

## Proposed Regulatory Language

Section 679.1, Title 14, California Code of Regulations, is hereby added as follows:

### § 679.1 Definitions.

For the purposes of Sections 679.1 through 679.9, the following definitions apply:

- (a) Animal Welfare, or Welfare of the Animal. The state of an animal that is met, while being temporarily possessed by a person, by providing for its physical and behavioral needs in a manner that considers the natural life history of that species, including an animal's needs for water, food, shelter, and medical treatment and euthanasia if necessary.
- (b) Authorized Person. A person, at least 18 years of age, with minimum of 40 hours of animal care, husbandry, and handling experience approved by the permittee, their sub-permittee, or designee at their sole discretion, to temporarily confine a rehabilitation animal, under the supervision and direction the permittee, their sub-permittee, or designee, at a location other than the wildlife rehabilitation facility or satellite facility
- (c) Conspecific. Individual animals of the same species.
- (d) Designee. A person, such as a facility director or manager, who is at least 21 years of age, with a minimum of 500 hours of animal care, husbandry, and handling experience, approved by the permittee to conduct activities under the permit on behalf of the permittee.
- (e) Eagle and Falcon Specialty Rehabilitation. Wildlife rehabilitation of any bald eagle (*Haliaeetus leucocephalus*) or golden eagle (*Aquila chrysaetos*) of the Order Accipitriformes, or peregrine falcon (*Falco peregrinus*) or prairie falcon (*Falco mexicanus*) of the Order Falconiformes, as authorized under specialty rehabilitation permit conditions issued by the department.
- (f) Enrichment. An item designed to stimulate and encourage a range of innate behaviors of a rehabilitation animal, specific to that species and the condition and welfare of the animal.
- (g) Euthanasia. The humane induction of death with minimal pain or stress to the animal.
- (h) Habituated. The condition of a wild animal that is repeatedly exposed to anthropogenic stimuli and, as a result, no longer has a natural negative behavioral or physical response to humans; such a condition may be reversible.
- (i) Large Carnivore Specialty Rehabilitation. Wildlife rehabilitation of an American black bear (*Ursus americanus*) or mountain lion (*Puma concolor*) as authorized under specialty rehabilitation permit conditions issued by the department.
- (j) Mal-imprinted. The process by which a neonate or juvenile wild animal behaviorally imprints on a human or animal of another species that permanently prevents that animal from expressing the natural life history behaviors of its species.
- (k) Native Wildlife Rehabilitation 679 Regulations Manual (New 01/2025) (form DFW 479) hereafter called "DFW 679 Manual". A listing of enclosure requirements and humane care standards for wildlife rehabilitation facilities, satellite facilities, and related wildlife rehabilitation activities; available on the department website at <https://wildlife.ca.gov/wildliferehab>. Chapters 2 and 3 of DFW 679 Manual are incorporated by reference herein.
- (l) Neonate. A newborn or newly hatched animal that is often unable to self-feed, thermoregulate, or ambulate on its own, and usually requiring parental care to survive.
- (m) Non-releasable Animal. A wild animal not suitable for release to the wild due to it being habituated, mal-imprinted, or having a physical or behavioral impairment that precludes the animal's ability to survive in the wild in a manner consistent with its natural life history behaviors.

- (n) Orphan Animal. A neonate or juvenile animal still dependent on parental care for survival, that is found under conditions in which parental care is no longer available, such as permanent separation from or death of the parent.
- (o) Permit. Privilege provided to a person authorized by the department to temporarily possess rehabilitation animals pursuant to sub-section 679.3(a).
- (p) Qualified Handler. For the purposes of specialty rehabilitation, a person with the required experience is listed in sub-section 679.3(b)(2)(A)5.
- (q) Rehabilitation Animal. A live wild amphibian, reptile, bird, or mammal of a species native to California, excluding any marine mammal or sea turtle, that is temporarily possessed for the purpose of rehabilitation and release to the wild pursuant to these regulations, and the following wild animals not native to California: Virginia opossum (*Didelphis virginiana*), Eastern gray squirrel (*Sciurus carolinensis*), Eastern fox squirrel (*Sciurus niger*), wild turkey (*Meleagris gallopavo*), rock pigeon (*Columba livia*), Eurasian collared dove (*Streptopelia decaocto*), European starling (*Sturnus vulgaris*), and European house sparrow (*Passer domesticus*).
- (r) Required Record. Any document submitted to the department, created, or issued pursuant to these regulations, including but not limited to, any permit, sub-permit, other relevant permits, memorandum of understanding, patient record, or report.
- (s) Satellite Facility. A facility operated by a sub-permittee authorized pursuant to Section 679.3, to intake and temporarily possess wildlife for the purpose of rehabilitation at a location other than a wildlife rehabilitation facility operated by the permittee or their designee.
- (t) Specialty Rehabilitation Authorization. Privilege provided to a permittee or sub-permittee by the department to temporarily possess one or more of the following specialty rehabilitation animals pursuant to sub-section 679.3(b): large carnivore, ungulate, venomous snake, or any species of eagle (Order Accipitriformes) or falcon (Order Falconiformes).
- (u) Sub-permit. Privilege provided to a person authorized by both the department and a permittee, or their designee, pursuant to sub-section 679.3(c) to operate a satellite facility and intake and temporarily possess rehabilitation animals without the direct supervision of the permittee or their designee at a satellite facility.
- (v) Ungulate Specialty Rehabilitation. Wildlife rehabilitation of a deer (*Odocoileus hemionus*), pronghorn (*Antilocapra americana*), elk (*Cervus canadensis*), or wild sheep (*Ovis canadensis*) native to California of the Order Artiodactyla as authorized under specialty rehabilitation permit condition issued by the department.
- (w) Venomous Snake Specialty Rehabilitation. Wildlife rehabilitation of any species of snake native to California of the Order Squamata that produces venom as authorized under specialty rehabilitation permit conditions issued by the department.
- (x) Veterinarian of Record. A veterinarian, currently licensed by the State of California, who agrees in writing to provide and direct veterinary treatment for rehabilitation animals pursuant to Section 679.3.
- (y) Wildlife Rehabilitation. The temporary possession, treatment, and care of a rehabilitation animal, for the purpose of restoring it to a condition of good health for its release to suitable habitat in the wild.
- (z) Wildlife Rehabilitation Facility. A facility operated by a permittee or their designee, at a location approved by the department pursuant to Section 679.3 and listed on the permit, whereby wild animals are temporarily possessed for the purposes of wildlife rehabilitation.

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

Reference: Sections 716.3, 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.

## Proposed Regulatory Language

Section 679.2, Title 14, California Code of Regulations, is hereby added as follows:

**§ 679.2 Transportation and Confinement of Live Wildlife.**

(a) Temporary Confinement of Wild Animals. A person who is not authorized by the department under a permit or sub-permit issued pursuant to Section 679.3; has not previously had a permit or sub-permit revoked or denied by the department; has not violated any provision of Section 597 of the Penal Code; or has not been convicted of a crime of moral turpitude, may temporarily confine for no more than 24 hours, or in the case of a California licensed veterinarian no more than 48 hours, an injured, diseased, or orphaned wild animal, except for big game mammals listed in Section 350 or exotic game mammals listed in Section 325, for the purposes of transferring such an animal to a permittee, their sub-permittee, or designee, or the department.

(1) A person shall provide the following information to a permittee, their sub-permittee, or designee, or the department in writing via email at Rehabwildlife@wildlife.ca.gov or telephone at (916) 358-2790, within 24 hours of confining any such animal: name and telephone number; taxonomic group or species of animal; description of its condition; date and location the animal was found; and location where the animal is currently confined. At the direction of a permittee, their sub-permittee, or designee, or the department, any such person shall perform one of the following actions: immediately release the animal at the location where it was found; temporarily confine the animal until the department, a permittee, or their designee can take possession of the animal; if able transport the animal to a permittee, their sub-permittee, or designee; or if able transport the animal to the department or a location the department deems necessary to protect native wildlife, animal welfare, human health or safety, and agriculture interests.

(2) A California licensed veterinarian shall comply with subsection 679.5(b)(2) prior to transporting a wild animal, and any animal care records specific to that animal, to a permittee, their sub-permittee, or designee, or the department.

(3) A person shall not knowingly temporarily confine or transfer for the purpose of rehabilitation any wild animal listed pursuant to subsection 671.6(c) of these regulations or any animal identified by the department as an invasive species pursuant to Food and Agricultural Code Section 5260.5, that include but are not limited to nutria, American bullfrog, African clawed frog, common coqui, red-eared slider, watersnake (*Nerodia* species), pin-tailed whydah, and mute swan.

(4) A person may transport for the purposes of rehabilitation any injured, diseased, or orphaned wild mammal that is lawfully trapped, notwithstanding Subsection 465.5(g)(1) or having been convicted of a crime of moral turpitude; or any injured, diseased, or orphaned migratory bird pursuant to federal regulation 50 CFR 21.31(a).

(b) Prohibition on Possession of Big Game Mammals, Exotic Game Mammals or Fully Protected, Threatened or Endangered Species Except Under Department Permit. Section 679.2(a) notwithstanding, no person shall possess any big game mammal listed in Section 350 or exotic game mammal listed in Section 375, or any fully protected, endangered, or threatened species listed in Section 670.5, without specific written authorization from the department.

(c) Disabled Wildlife in an Oil/Toxic Spill Area. No person shall enter a department designated oil/toxic spill area to temporarily confine or transport wildlife disabled by an oil spill or other spilled toxic substance, except for a person in possession of a permit, or their designee, sub-permittee, or authorized person, issued pursuant to Section 679.3 who has incident-specific authorization from the department for the specific designated oil/toxic spill area.

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

Reference: Sections 1008, 2000, 351, and 4155, 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.

## Proposed Regulatory Language

Section 679.3, Title 14, California Code of Regulations, is hereby added as follows:

**§ 679.3 Permits for Wildlife Rehabilitation.**

- (a) Permit. The department may issue a person a wildlife rehabilitation permit valid for 3 years from the date of issuance and may amend existing permits with the conditions it determines are necessary to protect native wildlife, animal welfare, human health or safety, and agriculture interests.
- (1) Limited Scope. A permit issued pursuant to this section does not supersede any law, or the need for any other applicable permit, license, or other entitlement. Permits issued under this section are non-transferrable between any person.
- (2) Qualifications. Any person who is a resident of the state of California pursuant to Fish and Game Code Section 70, can qualify for and be issued a permit if an applicant possesses the qualifications specified in subsections 679.3(a) through (c) and is at least 21 years of age.
- (3) Conferring. The department may confer with any person to verify information on the application, at any stage of the application process, and where applicable may require written proof of that information pursuant to Fish and Game Code subsection 1054(b). An applicant shall provide such information to the department in writing via email at [Rehabwildlife@wildlife.ca.gov](mailto:Rehabwildlife@wildlife.ca.gov) within 30 calendar days of the department's request, or the department shall deny the application.
- (4) Initial Request. A person seeking a wildlife rehabilitation permit shall first submit an initial request in writing to the department via email to [Rehabwildlife@wildlife.ca.gov](mailto:Rehabwildlife@wildlife.ca.gov) that includes the following information:
- (A) Copies of two letters stating there is a need for a new wildlife rehabilitation facility to increase local or regional capacity to possess rehabilitation animals, written within 12 months from the date of initial written request for a permit, on letterhead stationery listing the printed name, title, handwritten signature, or electronic signature in accordance with California Civil Code §1633.5(b), date of signature, and affiliation of the signatory.
1. One letter shall be submitted by a permittee possessing a valid permit or sub-permit.
  2. The second letter shall be submitted by any of the following persons: a permittee possessing a valid wildlife rehabilitation permit; department staff, Regional Manager, or their designee; a veterinarian licensed in the State of California; or a duly authorized representative of a federal, tribal, state, or a local agency with jurisdiction over wildlife or animal care located in the same county or adjacent county to an applicant.
- (B) List of taxonomic groups or species of animal proposed to be temporarily possessed for the purposes of rehabilitation using the following categories: amphibian, reptile, bird, mammal.
- (C) Required Experience. Description of at least 1,000 hours experience of animal care, husbandry, and handling experience under the supervision of a permitted wildlife rehabilitator, their sub-permittee, or designee in California, completed within 5 years from the date of the initial approval request, or experience that the department determines to be equivalent as described herein.
- (D) The department shall provide approval or denial of the initial request pursuant to the requirements listed herein, in writing via email within 30 calendar days. No person shall temporarily possess a rehabilitation animal until the department has issued a permit pursuant to subsection 679.3(a).

