

**SECTION:** Wildlife in Captivity  
**SUBSECTION:** Wildlife Rehabilitation  
**SUBJECT:** Issuing a Wildlife Custodian Authorization  
**PROCEDURE:** WilPr.2.2.2 Wildlife Rehabilitation Procedure  
**ISSUE DATE:** January 1, 2006  
Replaces WilPr.2.2.2 issued March 9, 1999

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## **DEFINITIONS**

In this procedure,

- “*FWCA*” means the *Fish and Wildlife Conservation Act, 1997*.
- “*authorized wildlife*” means the *game wildlife or specially protected wildlife* listed in a Wildlife Custodian Authorization.
- “*dwelling*” means a building or part of a building or property which is primarily used as a living space for people.
- “*euthanasia*” means to take away life for a humane purpose, and is the induction of death with minimal pain, stress or anxiety, and “*euthanize*” has a corresponding meaning.
- “*existing wildlife custodian*” means a person (includes corporation) that possessed a Wildlife Custodian Authorization in any of the years 2003, 2004 or 2005.
- “*facility*” means a building or part of a building or property which is used for wildlife *rehabilitation or care*.
- “*foster care giver*” means a person who acts as an agent of the *wildlife custodian* by providing *rehabilitation or care* of wildlife at the *foster care giver*’s own *facility*.
- “*game wildlife*” as defined in the *FWCA* means, furbearing mammals (Schedule 1), game amphibians (Schedule 5), game birds (Schedule 3), game mammals (Schedule 2), or game reptiles (Schedule 4).
- “*medical treatment*” means any diagnostic or prognostic procedure, administration of or prescription for medication and any anesthesia of or surgery on wildlife.
- “*OWRE*” means the Ontario Wildlife Rehabilitation Exam.
- “*Rabies High Risk Area*” means an area delineated by the ministry where actions are undertaken to minimize the risk of wildlife transmitting the rabies virus to humans, domestic animals and other wildlife.
- “*RVS*” means *raccoons, skunks, foxes and bats*
- “*RVS Course*” means the Ontario Rabies Vector Species Course
- “*RVS Exam*” means the Ontario Rabies Vector Species Exam
- “*rehabilitation or care*” means the keeping of injured, sick or immature wildlife in captivity on a temporary basis to restore or effectively condition the wildlife so it can be successfully returned to the wild and may include *medical treatment*.
- “*specially protected wildlife*” as defined in the *FWCA* means, specially protected

amphibians (Schedule 10), specially protected birds (raptors)(Schedule 7), specially protected

2

birds (Schedule 8), specially protected invertebrates (Schedule 11), specially protected mammals (Schedule 6) or specially protected reptiles (Schedule 9).

• “*wildlife custodian*” has the same meaning as in the *FWCA* and is defined as a person who is authorized by the Minister to keep injured, sick or immature *game wildlife* or *specially protected wildlife* in captivity for the purpose of rehabilitating or caring for them.

## PROCEDURES

### Eligibility for authorization

To be eligible for a Wildlife Custodian Authorization:

1. Individuals must be 19 years of age or older and a resident of Ontario;
2. Organizations must be incorporated under the Incorporations Act. A copy of the Articles of Incorporation must be included with the Application for a Wildlife Custodian Authorization. A corporation must identify the person(s) who have the required proficiencies (OWRC, RVSC examinations) to oversee and conduct wildlife rehabilitation on behalf of the corporation.
3. If a group, business or organization is not incorporated then the authorization must be issued to an individual.

### Transition to new conditions of authorization for existing wildlife custodians

1. The majority of the updated conditions take effect January 1, 2006. For *existing wildlife custodians* some conditions will not take effect until January 1, 2007. These conditions may require additional time and effort to meet, for example they may require changes to *facility* caging, therefore *existing wildlife custodians* are given additional time to meet them.

2. The following conditions take effect January 1, 2007 for existing custodians.

Condition 11b: The *wildlife custodian* shall not permit *game wildlife* or *specially protected wildlife* kept under their authorization to have physical or direct visual contact with domestic or non-native animals kept on the premises.

Condition 12: The *wildlife custodian* shall ensure that all *rehabilitation* facilities under their authorization are equipped with all necessary equipment, including medical supplies and housing, to appropriately keep and handle *authorized wildlife*.

