



# RULE-MAKING ORDER PERMANENT RULE ONLY

## CR-103P (December 2017) (Implements RCW 34.05.360)

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER  
STATE OF WASHINGTON  
FILED

DATE: March 01, 2019

TIME: 1:00 PM

WSR 19-06-038

**Agency:** Washington Department of Fish and Wildlife: 19-35

**Effective date of rule:**

**Permanent Rules**

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:**

The department amended rules in WAC chapter 220-450 to better clarify the requirements, restrictions, and best practices concerning wildlife rehabilitation for the public and to improve compliance with agency rules among wildlife rehabilitators.

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

New:

Repealed: WACs 220-450-210, 220-450-220

Amended: WACs 220-450-060, 220-450-070, 220-450-080, 220-450-090, 220-450-100, 220-450-110, 220-450-120, 220-450-130, 220-450-140, 220-450-150, 220-450-160, 220-450-170, 220-450-180, 220-450-190, and 220-450-200.

Suspended:

**Statutory authority for adoption:** RCW 77.04.012, 77.04.013, 77.04.020, 77.04.055, 77.12.047, 77.12.240, 77.12.467, 77.12.469, and 77.32.070.

**Other authority:** None

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

Adopted under notice filed as WSR 18-24-091 on December 3, 2018 (date).

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

WAC 220-450-060 Definitions—((Oiled-wildlife and)) Wildlife rehabilitation permits.

Change: In section (4) added the words "wildlife" and "static" to the sentence.

Rationale: "Wildlife" was suggested by a reviewer to reinforce the nature of the animal, such as opposed to captive-bred.

"Static" was added to conform to the term "static display" in the associated WAC, and make the distinction that these animals are not used in programs.

Change: In section (7) we refined the sentence structure.

Rationale: The sentence did not thoroughly define the term "hacking", omitting any suggestion of the provision of food. The placement of the word "temporary" was especially problematic implying that the birds may eventually be permanently possessed.

Change: In section (10) added a description to clarify imprinting.

Rationale: Imprinting is a difficult word to define in the context of wildlife rehabilitation and subject to dispute, therefore any additional detail to the definition is essential.

Change: In section (23) added defining language.

Rationale: There are two categories of subpermittees needing description in order to correspond to the associated WACs.

Change: In section (23) removed unnecessary language.

Rationale: "At the facility" was made redundant with language in the new definition.

Change: In section (24) added language.

Rationale: It is necessary to make clear that wildlife is the subject of taming.

Change: In section (25) added a description to define veterinary summaries.

Rationale: The term is in corresponding WACs but was not defined, therefore, wildlife rehabilitators could not know exactly what they needed to submit for compliance.

Supplemental Recommended Adjustments:

Change: In Section (5) Euthanasia added the word "and."

Rationale: The addition makes the sentence flow better.

Change: Deleted under (5) Euthanasia, "or inability to be rehabilitated to release."

Rationale: Advised by public comment that this phrase prevented the option of placing some animals in education display or programs, if all of the animals that could not be released had to be euthanized. The intent of (5) Euthanasia is to prevent animals from languishing in pain and suffering, and provide for protection of wild populations, and the public.

Change: Added "foster" means to serve as a conspecific surrogate parent or conspecific companion to wildlife in rehabilitation.

Rationale: Public comment indicated that "foster" was not clearly understood and needed to be defined.

Change: In "education animal" and (12) change "wild animal" to "wildlife."

Rationale: In RCW 77.08.010 "Wild animals" means those species of the class Mammalia..." whereas "wildlife" means all species of the animal kingdom whose members exist in Washington in a wild state. This definition is the correct definition because animals referred to in these rules can be all wildlife not just mammals.

Change: In (17) add the word "wildlife" to "animal."

Rationale: In RCW 77.08.010 "wild animals" means those species of the class Mammalia..." whereas "wildlife" means all species of the animal kingdom whose members exist in Washington in a wild state. This definition is the correct definition because animal can be all wildlife not just mammals.

Change: In (24) add the words "such as wildlife."

#### WAC 220-450-070 Wildlife rehabilitation permits-Requirements and restrictions.

Change: Capitalized minimum standards for wildlife rehabilitation.

Rationale: Minimum Standards for Wildlife Rehabilitation is the name of a book.

Change: In subsection (ii) added clarification language to the sentence.

Rationale: The addition makes it clear that 48 hours applies only to veterinarians who do not have a wildlife rehabilitation permit and not those with permits who may keep wildlife longer.

Change: In subsection (iii) added a sentence.

Rationale: The Wildlife Rehabilitation Advisory Committee felt that training could not be spread out over a long period of time and be effective. This was unintentionally omitted in the previous version.

Change: In subsection (iv) added clarification language to the sentence.

Rationale: Wildlife Rehabilitation Advisory Committee reviewers requested clarification of "good standing" to provide for consistency, and accept letters from only qualified permittees.

Change: In section (b) added clarification to veterinarian exemptions.

Rationale: Veterinarians felt the requirements would prohibit most veterinarians from becoming wildlife rehabilitators because of time constraints on their practice, and that their medical education augmented by wildlife courses substituted for some of the experience needed.

Change: In section (f)(iii) language was added to define facility "changes."

Rationale: These details were added to answer questions presented by wildlife rehabilitators about how they would know when to notify the department about changes and remain in compliance.

Change: In (4) large-carnivore rehabilitation endorsement, (i) the sentence was modified to allow for additional Large Carnivore Endorsement candidates.

Rationale: Public comment asserted that large carnivore wildlife biologists are qualified and capable of handling and restraining large carnivores, therefore may be credited partial experience.

Change: In (4) large-carnivore rehabilitation endorsement, (iii) added wording to define in "good standing."

Rationale: This was added to be consistent with the general wildlife rehabilitation permit requirement in (2)(iv), and assure that the letter was coming from a qualified wildlife rehabilitator.

Change: In (5) raptor rehabilitation endorsement, (d) the sentence was modified for clarification.

Rationale: This was added to be consistent with the general wildlife rehabilitation permit requirement in (2)(iv) and large carnivore endorsement in (4)(iii), and assure that the letter was coming from a qualified wildlife rehabilitator.

Change: In (6) raptors-only rehabilitation permits, (c) the sentence was modified for clarification.

Rationale: This was added to be consistent with the general wildlife rehabilitation permit requirement in (2)(iv) and large carnivore endorsement in (4)(iii), and assure that the letter was coming from a qualified wildlife rehabilitator.

Change: In (7) Oiled-wildlife rehabilitation endorsement, (b) the word "alcid" was replaced with wildlife.

Rationale: Word change to correct an error and include all wildlife.

Supplemental Recommended Adjustments:

Change: In (2)(a)(iv) added the word "and" and deleted the word "modified," and "or."

Rationale: "Modified" may present some confusion because permits can be modified in the form of a requested amendment by permittee, not necessarily because of permit and rule violations. This also addresses the public comment concern that modifying a permit may prevent a wildlife rehabilitation permit or endorsement candidate from obtaining a letter of recommendation from the permittee for possible unrelated species issues and negating all hours spent training at that facility.

Change: (3)(a) Changed "rehabilitative" to "and rehabilitate."

Rationale: Incorrect word.

Change: (4)(a)(i) Added "at the discretion of the department and on a case by case basis, wildlife biologists professionally employed as a large carnivore biologist with five hundred or more hours of documented experience may substitute a portion of the required hours for direct handling and experience."

Rationale: This language was added in response to public testimony. Professional large carnivore biologists are knowledgeable about large carnivore biology, behavior, and natural history, important to wildlife rehabilitation. If they are

experienced field biologists in handling or controlling large carnivores, they are aware of safety for both humans and the animals, and capable of handling these animals.

Change: In (4)(a)(iii) added the word “and” and deleted the word “modified,” and “or.”

Rationale: “Modified” may present some confusion because permits can be modified in the form of a requested amendment by permittee, not necessarily because of permit and rule violations. This also addresses the public comment concern that modifying a permit may prevent a wildlife rehabilitation permit or endorsement candidate from obtaining a letter of recommendation from the permittee for possible unrelated species issues and negating all hours spent training at that facility.

Change: In (5)(d) added the word “and” and deleted the word “modified,” and “or.”

Rationale: “Modified” may present some confusion because permits can be modified in the form of a requested amendment by permittee, not necessarily because of permit and rule violations. This also addresses the public comment concern that modifying a permit may prevent a wildlife rehabilitation permit or endorsement candidate from obtaining a letter of recommendation from the permittee for possible unrelated species issues and negating all hours spent training at that facility.

Change: In (6)(c) replaced “...recommendation from a currently permitted wildlife rehabilitator” to “letter of recommendation from a current primary permittee in good standing and who has not had a suspended or revoked wildlife rehabilitation permit within the last three years.”

Rationale: To make this phrase consistent with (2)(a)(iv), (4)(a)(iii), and (5)(d) eliminating the word “modified.”