(5) Wildlife Rehabilitation Examination. Upon initial approval from the department, an applicant shall take the free California state wildlife rehabilitation examination via a password-protected html link provided in writing by the department. Alternatively, an applicant may request to the department via email at Rehabwildlife@wildlife.ca.gov or telephone at (916) 358-2790, to take the examination in person at the nearest department office.

(A) For a new permit, an applicant and any proposed designee shall be required to take the wildlife rehabilitation examination. For an existing permit, a proposed sub-permittee and any proposed designee, shall be required to take the wildlife rehabilitation examination.

(B) An applicant shall correctly answer at least 80 percent of the questions to pass the examination.

1. An applicant who completes the examination will be provided with written documentation by the department with the results of the examination. A passing score shall be valid for 1 year from the date of completion of the examination.

2. An applicant who fails the examination may submit a request to the department in writing via email at Rehabwildlife@wildlife.ca.gov to retake the examination no sooner than 30 calendar days from the date of the failed examination. An applicant may take the examination up to three times; if an applicant fails to pass the examination by the third attempt, or within 1 year from date of initial approval, the department shall rescind initial approval of the permit request. An applicant may restart the initial approval process no sooner than 1 year from the date of the last failed examination.

(C) Unauthorized Communication, Publication, and Sharing; Penalties.

1. An applicant who either: while taking the examination, communicates with any other person other than a department employee administering the examination; or publishes or shares, or assists in the publication or sharing, of the specific contents of an examination question or answer in any way, shall fail the examination and may not apply to obtain a permit for a period of 5 years from the date the applicant took the examination.

2. The department shall revoke any rehabilitation permit issued to a permittee who, while taking the examination as an applicant, violates the foregoing subsection. The permittee may apply to obtain a new permit no less than 5 years from the date of the revocation but shall retake and successfully pass the examination before a new permit is issued. This action shall be subject to reconsideration as described in subsection 679.9(e).

3. Any person who publishes or shares, or assists in the publication or sharing, of the specific contents of an examination question or answer, shall be liable, in addition to any other applicable civil or criminal damage or penalty, for all costs incurred by the department in creating a new examination or examination question if the department, in its sole discretion, determines that creating a new examination or examination question is necessary because of the publication or sharing.

(D) Examination Content. The basic wildlife rehabilitation examination shall test applicants on general wildlife rehabilitation concepts, standard rehabilitation practices, species-specific rehabilitation techniques, diseases of concern in California, the life history of California native wildlife and other species that may be rehabilitated, ethical codes of conduct, applicable laws, and any other wildlife rehabilitation-related topics that the department determines are necessary to know and understand. It shall consist of 50 definitions, multiple-choice, and true-false questions; and applicants shall be allowed up to 120 minutes to complete it. The specialty rehabilitation examination shall test applicants on the general wildlife rehabilitation

concepts, standard rehabilitation practices, species-specific rehabilitation techniques, diseases of concern in California, the life history of California native wildlife species of specialty rehabilitation animals that may be rehabilitated, ethical codes of conduct, applicable laws, and any other wildlife rehabilitation-related topics that the department determines are relevant with respect to the specialty rehabilitation authorization(s) the applicant is seeking. It shall consist of 30 definitions, multiple-choice, and true-false questions; and applicants shall be allowed up to 90 minutes to complete it.

(6) Final Approval. An applicant who has received initial approval from the department and passed the wildlife rehabilitation examination as described in subsection 679.3(a)(5), may submit an application packet with the required fees to the department via the U.S. Postal Service or other postal carrier to the department's License and Revenue Branch, P.O. Box 944209, Sacramento, CA 94244 that shall contain the following required documentation.

(A) Wildlife rehabilitation permit application, in a form provided by the department, that shall include the following information:

1. Applicant and Facility Information. Full name, date of birth, physical address, mailing address if different, telephone number, email address, ALDS Get Outdoors ID (GO ID) or a required form of identification listed pursuant to subsection 700.4(c) for the department to create an ALDS customer profile for the applicant; facility name if applicable, facility physical address, facility mailing address if different, facility telephone number, facility email address, and facility website if applicable.

2. Required Experience. Description of at least 1,000 hours of animal care, husbandry, and handling experience under the supervision of a permitted wildlife rehabilitator in California, or their sub-permittee or designee, completed within 5 years from the date of the initial approval request; or experience that the department determines to be equivalent in California, including start dates and end dates. An applicant shall provide the name, affiliation, telephone number, email, and mailing address of relevant references that the department may contact to verify such experience.

a. The department may consider one credit hour of education in veterinary medicine, biological sciences, wildlife rehabilitation, or similar courses as a substitute for one hour of experience, up to 300 hours of the required experience based on: the number of hours of education and topic of the curriculum; completion of a certificate, degree, or similar qualification; if the education was obtained at an accredited institution or program recognized by the U.S. Department of Education; and submission of relevant original transcript(s) if applicable.

3. Designee Information (if applicable). Full name, date of birth, physical address, mailing address if different, telephone number, email address.

a. Required Experience. Description of at least 500 hours of animal care, husbandry, and handling experience under the supervision of a permitted wildlife rehabilitator in California, or their sub-permittee or designee, completed within 5 years from the date of the initial approval request; or experience that the department determines to be equivalent in California, including start dates and end dates. An applicant shall provide the name, affiliation, telephone number, email, and mailing address of relevant references that the department may contact to verify such experience of the designee.

b. The department may consider one credit hour of education in veterinary medicine, biological sciences, wildlife rehabilitation, or similar courses as a substitute for one hour of experience, up to 100 hours of the required experience based on: the number

- of hours of education and topic of the curriculum; completion of a certificate, degree, or similar qualification; if the education was obtained at an accredited institution or program recognized by the U.S. Department of Education; and submission of relevant original transcript(s) if applicable.
4. Public Contact Information. Telephone number, email address, physical address, and website, if applicable, of the proposed facility that the department will provide as a resource to the public on the department's website at <http://wildlife.ca.gov/wildliferehab>.
  5. Rehabilitation Animals. Maximum number of rehabilitation animals that are proposed to be temporarily possessed at the proposed facility in the following categories: amphibian, reptile, bird, mammal.
  6. Declaration of Enclosures. Description of each type of pre-release enclosure that shall meet the requirements listed in Chapter 2 and Chapter 3 of the DFW 679 Manual that shall include the following information for each type of enclosure: length, width, and height in feet and inches; enclosure materials; and photographs, diagrams, blueprints, or other written plans. Applications for variances, per subsection 679.4(c), must be included for any proposed or existing deviations.
  7. Facility Operation Protocols. Description of all facility operation protocols that shall include the following information:
    - a. Data storage method to maintain required records pursuant to subsection 679.5(c).
    - b. Protocol for euthanasia that shall include euthanasia methods for each taxonomic group or species of proposed rehabilitation animal, list of qualified personnel pursuant to subsection 679.5(e)(1), how controlled substances will be stored, if applicable, and methods of animal carcass disposal.
    - c. Protocol for staff and volunteer training that shall include the number of hours and frequency of training.
    - d. Protocol for intake and triage rehabilitation of animals pursuant to subsection 679.5(b)(1).
    - e. Protocol for the humane care of rehabilitation animals pursuant to subsection 679.5(a)(1) through (4).
    - f. Biosafety plan to prevent and control parasites, communicable diseases, vectors and pathogens pursuant to subsection 679.5(a)(5).
    - g. Contingency plan to allow for a person, identified by a permittee or their designee, and meeting all requirements of these regulations as a designee defined in subsection 679.1(a)(4), to provide continuity of care of rehabilitation animals for up to the expiration date of the valid permit term if the permittee or designee is no longer able to temporarily possess rehabilitation animals for any reason.
  8. Acknowledgement and Signature. Certify under penalty of perjury that the declaration is true and correct, and that the wildlife described is legally possessed by the undersigned.
- (B) Veterinarian of Record Agreement. Written agreement signed by an applicant and a California licensed veterinarian who agrees to be the veterinarian of record under a permit, in a form provided by the department, that shall include the following information:

1. Applicant Information. Applicant name, date of birth, GO ID (if applicable), mailing address, telephone number, email address, facility name (if applicable), county, and physical address.
  2. Veterinarian Information. Full name, license number, license expiration date, telephone number, email address, physical address, and employer name, if applicable.
  3. Acknowledgement of permittee responsibilities, that shall include:
    - a. Maintaining current veterinarian information, including regular hours of availability to treat rehabilitation animals possessed by the permittee.
    - b. Providing required records for any rehabilitation animal such that a licensed veterinarian can make an informed assessment of the condition of an animal and treatment plan or euthanasia of the animal.
    - c. Relying on the licensed veterinarian to best address the administration of medication and treatment prescribed for the rehabilitation animal.
    - d. Adhering to the standing orders of a veterinarian for medication use and treatment prescribed for the rehabilitation animal.
    - e. Recognizing that the purpose of providing care or treatment of a rehabilitation animal is to restore them to a condition of good health for their release to the wild.
  4. Acknowledgement of veterinarian responsibilities, that shall include:
    - a. Providing veterinary consultation for a rehabilitation animal such as standing orders to perform routine procedures for animal care, treatment procedures, or similar protocol.
    - b. Provisioning, storing, and documenting all controlled drugs, if applicable, pursuant to all federal and state laws.
    - c. Considering the ethics regarding the life history and welfare of a rehabilitation animal when providing treatment of that animal.
    - d. Relying on the permittee or their designee to best address the humane care needs of a rehabilitation animal.
    - e. Recognizing that the purpose of providing care or treatment of a rehabilitation animal is to restore them to a condition of good health for their release to the wild.
  5. List of species of rehabilitation animal that the veterinarian is specially trained if applicable; species of rehabilitation animal that the veterinarian is not able to handle or provide services for any reason; and the veterinarian services that may be provided by the veterinarian at their sole discretion: Physical examinations; dispensing, administering, prescribing medication; screening and preventative care; diagnostic services; surgical procedures; euthanasia; necropsy; carcass disposal.
  6. A permittee, their designee, or veterinarian of record may terminate this agreement at any time and for any reason; a permittee or their designee shall notify the department of any such change pursuant to subsection 679.4(a)(6)(B).
  7. Acknowledgement and Signature. Certify under penalty of perjury that the declaration is true and correct, and that the wildlife described is legally possessed by the undersigned.
- (C) List of Persons. A list of each authorized person if applicable, as defined pursuant to Section 679.1 of these regulations, shall include the following information in a form provided by the department.

