



**OREGON ADMINISTRATIVE RULES
OREGON DEPARTMENT OF FISH AND WILDLIFE**

DIVISION 062

Wildlife Rehabilitation

635-062-0000

Purpose of the Wildlife Rehabilitation Permit

Any person desiring to hold any bird, mammal, amphibian or reptile for the purpose of wildlife rehabilitation shall first obtain a Wildlife Rehabilitation Permit from the Oregon Department of Fish and Wildlife. The permittee may capture, transport, temporarily possess, rehabilitate, and (with permission from the local Department district wildlife biologist) release such wildlife. The permittee may euthanize wildlife that are injured, ill, orphaned, restricted or not authorized for holding or release, as specified within the conditions of their permit and these rules.

Stat. Auth.: ORS 496.012, 496.138, 496.146, 497.298, 497.308, 497.312, 497.318, 498.022, 498.029, 498.052, 498.222, 498.242

Stats. Implemented: ORS 496.012, 496.138, 496.146, 497.298, 497.308, 497.312, 497.318, 498.022, 498.029, 498.052, 498.222, 498.242

635-062-0005

Definition of Terms

- 1) "Assistant" means someone who conducts wildlife rehabilitation activities in a wildlife rehabilitation facility under the direct supervision of the permittee.
- 2) "AZA" means the Association of Zoos and Aquariums.
- 3) "Candidate" means an animal species for which the USFWS has sufficient information on biological vulnerability and threats to support a proposal to list as endangered or threatened.
- 4) "Department" means Oregon Department of Fish and Wildlife.
- 5) "Direct Supervision" means the oversight and management of the activities of an employee, assistant or volunteer by the permittee occurring primarily onsite and at the facility, but may include periods of indirect oversight of activities conducted independently by the employee or volunteer.
- 6) "DVM" means Oregon licensed Doctor of Veterinary Medicine.
- 7) "Endangered species" means those species defined in ORS 496.004(6).
- 8) "Euthanasia" means to humanely kill an animal as per the American Veterinary Medical Association Guidelines for the Euthanasia of animals: 2013 Edition or 2006 American Association of Zoo Veterinarians - Guidelines for the Euthanasia of Nondomestic Animals.
- 9) "Home Care" means the facility used by the subpermittee for the care and feeding of neonate avian species (or other wildlife species as approved in writing by the Department district wildlife biologist) under the guidance and at the request of the permittee.
- 10) "Marine mammals" means seals, sea lions, sea otters, and cetaceans (e.g., whales and porpoises).
- 11) "Migratory bird" means any bird, whatever its origin and whether or not raised in captivity, which belongs to a species listed in U.S. 50CFR§10.13, including any part, nest, or egg of any such bird. Birds listed under OAR 635-057-0000 are not included.
- 12) "NMFS" means National Marine Fisheries Service.
- 13) "Non-releasable" means:
 - (a) Individual wildlife that cannot be rehabilitated and returned to the wild with a reasonable potential for survival;
 - (b) Those species classified as prohibited by OAR 635 Division 056; or

(c) Those species classified as controlled by OAR 635 Division 56 under rules that do not allow release into the wild (OAR 635-056-0070).

14) "Permittee" means the person who holds a valid Oregon Wildlife Rehabilitation Permit issued by the Department.

15) "Public display" means to place or locate wildlife so that it may be viewed or accessed directly by the public.

16) "Rehabilitation" means the attempted or successful restoration of an injured, sick or immature bird, mammal, amphibian or reptile to a condition whereby it can be returned to the wild.

17) "Sensitive species" means those wildlife species, subspecies, or populations that are facing one or more threats to their populations, habitat quantity or habitat quality or that are subject to a decline in number of sufficient magnitude such that they may become eligible for listing on the state Threatened and Endangered Species List.

18) "Subpermittee" means person(s) listed on a wildlife rehabilitation permit as authorized to perform wildlife rehabilitation activities under the supervision (direct or indirect) of a permittee. Subpermittees may include, but are not limited to, veterinarians, falconers, or others assisting the permittee with the rehabilitation of wildlife specifically allowed on the permit.

19) "Threatened species" means those species defined in ORS 496.004(15).

20) "USFWS" means U.S. Fish and Wildlife Service.

21) For the purpose of these rules, "wildlife" means wild mammals and wild birds, as defined by OAR 635-057-0000, amphibians, reptiles and fish.

22) "Wildlife rehabilitation facility" means the primary location where an Oregon licensed wildlife rehabilitator (permittee) conducts rehabilitation.

