



California Code of Regulations (CCR) Title 14 Section 679 Regulatory Rulemaking Process

Frequently Asked Questions (FAQ)

This FQA document is based on comments and questions received during the first 679 Mini Review Period. Responses to comments not included herein will be provided elsewhere (e.g., town hall). We continue to solicit feedback and welcome input during this complex rulemaking process. FAQs will be updated periodically. Thank you!

1. WHY DO THE CURRENT REGULATIONS NEED TO BE UPDATED?

The current regulations lack clarity and fail to reflect the critical role of wildlife rehabilitation in protecting native wildlife, animal welfare, human health, and safety. Recent examples include the COVID-19 pandemic, numerous emerging disease outbreaks, emergency closing of captive wildlife facilities, and various animal welfare issues throughout the State. As the wildlife rehabilitation community in California continues to grow (82 permitted facilities, 500+ satellite facilities), and wildlife rehabilitators work to increase capacity via volunteers, staff, and satellite facilities, the regulations must clarify the important role and requirements of permittees, sub-permittees, their designees, and authorized persons in providing direct care to rehabilitation animals. Incorporating current MOU conditions into the regulations will increase transparency and make the process more accessible to the public.

2. WHEN WILL THE PROPOSED REGULATION CHANGE GO INTO EFFECT?

The rulemaking process is anticipated to continue through the calendar year 2024. We are currently in the early stage of this process where potential regulatory text is drafted, and initial input is solicited. The proposed rulemaking is presented to the Wildlife Resource Committee for discussion prior to being brought forth to the Fish and Game Commission. The Commission then evaluates the proposal prior to any draft regulations going to "Publish Notice" for the Public Comment Period and Office of Administrative Law (OAL) review. After the public comment period, Commission meetings are held to discuss the proposal for a Commission vote, then OAL review, and any such changes being filed with the State.

3. WILL REHABILITATORS WHO ARE CURRENTLY PERMITTED HAVE TO REAPPLY FOR A PERMIT WHEN THE REGULATIONS TAKE EFFECT?

No. The updated application process and eligibility requirements will primarily impact prospective applicants as they apply for new wildlife rehabilitation permits. Current permittees will continue to operate until their permit/MOU expires, or as otherwise indicated during the transition period. There will also be variances and accommodation available to help current permittees comply with the new regulations when it comes time for their renewal.

4. WHY AREN'T THE NEW REGULATIONS USING THE 2021 STANDARDS FOR WILDLIFE REHABILITATION (NWRA)?

Program staff recognize the 2021 Standards for Wildlife Rehabilitation as a valuable resource for wildlife rehabilitators. Currently, materials proposed to be incorporated by reference in regulations must be reviewed and approved by OAL. Such materials must conform to the Administrative Procedure Act (APA) that establishes rulemaking procedures and standards for California state agencies. The APA requirements are designed to provide the public with a meaningful opportunity to participate in the adoption of regulations and to ensure the regulations are clear, necessary, legally valid (enforceable), and readily accessible to the public. The 2021 Standards do not (1) meet APA requirements per OAL and Office of General Council (i.e., behind a paywall); or (2) mammal requirements for certain native species per the Department.

5. WHAT IS THE PURPOSE OF THE PROPOSED CDFW 679 WILDLIFE REHABILITATION MANUAL?

The CDFW 679 Wildlife Manual is not meant to be used as instructions on how to conduct wildlife rehabilitation activities. It is not intended to *teach* prospective, new, or experienced wildlife rehabilitators about specific rehabilitation techniques, treatment protocol, or diagnostic procedures – or - replace resources provided by various subject matter experts. The purpose of the manual is to provide a free, readily accessible document of the *minimum* legal requirements for wildlife rehabilitation activities in California. Permittees, sub-permittees, their designees, and authorized persons are welcome to exceed any minimum requirements.

6. WHY ARE SOME SPECIES LISTED UNDER “SPECIALTY REHABILITATION” AND NOT OTHERS?

Certain species, such as eagles, venomous snakes, and large carnivores require special care due to specific conservation, animal welfare, human health or safety requirements. These species have been highlighted as “specialty rehabilitation.” This is a common practice in other states. There is not a separate permit fee for specialty rehabilitation.

