DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

1) **Heading of the Part:** Nuisance Wildlife Control Permits

2) **Code Citation:** 17 Ill. Adm. Code 525

3) **Section Numbers:**

   - 525.55 Amendment
   - 525.75 Amendment
   - 525.Exhibit A Amendment

4) **Statutory Authority:** Implementing and authorized by Section 2.37 of the Wildlife Code [520 ILCS 5/2.37]

5) **A Complete Description of the Subjects and Issues Involved:** This Part is being amended to make changes to how and when permittees can take bats in Illinois.

6) **Published studies or reports, and sources of underlying data, used to compose this rulemaking:**

7) **Will this proposed rulemaking replace an emergency rule currently in effect?** No

8) **Does this rulemaking contain an automatic repeal date?** No

9) **Does this proposed rulemaking contain incorporations by reference?** No

10) **Are there any other proposed rulemakings pending on this Part?** No

11) **Statement of Statewide Policy Objectives:** This rulemaking does not affect units of local government.

12) **Time, Place, and Manner in which interested persons may comment on this proposed rulemaking:** Comments on the proposed rulemaking may be submitted in writing for a period of 45 days following publication of this Notice to:

    John Heidinger, Legal Counsel
    Illinois Department of Natural Resources
    One Natural Resources Way
    Springfield, IL  62702
DEPARTMENT OF NATURAL RESOURCES
NOTICE OF PROPOSED AMENDMENTS
217-557-6379

13) Initial Regulatory Flexibility Analysis:
   A) Types of small businesses, small municipalities and not for profit corporations affected: None
   B) Reporting, bookkeeping or other procedures required for compliance: None
   C) Types of professional skills necessary for compliance: None

14) Small Business Impact Analysis: None

15) Regulatory Agenda on which this rulemaking was summarized: January 2019

The full text of the Proposed Amendments begins on the next page:
ILLINOIS REGISTER

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

TITLE 17: CONSERVATION
CHAPTER I: DEPARTMENT OF NATURAL RESOURCES
SUBCHAPTER b: FISH AND WILDLIFE

PART 525
NUISANCE WILDLIFE CONTROL PERMITS

Section
525.10 Purpose
525.15 Definitions
525.20 Requirements, Application and Permit Procedures
525.30 General Provisions
525.35 Approved Methods of Take: Game Mammals, Furbearing Mammals and Other Mammals
525.40 Prohibited Methods of Take
525.45 Disposition of Animals
525.50 Euthanasia
525.55 Bats
525.60 Game Birds
525.65 Migratory Birds
525.70 Business Practices
525.75 Exceptions to Permit Requirements and Provisions
525.80 Revocation and Suspension of Permits: Hearings and Appeals

525.EXHIBIT A Application for Nuisance Wildlife Control Permit

AUTHORITY: Implementing and authorized by Section 2.37 of the Wildlife Code [520 ILCS 5/2.37].


Section 525.55 Bats
DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

a) Bats may not be shot, trapped, transported or held in confinement except as allowed by Section 525.75.

b) Exterior and interior exclusion may be performed at any time of the year.

c) Permanent eviction of bats may be performed from:

1) March 15 through May 15 when outdoor temperatures are forecasted to exceed 50 degrees F. at dusk for a minimum of 2 consecutive nights;

2) August 5 through October 30 when outdoor temperatures are forecasted to exceed 50 degrees F. at dusk for a minimum of 2 consecutive nights and the permittee has made a reasonable attempt to determine young are capable of flight; and

3) May 16 through August 4 and October 31 through March 14 if the following conditions are met:

i) Definitive species identification and if applicable, proper permits are issued by Department staff to safely and legally handle State or federally threatened or endangered species;

ii) Bats have been found in the living quarters of a residence, in a place of business, or within a building where people congregate;

iii) The Permittees has contacted Department staff at (217) 785-2614 to request authority to permanently evict bats from a structure;

iv) Department staff has assessed the situation to determine if there is a human health and safety hazard; staff may do so jointly with the local health department and issue an official decision to the permittee within 2 business days after notification; and

v) Property owners and/or residents are informed of secondary health hazards that may result from the exclusion of parents and death of flightless pups left in the structure/residence.

d) Violation is a Class B misdemeanor.
Section 525.75  Exceptions to Permit Requirements and Provisions

a) Activities performed in accordance with this Section do not require authorization from the Department or issuance of any permit by the Department.

1) Any person may capture a bat alive when found in the living quarters of a structure and immediately release it outdoors.

