

Chapter 220-450 WAC
WILDLIFE IN CAPTIVITY AND WILDLIFE REHABILITATION

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WAC

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DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

220-450-210	Oiled bird rehabilitation—Facility requirements. [Statutory Authority: RCW 77.04.012, 77.04.013, 77.04.020, 77.04.055, and 77.12.047. WSR 17-05-112 (Order 17-04), recodified as § 220-450-210, filed 2/15/17, effective 3/18/17. Statutory Authority: RCW 77.12.047, 77.12.240, 77.12.467, 77.12.469, and 77.32.070. WSR 13-18-046 (Order 13-192), § 232-12-869, filed 8/30/13, effective 9/30/13.] Repealed by WSR 19-06-038 (Order 19-35), filed 3/1/19, effective 4/1/19. Statutory Authority: RCW 77.04.012, 77.04.013, 77.04.020, 77.04.055, 77.12.047, 77.12.240, 77.12.467, 77.12.469, and 77.32.070.
220-450-220	Reporting receipt, death, carcass retention, and release of oiled birds. [Statutory Authority: RCW 77.04.012, 77.04.013, 77.04.020, 77.04.055, and 77.12.047. WSR 17-05-112 (Order 17-04), recodified as § 220-450-220, filed 2/15/17, effective 3/18/17. Statutory Authority: RCW 77.12.047, 77.12.240, 77.12.467, 77.12.469, and 77.32.070. WSR 13-18-046 (Order 13-192), § 232-12-871, filed 8/30/13, effective 9/30/13.] Repealed by WSR 19-06-038 (Order 19-35), filed 3/1/19, effective 4/1/19. Statutory Authority: RCW 77.04.012, 77.04.013, 77.04.020, 77.04.055, 77.12.047, 77.12.240, 77.12.467, 77.12.469, and 77.32.070.

WAC 220-450-010 Criteria for planting aquatic plants and releasing wildlife. (1) Release by persons other than the director. It is unlawful for persons other than the director to plant aquatic plants or release any species, subspecies, or hybrids of animals which do not already exist in the wild in Washington. If such species, subspecies, or hybrid does already exist in the wild in Washington, it may be released within its established range by persons other than the director, but only after obtaining a permit from the director.

(a) Application for a permit must be made on a form provided by the department. It must be submitted at least thirty days prior to acquisition of the wildlife or aquatic plants intended for release or planting, and must provide all information indicated.

(b) Permits will only be issued if the director determines there will be no adverse impact on the wildlife or wildlife habitat of the state.

(c) Each permit shall require that at least thirty days prior to planting or release of wildlife or aquatic plants they must be made available for inspection by the director. It shall be the responsibility of the applicant to show that the wildlife will not pose a disease threat. If the director is not satisfied that the wildlife or aquatic plants do not pose a disease threat, they shall not be released or

planted in the state. Director approval for release or planting may be withdrawn for cause.

(d) Each permit shall require that an applicant intending to release wildlife in the state shall report immediately to the director the outbreak of any disease among the wildlife intended to be released. If the director determines that such outbreak presents a threat to the wildlife of the state, the director may immediately order such action as necessary including quarantine or destruction of stock, sterilization of enclosures and facilities, cessation of activities, and disposal of wildlife in a manner satisfactory to the director.

(e) Each permit shall require that wildlife to be released shall not be branded, tattooed, tagged, fin clipped or otherwise marked for identification without approval of the director or as required in WAC 220-416-110.

(f) Legally acquired pheasant of the genus *Phasianus*; gray partridge of the genus *Perdix*; chukar of the genus *Alectoris*; quail of the genus *Callipepla* and *Colinus*; and mallards (*Anas platyrhynchos*) may be released without a permit for purposes of dog training, and hunting pursuant to WAC 220-416-110. Game birds of these species released for these purposes must be acquired from a department facility, a state- or federally licensed game farm facility that has been inspected by a certified veterinarian within the past twelve months, or a facility with current National Poultry Improvement Plan certification. Rock doves and Eurasian collared doves may be released without a permit for purposes of bird dog training.

(2) Release by the director. The director may plant aquatic plants or release animal species, subspecies, or hybrids which have been planted or released previously in Washington if they do not pose a disease threat and if planting or release will not cause adverse impact on the wildlife or wildlife habitat of the state. Before releasing any species, subspecies, or hybrid of animal not already existing in the wild in Washington, the director shall report to the commission on the planned release, stating the basis for determining that the planned release fulfills the criteria set forth herein. The director may release nonnative species, subspecies, or hybrids not previously released in Washington only if the director in his or her sole discretion has determined that:

(a) There is no reasonable expectation of adverse impact on the wildlife or wildlife habitat of the state and there is an adequate plan for evaluating such impact following the release;

(b) The commission has classified the species, subspecies, or hybrids to be released pursuant to RCW 77.12.020;

(c) Suitable habitat is available;

(d) The nonnative species, subspecies, or hybrids to be released are free of exotic pathogens;

(e) The release serves the public interest.

(3) This section does not apply to release of classified or unclassified fish or shellfish by persons who have caught or taken the fish or shellfish, provided the fish or shellfish are released into the water or on the tidelands at the approximate location where taken, except that fishing contest participants may release fish at a contest-designated location in the same body of water from which the fish were taken.

[Statutory Authority: RCW 77.04.090, 77.04.130, 77.15.568, 77.08.010, 77.65.510, 77.65.515, and 77.65.520. WSR 19-10-011 (Order 19-79), §

220-450-010, filed 4/19/19, effective 5/20/19. Statutory Authority: RCW 77.04.012, 77.04.013, 77.04.020, 77.04.055, and 77.12.047. WSR 17-05-112 (Order 17-04), amended and recodified as § 220-450-010, filed 2/15/17, effective 3/18/17. Statutory Authority: RCW 77.04.012, 77.04.055, 77.12.047, 77.12.150, and 77.12.240. WSR 15-10-033 (Order 15-95), § 232-12-271, filed 4/28/15, effective 5/29/15. Statutory Authority: RCW 77.12.047 and 77.12.020. WSR 04-11-036 (Order 04-98), § 232-12-271, filed 5/12/04, effective 6/12/04. Statutory Authority: RCW 77.12.040, 77.12.020, 77.32.070, 77.32.530. WSR 01-10-048 (Order 01-69), § 232-12-271, filed 4/26/01, effective 5/27/01. Statutory Authority: RCW 77.04.055, 77.12.040 and 77.16.150. WSR 91-24-015 (Order 521), § 232-12-271, filed 11/22/91, effective 12/23/91. Statutory Authority: RCW 77.12.020, 77.12.040 and 77.16.150. WSR 89-12-044 (Order 397), § 232-12-271, filed 6/2/89. Statutory Authority: RCW 77.12.040. WSR 82-04-034 (Order 177), § 232-12-271, filed 1/28/82; WSR 81-12-029 (Order 165), § 232-12-271, filed 6/1/81. Formerly WAC 232-12-675.]

WAC 220-450-020 Revocation, modification, or suspension of a permit to hold wild animals, wild birds, or game fish in captivity. A permit issued hereunder may be revoked, modified or suspended by the director. Cause for revocation or suspension shall include, but not be limited to, failure to provide adequate holding facilities and equipment or the failure to provide adequate care, feed or maintenance of wildlife subject to the permit or for inhumane treatment of wildlife.

[Statutory Authority: RCW 77.04.012, 77.04.013, 77.04.020, 77.04.055, and 77.12.047. WSR 17-05-112 (Order 17-04), amended and recodified as § 220-450-020, filed 2/15/17, effective 3/18/17. Statutory Authority: RCW 77.12.010. WSR 84-09-053 (Order 225), § 232-12-066, filed 4/16/84.]

WAC 220-450-030 Live wildlife—Taking from the wild, importation, possession, transfer, and holding in captivity. (1) It is unlawful to take live wildlife, wild birds, or game fish from the wild without a permit issued by the director except as otherwise provided by department rule. This subsection does not apply to starlings, house sparrows, Eurasian collared doves, and rock doves taken by falconers, or rock doves and Eurasian collared doves taken by bird dog trainers.

(2) Notwithstanding the provisions of WAC 220-430-010(1), 220-450-050, and subsections (3) and (4) of this section, and except as provided under subsection (7), (8), (9), or (10) of this section, it is unlawful to import into the state, hold, possess, propagate, offer for sale, sell, transfer, or release live specimens of or the gametes and/or embryos of the following species in the family Cervidae.

Common Name	Scientific Name
Roosevelt and Rocky Mountain elk	<i>Cervus canadensis</i>
Mule deer and Black-tailed deer	<i>Odocoileus hemionus</i>
White-tailed deer	<i>Odocoileus virginianus</i>
Moose	<i>Alces alces</i>
Caribou	<i>Rangifer tarandus caribou</i>

(3) It is unlawful to import into the state or to hold live wildlife taken, held, possessed, or transported contrary to federal or state law, local ordinance, or department rule. It is unlawful to import live wild animals, wild birds, or game fish without first presenting to the department the health certificate required by the Washington department of agriculture under WAC 16-54-180. However, raptors used for falconry or propagation may be imported if the importer has health certificates for the raptors. Importers must produce proof of lawful importation for inspection if asked to do so by a department employee.

(4) It is unlawful to possess or hold in captivity live wild animals, wild birds, or game fish unless lawfully acquired. Any person possessing or holding wild animals, wild birds, or game fish in captivity must provide proof of lawful acquisition and possession for inspection if asked to do so by a department employee. The proof must identify the wild animals', wild birds', or game fish's:

- (a) Species;
- (b) Age and sex;
- (c) Origin;
- (d) Receiving party's name;
- (e) Source's name and address;
- (f) Invoice/statement date; and
- (g) Documentation of prior transfers.

(5) Live wild animals, wild birds, or game fish held in captivity, or their progeny or parts thereof, may not be sold or otherwise used commercially except as provided by department rule.

(6) It is unlawful to release wildlife from captivity except as provided in WAC 220-450-010. It is unlawful to release fish into any state waters, including private, natural, or man-made ponds, without first obtaining a fish planting permit. However, if a person catches game fish and keeps the fish alive on stringers, in live wells, or in other containers while fishing, he or she may release the fish back into the same waters that he or she caught the game fish in.

(7) **Scientific research or display:** The director may issue written authorization for a person to import into the state, hold, possess and propagate live specimens of wildlife listed in subsection (2) of this section, for scientific research or for display by zoos or aquariums who are accredited institutional members of the Association of Zoos and Aquariums (AZA), provided that the person:

- (a) Confines the specimens to a secure facility;
- (b) Does not transfer specimens to any other location within the state without the director's written authorization, and the specimens are transferred to other AZA-accredited facilities and transported by AZA-accredited institutional members or their authorized agents;
- (c) Does not sell or otherwise dispose of specimens within the state, unless the director gives written approval to sell or dispose of the specimens;
- (d) Keeps records on the specimens and make reports as the director requires; and
- (e) Complies with the requirements in this section.

(8) **Retention or disposal of existing specimens lawfully in captivity prior to June 20, 1992:** A person who holds live Roosevelt and Rocky Mountain elk, mule deer and black-tailed deer, white-tailed deer, and moose may retain the specimens of the wildlife the person lawfully possessed prior to June 20, 1992, and the lawful progeny of that wildlife, provided the person complies with the requirements of this section, and:

(a) Reports to the director, in writing, the species, number, and location of the specimens as required;

(b) Confines the specimens to a secure facility at the location reported, and the facility meets the requirements listed in WAC 220-450-040;

(c) Does not propagate live specimens except at AZA-accredited facilities with the director's written permission or as otherwise authorized in writing by the director;

(d) Does not release live specimens, except with the director's written permission;

(e) Does not sell or transfer live specimens, except:

(i) Live specimens in lawful possession prior to June 20, 1992, and their lawful progeny may be permanently removed from Washington state or transported directly to slaughter in accordance with applicable law;

(ii) Federally listed endangered or threatened species may be transferred to AZA-accredited facilities in compliance with federal law;

(iii) Live specimens may be moved to the new primary residence of the possessor with the director's written approval, provided all other requirements of this section are satisfied and the total number of locations where animals are held is not increased; and

(iv) AZA-accredited facilities may sell and/or transfer live specimens within the state with the written permission of the director.

