

ORDER OF THE STATE OF WISCONSIN NATURAL RESOURCES BOARD
AMENDING, REPEALING AND RECREATING, AND CREATING RULES

The statement of scope for this rule, SS 026-13, was published in Register No. 687, on March 31, 2013. This permanent rule was approved by the Governor on February 26, 2018.

The Wisconsin Natural Resources Board proposes an order renumber and amend Ch. NR 19.79 (1), to amend NR 19.71 (4) and (13), 19.72 (6), 19.73 (3) (a) 1., 19.74 (1) (a), (b) and (d) and (2) (Intro.) (Note), 19.75 (1), (2) and (Note), 19.77 (2) (a), 19.79 and (Note), 19.80 (2) (b) 3., 19.81, 19.82, 19.84; to repeal and recreate 19.71 (10), 19.73 (2) (d) and (3) (d); and to create NR 19.71 (1m), (2m), (3m), (6m) and (9m), 19.72 (2) (Note) and (4) (Note), 19.73 (1) (d) (Note) and (e), (2) (a) 1m., (2) (e), (3) (a) 1m., (c) (Note), and (3) (a) 2m. and (e), 19.74 (1) (e), (2) (a) to (e) and (3), 19.76 (2m) and (Note), 19.77 (2) (a) (Note), 19.78 (9) to (12), 19.79 (2), 19.80 (2) (b) 5. to 8 and (Note), and 19.81 (3) and (Note), relating to wildlife rehabilitation.

WM-10-13

Analysis Prepared by the Department of Natural Resources

Statutory Authority and Explanation of Agency 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."

All rules promulgated under this authority are subject to review under ch. 227, Stats.

Statutes Interpreted and Explanation: These rules interpret statutes related to captive wildlife, especially s. 169.24.

Related Statute or Rule: No other rules currently being promulgated are directly related to this proposal and these proposed rules are not a response to recently enacted statutes.

Plain Language Rule Analysis: 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 more than ten years of experience administering the subchapter. Specifically, these rules would:

SECTION 1 establishes a definition of basic care which is feeding, watering, and cleaning to provide for an animal's basic needs. The section also establishes a definition for "cage" to clarify that it can mean any type of enclosure. Finally, this section establishes a definition of direct supervision to clarify that the actual presence of the licensee or consulting veterinarian is required in certain situations.

SECTION 2 updates a cross reference to American veterinary medical association standards so that it will always refer to the current standards.

SECTION 3 establishes a definition of indirect supervision to clarify that the actual presence of the licensee or consulting veterinarian is not required in certain situations. This section also defines 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 4 defines that a “volunteer” is a person who works onsite under the direct supervision of the licensee.

SECTIONS 5 and 30 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.

SECTION 6 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. This section also clarifies in a note that wildlife rehabilitation licensing authority does not apply to birds held under falconry licensing.

SECTION 6m. updates a statutory cross-reference to the practice of veterinary medicine.

SECTION 7 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. A minimum amount of experience and knowledge that is needed before adding a species, and an exception, are established. This section also requires an applicant for a rehabilitation license to describe their previous rehabilitation and animal care experience when applying for a license.

SECTION 8 establishes the requirements 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. This section also establishes that holders of a basic license for wildlife rehabilitation may not utilize the assistance of subpermittees.

SECTIONS 9 and 10 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 10 also provides information in a note so readers are aware of controlled substances special use authorization (SUA) requirements for injectable euthanasia by the State of Wisconsin controlled substances board.

SECTION 11 establishes that volunteers can assist advanced license holders in rehabilitating wildlife and establishes the conditions and requirements.

SECTION 12 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. Finally, this section restricts the activities of a subpermittee to assisting only in a limited capacity which does not include admitting animals or performing euthanasia or advanced medical procedures.

SECTION 13 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 14 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 15 to 17 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 18 establishes that, in addition to preparing a test, the wildlife rehabilitation council may recommend an existing examination that is used to evaluate applicants for wildlife rehabilitation licenses.

SECTION 19 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 20 and 21 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 22 establishes that, when responding to an oil spill, rehabilitators who are licensed in another state may assist in Wisconsin on a temporary basis. This section also 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 this section clarifies that failing to meet the requirements for the care and treatment of wildlife is a prohibited action.

SECTIONS 23 to 25 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.

