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## Wildlife Rehabilitation Advisory Committee (WRAC)

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29 June 2018 Meeting | Olympia WA

**Present** Alicia Bye, Hailie Christenson, Jennifer Convy, Rachel Rivera, Jenny Schlieps, Kelley Ward, Suzanne West, Jan White; WDFW staff – Mick Cope (facilitator), Officer Jason Capelli, Kristin Mansfield DVM, Patricia Thompson, Wendy Connally (notes)

**Absent** Crystal Buckley, Alysha Evans, Jasmine Fletcher, Jade Shaw

[Welcome / Check – In / Introductions / Agenda Review](#)

### [Purpose](#)

Protect the welfare of the animals in rehabilitation and help wildlife rehabilitators have a successful practice, balanced with the well-being of wildlife populations at large (e.g. disease concerns).

### [Minutes June 2<sup>nd</sup>](#)

Staff provided hard copies of the draft minutes; Mick will distribute an electronic copy and WRAC will review between meetings to approve at the next meeting.

### [WAC Review – Discussion and Potential Recommended Changes](#)

**Action** – WDFW will distribute edited WACs as a whole review set, in order and showing track changes, after the July meeting with 2 weeks to review prior to the August meeting.

The notes in this section reflect topics, concepts and decision points; WAC text edits - delete, change or add text - were captured on-screen live. **Action items are highlighted yellow** and should be completed prior to next meeting for discussion if possible.

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## [220-450-080 Responsibilities of primary permittees and subpermittees](#)

### [Issues](#)

Difficult to track, evaluate, inspect subpermittee facilities, animals (which species, how long), handling/evaluation, and operations; places primary permittee in difficult position of oversight without checks/balances or ability to get support from licensing agent (WDFW); also, currently there is no requirement for testing subpermittees.

### [Discussion](#)

**Use of “subpermittee”** – some are the “second in charge” at a facility when a primary is off-site; some are provided subpermittee status as a transition toward their primary permittee status (learning the ropes); some are being used as off-site care (issues in tracking animals, guiding level or duration of appropriate care, capacity, facility conditions).

Group agreed that subpermittee trust, conditions of care, facility and other permit elements are the responsibility of the primary permittee in the current structure; and, *off-site* subpermittee management is a challenging span of control for the primary permittee and WDFW.

**Subpermittee definition, qualifications, species lists** – current qualifications (training, hands-on, documentation, continuing education) and species lists for subpermittee needs refinement.

**Regulatory disconnect?** – US Fish and Wildlife Service Migratory Birds subpermittee has different definition and purpose than state; with a federal permit nexus, request permission/email re need to go offsite for care. WDFW position is that there is a need for 24-hr care for young animals or those that need 24-hr medical attention/medicine administration, but this does not have to be by subpermittee.

**Offsite** - Few centers have off-site subpermittees (WDFW states only one or two centers have off-site subpermittees). This creates one or more degrees of separation from licensing requirements and inspection (lack of access, no contacts); places primary permittee in a complex and difficult position where they cannot track or direct subpermittees for a consistent level of care and record-keeping (primary permittee bandwidth is limited, regardless of facility type or size); may adversely affect relationship between primary and subpermittee.

Additional issue – offsite subpermittees may create un-trackable, temporary facility/capacity expansion and when the animal is return to primary facility, they may already be at capacity ([cross-reference WAC 220-450-100 re: overcrowded primary facility](#)) and a situation where an offsite subpermittee is put in a position to examine or evaluate without training or credentials to do so ([cross-reference WAC 220-450-100 re: examination](#)).

US Fish and Wildlife Migratory Bird permit currently allows offsite care. An option could be created for WDFW-issued primary permits to allow offsite care with conditions and limitations, but this would be very difficult to track (creates additional record-keeping requirement for permit holder) and inspect (additional WDFW inspection capacity).

**Time-limited** – discussed a four-month limit on subpermittee status, but this was not acceptable to most in the group and did not solve the foundation issues.

