

## NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

### Division of Fish and Wildlife

625 Broadway, 5th Floor, Albany, NY 12233-4750

P: (518) 402-8924 | F: (518) 402-8925

www.dec.ny.gov

July 7, 2021

**SENT VIA EMAIL ONLY** (wendy@adirondackwildlife.org; info@adirondackwildlife.org)

Wendy Hall  
Adirondack Wildlife Refuge  
P.O. Box 360  
977 Springfield Rd  
Wilmington, NY 12997

### FIRST AMENDED NOTICE OF INTENT TO REVOKE LICENSES

- **License to Collect or Possess – Education/Exhibition # 86**
- **Endangered/Threatened Species – Education/Exhibition # 374**

Dear Wendy Hall:

In accordance with the provisions of Title 6 New York Codes, Rules, and Regulations ("NYCRR") Part 175.5 and Department of Environmental Conservation Commissioner's Record of Compliance Enforcement Policy (DEE-16), you are hereby notified of the Department of Environmental Conservation's (the "Department" or "DEC") intent to revoke the following special licenses issued to you by the Department:

- 1) License to Collect or Possess – Education/Exhibition number 86, issued pursuant to Environmental Conservation Law ("ECL") §11-0515 and 6 NYCRR Part 175 (hereinafter "LCPEE #86"); and
- 2) Endangered/Threatened Species – Education/Exhibition license number 374, issued pursuant to ECL §11-0535 and 6 NYCRR Parts 175 and 182 (hereinafter "ETSEE #374").

You and Stephen Hall own and reside at 977 Springfield Road in the Town of Wilmington, Essex County, New York 12997. You operate the Adirondack Wildlife Refuge Center ("AWR" or the "facility") at this location where you keep and display wild animals including: wolves, American black bears, coyotes, red fox, gray fox, fisher, North American porcupine, bobcat, and an eastern box turtle. Your paid staff, volunteers, and "Designated Agents" assist with facility maintenance and improvements, animal care, and animal display. Under 6 NYCRR Part 175.6 (d), which specifies that "any person issued a license or permit assumes all liability and responsibility for any activity conducted under the authority of such license or permit or actions resulting from activities authorized by the license or permit," you are legally responsible for actions by staff, volunteers, and all Designated Agents at the facility.



Department of  
Environmental  
Conservation

The DEC intends to revoke both your education and exhibition licenses for the following reasons:

- 1) Your chronic non-compliance, over a period of years, with State wildlife laws, including by repeated possession of wildlife without licenses from the DEC; repeatedly failing to comply with the terms of licenses and permits issued by the DEC; and exceeding the scope of the purpose or activities described in your license applications and license terms;
- 2) Your disregard of analogous federal laws governing the care, rehabilitation, and exhibition of bird species jointly regulated under State and federal law. Although this revocation action is not a federal enforcement action, your noncompliance with and disregard of overlapping federal laws is further evidence that you lack the requisite degree of care and trustworthiness to hold State wildlife licenses;
- 3) Your failure to amend your behavior and take necessary care to observe and follow State laws, regulations, and license terms, even after three orders on consent admitting to earlier violations, payment of escalating civil penalties, and prior licensing actions by both State and federal regulators; and
- 4) Recent credible reports that in 2020, with your knowledge or direction, staff, volunteers, and Designated Agents under your supervision likely violated State and federal wildlife laws; and further, you were aware of or participated in discussions with staff to deceive regulators about illegal activity at AWR.

Your history of chronic non-compliance with applicable State laws, federal laws, and permit/license conditions is extensive and well-documented. In chronological order, your non-compliance history since 2015 includes:

- 1) On January 30, 2015, you executed an Order on Consent with the DEC for violations regarding the possession of three (3) live wolves without the required DEC license.

This conduct was a violation of ETSEE #374, which requires:

***7. Live Animal - Addition or Replacement of Animals Without Written Authorization Prohibited***

*The licensee shall not add additional animals or replace listed animals without a written amendment to this license*

- 2) On July 19, 2017, the DEC issued you a Notice of Violation for the illegal acquisition and possession of two (2) black bears.

