

State of California
Fish and Game Commission
Preadoption 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 Title 14, California Code of Regulations

Re: Possession of Wildlife and Wildlife Rehabilitation

I. Dates of Statements of Reasons:

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| (a) Initial Statement of Reasons | Date: May 1, 2024 |
| (b) Amended Initial Statement of Reasons | Date: July 23, 2024 |
| (c) Preadoption Statement of Reasons | Date: November 18, 2024 |

II. Dates and Locations of Scheduled Hearings

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| (a) Notice Hearing | |
| Date: June 19, 2024 | Location: Mammoth Lakes |
| (b) Discussion Hearings | |
| Date: August 15, 2024 | Location: Fortuna |
| Date: October 10, 2024 | Location: Sacramento |
| (c) Adoption Hearing | |
| Date: December 12, 2024 | Location: Sacramento |

III. Update

The Fish and Game Commission (Commission) posted notice of a 15-day continuation period on August 26, 2024 to provide notice to the public of certain revisions to the proposed regulatory language and as explained in the Amended Initial Statement of Reasons (ISOR). In this Pre-adoption Statement of Reasons (PSOR), whenever the regulatory language has minor amendments proposed, the added text will appear in **bold**, deleted text will appear with ~~strikethrough~~ to reflect further proposed changes from the Amended ISOR.

Unless otherwise specified, all section references in this document are to Title 14 of the California Code of Regulations (CCR).

IV. Description of and Reasons for Modification of Originally Proposed Language of Initial Statement of Reasons (ISOR)

The Department of Fish and Wildlife (Department) recommends the following modifications to the Native Wildlife Rehabilitation 679 Regulations Manual, Chapters 2 and 3 incorporated by reference, of the originally proposed language of the Amended ISOR:

Section 679.6 (a)

In subsection (a) regarding evaluation for release, add “**not**” to “the animal is observed to be habituated or mal-imprinted” to further clarify the criteria for evaluating a rehabilitation animal for release to the wild.

Section 679.9(e)

In subsection (e)(3) replace “paragraph (e)” with “paragraph **(d)**” to provide a proper reference.

Chapter 2, Subsection (a)

In subsection (a)(2) regarding enclosure requirements, minor change to “shall maintain visual and physical separation between each rehabilitation animal, ~~and~~ with any domestic animal, restricted species, non-rehabilitation wild animals, **and any person not performing wildlife rehabilitation activities.**”. The amended language clarifies the criteria and requirements to maintain visual and physical separation for animals during rehabilitation.

In subsection (a)(7) regarding enclosure requirements, replace “not permanently ~~attached~~” with “not permanently **affixed**”. The amended language clarifies the type of temporary enclosures that are permitted for use.

Chapter 2, Subsection (b), Table 4

In subsection (b)(2)(C) regarding Rehabilitation Animal Enclosure Types, add “**or require supplemental feeding**” to clarify that certain neonate animals that outgrow a neonate enclosure and must be moved to a larger enclosure may still require feeding assistance. Further, the [Note] is changed to be more generalized by removing “~~One example is a young bird, called a “fledgling”, that has reached the stage of development whereby it can self-feed and leave the nest, but still requires parental care.~~”.

Chapter 2, Subsection (c)

In subsection (c)(2) regarding Amphibian and Reptile Requirements, minor change to “at least 30-days from the date of intake ~~from any species of amphibian or reptile~~, notwithstanding any amphibian or reptile rehabilitation animal **that can be** released to the wild **in a condition of good health** prior to the **end of the 30-day quarantine** period.”. The amended language clarifies the quarantine period requirements for an amphibian or reptile.

Chapter 2, Subsection (d), Table 5

In subsection (d) regarding Pre-release Conditioning Enclosure Requirements; Amphibian and Reptiles:

- For (d)(1)(A)4.a, replace “~~reverse osmosis~~” with “**treated**” to clarify that any treatment providing clean water is sufficient.
- For (d)(1)(A)4.c, add “**ultraviolet b (UVB)**” further specifying the type of artificial light.
- For (d)(2)(A)4.a, add “**notwithstanding a western pond turtle enclosure that shall be filled with at least 10-gallons of clean water per 1-inch of body length [Note: This requirement is intended to allow each animal to fully submerge in the water and swim at will.]**”.
- For (d)(2)(A)4c, add “**ultraviolet b (UVB)**”.

The amended language clarifies the water, lighting, and heat requirements for an amphibian or reptile rehabilitation animal.

