

To: Board of Management

From: John Tracogna
Chief Executive Officer

Subject: **ELEPHANT TRANSFER – STATUS REPORT**

Date: 2011-11-17

Summary:

- On October 25th, 2011, Toronto City Council voted to transfer the Toronto Zoo's 3 elephants to the Performing Animal Welfare Society (PAWS) in California. According to the City Solicitor, Council has the authority to make decisions on its property (i.e. zoo animals). See Attachment 1 re: City directive and Attachment 2 on the PAWS organization. Based on time requirements for permits, the earliest the elephants could leave the Toronto Zoo would be April, 2012.
- In light of this decision, the Toronto Zoo has received letters from its accrediting bodies, The Association of Zoos and Aquariums (AZA) and the Canadian Association of Zoos and Aquariums (CAZA) citing serious concerns surrounding the decision by Council and has suggested the Zoo's accreditation could be in jeopardy. Both organizations have asked for an immediate response to their letter. See Attachment 3 and 4 respectively.
- Under direction of the Zoo Board of Management on May 12, 2011, Zoo staff has been following a stepwise process to implement the transfer of the elephants to an AZA accredited facility. Prior to the October 25th decision, much progress had been made and per Zoo Board of Management's direction in the October meeting, an update was to be provided on the status of this issue at the November meeting. See Attachment 5, Board of Management decision, May 12, 2011.
- Included in this report is some preliminary information on a Florida facility called The National Elephant Centre that Zoo staff were in discussions with at the time of Council's decision. See Attachment 6 and 7.
- The intent of this report is to present the most current information to date, to enable the Board to provide Zoo staff with direction on this important issue. This will also assist in the response to both AZA and CAZA regarding accreditation concerns, as the Board of Management has had the opportunity to more fully discuss and consider the information contained in this report.

Recommendation:

It is recommended that the Toronto Zoo Board of Management:

- 1. Receive the Elephant Transfer Status Report for information.**
- 2. Review, assess, and corroborate City Council's decision dated October 25, 2011, moving the Toronto Zoo's 3 elephants to PAWS**
- 3. The Toronto Zoo Board of Management establish a governance taskforce to review operating models that would protect Toronto Zoo's accreditation going forward.**

Background:

Toronto Zoo commissioned an Elephant Facilities Study in 2007 and a review of the Elephant Program in August 2010, to examine the current and future facilities requirements and costs for the elephants and to examine options for the elephant program. These studies went before the Zoo's Board of Management on 2011-05-12. The recommendations approved by the Board are included in Attachment 5. A summary of the Board of Management decision is as follows:

- The Toronto Zoo phase out of the current Elephant Program;
- The Board of Management reassess at a future date its options for an Elephant Program pending financial considerations and any other relevant factors;
- The existing three elephants be transferred as soon as practical to an accredited Association of Zoos and Aquariums (AZA) institution(s), with enhanced facilities comparable to the Toronto Zoo and that does not use bullhooks; and
- The Animal Care & Research Committee report back to the Board concerning the elephants' destination.

At the Board meeting on 2011-05-12, approximately 13 members of the public addressed the Board expressing a variety of opinions. Lord Cultural Resources, the consultants leading the elephant study, gave a presentation and the Board discussed the various issues raised. The meeting lasted approximately five hours. The Toronto Zoo elephants are officially part of the African Elephant Species Survival Program (SSP). Even though the elephants are older they have a value and history of being in a successful breeding herd at the Toronto Zoo.

Since the Board decision in May, Zoo staff have been following a stepwise process to implement the transfer of the elephants to their new home. This process is summarized as follows:

1. Identify potential AZA accredited facilities working in conjunction with the AZA Elephant Taxon Advisory Group (TAG). (A TAG is a group of zoo representatives that oversees breeding and and transfer recommendations, to preserve the genetic diversity and long-term viability of the captive population of a species (in this case Asian & African elephants)).
2. Locate potential elephant crates and equipment that could be borrowed for training and/or transport.

3. Address training needs and begin training the elephants.
4. Develop a set of criteria to evaluate and rank potential AZA facilities.
5. Evaluate potential AZA facilities / institutions against criteria.
6. Submit a report with recommendations to the Animal Care & Research Committee for review.
7. Bring the recommendation of the Animal Care & Research Committee to the Board for information.

The Animal Care & Research Committee is comprised of external advisors including two university professors with academic backgrounds in the sciences, two veterinarians and two community representatives. It is a legislated requirement for the Zoo to have this Committee under the Provincial Animals for Research Act. Among its responsibilities is to consider matters concerning the health, husbandry and well-being of the collection.

On 2011-10-25, a motion was added as new business to the City Council agenda. The motion, which called for the transfer of the elephants to the Performing Animal Welfare Society (PAWS) sanctuary in San Andreas California, was approved by City Council and is appended as Attachment 1.

