

SECTION: Wildlife in Captivity
POLICY: WiPo.2.3 (replaces WilPo.2.2.1)
SUBJECT: **Wildlife Rehabilitation Policy**
DATE: July 2019
[administrative update January 2020]

1.0 PURPOSE

Under the *Fish and Wildlife Conservation Act, 1997* (hereafter referred to as the FWCA) the keeping of game wildlife or specially protected wildlife in captivity is generally prohibited as wildlife, by its nature, belongs in the wild. There are some exceptions to this general prohibition that are addressed through licences and authorizations, or rules in regulation, where the risks of keeping wildlife in captivity can be acceptably managed. For more information please see WiPo.2.1 Wildlife in Captivity: Policy Overview.

Wildlife rehabilitation is the process of providing temporary care to wildlife that is injured, sick or immature to facilitate their successful return to the wild. In Ontario, wildlife rehabilitation is a long-practiced activity with wildlife custodians treating thousands of animals and releasing them back into the wild each year.

2.0 POLICY DIRECTION

Section 44 of the FWCA recognizes wildlife rehabilitation as an authorized activity. It allows for authorized wildlife custodians to keep injured, sick or immature game wildlife or specially protected wildlife in captivity for the purpose of rehabilitating or caring for them, provided it is done in accordance with their authorization.

The FWCA allows authorized wildlife custodians (subject to conditions) to:

- keep game wildlife or specially protected wildlife in temporary captivity for the purpose of rehabilitating or caring for them,
- euthanize game wildlife or specially protected wildlife that are not capable of release in the wild after appropriate care, and
- release rehabilitated game wildlife or specially protected wildlife. As a result, authorized wildlife custodians are responsible for assessing the capability of game or specially protected wildlife they keep in captivity to be successfully rehabilitated and released.

The Wildlife Custodian Authorization does not allow for permanent possession, propagation, buying or selling of game wildlife or specially protected wildlife.

If a wildlife custodian determines that any game wildlife or specially protected wildlife is not releasable and that permanent captivity is a valid option, with consideration to temperament and type of injury, MNRF is responsible for approving its disposition (refer to WiPo.2.2 Disposition of Wildlife in Captivity for more information).

Rehabilitation of migratory birds protected under the Migratory Birds Convention Act, 1994 (MBCA) requires a federal permit from the Canadian Wildlife Service.

Public safety and animal welfare are important considerations where wildlife is kept in captivity and are the mandate of the Ministry of the Solicitor General (SOLGEN). All wildlife kept in captivity is subject to the Provincial Animal Welfare Services Act (PAWS). For more information, please visit: www.ontario.ca/animalprotection

2.1 Proficiency & Training Requirements

Knowledge of wildlife rehabilitation practices is evolving. Wildlife custodians should continually expand their knowledge and expertise to provide the best rehabilitation and care to Ontario's wildlife.

To ensure wildlife custodians have a minimum level of knowledge and skill, all applicants must provide proof of a minimum proficiency in wildlife rehabilitation prior to obtaining a wildlife custodian authorization. Applicants are required to successfully pass the Ontario Wildlife Rehabilitation Exam (OWRE) to demonstrate this minimum proficiency level.

Applicants are provided with the OWRE Study Guide which gives the applicant a preview of what being an authorized wildlife custodian would entail and helps them prepare for the OWRE.

The OWRE Study Guide provides basic information about rabies and is intended to help minimize the risk of rabies exposure to wildlife custodians, the public, domestic animals, and other wildlife. Rehabilitation of rabies vector species (RVS) is a higher risk activity than rehabilitation of non-RVS. The rabies virus can be fatal to both humans and wildlife. All mammals have the potential to contract rabies. Any applicant who intends to work with mammals must pass the rabies portion of the OWRE.

To obtain:	Applicant must successfully complete:
Wildlife Custodian Authorization (excluding Mammals)	Ontario Wildlife Rehabilitation Exam – excluding the Rabies questions
Wildlife Custodian Authorization (including Mammals)	Ontario Wildlife Rehabilitation Exam – including the Rabies questions

The OWRE tests knowledge in areas such as:

- Release of rehabilitated wildlife
- Conditions of a wildlife custodian authorization
- Habituation and imprinting
- Medical treatment and the role of veterinarians
- Zoonotic diseases
- Housing and nutrition
- Rabies exposure and progression in humans, domestic animals and wildlife and the limitations of vaccination
- Provincial law and policy regarding wildlife rehabilitation
- Role of other agencies

Please refer to the OWRE Study Guide for more information.

2.2 Veterinarians and Medical Treatment

The wildlife custodian authorization does not supersede the Veterinarians Act and does not allow authorized wildlife custodians to practice veterinary medicine. All authorized wildlife custodians must have a veterinarian-client-patient (VCPR) relationship with a veterinarian who has a current licence with the College of Veterinarians of Ontario (CVO). Through this VCPR relationship the veterinarian provides advice regarding, and medical treatment of, animals in the possession of a wildlife custodian. Authorized wildlife custodians may assist with medical treatment at the direction of their licensed veterinarian.

