**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)