



Minnesota Department of Natural Resources

DEC 27 1995

500 Lafayette Road
St. Paul, Minnesota 55155-40 45

December 22, 1995

Ms. Maryanne V. Hruby,
Executive Director
Legislative Commission to
Review Administrative Rules
55 State Office Building
St. Paul, MN 55155

RE: Proposed Permanent Rules Relating to Wildlife Rehabilitation

Dear Ms. Hruby:

The Minnesota Department of Natural Resources intends to adopt permanent rules relating to wildlife rehabilitation. We plan to publish a Notice of Intent to Adopt Rules Without a Public Hearing in the December 26, 1995 issue of the State Register.

As required by Minnesota Statutes, sections 14.131 and 14.23, the Department has prepared a Statement of Need and Reasonableness, which is now available to the public. Also as required, a copy of this Statement is enclosed.

For your information, we are also enclosing a copy of the Notice of Intent to Adopt Rules and a copy of the proposed rules.

If you have any questions on these rules, please contact Blair Joselyn (296-0706) or me (296-9564).

Sincerely,

A handwritten signature in cursive script that reads 'Kathy A. Lewis'.

Kathy A. Lewis, Attorney
Mineral Leasing Manager

cc: B. Joselyn





STATEMENT OF NEED AND REASONABLENESS

**In the Matter of
Proposed Adoption of Minnesota Rules, Chapter 6244:
*Wildlife Rehabilitation***

**STATE OF MINNESOTA
DEPARTMENT OF NATURAL RESOURCES
DIVISION OF FISH AND WILDLIFE**

December 20, 1995

**STATE OF MINNESOTA
DEPARTMENT OF NATURAL RESOURCES
DIVISION OF FISH AND WILDLIFE
SECTION OF WILDLIFE**

**In The Matter of The Proposed Rules
Of the Department of Natural Resources
Relating to Wildlife Rehabilitation**

**STATEMENT OF NEED
AND REASONABLENESS**

General Statement

Overview of wildlife rehabilitation

Wildlife rehabilitation involves acquiring and caring for orphaned, sick, and injured wild animals, primarily birds and mammals, for the purpose of releasing such animals back to the wild.

Since most wild birds and many wild mammals are protected by state law, and may not be possessed without a permit or license, anyone wishing to engage in wildlife rehabilitation activities in Minnesota is required to obtain a permit from the Department of Natural Resources (D.N.R.). Anyone wishing to rehabilitate most migratory birds, which are under federal jurisdiction, is required to obtain a permit from the U.S. Fish and Wildlife Service.

People are motivated to get involved in wildlife rehabilitation for a variety of reasons, including the belief by some that release of rehabilitated orphaned, sick or injured animals benefits populations of these species. But probably the strongest motivation is out of personal concerns for individual animals. Aside from any perceived benefits to populations, considerable personal gratification is derived from nurturing wild animals for release, which alone is more than sufficient incentive for many people to engage in wildlife rehabilitation.

Persons with rehabilitation permits acquire orphaned, sick, or injured wild animals from a variety of sources, including other citizens, Conservation Officers or other natural resource agency personnel, local law enforcement officials, animal control officers, humane societies, and nature centers where people drop off animals they have found. Some rehabilitators will take only birds, some only mammals, and some both birds and mammals. A very few will take other than birds and mammals (e.g. reptiles and amphibians). Certain rehabilitators deal only with orphans, while others specialize in treatment of sick and injured animals. The level at which individuals engage themselves in rehabilitation is highly variable, ranging from those who take in only one

to five animals a year to others who may acquire dozens or even a few hundred per year. Some have rather elaborate cage, holding and treatment facilities, while others make do with only the most basic of accommodations for the animals. Rehabilitators are not reimbursed for their efforts, and make their own arrangements for veterinary advice and treatment.

Wildlife rehabilitation in Minnesota

State statutory authority--Minnesota Statutes, section 97A.025 provides that ownership of wild animals "...is in the state..." and that "...a person may not acquire a property right in wild animals, or destroy them, unless authorized under the game and fish laws...". Minnesota Statutes, section 97A.501, subd. 1 provides that "A person may not take, buy, sell, transport, or possess a protected wild animal unless allowed by the game and fish laws. The ownership of all wild animals is in the state unless the wild animal has been lawfully acquired under the game and fish laws." Minnesota Statutes, section 97A.045 directs the commissioner to do "...all things...necessary to preserve, protect, and propagate desirable species of wild animals." These provisions vest in the Commissioner of Natural Resources the responsibility and authority to undertake management programs, and, because such animals are the property of the state, require that any taking and possession of protected wild animals be done under such licenses and permits as may be authorized by law.

Specific authority for the Department of Natural Resources to issue wildlife rehabilitation permits is found in Minnesota Statutes, sections 97A.401 (special permits), 97A.418 (permit rules), and 84.0895 (protection of threatened and endangered species). In 1993, permanent rules (Minnesota Rules, parts 6212.1600 and 6212.1900), adopted under the above statutes, set forth general conditions for obtaining rehabilitation permits, inspections, receipt of animals and disposition of animals.

Minnesota Statutes, section 97A.40, subd. 3(a) provides specific authority for the Commissioner of Natural Resources to issue special permits to "...take, possess and transport wild animals as pets and for scientific, educational, rehabilitative, and exhibition purposes", and that "...the commissioner shall prescribe the conditions for taking, possessing, transporting, and disposing of the wild animals." Minnesota Statutes, section 97A.418 stipulates that the commissioner may adopt rules that establish criteria and procedures for issuance of permits "...with reasonable conditions; and ... deny, modify, suspend, or revoke a permit for cause ...".

Minnesota Statutes, section 84.0895 directs the commissioner to adopt rules to designate species of wild animals and plants as "endangered" and "threatened", thereby providing such

species protection under the statute. Further, this statute allows the commissioner to “...undertake management programs, issue orders, and adopt rules necessary to bring..” designated species (i.e. threatened and endangered species) “.. to a point where they are no longer threatened or endangered.” Such “management programs” may reasonably include the issuing of permits for rehabilitation of threatened and endangered species of animals; such permits are currently governed by Minnesota Rules, part 6212.1900.

Although Minnesota Statutes, section 97A.401 allows for the Commissioner of Natural Resources to issue permits for the possession of wild animals as “pets”, provisions for such possession were excluded from the permanent rules adopted in 1993. It is the position of the agency that wild animals should not be possessed as “pets” because of a number of potential problems and issues that such possession could create. (It should be noted, however, that it is nonetheless possible for persons to legally purchase a variety of “wild” animals from licensed game farms and keep them as pets. Game farm animals are not regulated like other wild animals but rather are the property of the game farm license holder and not the state, thus allowing such animals to be sold under game farm regulations). The pet issue is significant in the context of people possessing animals obtained from the wild for purposes of rehabilitation because there seems to be a tendency on the part of at least some rehabilitators to treat wild animals in their care as if they were their own pets, which can sometimes result in animals being unnecessarily tamed or habituated to humans. Thus, the agency has adopted the “no pet” policy for possession of wild animals in current Minnesota Rules, parts 6212.1600 and 6212.1900 as being in the best interest of individual animals.

Federal regulations--Most migratory birds are protected by Federal law, and therefore the U.S. Fish and Wildlife Service (Service) issues permits to individuals and to institutions to carry out rehabilitation of birds under their own rules and regulations (CFR 50, part 21, subpart C). With the exception of the Gray wolf, which is protected in Minnesota under the Federal Endangered Species Act, there are no mammals in the state that have any protection under Federal law. Thus, individuals who wish to rehabilitate Gray wolves and most species of birds must have valid D.N.R. and Service permits. The two agencies work cooperatively in issuing permits for rehabilitation of birds and wolves.

D.N.R. position and policy regarding wildlife rehabilitation--The D.N.R.’s Section of Wildlife has been issuing wildlife rehabilitation permits for a number of years under the statutory and rule authority discussed above. However, wildlife rehabilitation has never been a high priority for the Section. This is primarily because most of the Section’s management focus is at the population level rather than dealing with the fate of individual animals (the major exception being individuals of species listed as endangered or threatened). For the vast majority of species, release of rehabilitated orphaned, sick or injured animals has only a negligible beneficial impact on overall populations of these species.

The agency has limited staff and funding resources to apply toward wildlife rehabilitation, and thus private, non-governmental options are the best means available to address such needs. By maintaining a group of individual rehabilitation permit holders, D.N.R.'s Section of Wildlife can direct citizens who acquire animals that need care and/or treatment to persons with permits. Thus, because there are individual permit holders available to take animals needing rehabilitation, agency personnel are relieved of dealing with such animals themselves at the expense of other work. Also, a cadre of rehabilitators with permits from D.N.R. provides an important source of people with experience at handling wild animals who could be called upon to assist in the case of animals being incapacitated as a result of an oil spill or other such occurrence.

Current permit issuing process and demography of wildlife rehabilitation in the state--As stated above, the D.N.R. currently issues wildlife rehabilitation permits under authority of Minnesota Rules, parts 6212.1600 (protected wild animals other than those listed as endangered or threatened) and 6212.1900 (animals designated as endangered or threatened).

Wildlife rehabilitation permits are issued to private citizens, naturalists or administrative officers of nature centers and environmental learning centers, veterinarians at two facilities that do only wildlife rehabilitation, and veterinarians engaged in individual practices. To maintain accountability, all permits are issued to named individuals rather than to institutions or locations.

