

State of California  
Fish and Game Commission

Final Statement of Reasons for Regulatory Action

Amend Sections 679 and 703

Add Sections 679.1, 679.2, 679.3, 679.4, 679.5, 679.6, 679.7, 679.8, 679.9 and  
Chapters 2 and 3 of the Native Wildlife Rehabilitation Manual  
Title 14, California Code of Regulations

Re: Possession of Wildlife and Wildlife Rehabilitation

I. Dates of Statements of Reasons

- |  |                         |
|--|-------------------------|
| (a) Initial Statement of Reasons         | Date: May 1, 2024       |
| (b) Amended Initial Statement of Reasons | Date: July 23, 2024     |
| (c) Pre-adoption Statement of Reasons    | Date: November 18, 2024 |
| (d) Final Statement of Reasons           | Date: June 17, 2025     |

II. Dates and Locations of Scheduled Hearings

- |                                 |                         |                         |
|---------------------------------|-------------------------|-------------------------|
| (a) Notice Hearing              |                         |                         |
|                                 | Date: June 19, 2024     | Location: Mammoth Lakes |
| (b) Discussion Hearings         |                         |                         |
|                                 | Date: August 15, 2024   | Location: Fortuna       |
|                                 | Date: October 10, 2024  | Location: Sacramento    |
| (c) Adoption Hearing            |                         |                         |
|                                 | Date: December 12, 2024 | Location: Sacramento    |
| (d) Adoption of noticed changes |                         |                         |
|                                 | Date: June 12, 2025     | Location: Sacramento    |

III. Update

The Fish and Game Commission (Commission) posted notice of a 15-day continuation period on August 26, 2024 to provide notice to the public of certain revisions to the proposed regulatory language and as explained in the Amended Initial Statement of Reasons (ISOR). On December 12, 2024, the Commission moved to adopt the regulations as described in the Pre-Adoption Statement of Reasons (PSOR). The Commission provided the required notice of a 15-day continuation period on December 30, 2024, and ending on January 16, to the public of minor changes to the original text sufficiently related to the proposed regulatory language. One comment was received, and the regulations were adopted. All changes to the regulatory language since the August 26, 2024 notice have been listed below.

Section 679

- Subsections (c), and (e) through (e)(2)(A) will no longer be repealed (numbering has been updated for consistency). This change is necessary to clarify for permitholders 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.

- Add new subsection (c): 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.
- Add new subsection (d): 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.

#### Section 679.1

- In subsection (p) add “that is not a permittee, their designee, or sub-permittee, with the required experience as listed in subsection 679.3(b)(2)(A)5. 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

- In subsection (a)(2) replace reference to subsection “679.5(b)(2)” with “679.5(b)(1)” to provide a proper reference.

#### Section 679.3

- In subsection (a)(3): update language to read, “...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.
- In subsection (a)(4)(A) replace the symbol “§” with “Section 1633.5(b)”. This change is necessary to make the language within the regulations consistent.
- In subsection (a)(6)(A)7.a. replace reference to subsection “~~679.5(e)~~” with “679.4(a)(6)” to provide a proper reference.
- In subsection (a)(6)(A)7.b. replace reference to subsection “~~679.5(e)(1)~~” with “679.5(c)” to provide a proper reference.
- In subsection (a)(6)(A)7.d. replace reference to subsection “~~679.5(b)(1)~~” with “679.5(b)(6)” to provide a proper reference.
- In subsection (a)(6)(A)7.e. replace reference to subsection “~~679.5(1) through (4)~~” with “679.5(a)” to provide a proper reference.
- In subsection (a)(6)(A)7.g. replace reference to subsection “~~679.1(a)(4)~~” with “679.1(d)” to provide a proper reference.
- In subsection (a)(6)(B)4.c. add 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).
- In subsection (a)(6)(B)6 replace reference to subsection “~~679.4(a)(6)(B)~~” with “679.4(a)(7)” to provide a proper reference.
- In subsection (a)(6)(C) replace reference to “~~Section 679.9~~” with “subsection 679.1(b)” to provide a proper reference.
- In subsection (a)(6)(E) replace reference to “~~subsections 679.7(a)(1) and (2)~~” with “Section 679.7” to provide a proper reference.
- In subsection (a)(6)(E)3 replace reference to “~~subsections 679.7(a)(1) and (2)~~” with “Section 679.7” to provide a proper reference.