Chapter 2, Subsection (f)

In subsection (f) regarding Table 6. Pre-release Conditioning Enclosure Requirement; Mammals:

- Replace substrate of a minimum depth of “~~4 feet~~” with “**6 inches**” for (1)(B) bobcats; (1)(C) coyotes; (1)(D) ermine, mink, weasel; (1)(E) fisher; (1)(F) fox, gray and Sierra Nevada red; (1)(I) raccoon; (1)(J) ringtail; (1)(K) river otter; (3)(A) opossum; (5)(A) hare, rabbit; (6)(C) marmot;
- Replace substrate of a minimum depth of “~~2 feet~~” with “**6 inches**” specific to (1)(F) fox, gray and Sierra Nevada red; (1)(G) fox, kit for welded steel wire and concrete floor requirement;
- Replace substrate of a minimum depth of “~~2 feet~~” with “**1 foot**” specific to (1)(F) fox, gray and Sierra Nevada red; (1)(G) fox, kit for 11-gauge chain link floor requirement;
- Replace substrate at a minimum depth of “~~4.5 feet~~” with “**6 inches**” specific to (1)(H) marten; (6)(G) North American Beaver;
- Replace substrate at a minimum depth of “~~4.5 feet~~” with “**1 foot**” specific to (1)(H) marten; (6)(A) chipmunk, ground squirrel; (6)(G) North American Beaver;
- Replace substrate at a minimum depth of “~~4 feet~~” with “**3 inches**” specific to (3)(A) opossum.
- In (1)(I) Raccoon, add “**with at least one area of the floor with a minimum dimension of 2-feet x 2-feet (L x W)**” for floor requirements.
- In (2)(A) All Bats, add “**panels covering at least 1/4 and up to 1/2 of the wall area; and**” and “**Wall area not constructed of wood or plastic shall be constructed of coated polyvinyl chloride (PVC) or welded wire mesh with a mesh size no larger than 1-inch x 0.5-inch**”; and remove “~~er~~” and “~~Polycarbonate plastic~~” for wall requirements. Replace “~~with minimum dimension of~~” with “**no larger than**”; replace “~~6 inches~~” with “**1.5 inches**”; and add “**or cloth pouch**” for enrichment requirements. Remove “~~of a cavity or crevasse dwelling or foliage roosting species in the [Note].~~”
- In (5)(A) Hare, Rabbit, remove “~~straw bales~~” and “~~soft~~” and add “**shade cloth, tarp**” for enrichment requirements.
- In (6)(G) North American Beaver, remove “~~following~~” and add “**of**” for enrichment requirements.
- Replace “~~a~~” with “**the**” for (1)(F) fox, gray and Sierra Nevada red and (6)(D) muskrat; and add “**the**” for (1)(L) skunk and (6)(C) marmot for grammar and consistency.

The amended language further clarifies the floor requirements for consistency and minimum depth of substrate; the wall requirement for bats; and enrichment requirement for bats, hares and rabbits.

Chapter 2, Subsection (g)

In subsection (g) regarding Table 7. Minimum Enclosure Size Requirements for Neonate and Pre-release Conditioning Enclosures and Maximum Number of Animals Per Enclosure; Mammals:

- In (3) Didelphimorphia, replace “~~8 feet x 6 feet x 6 feet~~” with “**6 feet x 4 feet x 4 feet**” for juvenile pre-release and adult pre-release conditioning enclosure sizes. Replace “40” with “**6**” for maximum number of juvenile opossums in a pre-release conditioning enclosure.
- In (6) Rodentia, remove “~~ground squirrel~~” from (A) and add “**(C) Ground Squirrel**” to the list of specific requirements. Amend the lettering of each animal type to list in alphabetical order.

The amended language further clarifies the minimum pre-release conditioning enclosure requirements for mammals.

Chapter 2, Subsection (i)

In subsection (i) regarding Table 8. Pre-release Conditioning Enclosure Requirements; Birds (Excluding Waterbirds):

- In (1)(A)2, remove “~~covered with soft netting affixed to the interior wall~~” from the wall requirements; add “**Welded steel wire mesh with a mesh size no larger than 1-inch x 1-inch covering the remaining wall area, and with shade cloth or steel hardware cloth with a mesh size no larger than 0.5-inch x 0.5-inch affixed to the interior of the remaining wall area**” to the wall requirements.
- In (1)(A)5, add “**or wood**” to clarify the wall requirements.
- In (1)(A)6, add “**or**” and “**d. Welded steel wire with mesh size no larger than 1/2-inch x 1/2-inch covered with rounded rock, such as pea gravel, soil or similar natural substrate at a minimum depth of 3-inches; or**” and “**e. Wood covered with rounded rock, soil, soil, or similar natural substrate at a minimum depth of 3-inches.**” to the floor requirements.
- In (1)(A)7, replace “~~5-~~” with “**2**” and “~~2 inches~~” with “**1-inch**”; and add “**above the ground**” to the enrichment requirements.
- In (2) Accipitriformes, move requirements for “Turkey Vultures” from (A) to (C); and amend the lettering of each animal type to list in alphabetical order.
- In (6)(A) Falconiformes and (7)(A) Galiformes, add “**the**” for grammar and consistency.
- In (10) Stringiformes, add “**(C) Western screech owls**” and the requirements “**1. Each enclosure shall have at least 2 hides or sheltered retreats constructed of wood, plastic, or similar material, with a minimum size of 8 inches x 15 inches x 8 inches (L x H x W) and a maximum size of 1 foot x 1.5 feet x 1 foot, placed at a minimum height of 5 feet above the ground.**”.

