

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

PART 830
COMMERCIAL FISHING AND MUSSELING IN CERTAIN WATERS OF THE STATE

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2000; amended at 29 Ill. Reg. 6277, effective April 25, 2005; amended at 31 Ill. Reg. 13187, effective August 30, 2007; amended at 34 Ill. Reg. 2938, effective February 19, 2010; emergency amendment at 34 Ill. Reg. 15884, effective October 1, 2010, for a maximum of 150 days; amended at 35 Ill. Reg. 4187, effective February 22, 2011; amended at 36 Ill. Reg. 11161, effective July 3, 2012; amended at 36 Ill. Reg. 12120, effective July 16, 2012; emergency amendment at 37 Ill. Reg. 19912, effective December 2, 2013, for a maximum of 150 days; amended at 38 Ill. Reg. 9043, effective April 14, 2014; amended at 39 Ill. Reg. 11034, effective July 22, 2015; amended at 39 Ill. Reg. 14581, effective October 20, 2015; amended at 41 Ill. Reg. 4819, effective April 18, 2017; amended at 43 Ill. Reg. 3524, effective February 27, 2019; amended at 44 Ill. Reg. 4030, effective February 26, 2020.

Section 830.5 Definitions

- a) A relic (dead) mussel shell is defined as one which apparently died of natural causes within the water and contains no meat or soft parts; it readily exhibits noticeable sediment, vegetation, algal or mineral stains, discolorations, soiling, weathering or other visual evidence on its interior surface which clearly and unambiguously shows the mussel shell has not been cooked-out or freshly cleaned.
- b) A legal size mussel for a particular species is defined as a mussel size as set out in Section 830.70 which will not pass through a minimum harvest size circle cutout in a metal plate.
- c) Basket dredge – mussel harvesting device consisting of a heavy metal box or square which collects the shells in a net or wire cage, weighs over 70 pounds, and is not operated by hand as described in subsection (e).
- d) Hand dredge (hand rake, hand powered rake) – mussel harvesting device weighing less than 70 pounds consisting of a metal frame having coarse teeth on the bottom to which a bag constructed of wire mesh or netting material is attached and fastened by a line to a boom attached to the bow of the boat and held on the bottom by means of a long handle.
- e) Hand fork – mussel harvesting device similar in appearance to a common cornfork and utilized while wading.
- f) Mechanical devices – refers to dredges and suction devices operated by motorized (internal combustion or electrical) power used in the actual harvest of mussels and does not refer to the manner in which the mussel harvest device is raised into the boat or the device used in propelling the boat.

- g) Commercial fishing – includes the commercial harvest of both legal fish and legal crayfish.
- h) Bar mesh measure – all net mesh measurements shall be determined by bar measure from the outside of one knot to the inside of the adjoining knot on the same thread or strand.
- i) Blue Book – Suggested Procedures for the Detection and Identification of Certain Finfish and Shellfish Pathogens, American Fisheries Society, Fish Health Section, 5410 Grosvenor Lane, Bethesda, Maryland 20814 (2010 Edition), with no later amendments or editions included.
- j) Daily fee fishing area – any privately owned water area that is controlled, operated or managed for fishing and utilized by persons who pay a daily fee, either directly or indirectly; water bodies that are controlled, operated or managed as private club lakes, organizational lakes or lake developments are not eligible to receive a daily fee fishing area license.
- k) Commercial fishermen – any individual who uses any of the commercial fishing devices, as defined by Section 15-15 of the Fish and Aquatic Life Code (Code) [515 ILCS 5 15-15], for the taking of any aquatic life, except mussels, protected by the terms of the Code.
- l) Fish Health Inspection Report or FHIR – official document reporting health status of inspected fish issued by a trained, qualified fish health professional in accordance with Blue Book or OIE standards (see 17 Ill. Adm. Code 875.40).
- m) OIE – the World Organization for Animal Health, 12, rue de Prony 75017 Paris, France or at <http://www.oie.int>.
- n) Lot – a population of fish as defined in the Blue Book.
- o) Live fish – fish will be considered live if one of the following is met:
 - 1) they are being held in any type of container with water; or
 - 2) they are being held in any solution of salt, electrolyte, other substance, or combinations of these substances, used to promote health or longevity; or
 - 3) they are being maintained by addition of oxygen, or compressed or supplied air, for purposes of preserving health during captivity.

- p) Dead fish – fish will be considered dead if one of the following is met:
- 1) they are packed on ice only while directly en route to a fish market or processor (addition of water to iced and packed fish is not permitted);
 - 2) dry (in box, barrel, crate, etc.) while directly en route to a fish market or processor;
 - 3) the isthmus has been severed;
 - 4) the gills have been removed; or
 - 5) the fish have been eviscerated.
- q) Roe-bearing species – roe-bearing species means sturgeon, paddlefish, bowfin, and any other fish listed as such by the Department in this Part.

(Source: Amended at 39 Ill. Reg. 11034, effective July 22, 2015)

Section 830.10 Waters Open to Commercial Harvest of Fish

- a) Mississippi River and connected public (wholly accessible by boat) backwaters, including that portion of the Kaskaskia River below the navigation lock and dam, except:
- 1) Quincy Bay, including Quincy Bay Waterfowl Management Area (except by special permit);
 - 2) Spring Lake in the Upper Mississippi River Wildlife and Fish Refuge; and
 - 3) Mark Twain U.S. Fish and Wildlife Service National Wildlife Refuge Waters (except by special permit).
- b) Illinois River and connected public (wholly accessible by boat) backwaters from Route 89 highway bridge downstream, except for:
- 1) U.S. Fish and Wildlife National Wildlife Refuge waters;
 - 2) Donnelly/Depue Fish and Wildlife Area;
 - 3) Rice Lake Complex, including all of Big Lake;