#### WAC 220-450-080 Wildlife rehabilitation – Responsibilities of primary permittees and subpermittees.

Change: In section (1) Minimum Standards for Wildlife Rehabilitation, capitalization was required.

Rationale: Minimum Standards for Wildlife Rehabilitation is the title of a book.

Change: In section (2) additional language was added for clarification.

Rationale: There are two categories of subpermittees, this addition makes it clear that primary permittees are responsible for both categories.

Change: In section (2)(c) language was removed and added for clarification.

Rationale: The removal makes it clear that primary permittees must visit off-site subpermittees to oversee and manage properly the wildlife under their care. The written record allows the department to verify that visits were conducted.

Change: In section (2)(d) clarification language was added.

Rationale: Welfare of the wildlife is of primary concern, and reviewers felt another step requiring a primary permittee to regularly schedule visits and reporting would help assure good care.

Change: In section (2)(e) clarification language was added.

Rationale: Qualifications are different for on-site and off-site subpermittees, therefore, the distinction was added that the on-site subpermittee is authorized for this responsibility.

Change: In section (2)(f) language was added for clarification.

Rationale: Again, there are two categories of subpermittees, therefore, the distinctions must be made in the rule.

Change: In section (3)(c) language was added to require stricter qualifications for subpermittees.

Rationale: Both categories of subpermittees must be qualified to properly care for wildlife either at the primary facility or the subpermittee facility. These requirements were lacking in the previous WACs. The Wildlife Rehabilitation Advisory Committee felt that the requirements must added to ensure proper care of wildlife.

#### WAC 220-450-090 Wildlife rehabilitation – Permit modification, suspension, or revocation.

Change: In section (1)(a) added clarifying wording.

Rationale: It is permissible for wildlife rehabilitators to display wildlife remotely through camera monitors, CCTV, or one-way sound proof glass, and is not a revocable offense, which was not made clear in the original language.

Change: In section (1)(b) detail was added for clearer interpretation.

Rationale: A definition was added to aid in compliance and enforcement, and leave less room for interpretation of the term.

Change: In section (1) (add) an additional violation was added.

Rationale: Wildlife Rehabilitation Advisory Committee reviewers felt that clearly stating the separation of predators and prey, and improper association of species as violations was necessary to safeguard against this activity and ensure safety and welfare of the wildlife in rehabilitation.

Change: In section (2)(a) corrected word.

Rationale: Previous words did not make sense.

Change: In section (2)(b) clarifying and detailing language added.

Rationale: Addition was in response to concern that timelines were too short. Details were added to explain that timelines within compliance plans are case specific and individually set according to remedies.

Change: In section (3) changed “will” to “may.”

Rationale: There may be cases where inspections are not necessary or mandatory, therefore, the department is given the opportunity to make that determination.

Change: In section (3) deleted incorrect sentence and added correct wording.

Rationale: There may be cases where inspections are not necessary or mandatory therefore, the department is given the opportunity to make the determination to restore or amend a permit without the need for inspection.

Supplemental Recommended Adjustments:

Change: Changed title from “Permit revocation, modification, or suspension” to “Permit modification, suspension, or revocation.”

Rationale: This reversal of words reflects the step-wise order of compliance beginning in (2)(a).

Change: (1)(a) “Publicly displaying wildlife in rehabilitation or using wildlife in rehabilitation for public education” to “Directly displaying to the public wildlife in rehabilitation or directly using wildlife in rehabilitation for public education.”

Rationale: The purpose of this rule is to protect wildlife from stress and human disturbance. Wildlife in rehabilitation may be displayed remotely or indirectly to the public by cameras, CCTV, or one-way sound-proof glass because there are no adverse impacts or disturbances to the wildlife. Because wildlife facilities use these techniques to educate the public about wildlife and rehabilitation, there were fears that their permit would be in jeopardy for “displaying” wildlife.

Change: (2)(a) Replaced the words “and at” with “after.”

Rationale: No clear time was given for when the modification remedy could be done and the word “after” better designates a time.

Change: Language changed in (2)(b) to “the permit will be suspended and a requirement to adhere to a department-provided corrective action plan and timeline(s) in the corrective action plan will be imposed. The permittee must provide a response to, and apply compliance plan remedies within the timelines specified in the compliance plan.”

Rationale: In response to a comment regarding length of time in which to comply with department corrections and remedies, language was changed in this clause to make the remediation more understandable. There are timelines within the corrective action plans that are individually set case-by-case according to circumstances of the violations.

Change: In (3) replaced “will” with “may.”

Rationale: There may be times when an inspection is not needed and the flexibility of doing an inspection or not should be open to the department.

Change: In (3) deleted the sentence “The permittee may receive permit amendment of restoration pending permittee compliance and department-documented validation inspection.” Replaced it with “The department may amend the permit or restore the permit pending permittee compliance and department-documented compliance validation.”

Rationale: The wording is less confusing and better states the intent.

#### WAC 220-450-100 Wildlife rehabilitation – Facility requirements and inspections –On- and off-site care.

Change: In section (2) facilities, (f) replaced the words “of stock” with “of wildlife” in care.

Rationale: Stock is an improper word for wildlife and not used in the definitions for wildlife.

Change: In section (2) facilities (h) added language for clarification.

Rationale: The new wording makes it clear that wildlife may be transferred back to the wildlife rehabilitation facility once a primary permittee is associated with that facility.

Change: In section (3) removed language for clarification.

Rationale: This sentence became redundant with the above section and subsection and therefore removed.

Change: In section (4) oiled-wildlife facility requirement, changed the sentence structure for better clarification.

Rationale: Recommended by the department's Oil Spill Team that it was understood by all wildlife rehabilitators.

Change: In section (5) added oiled-wildlife facility requirements.

Rationale: Without this language the section appeared to refer to general wildlife rehabilitation facility requirements. These requirements apply only to oiled wildlife facilities.

Change: In section (6) added oiled-wildlife facility requirements.

Rationale: Without this language the section appeared to refer to general wildlife rehabilitation facility requirements. These requirements apply only to oiled wildlife facilities.

Change: In section (6) (a) replaced “or” with “of.”

Rationale: Erroneous word.

Change: In section (7) added oiled-wildlife facility requirements. Intake space requirements.

Rationale: Without this language the section appeared to refer to general wildlife rehabilitation facility requirements. These requirements apply only to oiled wildlife facilities.

Change: In section (8) added oiled-wildlife facility requirements. Stabilization resource requirements.

Rationale: Without this language the section appeared to refer to general wildlife rehabilitation facility requirements. These requirements apply only to oiled wildlife facilities.

Change: In section (9) added oiled-wildlife facility requirements. Wash/rinse resource requirements.

Rationale: Without this language the section appeared to refer to general wildlife rehabilitation facility requirements. These requirements apply only to oiled wildlife facilities.

Change: In section (10) added oiled-wildlife facility requirements. Drying resource requirements.

Rationale: Without this language the section appeared to refer to general wildlife rehabilitation facility requirements. These requirements apply only to oiled wildlife facilities.

Change: In section (12) added oiled-wildlife facility requirements. Semi-static areas.

Rationale: Without this language the section appeared to refer to general wildlife rehabilitation facility requirements. These requirements apply only to oiled wildlife facilities.

Change: In section (12)(ii) added wording for necessary direction.

Rationale: Two items were identified by the Oil Spill Team as acceptable for accomplishment off-site.

Change: In section (13) added oiled-wildlife facility requirements.

Rationale: Without this language the section appeared to refer to general wildlife rehabilitation facility requirements. These requirements apply only to oiled wildlife facilities.

Change: In section (13)(c)(iii) added wording for necessary direction.

Rationale: This item was identified by the Oil Spill Team as acceptable for accomplishment off-site.

Change: In section (13)(c) removed (iv) Electrical: One hundred square feet and (v) Mechanical: Two hundred square feet.

Rationale: Requested by the department's Oil Spill Team because these capacities are already existing in the facilities, so additional space for mechanical and electrical is not needed.

Change: In section (14)(c)(ii) removed European starling and added hummingbirds.

Rationale: European starling was removed to discourage the rehabilitation and release of this species. Wildlife Rehabilitation Advisory Committee reviewers suggested the addition of hummingbirds because of their need for over-night care.

Change: In section (14)(c)(vii) language was removed and added to this section for compliance with veterinary regulations.

Rationale: By law, veterinarians are the only practitioners in wildlife rehabilitation that can prescribe treatment. Primary permittees may direct subpermittees in husbandry and rehabilitation, and explain veterinarian prescribed treatment.

Change: In section (14)(c)(viii) language was removed and added to this section for wildlife welfare purposes.

Rationale: The requirement to return an animal to the primary facility for release evaluation was removed to decrease the number of times animals must be transported but still requires assessment for release by the primary permittee.

Change: In section (14)(e) (add) wording.

Rationale: Restriction was added in response to wildlife rehabilitator concerns that subpermittees are not experienced enough to practice on their own.

