

## **Title 10 Appendix: Vermont Fish & Wildlife Regulations**

### ***Chapter 1: GAME***

#### **10 V.S.A. App. § 9. Wildlife rehabilitation**

##### **Section 1. Purpose. (10 V.S.A. § 5215)**

The proper care of distressed wildlife requires special knowledge and facilities not possessed by the general public. The purpose of this Regulation is to establish a licensed group of individuals collectively called wildlife rehabilitators to provide for the care of injured, debilitated, and in certain cases, orphaned wildlife so that such wildlife may be returned to the wild. Licensed pursuant to Vermont Fish and Wildlife Law, 10 V.S.A. section 5215(b), the wildlife rehabilitator is authorized to possess sick or injured wildlife and provide necessary aid. It is, therefore, possible to achieve more humane care and an earlier return to the wild.

Nothing in this Regulation authorizes or is intended to authorize a licensed wildlife rehabilitator to practice veterinary medicine in violation of Vermont State Law, Title 26. However, a licensed veterinarian may apply to become a rehabilitator. A rehabilitator rendering gratuitous services in case of emergency should not attempt diagnosis or treatment beyond his or her level of skill and training. No member of the Fish and Wildlife Department shall become a rehabilitator.

##### **Section 2. Definitions.**

For purposes of this Part:

- (a) "Commissioner" means the Commissioner of the Department of Fish and Wildlife.
- (b) "Department" means the Department of Fish and Wildlife.
- (c) "Permit" means the license to possess wildlife for a limited time issued pursuant to Fish and Wildlife Law, 10 V.S.A. section 5215(b).
- (d) "Wild animals" means all animals including birds, other than domestic animals, whether or not native to Vermont, including the family canidae, any hybrid with domestic dogs.
- (e) "Wildlife rehabilitation" means the practice of providing care for injured or debilitated wild animals including their housing, feeding, emergency treatment and release to the wild.
- (f) "Big game" is defined as deer, bear, moose, wild turkey, caribou, elk.
- (g) "Orphaned wildlife" is defined as the young of the year whose survival in the wild is not possible without the presence of the mother.

##### **Section 3. Qualifications for appointment.**

(a) A wildlife rehabilitator must:

- (1) be over the age of 18 years, a resident of Vermont of good character and reputation in the community as judged by two character references written by persons not related to the applicant or to each other;
- (2) not have been convicted of or pleaded guilty to a violation of Vermont Fish and Wildlife Law within the previous three years, nor have been convicted of any misdemeanor or felony within the previous three years;
- (3) be interviewed by a State Game Warden employed by the Department to assess the applicant's proficiency in wildlife rehabilitation;

(4) include in the application:

- a. Name, address, telephone number and date of birth;
- b. Location of facilities;
- c. Related background experience;
- d. Experience and training;
- e. Species of interest (i.e.: mammals/raptors/passerines/amphibians/reptiles/all);
- f. Name and address of veterinarian who has agreed to assist or advise the applicant;
- g. Proof of adequate liability insurance to cover all handlers of wildlife.

#### **Section 4. Appointment.**

(a) Application for appointment as wildlife rehabilitator must be submitted to the Chief Game Warden or his designee. The Chief Game Warden shall investigate and forward his recommendation along with the application to the Commissioner.

(b) Appointment as a wildlife rehabilitator will be made by the Commissioner after a determination that eligibility requirements for appointment have been met.

(c) Appointment will continue until:

- (1) terminated by the Commissioner or his designee for just cause pursuant to section 6.
- (2) resignation, incapacity or death of the wildlife rehabilitator.

#### **Section 5. Duties.**

(a) The wildlife rehabilitator must:

- (1) practice wildlife rehabilitation in a humane and professional manner;
- (2) consult licensed veterinarians as necessary to ensure that proper care is administered to injured or debilitated wildlife;
- (3) not require payment for the care, treatment or maintenance of wildlife;
- (4) comply with applicable provisions of Fish and Wildlife Law and rules and regulations adopted pursuant thereto and with the Department's instructions concerning methods of wildlife rehabilitation, reporting requirements and any conditions contained in their license;
- (5) display in a prominent place the license provided by the Department;
- (6) submit to the Department in a timely manner all required records and reports properly executed;
- (7) notify the Department at least 90 days in advance of moving his/her place of operation to a new location;
- (8) allow authorized Department employees to inspect his/her wildlife rehabilitation operations and records at any reasonable time;
- (9) participate in all training programs as may be required by the Department.

(b) Additionally, the wildlife rehabilitator may distribute, if appropriate, to persons who submit wildlife to them any material supplied by the Department relating to wildlife rehabilitation.

Section 6. Termination of appointment.

(a) Appointment as wildlife rehabilitator shall be terminated by the commissioner after a hearing at any time, for any of the following reasons;

(1) the wildlife rehabilitator has ceased to meet the appropriate eligibility requirements for appointment as set forth in this Regulation;

(2) the wildlife rehabilitator has failed to perform duties as provided in this Regulation;

(3) conviction of any Fish and Wildlife Law in this state;

(4) conviction of any law relating to cruelty to animals.

(b) In cases where an appointment is terminated, the Department must hold a hearing upon written request of the wildlife rehabilitator within 20 days of written receipt of the written request. The Commissioner may: uphold the termination, or impose a period of probational approval of continued appointment.

### **Section 7. Limitations.**

(a) The wildlife rehabilitator permit is not an authorization for the handling of raptors or other wildlife requiring Federal permits, see section 7(e), nor is the permit a blanket authorization for the rearing of orphaned wildlife. Orphaned wildlife, except for threatened or endangered species, shall be immediately returned to the wild as soon as they can survive on their own.

(b) Big Game Animals. Rehabilitators will not attempt to rehabilitate any big game animal except as delineated below. (Big game animals are as defined by 10 V.S.A. section 4001.) Should the rehabilitator receive notification of an injured big game animal or receive an injured big game animal from any member of the public, the rehabilitator shall forthwith notify the nearest available State Game Warden. The State Game Warden shall handle the big game animal by either returning it to the wild, dispatching it in a humane manner, or, if the animal is a young of the year, he may allow the rehabilitator to possess the animal until it is well enough to be returned to the wild. If the officer feels the animal could survive if handled in this manner, the officer shall notify Fish and Wildlife Headquarters of the location and name of the licensed rehabilitator. The determination of whether a big game animal should be dispatched, because of its physical condition, is solely the responsibility of the officer or officers involved, as indicated by 10 V.S.A. section 4749 relating to deer.

(c) The sale, trade, barter or giving away of any live or dead animal, or parts thereof, is prohibited.

(d) No human contact, other than the licensee, their assistants, and a licensed veterinarian is permitted, nor will any wildlife be viewed by the general public. This section does not preclude Fish and Wildlife Department Wardens or biologists from inspecting the captive animals in the performance of their duties.

(e) All rehabilitators wishing to handle raptors and threatened or endangered species must have the proper Federal and/or State permits in their possession prior to handling same.

(f) Records-submission. The wildlife rehabilitator shall submit such reports as required by the Commissioner. Such reports shall be filed with the Division of Law Enforcement in Waterbury, Vermont on a monthly basis indicating type of animal, reason for acceptance, name and address of individual submitting the animal and nature of injuries or illness.

### **Section 8. Housing and feeding of wildlife.**

Wild animals acquired and handled pursuant to this regulation shall be housed, fed and cared for as recommended by the biologists of the Fish and Wildlife Department and the rehabilitators' consulting veterinarian. (1989, Fish and Wildlife Board Reg. No. 977, eff. Feb. 1, 1989.)