

Laws and Regulations Related to Abandoned and Injured Wildlife

April 3, 2014

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California Code of Regulations

Title 14. Natural Resources

Division 1. Fish and Game Commission-Department of Fish and Game

Subdivision 3. General Regulations

Chapter 3. Miscellaneous (Refs & Annos)

§ 679. Possession of Wildlife and Wildlife Rehabilitation.

(a) General Prohibition on Possession of Wildlife. Except as provided in subsection (b) below or as otherwise authorized, it is unlawful for any person to possess any live game mammal or bird, nongame mammal or bird, furbearer, reptile or amphibian.

(b) Temporary Confinement of Wildlife. Except for big game mammals listed in Section 350, Title 14, CCR, injured, diseased or orphaned animals may be temporarily confined by persons if they notify the nearest regional office of the department within forty-eight (48) hours of finding or confining such wildlife. Notification shall include name and address; the species of wildlife and a description of its injury, disease or condition; the date and location the wildlife was found; and the location where the wildlife is confined. Confined animals must be disposed of pursuant to department direction, which may include placement in a department-approved wildlife rehabilitation facility. (Department offices: Northern Region (Redding), North Central Region (Rancho Cordova), Bay Delta Region (Yountville), Central Region (Fresno), South Coast Region (San Diego), Inland Deserts Region (Ontario), and Marine Region (Monterey).)

(c) Prohibition on Possession of Big Game Mammals or Fully Protected, Threatened or Endangered Species Except Under Department Permit. No person or wildlife rehabilitation facility may possess any big game mammal listed in Section 350, Title 14, CCR, or any fully protected, endangered or threatened bird, mammal, fish, reptile or amphibian without specific written authorization from the department.

(d) Prohibition on Picking up Disabled Wildlife in a Department Designated Oil/Toxic Spill Area. No person may enter a department designated oil/toxic spill area for the purpose of picking up disabled wildlife or transport or possess wildlife disabled by an oil spill or other spilled toxic substance unless that person has completed the training required by subsections 817.02(i) and (j), Title 14, CCR, and has authorization from the department. Designated oil/spill areas shall be clearly posted by the department.

(e) Wildlife Rehabilitation Facilities.

(1) Wildlife Rehabilitation Facility Defined. For the purposes of these regulations, a wildlife rehabilitation facility is defined as a site where activities are undertaken to restore to a condition of good health, for the purpose of release to the wild, animals occurring naturally and not normally domesticated in this state.

(2) Approval of Wildlife Rehabilitation Facility.

(A) The department may approve and issue a permit in the form of a Memorandum of Understanding (MOU) to only those wildlife rehabilitation facilities which meet the wildlife care standards set forth in the Minimum Standards for Wildlife Rehabilitation, 2000, Third Edition manual published jointly by the International Wildlife Rehabilitation Council and the National Wildlife Rehabilitators Association; or as provided in the MOU. The above wildlife care standards are hereby adopted and made a part of this Title 14. All wildlife rehabilitation facilities, regardless of when established, shall comply with the wildlife care standards.

(B) A person seeking a MOU with the department for operating a new wildlife rehabilitation facility shall submit to the department two letters from permitted facilities in the nearby vicinity (the permitted facilities will be identified by the department), stating that they believe there is a need for a new facility. Within 30 days of receiving the letters, the department will provide a written determination stating whether such a facility is needed. If the department determines that there is not a need for a new facility the applicant may request a hearing before the commission to show cause why their permit request should not be denied. If the department determines that a new wildlife rehabilitation facility is needed, that person shall submit, along with this written determination, an application packet to the department that contains all of the following:

1. A complete application form "Wildlife Rehabilitation Permit Application/Renewal form," FG 542 (Rev 03/07) which is hereby incorporated by reference;
2. Documentation of the applicant's experience working (paid or unpaid) at a permitted wildlife rehabilitation facility. The applicant must document four hundred hours within a two year period of experience working with a permitted wildlife rehabilitation facility in California, or experience that the department determines is equivalent, to be eligible for a permit.
3. A letter from a veterinarian who agrees to sponsor the applicant by overseeing diagnoses, medication and surgical procedures by the proposed facility.
4. Pictures or diagrams of the proposed facility's caging or proposed caging sufficient to demonstrate that the caging will be appropriate for the types of animals the facility is planning to rehabilitate and will comply with the standards identified in subsection (e)(2)(A).
5. A statement of general intent that includes a list of the species and number of animals that the applicant proposes to rehabilitate and hold at the proposed facility; and plans describing the proposed facility's record-keeping system, animal intake process, euthanasia protocol, plan for carcass disposal, protocol for handling public phone calls, volunteer training protocol, animal diets, and disinfectant and disease control protocols. Plans provided as part of this statement must be consistent with the requirements of subsection (f) and the standards identified in subsection (e)(2)(A).
6. Payment of a non-refundable application processing fee of \$41.00 and an inspection fee of \$114.54 to be determined by the department pursuant to Fish and Game Code Section 2150.2 and adjusted annually pursuant to Fish and Game Code Section 713.

(C) The department shall determine whether the application is complete and request any additional information it believes is necessary to evaluate the proposal. The department may enter into a MOU with the California Council for Wildlife Rehabilitators (CCWR) for the purpose of obtaining CCWR's

assistance with processing and evaluating applications. Such assistance may include but is not limited to helping review and evaluate applications, inspecting proposed facilities, and preparing recommendations to the department. Any MOU between the department and CCWR may also provide for payment by the department from revenue generated by the application and inspection fees collected under subsection (e)(2) to reimburse CCWR's expenses in providing assistance to the department. Within sixty days of receiving the application, the department shall make a determination that the applicant and the proposed facilities meet the requirements in subsection (e)(2). If the department determines that the application is incomplete or that the applicant or the proposed facilities do not meet the requirements in subsection (e)(2), the department shall deny the permit and will return the inspection fee.

(D) If the department determines that the application is complete and that the applicant and the proposed facilities meet the requirements in subsection (e)(2), the proposed facility shall be inspected by the department, CCWR or another designee. Failure to cooperate with inspectors provided by the department, CCWR or another designee may result in application denial.

(E) After inspection of the proposed facility, the department shall approve a MOU to permit a new wildlife rehabilitation facility only if the applicant and facility meets all applicable standards specified above. The department may deny a permit if the applicant has failed to allow an inspection of the proposed facility by the department or its designee or it is found that the facility does not meet the minimum standards. An applicant has one year to build the proposed facility from the time the MOU is signed by both parties. If the applicant has not built the proposed facility within one year of when the MOU was signed the permit will be revoked. Any person denied a permit under these regulations may request a hearing before the commission to show cause why their permit request should not be denied. MOU will be valid for three years. At the end of three years if a permittee wishes to renew a wildlife rehabilitation permit, a permit renewal form FG 542 (Rev 03/07) will be submitted along with a processing fee of \$41.00 pursuant to Fish and Game Code Section 2150.2 and adjusted annually pursuant to Fish and Game Code 713.

(f) Provisions Related to the Operation of a Wildlife Rehabilitation Facility.

(1) Responsibility for Costs Incurred. The operator of a wildlife rehabilitation facility shall be responsible for any and all costs incurred in connection with the treatment, confinement or transportation of wildlife.

(2) Liability. The operator of a wildlife rehabilitation facility shall indemnify, defend and save harmless the State, its officers, agents, and employees from any and all claims and losses occurring or resulting to any person or property in connection with the treatment, confinement or transportation of wildlife.

(3) Restrictions Related to Holding Wildlife. Wildlife temporarily held for rehabilitation must be maintained separate from domestic animals and shall not be displayed to the public. Such wildlife shall have minimal direct human contact. Every effort shall be made to prevent imprinting.

