

## **Description of Specific Edits to Regulatory Language and Department Regulatory Manual**

### **Edits Made to Proposed Regulatory Language**

*\*Note: The proposed regulatory language includes the changes made after the December 31, 2024 15-Day notice.*

#### **Section 679**

Subsections (c), and (e) through (e)(2)(A) will no longer be repealed. This change is necessary to clarify for permit holders with existing valid permits the requirements under which they shall continue to operate a wildlife rehabilitation facility once the proposed regulations go into effect. These provisions are necessary to establish how a current permit holder may continue to temporarily possess wildlife for the purpose of rehabilitation pursuant to the transition period established in the proposed subsection 679.3(e). Specifically, the Commission and Department propose to allow this transition period for current permit holders to meet all of the requirements of the new regulations for specialty rehabilitation authorizations, minimum enclosure sizes, and enclosure requirements specific to construction materials, substrate, and enrichment items. The Commission finds, based on the Department's experience, that a transition period is proper to provide current permit holders with a reasonable period of time to submit the required information for variance and specialty rehabilitation authorization requests to the Department; and allows time for the Department to process the required information and approve or deny such requests for each current permit holder. The Commission also finds, in the Department's experience, based on permit holder feedback, that this period of time reasonably allows for current permit holders to construct or modify existing enclosures as desired by the permit holder in compliance with the proposed regulations.

Subsection (h): Establishes that the requirements pertain only to current permit holders with an existing valid permit. This provision is necessary to provide permit holders currently operating a wildlife rehabilitation facility, inspected and approved under this section, with a reasonable period of time to comply with the proposed regulations. In the Commission and Department's experience, this requirement is reasonable specific to current permit holders since such persons will need to submit the required information for variance and specialty rehabilitation authorization requests to the Department.

Subsection (i): The Commission finds, based on the Department's experience, that a transition period is proper to provide current permit holders with a reasonable period of time to submit the required information for variance and specialty rehabilitation authorization requests to the Department; and allows time for the Department to process the required information and approve or deny such requests for each current permit holder. The Commission also finds, in the Department's experience, based on permit holder feedback, that this period of time reasonably allows for current permit holders to construct or modify existing enclosures as desired by the permit holder in compliance with the proposed regulations.

## All Sections

For all sections, the order of persons listed under a permit has been updated to “permittee, their designee, or sub-permittee”. This change is necessary to properly reflect the role of each person under a permit by level of responsibility. Specifically, the permittee is the primary point of contact for the Department under the permit, whereas a designee may be approved by the permittee to conduct activities on their behalf under the permit, such as overseeing the wildlife rehabilitation facility and representing the permittee in communications with the Department whereas the sub-permittee is approved by the permittee only to conduct activities at a satellite facility under a sub-permit.

### Section 679.1

Subsection (p): “is” was replaced with “as” to make the sentence grammatically correct. The language “A person that is a permittee, their designee, or sub-permittee shall meet the required experience as listed in subsection 679.3(b)(2)(A)2.” This change is necessary to clarify that the minimum hours of required experience is different (greater) for a handler that is also the person possessing the specialty rehabilitation authorization under the permit. Specifically, the person possessing the specialty rehabilitation authorization has greater responsibility under the permit and must demonstrate more extensive expertise to provide rehabilitation and treatment, not just general care and handling, of a specialty rehabilitation animal. Handlers that are not the person possessing the specialty rehabilitation authorization must demonstrate expertise sufficient to properly handle and restrain a specialty rehabilitation animal while it receives such rehabilitation and treatment, and therefore the minimum hours of required experience is lesser. This is to ensure that only individuals with sufficient experience are qualified to safely manage some rehabilitation animals.

### Section 679.2

Subsection (a)(2) replaced reference to subsection “679.5(b)(2)” with “679.5(b)(1)” to provide a proper reference.

### Section 679.3

Subsection (a)(3): Language updated to, “...within 30 calendar days of the date the department sent the request for information...” This change is necessary to clarify when an applicant must submit written proof of requested information. Adding the language “department sent the request” clarifies when the 30-day clock starts.

