

WAC 220-450-090 Wildlife rehabilitation—Permit modification, suspension, or revocation. (1) The department may modify, suspend, or revoke a wildlife rehabilitation permit if the primary permittee or a subpermittee violates any department rule related to wildlife possession, wildlife rehabilitation, wildlife trafficking, or permit conditions. Other violations include, but are not limited to:

(a) Directly displaying to the public wildlife in rehabilitation or directly using wildlife in rehabilitation for public education;

(b) Mal-imprinting, over-habituation to where animals lose fear of humans and predators, or taming wildlife in relation to humans or domestic animals at the facility;

(c) Cohousing predators and prey in the same enclosure or room where prey can hear or see predators;

(d) A primary permittee or a subpermittee, within the last ten years, was:

(i) Convicted of a fish or wildlife offense; or

(ii) Convicted of any offense involving animal or child cruelty, neglect, abuse, or found guilty practicing veterinary medicine without an active license, as determined by the veterinary board of governors.

(2) A primary permittee who is in violation of permit conditions or department wildlife rehabilitation rules, or whose subpermittee is in violation of permit conditions or department wildlife rehabilitation rules shall, in this order:

(a) Receive written warning(s) outlining remedies and a deadline of not less than seven days to come into compliance after which time the department may impose permit modification to remedy those violations.

(b) If, after fourteen days, the permittee continues to be non-compliant, the permit will be suspended and a requirement to adhere to a department-provided corrective action plan and timeline(s) in the corrective action plan will be imposed. The permittee must provide a response to and apply compliance plan remedies within the timelines specified in the compliance plan.

(3) In conjunction with the written warning, permit modification or permit suspension, the department may conduct inspections to verify compliance. The department may amend the permit or restore the permit pending permittee compliance and department-documented compliance validation.

(4) A primary permittee will have the permit revoked if written warnings, permit modifications, compliance plan remedies, and permit suspension processes with concurrent inspections do not result in permittee compliance. Nothing in this section prevents the department from acting immediately to remove animals or suspend or revoke wildlife rehabilitation permits in case of documented animal cruelty or adverse animal welfare.

(5) If the department revokes, suspends, or modifies a permit, then the department or the U.S. Fish and Wildlife Service may seize the primary permittee's wildlife and transfer those wildlife to another primary permittee's facility.

(6) The department's revocation, modification, or suspension of a rehabilitation permit under this section does not preclude the department from taking criminal action against the primary permittee, subpermittee, or both.

(7) The department may use subject matter experts, internal department staff, and external wildlife rehabilitators to review proposed permit modifications, suspensions, or revocations to determine

if the proposed department actions reflect current standards of wildlife rehabilitation practice, meet current state wildlife rehabilitation needs, and are in the best interest of the future of wildlife rehabilitation in the state.

Permittees whose rehabilitation permit is revoked may reapply for a new permit three years after the date of revocation. Upon application, the department will consider previous rehabilitation permit performance and the nature of the previous noncompliance or violations when determining whether to issue a new permit. The department will deny an application if the basis for revocation has not been, or is not likely to be resolved.

(8) Any primary permittee whose rehabilitation permit is revoked, modified, or suspended under this section may request an administrative hearing to appeal the department's action. The department will administer such appeals in accordance with chapter 34.05 RCW.

[Statutory Authority: RCW 77.04.012, 77.04.013, 77.04.020, 77.04.055, 77.12.047, 77.12.240, 77.12.467, 77.12.469, and 77.32.070. WSR 19-06-038 (Order 19-35), § 220-450-090, filed 3/1/19, effective 4/1/19. Statutory Authority: RCW 77.04.012, 77.04.013, 77.04.020, 77.04.055, and 77.12.047. WSR 17-05-112 (Order 17-04), amended and recodified as § 220-450-090, filed 2/15/17, effective 3/18/17. Statutory Authority: RCW 77.12.047, 77.12.240, 77.12.467, 77.12.469, and 77.32.070. WSR 13-18-046 (Order 13-192), § 232-12-845, filed 8/30/13, effective 9/30/13.]