

# **Class A (commercial) Nuisance Wildlife Control Permits**

A Class A Nuisance Wildlife Control Permit authorizes you to charge a fee for removing certain types of mammals and game birds when they are causing damage to property or risks to human health or safety. Permits are issued to individuals, not companies. In other words, each employee of company must obtain their own permit.

## **What are the requirements?**

Applicants must:

- Be at least 18 years of age when they apply for a permit
- Obtain a score of at least 80% on a written exam administered by the Department
- Complete a hunter safety course or provide proof of equivalent training if guns are used to take wildlife under authority of a Class A permit

## **What types of questions are on the test?**

The test consists of 100 questions in true/false and multiple choice formats. About 30 questions pertain to laws that apply to activities of wildlife control operators. About 20 questions pertain to reproduction, diseases, behavior, and habitat of species that you are authorized to take. Note that answers to questions about reproduction (e.g., how many young are born, and when) are based on studies in Illinois and reported by Hofmann (reference below). Remaining questions address identification of animal “sign”, devices and methods for capturing animals, and solutions like exclusion.

## **What references were used to develop test questions?**

- 17 Illinois Administrative Code Part 525 (17-0525) <https://dnr.illinois.gov/adrules.html>
- 17 Illinois Administrative Code Part 1010 (17-01010) <https://dnr.illinois.gov/adrules.html>
- Illinois Dead Animal Disposal Act
- 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 (Sections 3.126, 3.127, & 3.142)
- Wildlife Code (520 Illinois Compiled Statutes, Section 5/2.2) [www.ilga.gov/legislation/ilcs/ilcs3.asp?ActID=1729&ChapterID=43](http://www.ilga.gov/legislation/ilcs/ilcs3.asp?ActID=1729&ChapterID=43)
- Hofmann, J.E. 2008. Field Manual of Illinois Mammals. (not included) Currently out of print. Utilize a library to obtain a copy to study, if possible.
- [www.wildlifeillinois.org](http://www.wildlifeillinois.org) can also be utilized for furbearer history.

## **Where do I go to take the test?**

Schedule an appointment with your nearest District Wildlife Biologist. Enclosed you will find a county listing and their contact information. We also have this information posted on our website at: <https://www.wildlifeillinois.org/sidebar/contact-an-idnr-district-wildlife-biologist/>

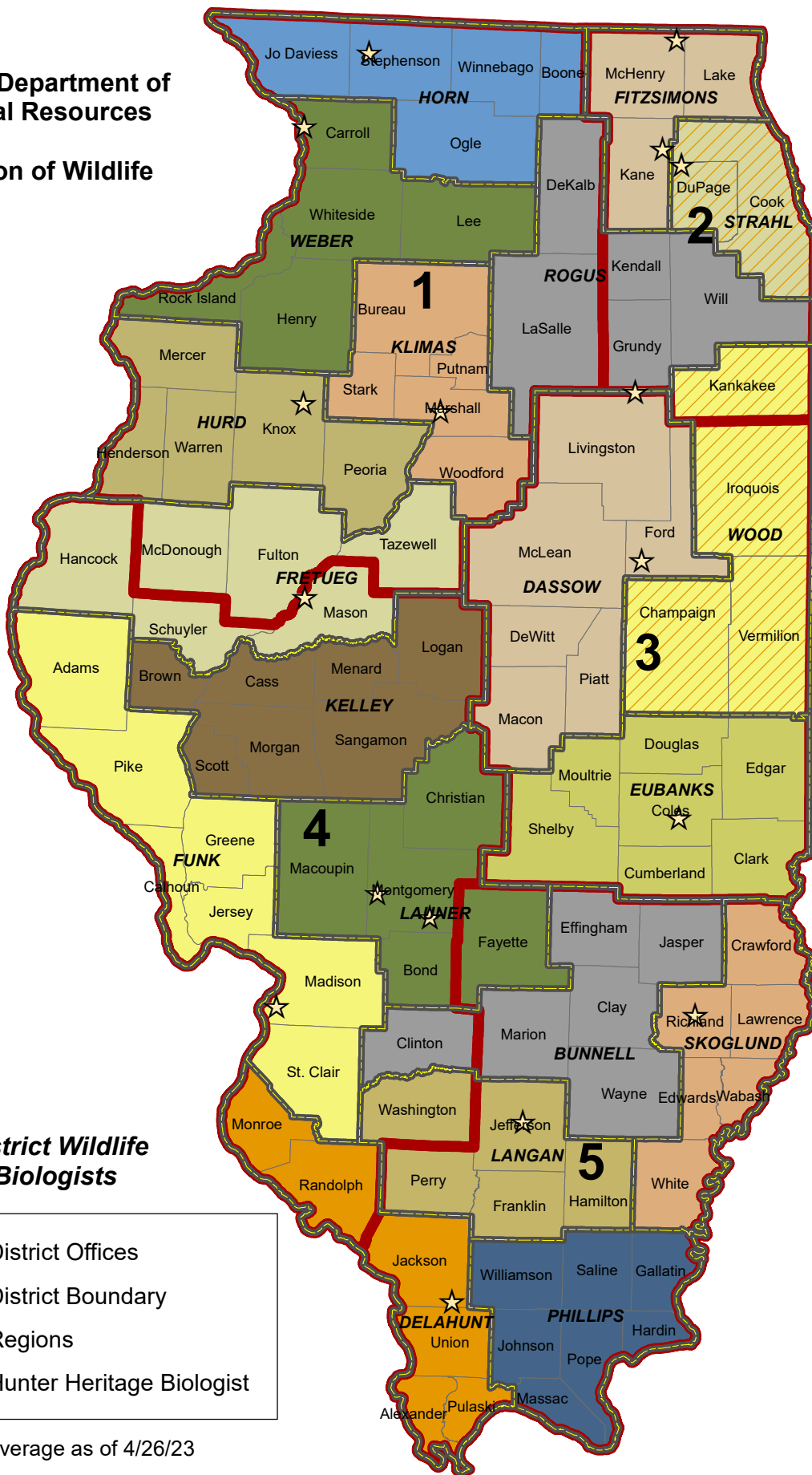
**Illinois Department of  
Natural Resources**

**Division of Wildlife**

**District Wildlife  
Biologists**

- ★ District Offices
- ⬢ District Boundary
- ▭ Regions
- ▨ Hunter Heritage Biologist

\*Coverage as of 4/26/23



## District Wildlife/Hunter Heritage Biologist Contact Information

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

PART 525  
NUISANCE WILDLIFE CONTROL PERMITS

Section	
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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].

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; amended at 43 Ill. Reg. 9392, effective August 23, 2019; amended at 44 Ill. Reg. 11474, effective June 29, 2020.

**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, game birds, or bats, or to provide services for the exclusion and/or eviction of bats, 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.

- l) Class D and E permits shall be issued on an annual basis and expire on September 1 of each year.

(Source: Amended at 44 Ill. Reg. 11474, effective June 29, 2020)

### **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 or an electronic/digital copy 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 44 Ill. Reg. 11474, effective June 29, 2020)

**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<sup>®</sup>, D-P<sup>®</sup> (Dog-Proof) and L'il Grizz<sup>®</sup> 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](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<sup>®</sup>, D-P<sup>®</sup> (Dog-Proof) and L'il Grizz<sup>®</sup> 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 ⅛ 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 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 Permittee was 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.