Persons desiring a wildlife rehabilitation permit either call or write the D.N.R. central office in St. Paul or one of the field stations in outstate Minnesota. There is no application form. The agency conducts a basic inspection of the person's facilities. Inspections are usually done by Nongame Specialists who are D.N.R. employees located in each of the six D.N.R. administrative Regions. Inspectors use a "Wildlife Rehabilitation Facility and Experience Evaluation Form" as the basis for the interview with the applicant. Applicants are asked about experience at handling wild animals and about training and/or experience they have in biology, zoology, veterinary or medical sciences, or training in the treatment of sick, injured or orphaned animals. The inspector looks at their animal holding and treatment facilities, and asks questions about what types of animals (e.g. birds, mammals, sick, injured, orphaned) they are interested in dealing with, and about where they can release animals after they are rehabilitated. Applicants are also requested to list their veterinarian consultant and are given the name and phone number of the nearest D.N.R. Conservation Officer. With very few exceptions, inspectors recommend that a rehabilitation permit be issued.

Inspectors send completed forms to the Section of Wildlife in St. Paul and the permits are issued from there. Permits are usually issued for a period of approximately two years, with a stated expiration date. Since 1992, all permit holders have been provided with a booklet of report forms and required to record their rehabilitation activities on the forms and to send a copy

to the D.N.R. at the end of each year. The form requests the following information on each animal they take in: date; name, address and phone number of the person from whom they obtained the animal; species; status when received (orphaned, sick or injured); if injured, the type of injury; ultimate disposition of the animal (released, including location; died; euthanized; transfer to another rehabilitator) and the date of that occurrence. Permits are routinely reissued upon expiration provided that reporting has been accurate and timely and no violations of permit conditions have been verified.

Permit conditions are relatively few and straightforward. The permit allows the possession of "...displaced, sick or injured protected birds and protected mammals (except big game) for purposes of rehabilitation." It states that possession of migratory birds is allowed only under a separate Federal permit. Possession of threatened or endangered species is not allowed on most permits except for transport of bald eagles and peregrine falcons to the University of Minnesota Raptor Center. A few permits authorize the possession of deer for rehabilitation when an applicant has adequate facilities to house a large ungulate and they desire to do such rehabilitation. However, most permits expressly exclude possession of any big game (deer, bear, moose) as indicated above. The permit also provides for the reporting requirements discussed above, and contains an expiration date. Copies of the permit are sent to D.N.R.'s Central Office Division of Enforcement, Regional Enforcement Supervisor, Regional Wildlife Manager, Area Wildlife Manager and the Regional Nongame Specialist. Regional Enforcement sends copies to the appropriate field officers.

The Section normally issues permits independent of permitting done by the U.S. Fish and Wildlife Service. That is, D.N.R. permits prescribe that a Federal permit is needed for possession of migratory birds, and Federal permits prescribe that a D.N.R. permit is required for the possession of migratory birds. The only non-bird species afforded federal protection in Minnesota is the Gray wolf; reciprocal permits are therefore also needed for wolf rehabilitation. Neither the D.N.R. permit nor the Federal permit is valid for migratory birds (with a very few exceptions) or wolves unless the permittee also has a valid permit from the other agency. On relatively rare occasions, involving a particular issue or question pertaining to an individual, the D.N.R. and the Fish and Wildlife Service will make joint decisions regarding a permit application.

Currently, there are approximately 150 wildlife rehabilitators operating under D.N.R. permits in Minnesota. Roughly 60% of permit holders reside in the seven county Metro Area, with the remainder located outstate. The number of requests for rehabilitation permits appears to be slowly increasing.

Approximately 8,000 animals are taken in by rehabilitators each year in the state. However, one large facility, the Wildlife Rehabilitation Clinic (W.R.C.) at the University of

Minnesota, handles around 5,000 animals alone--about two thirds of the total. Also, the Raptor Center (T.R.C.) at the University of Minnesota treats about 600 birds of prey each year. Thus, the two University facilities account for 70% of all animals.

About 200 different species of animals are rehabilitated in an average year. Of these, about half are orphans and half are sick or injured. Nearly one-third of all animals rehabilitated each year are either cottontail rabbits, gray and fox squirrels, and raccoons, and the remainder are mainly small birds.

Of all animals received, about 50% are ultimately released, 25% die, 12% are euthanized, with the remainder being transferred to other rehabilitation facilities.

Rules Development Process

Background

Agency concerns about adequacy of rehabilitation regulations and oversight and national trend to strengthen regulations governing wildlife rehabilitation--Over the past few years, both factual and anecdotal evidence has come to the attention of D.N.R. raising concerns about the manner in which animals are being acquired, housed, cared for, transported and released by some persons holding D.N.R. wildlife rehabilitation permits. At about the time the D.N.R. began to realize its current approach to permitting and overview of wildlife rehabilitation activities could be improved, there was growing evidence of changes underway across the country portending substantial changes in how other state natural resource agencies regulate these activities.

The National Wildlife Rehabilitators Association (N.W.R.A.), an organization made up of active rehabilitators, and the largest U.S. organization of its kind, has as part of it's mission statement a commitment "... to promoting and improving the integrity and professionalism of wildlife rehabilitation...". To that end, the organization has, along with the International Wildlife Rehabilitation Council (I.W.R.C.), for a number of years promoted higher standards for regulation of wildlife rehabilitation among state and Federal natural resource agencies. The N.W.R.A. has developed and published standards on cage sizes for housing various species of animals, disease transmission, record keeping, sanitation, and euthanization of animals that cannot be released. In addition, the organization has developed a code of ethics to guide it's members in their rehabilitation work. Whereas N.W.R.A. has developed the above-listed standards in several topical areas dealing with wildlife rehabilitation, the organization has not been particularly aggressive in attempting to get state agencies or the Fish and Wildlife Service to adopt these standards. Rather, N.W.R.A. has taken a more passive role by just providing the

standards for the agencies to use if they so desire; lobbying or applying pressure on states to adopt the standards has been kept to minimum. Nonetheless, over the past five years or so, most state agencies have become quite aware that the nation's largest wildlife rehabilitation organization is promoting better standards for rehabilitators. For a variety of reasons, several states' natural resource agencies are in the process of either changing or reviewing their rules and regulations governing wildlife rehabilitation. Nearby states involved in these processes include Wisconsin, Illinois, Iowa and Michigan.

Contacts from Minnesota rehabilitators--During the period from 1990 through 1993, the D.N.R. was contacted by a number of individual rehabilitators and by persons representing institutions and organizations involved with or representing rehabilitators about improving agency rules governing these activities.

Stakeholder concerns were absence of comprehensive qualifying standards to initially obtain a permit, minimal facility and animal care standards or guidelines, (at the time) no reporting on animals obtained, etc. And, stakeholders related a number of situations based on their firsthand knowledge where the care and treatment of animals by some rehabilitators was problematic at best as further indication of generally inadequate regulatory oversight by the agency of rehabilitation activities.

Based on the growing recognition within the agency that improvement in its regulation of wildlife rehabilitation was needed, awareness of national trends to strengthen rehabilitation regulations, and the expressed desire for change from stakeholders in the state, the D.N.R. reached the conclusion in late 1992 that new rules for wildlife rehabilitation needed to be adopted. This coincided with a formal request by the Minnesota Wildlife Assistance Cooperative (M.W.A.C.), an organization of active Minnesota rehabilitators and, at the time, the only organization of wildlife rehabilitators in the state, that the agency send a representative to their board of director's meeting early in 1993 to discuss the regulation of wildlife rehabilitation in the state and what might be done to improve such regulations.

Development of draft rules

A representative from D.N.R. initially met with the M.W.A.C. board of directors on January 9, 1993. At that meeting there was a general discussion of the wildlife rehabilitation permit process in the agency. The agency representative indicated that D.N.R. recognized rule changes were probably in order, described what would be involved in developing new rules, and how stakeholders could participate in that process. The agency stated its position that any rule changes could be accomplished only with the substantial involvement of stakeholders from the very beginning.

The M.W.A.C. board subsequently contacted D.N.R. expressing the desire of their organization to participate in the rules development process with the agency. A 10-12 person task force was established that originally consisted of some M.W.A.C. board members, members at large from the organization and the person from the U.S. Fish and Wildlife Service who issues permits for that agency. In early 1994, representatives were added from a new organization of Minnesota Wildlife rehabilitators called Wildlife Rehabilitation and Release (W.R.R.). On the task force were two veterinarians, the president of the N.W.R.A. (a St. Cloud resident), several active rehabilitators (including a licensed veterinary technician), and others who did not have rehabilitation permits. The task force met initially on June 15, 1993 and for the final time in October, 1995--a total of 23 meetings were held. The agency representative at these meetings was the person who writes permits in the Section of Wildlife; on occasion, the Nongame Specialist for the Metro Region attended as well.

In developing the conceptual basis for the draft rules, the task force relied on their own experience and background, resources provided by the N.W.R.A., information obtained from other states regarding regulation of rehabilitation activities, and features of regulations that would be acceptable to the D.N.R. The Section of Wildlife representative on the task force wrote the original and all subsequent drafts of the proposed rules.

Stakeholder reviews of draft rules

The first complete draft of the proposed rules was finished in late January, 1994.

In March, 1994 the initial draft was sent by the agency to all persons in the state who held D.N.R. rehabilitation permits at that time; a draft was also sent to any M.W.A.C. members who did not have their own permit. An accompanying letter requested their review and that they comment, if desired, either by calling or writing the D.N.R. directly. Recipients of the draft were also invited to attend the late March annual meeting of M.W.A.C. and participate in a question and answer session about the proposed rules with the D.N.R. representative on the task force.

The agency task force representative wrote an article that was published in the January, 1995 issue of the Minnesota Veterinary Medical Association News that discussed some possible impacts of the proposed new rules on practicing veterinarians. Also the agency representative was present for three hours at the "Ask Me a Question" booth at the Association's annual convention in Bloomington in February, 1995.

