

TITLE 17: CONSERVATION
CHAPTER 1: 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 5/2.37].

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

Section 525.10 Purpose

This Part has been established to govern the taking, possession, transport, and disposition of Protected Species as defined by Section 2.2 of the Wildlife Code [520 ILCS 5/2.2] which are causing damage to property or a risk to human health or safety and the issuance of Nuisance Wildlife Control Permits. Drainage Districts controlling beavers under authority of the Wildlife Code [520 ILCS 5/2.37] and recipients of Nuisance Animal Removal Permits, Deer Removal Permits and Deer Population Control Permits are exempt from the provisions of this Part.

(Source: Amended at 27 Ill. Reg. 735, effective January 6, 2003)

Section 525.20 Requirements and Application

- a) Any individual desiring to control Protected Species which are causing damage to property or a risk 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. Taking any protected species in violation of this subsection is a Class B misdemeanor (see 520 ILCS 5/2.33, 2.33(a)). Control of white-tailed deer and threatened or endangered species is prohibited except as provided for in Section 525.30(h). Unlawful taking of white-tailed deer is a Class B misdemeanor (see 520 ILCS 5/2.24), as is unlawful taking of migratory birds (see 520 ILCS 5/2.18). Unlawful taking of an endangered species is a Class A misdemeanor (see 520 ILCS 10/9).

- b) Any person desiring to control Protected Species which are causing damage to property or a risk to human health or safety on the land of another, at no charge, must first obtain a valid Class B Nuisance Wildlife Control Permit from the Department. Not-for-profit (501(c)(3)) zoos and botanical gardens desiring to control protected species that are causing damage to property or are a risk to human health or safety on lands owned by that entity must first obtain a valid Class B Nuisance Wildlife Control Permit from the Department. Control of white-tailed deer and migratory, threatened, or endangered species is prohibited except as provided for in Section 525.30(h). Unlawful taking of white-tailed deer is a Class B misdemeanor (see 520 ILCS 5/2.24), as is unlawful taking of an endangered species (see 520 ILCS 5/2.18). Unlawful taking of migratory birds is a Class B misdemeanor (see 520 ILCS 10/9).
- c) Any governmental body desiring to control Protected Species which are causing damage to property or a risk to human health or safety on lands governed, owned or managed by that governmental body must first obtain a valid Class C Nuisance Wildlife Control Permit from the Department. Control of white-tailed deer and migratory, threatened, or endangered species is prohibited except as provided for in Section 525.30(h). Unlawful taking of white-tailed deer is a Class B misdemeanor (see 520 ILCS 5/2.24), as is unlawful taking of an endangered species (see 520 ILCS 5/2.18). Unlawful taking of migratory birds is a Class B misdemeanor (see 520 ILCS 10/9).
- d) Permit Procedures
- 1) To be eligible for a Class A or Class B Nuisance Wildlife Control Permit the applicant must be at least 18 years of age.
 - 2) Application for a Nuisance Wildlife Control Permit shall be made on forms provided by the Department's Division of Wildlife Program Development and Coordination and shall be obtained by submitting a request to the Division.
 - 3) The Department shall issue a Class A Nuisance Wildlife Control Permit to an individual provided the applicant has:
 - A) met eligibility requirements as per this Section;
 - B) passed a written examination administered by the Department which tests the applicant's knowledge and understanding of:
 - i) this Part;
 - ii) the Wildlife Code [520 ILCS 5/2.37];
 - iii) 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" (Subpart F, Subchapter A, ch. 1, Title 9 CFR, 2004) (no later editions or amendments are included);
 - 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 common Illinois wildlife as well as methods of preventing or controlling damage and risks to human health or safety.
- 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.
- 4) Each new applicant or person whose permit has been revoked or has expired shall be required to answer correctly at least 80% of the questions on the closed-book examination. Applicants failing the required examination may repeat the exam after 45 days. Should a second failure occur, a six-month waiting period from the date of the second exam is required. The examination sequence can be repeated no more than twice during any two-year period.
- 5) The Department shall issue a Class B Nuisance Wildlife Control Permit to an individual provided the applicant has:
- A) met eligibility requirements as per this Section;
 - B) successfully completed an interview during which a representative of the Division of Wildlife Resources has determined the applicant's knowledge of wildlife and wildlife capture techniques sufficient to render services as provided for in this Section; 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.
- 6) The Department shall issue a Class B Nuisance Wildlife Control Permit to a not-for-profit (501(c)(3)) zoo provided that entity is accredited by the

