

Subchapter P. WILDLIFE REHABILITATION

Sec.

- 147.301. Definitions.
- 147.302. General.
- 147.303. Permit applications.
- 147.304. Wildlife rehabilitation permits.
- 147.305. Wildlife capture and transportation permits.
- 147.306. Endangered, threatened **or RVS** certification.
- 147.307. Areas of service.
- 147.308. Training and education requirements.
- 147.309. Educational use of rehabilitation wildlife permits.
- 147.310. United States Fish and Wildlife Service permits.
- 147.311. Council.
- 147.312. Unlawful acts.

§147.301. Definitions.

The following words and terms, when used in this subchapter, have the following meanings, unless the context clearly indicates otherwise:

Assistant - Individuals appointed by the wildlife rehabilitator to provide food and housing for wildlife being rehabilitated.

Council - The Wildlife Rehabilitation and Education Council as appointed by the Director under §147.311 (relating to Council).

Facilities - Equipment or housing used in, or necessary for, the rehabilitation of wildlife.

RVS—Rabies vector species - All raccoons, skunks, foxes, bats, coyotes, groundhogs and any other species designed by the director.

Wildlife rehabilitation - The treatment and temporary care of injured, diseased and displaced wildlife, and the subsequent release of healthy wildlife to appropriate habitats in the wild.

Wildlife rehabilitator - A person permitted under the applicable law and this subchapter to conduct wildlife rehabilitation.

§147.302. General.

(a) The Director may issue a permit to an individual who meets the requirements of 34 Pa. C.S. § 2901(a) (relating to authority to issue permits) and this subchapter for the purpose of wildlife rehabilitation, wildlife capture and transportation, and educational use of rehabilitation wildlife.

(1) A rehabilitation permittee may receive and possess wildlife for care and rehabilitation.

(2) A capture and transportation permittee may capture or receive injured or displaced wildlife for transportation to a wildlife rehabilitator.

(3) Educational use of rehabilitation wildlife permittees may utilize specified nonreleasable wildlife for educational programs or exhibits.

(4) A rehabilitation assistant may be appointed by each wildlife rehabilitator to provide care for wildlife as necessary within the established limits for each class of permit.

(5) Permitted wildlife rehabilitators may use unlicensed volunteers under their supervision, at their facility, provided that they maintain current records including name, address and phone number.

(b) A licensed veterinarian may accept injured wildlife for emergency treatment without a permit, if the wildlife is not held for more than 48 hours before contacting the Commission or a wildlife rehabilitator. Wildlife shall be transferred to a properly permitted rehabilitator as soon as specialized veterinarian care is not required. This period may be extended by the district wildlife conservation officer if necessary for completion of the emergency treatment.

(c) Rehabilitated wildlife shall be returned to the wild as soon as feasible at a suitable location agreed upon by the wildlife conservation officer having jurisdiction of facility location.

(d) Releasable wildlife may not be intentionally tamed or kept longer than necessary for restoration of its health.

(e) Except as provided in subsections (f) and (g), wildlife may not be kept alive when it becomes evident that rehabilitation and release is impossible.

(f) Nonreleasable wildlife, which visibly appears to be in good condition, may be held by authority of an educational use of rehabilitation wildlife permit or transferred to a zoological park or garden which is open to the public or to the holder of a wildlife menagerie permit. Raptors may additionally be transferred to holders of falconry or raptor propagation permits. A wildlife transfer permit, available from the Bureau of **Wildlife Protection**, shall be obtained for each specimen prior to any transaction.

(g) Nonreleasable wildlife may be held, with the approval of the Bureau of **Wildlife Protection**, for cross-fostering purposes.

(h) Wildlife may be transferred to other rehabilitation permittees within this Commonwealth if better care is required and facilities are available.

(i) Wildlife may be transferred to or from properly permitted facilities outside of this Commonwealth only upon issuance of a wildlife importation or exportation permit by the Bureau of **Wildlife Protection**.

(j) Wildlife which is terminated shall be surrendered to the Commission as required, **or disposed of in an appropriate manner.**

(k) Records shall be kept by the permittee on forms supplied by the Commission and a copy shall be submitted annually with the application for permit renewal **by July 30.**

(l) A wildlife rehabilitation facility and its records shall be available for inspection by an officer of the Commission at any reasonable hour. These officers may remove wildlife from the custody of the permittee if it is deemed necessary for the welfare of the wildlife. During an inspection, members of the Council may accompany these officers to act in an advisory capacity.