The additional language clarifies construction and enrichment requirements for rehabilitation birds.

Chapter 2, Subsection (j)

In subsection (j) regarding Table 9. Minimum Enclosure Size Requirements for Neonate and Pre-release Conditioning Enclosure and Maximum Number of Animals Per Enclosure; Birds (Notwithstanding Waterbirds):

- Replace “~~Notwithstanding~~” with “**Excluding**” in the table title.
- In (1) Accipitriformes, amend the order and lettering of each animal type to list in alphabetical order. In (G) Turkey Vultures, replace “~~3~~” with “**1**” for maximum number of

neonate animals and replace “6” with “4” for maximum number of juvenile and adult animals. Replace “400” with “50” for minimum length in feet for juvenile and adult pre-release conditioning enclosures and replace “20” with “16” for minimum width in feet for adult pre-release conditioning enclosures.

- In (6) Falconiformes, amend the lettering of each animal type to list in alphabetical order. In (A) American Kestrel, replace “2” with “4” for maximum number of adult animals in pre-release conditioning enclosures. In (B) Kites, replace “6” with “3” for maximum number of juvenile and adult animals in pre-release conditioning enclosures.
- In (8) Passeriformes, amend the lettering of each animal type to list in alphabetical order. Move requirements for “Swallows” from (C) to (G). In (C), replace “4 inches W x 2 inches H” with “12 inches x 6 inches x 6 inches”. In (D) remove “Ravens”. In (E) replace “6 inches W x 3 inches H” with “1.5 feet x 1 foot x 1 foot”. Add “(F) Ravens”, “2 feet x 1.5 feet x 2 feet” and “1” for neonate enclosure requirements, and “50 feet x 10 feet x 12 feet” and “3” for juvenile and adult pre-release conditioning enclosure requirements.

The additional language further clarifies the requirements for minimum enclosure size and maximum number per enclosure.

Chapter 2, Subsection (k)

In subsection (k) regarding Table 10a. Pre-release Conditioning Enclosure Requirements; Waterbirds:

- In (1)(A), replace “~~Pressure-treated wood or composite wood or similar wood and covered with soft netting or shade cloth on the interior wall~~” with “**Wood covering at least 1/4 and up to 1/2 of the lower wall area**” for the 1.a. requirement. Add “**covering at least 1/4 and up to 1/2 of the lower wall area**” and remove “~~covered with soft netting or shade cloth on the interior wall~~” for the 1.b. and 1.c. requirement. Add “**d. Welded steel wire with a mesh size no larger than 1-inch x 1-inch covering the remaining wall area, and steel hardware cloth with a mesh size no larger than 0.5-inch x 0.5-inch affixed to the interior of the remaining wall area.**”. Add “**either:**”, “**Concrete covered with**”, “;”, “**or**”, and “**e. Wood**”; and remove “~~concrete, notwithstanding an enclosure comprised of a pool only, and covered with either~~” for the floor requirement.
- In (6)(B), add “**height**” and “**above the ground**”; and replace “3” with “6” for the enrichment requirement.

The additional language further clarifies the enclosure wall requirements for all waterbirds and the enrichment requirement for pelicans.

Chapter 2, subsection (l) Table 10b

In subsection (l) regarding Table 10b. Pre-release Conditioning Enclosure Requirements; Pool-Only Waterbirds:

- In (1)(A), add “**Includes species of diving duck, stiff-tailed duck, merganser, alcid, phalarope, loon, grebe, albatross, fulmar, and petrel**” and “**6. Each enclosure shall have the water level of the pool at least 1-foot below the top of the pool edge [Note: This requirement is intended to prevent injury to each animal.]**”.
- Remove “~~1. Each pool enclosure shall have the following enrichment: a. At least 1 flat frame surface with a minimum frame dimension of 1-foot x 1-foot (L x W) constructed of plastic pipe, wood, or similar material, and covered with knotless netting, that is free-~~”.