Stat. Auth.: ORS 496

Stats. Implemented: ORS 496

635-062-0010

Wildlife Rehabilitation Permit Requirements and Conditions

- 1) A Wildlife Rehabilitation Permit may only be issued to a person who:
 - (a) Resides in Oregon or is a non-resident wildlife rehabilitator whose rehabilitation activities occur in Oregon or whose facility (or facilities) exist within the state;
 - (b) Is at least 18 years of age when taking the Oregon Wildlife Rehabilitation examination;
 - (c) Submits a completed and accurate written application form provided by the Department;
 - (d) Possesses a letter from an Oregon licensed DVM agreeing to act as a medical supervisor and consultant to the permittee if the permittee is not an Oregon licensed DVM;
 - (e) Passes the Oregon wildlife rehabilitation examination administered by the Department with a score of 80 percent or higher on the general section of the test and each relevant section of interest. Any applicant who fails to pass the Oregon Wildlife Rehabilitation examination may retake the examination no earlier than 14 days from the date of prior attempt;
 - (f) Is approved by the local Department district wildlife biologist or other Department representative as meeting a need for rehabilitation services in the area;
 - (g) Has not been convicted of, or admitted to, a violation of a wildlife law (under the Interstate Wildlife Violators Compact), or administrative rule, or permit issued under the Oregon wildlife laws within the previous five years; and
 - (h) Provides a suitable rehabilitation facility, or plan for such facility, approved by the local Department district wildlife biologist or other Department representative as meeting all requirements of these rules; and
 - (i) (Upon permit renewal) documents compliance with the Department's Rehabilitation Continuing Education Standards. Permittees must complete and provide documentation of 12 hours of Department approved continuing education every 2 years.

2) Subpermittees may perform wildlife rehabilitation activities under the supervision (direct or indirect) of a permittee only if:

- (a) The permittee inspects the facilities of the subpermittee prior to the subpermittee receiving wildlife;
- (b) The permittee provides the subpermittee written instruction concerning caging, food and feeding protocols, veterinary- directed treatment and any other assistance the permittee deems necessary for the care of wildlife in the subpermittee's possession. The permittee must provide information concerning such assistance to the Department district wildlife biologist upon request;
- (c) The subpermittee follows the written protocol, described in paragraph 2 (b), provided by the permittee and, if necessary, approved by the Department district wildlife biologist;
- (d) The subpermittee is approved by the Department district wildlife biologist before receiving wildlife. The name, physical address, and current phone number of the subpermittee must be provided to the Department. Any changes in subpermittee contact information must be provided to the Department with the permittee's semi-annual Wildlife Rehabilitation Report (635-062-0305 (2));
- (e) All wildlife is admitted through the permittee's licensed facility, the subpermittee may not accept wildlife from any other source;
- (f) The permittee is directly responsible for the rehabilitation activities of the subpermittee working under their permit;
- (g) The subpermittee resides and conducts wildlife rehabilitation activities within Oregon; and
- (h) The subpermittee does not perform wildlife rehabilitation activities at their Home Care facility except for the care and feeding of neonate avian species unless the permittee has prior written approval to hold other wildlife species at the Home Care facility from the local Department district wildlife biologist.

3) Licensed Oregon veterinarians administering immediate medical care for injured wildlife are not required to have a Wildlife Rehabilitation Permit or submit a semi-annual report. Veterinarians that provide care or hold wildlife longer than 48-hours must be listed as a subpermittee or are required to pass the Oregon Wildlife Rehabilitation examination and possess a Wildlife Rehabilitation Permit. The local Department district wildlife biologist may, by written authorization, allow a non-permittee veterinarian to hold animals longer than 48 hours due to extenuating medical circumstances.

4) The Department may deny issuance of a Wildlife Rehabilitation Permit, disapprove subpermittee(s) and impose permit conditions or restrictions (e.g., number of species, types of species, subpermittees, etc.) if the applicant or subpermittee is convicted of, or admits to, a violation of wildlife law (under the Interstate Wildlife Violators Compact), or administrative rule, or an order or permit issued under the Oregon wildlife laws within the previous five years.

5) At least one member of a wildlife rehabilitation facility's staff must possess a Wildlife Rehabilitation Permit and that person must provide direct on-site supervision to non-permitted staff and volunteers.

6) Wildlife Rehabilitation Permits are issued free of charge and expire no more than two years from date of issue.

7) A Wildlife Rehabilitation Permit does not exempt the permittee from complying with other state, federal, county, and city laws and regulations.