Supplemental Recommended Adjustments:

Change: Added in (12)(b)(ii)(C) and (D) may be accomplished off-site.

Rationale: This addition was requested by the WDFW Oil Spill Team because capacity is needed on-site, moving wildlife off site will not affect animal care.

Change: Added subpermittees may not operate their own facilities.

Rationale: Added in response to comments that subpermittees are not permitted to practice wildlife rehabilitation without an association with a primary permittee and may not perform all wildlife rehabilitation tasks and duties.

#### WAC 220-450-110 Wildlife rehabilitation – Releasing wildlife.

Change: In section (5)(e)(iii) added language to allow for care of amphibians.

Rationale: Wildlife rehabilitators must be allowed to feed reptiles and amphibians food purchased from reputable suppliers, therefore, language was added to allow for that. The previous sentence prohibited that practice.

#### WAC 220-450-120 Wildlife rehabilitation – Veterinary care.

Change: In section (1) edits to comply with state veterinary regulations.

Rationale: Veterinarians must report reportable diseases to the state, and some were uncomfortable with the previous language.

#### WAC 220-450-130 Wildlife rehabilitation – Records retention and reporting requirements.

Change: In section (1) added the word written and removed records.

Rationale: Reviewers asked for clarification on how to verify volunteer records. Forms will be supplied to wildlife rehabilitators.

Change: In section (3) added clarifying language.

Rationale: The person required to submit the report was not clear and could cause confusion, therefore "Primary Permittee" was added.

Change: In section (3) removed language for simplicity.

Rationale: "Prior year's records" is the definition of daily ledger, therefore redundant.

Change: In section (5) added language.

Rationale: Reviewers asked for this addition to make sure that, for ease of submission, it was an acceptable method of record submission.

Supplemental Recommended Adjustments:

Change: In (3) the language "The Primary Permittee must" was added.

Rationale: This clarified that it is a requirement for permittees to submit an annual report and daily ledger every year.

#### WAC 220-450-140 Wildlife rehabilitation – Falconers assisting with raptor rehabilitation.

Change: In section (1) language was added for clarification.

Rationale: Falconers may not raise any raptor orphans for purposes of rehabilitation which was not previously clearly stated, therefore hatchlings was added to avoid misunderstanding; misspelling of "nestling" was corrected.

Change: In section (4) Allowable activity for raptor conditioning was added.

Rationale: Public comment indicated that there was confusion as to where raptors in the conditioning phase could be housed. Therefore, we reinstated the clause that it is permissible for raptors to be housed at an approved falconry facility where the raptor is being conditioned.

Change: In section (4) language was removed for clarification.

Rationale: The department does not have the facilities or capacity to care for non-releasable raptors. We will assist rehabilitation facilities in placement.

Change: In section (5) language was added for clarity and understanding.

Rationale: The primary goal of wildlife rehabilitation is release to the wild, therefore the Wildlife Rehabilitation Advisory Committee felt it was counter to that goal for a falconer to acquire a bird for falconry after assisting with conditioning for release.

Supplemental Recommended Adjustments:

Change: Added that a falconer may house a raptor undergoing conditioning for release at an approved falconry facility that does not meet wildlife rehabilitation facility standards so long as the falconry facility meets the standards under department rule for housing raptors.

Rationale: Response to public comment. Falconers are permitted to condition raptors for release held on a primary permittee's wildlife rehabilitation permit. Public comment indicated that there was confusion as to where the raptor could be housed. It is permissible for the raptor to be housed at an approved falconry facility where the raptor is being conditioned.

#### WAC 220-450-150 Wildlife rehabilitation – Transfer, import, and export of wildlife and restrictions.

Change: In section (1) incorrect term was replaced with correct term.

Rationale: Certificate of Veterinary Inspection is the title of the document required by Washington State Department of Agriculture to import an animal into the state. The inspection (examination) must be done by a United States Department of Agriculture certified veterinarian.

Change: In section (4)(b) "beaver" was added.

Rationale: This was requested by WDFW game program to coincide with beaver management.

Change: And in section (c) language was removed for clarity.

Rationale: The term "among" was redundant in this case.

Change: In section (4)(c) language was added.

Rationale: This addition allows for regulated and monitored transfer of cervids in certain instances and under specific conditions.

Change: In section (4) a subsection was added.

Rationale: WDFW is very concerned about transmission of existing and emergent cervid diseases into and within Washington, and must protect the wild populations from disease infection. This section was added to strengthen restrictions on artificial cervid movement and transport around the state.

Change: In section (4)(d) language was added and deleted for clarification purposes.

Rationale: Reviewers were confused by the existing wording.

#### WAC 220-450-160 Wildlife rehabilitation – Possession of dead wildlife and wildlife parts.

Change: In section (2) to correct a spelling error.

Rationale: The word "rectrices" was missing the c.

Change: In section (3) language was added for consistency.

Rationale: This rule applies to all wildlife, not just birds, therefore the terms were corrected.

#### WAC 220-450-170 Wildlife rehabilitation – Disposition of nonreleasable and over-habituated, mal-imprinted, and tame wildlife and live retention for foster and education.

Change: In the title, changed mal-habituated to over-habituated.

Rationale: The term mal-habituated is rarely used therefore not easily understood. Over-habituated is more descriptive and more easily defined in the text of the WAC.

Change: In section (1)(b) added "static" in front of display and "program" in front of education.

Rationale: There are two types of public education – static display are animals that remain in cages for viewing, program animals are those that are removed from cages and used in an education program or presentation such as a raptor on the fist. Many species of animals are inappropriate for active programs, and must be protected through this rule by distinguishing the two types of education.

Change: In section (1)(c) replaced "of" with "or."

Rationale: This was a misspelling.

Change: In section (1)(e) language was added for clarification.

Rationale: WDFW strictly discourages exhibiting wildlife as pets. This language was added with the intent to make that clearer.

Change: In section (1)(f) language was added for clarification.

Rationale: It is critically important that all caution is taken not to tame, over-habituate (some "habituation" is needed in wildlife rehabilitation facilities to decrease stress on the animal), or imprint wildlife in a wildlife rehabilitation facility. The clearer the terms are presented, the more likely it can be avoided by wildlife rehabilitators, and evaluated by enforcement agents. The words static display and programs were again inserted to distinguish between the two types of uses of wildlife as education animals.

Change: In section (1)(k) language was added for clarification.

Rationale: Many species of wildlife are inappropriate as education animals, both in static display and in programs. Paying close attention to the Wildlife Rehabilitation Advisory Committee and other reviewers, these species were added to protect as many as possible from poor quality of life.

Supplemental Recommended Adjustments:

Change: Changed the WAC title from: "Wildlife rehabilitation—Disposition of nonreleasable and over-habituated, mal-imprinted, and tamed wildlife and live retention for foster and education" to "Wildlife rehabilitation—Disposition of nonreleasable and over-habituated, mal-imprinted, **or** tamed wildlife and live retention for foster and education."

Rationale: Wildlife does not need to meet the criteria for all three conditions, just one.

WAC 220-450-180 Wildlife rehabilitation – Euthanizing wildlife.

Change: In the first paragraph, added the word using to complete the sentence structure.

Rationale: The word “using” was inserted upon suggestion from a reviewer for ease of interpretation.

WAC 220-450-190 Wildlife rehabilitation – Disposing of wildlife remains.

Change: Replaced the word “burned” with “incinerated.”

Rationale: The department veterinarian recommended the word incinerated as a more appropriate term for the action.

Change: In section (1)(c) removed and replaced with correct language.

Rationale: Several wildlife rehabilitators clarified that the United States Fish and Wildlife Service does not impose a 30 day deadline on sending eagle carcasses to the National Repository, therefore the department did not want a restriction beyond what the federal guidelines require. Rehabilitators often wait to send eagle carcasses in large batches which can be more than 30 days.

WAC 220-450-200 Wildlife rehabilitation – Commercial uses.

Change: In section (4) added the words “wild” and “static” to the sentence.

Rationale: “wild” was suggested by a reviewer to reinforce the nature of the animal, such as opposed to captive-bred. “static” was added to conform to the term “static display” in the associated WAC, and make the distinction that these animals are not used in programs.

Change: In section (7) refined the sentence structure.

Rationale: The sentence did not thoroughly define the term “hacking” omitting any suggestion of the provision of food. The placement of the word “temporary” was especially problematic implying that the birds may eventually be permanently possessed.

Change: In section (10) added a description to clarify imprinting.

Rationale: Imprinting is a difficult word to define in the context of wildlife rehabilitation and subject to dispute, therefore any additional detail to the definition is essential.

Change: In section (23) added clarification language.

Rationale: There are two categories of subpermittees needing description in order to correspond to the associated WACs.

Change: In section (23) removed unnecessary language.

Rationale: “At the facility” was made redundant with language in the new definition.

Change: In section (25) added a description to clarify veterinary summaries.

Rationale: The term is in corresponding WACs but was not defined, therefore, wildlife rehabilitators could not know exactly what they needed to submit for compliance.