(1) **Caging.** Cages used for the rehabilitation of wildlife must be of adequate size, design and strength to provide for the good health, comfort and secure containment of the animal.

(2) **Sanitation.** Wildlife held under this subchapter shall be kept in a sanitary manner consistent with the standards in §147.283 (relating to sanitation).

(3) **RVS.** RVS shall be housed in a manner to prevent escape of the animal and exposure to people, pets, livestock and other captive or free-ranging wildlife. Exterior caging must be locked and improved by double fencing or solid wall barrier of adequate design and strength to ensure proper containment and exclusion of animals. RVS may not be removed from their containment except for their treatment, destruction, release or maintenance of the facility.

(m) The Director may restrict the rehabilitation of certain species of wildlife, either Statewide or in specific areas as required, due to disease, over-population or other limiting factors.

(n) The Commission, its employees, the Council or the Council members will not be responsible for costs involved in the treatment of wildlife unless specifically agreed to in writing.

(o) The renewal of a permit is contingent upon the permittee's compliance with relevant State and Federal statutes and this subchapter. Failure to comply with one or more conditions of the permit or this subchapter will be sufficient cause for recall of the permit.

(p) A permitted wildlife rehabilitation facility shall be active and open to receive wildlife from the public and the Commission, unless the facility has either exceeded its capacity or otherwise provided the Commission with reasonable justification for inactivity or closure. An inactive or closure period deemed unreasonable may result in suspension, denial or recall of permit privileges.

(q) As of January 1, 2009, a new wildlife rehabilitator may not possess a menagerie, propagation, exotic wildlife possession or exotic wildlife dealer permit.

§147.303. Permit applications.

(a) Written application shall be made to the Director through the wildlife conservation officer in charge of the district in which the rehabilitation facilities are to be established.

(b) Each application **must** include the following:

(1) The name, address, telephone number and date of birth of the applicant.

(2) The location of the proposed facilities, which shall include the address, township or borough, and county.

(3) Related educational background.

(4) Experience and training.

(5) The permit type desired. (Capture and transportation, wildlife rehabilitation or educational use of rehabilitation wildlife).

(6) The type of wildlife. (Mammals, non-raptor avian species, raptors of all species).

(7) The permit class. (Novice **or** general - wildlife rehabilitation only).

(8) **A letter from a sponsoring wildlife rehabilitator. The letter must include the name, address and permit number of the sponsoring wildlife rehabilitator. (Capture and transportation and novice wildlife rehabilitation permits only).**

(9) **A letter from a sponsoring veterinarian. The letter must include the name and address of the veterinarian who will be assisting and advising the applicant (required for wildlife rehabilitation permit only).**

(c) **A wildlife rehabilitator whose permit lapses for 2 or more years shall apply as a new applicant.**

(d) **A wildlife rehabilitator whose permit was recalled shall be ineligible for reapplication for a minimum period of 2 years and shall be required to retest.**

§147.304. Wildlife rehabilitation permits.

(a) Wildlife rehabilitation permits. Wildlife rehabilitation permits will be limited as follows:

(1) A maximum of two permits, including all classes, covering all species may be issued for each county with the following exceptions:

(i) The estimated population of the county exceeds 300,000.

(ii) The land area of the county exceeds 1,000 square miles.

(iii) Unusual circumstances exist which create a specific recommendation from the Council for an increase in the limitation.

(iv) Due to the issuance of permits which limit rehabilitation to specific types of wildlife (mammals, non-raptor avian species or raptors), the number of permits issued would not exceed two of any specific species listed in this subparagraph, unless excepted by subparagraph (i), (ii) or (iii).

(2) Permit limits for counties excepted in subsection (a) may be increased as follows:

(i) One permit for each additional 300,000 in the estimated population.

(ii) One permit where land area exceeds 1,000 square miles.

(iii) One permit for unusual circumstances, when specifically recommended by the Council.

(3) Exceptions will be recommended by the Council and approved by the Bureau of **Wildlife Protection**.

(b) Novice class wildlife rehabilitation permits.

(1) Qualifications.

(i) **New applicants** shall successfully pass a **supervised examination with a minimum score of 80%**.

