

FILING - 03/31/2009
Basis and Purpose
Chapter 14 – Wildlife Rehabilitation

Basis and Purpose:

Wildlife rehabilitation has been a licensed activity in Colorado since the early 1980s. Wildlife rehabilitators volunteer their time and expertise to provide a valuable service by caring for injured and orphaned wildlife. The practice of wildlife rehabilitation continues to evolve and grow, and the knowledge available has contributed to increased standards of care. Chapter 14 was developed in 1995 with major input from the wildlife rehabilitation community. Since that time, the few changes which have been made to the chapter have been related to disease, primarily Chronic Wasting Disease.

Since that time, the regulations have functioned well in most cases. These regulations further improve levels of training and experience for provisional rehabilitators, adequate experience before sponsoring provisional licensees, adequate sponsorship, transportation and release of wildlife by non-licensed individuals working with rehabilitators, and the method of addressing compliance failures.

Wildlife rehabilitation licenses are issued in two levels: Provisional Wildlife Rehabilitator (a learning/training period) and Wildlife Rehabilitator (fully trained, experienced independent function). These two levels were created to ensure that rehabilitators acquire adequate training and experience in the care of the species licensed and that adequate care facilities are available, so that the end goal of wildlife rehabilitation-- return of animals to the wild-- is maximized.

In order to provide new rehabilitators with adequate training, provisional rehabilitators are required to have a sponsor, fully licensed for the applicable species, who guides the provisional licensee's training and aids in determining the needs of each animal, including the need for veterinary care, to result in release after the shortest possible time in captivity. This training process takes time and requires both education and experience with wildlife. These regulations establish a minimum of one year in provisional status before application can be accepted for upgrade. In addition, a requirement for potential sponsors to complete three years as a fully licensed wildlife rehabilitator is added. In discussions with rehabilitators, there was considerable feeling that the commitment required to provide good sponsorship limits the number of provisionals that can be adequately served at any one time. A limit of three provisional licensees per sponsor at any one time is established.

Over the past several years, the use of a voluntary, guided learning plan between the sponsor and the provisional has been encouraged by the Division to assist with the training of new rehabilitators, with varied degrees of success. In order to provide sponsors and provisionals with more standardized learning goals, these regulations require that the learning plan be successfully completed before a provisional rehabilitator can apply to upgrade their license to full rehabilitation status.

The requirements of sponsorship are also strengthened so that provisional licensees are provided with active guidance on the part of the sponsor, ultimately better equipping the provisional to care for animals on their own as they progress to full rehabilitator status. Requirements that sponsors sign provisional applications, attend the provisional's interviews with the DWM and facility inspection, and sign the annual report are added and are intended to ensure that sponsors play an active role in ensuring that animals are well cared for and released at the earliest opportunity. Sponsors are also required to sign off on all

parts of the learning plan, certifying its completion and the readiness of a provisional to become fully licensed.

In the past, rehabilitators who were licensed in another state and then move to Colorado were required to start out as a provisional licensee and complete the full process before becoming wildlife rehabilitators. In recognition of the experience rehabilitators can gain outside of Colorado, the regulations provide the option for the Division to accept licensing in another state on a year-for-year basis without starting as a provisional, provided that experience is determined by the Division to be equivalent. Equivalency at a minimum includes the same species, level of licensing, and experience requirement. This same option can be applied to the requirement for three years of full licensing prior to becoming a sponsor, and is intended to allow fully trained rehabilitators to perform at their full capability without repeating remedial training.

In meeting with rehabilitators about these regulatory changes, the use of provisional licenses to allow volunteers to transport wildlife from rehabilitators to veterinarians and to release sites was discussed. Particularly for the larger Front Range rehab centers, this is a significant need. At present, people who have no intention of proceeding through the licensing process are acquiring provisional licenses simply to provide transport services. These regulations allow volunteers to transport wildlife under the specific, written direction of a fully licensed wildlife rehabilitator for the purposes listed, with an 18-hour time limit. The 18 hours is intended to ensure adequate time to obtain the wildlife from the rehabilitator and transport it for care or release, taking into consideration the optimal release time, and the geography and distances common to Colorado.

These regulations establish an administrative compliance and suspension/revocation process which can be used in place of criminal prosecution. Upon discovery of a regulatory violation, the Division must provide written notification to the rehabilitator along with an opportunity to come into compliance. Failure to comply then results in a hearing after which a license may be suspended or revoked. The regulation also allows for immediate suspension/revocation with a later hearing when necessary to protect public health, safety or welfare. A prohibition against the acceptance of additional wildlife is applied whenever a notice of violation has been provided and during suspension/revocation proceedings. This strengthens current regulation which allows for a sponsor or Division to require transfer of wildlife when necessary for the health of the animals but did not prohibit acquisition of new animals while the regulatory problem was being resolved.

Applicants for rehabilitation licenses are now required to declare any prior animal welfare or wildlife violations and any prior suspension or revocation of rehabilitation licenses when they apply, and to certify during the annual renewal process that they remain in compliance with the chapter and to declare any new violations of such laws. New or renewal licenses may be denied based on the circumstances of these violations, and will be evaluated on a case-by-case basis.

Finally, to address a lack of information on annual reports submitted by rehabilitators, the regulations are clarified and strengthened to ensure that the source of wildlife and exact release site are known and applicable disposition/release regulations are followed, including clear identification of animals being held over from one year to the next.

The statutory authority for these regulations can be found in § 24-4-103, C.R.S., and the state Wildlife Act, §§ 33-1-101 to 33-6-209, C.R.S., specifically including, but not limited to: §§ 33-1-101,

102, 104, 105, 106-108, 115, and 121; §§ 33-2-104, 105, 106, and 107; § 33-3-104; §§ 33-4-101, 102, 102.5, 103, 116, 116.5, 117, and 119; § 33-5.5-102; and §§ 33-6-107, 109, 112, 113, 113.5, 114, 114.5, 117, 119, 120, 121, 124, 127, 128, 129, 131, 205, 206, 207, and 208.

EFFECTIVE DATE - THESE REGULATIONS SHALL BECOME EFFECTIVE MAY 1, 2009 AND SHALL REMAIN IN FULL FORCE AND EFFECT UNTIL REPEALED, AMENDED OR SUPERSEDED.

**APPROVED AND ADOPTED BY THE WILDLIFE COMMISSION OF THE STATE OF COLORADO
THIS 12th DAY OF MARCH, 2009.**

**APPROVED:
Robert W. Bray
Chairman**

**ATTEST:
Timothy R. Glenn
Secretary**