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# ILLINOIS

# REGISTER

RULES  
OF GOVERNMENTAL  
AGENCIES



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# TABLE OF CONTENTS

March 31, 2006 Volume 30, Issue 13

## PROPOSED RULES

CENTRAL MANAGEMENT SERVICES, DEPARTMENT OF State of Illinois Medical Care Assistance Plan 80 Ill. Adm. Code 2120 .....	5741
EDUCATION, ILLINOIS STATE BOARD OF Gifted Education 23 Ill. Adm. Code 227 .....	5763
Providers of Supplemental Educational Services 23 Ill. Adm. Code 675 .....	5777
NATURAL RESOURCES, DEPARTMENT OF General Hunting and Trapping on Department-Owned or -Managed Sites 17 Ill. Adm. Code 510 .....	5803
Raccoon, Opossum, Striped Skunk, Red Fox, Gray Fox, Coyote and Woodchuck (Groundhog) Hunting 17 Ill. Adm. Code 550 .....	5810
Muskrat, Mink, Raccoon, Opossum, Striped Skunk, Weasel, Red Fox, Gray Fox, Coyote, Badger, Beaver and Woodchuck (Groundhog) Trapping 17 Ill. Adm. Code 570 .....	5820
White-Tailed Deer Hunting by Use of Firearms 17 Ill. Adm. Code 650 .....	5832
White-Tailed Deer Hunting by Use of Muzzleloading Rifles 17 Ill. Adm. Code 660 .....	5858
White-Tailed Deer Hunting by Use of Bow and Arrow 17 Ill. Adm. Code 670 .....	5873
Youth Hunting Seasons 17 Ill. Adm. Code 685 .....	5899
Squirrel Hunting 17 Ill. Adm. Code 690 .....	5906
The Taking of Wild Turkeys – Fall Archery Season 17 Ill. Adm. Code 720 .....	5917
Dove Hunting 17 Ill. Adm. Code 730 .....	5928
Crow, Woodcock, Snipe, Rail and Teal Hunting 17 Ill. Adm. Code 740 .....	5944
POLLUTION CONTROL BOARD Control of Emissions from Large Combustion Sources 35 Ill. Adm. Code 225 .....	5957
TEACHERS' RETIREMENT SYSTEM OF THE STATE OF ILLINOIS The Administration and Operation of the Teachers' Retirement System 80 Ill. Adm. Code 1650 .....	6003

## JOINT COMMITTEE ON ADMINISTRATIVE RULES STATEMENT OF

**OBJECTION TO PROPOSED/EMERGENCY RULEMAKING**

JOINT COMMITTEE ON ADMINISTRATIVE RULES  
HUMAN SERVICES, DEPARTMENT OF

Crisis Assistance  
89 Ill. Adm. Code 116 .....6018

Food Stamps  
89 Ill. Adm. Code 121 .....6019

**SECOND NOTICES RECEIVED**

JOINT COMMITTEE ON ADMINISTRATIVE RULES

Second Notices Received.....6020

**EXECUTIVE ORDERS AND PROCLAMATIONS**

PROCLAMATIONS

National Garden Week  
2006-75 .....6021

National Digestive Motility Awareness Month  
2006-76.....6021

Peter Wilt Day  
2006-77.....6022

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: State of Illinois Medical Care Assistance Plan
- 2) Code Citation: 80 Ill. Adm. Code 2120
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
2120.30	Amendment
2120.110	Amendment
2120.210	Amendment
2120.220	Amendment
2120.230	Amendment
2120.310	Amendment
2120.320	Amendment
2120.330	Amendment
2120.410	Amendment
2120.430	Amendment
2120.440	Amendment
2120.510	Amendment
2120.520	Amendment
2120.525	New Section
2120.530	Amendment
2120.540	Amendment
2120.610	Amendment
2120.620	Amendment
2120.710	Amendment
2120.720	Amendment
2120.790	Amendment
2120.800	Amendment
- 4) Statutory Authority: Implementing Sections 105(h), 125, and 213(d) of the Internal Revenue Code (26 USC 105 (h), 125, and 213(d)), Section 405-110 of the Civil Administrative Code of Illinois [20 ILCS 405/405-110], Section 30c of the State Finance Act [30 ILCS 105/30c], and Sections 3 and 9 of the State Employees Group Insurance Act of 1971 [5 ILCS 375/3 and 9] and authorized by Section 5-625 of the Civil Administrative Code of Illinois [20 ILCS 5/5-625].
- 5) A Completed Description of the Subjects and Issues Involved: Generally, the proposed amendments outline the eligibility and participation requirements for the State of Illinois Medical Care Assistance Plan (Plan). Specifically, the proposed amendments add definitions; clarify the eligibility requirements for the Plan; more clearly define the role of the Department and the Plan Administrator; extend the time frame in which eligible

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PROPOSED AMENDMENTS

expenses may be submitted in Sections 2120.510 and 2120.520; and incorporate the use of the EZ Reimburse<sup>®</sup> MasterCard<sup>®</sup> program into the Plan by adding a new Section, 2120.525. Also, technical changes have been made for clarity purposes, and additional modifications were made to the Authority under which the Plan is implemented to make the Plan consistent with numerical changes in Code Sections enacted by legislature.

- 6) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this rulemaking include incorporations by reference? Yes
- 9) Are there any other proposed amendments pending on this Part? No
- 10) Statement of Statewide Policy Objective: These proposed rulemakings neither create nor expand any State mandate on units of local government, school districts or community college districts.
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may submit written comments within 45 days after the date of publication to:

Gina Wilson  
Illinois Department of Central Management Services  
720 Stratton Office Building  
Springfield, Illinois 62706

217/785-1793

Interested persons may discuss the rulemaking with:

Janice Bonneville  
Illinois Department of Central Management Services  
201 E. Madison, Suite 3A  
P.O. Box 19208  
Springfield, IL 62794-1908

217/785-8675

- 12) Initial Regulatory Flexibility Analysis:

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DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

- A) Types of small businesses, small municipalities and not for profit corporations affected: None
  - B) Reporting, bookkeeping or other procedures required for compliance: None
  - C) Type of professional skills necessary for compliance: None
- 13) Regulatory Agenda on which this rulemaking was summarized: July 2005

The full text of the Proposed Amendments begins on the next page:

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES

SUBTITLE F: EMPLOYEE BENEFITS

CHAPTER I: DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

PART 2120

STATE OF ILLINOIS MEDICAL CARE ASSISTANCE PLAN

SUBPART A: INTRODUCTION AND DEFINITIONS

Section	
2120.10	Summary and Purpose of Plan
2120.20	Plan Number
2120.30	Definitions

SUBPART B: ADMINISTRATION

Section	
2120.110	Role of the Department/ <a href="#">Plan Administrator</a>
2120.120	Expenses of Administration

SUBPART C: PARTICIPATION

Section	
2120.210	Date of Participation
2120.220	Insufficient Salary
2120.230	Errors

SUBPART D: ELECTION TO RECEIVE MEDICAL CARE ASSISTANCE

Section	
2120.310	Election Procedure
2120.320	Irrevocability of Election
2120.330	Maximum Medical Care Assistance
2120.340	Minimum Medical Care Assistance

SUBPART E: MEDICAL CARE ASSISTANCE ACCOUNTS

Section	
2120.410	Establishment of Accounts
2120.420	Crediting of Accounts

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PROPOSED AMENDMENTS

- 2120.430 Debiting of Accounts
- 2120.440 Forfeiture of Accounts

## SUBPART F: PAYMENT OF MEDICAL CARE ASSISTANCE ACCOUNTS

- Section
- 2120.510 Claims for Reimbursement
- 2120.520 Reimbursement of Participant
- [2120.525 EZ Reimburse<sup>®</sup> MasterCard<sup>®</sup>](#)
- 2120.530 Exclusions
- 2120.540 Statements

## SUBPART G: TERMINATION OF PARTICIPATION

- Section
- 2120.610 Termination or Death of Participant
- 2120.620 Fraud

## SUBPART H: MISCELLANEOUS

- Section
- 2120.710 Non-discrimination
- 2120.720 Illegality of a Particular Provision
- 2120.730 Applicable Law
- 2120.740 Effect on Pension
- 2120.750 Effect on Social Security
- 2120.760 Benefits Solely From General Assets
- 2120.770 Nonassignability of Rights
- 2120.780 Tax Consequences
- 2120.790 Indemnification of State by Participants
- 2120.800 Right to Amend and Terminate Reserved

AUTHORITY: Implementing Sections 105(h), 125, and 213(d) of the Internal Revenue Code (26 USC 105(h), 125, and 213(d)), Section 405-110 of the Civil Administrative Code of Illinois [20 ILCS 405/405-110], Section 30c of the State Finance Act [30 ILCS 105/30c], and Sections 3 and 9 of the State Employees Group Insurance Act of 1971 [5 ILCS 375/3 and 9] and authorized by Section 5-625 of the Civil Administrative Code of Illinois [20 ILCS 5/5-625].

SOURCE: Emergency rules adopted at 12 Ill. Reg. 11810, effective July 1, 1988, for a maximum of 150 days; adopted at 12 Ill. Reg. 17296, effective October 17, 1988; amended at 14

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PROPOSED AMENDMENTS

Ill. Reg. 18998, effective November 14, 1990; amended at 16 Ill. Reg. 13811, effective August 28, 1992; amended at 19 Ill. Reg. 8595, effective June 14, 1995; amended at 21 Ill. Reg. 2955, effective February 21, 1997; amended at 30 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## SUBPART A: INTRODUCTION AND DEFINITIONS

**Section 2120.30 Definitions**

- a) Wherever used in the Plan, the following terms have the following meanings and when the defined meaning is intended, the term is capitalized:

"Anticipated Payroll" means those payrolls in which the Participant is issued a paycheck during the pay period that the deduction is taken.

"Card" means the EZ Reimburse<sup>®</sup> MasterCard<sup>®</sup> provided by the Plan Administrator.

"Change in Family Status" means marriage, divorce, death of ~~spouse~~Spouse or dependent, birth or adoption of child, commencement or termination of employment of ~~spouse~~Spouse, significant change in cost or benefits coverage of the Participant or ~~spouse~~Spouse due to the ~~spouse's~~Spouse's employment, switch from full-time to part-time status of ~~spouse~~Spouse, or from part-time to full-time, or unpaid leave of absence of Participant or ~~spouse~~Spouse, or any other events ~~that~~which the Department determines constitute a ~~change in family status~~Change in Family Status.

"Code" means the Internal Revenue Code of 1954 (26 ~~USCU.S.C.~~ 1 et seq. ~~[1985]~~) and applicable regulations, or any successor statute.

"Compensation" for purposes of this Plan is defined under Code ~~section~~Section 414. It means wages, salaries and other ~~employee~~compensationEmployee Compensation received by a Participant as reported on the Participant's W-2 from this ~~employer~~Employer. For purposes of discrimination testing, it may include or exclude all amounts not currently includible in the Participant's gross income.

"Delayed Payroll" means those payrolls in which the Participant is issued a paycheck following the pay period that the deduction is taken.

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PROPOSED AMENDMENTS

"Department" means the Illinois Department of Central Management Services.

"Dependent" means a Participant's spouse, qualifying child or qualifying relative unmarried child, or other person as defined in within the meaning of Internal Revenue Code sections Sections 152 and 213(d)(5).

"Discriminatory Excess" is the excess of any "Highly Compensated Participant" over the highest permitted benefit.

~~"Effective Date" means any paycheck issued after July 1 of the Plan Year.~~

"Eligible Employee" means any employee Employee working full time or not less than half-time who is eligible to participate in the Health Plan authorized by the State Employees Group Insurance Act of 1971 ~~as amended~~. It includes those employees Employees who have lost eligibility to participate in the Health Plan because of a reduction in hours worked but chosen continuation coverage through payroll deduction as authorized by the Consolidated Omnibus Budget Reconciliation Act (COBRA) (P.L. 99-272) as long as there is no break in coverage or payroll deductions. An eligible employee Eligible Employee of the employer Employer excludes independent contractors, temporary employees, and retirees who return to work for not longer than 75 days per year after they retire.

"Employer" means the State of Illinois, which includes all officers, boards, commissions, and agencies created by the Illinois Constitution, whether in the executive, legislative or judicial branch, all officers, departments, boards, commissions, agencies, institutions, authorities, universities, bodies politic and corporate of the State; and administrative units or corporate outgrowths of the State government thatwhich are created by or pursuant to statute other than units of local government and their officers, school districts and boards of election commissioners, and all administrative units and corporate outgrowths of the above as may be created by executive order of the Governor.

"Enrollment Form" means the form provided by the Department for the purpose of filing an election and compensation Compensation reduction agreement and for making changes authorized by the Plan.

"Grace Period" means the period following the close of the Plan Year in

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PROPOSED AMENDMENTS

which the Participant can incur a ~~medical care expense~~ eligible for reimbursement from his or her medical care assistance account from the just completed Plan Year. The ~~grace period~~ goes from July 1 until September 15 of each calendar year.

"Health Plan" means health, dental and vision coverage offered by the Department to eligible persons.

"Highly Compensated Participant" means any Participant who was in either of the following categories at any time during the current Plan Year:

an ~~employee~~Employee of the State or its administrative units or corporate outgrowths who has annual total ~~compensation~~Compensation greater than \$75,000 or any other amount established by the Internal Revenue Service; or

an employee of the State who receives ~~compensation~~Compensation in excess of \$50,000 or any other amount established by the Internal Revenue Service and is in the top 20% of all State ~~employee~~Employee salaries.

"Medical Care Expense" means any expense incurred by a Participant or ~~dependent~~Dependent of the Participant ~~that~~which was paid for ~~as~~ a medical service expense eligible under Internal Revenue Code ~~section~~Section 213(d). Expenses that result in a double deduction for tax purposes are not eligible. For example;:

Premiums for health insurance coverage carried by the eligible employee, spouse or dependent; and

Premiums for other health coverage carried by the Participant.

"Participant" means each eligible employee ~~Employee~~ who participates in the Plan in accordance with Section 2120.210 of this Part.

"Pay Period" means a regular accounting period established by the State of Illinois for measuring and paying ~~compensation~~Compensation earned by ~~employees~~Employees. A ~~pay period~~Pay Period may be monthly, semi-monthly or biweekly.

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PROPOSED AMENDMENTS

"Plan" means the State of Illinois Medical Care Assistance Plan as set forth in this Part~~these rules~~, and as may be amended from time to time in compliance with the Illinois Administrative Procedure Act [5 ILCS 100](Ill. Rev. Stat. 1991, ch. 127, pars. 1001-1 et seq.).

"Plan Administrator" means an organization, company or other entity designated by the Director to perform certain duties related to the administration of a specific plan in accordance with the terms of the contract between the organization and the Department.

"Plan Year" means the 12-consecutive-month period beginning July 1 comprising the State fiscal year.

"Qualifying Child" means an individual 18 years old or younger (22 years old or younger if a full-time student) who has a specified family-type relationship to the Participant, lives in the Participant's household for more than half of the taxable year and has not provided more than one-half of his or her own support during the taxable year (and receives more than one-half of his or her support from the Participant during the taxable year if a full-time student ages 19 through 22 at the end of the taxable year). There is no age requirement if the individual is physically and/or mentally incapable of self care.

"Qualifying Relative" means an individual who has a specified family-type relationship with the Participant, is not someone else's qualifying child and receives more than one-half of his or her support from the Participant during the taxable year or, if no specified family-type relationship to the Participant exists, is a member of and lives in the Participant's household (without violating local law) for the entire taxable year and receives more than one-half of his or her support from the Participant during the taxable year.

"Reimbursement" means to pay a Participant in this Plan for medical care expenses ~~Medical Care Expenses~~ from his or her medical care assistance account.

"Spouse" means the person to whom the Participant is married. Spouse does not include a person separated from the Participant under a decree of divorce ~~or separate maintenance~~.

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PROPOSED AMENDMENTS

~~"State Employees Group Health Plan" means the Health Plan administered by the Department as authorized in the State Employees Group Insurance Act of 1971 as amended.~~

"Termination" means the permanent severance of the Participant's employment relationship with the ~~employer Employer~~ as provided by the appropriate rules of the ~~employer Employer~~.

"Unsubstantiated Expenses" are expenses for medical care paid for with the Card for which the Plan Administrator requires additional documentation to substantiate the expense.

- b) A pronoun or adjective in the masculine gender includes the feminine gender and the singular includes the plural, unless the context clearly indicates otherwise.

(Source: Amended at 30 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## SUBPART B: ADMINISTRATION

**Section 2120.110 Role of the Department/Plan Administrator**

- a) The Plan shall be administered by the ~~Plan Administrator~~Department of Central Management Services.
- b) The Department reserves the right to enter into agreements with other agencies to delegate various record keeping and other administrative functions to the employing agencies of Participants.
- c) It shall be a principal duty of the Department to see that the Plan is carried out for the exclusive benefit of persons entitled to participate in the Plan without discrimination among them.

(Source: Amended at 30 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## SUBPART C: PARTICIPATION

**Section 2120.210 Date of Participation**

- a) An ~~eligible employee~~Eligible Employee will become a Participant upon an election under this Plan to receive medical care assistance.

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PROPOSED AMENDMENTS

- b) New ~~eligible employees~~Eligible Employees may become Participants upon an election to receive medical care assistance ~~that~~which is made within 60 days ~~after~~of becoming an ~~employee~~Employee.
- c) Employees who are eligible because they have chosen continuation coverage as authorized by COBRA must continue their medical assistance deductions. Otherwise, they will be considered revoked as described in Section 2120.220.
- d) Eligible employees who experience a ~~change in family status~~Change in Family Status may elect to participate at any time within the Plan Year. ~~The~~Such election must be made within 60 days ~~after~~of the ~~change in family status~~change.
- e) Elections from new ~~eligible employees~~Employees or those who have had a ~~change in family status~~Change in Family Status will be effective the first ~~pay period~~Pay Period after the ~~signature date of the Participant on the enrollment form or the date of the change in family status, whichever is later~~Enrollment Form is completed and processed by the Department.

(Source: Amended at 30 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 2120.220 Insufficient Salary**

- a) Participation can only be through payroll deduction except as specifically allowed in this ~~Part~~Section.
- b) In the event the Comptroller fails to make a deposit in the Participant's account because there are inadequate funds to satisfy the Participant's elected deduction, the Participant's deduction will be revoked.
- c) The revoked Participant described in this Section can request ~~reimbursement~~Reimbursement of ~~medical care expenses~~Medical Care Expenses in accordance with Subpart F of this Part.
- d) The revoked Participant described in this Section can re-enroll the next election period in accordance with Section 2120.310 ~~of this Part~~.

(Source: Amended at 30 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 2120.230 Errors**

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PROPOSED AMENDMENTS

- a) Participants are responsible for monitoring their accounts and notifying the ~~employer~~ Employer of any payroll or other errors.
- b) In the event a deduction is missed or an incorrect amount is taken because of payroll or other processing errors, the error must be corrected on a later payroll or direct billed to the Participant if he or she is off payroll.
- c) If the correction of the error causes an economic hardship for the Participant, the funds sufficient to correct the error will be deducted from the Participant's paycheck over the two months immediately following the discovery of the error ~~such circumstances shall be considered a Change in Family Status as described in Section 2120.320 of this Part and a new election can be made. The election will be effective the first Pay Period after the Enrollment Form is completed and processed by the Department.~~
- d) In the event of overpayment because of error, ~~the~~ a Participant will be asked to refund to the Department the excess reimbursement.
- e) If the Participant refuses to reimburse the Department for the overpayment, the Department will request the Comptroller to withhold the required amount from the Participant's Employee's next available paycheck pursuant to 74 Ill. Adm. Code 285. If the Participant is off payroll, the overpayment will be added as income to the Participant's W-2.

(Source: Amended at 30 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## SUBPART D: ELECTION TO RECEIVE MEDICAL CARE ASSISTANCE

**Section 2120.310 Election Procedure**

- a) An eligible employee ~~Employee~~ may elect to receive medical care assistance under this Plan by making an election and compensation ~~Compensation~~ reduction agreement on an enrollment form ~~Enrollment Form~~ provided by the Department.
- b) The enrollment period will be at a time to be determined by the Department prior to the beginning of the Plan Year. The enrollment period shall be sufficient to allow eligible employees to enroll in the Plan and shall in no case be less than 30 days prior to the beginning of the Plan Year.

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PROPOSED AMENDMENTS

- c) Eligible employees ~~Employees~~ must participate for a full 12-month period. Participants who terminate or revoke may continue participation by making the elected monthly deduction via a personal check or money order. As the such payments are not made through payroll deduction, no tax benefits are allowed. If continuation is not elected, eligible expenses will include only those expenses incurred through the date of the last pay period following the pay period in which the last deduction was ~~deductions were~~ made.
- d) The election must be for a specified annual dollar amount evenly divisible by the number of pay periods ~~Pay Periods~~ in the Plan Year.
- e) The Participant must re-enroll each year to continue participation.

(Source: Amended at 30 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 2120.320 Irrevocability of Election**

- a) An election to participate shall be irrevocable during the Plan Year unless a change in family status ~~Change in Family Status~~ has occurred.
- b) A change in family status ~~Change in Family Status~~ will permit a change or revocation of an election during a Plan Year under the Code. To the extent consistent with the Code, this provision shall be liberally construed by the Department to maximize the benefit to the Participant.
- c) Election changes must be consistent with changes in family status ~~changes~~.
- d) The form requesting the change in the election must be filed with the Department within 60 days after of the change in family status ~~Change in Family Status~~.
- e) The Department shall require documentation substantiating the change in family status ~~Change in Family Status~~ consisting of group insurance ~~Group Insurance~~ records maintained by the Department or personnel ~~Personnel~~ transaction records maintained by the employing agency or other documents substantiating the claimed change in family status ~~Change in Family Status~~.
- f) Any new election under this Section shall be effective the first pay period ~~Pay Period~~ after the signature date of the Participant on the enrollment form or the date of the change in family status, whichever is later ~~election form is completed and processed by the Department~~.

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PROPOSED AMENDMENTS

(Source: Amended at 30 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 2120.330 Maximum Medical Care Assistance**

- a) The maximum amount ~~that for which~~ the Participant may be reimbursed under this Plan during the Plan ~~Year~~ shall not exceed \$5,000.
- b) The ~~pay period~~ ~~Pay Period~~ maximum is the annual maximum divided by the number of pay periods in the Plan Year.
- c) The ~~pay period~~ ~~Pay Period~~ maximum cannot be exceeded if there is a ~~change in family status~~ ~~Change in Family Status~~, as provided in Section 2120.610 of this Part, or if there are circumstances requiring prepayment of the contributions for the balance of the year.
- d) If the Department determines during the Plan Year that ~~highly compensated~~ ~~Highly Compensated~~ Participants are benefiting from the Plan more than non-highly compensated Participants, the Department shall reduce the maximum deduction for the ~~highly compensated~~ ~~Highly Compensated~~ Participants the minimal amount necessary to bring the Plan into compliance with the non-discrimination requirements of the Code (26 ~~USC~~ ~~U.S.C.~~ 125).

(Source: Amended at 30 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## SUBPART E: MEDICAL CARE ASSISTANCE ACCOUNTS

**Section 2120.410 Establishment of Accounts**

The ~~Plan Administrator~~ ~~Department~~ will establish and maintain a medical care assistance account for each Plan Year for each Participant who has enrolled for the Plan Year.

(Source: Amended at 30 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 2120.430 Debiting of Accounts**

A Participant's medical care assistance account for each Plan Year shall be debited as of the date the ~~reimbursement~~ ~~Reimbursement~~ is processed by the ~~Plan Administrator~~ ~~Department~~ under Section 2120.520 ~~of this Part~~.

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PROPOSED AMENDMENTS

(Source: Amended at 30 Ill. Reg. \_\_\_\_, effective \_\_\_\_\_)

**Section 2120.440 Forfeiture of Accounts**

- a) The amount credited to a Participant's medical care assistance account for any Plan Year shall be used:
- 1) only to reimburse the Participant for ~~medical care expenses~~ ~~Medical Care Expenses~~ incurred during ~~the applicable~~ ~~such~~ Plan Year ~~or during the grace period (until September 15) following the close of the Plan Year;~~ and
  - 2) only if the Participant applies for ~~reimbursement~~ ~~Reimbursement~~ on or before September 30 ~~following the close~~ of the ~~next~~ Plan Year.
- b) If any balance remains in the Participant's medical care assistance account for any Plan Year after all ~~reimbursements~~ ~~Reimbursements~~ ~~under the Plan~~ ~~hereunder~~, ~~the such~~ balance shall not be carried over to reimburse the Participant for ~~medical care expenses~~ ~~Medical Care Expenses~~ incurred during a subsequent Plan Year, ~~with the exception of expenses incurred during the grace period~~, and shall not be available to the Participant in any other form or manner.
- c) ~~Any remaining~~ ~~Such~~ balance shall be used to reimburse the ~~Medical Care Assistance~~ Plan for any reimbursements to Participants in excess of deposits that were not recovered as provided in Section 2120.610 ~~of this Part~~.
- d) Any remaining balance in the fund shall be distributed to the ~~202~~ ~~Health Insurance Reserve~~ Fund.

(Source: Amended at 30 Ill. Reg. \_\_\_\_, effective \_\_\_\_\_)

## SUBPART F: PAYMENT OF MEDICAL CARE ASSISTANCE ACCOUNTS

**Section 2120.510 Claims for Reimbursement**

- a) A Participant who has enrolled for a Plan Year may apply to the ~~Plan Administrator~~ ~~Department~~ for ~~reimbursement~~ ~~Reimbursement~~ of ~~medical care expenses~~ ~~Medical Care Expenses~~ incurred by the Participant between July 1 and ~~September 15 of the following Plan Year~~ ~~June 30~~. For purposes of this Part, expenses are treated as having been incurred when the Participant is provided with the medical care that gives rise to the expenses, and not when the Participant

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PROPOSED AMENDMENTS

is formally billed, charged for, or pays for the medical care.

- b) New Participants who enrolled during the open enrollment period may apply for reimbursement of medical care expenses ~~Medical Care Expenses~~ incurred between the first day of the Plan Year ~~Pay Period deductions begin~~ (in accordance with Section 2120.210) ~~of this Part~~ and September 15 of the following Plan Year ~~June 30~~. New Participants who enroll through a mid-year enrollment due to a change in family status may apply for reimbursement of medical care expenses incurred between the first day of the pay period following the signature date on the enrollment form, or the date of the change in family status, whichever is later, and September 15 of the following Plan Year.
- c) Participants who revoke participation in accordance with Sections 2120.220 and 2120.320 ~~of this Part~~ before the end of the Plan Year may apply for reimbursement of medical care expenses ~~Reimbursement of Medical Care Expenses~~ incurred between July 1 and, if on an anticipated payroll, the last day of the pay period that the last deduction was taken or, if on a delayed payroll, the last day of the pay period following the pay period when the last deduction was taken ~~there was a deduction~~.
- d) Participants who terminate or revoke and choose to pay the contributions for the balance of the Plan Year, in accordance with Section 2120.310, will have coverage for the entire Plan Year and may apply for reimbursement of medical care expenses ~~Reimbursement of Medical Care Expenses~~ incurred between July 1 and September 15 of the following Plan Year ~~the following June 30~~.
- e) The Participant may apply for reimbursement by submitting an application in writing to the Plan Administrator ~~Department~~ on a claim form provided by the Plan Administrator ~~Department~~ setting forth:
- 1) the amount, beginning and ending service date and type of service ~~for nature of the expense with respect to~~ which reimbursement ~~a benefit~~ is requested;
  - 2) the name of the person, organization or entity to which the expense was paid;
  - 3) third party verification of the expense, such as bills, invoices, receipts, cancelled checks or other statements showing the amounts of such expenses; and

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PROPOSED AMENDMENTS

- 4) a statement that the medical expense has not been reimbursed and is not reimbursable under any health plan coverage.

(Source: Amended at 30 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 2120.520 Reimbursement of Participant**

- a) The ~~Plan Administrator~~Department shall reimburse the Participant from the Participant's medical care assistance account for ~~medical care expenses~~ Medical Care Expenses incurred during the Plan Year through September 15 of the following Plan Year for which the Participant submits documentation in accordance with ~~Sections~~Section 2120.510 ~~and 2120.525 of this Part.~~
- b) The ~~reimbursement~~ Reimbursement schedule will be established by the ~~Plan Administrator~~Department in a manner that allows the Participant to receive ~~reimbursement~~ Reimbursement no less than once a month.
- c) The ~~Plan Administrator~~Department will reimburse Participants who have filed claims in the prescribed manner:
- 1) at least once a month if the claim equals or exceeds \$20, and if there is eligibility for reimbursement remaining in the account; and
  - 2) at least once the twelfth month (or the final month of ~~an Employee's~~ participation) regardless of the amount.
- d) If a ~~claim for reimbursement~~ Claim for Reimbursement under this Section exceeds the balance of the Participant's medical care assistance account, the Participant will be paid the amount of the claim as long as the claim is no greater than the annual election amount less any ~~reimbursements~~ Reimbursements paid to date.
- e) Claims for expenses incurred between July 1 and September 15 will be paid, first, from any funds remaining from the previous Plan Year and, then, from funds available under the current Plan Year.

(Source: Amended at 30 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 2120.525 EZ Reimburse<sup>®</sup> MasterCard<sup>®</sup>**

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PROPOSED AMENDMENTS

- a) A Participant may elect to pay medical care expenses through the use of an EZ Reimburse<sup>®</sup> MasterCard<sup>®</sup> (Card) provided by the Plan Administrator. The Card deducts funds directly from the Participant's medical care assistance account and avoids any up-front, out-of-pocket expenses for the Participant.
- b) In order to be eligible for the Card, the Participant must agree to abide by the terms and conditions associated with the Card as established by the Plan Administrator and provided to the participant prior to enrollment, including the payment of a \$20 annual fee for the Card, limitations as to Card usage and the Plan Administrator's right to withhold and offset payment for unsubstantiated expenses. The Participant must further certify that the Card will be used only for eligible medical care expenses.
- c) Use of this Card is limited to payments to individuals who are health care providers.
- d) The maximum reimbursable amount under the Card is the full amount of the Participant's contribution to the medical care assistance account for the Plan Year, less any previously submitted reimbursements.
- e) The Participant must obtain a receipt or third party statement (i.e., explanation of benefits form or invoice) from the health care provider each time the Card is used. The receipt must be retained for 1 year following the end of the Plan Year in which the expense was incurred and must be available for presentation to the Plan Administrator upon request. At a minimum, the receipt must contain the following information:
- 1) the type of service provided;
  - 2) the date the medical care was provided (i.e., when the expense was incurred);
  - 3) the amount of the expense;
  - 4) the provider's name; and
  - 5) the patient's name.

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PROPOSED AMENDMENTS

- f) If the Participant fails to provide the requested documentation to the Plan Administrator within the requested time frame, the expenses will be deemed unsubstantiated and the Participant will be required to repay the unsubstantiated expenses. Repayments may be made by either:
- 1) submitting payment to reimburse the Plan for the cost of the unsubstantiated expense. Payment must be in the form of a check payable to the State of Illinois, submitted to the Plan Administrator; or
  - 2) submitting other paper claims for the fiscal year with third-party receipts in amounts equal to, or greater than, the unsubstantiated expenses. These paper claims will automatically be substituted to offset the outstanding Card transactions.
- g) Failure to submit requested documentation or provide payment for unsubstantiated expenses will result in suspension of the Card and termination of future use of the Card. Outstanding transactions will be reported to the IRS as income and the Participant's W-2 form will be adjusted accordingly.
- h) Participants may elect the Card at any time during the Plan Year. Cards are automatically suspended upon termination or cancellation of participation in the Plan.

(Source: Added at 30 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 2120.530 Exclusions**

A Participant shall not be reimbursed for any expense that would otherwise be a medical care expense ~~Medical Care Expense~~ if:

- a) thesueh expense was incurred at a time when the Participant was not a Participant in the Plan; or
- b) a claim for reimbursement ~~Reimbursement~~ of thesueh expense has not been filed in accordance with provisions of Section 2120.510; or
- c) thesueh expense was claimed as a credit or deduction on the Participant's federal or state income tax form; or
- d) thesueh expense is reimbursable under any other benefit plan maintained by the

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PROPOSED AMENDMENTS

employer ~~Employer~~ or purchased privately by the Participant.

