

August 22, 2018

Douglas Cottam  
Director, Wildlife Division  
Department of Fish and Wildlife  
4034 Fairview Industrial Drive SE  
Salem, OR 97302-1142

Via e-mail: [douglas.f.cottam@state.or.us](mailto:douglas.f.cottam@state.or.us)

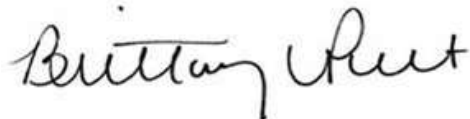
Re: Request for Investigation of Steven Higgs' d/b/a A Walk on the Wild Side  
Failure to Comply with State Wildlife Laws

Dear Mr. Cottam:

On behalf of People for the Ethical Treatment of Animals (PETA) and its more than 6.5 million members and supporters, including approximately 70,000 in Oregon, I am writing to request that the Oregon Department of Fish & Wildlife (ODFW) investigate Steven Higgs, d/b/a "A Walk on the Wild Side," for violating numerous conditions of his Prohibited Species Permit, for apparently holding bobcats and cougars in captivity without a Wildlife Exhibitor or Animal Entertainment Industry Permit, and for violating ODFW regulations relating to the care of wildlife held in captivity.

As detailed in the attached appendix, Higgs has been holding Prohibited Species under an invalid Prohibited Species Permit, has repeatedly violated state standards for holding Prohibited Species, holds bobcats and cougars in captivity without a valid Wildlife Exhibitor or Animal Entertainment Industry Permit, and is likely in violation of mandatory standards of care for all wildlife held in captivity. PETA urges you terminate Mr. Higgs' permit and pursue all appropriate remedies for Higgs' flagrant violations of state law.

Very truly yours,



Brittany Peet, Esq.  
Director, Captive Animal Law Enforcement

Attachments

PEOPLE FOR  
THE ETHICAL  
TREATMENT  
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1536 16th St. N.W.  
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PETA FOUNDATION IS AN  
OPERATING NAME OF FOUNDATION  
TO SUPPORT ANIMAL PROTECTION.

AFFILIATES:

- PETA U.S.
- PETA Asia
- PETA India
- PETA France
- PETA Australia
- PETA Germany
- PETA Netherlands
- PETA Foundation (U.K.)

## APPENDIX

### I. Background

A Walk on the Wild Side (WWS)<sup>1</sup> exhibits wild and exotic animals to the public, often at fairs and festivals.<sup>2</sup> Since at least 2013, Higgs has operated WWS in blatant violation of local law, first in Clackamas County and most recently in Washington County.<sup>3</sup> On June 4, 2018, Washington County found WWS in violation of three County Code provisions due to WWS' feeding and management of exotic animals on exclusive farm-zoned property, and fined WWS \$10,000.<sup>4</sup> On June 19, 2018, the Washington County Board of Commissioners passed Ordinance 830, which prohibits the keeping of exotic animals—defined as non-native cats (except domestic cats), non-native dogs (except domestic dogs), non-native bears, crocodiles and alligators, and all non-human primates.<sup>5</sup> Ordinance 830, from which WWS is not exempted, goes into effect on September 17, 2018.<sup>6</sup>

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<sup>1</sup> A Walk on the Wild Side, *A Walk on the Wild Side*, <https://wildsideoregon.org/>; see also Oregon Secretary of State Corporate Division, *Business Entity Data*, [http://egov.sos.state.or.us/br/pkg\\_web\\_name\\_srch\\_inq.show\\_detl?p\\_be\\_rsn=1419357&p\\_srce=BR\\_INQ&p\\_print=FALSE](http://egov.sos.state.or.us/br/pkg_web_name_srch_inq.show_detl?p_be_rsn=1419357&p_srce=BR_INQ&p_print=FALSE) (Business Entity page for A Walk on the Wild Side, Registry Number 639054-92).

