

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

PART 525
NUISANCE WILDLIFE CONTROL PERMITS

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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].

SOURCE: Adopted at 15 Ill. Reg. 4149, effective March 4, 1991; amended at 16 Ill. Reg. 1826, effective January 17, 1992; recodified by changing the agency name from Department of Conservation to Department of Natural Resources at 20 Ill. Reg. 9389; amended at 23 Ill. Reg. 3406, effective March 8, 1999; amended at 27 Ill. Reg. 735, effective January 6, 2003; amended at 29 Ill. Reg. 3919, effective February 24, 2005; amended at 41 Ill. Reg. 8476, effective June 28, 2017.

Section 525.10 Purpose

This Part has been established to govern the taking, possession, transport and disposition of species protected by Section 2.2 of the Wildlife Code [520 ILCS 5] that are causing damage to property or a risk to human health or safety and the issuance of Nuisance Wildlife Control Permits. Activities authorized by these permits are governed solely by Sections 2.37 and 2.38 of the Wildlife Code and this Part. All other game protective provisions of the Wildlife Code do not apply unless referenced specifically by this Part.

(Source: Amended at 41 Ill. Reg. 8476, effective June 28, 2017)

Section 525.15 Definitions

"Bait" means mammal, bird or fish flesh, fur, hide, entrails or feathers and parts thereof that are placed in or near a trap to lure wild animals.

"Bat" means members of the family Vespertilionidae.

"Cushion-hold trap" means a commercially manufactured trap of the spring-loaded type with offset jaws designed to capture an animal by closing upon one of its limbs and that is so constructed that the edges designed to touch the animal are composed of a nonmetallic substance that eliminates or mitigates injury to the trapped animal.

"Department" means Department of Natural Resources.

"Exterior exclusion" means sealing gaps, crevices, holes or other exterior means of access to a structure as part of a program to remove bats. Bats retain the ability to enter and exit a structure at one or more points of access until permanent eviction.

"Furbearing mammal" means the following species: mink, muskrat, raccoon, striped skunk, long-tailed weasel, least weasel, bobcat, opossum, beaver, river otter, badger, red fox, gray fox and coyote.

"Game bird" means the following species: ruffed grouse, sharp-tailed grouse, northern bobwhite, gray partridge, chukar, ring-necked pheasant, greater prairie chicken and wild turkey.

"Game mammal" means the following species: cottontail rabbit, swamp rabbit, white-tailed deer, fox squirrel, gray squirrel and groundhog (woodchuck).

"Governmental Body" means a federal agency or any State entity authorized under State of Illinois laws, including but not limited to counties, municipalities, townships or special-purpose districts.

"Interior exclusion" means sealing gaps, crevices or other means of access to living quarters of a structure as part of a program to remove bats. Bats retain access to parts of a structure that are not frequented by humans and the ability to enter and exit this space until permanent eviction.

"Land set" means any trap or similar device that is not placed or set in contact with flowing or impounded water.

"Migratory bird" means wild migratory game birds and wild resident and migratory nongame birds protected by Section 2.2 of the Wildlife Code.

"Other mammals" means flying squirrel, red squirrel, eastern woodrat, golden mouse, rice rat and Franklin's ground squirrel.

"Permanent eviction" means use of exterior exclusion and installation of one-way doors, valves or vents that allow bats to exit a structure but bar re-entry. Locations of these devices are sealed permanently after eviction of bats.

"Permit" or "Nuisance Wildlife Control Permit" is the granting of permission by DNR, under the authority of the Wildlife Code, to an individual or entity to take, possess, transport or dispose of protected species within Illinois. The types of permits are:

Class A: Commercial – Mammals and Game Birds

Class B: Zoos, or Botanical Gardens or Landowners/Tenants
Applying to Take Migratory Birds on Their Property in
Accordance with a Federal Permit

Class C: Governmental – Mammals and Game Birds

Class D: Commercial – Migratory Birds

Class E: Governmental – Migratory Birds

"Protected species" means wild birds and mammals protected by Section 2.2 of the Wildlife Code.

"Restricted pesticide" means any substance or mixture of substances intended for preventing, destroying, repelling or mitigating any pest, the use of which has been categorized as restricted under the Federal Insecticide, Fungicide, and Rodenticide Act (7 USC 136), as amended, or under the Illinois Pesticide Act [415 ILCS 60].

