

Understanding the Rules and Regulations of Wildlife Rehabilitation

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1

Topics Covered



01 What is Wildlife Rehabilitation?

02 Federal Regulations

03 State Regulations

04 County/City Ordinances

2

Wildlife Rehabilitation


Provide professional care to sick, injured, and orphaned native wild animals so ultimately, they can be returned to their natural habitat.

Return wild animals to 100% to be released back into the wild!!

Wild animals that sustain injuries or illnesses preventing them from living successfully in the wild are humanely euthanized.

It is not to create pets or non-releasable wildlife.

We do not treat to place!



3

Types of Wildlife Rehabilitators



- Home Based
 - Co-ops
- Facilities
 - Low admission
 - High admission
- Not-for-profit organizations
 - All Species
 - Species Specific
 - Birds
 - Mammals
 - Reptiles/Amphibians
 - Marine Species


4

02 Federal Regulations USFWS - Enforcers

5

U.S Fish and Wildlife Service – General Provisions (50 CFR 10)

- Lacey Act, 18 U.S.C. 42
 - Lacey Act Amendments of 1981, 16 U.S.C. 3371–3378
- **Migratory Bird Treaty Act, 16 U.S.C. 703–712.**
- **Bald and Golden Eagle Protection Act, 16 U.S.C. 668a–669d**
- **Endangered Species Act of 1973, 16 U.S.C. 1531–1543.**
- Tariff Classification Act of 1962, 19 U.S.C. 1202, (Schedule 1, Part 15D, Headnote 268, T.S.U.S.)
- Fish and Wildlife Act of 1956, 16 U.S.C. 762a–762j-1.
- **Marine Mammal Protection Act of 1972, 16 U.S.C. 1361–1364, 1401–1407.**
 - National Oceanic and Atmospheric Administration (NOAA)



6


MBTA



- 16 U.S.C. 703-712 - Migratory Bird Treaty Act of 1918 (MBTA)
- Prohibits the take (including killing, capturing, selling, trading, and transport) of protected migratory bird species without prior authorization by the Department of the Interior U.S. Fish and Wildlife Service. (1)
- 50 CFR 10.13 – List of Birds Protected by the Migratory Bird Treaty Act.

7

Required Permits



- Migratory Bird Permits
- No person may take, possess, import, export, transport, sell, purchase, barter, or offer for sale, purchase, or barter, any migratory bird, or the parts, nests, or eggs of such bird except as may be permitted under the terms of a valid permit issued. (2)

8



General Permit Procedures (50 CFR 13)

- Must have a valid permit issued by the USFWS before permit activities can begin.
- Correct permit type and application forms
- Applicable experience, enclosures, etc.
- <https://www.fws.gov/program/migratory-bird-permit/permit-types-and-forms>

9

Permit Types (3)

- Abatement
- Depredation
- Eagle Aviary
- Eagle Depredation
- **Eagle Exhibition**
- Eagle Nest Take
- Eagle Parts for Native American Religious Purposes
- Eagle Scientific Collection
- Eagle Take – Associated with, but not the Purpose of, and Activity (Incidental Take)
- Eagle take of Golden Eagle Nests during Resource Development or Recovery
- Eagle Transport INTO the US for Scientific or Exhibition Purposes
- Education**
- Special Purpose Possession – Possession Live and/or Dead Migratory Birds for Educational Purposes**
- Import/Export
- Migratory Bird Remains
- Native American Tribal Eagle Retention
- Raptor Propagation
- **Rehabilitation**
- **Salvage**
- **Scientific Collecting**
- Special Canada Goose
- Special Double-crested Cormorant
- Gamebird – Special Purpose
- Miscellaneous (Special Purpose)
- Utility (Special Purpose)
- Taxidermy
- Waterfowl Sale & Disposal

10

Rehabilitation

Required to take, transport, and/or temporarily possess sick, injured, and orphaned migratory birds for rehabilitation purposes. (4)

- Fee: \$50
- Good for up to 5 years
- 60 days + Review time
- Application
- Form 3-200-10b
- Annual Reports
- Form 3-202-4

11

Rehabilitation Requirements


- 18 years of age
- Minimum of 100 hours of hands-on experience for at least 1 year with species intended to rehabilitate
- Can have up to 20 hours in seminars or courses related to rehabilitation of migratory birds.