(f) Live specimens must be neutered, physically separated by sex, and/or rendered infertile by means of contraception, except at AZA-accredited facilities with the director's written permission.

(9) **Retention or disposal of existing specimens lawfully in captivity prior to February 13, 1993:** A person holding live specimens of wildlife newly listed in subsection (2) of this section by operation of this rule (*Caribou (Rangifer tarandus caribou)*), may retain the specimens of such wildlife the person lawfully possessed prior to February 13, 1993, provided:

(a) The person reports to the director in writing by March 31, 1993, and reports annually thereafter, or as otherwise required by the director, the species, number, and location of such specimens; and

(b) The person complies with subsection (8)(b) through (f) of this section and the other requirements of this section.

(10) The provisions of this section do not prohibit the importation, possession, propagation, sale, transfer, or release of live specimens of federally listed threatened or endangered species, their gametes or embryos, where in compliance with federal law.

(11) **Escaped wildlife:**

(a) Escaped wildlife is considered a public nuisance. The department or any peace officer may seize, capture, or destroy wildlife that have escaped the possessor's control. The former possessor is responsible for costs incurred by the department in recovering, maintaining, or disposing of such animals, as well as any damage to the state's wildlife or habitat.

(b) Possessors must report escaped wildlife to the department immediately.

(c) Possessors must report the recapture or death of escaped wildlife to the department immediately.

(12) **Testing specimens:**

(a) If the director issues a permit to allow any member of the Genus *Cervus*, identified in subsection (2) of this section, then prior

to the animal's entry into Washington state, the person must submit records of genetic tests conducted by a professionally recognized laboratory to identify red deer genetic influence. Red deer genetic influence is genetic material from any member of any subspecies, race, or species of the elk-red deer-wapiti complex *Cervus elaphus* not indigenous to the state of Washington. Upon examination by department biologists, animals deemed to exhibit behavioral (vocalization), morphological (size, rump patch, color), or biochemical indications of such influence (hemoglobin, superoxide dismutase, transferrin and post-transferrin, or others to be developed) may not be imported.

(b) A person currently holding any member of the genus *Cervus elaphus* identified in subsection (2) of this section must immediately submit to the director records of genetic tests conducted by a professionally recognized laboratory to identify red deer genetic influence, as defined in (a) of this subsection, for each individual cervid. Genetic testing will be at the possessor's expense. Any animals identified as red deer or having nonindigenous genetic influence must be destroyed, removed from the state, or neutered immediately.

(c) The director may require wildlife listed in subsection (2) of this section that are lawfully held in captivity to be tested for brucellosis (*Brucella abortus*), tuberculosis (*Mycobacterium bovis* and *Mycobacterium tuberculosis*), meningeal worm (*Paralophostrongylus tenuis*), and muscle worm (*Elaphostrongylus cervis*) in accordance with the procedures specified in department of agriculture WAC 16-54-180. The director may also require testing for other diseases or parasites determined to pose a risk to wildlife. Results of those tests must be filed with the director as required.

(13) Reporting:

(a) A person holding wildlife listed in subsection (2) of this section in captivity must submit a completed report no later than March 30, 1993, and then no later than January 31 of each year, or as otherwise required by the director, on a form provided by the department.

(b) Persons possessing wildlife listed in subsection (2) of this section must notify the director within 10 days of any change of such persons' address and/or location of the holding facility.

(14) Inspection: All holding facilities for captive wildlife located in the state are subject to inspection, conducted at a reasonable time, for compliance with the provisions of this section.

(15) Notification and disposition of diseased animals:

(a) Any person who has reason to believe that wildlife being held pursuant to this rule have contracted or been exposed to a dangerous or communicable disease or parasite must notify the department immediately.

(b) Upon reason to believe that wildlife held pursuant to this rule have contracted or been exposed to a dangerous or contagious disease or parasite, the director may order inspection of such animals by a licensed, accredited veterinarian, certified fish pathologist, or inspection agent. Inspection will be at the possessor's expense.

(c) The director will determine when destruction of wildlife or quarantine, disinfection, or sterilization of facilities is required at any facility holding wildlife pursuant to this rule. If the director determines that destruction of wildlife or quarantine, disinfection, or sterilization of facilities is required, he or she will issue a written order to the possessor describing the procedure to be followed and the time period for carrying out such actions. The destruc-

tion of wildlife or quarantine, disinfection, or sterilization of facilities will be at the possessor's expense.

(16) **Quarantine area:**

(a) Facilities holding wildlife listed in subsection (2) of this section must have an approved quarantine facility within its exterior boundary or submit an action plan to the director that guarantees access to an approved quarantine facility within the state of Washington.

(i) An approved quarantine facility is one that meets criteria set by the Washington department of agriculture in chapter 16-54 WAC.

(ii) The quarantine area must meet the tests of isolation, separate feed and water, escape security, and allowances for the humane holding and care of its occupants for extended periods of time.

(b) If quarantine becomes necessary, the possessor of any wildlife requiring quarantine must provide an on-site quarantine facility or make arrangements at the possessor's expense to transport his or her wildlife to an approved quarantine facility.

(17) **Seizure:**

(a) The department may seize any unlawfully possessed wildlife.

(b) The cost of any seizure or holding of wildlife may be charged to the possessor of the wildlife.

(18) Violation of this section is a misdemeanor punishable under RCW 77.15.750, Unlawful use of a department permit—Penalty.

[Statutory Authority: RCW 77.04.012, 77.04.013, 77.04.020, 77.04.055, 77.12.047, and 77.12.240. WSR 18-19-011 (Order 18-230), § 220-450-030, filed 9/7/18, effective 10/8/18. Statutory Authority: RCW 77.04.012, 77.04.013, 77.04.020, 77.04.055, and 77.12.047. WSR 17-05-112 (Order 17-04), amended and recodified as § 220-450-030, filed 2/15/17, effective 3/18/17. Statutory Authority: RCW 77.04.012, 77.04.055, 77.12.047, 77.12.150, and 77.12.240. WSR 15-10-033 (Order 15-95), § 232-12-064, filed 4/28/15, effective 5/29/15. Statutory Authority: RCW 77.04.012, 77.04.013, 77.04.055, 77.12.045, and 77.12.047. WSR 13-02-043 (Order 12-290), § 232-12-064, filed 12/21/12, effective 1/21/13. Statutory Authority: RCW 77.12.047. WSR 10-07-105 (Order 10-64), § 232-12-064, filed 3/19/10, effective 5/1/10. Statutory Authority: RCW 77.12.020, 77.12.047, and 77.12.455. WSR 10-03-088 (Order 10-08), § 232-12-064, filed 1/19/10, effective 2/19/10. Statutory Authority: RCW 77.12.047 and 77.12.020. WSR 04-11-036 (Order 04-98), § 232-12-064, filed 5/12/04, effective 6/12/04. Statutory Authority: RCW 77.12.040 and 77.12.010. WSR 96-18-059 (Order 96-135), § 232-12-064, filed 8/30/96, effective 9/30/96. Statutory Authority: RCW 77.12.030. WSR 93-04-038 (Order 581), § 232-12-064, filed 1/27/93, effective 2/13/93. Statutory Authority: RCW 77.16.040. WSR 85-09-008 (Order 243), § 232-12-064, filed 4/5/85; WSR 84-09-052 (Order 224), § 232-12-064, filed 4/16/84. Statutory Authority: RCW 77.12.040. WSR 82-04-034 (Order 177), § 232-12-064, filed 1/28/82; WSR 81-12-029 (Order 165), § 232-12-064, filed 6/1/81. Formerly WAC 232-12-173.]

WAC 220-450-040 Live wildlife—Facility, fencing, and marking requirements. (1) **Secure facility:**

(a) All captive wildlife held under a department issued permit must be held in a secure facility. For the purposes of this rule, a secure facility is an enclosure constructed to prevent danger to the environment or wildlife of the state, including escape of live wild-

life specimens in captivity or ingress of resident wildlife ungulates (hoofed animals).

(b) For wildlife listed in WAC 220-450-030(2), the secure facility must comply with the fencing requirements in subsection (2) of this section.

(2) **Fencing requirements:**

(a) Perimeter fences must be, at a minimum, 8 feet above ground level for their entire length. The bottom 6 feet must be mesh of sufficient size to prevent resident wildlife ungulates (hoofed animals) from entering and captive wildlife from escaping. If the wire used is not a full 8 feet in height, it must be overlapped one row and securely fastened at every other vertical row or woven together with cable. Supplemental wire required to attain a height of 8 feet may be smooth, barbed, or woven wire (at least 12 1/2 gauge) with strands spaced not more than 6 inches apart.

(b) Perimeter fences constructed of high tensile wire must be supported by a post or stay at minimum intervals of 8 feet.

(c) Perimeter fences must be at least 12 1/2 gauge woven wire, 14 1/2 gauge high-tensile woven wire, chain link, nonclimbable woven fence, or other fence approved by the director.

(d) Electric fencing materials may be used on perimeter fences only as a supplement to conventional fencing materials.

(e) All gates in the perimeter fences must be self-closing, equipped with 2 locking devices, and installed only in locations that have been approved by the director. Double gates may be required at points in the perimeter fences subject to frequent vehicle traffic that is not related to activities involving the holding of captive wildlife.

(f) Posts used in the perimeter fences must be:

(i) Wood (pressure treated), 5-inch minimum diameter or an equivalent as approved by the director;

(ii) Spaced no more than 24 feet apart with stays or supports at eight foot intervals between the posts;

(iii) Extended at least 8 feet above ground level; and

(iv) Constructed with corners braced with wood or with an equivalent material as approved by the director.

(g) Fences must be maintained at all times to prevent captive wildlife from escaping or resident wildlife ungulates (hoofed animals) from entering the enclosure. If animals pass through, under, or over the fence because of any topographic feature or other conditions, the person possessing wildlife must immediately supplement the fence to prevent continued passage.

(3) **Marking requirements:**

(a) All live specimens of wildlife identified in WAC 220-450-030(2) must be individually identified by:

(i) USDA official ear tags or ear tags supplied or approved by the department. Tags must be applied in sequential order; and

(ii) A tattoo with an identifying number that has been recorded with the director. The tattoo must be placed on the left ear of the animal.

(b) Identification assigned to an individual animal may not be transferred to any other animal.

(c) Where allowed, all lawful progeny of wildlife identified in WAC 220-450-030(2) must be tagged and tattooed by December 31st of the year of birth or upon leaving the holding facility, whichever is earlier.

(d) Where allowed, if wildlife identified in WAC 220-450-030(2) is sold or transferred within the state, the tag and tattoo must accompany the animal. The new owner or possessor may not renumber the animal.

(e) Where allowed, live specimens of wildlife identified in WAC 220-450-030(2) must be marked prior to importation.

(f) Wildlife identified in WAC 220-450-030(2) may not be sold or otherwise transferred from the holding facility.

(4) Violation of this section is a misdemeanor punishable under RCW 77.15.750, Unlawful use of a department permit—Penalty.

[Statutory Authority: RCW 77.04.012, 77.04.013, 77.04.020, 77.04.055, and 77.12.047. WSR 17-05-112 (Order 17-04), amended and recodified as § 220-450-040, filed 2/15/17, effective 3/18/17. Statutory Authority: RCW 77.04.012, 77.04.013, 77.04.055, 77.12.045, and 77.12.047. WSR 13-02-043 (Order 12-290), § 232-12-063, filed 12/21/12, effective 1/21/13.]

WAC 220-450-050 Sale of fish and wildlife by zoos and aquariums.

