



# RULE-MAKING ORDER

**CR-103P (May 2009)**  
(Implements RCW 34.05.360)

**Agency:** Washington Department of Fish and Wildlife

**Permanent Rule Only**

**Effective date of rule:**

**Permanent Rules 13-192**

31 days after filing.

Other (specify) \_\_\_\_\_ (If less than 31 days after filing, a specific finding under RCW 34.05.380(3) is required and should be stated below)

**Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?**

Yes  No If Yes, explain:

**Purpose:** This proposed rule-making updates and makes structural improvements to WAC 232-12-275. Specifically, the project splits the rule into smaller sections and better organizes the subject matter currently contained in WAC 232-12-275. The proposed changes also make some clarifications and amendments to include more detail and guidance for people practicing wildlife rehabilitation.

**Citation of existing rules affected by this order:**

Repealed:

Amended: WAC 232-12-275

Suspended:

**Statutory authority for adoption:** RCW 77.12.047, 77.12.240, 77.12.467, 77.12.469, 77.32.070.

**Other authority :**

**PERMANENT RULE (Including Expedited Rule Making)**

Adopted under notice filed as WSR 13-10-077 on 05/01/2013

Describe any changes other than editing from proposed to adopted version:

If a preliminary cost-benefit analysis was prepared under RCW 34.05.328, a final cost-benefit analysis is available by contacting:

Name: \_\_\_\_\_ phone ( ) \_\_\_\_\_

Address: \_\_\_\_\_ fax ( ) \_\_\_\_\_

e-mail \_\_\_\_\_

**Date adopted:**

August 2, 2013

**NAME (TYPE OR PRINT)**

Miranda Wecker

**SIGNATURE**

*Miranda Wecker*

**TITLE**

Chair, Fish and Wildlife Commission

**CODE REVISER USE ONLY**

OFFICE OF THE CODE REVISER  
STATE OF WASHINGTON  
FILED

**DATE: August 30, 2013**

**TIME: 8:25 AM**

**WSR 13-18-046**

**Note: If any category is left blank, it will be calculated as zero.  
No descriptive text.**

**Count by whole WAC sections only, from the WAC number through the history note.  
A section may be counted in more than one category.**

**The number of sections adopted in order to comply with:**

|   |     |       |         |       |          |       |
|---|-----|-------|---------|-------|----------|-------|
| <b>Federal statute:</b>                 | New | _____ | Amended | _____ | Repealed | _____ |
| <b>Federal rules or standards:</b>      | New | _____ | Amended | _____ | Repealed | _____ |
| <b>Recently enacted state statutes:</b> | New | _____ | Amended | _____ | Repealed | _____ |

**The number of sections adopted at the request of a nongovernmental entity:**

|     |       |         |       |          |       |
|-----|-------|---------|-------|----------|-------|
| New | _____ | Amended | _____ | Repealed | _____ |
|-----|-------|---------|-------|----------|-------|

**The number of sections adopted in the agency's own initiative:**

|     |           |         |          |          |       |
|-----|-----------|---------|----------|----------|-------|
| New | <u>16</u> | Amended | <u>1</u> | Repealed | _____ |
|-----|-----------|---------|----------|----------|-------|

**The number of sections adopted in order to clarify, streamline, or reform agency procedures:**

|     |       |         |       |          |       |
|-----|-------|---------|-------|----------|-------|
| New | _____ | Amended | _____ | Repealed | _____ |
|-----|-------|---------|-------|----------|-------|

**The number of sections adopted using:**

|                                       |     |       |         |       |          |       |
|---------------------------------------|-----|-------|---------|-------|----------|-------|
| <b>Negotiated rule making:</b>        | New | _____ | Amended | _____ | Repealed | _____ |
| <b>Pilot rule making:</b>             | New | _____ | Amended | _____ | Repealed | _____ |
| <b>Other alternative rule making:</b> | New | _____ | Amended | _____ | Repealed | _____ |

**WAC 232-12-275 Definitions-Oiled-wildlife and wildlife rehabilitation permits.** ~~((1))~~ For the purposes of ~~((this rule))~~ WAC 232-12-841 through 232-12-871, the following definitions apply:

~~((a))~~ (1) "Bird" means any wild animal of the class Aves.

~~((b))~~ (2) "Dedicated workspace" means the minimum amount of floor space necessary to maintain access to oiled bird rehabilitation pens.

~~((c))~~ (3) "Director" means the director of the department of fish and wildlife or his or her designee.

(4) "Drying resources" mean the floor space and pen requirements associated with the removal of water from the skin and feathers of a bird.

~~((d))~~ (5) "Hacking" means the release, sometimes temporary, of a raptor to the wild so that it may survive on its own.

(6) "Imping" means a method of ~~((repairing))~~ replacing a broken feather ~~((s))~~ with an undamaged feather by cutting the shaft of the broken feather on the bird, trimming the replacement feather to the correct length, and gluing the shaft of the replacement feather to the shaft of the broken feather.

(7) "Imprinting" means when a very young animal fixes its attention on and follows the first object or creature it sees, hears, or touches, and becomes socially, and later sexually, bonded to that object or creature, identifying itself as whatever it imprints upon.

~~((e))~~ (8) "Indoor area" means the space within an oiled bird rehabilitation facility in which the air temperature and exchange of air can be controlled and maintained. Indoor areas can include oiled bird rehabilitation pools, morgues, freezers, isolation/intensive care units, medical laboratories, laundry and storage facilities, and electrical and mechanical equipment. These areas may consist of space for ~~((+))~~ conducting intake, prewash holding, ~~((wash/rinse))~~ washing and rinsing, drying, ~~((oiled bird rehabilitation pools, morgue/))~~ necropsy, and preparing bird food ~~((preparation, storage, freezers, isolation/intensive care unit, medical laboratory, laundry, electrical, and mechanical areas)).~~

~~((f))~~ (9) "Intake space" means the minimum amount of floor space necessary to admit live or dead birds into an oiled bird rehabilitation facility.

~~((g))~~ (10) "Mesh size" means the measured distance between one vertical side of a mesh unit and ~~((centers of the two opposing vertices in))~~ opposite vertical side of the same mesh ~~((of a piece of))~~ unit when the netting ~~((when))~~ is pulled taut.

~~((h))~~ (11) "Oil" means oil of any kind and any form, such as petroleum and nonpetroleum oils including, but not limited to, crude oil and refined petroleum products, animal fats and vegetable oil, other oils of animal or vegetable origin, and other nonpetroleum oils.

~~((i))~~ (12) "Oiled bird" means a bird that has come in contact with oil.

~~((j))~~ (13) "Oiled bird rehabilitation pen" means an enclosure used to hold birds during oiled bird rehabilitation.

~~((k))~~ (14) "Oiled bird rehabilitation pool" means a container filled with ~~((unheated))~~ fresh water used during the rehabilitation of oiled birds.

((l)) (15) "Oiled bird rehabilitation" is a specialized form of wildlife rehabilitation and means the process of caring for oiled birds during intake, prewash holding, washing and rinsing, and drying~~((while))~~, to allow the birds to return to their natural habitat. This form of rehabilitation includes keeping the birds in pools~~((by))~~ and providing semi-static and static areas~~((and by maintain- ing))~~ with steady air temperatures and air exchanges while the birds are in ~~((an oiled bird))~~ the rehabilitation facility.

((m)) (16) "Oiled bird rehabilitation facility" is a type or portion of a wildlife rehabilitation facility and means the ~~((contigu- ous))~~ indoor and outdoor areas used for the rehabilitation of oiled birds.

((n)) (17) "Outdoor area" means an area within an oiled bird rehabilitation facility that does not fit the definition of an indoor area.

((o)) (18) "Orphan-imprinting" means to use wildlife for the purpose of feeding, socializing, and teaching appropriate wild behavior to young wildlife.

((p)) (19) "Permit" means a wildlife rehabilitation permit without any additional endorsements.

(20) "Prewash holding resources" mean the floor-space and oiled bird rehabilitation-pen ~~((requirements within))~~ capabilities of an oiled bird rehabilitation facility ~~((necessary))~~ to hold birds after intake and prior to washing.

((q)) (21) "Primary permittee" means the person listed on the wildlife rehabilitation permit who originally applied for and received the permit and is licensed to practice wildlife rehabilitation.

(22) "Principal veterinarian" means a licensed veterinarian who ~~((provides))~~ agrees, in writing ~~((their willingness))~~, to assist ~~((the))~~, direct, and oversee a wildlife rehabilitator in conducting wildlife rehabilitation services and activities.

((r)) (23) "Public display" means to place or locate wildlife so that they may be viewed by the public.

((s)) (24) "Semi-static areas" mean dedicated indoor spaces within an oiled bird rehabilitation facility where the required size of the space will vary relative to the number of birds to be rehabilitated. These include areas for preparing bird food ~~((preparation, mor- gue/necropsy, storage))~~, conducting necropsies, and storing and ~~((freezers))~~ freezing items.