Notices of solicitation of outside information or opinions regarding proposed rules-- Two notices of solicitation of outside information or opinions regarding the proposed rules were published. The first such notice was published in the State Register on December 27, 1994,

while the second notice was published in the State Register on July 3, 1995. A copy of both solicitations was sent to a list of 76 businesses and other interested persons including the Minnesota Veterinary Medical Association. A copy of each solicitation was also sent to all persons who had a wildlife rehabilitation permit on the dates of publication, and all persons registered with the D.N.R. for receiving notices of the rule making proceedings.

General Provisions

6244.011 Purpose

This rule part articulates the purpose for the proposed rules---to establish reasonable standards for the rehabilitation of orphaned, sick and injured wild animals, and to establish a permit system and other criteria to regulate wildlife rehabilitation in Minnesota. The part further explains the intent is to help insure that all persons engaged in rehabilitation of wild animals are qualified, undergo periodic training, house animals under proper conditions, and provide a high level of humane care for animals. This explanation of purpose is necessary in order for readers to have from the outset a clear understanding of the intent for establishing the rules and what the rules are expected to accomplish.

The purpose statement includes a disclaimer that nothing in the rules is intended to authorize ownership or possession of wild animals for purposes other than rehabilitation and release. This provision is necessary and reasonable to make clear that this rule pertains only to possession of animals for purposes of rehabilitation because Minnesota Statutes, section 97A.025 provides that ownership of wild animals is "...in the state..." and that a person may not acquire a property right in wild animal, except as authorized by law.

This part also states that the rules are not intended to authorize persons issued a wildlife rehabilitation permit to practice veterinary medicine in violation of Minnesota Statutes, Chapter 156. Such a statement is necessary because some could conceivably construe permits issued under the proposed rules as some sort of authorization to practice veterinary medicine on domestic animals.

6244.0200 Scope

The description of the rules' scope explains that the regulations will apply to rehabilitation of all wild animals carried out by individuals or individuals in the name of institutions with certain exceptions pertaining to qualification testing and continuing education/training requirements being waved in the case of the Raptor Center and Wildlife Rehabilitation Clinic at the University of Minnesota.

The proposed rules are intended to cover all wild animals. Minnesota Statutes, section 97A.015 defines "wild animals" as "...all living creatures, not human, ...[including] mammals, birds, amphibians, reptiles, crustaceans, and mollusks." And Minnesota Statutes, section 97A.045 direct the commissioner of natural resources "... to do all things ... necessary to preserve, protect, and propagate desirable species of wild animals." The rules pertain to all wild animals because wildlife rehabilitation involves the housing, handling, care and treatment of almost all kinds of wild animals. Any animal in the possession of a rehabilitator must be treated humanely.

Exemption of the Raptor Center and the Wildlife Rehabilitation Clinic, both at the University of Minnesota, from the parts pertaining to qualification testing and continuing education/ training is reasonable because these are the only two facilities in the state that were created for and are operated exclusively for wildlife rehabilitation, and that are staffed by full-time veterinarians who do only rehabilitation work. All other parts of these rules will apply to these facilities.

6244.0300 Definitions

Definitions of various terms are provided so that readers have the most precise understanding possible of the terminology used throughout the rules. These definitions are necessary and reasonable because the terms defined may be technical ones or may be defined in ways different from common usage. Among the definitions are several from Minnesota Statutes, section 97A.015: Subp 4. Big game (Subd. 3 of the Statute); Subp 18. Resident (Subd. 42); Subp 19. Transport (Subd. 48); and Subp 22. Wild animals (Subd. 55).

6244.0400 Wildlife rehabilitation permits

Subpart 1. Requirement. This subpart requires a permit for persons doing wildlife rehabilitation, and describes in general terms what persons may do under permits issued based on this chapter (e.g. capture, receive, possess, transport...orphaned, sick, injured wild animals). Further, the subpart provides that wildlife rehabilitation permits may be issued only to Minnesota residents, except under "special circumstances", and that, when permits are issued to nonresidents, these persons must meet the same requirements as residents.

It is reasonable to spell out basic requirements--need for a permit and generally what can be done under the permit--so that readers can gain an overview of the intent of the rules and thus gain a better perspective and understanding of the rules parts that follow.

Restriction of rehabilitation permits to residents of Minnesota only, except by variance exception (see part 6244.1900, subpart 1), is necessary and reasonable because issuing permits to

nonresidents would create jurisdictional problems regarding inspection of facilities and insuring that proper animal care and handling procedures are being followed at distant out-of-state facilities. D.N.R. has no authority to enforce permit provisions or facility and animal care standards outside of the state. However, under the existing rules, in rather unique situations, the agency has issued a very few permits (two to three over the past 5 years) to nonresidents. These were mostly in sparsely populated border situations where there was a need to provide for rehabilitative care of resident wildlife species, but where there were no Minnesota rehabilitators in the general vicinity. The variance provisions of these rules provide a means and set up a procedure for nonresidents to be issued wildlife rehabilitation permits when special circumstances warrant.

Subpart 2 Limit on number of permits. This subpart allows the commissioner to limit the number of wildlife rehabilitation permits statewide or in certain geographic areas when it is in the best interest of the wildlife resource (e.g. to curtail the spread of disease) or for most efficient management of the permitting process.

It is the intent of D.N.R. to issue wildlife rehabilitation permits under these rules only in such numbers as needed to address legitimate needs. Latitude in the rules for imposition of limitations on numbers of permits is necessary and reasonable because it may be determined that there are a sufficient number of rehabilitation permits in effect in certain areas of the state to provide for adequate care facilities for orphaned, sick or injured wild animals, and the issuing of additional permits cannot be justified based on any demonstrated need. Also, circumstances could arise where the permit issuing process itself (testing, inspections, etc.) develops problems, and the agency is not able to handle requests for permits in a timely manner.

Subpart 3. Restrictions on species. This subpart allows the commissioner to restrict the rehabilitation of certain animals either throughout the state or in specific geographic areas as needed because of disease, over population or other limiting factors. Also, this part provides for permit restrictions on the rehabilitation of certain species as determined by the commissioner or as requested by permit applicants.

The ability of the agency to prohibit or restrict rehabilitation of certain species is necessary because disease outbreaks in some wild populations could have implications for human health. For example, in recent years there has been a significant upsurge of rabies in wild raccoons in some eastern states raising concerns about transmittal of the disease to humans who come in contact with raccoons. As a result, several natural resource agencies in the east have placed an outright ban on, or severely restricted rehabilitation of raccoons. Similarly, there could be circumstances having to do with populations of certain animals in some areas that could require a restriction on rehabilitation. Raccoons serve as an example for this type of situation as well. In urban areas, such as the Twin Cities, the population of raccoons is so high that they

have become a significant pest in some communities. Yet, many orphaned young raccoons are turned over to rehabilitators each year and are eventually released, thus further exacerbating the over population problem. It is not inconceivable that should the Twin Cities raccoon population continue to increase along with attendant problems created for humans, that the D.N.R. will some time in the future need to consider restricting rehabilitation of the species so as not to add more animals to an already over abundant population.

It is necessary and reasonable that the agency be allowed to restrict the species that persons may possess under various classes of permits (see 6244.0410 below). For example, under these rules, persons with novice permits may rehabilitate rabbits, squirrels, rodents and various small birds. However, upon inspection of the applicant's facilities, it may be determined that the person has accommodations suitable only for small birds. Therefore, under this subpart, the agency would have the option of issuing a permit that restricts possession to only small birds. Also, there may be situations where an applicant desires only to deal with, say, small birds, or certain small mammals and thus does not want a permit for the other species allowed under the particular permit class.

Subpart 4. Restriction on having both a game farm license and rehabilitation permit.
This subpart prohibits a person from having both a game farm license and a wildlife rehabilitation permit at the same time. The proposed rules allow for a variance from this provision.

In a few instances over the years under existing rules, individuals have been issued a rehabilitation permit while at the same time they had a game farm license from the D.N.R. Game farm licenses allow for the purchase, breeding, propagation, sale and trading of animals that are classified as protected wild animals under statute (except for endangered and threatened species). Game farm license holders may not take any animals from the wild to supplement their operations. Rather, they obtain their animals from other game farms or other similar legal sources.

This subpart is necessary and reasonable because of problems encountered in the past by the D.N.R.'s Division of Enforcement with some licensed game farm operators taking animals from the wild to augment their breeding stock. Thus, to allow persons to have both a wildlife rehabilitation permit, which provides for possession of protected animals coming directly from the wild, and a game farm license for the same location might result in illegal transfer of animals back and forth between the permit and the license. The variance provision of these rules will allow waiver of this restriction in those instances where there is a legitimate need for a person to have both a wildlife rehabilitation permit and a game farm license at the same time.

6244.0410 Permit classes

This part describes the three classes of wildlife rehabilitation permits that can be issued under these rules (novice, general, master), spells out the requirements that must be met in order for persons to obtain permits, and covers the privileges attendant to each of the three permit classes (e.g. types of animals that may be possessed).

Rationale for three permit classes.

Current rules governing wildlife rehabilitation provide for or only a single level of permit for all rehabilitators regardless of training, experience, or other criteria that may serve to separate skill levels of rehabilitators. There is a variation in skill levels for a rehabilitator to handle different types of animals or undertake different types of treatments. Because of the rather wide range of skill levels and experience evident in current rehabilitation permit holders, the agency believes that it is both necessary and reasonable to provide for three separate classes of rehabilitation permit holders.