(Source: Amended at 43 Ill. Reg. 9392, effective August 23, 2019)

### **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 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 (skin) 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 with a bat;

- 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 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: Amended at 43 Ill. Reg. 9392, effective August 23, 2019)

#### **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)



**JUNE 29, 2020**

**17 ILL. ADM. CODE**

**CH. I, SEC. 525**

**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 \_\_\_\_\_

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 43 Ill. Reg. 9392, effective August 23, 2019)

**ILLINOIS ADMINISTRATIVE CODE  
PART 90 ILLINOIS DEAD ANIMAL DISPOSAL ACT  
SECTION 90.110 ON-SITE DISPOSAL**

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**Section 90.110 On-Site Disposal**

Persons disposing of animals (including fish or poultry) or parts of bodies thereof, other than to a licensed renderer, shall comply with the following:

- Disposal by Burning
  - No open burning will be permitted.
  - Any disposal by burning must be performed with an incinerator that is in compliance with the Illinois Environmental Protection Act [415 ILCS 5].
- Disposal by Burying
  - Location shall be in an area where runoff will not contaminate water supplies or allow leachate to discharge into streams, ponds or lakes.
  - Dead animals shall not be buried less than 200 feet from a stream, private potable water supply well, or any other potable water supply source, except in accordance with Section 14.2(b) of the Illinois Environmental Protection Act.
  - Dead animals shall not be buried within the applicable 200 or 400 foot minimum setback zone of an existing community water supply well as established pursuant to Section 14.2 of the Illinois Environmental Protection Act.
  - Dead animals shall not be buried less than 200 feet from any existing residence not owned or occupied by the owner of the animal.
  - No more than a ratio of one pound of dead animals per one square foot of surface area shall be buried on an annual basis. No more than 3,000 pounds of dead animals shall be buried in each site location, and the same site shall not be used more frequently than once every 2 years for burial purposes. There shall be no more than three site locations within a radius of 120 feet.
  - Burial depth shall be sufficient to provide at least a 6" compacted soil cover over the uppermost part of the carcass. Precautions shall be taken to minimize soil erosion.
  - Lime or other chemical agent shall not be used to prevent decomposition.
  - Precautions shall be taken at the site of burial necessary to prevent any disturbance by animal or mechanical means.
  - Disease and nuisance vectors are to be minimized and controlled.

(Source: Amended at 44 Ill. Reg. 19467, effective December 3, 2020)

**Subpart F – 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**

Source: 36 FR 24925, Dec. 24, 1971, unless otherwise noted. Redesignated at 44 FR 36874, July 22, 1979.

**FACILITIES AND OPERATING STANDARDS**

**§ 3.125 - Facilities, general.**

(a) **Structural strength.** The facility must be constructed of such material and of such strength as appropriate for the animals involved. The indoor and outdoor housing facilities shall be structurally sound and shall be maintained in good repair to protect the animals from injury and to contain the animals.

(b) **Water and power.** Reliable and adequate electric power, if required to comply with other provisions of this subpart, and adequate potable water shall be available on the premises.

(c) **Storage.** Supplies of food and bedding shall be stored in facilities which adequately protect such supplies against deterioration, molding, or contamination by vermin. Refrigeration shall be provided for supplies of perishable food.

(d) **Waste disposal.** Provision shall be made for the removal and disposal of animal and food wastes, bedding, dead animals, trash and debris. Disposal facilities shall be so provided and operated as to minimize vermin infestation, odors, and disease hazards. The disposal facilities and any disposal of animal and food wastes, bedding, dead animals, trash, and debris shall comply with applicable Federal, State, and local laws and regulations relating to pollution control or the protection of the environment.

(e) **Washroom and sinks.** Facilities, such as washrooms, basins, showers, or sinks, shall be provided to maintain cleanliness among animal caretakers.

[36 FR 24925, Dec. 24, 1971. Redesignated at 44 FR 36874, June 22, 1979, and amended at 44 FR 63492, Nov. 2, 1979]

**§ 3.126 - Facilities, indoor.**

(a) **Ambient temperatures.** Temperature in indoor housing facilities shall be sufficiently regulated by heating or cooling to protect the animals from the extremes of temperature, to provide for their health and to prevent their discomfort. The ambient temperature shall not be allowed to fall below nor rise above temperatures compatible with the health and comfort of the animal.

(b) **Ventilation.** Indoor housing facilities shall be adequately ventilated by natural or mechanical means to provide for the health and to prevent discomfort of the animals at all times. Such facilities shall be provided with fresh air either by means of windows, doors, vents, fans, or air-conditioning and shall be ventilated so as to minimize drafts, odors, and moisture condensation.

(c) **Lighting.** Indoor housing facilities shall have ample lighting, by natural or artificial means, or both, of good quality, distribution, and duration as appropriate for the species involved. Such lighting shall be uniformly distributed and of sufficient intensity to permit routine inspection and cleaning. Lighting of primary enclosures shall be designed to protect the animals from excessive illumination.

(d) **Drainage.** A suitable sanitary method shall be provided to eliminate rapidly, excess water from indoor housing facilities. If drains are used, they shall be properly constructed and kept in good repair to avoid foul odors and installed so as to prevent any backup of sewage. The method of drainage shall comply with applicable Federal, State, and local laws and regulations relating to pollution control or the protection of the environment.

### § 3.127 - Facilities, outdoor.

(a) **Shelter from sunlight.** When sunlight is likely to cause overheating or discomfort of the animals, sufficient shade by natural or artificial means shall be provided to allow all animals kept outdoors to protect themselves from direct sunlight.

(b) **Shelter from inclement weather.** Natural or artificial shelter appropriate to the local climatic conditions for the species concerned shall be provided for all animals kept outdoors to afford them protection and to prevent discomfort to such animals. Individual animals shall be acclimated before they are exposed to the extremes of the individual climate.

(c) **Drainage.** A suitable method shall be provided to rapidly eliminate excess water. The method of drainage shall comply with applicable Federal, State, and local laws and regulations relating to pollution control or the protection of the environment.

(d) **Perimeter fence.** On or after May 17, 2000, all outdoor housing facilities (i.e., facilities not entirely indoors) must be enclosed by a perimeter fence that is of sufficient height to keep animals and unauthorized persons out. Fences less than 8 feet high for potentially dangerous animals, such as, but not limited to, large felines (e.g., lions, tigers, leopards, cougars, etc.), bears, wolves, rhinoceros, and elephants, or less than 6 feet high for other animals must be approved in writing by the Administrator. The fence must be constructed so that it protects the animals in the facility by restricting animals and unauthorized persons from going through it or under it and

having contact with the animals in the facility, and so that it can function as a secondary containment system for the animals in the facility. It must be of sufficient distance from the outside of the primary enclosure to prevent physical contact between animals inside the enclosure and animals or persons outside the perimeter fence. Such fences less than 3 feet in distance from the primary enclosure must be approved in writing by the Administrator. A perimeter fence is not required:

- (1) Where the outside walls of the primary enclosure are made of sturdy, durable material, which may include certain types of concrete, wood, plastic, metal, or glass, and are high enough and constructed in a manner that restricts entry by animals and unauthorized persons and the Administrator gives written approval; or
- (2) Where the outdoor housing facility is protected by an effective natural barrier that restricts the animals to the facility and restricts entry by animals and unauthorized persons and the Administrator gives written approval; or
- (3) Where appropriate alternative security measures are employed and the Administrator gives written approval; or
- (4) For traveling facilities where appropriate alternative security measures are employed; or
- (5) Where the outdoor housing facility houses only farm animals, such as, but not limited to, cows, sheep, goats, pigs, horses (for regulated purposes), or donkeys, and the facility has in place effective and customary containment and security measures.