(Source: Amended at 30 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 2120.540 Statements**

- a) On or before January 31 of each year, the Department shall furnish to each Participant who was enrolled in the Plan ~~has received medical care assistance~~ during the prior calendar year ~~Plan Year~~ a written statement showing the amount of contributions into his or her accounts ~~such assistance paid~~ during that ~~such~~ year with respect to the Participant.
- b) The Plan Administrator ~~Department~~ shall also notify each Participant in writing via a monthly statement ~~60 days prior to the end of the Plan Year~~ of the unused balance in his or her account. Any unsubstantiated expenses will be clearly delineated on the monthly statement.

(Source: Amended at 30 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## SUBPART G: TERMINATION OF PARTICIPATION

**Section 2120.610 Termination or Death of Participant**

- a) In the event that a Participant terminates State service or dies, the Participant's participation shall terminate unless continuation of coverage as authorized by COBRA has been elected. If COBRA is not elected, eligible medical care expenses will include only those expenses incurred through the last day of the pay period when the last deduction was taken, if on an anticipated payroll, or on the last day of the pay period following the pay period when the last deduction was taken, if on a delayed payroll.
- b) If the Participant returns to State service the same Plan Year, the Participant can re-enroll in accordance with the provisions of Section 2110.210 ~~of this Part~~. If re-enrollment occurs within 30 days after termination or departure from State service, the contribution amount per pay period must be the same as the amount contributed prior to termination.
- c) If the Participant's employment status has changed from full time or part time ~~(equal to or greater than 50 percent of a normal work period)~~ ~~half time~~ to a status that no longer allows participation in the State Employees Group Health Plan, the

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PROPOSED AMENDMENTS

Participant will be considered revoked as described in Section 2120.220 unless the Participant has chosen continuation coverage as authorized by COBRA.

- d) If participation continues in this Plan because of COBRA-qualification, the Participant shall be considered terminated from State service at the end of the 18-month period of COBRA-coverage or whenever COBRA-qualification ceases.  
~~The Department will pay the balance as described in Section 2120.610(b) above.~~

(Source: Amended at 30 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 2120.620 Fraud**

In the event a Participant knowingly supplies the Department or Plan Administrator with false information or knowingly files a claim ~~that~~which is not qualified for reimbursement ~~Reimbursement~~ as adjudicated by the ~~Federal~~ Internal Revenue Service or a court of competent jurisdiction, the Department shall exclude the Participant from further participation in the Plan for all subsequent Plan Years.

(Source: Amended at 30 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## SUBPART H: MISCELLANEOUS

**Section 2120.710 Non-discrimination**

- a) This Plan shall meet the requirements of Code ~~sections~~ Sections 125 and 414 ~~that~~which require that all benefits provided for Participants who are highly compensated are provided for all other Participants.
- b) If this Plan fails to meet these requirements, the discriminatory excess ~~Discriminatory Excess~~ will be included in the high compensated ~~Highly Compensated~~ Participants' taxable income for the Plan Year.

(Source: Amended at 30 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 2120.720 Illegality of a Particular Provision**

The illegality of any provision of this Plan shall not affect the other provisions of the Plan and the Plan shall be construed in all respects as if ~~the~~such invalid provision were omitted.

(Source: Amended at 30 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PROPOSED AMENDMENTS

**Section 2120.790 Indemnification of State by Participants**

If any Participant receives ~~reimbursements~~ ~~Reimbursements~~ under Section 2120.520 ~~or 2120.525~~ ~~of this Part~~ that are not for ~~medical care expenses~~ ~~Medical Care Expenses~~, ~~the~~ ~~such~~ Participant shall indemnify and reimburse the State for any liability the State may incur for failure to withhold federal or state income tax or Social Security tax from ~~the reimbursements~~ ~~such~~ ~~Reimbursements~~.

(Source: Amended at 30 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 2120.800 Right to Amend and Terminate Reserved**

- a) The Department has established the Plan with the bona fide intention and expectation that it will be continued indefinitely, but the Department will have no obligation ~~whatsoever~~ to maintain the Plan for any given length of time and may discontinue or terminate the Plan at any time without liability.
- b) Upon termination or discontinuance of the Plan, all elections and reductions in ~~compensation~~ ~~Compensation~~ relating to the Plan shall terminate, and the Department will pay any remaining balances to the Participants as additional taxable ~~compensation~~ ~~Compensation~~.

(Source: Amended at 30 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## STATE BOARD OF EDUCATION

## NOTICE OF PROPOSED RULES

- 1) Heading of the Part: Gifted Education
- 2) Code Citation: 23 Ill. Adm. Code 227
- 3) 

<u>Section Numbers</u> :	<u>Proposed Action</u> :
227.10	New Section
227.20	New Section
227.25	New Section
227.30	New Section
227.40	New Section
227.50	New Section
- 4) Statutory Authority: 105 ILCS 5/Art. 14A and 2-3.6
- 5) A Complete Description of the Subjects and Issues Involved: This rulemaking responds to two public acts from the 2005 legislative session (P.A. 94-151 and P.A. 94-410), which are identical to each other except for one provision not related to gifted education. These Acts re-establish authority for gifted education within Article 14A of the School Code, provide for a grant program to be administered by ISBE, require districts that seek State funding to submit plans demonstrating that their programs meet a detailed set of criteria; and assign several administrative functions to ISBE.

A number of the requirements contained in the new Article 14A relative to the content of program descriptions are explicit, while others require further definition through rules. For example, each program is required to include "a fair and equitable decision-making process". ISBE must state what type of process will be accepted as fair and equitable.

Another important aspect of the rulemaking task for this program has been to describe the qualifications that should be required of teachers in local programs, because there is currently no certification or endorsement in gifted education. Section 14A-30(16) of the School Code calls for program descriptions to include "a showing that the certified teachers...understand the characteristics and educational needs of children and are able to differentiate the curriculum and apply instructional methods to meet the needs of children". Section 227.25 of the proposed rules provides a range of options by which teachers can demonstrate that they have this background and accommodates both college coursework and other forms of professional development that have been or are available. Each teacher is afforded a grace period of three school years within which to complete the qualifications, provided that he or she completes some of the requirements each year.

## STATE BOARD OF EDUCATION

## NOTICE OF PROPOSED RULES

The rules also include provisions for the use of an appropriation that is too small to support local programs at any reasonable level, so that some of the underlying goals of the legislation can be reached through statewide activities instead.

- 6) Will these rules replace any emergency rules currently in effect? No
- 7) Do these rules contain an automatic repeal date? No
- 8) Do these rules contain incorporations by reference? Yes; please see Section 227.25.
- 9) Are there any other proposed amendments pending on this Part? No
- 10) Statement of Statewide Policy Objective: This rulemaking will not create or enlarge a State mandate.
- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Written comments may be submitted within 45 days after the publication of this Notice to:

Sally Vogl  
Agency Rules Coordinator  
Illinois State Board of Education  
100 North First Street (S-493)  
Springfield, Illinois 62777

(217) 782-5270

Comments may also be submitted via e-mail, addressed to:

[rules@isbe.net](mailto:rules@isbe.net)

- 12) Initial Regulatory Flexibility Analysis:
  - A) Types of small businesses, small municipalities and not-for-profit corporations affected: None
  - B) Reporting, bookkeeping or other procedures required for compliance: None
  - C) Types of professional skills necessary for compliance: None

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED RULES

- 13) Regulatory Agenda on which this rulemaking was summarized: January 2006

The full text of the Proposed Rules begins on the next page:

## STATE BOARD OF EDUCATION

## NOTICE OF PROPOSED RULES

## TITLE 23: EDUCATION AND CULTURAL RESOURCES

## SUBTITLE A: EDUCATION

## CHAPTER I: STATE BOARD OF EDUCATION

## SUBCHAPTER f: INSTRUCTION FOR SPECIFIC STUDENT POPULATIONS

## PART 227

## GIFTED EDUCATION

## Section

227.10	Purpose and Applicability
227.20	Submission of Proposal; Plan
227.25	Required Qualifications
227.30	Criteria for the Review of Initial Applications
227.40	Allocation of Funds
227.50	Statewide Activities

AUTHORITY: Implementing Article 14A of the School Code [105 ILCS 5/Art. 14A] and authorized by Section 14A-55 of the School Code [105 ILCS 5/14A-55].

SOURCE: Adopted at 30 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

**Section 227.10 Purpose and Applicability**

This Part establishes the procedure and criteria for approval by the State Board of Education of programs of gifted education under Article 14A of the School Code [105 ILCS 5/Art. 14A] and implements other provisions of that Article. The requirements of this Part apply only to locally developed programs for which State funding is sought. Eligible applicants shall be those entities identified in Section 14A-45 of the School Code [105 ILCS 5/14A-45] as well as public university laboratory schools (see 105 ILCS 5/2-3.09a) approved by the State Board of Education pursuant to Section 18-8.05(K) of the School Code [105 ILCS 5/18-8.05(K)], charter schools (see 105 ILCS 5/27A-11.5), and area vocational centers (see 105 ILCS 5/2-3.109b).

**Section 227.20 Submission of Proposal; Plan**

As used in this Part, a "proposal" means the plan for gifted education that is required under Section 14A-30 of the School Code [105 ILCS 5/14A-30], accompanied by the additional materials applicants will be required to submit in response to a Request for Proposals as described in Section 14A-45 of the School Code [105 ILCS 5/14A-45] and this Section.

## STATE BOARD OF EDUCATION

## NOTICE OF PROPOSED RULES

- a) When sufficient State funding is expected to be available to support local programs of gifted education, the State Superintendent of Education shall issue a Request for Proposals (RFP). To be considered for funding, an eligible entity shall submit for approval by the State Superintendent a plan for its program that incorporates all the elements required by Section 14A-30 of the School Code and meets the specific requirements of this subsection (a).
- 1) In order to demonstrate compliance with Section 14A-30(2) of the School Code [105 ILCS 5/14A-30(2)], each plan shall include programs of instruction in English language arts and mathematics and may include programs of instruction in additional subjects. Each plan shall indicate whether the program will be unified across the subjects offered or students will be identified gifted on a subject-by-subject basis and shall provide a description of the curriculum and instructional materials to be used, the grades to be served in the various subjects to be offered, and the program's approach to the development of higher-level skills, as required by Section 14A-30(11) and (12) of the School Code [105 ILCS 5/14A-30(11) and (12)].
- 2) In order to demonstrate compliance with the requirements of Section 14A-30 of the School Code related to identification of the students to be served, each plan shall:
- A) demonstrate that:
- i) three or more assessment measures will be used for each student;
- ii) these will include instruments designed to help identify gifted and talented students who are members of underrepresented groups; and
- iii) active consideration is given to the potential eligibility of students with disabilities who are served in accordance with Individualized Education Programs;
- B) provide evidence that the measures to be used in each curricular area, when taken together, provide equivalent rigor in the identification of students as gifted and talented; and

## STATE BOARD OF EDUCATION

## NOTICE OF PROPOSED RULES

- C) discuss how the measures to be used in each subject area correspond to the level of attainment prerequisite to students' participation in the program.
- 3) In order to demonstrate compliance with Section 14A-20 of the School Code [105 ILCS 5/14A-20], each plan shall describe the method by which students' scores on the assessment measures used in each subject area, or across subject areas, as applicable, will be treated to arrive at a composite ranking that identifies the students who have scored in the top 5 percent locally.
- 4) In order to demonstrate compliance with Sections 14A-25 and 14A-30(7) of the School Code [105 ILCS 5/14A-25 and 14A-30(7)], each plan shall include evidence that:
- A) the ranking process for each subject area, or across subject areas, as applicable, is applied in the same manner to the scores achieved by all students;
- B) if any program's capacity is inadequate to serve the entire number of students identified as eligible, the method of selecting those who will participate considers only the composite scores and their ranking;
- C) the applicant has a procedure for accommodating students who were not available when the relevant assessment measures were administered but who may be eligible to participate in the program; and
- D) in identifying the locations where the program will be offered, consideration has been given to the needs of students who are members of underrepresented groups.
- 5) In order to demonstrate compliance with the requirement of Section 14A-30(8) of the School Code [105 ILCS 5/14A-30(8)], each plan shall describe the appeals process that will be available when students are not identified as gifted and talented or are not selected to be served by a program, including evidence that each appeal will be considered:

## STATE BOARD OF EDUCATION

## NOTICE OF PROPOSED RULES

- A) by an individual not involved in the original decision and at an equal or higher level of authority within the applicant organization;
  - B) using information in accordance with the requirements of subsections (a)(3) and (4) of this Section; and
  - C) in time for the student to be placed into the program at the beginning of the next semester, if the appeal results in the student's identification and selection.
- 6) In order to demonstrate compliance with the requirement of Section 14A-30(16) of the School Code [105 ILCS 5/14A-30(16)], each plan shall identify the qualifications held by the teachers who will be assigned to the program, provided that:
- A) each teacher employed shall be qualified under Section 227.25 of this Part after no more than three years of teaching in any program funded pursuant to this Part; and
  - B) each teacher not qualified under Section 227.25 of this Part shall complete some portion of the requirements chosen during each year of the grace period permitted under subsection (a)(6)(A) of this Section.
- 7) In order to demonstrate compliance with Section 14A-30(9) of the School Code [105 ILCS 5/14A-30(9)], each plan shall:
- A) describe the steps the applicant will take to inform parents and other members of the public of:
    - i) the existence and scope of the program;
    - ii) the methods used for identifying students who are gifted and talented and in selecting participants for the program; and
    - iii) the availability of the appeals process established pursuant to subsection (a)(5) of this Section; and

## STATE BOARD OF EDUCATION

## NOTICE OF PROPOSED RULES

- B) provide a rationale for the applicant's outreach plans, with specific reference to the linguistic or cultural needs of any segments of the population that may not be readily informed of the program.
- b) Each RFP shall describe the format that applicants will be required to follow and any additional information they may be required to submit.
- c) Each RFP shall include a budget summary and payment schedule, as well as requiring a narrative budget breakdown, i.e., a detailed explanation of each line item of expenditure that discusses the need for State funds in the context of the applicant's other available resources.
- d) Each RFP shall identify the data recipients will be required to collect and report regarding the achievement of students participating in the program, as well as any other information to be reported and the associated timelines.
- e) Each RFP shall include such certification and assurance forms as the State Superintendent may, by law, require.
- f) Each RFP shall specify the date by which applications shall be submitted. The deadline established shall provide at least 45 days in which to submit plans that conform to the requirements of Article 14A of the School Code and this Part as applications for funding.
- g) Separate proposals for renewal of funding, as discussed in Section 227.40(b) of this Part, shall be invited and shall contain at least:
- 1) evidence that the program has complied with all aspects of Article 14A of the School Code and the approved plan;
  - 2) the required data relative to students' achievement and growth;
  - 3) information on the qualifications and professional development of the teachers employed that will permit verification of compliance with the requirements of Section 227.20(a)(6) of this Part;
  - 4) an updated narrative that discusses the services and materials for which funding is requested and presents evidence of continued need for State support; and

## STATE BOARD OF EDUCATION

## NOTICE OF PROPOSED RULES

- 5) an updated budget summary and payment schedule for the renewal year, including a narrative budget breakdown.
- h) Incomplete applications shall not be considered.

**Section 227.25 Required Qualifications**

As a means of demonstrating that he or she *understands the characteristics and educational needs of children and is able to differentiate the curriculum and apply instructional methods to meet the needs of the children* as required by Section 14A-30(16) of the School Code [105 ILCS 14A-30(16)], and subject to the provisions of Section 227.20(a)(6) of this Part, each teacher who is assigned to provide instruction in a program funded pursuant to this Part shall have completed, or shall be required to complete:

- a) Nine semester hours of college credit from a regionally accredited institution of higher education and demonstrably related to the education of gifted and talented students; or
- b) Both the knowledge component and the performance component of the self-assessment developed by the Illinois Association for Gifted Children (IAGC) (which shall be based on the "Professional Teaching Standards for Educators Working with Gifted/Talented Learners" (2002), published by IAGC and posted at [www.iagcgifted.org](http://www.iagcgifted.org); no later editions of or revisions to these standards are incorporated) with a rating of "experienced" or higher, based on review of the resulting portfolio by a team designated by IAGC; or
- c) Six semester hours of college credit from a regionally accredited institution of higher education and demonstrably related to the education of gifted and talented students and:
  - 1) both the knowledge component and the performance component of the self-assessment referred to in subsection (b) of this Section; or
  - 2) the Gifted Education Institute offered by the State Board of Education in cooperation with IAGC; or
  - 3) one year's experience teaching in, coordinating, or directing a program for gifted students; or

## STATE BOARD OF EDUCATION

## NOTICE OF PROPOSED RULES

- 4) participation in no fewer than two state or national conferences on gifted education, such as those offered by IAGC or the National Association for Gifted Children (NAGC); or
  - 5) professional development activities demonstrably related to the education of gifted and talented students that are sufficient to generate 30 continuing professional development units (CPDUs), as defined and quantified in the rules for certificate renewal (see 23 Ill. Adm. Code 25.875); or
- d) Three semester hours of college credit from a regionally accredited institution of higher education and demonstrably related to the education of gifted and talented students and:
- 1) both the knowledge component and the performance component of the self-assessment referred to in subsection (b) of this Section, as well as the associated portfolio; or
  - 2) the Gifted Education Institute offered by the State Board of Education in cooperation with IAGC; or
  - 3) two years' experience teaching in, coordinating, or directing a program for gifted students; or
  - 4) participation in no fewer than two state or national conferences on gifted education and professional development activities demonstrably related to the education of gifted and talented students sufficient to generate 15 CPDUs; or
  - 5) professional development activities demonstrably related to the education of gifted and talented students sufficient to generate 45 CPDUs; or
- e) The Gifted Education Institute referred to in subsection (c)(2) of this Section and:
- 1) both the knowledge component and the performance component of the self-assessment referred to in subsection (b) of this Section, as well as the associated portfolio; or
  - 2) professional development activities demonstrably related to the education of gifted and talented students sufficient to generate 45 CPDUs; or

## STATE BOARD OF EDUCATION

## NOTICE OF PROPOSED RULES

- f) Participation in no fewer than two state or national conferences on gifted education and:
- 1) both:
    - A) the knowledge component and the performance component of the self-assessment referred to in subsection (b) of this Section, as well as the associated portfolio; and
    - B) professional development activities demonstrably related to the education of gifted and talented students sufficient to generate 30 CPDUs; or
  - 2) both:
    - A) the Gifted Education Institute referred to in subsection (c)(2) of this Section; and
    - B) professional development activities demonstrably related to the education of gifted and talented students sufficient to generate 15 CPDUs.

**Section 227.30 Criteria for the Review of Initial Applications**

Recipients of grants under this Part shall be required to devote State funds to needs and expenditures that are not captured in the per capita amount generally devoted to the education of students at the grade levels to be served by the program. Applications for initial funding shall be evaluated in accordance with the following criteria:

- a) Quality of the Plan (60 points)
  - 1) There is a coherent set of strategies for continuity of instruction in the specified subject areas as students progress through the grade levels, and articulation between those portions of the district's program supported with State funds and the other aspects of the program is evident.
  - 2) The curriculum in the subject areas covered by the program will provide appropriate challenges and learning opportunities for the students who participate.

## STATE BOARD OF EDUCATION

## NOTICE OF PROPOSED RULES

- 3) The plan provides evidence that services to gifted students will be integrated effectively into those students' schedules.
- b) Impact and Need (30 points)
- 1) Decisions about the numbers of students to be served are justified in light of the resources available for meeting the goals of the program.
  - 2) Other sources of funding are limited to such an extent that the applicant will be unable to provide a high-quality program without grant funds under this Part.
- c) Staff Capacity (10 points)
- 1) The plan identifies school staff who are available for assignment and who are qualified to provide instruction in the program or who will attain the required qualifications in the time permitted under Section 227.20(a)(6) of this Part.
  - 2) The proposal includes plans for ongoing professional development for the staff members assigned to the program, as well as others who may be assigned to it in future years.

**Section 227.40 Allocation of Funds**

- a) The State Superintendent of Education shall approve initial applications for funding and make final determinations regarding the amounts to be provided based upon:
- 1) the total funds appropriated for this initiative;
  - 2) the needs and resources described and the amounts requested in the top-ranked proposals identified in accordance with the criteria set forth in Section 227.30 of this Part; and
  - 3) the need to make programs under this Part available on a statewide basis.
- b) It is the intention of the State Board of Education to approve funding for programs under this Part for a three-year period. Funding for the second and third years shall be contingent upon the availability of funds for the program, the evident

## STATE BOARD OF EDUCATION

## NOTICE OF PROPOSED RULES

effectiveness of the grantee's program and use of State resources, and the evidence presented in the renewal proposal that a sufficient need continues to exist for State funding.

- c) A district that has received three years' funding under this Part may subsequently apply as a new applicant.

**Section 227.50 Statewide Activities**

- a) Funding made available pursuant to Article 14A of the School Code may be used by the State Board of Education for purposes including, but not limited to:
  - 1) upgrading professional development materials and events for personnel statewide who serve gifted students, including the Gifted Education Institute referenced in Section 227.25 of this Part, or making professional development materials and opportunities more widely available;
  - 2) reaching underserved demographic groups or geographic areas of the State;
  - 3) developing and disseminating new knowledge in this field;
  - 4) developing and disseminating materials for use by parents of gifted students;
  - 5) building awareness of and support for gifted education;
  - 6) providing financial resources to support the review of portfolios developed by teachers to demonstrate required qualifications;
  - 7) supporting the administrative functions of ISBE required or authorized pursuant to Section 14A-35 of the School Code [105 ILCS 14A-35]; and
  - 8) other experimental projects and initiatives as outlined in Section 14A-50 of the School Code [105 ILCS 5/14A-50].
- b) When the funds appropriated under Article 14A of the School Code are sufficient to provide effective support for local programs of gifted education, the State Superintendent of Education may reserve no more than 5 percent of the amount appropriated for the purposes discussed in subsection (a) of this Section. When

## STATE BOARD OF EDUCATION

## NOTICE OF PROPOSED RULES

the State Superintendent of Education determines that the level of service to gifted and talented students statewide can more effectively be increased through statewide activities rather than through support for a small number of local programs, the State Superintendent may devote the entire amount available to these purposes.

## STATE BOARD OF EDUCATION

## NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Providers of Supplemental Educational Services
- 2) Code Citation: 23 Ill. Adm. Code 675
- 3) 

<u>Section Numbers:</u>	<u>Proposed Action:</u>
675.30	Amendment
675.60	Amendment
675.70	Amendment
675.90	Amendment
675.100	Amendment
675.150	Amendment
675.175	New Section
675.210	Amendment
675.240	Amendment
675.245	New Section
675.APPENDIX A	New Section
675.APPENDIX B	New Section
675.APPENDIX C	New Section
- 4) Statutory Authority: 105 ILCS 5/ 2-3.6
- 5) A Complete Description of the Subjects and Issues Involved: At its June 2005 meeting, the State Board authorized increased regulation of the supplemental educational services (SES) industry and additional assistance for districts with the implementation of this NCLB mandate. The actions taken by the Board at that time included revamping the application, monitoring and removal processes to hold providers accountable; ensuring that providers' rates reflected the actual cost of services; and providing additional resources to districts for the administration of SES.

With the adoption of Part 675, the resources provided to school districts, and the monitoring and enforcement actions taken by the agency over the past year, the State Board of Education has been described as a "flagship" state agency in the area of supplemental educational services. When the State Board adopted Part 675, staff noted the need to develop an evaluation framework linked to ISBE's student information system to allow an analysis of the success of a provider's students on statewide assessments.

The proposed amendments to Part 675 set out the specific criteria for the evaluation of SES providers. A provider's performance in each district and for each subject tutored will be evaluated based on students' achievement, attendance, and parental satisfaction. The evaluation places the most emphasis on students' achievement, as measured by State

## STATE BOARD OF EDUCATION

## NOTICE OF PROPOSED AMENDMENTS

assessments or a district-administered nationally recognized assessment. For each provider, students' predicted assessment scores will be compared to their obtained scores. If sufficient information is available, ISBE will calculate an "effect size" for each provider, indicating whether students in the provider's program performed higher than expected or lower than expected. For a provider to "meet standards," the effect size for the provider's program must demonstrate a positive effect on achievement that can be attributed to tutoring received from the provider. For a provider to be "above standards," the effect size must be at least  $+0.25$ , meaning that the students' actual scores are one-quarter standard deviation higher than their predicted scores. (In a normal distribution, approximately 68% of actual scores will be within one standard deviation of predicted scores, with 34% higher than the predicted mean score.)

Based on an evaluation rubric, the provider will then be assigned the status of good standing, probationary status 1 or probationary status 2. A provider placed in probationary status 1 must develop a "remedial action plan" and will be removed from the State-approved list if it remains in this status for three years. A provider remaining in probationary status 2 must develop a "reconstitution plan" and will be removed from the State-approved list if it remains in this status for two years.

In addition to the evaluation framework described above, the proposed amendments address several other areas of concern that have arisen since the adoption of the initial rules. First, the agency's monitoring has revealed a number of wide-spread practices that, if not violations of the current Code of Ethics, undermine its spirit. One such practice results from the typical provider program structure, where providers hire district teachers prior to the student enrollment deadline. Staff believes an absolute "firewall" must exist to prevent school district personnel from feeling pressure to engage in marketing and student enrollment activities on behalf of providers.

Second, staff has become aware of providers distributing enrollment forms with instructions on how to select a particular provider. These forms confuse parents who do not understand their ability to select from a wide variety of providers. Third, staff has noted various instances where a provider has hired parents of eligible students or members of an organization affiliated with a school to assist with marketing and recruitment activities. These hires give a particular provider an unfair advantage during the selection process. In addition to these restrictions, staff is suggesting an amendment to the Code of Ethics to allow a provider to hire district personnel with no responsibilities for the district's administration of SES to perform purely clerical activities. Staff does not believe this type of hire raises the same concerns related to conflict of interest as does the hiring of other district personnel for non-instructional purposes.

## STATE BOARD OF EDUCATION

## NOTICE OF PROPOSED AMENDMENTS

The other major revision included in the proposed amendments relates to the information received by ISBE as the result of the new financial reporting requirements. On average, in the 2004-05 school year, providers spent approximately one-third of funds received from school districts on administrative and general expenses not directly related to the provision of tutoring within the district. Staff believes these "overhead costs" are not in line with those incurred in other public education programs that involve nonprofit and for-profit organizations, such as early childhood block grant programs and special education facilities with rates approved by the Illinois Purchased Care Review Board.

Staff recommends capping the amount of administrative and general expenses a provider can charge, unless the provider can demonstrate it is contributing to student effectiveness and has a program-related need to exceed the limitation. The proposed rules would establish a limit on administrative and general expenses equal to 25% of the prior year's per-pupil Title I SES allocation. The prior year's per-pupil allocation will approximate the maximum contract amount payable to the provider in the next year. The 25% limitation was selected as consistent with the median administrative and general expense amounts reported for 2004-05, even though other ISBE-administered educational programs involving nonprofit and for-profit entities allow lower percentages for administrative and general expenses. A separate 40% limit is proposed for the combined administrative and general expenses and curriculum and training expenses. This separate limit is necessary because curriculum and training expenses can also occur "outside the district," and staff feels a majority of public funding should go towards direct instruction for students within the district. The proposed amendments will not limit any provider's selected method of program delivery, as no restrictions are proposed for program or occupancy expenses. Providers will have wide latitude to allocate curriculum and training expenses within the 40% limitation. In addition, the proposed amendments allow providers in good standing with an "above standards" designation in student achievement to avoid the percentage limitations if necessary to continue their program delivery model.

The proposed amendments also authorize an additional category of expense as a "program expense." To meet ISBE and district reporting requirements for enrollment and attendance, many larger providers have had to hire additional staff for data entry. This information is critical for ISBE's monitoring of SES and to a district's billing system for services. ISBE also does not feel that larger providers, which may hire non-instructional staff to perform this data entry, should have these costs counted as "administrative and general expenses" while smaller providers performing this work with instructional staff have these costs counted as "program expenses." Therefore, all data entry expenses related to enrollment and attendance reporting requirements are proposed as "program expenses."

## STATE BOARD OF EDUCATION

## NOTICE OF PROPOSED AMENDMENTS

Finally, material has been added to strengthen districts' accountability for ensuring that providers begin to serve students in a timely manner. See Sections 675.150 and 675.175.

- 6) Will this rulemaking replace any emergency amendments currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this rulemaking contain incorporations by reference? No
- 9) Are there any other proposed amendments pending on this Part? No
- 10) Statement of Statewide Policy Objective: This rulemaking will not create or enlarge a State mandate.
- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Written comments may be submitted within 45 days after the publication of this Notice to:

Sally Vogl  
Agency Rules Coordinator  
Illinois State Board of Education  
100 North First Street (S-493)  
Springfield, Illinois 62777

(217) 782-5270

Comments may also be submitted via e-mail, addressed to:

rules@isbe.net

- 12) Initial Regulatory Flexibility Analysis:
  - A) Types of small businesses, small municipalities and not-for-profit corporations affected: Not-for-profit organizations and private businesses are among the entities defined as potential "eligible applicants" under this Part. These types of entities are affected if they wish to offer supplemental educational services.
  - B) Reporting, bookkeeping or other procedures required for compliance: This Part requires cost reporting and calculations derived from standard bookkeeping and accounting procedures.

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STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

- C) Types of professional skills necessary for compliance: None
- 13) Regulatory Agenda on which this rulemaking was summarized: January 2006

The full text of the Proposed Amendments begins on the next page:

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

TITLE 23: EDUCATION AND CULTURAL RESOURCES

SUBTITLE A: EDUCATION

CHAPTER I: STATE BOARD OF EDUCATION

SUBCHAPTER 6: MISCELLANEOUS

PART 675

PROVIDERS OF SUPPLEMENTAL EDUCATIONAL SERVICES

SUBPART A: GENERAL PROVISIONS

Section

- 675.10 Purpose and Scope
- 675.20 Definitions
- 675.30 Code of Ethics
- 675.40 Programmatic Requirements
- 675.50 Application Requirements
- 675.60 Application Process
- 675.70 Reporting Requirement
- 675.80 Retention of Records; Access to Premises
- 675.90 [Evaluation of Providers' Performance, Providers' Status, Sanctions, and Removal](#)
- 675.100 Public Information
- 675.110 Removal When No Services Offered
- 675.150 Provider's Relationship with District
- 675.175 [General Responsibilities of School Districts](#)

SUBPART B: FINANCIAL REQUIREMENTS

Section

- 675.200 Financial Framework for SES
- 675.210 District Program Cost
- 675.220 Non-Reimbursable Expenses and Revenue Offsets
- 675.230 Cost Reports
- 675.240 [Establishment of Contract Amount and Payment Provisions](#)~~Adjustments to Contract for Actual Cost~~
- 675.245 [Basis for Invoices and Payments](#)
- 675.APPENDIX A [Calculation of Effect Size](#)
- 675.APPENDIX B [Evaluation Rubric](#)
- 675.APPENDIX C [Decision Matrix](#)

## STATE BOARD OF EDUCATION

## NOTICE OF PROPOSED AMENDMENTS

AUTHORITY: Implementing Section 1116(e) of Public Law 107-110, the No Child Left Behind Act of 2001 (20 USC 6316(e)) (34 CFR 200.45 through 200.48), and authorized by Section 2-3.6 of the School Code [105 ILCS 5/2-3.6].