1. Applicant information. Full name, date of birth, GO ID (if applicable), mailing address, telephone number, email address, facility name (if applicable), facility website (if applicable), physical address, and mailing address if different.
2. Authorized person information. Full name, telephone number, email address, physical address, mailing address if different, brief description of relevant experience, and list of species or taxonomic group of rehabilitation animal authorized to handle. An authorized person shall be listed under only one valid permit at any time.
3. Acknowledgement and Signature. Certify under penalty of perjury that the declaration is true and correct, and that the wildlife described is legally possessed by the undersigned.

(D) Facility Emergency Action Plan. A written plan describing emergency protocol in the event of an evacuation from a proposed facility, in a form provided by the department, that shall include a date of incorporation of the plan and the following information:

1. Applicant name, date of birth, GO ID (if applicable), mailing address, telephone number, email address, facility name (if applicable), county, and physical address.
2. List of animal capture equipment, such as nets, personal protective equipment, or chemical immobilization equipment, if applicable;
3. List of animal transport equipment that shall include the quantity, size dimensions, and brief description of each cage, which can include the animal intended to occupy each cage (species, size, type) and the maximum number of animals per cage;
4. List of emergency animal supplies designated for each species of taxonomic group of rehabilitation animal that shall include: a 3 calendar day supply of animal feed, or list of required food supplies and nearest location of such food, food and water receptacles, portable water containers, specialty feeding supplies, artificial heating source, artificial cooling source, bedding, cleaning and disinfectant supplies, and basic veterinary medical supplies;
5. Facility safety and emergency alert items on the premises, first aid kits; smoke and carbon monoxide detectors; fire extinguishers; emergency exit signage, if applicable; “animals on premise” signage; eye wash stations, if applicable; utility shut-off valves such as gas, water, and electricity valves; and breaker boxes; fire alarms; visual alarms; radio communications; telephone tree; audible alarms; mobile alert app;
6. List of local emergency telephone numbers that shall include first responders, animal services, public health agencies, hospital, and other points of contact if applicable; and department regional office;
7. Evacuation leads for assembly area, first aid, responder liaison, and animal evacuation;
8. Evacuation protocol instructions for animal release criteria, animal transport criteria, assembly area with primary and secondary locations, staging area with primary and secondary locations, and primary and secondary evacuation routes.
9. Acknowledgement and Signature. Certify under penalty of perjury that the declaration is true and correct, and that the wildlife described is legally possessed by the undersigned.

(E) Authorization to Access Property. Written authorization, for the department to access a property where a wildlife rehabilitation facility, satellite facility, or rehabilitation animal is temporarily possessed, in a form provided by the department, signed by the property owner or their authorized representative stating that the department shall have access to conduct inspections pursuant to subsections 679.7(a)(1) and (2).

1. Applicant Information. Applicant name, date of birth, GO ID (if applicable), mailing address, telephone number, email address, facility name (if applicable), county, and physical address.
2. Property Owner Information. Full name, title, telephone number, email address, physical address, mailing address if different.
3. Property owner acknowledgement and signature. Certify under penalty of perjury that the declaration is true and correct, and that the department has permission from the undersigned to enter a property to conduct an inspection pursuant to subsections 679.7(a)(1) and (2).
4. Applicant Acknowledgement and Signature. Certify under penalty of perjury that the declaration is true and correct, and that the department has permission from the undersigned to enter a property to conduct an inspection pursuant to subsections 679.7(a)(1) and (2).

(F) Compliance with Local Laws. An applicant for a new permit or a request for permit renewal shall provide written documentation, such as a letter from a local agency with jurisdiction over zoning, that demonstrates that the proposed facility is in compliance with all local laws.

(7) Issuance of Permit. The department shall issue a permit if an applicant meets all requirements listed pursuant to these regulations and Chapter 2 and Chapter 3 of the DFW 679 Manual and passes a facility inspection pursuant to Section 679.7. The department shall determine which taxonomic group or species of rehabilitation animal an applicant is authorized to temporarily possess based on conditions the department determines are necessary to protect native wildlife, animal welfare, human health and safety, or agriculture interests.

(8) Renewal of Permit. A permittee or their designee may submit an application packet to renew a permit with the required fee, postmarked no later than 60 calendar days before the valid permit expires, via the U.S. Postal Service or overnight carrier to the department's License and Revenue Branch, P.O. Box 944209, Sacramento, CA 94244, that shall include the following information: information listed in subsection 679.3(a)(6)(A) through (F); list of sub-permittees that shall include their full name, telephone number, email address, physical address and mailing address of the satellite facility; and payment to the department of a nonrefundable fee adjusted annually pursuant to Fish and Game Code Section 713.

(A) Up to 45 calendar days after the valid permit expires, a permittee or their designee may apply to renew the permit by paying a nonrefundable late fee, pursuant to Section 703(c)(2) of these regulations, with any application for renewal. The department shall deny any application for renewal postmarked later than 45 calendar days after the existing permit expired. Except as provided in paragraphs (B) and (C) below, the department shall seize, pursuant to Section 679.8, any rehabilitation animal possessed by a permittee, their sub-permittee, or designee later than 45 calendar days after the permit expired.

(B) Except as provided in this paragraph, a permittee shall not intake any new rehabilitation animals after a permit expires. If an animal is brought to a wildlife rehabilitator whose permit is expired, the animal may be temporarily possessed per subsection 679.2(a). The department may provide a written 60 calendar day permit extension to a permittee to temporarily possess and/or intake rehabilitation animals if the permittee submitted an application for renewal postmarked no later than 45 calendar days after the permit expired, and the department finds that the conditions necessary to protect native wildlife, animal welfare, human health or safety, and agriculture interests shall be met during the application renewal process. A permit extension shall expire either 60 calendar days after it is granted,

the permit is renewed, or the permit application is denied whichever occurs first. The department may grant an additional permit extension if it needs more than 60 calendar days to review the renewal application, and it finds that the conditions necessary to protect native wildlife, animal welfare, human health or safety, and agriculture interests shall continue to be met.

(C) If a permit expires while the Department is reviewing the application for renewal, the department may provide written approval to a permittee, their sub-permittee, or designee to continue to intake and temporarily possess rehabilitation animals under an expired permit if the department finds that the conditions necessary to protect native wildlife, animal welfare, human health or safety, and agriculture interests shall be met during the application renewal process.

(9) Facility Change. A permittee, their designee or sub-permittee shall notify the department in writing via email at RehabWildlife@wildlife.ca.gov at least 60 calendar days prior to any change in physical address of a wildlife rehabilitation facility or satellite facility, or construction of a new facility or satellite facility.

(A) A permittee, their designees or sub-permittee who requests to amend a valid permit or sub-permit may submit an application packet to the department via the U.S. Postal Service or overnight carrier to the department's License and Revenue Branch, P.O. Box 944209, Sacramento, CA 94244 that shall contain the following required documentation using forms provided by the department listed in subsections 679.3(a)(6)(A)1,3 through 7; 679.3(a)(6)(D) and (E).

(B) An applicant shall submit the appropriate completed application and fees for a permit amendment request.

(C) The department shall approve or deny a permit amendment request following completion of a department inspection pursuant to Section 679.7.

(10) Permit Fees. The department shall charge a fee for a new permit, or a request for permit renewal, or a permit amendment as specified in subsection 703(c)(2) of these regulations.

(A) New Permit Fees. An applicant for a new permit shall submit a completed application for a Native Wildlife Rehabilitation Permit with the nonrefundable application fee and a refundable inspection fee listed pursuant to subsection 703(c)(2)(B)1 of these regulations. The inspection fee shall be refunded if the department denies a permit amendment request the new permit application and no inspection is performed by the department or its designee.

(B) Permit Renewal Fees. An applicant for a permit renewal shall submit a completed application for a Native Wildlife Rehabilitation Permit with the nonrefundable application fee listed pursuant to subsection 703(c)(2)(B)2. of these regulations. The department shall not charge an inspection fee for a permit renewal.

(C) Specialty Rehabilitation Authorization Fees. An applicant for a permit amendment for specialty rehabilitation authorization shall submit a completed application for a Specialty Rehabilitation Authorization with a nonrefundable application fee and a refundable inspection fee listed pursuant to subsection 703(c)(2)(B)4 of these regulations. The inspection fee shall be refunded if the department denies a permit amendment request and no inspection is performed by the department or its designee.

(D) Permit Amendment Fees. An applicant for a permit amendment for a ~~new~~ new facility change shall submit a completed application for a Native Wildlife Rehabilitation Permit with a refundable inspection fee listed pursuant to subsection 703(c)(2)(B)5 of these regulations. The inspection fee shall be refunded if the department denies a permit amendment request

and no inspection is performed by the department or its designee.

(b) Specialty Rehabilitation Authorization. The department may amend a permit to authorize a permittee, their sub-permittee or designee to temporarily possess specialty rehabilitation animals, as defined pursuant to Section 679.1, for the purpose of rehabilitation if such persons meet the following requirements.

(1) Examination. An applicant for specialty rehabilitation animals shall take the free California state wildlife rehabilitation examination provided by the department pursuant to subsection 679.3(a)(5)(A), specialty rehabilitation section, and shall correctly answer at least 80 percent of the questions to pass the examination.

(2) Application Packet. An applicant shall submit to the department a specialty rehabilitation application packet, in forms provided by the department, via the U.S. Postal Service or overnight carrier to the License and Revenue Branch at P.O. Box 944209, Sacramento, CA 94244, that shall include the following information:

(A) Application form.

1. Applicant and Facility Information. Description of applicant and facility as described in subsection 679.3(a)(6)(A)1 above.

2. Required Experience. Description of the minimum hours of animal care and husbandry experience with animals in the same taxonomic group or closely related taxa of the same Order as the proposed specialty rehabilitation animals, completed within 5 years from the date of request for specialty rehabilitation authorization: 400 hours of large carnivore experience; 250 hours of ungulate experience; 250 hours of experience with any species of eagle or falcon; and 100 hours of venomous reptile experience; or experience that the department determines to be equivalent in California, including start dates and end dates. An applicant shall provide the name, affiliation, telephone number, email, and mailing address of relevant references that the department may contact to verify such experience. Alternatively, the department may consider one credit hour of education in veterinary medicine, biological sciences, wildlife rehabilitation, or similar courses as a substitute for one hour of experience, up to 40 hours of the required experience based on: the number of hours of education and topic of the curriculum; completion of a certificate, degree, or similar qualification; the applicant obtaining the education at an accredited institution or program recognized by the U.S. Department of Education; and submission of relevant original transcript(s) if applicable.

3. Specialty Rehabilitation Animals. A list of proposed specialty rehabilitation animals, and the maximum number of animals by species able to be temporarily possessed at one time in the following categories: large carnivore, ungulate, bald or golden eagle or peregrine or prairie falcon, venomous snake.