SECTIONS 26 and 27 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 28 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 council to review applications and documents describing the applicant's experience with wildlife rehabilitation.

SECTION 29 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 30 acknowledges that the Wildlife rehabilitation advisory committee has been formally transformed to an advisory council.

SECTION 31 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.

Federal Regulatory Analysis: States possess inherent authority to manage the wildlife resources located within their boundaries, except insofar as preempted by federal treaties and laws, including regulations established in the Federal Register. Under international treaty and Federal law, the possession of migratory birds is regulated by the United States Fish & Wildlife Service. Additional federal regulations 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.

Comparison with rules in Adjacent States: Wisconsin's surrounding states also have regulations in place establishing some type of licensure and which are designed to assure humane care of animals and manage the use of wildlife resources which are held in the public trust. Wildlife rehabilitation regulations vary from state-to-state but are generally comparable to Wisconsin's approach.

Michigan wildlife rehabilitation regulations require all new applicants to pass the International Wildlife Rehabilitation basic skills course prior to applying for a wildlife rehabilitation permit. Permits are valid for 5 years and continuing education credits are required prior to a permit renewal. Rehabilitation facilities must be in compliance with the International Wildlife Rehabilitation and National Wildlife Rehabilitation Association minimum standards.

The Minnesota wildlife rehabilitation regulations specify three classes of licenses. A passing score of an exam is required prior to obtaining the next level permit. Continuing education credits are required to renew licenses or apply for a subsequent license. Each permit level is allowed to have a specified number of in-shelter assistants who are authorized to assist in rehabilitation activities.

The Iowa wildlife rehabilitation regulations ensure that facilities are in compliance with International Wildlife Rehabilitation and National Wildlife Rehabilitation Association minimum standards.

Summary of Factual Data and Analytical Methodologies: 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.

The Wildlife Rehabilitation Advisory Committee makes recommendations to, advises and cooperates with the department on wildlife rehabilitation program development, regulations, research, and education. The Committee represents licensed wildlife rehabilitators in Wisconsin. This rule proposal will expand their role advising on related captive wildlife topics and change their name to "council" instead of committee.

These rules establish a definition of basic care which is feeding, watering, and cleaning to provide for an animal's basic needs, and does not include tasks such as performing admittance exams and triage, or euthanasia. The rule also establishes that volunteers, who are not licensed, may only provide basic care.

The creation of subpermittees will 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 restriction on who is allowed to conduct euthanasia. The creation of subpermittees also clarifies the role of volunteers. For instance, a volunteer working with a basic license holder would not be able to work at a location away from the basic license holder's facility or in any way other than under the licensee's direct supervision. This is intended to improve clarity about the roles of volunteers and assistants who are not licensed, increase their level of supervision, and result in more consistently humane care.

The proposal establishes a note to make readers aware that the rehabilitation of skunks, wolves and wolf-dog hybrids is prohibited, and directs readers to the department's website for additional information on the rehabilitation of deer and threatened or endangered species. These provisions should improve the usefulness of this chapter to readers.

These rules establish requirements for basic and advanced licensees to add new species to their license authority. The requirements are designed to better assure that the licensee has experience and knowledge with those species before working on them. For migratory birds, federal regulations require 100 hours of experience before adding a migratory bird to a license. For other species, the department would work with the wildlife rehabilitation advisory council to develop guidance that establishes the appropriate amount of experience and knowledge that is needed.

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 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. These standards for wildlife rehabilitation are based on accepted norms in biology, medicine, behavior, natural history, and, of course, wildlife rehabilitation. Under current rules enclosures are generally required to be of sufficient construction to contain the animal, of a size that is adequate for the animal, and free of sharp edges or other hazards. These specific requirements will make it significantly easier for applicants to construct their facilities with a high level of certainty that they will be approved by the department and result in providing humane care. 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. Under this proposal, the department will have enough flexibility that it would be able to approve enclosures that technically do not meet these standards but which clearly will result in providing humane care, perhaps as a result of design of other ideas and improvements that were not considered in development of standards.

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 will facilitate the efficient approval of volunteers who may be needed in this type of an emergency situation. These rules will also correct a cross-reference with rules promulgated by the Department of Agriculture, Trade and Consumer Protection which establish procedures that must be followed if an animal is suspected of having been exposed to rabies. These rules clarify that failing to meet the requirements for the care and treatment of wildlife is a prohibited action.

