

State of California  
Fish and Game Commission  
Amended Initial Statement of Reasons for Regulatory Action

Repeal Section 679  
Add Sections 679.1, 679.2, 679.3, 679.4, 679.5, 679.6, 679.7, 679.8, 679.9, and  
Chapter 2 and Chapter 3 of the Native Wildlife Rehabilitation 679 Regulations Manual,  
and Amend Section 703, Title 14, California Code of Regulations  
Re: Possession of Wildlife and Wildlife Rehabilitation

I. Date of Initial Statement of Reasons: May 1, 2024

II. Date of Amended Initial Statement of Reasons: July 23, 2024

III. Dates and Locations of Scheduled Hearings

(a) Notice Hearing

Date: June 19-20, 2024

Location: Mammoth Lakes, CA

(b) Discussion Hearings

Date: August 14-15, 2024

Location: Fortuna, CA

Date: October 9-10, 2024

Location: Sacramento, CA

(c) Adoption Hearing

~~Date: October 9-10, 2024~~

~~Location: Sacramento, CA~~

Date: December 11-12, 2024

Location: Sacramento, CA

IV. ~~III.~~ Description of Regulatory Action

(a) Statement of Specific Purpose of Regulatory Change and Factual Basis for Determining that Regulation Change is Reasonably Necessary

Unless otherwise specified, all section references in this document are to Title 14 of the California Code of Regulations (CCR). Changes from the Initial Statement of Reasons are designated by double underline and double strikeout.

The purpose of the proposed regulations is to update standards for the care and possession of injured and diseased wildlife, and to address issues regarding animal welfare and program administration by the California Department of Fish and Wildlife (Department) in the rehabilitation of these animals. This is necessary since the acceptable standards for wildlife rehabilitation facilities and veterinary care have changed.

The regulation change is a significant undertaking requiring the repeal of the current Section 679 Wildlife Rehabilitation (adopted in 1994 and amended in 2007). Proposed are nine new sections, 679.1 through 679.9, formation of a new wildlife rehabilitation regulations manual,

and creation of new forms used by the Department for application, permitting, and continued monitoring of rehabilitation facilities.

The new regulations set forth in greater specificity and detail the necessary experience and expertise required of those persons whose care these animals are given, the relevant permitting processes, the level of treatment from intake to release, the facility requirements for appropriate safe and sanitary wildlife care, inspection standards, better defined authorities for Department administrative determinations, and the appeals processes for those decisions.

## **Background**

Under a wildlife rehabilitation permit, the Department authorizes qualified individuals, hereafter wildlife rehabilitators, to temporarily possess sick, injured, and orphaned wildlife for the purpose of rehabilitation to restore them to a condition of good health for their release to the wild or humane euthanasia to alleviate suffering, if deemed most appropriate, to protect animal welfare and native wildlife. Wildlife rehabilitators often work tirelessly to provide humane care and treatment to the most vulnerable of wild birds, mammals, reptiles, and amphibians with the goal to release them to the wild. Currently, there are 80 permitted wildlife rehabilitators operating wildlife rehabilitation facilities in California in addition to approximately 550 satellite facilities operated by sub-permittees under their permit. Approximately 100,000 animals are rehabilitated every year by these facilities. Rehabilitated animals released from these facilities help to maintain and bolster wild native populations.

Minor updates to these regulations for wildlife rehabilitation were made in 2007. Since those regulations were written, standards for wildlife facilities and veterinary care have changed. Both the Department and the Fish and Game Commission (Commission) are invested in bringing these regulations up to date to meet new standards and establishing new regulations to address issues that have been observed in the care of native wild animals in the past.

Currently, the Department approves and issues a permit in the form of a Memorandum of Understanding (MOU) to those wildlife rehabilitation facilities which meet the wildlife care standards set forth in the Minimum Standards for Wildlife Rehabilitation, 2000, Third Edition manual published jointly by the International Wildlife Rehabilitation Council and the National Wildlife Rehabilitators Association; or as provided in the MOU. The current permit requirements and processes do not meet the needs of California's wildlife rehabilitators, the ethical standards that they strive to maintain, or the native wild animals that they rehabilitate and return to the wild. Nor do they meet the current needs of the Department in administering and monitoring the program.

## **Current Regulations**

Fish and Game Code (FGC), Section 200, authorizes the Commission to regulate the taking or possession of wild birds, mammals, fish, amphibians, and reptiles, which includes possession for the purpose of rehabilitation. FGC Section 1050 authorizes the Department to prepare and issue a permit to a person, granting certain privileges under that permit. FGC Section 2118 prohibits the import, transport, possess, or release alive of any wild animal in California, except under a revocable, nontransferable permit. FGC Section 3005.5 subdivision (b) authorizes the Commission to promulgate regulations permitting the

temporary confinement of game mammals, game birds, nongame birds, nongame mammals, or furbearers for the purpose of treating the animals, if injured or diseased.

Section 679 currently establishes the requirements by which the Department issues permits specific to the temporary confinement, possession, and release of wild animals for the purpose of wildlife rehabilitation. The regulations state that the Department may approve and issue a permit in the form of a MOU to those wildlife rehabilitation facilities which meet the wildlife care standards. These standards are set forth in the Minimum Standards for Wildlife Rehabilitation, 2000, Third Edition manual; or as provided in the MOU. Applicants may submit permit applications using the "Wildlife Rehabilitation Permit Application/Renewal form," FG 542. The proposal deletes the current application form.

Section 679 outlines 1) a general prohibition on the possession of any live game mammal or bird, nongame mammal or bird, furbearer, reptile or amphibian except as provided in subsection (b) or as otherwise authorized; 2) requirements for the temporary confinement of injured, diseased or orphaned animals; 3) a prohibition on the possession of big game mammals listed in Section 350 or any fully protected, endangered or threatened bird, mammal, fish, reptile or amphibian except under permit or written authorization from the department; 4) a general prohibition on picking up disabled wildlife in a Department designated oil/toxic spill area.

Further, the current regulations provide:

- 1) definition of Wildlife Rehabilitation Facilities.
- 2) the application requirements for the Department to approve and issue a permit in the form of a MOU to wildlife rehabilitation facilities which meet the standards set forth in the Minimum Standards for Wildlife Rehabilitation Manual (3<sup>rd</sup> edition), 2000.
- 3) the provisions related to the operation of a wildlife rehabilitation facility.
- 4) the requirements for reporting dead or disease animals, record keeping, and the release of wildlife back into the wild; and
- 5) compliance requirements with other restrictions and federal, state, city, or county law, ordinance, or regulations.

### **Proposed Regulations**

The Commission proposes to repeal Section 679, Title 14, CCR and form DFW 542 (03/07), and add new Sections 679.1 through 679.9. The Commission proposes to create a Native Wildlife Rehabilitation 679 Regulations Manual (New DFW 479, 01/2025), hereafter "DFW 679 Manual" and incorporate by reference Chapters 2 and 3 of the DFW 679 Manual. ~~Native Wildlife Rehabilitation 679 Regulations Manual (New DFW 479, 01/2025), hereafter "DFW 679 Manual".~~ The Commission proposes to implement a DFW 679 Manual that is clear, necessary, legally valid, readily available, and free of charge to the public, applicants, and permitholders. Incorporation by reference of Chapter 2 of the DFW 679 Manual is necessary because the specific requirements for the minimum enclosure sizes, enclosure construction materials, species enrichment items, and care and treatment of rehabilitation animals require a level of detail that is most appropriate to a manual format. Incorporation by reference of Chapter 3 of the DFW 679 Manual is necessary because the specific requirements for biosafety and cleaning, diseases of concern in California, acceptable euthanasia methods,

and carcass disposal require a level of detail that is most appropriate to a manual format. Further, the use of tables to display these regulatory requirements is best provided in a manual format and allows for permittees to easily distribute the relevant requirements to all personnel. The Commission proposes to incorporate by reference the following DFW 679 Manual because publication of these documents in full in the CCR would be cumbersome, unduly expensive, or otherwise impractical (Section 20, Title 1, CCR). The DFW 679 Manual is publicly available on the internet, and it would be inefficient for printing purposes. These documents are also available upon request from CDFW and reasonably available from commonly known or identified sources as noted by the webpage: <https://wildliferehab.wildlife.ca.gov>.

The proposed additions to Title 14, CCR, recommended by the Department are described below by section and corresponding subsections. The proposed additions, as described herein, are organized into “parts” with statements of specific purpose of regulatory change and factual basis for determining that regulation change is necessary for each section and corresponding subsection.

1. **Part 1.**
  - Add Section 679.1
  - Section 679.2
  - Section 679.3
2. **Part 2.**
  - Add Section 679.4
  - Add Chapter 2 of the DFW 679 Manual
3. **Part 3.**
  - Add Section 679.5
  - Add Chapter 3 of the DFW 679 Manual
4. **Part 4.**
  - Add Section 679.6
  - Section 679.7
  - Section 679.8
  - Section 679.9
5. **Part 5.**
  - Add 703 (c)(2)

## **Part 1. Add Sections 679.1, 679.2, and 679.3**

### **Subsection 679.1 (a), Definitions.**

Adds subsections (a) through (z) to define the following terms in Section 679.1: “animal welfare,” “authorized person,” ~~“animal welfare,” “authorized person,”~~ “conspecific,” “designee,” “eagle and falcon specialty rehabilitation,” “enrichment,” “euthanasia,” “habituated,” “large carnivore specialty rehabilitation,” “mal-imprinted,” “native wildlife rehabilitation 679 regulations manual”, “neonate,” “non-releasable animal,” “orphan animal,” “permit,” “qualified handler,” “rehabilitation animal,” “required record,” “satellite facility,” “specialty rehabilitation authorization permit,” “sub-permit,” “ungulate specialty rehabilitation,” “venomous snake specialty rehabilitation,” “veterinarian of record,” “wildlife rehabilitation,”

"wildlife rehabilitation facility," and "~~native wildlife rehabilitation regulations manual.~~" The purpose of defining these terms is to provide specificity and clarity to make it easier for individuals to follow and comply with the regulations, thereby minimizing enforcement issues.

- Add subsection (a) to define "Animal Welfare." This provision is necessary to clarify that certain conditions must be met to provide for an animal's physical and behavioral needs, and ability to express its innate behavior.
- Add subsection (b) to define "Authorized Person." This provision is necessary to clarify personnel temporarily possessing a wild animal under a permit for the purposes of rehabilitation demonstrate the minimum qualifications necessary required to maintain the welfare of each animal.
- Add subsection (c) to define "Conspecific." This provision is necessary to clarify potentially compatible animals of the same species that may be housed together if the welfare of each animal can be maintained.
- Add subsection (d) to define "Designee." This provision is necessary to clarify the requirements and conditions necessary for a person to oversee the daily operations of wildlife rehabilitation facility maintained under another persons' wildlife rehabilitation permit.
- Add subsection (e) to define "Eagle and Falcon Specialty Rehabilitation." This provision is necessary to establish and clarify the conditions required to maintain and improve the welfare of each eagle and falcon which require specialized experience to manage.
- Add subsection (f) to define "Enrichment." This provision is necessary as without proper enrichment, an animal is unable to display its natural behaviors and will not be able to be successfully released into the wild (See Attachment 10, Figure 1).
- Add subsection (g) to define "Euthanasia." This provision is necessary to clarify the requirements and conditions necessary to maintain the welfare of each animal (See Attachment 9, Figure 9).
- Add subsection (h) to define "Habituated." This is necessary as an animal that becomes habituated is not suitable for release into the wild as it will seek out humans to provide food and will come into conflict with humans or domestic animals.
- Add subsection (i) to define "Large Carnivore Specialty Rehabilitation." This provision is necessary to clarify the requirements and conditions necessary to maintain the welfare of large carnivores as these species require specialized care and experience to manage safely (See Attachment 9, Table 5).
- Add subsection (j) to define "Mal-imprinted." This is necessary as a mal-imprinted animal is unable to survive on its own in the wild and therefore cannot be released.
- Add subsection (k) to establish the "Native Wildlife Rehabilitation 679 Regulations Manual" as a resource (New Form DFW 479) to be made readily available on the department website that incorporates Chapters 2 and 3 of the DFW 679 Manual in these regulations. This provision is necessary to clarify what form can be consulted to find information on wildlife rehabilitation activities and where the form can be found and accessed.

- Add subsection (l) to define “Neonate.” This provision is necessary as neonate animals are unable to survive without parental care and therefore cannot be released until they reach an age that they can care for themselves.
- Add subsection (m) to define “Non-releasable Animal.” This provision is necessary to clarify when a rehabilitation animal should not be released to the wild. Releasing an animal that is not able to survive and thrive on its own is inhumane and does not maintain the welfare of the animal.
- Add subsection (n) to define “Orphan Animal.” This is necessary as an orphan animal that is unable to survive without parental care cannot be released until it reaches an age that it can self-feed and display the natural life history of its species to survive in the wild.
- Add subsection (o) to define “Permit.” This provision is necessary to clarify the role of an individual receiving a permit pursuant to Section 679.3(a) from other individuals involved in wildlife rehabilitation.
- Add subsection (p) to define “Qualified Handler.” This provision is necessary to clarify that only individuals with sufficient experience are qualified to safely manage some rehabilitation animals. This is to prevent injury to both the rehabilitation animal and the handler (See Attachment 9, Figure 5).
- Add subsection (q) to define “Rehabilitation Animal.” This provision is necessary to clearly define what a rehabilitation animal is relative to other animals (non-native species, feral domestic animals, etc.) that may be mistaken by the public as injured, ill, or orphaned wildlife.
- Add subsection (r) to define “Required Record.” This provision is necessary to clarify what records and documents a permittee or sub-permittee is required to keep on file and to differentiate them from the records that are not required to be kept.
- Add subsection (s) to define “Satellite Facility.” This provision is necessary to distinguish a wildlife rehabilitation facility operated by a sub-permittee from a wildlife rehabilitation facility operated by a permittee.
- Add subsection (t) to define “Specialty Rehabilitation Authorization Permit.” This provision is necessary as these species require highly specialized care. Individuals caring for these species need to have additional training and experience specific to these animals to ensure the safety of the animal and individuals caring for it.
- Add subsection (u) to define “Sub-permit.” This provision is necessary to clarify the role, responsibilities, and requirements of a person (a sub-permittee) operating a satellite facility under the permittee’s permit.
- Add subsection (v) to define “Ungulate Specialty Rehabilitation.” This provision is necessary as ungulates require highly specialized care and any person temporarily possessing these animals for the purposes of rehabilitation needs specific training and experience to manage these animals safely.
- Add subsection (w) to define “Venomous Snake Specialty Rehabilitation.” This provision is necessary as venomous snakes require exceptional care and individuals need specific training and experience to manage these animals safely.

- Add subsection (x) to define “Veterinarian of Record.” This provision is necessary to clarify that some wildlife rehabilitation activities, such as surgery, must be performed by a licensed veterinarian with experience in caring for wildlife.
- Add subsection (y) to define “Wildlife Rehabilitation.” This provision is necessary to clarify what wildlife rehabilitation is and to differentiate it from other animal care activities for domestic, or feral domestic, animals (See Attachment 9, Figure 8).
- Add subsection (z) to define “Wildlife Rehabilitation Facility.” This provision is necessary to clarify the conditions necessary to maintain the welfare of each animal and the requirements subject to the provisions in the new regulations. This provision is necessary to clarify what a wildlife rehabilitation facility is and to distinguish it from other locations where wildlife rehabilitation activities may occur.

### **Section 679.2; Transportation and Confinement of Live Wild Animals.**

- Add subsection (a) “Temporary Confinement of Wild Animals”: establishes the requirements under which the public (i.e., non-wildlife rehabilitators) can temporarily confine and transfer a sick, injured, or orphaned wild animal to a permitted wildlife rehabilitator. Additionally, this provision establishes that a licensed veterinarian may temporarily confine a sick, injured, or orphaned wild animal for up to 48 hours if providing stabilizing care before transferring to a permitted wildlife rehabilitator. This is necessary so wildlife may be brought to rehabilitation facilities since most facilities do not have the capability to pick up animals from their original location. This subsection further specifies that a person convicted of a crime of moral turpitude or animal cruelty is prevented from temporarily confining or transporting wild animals. This is necessary to prevent persons convicted of a serious crime (particularly, but not exclusively, those against animals) from endangering native wildlife by temporarily confining or transporting a wild animal.
- Add subsection (a)(1): this provision establishes that a person must contact a permitted wildlife rehabilitator or the department within 24 hours of confining any sick, injured, or orphaned wild animal and provide the relevant information needed by the wildlife rehabilitator or their designee to provide the best guidance or assistance. This provision is necessary to inform facilities of a potential incoming patient or to redirect the person to a more appropriate facility, and to ensure that the sick, injured, or orphaned wild animal has proper care and treatment as soon as possible, and to protect native wildlife, animal welfare, and human health, or safety.
- Add subsection (a)(2): this provision establishes the requirements for a licensed veterinarian without a wildlife rehabilitation permit to receive, temporarily confine, and care for an injured, sick, or orphaned wild animal. This provision recognizes that veterinarians have a higher degree of medical training, including the capability to perform advanced medical treatments, and is necessary to protect animal welfare and native wildlife by prohibiting non-essential invasive medical procedures and by requiring appropriate recordkeeping to ensure continuity of care once transported to a wildlife rehabilitator.
- Add subsection (a)(3): “Animals not Native to California” establishes that certain species or taxa known by the state of California to be invasive species cannot be temporarily confined or transported by any member of the public for the purpose of rehabilitation

and release to the wild. This provision is necessary for the department to ensure that wildlife rehabilitation activities do not cause serious harm to native wildlife, biodiversity, agriculture interests, or the health and safety of humans.