4. Declaration of Enclosures. Description of each type of animal enclosures that shall meet the requirements listed in Chapter 2 and Chapter 3 of the DFW 679 Manual as described in subsection 679.3(a)(6)(A)6 above.

5. Qualified Handlers. A list of the following minimum number of qualified handlers as defined taxonomic group or species of proposed specialty rehabilitation animal: large carnivore, ungulate, bald or golden eagle or peregrine or prairie falcon, venomous snake. An applicant shall demonstrate that a qualified handler, that is not the applicant, has completed the following minimum hours animal care and handling experience with animals in the same taxonomic group, or closely related taxa of the same Order, as the

proposed specialty rehabilitation animal: 300 hours of carnivore experience; 100 hours of ungulate experience; 100 hours of raptor experience; and 80 hours of venomous snake experience.

6. Facility Operation Protocols. Description of all facility operation protocols that shall include all required information listed pursuant to subsection 679.3(a)(6)(A)7 in writing in a form provided by the department.

7. Acknowledgement and Signature. Certify under penalty of perjury that the declaration is true and correct, and that the wildlife described is legally possessed by the undersigned.

(B) Veterinarian of Record Agreement. Written agreement signed by an applicant and a California licensed veterinarian who agrees to be the veterinarian of record under the specialty rehabilitation authorization for an existing permit, in a form provided by the department, as described in subsection 679.3(a)(6)(B) above.

(C) Facility Emergency Action Plan. A written plan describing emergency protocol in the event of an evacuation from a proposed facility, in a form provided by the department, as described in subsection 679.3(a)(6)(D) above.

(D) Authorization to Access Property. Written authorization, in a form provided by the department, as described in subsection 679.3(a)(6)(E) above.

(E) Proof of valid permit or license, or other written documentation demonstrating that an applicant will not be violating any local laws, from a local agency with jurisdiction over zoning that allows an applicant to temporarily possess all proposed specialty rehabilitation animals at the facility.

(3) Final Approval. The department shall amend a permit to authorize a permittee or their designee to conduct specialty rehabilitation of the animals listed in subsection 679.3(b) if an applicant meets all standards pursuant to these regulations. A permittee or their designee may temporarily possess such specialty rehabilitation animals only at the wildlife rehabilitation facility or satellite facility location approved by the department.

(c) Sub-Permit. The department may amend a permit to allow a permittee to add a sub-permittee under that permit. A new permittee may request approval from the department to add a sub-permittee no sooner than 12 months from the date the permit was issued by the department.

(1) Application Packet. A permittee seeking to add a sub-permittee shall submit to the department, via email at [Rehabwildlife@wildlife.ca.gov](mailto:Rehabwildlife@wildlife.ca.gov), the information listed in subsections 679.3(a)(5) and 679.3(a)(6)(B) through (F) and the requirements listed below in a form provided by the department:

(A) Sub-Permit Application Form.

1. Permittee Information. Full name, mailing address if different, telephone number, email address, ALDS GO ID; facility name, facility physical address, facility telephone number, facility email address, facility website if applicable.

2. Sub-Permittee Information. Full name, date of birth, mailing address if different, telephone number, email address, ALDS GO ID if applicable; satellite facility name, satellite facility physical address, satellite facility mailing address if different, and satellite facility telephone number.

3. Required Experience. Demonstrated completion of at least 500 hours of animal care, husbandry, and handling experience, completed within 5 years from the date of the initial request, under the supervision of a permitted wildlife rehabilitator in California; or

experience that the department deems equivalent. An applicant shall provide the name, affiliation, telephone number, email, and mailing address of relevant references that the department may contact to verify such experience. The department may consider one credit hour of education as a substitute for one hour of experience, up to 150 hours of the required experience based on the criteria listed in subsection 697.3(a)(6)(A)2a.

4. Public Contact Information. Satellite facility telephone number, email address, physical address, and website, if applicable, and type of wildlife accepted at the proposed facility that the department will provide as a resource to the public on the department website at <http://wildlife.ca.gov/wildliferehab>.
5. Proposed Rehabilitation Animals. Maximum number of proposed rehabilitation animals that can be temporarily possessed at any time in the following categories: (i) amphibian, (ii) reptile, (iii) bird, (iv) mammal.
6. Declaration of Enclosures. Description of each type of animal enclosure that shall meet the requirements listed in Chapter 2 and Chapter 3 of the DFW 679 Manual and which includes the following information: length, width, and height in feet and inches; enclosure materials; and photographs, diagrams, blueprints, or other written plans.
7. Facility Operation Protocols. Description of all facility operation protocols that shall include all required information listed pursuant to subsection 679.3(a)(6)(A)7 in writing in a form provided by the department.
8. Acknowledgement and Signature. Certify under penalty of perjury that the declaration is true and correct, and that the wildlife described is legally possessed by the undersigned.

(2) Approval of Sub-Permit. The department shall amend a permit to add a sub-permit under the permit if a permittee and sub-permittee meet all requirements pursuant to these regulations.

(A) A permittee or their designee, or the department or their designee, shall conduct an initial inspection of the proposed satellite facility prior to department approval or denial of such a request pursuant to subsection 679.7(b)(1)(A). A sub-permittee shall not temporarily possess any rehabilitation animal until the department has provided final approval of a sub-permit.

(B) A sub-permittee shall operate no more than one satellite facility, located no more than 100 air miles from the physical location of the facility operated by the permittee or their designee, and shall not be listed as a sub-permittee or designee under any other permit.

(d) Denial of Permit, Sub-permit, or Specialty Rehabilitation Authorization. Unless the department finds an action other than a denial, such as a written warning issued by the department to the permittee or their designee, would likely cause such persons to cure an existing violation or not violate in the future, the department shall deny approval of a permit, sub-permit, or specialty rehabilitation authorization if an applicant, their designee, sub-permittee, or qualified handler:

(1) fails to comply with any provision of these regulations, Fish and Game Code Section 1054, or Penal Code Section 597; or

(2) has violated any law existing in any other state or in any local governing entity, or any federal statute, regulation, or rule, that is related to wild animals, including, but not limited to, 16 USC 1531 (Endangered Species Act), 26 USC 3372 (Lacey Act), or 50 CFR 21 (Migratory Bird Treaty Act); or

(3) has been convicted of a crime of moral turpitude.

(e) Transition Period. A permittee issued a permit prior to January 1, 2025, pursuant to Section 679, shall be authorized by the department to operate under those requirements until June 30, 2025.

Thereafter, a permittee, their sub-permittee, designee, authorized person, and qualified handler shall comply with the requirements listed pursuant to subsections 671.1 and 679.1 through 679.9 of these regulations, notwithstanding a variance approved by the department pursuant to subsection 679.4(c).

NOTE: Authority cited: Sections 200, 1050, 2081, 2150.4, 2157, 2192 and 3005.5, Fish and Game Code.

Reference: Sections 713, 1008, 2000, 2081, 2118, 2120, 2126, 2150.4, 2186, 2192, 3005.5, 3511 and 3960.4, 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.

## Proposed Regulatory Language

Section 679.4, Title 14, California Code of Regulations, is hereby added as follows:

**§ 679.4. Facility and Enclosure Standards for Rehabilitation Animals**(a) Provisions Related to the Operation of a Wildlife Rehabilitation Facility and Satellite Facility.

- (1) Responsibility for Costs Incurred. A permittee, their sub-permittee, or designee shall be responsible for any and all costs incurred in connection with the temporary confinement, temporary possession, treatment, or transportation of any rehabilitation animal while the rehabilitation animal is temporarily confined or temporarily possessed by such a person.
- (2) Liability. A permittee, their sub-permittee, or designee shall indemnify, defend, and save harmless the State, its officers, agents, and employees from any claims and losses occurring or resulting to any person or property in connection with the capture or treatment, confinement, or transportation of any rehabilitation animal while in the possession of such a person.
- (3) Continuing Education. A permittee, their designee, sub-permittee, authorized persons, and qualified handlers shall complete at least 8 hours of continuing education each year.
- (4) Display or Possession of Permit and Emergency Action Plan. A permittee, their sub-permittee, or designee shall display the permit, or a copy of the permit issued by the department, and any other required permits in a location at the facility that is visible to staff, volunteers, and the public. An authorized person and qualified handler shall retain a copy of the permit in their possession in a location where it can be readily provided to the department or a designee of the department. A permittee, their sub-permittee, or designee shall retain a copy of the facility emergency action plan required pursuant to sub-section 679.3(a)(6)(D) and notify all personnel of its location and content.
- (5) Authorized Persons. A permittee, their designee, or sub-permittee shall communicate with an authorized person listed pursuant to subsection 679.3(a)(6)(C) either in writing by email, or by telephone, at least once every 7 calendar days regarding the status, condition, and welfare of each rehabilitation animal under the care of the authorized person.
  - (A) A permittee, their designee, or sub-permittee shall provide an authorized person with the medical records and a plan for the care of each rehabilitation animal that includes instructions for the feeding and care of that animal. An authorized person shall adhere to a plan for the care of each rehabilitation animal provided by the permittee, their designee, or sub-permittee.
  - (B) An authorized person shall not possess an animal for more than 180 days except pursuant to subsection 679.5(b)(7).
  - (C) An authorized person shall transfer a rehabilitation animal to the permittee, their designee, or sub-permittee, or the department, within a time period designated by the permittee, their designee, or sub-permittee, or the department, if the permittee, their designee, or sub-permittee, or the department requires the rehabilitation animal to undergo a physical examination, humane euthanasia, or for any reason required to protect the welfare of the animal, native wildlife, human health, and human safety.
- (6) Required Records. A permittee, their designee, sub-permittee, authorized person, and qualified handler shall maintain all required records, whether written or electronic, for at least 5 years

unless otherwise specified by the department or otherwise stated by these regulations. All records shall be written in English, and a permittee, their designee, sub-permittee, authorized person, and qualified handler may keep duplicate records written in other languages.

(A) Annual Report. A permittee or their designee shall submit an annual report to the department via email at RehabWildlife@wildlife.ca.gov, no later than January 31, for the prior calendar year even if no rehabilitation animals were temporarily possessed, in a form provided by the department, that shall include the following information:

1. Permittee information: Full name, ALDS GO ID, telephone number, email address, physical address, mailing address if different, facility name, and facility physical address;
2. Summary of patient outcome: List of patient outcomes, by taxonomic group, categorized as Released (R), Transferred to other facility (T), Euthanized (E), Died in Care (D), Dead on Arrival (DOA), Reunited with Parent (RU), Remains in Care (RIC);
3. Wild animal intakes. List of intakes by species or common name, patient outcome, and total number of animals received by species;
4. Rehabilitation raptor transfers to licensed falconers. List of any rehabilitation raptor temporarily transferred to a licensed falconer pursuant to sub-section 679.5(b)(5).
5. Continuing education. Brief description of training and continuing education hours completed by all persons required under the permit;
6. Non-releasable wildlife. List of non-releasable animals possessed pursuant to Section 671.1, or these regulations, or other authorization by the department.
7. Acknowledgement and signature. Certify that the declaration is true and correct, and that the wildlife described is legally possessed by the undersigned.

