

Respectfully submitted to:

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Mr. Tony Binskin, Managing Director
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Mr. Markus Wilder, Curator
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March 20, 2018

Dear Mr. Wilder:

We recently learned that a baby chimpanzee has been born at Wingham Wildlife Park in Kent, England (Wingham).¹ The parents of this newborn are two of the seven chimpanzees sent to Wingham from the Yerkes National Primate Research Center (Yerkes). This is alarming given Wingham's claims that it did not intend to breed any of these chimpanzees and effectively confirms our collective concern that the export of these individuals would lead to Wingham producing baby chimpanzees to profit from their exhibition. Evidence suggests that captive apes on exhibition may create a demand for more captive chimpanzees, thereby promoting the disastrous black market in baby chimpanzees, who are taken from the wild and sold as pets, for exhibition, and other commercial purposes.²

To remedy these issues and concerns, we implore Wingham to take decisive action to prevent any more chimpanzees from being born and to ensure that the new baby chimpanzee is not taken from her mother, Tara, and will remain with her social group for her entire life. In addition, we call on Yerkes to commit to never again send any of its chimpanzees to an exhibitor that breeds endangered species for commercial gain, and we request that the U.S. Fish and Wildlife Service (FWS) refrain from granting any such "pay to play" permits in the future.

¹ See, e.g., Warren, G. 30 January 2018. Baby chimp makes surprise arrival at Wingham Wildlife Park. *KentOnline*. Retrieved February 20, 2018: <http://www.kentonline.co.uk/canterbury/news/new-arrival-at-zoo-comes-159298/>.

² See Stiles, D., Redmond, I., Cress, D., Nellemann, C., Formo, R.K. (Eds). 2013. Stolen Apes – The Illicit Trade in Chimpanzees, Gorillas, Bonobos and Orangutans. A Rapid Response Assessment. *United Nations Environment Programme, GRID-Arendal*. Retrieved February 26, 2018: <https://www.grida.no/publications/191>.

Background

The New England Anti-Vivisection Society (NEAVS) and a coalition of animal welfare organizations, sanctuaries, and scientific experts challenged the highly controversial 2015 decision by FWS to issue an export permit to Yerkes under Section 10 of the Endangered Species Act (ESA), 16 U.S.C. § 1539(a), allowing it to transfer seven chimpanzees to Wingham, on the grounds that doing so violated the ESA, the National Environmental Policy Act, and the Administrative Procedure Act. *See New England Anti-Vivisection Soc’y v. U.S. Fish & Wildlife Serv., et al.*, 208 F. Supp.3d 142 (D.D.C. 2016).

As every scientist, conservation organization, sanctuary, animal welfare organization, and other group that opposed the transfer of the chimpanzees explained, the permit should not have been granted. Yerkes could not demonstrate that the export of these chimpanzees would “enhance the survival” of the endangered chimpanzee as required by Section 10 of the ESA.

On the contrary, we warned FWS that allowing the transfer would inevitably lead to Wingham producing offspring, which would only *undermine* the survival of this critically endangered species by contributing to activities that fuel the black market trade in baby chimpanzees. For example, as explained by Dr. Richard Wrangham of Harvard University, Wingham “has a history of breeding young animals and commercially exploiting them by allowing visitors to pay substantial amounts to be photographed with them” and the export “would carry grave risks for the survival of chimpanzees and other great apes in the wild” because it “would open the door to similar transfers.” *Id.* at 15.

The Pan African Sanctuary Alliance (PASA), a network of in-situ conservation organizations, also warned of “the devastating precedent this permit would set for African government officials seeking justification to export their indigenous endangered species to other continents.” *Id.* at 16. As PASA explained and as is noted in NEAVS, *et al.*’s lawsuit, “[t]here is already a great deal of pressure on [African] officials to come up with a legal way to export their endangered animals to other countries in exchange for large sums of money that could make a meaningful immediate financial impact for their country.” PASA also noted that allowing the transfer of this breeding group of chimpanzees to a facility that breeds and displays animals for commercial gain “would lead to higher incentives to capture wild born animals to provide for genetic diversification in breeding programs.” *Id.* at 16.³

