WYOMING GAME AND FISH COMMISSION

CHAPTER 45

WILDLIFE REHABILITATION

Section 1. Authority. This regulation is promulgated by authority of W.S. §23-1-103 and W.S. §23-1-302.

Section 2. Regulation and Effective Date. The Wyoming Game and Fish Commission hereby adopts the following regulation governing the rehabilitation of wildlife and the issuance of permits for persons to rehabilitate wildlife. This regulation shall remain in effect until modified or repealed by the Commission.

Section 3. Purpose. The purpose of this regulation is to provide for the care of sick, injured, debilitated, and/or orphaned wildlife, excluding big game animals and trophy game animals, by permitted wildlife rehabilitators and to provide criteria for the issuance of permits to such wildlife rehabilitators. In accordance with this regulation, wildlife rehabilitators issued permits pursuant to this regulation may acquire sick, injured, debilitated, or orphaned wildlife and provide necessary treatment in order that the wildlife may be returned to live in the wild independent of human aid and sustenance. When the animal is not releasable to the wild, the Department may authorize the wildlife rehabilitator to euthanize the animal or transfer the animal to a Department approved institution for scientific or zoological purposes.

Section 4. Exemptions.

(a) Persons who as a job requirement are directed to rescue birds and provide short term care to birds which are injured or distressed at industrial sites such as trona and phosphate locations and power plants are exempt from the regulation. However, such persons shall obtain a permit from the Department issued under Chapter 10 Regulation For Importation, Possession, Confinement, Transportation, Sale and Disposition Of Live Wildlife, revised as of March 16, 1998, and which does not include any later amendments or editions of the incorporated matter. Such person(s) shall not advertise or otherwise promote their services as a wildlife rehabilitator.

(b) Veterinarians licensed under the provisions of State statute may render emergency care and treatment to sick or injured wildlife without a permit issued under this regulation. Whenever a DVM renders such care or treatment, the DVM shall transfer responsibility for such wildlife either to a permitted wildlife rehabilitator or to the Department within thirty (30) days of initial contact with the wildlife, unless an extension beyond thirty (30) days is granted by the Department. Any care and treatment rendered shall not create a financial obligation to the Department or permitted wildlife rehabilitator without prior approval. Any DVM may euthanize any sick or injured wildlife defined in Title 23, except mammals classified as endangered or threatened species by Federal regulation, 50 CFR 17.11 revised as of September 24, 1998, and does not include any later amendments or editions of the incorporated matter, if the DVM determines that no other reasonable action would be practical, humane, or effective for the rehabilitation of the wildlife. A copy of 50 CFR can be viewed at any Department Regional Office or the Department's Headquarters Office. If the wildlife is of a type not authorized to be rehabilitated by a permitted wildlife rehabilitator, the DVM shall immediately notify the Department and the Department shall determine disposition of the wildlife.

Section 5. Possession.

(a) Nothing in this regulation shall authorize or be construed to authorize a wildlife rehabilitator permitted under this regulation to practice veterinary medicine contrary to State statute.

(b) Wildlife possessed under authority of this regulation remain property of the State and nothing herein shall be construed as granting any ownership interest to a permitted wildlife rehabilitator, provisional wildlife rehabilitator, or any other person. As owner, the State has the right to require a wildlife rehabilitator or any other person having possession of wildlife under authority of this regulation to immediately surrender possession of such wildlife to the Department in the case of violation of this regulation or other applicable law or whenever the Department determines it necessary or appropriate for the welfare of such wildlife or for the protection of wildlife resources or the public.

Section 6. Definitions. For the purpose of this regulation, definitions shall be as set forth in Title 23, Wyoming Statutes, and the Commission also adopts the following definitions:

(a) "Birds" mean game birds, migratory game birds, and protected birds.

(b) "Contact" means, but is not limited to, physical contact between the public and wildlife, including the unauthorized provision of food and liquids, and also visual, auditory, or olfactory contact between the public and wildlife which may cause or result in subjecting the wildlife to stress, behavioral anomalies, including taming or imprinting, or in any diminishment of the capacity of such wildlife to subsequently survive in the wild independent of human aid and sustenance.