This conduct was a violation of LCPEE #86, which requires:

**6. Live Animal - Addition or Replacement of Animals Without Written Authorization Prohibited**

*The licensee shall not add additional animals or replace listed animals without a written amendment to this license.*

- 3) On August 14, 2017, U.S. Fish & Wildlife Service ("USFWS") issued you a Notice of Permit Denials for migratory bird rehabilitation and eagle exhibition permits, due to multiple violations of permit conditions and federal regulations, including: (i) failure to report acquisition of eagles for rehabilitation; (ii) failure to report the acquisition of migratory birds for exhibition; (iii) displaying birds held for rehabilitation purposes to the public; (iv) failure to comply with the terms and conditions of your permits, including reporting requirements; (v) holding migratory birds for rehabilitation longer than 180 days; (vi) failure to provide proper caging; and (vii) failure to correct previously identified facility deficiencies.
- 4) On August 29, 2017, you executed an Order on Consent with the DEC to resolve the violations concerning the illegal acquisition of two (2) black bear cubs from Minnesota noted in Paragraph 2, above. This Order on Consent required you to affix DEC provided ear tags to each bear.
- 5) On December 15, 2017, the DEC issued you a Notice of Failure to Adhere to License Conditions for your failure to report the acquisition of: (i) white-tailed deer for rehabilitation; and (ii) endangered or threatened species.

This conduct was a violation of your Wildlife Rehabilitation License – Class II number 126 (hereinafter "WRL #126"), which was effective at the time of these violations and required:

**2. WRL – White-tailed Deer, Black Bear Cubs and Moose Calves  
Mandatory Notification of Receipt or Release**

*The licensee shall notify the Special Licenses Unit ([SpecialLicenses@dec.ny.gov](mailto:SpecialLicenses@dec.ny.gov), 518-402-8985) within forty-eight (48) hours following the acquisition of any white-tailed deer fawn (*Odocoileus virginianus*), American black bear cub (*Ursus americanus*) or moose calf (*Alces alces*) and prior to the release of any white-tailed deer fawn, black bear cub or moose calf. The licensee shall notify the Special Licenses Unit upon the acquisition of any adult white-tailed deer.*

**17. WRL – Endangered or Threatened Species Mandatory Notification of Receipt**

*The licensee shall notify the Special Licenses Unit (518-402-8987, [SpecialLicenses@dec.ny.gov](mailto:SpecialLicenses@dec.ny.gov)) within forty-eight (48) hours of the collection or acquisition of any endangered or threatened species.*



- 6) In an April 3, 2018 Notice of License Renewals with Amendments and Denials of Certain Species, DEC noted your illegal possession of multiple species, including threatened and endangered species acquired without a license. This notice directed you to transfer all unauthorized species within 60 days.

This conduct was a second violation of ETSEE #374 which requires:

**7. Live Animal - Addition or Replacement of Animals Without Written Authorization Prohibited**

*The licensee shall not add additional animals or replace listed animals without a written amendment to this license.*

This was also a second violation of LCPEE #86, which requires:

**6. Live Animal - Addition or Replacement of Animals Without Written Authorization Prohibited**

*The licensee shall not add additional animals or replace listed animals without a written amendment to this license.*

- 7) On July 5, 2019, DEC issued you a Notice of Violation for the following violations observed during an April 5, 2019 facility inspection: (i) exhibition of multiple species, including endangered and threatened species, without a license; (ii) exhibition of animals held under the authority of a wildlife rehabilitation license; (iii) failure to report the acquisition of threatened or endangered species; and (iv) failure to notify the DEC of the escape of two black bears from your facility.

This conduct was a third violation of ETSEE #374, which requires:

**7. Live Animal - Addition or Replacement of Animals Without Written Authorization Prohibited**

*The licensee shall not add additional animals or replace listed animals without a written amendment to this license.*

This was also a third violation of LCPEE #86, which requires:

**6. Live Animal - Addition or Replacement of Animals Without Written Authorization Prohibited**

*The licensee shall not add additional animals or replace listed animals without a written amendment to this license.*

**22. Live Animal – Mandatory Notification of Escape**

*The licensee shall notify the Special Licenses Unit at (518) 402-8985 within 24 (twenty-four) hours of the escape of any listed animal.*