- 4) Meredosia Lake in Cass and Morgan Counties during the central zone duck season;
 - 5) Clear Lake in Mason County 7 days prior to and during the central zone duck season; and
 - 6) Route 89 highway bridge to Starved Rock Dam for the commercial removal of Asian carp only by a limited number of restricted period contracts.
- c) Wabash River.
 - d) Embarras River, except from Route 130 in Coles County upstream to the Harrison Street Bridge, including Lake Charleston.
 - e) Sangamon River, downstream of Belt Route 48 southwest of Decatur to mouth in Cass County.
 - f) Kaskaskia River south of Route U.S. 50 Bridge to mouth in Randolph County.
 - g) Little Wabash River.
 - h) Big Muddy River south of State Route 14 highway bridge in Franklin County to mouth in Jackson County.
 - i) Skillet Fork.
 - j) Cache River from Route 51 downstream to the Mississippi River via Cache Diversion Channel but not including that portion of the Cache River between the Cache Diversion Channel Levee and the Ohio River.
 - k) Saline River in Gallatin and Saline Counties.
 - l) Ohio River, except for:
 - 1) Lock and Dam 52 downstream to a line perpendicular with the end of the longest lock wall, including the circular cell portion;
 - 2) Lock and Dam 53 downstream to a line perpendicular with the end of the longest lock wall, including the circular cell portion;

- 3) Smithland Dam downstream to a line perpendicular to the end of the outer lock wall; and
 - 4) Within 50 yards of the mouth of any tributary or stream.
- m) South Fork of the Sangamon River from State Highway 48 bridge downstream to the Sangamon River in Christian and Sangamon Counties.

(Source: Amended at 43 Ill. Reg. 3524, effective February 27, 2019)

Section 830.11 Special Regulations for the Commercial Harvest of VHS-Susceptible Fish Species

- a) Commercial fishermen shall be allowed to harvest and transport live, to a State-licensed wholesale aquatic life dealer, any permitted commercial species identified in Section 830.60 and also listed under the USDA-APHIS federal order (www.aphis.usda.gov/focusonfish/species-affected.php).
- b) Commercial fishermen who wish to transport viral hemorrhagic septicemia (VHS)-susceptible fish species for live stocking into water bodies that are entirely privately owned must first procure a Special Circumstances Authorization (see 17 Ill. Adm. Code 875.50(b)), pursuant to 17 Ill. Adm. Code 875, by writing to: Aquaculture Specialist, Illinois Department of Natural Resources, Aquatic Nuisance Species and Aquaculture Program, One Natural Resources Way, Springfield IL 62702-1271 and be subject to the following conditions:
 - 1) Commercial fishermen must have their Authorization in their possession at all times while transporting VHS-susceptible species; and
 - 2) All of the following information shall be documented on the back of the Authorization:
 - A) date of catch;
 - B) date of transport;
 - C) location fish caught;
 - D) destination address; and
 - E) private landowner's signature.

- c) Commercial fisherman who wish to offer gizzard shad for sale or barter must first procure a Fish Health Inspection Report (FHIR) for every lot of fish, as required by 17 Ill. Adm. Code 875.40. FHIR applies only to the lot of fish tested and approved for sale. Lot number or accession identification number on the FHIR shall be labeled on any fish containers and/or fish products sold.
- 1) Official FHIR must be issued by and received directly from one of the following entities:
 - A) the State competent authority for fish health;
 - B) a Department-approved veterinarian offering diagnostic services for aquatic animals;
 - C) a Department-approved laboratory for certifying lots of fish as VHS-free.
 - 2) It is the responsibility of the commercial fisherman to arrange for appropriate delivery of the FHIR.
 - 3) The FHIR must contain the commercial fisherman's contact information, lot designation, location where fish were harvested, pathogens tested, number of individuals tested, results and original signature of the inspector.
 - 4) The FHIR and supporting documentation must state that the fish were sampled and tested negative for VHS virus in accordance with procedures set forth in either:
 - A) Standard Procedures for Aquatic Animal Health Inspections section of the Blue Book (Suggested Procedures for the Detection and Identification of Certain Finfish and Shellfish Pathogens); or
 - B) The World Organization for Animal Health (OIE) Manual of Diagnostic Tests for Aquatic Animals, Fifth Edition (2006), Chapter 2.1.5, OIE, Paris, France.
- d) Commercial fishermen are allowed to harvest gizzard shad for use as bait on the waters (river reach or pool) from which they are collected.

(Source: Added at 39 Ill. Reg. 11034, effective July 22, 2015)

Section 830.12 Special Regulations for the Commercial Harvest of Bighead Carp, Silver Carp, Grass Carp and Black Carp

- a) Commercial fishermen shall be allowed to harvest from the wild, and transport to a State-licensed wholesale aquatic life dealer, bighead carp, silver carp, grass carp and black carp, providing all of the following criteria are met:
 - 1) The fish are dead. Transportation of dead fish is allowed if the fish meet the definition of "dead fish" in Section 830.5(p).
 - 2) The fish are not transported under a Restricted Species Transportation Permit (RSTP) (see 17 Ill. Adm. Code 870.60), in an aerated live tank or in any other manner intended to maintain the fish alive unless first obtaining an RSTP. An RSTP can be obtained at the address in Section 830.11(b).
- b) With a Department approved RSTP, commercial fishermen are allowed to:
 - 1) transport live grass carp to a State-licensed slaughter facility or equivalent outside the State of Illinois, providing this facility is not located in the counties of Will, Cook or Lake and that the fish are processed or stored on ice immediately upon arrival at the facility;
 - 2) transport live bighead carp, silver carp, grass carp and black carp directly to a crib (net pen) or State-licensed slaughter facility, provided that the fish are transported not more than a 15 mile radius to or from a crib or facility, or as otherwise designated on the RSTP, and that the fish are processed or stored on ice immediately upon arrival at a slaughter facility.
- c) Asian carp may be held live in a crib (net pen) provided that:
 - 1) they are cribbed in the waters where caught (within a 15 mile radius of the crib) and not transported upstream of a lock and dam or other barrier;
 - 2) they are removed within 72 hours;
 - 3) they are killed by one of the methods specified in Section 830.5(p) immediately upon removal from the crib; and
 - 4) all other regulations pertaining to commercial fishing and commercial fishing devices are followed.

