

STATE OF WASHINGTON
DEPARTMENT OF FISH AND WILDLIFE
WILDLIFE PROGRAM

FISH AND WILDLIFE COMMISSION MEETING
AUGUST 2, 2013

CONCISE EXPLANATORY STATEMENT

The following rule is amended: WAC 232-12-275 Wildlife rehabilitation permits.

The following rules are new rules:

WAC 232-12-841	Wildlife rehabilitation permits – Requirements and restrictions
WAC 232-12-843	Wildlife rehabilitation – Responsibilities of primary permittees and sub-permittees
WAC 232-12-845	Wildlife rehabilitation – Permit revocation, modification, or suspension
WAC 232-12-847	Wildlife rehabilitation – Facility requirements and inspections – On- and off-site care
WAC 232-12-849	Wildlife rehabilitation – Releasing wildlife
WAC 232-12-851	Wildlife rehabilitation – Veterinary care
WAC 232-12-853	Wildlife rehabilitation – Records retention and reporting requirements
WAC 232-12-855	Wildlife rehabilitation – Falconers assisting with raptor rehabilitation
WAC 232-12-857	Wildlife rehabilitation – Transfer, import, and export of wildlife
WAC 232-12-859	Wildlife rehabilitation – Possession of dead wildlife and wildlife parts
WAC 232-12-861	Wildlife rehabilitation – Disposition of nonreleasable and habituated, imprinted, and tamed wildlife
WAC 232-12-863	Wildlife rehabilitation – Euthanizing protected, threatened, or endangered wildlife and migratory birds
WAC 232-12-865	Wildlife rehabilitation – Disposing of wildlife remains
WAC 232-12-867	Wildlife rehabilitation – Prohibition on commercial uses
WAC 232-12-869	Oiled bird rehabilitation – Facility requirements
WAC 232-12-871	Reporting receipt, death, carcass retention, and release of oiled birds

A. Agency reasons for amending and adopting rules:

All wildlife rehabilitation rules were contained in one rule, **WAC 232-12-275, Wildlife rehabilitation permits**, including oiled-bird rehabilitation requirements. WAC 232-12-275 was last updated in 1996. Since that date there have been many changes in the wildlife rehabilitation profession. In 2007, the legislature passed RCW 77.12.469, Renewal of wildlife rehabilitation licenses, to give the WDFW the ability to more adequately regulate wildlife rehabilitators in the state, develop a process for renewing wildlife rehabilitation licenses, clarify rehabilitation standards, and better communicate with Washington licensed wildlife rehabilitators. The RCW provided that *“The department must develop a process for renewing wildlife rehabilitation licenses. All wildlife rehabilitation licenses issued by the department prior to January 1, 2006, must be renewed by January 1, 2010. The department may adopt rules as necessary to implement this section.”* This made obvious the need for detailed rules to implement new licensing and renewal requirements.

This rulemaking project splits WAC 232-12-275 into 15 separate WAC sections. These new rules are intended to increase clarity and reduce confusion of wildlife rehabilitation rules, thereby increasing rehabilitators' ability to comply with WDFW standards and requirements. The lack of detail and concrete expectations in the single rule made it difficult to ensure safe and standardized wildlife rehabilitation, and for wildlife rehabilitators to ensure they were operating lawfully. The rule changes provide more detail, direction, and a specific outline of requirements for wildlife rehabilitators, as well as make the rules more navigable, enforceable, and easy to understand. The new wildlife rehabilitation WACs seek to resolve many procedural and policy questions. The level of detail provided in these new rules will aid wildlife rehabilitators in practicing high-quality wildlife rehabilitation and ensure that wildlife rehabilitators better understand wildlife rehabilitation requirements. .

All WAC sections involved in this project include references to the corresponding RCWs that provide the penalties for violating rule provisions. Including this language increases clarity and enforceability of the rules, communicates the importance of adhering to the requirements, and may reduce any potential confusion by the courts.

The following WAC section is amended:

1. WAC 232-12-275, Definitions-Oiled wildlife and wildlife rehabilitation permits is amended to strengthen and add definitions important to the conduct of wildlife rehabilitation. Eight new definitions were added; five were amended or expanded; oiled wildlife definitions are essentially the same as in the old rule. Examples of important added definitions are: "Imprinting" and "Sub-permittee." Defining "sub-permittee" allocates responsibility for wildlife in rehabilitation and makes it clear that the primary-permittee is responsible for ensuring sub-permittees comply with department requirements.

The following WAC sections are new:

2. **WAC 232-12-841, Wildlife rehabilitation permits – Requirements and restrictions**, better defines the requirements and procedures for obtaining a WDFW wildlife rehabilitation permit and the requirements for renewing a wildlife rehabilitation permit. The language "or 1,000 hours" was added after the six-month experience requirement to more concretely define experience requirements for permit applicants. The rule adds a requirement that a wildlife rehabilitation permit applicant supply a letter of recommendation from an experienced wildlife rehabilitator to increase mentorship and ensure qualified applicants. Veterinarians are exempt from some application requirements. A three-year expiration date is applied to wildlife rehabilitation permits.