(c) "DVM" means a doctor of veterinary medicine licensed to practice in the State.

(d) "Public" means, but is not limited to, all persons other than the wildlife rehabilitator permitted under this regulation; public does not mean members of the immediate family of wildlife rehabilitators, providers of temporary care authorized under this regulation, DVM's, and employees of the Department.

(e) "Rehabilitate" means the provision of care and treatment to sick, injured, debilitated, or orphaned wildlife for the purpose of returning such wildlife to the wild in a condition which enables the wildlife to survive independent of human aid and sustenance.

(f) "Wildlife Rehabilitation Permit, Provisional Wildlife Rehabilitation Permit or permit" means a permit issued pursuant to this regulation and Wyoming Game and Fish Commission Regulation Chapter 10, Regulation For Importation, Possession, Confinement, Transportation, Sale and Disposition of Live Wildlife, revised as of March 16, 1998, and which does not include any later amendments or editions of the incorporated matter.

(g) "Wildlife Rehabilitator, Provisional Wildlife Rehabilitator or Permittee" means a person who has been issued a permit in accordance with the provisions of this regulation for the purpose of providing care, aid and treatment to sick, injured, debilitated or orphaned wildlife with the goal of returning such wildlife to the wild independent of human aid or sustenance.

Section 7. Scope of Permit Requirements. No person, except as authorized under provisions of this regulation, or as exempted under this regulation, shall rehabilitate wildlife without complying with the provisions of this regulation.

Section 8. Agreement. All applications for permits issued pursuant to this regulation shall be signed by the applicant. Such signature shall constitute an agreement by the applicant to fully comply with all relevant provisions of statute including, but not limited to, this regulation and all applicable conditions and restrictions of the permit.

Section 9. Minimum Qualifications and Application Required to Obtain a Permit. Upon receipt of an application, the Department shall review the application and inspect the facility(ies). Approval or disapproval by the Department shall be based on compliance with the permitting and facility(ies) criteria in this regulation. Written notification of the approval or disapproval, including the reason for disapproval, shall be made within sixty (60) days of the Department receipt of the application. In order to be considered for a wildlife rehabilitation permit, a person shall submit a written application on a form provided by the Department and the applicant shall provide the following information:

(a) The applicant's name, address, and telephone number where the applicant can be reached between the hours of 8:00 a.m. to 5:00 p.m.;

(b) The species and categories (such as small game, protected birds, migratory birds, game birds, nongame mammals, furbearing animals, reptiles, amphibians) of wildlife which the applicant is qualified and has the facility(ies) to rehabilitate;

(c) Certification that the applicant is at least eighteen (18) years of age and domiciled within the State;

(d) A description of the facility(ies) and location of facility(ies) and a statement that the applicant can possess and maintain the facility(ies) at a location(s) which is not contrary to the laws of the appropriate County or Municipality, or any other applicable laws or subdivision covenants;

(e) If the applicant proposes to rehabilitate birds, a copy of a special purpose rehabilitation permit to rehabilitate migratory game birds and protected birds in compliance with the U.S. Code of Federal Regulations 50 CFR 21.27 revised as of October 1, 1998, and does not include any later amendments or editions of the incorporated matter. A copy of 50 CFR 21.27 can be viewed at any Department Regional Office or the Department's Headquarters Office;

(f) A letter from a DVM in which the DVM agrees to examine and treat injured wildlife. The Department shall not be responsible for reimbursement to the DVM for services rendered;

(g) A certificate of training specifying the hours of training completed, the course curriculum; and signed by the entity providing the training indicating the details of the training. The certification shall specify completion of a basic wildlife rehabilitation curriculum which includes basic animal care concepts, zoonotic disease information, preferred euthanasia practices, wildlife rehabilitation laws and ethics, and other general rehabilitation information. Provisional wildlife rehabilitators shall not be required to complete the course prior to their second license renewal. The Department reserves the right to accept or reject the training completed as meeting the requirements of this regulation;