- In subsection (a)(6)(E)4 replace reference to “~~subsections 679.7(a)(1) and (2)~~” with “Section 679.7” to provide a proper reference.
- In 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.
- In 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 change is necessary as facilities operating under an expired permit during the renewal process could pose dangers to rehabilitation animals and surrounding wildlife, as well as human health and human safety. 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 under a valid permit while maintaining the health and welfare of each rehabilitation animal. The Commission also finds that allowing for extensions is necessary because it may be in the best interest of rehabilitation animals not to be subjected to the stress of transport or relocation to another facility if the unpermitted facility is otherwise in compliance with all other requirements during the permit renewal process.
- In subsection (a)(9)(A) replace 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.
- In subsection (b)(1) remove “(A)” from the reference to the subsection to provide a proper reference.
- In subsection (b)(2)(A)5 replace 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 establish and clarify the number of qualified handlers that are required for each specialty rehabilitation species, to ensure proper care and handling of those species.

- In subsection (c): The 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.
- In subsection (c)(1)(A)3 remove “a” from the subsection reference to provide clarity to the correct subsection reference.
- In subsection (c)(2) remove “a” from “...a sub-permit under the permit.”. The “a” was a typographical error and should not have been included.
- In subsection (c)(2)(B): update 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.
- In subsection (e) 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

- In subsection (a)(3) add “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.
- In subsection (a)(6)(A)4 replace reference to subsection “~~679.5(b)(5)~~” with “679.5(b)(4)” to provide a proper reference.
- In subsection (a)(7) the language was updated to read, “administrative update to a permit or sub-permit for any of the changes listed in subsection 679.4(a)(7)(A) and (B). 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).” This change was made to clarify exactly what administrative changes will require a notification to the Department. Additionally, the language in subsection (C) was moved to be included in (a)(7). This is necessary to clarify that subsections (A) and (B) are the changes that the department must be notified of while (C) was changes that are not necessary for an amendment. The move of the language is for clarity and consistency of the regulations.

- In 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.
- In subsection (a)(9) the language, “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).” 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

- In 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.
- In 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.
- In subsection (b)(4)(A)2 replace reference to subsection “~~679.5(a)(6)~~” with “679.5(a)(7)” to provide a proper reference.

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

#### Section 679.6

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

- In 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.
- In 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.
- In 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 or authorized person should pass or fail, beyond just the inspection report, and should be allowed to consider that evidence alongside that report. Notably, a sub-permittee or authorized person inspection failure does not in and of itself mandate a particular permit action.
- In 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

- In subsection (d) replace ~~“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.”~~ with “Costs incurred by either the department or another party for actions taken pursuant to paragraphs (a) through (c) shall be paid by the person from whom the live animal was seized. Such costs incurred shall be limited to the actual cost of food, water, housing, animal care and veterinary medical supplies, veterinary treatment, personal protective equipment for personnel, and staff time spent for the care of animals taken pursuant to paragraphs (a) through (c).”. This change is necessary to clarify the type and scope of associated costs that may be incurred by the department or private partners assisting with such seizures.

## Section 679.9

- In subsection (a)(2) replace ~~“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.”~~ with “There is little 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, as based on the totality of the circumstances including but not limited to:

(A): the nature, scope, irreversibility, and severity of the violation; the acknowledgment and awareness by the permittee of the harm caused by the violation;

(B) and the extent to which the permittee cooperated with the department; and, measures undertaken by the permittee to remediate the violation.”.

These changes are 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.

- In 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.
- In subsection (b)(1)(B) replace ~~“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.”~~ with “There is little 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, as 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 sub-permittee to remediate the violation.” 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.

- In subsection (c) the language was updated to read, “...designee shall request an amendment to the...” This change is necessary to ensure that a permittee or their designee requests an amendment when removing a designee, sub-permittee, authorized person, or qualified handler from the permit. The previous language did not require an amendment to the permit. In order for the department to have the most accurate information possible on the permits, amendments must be made for changes in those listed on the permit.
- In subsection (d) replace “~~679.7(b)~~” with “679.4(c)” to provide proper reference.
- In subsection (e)(3) replace “paragraph (e)” with “paragraph (d)” to provide a proper reference.
- In subsection (e)(4) remove “~~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.
- In 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(e)(4)~~” is replaced with “679.3(d)” to provide a proper reference.

