



California Code of Regulations (CCR) Title 14 Section 679 Rulemaking Process -- Frequently Asked Questions (FAQ)

1. WHO DECIDES WHETHER AN ISSUE/PROPOSED CHANGE MAKES IT ONTO A WILDLIFE RESOURCES COMMITTEE (WRC) MEETING AGENDA?

The California Fish and Game Commission (FGC) decides what topics, and when, they are placed on each agenda of the Wildlife Resource Committee (WRC). They consider recommendations from the Department of Fish and Wildlife (Department), FGC staff, and the public. The FGC and Department are separate agencies.

2. AT WHAT POINT IN THE REGULATORY PROCESS IS DRAFT LANGUAGE CONSIDERED TO BE “FINALIZED” WITH REGARD TO MAJOR CHANGES?

The regulatory text is not finalized until the FGC votes to adopt the regulations. Up until that point, the public can make comments and provide feedback on the draft text. Wildlife rehabilitators may continue to propose changes via ongoing engagement with Department staff.

3. IF THE WRC RECOMMENDS MOVING FORWARD A PROPOSED REGULATION TO THE COMMISSION, WHAT DOCUMENTS GO TO THE FGC?

When the FGC approves a WRC recommendation to go to notice for rulemaking, the Department brings its proposal to the notice hearing. The proposal represents the recommended course of action from the Department which incorporates the Department’s recommendation and stakeholder input to date. A package of current supporting documents is submitted for public view prior to each meeting.

4. WHAT LEVEL OF ENGAGEMENT IS OUTLINED IN THE MOST CURRENT 679 OUTREACH FRAMEWORK?

Consistent with all outreach and engagement to date, Department staff have created a 679 Outreach Framework intended to be responsive to input and/or preferences for how each “phase” of outreach is conducted. To date, there have been 5 of 6 Town Halls, 2 Discussion Groups (roundtable), several Manual Review Teams, and ongoing mini-review periods. The California Council for Wildlife Rehabilitators (CCWR) formation of an independent CCWR 679 Kickoff Committee has provided another valuable opportunity for focused input and recommendations. On January 25th, the Department is hosting its next 679 Outreach Meeting to solicit feedback from wildlife rehabilitators on the preferred meeting frequency, format (e.g., roundtable, discussion group, review team), and focus (e.g., 679 Manual sections, forms, continuing education framework) for ongoing engagement. Many individuals have expressed continued enthusiasm for recurring meetings, while some have communicated a desire to reformat the next round of focused input.

5. WHAT TYPE OF OUTREACH IS TYPICALLY TAKEN BY A STATE AGENCY OR DEPARTMENT DURING A CCR TITLE 14 RULEMAKING PROCESS?

The type of outreach undertaken by an agency or department during a rulemaking process is generally tailored to the specific interests and needs of the diverse public for that rulemaking. For some rulemaking processes, the extent of outreach may be limited to a 45-day public comment period. As a matter of public record, other rule making processes are available on the California Fish and Game Commission website at <https://fgc.ca.gov/Regulations>.

6. WHY CAN’T THE 2021 STANDARDS FOR WILDLIFE REHABILITATION BE INCORPORATED BY REFERENCE?

The Office of Administrative Law (OAL) reviews and approves any materials incorporated by reference in regulations. Such materials must conform to the Administrative Procedure Act (APA) that requires California state agencies to ensure the regulations are clear, necessary, legally enforceable, and readily accessible to the public. Page 5 of the 2021 National Wildlife Rehabilitators Association (NWRA) *Standards in Wildlife Rehabilitation* (2021 Standards) states “This book is not intended to act as an enforcement program.” After reviewing the language provided in the book, the Department and Commission have concluded that much of the language in the 2021 Standards would be impossible to enforce. In addition, interested members of the public would have to pay \$50 to obtain a copy of the book to simply understand what the law says, thereby making it inaccessible to many. The 2021 Standards do not meet APA requirements, or certain species requirements per the Department.



