

### **301 KAR 2:075. Wildlife rehabilitation permit.**

RELATES TO: KRS 150.015, 150.021, 150.183, 150.195, 50 C.F.R 17, 21

STATUTORY AUTHORITY: KRS 150.025(1)(h), 150.280

NECESSITY, FUNCTION, AND CONFORMITY: KRS 150.025(1)(h) authorizes the department to promulgate administrative regulations reasonably necessary to implement or carry out the purposes of KRS Chapter 150. KRS 150.280 requires the department to promulgate administrative regulations regarding the holding of protected wildlife. This administrative regulation establishes the permitting and operating requirements for wildlife rehabilitators.

#### Section 1. Definitions.

- (1) "Cervid" means a member of the family Cervidae.
- (2) "Enhanced rabies surveillance area" means Bell, Boyd, Bracken, Carter, Clay, Elliot, Fleming, Floyd, Greenup, Harlan, Johnson, Knott, Knox, Laurel, Lawrence, Leslie, Letcher, Lewis, Martin, Mason, McCreary, Pike, Perry, Robertson, and Whitley counties.
- (3) "Permit holder" means a wildlife rehabilitation permit holder.
- (4) "Rabies vector species" means a:
  - (a) Coyote (*Canis latrans*);
  - (b) Gray fox (*Urocyon cinereoargenteus*);
  - (c) Raccoon (*Procyon lotor*);
  - (d) Red fox (*Vulpes vulpes*);
  - (e) Spotted skunk (*Spilogale putorius*); or
  - (f) Striped skunk (*Mephitis mephitis*).
- (5) "Wildlife rehabilitation" means the process of rescuing, raising, and arranging for veterinary medical care of orphaned, sick, displaced, or injured wildlife with the goal of releasing the wildlife back into its natural habitat.

#### Section 2. Wildlife Rehabilitation Permits.

- (1) An applicant for a wildlife rehabilitation permit shall:
  - (a) Be at least eighteen (18) years of age;
  - (b) Complete an application;
  - (c) Submit the application to the Director of Wildlife at #1 Sportsman's Lane, Frankfort, Kentucky 40601;
  - (d) Submit proof of successful completion of the course entitled "Basic Wildlife Rehabilitation" offered by the International Wildlife Rehabilitation Council; and
  - (e) Submit the annual permit fee as established in 301 KAR 3:022.
- (2) An applicant:
  - (a) May obtain a course-pending status for up to one (1) year upon the issuance of the initial permit; and
  - (b) Shall submit proof of course completion to the department before the permit shall be renewed.
- (3) An applicant's or permit holder's facility shall be inspected by a conservation officer to document compliance with Section 4 of this administrative regulation before a permit is obtained or renewed.
- (4) A permit shall be revoked and wildlife confiscated if:
  - (a) An applicant falsifies information on the application;
  - (b) The permit holder fails to comply with the provisions of this administrative regulation; or
  - (c) The permit holder is convicted of a violation of KRS Chapter 150.
- (5) An individual whose request for a permit has been denied or whose status has been revoked or suspended may request an administrative hearing pursuant to KRS Chapter 13B.

### Section 3. Requirements.

- (1) A permit holder shall:
  - (a) Only keep wildlife in a rehabilitation facility for a maximum of 180 days unless specifically exempted by the U.S. Fish and Wildlife Service; and
  - (b) Submit to the department a completed Kentucky Department of Fish and Wildlife Resources Wildlife Rehabilitation Annual Report Form.
- (2) If an animal is not releasable, as established in subsection (4) of this section, and is held for educational purposes, then the annual report shall document each educational program's:
  - (a) Date;
  - (b) Time; and
  - (c) Location.
- (3) A permit holder shall not simultaneously hold captive wildlife under the auspices of a captive wildlife permit as established in 301 KAR 2:081 or 301 KAR 2:083.
- (4) A permit holder may retain wildlife for educational purposes if the animal:
  - (a) Is a mammal with an amputated leg;
  - (b) Lacks adequate vision to function in the wild;
  - (c) Lacks locomotive skills necessary for survival in the wild; or
  - (d) Has another permanent injury that is reasonably expected to inhibit survival in the wild.
- (5) An animal retained for educational purposes pursuant to subsection (4) of this section shall be exhibited in an educational program a minimum of six (6) times per year.
- (6) Except as established in 50 C.F.R. 17 and 21, a permit holder shall not propagate threatened and endangered wildlife.
- (7) A permit holder shall immediately notify the department, in writing, of any federally-threatened or endangered wildlife species delivered, recovered, or retained for rehabilitation.
- (8) A permit holder shall not rehabilitate or attempt to rehabilitate any species of terrestrial wildlife not native to Kentucky.
- (9) A permit holder shall not rehabilitate or attempt to rehabilitate a:
  - (a) Cougar (*Felis concolor*);
  - (b) Wolf (*Canis lupus* or *Canis rufus*);
  - (c) Elk (*Cervus elaphus*); or
  - (d) Bear (*Ursus americanus*).
- (10) A permit holder shall not transport wildlife across state lines for rehabilitation, release, or for any other purpose, unless authorized by the commissioner.
- (11) A permit holder shall release rehabilitated wildlife into the appropriate habitat for that species.
- (12) A permit holder shall obtain landowner permission before releasing rehabilitated wildlife.
- (13) A permit holder shall not keep a cervid in a rehabilitation facility for more than 180 days.
- (14) A wild-born cervid held in captivity for rehabilitation purposes shall not be housed in:
  - (a) The same pen as another captive cervid or housed in direct physical contact with a cervid that originated in captivity; or
  - (b) A pen that has previously housed cervids that originated in captivity.
- (15) A permit holder shall not simultaneously hold a captive cervid permit.
- (16) A licensed wildlife rehabilitator shall not:
  - (a) Accept, obtain, or possess a rabies vector species originating from the enhanced rabies surveillance area; or

(b) Transport a rehabilitated rabies vector species into or out of the enhanced rabies surveillance area.

#### Section 4. Facilities and Operating Standards.

(1) A facility shall comply with Minimum Standards for Wildlife Rehabilitation as adopted by the National Wildlife Rehabilitators Association and the International Wildlife Rehabilitation Council.

(2) A permit holder shall allow a conservation officer to inspect the facilities at any reasonable time.

(3) The conservation officer shall immediately notify the permit holder and the commissioner if the inspection reveals that the facility is not in compliance with this administrative regulation.

(4) The conservation officer shall make a second inspection after ten (10) days, and the permit shall be revoked and all captive wildlife confiscated immediately if the unsatisfactory conditions have not been corrected.

#### Section 5. Incorporation by Reference.

(1) The following material is incorporated by reference:

(a) The National Wildlife Rehabilitator's Association and the International Wildlife Rehabilitation Council publication "Minimum Standards for Wildlife Rehabilitation", third edition, 2000;

(b) "Kentucky Department of Fish and Wildlife Resources Wildlife Rehabilitation Annual Report Form", 2002 edition; and

(c) "Application for Wildlife Rehabilitation Permit", 2006 edition.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Department of Fish and Wildlife Resources, #1 Sportsman's Lane, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. until 4:30 p.m.

(28 Ky.R. 2478; Am. 29 Ky.R. 435; eff. 8-12-2002; 2958; 30 Ky.R. 278; eff. 8-13-2003; 33 Ky.R. 518; 1077; eff. 10-11-2006; 43 Ky.R. 1848, 2127; eff. 7-6-2017; 44 Ky.R. 1128, 1513; eff. 2-2-2018.)