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

a) Approved Land Sets

1) Only the following devices may be used for land sets:

A) box traps, cage traps, colony traps or traps of similar design;

B) enclosed foot-hold traps with a single access opening no larger than 3 square inches; examples of approved devices include, but are not limited to, EGG®, D-P® (Dog-Proof) and L'il Grizz® traps;

C) cushion-hold; offset laminated and wide-jaw foot-hold traps that:

i) are listed by the Association of Fish and Wildlife Agencies as Best Management Practices for Trapping Coyotes in the Eastern United States (http://www.fishwildlife.org/files/

EasternCoyote\_BMP\_2016.pdf); and

ii) have an inside jaw spread of 6½ inches (16.6 cm) or less;

D) body-gripping traps powered by two springs and having an inside jaw spread of no larger than 49 square inches may be used if set inside a residence at least 4 inches from any outside surface of the structure or set outdoors at least 8 feet from the ground and enclosed in a tube, cylinder or open-ended box constructed of solid wood, metal or plastic so that the trigger of the trap is located at least 12 inches from any entrance to the enclosure in which it is set.

2) Violation is a Class B misdemeanor (see Section 2.33(a) of the Code).

b) Approved Water Sets

1) Only the following devices may be used for water sets:

A) body-gripping traps;

B) cushion-hold traps;

C) foot-hold traps;

D) enclosed foot-hold traps with a single access opening no larger than 3 square inches; examples of approved devices include, but are not limited to, EGG®, D-P® (Dog-Proof) and L'il Grizz® traps;

E) Bailey beaver traps, Hancock beaver traps or traps of similar design;

F) colony traps, cage traps, box traps or traps of similar design;

G) snares that are not powered by springs or other mechanical devices (used for water sets only) if: at least one-half of the snare noose loop is located under water at all times; the noose loop diameter is not greater than 15 inches (38.1 cm); the snare is equipped with a mechanical lock, anchor swivel, and stop device to prevent the mechanical lock from closing the noose loop to a diameter of less than 2½ inches (6.4 cm); the cable diameter is not less than 5/64 inch (2.0 mm) but not greater than 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)