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

Name:

Address:

Phone:

Fax:

TTY:

Email:

Web site:

Other:

**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:**

Federal statute:	New	___	Amended	___	Repealed	___
Federal rules or standards:	New	___	Amended	___	Repealed	___
Recently enacted state statutes:	New	___	Amended	___	Repealed	___

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

New	___	Amended	___	Repealed	___
-----	-----	---------	-----	----------	-----

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

New \_\_\_\_ Amended 15 Repealed 2

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

New \_\_\_\_ Amended \_\_\_\_ Repealed \_\_\_\_

**The number of sections adopted using:**

Negotiated rule making: New \_\_\_\_ Amended \_\_\_\_ Repealed \_\_\_\_  
Pilot rule making: New \_\_\_\_ Amended \_\_\_\_ Repealed \_\_\_\_  
Other alternative rule making: New \_\_\_\_ Amended \_\_\_\_ Repealed \_\_\_\_

**Date Adopted:** February 9, 2019

**Name:** Brad Smith

**Title:** Chair, Washington Department of Fish and Wildlife Commission

**Signature:**





**WAC 220-450-060 Definitions—(~~Oiled wildlife and~~) Wildlife rehabilitation permits.** For the purposes of WAC 220-450-070 through 220-450-220, the following definitions apply:

- (1) (~~"Bird" means any wild animal of the class Aves.~~)
- (2) ~~"Dedicated workspace" means the minimum amount of floor space necessary to maintain access to oiled bird rehabilitation pens.)~~ "Alcid" means a bird of the family Alcidae. The alcid family includes murre, guillemots, auklets, puffins, and murrelets.
- (2) "Daily ledger" means a record, kept current daily and available for inspection, documenting all wildlife admissions, transfers, releases, and deaths; reason for admission; case number, date of admission; date of release, transfer, euthanasia, or other type of disposition; any tag or band numbers.
- (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.~~)
- (5) "Education animal" means a permanently injured or otherwise nonreleasable wildlife permitted to be kept in permanent confinement on public static display or used in educational programs.
- (5) "Euthanasia" means compassionate killing with a minimum of pain and distress, in a timely manner, and safely to prevent disease transmission, public health or human safety risks, or prolonged or unrelenting animal suffering due to illness, injury, unremitting pain.
- (6) "Foster" means to serve as a conspecific surrogate parent or conspecific companion to wildlife in rehabilitation.
- (7) "Habituate" means an animal stops responding to frequently occurring stimuli (like noises, sights or smells) because no negative consequences occur; it may be temporary and reversible or behavior may become ingrained (i.e., taming) and prevent return to the wild. See "Tame."
- (8) ~~"Hacking" means ((the release, sometimes temporary, of a raptor to the wild so that it may survive on its own.~~
- (6) ) to transition a young raptor using temporary release to the wild and allowing it to return for food and shelter while learning to hunt and survive on its own.
- (9) "Humane" means providing care such as water, food, safe handling, clean facilities, medical treatment, and euthanasia if needed, and conditions including environments sensitive to species-typical biology and behavior, with the intent to minimize fear, pain, stress, and suffering.
- (10) "Imping" means a method of replacing a broken feather 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)).
- (11) "Imprinting" means ((when a very young animal fixes its attention on and follows the first object or creature it sees, hears, or touches, and)) a period of rapid learning occurring during a brief critical period typically soon after birth or hatching that establishes a strong and long-lasting attachment to a specific individu-

al or object, such as to a parent where the animal becomes socially, and later sexually, bonded to that object or creature, identifying itself ((as whatever)) irreversibly as the species it imprints upon.

~~((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, washing and rinsing, drying, necropsy, and preparing bird food.~~

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

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

~~(11)) (12) "Mal-imprinting" means imprinting on a species not its own, preventing the animal's return to the wild.~~

(13) "Nonreleasable" means wildlife that cannot be released with a reasonable potential for survival in the wild due to physical or psychological impairment, such as the inability to express species-specific appropriate behavior, including the ability to hunt or forage, recognize threats; or is tamed or mal-imprinted.

(14) "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.

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

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

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

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

(16) "Oiled ((bird)) wildlife rehabilitation facility" is a specifically permitted type or portion of a wildlife rehabilitation facility ((and means the indoor and outdoor areas)) used for the rehabilitation of oiled ((birds)) wildlife.

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

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

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

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

~~(21))~~ (18) "Patient record" means a record, kept current daily and available for inspection, documenting each wildlife animal's species, age and sex; daily care including feeding, watering, and cleaning; medical care; and veterinary notes regarding treatment and health of wildlife in the permittee's care.

(19) "Primary permittee" means the person listed on the wildlife rehabilitation permit who ~~((originally applied))~~ applies for and ~~((received the permit and is licensed to practice))~~ receives a wildlife rehabilitation ~~((-~~

~~(22))~~ permit and is responsible for monitoring and approving any subpermittee's conduct and practices; also, "wildlife rehabilitator."

(20) "Principal veterinarian" means a licensed veterinarian who agrees, in writing, to ~~((assist, direct, and oversee a wildlife rehabilitator in conducting))~~ provide and direct, timely, appropriate veterinary medicine in conjunction with wildlife rehabilitation services and activities.

~~((23))~~ (21) "Public display" means to place or locate wildlife so that they may be viewed by the public.

~~((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, conducting necropsies, and storing and freezing items.~~

~~(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 isolation/intensive care units, medical laboratories, laundry facilities, and electrical and mechanical equipment.~~

~~(26))~~ (22) "Record" means the wildlife rehabilitation permit(s) associated with a particular facility and permittee(s); daily ledger; patient records; and annual wildlife rehabilitation reports.

(23) "Stabilize for transport" means life-threatening injuries are addressed including patient airway is clear, patient is hydrated, hemorrhage is controlled, shock is treated, and broken bones are immobilized.

(24) "Subpermittee" means person or persons listed on the primary permittee's ~~((also "wildlife rehabilitator"))~~ wildlife rehabilitation permit who care for wildlife ~~((away from the rehabilitation))~~ either at the facility as the primary caretaker in the primary permittee's temporary absence or at an off-site 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))~~ permittee.

(25) "Tame" means an animal, such as wildlife, purposefully seeks out human company and social interaction, care, or attention, does not reject human handling, and learns to not fear humans, all of which prevents the animal's return to the wild.

(26) "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.~~

~~(29))~~ (27) "Veterinary summaries" means those findings, treatments, and directives written by a veterinarian in summary form and submitted to the wildlife rehabilitation facility.

(28) "Wildlife rehabilitation" means the care and treatment of injured, diseased, oiled, or ~~((abandoned))~~ orphaned wildlife~~((7))~~ including, but not limited to, capturing, transporting, treating, feeding, housing, and conditioning animals so they can be released back to the wild.

~~((30))~~ (29) "Wildlife rehabilitation facility," or "facility," means the authorized site(s), as shown on the wildlife rehabilitation permit, where treatment and rehabilitation of wildlife takes place.

~~((31))~~ (30) "Wildlife rehabilitation permit" means a permit issued by the director that authorizes a person to practice wildlife rehabilitation.

~~((32))~~ (31) "Wildlife rehabilitator" means a person who conducts wildlife rehabilitation and possesses a current wildlife ~~((rehabilitator))~~ rehabilitation permit from the department.

**WAC 220-450-070 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.))~~ **Purpose.** The purpose of the wildlife rehabilitation permit is to ensure that humane care and treatment is provided for wildlife in rehabilitation including all aspects of animal welfare as stated in, but not limited to, the most current edition of the National Wildlife Rehabilitators Association and International Wildlife Rehabilitation Council's Minimum Standards for Wildlife Rehabilitation with the goal of relieving suffering and release back to the wild.

(a) All wildlife held under a wildlife rehabilitation permit remains the property of the state held in trust for Washingtonians and is controlled and regulated by the state.

(b) A wildlife rehabilitation permit is required to take, temporarily possess, and transport wildlife for the purpose of rehabilitation, with the following exceptions:

(i) Public transport. Members of the public may capture and transport injured and orphaned wildlife if it is safe to do so to a wildlife rehabilitation facility; the public must transport injured wildlife to a permitted wildlife rehabilitator within twenty-four hours.

(ii) Veterinary care. Veterinarians without a wildlife rehabilitation permit may provide stabilization for transport or euthanize wildlife for humane reasons; veterinarians without a wildlife rehabilitation permit must arrange transport for orphaned or injured wildlife within forty-eight hours to a permitted wildlife rehabilitator.