Also added with this section are the large carnivore endorsement requirements; expanded rules for the raptor endorsement; a raptors-only rehabilitation permit; and an oiled-wildlife rehabilitation endorsement. These endorsements recognize that rehabilitating particular species or types of animals require additional skill and experience above and beyond the experience required to qualify for a wildlife rehabilitation permit.

The rule adds requirements to reinstate an expired permit and imposes a time limit for re-taking the wildlife rehabilitation examination. Provisions regarding facility inspections, and out-of-state permit rules were constructed.

3. **WAC 232-12-843, Wildlife rehabilitation – Responsibilities of primary permittees and sub-permittees**, clearly defines the responsibilities of the primary permittee over the sub-permittee and the requirements for listing a sub-permittee on a wildlife rehabilitation permit. The rule also requires permit holders to inform the department if any information on the permit changes.

4. **WAC 232-12-845, Wildlife rehabilitation – Permit revocation, modification, or suspension**, outlines the procedures the department may use to revoke a wildlife rehabilitation permit. For less serious violations, the rule provides an opportunity for a wildlife rehabilitator to work with the department to return to compliance and retain his or her wildlife rehabilitation permit.
5. **WAC 232-12-847, Wildlife rehabilitation – Facility requirements and inspections – On- and off-site care**, addresses facility requirements and provides much more detail to wildlife rehabilitators than was provided in the original rule. Specifically, the rule provides additional detail to in-home facility requirements, such as requiring wildlife be kept only in designated areas away from domestic animals and human activity; provides direction to wildlife rehabilitation facilities left without a permitted rehabilitator; and clearly defines sub-permittee restrictions and requirements. The rule also outlines requirements for facilities located on rented or borrowed property.
6. **WAC 232-12-849, Wildlife rehabilitation – Releasing wildlife**, outlines release requirements previously implied and practiced but not clearly defined in rule. Providing additional detail to release requirements reduces uncertainty and unease among wildlife rehabilitators and promotes increased enforceability. Additionally, wildlife rehabilitators are given latitude to release an animal not at the exact spot it was retrieved, but a safer spot within its normal individual range with prior department approval. The rule also allows wildlife rehabilitators to release unrelated conspecifics together. Lastly, the rule requires wildlife rehabilitators to obtain department approval prior to releasing large carnivores, cervids, and coyotes.
7. **WAC 232-12-851, Wildlife rehabilitation – Veterinary care**, allows veterinarians to admit, stabilize, and house wildlife for less than approximately 48 hours without a wildlife rehabilitation permit. For longer care, veterinarians must release wildlife to a wildlife rehabilitator if the veterinarian does not have a wildlife rehabilitation permit.
8. **WAC 232-12-853, Wildlife rehabilitation – Records retention and reporting requirements**, establishes annual reporting requirements for wildlife rehabilitators, details the responsibilities of primary permittees and sub-permittees, and allows wildlife rehabilitators to retain records electronically. The rule also updates reportable diseases. Besides these changes, reporting requirements in this section are relatively the same as in the original WAC 232-12-275.
9. **WAC 232-12-855, Wildlife rehabilitation – Falconers assisting with raptor rehabilitation**, aligns wildlife rehabilitation rules with WAC 232-30-560, Falconers assisting in wildlife rehabilitation, and generally mirrors WAC 232-30-560. The rule also corresponds with U.S. Fish and Wildlife Service (USFWS) requirements for falconers assisting with raptor rehabilitation.
10. **WAC 232-12-857, Wildlife rehabilitation – Transfer, import, and export of wildlife**, addresses transporting wildlife across state lines for rehabilitation purposes. This rule is based on directives from WDFW's veterinarian and Oregon state veterinarians. This rule also allows wildlife rehabilitators to transfer wild conspecifics for socialization.
11. **WAC 232-12-859, Wildlife rehabilitation – Possession of dead wildlife and wildlife parts**, contains provisions relating to retention and disposal of dead wildlife and wildlife parts. Most of the provisions are merely transported from the original rule; however, requirements related to possession of feathers are changed to comply with USFWS feather possession requirements.