<sup>2</sup> See A Walk on the Wild Side, *Event Services*, <https://wildsideoregon.org/event-services> (containing a video detailing A Walk on the Wild Side's exhibition offerings and animals. Footage beginning at the 3:12 mark shows customers handling a tiger cub with the caption "Pictures with cubs is [sic] very popular."); Katie Shepherd, *A Defiant Couple Is Caging Big Cats in the Portland Suburbs. Should Anybody Stop Them?* WILLAMETTEWEEK, (July 26, 2017), <http://www.wweek.com/news/business/2017/07/26/a-defiant-couple-is-caging-big-cats-in-the-portland-suburbs-should-anybody-stop-them/> (discussing WWS' history in Clackamas and Washington counties and containing a photo depicting Jackson County fairgoers posing for a photo with a tiger cub); see also Ex. 1, *Washington County v. A Walk on the Wild Side*, Case No. UV 16-0014 (Findings and Final Order, Notices of Civil Violation Nos. 00129, 00130, 00134, 00135, 00137, 00138, 00139, 00140, 00141, 00142) (Section IV.1 "Defendant A Walk on the Wild Side houses, transports, and exhibits a variety of exotic, domestic, and native wildlife animals at fairs, parties, and other events in Oregon, Washington, and California where it allows the public to view and take photos with the animals.").

<sup>3</sup> See Hannah Leone, *Wild animal rescue closed indefinitely for Clackamas County code violations*, OREGONLIVE, (Mar. 24, 2015), [https://www.oregonlive.com/clackamascounty/index.ssf/2015/03/wild\\_animal\\_rescue\\_closed\\_inde.html](https://www.oregonlive.com/clackamascounty/index.ssf/2015/03/wild_animal_rescue_closed_inde.html) (detailing WWS' zoning code violations in Clackamas County, Oregon, which dates back to November 2013); *Canby wild animal refuge ending public tours due to zoning violation*, KPTV.COM, (Mar. 24, 2015), <http://www.kptv.com/story/28606436/canby-wild-animal-refuge-ending-public-tours-due-to-zoning-violation> (noting that a complaint to Clackamas County officials was made about WWS in the fall of 2013 and that "[a] county investigation then turned up 'a long list of land use and building code violations,' according to county spokesman Tim Heider. Those violations included canopies on the property, structural and electrical work that is not up to code, inoperable vehicles parked on the property and illegally occupied RVs."); see also Washington County Oregon Department of Land Use and Transportation Planning and Development Services Division, *Statement on A Walk on the Wild Side*, <https://www.co.washington.or.us/lut/news/wws.cfm> (containing a history of WWS' zoning code violations in Washington County, dating back to March 2016).

<sup>4</sup> Washington County Oregon Department of Land Use and Transportation Planning and Development Services Division, *Statement on A Walk on the Wild Side*, <https://www.co.washington.or.us/lut/news/wws.cfm> (summarizing the hearing officer's decision); see also Ex. 1.

<sup>5</sup> See Washington County Oregon Department of Health and Human Services, *Exotic Animals Ordinance Information*, <https://www.co.washington.or.us/hhs/exotic-animals-ordinance-update.cfm>.

<sup>6</sup> *Id.*

Higgs is patently unqualified to operate any animal facility—let alone one of WWS’ size and scope—the operation apparently houses, among other animals, tigers, lions, cougars, bobcat, Canada lynx, Siberian lynx, European lynx, red fox, binturong, caracal, coatimundi, crested porcupine, Geoffroy’s cat, kinkajou, Patagonian cavius, ring tailed lemur, caracal, wallabies, and zebra.<sup>7</sup> As of 2017, WWS held more lions and tigers than the Oregon Zoo.<sup>8</sup> Of the species held at WWS, the crested porcupine (*Hystrix cristata*) and the red fox (*Vulpes vulpes*) are considered Prohibited Species under Oregon law.<sup>9</sup>

Higgs’ unfitness and lack of qualifications to adequately operate WWS was acknowledged by the United States Fish and Wildlife Service’s (“USFWS”) denial of Higgs’ Captive-Bred Wildlife (“CBW”) registration application for tigers, lions, lynx, and other wild animals in September 2016.<sup>10</sup> USFWS denied WWS’ CBW application in part because WWS “provided no evidence that [they] possess sufficient expertise to breed the requested specimens, nor did [they] provide information to suggest [they] have the necessary expertise with similar species.”<sup>11</sup> FWS also specifically noted that WWS “lack[ed] sufficient facilities to maintain these species.”<sup>12</sup>

