

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

PART 1070
POSSESSION OF SPECIMENS OR PRODUCTS OF
ENDANGERED OR THREATENED SPECIES

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AUTHORITY: Implementing and authorized by Sections 4 and 11(c) of the Illinois Endangered Species Protection Act [520 ILCS 10/4 and 11(c)].

SOURCE: Adopted at 13 Ill. Reg. 14934, effective September 11, 1989; amended at 14 Ill. Reg. 18264, effective October 29, 1990; amended at 15 Ill. Reg. 13341, effective September 3, 1991; amended at 17 Ill. Reg. 18799, effective October 19, 1993; amended at 18 Ill. Reg. 5838, effective April 5, 1994; recodified by changing the agency name from Department of Conservation to Department of Natural Resources at 20 Ill. Reg. 9389; amended at 27 Ill. Reg. 10040, effective June 23, 2003.

Section 1070.10 Definitions

Animal - those organisms commonly included in the science of zoology and generally distinguished from plants by possession of a nervous system and the ability to move from place to place, including all invertebrates such as sponges and mollusks as well as vertebrates such as fishes, amphibians, reptiles, birds, and mammals. (Section 2 of the Illinois Endangered Species Protection Act) (the Act) [520 ILCS 10/2]

Animal Product - the fur, hide, skin, teeth, feathers, tusks, claws, eggs, nests or the body or any portion thereof whether in a green or raw state or as a product manufactured or refined from an animal protected under the Illinois Endangered Species Protection Act (Section 2 of the Act) or under this Part.

Board - the Illinois Endangered Species Protection Board. (Section 2 of the Act)

Department - the Illinois Department of Natural Resources. (Section 2 of the Act)

Director - the Director of the Illinois Department of Natural Resources. (Section 2 of the Act)

Endangered Species - any species of plant or animal classified as endangered under the Federal Endangered Species Act of 1973 (P.L. 93-205, effective December 28, 1973) and amendments thereto, plus such other species which the Board may list as in danger of extinction in the wild in Illinois due to one or more causes including but not limited to, the destruction, diminution or disturbance of habitat, overexploitation, predation, pollution, disease, or other natural or manmade factors affecting its prospects of survival, but not including nursery plant stock obtained from a non-wild source, nor pre-act or legally obtained birds of prey held by licensed falconers. (Section 2 of the Act)

Federal Endangered Plant - A plant appearing on the Federal Endangered Species List.

Illinois List - those species of animals and plants listed by the Board as endangered or threatened. (Section 2 of the Act)

Person - any individual, firm, corporation, partnership, trust, association, private entity, government agency, or their agents, and representatives. (Section 2 of the Act)

Plant - any organism not considered to be an animal, including such organisms as algae, fungi, bryophytes, and ferns, as well as flowering plants and conifers. (Section 2 of the Act)

Plant Product - any plant body or part thereof removed from natural habitat, including seeds, fruits, roots, stems, flowers, leaves, or products made from any of these, including extracts and powders. (Section 2 of the Act)

Program Manager - the supervisor of the Endangered and Threatened Species Conservation Program in the Department.

Scrap - to dispose of a specimen or product of an endangered or threatened species in a manner which permanently removes that specimen or product from the possession of the permit holder and renders the specimen or product unsuitable for possession by any other person. This shall include, but not be limited to euthanasia, burning, or burial.

Specimen - a live individual of any animal or plant species.

Take - in reference to animals and animal products, to harm, hunt, shoot, pursue, lure, wound, kill, destroy, harass, gig, spear, ensnare, trap, capture, collect, or to attempt to engage in such conduct. In reference to plants and plant products, to collect, pick,

cut, dig up, kill, destroy, bury, crush, or harm in any way.

