B 2S6

Dear Ms. Woodyer:

Re: *Freedom of Information and Protection of Privacy Act*
(Edmonton Valley Zoo)

I am responding to your request of August 19, 2008 for access to information.

We are pleased to provide access to all medical records for the Asian Elephant known as Lucy at the Valley Zoo from November 17, 2007 to present.

A copy of the record is attached.

Some of the records you requested contain information that is withheld from disclosure under the *Freedom of Information and Protection of Privacy Act*. We have severed the excepted information so that we could disclose to you the remaining information in the records.

The severed information is withheld from disclosure under section 17(1) and 17(4)(a)(g), 18(1)(a)(b) and 20(1)(m) of the Act. The detailed sections supporting the excising of particular information are indicated on the face of the record. For your convenience, I have attached a copy of sections 17, 18 and 20 of the Act to this release package.

If you have any questions or concerns about this request, please contact the undersigned at 780-496-1543. If you have any questions related to the content of the records, you may wish to contact Denise Prefontaine via email at denise.prefontaine@edmonton.ca.

Under section 65 of the *Freedom of Information and Protection of Privacy Act* , you may ask the Information and Privacy Commissioner to review the assessment of a fee or any other matter concerning this response to your request. You have 60 days from the date of this notice to request a review by writing to the Information and Privacy Commissioner at 410, 9925 – 109 Street, Edmonton, Alberta, T5K 2J8.

Section 67(1) of the *Freedom of Information and Protection of Privacy Act* requires the Commissioner to give a copy of your request for review to the head of a public body and to any other person who, in the Commissioner's opinion, is affected by the request. Therefore your request for review should not contain any information that you do not wish exchanged with the other parties.

If you wish to request a review, please provide the Office of the Commissioner with the following information:

1. The reference number quoted at the top of this notice.
2. A copy of this letter.
3. A copy of your original request for information that you sent to the City of Edmonton - Community Services Department.

Sincerely,



Timothy McCargar
Director, Strategic Services Branch
Community Services Department
FOIP Coordinator

Section 17 - Disclosure harmful to personal privacy

17(1) The head of a public body must refuse to disclose personal information to an applicant if the disclosure would be an unreasonable invasion of a third party's personal privacy.

(2) A disclosure of personal information is not an unreasonable invasion of a third party's personal privacy if

(a) the third party has, in the prescribed manner, consented to or requested the disclosure,

(b) there are compelling circumstances affecting anyone's health or safety and written notice of the disclosure is given to the third party,

~~(c) an Act of Alberta or Canada authorizes or requires the disclosure,~~

(d) repealed,

(e) the information is about the third party's classification, salary range, discretionary benefits or employment responsibilities as an officer, employee or member of a public body or as a member of the staff of a member of the Executive Council,

(f) the disclosure reveals financial and other details of a contract to supply goods or services to a public body,

(g) the information is about a licence, permit or other similar discretionary benefit relating to

(i) a commercial or professional activity, that has been granted to the third party by a public body, or

(ii) real property, including a development permit or building permit, that has been granted to the third party by a public body,

and the disclosure is limited to the name of the third party and the nature of the licence, permit or other similar discretionary benefit,

(h) the disclosure reveals details of a discretionary benefit of a financial nature granted to the third party by a public body,

(i) the personal information is about an individual who has been dead for 25 years or more, or

(j) subject to subsection (3), the disclosure is not contrary to the public interest and reveals only the following personal information about a third party:

(i) enrolment in a school of an educational body or in a program offered by a post-secondary educational body,

(ii) repealed,

(iii) attendance at or participation in a public event or activity related to a public body, including a graduation ceremony, sporting event, cultural program or club, or field trip, or

(iv) receipt of an honour or award granted by or through a public body.

(3) The disclosure of personal information under subsection (2)(j) is an unreasonable invasion of personal privacy if the third party whom the information is about has requested that the information not be disclosed.

(4) A disclosure of personal information is presumed to be an unreasonable invasion of a third party's personal privacy if

(a) the personal information relates to a medical, psychiatric or psychological history, diagnosis, condition, treatment or evaluation,

(b) the personal information is an identifiable part of a law enforcement record, except to the extent that the disclosure is necessary to dispose of the law enforcement matter or to continue an investigation,

(c) the personal information relates to eligibility for income assistance or social service benefits or to the determination of benefit levels,

(d) the personal information relates to employment or educational history,

(e) the personal information was collected on a tax return or gathered for the purpose of collecting a tax,

(e.1) the personal information consists of an individual's bank account information or credit card information,

(f) the personal information consists of personal recommendations or evaluations, character references or personnel evaluations,

(g) the personal information consists of the third party's name when

(i) it appears with other personal information about the third party, or

(ii) the disclosure of the name itself would reveal personal information about the third party,

or

(h) the personal information indicates the third party's racial or ethnic origin or religious or political beliefs or associations.

(5) In determining under subsections (1) and (4) whether a disclosure of personal information constitutes an unreasonable invasion of a third party's personal privacy, the head of a public body must consider all the relevant circumstances, including whether

(a) the disclosure is desirable for the purpose of subjecting the activities of the Government of Alberta or a public body to public scrutiny,

(b) the disclosure is likely to promote public health and safety or the protection of the environment,

(c) the personal information is relevant to a fair determination of the applicant's rights,

(d) the disclosure will assist in researching or validating the claims, disputes or grievances of aboriginal people,

- (e) the third party will be exposed unfairly to financial or other harm,
- (f) the personal information has been supplied in confidence,
- (g) the personal information is likely to be inaccurate or unreliable,
- (h) the disclosure may unfairly damage the reputation of any person referred to in the record requested by the applicant, and
- (i) the personal information was originally provided by the applicant.

RSA 2000 cF-25 s17;2003 c21 s5

Section 18 - Disclosure harmful to individual or public safety

18(1) The head of a public body may refuse to disclose to an applicant information, including personal information about the applicant, if the disclosure could reasonably be expected to

- (a) threaten anyone else's safety or mental or physical health, or
- (b) interfere with public safety.

(2) The head of a public body may refuse to disclose to an applicant personal information about the applicant if, in the opinion of a physician, a regulated member of the College of Alberta Psychologists or a psychiatrist or any other appropriate expert depending on the circumstances of the case, the disclosure could reasonably be expected to result in immediate and grave harm to the applicant's health or safety.

(3) The head of a public body may refuse to disclose to an applicant information in a record that reveals the identity of an individual who has provided information to the public body in confidence about a threat to an individual's safety or mental or physical health.

1994 cF-18.5 s17;1999 c23 s10;2006 cH-7 s153.3

Section 20 - Disclosure harmful to law enforcement

20(1) The head of a public body may refuse to disclose information to an applicant if the disclosure could reasonably be expected to

- (a) harm a law enforcement matter,
- (b) prejudice the defence of Canada or of any foreign state allied to or associated with Canada,
 - (b.1) disclose activities suspected of constituting threats to the security of Canada within the meaning of the Canadian Security Intelligence Service Act (Canada),
- (c) harm the effectiveness of investigative techniques and procedures currently used, or likely to be used, in law enforcement,

- (d) reveal the identity of a confidential source of law enforcement information,
- (e) reveal criminal intelligence that has a reasonable connection with the detection, prevention or suppression of organized criminal activities or of serious and repetitive criminal activities,
- (f) interfere with or harm an ongoing or unsolved law enforcement investigation, including a police investigation,
- (g) reveal any information relating to or used in the exercise of prosecutorial discretion,
- (h) deprive a person of the right to a fair trial or impartial adjudication,
- (i) reveal a record that has been confiscated from a person by a peace officer in accordance with a law,
- (j) facilitate the escape from custody of an individual who is being lawfully detained,
- (k) facilitate the commission of an unlawful act or hamper the control of crime,
- (l) reveal technical information relating to weapons or potential weapons,
- (m) harm the security of any property or system, including a building, a vehicle, a computer system or a communications system, or
- (n) reveal information in a correctional record supplied, explicitly or implicitly, in confidence.

(2) Subsection (1)(g) does not apply to information that has been in existence for 10 years or more.

(3) The head of a public body may refuse to disclose information to an applicant if the information

- (a) is in a law enforcement record and the disclosure could reasonably be expected to expose to civil liability the author of the record or an individual who has been quoted or paraphrased in the record, or
- (b) is about the history, supervision or release of an individual who is under the control or supervision of a correctional authority and the disclosure could reasonably be expected to harm the proper custody or supervision of that person.

(4) The head of a public body must refuse to disclose information to an applicant if the information is in a law enforcement record and the disclosure would be an offence under an Act of Canada.

(5) Subsections (1) and (3) do not apply to

- (a) a report prepared in the course of routine inspections by an agency that is authorized to enforce compliance with an Act of Alberta, or
- (b) a report, including statistical analysis, on the degree of success achieved in a law enforcement program unless disclosure of the report could reasonably be expected to interfere with or harm any of the matters referred to in subsection (1) or (3).

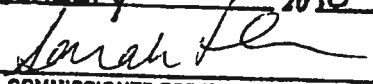
(6) After a police investigation is completed, the head of a public body may disclose under this section the reasons for a decision not to prosecute

(a) to a person who knew of and was significantly interested in the investigation, including a victim or a relative or friend of a victim, or

(b) to any other member of the public, if the fact of the investigation was made public.

RSA 2000 cF-25 s20;2002 c32 s7

This is Exhibit "U" referred to in the
affidavit of Julienne Woodyer
sworn before me, this 22nd
day of January 2010


A COMMISSIONER FOR TAKING AFFIDAVITS

Barrister and solicitor



Zoocheck Canada Inc.

788 1/2 O'Connor Dr
Toronto, Ontario
M4B 2S6

phone: 416.285.1744 Fax: 416.285.4670
toll free number: 1-888-801-3222
julie@zoocheck.com
www.zoocheck.com

August 22, 2008

Dean Treichel, Supervisor Animal Care and Operations
Edmonton Valley Zoo
PO Box 2359
Edmonton, Alberta
T5J 2R7

Dear Mr. Treichel.

We had the opportunity to review Lucy's medical records that were obtained via Freedom of Information Legislation which show that Lucy has been treated for many years for pain due to ongoing foot infections, and joint pain associated with rheumatoid arthritis. The documents show that her pain levels have resulted in her having limited movement and difficulty lying down periodically. In addition, we were very concerned to read on your website that: "Recently, Lucy has developed a respiratory condition believed to be connected to a mal-positioned molar, which impacts her sinus area. Because Lucy's breathing problem is extremely aggravated by tension and excitement, every attempt is made to control her environment." And in a letter to the editor of a Edmonton newspaper, you wrote that the zoo's veterinarians have been unable to conclusively diagnose the problem.

We are very concerned about Lucy given that her medical records clearly show that she has been experiencing ongoing pain and discomfort for many years and now she is apparently suffering from this potentially dangerous dental / sinus condition.

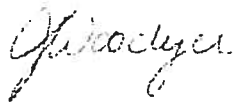
The textbook entitled *Biology, Medicine and Surgery of Elephants* notes that dental problems, including malformed teeth, can be extremely painful in elephants and can eventually cause them to have difficulty eating and drinking. Sinus infections are also known to cause immense pain in mammals. In addition, as I am sure you are aware, chronic foot infections are the leading cause in death in captive elephants in North America.

Given the seriousness of Lucy's condition it would seem prudent to bring in a specialized team of elephant veterinarians and specialists, with clinical experience in dealing with the medical problems that Lucy is suffering from, to assist with her diagnosis and medical care.

We understand that the financial resources of the zoo are limited and there are no specialized elephant veterinarians or dental professionals in Canada, therefore we would like to offer to pay for a mutually agreeable team of specialists with clinical experience in dental, respiratory and surgery of elephants to work with your veterinarian to examine Lucy and run any appropriate testing to come up with a definitive diagnosis and work toward relieving her pain and resolving her health problems.

We sincerely hope that you will seriously consider this offer to assist in providing Lucy with the best possible medical care available in North America.

Yours sincerely,



Julie Woodyer

Campaigns Director

cc. Edmonton City Council

Edmonton Humane Society

This is Exhibit "V" referred to in the
affidavit of Julienne Woodyer
sworn before me, this 22nd
day of January 20 10

[Signature]

A COMMISSIONER FOR TAKING AFFIDAVITS

Barrister and solicitor



Zoocheck Canada Inc.

788 ½ O'Connor Dr.
Toronto, Ontario
M4B 2S6

phone: 416.285.1744 Fax: 416.285.4670
toll free number: 1-888-801-3222
julie@zoocheck.com
www.zoocheck.com

2009-09-0003

January 12, 2009

Timothy McCargar
Director, Strategic Services Branch
Community Services Department
FOIP Coordinator
PO Box 2359
Edmonton, AB
T5J 2R7

Dear Mr. McCargar,

I am writing to you to request the following information pursuant to the Freedom of Information and Protection of Privacy Act:

- All documentation, correspondence and other materials regarding Lucy, aka Skanik & Samantha (elephants at the Edmonton Valley Zoo) for the period beginning January 1, 2006 through January 12, 2009. Information that has already been sent to me or is in my other request on this date for medical records and keeper records, can be omitted from this request.

I have included a cheque to initiate this request. If you have any questions regarding this request, please feel free to contact me at your convenience.

Please note that I am putting in two separate requests for information about Lucy. I have specifically separated them because I expect this request may take longer to get than the other one and I don't want to hold up the other request.

Thank you,

Julie Woodyer
Campaigns Director

This is Exhibit "N" referred to in the
affidavit of Julienne Woodyer
sworn before me, this 22nd
day of January 20 10

Sarah J. O.

A COMMISSIONER FOR TAKING AFFIDAVITS

Barrister and Solicitor



COMMUNITY
SERVICES

MAILING ADDRESS
P.O. BOX 2359
EDMONTON, ALBERTA
T5J 2R7

Our File #: 2009-G-0003

February 19, 2009

Ms. Julie Woodyer
Campaigns Director
Zoocheck Canada Inc.
788 ½ O'Connor Drive
Toronto, Ontario M4B 2S6

Dear Ms. Woodyer:

Re: *Freedom of Information and Protection of Privacy Act*
[Request for all documentation, correspondence and other materials
regarding Lucy and Samantha (elephants and the Edmonton Valley Zoo) for
the period beginning January 1, 2006 to January 12, 2009]

I am responding to your request of January 20 for access to information.

We are pleased to provide access to documentation, correspondence and other materials regarding Lucy and Samantha (elephants and the Edmonton Valley Zoo) for the period beginning January 1, 2006 to January 12, 2009. A copy of the records is attached.

Some of requested records contain information that, if disclosed, may affect the interests of another person or organization. We have contacted the affected party, as required under section 30 of the Act, to provide them with an opportunity to consent to disclosure or to make representations explaining as to why disclosure would be an unreasonable invasion of their personal privacy or may harm their business interests. We will notify you of our decision regarding your request by March 21, 2009.

Some of the records you requested contain information that is withheld from disclosure under the *Freedom of Information and Protection of Privacy Act*. We have severed the excepted information so that we could disclose to you the remaining information in the records.

The severed information is withheld from disclosure under section 18(1)(a)(b) and 25(1) of the Act. The detailed sections supporting the excising of particular information are indicated on the face of the record. For your convenience, I have attached a copy of sections 18 and 25 of the Act to this release package.

If you have any questions or concerns about this request, please contact the undersigned at 780-496-1543. If you have any questions related to the content of the records, you may wish to contact Denise Prefontaine via email at denise.prefontaine@edmonton.ca.

Under section 65 of the *Freedom of Information and Protection of Privacy Act*, you may ask the Information and Privacy Commissioner to review the assessment of a fee or any other matter concerning this response to your request. You have 60 days from the date of this notice to request a review by writing to the Information and Privacy Commissioner at 410, 9925 - 109 Street, Edmonton, Alberta, T5K 2J8.

Section 67(1) of the *Freedom of Information and Protection of Privacy Act* requires the Commissioner to give a copy of your request for review to the head of a public body and to any other person who, in the Commissioner's opinion, is affected by the request. Therefore your request for review should not contain any information that you do not wish exchanged with the other parties.

If you wish to request a review, please provide the Office of the Commissioner with the following information:

1. The reference number quoted at the top of this notice.
2. A copy of this letter.
3. A copy of your original request for information that you sent to the City of Edmonton - Community Services Department.

Sincerely,

Cheryl Jay on behalf of

Tim McCargar
Director, Strategic Services Branch
Community Services Department
FOIP Coordinator

Disclosure harmful to individual or public safety

18(1) The head of a public body may refuse to disclose to an applicant information, including personal information about the applicant, if the disclosure could reasonably be expected to

- (a) threaten anyone else's safety or mental or physical health, or
- (b) interfere with public safety

(2) The head of a public body may refuse to disclose to an applicant information about the applicant if, in the opinion of a physician, a regulated member of the College of Alberta Psychologists or a psychiatrist or any other appropriate expert depending on the circumstances of the case, the disclosure could reasonably be expected to result in immediate and grave harm to the applicant's health or safety.

(3) The head of a public body may refuse to disclose to an applicant information in a record that reveals the identity of an individual who has provided information to the public body in confidence about a threat to an individual's safety or mental or physical health.

RSA 2000 cF-25 s18;2000 cH-7 s153

25 Disclosure harmful to the economic and other interests of a public body

25(1) The head of a public body may refuse to disclose information to an applicant if the disclosure could reasonably be expected to harm the economic interest of a public body or the Government of Alberta or the ability of the Government to manage the economy, including the following information:

- (a) trade secrets of a public body or the Government of Alberta;
 - (b) financial, commercial, scientific, technical or other information in which a public body or the Government of Alberta has a proprietary interest or a right to use and that has, or is reasonably likely to have, monetary value;
 - (c) information the disclosure of which could reasonably be expected to
 - (i) result in financial loss to,
 - (ii) prejudice the competitive position or, or
 - (iii) interfere with contractual or other negotiations of, the Government of Alberta or a public body;
 - (d) information obtained through research by an employee of a public body, the disclosure of which could reasonably be expected to deprive the employee or the public body of priority of publication
- (2) The head of a public body must not refuse to disclose under subsection (1) the results of product or environmental testing carried out by or for the public body, unless the testing was done
- (a) for a fee as a service to a person, other than the public body, or
 - (b) for the purpose of developing methods of testing or testing products for possible purchase

Section 30 – Notifying the Third Party

30(1) When the head of a public body is considering giving access to a record that may contain information

- (a) that affects the interests of a third party under section 16, or
- (b) the disclosure of which may be an unreasonable invasion of a third party's personal privacy under section 17,

the head must, where practicable and as soon as practicable, give written notice to the third party in accordance with subsection (4).

- (1.1) Subsection (1) does not apply to information that the head of a public body may refuse to disclose in accordance with section 29.
- (2) Subsection (1) does not apply to a record containing information described in subsection 17(2)(j).
- (3) If the head of a public body does not intend to give access to a record that contains information excepted from disclosure under section 16 or 17, the head may give written notice to the third party in accordance with subsection (4)
- (4) A notice under this section must
 - (a) state that a request has been made for access to a record that may contain information the disclosure of which would affect the interests or invade the personal privacy of the third party.
 - (b) include a copy of the record or part of it containing the information in question or describe the contents of the record, and
 - (c) state that, within 20 days after the notice is given, the third party may, in writing, consent to the disclosure or make representations to the public body explaining why the information should not be disclosed.
- (5) When notice is given under subsection (1), the head of the public body must also give the applicant a notice stating that
 - (a) the record requested by the applicant may contain information the disclosure of which would affect the interests or invade the personal privacy of a third party,
 - (b) the third party is being given an opportunity to make representation concerning disclosure, and
 - (c) a decision will be made within 30 days after the day notice is given under subsection (1).

Time limit and notice of decision

- 31(1) Within 30 days after notice is given pursuant to section 30(1) or (2), the head of a public body must decide whether to give access to the record or to part of the record, but no decision may be made before either of
- (a) 21 days after the day notice is given, and
 - (b) the day a response is received from the third party
- (2) On reaching a decision under subsection (1), the head of the public body must give written notice of the decision, including reasons for the decision, to the applicant and the third party.
- (3) If the head of the public body decides to give access to the record or part of the record, the notice under subsection (2) must state that the applicant will be given access unless the third party asks for a review under Part 5 within 20 days after that notice is given.
- (4) If the head of the public body decides not to give access to the record or part of the record, the notice under subsection (2) must state that the applicant may ask for a review under Part 5.

This is Exhibit "X" referred to in the
affidavit of Julianne Woodyer
sworn before me, this 22nd
day of January 20 10

Sarah H. H.

A COMMISSIONER FOR TAKING AFFIDAVITS

Barrister and solicitor



Zoocheck Canada Inc.

788 ½ O'Connor Dr.
Toronto, Ontario
M4B 2S6

phone: 416.285.1744 Fax: 416.285.4670
toll free number: 1-888-801-3222
julie@zoocheck.com
www.zoocheck.com

Information and Privacy Commissioner
410, 9925 – 109 St.
Edmonton, AB
T5K 2J8

February 27, 2009

Re: Request to review FOIPP request # 2009-G-0003

I am in receipt of some records requested under the above referenced file number. I do not believe that the documents I have received are in fact all of the records that I requested. Therefore, I am requesting that you conduct a review of my request.

On January 12, 2009 I filed a request for the following information:

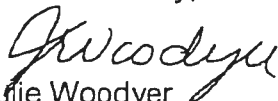
- All documentation, correspondence and other materials regarding Lucy, aka Skanik & Samantha (elephants at the Edmonton Valley Zoo) for the period beginning January 1, 2006 through January 12, 2009.

In response to this request I received a very limited amount of information and I have reason to believe that I may not have been provided with everything that I requested. For instance, there were virtually no e-mails or other correspondence regarding the plans to move Samantha or how they would deal with Lucy being left alone. Furthermore there are references in the materials to attempts made to find Lucy a companion from another zoo and yet there was no correspondence to this effect within the zoo or with any other facilities that have elephants. Also, I am aware that cameras were installed in Lucy's enclosure during that time and there is no mention of that anywhere in the documentation. There was no correspondence within the zoo when an expert reviewed the zoo and found it to be substandard in 2006. And, the zoo had been dealing with negative media attention regarding keeping a lone elephant after Samantha was moved and yet no e-mails, notes or other correspondence regarding this issue were provided.

I hope you will take the time to consider my request for a review and if there is additional information that has not been supplied to me that you will facilitate me obtaining it.

Thank you very much for your consideration of my request and I look forward to your response.

Yours sincerely,


Julie Woodyer
Campaigns Director

This is Exhibit "Y" referred to in the
affidavit of Julienne Woodyer
sworn before me, this 22nd
day of January 2010

Sarah Lee

A COMMISSIONER FOR TAKING AFFIDAVITS

Barrister and Solicitor



COMMUNITY
SERVICES

MAILING ADDRESS
P.O. BOX 2359
EDMONTON, ALBERTA
T5J 2R7

Our File #: 2009-G-0003

April 21, 2009

Ms. Julie Woodyer
Campaigns Director
Zoocheck Canada Inc.
788 ½ O'Connor Drive
Toronto, ON M4B 2S6

Dear Ms. Woodyer:

Re: *Freedom of Information and Protection of Privacy Act*
[Request for all documentation, correspondence and other materials
regarding Lucy and Samantha (elephants at Edmonton Valley Zoo) for the
period beginning January 1, 2006 through January 12, 2009]

I am writing about your request of January 12, 2009 for access under the *Freedom of Information and Protection of Privacy Act* dealing with all documentation, correspondence and other materials regarding Lucy and Samantha (elephants at Edmonton Valley Zoo) for the period beginning January 1, 2006 through January 12, 2009.

The affected third party has consented to the disclosure of the information. I am pleased to advise you that I have decided to provide access to the records you requested.

Due to the concerns you shared with us regarding the lack of emails or correspondence, we have conducted an expanded records search that has revealed additional records. We are pleased to provide access to these additional records. Some of the records you requested contain information that is withheld from disclosure under the *Freedom of Information and Protection of Privacy Act*. We have severed the excepted information so that we could disclose to you the remaining information in the records.

The severed information is withheld from disclosure under section 17(1) of the Act. The detailed sections supporting the excising of particular information are indicated on the face of the record. For your convenience, I have attached a copy of sections 17 of the Act to this release package.

Under section 65 of the *Freedom of Information and Protection of Privacy Act*, you may ask the Information and Privacy Commissioner to review this decision. You have 60 days from the date of this notice to request a review by writing to the Information and Privacy Commissioner at 410, 9925 – 109 Street, Edmonton, AB T5K 2J8.

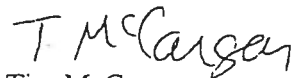
Section 67(1) of *Freedom of Information and Protection of Privacy Act* requires the Commissioner to give a copy of your request for review to the head of a public body and to any other person who, in the Commissioner's opinion, is affected by the request. Therefore your request for review should not contain information that you do not wish exchanged with the other parties.

If you wish to request a review, please provide the Commissioner's office with the following information:

1. The reference number quoted at the top of this notice.
2. A copy of this letter
3. A copy of your original request for information that you sent to [name of public body].

If you have any questions, please write to me or call me at 780-496-1543.

Sincerely,



Tim McCargar
Director, Strategic Services Branch
Community Services Department
FOIP Coordinator

This is Exhibit "Z" referred to in the
affidavit of Julienne Woodyer
sworn before me, this 22nd
day of January 2010



A COMMISSIONER FOR TAKING AFFIDAVITS

Barrister and solicitor

Denise Prefontaine

From: Jan Archbold
Sent: Friday, January 23, 2009 10:14 AM
To: Denise Prefontaine; Milton Ness
Subject: RE: Lucy

Sounds good. When I receive I'll create it as a secure document and post. Perhaps we should post under "Animals at the Zoo" and have a summary of Lucy and her care come up first and then the health records. Thoughts?

Jan

-----Original Message-----

From: Denise Prefontaine
Sent: Friday, January 23, 2009 10:10 AM
To: Jan Archbold; Milton Ness
Subject: RE: Lucy

Hi Jan

If we do a routine check then it is generally recorded as routine check, routine blood etc. However, her health records need to be more substantial than this in order to effectively manage her health. What I suggest though is that we do a monthly summary - Milt, Wade and I will work on format and have a January one completed then it will be something we post on a monthly basis.

Denise

-----Original Message-----

From: Jan Archbold
Sent: Friday, January 23, 2009 9:24 AM
To: Denise Prefontaine; Milton Ness
Subject: Lucy

Hello,

I've been thinking about the latest FOIP request. I don't know the routine or how things are recorded, but for the next few months could Milton do a routine check on a regular basis and simply record: routine check. Lucy doing well. Or something like that so that when we create a pdf that is secured (I've figured out a way to do that), the **NR** would have no choice to post her good health along with any treatment information.

Thoughts?

Jan

Jan Archbold
Communications, Attractions & Cultural Facilities
Community Services
Fort Edmonton Park
780-496-8771
780-915-7320 cell
780-496-8797 fax

00555

This is Exhibit "AA" referred to in the
affidavit of Julianne Woodyer
sworn before me, this 22nd
day of January 2010

Sarah K.

A COMMISSIONER FOR TAKING AFFIDAVITS

Barrister and Solicitor



Office of the Information
and Privacy Commissioner

Head Office
#410, 9925 - 109 Street NW
Edmonton, Alberta
Canada T5K 2J8
Tel.: (780) 422-6860
Toll Free within Alberta: 310-0000
Fax: (780) 422-5682
Web: www.oipc.ab.ca
Email: generalinfo@oipc.ab.ca

May 8, 2009

Ms. Julie Woodyer
Zoocheck Canada Inc.
788 ½ O'Connor Drive
Toronto ON M4B 2S6

Dear Ms. Woodyer:

Re: Request for Review #F4830
(City of Edmonton File #2009-G-0003)

In this letter, I will outline my findings and review in relation to this file. My findings and review in relation to your other access request (Request for Review F4829) is addressed in a separate correspondence.

Background

On January 20, 2009, the City of Edmonton (the "Public Body") received your request under the *Freedom of Information and Protection of Privacy Act* ("the FOIP Act") for access to the following information:

- *All documentation, correspondence and other materials regarding Lucy, aka Skanik & Samantha (elephants at the Edmonton Valley Zoo) for the period beginning January 1, 2006 through January 12, 2009.*

The Public Body released records responsive to your access request.

Subsequently, you wrote to the Commissioner requesting a review of the Public Body's response to your access request. The Commissioner authorized me to review this matter under section 68 of the FOIP Act to investigate and try to settle any matter that is the subject of your request for review.

In your request to the Commissioner, you indicated that you believed the Public Body did not provide you with all of the responsive records. In particular, you were looking for the following types of records: emails regarding the plans to move Samantha, records respecting Lucy being left alone/finding a companion for Lucy, records regarding cameras being installed, correspondence alleging the zoo was substandard in 2006, negative media attention regarding lone elephant Lucy.

... /2

Issue under review

- *Did the Public Body fail to conduct an adequate search for records responsive to your access requests?*

The FOIP Act

For information regarding section 10(1) of the FOIP Act, please refer to my letter on Request for Review #F4829.

Issue: Did the Public Body conduct an adequate search for records responsive to your access request?

The Public Body said it conducted four searches for records, both paper and electronic, to locate records responsive to your access request.

The request was initially forwarded to the Director of the Valley Zoo and to the City of Edmonton Corporate Records Centre – two searches took place at these locations. The search was then expanded to include other Branches and the Offices of the Mayor and City Council. The fourth search was again conducted at the Valley Zoo. All areas conducted electronic searches of shared drives, email accounts, MedArks and POSSE - keyword searches were utilized. Paper records were searched in staff filing cabinets, file storage boxes, and a storage barn. Some of the additional searches resulted in additional records being located. The staff who conducted the searches include: Community Services Department Branch – General Manager and Executive/ Administrative Assistant, Recreation Facility Services Branch – Manager and Executive Assistant, Valley Zoo - Director and staff, Edmonton Corporate Records Centre staff, Community Services - FOIP Coordinator, FOIP Clerk and Records Administrator, Office of the City Clerk – FOIP Coordinator and Council Correspondence staff, Neighbourhood and Community Development Branch – Manager and Executive Assistant, Strategic Services Branch – Manager and Executive Assistant, Operational Services Branch – Manager and Executive Assistant, Offices of the Mayor and City Council, Fire Chief and Executive Assistant, all respective Directors and Deputy Fire Chiefs, and the staff veterinarian.

The Public Body believes there are no more responsive records. While the subsequent searches did result in additional responsive records, the bulk of the responsive records were located during the initial search. City of Edmonton employees assisted in the latter stages to ensure thoroughness of the search. The Public Body is satisfied that all areas where responsive records could be located have been searched and that all additional records have been provided, including those that involved third party notice. The Public Body said where no records have been provided in response to your enquiries for specific records, no records exist.

Findings

The standard for an adequate search is reasonableness, not perfection. I believe the four searches conducted by the Public Body is evidence that the Public Body has made every reasonable effort in conducting an adequate search.

I acknowledge some responsive records were located as a result of subsequent searches. However, a search in which some records were initially overlooked but were found and disclosed following a subsequent search was held to be reasonable in Order F2003-001 [40].

As indicated in my letter regarding Request for Review #F4829, the Public Body has made procedural changes to improve searches and processing of future access requests.

I believe the Public Body has conducted an adequate search and has met its duty under section 10(1) of the FOIP Act in response to your access request. The Public Body can only provide you with the records it has (Order 2001-024 [21] and Order F2002-003 [42]).

Therefore, I recommend that this review be concluded. If this matter proceeds to an inquiry, I believe the Commissioner will find that the four searches conducted by the Public Body is "reasonable" under section 10(1) of the FOIP Act. However, if the Commissioner determines that the Public Body did not conduct an adequate search, he would only order the Public Body to conduct another search.

Next Steps/Closing

You do not have to accept my findings or comments and you may ask that these matters proceed to inquiry. An inquiry is a formal adjudication process in which the Commissioner or his delegate will decide the issues between you and the Public Body.

By this letter, I am requesting your direction as to whether these matters can be closed or whether you wish to proceed to inquiry. Should you wish to proceed to an inquiry, your request must be in writing and should identify the issue(s) you would like addressed.

Upon receipt of a written request to proceed to an inquiry, the Commissioner makes a decision whether or not to conduct an inquiry. The FOIP Act allows the Commissioner to refuse to conduct an inquiry in certain circumstances.

If the Commissioner decides to conduct an inquiry, a notice of inquiry would be issued to you and the Public Body, which will set out the requirements for the inquiry process. Each party will be asked to make a submission to the Commissioner. Upon completion of the inquiry, the Commissioner would make a binding decision on the information at issue.

Please notify me in writing with your directions. If I have not received a response by June 1, 2009, I will conclude that you do not wish to pursue these matters any further and that your issues have been resolved under section 68 of the FOIP Act.

Yours truly,

A handwritten signature in cursive script that reads "Suzanne Vouriot".

Suzanne Vouriot
Portfolio Officer, FOIP

cc: Timothy McCargar, FOIP Coordinator
Gianna Einarson, FOIP Coordinator

This is Exhibit "B5" referred to in the
affidavit of Julianne Woodyer
sworn before me, this 22nd
day of January 20 10

Sarah H

A COMMISSIONER FOR TAKING AFFIDAVITS

Barrister and solicitor



Zoocheck Canada Inc.

788 ½ O'Connor Dr.
Toronto, Ontario
M4B 2S6

2809-G-0004
phone: 416.285.1744 Fax: 416.285.4670
toll free number: 1-888-801-3222
julie@zoocheck.com
www.zoocheck.com

January 12, 2009

Timothy McCargar
Director, Strategic Services Branch
Community Services Department
FOIP Coordinator
PO Box 2359
Edmonton, AB
T5J 2R7

Dear Mr. McCargar,

I am writing to you to request the following information pursuant to the Freedom of Information and Protection of Privacy Act:

- Medical records for Lucy, aka Skanik (Asian elephant at the Edmonton Valley Zoo) for the period from August 18, 2008 through January 12, 2009.
- Elephant Keepers records (including, but not limited to, the time schedules for the keepers and the elephants) for the period starting January 1, 2007 through January 12th, 2009

I have included a cheque to initiate this request. If you have any questions regarding this request, please feel free to contact me at your convenience.

Please note that I am putting in two separate requests for information about Lucy. I have specifically separated them because I expect the second request for correspondence etc. may take longer to get and I don't want the information in this request to be held up.

Thank you,

Julie Woodyer
Campaigns Director

This is Exhibit "CC" referred to in the
affidavit of Julianne Woodyer
sworn before me, this 22nd
day of January 2010

Laura H.
A COMMISSIONER FOR TAKING AFFIDAVITS
Barrister and Solicitor



COMMUNITY
SERVICES

MAILING ADDRESS
P.O. BOX 2359
EDMONTON, ALBERTA
T5J 2R7

Our File #: 2009-G-0004

February 19, 2009

Ms. Julie Woodyer
Campaigns Director
Zoocheck Canada
788 ½ O'Connor Drive
Toronto, Ontario M4B 2S6

Dear Ms. Woodyer:

Re: *Freedom of Information and Protection of Privacy Act*
[Request for medical records for Lucy (Asian elephant at the Edmonton Zoo) for the period from August 18, 2008 through January 12, 2009 and for the keepers records (including, but not limited to, the time schedules for the keepers and the elephants) for the period starting January 1, 2007 through January 12, 2009]

I am responding to your request of January 20, 2009 for access to information.

We are pleased to provide access to medical records for Lucy (Asian elephant at the Edmonton Zoo) for the period from August 18, 2008 through January 12, 2009 and for the keepers records (including, but not limited to, the time schedules for the keepers and the elephants) for the period starting January 1, 2007 through January 12, 2009. A copy of the record is attached.

Some of the records you requested contain information that is withheld from disclosure under the *Freedom of Information and Protection of Privacy Act*. We have severed the excepted information so that we could disclose to you the remaining information in the records.

The severed information is withheld from disclosure under section 18(1)(a)(b) and 25(1) of the Act. The detailed sections supporting the excising of particular information are indicated on the face of the record. For your convenience, I have attached a copy of sections 18 and 25 of the Act to this release package.

If you have any questions or concerns about this request, please contact the undersigned at 780-496-1543. If you have any questions related to the content of the records, you may wish to contact Denise Prefontaine via email at denise.prefontaine@edmonton.ca.

Under section 65 of the *Freedom of Information and Protection of Privacy Act*, you may ask the Information and Privacy Commissioner to review the assessment of a fee or any other matter concerning this response to your request. You have 60 days from the date of this notice to request a review by writing to the Information and Privacy Commissioner at 410, 9925 – 109 Street, Edmonton, Alberta, T5K 2J8. Section 67(1) of the *Freedom of Information and Protection of Privacy Act* requires the Commissioner to give a copy of your request for review to the head of a public

body and to any other person who, in the Commissioner's opinion, is affected by the request. Therefore your request for review should not contain any information that you do not wish exchanged with the other parties.

If you wish to request a review, please provide the Office of the Commissioner with the following information:

1. The reference number quoted at the top of this notice.
2. A copy of this letter.
3. A copy of your original request for information that you sent to the City of Edmonton - Community Services Department.

Sincerely,

Cheryl Jay on behalf of

Tim McCargar
Director, Strategic Services Branch
Community Services Department
FOIP Coordinator

Disclosure harmful to individual or public safety

18(1) The head of a public body may refuse to disclose to an applicant information, including personal information about the applicant, if the disclosure could reasonably be expected to

- (a) threaten anyone else's safety or mental or physical health, or
- (b) interfere with public safety

(2) The head of a public body may refuse to disclose to an applicant information about the applicant if, in the opinion of a physician, a regulated member of the College of Alberta Psychologists or a psychiatrist or any other appropriate expert depending on the circumstances of the case, the disclosure could reasonably be expected to result in immediate and grave harm to the applicant's health or safety.

(3) The head of a public body may refuse to disclose to an applicant information in a record that reveals the identity of an individual who has provided information to the public body in confidence about a threat to an individual's safety or mental or physical health.

RSA 2000 cF-25 s18;2000 cH-7 s153

25 Disclosure harmful to the economic and other interests of a public body

25(1) The head of a public body may refuse to disclose information to an applicant if the disclosure could reasonably be expected to harm the economic interest of a public body or the Government of Alberta or the ability of the Government to manage the economy, including the following information:

- (a) trade secrets of a public body or the Government of Alberta;
 - (b) financial, commercial, scientific, technical or other information in which a public body or the Government of Alberta has a proprietary interest or a right to use and that has, or is reasonably likely to have, monetary value;
 - (c) information the disclosure of which could reasonably be expected to
 - (i) result in financial loss to,
 - (ii) prejudice the competitive position or, or
 - (iii) interfere with contractual or other negotiations of, the Government of Alberta or a public body;
 - (d) information obtained through research by an employee of a public body, the disclosure of which could reasonably be expected to deprive the employee or the public body of priority of publication
- (2) The head of a public body must not refuse to disclose under subsection (1) the results of product or environmental testing carried out by or for the public body, unless the testing was done
- (a) for a fee as a service to a person, other than the public body, or
 - (b) for the purpose of developing methods of testing or testing products for possible purchase

This is Exhibit "DD" referred to in the
affidavit of Julianne Woodyer
sworn before me, this 22nd
day of January 2010

Sarah H. 1
A COMMISSIONER FOR TAKING AFFIDAVITS
Barrister and Solicitor



Zoocheck Canada Inc.

788 ½ O'Connor Dr.
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M4B 2S6

phone: 416.285.1744 Fax: 416.285.4670
toll free number: 1-888-801-3222
julie@zoocheck.com
www.zoocheck.com

Information and Privacy Commissioner
410, 9925 – 109 St.
Edmonton, AB
T5K 2J8

February 27, 2009

Re: Request to review FOIPP request # 2009-G-0004

I am in receipt of some records requested under the above referenced file number. I do not believe that the documents I have received are in fact all of the records that I requested. Therefore, I am requesting that you conduct a review of my request.

On January 12, 2009 I filed a request for the following information:

- All medical records for Lucy (Asian elephant at the Edmonton Valley Zoo) for the period from August 18, 2008 through January 12, 2009 and for keeper records (including, but not limited to times schedules for keepers and elephants) for the period from January 1, 2007 through January 12, 2009.

In response to this request I received some pages from the "Medical History Report – Summary for Individual Specimen" but there were no diagnostic reports included and the chart that I had received on a previous requests for the same materials from previous dates was not included. (I have included a copy of the chart I got previously for your reference). Furthermore, the zoo director continues to say in the media that Lucy suffers from an ongoing respiratory / sinus condition which was not mentioned in the reports that I received. Also, a significant number of the keeper reports that I received were unreadable (I have included one page for your reference).

I hope you will take the time to consider my request for a review and if there is additional information that has not been supplied to me or if readable copies of keeper records are on file that you will facilitate me obtaining them.

Thank you very much for your consideration of my request and I look forward to your response.

Yours sincerely,


Julie Woodyer
Campaigns Director

Lucy

Health Records 2002 - 2007

Elephas Maximus Maximus

Acc#100003

Birth - May 19, 1975

Sex - Female

Sore

Date	Observation	Test	Result	Rx/Treatment/Action
02/01/02	Sore, not laying down, diet? Right rear leg appears swollen between ankle and knee but not warm to touch. Interacting with other elephant and still playful at times.			No ibuprofen at this time. Night staff to monitor to see if she lays down. Investigate diet amounts and suspended feeders.
10/01/02	Doesn't appear to be laying down to sleep. Won't stretch out or come down			Treat arthritis Ibuprofen 4200mg PO SID for 4 days Check with other zoos re: diet
06/02/02	Left side of left front foot, behind left toe, area is soft.			Treat sore on foot Magnesium Sulphate Heptahydrate gm topically SID for 7 days. Apply Epsom salts to water then soak for 15 minutes. If breaks open continue to soak in Epsom salts twice a day for 7 days. If doesn't open by next week will start strong iodine paint at that time
12/02/02	Sore has hardened. Front right foot has been sore, favouring it. Right knee appears swollen measurement indicates is a bit larger			Treat sore on foot Potassium Iodide ml topically SID for 7 days. Apply to sore on front left foot Radiograph ankles/knees next week
20/02/02		Radiograph of right knee	Special high speed plate - lateral - 80 KV @ 0.4 sec	

ENRICHMENT

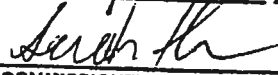
Non-Food	
Success/Failure	

TRAINING

Training	YES / NO
Show Behaviors	Demonstration: YES / NO
Paint	
Choose Own Paintbrush	
Kick Ball	
Play Instruments	Harmonica Recorder

COMMENTS:

This is Exhibit "EE" referred to in the
affidavit of Julianne Woodyer
sworn before me, this 22nd
day of January 2010


A COMMISSIONER FOR TAKING AFFIDAVITS
Barrister and solicitor



Office of the Information
and Privacy Commissioner

May 8, 2009

Ms. Julie Woodyer
Zoocheck Canada Inc.
788 ½ O'Connor Drive
Toronto ON M4B 2S6

Dear Ms. Woodyer:

Re: Request for Review #F4829
(City of Edmonton File #2009-G-0004)

On March 2, 2009, we received your request to review the response of the City of Edmonton ("the Public Body") to your access to information application. In response to your request, the Commissioner authorized me under section 68 of the *Freedom of Information and Protection of Privacy Act* ("the FOIP Act") to investigate and try to settle any matter that is the subject of your request for review.

I have completed my review into this matter and am writing to share my findings with you.

Note: your second access request (Request for Review #F4830 will be addressed in a separate letter).

Background

On January 20, 2009, the Public Body received your request under the FOIP Act for access to the following information:

- *Medical records for Lucy, aka Skanik (Asian elephant at the Edmonton Valley Zoo) for the period from August 18, 2008 through January 12, 2009 and Elephant Keepers records (including, but not limited to, the time schedules for the keepers and the elephants) for the period starting January 1, 2007 through January 12, 2009*

The Public Body released records responsive to your access request.

You subsequently wrote to the Commissioner to review the Public Body's response. In your request to the Commissioner, you indicated that you believed the Public Body had

.../2

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#410, 9925 - 109 Street NW
Edmonton, Alberta
Canada T5K 2J8
Tel.: (780) 422-6860
Toll Free within Alberta: 310-0000
Fax: (780) 422-5682
Web: www.oipc.ab.ca
Email: generalinfo@oipc.ab.ca

not provided you with all of the responsive records. In particular, you were looking for the following types of records: diagnostic reports, records formatted similar to a chart that had been provided on a previous request, and medical records pertaining to any respiratory/sinus condition.

Issue under review

- *Did the Public Body fail to conduct an adequate search for records responsive to your access request?*

The FOIP Act

The issue of adequacy of search is relevant to section 10(1) of the FOIP Act. Section 10 of the FOIP Act states, in part:

10(1) The head of a public body must make every reasonable effort to assist applicants and to respond to each applicant openly, accurately and completely.

In Order 2001-041, the Commissioner wrote:

[para. 22.] An adequate search for records under the Act has two components. A public body must: 1) make every reasonable effort to search for the record requested; and 2) the applicant must be told, in a timely fashion, what the public body has done to respond to the request. The Act requires a public body to make every "reasonable" effort to search for the record requested. It is important to emphasize that the standard for an adequate search is not perfection, but what is "reasonable". In Order 98-002, Commissioner Clark adopted the definition of "reasonable" in Black's Law Dictionary: "fair, proper, just, moderate, suitable under the circumstances. Fit and appropriate to the end in view."

[para. 23.] How a public body fulfills its duty to assist will vary according to the fact situation of each request: see Order 99-011.... An inadequate search can be remedied by further searches completed before a request for review is made.

In Order F2007-029, the Commissioner said:

[para 46] The Public Body has the onus to establish that it has made every reasonable effort to assist the Applicant, as it is in the best position to explain the steps it has taken to assist the applicant within the meaning of section 10(1).

[para 50]An adequate search has two components: (1) every reasonable effort must be made to search for the actual record requested and (2) the applicant must be informed in a timely fashion about what has been done.

[para 66] In general, evidence as to the adequacy of a search should cover the following points:

- The specific steps taken by the Public Body to identify and locate records responsive to the Applicant's access request
- The scope of the search conducted – for example: physical sites, program areas, specific databases, off-site storage areas, etc.
- The steps taken to identify and locate all possible repositories of records relevant to the access request: keyword searches, records retention and disposition schedules, etc.
- Who did the search
- Why the Public Body believes no more responsive records exist than those that have been found or produced

For your information, Orders referred to in this letter may be found on our website at <http://www.oipc.ab.ca> under the FOIP banner.

Issue: *Did the Public Body conduct an adequate search for records responsive to your access request?*

Upon receipt of your access request, the Public Body said three separate searches for records were conducted:

- The first search focused on records located at the Recreation Facility Services Branch, Valley Zoo and the City of Edmonton Corporate Records Centre. This search involved an electronic search of shared drives and MedArks (a database used by zoos to record medical information about their animals) and a search for paper records.
- A second search was conducted at the Recreation Facility Services Branch, Valley Zoo approximately one month later, after the initial records were received by the Public Body and it appeared to the Public Body that some records were missing. This second search involved an electronic search of staff email, shared drives, MedArks and a search for paper records in filing cabinets, file boxes and a storage barn (records management and FOIP staff assisted the search).
- A third search was conducted and the scope of the search was expanded to include other Branches. This search was initiated after concern had been expressed that some records might be missing. In this case, the search involved a keyword search of all shared drives, emails and POSSE (a database used by the City to track and store various types of documents and correspondence). All searches resulted in additional records being located. The staff who conducted the searches include: Community Services Department Branch – General Manager and Executive/Administrative Assistant, Recreation Facility Services Branch - Manager and Executive Assistant, Valley Zoo - Director and staff,

Neighbourhood and Community Development Branch – Manager and Executive Assistant, Strategic Services Branch – Manager and Executive Assistant, Operational Services Branch – Manager and Executive Assistant, Fire Chief and Executive Assistant, all respective Directors and Deputy Fire Chiefs, Community Services FOIP Coordinator and records management staff, Office of the City Clerk – FOIP Coordinator, and the staff veterinarian.

The Public Body advises that “keeper records” are only retained for one year. Enrichment forms, log sheets and food rating records are no longer being kept individually as this information is now incorporated into the “keeper records”. The Public Body also advises that the previous format used for Medical records is no longer available and that the records provided to you represent the current format. Furthermore, the Valley Zoo Director indicates that many communications are verbal in nature and therefore records of these communications do not exist.

The Public Body believes there are no more responsive records. While the second and third searches did result in additional records, the bulk of the responsive records had been produced during the initial search. The third search involved City of Edmonton employees who had not been involved in the first two searches: they assisted to ensure the search was thorough and included emails, databases and all areas within the Community Services Department. The Public Body is convinced that all areas where responsive records could be located have been searched. All additional records have been provided.

The Public Body had provided some illegible “keeper records” in its initial response to you. Unfortunately, the records were not numbered when they were provided and it is difficult to ascertain the dates on those records that are illegible. The Public Body has agreed, therefore, to re-copy the entire “keeper records” in hopes that they’ll be legible. These will be provided to you within the week.

Findings

As stated earlier, the standard for an adequate search is reasonableness, not perfection. In my view, the three searches conducted by the Public Body is evidence that the Public Body has made reasonable efforts in conducting an adequate search for records responsive to your access request. In Order F2003-001 [40], the Adjudicator determined that a search in which some records were initially overlooked but were found and disclosed following a second search was held to be reasonable.

As a result of its searches, the Public Body said it has made improvements to the manner in which future searches will be conducted and tracking records that are provided to applicants. Their FOIP procedures have been updated to include the provision of record search instructions that will allow staff to locate and provide future electronic records

more efficiently. In addition, in order to process complex requests for access to information, the Public Body will now arrange meetings with both corporate and branch staff; this coordinated effort will serve to produce more timely and thorough responses. Furthermore, the Public Body has advised that, in future, it will number the responsive pages and will provide Applicants with numbered records and cover letters for any and all releases of records. Cover letters will include information on which pages have been withheld in their entirety and the corresponding section(s) of the FOIP Act relied on to sever the information.

The Public Body has agreed to provide you with legible copies of the "keeper reports". While this is not relevant to the issue of adequacy of search; it is relevant to the Public Body's general duty under section 10(1) of the FOIP Act (that is, to respond openly, accurately and completely).

In my opinion, I believe the Public Body has conducted an adequate search and has met its duty under section 10(1) of the FOIP Act. I appreciate you may have concerns that some of the records are not in the format that you expect or that other responsive records should exist. However, the Public Body can only provide you with the records it has. In Order 2001-024, the Commissioner said:

[para 21] ...If information is not reduced to a record, it cannot be produced under the Act.

Order F2002-003 may also be relevant:

[para 42] There is a difference between information and records, or documents, as the Applicant refers to them. It is entirely possible that the Public Body has given the Applicant all of the records pertaining to his request. However, if the records do not contain all of the information that the Applicant perceives should be there, he may believe that the Public Body must have further records. In my view, that is the situation here. It really does not matter how many times you asked for records that do not exist. The Public Body cannot disclose what it does not have...

I recommend that this review be concluded. If this matter proceeds to an inquiry, I believe the Commissioner will find that the three searches conducted by the Public Body is "reasonable" under section 10(1) of the FOIP Act. However, if the Commissioner determines that the Public Body did not conduct an adequate search, he would only order the Public Body to conduct another search.

Next Steps/Closing

You do not have to accept my findings or comments and you may ask that these matters proceed to inquiry. An inquiry is a formal adjudication process in which the Commissioner or his delegate will decide the issues between you and the Public Body.

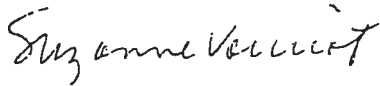
By this letter, I am requesting your direction as to whether these matters can be closed or whether you wish to proceed to inquiry. Should you wish to proceed to an inquiry, your request must be in writing and should identify the issue(s) you would like addressed.

Upon receipt of a written request to proceed to an inquiry, the Commissioner makes a decision whether or not to conduct an inquiry. The FOIP Act allows the Commissioner to refuse to conduct an inquiry in certain circumstances.

If the Commissioner decides to conduct an inquiry, a notice of inquiry would be issued to you and the Public Body, which will set out the requirements for the inquiry process. Each party will be asked to make a submission to the Commissioner. Upon completion of the inquiry, the Commissioner would make a binding decision on the information at issue.

Please notify me in writing with your directions. If I have not received a response by June 1, 2009, I will conclude that you do not wish to pursue these matters any further and that your issues have been resolved under section 68 of the FOIP Act.


Yours truly,



Suzanne Vouriot
Portfolio Officer, FOIP

cc: Timothy McCargar, FOIP Coordinator
Gianna Einarson, FOIP Coordinator

This is Exhibit "FF" referred to in the
affidavit of Julianne Woodyer
sworn before me, this 22nd
day of January 2010


A COMMISSIONER FOR TAKING AFFIDAVITS

Barrister and solicitor



COMMUNITY
SERVICES

MAILING ADDRESS
P.O. BOX 2359
EDMONTON, ALBERTA
T5J 2R7

Our File #:2009-G-0004

May 22, 2009

Ms. Julie Woodyer
Campaigns Director
Zoocheck Canada
788 1/2 O'Connor Drive
Toronto, ON M4B 2S6

Dear Ms. Woodyer:

I am happy to provide you with some additional medical records pertaining to Lucy as well as new copies of the keeper records previously provided to you.

Please let me know if there is anything else I can do for you.

Sincerely

A handwritten signature in black ink, appearing to read "Cheryl Joy", written over a horizontal line.

Cheryl Joy
FOIP Clerk
Community Services

This is Exhibit "G" referred to in the
affidavit of Julienne Woodyer
sworn before me, this 22nd
day of January 20 10

Sarah P. H.

A COMMISSIONER FOR TAKING AFFIDAVITS

Barrister and solicitor



Zoocheck Canada Inc.

788 ½ O'Connor Dr.
Toronto, Ontario
M4B 2S6

phone: 416.285.1744 Fax: 416.285.4670
toll free number: 1-888-801-3222
julie@zoocheck.com
www.zoocheck.com

March 5, 2009

Timothy McCargar
Director, Strategic Services Branch
Community Services Department
FOIP Coordinator
PO Box 2359
Edmonton, AB
T5J 2R7

*See amend
request dated
Mar 12/09*

Dear Mr. McCargar,

I am writing to you to request the following information pursuant to the Freedom of Information and Protection of Privacy Act:

- Medical records, including but not limited to, all notes about health by staff and all veterinarians, diagnostic reports, the journal of care, etc. for Lucy, aka Skanik (Asian elephant at the Edmonton Valley Zoo) for the period from January 13, 2009 through March 5, 2009.
- A list of all vets who have examined and/or treated and/or offered an opinion on Lucy's health from August 27, 2008 through March 5, 2009.
- Copies of any vet opinions received from August 27, 2008 through March 5, 2009

I have included a cheque to initiate this request. If you have any questions regarding this request, please feel free to contact me at your convenience.

Thank you,

Julie Woodyer
Campaigns Director

This is Exhibit "HH" referred to in the
affidavit of Julianne Woodyer
sworn before me, this 22nd
day of January 2010

Sarah Flew

A COMMISSIONER FOR TAKING AFFIDAVITS

Barrister and Solicitor

March 3, 2009

Julie Woodyer
Campaign Director
Footlock Canada
780-412-00 Connor Drive
Toronto, ON
M4B 2S6

Dear Ms. Woodyer:

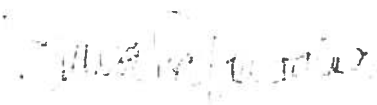
Further to your voice mails to Dean Freichel and my subsequent voice mail to you regarding the proposed trip to Edmonton, I would like to clarify the City of Edmonton position relative to Lucy's exposure to medical examination.

Lucy is cared for by the Edmonton Valley Zoo veterinarian who examines her regularly and monitors her health to ensure she receives the care she needs. We have also consulted with elephant veterinarians in both Canada and the United States. They concur with the treatment being provided and believe Lucy to be in capable hands. Should Lucy require additional veterinarian support, we would not hesitate to make the necessary arrangements with our network of experts.

Given the consultation we have done to date, we respectfully decline the offer to have another veterinarian examine Lucy. We feel there is no need to subject Lucy to a redundant examination given our due diligence to ensure she is receiving the best care possible.

Thank you.

Sincerely,



Denise Prefontaine
Director, Edmonton Valley Zoo

This is Exhibit "II" referred to in the
affidavit of Julienne Woodyer
sworn before me, this 22nd
day of January 2010

Sarah Lee
A COMMISSIONER FOR TAKING AFFIDAVITS
Barrister and solicitor

Adult Workshops, Courses and Tours



Muttart Conservatory

Introduction to Orchids \$60

Orchids are easy! As beautiful house plants they are remarkably tough, resilient and easy to maintain. Learn the basics of growing orchids indoors in Edmonton in this hands-on workshop. After learning all about them, you'll get a seedling orchid to pot and take home.