SOURCE: Emergency rules adopted at 29 Ill. Reg. 9516, effective June 17, 2005, for a maximum of 150 days; emergency expired November 13, 2005; adopted at 29 Ill. Reg. 19942, effective November 23, 2005; amended at 30 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## SUBPART A: GENERAL PROVISIONS

**Section 675.30 Code of Ethics**

In addition to all other requirements imposed by law, all providers of SES must abide by a code of ethics consisting of the following requirements:

- a) Providers must accurately and completely describe services to consumers in terms that are easy to understand.
- b) Providers must create and use promotional materials and advertisements that are free from deception. Upon request, providers shall submit all promotional materials and advertisements related to the SES program to ISBE or the school districts in which they wish to serve.
- c) Providers must not misrepresent to anyone the location of a provider's program or the approval status of a program.
- d) Providers must not publicly criticize or disparage other providers.
- e) Providers must not distribute a district enrollment form that has the selected provider's name pre-printed as part of the form. [Providers must not distribute enrollment forms with directions for how to complete the forms.](#)
- f) Providers must maintain a system of addressing consumer grievances and concerns and must immediately report any grievances to both the district and ISBE.
- g) Providers must not compensate district employees in exchange for access to facilities, to obtain student lists, or for any illegal purpose. [Providers must not solicit or accept an exclusive arrangement with any district or school.](#) ~~DistrictSchool~~ personnel may be hired for instructional purposes only, [except that](#)

## STATE BOARD OF EDUCATION

## NOTICE OF PROPOSED AMENDMENTS

district personnel without responsibility for or involvement in the district's administration of SES may be employed to perform solely clerical functions having no relationship to the marketing of a provider's program or the recruitment of students. No provider shall employ any member of a governmental or nonprofit organization formed to support or advise a particular school in which the provider seeks to offer services. No provider shall recruit, employ or extend offers of employment to parents of eligible students until after the conclusion of the district's SES registration process. District personnel hired for instructional purposes shall not recruit students to a provider's program, engage in marketing activities on behalf of a provider, distribute or collect enrollment forms, or otherwise promote or encourage students to enroll in a provider's program.

- h) Providers must not make payments or in-kind contributions to a district, exclusive of customary fees for facility utilization.
- i) Providers must not offer or advertise economic incentives or gratuities of any kind to parents or students to solicit them to select the provider for SES. Providers may not offer any incentives to potential students in the course of informational sessions.
- j) During the provision of SES, providers may offer only nominal rewards to students for achievement and/or the completion of assessments and program objectives. On a per-pupil basis, providers shall not spend more than 5 percent of the Title I, Part A, per-pupil allocation on rewards, except that providers may exceed this limit for rewards that consist of materials and equipment used directly in the provision of services.
- k) Providers must not encourage or induce students or parents to switch providers once enrolled.
- l) Providers must not attempt to influence or bias parents when performing an evaluation of the provider's services and achievement of the objectives in the student's Individual Learning Plan.

(Source: Amended at 30 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 675.60 Application Process**

- a) Applications for approval as SES providers will be accepted only from eligible applicants and only during the two application periods established by the State

## STATE BOARD OF EDUCATION

## NOTICE OF PROPOSED AMENDMENTS

Superintendent of Education each year, unless an emergency application period is needed for a particular school district to enable students to continue receiving services through the remainder of a school year as required by NCLB.

- b) Upon receipt of an application, ISBE will provide it to the district in which an eligible applicant seeks to serve for the district's general review and comment, but in particular for an assessment by the district as to whether the program is consistent with the academic program a student experiences during the regular school day. For providers seeking to serve all eligible districts, ISBE may elect to provide the application to a group of representative districts for review. The district and ISBE may seek additional information and clarifications from the eligible applicant. These clarifications will then be made a part of the provider's application. If an applicant fails to respond to a request for additional information or clarification, ISBE shall, upon 14 days' written notice, declare an application inactive. If an application is declared inactive, the applicant shall be required to submit an entirely new application using the then-current application form and within an application period established by the State Superintendent.
- c) Applications meeting the requirements set forth in Sections 675.40 and 675.50 of this Part and all other requirements of NCLB will be approved. If an application is rejected, neither the eligible applicant nor any related organization shall be eligible to re-apply during the following 12-month period.
- d) If a provider is removed from the State-approved list for any reason other than as described in Section 675.110 of this Part, the provider and any related organization shall be ineligible to re-apply during the following five-year period, except that this period of ineligibility shall not apply to a provider that is a public school or school district that has its eligibility restored by being removed from "improvement status".

(Source: Amended at 30 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 675.70 Reporting Requirement**

~~The requirements of this Section shall apply to reporting periods that begin on or after July 1, 2005.~~

- a) Each provider shall be required to use a tracking system for student enrollment and progress developed by ISBE. Unless otherwise agreed to between the district

## STATE BOARD OF EDUCATION

## NOTICE OF PROPOSED AMENDMENTS

and a provider, this tracking system shall be used to determine the amount billable to the district for the provider's services.

- b) Within 60 days after a provider's conclusion of SES for the SES reporting period, the provider shall submit a report to ISBE and to each district in which the provider operates. This report shall include:
- 1) information on the students served;
  - 2) details of any complaints received from teachers or parents;
  - 3) the percentage of students meeting the academic goals set out in their Individual Learning Plans;
  - 4) ~~based upon a survey form prescribed by ISBE of all parents of children in the program, a report on the percentage of parents who:~~
    - A) ~~agree with the provider's assessment of their respective students' achievement of the academic goals; and~~
    - B) ~~are satisfied with the services provided to their children;~~
  - 5) ~~for any provider with a rating lower than 80% under either subsection (a)(4)(A) or subsection (a)(4)(B) of this Section, a description of specific actions the provider will take over the next SES reporting period to better inform parents regarding students' progress and/or increase parental satisfaction with the provider's services;~~
  - 6) updates and revisions to any information set forth in the provider's approved application (including the submission of all information required by Section 675.50 of this Part not previously reported by the provider); and
  - 5)7) an assurance that all other information set forth on the provider's approved application, as may be updated from time to time, remains true and correct.
- c) ISBE may request additional information from a provider that may be necessary for ISBE to verify any information reported by the provider or otherwise to fulfill its duties with respect to the administration of SES.

## STATE BOARD OF EDUCATION

## NOTICE OF PROPOSED AMENDMENTS

- d) Providers failing to submit timely and complete reports shall not be included on the list of eligible providers for the following SES reporting period.

(Source: Amended at 30 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 675.90 Evaluation of Providers' Performance, Providers' Status, Sanctions, and Removal**

- a) For each SES reporting period, ISBE shall evaluate each provider's performance in each district the provider serves based upon students' achievement, students' attendance, and parents' satisfaction. Separate evaluations shall be performed for each subject tutored by a provider (i.e., reading and mathematics). Achievement shall be measured by calculating an "effect size" in accordance with the provisions of Appendix A to this Part. Attendance shall be measured by the information submitted to ISBE through its tracking system for students' enrollment and progress and by means of a survey administered by ISBE to all providers. Parental satisfaction shall be measured by a survey administered by ISBE to parents of students receiving services. Providers and school districts shall cooperate with ISBE to facilitate the administration of all surveys. A provider shall be deemed to have failed to contribute to increased student proficiency relative to State academic content and achievement standards and may be removed from the State-approved list either overall or for a particular district, if, for two consecutive SES reporting periods, no more than 70 percent of the students served meet the academic goals set forth in the students' respective Individual Learning Plans.
- b) For each of the criteria outlined in subsection (a) of this Section, ISBE will determine, based upon the evaluation rubric set forth in Appendix B to this Part, whether the provider's performance in each subject tutored falls into the category of "insufficient information", "below standards", "meets standards", or "above standards". Based on these determinations, ISBE will assign each provider the status of "good standing", "probationary status 1", or "probationary status 2", in accordance with the decision tree displayed in Appendix C to this Part. Each provider's status shall be assigned separately with respect to each district served. If no more than 70 percent of the students in a provider's program (overall, or for a particular district) meet the academic goals set forth in the students' respective Individual Learning Plans for one SES reporting period, the provider shall, within 75 days after the conclusion of services for that period, submit to the State Superintendent of Education for approval a corrective action plan detailing how

## STATE BOARD OF EDUCATION

## NOTICE OF PROPOSED AMENDMENTS

~~the provider intends to improve the deficiencies in its program. If the provider does not undertake all actions set forth in an approved corrective action plan during the following SES reporting period, the provider shall be removed from the list of State approved providers.~~

- c) If a provider's compliance with State or federal requirements or interactions with districts or parents indicate areas for improvement that are not serious enough to warrant corrective action under Section 675.90(h) of this Part, the provider's status may also be assigned "with reservations". A provider assigned any status with reservations that fails to address the identified areas for improvement during the next SES reporting period shall be placed into corrective action in accordance with Section 675.90(h) of this Part.
- d) A provider assigned the status of good standing shall not be required to take any action in response, other than addressing any reservations during the next SES reporting period.
- e) A provider assigned to probationary status 1 shall submit a remedial action plan describing the policies and practices the provider will immediately implement to return its status to good standing, including:
  - 1) specific, measurable steps to be taken;
  - 2) a timeline for these activities; and
  - 3) a budget for these activities.
- f) A provider assigned to probationary status 2 shall submit a reconstitution plan setting forth substantial changes the provider will immediately implement to return its status to good standing, including:
  - 1) a fundamental revision to the program described in the provider's approved application;
  - 2) professional development activities for all the provider's instructional staff serving the district;
  - 3) a plan of outreach to promote effective parental involvement in the provider's program;

## STATE BOARD OF EDUCATION

## NOTICE OF PROPOSED AMENDMENTS

- 4) for each aspect described pursuant to subsections (f)(1) through (3) of this Section:
- A) the specific, measurable steps to be taken;
  - B) a timeline for these activities; and
  - C) a budget for these activities; and
- 5) a process for monitoring progress and revising the plan as needed.
- g) A provider that remains on probationary status 1 or lower for three consecutive years shall be removed from the State-approved list, except that a provider that remains on probationary status 2 for two consecutive years shall be removed.
- h) The State Superintendent of Education may require corrective action of a provider if compliance issues are raised through ISBE's monitoring of the provider's program. Providers placed in corrective action under this subsection (h)(e) shall, within 30 days after receiving notice to this effect, submit to the State Superintendent of Education for approval a corrective action plan detailing how the provider intends to improve the deficiencies in its program. A provider shall be removed from the State-approved list if it fails to meet the requirements of its corrective action plan by the end of the SES reporting period following the provider's placement into corrective action.
- i) e) The State Superintendent of Education may immediately suspend a provider's services if ISBE determines that a threat exists to the health or safety of students or if necessary to investigate or remedy concerns regarding compliance issues or illegal practices allegedly engaged in by the provider.
- j) e) The State Superintendent of Education may remove a provider from the State-approved list upon 30 days' written notice if the provider has engaged in illegal or deceptive practices, violated any assurance or aspect of its application to ISBE, violated any assurance or aspect of a plan submitted to ISBE in accordance with this Section, falsified any information on its application or other reports to ISBE, or otherwise violated State or federal law.
- k) f) A provider may appeal its removal from the State-approved list by submitting an appeal to ISBE specifying the basis upon which it believes its removal is not in accordance with this Part or other applicable law. The provider will be given a

## STATE BOARD OF EDUCATION

## NOTICE OF PROPOSED AMENDMENTS

hearing in accordance with the State Board's rules for Contested Cases and Other Formal Hearings (23 Ill. Adm. Code 475). A final decision shall be rendered by the State Board of Education.

- lg) Any corrective action or termination rights ISBE has pursuant to this Part may be exercised solely with respect to the provider's program in one or more schools or districts, if the performance issues are localized.

(Source: Amended at 30 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 675.100 Public Information**

All information submitted to ISBE pursuant to this Part, and the provider's status determined in accordance with Section 675.90 of this Part~~in terms of corrective action~~, may be publicly reported by ISBE in any manner ISBE deems necessary to inform the public of the services offered by the provider.

(Source: Amended at 30 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 675.150 Provider's Relationship with District**

- a) A district may impose reasonable administrative and operational requirements through its agreements with providers that are consistent with requirements imposed generally on the district's contractors or requirements set by ISBE and that do not limit educational options for parents.
- b) Districts may, but are not required to, allow the use of district facilities for SES. If a district determines that one or more facilities have a limited capacity to accommodate multiple providers for such reasons as limited available classroom space or a limit to the district's administrative capacity to oversee multiple contractors, the district may select those providers using an equitable selection process that considers the provider's cost of services and other reasonable administrative and operational criteria consistent with criteria generally used by the district in the selection of contractors.
- c) A school district may, with notification to the State Superintendent of Education, terminate the services a provider is providing to a particular student if the provider is unable to meet the student's specific achievement goals within the timetable set out in the original agreement between the district and the provider.

## STATE BOARD OF EDUCATION

## NOTICE OF PROPOSED AMENDMENTS

- d) For any other termination of services by a school district, the district shall provide prior written notification to the State Superintendent of Education if the district intends to terminate the services of a provider throughout the district or at a particular school.
- 1) The State Superintendent of Education shall require information from both the provider and the district to determine the validity of the complaint and to determine whether a corrective action plan should be implemented to address the complaint.
  - 2) Upon receipt and review of information from both the district and provider, the State Superintendent of Education shall determine whether the district should be allowed to proceed with the termination.
- e) No later than the second Friday in January of each school year, each provider shall begin the provision of services to students in each district where the provider has executed a contract to provide services. See also Section 675.175 of this Part.

(Source: Amended at 30 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 675.175 General Responsibilities of School Districts**

- a) In any school year when the performance of a district's schools obligates the district to offer supplemental educational services, the district shall distribute to parents of eligible students a notification to this effect, accompanied by information on all providers approved for that district and a selection form for use by the parents. This notification shall be distributed no later than the second Friday of October or 45 days after ISBE's release of the performance information for that district's schools, whichever is later.
- b) No later than the second Friday in January of any school year in which it is obligated to offer supplemental educational services, each school district shall verify that each provider with which the district has executed a contract has begun the provision of services to the students whose families chose that provider. If any provider has not begun to provide services, the district shall notify the parents of the affected students to this effect and offer the parents an opportunity to choose another approved provider. In any such instance, the district shall ensure that the new provider begins serving each student no later than the 2<sup>nd</sup> Friday in February, or the first school day of the third week after the district receives the parents' selection, whichever occurs later.

## STATE BOARD OF EDUCATION

## NOTICE OF PROPOSED AMENDMENTS

(Source: Added at 30 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## SUBPART B: FINANCIAL REQUIREMENTS

**Section 675.210 District Program Cost**

- a) A provider's district program cost shall consist of the cost categories described in this subsection (a).
- 1) Direct program expenses caused directly by and related directly to the provision of SES within a district. Subcategories of direct program expenses include:
- A) Program staff salaries or wages, payroll taxes, and fringe benefits (limited to staff having direct contact with students who receive services);
  - B) Program consultants having direct contact with students who receive services;
  - C) Program-related materials, supplies, and equipment (items costing more than \$500 and having a useful life of more than one year must be capitalized and depreciated on a straight-line basis);
  - D) Snacks for program participants, provided that such snacks do not consist of confections, candy, potato chips, carbonated beverages, fruit drinks containing less than 50 percent pure fruit juice, tea, coffee, or other foods or beverages designated as "competitive foods" by the State Board of Education pursuant to 23 Ill. Adm. Code 305 (School Food Service);<sup>2</sup>
  - E) Program Insurance – All liability, malpractice, personal injury, and other types of insurance not reported as property insurance or as employee benefits; ~~and~~
  - F) [Data entry related to State or local requirements for reporting on enrollment and attendance; and](#)
  - G) Other (must be specified).

## STATE BOARD OF EDUCATION

## NOTICE OF PROPOSED AMENDMENTS

- 2) Occupancy expenses for facilities housing SES program activities. Subcategories of occupancy expenses include:
  - A) Lease, rental, or property taxes (less any revenues received from portions of a building not used for SES programs);
  - B) Operations and maintenance of buildings and equipment (including janitorial, building and grounds, and other maintenance supplies, equipment maintenance, utilities, telecommunications, and property/building insurance);
  - C) Housekeeping, maintenance, and security (including staff salaries, payroll taxes, and fringe benefits);
  - D) Mortgage and installment interest;
  - E) Operating interest; and
  - F) Other (must be specified).
- 3) Curriculum expenses directly attributable to the development of curriculum by the provider for its SES program and training costs directly attributable to the training of instructional staff. Subcategories of curriculum and training expenses include:
  - A) Salaries or wages, payroll taxes, and fringe benefits for staff engaged in curriculum development;
  - B) Salaries or wages, payroll taxes, and fringe benefits for staff performing training; and
  - C) Other (must be specified).
- 4) Administrative and general expenses not directly attributable to the provision of SES within a district (other than costs reported for curriculum and training), including expenses for all staff, facilities, supplies, and equipment not used in direct connection with SES program activities (i.e., staff not having regular contact with SES students, and supplies and

## STATE BOARD OF EDUCATION

## NOTICE OF PROPOSED AMENDMENTS

equipment not used during the delivery of SES at a particular site).

Subcategories of administrative and general expenses include:

- A) Salaries or wages, payroll taxes, and fringe benefits for all executive, administrative, managerial, office, and clerical employees not having direct contact with students who receive services;
  - B) Legal and accounting services and other administrative consultants;
  - D) Operations and maintenance of buildings and equipment – not assigned to program;
  - E) Materials, supplies, and equipment – not assigned to program;
  - F) Lease, rental, or property taxes for facilities not serving as a primary location for the delivery of SES (less any revenues from the rental of portions of the facility);
  - G) Corporate royalty fees;
  - H) Advertising and marketing expenses;
  - I) Meals and entertainment expenses;
  - J) Rewards for student achievement;
  - K) Distributions to shareholders or retained earnings (subject to a maximum amount determined by the provider); and
  - L) Other (must be specified).
- b) **Multiple Districts Served**  
If a provider serves multiple districts (either within or outside of Illinois), the provider's expenses in the categories outlined in subsections (a)(3) and (4) of this Section must be prorated, first in accordance with the percentage of time applicable to SES in general, and second in accordance with the percentage of students served within each district. (Example: a provider's program manager earns an annual salary of \$100,000 and spends 50 percent of her time managing

## STATE BOARD OF EDUCATION

## NOTICE OF PROPOSED AMENDMENTS

the provider's SES programs throughout the nation and the remainder of her time performing educational consulting services for districts. The provider serves 5,000 students in its SES programs nationwide, 1,000 of whom are within an Illinois district. \$10,000 of her salary may be reported as an actual cost of providing SES within that district. ( $\$100,000 \times .5 \times .2 = \$10,000$ .) All of the foregoing allocations must be in accordance with the following cost principles, as applicable:

- 1) OMB Circulars (5 CFR 1310 (2005)) available at [www.whitehouse.gov/omb/circulars/index.html](http://www.whitehouse.gov/omb/circulars/index.html):
  - A) OMB Circular A-87 (Cost Principles for State, Local and Indian Tribal Governments);
  - B) OMB Circular A-21 (Cost Principles for Educational Institutions);
  - C) OMB Circular A-122 (Cost Principles for Non-Profit Organizations).
- 2) Federal Acquisition Regulation (applicable to for-profit providers) (48 CFR 9904 (2005) available at [www.access.gpo.gov/nara/cfr/waisidx\\_01/48cfr9904\\_01.html](http://www.access.gpo.gov/nara/cfr/waisidx_01/48cfr9904_01.html)).

(Source: Amended at 30 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 675.240 Establishment of Contract Amount and Payment Provisions ~~Adjustments to Contract for Actual Cost~~**

- a) The initial per-pupil contract amount set forth in the provider's contract with a district shall be the lesser of:
  - 1) the district's per-child allocation under Part A of Title I of NCLB; or
  - 2) the provider's reasonable estimate of its actual cost of services during the SES reporting period that it seeks to charge to the district pursuant to the contract. This estimate shall be submitted to ISBE on its district program cost report for the preceding SES reporting period.
- b) A provider's reasonable estimate pursuant to subsection (a)(2) of this Section shall be established using the four expense categories set forth in Section 675.210(a) of

## STATE BOARD OF EDUCATION

## NOTICE OF PROPOSED AMENDMENTS

this Part (i.e., program expenses, occupancy expenses, curriculum and training expenses, and administrative and general expenses). The estimate for administrative and general expenses shall also include the maximum amount the provider will claim for distribution to shareholders or retained earnings.

- 1) To the extent that any category of expenses in the estimate exceeds the per-pupil amount for the same category set out in the provider's district program cost report, the provider shall itemize the expenses and attach a specific justification for the increase based upon additional expenditures the provider reasonably expects to incur for reasons such as inflation, increased labor costs, or budgeted equipment expenditures or for another legitimate business purpose (e.g., additional investment in professional development for staff, increase in profit margins to reflect industry standards).
- 2) An estimate by a provider that will use a district's facilities shall specify the provider's assumptions for any occupancy costs and shall reflect the per-pupil savings the provider reasonably expects to receive, based upon:
  - A) operational savings associated with using the district's facilities;
  - B) the value of real estate provided by the district; and
  - C) the business advantages resulting from access to the district's facilities.
- 3) Except as otherwise provided in subsection (b)(4) of this Section, the provider's reasonable estimate for administrative and general expenses shall not exceed 25 percent of the district's per-pupil allocation for the prior year under Title II, Part A. Except as otherwise provided in subsection (b)(4) of this Section, the provider's reasonable estimate for both administrative and general expenses and curriculum and training expenses shall not exceed 40 percent of the district's per-pupil allocation for the prior year under Title II, Part A.
- 4) Any provider in good standing (with or without reservations) and with student achievement outcomes of either "insufficient information" or "above standards" may petition the State Superintendent for permission to exceed the percentage restrictions set forth in subsection (b)(3) of this Section. The petition must be received by the State Superintendent within

## STATE BOARD OF EDUCATION

## NOTICE OF PROPOSED AMENDMENTS

20 days after the provider's receipt of notification of its status in accordance with Section 675.90 of this Part and must:

- A) demonstrate why exceeding the percentage restrictions will contribute to the increased academic achievement of students served;
  - B) specify the amount the provider seeks to establish for each of the four expense categories; and
  - C) demonstrate that the amounts specified as required by subsection (b)(4)(B) of this Section are properly attributed to the district in accordance with the cost principles set forth in Section 675.210 of this Part.
- c) If the provider receives benefits from the use of district facilities not accounted for in the provider's assumptions, the provider's reasonable estimate pursuant to subsection (a)(2) of this Section shall be adjusted accordingly.
- d) Prior to executing a contract with a district, a provider may petition ISBE for permission to revise the reasonable estimate provided pursuant to Section 675.50(i) of this Part, which shall be granted if based on administrative requirements imposed by the district that were not reasonably foreseeable when the estimate was submitted. After the execution of a contract with a district, a provider may seek a revision to its reasonable estimate only with the consent of the district.
- e) If permitted in the provider's contract with the district, the district may withhold no more than 20 percent of the total amount payable to the provider until such time as the provider reports to ISBE its district program costs, the amount paid by or invoiced to the district, and the number of students enrolled during the SES reporting period to which the contract relates. If the actual cost for the SES reporting period to which the contract relates is less than the amount paid by or invoiced to the district based upon the initial per-pupil contract amount set forth in the contract, and provided the contract permits a cost adjustment, the district shall be responsible for paying to the provider only the actual cost of services for the SES reporting period to which the contract relates. The district shall not be liable for actual costs, on a per-pupil basis, that exceed the provider's reasonable estimate established for the relevant expense category in accordance with this Section.

## STATE BOARD OF EDUCATION

## NOTICE OF PROPOSED AMENDMENTS

- e) ~~Nothing in this Section shall affect the validity of any contracts in effect between districts and providers as of June 16, 2005.~~

(Source: Amended at 30 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 675.245 Basis for Invoices and Payments**

All providers must submit to ISBE an hourly rate for each district served, based on the initial per-pupil contract amount determined in accordance with Section 675.240(a) of this Part divided by the scheduled hours of service determined in accordance with the provider's approved application. Providers shall bill and districts shall pay the provider's hourly rate or fraction thereof for each hour of a student's attendance or fraction thereof during the SES reporting period. Unless otherwise agreed to between the provider and the school district, a student shall be dropped from the SES program after having missed ten sessions in total, or three consecutive sessions (unless due to illness or vacation). A district shall only be liable to pay for sessions attended by a student.

(Source: Added at 30 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## STATE BOARD OF EDUCATION

## NOTICE OF PROPOSED AMENDMENTS

**Section 25.APPENDIX A Calculation of Effect Size**

A multiple regression approach will be employed, in which, for each provider, SES students' predicted assessment scores on either the applicable State assessment (i.e., ISAT or PSAE) or district-administered nationally recognized assessment (e.g., the Iowa Test of Basic Skills) for their grade level in the tutored subjects, based on student demographic variables and prior achievement on the applicable assessment, are compared to their obtained scores. The difference will be expressed in the form of a "residual" score that, if positive, indicates a higher performance than expected (i.e., a positive effect), and, if negative, indicates a lower performance (a negative effect). An effect size will then be computed by grade level within each school district to determine by how many standard deviations (based on properties of the distribution) the residual differs from zero and then aggregated across grade levels for determining the effect size used in the evaluation described in Appendix B to this Part.

(Source: Added at 30 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## STATE BOARD OF EDUCATION

## NOTICE OF PROPOSED AMENDMENTS

**Section 25.APPENDIX B Evaluation Rubric**

<b><u>Criterion</u></b>	<b><u>Insufficient Information</u></b>	<b><u>Below Standards</u></b>	<b><u>Meets Standards</u></b>	<b><u>Above Standards</u></b>
<b><u>Student Achievement</u></b>	<b><u>There is insufficient information available to determine student achievement outcomes.</u></b>	<b><u>The effect size for students in the provider's program can be identified and does not demonstrate any gains that can be attributed to tutoring received from the provider.</u></b>	<b><u>The effect size for students in the provider's program can be identified and does demonstrate gains that can be attributed to tutoring received from the provider.</u></b>	<b><u>The effect size for students in the provider's program can be identified and exceeds +.25 (i.e., one-fourth of a standard deviation above the predicted mean score).</u></b>
<b><u>Attendance (See Notes 1 and 2)</u></b>	<b><u>Not applicable. Providers that do not submit attendance data will not be included on the list of eligible providers for the following SES reporting period.</u></b>	<b><u>(1) The provider's attendance rate is one full standard deviation below the mean attendance rate; and (2) The provider cannot demonstrate, based on a survey and ISBE's verification of reported information, that it has made dedicated efforts to</u></b>	<b><u>The provider's attendance rate is between one full standard deviation below and one full standard deviation above the mean attendance rate.</u></b>	<b><u>The provider's attendance rate is one standard deviation or more above the mean attendance rate.</u></b>

## STATE BOARD OF EDUCATION

## NOTICE OF PROPOSED AMENDMENTS

		<u>encourage student attendance.</u>		
<u>Parent Satisfaction</u>	<u>There is insufficient information available to determine parent satisfaction outcomes.</u>	<u>Fewer than 75% of respondents indicate: (1) overall satisfaction with the provider; or (2) they were consulted in the development of the student's individual learning plan.</u>	<u>75-89% of respondents indicate: (1) overall satisfaction with the provider; and (2) they were consulted in the development of the student's individual learning plan.</u>	<u>90-100% of respondents indicate: (1) overall satisfaction with the provider; and (2) they were consulted in the development of the student's individual learning plan.</u>

Note 1: Calculated based on attendance rate for sessions scheduled by the provider.

Note 2: "Mean attendance rate" means, for providers serving the Chicago Public Schools, the mean attendance rate of all providers serving the Chicago Public Schools. For providers serving districts other than the Chicago Public Schools, "mean attendance rate" means the mean attendance rate of all providers serving districts other than the Chicago Public Schools.

(Source: Added at 30 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## STATE BOARD OF EDUCATION

## NOTICE OF PROPOSED AMENDMENTS

**Section 25.APPENDIX C Decision Matrix**

<b><u>Determination Based on Evaluation</u></b>	<b><u>Status*</u></b>
<ul style="list-style-type: none"> <li>• <u>Student achievement: insufficient information, meets standards or above standards.</u></li> <li>• <u>Attendance: meets standards or above standards.</u></li> <li>• <u>Parent satisfaction: insufficient information, meets standards or above standards.</u></li> </ul>	<u>Maintain or return to good standing.</u>
<ul style="list-style-type: none"> <li>• <u>Student achievement: insufficient information, meets standards or above standards.</u></li> <li>• <u>Either attendance or parent satisfaction below standards.</u></li> </ul>	<u>Probationary status 1.</u>
<ul style="list-style-type: none"> <li>• <u>Student achievement: below standards (regardless of attendance or parental satisfaction).</u></li> </ul>	<u>Probationary status 2.</u>

\* Any status level may be assigned "with reservations" in accordance with Section 675.90(c) of this Part.

(Source: Added at 30 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)



DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENT

217/782-1809

- 12) Initial Regulatory Flexibility Analysis:
  - A) Types of small businesses, small municipalities and not for profit corporations affected: None
  - B) Reporting, bookkeeping or other procedures required for compliance: None
  - C) Types of professional skills necessary for compliance: None
- 13) Regulatory Agenda on which this rulemaking was summarized: July 2005

The full text of the Proposed Amendment begins on the next page:

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENT

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

PART 510  
 GENERAL HUNTING AND TRAPPING ON  
 DEPARTMENT-OWNED OR -MANAGED SITES

## Section

510.10	General Site Regulations
510.20	Hunting and Trapping by Special Permit

**AUTHORITY:** Implementing and authorized by Sections 1.2, 1.3, 1.4, 1.13, 1.20, 2.1, 2.2, 2.6, 2.7, 2.9, 2.13, 2.18, 2.20, 2.24, 2.25, 2.26, 2.27, 2.28, 2.30, 2.33 and 3.5 of the Wildlife Code [520 ILCS 5/1.2, 1.3, 1.4, 1.13, 1.20, 2.1, 2.2, 2.6, 2.7, 2.9, 2.13, 2.18, 2.20, 2.24, 2.25, 2.26, 2.27, 2.28, 2.30, 2.33 and 3.5] and by Section 805-515 of the Civil Administrative Code of Illinois [20 ILCS 805/805-515].

**SOURCE:** Adopted at 5 Ill. Reg. 8011, effective July 24, 1981; codified at 5 Ill. Reg. 10633; amended at 6 Ill. Reg. 9637, effective July 21, 1982; amended at 7 Ill. Reg. 10775, effective August 24, 1983; amended at 8 Ill. Reg. 13700, effective July 24, 1984; amended at 9 Ill. Reg. 11610, effective July 16, 1985; amended at 10 Ill. Reg. 15597, effective September 16, 1986; amended at 11 Ill. Reg. 9535, effective May 5, 1987; amended at 12 Ill. Reg. 11724, effective June 30, 1988; amended at 13 Ill. Reg. 10583, effective June 19, 1989; amended at 14 Ill. Reg. 14762, effective September 4, 1990; amended at 15 Ill. Reg. 9966, effective June 24, 1991; amended at 16 Ill. Reg. 11064, effective June 30, 1992; amended at 17 Ill. Reg. 10775, effective July 1, 1993; amended at 19 Ill. Reg. 10608, effective July 1, 1995; recodified by changing the agency name from Department of Conservation to Department of Natural Resources at 20 Ill. Reg. 9389; amended at 22 Ill. Reg. 14804, effective August 3, 1998; amended at 24 Ill. Reg. 8923, effective June 19, 2000; emergency amendment at 28 Ill. Reg. 13809, effective October 1, 2004, for a maximum of 150 days; amended at 29 Ill. Reg. 1364, effective January 10, 2005; amended at 30 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

**Section 510.10 General Site Regulations**

- a) Regulations  
 All the regulations cited in this Part apply to all Department species rules, unless the species rule is more restrictive.