Threatened Species - any species of plant or animal classified as threatened under the Federal Endangered Species Act of 1973 (P.L. 93-205, effective December 28, 1973) and amendments thereto, plus such other species which the Board may list as likely to become endangered in Illinois within the foreseeable future. (Section 2 of the Act)

(Source: Amended at 27 Ill. Reg. 10040, effective June 23, 2003)

Section 1070.20 Permit Requirements

- a) It shall be unlawful for any person to take, possess, transport, purchase, or dispose of specimens or products of an endangered or threatened animal or federal endangered plant after the date of listing unless a valid permit for such activity has been issued pursuant to this Part or as otherwise provided for in this Section or 17 Ill. Adm. Code 1590 (Falconry and the Captive Propagation of Raptors) or [515 ILCS 5/20-85]; [520 ILCS 5/3.11, 3.12, 3.15, 3.16, 3.18 and 3.21].
- b) Any person having a current, valid permit issued by the U.S. Fish and Wildlife Service pursuant to the Federal Endangered Species Act of 1973 (P.L. 93-205, effective December 28, 1973) or an Exhibitor Permit issued by the U.S. Department of Agriculture for the taking, possession, transportation, purchase, or disposal of species designated as endangered or threatened by the Secretary of the Interior of the United States and not known to occur within the State of Illinois, shall be considered to have met the requirements for issuance of a permit pursuant to this Part and shall be issued a permit upon request.
- c) Notwithstanding subsection (a), any person may possess or transport a species on the Illinois list within Illinois for purposes such as circuses, theatrical acts, carnivals, or displays, provided that the listed species is held under a current, valid permit for such purposes issued by the U.S. Fish and Wildlife Service pursuant to the Federal Endangered Species Act of 1973 (P.L. 93-205, effective December 28, 1973) or an Exhibitor Permit issued by the U.S. Department of Agriculture or the appropriate authorities of a state other than Illinois, for a period not to exceed 30 days in any calendar year.
- d) Notwithstanding subsection (a), any employee or agent of the Department or the Board or the U.S. Fish and Wildlife Service who is designated by that agency for such purposes, shall be authorized, when acting in the course of his official duties, to take endangered or threatened animals without a permit if such action is necessary to aid a sick, injured or orphaned specimen; or dispose of a dead specimen; or salvage a dead specimen which may be useful for scientific study or educational purposes.

- e) Any taking pursuant to subsection (d) must be reported in writing to the Program Manager within 10 working days.
- f) It shall be unlawful for any person to possess, purchase, or dispose of specimens or products of an endangered or threatened animal or federal endangered plant which was in the possession of that person prior to May 1, 1973, or acquired legally out-of-state unless a valid limited permit for such activity has been issued pursuant to this Part, which permit shall be issued upon proof of pre-Act or legal acquisition.
- g) It shall be unlawful for any person to propagate or attempt to propagate any endangered or threatened animal or federal endangered plant unless a valid permit specifically allowing such activity has been issued pursuant to this Part.
- h) It shall be unlawful for any person to perform taxidermic services upon any product of an endangered or threatened species except as allowed by this Part.
- i) It shall be unlawful for any person to possess an endangered or threatened animal for purposes of veterinary rehabilitation for a period exceeding 90 days unless a valid permit for such activity has been issued pursuant to this Part. Only persons holding a rehabilitation permit issued by the Department shall possess endangered or threatened animals for such purposes. All rehabilitators are required to notify the Program Manager within 10 working days of the receipt of any endangered or threatened animals. Release of rehabilitated animals shall be only at the location at which the animal was collected or at another location approved by the Department.
- j) Permits issued under this Part or valid copies thereof must be in the possession of the holder or his agent when engaged in activities involving endangered or threatened animals or federal endangered plants and presented upon demand to any authorized officer or agent of the Department or any police officer of the State of Illinois or of any unit of local government within the State of Illinois.
- k) No person shall transfer a permit issued pursuant to this Part to another person.
- l) Except as otherwise stated on the face of a permit, any person who is under the direct control of the permittee, or who is employed by or under contract to the permittee for the purposes authorized by the permit, may carry out the activity authorized by the permit.
- m) The authorizations on the face of a permit which allow specific activities (e.g., taking, possession, disposal), specify numbers or quantities of specimens or products, or otherwise permit a specifically limited matter, are to be strictly construed and shall not be interpreted to permit similar or related matters outside the scope of strict construction.
- n) A permittee who furnishes his permit to the Director for endorsement or correction

in compliance with this Part may continue those activities authorized by the permit pending its return.

