

ARKANSAS REGISTER

Proposed Rule Cover Sheet



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Name of Department Legal Division

Agency or Division Name Arkansas Game & Fish Commission

Other Subdivision or Department, If Applicable _____

Previous Agency Name, If Applicable _____

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Name of Rule F1.05 Wildlife Rehabilitation Permit Requirements

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Location and Time of Public Meeting AGFC Auditorium, 2 Natural Resources Drive, Little Rock AR 72205,
at 10:00 a.m.

F1.05 Wildlife Rehabilitation Permit Requirements

A. Eligibility and Application Requirements:

1. A Wildlife Rehabilitation Permit applications must comply with the following:
 - i. The applicant must be at least 18 years old and shall not have been convicted of, or entered a plea of guilty or nolo contendere for, violating any federal, state or municipal law governing captive wildlife, illegal appropriation or commercialization of wildlife, or cruelty to animals within 5 years of the application date.
 - ii. The applicant shall be a resident of Arkansas with a bona fide or actual residence within the state.
 - iii. The applicant shall provide to the Commission, in writing, proof from the county judge or sheriff and any municipal planning commission or board with jurisdiction, stating that the applicant's facility shall be in compliance with all local ordinances.
 - iv. An application for the permit shall be submitted on a form supplied by the Commission.
 - v. Applications will include the signature, address and phone number of a licensed veterinarian who will assist the applicant by providing consulting and referral services regarding animal rehabilitation and treatment.
2. General Class Wildlife Rehabilitation Permits may be issued based upon documented applicant experience in accordance with one of the following methods:
 - i. Persons who submit written documentation (on a form supplied by the Commission) of at least two years of experience in the care of sick, injured, orphaned or otherwise impaired wildlife obtained in accordance with an Apprentice Class Wildlife Rehabilitation Permit. Such documentation must include a description of the specific training or experience acquired, and the dates and locations where acquired. The applicant also shall submit a reference from a permitted rehabilitator based upon personal knowledge. Additional documentation may consist of records of prior permits for rehabilitation issued by other states or the U.S. Fish and Wildlife Service, employment records of wildlife rehabilitative facilities, training course certificates, or other documentation of experience.
 - ii. Persons who held a General Class (or equivalent) rehabilitation permit issued by the Commission or any other state within the last five years.
 - iii. Wildlife rehabilitators certified by the International Wildlife Rehabilitation Council who submit a reference from a permitted General Class rehabilitator based upon personal knowledge.
3. Apprentice Class Wildlife Rehabilitation Permit applicants shall meet all the eligibility and application requirements of Addendum [F1.05 \(A\)\(1\)](#) and

shall have a sponsor with a current General Class Wildlife Rehabilitation Permit.

B. Permit Requirements:

1. Wildlife shall be cared for at the location listed in the Wildlife Rehabilitation Permit. This limitation shall not prevent the temporary care of wildlife at a medical facility under the supervision of a licensed veterinarian for the purposes of stabilizing, diagnosing, providing specialized treatment, or humanely euthanizing wildlife in coordination with a licensed rehabilitator.
2. Apprentice class wildlife rehabilitators under the supervision of a general class wildlife rehabilitator may possess or care for no more than 20 baby opossums or six other individual animals at a time.
3. Wildlife undergoing rehabilitation or medical treatment shall not be hunted, bred or displayed to the public.
4. Rehabilitated native wildlife shall be released at a time and into a habitat suitable to sustain it in, or adjacent to, the county in which it was captured. Wildlife shall not be released within the limits of any incorporated city or town and shall be released in compliance with any local regulations.
5. When a wild animal cannot be rehabilitated to a condition appropriate for release, that animal should be humanely euthanized by an acceptable method set forth by the International Wildlife Rehabilitation Council/National Wildlife Rehabilitators Association's current "Minimum Standards for Wildlife Rehabilitation" or permanently, physically impaired animals may be transferred to a holder of a Commission Conservation Education Permit with the approval of the Chief of Wildlife Management or their designee.
6. Rehabilitators may provide routine care and basic first aid; other medical treatments should be given under the direction of a licensed veterinarian with a valid veterinary client-patient relationship.
7. Animals that die from causes other than contagious disease while in the custody of the permittee shall be disposed of in accordance with local or state laws or be offered to a museum, university, or other educational facility.
8. Animals diagnosed with a contagious disease must be reported to the Commission within 48 hours. Animals that die of contagious disease must be destroyed in a manner that does not allow the spread of the disease to other animals or humans.
9. Permittees receiving any species classified as endangered or threatened shall notify the Little Rock office of the Commission's Wildlife Management Division within 48 hours of the receipt of the animal.
10. Permittees shall not require a fee associated with wildlife rehabilitation services or for the pick-up, delivery or acceptance of sick, injured, orphaned or otherwise impaired wildlife. This limitation shall not apply to professional fees charged by a licensed veterinarian for treatment or other services requested by a permitted wildlife rehabilitator. This regulation does not in any way prohibit nor discourage the public from making