(Source: Added at 39 Ill. Reg. 11034, effective July 22, 2015)

Section 830.13 Special Regulations for the Commercial Harvest of Roe-Bearing Species

- a) Shovelnose sturgeon may not be commercially harvested except in the Mississippi River upstream of the Melvin Price Lock and Dam located in Alton (excluding the area from Lock and Dam 19 to the State Highway 9 Bridge in Niota), the Ohio River or the Wabash River. Shovelnose sturgeon may only be commercially harvested from October 1 through May 31 from the Mississippi and Wabash River and from October 15 through May 15 from the Ohio River.
- b) Paddlefish may not be commercially harvested except in the Ohio River, the Illinois River below Route 89, and the Mississippi River below Lock and Dam 19. Paddlefish may only be commercially harvested from October 1 through May 31 from the Mississippi and Illinois Rivers. Paddlefish may only be commercially harvested from November 1 through April 30 from the Ohio River.
- c) Shovelnose sturgeon and shovelnose sturgeon X pallid sturgeon hybrids may not be commercially harvested from the Mississippi River downstream of Lock and Dam 26. Pallid sturgeon are federally and State listed endangered fish species that cannot be taken and must be immediately released unharmed back to the water.
- d) All commercial roe harvesters engaged in harvesting of roe-bearing species, including shovelnose sturgeon, paddlefish and bowfin, shall:
 - 1) leave the roe of harvested shovelnose sturgeon, paddlefish and bowfin whole, intact and inside the body cavity of the fish while on the water or adjacent bank. However, the intact ovaries of paddlefish harvested from the Mississippi or Illinois Rivers may be removed while on the water with the carcasses of the fish the ovary is harvested from being retained for identification purposes;
 - 2) after complete retrieval of fishing tackle, commercial fishermen shall immediately remove all aquatic species that are not in compliance with size limits or are illegal species to take or possess and immediately return them without unnecessary injury to the waters from which taken, unless it is unsafe to remove fish where the net was pulled. In such case, fishermen shall immediately move to a shore area no more than ¼ mile from the location where the net was set, and then remove fish not legal for commercial fishermen to take. "Complete retrieval" means as soon as an

individual piece of fishing tackle has been retrieved in whole to the fisherman's boat;

- 3) not kill roe-bearing species to check for eggs. Commercial roe harvesters may use a 10 or 12 gauge needle to examine roe-bearing species for the presence of eggs; and
- 4) not set any tackle prior to 10:00 a.m. on October 1 on the Mississippi and Wabash Rivers. Any commercial gear that is being operated under a commercial roe harvest permit prior to 10:00 a.m. on the Mississippi or Wabash River shall be considered an illegal device.

e) Commercial Roe Permit

- 1) Commercial Roe Harvest Permits shall be valid only on the water specified on the permit: the Mississippi River, the Illinois River, the Ohio River or the Wabash River. The Mississippi River will be further divided into two zones, from Lock and Dam 26 upstream to the Wisconsin border (Northern Zone) and from Lock and Dam 26 downstream to the mouth of the Ohio River (Southern Zone).
- 2) Commercial fishermen will be allowed to procure permits for additional water bodies at the same commercial roe harvest permit rate as the first permit, based on availability.
- 3) Commercial Roe Harvest Permit holders shall provide an up-to-date listing of all helpers to IDNR on a form provided by IDNR (at the beginning of the commercial season prior to initiation of fishing activities and immediately during the commercial fishing season for any helper changes prior to initiation of fishing activities). An up-to-date helper list must be on file with IDNR prior to the initiation of fishing activities. A helper is defined as anyone aboard the boat of a commercial roe harvester.
- 4) IDNR shall have the authority to restrict the number of permits issued for each body of water in order to establish a limited entry fishery to maintain a sustainable fishery for all caviar-bearing species based on the following criteria:
 - A) The best biological information available pertaining to maintaining a sustainable level of harvest for target fish species based on the size, structure and abundance of each population of roe-bearing species.

- B) A determination of the potential impact of commercial fishing activities on other water-based recreational activities.
 - C) Harvest Pressure. No more than the following number of permits, unless specifically authorized by IDNR by water area and type, may be issued in each commercial fishing season: 50 permits for the Mississippi North/Mississippi South Zones allowing commercial harvest of paddlefish, bowfin and shovelnose sturgeon (shovelnose sturgeon only in the Mississippi North Zone); 10 permits for the Ohio River/Mississippi South Zone allowing commercial harvest of paddlefish, bowfin and shovelnose sturgeon (shovelnose sturgeon only in the Ohio River); 35 permits for the Wabash River allowing commercial harvest of shovelnose sturgeon and bowfin; and 15 permits for the Illinois River allowing commercial harvest of paddlefish and bowfin.
 - D) Commercial roe harvest permits are not transferable.
- 5) Application for permit (under a limited entry fishery)
- A) Legally licensed Illinois resident commercial fishermen and non-resident commercial fishermen from states who share reciprocal waters (with commercial fishing reciprocal agreements, including the states of Iowa, Indiana, Missouri and Kentucky) who held a commercial roe harvest permit in the previous year and provided a complete monthly report to the Department of their catch each month are eligible to obtain a commercial roe harvest permit in the first computerized random drawing. In addition to the previously stated qualifications, to be eligible for this drawing, fishermen must provide the following information to the Department: name, current address, date of birth, choice of water body (Mississippi River North/Mississippi River South, Wabash River, Illinois River, or Ohio River/Mississippi River South). Applications shall be submitted to the Department from June 1 through 15 and the computerized random drawing will be held on July 1.
 - B) Legally licensed Illinois resident commercial fishermen and non-resident commercial fishermen who did not obtain a permit in the July computerized random drawing or who desire to obtain a permit for additional water bodies are eligible to obtain a commercial roe harvest permit in the second computerized random

drawing. In addition to the previously stated qualifications, to be eligible for this drawing, fishermen must provide the following information to the Department: name, current address, date of birth, choice of water body (Mississippi River North/Mississippi River South, Wabash River, Illinois River or Ohio River/Mississippi River South). Applications shall be submitted to the Department from August 1 through 15. If there are more applications than available permits, a computerized random drawing will be held on August 31 and successful applicants will be issued a permit.