- b) Definitions:

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENT

- 1) Unauthorized person – any individual who is not a Department employee or an individual who is not present for the purpose of hunting or trapping.
- 2) Designated area – a defined location at a site with a set boundary within which only a specified recreational activity such as hunting or trapping may take place during a publicly announced time period.
- 3) Hunting/Trapping area – any portion of a site where actual hunting and/or trapping takes place. It does not include places such as parking lots, check stations, pavilions, or picnic areas associated with a hunting/trapping area.
- 4) Restricted area – a defined location at a site with a set boundary within which hunting and/or trapping is prohibited.
- 5) Refuge area – a defined location at a site with a set boundary within which no public activity or presence is allowed, except as authorized by the Department when it is determined that activity such as nature studies, hiking, fishing or camping would not be detrimental to the purpose of the refuge.
- 6) Adult – a person 18 years of age or older.
- 7) Waterfowl rest area – a defined location at a site with a set boundary within which no public activity or presence is allowed for a specified period of time, except as authorized by the Department.
- 8) Hunter or trapper quota – The maximum number of hunters or trappers that can be accommodated at a site at any one time. Hunter and trapper quotas are determined by the formula of one hunter or trapper per 10-40 huntable acres. The number of huntable acres is determined by, but not limited to, the biological studies on the number of available animals within a species, the condition, topography and configuration of the land at the site, the condition of the roads at the site and the number of employees available to work at the site.
- 9) Publicly announced – The information referred to will be included on the Department's Internet Home Page at <http://dnr.state.il.us>, published in Outdoor Illinois, provided to outdoor writers for newspapers, and placed on the Department's Toll Free Hotline.

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENT

- c) It shall be unlawful:
- 1) For any person to possess any alcoholic beverage while in any hunting/trapping area for the purpose of hunting or trapping.
  - 2) To hunt or trap on any site with a manned check station without first declaring game killed on a previous hunt and in possession either on the hunter's person or in his vehicle.
  - 3) To construct or use any tree stand using nails, screws or any device which pierces or cuts the bark of the tree on which it is installed.
  - 4) To hunt or trap in a restricted area.
  - 5) For unauthorized persons to use or occupy in any manner designated hunting areas during the permit dove hunting season and controlled pheasant hunting season at sites holding such seasons, or during any hunting season where such restrictions are so posted at the site, when authorized hunting is in progress.
  - 6) To enter a refuge, restricted area or waterfowl rest area unless authorized by the Department.
  - 7) To hunt or trap on any Department-owned or -managed land that is not a designated area pursuant to applicable species rules (17 Ill. Adm. Code 530, 550, 570, 590, 650, 660, 670, 680, 690, 710, 715, 720, 730, and 740).
  - 8) To buy, sell or commercialize hunting or trapping rights, directly or indirectly, except that this does not apply to Department of Natural Resources hunting or trapping fees or to the operation of controlled pheasant hunting on Department lands pursuant to a written concession agreement.
  - 9) To hunt or trap without a valid permit where permits are required.
  - 10) To hunt with any weapon except shotgun or bow and arrow unless otherwise specified.
  - 11) To track deer with dogs on any Department owned or managed site during

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENT

hours when deer hunting is being conducted on the site. ~~Dogs must be certified as deer tracking dogs by a national dog tracking organization.~~

12) To use or occupy a ground blind during any firearm deer season, unless at least 400 square inches of solid, vivid blaze orange material is securely attached to the uppermost portion of the blind and a substantial amount of orange is visible for 360 degrees.

## d) Specific Management Procedures

- 1) Specific management procedures will be posted at either check stations or site parking lots at the site so the procedures will be visible to the public.
- 2) Where there is a check station in operation, or where designated, hunters must sign in and/or sign out, and report their kill within fifteen minutes, or as posted, after completing their hunt. Some areas require the wearing of a back patch and depositing hunting license (or Firearm Owner's Identification card if the hunter is exempt from buying a license).
- 3) In the event that Department budget reductions or site staffing reductions make the operation of check stations impractical, State sites that now require check stations and other restrictive hunter regulations may be opened to statewide regulations or closed to hunting by posting such notice at the site.
- 4) At sites where windshield permits are issued, such permits must be displayed in a location visible through the windshield of the vehicle while hunting.
- 5) Department will have the authority to issue site specific deer permits in addition to any other deer permits issued by the Department (see Parts 650, 660, 670 and 680); and to designate the sex of deer (antlered or antlerless) that hunters may harvest through site-specific regulations.
- 6) All hunter or trapper quotas are filled on a first come-first served basis unless a drawing or special permit is used. The Department shall use a special permit or drawing whenever past hunter or trapper participation at a particular site reveals that the demand exceeds the quota established by the Department. Hunters or trappers will be notified as expeditiously as possible through site postings, news releases or public announcements

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENT

when quotas are established.

- 7) During pheasant, rabbit, quail and partridge season, hunters and trappers are required to wear a cap and upper outer garment of solid and vivid blaze orange of at least 400 square inches while trapping or hunting pheasant, quail, Hungarian partridge, rabbit, snipe, rail and woodcock.

(Source: Amended at 30 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)



DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENT

affected: None

B) Reporting, bookkeeping or other procedures required for compliance: None

C) Types of professional skills necessary for compliance: None

13) Regulatory Agenda on which this rulemaking was summarized: January 2006

The full text of the Proposed Amendment begins on the next page:

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENT

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

## PART 550

RACCOON, OPOSSUM, STRIPED SKUNK, RED FOX, GRAY FOX, COYOTE  
AND WOODCHUCK (GROUNDHOG) HUNTING

## Section

550.10	General Regulations
550.20	Statewide Regulations
550.30	Raccoon, Opossum, Striped Skunk, Red Fox, Gray Fox, Coyote and Woodchuck (Groundhog) Hunting on Department-Owned, -Leased or -Managed Sites

AUTHORITY: Implementing and authorized by Sections 1.3, 1.4, 1.13, 2.1, 2.2, 2.6, 2.7, 2.30, 2.33, 3.5, 3.27, 3.28 and 3.29 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 1.13, 2.1, 2.2, 2.6, 2.7, 2.30, 2.33, 3.5, 3.27, 3.28 and 3.29].

SOURCE: 5 Ill. Reg. 8833, effective August 25, 1981; codified at 5 Ill. Reg. 10636; emergency amendment at 5 Ill. Reg. 11593, effective October 20, 1981, for a maximum of 150 days; emergency expired March 17, 1982; amended at 6 Ill. Reg. 10714, effective August 20, 1982; amended at 7 Ill. Reg. 10782, effective August 24, 1983; amended at 7 Ill. Reg. 16098, effective November 22, 1983; amended at 8 Ill. Reg. 21593, effective October 23, 1984; amended at 9 Ill. Reg. 16204, effective October 9, 1985; emergency amendment at 9 Ill. Reg. 18151, effective November 12, 1985, for a maximum of 150 days; emergency expired April 11, 1986; amended at 10 Ill. Reg. 16649, effective September 22, 1986; amended at 11 Ill. Reg. 9540, effective May 5, 1987; amended at 12 Ill. Reg. 11730, effective June 30, 1988; amended at 13 Ill. Reg. 10598, effective June 19, 1989; amended at 14 Ill. Reg. 10798, effective June 20, 1990; amended at 15 Ill. Reg. 11598, effective August 2, 1991; amended at 16 Ill. Reg. 11078, effective June 30, 1992; amended at 17 Ill. Reg. 10795, effective July 1, 1993; amended at 18 Ill. Reg. 10090, effective June 21, 1994; amended at 19 Ill. Reg. 11787, effective August 3, 1995; amended at 20 Ill. Reg. 10874, effective August 5, 1996; amended at 21 Ill. Reg. 9077, effective June 26, 1997; amended at 22 Ill. Reg. 14836, effective August 3, 1998; amended at 23 Ill. Reg. 9066, effective July 28, 1999; amended at 24 Ill. Reg. 8938, effective June 19, 2000; amended at 25 Ill. Reg. 9895, effective July 17, 2001; amended at 26 Ill. Reg. 14680, effective September 20, 2002; amended at 28 Ill. Reg. 11873, effective July 27, 2004; amended at 29 Ill. Reg. 12471, effective July 28, 2005; amended at 30 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

**Section 550.30 Raccoon, Opossum, Striped Skunk, Red Fox, Gray Fox, Coyote and Woodchuck (Groundhog) Hunting on Department-Owned, -Leased or -Managed Sites**

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENT

- a) All the regulations in 17 Ill. Adm. Code 510 – General Hunting and Trapping apply in this Section, unless this Section is more restrictive.
- b) For sites where hunter quotas exist and permits are required a drawing shall be held prior to the opening of the season. The date of the drawing shall be announced by the Department by public announcement and the drawing shall be held at the site. The number of permits per site shall be determined pursuant to 17 Ill. Adm. Code 510.20.
- c) .22 caliber or smaller rimfire firearms permitted from sunset to sunrise unless otherwise specified.
- d) Coyote and striped skunk season shall coincide with the statewide fox season unless otherwise specified.
- e) No woodchuck (groundhog) hunting allowed unless otherwise specified.
- f) Statewide regulations as provided for in this rule apply at the following sites (exceptions are in parentheses):

Anderson Lake Conservation Area (all hunting to begin after the close of duck season)

Apple River Canyon State Park

Argyle Lake State Park

Big Bend State Fish and Wildlife Area

Big River State Forest

Cache River State Natural Area

Campbell Pond Wildlife Management Area

Carlyle Lake Lands and Waters – Corps of Engineers Management Lands

Carlyle Lake Wildlife Management Area (subimpoundment area closed 7 days prior to and during the southern zone waterfowl season)

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENT

Cypress Pond State Natural Area

[Deer Pond State Natural Area](#)

Devil's Island State Fish and Wildlife Area

Dog Island Wildlife Management Area

Falling Down Prairie

Eldon Hazlet State Park (north of Allen Branch and west of Peppenhorst Branch)

Ferne Clyffe State Park – Cedar Draper Bluffs Hunting Area

Fort de Chartres Historic Site (muzzleloading firearms or bow and arrow only)

Hanover Bluff State Natural Area

Horseshoe Lake Conservation Area – Alexander County (Public Hunting Area except Controlled Hunting Area)

Johnson Sauk Trail State Recreation Area (archery only; coyote and fox only; site coyote season runs concurrently with the site archery deer season; site fox season begins when the statewide fox season opens, runs concurrently with the site archery deer season, and closes the earlier of either the statewide fox season closing or the site archery deer season closing)

[Kankakee River State Park \(coyote, fox, skunk and opossum may be taken during their respective seasons that fall within the archery deer season by archery only; shotgun only hunting opens the day after the close of the site upland game season or archery deer season, whichever is later, and closes with the close of the statewide fox season; statewide hours; hunters must sign-in/sign-out and report harvest and effort at check station\)](#)

Kaskaskia River State Fish and Wildlife Area (Doza Creek Waterfowl Management Area closed 7 days prior to and during duck season; [the defined Baldwin Lake Waterfowl Rest Area is closed](#))

Kinkaid Lake Fish and Wildlife Area

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENT

Marseilles State Fish and Wildlife Area (coyote and fox only; fox closes first Thursday after January 10; coyote open to hunting from August 1 until the first Thursday after January 10 and when other hunting seasons are open on the site; not open during spring turkey season; hunting hours are 30 minutes before sunrise until sunset; unauthorized personnel may not be on the site outside of the posted check station operating hours; hunters may only enter the site from designated parking lots)

Marshall County Fish and Wildlife Area (raccoon, opossum only; season opens day after duck season)

Mazonia State Fish and Wildlife Area (archery only; coyote, fox, raccoon, skunk and opossum may be taken during their respective seasons that fall within the archery deer hunting season; statewide hours; hunters must sign-in/sign-out and report harvest and effort at the check station)

Mississippi River Fish and Waterfowl Management Area (Pools 25 and 26)

Mississippi River Pools 16, 17, 18, 21, 22 and 24 (groundhog hunting allowed) (c)

Momence Wetlands State Natural Area (archery only; coyote, fox, raccoon, skunk and opossum may be taken during their respective seasons that fall within the archery deer hunting season; statewide hours; hunters must sign-in/sign-out and report harvest and effort at check station)

Oakford Conservation Area

Peabody River King State Fish and Wildlife Area (West subunit only)

Randolph County Conservation Area

Ray Norbut State Fish and Wildlife Area

Rend Lake Project Lands and Waters

Sangamon County Conservation Area

Shawnee National Forest, Oakwood Bottoms and LaRue Scatters (season closes 7 days before opening of duck season and remains closed through the duck season;

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENT

at Oakwood Bottoms non-toxic shot only)

Sielbeck Forest Natural Area

Siloam Springs State Park

Skinner Farm State Habitat Area

Spoon River State Forest (all hunters must sign-in/sign-out)

Tapley Woods State Natural Area (shotguns or muzzleloading rifles only may be used from sunset-sunrise)

Trail of Tears State Forest

Turkey Bluffs State Fish and Wildlife Area

Walnut Point State Park (sign-in/sign-out required; raccoon hunting only)

Washington County Conservation Area

Weinberg-King State Park (c) (d)

Weinberg-King State Park – Scripps Unit (use of dogs for hunting coyote is not allowed)

Weinberg-King State Park – Spunky Bottoms Unit

Wildcat Hollow State Forest

Witkowsky State Wildlife Area (coyote only; season shall coincide with archery and firearm deer season at this site; archery only during the archery season at this site)

Woodford County Fish and Wildlife Area (raccoon, opossum only; season opens after duck season)

- g) Violation of a site-specific regulation is a Class B misdemeanor. Statewide regulations apply except that hunters must obtain a permit from the Department; where hunter quotas exist, permits are allocated as described in subsection (b);

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENT

permits must be in possession while hunting; the permit must be returned by February 15 or hunter will forfeit hunting privileges at that site the following year (exceptions are in parentheses):

Beaver Dam State Park (bow and arrow only)

Chauncey Marsh (obtain permit at Red Hills State Park Headquarters)

Clinton Lake State Recreation Area

Coffeen Lake State Fish and Wildlife Area (coyote only, shotgun or bow and arrow)

Crawford County Conservation Area

Des Plaines State Fish and Wildlife Area (coyote only, no dogs allowed; season opens the day after archery deer season closes and ends February 28; shotgun with shotshells only; site permit required)

Eagle Creek State Park (season opens day after second firearm deer season; closes December 20; hunting sunset to sunrise only; raccoon only)

Fox Ridge State Park

Green River State Wildlife Area (skunk and coyote close the last day of February; .22 rimfire firearms permitted from 30 minutes after sunset until 30 minutes before sunrise)

Hamilton County Conservation Area

Harry "Babe" Woodyard State Natural Area

Hidden Springs State Forest

Horseshoe Lake State Park (Madison County) (coyote only, bow and arrow only)

Horseshoe Lake State Park (Madison County) – Gabaret, Mosenthein, Chouteau Island Unit (shotgun and bow and arrow only)

Iroquois County Wildlife Management Area (season opens the day after Permit

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENT

Pheasant Season)

Jim Edgar Panther Creek State Fish and Wildlife Area (statewide seasons for coyote and striped skunk)

Kankakee River State Park (no rifle or handgun hunting allowed; the furbearer hunting season opens the day after the last day of the site's upland hunting seasons through statewide close of respective seasons for furbearers except striped skunk and coyote close with fox season)

Kickapoo State Park

Lake Shelbyville – Kaskaskia and West Okaw Wildlife Management Areas

Lincoln Trail State Park (season opens day after second firearm deer season; closes December 20; hunting hours sunset to sunrise only; raccoon only)

Matthiessen State Park (season closed during the site firearm or muzzleloader deer seasons; site permit may be obtained at the Starved Rock State Park office; hunting hours are from 30 minutes after sunset until 30 minutes before sunrise; raccoon or opossum only; hunting south of the Vermilion River Area only; no dogs allowed)

Meeker State Habitat Area (obtain permit at Sam Parr State Park headquarters)

Middle Fork Fish and Wildlife Management Area

Moraine View State Park (season opens the second Monday in December; night hunting only)

Pyramid State Park – Captain Unit (no hunting on waterfowl refuge)

Pyramid State Park – Denmark Unit (no hunting on waterfowl refuge )

Pyramid State Park – East Conant Unit

Pyramid State Park – Galum Unit

Ramsey Lake State Park

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENT

Sahara Woods State Fish and Wildlife Area

Saline County Fish and Wildlife Area

Sam Parr State Park

Sand Ridge State Forest (coyote and striped skunk seasons – opening of the statewide raccoon season until the day before opening of the statewide spring turkey season)

Sanganois State Fish and Wildlife Area (statewide seasons for coyote and striped skunk)

Sangchris Lake State Park (fox, coyote and striped skunk hunting only; statewide seasons for fox, coyote and striped skunk except, during central zone duck and Canada goose season, hunters pursuing waterfowl or upland game may take fox, coyote and striped skunk with shotgun only in accordance with site-specific regulations set forth in 17 Ill. Adm. Code 530 and 590)

Stephen A. Forbes State Park

Ten Mile Creek State Fish and Wildlife Area (statewide coyote, striped skunk, and groundhog hunting allowed; .22 caliber or smaller rimfire firearms permitted 24 hours a day)

Wolf Creek State Park (season opens day after second firearm deer season; closes December 20; hunting sunset to sunrise only; raccoon only)

- h) Violation of a site regulation is a Class B misdemeanor (see 520 ILCS 5/2.30).

(Source: Amended at 30 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Muskrat, Mink, Raccoon, Opossum, Striped Skunk, Weasel, Red Fox, Gray Fox, Coyote, Badger, Beaver and Woodchuck (Groundhog) Trapping
- 2) Code Citation: 17 Ill. Adm. Code 570
- 3) 

<u>Section Numbers</u> :	<u>Proposed Action</u> :
570.30	Amendment
570.35	Amendment
570.40	Amendment
- 4) Statutory Authority: Implementing and authorized by Sections 1.2, 1.3, 2.30, 2.33 and 3.5 of the Wildlife Code [520 ILCS 5/1.2, 1.3, 2.30, 2.33 and 3.5].
- 5) A Complete Description of the Subjects and Issues Involved: This Part is being amended to: update hunting dates, add language indicating ".22 caliber or smaller rimfire firearms permitted unless otherwise specified", update sites open to hunting and update site-specific regulations.
- 6) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this rulemaking contain incorporations by reference? No
- 9) Are there any other proposed amendments pending on this Part? No
- 10) Statement of Statewide Policy Objective: This rulemaking does not affect units of local government.
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Comments on the proposed rulemaking may be submitted in writing for a period of 45 days following publication of this Notice to:

Jack Price, Legal Counsel  
Department of Natural Resources  
One Natural Resources Way  
Springfield IL 62702-1271

217/782-1809

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

- 12) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: None
  - B) Reporting, bookkeeping or other procedures required for compliance: None
  - C) Types of professional skills necessary for compliance: None
- 13) Regulatory Agenda on which this rulemaking was summarized: January 2006

The full text of the Proposed Amendments begins on the next page:

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENTS

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

## PART 570

MUSKRAT, MINK, RACCOON, OPOSSUM, STRIPED SKUNK, WEASEL,  
RED FOX, GRAY FOX, COYOTE, BADGER, BEAVER AND  
WOODCHUCK (GROUNDHOG) TRAPPING

## Section

570.10	Statewide Zones
570.20	Statewide Season Dates
570.30	Statewide Hours, Daily Limit and Possession Limit
570.35	Use of .22 Rimfire Rifles by Trappers During Deer Gun Season
570.40	Trapping Regulations on Department-Owned, -Leased or -Managed Sites

AUTHORITY: Implementing and authorized by Sections 1.2, 1.3, 2.30, 2.33 and 3.5 of the Wildlife Code [520 ILCS 5/1.2, 1.3, 2.30, 2.33 and 3.5].

SOURCE: Adopted at 5 Ill. Reg. 9767, effective September 17, 1981; codified at 5 Ill. Reg. 10637; amended at 6 Ill. Reg. 10709, effective August 20, 1982; amended at 7 Ill. Reg. 10778, effective August 24, 1983; amended at 8 Ill. Reg. 21589, effective October 23, 1984; amended at 9 Ill. Reg. 15864, effective October 7, 1985; amended at 10 Ill. Reg. 16644, effective September 24, 1986; amended at 12 Ill. Reg. 12034, effective July 7, 1988; emergency amendments at 12 Ill. Reg. 16261, effective September 23, 1988, for a maximum of 150 days; emergency expired February 20, 1989; amended at 13 Ill. Reg. 10589, effective June 15, 1989; amended at 14 Ill. Reg. 14775, effective September 4, 1990; amended at 14 Ill. Reg. 19854, effective December 3, 1990; amended at 15 Ill. Reg. 11586, effective August 2, 1991; amended at 16 Ill. Reg. 11069, effective June 30, 1992; amended at 17 Ill. Reg. 10785, effective July 1, 1993; amended at 17 Ill. Reg. 18796, effective October 19, 1993; amended at 18 Ill. Reg. 10077, effective June 21, 1994; amended at 19 Ill. Reg. 12640, effective August 29, 1995; amended at 20 Ill. Reg. 12351, effective August 30, 1996; amended at 21 Ill. Reg. 9070, effective June 26, 1997; amended at 22 Ill. Reg. 14809, effective August 3, 1998; amended at 23 Ill. Reg. 9055, effective July 28, 1999; amended at 24 Ill. Reg. 8929, effective June 19, 2000; amended at 25 Ill. Reg. 9887, effective July 17, 2001; amended at 26 Ill. Reg. 13809, effective September 5, 2002; amended at 27 Ill. Reg. 749, effective January 6, 2003; amended at 28 Ill. Reg. 11883, effective July 27, 2004; amended at 29 Ill. Reg. 9643, effective June 27, 2005; amended at 30 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

**Section 570.30 Statewide Hours, Daily Limit and Possession Limit**

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENTS

- a) Muskrat, mink, raccoon, opossum, striped skunk, red fox, gray fox, coyote and weasel
- 1) Trapping hours: November 5 in the Northern Zone and November 10 in the Southern Zone open for trapping at sunrise; January 2015 in the Northern Zone and January 2520 in the Southern Zone closed for trapping after sunset; otherwise, hours are unrestricted.
  - 2) Daily and possession limit: None
- b) ~~Red fox, gray fox and coyote~~
- 1) ~~Trapping hours: November 10 open for trapping at sunrise; January 20 closed for trapping after sunset; otherwise, hours are unrestricted.~~
  - 2) ~~Daily and possession limit: None~~
- b)e) Beaver
- 1) Trapping hours: November 5 in the Northern Zone and November 10 in the Southern Zone open for trapping at sunrise; March 31 closed for trapping after sunset; otherwise, hours are unrestricted.
  - 2) Daily and possession limit: None
- c)d) Woodchuck (Groundhog)
- 1) Trapping hours: June 1 open for trapping at sunrise; September 30 closed for trapping after sunset; otherwise hours are unrestricted.
  - 2) Daily and possession limit: None
- d)e) Badger
- 1) Trapping hours: November 5 in the Northern Zone and November 10 in the Southern Zone open for trapping at sunrise; January 20 in the Northern Zone and January 25 in the Southern Zone closed for trapping after sunset~~10 open for trapping at sunrise; January 20 closed for trapping at sunset~~; otherwise, hours are unrestricted.

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENTS

- 2) Daily and possession limit: not to exceed two badgers per season in the northern zone and one badger per season in the southern zone. Having more badger than allowed is a Class B misdemeanor (see 520 ILCS 5/2.30).

~~e)Ⓕ~~ Trapping before sunrise on opening day or after sunset on closing day is a Class B misdemeanor (see 520 ILCS 5/2.30).

(Source: Amended at 30 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 570.35 Use of .22 Rimfire Rifles by Trappers During Deer Gun Season**

Licensed trappers in possession of valid Firearm Owners Identification may use .22 rimfire rifles to kill trapped raccoon, opossum, striped skunk, red fox, gray fox, coyote and woodchuck (groundhog) during seasons established by Section 570.20, including portions of such open seasons that coincide with hunting seasons for taking white-tailed deer ~~with guns~~ ~~by use of firearms~~ (17 Ill. Adm. Code 650.10), ~~muzzleloading rifles~~ (17 Ill. Adm. Code 660.10) and ~~handguns~~ (17 Ill. Adm. Code 680.10). Use of any other rifle to kill trapped raccoon, opossum, striped skunk, red or gray fox, coyote or woodchuck during gun deer seasons is a Class B misdemeanor (see 520 ILCS 5/2.30).

(Source: Amended at 30 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 570.40 Trapping Regulations on Department-Owned, -Leased or -Managed Sites**

- a) General Regulations
  - 1) All the regulations in 17 Ill. Adm. Code 510 – General Hunting and Trapping apply in this Section, unless this Section is more restrictive.
  - 2) On areas where special Department tags are required for trappers, traps without tags attached will be subject to confiscation.
  - 3) Trappers must stay within assigned areas.
  - 4) For sites where permits are required a drawing shall be held prior to the opening of the season. The date of the drawing shall be announced by the Department by public announcement (publicly announced means that the information referred to will be included on the Department's Internet

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENTS

Home Page at <http://dnr.state.il.us>, published in Outdoor Illinois, provided to outdoor writers for newspapers, and placed on the Department's Toll Free Hotline) and the drawing shall be held at the site. Persons participating in the drawing must have either a current or previous year trapping license. The number of permits per site shall be determined pursuant to 17 Ill. Adm. Code 510.20. Permit applicants must submit name and address to the site prior to drawing. Permits must be in possession while trapping on the area.

- 5) All sites except Blanding Wildlife Area, Kinkaid Lake Fish and Wildlife Area, Mississippi River Pools 16, 17, 18, 21, 22, 24, and Rend Lake Wildlife Management Area require trappers to submit a harvest report to the site superintendent within 20 days following the close of the trapping season. Failure to report shall result in the trapper being ineligible to trap at that site for the following year.
- 6) Body-gripping traps with a 10-inch jaw spread or larger must be totally submerged in water when set.
- 7) Any person who violates the site specific regulations shall be guilty of a Class B Misdemeanor.
- 8) No trapping is permitted in subimpoundments or designated waterfowl management units during duck season.
- 9) [.22 caliber or smaller rimfire firearms permitted unless otherwise specified.](#)

- b) Statewide regulations as provided for in this Part apply at the following sites (exceptions in parentheses):

Blanding Wildlife Area (trapping area includes the islands and associated backwater sloughs immediately upstream from Lock and Dam 12; no trapping on mainland)

Kinkaid Lake Fish and Wildlife Area

Mississippi River Pools 16, 17, 18, 21, 22, 24

Pyramid State Park (water sets only)

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENTS

Ray Norbut State Fish and Wildlife Area

Rend Lake Project Lands and Waters (water sets only)

Sielbeck Forest Natural Area (water sets only)

Siloam Springs State Park

Weinberg-King State Park – Scripps Unit (site permit required)

Weinberg-King State Park – Spunky Bottoms Unit (site permit required)

- c) Statewide regulations as provided for in this Part apply at the following sites; in addition, a permit is required; only Egg Traps<sup>®</sup>, D-P (Dog-Proof) Traps<sup>®</sup>, box traps, cage traps, and traps of similar design may be used for land sets (exceptions in parentheses):

Cache River State Natural Area

Carlyle Lake Lands and Waters – Corps of Engineers Managed Lands

Carlyle Lake Wildlife Management Area

Clinton Lake Recreation Area

Cypress Pond State Natural Area

Deer Pond State Natural Area

Devil's Island State Fish and Wildlife Area

Eldon Hazlet State Park – north of Allen Branch and west of Peppenhorst Branch only

Ferne Clyffe State Park – Cedar Draper Bluffs Hunting Area

Fort de Chartres Historic Site

Harry "Babe" Woodyard State Natural Area

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENTS

Horseshoe Lake Conservation Area

I & M Canal State Park

Kaskaskia River Fish and Wildlife Area (Doza Creek Waterfowl Management Area closed 7 days prior to duck season; [the defined Baldwin Lake Waterfowl Rest Area is closed](#))

Kickapoo State Recreation Area

Kidd Lake State Natural Area

Lake Murphysboro State Park

Lake Shelbyville – Kaskaskia and West Okaw Management Areas (no more than 50 traps may be used per permit)

Lowden State Park – Kilbuck Creek Habitat Area

Meeker State Habitat Area (obtain permit at Sam Parr State Park headquarters)

Mermet Lake Fish and Wildlife Area

Middle Fork State Fish and Wildlife Area

Mississippi River Fish and Waterfowl Area (Pools 25, 26) (land sets accessed by land only allowed during duck season; water sets allowed after duck season closes)

Moraine Hills State Park (water sets only; only body-gripping traps with a jaw spread of 5 inches or less may be used; no more than two persons may enter drawing on a single card)

Moraine View State Park (~~water sets only; only body-gripping traps with a jaw spread of 5 inches or less may be used;~~ no more than 2 persons may enter drawing on a single card; ~~free site permit required~~)

Peabody River King Fish and Wildlife Area (east, west, and south

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENTS

subunits only)

Pyramid State Park – East Conant Unit

Pyramid State Park – Galum Unit

Randolph County Conservation Area

Redwing Slough/Deer Lake State Natural Area (water sets only; only body gripping traps with a jaw spread of 5-6 inches or less may be used)

Sanganois Fish and Wildlife Area

Ten Mile Creek State Fish and Wildlife Area

Turkey Bluffs Fish and Wildlife Area

Washington County Conservation Area

- d) Statewide regulations as provided for in this Part apply at the following sites (exceptions in parentheses); in addition, a permit is required; only Egg Traps<sup>®</sup>, D-P (Dog-Proof) Traps<sup>®</sup>, box traps, cage traps, and traps of similar design may be used for land sets; only body-gripping traps with a jaw spread of 5 inches or less, foothold traps with a jaw spread of 4½ inches or less and square body-gripping traps with a 10 inch jaw spread may be used for water sets; snares may be used for water sets:

Anderson Lake Conservation Area

Argyle Lake State Park

Banner Marsh State Fish and Wildlife Area

Beaver Dam State Park

Big Bend Fish and Wildlife Area (after the close of rabbit season foothold traps with a jaw spread of 7½ inches or less may be used for water sets)

Coffeen Lake State Fish and Wildlife Area

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENTS

Coleta Ponds

Dog Island Wildlife Management Area

Giant City State Park

Hanover Bluff State Natural Area (water sets only)

Hennepin Canal Parkway including Sinnissippi Lake (trappers must register at park office; no floats may be set more than 14 days prior to the season and must be removed at the conclusion of the season; no land sets)

Hidden Springs State Forest

Horseshoe Lake State Park – Madison County

Horseshoe Lake State Park (Gabaret, Mosenthein and Chouteau Island Units (Madison County))

Jim Edgar Panther Creek State Fish and Wildlife Area (only Egg Traps<sup>®</sup>, D-P (Dog-Proof) Traps<sup>®</sup>, box traps, cage traps, traps of similar design, and homemade dog-proof traps; homemade dog-proof traps must be designed with a leg hold trap no larger than a number two size in an enclosed wood, metal or durable plastic container with a single access opening of no larger than 1½ inch diameter, and body-gripping traps must be completely submerged)

Johnson-Sauk Trail State Park (no foothold water sets)

Jubilee College State Park

Kankakee River State Park (trappers must wear blaze orange while checking traps; no trapping adjacent to bike or horse trails; south of the Kankakee River, only dog proof type traps may be used until the close of the upland hunting season; no trapping on campground areas until closed)

Lake Le-Aqua-Na State Park

Mackinaw River State Fish and Wildlife Area (water sets only)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

Marshall County Fish and Wildlife Area

Mautino State Fish and Wildlife Area (trappers must register at the Hennepin Canal office; no floats may be set more than 14 days prior to the season and must be removed at the conclusion of the season; no land sets)

Morrison Rockwood State Park

Pekin Lake State Fish and Wildlife Area (water sets only)

Pyramid State Park – Captain Unit (no trapping on waterfowl refuge during waterfowl season; no foothold traps; body-gripping traps must be submerged)

Pyramid State Park – Denmark Unit (no trapping on waterfowl refuge during waterfowl season; no foothold traps; body-gripping traps must be submerged)

Ramsey Lake State Park

Red Hills State Park

Rice Lake Fish and Wildlife Area

Rock Cut State Park

Sam Dale Lake Conservation Area

Sahara Woods State Fish and Wildlife Area

Sangchris Lake State Park

Shabbona Lake State Park

Sparland Fish and Wildlife Area

Spoon River State Forest

Spring Lake Conservation Area (water sets only)

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENTS

Starved Rock/Matthiessen State Park

Stephen A. Forbes State Park

Trail of Tears State Forest

Union County Conservation Area

Weldon Springs State Park (permit required by site drawing)

- e) Trapping is prohibited on all other Department-owned, -leased or -managed sites except by special permit which shall be issued by the Department when it is determined that the harvest of a species would enhance the biological balance of the resource.
- 1) All regulations shall be according to species regulations as provided for in this Part.
  - 2) Permit application information and site specific regulations shall be announced publicly by the Department through the news media by September 1 of each year.
  - 3) Site specific regulations shall be listed on the application and permit and posted at the site.
- f) Violation of site specific regulations is a Class B misdemeanor (see 520 ILCS 5/2.30).