Condition 17: The *wildlife custodian* shall provide a separate housing area for isolation and quarantine of wildlife that is infectious and take appropriate quarantine measures to prevent the spread of disease.

Condition 19: The *wildlife custodian* shall ensure that wildlife kept under their authorization cannot physically contact other wildlife held at their *facility*, except where conspecifics are housed together for socialization purposes.

Condition 22: The *wildlife custodian* shall ensure that the housing and materials used to house *authorized wildlife* are appropriate taking into consideration the species, it's size, condition and age.

3

### Wildlife Custodian Authorizations (1 and 3 year terms)

1. Wildlife Custodian Authorizations are issued on an annual basis except as outlined below.
2. *Wildlife custodians* may be issued a 3 year Wildlife Custodian Authorization once they have met and continue to meet all of their authorization conditions.

### **Issuing a Wildlife Custodian Authorization to *existing wildlife custodians* in 2006 and 2007.**

1. *Wildlife custodians* that possessed a Wildlife Custodian Authorization in any of the years 2003, 2004 or 2005 are considered *existing wildlife custodians*.
2. *Existing wildlife custodians* are 'grandfathered' (there is a 2 year window for this 'grandfathering' option) and are not required to complete the *OWRE* as long as they are authorized in either 2006 or 2007. After December 31, 2007 an *existing wildlife custodian* that did not possess a Wildlife Custodian Authorization in 2006 or 2007 will be considered a new applicant and will have to pass the *OWRE*.

#### 3. Authorizations for the year 2006:

All *existing wildlife custodians* may be issued a Wildlife Custodian Authorization for 2006 for the species of wildlife they have been previously authorized for, including RVS. Note: Wildlife custodians may only be authorized to rehabilitate raccoons, skunks and foxes **in a Rabies High Risk Area** if they have taken the mandatory *RVS Course* and passed the *RVS Exam*.

#### 4. Authorization for the year 2007:

All *existing wildlife custodians* may be issued a Wildlife Custodian Authorization for the species of wildlife they have been previously authorized for, including RVS **if** they provide proof that they have **taken and passed the mandatory *RVS Course* and *RVS Exam***.

### **Steps in issuing a Wildlife Custodian Authorization to an *existing wildlife custodian*:**

- 1) Applicant submits a completed Application for a Wildlife Custodian Authorization (Form FW 1005) to their district office. The application includes the appropriate supplementary materials when applicable ( *dwelling / facility* map, written proof of successfully completing the *RVS Course* and *RVS Exam*).
- 2) District reviews application and confirms information with applicant where required.
- 3) Ministry may: a. issue 1 year Wildlife Custodian Authorization to allow applicant to act as a *wildlife custodian* while working with the district to meet all authorization conditions;  
b. issue applicant a 3 year Wildlife Custodian Authorization if all authorization conditions are met; or  
c. refuse to issue a Wildlife Custodian Authorization – registered letter must be forwarded to the applicant outlining the rationale for the refusal. **There is no formal appeal process.**
6. Authority to approve or refuse to issue a Wildlife Custodian Authorization is delegated to the Area Supervisor.

### **Issuing a New Wildlife Custodian Authorization**

#### 1. Steps in the issuance of a new Wildlife Custodian Authorization:

- 1) Applicant submits a completed Application for a Wildlife Custodian Authorization (Form FW 1005) to their district office. The application includes the appropriate

supplementary materials when applicable (*OWRE* letter, *dwelling / facility* map, written proof of successfully completing the *RVS Course* and *RVS Exam*).

- 2) District reviews application and confirms information with applicant where required.
- 3) If district is satisfied with application they are advised to conduct a *facility* inspection.
- 4) Ministry may:
  - a. issue 1 year Wildlife Custodian Authorization to allow applicant to act as a *wildlife custodian* while working with the district to meet all authorization conditions;
  - b. issue applicant a 3 year Wildlife Custodian Authorization if all authorization conditions are met; or
  - c. refuse to issue a Wildlife Custodian Authorization – registered letter must be forwarded to the applicant outlining the rationale for the refusal. There is no formal appeal process.
2. Authority to approve or refuse to issue the Wildlife Custodian Authorization is delegated to the Area Supervisor.