C) Any remaining permits will be allocated on a first-come, first-served basis.

6) Penalties for Violations

Any commercial fisherman who is found guilty (including supervision or conditional discharge) of violating any of the regulations in this Section or committing any commercial fishing violation pursuant to the Fish and Aquatic Life Code involving the taking or attempted taking of any roe-bearing species shall have his or her commercial roe harvest license revoked and his or her privileges suspended for a period of 36 months from the date indicated in the Department's Notice of Suspension. The procedure by which suspensions and revocations are made, the determination of the dates of the suspensions, the rights of the licensee to notice and hearing, and the procedures governing those hearings are set forth in 17 Ill. Adm. Code 2530.

(Source: Amended at 39 Ill. Reg. 11034, effective July 22, 2015)

Section 830.14 License Requirements

- a) All commercial fishermen shall have a commercial fishing license. All individuals assisting a licensed commercial fisherman shall have a commercial fishing license unless these individuals are under the direct supervision of and aboard the same watercraft as the licensed commercial fisherman.
- b) All commercial fishermen shall obtain a sport fishing license in addition to their commercial fishing license, unless they are exempted from being required to obtain a sport fishing license. All individuals assisting a licensed commercial fisherman shall first obtain a sport fishing license, unless they are exempted from being required to obtain a sport fishing license.

- c) All commercial fishermen shall procure a commercial roe harvest permit in addition to their commercial fishing and sport fishing license before taking roe-bearing species with commercial fishing devices from the waters of the State legally open to commercial fishing.
- d) Commercial fishermen who wish to use their watercraft as a primary collection device for the harvest of commercial fish shall first obtain a commercial watercraft device tag.
- e) Reciprocity with Neighboring States – All Illinois-licensed commercial fishermen shall conform to the regulations of the state in which they are fishing, unless the Illinois regulations are more restrictive than the other state. When the Illinois regulation is more restrictive, the fisherman must conform to the Illinois regulation.
 - 1) The States of Illinois and Iowa will recognize and accept as valid the commercial fishing license of either state when legally possessed and used on the Mississippi River proper. This includes any backwater lakes and bayous contiguous with the flow of waters in the main channel, subject to the following conditions:
 - A) No device or equipment is attached to the main bank of the Mississippi River under the jurisdiction of the State of Iowa; and
 - B) No fishing is conducted in any Iowa tributaries.
 - 2) Pursuant to the reciprocal agreement for the Mississippi River between the States of Iowa and Illinois, the center of the navigation channel as surveyed by the U.S. Army Corps of Engineers shall constitute the boundary between the States of Illinois and Iowa.
 - 3) The States of Illinois and Missouri will recognize and accept as valid the commercial fishing license of either state when legally possessed and used on the Mississippi River proper, subject to the following conditions:
 - A) No device or equipment is attached to the main bank of the Mississippi River under the jurisdiction of the State of Missouri; and
 - B) No fishing is conducted in any Missouri tributaries.

- 4) Pursuant to the reciprocal agreement for the Mississippi River between the States of Missouri and Illinois, the center of the navigation channel as surveyed by the U.S. Army Corps of Engineers shall constitute the boundary between the States of Illinois and Missouri, except in situations where it is clearly shown to be elsewhere.
- 5) The States of Illinois and Kentucky will recognize and accept as valid the commercial fishing license of either state when legally possessed and used on the Ohio River, excluding embayments and tributaries, defined as a straight line between opposite points where the tributary of embayment connects with the main body of the Ohio River.
- 6) Illinois commercial fishing anglers shall abide by Kentucky's restricted areas below the locks and dams in this shared section of the Ohio River.
- 7) The States of Illinois and Indiana will recognize and accept as valid the commercial fishing license of either state when legally possessed and used on the Wabash River proper, subject to the following conditions:
 - A) No fishing is conducted beyond the natural and ordinary river banks of the state in which the commercial fisherman is not licensed to fish;
 - B) No fishing is conducted from land attached to or taxed now by the state in which he or she is not licensed to fish;
 - C) No fishing is conducted in any tributaries, bayous or backwaters of the state in which he or she is not licensed to fish;
 - D) No device or equipment is attached to land under the jurisdiction of the state in which he or she is not licensed to fish; and
 - E) Fishermen fishing beyond the center of the main channel in waters they are not licensed to fish must comply with all the laws, rules and regulations of the adjoining state.
- 8) Pursuant to the reciprocal agreement for the Wabash River between the States of Indiana and Illinois, the center of the navigation channel as surveyed by the U.S. Army Corps of Engineers shall constitute the boundary between the States of Illinois and Indiana.

(Source: Amended at 41 Ill. Reg. 4819, effective April 18, 2017)

Section 830.15 Waters Open to Commercial Harvest of Crayfish

The Illinois River and adjacent backwaters from the Route 89 highway bridge downstream are open to commercial harvest of crayfish, except for:

- a) U.S. Fish and Wildlife National Wildlife Refuge waters;
- b) Donnelly/Depue Fish and Wildlife Area;
- c) Rice Lake Complex, including all of Big Lake;
- d) Meredosia Lake in Cass and Morgan Counties during the central zone duck season; and
- e) Clear Lake in Mason County 7 days prior to and during the central zone duck season.

