

Report to
Legislative Council Rules Clearinghouse
Ch. NR 19 Wis. Adm. Code
Natural Resources Board Order WM-10-13

Wisconsin 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."

Federal Authority

Not applicable

Court Decisions Directly Relevant

None

Analysis of the Rule – Rule Effect – Reason for the 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 for people licensed to rehabilitate wild animals based on what the department has learned after ten years of experience administering the subchapter. Specifically, these rules would:

SECTION 1 establishes a definition for the word "cage" to clarify that it can mean any type of enclosure.

SECTIONS 2 and 4 establish definitions of direct and indirect supervision to clarify that the actual presence of the licensee or consulting veterinarian is required in certain situations. These sections also define that a "subpermittee" is a person who is working in a limited capacity under the supervision of the holder of an advanced license for wildlife rehabilitation.

SECTION 3 updates a cross reference to American veterinary medical association standards so that it will always refer to the current standards.

SECTION 5 simplifies the definition of "volunteer".

SECTIONS 6 and 35 update the name of the Wildlife Rehabilitation Advisory Committee, the group of volunteers appointed by the secretary to advise the department on wildlife rehabilitation so that it is now a "council" and expand the council's charge to include advisory roles related to wildlife health and other captive wildlife matters. Use of the word council reflects that this is a long term, rather than a temporary, advisory body.

SECTION 7 provides information in a note so readers are aware that rehabilitation of skunks and wolves is not allowed and directing people to the location on the department's website where rehabilitation

restrictions and requirements related to deer, wolves and threatened and endangered species are explained.

SECTION 8 clarifies that wild animal rehabilitation is restricted only to those species which are listed on the rehabilitator's license and establishes a process by which additional species may be added to a license.

SECTION 9 requires an applicant for a rehabilitation license to describe their previous rehabilitation and animal care experience when applying for a license.

SECTION 10 establishes the conditions under which volunteers may assist basic license holders with the rehabilitation of wild animals, including that volunteers may provide only basic care under the direct supervision of the licensee.

SECTION 11 establishes that holders of a basic license for wildlife rehabilitation may not utilize the assistance of subpermittees.

SECTIONS 12 to 14 require the signature of a veterinarian to assure that applicants for an advanced wildlife rehabilitation license meet the minimum criteria for the license. These sections also require a description of prior wildlife rehabilitation experience and successfully completing a written exam which evaluates their knowledge as part of the licensing process. This is already a requirement for basic licensees.

SECTION 15 establishes that volunteers can assist advanced license holders in rehabilitating wildlife and establishes the conditions and requirements.

SECTION 16 specifically establishes that subpermittees can assist a person who is licensed as an advanced rehabilitator, including at a location other than that of the advanced license holder. This section establishes reporting and other requirements for subpermittees and establishes that advanced licensees are responsible for the activities of volunteers.

SECTION 17 establishes a state requirement that consulting veterinarians comply with the Animal Medicinal Drug Use Clarification Act of 1994. This is already a requirement of federal law. This section also requires that applicants for wildlife rehabilitation licenses read a code of ethics for wildlife rehabilitation,

SECTION 18 clarifies that, when providing documentation that facilities are allowed under local zoning, the documentation can be supplied by the applicant instead of the local unit of government. The requirement to show that facilities are allowed under local zoning is also an existing statutory requirement.

SECTIONS 19 to 21 establish requirements for non-residents who wish to apply for a license to rehabilitate wild animals in Wisconsin. The requirements are similar to the ones which apply to resident applicants. As a condition of license renewal for residents, this section requires applicants to obtain and show proof of continuing education.

SECTION 22 establishes that, in addition to preparing a test, the wildlife rehabilitation council may select an existing examination that is used to evaluate applicants for wildlife rehabilitation licenses.

SECTION 23 requires wildlife rehabilitation license applicants to provide information about their enclosures used to confine animals to make the licensing process more efficient and to better assure that humane standards will be met.

SECTIONS 24 and 25 incorporate by reference the standards for enclosures which are established by the National Wildlife Rehabilitation Association and International Wildlife Rehabilitation Council. This will provide more specific guidance to license applicants and will assure consistently better care and housing of animals.

SECTION 26 clarifies that the department, as well as wildlife rehabilitators, can make the determination that an animal is not capable of being released and having a chance of survival in the wild. The department's authority is already established in Ch. 169 Stats. but is re-stated in these rules to provide clarity.

SECTIONS 27 to 30 establish that, when responding to an oil spill, rehabilitators who are licensed in another state may assist in Wisconsin on a temporary basis. These sections also clarify how a rehabilitator must respond when they take possession of an animal they know or reasonably suspect has been exposed to rabies and other diseases, and updates a related cross-reference to Ch. ATCP 10. SECTION 27 establishes a time frame during which a relationship with a new consulting veterinarian must be established if a current veterinarian is no longer able to perform veterinary services for the rehabilitator. Finally, language in SECTION 27 clarifies that failing to meet the requirements for the care and treatment of wildlife is a prohibited action.

SECTIONS 31 and 32 establish that quarterly reporting of activity with the following additional species is required; fisher, marten, wolverine, weasel, elk, white-tailed deer, and moose. These sections also update the list of animals for which quarterly reports to the department are required so that it includes wild or feral swine, mute swans, and wolf-dog hybrids at times when rehabilitation of those species is not prohibited under s. NR 19.72 (2).

SECTIONS 33 designates a specific person in the department to whom applicants to become advanced wildlife rehabilitation sponsors shall apply. The section also requires both the department and the wildlife rehabilitation advisory committee to review applications and documents describing the applicant's experience with wildlife rehabilitation.

SECTION 34 establishes that the sponsor who applies to advise or consult a basic licensee must either be actively rehabilitating the species that the basic licensee will work with, or must have the facilities necessary to work with that species.

SECTION 36 establishes that, in addition to situations of risk to public health, the department may also modify license conditions when there is a threat to animal health or welfare.

Description of any Forms

None

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