Under current rules, where "one permit fits all", both the most inexperienced and most experienced rehabilitators are usually issued the same type of permit. Thus, with the exception of a very few permittees who are allowed to rehabilitate deer, all permit holders, irrespective of their level of experience and training, may take in orphaned, sick or injured birds and mammals--except endangered and threatened species--without restrictions as to the care and types of treatment they may render. The agency believes that it has the responsibility to establish rules which insure that all animals undergoing rehabilitation are provided the most humane and highest level of care possible. To accomplish this requires establishing three separate classes of rehabilitation permits that provide for a progression of increasing skill and experience levels from the entry level (Novice) through intermediate (General) to the most advanced (Master), with a commensurate expansion of the types of animals and various levels of treatment and care that may be provided.

Subparts 2 through 4 of this part describe requirements and privileges attendant to the Novice, General and Master class permits. There are certain requirements necessary to obtain a permit and privileges allowed under permits that are common to all three classes; likewise, there are requirements and privileges that are unique to each class of permit.

Requirements to obtain a permit common to all permit classes. The proposed rules establish four requirements that applicants for all levels of permits must meet in order to be eligible for a permit: a) must be at least 18 years of age; b) must pass a written test for the permit class applied for; c) must have adequate facilities for care and treatment of animals undergoing rehabilitation; and d) must have a licensed veterinarian consultant on care and treatment of animals.

The provision requiring permit holders to be *at least 18 years of age or older* is necessary and reasonable because providing for the proper care, treatment and rehabilitating of wild animals requires a considerable amount of patience, attention, care, knowledge and maturity--attributes normally acquired with age. However, the rules provide that persons younger than 18 can obtain a variance from this age restriction; a parental disclaimer of liability would be necessary (see part 6244.1800).

The requirement that persons *pass a written examination for each class of permit* they desire is necessary to insure that all permit holders have the requisite knowledge and understanding of animal handling, care, treatment, and housing along with a good grasp of rules and regulations governing rehabilitation. Such a requirement is reasonable because the D.N.R. will provide for all permit applicants a study guide booklet that contains the entire bank of test questions (along with answers, and an explanation of the answers) from which the actual examination questions will be selected. Although the examinations will not be "open book" there will be no questions on permit examinations that are not in the study guide provided to applicants in advance of testing. Questions used in the actual examinations will be verbatim from those appearing in the question bank in the study guide. Passing a written examination is but one of several requirements for obtaining a wildlife rehabilitation permit for any of the three classes of permits. The additional requirements include: minimum age; maintenance of adequate facilities; experience at handling animals; and having a licensed veterinarian consultant.

A subpart under all three permit classes requires that permit holders "*...maintain satisfactory applicable facility requirements* as described in parts 6244.0440 and 624.0900." This provision is necessary and reasonable in order to insure that animals undergoing rehabilitation are housed humanely in facilities that are suitable for each particular species in terms of size, type of construction, ventilation, heating and cooling , and sanitation.

These proposed rules require that all classes of permit holders *identify a licensed veterinarian* who has agreed to assist and consult with them on the treatment and care of animals undergoing rehabilitation. The purpose of having a licensed veterinarian work directly with the rehabilitator is to insure that any medical treatment of animals is both appropriate and humane and done on advise of a medically qualified person. Such a requirement is both necessary and reasonable to make certain that permit holders have available to them professional medical advise and assistance regarding diagnosis of animal injuries/illnesses, advice on treatment of minor injuries, treatment of major injuries, prescription of proper medication, instruction in applying splints/bandages, and a qualified person to perform surgery or carry out other complex treatments on animals if needed.

Privileges common to all permit classes. Under the proposed rules, Novice, General and Master class permit holders would each be allowed to: a) possess temporarily any orphaned, sick

or injured bird or mammal--even those not specifically allowed under their permit--and provide emergency care for such animals prior to transport to other permit holders (i.e. Novice can transport to a General or Master permittee; General can transport to another General or Master permittee; Master can transport to another Master permittee) or to a veterinarian; and b) designate "in-shelter assistants" (number dependent upon permit class) who may work in the facility of the permittee to assist with basic care and feeding of animals being rehabilitated.

The provision in the draft rules pertaining to all three permit classes allowing *temporary possession and emergency treatment of any bird or mammal prior to transfer* (even animals not expressly authorized in the permit) is necessary and reasonable because it provides for immediate care and treatment of animals that may be brought to a rehabilitator and "dropped off" by a member of the public, a very common occurrence. To not allow a holder of any class of permit to accept and provide emergency care and treatment to any animals as needed could result in unnecessary trauma and suffering of such animals.

The purpose of the rule parts that allow all three classes of permit holders to *designate in-shelter assistants* is to provide the opportunity for permittees to enlist help from others--who would not be required to obtain their own permits-- to assist in the basic care and feeding of animals in the facility of the permittee as needed and allowed under conditions of their permit. Novice permittees would be allowed to designate five in-shelter assistants, General permittees ten, and Master permittees fifteen. The number of in-shelter assistants allowed for each permit class is a function of differing levels of care and treatment allowed among the different permit classes, and different species of animals that each class of permit holder may possess (see below). Permit holders would be required to furnish a list of in-shelter designees to the D.N.R. The provision for in-shelter assistants is necessary as a means to strengthen the level of care that is provided to animals undergoing rehabilitation because the in-shelter assistants can relieve the permit holder of some of the more routine and mundane activities associated with caring for animals (feeding, watering, cage cleaning, etc.) thus allowing the permit holder to spend more time on primary care of animals. It is reasonable that in-shelter designees not be required to obtain their own individual permit under the proposed rules because their activities would at all times be under the direction of the permit holder and they would be allowed to carry out only the most routine functions.

Requirements to obtain a permit unique to each permit class. In addition to the requirements to obtain a permit that are common to all classes of permits discussed above, there are some requirements to obtain a permit that are unique to each permit class that reflect whether a person is a beginning rehabilitator requesting a Novice permit or an experienced rehabilitator wanting to obtain General or Master class permits.

There are two requirements to obtain a *Novice permit* unique to that class: 1) subpart 2 A (2) of part 6244.0410 states that applicants "must have experience at handling and caring for animals according to criteria established in part 6244.0420, subpart 3"; and 2) subpart 2 A (6) of part 6244.0410 requires Novice class permittees to have a Master level permit holder as an advisor.

Part 6244.0420, subpart 3 states that "...Applicants for novice level permits must be able to demonstrate reasonable experience and skills at handling and caring for animals. This may include: a. a degree in veterinary medicine, veterinary technology, or animal science; b. experience working with a practicing veterinarian or at a publicly owned or operated zoo, university animal clinic, animal shelter, or wildlife rehabilitation clinic; c. experience working with an individual licensed as a wildlife rehabilitator, including hands-on experience with animals; or d. other experience in caring for animals." This regulation is necessary because for a person to be able to humanely care even for orphaned wild animals, as allowed under the Novice permit, requires at least a modicum of experience with animals other than house pets. The regulation is reasonable because what will be allowed as "experience and skills at handling and caring for animals" is very broadly defined under the subpart, thus insuring that most people who have had almost any kind of hands-on experience with animals other than house pets will meet the requirements of this subpart.

The requirement that Novice class permit holders have a Master permittee as an advisor/mentor is necessary and reasonable to insure that novices, who generally will lack experience, have at their disposal an experienced rehabilitator to whom they can turn to answer questions and provide guidance in handling problems. This type of an arrangement will serve to enhance the overall quality of care provided by Novice permittees to animals in their possession.

At the *General class permit level* there are three requirements unique to obtaining that class of permit. The applicant must have been a Novice class permit holder for at least two years; as a Novice, the applicant must have demonstrated ongoing animal rehabilitation activities; and as a Novice, the applicant must have successfully completed continuing education and training as defined in parts 6244.0700 and 6244.1600.

The provision that a person must have been a Novice permit holder for at least two years before being eligible for a General class permit is necessary and reasonable because it is important that applicants for the next higher level of permit gain experience handling and caring for orphaned animals under the entry level permit before advancing to the next higher level. Whereas Novice permits allow only dealing with a restricted group of orphaned small birds and mammals, General class permittees may have orphaned, sick and injured animals including a wider range of species of both mammals and birds. Thus, experience at the Novice level gained over a two year period should go a long ways toward insuring that applicants for General class

permits are prepared for dealing with the larger variety of animals (including sick and injured) allowed under the higher level permit.

The stipulation that in order to qualify for a General Class permit applicants must have demonstrated "ongoing animal rehabilitation activities" as a Novice is necessary to insure that in addition to just having the entry level permit for two years that they actually gain experience at rehabilitation during that time by rehabilitating animals. This is a reasonable requirement because records submitted to D.N.R. by rehabilitators operating under existing rules during 1994 show that for the year almost half took in 10 or fewer animals, with 26% taking 1-5 animals, and that 11% obtained no animals at all. These data indicate that many rehabilitators are handling relatively few animals in any one year, too few in some cases, it could be reasonably concluded, for them to gain the experience needed to deal with the larger variety of animals-- including sick and injured-- they would be allowed to have as General class permits holders. A Novice class permittee must satisfy the standard of having conducted "ongoing animal rehabilitation activities" over a two year period in order to obtain a General class permit. Such criteria will be established by the agency with input from rehabilitators and standards developed by a Citizen's Advisory Committee on Wildlife Rehabilitation appointed by the commissioner.

These draft rules contemplate that for permit renewal, or to qualify for higher level permits, requires completion of some form of continuing education and training. Novice class permit holders wishing to obtain a General class permit will have to satisfy this requirement. It is necessary and reasonable that permit holders keep current on changes and developments in wildlife rehabilitation and animal care in order to insure that they are handling and treating animals in a humane manner based on the most current knowledge in the field. The agency, again with input from rehabilitators and advice from the Citizen's Advisory Committee, will establish criteria to satisfy the continuing education requirement. It is anticipated that there will emerge a very liberal interpretation of what will be allowed as continuing education for permit renewal and advancement to higher level permits.

