

ORDER OF THE STATE OF WISCONSIN NATURAL RESOURCES BOARD
RENUMBERING AND CREATING RULES

The Wisconsin Natural Resources Board proposes an order to renumber subch. II of NR 19 and to create subchs. I of NR 12 and II of NR 19 relating to wildlife rehabilitation licenses and activities.

WM-08-03

Analysis Prepared by the Department of Natural Resources

Statutory authority: § 169.02, 169.24(2) and 169.36, Stats.

Statutory interpreted: § 169.02(3), 169.04(2)(a)1., 169.05(1), 169.06(1)(a), 169.07(1)(a) 169.085, 169.11(3)2., 169.24 and 169.36, Stats.

2001 Wisconsin Act 56 removed Wisconsin's captive wildlife laws from ch. 29, Stats., and created ch. 169, Stats. As of January 1, 2003, wildlife rehabilitators and other holders of captive wildlife will be subject to regulation under ch. 169, Stats. This will include new licenses and requirements of operation.

This rule establishes 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. To create room in NR 19 for the rehabilitation rules, the Wildlife Damage Subchapter will be moved to NR 12.

Section one of this order creates a new subchapter in ch. NR 12, Wis. Adm. Code for rules relating to the wildlife abatement program. Section two creates the second subchapter in ch. NR 12 on the wildlife damage program and moves the rules pertaining to the damage program from ch. NR 19 to this subsection. The purpose of sections one and two is to merely combine the rules relating to wildlife damage and abatement measures in one chapter, no other changes are made to the wildlife damage abatement and claims program. Section three creates a subchapter in ch. NR 19 where rules pertaining to wildlife rehabilitation will be located.

Section four creates rules pertaining to wildlife rehabilitation. These rules: define the purpose of the subchapter, create definitions, outline general rehabilitation guidelines, create standards for obtaining either a basic or advanced license, application requirements, examination standards, facility inspection guidelines and authorities, facility housing standards, care and treatment standards, infectious disease reporting requirements, record keeping and reporting requirements, and establishes the requirements and duties of advanced sponsors and the wildlife rehabilitation advisory committee.

Section five lists cross-referencing changes that are required as a result of moving the wildlife damage rules from ch. NR 19 to ch. NR 12.

Finally, section six establishes the proposed effective date of this rule as January 1, 2004.

SECTION 1. NR 12 Subchapter I (title) is created to read.

NR 12 (title) SUBCHAPTER I – WILDLIFE ABATEMENT PROGRAM

[Note to reviser: Subchapter I should be placed before NR 12.001]

SECTION 2. NR 19 Subchapter II is renumbered NR 12 Subchapter II.

[Note to reviser: Begin numbering of Subchapter II at NR 12.30 and continues through NR 12.41.]

SECTION 3. NR 19 subchapter II is created to read:

NR 19 (title) SUBCHAPTER II – WILDLIFE REHABILITATION

NR 19.70 Purpose. This subchapter is adopted to establish consistent standards for the rehabilitation of wildlife in Wisconsin. The intent is to ensure all persons engaged in wildlife rehabilitation are qualified and provide humane care and housing for wildlife being rehabilitated.

NR 19.71 Definitions. In this subchapter:

(1) “Advanced license” means a wildlife rehabilitation license issued by the department to a person qualifying under s. NR 19.73(1) and (3).

(2) “Basic license” means a wildlife rehabilitation license issued by the department to a person qualifying under s. NR 19.73(1) and (2).

(3) “Department” means the department of natural resources.

(4) “Euthanasia” means the humane killing of a wildlife in accordance with the current American veterinary medical association standards contained in the 2000 Report of the AVMA Panel on Euthanasia.

Note: Copies of the 2000 Report of the AVMA Panel on Euthanasia, JAVMA, Vol. 218, No. 5, dated March 1, 2001, are available for inspection at the offices of the Secretary of State, 30 W. Mifflin Street, Madison, WI, the Revisor of Statutes, 131 W. Wilson Street, Madison, WI, or the department.