**(2) Wildlife rehabilitation permits.**

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

(i) Is at least eighteen years of age;

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

~~((iii))~~ (iii) 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. This training and experience must be completed within a three-year period. The department, at its discretion, may consider education in wildlife rehabilitation to suffice as a partial substitute for experience;

~~((iii))~~ (iv) Submits to the department a written letter of recommendation from a ~~((wildlife rehabilitator))~~ current primary permittee in good standing and who has not had a suspended or revoked wildlife rehabilitation permit within the last three years and who has two or more years of experience in wildlife rehabilitation ~~((and who agrees to advise the applicant in performing wildlife rehabilitation))~~;

~~((iv))~~ (v) Submits to the department a ~~((written agreement))~~ signed Principal Veterinarian Agreement form from a veterinarian who is willing to serve as the principal veterinarian for the applicant;

~~((v))~~ (vi) Successfully completes the Washington state general wildlife rehabilitation examination by correctly answering eighty per-

cent or more of the questions. An applicant who fails the exam may re-take it beginning fourteen days from the date of the failed exam; and

~~((vi))~~ (vii) Possesses, is employed by, or volunteers at ~~((suitable))~~ facilities that ~~((are inspected and approved by the department))~~ have been inspected and approved by the department and meet department standards, and meet current minimum standards for wildlife rehabilitation as stated in, but not limited to, the most current edition of the National Wildlife Rehabilitators Association and International Wildlife Rehabilitation Council's Minimum Standards for Wildlife Rehabilitation. New wildlife rehabilitation permits must be signed and returned to the department by the permittee no later than fourteen days from the date of receipt.

A new wildlife rehabilitation permit is only valid when signed by the permittee and the department permitting representative.

(b) Veterinarians are exempt from the requirements in (a) ~~((ii) through))~~ (iv) and (v) of this subsection; veterinarians may be partially exempt from the requirements in (a) (iii) of this subsection if their formal education or practical training is in wildlife medicine. Applicants living in states with boundaries contiguous with Washington state whose wildlife rehabilitation activities occur in Washington, for Washington wildlife, and/or has or works for a facility in Washington may apply for a Washington wildlife rehabilitation permit.

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

Inactive permit applications. Permit applications greater than three years old from the date of signature will be classified as inactive. Applicant must submit a new complete and current application to be considered. If exam was taken greater than three years from the date of the new application, the applicant must retake the exam.

(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 current 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. These changes include:

(i) Permitted rehabilitator leaving the facility;

(ii) Subpermittees leaving the facility;

(iii) Major changes or additions in animal housing and enclosures that would affect number of individuals and/or permitted species;

(iv) Change in principal veterinarian;

(v) Facility address;

(vi) Adding facilities.

(g) The department may refuse to issue a wildlife rehabilitation permit to an applicant if within the last ten years of the date of the application the applicant:

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

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

~~(3))~~ neglect, or abuse.

(iii) Found guilty of practicing veterinary medicine without an active license, as determined by the veterinary board of governors.

(iv) Fails to meet any of the above requirements.

(3) Cervid endorsement.

(a) A person must possess a cervid rehabilitation endorsement to house and rehabilitate cervids;

(b) Must have completed hands-on training hours for one complete season March through October focused on cervid wildlife rehabilitation with a current primary permittee endorsed for cervid rehabilitation, and submit to the department a written letter of recommendation from that primary permittee;

(c) Must attend the cervid training provided by the department, which may include updated training at time of permit renewal; and

(d) Possess department inspected approval facilities suitable for cervid species listed on the permit and as required by department rules and the current standards as stated in the National Wildlife Rehabilitators Association and International Wildlife Rehabilitation Council's Minimum Standards for Wildlife Rehabilitation.

(4) 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)) (a) Have at least ((three months, or)) five hundred documented hours, of direct safety, handling, and medical care in a current wildlife rehabilitation practice with ((and handling of)) large carnivores; at the discretion of the department and on a case-by-case basis, wildlife biologists professionally employed as a large carnivore biologist with five hundred or more hours of documented experience may substitute a portion of the required hours for direct handling and experience;

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

((iii)) (c) Submits to the department a written letter of recommendation from a ((wildlife rehabilitator)) current primary permittee in good standing and who has not had a suspended or revoked wildlife rehabilitation permit within the last three years and 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)) (d) Successfully completes 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)) (e) Possess department-inspected and department-approved facilities suitable for large carnivores as required by department rule and the current 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)) as stated in, but not limited to, the most current edition of the National Wildlife Rehabilitators Association and International Wildlife Rehabilitation Council's Minimum Standards for Wildlife Rehabilitation.

(5) 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))~~ five 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))~~ as stated in, but not limited to, the most current edition of the National Wildlife Rehabilitators Association and International Wildlife Rehabilitation Council's Minimum Standards for Wildlife Rehabilitation; and

(d) Submits to the department a written letter of recommendation from a ~~((wildlife rehabilitator))~~ current primary permittee in good standing and who has not had a suspended or revoked wildlife rehabilitation permit within the last three years and who has two or more years of experience in raptor rehabilitation ~~((and who agrees to advise the applicant in performing raptor rehabilitation)).~~

~~((+5))~~ (6) Raptors-only rehabilitation permits. ~~((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))~~ The department may issue raptor-only rehabilitation permits that allow a person to rehabilitate only raptors and no other wildlife. To qualify for these permits, an applicant must:

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

(b) Successfully complete the raptor rehabilitation reexamination by correctly answering eighty percent or more of the questions. An ap-



plicant who fails the examination may retake it beginning fourteen days from the date of the failed exam;

(c) Submits to the department a written letter of recommendation from a current primary permittee in good standing and who has not had a suspended or revoked wildlife rehabilitation permit within the last three years and who has two or more years of experience in raptor rehabilitation and who agrees to advise the applicant in performing raptor rehabilitation; and

(d) Posses department inspected and approved facilities suitable for raptor housing and rehabilitation as required by department rule and as stated in, but not limited to, the most current edition of the National Wildlife Rehabilitators Association and International Wildlife Rehabilitation Council's Minimum Standards for Wildlife Rehabilitation.

**(7) Oiled-wildlife rehabilitation endorsement.**

(a) A person must have an oiled-wildlife endorsement or written department approval to retain oiled wildlife. If the primary permittee does not possess an oiled-wildlife endorsement, the permittee must transfer the oiled wildlife to a primary permittee who has an oiled-wildlife endorsement, or obtain department approval to retain the oiled wildlife.

(b) The department may issue an oiled-wildlife endorsement to permitted rehabilitators who possess or have permission to use department-approved facilities suitable for oiled-wildlife rehabilitation as required by department rule. For minimum housing/pen and pool requirements for oiled species other than alacids, refer to the most current edition of the National Wildlife Rehabilitators Associations and International Wildlife Rehabilitation Council's Minimum Standards for Wildlife Rehabilitation.

**(8) Permittee-requested permit amendments.** A wildlife rehabilitator may ask for permit amendments for:

(a) Changes to permitted species and capacity by submitting a revised species information page from the department-provided application;

(b) Changes to subpermittees by submitting the wildlife rehabilitation subpermittee application; and

(c) Addition of an education or foster animal by submitting the live animal retention application.

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

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

(b) Documentation demonstrating (~~ten hours or more~~) at least thirty hours of continuing education during the previous three-year permit period. Continuing education includes:

(i) Documented attendance at state wildlife rehabilitator meetings (~~, NWRA annual meetings, or IWRC~~) or at Washington Wildlife Rehabilitation Association conference, or National Wildlife Rehabilitators Association annual symposium(~~s~~);

(ii) A certificate of completion of an (~~IWRG~~) International Wildlife Rehabilitation Council online or in-person class or workshop;

(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 department preapproved training with a currently licensed wildlife rehabilitator; or

(vi) Other continuing education activities as ~~((approved))~~ preapproved by the department ~~((  
-8-))~~;

(vii) Renewed wildlife rehabilitation permits must be signed and returned to the department by the permittee no later than fourteen days from the date of receipt;

(viii) A renewed wildlife rehabilitation permit is valid only when signed by the permittee and the department permitting representative.

**(10) 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))~~ as long as the permittee meets the conditions for permit renewal.

(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))~~ submits a current and complete department provided wildlife rehabilitation permit application;

(ii) Possesses, is employed by, or volunteers at facilities that have been inspected and approved by the department and meet department standards for treating and housing wildlife for rehabilitation; meet current minimum standards for wildlife rehabilitation as stated in, but not limited to, the most current edition of the National Wildlife Rehabilitators Association and International Rehabilitation Council's Minimum Standards for Wildlife Rehabilitation;

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

~~((9))~~ **(11) 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))~~ **(12)** 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~~)) (13) 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.

**WAC 220-450-080 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.))~~ Primary permittees and subpermittees are responsible for abiding by all permit terms and conditions, reporting and record requirements, and compliance with state and federal regulations when conducting wildlife rehabilitation or actions associated with wildlife rehabilitation and in accordance with the most current edition of the National Wildlife Rehabilitators Association and International Wildlife Rehabilitation Council's Minimum Standards for Wildlife Rehabilitation.

(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))~~ is directly responsible for both on-site and off-site subpermittees' actions related to wildlife rehabilitation under his or her primary permit.