The unique requirements to obtain a *Master Class permit* relate to: 1) length of time and level of rehabilitation activities as a General class permittee, and 2) completion of continuing education/training while holding a General class permit.

Part 6244.0410, subpart 4 A (2) stipulates four years of experience as a General class permittee to qualify for a Master permit (this compares with the requirement of two years as a Novice to qualify for a General class permit). The necessity and reasonableness of the experience requirement for advancement to a higher level permit is discussed above and is relevant in this situation as well. Since the Master class permit allows for possession of the greatest variety of orphaned, sick or injured animals (see below), it is reasonable to require four years of experience as a General class permit holder in order to qualify for the Master permit.

This should insure the highest possible level of appropriate care and treatment of animals received by Master class permittees.

An explanation of the necessity and reasonableness of the requirements for permit holders to demonstrate a certain minimum level of rehabilitation activity and to complete continuing education/training in order to be eligible to advance to a higher level permit is discussed in some detail above.

Privileges unique among permit classes. Part 6244.0410, subparts 2 B, 3 B and 4 B describe the privileges proposed under the rules for Novice, General, and Master class permit holders, respectively. The primary distinguishing characteristic among the three classes of permits is reflected in: a) the circumstances relative to the status of animals (orphaned, sick, injured) that may be rehabilitated by persons who hold one of the three levels of permits; b) the types of animals (species) allowed under each level of permit; and c) the number of in-shelter assistants that may be designated by permittees. Also, Master class permittees may serve voluntarily as advisors of Novice class permit holders.

Novice class permittees are allowed temporary possession of any animal (including endangered and threatened species) for emergency care and transport (see explanation above). However, possession for rehabilitation is restricted to healthy orphaned animals only excluding raptors (birds of prey) and all mammals except rabbits, hares and rodents (Part 6244.0410, subpart 2 B (3)). Allowing Novice class permittees to possess for rehabilitation, orphaned animals (and not sick and injured animals) is necessary and reasonable because, by definition, a novice is a beginner, someone lacking substantial experience. The restriction on species is appropriate considering the level of the Novice's knowledge, ability, and experience. Novice permittees are allowed under the draft rules to assign up to five in-shelter assistants (see explanation and justification above). Five such assistants is reasonable considering the other Novice permit restrictions on the animals they may rehabilitate--only healthy orphaned birds (except raptors, which are also called birds of prey) and certain small mammals (rabbits, hares, rodents).

The next highest level rehabilitation permit, *General*, allows, as in the case of the Novice permit, temporary possession of any animal (endangered and threatened species included) for emergency care and transport. The variety of species that General class permittees may possess is expanded beyond that allowed under Novice permits to include some birds of prey (three so-called "small raptors"--American kestrel, saw-whet and screech owls), and all mammals other than big game (Part 6244.0410, subpart 3 B (3)). However, deer may be possessed by General class permit holders if specifically authorized in the permit. The wider variety of species that can be rehabilitated by persons with General class permits as opposed to those with Novice permits is reasonable considering that more experience and a higher level of knowledge are required to

obtain the General permit, factors also reflected in allowing designation of up to 10 in-shelter assistants.

Master class permit holders have the widest latitude of the three permit classes regarding the variety of species they may possess for rehabilitation. Holders of Master class permits may rehabilitate any species of animal, including endangered and threatened species and deer if specifically authorized on the permit. It is reasonable to provide the option for Master permittees to rehabilitate all species because persons who are issued this class of permit will have acquired considerable experience over a number of years and passed an examination that is more comprehensive than the exams for either of the two other permit classes. Under the proposed rules, a person who starts with a Novice class permit and works his/her way through General to Master will have at least six years of experience rehabilitating animals before becoming a Master (2 years as a Novice and 4 years as a General). Subpart 4 B (4) provides that Master class permittees may serve voluntarily as advisors of Novice permit holders. The necessity of having Master permit advisors for Novice permittees is discussed above. It is reasonable that Master class permittees serve as advisors for Novice permit holders because by virtue of the qualification requirements to obtain that level of permit, a Master permittee will be among the group of the very highest qualified wildlife rehabilitators in the state.

6244.0420 Permit requirements

This part describes various qualifications required which persons must satisfy in order to be issued a wildlife rehabilitation permit. These qualifications, covered by the various subparts include: subpart 2, Minimum age; subpart 3, Experience at handling and caring for animals; subpart 4, Examination for permit; subpart 5, Adequate facilities; subpart 6, Veterinarian consultant; and Subpart 7, Advisor. The explanation of the necessity and reasonableness for subparts 2, 4, 5 and 6 were presented above in the discussion under part **6244.0410 Permit classes**, Requirements to obtain a permit common to all permit classes, and for subparts 3 and 7 under the heading Requirements to obtain a permit unique to each permit class (paragraph on the *Novice permit*).

6244.0430 Permit application

Under this part are listed various types of information that will be requested of persons who are applying for a wildlife rehabilitation permit. The agency will provide a form for applicants to complete. The information requested will include such things as the applicant's name and address, description of their facility, educational and training background, name, address and phone number of the applicant's veterinarian consultant and, in the case of applicants for Novice class permits, the name, address and phone number of their Master class rehabilitator

advisor. Along with the completed form, applicants will be requested to provide a certification from the agency that they have passed the written examination for the class of permit being requested, and to sign an agreement to comply with the requirements of the rules governing wildlife rehabilitation. It is necessary and reasonable that applicants be asked to provide this type of information because such is needed to evaluate and process the application in a timely and efficient manner and to provide basic information for record files kept on all permit holders.

6244.0440 Inspection and issuance

This part provides that the D.N.R. may inspect the facilities of applicants prior to issuing a permit. One of the stipulations under part 6244.0410 (permit classes), **subparts 1, 2, 3, and 4** is that all permit holders "must maintain satisfactory applicable facility requirements as described in parts 6244.0440 and 6244.0900". Explanation of the necessity and reasonableness of requiring rehabilitators to maintain adequate facilities for animals they possess is discussed above under part **6244.0410 Permit classes, Requirements to obtain a permit common to all permit classes**. As stated in this part, inspection of facilities is optional on the part of the agency. This is to provide some flexibility for D.N.R. in determining which applicant's facilities will be inspected at the time a permit is requested. For example, it is possible that agency personnel already have first hand knowledge of as person's facilities, or that the facility was just recently visited or inspected, in which case an additional inspection would be unnecessary and an inconvenience to the applicant.

6244.500 Nontransferability

Wildlife rehabilitation permits issued to an individual cannot be transferred under language in this part. It is necessary and reasonable that there be a provision in the rules precluding a permit specifically issued to one person from being transferred to another, because obviously the recipient of the transferred permit might not be qualified to have a permit.

6244.0450 Role of veterinarians

Subparts 1 through 6 of this part describe the role of veterinarians under the proposed rules as voluntary consultants for permit holders, prescription of treatment for and treatment of animals, and the long and short term possession of animals for rehabilitation.

The rules are very liberal with regards to involvement of veterinarians with rehabilitators and the manner in which veterinarians who may wish to do rehabilitation themselves are regulated. Some regulation of veterinarian activities pertaining to wildlife rehabilitation is both necessary and reasonable because many veterinarians do not have training specific to treatment and care of wild animals and may not have cage facilities entirely suitable for wild animals,

particularly birds. Overall, the draft rules would have minimal impact on a limited number of practicing veterinarians.

Veterinarians will be able to consult with rehabilitation permit holders regarding treatment and provide treatment of wild animals without a permit and with no record keeping (subpart 2). Veterinarians will also be able to hold wild animals at their facility up to 48 hours without a permit and without record keeping (subpart 3). However, veterinarians who need to keep an animal undergoing rehabilitation for more than 48 hours will be required to either notify a D.N.R. Conservation Officer or else obtain their own individual permit (subpart 4).

Veterinarians who desire to have their own permit would be required to pass the written examination for the General class permit and pass a facilities inspection, but all other requirements for obtaining a permit would be waived (subpart 5). The requirements for obtaining a permit that are waived for veterinarians include the minimum age (18 years old), experience at handling animals, and having a veterinarian consultant. It is reasonable to waive the minimum age and animal handling experience requirements because a licensed veterinarian, regardless of age, would, through their training and experience, be adept at handling and caring for animals. Requiring a licensed veterinarian to have another veterinarian as a consultant would be of little benefit because the other veterinarian would likely have no more than the same basic knowledge of wildlife rehabilitation than the permittee. Veterinarians with their own individual permits will be allowed to treat and hold any wild animal at their facility under terms and conditions of their permit in the same manner as any other rehabilitator. D.N.R. is to be notified of receipt of any endangered or threatened species by veterinarians (subpart 6). While all permit holders will be required to keep records of animals treated (see part 6244.0600 below), forms are provided by the department and only a small amount of information need be submitted. Some form of broadly defined continuing education pertaining to rehabilitation of wild animals will be needed for permit renewal (see above under Part 6244.0410, and below under Part 6244.0700); veterinarians should be able to qualify with a minimum of effort or inconvenience. The rules will delineate some general standards for facilities, animal health, and husbandry (see below under part 6244.0900 and part 6244.1000); these should not be burdensome on veterinarians since they already have facilities and established standards of care for domestic animals, although veterinarians may charge the permittee for services if they so desire (see pages 24 and 33).

The rules will require that permit holders (other than veterinarians) identify a licensed veterinarian who has agreed to assist and advise them on treatment and care of animals being rehabilitated (see part 6244.0410 above). Any relationship between a rehabilitation permit holder and a veterinarian will be completely voluntary on the part of the veterinarian.