- Add subsection (a)(4): this provision establishes that a person who, as part of a lawful trapping activity, has confined a wild animal in a trap and found it to be injured, diseased, orphaned may transport that animal to a wildlife rehabilitation facility. This subsection is necessary to clarify that wild animals taken by a legal trapping activity may be taken to a wildlife rehabilitator for the purpose of restoring it to a condition of good health for its release back to the wild.
- Add subsection (b): “Prohibition on Possession of Big Game Mammals, Exotic Game Mammals or Fully Protected, Threatened or Endangered Species Except Under Department Permit” establishes the conditions that prohibit any person from temporarily confining or possessing these species without authorization from the department. This provision is necessary because handling, transporting, and rehabilitating these animals requires specialized equipment and/or training, or because of their unique designations under the Fish and Game Code (See Attachment 9, Figure 5).
- Add subsection (c): “Disabled Wildlife in an Oil/Toxic Spill Area” establishes that only individuals with proper incident authorization and a permit issued pursuant to Section 679.3 may enter an oil/toxic spill area to confine and transport impacted wildlife for wildlife rehabilitation. This provision is necessary to inform the public about the authorization to remove impacted wildlife from an oil/toxic spill incident, since oil spill wildlife care and rehabilitation requires specialized training regarding oiled animal care, human safety, and how to operate within the administration structures of an emergency incident command system.

### **Section 679.3. Permits for Wildlife Rehabilitation.**

- Add subsection (a): “Permit” establishes the process by which the department may issue or amend a permit, for up to a period of 3 years, authorizing a person to temporarily possess wildlife for the purpose of rehabilitation. The Commission has determined, based on the department’s experience, that 3 years is a reasonable and appropriate term for the permit to be valid; it strikes a balance between ensuring that facilities are meeting permitting standards and not making the renewal or inspection process too onerous for the permitholder or the department. The Commission has also determined, based on the department’s experience, that a permit may require amendment at any time during the 3-year valid period, such as a specialty rehabilitation authorization or new sub-permit. This provision is necessary to establish the qualification criteria and documentation required by the department to determine if such a request meets all conditions to protect animal welfare, native wildlife, human health, and safety.
- Add subsection (a)(1): “Limited Scope” establishes that a wildlife rehabilitation permit is not transferable between individuals and does not supersede any law or other permit requirements. This provision is necessary to ensure that a permit is not improperly transferred between individuals, since permits are highly individualized with respect to the permittee, and that all activities performed under a permit are lawful.



- Add subsection (a)(2): “Qualifications” establishes that a wildlife rehabilitation permit applicant must be a resident of California, possess the specified qualifications, and be 21 years of age to qualify for and be issued a permit. This provision is necessary to clarify that an applicant must be a legal adult with the maturity to operate a wildlife rehabilitation facility safely and properly in a manner that accounts for fiscal responsibility and liability. Further, this provision is necessary to ensure that a permit holder is a legal state resident such that the department can properly enforce the requirements of these regulations.
- Add subsection (a)(3): “Conferring” establishes the process by which the department verifies the veracity of any required information during the application process. This provision is necessary to verify that information provided by an applicant on a wildlife rehabilitation permit application is true and accurate.
- Add subsection (a)(4): “Initial Request” establishes the first step in the wildlife rehabilitation permit application process. This provision is necessary for the department to evaluate the potential need for a new facility and, if so that an applicant may proceed with the next steps in the application process. This will prevent the department from having to put limited resources into administering facilities where they are not needed.
- Add subsection (a)(4)(A): establishes the requirement of an applicant to submit two letters of recommendation from qualified professionals with relevant wildlife rehabilitation experience and expertise. This provision is necessary for the department to determine the need for a new wildlife rehabilitation facility in the local area where the applicant resides.
- Add subsection (a)(4)(B): establishes the requirement of an applicant to submit a list of the species they propose to accept for intake and rehabilitation. This provision is necessary for the department to understand the wildlife rehabilitation services being proposed in the local area.
- Add subsection (a)(4)(C): establishes the qualifications required to demonstrate the expertise needed to successfully rehabilitate wildlife for their release to the wild. This provision is necessary because at least 1,000 hours of relevant experience gained within 5 years of the approval request date is reasonable, in the judgement of the Commission based on the department’s experience, to ensure an applicant knows current wildlife rehabilitation best practices. Furthermore, this 1,000-hour minimum experience requirement is an accepted standard used by half of all states (45%).
- Add subsection (a)(4)(D): establishes the department’s notification process for an initial permit application request and specifies that no wildlife may be temporarily possessed or rehabilitated until a permit is issued by the department. This provision is necessary to clarify how and when the department may approve such a request and to ensure that applicants understand that approval of an initial request alone does not permit them to possess wildlife for the purpose of rehabilitation.
- Add subsection (a)(5): “Wildlife Rehabilitation Examination” establishes the requirement of an applicant to take the free California State Wildlife Rehabilitation Examination administered by the department. This provision is necessary for the department to evaluate an applicant’s ability to demonstrate their knowledge and understanding of

both generalized knowledge and competence to rehabilitate wildlife, and of various requirements under these regulations.

- Add subsection (a)(5)(A): this provision establishes which persons are required to take the wildlife rehabilitation examination as part of the application process. This provision is necessary so that individuals understand the examination requirement for a new or existing permit.
- Add subsection (a)(5)(B): this provision establishes the process for an applicant to pass the wildlife rehabilitation examination, including the minimum passing score, the timeframe a passing score is valid, and the timeframe to retake the examination if the applicant has failed the examination. This provision is necessary so that an applicant understands what score they need to pass the examination, how long a passing score is valid for, and what the process is for retaking the exam if they do not pass. A limited period to retake the exam after failure is necessary because wildlife care standards change and are updated frequently.
- Add subsection (a)(5)(C): “Unauthorized Communication, Publication, and Sharing Penalties” establishes the process by which the department addresses potential unauthorized sharing or reproduction of examination content by any person, including any penalties related to such unauthorized activities. This provision is necessary because the department has experienced cheating activity on other similar qualification examinations, and the Commission has determined based on the department’s experience, the act of cheating demonstrates a lack of expertise and a failure to meet the standards necessary to comply with the rule of law. This provision is necessary so that an individual understands the consequences of unauthorized communication about the examination.
- Add subsection (a)(5)(D): “Examination Content” establishes the topics of information that an applicant must have knowledge and understanding of to pass the basic wildlife rehabilitation examination and specialty rehabilitation examination, including general wildlife rehabilitation concepts, standard rehabilitation practices, species-specific rehabilitation techniques, diseases of concern in California, the life history of California native wildlife that may commonly be accepted for intake, and applicable laws. This provision is necessary for an applicant to understand what information they will be tested on by the Department to determine if an applicant demonstrates the competency and expertise required of a wildlife rehabilitator.
- Add subsection (a)(6): “Final Approval” establishes the process for an applicant who has passed the wildlife rehabilitation examination to submit the essential information for the department to review and determine if all requirements are met to issue a wildlife rehabilitation permit. The following provisions are necessary to clarify the required contents of an application packet, how to submit the application, and associated fees.
- Add subsection (a)(6)(A): this provision establishes the required information to be submitted on a specified wildlife rehabilitation permit application form.
- Add subsection (a)(6)(A)1. “Applicant and Facility Information” requires an applicant to provide the following information: applicant information, required experience, public

contact information, and designee information. This provision is necessary for the Department to create and maintain an ALDS customer profile for tracking purposes.

- Add subsection (a)(6)(A)2. “Required Experience” requires an applicant to provide professional references and a brief description of their relevant experience that may include volunteer or work experience and education in related fields that may be relevant. This provision is necessary to ensure that the applicant has met the required minimum hours of experience needed to protect animal welfare and native wildlife. This submission is a more detailed account of experience than is required for the initial approval, to ensure that the instruction meets the proper standards of education.
- Add subsection (a)(6)(A)3. “Designee Information” requires an applicant to identify the name and contact information of a person that may oversee facility operations on their behalf under the permit. This provision is necessary for the department to have a contact to ensure that all requirements are met, if the applicant wishes to so designate another person. ~~“Public Contact Information” requires an applicant to provide contact information for the proposed facility that may be posted publicly on the department website. This provision is necessary for the department to track what information it may provide to the public.~~
- Add subsection (a)(6)(A)4. “Public Contact Information” requires an applicant to provide contact information for the proposed facility that may be posted publicly on the department website. This provision is necessary for the department to track what information it may provide to the public. ~~“Designee Information” requires an applicant to identify the name and contact information of a person that may oversee facility operations on their behalf under the permit. This provision is necessary for the department to have a contact to ensure that all requirements are met, if the applicant wishes to so designate another person.~~
- Add subsection (a)(6)(A)5. ~~“Proposed Rehabilitation Animals”~~ establishes information from an applicant specific to the species or taxonomic group they propose to rehabilitate and the maximum number (capacity) that may be temporarily possessed at one time at the proposed facility. This provision is necessary to clarify the required standards, as well as the relevant federal permits that may be required.
- Add subsection (a)(6)(A)6. ~~“Declaration of Pre-release Enclosures”~~ requires submission of animal enclosure details, which are necessary to establish that neonate and pre-release conditioning enclosures have been or will be constructed in accordance with the requirements listed in the DFW 679 Manual, or variances will be sought for any deviations.
- Add subsection (a)(6)(A)7. ~~“Facility Operation Plan”~~ “Facility Operation Plan Protocols” establishes the standard operating procedures enumerated therein which are necessary for the wellbeing and responsible care of wildlife. The applicant must specify the standard operating procedures that include data storage method, euthanasia, staff and volunteer training, intake and triage, humane care, biosafety plan, and a contingency plan. This provision is necessary for the department to ensure that rehabilitation facilities will have a specific, enumerated strategy to provide for the wellbeing and responsible care of rehabilitation animals.

- Add subsection (a)(6)(A)8. “Acknowledgement and Signature” requires that the person completing the form certifies that the information is true and correct, under penalty of perjury, and that the possession of any wildlife is lawful. The applicant must sign the form accordingly with knowledge of the threat of prosecution, resulting in fines or jail if the department finds information has been falsified by the applicant. This provision is necessary for the department to ensure that an applicant provides accurate information as required per FGC section 2353.
- Add subsection (a)(6)(B): “Veterinarian of Record Agreement” establishes in writing the necessary applicant and veterinarian information and responsibilities under their respective roles, in addition to the services that the licensed veterinarian agrees to provide to the applicant as their Veterinarian of Record. The applicant and licensed veterinarian must sign the form accordingly, under penalty of perjury, and threat of prosecution resulting in fines or jail if the department finds information has been falsified. This provision is necessary to ensure the continued medical care of wildlife under the supervision of a licensed veterinarian.
- Add subsection (a)(6)(C): “List of Persons” establishes for all personnel identified by the permittee to fulfill all the responsibilities of the permittee. The applicant must sign the form accordingly, under penalty of perjury, and threat of prosecution resulting in fines or jail if the department finds information has been falsified. This provision is necessary for the Department to determine that there are sufficient personnel available and professionally trained to provide care for all wild animals temporarily possessed for the purposes of rehabilitation. The requirement that individuals may not be listed under multiple permits will ensure that personnel are not overcommitted.
- Add subsection (a)(6)(D): “Facility Emergency Action Plan” establishes what information an applicant must provide for facility emergency preparedness. The applicant must provide contact and facility information for emergency protocols including animal capture equipment, animal transport equipment, animal emergency supplies, facility safety and emergency alert, list of local emergency telephone numbers, personnel evacuation leads, and evacuation protocol. The applicant must sign the form accordingly, under penalty of perjury, and threat of prosecution resulting in fines or jail if the department finds information has been falsified. This provision is necessary to ensure prior planning for the attendant personnel to act quickly to preserve their lives and the lives of the wildlife in their care in the event of an emergency.
- Add subsection (a)(6)(E): “Authorization to Access Property” establishes that the property owner agrees to allow Department access to the premises for inspection. This provision is necessary so that the applicant/permittee and property owner both have agreed to allow access to the department, so that the department may inspect the wildlife possessed under the auspices of the permit and may assess compliance with all laws and regulations.
- Add subsection (a)(6)(E)1 through (a)(6)(E)4 establishes what information an applicant must provide to allow Department access to the premises for inspection in a form provided by the Department including applicant information and property owner information. The applicant and property owner must sign the form accordingly. This

provision is necessary for the department to ensure that an applicant and property owner provide accurate information as required per FGC section 2353.

- Add subsection (a)(6)(F): “Compliance with Local Laws” establishes the requirement for an applicant to provide written proof that their proposed facility does not violate any local laws such as zoning. This provision is necessary for the department to ensure all requirements are met prior to issuing a permit.
- Add subsection (a)(7): “Issuance of Permit” establishes that the department shall issue a permit if an applicant meets all requirements of these regulations and passes a facility inspection by the department. ~~that is valid for 3 years if an applicant meets all requirements listed and passes a facility inspection. The Commission has determined, based on the department’s experience, that 3 years is a reasonable and appropriate term for the permit to be valid; it strikes a balance between ensuring that facilities are meeting permitting standards and not making the renewal or inspection process too onerous for the permit holder or the department.~~ The permit will further specify which taxonomic group or species of rehabilitation animal an applicant is authorized to temporarily possess. This authorization is necessary to protect native wildlife, animal welfare, human health and safety, or agriculture interests, by ensuring that rehabilitators’ experience, training, and infrastructure match the species they are permitted to possess.
- Add subsection (a)(8): “Renewal of Permit” establishes the renewal process for the permittee or their designee and the process for permits that have expired. This provision is necessary to clarify all renewal application requirements.
- Add subsection (a)(9) ~~through subsection (a)(9)(C)~~: “Facility Change” establishes the application requirements when the permittee with an existing permit applies to move the current facility or open a secondary location. These provisions are necessary to clarify all permit amendment requirements.
- Add subsection (a)(10): “Permit Fees” establishes the authority for the department to require a fee with the application package. This provision is necessary to clarify any costs associated with the application process.
- Add subsection (a)(10)(A): “New Permit Fees” establishes the authority process for the department to require a nonrefundable application fee and an inspection fee for new permits. The inspection fee is refundable if the application is denied, and an inspection is not performed. This provision is necessary to clarify any costs associated with applying for a new permit.
- Add subsection (a)(10)(B): “Permit ~~Amendment~~ Renewal Fees” establishes the authority process for the department to require a nonrefundable application fee ~~and an inspection fee~~ for permit ~~amendment~~ renewal requests. The inspection fee is refundable if the permit amendment request is denied, and an inspection is not performed. This provision is necessary to clarify any costs associated with amending a permit.
- Add subsection (a)(10)(C): “Specialty Rehabilitation Authorization Fees” establishes the process for the department to require a nonrefundable application fee and an inspection fee for a Specialty Rehabilitation Authorization. The inspection fee is refundable if the

authorization request is denied, and an inspection is not performed. This provision is necessary to clarify any costs associated with a Specialty Rehabilitation Authorization.

- Add subsection (a)(10)(~~CD~~): “Permit Renewal Amendment Fees” establishes the authority process for the department to require a nonrefundable renewal fee. There is not an inspection fee for a permit ~~renewal~~ amendment. This provision is necessary to clarify any costs associated with applying for a new permit.
- Add subsection (b): “Specialty Rehabilitation Authorization” establishes that the department may authorize a permittee to temporarily possess specialty rehabilitation animals if such persons meet certain requirements. This is necessary so that the applicant can demonstrate the specialized knowledge needed to rehabilitate specialty animals and their capacity to protect native wildlife, animal welfare, human health or safety, and agriculture interests (See Attachment 9, Figure 5).
- Add subsection (b)(1): “Examination” establishes that applicants for specialty rehabilitation must pass the California state wildlife rehabilitation examination. This is necessary to demonstrate the applicant’s ability to provide the required specialty rehabilitation care.
- Add subsection (b)(2): “Application Packet” establishes the required information necessary for an applicant to apply for a specialty rehabilitation authorization for their permit. The applicant must provide information including required experience, proposed specialty rehabilitation animals, declaration of ~~pre-release~~ enclosures, qualified handlers, facility operation protocols, veterinarian of record agreement, facility emergency action plan, authorization to access property, and proof of compliance with local zoning laws. The information is necessary for the department to determine if the applicant meets all requirements for specialty rehabilitation authorization. The applicant must sign the form accordingly, under penalty of perjury, and threat of prosecution resulting in fines or jail if the department finds information has been falsified.
- Add subsection (b)(3): “Final Approval” establishes the process for the department to amend an existing permit with a specialty rehabilitation authorization if an application meets all application requirements. This provision is necessary to specify the specialty rehabilitation authorization process.
- Add subsection (c) “Sub-Permit” establishes the process for an applicant to apply for a sub-permit under a valid wildlife rehabilitation permit. This provision is necessary to ensure that all requirements are met.
- Add subsection (c)(1): “Application Packet” establishes the information required in a sub-permit application packet including: ~~sub-permit application form, permittee information,~~ sub-permittee and satellite facility information, required experience, public contact information, proposed rehabilitation animals, declaration of enclosures, veterinary of record agreement, list of persons, facility emergency action plan, authorization to access property, and facility operation ~~plan~~ protocols. The applicant must sign the form accordingly, under penalty of perjury, and threat of prosecution resulting in fines or jail if the department finds information has been falsified. This provision is necessary for the department to determine if the applicant meets all the requirements of a sub-permit.