(4) Department Approval Requirement for Release of Wildlife Back into the Wild. Rehabilitated wildlife may be released back into the wild only as directed by the department. The department may provide bands and tags for rehabilitated wildlife when deemed necessary by the department. If any animal cannot be released, it shall be transferred to a zoological garden, museum, college, university or other educational/research institution or wildlife exhibitor. If it cannot be released or transferred, it shall be humanely euthanized. These regulations do not authorize any person, facility or organization to accept, possess or relocate nuisance wildlife. Any healthy wildlife trapped in towns or cities or removed from under buildings or otherwise taken or trapped in accordance with Section 4152 or 4180, Fish and Game Code shall be immediately released in the area where trapped or disposed of as directed or authorized by the department. Any such wildlife that has been determined by a veterinarian to be so seriously ill that it cannot be treated shall be euthanized and tested as directed by the appropriate county public health agency or the department.

(5) Notification Requirement for Dead or Diseased Animals. The operator of a wildlife rehabilitation facility shall notify the nearest department region office within twenty-four (24) hours if any animal dies of a disease specified in the facility's permit or is suspected to have died from one of those diseases and shall make the dead animal available for delivery to the department or other facility as directed by the department.

(6) Written Record Requirement. The operator of a wildlife rehabilitation facility shall maintain a written record for each animal being cared for. This record shall include the name and address of the person finding the animal, the location where the animal was found (when available), a description of its condition and treatment, the dates it was received and transferred from the facility and the location of its final disposition.

(7) Availability of Records. The operator of a wildlife rehabilitation facility shall make all records, wildlife being rehabilitated and any materials used for the confinement, treatment, or care of wildlife, available for inspection by department employees or employees of the Department of Food and Agriculture or Department of Health Services or any other person authorized to enforce these regulations.

(8) All wildlife rehabilitation facility personnel, professional and volunteer, shall satisfactorily complete one department-approved wildlife rehabilitation training session each year. Training may include sessions of wildlife identification, wildlife capture and restraint, wildlife laws and regulations, veterinary medical and other subjects approved by the department. The training shall be a minimum of two hours.

(g) Compliance With Other Restrictions. These regulations, or any permit issued pursuant thereto, do not authorize possession of any wild animal in violation of any other Federal, state, city, or county law, ordinance or regulation, including but not limited to any California Department of Health Services Rabies Control regulations.

Note: Authority cited: Sections 200, 1050, 2000, 2127, 2150.2, 3005.5, 3800 and 4150, Fish and Game Code. Reference: Sections 200, 713, 1008, 2000, 2001, 2150.4, 2192, 3005.5, 3511, 3800, 4150, 4190 and 4800, Fish and Game Code; and Section 8670.61.5, Government Code.

California Fish and Game Code, Section 2000

It is unlawful to take any bird, mammal, fish, reptile, or amphibian except as provided in this code or regulations made pursuant thereto. Possession of a bird, mammal, fish, or reptile or parts thereof in or on the fields, forests, or waters of this state, or while returning therefrom with fishing or hunting equipment is prima facie evidence the possessor took the bird, mammal, fish or reptile or parts thereof. *(Amended by Stats. 1977, Ch. 1208.)*

California Fish and Game Code, Section 2002

It is unlawful to possess any bird, mammal, fish, reptile, or amphibian, or parts thereof, taken in violation of any of the provisions of this code, or of any regulation made under it. *(Amended by Stats. 1972, Ch. 974.)*

California Fish and Game Code, Section 2118

It is unlawful to import, transport, possess, or release alive into this state, except under a revocable, nontransferable permit as provided in this chapter and the regulations pertaining thereto, any wild animal of the following species: [Extensive list of species not included here.]