"Submersion set" means a device that is set underwater or a water set that employs a slide wire or tangle stake.

"Take" means hunt, shoot, pursue, lure, kill, destroy, capture, gig, spear, trap or ensnare, or attempt to do so.

"Water set" means any trap or similar device that is placed or set in contact with flowing or impounded water.

"Wildlife Code" or "Code" means the Illinois Wildlife Code [520 ILCS 5].

(Source: Added at 41 Ill. Reg. 8476, effective June 28, 2017)

Section 525.20 Requirements, Application and Permit Procedures

- a) Any individual desiring to take game mammals, furbearing mammals, other mammals, bats or game birds that are causing damage to property or risks to human health or safety on the land of another, for a fee, must first obtain a valid Class A Nuisance Wildlife Control Permit from the Department.
- b) Not-for-profit (501(c)(3)) zoos and botanical gardens desiring to take protected species that are causing damage to property, risks to human health or safety, or risks to specimens on lands owned by that entity must first obtain a valid Class B Nuisance Wildlife Control Permit from the Department. Landowners and tenants who desire to take migratory birds on their property, in accordance with a valid federal permit, and without the aid of a Class D or Class E permit, must first obtain a valid Class B permit from the Department.
- c) Any governmental body desiring to take game mammals, furbearing mammals, other mammals (e.g., bats) or game birds that are causing damage to property or risks to human health or safety must first obtain a valid Class C Nuisance Wildlife Control Permit from the Department.
- d) Any individual desiring to take migratory birds that are causing damage to property, risks to human health or safety, or nuisances on the land of another, for a fee, must first obtain a valid Class D Nuisance Wildlife Control Permit from the Department.
- e) Any governmental body desiring to take migratory birds that are causing damage to property, risks to human health or safety, or nuisances on lands governed, owned or managed by that governmental body must first obtain a valid Class E Nuisance Wildlife Control Permit.
- f) Permit Procedures
 - 1) To be eligible for a Class A or Class D permit the applicant must be at least 18 years of age.

- 2) Application for a permit shall be made on forms provided by the Department.
- 3) The Department shall issue a Class A permit to an individual provided the applicant has:
 - A) met the eligibility requirements of subsection (f)(1);
 - B) achieved a score of at least 80% on a closed-book, written examination administered by the Department that tests the applicant's knowledge and understanding of:
 - i) this Part;
 - ii) Sections 2.37 and 2.38 of the Code;
 - iii) the Illinois List of Endangered and Threatened Fauna (17 Ill. Adm. Code 1010);
 - iv) the Illinois Dead Animal Disposal Act [225 ILCS 610];
 - v) "Specifications for the Humane Handling, Care, Treatment, and Transportation of Warmblooded Animals Other Than Dogs, Cats, Rabbits, Hamsters, Guinea Pigs, Nonhuman Primates, and Marine Mammals" (9 CFR 3, subpart F);
 - vi) Disease Free Certification and Quarantine Provisions for Propagation, Release, Importation, Exportation, and Transportation of Game Mammals, Game Birds, Migratory Birds, or Exotic Wildlife (17 Ill. Adm. Code 630); and
 - vii) diseases, life cycles, habits and habitats of game mammals, furbearing mammals, other mammals, bats and game birds, as well as methods of preventing or controlling damage and risks to human health or safety caused by these species.
 - C) completed a Hunter Safety Course administered by the Department or provided proof of equivalent training if guns are to be used to take or euthanize animals. Submission of discharge papers from the military (DD 214) showing certification as a marksman, sharpshooter or expert is considered proof of equivalent training.
- 4) The Department shall issue a Class B permit to a landowner or

tenant provided the applicant has:

- A) met the eligibility requirements of subsection (f)(1);
 - B) provided a copy of his or her valid federal permit for taking migratory birds; and
 - C) completed a Hunter Safety Course administered by the Department or provided proof of equivalent training if guns are to be used to take or euthanize animals. Submission of discharge papers from the military (DD 214) showing certification as a marksman, sharpshooter or expert is considered proof of equivalent training.
- 5) Authorization granted to landowners or tenants and their agents for taking migratory birds is limited to properties owned or leased by those individuals and subject to refusal, revocation and/or suspension pursuant to subsections (g) through (j) of this Section and Section 525.80.
- 6) The Department shall issue a Class B permit to a not-for-profit (501(c)(3)) zoo provided that entity is accredited by the American Zoological Association. The Department shall issue a Class B permit to a not-for-profit (501(c)(3)) botanical garden provided that entity is a member of the American Arboreta and Botanic Garden Association. Authorization granted to not-for-profit zoos and botanical gardens is limited to properties owned by those entities and subject to refusal, revocation and/or suspension pursuant to subsections (g) through (j) of this Section and Section 525.80.
- 7) The Department shall issue a Class D permit to an individual provided the applicant has:
- A) met the eligibility requirements of subsection (f)(1);
 - B) achieved a score of at least 80% on a closed book, written examination that tests the applicant's knowledge of:
 - i) this Part;
 - ii) Sections 2.37 and 2.38 of the Code;
 - iii) the Illinois List of Endangered and Threatened Fauna (17 Ill. Adm. Code 1010);

- iv) the Illinois Dead Animal Disposal Act [225 ILCS 610];
 - v) Disease Free Certification and Quarantine Provisions for Propagation, Release, Importation, Exportation, and Transportation of Game Mammals, Game Birds, Migratory Birds, or Exotic Wildlife (17 Ill. Adm. Code 630);
 - vi) federal regulations (50 CFR 21.41); and
 - vii) diseases, life cycles, habits and habitats of migratory birds, as well as methods of preventing or controlling damage, risks to human health and safety, or nuisances caused by migratory birds.
- 8) Applicants failing the required examination may repeat the exam after 45 days. Should a second failure occur, a 6-month waiting period from the date of the second exam is required. The examination sequence can be repeated no more than twice during any 2-year period.
- 9) The Department shall issue a Class C or Class E permit to a governmental body upon approval of an application.
- g) Violation of the Illinois Endangered Species Protection Act [520 ILCS 10], the Fish Code of 1971 [520 ILCS 5] or the Wildlife Code during the 3 years prior to application for a Class A or Class D permit shall be grounds for refusal to issue said permit.
- h) Providing incomplete, deceptive or false information on an application shall be grounds for refusal to issue a permit. Providing deceptive or false information on an application is a Class A misdemeanor (see Section 2.38 of the Code).
- i) Permittees who have allowed their permits to expire or had their permits revoked or suspended for more than 60 days must reapply and retake any examinations required for issuance of Class A and Class D permits.
- j) Final judgement of applications shall be made by the Chief, Division of Wildlife Resources, or his/her designee, based on criteria in this Section and Section 525.80.
- k) Class A, B and C permits shall be issued on an annual basis and expire January 31 of each year, except that:

- 1) permits issued to first-time applicants between November 1 and January 31 shall expire on January 31 of the following year;
 - 2) Class B permits issued to landowners and tenants for control of migratory birds on their property may be issued for a period of time that coincides with their federal permit.
- 1) Class D and E permits shall be issued on an annual basis and expire on September 1 of each year.

(Source: Amended at 41 Ill. Reg. 8476, effective June 28, 2017)

Section 525.30 General Provisions

- a) Nuisance Wildlife Control Permits are not transferable.
- b) Under no circumstances shall a Nuisance Wildlife Control Permit be used in lieu of a scientific collector's permit (see 520 ILCS 5/3.22) or sport or commercial licenses (see 520 ILCS 5/3.1, 3.3 and 3.27).
- c) The Nuisance Wildlife Control Permit must be carried on the person at all times when taking or transporting fauna and be presented, upon request, to any authorized employee of the Department or any peace officer. Violation is a petty offense (see 520 ILCS 5/2.37).
- d) It shall be unlawful for any person to represent himself or herself falsely to be an authorized employee of the Department, or to assume to act as such without having been duly appointed and employed. Violation is a petty offense (see Section 2.37 of the Code).
- e) A Class A Nuisance permittee is an industrial user as listed in the Hypodermic Syringes and Needles Act [720 ILCS 635].
- f) It is unlawful for any person to take any protected species during the firearm deer hunting season in those counties open to firearm deer hunting, unless he or she wears, when in the field, a cap and outer garment of a solid blaze orange color, with those articles of clothing displaying a minimum of 400 square inches of blaze orange material. Violation is a Class B misdemeanor (see Section 2.33(ff) of the Code).
- g) The taking of white-tailed deer is prohibited except for the salvage and disposal of dead white-tailed deer in accordance with Section 525.45.

