

**Wisconsin Department of Natural Resources  
Natural Resources Board Agenda Item**

**SUBJECT:**

Request that the Board approve the statement of scope for Board Order WM-10-13, proposed rules affecting Ch. NR 19 related to the rehabilitation of wild animals.

**FOR: April 2013 Board meeting**

**PRESENTER'S NAME AND TITLE:** Scott Loomans, Wildlife Regulation Policy Specialist

**SUMMARY:**

This subchapter was adopted in 2004 to establish consistent standards for the rehabilitation of wildlife, ensure that all persons engaged in wildlife rehabilitation are qualified, and to ensure that rehabilitators provide humane care and housing for wildlife being rehabilitated. These proposed revisions will clarify existing rules and establish new requirements on people licensed to rehabilitate wild animals based on what the department has learned after nearly ten years of experience administering the subchapter.

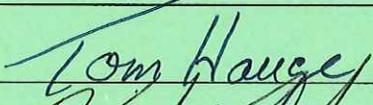
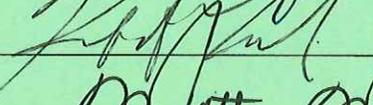
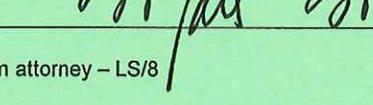
Wildlife rehabilitation is the act of providing temporary care for injured, sick or orphaned wildlife with the goal of releasing them back into the wild. Animals released back into the wild must have the ability to recognize and find appropriate foods, socialize with members of their own species and exhibit normal behaviors such as fear of humans and predator avoidance.

Holders of licenses to rehabilitate injured wild animals and their subpermittees, care providers, and volunteers are the primary people who will be impacted by these rules. Wildlife rehabilitation is typically performed by non-profit organizations or individuals and volunteers who are not reimbursed by government funding or by fees paid for services.

**RECOMMENDATION:** That the Board approve the statement of scope for Board Order WM-10-13.

**LIST OF ATTACHED MATERIALS (check all that are applicable):**

- |  |   |
|--|---|
| <input type="checkbox"/> (choose one)  | <input type="checkbox"/> Attachments to background memo                     |
| <input checked="" type="checkbox"/> Statement of scope                           | <input checked="" type="checkbox"/> Governor approval of statement of scope |
| <input type="checkbox"/> Fiscal estimate and economic impact analysis (EIA) form | <input type="checkbox"/> Environmental assessment or impact statement       |
| <input type="checkbox"/> Response summary  | <input type="checkbox"/> Board order/rule                                   |

Approved by	Signature	Date
Tom Hauge, Bureau Director		3/20/13
Kurt Thiede, Administrator		3/22/13
Cathy Stepp, Secretary		3/25/13

cc: Board Liaison - AD/8

Program attorney - LS/8

Department rule coordinator - LS/8

DATE: March 15, 2013

TO: Natural Resources Board Members

FROM: Cathy Stepp, Secretary

SUBJECT: Scope statement for Board Order WM-10-13 related to the rehabilitation of wild animals

**Subject of the Proposed Rules:**

This subchapter was adopted in 2004 to establish consistent standards for the rehabilitation of wildlife, ensure that all persons engaged in wildlife rehabilitation are qualified, and to ensure that rehabilitators provide humane care and housing for wildlife being rehabilitated. These proposed revisions will clarify existing rules and establish new requirements on people licensed to rehabilitate wild animals based on what the department has learned after nearly ten years of experience administering the subchapter.

**Policy Analysis:**

Wildlife rehabilitation is the act of providing temporary care for injured, sick or orphaned wildlife with the goal of releasing them back into the wild. Animals released back into the wild must have the ability to recognize and find appropriate foods, socialize with members of their own species and exhibit normal behaviors such as fear of humans and predator avoidance.

This proposal will investigate clarifying the roles of care providers who assist with the rehabilitation of wildlife under the authority of the basic and/or advanced licensee's license. The goal is to increase the amount of supervision of assistants who are not licensed and a resulting increase in the quality of animal care. This may be accomplished by creating definitions for the terms, "volunteer", "subpermittee", "intern", or "care-provider". The proposal will establish a clear prohibition of rehabilitation by volunteers working under a license holder's authority with specific exemptions.

The addition of care providers (which includes interns) will allow both basic and advanced licensees to have individuals assist with basic wildlife rehabilitation activities. By allowing care providers, licensees can have qualified individuals assist with rehabilitation care in case of emergencies, busy times of the year, or when the licensee is not available. Complete authority and responsibility will remain with the licensee and all care providers can only assist with rehabilitation activities at the licensee's facility.

The addition of subpermittees allow advanced licensees the ability to have qualified individuals assisting with rehabilitation activities either on-site or off-site of the licensee's facility. As part of the proposed rule change, subpermittees will be subject to the same restrictions as basic licensees. These restrictions involve the types of animals that can be rehabilitated (those that are dangerous or difficult to handle), as well as euthanasia requirements.

These rules will establish requirements for basic and advanced licensees to add new species to their license authority.