12. **WAC 232-12-861, Wildlife rehabilitation – Disposition of nonreleasable and habituated, imprinted, and tamed wildlife**, strengthens the prohibition on taming and habituating of wildlife in rehabilitation and releasing wildlife that are tamed or habituated. This section requires wildlife rehabilitators to euthanize certain tamed and habituated animals, such as deer and carnivores, to protect wildlife and the public. The section allows rehabilitators to retain non-releasable wildlife for orphan imprinting if not tamed or habituated, and to house any non-releasable wildlife for education if the wildlife was not tamed or habituated while at the facility (e.g. the wildlife was tamed or habituated before it is brought to the facility).
13. **WAC 232-12-863, Wildlife rehabilitation – Euthanizing protected, threatened, or endangered wildlife and migratory birds**, changes department rules relating to euthanizing threatened or endangered wildlife to reflect USFWS requirements. The section details when wildlife rehabilitators may euthanize threatened or endangered wildlife without prior department approval and provides requirements for when wildlife rehabilitators must euthanize birds and migratory birds.
14. **WAC 232-12-865, Wildlife rehabilitation – Disposing of wildlife remains**, provides requirements for disposing of wildlife remains in a safe and responsible manner. The section expands the provisions to accommodate USFWS requirements, and allows wildlife rehabilitators to retain carcasses for education purposes.
15. **WAC 232-12-867, Wildlife rehabilitation – Prohibition on commercial uses**, addresses money-exchanging activities relating to wildlife in rehabilitation. Wildlife rehabilitators depend solely upon donations and to a very limited extent on grants for operating funds.. This rule provides more detailed direction to wildlife rehabilitators on the activities they may engage in to solicit donations or advertise services, and which activities are prohibited. Certain actions such as offering items for a “suggested donation” are permissible, but wildlife rehabilitators may not require a donation. Wildlife rehabilitators may not charge fees or sell products related to wildlife rehabilitation animals. It is unlawful to sell, offer for sale, purchase, or use for commercial purposes wildlife or parts of wildlife held under a wildlife rehabilitation permit.
16. **WAC 232-12-869, Oiled bird rehabilitation – Facility requirements**, details facilities requirements for oiled bird rehabilitation. The provisions are essentially unchanged from the pre-amendment version of WAC 232-12-275 and simply moved into a new WAC section so they are more easily located.
17. **WAC 232-12-871, Reporting receipt, death, carcass retention, and release of oiled birds**, details reporting requirements for the receipt, death, carcass retention, and release of oiled birds. These provisions are largely unchanged for the original requirements of WAC 232-12-275 before amendment. A primary-permittee on a wildlife rehabilitation permit must possess an oiled-wildlife endorsement or written department approval to retain oiled birds. Rehabilitators must notify the department within 24 hours of the death of an oiled bird, and within 72 hours of releasing oiled birds. Rehabilitators must obtain department approval prior to disposing of dead oiled birds.

B. Differences between the text of the proposed rule and the text of the rule as adopted:

WAC 232-12-841 Wildlife rehabilitation permits-Requirements and restrictions:

- Removed “and assist” from the subsections that detail the requirement for a written letter of recommendation from a licensed wildlife rehabilitator when a person is applying for a new wildlife rehabilitation permit. See example in subsection (2)(a)(iii). Wildlife rehabilitators specifically requested removing the language.

WAC 232-12-849 Wildlife rehabilitation-Releasing wildlife. subsection (2):

- Added language making it more clear that a wildlife rehabilitator may not hold wildlife for rehabilitation longer than 180 days unless specifically authorized by the department. This is a technical change for clarity. Department staff determined that the 180-day maximum requirement was not explicit enough in the original proposal.

WAC 232-12-853 Wildlife rehabilitation –Records retention and reporting requirements. subsections (2)(a) and (3)(a):

- Added a language allowing wildlife rehabilitators to retain records electronically to increase flexibility in records-keeping. Deleted language that required wildlife rehabilitators to report all occurrences of general daily activities to the department. Daily reporting directly to the department would create undue burden on wildlife rehabilitators and the department. Further, general daily activities must be entered into the wildlife rehabilitator’s daily ledger. The department may inspect the daily ledger to gain the same information and ensure compliance with department rules.

WAC 232-12-855 Wildlife rehabilitation-Falconers assisting with raptor rehabilitation. subsections (1) and (3):

- The original proposed rule changes allowed general and master falconers to assist a wildlife rehabilitator with eagle rehabilitation. Language was changed to only allow master falconers and falconers with USFWS authorization to handle eagles to assist a wildlife rehabilitator with eagle rehabilitation.
- Added additional requirements to the identifying information required on the written document that a falconer must possess when assisting a wildlife rehabilitator with raptor conditioning if the falconer is not listed as a sub-permittee on a wildlife rehabilitation permit.

WAC 232-12-861 Wildlife rehabilitation-Disposition of non-releasable and habituated, imprinted and tamed wildlife. Page 20:

- Clarified and streamlined provisions relating to wildlife that is tamed, imprinted, or habituated during rehabilitation at the primary permittee’s or sub-permittee’s facilities.

WAC 232-12-863 Wildlife rehabilitation-Euthanizing protected. Threatened, or endangered wildlife and migratory birds. Page 21:

- Changed the word “protected” to “threatened” in provisions relating to euthanizing federal or state threatened or endangered wildlife in some situations without department approval. This change more accurately reflects the way wildlife is listed.

C. Agency communication and responses to written and oral comments:

This rule project is the result of five years of communication with wildlife rehabilitators and includes significant feedback and input offered from them over those years. The Wildlife Rehabilitation Coordinator and wildlife rehabilitators identified areas where rehabilitators had the most difficulty performing their function because of undefined roles and expectations and lack of detail in the wildlife rehabilitation rules.