The European Endangered Species Programme (EEP), Europe’s Species Survival Program, also opposed the transfer of these chimpanzees to Wingham on the grounds that “[t]he proposed transfer of ‘generic’ chimpanzees from [Yerkes] to [Wingham] and plans to breed this group

³ Similar comments were submitted to FWS by Dr. Brian Hare, Associate Professor, Department of Evolutionary Anthropology, Duke University; Dr. Jessica Hartel, Director, Kibale Snare Removal Program, Kibale Chimpanzee Project; Dr. Kevin Hunt, Founder, Semliki Chimpanzee Project and Professor, Department of Anthropology, Indiana University; Dr. Kevin Langergraber, President, Ngogo Chimpanzee Project and Assistant Professor, School of Human Evolution and Social Change, Arizona State University; Dr. Elizabeth Ross, Director and President, Kasiisi Project; Dr. Catherine Hobaiter, University of St. Andrews; Dr. Roger and Deborah Fouts, Co-founders and Co-directors, Chimpanzee and Human Communication Institute, Central Washington University; and Dr. Kay Farmer, Honorary Research Fellow, University of Stirling.

is...in direct contrast to” the EEP’s efforts to “ensure that breeding efforts be limited to a particular subspecies” and “to avoid further hybridization” of the species. *Id.* at 9.

In response to these concerns, Wingham insisted that it had “no immediate plans or intention to breed the chimpanzees,” and that “[n]onetheless, any breeding we contemplate will be done responsibly and within the framework of policies of the EEP.” Declaration of Marcus Wilder (Exhibit E) to Yerkes’ Cross-Motion for Summary Judgment (Aug. 3, 2016), ¶ 13. However, these assertions were belied by the fact that the individual chimpanzees chosen for export were all clearly selected because of their breeding potential, and because Wingham was already on record as touting the fact that it indeed hoped to generate baby chimpanzees. *See* NEAVS Comments on Yerkes’ Application for a Permit to Export Eight Endangered Chimpanzees to the Wingham Wildlife Park (November, 2013) at page 10.

Moreover, as demonstrated above, the EEP *opposed* the transfer of these animals precisely because they could be used to produce more surplus chimpanzees in Europe, which would undermine the objectives of the EEP. In fact, the EEP submitted comments to FWS urging Wingham to instead procure some of the many surplus chimpanzees already in Europe in desperate need of new homes.

Further, if Wingham had not been planning to breed these chimpanzees it would have ensured that the males had vasectomies, in addition to the females being put on birth control, as is standard practice at U.S. sanctuaries accredited by the Global Federation of Animal Sanctuaries.⁴ Disturbingly, Wingham has a history not only of “accidentally” producing offspring of endangered species (including outside of any EEP/SSP program) such as a triple hybrid offspring of two critically endangered gibbon species, *see* NEAVS Comments on Yerkes’ Application for a Permit to Export Eight Endangered Chimpanzees to the Wingham Wildlife Park (November, 2013) at page 11, but also of marketing the baby exotic species that it has produced for public exhibition—e.g., Wingham already displays a plethora of baby exotic species and offers up close and personal “experiences” with many imperiled species.^{5,6} It is chilling to think that Wingham may well now profit from the exhibition of this new baby chimp and offer a new “chimpanzee experience.” To put it bluntly, Wingham should never have been trusted *not* to breed the Yerkes chimpanzees.

In light of all these facts, and many others counseling against the proposed transfer, FWS never should have exercised its authority to allow this export in exchange for monetary contributions provided by Wingham and Yerkes to the Population Sustainability Network—a project primarily engaged in providing reproductive education to women in underdeveloped countries. Even Judge

⁴ *See* GFAS - Standards For Great Ape Sanctuaries, January, 2013. Retrieved February 13, 2018:

https://www.sanctuaryfederation.org/gfas-new/wp-content/uploads/2017/09/GreatApeStandards_Dec2015.pdf.

⁵ Ticket prices for adults and children are £15.00 and £12.00, respectively (or approximately \$22.80 and \$18.25 in U.S. dollars). *See Ticket Prices*, Wingham Wildlife Park (last visited May 5, 2016) *available at* <http://winghamwildlifepark.co.uk/visitor-information/ticket-prices/>.