[36 FR 24925, Dec. 24, 1971. Redesignated at 44 FR 36874, July 22, 1979, as amended at 64 FR 56147, Oct. 18, 1999; 65 FR 70770, Nov. 28, 2000]

### § 3.128 - Space requirements.

Enclosures shall be constructed and maintained so as to provide sufficient space to allow each animal to make normal postural and social adjustments with adequate freedom of movement. Inadequate space may be indicated by evidence of malnutrition, poor condition, debility, stress, or abnormal behavior patterns.

## ANIMAL HEALTH AND HUSBANDRY STANDARDS

### § 3.129 - Feeding.

(a) The food shall be wholesome, palatable, and free from contamination and of sufficient quantity and nutritive value to maintain all animals in good health. The diet shall be prepared with consideration for the age, species, condition, size, and type of the animal. Animals shall be fed at least once a

day except as dictated by hibernation, veterinary treatment, normal fasts, or other professionally accepted practices.

(b) Food, and food receptacles, if used, shall be sufficient in quantity and located so as to be accessible to all animals in the enclosure and shall be placed so as to minimize contamination. Food receptacles shall be kept clean and sanitary at all times. If self-feeders are used, adequate measures shall be taken to prevent molding, contamination, and deterioration or caking of food.

### § 3.130 - Watering.

If potable water is not accessible to the animals at all times, it must be provided as often as necessary for the health and comfort of the animal. Frequency of watering shall consider age, species, condition, size, and type of the animal. All water receptacles shall be kept clean and sanitary.

### § 3.131 - Sanitation.

(a) *Cleaning of enclosures.* Excreta shall be removed from primary enclosures as often as necessary to prevent contamination of the animals contained therein and to minimize disease hazards and to reduce odors. When enclosures are cleaned by hosing or flushing, adequate measures shall be taken to protect the animals confined in such enclosures from being directly sprayed with the stream of water or wetted involuntarily.

(b) *Sanitation of enclosures.* Subsequent to the presence of an animal with an infectious or transmissible disease, cages, rooms, and hard-surfaced pens or runs shall be sanitized either by washing them with hot water (180 F. at source) and soap or detergent, as in a mechanical washer, or by washing all soiled surfaces with a detergent solution followed by a safe and effective disinfectant, or by cleaning all soiled surfaces with saturated live steam under pressure. Pens or runs using gravel, sand, or dirt, shall be sanitized when necessary as directed by the attending veterinarian.

(c) *Housekeeping.* Premises (buildings and grounds) shall be kept clean and in good repair in order to protect the animals from injury and to facilitate the prescribed husbandry practices set forth in this subpart. Accumulations of trash shall be placed in designated areas and cleared as necessary to protect the health of the animals.

(d) *Pest control.* A safe and effective program for the control of insects, ectoparasites, and avian and mammalian pests shall be established and maintained.

### § 3.132 - Employees.

A sufficient number of adequately trained employees shall be utilized to maintain the professionally acceptable level of husbandry practices set

forth in this subpart. Such practices shall be under a supervisor who has a background in animal care.

### § 3.133 - Separation.

Animals housed in the same primary enclosure must be compatible. Animals shall not be housed near animals that interfere with their health or cause them discomfort.

### §§ 3.134-3.135 - [Reserved]

## TRANSPORTATION STANDARDS

Source: Sections 3.136 through 3.142 appear at 42 FR 31569, June 21, 1977, unless otherwise noted. Redesignated at 44 FR 36874, July 22, 1979.

### § 3.136 - Consignments to carriers and intermediate handlers.

(a) Carriers and intermediate handlers shall not accept any live animals presented by any dealer, research facility, exhibitor, operator of an auction sale, or other person, or any department, agency, or instrumentality of the United States or any State or local government for shipment, in commerce, more than 4 hours prior to the scheduled departure of the primary conveyance on which it is to be transported: *Provided, however,* That the carrier or intermediate handler and any dealer, research facility, exhibitor, operator of an auction sale, or other person, or any department, agency, or instrumentality of the United States or any State or local government may mutually agree to extend the time of acceptance to not more than 6 hours if specific prior scheduling of the animal shipment to destination has been made.

(b) Any carrier or intermediate handler shall only accept for transportation or transport, in commerce, any live animal in a primary enclosure which conforms to the requirements set forth in § 3.137 of the standards: *Provided, however,* That any carrier or intermediate handler may accept for transportation or transport, in commerce, any live animal consigned by any department, agency, or instrumentality of the United States having laboratory animal facilities or exhibiting animals or any licensed or registered dealer, research facility, exhibitor, or operator of an auction sale if the consignor furnishes to the carrier or intermediate handler a certificate, signed by the consignor, stating that the primary enclosure complies with § 3.137 of the standards, unless such primary enclosure is obviously defective or damaged and it is apparent that it cannot reasonably be expected to contain the live animal without causing suffering or injury to such live animal. A copy of such



certificate shall accompany the shipment to destination. The certificate shall include at least the following information:

- (1) Name and address of the consignor;
- (2) The number of animals in the primary enclosure(s);
- (3) A certifying statement (e.g., “I hereby certify that the (number) primary enclosure(s) which are used to transport the animal(s) in this shipment complies (comply) with USDA standards for primary enclosures (9 CFR part 3).”); and
- (4) The signature of the consignor, and date.

(c) Carriers or intermediate handlers whose facilities fail to meet the minimum temperature allowed by the standards may accept for transportation or transport, in commerce, any live animal consigned by any department, agency, or instrumentality of the United States or of any State or local government, or by any person (including any licensee or registrant under the Act, as well as any private individual) if the consignor furnishes to the carrier or intermediate handler a certificate executed by a veterinarian accredited by this Department pursuant to part 160 of this title on a specified date which shall not be more than 10 days prior to delivery of such animal for transportation in commerce, stating that such live animal is acclimated to air temperatures lower than those prescribed in §§ 3.141 and 3.142. A copy of such certificate shall accompany the shipment to destination. The certificate shall include at least the following information:

- (1) Name and address of the consignor;
- (2) The number of animals in the shipment;
- (3) A certifying statement (e.g., “I hereby certify that the animal(s) in this shipment is (are), to the best of my knowledge, acclimated to air temperatures lower than 7.2 °C. (45 °F.)”); and
- (4) The signature of the USDA accredited veterinarian, assigned accreditation number, and date.

(d) Carriers and intermediate handlers shall attempt to notify the consignee at least once in every 6 hour period following the arrival of any live animals at the animal holding area of the terminal cargo facility. The time, date, and method of each attempted notification and the final notification to the consignee and the name of the person notifying the consignee shall be recorded on the copy of the shipping document retained by the carrier or intermediate handler and on a copy of the shipping document accompanying the animal shipment.