- h) The taking of bats is prohibited except as provided in Sections 525.55 and 525.75.
- i) The taking of game birds is prohibited except as provided in Section 525.60.
- j) The taking of migratory birds is prohibited except as provided in Sections 525.65 and 525.75.
- k) The taking of bald or golden eagles and species classified as endangered or threatened under the Illinois Endangered Species Protection Act (see the list of species in 17 Ill. Adm. Code 1010) is prohibited.

(Source: Amended at 41 Ill. Reg. 8476, effective June 28, 2017)

Section 525.35 Approved Methods of Take: Game Mammals, Furbearing Mammals and Other Mammals

- a) Approved Land Sets
 - 1) Only the following devices may be used for land sets:
 - A) box traps, cage traps, colony traps or traps of similar design;
 - B) enclosed foot-hold traps with a single access opening no larger than 3 square inches; examples of approved devices include, but are not limited to, EGG[®], D-P[®] (Dog-Proof) and L'il Grizz[®] traps;
 - C) cushion-hold; offset laminated and wide-jaw foot-hold traps that:
 - i) are listed by the Association of Fish and Wildlife Agencies as Best Management Practices for Trapping Coyotes in the Eastern United States (http://www.fishwildlife.org/files/EasternCoyote_BMP_2016.pdf); and
 - ii) have an inside jaw spread of 6½ inches (16.6 cm) or less;
 - D) body-gripping traps powered by two springs and having an inside jaw spread of no larger than 49 square inches may be used if set inside a residence at least 4 inches from any outside surface of the structure or set outdoors at least 8 feet from the ground and enclosed in a tube, cylinder or open-ended box constructed of solid wood, metal or plastic so that the trigger of the trap is located at least 12 inches from any entrance to the enclosure in which it is set.

- 2) Violation is a Class B misdemeanor (see Section 2.33(a) of the Code).
- b) Approved Water Sets
 - 1) Only the following devices may be used for water sets:
 - A) body-gripping traps;
 - B) cushion-hold traps;
 - C) foot-hold traps;
 - D) enclosed foot-hold traps with a single access opening no larger than 3 square inches; examples of approved devices include, but are not limited to, EGG[®], D-P[®] (Dog-Proof) and L'il Grizz[®] traps;
 - E) Bailey beaver traps, Hancock beaver traps or traps of similar design;
 - F) colony traps, cage traps, box traps or traps of similar design;
 - G) snares that are not powered by springs or other mechanical devices (used for water sets only) if: at least one-half of the snare noose loop is located under water at all times; the noose loop diameter is not greater than 15 inches (38.1 cm); the snare is equipped with a mechanical lock, anchor swivel, and stop device to prevent the mechanical lock from closing the noose loop to a diameter of less than 2½ inches (6.4 cm); the cable diameter is not less than 5/64 inch (2.0 mm) but not greater than 1/8 inch (3.2 mm); and the snare is not constructed of stainless steel metal cable or wire;
 - 2) Devices listed in subsection (b)(1) may be used for submersion sets.
 - 3) Violation is a Class B misdemeanor (see Section 2.33(a) of the Code).
- c) Use of traps is subject to the following restrictions:
 - 1) It is unlawful to fail to visit and remove all animals from traps staked out, set, used, tended, placed or maintained at least once each calendar day. Violation is a Class B misdemeanor (see Section 2.33(a) of the Code).
 - A) Permittees who rent, lend or otherwise transfer traps to clients, citizens or other parties (i.e., the second parties) who are not under

the direct supervision of the permittee and have not obtained a Nuisance Wildlife Control Permit or a Nuisance Animal Removal Permit are responsible for any damages or violations of this Section that are perpetrated by the second party. Any animals taken by a second party must be reported by the permittee in accordance with Section 525.70(f).

- B) Remote trap checking systems may be used in lieu of physical visits when those systems:
- i) are used in accordance with the manufacturer's specifications;
 - ii) have a control unit that reports trap status to a centralized application database at least once each calendar day;
 - iii) have notification alarms that report trap closures and/or system health issues within one hour after detection via email or text-based messaging systems; and
 - iv) have on-demand control unit testing capabilities for determining trap status, signal strength, and battery condition via remote system check-in.
- C) Permittees who use remote trap checking systems shall maintain records of trap status and notification alarms for a period of no less than 7 days after receipt of messages. Records shall be immediately available for inspection when a request is made by an officer or authorized employee of the Department. Failure to produce those records shall be prima facie evidence that traps were not checked each calendar day.
- 2) It is unlawful for any person to place, set, use or maintain any trap or snare that is not tagged, inscribed or otherwise identified with the permittee's name and address. Violation is a Class B misdemeanor (see Section 2.33(a) of the Code).
- 3) It is unlawful for any person to place, set, use or maintain a cushion-hold trap or foot-hold trap in water if that trap has an inside jaw spread larger than 7½ inches (19.1 cm), or a body-gripping trap having an inside jaw spread larger than 144 square inches. Violation is a Class B misdemeanor (see Section 2.33(a) of the Code).