12

Rehabilitation

- Disposition of bird at 180 days
 - Can ask for extension
- Release all releasable birds back into the wild in appropriate habitat as soon as possible.
 - Seasons, species
- Placement of non-releasable birds
 - Can NOT keep birds for education through this permit.
- Non-releasable fosters – amended permit (still have to apply for transfer).
- Must be in compliance with state requirements



13



General Public

- Good Samaritan Provision (50 CFR 21.31(a)) will allow the public who finds an injured, sick, or orphaned migratory bird to possess the bird for immediate transport to a permitted rehabilitator.
 - Within 24 hours of possession
- If this are volunteers who are regularly transporting birds should be listed as a subpermittee or possess their own permit.


14

Licensed Veterinarians (5)

- Licensed veterinarians are not required to obtain a Federal migratory bird permit to temporarily possess, stabilize, or euthanize sick and injured migratory birds.
- Transfer any such bird to a federally permitted migratory bird rehabilitator **within 24 hours after the bird's condition is stabilized** unless the bird is euthanized.
- If a veterinarian is unable to locate a permitted rehabilitator within that time, the veterinarian must contact his or her Regional Migratory Bird Permit Office for assistance in locating a permitted migratory bird rehabilitator and/or to obtain authorization to continue to hold the bird.
- In addition, veterinarians must:
 - Notify USFWS immediately upon receiving an endangered or threatened species.
 - Euthanize birds as required and dispose of dead migratory birds in accordance with _____.
 - Keep records for 5 years of all migratory birds which come into your care.
 - Species, injury type, date of acquisition, date of death and type (euthanized or died)



15



Euthanasia (5)


- Treat to Place
- Obtain authorization before euthanizing an endangered or threatened migratory species.
- You must euthanize any bird that cannot:
 - feed itself, perch upright, or ambulate without inflicting additional injuries to itself where medical and/or rehabilitative care will not reverse such conditions.
- You must euthanize any bird that is:
 - Blind
 - has sustained injuries that would require amputation of:
 - a leg
 - a foot
 - wing at the elbow or above (humero-ulnar joint)

16

03 State Regulations/Permitting

17

2022-2023
GAME, FISH, FURBEARERS,
AND OTHER WILDLIFE




TITLE 9
CODE OF ALABAMA
CONSERVATION AND NATURAL
RESOURCES

State Regulations (6)

- Check your state, as regulations and codes vary greatly.
- Alabama Wildlife & Freshwater Fisheries - Department of Conservation and Natural Resources

18



AL Wildlife Rehabilitation (6)

- **Who can possess native wildlife?**
Without exemption, a Wildlife Rehabilitation Permit is required before anyone may possess most species of sick, injured, or orphaned native wildlife for the purposes of rehabilitation; this includes well-meaning citizens, veterinarians, animal control agents, local government employees such as fire and rescue personnel, police, and those associated with "humane" or animal service organizations.
- **Rehabilitation of rabies vector species is NOT allowed in AL.**
 - Raccoons, Foxes, Skunks, Coyotes, Bats
- **Non-protected wildlife species (Check Species!)**
 - Snakes (some species), rats, mice, turtles (some species), exotic birds,

19



Permit Requirements (7)

- Application and Release of Liability
- Must be an AL Resident, 19 + years of age
- Legal US resident
- Proof of Tetanus Vaccination within last 10 years
- \$75 application fee
- Take and pass with 80% a written examination
- Letter of Support from Licensed Veterinarian in AL
- Letter from County Commission or City Council – wildlife not prohibited on property by local laws/ordinances.
- Proof of Facilities

20

Permit Conditions

2) No person shall keep, hold, or possess in captivity for the purposes of rehabilitation any live orphaned, ill, or injured wildlife, without first obtaining a Wildlife Rehabilitation Permit for that species from the Director or his designee. Subpermittees are not allowed for any wildlife.

3) Permittee may capture, receive, possess, care for, and transport designated wildlife species within the state of Alabama for the purposes of rehabilitation, release into the wild, or euthanasia. Permittee may transfer designated species to another current Alabama Wildlife Rehabilitation Permit holder who is permitted for the species to be transferred. No wildlife may be accepted from or transferred to other states. To request an exception for specific migratory birds, email request to: dcnr.wildliferehabilitation@dcnr.alabama.gov.