~~floating on the water surface [Note: This requirement is intended to allow each animal to ingress and egress from the water at will and prevent injury to sensitive feet.]” from (2)(B), (3)(C), and (4)(E). Remove these rows from the table.~~

- For Red phalarope and Red-necked phalarope requirement, remove “dry”, “~~b. At least 2 dynamic or static perches constructed of wood or plastic, and placed at a minimum height of 2 feet above the water surface; and~~” and “~~c. Artificial or live emergent aquatic vegetation [Note: This requirement is intended to provide a visual barrier and allow each animal to be fully hidden at will.]”~~”. Add “**with**” for grammar and consistency.
- In (6)(G) and (6)(H), remove “~~1. Each pool enclosure shall have the water level of the pool at least 1-foot below the top of the pool edge [Note: This requirement is intended to prevent injury to each animal.]”~~”. Remove these rows from the table.
- In (5) Podicipediformes, add “**Pied-Billed**” and “**(not required for other grebes)**” to Grebes.
- Amend the lettering of each animal type to list in alphabetical order.

The amended language further clarifies pool-only waterbird enclosure and enrichment requirements.

Chapter 2, subsection (m) Table 11

In subsection (m) regarding Table 11. Minimum Size Requirements for Neonate and Pre-release Conditioning Enclosures and Maximum Number of Animals Per Enclosure; Waterbirds:

- In (2)(D) Red Phalarope, Red-necked Phalarope, replace “**5**” with “**6**” for the maximum number of adult animals in pre-release conditioning enclosures.
- In (6)(A) Bittern, Egret, Heron, Ibis, Stork (species less than 20 inches, based on size of adults). replace “**4**” with “**2**” for the maximum number of adult animals in pre-release enclosures. In (6)(B) Bittern, Egret, Heron, Ibis, Stork, (species greater than 20 inches), replace “**2**” with “**4**” for the maximum number of adult animals in pre-release conditioning enclosures.
- In (6)(D) Pelican, Brown, replace “**20**” with “**35**” for the maximum number of juvenile and adult animals in pre-release conditioning enclosures. In (6)(E) Pelican, White, replace “**6**” with “**20**” for the maximum number of juvenile and adult animals in pre-release conditioning enclosures

The amended language further clarifies the maximum number of juvenile and adult animals in pre-release conditioning enclosures.

Chapter 2, subsection (p) Table 13

In subsection (p) regarding Table 13. Specialty Rehabilitation Animal Enclosure Requirements for Pre-release Conditioning:

- In (4)(A) Peregrine Falcon, Prairie Falcon, replace ~~(B)~~ with **(A)** to list in alphabetical order.
- In (5)(A) Venomous Snake, add “**or door and**”, “**enrichment**”, “**b (UVB)**”, and “**natural**”. Replace “~~between 8 hours and 10 hours in a~~” with “**at least 8-hours each**” and “~~day~~” with “**period**”.

The amended language further clarifies the enclosure and enrichment requirement for venomous snakes.

Chapter 2, subsection (q) Table 14

In subsection (q) regarding Table 14. Neonate and Limited Mobility Minimum Enclosure Size Requirements and Maximum Number of Animals Per Enclosure; Specialty Rehabilitation Animals:

- In (1)(a) and (4)(a), replace “~~400 feet x 16 feet x 16 feet~~” with “**Based on animal condition**” for eagles and falcons in a limited mobility enclosure.
- In (2)(a) and (2)(b) and (3)(a) and (3)(b), replace “~~N/A~~” with “**0**” for the maximum number of adult specialty rehabilitation animals, specifically Deer, Pronghorn, Bighorn Sheep; Elk; Mountain Lion; and Black Bear.

The amended language further clarifies the requirements for specialty rehabilitation animals in neonate and limited mobility enclosures.

Chapter 2, subsection (r) Table 15

In subsection (r) regarding Table 15. Pre-Release Conditioning Enclosure Minimum Enclosure Size Requirements and Maximum Number of Animals Per Enclosure; Specialty Rehabilitation Animals, replace “4” with “**2**” for (4)(a) Peregrine Falcon, Prairie Falcon. The amended language further clarifies the requirements for the maximum number of juvenile and adult specialty rehabilitation animals in a pre-release conditioning enclosure.

Chapter 3, Subsection (a)

In subsection (a)(7) added the letter “**s**” to the word “system” for grammar and clarity.

Chapter 3, Subsection (c) Table 16

In subsection (c) regarding Table 16. Common Cleaning Agents to Limit the Transmission of Communicable Wildlife Diseases, add “**Aquatic or 3% bleach**” to (12) Amphibian and Reptile Enclosure (Cleaning Requirements). The amended language further clarifies the type of disinfectant solution allowed.