- o) All correspondence regarding permits issued pursuant to this Section shall be addressed to:

Endangered Species Program Manager
Resource Protection and Stewardship
Illinois Department of Natural Resources
One Natural Resources Way
Springfield IL 62702-1271

(Source: Amended at 27 Ill. Reg. 10040, effective June 23, 2003)

Section 1070.30 Permit Provisions

To take, possess, transport, purchase, or dispose of specimens or products of endangered or threatened animals or federal endangered plants after the date of listing, an applicant must provide a scientific, educational, or zoological/botanical justification to keep such animals, animal products, plants, or plant products.

- a) Scientific Purpose - Persons planning to conduct research involving endangered or threatened animals or federal endangered plants must apply for a permit for scientific purposes.
- 1) In addition to completing a permit application form provided by the Department, the applicant for a scientific permit must submit:
- A) an outline of the proposed research, including the scientific justification for such research, methods to be used, needs for the use of an endangered or threatened species, and a statement as to how the proposed research will enhance the survival and well-being of the species involved;
- B) a description, including photographs, of the facilities intended for use in holding the endangered or threatened species; and
- C) a statement of the qualifications of the applicant to conduct the proposed research, including educational history, experience in similar research, and a list of pertinent publications and professional activities.
- 2) Scientific purposes include, but may not be limited to:
- A) study of biology, physiology, or behavior of the affected species; and

- B) banding or otherwise marking these species including eggs, seeds, dens, nests, or progeny.
- 3) A permit for scientific purposes will be approved if the research proposal meets the following criteria:
- A) the applicant's credentials indicate training and experience which will assure that the applicant has the ability to conduct the proposed research.
 - B) the proposed research cannot be conducted using a non-listed species;
 - C) the proposed research can be expected to yield results which will enhance the survival and welfare of wild populations of the species involved; and
 - D) the facilities to be used to house endangered or threatened species are shown to meet the standards defined in Sections 1070.60 or 1070.70 of this Part.
- b) Educational Purposes - Persons wishing to utilize specimens or products of endangered or threatened animals or federal endangered plants in an educational program must apply for a permit for educational purposes. Permits for educational purposes will be issued only to institutions (e.g., schools, museums, zoos) or to individuals employed and/or sponsored by such an institution.
- 1) In addition to completing a permit application form provided by the Department, the applicant for an educational permit must submit:
- A) an outline of the educational program to be presented. Every educational program shall include information on the endangered or threatened status of the specimens being displayed and an explanation of the legal acquisition of the specimens;
 - B) a list of all similar programs conducted by the applicant during the two years preceding the application for an educational permit, including estimates of the number of persons attending each presentation;
 - C) a statement as to how the possession of the specimens or products of endangered or threatened animals or federal endangered plants by the applicant will enhance the welfare of the species involved;
 - D) a description, including photographs, of the facilities intended for use in holding the endangered or threatened species; and

- E) a verified statement that any specimens to be used in the educational program will be obtained legally.
- 2) A permit for educational purposes will be issued if the proposed educational program meets the following criteria:
- A) the credentials of the applicant indicate training and experience which will assure that the applicant has the ability to conduct the proposed program;
 - B) the program promotes the survival of the endangered or threatened species and its natural habitat;
 - C) the program promotes understanding of the ecological needs of natural populations of the species;
 - D) the program promotes understanding of the role of the endangered or threatened species in its natural environment; and
 - E) the facilities to be used to house endangered or threatened species are shown to meet the standards defined in Section 1070.60 or 1070.70 of this Part.
- c) Zoological/Botanical Purpose - Persons wishing to display specimens or products of endangered or threatened animals or federal endangered plants in a zoological/botanical program (e.g., zoological parks, aquaria, arboreta) must apply for a permit for zoological/botanical purposes. If specimens to be held under a permit for zoological/botanical purposes are to be available for public viewing, the public display shall include a notice which describes the endangered or threatened status of the species and explains the means of legal acquisition of the specimens. Such notice shall be posted prominently in a location easily visible to all visitors.
- 1) In addition to completing a permit application form provided by the Department, the applicant for a zoological/botanical permit must submit:
- A) a photostatic copy of an Exhibitor Permit issued by the U.S. Department of Agriculture;
 - B) an outline of all proposed programs that would utilize specimens or products of endangered or threatened species;
 - C) a statement of the training and experience of those persons to be responsible for the care of the endangered or threatened species;
 - D) a statement as to how the possession of the specimens or products of