(h) Certification that the proposed possession and treatment of wildlife is not contrary to the laws of the appropriate County or Municipality, or any other applicable laws;

(i) Certification from another wildlife rehabilitator permitted by the Department that the person possesses the necessary skills and abilities to be permitted as a wildlife rehabilitator. This requirement pertains to applicants who apply for Wildlife Rehabilitation Permits when the applicant has not previously been issued a Wildlife Rehabilitation Permit by the Department;

(j) Certification that the applicant has within five (5) consecutive years immediately preceding the date of application not been assessed a civil or administrative penalty for, or been convicted of a violation of any provision of this regulation, or of any provision of State statute, County or Municipal ordinance involving cruelty to animals, or of any provision of any federal statute or regulation which is related to activity for which the permit is sought;

(k) Certification that the applicant shall possess an on-site holding facility(ies) which meets the Department's approval. The Department shall utilize the National Wildlife Rehabilitators Association and International Wildlife Rehabilitation Council's Minimum Standards for Wildlife Rehabilitation, dated 1993, and which does not include any later amendments or editions of the incorporated matter, as a guide to determine the adequacy of facility(ies). A copy of these Standards can be viewed at Department Regional Offices. A provisional wildlife rehabilitator may meet this requirement with facility(ies) available from the sponsor. A permit shall not be granted by the Department until such time as the applicant shall possess an approved facility(ies); and,

(l) Certification Department personnel can inspect the facility(ies), wildlife held, and records during reasonable hours.

Section 10. Denial of Permit. An application for a permit may, unless otherwise provided, be denied when:

(a) the application is incomplete;

(b) the applicant has within five (5) consecutive years preceding the date of application been assessed a civil or administrative penalty for, or been convicted of a violation of any provision of this regulation, or of any provision of State statute, County or Municipal ordinance involving cruelty to animals, or of any provision of any federal statute or regulation which is related to activity for which the permit is sought;

(c) the applicant has failed to disclose material information or has made false statements as to any fact in connection with the application; and/or,

(d) an inspection by an authorized Department employee of the facility(ies) where wildlife shall be maintained has disclosed that the facility(ies) does not meet the Department's requirements.

Section 11. Types of Permits. There shall be two (2) types of wildlife rehabilitation permits. The Department may issue a Provisional Wildlife Rehabilitation Permit or a Wildlife Rehabilitation Permit to a person in accordance with this section.

(a) Provisional Wildlife Rehabilitation Permit. In order to qualify, an applicant shall meet the requirements in subsections (a), (b), (c), (d), (e), (f), (h), (j), and (l) of Section 9 of this regulation. A person shall only be allowed to apply for and receive a Provisional Wildlife Rehabilitation Permit for a maximum of two (2) consecutive calendar years. If after that time the person cannot qualify for a Wildlife Rehabilitation Permit, the person shall not be granted a Provisional Wildlife Rehabilitation Permit and shall be required to dispose of all wildlife held under this regulation in compliance with the provisions of Section 18 of this regulation. This permit:

(i) Authorizes the permittee to receive, rehabilitate, transfer and release all wildlife listed on the permit under the conditions specified on the permit;

(ii) Requires the applicant to be sponsored by a Wildlife Rehabilitator(s) permitted for the same wildlife;

(iii) Requires the permittee to consult with the permittee's sponsor immediately after receiving any wildlife. If the sponsor is not available, the permitted provisional wildlife rehabilitator shall consult with a permitted wildlife rehabilitator or DVM within twenty-four (24) hours;

(iv) Requires the permittee to immediately return any wildlife to the sponsor upon request by the Department or the sponsor; and,

(v) Requires that if at anytime a provisional wildlife rehabilitator loses sponsorship, all wildlife shall be transferred to the sponsor or another Wildlife Rehabilitator permitted for such wildlife within forty-eight (48) hours. If the provisional wildlife rehabilitator has not obtained another sponsor within thirty (30) days, the permit shall expire. Any time sponsorship is revoked, the sponsor shall verbally notify the Department within forty-eight (48) hours and in writing within five (5) days.