Chapter 3, Subsection (e) Table 17

In subsection (e) regarding Table 17. Common Cleaning Agents to Limit the Transmission of Communicable Wildlife Diseases, replace “~~Progress~~” with “**Progressive**” in (1) “Adenovirus Hemorrhagic Disease” for grammar and clarity.

Chapter 3, Subsection (g)

In (g)(1) regarding euthanasia requirements, add “**and**” and “**that may perform euthanasia of any rehabilitation animal**”. The amended language further clarifies the euthanasia training requirement for personnel.

The Commission proposes to incorporate by reference the 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://wildlife.ca.gov/wildliferehab>.

V. Summary of Primary Considerations Raised in Opposition and in Support:

Public comments received between August 5, 2024, and November 13, 2024, are summarized and responded to below.

- **August 5, 2024, and September 27, 2024 – Cynthia Myers (written comment)**

Commenter, Education/bat team volunteer with the San Diego Humane Society/Project Wildlife in southern California. Ms. Myers suggested the following minor edit to the Native Wildlife Rehabilitation 679 Regulations Manual:

- Chapter 2, (a)(2). Clarify when visual and physical separation is required for wildlife rehabilitation animals specific to enclosure requirements.
- Chapter 2, (f)(2). Table 6. Pre-release Conditioning Enclosure Requirement; Mammals. Clarify the wall enclosure requirements and enrichment types for bats.

Response: The Department supports amending Chapter 2, (a)(2) and (f)(2) to clarify the visual and physical separation requirement and the wall enclosure and enrichment requirement for bats. Proposed subsection (a)(2) and (f)(2) are revised. Enclosures must provide for the full expression of the natural life history behaviors each rehabilitation animal needs to survive in the wild. These provisions are necessary to reduce rehabilitation animal stress and minimize the risk of habituation or mal imprinting of each animal.

- **August 11, 2024 – Peter Flowers (written comment)**

Commenter, Wildlife Hospital & Rehabilitation Manager, representing Lindsay Wildlife Experience in the Bay Delta area. Mr. Flowers suggested the following minor edit to the Native Wildlife Rehabilitation 679 Regulations Manual:

- Chapter 2, (a)(2). Clarify when visual and physical separation is required for wildlife rehabilitation animals specific to enclosure requirements.
- Chapter 2, (a)(7). Clarify the requirement to permanently attach to a structure.
- Chapter 2, (d) Table 5. Pre-release Conditioning Enclosure Requirements; Amphibian and Reptiles. Clarify the enclosure requirements specific to type of ultraviolet light, type of water, and water needs for western pond turtles.
- Chapter 2, (f) Table 6. Pre-release Conditioning Enclosure Requirements; Mammals. Clarify the floor requirements specific to raccoons and opossums.
- Chapter 2, (g) Table 7. Minimum Enclosure Size Requirements for Neonate and Pre-release Conditioning Enclosures and Maximum Number of Animals Per Enclosure; Mammals. Decrease pre-release enclosure size height for opossums.
- Chapter 2, (i) Table 8. Pre-release Conditioning Enclosure Requirements; Birds (Excluding Waterbirds). Clarify the number of perches for birds excluding waterbirds.
- Chapter 2, (p) Table 13. Specialty Rehabilitation Animal Enclosure Requirements for Pre-release Conditioning. Clarify the enclosure requirements for venomous snakes specific to lighting requirements, options to secure enclosure, and safe transfer options for live animals.
- Chapter 3, (c) Table 16. Common Cleaning Agents to Limit the Transmission of Communicable Wildlife Diseases. Clarify the type of disinfectant solution allowed for reptiles and amphibians.

- Chapter 3, (g)(8) Clarify the reason why tagging an animal carcass prior to disposal is required.
- Chapter 3, (h)(1) Table 18. Acceptable euthanasia methods for rehabilitation animals. Clarify the reason why certain inhalant methods are allowed.

Response: The Department supports amending Chapter 2, (a)(2), (a)(7), (d) Table 5, (f) Table 6, (g) Table 7, and (p) Table 13, and Chapter 3, (c) Table 16 to clarify the visual and physical separation requirement; definition of temporary enclosure; pre-release conditioning enclosure requirement for amphibians and reptiles, and specialty rehabilitation venomous snakes; enclosure and enrichment requirement for racoon and opossum; pre-release enclosure size and maximum number of animals requirement for opossum; and cleaning requirement for amphibian and reptile enclosures. The proposed Chapter 2, (a)(2), (a)(7), (d) Table 5, (f) Table 6, (g) Table 7, and (p) Table 13, and Chapter 3, (c) Table 16 have been revised. Enclosures must provide for the full expression of the natural life history behaviors each rehabilitation animal needs to survive in the wild. These provisions are necessary to reduce rehabilitation animal stress and minimize the risk of habituation or mal imprinting of each animal.