6244.0600 Record keeping and reporting requirements

This part describes record keeping required on wild animals being rehabilitated by permit holders. Record forms will be provided by the D.N.R. Provisions of this part are: a) that records of rehabilitation be updated within 24 hours of the event; b) that a copy of each year's record be submitted to D.N.R. by January 31 of the following year; c) that permit holders retain a copy of their records for three calendar years; and d) that permittees make the records available for inspection by the agency at any reasonable hour. These provisions are necessary and reasonable to insure that the agency has a complete record of animals being rehabilitated for use as needed for enforcement purposes and for management and program reasons such as tracking the numbers and types of species that come to rehabilitators with some disease, and determining how many of such animals recover, and where recovered animals are released. Information on diseased animals is crucial for the agency to have in case restrictions are needed on the number of permits that are issued or on possession of certain species (see discussion under Part 6244.0400, Subparts 2 and 3 above).

6244.0700 Examination; continuing education and training; role of volunteers

This part stipulates that there will be a written examination required for initial issuance of each class of permit; the requirements for education and training needed for renewal of permits; and the role of volunteers in the wildlife rehabilitation permit process. The necessity and reasonableness of requiring applicants to pass an examination to obtain a permit were discussed above under part **6244.0410 Permit classes, Requirements to obtain a permit common to all permit classes**; the rationale, necessity and reasonableness of requiring periodic continuing education and training as a condition of permit renewal were discussed above under part **6244.0410 Permit classes, Requirements to obtain a permit unique to each permit class**.

Part 6244.0700 further explains that the wildlife rehabilitation program (these proposed rules) has been designed to make maximum use of volunteers. As noted above under Rules Development Process, Development of draft rules, there was substantial volunteer stakeholder participation in development of these draft rules. Such stakeholder involvement was essential, since the agency had insufficient resources to undertake such a task absent that kind of outside expertise. Indeed, it is highly unlikely that these draft rules would have been proposed without the substantial effort rendered by stakeholders to the process over several months. Likewise, the need to have volunteer stakeholders involvement will continue after adoption and implementation of these rules. There are various aspects of the rehabilitation permit process that make it appropriate, reasonable and efficient for volunteers to assist and advise the agency. These areas include: a) development of examination and continuing education material; b) assisting in administering examinations; c) carrying out facility inspections under D.N.R.

direction and guidelines; d) conducting continuing education under direction of the agency; and e) to consult with the agency on the overall wildlife rehabilitation process.

6244.0800 General provisions governing wildlife rehabilitation

Contained in this part are provisions dealing with: receipt of animals (subpart 1); rehabilitation care (subpart 2); release of animals (subpart 3); and disposition of nonreleasable animals (subpart 4).

Subpart 1 A allows permit holders to either capture orphaned, sick or injured animals themselves, or to receive such animals from others for purposes of rehabilitation. According to records submitted to the D.N.R. by rehabilitators permitted under existing rules, the vast majority of animals that rehabilitators receive come from other people. That is, most rehabilitators do not themselves seek out animals for care and treatment, although no doubt they do personally pick up animals reported to them. It is necessary and reasonable to allow for animals to be received from other people because most animals needing rehabilitative care are found by the public, not the permittees themselves.

Subpart 1 B prohibits Minnesota permitted rehabilitators from accepting animals from outside the state, although this restriction can be waived by variance (see part 6244.1900, subpart 1 F). This restriction is necessary to preclude the illegal transport of animals across state lines--animals coming into Minnesota from another state absent a permit from that state allowing lawful possession. Also, the provision is needed as a means to possibly reduce the spread of disease. The restriction is reasonable because there is very little need or demand to bring animals into Minnesota for rehabilitation from other states. An exception, that can be addressed with the variance provisions, is the Raptor Center which routinely receives birds of prey from outside the state because of the Center's national reputation as a high quality care facility. Also, the Wildlife Rehabilitation Clinic at the University of Minnesota on occasion receives animals from outside of Minnesota.

It is necessary and reasonable that the *D.N.R. be notified when a permit holder received an endangered or threatened species* (subpart 1 C) because such species are, by definition, very uncommon and, for effective management of these species, the agency needs to know about instances of these animals being orphaned, sick or injured. Endangered and threatened species must be transferred to a Master permittee, because only Master permit holders are authorized to rehabilitate such species.

Subpart 2 A (rehabilitation care) requires that there be *only minimal contact between animals undergoing rehabilitation and permittees or designated in-shelter assistants*--that is, contact is to include only that needed for care and feeding of the animals. This subpart further

states that animals are not to be habituated to humans, tamed, used as pets or used in inappropriate ways. This restriction is necessary and reasonable to preclude animals from being tamed or habituated to humans, thereby reducing their chances for survival are reduce upon release.

Subpart 2 B requires that *animals being rehabilitated be housed only with others of the same species*. This is necessary and reasonable to avoid conflicts that could arise among animals of different species if housed together and to prevent the spread of disease.

Public exhibition of animals is prohibited under C. of this subpart. This is necessary and reasonable because for rehabilitated animals to have the best chance for survival upon release, they cannot be tamed or habituated to humans which would happen if the animals were part of an exhibit or display. However, subpart 4 (see discussion below) does allow for nonreleasable animals to be utilized for scientific, educational or exhibition purposes under separate permit from the D.N.R.

Under D. of this subpart are discussed the *circumstances under which animals may be transferred to other permit holders*. The rules allow for transfer of animals being rehabilitated to the same level or to a higher lever permit holder (Master class permittees may transfer to lower class permittees), when after discussion with the permittee's veterinarian consultant, it is determined that such a transfer would result in improved care of the animal. This provision is necessary and reasonable because some rehabilitators specialize in treatment and care of only certain animals and allowing a transfer from one rehabilitator to another will insure that animals get the best possible care and treatment.

At E. of this subpart the rules stipulate that *costs incurred by permittees for rehabilitation are the responsibility of the permittee only*, although licensed veterinarians may charge rehabilitators for any services rendered to wild animals. This restriction is necessary and reasonable because wildlife rehabilitation is strictly a voluntary endeavor involving only wild animals that are property of the state, and in any event these rules do not contemplate the regulation of businesses. Because ownership of the animals is with the state, it would therefore be inappropriate to charge members of the public for care and treatment of such animals. Also, the D.N.R. lacks the monetary resources to pay for rehabilitation of wild animals (although in the past, the agency Nongame Wildlife Program did contribute money to The Raptor Center). It is reasonable for licensed veterinarians to charge rehabilitators for treatment rendered wild animals because in those instances the rehabilitator is the client for whom the veterinarian is performing a service.

The rules at F. of this subpart state that *permittees may not delegate authority embodied in their permit*, except to designate in-shelter assistants as described above part **6244.0410**,

Permit classes, subparts 2, 3 and 4. Such a restriction is necessary and reasonable to insure that only fully qualified and authorized persons with valid permits are engaged in rehabilitation of wild animals. To allow otherwise could impair the welfare of animals.

Subpart 3 covers three aspects of *releasing animals that have completed rehabilitation*. At A. of this subpart is the requirement that when a sick or injured animal is sufficiently recovered, or an orphaned animal sufficiently matured to where it has a reasonable chance to survive in the wild, *the animal is to be released as near to the point where the animal was captured as practical*. This provision is necessary and reasonable to insure that animals are not held any longer than the minimum time needed to bring them to the point where they can be released to preclude habituation to humans and to insure retention of wildness in the animals. It is necessary that animals be released close to the point where they were captured so that they are placed in the same type of habitat where they were first found, thus providing for the highest possible chance for survival. The *restriction on the transport of rehabilitated animals across state lines* (B. of this subpart) is necessary and reasonable because such transport would be illegal absent a permit from the receiving jurisdiction, and to preclude the possible spread of disease. Neighboring states would look with disfavor on the Minnesota D.N.R. allowing transport of wild animals across state lines absent appropriate permits from the receiving state. This subpart (at C.) provides a means for the D.N.R. to *authorize permittees to retain animals over the winter that are not ready for release before the onset of cold weather*--an exception to the requirement of this subpart (A.) that animals be released immediately when sufficiently recovered or matured. This provision is necessary and reasonable in order to preclude having to release animals during the winter season when their survival would be jeopardized.

Subpart 4 of this part sets forth *provisions for disposition of nonreleasable animals, animals that would be incapable of surviving in the wild if released*. At A. of this subpart are listed the three options for dealing with nonreleasable animals: 1) humanely euthanize under direction of the permittee's veterinarian consultant; 2) relinquish the animal to the D.N.R.; or 3) transfer the animal as directed by the agency. It is necessary and reasonable to mandate one of these three options so that permit holders have a clear understanding of how they are to dispose of nonreleasable animals and to preclude animals being kept as pets. This provision reinforces for permittees that the purpose of rehabilitation is to release animals back to the wild and that animals which cannot be released will have to either be euthanized, surrendered to the D.N.R. or transferred at the direction of the D.N.R.

However, *use of nonreleasable animals for scientific, educational or exhibition purposes is allowed* (B. of subpart 4). This use of nonreleasable animals is reasonable because there are situations where such animals can be appropriately used for research or educational purposes. This does not apply to the vast majority of nonreleasable animals however, because most such

animals are debilitated or otherwise physically impaired to the point where it would be inhumane to keep them alive.

Humane euthanasia is mandated in C. of subpart 4 which requires that euthanizing be done according to criteria established by the American Veterinarian Association or the National Wildlife Rehabilitation Association. It is necessary and reasonable to mandate that euthanizing be done only under criteria established by one of these two organizations to insure that animals are euthanized in the most humane manner possible, thus keeping suffering to a minimum. Express approval from the D.N.R. is required for a permittee to euthanize an endangered or threatened species except in cases needed to relieve immediate pain or where recovery is highly unlikely. It is necessary and reasonable to require such authorization so that the D.N.R. can verify that euthanizing such rare species is absolutely necessary and that all reasonable means have been attempted to preclude the need for such action.