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 will expand the requirements to include quarterly reporting of elk, deer, moose, fisher, marten, wolverine, weasel, bobcat, lynx and cougars. Quarterly reporting for the possession of mute swans, wild or feral swine, and wolves or wolf-dog hybrids would also be required if rehabilitating those species is allowed.

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 Wildlife Rehabilitation Advisory Council to be sponsors.

Analysis and supporting documents used to determine effect on small business or in preparation of an economic impact analysis: The department solicited comments on an economic impact analysis of this proposal during July 2015. During that period, the department posted a preliminary analysis on its website and distributed the proposed rule and analysis to parties it determined were interested. A copy of the analysis was posted on the department's website at <http://dnr.wi.gov> and can be located by searching for the keywords "administrative rules".

Anticipated Private Sector Costs: These rules, and the legislation which grants the department rule making authority, do not have a significant fiscal effect on the private sector.

Effects on Small Business: 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. The proposed rules will not have a significant economic impact on a substantial number of small businesses under 227.114(6) or 227.14(2g).

Agency Contact Person: Scott Loomans, 101 South Webster St., PO BOX 7921, Madison, WI 53707-7921. (608) 267-2452, scott.loomans@wisconsin.gov

Deadline for Written Comments: Written comments were submitted to the agency contact person, listed above, by August 31, 2015.

SECTION 1. NR 19.71 (1m), (2m) and (3m) are created to read:

NR 19.71 (1m) "Basic care" means feeding, watering, and cleaning to provide for an animal's basic needs, and does not include tasks such as performing admittance exams and triage, or euthanasia.

(2m) "Cage" means any structure in which animals are confined for rehabilitation purposes.

(3m) "Direct supervision" means the actual presence of the licensee or consulting veterinarian.

SECTION 2. NR 19.71 (4) is amended to read:

NR 19.71 (4) "Euthanasia" means the humane killing of a ~~wildlife~~ wild animal in accordance with the current American veterinary medical association standards contained in the ~~2000 Report~~ most recent report of the AVMA Panel on Euthanasia.

~~Note: Copies of the 2000 Report~~ Reports of the AVMA Panel on Euthanasia, ~~JAVA, 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 Legislative Reference Bureau, One E. Main Street, Madison, WI, or the department.

SECTION 3. NR 19.71 (6m) and (9m) are created to read:

NR 19.71 (6m) "Indirect supervision" means written or verbal instructions for treatment of an animal provided by a licensee or consulting veterinarian that need not be present.

(9g) "Subpermittee" means any person subject to the conditions and limits established in s. NR 19.73 (3)(e) and who is working in a limited capacity under the supervision of an advanced licensee on wildlife rehabilitation activities.

SECTION 4. NR 19.71 (10) is repealed and recreated to read:

NR 19.71 (10) "Volunteer" means any person at a licensee's facility who is contributing to the activities of the facility or who is under the direction of and is known to the licensee.

SECTION 5. NR 19.71 (13) is amended to read:

NR 19.71 (13) "Wildlife rehabilitation advisory ~~committee~~ council" means a group of volunteers appointed by the secretary or secretary's designee to advise and provide recommendations about wildlife rehabilitation, wildlife health, and captive wildlife to the department.

SECTION 6. NR 19.72 (2) (Note) and (4) (Note) are created to read:

NR 19.72 (2) Note: Deer rehabilitation information can be found at <http://dnr.wi.gov/> or 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. The rehabilitation of skunks is prohibited under s. NR 1.18 (3) (c). The possession and rehabilitation of species which are listed as threatened or endangered as established in s. NR 27.03 requires authorization from the Bureau of Natural Heritage Conservation. Pursuant to ss. 169.085 and 169.11 (1) (b), Stats., the department does not allow rehabilitation of wolves or wolf-dog hybrids.

(4) Note: Birds held under falconry licensing are private property, do not meet the definition of 'wild animal' per s. 169.01 (30m) stats., and thus care and treatment is not authorized per wildlife rehabilitation licensing authority.

SECTION 6M. NR 19.72 (6) is amended to read:

NR.19.72 (6): This license does not authorize the practice of veterinary medicine as defined in ~~s. 453.02 (6),~~ s. 89, Stats.

SECTION 7. NR 19.73 (1) (d) and (e) (Note) and (2) (a) 1m. are created to read:

NR 19.73 (1) (d) Species. The department shall list on the license the species authorized for rehabilitation by a basic or an advanced licensee.