8) A Wildlife Rehabilitation Permit does not authorize the practice of veterinary medicine or the treatment of domestic animals.

9) Permits must be carried on the person or displayed in a public area in the facility while performing wildlife rehabilitation activities.

10) The Department is not liable for any injuries or infections to the public or permittee, subpermittee, or volunteers, or damage caused by wildlife held, captured, or transported as authorized by and due to activities or actions associated with a Wildlife Rehabilitation Permit.

11) The Oregon Wildlife Rehabilitation Permit does not allow the possession of wildlife for direct access or display to the public except during release events or as approved in writing by the Department. Indirect electronic viewing of wildlife patients by the public is permissible. Images of wildlife patients may be used for monitoring, advertising, brochures, websites, presentations or trainings. Non-releasable wildlife held for educational purposes may be publically displayed within the conditions of the permittee's federal permit or letter of authorization to hold non-releasable wildlife.

Stat. Auth.: ORS 496.012, 496.138, 496.146, 497.298, 497.308, 497.312, 497.318, 498.022, 498.029, 498.052, 498.222, 498.242

Stats. Implemented: ORS 496.012, 496.138, 496.146, 497.298, 497.308, 497.312, 497.318, 498.022, 498.029, 498.052, 498.222, 498.242

635-062-0015

Federal Rehabilitation Permit

In addition to an Oregon Wildlife Rehabilitation Permit issued by the Department, and prior to receiving and holding federally protected species, a permittee must obtain a federal permit for species protected by federal law and provide a current and valid copy of the federal permit to the Department with each renewal application.

Stat. Auth.: ORS 496

Stats. Implemented: ORS 496

635-062-0020

Restricted Species

The following categories of wildlife may not be rehabilitated and released under these rules:

1) Nonnative wildlife classified as prohibited or noncontrolled per the wildlife integrity rules (OAR 635-056-0050 & 0060) or classified as controlled and specifically not allowed to be released in the wild (OAR 635-056-0070) shall not be rehabilitated or released into the wild. If these species are received by a permittee, the permittee must humanely euthanize the nonnative wildlife within 24 hours of receiving the animal. Nonnative wildlife listed as game animals in OAR 635 Division 045 are not affected by these rules.

2) Imported native wildlife except migratory birds as defined in 635-062-0035 (2).

3) Marine mammals

(a) Unless specifically authorized by the Department and NMFS, marine mammals shall not be rehabilitated;

(b) Section 109(h)(1) of the Marine Mammal Protection Act authorizes Federal, State, or local government officials or employees or designees, including members of the Oregon Marine Mammal Stranding Network, to humanely euthanize marine mammals in severe distress.

4) Coyote (*Canis latrans*). Permittees must notify the local Department district wildlife biologist within 24 hours of receiving a coyote into their facility. Coyotes may be housed for up to 48 hours while the Department locates and places the animal in a pre-approved facility or other disposition as determined by the Department.

5) Cougar (*Felis concolor*). Wildlife rehabilitators must notify the local Department district wildlife biologist immediately upon receipt of a cougar into their facility.

(a) Cougar kittens confirmed to be orphaned by the Department will not be rehabilitated for release to the wild due to public safety concerns.

- (b) All cougars will be immediately transferred to Department veterinary staff at the ODFW Wildlife Health Lab for health and behavior evaluations and placement in a Department-approved Association of Zoos and Aquarium (AZA) accredited facility or other disposition as determined by Department staff.
- (c) Non-AZA accredited zoos available for holding cougar kittens be approved by the Department veterinarian or division administrator prior to placement.

Stat. Auth.: ORS 496.012, 496.138, 496.146, 497.298, 497.308, 497.312, 497.318, 498.022, 498.029, 498.052, 498.222, 498.242

Stats. Implemented: ORS 496.012, 496.138, 496.146, 497.298, 497.308, 497.312, 497.318, 498.022, 498.029, 498.052, 498.222, 498.242

635-062-0025

Restricted Species with Conditions

The following native wildlife require Department notification upon receipt by a permittee. Placement, care conditions, and final disposition will be determined by the Department.

1) Healthy young-of-the-year animals that are not known to be orphaned should not be captured or removed from the wild.

- (a) Young-of-the-year wildlife with unknown orphaned status includes those with no accompanying adult nearby and animals collected when the maternal animal is not observed as deceased.

- (b) All young-of-the-year animals of unknown or questionable orphaned status and taken from the wild should be immediately returned to the place where they were collected if not held longer than 48 hours.