- Add subsection (c)(2) “Approval of Sub-Permit” establishes the provision for the department to amend an existing permit if a sub-permit applicant meets all application and inspection requirements. This provision is necessary to specify the sub-permit application process.
- Add subsection (d): “Denial of Permit, Sub-permit, or Specialty Rehabilitation Authorization” establishes the standards and criteria for department denial of a wildlife rehabilitation permit, sub-permit, or specialty rehabilitation authorization. These provisions are necessary to specify reasons for which the department will deny an application.
- Add subsection (e): “Transition Period” establishes a provision that provides currently permitted wildlife rehabilitators a six-month period to comply with new requirements. This provision is necessary to allow individuals time to meet the new regulation requirements or to request a variance. In the department’s estimation, 90% or more of current permit holders meet or exceed the requirements of these proposed regulations.

**Part 2. Add Section 679.4 and Chapter 2 of the DFW 679 Manual (New form, 01/2025)**

**Section 679.4 Facility and Enclosure Standards for Rehabilitation Animals.**

- Add subsection (a): “Provisions Related to the Operation of a Wildlife Rehabilitation Facility” establishes the requirements of an individual to operate a wildlife rehabilitation facility and/or satellite facility with conditions necessary to protect native wildlife, animal welfare, human health, and human safety in California.
- Add subsection (a)(1): “Responsibility for Costs Incurred” establishes that all wildlife rehabilitation costs incurred under the permit are the responsibility of the permit holder. This requirement is necessary to establish financial responsibility for permitted wildlife rehabilitation activities and to inform the public of the requirements under these regulations.
- Add subsection (a)(2): “Liability” establishes that all claims, losses, or associated risk and liability associated with the treatment, confinement or transportation of wildlife under the permit are the responsibility of the permit holder. This provision is necessary to clarify the financial and legal obligations associated with the temporary possession of any wild animal for the purpose of rehabilitation, and to indemnify the department and Commission from any losses.
- Add subsection (a)(3): “Continuing Education” establishes that a permittee, their designee, ~~and~~ sub-permittees, authorized persons, and qualified handlers, must complete 8 hours of wildlife rehabilitation training each year. This provision is necessary for wildlife rehabilitators to stay current with best practices, accepted techniques, and the latest advancements in wildlife rehabilitation and are relevant to maintain their facility operations and protect animal welfare, native wildlife, human health, and human safety.
- Add subsection (a)(4): “Display or Possession of Permit and Emergency Action Plan” establishes the requirement for an individual to visibly display relevant permits. The provision also requires the written facility emergency action plan. These provisions are necessary to assure the public that wildlife rehabilitation facilities are legitimate,

authorized facilities and, in case of an emergency, to protect the welfare of each rehabilitation animal, as well as the health and safety of all personnel and the public.

- Add subsection (a)(5): “Authorized Persons” establishes the requirement that a permittee, their designee, or sub-permittee shall communicate with all authorized persons at least once every 7 calendar days. This provision is necessary to ensure that the permittee, sub-permittee or designee is kept up to date regarding the status, condition and welfare of each rehabilitation animal.
- Add subsection (a)(5)(A): establishes the requirement that an authorized person shall be supplied with the medical records and animal care plan for each rehabilitation animal from the permittee, their designee, or sub-permittee. This provision is necessary to ensure that the authorized person has the information about the rehabilitation animal to properly care for it.
- Add subsection (a)(5)(B): establishes the requirement that a rehabilitation animal shall not be temporarily possessed by an authorized person for more than 180 days. This provision is necessary to ensure that rehabilitated wildlife are only possessed temporarily by an authorized person while being rehabilitated.
- Add subsection (a)(5)(C): establishes the requirement that an authorized person shall transfer a rehabilitation animal to the permittee, their designee, or sub-permittee, or the Department, at their direction within a time period designated by the permittee or the Department. This provision is necessary to protect the health and welfare of each rehabilitation wildlife that is possessed temporarily by an authorized person while being rehabilitated.
- Add subsection (a)(~~56~~): “Required Records” establishes the requirements for an individual to retain written or electronic records. This provision is necessary to ensure proper recordkeeping under the state permit and to comply with the US Fish and Wildlife Service Migratory Bird permit 5-year record retention requirements.
- Add subsection (a)(~~56~~)(A): “Annual Report” establishes the requirement to ~~draft and~~ submit an annual report to the department that shall include permittee information, summary of patient outcomes, wild animal intakes, rehabilitation raptor transfers, continuing education hours, list of non-releasable animals, and acknowledgement and signature. This provision is necessary so the department can track the activities of wildlife rehabilitators, to understand the operations of both individual facilities and the rehabilitation program, detect trends in rehabilitated species and outcomes, monitor rehabilitator training, and maintain awareness of rehabilitated raptors under the care of licensed falconers.
- Add subsection (a)(~~56~~)(B): “Availability of Records” establishes the requirement to furnish required records to the department within 3 calendar days. This is necessary so the department can obtain information from permit holders and their personnel in a timely fashion, for the purposes of monitoring, enforcement, compliance with these regulations, and for general administration of the wildlife rehabilitation program.
- Add subsection (a)(~~67~~): ~~“Operational Changes”~~ “Administrative Updates” establishes the requirements for an individual to notify the department of any changes under the permit. This provision is necessary to ensure that the department is aware of any



changes to a permitted facility that may impact animal care and welfare and to maintain updated contact information.

- Add subsection (a)(7)(A): establishes the process to notify the Department within 10 calendar days of any change to facility or satellite facility name, mailing address, telephone number, or email address under the permit. This provision is necessary to ensure that the department maintains updated facility contact information for department staff, local agencies, and members of the public, including public contact information on the department's website. This provision is also necessary to ensure that the permittee and their personnel are accessible and compliant under the terms and conditions of the permit. ~~department is aware of any changes to a permitted facility that may impact animal care and welfare and to maintain updated contact information.~~
- Add subsection (a)(7)(B): establishes the process to notify the Department within 15 calendars prior to the removal of a veterinarian of record for any foreseeable reason from a permit by the permittee, their sub-permittee, or designee. This provision is necessary for the department to ensure that continued access to veterinary medical care and treatment is maintained for each animal. This provision
- Add subsection (a)(7)(C): establishes that any such administrative updates do not constitute a permit amendment and that the department does not charge a fee for such updates to a permit. This provision is necessary to ensure that the permittee, their sub-permittee, or designee understand all requirements for notifying the department of any administrative update.
- Add subsection (a)(~~7~~8): "Compliance with Other Restrictions" establishes that all wildlife rehabilitation activities performed under a valid state permit must not violate any other federal, state, or local law. This provision is necessary to clarify to the public and a permittee that a wildlife rehabilitation permit does not allow someone to take or possess any wild animal if doing so is a violation of the Fish and Game Code or any other law.
- Add subsection (a)(~~8~~9): "Notification of Fully Protected Species Intake" ~~This provision~~ establishes the requirements for a permittee, their sub-permittee, or designee to notify the department within 24-hours of receiving a live or dead gray wolf (*Canis lupus*) or California condor (*Gymnogyps californianus*), notwithstanding any other large carnivore, or federally or state listed species, that shall be reported to the department within 5 calendar days. This provision is necessary to ensure that the department is notified in a timely fashion whenever a specially protected species, or species listed pursuant to the federal or California Endangered Species Act, or any large carnivore, is received, because handling, transporting, ~~and~~ rehabilitating, or carcass disposal of these animals may require specialized equipment and/or training, or authorization by a state or federal agency ~~or~~ because of their unique designations under the Fish and Game Code or federal law.
- Add subsection (a)(10): "Notification of Specialty Rehabilitation Animal Intake" This provision establishes the requirements to notify the department within 24-hours of receiving the following species of specialty rehabilitation animals: Black bear (*Ursus americanus*), mountain lion (*Puma concolor*), deer (*Odocoileus hemionus*), pronghorn (*Antilocapra americana*), elk (*Cervus canadensis*), wild sheep (*Ovis canadensis*), golden eagle (*Aquila chrysaetos*), or bald eagle (*Haliaeetus leucocephalus*). This

provision is necessary to ensure that the department is notified in a timely fashion when a large carnivore, ungulate, or eagle specialty rehabilitation animal is received because the handling, transport, rehabilitation, and carcass disposal of these animals require specific direction and authorization by the department or U.S. Fish and Wildlife Service.

- Add subsection (b): “Enclosure Requirements” establishes the requirements to obtain, construct, and maintain enclosures for wildlife rehabilitation. Additionally, requirements for housing conspecific and non-conspecific animals are specified. These provisions are necessary to ensure that the minimum requirements to maintain animal welfare are maintained through compliance with the requirements listed in the DFW 679 Manual, including limiting the possibility of escapees, avoiding the proliferating of populations under rehabilitation, preventing flooding which could cause injury and/or disease, allowing contact between animals which may co-occur when beneficial and disallowing it when detrimental, and maintaining adequate environmental conditions for animal housing (See Attachment 9, Figure 7).
- Add subsection (c): “Variances to Enclosure Requirements” establishes the process of requesting a variance approval for any enclosure that differs in construction design or construction materials of the requirements listed in the DFW 679 Manual. This provision is necessary to specify standards in which a variance may be requested and what documentation is necessary.
- Add subsection (c)(1): ~~establishes the conditions for department approval of an enclosure variance request and that specific terms and conditions may be imposed~~ information required for an applicant to submit a variance request that includes the location of the requested variance, category and type of variance, reasons for request, and acknowledgement and signature. This provision is necessary to clarify that all conditions and required information needed by the department to review a variance request ~~must be met to protect the safety and well-being of each rehabilitation animal that may be housed in an enclosure that may differ from the minimum enclosure requirements, and to further clarify that enclosures must follow all regulations that are outside the scope of the variance~~ (See Attachment 9, Figure 1).
- Add subsection (c)(2): establishes the process for the department to review a variance request, for a requestor to request department approval to continue using an enclosure during the review, and the timeline for the department to notify the requestor of an approval or denial of a variance ~~conditions for department denial of an enclosure variance request and the requirement to modify, replace, or remove such an enclosure subject to a variance denial.~~ This provision is necessary so that the requestor understands the requirements and process for the department to consider a variance request ~~substandard housing is not used if the department determines that the variance request will not maintain the health of the wild animal or human safety.~~
- Add subsection (c)(3): establishes the conditions for department approval of an enclosure variance request and that specific terms and conditions may be imposed. This provision is necessary to clarify that all conditions must be met to protect the safety and well-being of each rehabilitation animal that may be housed in an enclosure that may differ from the minimum enclosure requirements, and that meeting the enclosure requirements in 679.4(b) will result in undue hardship to the requestor ~~that an individual~~

~~shall maintain documentation of an approved variance request and provide upon request to department staff. This provision is necessary to document approved variance requests during an inspection, so that inspectors can be apprised when deviations from standard requirements are in effect.~~

- Add subsection (c)(4): establishes the conditions for department denial of an enclosure variance request and the requirement to modify, replace, or remove such an enclosure subject to a variance denial. This provision is necessary so that substandard housing is not used if the department determines that the variance request will not maintain the health of the wild animal or human safety. Further, this provision establishes the process for a requestor to submit a request to the department for reconsideration of a variance that has been denied.
- Add subsection (d): “Violations” establishes the provision that any violation of Chapter 2 of the DFW 679 Manual shall be considered a violation of Section 679. This provision is necessary so that an individual understands that a violation of Chapter 2 of the DFW 679 Manual is also a violation of regulations and so that law enforcement personnel have a clear way to cite violations of the manual chapter.

#### **Chapter 2 of the DFW 679 Manual (New form, 01/2025)**

- Add Chapter 2 (a): “Enclosure Requirements” establishes the requirements to maintain enclosures with the conditions specified for each taxonomic group or species (See Attachment 9, Figure 5).
- Add Chapter 2 (a)(1) establishes that a wildlife rehabilitator shall know the basic life history of the wild animal they temporarily possess for the purpose of rehabilitation and release to the wild. This provision is necessary to ensure there is sufficient knowledge to maintain and improve the welfare of each animal.
- Add Chapter 2 (a)(2): establishes that each enclosure shall have visual and physical separation between rehabilitation animals, other animals, and people. This provision is necessary to reduce rehabilitation animal stress and minimize the risk of habituation or mal imprinting of each animal (See Attachment 9, Figure 4, Figure 5; See Attachment 10, Figure 3).
- Add Chapter 2 (a)(3): establishes the requirement to use specific animal enclosure types based on the stage of rehabilitation of the animal. This provision is necessary to ensure that neonate animals, limited mobility animals, and pre-release conditioning animals are housed in enclosures that are appropriate to their age class and stage of rehabilitation (See Attachment 9, Figure 5; Attachment 10, Figure 7).
- Add Chapter 2 (a)(4): establishes that a variance must be requested for the use of any enclosures that do not meet the requirements. This provision is necessary to facilitate department review of any variance request and to ensure that a variance will maintain and improve the welfare of any rehabilitation animal potentially affected by that variance.
- Add Chapter 2 (a)(5): establishes that an approved variance will have terms and conditions required by the department that shall be adhered to by the applicant. This provision is necessary to allow the department to approve, modify, or deny any request

for a variance to ensure such a variance will maintain and improve the welfare of each rehabilitation animal potentially affected by that variance.

- Add Chapter 2 (a)(6): establishes that any existing variances will be reviewed by the department at the time of permit renewal. This provision is necessary to ensure that a variance continues to maintain and improve the welfare of each rehabilitation animal potentially affected by that variance.
- Add Chapter 2 (a)(7): establishes the requirements by which an enclosure shall be deemed a temporary enclosure by a permittee, their sub-permittee, and designee, and the department. This provision is necessary to define temporary enclosures, such as modular kennel cages or animal crates, and allow for their use to temporarily house rehabilitation animals as appropriate.
- Add Chapter 2 (a)(8): establishes the requirements by which a temporary enclosure may be used to house a neonate rehabilitation animal. This provision is necessary to protect the health and welfare of neonate rehabilitation animals who have different needs than other rehabilitation animals.
- Add Chapter 2 (a)(9) establishes the requirements by which a temporary enclosure may be used to house certain rehabilitation animals, as listed, who have reached the pre-release conditioning stage of rehabilitation. This provision is necessary to protect the health and welfare of pre-release conditioning adult and juvenile rehabilitation animals who have different needs than other rehabilitation animals.
- Add Chapter 2 (b): “Rehabilitation Animal Enclosure Types. Table 24” establishes the requirements to maintain rehabilitation animal enclosures based on stage of rehabilitation. These provisions are necessary to protect native wildlife and animal welfare and specify the requirements at each stage of rehabilitation.
- Add Chapter 2 (c): “Amphibian and Reptile Requirements” establishes the minimum pre-release conditioning enclosure requirements for an amphibian and reptile must allow for each rehabilitation animal to display the natural life history of their species. This provision is necessary to protect animal welfare because the minimum enclosure size requirements are specific and unique to each individual amphibian and reptile. Enclosure sizes must allow for the full expression of the natural life history behaviors each rehabilitation animal needs to survive in the wild.
- Add Chapter 2 (d): “Pre-release Conditioning Enclosure Requirements; Amphibian and Reptiles. Table 35” establishes the specific enclosure requirements for a pre-release amphibian and reptile. These provisions are necessary to protect the welfare of native amphibians and reptiles and ensure that rehabilitation animals cannot escape. Enclosures must provide for the full expression of the natural life history behaviors each rehabilitation animal needs to survive in the wild.
- Add Chapter 2 (e)(1): establishes the minimum housing requirements for mammals. This provision is necessary to protect the welfare of each mammal and ensure that the enclosure requirements are specific and unique to each species. Adhering to the standards will ensure that enclosures can provide for the full expression of the natural life history behaviors each rehabilitation animal needs to survive in the wild and ensure

that rehabilitation mammals cannot escape (See Attachment 9, Figure 7, Attachment 10, Figure 10).

- Add Chapter 2 (f): “Pre-release Conditioning Enclosure Requirement; Mammals. Table ~~46~~” establishes the pre-release conditioning enclosure and enrichment requirements for mammal species. These provisions are necessary to protect native wildlife and the welfare of mammal species, to ensure that rehabilitation mammals cannot escape, and to ensure that enclosures can provide for the full expression of the natural life history behaviors each rehabilitation mammal needs to survive in the wild (See Attachment 10, Figure 1 and Figure 10).
- Add Chapter 2 (g): “Minimum Enclosure Size Requirements for Neonate and Pre-release Conditioning Enclosures and Maximum Number of Animals per Enclosure; Mammals. Table ~~57~~” establishes the minimum enclosure size requirements for mammal species. These provisions are necessary to protect native wildlife and the welfare of rehabilitation animals. Adhering to the standards will ensure that enclosures can provide for the full expression of the natural life history behaviors each rehabilitation animal needs to survive in the wild (See Attachment 10, Figure 7).
- Add Chapter 2 (h): “Bird Requirements” outlines some of the necessary knowledge a rehabilitator must possess to humanely and properly rehabilitate birds, including special considerations for waterbirds, and establishes the requirement to follow the minimum pre-release conditioning enclosure sizes for birds. These provisions are necessary to allow rehabilitators to understand the enclosure needs for each bird temporarily possessed for rehabilitation so that it may display the physical and behavioral abilities it will need to survive in the wild (See Attachment 10, Figure 9, Figure 11).
- Add Chapter 2 (h)(1): establishes that a wildlife rehabilitator must know the distinction between neonate, juvenile, and adult bird species requirements. This provision is necessary to ensure that a wildlife rehabilitator can identify the type of specialized care at each stage of rehabilitation (See Attachment 10, Figure 9).
- ~~▪ Add Chapter 2 (h)(2): establishes that a wildlife rehabilitator shall know if a neonate bird is of a precocial or altricial species. This provision is necessary since the two types of neonates require specialized care unique to each type at that stage of rehabilitation.~~
- ~~▪ Add Chapter 2 (h)(3): establishes the conditions under which a wildlife rehabilitator shall classify a fledgling bird as a “juvenile”. This provision is necessary to protect animal welfare and ensure that a rehabilitation animal continues to receive the appropriate, specialized care required for that stage of rehabilitation.~~
- Chapter (h)(~~4~~2): establishes that a wildlife rehabilitator shall adhere to all waterbird welfare requirements. This provision is necessary to ensure that each waterbird can fully express the natural life history behaviors they need to survive in the wild (See Attachment 10, Figure 11B).
- Chapter (~~5~~)(h)(3): establishes that a wildlife rehabilitator shall adhere to specified requirements regarding bird enclosures. This provision is necessary to ensure that birds being temporarily possessed for rehabilitation have the proper enclosures and forms of enrichment to express their natural behaviors, to provide for animal welfare, and to

prevent animal escapes (See Attachment 9, Figure 7; Attachment 10, Figure 1, Figure 8B, Figure 9, Figure 11).