((t)) (25) "Static areas" mean dedicated indoor spaces within an oiled bird rehabilitation facility where the required size of the space does not vary, regardless of the number of birds to be rehabilitated. These areas include ~~((areas for the))~~ isolation/intensive care units, medical ~~((laboratory))~~ laboratories, laundry facilities, and electrical~~((,))~~ and mechanical ~~((spaces))~~ equipment.

((u)) (26) "Subpermittee" means persons listed on the primary permittee's (also "wildlife rehabilitator") wildlife rehabilitation permit who care for wildlife away from the rehabilitation facility with the permission and under the direction of the primary licensed wildlife rehabilitation permittee ("primary permittee"). The primary permittee is responsible for monitoring and approving the subpermittee's conduct, practices, and facilities.

(27) "Veterinarian" means a licensed veterinarian.

(28) "Wash/rinse resources" mean the water, cleaning agent, and space requirements necessary to remove oil from the skin and feathers of a bird.

~~((v))~~ (29) "Wildlife rehabilitation" means the care and treatment of injured, diseased, oiled, or abandoned wildlife, including, but not limited to, ~~((capture))~~ capturing, transporting, ~~((veterinary treatment))~~ treating, feeding, housing, ~~((exercise therapy, and any other treatment or training necessary for release))~~ and conditioning animals so they can be released back to the wild.

~~((w))~~ (30) "Wildlife rehabilitation facility," or "facility," means the authorized site(s), as shown on the wildlife rehabilitation permit, where ~~((the))~~ treatment and rehabilitation of wildlife takes place.

~~((x))~~ (31) "Wildlife rehabilitation permit" means a permit issued by the director that authorizes a person to practice wildlife rehabilitation.

(32) "Wildlife rehabilitator" means a person who conducts wildlife rehabilitation ~~((or someone who conducts wildlife rehabilitation under the supervision of a valid wildlife rehabilitation permit holder.~~

(y) "Wildlife rehabilitation permit" means a permit issued by the director, or director's designee, that authorizes a person, or someone under the supervision of a valid wildlife rehabilitation permit holder, to conduct wildlife rehabilitation.

(2) It shall be unlawful for any person to possess wildlife for the purpose of rehabilitation unless:

(a) They have a valid wildlife rehabilitation permit; or

(b) They are working under the supervision of a person who has a valid wildlife rehabilitation permit.

(3) A wildlife rehabilitation permit may be issued to a person to conduct or oversee wildlife rehabilitation and is valid so long as the information in the permit remains current, the permit holder continues to meet the conditions and requirements of the permit, and provisions of this rule are followed. Any change to the information on the permit must be reported in writing within ten working days or the permit may be invalidated.

(4) The director, or director's designee, may issue and condition a wildlife rehabilitation permit if the applicant complies with the following:

(a) The applicant is either a licensed veterinarian or can demonstrate six months of experience in wildlife rehabilitation, which must include three months during the spring or summer and has a principal veterinarian as a sponsor. The director, or director's designee, may consider education in wildlife rehabilitation as a substitute for experience.

(b) The applicant must successfully complete a wildlife rehabilitator's examination(s) as prescribed by the director, or director's designee.

(c) The wildlife rehabilitation facility is inspected by the department and meets the wildlife rehabilitation care and facility standards for wildlife in the *Washington State Wildlife Rehabilitation Facility and Care Standards* pamphlet. In order for the wildlife rehabilitation permit to allow for the rehabilitation of oiled birds, the facility also needs to meet the requirements in subsection (24) of this section. When facility requirements in subsection (24) of this section conflict with requirements in the *Wildlife Rehabilitation Facility and Care Standards* pamphlet, subsection (24) of this section shall take precedence.

(5) The wildlife rehabilitation permit holder must maintain and upon request make available to the department, a wildlife rehabilita-

tion daily ledger. The ledger must include the date the wildlife is received, the species and nature of the illness, the location where the wildlife was found, the date and disposition of the wildlife, the release location, and if any, tags and/or band numbers. It is unlawful for a wildlife rehabilitation permit holder to fail to enter required information in the wildlife rehabilitation ledger within twenty four hours of the day wildlife is received and on the day of all subsequent activities as required in the ledger.

(6) The wildlife rehabilitation permit holder must submit to the department no later than January 31 of each year an annual report providing information as required by the director, or director's designee, and a copy of the daily ledger. Violation of this subsection is an infraction, punishable under RCW 77.15.160.

(7) All permits and records held pursuant to statutes and rules dealing with wildlife rehabilitation will be kept on file at the wildlife rehabilitation facility. The records will be retained for a period of five years.

(8) A copy of the valid wildlife rehabilitation permit must be in possession of any person possessing or transporting wildlife for the wildlife rehabilitation facility.

(9) The wildlife rehabilitation permit holder will notify the department within twenty four hours of receiving a state or federal endangered or threatened species or an oiled bird; within seventy two hours of receiving a state sensitive species or marked, tagged, or banded wildlife; and prior to release of threatened or endangered species or oiled birds. The release notification information relative to oiled birds shall include the number of birds being released, the species of birds being released, the proposed location of the release, and the proposed date/time of release.

(10) The wildlife rehabilitation permit holder will notify the department within twenty four hours after the death of an oiled bird or a state or federal endangered or threatened species; or as soon as an endangered or threatened species is determined to be nonreleasable to the wild. Oiled birds or endangered or threatened species will not be disposed of or euthanized without prior department approval.

(11) Rehabilitated wildlife may be banded or otherwise identified by the department.

(12) The wildlife rehabilitation permit holder will notify the department, within five working days from the date of death, of any wildlife known to have died of the following diseases: Avian cholera, avian pox, duck viral enteritis, environmental contaminants, ornithosis, Newcastle's disease, rabies, canine distemper or tuberculosis (in species other than birds).

(13) Rehabilitated wildlife will be released as soon as possible into its proper habitat in the same area as recovered, except as provided by written authorization from the director or director's designee. Rehabilitated oiled birds shall only be released in the same area as recovered when the threat of becoming recoiled no longer exists. If the area that they were recovered in is not clean enough to allow for their release at that location, department approval is required prior to releasing rehabilitated oiled birds in another location.

(14) It is unlawful to hold wildlife for longer than one hundred eighty days, except as provided by written authorization from the director, or director's designee.

(15) Dead wildlife, excluding oiled birds, will be disposed of through deposit at an approved Washington state university or college, a permitted research project or through burial, incineration, or a li-

censed rendering facility. The wildlife rehabilitation permit holder shall notify the department when in possession of dead oiled birds. Dead oiled birds shall not be disposed of without prior department approval.

(16) It is unlawful to publicly display wildlife while it is undergoing rehabilitation.

(17) It is unlawful to retain wildlife for the purpose of orphan imprinting or to retain feathers of protected or endangered wildlife for the purpose of "imprinting," except as provided by written authorization from the director, or director's designee.

(18) It is unlawful for wildlife being held for rehabilitation to be used for propagation.

(19) Wildlife being held for the purposes of rehabilitation must be kept separate from wildlife held under other licenses and domestic animals, except as provided by written authorization from the director, or director's designee.

(20) The wildlife rehabilitation permit holder may receive from the department and possess at the wildlife rehabilitation facility, dead wildlife for the purpose of feeding wildlife being rehabilitated.

(21) Fish and wildlife enforcement officers may inspect at reasonable times and in a reasonable manner the wildlife, permits, records, and wildlife rehabilitation facility of any wildlife rehabilitator.

(22) Any wildlife rehabilitation permit holder who fails to comply with any condition within the holder's permit or any provision of this rule is in violation of the permit and the permit may be revoked. Any wildlife rehabilitation permit holder found in violation of the permit conditions, with the exception of oiled bird facility requirements, may provide to the department a plan for corrective action, within ten days, to return to compliance. Any wildlife rehabilitation permit holder with an acceptable plan for corrective action to violations other than oiled bird facility requirements will be given a minimum of thirty days to correct a permit violation prior to revocation. Wildlife rehabilitation permit holders found in violation of oiled bird rehabilitation facility requirements shall correct these violations within twenty four hours to avoid revocation of their authorization to rehabilitate oiled birds.

(23) All wildlife held by a wildlife rehabilitation permit holder remains the property of the state, is subject to control by the state and will not be offered for sale or sold.

(24) Oiled bird rehabilitation facility requirements. The facility requirements listed in this subsection address oiled bird health and safety. The department of labor and industries and other government agencies may have additional requirements relating to human health and safety.

(a) Air temperature and air exchange requirements: This section refers to the air temperature and air exchange requirements within indoor areas.