Conversely, medical treatment is only one aspect of wildlife rehabilitation and veterinarians must be issued a Wildlife Custodian Authorization to practice wildlife rehabilitation.

Veterinarians are exempt from the requirement for a Wildlife Custodian Authorization if they are keeping injured, sick or immature wildlife in captivity solely for the purpose of providing medical treatment (O. Reg. 668/98). Once a veterinarian is working apart from an authorized wildlife custodian and engaging in wildlife rehabilitation they must have their own authorization.

2.3 Foster Caregivers

A wildlife custodian may designate an agent under their Wildlife Custodian Authorization to provide supplementary rehabilitation or care to wildlife that is in the primary care of the authorized wildlife custodian. This agent is called a foster caregiver and wildlife may be transferred to them to be kept at their own property for short periods of time. Generally, these foster caregiver agents help support the work of the authorized wildlife

custodian by carrying out routine and time-consuming activities such as overnight feedings.

The authorized wildlife custodian has primary responsibility for the rehabilitation or care of wildlife being held by their foster caregiver. The foster caregiver is a secondary caregiver working under the direct supervision of the authorized wildlife custodian.

The authorized wildlife custodian is responsible for:

- the actions of their foster caregiver in relation to the wildlife custodian authorization,
- ensuring foster caregivers have the necessary training and resources,
- directly assessing wildlife when initially brought into care (i.e., physically examining the animal),
- determining when and how wildlife will be treated, cared for, and eventually released, and
- ensuring all conditions of authorization are being followed by their foster caregiver.

The authorized wildlife custodian is responsible for completing a Foster Care Agreement form (FW2502) with their foster caregiver that designates the foster caregiver as an agent.

2.4 Conditions of Authorization

Wildlife Custodian Authorizations are issued with a standard set of conditions to help ensure acceptable wildlife rehabilitation practices and promote a consistent approach across the province.

Additional authorization conditions may be warranted under certain circumstances. In such cases, the District office is advised to connect with the Regional office for advice/direction. The Regional office may need to connect with Wildlife Section to ensure consistency with policy direction.

A person should not be put into contravention of the law upon being issued an authorization. It is important to review and be familiar with the conditions of a wildlife custodian authorization and be confident that the applicant will meet them prior to being issued an authorization.

This section of the policy provides supplemental clarity and information relating to the conditions of authorization that all authorized individuals must comply with.

Conditions 2-6, Wildlife That May Be Kept:

Wildlife custodians are authorized to rehabilitate game wildlife or specially protected wildlife. The species category(ies) (i.e., the authorized wildlife) that may be kept by the wildlife custodian are identified on their Wildlife Custodian Authorization.

With prior approval of the District Supervisor, a wildlife custodian may provide rehabilitation or care for a species of game wildlife or specially protected wildlife that is not part of their Wildlife Custodian Authorization. This approval is provided in writing, and is given where extenuating circumstances (e.g., injured endangered species but no capacity at other authorized facilities) warrant a wildlife custodian keeping game wildlife or specially protected wildlife if the wildlife custodian can demonstrate that they have the knowledge and adequate facilities to provide appropriate care.

A key goal of wildlife rehabilitation is the return of game wildlife or specially protected wildlife back to the wild. The FWCA allows wildlife custodians to humanely euthanize game wildlife or specially protected wildlife that the custodians determine is unreleasable. With the prior approval of the District Supervisor, game wildlife or specially protected wildlife may be retained in or moved to permanent captivity if the intended use provides a benefit to wildlife management and society as a whole (as per WiPo.2.2 Disposition of Live Wildlife).

With the exception of RVS, wildlife custodians may accept game wildlife or specially protected wildlife from outside Ontario for rehabilitation and care with prior written approval of the District Supervisor, provided that the exporting jurisdiction has agreed in writing to accept the game wildlife or specially protected wildlife back for release.

Conditions 7-14, General Conditions of Operation:

Game wildlife or specially protected wildlife undergoing rehabilitation and care requires minimal exposure to humans, domestic pets and predators. Direct contact with humans should be limited to what is essential for rehabilitation and care. This standard prevents habituation, assists in ensuring a low stress environment for the wildlife and helps to maintain an animal's wildness when released. Wildlife custodians may only display game wildlife or specially protected wildlife to persons other than those essential for their care with written approval of the District Supervisor. Wildlife custodians must provide written rationale why they are justified in displaying wildlife and outline the measures that will be in place to mitigate stress on the animal (e.g., animal has no direct visual, olfactory and auditory contact with the people viewing them).

All game wildlife or specially protected wildlife undergoing rehabilitation must be kept in a wildlife custodian's facility, at a foster caregiver's facility, or at a licensed veterinary facility.

With written approval from the District Supervisor, wildlife custodians may hold game wildlife or specially protected wildlife longer than 12 months. The wildlife custodian must demonstrate that more than 12 months of rehabilitation or care is required to ensure a successful release, and that measures are being taken to prevent habituation.