COURSE #	START DATE(S)	TIME
#307807	Sat. May 2	9:30 am – 12:30 pm

Caring for Orchids \$30

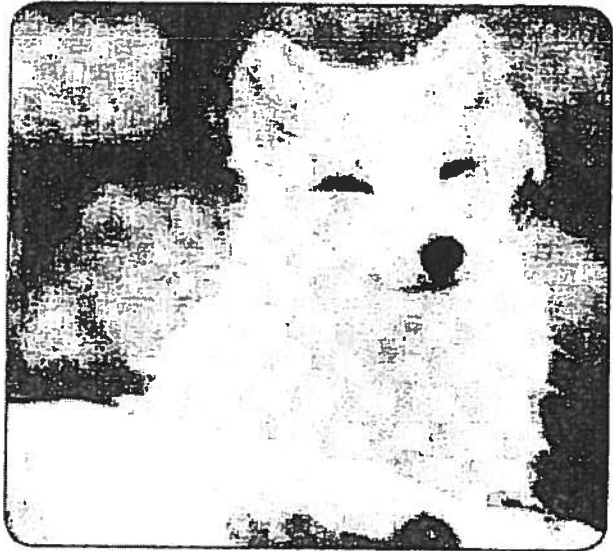
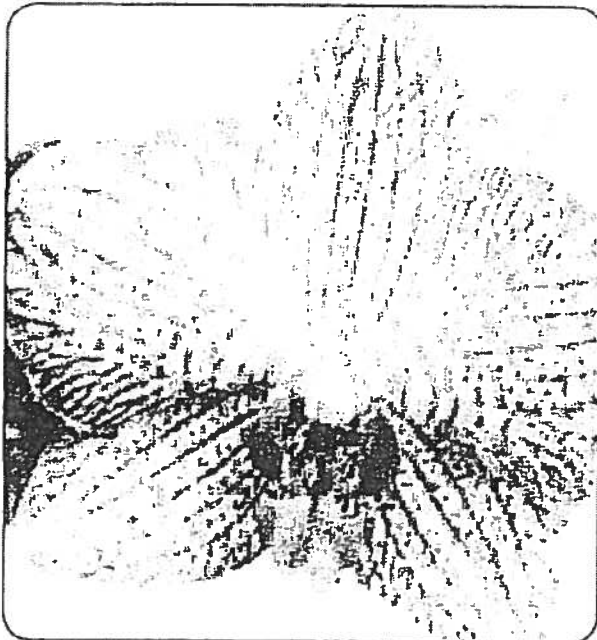
If you're a beginner orchid hobbyist, this session is designed to cover the practicalities of growing orchids. We'll discuss light requirements, post-flowering considerations, fertilizing and plant placement for some of the most commonly available orchids. By the end of this session, you'll understand how to maintain the entire plant, not just the flower.

COURSE #	START DATE(S)	TIME
#307808	Sat. May 2	1:30 pm – 3:30 pm

Landscaping and Pruning Workshop \$40

Trees are big investments that need to be protected and nurtured, and are also a key element in any landscaping plan. In this hands-on, outdoor workshop, you'll learn how to prune, when to prune and what tools work best. We'll walk about and look at trees in and around Muttart for inspiration. Dress for the weather. Ideal for new homeowners.

COURSE #	START DATE(S)	TIME
#307809	Sat., April 25	1 – 5 pm



Valley Zoo

Be a Zookeeper \$60

What's it like to look after wild animals? Get a taste of the zookeeping life when you work and talk firsthand with our zookeepers. Prepare meals in the commissary, try to outwit the monkeys, and learn the details of caring for these exotic creatures. Scheduled activities will vary. Limited group size.

COURSE #	START DATE(S)	TIME
#307792	Sat., Feb. 14	9 am – 12 noon
#307793	Sat., March 14	9 am – 12 noon

Behind the Scenes with Lucy \$50

Get acquainted firsthand with our larger-than-life Zoo resident – Lucy, the Asian elephant. Learn about the specialized care she receives at the Valley Zoo, and gain an in-depth understanding of the complexity of this amazing and much-loved animal. Programme includes continental breakfast, behind-the-scenes tour and training demonstrations.

COURSE #	START DATE(S)	TIME
#307794	Sat., March 7	10 am – 11:30 am
#307795	Sat., March 21	10 am – 11:30 am

Behind the Scenes with the Carnivores \$20

The Valley Zoo is home to some amazing carnivores – some of them are new residents, and some have been with us for a long time. The special care required will be explored today as you join our staff for this very special tour. You'll see that diet is only one consideration in the care of carnivores; they require much more to be healthy and stimulated.

COURSE #	START DATE(S)	TIME
#307796	Thurs., March 5	6:30 pm – 8 pm

J-899

To register for programs call 780-496-2925 or visit www.edmonton.ca/ereg

2645

This is Exhibit "J" referred to in the
affidavit of Julienne Woodyer
sworn before me, this 22nd
day of January, 20 10

Sarah He

A COMMISSIONER FOR TAKING AFFIDAVITS

Barrister and solicitor



Zoocheck Canada Inc.

788 ½ O'Connor Dr.
Toronto, Ontario
M4B 2S6

phone: 416.285.1744 Fax: 416.285.4670
toll free number: 1-888-801-3222
julie@zoocheck.com
www.zoocheck.com

March 13, 2009

Amended request

Timothy McCargar
Director, Strategic Services Branch
Community Services Department
FOIP Coordinator
PO Box 2359
Edmonton, AB
T5J 2R7

2009-05-0539

Dear Mr. McCargar,

I am writing to you to amend my request for information originally dated March 5, 2009 as follows:

- Medical and health records for Lucy, aka Skanik (Asian elephant at the Edmonton Valley Zoo) for the period from January 13, 2009 through March 12, 2009. These records should include, but not limited to, staff notes, journals, correspondence, etc.; all veterinarian records; all diagnostic reports both at the city and kept with the veterinarian's records; the journal of care maintained by the zoo, all e-mails or other correspondence regarding the health.
- A list of all vets who have examined and/or treated and/or offered an opinion on Lucy's health from August 27, 2008 through March 12, 2009 and copies of their records and all types of correspondence.
- Copies of any vet opinions received from August 27, 2008 through March 12, 2009
- Copies of all correspondence, including e-mails, regarding Lucy since my last request
- The email trail that shows when records were requested from the zoo and any other emails pertaining to Lucy.
- All documentation and correspondence, including e-mails, regarding the cancellation of the "Behind the Scenes with Lucy" workshops that were planned for March 7th and March 21st 2009.

I would like the search for this information to be conducted by all departments within the city of Edmonton and the search of vet records should include, but not be limited to, the following veterinarians: Dr. Milton Ness, Dr. Robert Jones, Dr. Denise Schlingman, Dr. Ingrid Rozema, Dr. Christine Haney, Dr. Aung, Dr. Oosterhuis and any other veterinarian that may have examined or consulted on the care of Lucy during the time frame requested

A cheque was sent earlier for the initiation of this request. If you have any questions regarding this request, please feel free to contact me at your convenience.

Thank you,


Julie Woodyer
Campaigns Director

This is Exhibit "KK" referred to in the
affidavit of Julianne Woodyer
sworn before me, this 22nd
day of January 20 10

Sarah H.
A COMMISSIONER FOR TAKING AFFIDAVITS
Barrister and Solicitor

COMMUNITY
SERVICESMAILING ADDRESS
P.O. BOX 2359
EDMONTON, ALBERTA
T5J 2R7

Our File #: 2009-G-0039

March 30, 2009

Ms. Julie Woodyer
788 1/2 O'Connor Drive
Toronto, ON M4B 2S8

Dear Ms. Woodyer:

Re: *Freedom of Information and Protection of Privacy Act*
[Request 2009-G-0039 received March 26, 2009]

The City of Edmonton received your request for access to information on March 16, 2009. Records have been provided and our initial review has shown a significant volume of work to complete your request. Section 93 of the *Freedom of Information and Protection of Privacy Act* provides that fees may be charged for providing you with the information that you requested.

Fees over and above the initial fee paid at the time you made the request are assessed because of the high volume of records to be reviewed and severed and the cost associated with photocopying all of the records.

The fee for providing the records you have requested is estimated to be \$ 2320.00. We have calculated this amount as follows:

Document Review @ 1.5 minutes per page @ \$27 per hour	
2800 pages @ 1.5 minutes per page = 4200 minutes	
4200/ 60 = 70 hours	
60 hours * \$27 per hour = \$1890.00	
Copying Charges 2800 pages * .25 = \$700.00	
Total Cost: \$2590.00	

Please reply to us in writing within 20 days of the date of this notice indicating that you accept this estimate and enclose a deposit of \$ 1295.00 made payable to the City of Edmonton. This reply must be sent to Tim McCargar, Director Strategic Services Branch, Community Services Department FOIP Coordinator, P.O. Box 2359 Edmonton, AB T5J 0K1 and should quote the reference number provided at the top of this letter. When we have received your response and deposit, processing of your request will continue.

The City of Edmonton will notify you if the actual costs associated with processing this request are higher than the fee estimate prior to proceeding any further. If fees are outstanding, the public body will advise you of the balance owing and provide a detailed explanation of how the fees were arrived at. Records will not be released until the balance of the fees owing is paid.

Section 93(4) provides some limited situations where fees can be reduced, or waived entirely, if you cannot afford to pay or there are other reasons that justify excusing the fee, or if the record relates to a matter of public interest. If you believe that one of these circumstances applies to you, you should raise it with the officer mentioned above.

If you have any questions, please write or call me at 780-496-1543.

Section 65 of the *Freedom of Information and Protection of Privacy Act* allows you to ask the Information and Privacy Commissioner to review this fee estimate and any decision made on a request for a fee waiver. The Act allows you 60 days from the date you receive this notice to request a review by writing to the Information and Privacy Commissioner at 410, 9925 – 109 Street, Edmonton, AB T5K 2J8.

Section 67(1) of the *Freedom of Information and Protection of Privacy Act* requires the Commissioner to give a copy of your request for review to the head of a public body and to any other person who, in the Commissioner's opinion, is affected by your request. Therefore your request for review should not contain any information that you do not wish exchanged with the other parties.

When requesting a review, please provide the Office of the Commissioner with the following information:

1. the reference number quoted at the top of this letter
2. a copy of this letter
3. a copy of your original request for information that you sent to the City of Edmonton.

Sincerely,



Tim McCargar
Director, Strategic Services Branch
Community Services Department
FOIP Coordinator

This is Exhibit "L" referred to in the
affidavit of Julianne Woodyer
sworn before me, this 22nd
day of January 20 10

Sarah Pa
A COMMISSIONER FOR TAKING AFFIDAVITS
Barrister and Solicitor



COMMUNITY
SERVICES

MAILING ADDRESS
P.O. BOX 2359
EDMONTON, ALBERTA
T5J 2R7

Our File #:2009-G-0039

May 22, 2009

Ms. Julie Woodyer
Campaigns Director
Zoocheck Canada
788 1/2 O'Connor Drive
Toronto, ON M4B 2S6

Dear Ms. Woodyer:

Re: *Freedom of Information and Protection of Privacy Act*
[Request for Medical and health records for Lucy, included but not limited to all notes about health by staff and all vets, diagnostic reports, journals of care, emails, etc. for Lucy from January 13, 2009 to March 12, 2009. A list of all vets who have examined / treated or offered an opinion on Lucy's health from August 27, 2008 to March 12, 2009. All correspondence and documentation, including but not limited to emails regarding Lucy for the period of January 12, 2009 to March 12, 2009. All documentation and correspondence, including emails, regarding the cancellation of the "Behind the Scenes with Lucy" workshops planned for March 7 and 21, 2009]

I am responding to your request of March 12, 2009 for access to information. We are pleased to provide access Medical and health records for Lucy, included but not limited to all notes about health by staff and all vets, diagnostic reports, journals of care, emails, etc. for Lucy from January 13, 2009 to March 12, 2009. A list of all vets who have examined / treated or offered an opinion on Lucy's health from August 27, 2008 to March 12, 2009. All correspondence and documentation, including but not limited to emails regarding Lucy for the period of January 12, 2009 to March 12, 2009. All documentation and correspondence, including emails, regarding the cancellation of the "Behind the Scenes with Lucy" workshops planned for March 7 and 21, 2009. A copy of the records is attached.

Some of the records you requested contain information that is withheld from disclosure under the *Freedom of Information and Protection of Privacy Act*. We have severed the excepted information so that we could disclose to you the remaining information in the records.

The severed information is withheld from disclosure under section 17(1), 17(4), 24(1) of the Act. The detailed sections supporting the excising of particular information are indicated on the face of the record. For your convenience, I have attached a copy of sections 17 and 24 of the Act. Sections marked NR (Non Responsive to Request) are sections not related to the scope of the request.

If you have any questions or concerns about this request, please contact the undersigned at 780-496-1543. If you have any questions related to the content of the records, you may wish to contact Denise Prefontaine via email at denise.prefontaine@edmonton.ca.

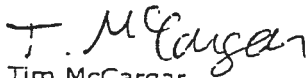
Under section 65 of the *Freedom of Information and Protection of Privacy Act*, you may ask the Information and Privacy Commissioner to review the assessment of a fee or any other matter concerning this response to your request. You have 60 days from the date of this notice to request a review by writing to the Information and Privacy Commissioner at 410, 9925 - 109 Street, Edmonton, Alberta, T5K 2J8.

Section 67(1) of the *Freedom of Information and Protection of Privacy Act* requires the Commissioner to give a copy of your request for review to the head of a public body and to any other person who, in the Commissioner's opinion, is affected by the request. Therefore your request for review should not contain any information that you do not wish exchanged with the other parties.

If you wish to request a review, please provide the Office of the Commissioner with the following information:

1. The reference number quoted at the top of this notice.
2. A copy of this letter.
3. A copy of your original request for information that you sent to the City of Edmonton - Community Services Department.

Sincerely,



Tim McCargar
Director, Strategic Services Branch
Community Services Department
FOIP Coordinator

Section 17 - Disclosure harmful to personal privacy

17(1) The head of a public body must refuse to disclose personal information to an applicant if the disclosure would be an unreasonable invasion of a third party's personal privacy.

(2) A disclosure of personal information is not an unreasonable invasion of a third party's personal privacy if

(a) the third party has, in the prescribed manner, consented to or requested the disclosure,

(b) there are compelling circumstances affecting anyone's health or safety and written notice of the disclosure is given to the third party,

(c) an Act of Alberta or Canada authorizes or requires the disclosure,

(d) repealed,

(e) the information is about the third party's classification, salary range, discretionary benefits or employment responsibilities as an officer, employee or member of a public body or as a member of the staff of a member of the Executive Council,

(f) the disclosure reveals financial and other details of a contract to supply goods or services to a public body,

(g) the information is about a licence, permit or other similar discretionary benefit relating to

(i) a commercial or professional activity, that has been granted to the third party by a public body, or

(ii) real property, including a development permit or building permit, that has been granted to the third party by a public body,

(c) the personal information relates to eligibility for income assistance or social service benefits or to the determination of benefit levels,

(d) the personal information relates to employment or educational history,

(e) the personal information was collected on a tax return or gathered for the purpose of collecting a tax,

(e.1) the personal information consists of an individual's bank account information or credit card information,

(f) the personal information consists of personal recommendations or evaluations, character references or personnel evaluations,

(g) the personal information consists of the third party's name when

(i) it appears with other personal information about the third party, or

(ii) the disclosure of the name itself would reveal personal information about the third party,

or

(h) the personal information indicates the third party's racial or ethnic origin or religious or political beliefs or associations.

(5) In determining under subsections (1) and (4) whether a disclosure of personal information constitutes an unreasonable invasion of a third party's personal privacy, the head of a public body must consider all the relevant circumstances, including whether

(a) the disclosure is desirable for the purpose of subjecting the activities of the Government of Alberta or a public body to public scrutiny,

(b) the disclosure is likely to promote public health and safety or the protection of the environment,

(c) the personal information is relevant to a fair determination of the applicant's rights,

(d) the disclosure will assist in researching or validating the claims, disputes or grievances of aboriginal people,

(e) the third party will be exposed unfairly to financial or other harm,

(f) the personal information has been supplied in confidence,

(g) the personal information is likely to be inaccurate or unreliable,

(h) the disclosure may unfairly damage the reputation of any person referred to in the record requested by the applicant, and

(i) the personal information was originally provided by the applicant.

Section 24 – Advice from Officials

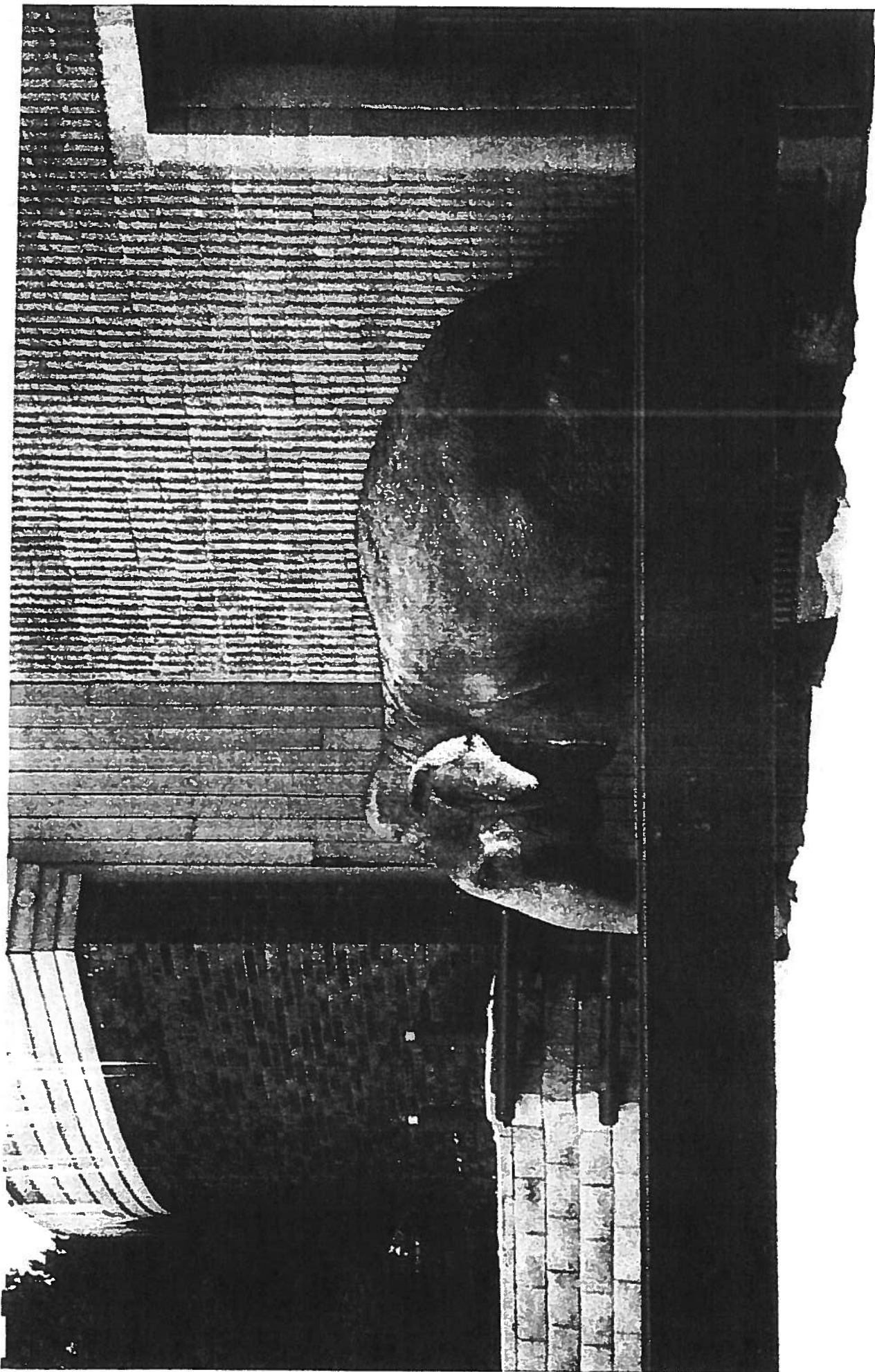
24(1) The head of a public body may refuse to disclose information to an applicant if the disclosure could reasonably be expected to reveal

- (a) advice, proposals, recommendations, analyses or policy options developed by or for a public body or a member of the Executive Council,
- (b) consultations or deliberations involving
 - I. officers or employees of a public body
 - II. a member of the Executive Council, or
 - III. the staff of a member of the Executive Council,
- (c) positions, plans, procedures, criteria or instructions developed for the purpose of contractual or other negotiations by or on behalf of the Government of Alberta or a public body, or considerations that relate to those negotiations,
- (d) plans relating to the management of personnel or the administration of a public body that have not yet been implemented,
- (e) the contents of draft legislation, regulations and orders of members of the Executive Council or the Lieutenant Governor in Council,
- (f) the contents of agendas or minutes of meetings
 - I. of the governing body of an agency, board, commission, corporation, office or other body that is designated as a public body in the regulations, or
 - II. of a committee of a governing body referred to in subclause (i),
- (g) information including the proposed plans, policies or projects of a public body, the disclosure of which could reasonably be expected to result in disclosure of a pending policy or budgetary decision, or
- (h) the contents of a formal research or audit report that in the opinion of the head of the public body is incomplete unless no progress has been made on the report for at least 3 years.

This is Exhibit "MM" referred to in the
affidavit of Julienne Woodyer
sworn before me, this 22nd
day of January 2010

Sarah [Signature]
A COMMISSIONER FOR TAKING AFFIDAVITS

Barrister and solicitor



This is Exhibit "NN" referred to in the
affidavit of Julienne Woodyer
sworn before me, this 22nd
day of January 20 10

Sarah H
A COMMISSIONER FOR TAKING AFFIDAVITS

Barrister and solicitor



This is Exhibit "00" referred to in the
affidavit of Julienne Woodyer
sworn before me, this 22nd
day of January 20 10

Sarah

A COMMISSIONER FOR TAKING AFFIDAVITS

Barrister and solicitor



This is Exhibit "PP" referred to in the
affidavit of Julienne Woodyer
sworn before me, this 22nd
day of January 20 10

Sarah

A COMMISSIONER FOR TAKING AFFIDAVITS

Barrister and solicitor



This is Exhibit "Q0" referred to in the
affidavit of Julienne Woodyer
sworn before me, this 22nd
day of January 2010



A COMMISSIONER FOR TAKING AFFIDAVITS

Barrister and solicitor



FREEDOM OF INFORMATION AND PROTECTION OF PRIVACY

\$50 sent.

Request to Access Information

Personal information on this form is collected under Alberta's *Freedom of Information and Protection of Privacy Act* and will be used to respond to your request. Instructions for completing this form are on the back.

About you

<input type="checkbox"/> Mr. <input checked="" type="checkbox"/> Ms. <input type="checkbox"/> Dr. Last name		First name	
<input type="checkbox"/> Mrs. <input type="checkbox"/> Miss		Julie	
Name of company or organization (if applicable) Zoocheck Canada			
Mailing address 788 1/2 O'Connor Dr			
City or town Toronto		Province Ontario	Postal code M4B 2S6
Telephone (daytime) (416) 285-1744	Telephone (evening) cell (416) 451-5976	Fax number (416) 285-4670	E-mail address julie@zoocheck.com

About your request

1. What kind of information are you requesting access to?

- General information (Please attach the initial fee of \$25.)
- Personal information (No initial fee is required for personal information.)

2. To which Department are you making your request? (Please fill in the name of the organization.)

All departments

3. Do you want to: (a) receive a copy of the record? OR (b) examine the record?

About the information you want to access

1. What records do you want to access? Please give as much detail as possible. (If you want access to your personal information, be sure to give all your previous names. For another person's information, you must attach proof that you can legally act for that person. If you need more space, please attach a separate sheet of paper.)

See attached sheet for details of request

2. What is the time period of the records? Please give specific dates. (See reverse for details.)

Continuing request (received quarterly) starting March 14/09 for 2 years.

Your signature

Signature 	Date July 22/09
---------------	--------------------

For FOIP office use only:

Date received	Request number

Request to Access Information – Details of request

July 22, 2009

The records I wish to access are as follows for the period beginning March 14, 2009 going forward (this is a continuing request with records to be sent quarterly and should include a search of all City records):

- Medical and health records for Lucy, aka Skanik (Asian elephant at the Edmonton Valley Zoo). These records should include, but not limited to, staff notes, journals, correspondence, etc.; all veterinarian records; all diagnostic reports both at the city and kept with the veterinarian's records; the journal of care maintained by the zoo, all e-mails or other correspondence regarding Lucy's health.
- A list of all vets who have examined and/or treated and/or offered an opinion on Lucy's health.
- Copies of any vet opinions
- Copies of all correspondence, including e-mails, regarding Lucy. The email trail that shows when records were requested from the zoo and any other emails pertaining to Lucy.
- All documentation and correspondence, including e-mails trails, notes of city staff, etc. referencing Zoocheck Canada.
- All documentation and correspondence regarding Dean Treichel's visit to the PAWS sanctuary in or around April, 2009

This is Exhibit "R R" referred to in the
affidavit of Julienne Woodyer
sworn before me, this 22nd
day of January 20 10

Sarah H.
A COMMISSIONER FOR TAKING AFFIDAVITS

Barriester and solicitor



COMMUNITY
SERVICES

MAILING ADDRESS
P.O. BOX 2359
EDMONTON, ALBERTA
T5J 2R7

Our File #: 2009-G-0100

October 20, 2009

Julie Woodyer
Campaigns Director
Zoocheck Canada
788 ½ O'Connor Drive
Toronto, ON M4B 2S6

rec'd OCT 28 09

1040 records rec'd

Dear Ms. Woodyer:

Re: *Freedom of Information and Protection of Privacy Act*
[Records included in the fee waiver.]

I am responding to your request of July 28, 2009 for access to information. We are pleased to provide access to the elephant health records, records related to veterinary consultations, records of staff travel to PAWS Sanctuary and records of communications sent by city staff referencing Zoocheck Canada.

Some of the records you requested contain information that is withheld from disclosure under the *Freedom of Information and Protection of Privacy Act*. We have severed the excepted information so that we could disclose to you the remaining information in the records.

The severed information is withheld from disclosure under section 17(1), 18(1), and 27(1) of the Act. Please see enclosed list of pages severed in their entirety. Where a section or sections of a record have been severed, the section numbers are referenced directly on the record itself. For your convenience, I have attached a copy of sections 17, 18, and 27 of the Act to this release package.

If you have any questions or concerns about this request, please contact me via email at tim.mccargar@edmonton.ca. If you have any questions related to the content of the records, you may wish to contact Denise Prefontaine via email at denise.prefontaine@edmonton.ca.

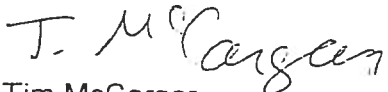
Under section 65 of the *Freedom of Information and Protection of Privacy Act*, you may ask the Information and Privacy Commissioner to review the assessment of a fee or any other matter concerning this response to your request. You have 60 days from the date of this notice to request a review by writing to the Information and Privacy Commissioner at 410, 9925 – 109 Street, Edmonton, Alberta, T5K 2J8.

Section 67(1) of the *Freedom of Information and Protection of Privacy Act* requires the Commissioner to give a copy of your request for review to the head of a public body and to any other person who, in the Commissioner's opinion, is affected by the request. Therefore your request for review should not contain any information that you do not wish exchanged with the other parties.

If you wish to request a review, please provide the Office of the Commissioner with the following information:

1. The reference number quoted at the top of this notice.
2. A copy of this letter.
3. A copy of your original request for information that you sent to the City of Edmonton - Community Services Department.

Sincerely,



Tim McCargar
Director, Community Strategies Branch
Community Services Department
FOIP Coordinator

Encl.

Page Severed in Entirety	FOIP Section(s)
479	Section 17(1)
493	Non Responsive
609	Section 17(1)
662 - 700	Section 27(1) ←
703 - 713	Section 27(1)
718 - 721	Section 27(1)
878 - 880	Non Responsive
885 - 894	Non Responsive
1021	Non Responsive
1032	Non Responsive
1033 - 1034	Section 27(1)
1035 - 1037	Non Responsive

Section 17 - Disclosure harmful to personal privacy

17(1) The head of a public body must refuse to disclose personal information to an applicant if the disclosure would be an unreasonable invasion of a third party's personal privacy.

(2) A disclosure of personal information is not an unreasonable invasion of a third party's personal privacy if

(a) the third party has, in the prescribed manner, consented to or requested the disclosure,

(b) there are compelling circumstances affecting anyone's health or safety and written notice of the disclosure is given to the third party,

(c) an Act of Alberta or Canada authorizes or requires the disclosure,

(d) repealed,

(e) the information is about the third party's classification, salary range, discretionary benefits or employment responsibilities as an officer, employee or member of a public body or as a member of the staff of a member of the Executive Council,

(f) the disclosure reveals financial and other details of a contract to supply goods or services to a public body,

(g) the information is about a licence, permit or other similar discretionary benefit relating to

(i) a commercial or professional activity, that has been granted to the third party by a public body, or

(ii) real property, including a development permit or building permit, that has been granted to the third party by a public body,

and the disclosure is limited to the name of the third party and the nature of the licence, permit or other similar discretionary benefit,

(h) the disclosure reveals details of a discretionary benefit of a financial nature granted to the third party by a public body,

(i) the personal information is about an individual who has been dead for 25 years or more, or

(j) subject to subsection (3), the disclosure is not contrary to the public interest and reveals only the following personal information about a third party:

(i) enrolment in a school of an educational body or in a program offered by a post-secondary educational body,

(ii) repealed,

(iii) attendance at or participation in a public event or activity related to a public body, including a graduation ceremony, sporting event, cultural program or club, or field trip, or

(iv) receipt of an honour or award granted by or through a public body.

(3) The disclosure of personal information under subsection (2)(j) is an unreasonable invasion of personal privacy if the third party whom the information is about has requested that the information not be disclosed.

(4) A disclosure of personal information is presumed to be an unreasonable invasion of a third party's personal privacy if

(a) the personal information relates to a medical, psychiatric or psychological history, diagnosis, condition, treatment or evaluation,

(b) the personal information is an identifiable part of a law enforcement record, except to the extent that the disclosure is necessary to dispose of the law enforcement matter or to continue an investigation,

(c) the personal information relates to eligibility for income assistance or social service benefits or to the determination of benefit levels,

(d) the personal information relates to employment or educational history,

(e) the personal information was collected on a tax return or gathered for the purpose of collecting a tax,

(e.1) the personal information consists of an individual's bank account information or credit card information,

(f) the personal information consists of personal recommendations or evaluations, character references or personnel evaluations,

(g) the personal information consists of the third party's name when

(i) it appears with other personal information about the third party, or

(ii) the disclosure of the name itself would reveal personal information about the third party,

or

(h) the personal information indicates the third party's racial or ethnic origin or religious or political beliefs or associations.

(5) In determining under subsections (1) and (4) whether a disclosure of personal information constitutes an unreasonable invasion of a third party's personal privacy, the head of a public body must consider all the relevant circumstances, including whether

(a) the disclosure is desirable for the purpose of subjecting the activities of the Government of Alberta or a public body to public scrutiny,

(b) the disclosure is likely to promote public health and safety or the protection of the environment,

- (c) the personal information is relevant to a fair determination of the applicant's rights,
- (d) the disclosure will assist in researching or validating the claims, disputes or grievances of aboriginal people,
- (e) the third party will be exposed unfairly to financial or other harm,
- (f) the personal information has been supplied in confidence,
- (g) the personal information is likely to be inaccurate or unreliable,
- (h) the disclosure may unfairly damage the reputation of any person referred to in the record requested by the applicant, and
- (i) the personal information was originally provided by the applicant.

RSA 2000 cF-25 s17;2003 c21 s5

Section 18 - Disclosure harmful to individual or public safety

18(1) The head of a public body may refuse to disclose to an applicant information, including personal information about the applicant, if the disclosure could reasonably be expected to

(a) threaten anyone else's safety or mental or physical health, or

(b) interfere with public safety.

(2) The head of a public body may refuse to disclose to an applicant personal information about the applicant if, in the opinion of a physician, a regulated member of the College of Alberta Psychologists or a psychiatrist or any other appropriate expert depending on the circumstances of the case, the disclosure could reasonably be expected to result in immediate and grave harm to the applicant's health or safety.

(3) The head of a public body may refuse to disclose to an applicant information in a record that reveals the identity of an individual who has provided information to the public body in confidence about a threat to an individual's safety or mental or physical health.

1994 cF-18.5 s17;1999 c23 s10;2006 cH-7 s153.3

Section 27- Privileged Information

27(1) The head of a public body may refuse to disclose to an applicant

- (a) information that is subject to any type of legal privilege, including solicitor-client privilege or parliamentary privilege,
- (b) information prepared by or for
 - (i) the Minister of Justice and Attorney General
 - (ii) an agent or lawyer of the Minister of Justice and Attorney General, or
 - (iii) an agent or lawyer of a public body, in relation to a matter involving the provision of legal services, or
- (c) information in correspondence between
 - (i) the Minister of Justice and Attorney General
 - (ii) an agent or lawyer of the Minister of Justice and Attorney General, or
 - (iii) an agent or lawyer of a public body,

and any other person in relation to a matter involving the provision of advice or other services by the Minister of Justice and Attorney General or by the agent or lawyer.

- (2) The head of a public body must refuse to disclose information described in subsection (1)(a) that relates to a person other than a public body.
- (3) Only the Speaker of the Legislative Assembly may determine whether information is subject to parliamentary privilege.

This is Exhibit "SS" referred to in the
affidavit of Julianne Woodyer
sworn before me, this 22nd
day of January 20 10

Sarah Fe
A COMMISSIONER FOR TAKING AFFIDAVITS

Barrister and solicitor



Zoocheck Canada Inc.

738 ½ O'Connor Dr.
Toronto, Ontario
M4B 2S6

phone: 416.285.1744 Fax: 416.285.4670
toll free number: 1-888-801-3222
julie@zoocheck.com
www.zoocheck.com

November 16, 2009

Information and Privacy Commissioner
410, 9925 – 109 St.
Edmonton, AB
T5K 2J8

Sent by fax + post.

Re: Request to review FOIPP request # 2009-G-0100

I am in receipt of some records that I requested from the City of Edmonton under the above referenced Freedom of Information file number. I have reason to believe that I have not received all of the documents I requested. Therefore I am requesting that you conduct a review of my request.

Documents that have apparently been omitted from the FOIPP request include medical records, veterinary and elephant expert consultations, correspondence with CAZA, and internal memos concerning Lucy's ongoing care.

On July 22, 2009 I filed a continuing request, beginning March 14, 2009, with the City of Edmonton's Freedom of Information office for the following information:

- Medical and health records for Lucy, aka Skanik (Asian elephant at the Edmonton Valley Zoo). These records should include, but not limited to, staff notes, journals, correspondence, etc.; all veterinarian records; all diagnostic reports both at the city and kept with the veterinarian's records; the journal of care maintained by the zoo, all e-mails or other correspondence regarding Lucy's health.
- A list of all vets who have examined and/or treated and/or offered an opinion on Lucy's health.
- Copies of any vet opinions
- Copies of all correspondence, including e-mails, regarding Lucy. The email trail that shows when records were requested from the zoo and any other emails pertaining to Lucy.
- All documentation and correspondence, including e-mails trails, notes of city staff, etc. referencing Zoocheck Canada.
- All documentation and correspondence regarding Dean Treichel's visit to the PAWS sanctuary in or around April, 2009

On October 28, 2009 I received the first installment of information for the period from March 14 2009 – June 25, 2009 in response to this continuing request.

The following is a list of medical conditions & documents that were referenced, but for which there were no medical records or other documents provided:

- On a medical test requisition form dated May 26, 2009 that the Valley Zoo filed with the National Zoo in Washington, DC (page 82 - copy attached) there is a list of medical conditions that Lucy suffers from including: nasal discharge, trunk wheezing, mouth breathing etc. – None of these conditions, or any other respiratory problem, have been mentioned in Lucy's medical records for the past 2 ½ years.
- In a report by Dean Treichel regarding his visit to the PAWS sanctuary for a conference on elephants from April 24-26, 2009, Mr. Treichel provides notes about a conversation he had with Dr. Mel Richardson (page 874 – copy attached) wherein he states that he "has been in contact with some of the best elephant vets in the industry". There was no documentation in the records received regarding any consultation with elephant veterinarians or other experts.
- In the same report Mr. Treichel indicates that they are working on trying to get a blood test for Lucy known as the Stat Pak test but are having difficulty getting the blood across an international border. There is no documentation in the records about the Stat Pak test or attempts made to get the blood across the border.
- As part of the same note, Mr. Treichel states that he had communicated with Dr Sofranko from USDA about the blood test. There is no record of this in the medical records nor any correspondence with this person.
- In an e-mail dated May 25, 2009 from Rob Smyth to Linda Cochrane and Heather McRae, cc'd to Mary Lou Reeleder, Denise Prefontaine, Jan Archbold and Pat Zutz (page 799 – copy attached) It says "Denise & Jan are working on drafts of documents" described as "Memo from GM to councillors describing our care of Lucy including additional/recent initiatives to enhance her quality of life" and "Letter to be sent to Zoocheck and the authors who signed the petition, describing the care Lucy is receiving and to communicate a complete picture of her care." There are no drafts of these documents in the records received.
- In a memorandum dated June 25, 2009 from Linda Cochrane to the City Council regarding a letter that I copied to the councillors (page 729 – copy attached) it says "For reasons we have shared with you in the past, we disagree with Zoocheck's opinion that it would be in the best interest of Lucy to move her to an accredited sanctuary ion the USA" There is no documentation regarding the information that was shared with council in this or any of the previous requests that I have filed.
- In an e-mail dated June 4, 2009 from Jan Archbold to Denise Prefontaine, Mary Lou Reeleder, and John Muir, cc'd to Robert Moyles (page 822 – copy attached) it says "Dean and I have had a look at the site and it is unbelievably inaccurate" There is no indication in any of the records received about what the "inaccuracies" are that they refer to.

In addition, the zoo's web site references Lucy having a serious respiratory problem as well as experts who have been consulted and communications with various agencies. There was no documentation provided for these issues either.

- The zoo's web site and correspondence to the public indicates that Lucy has an ongoing respiratory problem, which they claim is the reason they feel it would be too risky to move her. There is no indication in the medical records received of any respiratory problems since April, 2008.
- The zoo's web site says that zoo staff have consulted with "other elephant experts" about Lucy's health. There is no documentation showing any consultation with any veterinarians or other experts in any of the materials that I have received.
- The zoo's web site indicates that the zoo staff have communicated with the Canadian Association of Zoos and Aquariums (CAZA) regarding Lucy's health. There is no mention of this in any of the records that I received and there is no correspondence to CAZA.
- The zoo's web site indicates that the zoo staff have communicated with Alberta Sustainable Resource Development (SRD) regarding Lucy's health. There is no mention of this in any of the records that I received and there is no correspondence to SRD.
- The zoo's web site indicates that the zoo staff have communicated with the Canadian Food Inspection Agency (CFIA) regarding Lucy's health. There is no mention of this in any of the records that I received and there is no correspondence to CFIA.
- There are a number of new videos on the zoo's web site which include medical information and other information about Lucy's situation – there is no mention of any videos being planned, content the films, who produced them, references for the content of the video, when they will be posted, costs associated with the films etc. in any of the records that I received.

There are also a number of pieces of information that were severed based on section 18(1) of the FIPPA, which relates to information that can be harmful to an individual or public safety. It is evident from reading the material that the elephant's name (Lucy aka Skanik) was severed in this regard. It is unclear how disclosing the elephant's name could pose any harm to an individual or public safety. Lucy is the only elephant at the zoo and the only animal for which I requested information and the one that I named in my request. Given the questionable logic about severing in this regard, I am concerned that other information may have been unnecessarily severed using this or other sections of the act.

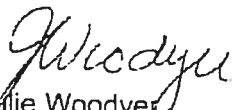
And finally, on June 3, 2009 I wrote a letter to Denise Prefontaine (copy attached for your reference) asking questions regarding the lack of records being produced, and my concerns after reading an e-mail exchange between the zoo's director, Denise Prefontaine and the City communications person, Jan Archbold wherein it was recommended by City staff that the vet record in the medical records that "Lucy is doing well" in the future (copy attached for your reference). I expressed concern that this may be manipulation of the records. In an e-mail dated June 24, 2009 from Mary Lou Reeleder to Denise Prefontaine, cc'd to Linda Shapka and Ann Dafoe (page 727 – copy attached) it states that the staff had, had a discussion with their legal department about my letter and were advised not to answer my questions. Instead I got a very vague response letter which does not address the specific

concerns about the lack of information that is forthcoming from the zoo regarding Lucy (also attached for your reference). Given this lack of disclosure and the gaps in information as listed above, I have reason to believe that some documentation may have intentionally been withheld.

As you may recall from the last review of a similar request for information about Lucy, there is additional history of insufficient records being provided and other records that were mysteriously discontinued the day after I filed a freedom of information request. For example there was a medical chart that was kept up until April 18, 2007 (the date of my request) and then was unavailable in all future requests with no confirmation that it had in fact been discontinued the day after my FIPPA request or if there is any new records being kept that capture the information that was on this chart. Another example is the video cameras that the zoo staff advised the Edmonton Humane Society had been installed to monitor Lucy's behaviour which, in fact, were not installed at the time the zoo indicated and to date there is still no information forthcoming about the cameras or when they were installed, the cost associated and who monitors the live feed or video that the cameras record.

Given the evidence that there is more information that has not been disclosed and the e-mail that indicates that there may have been a plan to manipulate the veterinarian's information that is being disclosed as well as the advice from the lawyer not to respond regarding my questions about the lack of information, we feel that this warrants and inquiry to find the missing information. I hope you will consider looking into these matters.

Yours sincerely,


Julie Woodyer
Campaigns Director

This is Exhibit "TT" referred to in the
affidavit of Julienne Woodyer
sworn before me, this 22nd
day of January 2010

Sarah Pe

A COMMISSIONER FOR TAKING AFFIDAVITS

Barrister and solicitor



COMMUNITY
SERVICES

MAILING ADDRESS
P.O. BOX 2359
EDMONTON, ALBERTA
T5J 2R7

Our File #: 2009-G-0100-2

December 7, 2009

Julie Woodyer
Campaigns Director
Zoocheck Canada
788 ½ O'Connor Drive
Toronto, ON M4B 2S6

2009 6 0100 - 2

received ~~Dec 11/09~~
Jue

Dear Ms. Woodyer:

Re: *Freedom of Information and Protection of Privacy Act*
[Request for records pertaining to Lucy the Asian Elephant]

I am responding to your request of October 19, 2009 for access to information. We are pleased to provide access to the elephant health records, records related to veterinary consultations, vet list, and correspondence regarding Lucy. A copy of the records is attached. Please be advised that the video of the elephant's endoscope is available for viewing at the CN Tower by contacting Dr. Milton Ness at 780-442-4715 and booking an appointment.

Some of the records you requested contain information that is withheld from disclosure under the *Freedom of Information and Protection of Privacy Act*. We have severed the excepted information so that we could disclose to you the remaining information in the records.

The severed information is withheld from disclosure under section 17(1), 24, 25, 27, and 29 of the Act. The detailed sections supporting the excising of particular information are indicated on the face of the record. Where entire pages have been severed, please see the attached table for the detailed sections supporting the excising of particular information. For your convenience, I have attached a copy of sections 17, 24, 25, 27 and 29 of the Act to this release package.

If you have any questions or concerns about this request, please contact me via email at tim.mccargar@edmonton.ca. If you have any questions related to the content of the records, you may wish to contact Denise Prefontaine via email at denise.prefontaine@edmonton.ca.

Under section 65 of the *Freedom of Information and Protection of Privacy Act*, you may ask the Information and Privacy Commissioner to review the assessment of a fee or any other matter concerning this response to your request. You have 60 days from the date of this notice to request a review by

writing to the Information and Privacy Commissioner at 410, 9925 – 109 Street,
Edmonton, Alberta, T5K 2J8.

Section 67(1) of the *Freedom of Information and Protection of Privacy Act* requires the Commissioner to give a copy of your request for review to the head of a public body and to any other person who, in the Commissioner's opinion, is affected by the request. Therefore your request for review should not contain any information that you do not wish exchanged with the other parties.

If you wish to request a review, please provide the Office of the Commissioner with the following information:

1. The reference number quoted at the top of this notice.
2. -A copy of this letter.
3. A copy of your original request for information that you sent to the City of Edmonton - Community Services Department.

Sincerely,


Tim McCargar
Community Services Department
FOIP Coordinator

Page Severed in Entirety	FOIP Section(s)
039 - 043	Non Responsive
231 - 237	Non Responsive
239	Non Responsive
241 - 244	Non Responsive
248 - 304	Non Responsive
306-309	24 & 27
311 - 321	Non Responsive
322 - 328	24 & 27
329	Non Responsive
330 - 340	24
346 - 351	24
381	Non Responsive
384	Non Responsive
535 - 537	Non Responsive
689	Non Responsive
697 - 699	Non Responsive
705	Non Responsive
709	Non Responsive
806	Non Responsive
995	Non Responsive
1288	Non Responsive
1387 - 1388	24
1400 - 1401	24
1412	Non Responsive
1418	24
1420	24
1471 - 1472	Non Responsive
1494	Non Responsive
1497 - 1498	Non Responsive
1552 - 1553	24
1597	Non Responsive
1647	17
1727	Non Responsive
1862	29

Section 17 - Disclosure harmful to personal privacy

17(1) The head of a public body must refuse to disclose personal information to an applicant if the disclosure would be an unreasonable invasion of a third party's personal privacy.

(2) A disclosure of personal information is not an unreasonable invasion of a third party's personal privacy if

(a) the third party has, in the prescribed manner, consented to or requested the disclosure,

(b) there are compelling circumstances affecting anyone's health or safety and written notice of the disclosure is given to the third party,

(c) an Act of Alberta or Canada authorizes or requires the disclosure,

(d) repealed,

(e) the information is about the third party's classification, salary range, discretionary benefits or employment responsibilities as an officer, employee or member of a public body or as a member of the staff of a member of the Executive Council,

(f) the disclosure reveals financial and other details of a contract to supply goods or services to a public body,

(g) the information is about a licence, permit or other similar discretionary benefit relating to

(i) a commercial or professional activity, that has been granted to the third party by a public body, or

(ii) real property, including a development permit or building permit, that has been granted to the third party by a public body,

and the disclosure is limited to the name of the third party and the nature of the licence, permit or other similar discretionary benefit,

(h) the disclosure reveals details of a discretionary benefit of a financial nature granted to the third party by a public body,-

(i) the personal information is about an individual who has been dead for 25 years or more, or

(j) subject to subsection (3), the disclosure is not contrary to the public interest and reveals only the following personal information about a third party:

(i) enrolment in a school of an educational body or in a program offered by a post-secondary educational body,

(ii) repealed,

(iii) attendance at or participation in a public event or activity related to a public body, including a graduation ceremony, sporting event, cultural program or club, or field trip, or

(iv) receipt of an honour or award granted by or through a public body.

(3) The disclosure of personal information under subsection (2)(j) is an unreasonable invasion of personal privacy if the third party whom the information is about has requested that the information not be disclosed.

(4) A disclosure of personal information is presumed to be an unreasonable invasion of a third party's personal privacy if

(a) the personal information relates to a medical, psychiatric or psychological history, diagnosis, condition, treatment or evaluation,

(b) the personal information is an identifiable part of a law enforcement record, except to the extent that the disclosure is necessary to dispose of the law enforcement matter or to continue an investigation,

(c) the personal information relates to eligibility for income assistance or social service benefits or to the determination of benefit levels,

(d) the personal information relates to employment or educational history,

(e) the personal information was collected on a tax return or gathered for the purpose of collecting a tax,

(e.1) the personal information consists of an individual's bank account information or credit card information,

(f) the personal information consists of personal recommendations or evaluations, character references or personnel evaluations,

(g) the personal information consists of the third party's name when

(i) it appears with other personal information about the third party, or

(ii) the disclosure of the name itself would reveal personal information about the third party,

or

(h) the personal information indicates the third party's racial or ethnic origin or religious or political beliefs or associations.

(5) In determining under subsections (1) and (4) whether a disclosure of personal information constitutes an unreasonable invasion of a third party's personal privacy, the head of a public body must consider all the relevant circumstances, including whether

(a) the disclosure is desirable for the purpose of subjecting the activities of the Government of Alberta or a public body to public scrutiny,

(b) the disclosure is likely to promote public health and safety or the protection of the environment,

- (c) the personal information is relevant to a fair determination of the applicant's rights,
- (d) the disclosure will assist in researching or validating the claims, disputes or grievances of aboriginal people,
- (e) the third party will be exposed unfairly to financial or other harm,
- (f) the personal information has been supplied in confidence,
- (g) the personal information is likely to be inaccurate or unreliable,
- (h) the disclosure may unfairly damage the reputation of any person referred to in the record requested by the applicant, and
- (i) the personal information was originally provided by the applicant.

Section 24 Advice from Officials

- 24(1) The head of a public body may refuse to disclose information to an applicant if the disclosure could reasonably be expected to reveal
- (a) advice, proposals, recommendations, analyses or policy options developed by or for a public body by a member of the Executive Council,
 - (b) consultations or deliberations involving
 - (i) officers or employees of a public body
 - (ii) a member of the Executive Council, or
 - (iii) the staff of a member of the Executive Council
 - (c) positions, plans, procedures, criteria or instructions developed for the purpose of contractual or other negotiations by or on behalf of the Government of Alberta or a public body, or considerations that relate to those negotiations
 - (d) plans relating to the management of personnel or the administration of a public body that have not yet been implemented
 - (e) the contents of draft legislation, regulations and orders of members of the Executive Council or the Lieutenant Governor in Council,
 - (f) the contents of agendas or minutes of meetings
 - (i) of the governing body of an agency, board, commission, corporation, office or other body that is designated as a public body in the regulations, or
- (d) information obtained through research by an employee of a public body, the disclosure of which could reasonably be expected to deprive the employee or the public body of priority of publication.
- (2) The head of a public body must not refuse to disclose under subsection (1) the results of product or environmental testing carried out by or for a public body, unless the testing was done
- (a) for a fee as a service to a person, other than the public body, or
 - (b) for the purpose of developing methods of testing or testing products for possible purchase.

25 Disclosure harmful to the economic and other interests of a public body

25(1) The head of a public body may refuse to disclose information to an applicant if the disclosure could reasonably be expected to harm the economic interest of a public body or the Government of Alberta or the ability of the Government to manage the economy, including the following information:

- (a) trade secrets of a public body or the Government of Alberta;
 - (b) financial, commercial, scientific, technical or other information in which a public body or the Government of Alberta has a proprietary interest or a right to use and that has, or is reasonably likely to have, monetary value;
 - (c) information the disclosure of which could reasonably be expected to
 - (i) result in financial loss to,
 - (ii) prejudice the competitive position or, or
 - (iii) interfere with contractual or other negotiations of, the Government of Alberta or a public body;
 - (d) information obtained through research by an employee of a public body, the disclosure of which could reasonably be expected to deprive the employee or the public body of priority of publication
- (2) The head of a public body must not refuse to disclose under subsection (1) the results of product or environmental testing carried out by or for the public body, unless the testing was done
- (a) for a fee as a service to a person, other than the public body, or
 - (b) for the purpose of developing methods of testing or testing products for possible purchase

Section 27- Privileged Information

- 27(1) The head of a public body may refuse to disclose to an applicant
- (a) information that is subject to any type of legal privilege, including solicitor-client privilege or parliamentary privilege,
 - (b) information prepared by or for
 - (i) the Minister of Justice and Attorney General
 - (ii) an agent or lawyer of the Minister of Justice and Attorney General, or
 - (iii) an agent or lawyer of a public body, in relation to a matter involving the provision of legal services, or
 - (c) information in correspondence between
 - (i) the Minister of Justice and Attorney General
 - (ii) an agent or lawyer of the Minister of Justice and Attorney General, or
 - (iii) an agent or lawyer of a public body,
- and any other person in relation to a matter involving the provision of advice or other services by the Minister of Justice and Attorney General or by the agent or lawyer.
- (2) The head of a public body must refuse to disclose information described in subsection (1)(a) that relates to a person other than a public body.
- (3) Only the Speaker of the Legislative Assembly may determine whether information is subject to parliamentary privilege.

Section 29 Information that is or will be available to the public

- 29(1) The head of a public body may refuse to disclose to an applicant information
 - (a) that is readily available to the public
 - (a.1) that is available for purchase by the public, or
 - (b) That is to be published or released to the public with 60 days after the applicant's request is received

- (2) The head of a public body must notify an applicant of the publication or release of information that the head has refused to disclose under subsection (1)(b).

- (3) If the information is not published or released within 60 days after the applicant's request is received, the head of the public body must reconsider the request as if it were a new request received on the last day of that period, and access to information requested must not be refused under subsection (1)(b).

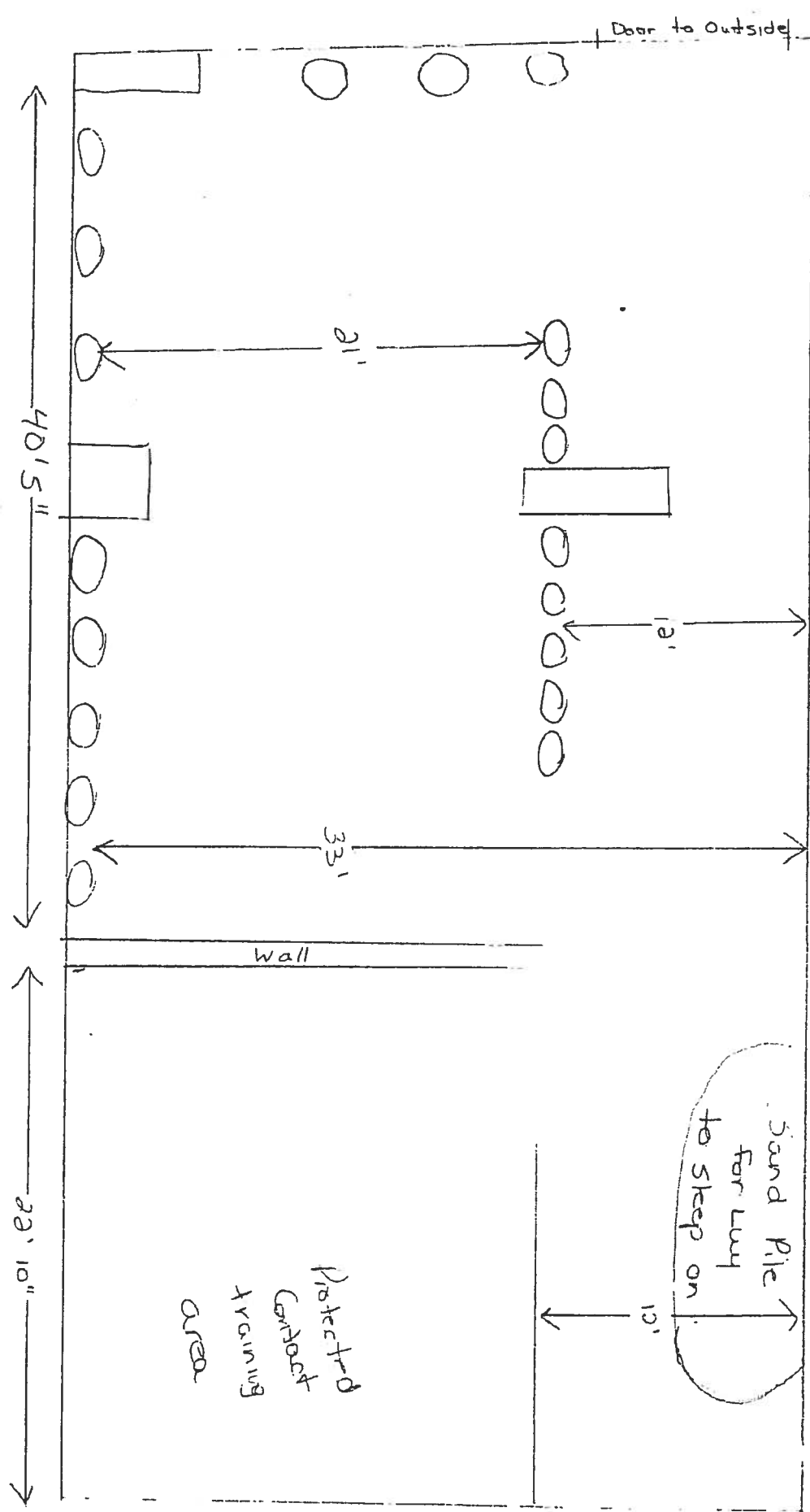
This is Exhibit "UU" referred to in the
affidavit of Julienne Woodyer
sworn before me, this 22nd
day of January 2010

Sarah Per

A COMMISSIONER FOR TAKING AFFIDAVITS

Barrister and solicitor

Lucy's Barn



Viewer Gallery

Sand Pile for Lucy to sleep on

Protected Contact Training Area

Wall

Door to Outside

40' 5"

22' 10"

21'

33'

19'

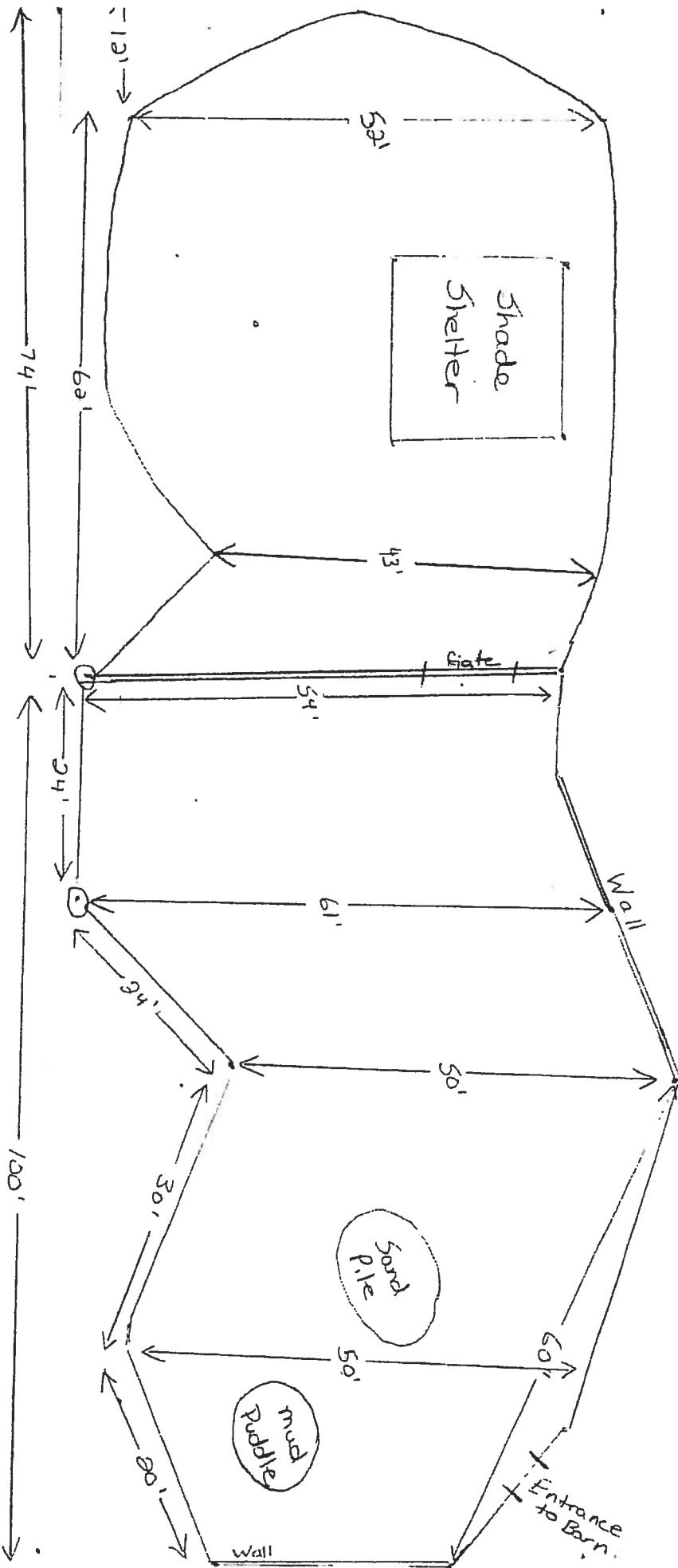
10'

This is Exhibit "VV" referred to in the
affidavit of Julianne Woodyer
sworn before me, this 22nd
day of January 2010

Debra K. Per
A COMMISSIONER FOR TAKING AFFIDAVITS

Barrister and solicitor

Lucy's Outdoor Enclosure



Total outside area = 8,878 Sq. Feet

This is Exhibit "HW" referred to in the
affidavit of Julienne Woodyer
sworn before me, this 22nd
day of January 2010

Sarah H

A COMMISSIONER FOR TAKING AFFIDAVITS

Barrister and solicitor

Health Record for Lucy (1980 - March 2009)

Name: Skank (Lucy)

Birth date per stud book: May 19, 1975

Captured from the wild in Sri Lanka: 1976

Arrived at Edmonton Valley Zoo: May 1977

Sex: Female

There were virtually no medical records available between 1977 and 1980.