- Add Chapter 2 (i): “Pre-release Conditioning Enclosure Requirements; Birds (excluding waterbirds). Table ~~68~~” establishes the specific enclosure requirements for pre-release conditioning bird species except for waterbirds. These provisions are necessary to ensure that enclosures allow for each rehabilitation bird to express the natural life history behaviors specific and unique to their species, to provide for animal welfare, and to prevent animal escapes (See Attachment 9, Figure 3; See Attachment 10, Figure 11A).
- Add Chapter 2 (j): “Minimum Enclosure Size Requirements for Neonate and Pre-release Conditioning Enclosures and Maximum Number of Animals Per Enclosure; Birds (notwithstanding waterbirds). Table ~~79~~” establishes the minimum enclosure size requirements for pre-release conditioning bird species except for waterbirds. These provisions are necessary to protect native wildlife and the welfare of rehabilitation animals. Adhering to the standards will ensure that enclosures can provide for the full expression of the natural life history behaviors each rehabilitation animal needs to survive in the wild (See Attachment 10, Figure 8B, Figure 9, Figure 11A).
- Add Chapter 2 (k): “Pre-release Conditioning Enclosure Requirements; Waterbirds. Table ~~10a~~” establishes the specific requirements for each waterbird enclosure. These provisions are necessary to protect native wildlife and the welfare of rehabilitation animals and to prevent animal escapes. Adhering to the standards will ensure that enclosures can provide for the full expression of the natural life history behaviors each rehabilitation animal needs to survive in the wild (See Attachment 9, Figure 3, See Attachment 10, Figure 11B).
- Add Chapter 2 (l): “Pre-release Conditioning Enclosure Requirements; Pool-Only Waterbirds. Table 10b” establishes the specific enclosure requirements for waterbirds that require pool-only enclosures. These provisions are necessary to protect native wildlife and the welfare of rehabilitation animals and to prevent animal escapes. Adhering to the standards will ensure that enclosures can provide for the full expression of the natural life history behaviors each rehabilitation animal needs to survive in the wild (See Attachment 9, Figure 3, See Attachment 10, Figure 11B).
- Add Chapter 2 (~~m~~): “Minimum Enclosure Size Requirements for Neonate and Pre-release Conditioning Enclosures and Maximum Number of Animals Per Enclosure; Waterbirds. Table ~~91~~” establishes the minimum enclosure size requirements for waterbird species. These provisions are necessary to protect native wildlife and the welfare of rehabilitation animals. Adhering to the standards will ensure that enclosures can provide for the full expression of the natural life history behaviors each rehabilitation animal needs to survive in the wild (See Attachment 10, Figure 11B).
- Add Chapter 2 (~~n~~): “Minimum Size Requirements for Pre-release Conditioning Pools; Waterbirds. Table ~~40~~ 12” establishes the minimum pool size requirements for waterbirds. These provisions are necessary to clarify that the pool diameter and depth are included in the minimum enclosure size requirement for each waterbird and to ensure that pool sizes are within proper parameters to be useful and safe. Waterbirds need pools to express the natural life history behaviors of their species (See Attachment 10, Figure 11B).

- Add Chapter 2 (a): “Specialty Rehabilitation Animal Requirements” establishes the list of specialty rehabilitation animals that may be rehabilitated under special authorization from the department and the requirement to maintain a double-door entry system always secured, with a method to view each specialty rehabilitation animal. Individuals caring for specialty species need to have additional training and experience specific to these animals to ensure the safety of the animal and individuals caring for it. The provision regarding a method to view the animal(s) is necessary to prevent animal escape, to allow handlers to view animal before entering for safety reasons and to reduce the risk of habituation or mal imprinting of a specialty rehabilitation animal (See Attachment 9, Figure 5, Figure 7; See Attachment 10, Figure 6).
- Add Chapter 2 (b): “Specialty Rehabilitation Animal Enclosure Requirements for Pre-release Conditioning. Table 13” establishes the specific enclosure size requirements for each type of specialty rehabilitation animal. These provisions are necessary to protect native wildlife and the welfare of rehabilitation animals and to prevent animal escapes. Adhering to the standards will ensure that enclosures can provide for the full expression of the natural life history behaviors each rehabilitation animal needs to survive in the wild (See Attachment 9, Figure 3, Figure 5).
- Add Chapter 2 (c): “Neonate and Limited Mobility Minimum Enclosure Size Requirements; Specialty Rehabilitation Animals. Table 14” establishes the minimum enclosure size requirements for neonate and limited mobility specialty rehabilitation animals. These provisions are necessary to protect native wildlife and the welfare of specialty rehabilitation animals. Adhering to the standards will ensure that a specialty rehabilitation animal can fully express the natural life history behaviors it needs to survive in the wild ~~enclosures can provide for the full expression of the natural life history behaviors each rehabilitation animal needs to survive in the wild~~ (See Attachment 9, Figure 5).
- Add Chapter 2 (d): “Pre-Release Conditioning Minimum Enclosure Size Requirements and Maximum Number of Animals Per Enclosure; Specialty Rehabilitation Animals. Table 15” establishes the minimum enclosure size requirements for specialty rehabilitation animals that have reached the stage of pre-release conditioning. These provisions are necessary to protect native wildlife and the welfare of each specialty rehabilitation animal. Adhering to the standards will ensure that a specialty rehabilitation animal can fully express the natural life history behaviors it needs to survive in the wild (See Attachment 9, Figure 5).

**Part 3. Add Section 679.5 Humane Care Standards and Chapter 3 of the DFW 679 Manual (NEW, 01/2025)**

**Section 679.5 Humane Animal Care Standards.**

- Add subsection (a): “Care of Rehabilitation Animals” establishes various provisions required for the care of a wild animal temporarily possessed by a permittee, their sub-permittee, designee, authorized persons, and qualified handlers for the purposes of rehabilitation.

- Add subsection (a)(1): ~~This provision~~ “Animal Care” establishes that the appropriate care and treatment be provided based on the needs of the individual animal. This provision is necessary for the health and wellbeing of animals during rehabilitation.
- Add subsection (a)(2): “Food” establishes the requirements to meet species, age class, and injury appropriate diets for each rehabilitation animal. This provision is necessary to clarify feeding conditions and nutritional requirements for all rehabilitation animals to prevent animal malnutrition and sickness.
- Add subsection (a)(3): “Water” establishes the requirement to meet the species, age class, and injury appropriate access to fresh water for each rehabilitation animal. This provision is necessary to clarify water needs for rehabilitation animals, and sanitary receptacle conditions, to prevent animal dehydration and sickness.
- Add subsection (a)(4): “Handling” establishes the requirements for how to effectively manage a rehabilitation animal. This provision is necessary to clarify conditions on proper animal handling to prevent harm or imprinting of a rehabilitation animal and to protect human safety (See Attachment 10, Figure 12).
- Add subsection (a)(5): ~~Plan~~ “Biosafety Protocol” establishes the requirements necessary for pest and parasite control and to prevent the transmission of communicable diseases and parasites. This provision is necessary to ensure that facilities have a plan for the control of disease to protect humans, domestic animals, and wildlife from sickness or death (See Attachment 9, Figure 6, Attachment 10, Figure 12).
- Add subsection (a)(6): “Egg Incubation” establishes requirements for the incubation of eggs of native bird species of known origin during wildlife rehabilitation. This provision does not preclude the need to obtain other valid state or federal permits. This provision is necessary to prevent the incubation of eggs if a permittee lacks sufficient experience or authorization to possess, and to prevent the spread of communicable avian diseases.
- Add subsection (a)(7): “Public Display” establishes the requirements for how a rehabilitation animal may be depicted in public facing media formats. This provision is necessary to prevent the public from anthropomorphizing wildlife, which may lead to habituation or imprinting of rehabilitation animals and human safety issues. This provision further clarifies the prohibition of social media posts of any rehabilitation animal that is part of a legal or enforcement action, to prevent the public from adversely affecting ongoing enforcement cases.
- Add subsection (a)(8): “Notification Requirement for Diseases of Concern” establishes the requirement for notification of exposure to a disease of concern to appropriate public agency. This provision is necessary for the control of communicable diseases known to harm wildlife, domestic animals, or people and to protect native wildlife, animal welfare, human health, and safety. Further, this provision ensures that the proper authorities are aware of disease events to act if warranted (See Attachment 9, Figure 5, Figure 8).
- Add subsection (a)(8)(A): “Reporting to the Department” establishes the process to report to the department any rehabilitation animal suspected to have a communicable disease of concern. This provision is necessary for the control of communicable diseases known to harm wildlife, domestic animals, or people and to protect native wildlife, animal welfare, human health, and safety. Further, this provision ensures that



the department is aware of disease events and can act if warranted (See Attachment 9, Figure 5).

- Add subsection (a)(8)(B): “Rabies” establishes the requirement and process for proper agency reporting of any rehabilitation animal suspected or known to have rabies. This provision is necessary to specify the actions required for rabies prevention and control and to protect native wildlife, animal welfare, human health, and safety. Further, this provision ensures that the proper authorities are aware of disease events to act if warranted.
- Add subsection (a)(8)(C): “Chronic Wasting Disease” establishes the requirement and process for confining in isolation any specialty rehabilitation ungulate upon intake to observe for any clinical signs or symptoms consistent with chronic wasting disease. This provision is necessary to ensure that the proper authorities are aware of disease events and to act if warranted.
- Add subsection (a)(8)(C)1. through (a)(8)(C)4.: establishes the requirements to accept for intake any specialty rehabilitation ungulate for the purpose of rehabilitation or humane euthanasia, including the conditions to euthanize sick animals or animals of unknown origin; restricting the transfer of an animal outside of its county of origin; restricting the time period to rehabilitate and release any ungulate; and the process to notify the department for submission and testing of carcasses. These provisions are necessary to prevent the movement of deer potentially infected with chronic wasting disease and to protect animal welfare and wild native deer populations.
- Add subsection (a)(9): “Notification Requirement for Violations Related to Animals” establishes the requirement to report to the department any rehabilitation animal suspected to have been intentionally harmed or unlawfully taken by any person. This provision is necessary to protect the welfare of each rehabilitator and native wildlife.
- Add subsection (a)(10): “Import and Export of Rehabilitation Animals” establishes the process for legal import or export of a rehabilitation animal for rehabilitation or release to the wild. This provision does not prevent a permittee from accepting an injured, sick, or orphaned wild animal that is improperly imported by the public. This provision is necessary to prevent the spread of communicable diseases, protect animal welfare, native wildlife, and agricultural interests, and to maintain interagency relationships.
- Add subsection (b): “Treatment of Wildlife in Possession” establishes the requirements for the treatment of a wild animal temporarily possessed for the purposes of rehabilitation.
- Add subsection (b)(1): “Medical Care” establishes the requirements for any intervention that is not medically necessary or likely to improve the condition of a rehabilitation animal. This provision is necessary to prevent undue or prolonged medical intervention that will not improve the outcome of the animal. In one case for an example, major spinal and brain surgery on a large carnivore resulted in undue extended physical pain and suffering that should have been humanely euthanized upon intake. Further, this language is closely aligned with the California Veterinary Medical Practice Act.
- Add subsection (b)(2): “Standing Order” establishes the requirements for routine medical procedures and care of rehabilitation animals at a wildlife rehabilitation facility

without direct supervision of a California licensed veterinarian. This provision is necessary to provide guidance on routine medical treatments and medications that may be administered by a permittee, their sub-permittee, designee, authorized person, or qualified handler in the absence of a licensed veterinarian. Further, this language is closely aligned with the California Veterinary Medical Practice Act.

- Add subsection (b)(3): “Medications” establishes requirements specific to the administration, storage, tracking, and disposal of medications and controlled drugs for rehabilitation animals. This provision is necessary to specify the responsibilities for adhering to applicable laws regulating medications and controlled drugs used in the care and treatment of wild animals. Further, this language is closely aligned with the California Veterinary Medical Practice Act.
- Add subsection (b)(4): “Raptor Rehabilitation” establishes the requirements and process to transfer a rehabilitation raptor to a California general or ~~export~~master falconer licensed and approved by the department for pre-release conditioning. To be successfully rehabilitated and released into the wild, raptors require specialized exercises for flight and hunting. A falconer can provide this training and exercise for raptors. This provision is necessary to clarify the process by which a falconer can assist with rehabilitation of raptors.
- Add subsection (b)(4)(A): establishes the information required by the department to authorize the temporary transfer of a rehabilitation raptor to a licensed general or ~~export~~master falconer. This provision is necessary to clarify the process by which a falconer can assist with rehabilitation of raptors. To be successfully rehabilitated and released into the wild, raptors require specialized exercises for flight and hunting. A falconer can provide this training and exercise for raptors. This provision outlines the information needed for the department to authorize a falconer to legally assist with raptor rehabilitation activities.
- Add subsection (b)(4)(A)1. through (b)(4)(A)2.: establishes the process, and information required by the department, to transfer a rehabilitation raptor to a licensed falconer for the purpose of pre-release conditioning. These provisions are necessary to ensure that a licensed falconer who is temporarily possessing a rehabilitation raptor is following the care and treatment required by the wildlife rehabilitator for the purpose of releasing the rehabilitation raptor to the wild. These provisions are necessary to protect animal welfare and native raptors and for the department to track which raptors are being temporarily transferred to falconers.
- Add subsection (b)(5) “Surrogate Animal” establishes guidelines for the use of a conspecific wild animal temporarily possessed under a permit as a surrogate animal to a neonate or juvenile rehabilitation animal. This provision is necessary to support safe natural socialization between conspecifics and proper imprinting, and for a rehabilitation animal to express the natural life history behaviors of that species needed to survive in the wild.
- Add subsection (b)(6): “Patient Record” establishes the requirements for maintaining a record of each rehabilitation animal.

- Add subsection (b)(6)(A): “Intake History” establishes the information that a wildlife rehabilitator must document upon intake of a wild animal. This provision is necessary to document the provenance of each animal that is admitted under a permit from the public, and to help wildlife rehabilitators determine the best course of treatment for each wild animal.
- Add subsection (b)(6)(B): “Animal Information” establishes the necessary information for each wild animal at a rehabilitation facility which includes basic intake information, initial physical examination findings, and the rehabilitation care and treatment plan. This provision is necessary to create a patient record which is part of the required record provision and should be produced during an inspection or upon request by the department.
- Add subsection (b)(6)(C): “Patient Outcome” establishes the category of final disposition of each animal that is possessed under a wildlife rehabilitation permit and is provided in the annual report. This provision is necessary to collect the required annual documentation of the wild animals possessed for rehabilitation and supports the departments statewide wildlife disease monitoring efforts.
- Add subsection (a**b**)(7): “Long-Term Possession” establishes the information required to be reported to the department to request a long-term possession extension for a rehabilitation animal beyond 180 days. In most cases it is unnecessary to rehabilitate wildlife for longer than 6 months. The department aligns with federal and national standards that it is typically in the best interest of a wild animal to be temporarily possessed for the purpose of rehabilitation for no more than 180 days. The Commission has determined, based on the department’s experience, that a rehabilitation animal is at increased risk of food conditioning, habituation, mal-imprinting, or unnecessary behavioral or physical stress the longer it is confined.
- Add subsection (a**b**)(7)(A) through (a**b**)(7)(B): establishes the process for department “Approval of a Request” or “Denial of a Request” for long-term possession of a rehabilitation animal. These provisions are necessary to specify the outcome options for such an animal based on what the department determines is in the best interest of the animal.
- Add subsection (c): “Animals not Released to the Wild” establishes the process and outcomes (final disposition) for a rehabilitation animal that is thought to not be a suitable candidate for release to the wild.
- Add subsection (c)(1): “Euthanasia” establishes the criteria for the safe, humane induction of death (euthanasia) of any wild animal temporarily possessed for the purposes of rehabilitation (See Attachment 9, Figure 5, Figure 9).
- Add subsection (c)(1)(A): establishes the minimum training hours required for any person allowed to euthanize a rehabilitation animal. This provision is necessary to ensure that euthanasia is performed in a manner that does not cause undue pain and suffering to any animal.
- Add subsections (c)(1)(A)1. through (c)(1)(A)3.: establishes the minimum number of training hours required for specific methods of euthanasia. These provisions are necessary to ensure that all methods of euthanasia are done properly and do not cause

undue pain and suffering to any rehabilitation animal. Further, these provisions are necessary to ensure that euthanasia methods requiring personnel to oversee or administer controlled drugs are performed safely and legally.

