

Description of Specific Edits to Regulatory Language and Department Regulatory Manual

Edits Made to Approved Regulatory Language

All Sections

References to the Native Wildlife Rehabilitation 679 Regulations Manual have been changed to “DFW 679 Manual”. This change was necessary for consistency and clarity throughout the regulations.

The language “under penalty of perjury” has been added to all references to the “Acknowledgement and Signature” portion of any form provided by the department. This change was necessary to clarify the consequence of providing false information to the department.

The word “plan” in all references to “Facility Operation Plans” has been replaced with “protocols”. This change was necessary because the Facility Operation Protocol is a list of required protocols, not plans, required to be provided to the Department. This term better describes the contents of the requirement.

The word “plan” in all references to “Biosafety Plans” has been replaced with the word “protocol”. This change was necessary because the Biosafety Protocol is a list of required protocols, not plans, required to be provided to the Department. This term better describes the contents of the requirement.

The term “such persons” has been replaced with the list of persons written out, for example permittee, their sub-permittee, designee, authorized person, or qualified handler. This change was necessary for consistency and clarity, as to which persons are being referred, throughout the regulations.

Section 679.1

Subsection (b): “under their supervision and direction” was removed from the definition of Authorized Person as it was duplicate text. This change was necessary for clarity and to make the regulatory language consistent.

Subsections (e), (i), (v), (w): “age class” was removed from all specialty rehabilitation definitions as this term is not defined for species or taxa. This change was necessary for consistency and clarity throughout the regulations.

Subsection (n): Added the word “animal” to distinguish non-human animal orphans from human orphans. This change was necessary for clarity and consistency.

Section 679.2

No changes.

Section 679.3

Subsection (a)(5)(D): “Examination Content” was added to clarify the general format and topics covered in the wildlife rehabilitation and specialty rehabilitation examinations. This change was necessary to clarify what information and knowledge an applicant will be tested on by the Department.

Subsection (a)(6)(C): Moved “shall include the following information” from the end of the sentence to the middle of the sentence for grammatical correctness.

Subsection (a)(10)(A): The language “listed pursuant to subsection 703(c)(2)(B)1 of these regulations” has been added to strengthen the regulatory language specific to permit fee requirements.

Subsection (b)(1): Clarified that applicants for specialty rehabilitation authorization must take the wildlife rehabilitation examination.

Subsection (b)(2)(6): Added “Facility Operation Protocols” for sub-permittees to clarify that sub-permittees are required to have these protocols.

Subsection (c)(2): Changed the word “approval” to “issuance” for consistency with how this language was used elsewhere in the regulations.

Section 679.4

Subsection (a)(5): Added in requirements for “authorized persons.” The previous version defined this term but did not include any requirements or regulatory language for the term.

Subsection (a)(7): Changed the term “operational changes” to “administrative updates” to clarify what changes are considered minor updates and do not require a permit amendment.

Subsection (a)(9) and (a)(10): In the prior version the notification of intake of fully protected species and specialty rehabilitation animals were in a single paragraph. They were separated by general taxonomic groups or specialty rehabilitation in order to ensure accurate reporting of designated species.

Subsection (c)(2)-(c)(4): The requirements for requesting a variance were clarified to specify the process for a variance request, and approval or denial of a request.

Subsection (d): Added language that a violation of any provision of Chapter 2 of the DFW 679 Manual is a violation of this section.

Section 679.5

Subsection (a)(1): Add subsection title “Animal Care” for consistency throughout these regulations.

Subsection (a)(5): Add “diseases of concern” to clarify the need for “Biosafety Protocols” that are specific to and consistent with diseases of concern, in addition to other communicable diseases that may be more common.

Subsection (a)(8)(C): Added requirements for specialty ungulate rehabilitation for the intake, transfer, timeframe of temporary possession, and euthanasia of ungulates due to the recent detection of chronic wasting disease in California for the first time. Additional language was needed to address this emerging disease.

Subsection (c): Fixed minor typographic and grammatical errors.

Subsection (c)(1)(B): Removed this section and added the requirement to the 679 DFW Manual for clarify and consistency.

Subsection (e): Added language that a violation of any provision of Chapter 3 of the DFW 679 Manual is a violation of this section.

Section 679.6

Subsection (a): Addressed grammatical errors. Removed the last line about placement as this was moved to a different subsection.

Subsection (b): Simplified this requirement. Also moved the individual considerations for release sites into separate portions of the subsection instead of combining it.

Subsection (b)(3): Added “ungulate” to this section since the recent detection of chronic wasting disease warrants new requirements for the release of ungulates.

Subsection (b)(4): Clarified who can release a rehabilitated amphibian or reptile and also described the need for the department to provide a location for release if the location found is not suitable for release.

Subsection (b)(5) Added in requirements for release of fully protected species. This addition was necessary given the legal status of these species.

Subsection (c): Instead of listing all of the species in subsection (c), they were separated by taxonomic groups in subsections (c)1-(c)4.

Section 679.9

Subsection (c): Changed “revoking a sub-permit by the permittee” to “request to remove a designee, sub-permittee, authorized person, or qualified handler”. This change is necessary because the process by which a permittee may need to remove those persons from a permit is actually a request to the department for such action. A permittee does not have the legal authority to “revoke” a sub-permit or a person from their permit in that manner.

Subsection (c)(2): Added designee, authorized person, and qualified handler as the correct current information is required for these individuals under a valid permit.

Subsection (c)(3): Changed “sub-permittee” to “person” to include removal of other persons from a permit such as a designee, authorized person, or qualified handler.

Section 703

Subsection (c)(2)(B)1-4: Updated the fees for accuracy consistent with the Automatic License Data System.