- 4) It is unlawful to use any trap with saw-toothed, serrated, spiked or toothed jaws. Violation is a Class B misdemeanor (see Section 2.33(a) of the Code).
 - 5) It is unlawful for any person to place, set or maintain any foot-hold or cushion-hold trap within 30 feet (9.14 m) of bait placed in such a manner or position that it is not completely covered and concealed from sight, except that this shall not apply to water sets. Violation is a Class B misdemeanor (see Section 2.33(a) of the Code).
 - 6) It is unlawful for any person to remove animals from, or to move or disturb in any manner, the traps owned by another person without written authorization of the owner to do so. Violation is a Class B misdemeanor (see Section 2.33(v) of the Code).
- d) Use of guns is subject to the following restrictions:
- 1) The use of guns shall be subject to all State restrictions.
 - 2) The use of guns shall be subject to municipal restrictions unless otherwise authorized in writing by an official of the municipality.
 - 3) It is unlawful for any person, except persons permitted by law, to have or carry any gun in or on any vehicle or conveyance operated on public roadways, unless that gun is unloaded and enclosed in a case. Violation is a Class B misdemeanor (see section 2.33(n) of the Code).
 - 4) It is unlawful to fire a rifle, pistol, revolver, or air gun on, over or into any waters of this State, including frozen waters, except when performing euthanasia of game mammals or furbearing mammals that are restrained by traps. Violation is a Class B misdemeanor (see Section 2.33(q) of the Code).
 - 5) It is unlawful to discharge any gun along, upon, across or from any public right-of-way or highway in this State. Violation is a Class B misdemeanor (see Section 2.33(r) of the Code).
- e) Commercially available gas cartridges that emit carbon monoxide or carbon dioxide as primary lethal agents may be used according to the manufacturer's specifications.
- f) Drugs that are acquired and dispensed in accordance with the Illinois Controlled Substances Act [720 ILCS 570], U.S. Controlled Substances Act (21 USC 801 et

seq.), Federal Food, Drug, and Cosmetic Act (21 USC 301 through 3998), Animal Medicinal Drug Clarification Act of 1994 (21 CFR 530) and U.S. Drug Enforcement Administration Regulations (21 CFR 1301 et seq.) may be used to take protected species.

(Source: Former Section 525.35 renumbered to Section 525.65 and new Section 525.35 added at 41 Ill. Reg. 8476, effective June 28, 2017)

Section 525.40 Prohibited Methods of Take

- a) It is unlawful to use a restricted pesticide unless the applicator is licensed under the Structural Pest Control Act [225 ILCS 235]. Violation is a Class B misdemeanor.
- b) It is unlawful to use a deadfall, pit trap, spear, gig, hook, crossbow, poison, adhesive, chemical, explosive or any like device to take any protected species, except as allowed in Section 525.35(e) and (f). Violation is a Class B misdemeanor (see Section 2.33(a) of the Code).

(Source: Former Section 525.40 renumbered to Section 525.80 and new Section 525.40 added at 41 Ill. Reg. 8476, effective June 28, 2017)

Section 525.45 Disposition of Animals

- a) All furbearing mammals and game mammals taken under authority of this Part must be released alive or euthanized except that:
 - 1) striped skunks must be euthanized; and
 - 2) raccoons must be euthanized or released on the same property and within 100 yards of where they are captured, or surrendered to a licensed veterinarian who is a licensed wildlife rehabilitator for euthanasia or treatment and release. Release may only be after an observation period of at least 45 days. During observation, raccoons may be housed at any properly licensed rehabilitator. Violation is a petty offense (see Section 2.37 of the Code).
- b) Bats may be permanently evicted in accordance with Section 525.55, released alive in accordance with Section 525.75, or transported to a local health department, animal control office, or veterinarian for submission to a laboratory if there is concern about human exposure to rabies. Violation is a Class B misdemeanor (see Section 2.33 of the Code).