(Source: Added at 29 Ill. Reg. 6277, effective April 25, 2005)

Section 830.20 Waters Open to Commercial Harvest of Mussels and Seasons

- a) Mississippi River and backwaters, April 1 to August 31 inclusive, except for the following areas:
 - 1) All of the area directly above Lock and Dam 12 (RM 556.7) from the center of the navigation channel east to the Illinois shoreline and northward to a line extending from RM 558.4 to the Blanding's Landing boat ramp, including but not limited to all of the area contained within the designated U.S. Military Reservation area.
 - 2) All of the waters contained within Sylvan Slough from the Interstate 74 highway bridge (RM 485.8) west to the lower tip of Arsenal Island (RM 482.6).
 - 3) All of the area north of and perpendicular to the center line of the navigation channel to the Illinois shoreline lying between RM 433.0 (New Boston Boat Launching Ramp) to RM 433.8 (lower tip of the first upstream island along the Illinois shoreline).
 - 4) Pontoosuc Bay contained within and described as that area from the center of the main navigation channel and perpendicular to the Illinois shoreline

located between RM 388.0 (Pontoosuc light and daymark) and RM 390.2 (Dallas City boat access area).

- 5) All of the area southward of the center of the navigation channel and perpendicular to the Illinois shoreline on a line from the Des Moines River daymark (Iowa side) and the Des Moines River lighted buoy (Illinois side), both of which are at RM 361.7, to Lock and Dam 19 (RM 364.5) including any slough channels of the Mud Island area along the Illinois side.
 - 6) All of the area east of the center of navigation channel and perpendicular to the Illinois shoreline between RM 314.0 (Whitney light and daymark) and RM 316.0 (Hadley Island Goale light and daymark).
 - 7) All of the area east of the center of navigation channel and perpendicular to the Illinois shoreline between River Mile 238.4 (Hasting's Landing light and daymark) and River Mile 246.8 (Turner Landing light and daymark).
 - 8) Mark Twain U.S. Fish and Wildlife Service National Wildlife Refuge Waters.
- b) Ohio River and backwaters, April 1 to September 30 inclusive.
 - c) Illinois River, from the LaGrange Lock and Dam downstream to the confluence of the Mississippi and Illinois Rivers at Grafton, from July 15 through August 31 inclusive.

(Source: Amended at 31 Ill. Reg. 13187, effective August 30, 2007)

Section 830.25 Daily Fee Fishing Area

- a) Persons wishing to obtain a fee fishing area license shall submit an application to the Department that contains all of the following information:
 - 1) the legal location of the site for which the license is intended;
 - 2) the size and number of water bodies located at the site;
 - 3) source of fish for stocking; and
 - 4) species of fish to be stocked.

- b) A representative of the Department shall inspect the proposed site and approve the fee fishing area application, providing all of the following criteria are met:
 - 1) the applicant is deemed capable of supervising a property of this character;
 - 2) the site is suitable for the purpose intended;
 - 3) the operation of the property is not a menace or being established contrary to the laws of the State of Illinois;
 - 4) the operation of the fee fishing area will not work a fraud upon individuals utilizing the facilities; and
 - 5) Issuance of the license will be in the public's interest.
- c) The fee for a fee fishing area license shall be \$50 annually, and the license shall expire on January 31 following its issuance.
- d) The Department may refuse to issue, refuse to renew, suspend or revoke any fee fishing area license if the Department finds that the licensed site or its operator is not in compliance with this Section. The affected licensee must be given at least 15 days' notice, in writing, of the reasons for the action of the Department and given an opportunity to appear before the Department or its representative in opposition to the action of the Department, unless the Department deems the operation of the site to pose a threat to public health and safety or if the site is being operated unlawfully (see 17 Ill. Adm. Code 2530).

(Source: Added at 39 Ill. Reg. 11034, effective July 22, 2015)

Section 830.30 Special Regulations

- a) Commercial fishing and musseling will not be permitted in any streams, ditches, or tributaries connected to the backwaters of the waters listed in Section 830.10, 830.15 or 830.20.
- b) Any person harvesting mussels for commercial use may possess during the open season only those mussels identified in Section 830.60 of legal size as established by Section 830.70. Mussels smaller than the legal size and all mussels not identified in Section 830.60 must be immediately returned to the mussel bed or location from which they were taken.

- c) It shall be illegal to possess mussel shell more than 15 days after the close of the season without a mussel dealer license.
- d) Paddlefish may not be commercially harvested except in the Ohio River, the Illinois River below Route 89, and in the Mississippi River below Lock and Dam 19.
- e) Commercial fishing devices must be checked and emptied of catch at the following time intervals:
 - 1) Hoop nets and basket traps must be attended at least once every 72 hours during open water conditions. During ice cover conditions, hoop nets and basket traps must be attended at least once every 20 days.
 - 2) Trammel and gill nets must be attended at least every 24 hours during open water conditions, except when operating under a Commercial Roe Harvester Permit. When operating and taking or possessing roe-bearing species, nets must be attended from 10 a.m. to 4 p.m. During ice cover conditions, trammel and gill nets must be attended at least every 96 hours.
 - 3) Trotlines and other hook and line devices must be checked at least every 24 hours.
 - 4) Seines and trammel or gill nets fished by driving or drifting methods must be constantly attended.
 - 5) Commercial gear containing dead or moribund fish as a result of failure to check gear and empty catch shall be considered an illegal device.
- f) Washboard mussels may not be taken on the Mississippi River.
- g) Crayfish may be taken by licensed commercial fishermen with legal seine only on waters open to the commercial harvest of crayfish. Nothing in this Part shall prohibit a licensed commercial fisherman from using as bait legal species of crayfish taken and used by a commercial fisherman on those bodies of water open to the commercial harvest of crayfish.
- h) In accordance with Section 830.60(b), crayfish may be possessed and used as bait by licensed commercial fishermen while operating commercial gear on other bodies.