(i) Air temperature: All indoor areas shall have the means to control air temperature and shall be adjustable and maintainable at any given air temperature between 65°F — 85°F. When the number of birds in an oiled bird rehabilitation facility at a given time exceeds fifty, the following shall also apply:

(A) Intake and prewash holding areas shall be air temperature controlled independently of other oiled bird rehabilitation facility areas but may be controlled together;

~~(B) Wash/rinse and drying areas shall be air temperature controlled independently of other oiled bird rehabilitation facility areas but may be controlled together; and~~

~~(C) The isolation/intensive care unit shall be air temperature controlled independently of other oiled bird rehabilitation facility areas.~~

~~(ii) Air exchange: All indoor areas shall have the means to exchange the air volume a minimum of ten times per hour with fresh air from outside.~~

~~The fresh air exchange rate for any given indoor area may be reduced by the use of an air recirculation system that employs a high efficiency particulate air (HEPA) filter and an activated carbon filter. The volume of air filtered by the recirculation system may replace an equal volume of air in the fresh air exchange requirement. No more than ninety percent of the fresh air exchange requirement shall be met by recirculation. The filters in the recirculation system shall be maintained in accordance with the manufacturer's recommendations. When the number of birds in an oiled bird rehabilitation facility at a given time exceeds fifty, the following shall also apply:~~

~~(A) Intake and prewash holding areas may be combined on the same air exchange system. Air exchange systems in the intake and prewash holding areas shall be independent of other oiled bird rehabilitation facility air exchange systems; and~~

~~(B) Wash/rinse and drying areas may be combined on the same air exchange system. Air exchange systems in the wash/rinse and drying areas shall be independent of other oiled bird rehabilitation facility air exchange systems; and~~

~~(C) The isolation/intensive care unit air exchange system shall be independent of other oiled bird rehabilitation facility areas; and~~

~~(D) The morgue/necropsy air exchange system shall be independent of other oiled bird rehabilitation facility areas.~~

~~(b) Intake space requirement: Intake shall occur in an indoor area. Forty square feet of contiguous floor space shall be provided for each group of sixty live or dead oiled birds, or portion of each group of sixty, that have been collected and are awaiting intake. The floor of the intake space shall be impermeable. Water shall not be allowed to accumulate on the floor.~~

~~(c) Prewash holding resource requirements: Prewash holding shall occur in an indoor area. Oiled bird rehabilitation pen space and the associated dedicated workspace shall be provided in the prewash holding area.~~

~~(i) Oiled bird rehabilitation pen requirements: Prewash oiled bird rehabilitation holding pens shall be no smaller than two feet in length by two feet in width; and a minimum of two feet high. Prewash oiled bird rehabilitation holding pens shall be constructed with knotless nylon net bottoms with a stretched mesh size of one half inch and shall provide 1.6 square feet of pen space per bird. Oiled bird rehabilitation holding pens shall be constructed in a manner such that no point within the pen is greater than two feet from a pen wall. Oiled bird rehabilitation holding pens shall be elevated a minimum of twelve inches above the floor surface.~~

~~(ii) Space requirements: In addition to the space required for prewash oiled bird rehabilitation holding pens, an additional 3.2 square feet of dedicated workspace shall be provided in the prewash holding area for each bird held in the prewash holding area. The floor of the prewash holding area shall be impermeable. Water shall not be allowed to accumulate on the floor.~~



~~(d) Wash/rinse resource requirements: Wash/rinse shall occur in an indoor area. A bird shall be provided wash/rinse space and associated resources within twenty four hours after intake.~~

~~(i) Water requirements: A minimum of three hundred gallons of fresh water with the following characteristics shall be made available within each wash/rinse space for each oiled bird being washed and rinsed:~~

~~(A) The water temperature shall be adjustable and maintainable at any given temperature between 102°F—108°F;~~

~~(B) The water hardness shall be maintained between 34 mg—85 mg calcium carbonate/liter (2-5 grain hardness);~~

~~(C) The water pressure shall be maintained between 40-60 p.s.i.;~~

~~(D) The water flow rate shall be not less than two gallons per minute from the wash/rinse supply line measured with the wash/rinse nozzle in place.~~

~~(E) All water requirements listed above shall remain within the specified ranges at all times.~~

~~(ii) Cleaning agent requirements: Liquid dishwashing detergents are the only cleaning agents that shall be used to remove oil from birds.~~

~~(iii) Space requirements: One hundred square feet of contiguous floor space shall be provided for each group of sixteen live oiled birds, or portion of each group of sixteen, that are ready to be washed and rinsed. The floor of the wash/rinse area shall be impermeable. Water shall not be allowed to accumulate on the floor.~~

~~(e) Drying resource requirements: Drying shall occur in an indoor area. Oiled bird rehabilitation pen space and the associated dedicated workspace shall be provided in the drying area. Drying shall be accomplished by warming the air in the drying pen. The drying temperature shall be adjustable and maintainable at any given temperature between 90°F—106°F.~~

~~(i) Oiled bird rehabilitation drying pen requirements: Oiled bird rehabilitation drying pens shall be no smaller than three feet in length by two feet in width; and a minimum of two feet high. Oiled bird rehabilitation drying pens shall be constructed with knotless nylon net bottoms with a stretched mesh size of one half inch and shall provide 2.7 square feet of pen space per bird. Each oiled bird rehabilitation pen shall be constructed in a manner such that no point within the pen is greater than two feet from a pen wall. Oiled bird rehabilitation drying pens shall be elevated a minimum of twelve inches above the floor surface. If prewash oiled bird rehabilitation holding pens meet the criteria for use as oiled bird rehabilitation drying pens and are used in the drying process, they must be cleaned of oil residue prior to use.~~

~~(ii) Space requirements: In addition to the space required for oiled bird rehabilitation drying pens, an additional 3.2 square feet of dedicated workspace shall be provided in the drying area for each bird held in the drying area. The floor of the drying area shall be impermeable. Water shall not be allowed to accumulate on the floor.~~

~~(f) Oiled bird rehabilitation pool resource requirements: Oiled bird rehabilitation pools shall be filled with unheated fresh water. Oiled bird rehabilitation pool space shall be provided immediately after a bird has been dried, and shall be provided until the bird is released.~~

~~(i) Oiled bird rehabilitation pool requirements: Each bird shall be afforded a minimum of 7.5 square feet of water surface space (e.g., a twelve-foot diameter oiled bird rehabilitation pool shall house not~~

more than fifteen birds). Each oiled bird rehabilitation pool shall be of dimensions such that no point within the pool is greater than eight feet from a side of the pool. In addition, each oiled bird rehabilitation pool shall have a breathable cover to prevent birds from escaping. Each oiled bird rehabilitation pool shall be constantly supplied with water sufficient to maintain a depth of three feet and an exchange rate of not less than four and one quarter times per day. Water exiting the oiled bird rehabilitation pool shall come from the surface of the pool so that floating debris and oil are removed. Water from oiled bird rehabilitation pools may be reused within a facility if made oil free.

(ii) ~~Space requirements:~~ Oiled bird rehabilitation pools shall be within the oiled bird rehabilitation facility. Oiled bird rehabilitation pools shall be no closer than four feet from another structure.

(g) ~~Semi-static areas:~~

~~Space requirements:~~ Semi-static areas shall be indoor areas. The floors in semi-static areas shall be impermeable. Water shall not be allowed to accumulate on the floor. When the total number of birds in an oiled bird rehabilitation facility, on a given day, is less than fifty, there are no minimum space requirements for semi-static areas. When the total number of birds in an oiled bird rehabilitation facility, on a given day, is between fifty and one thousand, each semi-static area listed in Table 1 shall be allocated the associated space. When the total number of birds in an oiled bird rehabilitation facility, on a given day, is between one thousand one and two thousand, each semi-static area listed in Table 1 shall be allocated two times the associated space, and, when the total number of birds in the oiled bird rehabilitation facility, on a given day, is between two thousand one and three thousand, each semi-static area listed in Table 1 shall be allocated three times the associated space, etc. Space for the semi-static areas listed in Table 1 shall be accommodated within an oiled bird rehabilitation facility with the exception of the morgue/necropsy.

Table 1:  
Semi-static area space requirements by activity type.

| Area                  | Space       |
|-----------------------|-------------|
| Morgue/necropsy       | 250 sq. ft. |
| Bird food preparation | 300 sq. ft. |
| Storage               | 100 sq. ft. |
| Freezers              | 100 sq. ft. |

(h) ~~Static areas:~~

~~Space requirements:~~ Static areas shall be indoor areas. The floors in static areas shall be impermeable. Water shall not be allowed to accumulate on the floor. When the total number of birds in an oiled bird rehabilitation facility, on a given day, is less than fifty, there are no minimum space requirements for static areas. When the number of birds in an oiled bird rehabilitation facility, on a given day, exceeds fifty, each static area listed in Table 2 shall be allocated the associated space. All of the space associated with the areas listed in Table 2 shall be accommodated within an oiled bird rehabilitation facility with the exception of the laundry.