#### **Group agreed -**

- young animal urgent care (i.e., neonatal squirrels) and specialists (e.g., hummingbirds, waterfowl, aquatic birds, aquatic mammals, raptors, large carnivores, songbirds, bats, cervids) are needed
- some species and some lifestages do better in a quieter smaller care situation
- specialists should align with the wildlife rehabilitation care/practice standards
- offsite subpermittees may not realize or have resources to address insurance, liability, or health management issues
- offsite subpermittees cannot do “intake”
- offsite subpermittee inspection under the current structure and with WDFW capacity is difficult for WDFW to staff and coordinate
- without clearer qualifications, subpermittees are not held to the same care standards consistently
- need to refine subpermittee definition and function (discussion - keeping onsite, removing offsite)
- endorsements may be helpful for specialists
- subpermittee can span a geography gap, intake, assessment, transfer into a permitted facility – could be addressed by a 24 (+/-) hour transition/primary stabilization period, but a person does not have to be a subpermittee to pick up/deliver to licensed wildlife rehabilitation facility or veterinarian
- animal welfare is the primary concern

#### [Proposed solutions](#)

*See also proposed WAC text edits*

#### [Remove offsite subpermittee](#)

**Current offsite subpermittees can get their own primary permits or operate at facility (onsite subpermittee)**  
– will bring providers of neonatal, young animal, medically necessary and specialty services care under same animal care umbrella and facility inspection standards

**Specialists should and can get their own permit with limited species focus** [WAC allows single or limited species testing for permittee status (e.g. bats)]; will also bring specialists into communication streams with other wildlife rehabilitators, continuing education opportunities, and WDFW for state of the practice

**US Fish and Wildlife Service Migratory Birds permit** may still issue a permit authorizing offsite care, but the more restrictive permit conditions apply so *offsite* (i.e., care outside of a primary permittee's facility) migratory bird rehabilitation would not be allowed in Washington under this proposal.

**WDFW provide transition pathway and “grace” timeline for subs to become primary permittees** – in this way, caregivers are held to same standards for training, facilities, care, records and inspections AND smaller providers can still be associated with a larger facility for intake and fund support.

**Action** – staff look into how grace period would/could work, timing related to WAC change, duration of grace period before subpermittee either revoked or elevated to permittee

*Refine/define subpermittee definition, criteria/qualifications, and species lists*

Align definition as needed with federal permit; may be useful to look at other states, national standards

Require refined well-defined proof of training, education and *demonstrated/vouched* skills; refine what a subpermittee is allowed to do (e.g., intake, examination limits, primary stabilization, transition to primary, transport, second to primary onsite); clarify species list

Cross-reference WAC 220-450-100 related to facility

Cross-reference WAC 220-450-100 related to examination

*Clarify definitions – permittee, subpermittee, intake*

Cross-reference WAC 220-450-060 Definitions – refine subpermittee, delete offsite

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## 220-450-100 Facility requirements and inspections – On- and Off-site Care

### Issues

**Facility, Inspection** – ensure definitions are consistent; cross-reference WAC 220-450-040 (1) and WAC 220-450-060 (30) definitions; WAC 220-450-030 (14) and WAC 220-450-100 (4) inspections

**Inspection** – are facility “certification” (i.e. visit to assess facility for permit issuance, species amendment or expansion) visits the same as the inspections for compliance; property ownership; legal entry, with or without notification; off-site (see 220-450-080 comments) **Website – inspection form is only for the initial facility/permit**

**Definitions** – humane, healthful and secluded are not well-defined. There are few resources which really define “humane,” “healthful” or “secluded.” There is a continuum of strictly “enforceable” actions to community-based practices: WAC-defined actions, guidance provided in permits, associated/association standards of practice and references, and ethical standards of care that are less structured and intuitively “humane.” WDFW’s authorities lie in our ability to interpret and guide along that continuum for successful wildlife rehabilitation. It is often difficult to apply an enforcement lens to change, suspend or revoke a permit when abuse, neglect or harm falls along the more “interpreted” section of the spectrum.

**Educational Animals** – Scientific Collection Permit rules<sup>i</sup> guide wildlife education animal possession, although there is some crossover with wildlife rehabilitation rules and inspections if facilities hold both an SCP for an educational animal and a wildlife rehabilitation permit. Educational animals do not fall under same oversight as wildlife rehabilitation animals and require long-term care standards, pain management, enrichment, different facilities, and separation from stress or domestic animals. Where is the oversight for this transition and care standards (WDFW? County? Other?). Avoiding euthanasia or “stockpiling”

non-releasable injured animals into educational status is not an ethical wildlife rehabilitation strategy. Federal migratory bird educational permits *require* outreach and education; this may not be compatible with a transition from wildlife rehabilitation. Additionally, educational animals are not perceived to have the same restrictions for fund-raising.<sup>ii</sup> Educational animals can enable income generation (“revenue” may be perceived as commercialization of wildlife issue) in a wildlife rehabilitation facility (**cross-reference WAC ... not this WAC**).