- c) Migratory birds and other mammals must be released alive or surrendered to a licensed wildlife rehabilitator.
- d) Animals, animal parts and animal by-products taken under authority of this Part may not be sold, offered for sale, bartered or shipped for the purpose of sale or barter. Violation is a Class A misdemeanor (see Section 2.36 of the Code).
- e) All dead animals and eggs of migratory birds must be transferred to a licensed renderer, disposed of at a licensed solid waste facility, or disposed of in accordance with the Illinois Dead Animal Disposal Act [225 ILCS 610]. Violation is a Class C misdemeanor (see 225 ILCS 610/19).
- f) All animals released alive must be relocated into suitable habitat in the State of Illinois within 24 hours after capture. Except as provided for in Section 525.45(a)(2), the release site must be located at least 10 but not more than 40 miles from the capture site unless the Department grants specific authority to release animals greater than 40 miles from the capture site and the animals are certified disease-free as provided for in 17 Ill. Adm. Code 630; this provision does not apply to migratory birds, which may be released in suitable habitat more than 40 miles from the capture site. Animals captured by duly appointed representatives of municipalities may be relocated into suitable habitat less than 10 miles from the capture site if this subsection would require the release of animals on lands outside the municipality's jurisdiction. Violation is a petty offense (see Section 2.37 of the Code).
- g) Temporary holding facilities and methods of transporting live animals must meet U.S. Department of Agriculture standards for animal welfare as specified in "Specifications for the Humane Handling, Care, Treatment, and Transportation of Warmblooded Animals Other Than Dogs, Cats, Rabbits, Hamsters, Guinea Pigs, Nonhuman Primates, and Marine Mammals" (9 CFR 3, Subpart F). Violation is a petty offense (see Section 2.37 of the Code).
- h) Release of fauna onto public or private land requires written authorization from the site superintendent, tenant or landowner. Violation is a petty offense (see Section 2.37 of the Code).

(Source: Added at 41 Ill. Reg. 8476, effective June 28, 2017)

Section 525.50 Euthanasia

- a) Methods of euthanasia must be approved by the Department and include such methods as:

- 1) captive bolt, gunshot, cervical dislocation and stunning (mechanical only);
 - 2) inhalants, including halothane, isoflurane, carbon monoxide and carbon dioxide; and
 - 3) noninhalants, including barbiturates and barbiturate derivatives that are acquired and dispensed in accordance with the Illinois Controlled Substances Act [720 ILCS 570], U.S. Controlled Substances Act (21 USC 801 et seq.), and U.S. Drug Enforcement Administration Regulations (21 CFR 1301 et seq.) may be used for euthanasia of mammals; acetone may be used for euthanasia of striped skunks.
- b) Animals captured under authority of this Part may be transferred to a euthanasia agency (see 510 ILCS 72/25), if the agency agrees to accept them.
- c) Violation is a Class B misdemeanor.

(Source: Added at 41 Ill. Reg. 8476, effective June 28, 2017)

Section 525.55 Bats

- 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 exceed 50 degrees F. at dusk;
 - 2) August 5 through October 30 when outdoor temperatures exceed 50 degrees F. at dusk and the permittee has made a reasonable attempt to determine young are capable of flight.
- d) Violation is a Class B misdemeanor.

(Source: Added at 41 Ill. Reg. 8476, effective June 28, 2017)

Section 525.60 Game Birds

Prior to taking game birds pursuant to a Class A Nuisance Wildlife Control Permit, the permittee must obtain prior written authorization from the Department. The Department may limit

methods of take and disposition of game birds.

(Source: Added at 41 Ill. Reg. 8476, effective June 28, 2017)

Section 525.65 Migratory Birds

- a) Damage to property or wildlife, risks to human health or safety, and nuisances caused by migratory birds must be identifiable to an employee of the Department and include, but are not limited to:
 - 1) excessive fecal matter accumulations on property;
 - 2) damage to turf, ornamental plantings, agricultural crops, structures or vehicles;
 - 3) risks to human safety, such as human conflicts with aggressive birds and vehicle collisions with birds;
 - 4) risks to human health as identified or reasonably expected by a Department Wildlife Biologist or Conservation Police Officer in consultation with any public health official or medical doctor;
 - 5) excessive, bothersome noise in residential or commercial areas; and
 - 6) excessive damage to other species of wildlife, such as competition for nesting sites or territory or damage to vegetation necessary for the well being of other wildlife species.
- b) Except as provided in Section 525.75, the taking of migratory birds protected by federal regulations (50 CFR 10.13) requires authorization from the U.S. Fish and Wildlife Service and written approval from the Department for each site where the taking will occur.
- c) Class D and Class E permittees must comply with provisions of permits issued by the U.S. Fish and Wildlife Service and any additional restrictions imposed by the Department.
- d) Methods of destroying eggs of migratory birds are limited to addling, oiling, puncturing, and removal and disposal in accordance with Section 525.45(e).