The Department does not support amending Chapter 2, (i) Table 8 for the perch requirement for birds (excluding waterbirds). The Department does not propose to decrease the number of perches required as these are the minimum necessary for the welfare of the animal. This provision is necessary to ensure that pre-release conditioning enclosures allow for each rehabilitation bird to express natural life history behaviors that are specific and unique to that species. The Department does not support amending Chapter 3, (g)(8) for the animal carcass tagging requirement as this is a general best practice. The Department does not support amending Chapter 3, (h)(1), Table 18 list of acceptable euthanasia methods as this is beyond the scope of this table. The selection of a euthanasia method requires specialized training and expertise and may vary depending on the circumstances. Therefore, Subsection 679.(c)(1)(A)(1-3) describes the required training for individuals performing euthanasia. This training will address which methods are acceptable or not acceptable. These provisions are necessary to protect animal welfare and the safety of personnel administering any euthanasia method, to ensure animal carcass disposal in compliance with all laws, and to prevent the carcass of a rehabilitation animal euthanized by a controlled drug from being scavenged by any animal or person.

- **August 28, 2024, and September 10, 2024 – Rebecca Duerr (written comment)**

Commenter, Director of Research and Veterinary Science, representing International Bird Rescue in southern California. Dr. Duerr (DVM, MPVM, PhD) noted two typos and suggested the following minor edit to the Native Wildlife Rehabilitation 679 Regulations Manual:

- Chapter 2, (a)(2). Clarify when visual and physical separation is required for wildlife rehabilitation animals specific to enclosure requirements.
- Chapter 2, (b)(2) Table 4. Rehabilitation Animal Enclosure Types. Clarify the criteria for rehabilitation animals to be housed in a limited mobility enclosure.
- Chapter 2, (c)(2). Clarify the 30-day quarantine requirement for amphibians and reptiles upon intake if an animal can be released prior to the end of quarantine.

- Chapter 2, (d) Table 5. Pre-release Conditioning Enclosure Requirements; Amphibian and Reptiles. Clarify the enclosure requirement for western pond turtles, and the general requirement for temperature gradients and enrichment.
- Chapter 2, (g) Table 7. Minimum Enclosure Size Requirements for Neonate and Pre-release Conditioning Enclosures and Maximum Number of Animals Per Enclosure; Mammals. Clarify the pre-release enclosure size height for opossums.
- Chapter 2, (i) Table 8. Pre-release Conditioning Enclosure Requirements; Birds (Excluding Waterbirds). Clarify soft netting requirement for walls, floor materials, and perch type for birds.
- Chapter 2, (k) Table 10a. Pre-release Conditioning Enclosure Requirements; Waterbirds. Clarify the soft netting requirement for walls, floor materials, and perch type allowed for waterbirds.
- Chapter 2, (l) Table 10b. Pre-release Conditioning Enclosure Requirements; Pool-Only Waterbirds. Clarify the water level and enrichment requirement for pool-only waterbirds.
- Chapter 2, (m) Table 11. Minimum Size Requirements for Neonate and Pre-release Conditioning Enclosures and Maximum Number of Animals Per Enclosure; Waterbirds. Clarify the maximum number of animals in pre-release conditioning enclosures for pelican, bittern, egret, heron, ibis, and stork.
- Chapter 3, (g)(1) Clarify the wildlife euthanasia training requirement for personnel.

Response: The Department supports amending Chapter 2, (a)(2), (b)(2) Table 4, (c)(2), (d) Table 5, (g) Table 7, (i) Table 8, (k) Table 10a, (l) Table 10b, and (m) Table 11 to clarify the visual and physical separation requirement; limited mobility enclosures requirement; 30-day quarantine requirement for amphibians and reptiles; enclosure requirement for western pond turtle; pre-release enclosure size for opossum; pre-release enclosure and enrichment requirement for all birds; and the maximum number of animals for species of pelican, bittern, egret, heron, ibis, and stork. Proposed Chapter 2, (a)(2), (b)(2) Table 4, (c)(2), (d) Table 5, (g) Table 7, (i) Table 8, (k) Table 10a, (l) Table 10b, and (m) Table 11 have been revised. Enclosures must provide for the full expression of the natural life history behaviors each rehabilitation animal needs to survive in the wild. These provisions are necessary to reduce rehabilitation animal stress and minimize the risk of habituation or mal imprinting of each animal. The Department also supports amending Chapter 3, (g)(1) to clarify the criteria for personnel required to complete euthanasia training. This provision is necessary to protect animal welfare and the safety of personnel administering any euthanasia method and to ensure all conditions are met for the humane euthanasia of a rehabilitation animal.