The Toronto Zoo was completing Step 5 in the above process when Council made its decision.

The Board's solicitor advises that City Council has the authority to decide to send the elephants to the PAWS sanctuary. The City has delegated to the Board the power to manage the animals and the Zoo assets, as described in the tripartite agreement between the Board, the City and the Toronto & Region Conservation Authority. However, since the City is the owner of the Zoo, the buildings and the animals, notwithstanding its delegation of the management of the Zoo to the Board, section 23(2) of the City of Toronto Act reserves to the City the authority to deal with its property (the elephants) as if the City had control of the Zoo.

At the time of the Council debate, the Board and Council were unaware Zoo staff were in preliminary discussions with The National Elephant Center (TNEC). The Zoo and TNEC initiated discussions in June, however TNEC had asked Zoo staff to keep these conversations private until they achieved certain milestones in the design, permitting and construction of the facilities. Stemming from a recent article published in the October 2011 issue of the AZA Connect magazine, TNEC recently confirmed the approval of permits and will break ground in February/March 2012 (refer to Attachment 6).

TNEC is a unique collaboration among AZA accredited zoos. Located in Fellsmere Florida, the Center will be a professional elephant care facility focused on advancing the care of elephants in North America. Attachment 7 outlines the mission and goals of TNEC. The master site plan includes four barns, quarantine facilities, a keeper work centre, a conservation/education centre, elephant overlooks and a group pavilion. The full site includes 225 acres for the elephants with a series of varied yards and large meanders designed for optimal flexibility.

Phase One construction will encompass about 25 acres, including one barn with attached paddocks and four interconnected pastures ranging from four to five acres each. All barns will be capable of holding both African and Asian elephants. Phase One is due to open in the

September, 2012. As with all new projects, there is the risk of construction and operational delays that could affect the targeted date for completion of Phase One.

TNEC will be an AZA accredited facility which means there will be oversight by an external body (AZA) to ensure the welfare of elephants.

AZA and CAZA Letters

On 2011-10-28, the Toronto Zoo received a letter from the Association of Zoos & Aquariums (AZA) identifying their concerns about the recent decision of City Council. The letter, appended as Attachment 3, states: "the Accreditation Commission believes that the action taken by the Council may place the zoo's accreditation in jeopardy".

The Toronto Zoo also received a letter from the Canadian Zoo & Aquarium Association (CAZA) on 2011-10-31, appended as Attachment 4. The AZA and CAZA letters address two key issues. First, in the disposition of animals from its collection, through its own policies and procedures the Toronto Zoo must adhere to AZA's and CAZA's Acquisition & Disposition Policy. The relevant sections of AZA's policy, which also mirrors CAZA's policy, are noted as follows:

Section IV A	When an animal is sent to a non-member of AZA, it is imperative that the member be confident that the animal will be cared for properly.
Section IV A (2)	The Director or Chief Executive Officer of the institution is charged with the final authority and responsibility for the monitoring and implementation of all dispositions.
Section IV A (6)	All AZA members should work through SSP species coordinators and appropriate propagation groups in efforts to de-acquisition SSP species.
Section IV A (12)	In dispositions to non-AZA members, the non-member's mission (stated or implied) must not be in conflict with the mission of AZA, or with this Acquisition/Disposition Policy
Section IV A (14)	In dispositions to non-AZA members, the AZA members must be convinced that the recipient has the expertise, records management capabilities, financial stability, and facilities required to properly care for and maintain the animals. It is recommended that this documentation be kept in the permanent record of the animals at the AZA member institution.
Section VI	AZA member institutions will develop transaction forms to record animal acquisitions and dispositions. These forms will require the potential recipient or provider to adhere to the AZA Code of Professional Ethics, the AZA Acquisition/Disposition Policy, and all relevant AZA and member policies, procedures and guidelines.

Both AZA's and CAZA's policy allows for non-AZA accredited facilities to receive animals from its member institutions, but due diligence must be undertaken by the sending institution to ensure the proper care and transport of the animals. As referenced in their letter, CAZA's policy requires certain conditions be met when making surplus animals available to private individuals or non-accredited institutions (refer to page 2, nos. 6 &7). In addition, CAZA asserts that the

receiving institution "must adhere to either CAZA's or AZA's standards for elephant care and this must be verified by appropriate professional staff".

Secondly, both AZA and CAZA Accreditation Standards require clear lines of authority in governing and managing the Toronto Zoo. As noted under Section 6.4 - Governing Authority of AZA's Standards reads: "while the governing authority may have input, the decisions regarding the animal collection must be made by the professionals who are specifically trained to handle the institution's animal collection, staff, and programs." With respect to CAZA's Standards, Section 2 – Governing Authority reads: "The CEO must be responsible for the day-to-day management of the institution, including animal acquisitions/dispositions, staff, and programs.