- (c) Permittees should contact their district biologist for situations involving extenuating circumstances including animals that cannot be returned to the nest or collection site.

2) Black bear (*Ursus americanus*). Permittees must notify the local Department district wildlife biologist immediately upon receipt of a black bear into their facility.

- (a) All black bear will be immediately transferred to Department veterinary staff at the ODFW Wildlife Health Lab for health and behavior evaluations and placement in a Department-approved Association of Zoos and Aquarium (AZA) accredited facility, approved-black bear cub rehabilitation facility, or other disposition as determined by the Department.

- (b) Non-AZA accredited zoos available for holding black bear cubs will be approved by the Department veterinarian or division administrator and must meet minimum caging specifications and standards for design and construction (Exhibit 1 *Caging and Enclosure Standards for the Rehabilitation of Black Bears and Ungulates*) and specific requirements for animal handling and monitoring, and animal care prior to placement.

- (c) Orphaned black bear cubs meeting conditions as candidates for rehabilitation will only be rehabilitated in Department pre-approved facilities designed for orphaned wild black bear cub rehabilitation that meet all Department specifications for caging standards (Exhibit 1 *Caging and Enclosure Standards for the Rehabilitation of Black Bears and Ungulates*) including specific requirements for animal handling and monitoring, and animal care.

- (d) Oregon wildlife rehabilitation facilities desiring to rehabilitate black bear cubs require prior Department approval and must meet all minimum caging specifications and standards (Exhibit 1 *Caging and Enclosure Standards for the Rehabilitation of Black Bears and Ungulates*) including specific requirements for animal handling and monitoring, and animal care prior to placement.

3) Deer (*Odocoileus hemionus* and *O. virginianus*), elk (*Cervus elaphus*), pronghorn antelope (*Antilocapra americana*), bighorn sheep (*Ovis canadensis*), mountain goat (*Oreamnos americanus*) or moose (*Alces alces*) may be rehabilitated under the following conditions:

(a) Orphaned deer, elk, pronghorn antelope, bighorn sheep, mountain goat, or moose received by a wildlife rehabilitator and born during the year received may be held and rehabilitated from birth through September 30 of the year received. Orphaned animals must be released to the wild prior to September 30 of the year received to the area of initial collection or an appropriate location determined by the District biologist. Extenuating circumstances for holding orphaned ungulates beyond September 30 requires written approval by the local Department district wildlife biologist.

(b) Injured or diseased deer, elk, pronghorn antelope, bighorn sheep, mountain goat, or moose received after September 30 of their birth year must be humanely euthanized unless otherwise authorized in writing by the Department district wildlife biologist.

(c) Orphaned deer, elk, pronghorn antelope, bighorn sheep, mountain goats, or moose will only be rehabilitated in Department pre-approved facilities designed for orphaned wild ungulate rehabilitation that meet all Department specifications in Exhibit 1 *Caging and Enclosure Standards for the Rehabilitation of Black Bears and Ungulates* including pen standards for design and construction, animal handling and monitoring, and animal care.

(d) All wildlife rehabilitators must notify the local Department district wildlife biologist within 24 hours of receiving any orphaned deer, elk, pronghorn antelope, bighorn sheep, mountain goats, or moose. Unless held in a Department approved facility, orphaned deer, elk, pronghorn antelope, bighorn sheep, mountain goats, or moose may be held for up to 48 hours while the Department locates and places the animal in a pre-approved facility or other disposition as directed by the Department.

4) Raccoons (*Procyon lotor*). Permittees must be pre-approved by the Department to rehabilitate raccoons with the following conditions:

(a) Raccoons must be released back to the original location of capture or humanely euthanized, unless otherwise authorized in writing by the local Department district wildlife biologist.

(b) Raccoons will only be rehabilitated in Department pre-approved facilities designed for orphaned raccoon kit rehabilitation including requirements for animal handling and monitoring, and animal care.

(c) The maximum number of raccoons held by any single facility will be determined by the Department and listed on the permit.

(d) Raccoons from multiple locations must be held separately by their respective collection site and identified appropriately to facilitate the return of animals to their site of origin; exceptions require prior written approval by the local Department district wildlife biologist.

5) Wolves (*Canis lupus*). Wildlife rehabilitators must notify the local Department district wildlife biologist immediately upon receiving a wolf into their facility.

(a) Wolf pups may be housed for up to 48 hours while the Department locates and places the animal in a pre-approved facility or other disposition as directed or determined by Department staff.