- ~~▪ Add subsection (c)(1)(B): establishes the requirement and process to dispose of a carcass of a rehabilitation animal that has been chemically euthanized. This provision is necessary to prevent scavenging or excavation of an animal carcass contaminated with euthanasia chemicals. The ingestion of these chemicals poses a health hazard to people, domestic animals, and wildlife.~~
- Add subsection (c)(2): "Permanent Placement" establishes how a requestor may begin seeking approval from the department for a rehabilitation animal thought to not be a suitable candidate for release to the wild.
- Add subsection (c)(2)(A): "Request for Placement" establishes the information required for the department to certify that a rehabilitation animal is not suitable for return to the wild and may be considered for captive placement instead of euthanasia. This provision is necessary to ensure that the rehabilitation animal is in fact suitable for captive placement and is unable to be released to the wild.
- Add subsections (c)(2)(B) ~~through (c)(2)(C)~~: "Department Consideration of a Request" establishes the process for how the department shall review ~~and approve or deny~~ a request by a wildlife rehabilitator for consideration of permanent placement of a rehabilitation animal. ~~These provisions are~~ This provision is necessary to outline the criteria by which the department will review such a request and to ensure that a determination by the department will be made in a timely manner that is in the best interest of the animal.
- Add subsections (c)(2)(C)1. ~~through (c)(2)(C)2~~: "Department Approval or Denial of Request" establishes the process and criteria to approve or deny a request by the department for permanent placement of a non-releasable rehabilitation animal. These provisions are necessary to protect the welfare of the rehabilitation animal and ensure the most appropriate, safe, and humane outcome for the animal. The Commission has determined based on the department's experience that wild-born animals do not do well in captivity, and euthanasia is often the most humane outcome if they cannot be returned to the wild.
- Add subsection (d): "Use of Rehabilitation Animals for Scientific or Educational Purposes" establishes the process and requirements for how a rehabilitation animal, their carcass, or parts thereof may be used for scientific, educational, and/or propagation purposes. This provision is necessary to ensure that rehabilitation animals are temporarily possessed only for the purpose of rehabilitation as authorized under the permit.
- Add subsection (e): "Violations" establishes the provision that any violation of Chapter 3 of the DFW 679 Manual shall be considered a violation of Section 679. This provision is necessary so that an individual understands that a violation of Chapter 3 of the DFW 679 Manual is also a violation of regulations and so that law enforcement personnel have a clear and easy way to cite violations of the manual chapter.

### **Chapter 3 of the DFW 679 Manual (NEW, 01/2025)**

- Add Chapter 3 (a): “Care and Treatment Requirements” establishes the protocol and procedures that must be adhered to protect the welfare of each wild animal that may be temporarily possessed for any period by a wildlife rehabilitator. These provisions are necessary to ensure that the highest standards of care are maintained at each stage of rehabilitation.
- Add Chapter 3 (a)(1): establishes that a wildlife rehabilitator must possess sufficient knowledge and expertise to identify a rehabilitation animal with reasonable certainty and be able to realistically care for the animal. This provision is necessary for the safety and well-being of the rehabilitation animal and to ensure the requirements and highly specialized care specific and unique to each species are met (See Attachment 10, Figure 12).
- Add Chapter 3 (a)(2): establishes that a rehabilitation animal must be moved to another wildlife rehabilitation facility if the welfare of the animal cannot be maintained or improved for any reason. This provision is necessary to protect animal welfare, native wildlife, and human safety.
- Add Chapter 3 (a)(3): establishes the requirement to triage a wildlife based on the animal condition at intake. This provision is necessary to protect the safety and well-being of each rehabilitated animal because proper triage ensures that rehabilitated animals with critical needs are provided with priority care and treatment. Triage shall be based on the triage plan established by the wildlife rehabilitator (See Attachment 9, Figure 5).
- Add Chapter 3 (a)(4): establishes the requirement that an individual treatment plan must be specific and unique to each rehabilitation animal. This provision is necessary to ensure that the best available knowledge, understanding, and expertise is employed in providing care and treatment to a wild animal, and that each animal receives proper care that is tailored to its situation.
- Add Chapter 3 (a)(5): establishes the requirement to adopt and adhere to standard procedures for basic veterinary medical treatment and species-specific treatment plans as provided by a licensed veterinarian. This provision is necessary to establish treatment guidelines that may be conducted in the absence of a licensed veterinarian to reduce the risk of unnecessary pain or suffering, habituation, or mal imprinting of any rehabilitation animal. Most typical rehabilitation procedures do not require the active participation of a licensed veterinarian.
- Add Chapter 3 (a)(6): establishes the requirement for a rehabilitation animal to be seen by a licensed veterinarian for specific treatments that cannot be performed by a wildlife rehabilitator. This provision is necessary because only a licensed veterinarian has the expertise and, in some cases, the legal authority, to perform these procedures. Limiting these procedures to veterinarians will prevent unnecessary pain or suffering of a rehabilitation animal and ensure medical care is conducted properly.
- Add Chapter 3 (a)(7) establishes the requirement to understand the nutritional requirements that are specific and unique to each rehabilitation animal. This provision to ensure that wildlife rehabilitators have the knowledge to provide a species-

appropriate diet, prevent nutritional deficiencies, and ensure that each rehabilitation can express the natural life history behaviors needed to survive in the wild.

- Add Chapter 3 (a)(8) establishes the requirement that a wildlife rehabilitator allows a rehabilitation animal to feed independently as soon as the animal is able. This provision is necessary because juvenile animals are at risk of habituation or mal imprinting if they are not able to express their natural feeding behaviors and are therefore less likely to survive in the wild.
- Add Chapter 3 (b) “Cleaning Requirements” establishes the protocol and procedures that must be established to ensure the highest standards of hygiene and husbandry are maintained within a wildlife rehabilitation facility. These provisions are necessary to protect native wildlife, human health, and safety by reducing the risk of transmitting communicable diseases and/or parasites.
- Add Chapter 3 (b)(1) establishes the requirement to remove visible organic waste material prior to using any disinfectant, and to use disinfectants consistent with the provided directions. This provision is necessary to ensure enclosures and other areas where rehabilitation animals are in contact with are properly disinfected to prevent the spread of disease and/or parasites and to protect human safety (See Attachment 10, Figure 2).
- Add Chapter 3 (b)(2) establishes the requirement to disinfect the enclosure of any rehabilitation animal with a known or suspected zoonotic disease once the animal has been removed from the enclosure, including following any specific procedures determined by local or state public agencies. This provision is necessary to ensure enclosures and other areas where rehabilitation animals are in contact with are properly disinfected to prevent the spread of disease.
- Add Chapter 3 (b)(3) establishes the requirement that a wildlife rehabilitator shall separate raccoon and skunk enclosures from other animals. This provision is necessary to prevent transmitting raccoon or skunk roundworm to other animals or people (See Attachment, Figure 4).
- Add Chapter 3 (b)(4) establishes the requirement for raccoon enclosures and skunk enclosures to be used to only house raccoons or skunks with a clear and conspicuous label posted on the outside. This provision is required to prevent transmitting raccoon or skunk roundworm to other animals or people (See Attachment, Figure 4).
- Add Chapter 3 (b)(5) establishes the requirement for amphibian and reptile enclosures to be used to only house amphibians or reptiles with a clear and conspicuous label posted on the outside. This provision is required to ensure that proper cleaning requirements are met for each enclosure. Amphibians and reptiles are vulnerable to disease and require specific cleaning requirements. Improperly used cleaning agents are harmful to amphibians and reptiles.
- Add Chapter 3 (b)(6) establishes the requirement for specialty rehabilitation ungulate enclosures to be used to only house specialty rehabilitation ungulates with a clear and conspicuous label posted on the outside. This provision is required to ensure that proper cleaning requirements are met for each enclosure. Ungulates are vulnerable to chronic

wasting disease and require specific cleaning requirements to help reduce the potential spread of disease via contaminated surfaces.

- Add Chapter 3 (c) (1) through (c)(13) Table 15 “Common Detergents and Disinfectants Cleaning Agents to Limit the Transmission of Communicable Wildlife Diseases. Table 16.” establishes the categories of cleaning agents commonly available to properly disinfect enclosures and other areas where rehabilitation animals are housed. These provisions are necessary to ensure that disinfectants are used appropriately to protect animal welfare, human health and safety, and to prevent the spread of communicable disease and parasites.
- Add Chapter 3 (d) “Communicable Wildlife Diseases” establishes the proper handling and reporting of a wild animal suspected or known to have a disease of concern. This provision is necessary to protect animal welfare, human health, and safety and to prevent the spread of communicable disease and parasites (See Attachment 10, Figure 12).
- Add Chapter 3 (d)(1) establishes the requirement to oversee each rehabilitation animal using proper personal protective equipment. This provision is necessary to protect animal welfare, native wildlife, and human health and safety, by reducing the risks of disease and/or parasite transmission to animals or people (See Attachment 10, Figure 12).
- Add Chapter 3 (d)(2) establishes the requirement to report a rehabilitation animal suspected or known to have a disease of concern. A disease of concern is a communicable disease of potentially significant consequence to native wildlife, domestic animals, and people. This provision is necessary to aid the investigation, monitoring, and response to potential disease outbreaks and mortality events by the department and other public health agencies.
- Add Chapter 3 (e) “Wildlife Diseases of Concern in California and the Agency to Report Confirmed or Suspected Infected Wildlife. Table 17~~16~~” establishes the list of communicable wildlife diseases, their primary affected taxa, etiological agent, and clinical signs or symptoms, of interest to the department. The Commission has determined this list based on the department’s experience with wildlife diseases. These provisions are necessary so that a wildlife rehabilitator knows which zoonotic diseases to report, and the reporting agency. Further, these provisions are necessary to aid the investigation, monitoring, and response to potential disease outbreaks by the proper agency as needed.
- Add Chapter 3 (f) “Non-Releasable Animal Requirements” establishes the criteria to determine when a rehabilitation animal may be deemed non-releasable and suitable for captive placement.
- Add Chapter 3 (f)(1) establishes the criterion to classify a rehabilitation animal as non-releasable. This provision is necessary so that rehabilitators can identify when an animal should be considered for permanent placement or euthanasia. This provision is necessary for the wildlife rehabilitator to evaluate the rehabilitation animal and make an appropriate determination on if the animal can be released to the wild (See Attachment 9, Figure 9).

- Add Chapter 3 (f)(2) establishes the requirement that a non-releasable rehabilitation animal must be overseen pursuant to subsection 679.5(c), which specifies the potential dispositions of animals not released to the wild. This provision is necessary to outline acceptable rehabilitation animal outcomes when an animal cannot be released, to protect the safety and well-being of each animal.
- Add Chapter 3 (g) “Euthanasia Requirements” establishes the requirements and conditions that shall be met for the humane euthanasia of a rehabilitation animal (See Attachment 9, Figure 5 and Figure 9).
- Add Chapter 3 (g)(1) establishes the personnel training requirement for each method or category of euthanasia for a rehabilitation animal. This provision is necessary to ensure that euthanasia is performed humanely and by trained personnel.
- Add Chapter 3 (g)(2) establishes the requirement for recordkeeping specific to personnel euthanasia training. This provision is necessary to ensure that training records are properly maintained, so the department can verify adequate euthanasia qualifications for rehabilitators.
- Add Chapter 3 (g)(3) establishes what topics must be included in euthanasia training. This provision is necessary to ensure that euthanasia training covers appropriate and necessary instruction.
- Add Chapter 3 (g)(4) establishes the requirement to euthanize a rehabilitation animal using only the methods of euthanasia deemed to be humane and acceptable for that taxonomic group or species of rehabilitation animal. This provision is necessary to protect the safety and well-being of each rehabilitation animal, as well as personnel, and to ensure that humane and effective methods of euthanasia are administered under a wildlife rehabilitation permit.
- Add Chapter 3 (g)(5) provides examples of methods of euthanasia that the Commission has determined, based on the department’s experience, are not humane and/or ineffective. These methods may cause unacceptable environmental harm or are otherwise not legal methods of take pursuant to the California Fish and Game Code or other regulations or statutes. This provision is necessary because in some other states these methods may be allowed, so the provision clarifies to rehabilitators that they are prohibited in California. The use of these euthanasia methods may cause undue pain and suffering to animals.
- Add Chapter 3 (g)(6) establishes the procedure for notifying the proper agency of any eagle or threatened or endangered species requiring humane euthanasia, and transfer of the carcass, pursuant to 50 CFR 21.31. This provision is necessary to protect animal welfare and to ensure that rehabilitators are aware of, and follow, federal law by reporting the situation and obtaining approval for euthanasia prior to the “take” of a protected species.
- Add Chapter 3 (g)(7) establishes the requirement and appropriate disposal methods for the disposal of any rehabilitation animal carcass to occur in compliance with relevant federal, state, and local laws. This provision is necessary as the requirements for safe and legal carcass disposal are specific and unique to each jurisdiction or municipality.



Additionally, the carcass of a rehabilitation animal euthanized by a controlled drug may be hazardous to any animal or person that scavenges the carcass.

- Add Chapter 3 (g)(8) establishes the requirement to mark or tag the carcass of a rehabilitation animal that must be stored prior to proper disposal of the carcass with identifying information that includes intake number, common or species name, and known or suspected diseases if applicable. This provision is necessary to protect native wildlife, human health, and human safety.
- Add Chapter 3 (g)(9) establishes the requirement for the carcass disposal of an ungulate specialty rehabilitation animal by placing the carcass in double-lined plastic bags, or treating the carcasses with high-pressure alkaline hydrolysis, and burying it in a permitted landfill. This provision is required to prevent the exposure of wild and domestic animals and humans to the prions that cause chronic wasting disease. These requirements are consistent with scientific studies to date and the carcass disposal guidelines recommended by the Association of Fish and Wildlife Agencies, Western Association of Fish and Wildlife Agencies, Center for Disease Control and Prevention, and the National Institute of Health.
- Add Chapter 3 (h) ~~Table 17~~ “Acceptable Euthanasia Methods for Rehabilitation Animals. Table 18.” establishes the methods of euthanasia that the Commission has determined, based on the department’s experience, are humane, effective, and legal methods of take. These provisions are necessary to protect the safety and well-being of each rehabilitation animal, and personnel administering any such methods, and that the euthanasia methods used do not cause undue pain and suffering to the animal.

#### **Part 4. Add Section 679.6, Section 679.7, Section 679.8, and 679.9**

##### **Section 679.6 Release of Rehabilitation Animals into the Wild.**

- Add subsection (a) “Evaluation for Release” establishes the criteria for establishing whether a rehabilitation animal can be released to the wild. This provision is necessary to protect the welfare of each rehabilitation animal by ensuring it displays the behavioral and physical traits needed to survive in the wild, that habituated animals are not released into the wild, and that diseases of concern are not spread by former rehabilitation animals.
- Add subsection (b) “Requirements for Release” provides that releasable animals must be released and establishes the factors that must be considered when releasing a rehabilitation animal in suitable habitat. This provision is necessary to ensure that rehabilitation animals that can be released are in fact released, animals are being returned to the wild in locations where they naturally occur, and that adverse factors that may harm an animal or hamper release are avoided.
- Add subsection (b)(1) “Obtaining permission for release on state-owned or private property” establishes the necessary guidelines for obtaining permission to release a rehabilitation animal on any public or privately owned property. This provision is necessary so that property owners do not have animals released on their property without their knowledge and consent.
- Add subsection (b)(2) “Evaluating Conditions for Release” establishes the necessary conditions that a permittee, their sub-permittee, designee, authorized person, or

qualified handler should consider prior to the release of a rehabilitation animal. This provision is necessary to ensure that a rehabilitation animal is ready to be released and whether the environmental conditions are suitable to release the animal.

- Add subsection (b)(~~23~~) “Release of specialty rehabilitation animals” establishes the requirement to mark, collar, or tag a large carnivore or ungulate prior to release, at a location ~~specified~~ selected by the department. This provision is necessary to ensure that animals are released at locations where they are less likely to cause human-wildlife conflict, which have sufficient suitable habitat, which are within the current range of the species, and in areas that align with department goals for that species. Further, it is necessary so that the department can track the animal after its release.
- Add subsection (b)(~~23~~)(A) establishes the department’s responsibility to provide proper training, materials, and other resources to wildlife rehabilitation facilities to properly mark, tag, or collar a rehabilitation animal. This provision is necessary to ensure that personnel who mark, tag, or collar a rehabilitation animal are professionally trained and use department-approved items.
- Add subsection (b)(~~23~~)(B) establishes the requirement to notify the department of a forthcoming public dissemination of sensitive information regarding the intake and/or release of any large carnivore or ungulate rehabilitation animal. This provision is necessary to allow department review of sensitive information that may harm animal welfare or endanger public safety and give the department the ability to work with the wildlife rehabilitation facility to lessen the potential detrimental effects of any such release of information. Furthermore, this provision is necessary to protect large carnivore or ungulate rehabilitation animals and people from potential human-wildlife conflict and potential poaching or harassment of a large carnivore or ungulate upon release. Additionally, restricting public disseminations to at least 10 working days after a large carnivore release will allow time for the animal to potentially move from the immediate area of release, limiting the ability of poachers or others to harass or harm the animal.
- Add subsection (b)(~~34~~) “Release of rehabilitation amphibians or reptiles” establishes the criteria for releasing a rehabilitation amphibian or reptile to suitable habitat in the wild. This provision is necessary to ensure that amphibians and reptiles are returned to the wild in locations where they naturally occur, to protect biodiversity, and prevent the transmission of diseases affecting sensitive amphibian and reptile populations.
- Add subsection (b)(5) “Release of fully protected species” establishes the criteria for releasing a rehabilitation of a fully protected species to suitable habitat in the wild. This provision is necessary to ensure that fully protected species are returned to the wild in locations where they naturally occur, to protect biodiversity, and prevent the transmission of diseases affecting sensitive populations.
- Add subsection (c) “Animals not Native to California” ~~this provision~~ establishes the list of invasive or exotic animals that are prohibited to be temporarily possessed for rehabilitation purposes. This provision is necessary so that non-native species which may harm the environment are not rehabilitated and released, to prevent the spread of diseases, protect ecological and agricultural interests, and support department invasive species eradication efforts for the purpose of conserving native wildlife and biodiversity.