[42 FR 31569, June 21, 1977, as amended at 43 FR 21166, May 16, 1978. Redesignated at 44 FR 36874, July 22, 1979, and amended at 44 FR 63493, Nov. 2, 1979]

**§ 3.137 - Primary enclosures used to transport live animals.**

No dealer, research facility, exhibitor, or operator of an auction sale shall offer for transportation or transport, in commerce, any live animal in a primary enclosure which does not conform to the following requirements:

(a) Primary enclosures, such as compartments, transport cages, cartons, or crates, used to transport live animals shall be constructed in such a manner that (1) the structural strength of the enclosure shall be sufficient to contain the live animals and to withstand the normal rigors of transportation; (2) the interior of the enclosure shall be free from any protrusions that could be injurious to the live animals contained therein; (3) the openings of such enclosures are easily accessible at all times for emergency removal of the live animals; (4) except as provided in paragraph (g) of this section, there are ventilation openings located on two opposite walls of the primary enclosure and the ventilation openings on each such wall shall be at least 16 percent of the total surface area of each such wall, or there are ventilation openings located on all four walls of the primary enclosure and the ventilation openings on each such wall shall be at least 8 percent of the total surface area of each such wall: *Provided, however*, That at least one-third of the total minimum area required for ventilation of the primary enclosure shall be located on the lower one-half of the primary enclosure and at least one-third of the total minimum area required for ventilation of the primary enclosure shall be located on the upper one-half of the primary enclosure; (5) except as provided in paragraph (g) of this section, projecting rims or other devices shall be on the exterior of the outside walls with any ventilation openings to prevent obstruction of the ventilation openings and to provide a minimum air circulation space of 1.9 centimeters (.75 inch) between the primary enclosure and any adjacent cargo or conveyance wall; and (6) except as provided in paragraph (g) of this section, adequate handholds or other devices for lifting shall be provided on the exterior of the primary enclosure to enable the primary enclosure to be lifted without tilting and to ensure that the person handling the primary enclosure will not be in contact with the animal.

(b) Live animals transported in the same primary enclosure shall be of the same species and maintained in compatible groups. Live animals that have not reached puberty shall not be transported in the same primary enclosure with adult animals other than their dams. Socially dependent animals (e.g., sibling, dam, and other members of a family group) must be allowed visual and olfactory contact. Any female animal in season (estrus) shall not be transported in the same primary enclosure with any male animal.

(c) Primary enclosures used to transport live animals shall be large enough to ensure that each animal contained therein has sufficient space to turn about freely and to make normal postural adjustments: *Provided, however*, That certain species may be restricted in their movements according to

professionally acceptable standards when such freedom of movement would constitute a danger to the animals, their handlers, or other persons.

(d) Primary enclosures used to transport live animals as provided in this section shall have solid bottoms to prevent leakage in shipment and still be cleaned and sanitized in a manner prescribed in § 3.131 of the standards, if previously used. Such primary enclosures shall contain clean litter of a suitable absorbent material, which is safe and nontoxic to the live animals contained therein, in sufficient quantity to absorb and cover excreta, unless the animals are on wire or other nonsolid floors.

(e) Primary enclosures used to transport live animals, except where such primary enclosures are permanently affixed in the animal cargo space of the primary conveyance, shall be clearly marked on top and on one or more sides with the words “Live Animal” or “Wild Animal”, whichever is appropriate, in letters not less than 2.5 centimeters (1 inch) in height, and with arrows or other markings to indicate the correct upright position of the container.

(f) Documents accompanying the shipment shall be attached in an easily accessible manner to the outside of a primary enclosure which is part of such shipment.

(g) When a primary enclosure is permanently affixed within the animal cargo space of the primary conveyance so that the front opening is the only source of ventilation for such primary enclosure, the front opening shall open directly to the outside or to an unobstructed aisle or passageway within the primary conveyance. Such front ventilation opening shall be at least 90 percent of the total surface area of the front wall of the primary enclosure and covered with bars, wire mesh or smooth expanded metal.

[42 FR 31569, June 21, 1977, as amended at 43 FR 21166, May 16, 1978. Redesignated at 44 FR 36874, July 22, 1979]

### **§ 3.138 - Primary conveyances (motor vehicle, rail, air, and marine).**

(a) The animal cargo space of primary conveyances used in transporting live animals shall be designed and constructed to protect the health, and ensure the safety and comfort of the live animals contained therein at all times.

(b) The animal cargo space shall be constructed and maintained in a manner to prevent the ingress of engine exhaust fumes and gases from the primary conveyance during transportation in commerce.

(c) No live animal shall be placed in an animal cargo space that does not have a supply of air sufficient for normal breathing for each live animal contained therein, and the primary enclosures shall be positioned in the animal cargo space in such a manner that each live animal has access to sufficient air for normal breathing.

(d) Primary enclosures shall be positioned in the primary conveyance in such a manner that in an emergency the live animals can be removed from the primary conveyance as soon as possible.

(e) The interior of the animal cargo space shall be kept clean.

(f) Live animals shall not be transported with any material, substance (e.g., dry ice) or device which may reasonably be expected to be injurious to the health and well-being of the animals unless proper precaution is taken to prevent such injury.

### § 3.139 - Food and water requirements.

(a) All live animals shall be offered potable water within 4 hours prior to being transported in commerce. Dealers, exhibitors, research facilities and operators of auction sales shall provide potable water to all live animals transported in their own primary conveyance at least every 12 hours after such transportation is initiated, and carriers and intermediate handlers shall provide potable water to all live animals at least every 12 hours after acceptance for transportation in commerce: *Provided, however,* That except as directed by hibernation, veterinary treatment or other professionally accepted practices, those live animals which, by common accepted practices, require watering more frequently shall be so watered.

(b) Each live animal shall be fed at least once in each 24 hour period, except as directed by hibernation, veterinary treatment, normal fasts, or other professionally accepted practices. Those live animals which, by common accepted practice, require feeding more frequently shall be so fed.

(c) A sufficient quantity of food and water shall accompany the live animal to provide food and water for such animals for a period of at least 24 hours, except as directed by hibernation, veterinary treatment, normal fasts, and other professionally accepted practices.

(d) Any dealer, research facility, exhibitor or operator of an auction sale offering any live animal to any carrier or intermediate handler for transportation in commerce shall affix to the outside of the primary enclosure used for transporting such live animal, written instructions concerning the food and water requirements of such animal while being so transported.

(e) No carrier or intermediate handler shall accept any live animals for transportation in commerce unless written instructions concerning the food and water requirements of such animal while being so transported is affixed to the outside of its primary enclosure.

### § 3.140 - Care in transit.

(a) During surface transportation, it shall be the responsibility of the driver or other employee to visually observe the live animals as frequently as circumstances may dictate, but not less than once every 4 hours, to assure

that they are receiving sufficient air for normal breathing, their ambient temperatures are within the prescribed limits, all other applicable standards are being complied with and to determine whether any of the live animals are in obvious physical distress and to provide any needed veterinary care as soon as possible. When transported by air, live animals shall be visually observed by the carrier as frequently as circumstances may dictate, but not less than once every 4 hours, if the animal cargo space is accessible during flight. If the animal cargo space is not accessible during flight, the carrier shall visually observe the live animals whenever loaded and unloaded and whenever the animal cargo space is otherwise accessible to assure that they are receiving sufficient air for normal breathing, their ambient temperatures are within the prescribed limits, all other applicable standards are being complied with and to determine whether any such live animals are in obvious physical distress. The carrier shall provide any needed veterinary care as soon as possible. No animal in obvious physical distress shall be transported in commerce.

(b) Wild or otherwise dangerous animals shall not be taken from their primary enclosure except under extreme emergency conditions: *Provided, however,* That a temporary primary enclosure may be used, if available, and such temporary primary enclosure is structurally strong enough to prevent the escape of the animal. During the course of transportation, in commerce, live animals shall not be removed from their primary enclosures unless placed in other primary enclosures or facilities conforming to the requirements provided in this subpart.