(5) “Facilities” means any equipment, housing or shelter used for wildlife rehabilitation.

(6) “Federal permit” means a special purpose permit issued under 50 CFR Part 13 and 50 CFR 21.27 by the United States fish and wildlife service for the rehabilitation of migratory birds and federally endangered or threatened species.

(7) “Protective device” means a device that is designed to prevent the escape of an animal at the entrance of a primary enclosure.

(8) “Sponsor” means an advanced licensee who has volunteered to mentor a basic licensee.

(9) “Sponsorship agreement” means a document that establishes an advanced licensee as a sponsor for a basic licensee.

(10) “Volunteer” means any person, including interns, working under the supervision of an advanced licensee on wildlife rehabilitation activities.

(11) “Wildlife” means “wild animal” as defined in s. 169.01(37), Stats.

(12) “Wildlife rehabilitation” means “rehabilitate” as defined in s. 169.01(30m), Stats.

(13) “Wildlife rehabilitation advisory committee” means a group of volunteers appointed by the secretary or secretary’s designee to advise and provide recommendations about wildlife rehabilitation to the department.

(14) “Wildlife rehabilitator” means a person authorized to capture, receive, temporarily possess, transport or transfer orphaned, sick or injured wildlife for the purpose of wildlife rehabilitation under a valid license issued pursuant to this subchapter.

NR 19.72 General wildlife rehabilitation provisions. (1) The title to all wildlife and their offspring held under a wildlife rehabilitation license remains under the jurisdiction of the department as described in s. 169.02, Stats., and may not be sold, traded or bartered without the consent of the department.

(2) The department may restrict wildlife rehabilitation of specific wildlife species, either statewide or in certain geographic areas to control the spread of disease, to protect public health or to prevent harmful environmental impacts.

(3) The department may restrict wildlife species authorized for rehabilitation based on the facilities and qualifications of the applicant or licensee.

(4) A wildlife rehabilitation license does not authorize the capture, receipt, possession, transportation or transfer of wildlife for any purpose other than wildlife rehabilitation.

(5) This license does not exempt the licensee from local ordinances that apply to activities authorized by this license.

(6) This license does not authorize the practice of veterinary medicine as defined in s. 453.02(6), Stats.

(7) The licensee shall display his or her license to department agents or other law enforcement agents upon request.

(8) Any costs incurred by the licensee for wildlife rehabilitation activities shall be the responsibility of the licensee.

(9) Unless specifically authorized by the department for educational purposes, no person may place wildlife being rehabilitated on public exhibit, in ways that may lead to inappropriate imprinting, socialization, habituation or stress.

(10) Wildlife being rehabilitated may not be transported outside Wisconsin for release or any other purpose unless the licensee has verbal, or written, permission from the department and possesses a wildlife rehabilitation license pursuant to this subchapter.

(11) No person may import or accept wildlife for rehabilitation from outside Wisconsin unless he or she has verbal, or written, permission from the department and possesses a wildlife rehabilitation license pursuant to this subchapter.

NR 19.73 Licenses. (1) GENERAL RESTRICTIONS. (a) *Requirements.* No person may rehabilitate wildlife unless he or she possesses a valid license pursuant to s. 169.24, Stats.

(b) *Transferability.* A rehabilitation license is not transferable.

(c) *Reporting.* The licensee shall notify the department within 7 days of any change of name, address, telephone number, associated federal permit status, substantial changes to facility, a decision to discontinue as a sponsor or wildlife rehabilitation activities before license expiration.

(2) BASIC LICENSE. (a) *Requirements.* An applicant for a basic license shall meet all of the following requirements:

1. Possess a signed sponsorship agreement stating an advanced licensee is willing to mentor the applicant's wildlife rehabilitation activities.

2. Possess a signed consulting veterinarian agreement stating a veterinarian, licensed to practice in Wisconsin or state of residence, is willing to consult and assist with care and treatment of wildlife being rehabilitated.