WDFW notified wildlife rehabilitators of the rule proposal through direct letters to rehabilitators inviting them to review and comment on the proposed changes before the formal rule proposal was filed. As a result of the department’s early outreach, wildlife rehabilitators participated in shaping the rules throughout the drafting and review process. The department received reviews and comments from 10 wildlife rehabilitators. Department staff incorporated most of the wildlife rehabilitators’ suggested changes where appropriate. Wildlife rehabilitators indicated support of the proposed rule changes throughout the review process.

The department sent a second letter to all wildlife rehabilitators once the CR-102, WSR 13-10-074, was filed. This letter personally informed wildlife rehabilitators of the proposed rule changes, comment period, and public hearing, and invited rehabilitators to submit written or oral comments. There were no negative comments on the rules; rather, wildlife rehabilitators offered constructive edits and suggestions, many of which were incorporated into the rule proposal before the proposal was adopted by the Fish and Wildlife Commission.

COMMENTS

COMMENT	AGENCY RESPONSE
<p>1. I fully support the Department's draft rule proposal regarding wildlife rehabilitation.</p>	<p>Thank you very much for your comment. It has been received and recorded.</p>
<p>2. 1. I was looking at the agenda for the upcoming WDFW Commission meeting and noted that wildlife rehab WAC was getting updated and some changes. I read through them. You and others have done considerable work to get this document prepared. Overall, a great job.</p> <p>I have a serious concern about unintended consequences in two areas of the proposed new rule changes.</p> <p>WAC 232-12 861</p> <p>The statement reads on page 22 “Wildlife tamed by, imprinted on, or habituated to humans while at the primary permittees facility or subpermittees facility must be humanely euthanized no later than 180 days following admission to the rehabilitation facility, to protect the public and to protect the animal from human abuse.</p> <p>This is an example of unintended consequences that may occur in the future and certainly has occurred in the past as related to Trumpeter Swans. There have been birds that have been successfully treated, yet cannot be released to the wild because they are not able to fly again and can be placed in various Trumpeter Swan restoration programs that are run by several states. This rule would not allow for these birds to be human habituated. There does not seem to be an exception for non-releasable wildlife. Perhaps there needs to be a mechanism within the WAC for special consideration of birds that could benefit their species more with survival rather than euthanasia as the only option.</p> <p>WAC 232-12-863 Euthanizing protected, threatened or endangered species and migratory birds.</p> <p>The statement reads on page 23 of the Summary</p>	<p>Thank you for your review of the proposed WAC changes. I am always glad to get comments from rehabilitators. Hopefully I can dispel fears about your anticipated unintended consequences.</p> <p>WAC 232-12 861</p> <p>There are provisions in the new rules for retention of injured non-releasable wildlife for educational purposes, such as a swan that cannot fly. So, if you have a trumpeter swan with an injured wing or one foot or any physical non-releasable condition, that bird may be housed or transferred for education if the facility has the correct state and Federal permits. Any habituation or taming that takes place while the bird is held for education is not covered under these rules and would not require euthanasia.</p> <p>WAC 232-12-863 Euthanizing protected, threatened or endangered species and migratory birds.</p> <p>“Any bird that has sustained injuries requiring amputation of a leg, foot or wing at the elbow or above, or a bird that is completely blind must be euthanized.” This is a Federal Migratory Bird rule and supersedes state regulations, therefore it was put into our WACs. You would need to contact the USFWS for authorization to keep a migratory bird (raptors are usually the case) with any of these conditions.</p> <p>Please let me know if you have any more questions.</p>

<p>document: “Any bird that has sustained injuries requiring amputation of a leg, foot or wing at the elbow or above, or a bird that is completely blind must be euthanized.”</p> <p>Sometimes Trumpeter Swans come into a rehab center with a seriously broken wing or other injury that requires amputation of the wing at elbow and even one at the shoulder. Consider that we have successfully place swans with amputated wings into breeding programs where their offspring are released to the wild. This is through several state run Trumpeter Swan restoration programs. With this new WAC revision, these birds will be required to be euthanized.</p> <p>This is an unintended consequence of a blanket requirement. Is there no provision for exceptions on a case by case basis? If not, one needs to be placed here.</p> <p>Are there other species where they may be an issue? Thank you for your time considering my comments.</p>	
<p>REVIEWER COMMENTS AND EDITS</p>	<p>SUMMARY OF AGENCY RESPONSES, ACTIONS TAKEN WITHIN THE RULES DOCUMENT IN RESPONSE TO REVIEWERS, EDITS, AND REASONING</p>
<p>3. By the way, I was fine with and glad the oiled and rehab are becoming one permit really—much more clear in the language! I had no changes:)</p>	<p>Thanks!</p>
<p>4. I like the new structure of the wildlife rehabilitation rules. The rules are well organized and include more detail on the various aspects of rehabilitation. I provided edits, comments, and questions in a copy of the document (please see attached). I used “track changes” for some of the document, but most of my edits, comments, and questions are in “Comment” boxes in the right margin to make them easier to see. I might be off on some of my comments, so please correct me if I’m wrong. Please let me know if you have any questions regarding my comments. Thank you for giving me the opportunity to review the new rules!</p> <p>Suggested Imping definition change . Comment throughout – consistency between permit and license.</p>	<p>Thank you very much for your review of the WACs and your comments. They are very much appreciated.</p> <p>Imping definition changed. Reviewed document for consistency and corrected to reflect that consistency.</p>
<p>5. I inserted my feedback into the doc as track changes. I also have some comment sections. I hope that I was</p>	<p>Thank you. This is very helpful. Changed to make consistent to “comply with all state and</p>