Subsection (a)(4)(A): Replaced the symbol “§” with “Section 1633.5(b)”. This change is necessary to make the language within the regulations consistent.

Subsection (a)(6)(A)7.a.: Replaced reference to subsection “~~679.5(c)~~” with “679.4(a)(6)” to provide a proper reference.

Subsection (a)(6)(A)7.b.: Replaced reference to subsection “~~679.5(e)(4)~~” with “679.5(c)” to provide a proper reference.

Subsection (a)(6)(A)7.d.: Replaced reference to subsection “~~679.5(b)(4)~~” with “679.5(b)(6)” to provide a proper reference.

Subsection (a)(6)(A)7.e.: Replaced reference to subsection “~~679.5(1) through (4)~~” with “679.5(a)” to provide a proper reference.

Subsection (a)(6)(A)7.g.: Replaced reference to subsection “~~679.1(a)(4)~~” with “679.1(d)” to provide a proper reference.

Subsection (a)(6)(B)4.c.: Added the word “natural” to clarify that only the species-specific life history behaviors displayed by a rehabilitation animal in the wild should be assessed when considering the ethics of veterinarian responsibilities specific to wildlife rehabilitation. This is necessary so that wild animals are not considered for treatment with criteria for prognosis and disposition in the same manner as a domestic or exotic animal of a similar taxa (e.g., pet parakeet versus wild passerine).

Subsection (a)(6)(B)6: Replaced reference to subsection “~~679.4(a)(6)(B)~~” with “679.4(a)(7)” to provide a proper reference.

Subsection (a)(6)(C): Replaced reference to “~~Section 679.9~~” with “subsection 679.1(b)” to provide a proper reference.

Subsection (a)(6)(E): Replaced reference to “~~subsections 679.7(a)(1) and (2)~~” with “Section 679.7” to provide a proper reference.

Subsection (a)(6)(E)3: Replaced reference to “~~subsections 679.7(a)(1) and (2)~~” with “Section 679.7” to provide a proper reference.

Subsection (a)(6)(E)4: Replaced reference to “~~subsections 679.7(a)(1) and (2)~~” with “Section 679.7” to provide a proper reference.

Subsection (a)(7): The language has been updated to read, “...authorized to temporarily possess based on the conditions necessary to protect...”. The language “~~the department determines are~~” has been removed as it was redundant language.

Subsection (a)(8)(B): The language was updated to read, “Except as provided in this paragraph, a permittee, their designee, sub-permittee, qualified handler, or authorized person, shall not temporarily possess any new rehabilitation animals after a permit expires. If a wild animal is transported by any person to a permittee, their designee, sub-permittee, qualified handler, or authorized person, whose permit is expired, the animal may be temporarily confined pursuant to Section 679.2. The department may provide a temporary permit extension for up to 60 calendar days, in writing via email, 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.” This is necessary as unpermitted facilities may be out of compliance and could pose dangers to rehabilitation animals and surrounding wildlife. Extensions are necessary because it may be in the best interest of rehabilitation animals to not be subject the stress of transportation or relocation. The Commission finds based on the Department’s experience that the time periods in this subsection are adequate to allow facilities to come into compliance while maintaining animal welfare.

Subsection (a)(9)(A): Replaced reference to “~~subsections 679.3(a)(6)(A) 1,3 through 7; 679.3(a)(6)(D)~~” with “subsections 679.3(a)(6)(A) through (E)” to provide a proper reference.

Subsection (b)(1): Remove “(A)” from the reference to the subsection to provide a proper reference.

Subsection (b)(2)(A)5: Replaced reference to “~~subsection 679.1(a)(16)~~” with “subsection 679.1(p)” to provide a proper reference. The language “3 qualified handlers - large carnivore, 2 qualified handlers - ungulate, 2 qualified handlers - bald or golden eagle or peregrine or prairie falcon, 2 qualified handlers - venomous snake” was added. This addition is necessary to outline the number of qualified handlers that are required for each specialty rehabilitation species, to ensure proper care and handling of those species.