7. WILL WILDLIFE REHABILITATORS BE MADE TO EUTHANIZE OR BE PROHIBITED FROM REHABILITATING NON-NATIVE SPECIES?

It will be at the discretion of the Wildlife Rehabilitator as to whether they will allocate resources to rehabilitate non-native species that are *currently* not actively managed by the State (e.g., Virginia opossums, Eastern gray squirrels). However, certain non-native species are invasive (e.g., nutria) and found to be ecologically detrimental to native wildlife in California. Invasive species that are actively being managed by the State of California should be humanely euthanized, rather than rehabilitated and released.

8. WHAT IS THE DIFFERENCE BETWEEN THE FOLLOWING DESIGNATIONS:

- Permittee (Primary Facility) – Individual approved by the CDFW to operate a wildlife rehabilitation facility. The primary facility listed on the permit may range from a private residence to a leased or owned building. The permitting system requires it to be a specific individual, not an organization.
- Sub-permittee (Satellite Facility) - Individual approved by the permittee and CDFW to operate a satellite facility under the primary permit (i.e., wildlife rehabilitation at a location other than primary facility). NOTE: This does not include authorized persons temporarily fostering neonates (i.e., feedings, stabilizing care).
- Designee – Individual allowed to operate a facility on behalf of the permittee (e.g., hospital manager, facility director, animal care coordinator, rehab supervisor).
- Qualified Handler - Individual with the required experience in animal care, husbandry, and safe handling *specific* to that specialty rehabilitation wildlife (e.g., rattlesnake, black bear).
- Authorized Person - Individual (e.g., trained volunteer, staff) approved by the Permittee to provide facility support, animal husbandry and/or direct care of rehabilitation animals. This includes individuals who may serve as fosters providing stabilizing care and feeding of neonates at a homecare site.

9. WHY ARE THERE NEW ELIGIBILITY REQUIREMENTS FOR PERMITTEES AND SUB PERMITTEES?

The current regulation requires 400 hours experience minimum for all new wildlife rehabilitation applicants. The proposed regulation increases this requirement to 1,000 hours experience to better protect animal welfare, native wildlife, human health, and safety in California. These requirements affect new applicants only (i.e., prospective vs. current rehabilitators). As wildlife rehabilitators work to increase capacity via volunteers, staff, and satellite facilities, the regulations must clarify the requirements of a sub-permittee to temporarily possess neonate, juvenile, and adult rehabilitation animals for all stages of their rehabilitation under the primary permit. The proposed number of hours (750) are part of this early regulatory draft language, as we continue to solicit input on specific requirements.

10. DOES THE CONTINUING EDUCATION HAVE TO BE FORMAL COURSEWORK? WHY ARE THE HOURS INCREASING FROM 2 TO 12?

No, formal coursework is not required. Wildlife rehabilitators can determine the most beneficial type of continuing education (e.g., webinar, informal/hands-on training, onsite drill, CDFW annual meeting), based on their facility (e.g., homesite vs. leased building) and operational needs (e.g., volunteers). The current annual requirement of 2 hours is insufficient to keep up with advances in wildlife rehabilitation techniques, animal care standards, wildlife health issues, and seasonal requirements that may be unique to each wildlife rehabilitation facility.

11. WHO WILL BE REQUIRED TO TAKE THE WILDLIFE REHABILITATION EXAMINATION?

All prospective new permittees, sub-permittees, and designees will be required to take the exam. For specialty rehabilitation, rehabilitators will have to only take the portion of exam relevant to them (e.g., large carnivore exam).

12. WHERE IS THE REHABILITATION EXAM POSTED? CAN WILDLIFE REHABILITATORS PROVIDE INPUT TO HELP DRAFT THE EXAM?

We are currently drafting the exam. We welcome comments on exam content and/or questions. The draft exam is not yet available for input. We will provide additional outreach soon on how questions can be submitted. Once the exam(s) are finalized, a study guide and other resources will be provided on the CDFW website.

13. WHY ARE THE NUMBER OF SUB-PERMITTEES LIMITED TO 10 PER PERMITTED FACILITY, AND LOCATION RESTRICTIONS?

The current regulations lack requirements specific to “sub-permittees” has resulted in numerous issues including: 1) Individuals operating a satellite facility may be cited by law enforcement for presumed illegal possession of wildlife due to lack of proper documentation; 2) in some cases multiple illegal sub-sub-permittees have been encountered; 3) some individuals lawfully operating a satellite facility cannot be verified by CDFW with the current records; 4) in some cases, individuals have been found to be inadvertently operating satellite facilities without a valid permit. Location restrictions are for ease of oversight by permittee. Many other states limit sub-permittees to 3 or fewer, we are open to input regarding the proposed regulation.