The comments provided below are taken directly from the zoo's medical & keeper records that were obtained via Freedom of Information legislation.

Records end March 12, 2009

<u>Date</u>	
15-Feb-80	Cut on left rear leg
21-Oct-83	Pus oozing from tip of tail
1-Apr-84	Deep cracks in skin
8-Apr-86	Infected tail
8-Sep-88	Salmonella
22-Sep-89	Left front foot abscess. First record of foot infections.
7-Feb-90	Ear Infection
22-Mar-90	Right and left ear infections
1-Aug-90	Chronic ear infection
3-Oct-90	Chronic ear infection
7-Nov-90	Infection in both ears
11-Nov-90	Abscesses left trunk fold
1-Oct-91	Arthritis - treated with chronic pain medication. First mention of Arthritis.
18-Feb-92	Split right front nail
3-Mar-92	Split toe nail
12-Jan-93	Cracked toe, cuticle and skin
9-Aug-94	Puffy purplish lesions on right back side of tail
4-Oct-94	White discharge from trunk (large amount)
4-Jul-95	Split rear nail
11-Jul-95	Hard lump - loosened. Spray topagen on nose
27-Mar-96	Gland discharging odorous material - loose stool
3-Apr-96	Has several lumps on her back
16-Oct-96	Area around temporal glands are developing large cracks - possibly infected
11-Jun-97	Appears sore on right rear leg
21-Oct-97	Scrapes on top of left hip
25-Oct-97	Treat open cracks on neck
28-Oct-97	Treat open crack in skin
27-Nov-97	Cut on centre of trunk
28-Dec-97	Stiffness - treated with pain medication
28-Jan-98	Very stiff and sore - treated with pain medication for more than a month
28-Apr-98	Excessive cracks in nails
28-May-98	Lesion on toe on left front foot
10-Nov-98	Wound on tail
16-Dec-98	Still being treated for infected areas on tail
10-Feb-99	Infected bite wound on tail
10-Feb-99	Left eye weeping - conjunctivitis
27-Feb-99	Still treating infected bite wound on tail
25-Aug-99	Not using back legs properly
25-Aug-99	Lump on tail, very swollen and red
9-Feb-00	Not vocalizing - suspected sinus congestion
29-Mar-00	Pus discharging from trunk - did not eat well the night before
29-Apr-00	Swollen right leg - treated with pain medication
4-May-00	Stiff leg - treated with pain medication
6-Sep-00	Very sore - doesn't even want to stretch out
14-Sep-00	Arthritic - treated with pain medication
20-Sep-00	Not bending knee fully
20-Nov-00	Chronic skin crack
14-Feb-01	Crack in skin on hip
18-Apr-01	Pus in crack on tail
28-Jun-01	Arthritic - treated with pain medication
12-Sep-01	Back right leg sore
3-Oct-01	Scraped face this morning
1-Nov-01	Trouble stretching and getting up - treated with pain medication
14-Nov-01	Found a screw in her back left foot
21-Nov-01	Does not want to stretch out or lie down
2-Jan-02	Swollen leg between ankle and knee, not laying down - Interacting with other elephant
10-Jan-02	Doesn't appear to be laying down to sleep - won't stretch out or lie down
6-Feb-02	Sore on foot (soft area on foot).
12-Feb-02	Sore on left foot hardened. Right foot has been sore. Right knee swollen.
21-Feb-02	Being given pain medication for arthritis
28-Feb-02	Radiograph showed spurs in the knee joint.
6-Mar-02	X-ray reveals severe arthritis (degeneration) of right carpus.
20-Mar-02	Right leg stiff at carpus. Bottom of feet are badly overgrown.
27-Mar-02	Possible left foot abscess. Soft spot on left foot.
31-Mar-02	Right front pad very soft. Possible ruptured abscess.
3-Apr-02	Softness of front right pad has increased, being treated for abscess
17-Apr-02	Ruptured abscess on front right foot (pus).
24-Apr-02	Right front foot, abscess ruptured. Cuticle on toe swollen. Soft spot on the pad (toonie size)

Health Record for Lucy (1980 - March 2009)

1-May-02 Abscess ruptured through bottom of the foot.
8-May-02 Cut on left leg (2" in length). Skin build up on toes and elbows. Lump in right breast
15-May-02 Front right nail discharging pus. Brown mucous discharge.
22-May-02 Curette of feet bleeding and pus.
5-Jun-02 Right toe cracked. Pain treatment for arthritis continued
6-Jun-02 Not eating or drinking well. Laying down, only getting up to change sides.
7-Jun-02 Outside toenail on right foot 75% detached. Sleeping for 2 days.
8-Jun-02 Outside toenail fell off.
10-Jun-02 Still very sore, not eating or drinking very much. Sleeping. Some diarrhea.
Inside toenail 75% detached
11-Jun-02 Inside toenail fell off.
12-Jun-02 Appears stronger but appetite is still suppressed.
18-Jun-02 Sores on side of face. Right foot swollen. Cracking behind all toenails.
Left toe cracking at base.
19-Jun-02 Continue pain medication for arthritis
3-Jul-02 Bed sores on side of face and hips.
31-Jul-02 Bed sore on right hip and right elbow.
16-Aug-02 Fell on right hip during walk.
23-Aug-02 Lump on right hip.
4-Sep-02 Lump on right hip is getting larger. Muscle atrophy on right rear leg.
11-Sep-02 Soft spot on toenail (right foot).
18-Sep-02 Skin lesions around hip lump.
25-Sep-02 Left front foot softness. Bruised right knee.
9-Oct-02 Continue pain medication for arthritis
23-Oct-02 Two holes on the pads of the feet behind two toes. Bed sores on hip and elbow.
5-Nov-02 Lump on hip is an abscess. Drained clear fluid and some blood,
and protruding from hip (apple size)
27-Nov-02 Tender right foot.
4-Dec-02 Right foot abscess ruptured in one toe. Pus oozing from another toe on the same foot.
11-Dec-02 Toenail base splitting, soft spot under the toe. Lucy seems stiff and slow.
18-Dec-02 Not sleeping. Swelling in leg. Lots of pus from hip
22-Dec-02 Continue pain medication for arthritis
31-Dec-02 Front feet very sore, changing feet to relieve pressure.
8-Jan-03 Right front foot has fistulas in nail.
22-Jan-03 Pus exuding from right front toes. Continuing pain medication for arthritis
29-Jan-03 Pus from hip
5-Feb-03 Right toenail split. Nail bed swollen.
13-Feb-03 Sore on top of mouth. Hip abscess draining.
15-Feb-03 Continue pain medication for arthritis
5-Mar-03 Not laying down to sleep
19-Mar-03 Hip abscess very swollen
26-Mar-03 Right hip sensitive and sore (continued pus discharge).
Note indicates that she needs a bed to sleep on inside
26-Mar-03 Continue pain medication for arthritis
26-Mar-03 Hip abscess draining but still swollen. Two fistulas felt inside. Front right foot swollen.
2-Apr-03 Front right toe abscessing. Bottom pad is soft behind 2 toes on right foot.
30-Apr-03 Continue pain medication for arthritis
7-May-03 Severe stiffness - continue pain medication treatment
28-May-03 Very stiff and sore. Scrape on stomach - continue pain medication treatment
27-Aug-03 Hip abscess swelled up again. Front right foot sensitive.
3-Sep-03 Foot abscess
17-Sep-03 Hole in bottom of right foot, pus discharge. Swollen knee.
9-Sep-03 Continue pain medication for arthritis
18-Oct-03 Temporal gland exudates, green discharge.
15-Oct-03 Toenail split. Soft toe emitting odor. Continuing pain medication for arthritis.
5-Nov-03 Hip starting to swell again.
3-Dec-03 Left toe bulging, pus discharge and blood.
31-Dec-03 Infected hair follicles on tail. Still pus from Hip lump
27-Jan-04 Hip wound bleeding
25-Feb-04 Mucus from hip yesterday. Toenail and cuticle very soft.
10-Mar-04 Two small abscesses below rectum.
17-Mar-04 New abscess on front left tow #4, Front right toe #5 cracked through,
hole on bad very sensitive.
30-Mar-04 Continue pain medication for arthritis
12-May-04 Hole in right foot increasing in size. Left toe crack bulging and oozing pus, blood and/or fluid.
26-May-04 Pus from cuticle area on front left foot.
23-Jun-04 Snuffling & gurgling in trunk, some occasional discharge.
First mention of respiratory problems.
30-Jun-04 Front right knee swollen. Using trunk to assist walking. Continue pain medication.
7-Jul-04 Sharp object removed from hole in pad on right foot.
18-Aug-04 Swollen above right front toe.
25-Aug-04 Gurgling in trunk.
15-Sep-04 Hyperkeratosis on trunk. One crack behind each ear.
6-Oct-04 Still wheezing.
13-Oct-04 Wheezing in trunk getting worse. Open mouth breathing.
20-Oct-04 Still wheezing, starting to sneeze out a bit of discharge.
3-Nov-04 Laboured breathing when laying on left side. Open mouth breathing. Sore on trunk.
3-Nov-04 Abscess on left toe cuticle, hole in right foot pad is tender.
24-Nov-04 Mucous discharge from trunk. Pus discharge from left toe. Tested for TB - negative.
8-Dec-04 Abscess ruptured on left toe.

Health Record for Lucy (1980 - March 2009)

10-Dec-04 **Abscess on right foot.**
13-Dec-04 Poor appetite. Labored breathing worse today.
Abscesses on one toenail of each foot and tail.
14-Dec-04 Continue pain medication for arthritis
22-Dec-04 Left foot sore. Treatment for upper respiratory inflammation.
29-Dec-04 **Infection in left front foot. Right toenail split.**
3-Jan-05 Treatment for sinusitis
5-Jan-05 **Right toe very swollen. Left toe draining pus.**
12-Jan-05 Continue pain medication for arthritis
13-Jan-05 Treatment for upper respiratory irritation
2-Feb-05 **Right foot pad is lifting in the centre.**
6-Feb-05 Continue pain medication for arthritis
9-Feb-05 Hip abrasion.
16-Feb-05 **Pus from tail abscess.**
23-Feb-05 Open mouth breathing increased. Hip pus discharge.
3-Mar-05 Treatment for upper respiratory blockage.
9-Mar-05 Right toe bulging and soft. Continued treatment for respiratory blockage.
16-Mar-05 Right toe still swollen. Left toe starting to split. Yellow discharge from sore on hip.
17-Mar-05 Continue pain medication for arthritis
6-Apr-05 **Abscess/hole on hip.**
12-Apr-05 Treatment for upper respiratory congestion.
30-Apr-05 Continued treatment for upper respiratory congestion.
11-May-05 Blood in urine. Enlarged lump on vulva.
12-May-05 Treatment for urinary tract infection.
25-May-05 Blood in urine was a possible reaction to nerve testing.
27-May-05 Continued pain medication treatment for arthritis.
10-Jun-05 Continue treatment for congestion.
15-Jun-05 Lots of nasal mucous - continue treatment for upper respiratory congestion.
29-Jun-05 Lots of open mouth breathing and trunk gurgling.
Difficulty breathing when laying down. Left toe pus discharge.
13-Jul-05 Discharge from trunk. Continued mouth breathing. **Hole in left front pad.**
27-Jul-05 Nostril seems to be plugged.
3-Aug-05 White discharge from trunk. Nostril appears to have blockage. Right foot callusing, swollen.
10-Aug-05 Continue treatment for upper respiratory congestion.
7-Sep-05 Breathing worse.
21-Sep-05 Frequent mouth breathing.
28-Sep-05 Increased mouth breathing. A bit stiff in the morning.
23-Nov-05 Lots of heavy breathing, very congested.
1-Dec-05 Still congested, breath smells very bad.
7-Dec-05 Left front leg appears painful, not bending elbow. Breath smells like rotting tooth.
Weight at 8,900 lbs - on a strict diet.
14-Dec-05 Glands swollen behind ears - Has been "grouchy". Continue pain treatment for arthritis.
29-Dec-05 Trunk scope - no visible sign of respirator problem. Right nostril slightly thicker than left.
15-Feb-06 Continued open mouth breathing. Both left and right pad very cracked.
22-Feb-06 Lesion in nostril.
8-Mar-06 **Left foot problems from snow/ice and sand/dirt in cracks and holes.**
3-May-06 **Pus in tail.**
7-Jun-06 Stiff on right front, shoulder and elbow appears sore. Treated with pain medication.
7-Jun-06 **Not sleeping since sand moved out from inside.**
21-Jun-06 **Difficulty breathing through trunk. Lots of head resting. Not laying down to sleep - tired.**
Mouth breathing when laying on right side.
28-Jun-06 **Left foot abscess draining. Blisters in mouth.**
12-Jul-06 More trouble breathing when laying on right side.
18-Jul-06 Continue pain medication for arthritis
26-Jul-06 **Pus front left foot.**
2-Aug-06 Not eating as much hay or veggies as normal. Taken off medication re: appetite issues.
9-Aug-06 White foamy trunk discharge.
9-Aug-06 **Still not eating most fruits and veggies. Trunk intermittent foamy thick discharge.**
19-Aug-06 Pneumonia, labored breathing, lethargic. **Hole in bottom of left foot, discharge.**
23-Aug-06 Small pustules in skin folds. Breathing more congested last couple of days.
27-Sep-06 Still congested, increased discharge from trunk.
4-Oct-06 Starting to get stiff.
18-Oct-06 Congested.
15-Nov-08 Thick white nasal discharge. Left leg sore.
29-Nov-06 **Pus discharge from tail.**
14-Dec-06 Suffer - did not finish hay last night.
20-Dec-06 Trunk discharge. Lost portion of upper left tooth.
17-Jan-07 Front left shoulder stiff and sore.
14-Feb-07 Left knee swollen and sore. Continuing pain treatment for arthritis.
28-Feb-07 A lot of mucous discharge from trunk.
14-Apr-07 Continue pain medication for arthritis
25-Apr-07 White nasal discharge continues.
28-Apr-09 **Zoocheck first obtained elephant medical records**
After this request the zoo stopped keeping the detailed record

4-Jul-07 Very congested, does not want to lay down. Pain treatment for arthritis.
11-Jul-07 Treatment for upper respiratory infection. Back leg very stiff in morning.
27-Jul-07 Front right knee very stiff - pain treatment for arthritis.
1-Aug-07 Stiff knee, limited flexibility.

Health Record for Lucy (1980 - March 2009)

5-Aug-07 Very stiff, lifting front right leg while out on walk. Right front knee quite swollen.
23-Aug-07 Front right knee still stiff. - continue pain treatment.
5-Sep-07 Congested.
7-Sep-07 Continue pain medication for arthritis
19-Sep-07 Keeper removed 2" stick from hole in left front foot.
8-Oct-07 Very stiff this morning, pain medication.
31-Oct-07 Stiff right front knee (began Oct. 25th). Seems stiff in shoulder.
14-Nov-07 Breathing laboured, thick foamy discharge from trunk.
15-Nov-07 No flexibility at all in right front knee. Left front foot swollen above cuticle line.
16-Nov-07 Still very stiff - pain medication.
3-Dec-07 Swelling on ear. Continued mouth breathing, lots of foamy discharge.
18-Dec-07 Difficulty stretching. Continued mouth breathing, bringing up thick white mucus.
27-Dec-07 Still mouth breathing, thick white nasal discharge.
30-Dec-07 Continued pain medication treatment for arthritis.
9-Jan-08 Small lesion on P5 at coronary band.
15-Jan-08 Continue pain medication for arthritis
9-Feb-08 Not eating hay, lethargic, very little water consumption. Loose cap in anterior of mouth.
19-Feb-08 Diarrhea. No change in mouth.
12-Mar-08 Not eating or drinking. Will not open mouth. Sore swollen left front over radius. Diarrhea.
13-Mar-08 Lymph nodes at angle of jaw swollen.
20-Mar-08 Continued pain medication treatment for arthritis.
16-Apr-08 Not eating. Painful tooth. Showing signs of colic today. Upper left tooth now loose too.
24-Apr-08 impacted tooth looser. Tooth on other side loosening up. Lethargic.
26-Apr-08 Continued pain medication treatment for arthritis.
20-Jun-08 Malpositioned tooth.
16-Aug-08 Early stages of colic.

**Zoocheck obtained elephant medical records since last request
After this request the medical records were less detailed**

30-Sep-08 Continued daily pain medication treatment for arthritis.
30-Sep-08 Arthritis in front left leg more noticeable today, decreased appetite, tooth is aching,
she is pushing on her jaw
23-Oct-08 Continued daily pain medication treatment for arthritis.
4-Nov-08 Increased pain medication due to sore right hind leg.
11-Nov-08 Continued daily pain medication treatment for arthritis.
12-Nov-08 Lesion on right ear fold
18-Nov-08 Continued daily pain medication treatment for arthritis.
There is a note indicating it is "OK to give browse in moderation"
10-Dec-08 Prescribed 27 days worth of pain killers for arthritis pain
12-Jan-09 Continued daily pain medication treatment for arthritis.

**Zoocheck obtained elephant medical records since last request
City employees exchanged an e-mail after this request that
suggests altering the records as follows: (see copy)**

"I've been thinking about the latest FOIP request. I don't know the routine for how things are recorded, but for the next few months could Milton (the zoo's vet) do a routine check on a regular basis and simply record routine check. Lucy doing well. Or something like that so that when we create a pdf that is secured the _____ would have no choice to post her good health along with any treatment information."

After this, Lucy's medical records had virtually no details

14-Jan-09 Nasal discharge thick some green colour
Lots of necrotic (dead tissue) material around tooth
28-Jan-09 Abscess above cuticle on left front foot outside 2nd toe
29-Jan-09 Abscess open
30-Jan-09 Lucy's weight 9,726 lbs (Lucy was considered to be overweight at 8,300 lbs in other records from the zoo)
4-Feb-09 Abscess on left front foot opened and draining
Vet discussed diet, weight all foods and record precisely, no extras like bran or popcorn at this time
6-Feb-09 Lucy's weight 9,440 lbs
Feb 14 - 16 '09 TB testing as required by provincial law, negative for TB
20-Feb-09 Lucy's weight 9,380 lbs
26-Feb-09 Front right foot - small defect in ventral toe, slightly tender, clean and disinfect
6-Mar-09 Weight 9,446 lbs - Arthritis treatment for pain
10-Mar-09 tooth bothering her, increase medication for tooth and arthritis pain
Clean right front foot
12-Mar-09 Weight 9,440 lbs

Notes: Records end March 12, 2009

This is Exhibit "XX" referred to in the
affidavit of Julienne Woodyer
sworn before me, this 22nd
day of January 2010

Sarah Fe

A COMMISSIONER FOR TAKING AFFIDAVITS

Barrister and solicitor

Lucy's walks - 2008						
		temp	# of minutes	# of walks / day	Demo	
Jan	1	-14		0		
	2	-8	45	1		
	3	-4	75	1	1	
	4	-4	75	1	0	
	5	-3	90	2	1	
	6	-1	40	1	1	
	7	-10	20	1		
	8	-13	0	0	1	
	9	-18				
	10	-16	0	0	1	
	11	-5	60	1	0	Stiff shoulder & knee
	12	-6	150	2	1	
	13	-5	75	2	1	Left front foot abcess
	14	-2				
	15	-7	0	0	1	
	16	-3	60	1	0	Foot stinking
	17	-8	40	1	1	
	18	-14	20	1		
	19	-15	0	0	1	
	20	-16	0	0	0	
	21	-8				
	22	-3.5	30	1	2	Lost big piece of tooth in past week - top right
	23	-6	60	1		
	24	-8	30	1	1	
	25	-9	30	1		Fitting for boot
	26	-3	83	2	0	
	27	-23	0	0		Did not lay down last night, scrapes on Right eye, forehead leaning on wall, not hungry
	28	-30				Lucy experiencing anxiety near end of day
	29	-29	0	0	1	
	30	-31				
	31	-24	0	0	2	
Feb	1	-23	0	0	0	
	2	-17	0	0	1	
	3	-19	0	0	1	
	4	-18	0	0		
	5	-10	40	2	0	
	6	-13	8	1		
	7	-20				
	8	-23	0	0		
	9	-27				Not eating hay
	10	-18			1	Sleepy - did not lay down last night, abrasions right side of head from wall leaning - larger gap around r upper tooth
	11	-7	50	1		Tooth loosening
	12	-7	20	1		
	13	-11	35	1		
	14	0	40	1	1	
	15	2	110	2		

	12		120	2		
	13		120	1	1	
	14		60	1		
	15		120	1		
	16		90	1		No well, vet gettting new pain killers
	17		240	2	1	Ness examined her today
	18		95	2	1	Dr Aung there today for display
	19		130	2	1	
	20		0	0	1	
	21		0	0	0	
	22		0	0		
	23		60	1		
	24		80	1	1	Very lethargic, would not eat until drugs kicked in
	25		40	1		
	26				1	
	27		90	1	1	
	28		90	1		
	29		135	2	1	
	30					
May	1					
	2		150	1		
	3		180	2	1	
	4		180	2	1	
	5		150	2	1	
	6		90	2		
	7		90	1		
	8		180	2		
	9		170	2		
	10		140	2	1	
	11		135	2	1	
	12		140	2	1	
	13		220	2	1	
	14		175	20	1	
	15		180	2	1	Upper left tooth seperated
	16		150	1	1	
	17		255	2	1	
	18		225	2	1	Mouth breathing today, sour trunk
	19		60	1	1	
	20		90	1	1	
	21		90	1		
	22		90	1	1	
	23		150	2	1	
	24		180	2	1	
	25		165	2	1	
	26		225	2	1	
	27		210	2	1	
	28		270	2	1	
	29		210	2	2	Ness checked out her feet
	30		240	2	1	
	31		265	3	2	
June	1		90	1	1	
	2		90	2	1	Eat some of large foam football (may have been thrown into enclosure by public)
	3		150	1	1	Lost of mouth breathing
	4		180	2	1	
	5		240	3	1	Had access to yard until 9pm
	6		150	2	1	

	7		155	2	1	
	8		155	2	1	Group of vets came to see her
	9		130	2	1	
	10		240	2	1	
	11		180	3	1	
	12		130	2	1	
	13		120	2	1	
	14		180	2		
	15		180	2	1	
	16		165	2	1	
	17		170	2	1	Mosquitoes bugging her - dusting during demo
	18		150	2	1	
	19		180	2	1	Lethargic - skin cold to touch even after out in the sun on her walk
	20		155	2	1	Skin still cold - Milt gave Banamine (60mls) 1 PM - no Buzone until Sunday - breath is worse tonight - never been this bad - end of day hot outside but her skin is still cold
	21		75	2	1	Met kids with cancer - impatient then the attack of horseflies. Did well considering. Wanted to eat by herself and started to come around
	22		145	2	1	Silly after bath for demo - scratching herself all over. Way better mood than yesterday
	23		80	1	1	Physiotherapy - gasped in yd
	24		135	2	1	During soccer gave her 2 nectarines - she spit them out - upset tummy? Too acidic, took them away. Got bland veg's tonight and only a few grapes
	25		75	1		
	26		190	2	1	
	27		75	1	1	kick ball - later in PM - not very interested
	28		270	3	1	
	29		270	3	1	AM - not interested in eating hay
	30		195	2	1	AM - not eating again
July	1				2	
	2		210	2	1	Andi - lines & circles after walk. Swatted Andi on walk, found lump/swelling - hot to touch where Andi was standing & a lot of mucous on her side (stung?). Andi - wrong place at wrong time
	3		165	2		Sandy has ordered repellent (horseflies bad am/pm). Lump on left side hot to the touch. Told Milt - just watch it. Very hot in PM - didn't want mudbath - wanted to lay on sandpile outside - body very hot - hosed off continuously. (Watch for new flutterbees - esp in gutter & drinker drain pits).
	4		75	1	1	
	5		150	1	1	Played with fire hose for long time - laying down outside after - better mood - calmer
	6		165	2	1	
	7		85	2		End of day - her mouth very sticky - was peeling petroleum from large ball & eating it - we pushed it into the moat and called Milt. Tried to scrub it off (Milt not too concerned)
	8		165	2	1	Left 2 flakes of hay from yesterday - Physiotherapy sessions (bit of gasping)
	9		175	2	1	

	10		170	2	1	Showed Brianne lines, circles, pivots - Physiotherapy sessions (gasping)
	11		180	2	1	Jan & crew in to taping video of 18(1)(a)(b) 9:30 - 12:30. She was such a good patient girl
	12		255	3	1	Laceration on top of her finger - flushes with Betadine. Late pm on walk, very agitated, bolting, grabbing things, posturing, got back to building, wanted to be left alone
	13		180	1	1	Rinses after bath with fly repellent rinse. Not feeling well today
	14		145	2	1	Dr. Ness came down and gave Banamine - No Buzone today. Hose off with firehose - played soccer - very energetic
	15		170	2	1	
	16		60	1	1	
	17		195	2	1	
	18		135	2	1	After I gave her a bath she went straight to the sand pile outside and laid down (stayed there for 10 mins), then turned to her left side and tried to go to sleep. She is very tired today, had her s/o for demo and she went to sleep, took about 20 minutes before she woke up and we then continued the demo. Not enough sand for her to get comfy, talked to Colin and we'll get sand next week. Dug up her pile as best we could.
	19				1	Was quiet in AM - wouldn't eat treats on walk but came around towards end of walk
	20				1	
	21		50	1		Banamine 9:15 - gave alfalfa to get her to eat. Extremely tired, somewhat sore on LF. Laying down for long periods on outside pile, listless, not very hungry or thirsty, dry mouth. (6:45 PM - no poop all day! The one in the bucket was from when I came in at 10:30 am)
	22					Not feeling well this morning, all her food from yesterday was not touched (fruits, veg, hay, peanuts), tried to give her water, juice, she would not take anything. Dr. Ness took blood sample and will send it in. I gave her Banamine at 9:30 am. Turned heat on - cold in here. End of day, rubbing RF leg - I put blue mark on area. Holding end of trunk in a fist for a while.
	23		180	2	1	Ate her veg's but left 3 crunchie jugs full/3 flakes hay. Last night Trevor saw her sleep inside 10-11 PM, she slept outside as well. We built up both piles last night. She was beginning to eat when we left.
	24		180	2	1	Pooped by 2:30, dragging front feet. Only 2 small poops today, only 3 small last night.
	25		135	2	1	Went to Fort Ed, got 5 bales of stocky hay. Trevor hand fed bucket & she ate almost all. She had 1 pail of cookies during the day plus 1/2 tonight. Finished all of the hay we gave her earlier (5 flakes), so I (Trevor) gave her 2 @ 9:00 and 2 more @ 10:30 with a handful of crunchies
	26		180	2		Didn't eat fruit & veg's from last night. PM Branx einnamen "pudding"

						AM - feeling a lot better, slept outside, very deep impression in the sand. Popsicle after demo with cantaloupes fillings and 2 L apple juice. Lay down and slept again for a few minutes
	27		140	2	1	
	28		150	2	1	
	29		170	2	1	
	30		200	2		Had not eaten most of her hay by 10:20 pm, was just starting to eat a small amount of it.
	31		170	2	1	Not feeling well this AM. Did not start eating until after 10:30 AM. Encounter for Wade at 2:45 - 3:00 PM
Aug	1		130	2	1	She is in a very good mood this morning, wanting lots of attention
	2		80	1	1	
	3		110	2	1	
	4		135	2	1	
	5		145	2	1	
	6		225	3	1	Hot! Brancereal
	7		155	2		
	8		120	2	1	More energy tonight than really during the day
	9		155	2	1	Tooth (top left) starting to separate a bit. Very cranky in circles in PM & PC work.
	10		180	2	1	
	11		180	2	1	
	12		195	1	1	Gave her bran cereal with hay
	13		150	2	1	Stomach troubles again. No browse for 5 weeks, not eating. 60 mls Banamine 9:45 AM. If she's not eating hay, Milt said she can have 1/3 bale alfalfa instead if she will eat it. Dean brought city councillor & friends to meet Shanik. Did not give crunchie jugs in PM, instead threw bagels to her every once in a while.
	14		160	2	1	Feeling better this AM - ate well - cinnamon mix AM
	15		160	2	1	
	16		120	1	1	
	17		75	1	1	She was very tired this morning, did not really want to walk. She is having a hard time breathing, tried to have her sleep but she cannot seem to breath lying down. Gave her some all bran with cinnamon.
	18		135	2		Mister on cold water only - kept building cool
	19		165	2	1	AM hay (2 flakes - didn't eat them)
	20		165	2	1	
	21		165	2	1	Didn't eat AM flakes, not eating much. Vinegar trunk wash.
	22		60	1		
	23		165	2	1	Not interested in this hay
	24		160	2	1	
	25		180	2	2	Trunk wash 2X, lots of thick mucous
	26		190	2	1	
	27		155	2	1	Brancereal
	28		165	2	1	Good mood tonight
	29		160	2	1	M & J talked and because she hadn't slept well the night before and was very tired - I gave her 3 scoops last night
	30		200	2	1	

	31		180	2		
Sept	1		75	1	1	
	2		255	2		
	3		195	2		
	4		180	2		Shaw Cable - film/interview painting
	5					In a good mood, walking fast all over but bratty. I saw her trying to step on the bottom line of the fence in bull yard. Turning off/on lights in office like a poltergeist.
	6		170	2	1	Played with her in large yard 5 - 5:30 PM
	7		105	1	1	Gave mud bath in real mud by garden area out back
	8		180	2		
	9		195	3		
	10		170	2		
	11		230	2		
	12		180	2		Not feeling well again today. She wouldn't eat or drink so Dr. Ness gave her some Banamine. Took her for a walk first and she started to eat grass and had a small drink. Took Banamine with crunchies & cinnamon.
	13		170	3	1	In a bratty mood.
	14		195	2	1	
	15		185	2	1	
	16		60	1		Lay down 2 times between 8 - 9:15, tired, bobcat fluffed outside pile. Milt checked later
	17		195	2	1	
	18		195	2	1	Sandy brought dentist vet to visit. Scrub bum & tail only - poopy)
	19					
	20		215	2	1	
	21		225	2	2	Not eating much (am hay) - got into the koppertox - gave her charcoal
	22		135	2	1	
	23		90	1		
	24		135	2		
	25		170	2	1	
	26		200	2		
	27					Broke the fence again in the same place
	28		75	1	1	
	29		200	2		Ate alfalfa only
	30		185	2	1	Very tired this AM - layed down to sleep inside but couldn't get comfortable, favouring and resting her left front leg - bugging with her jaw and teeth a lot. To Brenda, at 5 PM she had not touched the hay you gave her - so I will only give her 6 tonight & the lettuce to keep her stomach moving. Her leg was looser tonight. Treatment with Banamine in PM 60 mls.
Oct	1		180	2		Dr. Ness looked at her. Still very sore today L. front leg. Swinging leg. Difficulty bending knee.
	2		160	2	1	
	3		240	2	1	
	4				1	
	5		165	2	1	Left side bottom lip swollen - kicking at belly a lot

	6	180	2		She was kicking at her abdomen a lot today, very tired. Lay down on flat grass as well as on the roadway, slept for 20 min on the burm by the parking lot. A little more B&A this afternoon.
	7	190	2		She is feeling better today, ate well this AM, slept last night inside on sandpile, looks like she slept for a while. Very energetic on her afternoon walk.
	8	90	2		
	9	215	2	1	Gave hay AM - didn't eat - alfalfa PM
	10	150	2		
	11	120	2	1	
	12	135	2	1	Found scrape on trunk - probably on outdoor cable, treated with hibitane. Got into med shampoo.
	13	90	1	1	
	14	200	3		
	15	200	2		
	16	140	1	1	
	17	180	2		
	18	185	2	1	
	19	120	2	1	A lot of sand in mucous
	20	150	2		
	21				Did not want to go out in the back today. She was going to try to lay down. Grumpy and not listening very well for a walk.
	22	220	2		
	23	155	1	1	Great mood in PM
	24	160	2		
	25	170	3	1	
	26	120	2	1	
	27	165	2	1	Lines & circles, amazing how well she works when she is hungry.
	28	170	2	1	
	29	60	1	1	AM depressed, very needy, wouldn't eat. Crunchies, bagel, carrots, hay - still hay on floor
	30	170	2	2	
	31	185	2		A little stiff down hill, swinging right leg out coming down.
Nov	1	240	3	1	
	2	197	3	1	
	3	170	2		Right hip stiff going down slopes
	4	180	2		Very stiff again today going down hills, however, she did loosen up. Dr. Ness looked at her and upped her meds for one week. T.V. filming today, she was very good.
	5			3	Skantik to receive 3 scoops of buzzone 2 X day for 7 days. The inside lobe of her right ear is reddish and more swollen than the other one.
	6	75	1	1	Small bit of popsicle hit a nerve and hurt her, wouldn't eat, lay down by parking lot so brought her back. Better in PM
	7	200	2		
	8	120	1	1	
	9	185	2	1	
	10	150	1		Left 2 flakes of hay, she hardly touched what was left at 3:30, mucous on body all over
	11	187	2		Left 4 flakes from night. Tooth bothering her

	12	187	2		Scrubbed left side - covered in mucous
	13	119	2		Panalogs on ear AM
	14	60	1		Andi/JB PC put Panalog. PM tooth bothering her. Slow to work and had small log in her mouth some of the time. Left foot shook when holding up for koppertox
	15	145	2	2	
	16	165	3	2	
	17	162	2		Panalogs AM/PM
	18				She is extremely slow today, not walking the greatest. Slow in PM as well
	19	45	1		Right front leg by pits - muscle pulled? Swelling there.
	20	50	1	1	Not eating soft stuff - doing commands right front leg bit stiff
	21	110	1		
	22	180	2	1	
	23	90	1	1	In a good mood today
	24	120	1	1	
	25	275	2		Long drink in PM - warm water
	26	147	1		Left front very stiff to lift for PC. Body very hot this AM. Left 2 full hays scattered - better later.
	27			1	Thick fecal build-up under anal flaps - removed. Didn't lay down to sleep last night.
	28	150	2		Slept on sand pile last night
	29	215	3	1	
	30	180	2	1	Sprinkled a little nutmeg on some hay - perked up in PM
Dec	1	135	2		
	2	155	2	0	
	3				
	4	35	2	3	
	5	105	2	1	
	6				Tired this morning
	7			2	
	8	35	1		Turned mister on. Her abdomen is distended and hard.
	9	50		0	
	10	90	2		Elm browse
	11	80	2	0	CBC in for extra footage
	12	43	2	0	
	13			1	
	14				
	15			1	
	16	30	2		
	17	20	1		
	18			2	
	19	0		1	
	20			0	
	21			1	
	22			0	
	23	0		1	
	24			0	
	25				
	26			0	
	27	115	2	1	
	28	55	2	0	

	29		87	2	0	
	30				0	
	31		0			
Total minutes on walks			39,550	526		
Total hours out of encl.			659			
Total minutes in a year			525,600			
% of year out of encl.			7.5%			
Average hours out per day			1.8059361			

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MARCH 2009

1	2 2 hr 10 min	3 2 hr 5 min	4 2 hr	5 -13c	6 -18c	7 2 hr
8 -18c	9 -24c	10 -29c	11 55 min -11c	12 1 hr 40 min 0c	13 2 hr 5 min (+4c)	14 1 hr 40 min 16c
15 -ac snow	16 1 hr 25 min	17 50 min -9c	18 1 hr 25 min -4c	19 2 hr 25 min 0c	20 1 hr -1c	21 2 hr 15 min 16c
22 -30 snow	23 1 hr 25 min	24 1 hr 25 min	25 1 hr 55 min 4c	26 1 hr 10 min -5c	27 1 hr 15 min +3c	28 2 hr 30 min +1c
29 1 hr 10 min +1c	30 1 hr 20 min +1c	31 2 hr +2c				

1c.1c
(1c.5)

APRIL 2009

			1 2 hr 0c	2 1 hr 30 min 1c	3 1 hr 40 min 1c	4 1 hr 55 min +2c
5 2 hr 40 min	6 2 hr 45 min	7 1 hr 10 min	8 2 hr	9 2 hr 25 min	10 1 hr	11 2 hr 15 min
12 2 hr	13 1 hr 35 min	14 1 hr 20 min	15 1 hr 40 min	16 not recorded	17 1 hr	18 1 hr 50 min
19 1 hr	20 2 hr 50 min	21 3 hr	22 1 hr 35 min	23 2 hr	24 1 hr 45 min	25 1 hr 55 min
26 1 hr	27 3 hr	28 2 hr	29 20 min	30 2 hr 50 min		

1c.1c
1c.5

Sworn on: January 22, 2010
Sworn by: Julianne Woodyer
Court File No. 1063 01655

IN THE COURT OF QUEEN'S BENCH
OF ALBERTA
JUDICIAL DISTRICT OF EDMONTON

BETWEEN:

TOVE REECE, ZOCHECK CANADA INC. and
PEOPLE FOR THE ETHICAL TREATMENT OF
ANIMALS INC.

Applicants

- and -

CITY OF EDMONTON

Respondent

AFFIDAVIT OF Julianne Woodyer
SWORN: January 22, 2010

ACKROYD LLP
Barristers & Solicitors
15th Floor, First Edmonton Place
10665 - Jasper Avenue
Edmonton, Alberta
T5J 3S9

Attention: Richard C. Secord
Telephone: (780) 423-8905
Facsimile: (780) 423-8946
File No. 146, 385

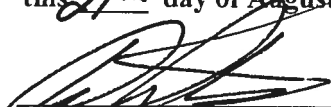
AS AGENT FOR:

RUBY & SHILLER
Barristers
11 Prince Arthur Avenue
Toronto, Ontario
M5R 1B2

Attention: Clayton Ruby
TELEPHONE: (416) 964 9664
FAX: (416) 964 8305



THIS IS EXHIBIT “2”
referred to in the Affidavit of
JULIANNE WOODYER
Affirmed in the City of Toronto,
in the Province of Ontario,
this 29th day of August, 2016, before,



Notary Public



Zoocheck Canada Inc.

788 1/2 O'Connor Dr.
Toronto, Ontario
M4B 2S6

phone: 416.285.1744 Fax: 416.285.4670
toll free number: 1-888-801-3222
julie@zoocheck.com
www.zoocheck.com

September 30, 2010

Stephanie McDonald
Edmonton Humane Society
12251 - 67 Street NW
Edmonton, Alberta
T5B 1M8

Dear Ms. McDonald,

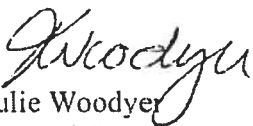
Please find enclosed a report of cruelty to animals regarding Lucy, the lone Asian elephant housed at the Edmonton Valley Zoo. Also enclosed is detailed evidence that this animal is in distress and has been for at least 2 years when we filed our original complaint with your office.

As you may be aware, Justice Rooke opined on an administrative matter relating to the type of legal action that should be taken to relieve Lucy's distress. In his decision he essentially provided a roadmap to pursue charges. Specifically he said that peace officers have a statutory duty to investigate cruelty complaints as they relate to both the APA and the Alberta zoo standards. In addition he noted that if the public officers charged with this responsibility do not meet their duty, the jurisdiction of the court may be invoked to seek relief.

It is not enough for the zoo to simply say that the elephant is too sick to be moved and then leave her in a constant state of distress, they must relieve her distress as defined by the APA and the Alberta zoo standards. Furthermore, it is not appropriate for an enforcement body to accept the information provided by the party they are investigating (including their paid consultants) as the truth. An investigation using arms-length experts is required to ensure the information being relied upon to make decisions is unbiased and accurate.

You will find ample evidence in this complaint and the attached 9 books of exhibits that Lucy is in fact in distress and despite claims by the zoo management, her condition continues to worsen because of her living conditions at the Edmonton Valley Zoo. We therefore renew our request to conduct a thorough investigation utilizing independent veterinarians, scientists, behaviourists and transporters with elephant experience.

Yours sincerely,


Julie Woodyer
Campaigns Director



Zoocheck Canada Inc.

788 ½ O'Connor Dr.
Toronto, Ontario
M4B 2S6

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toll free number: 1-888-801-3222
julie@zoocheck.com
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September 30, 2010

Edmonton Humane Society
12251 - 67 Street NW
Edmonton, Alberta
T5B 1M8

COPY

Re: Violations of the Animal Protection Act and Alberta Zoo standards by the Edmonton Valley Zoo in relation to Lucy, the lone Asian elephant at the zoo

Please accept this as a formal complaint and request for investigation regarding violations of the Animal Protection Act and Government of Alberta Standards for Zoos by the Edmonton Valley Zoo in regards to the distress of Lucy, the lone Asian elephant housed at the facility.

Please take the time to read the entire complaint and the documentation in the enclosed exhibits prior to beginning your investigation.

Lucy's history

Skanak a.k.a. Lucy was captured from the wild in Sri Lanka in 1976. There is little information available about Lucy's capture or transport except some written documentation which indicates that she was taken from India as part of a large group of animals purchased by wildlife dealer, Claus Gollembeck and ultimately sold to the Edmonton Valley Zoo for \$10,000 on May 19, 1977. It is highly unlikely that Lucy was orphaned by her mother given that she was taken from the wild as part of a larger group for the wildlife dealer.

Lucy was held in isolation from any other elephants until another wild-caught (African) elephant named Samantha was moved to the Edmonton zoo in 1989. Despite claims by the zoo that Lucy is not social, the zoo's own records indicate that Lucy and Samantha socialized with each other. In September, 2007, Samantha was sent by the Edmonton Valley Zoo to the North Carolina Zoo on a permanent breeding loan leaving Lucy alone in Edmonton again. The zoo has indicated that after Lucy is gone, they will not keep any more elephants, so Samantha will not be returning.

In October 1986 Lucy was sent to the Calgary Zoo on a 6 month breeding loan where she was reportedly "bred" numerous times with the male at that facility but was not impregnated. There is no indication in any of the records that Lucy was stressed during transport to Calgary. In September 1987, the Valley Zoo sent Lucy back to Calgary on another breeding loan. Thus it was clear that they felt the first travel experience had not caused her distress. The Calgary Zoo's records do not indicate that Lucy had any problems during transport, nor do Edmonton zoo's medical records. Calgary Zoo records indicate that

Lucy was “bred” at least 25 times during this loan but was not impregnated and ultimately she was returned to the Valley Zoo 7 months later.

Lucy’s medical records, obtained via Freedom of Information from the City of Edmonton, indicate that Lucy has been suffering from foot infections and related problems (the leading cause of death in captive elephants) since 1989. In 1991 Lucy was diagnosed with arthritis, and in 1994 the records indicate that Lucy began having respiratory problems. These medical issues have worsened over the past 21 years and there is still no diagnosis for Lucy’s respiratory issue, more than 15 years after it began. In 2009, the zoo’s vet and consultant reported that they believed the respiratory condition was the result of a malpositioned tooth, but that was proven to be inaccurate when the tooth fell out last summer and the problem persisted. For the past 19 years Lucy has been receiving medication for pain and chronic infections to no avail, the underlying cause of the pain has not been addressed.

Animal Cruelty Legislation related to this complaint

Section 2 (1) of the Animal Protection Act states: No person shall cause or permit an animal of which the person is the owner or the person in charge to be or to continue to be in distress.

For the purposes of the Animal Protection Act, an animal is in distress if he/she is:

- (a) Deprived of adequate shelter, ventilation, space, food, water or veterinary care or reasonable protection from injurious heat or cold,
- (b) Injured, **sick, in pain or suffering**, or
- (c) Abused or **subjected to undue hardship, privation** or neglect.

Animal Protection Act R.S.A.2 000,c A-41, Section 1 (2)

Lucy is suffering as follows:

- Pain due to arthritis which is exacerbated by the hard substrates in her enclosure, her obesity and the cold climate;
- Chronic foot infections (a leading cause of death in captive elephants) due to hard substrates and lack of ability to exercise adequately;
- Obesity due to lack of ability to exercise normally: elephants have evolved to be on the move for 75% or more of their day. Lucy is exercised less than 10% of each day;
- Undiagnosed upper respiratory problems which includes periodic inflammation;
- Psychological suffering due to isolation from other elephants (privation); and
- Stress due to boredom as a result of being alone in her small enclosure for most of the day (undue hardship).

Simply providing food, water, shelter and vet care is not sufficient to satisfy the APA provision which requires that no person shall allow an animal to continue to be suffering or in pain.

Despite the best efforts of the Valley Zoo staff, they have been unable to relieve Lucy's distress in that facility, which is the basis of our request for an independent investigation.

Animal owners are excused by regulators if their actions comply with regulations in accordance with generally accepted practices of animal care (Section 2 (2)). For zoos, these generally accepted practices are laid out in the Government of Alberta Standards for Zoos in Alberta (Copy included in Exhibit Book 1 at Tab 1). (Alberta Regulation 2031 2005 Animal Protection Act, Section 2 (3)). These standards include a requirement that "all animals must be maintained in numbers sufficient to meet their social and behavioural needs." (Government of Alberta Standards for Zoos in Alberta, General Exhibit Standards p. 12).

As expressed by the Association of Zoos and Aquariums in their Standards for Elephant Care and Management (copy included in Exhibit Book 1 at Tab 2), female elephants are highly social animals. They require company: at least three elephants in their enclosure (Section 2.3.1). This is a fundamental social need and can have dire effects on the health of the elephant if that need is not met. Affection and care from humans is simply not a substitute for socialization with other elephants.

The Edmonton Valley Zoo does not meet the requirements of the Alberta Animal Protection Act with respect to Lucy's care. It is the responsibility of the Edmonton Humane Society to enforce the legislation referenced above and we are therefore requesting that you conduct an investigation using independent, elephant-experienced veterinarians and other experts to provide professional opinions on Lucy's health and welfare.

Evidence of Lucy's distress

This complaint regarding Lucy's distress is based on the opinions of internationally acclaimed elephant experts who have reviewed Lucy's medical records (copies in Exhibit Book 4, Tab 22), keeper records (Exhibit Books 5-9, Tab 23) and personal observation in the case of Dr. Joyce Poole & Dr. Mel Richardson who have visited Lucy.

The following are quotes were taken from affidavits by experts and are sworn to be true. Copies of all of these affidavits are attached to this complaint in Exhibit 1, Tabs 3, 4, 5 & 6.

Dr. Philip Ensley is a veterinarian with 30 years experience in zoo and wild animal medicine including 29 years at San Diego Zoo working with elephants. The following quotes were taken from his affidavit regarding Lucy's situation (Exhibit Book 1, Tab 3):

"The conditions and standard of care for Lucy at the Valley Zoo have caused and will continue to enhance ongoing health problems to include arthritis, pressure sores, obesity, irregular sleep and foot problems."

“Based on the entries in Lucy’s veterinary medical records and Daily Logs, and because Lucy receives NSAIDS daily which acts to relieve pain and provide analgesia, in my opinion Lucy is in chronic physical pain.”

“While I have not seen respiratory signs in an Asian elephants similar to what Lucy exhibits, it is reasonable to assume that the freezing cold temperatures in Edmonton during the winter aggravates this condition.”

“In my opinion Lucy’s isolation from other elephants causes her to suffer unnecessary emotional pain.”

“It is my opinion that the conditions and standard of care at the Valley Zoo are causing Lucy unnecessary distress and that these conditions are not in conformity with the CAZA [Canadian Association of Zoos and Aquariums] and AZA [Association of Zoos and Aquariums US] Standards. It is further my opinion that the Valley Zoo’s Treatment Plan, if fully implemented, will not bring its conditions and standard of care up to conformity with the CAZA or AZA Standards, and specifically will not provide even the physical relief Lucy now requires and would receive were she to be transferred to one of the proposed elephant sanctuaries.”

Dr. Joyce Poole is an internationally esteemed elephant biologist and ethologist who has spent more than 30 years studying elephant social behaviour and communication. Dr. Poole had the opportunity to visit Lucy and spend time observing her in September, 2009. Her opinions are based on her vast knowledge of elephant behaviour and her observations of Lucy and other captive elephants as well as review of the zoo’s records on Lucy. The following quotes were taken from Dr. Poole’s affidavit (Exhibit Book 1, Tab 4):

“Based on her daily log for 2008, Lucy spent some 7.5% of her time on walks under the control of keepers carrying bullhooks, also known as ankuses. While I have no reason to doubt the intentions of her keepers, and while the exercise is good for her, having spent several hours observing Lucy, I can say that these walks offer her no autonomy whatsoever. Every movement of hers is controlled. This causes her privation and suffering.”

“Due to the cold and the keepers schedules, the vast majority of Lucy’s life has been spent insider her small barn. On at least 25 days of the year, the daily log of maximum temperatures indicate that Lucy did not go out of the barn at all. The result is that Lucy has spent much of her life standing on concrete in a small barn and doing very little of what an elephant needs to do to maintain good physical health and mental well being. The consequence is that she is a young elephant in an old body. This causes her real privation and suffering.”

“Lucy has been and is now deprived of a normal elephant life, which is at its very essence should include some semblance of autonomy and freedom to roam. It is my conclusion therefore, that she has lacked and continues to lack, the basic necessities and comforts of life, and that her poor

health is a condition resulting from this lack. I have no reservation in concluding that she is currently subjected to undue hardship, privation and neglect.”

“It is my opinion that Lucy’s solitude at the Valley Zoo has caused her to undergo clear privations. By keeping her alone for over so much of her life, by keeping her with only one other individual and by breaking the bond that she had with the only other companion, the Valley Zoo deprives Lucy of forming normally functioning social relationships, and by keeping her in a small space in a cold climate it deprives her of the space and autonomy within which to form and develop such relationships.”

“Zoo officials are making false claims about Lucy’s stereotypic behavior.” ... “Calling stereotypic behavior “anticipatory” is a misleading description which would seem to suggest to the public that what they are observing is normal. It is not. Lucy may engage in more stereotypic behavior when she is waiting for something to happen but it is an expression of frustration caused ultimately by her artificial environment that does not allow her to satisfy her normal behavioral needs.”

Dr. Keith Lindsay is a Canadian ecologist with over 30 years experience. He has conducting field research on ranging behaviours, habitat use and demography of elephants with the Amboseli Elephant Research Project in Kenya. Dr. Lindsay has also observed elephants in zoos in Canada and the USA. The following quotes were taken from Dr. Lindsay’s affidavit regarding Lucy (Exhibit Book 1, Tab 5):

“The suggestion that human keepers can substitute for the companionship of fellow elephants is unjustified anthropomorphism based on no evidence that has ever been presented in scientific literature.”

“The stereotypical actions of isolated elephants (Lucy being no exception) is likely an expression of their social boredom as well as the lack of stimulation in their physical environment and the deprivation and suffering caused by it. It is abundantly clear that Lucy would benefit greatly from the company of other elephants.”

“The use of the ankus to maintain control over elephant behaviour in domination approaches inevitably requires coercion and causes suffering.”

“The movement of Lucy from Edmonton to a sanctuary need not be a highly stressful, and thus risky, process. Sanctuary staff are extremely experienced in the transportation of elephants from zoos all over North America, and are well able to minimize the health risks to the animal involved.”

Dr. Mel Richardson has 28 years experience as a captive wild animal veterinarian at zoos in the USA including Woodland Park Zoo in Seattle, San Antonio Zoo, Point Defiance Zoo in Tacoma, Washington, as well as the PAWS Sanctuary in California.

Dr. Richardson visited Lucy in 2009 and his findings are based on his review of the Valley Zoo's records and his personal observations of Lucy and her exhibit. In addition, Dr. Richardson has visited both elephant sanctuaries being proposed for Lucy. The following quotes were taken from Dr. Richardson's affidavit (Exhibit Book 1, Tab 6):

"Lucy is in pain, is suffering and is subjected to privation. Furthermore, her exhibit (both the indoor and outdoor enclosures) does not meet the CASZA Standard."

"If moved to PAWS or TES [The Elephant Sanctuary] I am confident from my direct experience with these two sanctuaries that Lucy will adapt well and that she has a very good chance of becoming integrated socially with the other elephants. Furthermore, the warm climate and expansive terrain will allow her time to heal from her chronic arthritis foot ailments. Most importantly, the causes of her current physical distress – the inadequate enclosure at the Valley Zoo and inhospitable climate in Edmonton – will be removed."

Surrendra Varma is an Asian elephant expert from India who conducted a scientific review of Lucy's welfare status. The following are quotes from Surrendra Varma's welfare assessment of Lucy wherein he used a scientific rating method that was developed in consultation with world renowned Asian elephant expert Dr. Raman Sukumar. (The full report can be found in Exhibit Book 1, Tab 7):

Overall welfare status of Lucy

"While Lucy's overall Mean Rating (MR) is 3.1 (of a possible 10) and 58% of the observed parameters showed deviations of 70% or more from the expert rating (E-R), the four primary welfare issues (social isolation, exposure to cold conditions, obesity and arthritis) are going to determine her overall physical and psychological well-being and will have a long term impact on her overall welfare status."

"These four major welfare issues are interlinked; the underlying causes of these issues are consequences of each other. It is not clear whether it has been zoo's welfare policy or they have felt pressured to do so, but it appears as though considerable sincere effort has been expended to take care of Lucy. However, the prevailing and uncontrollable constraints, environmental conditions, along with an elephant's ecological needs and Lucy's specific traits do not permit the zoo to achieve a goal of good welfare."