Table 2:  
Static area space requirements by activity type.

| Area                          | Space         |
|-------------------------------|---------------|
| Isolation/intensive care unit | 200 sq. ft.   |
| Medical laboratory            | 200 sq. ft.   |
| Laundry                       | 200 sq. ft.   |
| Electrical                    | 100 sq. ft.   |
| Mechanical                    | 250 sq. ft.)) |

and possesses a current wildlife rehabilitator permit from the department.

NEW SECTION

**WAC 232-12-841 Wildlife rehabilitation permits—Requirements and restrictions.** (1) All wildlife held under a wildlife rehabilitation permit remains the property of the state and is subject to control by the state.

(2) **Wildlife rehabilitation permits.**

(a) The department may issue a wildlife rehabilitation permit if the applicant:

(i) Completes and submits a current application form to the department's wildlife rehabilitation manager;

(ii) Demonstrates completion of at least six months, or one thousand hours, of experience in wildlife rehabilitation under the direct supervision of a wildlife rehabilitator. At least three months, or five hundred hours, of this experience must occur during the spring or summer. The department, at its discretion, may consider education in wildlife rehabilitation to suffice as a partial substitute for experience;

(iii) Submits to the department a written letter of recommendation from a wildlife rehabilitator who has two or more years of experience in wildlife rehabilitation and who agrees to advise the applicant in performing wildlife rehabilitation;

(iv) Submits to the department a written agreement from a veterinarian who is willing to serve as the principal veterinarian for the applicant;

(v) Successfully completes the Washington general wildlife rehabilitation examination by correctly answering eighty percent or more of the questions. An applicant who fails the exam may retake it beginning fourteen days from the date of the failed exam; and

(vi) Possesses, is employed by, or volunteers at suitable facilities that are inspected and approved by the department.

(b) Veterinarians are exempt from the requirements in (a)(ii) through (v) of this subsection.

(c) The department will determine which species the wildlife rehabilitator is qualified to care for and may tailor the permit according to the applicant's training, experience, capabilities, and facilities.

(d) Wildlife rehabilitators must display the wildlife rehabilitation permit or a copy of the permit in a location at the facility that is visible to the public.

(e) Wildlife rehabilitation permits are valid for up to three years, as long as the information on the permit remains valid and the permittee adheres to permit conditions and department rules.

(f) Wildlife rehabilitators must report any permit information changes to the department within ten business days of the change.

(g) The department may refuse to issue a wildlife rehabilitation permit to an applicant if the applicant:

(i) Was convicted of a fish or wildlife offense; or

(ii) Was convicted of any offense involving animal cruelty or neglect, or child abuse or neglect.

**(3) Large-carnivore rehabilitation endorsement.**

(a) A person must possess a large-carnivore rehabilitation endorsement to rehabilitate large carnivores. Large carnivores are brown bear, black bear, cougar, wolf, bobcat, and lynx. The department may issue large-carnivore endorsements to wildlife rehabilitators who:

(i) Have at least three months, or five hundred hours, of direct rehabilitation practice with and handling of large carnivores;

(ii) Have received training in large-animal restraint techniques, including knowledge of proper catchpole use and immobilization-drug administration;

(iii) Submit to the department a written recommendation from a wildlife rehabilitator who has two or more years of experience in large-carnivore rehabilitation and who agrees to advise the applicant in performing large-carnivore rehabilitation;

(iv) Successfully complete the written large-carnivore rehabilitation examination by correctly answering eighty percent or more of the questions. An applicant who fails the exam may retake it beginning fourteen days from the date of the failed exam; and

(v) Possess department-inspected and -approved facilities suitable for large carnivores as required by department rule and the standards set by the International Wildlife Rehabilitation Council (IWRC) and the National Wildlife Rehabilitators Association (NWRA).

(b) Applicants are exempt from the requirements in (a)(i) and (iii) of this subsection if they are or were employed for at least three months or five hundred hours as a zookeeper or wildlife biologist with direct practice handling and housing large carnivores.

**(4) Raptor rehabilitation endorsement.** A person must possess a raptor rehabilitation endorsement to rehabilitate raptors. The department may issue raptor rehabilitation endorsements to wildlife rehabilitators who:

(a) Demonstrate one hundred hours direct practice with and handling of raptors;

(b) Successfully complete the written raptor rehabilitation examination by correctly answering eighty percent or more of the questions. An applicant who fails the exam may retake it beginning fourteen days from the date of the failed exam;

(c) Possess department-inspected and department-approved facilities suitable for raptor housing and rehabilitation as required by department rule and the standards set by the IWRC and the NWRA; and

(d) Submit to the department a written recommendation from a wildlife rehabilitator who has two or more years of experience in raptor rehabilitation and who agrees to advise the applicant in performing raptor rehabilitation.

**(5) Raptors-only rehabilitation permit.**

(a) The department may issue raptors-only rehabilitation permits that allow a person to rehabilitate only raptors and no other wildlife. To qualify for these permits, an applicant must:

(i) Demonstrate one hundred hours direct practice with and handling of raptors;

(ii) Successfully complete the raptor rehabilitation examination by correctly answering eighty percent or more of the questions. An applicant who fails the raptor rehabilitation examination may retake it beginning fourteen days from the date of the failed exam;

(iii) Submit to the department a written recommendation from a wildlife rehabilitator who has two or more years of experience in raptor rehabilitation and who agrees to advise the applicant in performing raptor rehabilitation; and

(iv) Possess department-inspected and department-approved facilities suitable for raptor housing and rehabilitation as required by department rule and IWRC/NWRA.

(b) General falconers licensed for three years or more and master falconers are exempt from the requirements in (a)(i) and (iii) of this subsection.

(6) **Oiled-wildlife rehabilitation endorsement.** An oiled-wildlife rehabilitation endorsement is required to rehabilitate oiled-wildlife. The department may issue oiled-wildlife rehabilitation endorsements to wildlife rehabilitators who possess or have permission to access or use department-inspected and department-approved facilities for oiled-wildlife.

(7) **Wildlife rehabilitation permit renewal.** To renew a wildlife rehabilitation permit, the permittee must submit the following information at least thirty days prior to his or her permit expiring:

(a) A new, completed wildlife rehabilitation permit application form; and

(b) Documentation demonstrating ten hours or more of continuing education during the previous permit period. Continuing education includes:

(i) Documented attendance at state wildlife rehabilitator meetings, NWRA annual meetings, or IWRC Annual Symposiums;

(ii) A certificate of completion of an IWRC online or in-person class;

(iii) Completion and documented attendance of privately offered wildlife rehabilitation training;

(iv) Completion and documented attendance of wildlife rehabilitation classes at a college or university;

(v) Documented training with a wildlife rehabilitator; or

(vi) Other continuing education activities as approved by the department.

(8) **Reinstatement of expired permits.**

(a) A permit expired for less than three years may be reinstated for the facility and species listed on the expired permit so long as the facilities have not changed within that three-year period. If the facilities change after the permit expires, the department must inspect and approve the facilities before the permit is reinstated.

(b) Permits expired for three years or more may be reinstated if:

(i) The applicant possesses facilities that meet the standards set by the department, the NWRA, and the IWRC's minimum standards for wildlife rehabilitation for treating and housing wildlife for rehabilitation;

(ii) The facilities are inspected and approved by the department; and

(iii) The applicant takes and successfully completes the Washington general wildlife rehabilitation examination, the raptor rehabilitation examination, or large carnivore rehabilitation examination, whichever examination is applicable, by correctly answering eighty percent or more of the questions. An applicant who fails the examina-

tion may retake it beginning fourteen days from the date of the failed exam.

(9) **Out-of-state wildlife rehabilitators.** Wildlife rehabilitators who have a current wildlife rehabilitation permit or a comparable permit issued by another state, and who 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. However, out-of-state wildlife rehabilitators are exempt from the requirement of providing a letter of recommendation from another wildlife rehabilitator.

(10) A violation of this section by a person who engages in wildlife rehabilitation without a department permit is punishable under the appropriate statute for the species being rehabilitated, including RCW 77.15.120 for endangered fish or wildlife; RCW 77.15.130 for protected fish or wildlife; RCW 77.15.400 for wild birds; RCW 77.15.410 for big game; and RCW 77.15.430 for wild animals not classified as big game.

(11) A violation of this section by a person who has a wildlife rehabilitation permit is punishable under RCW 77.15.750(1), Unlawful use of a department permit—Penalty.

#### NEW SECTION

**WAC 232-12-843 Wildlife rehabilitation—Responsibilities of primary permittees and subpermittees.** (1) A primary permittee on a wildlife rehabilitation permit is the person who applies for and receives the permit. A primary permittee may include other persons on his or her permit. These other people, known as "subpermittees," operate with the permission and under the direction of the primary permittee.

