**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)