(1) It is unlawful for publicly owned zoos or aquariums who lawfully acquired fish, shellfish, wildlife or the nests of birds under WAC 220-200-150 or 220-450-030 to offer for sale or sell such animals or nests or the progeny of such animals except outside the state or except within the state to other publicly owned zoos or aquariums or accredited institutional members of the American Zoo and Aquarium Association (AZA).

(2) Publicly owned zoos and aquariums will keep accurate and current records of the sale of fish, shellfish and wildlife progeny as required by the director. These records will be maintained on a calendar year basis and retained for a period of 5 years.

(3) It is unlawful for any publicly owned zoo or aquarium to fail to complete and submit to the department by January 31 of each year a report containing information required by the director.

(4) Fish and wildlife officers may inspect at reasonable times and in a reasonable manner the fish, shellfish, wildlife, nests of birds, permits, records, and facilities of any publicly owned zoo or aquarium offering for sale or selling such animals or nests.

[Statutory Authority: RCW 77.04.012, 77.04.013, 77.04.020, 77.04.055, and 77.12.047. WSR 17-05-112 (Order 17-04), amended and recodified as § 220-450-050, filed 2/15/17, effective 3/18/17. Statutory Authority: RCW 77.12.047. WSR 06-07-081 (Order 06-47), § 232-12-067, filed 3/14/06, effective 4/14/06. Statutory Authority: RCW 77.12.030. WSR 87-18-017 (Order 296), § 232-12-067, filed 8/24/87.]

WAC 220-450-060 Definitions—Wildlife rehabilitation permits.

For the purposes of WAC 220-450-070 through 220-450-220, the following definitions apply:

(1) "Alcid" means a bird of the family Alcidae. The alcid family includes murres, guillemots, auklets, puffins, and murrelets.

(2) "Daily ledger" means a record, kept current daily and available for inspection, documenting all wildlife admissions, transfers, releases, and deaths; reason for admission; case number, date of ad-

mission; date of release, transfer, euthanasia, or other type of disposition; any tag or band numbers.

(3) "Director" means the director of the department of fish and wildlife or his or her designee.

(4) "Education animal" means a permanently injured or otherwise nonreleasable wildlife permitted to be kept in permanent confinement on public static display or used in educational programs.

(5) "Euthanasia" means compassionate killing with a minimum of pain and distress, in a timely manner, and safely to prevent disease transmission, public health or human safety risks, or prolonged or unrelenting animal suffering due to illness, injury, unremitting pain.

(6) "Foster" means to serve as a conspecific surrogate parent or conspecific companion to wildlife in rehabilitation.

(7) "Habituate" means an animal stops responding to frequently occurring stimuli (like noises, sights or smells) because no negative consequences occur; it may be temporary and reversible or behavior may become ingrained (i.e., taming) and prevent return to the wild. See "Tame."

(8) "Hacking" means to transition a young raptor using temporary release to the wild and allowing it to return for food and shelter while learning to hunt and survive on its own.

(9) "Humane" means providing care such as water, food, safe handling, clean facilities, medical treatment, and euthanasia if needed, and conditions including environments sensitive to species-typical biology and behavior, with the intent to minimize fear, pain, stress, and suffering.

(10) "Imping" means a method of replacing a broken feather with an undamaged feather.

(11) "Imprinting" means a period of rapid learning occurring during a brief critical period typically soon after birth or hatching that establishes a strong and long-lasting attachment to a specific individual or object, such as to a parent where the animal becomes socially, and later sexually, bonded to that object or creature, identifying itself irreversibly as the species it imprints upon.

(12) "Mal-imprinting" means imprinting on a species not its own, preventing the animal's return to the wild.

(13) "Nonreleasable" means wildlife that cannot be released with a reasonable potential for survival in the wild due to physical or psychological impairment, such as the inability to express species-specific appropriate behavior, including the ability to hunt or forage, recognize threats; or is tamed or mal-imprinted.

(14) "Oil" means oil of any kind and any form, such as petroleum and nonpetroleum oils including, but not limited to, crude oil and refined petroleum products, animal fats and vegetable oil, other oils of animal or vegetable origin, and other nonpetroleum oils.

(15) "Oiled wildlife rehabilitation" is a specialized form of wildlife rehabilitation and means the process of caring for oiled wildlife during intake, stabilization, washing and rinsing, and drying, to allow the wildlife to return to their natural habitat.

(16) "Oiled wildlife rehabilitation facility" is a specifically permitted type or portion of a wildlife rehabilitation facility used for the rehabilitation of oiled wildlife.

(17) "Orphan-imprinting" means to use conspecific wildlife for the purpose of feeding, socializing, and teaching appropriate wild behavior to young wildlife.

(18) "Patient record" means a record, kept current daily and available for inspection, documenting each wildlife animal's species,

age and sex; daily care including feeding, watering, and cleaning; medical care; and veterinary notes regarding treatment and health of wildlife in the permittee's care.

(19) "Primary permittee" means the person listed on the wildlife rehabilitation permit who applies for and receives a wildlife rehabilitation permit and is responsible for monitoring and approving any subpermittee's conduct and practices; also, "wildlife rehabilitator."

(20) "Principal veterinarian" means a licensed veterinarian who agrees, in writing, to provide and direct, timely, appropriate veterinary medicine in conjunction with wildlife rehabilitation services and activities.

(21) "Public display" means to place or locate wildlife so that they may be viewed by the public.

(22) "Record" means the wildlife rehabilitation permit(s) associated with a particular facility and permittee(s); daily ledger; patient records; and annual wildlife rehabilitation reports.

(23) "Stabilize for transport" means life-threatening injuries are addressed including patient airway is clear, patient is hydrated, hemorrhage is controlled, shock is treated, and broken bones are immobilized.

(24) "Subpermittee" means person or persons listed on the primary permittee's wildlife rehabilitation permit who care for wildlife either at the facility as the primary caretaker in the primary permittee's temporary absence or at an off-site facility with the permission and under the direction of the primary permittee.

(25) "Tame" means an animal, such as wildlife, purposefully seeks out human company and social interaction, care, or attention, does not reject human handling, and learns to not fear humans, all of which prevents the animal's return to the wild.

(26) "Veterinarian" means a licensed veterinarian.

(27) "Veterinary summaries" means those findings, treatments, and directives written by a veterinarian in summary form and submitted to the wildlife rehabilitation facility.

(28) "Wildlife rehabilitation" means the care and treatment of injured, diseased, oiled, or orphaned wildlife including, but not limited to, capturing, transporting, treating, feeding, housing, and conditioning animals so they can be released back to the wild.

(29) "Wildlife rehabilitation facility," or "facility," means the authorized site(s), as shown on the wildlife rehabilitation permit, where treatment and rehabilitation of wildlife takes place.

(30) "Wildlife rehabilitation permit" means a permit issued by the director that authorizes a person to practice wildlife rehabilitation.

(31) "Wildlife rehabilitator" means a person who conducts wildlife rehabilitation and possesses a current wildlife rehabilitation permit from the department.

[Statutory Authority: RCW 77.04.012, 77.04.013, 77.04.020, 77.04.055, 77.12.047, 77.12.240, 77.12.467, 77.12.469, and 77.32.070. WSR 19-06-038 (Order 19-35), § 220-450-060, filed 3/1/19, effective 4/1/19. Statutory Authority: RCW 77.04.012, 77.04.013, 77.04.020, 77.04.055, and 77.12.047. WSR 17-05-112 (Order 17-04), amended and recodified as § 220-450-060, filed 2/15/17, effective 3/18/17. Statutory Authority: RCW 77.12.047, 77.12.240, 77.12.467, 77.12.469, and 77.32.070. WSR 13-18-046 (Order 13-192), § 232-12-275, filed 8/30/13, effective 9/30/13. Statutory Authority: RCW 77.12.047 and 90.56.110. WSR 09-01-123, § 232-12-275, filed 12/19/08, effective 1/19/09. Statu-

tory Authority: RCW 77.12.047. WSR 06-09-021 (Order 06-67), § 232-12-275, filed 4/11/06, effective 5/12/06. Statutory Authority: RCW 77.12.047 and 90.56.110. WSR 04-20-020 (Order 04-250), § 232-12-275, filed 9/27/04, effective 10/28/04. Statutory Authority: RCW 77.12.040. WSR 98-01-210 (Order 97-251), § 232-12-275, filed 12/23/97, effective 1/23/98. Statutory Authority: RCW 77.12.040, 77.12.700 and 77.12.010. WSR 96-12-045, § 232-12-275, filed 5/31/96, effective 7/1/96. Statutory Authority: RCW 77.12.030 and 77.12.040. WSR 88-09-036 (Order 308), § 232-12-275, filed 4/15/88.]

WAC 220-450-070 Wildlife rehabilitation permits—Requirements and restrictions. (1) **Purpose.** The purpose of the wildlife rehabilitation permit is to ensure that humane care and treatment is provided for wildlife in rehabilitation including all aspects of animal welfare as stated in, but not limited to, the most current edition of the National Wildlife Rehabilitators Association and International Wildlife Rehabilitation Council's Minimum Standards for Wildlife Rehabilitation with the goal of relieving suffering and release back to the wild.

(a) All wildlife held under a wildlife rehabilitation permit remains the property of the state held in trust for Washingtonians and is controlled and regulated by the state.

(b) A wildlife rehabilitation permit is required to take, temporarily possess, and transport wildlife for the purpose of rehabilitation, with the following exceptions:

(i) Public transport. Members of the public may capture and transport injured and orphaned wildlife if it is safe to do so to a wildlife rehabilitation facility; the public must transport injured wildlife to a permitted wildlife rehabilitator within twenty-four hours.

(ii) Veterinary care. Veterinarians without a wildlife rehabilitation permit may provide stabilization for transport or euthanize wildlife for humane reasons; veterinarians without a wildlife rehabilitation permit must arrange transport for orphaned or injured wildlife within forty-eight hours to a permitted wildlife rehabilitator.

(2) **Wildlife rehabilitation permits.**

(a) The department may issue a wildlife rehabilitation permit if the applicant:

(i) Is at least eighteen years of age;

(ii) Completes and submits a current application form to the department's wildlife rehabilitation manager;

(iii) Demonstrates completion of at least six months, or one thousand hours, of experience in wildlife rehabilitation under the direct supervision of a wildlife rehabilitator. At least three months, or five hundred hours, of this experience must occur during the spring or summer. This training and experience must be completed within a three-year period. The department, at its discretion, may consider education in wildlife rehabilitation to suffice as a partial substitute for experience;

(iv) Submits to the department a written letter of recommendation from a current primary permittee in good standing and who has not had a suspended or revoked wildlife rehabilitation permit within the last three years and who has two or more years of experience in wildlife rehabilitation;

(v) Submits to the department a signed Principal Veterinarian Agreement form from a veterinarian who is willing to serve as the principal veterinarian for the applicant;

(vi) Successfully completes the Washington state general wildlife rehabilitation examination by correctly answering eighty percent or more of the questions. An applicant who fails the exam may retake it beginning fourteen days from the date of the failed exam; and

(vii) Possesses, is employed by, or volunteers at facilities that have been inspected and approved by the department and meet department standards, and meet current minimum standards for wildlife rehabilitation as stated in, but not limited to, the most current edition of the National Wildlife Rehabilitators Association and International Wildlife Rehabilitation Council's Minimum Standards for Wildlife Rehabilitation. New wildlife rehabilitation permits must be signed and returned to the department by the permittee no later than fourteen days from the date of receipt.

A new wildlife rehabilitation permit is only valid when signed by the permittee and the department permitting representative.

(b) Veterinarians are exempt from the requirements in (a)(iv) and (v) of this subsection; veterinarians may be partially exempt from the requirements in (a)(iii) of this subsection if their formal education or practical training is in wildlife medicine. Applicants living in states with boundaries contiguous with Washington state whose wildlife rehabilitation activities occur in Washington, for Washington wildlife, and/or has or works for a facility in Washington may apply for a Washington wildlife rehabilitation permit.