Pursuant to Or. Rev. Stat. § 497.318, ODFW is authorized to terminate Higgs’ Prohibited Species Permit—which is already invalid at WWS’ current location on its face—due to his chronic non-compliance with its terms and conditions of authorization.<sup>13</sup> Higgs and WWS also

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<sup>7</sup> Ex. 1 at Section IV.5. While WWS’ exact inventory is unclear, the operation has housed well over one hundred animals from more than 70 species. See Eileen Park, *Exotic animal nonprofit may lose home in Hillsboro*, KOIN.COM, (Apr. 16, 2018), <http://www.koin.com/news/local/washington-county/exotic-animal-nonprofit-may-lose-home-in-hillsboro/1125999138> (noting that WWS is “home to more than 170 animals from 84 different species”); A Walk on the Wild Side, *About Us*, <https://wildsideoregon.org/about-us/> (stating that “[w]e currently house 175 animals, including 84 different species.”).

<sup>8</sup> See Katie Shepherd, *A Defiant Couple Is Caging Big Cats in the Portland Suburbs. Should Anybody Stop Them?* WILLAMETTEWEEK, (July 26, 2017), <http://www.wweek.com/news/business/2017/07/26/a-defiant-couple-is-caging-big-cats-in-the-portland-suburbs-should-anybody-stop-them/> (noting that WWS held seven tigers and five lions, whereas the Oregon Zoo has six lions and one tiger); Katie Shepherd, *Washington County Cites Animal Exhibitor “A Walk on the Wild Side” For Two Code Violations*, WILLAMETTEWEEK, (Aug. 21, 2017), <http://www.wweek.com/news/2017/08/21/washington-county-cites-animal-exhibitor-a-walk-on-the-wild-side-for-two-code-violations/> (noting that WWS “say[s] they now have more lions and tigers than the Oregon Zoo.”).

<sup>9</sup> Or. Admin. R. § 635-056-0050(1)(a)(J)(viii) (*H. cristata*); *id.* at § 635-056-0050(1)(a)(B)(i) (noting that *Vulpes vulpes* are not considered prohibited species if they are a part of a commercial fur farming operation or held for wildlife rehabilitation purposes by a licensed wildlife rehabilitator. WWS is not a commercial fur farming operation or licensed wildlife rehabilitation operation, and so the red fox held by WWS is a prohibited species under this provision.).

<sup>10</sup> See Ex. 2, U.S. Fish and Wildlife Service, *Captive-Bred Wildlife Registration (CBW) Application* (Submitted Mar. 5, 2016, Received Apr. 12, 2016), at 2; Ex. 3, Letter from Timothy J. Van Norman, Chief, Branch of Permits, Division of Management Authority, U.S. Fish and Wildlife Service to Steven P. Higgs (Sep. 15, 2016).

<sup>11</sup> Ex. 3, at 2.

<sup>12</sup> *Id.*

<sup>13</sup> Or. Rev. Stat. § 497.318 (noting that “the State Fish and Wildlife Commission may revoke a [wildlife holding permit] if the commission determines that the holder of the permit has violated any of the terms or conditions thereof. Revocation of a permit is in addition to and not in lieu of any other penalty provided by law for violation of the terms and conditions of the permit.”); see also Ex. 4, Letter from Rick Boatner, Invasive Species, Wildlife Integrity Coordinator, ODFW to Steven Higgs (Dec. 14, 2016) (condition 13 of Higgs’ Prohibited Species Permit notes that “[t]his authorization may be revoked for any violations of Oregon Wildlife laws or conditions of this authorization permit.”).

hold a bobcat and at least two cougars without a Wildlife Exhibitor or Animal Entertainment Industry Permit in direct violation of Or. Admin. R. 635-044-0460(1), which requires a Wildlife Holding or Wildlife Exhibitor/Animal Entertainment Industry or Wildlife Sanctuary Permit in order to hold such species in captivity.<sup>14</sup>

## **II. Higgs' Current Prohibited Species Permit is Invalid for WWS' Hillsboro Location**

The most obvious ground on which Higgs' Prohibited Species Permit must be revoked is that the current permit is valid *only* for WWS' former Canby, OR location, which it left in early 2016.<sup>15</sup> The permit plainly states that it is “valid only at the above stated facility or events sponsored by the facility . . .” and is addressed to Higgs' former Canby address.<sup>16</sup> Or. Rev. Stat. § 497.318 makes clear that the State Fish and Wildlife Commission (Commission)—which is part of ODFW—is authorized to revoke permits authorizing the holding of live wildlife if the Commission “determines that the holder of the permit has violated any of the terms or conditions thereof.”<sup>17</sup>