## Discussion

### *“Humane” and “Healthful”*

Various wildlife rehabilitation, veterinarian, and animal care (domestic primarily) guides all allude to best practices and concepts that a caregiver can use to help inform their practice and guide their staff, subpermittees and volunteers in “humane” and “healthful” conditions. Additional resources could be useful from Animal Welfare Act, Migratory Bird Treaty Act, US Department of Agriculture definition/permits, even local ordinances we could refer to (animal cruelty may not fit, animal neglect definition would be more appropriate in wildlife rehabilitation situation – short term care). Different observers’ experiences make evaluation of these conditions, even with a stronger definition, somewhat subjective.

**Action** – Jenny Schlieps provide book title re animal welfare/humane definitions [DONE 7/11/2018](#)

**Action** – staff add “[Resources](#)” (click to jump there) section in these notes [DONE 7/11/2018](#)

### *Facility*

Discussion centered on separation for safety, stress reduction, and to avoid disease transmission; association with a primary permittee; property ownership (liability, responsibility, permission); and elimination of off-site/subpermittee facilities. A facility associated with a primary permittee is “onsite.”

### *Inspection*

RCW 77.15.096 <http://app.leg.wa.gov/RCW/default.aspx?cite=77.15.096> limits inspection and WAC 22-450-100 (4) further defines appropriate inspection. Discussion centered on rights of the rehabber, need for regular inspection to ensure ethical operations and best practices, and clarity for inspectors to document and cite, if needed. Additionally, authorities for WDFW inspection are granted under several other rules; adding them here, again, can cause confusion and legal complication if rules do not align *exactly*. WDFW guidance to new and renewing rehabilitators needs to clarify the inspection authorities and rights of the rehabber.

### *Educational Animals*

Wildlife educational animals are covered under WDFW authorities, but may be perceived to be less regulated or inspected than those in scientific research or wildlife rehabilitation situations. Wildlife rehabilitation primary permittees have been granted educational animals, but it’s not clear how that fits with the scientific collection permit definition and requirements to have an educational animal. Educational animals *could* be under rehabilitation permit, but animal welfare issues are *not* the same as in rehabilitation and this confuses the public (rehabilitation for release vs. keeping wildlife captive). Currently, WDFW practice allows rehabbers to apply for an SCP/education animal and WDFW can grant with veterinarian agreement that animal will not live in stress and will be pain-free. Oversight is always an issue; and, without veterinary or animal behavior evaluation, WDFW may not be able to realistically assess educational animal condition. Educational wildlife are still property of the state and can be removed from unsafe, unhealthful or inhumane conditions.

## Proposed Solutions

*See also proposed WAC text edits.*

**2(a)** – delete “set by Department” – the Department standards are defined in WAC and refer to NWRA and IWRC minimum standards in addition to permit terms and conditions

**Action** – staff delete all references to website in WAC; add “current” in front of NWRA and/or IWRC wherever they occur in WAC.

**2(b)** – define “humane” using defensible, easily cross-referenced sources; either do in this WAC or in [WAC 220-450-060](#) Definitions and cross-reference.

**Action** – **All WRAC members** come to next meeting with proposed short definitions for “humane” which could be less subjective and more easily inspected.

**2(d)** – needs to include all facilities

**Delete all of (3) Off-site care** – see discussion and proposed solutions under [WAC 220-450-080](#)

**Move (3) (c) (v.) to (2)**

**Action** – staff discuss with Attorneys’ General Office how WDFW could institute a Wildlife Rehabilitation Review Board to help the Department independently review enforcement and permit restriction, suspension and revocation actions; determine whether this function already exists via Administrative Review process?

**Action** – staff clarify how a permitted wildlife rehabilitation facility/permittee qualifies as an institution and eligible for an SCP/educational animal; propose language for WAC (which one?) for WRAC to review.

**Staff note** – It may be useful to have an annual update to all active rehabbers and those in the renewal queue to showcase good work, highlight training and conference opportunities in the coming year, collaboration with the Washington Wildlife Rehabilitation Association, and remind rehabbers of information available to them for best practices and compliance.

Cross reference [WAC 220-450-080](#) related to “offsite”

Cross reference [WAC 220-450-170](#) animal welfare for clarification and alignment, include educational animal care

**Action** – staff define how [WAC 220-450-030 \(2\)](#) and related [220-450-040 \(2\)](#) inform cervid rehabilitation?