American Zoological Association and a staff member in charge of nuisance wildlife control activities complies with provisions set forth in Section 525.20(d)(5). The Department shall issue a Class B Nuisance Wildlife Control 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 and a staff member in charge of nuisance wildlife control activities complies with provisions set forth in Section 525.20(d)(5). 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 Sections 525.20(e), 525.30(q), and 525.40.

- 7) The Department shall issue a Class C Nuisance Wildlife Control Permit to a governmental body upon application.
- e) Violation of the Illinois Endangered Species Protection Act [520 ILCS 10], the Fish Code of 1971 [520 ILCS 5] or the Wildlife Code [520 ILCS 5] during the 3 years prior to application for a Class A or Class B Nuisance Wildlife Control Permit shall be grounds for refusal to issue said permit.
- f) Final judgement of applications shall be made by the Chief, Division of Wildlife Program Development and Coordination, or his designee, based on criteria contained in subsection (d).
- g) Providing deceptive or false information on an application is a Class A misdemeanor (see 520 ILCS 5/2.38).

(Source: Amended at 29 Ill. Reg. 3919, effective February 24, 2005)

Section 525.30 General Provisions

- a) Nuisance Wildlife Control Permits shall be issued on an annual basis and expire January 31 of each year. Nuisance Wildlife Control Permits are not transferable. Permitted Nuisance Wildlife Control is governed solely by Sections 2.37 and 2.38 of the Wildlife Code [520 ILCS 5/2.37 and 2.38] and this Part. All other provisions of The Game Protective Regulations of the Wildlife Code [520 ILCS 5] do not apply.
- b) Under no circumstances shall a Nuisance Wildlife Control Permit be used in lieu of a scientific collector's permit or sport or commercial licenses.
- c) Permittee's method of taking fauna must be approved by the Department. Approved methods include, but are not limited to trapping and shooting. In addition,
 - 1) Only the following devices shall be used for land sets:
 - A) box traps, cage traps or traps of similar design;

- B) EGG traps®, D-P® (Dog-Proof) traps or traps of similar design with a single access opening no larger than three square inches;
 - C) cushion-hold traps with no modifications from the manufacturer's specifications other than the addition of auxiliary springs and/or swivels. "Cushion-hold trap" means an approved, 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 non-metallic substance that eliminates or mitigates injury to the trapped animal; and
 - D) body-gripping traps powered by two springs and having an inside jaw spread no larger than 25 square inches may be used if set inside a residence at least four inches from any outside surface of the structure or set outdoors at least eight feet from the ground and enclosed in a tube, cylinder or open-ended box constructed of solid wood, metal or plastic such that the trigger of the trap is located at least twelve inches from any entrance to the enclosure in which it is set.
 - E) Violation is a Class B misdemeanor (see 520 ILCS 5/2.33(a)).
- 2) Body-gripping traps, cushion-hold traps, leghold traps, EGG® traps and D-P® (Dog-Proof) traps or traps of similar design, Bailey beaver traps or traps of similar design, Snead colony traps or traps of similar design, and cage traps, box traps or traps of similar design may be used for water sets. Snares that are not powered by springs or other mechanical devices shall be 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 2 ½ inches (6.4 CM); the cable diameter is not less than 5/64 inch (2.0 MM) but not greater than 1/8 inch (3.2 MM); and the snare is not constructed of stainless steel metal cable or wire. Violation is a Class B misdemeanor (see 520 ILCS 5/2.33(a)).
 - 3) 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 520 ILCS 5/2.33(a)).
 - 4) 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 520 ILCS 5/2.33(a)).
 - 5) It is unlawful for any person to place, set, use, or maintain a cushion-hold trap or leghold trap, in water, that has an inside jaw spread larger than 7 ½ 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 520 ILCS 5/2.33(a)).