## Chapter 2 of the Native Wildlife Rehabilitation 679 Regulations Manual

### *Subsection (a)*

- In subsection (a)(2) regarding enclosure requirements, minor change to “shall maintain visual and physical separation between each rehabilitation animal with any domestic animal, restricted species, non-rehabilitation wild animals, and any person not performing wildlife rehabilitation activities.”. The amended language clarifies the criteria and requirements to maintain visual and physical separation for animals during rehabilitation, which is necessary to ensure that non-conspecific animals (e.g., rehabilitation squirrels housed next to a rehabilitation bobcat) do not antagonize each other, to prevent habituation and mal-imprinting of any animal, and to reduce overall stress to each animal during the rehabilitation process.
- Subsection (a)(3)(A) has been added to explain “pre-release conditioning”. This addition was 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.

- In subsection (a)(4) the word “~~Section~~” has been changed to “subsection” to correct a typographical error.
- In subsection (a)(7) regarding enclosure requirements, replace “not permanently ~~attached~~” with “not permanently affixed”. The amended language clarifies the type of temporary enclosures that are permitted for use, which is necessary to ensure that temporary enclosures are properly defined and distinguished from other types of rehabilitation animal enclosures.
- In 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 was necessary to remove the references to tables that did not specify cage requirements.

#### *Subsection (b), Table 4*

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

#### *Subsection (c)*

- In subsection (c)(2) regarding Amphibian and Reptile Requirements, 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.

#### *Subsection (d), Table 5*

The amended language in Chapter 2, subsection (d) clarifies the water, lighting, and heat requirements for an amphibian or reptile rehabilitation animal. These changes are necessary so that herptiles undergoing rehabilitation can be housed in facilities that are safe for animals and humans; meet their needs for sustenance, space, temperature, humidity, and other factors important to their well-being; are durable and secure; and provide enrichment necessary for animals to exhibit the full display of natural behaviors.

- (d)(1)(A)4.a: Replace “~~reverse osmosis~~” with “treated” to clarify that any treatment providing clean water is sufficient.

- (d)(1)(A)4.c: Add “ultraviolet b (UVB)” further specifying the type of artificial light.
- (d)(2)(A)4.a: Add “notwithstanding a western pond turtle enclosure that shall be filled with at least 10-gallons of clean water per 1-inch of body length [Note: This requirement is intended to allow each animal to fully submerge in the water and swim at will.];”.
- (d)(2)(A)4c: Add “ultraviolet b (UVB)”.

### *Subsection (f)*

The amended language in Chapter 2, subsection (f) further clarifies the floor requirements for consistency and minimum depth of substrate; the wall requirement for bats; and enrichment requirement for bats, hares and rabbits. These changes are necessary so that mammals undergoing rehabilitation can be housed in facilities that are safe for animals and humans; meet their needs for sustenance, space, temperature, humidity, and other factors important to their well-being; are durable and secure; and provide enrichment necessary for animals to exhibit the full display of natural behaviors.

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

- In (6)(G) North American Beaver, remove “following” and add “of” for enrichment requirements.
- Replace “a” with “the” for (1)(F) fox, gray and Sierra Nevada red and (6)(D) muskrat; and add “the” for (1)(L) skunk and (6)(C) marmot for grammar and consistency.

### *Subsection (g)*

The amended language in Chapter 2, subsection (g) further clarifies the minimum pre-release conditioning enclosure requirements for mammals. These changes are necessary so that mammals undergoing rehabilitation can be housed in facilities that are safe for animals and humans; meet their needs for sustenance, space, temperature, humidity, and other factors important to their well-being; are durable and secure; and provide enrichment necessary for animals to exhibit the full display of natural behaviors.

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

### *Subsection (i)*

The additional language added in Chapter 2, subsection (i) clarifies construction and enrichment requirements for rehabilitation birds. These changes are necessary so that birds undergoing rehabilitation can be housed in facilities that are safe for animals and humans; meet their needs for sustenance, space, temperature, humidity, and other factors important to their well-being; are durable and secure; and provide enrichment necessary for animals to exhibit the full display of natural behaviors.