(B) Availability of Records. Except as provided in sub-section 679.7(a), a permittee, their sub-permittee, designee, authorized person, and qualified handler shall make all required records available to the department within 3 calendar days of such a request from the department.

(7) Administrative Updates. A permittee, their designee, or sub-permittee shall notify the department in writing via email at RehabWildlife@wildlife.ca.gov of the need for an administrative update to a permit or sub-permit for any of the following changes:

(A) written notification to the department no later than 10 calendar days after any change of the name, mailing address, telephone number, or email address of a wildlife rehabilitation facility or satellite facility.

(B) written notification to the department at least 15 calendar days prior to any foreseeable removal or change in veterinarian of record. A permittee or their designee, and their sub-permittee, shall ~~to~~ ensure that a valid and accurate Veterinarian of Record is listed on a permit and sub-permit at all times, except if a licensed veterinarian is removed for any reason that could not reasonably be foreseen. A permittee, their designee, or their sub-permittee shall have 30 calendar days to submit to the department in writing via email at Rehabwildlife@wildlife.ca.gov, in a form provided by the department, a new Veterinarian of Record pursuant to subsection 679.3(a)(6)(B).

(C) Changes specified in (a)(7) of this section are administrative updates that do not constitute an amendment to a permit or sub-permit and the department shall not charge a fee for such administrative updates as listed pursuant to subsection 703(c)(2)(B).

(8) Compliance With Other Restrictions. These regulations, or any permit issued pursuant thereto, do not authorize the take or possession of any wild animal in violation of the Fish and Game Code, regulations adopted pursuant thereto, or any other law.

(9) Notification of Fully Protected Species Intake. A permittee, their sub-permittee, designee, authorized person, or qualified handler shall notify the department in writing via email at Rehabwildlife@wildlife.ca.gov or by telephone at (916) 358-2790 within 24-hours of receiving any live or dead gray wolf (*Canis lupus*) or California condor (*Gymnogyps californianus*), notwithstanding any state or federally listed species that shall be reported to the department within 5 calendar days including the following live or dead animals:

(A) Amphibians and Reptiles. California tiger salamander (*Ambystoma californiense*), blunt-nosed leopard lizard (*Gambelia silia*), San Francisco garter snake (*Thamnophis sirtalis tetrataenia*), giant garter snake (*Thamnophis gigas*), California red-legged frog (*Rana draytonii*); desert tortoise (*Gopherus agassizii*), Banded gila monster (*Heloderma suspectum cinctum*); and

(B) Birds. Greater sandhill crane (*Grus canadensis tabida*), Northern spotted owl (*Strix occidentalis caurina*); and

(C) Mammals. Wolverine (*Gulo gulo*), ringtail (*Bassariscus astutus*), Sierra Nevada red fox (*Vulpes vulpes nescator*), Sacramento Valley red fox (*V. vulpes patwin*), San Joaquin kit fox (*V. macrotis mutica*), island fox (*Urocyon littoralis*), riparian brush rabbit (*Sylvilagus bachmani riparius*), giant kangaroo rat (*Dipodomys ingens*), San Joaquin kangaroo rat (*D. nitratoides* spp.), Pacific marten (*Martes caurina*), fisher (*Pekania pennantia*).

(10) Notification of Specialty Rehabilitation Animal Intake. A permittee, their sub-permittee, designee, authorized person, or qualified handler shall notify the department in writing via email at Rehabwildlife@wildlife.ca.gov or by telephone at (916) 358-2790 within 24-hours of receiving for intake any of the following live or dead 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*), bald eagle (*Haliaeetus leucocephalus*). At the direction of the department, a permittee, their sub-permittee, designee, authorized person, or qualified handler shall perform one of the following actions: temporarily confine the animal until the department or a permittee, their sub-permittee, or designee with specialty rehabilitation authorization for that animal, can take possession of the animal; transport the animal to the department or a location the department deems necessary to protect native wildlife, animal welfare, human health or safety, and agriculture interests; immediately release the animal at the location where it was found; or humanely euthanize the animal.

(b) Enclosure Requirements. A permittee, their sub-permittee, designee, authorized person, and qualified handler shall maintain enclosures in compliance with the requirements listed in the DFW 679 Manual; and such persons shall comply with the following:

(1) All enclosures shall be fully enclosed with walls and a roof or ceiling, unless otherwise specified by the department, to protect native wildlife, animal welfare, human health and safety, and agricultural interests. Enclosures shall be secured at all times to prevent ingress or egress by any wild or domestic animal and be free of any object or substance that could foreseeably cause injury or harm to any rehabilitation animal.

(2) Conspecific or non-conspecific rehabilitation animals that naturally co-occur may be held in the same enclosure provided that the welfare of each animal is maintained, and all requirements are met pursuant to these regulations.

(3) No person shall allow any rehabilitation animal to propagate.

- (4) All enclosures shall have sufficient drainage to prevent standing water from accumulating, except for pools or drinking water required pursuant to the DFW 679 Manual.
  - (5) All enclosures shall maintain the range of ambient air temperature, and adequate ventilation, that is necessary to ensure the welfare of each rehabilitation animal.
  - (6) Visual and physical separation shall be maintained between a rehabilitation animal and personal domestic animals, non-conspecific rehabilitation animals, and restricted species except where otherwise permitted in these regulations.
  - (7) Written protocols to prevent and respond to escape of the following specialty rehabilitation animals shall be clearly posted on the enclosure: large carnivores, ungulates, and venomous snakes.
  - (8) All enclosures shall be labeled in writing with an enclosure identifier, such as name or number, and such persons shall maintain a list that identifies the location and type of enclosure (neonate, limited mobility, pre-release conditioning), as a required record
- (c) Variances to Enclosure Requirements. A permittee, their sub-permittee, or designee shall submit to the department in writing via email at Rehabwildlife@wildlife.ca.gov a request for variance of any enclosure construction required in these regulations or the DFW 679 Manual.
- (1) A permittee, their sub-permittee, or designee shall provide, in a form provided by the department, the following information:
    - (A) Applicant information. Full name, ALDS GO ID, telephone number, email address, physical address, and mailing address if different;
    - (B) Location of requested variance. Provide location of variance as the wildlife rehabilitation facility, satellite facility, or other location (authorized person).
    - (C) Category of variance. Provide category of variance as minimum size, maximum number of animals, construction design or materials, or location change.
    - (D) Type of variance. Provide type of variance as new construction, existing construction, or modification of existing construction, and a brief description of the request.
    - (E) Reasons for request. List reason for the variance request as the requirement will result in undue hardship due to physical limitations, excessive cost, and/or other restrictions.
    - (F) Acknowledgement and signature. Certify that the declaration is true and correct, and that the wildlife described is legally possessed by the undersigned.
  - (2) The department shall review a written request for a variance to enclosure requirements and provide notification of variance approval or denial, and any terms and conditions imposed by the department, in writing to the requestor within 15 calendar days of receiving all required information from a permittee, their sub-permittee, or designee. The department may provide written approval to the requestor to continue using an enclosure that is the subject of the variance request during the variance request review if the department finds that the conditions necessary to protect animal welfare, human health, and human safety shall be met during the review process.
  - (3) The department shall approve an enclosure variance request if it finds that the overall security and welfare of a rehabilitation animal shall be maintained and that the requirement will result in an undue hardship to the permittee, their sub-permittee, designee, qualified handler, or authorized person. The department may add terms or conditions to the variance if the department determines that such terms or conditions are necessary to protect native wildlife,

animal welfare, human health and safety, or agricultural interests. Enclosures subject to an approved variance may deviate from otherwise applicable regulations only so far as is specified in the variance; all other regulations outside the bounds of the variance must be observed. A permittee, their sub-permittee, or designee shall maintain written or electronic documentation of an approved variance as a required record.

(4) The department shall deny an enclosure variance request if it finds that the overall security and welfare of a rehabilitation animal will not be maintained, or that the requirement will not result in an undue hardship to the permittee, their sub-permittee, designee, qualified handler, or authorized person. At the direction of the department, a permittee, their sub-permittee, or designee shall either modify the enclosure that is the subject of the variance request, or remove and replace it with an enclosure that meets the requirements of these regulations and the DFW 679 Manual, and passes an inspection pursuant to Section 679.7, or transfer all rehabilitation animals to another facility. A requestor whose variance request is denied may submit a written request for reconsideration to the department pursuant to sub-section 679.9(e).

(d) Violations. A violation of any provision of Chapter 2 of the DFW 679 Manual shall be considered a violation of this section.

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

Reference: Sections 1008, 1801, 2000, 2118, 2120, 2123, 2150.4, 2186, 3511, 3960.4, 4800, 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.

## Proposed Regulatory Language

Section 679.5, Title 14, California Code of Regulations, is hereby added as follows:

**§ 679.5. Humane Care Standards**

(a) Care of Rehabilitation Animals. A permittee, their sub-permittee, designee, authorized person, and qualified handler, and any employee or volunteer supervised by such persons, shall comply with the following provisions:

- (1) Animal Care. All care shall be based on the age class and condition of the rehabilitation animal in a manner that is consistent with that species.
- (2) Food. Each rehabilitation animal shall be provided food in sufficient quantity and nutritive value to improve or maintain the health and welfare of the rehabilitation animal. Food shall be provided in a manner consistent with the species and its stage of rehabilitation. Food receptacles shall be kept clean and sanitary to prevent mold, contamination, and deterioration of food.
- (3) Water. Each rehabilitation animal shall be provided fresh drinking water that is available as often as necessary to improve or maintain the health and welfare of the animal, based on the stage of rehabilitation of that animal. Water receptacles shall be kept clean and sanitary to prevent mold and contamination.
- (4) Handling. A rehabilitation animal shall be handled only by a person using personal protective equipment in compliance with the requirements in the DFW 679 Manual, and in a manner to minimize stress or physical harm to the animal. Every reasonable effort shall be made to prevent the habituation or mal-imprinting of a rehabilitation animal. A permittee, their sub-permittee, designee, authorized person or qualified handler shall not allow a member of the public to handle a rehabilitation animal.
- (5) Biosafety Protocol. A protocol to prevent and control parasites, diseases of concern, other communicable diseases, vectors, and pathogens shall be maintained that includes the following required information: a cleaning and disinfecting schedule for each area of the facility, enclosures, food and water receptacles, and enrichment items, use of proper personal protective equipment, and use of proper preexposure and postexposure prophylaxis. Organic waste material shall be removed from enclosures as often as necessary to improve or maintain the health and welfare of the animal and to avoid habituation or mal-imprinting of the animal.
- (6) Egg Incubation. A permittee, their sub-permittee, or designee may incubate native avian eggs for the purposes of rehabilitation, except for eggs of unknown species or origin. This section shall not preclude the need to obtain other valid permits, such as a federal migratory bird or scientific collecting permit.
- (7) Public Display. A rehabilitation animal shall only be depicted in a public facing photograph or video under conditions that are consistent with the natural life history and behaviors of that species or showing the animal receiving appropriate medical treatment and only publicly referenced by intake number, common species or scientific name. A rehabilitation animal temporarily possessed as a result of a law enforcement action or suspected violation of any law shall not be publicly referenced for any purpose.