(a) The primary permittee must submit a completed application provided by the department for each subpermittee;

(b) A primary permittee may have no more than two off-site subpermittees at one time;

(c) A primary permittee must visit the off-site subpermittee at least once a week if the subpermittee has wildlife at his or her facility and is caring for wildlife; a written record must be kept for those visits;

(d) The primary permittee must submit a quarterly report of visits to and animals at off-site subpermittee facilities on the form provided by the department;

(e) An on-site subpermittee is authorized and responsible for managing the wildlife rehabilitation activities at the permitted facility in the temporary absence of the primary permittee; and

(f) A primary permittee must notify the department within ten business days of removing or adding a subpermittee or changing the address of ((a)) an off-site subpermittee's ((facilities)) facility using the application provided by the department.

(3) In addition to subsection (1) of this section subpermittees must also:

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

(b) Be eighteen years of age or older;

(c) ~~((Be))~~ Been employed by or a registered volunteer for the primary permittee's wildlife rehabilitation facility and demonstrate at least three hundred documented hours at the facility, at least one month of this experience must occur during the spring or summer, have assisted with 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; and

(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 subpermittee is punishable under RCW 77.15.750(1), Unlawful use of a department permit—Penalty.

**WAC 220-450-090 Wildlife rehabilitation—Permit (~~(revocation, modification, or suspension)~~) modification, suspension, or revocation.**

(1) The department may (~~revoke,~~) modify, (~~or~~) suspend, or revoke a wildlife rehabilitation permit if the primary permittee or a subpermittee violates any department rule related to wildlife possession, wildlife rehabilitation, wildlife trafficking, or permit conditions (~~of the permit. Such~~). Other 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)) Directly displaying to the public wild- life in rehabilitation or directly using wildlife in rehabilitation for public education (~~or profit;~~~~
- ~~(h) Improperly handling, imprinting, habituation));~~
- (b) Mal-imprinting, over-habituation to where animals lose fear of humans and predators, or taming wildlife in relation to humans or domestic animals at the facility; (~~or~~
- ~~(i) Failing to maintain a daily patient log or ledger))~~
- (c) Cohousing predators and prey in the same enclosure or room where prey can hear or see predators;
- (d) A primary permittee or a subpermittee, within the last ten years, was:

- (i) Convicted of a fish or wildlife offense; or
- (ii) Convicted of any offense involving animal or child cruelty, neglect, abuse, or found guilty practicing veterinary medicine without an active license, as determined by the veterinary board of governors.

(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 220-450-210,~~ 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)) shall, in this order:~~

- (a) Receive written warning(s) outlining remedies and a deadline of not less than seven days to come into compliance after which time the department may impose permit modification to remedy those violations.

(b) If, after fourteen days, the permittee continues to be non-compliant, the permit will be suspended and a requirement to adhere to a department-provided corrective action plan and timeline(s) in the corrective action plan will be imposed. The permittee must provide a response to and apply compliance plan remedies within the timelines specified in the compliance plan.

(3) In conjunction with the written warning, permit modification or permit suspension, the department may conduct inspections to verify compliance. The department may amend the permit or restore the permit pending permittee compliance and department-documented compliance validation.

(4) A primary permittee will have the permit revoked if written warnings, permit modifications, compliance plan remedies, and permit suspension processes with concurrent inspections do not result in permittee compliance. Nothing in this section prevents the department from acting immediately to remove animals or suspend or revoke wildlife rehabilitation permits in case of documented animal cruelty or adverse animal welfare.

(5) 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 and transfer those wildlife to another primary permittee's ((wildlife)) facility.

((+4)) (6) 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, subpermittee, or both.

((+5)) (7) The department may use subject matter experts, internal department staff, and external wildlife rehabilitators to review proposed permit modifications, suspensions, or revocations to determine if the proposed department actions reflect current standards of wildlife rehabilitation practice, meet current state wildlife rehabilitation needs, and are in the best interest of the future of wildlife rehabilitation in the state.

Permittees whose rehabilitation permit is revoked may reapply for a new permit three years after the date of revocation. Upon application, the department will consider previous rehabilitation permit performance and the nature of the previous noncompliance or violations when determining whether to issue a new permit. The department will deny an application if the basis for revocation has not been, or is not likely to be resolved.

(8) 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.

**WAC 220-450-100 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 subpermittees 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))~~ most current edition of National Wildlife Rehabilitators Association ~~((NWRA), and the)~~ and 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.))~~

(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))~~ visual and auditory stressors.

(d) The wildlife rehabilitation facility must provide physical and visual separation from on-site domestic animals.

(e) Wildlife rehabilitation facilities must designate separate and exclusive rooms used only for wildlife housing, treatment, feeding, food preparation, and rehabilitation. It is unlawful to house, treat, or ~~((handle wildlife in other parts of the residence. It is unlawful to house or treat))~~ care for wildlife anywhere human food is prepared, stored, or consumed.

~~((e))~~ (f) Primary permittee shall report immediately to the department any department surveilled wildlife disease. If the director determines that such outbreak presents a threat to the wildlife of the state, the director may immediately order such action as necessary including quarantine or destruction of wildlife in care, sterilization of enclosures and facilities, cessation of activities, and disposal of wildlife in a manner satisfactory to the director.

(g) 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))~~ (h) 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 until a primary permittee is found.



(3) All facilities must be listed on the permittees' permits.

(4) **Oiled-wildlife facility requirements.** The facility requirements described in this section address the health and safety of oiled alcids. For minimum housing/pen and pool requirements for species other than alcids, refer to the most current edition of the National Wildlife Rehabilitators Association and International Wildlife Rehabilitation Council's Minimum Standards for Wildlife Rehabilitation.

(5) **Oiled-wildlife facility requirements - Air temperature and air exchange requirements within indoor areas.**

(a) Air temperature: A permittee must ensure that the air temperature in all indoor areas where live birds are housed 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 stabilization areas must be air-temperature controlled independently of other oiled bird rehabilitation facility areas. However, intake and stabilization 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 permittee must ensure that all indoor areas where live birds are housed allow the exchange of the air volume a minimum of ten times per hour with fresh air from outside.

(c) The fresh-air exchange rate for any given indoor area may be reduced by up to ninety percent of the fresh air by use of an air-recirculation system that employs a high efficiency particulate air (HEPA) filter and an activated carbon filter.

(6) **Oiled-wildlife facility requirements.** When the number of birds in an oiled bird rehabilitation facility at a given time exceeds fifty, the following requirements also apply:

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

(b) 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;

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

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

(7) **Oiled-wildlife facility requirements - Intake space requirements.** 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 are awaiting intake. The floor of the intake space must be impermeable and water must not be allowed to accumulate on the floor.

(8) **Oiled-wildlife facility requirements - Stabilization resource requirements.** Stabilization must occur in an indoor area. Oiled bird rehabilitation pen space and the associated dedicated workspace must be provided in the stabilization area.

(a) Pen requirements: Oiled-wildlife pens must be constructed to minimize potential injury, provide ventilation and meet species-specific husbandry requirements as defined below or, for nonalcids, as

documented in the current edition of the National Wildlife Rehabilitators Association and International Wildlife Rehabilitation Council's Minimum Standards for Wildlife Rehabilitation.

(b) For oiled alcids, stabilization pens must be:

(i) At least two feet in length by two feet in width, by two feet tall;

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

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

(iv) Constructed to provide a minimum of at least 1.6 square feet of pen space per bird.

(c) Space requirements: In addition to the space required for the oiled bird stabilization pens, a minimum of an additional 3.2 square feet of dedicated workspace must be provided in the stabilization area for each bird held in that area. The floor of the stabilization area must be impermeable and water must not be allowed to accumulate on the floor.

(9) **Oiled-wildlife facility requirements - Wash/rinse resource requirements.** Wash/rinse must occur in an indoor area. A bird must have wash/rinse space and associated resources made available within twenty-four hours after intake.

(a) Water requirements: A minimum of three hundred gallons of fresh water with the following characteristics must be available within each wash/rinse space for each oiled bird being washed and rinsed. All water requirements listed below must remain available within the specified range at all times.

(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.

(b) 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 and water must not be allowed to accumulate on the floor. Wastewater from wash stations should be disposed of appropriately.

(10) **Oiled-wildlife facility requirements - 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 maintained at any given temperature between 90°F - 106°F.

(a) Pen requirements. Oiled-wildlife pens must be constructed to minimize potential injury, provide ventilation and meet species-specific husbandry requirements as defined below or, for nonalcids, as documented in the current edition of the National Wildlife Rehabilitators Association and International Wildlife Rehabilitation Council's Minimum Standards for Wildlife Rehabilitation.

(b) For alcids, drying pens must be:

(i) At least two feet in length by two feet in width, by two feet tall;

(ii) Constructed with knotless nylon net-bottoms with one-half inch mesh size;

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

(iv) Constructed to provide a minimum of 2.7 square feet of pen space per bird.

(c) Space requirements: In addition to the space required for drying pens, a minimum of an additional 3.2 square feet of dedicated workspace must be provided in the drying area for each bird held in that area. The floor of the drying area must be impermeable and water must not be allowed to accumulate on the floor.