Dr. D. Zimmerman is a veterinarian based in Edmonton, Alberta. The following are excerpts from Dr. Zimmerman's report (Exhibit Book 1, Tab 8):

"By keeping Lucy alone, the Zoo is in violation of the Government of Alberta Standards for Zoos, specifically standards related to the Animal Protection Act, Section B: 1. General Exhibits Standards: *"All animals must be maintained in numbers sufficient to meet their social and behavioral needs."* "

“According to the Government of Alberta Standards for Zoos in Alberta, regulation Section II.B.2. Specific Exhibit Standards, *“ The Alberta Zoo Advisory Committee will use the America Zoo and Aquarium Association (AZA) Minimum Husbandry Guidelines for Mammals to evaluate applications for an Alberta Zoo Permit. Minimum Husbandry Guidelines for Mammals identifies minimum standards (at the species or species group level) for lighting, temperature, humidity, food and water, social groupings, exhibit size and sanitation and veterinary care. Therefore, applicants for an Alberta Zoo Permit are advised to use these guidelines as a reference during the development of their Animals Care Protocols and exhibit descriptions for mammals. ” “*

“With respect to group size, the Valley Zoo is in direct violation of the AZA Minimum Husbandry Standards 2.3.1. specifically states that, *“Zoos should make every effort to maintain elephants in social groupings. It is inappropriate to keep highly social female elephants singly (see Sukumar 1992, Taylor and Poole 1998, EMA 1999). Institutions should strive to hold no less than three female elephants wherever possible. All new exhibits and major renovations must have the capacity to hold three or more female elephants. Institutions that do not currently meet the group size standard should demonstrate that they have requested assistance from the SSP in obtaining additional animals. ”*

“Lucy’s outdoor enclosure is approximately ½ acres (0.2 hectares), surrounded by a low metal barrier and an electric fence. There is no vegetation in the enclosure and the ground is mainly hard-packed earth. There is ample vegetation outside the enclosure giving the impression of a lush environment, but it is inaccessible to Lucy. There is only one rock to rub against, and a small sand pile. There are no pools of water to drink from let alone wallow in. ”

“The Zoo therefore appears to be in violation of the Government of Alberta Standards for Zoos in Alberta, Standards Related to the Animal Protection Act, Section B: 1. General Exhibits Standards: which states that *“Exhibit enclosures must be of sufficient size to provide for the well-being of the animal. All animal exhibits must be of a size and complexity sufficient to provide Exhibit enclosures must include provisions (e.g. permanent and/or non-permanent features and structures) that encourage species typical movements and behaviors, and, “Enclosures must be of a sufficient size and design to allow individual animals the opportunity to avoid or withdraw from contact with other animals in the enclosures or remove themselves from the view of visitors, using topography (e.g. large earth mounds, large rocks), fixed features (e.g. fences, walls, screening, shelter boxes), moveable fixtures (e.g. brush piles, root balls) or other design methods.” “*

*“Zoo Supervisor, Dean Treichel mentioned new improved flooring associated with building of their new elephant facility in the past 5 years. Given this recent construction, the Zoo may not be in compliance with **The Alberta Zoo Advisory Committee’s requirement to abide by the AZA Minimum Husbandry Guidelines for Mammals,** which states, “ All new exhibits and major renovations must have the capacity to hold three or more female elephants. ”*

“The Zoo appears to be also being in violation of **CAZA 23.3**. “*While outdoors, all elephants should have the ability to access features which allow them to thermoregulate (such as shade, water, sand/mud etc)*”. “

“Although Lucy has a wooden shelter and a pile of sand provided in her outdoor enclosure, there are no trees, or water pools. When elephant expert Winnie Kiiru visited Lucy on 28 degree Celsius day, she commented “*Lucy made no attempts to cool herself by dusting herself or flapping her ears while standing in the hot midday sun.*” This behavior can be described as apathetic.”

“The Animal Protection Act states in Section (2) that an animal is defined to be to be in distress if they are “(a) *deprived of adequate shelter, ventilation, space, food, water or veterinary care or reasonable protection from injurious heat or cold, (b) injured, sick, in pain or suffering, or (c) abused or subjected to undue hardship, privation or neglect.*” And, Section 2(1) states “*No personal shall cause or permit an animal of which the person is the owner or the person in charge to be or continue to be in distress.*” “

“It is felt that if the Animal Protection Act serves as a solid argument for the Zoo not to ship Lucy, then that same Act can be used as a solid argument for allowing Lucy to be examined by a panel of elephant experts, to address the serious conditions that she still suffers with to this day, and that preclude her from transport.”

Scientific study identifying the sources of suffering for captive elephants

There is a growing bank of scientific studies which outline the source of suffering for captive elephants. One such report entitled *A Review of the Welfare of Zoo Elephants in Europe* was commissioned by The Royal Society for the Prevention of Cruelty to Animals (RSPCA). This report was researched and written by Dr. Ros Clubb and Dr. Georgia Mason of the University of Oxford, Animal Behaviour Research Group. Dr. Mason is currently working with the University of Guelph in Ontario. A full copy of the report is in Exhibit Book 2, Tab 9.

Clubb and Mason summarized as follows:

“We identified several potential causes of poor welfare for zoo elephants. These are listed in the chapter summaries, but we highlight the most important here. These are as follows: restricted spaces and opportunities for exercise; cold and wet climates; extended period of confinement; hard and/or wet flooring substrates; inappropriate diets; lack of opportunities to perform various natural behaviours; small social groups and sometimes even isolation-housing; the lack of relatedness or stability with social groups; early weaning; and, in ‘free contact’ systems only ‘breaking’ when young, and exposure to aversive stimuli during training.” (Lucy is in a free contact system)

Lucy is subject to a number of the causes identified in the Oxford University / RSPCA report as the source of suffering for captive elephants including cold climate, restricted space, extended period of confinement, hard substrates, lack of opportunity to express natural behaviours, lack of any social contact

with other elephants and the constant psychological threat associated with the ‘free contact’ system and the use of the ankus.

Another scientific study I have included for your reference is *The sizes of elephant groups in zoos: Implications for Elephant Welfare* (Exhibit Book 3, Tab 21)

Independent investigation is critical for Lucy

As you are aware a cruelty investigator with an SPCA or Humane Society is not considered a witness but rather a collector of evidence. They can only testify to relevant facts but not state an opinion. That job is left to experts such as veterinarians or behaviourists.

Any veterinarian (or other expert) paid by the party being investigated cannot be considered to be independent and thereby cannot be relied upon to provide an unbiased professional opinion as part of a cruelty investigation.

The opinions of Dr. Milton Ness, Dr. J. Oosterhuis or any other professional hired the by the Edmonton Valley Zoo do not diminish the responsibility of the Edmonton Humane Society to conduct an independent, third-party investigation to determine if the zoo is in violation of Alberta law.

In the case of the Valley Zoo & Lucy, there are additional concerns with relying on information provided by the zoo staff or their paid consultants.

The zoo’s staff veterinarian, Dr. Milton Ness’ had no experience with elephants prior to his short term at the Valley Zoo during which time **he has been unable to relieve Lucy’s distress or even provide a definitive diagnosis**. In any event, he is employed by the facility being investigated and thereby cannot be considered to be independent.

When the Zoocheck offered to help the zoo by bringing in a mutually agreeable team of independent experts to assess, diagnose and treat Lucy, they refused. Instead they hired Dr. J Oosterhuis, a consultant with a well documented history of being hired by corporately owned captive wildlife facilities who keep animals in questionable circumstances.

In at least four other cases Dr. Oosterhuis’ was hired by corporate clients who were facing animal cruelty charges and/or subject to public criticism for keeping elephants under conditions that reportedly caused pain and suffering to the animals. Documents supporting this are attached In Exhibit Book 3 in Tabs 10, 11, 12 & 13.

Dr. Oosterhuis was the senior veterinarian of record at San Diego Wild Animal Park when five keepers chained an elephant, named Dunda, by all four legs, pulled her to the ground and beat her on the head with ax handles during several sessions over two days. In response to questions at a hearing about the incidents, Dr. Oosterhuis defended the zoo’s actions. Specifically, he was quoted as saying “In my view

it is an appropriate and non-harmful place (the head) in which to administer required discipline". Refer to Exhibit Book 3, Tab 10.

In 1996, Dr. Oosterhuis was hired by Hawthorn Circus when concerns were raised about the health of 2 performing elephants, Joyce & Hattie. Dr. Oosterhuis reportedly diagnosed both elephants as healthy and able to perform. Within days after this diagnosis both Joyce & Hattie died of Tuberculosis. The necropsy results indicated that these animals had less than 20% of their lung capacity at the time of the diagnosis. Refer to Exhibit Book 3, Tab 11.

Hawthorn Circus hired Dr. Oosterhuis again in 2004 when they were facing dozens of charges of elephant abuse. Acting as their consultant, **Dr. Oosterhuis commended the circus for their care of the animals. The circus was ultimately found guilty of violating the Animal Welfare Act on 19 counts of elephant abuse.** Refer to Exhibit Book 3, Tab 12.

Dr Oosterhuis was also part of a team of eleven experts who considered options for Maggie, another lone elephant that was housed in an Alaskan zoo. Ten of the eleven experts opined that Maggie should be moved to a more appropriate facility in a warmer climate with other elephants. According to the Alaskan zoo's report, Dr. Oosterhuis was the only one of the eleven to advocate for Maggie to stay in Alaska. Refer to Tab 14, Book 3. Among other things, he recommended that the zoo bring in a treadmill to give Maggie the required exercise in the cold winter months. (Note: Dr. Oosterhuis has made an identical recommendation for Lucy in Edmonton where the average temperatures are colder than Alaska.) See Exhibit Book 3, Tab 13, Page 9, Facility Modifications. The Alaska Zoo followed Dr. Oosterhuis' recommendation but Maggie would not use the treadmill and finally collapsed due to illness on two separate occasions. See Exhibit Book 3, Tab 20. The zoo had to bring in heavy equipment to get Maggie back on her feet again. Shortly thereafter the zoo decided to send her to a sanctuary in California.

Maggie was moved to the PAWS sanctuary where her health has improved significantly since her arrival despite having been considered "too risky to be moved" by the zoo in the years leading up to her transfer. Maggie was in worse medical condition than Lucy when she was moved, but staying in the cold climate without other elephants was causing her distress, so despite potential risks associated with moving her it was considered the more humane option.

The individuals who run the PAWS sanctuary are considered to be experts at moving sick and ailing elephants. They have taken in animals in distress that have been seized by United States Department of Agriculture and moved other sick zoo and circus elephants. The PAWS professionals spent a great deal of time and energy preparing Maggie for the move to California to ensure her safety during the trip. These are the same professionals that have agreed to work with Lucy once she is determined to be well enough to be moved. We have attached a document outlining Maggie's situation as compared to Lucy's as Tab 14 in Exhibit Book 3. You will note that the two situations are remarkably similar including many of the recommendations made by Dr. Oosterhuis. We ask that you consult with PAWS regarding the safety of moving Lucy, as this is their area of expertise.

We are requesting that the EHS bring in fully independent experts (including at least two qualified elephant veterinarians) to conduct arm-length assessments.

Despite Zoocheck's offer to bring in a team of independent experts to diagnose and treat Lucy, the Valley Zoo has refused to allow any independent veterinarians to examine Lucy (Exhibit Book 3, Tab 15) and has not been successful in relieving Lucy's distress or even diagnosing the respiratory condition on which they are justifying their refusal to move her. It is not reasonable to accept the claim that the zoo management are acting in the best interest of Lucy when they will not permit the best experts to assist with her care, even at no cost to the zoo.

There are a number of well respected elephant veterinarians and other experts that could be brought in, at no cost to the zoo or EHS, who conduct an independent review of Lucy's health and welfare and offer treatment if necessary. One such professional is Dr. Susan Mikota who is, by all accounts, North America's most well respected elephant veterinarian. Dr. Mikota and her partner work with elephants in both zoos and sanctuaries and her credentials are impeccable. Dr. Mikota has indicated that she would be willing to participate in a team of experts to assess Lucy should the zoo agree to the assessment. She also has suggestions about other zoo veterinarians that would be qualified to be part of such a team of experts.

The EHS should order such an inspection by an independent team of experts to enable enforcement officers to rely on unbiased evidence upon which to take action. Despite fear-mongering by the zoo management, there is no reason to believe that having independent experts assess Lucy will add to her distress.

Information received from the zoo may not be reliable

In addition to the concerns about Lucy's welfare, we also have seen evidence that the city's records on Lucy may have been manipulated and indicate that the zoo management and their consultant are well aware that the elephant enclosure at the Valley Zoo is substandard and Lucy should be living in a warmer climate.

E-mails received from the City of Edmonton via Freedom of Information (FOIP) reveal that there has been discussion within the city requesting that the zoo's vet, Dr. Milton Ness, report in the future that Lucy is "doing well". Since there is obviously no way of determining months in advance what Lucy's health will be, this can only be seen to be a suggestion to manipulate the medical records of Lucy.

The following is an excerpt taken from an e-mail from Jan Archibald Communications Department, City of Edmonton to Denise Prefontaine, the Zoo Director and Dr. Milton Ness, zoo vet (A copy of the full e-mail is attached in Exhibit Book 3 at Tab 16)

"I have been thinking about the latest FOIP request. I don't know the routine or how things are recorded, but for the next few months could Milton do a routine check on a regular basis and simply record routine check. Lucy doing well. Or something like that to when we create a pdf

that is secured (I've figured out a way to do that), the [name removed by FOIP department] would have no choice to post her good health along with any treatment information."

Furthermore, despite claims by the zoo that Lucy is fine and their elephant exhibit is adequate for Lucy, there is internal documentation from Valley Zoo management that was provided to the North Carolina Zoo and the US Fish and Wildlife Service that describes a very different story. This information was obtained via Freedom of Information from the USDA.

Before the African Elephant, Samantha, could be moved to North Carolina, the Valley Zoo was asked by USDA via the North Carolina zoo to provide information outlining why they felt it was in the best interest of Samantha to be moved. The Valley Zoo provided a 6 page memo in response to this request (copy included in Exhibit Book 3 at Tab 17). Among other things the **Valley Zoo management admitted that it does not have sufficient space to host an appropriate social group and that the Canadian Association of Zoos and Aquariums believes that the zoo should not be keeping elephants.** The following are excerpts from the memo:

"If we were to stay in elephants, we would need substantial capital investment to improve facilities to accommodate up to 6 elephants. Larger outside space, proper safety and restraint equipment, larger interior space, increased operational budgets. As seen in other zoological facilities, it is not unreasonable to commit 15-20 million dollars to achieve this goal."

"CAZA representatives are advising us to get out of elephants"

"Further research should be done regarding the status of the Asian Elephant." (Lucy)

"Consideration should be given to moving her to a warmer climate, but only if the transportation health risks can be minimized."

Despite this clear understanding that elephants are better housed in warmer climates, the zoo has not taken any action to explore ways of moving Lucy safely to a more appropriate climate and they have been unwilling to consult with people who have expertise in moving elephants or allow a team of veterinarians to assess or treat Lucy so that she can be moved.

In an e-mail exchange between the US Fish and Wildlife Service and the North Carolina Zoo (located in Exhibit Book 3 at Tab 18) regarding the transfer of the elephant Samantha, the representative from the North Carolina Zoo reported:.

"Valley Zoo has minimal facilities for this animal and their zoo's management has been striving for several years to get rid of this animal, the biggest stumbling block being city government that doesn't understand animal management, conservation inter-zoo management programs, etc. To say the least, getting to this point has been a great deal of work for the Valley Zoo. **They don't have suitable space for this animal by itself and they definitely don't have room for any more** were she to be bred in Canada, and they have no money to expand their program. Importing this animal

to the US is by far the best option for the animal, for the Valley Zoo (who desperately wants to export her to the US) and is the best thing for the SSP program for African elephants.”

Even the zoo’s paid “expert” Dr. J. Oosterhuis indicated on Page 9 of his report dated September 10, 2009 (Exhibit Book 3, Tab 19) that he felt that Lucy’s enclosure is substandard and offered the following recommendation:

“Develop a plan for modification or replacement of the indoor facilities to meet the industry standards.”

It is not an answer for the zoo to say, “we can’t move Lucy safely.” First, we deny the truth of that opinion. But in any event, the zoo is obligated to spend the money to build an enclosure that meets Lucy’s biological and behavioural and would have to include a much larger heated area where Lucy can roam freely all year round, and to provide a properly varied terrain. This is their obligation if they cannot move Lucy safely. It will cost money, but that is their legal obligation. The zoo’s position appears to be: “we don’t want to spend money and will instead wait for Lucy to die.”

There is no evidence that Lucy is too sick to be moved

The zoo management claims that Lucy is too sick to be moved and yet the evidence does not support this assertion and no independent review has been done to determine what, if any, additional risk there may be in moving her.

The Valley Zoo’s paid consultants have said that Lucy cannot be moved because she is too ill and yet they do not even know what is wrong with her. To date they have been unable to diagnosis the respiratory problem that they claim is the reason they are unwilling to move her.

Zoo officials state that when Lucy becomes “stressed” she has difficulty breathing, but when asked how they have assessed this, they say it is evidenced by her breathing difficulty when she is physically stressed such as when she walks up hills. This is not surprising given her poor condition. - Lucy is very obese and has arthritis and may well have difficulty breathing when put under physical stress. However she will not be enduring physical stress during a move so this assessment is not relevant to risk involved with a move.

Given that Lucy will not be physically stressed during a move one can only assume that the zoo staff are referring to potential psychological stress and not the physical stress that they reference as their evidence. In fact, zoo officials have provided no evidence that psychological stress exacerbates Lucy’s breathing problems. Furthermore, it must be noted that Lucy is already experiencing psychological stress at the Edmonton Valley Zoo as is evidenced by her stereotypic behaviour and lethargy, both scientifically proven signs of frustration and stress in elephants. Finally, despite statements by zoo staff that Lucy was stressed by her move to Calgary on breeding loans in the 1980’s, the records do not support this assertion and Valley Zoo management considered it appropriate to move her a second time which presumably indicates that they did not believe she was stressed by being moved.

In any event, it is not in Lucy's best interest to have her stressed for any reason during a move to a sanctuary. This is why it will be critical to work with professionals, like those who moved Maggie, to properly condition Lucy for the move to reduce any possible anxiety that she may have. This is done all the time with animals moved to sanctuaries and would certainly be done for Lucy. **Lucy would not be moved until it was determined by experts that it was safe to do so.**

There is no known reason that Lucy will have to endure significant stress during a move or be at any greater risk than any other circus and zoo elephants with respiratory and foot problems who have been moved safely.

Lucy has never been properly conditioned for a move

The zoo claims that when Lucy was moved more than 20 years ago to the Calgary Zoo on two separate breeding loans, she became stressed during the moves. In fact, there is no evidence of this in any of Lucy's medical records. In addition, we have talked to elephant keepers at the Calgary Zoo who were at the zoo when Lucy arrived and they say that she was not stressed. Furthermore, if the Valley Zoo managers believed that Lucy was extremely stressed by the first move to Calgary surely they would not have intentionally caused her distress by sending her back a second time.

Finally it must be noted that Lucy was not carefully conditioned for those moves and the Valley Zoo does not have the required expertise in moving elephants. Should Lucy be moved, professionals will work with her over a period of time to acclimatize her to the truck and to truck movement before she is transported in order to reduce stress during the move.

The risk to Lucy's health is greater if she is left in Edmonton

Risk assessments are made all the time for animals who are suffering. In order to do this one must take into consideration whether the advantages outweigh the potential risk involved, not just the question of whether there is any risk associated with the task being considered.

For example, transporting a dog who has been hit by a car to a veterinarian involves risk, and yet the advantages of getting the dog medical care clearly outweigh the risks, thereby making it the humane choice for the dog. While moving Lucy is a much lower risk than the dog in this example, the same assessment must be made for her.

There is no question that there is always some risk associated with moving large exotic animals. While the sanctuaries being proposed for Lucy have never had an animal die as a result of transport, many zoos and circuses have, including the Calgary Zoo. Because of the nature of their work, the sanctuary is expert in animal transportation. Despite the known risks it is deemed appropriate to move animals for various reasons including relieving their distress.

In the case of Lucy, the balance of evidence clearly indicates that moving her is the humane option, just as it was with Maggie from Alaska. In Lucy's case all of the evidence indicates that her health is declining

in Edmonton because of the cold climate, lack of suitable space and lack of social contact with other elephants. Meanwhile, there is no evidence indicating that moving Lucy to a more appropriate environment will pose any additional risk for her as compared to other elephants with similar ailments who are moved by zoos, circuses and those that are seized for lack of care by enforcement agencies (such as the United States Department of Agriculture).

For the reasons outlined above and in the exhibits attached to this complaint, we request that the Edmonton Humane Society initiate an investigation utilizing independent qualified elephant veterinarians, elephant transporters, biologists and animal welfare scientists to determine the suitability of Lucy's living condition and the state of her health and welfare.

Yours sincerely,

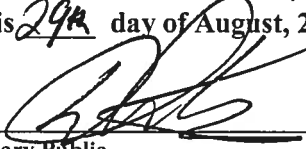


Julie Woodyer
Campaigns Director

Exhibits for Complaint to EHS re:

1. Government of Alberta Standards for Zoos in Alberta
2. AZA Standards for Elephant Management and Care
3. Affidavit of Dr. Philip K. Ensley
4. Affidavit of Dr. Joyce Poole
5. Affidavit of Dr. K Lindsay
6. Affidavit of Dr. Mel Richardson
7. Varma Lucy Report
8. Zimmerman Lucy Report
9. RSPCA Report on Welfare of Captive Elephants
10. Oosterhuis comments Re: Dunda beating
11. Oosterhuis Re: Joyce & Hattie
1996-08-14 Joyce died during Oosterhuis dental exam
1996-08-23 Chris Cauble DVM ...
12. Hawthorn_corporation_usda_record11
Summary of USDA Charges against Hawthorn Corporation
USDA seizes Hawthorn elephant
13. Expert re: Fate of Maggie
14. Lucy is the New Maggie
15. Letter to EVZ offering experts
16. E-mail re: manipulate Lucy's med records
17. Memo from EVZ to NC Zoo
18. E-mail from NC Zoo re: EVZ
19. Oosterhuis Report on Lucy Sept 2009
20. Treadmill Info
21. Elephant Group Size: Implications to Welfare
22. Lucy's Medical Records
23. Lucy's keeper records

THIS IS EXHIBIT “3”
referred to in the Affidavit of
JULIANNE WOODYER
Affirmed in the City of Toronto,
in the Province of Ontario,
this 29th day of August, 2016, before,



Notary Public



ALBERTA
AGRICULTURE AND RURAL DEVELOPMENT

*Office of the Minister
MLA, Drumheller-Stettler*

November 15, 2010

Ms. Julie Woodyer
Campaigns Director
Zoo Check Canada Inc.
788 ½ O'Connor Drive
Toronto, ON M4B 2S6

Dear Ms. Woodyer:

Honourable Frank Oberle, Solicitor General and Minister of Public Security, has forwarded your recent letter regarding your concerns over a potential conflict of interest the Edmonton Humane Society for the Prevention of Cruelty to Animals (EHSPCA) may have that affects their ability to investigate the Edmonton Valley Zoo.

I note that you have contacted the Alberta Society for the Prevention of Cruelty to Animals (ASPCA) to recommend they take over the investigation. While the *Animal Protection Act* and Animal Protection Regulations are under the administration of Alberta Agriculture and Rural Development, a number of agencies have authority to enforce the legislation. In Edmonton, enforcement of the Act is a municipal responsibility and the ASPCA does not traditionally operate within the city of Edmonton.

If you do not wish to file an animal welfare complaint with the EHSPCA, your other options are to make a complaint to the Edmonton Police Service or the RCMP, in accordance with section 1(1)g of the *Animal Protection Act*, which defines them as peace officers for the purposes of the *Animal Protection Act*.

Thank you again for forwarding your comments.

Sincerely,

Jack Hayden
Minister

cc: Honourable Frank Oberle, Solicitor General and Minister of Public Security
Terra Johnston, Executive Director, ASPCA
Stephanie McDonald, Executive Director, EHSPCA

THIS IS EXHIBIT "4"
referred to in the Affidavit of
JULIANNE WOODYER
Affirmed in the City of Toronto,
in the Province of Ontario,
this 29th day of August, 2016, before,



Notary Public



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October 20, 2010

Ron Bjorge, Director
Alberta Fish and Wildlife
9920 – 108 Street
2nd floor, Great West Life Building
Edmonton, AB
T5K 2M4

Re: Violations of the Government of Alberta Standards for Zoos by the Edmonton Valley Zoo in relation to Lucy, the lone Asian elephant at the zoo

Please accept this as a formal request for Alberta Sustainable Resource Development to cancel the Edmonton Valley Zoo's permit for failure to comply with the zoo standards for the past 2 years.

As you may know, we have requested that the Edmonton Humane Society for the Prevention of Cruelty to Animals (EHSPCA) conduct an independent investigation regarding violations of the Government of Alberta Standards for Zoos by the Edmonton Valley Zoo in regards to Lucy, the lone Asian elephant housed at the facility since they are the enforcement agency responsible for the Animal Protection Act in Edmonton, however they have failed to take any action to have the zoo to comply with the Government of Alberta Standards for Zoos. Furthermore, we have recently learned that they have a serious conflict of interest in this investigation and there is no other enforcement agency willing to investigate this complaint which is likely the reason for their failure to meet their statutory duty to enforce the law.

Edmonton Humane Society Conflict of Interest

We have recently learned that the EHSPCA has a serious conflict of interest in investigating the Valley Zoo which is owned and operated by the City of Edmonton as follows: We have reviewed the EHSPCA Charity returns filed with Canada Revenue Agency and learned that the enforcement has been receiving municipal funding. The charity returns indicate that EHSPCA received \$519,620 in 2007 and another \$462,737 in 2008 (the most recently published return). In addition, the Edmonton Journal reported in an article on April 10, 2007 that Edmonton City council had "voted to donate \$1.25 million toward construction of a new home for the Edmonton Humane Society. "

The legal standard dealing with pecuniary conflicts of interest is clear: Where an agency or individual has any pecuniary interest in the outcome of a matter, that interest -- no matter how small -- gives rise to a "reasonable apprehension of bias," and will disqualify that agency or individual from acting in that matter.

We have also brought this conflict of interest to the attention of the Solicitor General, the Ministry responsible for the enforcement agencies of the Animal Protection Act in Alberta and the Alberta Society for the





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Prevention of Cruelty to Animals, but neither has provided any indication that they will be stepping in to ensure that the matter is properly investigated.

Given that the Valley Zoo has not been in compliance with the Government of Alberta Standards for Zoos, as described below and supported by evidence in the 9 exhibit books attached to this complaint, for at least 24 months, and since there is no non-conflicted enforcement agency willing to conduct an independent investigation, we respectfully request that Sustainable Resource Development cancel the Valley Zoo's license until the facility comes into compliance with the law.

Please take the time to read the entire complaint and the documentation in the enclosed exhibits prior to making your decision.

Lucy's history

Skanak a.k.a. Lucy was captured from the wild in Sri Lanka in 1976. There is little information available about Lucy's capture or transport except some written documentation which indicates that she was taken from India as part of a large group of animals purchased by wildlife dealer, Claus Gollembek and ultimately sold to the Edmonton Valley Zoo for \$10,000 on May 19, 1977. It is highly unlikely that Lucy was orphaned by her mother given that she was taken from the wild as part of a larger group for the wildlife dealer.

Lucy was held in isolation from any other elephants until another wild-caught (African) elephant named Samantha was moved to the Edmonton zoo in 1989. Despite claims by the zoo that Lucy is not social, the zoo's own records indicate that Lucy and Samantha socialized with each other. In September, 2007, Samantha was sent by the Edmonton Valley Zoo to the North Carolina Zoo on a permanent breeding loan leaving Lucy alone in Edmonton again. The zoo has indicated that after Lucy is gone, they will not keep any more elephants, and therefore Samantha will not be returning.

In October 1986 Lucy was sent to the Calgary Zoo on a 6 month breeding loan where she was reportedly "bred" numerous times with the male at that facility but was not impregnated. There is no indication in any of the records that Lucy was stressed during transport to Calgary. In September 1987, the Valley Zoo sent Lucy back to Calgary on another breeding loan. Thus it was clear that they felt the first travel experience had not caused her distress. The Calgary Zoo's records do not indicate that Lucy had any problems during transport, nor do Edmonton zoo's medical records. Calgary Zoo records indicate that Lucy was "bred" at least 25 times during this loan but was not impregnated and ultimately she was returned to the Valley Zoo 7 months later.

Lucy's medical records, obtained via Freedom of Information from the City of Edmonton, indicate that Lucy has been suffering from foot infections and related problems (the leading cause of death in captive elephants) since 1989. In 1991 Lucy was diagnosed with arthritis, and in 1994 the records indicate that



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Lucy began having respiratory problems. These medical issues have worsened over the past 21 years and there is still no diagnosis for Lucy's respiratory issue, more than 15 years after it began. In 2009, the zoo's vet and consultant reported that they believed the respiratory condition was the result of a malpositioned tooth, but that was proven to be inaccurate when the tooth fell out last summer and the problem persisted. For the past 19 years Lucy has been receiving medication for pain and chronic infections to no avail, the underlying cause of the pain has not been addressed.

Government of Alberta Standards for Zoos related to this complaint

Section III of the standards states: The following standards for animal care must be met and used in development of Animal Care Protocols and accompanying exhibit descriptions.

B. Animal Exhibit Standards, 1. General Exhibit Standards describes the purpose of the standards "to ensure the exhibits meet the needs of the animals that will occupy them and facilitate future operation of the zoo facility." These standards include the following:

- **All animals must be maintained in numbers sufficient to meet their social and behavioural needs (unless a single specimen is biologically correct for that animal). Exhibit enclosures must be of sufficient size to provide for the physical well being of the animal. All animal exhibits must be of a size and complexity sufficient to provide for the animal's physical and social needs and species typical behaviours and movements. Exhibit enclosures must include provisions (e.g. permanent and/or non-permanent features and structures) that encourage species typical movements and behaviours.**
- **Enclosures must be of a sufficient size and design to allow individual animals the opportunity to avoid or withdraw from contact with other animals in the enclosure or remove themselves from the view of visitors using topography (e.g. large earth mounds, large rocks), fixed features (e.g., fences, walls, screening, shelter boxes), moveable fixtures (e.g., brush piles, root balls) or other design methods.**

Section 2. Specific Exhibit Standards provides the reference for minimum standards as follows

- The American Zoo and Aquarium Association (AZA) Minimum Husbandry Guidelines for Mammals identified minimum standards (at the species or species group level) for lighting, temperature, humidity, food and water, social groupings, exhibit size and sanitation and veterinary care. The Alberta Zoo Advisory Committee will use the AZA Minimum Husbandry Guidelines for Mammals to evaluate applications for an Alberta Zoo Permit.

The Association of Zoos and Aquariums has specific standards for elephant care and management (copy included in Exhibit Book 1 at Tab 2), female elephants are highly social animals. They require company: at least three elephants in their enclosure (Section 2.3.1). This is a fundamental social need and can have dire effects on the health of the elephant if that need is not met. Affection and care from humans is simply not a substitute for socialization with other elephants.



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Lucy is suffering as follows:

- Pain due to arthritis which is exacerbated by inappropriate substrates in her enclosure, her obesity and the cold climate;
- Chronic foot infections (a leading cause of death in captive elephants) due to inappropriate substrates and lack of ability to exercise adequately;
- Obesity due to lack of ability to exercise normally: elephants have evolved to be on the move for 75% or more of their day. Lucy is exercised less than 10% of each day;
- Undiagnosed upper respiratory problems which includes periodic inflammation;
- Psychological suffering due to isolation from other elephants; and
- Stress due to boredom as a result of being alone in her small enclosure for most of the day

Simply providing food, water, shelter and vet care is not sufficient to satisfy the standards set out in the Government of Alberta Standards for Zoos as defined by the AZA.

The lack of space and appropriate climate for elephants has resulted in the Valley Zoo being unable to comply with the standards and relieve Lucy's distress in that facility, which is the basis of our request for the zoo's permit to be cancelled.

Since the Edmonton Humane Society has a conflict of interest in investigating the Valley Zoo and thereby failed to conduct a proper investigation and since the Alberta SPCA has indicated that they have no authority to investigate cruelty complaints in the City of Edmonton, there has been no enforcement of the Alberta Zoo Standards at the Valley Zoo to date. Given this unique situation, we are requesting that you cancel the zoo permit since the zoo has been unable or unwilling to comply with the zoo standards and this non compliance is resulting in Lucy being left in a constant state of distress.

Evidence of Lucy's distress

This complaint regarding Lucy's distress is based on the opinions of internationally acclaimed elephant experts who have reviewed Lucy's medical records (copies in Exhibit Book 4, Tab 22), keeper records (Exhibit Books 5-9, Tab 23) and personal observation in the case of Dr. Joyce Poole & Dr. Mel Richardson who have visited Lucy.

The following are quotes were taken from affidavits by experts and are sworn to be true. Copies of all of these affidavits are attached to this complaint in Exhibit 1, Tabs 3, 4, 5 & 6.

Dr. Philip Ensley is a veterinarian with 30 years experience in zoo and wild animal medicine including 29 years at San Diego Zoo working with elephants. The following quotes were taken from his affidavit regarding Lucy's situation (Exhibit Book 1, Tab 3):



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“The conditions and standard of care for Lucy at the Valley Zoo have caused and will continue to enhance ongoing health problems to include arthritis, pressure sores, obesity, irregular sleep and foot problems.”

“Based on the entries in Lucy’s veterinary medical records and Daily Logs, and because Lucy receives NSAIDS daily which acts to relieve pain and provide analgesia, in my opinion Lucy is in chronic physical pain.”

“While I have not seen respiratory signs in an Asian elephants similar to what Lucy exhibits, it is reasonable to assume that the freezing cold temperatures in Edmonton during the winter aggravates this condition.”

“In my opinion Lucy’s isolation from other elephants causes her to suffer unnecessary emotional pain.”

“It is my opinion that the conditions and standard of care at the Valley Zoo are causing Lucy unnecessary distress and that these conditions are not in conformity with the CAZA [Canadian Association of Zoos and Aquariums] and AZA [Association of Zoos and Aquariums US] Standards. It is further my opinion that the Valley Zoo’s Treatment Plan, if fully implemented, will not bring its conditions and standard of care up to conformity with the CAZA or AZA Standards, and specifically will not provide even the physical relief Lucy now requires and would receive were she to be transferred to one of the proposed elephant sanctuaries.”

Dr. Joyce Poole is an internationally esteemed elephant biologist and ethologist who has spent more than 30 years studying elephant social behaviour and communication. Dr. Poole had the opportunity to visit Lucy and spend time observing her in September, 2009. Her opinions are based on her vast knowledge of elephant behaviour and her observations of Lucy and other captive elephants as well as review of the zoo’s records on Lucy. The following quotes were taken from Dr. Poole’s affidavit (Exhibit Book 1, Tab 4):

“Based on her daily log for 2008, Lucy spent some 7.5% of her time on walks under the control of keepers carrying bullhooks, also known as ankuses. While I have no reason to doubt the intentions of her keepers, and while the exercise is good for her, having spent several hours observing Lucy, I can say that these walks offer her no autonomy whatsoever. Every movement of hers is controlled. This causes her privation and suffering.”

“Due to the cold and the keepers schedules, the vast majority of Lucy’s life has been spent insider her small barn. On at least 25 days of the year, the daily log of maximum temperatures indicate that Lucy did not go out of the barn at all. The result is that Lucy has spent much of her life



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standing on concrete in a small barn and doing very little of what an elephant needs to do to maintain good physical health and mental well being. The consequence is that she is a young elephant in an old body. This causes her real privation and suffering.”

“Lucy has been and is now deprived of a normal elephant life, which is at its very essence should include some semblance of autonomy and freedom to roam. It is my conclusion therefore, that she has lacked and continues to lack, the basic necessities and comforts of life, and that her poor health is a condition resulting from this lack. I have no reservation in concluding that she is currently subjected to undue hardship, privation and neglect.”

“It is my opinion that Lucy’s solitude at the Valley Zoo has caused her to undergo clear privations. By keeping her alone for over so much of her life, by keeping her with only one other individual and by breaking the bond that she had with the only other companion, the Valley Zoo deprives Lucy of forming normally functioning social relationships, and by keeping her in a small space in a cold climate it deprives her of the space and autonomy within which to form and develop such relationships.”

“Zoo officials are making false claims about Luc’s stereotypic behavior.” ... “Calling stereotypic behavior “anticipatory” is a misleading description which would seem to suggest to the public that what they are observing is normal. It is not. Lucy may engage in more stereotypic behavior when she is waiting for something to happen but it is an expression of frustration caused ultimately by her artificial environment that does not allow her to satisfy her normal behavioral needs.”

Dr. Keith Lindsay is a Canadian ecologist with over 30 years experience. He has conducting field research on ranging behaviours, habitat use and demography of elephants with the Amboseli Elephant Research Project in Kenya. Dr. Lindsay has also observed elephants in zoos in Canada and the USA. The following quotes were taken from Dr. Lindsay’s affidavit regarding Lucy (Exhibit Book 1, Tab 5):

“The suggestion that human keepers can substitute for the companionship of fellow elephants is unjustified anthropomorphism based on no evidence that has ever been presented in scientific literature.”

“The stereotypical actions of isolated elephants (Lucy being no exception) is likely an expression of their social boredom as well as the lack of stimulation in their physical environment and the deprivation and suffering caused by it. It is abundantly clear that Lucy would benefit greatly from the company of other elephants.”

“The use of the ankus to maintain control over elephant behaviour in domination approaches inevitably requires coercion and causes suffering.”



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“The movement of Lucy from Edmonton to a sanctuary need not be a highly stressful, and thus risky, process. Sanctuary staff are extremely experienced in the transportation of elephants from zoos all over North America, and are well able to minimize the health risks to the animal involved.”

Dr. Mel Richardson has 28 years experience as a captive wild animal veterinarian at zoos in the USA including Woodland Park Zoo in Seattle, San Antonio Zoo, Point Defiance Zoo in Tacoma, Washington, as well as the PAWS Sanctuary in California.

Dr. Richardson visited Lucy in 2009 and his findings are based on his review of the Valley Zoo’s records and his personal observations of Lucy and her exhibit. In addition, Dr. Richardson has visited both elephant sanctuaries being proposed for Lucy. The following quotes were taken from Dr. Richardson’s affidavit (Exhibit Book 1, Tab 6):

“Lucy is in pain, is suffering and is subjected to privation. Furthermore, her exhibit (both the indoor and outdoor enclosures) does not meet the CASZA Standard.”

“If moved to PAWS or TES [The Elephant Sanctuary] I am confident from my direct experience with these two sanctuaries that Lucy will adapt well and that she has a very good chance of becoming integrated socially with the other elephants. Furthermore, the warm climate and expansive terrain will allow her time to heal from her chronic arthritis foot ailments. Most importantly, the causes of her current physical distress – the inadequate enclosure at the Valley Zoo and inhospitable climate in Edmonton – will be removed.”

Surrendra Varma is an Asian elephant expert from India who conducted a scientific review of Lucy’s welfare status. The following are quotes from Surrendra Varma’s welfare assessment of Lucy wherein he used a scientific rating method that was developed in consultation with world renowned Asian elephant expert Dr. Raman Sukumar. (The full report can be found in Exhibit Book 1, Tab 7):

Overall welfare status of Lucy

“While Lucy’s overall Mean Rating (MR) is 3.1 (of a possible 10) and 58% of the observed parameters showed deviations of 70% or more from the expert rating (E-R), the four primary welfare issues (social isolation, exposure to cold conditions, obesity and arthritis) are going to determine her overall physical and psychological well-being and will have a long term impact on her overall welfare status.”

“These four major welfare issues are interlinked; the underlying causes of these issues are consequences of each other. It is not clear whether it has been zoo’s welfare policy or they have



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felt pressured to do so, but it appears as though considerable sincere effort has been expended to take care of Lucy. However, the prevailing and uncontrollable constraints, environmental conditions, along with an elephant's ecological needs and Lucy's specific traits do not permit the zoo to achieve a goal of good welfare."

Dr. D. Zimmerman is a veterinarian based in Edmonton, Alberta. The following are excerpts from Dr. Zimmerman's report (Exhibit Book 1, Tab 8):

"By keeping Lucy alone, the Zoo is in violation of the Government of Alberta Standards for Zoos, specifically standards related to the Animal Protection Act, Section B: 1. General Exhibits Standards: *"All animals must be maintained in numbers sufficient to meet their social and behavioral needs."* "

"With respect to group size, the Valley Zoo is in direct violation of the AZA Minimum Husbandry Standards 2.3.1. specifically states that, *"Zoos should make every effort to maintain elephants in social groupings. It is inappropriate to keep highly social female elephants singly (see Sukumar 1992, Taylor and Poole 1998, EMA 1999). Institutions should strive to hold no less than three female elephants wherever possible. All new exhibits and major renovations must have the capacity to hold three or more female elephants. Institutions that do not currently meet the group size standard should demonstrate that they have requested assistance from the SSP in obtaining additional animals."*

"Lucy's outdoor enclosure is approximately ½ acres (0.2 hectares), surrounded by a low metal barrier and an electric fence. There is no vegetation in the enclosure and the ground is mainly hard-packed earth. There is ample vegetation outside the enclosure giving the impression of a lush environment, but it is inaccessible to Lucy. There is only one rock to rub against, and a small sand pile. There are no pools of water to drink from let alone wallow in. "

"The Zoo therefore appears to be in violation of the Government of Alberta Standards for Zoos in Alberta, Standards Related to the Animal Protection Act, Section B: 1. General Exhibits Standards: which states that *"Exhibit enclosures must be of sufficient size to provide for the well-being of the animal. All animal exhibits must be of a size and complexity sufficient to provide Exhibit enclosures must include provisions (e.g. permanent and/or non-permanent features and structures) that encourage species typical movements and behaviors, and, "Enclosures must be of a sufficient size and design to allow individual animals the opportunity to avoid or withdraw from contact with other animals in the enclosures or remove themselves from the view of visitors, using topography (e.g. large earth mounds, large rocks), fixed features (e.g. fences, walls, screening, shelter boxes), moveable fixtures (e.g. brush piles, root balls) or other design methods."* "



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“Zoo Supervisor, Dean Treichel mentioned new improved flooring associated with building of their new elephant facility in the past 5 years. Given this recent construction, the Zoo may not be in compliance with The Alberta Zoo Advisory Committee’s requirement to abide by the AZA Minimum Husbandry Guidelines for Mammals, which states, “ *All new exhibits and major renovations must have the capacity to hold three or more female elephants.* ”

Scientific study identifying the sources of suffering for captive elephants

There is a growing bank of scientific studies which outline the source of suffering for captive elephants. One such report entitled *A Review of the Welfare of Zoo Elephants in Europe* was commissioned by The Royal Society for the Prevention of Cruelty to Animals (RSPCA). This report was researched and written by Dr. Ros Clubb and Dr. Georgia Mason of the University of Oxford, Animal Behaviour Research Group. Dr. Mason is currently working with the University of Guelph in Ontario. A full copy of the report is in Exhibit Book 2, Tab 9.

Clubb and Mason summarized as follows:

“We identified several potential causes of poor welfare for zoo elephants. These are listed in the chapter summaries, but we highlight the most important here. These are as follows: restricted spaces and opportunities for exercise; cold and wet climates; extended period of confinement; hard and/or wet flooring substrates; inappropriate diets; lack of opportunities to perform various natural behaviours; small social groups and sometimes even isolation-housing; the lack of relatedness or stability with social groups; early weaning; and, in ‘free contact’ systems only ‘breaking’ when young, and exposure to aversive stimuli during training.” (Lucy is in a free contact system)

Lucy is subject to a number of the causes identified in the Oxford University / RSPCA report as the source of suffering for captive elephants including cold climate, restricted space, extended period of confinement, hard substrates, lack of opportunity to express natural behaviours, lack of any social contact with other elephants and the constant psychological threat associated with the ‘free contact’ system and the use of the ankus.

Another scientific study I have included for your reference is *The sizes of elephant groups in zoos: Implications for Elephant Welfare* (Exhibit Book 3, Tab 21)



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Independent investigation is critical for Lucy

To date there has been no independent investigation of Lucy's distress or compliance with the Alberta zoo standards. Instead, EHSPCA investigators have simply consulted with consultants paid by the Valley Zoo and have failed to issue any orders for the zoo to come into compliance with Provincial law.

Any veterinarian (or other expert) paid by the party being investigated cannot be considered to be independent and thereby cannot be relied upon to provide an unbiased professional opinion as part of an investigation.

Given EHSPCA's conflict of interest by their dependence on funding from the City of Edmonton, they should not be conducting the investigation and it may explain why they have failed to meet their statutory duty to conduct an independent investigation.

The opinions of Dr. Milton Ness, Dr. J. Oosterhuis or any other professional hired by the Edmonton Valley Zoo do not diminish the responsibility of the enforcement agencies to conduct an independent, third-party investigation to determine if the zoo is in violation of Alberta law.

In the case of the Valley Zoo & Lucy, there are additional concerns with relying on information provided by the zoo staff or their paid consultants.

The zoo's staff veterinarian, Dr. Milton Ness' had no experience with elephants prior to his short term at the Valley Zoo during which time **he has been unable to relieve Lucy's distress or even provide a definitive diagnosis**. In any event, he is employed by the facility being investigated and thereby cannot be considered to be independent.

When Zoocheck offered to help the zoo by bringing in a mutually agreeable team of independent experts to assess, diagnose and treat Lucy, they refused. Instead they hired Dr. J Oosterhuis, a consultant with a well documented history of being hired by corporately owned captive wildlife facilities who keep animals in questionable circumstances some of which were contrary to local and state laws.

In at least four other cases Dr. Oosterhuis' was hired by corporate clients who were facing animal cruelty charges and/or subject to public criticism for keeping elephants under conditions that reportedly caused pain and suffering to the animals. Documents supporting this are attached in Exhibit Book 3 in Tabs 10, 11, 12 & 13.

Dr. Oosterhuis was the senior veterinarian of record at San Diego Wild Animal Park when five keepers chained an elephant, named Dunda, by all four legs, pulled her to the ground and beat her on the head with ax handles during several sessions over two days. In response to questions at a hearing about the incidents, Dr. Oosterhuis defended the zoo's actions. Specifically, he was quoted as saying "In my view



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it is an appropriate and non-harmful place (the head) in which to administer required discipline". Refer to Exhibit Book 3, Tab 10.

In 1996, Dr. Oosterhuis was hired by Hawthorn Circus when concerns were raised about the health of 2 performing elephants, Joyce & Hattie. Dr. Oosterhuis reportedly diagnosed both elephants as healthy and able to perform. Within days after this diagnosis both Joyce & Hattie died of Tuberculosis. The necropsy results indicated that these animals had less than 20% of their lung capacity at the time of the diagnosis. Refer to Exhibit Book 3, Tab 11.

Hawthorn Circus hired Dr. Oosterhuis again in 2004 when they were facing dozens of charges of elephant abuse. Acting as their consultant, **Dr. Oosterhuis commended the circus for their care of the animals. The circus was ultimately found guilty of violating the Animal Welfare Act on 19 counts of elephant abuse.** Refer to Exhibit Book 3, Tab 12.

Dr Oosterhuis was also part of a team of eleven experts who considered options for Maggie, another lone elephant that was housed in an Alaskan zoo. Ten of the eleven experts opined that Maggie should be moved to a more appropriate facility in a warmer climate with other elephants. According to the Alaskan zoo's report, Dr. Oosterhuis was the only one of the eleven to advocate for Maggie to stay in Alaska. Refer to Tab 14, Book 3. Among other things, he recommended that the zoo bring in a treadmill to give Maggie the required exercise in the cold winter months. (Note: Dr. Oosterhuis has made an identical recommendation for Lucy in Edmonton where the average temperatures are colder than Alaska.) See Exhibit Book 3, Tab 13, Page 9, Facility Modifications. The Alaska Zoo followed Dr. Oosterhuis' recommendation but Maggie would not use the treadmill and finally collapsed due to illness on two separate occasions. See Exhibit Book 3, Tab 20. The zoo had to bring in heavy equipment to get Maggie back on her feet again. Shortly thereafter the zoo decided to send her to a sanctuary in California.

Maggie was moved to the PAWS sanctuary where her health has improved significantly since her arrival despite having been considered "too risky to be moved" by the zoo in the years leading up to her transfer. Maggie was in worse medical condition than Lucy when she was moved, but staying in the cold climate without other elephants was causing her distress, so despite potential risks associated with moving her it was considered the more humane option.

The individuals who run the PAWS sanctuary are considered to be experts at moving sick and ailing elephants. They have taken in animals in distress that have been seized by United States Department of Agriculture and moved other sick zoo and circus elephants. The PAWS professionals spent a great deal of time and energy preparing Maggie for the move to California to ensure her safety during the trip. These are the same professionals that have agreed to work with Lucy once she is determined to be well enough to be moved. We have attached a document outlining Maggie's situation as compared to Lucy's as Tab 14 in Exhibit Book 3. You will note that the two situations are remarkably similar including many



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of the recommendations made by Dr. Oosterhuis. We ask that you consult with PAWS regarding the safety of moving Lucy, as this is their area of expertise.

The Valley Zoo management have refused to allow in any independent experts to verify their outrageous claims about why they are continuing to violate the Alberta zoo standards by failing to move Lucy

Despite offers that have been made to bring in a team of independent experts to diagnose and treat Lucy, the Valley Zoo has refused to allow any independent veterinarians to examine Lucy (Exhibit Book 3, Tab 15) and has not been successful in relieving Lucy's distress or even diagnosing the respiratory condition on which they are justifying their refusal to move her. Keeping Lucy all alone in her small enclosure that cannot meet her needs is a violation of the zoo standards. The zoo admits that they do not have enough space to accommodate 3 elephants, the minimum required by AZA standards and therefore, they are unable to comply with the law unless they were to move Lucy. Zoo management claim that Lucy cannot be moved for health reasons but are unwilling to allow independent experts to come in to work with Lucy so that they can comply with the law.

There are a number of well respected elephant veterinarians and other experts that could be brought in, at no cost to the zoo or enforcement agencies, who could conduct an independent review of Lucy's health and welfare and offer treatment if necessary so that the zoo could be brought into compliance with Alberta laws. One such professional is Dr. Susan Mikota who is, by all accounts, North America's most well respected elephant veterinarian. Dr. Mikota and her partner work with elephants in both zoos and sanctuaries and her credentials are impeccable. Dr. Mikota has indicated that she would be willing to participate in a team of experts to assess Lucy should the zoo agree to the assessment. She also has suggestions about other zoo veterinarians that would be qualified to be part of such a team of experts. Despite fear-mongering by the zoo management, there is no reason to believe that having independent experts assess Lucy will add to her distress.

Information received from the zoo may not be reliable

In addition to the concerns about Lucy's welfare, we also have seen evidence that the city's records on Lucy may have been manipulated and indicate that the zoo management and their consultant are well aware that the elephant enclosure at the Valley Zoo is substandard and Lucy should be moved.

E-mails received from the City of Edmonton via Freedom of Information (FOIP) reveal that there has been discussion within the city requesting that the zoo's vet, Dr. Milton Ness, report in the future that Lucy is "doing well". Since there is obviously no way of determining months in advance what Lucy's health will be, this can only be seen to be a suggestion to manipulate the medical records of Lucy.



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The following is an excerpt taken from an e-mail from Jan Archibald Communications Department, City of Edmonton to Denise Prefontaine, the Zoo Director and Dr. Milton Ness, zoo vet (A copy of the full e-mail is attached in Exhibit Book 3 at Tab 16)

“I have been thinking about the latest FOIP request. I don’t know the routine or how things are recorded, but for the next few months could Milton do a routine check on a regular basis and simply record routine check. Lucy doing well. Or something like that to when we create a pdf that is secured (I’ve figured out a way to do that), the [name removed by FOIP department] would have no choice to post her good health along with any treatment information.”

Furthermore, despite claims by the zoo that Lucy is fine and their elephant exhibit is adequate for Lucy, there is internal documentation from Valley Zoo management that was provided to the North Carolina Zoo and the US Fish and Wildlife Service that describes a very different story. This information was obtained via Freedom of Information from the USDA.

Before the African Elephant, Samantha, could be moved to North Carolina, the Valley Zoo was asked by USDA via the North Carolina zoo to provide information outlining why they felt it was in the best interest of Samantha to be moved. The Valley Zoo provided a 6 page memo in response to this request (copy included in Exhibit Book 3 at Tab 17). Among other things the **Valley Zoo management admitted that it does not have sufficient space to host an appropriate social group** and that the Canadian Association of Zoos and Aquariums believes that the zoo should not be keeping elephants. The following are excerpts from the memo:

“If we were to stay in elephants, we would need substantial capital investment to improve facilities to accommodate up to 6 elephants. Larger outside space, proper safety and restraint equipment, larger interior space, increased operational budgets. As seen in other zoological facilities, it is not unreasonable to commit 15-20 million dollars to achieve this goal.”

“CAZA representatives are advising us to get out of elephants”

“Further research should be done regarding the status of the Asian Elephant.” (Lucy)

“Consideration should be given to moving her to a warmer climate, but only if the transportation health risks can be minimized.”

Despite this clear understanding that elephants are better housed in warmer climates, the zoo has not taken any action to explore ways of moving Lucy safely to a more appropriate climate and they have been unwilling to consult with people who have expertise in moving elephants or allow a team of veterinarians to assess or treat Lucy so that she can be moved which would bring them into compliance with the zoo standards.



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In an e-mail exchange between the US Fish and Wildlife Service and the North Carolina Zoo (located in Exhibit Book 3 at Tab 18) regarding the transfer of the elephant Samantha, the representative from the North Carolina Zoo reported:.

“Valley Zoo has minimal facilities for this animal and their zoo's management has been striving for several years to get rid of this animal, the biggest stumbling block being city government that doesn't understand animal management, conservation inter-zoo management programs, etc. To say the least, getting to this point has been a great deal of work for the Valley Zoo. **They don't have suitable space for this animal by itself and they definitely don't have room for any more** were she to be bred in Canada, and they have no money to expand their program. Importing this animal to the US is by far the best option for the animal, for the Valley Zoo (who desperately wants to export her to the US) and is the best thing for the SSP program for African elephants.”

Even the zoo's paid “expert” Dr. J. Oosterhuis indicated on Page 9 of his report dated September 10, 2009 (Exhibit Book 3, Tab 19) that he felt that Lucy's enclosure is substandard and offered the following recommendation:

“Develop a plan for modification or replacement of the indoor facilities to meet the industry standards.”

It is not an answer for the zoo to say, “we can't move Lucy safely.” and use that as an excuse for violating the law. First, there is no evidence of the claim that Lucy cannot be moved safely. But in any event, if the zoo is unwilling to find a way to move the elephant they are obligated to spend the money to build an enclosure that meets Lucy's biological and behavioural and would have to include a much larger heated area where Lucy can roam freely all year round, and to provide a properly varied terrain for a group of 3 or more elephants. This is their obligation if they cannot move Lucy safely. It will cost money, but that is their legal obligation. The zoo's position appears to be: *we don't want to spend money and will instead wait for Lucy to die and ignore the Provincial zoo standards.*

There is no evidence that Lucy is too sick to be moved

The zoo management claims that Lucy is too sick to be moved and yet the evidence does not support this assertion and no independent review has been done to determine what, if any, additional risk there may be in moving her.

The Valley Zoo's paid consultants have said that Lucy cannot be moved because she is too ill and yet they do not even know what is wrong with her. To date they have been unable to diagnosis the respiratory problem that they claim is the reason they are unwilling to move her.



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Zoo officials state that when Lucy becomes “stressed” she has difficulty breathing, but when asked how they have assessed this, they say it is evidenced by her breathing difficulty when she is physically stressed such as when she walks up hills. This is not surprising given her poor condition. - Lucy is very obese and has arthritis and may well have difficulty breathing when put under physical stress. However she will not be enduring physical stress during a move so this assessment is not relevant to risk involved with a move. Given that Lucy will not be physically stressed during a move one can only assume that the zoo staff are referring to potential psychological stress and not the physical stress that they reference as their evidence. In fact, zoo officials have provided no evidence that psychological stress exacerbates Lucy’s breathing problems. Furthermore, it must be noted that Lucy is already experiencing psychological stress at the Edmonton Valley Zoo as is evidenced by her stereotypic behaviour and lethargy, both scientifically proven signs of frustration and stress in elephants. Finally, despite statements by zoo staff that Lucy was stressed by her move to Calgary on breeding loans in the 1980’s, the records do not support this assertion and Valley Zoo management considered it appropriate to move her a second time which presumably indicates that they did not believe she was stressed by being moved.

In any event, it is not in Lucy’s best interest to have her stressed for any reason during a move to a sanctuary. This is why it will be critical to work with professionals, like those who moved Maggie, to properly condition Lucy for the move to reduce any possible anxiety that she may have. This is done all the time with animals moved to sanctuaries and would certainly be done for Lucy. Lucy would not be moved until it was determined by experts that it was safe to do so.

There is no known reason that Lucy will have to endure significant stress during a move or be at any greater risk than any other circus and zoo elephants with respiratory and foot problems who have been moved safely.

Lucy has never been properly conditioned for a move

The zoo claims that when Lucy was moved more than 20 years ago to the Calgary Zoo on two separate breeding loans, she became stressed during the moves. In fact, there is no evidence of this in any of Lucy’s medical records. In addition, we have talked to elephant keepers at the Calgary Zoo who were at the zoo when Lucy arrived and they say that she was not stressed. Furthermore, if the Valley Zoo managers believed that Lucy was extremely stressed by the first move to Calgary surely they would not have intentionally caused her distress by sending her back a second time.

Finally it must be noted that Lucy was not carefully conditioned for those moves and the Valley Zoo does not have the required expertise in moving elephants. Should Lucy be moved, professionals will work with her over a period of time to acclimatize her to the truck and to truck movement before she is transported in order to reduce stress during the move.

The risk to Lucy’s health is greater if she is left in Edmonton



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Risk assessments are made all the time for animals who are suffering. In order to do this one must take into consideration whether the advantages outweigh the potential risk involved, not just the question of whether there is any risk associated with the task being considered.

For example, transporting a dog who has been hit by a car to a veterinarian involves risk, and yet the advantages of getting the dog medical care clearly outweigh the risks, thereby making it the humane choice for the dog. While moving Lucy is a much lower risk than the dog in this example, the same assessment must be made for her.

There is no question that there is always some risk associated with moving large exotic animals. While the sanctuaries being proposed for Lucy have never had an animal die as a result of transport, many zoos and circuses have, including the Calgary Zoo. Because of the nature of their work, the sanctuary is expert in animal transportation. Despite the known risks it is deemed appropriate to move animals for various reasons including relieving their distress.

In the case of Lucy, the balance of evidence clearly indicates that moving her is the humane option, just as it was with Maggie from Alaska. In Lucy's case all of the evidence indicates that her health is declining in Edmonton because of the cold climate, lack of suitable space and lack of social contact with other elephants. Meanwhile, there is no evidence indicating that moving Lucy to a more appropriate environment will pose any additional risk for her as compared to other elephants with similar ailments who are moved by zoos, circuses and those that are seized for lack of care by enforcement agencies (such as the United States Department of Agriculture).

Finally, the Valley Zoo does not have the space to accommodate a group of 3 or more elephants and so they cannot comply with the zoo standards without investing millions of dollars into the exhibit which would not make sense given that they have already committed to not keep elephants after Lucy is gone.