Subsection (c): Language was updated to read, “The department shall amend a permit to authorize...” This is necessary because unless permittees or sub-permittees violate the criteria in subsection (c)(1)(A), the Department has no basis to deny the permit amendment. Without a pathway to deny the permit, the Department would be forced to allow unqualified sub-permittees to be added to the permit.

Subsection (c)(1)(A)3: Remove “a” from the subsection reference to provide clarity to the correct subsection reference.

Subsection (c)(2): Remove “a” from “...a sub-permit under the permit...”. The “a” was a typographical error and should not have been included.

Subsection (c)(2)(B): Updated the language to read, “...the department, or the department’s designee...”. This change was made to clarify that the department or a designee of the department can conduct a satellite facility inspection.

Subsection (e): The language was updated to read, “A person holding a valid permit or memorandum of understanding (MOU) issued pursuant to 679 prior to [Date to be added by OAL], shall be authorized by the department to operate under their permit or MOU requirements through December 31, 2025. Thereafter, a person who was issued such a permit or MOU and would like to continue temporarily possessing wildlife for the purpose of rehabilitation shall comply with the requirements listed pursuant to sections 671.1 and 679.1 through 679.9.” This is necessary to extend the transition deadline, as the regulations would not be in effect before June 30, 2025 and rehabilitators will need additional time to meet the new regulation requirements.

#### Section 679.4

Subsection (a)(3): Language was updated to read, “Continuing education constitutes education and training that a permittee, their designee, or sub-permittee has determined is most beneficial to maintain facility operations and to protect the welfare of each rehabilitation animal that they hold in trust for the purposes of release to the wild.” This provision is necessary to clarify that wildlife rehabilitators should stay current with the practices and latest advancements in wildlife rehabilitation that are relevant to maintaining their facility operations and protecting the species-specific welfare of rehabilitation animals accepted for intake into the facility.

Subsection (a)(6)(A)4: Replaced reference to subsection “~~679.5(b)(5)~~” with “679.5(b)(4)” to provide a proper reference.

Subsection (a)(7)(B): The language was updated to read, “Changes in Veterinarian of Record. A permittee, or their designee, and their sub-permittee, shall ensure that a valid and accurate Veterinarian of Record is listed on a permit and sub-permit at all times. A permittee, their designee, or their sub-permittee shall notify the department, on a form provided by the department, within 30 calendar days of the change via email at [Rehabwildlife@wildlife.ca.gov](mailto:Rehabwildlife@wildlife.ca.gov).” This change is necessary to ensure that all of the Veterinarian of Record’s responsibilities, outlined in Section 679.3(a)(6)(B)4, continue to be administered by a California licensed veterinarian. This change is also necessary to clarify when and how the department should be notified about a change in the Veterinarian of Record, and how long the permittee, designee, or sub-permittee has to replace the Veterinarian of Record.

Subsection (a)(7): The language has been updated to read, “administrative update to a permit or sub-permit for any of the changes listed in subsection 679.4(a)(7)(A) through (C).” This change was made to clarify exactly what administrative changes will require a notification to the Department.

Subsection (a)(9): The language has been updated to read, “A permittee, their designee, sub-permittee, authorized person, or qualified handler shall notify the department in writing via email at [Rehabwildlife@wildlife.ca.gov](mailto:Rehabwildlife@wildlife.ca.gov) or by telephone at (916) 358-2790 within 5 calendar days of receiving any live or dead animals of the species listed in subsection 679.4(a)(9)(A) through (C).” ~~replaces “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:”~~. This change clarifies the methods and time periods of notification to the department for the intake of certain imperiled species (and other special status species) as listed in this provision. This change is necessary to ensure that the Department is aware of possession of these species to allow the Department to monitor them and take other actions for the benefit of the species when warranted.

In subsection (a)(9)(A) the scientific name of Giant garter snake was updated to reflect the correct scientific name.

## Section 679.5

Subsections (a)(8) and subsections (a)(8)(A) through (B): The language was updated to read, “...A permittee, their designee, sub-permittee, qualified handler, or authorized person”. This change is necessary to clarify who must notify the appropriate agency when working with diseases of concern and properly reflects the role of each person under a permit by level of responsibility. Specifically, the permittee is the primary point of contact for the Department under the permit, whereas a designee may be approved by the permittee to conduct activities on their behalf under the permit, such as overseeing the wildlife rehabilitation facility and representing the permittee in communications with the Department whereas the sub-permittee is approved by the permittee only to conduct activities at a satellite facility under a sub-permit. Consistent with this change, authorized person(s) and qualified handlers are not authorized to operate a facility or represent the permittee to the Department.