(Source: Amended at 30 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: White-Tailed Deer Hunting By Use of Firearms
- 2) Code Citation: 17 Ill. Adm. Code 650
- 3) 

<u>Section Numbers</u> :	<u>Proposed Action</u> :
650.20	Amendment
650.21	Amendment
650.22	Amendment
650.23	Amendment
650.45	Amendment
650.60	Amendment
650.67	Amendment
- 4) Statutory Authority: Implementing and authorized by Sections 1.3, 1.4, 1.13, 2.24, 2.25, 2.26 and 3.36 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 1.13, 2.24, 2.25, 2.26 and 3.36].
- 5) A Complete Description of the Subjects and Issues Involved: This Part is being amended to: change the fee for a nonresident antlerless-only firearm permit from \$25 to \$15; change the fee for a nonresident either-sex firearm permit from "the maximum fee allowed" by law to \$250; increase the fee from \$50 to \$100 for nonresident landowner/shareholder/limited liability for a company member/income trust beneficiary and decrease their antlerless permits from \$25 to \$15; make minor changes related to the transition to an electronic point of sale licensing/permitting system; update the list of sites available for special hunts; update regulations for group hunts; update the list of open sites and update site-specific information.
- 6) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this rulemaking contain incorporations by reference? No
- 9) Are there any other proposed amendments pending on this Part? No
- 10) Statement of Statewide Policy Objective: This rulemaking does not affect units of local government.
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Comments on the proposed rulemaking may be submitted in writing for a period of 45 days following publication of this Notice to:

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

Jack Price, Legal Counsel  
Department of Natural Resources  
One Natural Resources Way  
Springfield IL 62702-1271

217/782-1809

- 12) Initial Regulatory Flexibility Analysis:
  - A) Types of small businesses, small municipalities and not for profit corporations affected: None
  - B) Reporting, bookkeeping or other procedures required for compliance: None
  - C) Types of professional skills necessary for compliance: None
- 13) Regulatory Agenda on which this rulemaking was summarized: January 2006

The full text of the Proposed Amendments begins on the next page:

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENTS

TITLE 17: CONSERVATION  
CHAPTER I: DEPARTMENT OF NATURAL RESOURCES  
SUBCHAPTER b: FISH AND WILDLIFEPART 650  
WHITE-TAILED DEER HUNTING BY USE OF FIREARMS

## Section

650.10	Statewide Season and Permit Quotas
650.20	Statewide Deer Permit Requirements
650.21	Deer Permit Requirements – Landowner/Tenant Permits
650.22	Deer Permit Requirements – Special Hunts
650.23	Deer Permit Requirements – Group Hunt
650.30	Statewide Firearms Requirements
650.40	Statewide Deer Hunting Rules
650.45	Reporting Harvest
650.50	Rejection of Application/Revocation of Permits
650.60	Regulations at Various Department-Owned or -Managed Sites
650.65	Youth Hunt (Repealed)
650.67	Special Hunts for Disabled Hunters
650.70	Special Extended Season Firearm Deer Hunt (Repealed)

AUTHORITY: Implementing and authorized by Sections 1.3, 1.4, 1.13, 2.24, 2.25, 2.26 and 3.36 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 1.13, 2.24, 2.25, 2.26 and 3.36].

SOURCE: Adopted at 5 Ill. Reg. 9771, effective September 17, 1981; codified at 5 Ill. Reg. 10640; amended at 6 Ill. Reg. 10730, effective August 20, 1982; amended at 7 Ill. Reg. 10798, effective August 24, 1983; amended at 8 Ill. Reg. 21602, effective October 23, 1984; amended at 9 Ill. Reg. 16213, effective October 10, 1985; emergency amendment at 9 Ill. Reg. 20922, effective December 18, 1985, for a maximum of 150 days; amended at 10 Ill. Reg. 4223, effective February 25, 1986; amended at 10 Ill. Reg. 16665, effective September 22, 1986; amended at 11 Ill. Reg. 3044, effective February 3, 1987; amended at 11 Ill. Reg. 9564, effective May 5, 1987; amended at 12 Ill. Reg. 8003, effective April 25, 1988; amended at 12 Ill. Reg. 12055, effective July 11, 1988; amended at 13 Ill. Reg. 12853, effective July 21, 1989; amended at 14 Ill. Reg. 12430, effective July 20, 1990; amended at 14 Ill. Reg. 19869, effective December 3, 1990; amended at 15 Ill. Reg. 10038, effective June 24, 1991; emergency amendment at 15 Ill. Reg. 15790, effective October 22, 1991, for a maximum of 150 days; emergency expired March 21, 1992; amended at 16 Ill. Reg. 11131, effective June 30, 1992; amended at 17 Ill. Reg. 13468, effective July 30, 1993; amended at 18 Ill. Reg. 5859, effective April 5, 1994; amended at 18 Ill. Reg. 13431, effective August 23, 1994; amended at 19 Ill. Reg. 6477, effective April 28, 1995;

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENTS

amended at 20 Ill. Reg. 7515, effective May 20, 1996; amended at 21 Ill. Reg. 5572, effective April 19, 1997; amended at 21 Ill. Reg. 9116, effective June 26, 1997; amended at 22 Ill. Reg. 8007, effective April 28, 1998; amended at 23 Ill. Reg. 5564, effective April 26, 1999; amended at 24 Ill. Reg. 8971, effective June 19, 2000; amended at 24 Ill. Reg. 10260, effective July 1, 2000; amended at 25 Ill. Reg. 7231, effective May 22, 2001; amended at 26 Ill. Reg. 9319, effective June 17, 2002; amended at 27 Ill. Reg. 10009, effective June 23, 2003; emergency amendment at 27 Ill. Reg. 17270, effective November 10, 2003, for a maximum of 150 days; Section 650.60 of the emergency rules expired April 8, 2004; amended at 28 Ill. Reg. 353, effective December 19, 2003; amended at 28 Ill. Reg. 8039, effective May 26, 2004; amended at 29 Ill. Reg. 9718, effective June 24, 2005; emergency amendment at 29 Ill. Reg. 13025, effective August 10, 2005, for a maximum of 150 days; amended at 30 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

**Section 650.20 Statewide Deer Permit Requirements**

- a) Illinois resident hunters must have a current, valid "Firearm Deer Permit" (\$15). Fees for non-resident deer hunters shall be ~~\$250~~~~the maximum fee allowed by Section 2.26 of the Wildlife Code [520 ILCS 5/2.26]~~ for each either-sex or antlered-only deer hunting permit, and shall be ~~\$15~~~~\$25~~ for each antlerless-only permit. A permit is issued for one county or special hunt area and is valid only in the county or special hunt area stated on the permit. Only applicants who receive an either-sex permit in a county or special hunt area are eligible for an antlerless-only permit for that county or special hunt area, until the Random Daily Drawing Period that begins in September, at which time antlerless-only permits remaining in the quota will be made available regardless of whether applicants already possess an either-sex permit. For permit applications and other information write to:

Department of Natural Resources  
(Firearm or Landowner/Tenant or Non-Resident)  
Deer Permit Office  
P.O. Box 19227  
Springfield, Illinois 62794-9227

- b) Applications from Illinois residents for participation in the First Lottery Drawing will be accepted through the last weekday in April of the current year. Nonresidents may not apply to participate in the First Lottery Drawing. Applications received after the last weekday in April will not be included in this lottery. Permits will be allocated in a computerized random drawing. Permits will be issued as either sex, antlerless only, or antlered only. A maximum of one

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENTS

either-sex and one antlerless-only permit shall be issued per person. Applicants for free landowner/tenant permits are not eligible to participate in the First or Second Lottery Drawings. Landowners who receive permits in the First or Second Lottery Drawing are not eligible for landowner permits.

- c) Applicants must complete all portions of the current year permit application form. Incomplete or incorrect applications will be returned along with the applicant's permit fee for correction or completion if received in the Permit Office prior to the deadline established in subsection (b).
- d) Applicants must check the second-season box if they agree to accept a second-season permit upon being rejected for a full-season permit.
- e) Applicants must check the antlerless-only box and ~~provide~~[enclose](#) an additional \$15 ~~(\$25 for non-residents)~~ to apply for an additional antlerless-only permit. Antlerless-only permits will be issued until the antlerless-only quota is filled for a given county or special hunt area.
- f) Permits for counties and special hunt areas with unfilled quotas after the First Lottery Drawing will be allocated in a Second Lottery Drawing. This drawing is open only to nonresident applicants and to Illinois residents who were not previously issued firearm permits for the current hunting season. Illinois residents will be given preference for permits allocated in the Second Lottery Drawing. Applications for the Second Lottery Drawing will be accepted through the tenth weekday in August of the current year. Applicants may also apply for remaining antlerless-only permits by checking the antlerless-only box and ~~providing~~[enclosing](#) an additional \$15 ~~for residents and \$25 for nonresidents~~. A list of unfilled counties and special hunt areas will be announced upon becoming available after the First Lottery Drawing. Applicants must apply on a current year Firearm Deer Permit application form. A maximum of one either-sex and one antlerless-only permit shall be issued per person.
- ~~g) No more than 6 single applications per envelope will be accepted during the application periods for the First and Second Lottery Drawings. Each applicant must submit a separate personal check or money order. Separate envelopes must be used to send permit applications to the Deer Permit Office for regular firearm, muzzleloading rifle, late winter antlerless season, archery, and free or paid landowner/tenant permits.~~
- ~~g)h) There will be an application period which starts the first working day after September 14 and ends the fifth weekday in November, during which anyone (regardless of any~~

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENTS

other permit they may have, subject to subsection (a)) can apply for firearm deer permits left over from the county and special hunt area quotas. During this application period, the permits shall be issued in a random daily drawing. Applications received each day will not be processed until all applications received for that day are mixed. All applications received on a specific day will be processed before processing applications received for a subsequent day. All applications for the Random Daily Drawing will be processed individually (i.e., no group applications will be processed). Applicants can apply for one or more permits during this application period. Applicants submitting applications within the 20 working days prior to the start of the first season cannot be guaranteed a permit by the start of the first deer hunting season. Applicants must ~~print "September Drawing—Multiple Permits" on the outside of the envelope and~~ mark the "September Drawing – Multiple Permits" box on the firearm deer permit application.

~~h)j)~~ Hunter preference in obtaining a permit during the First Lottery Drawing will be given: to individuals that applied for an either-sex permit in the previous year's First Lottery Drawing who were rejected because the quota was depleted in their county choices; or to applicants that received, in the previous year, a second season either-sex permit in the First Lottery Drawing only. In order to be eligible for preference during the First Lottery Drawing, the second season box must have been checked on the application form of unsuccessful applicants when they were rejected. Preference will not be granted to applicants who received a full-season either-sex permit but who did not receive an antlerless-only permit. Persons with lottery preference will have first chance at receiving available either-sex permits. The following criteria must be met to obtain a preference in the First Lottery Drawing:

- 1) The applicant must apply using the official Department application.
- 2) The applicant must be a resident of the State, be eligible to receive a Firearm Deer Permit, and not had deer hunting privileges revoked pursuant to Section 650.50.
- 3) The applicant must apply for the same county choices that he/she listed on the previous year's application. Preference will not be granted for special hunt areas.

~~i)j)~~ Applications may be accepted at the counter window of the permit office; however, permits will be mailed. In-person, ~~and~~ mail-in ~~and~~ electronic applications will receive equal treatment in the drawings.

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENTS

- ~~j)k)~~ Permits are not transferable. Refunds will not be granted, unless the Department of Natural Resources has erroneously issued the permit after the quota has been depleted or where the applicant was unsuccessful in obtaining a permit.
- ~~k)l)~~ A \$3 service fee will be charged for replacement permits issued by the Department, except when permits are lost in the mail, then there will be no charge. Monies derived from this source will be deposited in the Wildlife and Fish Fund.
- ~~l)m)~~ The periods for accepting applications for the First and Second Lottery periods may be extended if applications are not available to the public by April 1. A news release will announce the extension of the application periods.
- ~~m)n)~~ Hunting without a valid permit is a Class B misdemeanor (see 520 ILCS 5/2.24).

(Source: Amended at 30 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 650.21 Deer Permit Requirements – Landowner/Tenant Permits**

- a) The immediate family of a landowner or tenant is defined as, and limited to, the spouse, children, or parents permanently residing on the same property as the landowner or tenant.
- b) A tenant for the purpose of this Part is one who rents 40 acres or more land for commercial agricultural purposes under an agreement with a landowner. Commercial agriculture shall be defined as utilization of land for the raising of hay, grain crops or livestock for profit.
- c) Resident Illinois landowners who own 40 acres or more of land and resident tenants renting or leasing 40 acres or more of commercial agricultural land, and members of their immediate family, may apply for a free either-sex permit for their property only in counties open for firearm deer hunting. Recipients of the free either-sex permit will also be given a free antlerless-only permit for their property only. Nonresident Illinois landowners (of 40 acres or more land) are also eligible to apply for one either-sex permit and one antlerless-only permit for their property only. The fee to nonresident Illinois landowners (of 40 acres or more land) for permits for their property only shall be ~~\$100~~\$50 for the either-sex permit and ~~\$15~~\$25 for the antlerless-only permit. These applications will not be subject to the public lottery process. This deer hunting permit *shall be valid on all*

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENTS

*farmlands which the person to whom it is issued owns, leases or rents* [525 ILCS 5/2.26] in counties open for firearm deer hunting.

- d) Bona fide Illinois landowners or tenants who do not wish to hunt only on the land they own, rent, or lease must apply for permits in the same manner as the applicant who is not a landowner or tenant. However, resident Illinois landowners who own 40 acres or more of land, and resident tenants leasing or renting 40 acres or more of commercial agricultural land, who apply during the First Lottery application period for a permit to hunt in the county in which they own or lease land and are rejected because the county quota is full, may apply for a county-wide either-sex paid landowner firearm deer permit to hunt in the county where the land is located. Members of the immediate family of the landowner or tenant are also eligible to apply for a county-wide either-sex paid landowner firearm deer permit if they were rejected in the First Lottery. Applications for county-wide paid landowner deer permits will be accepted from August 1 through the last working day in August. Incomplete applications will be returned. The fee for a county-wide either-sex paid landowner deer permit shall be the same as for permits for hunters that are not landowners or tenants. Recipients of a county-wide either-sex paid landowner deer permit may also apply for a regular bonus antlerless-only permit for that county, but will be issued such permit only if there are antlerless permits remaining in the county quota. Landowners and tenants, and their immediate families, who did not apply for permits in the First Lottery and subsequently fail to receive them, are not eligible to apply for or receive county-wide paid landowner deer permits.
- e) Date of acceptance of landowner/tenant property-only permit applications will be publicly announced.
- f) Landowners and resident tenants are not required to participate in the public drawing for permits in order to apply for and receive a property-only permit.
- g) Proof of ownership for all landowner or tenant applications must be provided by one of the following methods:
  - 1) Submittal of a copy of property deed;
  - 2) Submittal of a copy of contract for deed;
  - 3) Submittal of a copy of the most recent real estate tax statement for the property (upon which the landowner's name appears as landowner, or person

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENTS

signing application appears as landowner);

- 4) Submittal of a copy of a Farm Service Agency 156EZ form; or
  - 5) Submittal of a copy of a trust agreement which must indicate that the trust owns at least 40 acres and the applicant is a current income beneficiary of the trust.
- h) Tenant permit applicants are required to submit, in addition to the landowner certification and proof of ownership, a copy of one of the following:
- 1) A copy of a lease or a rental agreement, file stamped as recorded by the County Clerk, covering the current year; or
  - 2) A copy of a Farm Service Agency 156EZ form.
- i) A hunting rights lease, or other non-agricultural lease, is not valid as a basis for obtaining a landowner or tenant permit.
- j) County-wide permit holders are authorized to firearm deer hunt only in the county identified on the deer permit and only on property where permission to hunt has been obtained from the property owner.
- k) If the property is owned or rented by more than one person: Only one landowner (and his immediate family) or one tenant (and his immediate family) shall be issued a permit on a first-come, first-served basis for every 40 acres of owned or rented land. For example, if 3 persons own 90 acres, only 2 of the landowners and their immediate family may receive deer permits.
- l) Bona fide equity shareholders of corporations, bona fide equity members of limited liability companies, bona fide current income beneficiaries of trusts or bona fide partners of a partnerships owning 40 or more acres of land in a county may apply for one either-sex permit to hunt the corporation, limited liability company, trust or partnership lands only. Only one permit per 40 acres, for a maximum number of 15 permits per county, for corporations, trusts and limited liability companies, and a maximum number of 3 permits per county for partnerships, shall be issued based on ownership of lands by corporations, limited liability companies, trusts or partnerships. Lands leased to corporations, limited liability companies, trusts or partnerships shall not be considered as a basis for a permit for the shareholders/members/beneficiaries/partners of the lessee. Lands

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENTS

held in trust by corporations, limited liability companies or partnerships shall not be considered as a basis for a permit by the shareholders/members/partners of the trustee. If application is made for a permit based upon lands owned by the corporation, limited liability company, trust or partnership, a duly authorized officer of the corporation, limited liability company, trust or partnership must sign a notarized statement authorizing the applicant to hunt on the corporate, company, trust or partnership lands for which a permit is being requested. This statement must identify the applicant as a bona fide equity shareholder, member, beneficiary or partner, as defined in this subsection, identify authorization to hunt and identify that no more than 15 authorizations will be requested per county for the corporation, limited liability company, or trust lands and no more than 3 authorizations will be requested per county for partnership lands. This document must be attached to the application upon submittal to the Permit Office. The shareholder/member/partner either-sex permit shall be free to resident shareholders/members/partners, and the cost to nonresident shareholders/members shall be ~~\$100~~\$50. An antlerless-only shareholder/member/partner permit (free to resident shareholders/members/partners; ~~\$15~~\$25 to nonresident shareholders/members) will be made available if in the best interest of managing the deer herd. Nonresident partners cannot receive permits under this subsection.

- 1) Bona fide equity shareholder means an individual who:
  - A) purchased, for market price, publicly sold stock shares in a corporation; purchased shares of a privately-held corporation for a value equal to the percentage of the appraised value of the corporate assets represented by the ownership in the corporation; or is a member of a closely-held family-owned corporation and has purchased or been gifted with shares of stock in the corporation accurately reflecting his or her percentage of ownership; and
  - B) intends to retain the ownership of the shares of stock for at least 5 years.
- 2) Bona fide equity member means an individual who:
  - A) became a member upon the formation of the limited liability company; or has purchased a distributional interest in a limited liability company for a value equal to the percentage of the appraised value of the limited liability company assets represented by the distributional interest in the limited liability company and

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENTS

subsequently becomes a member of the company pursuant to Article 30 of the Limited Liability Company Act; and

- B) intends to retain the membership for at least 5 years.
- 3) Bona fide current income beneficiary means an individual who, at the time of application for a permit, is entitled to income (whether income exists or not) from the trust that owns the land the applicant wishes to hunt with no condition precedent (such as surviving another person, reaching a certain age, etc.) other than the trustee distributing the income, and is listed by name in the trust documents as an income beneficiary.
- 4) Bona fide equity partner means an individual who:
- A) became a partner, either general or limited, upon the formation of the partnership; or has purchased a distributional interest in the partnership or limited partnership for a value equal to the percentage of the appraised value of the partnership assets represented by the distributional interest in the partnership;
  - B) intends to retain ownership of the partnership for at least 5 years; and
  - C) is a resident of Illinois.
- m) Landowners or tenants that apply for or receive property-only landowner/tenant firearm deer permits may not apply for additional permits in the First or Second Lottery Drawing. Landowners or tenants that apply for county-wide paid landowner firearm deer permits must have been rejected in the First Lottery drawing for a permit in the county in which they own or lease land, and they may not apply for additional permits in the Second Lottery Drawing.
- n) Providing false information on an application is a Class A misdemeanor (see 520 ILCS 5/2.38).

(Source: Amended at 30 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 650.22 Deer Permit Requirements – Special Hunts**

- a) Special hunt sites are defined as those sites which are owned or controlled by

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENTS

agencies/entities other than the Department, or sites at which the Department only controls a portion of the property designated for deer hunting, which issue deer hunting permits through the statewide lottery process. The Permit Office issues deer hunting permits through a computerized drawing for sites listed below, in addition to the Department-owned or -managed sites listed in Section 650.60(i). The permit preference system does not apply to special hunt areas or to State sites allocating permits in the lottery.

~~1) A.E.S. Duck Creek (Fulton County, first season only)~~

~~2) A.E.S. Duck Creek Handicapped (Fulton County, first season only)~~

~~1)3) Crab Orchard National Wildlife Refuge (the first and second season are considered separate hunt choices, and permit applicants must specify which season they are applying for in the County Choice or Hunt Area field of the application. Permits may be issued as antlerless-only without the normal bonus requirement. Standby hunting will be allowed if additional permits are available at the site)~~

~~2)4) Crab Orchard National Wildlife Refuge – Disabled Hunt (first season only)~~

~~3)5) Joliet Army Training Area (Will County)~~

~~4)6) Lake Shelbyville Project Lands (Moultrie County) (it is unlawful to drive deer)~~

~~5)7) Lake Shelbyville Project Lands except Wolf Creek State Park (Shelby County) (it is unlawful to drive deer)~~

~~6)8) Midewin National Tallgrass Prairie~~

~~9) Savanna Army Depot (Jo Daviess County)~~

~~b) Each applicant must enclose a separate fee (check or money order) payable to the Department of Natural Resources, or the application will be returned. Applicants should not send cash with their applications. The Department will not be responsible for cash sent through the mail.~~

~~b)e) Providing false information on an application is a Class A misdemeanor (see 520~~

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENTS

ILCS 5/2.38). Hunting deer prior to ½ hour before sunrise or after ½ hour after sunset is a Class A misdemeanor with a \$500 minimum and \$5,000 maximum fine, in addition to other statutory penalties (see 520 ILCS 5/2.33(y)). Taking an antlered deer with an antlerless permit is a Class B misdemeanor (see 520 ILCS 5/2.24). Hunting after sunset or outside the set season is a Class B misdemeanor (see 520 ILCS 5/2.24).

(Source: Amended at 30 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 650.23 Deer Permit Requirements – Group Hunt**

- a) Up to six individuals may apply to hunt as a group during the First and Second Lottery Drawings. ~~If applicants are applying in a group, all applications for the group must be sent to the Department in the same envelope. All applications for the group will be processed together only if they are received in the same envelope. Any applications indicating participation in a group that are not received in the same envelope will be processed separately.~~
- b) Each individual must sign his or her own application.
- ~~e)~~ ~~Applicant must enclose a separate check or money order for the appropriate amount for each application or the applications will be returned.~~
- ~~c)d)~~ In order to receive preference for the group, all members must have preference for the same county choice. If any member does not have preference for the group's county choice, the entire group will not receive preference.
- ~~d)e)~~ Applicants applying as a group will be rejected if they do not list the same county or special hunt area choice, complete the group leader information listing the identical group leader, and complete the second-season option box identically.
- ~~e)f)~~ Since Illinois residents are given preference for permits allocated in the Second Lottery Drawing, groups containing both resident and non-resident applicants will be treated as non-residents.
- ~~f)g)~~ Providing false information on an application is a Class A misdemeanor (see 520 ILCS 5/2.38).

(Source: Amended at 30 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENTS

**Section 650.45 Reporting Harvest**

- a) Testing of deer for Chronic Wasting Disease (CWD) by DNR personnel will occur so long as funding is available in:
  - 1) counties where deer have been documented with the disease;
  - 2) counties considered high-risk for the disease; and
  - 3) counties in which additional surveillance is warranted.
- b) These counties shall be publicly announced following the conclusion of the previous year's annual fall/winter CWD surveillance, which will be used as a basis for decision making. For these counties, hunters shall take their whole (or field dressed) deer to a designated firearm deer check station by 8:00 p.m. on the day the deer was killed. A permanent harvest tag will be attached to the leg of the deer upon registration at the check station. If a hunter is not able to locate a harvested deer in sufficient time to enable reporting the harvest by 8:00 p.m., the hunter must take the deer to the appropriate check station upon its opening at 8:00 a.m. the following morning, or immediately upon retrieving it if that occurs later than the opening of the check station. If this situation occurs on a Sunday (e.g., the check station will not be open on Monday), the hunter must contact the appropriate regional DNR Law Enforcement Office by 10:00 a.m. Monday morning for instructions on checking in the deer. If the head/antlers are delivered to a taxidermist for processing, the temporary harvest tag must accompany the head/antlers and be kept with the head/antlers while at the taxidermist. If the carcass is taken to a meat processor, the permanent harvest tag must remain attached to the leg of the deer until it is processed, then must remain with the processed deer until it is at the legal residence of the person who legally took or possessed the deer. Persons delivering deer/parts of deer to a tanner for processing must supply the tanner with their deer permit number to verify lawful acquisition. In the absence of a permit number, the tanner may rely on the written certification of the person from whom the deer was received that the specimen was legally taken or obtained.
- c) For counties in which Chronic Wasting Disease surveillance is not occurring:
  - 1) Successful hunters during the firearm deer season must register their harvest by 10:00 p.m. on the same calendar day the deer was taken by calling the toll-free telephone check-in system at 1-866-ILCHECK or by

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENTS

accessing the on-line check-in system at <http://dnr.state.il.us/vcheck>. The hunter will be provided with a confirmation number to verify that he or she checked in the harvest. This number must be written by the hunter onto the temporary harvest tag (leg tag). If the condition of the tag precludes writing on the tag in the appropriate space (i.e., bloody, etc.), the confirmation number shall be written elsewhere on the tag, or onto a piece of paper and attached to the deer along with the temporary harvest tag.

The deer must remain whole (or field dressed) until it has been checked in. In instances where deer are checked in while the hunter is still afield, the deer may not be dismembered while afield beyond quartering the animal. If quartered, all parts of the carcass (except the entrails removed during field dressing) must be transported together and evidence of sex must remain naturally attached to one quarter. Evidence of sex is:

- A) For a buck: head with antlers attached to carcass, or attached testicle, scrotum, or penis.
  - B) For a doe: head attached to carcass, or attached udder (mammary) or vulva.
- 2) The temporary harvest tag (leg tag) and confirmation number must remain attached to the deer until it is at the legal residence of the person who legally took or possessed the deer, the deer has been checked in, and final processing is completed. If the head/antlers are delivered to a taxidermist for processing, the confirmation number must be recorded on the "head tag" portion of the permit and both must remain with the deer while at the taxidermist. If the carcass is taken to a meat processor, the temporary harvest tag with confirmation number must remain with the deer while it is processed, and until it is at the legal residence of the person who legally took or possessed the deer. Persons delivering deer/parts of deer to a tanner for processing must supply the tanner with either their deer permit number, their confirmation number, or a written certification by the person from whom the deer was received that the specimen was legally taken or obtained.

~~d~~e) Site specific reporting requirements must be followed in addition to this Section.

~~e~~d) Violation of this Section is a Class B misdemeanor (see 520 ILCS 5/2.24).

(Source: Amended at 30 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENTS

**Section 650.60 Regulations at Various Department-Owned or -Managed Sites**

- a) All the regulations in 17 Ill. Adm. Code 510 – General Hunting and Trapping apply in this Section, unless this Section is more restrictive.
- b) It is unlawful to drive deer, or participate in a deer drive, on all Department-owned or -managed properties. A deer drive is defined as a deliberate action by one or more persons (whether armed or unarmed) whose intent is to cause deer to move within firearm range of one or more participating hunters.
- c) Only one tree stand is allowed per deer permit holder. These tree stands must comply with restrictions listed in 17 Ill. Adm. Code 510.10(c)(3) and must be portable. Tree stands must be removed at the end of each day with the exception that they may be left unattended from September 15-January 31 at those sites listed in this Section that are followed by a (1). Any tree stand left unattended overnight must be legibly marked with the owner's name, address, and telephone number, or site assigned identification number.
- d) Check-in, check-out, and reporting of harvest is required at those sites listed in this Section that are followed by a (2).
- e) Only antlerless deer or antlered deer having at least four points on one side may be harvested at those sites listed in this Section that are followed by a (3).
- f) Only antlerless deer or antlered deer having at least five points on one side may be harvested at those sites listed in this Section that are followed by a (4).
- g) Statewide regulations shall apply at the following sites:
  - Cache River State Natural Area (1) (2)
  - Campbell Pond (1) (2)
  - Carlyle Lake Lands and Waters (Corps of Engineers managed lands)
  - Carlyle Lake Wildlife Management Area (except subimpoundment area)
  - Chauncey Marsh (1) (2)

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENTS

Crawford County Conservation Area (1) (2)

Cypress Creek National Wildlife Refuge

Cypress Pond State Natural Area (1) (2)

Deer Pond State Natural Area (1) (2)

[Devil's Island Wildlife Management Area](#)

Dog Island Wildlife Management Area (1) (2)

Ferne Clyffe State Park (1) (2)

Fort de Chartres State Historic Site (muzzleloading rifles only; [no in-line muzzleloading rifles or muzzleloaders with scopes allowed](#)) (1) (2)

[George S. Park State Natural Area \(2\)](#)

Giant City State Park (1) (2)

Hamilton County Conservation Area (1) (2)

Horseshoe Lake Conservation Area – Alexander County (all portions of the Public Hunting Area except the Controlled Goose Hunting Area) (1) (2)

~~[I-24 Wildlife Management Area \(1\) \(2\)](#)~~

Kaskaskia River Fish and Wildlife Area (1) (2, except south of Highway 154 and north of Highway 13) (during each day of the second firearm deer season, hunting within the Doza Creek Waterfowl Management Area is open from 1:00 p.m. until sunset and firearm deer hunters may not enter the area until 11:00 a.m.; antlerless deer only)

Kinkaid Lake Fish and Wildlife Area (1) (2)

Lake Le Aqua Na State Park (standby hunting allowed during the first season if all blinds not filled by youth hunters)

Meeker State Habitat Area (1) (2)

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENTS

Mermet Lake Conservation Area (1) (2)

[Miller-Anderson Woods State Natural Area \(Bureau County permit holders may hunt the Bureau County portion of the Area and Putnam County permit holders may hunt the Putnam County portion of the Area\) \(2\)](#)

Mississippi Fish and Waterfowl Management Area – Pools 25 and 26 (1)

Mississippi River Pool 16 (1)

Mississippi River Pools 17, 18 (1)

Mississippi River Pools 21, 22, 24 (1)

Newton Lake Fish and Wildlife Area (2)

Oakford Conservation Area (1)

Pere Marquette State Park (1) (2)

Rend Lake Project Lands and Waters (1)

Saline County Fish and Wildlife Area (1) (2)

Sanganois State Wildlife Area (Ash Swale Waterfowl Rest Area will be closed to deer hunting during the waterfowl hunting seasons) (1)

Sielbeck Forest Natural Area (1) (2)

[Skinner Farm State Habitat Area \(1\) \(2\)](#)

Ten Mile Creek Fish and Wildlife Area (1); Belle Rive Unit only (3)

Trail of Tears State Forest (1) (2)

Turkey Bluffs Fish and Wildlife Area (1) (2)

Union County Conservation Area (Firing Line Unit only) (1) (2)

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENTS

Weinberg-King State Park (2)

Weinberg-King State Park – Spunky Bottoms Unit (2)

Wildcat Hollow State Forest (1)

- h) Statewide regulations shall apply at the following sites by special permit allocated through the regular statewide drawing. Season dates that differ from the statewide dates are in parentheses. Sites that offer standby hunting are followed by a (5). At sites offering standby hunting, permit holders must register at the check station by 5:00 a.m. each day of the hunt. Unvalidated permits are void after 5:00 a.m. Vacancies each day will be filled by a drawing held at 5:00 a.m. Vacancies may be filled by any person holding a valid hunting license, Habitat Stamp, and Firearm Owner Identification Card, unless exempt. Standby hunters will be issued a one-day site-specific deer permit at the check station, and charged a permit fee of \$5. All hunters must check out and report harvest. In the event that Department budget reductions or site staffing reductions make the operation of check stations or issuance of standby permits impractical, changes to check station procedures and standby permit issuance will be publicly announced and posted at the site.