These rules will require wildlife rehabilitation license applicants to indicate prior experience in wildlife rehabilitation and/or animal care, certify that they have read and understand a code of ethics for wildlife

rehabilitators, and provide documentation of compliance with local ordinances.

These rules will establish continuing education requirements which must be met before renewing basic or advanced licenses, and will add that taking and passing an exam is required to apply for an advanced license.

This proposal will incorporate by reference the Minimum Standards for Wildlife Rehabilitation (or equivalent enclosures) for the size and construction of enclosures used to contain wild animals established by the National Wildlife Rehabilitation Association and the International Wildlife Rehabilitation Council. Additionally, applicants for wildlife rehabilitation licenses will need to provide a complete caging/enclosure report with pictures of their enclosures when their rehabilitation license applications are submitted.

This proposal will establish who can perform euthanasia on wild animals. Euthanasia may be performed by the advanced licensee, a basic licensee under the direct supervision of the sponsoring advanced licensee or their consulting veterinarian. The proposal also states that a licensed veterinarian who is not consulting a licensee can perform euthanasia.

This proposal will establish that, for purposes of responding to an oil spill or other disaster, a person licensed to rehabilitate wildlife in another state may temporarily assist with rehabilitation in this state.

This proposal will establish requirements for wildlife rehabilitation license applicants from other states and provinces who are requesting either a basic or advanced wildlife rehabilitation license.

The proposal prohibits by rule the rehabilitation of skunks because of threats to public and animal health of rabies in that species. Under the proposal, the rehabilitation of deer is also prohibited by rule in areas where CWD has been identified.

Current statutes and rule require rehabilitators to keep records of animals received, the condition of the animals and the disposition of each animal. For certain species, quarterly reporting to the department is required. Through this proposal, the department may modify reporting requirements.

Wildlife rehabilitation experience is required of an advanced license holder who wishes to sponsor basic license holders. This proposal requires that the advanced license holder be able to document or otherwise prove to the department that they have experience rehabilitating the species being considered and be approved by the department and the existing wildlife rehabilitation advisory committee. Potential sponsors will be reviewed by the Wildlife Rehabilitation Advisory Committee.

The proposal may expand the role of the existing Wildlife Rehabilitation Advisory Committee. The committee would continue to be focused on issues related to the wildlife rehabilitation but might also advise the department on other issues related to privately held captive wild animals.

This proposal will update cross-references and correct other errors that may be discovered during rule drafting.

This proposal may make other non-controversial updates that are identified during the rule drafting and review process.

**Statutory Authority:**

The department's authority to authorize and regulate the rehabilitation of wild animals is established in s. 169.24 Stats. The department is directed by s. 169.24(2) Stats to, "promulgate rules to establish the qualifications required to obtain a rehabilitation license, the types of activities authorized by a rehabilitation license and the standards, limitations, and requirements for rehabilitation licenses."

**Estimate of Staff Time Needed to Develop the Proposed Revision:**

200 hours will be necessary to develop these rules.

**Groups Likely Affected by the Proposed Rule:**

Holders of licenses to rehabilitate injured wild animals and their subpermittees, care providers, and volunteers are the primary people who will be impacted by these rules. Wildlife rehabilitation is typically performed by non-profit organizations or individuals and volunteers who are not reimbursed by government funding or by fees paid for services.

**Anticipated economic impact of implementing the rule:**

Wildlife rehabilitation is typically performed by non-profit organizations or individuals who are not reimbursed by government funding or by fees paid for services. These rules, and the legislation which grants the department rule making authority, will have no economic effect on small businesses. These rules are applicable to wildlife rehabilitators and impose no compliance or reporting requirements for small business, nor are any design or operational standards contained in the rule.

**Agency Contact:**

Scott Loomans, Wildlife Regulation Policy Specialist, 101 South Webster Street, PO Box 7921, Madison, WI 53707-7921, (608) 267-2453, [Scott.Loomans@wisconsin.gov](mailto:Scott.Loomans@wisconsin.gov)

# STATEMENT OF SCOPE

## Department of Natural Resources

Rule No.: WM -D- 13

Relating to: Wildlife rehabilitation, Ch. NR 19 Wis. Admin. Code

Rule Type: Permanent

### 1. Finding/nature of emergency (Emergency Rule only):

These will be permanent rules only.

### 2. Detailed description of the objective of the proposed rule:

This subchapter was adopted in 2004 to establish consistent standards for the rehabilitation of wildlife, ensure that all persons engaged in wildlife rehabilitation are qualified, and to ensure that rehabilitators provide humane care and housing for wildlife being rehabilitated. These Proposed revisions will clarify existing rules and establish new requirements on people licensed to rehabilitate wild animals based on what the department has learned after nearly ten years of experience administering the subchapter.

### 3. Description of the existing policies relevant to the rule, new policies proposed to be included in the rule, and an analysis of policy alternatives:

Wildlife rehabilitation is the act of providing temporary care for injured, sick or orphaned wildlife with the goal of releasing them back into the wild. Animals released back into the wild must have the ability to recognize and find appropriate foods, socialize with members of their own species and exhibit normal behaviors such as fear of humans and predator avoidance.