(c) The department will determine which species the wildlife rehabilitator is qualified to care for and may condition the permit according to the applicant's training, experience, capabilities, and facilities.

Inactive permit applications. Permit applications greater than three years old from the date of signature will be classified as inactive. Applicant must submit a new complete and current application to be considered. If exam was taken greater than three years from the date of the new application, the applicant must retake the exam.

(d) Wildlife rehabilitators must display the wildlife rehabilitation permit or a copy of the permit in a location at the facility that is visible to the public.

(e) Wildlife rehabilitation permits are valid for up to three years, as long as the information on the permit remains valid and current and the permittee adheres to permit conditions and department rules.

(f) Wildlife rehabilitators must report any permit information changes to the department within ten business days of the change. These changes include:

(i) Permitted rehabilitator leaving the facility;

(ii) Subpermittees leaving the facility;

(iii) Major changes or additions in animal housing and enclosures that would affect number of individuals and/or permitted species;

(iv) Change in principal veterinarian;

(v) Facility address;

(vi) Adding facilities.

(g) The department may refuse to issue a wildlife rehabilitation permit to an applicant if within the last ten years of the date of the application the applicant:

(i) Was convicted of a fish or wildlife offense; or

(ii) Was convicted of any offense involving animal or child cruelty, neglect, or abuse.

(iii) Found guilty of practicing veterinary medicine without an active license, as determined by the veterinary board of governors.

(iv) Fails to meet any of the above requirements.

(3) **Cervid endorsement.**

(a) A person must possess a cervid rehabilitation endorsement to house and rehabilitate cervids;

(b) Must have completed hands-on training hours for one complete season March through October focused on cervid wildlife rehabilitation with a current primary permittee endorsed for cervid rehabilitation, and submit to the department a written letter of recommendation from that primary permittee;

(c) Must attend the cervid training provided by the department, which may include updated training at time of permit renewal; and

(d) Possess department inspected approval facilities suitable for cervid species listed on the permit and as required by department rules and the current standards as stated in the National Wildlife Rehabilitators Association and International Wildlife Rehabilitation Council's Minimum Standards for Wildlife Rehabilitation.

(4) **Large-carnivore rehabilitation endorsement.** A person must possess a large-carnivore rehabilitation endorsement to rehabilitate large carnivores. Large carnivores are brown bear, black bear, cougar, wolf, bobcat, and lynx. The department may issue large-carnivore endorsements to wildlife rehabilitators who:

(a) Have at least five hundred documented hours, of direct safety, handling, and medical care in a current wildlife rehabilitation practice with large carnivores; at the discretion of the department and on a case-by-case basis, wildlife biologists professionally employed as a large carnivore biologist with five hundred or more hours of documented experience may substitute a portion of the required hours for direct handling and experience;

(b) Have received and documented training in large-animal restraint techniques, including demonstration of proper catchpole use and immobilization-drug administration;

(c) Submits to the department a written letter of recommendation from a current primary permittee in good standing and who has not had a suspended or revoked wildlife rehabilitation permit within the last three years and who has two or more years of experience in large-carnivore rehabilitation;

(d) Successfully completes the written large-carnivore rehabilitation examination by correctly answering eighty percent or more of the questions. An applicant who fails the exam may retake it beginning fourteen days from the date of the failed exam; and

(e) Possess department-inspected and department-approved facilities suitable for large carnivores as required by department rule and the current standards as stated in, but not limited to, the most current edition of the National Wildlife Rehabilitators Association and International Wildlife Rehabilitation Council's Minimum Standards for Wildlife Rehabilitation.

(5) **Raptor rehabilitation endorsement.** A person must possess a raptor rehabilitation endorsement to rehabilitate raptors. The department may issue raptor rehabilitation endorsements to wildlife rehabilitators who:

(a) Demonstrate five hundred hours direct practice with and handling of raptors;

(b) Successfully complete the written raptor rehabilitation examination by correctly answering eighty percent or more of the questions. An applicant who fails the exam may retake it beginning fourteen days from the date of the failed exam;

(c) Possess department-inspected and department-approved facilities suitable for raptor housing and rehabilitation as required by department rule and as stated in, but not limited to, the most current edition of the National Wildlife Rehabilitators Association and International Wildlife Rehabilitation Council's Minimum Standards for Wildlife Rehabilitation; and

(d) Submits to the department a written letter of recommendation from a current primary permittee in good standing and who has not had a suspended or revoked wildlife rehabilitation permit within the last three years and who has two or more years of experience in raptor rehabilitation.

(6) **Raptors-only rehabilitation permits.** The department may issue raptor-only rehabilitation permits that allow a person to rehabilitate only raptors and no other wildlife. To qualify for these permits, an applicant must:

(a) Demonstrate five hundred hours direct practice with and handling of raptors;

(b) Successfully complete the raptor rehabilitation reexamination by correctly answering eighty percent or more of the questions. An applicant who fails the examination may retake it beginning fourteen days from the date of the failed exam;

(c) Submits to the department a written letter of recommendation from a current primary permittee in good standing and who has not had a suspended or revoked wildlife rehabilitation permit within the last three years and who has two or more years of experience in raptor rehabilitation and who agrees to advise the applicant in performing raptor rehabilitation; and

(d) Posses department inspected and approved facilities suitable for raptor housing and rehabilitation as required by department rule and as stated in, but not limited to, the most current edition of the National Wildlife Rehabilitators Association and International Wildlife Rehabilitation Council's Minimum Standards for Wildlife Rehabilitation.

(7) **Oiled-wildlife rehabilitation endorsement.**

(a) A person must have an oiled-wildlife endorsement or written department approval to retain oiled wildlife. If the primary permittee does not possess an oiled-wildlife endorsement, the permittee must transfer the oiled wildlife to a primary permittee who has an oiled-wildlife endorsement, or obtain department approval to retain the oiled wildlife.

(b) The department may issue an oiled-wildlife endorsement to permitted rehabilitators who possess or have permission to use department-approved facilities suitable for oiled-wildlife rehabilitation as required by department rule. For minimum housing/pen and pool requirements for oiled species other than alcids, refer to the most current edition of the National Wildlife Rehabilitators Associations and International Wildlife Rehabilitation Council's Minimum Standards for Wildlife Rehabilitation.

(8) **Permittee-requested permit amendments.** A wildlife rehabilitator may ask for permit amendments for:

(a) Changes to permitted species and capacity by submitting a revised species information page from the department-provided application;

(b) Changes to subpermittees by submitting the wildlife rehabilitation subpermittee application; and

(c) Addition of an education or foster animal by submitting the live animal retention application.

(9) **wildlife rehabilitation permit renewal.** To renew a wildlife rehabilitation permit, the permittee must submit the following documentation at least thirty days prior to the permit date of expiration:

(a) A current, completed wildlife rehabilitation permit application form; and

(b) Documentation demonstrating at least thirty hours of continuing education during the previous three-year permit period. Continuing education includes:

(i) Documented attendance at state wildlife rehabilitator meetings or at Washington Wildlife Rehabilitation Association conference, or National Wildlife Rehabilitators Association annual symposium;

(ii) A certificate of completion of an International Wildlife Rehabilitation Council online or in-person class or workshop;

(iii) Completion and documented attendance of privately offered wildlife rehabilitation training;

(iv) Completion and documented attendance of wildlife rehabilitation classes at a college or university;

(v) Documented department preapproved training with a currently licensed wildlife rehabilitator; or

(vi) Other continuing education activities as preapproved by the department;

(vii) Renewed wildlife rehabilitation permits must be signed and returned to the department by the permittee no later than fourteen days from the date of receipt;

(viii) A renewed wildlife rehabilitation permit is valid only when signed by the permittee and the department permitting representative.

(10) **Reinstatement of expired permits.**

(a) A permit expired for less than three years may be reinstated for the facility and species listed on the expired permit as long as the permittee meets the conditions for permit renewal.

(b) Permits expired for three years or more may be reinstated if:

(i) The applicant submits a current and complete department provided wildlife rehabilitation permit application;

(ii) Possesses, is employed by, or volunteers at facilities that have been inspected and approved by the department and meet department standards for treating and housing wildlife for rehabilitation; meet current minimum standards for wildlife rehabilitation as stated in, but not limited to, the most current edition of the National Wildlife Rehabilitators Association and International Rehabilitation Council's Minimum Standards for Wildlife Rehabilitation;

(iii) The applicant takes and successfully completes the Washington general wildlife rehabilitation examination, the raptor rehabilitation examination, or large carnivore rehabilitation examination, whichever examination is applicable, by correctly answering eighty percent or more of the questions. An applicant who fails the examination may retake it beginning fourteen days from the date of the failed exam.

(11) **Out-of-state wildlife rehabilitators.** Wildlife rehabilitators who have a current wildlife rehabilitation permit or a comparable permit issued by another state, and who move to Washington state for the purpose of residency and wish to practice wildlife rehabilitation

in Washington, must follow the same procedures and requirements as a new applicant for a Washington state wildlife rehabilitation permit.

(12) A violation of this section by a person who engages in wildlife rehabilitation without a department permit is punishable under the appropriate statute for the species being rehabilitated, including RCW 77.15.120 for endangered fish or wildlife; RCW 77.15.130 for protected fish or wildlife; RCW 77.15.400 for wild birds; RCW 77.15.410 for big game; and RCW 77.15.430 for wild animals not classified as big game.

(13) A violation of this section by a person who has a wildlife rehabilitation permit is punishable under RCW 77.15.750(1), Unlawful use of a department permit—Penalty.

[Statutory Authority: RCW 77.04.012, 77.04.013, 77.04.020, 77.04.055, 77.12.047, 77.12.240, 77.12.467, 77.12.469, and 77.32.070. WSR 19-06-038 (Order 19-35), § 220-450-070, filed 3/1/19, effective 4/1/19. Statutory Authority: RCW 77.04.012, 77.04.013, 77.04.020, 77.04.055, and 77.12.047. WSR 17-05-112 (Order 17-04), recodified as § 220-450-070, filed 2/15/17, effective 3/18/17. Statutory Authority: RCW 77.12.047, 77.12.240, 77.12.467, 77.12.469, and 77.32.070. WSR 13-18-046 (Order 13-192), § 232-12-841, filed 8/30/13, effective 9/30/13.]

WAC 220-450-080 Wildlife rehabilitation—Responsibilities of primary permittees and subpermittees. (1) Primary permittees and sub-permittees are responsible for abiding by all permit terms and conditions, reporting and record requirements, and compliance with state and federal regulations when conducting wildlife rehabilitation or actions associated with wildlife rehabilitation and in accordance with the most current edition of the National Wildlife Rehabilitators Association and International Wildlife Rehabilitation Council's Minimum Standards for Wildlife Rehabilitation.

(2) A primary permittee is directly responsible for both on-site and off-site subpermittees' actions related to wildlife rehabilitation under his or her primary permit.

(a) The primary permittee must submit a completed application provided by the department for each subpermittee;

(b) A primary permittee may have no more than two off-site sub-permittees at one time;

(c) A primary permittee must visit the off-site subpermittee at least once a week if the subpermittee has wildlife at his or her facility and is caring for wildlife; a written record must be kept for those visits;

(d) The primary permittee must submit a quarterly report of visits to and animals at off-site subpermittee facilities on the form provided by the department;

(e) An on-site subpermittee is authorized and responsible for managing the wildlife rehabilitation activities at the permitted facility in the temporary absence of the primary permittee; and

(f) A primary permittee must notify the department within ten business days of removing or adding a subpermittee or changing the address of an off-site subpermittee's facility using the application provided by the department.