### § 3.141 - Terminal facilities.

Carriers and intermediate handlers shall not commingle live animal shipments with inanimate cargo. All animal holding areas of a terminal facility of any carrier or intermediate handler wherein live animal shipments are maintained shall be cleaned and sanitized in a manner prescribed in § 3.141 of the standards often enough to prevent an accumulation of debris or excreta, to minimize vermin infestation and to prevent a disease hazard. An effective program for the control of insects, ectoparasites, and avian and mammalian pests shall be established and maintained for all animal holding areas. Any animal holding area containing live animals shall be provided with fresh air by means of windows, doors vents, or air conditioning and may be ventilated or air circulated by means of fans, blowers, or an air conditioning system so as to minimize drafts, odors, and moisture condensation. Auxiliary ventilation, such as exhaust fans and vents or fans or blowers or air conditioning shall be used for any animal holding area containing live animals when the air temperature within such animal holding area is 23.9 °C. (75.°F.) or higher. The air temperature around any live animal in any

animal holding area shall not be allowed to fall below 7.2 °C. (45 °F.) nor be allowed to exceed 29.5 °C. (85 °F.) at any time: *Provided, however,* That no live animal shall be subjected to surrounding air temperatures which exceed 23.9 °C. (75 °F.) for more than 4 hours at any time. To ascertain compliance with the provisions of this paragraph, the air temperature around any live animal shall be measured and read outside the primary enclosure which contains such animal at a distance not to exceed .91 meters (3 feet) from any one of the external walls of the primary enclosure and on a level parallel to the bottom of such primary enclosure at a point which approximates half the distance between the top and bottom of such primary enclosure.

[43 FR 56217, Dec. 1, 1978. Redesignated at 44 FR 36874, July 22, 1979]

### § 3.142 - Handling.

(a) Carriers and intermediate handlers shall move live animals from the animal holding area of the terminal facility to the primary conveyance and from the primary conveyance to the animal holding area of the terminal facility as expeditiously as possible. Carriers and intermediate handlers holding any live animal in an animal holding area of a terminal facility or in transporting any live animal from the animal holding area of the terminal facility to the primary conveyance and from the primary conveyance to the animal holding area of the terminal facility, including loading and unloading procedures, shall provide the following:

(1) ***Shelter from sunlight.*** When sunlight is likely to cause overheating or discomfort, sufficient shade shall be provided to protect the live animals from the direct rays of the sun and such live animals shall not be subjected to surrounding air temperatures which exceed 29.5 °C. (85 °F), and which shall be measured and read in the manner prescribed in § 3.141 of this part, for a period of more than 45 minutes.

(2) ***Shelter from rain or snow.*** Live animals shall be provided protection to allow them to remain dry during rain or snow.

(3) ***Shelter from cold weather.*** Transporting devices shall be covered to provide protection for live animals when the outdoor air temperature falls below 10 °C. (50 °F) and such live animals shall not be subjected to surrounding air temperatures which fall below 7.2 °C. (45 °F.), and which shall be measured and read in the manner prescribed in § 3.141 of this part, for a period of more than 45 minutes unless such animals are accompanied by a certificate of acclimation to lower temperatures as prescribed in § 3.136(c).

(b) Care shall be exercised to avoid handling of the primary enclosure in such a manner that may cause physical or emotional trauma to the live animal contained therein.

(c) Primary enclosures used to transport any live animal shall not be tossed, dropped, or needlessly tilted and shall not be stacked in a manner which may reasonably be expected to result in their falling.

[43 FR 21167, May 16, 1978, as amended at 43 FR 56217, Dec. 1, 1978.  
Redesignated at 44 FR 36874, July 22, 1979]



## SORTING OUT SPECIES DESIGNATIONS – MIGRATORY BIRDS

Migratory birds are regulated by both the State and Federal governments. According to Illinois Administrative Rule Part 525.20(a), you may not take, possess, or transport migratory birds. You may, however, employ methods that don't require you to handle migratory birds. Examples include exclusion (putting up barriers), and application of non-toxic products like "Tanglefoot" that are designed to discourage perching.

### Which species of birds are protected by State laws?

All birds except House Sparrows, European Starlings, and Domestic Pigeons are protected by the Fish & Wildlife Code.

### Which species are defined as "migratory birds"?

The only species that are protected by the Fish & Wildlife Code and are **not** defined as Migratory Birds by the U.S. Fish & Wildlife Service are:

European Tree Sparrow (*Passer montanus*)  
Ruffed Grouse (*Bonasa umbellus*)  
Sharp-tailed Grouse (*pediocetes phasianellus*)  
Bobwhite Quail (*Colinus virginianus*)  
Hungarian Partridge (*Perdix perdix*)  
Chukar Partridge (*Alectoris graeca*)  
Ring-necked Pheasant (*Phasianus colchicus*)  
Greater Prairie Chicken (*Tympanuchus cupido*)  
Wild Turkey (*Meleagris galopavo*)

### Which species of birds can be controlled under the terms of my Nuisance Wildlife Control Permit?

European Tree Sparrow	Chukar Partridge **
Ruffed Grouse **	Sharp-tailed Grouse**
Bobwhite Quail **	Ring-necked Pheasant **
Hungarian Partridge **	Wild Turkey **

\*\* Contact your local District Wildlife Biologist before initiating control efforts for those species.



TITLE 17: CONSERVATION  
CHAPTER I: DEPARTMENT OF NATURAL RESOURCES  
SUBCHAPTER c: ENDANGERED SPECIES

PART 1010  
ILLINOIS LIST OF ENDANGERED AND THREATENED FAUNA

Section		
1010.10	Official List	<b>** Reference pg. 5 sections (g) and (h) for the list of Endangered and Threatened Mammals of Illinois **</b>
1010.20	Definitions (Repealed)	
1010.25	Criteria Used for Listing	
1010.30	List	
1010.40	Effective Date (Repealed)	

AUTHORITY: Implementing and authorized by Section 7 of the Illinois Endangered Species Protection Act [520 ILCS 10].

SOURCE: Filed December 21, 1977, effective December 31, 1977; codified at 5 Ill. Reg. 10653; amended at 8 Ill. Reg. 13705, effective July 25, 1984; amended at 13 Ill. Reg. 4179, effective March 17, 1989; amended at 16 Ill. Reg. 103, effective December 20, 1991; amended at 18 Ill. Reg. 1134, effective January 18, 1994; recodified by changing the agency name from Department of Conservation to Department of Natural Resources at 20 Ill. Reg. 9389; amended at 21 Ill. Reg. 3118, effective March 3, 1997; amended at 23 Ill. Reg. 5556, effective April 26, 1999; amended at 28 Ill. Reg. 12895, effective September 1, 2004; amended at 33 Ill. Reg. 14739, effective October 30, 2009; amended at 34 Ill. Reg. 12866, effective August 20, 2010; emergency amendment at 34 Ill. Reg. 15892, effective October 1, 2010, for a maximum of 150 days; amended at 35 Ill. Reg. 4196, effective February 22, 2011; amended at 39 Ill. Reg. 7982, effective May 19, 2015; amended at 44 Ill. Reg. \_\_\_\_\_, effective May 28, 2020.

**Section 1010.10 Official List**

The following list has been adopted by the Illinois Endangered Species Protection Board as the Official List of Endangered and Threatened Fauna of Illinois.

(Source: Amended at 8 Ill. Reg. 13705, effective July 25, 1984).