6) Bobcat (*Lynx rufus*) and Lynx (*Lynx canadensis*). Wildlife rehabilitators must notify the local Department district wildlife biologist immediately upon receiving a bobcat or lynx into their facility.

(a) Bobcat or Lynx kittens may be housed for up to 48 hours while the Department locates and places the animal in a pre-approved facility or other disposition as directed or determined by Department staff.

7) Other wild native mammals including Fox (*Urocyon cinereoargenteus*, *Vulpes microtis*, *Vulpes vulpes*), Ringtail (*Bassariscus astutus*), American Marten (*Martes americana*), Fisher (*Martes pennant*), Wolverine (*Gulo gulo*), River Otter (*Lutra canadensis*) and all bats (order Chiroptera). Wildlife rehabilitators must notify the local Department district wildlife biologist within 24 hours of receiving these species into their facility.

(a) The wild native mammals listed in this sub-section, 635-062-0025 (7), may be housed for up to 48 hours while the Department locates and places the animal in a pre-approved facility or other disposition as directed or determined by Department staff.

Stat. Auth.: ORS 496.012, 496.138, 496.146, 497.298, 497.308, 497.312, 497.318, 498.022, 498.029, 498.052, 498.222, 498.242

Stats. Implemented: ORS 496.012, 496.138, 496.146, 497.298, 497.308, 497.312, 497.318, 498.022, 498.029, 498.052, 498.222, 498.242

635-062-0030

Department Notification

1) State and Federal Endangered, Threatened, Candidate or Sensitive species:

(a) The holder of a Wildlife Rehabilitation Permit (permittee) must notify the local Department district wildlife biologist within 24 hours of receiving a state or federally listed endangered, threatened, candidate or sensitive species;

(b) The permittee must notify the local Department district wildlife biologist within 24 hours of the death of any state or federally Endangered, Threatened, Candidate or Sensitive species in the permittee's custody or as soon as the permittee determines that an individual animal of an Endangered, Threatened, Candidate or Sensitive species is not fit to be released into the wild;

(c) A permittee may (at the permittee's discretion) euthanize a state-listed Endangered, Threatened, Candidate or Sensitive species if the permittee determines that the individual is not fit to be released into the wild, but must then report the euthanasia to a local Department district wildlife biologist within 24 hours or the animal may be placed in an AZA-accredited facility, educational organization or institution with Department approval and letter of authorization as per 635-044-0255 (4). Federally-listed threatened or endangered species and bald or golden eagles require USFWS approval prior to euthanasia unless USFWS personnel are not available and humane considerations warrant prompt euthanasia.

2) Wildlife Crimes. A permittee must notify the Oregon State Police immediately of any wildlife admitted with gunshot wounds or other injuries of a suspicious or criminal nature.

3) Diseased Wildlife. A permittee must notify the Department veterinarian within 24 hours of receiving any wildlife with clinical signs for known or suspected poisoning or infectious disease. Clinical signs involving poisoning or infectious disease may include, but are not limited to, incoordination, ataxia, depression, regurgitation, vomiting, or diarrhea.

Stat. Auth.: ORS 496.012, 496.138, 496.146, 497.298, 497.308, 497.312, 497.318, 498.022, 498.029, 498.052, 498.222, 498.242

Stats. Implemented: ORS 496.012, 496.138, 496.146, 497.298, 497.308, 497.312, 497.318, 498.022, 498.029, 498.052, 498.222, 498.242

635-062-0035

Wildlife Importation for Rehabilitation Purposes

1) To prevent the importation of sub-clinical stages of infectious disease carried by these taxa of wildlife and the importation of non-native invasive species, no person may transport any mammal, upland game bird, amphibian, reptile, fish, invertebrate, or prohibited or controlled species into Oregon for the purpose of rehabilitation.

2) Importation of injured wildlife into Oregon for rehabilitation purposes is limited to migratory bird species. Importation of migratory birds into Oregon for rehabilitation requires compliance with the Oregon Department of Agriculture's importation rules.

Stat. Auth.: ORS 496.012, 496.138, 496.146, 497.298, 497.308, 497.312, 497.318, 498.022, 498.029, 498.052, 498.222, 498.242

Stats. Implemented: ORS 496.012, 496.138, 496.146, 497.298, 497.308, 497.312, 497.318, 498.022, 498.029, 498.052, 498.222, 498.242

635-062-0040

Disposition of Wildlife

1) Any wildlife, carcasses, or parts of wildlife from Oregon held under an Oregon Wildlife Rehabilitation Permit remain the property of the State of Oregon (through the Department) and nothing in these rules may be construed as granting any ownership interest to a permittee or any other person. Wildlife held under an Oregon Wildlife Rehabilitation Permit cannot be sold, traded, bartered, transferred, loaned or exchanged unless otherwise authorized in writing by the local Department district wildlife biologist.