(2) A primary permittee has the following responsibilities for his or her subpermittees:

(a) Ensuring that subpermittees listed on the permit abide by the permit's conditions and state and federal laws and regulations, when conducting wildlife rehabilitation practices or actions associated with wildlife rehabilitation on or off the facility premises; and

(b) Notifying the department within ten business days of removing or adding a subpermittee or changing the address of a subpermittee's facilities.

(3) Subpermittees must:

(a) Be listed on the primary permittee's wildlife rehabilitation permit;

(b) Be eighteen years of age or older;

(c) Be employed by or a registered volunteer for the primary permittee's wildlife rehabilitation facility, have assisted or observed all facets of wildlife care practices at the facility, and possess sufficient experience to tend to the species in his or her care to the satisfaction of the primary wildlife rehabilitator and the department;

(d) Possess direct contact information for at least one other employee or volunteer of the permitted facility in addition to the primary permittee, who the subpermittee must be able to reach at any time;

(e) Have read the National Wildlife Rehabilitators Association/International Wildlife Rehabilitation Council minimum standards for

wildlife rehabilitation and retained a copy of the publication for reference; and

(f) Comply with all federal migratory bird treaty act rules.

(4) A violation of this section by a primary permittee or a sub-permittee is punishable under RCW 77.15.750(1), Unlawful use of a department permit—Penalty.

#### NEW SECTION

**WAC 232-12-845 Wildlife rehabilitation—Permit revocation, modification, or suspension.** (1) The department may revoke, modify, or suspend a wildlife rehabilitation permit if the primary permittee or a subpermittee violates any conditions of the permit. Such violations include, but are not limited to:

(a) Violating a department rule;

(b) Failing to comply with permit conditions;

(c) Failing to provide adequate facilities for the care and housing of wildlife;

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

(e) Failing to provide adequate care, feed for, or maintenance of the health of wildlife in the permittee's care;

(f) Treating wildlife in the permittee's care inhumanely, or negligently, or keeping the wildlife in unsanitary conditions;

(g) Publicly displaying wildlife in rehabilitation or using wildlife in rehabilitation for public education or profit;

(h) Improperly handling, imprinting, habituation, or taming wildlife at the facility; or

(i) Failing to maintain a daily patient log or ledger.

(2) A primary permittee who is in violation of permit conditions or department wildlife rehabilitation rules, or whose subpermittee is in violation of permit conditions or department wildlife rehabilitation rules, except for oiled bird facility requirements as provided in WAC 232-12-869, may provide a corrective-action plan to return to compliance. The primary permittee must provide the plan to the department within ten days of the notice of the violation. If the department accepts the plan for corrective action, it will allow the primary permittee at least thirty days to correct the permit violation. If the primary permittee fails to return to compliance by the deadline the department gave him or her, the department may revoke his or her permit.

(3) If the department revokes, suspends, or modifies a permit, then the department or the U.S. Fish and Wildlife Service may seize and find a new rehabilitator for the primary permittee's wildlife.

(4) The department's revocation, modification, or suspension of a rehabilitation permit under this section does not preclude the department from taking criminal action against the primary permittee, sub-permittee, or both.

(5) Any primary permittee whose rehabilitation permit is revoked, modified, or suspended under this section may request an administrative hearing to appeal the department's action. The department will administer such appeals in accordance with chapter 34.05 RCW.

NEW SECTION

**WAC 232-12-847 Wildlife rehabilitation—Facility requirements and inspections—On- and off-site care.** (1) The facility requirements listed in this section address wildlife health and safety. The department of labor and industries and other local, state, or federal agencies may have additional requirements relating to human health and safety. It is the primary permittee's responsibility to comply with all state and federal laws and regulations, and to ensure that his or her sub-permittees do the same.

(2) Facilities.

(a) Primary permittees on a wildlife rehabilitation permit must maintain approved facilities that meet the standards set by the department, the National Wildlife Rehabilitators Association (NWRA), and the International Wildlife Rehabilitation Council's (IWRC) minimum standards for wildlife rehabilitation, unless as otherwise provided by the department. More information on facilities requirements is available at [www.wdfw.wa.gov](http://www.wdfw.wa.gov).

(b) All wildlife held under a wildlife rehabilitation permit must be maintained in humane, healthful, and secluded conditions.

(c) The wildlife rehabilitation facility must protect wildlife from predators, weather extremes, undue human contact and noise, and domestic animals.

(d) In-home wildlife rehabilitation facilities must designate separate and exclusive rooms used only for wildlife housing, treatment, and rehabilitation. 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 is prepared, stored, or consumed.

(e) The primary permittee must notify the department at least thirty days prior to moving if he or she intends to transfer his or her wildlife rehabilitation facilities to another location. The new facilities must pass a department facility inspection before wildlife is moved to the new facility.

(f) The wildlife rehabilitation facility must be associated with a primary permittee at all times. If a facility is left with no primary permittees, facility personnel must notify the department within five days of the departure of the last primary permittee. The facility has thirty days in which to bring a primary permittee into the facility. After thirty days, if the facility is no longer associated with a primary permittee, the facility must transfer wildlife to another facility associated with a primary permittee.

(3) Off-site care.

(a) A primary permittee is responsible for ensuring that his or her off-site facilities, or those of his or her subpermittee, meet all species- and treatment-stage-specific facility requirements as provided by department rule.

(b) A primary permittee, or subpermittee authorized to care for wildlife off-site from the wildlife rehabilitation facilities, must have adequate facilities to house the species in his or her care, based on the criteria for wildlife rehabilitation facilities outlined in the NWRA/IWRC minimum standards for wildlife rehabilitation.

(c) It is unlawful for a subpermittee to care for wildlife in his or her off-site facility, or for the primary permittee to transfer wildlife to the subpermittee, unless the following requirements are met:



(i) The primary facility is overcrowded or there is a need for twenty-four-hour or after-hours care, such as nestling care or nursing small mammals, or critical care;

(ii) The subpermittee only houses the following species off-site: Common small mammals (except bats), ducks and geese (except swans), pheasant, grouse, quail, pigeon and dove, woodpeckers (except pileated woodpecker), and songbirds and perching birds;

(iii) The wildlife receives an initial intake exam at the primary permittee's facility before wildlife is transferred to the subpermittee for off-site care;

(iv) The wildlife exhibits no signs of a reportable disease;

(v) The subpermittee follows a treatment plan developed by the veterinarian or primary permittee if a treatment plan is prescribed for any nonreportable condition;

(vi) The subpermittee returns the animal to the wildlife rehabilitation facility under which the subpermittee is permitted as soon as the facility is able to care for the animal, such as space becoming available; and

(vii) The subpermittee possesses a copy of the wildlife rehabilitation permit at all times while in possession of wildlife, including while transporting wildlife for the wildlife rehabilitation facility.

(d) It is unlawful for a subpermittee to house large carnivores at his or her off-site facilities.

(e) It is unlawful for a subpermittee to house, possess, care for, or treat state and federally designated threatened or endangered species at his or her off-site facilities.

(4) Inspections.

(a) Wildlife rehabilitation facilities, records, equipment, and animals may be inspected without advance notice at reasonable times and in a reasonable manner by authorized state or federal personnel. This includes off-site wildlife rehabilitation facilities, records, equipment, and animals.

(b) Inspecting authorities may not enter the facilities or disturb wildlife unless the primary permittee, a subpermittee, or a designated staff member or volunteer is present.

(c) If wildlife rehabilitation facilities are on property owned by a person other than the primary permittee or a subpermittee, the permittee must submit a signed, dated statement in which the property owner:

(i) Gives written permission to the permittee to engage in wildlife rehabilitation on the property; and

(ii) Agrees that the wildlife rehabilitation facilities may be inspected by the department at reasonable times and in a reasonable manner.

(5) A violation of this section by a primary permittee or a subpermittee is punishable under RCW 77.15.750(1), Unlawful use of a department permit—Penalty.

#### NEW SECTION

**WAC 232-12-849 Wildlife rehabilitation—Releasing wildlife.** (1) A primary permittee must release rehabilitated wildlife according to subsection (3) of this section as soon as the animal is deemed physi-

cally, behaviorally, and psychologically capable of surviving in the wild.

(2) It is unlawful to hold wildlife for rehabilitation longer than one hundred eighty days. A primary permittee must obtain department authorization if he or she wishes to retain wildlife longer than the one hundred eighty-day time limit normally allowed for wildlife rehabilitation. The department will grant an extension of time if the permittee needs to find suitable placement for the wildlife, or the wildlife is over-wintering, molting, or completing recovery.