(b) Wildlife Rehabilitator. In order to qualify for this permit an applicant shall meet all requirements in Section 9 of this regulation. Persons who hold permits for wildlife rehabilitation in the State the date this regulation is passed by the Commission are grandfathered and are not required to meet the requirements of subsection (g), (i) and (k) of Section 9. This permit:

(i) Authorizes the permittee to receive, rehabilitate, transfer and release all wildlife listed on the permit under the conditions specified on the permit.

(c) A person shall possess a Provisional Wildlife Rehabilitation Permit prior to making application for and being considered by the Department for a Wildlife Rehabilitation Permit unless the person meets all qualifications for a Wildlife Rehabilitation Permit in Section 9 at the time of application.

Section 12. Record Keeping Requirements.

(a) All permitted wildlife rehabilitators shall keep current and complete written records at the permitted facility(ies) of wildlife handled, containing the following information:

(i) Species of wildlife;

(ii) Length and type of treatment;

(iii) Source of wildlife;

(iv) Cause for admission;

(v) Attending DVM if applicable;

(vi) Acquisition date; and,

(vii) Disposition and disposition date.

(b) These records shall be submitted by the permittee to the Department Headquarters Office, Law Enforcement, 5400 Bishop Blvd., Cheyenne, Wyoming 82006 no later than January 31 for wildlife held during the immediately preceding calendar year. In addition, permittees shall maintain copies of the current and prior calendar years' records. Failure to submit an annual report, failure to provide required information, or the making of false statements shall be cause for suspension, revocation or non-renewal of the permit. All records relevant to permit activities shall be kept at the facility(ies) location(s) as indicated in the application by the permittee to the Department and shall be available for review by Department personnel during reasonable hours.

Section 13. Requirements for Permit Renewal. The renewal of a permit is contingent upon the permittee's compliance with relevant State laws and the provisions of this regulation.

Section 14. Facility(ies) and Inspections.

(a) All wildlife shall be kept within wildlife holding enclosure(s) except when being transported, transferred, treated or released. The holding facility(ies) shall be designed, constructed and maintained to provide:

(i) Safety and protection for wildlife and people;

(A) Facility(ies) and outdoor cage(s) shall be locked;

(B) Facility(ies) shall ensure containment for wildlife under rehabilitation and exclusion of other wild and domestic animals.

(ii) Sufficient space to allow normal development and physical behavior, as well as postural and social adjustments with freedom of movement;

(iii) Proper lighting levels;

(iv) Proper ventilation;

(v) Ability for the permittee to conduct cleaning, sanitation, disinfecting and handling procedures considering safety, escape prevention and while minimizing stress to wildlife;

(vi) A means to gradually acclimate wildlife to external environmental conditions;

(vii) Appropriate ambient temperatures;

(viii) Barriers to minimize stress on these wildlife; and,

(ix) Barriers to prevent imprinting on humans or domestic animals.

(b) In addition to the design, construction and maintenance of the holding facility(ies) as specified in this section, the permittee shall provide:

(i) Specific enclosure(s) for all developmental stages of wildlife on the permit;

(ii) Enclosure(s) for recuperation from injuries;

(iii) Quarantine capabilities;

(iv) Parasite and pest control;

(v) Shelter within enclosure(s) as needed;

(vi) Clean water and appropriate food; and,

(vii) Nesting and/or bedding materials.

(c) The facility(ies) shall be kept clean and sanitary.

(d) The facility(ies), records and wildlife shall be available for immediate inspection upon request by the Department.

Section 15. Care, Treatment and Disposition of Wildlife.

(a) A DVM shall approve all medications, medical treatments, diagnostic and prognostic procedures. Anesthesia and surgery shall be conducted only by a DVM or under direct DVM supervision.

(b) If the permittee or DVM determines that any wildlife is not likely to survive, the wildlife shall be euthanized immediately by the DVM or permittee.