14. WHY WILL I BE REQUIRED TO INSPECT SATELLITE FACILITIES EACH YEAR? THIS SEEMS EXCESSIVE.

Currently, inspections are required as part of the Wildlife Rehabilitation Permit MOU. However, this MOU condition lacks guidance on the requirements specific to satellite facilities operating under a primary permit. The proposed regulations clarify the role and requirements for a “sub-permittee” to operate a satellite facility and the authority of the wildlife rehabilitator under whom the sub-permittee is allowed to temporarily possess rehabilitation animals. Annual inspections will continue to be the responsibility of the permittee or their designee for each sub-permittee operating a satellite facility under the permit. Animal welfare conditions at satellites not being overseen by permittee due to inspections not performed annually (i.e., habituated animals, improper medical treatment).

15. WHY WILL DAILY OBSERVATIONS, LOG, RECORDS BE REQUIRED FOR EACH REHABILITATION ANIMAL? THIS SEEMS UNNECESSARY.

A daily observation, log, and/or record for each rehabilitated animal does not need to be an extensive written record. This can be a checklist for each animal that records that the animal was visually verified by closed circuit camera or in person. This checklist can be for each animal including options to mark/initial: food/water, urination/defecation, vomiting/diarrhea, cage cleaned, animal still alive/no change, and a location for notes if needed.

16. HOW DO I GET APPROVAL TO KEEP AN EDUCATIONAL AMBASSADOR ANIMAL UNDER THE PROPOSED REGULATIONS?

Non-releasable animals are regulated through CCR 671, which is the Restricted Species Permit. Wildlife rehabilitators who also hold a Restricted Species Permit must comply with those permit terms and conditions for non-releasable animals possessed pursuant to CCR 671. A wildlife rehabilitator cannot otherwise “inherit” a rehabilitation animal deemed non-releasable. Of note, some states prohibit wildlife rehabilitators from also holding a restricted species permit.

17. WHY IS AN EMERGENCY ACTION PLAN REQUIRED, AND WHAT INFORMATION WILL BE REQUIRED?

The Emergency Action Plan requires wildlife rehabilitators to evaluate the needs of their proposed or current facility to ensure the necessary resources are available to evacuate and transport rehabilitation animals in the event of an emergency. CDFW has developed an Emergency Action Plan form as a resource for wildlife rehabilitators to use, as desired. Wildlife rehabilitators are not expected to develop a plan from scratch. NOTE: Individuals with a Restricted Species Permit (CCR 671) are currently required to have an Emergency Action Plan that can be adapted for rehabilitation animals temporarily possessed under a Wildlife Rehabilitation Permit (CCR 679).

18. SOME OF THE HOUSING REQUIREMENTS IN THE DRAFT MANUAL NEED TO BE REVISED. HOW CAN I PROVIDE FEEDBACK?

The current draft manual is a work in progress. We are very interested in getting assistance from wildlife rehabilitators in improving the requirements. If you are interested in participating on a 679 manual review team or providing comments on the draft regulations or manual, please contact RehabWildlife@wildlife.ca.gov.

19. WHAT IS A CRIME OF MORAL TURPITUDE?

In legal terms, a crime of moral turpitude is understood to be an offense involving serious fraud, deceit, or lying, or a crime that shocks the conscience of any reasonable person. Such crimes include, but are not limited to, grand larceny, sexual assault, aggravated assault, and murder. A misdemeanor drug possession violation would not, for example, be a crime of moral turpitude.

20. CAN TRAPS BE USED TO CATCH INJURED WILDLIFE?

Municipal and federal entities can trap wildlife with prior authorization from CDFW. CCR 679 does not give authority for individuals to use traps beyond what is provided by CCR 465, Use of Traps. Regulation changes involving the use of traps require a separate rulemaking process. We welcome feedback on how to further clarify the proposed 679 language specific to temporary confinement of wildlife by persons not possessing a Wildlife Rehabilitation Permit.

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