(ii) The applicant shall appear for and successfully pass an oral examination/interview which shall be conducted by members of the Council **and the Bureau of Wildlife Protection. The applicant shall submit photographs or videotape with commentary of their facility for review.**

(2) Permit conditions.

(i) The permittee shall have facilities established which are adequate for the proper care and rehabilitation of the wildlife types listed on the permit. These facilities shall be inspected and approved by the district wildlife conservation officer prior to accepting wildlife for rehabilitation.

(ii) The permittee may not hold endangered or threatened species for rehabilitation. An endangered or threatened species received shall immediately be transferred to the nearest properly permitted wildlife rehabilitator.

(iii) Educational use of rehabilitation wildlife permits will not be issued to novice wildlife rehabilitators unless specifically recommended by the Council and approved by the Bureau of **Wildlife Protection**.

(iv) A novice wildlife rehabilitator may list no more than five capture and transportation permittees on its permits.

(v) A novice wildlife rehabilitator may appoint no more than five responsible individuals to assist in providing food and housing for wildlife being rehabilitated. It is the permittee's responsibility to notify the Bureau of **Wildlife Protection** in writing of the names, addresses and telephone numbers of the appointees and necessary changes as they occur.

(vi) A novice wildlife rehabilitator shall only renew his permit for 1 permit year at a time.

(vii) A novice wildlife rehabilitator may only remain as a novice for a period not to exceed 2 years. After the second year is reached, the permit will be voided and game or wildlife held under that permit shall be removed and relocated to another permitted facility, unless the novice has applied for an upgrade or as otherwise directed by the Director.

(viii) A novice wildlife rehabilitator shall have outside conditioning or prerelease cages established before an upgrade to a general class will be approved.

(ix) A novice wildlife rehabilitator request for upgrade to the class of general shall be reviewed and considered during the month of April only.

(c) General class wildlife rehabilitation permits.

(1) Qualifications.

(i) The applicant shall have actively rehabilitated wildlife for a minimum of 2 years as a novice wildlife rehabilitator or equivalent experience approved by the Council and the Bureau of **Wildlife Protection**.

(ii) The applicant shall appear for and successfully pass an oral examination/interview conducted by members of the Council and the Bureau of **Wildlife Protection**. The applicant shall also submit photographs or videotape with commentary of their facility for review.

(2) Permit conditions.

(i) A permittee claiming equivalent experience under qualifications may not accept wildlife for rehabilitation prior to a facility's inspection and approval by the district wildlife conservation officer.

(ii) A permittee may accept endangered, threatened or **RVS** for rehabilitation following proper additional certification under §147.306 (relating to endangered, threatened **RVS** certification).

(iii) A general class wildlife rehabilitator may list no more than ten capture and transportation permittees in its permit.

(iv) A general class wildlife rehabilitator may appoint no more than ten responsible individuals to assist in providing food and housing for wildlife being rehabilitated, with the exception of endangered or threatened species. It shall be the permittee's responsibility to notify the Bureau of **Wildlife Protection** in writing of the names, addresses and telephone numbers of the appointees and necessary changes as they occur.

(v) Additional capture and transportation permittees and assistants may be listed, only with the advance approval of the Council and the Bureau of **Wildlife Protection**. A request **must** be in writing with justification for an increase.

§147.305. Wildlife capture and transportation permits.

(a) Issuance of wildlife capture and transportation permits will be limited to the number authorized by the permit class of the sponsoring wildlife rehabilitator.

(b) Qualifications are as follows:

(1) The applicant shall be sponsored by a wildlife rehabilitation permittee.

(2) The applicant shall successfully pass a **Council approved wildlife capture and transport** written examination **with a minimum score of 80%**.

(3) The applicant, **upon completion of testing, shall obtain a certificate from the Council approved written examination. This certificate, along with a permit application shall be mailed to the district wildlife conservation officer to receive a permit.**

(c) Permit conditions are as follows:

(1) A permittee may capture and transport injured or displaced wildlife when necessary.

(2) Wildlife shall be immediately transported to the sponsoring permittee or to the nearest properly permitted wildlife rehabilitator.

(3) Wildlife may not be captured or transported by a permittee outside of the area serviced by sponsoring permittee except when advance permission from the wildlife rehabilitator has been obtained.

§147.306. Endangered, threatened or RVS certification.