- endangered or threatened animals or federal endangered plants by the applicant will enhance the welfare of the species involved;
- E) a description, including photographs, of the facilities intended for use in holding the endangered or threatened species; and
 - F) a verified statement that any specimens to be used in a zoological/botanical program will be legally obtained.
- 2) A permit for zoological/botanical purposes will be issued if the proposed zoological/botanical program meets the following criteria:
- A) the credentials of the applicant indicate training and experience which will assure that the applicant has the ability to conduct the proposed program;
 - B) the program promotes the survival of the endangered or threatened species and its natural habitat;
 - C) the program promotes understanding of the ecological needs of natural populations of the species;
 - D) the program promotes understanding of the role of the endangered or threatened species in its natural environment; and
 - E) the facilities to be used to house endangered or threatened species are shown to meet the standards defined in Section 1070.60 or 1070.70 of this Part.
- d) Permit for Propagation of Endangered or Threatened Species - Persons wishing to propagate or attempt to propagate any endangered or threatened species of animal or federal endangered plant must apply for a permit for such purposes. Propagation permits may be issued as an addendum to permits for scientific or zoological/botanical purposes. A permit for educational purposes shall not include permission to propagate or attempt to propagate endangered or threatened species. A permit issued pursuant to 17 Ill. Adm. Code 1590 (Falconry and the Captive Propagation of Raptors) for the propagation of raptors shall be deemed to meet the requirement of this Part.
- 1) In addition to the materials submitted as application for a scientific or zoological/botanical permit, the applicant for a propagation permit must submit:
 - A) a statement as to how the propagation of endangered or threatened animals or federal endangered plants by the applicant will enhance

- the welfare of the species;
- B) a statement describing the disposition of any successfully propagated individuals. Release of such individuals into natural populations or attempts to reintroduce a species into an area where it is known or believed to have formerly occurred will be allowed only with the express written consent of the Director, pursuant to Sections 2.2 and 2.3 of the Wildlife Code [520 ILCS 5/2.2 and 2.3]; and
 - C) a statement as to how the propagation of the endangered or threatened species is necessary for the success of the scientific or zoological/botanical project.
- 2) A permit for the propagation or attempted propagation of endangered or threatened animals or federal endangered plants will be issued if the proposed propagation project meets the following criteria:
- A) propagation of the species will enhance the survival and welfare of the species through supplementation of natural populations or by adding significantly to the knowledge of the species in its natural environment; and
 - B) propagation is essential to the completion of the objectives stated in the application for a permit for scientific or zoological/botanical purposes.
- e) The holder of a permit may allow temporary possession of animal products covered by that permit by a licensed taxidermist for the purpose of providing taxidermic services (e.g. mounting, cleaning, tanning). A copy of the permit or a signed statement by the permit holder attesting to the existence of such a permit must accompany the products while in the possession of the taxidermist. Taxidermic services shall be provided only by persons licensed as taxidermists by the Department pursuant to Section 5-15 of the Fish Code [515 ILCS 5/5-15] and Section 3.21 of the Wildlife Code [520 ILCS 5/3.21] or by appropriate authorities of another state.
- f) The holder of a permit may dispose of specimens or products covered by that permit through transfer or scrapping only after a permit for disposal has been applied for and received from the Department. The application for a transfer permit shall include the name and address of the intended recipient of the specimens or product. Transfer will be allowed only after the intended recipient has applied for and received the necessary permit for possession.