(e) *Species additions*. No person may have a species added to their license unless all of the following have occurred:

1. The licensee has submitted to the department a caging report as required under s. NR 19.76 (2m), pictures of pens and enclosures, and documentation indicating the licensee's rehabilitation experience and knowledge with the new species. For migratory birds, experience and knowledge with the new species shall include at least 100 hours of hands-on experience gained within the previous two years and 25 of those hours may be fulfilled by participation in seminars or courses relating to the new species. For species which are not migratory birds, the department may establish that less experience and knowledge is needed. The department may require that licensees demonstrate specific experience and knowledge of species that it determines to be sensitive or difficult to rehabilitate.

2. The department has reviewed and approved the addition.

3. An additional facility inspection to determine compliance with standards established under s. NR 19.77 has been conducted if the department has determined such an inspection is necessary.

4. For a basic licensee modification, the licensee possesses a sponsorship agreement with an advanced licensee.

Note: The department is advised by the wildlife rehabilitation advisory council established under NR 19.71 (13) which develops recommendations for appropriate minimum requirements for experience and knowledge when adding new species to a license and the list of species sensitive or difficult to rehabilitate.

(2) (a) 1m. Submit a completed license application that describes prior wildlife rehabilitation and animal care experience to the department.

SECTION 8. NR 19.73 (2) (d) is repealed and recreated to read:

NR 19.73 (2) (d) *Volunteers*. Volunteers may assist basic licensees with the rehabilitation of wildlife if all of the following requirements are met:

1. Basic licensees have completed one full year of licensed wildlife rehabilitation before volunteers may be authorized to assist with wildlife rehabilitation activities.

2. All volunteer information including name, address, and telephone number has been provided to the department by the licensee.

3. The department is notified quarterly, by the licensee, of any changes to their list of volunteers and any changes in contact information of the licensee's volunteers.

4. Volunteers only provide basic care to species identified on the basic license.

5. Volunteers only operate at the facility of the licensee and under the direct supervision of the basic licensee.

6. 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.

(e) *Subpermittees*. A basic license holder shall not list subpermittees on the license holder's license.

SECTION 9. NR 19.73 (3) (a) 1. is amended to read:

NR 19.73 (3) (a) 1. Possess a basic evaluation form signed by the applicant's advanced licensee sponsor ~~or sponsors and consulting veterinarian or veterinarians~~ 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.

SECTION 10. NR 19.73 (3) (a) 1m., 2m., and (c) (Note) are created to read:

NR 19.73 (3) (a) 1m. Submit a completed license application form that describes prior wildlife rehabilitation experience to the department.

2m. Pass an examination meeting the requirements of s. NR 19.75.

(c) Note: Injectable euthanasia requires a controlled substances special use authorization (SUA). Reference the State of Wisconsin Controlled Substances Board information.

SECTION 11. NR 19.73 (3) (d) is repealed and recreated to read:

NR 19.73 (3) (d) *Volunteers.* Volunteers may assist advanced licensees with the rehabilitation of wildlife if all of the following requirements are met:

1. All volunteer information including name, address, and telephone number has been provided to the department by the licensee.
2. The department is notified quarterly, by the licensee, of any changes to the licensee's list of volunteers and any changes in contact information of their volunteers.
3. Volunteers only provide basic care to species identified on the advanced license.
4. Volunteers only operate at the facility of the licensee and under the direct or indirect supervision of the advanced licensee.
5. 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.

SECTION 12. NR 19.73 (3) (e) is created to read:

NR 19.73 (3) (e). *Subpermittees.* Subpermittees may be authorized to assist with the rehabilitation of wildlife in a limited capacity under the authority of an advanced licensee's license and subject to the restrictions of basic licensees under sub. (2) if all of the following requirements are met:

1. Subpermittees may only admit animals directly from the advanced licensee.
2. No subpermittee may perform euthanasia or advanced medical treatments or procedures.
3. All subpermittee information including name, address, and telephone number has been provided to the Department.

4. Advanced licensees notify the department quarterly of any changes to their lists of subpermittees and any changes in contact information of their subpermittees.

5. Subpermittees are listed on all of the advanced licensee's permits and licenses by the species for which the subpermittees provide rehabilitation care.