- 6) It is unlawful for any person to place, set, use, or maintain a cushion-hold trap, on land, that has an inside jaw spread larger than 6 ½ inches (16.6 CM). Violation is a Class B misdemeanor (see 520 ILCS 5/2.33(a)).
- 7) It is unlawful to use any trap with saw-toothed, serrated, spiked, or toothed jaws. Violation is a Class B misdemeanor (see 520 ILCS 5/2.33(a)).
- 8) It is unlawful to place, set, or maintain any leghold trap 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 underwater sets. Bait shall mean and include any bait composed of mammal, bird, or fish flesh, fur, hide, entrails, or feathers. Violation is a Class B misdemeanor (see 520 ILCS 5/2.33(a)).
- 9) It is unlawful to use any deadfall, pit trap, spear, gig, hook, crossbow, poison, chemical, explosive or any like device to take any Protected Species, except that commercially available gas cartridges that emit carbon monoxide or carbon dioxide as primary lethal agents may be used according to the manufacturer's specifications. Violation is a Class B misdemeanor (see 520 ILCS 5/2.33(a)).
- 10) It is unlawful for any person, except persons permitted by law, to have or carry any gun in or on any vehicle, conveyance or aircraft, unless such gun is unloaded and enclosed in a case. Violation is a Class B misdemeanor (see 520 ILCS 5/2.33(n)).
- 11) It is unlawful to fire a rifle, pistol, revolver, or airgun on, over or into any waters of this State, including frozen waters. Violation is a Class B misdemeanor (see 520 ILCS 5/2.33(q)).
- 12) 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 520 ILCS 5/2.33(r)).
- 13) It is unlawful to use a silencer or other device to muffle or mute the sound of the explosion or report resulting from the firing of any gun. Violation is a Class B misdemeanor (see 520 ILCS 5/2.33(s)).
- 14) 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 520 ILCS 5/2.33(v)).

- 15) 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 520 ILCS 5/2.33(x)).
 - 16) It is unlawful for any person to take any Protected Species during the gun deer hunting season in those counties open to gun deer hunting, unless he wears, when in the field, a cap and outer garment of a solid blaze orange color, with such articles of clothing displaying a minimum of 400 square inches of blaze orange material. Violation is a Class B misdemeanor (see 520 ILCS 5/2.33(ff)).
 - 17) The use of guns shall be subject to all State restrictions.
 - 18) The use of guns shall be subject to municipal restrictions unless otherwise authorized in writing by an official of the municipality.
- d) Taking of fauna on private properties by Class A and Class B permittees requires the landowner's or tenant's written permission. Class B not-for-profit permittees are restricted to taking nuisance fauna only on the lands owned by the not-for-profit entity. Nothing in this Part allows the taking of wildlife on the property of another without permission from the landowner or tenant. Violation is a Class B misdemeanor (see 520 ILCS 5/2.33(t)).
 - e) Taking of fauna on State-owned or -managed lands requires written authorization from the Site Superintendent or District Wildlife Habitat Biologist. Violation is a Class B misdemeanor (see 520 ILCS 835/6).
 - f) Permittees shall describe to the persons seeking services the estimated cost and type of control methods to be used to relieve the nuisance problem and/or to alleviate damage to livestock, crops, or property.
 - g) The Nuisance Wildlife Control Permit must be carried on the person at all times when taking or transporting fauna and be presented, upon request, to any authorized employee of the Department or any peace officer. Violation is a petty offense (see 520 ILCS 5/2.37).
 - h) The taking of white-tailed deer, endangered species, threatened species or other species protected by Federal regulations is prohibited except for the salvage and disposal of dead white-tailed deer in accordance with subsection (k) of this Section.
 - i) All fur-bearing mammals [520 ILCS 5/1.2g] and game mammals [520 ILCS 5/1.2h] that are not endangered or threatened (17 Ill. Adm. Code 1010) and are 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 were 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 520 ILCS 5/2.37).