(c) As soon as it can be determined that sick or injured wildlife is not likely to recover within one-hundred eighty (180) days, the wildlife shall be euthanized; unless Department approval is given for extended care.

(d) Factors that shall be considered in determining what action should be taken relative to injured wildlife include:

(i) Type, extent and severity of injury(ies);

(ii) Physical condition of injured wildlife; and,

(iii) Any other relevant factors which indicate that no reasonable action would be practical or effective for the rehabilitation of the animal involved.

(e) No public contact shall be allowed with any wildlife held under a permit granted pursuant to this regulation unless otherwise approved in writing by the Department.

(f) Any dead wildlife shall be disposed of by appropriate burial, incineration or other lawful disposition or transferred to the Department upon request of the Department. In no case shall a rehabilitator retain possession of any dead wildlife or parts thereof.

(g) It shall be unlawful to use leashes and tethers in the rehabilitation of wildlife. Creances for flying raptors in rehabilitation may be used only for sound biological reasons under the supervision of a DVM. Creances shall not be used as a substitute for flight cages for pre-release training and exercise.

(h) Permittees may use volunteers who are not permitted by this Regulation under their supervision at the Wildlife Rehabilitators facility(ies), provided that the Wildlife Rehabilitator maintains current records including name, address, telephone number, and dates worked for all volunteers.

(i) Any other person may care for the wildlife held by a permittee when authorized in writing by the permittee provided that if the period of care exceeds thirty (30) days, the Wildlife Division Law Enforcement Section in the Headquarters Office shall be notified in writing of such temporary care provisions within three (3) calendar days from the inception of temporary care. Such written notification shall include the name(s) of the person(s) providing temporary care, the reason or need for temporary care status, and the number of days temporary care is to be maintained. Persons providing temporary care shall do so at the facility(ies) location(s) approved in the wildlife rehabilitation permit application. The Department may remove wildlife from temporary care when such temporary care has been instituted contrary to the provisions of this regulation. Those persons specified in Section 10(b) shall not be authorized to perform temporary care.

(j) All wildlife held under authority of a Wildlife Rehabilitation Permit shall not be:

(i) Maintained as pets;

(ii) Intentionally tamed;

(iii) Transferred to a person not properly permitted;

(iv) Sold, exchanged for consideration or bartered; and/or,

(v) Maintained in unapproved facility(ies) or by unauthorized person(s) or maintained for a period longer than that specified in this regulation.

(k) The permit does not authorize the use of injured/recovering wildlife for educational purposes.

(i) The permittee's wildlife rehabilitation permit shall not authorize the permittee to hold nonreleasable wildlife for the sole purpose of placing them in educational programs; and,

(ii) If a person desires to hold birds for educational purposes, the person shall apply to the Department for consideration of the issuance of a permit under Wyoming Game and Fish Commission Regulation Chapter 33, Issuance of Scientific and Educational Permits, revised as of December 10, 1996, and which does not include any later amendments or editions of the incorporated matter.

(l) Wildlife for which recovery from disease, injury, or debilitation in the permittee's judgment is not anticipated shall be:

(i) Donated to a zoo by the permittee, museum or natural history organization approved in writing by the Department; or,

(ii) Shall be euthanized by the permittee, unless the permittee is otherwise directed by the Department.

(iii) Orphaned wildlife which, in the judgment of the permittee, cannot be released to the wild due to a lack of behavioral traits enabling such wildlife to survive without dependence on human aid and sustenance or to imprinting on humans, shall be disposed of as stipulated in this subsection.

(m) The Department reserves the right to make final judgment as to the capacity of wildlife to recover from disease, injury or debilitation or for orphans to be successfully reared and released.

(i) The Department may;

(A) Direct the disposal of such wildlife by transfer to another rehabilitator;

(B) Release to the wild; or,

(C) Euthanasia, when in the Department's judgment, the health, welfare, and safety of such wildlife, the public, free-ranging wildlife, or domestic animals shall be best served by such disposal. In making such decisions, the Department may consult with DVM's, rehabilitators, or other experts or qualified persons as the Department shall deem advisable. Any actions directed by the Department under this subsection shall be the wildlife rehabilitator's financial responsibility.