(3) In addition to subsection (1) of this section subpermittees must also:

(a) Be listed on the primary permittee's wildlife rehabilitation permit;

(b) Be eighteen years of age or older;

(c) Been employed by or a registered volunteer for the primary permittee's wildlife rehabilitation facility and demonstrate at least three hundred documented hours at the facility, at least one month of this experience must occur during the spring or summer, have assisted with or observed all facets of wildlife care practices at the facility, and possess sufficient experience to tend to the species in his or her care;

(d) Possess direct contact information for at least one other employee or volunteer of the permitted facility in addition to the primary permittee, who the subpermittee must be able to reach at any time; and

(e) Comply with all federal Migratory Bird Treaty Act rules.

(4) A violation of this section by a primary permittee or a sub-permittee is punishable under RCW 77.15.750(1), Unlawful use of a department permit—Penalty.

[Statutory Authority: RCW 77.04.012, 77.04.013, 77.04.020, 77.04.055, 77.12.047, 77.12.240, 77.12.467, 77.12.469, and 77.32.070. WSR 19-06-038 (Order 19-35), § 220-450-080, filed 3/1/19, effective 4/1/19. Statutory Authority: RCW 77.04.012, 77.04.013, 77.04.020, 77.04.055, and 77.12.047. WSR 17-05-112 (Order 17-04), recodified as § 220-450-080, filed 2/15/17, effective 3/18/17. Statutory Authority: RCW 77.12.047, 77.12.240, 77.12.467, 77.12.469, and 77.32.070. WSR 13-18-046 (Order 13-192), § 232-12-843, filed 8/30/13, effective 9/30/13.]

WAC 220-450-090 Wildlife rehabilitation—Permit modification, suspension, or revocation. (1) The department may modify, suspend, or revoke a wildlife rehabilitation permit if the primary permittee or a subpermittee violates any department rule related to wildlife possession, wildlife rehabilitation, wildlife trafficking, or permit conditions. Other violations include, but are not limited to:

(a) Directly displaying to the public wildlife in rehabilitation or directly using wildlife in rehabilitation for public education;

(b) Mal-imprinting, over-habituation to where animals lose fear of humans and predators, or taming wildlife in relation to humans or domestic animals at the facility;

(c) Cohousing predators and prey in the same enclosure or room where prey can hear or see predators;

(d) A primary permittee or a subpermittee, within the last ten years, was:

(i) Convicted of a fish or wildlife offense; or

(ii) Convicted of any offense involving animal or child cruelty, neglect, abuse, or found guilty practicing veterinary medicine without an active license, as determined by the veterinary board of governors.

(2) A primary permittee who is in violation of permit conditions or department wildlife rehabilitation rules, or whose subpermittee is in violation of permit conditions or department wildlife rehabilitation rules shall, in this order:

(a) Receive written warning(s) outlining remedies and a deadline of not less than seven days to come into compliance after which time

the department may impose permit modification to remedy those violations.

(b) If, after fourteen days, the permittee continues to be non-compliant, the permit will be suspended and a requirement to adhere to a department-provided corrective action plan and timeline(s) in the corrective action plan will be imposed. The permittee must provide a response to and apply compliance plan remedies within the timelines specified in the compliance plan.

(3) In conjunction with the written warning, permit modification or permit suspension, the department may conduct inspections to verify compliance. The department may amend the permit or restore the permit pending permittee compliance and department-documented compliance validation.

(4) A primary permittee will have the permit revoked if written warnings, permit modifications, compliance plan remedies, and permit suspension processes with concurrent inspections do not result in permittee compliance. Nothing in this section prevents the department from acting immediately to remove animals or suspend or revoke wildlife rehabilitation permits in case of documented animal cruelty or adverse animal welfare.

(5) If the department revokes, suspends, or modifies a permit, then the department or the U.S. Fish and Wildlife Service may seize the primary permittee's wildlife and transfer those wildlife to another primary permittee's facility.

(6) The department's revocation, modification, or suspension of a rehabilitation permit under this section does not preclude the department from taking criminal action against the primary permittee, sub-permittee, or both.

(7) The department may use subject matter experts, internal department staff, and external wildlife rehabilitators to review proposed permit modifications, suspensions, or revocations to determine if the proposed department actions reflect current standards of wildlife rehabilitation practice, meet current state wildlife rehabilitation needs, and are in the best interest of the future of wildlife rehabilitation in the state.

Permittees whose rehabilitation permit is revoked may reapply for a new permit three years after the date of revocation. Upon application, the department will consider previous rehabilitation permit performance and the nature of the previous noncompliance or violations when determining whether to issue a new permit. The department will deny an application if the basis for revocation has not been, or is not likely to be resolved.

(8) Any primary permittee whose rehabilitation permit is revoked, modified, or suspended under this section may request an administrative hearing to appeal the department's action. The department will administer such appeals in accordance with chapter 34.05 RCW.

[Statutory Authority: RCW 77.04.012, 77.04.013, 77.04.020, 77.04.055, 77.12.047, 77.12.240, 77.12.467, 77.12.469, and 77.32.070. WSR 19-06-038 (Order 19-35), § 220-450-090, filed 3/1/19, effective 4/1/19. Statutory Authority: RCW 77.04.012, 77.04.013, 77.04.020, 77.04.055, and 77.12.047. WSR 17-05-112 (Order 17-04), amended and recodified as § 220-450-090, filed 2/15/17, effective 3/18/17. Statutory Authority: RCW 77.12.047, 77.12.240, 77.12.467, 77.12.469, and 77.32.070. WSR 13-18-046 (Order 13-192), § 232-12-845, filed 8/30/13, effective 9/30/13.]

WAC 220-450-100 Wildlife rehabilitation—Facility requirements and inspections—On- and off-site care. (1) The facility requirements listed in this section address wildlife health and safety. The department of labor and industries and other local, state, or federal agencies may have additional requirements relating to human health and safety. It is the permittee's responsibility to comply with all state and federal laws and regulations, and to ensure that his or her sub-permittees do the same.

(2) Facilities.

(a) Permittees on a wildlife rehabilitation permit must maintain approved facilities that meet the most current edition of National Wildlife Rehabilitators Association and International Wildlife Rehabilitation Council's Minimum Standards for Wildlife Rehabilitation, unless as otherwise provided by the department.

(b) All wildlife held under a wildlife rehabilitation permit must be maintained in humane conditions.

(c) The wildlife rehabilitation facility must protect wildlife from predators, weather extremes, undue human contact and visual and auditory stressors.

(d) The wildlife rehabilitation facility must provide physical and visual separation from on-site domestic animals.

(e) Wildlife rehabilitation facilities must designate separate and exclusive rooms used only for wildlife housing, treatment, feeding, food preparation, and rehabilitation. It is unlawful to house, treat, or care for wildlife anywhere human food is prepared, stored, or consumed.

(f) Primary permittee shall report immediately to the department any department surveilled wildlife disease. If the director determines that such outbreak presents a threat to the wildlife of the state, the director may immediately order such action as necessary including quarantine or destruction of wildlife in care, sterilization of enclosures and facilities, cessation of activities, and disposal of wildlife in a manner satisfactory to the director.

(g) The primary permittee must notify the department at least thirty days prior to moving if he or she intends to transfer his or her wildlife rehabilitation facilities to another location. The new facilities must pass a department facility inspection before wildlife is moved to the new facility.

(h) The wildlife rehabilitation facility must be associated with a primary permittee at all times. If a facility is left with no primary permittees, facility personnel must notify the department within five days of the departure of the last primary permittee. The facility has thirty days in which to bring a primary permittee into the facility. After thirty days, if the facility is no longer associated with a primary permittee, the facility must transfer wildlife to another facility associated with a primary permittee until a primary permittee is found.

(3) All facilities must be listed on the permittees' permits.

(4) **Oiled-wildlife facility requirements.** The facility requirements described in this section address the health and safety of oiled alcids. For minimum housing/pen and pool requirements for species other than alcids, refer to the most current edition of the National Wildlife Rehabilitators Association and International Wildlife Rehabilitation Council's Minimum Standards for Wildlife Rehabilitation.

(5) **Oiled-wildlife facility requirements - Air temperature and air exchange requirements within indoor areas.**

(a) Air temperature: A permittee must ensure that the air temperature in all indoor areas where live birds are housed is adjustable and can be maintained at between 65°F - 85°F. When the number of birds in an oiled bird rehabilitation facility at a given time exceeds fifty, the following requirements also apply:

(i) Intake and stabilization areas must be air-temperature controlled independently of other oiled bird rehabilitation facility areas. However, intake and stabilization areas may be controlled together;

(ii) Wash/rinse and drying areas must be air-temperature controlled independently of other oiled bird rehabilitation facility areas. However, wash/rinse and drying areas may be controlled together; and

(iii) The isolation/intensive care unit must be air-temperature controlled independently of other oiled bird rehabilitation facility areas.

(b) Air exchange: A permittee must ensure that all indoor areas where live birds are housed allow the exchange of the air volume a minimum of ten times per hour with fresh air from outside.

(c) The fresh-air exchange rate for any given indoor area may be reduced by up to ninety percent of the fresh air by use of an air-recirculation system that employs a high efficiency particulate air (HEPA) filter and an activated carbon filter.

(6) **Oiled-wildlife facility requirements.** When the number of birds in an oiled bird rehabilitation facility at a given time exceeds fifty, the following requirements also apply:

(a) Intake and stabilization areas must be independent of other oiled bird rehabilitation facility air-exchange systems, but they may be combined on the same air-exchange system;

(b) Wash/rinse and drying areas must be independent of other oiled bird rehabilitation facility air-exchange systems, but they may be combined on the same air exchange system;

(c) The isolation/intensive care unit air-exchange system must be independent of other oiled bird rehabilitation facility areas; and

(d) The morgue/necropsy air-exchange system must be independent of other oiled bird rehabilitation facility areas.

(7) **Oiled-wildlife facility requirements - Intake space requirements.** Intake of oiled birds must occur in an indoor area. Forty square feet of contiguous floor space must be provided for each group of sixty live or dead oiled birds, or portion of each group of sixty, that are awaiting intake. The floor of the intake space must be impermeable and water must not be allowed to accumulate on the floor.

(8) **Oiled-wildlife facility requirements - Stabilization resource requirements.** Stabilization must occur in an indoor area. Oiled bird rehabilitation pen space and the associated dedicated workspace must be provided in the stabilization area.

(a) Pen requirements: Oiled-wildlife pens must be constructed to minimize potential injury, provide ventilation and meet species-specific husbandry requirements as defined below or, for nonalcids, as documented in the current edition of the National Wildlife Rehabilitators Association and International Wildlife Rehabilitation Council's Minimum Standards for Wildlife Rehabilitation.

(b) For oiled alcids, stabilization pens must be:

(i) At least two feet in length by two feet in width, by two feet tall;

(ii) Constructed with knotless nylon net-bottoms with a one-half inch mesh size;

(iii) Constructed so that no point within the pen is greater than two feet from a pen wall;

(iv) Constructed to provide a minimum of at least 1.6 square feet of pen space per bird.

(c) Space requirements: In addition to the space required for the oiled bird stabilization pens, a minimum of an additional 3.2 square feet of dedicated workspace must be provided in the stabilization area for each bird held in that area. The floor of the stabilization area must be impermeable and water must not be allowed to accumulate on the floor.

(9) **Oiled-wildlife facility requirements - Wash/rinse resource requirements.** Wash/rinse must occur in an indoor area. A bird must have wash/rinse space and associated resources made available within twenty-four hours after intake.

(a) Water requirements: A minimum of three hundred gallons of fresh water with the following characteristics must be available within each wash/rinse space for each oiled bird being washed and rinsed. All water requirements listed below must remain available within the specified range at all times.

(i) The water temperature must be adjustable and maintainable at any given temperature between 102°F - 108°F;

(ii) The water hardness must be maintained between 34 mg - 85 mg calcium carbonate/liter (2-5 grain hardness);

(iii) The water pressure must be maintained between 40 - 60 p.s.i.;

(iv) The water flow rate must be no less than two gallons per minute from the wash/rinse supply line measured with the wash/rinse nozzle in place.