## Section 679.7 Inspection of Wildlife Rehabilitation Facilities.

- Add subsection (a) “Inspections by the Department” establishes the process for the department to perform wildlife rehabilitation facility inspections including rehabilitation animals, enclosures, and required records.
- Add subsection (a)(1) “Inspections During Application Process” establishes the requirements for when an inspection is required during an application, renewal, or amendment process. This provision is necessary to ensure that the information provided in a permit application or permit amendment application is accurate, that the conditions of an existing permit are met, and that all requirements for a variance application are met, to protect the welfare of each animal, human health, and human safety.
- Add subsections (a)(1)(A) establishes that the department has created a form to use during a department inspection of a facility, enclosures, rehabilitation animals, and required records. These provisions are necessary for the department to document basic information about the inspection and its inspection findings. Further, these provisions are necessary to outline how the department records the inspection outcome determined by the department, such as to pass or fail an inspection, and in the case of a failed inspection, to document corrective measures needed to meet all requirements of the regulations, and next steps taken by the department (See Attachment 9, Figure 1). This ~~provision~~ process is necessary to clarify that the department will use a standardized method to document information, for recordkeeping, and enforcement purposes.
- ~~Add subsections (a)(1)(A)1 through (a)(1)(A)8 establishes the information that the department will document during an inspection. These provisions are necessary for the department to document basic information about the inspection and its inspection findings. Further, these provisions are necessary to outline how the department records the inspection outcome determined by the department, such as to pass or fail an inspection, and in the case of a failed inspection, to document corrective measures needed to meet all requirements of the regulations, and next steps taken by the department (See Attachment 9, Figure 1).~~
- Add subsections (a)(1)(B) establishes that the department may conduct an inspection at any reasonable time during the day under the auspice of a permit application or renewal process. This provision is necessary to outline the department’s authority to conduct inspections for any reason to protect animal welfare, native wildlife, animal welfare, human health and safety.
- Add subsection (a)(1)(C) establishes department’s process for notification to a person who has failed an inspection, communication of required changes, and how to request a re-inspection. This provision is necessary for rehabilitators who have failed an inspection to understand how they will be notified, and how and in what time frame they must come into compliance and request a re-inspection.
- Add subsection (a)(1)(C)(1) “Request for Extension” establishes the process by which an individual may request an extension to meet required facility changes after a failed inspection. This provision is necessary to allow a permittee a reasonable extension of

time to complete the facility changes required by the department if it will not harm native wildlife, animal welfare, human health or safety, or agricultural interests.

- Add subsection (a)(1)(C)(2) “Animal Possession” establishes that the department may allow an individual to continue possessing wildlife after a failed inspection so long as possession does not cause harm. This provision is necessary to maintain continuity of care, minimize undue stress to the animal, and to alleviate pressure on other rehabilitation facilities from intaking additional patients.
- Add subsection (a)(1)(D) establishes the department authority to revoke and/or reinstate a permit, sub-permit, or specialty rehabilitation authorization. This provision is necessary to outline the department’s authority to revoke or reinstate a permit, sub-permit, or specialty rehabilitation authorization, as appropriate, to protect animal welfare, native wildlife, animal welfare, human health and safety.
- Add subsections (a)(1)(D)1 through (a)(1)(D)2 establishes the criteria by which the department determines that a person has refused an inspection, and as a result of such refusal to allow an inspection, the process by which the department may revoke and/or reinstate a permit, sub-permit, or specialty rehabilitation authorization. These provisions are necessary to outline what the Commission has determined, based on the department’s experience, constitutes a good faith effort by the department and a permittee to allow an inspection. Further, these provisions are necessary to protect animal welfare, native wildlife, and to allow the continuance of wildlife rehabilitation activities under a permit if the department finds that to be in the best interest of the animals.
- Add subsection (a)~~(2)(4)(E)~~ “Other Inspections” establishes that the department may conduct an inspection at any reasonable time during the day for any reason, other than under the auspices of a permit application or renewal process, to ensure compliance with the regulations. This provision is necessary to clarify the department’s authority to conduct an inspection to protect native wildlife, animal welfare, human health or safety, or agricultural interests for any reason.
- Add subsection (b) “Inspections by Permittee or Their Designee” establishes the requirement that permittees or their designees must conduct periodic inspections of each sub-permittee authorized under their permit. This provision is necessary to clarify the responsibility of a permittee or their designee to conduct an inspection to protect native wildlife, animal welfare, human health or safety, or agricultural interests.
- Add subsection (b)(1) establishes the requirement for a permittee to inspect any satellite facilities operated by sub-permittees, and rehabilitation animals temporarily possessed by an authorized person, operating under their permit at least once during the valid permit period and no sooner than 6 months after the last inspection. This provision is necessary to clarify that such inspections may occur on a regular basis and during any reasonable time or day to protect animal welfare, and human health and safety.
- Add subsection (b)(1)(A) establishes that the department has created a form for a permittee or their designee to conduct an inspection of a sub-permittee or authorized person. This provision is necessary to clarify that a permittee or their designee will use a standardized method to document information, for recordkeeping, and enforcement

of regulations by the department. This provision is necessary to ensure that all requirements are met to protect animal welfare.

- Add subsections (b)(1)(A)1 through (b)(1)(A)9 establish the information that a permittee or their designee must document during an inspection. The permittee or their designee must sign the form accordingly, under penalty of perjury, and threat of prosecution resulting in fines or jail if the department finds information has been falsified. These provisions are necessary to ensure that the department can maintain appropriate documentation of inspections and inspection findings to ensure that all requirements are met and to provide corrective measures and/or additional requirements to protect animal welfare.
- Add subsection (b)(2) establishes the process for re-inspection of a sub-permittee or authorized person. This provision is necessary to ensure that a sub-permittee or authorized person is allowed to correct inspection deficiencies to maintain animal welfare, native wildlife, human health, or human safety. This provision is necessary to outline what the Commission has determined, based on the department's experience, constitutes a good faith effort by a permittee and their sub-permittee or authorized person to allow an inspection.
- Add subsection (b)(3) establishes the process by which a sub-permittee or authorized person is inferred to have refused to allow an inspection, and the consequences for such a refusal. This provision ensures that a permittee has the option to remove a sub-permittee or authorized person who refuses an inspection from their permit. This provision is necessary to protect the safety and well-being of rehabilitation animals.
- Add subsection (c) reserves the authority of the department to conduct enforcement actions, including those beyond inspections, it determines are necessary to ensure the welfare of wild animals and the safety of people, for any reason. This provision is necessary to ensure all requirements are met to protect animal welfare, native wildlife while being temporarily possessed for the purpose of rehabilitation, and human health and safety and that the department may effect enforcement actions when needed, potentially under separate authorities and not necessarily related to inspections contemplated under this section.

#### **Section 679.8 Seizure of Animals; Transfer, Euthanasia, or Release of Seized Animals.**

- Add subsection (a): "Seizure of Live Animals Possessed Pursuant to a Valid Permit or Sub-Permit" establishes the authority for the department to confiscate an animal due to a violation of a law or permit condition. This provision is necessary so the department can immediately remove animals if the department determines that seizure is necessary to protect the welfare of those animals.
- Add subsections (a)(1) through (a)(2) establishes the criteria under which the department may forgo seizing animals, and potentially impose an alternative penalty, even if the conditions for seizing animals are met. These provisions are necessary to protect animal welfare if the department finds that immediate or prolonged disruption of rehabilitation efforts, and removal or transport of rehabilitation animals causes more harm than allowing a wildlife rehabilitator to correct violations while continuing to

possess such animals. These provisions will allow the department to avoid overly harsh penalties in the case of minor, technical, or easily correctable violations.

- Add subsection 679.8(b) “Seizure of Live Animals Possessed by a Person with an Invalid Permit or Sub-Permit” establishes that rehabilitation animals will be seized from individuals who no longer have a valid permit. This provision is necessary because wildlife cannot be temporarily possessed without a valid permit. An individual needs to maintain a valid permit or sub-permit to continue performing wildlife rehabilitation activities.
- Add subsections (b)(1) through (b)(2) establish that the department will take an action other than animal seizure, such as allowing the continued temporarily possess a rehabilitation animal, if the department finds that a permittee is still in the 45-day “grace period” to apply for permit renewal or their renewal application is still being processed by the department. These provisions are necessary to prevent animals from unnecessarily being relocated to another facility.
- Add subsection (c): “Animals Seized Pursuant to Paragraphs (a) or (b) or Sub-section 679.5(a)(7)(B)” establishes the criteria under which department will determine how to seize a rehabilitation animal. This provision is necessary to specify the factors the department must consider when determining the method of seizure.
- Add subsections (c)(1) through (c)(4) establishes the four methods by which the department can seize an animal. These provisions are necessary because the animal welfare and humane care requirements needed to protect the safety and well-being of each rehabilitation animal may vary widely even within the same age class, species, or stage of rehabilitation. These provisions allow the department to make a case-by-case determination based on the unique needs of each rehabilitation animal to protect the best interests of that animal.
- Add subsection (d): “Costs Incurred Pursuant to Paragraphs (a) Through (c)” establishes that permittees in violation of law will incur all costs associated with the care of the seized animals. This provision is necessary so the department, other persons, or facilities involved in the seizure and treatment of animals may recoup the associated costs, which is both equitable and allows the department’s private partners to continue assisting with such seizures.

**Section 679.9 Revocation of Permit, Sub-Permit, or Variance Request; Proof of Service; Request for Reconsideration; Appeal of Revocation; Effect on Section 679.8.**

- Add subsection (a) “Revocation of a Permit by the Department” establishes the conditions under which the Department may revoke a wildlife rehabilitation permit. This provision is necessary to protect animal welfare, the safety and well-being of rehabilitation animals, and human health and safety. It is necessary to ensure that facilities cannot continue to operate under their permit if they are not following the regulations and terms and conditions of their permit, or have otherwise broken laws regarding accepted community standards, which could call into question their ability to be responsible with safeguarding the welfare of animals.
- Add subsection (a)(1) establishes the standard for the department to take an alternative action to permit revocation, such as a written warning. The Commission has determined,

based on the department's experience, that this process allows the department and the permittee options to correct the violations and continue rehabilitation efforts if deemed appropriate by the department. This provision will allow the department to avoid overly harsh penalties in the case of minor, technical, or easily correctable violations.

- Add subsection (a)(2) establishes additional criteria under which the department may take alternative action. The Commission has determined, based on the department's experience, that this process allows the department and the permittee options to correct the violations and continue rehabilitation efforts if deemed appropriate by the department. This provision will allow the department to avoid overly harsh penalties in the case of minor, technical, or easily correctable violations.
- Add subsection (b) "Revocation of a Sub-Permit by the Department" establishes the conditions under which the department may revoke a sub-permit.
- Add subsection (b)(1) establishes the conditions under which the department may revoke a wildlife rehabilitation sub-permit. This provision is necessary to protect animal welfare, the safety and well-being of rehabilitation animals, and human health and safety. It is necessary to ensure that facilities cannot continue to operate under their sub-permit if they are not following the regulations and terms and conditions of their sub-permit, or have otherwise broken laws regarding accepted community standards, which could call into question their ability to be responsible with safeguarding the welfare of animals.
- Add subsections (b)(1)(A) through (b)(1)(B) establishes the specific conditions under which the department may take alternative action to sub-permit revocation. The Commission has determined, based on the department's experience, that this process allows the department and the sub-permittee options to correct the violations and continue rehabilitation efforts if deemed appropriate by the department. This provision will allow the department to avoid overly harsh penalties in the case of minor, technical, or easily correctable violations.
- Add subsection (b)(2)(A) through (b)(2)(B) establishes that the department will revoke permits that are no longer valid, unless the sub-permittee has been allowed by the department to provide continuity of care of rehabilitation animals; or to continue temporarily possess rehabilitation animals under an invalid permit during the renewal process. The Commission has determined, based on the department's experience, that this process allows the department and the sub-permittee options to continue rehabilitation efforts if deemed appropriate by the department and ensure continuity of care for each animal.
- Add subsection (c) "~~Revocation of a Sub-Permit by the Permittee~~" "Request to Remove a Designee, Sub-Permittee, Authorized Person, or Qualified Handler." establishes the conditions under which a permittee ~~must revoke~~ may request the removal of a sub-permit, designee, authorized person, or qualified handler from a permit and the process to notify the department. This provision is necessary to allow the permittee to safely remove a sub-permittee, designee, authorized person, and qualified handlers from their permit so that invalid persons are not listed on permits. The department must be able to track individuals that are (and are not) valid wildlife rehabilitators.

- Add subsection (c)(1) through (c)(3) establishes the information required by the department to process the sub-permit revocation request to remove a sub-permit, designee, authorized person, or qualified handler including the reason for removal such as person has relocated, is no longer able to work/volunteer, has relocated, refused or failed an inspection, or is not in good standing under the permit. These provisions are necessary for a permittee and the department to properly document the reasons for a sub-permit revocation removal of a person from the permittee's permit.
- Add subsection (d) "Proof of Service and Method of Service" establishes the requirement and process for proof of service. This provision is necessary to ensure that the permittee has been properly advised of the action that has been taken.
- Add subsection (e) "Request for Reconsideration" establishes the process to submit a request for department reconsideration of a denial. This provision is necessary to afford the applicant an opportunity to present any additional information which may cause the Department to change the denial.
- Add subsection (e)(1) establishes the criteria for department reconsideration of a denial and the required information. This provision is necessary so that the Department can fully and fairly review the request to reconsider the denial.
- Add subsection (e)(2) establishes the requirement for submission of a statement of truth. This provision is necessary so that, barring a finding otherwise, the attestation of the applicant is true.
- Add subsection (e)(3) establishes the process for submission of a request for reconsideration via electronic mail. This provision is necessary to ensure that a request is provided in a reasonable timeframe.
- Add subsection (e)(4) establishes the requirement for the department to complete the review of a denial reconsideration within 60 working days. The Commission has determined, based on the department's experience, that this is a reasonable timeframe for review and approval or denial of such a request. The provision also establishes the options the department has for responding to the request.
- Add subsection (e)(5) "Denial Hearing" establishes the process by which a person may request a hearing before the commission to show cause why their permit request should not be denied. This provision is necessary to provide all remedies that are available.
- Add subsection (f) "Revocation Hearing" establishes the process to grieve a permit revocation before the commission. This provision is necessary to afford the applicant an administrative remedy to appeal the department's revocation decision.
- Add subsection (f)(1) establishes the process for an applicant to request a hearing to grieve a revocation of a permit by the department before the commission. This provision is necessary to clarify the process to request a revocation hearing.
- Add subsection (g) "Effect on the Seizure, Transfer, Euthanasia, or Release of Wildlife" establishes that grieving a denial or revocation process does not affect the seizure, transfer, euthanasia, or release of any rehabilitation animal by the department. This provision clarifies that these other provisions prevail.



**Part 5. Amend Section 703. Miscellaneous Applications, Tags, Seals, Licenses, Permits, and Fees.**

**Subsection 703 (c)(2). Native Wildlife Rehabilitation Permits.**

- Add subsection (c)(2) “Native Wildlife Rehabilitation Permits” establishes that an application for a wildlife rehabilitation permit is subject to fees paid by the applicant. This provision is necessary to clarify all fee requirements for an applicant.
- Add subsection (2)(A) through (2)(B) establishes the fee total, if any, by permit type and fee category and if the fee is refundable or non-refundable for an applicant. Further, these provisions establish the fees to be charged by the department with regard to wildlife rehabilitation. These provisions are necessary to clarify all requirements for an applicant and the cost for each permitting process.
- The base fees indicated in the amended Section 703 for application and inspection are calculated (indexed) in accordance with Fish and Game Code Section 713 and the current provisions of CCR, Title14, Section 679(e)(2)(B)6. The proposed subsections 703(c)(2)(A) and (B) replace the existing fees for new applications and renewals:

“6. Payment of a non-refundable application processing fee of \$41.00 and an inspection fee of \$114.54 to be determined by the department pursuant to Fish and Game Code Section 2150.2 and adjusted annually pursuant to Fish and Game Code Section 713.”