At E. of this subpart are regulations pertaining to disposition of animals that die from natural causes or are euthanized. The rules require that animals that die or are euthanized be buried, incinerated, rendered or turned over to a person or institution with valid salvage permits from the D.N.R. and U.S. Fish and Wildlife Service as required. This provision is necessary and reasonable because there is no valid reason for permittees to retain possession of animals that die or are euthanized unless they have a salvage permit for use of such animals for educational purposes; the provision does allow transfer of such animals to another person who possesses a valid salvage permit. It is also necessary and reasonable for the agency to direct how endangered or threatened species are to be disposed of because D.N.R. may have a need for such specimens for its own research or educational programs.

6244.0900 Facilities and operating standards

Under the five subparts of this part are presented basic facility and operating standards for wildlife rehabilitators. Included are: separation of animal facilities from humans--subpart 1; size, construction of facilities--subpart 2; sanitation--subpart 3; indoor facilities--subpart 4; and outdoor facilities--subpart 5. The provision that rehabilitators are to keep animals being rehabilitated separated from humans and domestic pets is necessary and reasonable to insure that the wild animals do not become habituated to humans or are subjected to disease or parasite transmission from house pets. The facility standards described under subparts 2, 3, 4 and 5 are necessary and reasonable to preclude the possibility of animals undergoing rehabilitation from being housed in unacceptable facilities which could cause undue stress on the animals or amount to inhumane treatment. The facility and sanitation standards are broadly enough defined to allow most rehabilitators to comply.

6244.1000 Animal health and husbandry

This part describes various general animal husbandry practices such as feeding (subpart 1); watering (subpart 2); sanitation (subpart 3); veterinarian care (subpart 4); and handling (subpart 5). Dietary guidelines for various species will be provided to permittees by the D.N.R., and subpart 1 of this part prescribes expected norms regarding animal diets, feeding and food receptacles. The subpart on sanitation speaks to timely removal of excreta and sanitation to prevent spread of infectious disease. Subpart 4 (veterinary care) requires that permittees establish with their veterinarian a program for disease prevention, parasite control, euthanasia and adequate veterinarian care. The provisions of this part are necessary and reasonable and in keeping with D.N.R. attempts to insure that all animals undergoing rehabilitation are housed in safe and sanitary facilities, that they are fed a appropriate diet, and have adequate medical care and treatment.

6244.1100 Transition from previous rules

This provision states that any permit renewed after the effective date of these rules (July 1, 1996) is subject to requirements of these rules. Any permit issued before July 1, 1996 will be governed by existing rules. This is necessary and reasonable to allow for a smooth transition from the existing permit system into the new process set forth in the rules.

6244.1110 Initial testing at time of rules adoption

This part allows persons who have valid wildlife rehabilitation permits at the time these rules become effective to test at either the Novice, General or Master level, based on the length of time (years) a person has had previous rehabilitation permits. Those who have had a permit for less than two of the past five years may test for the Novice class only; those with permits for more than two but less than six years of the past ten years may test for the Novice or General class; and those holding permits for six of the past ten years may test for any of the three classes of permits. This provision is necessary to allow persons with permits at the time these rules become effective to immediately obtain a permit under the new rules. The provision is reasonable because it recognizes the length of time persons have had rehabilitation permits in the past as the criteria for obtaining different level permits under these draft rules. Yet, there is no requirement that any existing rehabilitator, regardless of years of experience, test for a higher class permit than they want--that is, someone with many years of rehabilitation experience may still choose to test at the Novice level instead of General or Master.

6244.1200 Creation of master class permittees

Part 6244.0410, subpart 2 (6) requires that all Novice class permittees have a Master class permit holder as a sponsor. But, other than some who may test into the Master class (this number is unknown), it will take several years for Master class permittees to evolve through the process beginning with Novice (see part 6244.0410, subparts 2, 3, and 4). Therefore, at the time these rules are adopted there will be no Master class permittees available to serve as sponsors. It is thus necessary to provide for creation of "instant" Master class permittees to serve as sponsors for Novices. Further, it is reasonable to provide for provisional appointment as Master class permittees of some individuals with considerable experience, knowledge and training in wildlife rehabilitation as allowed in this part. Such appointments would be voluntary on the part of the permittee. In order to continue as a Master class permit holder, the appointee would have to pass the Master class examination within one year.

6244.1300 New Minnesota residents

Language under this part allows someone who relocates to Minnesota on a permanent basis, and who at the time has a wildlife rehabilitation permit from another state, to test at either the General or Master level based on the criteria described in part 624.1110 above. It is reasonable to recognize experience that new Minnesota residents may have gained doing wildlife rehabilitation under permit in other states and to provide such persons an opportunity to immediately test above the Novice level upon becoming new state residents.

6244.1400 Federal permits; local laws; practicing veterinary medicine

Subpart 1 of this part requires that persons authorized to rehabilitate migratory birds under a state permit must also have a Federal rehabilitation permit, and a D.N.R. rehabilitation permit does not exempt permittees from requirements of Federal law. This requirement is necessary because most migratory birds are protected by Federal law under the Migratory Bird Treaty Act (16 USC Sec. 703), and therefore persons issued state permits also need a Federal permit. Under subpart 2 of this part is a disclaimer that no D.N.R. rehabilitation permit exempts a permit holder from any local laws, ordinances or regulations related to activities authorized by the permit. Thus, for example, even though a rehabilitation permit from D.N.R. may authorize possession of raccoons for rehabilitation, if a local ordinance prohibits such possession the rehabilitation permit is invalid for possession of raccoons in that instance. Such a regulation is necessary and reasonable because the D.N.R. may have no authority to override the more restrictive requirements of local jurisdictions regarding citizen possession of wild animals. Subpart 3 prohibits permittees (other than licensed veterinarians) from practicing veterinary medicine as defined by Minnesota Statutes, chapter 156. This prohibition is reasonable because only properly licensed persons are allowed to practice veterinary medicine under chapter 156.

6244.1500 Review of permit decisions

This part provides that if an applicant's permit is granted with conditions, or is denied, that the applicant may file with the Commissioner of Natural Resources with 30 days of mailed notice a request for a contested case hearing under Minnesota Statutes, Chapter 14. This provision is necessary and reasonable to provide permit applicants due process in challenging agency permit decisions.

6244.1600 Permit duration and renewal

Regulations articulated under this part cover duration of permits (subpart 1), renewal of permits (subpart 2) , and expired permits (subpart 3).

Subpart 1 provides that wildlife rehabilitation permits will be issued for a period of up to two years. It is reasonable that permits not be issued for an indefinite period. Some people decide they are no longer interested in doing rehabilitation after a year or two and thus, if there were no permit end date, such persons would still be authorized to do rehabilitation even though they no longer engage in such activity. This situation would create record keeping problems for the agency regarding the maintenance of current lists of permit holders. Also, it is quite common for members of the public who know about or have possession of orphaned, sick or injured wildlife to contact D.N.R. for information on rehabilitators in their vicinity who can receive and care for such animals. By having an end date on permits, the agency is thus able to provide current reliable information to the public on rehabilitators with valid permits.

Provisions for renewal of permits are described in subpart 2 of this part. These requirements include: a) compliance with parts 6244.0410 (permit classes), 6244.0420 (permit requirements), 6244.0600 (record keeping and reporting requirements), and 6244.0800 to 6244.1000 (general provisions, facilities and operating standards, animal health and husbandry); b) ongoing rehabilitation activity; c) successful completion of continuing education as defined in parts 6244.0300, subpart 5 and part 6244.0700; d) for Novice permittees, having a Master class permittee as an advisor (6244.0410); e) having a veterinarian consultant (6244.041/ 6244.0500); and f) maintaining adequate facilities as determined by periodic inspections (at least once during every other permit renewal period--every four years--or if permittee's primary place of animal care is moved to a new address, or upon application for a higher level permit). It is necessary and reasonable to make the conditions covered in A. through F. in this subpart requirements for permit renewal to insure that permittees maintain adequate knowledge, facilities and ongoing rehabilitation activity, and to insure appropriate treatment of animals being rehabilitated.

Subpart 3 addresses *renewal of expired permits*, and allows for persons whose permit has been expired for no more than one year to have their permit renewed upon fulfillment of all

conditions in this part. Persons with permits expired more than one year must go through the same process as required to obtain a permit initially as described in parts 6244.0410 and 6244.0420, which includes passing as written examination. If a person had a permit previously but the permit has been expired for more than one year but less than five years, he/she may take the test for the class of permit previously held. It is necessary and reasonable to set criteria for persons to renew permits that have expired in the manner proposed in the draft rules because essentially a one year grace period is allowed during which time permits can be renewed "without penalty". However, if a person has been out of rehabilitation for more than one year, it is also reasonable to expect such persons to requalify for a permit by examination to insure that they have maintained satisfactory knowledge of wildlife rehabilitation practices and procedures.

6244.1700 Permit revocation

This part provides for revocation of permits by the D.N.R. for failure of a permittee to comply with any provisions of the proposed rules, when it is necessary to protect the interests of the public, or to protect wildlife covered by rehabilitation permits. This part also sets forth realistic but liberal time lines and procedures for permit revocation. Failure to comply with provisions governing wildlife rehabilitation is a reasonable basis for permit revocation because noncompliance with regulations can negatively impact the welfare of animals and people. Since this part also establishes a hearing process with the Commissioner of Natural Resources, it insures that a permit holder is given a chance to contest the revocation. There could also arise circumstances where it is necessary to revoke rehabilitation permits en masse to protect the public or to protect wildlife (e.g. a disease outbreak). Under these situations it would be necessary and reasonable for the D.N.R. to revoke permits.