**Section 1010.20 Definitions (Repealed)**

(Source: Repealed at 39 Ill. Reg. 7982, effective May 19, 2015)

**Section 1010.25 Criteria Used for Listing**

- a) A species shall be included on the Official List when one or more of the following criteria exist:

- 1) Species or subspecies designated as federally endangered or threatened.
  - 2) Species proposed for Federal Endangered or Threatened status that occurs in Illinois.
  - 3) Species that formerly were widespread in Illinois but have been nearly extirpated from the State due to habitat destruction, collecting, or other pressures resulting from the development of Illinois.
  - 4) Species that exhibit very restricted geographic ranges of which Illinois is a part.
  - 5) Species that exhibit restricted habitats or low populations in Illinois.
  - 6) Species that are significant disjuncts in Illinois, i.e., the Illinois population is far removed from the rest of the species' range.
- b) A species will be removed from the Official List if it no longer fulfills one or more of the criteria in subsection (a), except for a species that no longer fulfills the criteria because it no longer inhabits Illinois. The determination will be made pursuant to Section 7 of the Endangered Species Protection Act [520 ILCS 10/7].

(Source: Amended at 35 Ill. Reg. 4196, effective February 22, 2011)

### **Section 1010.30 List**

All federally designated endangered or threatened animal species and subspecies have been automatically listed as endangered or threatened under the Illinois Endangered Species Protection Act and placed on the Illinois List by the Board and are protected under the Act even though their names do not appear in this Section. Only those federally designated endangered or threatened animal species and subspecies known to occur in Illinois are designated as Illinois-endangered or Illinois-threatened by the Board and their names appear in this Section. Users should refer to the US Fish and Wildlife Service website at <http://www.fws.gov/endangered/> for a complete listing of all federally designated endangered and threatened species and subspecies.

a) **ENDANGERED FISHES OF ILLINOIS**

Lake Sturgeon  
Western Sand Darter  
Cisco  
Crystal Darter  
Bluebreast Darter  
Harlequin Darter

*Acipenser fulvescens*  
*Ammocrypta clara*  
*Coregonus artedii*  
*Crystallaria asprella*  
*Etheostoma camurum*  
*Etheostoma histrio*

Cypress Minnow	Hybognathus hayi
Pallid Shiner	Hybopsis amnis
Northern Brook Lamprey	Ichthyomyzon fossor
Sturgeon Chub	Macrhybopsis gelida
Greater Redhorse	Moxostoma valenciennesi
River Chub	Nocomis micropogon
Pugnose Shiner	Notropis anogenus
Bigeye Shiner	Notropis boops
Blacknose Shiner	Notropis heterolepis
Taillight Shiner	Notropis maculatus
Weed Shiner	Notropis texanus
Northern Madtom	Noturus stigmosus
Pallid Sturgeon**	Scaphirhynchus albus

## b) THREATENED FISHES OF ILLINOIS

Eastern Sand Darter	Ammocrypta pellucida
Longnose Sucker	Catostomus catostomus
Mottled Sculpin	Cottus bairdii
Gravel Chub	Erimystax x-punctatus
Spring Cavefish	Forbesichthys agassizii
Western Banded Killifish	Fundulus diaphanus subsp. menona
Starhead Topminnow	Fundulus dispar
Brassy Minnow	Hybognathus hankinsoni
Bigeye Chub	Hybopsis amblops
Least Brook Lamprey	Lampetra aepyptera
Redspotted Sunfish	Lepomis miniatus
Bantam Sunfish	Lepomis symmetricus
American Brook Lamprey	Lethenteron appendix
River Redhorse	Moxostoma carinatum
Ironcolor Shiner	Notropis chalybaeus
Blackchin Shiner	Notropis heterodon
Ozark Minnow	Notropis nubilus

## c) ENDANGERED AMPHIBIANS AND REPTILES OF ILLINOIS

## Salamanders

Silvery Salamander	Ambystoma platineum
Hellbender	Cryptobranchus alleganiensis
Spotted Dusky Salamander	Desmognathus conanti

## Turtles

Spotted Turtle  
Blanding's Turtle  
Yellow Mud Turtle  
Alligator Snapping Turtle  
River Cooter

*Clemmys guttata*  
*Emydoidea blandingii*  
*Kinosternon flavescens*  
*Macrochelys temminckii*  
*Pseudemys concinna*

#### Snakes

Coachwhip  
Southern Watersnake  
Great Plains Ratsnake  
Eastern Massasauga\*

*Coluber flagellum*  
*Nerodia fasciata*  
*Pantherophis emoryi*  
*Sistrurus catenatus*

### d) THREATENED AMPHIBIANS AND REPTILES OF ILLINOIS

#### Salamanders

Jefferson Salamander  
Four-toed Salamander  
Mudpuppy

*Ambystoma jeffersonianum*  
*Hemidactylium scutatum*  
*Necturus maculosus*

#### Frogs and Toads

Eastern Narrow-mouthed Toad  
Bird-voiced Treefrog  
Illinois Chorus Frog

*Gastrophryne carolinensis*  
*Hyla avivoca*  
*Pseudacris illinoensis*

#### Turtles

Smooth Softshell  
Ornate Box Turtle

*Apalone mutica*  
*Terrapene ornata*

#### Snakes

Kirtland's Snake  
Timber Rattlesnake  
Plains Hog-nosed Snake  
Mississippi Green Watersnake  
Flat-headed Snake  
Eastern Ribbonsnake  
Lined Snake

*Clonophis kirtlandii*  
*Crotalus horridus*  
*Heterodon nasicus*  
*Nerodia cyclopion*  
*Tantilla gracilis*  
*Thamnophis saurita*  
*Tropidoclonion lineatum*

### e) ENDANGERED BIRDS OF ILLINOIS

Short-eared Owl  
Upland Sandpiper  
American Bittern

*Asio flammeus*  
*Bartramia longicauda*  
*Botaurus lentiginosus*

Swainson's Hawk	<i>Buteo swainsoni</i>
Piping Plover**	<i>Charadrius melodus</i>
Black Tern	<i>Chlidonias niger</i>
Northern Harrier	<i>Circus hudsonius</i>
Little Blue Heron	<i>Egretta caerulea</i>
Snowy Egret	<i>Egretta thula</i>
Common Gallinule	<i>Gallinula galeata</i>
Loggerhead Shrike	<i>Lanius ludovicianus</i>
Black Rail	<i>Laterallus jamaicensis</i>
Swainson's Warbler	<i>Limnothlypis swainsonii</i>
Yellow-crowned Night-Heron	<i>Nyctanassa violacea</i>
Black-crowned Night-Heron	<i>Nycticorax nycticorax</i>
Wilson's Phalarope	<i>Phalaropus tricolor</i>
King Rail	<i>Rallus elegans</i>
Forster's Tern	<i>Sterna forsteri</i>
Common Tern	<i>Sterna hirundo</i>
Least Tern**	<i>Sternula antillarum</i>
Bewick's Wren	<i>Thryomanes bewickii</i>
Greater Prairie-Chicken	<i>Tympanuchus cupido</i>
Yellow-headed Blackbird	<i>Xanthocephalus</i> <i>xanthocephalus</i>

## f) THREATENED BIRDS OF ILLINOIS

Chuck-will's-widow	<i>Antrostomus carolinensis</i>
Rufa Red Knot*	<i>Calidris canutus rufa</i>
Black-billed Cuckoo	<i>Coccyzus erythrophthalmus</i>
Least Bittern	<i>Ixobrychus exilis</i>
Osprey	<i>Pandion haliaetus</i>
Cerulean Warbler	<i>Setophaga cerulea</i>

## \*\* g) ENDANGERED MAMMALS OF ILLINOIS

Gray/Timber Wolf**	<i>Canis lupus</i>
Rafinesque's Big-eared Bat	<i>Corynorhinus rafinesquii</i>
Southeastern Myotis	<i>Myotis austroriparius</i>
Gray Bat**	<i>Myotis grisescens</i>
Indiana Bat**	<i>Myotis sodalis</i>