The line in Higgs' Prohibited Species Permit stating that it “is valid only at the above stated [Canby] facility . . .” is clearly a term of the permit, of which Higgs has been in violation since WWS' move to Hillsboro in early 2016. WWS' regulated activities with crested porcupine(s) and red fox(es) are therefore illegal. Public records indicate that ODFW has neither issued a new Prohibited Species Permit for WWS' Hillsboro location, nor performed a new site inspection of the Hillsboro facility.<sup>18</sup> ODFW should terminate Higgs' Prohibited Species Permit for operating in violation of one of the permit's express terms and pursue all available penalties against Higgs and WWS for knowingly engaging in regulated activity without a permit.

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<sup>14</sup> Or. Admin. R. 635-044-0460(1) (“Black bears, cougars, bobcats, wolves, raccoons and skunks held in captivity require a Wildlife Holding or Wildlife Exhibitor/Animal Entertainment Industry or Wildlife Sanctuary Permit and associated fees paid for those species held.”).

<sup>15</sup> See Washington County Oregon Land Use & Transportation, *Statement on A Walk on the Wild Side*, <https://www.co.washington.or.us/lut/news/wws.cfm> (detailing WWS' history in Washington County and noting that WWS' address is 29875 NW Victory Lane in Hillsboro, OR); see also Allan Brettman, *Controversial Animal Sanctuary Moving From Canby to Near Hillsboro*, OREGONLIVE (March 8, 2016, 5:03 AM), [https://www.oregonlive.com/washingtoncounty/index.ssf/2016/03/controversial\\_animal\\_sanctuary.html](https://www.oregonlive.com/washingtoncounty/index.ssf/2016/03/controversial_animal_sanctuary.html).

<sup>16</sup> See Ex. 4 (the address listed on the permit is “294 NW 2<sup>nd</sup> St Suite 329, Canby, OR 97013”).

<sup>17</sup> Or. Rev. Stat. § 497.318; see also Or. Rev. Stat. § 497.415(1) (“When any person is convicted of a violation of law or any rule adopted pursuant thereto or otherwise fails to comply with the requirements of a citation in connection with such violation as provided in subsection (2) of this section, the court may order the State Fish and Wildlife Commission to revoke all licenses, tags and permits issued to that person pursuant to the wildlife laws.”).

<sup>18</sup> See Ex. 4, Condition 1 (“Prior to moving to a new address, a new site inspection may be performed and a new permit issued for the new address.”); see also Ex. 5, E-mail from James S. Owens, Office Specialist, Management Resources Division/Office of the Director, Oregon Department of Fish and Wildlife to Kate Parnin, Coordinator, Captive Animal Law Foundation, PETA Foundation (Aug. 2, 2018) (responding to PETA's public records request, submitted on July 3, 2018, for “[a]ll records related to Steven Higgs and/or A Walk on the Wild Side . . . from January 1, 2017 through the date this request is processed” and noting that “no new records were created in the timeframe specified that match your parameters.” This lack of records indicates that ODFW has not issued any updated Prohibited Species Permit for WWS' Hillsboro location.).

### III. WWS Has Routinely Violated the Standards for Holding Prohibited Species

ODFW is authorized to issue Prohibited Species permits only if all of several standards are met, including, in pertinent part: the facility is constructed to minimize escape of prohibited species, there are adequate security and safety programs and procedures which minimize the possibility of escape, there is adequate recordkeeping to aid in tracking of confined animals or recovery of escaped animals, and the applicant has a good reputation for care of animals and compliance with the wildlife laws.<sup>19</sup>

WWS has repeatedly failed to maintain adequate security and safety procedures to minimize the possibility of escape, failed to demonstrate adequate recordkeeping to aid in the tracking of confined animals, and has an abysmal reputation for care of animals and compliance with wildlife laws—as indicated by WWS’ numerous violations of the federal Animal Welfare Act (AWA) since 2010, and the violations of Oregon wildlife laws described herein. Among other violations of the AWA, WWS has been cited for:

- July 25, 2017: failing to have its program of veterinary care available for review at the time of inspection; failing to have the acquisition record for a tiger cub available for review at the time of inspection; for transporting a less than four-week-old neonatal tiger cub from Oklahoma to Oregon; for failing to maintain welded wire mesh fencing in petting zoo enclosures such that bare, sharp ends of wires are exposed; failing to maintain proper height fencing on the back side of big cat enclosures; and for improper sanitation in the coati and wallaby areas such that excessive flies were on the animals and on their food.<sup>20</sup>
- May 23, 2016: for transporting two three-week-old bobcats from Florida to Oregon.<sup>21</sup>
- December 15, 2015: failing to maintain proper height perimeter fencing around juvenile tiger and brown bear enclosures.<sup>22</sup>
- August 17, 2015: failing to provide required records for review at the time of inspection and for excessive flies in the food prep area.<sup>23</sup>

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<sup>19</sup> See Or. Admin. R. 635-056-0050(2)(a)-(f).

<sup>20</sup> Ex. 6, USDA Animal and Plant Health Inspection Service, *Inspection Report* No. 2016082568569898 (July 25, 2017). The citation for transport of the less than four-week-old tiger cub was a repeat violation for improper transport and handling of infant non-domestic cats.

<sup>21</sup> Ex. 7, USDA Animal and Plant Health Inspection Service, *Inspection Report* No. 147161952110578 (May 23, 2016).

<sup>22</sup> Ex. 8, USDA Animal and Plant Health Inspection Service, *Inspection Report* No. 351151410460386 (Dec. 15, 2015).

<sup>23</sup> Ex. 9, USDA Animal and Plant Health Inspection Service, *Inspection Report* No. 252151318010946 (Aug. 17, 2015).

- May 21, 2015: failing to locate and produce to inspectors WWS’ acquisition and disposition records.<sup>24</sup>
- October 15, 2014: failing to provide required records for review at the time of inspection; for strong smell of ammonia in the room holding birds, primates, and exotic pocket pets; and for excess water in the enclosures of a few animals (pig, two young tigers, and red fox).<sup>25</sup>
- July 08, 2013: failing to provide required records for review at the time of inspection; for failing to properly maintain animals’ enclosures, as evidenced by excessive rusting on wire mesh panel between serval enclosures, exposed raw metal edges on outdoor portion of bobcat and domestic cat enclosure, and exposed raw edges of sheet metal in African porcupine enclosure.<sup>26</sup>
- October 23, 2012: failing to maintain a sufficient barrier between the public and a juvenile tiger during an exhibition such that “an onlooker was able to get close enough to the transport cage of the juvenile female tiger to touch her face.”<sup>27</sup>
- June 26, 2012: failing to maintain proper height perimeter fence around lion enclosure and for excessive flies in the food prep area.<sup>28</sup>
- July 06, 2011: for improper sanitation of the primate and bird rooms, and food prep room due to an excessive number of flies, and for failing to provide sufficient shade for tigers on a day when the high temperature was in the upper 80s Fahrenheit.<sup>29</sup>

While the majority of these AWA violations pertain to species not protected under ODFW’s prohibited species rules, two of the above relate to the red fox and crested (African) porcupine, which are prohibited species under Oregon law.<sup>30</sup> Importantly, Higgs’ extensive history of AWA violations plainly demonstrates a pattern of noncompliance with the requirement that WWS possess “adequate recordkeeping to aid in tracking of confined animals or recovery of escaped

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<sup>24</sup> Ex. 10, USDA Animal and Plant Health Inspection Service, *Inspection Report* No. 142151709180915 (May 21, 2015).

<sup>25</sup> Ex. 11, USDA Animal and Plant Health Inspection Service, *Inspection Report* No. 297141907550504 (Oct. 15, 2014).

<sup>26</sup> Ex. 12, USDA Animal and Plant Health Inspection Service, *Inspection Report* No. 193131335320925 (July 08, 2013).

<sup>27</sup> Ex. 13, USDA Animal and Plant Health Inspection Service, *Inspection Report* No. 299120010380604 (Oct. 23, 2012).