6244.1800 Disclaimer of liability

This part states that any rehabilitation permits issued under the proposed rules are permissive (voluntary) and that no liability is to be incurred by the state for any acts of permit holders. Further, this part makes the permittee solely responsible for any damage or injuries that may result from rehabilitation activities carried on by the permittee. Such a disclaimer is necessary and reasonable because the state cannot assume liability for actions of persons with permits issued by the D.N.R. because the agency has no control over such actions.

6244.1900 Variances

Variance provisions are established in this part to provide exceptions to certain parts of the proposed rules to accommodate unusual circumstances. Subpart 1 describes parts of the rules subject to variances; subpart 2 outlines procedures for applying for a variance; subpart 3 deals with variance determination by the Commissioner of Natural Resources; and subpart 4 covers

simultaneous filings of an application for a permit and for a variance. Seven parts of the proposed rules are subject to variance provision. It is necessary and reasonable that variances are allowed under each of these as follows:

a) resident requirements (6244.0400)--there may be circumstances, such as at relatively remote border locations, where it would be in the best interest of the agency to issue a permit to a nonresident. Nonresidents living close to the state border could, with proper authorization from their own state, take animals from Minnesota for rehabilitation and return such animals to the state for release.

b) Restrictions on having both a game farm license and as rehabilitation permit (6244.0400, Subpart 4)--the reasons for this restriction are discussed above under 6244.400, and have primarily to do with concerns about permit/license holders mixing game farm and rehabilitation animals. However, there will likely be situations where persons wishing to have both a game farms license and rehabilitation permit can demonstrate to the agency that animals will be kept separate and that there is a legitimate need for both the license and the permit, thus justifying a variance.

c) Qualifications testing and continuing education/training requirements (6244.0450 and 6244.0700)--uniquely qualified persons or persons in certain institutional settings may, upon evaluation by D.N.R., be determined not to be in need of passing a written examination to obtain a permit, or to meet continuing education requirements for permit renewal. For example, on occasion the Minnesota Zoo does a limited amount of research/rehabilitation on certain birds (e.g. loons). Given the level of veterinary and animal care expertise at the Zoo, along with the fact that the Zoo would be dealing with only a few of one species of wild bird could justify a variance.

d) Maximum number of in-shelter assistants (6244.0410)--there could arise situations where it would be desirable or necessary for a rehabilitator to need more in-shelter assistants than allowed under the rules for the particular class of permit. This might include some individual rehabilitators who handle large numbers of animals, or institutional rehabilitation operations such as the Wildlife Rehabilitation Clinic which uses dozens of volunteers.

e) Minimum age requirements (6244.0420)--the 18 year old minimum age requirement could prove to be unrealistically stringent in situations where a younger person has gained considerable experience working as a volunteer in an institution doing rehabilitation or with an individual rehabilitator.

f) Restrictions on accepting animals for rehabilitation from outside of Minnesota (6244.800)--as stated above, the Raptor center routinely accepts birds of prey from outside the

state for rehabilitation; to a lesser extent the Wildlife Rehabilitation Clinic also receives animals from outside the state. There also could be situations (e.g. near the state border) where it might be justified to grant a variance to an individual rehabilitator to receive animals from another state with the proper permit from that state.

g) Restriction on the transport of animals across state lines (6244.0800)--as stated above regarding accepting animals for rehabilitation from outside Minnesota, both the Raptor Center and the Wildlife Rehabilitation Clinic return animals for release to the area from which they came including out-of-state locations. Variances would be justified in these instances. Also, individual rehabilitators who are authorized to accept animals from out-of-state would need authorization by way of a variance to return such animals to the place of origin for release.

6244.200 Penalty

Subpart 1 of this part states that a person who violates provisions of this chapter is guilty of a misdemeanor as provided under Minnesota Statutes, section 97A.301, Subd. 1 which describes what constitutes violations under the game and fish laws. Under subpart 2 of this part, the Commissioner of Natural Resources may amend, revoke, or refuse to renew the permit of a person who violates any provision of these rules or a permit issued under them. These administrative penalties are allowed under Minnesota Statutes, section 97A.418 (Permit Rules). It is necessary and reasonable that there are prescribed penalties for violations of this chapter to provide for effective enforcement of the rules governing wildlife rehabilitation.

Statutory Authority

State statutory authority pertaining to wildlife rehabilitation activities is discussed above under *Wildlife Rehabilitation in Minnesota*, **State Statutory Authority**.

Small Business Considerations

Minnesota Statutes, section 14.115 requires state agencies to consider the effect on small businesses when they adopt rules and prescribe five methods to reduce such effects: 1) less stringent requirements, 2) less stringent schedules, 3) consolidation or simplification of requirements, 4) performance standards, and 5) exemption. Small business impacts attendant to the proposed rules on wildlife rehabilitation will be almost exclusively confined to practicing veterinarians. Overall, the draft rules would have minimal impact on a very limited number of practicing veterinarians who are either holders of permits, or are consultants to permittees. . Impacts of the proposed rules on veterinarians is discussed above under **6244.0450 Role of Veterinarians**.

Specific methods for reducing the impact of the rules on veterinarians have been considered. The impact of the rules on veterinarians has been reduced as follows:

a. Veterinarians will be able to consult with rehabilitation permit holders regarding treatment and provide treatment of wild animals without a permit and with no record keeping (less stringent requirements, less stringent schedules, performance standards, exemption).

b. Veterinarians will be able to hold wild animals at their facility up to 48 hours without a permit and without record keeping (less stringent requirements, less stringent schedules, performance standards, exemption).

c. Veterinarians who desire to hold wild animals at their facility beyond 48 hours would be required to either notify a D.N.R. Conservation Officer or else obtain their own individual permit (less stringent requirements, consolidation or simplification of requirements, performance standards, exemption).

d. Veterinarians who desire to have their own permit (fewer than 10 individuals under current rules) would be required to pass a written examination and to pass a facilities inspection, but all other requirements for obtaining a permit would be waived. The written test should pose only a minimal challenge to licensed veterinarians given their level of training and knowledge; likewise, veterinarians already have facilities and established standards of care for domestic animals so the rule requirements on those matters should not be bothersome for veterinarians (less stringent requirements, performance standards, exemption).

e. As with other permit holders, veterinarians with permits would be required to keep records of animals treated on forms provided by the D.N.R.. However, only a small amount of information need be submitted.

f. Continuing education pertaining to rehabilitation of wild animals will be needed for permit renewal; veterinarians should be able to qualify with a minimum of effort or inconvenience by applying some ongoing professional veterinary medicine educational development credits (less stringent requirements, performance standards, exemption).

g. The proposed rules require that permit holders (other than veterinarians) identify a licensed veterinarian who has agreed to assist and advise them on treatment and care of animals being rehabilitated. Any relationship between a rehabilitation permit holder and a veterinarian will be completely voluntary on the part of the veterinarian, and, in any event, the veterinarian may charge for these services. Veterinarians serving as consultants for permittees are not required by these rules to keep records of their activities (less stringent requirements, exemption).

Department Charges Imposed By The Rules

Minnesota Statutes, section 16A.1285, does not apply because the rules do not establish or adjust charges for goods or services.

Fiscal Impact

Minnesota Statutes, section 14.11, subdivision 1, does not apply because adoption of these rules will not result in additional spending by local public bodies in excess of \$100,000 per year for the first two years following adoption of the rules.

Agricultural Land Impact

Minnesota Statutes, sections 14.11, subdivision 2, and 14.111 do not apply because adoption of these rules will not have an impact on agricultural land or for farming operations.

Witnesses

If these rules go to public hearing, the witnesses listed below may testify on behalf of the D.N.R., as necessary, in support of the need for and reasonableness of the rules. If these witnesses are needed to testify, they will be available to answer questions about the development and the content of the rules. The witnesses for the Department of Natural Resources include:

Blair Joselyn, Manager, Wildlife Populations and Research Unit
Joan Galli, Nongame Wildlife Specialist
Minnesota Department of Natural Resources
500 Lafayette Road
St. Paul, MN 55155-4007
612-296-3344

Pam Perry, Nongame Wildlife Specialist
Minnesota Department of Natural Resources
1601 Minnesota Drive
Brainerd, MN 56401
218-828-2228

Bonnie B. Erpelding, Nongame Wildlife Specialist
Minnesota Department of Natural Resources
2300 Silver Creek Road, NE
Rochester, MN 55906
507-285-7435

Any other employee of the Minnesota Department of Natural Resources.

Dr. Mark Zens, Director, The Wildlife Rehabilitation Clinic, St. Paul, MN
Marlys Bulander, Permit Office, U.S. Fish and Wildlife Service, Twin Cities, MN
Elaine Thrune, President, National Wildlife Rehabilitators Association, St. Cloud, MN
Gail Buhl, Member, Board of Directors, Minnesota Wildlife Assistance Cooperative, New
Brighton, MN
Diane Snyder, President, Minnesota Wildlife Assistance Cooperative, Loretto, MN
Dr. Debbie Eskedahl, Veterinarian, Garrison, MN

Repealer

Minnesota Rules, 6212.1600 and 6212.1900 are repealed effective July 1, 1996, the effective date of these rules. It is necessary to repeal Minnesota Rules, 6212.1600 and 6212.1900 so that there is only one set of rules pertaining to wildlife rehabilitation (Minnesota Rules, 6244) in effect beginning on July 1, 1996.

Effective Date

These rules are effective July 1, 1996.

Conclusion

Based on the foregoing, the Department of Natural Resources' proposed rules governing wildlife rehabilitation are both necessary and reasonable.

12/21/95
Date

Rodney Sando, Commissioner
Department of Natural Resources
By: Gail Lewellan
Gail Lewellan
Assistant Commissioner of Human
Resources and Legal Affairs