For the reasons outlined above and in the exhibits attached to this complaint, we request that SRD cancel the Valley Zoo's permit for failure to comply with the standards. Please respond to this request at your earliest convenience.

Yours sincerely,

Julie Woodyer
Campaigns Director

cc. The Honourable Mel Knight, Minister of Sustainable Resource Development

THIS IS EXHIBIT “5”
referred to in the Affidavit of
JULIANNE WOODYER
Affirmed in the City of Toronto,
in the Province of Ontario,
this 29th day of August, 2016, before,



Notary Public



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Denise Prefontaine
Community Services, City of Edmonton
P.O. Box 2359
Edmonton, Alberta
T5J 2R7

January 27, 2011

Sent by fax & e-mail

Dear Ms. Prefontaine:

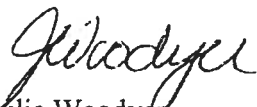
I have read the Edmonton Humane Society's directive to the Valley Zoo to diagnose and treat Lucy's respiratory ailment, among other things, by March 1st, 2011. In addition I have read your response to the EHS that is posted on the zoo's web site. I noted that you indicated that Dr. Ness will be arranging to have Dr. Oosterhuis come back to Edmonton to perform a follow up examination including another endoscope examination of Lucy's trunk prior to the EHS deadline.

Please accept this letter as a formal request for you to allow two veterinarians of our choice to attend, observe and, if desired, assist in Lucy's treatment at the time of Dr. Oosterhuis' visit. Of course, we will take responsibility for all costs associated with our veterinarians visit.

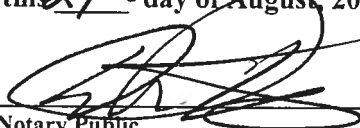
When we have requested to pay for independent veterinarians to examine Lucy in the past, you have indicated your concern was that performing additional tests on Lucy would cause her additional stress. Given that your staff and consultant will be conducting an examination and any necessary tests before March 1st, it will pose no additional stress to Lucy to have 2 independent veterinarians present and will provide exposure to additional expertise to help diagnose Lucy so that her health issues can be brought under control.

We make this request as a good faith attempt to resolve Lucy's health concerns and resolve the outstanding questions about Lucy's condition. We sincerely hope you will accept it in the spirit it is offered and respond positively. In the interest of time, given that you must provide answers in response to the EHS directive, please respond to me by e-mail or fax at your earliest convenience.

Yours sincerely,


Julie Woodyer
Campaigns Director

THIS IS EXHIBIT “6”
referred to in the Affidavit of
JULIANNE WOODYER
Affirmed in the City of Toronto,
in the Province of Ontario,
this 29th day of August, 2016, before,



Notary Public



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November 5, 2015

The Honourable Shannon Phillips
208 Legislature Building
10800 - 97 Avenue
Edmonton, AB
Canada T5K 2B6

Dear Minister Phillips,

I am writing to you to request a meeting with you to discuss the ongoing violations of the Alberta Zoo Standards by the Edmonton Valley Zoo, by keeping an Asian elephant alone.

Section III B. 1. of the Alberta Zoo Standards states that:

All animals must be maintained in numbers sufficient to meet their social and behavioural needs (unless a single specimen is biologically correct for that animal). Exhibit enclosures must be of sufficient size to provide for the physical well being of the animal. All animal exhibits must be of a size and complexity sufficient to provide for the animal's physical and social needs and species typical behaviours and movements. Exhibit enclosures must include provisions (e.g., permanent and/or non-permanent features and structures) that encourage species typical movements and behaviours.

As you may already be aware, the Edmonton Valley Zoo is keeping a female Asian elephant (endangered species), named Lucy, alone. This is a clear violation of the Alberta Zoo Standards given that all evidence, even within the zoo industry, that elephants are highly intelligent, social animals and should never be housed in groups of less than 3 individuals.

Additionally, Lucy's enclosure is not large enough to satisfy her physical or behavioural needs. Elephants have evolved to walk over long distances. Captive elephants, especially those that live in cold climate zoos, develop foot and joint problems because they are not able to walk long distances and are forced to stand on cold, hard substrates. In fact these captivity related ailments are the leading cause of death in zoo elephants. Lucy's medical records clearly show that Lucy suffers from these afflictions.

I am attaching affidavits which outline the afflictions which clearly articulate the extent of Lucy's suffering.

Section II. H. of the Alberta Zoo Standards sets safety standards as follows:

Animals in areas where direct contact with visitors is possible must pose no danger to the public, be comfortable with human contact and under the direct supervision by zoo staff.

Valley Zoo staff use a bullhook to walk Lucy around the zoo, often in close proximity to the public. While this provides some exercise, it is not nearly enough to accommodate the biological or behavioural needs of elephants and poses a significant risk to everyone in the zoo. The bullhook is a tool of "discipline", utilized commonly in circuses. The bullhook, or ankus, is a sharp, pointed hook used for prodding and to discourage undesired behavior. It is a "tool" of discipline which is embedded into the most sensitive areas of an elephant; around the feet, behind the ears, under the chin, inside the mouth, and other sensitive areas around the face. **Elephants are known to attack trainers using bullhooks, causing incredible damage, injury and death.** Progressive zoos have moved away from the practice of using bullhooks and the practice of working directly with elephants is being phased out in the USA because keepers have been killed by elephants.

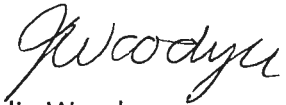
I have no doubt that the director of the Valley Zoo will assert that Lucy poses no risk to the keepers or zoo visitors, however, the same would have been said about many other elephants who have attacked and killed people prior to those incidents. The fact that the US zoo association is no longer allowing their members to be in the enclosure with elephants and **elephants are not permitted to be in visitor areas because they are too dangerous** clearly highlights that all elephants pose a danger to the public. It is also important to note that Lucy has acted aggressively towards the keeper while she was out on her "walk" on the zoo premises while the zoo was open.

The zoo has managed to sidestep the zoo standards for many years by claiming Lucy is too sick to be moved, however they have provided no reliable evidence to support this claim. They have said they have consulted with experts all over North America, but their own records reveal that outside of the zoo's veterinarian (who passed away over a year ago and has not been replaced), they have only brought in one consultant to examine Lucy. That individual has been unable to diagnose Lucy's condition and has provided no evidence that Lucy could not be safely transported to a more appropriate facility with other elephants. From time to time the zoo's director has put in writing that they have consulted with the following facilities about Lucy's health: The University of Calgary Vet School, Western College of Vet Medicine, USDA, The US Department of Agriculture, Canadian Food Inspection Agency, The Alberta Veterinary Medical Association, Cornell University Vet School, The Smithsonian Zoo and the Toronto Zoo. However, when we submitted Freedom of Information requests to each of these agencies we learned that none had examined Lucy or even reviewed her records or otherwise consulted on Lucy's health in any way.

Given that the situation for Lucy is not only harmful to Lucy's health and well being and poses a danger risk to the public and that the zoo has failed to be in compliance with the zoo standards for many years, we wish to formally request that Environment and Parks take action to force the zoo to bring in a team of experts to assess Lucy's health and treat her if necessary so that she can be moved to a more appropriate facility with other elephants. This could easily be done as a condition of the zoo permit.

I would like the opportunity to discuss this matter with you personally and am therefore requesting a meeting with you. I will make myself available at your convenience. I look forward to your response.

Thank you,



Julie Woodyer
Campaigns Director
Zoocheck

THIS IS EXHIBIT "7"
referred to in the Affidavit of
JULIANNE WOODYER
Affirmed in the City of Toronto,
in the Province of Ontario,
this 29th day of August, 2016, before,



Notary Public



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March 8, 2016

The Honourable Shannon Phillips
208 Legislature Building
10800 - 97 Avenue
Edmonton, AB
Canada T5K 2B6

Dear Minister Phillips,

I am writing to you to request a meeting with you to discuss the ongoing violations of the Alberta Zoo Standards by the Edmonton Valley Zoo, by keeping an Asian elephant alone. I wrote to you 4 months ago but have not received any response to date.

The following are our concerns regarding the situation with Lucy:

1. The Valley Zoo has been violating the Alberta Zoo standards since September 25, 2007 by keeping Lucy isolated from her own species, by failing to provide her with a facility which meets her biological and behavioural needs and by exposing the public to potentially dangerous animals.
2. The former ESRD Minister failed to verify claims that the zoo claims Lucy is too sick to be transferred to a more appropriate facility. The zoo veterinarians and their consultant have failed to be able to diagnose the respiratory condition that they claim is the reason they are violating the zoo standards.
3. Claims by the Edmonton Valley Zoo that they have had various experts examine Lucy are not supported by any evidence, and AEP does not appear to have done anything to verify the zoo's claims through an independent review. Zoocheck filed requests for information from the following agencies that the zoo claimed to have consulted with about Lucy's respiratory condition: Los Angeles Zoo, University of Calgary Faculty of Veterinary Medicine, Missouri State University, The Smithsonian National Zoo. We were told that none of these agencies had examined Lucy, reviewed her test results relating to the respiratory condition, or even been consulted about her condition.
4. The only independent veterinarian with elephant experience that has examined Lucy has been unable to diagnose Lucy's condition since 2009. Lucy's medical records obtained through Freedom of Information show that no other veterinarian has been brought in to assist in her diagnosis.
5. AEP does not have the expertise to diagnose Lucy's condition, nor opine on her health. In an email obtained through Freedom of Information the Wildlife Biologist with Fish and Wildlife

noted the following: *I do not recall (and would not in likelihood say because of our obvious lack of expertise in this area) that there is a "need" for Lucy to stay in Edmonon. The extent of our agreement with Lucy's circumstances would be my agreement with the zookeepers during the zoo inspection earlier this year that she "looks ok".*

6. AEP does have the authority to not renew a zoo's permit for failure to comply with the Alberta zoo standards or put conditions on the zoo permit to attempt to get compliance. In this case to compel the zoo to bring in a team of veterinarians with elephant experience to examine Lucy personally and work to gain a diagnosis of her respiratory condition and/or to bring in expert elephant trainers to prepare Lucy for transport to see how she responds prior to making assertions that she cannot be moved without any evidence.

While a previous legal action failed do to the court preferring to bring a different sort of legal procedure, the Court of Appeal of Alberta noted in their judgement that the province is responsible for licensing zoos and that "there are other appropriate legal procedures to possibly engage if they fail to discharge their duties." It does not appear that AEP has met their duty regarding bringing the Valley Zoo into compliance with the provincial zoo standards. Chief Justice Fraser, noted in her dissenting opinion of the Appeal court decision that "this case should go to trial on the important points of law that potentially impact on both the protection of animals in this province and the public interest in the City's compliance with the law. The appellants, for the public and on behalf of Lucy, are entitled to their day in court."

Facts

Section III B. 1. of the Alberta Zoo Standards states that:

All animals must be maintained in numbers sufficient to meet their social and behavioural needs (unless a single specimen is biologically correct for that animal). Exhibit enclosures must be of sufficient size to provide for the physical well being of the animal. All animal exhibits must be of a size and complexity sufficient to provide for the animal's physical and social needs and species typical behaviours and movements. Exhibit enclosures must include provisions (e.g., permanent and/or non-permanent features and structures) that encourage species typical movements and behaviours.

The Edmonton Valley Zoo is keeping a female Asian elephant (endangered species), named Lucy, alone. This is a clear violation of the Alberta Zoo Standards given that all evidence, even within the zoo industry, that elephants are highly intelligent, social animals and should never be housed in groups of less than 3 individuals.

Additionally, Lucy's enclosure is not large enough to satisfy her physical or behavioural needs. Elephants have evolved to walk over long distances. Captive elephants, especially those that live in cold climate zoos, develop foot and joint problems because they are not able to walk long distances and are forced to stand on cold, hard

substrates. In fact these captivity related ailments are the leading cause of death in zoo elephants. Lucy's medical records clearly show that Lucy suffers from these afflictions.

With my letter dated November 5, 2015 to you, I included affidavits which outline the afflictions which clearly articulate the extent of Lucy's suffering. We have engaged an elephant veterinarian to review Lucy's medical records since the date of those affidavits in order to have a current up to date analysis of Lucy's health. That veterinarian also asked the zoo for an opportunity to visit and discuss Lucy with the zoo's current contract vet, however the zoo director refused to allow the meeting with no explanation as to why.

Section II. H. of the Alberta Zoo Standards sets safety standards as follows:

Animals in areas where direct contact with visitors is possible must pose no danger to the public, be comfortable with human contact and under the direct supervision by zoo staff.

Valley Zoo staff use a bullhook to walk Lucy around the zoo, often in close proximity to the public. While this provides some exercise, it is not nearly enough to accommodate the biological or behavioural needs of elephants and poses a significant risk to everyone in the zoo. The bullhook is a tool of "discipline", utilized commonly in circuses. The bullhook, or ankus, is a sharp, pointed hook used for prodding and to discourage undesired behavior. It is a "tool" of discipline which is embedded into the most sensitive areas of an elephant; around the feet, behind the ears, under the chin, inside the mouth, and other sensitive areas around the face. **Elephants are known to attack trainers using bullhooks, causing incredible damage, injury and death.** Progressive zoos have moved away from the practice of using bullhooks and the practice of working directly with elephants is being phased out in the USA because keepers have been killed by elephants. Additionally, it should be noted that the Valley Zoo staff also walk wolves on dog leashes through in the public areas of the zoo while visitors are present. Another clear violation of the zoo standards.

Despite claims by Valley Zoo officials that Lucy poses no risk to the keepers or zoo visitors, the same has been said about many other elephants who have attacked and killed people prior to those incidents. The fact that the US zoo association is no longer allowing their members to be in the enclosure with elephants and **elephants are not permitted to be in visitor areas because they are too dangerous** clearly highlights that all elephants pose a danger to the public. It is also important to note that Lucy has acted aggressively towards the keeper while she was out on her "walk" on the zoo premises while the zoo was open.

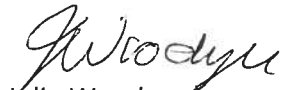
The zoo has managed to sidestep the zoo standards for many years by claiming Lucy is too sick to be moved, however they have provided no reliable evidence to support this claim and we have been unable to find any evidence that AEP staff have independently verified if these claims are true. The zoo director has said they have consulted with experts all over North America, but their own records reveal that outside of the zoo's veterinarian they have only brought in one consultant to examine Lucy. That individual has been unable to

diagnose Lucy's condition and has provided no evidence that Lucy could not be safely transported to a more appropriate facility with other elephants. From time to time the zoo's director has put in writing that they have consulted with the following facilities about Lucy's health: The University of Calgary Vet School, Western College of Vet Medicine, USDA, The US Department of Agriculture, Canadian Food Inspection Agency, The Alberta Veterinary Medical Association, Cornell University Vet School, The Smithsonian Zoo and the Toronto Zoo. However, when we submitted Freedom of Information requests to each of these agencies we learned that none had examined Lucy or even reviewed her records or otherwise consulted on Lucy's health in any way.

Given that the situation for Lucy is not only harmful to Lucy's health and well being and poses a danger risk to the public and that the zoo has failed to be in compliance with the zoo standards for many years, we wish to formally request that Environment and Parks take action to force the zoo to bring in a team of experts to assess Lucy's health and treat her if necessary so that she can be moved to a more appropriate facility with other elephants. This could easily be done as a condition of the zoo permit.

I would like the opportunity to discuss this matter with you personally and am therefore requesting a meeting with you. I will make myself available at your convenience. I look forward to your response.

Thank you,



Julie Woodyer
Campaigns Director
Zoocheck

THIS IS EXHIBIT “8”
referred to in the Affidavit of
JULIANNE WOODYER
Affirmed in the City of Toronto,
in the Province of Ontario,
this 29th day of August, 2016, before,



Notary Public

Julie

From: Julie [julie@zoocheck.com]
Sent: Thursday, March 24, 2016 4:54 PM
To: 'AEP.Minister@gov.ab.ca'
Subject: Dangerous situation at Edmonton Valley Zoo a violation of the zoo standards

Dear Minister Phillips,

As you know I have written to you two times in the past 6 months about concerns we have regarding ongoing violations of the Alberta Zoo Standards by the conditions and activities involving Lucy, the lone Asian elephant at the Edmonton Valley Zoo.

In addition to various animal welfare concerns we have brought to your attention regarding Lucy, we are also very concerned about the risk posed by walking an elephant outside of her enclosure. This activity puts both the keepers and the public at significant risk and is a violation of the Alberta Zoo Standards.

3 to 4 dead elephant keepers every year just in the European and North-American zoos and circuses. In addition there are some seriously injured elephant keepers and circus people, who can no longer work with elephants because of physical or mental reasons. Many of the incidents occur with elephants that were previously thought to be gentle and well adjusted. That US Association of Zoos and Aquariums has recently changed their policies regarding elephants due to concerns about occupational health and safety risks.

"The elephant is the most dangerous," says Dr. Keith Hinshaw, vice-president for animal health and senior veterinarian at the Philadelphia Zoo. "He's the number one offender. More animal handlers have been killed by elephants than any other animal."

The following are just a few incidents involving elephants where people have been injured and killed:

<https://www.youtube.com/watch?v=277sBC5mIEA>

<http://www.dailymail.co.uk/news/article-2220009/Taronga-zookeeper-left-fighting-life-elephant-crushed-fence-post.html>

<http://www.discovery.com/tv-shows/discovery-presents/videos/circus-elephant-rampage/>

http://www.dailymotion.com/video/xg6ll3_circus-elephant-goes-on-a-rampage-horrid_animals

https://www.youtube.com/watch?v=0cmcW_Szcz8

Given that the Edmonton Valley Zoo continues to be in violation of the Alberta Zoo Standards primarily due to their conditions and activities with Lucy, the lone Asian elephant, we request that you take action to bring the zoo into compliance as soon as possible.

Yours sincerely,

Julie Woodyer
Campaigns Director
Zoocheck
416-285-1744

THIS IS EXHIBIT “9”
referred to in the Affidavit of
JULIANNE WOODYER
Affirmed in the City of Toronto,
in the Province of Ontario,
this 29th day of August, 2016, before,



Notary Public

Julie

From: Julie [julie@zoocheck.com]
Sent: Wednesday, March 30, 2016 3:05 PM
To: 'AEP.Minister@gov.ab.ca'
Subject: Several violations of the Alberta Zoo standards at Edmonton Valley Zoo

Dear Minister Phillips,

To date I have sent you information about various violations of the zoo standards as they relate to the elephant, including both welfare and public safety infractions. In addition to these violations, the zoo has several other violations that have also been ongoing for many years. In 2006 we provided a report to the Minister regarding the violations of the zoo standards at each zoo in Alberta, despite the zoo's permit stating "Operation to comply with Government of Alberta Standards for Zoos in Alberta". While a few of the non-compliance issues at the Valley Zoo have been rectified, several others have not including the following:

- enclosures that do not permit animals a natural range of activities,
- enclosures that are too small to give the animals proper exercise,
- animals housed in inappropriate social groups,
- lack of proper enrichment, and
- visitors in close proximity to dangerous animals without barriers between the animals and the zoo visitors

We will be providing you with a report regarding the infractions that are ongoing now, since the permit is up for renewal tomorrow. However, we would like to note that these infractions have been ongoing and never addressed by Ministry staff who have reported to have inspected the zoo in the past. We had hoped that like with other zoos in the province the staff were trying to work with the zoo to bring it into compliance, but as with a zoo that was closed down last year due to non-compliance, the Valley Zoo has never been in full compliance of the zoo standards.

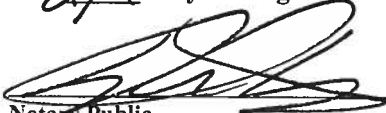
We sincerely hope that your staff will do a thorough look through the zoo and ensure that, in all aspects, the zoo is in compliance with the Alberta Zoo Standards. We respect the fact that it is not up to your office to tell the zoo what actions to take to bring them into compliance, that is the zoo's responsibility. However, it is the responsibility of your staff to ensure the zoo is in compliance with the standards now and in the future.

I have written to you several times requesting a meeting to discuss this without any response. In any event, I will remind you now that I would very much appreciate you making time for a meeting with us about these ongoing problems at the Edmonton Valley Zoo.

Yours sincerely,

Julie Woodyer
Campaigns Director
Zoocheck
Tel: 416-285-1744
Cell: 416-451-5976

THIS IS EXHIBIT “10”
referred to in the Affidavit of
JULIANNE WOODYER
Affirmed in the City of Toronto,
in the Province of Ontario,
this 29th day of August, 2016, before,


Notary Public

Julie

From: Julie [julie@zoocheck.com]
Sent: Friday, April 08, 2016 12:54 PM
To: 'AEP.Minister@gov.ab.ca'
Cc: 'Debbie.Ballas@gov.ab.ca'
Subject: In accurate information about CAZA
Attachments: Winnipeg HS re Limba beating.JPG

Dear Minister Phillips,

I was forwarded a copy of a response that was sent from one of your staff, Deb Ballas, to a member of the public in response to correspondence that was sent to you (a copy Ms. Ballas' response is below this email to you). I wanted to bring to your attention that the information in the email is misleading and it would appear that Ms. Ballas may not be aware of the history of serious animal welfare and public safety problems at CAZA accredited zoos.

CAZA is an industry organization set up by a group of zoo owners and operators to promote the welfare of zoos, and "encourages" them to advance and improve. Their mandate is neither animal protection, nor public safety in zoos. The Edmonton Valley Zoo is an accredited member of this private zoo industry association.

It is important to note that while CAZA "encourages" their members to improve, many of their members are still not complying with CAZA standards and still the organization is not enforcing their own standards. And furthermore, there have been several incidents at accredited CAZA zoos that violate animal cruelty laws in Canada.

The following are **some examples** of public safety and animal welfare incidents that have occurred at CAZA accredited zoos:

1. The Greater Vancouver Zoo kept a baby hippo in a windowless barn for more than 18 months. The BC SPCA announced they were going to charge the zoo under BC animal cruelty legislation, and only then did the zoo agree to build a proper enclosure for the animal to avoid facing the charges in court.
2. In 2006 and again in 2007, keepers at the Mountainview Conservation Centre in BC sent letters to CAZA reporting that animals froze to death because the facility owner had refused to provide heated accommodations for them. CAZA took no action to bring the zoo up to standard. Finally in 2010 after receiving no assistance from CAZA, the zoo staff took their complaints to the SPCA. The SPCA recommended laying cruelty charges, but before charges could be laid the owner of the zoo agreed to get rid of the animals to keep charges from being laid.
3. The Calgary Zoo had a number of very serious incidents resulting in animal injuries and deaths including:
 - A capybara fatally crushed by a hydraulic door.
 - A spider monkey was fatally crushed by a hydraulic door.
 - Another spider monkey died from frostbite complications after it was left outside in cold weather.
 - Four feather-tailed sugar gliders were either crushed to death underfoot or by a door.
 - Several mule deer were killed or injured while handlers tried to capture them for veterinary checks.
 - Dozens of Sebas and Pallas bats died after hitting piano wire strung across their cages to push the animals to the front of the enclosure so the public could see them better.
 - Woodland caribou and muskox were repeatedly injured or killed either because of exhibit design or interspecies aggression. African wild dogs were also injured for the same reasons.
 - Recently an otter drowned after getting trapped in a pair of pants that a keeper had intentionally placed in the exhibit.

When asked about the earlier incidents the CAZA National Director Bill Peters said “Yes, there has been a series of unfortunate incidents and they've been looked at and reports have been done in the various occurrences, but is there a pattern? No, I don't think there's a pattern there” Finally after vast media attention AZA and CAZA agreed to review the facility and found the incidents resulted from lack of proper staff training and putting the exhibition of animals ahead of animal welfare. CAZA never threatened to revoke accreditation.

4. Toronto Sun uncovered evidence that the Toronto Zoo had been selling off animals to a disreputable animal dealer and some animals had ended up at hunt farms. Despite CAZA claiming to have strict disposition policies they took no action against the zoo.
5. The Toronto Zoo, was **charged and convicted** under the Migratory Bird Act after 80 Canada Geese died from heat prostration when zoo staff, including head veterinarian Graham Crawshaw, put approximately 300 wild geese into an unairconditioned truck on a hot summer day. Despite CAZA requiring that all accredited facilities comply with laws, they did not threaten to revoke the zoo's accreditation or take any action.
6. After being attacked by tigers at African Lion Safari in Ontario, two young people were awarded \$2million by a provincial court because the zoo had failed to provide adequate protection for visitors to the park. CAZA claims to have rigid safety standards and yet continues to accredit this facility despite there being no change in protocols that allow people to drive through enclosures with dangerous animals without any barrier between the animals and the cars.
7. In 2008 the Toronto Zoo was criticized in the media for deciding to cull baby male reindeer because of indiscriminate breeding. In February, 2014 a zoo in Copenhagen came under fire for the same practice of culling animals bred at the zoo, however that zoo made the practice public. CAZA put out a statement defending the fact that Canadian zoos also cull animals, but claimed it was OK because it is done under a euthanasia policy and is not exposed to the public.
8. After complaints about Lucy being housed alone at the Edmonton Valley Zoo, CAZA lowered their standard of care for elephants which at the time required a minimum of 3 elephants in order to justify leaving Lucy alone at the zoo. Note: the Director of the Edmonton Valley Zoo was also the president of CAZA from 2012-2014.
9. For many years Zoocheck has brought to the attention of CAZA problems at Marineland in Niagara Falls Canada, but CAZA failed to act until the Toronto Star did a full investigation in 2012 & 2013 at the facility which reported that animals were living in horrific conditions. CAZA inspectors gave Marineland owner John Holer a thumbs-up after its initial visit a week after the Star series broke in August of 2012, even though their investigation was not completed. In March, 2013, the Ontario SPCA issued 7 orders to this CAZA accredited facility to get them to comply with animal cruelty legislation.

Later CAZA attempted to discourage the Province of Ontario from passing legislation for cetaceans claiming their facilities are held to the highest standards of care. The Province of Ontario was not convinced and went ahead enacted legislation to protect marine mammals because of the issues that were raised during the Toronto Star's investigation without exempting CAZA facilities because of this incident.

The following are just some of the articles printed in the Toronto Star about this CAZA accredited aquarium:

http://www.thestar.com/news/canada/2012/08/15/marineland_animals_suffering_former_staffers_say.html

http://www.thestar.com/news/2012/08/15/behind_the_scenes_at_marineland.html

http://www.thestar.com/news/canada/2012/08/15/marineland_heartache_for_smoothie_the_walrus_as_top_rainer_quits.html

http://www.thestar.com/news/canada/2012/08/15/marineland_log_details_reveal_water_quality_issues.html

http://www.thestar.com/news/2012/08/15/inside_marineland.html

http://www.thestar.com/opinion/editorials/2012/08/15/ontario_needs_to_oversee_animal_protection_and_care.html

http://www.thestar.com/news/investigations/2012/08/16/video_behind_the_scenes_at_marineland.html

http://www.thestar.com/news/2012/09/07/inside_marineland_the_plight_of_the_bears.html

http://www.thestar.com/news/2012/09/07/behind_the_scenes_at_marineland_the_plight_of_the_parks_bears.html

http://www.thestar.com/news/canada/2012/09/08/marineland_allegations_of_poor_treatment_of_deer_bears.html

http://www.thestar.com/news/canada/2012/09/17/premier_dalton_mcguinty_says_ontario_is_ready_to_strengthen_animal_welfare_laws.htmlhttp://www.thestar.com/news/canada/2012/10/18/marineland_killer_whale_bleeding_for_months_trainer_says.html

http://www.thestar.com/news/canada/2013/03/19/ospca_chair_details_7_orders_issued_against_marineland.html

http://www.thestar.com/news/canada/2013/10/25/ontario_brings_in_sweeping_changes_to_protect_animals.html

10. In December, 2015 PETA released an undercover video taken at Bowmanville Zoo (another accredited zoo that has had a long history of problems) showing the Michael Hackenberger, the owner of the zoo, whipping a tiger in order to train the cub and saying, "The beauty of the paws being on the, uh, rock, when you hit him, it's like a vice ... It stings more." <http://globalnews.ca/news/2439485/peta-releases-new-video-of-questionable-training-practices-by-bowmanville-zoo-owner/>

Just weeks earlier Mr. Hackenberger swore at a baboon on live television, when the animal jumped off of a horse that he was supposed to appear to be riding.

<http://www.torontosun.com/2015/08/28/social-media-reacts-to-bowmanville-zoo-director-swearing-on-live-tv>

This is not the first incident at this zoo, years earlier the Winnipeg Humane Society put out a press release regarding an incident wherein Mr. Hackenberger flew to Winnipeg to beat an elephant he has loaned to another accredited zoo there as reprisal for the elephant having backed into a keeper in the enclosure. A copy of that press release is attached to this email.

11. This photo is an activity carried out by Little Ray's Reptiles. It is not difficult to understand why this is highly dangerous for the child in the photo both from injury and contracting zoonotic disease.



These are just some of the incidents that have occurred at CAZA accredited zoos. There are many more.

Additionally, you will note that in the Alberta zoo standards rely on AZA (a US zoo industry association) standards in section III. B. 2 relies on AZA standards rather than CAZA. The following is the wording from the Alberta standards:

The American Zoo and Aquarium Association (AZA) Minimum Husbandry Guidelines for Mammals identifies minimum standards (at the species or species group level) for lighting, temperature, humidity, food and water, social groupings, exhibit size and sanitation and veterinary care. The Alberta Zoo Advisory Committee will use the **AZA Minimum Husbandry Guidelines for Mammals** to evaluate applications for an Alberta Zoo Permit. Therefore, applicants for an Alberta Zoo Permit are advised to use these guidelines as a reference during the development of their Animal Care Protocols and exhibit descriptions for mammals.

We were advised that the AZA standards were referenced in this way was because CAZA standards were too vague and therefore unhelpful in setting standards for zoos.

Given the long, well documented, history of problems in CAZA accredited facilities it is not reasonable to assume that simply because a zoo is accredited by this private zoo association, that the zoo has high standards for the animals in their care, nor is it any assurance that the zoo is not laws, including the Alberta zoo standards. Additionally since the Director of the Edmonton Valley Zoo was in the influential position of President of CAZA for 2 years there is a serious conflict of interest.

We hope you take this information into consideration and have your staff do an independent inspection of the Valley Zoo to ensure they comply with the Alberta zoo standards.

Yours sincerely,

Julie Woodyer
Campaigns Director
Zoocheck

From: [Karin Nelson](#)
Sent: Thursday, April 7, 2016 9:21 PM
To:
Subject: FW: Edmonton Zoo

Copy of the response I got from the minister's office re the zoo permit.
Karin

From: Debbie Ballas [<mailto:Debbie.Ballas@gov.ab.ca>]
Sent: April 7, 2016 4:22 PM
To: knelson3@outlook.com
Subject: Edmonton Zoo

Dear Ms. Nelson:
knelson3@outlook.com

Thank you for your recent inquiry regarding the Edmonton Zoo permit and concerns for Lucy, the elephant.

Under the Wildlife Act, zoos in Alberta are required to operate according to the province's standards for zoos.

The zoo standards and associated zoo permits ensure that facilities provide a suitable environment for the animals. The Edmonton Valley Zoo has a current zoo permit and approved zoo development plan, as required by Alberta zoo standards.

The Edmonton Valley Zoo is certified by Canada's Accredited Zoos and Aquariums. Professional accreditation requires that a zoo abide by the accrediting body's code of professional ethics, charter, and bylaws. This association sets very high standards for operations and facilities management. Canada's Accredited Zoos and Aquariums Certification also requires that members adhere to its standards for animal care, including standards for elephant care and animal acquisitions and dispositions. I understand that Canada's Accredited Zoos and Aquariums acknowledges that Lucy's current breathing issue requires she stay at the Edmonton Valley Zoo, as travel could be life-threatening.

Information about Lucy and the care she receives is available online at www.edmonton.ca/Lucy . If you would like to further discuss Lucy with City of Edmonton staff, Denise Prefontaine, Director at the Edmonton Valley Zoo and specialty Facilities, can be contacted through email at denise.prefontaine@edmonton.ca

Deb Ballas

Environment and Parks

Priority Issues Coordinator

Red Deer/North Saskatchewan Region

304, 4920-51 Street, Red Deer, AB T4N 6K8

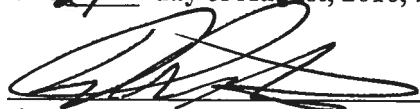
Phone: 403-340-7738

Mobile: 403-505-7594

To report an environmental emergency or file a complaint, call the 24-hour Environment Hotline at [1-800-222-6514](tel:1-800-222-6514) toll free

This email and any files transmitted with it are confidential and intended solely for the use of the individual or entity to whom they are addressed. If you have received this email in error please notify the system manager. This message contains confidential information and is intended only for the individual named. If you are not the named addressee you should not disseminate, distribute or copy this e-mail.

THIS IS EXHIBIT "11"
referred to in the Affidavit of
JULIANNE WOODYER
Affirmed in the City of Toronto,
in the Province of Ontario,
this 29th day of August, 2016, before,



Notary Public

Julie

From: Julie [julie@zoocheck.com]
Sent: Thursday, April 14, 2016 11:25 AM
To: 'AEP.Minister@gov.ab.ca'
Cc: 'Debbie.Ballas@gov.ab.ca'
Subject: Another CAZA zoo operator charged with animal cruelty

Dear Minister Phillips,

Further to my note last week which outlined several very serious animal welfare concerns at CAZA zoos, many which were violations of animal cruelty laws, I wanted to bring to your attention that the owner of Bowmanville Zoo (another CAZA accredited zoo) has been charged with animal cruelty. Please see the following media release from the Ontario SPCA: http://www.ontariospca.ca/media-centre-www/media-releases-www/1147-the-ontario-spca-files-animal-cruelty-charges-against-michael-hackenberger-owner-of-the-bowmanville-zoo.html?_ga=1.176727906.638856520.1452130059

I am bringing this to your attention since your staff person, Debbie Ballas, had been using CAZA accreditation to try to appease Albertans that the Edmonton Valley Zoo meets the highest of standards because they are accredited by this private industry association which is set up to protect zoos and aquariums, not the animals that live in those facilities. While some CAZA zoos may be good, others are clearly very bad, however in any event, there is no assurance that CAZA accredited zoos are in compliance with local laws.

I would like to hear back from you at your earliest convenience to discuss the Alberta Zoo standards violations at the Edmonton Valley Zoo.

Thank you,

Julie Woodyer
Campaigns Director
Zoocheck
Tel: 416-285-1744
Cell: 416-451-5976

THIS IS EXHIBIT "12"
referred to in the Affidavit of
JULIANNE WOODYER
Affirmed in the City of Toronto,
in the Province of Ontario,
this 29th day of August, 2016, before,


Notary Public

78867

May 11, 2016

Ms. Julie Woodyer, Campaigns Director
Zoocheck Canada Inc.
788 1/2 O'Connor Drive
Toronto ON M4B 2S8
julie@zoochek.com

Dear Ms. Woodyer:

Thank you for your email regarding zoo standards in Alberta.

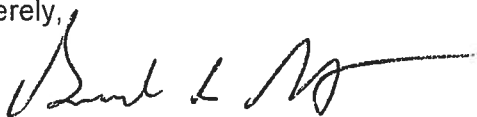
The Departments of Environment and Parks and Agriculture and Forestry have joint legislative jurisdiction over zoos in Alberta. Environment and Parks administers the *Wildlife Act* and its regulations, and Agriculture and Forestry administers the *Animal Protection Act* and its regulations. I have forwarded your concerns to the Department of Agriculture and Forestry, for their consideration.

Environment and Parks conducted an inspection of the Edmonton Valley Zoo on September 25, 2015. The inspection was conducted by two wildlife biologists and a fish and wildlife officer. The inspection did not reveal any contraventions by the Edmonton Valley Zoo of the *Wildlife Act*, the Wildlife Regulation, Part II of the Government of Alberta Standards for Zoos in Alberta, or the zoo permit.

If a zoo is not accredited, the zoo operator must submit a detailed animal care protocol, including exhibit descriptions, at the time of application or renewal of the permit. Edmonton Valley Zoo is accredited by Canada's Accredited Zoos and Aquariums, and as such does not need to submit animal care protocols. However, all zoo permits issued by Environment and Parks are legally required to comply with the Government of Alberta Standards for Zoos in Alberta.

I appreciate you sharing your perspective on this matter.

Sincerely,



Graham Statt
Assistant Deputy Minister

cc: Honourable Oneil Carlier
Minister of Agriculture and Forestry

THIS IS EXHIBIT “13”
referred to in the Affidavit of
JULIANNE WOODYER
Affirmed in the City of Toronto,
in the Province of Ontario,
this 29th day of August, 2016, before,



Notary Public

Zoo Inspection Worksheet (2015/16)

Zoo Name: Valley Zoo

Date of inspection: Sept 25/15

Inspection Team:

Delaney Anderson, Scott Donker, Jason Cadzow

Renewal Requirements:

- Annual Fee Paid Y/N
- Annual Report Submitted including:
 - Inventory of animals Y/N
 - Transaction Record (Births, deaths, acquisitions, dispositions) Y/N

Is the zoo CAZA accredited? Y N Year of last CAZA inspection 2011

Owner/Operator City of Edmonton

Name & Position of staff participating in inspection:

Dean Trichel Operations Mgr Denise Prefontaine Director Rhonda Browning AHT M.J. Linoes Veterinarian

Name of Veterinarian: M.J. Linoes

Review of Zoo Development Plan and Permit Conditions from previous inspection.

Notes:

- ZDP will be reviewed upon renewal - Zoo asked to update staff training + emergency plan at last permit renewal

Record Keeping (can be done prior to inspection if samples provided in ZDP)

- o **Acquisition** – include kind, sex, origin, date of acquisition including import #, name & address of person from whom animal is acquired as well as its health status and nutritional background
- o **Disposition** – must include kind, sex, destination, date sold/transferred, export number (if applicable), name & address of person receiving animal, health status, nutritional background.
- o **Births** – kind, sex, DOB, permanent ID or markings
- o **Deaths** – kind, date, enclosure location and circumstances of death
- o **Animal Health Records** – vet must document all treatment activities as per the AVMA
- o **Marking Records** – each animal must have marking identified on permanent record
- o **Currency** – records kept current and data logged daily

Do on-site records follow ZDP samples and meet standards? Y/N

Animal Collection

- **Tags/Markings** - Are the animals marked for individual identification where possible? (Tag, marking, microchip, tattoo, unique physical feature)
Yes.
- **Breeding** - The approved ZDP should identify animals that are part of the breeding program. Are any animals breeding that are not identified in the approved breeding list?
- **Animal Deaths** – Necropsies must be conducted on the advice of the attending vet or for spp as required by ESRD and AAFRD. Necropsies must be performed immediately after death or arrangements made to keep the dead animal(s) in cold storage or freezer facilities until the necropsy can be performed. Dead animals awaiting necropsy must be stored in a dedicated storage area.

How are dead animals dealt with? All according to EAP and AVMA standards

- **Inventory** – Are there any animals identified that are not included in the approved Zoo Development Plan? (Review approved inventory and bring list for inspection)

Importing Animals

- Does the facility have a quarantine or isolation facility at or near the licensed zoo?
Yes. Quarantine facility (indoor + outdoor facilities available)

Off-Site Display

- Must comply with approved ZDP (animals permitted off-site, transportation and enclosures, direct contact)
Tractable animals part of ZDP

Public and Staff Safety

- Warning signs present to advise visitors of dangerous animals or fixtures Y/N
- Venomous animals on site? Y/N
 - o Written protocol in place for staff? Y/N
 - o Anti-venom on site or close by at medical facility? Y/N

- Guardrails or barriers in place to prevent contact between public and dangerous animals? Y/N
Emu enclosure modified from last inspection. Double fence in place.
- Direct contact between public and animals allowed only in contained area (as per ZDP) Y/N
- Enclosures with potentially dangerous animals
 - Is there a double door entry system or a separate, secure shift area where the animals can be secured during routine maintenance, cleaning or veterinary care? Y/N
- Necessary facilities and equipment are available as defined by the zoo vet to capture and restrain animals for veterinary purposes.

Containment Standards

Standard	Excellent	Adequate	Non-Compliant
Perimeter Fence - (equivalent to chain-link, min 2.5m) Height _____ Adequate to contain animals and prevent escape or unauthorized entry?	✓		
Flying/climbing animal enclosures – must have roof (fully enclosed) or have other means to prevent escape	✓		
Digging animals – adequate flooring or material buried to prevent digging escape		✓	
Locks – perimeter fence and individual enclosures must be able to be locked	✓		
Emergency Plan (for escapes) – written plan must be in place (ZDP); facility must have necessary equipment and trained personnel and immediate access to drugs, etc in the event of an escape.	✓		

Notes: Some previous issues with digging animals (arctic ground squirrels, porcupine in quarantine). Modifications made to enclosures to prevent escape

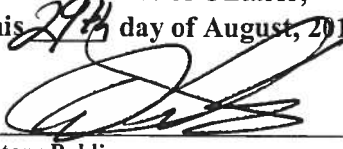
Animal Care Protocols

Food	Excellent	Adequate	Non-Compliant
Animals must be provided with nutritious food as set out in the veterinary written agreement and a potable water source must be available to all animals at all times.	/		
Animal food must not be stored in the same area as animal drugs, or with food for humans. Food prep areas must be separate from all other areas.	✓		

Cleaning - Buildings and substrates to which animals have access must be kept clean as follows:			
	Excellent	Adequate	Non-Compliant
Washable surfaces must be washed clean and disinfected regularly	✓		
Substrates which cannot be washed must be cleaned of gross waste (e.g., perishable food and animal waste) on a daily basis for enclosures smaller than 0.5 acres, and less frequently for larger enclosures. The animal care protocol may indicate longer cleaning intervals for some species to reduce psychological stress.	✓		
To facilitate cleaning all areas of the enclosures must be accessible to keepers.	✓		
Substrates such as loose bedding material must be changed if soiled with feces and urine and any bedding provided must be kept dry and changed on a regular basis.	✓		
Enclosures	Excellent	Adequate	Non-Compliant
Animals must be protected from injurious heat and cold associated with ambient outdoor conditions or any other weather conditions that are detrimental to their health. Only animals that can acclimate and tolerate ambient outdoor conditions can be kept in outdoor enclosures, and they should have access to sheltered areas to protect them from sun, wind, precipitation and temperature extremes.		✓	
If a species is not native to the area or able to acclimate, that species must have enclosures where the temperature, humidity, ventilation and lighting levels can be regulated to simulate their natural environment.	✓		
Where animals are dependent upon heating, cooling, aeration, filtration or other systems for their survival, these must be equipped with warning devices and have emergency backup systems available.	✓		
All equipment, fixtures and vegetation must be installed in such a way that they do not present a hazard to the animals and must be maintained in good working condition.	✓		
Any enrichment structures or procedures must not pose a safety hazard to the animals, staff or public.	✓		

Notes:

THIS IS EXHIBIT "14"
referred to in the Affidavit of
JULIANNE WOODYER
Affirmed in the City of Toronto,
in the Province of Ontario,
this 27th day of August, 2016, before,



Notary Public

Facility	Location	Date	Incident	Notes
African Lion Safari	Ontario, Cambridge	7-Jun-1992	Injury	A 14 year old handler was knocked down and trampled by an elephant after a show. The boy was leading the elephant back to its enclosure when the elephant kicked the boy down and stepped on him.
Bowmanville Zoo	Ontario, Bowmanville	8-Jan-1991	Injury	During the Animal Fair Show at the Bowmanville Zoo, an Asian elephant named Vance charged the keeper, Michael Hackenberger. Visitors were instructed to leave the performance area immediately. The zoo later toured another elephant, Sheba, around the grounds for visitors to touch and treated everyone to an ice cream cone to apologize for the incident.
African Lion Safari	Ontario, Cambridge	14-Nov-1989	Death	A keeper at the African Lion Safari was crushed to death by a female elephant while trying to break up a fight between her and another female elephant.
Calgary Zoo	Alberta, Calgary	1-May-2008	Injury	A senior elephant keeper was was knocked down by Swarna, a 34-year-old female elephant. He was sent to hospital with cuts and bruises on his face. The zoo said the keeper was pushed from behind while cleaning the floor in the area where Swarna was standing.
Calgary Zoo	Alberta, Calgary	26-Mar-2004	Injury	An elephant keeper suffered chest, spinal and shoulder injuries when a female elephant pinned her against the wall.
Assiniboine Park Zoo	Manitoba, Winnipeg	21-Jul-2002	Injury	Limba, a female Asian elephant on loan from Bowmanville Zoo to Assiniboine Park Zoo backed into a keeper in the enclosure injuring the keeper. Winnipeg Humane Society put out a press release noting that Michael Hackenberger, owner of Bowmanville Zoo flew out to Winnipeg to beat Limba as reprisal for the incident.
Leonardo Circus	Ontario	15-May-1999	Death	A 23-year-old American circus worker died after an elephant backstage at a circus performance attacked him. Police say the man, who assisted the trainers with the animals in the Leonardo Circus, was kicked in the head.
Al Azher Shrine Circus	Alberta, Calgary	13-Apr-1997	Injury	A 26-year-old Asian elephant, Jan, injured a groom before a performance of the Al Azher Shrine Circus. The groom, Joe Lawson, was bitten on the head and back by the elephant in her small concrete pen at Canadian Airlines Saddledome.
Fort Worth Zoo	Fort Worth, Texas - US	1-Sep-2015	Injury	37 year old female zookeeper injured by elephant calf. Incident not reported to authorities, extent of injuries are unknown, but were classified as "serious". 5 Days of work were missed.

Knoxville Zoo	Knoxville Tennessee - US	1-Jan-2011	Death	Handler Stephanie James was crushed to death when a female elephant named Edie pushed her into a bar in her enclosure.
Knoxville Zoo	Knoxville Tennessee - US	1-Aug-2001	Injury	Two Knoxville Zoo handlers were injured when Mamie, the zoo's painting African elephant, broke loose during a morning walk. Keepers Tom Troy and Mike Gaugler were taking Mamie on a daily get-acquainted stroll to a new exhibit space when she decided to make a run for some tasty tree leaves, zoo executive director Jim Vlana said. Troy had a cut on his head and Gaugler injured a rib. Both were treated at the University of
Franklin Zoo	Auckland, New Zealand	25-Apr-2012	Death	Zoo owner, Helen Schofield, was crushed to death by the female elephant Mila, after Mila picked her up with her trunk and lifted her in the air. Mila was known to have troubled emotional issues.
Toledo Zoo	Toledo, Ohio - US	22-Jul-2010	Injury	Elephant Calf charged a keeper and pinned him against a wall before charging again. The keeper had minor injuries.
Gajah Mungkur Reservoir zoo	Wonogiri, Central Java	1-May-2016	Death	25 year old vet Esthi Octavia Warahapsari, was attempting to take a "selfie" with the male elephant Panamtu, when the elephant gored her, throwing her 3 metres. Despite attempts from others to help, Panamtu chased down Esthi and trampled her to death.
Siddhartha Garden & Zoo	Aurangabad, India	29-Jun-2016	Injury	40 year old zoo staffer entered the enclosure to feed the elephants when 20 year old female elephant Laxmi attacked, fracturing his hand and causing a head injury.
Badaling Wildlife World	Beijing, China	3-March, 2016	Death	Managing Director, Mr. Wu was attacked and trampled to death when he went into the elephant enclosure with 2 others to feed the animals.
Durov's Little Corner - Animal Theatre	Moscow, Russia	3-Feb-2001	Death	Trainer, Alexander Terekhov was crushed to death by an elephant when he entered the pen after a performance.
Dickerson Park Zoo	Springfield, Missouri - US	12-Oct-2013	Death	41 year old elephant Patience, killed trainer, John Bradford.
Island Safari	Koh Samui, Thailand	1-Feb-2016	Death	When a handler tried to take a photo of the elephant, the rider Gareth Crowe, 36, was thrown from the elephant named Golf, gored and trampled. He died of his injuries.
	Czech Republic		Death	44 year old zoo keeper killed by female elephant in the African Elephant Pavillion. When he tripped over the chains they had tied around her leg, he fell to the ground and the elephant proceeded to repeatedly gore him. The elephant was known to be quite ill and died of her disease 6 weeks after the attack.

Houston Zoo	Houston, Texas - US	24-Mar-1986	Injury	18 year old Asian Elephant Thai, picked up zookeeper William Neuser by the neck and held him near his face. Thai dropped the zookeeper to the ground, then charged and slammed him into a wall. The zookeeper escaped with minor injuries and was released from the hospital the same day.
Elephants of Eden	Plettenberg Bay, South Africa	1-Jun-2005	Death	Male elephant named Harry, trampled a handler to death.
Elephants of Eden	Plettenberg Bay, South Africa	6-Jun-2011	Injury	Male Elephant named Harry, tossed handler Arnold Ndzwanana into the air then trampled him, requiring the amputation of one of his legs.
Circus Eurpoe International	Lizy-sur-Ourcq, France	8-Sep-2013	Death	Circus Elephant Samba escaped into a Paris village and killed an 84 year old man playing penanque.
Mahout Trekking Elephant	Nakhon Si Thammarat, Thailand	5-Feb-2012	Death	25 year old male elephant named Sidor Plaiwan killed its mahout after going "bezerk".
Fort Lympne Zoo	Hythe, United Kingdom	22-Jun-1905	Death	31 year old female elephant La Petite killed her keeper Carren Cockrill
Warsaw Zoo	Warsaw, Poland	19-Feb-2003	Death	31 year old female elephant named Erna attacked and killed keeper Perry Haans
Monde Sauvage Safari	Aywaille, Belgium	2-Apr-1995	Death	32 year old male elephant attacked and killed handler Dougie Robertson.
Travelling Circus	Karrebaeksminde, Denmark	17-Jul-2015	Injury	3 circus performing elephants were being bathed in the sea in front of a large crowd when they became agitated, and walked too closely to the crowd. When a handler beat one of the elephants with a crow bar, then elephant chased the man and ended up picking up a car with his tusks and pushing it up an embankment.
	Buchen. Germany	13-Jun-2015	Death	34 year old female elephant named Baby escaped the circus and attacked a 65 year old man out for a morning walk in the woods. The elephant was caught and returned to the circus.
Shrine Circus	Wilkes-Barre, Pennsylvania	9-Apr-2010	Death	Male circus performing elephant became "spooked" and kicked his trainer 20 feet. The trainer died on scene.
Ringling Brothers, Barnum & Baily Circus	Sarasota, Florida - US	26-Mar-1950	Death	27 year old circus elephant Dolly snatched 5 year-old Edwin Rogers Schooley from his parent's side, and crushed his head with her foot. The circus killed Dolly with cyanide 3 days later.
	Dade County	Late 1980	Death	3 1/2 year old female African elephant named Charlie pinned a handler up against a wall in her pen, and gored him twice in the abdomen, puncturing his aorta. Before the attack, the handler, William David Sharp had prodded Charlie with an axe handle.

Clyde-Beatty Cole Brothers Circus	Atlantic City, New Jersey	25-May-1983	Injury	After trying to pet a lion, John Marshall went to the elephant holding area and blew into the trunk of elephant Frieda. Frieda grabbed Marshall and threw him, resulting in multiple trauma and broken bones.
Lion Country Safari	Irvine, California - US	24-Jul-1983	Death	Asian elephant Misty turned on game warden Lee Keaton while he was attempting to put chains on her leg. Misty crushed his skull and killed him instantly. Three weeks prior, Misty has attacked another handler David Wilson, who survived.
Great American Circus	Milwaukee, Wisconsin	1-Jul-1987	Injury	Ride elephant Irene, broke free from her trainer and injured two children riding on her back.
Ashton Circus	Gunnedah, Australia	14-Sep-1987	Death	Circus elephant Abu knocked down a horse groom then crushed him to death just prior to the performance. The show went on as planned.
Shrine Circus	Quebec, Canada	1-Mar-1988	Injury	Circus elephant attacked her handler as they were approaching the ring. The handler suffered severe internal injuries, including having rib broken.
Marine World Africa USA	Oakdale, California	7-Apr-1990	Injury	African elephant who was being ridden at an open house, became spooked and threw the passengers. The elephant was spinning and bumping into several cars before being brought under control.
Great American Circus	Reading, Pennsylvania	1-Jun-1990	Injury	Elephant went on a rampage, attacking a trainer and charging a crowd of 1,000.
Great American Circus	Palm Bay, Florida	1-Feb-1992	Injury	27 year old asian elephant Janet, went on a rampage before a circus performance while carrying two children and one adult on her back. Janet rampaged through the grounds, trying to stomp a police officer and pull down the spectator bleachers. Police shot at Janet for 15 minutes until someone came with bullets large enough to kill her.
Ringling Brothers, Barnum & Baily Circus - Elephant Farm	Gainesville, Florida	5-May-1993	Death	24 year old female Asian elephant knocked down trainer Alex Gautier, and crushed him with her foot.
Clyde-Beatty Cole Brothers Circus	Fishkill Mall in Fishkill, New York	5-Jun-1993	Death	A 22 year old man named Christopher Ponte was crushed to death after walking into a group of elephants at the mall circus. This occurred despite numerous previous citations regarding the lack of separation between the elephants and the public.

Marine World Africa USA	Marine World Africa USA, California	2-Sep-1993	Injury	Scott Stuart was posing for a photo atop a young elephant, when the elephant suddenly stampeded wildly across a crowded public area, crashed through a wooden fence and threw Stuart onto a cement path.
Jordan Brothers Circus	Salt Lake City, Utah	4-Apr-1994	Injury	While giving rides to children, elephant Sue lifted her trainer Rex Williams with her trunk, tossed him to the ground, and stepped on him. Williams suffered a broken ar, four broken ribs & internal injuries. Another trainer stepped in to help, but Sue kicked her and broke her finger. Another handler was able to gain control and remove the unharmed children from Sue's back.
Louisville Zoo	Louisville, Kentucky	29-Jun-1994	Injury	Female African elephant Kenya, attacked zoo visitor Troy Ramsey. Kenya picked Ramsey up, smashed him to the ground and tried to gore him with her tusks. Ramsey lost her spleen and 2/3 of his pancreas.
Great Moscow Circus	New York City, Manhattan television studio	18-Jul-1994	Injury	12 year old African elephant Flora smashed her head into the head and body of Yelena Aleynickov, a Russian translator, pinning her to the wall. Aleynickov's injuries included a fractured skull, broken ribs, punctured lung, fractured eye orbit, and multiple lacerations.
Danish Circus	Copenhagen, Denmark	22-Jul-1994	Injury	Asian elephant, Siam, crashed out of the big top and seized a man, lifting him into the air before rampaging through the harbor area. Siam returned on his own, and was later killed by lethal injection.
Circus International	Laie, Hawaii	4-Aug-1994	Injury	Elephant Tyke knocked a metal barrier into a family, pinning them to the bleachers and injuring the father and daughter.
Circus International	Honolulu, Hawaii	20-Aug-1994	Death	During a performance, elephant Tyke crushed her trainer Allen Campbell to death and mauled a groom named Dallas Beckwith. After the attack, Tyke left the arena and raged through the downtown area. Tyke collapsed after being shot 86 times, was given a lethal injection, then was shot 3 more times to kill her.
King Royal Circus	Kansas	25-Oct-1994	Injury	Young bull elephant Mickey wrapped his trunk around a 3 year old girls neck and pulled her to him. The girl was rescued and taken to the hospital. Just weeks prior to the attack, trainer Bela Tabak was filmed beating and stabbing Mickey with a bull hook in Lebanon, Oregon.

Jockey Circus	Bankok, Thailand	15-Mar-1995	Death	20 year old elephant Jockey trampled to death the show's owner and his son, shortly before the show opened at an elementary school. Jockey was killed when chloroform bullets failed to stop him from charging the crowd.
Clyde-Beatty Cole Brothers Circus	Hanover, Pennsylvania	16-Mar-1995	Injury	Elephants Debbie and Freda bolted from a line of circus elephants outside the North Hanover Mall and lumbered through the crowded parking lot. They damaged several parked cars and crashed through a large plate glass window at a Sears Auto Service Center.
Clyde-Beatty Cole Brothers Circus	New London, Connecticut	7-Jul-1985	Death	A spectator named Joan Scovell entered the pen of Frieda the elephant in an attempt to ride her. Frieda crushed Scovell to death inside the pen where it was set up in the mall parking lot.
Clyde-Beatty Cole Brothers Circus	Queens, New York	10-Jul-1995	Injury	In the Forest Park Bandshell parking lot, elephant Debbie bumped into Frieda who was beside her in a 9 elephant chain. They scuffled and when spectators ran off in a panic, the two elephants bolted out of the entrance to the tent and smashed a parked car in their attempt to make it out of the parking lot.
Togni Circus	Rome, Italy	1-Nov-1995	Death	Asian Elephant trampled to death an elephant trainer.
Cairo Zoo	Cairo, Egypt	7-Dec-1995	Death	When a 64 year old caretaker went to give Nadia her breakfast, Nadia picked him up with her trunk, threw him to the ground and stepped on him.
King Royal Circus	Comfort, Texas	1-Jan-1996	Injury	High school principal Jerry Boyd was injured when he was thrown from an elephant during a elephant ride promotion. The victim suffered 2 broken ribs and arm and wrist injuries.
Parc Safari	roadside zoo in Quebec	Early 1996	Injury	30 year old elephant Kitty attacked her trainer Jeanot Blancet while he was preparing her for elephant rides.
	Iquique, Chile	1-Jun-1996	Death	Circus elephant Frieda slapped a boy and knocked him to the ground during a circus appearance. The boy, 10 year old Rodiguio Silva, died later in the hospital of multiple skull trauma.
Jordan World Circus	Central Wyoming Fairgrounds	14-Jun-1996	Injury	Circus elephant Sue was giving rides to children when she charged the trainer and knocked her down. The trainer rolled into a ball and Sue continued to kick her. The trainer had to be taken to hospital.
Al Azher Shrine Circus	Calgary, Canada	14-Apr-1997	Injury	26 year old Asian elephant Jan attacked groomer Joe Lawson, while in her small concrete pen at Canadian Airlines Saddledome, biting him on the head and back.