Apple River Canyon State Park – Thompson and Salem Units (first or second season only) (2)

Argyle Lake State Park (2) (5)

~~Beall Woods State Park (Friday, Saturday and Sunday before the first statewide firearm deer season and Friday, Saturday and Sunday following the muzzleloading deer season; antlerless deer only) (1) (2) (5)~~

Big River State Forest (2) (5)

Castle Rock State Park (first or second season only) (~~all initial permits will be issued as antlerless only; hunters must take an antlerless deer during the current year firearm season on site before they will be issued an either-sex standby permit~~antlerless only) (1) (2) (5)

Cedar Glen State Natural Area (1) (2)

Clinton Lake State Recreation Area (only in the area between County

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENTS

[Highway 14 and State Route 48 – both sides of lake](#) (1)

Coffeen Lake State Fish and Wildlife Area

Des Plaines Conservation Area (first season only) (2) (5)

~~[Devil's Island Wildlife Management Area](#)~~

Falling Down Prairie State Natural Area (first or second season only) (2)

Fort Massac State Park (second season only) (antlerless deer only) (2)

Fox Ridge State Park (1)

Franklin Creek State Natural Area (first or second season only) ([all initial permits will be issued as antlerless only; hunters must take an antlerless deer during the current year firearm season on site before they will be issued an either-sex standby permit](#)~~antlerless only~~) (2) (5)

[French Bluff State Natural Area](#)

Goose Lake Prairie State Natural Area/Heidecke State Fish and Wildlife Area (first or second season only) (2) (5)

Green River State Wildlife Area (first or second season only) (1) (2) (5)

Hanover Bluff State Natural Area (first or second season only) (2)

Harry "Babe" Woodyard State Natural Area (2) (3)

Hidden Springs State Forest (1)

Horseshoe Lake Conservation Area – Alexander County (Refuge, [second Saturday and Sunday](#) ~~first 2 Saturdays~~ in November; [all initial permits will be issued as antlerless only; hunters must take an antlerless deer during the current year firearm season on site before they will be issued an either-sex permit](#)~~separate permits required for each day; antlerless only~~) (2)(5)

Hurricane Creek Habitat Area

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENTS

Iroquois County Conservation Area (first season only) (2) (5)

Iroquois County Conservation Area (second season only; no hunting in the controlled pheasant hunting area) (2) (5)

Jim Edgar Panther Creek State Fish and Wildlife Area (1) (3)

~~Jim Edgar Panther Creek State Fish and Wildlife Area (West Open Unit) (1) (3)~~

Jubilee College State Park (first or second season only; all initial permits will be issued as antlerless only; hunters must take an antlerless deer during the current year firearm season on site before they will be issued an either-sex standby permit; hunting during the 2006 firearm deer season is prohibited in marked zones (handicapped hunt area and areas within 300 yards of an inhabited dwelling); the 300 yard restricted zone is a pilot program that will be re-assessed with input from adjoining landowners prior to the 2007 firearm hunting season; only one tree stand is allowed per deer permit holder; these tree stands must comply with restrictions listed in 17 Ill. Adm. Code 510.10(c)(3) and must be portable; tree stands may be erected the day before the first season and must be removed by the day after the end of the second season; any tree stand left unattended overnight must be legibly marked with the owner's name, address, and telephone number) (2) (5)

Kaskaskia River Fish and Wildlife Area (Baldwin Lake Rest Area; first or second season only; all initial permits will be issued as antlerless only; hunters must take an antlerless deer during the current year firearm season on site before they will be issued an either-sex standby permit~~antlerless deer only~~; hunting from elevated stands only; six feet minimum above ground; hunting must occur within 10 yards of an assigned, numbered stake; an inhouse drawing will be held in mid-October for such assignments; hunters will be notified by mail of their hunting location; no hunters may enter the area before 5:00 a.m.) (1) (2) (5 – last 2 days of second season)

Kickapoo State Recreation Area (2)

Kishwaukee River State Fish and Wildlife Area (first or second season only)

Lowden-Miller State Forest (first or second season only) (1) (2) (5)

Mackinaw River Fish and Wildlife Area (1) (2) (5)

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENTS

Marseilles Fish and Wildlife Area (first or second season only) (all tree stands must be removed no later than the last day of the archery deer season; unauthorized personnel may not be on the site outside of the posted check station operating hours; hunters may enter the site only from designated parking lots) (1) (2) (5)

~~Marseilles Fish and Wildlife Area (second season only) (all tree stands must be removed no later than the last day of the archery deer season) (1) (2) (5)~~

Marshall Fish and Wildlife Area (2) (5)

Middle Fork Fish and Wildlife Area (2)

~~Miller Anderson Woods Nature Preserve (first season only; antlerless deer only) (2)~~

~~Miller Anderson Woods Nature Preserve (second season only; antlerless deer only) (2)~~

Mississippi Palisades State Park (first season only)

Mitchell's Grove Nature Preserve (first or second season only; all initial permits will be issued as antlerless only; hunters must take an antlerless deer during the current year firearm season on site before they will be issued an either-sex standby permit; hunters must check antlerless deer with site staff for verification to participate in bonus buck programMonday, Tuesday, Wednesday and Thursday before the first statewide firearm deer season only; antlerless deer only) (2) (5)

~~Mitchell's Grove Nature Preserve (Monday, Tuesday and Wednesday before the second statewide firearm deer season only; antlerless deer only) (2) (5)~~

Momence Wetlands

Moraine Hills State Park (first or second season permits only; an antlerless deer permit must be filled before filling an either sex permit, hunting from elevated stands only, 6 feet minimum above ground except for designated accessible blinds; firearms must be fully enclosed in a case, except while the hunter is in an elevated stand or as otherwise authorized by an employee of the Department) (2) (5)~~((5) last 2 days of second season)~~

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENTS

Morrison-Rockwood State Park (first season only) (5)

Pyramid State Park ~~(1)~~(2) (3)

Pyramid State Park – East Conant Unit ~~(1)~~(3)

Pyramid State Park – Galum Unit ~~(1)~~(3)

Ray Norbut Fish and Wildlife Area (2) (5)

Sahara Woods (1) (2)

Sand Ridge State Forest (2)

Sandy Ford State Natural Area (first or second season only; all initial permits will be issued as antlerless only; hunters must take an antlerless deer during the current year firearm season on site before they will be issued an either-sex standby permit; hunters must check antlerless deer with site staff for verification to participate in bonus buck program) (2) (5)

Sangamon County Conservation Area (1)

Siloam Springs State Park (2) (3)

Spoon River State Forest (first or second season only) (1) (2)

Starved Rock/Matthiessen State Park/Margery C. Carlson Nature Preserve (first or second season only; all initial permits will be issued as antlerless only; hunters must take an antlerless deer during the current year firearm season on site before they will be issued an either-sex standby permit; hunters must check antlerless deer with site staff for verification to participate in bonus buck program; standby hunters may purchase up to 2 one-day site-specific antlerless-only permits each day Monday, Tuesday, Wednesday and Thursday before the first statewide firearm deer season only; antlerless deer only) (2) (5)

Starved Rock/Matthiessen State Park (Monday, Tuesday and Wednesday before the second statewide firearm deer season only; antlerless deer only) (2) (5)

Tapley Woods State Natural Area (first or second season only) (2)

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENTS

Wards Grove Nature Preserve (first or second season only; antlerless only) (2)

Weldon Springs State Park (Piatt County Unit; first season only)

Weinberg-King State Park – Scripps Unit (2) (3)

White Pines State Park (Monday, Tuesday and Wednesday prior to the first statewide firearm deer season only; all initial permits will be issued as antlerless only; hunters must take an antlerless deer during the current year firearm season on site before they will be issued an either-sex standby permit~~antlerless deer only; permit hunters must sign in daily prior to 8:30 a.m.; unfilled quotas will be filled by a stand-by drawing at 8:30 a.m. to allocate one-day site specific permits~~) (2) (5)

White Pines State Park (Monday, Tuesday and Wednesday prior to the second statewide firearm deer season only; all initial permits will be issued as antlerless only; hunters must take an antlerless deer during the current year firearm season on site before they will be issued an either-sex standby permit~~antlerless deer only; permit hunters must sign in daily prior to 8:30 a.m.; unfilled quotas will be filled by a stand-by drawing at 8:30 a.m. to allocate one-day site specific permits~~) (2) (5)

Witkowsky State Wildlife Area (first or second season only) (2)

Wolf Creek State Park (participants in the Corps of Engineers special disabled hunt program are exempt from site's antler restrictions) (3)

- i) Violations of site specific regulations are petty offenses (see 520 ILCS 5/2.20).

(Source: Amended at 30 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### Section 650.67 Special Hunts for Disabled Hunters

- a) Statewide regulations shall apply; season dates shall be the Thursday, Friday, and Saturday immediately prior to the first firearm deer season, and the Thursday, Friday, and Saturday immediately following the second weekend of the regular firearm season unless otherwise noted in parentheses. Permit applications may be obtained from the appropriate Illinois Department of Natural Resources regional office, and completed applications must be returned to that office by the third

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENTS

Friday in October. Disabled hunters must possess a Class P2A disability card in order to be eligible for the drawing. All participating hunters must show proof of passing the Illinois Hunter Safety Course or an equivalent State program for nonresidents unless otherwise noted in parentheses. Additional regulations will be publicly announced.

Clinton Lake State Recreation Area (Mascoutin State Park) (2)

Horseshoe Lake State Fish and Wildlife Area (first Saturday and Sunday of November; participants other than disabled hunters must take an antlerless deer before taking an antlered deer) (1) (2) (5)

Jubilee College State Park (coincides with first firearm deer season; participants must take an antlerless deer during the current year firearm season on site before taking an antlered deer; hunter safety course not required) (2) (5)

Jubilee College State Park (coincides with second firearm deer season; participants must take an antlerless deer during the current year firearm season on site before taking an antlered deer; hunter safety course not required) (2) (5)

Rock Cut State Park (first ~~Thursday, Friday and~~ Saturday ~~and Sunday~~ of November and the Tuesday, Wednesday and Thursday prior to the first statewide firearm deer season; participants other than disabled hunters must take an antlerless deer before taking an antlered deer) (2) (5)

Starved Rock State Park (coincides with first firearm deer season; all initial permits will be issued as antlerless only; hunters must take an antlerless deer during the current year firearm season on site before they will be issued an either-sex standby permit; hunters must check antlerless deer with site staff for verification to participate in bonus buck program Monday, Tuesday, Wednesday and Thursday before the first statewide firearm deer season only; antlerless deer only; hunter safety course not required) (2) (5)

Starved Rock State Park (coincides with second firearm deer season; all initial permits will be issued as antlerless only; hunters must take an antlerless deer during the current year firearm season on site before they will be issued an either-sex standby permit; hunters must check antlerless deer with site staff for verification to participate in bonus buck program Monday, Tuesday and Wednesday before the second statewide firearm deer season only; antlerless deer only; hunter safety course not required) (2) (5)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

b) Violation of this Section is a Class B misdemeanor (see 520 ILCS 5/2.24).

(Source: Amended at 30 Ill. \_\_\_\_, effective \_\_\_\_\_)

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: White-Tailed Deer Hunting By Use of Muzzleloading Rifles
- 2) Code Citation: 17 Ill. Adm. Code 660
- 3) 

<u>Section Numbers</u> :	<u>Proposed Action</u> :
660.20	Amendment
660.22	Amendment
660.25	Amendment
660.45	Amendment
660.60	Amendment
- 4) Statutory Authority: Implementing and authorized by Sections 1.3, 1.4, 1.13, 2.24, 2.25, 2.26, 2.33 and 3.36 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 1.13, 2.24, 2.25, 2.26, 2.33 and 3.36].
- 5) A Complete Description of the Subjects and Issues Involved: This Part is being amended to: change the fee for a nonresident antlerless-only muzzleloader permit from \$25 to \$15; change the fee for a nonresident either-sex muzzleloader permit from "the maximum fee allowed by law" to \$250; make minor changes related to the transition to an electronic point of sale licensing/permitting system; update the list of sites available for special hunts; update regulations for group hunts; update the list of open sites and update site-specific information.
- 6) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this rulemaking contain incorporations by reference? No
- 9) Are there any other proposed amendments pending on this Part? No
- 10) Statement of Statewide Policy Objective: This rulemaking does not affect units of local government.
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Comments on the proposed rulemaking may be submitted in writing for a period of 45 days following publication of this Notice to:

Jack Price, Legal Counsel  
Department of Natural Resources

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

One Natural Resources Way  
Springfield IL 62702-1271

217/782-1809

- 12) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: None
  - B) Reporting, bookkeeping or other procedures required for compliance: None
  - C) Types of professional skills necessary for compliance: None
- 13) Regulatory Agenda on which this rulemaking was summarized: January 2006

The full text of the Proposed Amendments begins on the next page:

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENTS

TITLE 17: CONSERVATION  
CHAPTER I: DEPARTMENT OF NATURAL RESOURCES  
SUBCHAPTER b: FISH AND WILDLIFEPART 660  
WHITE-TAILED DEER HUNTING BY USE  
OF MUZZLELOADING RIFLES

## Section

660.10	Statewide Season and Permit Quotas
660.20	Statewide Deer Permit Requirements
660.21	Deer Permit Requirements – Landowner/Tenant Permits
660.22	Deer Permit Requirements – Special Hunts
660.25	Deer Permit Requirements – Group Hunt
660.30	Statewide Muzzleloading Rifle Requirements
660.40	Statewide Deer Hunting Rules
660.45	Reporting Harvest
660.50	Rejection of Application/Revocation of Permits
660.60	Regulations at Various Department-Owned or -Managed Sites

AUTHORITY: Implementing and authorized by Sections 1.3, 1.4, 1.13, 2.24, 2.25, 2.26, 2.33 and 3.36 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 1.13, 2.24, 2.25, 2.26, 2.33 and 3.36].

SOURCE: Adopted at 15 Ill. Reg. 4777, effective March 18, 1991; amended at 15 Ill. Reg. 11627, effective August 2, 1991; amended at 16 Ill. Reg. 11150, effective June 30, 1992; amended at 17 Ill. Reg. 10865, effective July 1, 1993; amended at 18 Ill. Reg. 5878, effective April 5, 1994; amended at 18 Ill. Reg. 13435, effective August 23, 1994; amended at 19 Ill. Reg. 6500, effective April 28, 1995; amended at 20 Ill. Reg. 6734, effective May 6, 1996; amended at 21 Ill. Reg. 5583, effective April 19, 1997; amended at 21 Ill. Reg. 9122, effective June 26, 1997; amended at 22 Ill. Reg. 8026, effective April 28, 1998; amended at 23 Ill. Reg. 5579, effective April 26, 1999; amended at 24 Ill. Reg. 10251, effective July 1, 2000; amended at 25 Ill. Reg. 6367, effective April 27, 2001; amended at 26 Ill. Reg. 9340, effective June 17, 2002; amended at 27 Ill. Reg. 10018, effective June 23, 2003; amended at 28 Ill. Reg. 8056, effective May 26, 2004; amended at 29 Ill. Reg. 9744, effective June 24, 2005; emergency amendment at 29 Ill. Reg. 13032, effective August 10, 2005, for a maximum of 150 days; amended at 30 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

**Section 660.20 Statewide Deer Permit Requirements**

- a) Illinois resident hunters must have a current, valid <sup>u</sup>Muzzleloading Rifle Deer

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENTS

Permit" (\$15). Fees for non-resident deer hunters shall be ~~\$250~~ the maximum fee allowed by Section 2.26 of the Wildlife Code [520 ILCS 5/2.26] for each either-sex or antlered-only deer hunting permit, and shall be ~~\$1525~~ for each antlerless-only permit. A permit is issued for one county and is valid only in the county stated on the permit. Only applicants who receive an either-sex permit in a county or special hunt area are eligible for an antlerless-only permit for that county or special hunt area, until the Random Daily Drawing Period that begins in September, at which time antlerless-only permits remaining in the quota will be made available regardless of whether applicants already possess an either-sex permit. For permit applications and other information write to:

Department of Natural Resources  
(Muzzleloading Rifle)  
Deer Permit Office  
P.O. Box 19227  
Springfield, IL 62794-9227

- b) Applications from Illinois residents for participation in the First Lottery Drawing shall be accepted through the last weekday in April of the current year. Nonresidents may not apply to participate in the First Lottery Drawing. Applications received after the last weekday in April shall not be included in this lottery. Permits shall be allocated in a computerized random drawing. Permits shall be issued as either-sex, antlerless-only or antlered only. A maximum of one either-sex and one antlerless-only permit shall be issued per person.
- c) Applicants must complete all portions of the current year permit application form. Incomplete or incorrect applications will be returned along with the applicant's permit fee for correction or completion if received in the Permit Office prior to the last weekday in April of the current year.
- d) Applicants must check the antlerless-only box and ~~provide~~ enclose an additional \$15 to apply for an additional antlerless-only permit. Antlerless-only permits will be issued until the antlerless-only quota is filled for a given county or special hunt area.
- e) Permits for counties and special hunt areas with unfilled quotas after the First Lottery Drawing shall be allocated in a Second Lottery Drawing. This drawing is open only to nonresident applicants and to Illinois residents who were not previously issued muzzleloader permits for the current hunting season. Illinois residents will be given preference for permits allocated in the Second Lottery

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENTS

Drawing. Applications for the Second Lottery Drawing will be accepted through the tenth weekday in August of the current year. Applicants may also apply for remaining antlerless-only permits by checking the antlerless-only box and ~~providing an~~ enclosing an additional \$15 ~~for residents and \$25 for nonresidents~~. A list of unfilled counties shall be announced upon becoming available after the First Lottery Drawing. Applicants must apply on a current year "Muzzleloading Rifle" Deer Permit application form. A maximum of one either-sex and one antlerless-only permit shall be issued per person.

- ~~f) No more than 6 single applications per envelope shall be accepted during the application periods for the First and Second Lottery Drawings. Each applicant must submit a separate personal check or money order. Separate envelopes must be used to send permit applications to the Deer Permit Office for regular firearm, muzzleloading rifle, handgun, archery, and free or paid landowner/tenant permits.~~
- ~~g) There will be an application period which starts the first working day after September 14 and ends the fifth weekday in November during which anyone (regardless of any other permit they may have, subject to the restriction in subsection (a)) can apply for muzzleloading deer permits left over from the county and special hunt area quotas. During this application period, the permits shall be issued in a random daily drawing. Applications received each day will not be processed until all applications received for that day are mixed. All applications received on a specific day will be processed before processing applications received for a subsequent day. All applications for the Random Daily Drawing will be processed individually (i.e., no group applications will be processed). Applicants can apply for one or more permits during this application period. Applicants must print "September Drawing — Multiple Muzzleloader Permits" on the outside of the envelope and mark the "September Drawing — Multiple Permits" box on the muzzleloading rifle deer permit application.~~
- ~~gh) Hunter preference in obtaining a muzzleloading rifle permit during the First Lottery Drawing shall be given to individuals that applied for an either-sex muzzleloading permit in the previous year's First Lottery Drawing who were rejected because the quota was depleted in their county choices. The following criteria must be met to obtain a preference in the muzzleloading rifle First Lottery Drawing:~~
- 1) The applicant must apply using the official agency preprinted data-mailer application.

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENTS

- 2) The applicant must be a resident of the state, be eligible to receive a Muzzleloading Rifle Deer Permit, and not had deer hunting privileges revoked pursuant to Section 660.50.
- 3) The applicant must apply for the same county choices that he/she listed on the previous year's application. Preference will not be granted for special hunt areas.
- 4) Where applicants apply as a group, preference for the entire group shall apply as it does above for the individual. All county choices for the group must be identical.

hi) Applications shall be accepted at the counter window of the permit office; however, permits shall be mailed. In-person, ~~and~~ mail-in and electronic applications will receive equal treatment in the drawings.

ij) Permits are not transferable. Refunds shall not be granted unless the Department of Natural Resources has erroneously issued the permit after the quota has been depleted or where the applicant was unsuccessful in obtaining a permit.

jk) A \$3 service fee shall be charged for replacement permits issued by the Department, except when permits are lost in the mail, then there shall be no charge. Monies derived from this source shall be deposited in the Wildlife and Fish Fund.

kl) The period for accepting applications for the First and Second Lottery periods shall be extended if applications are not available to the public by April 1. A news release will announce the extension of the application period.

lm) Hunting without a permit is a Class B misdemeanor (see 520 ILCS 5/2.24). Providing false information on a permit application is a Class A misdemeanor (see 520 ILCS 5/2.38).

(Source: Amended at 30 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 660.22 Deer Permit Requirements – Special Hunts**

- a) Special hunt sites are defined as those sites which are owned or controlled by agencies/entities other than the Department, or sites at which the Department only controls a portion of the property designated for deer hunting, which issue deer

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENTS

hunting permits through the statewide lottery process. The Permit Office issues deer hunting permits through a computerized drawing for sites listed below, in addition to the Department-owned or -managed sites listed in Section 660.60(h).

Delair Division, Mark Twain National Wildlife Refuge (second 2-day (Saturday and Sunday) weekend in January)

- ~~b)~~ ~~Each applicant must enclose a separate fee (check or money order) payable to the Department of Natural Resources, or the application will be returned. Applicants should not send cash with their application. The Department will not be responsible for cash sent through the mail.~~
- be) Providing false information on an application is a Class A misdemeanor (see 520 ILCS 5/2.38). Hunting deer outside the special season dates or prior to ½ hour before sunrise or after sunset on the listed property is a Class A misdemeanor with a \$500 minimum and \$5,000 maximum fine, in addition to other statutory penalties (see 520 ILCS 5/2.33(y)).

(Source: Amended at 30 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 660.25 Deer Permit Requirements – Group Hunt**

- a) Up to six individuals may apply to hunt as a group during the First and Second Lottery Drawings. ~~If applicants are applying in a group, all applications for the group must be sent to the Department in the same envelope. All applications for the group shall be processed together only if they are received in the same envelope. Any applications indicating participation in a group that are not received in the same envelope shall be processed separately.~~
- b) Each individual must sign his or her own application.
- ~~e)~~ ~~Applicants must enclose a separate check or money order for the appropriate amount for each application or the applications will be returned.~~
- cd) In order to receive preference for the group, all members must have preference for the same county choice. If any member does not have preference for the group's first county choice, the entire group shall not receive preference.
- de) Applicants applying as a group shall be rejected if they do not list the same county choice and complete the group leader information listing the identical

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENTS

group leader.

- ef) Since Illinois residents are given preference for permits allocated in the Second Lottery Drawing, groups containing both resident and non-resident applicants will be treated as non-residents.
- fg) Providing false information on an application is a Class A misdemeanor (see 520 ILCS 5/2.38).

(Source: Amended at 30 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 660.45 Reporting Harvest**

- a) Successful hunters must register their harvest by 10:00 p.m. on the same calendar day the deer was taken by calling the toll-free telephone check-in system at 1-866-ILCHECK or by accessing the on-line check-in system at <http://dnr.state.il.us/vcheck>. The hunter will be provided with a confirmation number to verify that he or she checked in the harvest. This number must be written by the hunter onto the temporary harvest tag (leg tag). If the condition of the tag precludes writing on the tag in the appropriate space (i.e., bloody, etc.), the confirmation number shall be written elsewhere on the tag, or onto a piece of paper and attached to the deer along with the temporary harvest tag. The deer must remain whole (or field dressed) until it has been checked in. In instances where deer are checked in while the hunter is still afield, the deer may not be dismembered while afield beyond quartering the animal. If quartered, all parts of the carcass (except the entrails removed during field dressing) must be transported together and evidence of sex must remain naturally attached to one quarter. Evidence of sex is:
  - 1) For a buck: head with antlers attached to carcass, or attached testicle, scrotum, or penis.
  - 2) For a doe: head attached to carcass, or attached udder (mammary) or vulva.
- b) The temporary harvest tag (leg tag) and confirmation number must remain attached to the deer until it is at the legal residence of the person who legally took or possessed the deer, the deer has been checked in, and final processing is completed. If the head/antlers are delivered to a taxidermist for processing, the confirmation number must be recorded on the "head tag" portion of the permit

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENTS

and both must remain with the deer while at the taxidermist. If the carcass is taken to a meat processor, the temporary harvest tag with confirmation number must remain with the deer while it is processed, and until it is at the legal residence of the person who legally took or possessed the deer. Persons delivering deer/parts of deer to a tanner for processing must supply the tanner with either their deer permit number, their confirmation number, or a written certification by the person from whom the deer was received that the specimen was legally taken or obtained.

- c) In counties where Chronic Wasting Disease surveillance is occurring during the firearm deer season (17 Ill. Adm. Code 650.45(a)), successful hunters using their muzzleloading rifle deer permits during the second weekend of the firearm season may, at their option, register their harvest at a designated firearm deer check station by 8:00 p.m. on the day the deer was killed. In this situation, the "head tag" portion of the permit will be retained at the check station, and a permanent harvest tag will be attached to the deer upon registration. Tagging requirements for deer delivered to taxidermists, meat processors, and tanners will be as described in 17 Ill. Adm. Code 650.45(a). Muzzleloader hunters required to report under this subsection, but who are unable to locate a harvested deer in sufficient time to report the harvest by 8:00 p.m., must report the harvest as described in subsection (a).
- d) Site specific reporting requirements must be followed in addition to this Section.
- e) Violation of this Section is a Class B misdemeanor (see 520 ILCS 5/2.24).

(Source: Amended at 30 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 660.60 Regulations at Various Department-Owned or -Managed Sites**

- a) All the regulations in 17 Ill. Adm. Code 510 – General Hunting and Trapping apply in this Section, unless this Section is more restrictive.
- b) Only one tree stand is allowed per deer permit holder. Tree stands must comply with restrictions listed in 17 Ill. Adm. Code 510(c)(3) and must be portable. Tree stands must be removed at the end of each day with the exception that they may be left unattended from September 15-January 31 at those sites listed in this Section that are followed by a (1). Any tree stand left unattended overnight must be legibly marked with the owner's name, address, and telephone number, or site assigned identification number.

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENTS

- c) It is unlawful to drive deer or participate in a deer drive on all Department-owned or -managed properties. A deer drive is defined as a deliberate action by one or more persons (whether armed or unarmed) whose intent is to cause deer to move within firearm range of one or more participating hunters.
- d) Check-in, check-out and reporting of harvest is required at those sites listed in this Section that are followed by a (2).
- e) Handicapped preferred hunting opportunities are provided at those sites listed in this Section that are followed by a (3).
- f) Only antlerless deer or antlered deer having at least four points on one side may be harvested at those sites listed in this Section that are followed by a (4).
- g) Only antlerless deer or antlered deer having at least five points on one side may be harvested at those sites listed in this Section that are followed by a (5).
- h) Statewide regulations shall apply at the following sites:
  - Cache River State Natural Area (1) (2)
  - Campbell Pond Fish and Wildlife Area (1) (2)
  - Carlyle Lake Wildlife Management Area except subimpoundment areas
  - Carlyle Lake Lands and Waters – Corps of Engineers managed lands
  - Chauncey Marsh (1) (2)
  - Crawford County Fish and Wildlife Area (1) (2)
  - Cypress Creek National Wildlife Refuge
  - Cypress Pond State Natural Area (1) (2)
  - Deer Pond State Natural Area (1) (2)
  - Devil's Island Management Area

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENTS

Dog Island Wildlife Management Area (1) (2)

Ferne Clyffe State Park (1) (2)

Fort de Chartres Historic Site (no in-line muzzleloading rifles or muzzleloaders with scopes allowed)(1) (2)

George S. Park State Natural Area (2)

Giant City State Park (1) (2)

Hamilton County Fish and Wildlife Area (1) (2)

Horseshoe Lake Conservation Area – Alexander County (all portions of the Public Hunting Area except the Controlled Goose Hunting Area) (1) (2)

~~I-24 Wildlife Management Area (1)-(2)~~

Kaskaskia River Fish and Wildlife Area (1) (2, except south of Highway 154 and north of Highway 13) (Doza Creek Waterfowl Management Area is closed during duck season)

Kickapoo State Park (closed during second firearm deer season) (1) (2)

Kinkaid Lake Fish and Wildlife Area (1) (2)

Meeker State Habitat Area (1) (2)

Mermet Lake Conservation Area (1) (2)

Middle Fork Fish and Wildlife Area (closed during second firearm deer season) (1) (2)

Miller-Anderson Woods State Natural Area (Bureau County permit holders may hunt the Bureau County portion of the area and Putnam County permit holders may hunt the Putnam County portion of the area) (2)

Mississippi River Pool 16 (1)

Mississippi River Pool 17 (1)

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENTS

Mississippi River Pool 18 (1)

Mississippi River Pools 21, 22, 24 (1)

Mississippi Fish and Waterfowl Management Area – Pools 25 and 26 (1)

Oakford Conservation Area (1)

Pere Marquette State Park (hunting in designated area only) (1) (2)

Pyramid State Park ~~(1)~~(2) (4)

Ray Norbut Fish and Wildlife Area (2)

Rend Lake Project Lands and Waters (1)

Saline County Fish and Wildlife Area (1) (2)

Sand Ridge State Forest (site issued permit required; must be returned by February 15)

Sanganois Fish and Wildlife Area (Ash Swale Waterfowl Rest Area will be closed to deer hunting during the waterfowl hunting seasons) (1)

Sielbeck Forest Natural Area (1) (2)

Skinner Farm State Habitat Area (1) (2)

Ten Mile Creek Fish and Wildlife Area (1); Belle Rive Unit only (4)

Trail of Tears State Forest (1) (2)

Turkey Bluffs Fish and Wildlife Area (1) (2)

Union County Conservation Area (Firing Line Unit only) (1) (2)

Weinberg-King State Park (2)

Weinberg-King State Park – Scripps Unit (2)

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENTS

Weinberg-King State Park – Spunky Bottoms Unit (2)

Wildcat Hollow State Forest (1)

- i) Statewide regulations shall apply at the following sites by special permit allocated through the regular statewide drawing. Season dates that differ from the statewide dates are in parentheses. Sites that offer standby hunting are followed by a (6). At sites offering standby hunting, permit holders must register at the check station by 5:00 a.m. each day of the hunt. Unvalidated permits are void after 5:00 a.m. Vacancies each day will be filled by a drawing held at 5:00 a.m. Vacancies may be filled by any person holding a valid hunting license, Habitat Stamp, and Firearm Owner Identification Card, if required. Standby hunters will be issued a one-day site-specific deer permit at the check station, and charged a permit fee of \$5. All hunters must check out and report harvest. In the event that Department budget reductions or site staffing reductions make the operation of check stations or issuance of standby permits impractical, changes to check station procedures and standby permit issuance will be publicly announced and posted at the site.