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

7. Advanced licensees accept responsibility for the actions and activities of their subpermittees and shall be responsible for any violations incurred of this subchapter or ch. 169, Stats.

8. Advanced licensees that utilize subpermittees who operate at a location other than the advanced licensee's facility shall be responsible for establishing that subpermittees' facilities meet the standards established in s. NR 19.77.

9. Subpermittees operating at locations other than the advanced licensee's facility submit, to both the advanced licensee and the department, caging reports and pictures of every rehabilitation pen and enclosure at their locations.

10. Subpermittees who operate at a location other than the advanced licensee's facility are located no more than 60 miles from the main facility of the advanced licensee.

SECTION 13. NR 19.74 (1) (a), (b) and (d) are amended to read:

NR 19.71 (1) (a) A signed consulting veterinarian agreement from a veterinarian who is willing to consult with the applicant and assist the applicant with care and treatment of wild animals being rehabilitated- and who is in compliance with the Animal Medicinal Drug Use Clarification Act of 1994.

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

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

SECTION 14. NR 19.74 (1) (e) is created to read:

NR 19.74 (1) (e) Written assurance from the applicant that the facility is in compliance with local ordinances and zoning regulations.

SECTION 15. NR 19.74 (2) (Intro.) is amended to read:

NR 19.74 (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. Applicants shall satisfy all of the following criteria:

SECTION 16. NR 19.74 (2) (a) to (e) and (3) are created to read:

NR 19.74 (2) (a) Pass an examination meeting the requirements of s. NR 19.75.

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

(c) Possess a signed letter of recommendation from a consulting veterinarian and a currently licensed rehabilitator, previous or current sponsor, current employer, or other individual which indicates compliance with s. NR 19.73 (2) or (3). A letter of recommendation shall include and reference specific training and experiences comparable to information on a basic level evaluation form.

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

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

(3) License Renewal. An applicant for renewal of any rehabilitation license shall submit proof of having obtained at least one continuing education credit during the preceding license period. Qualifying continuing education credits are:

(a) National Wildlife Rehabilitators Association, International Wildlife Rehabilitation Council, or Wisconsin Wildlife Rehabilitator's Association workshops, classes, or conferences.

(b) Participation in a research project, coursework, specialized rehabilitation care, or other activities, workshops, classes, or conferences which have been approved by the department.

SECTION 17. NR 19.74 (Note) is amended to read:

Note: Wildlife rehabilitation application, evaluation form, sponsorship agreement, ~~and~~ veterinary agreements, and the code of ethics will be available at <http://dnr.wi.gov/> or 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~~. 1-888-936-7463.

SECTION 18. NR 19.75 (1), (2) and (Note) are amended to read:

NR 19.75 (1) A person desiring a basic or an advanced 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 or recommended by the wildlife rehabilitation advisory ~~committees~~ council, subject to the approval of the department, and administered by a representative of the department.

Note: The wildlife rehabilitation study guide will be available at <http://dnr.wi.gov/> or 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~~. 1-888-936-7463.

SECTION 19. NR 19.76 (2m) and Note are created to read:

NR 19.76 (2m) Before an inspection, the applicant must complete and submit to the department a caging report which includes pictures of each cage or enclosure at the applicant's facility.

Note: Wildlife rehabilitation caging report is available at <http://dnr.wi.gov/> or 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 1-888-936-7463.

SECTION 20. NR 19.77 (2) (a) is amended to read:

NR 19.77 (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. All structures built after July 1, 2016 shall be in compliance with the Minimum Standards of the National Wildlife Rehabilitation Association and International Wildlife Rehabilitation Council except that, if enclosures are structurally sound, of sufficient strength for species involved, and maintained in good repair to prevent escape or injury, the department may determine standards have been met which fulfill the requirements of this paragraph.

SECTION 21. NR 19.77 (2) (a) (Note) is created to read:

Note: National Wildlife Rehabilitators Association and International Wildlife Rehabilitation Council minimum standards for enclosures are available at <http://dnr.wi.gov/> or 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 1-888-936-7463.

SECTION 22. NR 19.78 (9) to (12) are created to read:

NR 19.78 (9) For the purpose of responding to an oil spill, a currently licensed rehabilitator from another state may, under the approval of the secretary or their designee, temporarily assist in Wisconsin with the rehabilitation of wildlife affected by an oil spill in this state subject to conditions established by the department

(10) A licensee shall quarantine all animals reported under s. 19.79 (2) and animals shall be handled as directed by the department, including conducting rabies testing at the direction and in the presence of the department or its agents.