3. Pass an examination meeting the requirements of s. NR 19.75.

4. Allow an inspection of facilities to assure that the applicant's facilities meet the requirements of s. NR 19.77.

(b) *Restrictions.* Basic licensees may not possess any of the following:

1. Federal migratory birds or federal or state endangered or threatened species unless authorized by appropriate federal and state permit.

2. Mammals belonging to the family cervidae (deer, elk, and moose) or other harmful wild animals designated under s. 169.11, Stats.

3. Species of bird belonging to the order ciconiformes (vultures, bitterns and herons), falconiformes (hawks, eagles, harriers, osprey, kites and falcons) with the exception of American kestrel, the order Strigiformes (all owls), with the exception of saw-whet and screech owls or the families gruidae (cranes) or gaviidae (loons).

(c) *Euthanasia.* Euthanasia may only be performed under direct supervision of the sponsoring advanced licensee or consulting veterinarian.

(d) *Volunteers.* Basic licensees may not list volunteers on their license.

(3) ADVANCED LICENSE. (a) *Requirements.* Except as provided under par. (e), applicants shall meet all of the following requirements:

1. Possess a basic evaluation form signed by the applicant's advanced licensee sponsor stating that the applicant has been a licensed basic rehabilitator for a minimum of 2 years and has satisfactorily engaged in the practice of wildlife rehabilitation.

2. Possess a signed consulting veterinarian form stating a veterinarian, licensed to practice in Wisconsin or licensee's state of residence, is willing to consult and assist with care and treatment of wildlife being rehabilitated.

4. Allow an inspection of facilities to assure that the applicant's facilities meet the requirements of s. NR 19.77.

(b) *Restrictions.* Advanced licensees may not possess any of the following:

1. Species of wildlife not authorized by their license.

2. Federal migratory birds or federal or state endangered or threatened species unless authorized by the appropriate federal and state permit.

(c) *Euthanasia.* Euthanasia may be performed by the advanced licensee or consulting veterinarian.

(d) *Volunteers.* Volunteers may be authorized to assist with the rehabilitation of wildlife under the authority of an advanced licensee's license provided that all of the following conditions apply:

1. An updated list of volunteers assisting the advanced licensee is retained by the advanced licensee, and shall be provided to a department agent upon request.

2. Volunteers operating at a location other than the advanced licensee's facility shall retain a copy of the advanced licensee's license which shall be provided to a department agent upon request.

3. Advanced licensees accept responsibility for the actions and activities of volunteers and shall be responsible for any violations by volunteers in violation of this chapter or ch. 169, Stats.

4. Advanced licensees that utilize volunteers that are not assisting with wildlife rehabilitation activities under the direct supervision of the advanced licensee shall be responsible for the volunteers' facilities meeting the standards defined in s. NR 19.77.

(e) *Exemptions.* 1. To create an initial advanced license group, the department may allow a person applying for an advanced license to substitute at least 4 years of wildlife rehabilitation experience and qualifications for the requirement of having been a basic licensee for a minimum of 2 years.

2. To create a sponsor group, the initial advanced license group may be exempted from the sponsorship approval requirement.

Note: Wildlife rehabilitation sponsorship and veterinary agreements will be available upon request at DNR Service Centers, by writing the Bureau of Wildlife Management, PO Box 7921, 101 S. Webster St., Madison, WI 53707-7921 or by calling (608) 266-8204.

NR 19.74 Application. (1) A person desiring to rehabilitate wildlife in Wisconsin shall submit all of the following information required by the department on an application form supplied by the department:

(a) A signed consulting veterinarian agreement from a veterinarian who is willing to consult and assist applicant with care and treatment of wildlife being rehabilitated.

(b) A signed sponsorship agreement from an advanced licensee who has agreed to sponsor the basic applicant.

(c) For an advanced license applicant, a signed evaluation form from the advanced sponsor and consulting veterinarian which indicates compliance with s. NR 19.73 (3).

(d) Certification that the applicant has read and understands this subchapter and that the applicant agrees to comply with all provisions of this subchapter.