(b) Space requirements: One hundred square feet of contiguous floor space must be provided for each group of sixteen live oiled birds, or portion of each group of sixteen, that are ready to be washed and rinsed. The floor of the wash/rinse area must be impermeable and water must not be allowed to accumulate on the floor. Wastewater from wash stations should be disposed of appropriately.

(10) **Oiled-wildlife facility requirements - Drying resource requirements.** Drying must occur in an indoor area. Oiled bird rehabilitation pen space and the associated dedicated workspace must be provided in the drying area. Drying must be accomplished by warming the air in the drying pen. The drying temperature must be adjustable and maintained at any given temperature between 90°F - 106°F.

(a) Pen requirements. Oiled-wildlife pens must be constructed to minimize potential injury, provide ventilation and meet species-specific husbandry requirements as defined below or, for nonalcids, as documented in the current edition of the National Wildlife Rehabilitators Association and International Wildlife Rehabilitation Council's Minimum Standards for Wildlife Rehabilitation.

(b) For alcids, drying pens must be:

(i) At least two feet in length by two feet in width, by two feet tall;

(ii) Constructed with knotless nylon net-bottoms with one-half inch mesh size;

(iii) Constructed so that no point within the pen is greater than two feet from a pen wall;

(iv) Constructed to provide a minimum of 2.7 square feet of pen space per bird.

(c) Space requirements: In addition to the space required for drying pens, a minimum of an additional 3.2 square feet of dedicated

workspace must be provided in the drying area for each bird held in that area. The floor of the drying area must be impermeable and water must not be allowed to accumulate on the floor.

(11) **Oiled bird rehabilitation pool resource requirements.** Oiled bird rehabilitation pools must be filled with fresh water. Oiled bird rehabilitation pool space must be available for use immediately after a bird has been dried, and must be available until the bird is released.

(a) Oiled bird rehabilitation pool requirements: Water from oiled bird rehabilitation pools may be recirculated within pools if the water is made oil-free. Each oiled bird rehabilitation pool must:

(i) Have dimensions so no point within the pool is greater than eight feet from a side of the pool;

(ii) Have a breathable cover available for use to prevent birds from escaping;

(iii) Have a constant supply of water sufficient to maintain a minimum depth of three feet and an exchange rate of not less than four and one-half times per day;

(iv) Be constructed so that water exiting the pool comes from the surface of the pool so that floating debris and oil are removed.

(b) Space requirements:

(i) For alcids, a minimum of 7.5 square feet of water-surface space should be provided for each bird (e.g., a twelve-foot diameter oiled bird rehabilitation pool may not house more than fifteen alcids);

(ii) For nonalcids, pools must meet the species-specific husbandry requirements as documented in the most current edition of the National Wildlife Rehabilitators Association and International Wildlife Rehabilitation Council's Minimum Standards for Wildlife Rehabilitation;

(iii) Oiled bird rehabilitation pools must be located within the area of the oiled bird rehabilitation facility and constructed at least four feet away from other structures.

(12) **Oiled-wildlife facility requirements - Semi-static areas.**

(a) Semi-static areas are spaces within an oiled bird rehabilitation facility where the required size of the space will vary relative to the number of birds present in the facility. Semi-static areas must be areas with impermeable floors and water must not be allowed to accumulate on the floor.

(b) Space requirements:

(i) When the total number of birds in a facility is less than fifty, there are no minimum space requirements for semi-static areas;

(ii) When the total number of birds in a facility is between fifty and one thousand, each semi-static area listed below must be allocated the indicated space:

(A) Morgue/necropsy: Two hundred fifty square feet.

(B) Animal food preparation: Three hundred square feet.

(C) Dry storage: One hundred square feet. May be accomplished off-site.

(D) Animal food freezer: One hundred square feet. May be accomplished off-site.

(iii) When the total number of birds in a facility is between one thousand one and two thousand, each semi-static area listed above must be allocated two times the associated space;

(iv) When the total number of birds in a facility is between two thousand one and three thousand, each semi-static area listed above must be allocated three times the associated space, etc.; and

(v) Space for the semi-static area listed above must be accommodated as a part of an oiled bird rehabilitation facility.

(13) **Oiled-wildlife facility requirements - Static areas.**

(a) Static areas are dedicated spaces within an oiled bird rehabilitation facility where the required size of the space does not vary, regardless of the number of animals in the facility. Static areas must be indoor areas with impermeable floors and water must not be allowed to accumulate on the floor.

(b) Space requirements:

(i) When the total number of birds in a facility is less than fifty, there are no minimum space requirements for static areas.

(ii) When the number of birds in a facility exceeds fifty, each static area listed below must be allocated the associated space.

(iii) All of the space associated with the areas listed below must be accommodated as a part of an oiled bird rehabilitation facility.

(c) Static area space requirements by activity type:

(i) Isolation/intensive care unit: Two hundred square feet;

(ii) Medical lab: Two hundred square feet;

(iii) Laundry: Two hundred square feet; may be accommodated off-site.

(14) Off-site facilities and care.

(a) A primary permittee is responsible for ensuring that his or her off-site facilities, or those of his or her subpermittee, meet all species- and treatment-stage-specific facility requirements as provided by department rule.

(b) A primary permittee, or subpermittee authorized to care for wildlife off-site from the wildlife rehabilitation facilities, must have adequate facilities to house the species in his or her care, based on the criteria for wildlife rehabilitation facilities outlined in the most current edition of the National Wildlife Rehabilitators Association and International Wildlife Rehabilitation Council's Minimum Standards for Wildlife Rehabilitation.

(c) It is unlawful for a subpermittee to care for wildlife in his or her off-site facility, or for the primary permittee to transfer wildlife to the subpermittee, unless the following requirements are met:

(i) There is a need for twenty-four-hour or after-hours care, such as nestling care or nursing small mammals, or critical care;

(ii) The off-site subpermittee only houses and cares for the following species off-site: Eastern gray squirrels, Douglas squirrels, opossum, mallard ducks, pheasant, quail, rock dove, American robin, black-capped chickadee, chestnut-backed chickadee, song-sparrow, dark-eyed junco, white-crowned sparrow, house finch, house sparrow, and hummingbirds if the primary permittee is permitted for those species;

(iii) The number of wildlife animals held at the off-site facility does not exceed the total capacity of the primary facility so that the primary facility does not use the off-site subpermittees to increase capacity;

(iv) The primary permittee would not exceed their permitted capacity if animals were returned from the off-site subpermittee;

(v) The wildlife receives an initial intake exam at the primary permittee's facility before it is transferred to the subpermittee for off-site care;

(vi) The wildlife exhibits no signs of a reportable disease;

(vii) The subpermittee follows a treatment plan developed by the veterinarian or directions from the primary permittee;

(viii) The subpermittee possesses a copy of the wildlife rehabilitation permit at all times while in possession of wildlife, including while transporting wildlife for the wildlife rehabilitation facility. It is unlawful for an off-site subpermittee to release wildlife from their facility without a release evaluation by the primary permittee.

(d) It is unlawful for a subpermittee to house, possess, care for, or treat large carnivores at his or her off-site facilities.

(e) It is unlawful for a subpermittee to house, possess, care for, or treat state or federally designated threatened, endangered, or sensitive species at his or her off-site facilities.

(f) Off-site subpermittees may not operate their own facilities.

(15) Inspections.

(a) Fish and wildlife officers or other agents of the department may inspect without warrant or advanced notice at reasonable times and in a reasonable manner all wildlife rehabilitation facilities and premises, cages, enclosures, all records required by the department for wildlife rehabilitation, and all equipment, and animals.

(b) If wildlife rehabilitation facilities are on property owned by a person other than the permittee, the permittee must submit a signed, dated statement in which the property owner gives written permission to the permittee to engage in wildlife rehabilitation on the property.

(16) A violation of this section by a permittee or a subpermittee is punishable under RCW 77.15.750(1), Unlawful use of a department permit—Penalty.

[Statutory Authority: RCW 77.04.012, 77.04.013, 77.04.020, 77.04.055, 77.12.047, 77.12.240, 77.12.467, 77.12.469, and 77.32.070. WSR 19-06-038 (Order 19-35), § 220-450-100, filed 3/1/19, effective 4/1/19. Statutory Authority: RCW 77.04.012, 77.04.013, 77.04.020, 77.04.055, and 77.12.047. WSR 17-05-112 (Order 17-04), recodified as § 220-450-100, filed 2/15/17, effective 3/18/17. Statutory Authority: RCW 77.12.047, 77.12.240, 77.12.467, 77.12.469, and 77.32.070. WSR 13-18-046 (Order 13-192), § 232-12-847, filed 8/30/13, effective 9/30/13.]

WAC 220-450-110 Wildlife rehabilitation—Releasing wildlife.

(1) Rehabilitated wildlife must be released as soon as the animal is deemed physically, behaviorally, and psychologically fit and conforming to the species natural history to increase successful reintegration into the wild.

(2) It is unlawful to hold wildlife for rehabilitation longer than one hundred eighty days. A primary permittee must obtain department authorization if the animal requires care longer than the one hundred eighty-day time limit. The department may grant a time extension if wildlife is over-wintering, molting, completing recovery, or waiting for suitable placement.

(3) Wildlife must be released at locations using methods and protocol to minimize stress on released animal; disease free; and into the same area from which the wildlife was taken unless doing this poses a substantial risk to the health or safety of the released wildlife or humans; or at a location within the wildlife's normal species range and appropriate habitat if location of origin is unknown or release cannot or should not occur at origin location.

The department may direct the permittee to release wildlife at a location other than where the wildlife was taken.

(4) A group of unrelated wildlife of the same species and that were raised together for socialization may be released at the same location even if that location is not where the wildlife was originally taken. All other release requirements must be followed. Migratory birds including raptors may be released at a location other than where they originated, without department preapproval, but within their natural range and must be at a location and timing appropriate for migration or flock behavior.

(5) **Release restriction and requirements.**

(a) Wildlife may not be given to the public to release after rehabilitation.

(b) Permittees must obtain department authorization for the release location prior to releasing cervids, large carnivores, coyotes, or beaver; cervids may not be released out of their WDFW region of origin.

(c) Orphaned cervids received by a wildlife rehabilitator and born during the year received must be released no later than October 31 of the year received. If an extension is needed to complete rehabilitation, a request must be made to the department for an extension authorization.

(d) Eastern gray squirrels, Virginia opossum, eastern cottontail, European starlings, and house sparrows must be released where these species already abundantly occur, releasing these species outside of where these species already occur is prohibited.

(e) Amphibians and reptiles must be released at point of origin, without exception. It is unlawful to release amphibians and reptiles if:

(i) They are a Washington state nonnative species.

(ii) They have been in captivity as pets.

(iii) They have been exposed to items or animals from the pet trade or pet stores including live food items or plants prior to being admitted to the permitted rehabilitation facility.

(iv) The point of origin is unknown.

(6) The primary permittee must notify and receive authorization from the department before releasing oiled wildlife, or state or federally designated threatened, endangered, or sensitive species.

(7) Hacking of orphaned raptors is permitted at or through a permitted facility where department-inspected and approved hacking facilities are available.

(8) A violation of this section is punishable under RCW 77.15.750(1), Unlawful use of a department permit—Penalty.

[Statutory Authority: RCW 77.04.012, 77.04.013, 77.04.020, 77.04.055, 77.12.047, 77.12.240, 77.12.467, 77.12.469, and 77.32.070. WSR 19-06-038 (Order 19-35), § 220-450-110, filed 3/1/19, effective 4/1/19. Statutory Authority: RCW 77.04.012, 77.04.013, 77.04.020, 77.04.055, and 77.12.047. WSR 17-05-112 (Order 17-04), recodified as § 220-450-110, filed 2/15/17, effective 3/18/17. Statutory Authority: RCW 77.12.047, 77.12.240, 77.12.467, 77.12.469, and 77.32.070. WSR 13-18-046 (Order 13-192), § 232-12-849, filed 8/30/13, effective 9/30/13.]