- In (1)(A)2, remove “~~covered with soft netting affixed to the interior wall~~” from the wall requirements; add “Welded steel wire mesh with a mesh size no larger than 1-inch x 1-inch covering the remaining wall area, and with shade cloth or steel hardware cloth with a mesh size no larger than 0.5-inch x 0.5-inch affixed to the interior of the remaining wall area” to the wall requirements.
- In (1)(A)5, add “or wood” to clarify the wall requirements.
- In (1)(A)6, add “or” and “d. Welded steel wire with mesh size no larger than 1/2-inch x 1/2-inch covered with rounded rock, such as pea gravel, soil or similar natural substrate at a minimum depth of 3-inches; or” and “e. Wood covered with rounded rock, soil, soil, or similar natural substrate at a minimum depth of 3-inches.” to the floor requirements.
- In (1)(A)7, replace “5” with “2” and “~~2 inches~~” with “1-inch”; and add “above the ground” to the enrichment requirements.
- In (2) Accipitriformes, move requirements for “Turkey Vultures” from (A) to (C); and amend the lettering of each animal type to list in alphabetical order.

- In (6)(A) Falconiformes and (7)(A) Galiformes, add “the” for grammar and consistency.
- In (10) Stringiformes, add “(C) Western screech owls” and the requirements “1. Each enclosure shall have at least 2 hides or sheltered retreats constructed of wood, plastic, or similar material, with a minimum size of 8 inches x 15 inches x 8 inches (L x H x W) and a maximum size of 1 foot x 1.5 feet x 1 foot, placed at a minimum height of 5 feet above the ground.”.

#### *Subsection (j)*

The additional language added to subsection (j) further clarifies the requirements for minimum enclosure size and maximum number per enclosure. These changes are necessary so that mammals undergoing rehabilitation can be housed in facilities that are safe for animals and humans; meet their needs for sustenance, space, temperature, humidity, and other factors important to their well-being; are durable and secure; and provide enrichment necessary for animals to exhibit the full display of natural behaviors.

- Replace “~~Notwithstanding~~” with “Excluding” in the table title.
- In (1) Accipitriformes, amend the order and lettering of each animal type to list in alphabetical order. In (G) Turkey Vultures, replace “3” with “1” for maximum number of neonate animals and replace “6” with “4” for maximum number of juvenile and adult animals. Replace “100” with “50” for minimum length in feet for juvenile and adult pre-release conditioning enclosures and replace “20” with “16” for minimum width in feet for adult pre-release conditioning enclosures.
- In (6) Falconiformes, amend the lettering of each animal type to list in alphabetical order. In (A) American Kestrel, replace “2” with “4” for maximum number of adult animals in pre-release conditioning enclosures. In (B) Kites, replace “6” with “3” for maximum number of juvenile and adult animals in pre-release conditioning enclosures.
- In (8) Passeriformes, amend the lettering of each animal type to list in alphabetical order. Move requirements for “Swallows” from (C) to (G). In (C), replace “4 inches W x 2 inches H” with “12 inches x 6 inches x 6 inches”. In (D) remove “Ravens”. In (E) replace “6 inches W x 3 inches H” with “1.5 feet x 1 foot x 1 foot”. Add “(F) Ravens”, “2 feet x 1.5 feet x 2 feet” and “1” for neonate enclosure requirements, and “50 feet x 10 feet x 12 feet” and “3” for juvenile and adult pre-release conditioning enclosure requirements.

#### *Subsection (k)*

The additional language further clarifies the enclosure wall requirements for all waterbirds and the enrichment requirement for pelicans. These changes are necessary so that birds undergoing rehabilitation can be housed in facilities that are safe for animals and humans; meet their needs for sustenance, space, temperature, humidity, and other factors important to their well-being; are durable and secure; and provide enrichment necessary for animals to exhibit the full display of natural behaviors.

- In (1)(A), replace “~~Pressure-treated wood or composite wood or similar wood and covered with soft netting or shade cloth on the interior wall~~” with “Wood covering at least 1/4 and up to 1/2 of the lower wall area” for the 1.a. requirement. Add “covering at least 1/4 and up to 1/2 of the lower wall area” and remove “~~covered with soft netting or shade cloth on the~~”

~~interior wall~~” for the 1.b. and 1.c. requirement. Add “d. Welded steel wire with a mesh size no larger than 1-inch x 1-inch covering the remaining wall area, and steel hardware cloth with a mesh size no larger than 0.5-inch x 0.5-inch affixed to the interior of the remaining wall area.”. Add “either:”, “Concrete covered with”, “; or”, and “e. Wood”; and remove “concrete, notwithstanding an enclosure comprised of a pool-only, and covered with either” for the floor requirement.