(8) Notification Requirement for Diseases of Concern. Except as provided below, a permittee, their sub-permittee, designee, or qualified handler shall notify the appropriate public agency, in writing or by telephone, within 5 calendar days of suspecting any rehabilitation animal of having a disease of concern listed in the DFW 679 Manual and shall include the following information: common or scientific name, sex if known, age class, suspected disease of concern, date and location found, and any known human or domestic animal exposure.

(A) Reporting to the Department. Such persons shall notify the department in writing via email at Rehabwildlife@wildlife.ca.gov, within 24 hours of suspecting any rehabilitation animal or carcass of having a disease of concern for which the department is the appropriate public agency to notify. The department shall provide instructions in writing via email to the reporting party, within 7 calendar days of receiving such a notification. The department shall instruct a reporting party to euthanize or transfer the rehabilitation animal, or dispose of or transfer the carcass, to the department or other location based on the necessity to protect native wildlife, human health and safety, or agricultural interests; such a rehabilitation animal or carcass shall be retained by the reporting party until instructed by the department, or up to 15 calendar days after providing such notification.

(B) Rabies. Such persons shall confine in isolation for 30 calendar days, or euthanize pursuant to sub-section 2606(c) of Title 17, any rehabilitation animal showing clinical signs or symptoms consistent with rabies or that has been in physical contact with a known rabid animal. Any rehabilitation animal that has bitten a human and shows clinical signs or symptoms consistent with rabies or has been in physical contact with a known rabid animal, shall be euthanized and tested for rabies with the local public health department.

(C) Chronic Wasting Disease. Such persons shall confine in isolation for 10 calendar days from its date of intake an ungulate specialty rehabilitation animal in an indoor enclosure, notwithstanding an ungulate specialty rehabilitation animal that is euthanized and tested for chronic wasting disease with the department.

1. A permittee, their designee, sub-permittee, or qualified person shall euthanize an ungulate specialty rehabilitation animal upon intake if it shows clinical signs or symptoms consistent with a disease of concern, or if the location found and county of origin is not known, and notify the department pursuant to subsection 679.5(a)(8)(A) herein.
2. A permittee, their designee, sub-permittee, or qualified person shall not transfer to any person, or release to the wild, an ungulate specialty rehabilitation animal outside of its county of origin.
3. A permittee, their designee, sub-permittee, or qualified person shall only temporarily possess for the purpose of rehabilitation an ungulate specialty rehabilitation animal between March 1 and October 31 of each calendar year; such persons shall either release to the wild within its county of origin at the location found a healthy ungulate specialty rehabilitation animal, or euthanize an ungulate specialty rehabilitation animal, no later than October 31 of that calendar year.
4. A permittee, their designee, sub-permittee, or qualified person may accept for intake an ungulate specialty rehabilitation animal at any time to euthanize and notify the department, pursuant to subsection 679.5(a)(8)(A) herein, to test for chronic wasting disease.

(9) Notification Requirement for Violations Related to Animals. Such a person shall report to the department by telephone at (888) 334-2258, or via text to 847411 (tip411) by texting "CALTIP", within 48 hours of becoming aware of a rehabilitation animal suspected to have been intentionally harmed in violation of Penal Code Section 597, or a violation of Fish and Game Code. A reporting party may report a suspected violation of any law to a local law enforcement agency, in addition to reporting to the department.

(10) Import and Export of Rehabilitation Animals. No permittee, their sub-permittee, designee, authorized person, qualified handler, or any other person shall export to another state, or import from another state, a rehabilitation animal, without prior written notification to the department and written approval from the applicable state agency of the exporting/importing state. A permittee, their sub-permittee, designee, authorized person, or qualified handler may accept a wild animal that was imported by a person and is in need of rehabilitation. This section does not supersede other required state or federal permits.

(b) Treatment of Wildlife in Possession. A permittee, their sub-permittee, designee, authorized person, and qualified handler shall comply with the following requirements for the treatment of rehabilitation animals:

(1) Medical Care. A person shall not perform any procedure on a rehabilitation animal that is likely to fail to improve or maintain the welfare of the animal; permanently impair the ability of the animal to survive on its own in the wild; or permanently physically alter the animal and is not medically necessary, such as spaying or neutering, without written prior approval from the department.

(2) Standing Order. A permittee, their sub-permittee, designee, authorized person, or qualified handler, and any employee or volunteer supervised by such a person, shall adhere to the written standing protocol, provided by a California licensed veterinarian acting within the scope of their professional licensure, for routine medical care to treat a taxonomic group or species of rehabilitation animal based on the animal condition, age class, and life history of a specific rehabilitation animal.

(3) Medications. A permittee, their sub-permittee, designee, authorized person, or qualified handler, and any employee or volunteer supervised by such a person, shall administer, store, track, and dispose of all medications, including controlled drugs, in accordance with state and federal laws. Controlled drugs shall be kept in a safe and locked place that is only accessible to such person or staff or volunteer supervised by such person.

(4) Raptor Rehabilitation. A permittee, their sub-permittee, or designee may temporarily transfer a rehabilitation raptor to a California general or master falconer licensed pursuant to sub-section 670(e)(6)(C) and approved by the department as a sub-permittee pursuant to sub-section 679.3(b) and (c), for the purpose of rehabilitation under the requirements listed pursuant to these regulations. A rehabilitation raptor shall not be listed under a falconry license and shall remain solely under a permit issued pursuant to Section 679.3. A California general or master falconer shall release to the wild a rehabilitation raptor pursuant to subsection 670(h)(3) or return a rehabilitation raptor to the permittee or their designee no longer than 180 calendar days from the date of initial intake by the permittee or their designee.

(A) A permittee or their designee shall provide a licensed general or master falconer with written authorization, as a required record, for the temporary transfer of a rehabilitation raptor that shall include the following information:

1. Transfer Information. Date of temporary transfer; permittee full name, telephone number, email address, physical address, and mailing address, if different; licensee full name, telephone number, email address, physical address, and mailing address, if different; physical address where the rehabilitation raptor will be temporarily transferred.
  2. Animal Information. Common or species name; age class; sex, if known; date of initial intake; animal intake number or permanent identifier, if applicable; medical condition(s) of the animal, if applicable; and estimated total length of rehabilitation, for the purposes of release to the wild, not to exceed 180 calendar days from the date of initial intake, notwithstanding approval by the department for long-term possession pursuant to sub-section 679.5(a)(6).
- (5) Surrogate Animal. A permittee, their sub-permittee, or designee may use a wild animal possessed by a permittee, their sub-permittee, or designee to provide parental care to a conspecific neonate or juvenile rehabilitation animal for the purpose of the animal's release to the wild. A surrogate animal shall be used for a conspecific neonate or juvenile rehabilitation animal for a period not to exceed 90 calendar days in a calendar year. An animal shall not be used as a surrogate animal in a manner that harms the welfare of that animal.
- (6) Patient Record. A permittee, their sub-permittee, designee, authorized person, or qualified handler shall maintain a record of each rehabilitation animal that shall include, but not be limited to, the following information:
- (A) Intake History. Intake documentation that shall include the following information: date and time of intake; full name and telephone number of the person who transferred the animal if known; date and location where animal was found, if known; and dates of transfer, if applicable.
  - (B) Animal Information. Animal information documentation shall include the common species name or scientific name; age class and sex, if known; animal identification number; temporary bands, tags, or marks, or permanent identifier, if applicable; physical examination findings, medical condition, and treatment plan; type and dates of treatment; full name or initials of persons providing such treatment; and dates of transfer, if applicable.
  - (C) Patient Outcome. The outcome of each rehabilitation animal shall be documented in writing and listed as: (R) release to the wild, (T) transferred to another facility, (P) pending and remains in care, (E) euthanized, (D) died in care, (DOA) dead on arrival, or (RU) reunited with parent.
- (7) Long-Term Possession. Except as provided below, such a person shall not possess a rehabilitation animal for longer than 180 calendar days from the date of initial intake. Such a person may submit a request to the department in writing via email at Rehabwildlife@wildlife.ca.gov for approval to possess a rehabilitation animal for longer than 180 calendar days to improve and maintain the welfare of the animal. The department shall require such a person to provide the patient record, a written plan for care of the animal, and the estimated date of release to the wild.
- (A) Approval of a Request. The department shall approve a request to temporarily possess a rehabilitation animal for longer than 180 calendar days if the department determines that such approval is necessary to improve or maintain the welfare of the animal. The approval shall authorize temporary possession of the animal until the estimated date of release to the wild, unless the department determines that such duration should be shortened or extended to protect native wildlife, animal welfare, human health and safety, or agriculture interests. The department shall notify the requestor, in writing via email, of the approval or denial to

temporarily possess a rehabilitation animal for longer than 180 calendar days within 15 calendar days of receipt of the request.

(B) Denial of a Request. The department shall deny a request to temporarily possess a rehabilitation animal for longer than 180 calendar days if the department determines that such approval will harm the welfare of the animal. That animal shall be seized in place, transferred, humanely euthanized, or released to the wild pursuant to Section 679.8(c).

(c) Animals not Released to the Wild. A permittee, their sub-permittee, or designee shall either euthanize, or request to the department placement at a permitted facility, a rehabilitation animal that cannot be released to the wild pursuant to Section 679.6.

(1) Euthanasia. A permittee, their sub-permittee, or designee shall euthanize a rehabilitation animal using the euthanasia methods listed in the DFW 679 Manual.

(A) A permittee, their sub-permittee, or designee shall require a person performing euthanasia of any rehabilitation animal to receive the following minimum hours of euthanasia training:

1. 2-hours training on euthanasia methods that do not require the use of a controlled drug, provided by a permittee, their designee, or sub-permittee, or an individual approved by such persons; or
2. 4-hours training on euthanasia methods that require the use of a controlled drug excluding sodium pentobarbital, provided by a licensed veterinarian, registered veterinary technician, or an individual certified by the California Animal Welfare Association or similar organization; or
3. 8-hours training on euthanasia methods that require administering of sodium pentobarbital without the presence of a licensed veterinarian, provided by a licensed veterinarian, registered veterinary technician, or an individual certified by the California Animal Welfare Association.

(2) Permanent Placement. A permittee, their sub-permittee, or designee may request to the department, in writing via email at [Rehabwildlife@wildlife.ca.gov](mailto:Rehabwildlife@wildlife.ca.gov), approval for placement of a rehabilitation animal that is considered by the requestor to be unsuitable for release to the wild.

(A) Request for Placement. A requestor shall submit to the department the following information, in a form provided by the department:

1. Requesting Party. Full name, GO ID number, physical address, mailing address if different, telephone number, email address, and facility name if applicable.
2. Animal Identification. Intake date; animal intake number; common species or scientific name; age/age class; sex; weight; and microchip, tag, or other identifier if applicable.
3. Animal Examination. Date of last examination that shall be performed no later than 30 calendar days from the date of request; full name, telephone number, email address, title, veterinarian or registered veterinary technician license number if applicable, and signature of person performing examination.
4. Animal Condition. List and provide a brief description of conditions that may prevent the animal from surviving in the wild: permanent visual impairment; amputated limb, foot, or wing; permanent damage to skin, scale, scute, fur, or feathers; permanent inability to display the physical ability needed to survive in the wild and brief description; permanent inability to display the natural life history behaviors of its species and brief description; permanent spinal injury, paralysis, or paresis.