California Fish and Game Code, Section 2227

(a) The department may reimburse eligible local entities, pursuant to a memorandum of understanding entered into pursuant to this section, for costs incurred by the eligible local entities in the administration and enforcement of any provision concerning the possession of, handling of, care for, or holding facilities provided for, a wild animal designated pursuant to Section 2118.

(b) The department may enter into memorandums of understanding with eligible local entities for the administration and enforcement of any provision concerning the possession of, handling of, care for, or holding facilities provided for, a wild animal designated pursuant to Section 2118.

(c) The commission shall adopt regulations that establish specific criteria an eligible local entity shall meet in order to qualify as an eligible local entity.

(d) For the purposes of this division, "eligible local entity" means a county, local animal control officer, local humane society official, educational institution, or trained private individual that enters into a memorandum of understanding with the department pursuant to this section.

(Amended by Stats. 2007, Ch. 285, Sec. 32. Effective January 1, 2008.)

California Fish and Game Code, Section 3005.5

It is unlawful to capture any game mammal, game bird, nongame bird, nongame mammal, or furbearer, or to possess or confine any live game mammal, game bird, nongame bird, nongame mammal, or furbearer taken from the wild, except as provided by this code or regulations made pursuant thereto. Any bird or mammal possessed or confined in violation of this section shall be seized by the department.

The commission may promulgate regulations permitting the temporary confinement of game mammals, game birds, nongame birds, nongame mammals, or furbearers for the purpose of treating the animals, if injured or diseased.

(Amended by Stats. 1983, Ch. 1300, Sec. 3.)

California Fish and Game Code, Section 3511

(a) (1) Except as provided in Section 2081.7 or 2835, fully protected birds or parts thereof may not be taken or possessed at any time. No provision of this code or any other law shall be construed to authorize the issuance of permits or licenses to take any fully protected bird, and no permits or licenses heretofore issued shall have any force or effect for that purpose. However, the department may authorize the taking of those species for necessary scientific research, including efforts to recover fully protected, threatened, or endangered species, and may authorize the live capture and relocation of those species pursuant to a permit for the protection of livestock. Prior to authorizing the take of any of those species, the department shall make an effort to notify all affected and interested parties to solicit information and comments on the proposed authorization. The notification shall be published in the California Regulatory Notice Register and be made available to each person who has notified the department, in writing, of his or her interest in fully protected species and who has provided an e-mail address, if available, or postal address to the department. Affected and interested parties shall have 30 days after notification is published in the California Regulatory Notice Register to provide any relevant information and comments on the proposed authorization.

(2) As used in this subdivision, "scientific research" does not include any actions taken as part of specified mitigation for a project, as defined in Section 21065 of the Public Resources Code.

(3) Legally imported fully protected birds or parts thereof may be possessed under a permit issued by the department.

(b) The following are fully protected birds:

- (1) American peregrine falcon (*Falco peregrinus anatum*).
- (2) Brown pelican.
- (3) California black rail (*Laterallus jamaicensis coturniculus*).
- (4) California clapper rail (*Rallus longirostris obsoletus*).
- (5) California condor (*Gymnogyps californianus*).
- (6) California least tern (*Sterna albifrons browni*).
- (7) Golden eagle.
- (8) Greater sandhill crane (*Grus canadensis tabida*).
- (9) Light-footed clapper rail (*Rallus longirostris levipes*).
- (10) Southern bald eagle (*Haliaeetus leucocephalus leucocephalus*).
- (11) Trumpeter swan (*Cygnus buccinator*).
- (12) White-tailed kite (*Elanus leucurus*).
- (13) Yuma clapper rail (*Rallus longirostris yumanensis*).

(Amended by Stats. 2011, Ch. 596, Sec. 4. Effective January 1, 2012.)

California Fish and Game Code, Section 4150

All mammals occurring naturally in California which are not game mammals, fully protected mammals, or fur-bearing mammals, are nongame mammals. Nongame mammals or parts thereof may not be taken or possessed except as provided in this code or in accordance with regulations adopted by the commission.