(11) If a licensee's relationship with a consulting veterinarian under s. 19.74 (1) (a) is terminated, the licensee may not admit new patients until a new consulting veterinarian is obtained. The licensee shall establish a new relationship with a consulting veterinarian and notify the department within 10 business days.

(12) In the event that the department makes a determination which directs what the disposition of a wild animal shall be, no person may fail to comply.

SECTION 23. NR 19.79 is renumbered and amended to read:

NR 19.79 (1) Infectious disease reporting and response. A licensee or consulting veterinarian shall report animal diseases as required by ~~s. ATCP 10.02~~ s. ATCP 10.03 if diagnosed in wildlife being rehabilitated and to the department's wildlife health program.

SECTION 24. NR 19.79 (2) is created to read:

NR 19.79 (2) If a licensee knows or reasonably suspects that a rabies-vector species mammal in their care may have or has been exposed to rabies, or that a human or domestic animal has been bitten or scratched by a possible rabies-vector species in the licensee's possession, the licensee shall make reports required under s. 19.79, quarantine the animal, and handle the animal as directed by their local or county public health department of the Wisconsin State Laboratory of Hygiene, which may include submitting the animal for rabies by the Wisconsin State Laboratory of Hygiene.

SECTION 25. NR 19.79 (Note) is amended to read:

Note: The wildlife health program may be contacted by calling ~~(608) 266-8204~~ 1-888-936-7463.

SECTION 26. NR 19.80 (2) (b) 3. is amended to read:

NR 19.80 (2) (b) 3. Mustelidae (badger, mink, otter, skunk, fisher, marten, wolverine, weasel).

SECTION 27. NR 19.80 (2) (b) 5. to 8 and (Note) are created to read:

NR 19.80 (2) (b) 5. Cervidae (elk, deer, moose)

6. Suidae (pure wild strains of swine commonly known by the name European, Eurasian, Russian or hybrids with domestic strains and animals which are confined but which exhibit characteristics of being in an untamed state, and as established in Ch. NR 16.11).

7. Anatidae (mute swans).

8. Canidae (Hybrids of the species *Canis lupus*, *C. lycaon*, or *C. rufus* commonly known as wolves and the species *Canis familiaris*, domestic dogs, and subsequent generations from such matings as established in Ch. NR 16.11).

Note: The department may restrict the rehabilitation of species when necessary to control the spread of disease, to protect public health, or to prevent harmful environmental impacts. Pursuant to ss. Ch. 169.085 and 169.11 (1) (b) Stats., the department does not allow rehabilitation of wolves or wolf-dog hybrids.

SECTION 28. NR 19.81 is amended to read:

NR 19.81 Qualifications of sponsors. Advanced licensees may ~~volunteer~~ elect to sponsor, ~~or~~ and provide consultation and advice to basic licensees. Potential sponsors will be reviewed by the wildlife rehabilitation advisory council and the department. 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 19.82~~ Submit a request to the wildlife rehabilitation program manager requesting designation as a sponsor.

(2) ~~Have~~ Submit to the wildlife rehabilitation program manager, documentation of experience rehabilitating those wildlife species which the basic licensee is authorized to possess.

SECTION 29. NR 19.81 (3) and (Note) are created to read:

NR 19.81 (3) Be actively rehabilitating the species the basic licensee is authorized for, or have a facility prepared to rehabilitate the species in compliance with NR 19.77.

Note: Contact information for the wildlife rehabilitation program manager may be obtained by calling 1-888-WDNR INFO.

SECTION 30. NR 19.82 is amended to read:

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

(2) The wildlife rehabilitation advisory ~~committee~~ council 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, wildlife health, or captive wildlife activities.

SECTION 31. NR 19.84 is amended to read:

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 or animal health and human or animal welfare or there is a risk to the health and welfare of the environment.

SECTION 32. EFFECTIVE DATE. This rule shall take effect on the first day of the month following publication in the Wisconsin Administrative Register as provided in s. 227.22 (2) (intro.), Stats.

SECTION 33. BOARD ADOPTION. This rule was approved and adopted by the State of Wisconsin Natural Resources Board on October 25, 2017.