All other Protected Species must be released alive or surrendered to a licensed rehabilitator. Violation is a Class B misdemeanor (see 520 ILCS 5/2.33).

- j) Methods of euthanizing animals must be approved by the Department and include such methods as:
 - 1) captive bolt, gunshot, drowning, and stunning (mechanical only);
 - 2) inhalants, including halothane, isoflurane, carbon monoxide, and carbon dioxide; and
 - 3) non-inhalants including Secobarbital/dibucaine.
- k) All dead animals must be transferred to a licensed renderer 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).
- l) 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 520 ILCS 5/2.36).
- m) All animals released alive must be re-located into suitable habitat in the State of Illinois within 24 hours after capture. Except as provided for in subsection (i) of this Section, 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. Animals captured by duly appointed representatives of municipalities shall be re-located into suitable habitat less than 10 miles from the capture site if this subsection would require the release of animals on lands outside their jurisdiction. Violation is a petty offense (see 520 ILCS 5/2.37).
- n) Temporary holding facilities 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" (subpart F, subchapter A, ch. 1, Title 9 CFR, 2004) (no later editions or amendments are included). Violation is a petty offense (see 520 ILCS 5/2.37).
- o) Release of fauna onto public or private land requires written authorization from the

site superintendent, tenant, or landowner. In the event that threatened or endangered species are involved, the release shall be directed by the Endangered and Threatened Species Conservation Program Coordinator, Division of Resource Stewardship and Protection, Department of Natural Resources, One Natural Resources Way, Springfield, Illinois 62702-1271. Violation is a petty offense (see 520 ILCS 5/2.37).

- p) Permittees who rent, lend or otherwise transfer traps to clients, citizens, or other parties who are not under their direct supervision 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 other party. Any animals taken by a second party must be reported by the permittee in accordance with subsection (q). Failure to comply with this Part shall result in permit suspension or revocation in accordance with Section 525.40.
- q) All permittees shall maintain records and submit an annual report to the Department showing the following information: total number of complaints received, number of complaints serviced, county of residence, name, address, and phone number of the permittee, number and kinds of animals relocated, name, address, and phone number of any site supervisor, tenant or landowner on whose property animals were released, locations where animals were released, and number and kinds of all animals euthanized. 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. All such reports and records required by this Section shall be available for inspection by any officer or authorized employee of the Department, any sheriff, deputy sheriff, or any other peace officer at any reasonable time when request is made for same. Failure to comply with the provisions of this Section shall bar the permittee from obtaining a Nuisance Wildlife Control Permit for the following year.
- r) 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 as such. Violation is a petty offense (see 520 ILCS 5/1.23).
- s) A Class A Nuisance Wildlife Control Permittee is an industrial user as listed in the Hypodermic Syringes and Needles Act [720 ILCS 635].

(Source: Amended at 29 Ill. Reg. 3919, effective February 24, 2005)

Section 525.35 Migratory Birds

- a) Any owner or tenant of lands, including operations, associations and governmental bodies, may, without a permit, scare away migratory birds, either game or non-game, as defined in Section 2.2 of the Wildlife Code [520 ILCS 5/2.2] when they are:
 - 1) causing damage to property or wildlife;