	Mentor, Ohio	15-Feb-1998	Injury	Before a circus performance at Mentor High School, elephant Tonya knocked a trainer to the ground, opened a door with her trunk and fled the building, galloping a quarter mile before the trainer got her under control.
Bob Cumerford Petting Zoo	New York State Fair in Syracuse	27-Aug-1998	Injury	Elephant Minnie was giving a ride to 3 year old Kathleen Saba, when she kicked animal trainer Sloan Damon and stepped on his back leaving an imprint. Saba fell off the elephant and hit her head on the ground.
Bob Cumerford Petting Zoo	Essex Junction, Vermont	1989	Injury	Elephant Minnie threw her trainer Bruce Coring, face first into a trailer, after he beat her with a stick.
		8-Sep-1998	Injury	A ride elephant had a 6 year old boy and his uncle on his back, when the elephant suddenly sat down, stood up and started to shake. The uncle and child were both thrown, and the child suffered a broken wrist.
	Kathmandu, Nepal	17-Nov-1998	Death	Female elephant trampled to death her trainer, then tore through the town pulled down compound walls of buildings. The elephant was chased to a secluded area and shot 40 times until she was killed.
Royal Hanneford Circus	Foughkeepsie, New York	21-Feb-1999	Injury	African elephant Luna, escaped the centre ring during a performance and charged towards the crowd. Luna stomped through several rows of chairs, then ran behind the rear curtain and was contained.
Tarzan Zerbini Circus	Duluth Entertainment Center	24-Apr-1999	Injury	An elephant attacked handler Lawrence D. Verokosky, injuring his left leg, pelvis, and left side of his face.
	Pennsylvania	30-Jul-1999	Injury	While giving rides during a circus intermission, and elephant screamed twice, turned away from it's trainer and attempted to run from the ring with the children still atop. The trainer used a bull hook in the elephants ear to control it. They then went back to giving children rides on the elephant.
	Texas State Fair	4-Oct-1999	Injury	African elephant Kamba escaped from the performance area of the fair and ran into an intersection filled with spectators.
Modelo Circus	Bogota, Mexico	24-Oct-1999	Death	At the end of her performance, elephant Maggie turned on her whip-wielding trainer and wrapped her trunk around him. After tossing him into the air, she impaled in with her tusks then proceeded to stomp all over him on the ground. The 50 year old trainer Elias Mitrobich Garcia, died with his skull crushed on the circus tent floor.

Glen Africa farm	Broederstroom, South Africa	15-Apr-2001	Death	While on a film set as background decoration, the female elephant pushed over handler Fiso Mbambo, 23, knelt on him then walked over him down to the river. Mbambo died on scene.
Denver Zoo	Denver, Colorado	10-Jun-2001	Injury	18 year old Asian elephant Hope, became startled and slammed trainer Jim Williams into a wall. Hope knocked over another elephant, stepped over a 3 foot barrier and took off running. The charging elephant knocked a child out of her stroller, caused a man to sprain his ankle and a woman to have an asthma attack.
	Florida, US	26-Jan-2000	Death	18 year old female elephant, Kenya was chained to a tree at a compound where a circus family lives when she attacked a circus performer Teresa Ramos-Caballero. Kenya knocked her down with her trunk and stomped on her. When Ramos-Caballero got up, Kenya knocked her down again and crushed her. Ten days later the elephant was found dead.
Culpepper & Merriweather	Yucca Valley, California	20-Apr-2000	Injury	While circus elephant Connie escaped for a stroll down the street, another elephant Barbara began to walk away from the area. 29 year old circus ticket Susan Annette Vonderheid was able to lure Barbara back into her pen, but not before being trampled, which resulted in contusions to her left hip and thigh.
Elephant Back Safaris	Botswana	5-May-2000	Death	27 year old African bull elephant named Nyaka Nyaka charged and killed a 28 year old safari guide Andre Klocke. The elephant was later killed on order from his owner, American Randall Moore.
Vasquez Circus	Charlotte, North Carolina	27-Oct-2001	Injury	Two circus elephants, Debbie and Judy escaped from the circus going on in a church parking lot. They smashed through the front glass of the church, and proceeded to charge down the halls and crashed into the back of the church.
Circus	Dhaka, Bangladesh	28-May-2002	Death	10 year old Faruk Hossain and his playmates were petting an elephant at the circus that was tied with a chain to a pole, when the elephant picked up the boy with its trunk and trampled him to death.
	La Piedad, Mexico	15-Oct-2002	Death	Circus elephant Sami and elephant tamer Benjamin Cabrera were taking part in a parade when Sami grabbed Cabrera with its trunk and hurled him several times on the ground. He died instantly.

Circus Flora	Miami Metro Zoo, Florida	15-Dec-2002	Injury	20 year old elephant Flora went on a rampage, knocking handler Michael Embury over, then kicking him 15 feet into a cluster of boulders. Embury suffered a broken arm, two broken shoulders, bruised spleen and bruised brain.
Elephant World, Araneta Center	Quezon City, Philippines	8-May-2003	Injury	21 year old elephant Dumbo injured his trainers shin, then escaped, running amok down a city street.
Tarzan Zerbini Circus	Fort Wayne, Indiana	31-Jan-2005	Death	The handler Pierre A. Spenle was discovered in the semitrailer of female Asian elephant that had just been packed up from the weekend's Mizpah Shrine Temple circus. He was taken to hospital in critical condition with injuries including blunt force trauma to the chest. He died hours later.
Ringling Bros and Barnum & Bailey Circus Elephant Conservation Center	Polk City, Florida	13-Apr-2005	Injury	36 year old female Asian elephant Tova kicked handler David R. Mannes, 52 who suffered a fractured pelvis and a soft tissue wound to his arm.
Swope Park Zoo	Kansas City	Late 1980	Injury	Trainer, Mark Kabek was putting African bull elephant Casey "through his paces" in front of spectators when the elephant charged Kabek, driving his tusk into the trainer's arm and side. Hospitalization was required.
Fort Lympe Wildlife Park	Hythe, England	1984	Death	13 year old bull elephant Bindu wrapped his trunk around 22 year old keeper Mark Aiken and crushed his head against an iron railing. Aiken was killed instantly.
Bobby Roberts Super Circus	Queensferry, England	7-Sep-2003	Injury	Circus elephant, Anne was in a field adjacent to the big top with no barrier. She was being petted by multiple children and she became agitated, rearing her head into the side of a young boy who went flying across the grass, the she butted 60 year old Irene Booth, leaving her with a concussion and whiplash.
Circus Malaysia	Sandakan, Malaysian Borneo	22-Oct-2003	Death	During a training session, the elephant struck the trainer in the abdomen with it's trunk. Despite surgery, the trainer died of his injuries.
Liebel Family Circus	Clinton, IA Riverboat Days Celebration	4-Jul-2004	Injury	Circus employee Hristo Entrchev stooped near the elephants water bowl, when the elephant rammed him, and lifted him into the air, sending him tumbling down an incline.
Fort Worth Zoo	Fort Worth, Texas - US	Early 1987	Death	Asian elephant named Sam, in his early twenties, knocked down his handler, Michael A. Bell, with his trunk then stepped on his head.

San Francisco Zoo	San Francisco, California	1-Oct-1988	Injury	22 year old Asian elephant Tinkerbelle did a "headstand" on a vet tech, Gail Hedberg while she was treating an abscess on Tinkerbelle's head. Zoo employees came to Tinkerbelle's defence, saying she had been beaten and abused for over a decade.
San Diego Wild Animal Park	San Diego, California	31-Jan-1989	Injury	Elephant keeper, David SaoMarco, was striking Asian elephant Cindy, on the back of her legs with a bull hook, when the 26 year old elephant lunged at him, knocking him into the moat. She proceeded to hit and kick him, resulting in a broken collar bone.
San Diego Wild Animal Park	San Diego, California	1-Feb-1989	Injury	Asian elephant Cindy attacked Bob Potvin, trampling his wheelbarrow as he escaped unharmed.
Busch Gardens	Tampa, Florida	5-Feb-1989	Death	34 year old handler Joe H. Allen was preparing to feed 17 year old male Asian elephant, when the elephant knocked him to the ground and crushed his head and chest.
Oakland Zoo	Oakland, California	13-Jan-1990	Death	Male Asian elephant, Smokey, attacked his keeper, ramming him up against a concrete pillar. Keeper, Lorne Jackson, 55 died of massive chest injuries.
Lion Country Safari	Loxahatchee, Florida	19-Mar-1990	Injury	Handler, Bill Pentler, 32, was "disciplining" African elephant Jo-Jo, when she lifted him in the air, slammed him to the ground, gored him and performed a "head stand" on him. While rescue workers were helping Pentler, Jo-Jo was still trying to attack him. Pentler suffered a torn liver, 5 cracked ribs and gashes that required skin grafts.
San Diego Wild Animal Park	San Diego, California	14-Mar-1991	Death	Keeper Pamela Christine Orsi tried to break up a fight between two elephants. She was knocked down and stepped on resulting in extensive head injuries; she died on scene.
Twycross Zoo	Ericestershire, England	1-Aug-1991	Death	A zookeeper was killed when he poked his head through the bars of the elephant cage was butted by an elephant. His neck was broken against the cage bars.
Houston Zoo	Houston, Texas - US	24-Dec-1991	Injury	A trainer was attacked when he tried to stop Asian elephant Indu from slamming another female elephant into a fence. The trainer was butted to the ground but managed to escape with a broken collar bone and 4 ribs. Indu had become aggressive since seeing her newborn die 2 months prior.
San Salvador National Zoo		2-Nov-2002	Death	Elephant Manyula crushed her keeper to death as a party of school children looked on. Manyula spent her entire life in the zoo without a mate. This was the 2nd zookeeper that Manyula killed.

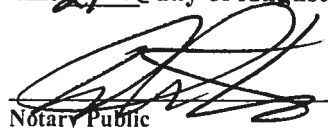
San Antonio Zoo	San Antonio, Texas	30-Jul-1993	Death	Elephant keeper, Jubal Cox, 29, was leading a group of elephants inside the enclosure, when a 37 year old elephant grabbed him with her trunk and slammed him into the ground.
Tampa Zoo	Tampa, Florida	30-Jul-1003	Death	31 year old female Asian Elephant Tillie became violent after she was unshackled. Tillie swatted the handler to the ground with her trunk, then fatally kicked her. 2 month prior, Tillie had pushed this same trainer into a moat surrounding the compound.
Metro Toronto Zoo	Toronto, Canada	7-Oct-1993	Injury	Nick Rensink, elephant keeper, was seriously injured when he was gored by a 25 year old female African elephant.
Cleveland Metroparks Zoo	Cleveland, Ohio	30-Jan-1994	Injury	Tiani, a 16 year old female elephant lunged at her keeper, her tusk causing a gash in the keepers head that required 6 stitches.
Lincoln Park Zoo	Chicago, Illinois	24-Feb-1994	Injury	3 year old female elephant Shanti was undergoing training and had been kept in chains and ropes for several days. Trainer Jennifer Warmbold was trying to secure the chains when Shanti broke the ropes and attacked. Warmbold suffered broken ribs, a broken sternum, collapsed lung and a deep wound in her back caused by the tusks.
World Safari Park	Liege, Belgium	1-May-1995	Death	Bull elephant Ben trampled his keeper to death.
	Zurich, Awitzerland	1-May-1995	Injury	11 year old female elephant attacked and seriously injured her keeper. The elephant was killed.
Los Angeles Zoo	Las Angeles, California	20-Oct-1996	Injury	During a training exercise, Calle, a female Asian Elephant charged assistant trainer Ron Rotter, breaking 3 ribs and a collar bone.
Frank Buck Zoo	Gainseville, Texas	28-May-1997	Death	Lee Rhoades, zoo supervisor died of massive chest injuries and internal bleeding when female elephant Gerry crushed him.
Hrodno Zoo	Western Belarus	2-Jun-1998	Death	When 42 year old keeper came a hour late with lunch, male elephant Surik suddenly attacked.
Henry Vilas Zoo	Madison, Wisconsin	9-Jul-1998	Injury	A zookeeper was picked up by Asian elephant Winky and thrown down, then African elephant Penny, knelt down on him. The keeper was treated and released from hospital. Winky has attacked twice before.

Indianapolis Zoo	Indianapolis	8-Nov-1998	Injury	Leslie Mackie was bathing 4 elephants. When 29 year old female elephant Cita raised her head in a threatening manner towards another elephant, Mackie told Cita "no", and Cita turned around and struck Mackie with her trunk multiple times. breaking Mackie's ribs.
Henry Vilas Zoo	Madison, Wisconsin	22-Dec-1999	Injury	A zookeeper was thrown into a wall by Winkie's head as she turned to lunge at visiting vet Bill Lindsay. The keeper was taken to hospital. Winkie had grabbed Lindsay with her mouth, but he was not seriously injured and declined treatment.
Sorocaba Zoo	Sorocaba, SP, Brazil	1-May-2000	Injury	Sandro the elephant threw a 1kg stone at a 9 year old girl, breaking her jaw and 10 teeth. The girl required multiple surgeries.
Suan Chang resort	Pattaya, Thailand	11-Jul-2000	Death	50 year old Oun Insamram had a history of being mean to his mahout brothers bull elephant Plai Yokie. On this day, when he tried to take his feed to give to another elephant, Plai Yokie, who was chained at the time, gored him in the chest. Insamram died instantly.
Chester Zoo	Chester, England	9-Feb-2001	Death	34 year old keeper Richard Hughes was struck on the head and shoulders and knocked off his feet as he led 30 year old female Asian elephant Kumara from her shed. At the hospital the keeper lost consciousness and died. Kumara was killed immediately after the attack.
Malacca Zoo	Malaysia	17-Jul-2001	Injury	Male elephant Adun "embraced" his trainer Abdul Rahim during a shower, resulting in broken ribs. As punishment, the zoo chained all four of his legs and reduced his food intake.
Singapore City Zoo	Singapore	31-Jul-2001	Injury	During a walk, bull elephant Chawang turned on his keeper, lifting him into the air with his trunk, then goring him with his tusks. His keeper Gopal Krishnan suffered fractured ribs and a punctured lung.
Dvur Kralove nad Labem Zoo	East Bohemia, Czech Republic	6-Aug-2001	Death	44 year old zoo keeper was giving an injection to a sick female elephant when she knocked him down with her head, then gored him with her tusks. The zoo keeper died in hospital of severe chest injuries.
Knoxville Zoo	Knoxville Tennessee - US	23-Aug-2001	Injury	During a walk, female African elephant Mamie, burst through a pathway gate, climbed onto an old wooden deck. She started swinging her head around and knocked down 2 keepers; one sustained a cut on his head and the other injured a rib.

London Zoo	London, England	20-Oct-2001	Death	20 year old female elephant Mya pinned down her keeper, James Robson, and crushed his head.
Phuket Zoo	Phuket, Thailand	20-Nov-2001	Injury	26 year old Louise Fletcher was riding an elephant when the elephant charged another animal. Fletcher was thrown to the ground, and the elephant stepped on her leg. Fletcher required skin graphs and a steel pin placed in her leg.
Pittsburgh Zoo	Pittsburg	18-Nov-2002	Death	Keeper Mike Gatti was giving verbal commands to a female African elephant M. and her baby, when M struck Gatti with her head, knocking him to the ground. M. then continued to push her head into him, crushing him.
Safari Beekse Bergen	Hilvarenbeek, Netherlands	19-Feb-2003	Death	When a keeper gave a command, the African elephant gave him a blow with her head. When he fell to the ground, she proceeded to trample him to death.
Malacca Zoo		18-Mar-2003	Injury	Trainer Mohd Razak Sadikon, 35 was found lying on the ground bleeding. The trainer sustained a broken rib and lung injuries. The elephant Adun, was placed in isolation for 2 days as punishment.
Indianapolis Zoo	Indianapolis	18-Jul-2003	Injury	Female African elephant Ivory, who was defending her calf, attacked her trainer, injuring his leg. The trainer required surgery.
Calgary Zoo	Calgary, Canada	25-Mar-2004	Injury	38 year old female elephant was getting a wash when she suddenly turned and pinned the keeper up against the wall. The keeper suffered chest, spinal and shoulder injuries.
Six Flags Marine World	California	1-Jun-2004	Injury	23 year old female elephant Misha, knocked down trainer Patrick Chapple, 39, with her trunk, then ran her tusk completely through Chapple's back and through his abdomen.
Vienna Zoo	Vienna, Italy	20-Feb-2005	Death	During a shower, 4 year old bull elephant, Abu, pinned his keeper up against a wall and impaled him with his tusks.
Cameron Park Zoo	Waco, Texas	9-Mar-2006	Injury	A 25 year old woman climbed past barriers and into an elephant exhibit because she wanted to play with the elephant. She sustained minor injuries when the elephant smacked her with it's trunk.
Elephant Sanctuary	Hohenwald, Tennessee	21-Jul-2006	Death	Female Asian elephant Winkie, knocked down keeper Joanna Burke, 36, and stepped on her, killing her instantly. The director, Scott Blais tried to intervene, and suffered a fractured ankle and numerous bruises.
Circus	Kumpeh Kasang village, Indonesia	25-Jan-2010	Injury	A circus elephant escaped the arena, stepping on a young girls leg, breaking it.

Wild Horizons Wildlife	Victoria Falls, , US	18-Dec-2008	Death	Handler, Gavin Best, was attacked and killed by a captive elephant used in his tourist elephant-back safari rides.
Zoo	Tel Aviv, Israel	1-Aug-2008	Injury	A 17 year old girl snuck into a zoo with a friend, and approached the pen with 1 male elephant. The elephant grabbed her with his trunk.
Stardust Ciscur	Yamba, Australia	28-Dec-2007	Death	An elephant handler found another injured male handler lying face down inside the elephant enclosure, with serious back injuries. He later died in hospital.
Moscow Zoo	Moscow, Russia	10-Oct-2007	Death	While trying to load 3 African elephants into a truck, a female handler was kicked in head by a female elephant and died of her injuries.

THIS IS EXHIBIT “15”
referred to in the Affidavit of
JULIANNE WOODYER
Affirmed in the City of Toronto,
in the Province of Ontario,
this 29th day of August, 2016, before,



Notary Public

Acknowledgment to Directors:

“The AZA Board of Directors recognizes all the incredible work that has taken place in order to comply with this policy since it was originally adopted in 2011. In particular, the Board recognizes the work of the Elephant TAG in developing and carrying out this policy, the PDC for creating and implementing the associated training programs, and the Accreditation Commission for ensuring compliance. The Board also recognizes and appreciates the work of the elephant holding institutions that have made physical changes to their facilities and protocol changes to their elephant care program, as well as the open and honest dialogue that has taken place to help make certain that elephant care professionals have the safest working conditions possible.”

Maximizing Occupational Safety of Elephant Care Professionals At AZA-accredited and AZA-certified Facilities

The Association of Zoos and Aquariums (AZA) continually strives to advance the occupational safety of elephant care professionals¹ as well as the care and welfare of elephants. Through a series of AZA actions over the past two decades, AZA has attempted to promote significant improvements in safety, care and welfare. Among other things, AZA has developed a Principles of Elephant Management training course and has adopted minimum Standards for Elephant Management and Care, which were made mandatory in 2001. These Principles and Standards have assisted AZA entities and organizations in developing sound practices regarding elephant care professionals.

In January 2011, the AZA Board of Directors initiated another review of the occupational safety of elephant care professionals. As part of this review, in May 2011 the AZA convened a special meeting of all directors of AZA facilities² with elephants and their elephant managers to discuss occupational safety in elephant care and management. While every facility is as different as are their elephants, a number of factors emerged from this discussion that have and will continue to increase workplace safety and reduce occupational risk, including adherence to high standards, increased staff training, well-developed management communications and protocols, and frequent program evaluation.

Concurrent with this review, in March 2011, the Association of Zoos and Aquariums Board of Directors adopted revised Accreditation Standards for Elephant Management and Care.³ These are comprehensive, performance-based standards that were developed over several years.

In March 2014, the Board of Directors convened a task force to review the 2011 policy and proposed language that would better reflect the original intent to maximize the safety of elephant care professionals.

The above-listed safety measures notwithstanding, preliminary information suggests that the amount of time (both frequency and duration) an elephant care professional spends with an elephant in the same unrestricted space increases occupational risk.⁴ Therefore the Board of Directors is taking the following measures to maximize the safety of elephant care staff by limiting the sharing of space with elephants, while continuing to advance the care and welfare of elephants.

As soon as possible and no later than September 1, 2014, elephant care providers at AZA facilities with elephants shall not share the same unrestricted space with elephants, except for certain, limited exceptions outlined in II.d below. Within six (6) months of reissuance of this Policy, the Director may request a variance in writing to the Accreditation Commission to allow time for the Institution to meet the criteria of II.d below. Variances will expire June 1, 2017.

Restricted contact is defined as managing elephants with a primary containment barrier between human and elephant.⁵ Tethers may be used and if used must be placed on at least two (2) legs of the elephant (one front and one back). Tethers must be placed on the elephant from outside the primary containment barrier prior to entry into the shared space.⁶ Routine husbandry should not be performed exclusively while elephants are on tethers.

In order to maximize safety while working in restricted contact, keepers must always monitor the position of themselves and their elephant(s) in relation to the barrier/restraints, the reach of the elephant(s) especially the reach of the trunk and the behavior of the elephant(s). The head and/or torso of a person must never cross the plane of the primary containment barrier unless the elephant is on restraints as this is no longer restricted contact.

The Board recognizes that, in order to achieve the above-stated goal, a transition period will be necessary. This transition period is sequenced to encompass:

- Additional work from the AZA Elephant Taxonomic Advisory Group (TAG) to support AZA facilities in safely managing elephants and providing advanced care and welfare;
- Program safety assessments;
- Immediate steps regarding the management of aggressive elephants;
- Program planning and documentation;
- Staff training; and
- Facilities/infrastructure changes.

The Board:

- I. Tasks the AZA Elephant Taxonomic Advisory Group (TAG) with the following:
 - a. By September 1, 2012, to develop standardized methods and protocols for AZA facilities to maintain daily behavioral profiles/ethograms for each elephant and document all instances of aggression⁷ to be applied in item II.e. below;
 - b. By September 1, 2012, to develop an appendix to this document that provides guidance and examples to AZA facilities making modification to their infrastructure to accommodate this change in policy (see item II.i. below).
 - c. By September 1, 2012, to develop standardized methods and protocols for AZA facilities to report annually on:
 1. The exceptions in which elephant care professionals share unrestricted space with elephants versus when barriers and/or restraints are present (see item II.d).
 2. The number of workplace injuries or fatalities, if any, that occurred in the care and management of elephants and the specific conditions under which each occurred.

3. The number of elephant births and mortalities and a description of the specific practices and protocols used during each event.
- d. By January 1, 2013, to develop standardized methods and protocols for AZA facilities to evaluate and maintain records of each elephant care professional's safety-proficiency, in a manner that integrates their experience level with the specific behavioral profiles of the elephants in his/her care (to be applied in II.g. below).
- e. Convene a task force to research means of successful breeding, health care and welfare that will be increasingly effective with barriers in place between elephant care professionals and elephants.

II. Directs all AZA facilities with elephants in their care to:

- a. As soon as possible, move any elephant that displays aggression towards an elephant care provider(s) into management and care with barriers or restraints in place between that elephant and that care provider(s).
- b. By January 1, 2012, perform at least one of the semi-annual program safety assessments, as outlined in AZA Elephant Standard 1.4.9.5.
- c. By January 1, 2012, specifically address the facility's elephant program in the risk management policy required in AZA Accreditation Standard 11.4.1.
- d. By September 1, 2012, amend their existing elephant management plans to include clear exception protocols (including frequency and duration) when elephant care professionals and elephants may share the same unrestricted space.⁸

When there are crises or medical emergencies or for birth management, written protocols used with dangerous animals apply. Examples include critically ill elephants, elephant down, hand rearing of elephant calves (up to 24 months of age) and in rare cases geriatric cows that require special care as prescribed by the staff veterinarian.

The following are not considered to be crisis or medical emergencies and therefore are not exceptions.

- Trunk washes
 - Foot care
 - Blood draw
 - Research
 - Exercise
 - Bathing
 - Donor/guest interaction
 - Routine husbandry
 - Calf training (after 24 months of age)
 - Transportation
 - Routine care and facilities maintenance (e.g. feeding and cleaning of the barn and/or exhibit)
- e. By January 1, 2013, maintain daily behavioral profiles/ethograms for each elephant and document all instances of aggression.

- f. By January 1, 2013 provide a report (required annually) to the Accreditation Commission, the Elephant TAG, and the AZA staff that, for the previous year, defines:
 - 1. The exceptions under which elephant care professionals share unrestricted space with elephants versus when barriers and/or restraints are in place.
 - 2. The number of workplace injuries or fatalities, if any, that occurred in the care and management of elephants and the specific conditions under which each occurred.
 - 3. The number of elephant births and mortalities and a description of the specific practices and protocols used during each event.

The Accreditation Commission and/or AZA staff will follow up where institutional reports indicate challenges in meeting the elephant safety standards.
- g. By June 1, 2013, evaluate and maintain records of each elephant care professional's safety-proficiency, in a manner that integrates their experience level with the specific behavioral profiles of the elephants in his/her care.
- h. By September 1, 2013, train their elephant care professionals to manage and care for elephants with barriers and/or restraints in place that provide employee safety.
- i. By September 1, 2014, have put in place and implemented use of adequate infrastructure to manage and care for elephants with barriers and/or restraints in place that provide employee safety.
- j. By January 1, 2015, if a facility cannot meet the infrastructure standard (see item II.i. above), it must apply for a variance. Before the variance can be issued by the Accreditation Commission the facility must describe to the Commission its plan to meet the standard. Variances will expire June 1, 2017.

III. Tasks the Professional Development Committee to:

- a. By September 1, 2012, update the Principles of Elephant Management-I course curriculum, which shall include mechanisms to:
 - 1. Manage and care for elephants with barriers and/or restraints in place.
 - 2. Minimize the frequency and duration elephant care professionals share unrestricted space with elephants subject to the exceptions outlined in item II.d. above.
 - 3. Develop and maintain detailed elephant behavioral profiles/ethograms.

All elephant care professionals⁹, managers and directors of AZA facilities with elephants will complete within three (3) calendar years from the date they begin working in that capacity. *E.g. If someone begins work in April of 2018, they are required to complete the course by December 31, 2021.*
 - b. By September 1, 2016, create and deliver a series of online elephant training modules on subjects including: safety, elephant record keeping, behavioral profiling and developing and maintaining elephant ethograms, positive operant conditioning, assessment of elephant aggression, and assessment of personal safety-proficiency.
- All elephant care professionals will complete by June 2017.
- c. By September 2013, create a facilities-based Principles of Elephant Management-II course curriculum, which includes experience with managing live elephants with the use of barriers and restraints and the application of advanced principles of elephant management, care, welfare, and occupational safety.
- All elephant managers will complete by November 2017.

1 The term "elephant care professionals" includes all who provide for the care and welfare of elephants including veterinary care and other health care providers.

2 In this document the term "AZA facilities" refers to all AZA-accredited and AZA-certified Related Facilities.

3 References to "elephant standards" refer to "AZA Standards for Elephant Management and Care" as approved by the AZA Board of Directors in March 2011.

4 The Board understands that non-AZA entities and organizations may assess and address these risks in a different manner, and the policies adopted herein are only intended to be applied to AZA facilities.

5 See standard 1.4.9.1 for a definition of elephant containment barriers.

6 See Standard 3.3.2.7 for an explanation of tethering requirements.

7 This is an expansion of Elephant Standards: 2.2.1.9 (Daily and life stage variation in patterns of social affiliation, which requires that a behavioral profile must be maintained for each individual elephant and updated annually); 3.3.2.1 (Daily Care, which requires that all elephants must be visually inspected on a daily basis); and, 5.2 (Animal and Keeper Safety, which encourages that a record of all elephant-related keeper injuries or aggression directed at keepers should be kept, and related keeper injuries or aggression directed at keepers, and elephant behavioral profiles should be reviewed annually.).

8 This is an expansion of Elephant Standard 4.1.1 Training Methods.

9 Veterinary staff are encouraged but not required to complete this course. Elephant managers who have already completed PEM-I will not be required to re-take the course but will be required to complete the online elephant training modules outlined in III.b.

THIS IS EXHIBIT "16"
referred to in the Affidavit of
JULIANNE WOODYER
Affirmed in the City of Toronto,
in the Province of Ontario,
this 29th day of August, 2016, before,


Notary Public

Alberta Zoo Standards Checklist
Compiled by Zoocheck

Containment

Circle one

Was there a perimeter Fence all around > 2.5 meters high

Yes No Photo

Are there roofs on enclosures of animals that climb or jump

If no, which species? Yes No Photo

Is the fencing buried for animals that dig

If no, which species? Yes No Unknown Photo

Are there locks on all animal enclosures?

If no, which species? Yes No Photo

Are all enclosures locked?

If no, which species? Yes No Photo

Enclosure design & strength suitable for the species (posts, fencing, etc.)?

If no, which species? Yes No Photo

If moats are used, are they adequate to contain animals?

If no, which species? Yes No Photo

Are venomous animals kept in solid roofed and walled enclosure?
(With ventilation)

If no, which species? Yes No Photo

Do the gates appear strong enough to hold species and open in?

If no, which species? Yes No Photo

Public & staff safety

Were there warning signs to advise public about dangerous animals or fixtures?
If no, which species? Yes No

Were there guardrails or other barriers keeping public back from animals?
If no, which species? Yes No Photo

Was there double door entry for all dangerous animals?
If no, which species? Yes No Photo

Did you see any evidence of public feeding of animals?
If yes, which animals?
If yes, were any staff controlling the feeding process? Yes No Photo

Did you see any evidence of direct contact between public and animals?
If yes, which animals?
If yes, were any staff present? Yes No Photo

Are hand-washing stations available and obvious to the public? Yes No

Did you see any activity with a dangerous animal that may pose a risk to the public?
If yes, which animals? Yes No Photo

Were all animals safely confined? Yes No Photo

Alberta Zoo Standards Checklist
Compiled by Zoocheck

Was there specialized lighting for reptiles or other species that require it? If no, which species?	Yes No	Photo <hr/>
Was there any equipment, fixtures or vegetation in enclosures that may pose a risk to the animals? If yes, which animals?	Yes No	Photo <hr/>
Did you see any sign of standing water in enclosure or other draining issues? If yes, which animals?	Yes No	Photo <hr/>
Is food appropriate to species? (diet, presentation, amount) If no, which species?	Yes No Unknown	Photo <hr/>
Does the food appear fresh? If no, which species?	Yes No	Photo <hr/>
Is water available to all animals? If no, which species?	Yes No	Photo <hr/>
Is water potable? If no, which species?	Yes No	Photo <hr/>
Any evidence that automatic watering systems are not working? If yes, which animals?	Yes No	<hr/>
Were there any animal carcasses lying around zoo property? If yes, where and which animals?	Yes No	Photo <hr/>
Did you see any toxic materials in animal enclosures? If yes, which animals?	Yes No	Photo <hr/>
Was there any enrichment/furniture appropriate to species in the enclosures? If no, which species?	Yes No	Photo <hr/>
Do any structures in enclosure appear to pose a risk to animal safety? If yes, which animals?	Yes No	Photo <hr/>

Alberta Zoo Standards Checklist
Compiled by Zoocheck

Are the substrates appropriate for the species?

If no, which species?

Yes	No	Photo

Did you see any evidence of food not being stored correctly?

If yes, describe?

Yes	No	Photo

Are food and water containers clean? (cleaned daily?)

If no, which species?

Yes	No	Photo

Is there excess animal waste in enclosure (more than a days worth)?

If yes, which animals?

Yes	No	Photo

Breeding

Did you see any evidence of breeding?

If yes, which animals?

Yes	No	Photo

Availability of nursing mothers to be held separate in necessary?

If no, which species?

Yes	No	Unknown	Photo

THIS IS EXHIBIT “17”
referred to in the Affidavit of
JULIANNE WOODYER
Affirmed in the City of Toronto,
in the Province of Ontario,
this 29th day of August, 2016, before,



Notary Public

Alberta

2016-2017
ZOO PERMIT

547442 P3

PIN: 162841

(FEE \$100.00 (GST EXEMPT))

SURNAME VALLEY ZOO		FIRST NAME EDMONTON		MIDDLE NAME WADE KRASNOI	
ADDRESS BOX 2359				DISTRICT EDMONTON	
CITY/TOWN EDMONTON			PROVINCE AB	POSTAL CODE T5J 2R7	
SIGNATURE OF LICENCEE			DATE OF ISSUE 01 APR 2016	For Minister of Environment and Parks <i>Delaney Ardi</i>	
HEIGHT	WEIGHT	SEX	DATE OF BIRTH		

THIS PERMIT NOT VALID UNLESS SIGNED BY PERMITTEE

IS AUTHORIZED TO: POSSESS AND DISPLAY LIVE WILDLIFE AND EXOTIC ANIMALS

IN ACCORDANCE WITH the development plan approved by Alberta Environment and Parks and filed as _____ at the Wildlife Division in Edmonton, The Wildlife Act and Regulation, and the conditions attached in Schedule A.

Comments

PAID WITH RECEIPT # AC 130215

****IMPORTANT**

Please photocopy this document once it is signed and forward copy to Wildlife Management, Edmonton HQ

SCHEDULE 'A'
Conditions of Zoo Permit No. 547442
Edmonton Valley Zoo
April 1, 2016 – March 31, 2017

For the purposes of this Schedule:

"zoo premises" means Valley Zoo in the City of Edmonton.

"public premises" means that area of the zoo premises that contains animal enclosures and walkways that are normally open for viewing or access by the public.

"non-public premises" means any area of the zoo premises where animals possessed under the authority of this Permit are kept for purposes of animal care, feeding, and management and where members of the public are not normally allowed access.

1. The permittee shall indemnify and hold harmless the Minister, his employees and agents, from any and all claims, demands, actions and costs whatsoever that may arise, directly or indirectly, out of the issuance of the permit, the presence of or actions of any animals, including any injury, sickness or disease however caused, or arising out of any act or omission of the permittee, its employees, agents, or volunteers.
2. a) The permittee shall, without limiting it's obligations or liability herein, at it's own expense, provide and maintain Commercial General Liability Insurance in an amount not less than \$2,000,000 inclusive per occurrence in accordance with the Alberta Insurance Act, against Bodily Injury, Personal Injury, and Property Damage including loss of use thereof. Such insurance shall include blanket written contractual liability.

b) The insurance policy will be endorsed to provide the Minister 30 days advance written notice of any cancellation of or material change restricting coverage in the policy.

c) The permittee shall provide the Minister with acceptable evidence of required insurance by an insurer that is acceptable to the Minister prior to the commencement of the permit term and shall promptly provide the Minister with a certified true copy of the policy at any time requested by the Minister.
3. Notwithstanding anything stated in this Schedule, the permittee shall comply with all federal, provincial and municipal legislation, and shall ensure that facility operations comply with the approved Zoo Development Plan and Government of Alberta Standards for Zoo's in Alberta.
4. The permittee shall not allow domestic or tamed animals that are not wildlife or controlled animals to enter into, or be in, any enclosure containing wildlife or controlled animals on the zoo premises with the exception of companion animals where the permittee has first obtained permission of the area Wildlife Management Program Manager of Alberta Environment and Parks.
5. The permittee shall be permitted to maintain in total inventory on zoo premises, only

the species and total numbers of animals as identified in Schedule B and no other, whether or not those animals are owned by the permittee or any other person's authority. Juvenile progeny resulting from animals licensed and possessed under the Permit and listed in Schedule "B" are allowed to be in possession above the indicated quotas provided they are less than one year of age. Should the permittee wish to add species to the collection not listed in Schedule "B", an amendment to the approved Zoo Development Plan must be submitted to the AEP office in Spruce Grove.

6. The permittee shall not allow members of the public, at any time, whether on or off the zoo premises to have direct physical contact with any Primate or any permit animal of the following families: Felidae, Canidae, Ursidae, Procyonidae and Mustelidae. The Edmonton District Fish and Wildlife Officer may, by reasonable written notice, expand this list to include other families of animals.
7. Where the public is allowed direct contact with other permit animals not listed in condition 5 above or when the other permit animal is not housed in its locked enclosure, the permittee must provide continuous direct supervision by qualified and capable zoo personnel.
8. The permittee must ensure that qualified and capable zoo personnel are present on the public premises at all times when the zoo is open to the public. Zoo personnel must display visible identification easily recognizable to the public.
9. The permittee shall not conduct any display off of the zoo premises of any wildlife or controlled animal listed in Schedule "B" except as is expressly permitted by the approved Zoo Development Plan.
10. This permit has been issued in accordance with the approved Zoo Development Plan as approved by the Zoo Advisory Committee and Alberta Environment and Parks in March 2015.

**Schedule B – Permit # 547442
Edmonton Valley Zoo 2016-2017**

Invertebrates

Giant Snail	0. 0. 1
<i>Achatina achatina</i>	
Leafcutter Ant	0,999.999
<i>Atta</i>	
Honeybee	0. 0.1000
<i>Apis mellifera</i>	

Fish

Goldfish	0. 0.20
<i>Carassius auratus</i>	
Rainbow Trout	0. 0.300
<i>Oncorhynchus mykiss</i>	
Brown Trout	0. 0.300
<i>Salmo trutta</i>	
Bull Trout	0. 0.300
<i>Salvelinus confluentus</i>	

Amphibians

Axolotl	0. 0.10
<i>Ambystoma mexicanum</i>	
Tiger Salamander	0. 0.7
<i>Ambystoma tigrinum</i>	
Boreal Toad	0. 0.4
<i>Bufo boreas boreas</i>	
Giant Marine Toad	0. 0.4
<i>Bufo marinus</i>	
Green-and-black Poison Dart Frog	0. 0.200
<i>Dendrobates auratus</i>	
Blue Poison Dart Frog	0. 0.200
<i>Dendrobates azureus</i>	
Imitating Poison Dart Frog	0. 0.200
<i>Dendrobates imitator</i>	
Yellow-and-blue Poison Dart Frog	0. 0.200
<i>Dendrobates tinctorius</i>	
Poison Dart Frog	0. 0.200
<i>Dendrobates ventrimaculatus</i>	
Fire-bellied Toad	1. 1.0
<i>Bombina fortinuptialis</i>	
Splash back poison dart frog	0. 0.50
<i>Dendrobates galactonotus</i>	
Cuban Tree Frog	0. 0.1
<i>Osteopilus septentrionalis</i>	
White's Tree Frog	0. 0.5
<i>Litoria caerulea</i>	
Running Frog	0. 0.4
<i>Kassina senegalensis</i>	

Schedule B – Permit # 547442
Edmonton Valley Zoo 2016-2017

Golden Mantella	10. 4. 300
<i>Mantella aurantiaca</i>	
Painted Mantella	0. 0. 200
<i>Mantella Baroni</i>	
Blue-Legged Mantella	10. 4. 200
<i>Mantella expectata</i>	
Arboreal Mantella	10. 4. 200
<i>Mantella laevigata</i>	
Splendid Mantella	10. 4. 200
<i>Mantella pulchra</i>	
Tomato Frog	0. 0. 20
<i>Dyscophus</i>	
Sambava Tomato Frog	10. 4. 200
<i>Dyscophus guineti</i>	
Madagascar Rain Frog	0. 0. 40
<i>Scaphiophryne madagascariensis</i>	
African Clawed Frog	0. 0. 5
<i>Xenopus laevis</i>	
American Bullfrog	0. 0. 5
<i>Rana catesbeiana</i>	
Wood Frog	0. 0. 6
<i>Rana sylvatica</i>	
Pacman Frog	0. 0. 2
<i>Ceratophrys Sp.</i>	
Terrible Dart Frog	0. 0. 30
<i>Phyllobates terribilis</i>	
<u>Reptiles</u>	
Red-eared slider	0. 0. 4
<i>Trachemys scripta elegans</i>	
South American Red-footed Tortoise	1. 2. 2
<i>Geochelone carbonaria</i>	
Africa spurred Tortoise	1. 3. 0
<i>Geochelone sulcata</i>	
Central Asian Tortoise	1. 0. 3
<i>Testudo horsfieldii</i>	
Indian Star Tortoise	0. 0. 3
<i>Geochelone elegans</i>	
Water Dragon	1. 1. 0
<i>Physignathus lesueurii</i>	
Inland Bearded Dragon	0. 0. 7
<i>Pogona vitticeps</i>	
Mali Spiny-tailed Lizard	0. 0. 4
<i>Uromastyx maliensis</i>	
Chameleon	0. 0. 3
<i>Chamaeleo</i>	
New Caledonia Giant Gecko	1. 1. 4
<i>Rhacodactylus leachianus</i>	

**Schedule B -- Permit # 547442
Edmonton Valley Zoo 2016-2017**

Green Anole	0.0.2
<i>Anolis carolinensis</i>	
Green Iguana	0.0.2
<i>Iguana iguana</i>	
Prehensile-tailed skink	0.0.4
<i>Corucia zebrata</i>	
Blue-tongued Skink	1.2.1
<i>Tiliqua scincoides</i>	
Red-tailed Boa	0.0.1
<i>Boa constrictor ortonii</i>	
Emerald Tree Boa	2.2.0
<i>Corallus caninus</i>	
Rubber Boa	0.0.4
<i>Charina bottae</i>	
Kenya sand Boa	0.0.3
<i>Eryx colubrinus loveridgei</i>	
Children's Python	0.0.1
<i>Antaresia childreni</i>	
Burmese Rock Python	1.2.0
<i>Python molurus bivittatus</i>	
Royal/Ball Python	2.0.2
<i>Python regius</i>	
Reticulated Python	0.1.0
<i>Python reticulatus</i>	
Taiwan Beauty Snake	0.0.5
<i>Elaphe taeniura</i>	
Florida Kingsnake	0.0.2
<i>Lampropeltis getula floridana</i>	
Speckled Kingsnake	0.0.2
<i>Lampropeltis getula holbrooki</i>	
Sonoran Black Kingsnake	0.0.2
<i>Lampropeltis getula nigrita</i>	
Nelson's Milksnake	0.0.3
<i>Lampropeltis triangulum melsoni</i>	
Western Plains Gartersnake	0.0.4
<i>Thamnophis radix haydeni</i>	
Red sided Gartersnake	0.2.4
<i>Thamnophis sirtalis parietalis</i>	
Bull snake	0.0.2
<i>Pituophis Catenifer</i>	
<u>Birds</u>	
Ostrich	1.2.0
<i>Struthio</i>	
Emu	1.1.3
<i>Dromaius novaehollandiae</i>	

Schedule B – Permit # 547442
Edmonton Valley Zoo 2016-2017

Emperor Penguin	4. 4. 4
<i>Aptenodytes forsteri</i>	
King Penguin	4. 4. 4
<i>Aptenodytes patagonicus</i>	
Adelie Penguin	0. 0. 10
<i>Pygoscelis adeliae</i>	
Chinstrap penguin	0. 0. 10
<i>Pygoscelis antarcticus</i>	
Humboldt Penguin	0. 0. 10
<i>Spheniscus humboldti</i>	
American White Pelican	1. 2. 4
<i>Pelecanus erythrorhynchos</i>	
Embden Goose	1. 1. 5
<i>Anser anser embden</i>	
Bar-headed Goose	1. 1. 5
<i>Anser indicus</i>	
Canada Goose	1. 1. 5
<i>Branta canadensis</i>	
Black Swan	1. 1. 4
<i>Cygnus atratus</i>	
Wood Duck	1. 1. 6
<i>Aix</i>	
Pintail	1. 1. 4
<i>Anas acuta</i>	
Green-winged Teal	1. 1. 4
<i>Anas crecca</i>	
Blue-winged Teal	1. 1. 4
<i>Anas discors</i>	
Mandarin Duck	2. 2. 4
<i>Aix galericulata</i>	
Rouen Clair Duck	4. 9. 4
<i>Anas platyrhynchos rouen_clair</i>	
Call Duck	2. 2. 4
<i>Anas platyrhynchos_call</i>	
Crested Duck	4. 4. 6
<i>Anas platyrhynchos domestic_crested</i>	
Merganser	1. 1. 4
<i>Mergus merganser</i>	
Eider	0. 0. 10
<i>Somateria mollissima</i>	
Red-tailed Hawk	1. 1. 3
<i>Buteo jamaicensis</i>	
Ferruginous Hawk	1. 1. 1
<i>Buteo regalis</i>	
Swainson's Hawk	0. 0. 1
<i>Buteo swainsonii</i>	
Bald Eagle	1. 1. 1
<i>Haliaeetus leucocephalus</i>	

Schedule B – Permit # 547442
Edmonton Valley Zoo 2016-2017

Harris' Hawk/Bay-winged Hawk <i>Parabuteo unicinctus</i>	2. 2. 5
Laggar Falcon <i>Falco jugger</i>	0. 0. 2
Peregrine Falcon <i>Falco peregrinus</i>	0. 2. 2
American Peregrine Falcon <i>Falco peregrinus anatum</i>	2. 2. 0
Arctic Peregrine Falcon <i>Falco peregrinus tundrius</i>	0. 1. 0
American Kestrel/Sparrowhawk <i>Falco sparverius</i>	1. 1. 0
Bronze Turkey <i>Meleagris gallapavo domestic_bronze</i>	0. 0. 15
Royal Palm Turkey <i>Meleagris gallapavo spp.</i>	1. 1. 10
Ptarmigan <i>Lagopus</i>	0. 0. 10
Japanese Quail <i>Coturnix japonica</i>	1. 2. 25
Domestic chicken Breed Unspecified <i>Gallus gallus domestic</i>	1. 4. 25
Araucana Chicken <i>Gallus gallus domestic_aucaana</i>	1. 6. 25
Peacock <i>Pavo</i>	1. 2. 5
Common Peafowl <i>Pavo cristatus</i>	1. 2. 0
Blyth's Tragopan <i>Tragopan blythii</i>	1. 3. 0
Button Quail <i>Turnix</i>	0. 0. 25
Whooping Crane <i>Grus Americana</i>	2. 2. 8
Eskimo Curlew <i>Numenius borealis</i>	0. 0. 10
Skua <i>Catharacta</i>	0. 0. 10
Arctic Tern <i>Sterna paradisaea</i>	0. 0. 10
Puffin <i>Fratercula</i>	0. 0. 10
Ring-necked Dove <i>Streptopelia capicola</i>	2. 6. 6
Sulphur-crested Cockatoo <i>Cacatua galerita</i>	1. 0. 0
Kea <i>Nestor notabilis</i>	2. 2. 4

Schedule B – Permit # 547442
Edmonton Valley Zoo 2016-2017

Solomon Islands Eclectus Parrot	1. 1. 2
<i>Eclectus roratus solomonensis</i>	
Yellow-streaked Lory	2. 2. 0
<i>Chalcopsitta scintillata</i>	
Red Lorikeet	2. 2. 0
<i>Eos bornea</i>	
Rainbow Lorikeet	2. 2. 0
<i>Trichoglossus haematodus haematodus</i>	
Common Barn Owl	1. 2. 1
<i>Tyto alba</i>	
Short-eared Owl	0. 1. 2
<i>Asio flammeus</i>	
Long-eared Owl	0. 1. 2
<i>Asio otus tuftsi</i>	
Burrowing Owl	4. 5. 12
<i>Athene cunicularia</i>	
Eurasian Eagle Owl	1. 1. 4
<i>Bubo bubo</i>	
Great Horned Owl	0. 0. 3
<i>Bubo virginianus wapacuthu</i>	
Snowy Owl	1. 2. 5
<i>Nyctea scandiaca</i>	
Spectacled Owl	1. 1. 4
<i>Pulsatrix perspicillata</i>	
Barred Owl	1. 1. 4
<i>Strix varia</i>	
Hawk Owl	0. 0. 1
<i>Surnia ulula caparoch</i>	
Tawny Frogmouth	0. 0. 2
<i>Podargus strigoides</i>	
Laughing Kookaburra	1. 1. 4
<i>Dacelo novaeguineae novaeguineae</i>	
Lilac-breasted Roller	2. 4. 0
<i>Coracias caudate</i>	
Hornbill	1. 1. 4
<i>Aceros</i>	
White-crowned Hornbill	1. 1. 2
<i>Berenicornis comatus</i>	
Abyssinian Hornbill	1. 1. 2
<i>Bucorvus Abyssincus</i>	
Green Aracari	1. 1. 6
<i>Pteraglossus viridis</i>	
Toucan	1. 1. 2
<i>Ramphastos</i>	
Common Crow	0. 0. 2
<i>Corvus brachyrhynchos</i>	
Raven	0. 0. 2
<i>Corvus corax</i>	

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Black-billed Magpie	0. 0. 6
<u>Mammals</u>	
Echidnas	0. 0. 2
<i>Tachyglossidae</i>	
<i>Vombatidae</i>	
Woolly Opossum	0. 0. 2
<i>Caluromys</i>	
Virginia opossum	2. 2. 3
<i>Didelphis virginiana</i>	
Wombats	1. 1. 2
Red-necked Wallaby	2. 10.6
<i>Macropus rufogriseus</i>	
Red Kangaroo	1. 2. 2
<i>Macropus rufus</i>	
Tenrec	0. 0. 2
<i>Geogale</i>	
Hedgehog	1. 2. 2
<i>Atelerix albiventris</i>	
Rock Hyrax	2. 2. 8
<i>Procavia capensis</i>	
Sri Lankan Elephant	0. 1. 0
<i>Elephas maximus maximus</i>	
African Elephant	0. 1. 0
<i>Loxodonta africana</i>	
Linne's Two-toed Sloth	1. 1. 2
<i>Choloepus didactylus</i>	
Nine-banded Armadillo	0. 0. 3
<i>Dasypus novemcinctus mazzai</i>	
Nine-banded Armadillo	0. 0. 3
<i>Dasypus novemcinctus</i>	
Southern Three-banded Armadillo	2. 1. 2
<i>Tolypeutes matacus</i>	
Mongoose Lemur	1. 1. 3
<i>Eulemur mongoz</i>	
Mouse Lemur	1. 1. 3
<i>Microcebus</i>	
Red-fronted Lemur	2. 5. 7
<i>Eulemur rufus</i>	
Ring-tailed Lemur	1. 6. 3
<i>Lemur catta</i>	
Red Ruffed Lemur	1. 2. 3
<i>Varecia rubra</i>	
Black-and-white Ruffed Lemur	1. 1. 3
<i>Varecia variegata</i>	
Goeldi's Monkey	1. 1. 8
<i>Callimico goeldii</i>	

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Golden Lion Tamarin <i>Leontopithecus rosalia</i>	1. 1. 3
Geoffroy's Tamarin <i>Saguinus geoffroyi</i>	1. 1. 6
Cotton-top Tamarin <i>Saguinus Oedipus</i>	1. 1. 3
Golden-mantled Tamarin <i>Saguinus tripartitus</i>	1. 1. 2
Common Squirrel Monkey <i>Saimiri sciureus</i>	0. 4. 3
Black-handed Spider Monkey <i>Ateles geoffroyi</i>	1. 0. 0
Black-handed Spider Monkey <i>Ateles geoffroyi geoffroyi</i>	2. 4. 2
Macaque <i>Macaca</i>	1. 4. 2
Drill <i>Mandrillus leucophaeus</i>	1. 3. 1
Angolan Talapoin <i>Miopithecus talapoin</i>	1. 1. 3
Colobus <i>Colobus</i>	1. 3. 0
Lar Gibbon <i>Hylobates lar</i>	1. 1. 1
Golden Cheeked Gibbon <i>Hylobates gabriellae gabriellae</i>	1. 1. 1
Eurasian Red Squirrel <i>Sciurus vulgaris</i>	0. 0. 6
Northern Flying Squirrel <i>Glaucomys sabrinus sabrinus</i>	0. 0. 2
Black-tailed Prairie Dog <i>Cynomys ludovicianus</i>	4. 10. 20
Woodchuck <i>Marmota monax</i>	0. 0. 2
Arctic Souslik <i>Spermophilus parryii</i>	15.15.25
American Beaver <i>Castor Canadensis</i>	1. 1. 3
House Mouse <i>Mus musculus</i>	1. 5. 10
Domestic Rat Breed Unspecified <i>Rattus norvegicus domestic</i>	2. 6. 20
Naked Mole-rat <i>Heterocephalus glaber</i>	0. 0. 60
African Crested porcupine <i>Hystrix africaeaustralis</i>	1. 1. 1
North American Porcupine <i>Erethizon dorsatum</i>	1. 1. 2

**Schedule B – Permit # 547442
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Prehensile-tailed Porcupine <i>Coendou prehensilis</i>	1. 1. 2
Long-tailed Chinchilla <i>Chinchilla lanigera</i>	3. 1. 2
Domestic Guinea Pig <i>Cavia porcellus</i>	0. 0. 40
Capybara <i>Hydrochaeris hydrochaeris</i>	1. 2. 4
Agouti <i>Dasyprocta</i>	0. 0. 4
Red-rumped agouti <i>Dasyprocta leporina</i>	0. 1. 6
St Vincent Agouti <i>Dasyprocta leporina aguti</i>	1. 1. 2
Degu <i>Octodon degus</i>	1. 2. 1
Pika <i>Ochotona</i>	0. 0. 10
Snowshoe Hare <i>Lepus americanus</i>	1. 2. 5
European Rabbit <i>Oryctolagus cuniculus</i>	0. 0. 4
Domestic Rabbit Breed Unspecified <i>Oryctolagus cuniculus domestic</i>	1. 6. 4
Netherland Dwarf Rabbit <i>Oryctolagus cuniculus netherland_d+</i>	0. 0. 4
Rex Rabbit <i>Oryctolagus cuniculus rex</i>	0. 0. 4
Jamaican Fruit Bat <i>Artibeus jamaicensis</i>	0. 0. 70
Domestic Cat Breed Unspecified <i>Felis silvestris catus</i>	1. 1. 0
Serval <i>Leptailurus</i>	1. 1. 2
Canadian Lynx <i>Lynx canadensis</i>	1. 2. 4
Northern Lynx <i>Lynx lynx</i>	0. 0. 2
Puma <i>Puma concolor</i>	0. 2. 0
Tiger <i>Panthera tigris</i>	0. 3. 0
Snow Leopard <i>Uncia uncia</i>	1. 1. 3
Fossa <i>Cryptoprocta ferox</i>	1. 1. 3
Slender-tailed Meerkat <i>Suricata suricatta</i>	8. 8. 6

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Coyote	0. 2. 0
<i>Canis latrans</i>	
Domestic Dog Breed Unspecified	0. 2. 0
<i>Canis lupus familiaris</i>	
Grey Wolf	1. 2. 6
<i>Canis lupus hudsonicus</i>	
African Hunting Dog	1. 3. 10
<i>Lycaon</i>	
Arctic Fox	1. 1. 15
<i>Vulpes lagopus</i>	
Swift Fox	1. 1. 3
<i>Vulpes velox</i>	
Red Fox	0. 2. 2
<i>Vulpes vulpes</i>	
Fennec Fox	1. 1. 3
<i>Vulpes zerda</i>	
Grizzly Bear	0. 2. 0
<i>Ursus arctos horribilis</i>	
Polar Bear	1. 1. 2
<i>Ursus maritimus</i>	
Northern Fur Seal	1. 3. 8
<i>Callorhinus ursinus</i>	
South American Sealion	1. 2. 0
<i>Otaria byronia</i>	
Bearded Seal	0. 3. 0
<i>Erignathus</i>	
Ribbon Seal	1. 3. 3
<i>Histiophoca fasciata</i>	
Ross's Seal	0. 0. 5
<i>Ommatophoca rossii</i>	
Harbor Seal	1. 1. 2
<i>Phoca vitulina richardii</i>	
North American River Otter	4. 2. 4
<i>Lontra Canadensis</i>	
Domestic Polecat	3. 2. 0
<i>Mustela putorius furo</i>	
Striped Skunk	2. 2. 1
<i>Mephitis mephitis</i>	
Meerkat	7. 5. 8
<i>Suricata suricatta</i>	
Kinkajou	1. 3. 1
<i>Potos flavus</i>	
Raccoon	0. 0. 4
<i>Procyon lotor</i>	
White-nosed Coati	1. 2. 0
<i>Nasua narica</i>	
Red Panda	2. 2. 8

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<i>Ailurus fulgens refulgens</i>	
Domestic Ass/Donkey Breed Unspecified	1. 0. 0
<i>Equus asinus asinus</i>	
Horse	1. 7. 0
<i>Equus caballus</i>	
Domestic Horse	4. 3. 0
<i>Equus caballus caballus</i>	
Grevy's Zebra	1. 3. 3
<i>Equus grevyi</i>	
Warthog	1. 2. 4
<i>Phacochoerus</i>	
Domestic Pig Breed Unspecified	2. 0. 3
<i>Sus scrofa domesticus</i>	
Bactrian Camel	1. 1. 2
<i>Camelus bactrianus</i>	
Llama	1. 2. 0
<i>Lama glama</i>	
Guanaco	0. 2. 0
<i>Lama guanicoe</i>	
Alpaca	2. 0. 2
<i>Lama pacos</i>	
Caribou/Reindeer	2. 3. 5
<i>Rangifer</i>	
Eurasian Tundra Reindeer	5. 2. 6
<i>Rangifer tarandus tarandus</i>	
Muntjac	1. 2. 4
<i>Muntiacus gongshanensis</i>	
Impala	1. 3. 3
<i>Aepyceros</i>	
Domestic Zebu	1. 2. 2
<i>Bos taurus indicus</i>	
Dexter Cow	0. 2. 0
<i>Bos taurus taurus_dexter</i>	
Greater Kudu	1. 3. 4
<i>Tragelaphus strepsiceros</i>	
Sichuan Takin	1. 3. 3
<i>Budorcas taxicolor tibetana</i>	
Tur	2. 0. 0
<i>Capra caucasica</i>	
Goat	0. 6. 0
<i>Capra hircus hircus</i>	
Anglo-nubian Goat	0. 4. 6
<i>Capra hircus hircus_anglo_nubian</i>	
Goral	1. 3. 1
<i>Naemorhedus</i>	
Muskox	1. 2. 1
<i>Ovibos moschatus</i>	

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Edmonton Valley Zoo 2016-2017

Shetland Sheep	1. 6. 4
<i>Ovis aries aries_shetland</i>	
Domestic Sheep Breed Unspecified	0. 0. 6
<i>Ovis aries</i>	
Bighorn Sheep	1. 6. 6
<i>Ovis Canadensis</i>	
Bharal/Blue Sheep	1. 2. 2
<i>Pseudois nayaur</i>	
Addax	1. 3. 0
<i>Addax nasomaculatus</i>	
Lechwe	1. 3. 2
<i>Kobus leche</i>	
Japanese Serow	1. 2. 2
<i>Capricornis crispus</i>	
Fallow Deer	1. 5. 3
<i>Dama dama</i>	
Mountain Goat	1. 3. 1
<i>Oreamnos americanus</i>	
Giant Anteater	1. 1. 1
<i>Myrmecophaga tridactyla</i>	
Tamandua	1. 1. 1
<u><i>Myrmecophagidae</i></u>	

THIS IS EXHIBIT “18”
referred to in the Affidavit of
JULIANNE WOODYER
Affirmed in the City of Toronto,
in the Province of Ontario,
this 29th day of August, 2016, before,



Notary Public



August 3, 2016

Julie Woodyer, Campaigns Director
Zoocheck
788 ½ O'Connor Drive
Toronto, Canada M4B2S6

Re: Lucy

Dear Julie,

The Elephant Sanctuary veterinarians, Dr. Steven Scott and Dr. Lydia Young, and I met last week to discuss Dr. Cracknell's assessment of Lucy.