<p>somewhat helpful. Thank you for allowing me the opportunity.</p> <p>Make consistent throughout doc “comply with all state and federal regulations.</p> <p>Require Rabies vaccinations</p> <p>Add verbiage to the effect that wildlife must be protected from undue human contact or noise.</p> <p>Add verbiage to the effect that “invasive surgical procedures can only be performed by a veterinarian” (IE. Plating & pinning)</p> <p>ADD TO REHAB MANUAL AND WEB SITE Suggest referring to “Raptors in Captivity, Guidelines for Care and Management” by Lori R. Arent, The Raptor Center, College of Veterinary Medicine at the University of Minnesota. It has housing guidelines for captive raptors.</p> <p>Add for imping purposes under feather possession</p>	<p>federal regulations.”</p> <p>I don’t believe we can require rabies vaccinations.</p> <p>Added to document “The wildlife rehabilitation facility must protect wildlife from predators, weather extremes, undue human contact and noise, and domestic animals.”</p> <p>We felt that we could not regulate the activity to this detail in the wildlife rehabilitation rules; veterinary practice is already defined in Veterinary Law especially Chapter 18.92 RCW Veterinary medicine, surgery, and dentistry.</p> <p>We will add the reference to our web site.</p> <p>Added “for imping” under Possession of dead wildlife and wildlife parts.</p>
<p>6. Thanks for allowing me to participate in the review. I think the document is very thorough, clear and easy to read and only had a few thoughts that you may wish to consider.</p> <p>WAC 232-12-844</p> <p>(2) A wildlife rehabilitator must release wildlife in the same area as recovered or an area approved by the department if releasing wildlife at area the wildlife was recovered poses a substantial risk to the health or safety of the wildlife or humans.</p> <p>I think that a definition of 'same area' would be useful since an area could be interpreted as granular as the property where the animal was recovered to an area as large as the home range of the species. It may be that this is left purposely vague to accommodate all of the various scenarios that could come up with the expectation that we will all use good common sense. I have always interpreted this as anywhere within the animal's normal range based on the recovery location since presumably the land has the carrying capacity for the animal and the risk of the animal spreading disease is contained to where it would be if it were not orphaned. Obviously, this cant always be known and in these cases, I select a release location within the local where I suspect the animal was recovered and</p>	<p>Thank you. We very much appreciate your good comments.</p> <p>Release criteria was significantly re-written to reflect suggestions of the reviewer.</p>

where there is a suitable habitat to sustain it. Since I don't usually have rabies vector species, this hasn't been a huge issue, but I can understand that with high risk wildlife, releasing animals into a new area when the recovery location is not known or is unsuitable, may require department approval.

WAC 232-12-842

(d) Possessing a species of wildlife not expressly permitted in the wildlife rehabilitation permit or by department authorization;

This is an issue that is particularly relevant for situations like mine where I may be the only rehabilitator serving one or more counties. I'd like to see provisions in the law that would permit a rehabilitator to hold juvenile species not listed on their permit (with the exclusion of large carnivores) for up to two weeks where there are no facilities within the county of recovery with the licensing or capacity to rehabilitate the species. This would cover the following scenarios:

1) holding wildlife for transfer to another facility outside of the county having the capacity and licensing to rehabilitate the species, with the provision that the holding licensed rehabilitator meets all conditions specified in the minimum standards for the age and medical condition of the animal and can demonstrate a written record of efforts to secure a placement for the animal. In other words, they may not have the facilities for long term rehabilitation of the species, but sufficient for the particular animal being held for transfer and can demonstrate an effort to place the animal within the boundaries of the law.

2) holding releasable juveniles while locating and preparing a release location. These are animals that don't need to go into rehabilitation at all but may have special needs as juveniles that require some preparation to conduct a soft release at a suitable release location. (This is a common scenario for animals that have found their way into the custody of the humane society, the WDFW, or a veterinary clinic.

3) holding wildlife that is otherwise releasable but

~~Possession of non-permitted species—Reviewer suggestions accounted for in the rule.~~

