**Section 870.60 Restricted Species Transportation Permit Procedures**

a) Generally Applicable Provisions; Exemptions

1) Triploid Grass Carp

Triploid grass carp under 4 inches in length cannot be shipped, transported or stocked at any time and may be possessed only by authorized aquaculture permit holders.

2) For the purposes of this Section, a shipment is defined as one load of fish; for example, 3 truckloads of fish being transported in convoy would be 3 shipments.

3) Landowner Exemption

A) Landowners South of I-80

i) Pre-Order from Retail Outlet

If the triploid grass carp are listed on a Restricted Species Transportation Permit (RSTP) issued to the Illinois aquaculturist or Illinois licensed aquatic life dealer that supplied the triploid grass carp to the entity from which the landowner pre-ordered the fish, the landowner is exempt from the RSTP requirement while transporting those fish for stocking in his or her wholly owned waters south of I‑80. During the transport, the landowner must have available the receipt from the entity from which the landowner purchased the fish. The exemption applies only during the first 24 hours after the purchase.

ii) Purchase Over-the-Counter

Lake or pond owners purchasing no more than 20 triploid grass carp over-the-counter are exempt from the RSTP requirement while transporting triploid grass carp purchased and obtained in Illinois for stocking in their wholly owned waters south of I-80, as long as they have a receipt from an aquaculturist selling over-the-counter in Illinois. (See subsection (c).) During the transport, the landowner must have available the receipt from the entity from which the landowner purchased the fish. The exemption applies only during the first 24 hours after the purchase.

B) Landowners North of I-80 – Pre-Order from Retail Outlet

Those landowners wanting to stock wholly owned lakes/ponds north of I‑80 with triploid grass carp must procure those fish through an Illinois aquaculturist or Illinois licensed aquatic life dealer who holds an RSTP authorizing transport and stocking of those fish. (See subsection (c).) During transport of those fish by the landowner to his or her wholly owned lake/pond, the landowner is exempt from the RSTP requirement, but must have available the receipt from the entity from which the landowner purchased the fish. The exemption applies only during the first 24 hours after the purchase.

b) Fish Importers, Aquaculturists and Commercial Fishermen

An RSTP is required for live grass carp, black carp, bighead carp, silver carp, tilapia (Oreochromis species) or any hybrid of these species, or any other species not on the Approved List, including commercial fishermen that are holding Asian carp in a crib for later transport or that are transporting directly to a rendering facility for slaughter (with restrictions (see Section 870.50(b))). RSTPs are available from the Aquaculture Specialist at the address in Section 870.10(c). Applications must be received by the Program at least two weeks prior to the proposed shipment date. IDNR will evaluate the potential for escapement into glacial lakes, sloughs, potholes, bottom land, backwater lakes, streams, rivers, water areas known to harbor animals or plants on the national or Illinois threatened or endangered species list, natural areas or nature preserves, or wetlands. An RSTP shall be required for each shipment, except that extended permits covering regular periodic deliveries may be granted by the Department, pursuant to Section 10-105 of the Code. An RSTP is valid only:

1) on the dates listed on the permit; and

2) for names and addresses listed for delivery on the application/permit.

c) Aquaculturists Selling Certified Triploid Grass Carp Over-the-Counter The receipt issued by an aquaculturist in an over-the-counter sale shall contain:

1) Accession number of USFWS certifying triploid status of grass carp.

2) Total number of fish sold. (Total amount in any one sale shall not exceed 20 individuals.)

3) Name, address and driver's or fishing license number of the buyer and the location of the wholly owned waterbody where stocking will occur. The signature of the buyer is confirmation that this information is true and accurate, the lake/pond is south of I-80, and the fish purchased will only be released in the identified lake/pond. Township/range, latitude and longitude, or equivalent is acceptable to identify the lake/pond location.

4) Name, address and aquaculture license number of seller. The signature of the seller is required to confirm information such as the buyer's license number and fish count and certification information.

5) Transaction date and time. (The landowner exemption from an RSTP is only for 24 hours after purchase. No more than 20 triploid grass carp may be carried in any vehicle/fish hauler at any one time under this exemption.)

6) The transaction documents must clearly state:

A) that the transaction involves the sale of triploid grass carp;

B) the number of fish sold;

C) where the fish are to be transported; and

D) the average length of the fish in each batch of fish sold.

c) For the purposes of this Section, a shipment is defined as one load of fish; for example, 3 truckloads of fish being transported in convoy would be 3 shipments.

d) Fish Importers and Aquaculturists

AnyExcept for persons exempt under Section 870.60(b), any person hauling any live triploid grass carp must subject the shipment to examination by IDNR. Except for persons exempt under subsection (a)(3), batches For a batch of fish subject to testing and containing more than 56 individuals will have 56 fish will be tested; for a batch containing fewer than 56 individuals, 100% will be tested.

e) Commercial Fishermen

1) 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 either of the following criteria are met:

A) the fish are dead. Transportation of dead fish is allowed if:

i) the fish 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);

ii) the packed fish are dry (in box, barrel, crate, etc.) while directly en route to a fish market or processor;

iii) the isthmus has been severed;

iv) the gills have been removed; or

v) the fish have been eviscerated.

B) the fish are not transported in an aerated live tank or in any other manner intended to maintain the fish alive unless commercial fisherman first obtains an RSTP. An RSTP can be obtained by applying to the Aquaculture Specialist at the address in Section 870.10(c).

2) With a Department approved RSTP, commercial fishermen are allowed to:

A) transport live grass carp to a State-licensed slaughter facility or equivalent outside the State of Illinois, provided 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; and

B) 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 no 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 the slaughter facility.

3) Asian carp may be held live in a crib (net pen) provided that:

A) 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;

B) they are removed within 72 hours;

C) they are killed by one of the methods specified in subsection (e)(1)(C), (D) or (E) immediately upon removal from the crib; and

D) all other regulations pertaining to commercial fishing and commercial fishing devices are followed.

(Source: Amended at 39 Ill. Reg. 10394, effective July 9, 2015)