The fee amounts have been adjusted from the original ISOR to reflect the appropriate 2025 fees. This is necessary to clarify all requirements for an applicant and the cost for each permitting process.

|   |                    |                 |
|---|--------------------|-----------------|
| ▪ <u>Calculating the 2025 fee:</u>                        | <u>Application</u> | <u>Permit</u>   |
| ▪ <u>(A) The current fee for 2024</u>                     | <u>= \$67.00</u>   | <u>\$185.75</u> |
| ▪ <u>(B) IPD index for 2025</u>                           | <u>= 0.017863</u>  |                 |
| ▪ <u>(C) A x B rounded to the nearest \$0.25 = \$1.25</u> |                    | <u>\$3.25</u>   |
| ▪ <u>(D) Indexed fee 2025 = A+C</u>                       | <u>= \$68.25</u>   | <u>\$189.00</u> |

## **FORMS**

The proposed forms listed below will be provided by the Department for persons or entities who wish to apply and provide wild animal care in a rehabilitation facility as set forth in sections 679.1 through 679.9 and the DFW 679 Manual. Each form contains the same information and requirements as expressed in their respective subsections of these regulations. None of the forms have additional requirements not described in regulation. As the rehabilitation program and the permittees gain experience with the regulations, amendments may be necessary and would be subject to further review under the Administrative Procedures Act (APA). Upon completion of the APA process, any change to the subsections of regulations concerning the content of these forms would necessitate an update of the forms by the Department.

### **DFW 479. 679 Wildlife Rehabilitation Regulations Manual (NEW, 01/2025)**

The DFW 679 Manual is a new, easily accessible document that is free to the public which provides both general program information and resources, as well as regulatory actions incorporated by reference in these regulations. Chapter 1 of the manual does not constitute regulatory text and provides general program information and considerations prior to applying for a wildlife rehabilitation permit. Chapter 2 and Chapter 3 of the manual constitute regulatory action incorporated by reference as part of these regulations to establish rehabilitation animal enclosure requirements and rehabilitation animal humane care and treatment requirements.

### **DFW 480A. Wildlife Rehabilitation Permit Application (NEW, 01/2025)**

Establishes the Wildlife Rehabilitation Permit application pursuant to Section 679.3. Final approval procedures for a permit are set forth for an applicant who has received initial approval from the department and passed the wildlife rehabilitation examination or applying for permit renewal. The content in the form is identical to the provisions of 679.3 and clearly informs the applicant of the required information of an application packet.

### **DFW 480B. Wildlife Rehabilitation Sub-Permit Application (NEW, 01/2025)**

This form standardizes information required for submission by a permittee to add a satellite facility operated by a sub-permittee under the Wildlife Rehabilitation Permit pursuant to Section 679.3(d). The sub-permittee application captures the rehabilitation activities that will be provided at a satellite facility. The content in the form is identical to the provisions of 679.3 and clearly informs the public of the requirements of an application packet.

### **DFW 480C. Specialty Rehabilitation Authorization Form (NEW, 01/2025)**

This form standardizes information required for submission by a permittee to receive authorization for specialty rehabilitation under the Wildlife Rehabilitation Permit pursuant to Section 679.3(b). The content in the form is identical to the provisions of 679.3 and clearly informs the public of the requirements of an application packet.

### **DFW 480D. Permittee Notice of Revocation (NEW, 01/2025)**

Notice of Revocation of a Sub-Permit by the Permittee as set forth in subsection 679.9(c). The permittee may revoke a sub-permit for the reasons specified and notify the department within 5 calendar days of revoking a sub-permittee. The content in the form is identical to the provisions of 679.9 and clearly informs the public of the requirements of an application packet.

**DFW 481. Veterinarian of Record Agreement (NEW, 01/2025)**

This form standardizes the process for providing the required information specific to the “Veterinarian of Record” pursuant to Section 679.3(a)(6)(B) of the new regulations. Applicants must have a licensed veterinarian in good standing pursuant to the California Veterinary Medical Practice Act who oversees veterinary care of the rehabilitation animals. The content in the form is identical to the provisions of 679.3 and clearly informs the public of the requirements of an application packet.

**DFW 482. Wildlife Rehabilitation List of Authorized Persons (NEW, 01/2025)**

This form standardizes the process for providing the required information specific to the “List of Authorized Persons” pursuant to section 679.3(a)(6)(C) of the regulations. Permittees and sub-permittees must provide to the department a list of all individuals identified by the applicant as an authorized person, qualified handler, or designee as defined pursuant to Section 679.1. The content in the form is identical to the provisions of 679.3 and clearly informs the public of the requirements of an application packet.

**DFW 483. Facility Emergency Action Plan (NEW, 01/2025)**

This form standardizes the process for providing a written “Emergency Action Plan” that describes those designated actions required during an emergency pursuant to subsection 679.3(a)(6)(D) of the new regulations. The content in the form is identical to the provisions of 679.3 and clearly informs the public of the requirements of an application packet.

**DFW 484. Authorization to Access Property (NEW, 01/2025)**

This form standardizes the process for the applicant to provide the information required pursuant to section 679.3(a)(6)(E) of the regulations. An applicant and the owner of the property where the proposed facility will be located must provide to the Department authorization to access property so the department may conduct inspections of any facility, equipment, or wildlife temporarily possessed.

**DFW 485A. Wildlife Rehabilitation Facility Inspection Form (NEW, 01/2025)**

This form standardizes the process for primary facility information to be collected by the Department during an inspection pursuant to subsections 679.3(7) and 679.7(a) of the new regulations. The form collects the facility information required by regulation. The content in the form is identical to the provisions of 679.7 and clearly informs the public of the requirements of an application packet.

**DFW 485B. Satellite Facility Inspection Form (NEW, 01/2025)**

This form standardizes the process for satellite facility information to be collected by the permittee during an inspection pursuant to subsections 679.3(c) and 679.7(b) of the new regulations. The form collects the facility information required by regulation. The content in the form is identical to the provisions of 679.7 and clearly informs the public of the requirements of an application packet.

**DFW 485C. Wildlife Rehabilitation - Variance Request (NEW, 01/2025)**

Establishes the process of requesting a variance of any required enclosure construction design, size, or materials of the specific caging requirements listed in Chapter 2 of the DFW 679 Manual pursuant to section 679.4(c) of the regulations. The content in the form is

identical to the provisions of 679.4(c) and clearly informs the public of the requirements of an application packet (See Attachment 10, Figure 5).

**DFW 486. Wildlife Rehabilitation Annual Report (NEW, 01/2025)**

Wildlife Rehabilitation Annual Report standardizes the wildlife rehabilitation information to be submitted annually documenting the primary facility and associated satellite facilities, and the rehabilitation activities for the prior calendar year. This form provides the required information pursuant to section 679.4(a)(5)(B) of the new regulations.

**DFW 487. Certification of Animal Condition (Non-Releasability) (NEW, 01/2025)**

Standardizes information required for certification of animal condition (non-releasability), and request for permanent captive placement pursuant to 679.5(c)(2). The content in the form is identical to the provisions of 679.5(c)(2) and clearly informs the public of the requirements of such a request.

(b) Goals and Benefits of the Regulation

It is the policy of this state to regulate the temporary possession and rehabilitation of native wildlife for release to the wild under the jurisdiction and influence of the state for the benefit of all the citizens of the state and to protect, conserve, and manage the state's most vulnerable wildlife resources. Ethical, skilled wildlife rehabilitators are true partners in conservation with the Department. The objectives of this policy include, but are not limited to, adoption of scientifically based wildlife rehabilitation practices and processes, the maintenance and support of wildlife rehabilitation facilities in California, sustainable management of wildlife resources to ensure their continued existence, in harmony with current standards, and increasing respect for and recognition of the service provided by wildlife rehabilitators. The benefits of the proposed regulations are consistent with the most current requirements and standards of wildlife rehabilitation, wildlife conservation goals, health and welfare of California residents, and promotion of ethical wildlife rehabilitation facilities.

(c) Authority and Reference Sections from Fish and Game Code for Regulation

679.1 Definitions

Authority cited: Sections 200, 1050, ~~2015~~, 2081, 2120, 2121, ~~2835~~, 3005.5, 3800, and 4150, and 5050, Fish and Game Code.

Reference: Sections 716.3, ~~4018~~, 1801, 2118, 2126, 2190, 3511, 4800 and 4801.5, Fish and Game Code; Section 597, Penal Code; and Title 50 Code of Federal Regulations, Parts 14, 16, 17, 21.29, 21.30, 21.31, 22, and 23.

679.2 Transportation and Confinement of Live Wild Animals

Authority cited: Sections 200, 1050, ~~2015~~, 2081, 2120, 2121, 2150.4, ~~2835~~, 3005.5, 3800, 4150, 4180 and 5050, Fish and Game Code.

Reference: Sections 1008, 2000, 2186, 2190, 3511, and 4155, ~~4800~~ and ~~4801.5~~, Fish and Game Code; Section 8670.61.5, Government Code; Section 597, Penal Code; and Title 50 Code of Federal Regulations, Parts 14, 16, 17, 21.29, 21.30, 21.31, 22, and 23.

### 679.3 Permits for Wildlife Rehabilitation

Authority cited: Sections 200, 1050, ~~2015~~, 2081, ~~2121, 2122, 2150.2~~, 2150.4, 2157, 2192, ~~and 2835~~, 3005.5, ~~3800 and 4150~~, Fish and Game Code.

Reference: Sections 713, 1008, 2000, 2081, 2118, 2120, 2126, 2150.4, 2186, 2192, 3005.5, 3511, and 3960.4, 4800 and 4801.5, Fish and Game Code; Section 597, Penal Code; and Title 50 Code of Federal Regulations, Parts 14, 16, 17, 21.29, 21.30, 21.31, 22, and 23.

### 679.4 Facility and Housing Standards for Rehabilitation Animals

Authority cited: Sections 200, 1050, ~~2015~~, 2081, 2120, 2121, 2122, 2127, 2150, 2150.4, 2192, ~~2835~~, 3005.5, 3800, ~~and 4150~~, and 5050, Fish and Game Code.

Reference: Sections 1008, 1801, 2000, 2118, 2120, 2123, 2150.4, 2186, 3511, 3960.4, 4800, and 4801.5 and 12159, Fish and Game Code; Section 597, Penal Code; and Title 50 Code of Federal Regulations, Parts 14, 16, 17, 21.29, 21.30, 21.31, 22, and 23.

### 679.5 Humane Care Standards

Authority cited: Sections 200, 1050, ~~2015~~, 2081, 2120, 2121, 2122, 2150.4, 2157, ~~2835~~, 3005.5, 3800, and 4150, Fish and Game Code.

Reference: Sections 1008, ~~1018~~, 1801, 2000, 2120, 2126, 2150.4, 2186, 2190, 3005, 3861, 3960.4 and 4801.5, Fish and Game Code; Section 597, Penal Code; and Title 50 Code of Federal Regulations, Parts 14, 16, 17, 21.29, 21.30, 21.31, 22, and 23.

### 679.6 Release of Animals into the Wild

Authority cited: Sections 200, 1050, ~~2015~~, 2081, 2120, 2121, 2122, 2150.4, 2157, 2189, 2835, 3005.5, 3800 and 4150, Fish and Game Code.

Reference: Sections 1008, 1801, ~~and 2118~~, 2123 and 2186, Fish and Game Code; Section 597, Penal Code; and Title 50 Code of Federal Regulations, Parts 14, 16, 17, 21.29, 21.30, 21.31, 22, and 23.

### 679.7 Inspection of Wildlife Rehabilitation Facilities

Authority cited: Sections 200, 1050, ~~2015~~, 2081, 2121, 2122, 2150.4, 2189, 2192, ~~2835~~, 3005.5, 3800 and 4150, Fish and Game Code.

Reference: Sections 1008, 1801, 2000, 2122, 2123, 2150.4, 2190, 3005 and 12159, Fish and Game Code; Section 597, Penal Code; and Title 50 Code of Federal Regulations, Parts 14, 16, 17, 21.29, 21.30, 21.31, 22, and 23.

### 679.8 Seizure of Animals by the Department

Authority cited: Sections 200, 1050, ~~2021, 2015~~, 2081, 2121, 2122, 2127, 2157, 2189, 2835, 3005.5, 3800 and 4150, Fish and Game Code.

Reference: Sections 1008, 1801, 2000, 2118, 2120, 2122, 2123, 2125, 2126, 2186, 2190 ~~3005~~ and 12159 Fish and Game Code; Section 597, Penal Code; and Title 50 Code of Federal Regulations, Parts 14, 16, 17, 21.29, 21.30, 21.31, 22, and 23.

### 679.9 Denial and Revocation of Permits; Effect on Section 679.8

Authority cited: Sections 200, 1050, ~~2021, 2015~~, 2122, 2081, 2150.4, ~~2835~~, 3005.5, 3800 and 4150, Fish and Game Code.

Reference: Sections 2000, 2125, 3005 and 12159, Fish and Game Code; Section 597, Penal Code; and Title 50 Code of Federal Regulations, Parts 14, 16, 17, 21.29, 21.30, 21.31, 22, and 23.

703. Miscellaneous Applications, Tags, Seals, Licenses, Permits, and Fees.

Authority cited: Sections 713, 1002, 1002.5, 1050, 1055, 2118, 2120, 2122, 2150, 2150.2, 2157 and 5060, Fish and Game Code.

Reference: Sections 395, 396, 398, 713, 1002, 1002.5, 1050, 2116, 2116.5, 2117, 2118, 2120, 2125, 2150, 2150.2, 2150.4, 2151, 2157, 2190, 2193, 2271, 3005.5, 3007, 3503, 3503.5, 3511, 3513, 3950, 5060, 5061, 10500, 12000 and 12002, Fish and Game Code; and Title 50, Code of Federal Regulations, Parts 21.29 and 21.30.

(d) Specific Technology or Equipment Required by Regulatory Change. None

(e) Identification of Reports or Documents Supporting Regulation Change

- Attachment 1. Miller, E.A., editor. 2000. Minimum Standards for Wildlife Rehabilitation, 3rd edition. National Wildlife Rehabilitators Association, St. Cloud, MN. 77 pages.
- Attachment 2. 679 Wildlife Rehabilitation Rulemaking Survey Results, November 2022. California Department of Fish and Wildlife.
- Attachment 3. 679 Wildlife Rehabilitation Rulemaking Survey Results, May 2023. California Department of Fish and Wildlife.
- Attachment 4. 679 Wildlife Rehabilitation Rulemaking Survey Results, July 2023. California Department of Fish and Wildlife.
- Attachment 5. 679 Wildlife Rehabilitation Rulemaking Survey Results, January 2024. California Department of Fish and Wildlife.
- Attachment 6. Other States Regulations for the Possession of Wildlife and Wildlife Rehabilitation. Compiled by the California Department of Fish and Wildlife, January 2023.
- Attachment 7. 2022 Wildlife Rehabilitation Program by the Numbers Infographic. California Department of Fish and Wildlife.
- Attachment 8. CDFW Native Wildlife Rehabilitation Program summary data and graphs. California Department of Fish and Wildlife.
- Attachment 9. Compilation of Photographic Evidence of Violations or Deficiencies complying with current regulations. California Department of Fish and Wildlife. 2024.
- Attachment 10. Compilation of Photographic Evidence of Wildlife Rehabilitation Permitholders Meeting or Exceeding current regulations. California Department of Fish and Wildlife. 2024.

(f) Public Discussions of Proposed Regulations Prior to Notice Publication

- California Council for Wildlife Rehabilitators Annual Meeting, Santa Ana, CA, November 5-6, 2022.

- California Fish and Game Commission, Wildlife Resources Committee. West Sacramento, CA, January 12, 2023.
- California Department of Fish and Wildlife, Wildlife Rehabilitation Program Annual Meeting, Virtual, March 16, 2023.
- California Fish and Game Commission, Wildlife Resources Committee. Monterey, CA, May 17, 2023.
- California Council for Wildlife Rehabilitators 679 Regulations Virtual Town Hall, May 23, 2023.
- California Department of Fish and Wildlife, Review of the DFW 679 Manual, Wildlife Rehabilitator Mini Review Teams (Round 1), May 2023.
- California Department of Fish and Wildlife, DFW 679 Manual, Wildlife Rehabilitator Mini Review Teams (Round 2), June 2023.
- California Department of Fish and Wildlife, DFW 679 Manual, Wildlife Rehabilitator Mini Review Teams (Round 3), July 2023.
- California Department of Fish and Wildlife, DFW 679 Manual, Wildlife Rehabilitator Mini Review Teams (Round 4), August 2023.
- California Department of Fish and Wildlife, Wildlife Rehabilitation Ethics Roundtable Discussion, June – August, 2023.
- California Department of Fish and Wildlife, Home-Based Wildlife Rehabilitation Roundtable Discussion, July - September, 2023
- California Fish and Game Commission, Wildlife Resources Committee. San Jose, CA, September 19, 2023.
- California Council for Wildlife Rehabilitators Annual Meeting, Monterey, CA, November 4-5, 2023.
- California Department of Fish and Wildlife, DFW 679 Manual, Wildlife Rehabilitator Mini Review Team Meetings, November 20, 2023.
- California Department of Fish and Wildlife 679 Regulations Virtual Town Hall, December 5, 2023.
- California Department of Fish and Wildlife, DFW 679 Manual, Wildlife Rehabilitator Mini Review Teams (Waterbird meeting), December 6, 2023.
- California Department of Fish and Wildlife, DFW 679 Manual, Wildlife Rehabilitator Mini Review Teams (Avifauna meeting), December 7, 2023.
- California Department of Fish and Wildlife, DFW 679 Manual, Wildlife Rehabilitator Mini Review Teams (Mammals meeting), December 7, 2023.
- California Department of Fish and Wildlife, DFW 679 Manual, Wildlife Rehabilitator Mini Review Teams (Raptor meeting), December 7, 2023.
- California Department of Fish and Wildlife, DFW 679 Manual, Wildlife Rehabilitator Mini Review Teams (Waterbird meeting), December 13, 2023.