(3) A primary permittee must release wildlife into the same area from which the wildlife was taken. If doing this poses a substantial risk to the health or safety of the wildlife or humans, the permittee may release the wildlife at a location within its normal individual range and appropriate habitat. The primary permittee must obtain department approval prior to releasing wildlife at a location other than where it was taken or outside its normal individual range. The department may direct the permittee to release wildlife at a location other than where the wildlife was taken.

(4) A group of unrelated wildlife that are of the same species and that were raised together for socialization purposes may be released at the same location even if that location is not where the wildlife was originally taken. All other release requirements must be followed.

(5) If a primary permittee does not know where wildlife was originally taken, he or she must release the wildlife into appropriate habitat and at a location where substantial risk to the health or safety of the wildlife and humans is minimal. Primary permittees must obtain department authorization for the release location prior to releasing cervids, large carnivores, or coyotes.

(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.

(7) Hacking of orphaned raptors is permitted at or through a permitted facility where appropriate hacking facilities are available.

(8) A violation of this section is punishable under RCW 77.15.750(1), Unlawful use of a department permit—Penalty.

#### NEW SECTION

**WAC 232-12-851 Wildlife rehabilitation—Veterinary care.** (1) Veterinarians may provide initial care for wildlife without a wildlife rehabilitation permit. However, veterinarians must transfer the wildlife to a primary permittee after stabilizing the wildlife, preferably within forty-eight hours of receiving wildlife.

(2) A violation of this section is punishable under the statute for the species being rehabilitated, including RCW 77.15.120 for endangered fish or wildlife; RCW 77.15.130 for protected fish or wildlife; RCW 77.15.400 for wild birds; RCW 77.15.410 for big game; and RCW 77.15.430 for wild animals not classified as big game.

(3) A wildlife rehabilitation permit is not a veterinary license.

NEW SECTION

**WAC 232-12-853 Wildlife rehabilitation—Records retention and reporting requirements.** (1) This section contains records retention and reporting requirements for primary permittees on wildlife rehabilitation permits. Other state and federal laws and regulations may require additional records retention and reporting. It is the primary permittee's responsibility to comply with all state and federal laws and regulations, and to ensure that his or her subpermittees do the same.

(2) Retaining records.

(a) The primary permittee must keep all required permits and records at the wildlife rehabilitation facility and retain those permits and records for a period of five years. Electronic records retention is acceptable.

(b) The primary permittee must make the permits and records available for inspection by department personnel upon request.

(3) Daily ledger.

(a) The primary permittee must record the following information in his or her daily ledger: All wildlife acquisitions; transfers; admissions; releases; deaths; reasons for admission; nature of illness or injury; dates of release, transfer, or any other disposition; and any tag or band numbers.

(b) The primary permittee must make the daily ledger available for inspection by department personnel upon request.

(4) Annual report.

(a) The primary permittee must fill out the annual report form provided by the department and submit the annual report to the department no later than January 31st of each year.

(b) Along with the annual report form, the primary permittee must submit a copy of his or her daily ledger containing records for the year.

(5) Reporting requirements for threatened, endangered, or sensitive wildlife.

(a) The primary permittee must notify the department's wildlife rehabilitation manager within twenty-four hours of receiving wildlife designated as a threatened or endangered species under state or federal laws or rules.

(b) The primary permittee must notify the department's wildlife rehabilitation manager within seventy-two hours of receiving a state designated sensitive species.

(c) The primary permittee must notify the department's wildlife rehabilitation manager within twenty-four hours if a state or federally designated threatened or endangered species in his or her possession dies. The primary permittee must receive prior department approval before disposing of deceased state or federally designated threatened or endangered species.

(6) The primary permittee must notify the department's wildlife rehabilitation manager within seventy-two hours if he or she admits any wildlife that has a band, research marker, tag, or transmitter attached to it. The primary permittee must include band numbers and any other relevant information in the report. Primary permittees must send these reports, in writing, to the department's wildlife rehabilitation manager at P.O. Box 43200, Olympia, WA 98504-3200, or at rehab-coord@dfw.wa.gov.

(7) The primary permittee must report the following diseases, confirmed by a veterinarian, to the department's wildlife veterinarian

within twenty-four hours of diagnosis: West Nile virus, white-nose syndrome, avian cholera, avian pox, duck viral enteritis, psittacosis, rabies, environmental toxins, canine distemper, tuberculosis, Newcastle disease, salmonellosis, hair loss syndrome, deer adenovirus, plague, leptospirosis, and tularemia.

(8) If wildlife is stolen or missing from a primary permittee or subpermittee, the primary permittee must report the stolen or missing wildlife to the department and to the U.S. Fish and Wildlife Service Regional Law Enforcement office within twenty-four hours of discovering the theft of the wildlife.

(9) A violation of this section is punishable under RCW 77.15.750(1), Unlawful use of a department permit—Penalty.

#### NEW SECTION

**WAC 232-12-855 Wildlife rehabilitation—Falconers assisting with raptor rehabilitation.** (1) A general or master falconer may assist a primary permittee in rehabilitating raptors to prepare the birds for release into the wild so long as the primary permittee and falconer comply with all applicable federal rules. Only master-class falconers or those falconers with U.S. Fish and Wildlife Service (USFWS) written authorization may assist in rehabilitating bald or golden eagles. Raptors held by falconers for rehabilitation remain under the primary permittee's permit.

(2) If the raptor is assigned to a falconer, the primary permittee must provide the falconer with:

(a) A copy of the USFWS wildlife rehabilitation permit showing the falconer listed as a subpermittee; or

(b) A copy of the primary permittee's wildlife rehabilitation permit; and

(c) A written document identifying the raptor and explaining that the falconer is assisting in the raptor's rehabilitation and acting as an authorized subpermittee of the primary permittee. The written document must:

(i) Provide the dates of possession and the falconer's name, state falconry license number, contact information, and location of the falconer's facility; and

(ii) Accompany the raptor at all times, including during transport and at the housing location of the raptor.

(3) The primary permittee is responsible for ensuring that falconers adhere to permit terms, state law, department rules, and federal law and regulations at all times when assisting in rehabilitation activities under the primary permittee's rehabilitation permit.

(4) A falconer may house and treat a raptor undergoing rehabilitation at an approved falconry facility that does not meet wildlife rehabilitation facility standards so long as the facility meets the standards under department rule for housing raptors.

(5) Any raptor that cannot be permanently released into the wild must be returned to the primary permittee or transferred to the department within one hundred eighty days, unless:

(a) The department authorizes retaining the raptor for longer than one hundred eighty days; or

(b) The primary permittee or department transfers the raptor to a permitted educational facility.

(6) A primary permittee may transfer a raptor directly to a falconer for falconry purposes so long as the falconer can lawfully possess the species of raptor and complies with all applicable state and federal laws and regulations. The primary permittee must notify the department of the transfer of the raptor to a falconer within ten days of the transfer. The USFWS may also require notification of raptor transfers and release. It is the primary permittee's and falconer's responsibility to ensure compliance with all state and federal laws and regulations.

(7)(a) A violation of this section by a primary permittee is punishable under RCW 77.15.750(1), Unlawful use of a department permit-Penalty.

(b) A violation of this section by a falconer assisting a primary permittee is punishable under the statute for the species being rehabilitated, including RCW 77.15.120 for endangered birds; RCW 77.15.130 for protected birds; and RCW 77.15.400 for all other wild birds.

#### NEW SECTION

**WAC 232-12-857 Wildlife rehabilitation-Transfer, import, and export of wildlife.** (1) A primary permittee may import wildlife into Washington state for wildlife rehabilitation purposes if it is legal to import that species and the primary permittee possesses a health certificate for the animal.

(2) It is unlawful to transfer Washington state mammals to an out-of-state rehabilitator without obtaining prior department approval.

(3) It is unlawful to import species in the order Cervidae, and rabies vector species, into Washington state for rehabilitation purposes.

(a) Cervids are Roosevelt and Rocky Mountain elk, mule deer, black-tailed deer, white-tailed deer, moose, and caribou.

(b) Rabies vector species are bat, skunk, fox, raccoon, and coyote.

(4) Transferring wildlife for socialization.

(a) Transferring wildlife undergoing rehabilitation between Washington wildlife rehabilitators for the purpose of orphan imprinting, appropriate companionship, socialization, appropriate species behavior maintenance, flight conditioning and specialized care is permissible and encouraged.

(b) Wildlife possessed for rehabilitation may be transferred between Washington wildlife rehabilitators without prior department approval if the receiving wildlife rehabilitator is permitted to possess those species.

(5) A violation of this section is punishable under RCW 77.15.290, Unlawful transportation of fish or wildlife-Penalty.

#### NEW SECTION

**WAC 232-12-859 Wildlife rehabilitation-Possession of dead wildlife and wildlife parts.** (1) A primary permittee may receive and pos-

sess dead wildlife from the department for the purpose of feeding wildlife in rehabilitation.