### **Renewing a Wildlife Custodian Authorization**

1. *Wildlife custodians* are only required to complete the *OWRE*, *RVS Course* and *RVS Exam* once. They are not a pre-requisite to renewal of an Wildlife Custodian Authorization.
2. If an *existing wildlife custodian* did not hold a Wildlife Custodian Authorization in 2006 or 2007 they must successfully complete the *OWRE* prior to applying for renewal of their Wildlife Custodian Authorization for 2008 and later.
3. Steps in the renewal of a Wildlife Custodian Authorization:
  - 1) Applicant submits a completed Application for a Wildlife Custodian Authorization (Form FW 1005) to their district office. The application includes the appropriate supplementary materials when applicable (*OWRE* letter, *dwelling / facility* map, written proof of successfully completing the *RVS Course* and *RVS Exam*).
  - 2) District reviews application and confirms information with applicant where required.
  - 3) District assesses the need for a *facility* inspection prior to renewal.
  - 4) Ministry may:
    - a. issue 1 year Wildlife Custodian Authorization to allow applicant to act as a *wildlife custodian* while working with the district to meet all authorization conditions;
    - b. issue applicant a 3 year Wildlife Custodian Authorization if all authorization conditions are met; or
    - c. refuse to issue a Wildlife Custodian Authorization - registered letter must be forwarded to the applicant outlining the rationale for the refusal. There is no formal appeal process.
4. Authority to approve or refuse to issue the Wildlife Custodian Authorization is delegated to the Area Supervisor.

### **Amending or adding a condition of authorization**

An Area Supervisor may amend or add conditions where warranted in consultation with legal services and the Wildlife in Captivity Specialist (Wildlife Section).

### **Ontario Wildlife Rehabilitation Exam (*OWRE*)**

1. Applicants are given a home study package which contains:

- The *OWRE* Home Study Guide
  - IWRC/NWRA Minimum Standards Document
  - The *OWRE* Exam Booklet
2. Applicant arranges with their district office the date/time they will take the exam.
  3. District arranges a boardroom or other space where applicant can take the exam with minimal interruptions or distractions.
  4. District collects examination fee.
  4. Applicants are given 2 hours to complete the exam. It is a 'closed book' exam, applicants do not utilize reference materials while taking the exam.
  5. District marks the exam, if the applicant gets a score of 80% or higher they have passed.
  6. Ministry:
    - a. Provides documentation to the applicant confirming that they have passed the *OWRE Exam*.
    - 6
    - b. Informs applicant they failed the exam and offers to review areas that require improvement. Applicants must wait a minimum 24 hours prior to retaking the *OWRE Exam*.
  7. The Wildlife in Captivity Specialist should be contacted to determine if other wildlife rehabilitation courses meet the proficiency level established in the *OWRE* (e.g., International Wildlife Rehabilitation Council (IWRC) course exam).

### **Foster Care Givers**

1. All wildlife custodians utilizing the services of foster care givers must complete a copy of the Foster Care Agreement and submit a copy of the executed agreement to the district office within 48 hours of the foster care giver initially receiving wildlife for care and treatment.
2. If the foster care *facility* is part of a building or property that is also used as a *dwelling*, a map that delineates *facility* areas must be included as part of the executed agreement.
3. The *game wildlife* or *specially protected wildlife* must be assessed by the wildlife custodian regarding its capability to be rehabilitated and released prior to it being given to a *foster care giver* for care and treatment.

### **Inspections**

1. All new applicants may undergo a *facility* inspection as part of the application process prior to being issued a Wildlife Custodian Authorization. Inspections of *wildlife custodian* and *foster care givers facilities* are undertaken at the discretion of the district. It is recommended that a minimum of one inspection take place per authorization period.
2. District assesses need for an inspection.
3. The district should contact the Wildlife in Captivity Specialist (Wildlife Section) if an expert is needed for the inspection.
4. Where appropriate, district arranges an inspection date / time with the *wildlife custodian*.
5. Inspection team conducts the inspection utilizing the Wildlife Rehabilitation Facility Inspection Record.

6. Immediately after the inspection, the results are reviewed with the *wildlife custodian* and any corrective action identified. Both the ministry representative and the *wildlife custodian* sign the Inspection Form. A copy of the Inspection Form is left with the *wildlife custodian*.