- California Department of Fish and Wildlife, DFW 679 Manual, Wildlife Rehabilitator Mini Review Teams (Avifauna meeting), December 14, 2023.
- California Department of Fish and Wildlife, DFW 679 Manual, Wildlife Rehabilitator Mini Review Teams (Mammals meeting), December 14, 2023.
- California Department of Fish and Wildlife, DFW 679 Manual, Wildlife Rehabilitator Mini Review Teams (Raptor meeting), December 14, 2023.
- California Department of Fish and Wildlife, DFW 679 Manual, Wildlife Rehabilitator Mini Review Teams (Waterbird meeting), January 3, 2024.
- California Department of Fish and Wildlife, DFW 679 Manual, Wildlife Rehabilitator Mini Review Teams (Avifauna meeting), January 4, 2024.
- California Department of Fish and Wildlife, DFW 679 Manual, Wildlife Rehabilitator Mini Review Teams (Mammals meeting), January 4, 2024.
- California Department of Fish and Wildlife, DFW 679 Manual, Wildlife Rehabilitator Mini Review Teams (Raptor meeting), January 4, 2024.
- California Fish and Game Commission, Wildlife Resources Committee. Sacramento, CA, January 19, 2024.
- California Department of Fish and Wildlife, California Council for Wildlife Rehabilitators 679 Rulemaking Meeting, January 25, 2024.
- California Department of Fish and Wildlife, Meeting with California Council for Wildlife Rehabilitators, February 1, 2024.
- California Department of Fish and Wildlife, Meeting with California Council for Wildlife Rehabilitators, February 8, 2024.
- California Department of Fish and Wildlife, 679 Wildlife Rehabilitation Forms, Wildlife Rehabilitator Mini Review Teams (Round 1) Feb. 22, 2024.
- California Department of Fish and Wildlife, California Council for Wildlife Rehabilitators 679 Rulemaking Meeting, February 22, 2024.
- California Department of Fish and Wildlife, 679 Wildlife Rehabilitation Forms, Wildlife Rehabilitator Mini Review Teams (Round 2) Friday, March 1, 2024.
- California Department of Fish and Wildlife, 679 Wildlife Rehabilitation Forms, Wildlife Rehabilitator Mini Review Teams (Round 3) Thursday, March 7, 2024.
- California Department of Fish and Wildlife, California Council for Wildlife Rehabilitators 679 Rulemaking Meeting, March 7, 2024.
- California Council for Wildlife Rehabilitators 679 Regulations Virtual Town Hall, March 8, 2024.
- California Department of Fish and Wildlife, 679 Wildlife Rehabilitation Forms, Wildlife Rehabilitator Mini Review Teams (Round 4) Friday, March 15, 2024.
- California Department of Fish and Wildlife, 679 Wildlife Rehabilitation Forms, Wildlife Rehabilitator Mini Review Teams (Round 5) Thursday, March 21, 2024.



- California Department of Fish and Wildlife, California Council for Wildlife Rehabilitators 679 Rulemaking Meeting, March 28, 2024.
- California Department of Fish and Wildlife, Meeting with Bidwell Wildlife Rehabilitation Board, April 9, 2024.
- California Department of Fish and Wildlife, 679 DFW Manual Roundtable Listening Session, May 21, 2024.
- California Department of Fish and Wildlife, 679 DFW Manual Roundtable Listening Session, May 31, 2024.
- California Department of Fish and Wildlife, 679 DFW Manual Roundtable Listening Session, June 11, 2024.

V. ~~IV.~~ Description of Reasonable Alternatives to Regulatory Action

(a) Alternatives to Regulation Change

No alternatives were identified. The intent of the regulation change is to correct current deficiencies within the existing regulation.

(b) No Change Alternative

No change alternative would result in the continued use of wildlife rehabilitation standards and requirements that fail to meet current scientifically based standard for the temporary possession and rehabilitation of wild animals, not being updated and kept current to regulation.

(c) Description of Reasonable Alternatives that Would Lessen Adverse Impact on Small Business

Subsection 679.3(e) provides a transition period clause to allow a permittee issued a permit prior to January 1, 2024, to operate under their permit conditions and existing MOU, notwithstanding any addendum to a MOU authorizing the rehabilitation of any large carnivore, until December 31, 2024. Thereafter, all permittees shall comply with all requirements pursuant to subsections 679.1 through 679.9. Further, subsection 679.4(c) establishes variance requirements for a permittee to request for a deviation in construction design or construction materials of the specific caging requirements listed in the DFW 679 Manual. This provision shall allow the Department to approve such variances to these requirements on a case-by-case basis if the Department finds that the overall security and welfare of the animal(s) involved will otherwise be maintained.

VI. ~~V.~~ Mitigation Measures Required by Regulatory Action

- The proposed regulatory action will have no negative impact on the environment; therefore, no mitigation measures are needed.

VII.      ~~VII.~~ Impact of Regulatory Action

- The potential for significant statewide adverse economic impacts that might result from the proposed regulatory action has been assessed, and the following initial determinations relative to the required statutory categories have been made:

(a) Significant Statewide Adverse Economic Impact Directly Affecting Businesses, Including the Ability of California Businesses to Compete with Businesses in Other States

- The proposed action will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. The proposed action will remedy the incomplete and inadequate specific provisions described in the current regulation.

(b) Impact on the Creation or Elimination of Jobs Within the State, the Creation of New Businesses or the Elimination of Existing Businesses, or the Expansion of Businesses in California; Benefits of the Regulation to the Health and Welfare of California Residents, Worker Safety, and the State's Environment

- The Commission does not anticipate any impacts on creation or elimination of jobs, the creation of new businesses, the elimination of existing businesses or the expansion of businesses in California because the proposed amendments will increase support and guidance to permitted wildlife rehabilitation facilities and provide consistency of standards and requirements for compliance. The Commission anticipates benefits to the health and welfare of California residents and worker safety by requiring site-specific conditions necessary to protect native wildlife, agriculture interests, animal welfare, human health and safety such as enhanced biosecurity protocols, improved caging requirements, and standardized reporting protocol for animals known or suspected to have a communicable disease.
- The new regulations will benefit the environment by expanding the Department's authority to consider potential impacts on native wildlife when issuing permits and increase protections to native wildlife temporarily possessed for the purposes of rehabilitation and release to the wilds of the State. Existing Section 679 fails to explicitly state that the Department shall issue or renew a permit only if the wildlife rehabilitation facility meets all required standards and site-specific conditions necessary to protect native wildlife, agriculture interests, animal welfare, and/or human health and safety. The new regulations require the most current wildlife rehabilitation standards and scientifically based requirements, and fully consider potential impacts to the environment and other resource users prior to issuing a permit.

(c) Cost Impacts on a Representative Private Person or Business

- The Commission is not aware of any unreasonable cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action. Fish and Game Code Section 1050(e) provides that the Department "may establish fees and may adjust statutorily imposed fees by regulation for the filings, permits, determinations, or other department actions described in Section 711.4, 1002, or 1609. "Fees established by the department shall be in an amount sufficient to recover all reasonable administrative and implementation costs of the

department relating to the program with regard to which the fee is paid.” The most recent year fee amounts per Fish and Game Code Section 713 will be updated on the forms that are proposed for amendments in this rulemaking. For example, in 2021, the non-refundable application fee was \$41.00 with a refundable inspection fee of \$114.54. For 2022, the non-refundable application fee was adjusted for inflation to \$58.50 in accordance with Fish and Game Code Section 713 with a refundable inspection fee of \$162.25. For 2023, the non-refundable application fee was adjusted for inflation to \$65.41 with a refundable inspection fee of \$181.28. For 2024, the non-refundable application fee was adjusted to \$69.01, which shall include a 3% non-refundable ALDS fee (Section 700.4(e)), and refundable inspection fee of \$191.32.

(d) Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State

- None. No change in costs or savings for state agencies is expected as a direct result of the proposed amendments to Section 679 and Section 703. The Department has estimated that the initial rulemaking process, transition period, improved oversight, and support to permittees throughout the state by the Department’s Native Wildlife Rehabilitation Program will continue to engage staff time, particularly program staff in the Department’s Wildlife Health Laboratory. The Department oversees 80 wildlife rehabilitation facilities and approximately 550 satellite facilities each year. The program and staff time costs will remain unchanged and are within currently existing budgets and resources.

(e) Nondiscretionary Costs/Savings to Local Agencies

- None.

(f) Programs Mandated on Local Agencies or School Districts

- None.

(g) Costs Imposed on Any Local Agency or School District that is Required to be Reimbursed Under Part 7 (commencing with Section 17500) of Division 4, Government Code

- None.

(h) Effect on Housing Costs

- None.

VIII. ~~VII.~~ Economic Impact Assessment

(a) Effects of the Regulation on the Creation or Elimination of Jobs Within the State

- No effect on the creation or elimination of jobs within the state by repealing Section 679 and adding new sections 679.1, 671.2, 679.3, 679.4, 679.5, 679.6, 679.7, 679.8, and 679.9, and adding subsection 703 (c)(2), is anticipated because no impact on the demand for goods or services is projected as a direct result of the proposed changes.

(b) Effects of the Regulation on the Creation of New Businesses or the Elimination of Existing Businesses Within the State

- The Commission does not anticipate any impact on the creation of new businesses or the elimination of existing businesses in California because the proposed changes to

the regulations for wildlife rehabilitation should have no impact on the demand for goods or services as a direct result of the proposed changes.

(c) Effects of the Regulation on the Expansion of Businesses Currently Doing Business Within the State

- The effects of the regulations should have no impact on the expansion of businesses currently doing business within the state because the proposed amendment to the regulations for wildlife rehabilitation should have no impact on the demand for goods or services as a direct result of the proposed changes.

(d) Benefits of the Regulation to the Health and Welfare of California Residents

- The Commission anticipates benefits to the health and welfare of California residents by requiring that wildlife rehabilitation facilities use the most current standards and scientifically based requirements to temporarily possess and rehabilitate native wildlife for the purpose of their return to the wild. The proposed changes allow the Department to require the site-specific conditions necessary to protect native wildlife, agriculture interests, animal welfare, human health and safety.

(e) Benefits of the Regulation to Worker Safety

- The Commission anticipates benefits to worker safety by ensuring that wildlife rehabilitation facilities use the most current standards and scientifically based requirements to temporarily possess and rehabilitate native wildlife for the purpose of their return to the wild. The proposed changes have direct bearing on working conditions by requiring site-specific conditions necessary to protect native wildlife, agriculture interests, animal welfare, human health and safety such as enhanced biosecurity protocols, improved caging requirements, and standardized reporting protocol for animals known or suspected to have a communicable disease.

(f) Benefits of the Regulation to the State's Environment

- The proposed action is anticipated to benefit the environment by protecting native wild animals temporarily possessed for the purposes of rehabilitation and return to the wilds of the State.

(g) Other Benefits of the Regulation

- Consistency with Current Wildlife Rehabilitation Standards: California's wildlife rehabilitation regulations need to align with the most current standards and scientifically based requirements to 1) protect native wildlife, agriculture interests, animal welfare, human health and safety; 2) meet Department goals for conservation and management of native wildlife species; and 3) increase public awareness of the ethical standards maintained by wildlife rehabilitators in California.
- The repeal of Section 679 and addition of sections 679.1, 679.2, 679.3, 679.4, 679.5, 679.6, 679.7, 679.8, and 679.9 will enable the Department to align the wildlife rehabilitation permit application and renewal process to better meet the needs of today's current and future wildlife rehabilitators.

## **Informative Digest/Policy Statement Overview**

Unless otherwise specified, all references in this document are regarding Title 14 of the California Code of Regulations (CCR). The California Department of Fish and Wildlife (Department) is recommending that the California Fish and Game Commission (Commission) repeal and replace the current regulations in Section 679, Possession of Wildlife and Wildlife Rehabilitation. This will resolve issues with the current permit issuance requirements and processes of the Department which do not meet the needs of today's rehabilitation applicants. The proposed additions to regulations are as follows:

### **Project Background**

The Department currently maintains approximately 80 permitted wildlife rehabilitators in the state. Permits are issued for a three-year period pursuant to Section 679 of Title 14. This Project will update the current wildlife rehabilitation permitting regulation and strengthen the requirements and standards for temporarily possessing native wild animals for the purpose of rehabilitation and their release to the wild. Specifically, the proposed regulation changes would:

- Add Section 679.1 “Definitions” to define terms in the regulatory text.
  - The terms and phrases used within the proposed regulations are defined so that they provide the public with meanings that are unique to rehabilitation.
  - Establishes the DFW 679 Manual, incorporated by reference in the regulation, that further describes specific care requirements for each species.
- Add Section 679.2 “Transportation and Confinement of Live Wild Animals” establishes requirements for the temporary confinement of wildlife for the purpose of transporting to a permitted wildlife rehabilitator.
  - Specifies the requirements for a person not in possession of wildlife rehabilitation permit, to temporarily confine any sick, injured, or orphaned wild animal. This section clarifies to the public the requirements to expedite the transfer of a wild animal to a permitted wildlife rehabilitator.
- Add Section 679.3 “Permits for Wildlife Rehabilitation” to establish and clarify the requirements for becoming a permitted wildlife rehabilitator.
  - The Department may issue, or amend, a permit for a period of 3 years with the specific conditions to protect both animals and human health that have been determined to be needed. The subsections further specify the permit application process and content.
- Add Section 679.4 “Facility and Enclosure Standards for Rehabilitation Animals” establishes the requirements for the operation of any wildlife rehabilitation facility.
  - Minimum requirements for housing and enclosures of rehabilitation animals.
  - The requirements and conditions necessary to protect native wildlife, animal welfare, human health, and human safety.
- Add Section 679.5 “Humane Animal Care Standards” establishes the requirements for the humane care and treatment of rehabilitation animals.

- The appropriate care, food, water, environment and treatment being provided is based on the needs of the individual animal.
- Add Section 679.6 “Release of Animals into the Wild” to establish and clarify the requirements for the release of native wildlife returned to the wild, and guidelines for animals not native to California.
  - Establishes the conditions that must be met during an evaluation to determine when a rehabilitation animal can be released to the wild ensuring it displays the behavioral and physical traits needed to survive in the wild.
- Add Section 679.7 “Inspection of Wildlife Rehabilitation Facilities” to establish the requirements for the inspection of wildlife rehabilitation facilities by the department.
  - Applicants for, or persons operating a permitted wildlife rehabilitation facility, must allow inspections by the Department to ensure compliance with these regulations as a condition of the permit.
  - The Department will make reasonable attempts at scheduling convenient inspections with the applicant/permittee present. The Department expects that all requirements and conditions necessary to protect animal welfare, native wildlife, human health, and human safety will be met.
- Add Sections 679.8 “Seizure of Animals; Transfer, Euthanasia, or Release of Seized Animals” establishes the actions the department may take due to a violation of a law or permit condition.
  - When an unauthorized person or a permittee is in violation the Department will immediately remove animals if the Department determines that seizure is necessary to protect the welfare of those animals.
  - The costs associated with the seizure and treatment of the animals, including a civil action to recoup the costs, are the responsibility of the violator.
- Add 679.9 “Revocation of Permit” establishes the authority by which the Department may revoke the permit of the permittee, or any of its authorized persons, if there is a violation of law or of the conditions of the permit.
  - The Department will act so that the violator cannot adversely impact the welfare of wildlife possessed by the permittee; native wildlife; agricultural interests of this state; or human health or safety.
- Add Subsection 703(c)(2) “Native Wildlife Rehabilitation Permits” establishes the application and inspection fees that an applicant will be subject to when submitting a new permit application or renewal permit application; and clarifies the authority by the Department to charge non-refundable and refundable fees and late fees.

The Project is anticipated to improve administration and oversight of the approval and operation of wildlife rehabilitation facilities for native birds, mammal, amphibian, and reptile species.

### **Benefit of the Regulations**

This regulatory action will establish wildlife rehabilitation standards and conditions that provide for the welfare and conservation of native wildlife temporarily possessed for the purposes of

rehabilitation. The wildlife rehabilitation expertise and knowledge possessed by today's wildlife rehabilitators has increased significantly based on decades of scientifically based literature and case studies. The current Section 679 is inadequate for the purpose of standardizing requirements, which align with current standards, for prospective and current wildlife rehabilitators in California. Further, perceived expectation of the public for wildlife rehabilitation facilities to respond to animal welfare concerns about injured, orphaned, diseased or displaced native wildlife has increased concurrent with the increased number of human-wildlife interactions and wildlife incidents reported to the Department. The regulation changes proposed herein will support increased public awareness, recognition, and appreciation of the service provided by permitted wildlife rehabilitators, as well as ensure for the welfare of native wildlife populations throughout the State.

### **Consistency and Compatibility with Existing Regulations**

Section 20 of Article IV of the State Constitution specifies that the Legislature may delegate to the Fish and Game Commission (Commission) such powers relating to the protection and propagation of fish and game as the Legislature sees fit. The Commission has reviewed its own regulations and finds that the proposed regulatory action is neither inconsistent nor incompatible with existing state regulations. The Commission has searched the California Code of Regulations and finds no other state agency regulations pertaining to the permitting of wildlife rehabilitation facilities.

### **Update**

**At its June 2024 meeting, the Commission authorized staff to publish an initial notice of proposed changes to regulations for wildlife rehabilitation; the initial notice was published in the California Notice Register on August 2, 2024. Due to the recent discovery of chronic wasting disease (CWD) in California, Department and Commission staff recommend that the previously proposed regulations be amended regarding fawn and deer rehabilitation. The Commission directed staff to update the proposed regulations to address these and other stakeholder concerns and to provide clarity and consistency in the regulations. At its August 2024 meeting, the Commission directed staff to notify the public of sufficiently related changes to the originally proposed regulatory action.**