(2)(a) A primary permittee may possess bird feathers for imping as long as he or she possesses a valid wildlife rehabilitation permit. Permittees may receive or exchange feathers of birds from and with other wildlife rehabilitators if the rehabilitators possess and comply with necessary U.S. Fish and Wildlife Service migratory bird treaty act permits.

(b) A primary permittee may donate feathers from rehabilitation birds to any person or institution with a valid permit to possess feathers, except feathers from golden eagle or bald eagle.

(c) A primary permittee may leave feathers that are molted or otherwise lost by a bird in wildlife rehabilitation where they fall, store the feathers, or destroy the feathers, except that the rehabilitator must gather primary or secondary flight feathers or retrices from golden eagle and bald eagle and send these feathers or retrices, if not kept for imping, to the National Eagle Repository.

(d) A primary permittee whose permit is expired, suspended, or revoked must donate any feathers from wildlife that was in his or her care to a person or institution with a valid permit to possess the feathers, or the primary permittee must burn, bury, or otherwise destroy the feathers.

(3) A violation of this section is punishable under the statute for the species being unlawfully retained, including RCW 77.15.120 for endangered fish or wildlife; RCW 77.15.130 for protected fish or wildlife; RCW 77.15.400 for wild birds; RCW 77.15.410 for big game; or RCW 77.15.430 for wild animals not classified as big game.

#### NEW SECTION

**WAC 232-12-861 Wildlife rehabilitation--Disposition of nonreleasable and habituated, imprinted, and tamed wildlife.** (1) A primary permittee may retain live, nonreleasable wildlife for the purposes of:

(a) Orphan imprinting, socialization, and appropriate wild behavior retention and development, if the permittee possesses valid U.S. Fish and Wildlife Service (USFWS) permits and written authorization from the department. The department determines whether wildlife may be retained for these purposes on a case-by-case basis.

(b) Display and education, if the permittee possesses valid USFWS permits and written authorization from the department.

(i) Wildlife tamed by, imprinted on, or habituated to humans before admission to the primary permittee's facility can be retained for education if the department authorizes this in writing. The department will make such determinations on a case-by-case basis.

(ii) Permittees must house wildlife used for educational purposes separately and out of sight of wildlife in rehabilitation.

(iii) Wildlife retained for education purposes may not be used for orphan imprinting or companionship for wildlife in rehabilitation.

(2) Wildlife tamed by, imprinted on, or habituated to humans while at the primary permittee's facility or subpermittee's facility must be humanely euthanized no later than one hundred eighty days following admission to the rehabilitation facility, to protect the public and to protect the animal from human abuse.

(3) A violation of this section is punishable under RCW 77.15.750, Unlawful use of a department permit—Penalty.

NEW SECTION

**WAC 232-12-863 Wildlife rehabilitation—Euthanizing protected, threatened, or endangered wildlife and migratory birds.** (1) Bald eagles, golden eagles, peregrine falcons and other state or federally endangered or threatened wildlife may be euthanized, without prior department approval, if the animal is suffering and untreatable or has a terminal illness or injury. In all other cases, prior department approval must be obtained before euthanizing bald eagles, golden eagles, peregrine falcons, and other state or federally endangered or threatened wildlife.

(2) Any bird that has sustained injuries requiring amputation of a leg, foot, or wing at the elbow (humero-ulnar joint) or above, or a bird that is completely blind must be euthanized.

(3) If a migratory bird cannot, after medical management, feed itself, perch upright, or ambulate without inflicting additional injury, the bird must be euthanized.

(4) The primary permittee must comply with all applicable migratory bird treaty act rules when taking action under this section.

(5) A violation of this section is punishable under RCW 77.15.120 for endangered birds; RCW 77.15.130 for protected birds; or RCW 77.15.400 for all other wild birds, depending on the bird species.

NEW SECTION

**WAC 232-12-865 Wildlife rehabilitation—Disposing of wildlife remains.** (1) Wildlife carcasses must be burned, buried, or otherwise destroyed, according to local laws and regulations, within ten days of the animal's death or after final necropsy by a veterinarian. However:

(a) Wildlife carcasses may be donated to any person or institution authorized under state or federal law to acquire and possess wildlife carcasses or parts.

(b) A primary permittee on a wildlife rehabilitation permit may keep the carcass of any bird, except golden eagle or bald eagle, so the feathers on the carcass are available for imping and education.

(c) A primary permittee must send the entire carcass of a golden eagle or bald eagle, including all talons, feathers (unless feathers are kept for imping purposes), and other parts, to the National Eagle Repository within thirty days of the bird's death.

(d) A primary permittee may retain wildlife carcasses and skins, instead of disposing of the carcasses or skins, to have the carcass mounted or the skin prepared by a taxidermist for the purpose of public display and education programs. The primary permittee must supply the taxidermist with written documentation that the carcass or skin is possessed pursuant to a wildlife rehabilitation permit. The taxidermist must possess the written documentation at all times while the carcass or skin is in the taxidermist's possession. The primary permittee must keep the mount at the wildlife rehabilitation facility and may

use it for public display for education programs. If the wildlife carcass is a banded bird or has an implanted microchip, the band or microchip must stay in place.

(e) A primary permittee who retains a wildlife carcass or parts may only possess the carcass or parts so long as the primary permittee possesses a valid wildlife rehabilitation permit and complies with all applicable federal laws.

(2) A primary permittee must take appropriate precautions to avoid the risk of poisoning scavenging wildlife when disposing of carcasses of euthanized wildlife. Wildlife euthanized by chemical injection may not be buried or taken to a landfill.

(3) A violation of this section by a permittee on a wildlife rehabilitation permit is punishable under RCW 77.15.750, Unlawful use of a department permit—Penalty.

(4) A violation of this section by a person who lacks a valid wildlife rehabilitation permit is punishable under RCW 77.15.120 for endangered birds; RCW 77.15.130 for protected birds; or RCW 77.15.400 for all other wild birds, depending on the bird species.

#### NEW SECTION

**WAC 232-12-867 Wildlife rehabilitation—Prohibition on commercial uses.** (1) It is unlawful to sell, offer for sale, purchase, or use for commercial purposes wildlife or parts of wildlife under any circumstances under a wildlife rehabilitation permit.

(2) As long as a primary permittee or rehabilitation facility is not paid and does not collect a fee or receive compensation, the primary permittee may use photographs, films, live video, or other sources of information to:

(a) Provide education on the practice of wildlife rehabilitation or the biology, ecological roles, and conservation needs of wildlife;

(b) Raise funds to support the wildlife rehabilitation facility or wildlife rehabilitation activities, so long as the primary permittee complies with the following criteria:

(i) He or she may not require payment or sell items, but may request a "suggested donation." Money exchanged for any item must be by donation only. A primary permittee may not refuse to give an item to a person if the person refuses to donate money or donates less money than the suggested donation;

(ii) All funds received through fund-raising efforts must go to operating the wildlife rehabilitation facility or supporting wildlife rehabilitation activities; and

(iii) The primary permittee may not keep money received through fund-raising efforts for personal use.

(3) A violation of this section is punishable under RCW 77.15.260 or 77.15.750, or both.

#### NEW SECTION

**WAC 232-12-869 Oiled bird rehabilitation—Facility requirements.** (1) The facility requirements listed in this section address oiled



bird health and safety. The department of labor and industries and other government agencies may have additional requirements relating to human health and safety. It is the primary permittee's responsibility to ensure compliance with all state and federal laws and regulations.

**(2) Air temperature and air exchange requirements within indoor areas:**

(a) Air temperature: A primary permittee must ensure that the air temperature in all indoor areas where live birds are kept is adjustable and can be maintained at between 65°F - 85°F. When the number of birds in an oiled bird rehabilitation facility at a given time exceeds fifty, the following requirements also apply:

(i) Intake and prewash holding areas must be air-temperature controlled independently of other oiled bird rehabilitation facility areas. However, intake and prewash holding areas may be controlled together;

(ii) Wash/rinse and drying areas must be air-temperature controlled independently of other oiled bird rehabilitation facility areas. However, wash/rinse and drying areas may be controlled together; and

(iii) The isolation/intensive care unit must be air-temperature controlled independently of other oiled bird rehabilitation facility areas.

(b) Air exchange: A primary permittee must ensure that all indoor areas where live birds are kept allow the exchange of the air volume a minimum of ten times per hour with fresh air from outside.