(Source: Amended at 34 Ill. Reg. 2938, effective February 19, 2010)

Section 830.40 Devices

- a) Commercial Fishing
 - 1) Devices used in the waters listed in Section 830.10 shall conform to all regulations as outlined in Article 15 of the Fish and Aquatic Life Code [515 ILCS 5/Art.15]. Hoop nets, basket traps, trot lines and dip nets may be used in all of the aforementioned waters.
 - 2) It shall be unlawful:
 - A) To use trammel nets and gill nets except in the Illinois River up to Route 89 Highway bridge, the Ohio River and the Mississippi River, unless authorized by a Special Use Permit issued pursuant to Section 830.80;
 - B) To use seines except in the Illinois, Mississippi, Ohio and Wabash Rivers (except seining will not be permitted in Boston Bay and its connected backwaters above the mouth of Boston Bay in Mercer County); and
 - C) To use trammel nets or gill nets in the Ohio River with less than 4 inch bar mesh netting, except that, from May 1 through October 31, bar mesh size cannot be less than 4 inches or greater than 4.5 inches.
- b) Commercial Musseling
 - 1) Devices used in waters open to commercial musseling shall conform to all regulations as outlined in this subsection (b) and in Articles 1 and 15 of the Fish and Aquatic Life Code [515 ILCS 5/Arts. 1 and 15].
 - 2) It shall be unlawful:
 - A) To use hand forks;
 - B) To use basket dredges, mechanical devices and hand dredges in the taking of mussels;
 - C) To harvest mussels in the Ohio River except by using crowfoot bars; and

- D) To tether or hold mussels in any containment device. Mussels must be taken to the boat or released each day.
- 3) Brail or crowfoot bars must be 20 feet or less in length. No more than 3 bars may be possessed in each boat.
- c) Crayfish Harvest

Seines are the only commercial devices legal to use to commercially harvest crayfish in waters open to the commercial harvest of crayfish. They can be of any length, but not more than 6 feet in depth with a bag not more than 6 feet in height with a mesh no greater than ½ inch bar measurement.

(Source: Amended at 39 Ill. Reg. 11034, effective July 22, 2015)

Section 830.50 Permission

Commercial fishermen and musselers are responsible for obtaining permission to carry out fishing or musseling activity from the landowner(s) controlling portion of the aforementioned waters as necessary.

(Source: Amended at 6 Ill. Reg. 10680, effective August 20, 1982)

Section 830.60 Species

- a) The following species of fish may be taken by licensed commercial fishermen:
 - 1) Common Carp and Black Carp
 - 2) Buffalo
 - 3) Freshwater drum
 - 4) Catfishes (includes bullheads)
 - 5) Paddlefish (only in waters specified in Section 830.13) (roe harvester permit required)
 - 6) Carpsuckers
 - 7) Suckers (except Longnose Sucker)

- 8) Redhorses (except River Redhorse and Greater Redhorse)
 - 9) Goldeye and Mooneye
 - 10) Gar (except alligator gar)
 - 11) Bowfin (roe harvester permit required from October 1 through May 31)
 - 12) Shovelnose sturgeon (only in waters specified in Section 830.13)(roe harvester permit required)
 - 13) Gizzard shad
 - 14) White amur (grass carp)
 - 15) Minnows
 - 16) Goldfish
 - 17) Bighead Carp and Silver Carp
- b) With the exception of the crayfish species listed in 17 Ill. Adm. Code 1010 (Illinois List of Endangered and Threatened Fauna) and the rusty crayfish, all crayfish species are legal to possess and may be taken by licensed commercial fishermen with legal commercial devices (seines only) and used, consumed or sold for bait.
- c) The following species of mussels may be taken by licensed commercial musselers:
- 1) Washboard (*Megalonaias nervosa*) (Ohio River Only)
 - 2) Threeridge (*Amblema plicata*)
 - 3) Mapleleaf (*Quadrula quadrula*)
 - 4) Asian Clam (*Corbicula fluminea*)

(Source: Amended at 41 Ill. Reg. 4819, effective April 18, 2017)

Section 830.70 Size and Creel Limit

- a) No channel catfish, blue catfish, flathead catfish or white catfish under 15 inches in length, undressed, or 12 inches in length, dressed, or 10.7 inches when dressed with the first vertebrae (T bone) removed, may be taken except in the Ohio River and Wabash River.
- b) No shovelnose sturgeon under 24 inches or over 32 inches in length may be taken from the Mississippi River or the Ohio River. No shovelnose sturgeon under 25 inches in length may be taken from the Wabash River. All shovelnose sturgeon shall be measured using fork length, defined as: "the length from the most anterior part of the fish to the tip of the median caudal fin rays" (from tip of the snout to the fork of the tail).
- c) No paddlefish less than 28 inches in length may be taken from the Illinois or Mississippi Rivers, no paddlefish less than 32 inches may be taken from the Ohio River. All paddlefish shall be measured using the eye fork length, defined as "the length from the anterior edge of the eye to the fork of the tail" (from the front of the eye to the fork of the tail).
- d) No channel catfish, blue catfish or flathead catfish less than 13 inches in total length may be taken from the Wabash and Ohio Rivers. Only one channel catfish per day equal to or greater than 28 inches may be harvested from the Wabash and Ohio Rivers. Only one blue catfish and one flathead catfish per day equal to or greater than 35 inches may be harvested from the Wabash or Ohio Rivers.
- e) All washboard mussels shall measure not less than 4.0 inches. All relic (dead) Washboards shall measure not less than 4.0 inches.
- f) All mapleleaf mussels shall measure not less than 2.75 inches.
- g) All threeridge mussels shall measure not less than 3.0 inches.