- 2) creating a risk to human health or safety; or
- 3) concentrated in such numbers and manner as to constitute a health hazard or other nuisance, provided that:
 - A) the damage, risk, hazard or other nuisance must be identifiable to an employee of the Department; and
 - B) scaring must be done in accordance with 50 CFR 21.41 (2004), except birds that have a nest with eggs and/or a nest with young may not be scared without proper authorization from the Department.
- b) Damage to property or wildlife or a risk to human health or safety or health hazard or other nuisance includes, but is not limited to:
 - 1) excessive fecal matter accumulations on property;
 - 2) damage to turf, ornamental plantings, agricultural crops, structures, vehicles;
 - 3) risks to human safety, such as human conflicts with aggressive birds and vehicle collisions with birds;
 - 4) a risk 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.
- c) Methods of scaring include, but are not limited to:
 - 1) noise-making devices such as propane cannons, airhorns, distress calls, whistles, blank shells, cracker shells, or pyrotechnic devices such as bangers and screamers;
 - 2) visual methods such as flash tape, balloons, flags, vehicles, fencing, radio-controlled vehicles, dogs or non-harmful light-emitting devices; and
 - 3) chemical repellants that are registered for the non-lethal control of birds by the USEPA.
- d) Any person 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, rusty blackbirds, Brewer's

blackbirds, cowbirds, grackles and crows when found committing or about to commit depredations upon ornamental or shade trees, agricultural crops, livestock or wildlife, or when concentrated in such numbers and manner as to constitute a health hazard or other nuisance, without a permit, so long as he or she has written permission from the landowner or tenant.

- e) The destruction of nests and eggs of protected species of waterfowl including wild ducks, geese and swans, shall be conducted only in accordance with the following requirements:
 - 1) Individuals desiring to destroy the nests and eggs of protected species of waterfowl, for a fee, must first answer correctly at least 80% of the questions on a written exam that tests their knowledge of methods of preventing, abating and controlling property damage and risks to human health or safety caused by protected species of waterfowl, topics specified by Section 525.20(d)(3)(B) and applicable federal regulations (50 CFR 21.41 (2004)). Individuals who pass the written exam and meet other requirements set forth in this Part shall be issued a certificate of authorization to destroy the nests and eggs of protected species of waterfowl.
 - 2) Prior to destroying the nests and eggs of protected species of waterfowl, permittees must request and obtain appropriate authorization from the U.S. Fish and Wildlife Service and written approval from the Department for each site where control work will take place.
 - 3) Methods of destroying waterfowl eggs shall be limited to addling, oiling, puncturing and freezing.
- f) The taking of any migratory birds or other species protected by federal regulations requires prior authorization from the U.S. Fish and Wildlife Service and written approval from the Department for each site where the taking will occur.
- g) This Section does not apply to eagles or endangered species. Unlawful scaring or harassing of eagles or endangered species is a Class A misdemeanor. Unlawful taking of eagles or endangered species can be up to a Class 3 felony.

(Source: Added at 29 Ill. Reg. 3919, effective February 24, 2005)

Section 525.40 Revocation and Suspension of Permits - Hearings and Appeals

In accordance with Section 3.36 of the Wildlife Code [520 ILCS 5/3.36], failure to comply with the provisions of the Nuisance Wildlife Control Permit, portions of the Wildlife Code of Illinois pertaining to Nuisance Wildlife Control Permits and this Part or providing false information to obtain a Nuisance Wildlife Control Permit shall result in suspension and revocation of the Nuisance Wildlife Control Permit. Suspension of the Nuisance Wildlife Control Permit shall be for a period of not less than one year. Upon receiving three or more complaints about services rendered by a

permittee, the Department shall review allegations and shall immediately suspend the permit of said person for a period not to exceed 90 days pending an investigation. The procedure by which suspensions and revocations are made, the rights of permittees to notice and hearing; and the procedures governing such hearings are set forth in 17 Ill. Adm. Code 2530.

(Source: Amended at 23 Ill. Reg. 3406, effective March 8, 1999)

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 Program Development and Coordination
One Natural Resources Way
Springfield IL 62702-1271

(Source: Amended at 27 Ill. Reg. 735, effective January 6, 2003)