The documentation of testing and diagnostics is impressive.

We disagree with Dr. Cracknell's opinion that Lucy's ongoing healthcare could not be managed in Protected Contact. The Elephant Sanctuary also disagrees with statement in 10.14 "Tennessee Elephant Sanctuary does not have the handling system nor culture required to manage Skanik's problems....."

The Elephant Sanctuary veterinarians, Dr. Scott and Dr. Young, are confident that The Elephant Sanctuary's Integrated Veterinary Care Program could manage Lucy's medical conditions and provide her with an expansive natural habitat, access to other elephants, enrichments, free choice and individualized health and husbandry care.

At the age of 41, Lucy would be one of the youngest Asian elephants at The Elephant Sanctuary. The eight resident Asian elephants live in two separate habitats and range in age from 41 to 68 years. We would anticipate new Asian elephant/s joining the four Asian elephants currently living in the larger Asia barn and expansive Asia habitat. The Elephant Sanctuary is also home to five African elephants living in a third separate habitat designated as the African habitat. The ongoing care of all 13 elephants is individualized to meet a diversity of health and behavior needs that include but are not limited to paralyzed trunk, chronic foot issues, arthritis, and other health conditions, all managed in Protected Contact.

The Elephant Sanctuary Veterinary Care Team

- Steven Scott, DVM, Director, has over 20 years' experience caring for the elephants living in The Sanctuary. Dr. Scott is on grounds twice weekly for rounds and on call as needed.
- Lydia Young, DVM, Associate Veterinarian, joined the staff 3 years ago. She is a full time employee providing veterinary care to the elephants on a daily basis.

- Kerrin Grant, RVT, will join the vet care team August 15th. Kerrin has 20 years' experience, MS in Wildlife Biology and a special interest in nutrition. Kerrin will be a full-time employee supporting the Veterinary Care Program.
- Kelly Tariff, RVT, is also a trained elephant caregiver at The Sanctuary working with the vet care team 8-10 hours each week and working with the elephants 30-32 hours weekly.

All the Veterinary Care Team members live within 10 minutes of the facility and are on call 24/7.

The veterinarians work with the Elephant Care staff to provide whole elephant care. The integrated Elephant Care and Vet Care Team/s include the Director of Husbandry, the Elephant Care Manager and 16 trained full-time caregivers. The Team/s members collaborate on the training of care staff to recognize typical and atypical behaviors that may be the signs of health and disease. They communicate daily to ensure ongoing best care. Both the Director of Husbandry and Elephant Care Manager live on site and are available 24/7.

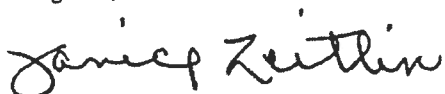
Goals of The Sanctuary's Veterinary Care Program include

- identifying and implementing best care practices to resident elephants for their physical and psychological well-being with an emphasis on preventive healthcare
- individualized health care plans for every elephant in our care
- providing routine and specialized care through a combination of traditional evidence based medicine with physiotherapy, laser therapy, and in consultation with a wide variety of specialists in the field of elephant medicine; including specialists in behavior, nutrition, enrichment, anesthesia and pain management
- addressing acute medical conditions with appropriate diagnostic and treatment method
- managing chronic medical conditions to provide comfort and alleviating pain to maintain quality of life

The Elephant Sanctuary Vet Care Team was recently recognized by AAZV when two posters on elephant medical issues were selected for presentation at the AAZV 2016 conference.

The Elephant Sanctuary in Tennessee is accredited by the Global Federation of Animal Sanctuaries. We would recommend the decision makers for Lucy review the standards required for GFAS accreditation and, as Dr. Cracknell suggests in 13.11, visit The Elephant Sanctuary in Tennessee to see the facility and meet the staff to better understand the Veterinary and Elephant Care program/s and the benefits to elephants retired to The Elephant Sanctuary.

Regards,



Janice Zeitlin

CEO

The Elephant Sanctuary in Tennessee

THIS IS EXHIBIT "19"
referred to in the Affidavit of
JULIANNE WOODYER
Affirmed in the City of Toronto,
in the Province of Ontario,
this 29th day of August, 2016, before,



Notary Public



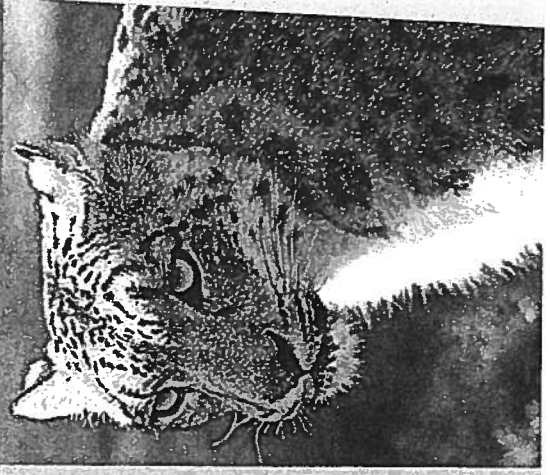
Valley
eZOO

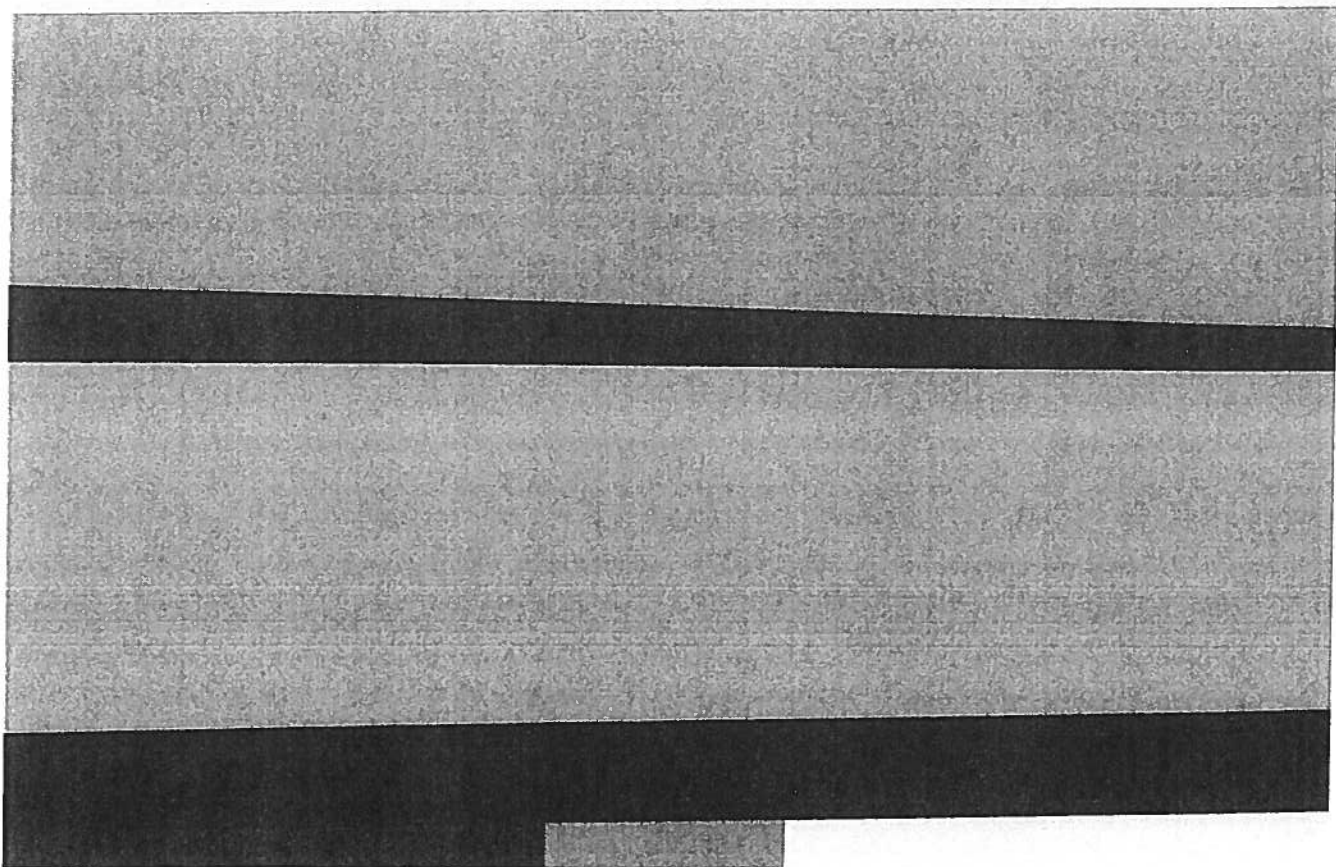
Master Plan Update – 2005

Canada's Cold Climate Zoo with a Tropical Heart
Celebrating Wild Adaptations in a World of Extremes

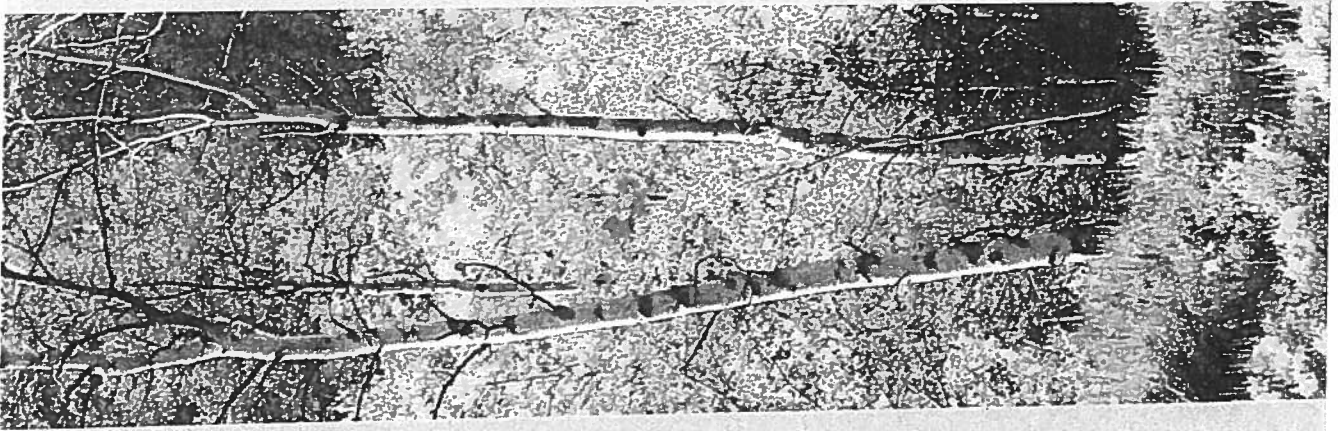


City of Edmonton Community Services
Valley Zoo Development Society





"The future is not some place we are going to, but one we are creating. The paths to it are not found but made, and the making of those pathways changes both the maker and the destination."

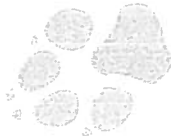




Participants

Department of Community Services

Linda Cochrane *Manager*
 Don Dombrosky *Director, Customer Relations*
 Evelyn Ehrman *Director, Stewardship*
 Roger Jevne *Director, Partner and Facility Development*
 Ruth Merritt *Director, Business Infrastructure*
 Bryan Monaghan *Director, Programs and Visitor Services*
 John Nichol *Director, Land and Building Maintenance*
 Denisa Prefontaine *Director, Marketing*
 Tanna Franke *Supervisor*
 Judi Rohowit *Supervisor*
 Joan Fitzpatrick *Research and Design*
 Wendy Kinsella *Communications*
 Sandra Opdenkamp *Curator*
 Larissa Steizenko *Program Coordinator*
 Randy Darr *Supervisor*
 Wayne Simmons *Supervisor*
 Garry Thiessen *Supervisor*
 Rick Ireland *Project Manager*
 Frank Gasparik *Landscape Architect*
 Ron Wheeler *Foreman*
 Dean Wray *Parks Planning*



Asset Management and Public Works

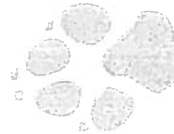
Brian Oakley *Supervisor*

Planning

Scott Pragnell *Senior Planner*

Laurier Heights Community League

Lon McKay *President*



Valley Zoo

Dean Treichel *Supervisor*
 Joe Craven *Supervisor*
 Wade Krasnow *Team Leader*
 Colin Wenger *Crew Leader*
 Della Gruniger *Zoo Attendant*
 Jill Inablick *Zoo Attendant*
 Barbara Heenskerk *Zoo Attendant*
 Sandy Hülker *Zoo Keeper*
 Frank Pucci *Zoo Attendant*

Valley Zoo Development Society

Leah Dumford *Executive Director*
 Norman Gimes *Chair*
 Kent Zurchel *Vice-Chair*
 Alanna Collicott
 Laune Forster
 Marcell Potvin

CONSULTANT TEAM

Studio Hanson/Roberts Zoological Park Planners and Designers

Becca Hanson *Director*
 David Roberts *Director*
 Roger Sherman *Landscape Architect*
 Jim McDonough *Landscape Architect*

AldrichPears Associates Interpretive Planners and Designers

Sheila Hill *Researcher, Writer and Interpretive Specialist*

Lowry Park Zoo

Lex Salisbury *Director*



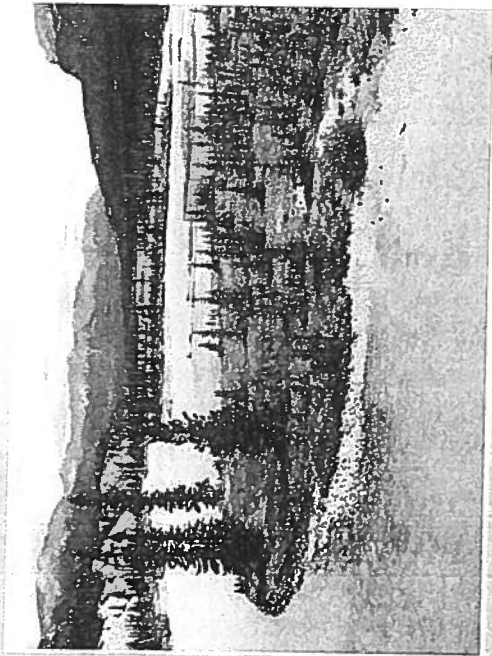
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1.0 Introduction

The Master Plan Update – 2005 builds upon the 1984 Master Plan and the 1994 Market-Driven Capital Development Program, while also responding to existing conditions and new issues that have arisen since 1994. These include:

- *The changing nature of zoological exhibit and the need to link it to community education;*
- *Increasing public and professional pressure to provide for enhanced animal welfare for the species in our care;*
- *The 2005 World Zoo and Aquarium Conservation Strategy: Building a Future for Wildlife which lists education and training, partnerships and politics, sustainability, ethics and animal welfare, communications, and integrating conservation as major topics;*
- *The increased stature of CAZA and AZA as accrediting organizations;*
- *The continuing success of Calgary Zoo's development as a major regional public attraction draw, along with the CAZA accreditation of the West Edmonton Mall's mini-collection;*

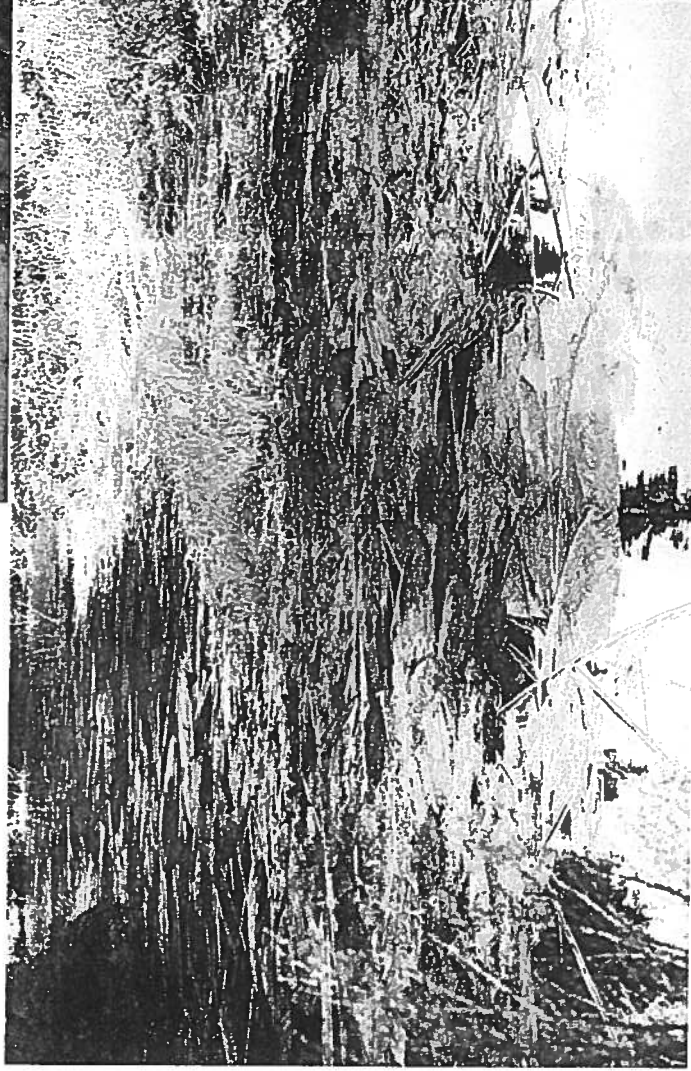
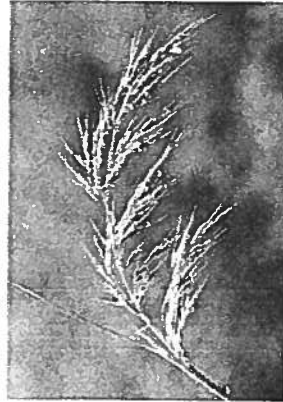


- *The increasing constraints of obtaining and importing individual animals from internationally managed, captive-bred populations;*
- *City and private fundraising challenges, especially for large capital projects with significant on-going operational costs;*
- *The legal mandate for compliance with the Kyoto Protocol to the United Nations Framework Convention on Climate Change (1997) to collectively reduce greenhouse gas emissions;*
- *The adoption of the City of Edmonton's Ribbon of Green – The North Saskatchewan River Valley and Ravine System Master Plan, reinforcing the power of "place", the concept of "community hubs," and the linking together of the City's "green corridors";*
- *Evolving strategic and management frameworks such as: Towards 2010: An Integrated Service Strategy and the Fiscal Policy for the Enterprise Portfolio.*

The purpose of this Update is to give renewed voice to the need for a living, public zoological education and conservation institution in Edmonton that reflects the expectations and needs of the community, and underscores school curriculum. Equally, the plan provides a climate-adapted framework of exhibits that are built around compelling, natural associations of plants and animals, a small central core of tropical counterpoints, and public services that resonate with community needs. Such an approach will provide not only a wonderful day out for families, but also a living laboratory and classroom in which all ages can explore the richness and wonder of the world's wild-life with a specific focus on celebrating wild adaptations in a world of extremes.



As a planning document, the *Master Plan Update* provides guidelines for development, describes a coherent sequence of public visitation experiences as well as the services to support them, and assigns achievable budgets for the purposes of prioritization to get the process of the Zoo's redevelopment underway. It is not intended to provide a definitive guide to physical design, nor is it a business plan. When funds become available for a given project within a precinct of the Zoo as described in this master plan, a more detailed conceptual plan will need to be prepared and tested against market conditions and budgets.



2.0 Summary of the Plan

This Master Plan Update – 2005 takes the next step in realistically defining not only what the Valley Zoo experience should be in the future, but also how it should be used ... by visitors, animals and staff alike.

Advances since the 1994 Capital Development Program include:

- *Establishing a collection plan and exhibit precincts that creatively deal with the challenges of the northern climate ... both in terms of the strategic layout and location of outdoor exhibits, as well as the overall quality and nature of the visitor experience;*
- *Creating more visitor amenities, indoor program areas and education animal holding closer to the proposed entry and the core visitor services area;*
- *Developing an entry precinct and central visitor circulation route that accommodates seasonality, including low-day and peak visitation periods, as well as all ages and abilities;*
- *Insuring sufficient "back of house" space to enable excellent management of both the animals and the physical asset;*



Visitors to the new Zoo will encounter a new Entry that is designed for ease of access to key visitor services, including washrooms, new Education classrooms and administrative offices, refreshing drinks and gifts, and an introductory view into the Otter Pond ... the starting point for The Wander, the Zoo's central circulation spine that interprets the plants and small animals of Alberta's Aspen Parklands and Prairies, and provides a locus for additional seasonal food services, shelter, transportation, and rest, relaxation and informal play.

The existing Storyland Zoo will be reconfigured as a specially designed children's zoo, Nature's Wild Backyard, a place where young children and their families can, together, engage in creative play and programs, and gain up-close experiences with a variety of approachable domesticated and exotic animals.

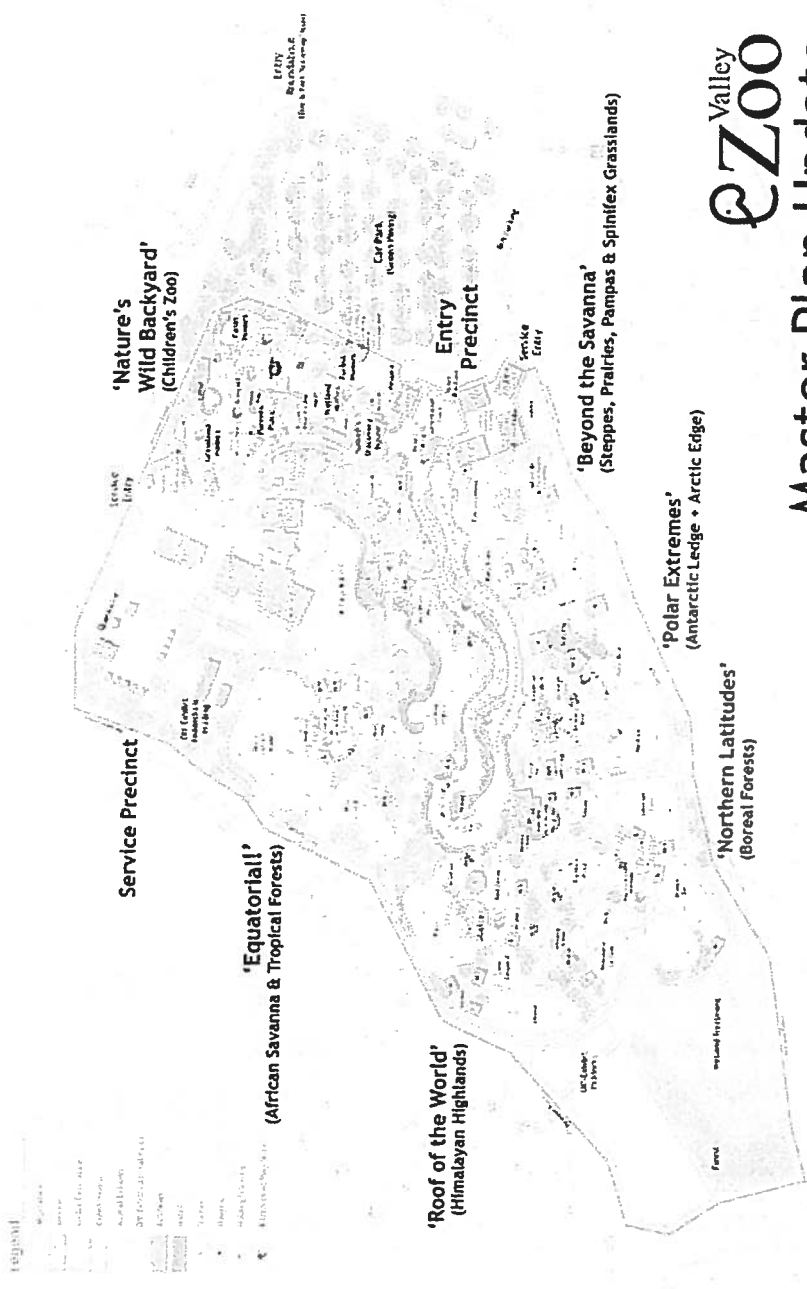
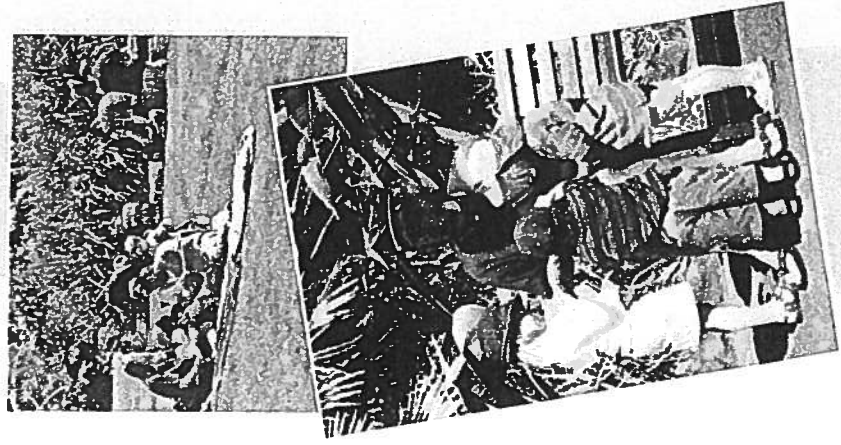
The remaining portion of the Zoo's 44 acres will be redeveloped to involve visitors in wildlife encounters in The Wildlife Amphitheatre, engage them in care-giving in Beyond the Savanna, and allow them to discover animal adaptations and adventure in Polar Opposites, Northern Latitudes, Roof of the World and the Equatorial Regions.

Key to the success of this endeavour will be the ability to build visitation, and to sustainably develop the facilities and living assets in ways that underscore the core belief in conservation and commitment to education.

¹ "A biological subdivision, the reflects the ecological and physiognomic character of the vegetation ... and that broadly corresponds with climatic regions ..."
 – *Oxford Dictionary of Ecology*, 1994.

- *Integrating the Zoo campus better with the surrounding Park and community;*
- *Establishing an approach to the development of "green" infrastructure.*

While this updated Plan continues to advocate for well-designed, naturalistic exhibits that are organized as "exhibit precincts" of biomes¹, it now has fewer "precincts" than the previous Master Plan. This is as a result of an increasing focus on species that can be displayed well, year-round, in Edmonton's climate, with a condensed core of tropical exhibits that will provide a contrast with, and escape from, the cold of the Edmonton winter.



Valley
ZOO

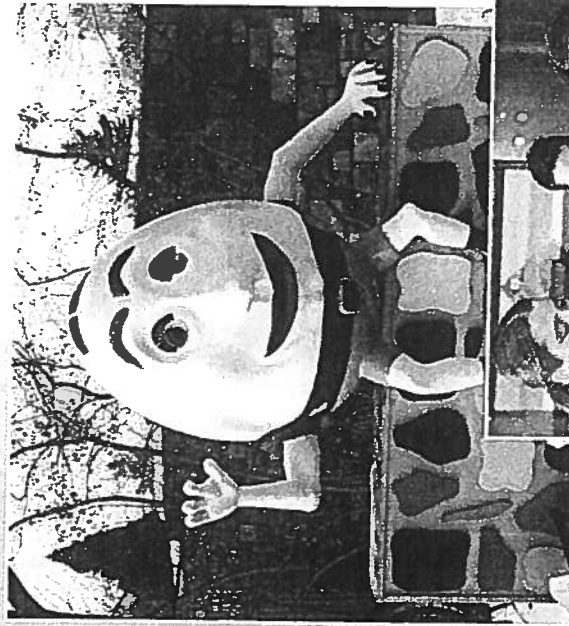
Master Plan Update

"Canada's Cold Climate Zoo with a Tropical Heart"



3.0 Up to The Present: Where We've Come From

The Valley Zoo was established in 1959 and was originally set up as a themed facility with small animal exhibits and children's play areas.



The Zoo's structures and exhibits, like many other zoos that were established across North America during the 1950s, were created around a children's storybook theme with common characters, such as Humpty Dumpty, and architectural references like Old MacDonald's Farm and Noah's Ark. There was little or no attempt at "education" and "wildlife conservation" was an unknown topic.

The Storyland Zoo was popular with families seeking a day out during Edmonton's celebratory spring-to-fall outdoor season. Many Edmontonians cherish pictures of themselves posing in front of one of the Zoo's many animal pens or Storybook characters.

In the 1970s, the Saito Centre provided indoor viewing of the Zoo's cold-sensitive species during winter months. The Zoo also grew greatly in area with the addition of large open paddocks for hoofed stock and large carnivores. The most recent major addition to the Zoo was a new elephant house and expanded elephant exhibit in 1997, and the new Red Panda exhibit in the early 1990s.



Visitation has remained relatively constant over this period. In the past decade, the Zoo remains open on a voluntary-pay basis during the winter to minimize the need for visitor services staff while still enabling community access. Education programs have become an increasingly important aspect of the Zoo's mission over the last 20 years with PetroCanada signing on as a supporter of Zoo School.

4.0 The Future

Located in the Bow Valley Park System, the Edmonton Valley Zoo will offer unique opportunities for the citizens of Edmonton to experience and come to understand – the living plants and animals of their world.

In cooperation with the Mutart Conservatory and the John Janzen Nature Centre, the Zoo will provide opportunities for an enjoyable day out with the family, while also delivering environmental education that underscores the region's commitment to wildlife conservation and sustainable life styles. Equally, visiting friends and relatives, as well as other out-of-town visitors will take delight in sharing a unique point of view that arises from being an exceptional, community-based, living-museum of zoological knowledge and aspirations.

The following section provides an overview of the basic building blocks that underpin the Plan. These provide enduring guiding principles that can be used to evaluate future design efforts as well as programming opportunities, and should be reviewed with all stakeholders on a regular basis to insure that they continue to express the meaning and beliefs of all those involved in this undertaking.

4.1 Mission, Vision and Objectives

4.1.1 THE PURPOSE: OUR MISSION

The purpose of the Edmonton Valley Zoo is to build enduring relationships between Edmontonians and the living world through live animal displays, interpretation and conservation practices, with an emphasis on cold climate habitats.

4.1.2 THE WHY: OUR VISION OF THE FUTURE

The Edmonton Valley Zoo will become an important focus for Edmontonians' love of nature and their interest in living in a world where people of all ages are not only delighted by the diversity of the living world that surrounds us, but are committed to protecting the integrity of its "wild life" and "wild places".

- To become a symbol and focus of Edmontonians' concern for and interest in nature;
- To exhibit exotic, native and common animal species;
- To take an active role in the in situ and ex situ conservation of rare/endangered plants, animals and habitats;



- To demonstrate the importance of plants in our lives through the development of the public and animal exhibit landscapes;
- To offer a diverse menu of education and interpretation programs, and services related to environmental education, nature appreciation and conservation;
- To offer a range of experiences and services that are attractive to a variety of age groups and levels of interest;
- To welcome partnerships with groups and businesses for the advancement of common goals.



4.1.3 THE HOW: OBJECTIVES

To make this vision a reality, we will:

- Create and sustain inspirational experiences and programs within the Zoo that introduce people to the worldwide wonders of animals and the habitats they depend upon ... with a particular focus on animals from cold climates.
- Care for a widely recognized plant and animal collection that supports the mission and thematic approach, the internationally recognized Species Survival Program, and the World Zoo and Aquarium Conservation Strategy.
- Advance conservation through our own efforts at achieving "sustainability" and, by providing our visitors with the opportunity for personal involvement, the conservation of rare/endangered plants, animals and habitats from within Alberta and around the world.
- Engage local organizations and businesses in active partnerships for the advancement of our common goals.





4.2 Planning Approach

4.2.1 BASIC PRINCIPLES

(with reference to existing Edmonton planning strategies)

- Use the Zoo's location on the edge of an "urban wilderness" to advantage. ("Ribbon of Green")
- Celebrate living in a northern climate ("Sense of Place"):
 - Focus more on climate-adapted and indigenous species.
 - Develop unique, sustainable approaches to shelter and services. (Celebrate Edmonton!)
- Integrate the needs of the surrounding community into planning and physical design. ("Community Hub")

Visitor Experience

- Never forget that the Zoo is in the "visitor experience" business.
- Remember who the Zoo's constituents are – kids, and young families with their mums, dads, and grandparents! They are the backbone of the facility.
- Provide intimate, authentic experiences that are supplemented by encounters with Staff and with the animals that thrive with human contact.
- Concentrate on the quality of exhibits not quantity.
- Provide landscape solutions that mesh with the experience of a park setting, not architectural solutions that superimpose an urban context.

Education

- Provide inspiring conservation education experiences.

Conservation

- Contribute to endangered species breeding programs.
- Contribute to in situ conservation projects that relate to the Zoo's collection.
- Display species that do well in Edmonton's cold climate.
- Demonstrate best, green practices.



The Collection

- Display "wow" species that promote conservation education.
- Focus on cold climate appropriate animal species.
- Participate in endangered species breeding programs.
- Manage all species to minimize the impacts on wild populations.
- Comply with all Canadian Association of Zoos and Aquarium criteria, as well as those of the American Zoological and Aquarium Association to the extent possible.

4.2.2 THEMATIC APPROACH

A "theme" is the central and most important idea that is being interpreted and provides a perspective from which to approach the development of exhibit content, as well as marketing materials. The following "theme" was developed to underscore the fact that the Zoo can easily create powerful displays about cold-adapted animals from around the world and interpret how they compare to Canada's native species while also contrasting habitats from another area of "extreme", namely the equatorial regions:

Canada's Cold Climate Zoo with a Tropical Heart:
 Celebrating Wild Adaptations in a World of Extremes

4.2.3 INTERPRETIVE APPROACH

The interpretive approach demonstrates our basic beliefs and point of view that we would like to communicate to our visitors:

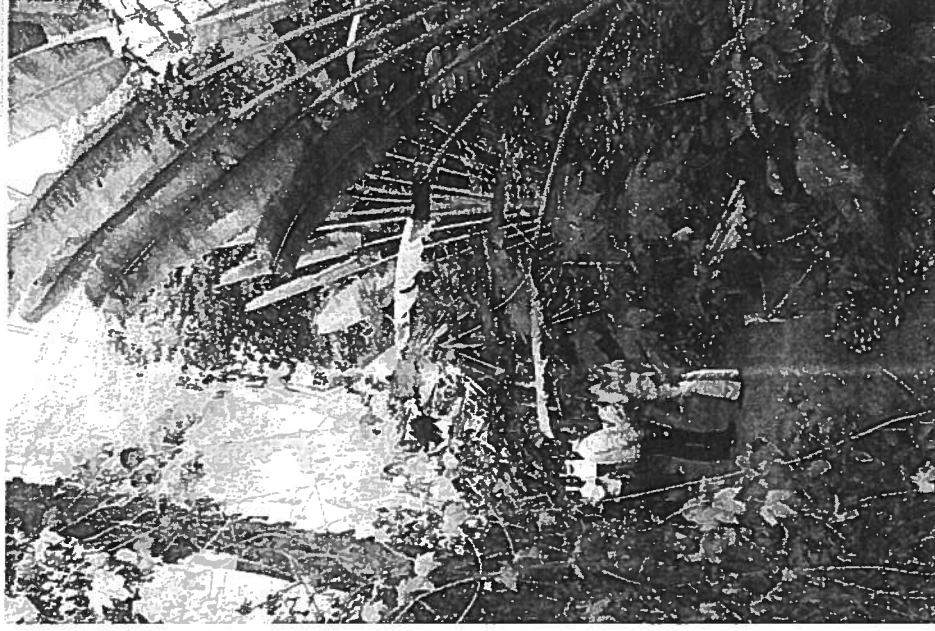
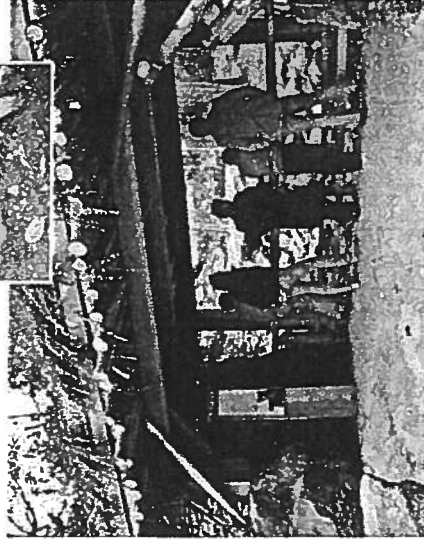
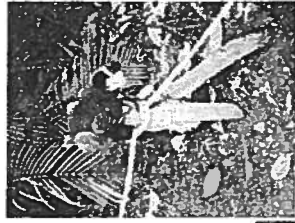
Goals

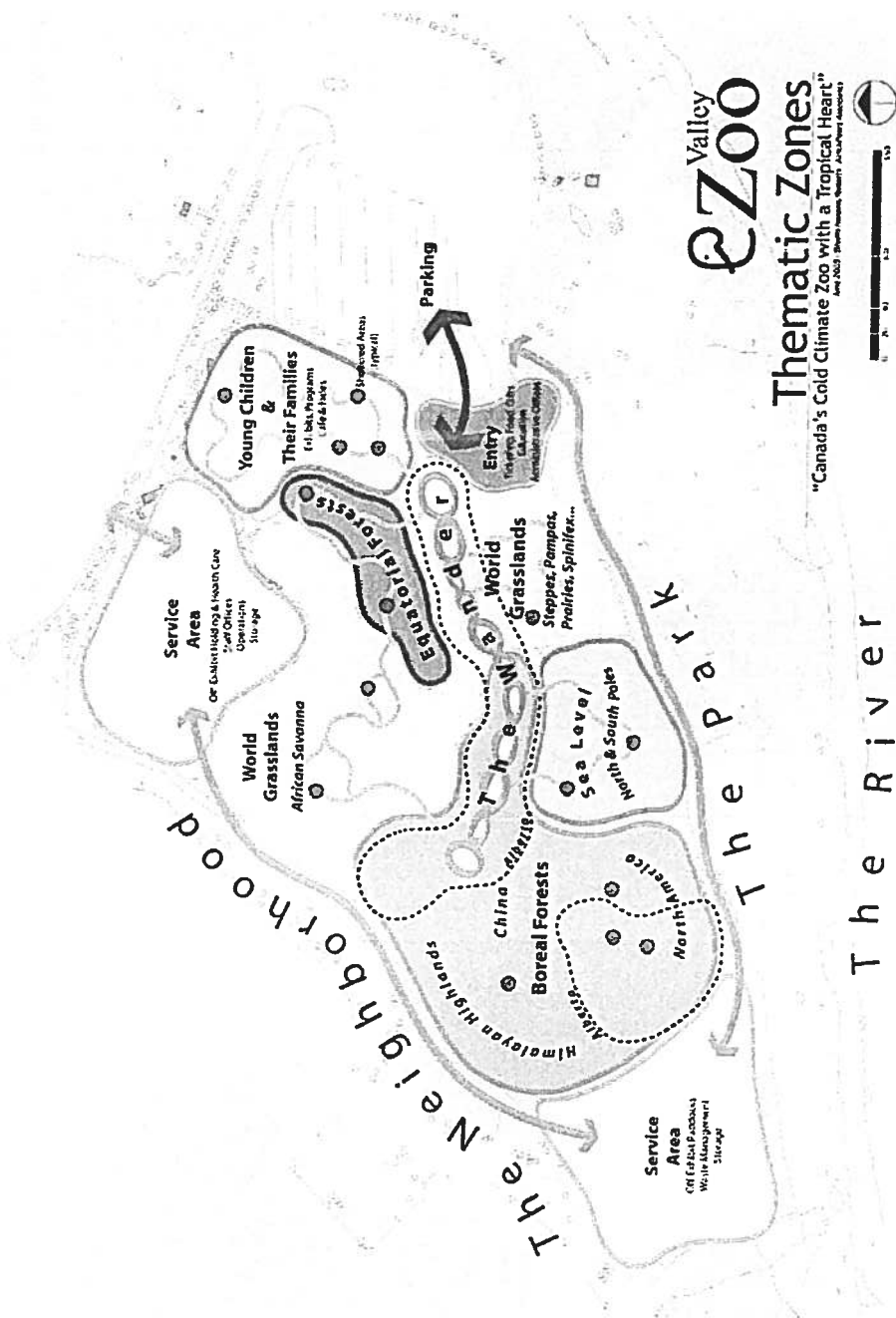
- Create an understanding of how animals stay alive in the wild;
 - Foster conservation in our backyard and around the globe.
- ##### **Objectives**
- To provide intimate experiences that create emotional connections with animals;
 - To enhance knowledge of animals and how they require their habitats to survive in the wild;
 - To create practical opportunities and skills for active participation in conserving wildlife, and enhancing the quality of their own lives while minimizing their ecological footprint.

Messages

The key education messages conveyed through live interpretation, programs, and interpretive graphics and text are:

- Animals have adapted to many diverse habitats that must be conserved to save the animals;
- Conservation is vital to the future diversity of life on Earth – you can help!
- The Zoo works to save endangered species by participating in breeding programs, habitat conservation projects, and educating people to understand the complex issues of conservation.



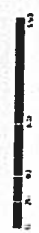


Valley ZOO

Thematic Zones

"Canada's Cold Climate Zoo with a Tropical Heart"

Valley Zoo is an Equal Opportunity Employer



4.2.4 PHYSICAL DESIGN PRINCIPLES

Visitor Experience

- Landscape solutions, not architectural solutions
 - Both a Zoological and Botanic Garden: devote the visitor experience to a celebration of animal species and plant ecology.
- ##### Great visitor access with centralized public circulation / transportation
- Entry 'Tree' Precinct: increase visitor satisfaction by limiting lines on busy days and providing immediate access to washrooms, food service, and gifts.
 - Children's Zoo: provide a separate area with a single entry and exit, focused on the distinct needs of young children and their families.
 - Education: use the Education Centre as the base camp for discovery and learning spaces that are distributed throughout the Zoo.

Immersive exhibit loops with topical interpretation

- Landscape Immersion Exhibits: transport visitors to wild places through recreated native and exotic habitats.
- Shelter within the Landscape: base the visitor experience in Edmonton's outdoors, but establish viewpoints providing shelter that is shared by both animals and visitors.
- Interpretive Media: use presenters and stories, text, graphics, three-dimensional artifacts, and art to communicate with all learning styles.

Dispersed program / group gathering spaces and services

- Play: create opportunities for interpretive parallel play throughout the Zoo.
- Rest and Relaxation: create numerous opportunities to sit down and spend time relaxing with wildlife.
- Shelter: integrate sheltered group gathering areas throughout the exhibit areas.

Animal Welfare and Exhibit Habitat

- Naturalistic habitats with built-in enrichment opportunities
- Space for rich social lives ... animals, staff, and visitors
- Shared shelter for animals and visitors

Accessible Night Shelters: locate night shelters along the visitor pathways to give visitors visual access to animal welfare facilities and winter viewing.

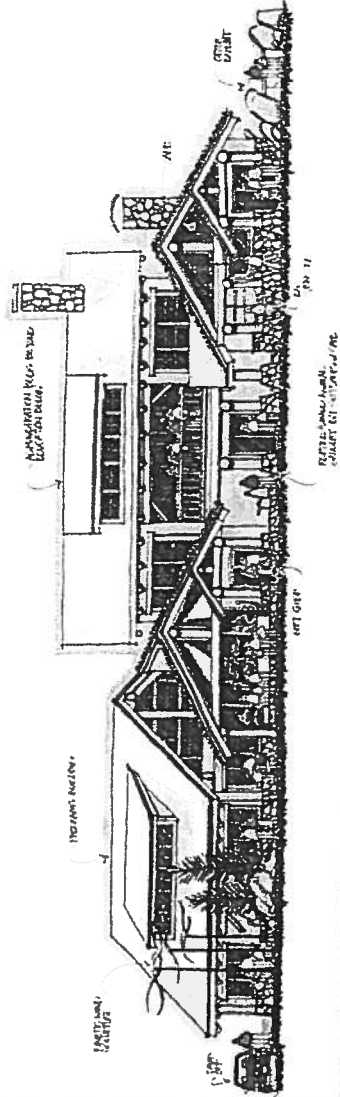
Infrastructure

- Provide a centralized service core and perimeter service access routes
- Develop an infrastructure SYSTEM rather than individual solutions
- Conservation in everything ... be a "GREEN" leader!



4.3 The Visitor Experience

The following narrative outlines the vision for the range of experiences that might be possible within the future Zoo. These descriptions are meant to give a flavour for the possibilities and are not meant to be prescriptive.



4.3.1 ENTRY PRECINCT

Sited on the current entry walkway to the Storyland Children's Zoo, the new Entry Precinct provides visitors easy and direct access to all of the Valley Zoo's new exhibit precincts. The Entry Precinct is easily visible and accessible from the current parking area, from a new school bus drop-off, as well as for the pedestrians and bicyclists who use the River Valley Trail system.

Designed as a ticketless 'free-precinct', the Entry Precinct offers visitors instant access to all visitor services: information, washrooms, ticket purchase windows, café, retail shop, the Education classrooms and administrative offices, and the Zoo Development Society offices. These services ring an intimate-sized Orientation Plaza that introduces visitors to the Zoo's attractions: animal exhibits, Nature's Wild Backyard children's zoo, special programs, and daily keeper presentations and shows in the Wildlife Amphitheatre. At the far edge of the Orientation Plaza, Canadian

river otters inhabit an old beaver lodge, entertaining visitors waiting for the rest of their group or simply enjoying the almost constant show.

The new Education Centre – classrooms, workrooms, and offices – are located around a courtyard adjacent to the Orientation Plaza. Across the courtyard, the Programs Centre provides for early morning, mid-day, and evening community gatherings and events. Both facilities share a multipurpose Presentation Space with capacity for 200 to 300 guests.

The Zoo's Administrative Offices are located just above the Education Centre providing easy communications between visitors and staff. Just behind, the perimeter service road provides for deliveries and waste removal for the café and retail shop, as well as access for the Zoo's traveling education animals.



4.3.2 THE WANDER: ALBERTA'S ASPEN PARKLANDS AND SHORT-GRASS PRAIRIES

The Wander is a 'people space' that celebrates the geology, plant, and animal life of Alberta's prairies and Aspen Parklands. Its wide walkways provide orientation and access to each of the Zoo's exhibit precincts. A shallow prairie stream playfully meanders down the centre of the Wander, inviting dabbling by both children and adults on warm summer days. Several of the deeper pools shelter native trout. Interwining paths on both sides of the Wander provide ample space for strolling with family or friends amongst the native grasses, shrubs and trees. Other visitors simply people-watch while sitting on shaded benches – or watch the native butterflies and migratory birds enjoy the prairie habitat.

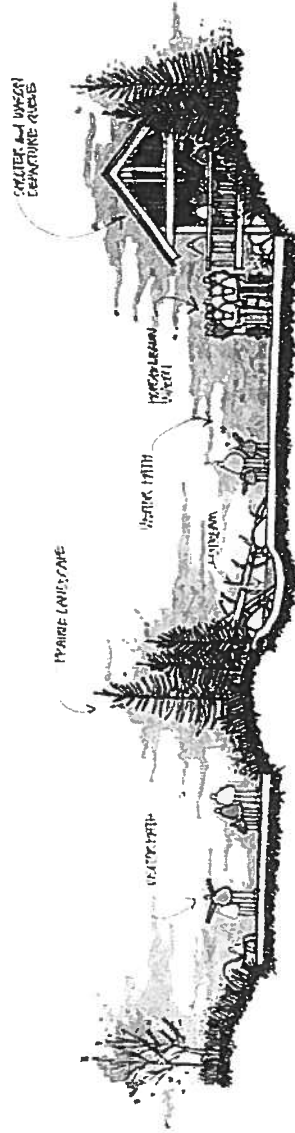
During warmer months a horse drawn wagon (or equivalent) provides a fun and easy ride up to the next show at the *Wildlife Theatre*. A sleigh replaces the wagon during winter holidays and winter evening events. Three wagon-stop shelters are located just beyond ticket-taking at the entry to *Beyond the Savanna* and the *Wildlife Theatre*, at the *Upper Meadow* adjacent to the *Wilderness Café*, and midway along the *Prairie Wander* at the entry to the *Polar Opposites* precinct.

4.3.3 NATURE'S WILD BACKYARD: A CHILD'S EXPERIENCE OF ANIMAL HOMES AND HABITATS

The first of the many exhibit precinct gateways that beckons visitors is *Nature's Wild Backyard*. Kids – and older visitors – are invited to enter through the small-ish front door of a welcoming, but slightly quirky-looking small frame house. The house is full of the collections and inventions of someone excited about the natural world, and the animals and the homes that they inhabit.

Exploring the house, kids discover *Nature's Wild Hospital*, where each can play the role of a veterinarian, as they care for *wild-patients*. The examination tables and surgery are lined with stethoscopes for routine check-ups as well as spare hearts and lungs for transplants! The next room is full of outfits and masks. Kids dress-up and play the parts of both wild animal and care-giving keeper.

Opening the back door reveals a large garden, grassy and open in the centre, and ringed by *wild places*. *Forest Homes*, *Farm Homes*, and



Grassland Homes have each been created by the nature-lover as she has experimented with providing better and better homes for her wild friends. A walkthrough Squirrel Monkey exhibit is the highlight of the *Forest Homes* area. The *Farm Homes* features Nigerian dwarf goats, ducks, and Dexter cows that visitors can groom and learn to care for.

The *Grassland Homes* are reached by a tunnel that passes under the Round-Up Ride and then pops up for a series of nose-to-nose encounters with prairie dogs and meerkats. The lemurs stare intently at the miniature 4 X 4 vehicles as they circle the grassland – sized for age three-to-six plus an occasional mum or granddad.

The heart of the backyard is all about water. The *Wetlands* are home to turtles and frogs, and are frequently visited by small groups with a dip-net and bucket. This living pond-soup is then carried back to the House for examination under one of the nature-lover's many microscopes and hand lenses.

At the far end of the backyard, between grassy mounds, a small spring gushes from the ground and erupts and trickles from various pieces of animal sculpture that the nature-lover has collected. Nearby, an Asian small-clawed otter observes intently as kids mimic her aquatic cavorting. The Parent's Place Café provides a spot for mum or granddad to sit with a coffee and watch the play. From a comfortable chair here, each of the gateways within the Backyard can be easily monitored.

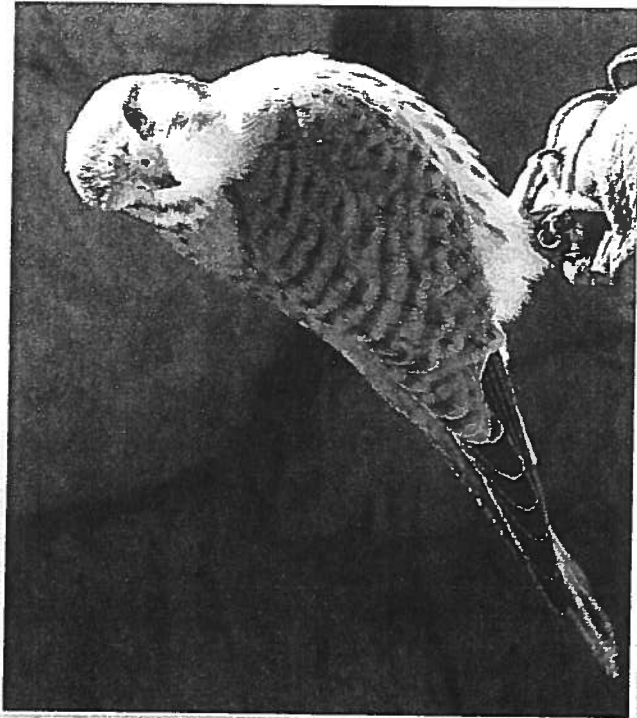


4.3.4 BEYOND THE SAVANNA: DISTRIBUTION AND DIVERSITY OF THE WORLD'S GRASSLANDS

Beyond the Savanna tells the stories of the many domesticated animals that made their original wild homes on the grasslands of the world. Ponies, Bactrian camels and wallabies provide the opportunity to get very close, and help visitors to understand more about how four-legged, and not-so-four-legged animals get around their former grassland homes. A loading platform for a pony ride provides covered queuing and extends to give families a comfortable place to watch as their children make the three-minute grassland journey in the company of a guide who helps them to understand proper care of their temporary animal companion.

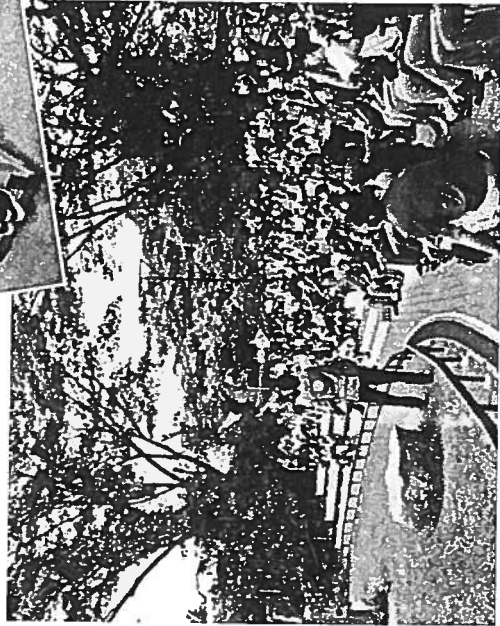
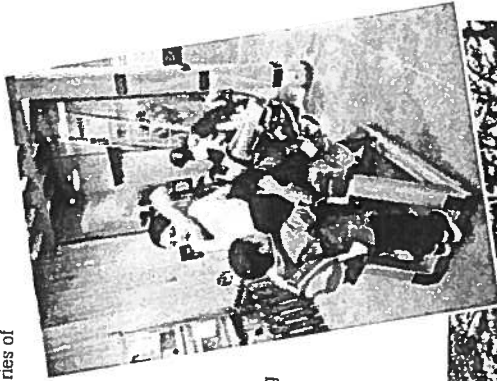
Two barns provide indoor sheltered space for both visitors and animals. The barn walls are lined with the many types of riding tack from around the world. Visitors have the chance to saddle a wooden horse with saddles from the Pampas, Mongolia or Australia; or inspect the large saddles used for camels in the desert grasslands of the Middle East.

The *Wildlife Theatre* provides sheltered seating for up to 600 visitors. The bird shows feature the spectacular dives and hunting prowess of falcons and eagles while presentations with several species of small mammals are also popular, especially with younger visitors.



As visitors leave the show, a series of raptor "news" along the walkway provide viewable homes for a number of the performers who are taking a day off.

Just behind the stage, spacious off-exhibit holding is provided for the *Wildlife Theatre's* performers as well as for the Zoo's troupe of travelling education animals.

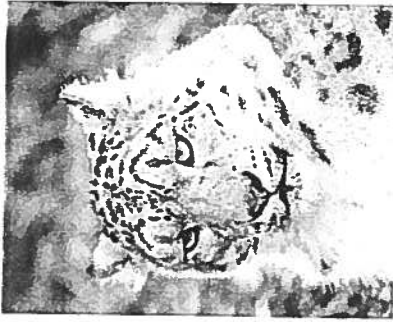


4.3.7 THE ROOF OF THE WORLD:

A TREK ACROSS THE HIMALAYAN HIGHLANDS

The highlands of the Himalaya Mountains are home to a dramatic group of animals, the elusive snow leopard and its frequent prey species the blue sheep or bharal. In the steepest area of the Zoo, these animals inhabit an alpine grassland of scattered trees and shrubs. Colourful Himalayan pheasants inhabit a small aviary, equally content with summer grasses or winter snows. A small herd of the dramatic takin, a relative of the bharal, can be observed from a low shelter along the path. These strange looking, inquisitive animals frequently approach the stone and sod-roofed viewing shelter to determine who is visiting their rocky range.