(2) The department may issue the appropriate rehabilitation license to an individual possessing a valid rehabilitators license or permit from another state or province, provided that the minimum requirements of the basic or advanced rehabilitators licenses described in this subchapter are met.

Note. Wildlife rehabilitation application, evaluation form, sponsorship agreement, and veterinary agreements will be available upon request at DNR Service Centers, by writing the Bureau of Wildlife Management, PO Box 7921, 101 S. Webster St., Madison, WI 53707-7921 or by calling (608) 266-8204.

NR 19.75 Examination. (1) A person desiring a basic license to rehabilitate wildlife in Wisconsin shall take a written examination, provided and administered by the department, and score 80% or greater.

(2) The examination shall be prepared by the wildlife rehabilitation advisory committee and administered by a representative of the department.

(3) An applicant failing to correctly answer at least 80% of the questions on the examination described in this section may not be issued a license but may repeat the exam 30 days after the examination was completed.

(4) The department shall provide an examination study guide and other information regarding wildlife rehabilitation to each applicant upon request.

Note: The wildlife rehabilitation study guide will be available upon request at DNR Service Centers, by writing the Bureau of Wildlife Management, PO Box 7921, 101 S. Webster St., Madison, WI 53707-7921 or by calling (608) 266-8204.

NR 19.76 Facility inspection. (1) By accepting a license under this section a licensee consents to the facility inspection requirements established in s. 169.37, Stats., by the department and its agents.

(2) An applicant for a license under this section shall allow inspection of the applicant's facilities.

(3) Following an inspection, the department may do any of the following:

(a) Remove any wildlife if it is in the best interest of the animals until the facility complies with the standards established in s. NR 19.77.

(b) Deny the licensee or applicant the privilege to rehabilitate certain species until licensee or applicant can prove that the rehabilitation facilities are in compliance with this subchapter.

(c) Suspend a rehabilitation license for 30 days to allow a licensee's facilities to be brought into compliance.

(d) Allow a licensee under this subchapter a specified period of time to comply with s. NR 19.77 without revocation or suspension of license privileges designated in this subchapter.

NR 19.77 Facility standards. (1) GENERAL OPERATING STANDARDS. Prior to engaging in wildlife rehabilitation activities, protocols for disease prevention and transmission, euthanasia, pharmaceutical use, pest control, carcass and biological waste disposal and adequate veterinary care shall be established by the licensee and reviewed and signed by licensee's consulting veterinarian. Wildlife being rehabilitated shall be subject to all of the following conditions:

(a) If suspected of having an infectious disease, be quarantined in areas designated for that purpose.

(b) Be kept separated from human living quarters and activities.

(c) Have no contact with captive wildlife licensed under ch. 169, Stats., with the exception of other wildlife held under a rehabilitation license.

(d) Have no contact with the general public unless specifically authorized by the department for educational purposes.

(e) Be kept in enclosures at all times, and have contact with the licensee or designated volunteers only to the extent necessary to provide adequate care and treatment.

(f) Not be tamed, used as pets, held with domestic animals or habituated to humans.

(g) Be of compatible species when housed together, and not pose a threat to health or well-being of other wildlife in the same enclosure.

(h) Be raised with other wild animals of the same species held under the authority of a rehabilitation license whenever appropriate and possible, to ensure proper species orientation.

(2) ENCLOSURE SIZE AND CONSTRUCTION. (a) Enclosures shall be structurally sound, of sufficient strength for species involved, and maintained in good repair to prevent escape or injury to wildlife being rehabilitated.

(b) Enclosures shall be constructed to allow sufficient space for individual posture and social movements, unless medical treatment necessitates restricted mobility.

(c) All outdoor wildlife enclosures shall have protective devices at entrances and exits to prevent escapes.

(d) Enclosures shall be secured when unattended.

(e) No exposed sharp objects, ponds with steeply sloped banks, toxic paints or sealants, poisonous vegetation or other hazardous items may be used in the construction of enclosures.

