

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

PART 860
AQUATIC LIFE SALVAGE OR RELOCATION

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AUTHORITY: Implementing and authorized by Sections 1-15, 1-20, 1-150, 5-5 and 25-5 of the Fish and Aquatic Life Code [515 ILCS 5/1-15, 1-20, 1-150, 5-5 and 25-5].

SOURCE: Adopted and codified at 6 Ill. Reg. 875, effective January 6, 1982; amended at 7 Ill. Reg. 2718, effective March 2, 1983; recodified by changing the agency name from Department of Conservation to Department of Natural Resources at 20 Ill. Reg. 9389; amended at 41 Ill. Reg. _____, effective March 24, 2017.

Section 860.5 Definitions

"Aquatic life" means all fish, mollusks, crustaceans, algae, aquatic plants, aquatic invertebrates, and any other aquatic animals or plants that the Department identifies in rules adopted after consultation with biologists, zoologists or other wildlife experts. "Aquatic life" does not mean any herptiles that are found in the Herptiles-Herps Act.

"Aquatic life relocation" means the repositioning of imperiled aquatic life populations into the same water body or watershed by methods delineated in Section 860.20(b) and (e) for the purposes of protecting those plants and/or animals from injury or death due to disturbances in the aquatic environment.

"Aquatic life salvage" means the removal of imperiled aquatic life populations by methods delineated in Section 860.20(b) for personal consumption and/or for commercial sale of commercial species as provided under 17 Ill. Adm. Code 830.

"Department" means the Illinois Department of Natural Resources.

"Director" means the Director of the Illinois Department of Natural Resources.

(Source: Amended at 41 Ill. Reg. _____, effective March 24, 2017)

Section 860.10 Implementation

- a) The Director or his or her designee shall implement aquatic life salvage operations under authority granted to the Director by Section 1-150 of the Fish and Aquatic Life Code [515 ILCS 5] (Code) for a specific area and specific time for which an emergency situation exists.
- b) An emergency situation exists when a field investigation by a Department fishery biologist provides information to the Director indicating there is imminent danger of loss of that aquatic life population by natural or man-made causes.
- c) The Director or his or her designee may authorize the relocation of aquatic life in imminent threat of injury or death due to human disturbances under authority granted to the Director by Section 1-50 of the Code.
- d) Department regulatory staff shall review proposed construction projects that occur in aquatic environs (rivers, streams and lakes). In certain situations, aquatic life must be moved away from those construction project sites to avoid unnecessary harm. Aquatic life relocation by the project contractor or designee is authorized by this subsection (d) and shall be conducted in accordance with Section 860.20.

(Source: Amended at 41 Ill. Reg. _____, effective March 24, 2017)

Section 860.20 Salvage and Relocation Operations

- a) Aquatic life shall be taken by a person possessing a valid sport fishing license, commercial fishing license, combination hunting and fishing license or scientific collector's permit.
- b) The method for taking fish will be prescribed by the Department based upon site conditions, public use, and species to be salvaged. Methods for taking fish shall include, but not be limited to, pole and line, hand capture, seining, netting and spearing.
- c) No size limits or daily catch limits shall apply during salvage or relocation.
- d) Only commercial species of protected aquatic life (defined by 17 Ill. Adm. Code 830) taken under imperiled conditions may be offered for sale or barter.
- e) The method for relocating aquatic life will be prescribed by the Department based upon site conditions, public use and species relocated. Methods for taking mussels shall include, but not limited to, hand capture, dredge and crow foot bar.

- f) In the event that threatened or endangered mussel species are found during the relocation procedure, construction operations shall cease immediately and the incidental take process will commence (see 17 Ill. Adm. Code 1080).

- g) A report of all aquatic life salvaged and relocated from a construction impact area, as authorized by this rule, shall be submitted to the Fisheries Division within 45 days following the event. An extension to the 45 days may be granted by the Department upon request. The report shall include the date, project purpose, species, number of individuals, collection method, collection site and habitat type.

(Source: Amended at 41 Ill. Reg. _____, effective March 24, 2017)