**Action** – staff review all wildlife rehabilitation WAC: strike website references and add “current” in front of NWRA and/or IWRC wherever they occur.

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## 220-450-110 Releasing

### Issues

**Retaining wildlife longer than appropriate or necessary** – not releasing when a parent would leave the young to their own ways, but rather holding young until they adolescent or older; creating a higher likelihood of mal-imprint and less likelihood those animals will function as wildlife). Language “as soon as” may not be clear.

**Release “events”** – celebrations, education or awareness, reuniting with rescuer, media attention; can cause animal stress, unnatural or potentially aggressive behavior, or death.

**Department approval prior to releasing wildlife** – difficult timelines, capacity issues, communication; also, difficult or unnecessary for certain species at certain times (e.g. migratory birds during migration).

**Definitions** – double check to be sure “large carnivores” is defined or that language is consistently used.

**(6) 72-hour requirement for listed species** – does this mean that listed species have to be held that long?

## Discussion

Expertise with a particular species is the best way to know when an “animal is deemed physically, behaviorally, and psychologically capable of surviving in the wild,” but there could be WDFW clarification in permits and guidance using some standards for release that would assist rehabilitation providers with appropriate timelines, limit animal exposure to unhealthful conditions and stress (e.g., public, media), and align with **MSWR** standards.

Inspectors who see animals held too long can coach, advise, and use that as an educational opportunity and/or require appropriate release. A pattern of holding too long would indicate an issue, could result in written warning, and could result in a “second opinion” to require release through some review entity or Review Board to check.

Department authorization/contact for release away from rescue origin – could be done with a seasonal or annual letter “programmatically” for primary permittees as needed/where justified. Endorsements for species or species groups would be advisable (e.g., cervids, hawks, migratory birds, tied to seasonality and age class); be more specific that reptiles and amphibians *require* original site-specific release related to their natural history and disease issues.

## Proposed Solutions

*See proposed WAC text edits*

Not resolved – **Action** – staff review “(6) *The primary permittee must notify the department at least seventy-two hours prior to releasing state or federally designated threatened, endangered, or sensitive species*” and report back to WRAC with proposal if needed.

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## 220-450-120 Veterinary Care

### Issues

**Difference in expertise** – wildlife veterinarian is a specialty, and within that are additional special areas of emphasis.

**Separating wildlife from domestic animals / limits of WDFW authority** – WDFW cannot direct veterinary requirements; how do we align this concern with existing veterinary license requirements and their rights

### Discussion

This group has seen examples of licensed veterinarians waiting too long to get wildlife-appropriate assistance or transfer to a wildlife vet; wild animals may not be handled correctly or may be exposed to stressors they would not ordinarily experience; animals suffer, require more extensive care, or cannot be recovered to rehabilitated status.

**Action** – staff check with Attorneys’ General Office on language we *could* use within our authority.

### Proposed Solutions

*See also proposed WAC text edits*

Add euthanasia (see AVMA 2013 Guidelines), initial stabilization, and transport to guidance from WDFW

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## 220-450-090 Permit revocation, modification and suspension

### Issues

**Definitions in 060** – adequate, inhumane, handling, mal-imprinting, habituation, taming, daily log, daily ledger

**Compliance plan option** – how does this lead to permit modification, suspension or revocation? Why are compliance plans allowed for violations of WAC or permit conditions? Why does the permittee provide the plan to WDFW instead of the other way around? Compliance plan timeline may be too prescriptive in WAC – timeline may not provide animals a different, better situation if the violation is severe.

### Discussion

WDFW and wildlife rehabilitation community want wildlife rehabilitation practices to be successful and it's a service the public expects us to provide. Inspection and enforcement are important parts of that. Compliance plans are useful to help correct minor inadequate or inappropriate practices, but permit modification, suspension or revocation needs to happen sometimes – there are lots of wildlife rehabilitators with high standards and good service delivery; those out of compliance continuing to operate tarnish those who are doing good things and makes both wildlife rehabilitation and WDFW look bad. If a WAC or permit violation occurs, improve with stepwise enforcement options AND a compliance plan with an exit strategy.

Compliance plan timeline may not provide animals a different, better situation during that compliance period; Enforcement may not know how to correct or advise, may not have that expertise; and WDFW may want to shorten or lengthen the compliance plan timeline based on severity of the violation or actions.

Department should provide guidance and the clear specific plan to bring an operation back into compliance. If someone is violating a WAC or permit condition, how would they provide the Department a compliance plan – they should be doing those things already if they knew how to be compliant.