⁶ Wingham offers a human-animal “Experience” with six species listed as “threatened” by the International Union for Conservation of Nature, as well as three that are listed as “endangered” (ring-tailed lemur, red panda, and tiger), and three listed as “vulnerable” (the smooth-coated otter, Humboldt penguin, and Gray’s monitor lizard). *See* Wingham website, Wingham Wildlife Park, *Conservation Policy*, Wingham Wildlife Park webpage, *available at* <http://winghamwildlifepark.co.uk/about-us/conservation-policy/>.

Jackson, who presided over the Yerkes lawsuit and ultimately dismissed the case for lack of Article III standing, strongly criticized FWS's decision "as a green light to launch a permit-exchange program wherein the agency brokers deals between, on the one hand, anyone who wishes to access endangered species in a manner prohibited by the ESA and has sufficient funds to finance that desire, and on the other, the agency's own favored, species-related recipients of funds and other services" *see* NEAVS, *et al.* v. U.S. FWS, *et al.* and Yerkes. Memorandum Opinion. Case 1:16-cv-00149-KBJ, 208 F.Supp.3d 142, 177 (D.D.C. 2016).

Conclusion

It is extremely disturbing that FWS allowed the transfer of these chimpanzees overseas to a wildlife park unaccredited by the European Association of Zoos and Aquaria, and that, as predicted by virtually every scientist and organization that opposed the transfer, is now *creating even more of these sentient endangered beings who will live their days in captivity, exploited for commercial profit.*

Accordingly, we call on Yerkes to commit to never again sending any of its chimpanzees to an exhibitor that breeds endangered species for commercial gain, and we call on the FWS to refrain from granting any such permits in the future. We are particularly concerned that this turn of events will only serve to hasten the demise of wild chimpanzees by contributing to the black market trade in baby chimpanzees.

We also urge Wingham to cease all breeding activities and to ensure that the adult male chimpanzees are sterilized and the females are placed on appropriate and consistent chemical birth control to prevent any such "accidents" in the future.

Finally, we implore Wingham not to take this new baby chimpanzee away from her mother, Tara, who would be devastated by any such separation, and to commit to never removing her from her family group for life. As Dr. Brian Hare emphasized in the declaration submitted in support of NEAVS' lawsuit, particularly with respect to Tara, with whom he once worked, "*psychologically and emotionally, the worst thing a person could do to a chimpanzee mother is to take away its baby.*" Declaration of Brian Hare (Exhibit 2 to Plaintiffs' Motion for Summary Judgment) at ¶ 26 (emphasis added). We are particularly concerned that Wingham will separate the baby from her mother given Wingham's history of claiming it must hand-raise baby animals born at its facility because they are "rejected" by their mothers.⁷ We would hate to see this happen to Tara who, based on Wingham's own initial accounts, is being a very good mother to her newborn.⁸

In sum, we exhort Yerkes and FWS to prevent any more chimpanzees from being exported to Wingham or any other entity that may breed these animals for commercial profit and we call on

⁷ *See* NEAVS Comments on Yerkes' Application for a Permit to Export Eight Endangered Chimpanzees to the Wingham Wildlife Park (November, 2013), Exhibit S. (Feigned need to hand rear is common practice in zoos and roadside facilities that offer human/animal interactions. Hand rearing acclimates the infants to being held and touched by humans, making their commercial use more certain.)

⁸ *See, e.g.,* Warren, G. 30 January 2018. Baby chimp makes surprise arrival at Wingham Wildlife Park. *KentOnline*. Retrieved February 20, 2018: <http://www.kentonline.co.uk/canterbury/news/new-arrival-at-zoo-comes-159298/>.

Wingham to cease all breeding of these animals, to commit to allowing Tara to raise her own infant, and to commit that this infant will spend her entire life with her current family group and not be separated in the future. In light of what has occurred, these are the absolute *minimum* actions that must be taken to mitigate the damage that will otherwise result from this unfortunate—albeit completely anticipated—turn of events.

Signed, as of March 20, 2018

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