## \*\* h) THREATENED MAMMALS OF ILLINOIS

Eastern Small-footed Bat	<i>Myotis leibii</i>
Northern Long-eared Bat*	<i>Myotis septentrionalis</i>
Franklin's Ground Squirrel	<i>Poliocitellus franklinii</i>

## i) ENDANGERED INVERTEBRATE ANIMALS OF ILLINOIS

## Snails

Iowa Pleistocene Snail\*\*  
Hydrobiid Cave Snail  
Onyx Rocksnail  
Shawnee Rocksnail

*Discus macclintocki*  
*Fontigens antroecetes*  
*Leptoxis praerosa*  
*Lithasia obovata*

## Mussels

Fanshell\*\*  
Elephant-ear  
Northern Riffleshell\*\*  
Snuffbox\*\*  
Spike  
Pink Mucket\*\*  
Wavy-rayed Lampmussel  
Higgins Eye\*\*  
Scaleshell\*\*  
Spectaclecase\*\*  
Orangefoot Pimpleback\*\*  
Sheepnose\*\*  
Clubshell\*\*  
Ohio Pigtoe  
Fat Pocketbook\*\*  
Kidneyshell  
Ebonyshell  
Salamander Mussel  
Rabbitsfoot\*  
Purple Lilliput  
Rainbow

*Cyprogenia stegaria*  
*Elliptio crassidens*  
*Epioblasma rangiana*  
*Epioblasma triquetra*  
*Eurynia dilatata*  
*Lampsilis abrupta*  
*Lampsilis fasciola*  
*Lampsilis higginsii*  
*Leptodea leptodon*  
*Margaritifera monodonta*  
*Plethobasus cooperianus*  
*Plethobasus cyphus*  
*Pleurobema clava*  
*Pleurobema cordatum*  
*Potamilus capax*  
*Ptychobranhus fasciolaris*  
*Reginaia ebenus*  
*Simpsonia ambigua*  
*Theliderma cylindrica*  
*Toxolasma lividum*  
*Villosa iris*

## Crustaceans

Isopod  
Anomalous Spring Amphipod  
Packard's Cave Amphipod  
Indiana Crayfish  
Kentucky Crayfish  
Shrimp Crayfish  
Bigclaw Crayfish  
Illinois Cave Amphipod\*\*  
Iowa Amphipod

*Caecidotea lesliei*  
*Crangonyx anomalus*  
*Crangonyx packardii*  
*Faxonius indianensis*  
*Faxonius kentuckiensis*  
*Faxonius lancifer*  
*Faxonius placidus*  
*Gammarus acherondytes*  
*Stygobromus iowae*

## Scorpions

Common Striped Scorpion	Centruroides vittatus
Dragonflies	
Elfin Skimmer	Nannothemis bella
Hine's Emerald Dragonfly**	Somatochlora hineana
Springtails	
Madonna Cave Springtail	Pygmarrhopalites madonnensis
Stoneflies	
Robust Springfly	Diploperla robusta
Central Forestfly	Prostoia ozarkensis
Bees	
Rusty Patched Bumble Bee**	Bombus affinis
Leafhoppers	
Leafhopper	Athysanella incongrua
Butterflies and Moths	
Swamp Metalmark	Calephelis muticum
Cobweb Skipper	Hesperia metea
Ottoe Skipper	Hesperia ottoe
Hoary Elfin	Incisalia polios
Karner Blue Butterfly**	Lycaeides melissa samuelis

j) THREATENED INVERTEBRATE ANIMALS OF ILLINOIS

Mussels	
Purple Wartyback	Cyclonaias tuberculata
Butterfly	Ellipsaria lineolata
Monkeyface	Quadrula metanevra
Leafhoppers	
Redveined Prairie Leafhopper	Aflexia rubranura
Butterflies and Moths	
Eryngium Stem Borer	Papaipema eryngii
Regal Fritillary	Speyeria idalia

\* Federally designated threatened species

\*\* Federally designated endangered species

(Source: Amended at 44 Ill. Reg. \_\_\_\_\_, effective May 28, 2020)

# WILDLIFE

## (520 ILCS 5/) Wildlife Code

### GAME PROTECTIVE REGULATIONS

(520 ILCS 5/2.1) (from Ch. 61, par. 2.1) [Ownership]

Sec. 2.1. The ownership of and title to all wild birds and wild mammals within the jurisdiction of the State are hereby declared to be in the State, and no wild birds or wild mammals shall be taken or killed, in any manner or at any time, unless the person or persons so taking or killing the same shall consent that the title thereto shall be and remain in the State for the purpose of regulating the taking, killing, possession, use, sale and transportation thereof, after such taking or killing, as hereinafter set forth. The taking or killing of wild birds or wild mammals at any time, in any manner, and by any person, shall be deemed a consent on the part of such person that the title to such wild birds or wild mammals shall remain in the State for the purpose of regulating the possession, use, sale and transportation thereof.

The regulation and licensing of the taking of wildlife in Illinois are exclusive powers and functions of the State. A home rule unit may not regulate or license the taking of wildlife. This Section is a denial and limitation of home rule powers and functions under subsection (h) of Section 6 of Article VII of the Illinois Constitution.  
(Source: P.A. 87-296.)

(520 ILCS 5/2.2) (from Ch. 61, par. 2.2)

Sec. 2.2. This Act shall apply only to the wild birds and parts of wild birds (including, but not limited to, their nests and eggs), and wild mammals and parts of wild mammals, which shall include their green hides, in the State of Illinois, or which may be brought into the State.

Wildlife protected by this Act, hereby defined as protected species, include the following wild species and all wild species contained in listed families, including, but not limited to, groups of wild species preceding each family name: (except the House Sparrow, *Passer domesticus*; European Starling, *Sturnus vulgaris*; and Rock Pigeon, *Columba livia*; Purple Swamphen, *Porphyrio porphyrio*; or Muscovy Duck, *Cairina moschata*). GAME BIRDS-Ruffed grouse, *Bonasa umbellus*; Sharp-tailed grouse, *Tympanuchus phasianellus*; Northern Bobwhite, *Colinus virginianus*; Gray Partridge, *Perdix perdix*; Chukar, *Alectoris chukar*; Ring-necked Pheasant, *Phasianus colchicus*; Greater Prairie Chicken, *Tympanuchus cupido*; Wild Turkey, *Meleagris gallopavo*. MIGRATORY GAME BIRDS-Waterfowl including brant, ducks, geese, and swans, *Anatidae*; wild species of the families *Rallidae*, *Scolopacidae*, *Columbidae*, and *Corvidae* that may be legally hunted as provided for in Section 2.18 of this Act. RESIDENT AND MIGRATORY NON-GAME BIRDS-Loons, *Gaviidae*; grebes, *Podicipedidae*; pelicans, *Pelecanidae*; gannets, *Sulidae*; cormorants, *Phalacrocoracidae*; anhingas, *Anhingidae*; frigatebirds, *Fregatidae*; herons, bitterns and egrets, *Ardeidae*; ibises and spoonbills, *Threskiornithidae*; storks, *Ciconiidae*; vultures, *Cathartidae*; kites, hawks, ospreys, and eagles, *Accipitridae*; falcons, merlins, and kestrels, *Falconidae*; rails, gallinules, and moorhens, which may not be legally hunted, *Rallidae*; cranes, *Gruidae*; all shorebirds that may not be legally hunted, of the families *Charadriidae*, *Scolopacidae*, and *Recurvirostridae* gulls, terns, jaegers, skimmers, and kittiwakes, *Laridae*; dovebies and murrelets, *Alcidae*; doves and pigeons, which may not be legally hunted, *Columbidae*; cuckoos and anis, *Cuculidae*; owls, *Tytonidae* and *Strigidae*; whip-poor-wills, chuck-will's-widows, and nighthawks, *Caprimulgidae*; swifts, *Apodidae*; hummingbirds, *Trochilidae*, Kingfishers, *Alcedinidae*; woodpeckers, flickers, and sapsuckers, *Picidae*; kingbirds, pewees, phoebes, and flycatchers, *Tyrannidae* shrikes, *Laniidae*; vireos, *Vireonidae*; magpies, ravens, and jays, *Corvidae*; larks, *Alaudidae*; swallows and martins, *Hirundinidae*; chickadees and titmice, *Paridae*; nuthatches, *Sittidae*; creepers,