It was also a second violation of WRL #126, which required:

**17. WRL – Endangered or Threatened Species Mandatory Notification of Receipt**

*The licensee shall notify the Special Licenses Unit (518-402-8987, [SpecialLicenses@dec.ny.gov](mailto:SpecialLicenses@dec.ny.gov)) within forty-eight (48) hours of the collection or acquisition of any endangered or threatened species.*

**29. WRL – Minimizing Habituation**

*The licensee shall employ methods that prevent or minimize habituation or imprinting of wildlife on humans including limiting contact with the animals and providing caging that limits the wildlife's exposure to the licensee and other humans and domestic pets and livestock.*

**30. WRL – Exhibition Prohibited**

*The licensee shall not exhibit wildlife held pursuant to this license.*

- 8) On August 13, 2019, the DEC denied your applications requesting the addition of one gray wolf and three migratory bird species (including a bald eagle) to ETSEE #374, and three coyotes, nine migratory bird species, and a box turtle to LCPEE #86. The DEC denied your application due to your unauthorized possession of said species in violation of the following license terms.

Your ETSEE #374 contains the following condition:

**7. Live Animal - Addition or Replacement of Animals Without Written Authorization Prohibited**

*The licensee shall not add additional animals or replace listed animals without a written amendment to this license.*

Additionally, your LCPEE #86 contains the following condition:

**6. Live Animal - Addition or Replacement of Animals Without Written Authorization Prohibited**

*The licensee shall not add additional animals or replace listed animals without a written amendment to this license.*

- 9) In a Notice of Permit Denials dated November 5, 2019, USFWS denied your application for a federal Migratory Bird Rehabilitation Special Purpose Possession Live and Dead Rehabilitation permit, based upon your repeated disregard for USFWS directives, permit/license conditions, and applicable laws and regulations, such as the Migratory Bird and Treaty Act ("MBTA") and the Bald and Golden Eagle Protection Act ("BGEPA"). This Notice of Permit Denials directed you to cease acquisition of any migratory birds.
- 10) The DEC revoked WRL- #126 effective November 25, 2019 based on your history of unlicensed wildlife possession, repeated failure to comply with license

terms and DEC regulations, and failure to adhere to proper and accepted rehabilitation techniques and methods. This revocation explicitly stated that "you are no longer authorized to receive, capture or possess for rehabilitative purposes any wildlife in New York State." You did not contest the revocation or DEC's extensive findings of fact recited in this earlier revocation.

- 11) On February 4, 2020, DEC initiated a license modification to LCPEE #86. The Notice of Department Initiated Modification removed all previously authorized migratory birds under LCPEE #86. This DEC license modification resulted from the USFWS's November 5, 2019 Notice of Permit Denial directing you to dispose of all migratory birds previously held under your expired federal rehabilitation and exhibition licenses.

Your LCPEE #86 contains the following express condition:

**9. USFWS Permit Requirement for possession of Migratory Birds**

*The licensee shall not possess Migratory Birds, as listed in Title 50 of the Code of Federal Regulations Section 10.13, without a corresponding Federal Permit issued by the United States Fish and Wildlife Service.*

- 12) During a July 27, 2020 inspection, DEC observed that a black bear was missing an ear tag, and that you failed to notify the DEC of the loss of the ear tag, as required by LCPEE #86.

This conduct was a fifth violation of LCPEE #86 which requires:

**4. Live Animal – American Black Bear, Ear Tags**

*The licensee shall ensure that the ear tags are maintained on the two (2) American black bear listed on this license as follows: black bear number one – right ear tag number 533, left ear tag number 534; black bear number two – right ear tag number 536, left ear tag number 535. The licensee shall notify the NYSDEC Region 5 Division of Fish and Wildlife by phone at 518-897-1367 should an ear tag become lost or if necessary to remove for health reasons and obtain a replacement tag.*

- 13) On August 19, 2020, DEC issued you a Notice to Cease and Desist for violations of State law after DEC discovered that you had responded to calls and taken into your possession wounded or injured migratory birds after DEC had revoked WRL #126. As noted in paragraph 10 above, this revocation explicitly stated that "you are no longer authorized to receive, capture or possess for rehabilitative purposes any wildlife in New York State." Your conduct also violated ECL § 11-0107 (2), which requires in relevant part that "[n]o person shall, at any time of the year . . . have in [their] possession any . . . protected wildlife . . . except as permitted by the Fish and Wildlife Law."