Conditions 15-18, Medical Treatment and Disease Prevention:

All authorized wildlife custodians must have a veterinarian-client-patient (VCPR) relationship with a veterinarian who has a current licence with the College of Veterinarians of Ontario (CVO). Through this VCPR relationship the veterinarian provides advice regarding, and medical treatment to, animals in the possession of a wildlife custodian.

It is standard rehabilitation practice to house some game wildlife or specially protected wildlife together to ensure proper socialization (e.g., immature raccoons). To prevent the spread of disease and parasites, only game wildlife or specially protected wildlife captured within the allowable release distance from each other may be housed together (i.e. 1km for all adults, 15 kilometer (km) for all immature authorized wildlife).

Conditions 19-22, Nutrition and Housing Requirements:

Wildlife custodians must be familiar with the most recent edition of the Minimum Standards for Wildlife Rehabilitation, a joint publication of the National Wildlife Rehabilitators Association (NWRA) and the International Wildlife Rehabilitation Council (IWRC). This document contains basic standards for the rehabilitation of wildlife, established by the international wildlife rehabilitation profession and is a resource for custodians to implement, and ministry staff to enforce, authorization conditions relating to nutrition and housing requirements.

Game wildlife or specially protected wildlife may be kept in the facility portion of a building that also has human dwelling areas. If a property contains both human dwelling areas and areas used as a rehabilitation facility, the wildlife custodian must provide a legible map to the MNRF District office delineating both areas. Once an area is designated as a rehabilitation facility, it is no longer considered a dwelling area. This allows the areas of a house (e.g., basement, garage) being used as a rehabilitation facility to be accessed for inspection purposes. Areas designated as facility must have a means of access that is separate from dwelling areas. At no time can a space be designated as a wildlife rehabilitation facility area if it can only be accessed by going through a dwelling area.

Conditions 25-26, Handling of Dead Wildlife:

The wildlife custodian must contact the MNRF District office if a specimen of game wildlife or specially protected wildlife displays a potentially contagious disease or pathogen that the wildlife custodian believes is of concern. This ensures the ministry is informed of potential disease threats. Districts work with the wildlife custodian and the Regional office to ensure further testing where required.

Conditions 27-32, Record Keeping:

A wildlife custodian or foster caregiver is required to maintain a log book that tracks all specimens of game wildlife or specially protected wildlife received into their facility. The ministry uses this record to track the origin, current location, and disposition of each specimen of game wildlife or specially protected wildlife undergoing rehabilitation and care. Accurate log books are an essential tool to ensure that wildlife rehabilitation is not a path for wildlife to enter the illegal trade. The record must be kept in an acceptable, legible format.

Annual reports for the previous calendar year must be submitted to the appropriate district office by January 31st of each year.

Conditions 33-38, Release of Wildlife:

Wildlife custodians are not exempt from wildlife disease management measures that MNRF establishes in a wildlife disease control and surveillance zone.

Wildlife custodians are generally required to release rehabilitated game wildlife or specially protected wildlife within the following specified distances from the original point of capture:

- within 1km for all wildlife captured as an adult
- within 15km for all wildlife captured when immature

The intent of these restricted release distances is to:

- prevent the spread of diseases and parasites, which can be transmitted by a translocated animal,
- give the animal its best chance of survival by ensuring it is released within or close to its original home range,
- reduce the potential for nuisance activity,
- prevent the exchange of genetic material among different populations of wildlife, and
- ensure the carrying capacity of a release area is not surpassed.

The release distance may be extended for some game wildlife or specially protected wildlife, for example animals that present a danger to public safety (e.g., bears, wolves) or are migratory (e.g., some raptors). Release sites for these Appendix A animals will be determined in consultation with the District Supervisor.

The release of rehabilitated animals is not permitted in Conservation Reserves or Provincial Parks, unless authorized in writing by the Conservation Reserve Manager or Park Superintendent.

2.5 Inspections and Compliance

Wildlife custodians must comply with the conditions on their Wildlife Custodian Authorization. Facility inspections will be undertaken and documented to ensure compliance.

The results of a facility inspection will be reviewed with the wildlife custodian. The ministry will work with wildlife custodians to set reasonable goals and timelines to address any necessary improvements and to ensure compliance.

3.0 REFERENCES

Legal References: Fish and Wildlife Conservation Act, 1997 section 44
Fish and Wildlife Conservation Act, 1997 subsection 46(4)
Ontario Regulation 668/98 section 44
Ontario Regulation 665/98 (Hunting) subsection 133(1)(b)

Forms: FW1005 - Application for a Wildlife Custodian Authorization
FW2002 - Wildlife Custodian Authorization
FW2503 - Foster Care Agreement
FW4003 - Wildlife Rehabilitation Log book
FW4004 - Annual Wildlife Rehabilitation Report
FW4002 - Wildlife Custodian Facility Inspection

Definitions: Consistent with the definitions outlined in section 1 of the Fish and Wildlife Conservation Act, 1997, or section 1 of the Standard Conditions of a Wildlife Custodian Authorization, or as specified in this policy