2) Any person may capture a bat alive when found in the living quarters of a structure and transport it to a local health department, animal control office, or veterinarian for submission to a laboratory if there is concern about human or domestic animal exposure to rabies. Examples of circumstances that warrant concern about exposure to rabies include:
   A) a person confirms he or she was bitten or scratched by a bat;
   B) a person confirms he or she had direct contact with a bat, such as handling it without gloves;
   C) at any time, a bat was present while a person was asleep, unconscious or intoxicated;
   D) at any time, a bat was present while a person unable to comprehend or communicate possible risk of exposure to rabies was alone;
   E) at any time, the presence of bats is deemed to be a human health and safety hazard by a municipal or county health department and/or the Illinois Department of Public Health.

3) Any owner or tenant of lands, including operations, associations and governmental bodies, and agents acting on their behalf, may scare or herd away migratory birds that are not incubating eggs or raising dependent young when the migratory birds are causing damage to property, risks to
DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

human health or safety, or nuisances. Approved methods of scaring include, but are not limited to:

A) noise-making devices such as propane cannons, air horns, distress calls, whistles, blank shells, cracker shells, or pyrotechnic devices such as bangers and screamers used in accordance with federal regulations (27 CFR 555) and local ordinances;

B) visual methods such as flash tape, balloons, flags, vehicles, fencing, radio-controlled vehicles, dogs or nonharmful light-emitting devices; and

C) chemical repellants that are registered for the nonlethal control of birds by USEPA.

4) In accordance with federal regulations (50 CFR 21.43) and Section 525.35(d), any person who has written permission from the landlord or tenant may remove or destroy, by use of a shotgun, air gun or traps, and only on or over the threatened area, any red-winged blackbirds, Brewer's blackbirds, cowbirds, grackles and crows when they are causing serious injuries to agricultural crops, horticultural crops, livestock feed, or wildlife recognized by the Department or U.S. Fish and Wildlife Service as species that are endangered, threatened, candidates for listing, or of special concern, or when causing a health hazard or structural property damage.

5) Subject to the Bald and Golden Eagle Protection Act (16 USC 668) and Section 3 of the Illinois Endangered Species Protection Act [520 ILCS 10], any landowner or tenant and his or her agents may destroy nests of birds that do not contain eggs or dependent young, provided that no possession occurs during destruction. This authority is limited to property owned or leased by the landowner or tenant.

6) Any person may capture a migratory bird that is trapped inside a building or structure and immediately release it outdoors or, if the bird is injured, exhausted or ill, transfer it to a licensed wildlife rehabilitator in accordance with federal regulations (50 CFR 21.12).
DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

7) Any person may dispose of a dead migratory bird in accordance with Section 525.45(e).

b) Drainage districts may control beavers in accordance with Section 2.37 of the Code.

c) Recipients of Nuisance Animal Removal Permits, Deer Removal Permits, and Deer Population Control Permits issued under Section 2.37 of the Code are exempt from this Part.

(Source: Amended at 43 Ill. Reg. ________, effective ____________ )
Section 525.EXHIBIT A Application for Nuisance Wildlife Control Permit

Part 1. Personal Data
Name
First Middle Initial Last
Date of Birth Month Day Year
Email
Address Social Security Number

Address Street
City State Zip Code
Phone Area Code Number

Representing the following company, organization or governmental body (if applicable):

Part 2. Type of permit applied for (check one):

☐ Class A (Commercial – Mammals and Game Birds)
☐ Class B* (Zoos and Botanical Gardens or landowners and tenants applying for take of migratory birds on their property in accordance with a federal permit)
☐ Class C (Governmental – Mammals and Game Birds Only)
☐ Class D (Commercial – Migratory Birds)
☐ Class E (Governmental – Migratory Birds)

* Zoos and botanical garden must attach a copy of their Internal Revenue Service tax-exempt status determination letter, professional accreditation, and a map or legal description of their properties where
DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

wildlife will be controlled; landowners and tenants desiring to take migratory birds on their property must attach a copy of their Federal permit.

Part 3. Work Area (Applicants for Class A and D Permits only)

A list of permittees is distributed to District Wildlife Biologists and Conservation Police Officers so that they can refer complainants to permittees who service that area. Please list (in order of preference) up to four counties that you service. This list will be used strictly for referrals; your activities are not restricted to this area.

County 1 __________________________________________
County 2 __________________________________________
County 3 __________________________________________
County 4 __________________________________________

I certify that all information provided on this application is true and correct to the best of my knowledge.

__________________________________________________
Applicant’s Signature

RETURN COMPLETED APPLICATIONS TO:

Illinois Department of Natural Resources
Division of Wildlife Resources
One Natural Resources Way
Springfield IL 62702-1271

(Source: Amended at 43 Ill. Reg. ________, effective ____________)