- 14) On October 14, 2020, DEC and USFWS inspected your facility. During this inspection, DEC observed that the black bear documented on July 27, 2020 remained untagged. Furthermore, USFWS noted that had you not banded three bald eagles in your possession, as required by USFWS Live Eagle Exhibition permit number MB47245A-0 and as directed by USFWS in a July 13, 2018 letter.
- 15) In November 2020, you admitted to violations of the BGEPA, specifically the possession and disposal of a bald eagle. USFWS informed you on multiple occasions that you are required to surrender all eagle carcasses, including body parts and feathers, to the federal eagle repository. Furthermore, your possession of a bald eagle was unauthorized, following the November 5, 2019 USFWS permit denial discussed in paragraph 9 above, and the November 25, 2019 DEC revocation discussed in paragraph 10 above.

This conduct was a fifth violation of ETSEE #374 which requires:

***7. Live Animal - Addition or Replacement of Animals Without Written Authorization Prohibited***

*The licensee shall not add additional animals or replace listed animals without a written amendment to this license.*

***10. USFWS Permit Requirement for possession of Migratory birds***

*The licensee shall not possess Migratory Birds, as listed in Title 50 of the Code of Federal Regulations Section 10.13, without a corresponding Federal Permit issued by the United States fish and Wildlife Service.*

Your conduct was also a further violation of ECL § 11-0107 (2), which requires in relevant part that "[n]o person shall, at any time of the year . . . have in [their] possession any . . . protected wildlife . . . except as permitted by the Fish and Wildlife Law."

- 16) On February 5, 2021, you executed an Order on Consent with the DEC for the following violations described in Paragraphs 12 and 13, above: (i) failure to maintain ear tags on a black bear; (ii) failure to notify the DEC of the loss of an ear tag; (iii) responding to a report of an injured bald eagle and capturing and taking possession of the injured bald eagle without the required license; and (iv) responding to and taking possession of an injured broad-winged hawk, without the required license.
- 17) On June 24, 2021, you emailed DEC that the two American black bears in your possession, held under the authority of LCPEE #86, had escaped from their enclosure at AWR. In your email you indicated that the escape of both bears was observed by AWR staff at 9 am when they were conducting "first rounds". Additionally, you reported that one of the bears ("the brown colored black bear") was recaptured and returned to the enclosure, while the second black bear was



still missing. Pictures and your description of the missing black bear on social media showed you nuzzling the bear, Stephen Hall hugging the bear, and a statement that the escaped bear is "completely harmless". Additionally, you reported through social media that unlicensed members of the public assisted in the recapture of the escaped black bear and you publicized a photo of an unnamed person face-to-face with the bear in the wild.

This was the second reported time that the black bears in your possession escaped from the same enclosure at the Adirondack Wildlife Refuge, as previously noted in the July 5, 2019 Notice of Violation (paragraph 7, above).

This conduct was a sixth violation of LCPEE #86 which requires:

**14. Live Animal – Facilities Requirement**

*The licensee shall provide housing, holding and transport facilities designed and constructed to ensure that the listed animals cannot escape and to ensure that the public cannot come in contact with the listed animals.*

**16. Live Animal - Safeguarding Public From Attack by Animal**

*The licensee shall exercise due care in safeguarding the public from attack by any animal held pursuant to this license. Failure to do so is a crime pursuant to New York State Agriculture and Markets Law Article 26, Section 370 which provides that: any person owning, possessing or harboring a wild animal or reptile capable of inflicting bodily harm upon a human being, who shall fail to exercise due care in safeguarding the public from attack by such wild animal or reptile, is guilty of a misdemeanor, punishable by imprisonment for not more than one year, or by a fine of not more than five hundred dollars, or by both.*

**17. Live Animal - Direct Contact Prohibition**

*The licensee shall not allow any of the listed animals to have direct contact with the public. Only the licensee and his or her designated agents may have direct contact with the listed animals.*

Throughout this extensive non-compliance history, DEC and federal regulators provided ample opportunity for you to amend your behavior. DEC's prior actions included verbal warnings, written warnings and directives, notices of violation, three orders on consent, increased civil penalties, and revocation of your wildlife rehabilitator license. These prior measures aimed to bring you into compliance, while allowing continued operation of your facility. Despite DEC's efforts, you continue to disregard State wildlife laws and license requirements.