Subsection (c)(2)(B)5: Removed the fee for the permit amendment application as no fee is required for this application.

Subsection (c)(2)(B)6: Added the “no fee” language to “Wildlife Rehabilitation Permit, Sub-Permit, or Specialty Rehabilitation Authorization – Administrative Update” to clarify that there are no fees required for administrative updates.

Edits Made to the Incorporated by Reference, Chapters 2 and 3, of the Department Native Wildlife Rehabilitation 679 Regulations Manual

Chapter 2

All enclosure tables have been updated to clarify minimum requirements for each animal type and correct formatting (i.e., table numbers, numbering, lettering) or minor errors for consistency and clarity throughout the regulations.

Subsection (a)(2): Clarified the language for the requirement of visual and physical separation so that it reads clearer and is more concise.

Subsection (a)(5): Revised language for clarity.

Subsection (a)(7)-(a)(9): Added in requirements allowing for use of temporary enclosures. Wildlife rehabilitators often use temporary enclosures, and the previous draft did not contain any requirements for these enclosures.

Subsection (b): Revised language in table for clarity.

Subsection (c)(2): Added requirements for the quarantine of amphibian or reptile rehabilitation animals. There are diseases of concern for these species that require a quarantine period to make sure the diseases do not spread to other animals.

Subsection (d): Revised language in table for clarity and consistency. Provided supporting language where needed to clarify what exactly is being required.

Subsection (f): Revised language in table and clarified options for enclosure materials. Reorganized how species are listed or grouped in the table for consistency.

Subsection (g): Updated minimum enclosure sizes based on input from subject matter experts and wildlife rehabilitators in a manner that ensures clarity and consistency.

Subsection (h)(2): Removed the requirement to classify a bird as a fledgling or juvenile age class because it lacked clarity and consistency for compliance or enforcement.

Subsection (i): Revised language in table and clarified options for enclosure materials. Reorganized how species are listed or grouped in the table for consistency.

Subsection (j): Updated minimum enclosure sizes based on input from subject matter experts and wildlife rehabilitators in a manner that ensures clarity and consistency.

Subsection (k): Revised language in table and clarified options for enclosure materials. Reorganized how species are listed or grouped in the table for consistency. Removed waterbird species that require a "pool only" and moved into new table for clarity.

Subsection (l): Added new enclosure requirements table for species of waterbirds that require a "pool only" during rehabilitation; this language was moved from the subsection (k) waterbird table for clarity and consistency. Added in additional options for enclosure materials where applicable to give wildlife rehabilitators a greater range of options.

Subsection (m): Updated minimum enclosure sizes based on input from subject matter experts and wildlife rehabilitators in a manner that ensures clarity and consistency.

Subsection (n): Updated minimum enclosure sizes based on input from subject matters and wildlife rehabilitators in a manner that ensures clarity and consistency.

Subsection (o)(4): Added notification requirement for any specialty rehabilitation animal that escapes from its enclosure or harms a human while in care. This change was necessary for clarity and to ensure proper department knowledge.

Subsection (p): Revised language in table and clarified options for enclosure materials where applicable for clarity and consistency. Provided supporting language where needed to clarify what exactly is being required.

Subsection (q): Changed the minimum dimensions for the enclosures based on feedback from wildlife rehabilitators and to make it easier for home-based rehabilitation facilities to build enclosures to the required dimensions.

Subsection (r): Changed the minimum dimensions for the enclosures based on feedback from wildlife rehabilitators and to make it easier for home-based rehabilitation facilities to build enclosures to the required dimensions.

Chapter 3

Subsection (b)(1): Added missing word “debris” for clarity.

Subsection (b)(5): Added requirement to mark and label enclosures used to house amphibians and reptiles as “Amphibian and Reptile Enclosure Only”. This is needed to prevent and control the spread of specific diseases that can harm healthy amphibians or reptiles if enclosures are used and cleaned improperly.

Subsection (b)(6): Added requirement to mark and label enclosures used to house specialty rehabilitation ungulates as “Ungulate Specialty Rehabilitation Only”. This is needed to prevent the spread of diseases between rehabilitation animals.

Subsection (c): Corrected language to ensure proper use of product names and trademark symbols; added cleaning requirements specific to ungulate, amphibian and reptile enclosures to prevent the spread of diseases through proper cleaning.

Subsection (d)(1) changed “animal” to “species” for clarity and consistency.

Subsection (e): Added “Deer Adenovirus Hemorrhagic Disease” as a Disease of Concern and adjusted order and numbering for consistency.

Subsection (f)(1): Corrected reference to subsection 679.6.

Subsection (g)(6): Clarified the requirements for transferring eagle carcasses to the National Eagle Repository pursuant to the Bald and Golden Eagle Protection Act.

Subsection (g)(7): Clarified the requirements for carcass disposal of animals that have been chemically euthanized. This change is necessary to ensure that the toxic euthanasia drugs do not enter the food stream or get scavenged by other animals.

Subsection (g)(8): Added requirement to label the carcass of a rehabilitation animal prior to disposal to ensure the carcass is safely handled and properly disposed.

Subsection (g)(9): Added requirements for safe handling and disposal of any carcass of an ungulate specialty rehabilitation animal to prevent and control the spread of chronic wasting disease.

Edits Made to Department of Fish and Wildlife (DFW) Forms

DFW 480A

No changes.

DFW 480B

No changes.

DFW 480C

No changes.

DFW 480D

No changes.

DFW 481

No changes.

DFW 482

No changes.

DFW 483

No changes.

DFW 484

No changes.

DFW 485A

No changes.

DFW 485B

No changes.

DFW 485C

No changes.

DFW 486

No changes.

DFW 487

No changes.