5) A Wildlife Rehabilitation Permit grants temporary possession of wildlife for rehabilitation purposes only, not ownership or use for any other activities. Wildlife does not become private property of the permittee.

8) The Division may, upon written correspondence to permittee, temporarily or permanently suspend or prohibit the possession and rehabilitation of designated species in the event of disease or other occasion in the interest of public or wildlife health, or other reasons at the discretion of the Division.

21

Permit Conditions

- Enclosures – Minimum Standards 4th Edition
- Inspections – At any time
- Must work with a licensed AL Veterinarian.
- DCNR does NOT pay for rehabilitation or damages that may be incurred during these activities.
- Animals can only be cared for ONSITE!
- 180 days



22

Permit Conditions

- Any animal that is suspected or confirmed disease must be reported to the Division immediately
- Comply with reporting requirements – Monthly, yearly etc.
- Must notify Division within 12 hours of admission of bald or golden eagle.
- Release
 - Landowner permission



23

Euthanasia

21) Euthanasia requirements:

- With the exception of migratory birds as allowed by USFWS, non-releasable animals may not be retained by permittee or placed into other permanent captivity and must be euthanized.
- Animals that are deemed likely non-releasable upon intake should be immediately euthanized.
- Euthanasia performed must in accordance with techniques approved by the American Medical Veterinary Association or the National Wildlife Rehabilitator's Association.
- Permittee may not euthanize animals that are endangered, threatened, or listed in Nongame Species Regulation 220-2-.92 unless medically necessary.
- Euthanasia is required for all animals with any of the following characteristics:
 - Poor prognosis for release.
 - Imprinted on humans, except migratory birds listed in 50 CFR 10.13.
 - Blindness in both eyes.
 - More than one broken leg or other severe skeletal damage.
 - Unable to assume normal body postures for an extended period of time.
 - Unlikely to be able to perform natural behaviors in the wild.
 - Experiencing excessive stress while in captivity or because of rehabilitation activities.
- Animals deemed to be non-releasable and poor candidates for permanent captivity by the Division or that the Division considers to be experiencing excessive stress or suffering must be euthanized.

24

Veterinarians

- Migratory Birds – Refer to USFWS Regulations
- Mammals, reptiles, and amphibians:
 - No allowance for Veterinarians to possess wildlife without a permit.
 - It is not within the law and can be found in violation.
 - No stabilization period allowed, or reporting stipulated for non-bird wildlife as the activity is prohibited.
 - Should not advertise taking in wildlife for euthanasia or stabilization.
 - Providing humane euthanasia when appropriate, the Division understands you are providing this service for a suffering animal and takes this into consideration.

25

Veterinarians

- Unlawful Possession scenarios:
- "Pet" raccoon, deer or other species requiring permitting brought into the veterinary clinic for vaccinations, treatment, or surgery....you can be found to be in unlawful possession and can acquire a citation.
- Euthanasia of rabies vector species (Raccoon, skunk, bat, fox, or coyote) veterinarian can be subject to a civil action and liability even if an officer finds it was an appropriate disposition.
 - Remember to follow exposure protocols if someone brings a rabies vector species in.

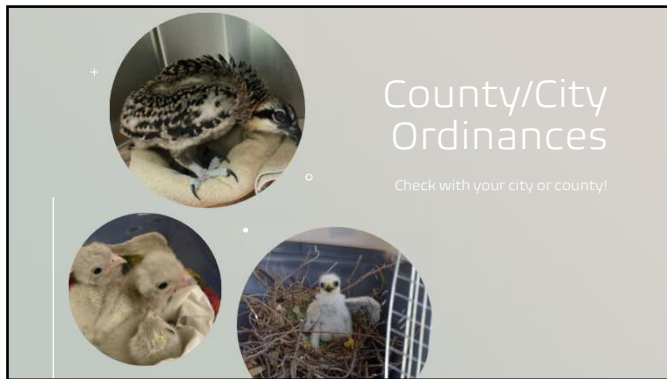


26

Code of Alabama, Title 34, Chapter 29 (8)

- Section 34-29-130
 - Euthanize wildlife for federally licensed wildlife rehabilitation centers which are in their lawful possession.
 - Federally licensed wildlife rehabilitation center can apply to purchase, possess, and use sodium pentobarbital and sodium pentobarbital with lidocaine for euthanasia purposes.

