**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

redear 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 bassX 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) Mermet 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)