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

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

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

(ii) Have a breathable cover available for use to prevent birds from escaping;

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

(iv) 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:

(i) For alcids, a minimum of 7.5 square feet of water-surface space should be provided for each bird (e.g., a twelve-foot diameter oiled bird rehabilitation pool may not house more than fifteen alcids);

(ii) For nonalcids, pools must meet the species-specific husbandry requirements as documented in the most current edition of the National Wildlife Rehabilitators Association and International Wildlife Rehabilitation Council's Minimum Standards for Wildlife Rehabilitation;

(iii) Oiled bird rehabilitation pools must be located within the area of the oiled bird rehabilitation facility and constructed at least four feet away from other structures.

(12) **Oiled-wildlife facility requirements - Semi-static areas.**

(a) Semi-static areas are spaces within an oiled bird rehabilitation facility where the required size of the space will vary relative to the number of birds present in the facility. Semi-static areas must be areas with impermeable floors and water must not be allowed to accumulate on the floor.

(b) Space requirements:

(i) When the total number of birds in a facility is less than fifty, there are no minimum space requirements for semi-static areas;

(ii) When the total number of birds in a facility is between fifty and one thousand, each semi-static area listed below must be allocated the indicated space:

(A) Morgue/necropsy: Two hundred fifty square feet.

(B) Animal food preparation: Three hundred square feet.

(C) Dry storage: One hundred square feet. May be accomplished off-site.

(D) Animal food freezer: One hundred square feet. May be accomplished off-site.

(iii) When the total number of birds in a facility is between one thousand one and two thousand, each semi-static area listed above must be allocated two times the associated space;

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

(v) Space for the semi-static area listed above must be accommodated as a part of an oiled bird rehabilitation facility.

**(13) Oiled-wildlife facility requirements - Static areas.**

(a) Static areas are dedicated spaces within an oiled bird rehabilitation facility where the required size of the space does not vary, regardless of the number of animals in the facility. Static areas must be indoor areas with impermeable floors and water must not be allowed to accumulate on the floor.

(b) Space requirements:

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

(ii) When the number of birds in a facility exceeds fifty, each static area listed below must be allocated the associated space.

(iii) All of the space associated with the areas listed below must be accommodated as a part of an oiled bird rehabilitation facility.

(c) Static area space requirements by activity type:

(i) Isolation/intensive care unit: Two hundred square feet;

(ii) Medical lab: Two hundred square feet;

(iii) Laundry: Two hundred square feet; may be accommodated off-site.

(14) Off-site facilities and 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)) most current edition of the National Wildlife Rehabilitators Association and International Wildlife Rehabilitation Council's 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 off-site subpermittee only houses and cares for 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)) Eastern gray squirrels, Douglas squirrels, opossum, mallard ducks, pheasant, quail, rock dove, American robin, black-capped chickadee, chestnut-backed chickadee, song-sparrow, dark-eyed junco,

white-crowned sparrow, house finch, house sparrow, and hummingbirds if the primary permittee is permitted for those species;

(iii) The number of wildlife animals held at the off-site facility does not exceed the total capacity of the primary facility so that the primary facility does not use the off-site subpermittees to increase capacity;

(iv) The primary permittee would not exceed their permitted capacity if animals were returned from the off-site subpermittee;

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

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

~~((v))~~ (vii) The subpermittee follows a treatment plan developed by the veterinarian or directions from the 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))~~;

(viii) 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. It is unlawful for an off-site subpermittee to release wildlife from their facility without a release evaluation by the primary permittee.

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

~~((4))~~ (f) Off-site subpermittees may not operate their own facilities.

(15) 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.~~

~~(e))~~ Fish and wildlife officers or other agents of the department may inspect without warrant or advanced notice at reasonable times and in a reasonable manner all wildlife rehabilitation facilities and premises, cages, enclosures, all records required by the department for wildlife rehabilitation, and all equipment, and animals.

(b) 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)) (16) 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.

**WAC 220-450-110 Wildlife rehabilitation—Releasing wildlife.**

(1) ~~((A primary permittee must release))~~ Rehabilitated wildlife ((ac-  
ording to subsection (3) of this section)) must be released as soon  
as the animal is deemed physically, behaviorally, and psychologically  
~~((capable of surviving in))~~ fit and conforming to the species natural  
history to increase successful reintegration into the wild.

(2) It is unlawful to hold wildlife for rehabilitation longer  
than one hundred eighty days. A primary permittee must obtain depart-  
ment authorization if ~~((he or she wishes to retain wildlife))~~ the ani-  
mal requires care 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 suit-  
able placement for the wildlife, or the wildlife)) may grant a time  
extension if wildlife is over-wintering, molting, ~~((or))~~ completing  
recovery, or waiting for suitable placement.~~

(3) ~~((A primary permittee must release))~~ Wildlife must be re-  
leased at locations using methods and protocol to minimize stress on  
released animal; disease free; and into the same area from which the  
wildlife was taken ~~((If))~~ unless doing this poses a substantial risk  
to the health or safety of the released wildlife or humans ~~((, the per-  
mittee may release the wildlife)); or at a location within ~~((its nor-  
mal individual))~~ the wildlife's normal species 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)) if location of origin is unknown  
or release cannot or should not occur at origin location.~~~~

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 spe-  
cies 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. Migratory birds including raptors may be released at a  
location other than where they originated, without department preap-  
proval, but within their natural range and must be at a location and  
timing appropriate for migration or flock behavior.

(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 re-  
leasing cervids, large carnivores, or coyotes.)) **Release restriction**  
**and requirements.**

(a) Wildlife may not be given to the public to release after re-  
habilitation.

(b) Permittees must obtain department authorization for the re-  
lease location prior to releasing cervids, large carnivores, coyotes,  
or beaver; cervids may not be released out of their WDFW region of  
origin.

(c) Orphaned cervids received by a wildlife rehabilitator and  
born during the year received must be released no later than October  
31 of the year received. If an extension is needed to complete reha-

bilitation, a request must be made to the department for an extension authorization.

(d) Eastern gray squirrels, Virginia opossum, eastern cottontail, European starlings, and house sparrows must be released where these species already abundantly occur, releasing these species outside of where these species already occur is prohibited.

(e) Amphibians and reptiles must be released at point of origin, without exception. It is unlawful to release amphibians and reptiles if:

(i) They are a Washington state nonnative species.

(ii) They have been in captivity as pets.

(iii) They have been exposed to items or animals from the pet trade or pet stores including live food items or plants prior to being admitted to the permitted rehabilitation facility.

(iv) The point of origin is unknown.

(6) The primary permittee must notify and receive authorization from the department ((at least seventy-two hours prior to)) before releasing oiled wildlife, or state or federally designated threatened, endangered, or sensitive species.

(7) Hacking of orphaned raptors is permitted at or through a permitted facility where ((appropriate)) department-inspected and approved 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.



**WAC 220-450-120 Wildlife rehabilitation—Veterinary care.** (1)

Veterinarians may  euthanize wildlife or provide ~~((initial care for wildlife))~~  stabilization  without a wildlife rehabilitation permit. ~~((However,))~~ Veterinarians must  arrange to  transfer the wildlife to a primary permittee ~~((after stabilizing the wildlife, preferably))~~ within forty-eight hours of receiving wildlife.  Veterinarians must separate wildlife from domestic animals.

Principal veterinarian. Provides timely advice and services, veterinary treatment, and any medical protocols to primary permittee; and

If the principal veterinarian detects, suspects, or confirms a reportable illness or disease, it must be reported to the primary permittee and the department's wildlife veterinarian within twenty-four hours.

(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.

**WAC 220-450-130 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.~~) Required records include daily ledger, patient records, written verification of volunteer training, and veterinary summaries.

(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. Written or electronic records retention is acceptable.

(b) The primary permittee must make (~~the permits and~~) records available (~~for~~) to the department at inspection (~~by~~) or to 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)) submit a completed annual report on the form provided by the department ((and submit the annual report)) along with the daily ledger to the department no later than January 31(~~st~~) 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)) (4) Reporting requirements for oiled, threatened, endangered, or sensitive wildlife.~~

(a) The primary permittee must notify the department's wildlife rehabilitation manager within twenty-four hours of receiving oiled wildlife or 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)) (5) 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 state or federal 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 (email is sufficient), to the department's wildlife rehabilitation manager (~~at P.O. Box 43200, Olympia, WA 98504-3200, or at rehabcoord@dfw.wa.gov~~)).

~~((7))~~ (6) The primary permittee must report ~~(the following diseases, confirmed by a veterinarian,)~~ any veterinarian-diagnosed and confirmed reportable wildlife diseases listed by the department 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))~~ (7) If wildlife is stolen or missing from ~~(a primary permittee or subpermittee)~~ the facility, 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)~~ wildlife rehabilitation manager and law enforcement within twenty-four hours of discovering the ~~(theft of the)~~ missing wildlife.