7. WHAT ARE THE DISTINCTIONS BETWEEN THE 679 REGULATIONS AND THE 679 MANUAL?

Title 14 of the California Code of Regulations, Section 679, are the rules adopted by the California Fish and Game Commission to regulate the possession of wildlife and wildlife rehabilitation pursuant to California Fish and Game Code Section 3005.5(b). The 679 Manual will be incorporated by reference into the proposed 679 Regulations for the following primary purposes: (1) provide the complete 679 regulatory language that is freely accessible to wildlife rehabilitators and the diverse public; (2) provide the regulatory requirements specific to sections 679.4 “Facility and Enclosure Standards for Rehabilitation Animals” and 679.5 “Humane Care Standards”; and (3) provide technical information, guidelines, and resources that support prospective and current wildlife rehabilitators. Specifically, the 679 Manual establishes the minimum requirements for pre-release conditioning enclosures (e.g., construction, size, enrichment) pursuant to Section 679.4; diseases of concern in California, and acceptable methods of euthanasia pursuant to Section 679.5. Required changes specific to these sections of the 679 Manual may require a rulemaking process.

8. WHAT TEXT WILL BE INCLUDED IN THE REGULATIONS TO ALLOW FOR “VARIANCE”?

Two sections of regulatory text will specifically address variance requests for enclosures and the “grandfathering” of permittees operating under their current permit conditions and memorandum of understanding. As part of this rulemaking, the Department has created a variance request form (in draft) that a permittee, their sub-permittee, or designee may submit to the Department for formal request of a variance to any enclosure or related requirements. Such a form provides a mechanism for the Department to document, review, and approve or deny a variance request; and helps ensure transparency and accountability throughout the variance process. Department staff will continue to work closely with current permittees to ensure a seamless transition.

- **Section 679.3(d) “Transition Period”** -- A permittee issued a permit and MOU prior to January 1, 2025*, pursuant to Section 679, shall be authorized by the department to operate under those requirements until June 30, 2025*. Thereafter, a permittee, their sub-permittee, designee, authorized person, and qualified handler shall comply with the requirements listed pursuant to sections 671.1 and 679.1 through 679.9 of these regulations, notwithstanding a variance approved by the department pursuant to Section 679.4(c). [**Dates are subject to change based on the actual date of adoption of any proposed regulations.*]
- **Section 679.4 (c) “Variances to Enclosure Requirements”** -- A permittee, their sub-permittee, or designee shall submit to the department in writing via email at Rehabwildlife@wildlife.ca.gov a request for variance of any required enclosure construction design, size, or materials. The department may approve a variance request if it finds that the overall security and welfare of a rehabilitation animal shall be maintained. The department shall require additional terms or conditions from the initial request for variance if the department determines they are necessary to protect native wildlife, animal welfare, human health and safety. A permittee, their sub-permittee, designee, authorized person, or qualified handler shall provide documentation of an approved variance to any inspector.

9. HOW WILL PERMITTEES COMMUNICATE A VARIANCE ALLOWANCE TO LAW ENFORCEMENT?

The Department will add information about any approved variance with the permit. All permit documentation shall be maintained as a formal record in the Department’s statewide online Automated License Data System (ALDS). ALDS is an automated system that is replacing the Department’s paper license and permit inventory system; thereby allowing Department staff to remotely access and verify permits, including Wildlife Officers while working in the field. Additionally, a permittee, their sub-permittee, or designee will also have in their possession written documentation (i.e., new variance form) as provided by Department program staff.

10. WHY DOES THE TERM “AGRICULTURAL INTERESTS” APPEAR THROUGHOUT THE DOCUMENT? WHAT DOES IT MEAN?

Agriculture plays a significant role in California’s economy. Some species of animals that are rehabilitated, such as rabbits and ground squirrels, can negatively impact agriculture. This standard is in place throughout the rehabilitation regulations to ensure, as appropriate, that these interests are considered. Moreover, this standard is consistent with the restricted species standards and other regulations and statutes addressing wildlife.