(a) A written request for the endangered, threatened **or RVS** certification examination shall be made to the Bureau of **Wildlife Protection**.

(b) The request shall include:

(1) The name, address and permit number of the applicant.

(2) The wildlife species to be included in certification.

(3) Related education, training and experience of the applicant.

(4) A description and photograph **or videotape** of facilities available.

(c) Attend a certification workshop or seminar as established by council and the Bureau of **Wildlife Protection**.

(d) **RVS-certified permittees shall operate their facilities in accordance with the guidelines in the RVS protocol established by the Council, the Commission and the Department of Health.**

§147.307. Areas of service.

(a) The area serviced by wildlife rehabilitators will be restricted to the county or portion of a county in which facilities are established unless otherwise approved by the Bureau of **Wildlife Protection**.

(b) Capture and transportation permittees will be restricted to the area serviced by their sponsoring permittee unless otherwise approved by the Bureau of **Wildlife Protection**.

§147.308. Training and education requirements.

(a) A wildlife rehabilitator and capture and transportation permittee will be required to attend a minimum of one training program or symposium conducted by the Council or the Commission within a 2-year period when this training is made available, **or an equivalent training as approved by council.**

(b) The failure to meet training and education requirements will result in permit recall.

§147.309. Educational use of rehabilitation wildlife permits.

(a) Wildlife native to this Commonwealth which is held under the authority of a wildlife rehabilitation permit may be utilized for educational programs or exhibits by wildlife rehabilitators or their designated assistants only when in the possession of a valid educational use of rehabilitation wildlife permit.

(b) Permit applications **must** be made in writing to the Bureau of **Wildlife Protection** and include the following:

- (1) The name, address and permit number of the applicant.
- (2) The name, address and telephone number of designated assistants, if any.
- (3) A list of wildlife species to be utilized.
- (4) The area, county or counties, in which the programs will be conducted.
- (5) The educational experience or background of the applicant and the designated assistants.
- (6) A general outline setting forth program goals and objectives.

(c) Permit applications will be approved by the Council and the Bureau of **Wildlife Protection**.

(d) Permit conditions are as follows:

(1) Only nonreleasable wildlife which visibly appears to be in good condition may be utilized.

(2) Not more than **ten** specimens of wildlife which are determined to be nonreleasable may be used by the permittee for educational exhibits or programs held away from the established rehabilitation facility, **unless further restricted by State or Federal permits.**

(3) Human contact may not be permitted with the wildlife and the wildlife shall be restrained to preclude danger to the public or injury to the specimen. Free flying of **any** species is prohibited.

(4) **RVS may not be used for educational programs or exhibits.**

(e) Records shall be maintained by the permittee and include the date, location and listing of wildlife used for each exhibit or program conducted. These records shall be retained for 2 years and be available for inspection by the wildlife conservation officer or other officers of the Commission at any reasonable hour. A copy of these records shall be made available to the Bureau of **Wildlife Protection** upon request.

(f) **Educational use of rehabilitation wildlife permit holders may apply for salvage permits.**

(g) **Failure to comply with one or more conditions of the permit will be reason for suspension, denial or recall of the permit.**

§147.310. United States Fish and Wildlife Service permits.

(a) A wildlife rehabilitation permittee authorized to rehabilitate migratory birds shall be in possession of a valid United States Fish and Wildlife Service special purpose rehabilitation permit.

(b) A capture and transportation permittee who handles migratory birds shall be listed as a subpermittee on the sponsoring wildlife rehabilitator's United States Fish and Wildlife Service permit.

(c) An educational use of rehabilitation wildlife permittee utilizing migratory birds shall have their United States Fish and Wildlife Service permit amended to authorize educational use of nonreleasable wildlife. A designated assistant shall be listed as a subpermittee.

§147.311. Council.

The Director may appoint up to seven competent citizens of this Commonwealth to serve as members of the Council. Members of the Council shall serve as advisers to the Director on matters relating to wildlife rehabilitation and public education associated with this activity, assist the Bureau of Law Enforcement in devising tests to be administered under this subchapter and conduct other activities associated with wildlife rehabilitation as the Director may request. Members of the Council will not receive compensation for services rendered.

§147.312. Unlawful acts.

It is unlawful for a person to accept, possess, transport or display wildlife contrary to this subchapter or the act.