



STATE OF MICHIGAN  
NATURAL RESOURCES COMMISSION  
LANSING



JENNIFER M. GRANHOLM  
GOVERNOR

RESUBMITTED: April 14, 2003  
May 12, 2003

Memorandum to the Natural Resources Commission:

SUBJECT: Rehabilitation Permit Regulations

Authority:

The Natural Resources and Environmental Protection Act, 1994 PA 451, as amended, authorizes the Director and the Commission to issue orders to manage animals in this state.

Discussion and Background:

The regulations governing the activities and permitting procedures for wildlife rehabilitators are extremely valuable in protecting Michigan's wild animals and birds, and in providing qualified citizens the opportunity to assist in the rehabilitation of injured and orphaned animals and birds. However the regulations as written today provide insufficient guidance to both department employees and members of the public on what are to be considered adequate facilities or adequate training and expertise.

Recent developments in various wildlife diseases pose new threats to wild animals and birds. These proposed regulations adopt minimum specifications for facilities that are endorsed by two national rehabilitator organizations, and provide for a required demonstration of skill and expertise as witnessed by a licensed veterinarian or a current permittee. The proposed regulations also specifically allow for volunteers and employees of rehabilitator organizations to be covered as subpermittees under a single permit. They also clarify what facilities are subject to inspection by the department and effective January 1, 2005, will incorporate additional initial training and continuing education requirements into the permitting process.

In addition, these proposed regulations will centralize the application process and record keeping with a wildlife rehabilitation permit coordinator and reduce permit administration by going from an annual to a 5-year permit renewal process. This modification in the process will provide the department with the opportunity to provide standardized information to all permitted rehabilitators, and provide improved access to rehabilitators by the public. These regulations will also standardize the information required of rehabilitators on the animals they have handled, and provide department employees with central access to historic information. These regulations also clarify a measure of control for local units of government.

Recent suggestions to the Natural Resources Commission to help clarify the language of this order have been incorporated into the proposal.

Recommendation:

This order was submitted for information only at the May 2003 meeting of the Natural Resources Commission. This item appeared in the May 26, 2003, Calendar and is eligible for approval on June 6, 2003. We are now recommending that it be acted upon at this meeting.

Rebecca A. Humphries, Chief  
Wildlife Division

Richard C. Asher, Chief  
Law Enforcement Division

George E. Burgoyne, Jr.  
Resource Management Deputy

I have analyzed and discussed these recommendations with staff and concur as to matters over which the Natural Resources Commission has authority.

K. L. Cool  
Director

# **WILDLIFE CONSERVATION ORDER**

## **Amendment No. 11 of 2003**

Under the authority of sections 40107 and 40113a, Act No. 451 of the Public Acts of 1994, as amended, being sections 324.40107 and 324.40113a of the Michigan Compiled Laws, the Natural Resources Commission and the Director of the Department of Natural Resources ordered that effective June 8, 2003, the following sections of the Wildlife Conservation Order shall read as follows:

### **5.70 Rehabilitation permit, definitions.**

Sec. 5.70. For the purposes of sections 5.71 to 5.75 of this order, the terms in this sections shall have the meaning ascribed to them in this section.

- (1) "Permit" means a rehabilitation permit.
- (2) "Permittee" means a person who has applied for and been issued a rehabilitation permit.
- (3) "Subpermittee" means a volunteer or individual employed by a permittee for the purpose of wild animal rehabilitation.

### **5.71 Rehabilitation permit, prohibited act.**

Sec. 5.71. A person shall not possess a live animal in captivity for the purposes of rehabilitating the animal without first securing a permit from the wildlife rehabilitation permit coordinator or being listed as a subpermittee on a permit issued by the wildlife rehabilitation permit coordinator.