The Department does not support amending Chapter 2, (d) Table 5 for the enrichment requirement specific to temperature gradient and rocks for amphibians and reptiles as this is necessary for the welfare of the animal. Enclosures must provide for the full expression of the natural life history behaviors that are specific and unique to each species. This provision is necessary to protect the safety and well-being of each rehabilitation animal.

- **August 29, 2024, and November 1, 2024 – Anna Ream (written comment)**

Commentor, Director, representing Wildlife Care of Southern California in southern California. Ms. Reams noted support for the overall package. She provided general support

for subsection 679.5(c) of the proposed regulations regarding the requirement and criteria for potential placement of non-releasable rehabilitation animals. She suggested the following minor edit to the Native Wildlife Rehabilitation 679 Regulations Manual.

- Chapter 2, (g) Table 7. Minimum Enclosure Size Requirements for Neonate and Pre-release Conditioning Enclosures and Maximum Number of Animals Per Enclosure; Mammals. Clarify the maximum number of animals in pre-release conditioning enclosures for coyotes and opossums.
- Chapter 2, (i) Table 8. Pre-release Conditioning Enclosure Requirements; Birds (Excluding Waterbirds). Clarify the soft netting requirement for enclosure walls, and the enrichment requirement specific to roadrunners.

Response: The Department supports amending Chapter 2, (i) Table 8 to clarify the wall requirement in pre-release enclosures for all birds. Proposed Chapter 2, (i) Table 8 have been revised. Enclosures must provide for the full expression of the natural life history behaviors that is specific and unique to each species. This provision is necessary to protect animal welfare and minimize the risk of injury to each animal.

The Department does not support amending Chapter 2, (g) Table 7 to increase the maximum number of animals in a pre-release conditioning enclosure for coyotes or opossums as this is to protect the welfare of the animal. The Department does not support amending Chapter 2; (i) Table 8 to clarify the enclosure requirements for pre-release conditioning birds as this is for the protection of the animal. Enclosures must provide for the full expression of the natural life history behaviors that are specific and unique to each species. This provision is necessary to protect the safety and well-being of each rehabilitation animal.

The Department does not support amending subsection 679.5(c) as this provision is necessary to establish the process and potential outcomes for a rehabilitation animal thought not to be a suitable candidate for release to the wild.

- **October 21, 2024 – Joanne McDermott (written comment)**

Commentor, Director of Administration, representing Orange County Bird of Prey Center in southern California. Ms. McDermott noted support for the overall package. She specifically noted that Orange County Bird of Prey Center had two minor edits to the proposed regulatory language and comments regarding the 679 Wildlife Rehabilitation Regulations Manual.

- Section 679.6 (a) Evaluation for Release. Clarify the evaluation for release requirement by adding “not” to the statement “the animal is observed”.
- Section 679.9 (e) Request for Reconsideration. Replace “paragraph (e)” with “paragraph (d)” to correct and clarify the paragraph reference.

- Chapter 2, (i) Table 8. Pre-release Conditioning Enclosure Requirements; Birds (Excluding Waterbirds). Clarify the soft netting requirement for enclosure walls, and the enrichment requirement specific to western screech owls.
- Chapter 2, (j) Table 9. Minimum Enclosure Size Requirements for Neonate and Pre-release Conditioning Enclosures and Maximum Number of Animals Per Enclosure; Birds (Excluding Waterbirds). Clarify the minimum size dimensions and maximum number of animals in pre-release enclosures requirement for turkey vultures, osprey, kites, kestrels, and hawks.
- Chapter 2, (p) Table 13. Specialty Rehabilitation Animal Enclosure Requirements for Pre-release Conditioning. Clarify the enclosure construction and enrichment requirement for eagles and falcons.
- Chapter 2, (q) Table 14. Neonate and Limited Mobility Minimum Enclosure Size Requirements and Maximum Number of Animals Per Enclosure; Specialty Rehabilitation Animals. Clarify the minimum size requirement for limited mobility enclosures specific to eagles and falcons.
- Chapter 2, (r) Table 15. Pre-Release Conditioning Enclosure Minimum Enclosure Size Requirements and Maximum Number of Animals Per Enclosure; Specialty Rehabilitation Animals. Clarify the maximum number of animals requirement for pre-release conditioning enclosures specific to falcons.

Response: The Department supports amending Section 679.6(a) to clarify the requirement and criteria for establishing whether a rehabilitation animal can be released to the wild. The proposed Section 679.6(a) has been revised. This provision is necessary to protect the welfare of each 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. The Department supports amending Section 679.9(e) to provide the correct paragraph reference within the subsection. The proposed Section 679.9(e) has been revised. This provision is necessary to establish the process for an applicant to submit a request for Department reconsideration of a denial and the opportunity to present any additional information which may cause the Department to change the denial.