(Source: Amended at 39 Ill. Reg. 14581, effective October 20, 2015)

Section 830.80 Commercial Fishing and Musseling in Additional Waters

- a) Additional public waters may be open to targeted commercial fishing or musseling by a Special Use Permit. Any licensed commercial fisherman or musseler who wishes to fish in any water not listed under Section 830.10, 830.20 or 830.80(i) must request permission from the Division of Fisheries. The Division will determine whether the fish, crayfish or mussel resource can support such activity and whether the activity is in the best interests of the general public.

If so, the Department shall issue a Special Use Permit for targeted removal specifying the type of gear, season, species of fish, crayfish or mussel that shall be removed, and any other regulations as shall be necessary to protect the resource.

- b) The standards for determining whether or not an additional fishery will be open to targeted commercial fishing or musseling shall include: a biological sampling of the commercial fish, crayfish or mussel population to determine the relative abundance of the species present; an assessment of the impact of commercial fishing or musseling gear on sport fish, crayfish or mussel populations; a determination of the potential impact of commercial fishing or musseling activities on other water-based recreation; a determination of whether the fish are safe for public consumption (U.S. Food and Drug Administration standards are followed (21 CFR 109.30 (2014))); and a fair and equitable allocation of commercial fishing or musseling opportunities.
- c) For commercial musseling, in addition to the criteria listed in subsection (b), both of the specific criteria listed below must be met for areas to be open or remain open to commercial harvest of selected mussel species:
 - 1) sub-legal to legal mussel (same species) ratio equal to or exceeding 2:1; and
 - 2) catch rate (CPUE) of individual specimens of a given species, as measured by a timed diver sample equal to or exceeding 60 per hour.
- d) For commercial fishing, in addition to the criteria listed in subsection (b), the specific criteria that must be met for areas to be open or remain open to commercial harvest of selected fish includes: the results of a biological survey of the fish population present that indicates the total biomass of fish species listed in Section 830.60(a), with the exception of catfish, paddlefish and shovelnose sturgeon, is more than the combined biomass of the sport fishes listed in subsection (e).
- e) The following fishes shall be considered "sport fishes" for the purposes of determining whether a body of water meets the criteria established under subsection (d):
 - 1) The following members of the sunfish family (Centrarchidae):
 - black crappie – *Pomoxis nigromaculatus*
 - bluegill – *Lepomis macrochirus*

largemouth bass – *Micropterus salmoides*

rock bass – *Ambloplites rupestris*

redecor sunfish – *Lepomis microlophus*

smallmouth bass – *Micropterus dolomieu*

spotted bass – *Micropterus punctulatus*

white crappie – *Pomoxis annularis*

2) The following members of the catfish family (Ictaluridae):

blue catfish – *Ictalurus furcatus*

brown bullhead – *Ameiurus nebulosus*

black bullhead – *Ameiurus melas*

channel catfish – *Ictalurus punctatus*

flathead catfish – *Pylodictis olivaris*

yellow bullhead – *Ameiurus natalis*

3) The following members of the pike family (Esocidae):

muskellunge – *Esox masquinongy*

northern pike – *Esox lucius*

4) The following members of the perch family (Percidae):

sauger – *Sander canadensis*

walleye – *Sander vitreus*

yellow perch – *Perca flavescens*

5) The following members of the temperate bass family (Moronidae):

Striped bass – *Morone saxatilis*

Striped bass X white bass hybrid – *M. Saxatilis* X *M. chrysops*

White bass – *Morone chrysops*

- f) Commercial fishing or musseling Special Use Permits will not be issued:
- 1) for non-commercial purposes; or
 - 2) if an individual has been found guilty of a violation of a State Fish and Aquatic Life Code law or this Part during the past 12 months.
- g) Commercial fishing Special Use Permits may be issued for private bodies of water at the request of the owner or his or her authorized agent, if all of the following conditions have been satisfied:
- 1) The body of water is completely encompassed by land that is owned by an individual, leased by a tenant residing upon it, or controlled by ownership or lease by a private club or association.
 - 2) The commercial fisherman has obtained permission in writing from the owner, tenant or private club who controls the property and either:
 - A) None of the commercially-harvested fish are offered for barter or sale; or
 - B) If commercially-harvested fish are offered for barter or sale, it has been determined that either:
 - i) the fish are tested and found safe for public consumption (FDA standards are followed (21 CFR 109.30 (2004))); or
 - ii) the fish are sold to a market utilizing them for a product other than human consumption.
- h) Application procedures for targeted commercial fish removal Special Use Permits for the waters identified under subsections (i) and (j):
- 1) Illinois resident and non-resident commercial fishermen can submit an application for a Special Use Permit from June 1 through 15 of each year

for any of the waters designated in subsection (i) or (j). Legally licensed Illinois resident commercial fishermen and non-resident commercial fishermen from states who share reciprocal waters (with commercial fishing reciprocal agreements, including the states of Iowa, Indiana, Missouri and Kentucky) who were issued a commercial fish removal Special Use Permit in the previous year for the water body to which they are submitting an application and successfully harvested a minimum of 1,000 pounds of fish and abided by all provisions of the permit are eligible to obtain a Special Use Permit in the first computerized random drawing. In addition to the previously stated qualifications, to be eligible for this drawing, fishermen must provide the following information to the Department: name, current address, date of birth, choice of water body (see subsections (i) and (j)). If there are more applications than permits available, a computerized random drawing will be conducted on July 1 to allocate available permits.