Apple River Canyon State Park – Thompson and Salem Units (closed during the second firearm deer season) (2)

Castle Rock State Park (closed during second firearm season; all initial permits will be issued as antlerless only; hunters must take an antlerless deer on the site during the current year firearm or muzzleloader season before they will be issued an either-sex standby permit antlerless deer only) (2) (6)

Cedar Glen State Natural Area (1) (2)

Clinton Lake State Recreation Area (North Fork Management Unit, north of the county road at the North Fork boat ramp) (1)

Falling Down Prairie (closed during the second firearm deer season) (2)

French Bluff State Natural Area (1) (2)

Hanover Bluff State Natural Area (closed during the second firearm deer season) (2)

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENTS

Hidden Springs State Forest (closed during second firearm deer season)  
(1) (2)

Jim Edgar Panther Creek State Fish and Wildlife Area —~~East~~ Open Unit  
(closed during second firearm deer season; site issued permit required,  
must be returned by February 15) (1) (4)

~~Jim Edgar Panther Creek State Fish and Wildlife Area — West Open Unit  
(closed during second firearm deer season; site issued permit required,  
must be returned by February 15) (1) (4)~~

Marseilles Fish and Wildlife Area (closed during second firearm deer  
season) (all tree stands must be removed from this area no later than  
sunset of the last day of archery deer season; unauthorized personnel may  
not be on the site outside of the posted check station operating hours;  
hunters may enter the site only from designated parking lots) (1) (2) (6)

Midewin National Tallgrass Prairie (closed during the second firearm deer  
season)

Mitchell's Grove Nature Preserve (closed during the second firearm deer  
season; all initial permits will be issued as antlerless only; hunters must  
take an antlerless deer on the site during the current year firearm or  
muzzleloader season before they will be issued an either-sex standby  
permit; hunters must check antlerless deer with site staff for verification to  
participate in the bonus buck program antlerless only; standby permits are  
available at the Matthiessen State Park check station; ~~check station hours  
are 8:30 a.m. to 4:00 p.m.~~) (2) (6)

Pyramid State Park – East Conant Unit ~~(1)~~(4)

Sahara Woods (1) (2)

Sandy Ford State Natural Area (closed during the second firearm deer  
season; all initial permits will be issued as antlerless only; hunters must  
take an antlerless deer on the site during the current year firearm or  
muzzleloader season before they will be issued an either-sex standby  
permit; hunters must check antlerless deer with site staff for verification to  
participate in the bonus buck program; standby permits are available at the

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENTS

Matthiessen State Park check station) (2) (6)

Sangchris Lake State Park (open to muzzleloading rifle hunting during the second firearm deer season only; antlerless deer only; hunting will begin the first day at legal shooting time and at 10:30 a.m. on all other days of the season) (1) (2)

Sangamon County Conservation Area (closed during second firearm deer season) (1)

Spoon River State Forest (closed during second firearm deer season) (1) (2)

Starved Rock State Park/Matthiessen State Park/Margery C. Carlson Nature Preserve (closed during the second firearm deer season; hunt is open in Zone A; all initial permits will be issued as antlerless only; hunters must take an antlerless deer on the site during the current year firearm or muzzleloader season before they will be issued an either-sex standby permit; hunters must check antlerless deer with site staff for verification to participate in the bonus buck program; standby hunters may purchase up to 2 one-day site-specific antlerless-only permits each day; antlerless-only; standby permits are available at the check station; check station hours are 8:30 a.m. to 4:00 p.m.) (2) (6)

Tapley Woods State Natural Area (closed during the second firearm deer season) (2)

Wards Grove Nature Preserve (closed during the second firearm deer season; antlerless deer only) (2) ~~(6)~~

Witkowsky State Wildlife Area (closed during the second firearm deer season) (2)

j) Violations of site specific regulations are petty offenses (see 520 ILCS 5/2.20).

(Source: Amended at 30 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: White-Tailed Deer Hunting by Use of Bow and Arrow
- 2) Code Citation: 17 Ill. Adm. Code 670
- 3) 

<u>Section Numbers</u> :	<u>Proposed Action</u> :
670.20	Amendment
670.21	Amendment
670.30	Amendment
670.40	Amendment
670.50	Amendment
670.55	Amendment
670.60	Amendment
- 4) Statutory Authority: Implementing and authorized by Sections 1.2, 1.3, 1.4, 2.1, 2.2, 2.24, 2.25, 2.26, 2.33, 3.5 and 3.36 of the Wildlife Code [520 ILCS 5/1.2, 1.3, 1.4, 2.1, 2.2, 2.24, 2.25, 2.26, 2.33, 3.5 and 3.36].
- 5) A Complete Description of the Subjects and Issues Involved: This Part is being amended to: add language indicating that a resident single antlerless-only permit, replacing the single either-sex permit previously available by mail from the Permit Office prior to September 1, will be made available over-the-counter from license vendors for \$15; change the fee for a nonresident antlerless-only archery permit from \$25 to \$15; change the fee for a nonresident either-sex archery permit from \$325 to \$365; change the fee for a nonresident landowner/shareholder/limited liability company member/income trust beneficiary permit from \$70 to \$150; add language to clarify various regulations; make minor changes related to the transition to an electronic point of sale licensing/permitting system; and update the list of open sites and update site-specific information.
- 6) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this rulemaking contain incorporations by reference? No
- 9) Are there any other proposed amendments pending on this Part? No
- 10) Statement of Statewide Policy Objective: This rulemaking does not affect units of local government.

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENTS

- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Comments on the proposed rulemaking may be submitted in writing for a period of 45 days following publication of this Notice to:

Jack Price, Legal Counsel  
Department of Natural Resources  
One Natural Resources Way  
Springfield IL 62702-1271

217/782-1809

- 12) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: None
  - B) Reporting, bookkeeping or other procedures required for compliance: None
  - C) Types of professional skills necessary for compliance: None
- 13) Regulatory Agenda on which this rulemaking was summarized: January 2006

The full text of the Proposed Amendments begins on the next page:

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENTS

## TITLE 17: CONSERVATION

## CHAPTER I: DEPARTMENT OF NATURAL RESOURCES

## SUBCHAPTER b: FISH AND WILDLIFE

## PART 670

## WHITE-TAILED DEER HUNTING BY USE OF BOW AND ARROW

## Section

670.10	Statewide Open Seasons and Counties
670.20	Statewide Deer Permit Requirements
670.21	Deer Permit Requirements – Landowner/Tenant Permits
670.30	Statewide Legal Bow and Arrow
670.40	Statewide Deer Hunting Rules
670.50	Rejection of Application/Revocation of Permits
670.55	Reporting Harvest
670.60	Regulations at Various Department-Owned or -Managed Sites

AUTHORITY: Implementing and authorized by Sections 1.2, 1.3, 1.4, 2.1, 2.2, 2.24, 2.25, 2.26, 2.33, 3.5 and 3.36 of the Wildlife Code [520 ILCS 5/1.2, 1.3, 1.4, 2.1, 2.2, 2.24, 2.25, 2.26, 2.33, 3.5 and 3.36].

SOURCE: Adopted at 5 Ill. Reg. 8888, effective August 25, 1981; codified at 5 Ill. Reg. 10641; emergency amendment at 5 Ill. Reg. 11402, effective October 14, 1981, for a maximum of 150 days; emergency expired March 13, 1982; amended at 6 Ill. Reg. 10721, effective August 20, 1982; emergency amendment at 6 Ill. Reg. 15581, effective December 14, 1982, for a maximum of 150 days; emergency expired May 13, 1983; amended at 7 Ill. Reg. 10790, effective August 24, 1983; amended at 8 Ill. Reg. 19004, effective September 26, 1984; amended at 9 Ill. Reg. 14317, effective September 9, 1985; amended at 10 Ill. Reg. 16658, effective September 22, 1986; amended at 11 Ill. Reg. 2275, effective January 20, 1987; amended at 12 Ill. Reg. 12042, effective July 11, 1988; amended at 13 Ill. Reg. 12839, effective July 21, 1989; amended at 14 Ill. Reg. 14787, effective September 4, 1990; amended at 14 Ill. Reg. 19859, effective December 3, 1990; amended at 15 Ill. Reg. 10021, effective June 24, 1991; amended at 15 Ill. Reg. 16691, effective October 31, 1991; amended at 16 Ill. Reg. 11116, effective June 30, 1992; amended at 17 Ill. Reg. 286, effective December 28, 1992; amended at 17 Ill. Reg. 13452, effective July 30, 1993; amended at 18 Ill. Reg. 5842, effective April 5, 1994; amended at 19 Ill. Reg. 7560, effective May 26, 1995; amended at 19 Ill. Reg. 15411, effective October 26, 1995; amended at 20 Ill. Reg. 6723, effective May 6, 1996; amended at 21 Ill. Reg. 5561, effective April 19, 1997; amended at 22 Ill. Reg. 7995, effective April 28, 1998; amended at 23 Ill. Reg. 6829, effective May 20, 1999; amended at 24 Ill. Reg. 6908, effective April 20, 2000; amended at 25 Ill. Reg. 7217, effective May 22, 2001; amended at 25 Ill. Reg. 11471, effective August 14, 2001;

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENTS

amended at 26 Ill. Reg. 9356, effective June 17, 2002; amended at 27 Ill. Reg. 10025, effective June 23, 2003; amended at 28 Ill. Reg. 9968, effective July 6, 2004; amended at 29 Ill. Reg. 9761, effective June 24, 2005; amended at 30 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

**Section 670.20 Statewide Deer Permit Requirements**

- a) All archery deer hunters must have a current, valid Illinois archery deer permit. Archery deer permits (except landowner/tenant property-only permits and nonresident permits issued to clients of outfitters as detailed in Section 670.20(c)) will authorize the holder to hunt in any of the open counties of the State, on property where permission to hunt has been obtained from the property owner. Nonresident archery deer permits issued to outfitter clients who received a permit based on the preference given to outfitter clients are valid only on property controlled by the outfitter used to gain preference.
- b) Resident archery deer permits are available over-the-counter (OTC) from license vendors throughout the State as combination permits, each consisting of one either-sex permit and one antlerless-only permit, or as a single antlerless-only permit. ~~In addition, a resident single either-sex archery deer permit will be available until September 1 of each year by mail only from the Permit Office.~~ The fee for a resident archery combination permit shall be \$25; a resident archery single antlerless-only~~either-sex~~ permit shall be \$15. ~~No more than one single either-sex permit may be purchased per individual per season.~~ While there is no limit to the number of ~~combination~~ archery deer permits that an individual resident may purchase, no one may harvest more deer than allowed by the restrictions prescribed in Section 670.40.
- c) ~~A limited number of nonresident either-sex archery deer permits are available for a fee of \$300.~~ A limited number of nonresident archery deer permits is available as combination permits, each consisting of one either-sex permit and one antlerless-only permit. The fee for the nonresident combination archery deer permit shall be \$365~~\$325~~. Nonresident hunters may apply during the period June 1 through June 30~~July 31~~ via telephone using DNR's telephone vendor system (1-888-673-7648). The number of nonresident ~~either-sex or~~ combination archery deer permits shall be limited to 20,000, with clients of outfitters currently permitted by the Department of Natural Resources given preference in the drawing for the first 7,500. Clients of permitted outfitters should contact the outfitter prior to applying to receive a certification number to be used in the application process to verify their outfitter client status. Permits will be allocated using a computerized, random lottery drawing conducted after June 30~~July 31~~. If

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENTS

the number of eligible outfitter clients in the drawing is less than 7,500, all remaining permits will be allocated to the remaining applicants until the quota is reached. If the number of eligible outfitter clients in the drawing exceeds 7,500, those outfitter clients unsuccessful in obtaining one of the first 7,500 permits will compete against non-client applicants for the remaining permits. [Permits available after the lottery will be sold on a first come-first served basis.](#)

Applicants may submit only one application for the nonresident combination archery deer permit. Up to six individuals may apply for nonresident combination archery permits as a group. Groups must identify a group leader, and all applicants must provide the same group leader information at the time of application. If applying for permits given preferentially to clients of outfitters, all group applicants must also provide the same outfitter certification number.

- d) An unlimited number of nonresident single antlerless-only archery deer permits is available over-the-counter (OTC) from participating license vendors for a fee of [\\$15\\$25](#).
- e) Hunters purchasing archery deer permits must supply all necessary applicant information to the license vendor in order to properly complete the permit.
- f) Applications for ~~the resident single either sex permit or~~ landowner/tenant permits may be obtained by writing to:

Department of Natural Resources  
[L/T Archery Deer Permit Office](#)  
P.O. Box 19227  
Springfield IL 62794-9227

To obtain ~~the resident single either sex permit or~~ a landowner/tenant permit, applicants must submit an application to the Permit Office using the official current Archery Deer Permit application form. Applications submitted on forms from previous years will be returned. Applicants must complete all portions of the permit application form. Incomplete applications and fees will be returned. Each applicant must submit a personal check or money order for his/her individual application.

- g) ~~Applications for resident archery single either sex permits will be accepted from the date on which they become available until September 1. Applications received after September 1 will be rejected and the fees returned.~~

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENTS

- | g)h) Permits are not transferable. Refunds will not be granted.
- | h)j) A \$3 service fee will be charged for replacement permits issued by DNR, except that there will be no charge for permits lost in the mail. The procedures for obtaining a replacement license are detailed in 17 Ill. Adm. Code 2520.50. Monies from this source will be deposited in the Wildlife and Fish Fund.
- | i)j) Hunting without a valid permit is a Class B misdemeanor (see 520 ILCS 5/2.24). Providing false information on an application is a Class A misdemeanor (see 520 ILCS 5/2.38).

(Source: Amended at 30 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 670.21 Deer Permit Requirements – Landowner/Tenant Permits**

- a) The immediate family of a landowner or tenant is limited to the spouse, children or parents permanently residing on the same property as the landowner or tenant.
- b) A tenant for the purpose of this Part is one who rents 40 acres or more land for commercial agricultural purposes under an agreement with a landowner. Commercial agriculture shall be defined as utilization of land for the raising of hay, grain crops or livestock for profit. Hunting and mineral rights leases are not valid for a tenant permit.
- c) Resident Illinois landowners who own 40 acres or more of land and resident tenants renting or leasing 40 acres or more of commercial agricultural land, and members of their immediate family, may apply for a free combination archery deer permit for their property only. Non-resident Illinois landowners (of 40 acres or more) are also eligible to apply for a combination archery deer permit for their property only. The fee to non-resident Illinois landowners owning 40 acres or more for a combination permit for their property only shall be ~~\$150~~\$70. This deer hunting permit shall be valid on all farm lands owned, leased, or rented by the person to whom it is issued.
- d) If property is owned or rented by more than one person, only one landowner (and his immediate family) or one tenant (and his immediate family) will be issued a permit for every 40 acres of owned or rented land. For example, if 3 persons own 90 acres, only 2 of the landowners and their immediate family may receive deer permits.

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENTS

- e) Bona fide equity shareholders of corporations, bona fide equity members of limited liability companies, bona fide current income beneficiaries of trusts or bona fide partners of partnerships owning 40 or more acres of land in a county may apply for one either-sex permit to hunt the corporation, limited liability company, trust or partnership lands only. Only one permit per 40 acres, for a maximum number of 15 permits per county for corporations, trusts, and limited liability companies and a maximum number of 3 permits per county for partnerships, shall be issued based on ownership of lands by corporations, limited liability companies, trusts or partnerships. Lands leased to corporations, limited liability companies, trusts or partnerships shall not be considered as a basis for a permit for the shareholders/members/beneficiaries/partners of the lessee. Lands held in trust by corporations, limited liability companies, or partnerships shall not be considered as a basis for a permit by the shareholders/members/partners of the trustee. If application is made for a permit based upon lands owned by the corporation, limited liability company, trust or partnership, a duly authorized officer of the corporation, limited liability company, trust or partnership must sign a notarized statement authorizing the applicant to hunt on the corporate, company, trust or partnership lands for which a permit is being requested. This statement must identify the applicant as a bona fide equity shareholder, member, beneficiary or partner, as defined in this subsection, identify authorization to hunt and identify that no more than 15 authorizations will be requested per county for the corporation, limited liability company, or trust lands and no more than 3 authorizations will be requested per county for partnership lands. This document must be attached to the application upon submittal to the Permit Office. The shareholder/member combination permit shall be free to resident shareholders/members/beneficiaries/partners, and the cost to non-resident shareholders/members/beneficiaries/partners shall be ~~\$150~~\$70. Non-resident partners cannot receive permits under this subsection.

- 1) Bona fide equity shareholder means an individual who:
- A) purchased, for market price, publicly sold stock shares in a corporation; purchased shares of a privately-held corporation for a value equal to the percentage of the appraised value of the corporate assets represented by the ownership in the corporation; or is a member of a closely-held family-owned corporation and has purchased or been gifted with shares of stock in the corporation accurately reflecting his or her percentage of ownership; and
  - B) intends to retain the ownership of the shares of stock for at least 5

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENTS

years.

- 2) Bona fide equity member means an individual who:
  - A) became a member upon the formation of the limited liability company; or has purchased a distributional interest in a limited liability company for a value equal to the percentage of the appraised value of the limited liability company assets represented by the distributional interest in the limited liability company and subsequently becomes a member of the company pursuant to Article 30 of the Limited Liability Company Act; and
  - B) intends to retain the membership for at least 5 years.
- 3) Bona fide current income beneficiary means an individual who, at the time of application for a permit, is entitled to income (whether income exists or not) from the trust that owns the land the applicant wishes to hunt with no condition precedent (such as surviving another person, reaching a certain age, etc.) other than the trustee distributing the income, and is listed by name in the trust documents as an income beneficiary.
- 4) Bona fide equity partner means an individual who:
  - A) became a partner, either general or limited, upon the formation of the partnership; or has purchased a distributional interest in the partnership or limited partnership for a value equal to the percentage of the appraised value of the partnership assets represented by the distributional interest in the partnership;
  - B) intends to retain ownership of the partnership for at least 5 years; and
  - C) is a resident of Illinois.
- f) The application period for these permits will be publicly announced. Applicants submitting applications for a [landowner/shareholder/member/beneficiary/partner](#)~~landowner or shareholder~~ archery permit after September 1 will not be guaranteed a permit by October 1.
- g) Providing false information on a permit application is a Class A misdemeanor

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENTS

(see 520 ILCS 5/2.38).

(Source: Amended at 30 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 670.30 Statewide Legal Bow and Arrow**

- a) The only legal hunting devices to take, or attempt to take, deer are: a long, recurved, or compound bow with minimum pull of 40 pounds at some point within a 28-inch draw. Minimum arrow length is 20 inches, and broadheads must be used. Broadheads may have fixed or expandable blades, but they must be a minimum  $\frac{7}{8}$  inch in diameter when fully opened. Broadheads with fixed blades must be metal or flint-, chert-, or obsidian-knapped; broadheads with expandable blades must be metal. All other bows and arrows, including electronic arrow tracking systems, are illegal.
- b) A crossbow device is illegal except as provided by Section 2.26 of the Wildlife Code [520 ILCS 5/2.26]. It is unlawful to carry any firearm or sidearm while hunting deer with a bow and arrow.
- c) Any mechanical device capable of maintaining a drawn or partially drawn position on a bow without the hunter exerting full string tension is illegal, [unless authorized for eligible disabled persons by 17 Ill. Adm. Code 760](#) ~~except as noted in subsection (b) above.~~
- d) Use of an unlawful device is a Class B misdemeanor (see 520 ILCS 5/2.24), except that unlawful use of a crossbow is a Class A misdemeanor with a minimum \$500 and maximum \$5,000 fine, in addition to other statutory penalties (see 520 ILCS 5/2.33(o)).

(Source: Amended at 30 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 670.40 Statewide Deer Hunting Rules**

- a) The bag limit is one deer per legally authorized either-sex, antlered-only or antlerless-only permit. All either-sex permits and antlered-only permits are subject to the following restriction: no hunter, regardless of the quantity or type of permits in his/her possession, may harvest more than 2 antlered deer during a year, including the archery, muzzleloader and firearm seasons. For purposes of this subsection, deer seasons are considered to be in the same year if their opening dates fall within the same 12-month period that begins on July 1. A hunter in

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENTS

possession of an either-sex permit after having harvested 2 antlered deer during a year, as defined above, may only use the permit to harvest an antlerless deer. Subject to this restriction, an either-sex permit holder is allowed to take a deer with or without antlers; and an antlered-only permit holder is allowed to take only a deer having at least one antler of a length of 3 or more inches. An antlerless-only permit holder is allowed to take only a deer without antlers or a deer having antlers less than 3 inches long.

- b) Recipients of any type of Archery Deer Hunting Permit shall record their signature on the permit prior to hunting and must carry it on their person while hunting. ~~In addition, holders of combination permits (consisting of both either-sex and antlerless-only tags on a single form) shall record their name and complete address on the tag portions of their permit in the spaces provided prior to hunting.~~
- c) The temporary harvest tag shall be attached and properly sealed immediately upon kill and before the deer is moved, transported or field dressed. No person shall leave any deer that has been killed without properly attaching the temporary harvest tag to the deer in the manner prescribed on the permit.
- d) Hunters shall not have in their possession, while in the field during archery deer season, any deer permit issued to another person (permits are non-transferable).
- e) Permits will not be re-issued in cases involving deer taken which are found to be diseased or spoiled due to previous injury. Legal disposal of unfit deer taken shall be the responsibility of the hunter. For those hunters participating in DNR's Chronic Wasting Disease Surveillance Program, a free permit will be made available (during either the current year or the subsequent year, at the discretion of the hunter) if their tested deer is determined to have chronic wasting disease.
- f) Unlawful take or possession of one deer is a Class B misdemeanor (see 520 ILCS 5/2.24); unlawful take or possession of two or more deer in a 90-day period is a Class 4 felony (see 520 ILCS 5/2.36a); unlawful take or possession of 2 or more deer as a single act or single course of conduct is a Class 3 felony (see 520 ILCS 5/2.36a); and any other violation of this Section is a Class B misdemeanor (see 520 ILCS 5/2.24).

(Source: Amended at 30 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 670.50 Rejection of Application/Revocation of Permits**

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENTS

- a) In the event that an applicant for one of the permits available from the Permit Office is in violation of one of subsections (a)(1)-(4), in addition to other penalties the application shall be held in suspension, and any application fees shall be deposited, pending a determination by the permit office of whether the violation was knowing. If the permit office determines the violation was knowing, the application shall be rejected and any fee collected shall be retained by DNR. The applicant may request a hearing on this decision pursuant to 17 Ill. Adm. Code 2530. Should it be determined that the violation was without the knowledge of the applicant, the permit office will process only the number of applications allowed by Section 670.20 or 670.21 with additional applications rejected and fees returned.
- 1) Using a hunting rights lease, mineral rights lease or other lease for land that does not evidence a genuine farm tenancy to obtain an archery deer permit;
  - 2) Submitting more applications in the same name or by the same person for an archery deer permit than allowed for in Section 670.20 or 670.21;
  - 3) Providing false and/or deceptive information on the deer permit application form;
  - 4) Submitting an application when the applicant has a license or permit currently revoked pursuant to Section 3.36 of the Wildlife Code [520 ILCS 5/3.36].
- b) In the event that the purchaser of ~~an over-the-counter combination~~ archery deer permit is in violation of one of subsections (b)(1) or (2), the permit will be revoked in addition to any other penalties. The applicant may request a hearing on this decision pursuant to 17 Ill. Adm. Code 2530.
- 1) Providing false and/or deceptive information on the deer permit form, which is a Class A misdemeanor (see 520 ILCS 5/2.38).
  - 2) Purchasing an archery deer permit when the applicant has a license or permit currently revoked pursuant to Section 3.36 of the Wildlife Code, which is a Class A misdemeanor (see 520 ILCS 5/3.36).
- c) Any violations of the Wildlife Code [520 ILCS 5] or administrative rules of the

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENTS

Department (17 Ill. Adm. Code, Chapter I), in addition to other penalties, may result in revocation of deer hunting permits as per 17 Ill. Adm. Code 2530.

(Source: Amended at 30 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 670.55 Reporting Harvest**

- a) Successful hunters must register their harvest by 10:00 p.m. on the same calendar day the deer was taken by calling the toll-free telephone check-in system at 1-866-ILCHECK or by accessing the on-line check-in system at <http://dnr.state.il.us/vcheck>. The hunter will be provided with a confirmation number to verify that he or she checked in the harvest. This number must be written by the hunter onto the temporary harvest tag (leg tag). If the condition of the tag precludes writing on the tag in the appropriate space (i.e., bloody, etc.), the confirmation number shall be written elsewhere on the tag, or onto a piece of paper and attached to the deer along with the temporary harvest tag. The deer must remain whole (or field dressed) until it has been checked in. In instances where deer are checked in while the hunter is still afield, the deer may not be dismembered while afield beyond quartering the animal. If quartered, all parts of the carcass (except the entrails removed during field dressing) must be transported together and evidence of sex must remain naturally attached to one quarter. Evidence of sex is:
- 1) For a buck: head with antlers attached to carcass, or attached testicle, scrotum, or penis.
  - 2) For a doe: head attached to carcass, or attached udder (mammary) or vulva.
- b) The temporary harvest tag (leg tag) and confirmation number must remain attached to the deer until it is at the legal residence of the person who legally took or possessed the deer, the deer has been checked in, and final processing is completed. If the head/antlers are delivered to a taxidermist for processing, the confirmation number must be recorded on the "head tag" portion of the permit and both must remain with the deer while at the taxidermist. If the carcass is taken to a meat processor, the temporary harvest tag (leg tag) with confirmation number must remain with the deer while it is processed, and until it is at the legal residence of the person who legally took or possessed the deer. Persons delivering deer/parts of deer to a tanner for processing must supply the tanner with either their deer permit number, their confirmation number, or a written

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENTS

certification by the person from whom the deer was received that the specimen was legally taken or obtained.

- c) Site specific reporting requirements must be followed in addition to this Section.
- d) Failure to follow this Section constitutes illegal possession of deer, which is a Class B misdemeanor (see 520 ILCS 5/2.24).

(Source: Amended at 30 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 670.60 Regulations at Various Department-Owned or -Managed Sites**

- a) All the regulations in 17 Ill. Adm. Code 510 (General Hunting and Trapping) apply in this Section, unless this Section is more restrictive.
- b) It is unlawful to drive deer, or participate in a deer drive, on all Department-owned or -managed properties. A deer drive is defined as a deliberate action by one or more persons (whether armed or unarmed) whose intent is to cause deer to move within archery range of one or more participating hunters.
- c) Only one tree stand is allowed per deer permit holder. Tree stands must comply with restrictions listed in 17 Ill. Adm. Code 510.10(c)(3) and must be portable. Tree stands must be removed at the end of each day with the exception that tree stands may be left unattended from September 15 through January 31 at those sites listed in this Section that are followed by a (1). Any tree stand left unattended must be legibly marked with the owner's name, address, and telephone number, or site assigned identification number.
- d) Check-in, check-out, and reporting of harvest is required at those sites listed in this Section that are followed by a (2).
- e) Where standby hunters are used to fill quotas, a drawing will be held at sites indicated by a (3).
- f) Only antlerless deer or antlered deer having at least four points on one side may be harvested at those sites listed in this Section that are followed by a (4).
- g) Only antlerless deer or antlered deer having at least five points on one side may be harvested at those sites listed in this Section that are followed by a (5).

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENTS

h) Statewide regulations shall apply at the following sites:

- \* Anderson Lake Fish and Wildlife Area (2)  
Apple River Canyon State Park – Thompson and Salem Units (2)  
Argyle Lake State Park (2)
- \* Banner Marsh Fish and Wildlife Area (2)
- \* Beall Woods State Park (~~closed during the special site firearm deer seasons; antlerless deer only~~) (1) (2)
- \* Big Bend State Fish and Wildlife Area (1) (2)  
Big River State Forest (2)  
Cache River State Natural Area (1) (2)  
Campbell Pond Fish and Wildlife Area (1) (2)  
Carlyle Lake Lands and Waters (Corps of Engineers managed lands)  
Carlyle Lake Wildlife Management Area (except subimpoundment area is closed 7 days prior to and during the regular waterfowl season; lands bounded on the east by "C" levee, south by "D" levee, west by ACOE property line, and including the posted area west of parking lot #2, will be open the entire archery deer hunting season)  
Castle Rock State Park (1) (2)  
[Cedar Glen State Natural Area \(no hunting after December 15\) \(1\) \(2\)](#)  
Crawford County Conservation Area (1) (2)  
Cypress Creek National Wildlife Refuge  
Cypress Pond State Natural Area (1) (2)  
Deer Pond State Natural Area (1) (2)

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENTS

Devil's Island Wildlife Management Area

Dixon Springs State Park (1) (2)

Dog Island Wildlife Management Area (1) (2)

- \* Eldon Hazlet State Park (Hunting is only permitted north of Allen Branch, north of Hazlet Park Road between the park boundary and its intersection with Allen Branch Road, north of Allen Branch Road between its intersection with Hazlet Park Road and Allen Branch Boat Access Area, and west of Peppenhorst Branch. Hunting is not permitted in the controlled pheasant area during the site's controlled pheasant season (except on days when controlled pheasant hunting is closed) and the five consecutive days following the site's controlled pheasant season, or in the North Allen Branch Waterfowl Management Unit after the opening of the statewide waterfowl season. Additionally, a limited hunting opportunity exists for persons with disabilities west of the main park road going towards the Illini Campground. Disabled hunters as defined in 520 ILCS 5/3.1(c) may register to hunt at the site office and must sign in and out daily. Disabled hunters are required to hunt with a non-disabled partner who may also hunt from pre-determined locations. Disabled hunters may hunt during the statewide archery season as described in Section 670.10, except on days when the site's controlled pheasant hunting is open and the 5 consecutive days following the site's controlled pheasant season.) (2)

Falling Down Prairie (2)

Ferne Clyffe State Park (1) (2)

Fort de Chartres State Historic Site (1) (2)

[Fort Kaskaskia State Historic Site \(opens November 1; antlerless deer only\) \(2\)](#)

Fort Massac State Park (1) (2)

Franklin Creek State Natural Area ([antlerless deer only in October; either-sex deer from November 1 until the end of the statewide season](#)~~antlerless only, except in Zone A from November 1 through the end of the archery~~)

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENTS

~~season, deer bow hunters may take an antlered deer~~ (2)

George S. Park State Natural Area (2)

Giant City State Park (1) (2)

Green River State Wildlife Area (1) (2)

Hanover Bluff State Natural Area (2)

Horseshoe Lake Conservation Area – Alexander County (Controlled Goose Hunting Area – open from October 1-31; reopens with the close of the Quota Zone goose season through statewide closing; remainder of the Public Hunting Area open during statewide season) (1) (2)

~~I-24 Wildlife Management Area (1) (2)~~

Ilo Dillin State Habitat Area (hunting allowed during October only) (2)

Iroquois County State Wildlife Area/Hooper Branch only (1) (2)

\* Jubilee College State Park (2)

Kankakee River State Park (deer bowhunters must wear a cap and upper outer garment with at least 400 square inches of solid blaze orange between 9:00 a.m. and 3:00 p.m. on days when upland game hunting is allowed during the site's controlled hunting season; a limited hunting opportunity for persons with disabilities, Class P2A, exists at the Davis Creek Bike Trail Area; disabled hunters must register to hunt at the site office and must sign in and out daily; disabled hunters are required to hunt with a non-disabled partner who may also hunt from predetermined locations during the disabled hunting season (November 1 to the day before the first firearm deer season, except campground blinds will remain open until the close of the archery deer season and do not require a partner to hunt)) (2)

Kaskaskia River Fish and Wildlife Area (no hunting within 50 yards of the Baldwin Lake Waterfowl Rest Area's main north-south road; within this defined waterfowl rest area and during the current year archery season, hunters must take an antlerless deer before taking an antlered deer; this

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENTS

defined waterfowl rest area is closed until the observed Columbus Day holiday (1) (2 – ~~)(except south of Highway 154 and north of Highway 13)~~)

Kidd Lake State Natural Area (1)

Kinkaid Lake Fish and Wildlife Area (1) (2)

Kishwaukee River State Fish and Wildlife Area (2)

Lake Le Aqua Na State Park (antlerless deer only; November 1-30; hunting hours legal opening until 10:00 a.m.) (2)

Lincoln Trail State Park (November 1 through the end of statewide season; an antlerless deer must be taken on the site before an antlered deer is harvested) (2)

Lowden-Miller State Forest (1) (2)

Mackinaw River Fish and Wildlife Area (1) (2)

Marseilles Fish and Wildlife Area (closed Friday, Saturday, and Sunday in October only) (all tree stands must be removed from this area no later than the last day of the season; unauthorized personnel may not be on the site outside of the posted check station operating hours; hunters may enter the site only from designated parking lots) (1) (2)