- In (6)(B), add “height” and “above the ground”; and replace “3” with “6” for the enrichment requirement.

#### *Subsection (l) Table 10b*

The amended language further clarifies pool-only waterbird enclosure and enrichment requirements. These changes are necessary so that birds undergoing rehabilitation can be housed in facilities that are safe for animals and humans; meet their needs for sustenance, space, temperature, humidity, and other factors important to their well-being; are durable and secure; and provide enrichment necessary for animals to exhibit the full display of natural behaviors.

- In (1)(A), add “Includes species of diving duck, stuff-tailed duck, merganser, alcid, phalarope, loon, grebe, albatross, fulmar, and petrel” and “6. Each enclosure shall have the water level of the pool at least 1-foot below the top of the pool edge [Note: This requirement is intended to prevent injury to each animal.]”.
- Remove “1. Each pool enclosure shall have the following enrichment: a. At least 1 flat frame surface with a minimum frame dimension of 1 foot x 1 foot (L x W) constructed of plastic pipe, wood, or similar material, and covered with knotless netting, that is free-floating on the water surface [Note: This requirement is intended to allow each animal to ingress and egress from the water at will and prevent injury to sensitive feet.]” from (2)(B), (3)(C), and (4)(E). Remove these rows from the table.
- For Red phalarope and Red-necked phalarope requirement, remove “dry”, “b. At least 2 dynamic or static perches constructed of wood or plastic, and placed at a minimum height of 2 feet above the water surface; and” and “c. Artificial or live emergent aquatic vegetation [Note: This requirement is intended to provide a visual barrier and allow each animal to be fully hidden at will.]”. Add “with” for grammar and consistency.
- In (6)(G) and (6)(H), remove “1. Each pool enclosure shall have the water level of the pool at least 1-foot below the top of the pool edge [Note: This requirement is intended to prevent injury to each animal.]”. Remove these rows from the table.
- In (5) Podicipediformes, add “Pied-Billed” and “(not required for other grebes)” to Grebes.
- Amend the lettering of each animal type to list in alphabetical order.

#### *Subsection (m) Table 11*

The amended language further clarifies the maximum number of juvenile and adult animals in pre-release conditioning enclosures. These changes are necessary so that birds undergoing rehabilitation can be housed in facilities that are safe for animals and humans; meet their needs for sustenance, space, temperature, humidity, and other factors important to their well-being; are durable and secure; and provide enrichment necessary for animals to exhibit the full display of natural behaviors.

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

#### *Subsection (p) Table 13*

The amended language further clarifies the enclosure and enrichment requirement for venomous snakes. These changes are necessary so that snakes undergoing rehabilitation can be housed in facilities that are safe for animals and humans; meet their needs for sustenance, space, temperature, humidity, and other factors important to their well-being; are durable and secure; and provide enrichment necessary for animals to exhibit the full display of natural behaviors.

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

#### *Subsection (q) Table 14*

The amended language further clarifies the requirements for specialty rehabilitation animals in neonate and limited mobility enclosures. These changes are necessary so that animals undergoing rehabilitation can be housed in facilities that are safe for animals and humans; meet their needs for sustenance, space, temperature, humidity, and other factors important to their well-being; are durable and secure; and provide enrichment necessary for animals to exhibit the full display of natural behaviors.

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

#### *Subsection (r) Table 15*

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

necessary to ensure that the proper number of birds can be housed in an enclosure to ensure their well-being.

## Chapter 3 of the Native Wildlife Rehabilitation 679 Regulations Manual

### *Subsection (a)*

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

### *Subsection (c) Table 16*

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

### *Subsection (d)*

- In subsection (d)(2) replace “679.5(a)(7)” with “679.5(a)(8)” In subsection to provide proper reference.

### *Subsection (e) Table 17*

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

### *Subsection (g)*

- In (g)(1) regarding euthanasia requirements, add “and” and “that may perform euthanasia of any rehabilitation animal”. The amended language further clarifies the euthanasia training requirement for personnel. This is necessary to clarify that only personnel that may perform euthanasia need to meet the euthanasia training requirements.