You have displayed similar disregard for USFWS's compliance efforts. In 2017, USFWS suspended and later reinstated your federal exhibition and rehabilitation permits. Their Decision on Request for Reconsideration stated that continued noncompliance with permit conditions and federal law could result in the loss of permit privileges. To date, you have continued to disregard federal directives and requirements – even following USFWS's November 5, 2019 permit denial, and as you recently admitted concerning your possession and disposal of a bald eagle. You are unresponsive to regulators' attempts to bring you into compliance.

Lastly, the DEC received three credible reports from two former AWR volunteers about your attempts to deceive regulators about additional illegal activities by you and your Designated Agents in the past year. First, the volunteers reported that a bobcat named Yayo escaped from AWR in June 2020. One volunteer overheard you and a staff member discuss whether to report the escape or to falsely report the bobcat as deceased to the DEC. On July 27, 2020 you reported to the DEC that Yayo had died and had been buried at the facility. Falsely reporting the death of a bobcat in your possession instead of its escape is also a further violation of LCPEE #86, which requires:

**22. Live Animal – Mandatory Notification of Escape**

*The licensee shall notify the Special Licenses Unit at (518) 402-8985 within 24 (twenty-four) hours of the escape of any listed animal.*

Second, the volunteers reported that you directed them to assist in the euthanization and burial of an unreported juvenile eagle at the AWR on July 27, 2020. You admitted this conduct to DEC in November 2020, as described above. Your possession of this eagle was unauthorized and in violation of ECL 11-0107 (2) as it occurred after DEC had revoked your wildlife rehabilitation license and after USFWS had denied your application for a migratory bird wildlife rehabilitation license. The DEC revocation explicitly stated that “you are no longer authorized to receive, capture or possess for rehabilitative purposes any wildlife in New York State.”

And third, one of the volunteers also reported that, on March 5, 2020, one of your staff members suggested to other Designated Agents at the facility that they euthanize a peregrine falcon in your care and falsely report to federal and State regulators that it died of natural causes. This interaction was captured on a recording that was reviewed by the DEC. These credible reports are alarming and provide further evidence that DEC must revoke your remaining licenses.

Based upon the foregoing facts and circumstances, it is clear that you are unwilling to comply with State laws and license conditions. You are unsuited to carry out the responsibilities of a licensed animal exhibitor in New York, based upon: (i) your longstanding history of noncompliance with State wildlife laws, regulations, and license conditions; (ii) similar disregard for analogous federal laws; (iii) failure to amend behavior, despite repeated efforts to bring you into compliance; and (iv) credible reports about recent activity to deceive regulators about illegal activity. As a result, complete

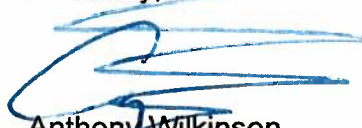
license revocation is necessary to prevent further violations by you, your staff, volunteers, and your Designated Agents.

Consistent with the requirements of ECL §§ 11-0515 and 11-0535, 6 NYCRR Parts 175 and 182, and the Commissioner's Record of Compliance Enforcement Policy (DEE-16), the Department intends to revoke LCPEE #86 and ETSEE #374 on May 28, 2021. In accordance with the provisions of 6 NYCRR Part 175.5 (c), within 10 working days of receipt of this Notice, you may submit a written statement setting forth either the reasons why your licenses should not be revoked or a request for a hearing, or both. Failure to timely submit a statement or to request a hearing will result in this revocation action becoming effective on May 28, 2021.

Please address all communication to:

Director - Division of Fish and Wildlife  
NYS Department of Environmental Conservation  
625 Broadway  
Albany, NY 12233-4750

Sincerely,



Anthony Wilkinson  
Director  
Division of Fish and Wildlife

c: J. Therrien  
J. Gunther  
A. Love  
D. Darrah