~~((9))~~ (8) A violation of this section is punishable under RCW 77.15.750(1), Unlawful use of a department permit—Penalty.

**WAC 220-450-140 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.))~~ A wildlife rehabilitator may utilize a department permitted three-year general or master falconer only for prerelease conditioning for release. Falconers may not practice wildlife rehabilitation without a wildlife rehabilitation permit. Falconers may not rehabilitate hatchling and nestling raptors.

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

(a) A copy of the ~~((USFWS))~~ U.S. Fish and Wildlife Service wildlife rehabilitation permit showing the falconer listed as a subpermittee; or

(b) A copy of the primary permittee's wildlife rehabilitation permit and a copy of the department authorization for transfer; 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))~~ conditioning for release at an approved falconry facility that does not meet wildlife rehabilitation facility standards so long as the falconry 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 from the date of transfer to the falconer, 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))~~ to complete conditioning or is awaiting placement to a permitted education facility.

(6) A primary permittee may transfer a releasable 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 falconer may not transfer a bird under his or her care for rehabilitation conditioning to his or her falconry permit; a raptor in rehabilitation conditioning must remain on the wildlife rehabilitator's permit at all times.

(8)(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.

**WAC 220-450-150 Wildlife rehabilitation—Transfer, import, and export of wildlife and restrictions.** (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 of veterinary inspection from an accredited veterinarian licensed in the state of origin and an entry permit as required by the Washington state department of agriculture 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))~~ or rabies vector species ~~((and))~~ 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.

(c) Wildlife rehabilitation permits may be conditioned by the department with additional restrictions on wildlife transfer related to a specific endorsement or current interpretations of species-specific disease transfer.

(4) Transferring wildlife for socialization.

(a) Transferring wildlife undergoing rehabilitation between Washington wildlife rehabilitators for the purpose of orphan imprinting, ~~((appropriate companionship))~~ conspecific socialization, appropriate species behavior maintenance, ((flight conditioning and specialized)) prerelease condition, and/or species-specific and veterinary medical care is permissible ((and encouraged)).

(b) No transfer of cervids, beaver, or bats between eastern Washington (all lands lying east of the Cascade Crest Trail and east of the Big White Salmon River in Klickitat County) and western Washington (all lands lying west of the Cascade Crest Trail and west of and including the Big White Salmon River in Klickitat County).

(c) No transfer of cervids between Washington department of fish and wildlife regions unless written permission and conditions for the transfer are obtained from the department prior to the transfer.

(d) No intake/admission of cervids from outside of the Washington department of fish and wildlife region in which the facility is located. If any cervid is brought to a wildlife rehabilitation facility from outside that facility's Washington department of fish and wildlife region, the animal must be euthanized.

(e) 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 and geographic restrictions are followed.

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

**WAC 220-450-160 Wildlife rehabilitation—Possession of dead wildlife and wildlife parts.** (1) A primary permittee may receive and possess dead wildlife from the department for the purpose of feeding wildlife in rehabilitation.

(2) Feather possession.

(a) A primary permittee may possess bird feathers for imping (~~as long as he or she possesses a valid wildlife rehabilitation permit~~).

(b) Primary permittees may receive or exchange feathers of birds from and with other wildlife rehabilitators if the rehabilitators possess and comply with (~~necessary~~) relevant U.S. Fish and Wildlife Service Migratory Bird Treaty Act permits.

(~~b~~) (c) 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~~) (d) 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 (~~ret-riees~~) rectrices from golden eagle and bald eagle and send these feathers or (~~retrices, if not kept for imping,~~) rectrices to the National Eagle Repository.

(~~d~~) (3) A primary permittee whose permit is expired (~~, sus-pended,~~) or revoked must donate any (~~feathers from wildlife that was in his or her care~~) wildlife carcasses and parts to a person or institution with a valid permit to possess the (~~feathers~~) wildlife carcasses and parts, or the primary permittee must burn, bury, or otherwise destroy (~~the feathers~~) the carcasses or parts.

(~~3~~) (4) 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.

**WAC 220-450-170 Wildlife rehabilitation—Disposition of nonreleasable and over-habituated, mal-imprinted, ((and)) or tamed wildlife and live retention for foster and education.** (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) Static display and program education, if the permittee possesses valid USFWS permits and written authorization from the department.

~~((i))~~ (c) To obtain authorization for education or fostering, the permittee must submit a completed Education or Foster Animal - Live Wildlife Retention Form application form provided by the department.

(d) A fee for presentation of an education program may be charged to recoup the permittee's cost.

(e) Education programs must provide information about the biology, ecological roles, or needs of wildlife; wildlife may not be presented as if they are pets.

(f) Wildlife tamed (~~by, imprinted on, or habituated~~), overly habituated and lacking fear of humans and domestic animals, or mal-imprinted to humans before admission to the primary permittee's facility can be retained for static display or education programs if the department authorizes this in writing. The department will make such determinations on a case-by-case basis.

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

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

(i) It is permissible to use birds retained for education, including raptors, for orphaned imprinting, nestling care, or companionship if federally permitted.

(j) The permittee may not have the following animals for education programs or static display: Cervids, large carnivores, amphibians.

(k) The permittee may not use the following animals in education programs: All rodents (except eastern gray squirrels), moles and shrews, weasels, skunks, raccoons, coyotes, foxes, beavers, muskrats, pikas, hares, rabbits, Apodidae, Trochilidae, Picidae, Passerines (except American crow, Northwestern crow, and common ravens), loons, grebes, seabirds, herons, bitterns, storks, and ibis.

(2) Wildlife tamed (~~by, imprinted on, or habituated~~) or mal-imprinted to humans while at the primary permittee's (~~facility or sub-permittee's~~) facility and determined to be nonreleaseable must be transferred or 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.



**WAC 220-450-180 Wildlife rehabilitation—Euthanizing (~~(protected, threatened, or endangered wildlife and migratory birds)~~) wildlife.** Euthanasia must be provided in accordance with an animal's welfare, using humane techniques and at a reasonable time after admission to prevent unnecessary suffering of the animal. Permittees must follow the most current American Veterinary Medical Association Guidelines on Euthanasia.

(1) Bald eagles, golden eagles, (~~(peregrine falcons and other state or federally)~~) and state 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)~~) state endangered or threatened wildlife.

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

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

(4) The primary permittee must comply with all applicable federal Migratory Bird Treaty Act rules when taking action for migratory birds under this section.

(5) The primary permittee shall report immediately to the department any department-surveilled wildlife disease or suspected emerging disease. If the director determines that such disease or outbreak presents a threat to wildlife of the state, the director may immediately order destruction of the wildlife.

(6) 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.

**WAC 220-450-190 Wildlife rehabilitation—Disposing of wildlife remains.** (1) Wildlife carcasses (except for those that are oiled) must be ((burned)) incinerated, 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:)) to avoid the risk of poisoning wildlife, a primary permittee must not allow chemically euthanized wildlife to be scavenged.

(a) Wildlife carcasses may be donated to any person or institution authorized under state or federal law to acquire and possess specific 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 as long as they are in compliance with federal rules.

(c) A primary permittee must send ((the entire carcass)) any and all remains 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)) following instructions from the U.S. Fish and Wildlife Service.

(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 mounting or skin preparation for the purpose of public display and education programs. If prepared by a licensed taxidermist, 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 number or microchip number must ((stay in place)) be reported to the issuing agency, entity, or person.

(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. If the permittee no longer has a valid wildlife rehabilitation permit, the person must have a different authorizing state or federal permit to keep the carcasses or parts, or surrender the carcasses or parts to the department.

(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)) Animals that have died of or have been euthanized due to reportable diseases must be disposed of as directed by Washington department of fish and wildlife (WDFW) wildlife veterinarian. No carcasses or parts should be retained.~~

(3) A primary permittee must not dispose of dead oiled wildlife without obtaining department approval.

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

~~((4))~~ (5) 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.

**WAC 220-450-200 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))~~ Consistent with all existing wildlife rehabilitation rules, and the rest of this section, 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))~~ or entity operating a wildlife rehabilitation facility may collect funds to support the wildlife rehabilitation facility or wildlife rehabilitation facility activities.

(3) The primary permittee or the entity operating the wildlife rehabilitation facility may request donations or collect funds, however, except for oiled-wildlife rescue and rehabilitation authorized under the Federal Oil Pollution Act, all funds received for wildlife rehabilitation must go to the entity operating the wildlife rehabilitation facility or supporting wildlife rehabilitation activities~~((; and~~

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

~~((3))~~ (4) It is unlawful to require a donation or charge a fee when receiving or admitting wildlife for rehabilitation unless it is authorized under the Federal Oil Pollution Act.

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

REPEALER

The following sections of the Washington Administrative Code are repealed:

- |                 |  |
|-----------------|--|
| WAC 220-450-210 | Oiled bird rehabilitation—Facility requirements.                         |
| WAC 220-450-220 | Reporting receipt, death, carcass retention, and release of oiled birds. |