5. Animal Welfare. List of requirements needed to maintain the welfare of the animal: temporary or long-term medication, temporary or long-term medical treatment, enclosure modification, special diet, modified feeding, must be housed with other animals, must be housed alone.

6. Suggested Placement Option. A requestor may provide one or more suggested placement options for consideration by the department at its sole discretion.

(B) Department Consideration of Request. The department shall review a written request for placement of a rehabilitation animal and respond to the requestor in writing via the email address provided by the requestor within 15 calendar days of receiving all required information from a permittee, their sub-permittee, or designee. The request shall demonstrate that the conditions required to protect the welfare of the animal, native wildlife, human health, and human safety are met. The department shall require an additional examination by a California licensed veterinarian, or other person identified by the department, if the department determines that an examination is necessary to fully assess the condition of the animal.

(C) Department Approval or Denial of Request.

1. The department shall approve placement of a rehabilitation animal if the department determines that the requirements of sub-section (c)(2)(A) have been met and the department has identified a suitable facility for placement.

2. The department shall deny placement of a rehabilitation animal if the department determines that the requirements of sub-section (c)(2)(A) have not been met and the department determines that release to the wild, transfer to another facility, or euthanasia of the rehabilitation animal is most appropriate.

(d) Use of Rehabilitation Animals for Scientific or Educational Purposes. A permittee, their sub-permittee, designee, authorized person, qualified handler, and any employee or volunteer supervised by such persons, shall not transfer, take, or possess the carcass or parts thereof of any rehabilitation animal for scientific, educational, and/or propagation purposes except as authorized by the department pursuant to Section 251.4 (mountain lion carcass or parts thereof), Section 650, or other sections of the Fish and Game Code or regulations adopted pursuant thereto.

(e) Violations. A violation of any provision of Chapter 3 of the DFW 679 Manual shall be considered a violation of this section.

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

Reference: Sections 1008, 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.

## Proposed Regulatory Language

Section 679.6, Title 14, California Code of Regulations, is hereby added as follows:

**§ 679.6. Release of Rehabilitation Animals to the Wild**

- (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 a condition that will likely prevent the animal from surviving in the wild; the animal can display the natural life history behavior of its species needed to survive in the wild; the animal is not observed to be habituated or mal-imprinted; and the animal is not known or suspected to have a disease of concern listed in Chapter 3 of the DFW 679.
- (b) Requirements for Release. A permittee, their sub-permittee, designee, authorized person, or qualified handler shall release a rehabilitation animal that meets all the requirements of subsection (a) above to suitable habitat in the wild nearest to its place of origin if known.
- (1) Obtaining permission for release on state-owned or private property. A permittee, their sub-permittee, designee, authorized person, or qualified handler shall obtain verbal or written permission from the owner of a state-owned or private property, or a duly authorized representative of the owner, to release a rehabilitation animal by such persons, or a person approved by such person, on the property prior to such a release.
- (2) Evaluating conditions for release. A permittee, their sub-permittee, designee, authorized person, or qualified handler shall evaluate and consider the following conditions prior to release of any rehabilitation animal to the wild: acclimation to environmental conditions, suitability of habitat at location found, seasonal timing of release, and natural life history requirements to survive such as ecological, migratory, social, and territorial needs.
- (3) Release of specialty rehabilitation animals. A permittee, their sub-permittee, or designee, or the department, shall collar or tag a large carnivore or ungulate rehabilitation animal prior to its release to the wild at a location selected by the department. Such a person may obtain such a location by contacting the department in writing via email at [Rehabwildlife@wildlife.ca.gov](mailto:Rehabwildlife@wildlife.ca.gov).
- (A) The department shall provide to such persons a mark, collar, or tag as described above; the process to mark, collar, or tag the rehabilitation animal; the intended use and management of collected data; and a list of personnel trained to mark, collar, or tag any rehabilitation animal.
- (B) A permittee, their sub-permittee, or designee shall request to the department in writing via email at [Rehabwildlife@wildlife.ca.gov](mailto:Rehabwildlife@wildlife.ca.gov) for the department to review any public statement, photograph, or video of the intake or release of any large carnivore or ungulate rehabilitation animal at least 10 calendar days prior to the release of such public information. A permittee, their sub-permittee, or designee shall not disclose the description of the mark, collar, or tag of any large carnivore and ungulate rehabilitation animal; or the physical location, or a landmark that may be reasonably used to infer the physical location, of the site of origination or release of any large carnivore and ungulate rehabilitation animal.
- (4) Release of rehabilitation amphibians or reptiles. A permittee, their sub-permittee, ~~or~~ designee, authorized person, or qualified handler shall release to the wild a rehabilitation animal of any species of amphibian or reptile at the location where it was found, if known, or at a location provided by the department in writing if the location where found is not known or if the location found is not suitable habitat for release to reduce the risk of disease to healthy populations of that species. Such a person may obtain such a location by contacting the department in writing via email at [Rehabwildlife@wildlife.ca.gov](mailto:Rehabwildlife@wildlife.ca.gov).

(5) Release of fully protected species. A permittee, their sub-permittee, designee, authorized person, or qualified handler shall release to the wild a rehabilitation animal of any fully protected species at the location where it was found, if known, or at a location provided by the department in writing if the location where found is not known or does not provide suitable habitat, to protect animal welfare and native wildlife and to reduce the risk of disease to healthy populations of that species. Such a person may obtain such a location by contacting the department in writing via email at Rehabwildlife@wildlife.ca.gov.

(c) Animals not Native to California. A permittee, their sub-permittee, designee, authorized person, or qualified handler shall not temporarily possess for the purposes of rehabilitation, or release to the wild, any of the following species not native to California:

(1) Any mammal or exotic game mammal species suspected to be not native to California including wild pig (*Sus scrofa*), nutria (*Myocastor coypus*), European ferret (*Mustela putorius furo*), hedgehog (*Atelerix* or *Hemiechinus* species), European fallow deer (*Dama dama*), or any red fox unless determined by the department or its designee to be a Sierra Nevada red fox (*Vulpes vulpes nicator*) or Sacramento Valley red fox (*Vulpes vulpes patwin*) native to California;

(2) Any bird species suspected to be not native to California including barred owl (*Strix varia*), pin-tailed whydah (*Vidua macroura*), scaly-breasted munia (*Lonchura punctulata*), whiteeyes (*Zosterops* species) or mute swan (*Cygnus olor*).

(3) Any reptile species suspected to be not native to California including any slider (*Trachemys* species), softshell turtle (*Apalone* species), common snapping turtle (*Chelydra* species), alligator snapping turtle (*Macrochelys* species), watersnake (*Nerodia* species), anoles (*Anolis* species), geckos (*Hemidactylus* or *Tarentola* species), or any *Python* species.

(4) Any amphibian species suspected to be not native to California including American bullfrog (*Lithobates catesbeianus*), African clawed frog (*Xenopus laevis*), common coqui (*Eleutherodactylus coqui*), Axolotl (*Ambystoma mexicanum*).

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

Reference: Sections 1008, 1801, 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.

## Proposed Regulatory Language

Section 679.7, Title 14, California Code of Regulations, is hereby added as follows:

**§ 679.7. Inspection of Wildlife Rehabilitation Facilities**

(a) Inspections by the Department.

(1) Inspections During Application Processes. The department shall conduct an inspection of any wildlife rehabilitation facility, satellite facility, enclosure, equipment, and required record belonging to or in the possession of, and any rehabilitation animal and part of a rehabilitation animal confined or possessed by any applicant pursuant to subsection 679.3(a); a permittee, their sub-permittee, or designee who requests a permit amendment pursuant to sub-section 679.3(a)(9); an applicant, permittee, their sub-permittee, or designee who request a variance pursuant to sub-section 679.4(c).

(A) The department shall document in writing, in a form provided by the department, the following information during an inspection:

1. Reason for Inspection. New permit, permit renewal, sub-permit, re-inspection, specialty rehabilitation authorization, and/or variance.
2. Personal Information. Full name, permittee name if different, ALDS GO ID, federal permit if applicable, physical address, mailing address if different, telephone number, and email address.
3. Facility Information. Facility name and physical address; property use type (owner, tenant, other); number of staff, volunteers, sub-permittees, authorized persons, and qualified handlers; taxonomic group of rehabilitation animals, specialty rehabilitation animals if applicable.
4. Inspection Requirements. Facility, humane care, and treatment requirements pursuant to sections 679.3, 679.4, and 679.5, and Chapter 2 and Chapter 3 of the DFW 679 Manual.
5. Enclosures Inspection. Enclosure requirements and pre-release enclosure minimum size requirements pursuant to Section 679.4 and Chapter 2 of the DFW 679 Manual.
6. Inspection Notes. Items that fail to meet requirements; items that exceed requirements; other items observed during inspection.
7. Inspection Determination. Pass, fail (recommend reinspection), fail (recommend permit denial), fail (recommend permit revocation).
8. Acknowledgement and Signature. Certify under penalty of perjury that the declaration is true and correct, and that the wildlife described is legally possessed by the undersigned.

(B) The department shall conduct an inspection during a reasonable time of the day and any day of the week when a permittee, their sub-permittee, or designee, or an applicant, are present and such a person shall allow the department access to inspect any area of a facility, enclosure, equipment, required records, and rehabilitation animal and parts thereof during the inspection.

(C) Except as provided in sub-sections 679.3(a)(9) and (c)(3) and 679.9, the department may provide a permittee, their sub-permittee, or designee that has failed an inspection in writing via email, or the U.S. Postal Service, or overnight carrier, a list of the changes required to attain compliance within 45 calendar days of the notification date and the process to determine the date and time of a re-inspection of any required changes.

1. Request for Extension. A permittee, their sub-permittee, or designee may request to the department, in writing via email at RehabWildlife@wildlife.ca.gov, up to an additional 30

calendar days to implement the required changes no later than 5 calendar days before the 45-day deadline described in sub-section 679.7(a)(3)(A). The department shall approve such a request in writing via email, within 5 calendar days of receiving the request from a permittee, their sub-permittee, or designee, if the department determines that the requester can reasonably implement the required changes within the requested extension of time, and that such an approval will not harm native wildlife, animal welfare, human health or safety, or agricultural interests.

2. Animal Possession. The department may allow a permittee, their sub-permittee, or designee that has failed an inspection to continue temporarily possessing rehabilitation animals of a species or taxonomic group approved by the department, if the department determines that such an approval shall not harm native wildlife, animal welfare, human health or safety, or agricultural interests.

(D) The department shall revoke a permit or sub-permit or specialty rehabilitation authorization if the permittee, their sub-permittee, designee, authorized person, or qualified handler refuses to allow an inspection by the department.

1. A refusal to allow an inspection shall be inferred if: after three reasonable attempts by the department to schedule an inspection, such a person is unavailable for inspection; or, such a person refuses to allow the department to fully inspect any area of a facility, enclosure, equipment, required record, or any rehabilitation animal or part of a rehabilitation animal.

2. The department shall reinstate a permit or sub-permit if the permittee, their sub-permittee, designee, authorized person, or qualified handler allows the department to conduct an inspection and no violations of these regulations are observed during that inspection.