WAC 220-450-120 Wildlife rehabilitation—Veterinary care. (1)

Veterinarians may euthanize wildlife or provide stabilization without a wildlife rehabilitation permit. Veterinarians must arrange to transfer the wildlife to a primary permittee within forty-eight hours of receiving wildlife. Veterinarians must separate wildlife from domestic animals.

Principal veterinarian. Provides timely advice and services, veterinary treatment, and any medical protocols to primary permittee; and

If the principal veterinarian detects, suspects, or confirms a reportable illness or disease, it must be reported to the primary permittee and the department's wildlife veterinarian within twenty-four hours.

(2) A violation of this section is punishable under the statute for the species being rehabilitated, including RCW 77.15.120 for endangered fish or wildlife; RCW 77.15.130 for protected fish or wildlife; RCW 77.15.400 for wild birds; RCW 77.15.410 for big game; and RCW 77.15.430 for wild animals not classified as big game.

(3) A wildlife rehabilitation permit is not a veterinary license.

[Statutory Authority: RCW 77.04.012, 77.04.013, 77.04.020, 77.04.055, 77.12.047, 77.12.240, 77.12.467, 77.12.469, and 77.32.070. WSR 19-06-038 (Order 19-35), § 220-450-120, filed 3/1/19, effective 4/1/19. Statutory Authority: RCW 77.04.012, 77.04.013, 77.04.020, 77.04.055, and 77.12.047. WSR 17-05-112 (Order 17-04), recodified as § 220-450-120, filed 2/15/17, effective 3/18/17. Statutory Authority: RCW 77.12.047, 77.12.240, 77.12.467, 77.12.469, and 77.32.070. WSR 13-18-046 (Order 13-192), § 232-12-851, filed 8/30/13, effective 9/30/13.]

WAC 220-450-130 Wildlife rehabilitation—Records retention and reporting requirements. (1) This section contains records retention and reporting requirements for primary permittees on wildlife rehabilitation permits. Other state and federal laws and regulations may require additional records retention and reporting. Required records include daily ledger, patient records, written verification of volunteer training, and veterinary summaries.

(2) Retaining records.

(a) The primary permittee must keep all records at the wildlife rehabilitation facility and retain those records for a period of five years. Written or electronic records retention is acceptable.

(b) The primary permittee must make records available to the department at inspection or to department personnel upon request.

(3) Annual report. The primary permittee must submit a completed annual report on the form provided by the department along with the daily ledger to the department no later than January 31 of each year.

(4) Reporting requirements for oiled, threatened, endangered, or sensitive wildlife.

(a) The primary permittee must notify the department's wildlife rehabilitation manager within twenty-four hours of receiving oiled wildlife or wildlife designated as a threatened or endangered species under state or federal laws or rules.

(b) The primary permittee must notify the department's wildlife rehabilitation manager within seventy-two hours of receiving a state designated sensitive species.

(c) The primary permittee must notify the department's wildlife rehabilitation manager within twenty-four hours if a state or federally designated threatened or endangered species in his or her possession dies. The primary permittee must receive prior department approval before disposing of deceased state or federally designated threatened or endangered species.

(5) The primary permittee must notify the department's wildlife rehabilitation manager within seventy-two hours if he or she admits any wildlife that has a state or federal band, research marker, tag, or transmitter attached to it. The primary permittee must include band numbers and any other relevant information in the report. Primary permittees must send these reports, in writing (email is sufficient), to the department's wildlife rehabilitation manager.

(6) The primary permittee must report any veterinarian-diagnosed and confirmed reportable wildlife diseases listed by the department to the department's wildlife veterinarian within twenty-four hours of diagnosis.

(7) If wildlife is stolen or missing from the facility, the primary permittee must report the stolen or missing wildlife to the department wildlife rehabilitation manager and law enforcement within twenty-four hours of discovering the missing wildlife.

(8) A violation of this section is punishable under RCW 77.15.750(1), Unlawful use of a department permit—Penalty.

[Statutory Authority: RCW 77.04.012, 77.04.013, 77.04.020, 77.04.055, 77.12.047, 77.12.240, 77.12.467, 77.12.469, and 77.32.070. WSR 19-06-038 (Order 19-35), § 220-450-130, filed 3/1/19, effective 4/1/19. Statutory Authority: RCW 77.04.012, 77.04.013, 77.04.020, 77.04.055, and 77.12.047. WSR 17-05-112 (Order 17-04), recodified as § 220-450-130, filed 2/15/17, effective 3/18/17. Statutory Authority: RCW 77.12.047, 77.12.240, 77.12.467, 77.12.469, and 77.32.070. WSR 13-18-046 (Order 13-192), § 232-12-853, filed 8/30/13, effective 9/30/13.]

WAC 220-450-140 Wildlife rehabilitation—Falconers assisting with raptor rehabilitation. (1) A wildlife rehabilitator may utilize a department permitted three-year general or master falconer only for prerelease conditioning for release. Falconers may not practice wildlife rehabilitation without a wildlife rehabilitation permit. Falconers may not rehabilitate hatchling and nestling raptors.

(2) If the raptor is assigned to a falconer, the primary permittee must provide the falconer with:

(a) A copy of the U.S. Fish and Wildlife Service wildlife rehabilitation permit showing the falconer listed as a subpermittee; or

(b) A copy of the primary permittee's wildlife rehabilitation permit and a copy of the department authorization for transfer; and

(c) A written document identifying the raptor and explaining that the falconer is assisting in the raptor's rehabilitation and acting as an authorized subpermittee of the primary permittee. The written document must:

(i) Provide the dates of possession and the falconer's name, state falconry license number, contact information, and location of the falconer's facility; and

(ii) Accompany the raptor at all times, including during transport and at the housing location of the raptor.

(3) The primary permittee is responsible for ensuring that falconers adhere to permit terms, state law, department rules, and federal law and regulations at all times when assisting in rehabilitation activities under the primary permittee's rehabilitation permit.

(4) A falconer may house a raptor undergoing conditioning for release at an approved falconry facility that does not meet wildlife rehabilitation facility standards so long as the falconry facility meets the standards under department rule for housing raptors.

(5) Any raptor that cannot be permanently released into the wild must be returned to the primary permittee within one hundred eighty days from the date of transfer to the falconer, unless: The department authorizes retaining the raptor for longer than one hundred eighty days to complete conditioning or is awaiting placement to a permitted education facility.

(6) A primary permittee may transfer a releasable raptor directly to a falconer for falconry purposes so long as the falconer can lawfully possess the species of raptor and complies with all applicable state and federal laws and regulations. The primary permittee must notify the department of the transfer of the raptor to a falconer within ten days of the transfer. The USFWS may also require notification of raptor transfers and release. It is the primary permittee's and falconer's responsibility to ensure compliance with all state and federal laws and regulations.

(7) A falconer may not transfer a bird under his or her care for rehabilitation conditioning to his or her falconry permit; a raptor in rehabilitation conditioning must remain on the wildlife rehabilitator's permit at all times.

(8) (a) A violation of this section by a primary permittee is punishable under RCW 77.15.750(1), Unlawful use of a department permit—Penalty.

(b) A violation of this section by a falconer assisting a primary permittee is punishable under the statute for the species being rehabilitated, including RCW 77.15.120 for endangered birds; RCW 77.15.130 for protected birds; and RCW 77.15.400 for all other wild birds.

[Statutory Authority: RCW 77.04.012, 77.04.013, 77.04.020, 77.04.055, 77.12.047, 77.12.240, 77.12.467, 77.12.469, and 77.32.070. WSR 19-06-038 (Order 19-35), § 220-450-140, filed 3/1/19, effective 4/1/19. Statutory Authority: RCW 77.04.012, 77.04.013, 77.04.020, 77.04.055, and 77.12.047. WSR 17-05-112 (Order 17-04), recodified as § 220-450-140, filed 2/15/17, effective 3/18/17. Statutory Authority: RCW 77.12.047, 77.12.240, 77.12.467, 77.12.469, and 77.32.070. WSR 13-18-046 (Order 13-192), § 232-12-855, filed 8/30/13, effective 9/30/13.]

WAC 220-450-150 Wildlife rehabilitation—Transfer, import, and export of wildlife and restrictions. (1) A primary permittee may import wildlife into Washington state for wildlife rehabilitation purposes if it is legal to import that species and the primary permittee possesses a certificate of veterinary inspection from an accredited veterinarian licensed in the state of origin and an entry permit as required by the Washington state department of agriculture for the animal.

(2) It is unlawful to transfer Washington state mammals to an out-of-state rehabilitator without obtaining prior department approval.

(3) It is unlawful to import species in the order Cervidae or rabies vector species into Washington state for rehabilitation purposes.

(a) Cervids are Roosevelt and Rocky Mountain elk, mule deer, black-tailed deer, white-tailed deer, moose, and caribou.

(b) Rabies vector species are bat, skunk, fox, raccoon, and coyote.

(c) Wildlife rehabilitation permits may be conditioned by the department with additional restrictions on wildlife transfer related to a specific endorsement or current interpretations of species-specific disease transfer.

(4) Transferring wildlife for socialization.

(a) Transferring wildlife undergoing rehabilitation between Washington wildlife rehabilitators for the purpose of orphan imprinting, conspecific socialization, appropriate species behavior maintenance, prerelease condition, and/or species-specific and veterinary medical care is permissible.

(b) No transfer of cervids, beaver, or bats between eastern Washington (all lands lying east of the Cascade Crest Trail and east of the Big White Salmon River in Klickitat County) and western Washington (all lands lying west of the Cascade Crest Trail and west of and including the Big White Salmon River in Klickitat County).

(c) No transfer of cervids between Washington department of fish and wildlife regions unless written permission and conditions for the transfer are obtained from the department prior to the transfer.

(d) No intake/admission of cervids from outside of the Washington department of fish and wildlife region in which the facility is located. If any cervid is brought to a wildlife rehabilitation facility from outside that facility's Washington department of fish and wildlife region, the animal must be euthanized.

(e) Wildlife possessed for rehabilitation may be transferred between Washington wildlife rehabilitators without prior department approval if the receiving wildlife rehabilitator is permitted to possess those species and geographic restrictions are followed.

(5) A violation of this section is punishable under RCW 77.15.290, Unlawful transportation of fish or wildlife—Penalty.

[Statutory Authority: RCW 77.04.012, 77.04.013, 77.04.020, 77.04.055, 77.12.047, 77.12.240, 77.12.467, 77.12.469, and 77.32.070. WSR 19-06-038 (Order 19-35), § 220-450-150, filed 3/1/19, effective 4/1/19. Statutory Authority: RCW 77.04.012, 77.04.013, 77.04.020, 77.04.055, and 77.12.047. WSR 17-05-112 (Order 17-04), recodified as § 220-450-150, filed 2/15/17, effective 3/18/17. Statutory Authority: RCW 77.12.047, 77.12.240, 77.12.467, 77.12.469, and 77.32.070. WSR 13-18-046 (Order 13-192), § 232-12-857, filed 8/30/13, effective 9/30/13.]

WAC 220-450-160 Wildlife rehabilitation—Possession of dead wildlife and wildlife parts. (1) A primary permittee may receive and possess dead wildlife from the department for the purpose of feeding wildlife in rehabilitation.

(2) Feather possession.

(a) A primary permittee may possess bird feathers for imping.

(b) Primary permittees may receive or exchange feathers of birds from and with other wildlife rehabilitators if the rehabilitators possess and comply with relevant U.S. Fish and Wildlife Service Migratory Bird Treaty Act permits.

(c) A primary permittee may donate feathers from rehabilitation birds to any person or institution with a valid permit to possess feathers, except feathers from golden eagle or bald eagle.