Subsection (b)(4): The language was updated to read, “...California general falconer or master falconer licensed pursuant to subsection 670(e)(6)...”. The addition of the word falconer is necessary to differentiate general falconers and master falconers. The change to the referenced section is necessary to provide the correct referenced subsection.

Subsection (b)(4)(A)2: Replaced reference to subsection “~~679.5(a)(6)~~” with “679.5(a)(7)” to provide a proper reference.

Subsection (c)(2)(A)6: The language “~~at its sole discretion~~” was removed as it is unnecessary for the regulation, since the Department is already specified as the only entity authorized to make placement decisions.

Subsection (c)(2)(C)2: replace reference to subsection “~~(c)(2)(A)~~” with “(c)(2)(B)” to provide a proper reference.

## Section 679.6

Subsection (a): Added “not” to “the animal is observed to be habituated or mal-imprinted” to further clarify the criteria for evaluating a rehabilitation animal for release to the wild. This is necessary so that wildlife rehabilitators do not release rehabilitation animals that have been habituated or mal-imprinted, as such wild animals could cause conflict with humans, exhibit behaviors that are not natural to its species, and have a reduced likelihood of surviving in the wild.

## Section 679.7

Subsection (a)(1)(C): The language has been updated to read, “Except as provided in subsections 679.3(d) and 679.9(a) and (b), the department shall provide a permittee...”. The change to the referenced subsections is needed reference the correct subsections. The change from ~~may~~ to shall is necessary to remove unnecessary discretion from the regulation, since the Department should always send a list of changes when the specified conditions are met.

Subsection (a)(1)(C)1: The language has been updated to read, “...before the 45-calendar day deadline described in subsection (a)(1)(C).” The addition of “calendar” is necessary to clarify between calendar and working/business days. The change to the referenced subsection is necessary to direct readers to the correct referenced subsection.

Subsection (b)(1): The sentence, “The department shall determine if a sub-permittee or authorized person passes or fails an inspection, using the information documented by a permittee or their designee during an inspection pursuant to subsection (b)(1)(A) and any other substantially-related evidence that the department possesses or obtains, based on the conditions required to protect native wildlife, animal welfare, human health or safety, and agriculture interests.” has been added. This clarifies that the Department makes an independent determination regarding the disposition (pass or fail) of an inspection performed by a permittee or their designee. This is necessary because the Department may have other relevant, compelling evidence that a sub-permittee should pass or fail, beyond just the inspection report, and should be allowed to consider that evidence alongside that report. Notably, an inspection failure does not in and of itself mandate a particular remedial response.

Subsection (b)(1)(A)8: The word “~~determination~~” has been replaced with “recommendation”. This change is necessary as the permittee and their designee cannot make determinations, on behalf of or representing the Department, for a sub-permittee or authorized person to pass or fail an inspection. The permittee and their designee may only make recommendations, or a request, to the Department specific to the observations they have

documented during an inspection of a sub-permittee operating a satellite facility or an authorized person.

#### Section 679.8

No changes.

#### Section 679.9

Subsection (a)(2): The language, “Based on the totality of the circumstances, including but not limited to, the nature, scope, irreversibility, and severity of the violation; the acknowledgment and awareness by the permittee of the harm caused by the violation; the extent to which the permittee cooperated with the department; and, measures undertaken by the permittee to remediate the violation, the likelihood that there will be any harm to wildlife possessed by the permittee, native wildlife, agricultural interests of this state, or human health or safety.” has been added. This is necessary to define how the Department will determine whether or not to revoke a permit. This change is necessary to clarify the criteria used by the department in making this type of determination for permit revocation or another, less harsh, penalty in the case of minor, technical, or easily correctable violations.