### **5.72 Rehabilitation permit, application, issuance.**

Sec. 5.72. (1) An application for a permit shall be submitted on a form furnished by the department and presented to the wildlife rehabilitation permit coordinator. A permit shall be granted only if the applicant completes the application form according to instructions provided and documents all of the following:

(a) Training and experience in the care and handling of such animals. Training and experience in the care and handling of such animals shall be documented by 1 of the following:

(i) A letter or affidavit, signed by a licensed veterinarian, indicating that the applicant has demonstrated, through paid or volunteer experience, adequate skills in handling injured and orphan animals.

(ii) A letter or affidavit, signed by a current permittee, indicating that the applicant has demonstrated, through paid or volunteer experience, adequate skills in handling injured and orphan animals.

(b) Adequate facilities as determined by the wildlife rehabilitation permit coordinator based upon the national wildlife rehabilitators association and international wildlife rehabilitation council's current "minimum standards for wildlife rehabilitation." All facilities where animals are kept for longer than 48 hours shall be listed on the permit application and shall be subject to inspection prior to permit issuance and at any reasonable time thereafter by a conservation officer.

(c) Effective January 1, 2005, a permit shall not be renewed unless the application is accompanied by a certificate of completion for a continuing education class in the rehabilitation of wild animals for a class and at a frequency that has been approved by the wildlife rehabilitation permit coordinator.

(d) In addition to the training and experience requirements of subdivision (a), effective January 1, 2005, a person making application for a permit which is not a renewal, including application for a permit previously revoked, shall furnish with their permit application proof of having completed a wildlife rehabilitation basic skills class that has been approved by the wildlife rehabilitation permit coordinator.

(2) Authorization to rehabilitate wild animals shall not be exercised contrary to the laws and lawful ordinances of the appropriate local unit of government.

### **5.73 Rehabilitation permit, expiration, revocation.**

Sec. 5.73. A permit shall be valid for 5 years, and shall expire on December 31 of the 5<sup>th</sup> year following issuance, unless revoked prior to that date. The department may revoke a permittee's license if the permittee or a subpermittee of that permittee fails to comply with the conditions and limitations as provided in this order.

### **5.74 Rehabilitation permit, conditions, limitations; unlawful acts.**

Sec. 5.74. The following conditions and limitations shall apply to the possession of animals under the authority of a rehabilitation permit:

(1) Except for threatened or endangered species and animals of special concern, all animals which cannot be rehabilitated sufficiently to be released into the wild shall be disposed by one of the following ways:

(a) Donation to a public zoological park approved or accredited by the American zoo and aquarium association or a public sanctuary approved or accredited by the association of sanctuaries or the American sanctuary association.

(b) Donation to a research or educational institution that meets acceptance criteria for the issuance of a Michigan scientific collector's permit as provided by section 5.21.

(c) Humane and discreet euthanasia by methods recommended and approved by the American veterinary medical association. The carcasses of protected animals and game animals shall be turned over to the local conservation officer or disposed of as directed by the officer.

(2) All animals on the federal endangered or threatened species list shall be turned over to an agent of the United States fish and wildlife service.

(3) All animals not included on the federal threatened or endangered species list but included on the state endangered or threatened species list that shall come into possession of a permittee shall be reported during the same business day, or subsequent first business day if acquired on a holiday or weekend, to the endangered species specialist, wildlife division. Such animals shall be handled and disposed of only as provided by the endangered species specialist and shall only be possessed for rehabilitation purposes under the authority of an endangered species permit as provided by Part 365, endangered species protection, Act 451 of 1994.

(4) All animals exhibiting an illness, disease or symptom of special concern that shall come into possession of a permittee and all animals that die of questionable illness or disease while in the possession of the permittee shall be reported during the same business day, or subsequent first business day if the animal shall die or be acquired on a holiday or weekend, to a veterinarian or a pathologist at the rose lake pathology laboratory, Michigan department of natural resources. Such animals shall be possessed, handled and disposed of only as provided by the veterinarian or pathologist. Illnesses, diseases and symptoms of special concern shall be identified by a department veterinarian within the permit or by permit amendment.