(Source: Amended at 27 Ill. Reg. 10040, effective June 23, 2003)

Section 1070.40 Limited Permit Provisions

- a) To possess, purchase, or dispose of specimens or products of endangered or threatened animals or federal endangered plants, the applicant must demonstrate that the specimen or product was acquired prior to May 1, 1973, or otherwise legally acquired.
- b) To demonstrate that specimens or products of endangered or threatened animals or federal endangered plants were acquired prior to May 1, 1973, or otherwise legally acquired, the applicant must provide a statement of purchase or a notarized statement explaining the circumstances of the acquisition of the specimens or products.
- c) The holder of a limited permit may allow temporary (up to ninety (90) days) possession of specimens covered by the limited permit by another person only with the knowledge and written consent of the Director which shall be given if the other person meets the criteria of this Section. A copy of the limited permit must accompany the specimen(s) while in the temporary possession of a person other than the person to whom the limited permit was issued, except that a falconer holding an endangered raptor must meet the requirements of 17 Ill. Adm. Code 1590.100(e)(2).
- d) The holder of a limited permit may allow temporary (up to one hundred eighty (180) days) possession of products covered by the limited permit by another person. A copy of the limited permit or a statement identifying the existence of the permit must accompany the product(s) while in the possession of a person other than the person to whom the limited permit was issued.
- e) The holder of a limited permit may dispose of specimen(s) covered by the limited permit only with the written consent of the Director which shall be given if the disposal meets the requirements of this Part. The permittee must inform the Department in advance of plans for disposal of the specimen(s). If specimen(s) are to be scrapped, the permit holder must provide full details of the reasons for scrapping and the methods to be used to the Director. In the case of a transfer, the name and mailing address of the intended recipient must be provided to the Department. The intended recipient will be provided with an application for a limited permit. Upon approval of that application, transfer of the specimens will be allowed.
- f) The holder of a limited permit may dispose of product(s) covered by the permit through sale, gift, or scrapping. Disposition by sale or gift must be reported to the Department prior to the transfer. Upon receipt of the name and mailing address of the intended recipient, the Department will provide the intended recipient with an application form for a limited permit. Upon approval of that application, the transfer will be allowed. Disposition of products by scrapping may occur without prior approval of the Director. When product(s) are scrapped, the limited permit allowing possession of said product(s) must be returned to the Department for modification and reissuance or for cancellation if the permittee has disposed of all covered items.

- g) The holder of a limited permit may allow temporary possession of the items covered by that permit by a licensed taxidermist for the purpose of providing taxidermic services (e.g. mounting, cleaning, tanning). A copy of the limited permit or a signed statement by the permit holder attesting to the existence of the permit must accompany the products while in possession of the taxidermist. Taxidermic services shall be provided only by persons licensed as taxidermists by the Department (See Section 1070.30(e)) or by the appropriate authorities in another state.

Section 1070.50 Reporting Requirements

- a) Holders of permits of all types and limited permits for the possession of specimens of endangered or threatened animals or federal endangered plants must submit a report by January 31 of each year on forms provided by the Department which summarizes activities conducted under the permit during the preceding calendar year.
- b) Holders of permits for scientific purposes must provide the Department with two copies of any reports, technical papers, or technical notes that result from studies conducted under the auspices of the permit.
- c) A permit holder shall notify the Department of any change in his name or address or any change in his operations which would affect his status as a research facility, educator, or zoological/botanical facility within ten (10) days after making such a change.
- d) Any reduction of inventory of specimens covered by a permit through escape, theft, death, or other unanticipated events shall be reported to the Department within five (5) working days of the discovery of the loss.
- e) Recovery of such specimens reported in subsection (d) shall be reported to the Department within 5 working days of the recovery.

Section 1070.60 Facilities and Welfare Standards (Animal)

- a) A copy of applicable facilities and animal welfare standards (see subsection (c)) will be supplied with each application form, and the applicant's signature on the application form shall be acknowledgement of the receipt of the standards and an agreement to comply with the standards.
- b) Each applicant or permit holder must demonstrate that his premises and any facilities or equipment used in his operation comply with the standards set forth in this Section. If necessary to assure adequacy of facilities upon application or upon receipt of a complaint, the Program Manager or the Director shall request the applicant or permit holder to make his premises, facilities, and equipment available at a time or times mutually agreeable to said applicant or permit holder and the Department's representative for the purpose

of ascertaining compliance with said standards. If the applicant's or permit holder's premises, facilities, or equipment do not meet the requirements of the standards, the applicant or permit holder will be advised of existing deficiencies and the corrective measures that must be taken and completed to bring such premises, facilities, and equipment into compliance with the standards. Permit holders will be given a deadline by which prescribed corrective measures must be completed.