<p>requires a brief course of antibiotic therapy, in most cases not exceeding 10 days depending on veterinary recommendation (this is particularly common with small mammals like rabbits that come in contact with cats), again with the provision that the rehabilitator can meet the minimum standards for the age and condition of the species.</p> <p>You have provided me with some guidance around what is a reasonable period of time to have the animal in my possession for relocating; however, it would be desirable to have some provision in the law that took into account reasonable special conditions while still maintaining the intent of the law which ensures each animal is held in conditions that are approved by the WDFW.</p>	
<p>7. I am writing to first thank you for sending me the New Draft Rules and Provisions for Wildlife Rehabilitators here in Washington State. I am concerned about a few of the provisions and the lack of wording and or laws pertaining to the care of wildlife in rehab. I will list those concerns that I personally have regarding wildlife in care of rehabbers; ie, falconers, out of state rehabbers, volunteers, and sub-permittee's. I will list each concern with the WAC's.</p> <p>WAC 232-12-840 (8) Out-of-state licensed wildlife rehabilitators.</p> <p>(a) Wildlife rehabilitators with current wildlife rehabilitation permits issued by another state that move to Washington state for the purpose of residency and wish to practice wildlife rehabilitation in Washington must follow the same procedures and requirements as a new applicant for a Washington state wildlife rehabilitation permit.</p> <p>a. Current out-of-state wildlife rehabilitation permits may be recognized by the department on a temporary basis in emergency situations or during other times depending on the circumstances.</p> <p>Concern: (1) Out of State Rehabber that is licensed in our state, but does not live in our state. Washington State in fact has a rehabber in Oregon licensed to and permitted with a Washington State Permit, but does not</p>	<p>Summary of telephone conversation: This is accommodated in the WAC</p> <p>Out of state individuals may be permitted with a Washington State Wildlife Rehabilitation permit under certain circumstances such as having a facility in</p>

reside in our state.

WAC 232-12-841 Wildlife rehabilitation permits--Sub-permittee requirements and restrictions.

1. Off-site care:

(b) It is unlawful for a sub-permittee to care for wildlife in his or her residence or for the permittee to transfer wildlife to the sub-permittee unless:

Concern:

(1) A group in Benton City, working under an out of state rehabilitator in fact takes in and provides care to other raptors they are not licensed for, then taking across state line to the said rehabber for care without the proper documentation. Thus, they are in fact with the said permittee breaking a number of regulations pertaining to wildlife. They were originally set up to hack out barn owls. They do not have a Washington State Rehab Permit and work off a permit put in place by the department for an out of state rehabilitator.

Washington Wildlife leaving our state, and sub-permittee's working off of an out of state rehabbers permit in order to allow the said center access to more birds across state lines; ie, including Washington State funds.

a. It is unlawful for a sub-permittee to care for wildlife in his or her residence or for the permittee to transfer wildlife to the sub-permittee unless:

Concern:

(2) The said organization with a Washington State Rehab Permit, in fact provides care to wildlife within her own home. The entrance to the said center is a room for keeping dogs the said center cares for, for other people, a second business. Then a small room that wildlife is kept in cages, with a stainless steel table for examination of wildlife, and equipment that is within the said centers possession that they do not have the required licenses to have and use. Conducting experiments on raptors in search of new techniques for "saving"birds, ie; blood transfusions using educational birds, without the presence of a said Veterinarian. Then as you enter the remainder of the said facility the kitchen, in which they live inside the facility, and then the living room. Exposing the said individuals to the

Washington. We believe this allows us to better regulate and communicate with that rehabilitator and to facilitate the care of injured raptors.

We do not believe this can be worded as a WAC as the facility is operated under a licensed rehabilitator because the facility is in Washington. The permitted rehabilitator is permitted for all raptor species. Washington state funds for the Washington facility were approved by the Attorney General's office which recognizes that the Washington facility and the Oregon facility provide services to the Washington public and Washington wildlife.

We did not include residency as a requirement on purpose particularly, but not entirely, because of the need to permit out-of-state wildlife rehabilitators for oil spill emergency response as these people are highly specialized.

The purpose of the WAC review was to provide comments on the content of these rules. We are unable to take action on complaints regarding a particular facility in the body of the WACs. Any complaints or reports of violations should be submitted to WDFW Enforcement.

Change WAC to only Master Falconers and those with USFWS permission to handle eagles may assist in conditioning eagles in rehabilitation.

elements of animals kept within the said facility, both exposing both animals and humans to each other and or airborne diseases, etc.

WAC 232-12-842 Wildlife rehabilitation permits--
Revocation, modification, suspension.

Concern: (1) No where do I see that a rehab facility located in another state can hold another states permit in which they do not live, reside, nor pay taxes to the said state, should be allowed to have in their possession another states license. The said sub-permittee's should in fact, if wanting to remain in working with rehab, take the said course of action to legally become permitted as all other rehab facilities in Washington State have required to do so.

WAC 232-12-843 Wildlife rehabilitation--Facility requirements and inspections.

i. In-home wildlife rehabilitation facilities must designate separate and exclusive rooms for wildlife housing and treatment only; it is unlawful to house, treat, or handle wildlife in other parts of the residence. It is unlawful to house or treat wildlife anywhere human food or human food consumption is present.

Concern:

(1) This was addressed concerning wildlife rehab being provided within anothers home, with in feet of the said Kitchen and living quarters.

WAC 232-12-844 Wildlife rehabilitation—Releasing wildlife.