(D) Order that specific wildlife be released, transferred, surrendered, or humanely euthanized by or at the expense of the wildlife rehabilitator, and may seize and remove wildlife from the custody of the permittee if the Department deems it necessary for the welfare of such wildlife, or other wildlife, domestic animals, for the welfare and safety of humans, or for failure to comply with any provisions of the permit.

Section 16. Release of Wildlife.

(a) All rehabilitated wildlife shall be released in appropriate habitat or as otherwise required to comply with any special conditions of the permit; or, at a site approved in advance by the Department.

(b) All rehabilitated wildlife shall be released as soon as it has reached physical maturity and/or has attained full recovery from injury or illness, or as soon thereafter as the time of year is ecologically appropriate. In no case shall any rehabilitated wildlife be held longer than one (1) year without prior Department approval based on sound biological reasons.

Section 17. Revocation of Permit. A Wildlife Rehabilitation Permit may be revoked by the Department at any time for:

(a) Failure to comply with any condition of the permit or of this regulation;

(b) If the applicant has within five (5) consecutive years immediately preceding the date of application been assessed a civil or administrative penalty for, or been convicted of a violation of any provision of this regulation, or of any provision of State statute, County or Municipal ordinance involving cruelty to animals, or of any provision of any federal statute or regulation which is related to activity for which the permit is sought;

(c) Failure to provide care and treatment necessary to prepare wildlife held under authority of the permit for successful release to the wild; and/or,

(d) Failure to allow inspection by Department personnel of the facility(ies), wildlife held, or records during reasonable hours.

(e) Any revocation of a wildlife rehabilitator license shall be subject to contested case proceedings in accordance with Wyoming Game and Fish Commission Regulation Chapter 27, Rules Of Practice Governing Contested Cases Before The Wyoming Game and Fish Commission, revised as of January 19, 1982, and which does not include any later amendments or editions of the incorporated matter.

Section 18. Disposal of Wildlife for Revocation and/or Non-Renewal of Permit. Wildlife possessed or maintained by a person whose permit has been revoked or whose permit has not been renewed by the first day of the following calendar year for which it was issued shall be disposed of by that person in a manner as required in writing by the Department. Any wildlife not disposed of may be seized and disposed of by the Department.

Section 19. Restrictions. A wildlife rehabilitation permit shall not authorize the rehabilitation of any wildlife defined as big game animal or trophy game animal.

Section 20. Costs. Any costs, charges, or fees, including but not limited to food, shelter, equipment, labor, veterinarian or other special consultation or services, transportation, federal or other licensing fees, training and educational fees, any other expenses associated with the rehabilitation of wildlife shall be the responsibility of the permittee. The permittee shall not charge the Department for services provided.

Section 21. Compliance with Other Laws. Issuance of a wildlife rehabilitation permit under this regulation shall not exempt the permittee from compliance with the provisions of any other local, state or federal law.

Section 22. Acceptance of Liability. The holder of a wildlife rehabilitation permit assumes liability for exposure of a human or contraction by a human of any disease or parasite transmitted by the wildlife possessed by the rehabilitator. The wildlife rehabilitator agrees that he/she shall not hold himself/herself as an agent, servant or employee of the Wyoming Game and Fish Commission or Wyoming Game and Fish Department.

Section 23. Violation of Commission Regulations. Failure to abide by the provisions of this regulation shall be punishable as provided by Wyoming Statutes for violation of Commission regulations.

Section 24. Savings Clause. If any provision of this regulation is held to be illegal or unconstitutional, such a ruling shall not affect other provisions of this regulation which can be given effect without the illegal or unconstitutional provision; and, to the end, the provisions of this regulation are severable.

WYOMING GAME AND FISH COMMISSION

By:

Tracy Hunt, President

Date: October 25, 1999