7. The inspection should identify any corrective action that the *wildlife custodian* needs to undertake. Except where immediate action is warranted an implementation plan should be developed with the *wildlife custodian* that:

- a. outlines the corrective action to be undertaken and how they will be addressed by the *wildlife custodian*;
- b. includes a timeline with deadlines for meeting action items; and
- c. action(s) that may be taken if the *wildlife custodian* does not meet deadlines.

### **Refusal to Issue or Cancellation of a Wildlife Custodian Authorization**

1. Correspondence with an applicant or wildlife custodian regarding refusals or cancellations of a Wildlife Custodian Authorization is in the form of a registered letter.
2. Authority to refuse to issue or to cancel a Wildlife Custodian Authorization is delegated to the Area Supervisor.
3. The refusal to issue or the cancellation of a Wildlife Custodian Authorization does not involve the formal hearing processes that are set out for licences under sections 72 or 75 of the FWCA.

### **ENVIRONMENTAL ASSESSMENT ACT**

Wildlife Custodian Authorizations are covered under the Wildlife Management Exemption Order MNR-42 (O.Reg.305/85). Procedure No. EA 4.02.20 WM provides guidance on interpreting this exemption order. The procedure explains a method for screening proposed projects for potential significant environmental effects and the appropriate public consultation measures to be followed. Staff working on projects falling under MNR-42 follow this directive.

### **REFERENCES**

- Fish and Wildlife Conservation Act
  - Subsection 44 (1) - definition of *wildlife custodian*
  - Subsection 44 (2) - *rehabilitation or care* of wildlife
  - Subsection 44 (3) - *wildlife custodian* not entitled to remuneration
  - Subsection 44 (4) - *wildlife custodian* authorized to *euthanize* non-releasable wildlife
  - Subsection 44 (5) - wildlife may be surrendered to the Minister, whether alive or dead
  - Subsection 44 (6) - the Crown is not liable for any acts or omissions on the part of the *wildlife custodian*
  - Subsection 46 (4) - exception for *wildlife custodians* regarding obligation to notify the Minister of release of wildlife or the return or killing of released wildlife
- O. Reg. 668/98
  - Section 44 – keeping wildlife in captivity for less than 24 hours for transport to *wildlife custodian* or veterinarian
- 8
- O. Reg. 665/98
  - Subsection 133 (b) – wildlife captured under the protection of property regulations that is

not killed or released must be delivered to a *wildlife custodian*

- Migratory Birds Convention Act (MBCA)
- Wild Animal and Plant Protection and Regulation of International and Inter-provincial Trade Act (WAPPRIITA)
- Policies and Procedures

FWBu.1.1.2 Delegation of Authority Overview

FWBU1.1.3 Environmental Assessment Overview

WilPo.2.1.5 Banding falconry birds and other specially protected raptors and nonindigenous falconry birds

WilPo.2.2.1 Wildlife Custodian Authorization

WilPo.2.7.1 Applicability of the *FWCA* and Regulations to facilities operated by and activities of the Ontario Government relating to wildlife in captivity.

WilPo.5.3.8 Disposition of Live Wildlife

- Forms

FW 1005 Application for a Wildlife Custodian Authorization

FW 2002 Wildlife Custodian Authorization

FW 4003 Wildlife Rehabilitation Logbook

FW 4004 Annual Wildlife Rehabilitation Report

FW 5000 Foster Care Agreement

FW 5001 Wildlife Rehabilitation Facility Inspection Record

- Training Materials

*OWRE* Study Guide

*OWRE* Exam Booklet

NWRA/IWRC Minimum Standards for Wildlife Rehabilitation

*RVS Course* manual

- Internet

Species at Risk in Ontario list is available at [www.ontarioparks.com](http://www.ontarioparks.com)

Delegation of Authority Manual

[http://documents.mnr.gov.on.ca/Document/View.asp?Document\\_ID=67&Attachment\\_ID=8114](http://documents.mnr.gov.on.ca/Document/View.asp?Document_ID=67&Attachment_ID=8114)

## **CONTACT**

Questions about this policy and procedure should be directed to the Wildlife in Captivity Specialist, Wildlife Section, Fish and Wildlife Branch (NRMD).