Concern: (1) My concern with this, is migratory birds will locate in areas other than released. Does this apply to all migratory birds of prey. I prefer to take birds back to the same location found, ie; in case of adults paired up, ie; young from the pair. But in many occassions birds will come into the WDFW with no explanation of where it came from or whom dropped it off. Found at the front door of the department in a box. I think, it should be up to the said individual to find an appropriate place for the said species of raptor (not including eagles or birds of concern, ie; endangered) to be relocated to an appropriate area that is ideal for release with ample game for feeding. This then leaves the "hacking" of wildlife within question. We at the

Release criteria were examined and significantly altered to address release concerns.

center, have hacking boxes for barn owls and kestrels. Where does this leave us, in regards to the relocating and hacking of said wildlife????

WAC 232-12-846 Wildlife rehabilitation--Records and reporting requirements.

(3) Annual report.

(a) The wildlife rehabilitation permit holder must submit an annual report to the department no later than January 31st of each year on the annual report form provided by the department.

Concern: (1) This has been a major issue in my concern regarding year end reports, ie; It is now the end of the year, and I have yet to receive the year end paperwork for sending in my report???? This has been an ongoing issue the last four years. Do you send this out, our local biologist or do we print it off online for year end reporting and renewals????

1. If a person steals wildlife from a wildlife rehabilitator, the wildlife rehabilitator must report the stolen wildlife to the department and to the U.S. Fish and Wildlife Service Regional Law Enforcement office within 24 hours of the wildlife's theft.

Concern: (1) This one I personally know far too well, as for we have experienced this one personally. Here is my concern, (a) I reported the said theft of two golden eagles to, enforcement, local biologist, and US Fish and Wildlife. Let me explain how this one played out...the individual whom stole the said birds, were in fact allowed to keep the said birds by the said authorities contacting an organization across state lines, allowing the said individuals to place the said birds on the organizations education and rehab permit, then allow the said person who stole the birds to continue to keep, illegally hunting the said birds while he was in fact an apprentice falconer and currently now a general falconer. Not legally licensed to hold, hunt nor care for said eagles. This matter has been addressed for the past two years. (b) Why have laws...if you continue to ignore them, and allow illegal activities among falconers, and or the said rehab organization across state lines. And from reading the said rules and regulations that you have put in place it appears that there are some serious infractions and individuals that need to be addressed.

Reports of violations such as theft of wildlife cannot be addressed through the WAC public review process. Please report all violations to WDFW Enforcement.

WAC 232-12-847 Wildlife rehabilitation--Falconers assisting with raptor rehabilitation.

1. A general or master falconer may assist a wildlife rehabilitator under the wildlife rehabilitator's permit in rehabilitating raptors in preparation for release into the wild.

Concern:

(1) I do not feel that a General Falconer should be allowed to handle all raptors that come into a center needing conditioning for release. They should only handle the said birds that a General Falconer should be permitted to have as a falconer, nor does this give them the permission to "hunt" the said birds. Eagles (both Golden and Bald),

Ferruginous Hawks should not be permitted by a General Falconer to handle, the said birds require skills that a General Falconer may not have.

1. A Master Falconer should be able to handle and condition the majority of raptors, but limit it to only Master Falconers with Eagle Permits to handle Golden and Bald Eagles. The handling of eagles require a great deal of work and expertise that not all master falconers may not possess. If they choose to learn to handle then they must require the necessary skills and handling of such raptors directly in a rehab center working a total of 1000 hours. This will not only allow help to centers, but also requirements should be more stringent for the increase of danger to themselves, the birds and others, unless otherwise permitted, ie; there are many stories within the falconery community regarding master falconers with eagle licenses being hurt by the eagles they were in fact flying, and for example, a falconer having his lung pierced by the Golden Eagle he was once flying after she chose to "take" it out on her falconer. Imprint Eagles are not allowed to be used for falconry, ie; reconditioning, etc. Only to be used as educational birds, and or display, or euthanized.

2. Conditioning for Release: Conditioning for release is flying the bird on creance line or free, using falconry techniques, thus this does not allow you to take to the field the said bird and "hunt" the said bird in the falconers control of conditioning. A bird should have no longer than 180 days in the falconers control,

The concern of General falconers handling eagles was addressed and the WAC reworded to accommodate this suggestion that only Master falconers, and those with significant experience to be approved by the USFWS, may assist in the condition of eagles.

ie; if the said bird is not capable for release it must be given back to the center and either placed for educational use with a permitted facility or euthanized.

WAC 232-12-853 Wildlife rehabilitation--Unlawful acts.

1. It is unlawful to house wildlife undergoing rehabilitation with tame, habituated, trained, or education animals.

Concern:

(1) I have seen this one first hand at a center located in Oregon, that has a Washington Fish and Wildlife Rehab License, that intakes Washington raptors across state lines, the said organization has a number of pens, with birds that are in fact held for display, rehab and education. On the days open to the public the said birds are seen by the public and through private tours. The birds are mixed with all different kinds of birds, birds that should not be housed with each other, and normally do not live in such close proximity in the wild, ie; bald eagles, golden eagles, great grey owls and great horned owls all housed together in the same pen. Some flighted and some non-flighted. Same with barn owls, short eared owls and long eared owls, all housed in the same pen. Ferruginous hawks, red-tailed hawks and swainson's hawks all housed together. In some cases, one could put like species together, ie; for example, red-tailed hawks with swainson's, but a ferruginous hawk is by far more aggressive and larger than the swainson's hawk.