(Source: Section 525.65 renumbered from Section 525.35 and amended at 41 Ill. Reg.

8476, effective June 28, 2017)

Section 525.70 Business Practices

- a) It is unlawful for any person to wantonly or carelessly injure or destroy, in any manner whatsoever, any real or personal property on the land of another while engaged in activities permitted by this Section. Violation is a Class B misdemeanor (see Section 2.33(x) of the Code).
- b) Taking of fauna on private properties by Class A and Class D permittees requires the landowner's or tenant's written permission. Violation is a Class B misdemeanor (see Section 2.33(t) of the Code).
- c) Taking of fauna on State-owned, -leased, or -managed lands requires written authorization from the Site Superintendent or District Wildlife Biologist.
- d) Permittees shall describe to the persons seeking services the estimated cost and types of methods to be used to alleviate damage to property, risks to human health or safety, and nuisances caused by protected species.
- e) Class A and D permittees shall issue a receipt to each client showing the permittee's name and address or name and address of the business he or she represents, the client's name and address, services provided, and fees charged for services.
- f) Class A, B and C permittees shall maintain accurate records of services provided to clients under authority of this Section and submit an annual report to the Department showing the following information: number of complaints serviced; name, address and phone number of the permittee; number and kinds of animals relocated, killed and surrendered to rehabilitators; name, address and phone number of any site supervisor, tenant or landowner on whose property animals were released; and locations where animals were released. This report shall be made on or before January 20 and shall include all operations for the period from January 1 through December 31 of the previous year.
- g) Class D and E permittees shall maintain accurate records of services provided to clients under authority of this Section and submit an annual report to the Department on forms provided by the Department showing the following information for each property where services were rendered: site name (if any); street address, city and county where services were rendered; name, address and phone number of the landowner, tenant or property manager where activities

occurred; and the species and number of nests, eggs or migratory birds destroyed. Reports shall be made on or before September 1 of each year and include activities conducted from September 2 through August 31 of the most recent 12-month period.

- h) Reports and records required by this Section shall be available for inspection, upon request, by any officer or authorized employee of the Department, any sheriff or deputy sheriff, or any other peace officer at any reasonable time.

(Source: Added at 41 Ill. Reg. 8476, effective June 28, 2017)

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 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.
 - 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 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).
 - 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: Added at 41 Ill. Reg. 8476, effective June 28, 2017)

Section 525.80 Revocation and Suspension of Permits: Hearings and Appeals

- a) In accordance with Sections 2.38 and 3.36 of the Code, failure to comply with the Nuisance Wildlife Control Permit, Section 2.37 of the Code, federal regulations or this Part shall result in suspension or revocation of the permit. Suspension shall be for a period of not less than one year.
- b) Applicants who photograph or otherwise reproduce the qualifying exam for a Class A or Class D permit shall be barred from obtaining a permit for a period of 5 years.
- c) Failure to submit an annual report to the Department by the due date shall result in a suspension of up to 60 days pending submission of the report. Failure to submit an annual report to the Department within 61 days after the due date shall result in revocation of the permit for a period of one year from the due date for reporting and require reapplication, including scoring at least 80% on a written examination, for issuance of Class A and Class D permits.
- d) Upon receiving three or more complaints about services rendered by a permittee, the Department shall review allegations and shall immediately suspend the permit of that permittee for a period not to exceed 60 days pending an investigation.
- e) The procedure by which suspensions and revocations are made, the rights of permittees to notice and hearing, and the procedures governing those hearings are set forth in 17 Ill. Adm. Code 2530.

(Source: Section 525.80 renumbered from Section 525.40 and amended at 41 Ill. Reg. 8476, effective June 28, 2017)

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

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 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 41 Ill. Reg. 8476, effective June 28, 2017)