The Department supports amending Chapter 2, (i) Table 8, (j) Table 9, (q) Table 14, and (r) Table 15 to clarify the wall requirement in pre-release enclosures for all birds; changed the minimum size requirement of pre-release conditioning enclosures specific to turkey vultures; the maximum number of animals in pre-release conditioning enclosures specific to kites, kestrels, and turkey vultures; the minimum size requirement for limited mobility enclosures specific to eagles and falcons; and maximum number of animals in pre-release conditioning enclosures specific to falcons. Proposed Chapter 2, (i) Table 8, (j) Table 9, (q) Table 14, and (r) Table 15 has been revised. Enclosures must provide for the full expression of the natural life history behaviors that are specific and unique to each species. These provisions are necessary to protect the safety and well-being of each rehabilitation animal, prevent animal injury, and minimize the risk of animal escape or predation.

The Department does not support amending Chapter 2, (j) Table 9 to increase the maximum number of animals in a pre-release conditioning enclosure for species of hawks, the minimum size requirement for pre-release conditioning enclosures specific to osprey as these requirements are to protect the welfare of the animal. The

Department does not support amending Chapter 2, (p) Table 13 to edit the pre-release enclosure construction or enrichment requirement for specialty rehabilitation animals specific to eagles or falcons. The current proposed regulations are necessary for the welfare of the animal. Enclosures must provide for the full expression of the natural life history behaviors that are specific and unique to each species. This provision is necessary to protect the safety and well-being of each rehabilitation animal, prevent animal injury, and minimize the risk of animal escape or predation.

- **November 13, 2024 – Pamela Turner (written comment)**

Commentor, Volunteer wildlife rehabilitator with Lindsay Wildlife Experience in the Bay Delta area. Ms. McDermott suggested the following minor edit to the Native Wildlife Rehabilitation 679 Regulations Manual.

- Chapter 2, (i) Table 8. Pre-release Conditioning Enclosure Requirements; Birds (Excluding Waterbirds). Clarify the floor requirement for pre-release conditioning enclosures for birds.
- Chapter 2, (j) Table 9. Minimum Enclosure Size Requirements for Neonate and Pre-release Conditioning Enclosures and Maximum Number of Animals Per Enclosure; Birds (Excluding Waterbirds). Clarify the minimum size dimensions and maximum number of animals in neonate and pre-release conditioning enclosures specific to crows and ravens.

Response: The Department supports amending Chapter 2, (i) Table 8 and (j) Table 9 to clarify the floor material requirement in pre-release conditioning enclosures for birds; and clarified the minimum size requirement and maximum number of animals of pre-release conditioning enclosures specific to ravens. Proposed Chapter 2, (i) Table 8 and (j) Table 9 has been revised. Enclosures must provide for the full expression of the natural life history behaviors that are specific and unique to each species. These provisions are necessary to protect the safety and well-being of each rehabilitation animal, prevent animal injury, and minimize the risk of animal escape or predation.

Revised Proposed Regulatory Language

KEY:

Language originally proposed to be added is shown in underline.

Language originally proposed to be deleted is shown in ~~strikeout~~.

Language originally proposed to be added but now proposed to be removed is shown in ~~underline/double-strikeout~~.

Language newly proposed to be added is shown in double-underline.

The following portion of the originally proposed language in subsection 679.6(a) is revised to read:

- (a) Evaluation for Release. A permittee, their sub-permittee, or designee shall evaluate a rehabilitation animal to determine if it can be released to the wild, in accordance with Section 671.6, using the following release criteria: the animal does not have ~~has~~ a condition that will likely prevent the animal from surviving in the wild; the animal ~~cannot~~ display the natural life history behavior of its species needed to survive in the wild; the animal is not ~~not~~ observed to be habituated or mal-imprinted; ~~or~~ and the animal is not known or suspected to have a disease of concern listed in Chapter 3 of the DFW 679 Native Wildlife Rehabilitation Manual...

The following portion of the originally proposed language in subsection 679.9(e) is revised to read:

- (e) Request for Reconsideration.

.....

- (3) An applicant shall send a request for reconsideration via electronic mail no later than 30 calendar days after the date on the proof of service described in paragraph (ed), to the following email address: Rehabwildlife@wildlife.ca.gov. The department shall not accept a request for reconsideration that is submitted after the 30 calendar day deadline or is not signed under penalty of perjury.

The following portion of the originally proposed language in Chapter 2 and Chapter 3 of the Native Wildlife Rehabilitation 679 Regulations Manual is revised to read:

See attached.

[Note that there are no other changes to the originally proposed Regulations.]