- c) Construction and maintenance of facilities and animal welfare practices must meet the standards defined in the Federal Animal Welfare Act (9 CFR 3.125 through 3.142, July 22, 1979, no further additions or amendments are included).

(Source: Amended at 27 Ill. Reg. 10040, effective June 23, 2003)

Section 1070.70 Facilities Standards (Plant)

- a) A copy of applicable facilities standards will be supplied with each application form, and the applicant's signature on the application form shall be an acknowledgement of the receipt of the standards and an agreement to comply with the standards.
- b) Each applicant or permit holder must demonstrate that his premises and any facilities or equipment used in his operation comply with the standards set forth in this Section. If necessary to assure adequacy of facilities upon application or upon receipt of complaint, the Program Manager or the Director shall request the applicant or permit holder to make his premises, facilities, and equipment available at a time or times mutually agreeable to said applicant or permit holder and the Department's representative for the purpose of ascertaining compliance with said standards. If the applicant's or permit holder's premises, facilities, or equipment do not meet the requirements of the standards, the applicant or permit holder will be advised of existing deficiencies and the corrective measures that must be taken and completed to bring such premises, facilities, and equipment into compliance with the standards. Permit holders will be given a deadline by which prescribed corrective measures must be completed.
- c) The facility must be constructed of such materials and must be of such strength and of such dimensions as appropriate for the intended purposes. Facilities shall be structurally sound and maintained in good repair to protect the plants from damage by unauthorized persons or other causes.
- d) Electric power, if required to comply with other provisions of this Section, shall be available on the premises.

- e) Temperature in indoor facilities shall be regulated by heating or cooling to assure simulation of conditions in the plant's natural environment.
- f) Indoor facilities shall have lighting, by natural or artificial means or both, of quality, intensity, color, temperature, distribution, and duration as appropriate for the species involved.
- g) Outdoor facilities shall be sited and constructed to simulate the natural environment of the plant with regard to soil type, moisture, temperature, lighting and all other factors necessary for survival and growth.

(Source: Amended at 14 Ill. Reg. 18264, effective October 29, 1990)

Section 1070.80 Revocation

- a) Permits, limited permits, and permits for propagation shall be revoked by the Department for the following reasons:
 - 1) The Department finds that the permit holder has obtained the permit on the basis of false information or is not complying with the terms or conditions of the permit.
 - 2) Reports outlined in Section 1070.50 are not submitted by the stated deadline, are incomplete, or contain false information; provided, however, that prior to such revocation the permittee shall be given notice and opportunity to comply with the reporting requirements. Failure to comply with the reporting requirements within sixty (60) days from receipt of such notice shall result in revocation of the permit.
 - 3) Failure to comply with any facilities standards or animal welfare standards established by this Part; provided, however, that prior to such revocation the permittee shall be given notice and opportunity to comply with those standards. Failure to comply with facility or animal welfare standards within sixty (60) days from receipt of such notice shall result in revocation of the permit.
 - 4) Violation of State or Federal laws.
- b) Any person whose permit has been revoked shall not be eligible to apply for a new permit in his own name or in any other name for a period of one (1) year from the effective date of the revocation.
- c) Any person who has been or is an officer, agent or employee of a permittee whose permit has been revoked and who was responsible for or participated in

the violation upon which the revocation was based shall not receive a permit within the period during which the revocation is in effect.

- d) The procedure by which revocations are made, the rights of permittees to notice and hearing, and the procedures governing such hearing are set forth in 17 Ill. Adm. Code 2530.
- e) Any person who has been charged with a violation of any provision of the Illinois Endangered Species Protection Act shall not be eligible to receive a permit pursuant to this Part in his own name or in any other name until such time that such charges have been resolved.
- f) Any person who has been convicted of a violation of any provision of the Illinois Endangered Species Protection Act shall not be eligible to apply for a permit pursuant to this Part in his own name or in any other name for a period of up to five (5) years from the date of the conviction.

(Source: Amended at 17 Ill. Reg. 5838, effective April 5, 1994)