<sup>28</sup> Ex. 14, USDA Animal and Plant Health Inspection Service, *Inspection Report* No. 184121737020178 (June 26, 2012).

<sup>29</sup> Ex. 15, USDA Animal and Plant Health Inspection Service, *Inspection Report* No. 188111428460788 (July 06, 2011).

<sup>30</sup> See Ex. 11 (noting that red fox enclosure had “excess water . . . and very little dry resting area” following extreme weather overnight); Ex. 12 (noting that the “African porcupine has destroyed his plywood floor, exposing raw edges of sheet metal underneath.”).

animals”, have adequately constructed facilities to minimize escape; have adequate procedures and equipment to maximize capture of escaped wildlife, and have a good reputation for care of animals.<sup>31</sup>

This noncompliance with ODFW regulations, provides the agency with sufficient additional justification to revoke Higgs’ Prohibited Species Permit.

#### **IV. WWS Is Currently Violating Oregon Wildlife Law by Holding Cougars and Bobcats Without a Wildlife Exhibitor/Animal Entertainment Industry Permit**

Pursuant to Or. Admin. R. 635-044-0460(1), in order to hold cougars and bobcats in captivity, Higgs is required to possess a Wildlife Exhibitor/Animal Entertainment Industry Permit.<sup>32</sup> Official Certificates of Veterinary Inspection issued by the Oregon Department of Agriculture indicate that WWS held one bobcat and two cougars as of January 20, 2017, and on information and belief, continue to possess these species.<sup>33</sup>

The holding of these species was until recently governed under the Department’s Holding Permit regime, Or. Admin. R. 635-044-0450. ODFW amended this rule on January 20, 2017, creating the new Wildlife Exhibitor/Animal Entertainment Industry Permit scheme, which applies to, among other animals, black bears, cougars, bobcats, and wolves.<sup>34</sup>

Higgs’ old Wildlife Holding Permit expired on December 31, 2016, but due to the creation of the new Wildlife Exhibitor/Animal Entertainment Industry Permit, ODFW gave Higgs until January 21, 2018 to submit an application for a Wildlife Exhibitor Permit.<sup>35</sup> Higgs has not done so.<sup>36</sup> Further, because WWS is in possession of more than one cougar, it needs approval by ODFW in addition to a Wildlife Exhibitor/Animal Entertainment Industry Permit, which it apparently also

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<sup>31</sup> Or. Admin. R. 635-056-0050(2)(c); *id.* 635-056-0050(2)(a); *id.* 635-056-0050(2)(d); *id.* 635-056-0050(2)(f), respectively.

<sup>32</sup> Or. Admin. R. 635-044-0460(1) (“[b]lack bears, cougars, bobcats, wolves, raccoons and skunks held in captivity require a Wildlife Holding or Wildlife Exhibitor/Animal Entertainment Industry or Wildlife Sanctuary Permit . . .”).

<sup>33</sup> *See* Ex. 16, Oregon Department of Agriculture, Official Certificates of Veterinary Inspection (August 4, 2016; August 24, 2016; January 20, 2017) (August 4, 2016 certificate shows inspection of one thirteen-week-old female bobcat named “Chezzy”; August 24, 2016 certificate shows inspection of one eight-week-old male cougar named “Hunter”; and January 20, 2017 certificate shows inspection of one nine-week-old female cougar named “Cosmo”).

<sup>34</sup> *See* Or. Rev. Stat. 635-044-0460; *see also* Ex. 17, E-mail from Randi J. Lisle, Game Program Staff Assistant, Oregon Department of Fish and Wildlife to Michelle Dennehy, Don VandeBergh, Carol Turner, and Rick Boatner of ODFW (June 26, 2017) (noting that the Wildlife Holding permit scheme had been amended “with the new rule revision adopted by the commission on 1/20/2017,” the Wildlife Exhibitor/Animal Entertainment Industry Permit).

<sup>35</sup> *See* Ex. 17 (noting that WWS has until January 21, 2018 to apply for a Wildlife Exhibitor/Entertainment permit).