Two pairs of the endangered and spectacular red panda inhabit a grove of trees above the trail. The inquisitive face and beautiful colour make these endangered animals a visitor favourite. The diminutive munjac, the most world's most ancient deer, is visible foraging on the forest floor beneath the pandas.



4.3.8 EQUATORIAL: A SAFARI IN THE TROPICAL FORESTS AND SAVANNAS

Africa is the warm heart of the Zoo. Here at the Zoo's centre, visitors experience some of the world's best-known large mammals, the elephant¹, zebra, and the spectacular Black and white colobus swinging overhead. A pack of African wild dogs roams a hillside, eyeing impala and lechwe in the distance.

These large outdoor habitats immerse visitors in a landscape that simulates the expansive African savannas – seasonally of course. During Edmonton's long winter, large earth-sheltered, sod-roofed buildings located close to the visitor path provide shelter for animals, as well as shelter and up-close viewing for visitors. A brief walk along the trail, an African Tented Camp invites visitors to examine the conservation work of researchers and traditional landowners.



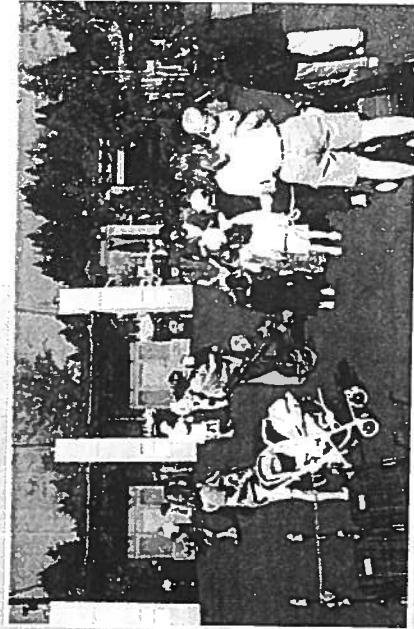
The Zoo's herd of four elephants is dominated by its matriarch and her female offspring. Much like in the wild, the one young male will remain with his mother only until he is old enough to emigrate to a zoo with the specialized facilities needed to care for a full-grown bull elephant.

The Walkthrough Tropical Habitat is a year-round destination. Tropical biodiversity is the theme and species from the Africa, the Amazon basin, and the archipelago of Southeast Asia are on display. Spectacular tropical plants host colourful tropical birds, butterflies, and beetles. Reptiles of all shapes inhabit burrows and tree limbs along the pathway.

¹ See discussion about maintaining elephants at the Valley Zoo in the Appendix.

4.4 Visitor Services

Visitor services are key to visitor satisfaction and hence to the financial success of the Zoo. The following is a summary of the proposed elements:



4.4.1 ENTRY PRECINCT

The Entry Precinct provides facilities for the following services: information and orientation, washrooms, ticket purchase windows, café, retail shop, storage lockers, first aid, education centre (classrooms, workrooms, and offices), administrative offices, programs centre, and multipurpose presentation space.

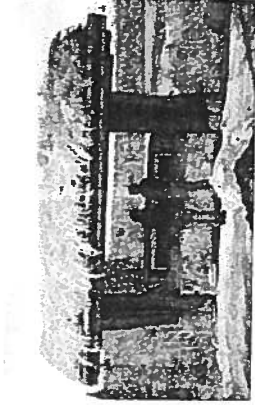
The Entry Precinct is designed as a 'free precinct' with free access to ticket sales, washrooms, food, and retail sales prior to ticket-collection. During periods of low visitation, the ticket sales point will also collect tickets and control admission.

4.4.2 WAY-FINDING

The proposed physical layout provides the key to way finding for the new Zoo. The sequenced experience of the Orientation Plaza, the Wander, the Upper Meadow, and finally the gateways to each of the exhibit precincts will provide easy orientation for guests at any point in their visit. Signage themed appropriately for each precinct will provide the final, detailed level of information.

4.4.3 SHELTER

The Zoo experience celebrates the plants and animals of wild habitats – the great outdoors. However, Edmonton winters are cold and summers are hot for the mammals with the least fur, us humans. Therefore, shelter will be provided frequently at animal exhibit viewpoints for both the viewer and viewer to escape the summer sun and freezing winter winds.



These shelters will maintain the natural materials and forms of their respective themed landscapes, merging the outdoors and indoors.

4.4.4 WASHROOMS

Washrooms are the unsung heroes of an enjoyable visit. A clean

and memorable washroom can upstage the best exhibit. Washrooms will be located at in the new *Administration and Education facilities*, the *Entry Precinct*, near the *Wilderness Café* at the upper end of the *Wander*, and adjacent to the *Parents' Place in Nature's Wild Backyard*. Existing washrooms will be maintained in the Saito Centre. Washrooms will be no more than a 200-metre or a 3-minute walk from any point in the Zoo.

4.4.5 FOOD SERVICE

The Master Plan proposes three permanent food service locations: the *Entry Precinct Café* (with catering kitchen), the *Wilderness Café* at the upper end of the *Wander*, and the *Parent's Place Café* in the heart of *Nature's Wild Backyard*. During times of

peak visitation seasonal carts located along the *Wander* will expand food service offerings. During periods of low visitation the *Entry Precinct*

Café may be the only food service facility in operation, and that could be reduced to vending machines depending on the anticipated visitation levels.



4.4.6 EDUCATION

The new Education Centre will be located in the Entry Precinct. Adjacent to the main visitor entry, a separate entry for school groups provides easy access from buses. Four themed classrooms will provide the starting and finish point for each class's visit to the Zoo wherein they will utilize the rest of the Zoo as an open-air classroom. Workrooms, washrooms, and offices and education animal holding will complete the Education Centre. A multipurpose meeting room accommodating 200 to 300 visitors will be shared with the Program Centre.



In order to take learning 'out of the classroom' and into the 'wild', one or more remote discovery and learning spaces will be sited within each exhibit precinct. Each sheltered space will focus on a particular aspect of curriculum appropriate to the animal species and landscape. Themed teaching materials and seating will complete the immersion in each biome.

4.4.7 EMERGENCY CARE

A nursing station with ambulance access will be located in the Entry Precinct.

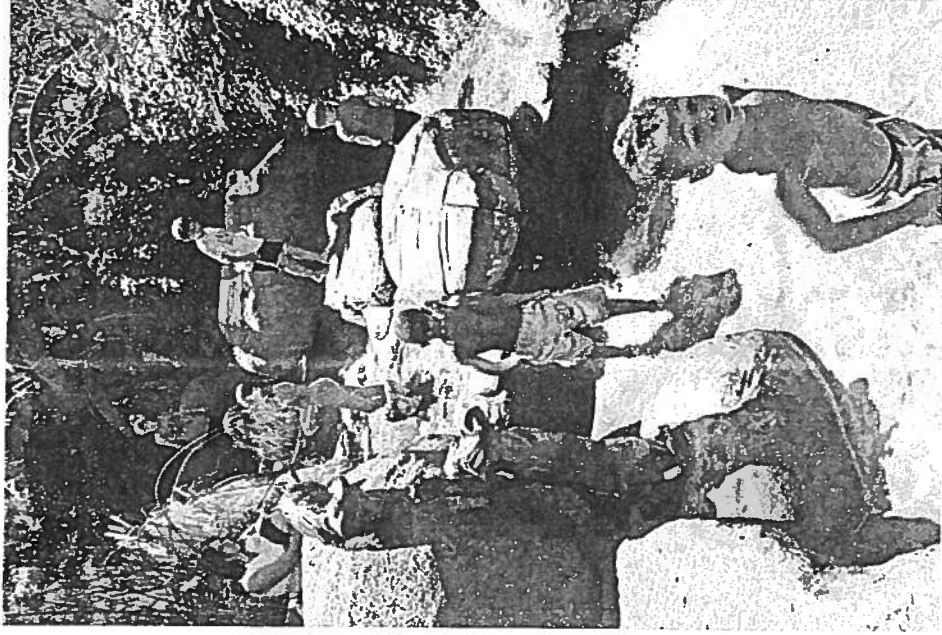
4.4.8 CHILDREN'S PLAY

The Zoo will provide a hierarchy of play opportunities for children ages 2 through 12. The stream within the Prairie and Aspen Wanders offer continuous play opportunities for all ages. The large trout lurking in the occasional deeper pool in some of the streams will only serve to tease the toes!

At the far end of the Wander, the more exuberant Upper Meadow Water Play will be focused on older children, ages 7 through 12. The nearby Wilderness Café and family picnic lawns make great places for parents to observe, or even join in the fun. A retail cart will sell items like sun screen, sun glasses, and disposable towels for those who arrive unprepared.

At the heart of Nature's Wild Backyard, a small spring feeds a water play area that is themed around the habitat of the wild habits of the nearby Asian small-clawed otter. This play area targets the younger set and caregivers, ages 2 through 6.

Within each of the exhibit precincts, parallel play opportunities will explore the modes of locomotion of many of the adjacent species. This full-body approach to interpretation gives children opportunities to employ their bodily-kinesthetic intelligence while involving a parent, expending extra energy and making the visit more enjoyable for the whole family.



4.5 The Collection

This Master Plan is based upon a preliminary collection plan developed from the criteria described below. The collection plan will, of course, require modifications over the coming years: as the goals of the Zoo and the North American zoological community continue to evolve. The 2005 Master Plan Update anticipates these changes where possible. In the case of animals with very demanding specific requirements, such as the elephant, contingent planning has been included in the Master Plan Update.

The collection plan is based on the three sets of criteria that follow: Conservation Education / WOW, Cold Climate Appropriate Species, and Endangered Species Breeding Programs. The ideal species ranks highly in all three areas.

4.5.1 CONSERVATION EDUCATION AND "WOW!"

The primary purpose of a modern zoological garden is the conservation education of the local, and regional community. The species in the collection plan have been selected to pursue the following teaching goals: demonstrate morphological diversity, introduce all major terrestrial biomes, display adaptations to habitat, exhibit the full range of animal sociality and display conservation stories.

A key goal of conservation education is to stimulate visitor interest in the world's wildlife. To this end, one of the criteria for the collection plan is the "WOW!" value of each exhibited species. Attractiveness to humans is intrinsic in certain species: great apes that look very much like us, the sheer size of a rhino or elephant, the implied danger of a venomous snake, or the tiny beauty of a poison arrow frog from the South American jungle. As precious ambassadors for their still-wild brethren, it is important the captive species play a strong role in conservation education, in the ex-situ breeding programs discussed below, or both.

4.5.2 COLD-CLIMATE APPROPRIATE SPECIES

There are a number of reasons why the Zoo should focus on cold-climate adapted species. Animal welfare will be enhanced, as these species will be better adapted to Edmonton's winter cold. Secondly, the selection of

cold-climate adapted local native species as well as exotic species will help us to illustrate local conservation efforts.

Approximately 75% of the Zoo's collection will focus on cold climate adapted species. The 'Warm Heart' of the Zoo will be devoted to tropical species – approximately 25% of the Zoo's area. This cold-climate focus will also help the Zoo to achieve its goals for energy conservation, and limit operating costs.

4.5.3 ENDANGERED SPECIES BREEDING PROGRAMS

All members of the Canadian Association of Zoos and Aquaria participate in various regional and worldwide efforts to breed endangered species. These programs work towards the captive breeding of animals used solely in conservation education, as well as focusing on those species whose captive breeding may help to preserve genetic diversity in the wild.

The embryonic effort to develop a Canadian Collection Plan is focused on the special capabilities and needs of Canadian zoos. The North American Species Survival Plans (SSP) – with their analogues in Europe (EEP) and Australasia (ASMP Conservation Programs) – are programs devoted to species which are at risk in North America and around the world. The Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) works to protect those species at risk worldwide by limiting their international trade.

4.5.7 COLLECTION PLAN

Education and Outreach Animals

Bearded dragons
 Burmese python
 Chinese water dragon
 Emerald boa
 Common iguana
 Mexican black kingsnake
 Speckled kingsnake
 Chameleon
 Naked mole rat
 Oriental fire-bellied toad

The Wander: Alberta's Aspen Parklands and Shortgrass Prairies

Blue-winged teal
 Northern pintail
 Wood duck
 Migrating butterflies
 Free-range birds
 Trout and water invertebrates

Beyond the Savanna: Distribution and Diversity of the World's Grasslands

AERIAL PREDATORS:

Burrowing owl
 Eurasian eagle owl
 Great-horned owl

GRAZERS:

Harris's hawk
 Peregrine falcon
 Red-tailed hawk

NORTHERN ASIA

Ponies
 Bactrian camel

SOUTH AMERICA

Llama
 Paca

Polar Opposites: Comparisons Between the Arctic Edge and the Antarctic Ledge

Arctic fox
 Snowshoe hare
 Canadian lynx
 Bearded/iring seal

The Roof of the World: A Trek Across the Himalayan Highlands

Red panda (SSP)
 Takin (SSP)
 Snow leopard (SSP)
 Phelipian/Tragopans
 Muntjac
 Bharal

Nature's Wild Backyard: A Child's Experience of Animal Homes and Habitats

HOUSE AS HABITAT

Cats/Dogs
 Mice

WETLAND HOMES

Turtles
 Insects
 Gold fish/Carp
 Frogs

Insects
 Spiders
 Reptiles/Amphibians
 (incl. Wood frogs)

FOREST HOMES

Lemurs
 Squirrel monkeys
 Tamarins
 Porcupine
 Spider monkeys
 Scarlet macaw
 Flying squirrels

FARM HOMES

PERMANENT/
 HABITUATED RESIDENTS
 Chickens
 Goats
 Geese and ducks
 Magpie
 ANNUAL/
 YOUNG RECRUITMENT
 Woolly sheep (lambs)
 Pigs (piglets)
 Dexter cows (calves)

GRASSLAND HOMES

Rabbits
 Guinea pigs
 Prairie dogs
 Sulphur-crested cockaton
 Coyote
 Woolly sheep

Northern Latitudes: A Journey Through Boreal Forests and Grasslands

ASIA

Shub-nosed macaque
 Serow
 Amur tiger (SSP)
 Bald eagle
 Bighorn sheep
 Puma
 Red-crowned crane
 Whooping crane

NORTH AMERICA

Brown bear
 Wolf
 Caribou

SHARED

Equatorial: A Safari in the Tropical Forests and Savannas

TROPICAL FORESTS

Mandrill/Colobus
 Red River hoags

TROPICAL SAVANNA

African elephant
 Grevy's zebra
 Impala
 Kudu
 Lechwe
 Murchat
 Ostrich
 Serval
 Wild dog
 Warflong
 Small hornbill
 Lilac breasted roller

WALK-THROUGH RAINFOREST HABITAT

Lemurs
 Fruit bat
 Ground and perching birds
 Invertebrates: Beetles, Ants...

Eclectus parrot
 Reptiles/Amphibians

4.6 Operations and Maintenance

The Zoo's visitor experience can be only as good as its operations and maintenance staff and the facilities that support them. Even more than most heavily used public facilities, a zoo's public spaces and exhibits are in need of constant maintenance and periodic intensive renovation.

4.6.1 SUSTAINABLE USE OF ENERGY, MATERIALS AND WASTE

The modern zoological garden is an institution dedicated to the conservation of wildlife. If the Zoo is to lead an entire community by example it must demonstrate leadership in all aspects of conservation and sustainable design.

New buildings and exhibits should use materials whose life cycle is environmentally friendly and respects the habitats that it is trying to preserve. Heated or cooled spaces should be energy efficient, and make use of emerging technologies for energy supply.

The goal should be to treat all animal wastes and visitor trash on site or to provide visitors a visible demonstration of how these wastes are treated by the City of Edmonton.

4.6.2 UTILITIES

As the Zoo grows, careful planning will be required to create an easily upgradeable system for the distribution of electricity, gas, and water that can grow with the Zoo. This should be planned as a looped system that distributes from both the perimeter service route, as well as the central visitor circulation route, *The Wander*.

As much as possible, storm and sanitary wastewater should be pre-treated on site or where possible treated in their entirety. The Master Plan proposes that storm drainage from the animal exhibits be routed to the western end of the site for biological treatment before discharge from the site.

4.6.3 SERVICE ROADS

A perimeter service road will be established, segment-by-segment, as each precinct proposed in the Master Plan is developed. This will eliminate most service traffic from public walkways and eliminate inconvenience and

hazard to visitors. Service road spurs will provide access to interior exhibits and visitor services requiring intensive access such as the Wilderness Café.

4.6.4 ADMINISTRATIVE OFFICES AND KEEPER SUPPORT SERVICES

New administrative offices are proposed as a second floor development of the new Education Centre in the Entry Precinct. This will provide the ability for visitors to easily contact administrative staff and will allow administrative staff to stay 'in touch' with the visitors' concerns. A portion of the Saito Centre will be redeveloped as Keeper offices and support space.

4.6.5 VETERINARY HOSPITAL AND QUARANTINE

A portion of the Saito Centre will be redeveloped for veterinary care as well as off exhibit holding for animals needing special care. Quarantine spaces for smaller animals will be developed as a part of the Saito Centre space with appropriate separations. Quarantine for larger animals will remain at the northeast corner of the zoo site.

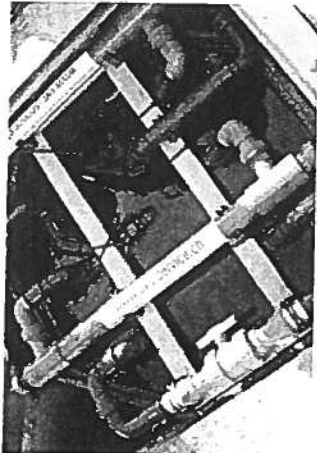
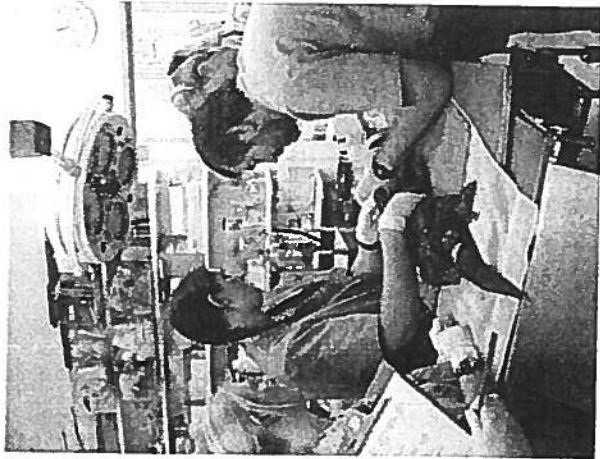
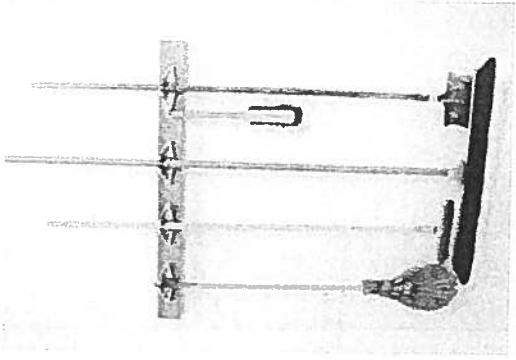
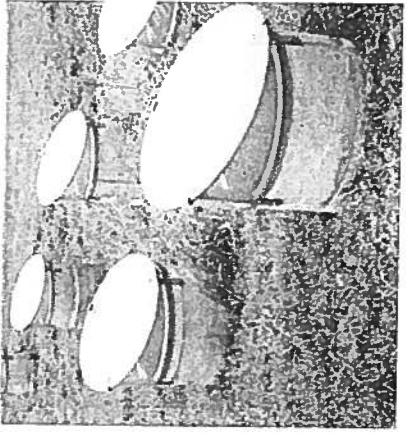
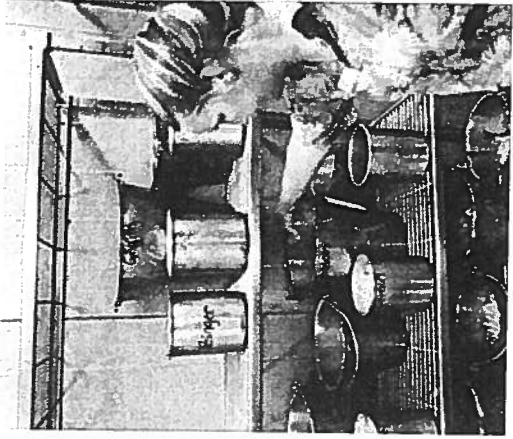
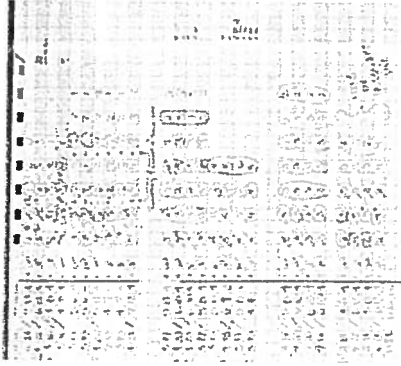
4.6.6 FOOD PREPARATION AND STORES

The current food preparation and food stores areas will be redeveloped and expanded as needed.

4.6.7 SHOPS AND STORAGE AREAS

The current shops and materials storage areas will be expanded to take over the entire building which is presently largely used for temporary winter quarters. As new exhibits are constructed, each will have winter holding and eliminate the need for seasonal relocation.

An outdoor storage yard for bulk materials and large enrichment item storage will be developed to the northwest of the Saito Centre.



5.0 Capital Development Strategy and Phasing Approach

A zoological garden can never be completed. Our visitors are constantly seeking new attractions to add to the familiar. World standards for animal welfare demand constant improvements in animal habitats and care. If a zoo is to remain relevant to the regional and international community, it will be completely rejuvenated every twenty-years through a balanced mix of new and renovated exhibits, and updated and new interpretation and visitor services.

5.1 Master Plan Budgets

\$80-million to \$100-million dollars would be required to construct a completely new zoo of the scale and quality reflected on the Zoo's Master Plan. Because of the substantial current investment in exhibits and infrastructure at the Zoo, approximately \$60-million to \$70-million will be required to implement the Master Plan in its entirety. This sum is equivalent to \$30 per square foot or \$1.4-million per acre... a total amount that could roughly be expected for the creation of a new museum.

Budgets have been allocated for the Master Plan based upon providing the highest standards of animal welfare and an excellent visitor experience. The estimates used to establish the budgets have been derived from recent zoological projects and consideration of local variations in costs. It should be cautioned that the budgets are shown in 2005 Canadian dollars. The Master Plan budgets should be increased for inflation by the City of Edmonton's appropriate financial advisors.

With the prospect of an oil boom in Alberta, inflationary pressure on construction costs may be substantial. Lacking a crystal ball or a brave consulting economist, we can only assume that the community's ability to fund the Zoo's projects will increase correspondingly.

The current budgets depend upon an elegantly sparing use of some of the more expensive elements of modern zoological exhibit design such as artificial rockwork, replicas of giant rainforest vegetation, or high tech interpretation. Animal exhibits and the visitor experience will instead be constructed of landform and living vegetation. Visitor immersion in exotic landscapes will be balanced with an honest presentation of facilities for animal care.

5.2 Steps to Renew the Zoo

There are two differing approaches to redeveloping a zoological garden. The create a new zoo approach would implement the entire \$60- to \$70-million Master Plan in two to three major phases over a period of four to six years. This approach has the advantage of stimulating a lot of visitor excitement and replacing all out-of-date exhibits quickly. However, large zoo construction projects have a history of being difficult to implement while maintaining consistently high design quality and controlling project budgets. Large projects also place large demands on city and zoo staff and do not allow the project design teams to learn from their mistakes and successes.

The second, and more realistic approach is one of constant improvement. This approach establishes a sequence of projects with budgets of \$2 to \$5 million. Over a five to ten year period the Zoo will change significantly and would be renewed entirely every 20 years.

To insure success, the quality of the new projects must be high and they must be clearly targeted at their audience. The Zoo will become known as the place to visit, a must-see attraction in Edmonton.

5.3 A Sustainable Triple Bottom Line

Establishing a consistent plan for renewing the Zoo will allow us to reach our goals for all aspects of our bottom line.

5.3.1 FINANCIAL

Building a balance of animal exhibits and visitor services will optimize revenue as well as visitor satisfaction. Opening a major new exhibit or visitor amenity every year or two, will increase visitation at a constant 10% to 20% per year, finally stabilizing at a total visitation of 50% to 100% of the metropolitan population. Successful zoos in cities comparable to Edmonton are easily able to attract upwards of 500,000 visitors.

A number of zoos have brought their facilities to a near self-sustaining position through the development of well-designed entries and retail gift shops, good food service, attractive educational programs, and play/educational opportunities that focus on the 2 through 12 year-old-child plus family.

5.3.2 ENVIRONMENT

As an institution that professes ecological conservation, the Zoo must 'walk its talk'. We must demonstrate environmental leadership in our parking and arrival areas, and throughout our exhibits and buildings, and exhibits. The Zoo's leadership should be felt beyond our fence-lines.

Our focus on a cold-climate adapted animal collection will help us to achieve our objectives in regional conservation education. This collection will also help us to insure that the Zoo uses energy responsibly. Where the collection plan requires an animal species with higher energy requirements – tropical, or aquatic species – we will need to accept the premium required to achieve a LEED silver or platinum rated project.

5.3.3 COMMUNITY

Zoological gardens are the most visited type of public institutions in North America. Through a focus on informal conservation education, a successful zoo is a community leader in local, regional, and world conservation. As importantly it is a reality-based recreational resource that is cherished by generations of its community.

As the Zoo becomes known as a place that combines excellence in recreation and conservation education, a place that lives its environmental values, it will become a destination for an increasing number of Edmonton's citizens.

5.4 A Dozen Easy Steps towards a Great Community Zoo

We suggest the following series of phased projects to initiate a 10-year redevelopment phase for the Zoo. We have chosen projects of \$1.5 to \$3.3-million in size that are logically sequenced to avoid having to move animals prior to new homes for them being constructed, and to follow a sequenced approach to the distribution of infrastructure improvements. If additional funding is available several of these projects can be combined into a single, larger project, although we suggest limiting total project budgets to \$4 to \$6-million to optimize both the positive and negative effects of development.

Following the completion of the first several projects, a Master Plan review workshop of a few days duration should be held to review the progress. Testing of our visitors' response to the completed projects will help to guide any desired revisions to the Master Plan or its implementation.

The budgets indicated below include all construction costs, design and construction contingencies (15% and 10% respectively), professional fees (15%), project management (5%), surveys as well as quality control testing (5%).

5.4.4	Nature's Wild Backyard Phase 1 Nature's House, Nature Exchange, Vet/Keeper Role Play, Puppet Theatre, Water Play, Parents Café, and Washrooms Allowance	\$2,800,000
5.4.5	Polar Opposites Phase 1B: Sea Lion Sea Lion Pool, Life Support System Part B Allowance	\$2,800,000
5.4.6	The Wander, Phase 1: Prairie Wander Pathways, Otter Exhibit, Trout Stream Allowance	\$1,800,000
5.4.7	World Grasslands Wildlife Amphitheatre, Pony Rides, Camels, Wallabies Interpretation Allowance	\$2,400,000
5.4.8	Nature's Wild Backyard Phase 2 Wetland Homes, Forest Homes, Grassland Homes, Grassland Safari Ride, Farm Homes Allowance	\$3,600,000
5.4.9	Entry Precinct Phase 2 Education/Administration Building, Education Plaza and Entry Allowance	\$1,800,000
5.4.10	Polar Opposites Phase 2: Polar Bear Polar Bear, Arctic Fox Allowance	\$3,200,000
5.4.11	The Wander Phase 2: Aspen Wander Pathways, Meadow Water Play, Wilderness Café, Washrooms, Streams Allowance	\$2,400,000
5.4.12	Polar Opposites Phase 3: Emperor/King Penguin Penguins, Arctic Weather Station Allowance	\$3,300,000

Ten-year Plan: \$30,600,000

5.4.1 Interim Improvements

Interim Children's Zoo improvements, Exhibit Viewpoint improvements and Barrier modifications, Planting and Sault Centre improvements for Winter Holding for Reptiles and Primates. See plan for further details.

Allowance \$1,500,000

5.4.2 Polar Opposites Phase 1A: Sea Lion

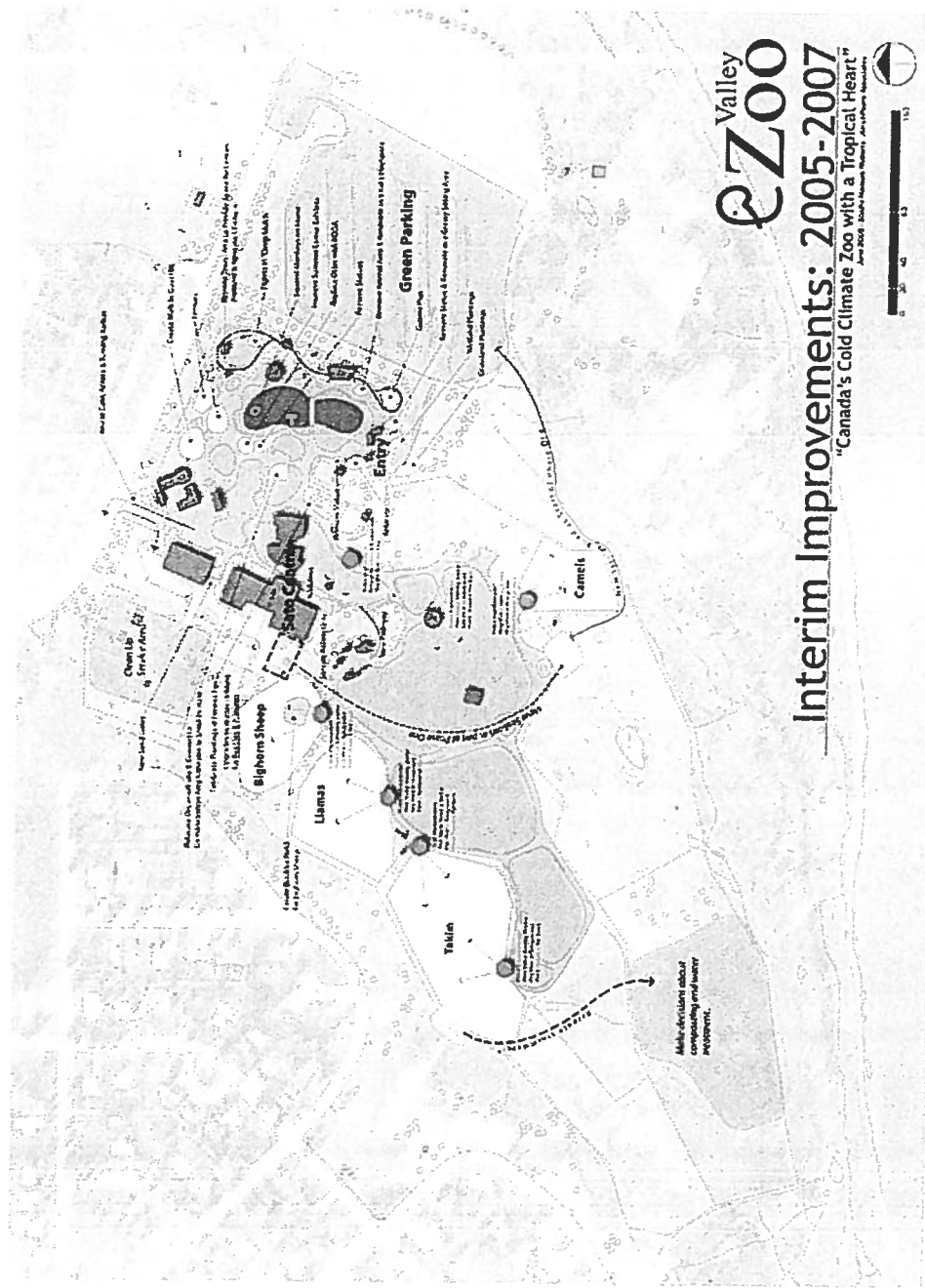
Sea Lion Holding Building, Life Support System Part A

Allowance \$1,800,000

5.4.3 Entry Precinct Phase 1

Entry Plaza, Orientation Plaza, Washrooms, Ticket Sales and Collection, Gift Shop, Café

Allowance \$3,200,000



Valley
ZOO

Interim Improvements: 2005-2007

"Canada's Cold Climate Zoo with a Tropical Heart™"

June 2004 - North-Humboldt Property, Alberta, Canada



North Gate, Access & Loading Station

Green Up
Stark & Mack

Big Horn Sheep

Llamas

Tablets

Camels

Green Parking

Valley Zoo

Interim Improvements

2005-2007

June 2004

North-Humboldt Property

Alberta, Canada

Canada's Cold Climate Zoo with a Tropical Heart™

Valley Zoo

Interim Improvements

2005-2007

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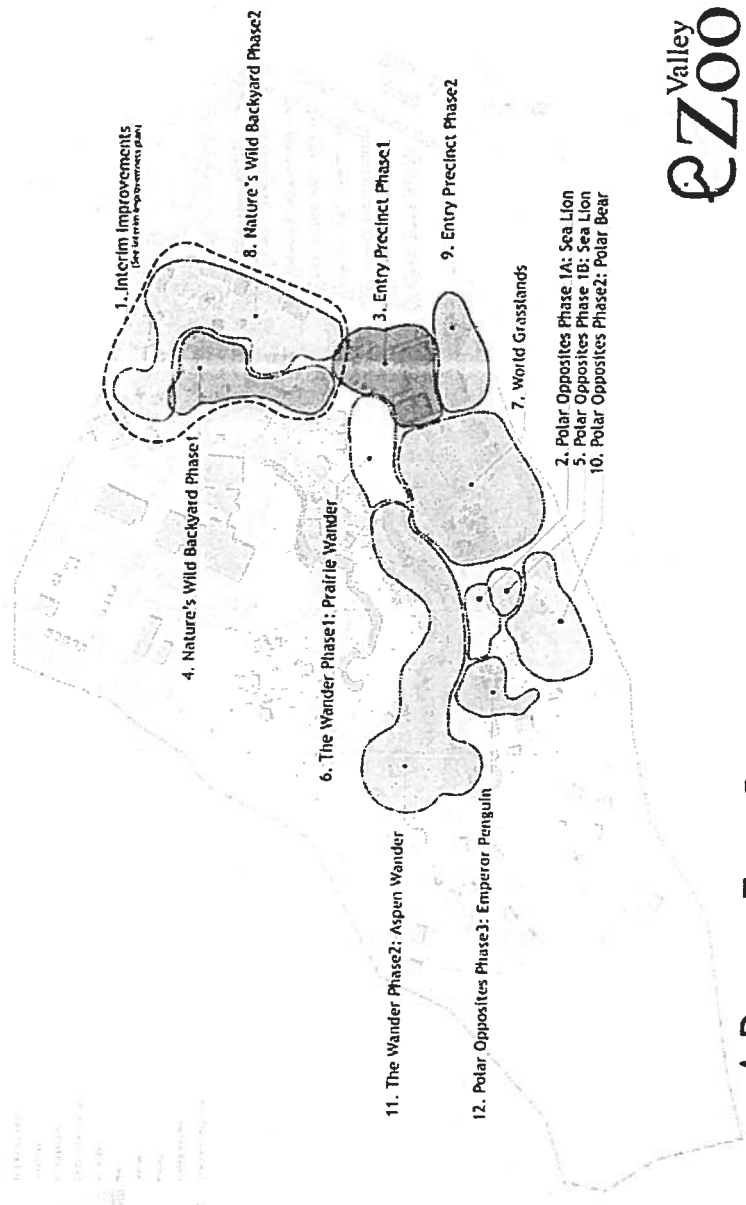
June 2004

North-Humboldt Property

Alberta, Canada

Canada's Cold Climate Zoo with a Tropical Heart™

Phase	Description
1	Interim Improvements (See Interim Improvements Plan)
2	Polar Opposites Phase 1A: Sea Lion
3	Polar Opposites Phase 1B: Sea Lion
4	Nature's Wild Backyard Phase 1
5	Nature's Wild Backyard Phase 2
6	The Wander Phase 1: Prairie Wander
7	World Grasslands
8	World Grasslands
9	Entry Precinct Phase 1
10	Entry Precinct Phase 2
11	The Wander Phase 2: Aspen Wander
12	Polar Opposites Phase 3: Emperor Penguin



A Dozen Easy Steps towards a Great Community Zoo™

"Canada's Cold Climate Zoo with a Tropical Heart"



5.5 Implementing the Master Plan

Modern zoological gardens are very complex design problems, ranking in complexity with hospitals or laboratories. Prior to beginning the detailed design process for any of the exhibit packages noted above, it will be essential to develop a detailed concept plan for the Precinct that includes the proposed exhibit. The concept plan should be grounded in visitor testing through surveys or focus groups, and be analyzed by a specialist in visitor capacity and movement.

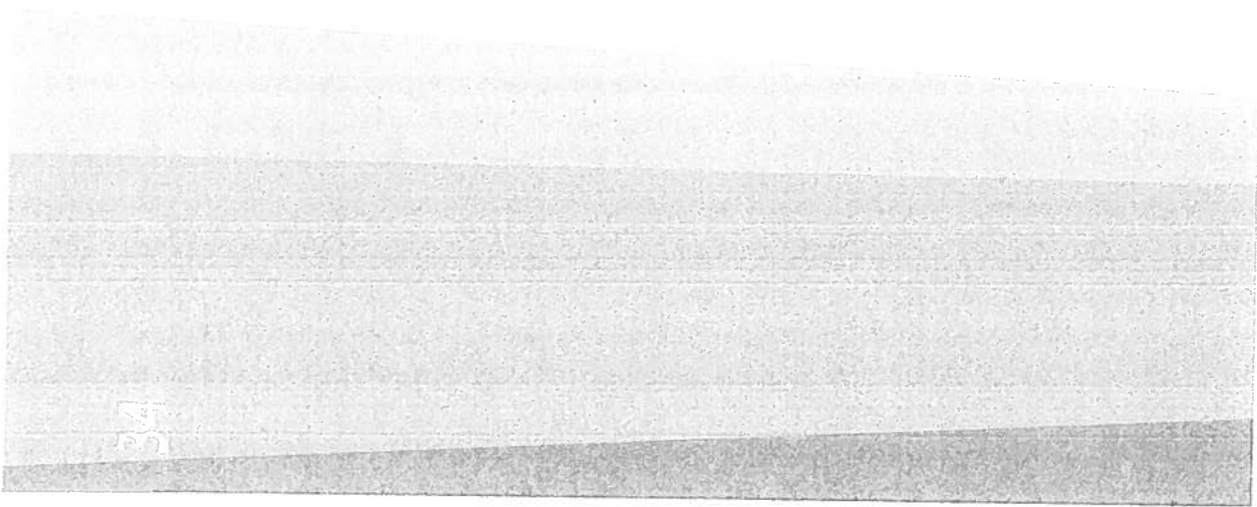
Aspects of the Master Plan such as operations and maintenance, and sustainable development will require their own series of conceptual planning workshops and the development of a detailed implementation plan.

The conceptual design team should include skilled professionals in zoological planning, animal exhibit design, animal welfare, and interpretive planners, as well as the normal complement of landscape architects, architects, horticulturalists, and engineers. For those projects involving visitor services, specialists in retail and food service will also be required.

6.0 Appendix

6.1 1994 Strategic Implementation Plan

6.2 Synopsis of World Zoo Conservation Strategy



6.3 Overview of Elephant and Sea Lions Issues Discussion

The following series of options list the Zoo's options, with the associated pros and cons.

6.3.1 ELEPHANTS IN EDMONTON

Humans have always been fascinated by elephants. These large intelligent animals from the African and Asian tropics inspire us with both awe and fear.

Because of their size and social nature, much attention has recently been focused on the standards for their care in captivity. Directors from the more than 60 accredited institutions in North America recently met to discuss current and future standards for captive elephant welfare.

A simple summary of these evolving appropriate minimum standards for captive elephant care is as follows:

- **Herd Size:** a minimum of three to five cows, all of either the African or Asian species
- **Exhibit Size:** minimum of 5,000 square metres for the cow herd and 2,000 square metres for the bull enclosure – if holding a bull.
- **Breeding:** participation in a breeding program either by holding a bull elephant or through artificial insemination.
- **Welfare:** appropriately sized, climate controlled spaces, with heated, cushioned floors, elephant restraint device, and other design facilities to provide for management by either free contact, protected contact, or no contact.
- **Cold Weather Facilities:** in cold climate areas where elephants may not be able to use their outdoor habitats for days at a time increase the interior area available appropriately.

Meeting these standards requires an increasingly heavy investment in capital development and staff time. This can be especially burdensome to smaller institutions like the Edmonton Valley Zoo. Zoos in northern climates have the additional costs of maintaining and heating large interior spaces during winter months. Keeping elephants in captivity can also be a contentious political issue. Animal rights groups have targeted selected zoos for protest in a number of North American communities.

The Zoo will have to determine whether it has the financial and political will to commit a large proportion of its future expenditures to exhibiting elephants in accordance with ever increasing welfare requirements.

The Zoo currently holds two females, one 30-year old Asian elephant, "Skannic" or "Lucy", and one 20-year old African, "Mekkhanda" or "Nikki", who is of breeding age but has not yet borne a calf. Because of her age the African female has a "window" of only a few years to conceive her first calf. After this time her probability of successfully raising a calf in captivity begins to decline dramatically. The older Asian female has various health problems. Her welfare is probably best looked after in the Zoo's recently constructed elephant barn.

The City needs to make a decision regarding the status of these animals.

A. Stay in the Elephant Business

Artificially inseminate Nikki immediately, keep Lucy in Edmonton, and commit to the evolving best management practices for elephants.

- Pros**
 - Meets Species Survival Plan and CAZA recommendations,
 - Gives the Valley Zoo a baby (potentially),
 - If baby is born the Zoo's attendance will double and provide access to additional capital and operating funds.
- Cons**
 - Puts pressure on the Zoo to expand facilities,
 - Cost of artificial insemination, training for AI, and preparation for calf birth,
 - Must expand outside yard to accommodate future herd of 3-to-5 animals,
 - Nikki is not currently trained for AI and is not tractable,
 - The barn will eventually be overcrowded and will need to be expanded.

B. Send Both Elephants Away Now

- Pros**
 - Brings risk to zero
 - Provides opportunity to consider the Valley Zoo's elephant future without pressures,
 - Lowers operational costs,
 - Current elephant house can be redeveloped, potentially for another flagship species such as gorilla.
- Cons**
 - Lucy is Zoo icon,
 - Elephant is Zoo's logo,
 - Potential union problems,
 - Zoo will lose its cause célèbre for fundraising,
 - Zoo will lose attendance.

C. Send Nikki away for breeding now. Bring in an old Asian as companion for Lucy.

- Pros**
 - Meets SSP recommendations
 - Less operational expense
- Cons**
 - May not get companion Asian cow for Lucy
 - Will upset Nikki's estrous cycle and put her window of breeding further back.

D. Artificially inseminate Nikki now with a potential birth 22-months later. Relocate mother and baby to another facility when the calf is old enough. Keep Lucy.

- Pros**
 - Meets SSP recommendations by getting Nikki pregnant,
 - Lowers operational costs long term.
- Cons**
 - Zoo loses its fund raising momentum after building it,
 - It will be very difficult politically to send a new calf away
 - Zoo may lose attendance.

E. Send Nikki away for breeding now. Keep Lucy until her eventual death, and bring in elephants and handlers seasonally.

- Pros**
 - Avoids strong public disappointment at the loss of elephants,
 - Lowers operational costs somewhat.
- Cons**
 - No opportunity for community attachment to an individual elephant (a plus?),
 - May be union problems,
 - Still need to maintain elephant facilities.

Recommendation:

1. Send Nikki on breeding loan ASAP.
It's the right thing for Nikki and her genetic potential; doesn't put the Zoo in an unpopular position of having to send a mother and baby away if there is not the political will or financial capability for expanding the exhibit to accommodate a future social herd.
2. Investigate options for caring for Lucy:
Option 1: Keep Lucy comfortable in existing facility for the rest of her life ... by herself or with a non-elephant companion. (Be ready to address CAZA, AZA and PETA issues in a pro-active manner.)
Option 2: Keep Lucy comfortable in existing facility for the rest of her life and investigate bringing in another older Asian elephant as a companion.
3. A Herd of Elephants in Edmonton?
After Nikki's calf is born, determine if there is the political will and financial capability to bring Nikki and her baby back as the basis for a new social herd of 3 to 5 elephants. Expand the exhibit to accommodate them... or redevelop the Elephant House as a Tropical Walk-through or Gorillas habitat.

6.3.2 SEA LIONS

The South American Sea Lions are currently housed in inadequate facilities. The group is aging and probably has a life expectancy of no more than ten years. They are wonderful charismatic animals that deserve a better situation.

There is currently a plan proposed to upgrade all pools, piping and filtration in the Saito Centre, including the addition of new sheltered outdoor area and upgrades to the existing informal demonstration area. While such improvements can be thought of as adding to the capacity of the future Veterinary Facility, it is our experience that, unless that facility is thoroughly planned out, incremental improvements usually wind up having to be redone. In addition, should these improvements be undertaken, the Zoo will wind up with a slightly improved facility for sea lions that is still in the wrong place and does not contribute to building toward the Master Plan or to increasing public visitation.

Recommendation:

Make necessary, but very modest, water quality improvements only to existing facility.

Put the rest of the money that would be spent to repair and upgrade existing facilities into constructing modest new holding / water pool as part of Step 1 of the Master Plan ... and then move them there to enjoy the rest of their lives.



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THIS IS EXHIBIT “20”
referred to in the Affidavit of
JULIANNE WOODYER
Affirmed in the City of Toronto,
in the Province of Ontario,
this 14 day of August, 2016, before,



Notary Public

1. Nekhanda is a reproductively viable female that should be in some form of a breeding program. She is at a prime age and should be placed either with a male, or at least be placed in a setting with a larger herd dynamic.
2. The industry is interested in getting her into a breeding program. The North Carolina Zoo has been persistent in trying to get her into their breeding program. Disney's Animal Kingdom has also expressed interest in her for the same reasons. After discussions with Debbie Olsen of the Indianapolis Zoo who is the stud book keeper for Elephants, she indicated that North Carolina is the best choice.
3. North Carolina has visited the facility, seen the elephant, seen our program and is very excited to acquire her.
4. Captive elephant populations are in decline and the industry has made it a priority to reverse this trend.
5. Elephants bred in situations where social numbers or dynamics are not adequate (minimum herd of 6 animals) have a higher incident of infant mortality and higher cases of infanticide.
6. Artificial insemination is a possibility with this animal, but based on point # 5 it is not a responsible approach unless the herd dynamics are in place.
7. In order to comply with CAZA guidelines an Elephant Restraint Device must be installed if we are going to keep the African Elephant. The guidelines recommend that an ERD be installed for those facilities with male Elephants and those being worked in protective contact.
8. Elephant restraint devices can be commercially purchased, but would cost the Valley Zoo approximately \$5-800,000 dollars. Additional costs would need to be incurred to modify existing gates in the outside yards in order to have the ability to safely separate the two animals outside.
9. If we were to stay in elephants, we would need a substantial capital investment to improve facilities to accommodate up to 6 elephants. Larger outside space, proper safety and restraint equipment, larger interior space, increased operational budgets. As seen in other zoological facilities it is not unreasonable to commit 15-20 million dollars to achieve this goal.
10. Whether we have one elephant or two, our operational costs will not change significantly.
11. We will be under animal rights scrutiny for keeping a single elephant at our facility.
12. If Calgary wants to remain in the AZA Asian Elephant SSP program, they will need to look at increasing their herd size. This may present opportunities for Lucy in a few years once Calgary has invested in capital expansion of the elephant facility.
13. CAZA representatives are advising us to get out of elephants.
14. If we were to have a serious illness in our African Elephant in which she was incapacitated, or a fairly invasive procedure were required for treatment, we would be in considerable difficulty. This point was driven home when Lucy went down in the outside yard during one summer as a result of her arthritis. We had to provide daily injections to her and needed to work quite closely with her in order to ensure proper treatment. Based on the demeanor of the African, this could prove to be problematic. This again speaks to the installation of an ERD.

Recommendations

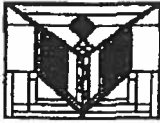
Considering the age of our two elephants and considering our present facilities and the direction of the new Master Plan, the following suggestions should be considered;

- The African Elephant should be moved on a breeding loan to the North Carolina Zoo in the fall of 2006. She is still at a prime age for breeding and should be involved in an active program. We can not provide the kinds of facilities required to be involved in SSP Elephant breeding for a number of years if at all, and the longer we delay her inclusion in a breeding program, the less likely she will be considered viable. By sending her on a loan, we still keep the door open for future involvement in elephant breeding.
- Further research should be conducted regarding the status of the Asian Elephant. Consideration should be given to the potential of moving her to a warmer climate, but only if the transportation health risks can be minimized. Research should include the types of facilities that may be acceptable, whether or not she can still play a role in a breeding colony as a herd member to increase social numbers, look for potential surrogate herd members that would allow us to keep her in Edmonton for the rest of her life, and so on.
- Communication strategies for both the staff and the public need to be developed in order to gain the most positive outlook.
- If the decision is made to ship the African to another facility, shipping training needs to begin as soon as this decision is arrived at, in order to be ready for any animal movement that might occur.

THIS IS EXHIBIT “21”
referred to in the Affidavit of
JULIANNE WOODYER
Affirmed in the City of Toronto,
in the Province of Ontario,
this 27th day of August, 2016, before,



Notary Public



Monica
Farris/ARL/R9/FWS/DOI
11/27/2006 02:38 PM

To <sshoe@mindspring.com>
cc Lucy.Segerson@nczoo.org, keelem@metro.dst.or.us
bcc

Subject Re: import of African elephant (PRT-138560)

Thanks, Alan.

You included a copy of the Draft 2004 AZA African elephant recommendation; is there a more current one available? I can't log into the AZA database to look for one as I'm not a member (and Mike Carpenter is away from his desk). Does NC Zoo have a letter from Mike Keele indicating his recommendation/support for moving her from Edmonton to North Carolina?

Monica Farris
Senior Permit Biologist
U.S. Fish and Wildlife Service
Division of Management Authority
4401 N. Fairfax Drive, Room 700
Arlington, VA 22203

<sshoe@mindspring.com>



<sshoe@mindspring.com>
11/27/2006 01:53 PM

To <Monica_Farris@fws.gov>
cc

Subject Re: import of African elephant (PRT-138560)

Hi Monica,

Glad to hear from you and find this application moving along. Answering 2), first, this animal is vital to the AZA's African elephant SSP because she is young and has great potential for breeding HERE IN THE UNITED STATES. There is no comparable program in Canada so if this animal is left in Canada, she will be wasted reproductively. Valley Zoo has minimal facilities for this animal and their zoo's management has been striving for several years to get rid of this animal, the biggest stumbling block being city government that doesn't understand animal management, conservation, inter-zoo management programs, etc. To say the least, getting to this point has been a great deal of work for the Valley Zoo. They don't have suitable space for this animal by itself and they definitely don't have room for any more were she to be bred in Canada, and they have no money to expand their program. Importing this animal to the US is by far the best option for the animal, for the Valley Zoo (who desperately wants to export her to the US) and is the best thing for the SSP program for African elephants.

Item one should be simple to answer. The North Carolina Zoo is one of only two zoos in the US and as such, a not-for-profit facility owned and operated by the state of North Carolina. They are also a member of AZA although certainly there are for-profit members too. Regardless, their status as a state agency should more than qualify them to import an App I species like this, and especially since she was exported prior to the species being listed as App I.

I am home all week if you need any more information.

Alan

----- Original Message -----

From: [Monica Farris@fws.gov](mailto:Monica_Farris@fws.gov)

To: sshoe@mindspring.com ; Lucy.Segerson@nczoo.org

Sent: Monday, November 27, 2006 1:27 PM

Subject: import of African elephant (PRT-138560)

Hi!

I am reviewing the application for the import of the elephant, Nekhandu, from Valley Zoo in Edmonton.

The application is complete for the most part, but:

1) I need an answer to Part D, question 9.c. [If import or export: c. For import of CITES Appendix-I species provide information to show the import is not for primarily commercial purposes as outlined in Resolution Conf. 5.10 (<http://www.cites.org/eng/res/05/05-10.shtml>)]. (I just figured this out for myself.) Contrary to Tim's letter dated Sept 29, 2003, **the animal is considered to be CITES Appendix I**. Please note that the annotation for the Zimbabwe CITES listing (<http://www.cites.org/eng/app/appendices.shtml#2>) discusses "export" but not re-export. Thus, my office must issue a CITES import permit. In order to do so, my office must make the determination that the import is for primarily non-commercial purposes. Your answer to D.9.c. will help in making the finding.

2) Please provide some elaboration on the purpose of the import. Your answers for Part D, question 3 (What is the purpose of the export?) and question 7 (Provide a full statement justifying the permit including the details of the activities) provided information regarding NC Zoo's activities. However, why would it be preferable to ship the elephant to NC rather than to keep her in Edmonton and do AI there?

If we do not receive the information requested above within **45 days** from the date of this emailed message, your application will be abandoned and administratively closed. Once the file is closed, you would need to submit a new application and all required fees. If you have questions, you may contact me at Monica_Farris@fws.gov or at 4401 North Fairfax Drive, Room 700, Arlington, Virginia 22203, (phone# 1-800-358-2104, ext. 2378; fax# 703-358-2281). Please reference your file number, PRT-138560.

Thank you,

Monica Farris
Senior Permit Biologist
U.S. Fish and Wildlife Service
Division of Management Authority
4401 N. Fairfax Drive, Room 700
Arlington, VA 22203

THIS IS EXHIBIT "22"
referred to in the Affidavit of
JULIANNE WOODYER
Affirmed in the City of Toronto,
in the Province of Ontario,
this 27th day of August, 2016, before,



Notary Public

Christine Found

To: Paul MacMahon
Subject: RE: Here is the reference from our website.

Hi Paul,

Just following up on the email trail. As per our discussion yesterday morning, I do not recall (and would not in likelihood say because of our obvious lack of expertise in this area) that there is a "need" for Lucy to stay in Edmonton. The extent of our agreement with Lucy's circumstances would be my agreement with the zookeepers during the zoo inspection earlier this year that she "looks okay". Quite reasonable under the circumstances, I think, otherwise we would not have issued the permit renewal. ← *

Cheers,
Christine Found, MSc.
Wildlife Biologist
Fish & Wildlife, SRD
Edmonton, AB
(780) 415-1328

-----Original Message-----

From: Paul MacMahon
Sent: Monday, December 14, 2009 10:02 AM
To: Christine Found
Subject: FW: Here is the reference from our website.
Importance: High

Attached is the fact sheet Ron is talking about. See the paragraph I highlighted. Is this accurate? Have we in anyway acknowledged "the need" for Lucy to stay in Edmonton?

Thanks - Paul

Paul MacMahon
F&W Manager, Waterways/LLB Area
Alberta Sustainable Resource Development #111, 4999 - 98th Avenue, Edmonton, AB, Canada
T6B 2X3
Ph: (780) 427-2632; Fax: (780) 422-0528 paul.macmahon@gov.ab.ca -----Original
Message-----

From: Ron Bjorge
Sent: Thursday, December 10, 2009 12:21 PM
To: Paul MacMahon
Subject: FW: Here is the reference from our website.

Paul. See what is said about Lucy and SRD. The understanding related to SRD and Lucy would/could occur through discussion when visits to the zoo occur or other discussions at time of renewal? Do you know if such discussions occurred?

Also we are checking what the Zoo Plan says in this regard. We have a FOIP request that we are dealing with and it has been noted there is nothing yet that has been provided that indicates anything in writing between the Department and the Valley Zoo re Lucy. Ron

-----Original Message-----

From: Denise Prefontaine [mailto:Denise.Prefontaine@edmonton.ca]
Sent: Wednesday, December 09, 2009 8:47 PM
To: Ron Bjorge
Subject: Here is the reference from our website.

http://valleyzoo.ca/Content_Files/Files/ValleyZoo_Files/Lucy/LucyFactSheet.pdf

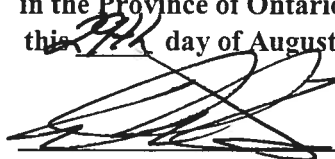
Will call you in the morning.

Denise

EcoVision Edmonton is our vision for an environmentally sustainable city. Go Green! It's Our Nature

visit: www.edmonton.ca/environmental/programs/ecovision.aspx

THIS IS EXHIBIT “23”
referred to in the Affidavit of
JULIANNE WOODYER
Affirmed in the City of Toronto,
in the Province of Ontario,
this 24 day of August, 2016, before,



Notary Public

BOB BARKER PRODUCTIONS, INC.
c/o The Prappas Company
9201 Wilshire Blvd #204
Beverly Hills, CA 90210

August 18, 2016

Julie Woodyer
Zoocheck
788 ½ O'Connor Dr
Toronto, ON
M4P 2S6

Dear Julie,

Further to our conversation last week, I am very happy to offer to pay for the transport of Lucy to a sanctuary so long as Zoocheck approves the facility and all decisions regarding her travel preparation and transportation.

I am so saddened that she continues to live alone, in Edmonton's cold climate. I sincerely hope that she can be moved to a more appropriate facility that has stopped the outdated and cruel practice of using bullhooks, is located in a warm climate, and can enjoy the company of other female Asian elephants.

Sincerely,

A handwritten signature in black ink, appearing to read "Bob Barker". The signature is written in a cursive, flowing style with a large initial "B".

Bob Barker