2) To avoid habituation of rehabilitated animals, permittees, subpermittees, and volunteers must minimize contact between humans and wildlife undergoing rehabilitation, including the following minimum requirements:

- (a) Human contact must be limited to the rehabilitation facility staff to the extent necessary for adequate rehabilitation care;
- (b) Wildlife must not be habituated to humans or treated as pets;
- (c) Wildlife must not be placed in view of the public. However, it is acceptable to make use of a remote video camera for observation purposes by rehabilitation staff and the public;
- (d) Rehabilitation facilities must be located in areas separate from day to day human and domestic animal activity. Outdoor facilities must have visual barriers separating wildlife, humans and domestic animals;
- (e) No permittee may possess an imprinted or habituated animal. If the permittee causes or comes into possession of an imprinted or habituated animal, the permittee must surrender the animal to the Department for placement in an approved facility or euthanize it, as directed by the local Department district wildlife biologist.

3) A permittee must release rehabilitated wildlife:

- (a) When the wildlife reaches physical maturity and is capable of self-maintenance or has attained adequate recovery from injury or illness;
- (b) At a time of year appropriate for optimum species survivability;
- (c) Within suitable habitat close to the point of origin, with prior approval from the local Department district wildlife biologist.
- (d) Deer, elk, pronghorn antelope, bighorn sheep, mountain goat, or moose received by a wildlife rehabilitator and born during the year received may be held and rehabilitated from birth through September 30 of the year received and must be released to the wild prior to September 30 of the year received. Extenuating circumstances requiring holding of orphaned ungulates beyond September 30 requires written approval by the local Department district wildlife biologist.

4) A permittee may not hold wildlife for rehabilitation longer than 180 days unless authorized in writing by the Department. If a permittee or the Department determines that an animal is incapable of survival in the wild, the permittee must euthanize the animal or upon Department direction, provide the animal to an AZA-accredited facility or other approved educational organization or institution.

5) If a permittee has possession of wildlife that, after medical attention, is unable to feed, move, or stand to conduct normal life support functions to survive in the wild, the permittee must euthanize the animal unless given alternative instruction by the Department.

6) A permittee must bury or incinerate any wildlife in their possession that die due to poisoning or infectious disease.

- (a) Wildlife dying of other causes must be disposed of by burying, incineration, use as food for other rehabilitating wildlife, or retained for educational purposes if appropriate permits or letter of authorization from the local Department district wildlife biologist has been obtained.

- (b) Any wildlife chemically euthanized must be buried or incinerated to avoid secondary toxicity by scavenging animals.
- (c) Notwithstanding these restrictions, the local Department district wildlife biologist may approve in writing the disposal of wildlife carcasses to institutions, museums, licensed rendering facilities, or other persons possessing the appropriate permits.
- (d) A permittee may retain feathers of migratory birds for use in repair of broken wing and tail feathers (imping) or for educational purposes if authorized by the appropriate permit from the USFWS.

Stat. Auth.: ORS 496.012, 496.138, 496.146, 497.298, 497.308, 497.312, 497.318, 498.022, 498.029, 498.052, 498.222, 498.242

Stats. Implemented: ORS 496.012, 496.138, 496.146, 497.298, 497.308, 497.312, 497.318, 498.022, 498.029, 498.052, 498.222, 498.242

635-062-0045

Facility Requirements

1) A holder of an Oregon Wildlife Rehabilitation Permit (and any subpermittee) must maintain wildlife held for rehabilitation in a humane manner by:

- (a) Providing a level of care meeting the Minimum Standards set by The International Wildlife Rehabilitation Council/National Wildlife Rehabilitators Association (IWRC/NWRA) in 2012 unless different standards are established in Exhibit *1 Caging and Enclosure Standards for the Rehabilitation of Black Bears and Ungulates* (635-062-0025). This is to prevent distress from captivity, injury, sickness, neglect or disease and be used as guidelines for the care and housing of rehabilitated wildlife which, at the minimum, include but is not limited to the following;
 - (A) Appropriate food for each species and water of sufficient quantity and quality to allow for normal growth, healing, or maintenance of body weight shall be provided;
 - (B) Shelter sufficient to protect from adverse elements, protect from predators, to prevent escape, and injury. Any other requirement particular to the survival of the animal shall also be provided;
 - (C) Sufficient space for exercise necessary for the health, rehabilitation and eventual release of the animal shall be provided;
 - (D) Confinement areas shall be cleaned and kept free from excess food or fecal waste or other contaminants which could affect the health of the animal;
 - (D) Wildlife under rehabilitation will be maintained in a separate enclosure from regular human or domestic animal activity. Outdoor facilities must have visual barriers or adequate distance between wildlife and humans and domestic animals to prevent psychological and physical stress or habituation to care givers;
 - (E) Wildlife may not be restrained with a chain, rope, tape, hobbles or similar holding devices except for jesses used for holding raptors and during procedures required for safe handling.