WDFW has an opportunity to coordinate with NWRA and WWRA to workshop/train rehabbers, enforcement, and public to improve wildlife rehabilitation practice, public understanding of wildlife rehabilitation, and state standards. WWRA, WRAC and others would be good scoping group to start.

Several of the items in (1) are permit conditions so do not need to be repeated in WAC.

How do we line out “proper precautions” to avoid the core issues in (1) (h)?

### Proposed Solutions

*See also proposed WAC text edits*

**Create progression in WAC:** written warning, modification, suspension, and revocation; **add Review Board** for suspension or revocation actions.

**Action** – staff ask Attorneys' General Office how we would do that “stepwise” setup in WAC, other agencies or subjects have done this? Also ask Review Board question (posed earlier in these notes).

**Action** – WRAC review resources and propose short definitions for those mentioned above and what “proper precautions” might look like in a guidance document.

Cross-reference **WAC 220-450-130 Records retention** – address care, feeding, maintenance, daily “log or ledger” when we get to records

## Next meeting

Saturday July 28<sup>th</sup> Mill Creek

Next WACs: revisit 090; new 070, 170 – 220 (180 and 190 done)

## Homework

**Action Items** and **review next WACs**: revisit 090; new 070, 170 – 220 (180 and 190 done)

## More Actions for Staff –

- invite 2 WDFW colleagues in Oiled Wildlife to attend next meeting since we will be reviewing those WACs
- schedule August and September meetings in Mill Creek [if possible accommodate Hailie’s travel from Grants Pass, her work there ends the last week in August] **DONE 7/10/2018**
- provide the WRAC team with the straw dog language where we discussed gaps and Attorney info
- Wendy finish the notes and revised WACs to send to Mick for review **DONE 7/11/2018**
- Mick to send DRAFT notes to WRAC before next meeting to review so they can approve both 6/2 and 6/29 in July meeting
- Question re feeding and harvest of dead animals (roadkill/salvage), mentioned in first meeting?<sup>iii</sup>
- Continue list of definitions still needed in 060 for team review

**Timeline and rulemaking procedural milestones** – need to have FINAL DRAFT edits DONE by the end of September so can format and prep rules for Fish and Wildlife Commission processes (briefing and review in January, decision in February), public comment periods, and so they are activated by March (spring rehab season)

## Resources

Gail Buhl, Jenny Schlieps, and Lisa Smith. 2018. *Wildlife in Education: A Guide to the Care and Use of Program Animals*. <https://www.nrawildlife.org/store/ViewProduct.aspx?id=3439179> (accessed 07/11/2018).

World Organisation for Animal Health. 2017. *26<sup>th</sup> Edition Terrestrial Animal Code, Sections 7.1 through 7.3*. [http://www.oie.int/index.php?id=169&L=0&htmfile=chapitre\\_aw\\_introduction.htm](http://www.oie.int/index.php?id=169&L=0&htmfile=chapitre_aw_introduction.htm) (accessed 07/11/2018).

American Veterinary Medicine Association. 2018. *Animal Welfare: What is it? (including AVMA Animal Welfare Principles)*. <https://www.avma.org/KB/Resources/Reference/AnimalWelfare/Pages/what-is-animal-welfare.aspx> (accessed 07/11/2018).

David J. Mellor. 2016. *Updating Animal Welfare Thinking: Moving beyond the “Five Freedoms” towards “A Life Worth Living.”* <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4810049/> (accessed online 07/11/2018).

American Veterinary Medicine Association. 2013, as amended 2015. *Euthanasia Guidelines*. <https://www.avma.org/KB/Policies/Pages/Euthanasia-Guidelines.aspx> (accessed 07/11/2018).

## End Notes

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<sup>i</sup> [RCW 77.32.240](#), [WAC 220-200-150](#), and [WAC 220-450-030](#): unlawful to collect fish, shellfish, or wildlife or their nests and/or eggs for the purpose of research or display without first obtaining a Washington state scientific collection permit. These are issued to scientists/researchers, educators/educational institutions, and museums, aquariums/zoos; NOT issued to the general public.

<sup>ii</sup> Falconry was also discussed (e.g. recouping expenses for educational programs, or propagators using captive bred birds for airport runway clearing services), but these are outside of this group’s task.

<sup>iii</sup> Under [WAC 220-400-040](#), it is unlawful to possess wildlife found dead unless with an appropriate hunting/fishing licenses and following the rules and regulations.