With this Final Statement of Reasons (FSOR), the Commission provides the following non-substantive changes consistent with California Government Code Section 11346.8(c):

1. Correct minor grammatical and typographic errors that include:
  - a. Revise structure, syntax, cross-reference, grammar, or punctuation; For example, the Commission corrected “hides” to “hide boxes” and added language “the following enrichment:” to (i) Table 8. Pre-release Conditioning Enclosure Requirements; Birds (Excluding Waterbirds) in Chapter 2 of the Manual for clarity and consistency within and throughout the tables.



- b. Change an “authority” or “reference” citation for a regulation.

These minor changes do not materially alter any requirement, right, responsibility, condition, prescription or other regulatory element of any California Code of Regulations provision.

### **No Other Changes**

There have been no changes in applicable laws or to the effect of the proposed regulations from the laws and effects described in the Notice of Proposed Action. The Commission adopted the regulations on December 12, 2024.

## **IV. Summary of Primary Considerations Raised in Support of or Opposition to the Proposed Actions and Reasons for Rejecting Those Considerations**

During the initial public comment period for the proposed regulations between August 5, 2024, and November 27, 2024 (which included the notice of sufficiently related changes posted August 26, 2024), the Department and Commission received a total of nine (9) written comments. During the public discussion hearings held on August 15, 2024 and October 10, 2024, no written or oral comments were received. Between November 28, 2024, and December 29, 2024, the Department and Commission received a total of seven (7) comments. During the adoption hearing held on December 12, 2024, one (1) written comment and no oral comments were received. Upon review of public input received through December 2024 and Commission’s minor changes or clarifications to the Amended Proposed Package as noticed in the “PSOR”, the Commission posted a second 15-day comment period on December 30, 2024. Between December 30, 2024, and January 16, 2025, the Department and Commission received a total of one (1) written comment.

Consistent with Government Code Section 11346.9(a)(3), public comments are sorted into one of three categories.

- Category A: Public comments received during the Notice Period and 1<sup>st</sup> 15-Day continuation period.
- Category B: Public comments received during the 2<sup>nd</sup> 15-Day continuation period.
- Category C: Public comments received during a public hearing or outside of a 15-day notice period

The Commission acknowledged each public comment, and the Department provided further response and technical guidance to each commentor. All commentors and interested parties were reminded that the proposed regulations in Chapter 2 of the Manual provide the *minimum* enclosure requirements for a taxa or species of rehabilitation animal; wildlife rehabilitators are encouraged to exceed the minimum requirements (e.g., enrichment, enclosure size) as desired, and request a variance when appropriate. Further, the Department will create and maintain taxa and species-specific guidance resources that will be made readily available to the public and currently maintains list of frequently-asked-questions (FAQ) documents on the Department website. A summary of responses to public comments received on the adopted regulations are presented in **Appendix A**. Public comments received in writing via email or letter are presented in **Appendix B**.

Table 1. Summary of Public Comments Received on the Adopted Regulations, August 2024 - January 2025.

<b>Notice Period</b>	<b>Category</b>	<b>Number of Public Comments</b>
Notice Period and 1 <sup>st</sup> 15-Day continuation period (August 5, 2024, - November 27, 2024)	<b>A</b>	11 written comments
2 <sup>nd</sup> 15-Day continuation period (December 30, 2024 – January 16, 2025)	<b>B</b>	1 written comment
Comments received outside the scope of a 15-Day Notice period (November 28, 2024 - December 29, 2024)	<b>C</b>	5 written comments
Notice Hearing (June 19, 2024)	<b>C</b>	0 written comments 3 oral comments (speakers)
Discussion Hearing (August 15, 2024)	<b>C</b>	0 written comments 0 oral comments (speakers)
Discussion Hearing (October 10, 2024)	<b>C</b>	0 written comments 0 oral comments (speakers)
Adoption Hearing (December 12, 2024)	<b>C</b>	1 written comment (letter) 0 oral comments (speakers)
Notice of sufficiently related changes (June 10, 2025 – June 11, 2025)	<b>C</b>	0 written comments 0 oral comments
Fish and Game Commission Meeting (June 12, 2025)	<b>C</b>	0 written comments 1 oral comment (speaker)

## V. Description of Reasonable Alternatives to Regulatory Action

### (a) Alternatives to Regulation Change

No alternatives to this regulatory change were identified by or brought to the attention of Commission or Department staff that would have the same desired regulatory effect. The intent of the regulation change is to correct current deficiencies within the existing regulation.