2) The permittee may receive from the Department and possess at the wildlife rehabilitation facility dead wildlife for the purpose of feeding wildlife in rehabilitation. Deceased wildlife received for purposes of feeding wildlife rehabilitation patients may not be used for human consumption.

Stat. Auth.: ORS 496.012, 496.138, 496.146, 497.298, 497.308, 497.312, 497.318, 498.022, 498.029, 498.052, 498.222, 498.242

Stats. Implemented: ORS 496.012, 496.138, 496.146, 497.298, 497.308, 497.312, 497.318, 498.022, 498.029, 498.052, 498.222, 498.242

635-062-0050

Facilities Subject to Inspection

Facilities for care of birds, mammals, amphibians, or reptiles by the holder of a Wildlife Rehabilitation Permit or by any subpermittee are subject to inspection by any Department employee or Oregon State Police officer.

- 1) Inspection may take place without warrant or notice.
- 2) Unless prompted by emergency or other exigent circumstances, facility inspections will be limited to regular and usual business hours, including weekends.

Stat. Auth.: ORS 496.012, 496.138, 496.146, 497.298, 497.308, 497.312, 497.318, 498.022, 498.029, 498.052, 498.222, 498.242

Stats. Implemented: ORS 496.012, 496.138, 496.146, 497.298, 497.308, 497.312, 497.318, 498.022, 498.029, 498.052, 498.222, 498.242

635 062-0055

Record Keeping and Reporting Requirements

1) The holder of a Wildlife Rehabilitation Permit and any subpermittee must maintain accurate and up-to-date records of rehabilitation activities concerning any bird, mammal, amphibian, or reptile in their care for a minimum of three years following release or other disposition of the animal. Such records must include:

- (a) Name, physical address (if provided) and affiliation of person picking up and delivering wildlife for rehabilitation;
- (b) Wildlife category (bird, raptor, mammal, etc.);
- (c) Species (common name, genus and species);
- (d) Age (if known);
- (e) Gender (if known);
- (f) Description and extent of injury, sickness or reason animal is held by permittee;
- (g) Wildlife Collection location or site of origin;
- (h) Date animal was admitted or received by permittee;
- (i) Subpermittee name associated with animal case; and
- (j) Final disposition (release into wild, euthanized, died, transferred, etc.), including date and location with authorizing documents from the local Department district wildlife biologist for appropriate cases.

2) Each permittee must submit current rehabilitation records of required information in a legible document twice per year, by July 31 and January 31, to the Department.

Stat. Auth.: ORS 496.012, 496.138, 496.146, 497.298, 497.308, 497.312, 497.318, 498.022, 498.029, 498.052, 498.222, 498.242

Stats. Implemented: ORS 496.012, 496.138, 496.146, 497.298, 497.308, 497.312, 497.318, 498.022, 498.029, 498.052, 498.222, 498.242

635-062-0060

Cancellation or Non-Renewal of Permit

1) If a holder of Wildlife Rehabilitation Permit (or subpermittee) violates any requirement of these Wildlife Rehabilitation Permit rules, the Department may revoke or decline permit renewal and any birds, mammals, amphibians and reptiles being held may be confiscated by law enforcement personnel.

2) If a permittee fails to receive and rehabilitate wildlife for greater than 180 consecutive days, the Department may revoke (or decline to renew) the permit. The Department may choose to not revoke the permit if the permittee has completed the requisite 12 continuing education hours during the preceding 2 year period. In addition, the Department will consider extenuating circumstances on a case by case basis if presented to the Department in writing within 10 days following notification of

permit revocation. If the Department revokes or declines to renew a permit under this subsection, a permittee who seeks renewal of the permit must comply with all requirements and conditions in 635-062-0210 including, but not limited to, retaking and passing the ODFW Wildlife Rehabilitation Permit test and submitting to a facility inspection.

