

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

PART 890
FISH REMOVAL WITH CHEMICALS

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AUTHORITY: Implementing and authorized by Sections 1-135, 1-150 and 5-5 of the Fish and Aquatic Life Code [515 ILCS 5/1-135, 1-150 and 5-5].

SOURCE: Adopted at 16 Ill. Reg. 5262, effective March 20, 1992; recodified by changing the agency name from Department of Conservation to Department of Natural Resources at 20 Ill. Reg. 9389.

Section 890.10 Definitions

- a) **LICENSED AQUATIC APPLICATOR** - a person who is duly licensed by the Illinois Department of Agriculture to apply approved aquatic herbicides and pesticides to the waters of the State of Illinois.
- b) **FISH TOXICANT** - any of several U.S. Environmental Protection Agency approved restricted use pesticides which are cleared for use in the removal of fish from the waters of the State of Illinois.
- c) **DISTRICT FISHERIES BIOLOGIST** - an employee of the Department of Natural Resources assigned to provide fisheries management services to a prescribed set of Illinois counties.
- d) **RESTRICTED USE PESTICIDE** - the U.S. Environmental Protection Agency term for a pesticide which, due to its toxicity, can only be purchased and/or applied by a licensed pesticide applicator.
- e) **PERSON** - "person" includes the plural "persons", females as well as males, and shall extend and be applied to clubs, associations, corporations, firms, and partnerships, as well as individuals.

- f) ARTIFICIAL IMPOUNDMENT - any dug or dammed body of standing water built by man, including borrow, gravel or quarry pits.
- g) LICENSED AQUACULTURIST - a person who is duly licensed by the Illinois Department of Natural Resources to breed, hatch, propagate or raise aquatic life.

Section 890.20 Permit Requirements

- a) Persons wishing to eliminate undesirable fish from water areas under their control, utilizing a fish toxicant, are required to first obtain a permit "To Remove Undesirable Fish" from the Illinois Department of Natural Resources.
- b) These permits shall be issued by the district fisheries biologist having jurisdiction over the water areas in question.
- c) These permits shall contain the following information:
 - 1) the full name of the owner of the water area;
 - 2) the street address or rural box number;
 - 3) city, state and postal zip code;
 - 4) county in which the water area is located;
 - 5) name of the water area, if any;
 - 6) legal location of water area (township, range and section);
 - 7) water area's classification (private, organizational, commercial or public);
 - 8) water area's size in acres, its maximum and average depth in feet, as well as its volume in acre feet;
 - 9) the area to be treated in acres, as well as the average depth, acre feet and the dosage rate;
 - 10) the type of treatment - watershed, complete, partial or selective;
 - 11) the toxicant name, concentration and amount;
 - 12) the expiration date of the permit;

- 13) the full name and address of the fisheries biologist issuing the permit; and
 - 14) the Aquatic Pesticide Applicator's Permit number of the biologist issuing the permit.
- d) Except for privately-owned artificial impoundments of less than six (6) acres, which are exempt, all requests for a fish removal permit will be cleared via the Endangered Species Protection Act [520 ILCS 10/11] with the Endangered Species Program Manager for the Division of Natural Heritage, prior to issuance.

Section 890.30 Treatment of the Water Area

Fish toxicants covered by these permits must be applied by an Illinois Department of Natural Resources, Division of Fisheries, District Fisheries Biologist, licensed to apply aquatic pesticides. Other Division of Fisheries' personnel who are licensed to apply aquatic pesticides may apply a fish toxicant in the presence, and under the supervision of, the district fisheries biologist.

Section 890.40 Record Keeping

- a) The district biologist issuing a fish removal permit shall provide copies of the permit to the following persons:
 - 1) the original to the dealer from which the toxicant is to be purchased;
 - 2) duplicate to be retained by the permit holder;
 - 3) triplicate to be retained by the district fishery biologist issuing the permit; and
 - 4) quadruplicate is to be filed with the regional fisheries administrator.
- b) The biologist issuing the permit shall create and retain a file for the water area in question in the permanent county water file, which contains both the permit and a report of the results of the fish removal operation.

Section 890.50 Licensed Aquaculturist

Licensed aquaculturists who are also licensed Private Pesticide Applicators are exempt from Section 890.30, "Treatment of the Water Area" requirement when the fish toxicant is applied to aquaculture waters owned by the aquaculturist. Licensed aquaculturists must, however, obtain a permit to purchase a fish toxicant from the Illinois Department of Natural Resources.