Both CAZA and AZA are member organizations that promote high standards and best practices. Approximately 225 accredited institutions are part of AZA; CAZA has 25 accredited member institutions. The Toronto Zoo is a founding member of CAZA (established in 1975) and has been a member of AZA since 1977. Every five years the Toronto Zoo applies for re-accreditation and the next review for both associations is scheduled in 2012. To be accredited, zoos must undergo thorough investigation to ensure they have and will continue to meet ever rising standards, which include animal care, veterinary programs, conservation, education and safety.

CAZA and AZA accreditation is valuable to the Toronto Zoo and is core to its mandate as a modern zoo and part of a global network of professional zoos. Without accreditation, the Toronto Zoo would not be able to maintain its current collection of animals and participate at the same level in Species Survival Programs (SSPs) and other joint conservation programs. Both AZA and CAZA have been advised by the Toronto Zoo that a response to their letters will be forthcoming following the November Board meeting.

PAWS Sanctuary Transfer Process

The Performing Animal Welfare Society (PAWS) was established in 1984 to rescue and provide sanctuary for animals who have been victims of the exotic and performing animal trades. According to its website www.pawsweb.org, PAWS has 2,300 acres in San Andreas, California and is currently home to three African and six Asian elephants, 26 tigers, six bears and five lions. Approximately 80 acres is devoted to female African elephants. Attachment 2 is the PAWS home page, describing its mission statement and history.

Three AZA zoos have transferred elephants to PAWS: San Francisco Zoo transferred two female elephants (African & Asian) in 2004 and 2005; Detroit Zoo transferred two female Asian elephants in 2005; Alaska Zoo transferred a female African elephant in 2007.

While PAWS sanctuary is not accredited by AZA, it should be noted that PAWS could apply for AZA "certification" under the Related Facility category. This category is for those institutions not open to the public on a scheduled basis, but maintain both a professional staff and a collection of wildlife.

As part of the transfer process of the elephants to PAWS, Toronto Zoo staff will carry out this direction in a professional manner following the Toronto Zoo's approved policies and procedures

for animal disposition to a non-accredited facility. This process will be co-ordinated between the two institutions, peer to peer, and mutually agreed upon.

The following outlines the transition process of the elephants to PAWS:

- A site visit will be conducted at PAWS with qualified Toronto Zoo staff. The site visit will look at various items including:
 - Indoor and outdoor facilities (size, quality)
 - Training & enrichment program in practice
 - Veterinary program
 - Overall health of existing elephants
 - Protected Contact elephant management
 - Behaviour management
 - Staff & animal safety
 - Ability to integrate our elephants
- Documentation will be requested, for example:
 - Diagrams of all facilities & future plans
 - Health records of existing elephants
 - Financial information to determine financial stability
 - Elephant management protocols
 - Ability to manage multiple groups
 - Staff experience/qualifications
 - Staff to elephant ratio
 - Contribution to elephant conservation, research & training
 - Education program
- Subject to a successful site visit and completion of the required documents, Toronto Zoo will co-ordinate with PAWS the applicable permits. PAWS will first apply for and obtain an import permit from the US government (minimum time: 90 days). Then Toronto Zoo can apply for an export permit from the Canadian government (minimum time: 30 days). Without any delays, the total time is estimated at four months following the site visit.
- Toronto Zoo will co-ordinate with PAWS on the logistics, including personnel, health records, equipment, method of transport and timing.
- Toronto Zoo will train the elephants for transport.
- Toronto Zoo and PAWS will enter into a legal agreement covering ownership of the elephants, payment of transportation costs, liability, opportunity for Toronto Zoo staff to visit the elephants, etc.

Moving the Toronto Zoo's elephants will not be a simple or quick process. Toronto Zoo's 3 elephants are not performing elephants trained to go in and out of a truck. Toronto Zoo's elephants are taught through positive reinforcement. There are considerable risks moving older

elephants, including impacts to their respective health given they will not be familiar with being transported and over a long distance.

The Toronto Zoo, in conjunction with PAWS, will mutually determine when the elephants are ready to be moved. Acquiring the necessary permits will take at least four months. If the elephants can be trained and readied by this time, the earliest the elephants could leave Toronto Zoo would be April 2012.

PAWS has publicly stated they will pay a substantial portion of the moving costs. Although \$300,000 has been quoted to City Council as the cost of transporting the three elephants, this estimate did not come from Zoo staff.

John Tracogna
Chief Executive Officer

List of Attachments:

1. City Council Decision 2011-10-25
2. Performing Animal Welfare Society: Mission & History
3. Letter from Association of Zoos & Aquariums (2011-10-28)
4. Letter from Canadian Association of Zoos & Aquariums (2011-10-31)
5. Board of Management Decision 2011-05-12
6. Letter from The National Elephant Center (2011-11-16)
7. The National Elephant Center: Mission & Goals