- 2) Non-resident or resident commercial fishermen who did not obtain a permit in the first drawing or who desire an additional Special Use Permit can submit an application on July 1 through 15 of each year for any of the waters designated in subsection (i) or (j) for any remaining permits. If there are more applications than permits available, a drawing will be conducted on July 31 to allocate available permits.
 - 3) Any permits remaining after the first two allocations will be issued on a first come-first served basis.
- i) The following water bodies will be open to commercial removal of selected fish species under a Special Use Permit to be allocated pursuant to subsection (h) and subject to subsection (d):
- 1) Rock River – divided into 6 sections with one Special Use Permit allocated per section
 - 2) Rend Lake – maximum of 25 Special Use Permits
 - 3) Carlyle Lake – maximum of 25 Special Use Permits
 - 4) Mississippi River State Fish and Wildlife Area – maximum of 15 Special Use Permits
 - 5) Anderson Lake State Fish and Wildlife Area – maximum of 15 Special Use Permits

- 6) Otter Creek in Green County (from the Route 100 crossing downstream to the Illinois River) – maximum of 2 Special Use Permits
- 7) Macoupin Creek in Jersey and Green Counties (from the Reddish Ford Bridge downstream to the Illinois River) – maximum of 2 Special Use Permits
- 8) Quincy Bay – maximum of 3 Special Use Permits
- 9) Horseshoe Lake in Alexander County – Maximum of 5 Special Use Permits
- 10) Horseshoe Lake in Madison County – Maximum of 5 Special Use Permits
- 11) Taylorville City Lake – Maximum of 1 Special Use Permit
- 12) Clinton Lake – Maximum of 1 Special Use Permit
- 13) Rice Lake – Maximum of 15 Special Use Permits
- 14) Frank Holten State Park Lakes – Maximum of 1 Special Use Permit
- 15) LaMoine River – Maximum of 10 Special Use Permits
- 16) Spoon River – Maximum of 10 Special Use Permits
- 17) Washington County Lake – Maximum of 1 Special Use Permit
- 18) Mernet Lake – Maximum of 1 Special Use Permit
- 19) Powerton Lake – Maximum of 1 Special Use Permit
- 20) Lake Decatur – Maximum of 1 Special Use Permit
- 21) Bay Creek – Maximum of 2 Special Use Permits
- 22) Kiser Creek – Maximum of 2 Special Use Permits
- 23) Sweede Lake – Maximum of 2 Special Use Permits

- j) The following water bodies, all currently open to commercial fishing under Section 830.10, will be open to commercial removal of selected fish species with the use of trammel and gill nets under a Special Use Permit to be allocated pursuant to subsection (h) and subject to subsection (d):
 - 1) Kaskaskia River – maximum of 20 Special Use Permits
 - 2) Sangamon River – maximum of 15 Special Use Permits
 - 3) Big Muddy River – maximum of 10 Special Use Permits
 - 4) Saline River – maximum of 6 Special Use Permits
- k) For any U.S. Fish and Wildlife Service (USFWS) special use permit issued to commercial fisherman for commercial harvest of selected fish species within USFWS National Wildlife Refuge areas, a Special Use Permit pursuant to subsection (a) must be obtained from the Department. All Illinois laws and regulations apply.

(Source: Amended at 44 Ill. Reg. 4030, effective February 26, 2020)

Section 830.90 Revocation and Suspension of Commercial Fishing and Musseling Privileges, Hearings and Appeals and Reporting Requirements

- a) In accordance with Section 20-105 of the Fish and Aquatic Life Code [515 ILCS 5/20-105], failure to comply with the provisions of the Fish and Aquatic Life Code of Illinois pertaining to commercial fishing and/or musseling in Illinois waters and this Part will result in suspension or revocation of the commercial fishing and/or musseling licenses. The procedure by which suspensions and revocations are made, the rights of commercial fishermen and musselers to notice and hearing, and the procedures governing such hearings are set forth in 17 Ill. Adm. Code 2530 (Revocation Procedures for Conservation Offenses).
- b) Where waters of the State are open to commercial fishing or musseling by contract, the contract will be revoked upon failure of the contractor to comply with all terms of the contract. Furthermore, any violation of a contract issued by the Director of the Department of Natural Resources or the Director's agents shall be considered a violation of this Part and subject to the penalties as set forth in Sections 20-35 and 20-105 of the Fish and Aquatic Life Code.
- c) Commercial fishermen shall submit an accurate annual record of the undressed weights of the species of fish and/or crayfish harvested to the Department by

January 31 of the following year, whether or not any fish and/or crayfish were harvested. Commercial fishermen shall keep an accurate record of their catch. This record, showing the species, number of pounds of fish, type of device used, location taken and date of harvest, shall be open for inspection by employees of the Department at all times and retained for a period of 2 years after submission of all associated reports.

- d) Commercial fishermen on the Ohio River shall submit to the Department an accurate monthly record of the undressed weights and species of fish harvested by the 10th of each month following harvest, whether or not any fish were harvested.
- e) Commercial roe harvesters shall submit an accurate monthly record containing the following information: the undressed weight of roe-bearing species, the unprocessed weight of roe from these fishes, and the name, address and date of sale to whom the roe was sold or given. This information shall be submitted to the Department by the 5th of the month following harvest. Submission of these reports is required whether or not roe-bearing species were harvested.
- f) Commercial roe dealers shall submit to the Department by the 5th of the month following harvest an accurate record containing the unprocessed and processed weights of roe purchased, the date of transaction and the name, address and license number of the commercial roe harvesters. These reports are required whether or not roe was purchased.
- g) Holders of a commercial mussel harvest license shall submit an accurate record of the types and pounds of each species of mussel and/or relic mussel shells harvested or purchased on a monthly basis during the season by the 10th of each month following harvest, whether or not any mussels or mussel shells were harvested. Reports must be submitted on official Department of Natural Resources report forms.
- h) Holders of a commercial mussel dealers license shall submit an accurate record of the types and pounds of each species of mussel and/or relic mussel shells purchased on a monthly basis during the season by the 10th of each month following purchase, whether or not any mussels or mussel shells were purchased. Reports must be submitted on official Department of Natural Resources report forms.
- i) Failure of licensed commercial mussel dealers, fishermen or musselers to submit the required reports in a manner and timeframe specified by the Department is a petty offense subject to the penalties set forth in Section 20-35 of the Code and shall be grounds for the Department to refuse to issue any license under this Part.

(Source: Amended at 39 Ill. Reg. 11034, effective July 22, 2015)