(5) As soon as an animal is capable of fending for itself, it shall be released into the wild as directed by the permit and this order. Animals shall not be released upon the lands of another except with written permission of that property owner or the public land administrator.

(6) Live or dead animals shall not be sold or bartered by a permittee in any manner. Live or dead animals shall not be transferred by a permittee except to another permittee with appropriate facilities or as stipulated by subsections (2), (3), and (4).

(7) All animals shall be kept under humane and sanitary conditions at all times based upon the national wildlife rehabilitators association and international wildlife rehabilitation council's current "minimum standards for wildlife rehabilitation."

(8) Captive animals shall not be allowed to come into physical contact with members of the general public, domestic animals, including livestock, or animals held under the authority of a permit issued by the department to hold wildlife in captivity.

(9) Animals shall not be placed on public display.

(10) The permittee shall obtain a federal permit prior to obtaining or possessing migratory birds unless otherwise provided by the United States fish and wildlife service. When the limitations of a federal permit are more restrictive than the state permit, the federal limitations shall prevail.

(11) All premises and facilities covered by a permit shall be open to inspection by a conservation officer, department veterinarian, or by an agent of the United States fish and wildlife service at any reasonable time. An inspection may include the determination that an animal shall be released or be taken into possession by the department.

(12) The permittee shall maintain an up-to-date record of all animals in their possession on a form furnished by the department except that federally protected birds may be recorded upon a form furnished by the United States fish and wildlife service. The record for each shall list the species, the county of origin, the condition of the animal, the name and address of the donor or other source, the method and date of disposition, and county of release. If the permittee is an organization that includes multiple facilities, each facility that keeps animals for 48 hours or longer shall maintain these records on the premises. The permittee shall submit all state and federal permittee and subpermittee records for the calendar year to the department's district law enforcement supervisor by January 31 of each year or within 15 days after termination of the permit. Following review, the district law supervisor shall forward the reports to the wildlife rehabilitation permit coordinator. A copy of the records required by this section shall be maintained by the permittee for 2 years following the required date of submission.

(13) Animals of special concern shall be possessed, transported, and disposed of only as provided in this order.

#### **5.74a Animals of special concern, possession, transportation and disposal.**

Sec. 5.74a. Animals of special concern are as follows:

(1) Deer of special concern - all wild deer unless the origin of the wild deer can be positively confirmed to be from outside Alcona, Alpena, Crawford, Montmorency, Oscoda, Otsego, and Presque Isle counties. Deer of special concern shall be sent or taken at the earliest possible time to the pathology laboratory, rose lake wildlife research center, East Lansing, by direct arrangement with the pathology laboratory or by arrangement with a local conservation officer.

(2) Skunks and bats of special concern – all wild skunks and bats. Live skunks and bats shall not be possessed.

(3) Raccoons of special concern – all wild raccoons. Live raccoons may be possessed and released only as follows:

(a) Raccoons shall be released only in the same county where captured and shall be isolated in a manner to prevent physical contact with animals not originating from the same county. Each cage shall be tagged by the permittee with the county of origin and date of capture.

(b) Cages and areas used to hold raccoons for release shall be constructed of materials that can be effectively disinfected.

(c) If the capture point of a raccoon cannot be positively confirmed to be from a particular county, the raccoon shall be isolated from physical contact with other raccoons and humanely euthanized within 24 hours of receipt. If a raccoon has come into physical contact with a raccoon originating from another or unknown county of origin, both raccoons shall be isolated from physical contact with other raccoons and humanely euthanized within 24 hours of exposure.

**5.75 Rehabilitation permit, kinds of birds and mammals held under permit.**

Sec. 5.75. A single permit may allow the permittee to rehabilitate several different kinds of birds and mammals without the necessity of multiple permits.

Issued this 6<sup>th</sup> day of June, 2003.

Approved as to matters over which the Natural Resources Commission has authority.

Keith J. Charters, Chairman  
Natural Resources Commission

Approved as to matters over which the Director has authority.

K. L. Cool  
Director