Certhiidae; wrens, Troglodytidae; kinglets, Regulidae; gnatcatchers, Sylviidae; robins, bluebirds, solitaires, veerys, and thrushes, Turdidae; mockingbirds, catbirds, and thrashers, Mimidae; pipits, Motacillidae; waxwings, Bombycillidae; warblers, parulas, redstarts, ovenbirds, waterthrushes, yellowthroats, and chats, Parulidae; tanagers, Thraupidae; towhees, longspurs, sparrows, buntings, and juncos, Emberizidae; dickcissels, cardinals, buntings, and grosbeaks, Cardinalidae; blackbirds, meadowlarks, bobolinks, grackles, cowbirds, and orioles, Icteridae; grosbeaks, finches, crossbills, redpolls, and siskins, Fringillidae. GAME MAMMALS-Woodchuck, *Marmota monax*; Gray squirrel, *Sciurus carolinensis*; Fox squirrel, *Sciurus niger*; Eastern cottontail, *Sylvilagus floridanus*; Swamp rabbit, *Sylvilagus aquaticus*; White-tailed deer, *Odocoileus virginianus*. FUR-BEARING MAMMALS-Muskrat, *Ondatra zibethicus*; Beaver, *Castor canadensis*; Raccoon, *Procyon lotor*; Opossum, *Didelphis virginiana*; Least weasel, *Mustela nivalis*; Long-tailed weasel, *Mustela frenata*; Mink, *Mustela vison*; River otter, *Lontra canadensis*; Striped skunk, *Mephitis mephitis*; Badger, *Taxidea taxus*; Red fox, *Vulpes vulpes*; Gray fox, *Urocyon cinereoargenteus*; Coyote, *Canis latrans*; Bobcat, *Lynx rufus*. OTHER MAMMALS-Flying squirrel, *Glaucomys volans*; Red squirrel, *Tamiasciurus hudsonicus*; Eastern Woodrat, *Neotoma floridana*; Golden Mouse, *Ochrotomys nuttalli*; Rice Rat, *Oryzomys palustris*; Franklin's Ground Squirrel, *Spermophilus franklinii*; Bats, *Vespertilionidae*; Gray wolf, *Canis lupus*; American black bear, *Ursus americanus*; Cougar, *Puma concolor*.

It shall be unlawful for any person at any time to take, possess, sell, or offer for sale, propagate, or release into the wild, any of these wild birds (dead or alive) and parts of wild birds (including, but not limited to, their nests and eggs), wild mammals (dead or alive) and parts of wild mammals, including their green hides contrary to the provisions of this Act. However, nothing in this Act shall prohibit bona-fide public or state scientific, educational or zoological institutions from receiving, holding, and displaying protected species that were salvaged or legally obtained.

It shall be unlawful for any person to take any other living wildlife animal not covered by this Act without the permission of the landowner or tenant.

(Source: P.A. 97-431, eff. 8-16-11; 98-1033, eff. 1-1-15.)

(520 ILCS 5/2.2a)

Sec. 2.2a. Invasive and exotic wild animals. The Department may prohibit or limit the importation, possession, release into the wild, take, commercialization of take, sale, and propagation of wild mammals, wild birds, and feral livestock that are not defined as protected species in Section 2.2 of this Act, to reduce risks of communicable diseases, nuisances, and damages to wild or domestic species, agricultural crops, property, and environment. The Department shall set forth applicable regulations in an administrative rule. Nothing in this Act shall prohibit bona fide public or State scientific, educational, or zoological institutions from receiving, holding, and displaying unprotected species that were salvaged or legally obtained.

Nothing in this Section shall be construed to criminalize the accidental escape of domestic livestock.

(Source: P.A. 97-431, eff. 8-16-11.)

(520 ILCS 5/2.2b)

Sec. 2.2b. Imminent threat; nuisance permits.

(a) It shall not be illegal for an owner or tenant of land, or his or her designated agent, to immediately take on his or her property a gray wolf, *Canis lupus*; American black bear, *Ursus americanus*; or cougar, *Puma concolor* if, at any time, the gray wolf, American black bear, or cougar is stalking or causing an imminent threat or there is a reasonable expectation that it causes an imminent threat of physical harm or death to a human, livestock, or domestic animals or harm to structures or other property on the owner's or tenant's land.

(b) The Department may grant a nuisance permit to the owner or tenant of land, or his or her designated agent, for the taking of a gray wolf, American black bear, or cougar that is causing a

threat to an owner or tenant of land or his or her property that is not an immediate threat under subsection (a) of this Section.

(c) The Department shall adopt rules to implement this Section.

(Source: P.A. 98-1033, eff. 1-1-15; 99-78, eff. 7-20-15.)

(520 ILCS 5/2.3) (from Ch. 61, par. 2.3)

Sec. 2.3. Release of Wildlife - Permission. It shall be unlawful to release from captivity any live bird or mammal, either indigenous or non-indigenous in this State and that is ordinarily considered a wildlife species except as provided in Sections 2.2, 2.4, 2.34, 2.37, 3.23 and 3.29, anywhere in this State without first securing the written permission of the Department to do so. The Department may set forth applicable regulations by administrative rule.

(Source: P.A. 97-431, eff. 8-16-11.)

(520 ILCS 5/2.4) (from Ch. 61, par. 2.4)

Sec. 2.4. The term birds of prey shall include all species of owls, falcons, hawks, kites, harriers, ospreys and eagles. It shall be unlawful for any person, organization or institution to take or possess a bird of prey (raptor) without first obtaining a license or appropriate permit from the Department. All applicants must be at least 14 years of age. Regulations for the capture, use, possession and transportation of birds of prey for falconry or captive propagation purposes are provided by administrative rule. The fee for a falconry license is \$200 for 5 years and must be renewed every 5 years. The fee for a captive propagation permit is \$200 for 5 years and must be renewed every 5 years. The fee for a raptor capture permit for a resident of the State of Illinois is \$50 per year. The fee for a non-resident raptor capture permit is \$100 per year. A Scientific Collectors Permit, available to qualified individuals as provided in Section 3.22 of this Act, may be obtained from the Department for scientific, educational or zoological purposes. No person may have in their possession Bald Eagle, *Haliaeetus leucocephalus*; Osprey, *Pandion haliaeetus*; or Barn Owl, *Tyto alba*. All captive-held birds of prey must be permanently marked as provided by administrative rule. The use of birds of prey for the hunting of game birds, migratory birds, game mammals, and furbearing mammals shall be lawful during falconry seasons, which shall be set by administrative rule.

(Source: P.A. 97-1136, eff. 1-1-13.)