This proposal will investigate clarifying the roles of care providers who assist with the rehabilitation of wildlife under the authority of the basic and/or advanced licensee's license. The goal is to increase the amount of supervision of assistants who are not licensed and a resulting increase in the quality of animal care. This may be accomplished by creating definitions for the terms, "volunteer", "subpermittee", "intern", or "care-provider". The proposal will establish a clear prohibition of rehabilitation by volunteers working under a license holder's authority with specific exemptions.

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These rules will establish requirements for basic and advanced licensees to add new species to their license authority.

These rules will require wildlife rehabilitation license applicants to indicate prior experience in wildlife rehabilitation and/or animal care, certify that they have read and understand a code of ethics for wildlife rehabilitators, and provide documentation of compliance with local ordinances.

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Wildlife rehabilitation experience is required of an advanced license holder who wishes to sponsor basic license holders. This proposal requires that the advanced license holder be able to document or otherwise prove to the department that they have experience rehabilitating the species being considered and be approved by the department and the existing wildlife rehabilitation advisory committee. Potential sponsors will be reviewed by the Wildlife Rehabilitation Advisory Committee.

The proposal may expand the role of the existing Wildlife Rehabilitation Advisory Committee. The committee would continue to be focused on issues related to the wildlife rehabilitation but might also advise the department on other issues related to privately held captive wild animals.

This proposal will update cross-references and correct other errors that may be discovered during rule drafting.

This proposal may make other non-controversial updates that are identified during the rule drafting and review process.

#### **4. Detailed explanation of statutory authority for the rule (including the statutory citation and language):**

The department's authority to authorize and regulate the rehabilitation of wild animals is established in s. 169.24 Stats. The department is directed by s. 169.24(2) Stats to, "promulgate rules to establish the qualifications required to obtain a rehabilitation license, the types of activities authorized by a rehabilitation license and the standards, limitations, and requirements for rehabilitation licenses."

**5. Estimate of amount of time that state employees will spend developing the rule and of other resources necessary to develop the rule:**

200 hours will be necessary to develop these rules.

**6. List with description of all entities that may be affected by the proposed rule:**

Holders of licenses to rehabilitate injured wild animals and their subpermittees, care providers, and volunteers are the primary people who will be impacted by these rules. Wildlife rehabilitation is typically performed by non-profit organizations or individuals and volunteers who are not reimbursed by government funding or by fees paid for services.

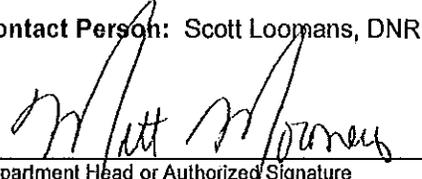
**7. Summary and preliminary comparison with any existing or proposed federal regulation that is intended to address the activities to be regulated by the proposed rule:**

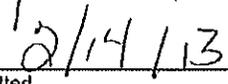
Federal regulations allow states to manage the wildlife resources located within their boundaries provided they do not conflict with regulations established in the Federal Register. Under international treaty and Federal law, the possession of migratory birds is also regulated by the United States Fish & Wildlife Service. Additionally, federal regulations do apply to bald eagles and federally listed endangered or threatened species. None of these rule changes violate or conflict with the provisions established in the Federal Code of Regulations.

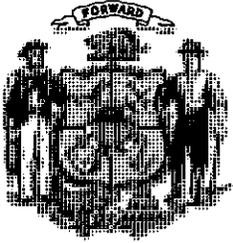
**8. Anticipated economic impact of implementing the rule (note if the rule is likely to have a significant economic impact on small businesses):**

Wildlife rehabilitation is typically performed by non-profit organizations or individuals who are not reimbursed by government funding or by fees paid for services. These rules, and the legislation which grants the department rule making authority, will have no economic effect on small businesses. These rules are applicable to wildlife rehabilitators and impose no compliance or reporting requirements for small business, nor are any design or operational standards contained in the rule.

**Contact Person:** Scott Loomans, DNR Bureau of Wildlife Management, 608-267-2452

  
\_\_\_\_\_  
Department Head or Authorized Signature

  
\_\_\_\_\_  
Date Submitted



**SCOTT WALKER**  
**OFFICE OF THE GOVERNOR**  
**STATE OF WISCONSIN**

P.O. Box 7863  
MADISON, WI 53707

March 6, 2013

Cathy Stepp  
Secretary  
Wisconsin Department of Natural Resources  
101 South Webster St.  
P.O. Box 7921  
Madison, WI 53707-7921

**RE: Scope Statement for WM-10-13 relating to wildlife rehabilitation**

Dear Secretary Stepp,

I hereby approve the statement of scope submitted on February 14, 2013, pursuant to Wisconsin Statutes § 227.135, in regards to a proposed rule WM-10-13. You may send the scope statement to the Legislative Reference Bureau for publication pursuant to Wisconsin Statutes § 227.135(3).

Sincerely,

A handwritten signature in black ink, appearing to be "S. Walker", written over a horizontal line.

Scott Walker  
Governor