(f) Enclosures shall have visual barriers to restrict wildlife's view of humans and other species being rehabilitated to reduce inappropriate imprinting, socialization, habituation or stress.

(3) ENVIRONMENTAL CONDITIONS. (a) Ambient temperatures shall be sufficient for species involved.

(b) Adequate ventilation by means of windows, doors, vents, fans or air conditioning shall be provided to protect wildlife health and to minimize drafts, odors and condensation.

(c) Adequate lighting shall be provided by artificial or natural means and cycled for appropriate photoperiod for species involved.

(d) Adequate shade, weatherproof shelters, nest boxes, perches and dens shall be provided to protect wildlife from inclement weather and direct sun.

(e) Wildlife being rehabilitated shall be gradually acclimated before being exposed to extreme outdoor conditions.

(4) FOOD. (a) Adequate feeding schedules shall be maintained for species involved unless medical treatment necessitates restricted food intake.

(b) All food shall be palatable, free of contamination, and of sufficient quantity and nutritive value.

(c) Wildlife's diets shall be supplemented with vitamins and minerals when necessary for species involved.

(d) Food receptacles shall be appropriately sized, easily accessible, kept sanitary and safe.

(5) WATER. (a) Fresh uncontaminated water for drinking shall be provided at all times unless medical treatment necessitates restricted water intake.

(b) Water, separate from drinking water, shall be provided for species requiring bathing, swimming or misting unless medical treatment necessitates restricted water exposure.

(c) Water receptacles shall be appropriately sized, easily accessible, kept sanitary and safe.

(6) SANITATION. (a) Removal and disposal of wildlife food wastes, feces and urine, bedding, carcasses, trash, garbage, and debris from the enclosure and premises shall be performed frequently to maintain sanitary conditions and protect wildlife and human health.

(b) Cages, rooms, hard surfaced pens, kennels, runs, equipment, and food and water receptacles shall be sanitized between each wildlife use to prevent disease transmission.

(c) Excess water shall be drained from enclosures and may not drain into neighboring enclosures.

(d) Wildlife in enclosures shall be protected from contact with cleaning activities and chemicals.

NR 19.78 Care and treatment of wildlife. (1) Any orphaned, sick or injured wildlife, except endangered or threatened species, that the licensee determines is not capable of being rehabilitated or having a reasonable chance of survival in the wild shall be treated under one of the following options:

(a) Euthanized.

(b) Turned over to the department.

(c) Disposed of as directed by the department.

(d) Retained for the purpose of long-term care at the direction of the department.

(2) A license shall notify the department within 48 hours of receipt of federal or state endangered or threatened species.

(3) State endangered or threatened species may be euthanized and disposed of only under direction of the department.

(4) Peregrine falcons, bald or golden eagles, and any other federally endangered or threatened migratory birds, may only be euthanized and disposed of under direction of the migratory bird permit office, United States fish and wildlife service, and the department.

(5) Federally endangered or threatened mammals shall only be euthanized and disposed of under direction of the endangered species permit office of the United States fish and wildlife service and the department.

(6) No licensee may keep any orphaned, sick or injured migratory bird for the purpose of rehabilitation, including birds not ready for release prior to the onset of cold weather, longer than 180 days unless an extension is granted by the migratory bird permit office of the United States fish and wildlife service, and the department for each individual case.

(7) No licensee may keep any orphaned, sick or injured wildlife for the purpose of rehabilitation, including wildlife not ready for release prior to the onset of cold weather, longer than 180 days unless an extension is granted by the department for each individual case.

(8) When the licensee determines that the injured or sick wildlife have sufficiently recovered, or orphaned wildlife has matured to an age where there is reasonable chance for survival in the wild, wildlife shall be released at an appropriate location with landowner permission unless otherwise authorized by the department.

NR 19.79 Infectious disease reporting. A licensee or consulting veterinarian shall report animal diseases as required by s. ATCP 10.02 if diagnosed in wildlife being rehabilitated and to the department's wildlife health program.