27



28

Resources

1. MBTA of 1918. <https://www.fws.gov/law/migratory-bird-treaty-act-1918>
2. Migratory Bird Permits. <https://www.ecfr.gov/current/title-50/part-21>
3. USFWS Permit Types <https://www.fws.gov/program/migratory-bird-permit/permit-types-and-forms>
4. Migratory Bird Rehabilitation [3-200-10b - Migratory Bird Rehabilitation \(servenow.com\)](https://www.servenow.com)
5. Migratory Bird Permits Licensed Veterinarians. [https://www.ecfr.gov/current/title-50/chapter-I/subchapter-B/part-21#p-21.76\(e\)\(4\)\(iii\)](https://www.ecfr.gov/current/title-50/chapter-I/subchapter-B/part-21#p-21.76(e)(4)(iii))
6. Alabama Regulations 2022-2023 Game, Fish, Furbearers and Other Wildlife. Title 9 Code of Alabama. [DIVISION OF WILDLIFE AND FRESHWATER FISHERIES \(outdooralabama.com\)](https://www.outdooralabama.com)
7. Wildlife Rehabilitation Permit Application and Release of Liability. <https://www.outdooralabama.com/sites/default/files/Wildlife%20Rehab/Wildlife%20Rehabilitation%20APPLICATION%202022.pdf>
8. Code of Alabama 1975 <http://alisondb.legislature.state.al.us/alison/CodeOfAlabama/1975/Coatoc.htm>

29

Regulations

- Lacey Act, [18 U.S.C. 42](https://www.ecfr.gov/current/title-18/chapter-I/subchapter-A/part-101/subpart-1/section-101.12)
- Lacey Act Amendments of 1981, [16 U.S.C. 3371-3378](https://www.ecfr.gov/current/title-18/chapter-I/subchapter-A/part-101/subpart-1/section-101.12)
- Migratory Bird Treaty Act, [16 U.S.C. 703-712](https://www.ecfr.gov/current/title-50/chapter-I/subchapter-B/part-21#p-21.76(e)(4)(iii))
- Bald and Golden Eagle Protection Act, [16 U.S.C. 668a-668d](https://www.ecfr.gov/current/title-50/chapter-I/subchapter-B/part-21#p-21.76(e)(4)(iii))
- Endangered Species Act of 1973, [16 U.S.C. 1531-1543](https://www.ecfr.gov/current/title-50/chapter-I/subchapter-B/part-21#p-21.76(e)(4)(iii))
- Tariff Classification Act of 1962, [19 U.S.C. 1202](https://www.ecfr.gov/current/title-50/chapter-I/subchapter-B/part-21#p-21.76(e)(4)(iii)), [Schedule 1, Part 15D, Headnote 2(d), T.S.U.S.]
- Fish and Wildlife Act of 1956, [16 U.S.C. 742a-742j-1](https://www.ecfr.gov/current/title-50/chapter-I/subchapter-B/part-21#p-21.76(e)(4)(iii))
- Marine Mammal Protection Act of 1972, [16 U.S.C. 1361-1389, 1401-1407](https://www.ecfr.gov/current/title-50/chapter-I/subchapter-B/part-21#p-21.76(e)(4)(iii))
- Title 50 Part 10.13 - List of Migratory Bird Species Protected by the MBTA [eCFR -- 50 CFR 10.13 -- List of Birds Protected by the Migratory Bird Treaty Act](https://www.ecfr.gov/current/title-50/chapter-I/subchapter-B/part-21#p-21.76(e)(4)(iii))
- Code of Alabama [Code Of Alabama \(state.al.us\)](https://www.ecfr.gov/current/title-50/chapter-I/subchapter-B/part-21#p-21.76(e)(4)(iii))
- Alabama Regulations 2022-2023 Game, Fish, Furbearers and Other Wildlife. Title 9 Code of Alabama [DIVISION OF WILDLIFE AND FRESHWATER FISHERIES \(outdooralabama.com\)](https://www.ecfr.gov/current/title-50/chapter-I/subchapter-B/part-21#p-21.76(e)(4)(iii))

30

Questions?

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