Subsection (b)(1): The language has been updated to read, “The permittee, their designee, sub-permittee, authorized person(s), or qualified handler...” This change is necessary to properly reflect the role of each person under a permit by level of responsibility. Additionally, it is necessary to add qualified handler to this list of persons to clarify that they are only allowed to handle specialty rehabilitation animals under a permit as a privilege by the Department that is revokable. The permittee is the primary point of contact for the Department under the permit, whereas a designee may be approved by the permittee to conduct activities on their behalf under the permit, such as overseeing the wildlife rehabilitation facility and representing the permittee in communications with the Department whereas the sub-permittee is approved by the permittee only to conduct activities at a satellite facility under a sub-permit. Consistent with this change, authorized person(s) and qualified handlers are not authorized to operate a facility or represent the permittee to the Department.

Subsection (b)(1)(B): The language, “Based on the totality of the circumstances, including but not limited to, the nature, scope, irreversibility, and severity of the violation; the acknowledgment and awareness by the sub-permittee of the harm caused by the violation; the extent to which the sub-permittee cooperated with the department; and, measures undertaken by the permittee to remediate the violation, the likelihood that there will be any harm to wildlife possessed by the sub-permittee, native wildlife, agricultural interests of this state, or human health or safety.” This change is necessary to clarify the criteria used by the department in making this type of determination for sub-permit revocation or another, less harsh, penalty in the case of minor, technical, or easily correctable violations.

Subsection (d): Replaced “679.7(b)” with “679.4(c)” In subsection to provide proper reference.

Subsection (e)(3): Replaced “paragraph (e)” with “paragraph (d)” to provide a proper reference.

Subsection (e)(4): Removed “~~severely~~” from “adverse impact” for clarity and consistency of these regulations. The Commission finds that “severely adversely impacted” and “adversely impacted” mean the same thing. Additionally, the language, “and as specified in subsections

679.3(d) or 679.4(e)(4) as applicable” was added to provide the proper reference for the regulation.

Subsection (g): Reference to “subsection 679.3(a)(9) has been removed as it is no longer a necessary cross-reference. Reference to “679.3(c)(4)” is replaced with “679.3(d)” to provide a proper reference.

### Section 703

No changes.

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

*\*Note: The proposed regulatory language includes the changes made after the December 31, 2024 15-Day notice.*

### All Sections

Corrected minor typographical and/or grammatical error in subsection text for clarity and accuracy.

### Chapter 2

Subsection (a)(3)(A): Language added to explain “pre-release conditioning”. This addition is necessary to define and clarify the stage of rehabilitation whereby a rehabilitation animal is evaluated by a wildlife rehabilitator to determine when and if it is suitable for release into the wild. The Department finds that this process is often most critical in terms of protecting both native wildlife and the health and welfare of the rehabilitation animal, by ensuring the rehabilitation animal can perform the natural life history behaviors that species need to survive in the wild prior to its release. The definition is necessary to ensure that it is well understood what pre-release conditioning is, so that pre-release enclosures and other features are understood.

Subsection (a)(4): The word “~~Section~~” has been changed to “subsection” to correct a typographical error.

Subsections (a)(8) and (a)(9): References to tables “~~7 through 15~~” has been changed to “Tables 7, 9, 11, 12, 14, and 15”. This change is necessary to remove the references to tables that do not specify cage requirements.

Subsection (c)(2): Minor change to “at least 30 calendar days from the date of intake ~~from any species of amphibian or reptile~~, notwithstanding any amphibian or reptile rehabilitation animal that can be released to the wild in a condition of good health prior to the end of the 30 calendar day quarantine period.”. The amended language clarifies the quarantine period requirements for an amphibian or reptile, which is necessary to prevent the spread of herptile diseases.

### Chapter 3

Subsection (a)(4): language regarding “best available science” has been changed to “credible science as defined in Fish and Game Code Section 33”. This change is necessary to better define the foundation for rehabilitation animal treatment plans. Credible science is a statutorily



defined term and better specifies the standard of information necessary to justify a treatment plan.

Subsection (d)(2): Replaced "~~679.5(a)(7)~~" with "679.5(a)(8)" in subsection to provide proper reference.