3) The Department may revoke or decline to renew a Wildlife Rehabilitation Permit if the permittee or subpermittee:

- (a) fails to report or release wildlife, including species approved on the permit and restricted wildlife, as directed by the Department and these rules; or
- (b) is convicted of, or admits to a violation of, any wildlife law, or any rule, order or permit issued under the wildlife laws within 5 years of application.

4) Upon revocation or non-renewal of a permit, law enforcement personnel will confiscate any wildlife held.

5) A permittee may appeal revocation or non-renewal of a permit through a contested case hearing. The request for a contested case hearing on a proposed revocation must be received by the Department within 21 days after service of notice (or 90 days for emergency revocations). The request for hearing on a proposed non-renewal must be received by the Department within 60 days of notice. Final Orders in contested case hearings will be issued by the Department Director.

Stat. Auth.: ORS 183.430, 496.012, 496.138, 496.146, 497.298, 497.308, 497.312, 497.318, 498.022, 498.029, 498.052, 498.222, 498.242

Stats. Implemented: ORS 496.012, 496.138, 496.146, 497.298, 497.308, 497.312, 497.318, 498.022, 498.029, 498.052, 498.222, 498.242

EXHIBIT 1
(635-062-0025)

Caging and Enclosure Standards for the Rehabilitation of Black Bears and Ungulates

A. Black Bear Cub Rehabilitation Minimum Standards

Black bear cubs-of-the-year will only be rehabilitated in Department approved facilities and can be rehabilitated up to 18 months of age. All bear holding facilities should be off limit to the public and staff working with the bears should be minimized in order to reduce the incidence of unwanted interaction with humans following release. After weaning (10-11 wks) feeding should be conducted without association with humans. Observation by video is also recommended as a tool for monitoring during the rehabilitation process

Cub caging should include 4 stages and accommodate needs based on age, size and medical needs:

1. *Cub Nursery.* Cubs < 10 weeks are bottle fed by rehabilitators and then forced to wean at 10 weeks. They may continue to receive formula, but are bowl fed. Room size for a cub nursery should be a minimum of 12' x 20' for multiple cubs or 3' wide x 6' long x 3' high for individual cubs.
2. *Cub Enclosure/ Medical pen.* Cubs > 10 weeks of age or in need of medical treatments may be moved to 10' X 10' rooms fitted with guillotine doors controlled from the outside. Cubs are moved over when caretakers clean and provide food. Cubs receive no human contact after 10-11 weeks of age and are moved without visual contact of humans.
3. *Acclimation pen.* As cubs grow in age (> 4 months) and size they should be moved to larger pens with minimum dimensions of 20' wide x 36' long x 16' high pens fitted with climbing structures and other natural enrichment amenities.
4. *Wild enclosure.* A sizeable area encompassing a minimum of ½ acre with climbing structures, trees, and pools, tubs, or galvanized tanks, or manufactured creek beds. Cubs should be released into wild enclosure once they reach at least 10-12 pounds in weight. Each ½ acre enclosure will hold up to 10 cubs

Fencing (for large outdoor enclosures)

- Interior fence must be a minimum of 8' tall of 9 gauge chain link with the top 3' of fence angled inward to discourage escape. Electric fencing is required at the top and bottom of the fencing with a visual barrier enclosing the entire fenced area. Fence will be buried 2' to prevent digging and escape.
- A second exterior fence located at least 10't from the interior fence is required to prevent outside human contact.
- All trees within 15' of fencing will be wrapped with tin or sheeting to prevent climbing.

B. Ungulate Rehabilitation Minimum Standards

Only fawns or calves of-the-year will be rehabilitated. Every effort should be made to limit human contact and exposure to people and increase contact with similar ungulate species. As fawns/calves accept

bottle-feeding, they should be immediately transitioned to a feeding rack and human contact eliminated. This feeding rack allows bottles to be placed from outside of the enclosure. Peep holes or observation by video is recommended to monitor feeding and signs of disease.

Fencing

- Fawns less than 2 weeks old are placed in “fawn runs” that are a minimum of 12’ L x 7’ W x 6’ H with 3-4 fawns per pen. These fawns are rack bottle fed until they are 2-3 months of age and are then moved to a larger enclosure which is at least 30’ L x 50’ W x 8’ H made with solid privacy fencing to minimize visual stimulation. An outer electric fence should also be used to discourage predators. Additionally, predator proofing can be accomplished with wire that is attached to the bottom of the fence and comes out about 3 feet to prevent anything large from digging under the fence.
- A maximum of 15 fawns may be kept in this enclosure