### (b) No Change Alternative

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

### (c) Consideration of Alternatives

In view of information currently possessed, no alternative would be as effective in carrying out the purpose for which the regulation is proposed, would be less burdensome or more cost effective to affected private persons than the adopted regulation.

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

Subsection 679.3(e) provides a transition period clause to allow a permittee issued a permit prior to January 1, 2025, to operate under their permit conditions and existing MOU until

December 31, 2025, notwithstanding any addendum to a MOU authorizing the rehabilitation of any large carnivore. Thereafter, all permittees shall comply with all requirements pursuant to subsections 679.1 through 679.9. Further, subsection 679.4(c) establishes variance requirements for a permittee to request for a deviation in construction design or materials of the specific caging requirements listed in the DFW 679 Manual. This provision shall allow the Department to approve a variance to these requirements on a case-by-case basis if the Department finds that the overall security and animal welfare will otherwise be maintained. Given that 100% of permittees are small businesses, the transition period clause and the variance requirements in these proposed regulations provide alternatives to lessen adverse impacts on small businesses.

## VI. Impact of Regulatory Action

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

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

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

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

The Commission does not anticipate any impacts on creation or elimination of jobs, the creation of new businesses, the elimination of existing businesses or the expansion of businesses in California because the proposed amendments will increase support and guidance to permitted wildlife rehabilitation facilities and provide consistency of standards and requirements for compliance. The Commission anticipates benefits to the health and welfare of California residents and worker safety by requiring site-specific conditions necessary to protect native wildlife, agriculture interests, animal welfare, human health and safety through enhanced biosecurity protocols, improved enclosure requirements, and standardized reporting protocol for animals known or suspected of having a communicable disease.

The new regulations will benefit the environment by expanding the Department's authority to consider potential impacts on native wildlife when issuing permits and increase protections to native wildlife temporarily possessed for the purposes of rehabilitation and release to the wilds of the State. The current Section 679 fails to explicitly state that the Department shall issue or renew a permit only if a wildlife rehabilitator meets all required standards and the conditions necessary to protect native wildlife, agriculture interests, animal welfare, human health and safety. The new regulations require the most current scientifically based requirements and fully consider potential impacts to the environment and other resource

users prior to issuing a permit

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

The Commission is not aware of any unreasonable cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the adopted action. Fish and Game Code Section 1050(e) provides that the Department “may establish fees and may adjust statutorily imposed fees by regulation for the filings, permits, determinations, or other Department actions described in Section 711.4, 1002, or 1609.” Fees established by the Department shall be in an amount sufficient to recover all reasonable administrative and implementation costs of the Department relating to the program with regard to which the fee is paid.” The most recent year fee amounts per Fish and Game Code Section 713 will be updated on all forms. For 2021, the non-refundable application fee was \$41.00 with a refundable inspection fee of \$114.54. For 2022, the non-refundable application fee was adjusted for inflation to \$58.50 (Fish and Game Code Section 713) with a refundable inspection fee of \$162.25. For 2023, the non-refundable application fee was adjusted for inflation to \$65.41 with a refundable inspection fee of \$181.28. For 2024, the non-refundable application fee was adjusted to \$69.01 with a 3% non-refundable ALDS fee (Section 700.4(e)) and refundable inspection fee of \$191.30.

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

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

(e) Nondiscretionary Costs/Savings to Local Agencies

None.

(f) Programs Mandated on Local Agencies or School Districts

None.

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

None.

(h) Effect on Housing Costs

None.