(2) Other Inspections. The department may conduct a scheduled inspection of any wildlife rehabilitation facility, satellite facility, enclosure, equipment, required record, or any rehabilitation animal or part of a rehabilitation animal confined by or in the possession of, a permittee or their sub-permittee, designee, authorized person, or qualified handler for any other purpose during a reasonable time of the day and any day of the week when such person is present. A permittee or their sub-permittee, designee, authorized person, or qualified handler shall allow the department access to inspect any area of a facility, enclosure, equipment, required record, and rehabilitation animal during the inspection.

(b) Inspections by a Permittee or Their Designee.

(1) Except as provided in sub-section 679.7(b)(2), a permittee or their designee shall conduct an inspection of any satellite facility, enclosure, equipment, and required record belonging to or in the possession of, and any rehabilitation animal temporarily confined or possessed by, a sub-permittee or authorized person, at least once during the valid permit period and no sooner than 6 months after the last inspection. A permittee or their designee shall conduct an inspection during a reasonable time of the day, any day of the week, when a sub-permittee or authorized person is present.

(A) A permittee or their designee shall document in writing in a form provided by the department, the following information during an inspection and submit the form to the department in writing via email at Rehabwildlife@wildlife.ca.gov within 30 calendar days of conducting an inspection:

1. Reason for Inspection. Sub-permit, re-inspection, specialty rehabilitation authorization (except for large carnivores), authorized person, and/or variance.

2. Permittee information. Full name, ALDS GO ID, federal permit if applicable.

3. Sub-permittee Information. Full name, federal permit if applicable, physical address, mailing address if different, telephone number, and email address.
4. Facility Information. Satellite facility name and physical address; property use type (owner, tenant, other); number of staff, volunteers, authorized persons, and qualified handlers; taxonomic group of rehabilitation animals, specialty rehabilitation animals if applicable.
5. Inspection Requirements. Facility, humane care, and treatment requirements pursuant to sections 679.3, 679.4, and 679.5, and Chapter 2 and Chapter 3 of the Native Wildlife Rehabilitation 679 Regulations Manual.
6. Enclosures Inspection. Enclosure requirements and pre-release enclosure minimum size requirements pursuant to Section 679.4 and Chapter 2 of the Native Wildlife Rehabilitation 679 Regulations Manual.
7. Inspection Notes. Items that fail to meet requirements; items that exceed requirements; other items observed during inspection.
8. Inspection Determination. Pass (meets requirements), fail (recommend reinspection), fail (recommend denial), fail (recommend revocation).
9. Acknowledgement and signature. Certify that the declaration is true and correct, under penalty of perjury, and that the wildlife described is legally possessed by the undersigned.

(2) A permittee or their designee shall re-inspect any satellite facility, enclosure, equipment, required record, and any rehabilitation animal temporarily possessed by a sub-permittee and/or an authorized person if the permittee or their designee, or the department, determines that a re-inspection is necessary to protect animal welfare, native wildlife, human health or safety.

(3) A permittee or their designee shall revoke the sub-permit of a sub-permittee, or the authorization of an authorized person, who refuses to allow an inspection by the permittee or their designee. A refusal to allow an inspection may be inferred if, after three reasonable attempts by the permittee or their designee to schedule an inspection, the sub-permittee or authorized person is unavailable for an inspection.

(c) Nothing in this section shall be construed to limit or constrain the department's authority to conduct inspections, searches, seizures, or other enforcement actions, at any time and for any reason, with respect to rehabilitation animals, wildlife rehabilitators, or rehabilitation facilities.

NOTE: Authority cited: Sections 200, 1050, 2081, 2121, 2122, 2150.4, 2189, 2192, 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.

## Proposed Regulatory Language

Section 679.8, Title 14, California Code of Regulations, is hereby added as follows:

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

(a) Seizure of Live Animals Possessed Pursuant to a Valid Permit or Sub-Permit. The department shall seize any rehabilitation animal temporarily possessed by a permittee, their sub-permittee, designee, authorized person, or qualified handler if such a person has violated any provision of the Fish and Game Code, these regulations, or Penal Code section 597; violated the terms or conditions of a permit or sub-permit; or is no longer able to temporarily possess rehabilitation animals for any reason, unless the department finds:

- (1) an action other than a seizure, such as a written warning issued to such persons is expected to cause such a person to cure an existing violation or not violate in the future; or
- (2) the violation did not adversely impact, and is not likely to adversely impact, animal welfare; native wildlife; human health and safety; or agricultural interests of this state.

(b) Seizure of Live Animals Possessed by a Person with an Invalid Permit or Sub-Permit. The department shall seize any rehabilitation animal possessed by a person whose permit or sub-permit has been denied pursuant to Section 679.3 or revoked pursuant to Section 679.9, or whose permit or sub-permit has expired, except for a person whose permit expired and either:

- (1) 45 or fewer calendar days have passed since the permit expired; or
- (2) more than 45 calendar days have passed since the permit expired, but the Department has issued an approval pursuant to sub-section 679.3(a)(8)(B) or (C) to continue possessing rehabilitation animals.

(c) Animals Seized Pursuant to Paragraphs (a) or (b) or Subsection 679.5(a)(7)(B). The department shall, at its sole discretion and taking into account animal welfare, native wildlife, agricultural interests of the state, and human health or safety, determine that an animal that is seized pursuant to paragraph (a) or (b) or Section 679.5(a)(7)(B) be:

- (1) seized in place;
- (2) transferred to a person authorized to possess such rehabilitation animal or a facility operated by the department;
- (3) humanely euthanized; or
- (4) released to the wild.

(d) Costs Incurred Pursuant to Paragraphs (a) Through (c). Costs incurred by either the department or another party for actions taken pursuant to paragraphs (a) through (c), including costs incurred for the care and possession of animals taken pursuant to paragraphs (a) through (c), shall be paid by the person from whom the live animal was seized. The department or other party may initiate a civil action for cost recovery.

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

Reference: Sections 1008, 1801, 2000, 2118, 2120, 2122, 2123, 2125, 2126, 2186, 2190 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

## Proposed Regulatory Language

Section 679.9, Title 14, California Code of Regulations, is hereby added as follows:

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

(a) Revocation of a Permit by the Department. The department shall revoke a permit if a permittee, their sub-permittee, designee, authorized person, or qualified handler has violated any provision of the Fish and Game Code or regulations adopted pursuant thereto, Penal Code section 597, or the terms and conditions of the permit or a sub-permit, or has been convicted of a crime of moral turpitude, unless the department finds:

- (1) An action other than a revocation, such as a written warning with a description of the changes required to meet the standards in these regulations, would likely cause a permittee or their designee to cure an existing violation or not violate in the future; and
- (2) A violation has either not severely adversely impacted or is not likely to severely adversely impact the welfare of wildlife possessed by the permittee; native wildlife; agricultural interests of this state; or human health or safety.

(b) Revocation of a Sub-Permit by the Department. The department shall revoke a sub-permit if either:

(1) The permittee, sub-permittee, or their designee, or their authorized person(s), has violated any provision of the Fish and Game Code or regulations adopted pursuant thereto, Penal Code section 597, or the terms and conditions of the permit or a sub-permit, or has been convicted of a crime of moral turpitude, unless the department finds:

- (A) An action other than a revocation, such as a written warning issued to the permittee, sub-permittee, or their designee would likely cause the permittee, sub-permittee, or their designee to cure an existing violation or not violate in the future; and
- (B) A violation has either not severely adversely impacted or is not likely to severely adversely impact animal welfare; native wildlife; agricultural interests of this state; and human health and human safety.

(2) The permit is no longer valid, except for the following:

- (A) A sub-permittee listed under a contingency plan approved by the department as a person allowed to provide continuity of care of rehabilitation animals for up to the expiration date of the valid permit term pursuant to sub-section 679.3(a)(6)(A)7g; or
- (B) A sub-permittee authorized by the department to operate under an invalid permit pursuant to sub-section 679.8(b)(1) and (2).

(c) Request to Remove a Designee, Sub-Permittee, Authorized Person, or Qualified Handler. A permittee or their designee may request to the department in writing via email at [Rehabwildlife@wildlife.ca.gov](mailto:Rehabwildlife@wildlife.ca.gov) an amendment to the permit to remove a designee, sub-permittee, authorized person, or qualified handler from the permit and shall provide the following information in a form provided by the department:

- (1) Permittee Information. Full name, GO ID, telephone number, email address, physical address, mailing address if different, facility name.
- (2) Sub-permittee, Designee, Authorized Person, Qualified Handler Information. Full name, telephone number, email address, physical address, mailing address if different, satellite facility name if applicable.

- (3) Reason for Revocation. Person has relocated; is no longer able to work/volunteer; has retired; has failed inspection with brief description of non-compliant items; has refused inspection with a brief description and date of each attempt to schedule an inspection; is not in good standing under permit with a brief description of the reason for not being in good standing.
- (d) Proof of Service and Method of Service. A notification of a denial issued pursuant to section 679.3 or this section, or department revocation issued pursuant to this section, or a notification of a denial of a variance request pursuant to sub-section 679.7(b), shall include a proof of service indicating the date the department sent the notification. The department shall send such a notification by United States Postal Service, overnight carrier, or electronic mail.
- (e) Request for Reconsideration. Any applicant whose application for a permit or sub-permit is denied pursuant to section 679.3, whose application for a specialty rehabilitation authorization is denied pursuant to section 679.3, or whose variance request is denied pursuant to sub-section 679.4(c) may submit a written request for reconsideration to the department.
- (1) A request for reconsideration shall set forth the reasons why the Department should reconsider the denial and may include any relevant documents.
- (2) A request for reconsideration shall contain a statement signed and dated by the applicant or permittee under penalty of perjury that states in effect, "I declare under penalty of perjury that the information contained in this request for reconsideration is true and correct."
- (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.
- (4) The department shall consider any information submitted with the request for reconsideration, and within 60 calendar days may, in its sole discretion, sustain, reverse, or amend its permitting decision. The basis for this action may include, but is not limited to, a mistake of fact or law, or because the permittee or applicant has taken corrective actions to meet all requirements and standards pursuant to department direction. If the permitting decision is reversed or amended, the department must determine that a reversal or amendment of its permitting decision will not likely severely adversely impact animal welfare; native wildlife; agricultural interests of this state; and human health and human safety.
- (5) Denial Hearing. Any person whose denial is sustained by the department may request a hearing before the commission to show cause why their permit request should not be denied. The request for a hearing shall be sent by electronic mail no later than 30 calendar days after the date on the proof of service described in paragraph (d) to the following email address: fgc@fgc.ca.gov. The commission shall not accept a request for a hearing that is submitted after the 30 calendar day deadline.
- (f) Revocation Hearing. Any permittee or sub-permittee whose permit or sub-permit has been revoked by the department may request a hearing before the commission to show cause why their permit or sub-permit should not be revoked.
- (1) The request for a hearing shall be sent by electronic mail no later than 30 calendar days after the date on the proof of service described in paragraph (d) to the following email address: fgc@fgc.ca.gov. The commission shall not accept a request for a hearing that is submitted after the 30 calendar day deadline.

(g) Effect on the Seizure, Transfer, Euthanasia, or Release of Wildlife. Nothing in this section, sub-section 679.3(a)(9), or sub-section 679.3(c)(4) shall affect the seizure, transfer, euthanasia, or release of wildlife pursuant to Section 679.8.

NOTE: Authority cited: Sections 200, 1050, 2122, 2081, 2150.4, 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.