1. It is unlawful to breed wildlife in rehabilitation.

Concern: (1) Yearly the said organization both publicly braggs about how the birds that are paired up in the display/rehab pens find areas to locate and build nest and eggs are in fact produced. At this time nothing has hatched, but wouldn't that be pushing the rules. I think many if not all, would see this as a way of bending such rules and regulation, or completely ignoring such rules put in place to only benefit that said organization.

1. It is unlawful to use wildlife undergoing rehabilitation for public display, educational purposes, or educational programs.

The rule that no wildlife may be kept longer than 180 except in cases where more conditioning, healing, molt time, and over-wintering is necessary is already in the rule.

Complaints and reports of violations cannot be addressed through the WAC public review process. Please report all violations to WDFW Enforcement.

<p>Concern:</p> <p>(1) This concern for #4 has been addressed prior to in #2. Birds that are being held for rehab in pens with display birds and then public visiting the organization, even at those times, the door is unlocked and public walks into see the eagles fly from perch to perch, including the other raptors placed in the flight pen that should not be there because they are housed with birds that would eat them. I have seen this, and I have asked why a person can do this or a center can legally do such things. I have yet to get a reply as to why this continues, and how this is legal.</p> <p>These are the concerns that I as a State and Federally Licensed Rehabilitator have regarding the new provisions to rehab and the ongoing of illegal activities.</p>	<p>Complaints and reports of violations cannot be addressed through the WAC public review process. Please report all violations to WDFW Enforcement.</p> <p>Complaints and reports of violations cannot be addressed through the WAC public review process. Please report all violations to WDFW Enforcement.</p>
<p>8. Predator section: I feel their should be a clear statement, pro or con, about rehabilitating coyotes. In my area, they are a problem species, and are having a direct negative impact on the deer population. I'm sure this is true in most areas of the state since they have spread across the entire continent, save perhaps the most severe northern parts of Canada.</p>	<p>Thank you for your review and comment on the proposed Wildlife Rehabilitation WAC, it is very much appreciated. I will add yours to the commentaries and suggestions. We have not sought public comment on restricting the rehabilitation and release of certain species, therefore we are not imposing those restrictions with this re-write.</p>
<p>9. Most veterinarians do not work directly at the rehab centers. How can they direct and supervise? Vets consult</p>	<p>We removed the word supervise in the final document</p>

<p>and assist but they don't supervise.</p> <p>Sub-permittees - the current definition would include all volunteers.</p> <p>The federal definition is: A subpermittee is someone that is authorized to conduct permit activities without direct supervision of the Principle Officer (when the principle permittee is off site). The volunteers would work under direct supervision of the Principle Officer and/or the authorized subpermittees.</p> <p>(iii) Does this sponsor replace the current apprentice program? How long does a rehabilitator need a sponsor?</p> <p>What about a wildlife rehabilitator moving from another state. I do not feel that they need a sponsor.</p> <p>(3) there should be a separate sub authorization for golden and bald eagles</p> <p>This should include an additional 100 hours with eagles. and enter into agreement with another rehabilitator if they do not have a flight enclosure 100+ feet.</p> <p>RELEASE OF WILDLIFE</p> <p>Groups of unrelated young of the same species raised together for socialization may be released at the same location regardless of original location of recovery.</p> <p>Falconers assisting in conditioning: Assigned to a falconer rather than Transfer to, transfer to implies that it is permanent.</p>	<p>Sub-permittees are those people listed on the permit as off-site care facilities to eliminate the inclusion of all volunteers.</p> <p>No, the sponsor is not necessarily the person with whom the person trains.</p> <p>If a wildlife rehabilitator with a current license who has already been practicing especially, should not need a sponsor, just as a General or Master falconer would not need a sponsor to transfer a falconry permit.</p> <p>Declined to add this into the WAC.</p> <p>Comments were addressed and release criteria were significantly altered in the rule.</p> <p>The word in the rule was changed from “transfer” to assigned.”</p>
<p>10. Thank you for sending a reminder-- and thank you for sending me the draft many (too many!) weeks back-- I did indeed spend some time with it and found that I emerged with questions and only very small line/copy edits. I talked with (a wildlife rehabilitator) about my questions, which resolved them, and I am sure that with so many eyes on the document you will have found the tiny line edits I found. It is a good document that</p>	<p>Thank you!</p>

<p>represents a lot of work. Thank you for the undertaking. Kind Regards,</p>	
<p>11. Hi here are a few comments I do not often have wi fi so may take me some time to reply thanks for all that you do !!!</p>	<p>Thanks. These will be evaluated during the public comment period now because the draft has gone in for formatting. They will still get the same attention as other rehabilitator comments though.</p>
<p>12. I am so sorry I am late in getting this to you. I hope you still can use the comment under (2) Large or dangerous carnivore rehabilitation authorization.</p>	<p>Thank you. Yes definitely we can still use it; that's very helpful. Reviewed large carnivore section for inclusion of comments.</p>