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

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

### **Project Background**

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

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

- Specifies the requirements for a person performing wildlife rehabilitation under a permit to provide proper food, water, enclosure, care, and treatment based on the needs of the individual animal.
- Add Section 679.6 “Release of Animals into the Wild” to establish and clarify the requirements for the release of native wildlife returned to the wild, and guidelines for animals not native to California.
  - Establishes the conditions that must be met during an evaluation to determine when a rehabilitation animal can be released to the wild by ensuring it displays the behavioral and physical traits needed to survive in the wild.
- Add Section 679.7 “Inspection of Wildlife Rehabilitation Facilities” to establish the requirements for the inspection of wildlife rehabilitation facilities by the Department.
  - Applicants for, or persons operating a permitted wildlife rehabilitation facility, must allow inspections by the Department to ensure compliance with these regulations as a condition of the permit.
  - The Department will make reasonable attempts at scheduling convenient inspections with the applicant/permittee present. The Department expects that all requirements and conditions necessary to protect animal welfare, native wildlife, human health, and human safety will be met.
- Add Section 679.8 “Seizure of Animals; Transfer, Euthanasia, or Release of Seized Animals” establishes the actions the Department may take due to a violation of a law or permit condition.
  - When an unauthorized person or a permittee is in violation the Department will immediately remove animals if the Department determines that seizure is necessary to protect the welfare of those animals.
  - Any costs associated with the seizure and treatment of the animals, including a civil action to recoup the costs, are the responsibility of the violator.
- Add Section 679.9 “Revocation of Permit” establishes the authority by which the Department may revoke the permit of the permittee, or any of its authorized persons, if there is a violation of law or of the conditions of the permit.
  - The Department will act so that the violator cannot adversely impact the welfare of wildlife possessed by the permittee; native wildlife; agricultural interests of this state; or human health or safety.
- Amend Section 703 “Miscellaneous Applications, Tags, Seals, Licenses, Permits, and Fees”; add subsection (c)(2) “Native Wildlife Rehabilitation Permits” establishes the authority and requirements by which the Department will collect application and inspection fees for wildlife rehabilitation permits.
- Incorporate by reference the Native Wildlife Rehabilitation 679 Regulations Manual (New 01/2025) (form DFW 479), Chapter 2 and Chapter 3, pursuant to Section 20 “Incorporation by Reference,” Title 1, of the California Code of Regulations. It would be cumbersome, unduly expensive, or otherwise impractical to publish the document in California Code of Regulations.

The document is comprised of over 60 pages and 18 Tables which provide (i) general program information and resources in Chapter 1; and (ii) the regulatory actions in Chapter 2 and Chapter 3 that are incorporated by reference in these regulations to establish the requirements for rehabilitation animal enclosures, humane care and treatment requirements, cleaning, acceptable euthanasia methods, and carcass disposal. Further, the Commission finds that the pre-release conditioning enclosure requirements established for each rehabilitation animal type by species or taxa are highly technical and that the information is best provided in this format for clarity and compliance with these regulations. The document is a formal publication that will be reasonably accessible and available for free, at any time, to all members of the diverse public from the Department's website.

## **Benefit of the Regulations**

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

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

Article IV, Section 20 of the State Constitution specifies that the Legislature may delegate to the Commission such powers relating to the protection and propagation of fish and game as the Legislature sees fit. The Commission has searched the California Code of Regulations and finds no other state agency regulations pertaining to the permitting of wildlife rehabilitation activities. The Commission has reviewed its own regulations and finds that the proposed regulatory action is consistent with existing state regulations in Title 14, CCR, and therefore finds that the proposed regulations are neither inconsistent nor incompatible with existing state regulations.

## **Update**

**December 12, 2024, the California Fish and Game Commission (Commission) moved to adopt the regulations as described in the Pre-Adoption Statement of Reasons.**

**Consistent with California Government Code Section 11346.8(c), minor changes have been made:**

- 1. The Commission provided the required notice of a 15-day continuation period on December 30, 2024, and ending on January 16, to the public of minor changes to the original text significantly related to the proposed regulatory language. No comments were received at the Commission Adoption Meeting and the regulations were adopted.**

- 2. Nonsubstantial or solely grammatical in nature including: (1) renumbering, reordering, or relocating a regulatory provision; (2) revising structure, syntax, cross-reference, grammar, or punctuation; (3) changing an “authority” or “reference” citation for a regulation.**

**These minor changes do not materially alter any requirement, right, responsibility, condition, prescription or other regulatory element of any California Code of Regulations provision. There have been no other changes in applicable laws or to the effect of the proposed regulations from the laws and effects described in the Notice of Proposed Action.**

**The regulations were adopted on December 12, 2024, and a 15-day notice was issued on December 31, 2025 to notify the public of the changes adopted by the Commission.**

**On May 27, 2025, Commission staff withdrew the rulemaking file from the Office of Administrative Law to address concerns with the proposed language. After working with the OAL to address the concerns, Commission staff provided notice to the public of the changes to the regulation language adopted by the Commission on December 12, 2024. The notice was published on the Commission’s website and mailed to interested parties on June 10, 2025. On June 12, 2025 the Commission adopted the noticed changes to the regulatory language.**