(d) A primary permittee may leave feathers that are molted or otherwise lost by a bird in wildlife rehabilitation where they fall, store the feathers, or destroy the feathers, except that the rehabilitator must gather primary or secondary flight feathers or rectrices from golden eagle and bald eagle and send these feathers or rectrices to the National Eagle Repository.

(3) A primary permittee whose permit is expired or revoked must donate any wildlife carcasses and parts to a person or institution with a valid permit to possess the wildlife carcasses and parts, or the primary permittee must burn, bury, or otherwise destroy the carcasses or parts.

(4) A violation of this section is punishable under the statute for the species being unlawfully retained, including RCW 77.15.120 for endangered fish or wildlife; RCW 77.15.130 for protected fish or wildlife; RCW 77.15.400 for wild birds; RCW 77.15.410 for big game; or RCW 77.15.430 for wild animals not classified as big game.

[Statutory Authority: RCW 77.04.012, 77.04.013, 77.04.020, 77.04.055, 77.12.047, 77.12.240, 77.12.467, 77.12.469, and 77.32.070. WSR 19-06-038 (Order 19-35), § 220-450-160, filed 3/1/19, effective 4/1/19. Statutory Authority: RCW 77.04.012, 77.04.013, 77.04.020, 77.04.055, and 77.12.047. WSR 17-05-112 (Order 17-04), recodified as § 220-450-160, filed 2/15/17, effective 3/18/17. Statutory Authority: RCW 77.12.047, 77.12.240, 77.12.467, 77.12.469, and 77.32.070. WSR 13-18-046 (Order 13-192), § 232-12-859, filed 8/30/13, effective 9/30/13.]

WAC 220-450-170 Wildlife rehabilitation—Disposition of nonreleasable and over-habituated, mal-imprinted, or tamed wildlife and live retention for foster and education. (1) A primary permittee may retain live, nonreleasable wildlife for the purposes of:

(a) Orphan imprinting, socialization, and appropriate wild behavior retention and development, if the permittee possesses valid U.S. Fish and Wildlife Service (USFWS) permits and written authorization from the department. The department determines whether wildlife may be retained for these purposes on a case-by-case basis.

(b) Static display and program education, if the permittee possesses valid USFWS permits and written authorization from the department.

(c) To obtain authorization for education or fostering, the permittee must submit a completed Education or Foster Animal - Live Wildlife Retention Form application form provided by the department.

(d) A fee for presentation of an education program may be charged to recoup the permittee's cost.

(e) Education programs must provide information about the biology, ecological roles, or needs of wildlife; wildlife may not be presented as if they are pets.

(f) Wildlife tamed, overly habituated and lacking fear of humans and domestic animals, or mal-imprinted to humans before admission to the primary permittee's facility can be retained for static display or education programs if the department authorizes this in writing. The department will make such determinations on a case-by-case basis.

(g) Permittees must house wildlife used for educational purposes separately and out of sight of wildlife in rehabilitation.

(h) Mammals retained for education purposes may not be used for orphan imprinting or companionship for wildlife in rehabilitation.

(i) It is permissible to use birds retained for education, including raptors, for orphaned imprinting, nestling care, or companionship if federally permitted.

(j) The permittee may not have the following animals for education programs or static display: Cervids, large carnivores, amphibians.

(k) The permittee may not use the following animals in education programs: All rodents (except eastern gray squirrels), moles and shrews, weasels, skunks, raccoons, coyotes, foxes, beavers, muskrats, pikas, hares, rabbits, Apodidae, Trochilidae, Picidae, Passerines (except American crow, Northwestern crow, and common ravens), loons, grebes, seabirds, herons, bitterns, storks, and ibis.

(2) Wildlife tamed or mal-imprinted to humans while at the primary permittee's facility and determined to be nonreleaseable must be transferred or humanely euthanized to protect the public and to protect the animal from human abuse.

(3) A violation of this section is punishable under RCW 77.15.750, Unlawful use of a department permit—Penalty.

[Statutory Authority: RCW 77.04.012, 77.04.013, 77.04.020, 77.04.055, 77.12.047, 77.12.240, 77.12.467, 77.12.469, and 77.32.070. WSR 19-06-038 (Order 19-35), § 220-450-170, filed 3/1/19, effective 4/1/19. Statutory Authority: RCW 77.04.012, 77.04.013, 77.04.020, 77.04.055, and 77.12.047. WSR 17-05-112 (Order 17-04), recodified as § 220-450-170, filed 2/15/17, effective 3/18/17. Statutory Authority: RCW 77.12.047, 77.12.240, 77.12.467, 77.12.469, and 77.32.070. WSR 13-18-046 (Order 13-192), § 232-12-861, filed 8/30/13, effective 9/30/13.]

WAC 220-450-180 Wildlife rehabilitation—Euthanizing wildlife. Euthanasia must be provided in accordance with an animal's welfare, using humane techniques and at a reasonable time after admission to prevent unnecessary suffering of the animal. Permittees must follow the most current American Veterinary Medical Association Guidelines on Euthanasia.

(1) Bald eagles, golden eagles, and state endangered or threatened wildlife may be euthanized, without prior department approval, if the animal is suffering and untreatable or has a terminal illness or injury. In all other cases, prior department approval must be obtained before euthanizing state endangered or threatened wildlife.

(2) Any bird that has sustained injuries requiring amputation of a foot, a portion of a leg or wing at the elbow (humero-ulnar joint) or above, or any animal that is permanently blind must be euthanized.

(3) If an animal cannot, after medical management, feed itself, or ambulate without inflicting additional injury to itself, the animal must be euthanized.

(4) The primary permittee must comply with all applicable federal Migratory Bird Treaty Act rules when taking action for migratory birds under this section.

(5) The primary permittee shall report immediately to the department any department-surveilled wildlife disease or suspected emerging disease. If the director determines that such disease or outbreak presents a threat to wildlife of the state, the director may immediately order destruction of the wildlife.

(6) A violation of this section is punishable under RCW 77.15.120 for endangered birds; RCW 77.15.130 for protected birds; or RCW 77.15.400 for all other wild birds, depending on the bird species.

[Statutory Authority: RCW 77.04.012, 77.04.013, 77.04.020, 77.04.055, 77.12.047, 77.12.240, 77.12.467, 77.12.469, and 77.32.070. WSR 19-06-038 (Order 19-35), § 220-450-180, filed 3/1/19, effective 4/1/19. Statutory Authority: RCW 77.04.012, 77.04.013, 77.04.020, 77.04.055, and 77.12.047. WSR 17-05-112 (Order 17-04), recodified as § 220-450-180, filed 2/15/17, effective 3/18/17. Statutory Authority: RCW 77.12.047, 77.12.240, 77.12.467, 77.12.469, and 77.32.070. WSR 13-18-046 (Order 13-192), § 232-12-863, filed 8/30/13, effective 9/30/13.]

WAC 220-450-190 Wildlife rehabilitation—Disposing of wildlife remains. (1) Wildlife carcasses (except for those that are oiled) must be incinerated, buried, or otherwise destroyed, according to local laws and regulations to avoid the risk of poisoning wildlife, a primary permittee must not allow chemically euthanized wildlife to be scavenged.

(a) Wildlife carcasses may be donated to any person or institution authorized under state or federal law to acquire and possess specific wildlife carcasses or parts.

(b) A primary permittee on a wildlife rehabilitation permit may keep the carcass of any bird, except golden eagle or bald eagle, so the feathers on the carcass are available for imping and education as long as they are in compliance with federal rules.

(c) A primary permittee must send any and all remains of a golden eagle or bald eagle, including all talons, feathers and other parts, to the National Eagle Repository following instructions from the U.S. Fish and Wildlife Service.

(d) A primary permittee may retain wildlife carcasses and skins for mounting or skin preparation for the purpose of public display and education programs. If prepared by a licensed taxidermist, the primary permittee must supply the taxidermist with written documentation that the carcass or skin is possessed pursuant to a wildlife rehabilitation permit. The taxidermist must possess the written documentation at all times while the carcass or skin is in the taxidermist's possession. The primary permittee must keep the mount at the wildlife rehabilitation facility and may use it for public display for education programs. If the wildlife carcass is a banded bird or has an implanted microchip, the band number or microchip number must be reported to the issuing agency, entity, or person.

(e) A primary permittee who retains a wildlife carcass or parts may only possess the carcass or parts so long as the primary permittee possesses a valid wildlife rehabilitation permit and complies with all applicable federal laws. If the permittee no longer has a valid wild-

life rehabilitation permit, the person must have a different authorizing state or federal permit to keep the carcasses or parts, or surrender the carcasses or parts to the department.

(2) Animals that have died of or have been euthanized due to reportable diseases must be disposed of as directed by Washington department of fish and wildlife (WDFW) wildlife veterinarian. No carcasses or parts should be retained.

(3) A primary permittee must not dispose of dead oiled wildlife without obtaining department approval.

(4) A violation of this section by a permittee or subpermittee on a wildlife rehabilitation permit is punishable under RCW 77.15.750, Unlawful use of a department permit—Penalty.

(5) A violation of this section by a person who lacks a valid wildlife rehabilitation permit is punishable under RCW 77.15.120 for endangered birds; RCW 77.15.130 for protected birds; or RCW 77.15.400 for all other wild birds, depending on the bird species.

[Statutory Authority: RCW 77.04.012, 77.04.013, 77.04.020, 77.04.055, 77.12.047, 77.12.240, 77.12.467, 77.12.469, and 77.32.070. WSR 19-06-038 (Order 19-35), § 220-450-190, filed 3/1/19, effective 4/1/19. Statutory Authority: RCW 77.04.012, 77.04.013, 77.04.020, 77.04.055, and 77.12.047. WSR 17-05-112 (Order 17-04), recodified as § 220-450-190, filed 2/15/17, effective 3/18/17. Statutory Authority: RCW 77.12.047, 77.12.240, 77.12.467, 77.12.469, and 77.32.070. WSR 13-18-046 (Order 13-192), § 232-12-865, filed 8/30/13, effective 9/30/13.]

WAC 220-450-200 Wildlife rehabilitation—Commercial uses. (1)

It is unlawful to sell, offer for sale, purchase, or use for commercial purposes wildlife or parts of wildlife under any circumstances under a wildlife rehabilitation permit.

(2) Consistent with all existing wildlife rehabilitation rules, and the rest of this section, the primary permittee or entity operating a wildlife rehabilitation facility may collect funds to support the wildlife rehabilitation facility or wildlife rehabilitation facility activities.

(3) The primary permittee or the entity operating the wildlife rehabilitation facility may request donations or collect funds, however, except for oiled-wildlife rescue and rehabilitation authorized under the Federal Oil Pollution Act, all funds received for wildlife rehabilitation must go to the entity operating the wildlife rehabilitation facility or supporting wildlife rehabilitation activities. The primary permittee may not retain funds received through fund-raising efforts for personal use.

(4) It is unlawful to require a donation or charge a fee when receiving or admitting wildlife for rehabilitation unless it is authorized under the Federal Oil Pollution Act.

(5) A violation of this section is punishable under RCW 77.15.260 or 77.15.750, or both.

[Statutory Authority: RCW 77.04.012, 77.04.013, 77.04.020, 77.04.055, 77.12.047, 77.12.240, 77.12.467, 77.12.469, and 77.32.070. WSR 19-06-038 (Order 19-35), § 220-450-200, filed 3/1/19, effective 4/1/19. Statutory Authority: RCW 77.04.012, 77.04.013, 77.04.020, 77.04.055, and 77.12.047. WSR 17-05-112 (Order 17-04), recodified as §

220-450-200, filed 2/15/17, effective 3/18/17. Statutory Authority: RCW 77.12.047, 77.12.240, 77.12.467, 77.12.469, and 77.32.070. WSR 13-18-046 (Order 13-192), § 232-12-867, filed 8/30/13, effective 9/30/13.]