The fresh-air exchange rate for any given indoor area may be reduced by the use of an air-recirculation system that employs a high efficiency particulate air (HEPA) filter and an activated carbon filter. The volume of air filtered by the recirculation system may replace an equal volume of air in the fresh air exchange requirement. Recirculation cannot account for more than ninety percent of the fresh-air exchange requirement. The filters in the recirculation system must be maintained in accordance with the manufacturer's recommendations. When the number of birds in an oiled bird rehabilitation facility at a given time exceeds fifty, the following requirements also apply:

(i) Intake and prewash holding areas must be independent of other oiled bird rehabilitation facility air-exchange systems, but they may be combined on the same air-exchange system;

(ii) Wash/rinse and drying areas must be independent of other oiled bird rehabilitation facility air-exchange systems, but they may be combined on the same air exchange system;

(iii) The isolation/intensive care unit air-exchange system must be independent of other oiled bird rehabilitation facility areas; and

(iv) The morgue/necropsy air-exchange system must be independent of other oiled bird rehabilitation facility areas.

**(3) Intake space requirement:** Intake of oiled birds must occur in an indoor area. Forty square feet of contiguous floor space must be provided for each group of sixty live or dead oiled birds, or portion of each group of sixty, that have been collected and are awaiting intake. The floor of the intake space must be impermeable. Water must not accumulate on the floor.

**(4) Prewash holding resource requirements:** Prewash holding must occur in an indoor area. Oiled bird rehabilitation pen space and the associated dedicated workspace must be provided in the prewash holding area.

(a) Oiled bird rehabilitation pen requirements: Prewash oiled bird rehabilitation holding pens must be:

- (i) Two feet in length by two feet in width or larger;
- (ii) At least two feet high;
- (iii) Constructed with knotless nylon net-bottoms with a stretched mesh size of one-half inch;
- (iv) Constructed so that no point within the pen is greater than two feet from a pen wall;
- (v) Elevated twelve inches or more above the floor surface; and
- (vi) Constructed to provide 1.6 square feet of pen space per bird.

(b) Space requirements: In addition to the space required for prewash oiled bird rehabilitation holding pens, an additional 3.2 square feet of dedicated workspace must be provided in the prewash holding area for each bird held in the prewash holding area. The floor of the prewash holding area must be impermeable. Water must not accumulate on the floor.

(5) **Wash/rinse resource requirements:** Wash/rinse must occur in an indoor area. A bird must be provided wash/rinse space and associated resources within twenty-four hours after intake.

(a) Water requirements: A minimum of three hundred gallons of fresh water with the following characteristics must be made available within each wash/rinse space for each oiled bird being washed and rinsed:

(i) The water temperature must be adjustable and maintainable at any given temperature between 102°F - 108°F;

(ii) The water hardness must be maintained between 34 mg - 85 mg calcium carbonate/liter (2-5 grain hardness);

(iii) The water pressure must be maintained between 40 - 60 p.s.i.;

(iv) The water flow rate must be no less than two gallons per minute from the wash/rinse supply line measured with the wash/rinse nozzle in place; and

(v) All water requirements listed above must remain within the specified ranges at all times.

(b) Cleaning agent requirements: The only cleaning agents that may be used to remove oil from birds are liquid dishwashing detergents. Use of any other cleaning agent to remove oil from birds must be approved by the department prior to use.

(c) Space requirements: One hundred square feet of contiguous floor space must be provided for each group of sixteen live oiled birds, or portion of each group of sixteen, that are ready to be washed and rinsed. The floor of the wash/rinse area must be impermeable. Water must not accumulate on the floor.

(6) **Drying resource requirements:** Drying must occur in an indoor area. Oiled bird rehabilitation pen space and the associated dedicated workspace must be provided in the drying area. Drying must be accomplished by warming the air in the drying pen. The drying temperature must be adjustable and maintainable at any given temperature between 90°F - 106°F.

(a) Oiled bird rehabilitation drying pen requirements.

(i) Oiled bird rehabilitation drying pens must be:

(A) A minimum of three feet in length by two feet in width;

(B) At least two feet high;

(C) Constructed with knotless nylon net-bottoms with a stretched mesh size of one-half inch;

(D) Constructed so that no point within the pen is greater than two feet from a pen wall;

(E) Constructed to provide 2.7 square feet of pen space per bird; and

(F) Elevated twelve inches or more above the floor surface.

(ii) If prewash oiled bird rehabilitation holding pens meet the criteria for use as oiled bird rehabilitation drying pens and are used in the drying process, they must be cleaned of oil residue prior to use.

(b) Space requirements: In addition to the space required for oiled bird rehabilitation drying pens, an additional 3.2 square feet of dedicated workspace must be provided in the drying area for each bird held in the drying area. The floor of the drying area must be impermeable. Water must not accumulate on the floor.

(7) **Oiled bird rehabilitation pool resource requirements:** Oiled bird rehabilitation pools must be filled with fresh water. Oiled bird rehabilitation pool space must be provided immediately after a bird has been dried, and must be provided until the bird is released.

(a) Oiled bird rehabilitation pool requirements: Water from oiled bird rehabilitation pools may be reused within a facility if made oil-free. Each oiled bird rehabilitation pool must:

(i) Afford a minimum of seven and one-half square feet of water-surface space for each bird (e.g., a twelve-foot diameter oiled bird rehabilitation pool may not house more than fifteen birds);

(ii) Have dimensions so no point within the pool is greater than eight feet from a side of the pool;

(iii) Have a breathable cover to prevent birds from escaping;

(iv) Have a constant supply of water sufficient to maintain a depth of three feet and an exchange rate of not less than four and one-half times per day;

(v) Be constructed so that water exiting the pool comes from the surface of the pool so that floating debris and oil are removed.

(b) Space requirements: Oiled bird rehabilitation pools must be located within the oiled bird rehabilitation facility and constructed at least four feet away from another structure.

(8) **Semi-static areas:**

(a) Semi-static areas must be indoor areas constructed with impermeable floors. Water must not accumulate on the floor.

(b) Space requirements:

(i) When the total number of birds, on a given day, is less than fifty, there are no minimum space requirements for semi-static areas.

(ii) When the total number of birds, on a given day, is between fifty and one thousand, each semi-static area listed in Table 1, below, must be allocated the associated space.

(iii) When the total number of birds, on a given day, is between one thousand one and two thousand, each semi-static area listed in Table 1 must be allocated two times the associated space.

(iv) When the total number of birds, on a given day, is between two thousand one and three thousand, each semi-static area listed in Table 1 must be allocated three times the associated space, etc.

(v) Space for the semi-static areas listed in Table 1 must be accommodated within an oiled bird rehabilitation facility, with the exception of the morgue/necropsy area.

**Table 1**  
**Semi-static area space requirements by activity type.**

| Area            | Space       |
|-----------------|-------------|
| Morgue/necropsy | 250 sq. ft. |

|                       |             |
|-----------------------|-------------|
| Bird food preparation | 300 sq. ft. |
| Storage               | 100 sq. ft. |
| Freezers              | 100 sq. ft. |

(9) **Static areas:**

(a) Static areas must be indoor areas constructed with impermeable floors. Water must not be allowed to accumulate on the floor.

(b) Space requirements:

(i) When the total number of birds, on a given day, is less than fifty, there are no minimum space requirements for static areas.

(ii) When the number of birds, on a given day, exceeds fifty, each static area listed in Table 2 must be allocated the associated space.

(iii) All of the space associated with the areas listed in Table 2 must be accommodated within an oiled bird rehabilitation facility, with the exception of the laundry area.

**Table 2**  
Static area space requirements by activity type.

| Area                          | Space       |
|-------------------------------|-------------|
| Isolation/intensive care unit | 200 sq. ft. |
| Medical laboratory            | 200 sq. ft. |
| Laundry                       | 200 sq. ft. |
| Electrical                    | 100 sq. ft. |
| Mechanical                    | 250 sq. ft. |

(10) **Violation of facility requirements:**

(a) The department will give primary permittees who violate the provisions of this section twenty-four hours to correct the violations, or the department may suspend or revoke his or her oiled-wildlife endorsement.

(b) The department may reinstate a suspended oiled-wildlife endorsement on a case-by-case basis.

(11) A failure to correct oiled bird rehabilitation facility violations as required by this section is punishable under RCW 77.15.750, Unlawful use of a department permit—Penalty.

NEW SECTION

**WAC 232-12-871 Reporting receipt, death, carcass retention, and release of oiled birds.** (1) A primary permittee on a rehabilitation permit must have an oiled-wildlife endorsement or written department approval to retain oiled birds. If the primary permittee does not possess an oiled-wildlife endorsement, the permittee must transfer the oiled birds to a primary permittee who has an oiled-wildlife endorsement, or obtain department approval to retain the oiled birds.

(2) A primary permittee must notify the department within twenty-four hours of the receipt or death of oiled birds.

(3) A primary permittee must notify the department seventy-two hours prior to releasing oiled birds into the wild.

(4) A primary permittee must not dispose of dead oiled birds without obtaining prior department approval.

(5) A violation of this section is punishable under RCW 77.15.750, Unlawful use of a department permit—Penalty.