voluntary donations to rehabilitators for animal care and facility maintenance.

11. Permittees are not agents of the Commission and may not represent themselves as such.
12. Rehabilitation facilities shall comply with the International Wildlife Rehabilitation Council/National Wildlife Rehabilitators Association's "Minimum Standards for Wildlife Rehabilitation."
13. Reserved.
14. Permittees shall not maintain other native wild animals as personal pets except for those kept in accordance with specific authorization from the Chief of Wildlife Management or their designee.
15. No Wildlife Rehabilitation Permit will be issued for the rehabilitation of cervid species (i.e. white-tailed deer or elk) or black bears.

C. Reporting and Record Keeping:

1. All permit holders shall maintain a log of each animal taken into custody. The log shall include the date the animal was received, county of origin, treatment, condition and disposition, and shall be subject to inspection by Commission personnel at any reasonable time.
2. Permit holders shall submit annual reports (January 1 - December 31) on a form provided by the Commission. Annual reports shall be due January 31.

D. Facility and Caging Requirements:

1. All wildlife shall be kept in pens/cages that meet the "Basic Requirements for Housing Wild Animals and Minimum Housing Guidelines" set forth by the current International Wildlife Rehabilitation Council/National Wildlife Rehabilitators Association's "Minimum Standards for Wildlife Rehabilitation" unless otherwise authorized by the Commission.
2. Wildlife possessed in captivity shall be maintained in enclosures, pens, or cages that are strong enough to prevent escape and protect them from injury.
3. Cages, fencing, and guardrails shall be kept in good repair at all times and gates shall be secured with latches or locks. Enclosures, pens, or cages considered unsafe by Commission personnel must be repaired within 10 days of inspection or as specified by the Commission.
4. Permit holders whose facilities, including enclosures, pens, and cages, are not in compliance with this addendum chapter shall be notified in writing and shall have 10 days to correct the violation.
5. If the violation has not been corrected in 10 days, the Commission may revoke any permit and refuse to issue future permits. Permit revocation or refusal shall be in addition to any criminal charges that may be filed.

E. Inspection:

1. Holders of a Wildlife Rehabilitation Permit shall allow entry, at reasonable hours, to Commission employees or agents to inspect the wildlife, facilities, books, records, or permits required by the permit.

2. Permit holders shall hold the captive wildlife in suitable pens and restrain them for inspection, at a reasonable time, when requested to do so by Commission employees or agents.
3. Commission employees may immediately relocate wildlife that is being given improper care or being kept in inhumane or unhealthy conditions.

F. Renewal, Transfer, Suspension, and Revocation:

1. Wildlife Rehabilitation Permits shall expire January 31 each year. Permits may be renewed following receipt and approval by the Commission of a permit renewal application, and an annual report for the previous calendar year in accordance with Addendum [F1.05\(C\)\(2\)](#).
2. Permits may be revoked or not renewed for violation of the terms of this permit, failure to continue to meet the initial eligibility and application requirements of this permit, violation of the Commission Code, or upon conviction of associated regulations of the U.S. Fish and Wildlife Service.
3. Permit holders shall be notified in writing of such violations and shall have 20 days to respond with just cause as to why their permit should not be suspended or revoked.
4. If just cause has not been given in 20 days, the Commission may suspend or revoke any permit held by the violator and refuse to issue future permits. Additionally, criminal charges may be filed.
5. Upon revocation, the permit holder must legally remove all captive wildlife within the time designated in the revocation, not to exceed 60 days, and failure to do so shall result in the Commission taking action, per Commission policy, at the permit holder's expense.