Note. The wildlife health program may be contacted by sending an e-mail to wildlifehealth@dnr.state.wi.us or by calling (608) 266-8204.

NR 19.80 Record keeping and reporting. (1) A wildlife rehabilitation license may not be renewed until the licensee has submitted an annual report in accordance with s. 169.36(10), Stats., and any additional required records that the department has specifically requested.

(2) An advanced licensee and a basic licensee shall provide a copy of the records required to be maintained for that license to the department quarterly as follows:

1. Quarterly submission of records shall be provided to the department by April 30th, July 31st, October 31st and January 31st each year, and shall consist of a copy of all required records maintained during the 3 previous months.

2. Records to be included in the quarterly report shall consist of complete records of all transactions or activity involving any wild animals of the following families:

- a. Canidae (coyotes, foxes, wolves).
- b. Ursidae (bears).
- c. Mustelidae (badger, mink, otter, skunk).
- d. Felidae (bobcat, lynx, cougars).

NR 19.81 Qualifications of sponsors. Advanced licensees may volunteer to sponsor, or provide consultation and advice to basic licensees. A person desiring to be an advanced sponsor shall do all of the following:

(1) Submit a request to the wildlife rehabilitation advisory committee established in s. NR 19.83 requesting designation as a sponsor.

(2) Have experience rehabilitating those wildlife species which the basic licensee is authorized to possess.

NR 19.82 Wildlife rehabilitation advisory committee. (1) The secretary shall appoint persons experienced with wildlife biology, rehabilitation, law enforcement, and veterinary medicine to a wildlife rehabilitation advisory committee.

(2) The wildlife rehabilitation advisory committee shall assist the department with development of wildlife rehabilitation examinations, facility inspections, and recommendations which may be used in department decision making as it pertains to wildlife rehabilitation activities.

NR 19.83 Additional conditions. (1) Any license issued after effective date of this section ... [reviser insert date] is subject to requirements of this subchapter.

(2) On the effective date of this section ... [reviser insert date], all existing Wisconsin wildlife rehabilitation permittees will be granted a provisional license for 2 years. After 2 years from the effective date of the provisional license, these provisional licensees may apply for a license pursuant to this subchapter.

(3) An individual applying for a license pursuant to s. NR 19.73(2) and (3) shall take the examination and meet the requirements established in s. NR 19.75.

NR 19.84 Modifications. The department may amend or add conditions to licenses issued under this subchapter at any time if there is a risk to public health and human welfare or there is a risk to the health and welfare of the environment.

NR 19.85 Disclaimer. The number of licenses issued under this subchapter may be restricted by the department based on the need for wildlife rehabilitation. Possession and care of any wildlife under this subchapter does not create a property right to the wildlife for the licensee.

SECTION 4. Cross-reference changes.

[Note: In the section listed in Column A, the cross-reference in Column B is changed to the cross-reference listed in Column C.]

A	B	C
NR 12.001(2)(a)	s. NR 19.76 (4e)	s. NR 12.46(4e)
NR 12.16(2)(a)	s. NR 19.80 (4) (a) 5.	s. NR 12.48(4)(a)5.
NR 19.79(3)	s. NR 19.81	s. NR 12.49
NR 19.795(3)(b)1.a.	s. NR 19.76 (4) or (4e)	s. NR 12.46(4) or (4e)
NR 19.795(3)(b)6.	s. NR 19.76 (7)	s. NR 12.46 (7)
NR 19.80(6)	s. NR 19.795	s. NR 12.47
NR 19.84(2)(b)	s. NR 19.76 (4)	s. NR 12.46 (4)

SECTION 5. EFFECTIVE DATE. This rule shall take effect on January 1, 2004.

SECTION 6. BOARD ADOPTION. The foregoing rules were approved and adopted by the State of Wisconsin Natural Resources Board on August 13, 2003.

Dated at Madison, Wisconsin _____

STATE OF WISCONSIN
DEPARTMENT OF NATURAL RESOURCES

By _____
Scott Hassett, Secretary

(SEAL)