(Amended by Stats. 1977, Ch. 1208.)

California Fish and Game Code, Section 4700

(a) (1) Except as provided in Section 2081.7 or 2835, fully protected mammals or parts thereof may not be taken or possessed at any time. No provision of this code or any other law shall be construed to authorize the issuance of permits or licenses to take any fully protected mammal, and no permits or licenses heretofore issued shall have any force or effect for that purpose. However, the department may authorize the taking of those species for necessary scientific research, including efforts to recover fully protected, threatened, or endangered species. Prior to authorizing the take of any of those species, the department shall make an effort to notify all affected and interested parties to solicit information and comments on the proposed authorization. The notification shall be published in the California Regulatory Notice Register and be made available to each person who has notified the department, in writing, of his or her interest in fully protected species and who has provided an e-mail address, if available, or postal address to the department. Affected and interested parties shall have 30 days after notification is published in the California Regulatory Notice Register to provide any relevant information and comments on the proposed authorization.

(2) As used in this subdivision, "scientific research" does not include any actions taken as part of specified mitigation for a project, as defined in Section 21065 of the Public Resources Code.

(3) Legally imported fully protected mammals or parts thereof may be possessed under a permit issued by the department.

(b) The following are fully protected mammals:

- (1) Morro Bay kangaroo rat (*Dipodomys heermanni morroensis*).
- (2) Bighorn sheep (*Ovis canadensis*), except Nelson bighorn sheep (subspecies *Ovis canadensis nelsoni*) as provided by subdivision (b) of Section 4902.
- (3) Northern elephant seal (*Mirounga angustirostris*).
- (4) Guadalupe fur seal (*Arctocephalus townsendi*).
- (5) Ring-tailed cat (genus *Bassariscus*).
- (6) Pacific right whale (*Eubalaena sieboldi*).
- (7) Salt-marsh harvest mouse (*Reithrodontomys raviventris*).
- (8) Southern sea otter (*Enhydra lutris nereis*).
- (9) Wolverine (*Gulo luscus*).

(Amended by Stats. 2011, Ch. 596, Sec. 5. Effective January 1, 2012.)

California Fish and Game Code, Section 4800

(a) The mountain lion (genus *Puma*) is a specially protected mammal under the laws of this state.

(b) (1) It is unlawful to take, injure, possess, transport, import, or sell any mountain lion or any part or product thereof, except as specifically provided in this chapter or in Chapter 2 (commencing with Section 2116) of Division 3.

(2) This chapter does not prohibit the sale or possession of any mountain lion or any part or product thereof, when the owner can demonstrate that the mountain lion, or part or product thereof, was in the person's possession on June 6, 1990.

(3) This chapter does not prohibit the possession of a mountain lion carcass or any part or product of a mountain lion carcass, if all of the following requirements are met:

(A) The carcass or carcass part or product is prepared or being prepared for display, exhibition, or storage, for a bona fide scientific or educational purpose, at a nonprofit museum or government-owned facility generally open to the public or at an educational institution, including a public or private postsecondary institution.

(B) The mountain lion was taken in California consistent with the requirements of this chapter and any other applicable law.

(C) The department has authorized the possession of the carcass or carcass part or product for the purposes of this paragraph.

(c) Any violation of this section is a misdemeanor punishable by imprisonment in the county jail for not more than one year, or a fine of not more than ten thousand dollars (\$10,000), or by both that fine and imprisonment. An individual is not guilty of a violation of this section if it is demonstrated that, in taking or injuring a mountain lion, the individual was acting in self-defense or in defense of others.

(d) Section 219 does not apply to this chapter. Neither the commission nor the department shall adopt any regulation that conflicts with or supersedes any of the provisions of this chapter.

(Amended by Stats. 2011, Ch. 388, Sec. 1. Effective September 30, 2011. Note: This section was added on June 5, 1990, by initiative Prop. 117.)