<sup>36</sup> *See* Ex. 5 (responding to PETA’s public records request, submitted on July 3, 2018, for “[a]ll records related to Steven Higgs and/or A Walk on the Wild Side . . . from January 1, 2017 through the date this request is processed” and noting that “no new records were created in the timeframe specified that match your parameters.” This lack of records indicates that WWS has not applied for a Wildlife Exhibitor or Animal Entertainment Industry permit, and that ODFW has not issued either of these permits to WWS.).

does not have.<sup>37</sup> Please investigate and pursue all available remedies against WWS for its failure to comply with this provision.

Higgs' violation of Oregon Wildlife Law by holding a bobcat and two cougars without a Wildlife Exhibitor/Animal Entertainment Industry Permit provides additional grounds for termination of Higgs' Prohibited Species Permit, as the permit expressly maintains that it "may be revoked for any violations of Oregon Wildlife laws or conditions of this authorization permit."<sup>38</sup> Further, Or. Rev. Stat. § 497.318 gives the State Fish and Wildlife Commission the authority to revoke a wildlife holding permit "if the commission determines that the holder of the permit has violated any of the terms or conditions thereof."<sup>39</sup>

## **V. WWS Is Likely In Violation of the Requirements for Care of Wildlife Held in Captivity**

Finally, Higgs cannot demonstrate that he "provide[s] minimum care sufficient to preserve the health and well-being of the held wildlife" as required by Or. Admin. R. 635-044-0500.<sup>40</sup> This includes, but is not limited to:

- Shelter sufficient to protect from adverse elements, protect from predators, prevent escape, prevent other wildlife from entry, and to prevent injury.
- Daily access to an area with adequate space necessary for health, adequate temperature for the animal, and free from excessive food or fecal waste or other contaminants that could affect the health of the animal.<sup>41</sup>

As noted above, Higgs has been repeatedly cited for AWA violations pertaining to inadequately maintained enclosures,<sup>42</sup> inadequate perimeter fencing around wild and exotic big cat enclosures,<sup>43</sup> failure to maintain sanitary food prep areas,<sup>44</sup> and failure to provide adequate shelter from the elements.<sup>45</sup> This host of AWA violations relates directly to the standards promulgated in Or. Admin. R. 635-044-0500, and particularly indicates WWS' failure to take sufficient steps to prevent injury to animals in its care from deteriorating enclosures and failure to adequately shelter the animal from the elements and keep enclosures and food prep areas sufficiently free of pests that can affect animal's health.

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<sup>37</sup> See Or. Admin R. 635-044-0460(3) ("No more than one black bear, one cougar, or one bobcat may be held on a Wildlife Exhibitor/Animal Entertainment or Wildlife Sanctuary Permit unless approved by the Department.").

<sup>38</sup> Ex. 4, Condition 13.

<sup>39</sup> Or. Rev. Stat. § 497.318

<sup>40</sup> Or. Admin. R. § 635-044-0500(1) (these requirements are mandatory for "[a]ll wildlife held in captivity").

<sup>41</sup> See Or. Admin. R. § 635-044-0500(1)(a)-(e).

<sup>42</sup> See Ex. 6; Ex. 8; Ex. 12.

<sup>43</sup> See Ex. 6; Ex. 8; Ex. 13; Ex. 14.

<sup>44</sup> See Ex. 6; Ex. 9; Ex. 14; Ex. 15.

<sup>45</sup> See Ex. 11; Ex. 15.



The requirements set forth in Or. Admin. R. 635-044-0500 are mandatory for all wildlife held in captivity in Oregon.<sup>46</sup> Higgs' violations of these standards of care constitute independent violations, as well as additional, grounds for the revocation of his Prohibited Species Permit.<sup>47</sup> Higgs' chronic violation of ODFW's standards of care for wildlife held in captivity also demonstrates his lack of fitness to hold a Wildlife Exhibitor or Animal Entertainment Industry Permit.

### **Conclusion**

For the above-stated reasons, ODFW should act swiftly to terminate Steven Higgs' Prohibited Species Permit and pursue all available remedies for Higgs' numerous violations of ODFW laws and regulations, including for apparently holding a bobcat and cougars in captivity without a valid Wildlife Exhibitor or Animal Entertainment Industry Permit.

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<sup>46</sup> See Or. Admin. R. 635-044-0500(1) (applying these standards to "*all wildlife* held in captivity . . ." (emphasis added)).

<sup>47</sup> See Or. Rev. Stat. § 497.318.