Marshall State Fish and Wildlife Area (Duck Ranch Unit closed 7 days prior to the duck season through the close of duck season) (2)

Maytown Pheasant Habitat Area (hunting allowed during October only) (2)

Mazonia/Braidwood State Fish and Wildlife Area (2) (4)

Mermet Lake Conservation Area (1) (2)

Miller-Anderson Woods State Natural Area Nature Preserve (antlerless deer only; season ends the day before the second firearm deer season begins) (2)

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENTS

Mississippi Fish and Waterfowl Management Area – Pools 25 and 26 (Batchtown, Crull Hollow, and Godar Rest Areas reopen to hunting the day after duck season closes) (1)

Mississippi River Pool 16 (1)

Mississippi River Pools 17, 18 (1)

Mississippi River Pools 21, 22, 24 (1)

Mitchell's Grove Nature Preserve (antlerless deer only [in October; either-sex deer from November 1 until the end of the statewide season](#); closed during the ~~muzzleloadingspecial-site-firearm~~ deer ~~seasonseasons~~; ~~deer bowhunters must wear a cap and upper outer garment with at least 400 square inches of solid blaze orange during the statewide firearm deer seasons~~) (2)

[Momence Wetlands State Natural Area \(1\) \(2\)](#)

\* [Mt. Vernon Propagation Center \(1\) \(2\)](#)

Nauvoo State Park (Max Rowe Unit Only)

Oakford Conservation Area

\* Peabody River King State Fish and Wildlife Area (East and North subunits close November 1) (1) (2)

Pere Marquette State Park (area east of Graham Hollow Road) (1) (2)

Pyramid State Park ~~(1)~~(2) (4)

\* Randolph County Conservation Area (1) (2)

Ray Norbut Fish and Wildlife Area (2)

\* Red Hills State Park (1) (2)

Rend Lake [Fish and Wildlife Area and Corps of Engineers managed areas](#)

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENTS

of Rend Lake (an antlerless deer must be taken on the site before an antlered deer is harvested)~~Project Lands and Waters~~ (1)

Rend Lake Fish and Wildlife Area~~Project Lands and Waters~~ (refuge only (south of site headquarters) from October 1 through October 31; an antlerless deer must be taken on the site before an antlered deer is harvested) (1) (2)

- \* Rice Lake Fish and Wildlife Area (2)
- \* Rock Cut State Park (only during the special firearm deer hunt on the site; hunting from DNR established blind sites only; hunting limited to holders of Class P2A disability cards and escorts) (2) (3)

~~Sahara Woods (1) (2)~~

Saline County Fish and Wildlife Area (1) (2)

- \* Sam Parr State Park (1) (2)

Sandy Ford State Natural Area (antlerless deer only in October; either-sex deer from November 1 until the end of the statewide season; archery deer hunting is closed during the muzzleloader deer season)~~Land and Water Reserve~~ (2)

Sangamon County Conservation Area

Sanganois State Wildlife Area (Ash Swale Waterfowl Rest Area will be closed to deer hunting during the waterfowl hunting seasons) (1)

- \* Shabbona Lake State Park (2)

Sielbeck Forest Natural Area (1) (2)

Siloam Springs State Park (Fall Creek Unit)

- \* Silver Springs State Park (2)

Skinner Farm State Habitat Area (1) (2)

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENTS

Spoon River State Forest (1) (2)

- \* Starved Rock State Park/Matthiessen State Park/Margery C. Carlson Nature Preserve (~~hunting allowed only in Zone A;~~ antlerless deer only in October; either-sex deer from November 1 until the end of the statewide season; closed during the special site firearm deer seasons; deer bowhunters must wear a cap and upper outer garment with at least 400 square inches of solid blaze orange during the statewide firearm deer seasons; open to archery deer hunting during the statewide firearm deer season only in Zone A~~archery deer hunting is closed during the muzzleloader deer season~~) (2)

Tapley Woods State Natural Area (2)

Trail of Tears State Forest (1) (2)

Turkey Bluffs Fish and Wildlife Area (1) (2)

Union County Conservation Area (Controlled Goose Hunting Area – closed 7 days prior to the quota zone goose season through the close of the quota zone goose season) (1) (2)

Walnut Point Fish and Wildlife Area (1)

Wards Grove Nature Preserve (closed during the statewide Youth Deer Hunting Season and Muzzleloader Deer Hunting Seasons; antlerless deer only) (2)

- \* Washington County Conservation Area (deer bowhunters must wear a cap and upper outer garment with at least 400 square inches of solid blaze orange between 9:00 a.m. and 3:00 p.m. on days when upland game hunting is allowed during the site's controlled hunting season) (1) (2)

Weinberg-King State Park (2)

Weinberg-King State Park – Cecil White Unit

Weinberg-King State Park – Spunky Bottoms Unit (resident hunters only) (2)

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENTS

[White Pines State Park \(antlerless deer only in October, either-sex deer from November 1 through the end of archery season; hunting allowed on Mondays, Tuesdays, Wednesdays and Thursdays only – excluding official State holidays and the Thursday of the second portion of the statewide firearm deer season; closed during the site's special firearm deer seasons\)](#)  
(2)

Wildcat Hollow State Forest (1)

Witkowsky State Wildlife Area (opens October 15) (2)

- i) Statewide regulations shall apply at the following sites except that hunter quotas shall be filled by mail-in drawing:

Beaver Dam State Park

Horseshoe Lake State Park (Madison County) (hunting [in designated areas at peninsula](#) only; hunting will close at end of regular duck season)  
(1)

Hurricane Creek Habitat Area (hunter quotas filled by drawing; must have Fox Ridge site permit to be eligible)

~~[Momence Wetland \(\(1\) during permitted season only\)](#)~~

Pere Marquette State Park (hunting allowed in group camping areas only; season begins the first weekday after camps close)

Union County Conservation Area (refuge only; open first Friday, Saturday and Sunday in November)

- j) State regulations shall apply except that hunters must obtain a free permit from the site office. This permit must be in possession while hunting and must be returned, and harvest reported, to the address indicated on the card before February 15. Failure to return the permit shall result in loss of hunting privileges at that site for the following year.

Chauncey Marsh State Natural Area (permit obtained at Red Hills State Park headquarters) (1)

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENTS

Clinton Lake State Recreation Area ([an antlerless deer must be taken on the site before an antlered deer is harvested](#)) (1)

Coffeen Lake State Fish and Wildlife Area

Des Plaines Conservation Area (closed to archery deer hunting during the site's upland game hunting season) (2)

Des Plaines Game Propagation Center (2)

\* Eagle Creek State Park (disabled hunters are exempt from site's antler restrictions) (4)

Fox Ridge State Park (1)

[French Bluff State Natural Area](#)

Goose Lake Prairie State Natural Area/Heidecke State Fish & Wildlife Area

Hamilton County Conservation Area (1)

Harry "Babe" Woodyard State Natural Area (4)

Hidden Springs State Forest (1)

\* Horseshoe Lake State Park (Madison County – Gaberet, Mosenthein and Chouteau Island Units)

~~Kankakee River State Park (deer bowhunters must wear a cap and upper outer garment with at least 400 square inches of solid blaze orange between 9:00 a.m. and 3:00 p.m. on days when upland game hunting is allowed during the site's controlled hunting season. Additionally, a limited hunting opportunity for persons with disabilities exists at the Davis Creek Bike Trail Area. Disabled hunters, as defined in 520 ILCS 5/3.1(c), may register to hunt at the site office and must sign in and out daily. Disabled hunters are required to hunt with a non-disabled partner who may also hunt from predetermined locations during disabled hunting season (the first Friday in November to the day before the first firearm deer season, except two blinds will be available until the close of the archery deer season))~~

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENTS

Kickapoo State Park

Mautino State Fish and Wildlife Area (1)

~~Mazonia/Braidwood State Fish and Wildlife Area (4)~~

Meeker State Habitat Area (obtain permit at Sam Parr State Park headquarters) (1)

Middle Fork Fish and Wildlife Area

- \* Mississippi Palisades State Park (November 1 through December 31; closed during the first firearm deer season) (1)

Newton Lake Fish and Wildlife Area (check deer at site office)

- \* Pekin Lake Fish and Wildlife Area (1)

Pyramid State Park – Captain Unit ~~(1)~~(4)

Pyramid State Park – Denmark Unit ~~(1)~~(4)

Pyramid State Park – East Conant Unit ~~(1)~~(4)

Pyramid State Park – Galum Unit ~~(1)~~(4)

Ramsey Lake State Park (1)

- \* Sam Dale Lake Conservation Area (1)

Sand Ridge State Forest

Shelbyville Wildlife Management Area (1)

- \* Siloam Springs State Park – Buckhorn Unit (resident hunters only) (2) (4)

Snakeden Hollow Fish and Wildlife Area (October 1 through start of the central zone goose season)

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENTS

- \* Spring Lake Fish and Wildlife Area (1)
- \* Stephen A. Forbes State Park (1)

Ten Mile Creek Fish and Wildlife Area (areas designated as refuge are closed to all access during Canada goose season only) (1); Belle Rive Unit only (4)

~~Volo Bog State Natural Area (hunting only from November 1 through December 31; Monday through Wednesday only; except State holidays) (2)~~

Weinberg-King State Park – Scripps Unit (resident hunters only) (2)

- k) Statewide regulations shall apply except that no hunting is permitted Wednesday through Sunday of the site's permit pheasant season.

Chain O'Lakes State Park (season opens Monday prior to opening of permit pheasant hunting season and closes Tuesday following the close of the permit pheasant hunting season; season reopens on December 26 till close of regular season; an antlerless deer must be taken on site before an antlered deer is harvested) (2) (3)

Iroquois County Conservation Area (2)

Johnson Sauk Trail State Recreation Area (1) (2)

Moraine View State Park (1)

Wayne Fitzgerald State Recreation Area (no bowhunting during controlled hunts as posted at the site) (1) (2)

- l) Statewide regulations shall apply at the following sites except that:
  - 1) Nonresident hunter quotas shall be filled by mail-in drawing. Information about specific drawing dates and application procedures will be publicly announced. Successful applicants will be issued a free permit from the site office. This permit must be in possession while hunting and must be returned and harvest reported to the address indicated on the card before February 15. Failure to return the permit shall result in loss of hunting

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENTS

privileges at that site for the following year.

- 2) Resident hunters must obtain a free permit from the site office. This permit must be in possession while hunting and must be returned and harvest reported to the address indicated on the card before February 15. Failure to return the permit shall result in loss of hunting privileges at that site for the following year.

Jim Edgar Panther Creek State Fish and Wildlife Area (1) (4)

- \* Sangchris Lake State Park (an antlerless deer must be taken on site before an antlered deer is harvested; site will be closed to archery deer hunting during the second firearm deer season) (1) (2) (4)

Siloam Springs State Park (2) (4)

~~Wolf Creek State Park (an antlerless deer must be taken on the site before an antlered deer is harvested) (2) (4)~~

- m) Statewide regulations shall apply at this site except that:

Hunter quotas for specific periods shall be filled by mail-in drawing. Only Illinois residents are eligible to apply. Information about drawing dates and application procedures will be publicly announced. Successful applicants will be issued a permit for the time period specified. This permit must be in possession while hunting and returned by February 15 to the site office. Failure to return the permit shall result in the forfeiture of hunting privileges at this site for the following year.

Moraine Hills State Park (an antlerless deer must be taken on the site before an antlered deer is harvested)

Sahara Woods State Fish and Wildlife Area (Illinois residents and non-residents are eligible for the drawing) (1) (2)

Volo Bog State Natural Area (an antlerless deer must be taken on the site before an antlered deer is harvested)

Weldon Springs State Park – Piatt County Unit (an antlerless deer must be taken on the site before an antlered deer is harvested)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

[Wolf Creek State Park \(an antlerless deer must be taken on the site before an antlered deer is harvested; Illinois residents and non-residents are eligible for the drawing\) \(2\) \(4\)](#)

- n) Violations of site specific regulations are petty offenses (see 520 ILCS 5/2.20).

(Source: Amended at 30 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Youth Hunting Seasons
- 2) Code Citation: 17 Ill. Adm. Code 685
- 3) 

<u>Section Numbers:</u>	<u>Proposed Action:</u>
685.50	Amendment
685.110	Amendment
- 4) Statutory Authority: Implementing and authorized by Sections 1.3, 1.4, 2.24, 2.25, 2.26 and 3.36 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 2.24, 2.25, 2.26 and 3.36].
- 5) A Complete Description of the Subjects and Issues Involved: This Part is being amended to add language pertaining to recording of confirmation numbers on damaged harvest tags and to update regulations and site information for youth waterfowl hunting.
- 6) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this rulemaking contain incorporations by reference? No
- 9) Are there any other proposed amendments pending on this Part? No
- 10) Statement of Statewide Policy Objective: This rulemaking does not affect units of local government.
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Comments on the proposed rulemaking may be submitted in writing for a period of 45 days following publication of this Notice to:  

Jack Price, Legal Counsel  
Department of Natural Resources  
One Natural Resources Way  
Springfield IL 62702-1271  
  
217/782-1809
- 12) Initial Regulatory Flexibility Analysis:
  - A) Types of small businesses, small municipalities and not for profit corporations

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

affected: None

B) Reporting, bookkeeping or other procedures required for compliance: None

C) Types of professional skills necessary for compliance: None

13) Regulatory Agenda on which this rulemaking was summarized: July 2005

The full text of the Proposed Amendments begins on the next page:

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENTS

TITLE 17: CONSERVATION  
CHAPTER I: DEPARTMENT OF NATURAL RESOURCES  
SUBCHAPTER b: FISH AND WILDLIFEPART 685  
YOUTH HUNTING SEASONS

## Section

685.10	Statewide Season for White-Tailed Deer Hunting
685.20	Statewide Deer Permit Requirements
685.30	Statewide Firearm Requirements for Hunting the Youth Deer Season
685.40	Statewide Deer Hunting Rules
685.50	Reporting Harvest of Deer
685.60	Rejection of Application/Revocation of Deer Permits
685.70	Regulations at Various Department-Owned or -Managed Sites
685.80	Youth White-Tailed Deer Hunt
685.90	Heritage Youth Wild Turkey Hunt – Spring Season (Repealed)
685.100	Youth Pheasant Hunting (Repealed)
685.110	Youth Waterfowl Hunting
685.120	Youth Dove Hunting (Repealed)

AUTHORITY: Implementing and authorized by Sections 1.3, 1.4, 2.24, 2.25, 2.26 and 3.36 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 2.24, 2.25, 2.26 and 3.36].

SOURCE: Adopted at 20 Ill. Reg. 12452, effective August 30, 1996; amended at 21 Ill. Reg. 14548, effective October 24, 1997; amended at 25 Ill. Reg. 6904, effective May 21, 2001; amended at 26 Ill. Reg. 4418, effective March 11, 2002; amended at 26 Ill. Reg. 13828, effective September 5, 2002; amended at 27 Ill. Reg. 14332, effective August 25, 2003; amended at 29 Ill. Reg. 20469, effective December 2, 2005; amended at 30 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

**Section 685.50 Reporting Harvest of Deer**

- a) Successful hunters must register their harvest by 10:00 p.m. on the same calendar day the deer was taken by calling the toll-free telephone check-in system at 1-866-ILCHECK or by accessing the on-line check-in system at <http://dnr.state.il.us/vcheck>. They will be provided with a confirmation number to verify that they checked in their harvest. This number must be written by the hunter on the harvest tag (leg tag). If the condition of the tag precludes writing on the tag in the appropriate space (i.e., bloody, etc.), the confirmation number shall

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENTS

be written elsewhere on the tag, or onto a piece of paper and attached to the deer along with the temporary harvest tag. The deer must remain whole (or field dressed) until it has been checked in. In instances where deer are checked in while the hunter is still afield, the deer may not be dismembered while afield beyond quartering the animal. If quartered, all parts of the carcass (except the entrails removed during field dressing) must be transported together and evidence of sex must remain naturally attached to one quarter. Evidence of sex is:

- 1) For a buck: head with antlers attached to carcass or attached testicle, scrotum, or penis.
  - 2) For a doe: head attached to carcass or attached udder (mammary) or vulva.
- b) The harvest tag (leg tag) and confirmation number must remain attached to the deer until it is at the legal residence of the person who legally took or possessed the deer and final processing is completed. If the head/antlers are delivered to a taxidermist for processing, the confirmation number must be recorded on the "head tag" portion of the permit and both must remain with the deer while at the taxidermist's. If the carcass is taken to a meat processor, the harvest tag (leg tag) with confirmation number must remain with the deer while it is processed and until it is at the legal residence of the person who legally took or possessed the deer. Persons delivering deer/parts of deer to a tanner for processing must supply the tanner with either their deer permit number, their confirmation number, or a written certification by the person from whom the deer was received that the specimen was legally taken or obtained.
- c) Site specific reporting requirements must be followed in addition to this Section.
- d) Violation is a Class B misdemeanor (see 520 ILCS 5/2.24).

(Source: Amended at 30 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 685.110 Youth Waterfowl Hunting**

- a) Permit Requirements
  - 1) Permit reservations shall be accepted starting in September. Initial acceptance dates shall be publicly announced. Applicants must be between the ages of 10-15 inclusive on the date of the hunt.

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENTS

- 2) Only one permit per person shall be issued for the hunt on the first weekday after December 26 other than a Monday at Horseshoe Lake Conservation Area (Alexander County) and Union County Conservation Area and on the Sunday immediately preceding the first firearm deer season as set forth in 17 Ill. Adm. Code 650.10 at Donnelley/DePue State Wildlife Area (3 "i" unit), and on the first weekend and third Saturday of the Illinois Central Zone Waterfowl season at Donnelley State Wildlife Area, and on the second Sunday in November of the Illinois Central Zone Waterfowl season at Spring Lake State Fish and Wildlife Area – Spring Lake Bottoms Unit.
  - 3) The permit shall be for the use of the entire blind and it shall be the responsibility of the permit holder to bring one supervising adult who may also hunt. The supervising adult shall be criminally liable for the actions of the youth in the hunting party, and be subject to the criminal penalties provided by law.
  - 4) Permit reservations and transferability.
    - A) All duplicate permit reservations shall be rejected and the hunter shall forfeit his rights to a permit. Permits are not transferable. Previous participants are ineligible to apply for a permit.
    - B) For other information write to:

Illinois Department of Natural Resources  
Youth Waterfowl Hunt  
One Natural Resources Way  
P.O. Box 19457  
Springfield IL 62794-9457
  - 5) Permits for the Illinois Youth Waterfowl Hunt will be issued from the Springfield Permit Office.
- b) General Waterfowl Hunting Regulations at the Youth Waterfowl Hunting Areas
- 1) Hours, Permits and Stamp Charges
    - A) Hunting hours at Horseshoe Lake (Alexander County) and Union

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENTS

County are from legal opening until 12:00 Noon on the day of the Youth Goose Hunt. Hunting hours at Donnelley/DePue State Wildlife Area (3 "i" Unit), Banner Marsh State Fish and Wildlife Area, [Spring Lake State Fish and Wildlife Area – Spring Lake Bottoms Unit](#) and Snakeden Hollow State Fish and Wildlife Area are from statewide opening to 1:00 p.m. on the days of the youth waterfowl hunts.

- B) At Union County Conservation Area, Horseshoe Lake Conservation Area (Alexander County) and Snakeden Hollow State Fish and Wildlife Area, hunters with Illinois Youth Waterfowl Hunt Permit reservations are required to check in at the check station between 4:30 a.m. and 5:00 a.m. Permits are void after 5:00 a.m. A drawing shall be held on the morning of the hunt to allocate blind sites.
- C) At Donnelley/DePue State Wildlife Area (3 "i" Unit) and Banner Marsh Fish and Wildlife Area, hunters with Illinois Youth Waterfowl Hunt Permit reservations are required to check in one hour before shooting time. The blinds will be allocated by drawing. For the youth hunts other than the Illinois Youth Waterfowl Hunt, hunters with permit reservations must check in at the check station no later than one hour before shooting time or the permit is void.
- D) At Spring Lake State Fish and Wildlife Area – Spring Lake Bottoms Unit, hunters with Illinois Youth Waterfowl Permit reservations are required to check-in at the check station no later than one hour before legal shooting time, after which time permits are void. A drawing shall be held on the morning of the hunt to allocate blind sites.
- ED) There is no fee for the Illinois Youth Waterfowl Hunting Permit.
- 2) Hunting must be done from assigned blinds only and hunters, unless authorized, shall not move from blind to blind or leave the blind and return.
- 3) Guns must be unloaded and encased at all times when not hunting.

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENTS

- 4) At Union County Conservation Area, Horseshoe Lake Conservation Area (Alexander County) and Snakeden Hollow State Fish and Wildlife Area, each youth shall not possess more than 25 shells. Each adult shall not possess more than 5 shells for each Canada goose allowed in the daily bag. Hunters without their guns may leave the blind to retrieve crippled waterfowl.
  - 5) Each youth and supervising adult may be accompanied by a non-hunting guide. The maximum number of people in a blind is two hunting youth, two non-hunting adults and a non-hunting guide.
  - 6) At Rend Lake, hunters participating in the youth hunt must sign in and out, no entry into subimpoundments before 4:30 a.m. and must be out of subimpoundments by 2:00 p.m.
- c) Special Hunts
- If, by regulation published in the Federal Register, the U.S. Fish and Wildlife Service sets any special dates for youth-only waterfowl hunting, the Department shall, by public announcement, open those Department sites that, under the circumstances prevailing at the time, the Department believes may be opened without unduly disturbing other Department programs.
- d) Violations of this Section are Class B misdemeanors (see 520 ILCS 5/2.18), except that hunting prior to ½ hour before sunrise is a Class A misdemeanor with a minimum \$500 fine and a maximum \$5,000 fine in addition to other statutory penalties (see 520 ILCS 5/2.33(y)).

(Source: Amended at 30 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Squirrel Hunting
- 2) Code Citation: 17 Ill. Adm. Code 690
- 3) 

<u>Section Numbers:</u> 690.10 690.30	<u>Proposed Action:</u> Amendment Amendment
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- 4) Statutory Authority: Implementing and authorized by Sections 1.2, 1.3, 1.4, 2.1, 2.2, 2.28 and 3.5 of the Wildlife Code [520 ILCS 5/1.2, 1.3, 1.4, 2.1, 2.2, 2.28 and 3.5].
- 5) A Complete Description of the Subjects and Issues Involved: This Part is being amended to change the season dates to "August 1 through February 15" and to update the list of sites open for hunting and to update site-specific regulations.
- 6) Will this rulemaking replace an emergency rulemaking currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this rulemaking contain incorporations by reference? No
- 9) Are there any other proposed amendments pending on this Part? No
- 10) Statement of Statewide Policy Objective: This rulemaking does not affect units of local government.
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Comments on the proposed rulemaking may be submitted in writing for a period of 45 days following publication of this Notice to:  

Jack Price, Legal Counsel  
Department of Natural Resources  
One Natural Resources Way  
Springfield IL 62702-1271

217/782-1809
- 12) Initial Regulatory Flexibility Analysis:
  - A) Types of small businesses, small municipalities and not for profit corporations

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

affected: None

B) Reporting, bookkeeping or other procedures required for compliance: None

C) Types of professional skills necessary for compliance: None

13) Regulatory Agenda on which this rulemaking was summarized: January 2006

The full text of the Proposed Amendments begins on the next page:

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENTS

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

PART 690  
 SQUIRREL HUNTING

## Section

690.10	Hunting Seasons
690.20	Statewide Regulations
690.30	Regulations at Various Department-Owned or -Managed Sites

**AUTHORITY:** Implementing and authorized by Sections 1.2, 1.3, 1.4, 2.1, 2.2, 2.28 and 3.5 of the Wildlife Code [520 ILCS 5/1.2, 1.3, 1.4, 2.1, 2.2, 2.28 and 3.5].

**SOURCE:** Adopted at 5 Ill. Reg. 8017, effective July 24, 1981; codified at 5 Ill. Reg. 10642; emergency amendment at 5 Ill. Reg. 11382, effective October 14, 1981, for a maximum of 150 days; emergency expired March 12, 1982; amended at 6 Ill. Reg. 9642, effective July 21, 1982; amended at 7 Ill. Reg. 8809, effective July 15, 1983; emergency amendment at 7 Ill. Reg. 9690, effective August 1, 1983, for a maximum of 150 days; emergency expired December 29, 1983; amended at 8 Ill. Reg. 16789, effective August 30, 1984; amended at 9 Ill. Reg. 11614, effective July 16, 1985; amended at 10 Ill. Reg. 15601, effective September 16, 1986; amended at 11 Ill. Reg. 9549, effective May 5, 1987; amended at 12 Ill. Reg. 12246, effective July 15, 1988; amended at 13 Ill. Reg. 10606, effective June 15, 1989; amended at 14 Ill. Reg. 10816, effective June 20, 1990; amended at 15 Ill. Reg. 10012, effective June 24, 1991; amended at 16 Ill. Reg. 11087, effective June 30, 1992; amended at 17 Ill. Reg. 10842, effective July 1, 1993; amended at 18 Ill. Reg. 8624, effective May 31, 1994; amended at 19 Ill. Reg. 10664, effective July 1, 1995; amended at 20 Ill. Reg. 10882, effective August 5, 1996; amended at 21 Ill. Reg. 9095, effective June 26, 1997; amended at 22 Ill. Reg. 14844, effective August 3, 1998; amended at 23 Ill. Reg. 9074, effective July 28, 1999; amended at 24 Ill. Reg. 8947, effective June 19, 2000; amended at 25 Ill. Reg. 9903, effective July 17, 2001; amended at 26 Ill. Reg. 13845, effective September 5, 2002; amended at 27 Ill. Reg. 12640, effective July 21, 2003; amended at 28 Ill. Reg. 11893, effective July 27, 2004; amended at 29 Ill. Reg. 9786, effective June 27, 2005; amended at 30 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

**Section 690.10 Hunting Seasons**

Season dates: August 1 through ~~February 15~~~~January 20~~ (except closed during firearm deer seasons, as set by 17 Ill. Adm. Code 650, in those counties open to firearm deer hunting). Hunting outside the set season dates is a petty offense (see 520 ILCS 5/2.28).

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENTS

(Source: Amended at 30 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 690.30 Regulations at Various Department-Owned or -Managed Sites**

- a) All the regulations in 17 Ill. Adm. Code 510, General Hunting and Trapping on Department-Owned or Managed Sites, apply in this Part, unless this Part is more restrictive. Violation of a site specific regulation is a petty offense (see 520 ILCS 5/2.28).
- b) Hunting with .22 caliber or smaller rimfire firearms or muzzleloading black powder rifles is allowed at those sites listed in the following subsections that are followed by a (1).
- c) Check-in, check-out and reporting of harvest is required at those sites listed in the following subsections that are followed by a (2).
- d) Statewide regulations apply at the following sites:
  - Anderson Lake Conservation Area (2)
  - Apple River Canyon State Park – Salem and Thompson Units (2)
  - Argyle Lake State Park (2)
  - Big Bend State Fish and Wildlife Area (2)
  - Big River State Forest (2)
  - Cache River State Natural Area (1) (2)
  - Campbell Pond Wildlife Management Area
  - Carlyle Lake Lands and Waters – Corps of Engineers managed lands (1)
  - Carlyle Lake Wildlife Management Area (subimpoundment area closed 7 days prior to and during the southern zone waterfowl season) (1)
  - Chain O'Lakes State Park (opens Wednesday after permit pheasant season for 5 consecutive days, except closed on Christmas Day; 8:00 a.m. to 4:00

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENTS

p.m.; daily quota filled on first come-first served basis; DNR issued back patch must be worn while hunting; only shot size of No. 3 steel, No. 4 bismuth, No. 5 tungsten-iron, tungsten-matrix, tungsten-polymer or smaller may be used) (2)

Crawford County Conservation Area (1) (2)

Cypress Pond State Natural Area (1) (2)

Deer Pond State Natural Area (1) (2)

Devil's Island State Fish and Wildlife Area

Dog Island Wildlife Management Area (1) (2)

Eldon Hazlet State Park (north of Allen Branch (2); and west of Peppenhorst Branch only)

Falling Down Prairie (2)

Ferne Clyffe State Park – Cedar Draper Bluffs Hunting Area (1) (2)

Fort de Chartres Historic Site (muzzleloading firearms or bow and arrow only) (1) (2)

Fort Massac State Park (2)

Hanover Bluff State Natural Area (2)

Kaskaskia River State Fish and Wildlife Area (Doza Creek Waterfowl Management Area closed 7 days prior to and during duck season; [the defined Baldwin Lake Waterfowl Rest Area is closed](#)) (1) (2)

Kinkaid Lake Fish and Wildlife Area (1)

Lowden-Miller State Forest (hunting allowed from September 1 through September 30 only; hunting allowed only on the southern one-half of the site) (1) (2)

Marseilles State Fish and Wildlife Area (Monday through Thursday only)

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENTS

through October 31; during August, hunting allowed west of E. 2450 Road only; open daily November 1 through the end of the site archery deer season; closed during the site firearm and muzzleloading deer seasons; unauthorized personnel may not be on the site outside of the posted check station operating hours; hunters may only enter the site from designated parking lots) (2)

Marshall State Fish and Wildlife Area (1)(2)

Mermet Lake Conservation Area (non-toxic shot only in waterfowl areas; squirrel hunting closes after September 30, except in upland game area) (1) (2)

Mississippi River Fish and Waterfowl Management Area (Pools 25 and 26) (1)

Mississippi River Pools 16, 17, 18 (1)

Mississippi River Pools 21, 22, 24 (1)

Morrison Rockwood State Park (opens November 1 and closes the Thursday before the first statewide firearm deer season) (1) (2)

Nauvoo State Park (Max Rowe Unit only)

Oakford Conservation Area (1)

Peabody River King State Fish and Wildlife Area (east and north subunits close November 1) (2)

Randolph County Conservation Area (2)

Ray Norbut State Fish and Wildlife Area (1) (2)

Red Hills State Park (2)

Rend Lake Project Lands and Waters (1)

Sahara Woods State Fish and Wildlife Area (1) (2)

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENTS

Saline County Fish and Wildlife Area (1) (2)

Sam Dale Lake Conservation Area (2)

Sam Parr State Park (2)

Sangamon County Conservation Area

Shawnee National Forest – Oakwood Bottoms (non-toxic shot only) (1)

Sielbeck Forest Natural Area (1) (2)

Skinner Farm State Habitat Area (2)

Spoon River State Forest (1) (2)

Stephen A. Forbes State Park (2)

Tapley Woods State Natural Area (2)

Trail of Tears State Forest (1) (2)

Turkey Bluffs State Fish and Wildlife Area (1) (2)

Walnut Point Fish and Wildlife Area (1) (2)

Washington County Conservation Area (2)

Weinberg-King State Park (1) (2)

Weinberg-King State Park – Cecil White Unit

Weinberg-King State Park – Scripps Unit (1) (2)

Weinberg-King State Park – Spunky Bottoms Unit (1) (2)

Wildcat Hollow State Forest (1)

Witkowsky State Wildlife Area (opens after second firearm deer season)  
(2)

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENTS

- e) Season dates shall be the day following Labor Day through the end of the statewide season at the following sites:
- Ferne Clyffe State Park – Ferne Clyffe Hunting Area (2)
  - Giant City State Park (rimfire cartridges allowed in Union County portion; no rimfire cartridges allowed in Jackson County portion only) (1) (2)
  - Hamilton County Conservation Area (2)
  - Pere Marquette State Park (2)
  - Pyramid State Park (2)
  - Siloam Springs State Park (2)
- f) Season dates shall be the day after Labor Day through September 30 at the following sites:
- Johnson-Sauk Trail State Park ([season reopens the day after the archery deer season closes and remains open until the end of the statewide season](#)) (2)
  - Jubilee College State Park (2)
  - Kankakee River State Park (2)
  - Sangchris Lake State Park (2)
  - Silver Springs State Park (2)
  - Spring Lake Fish and Wildlife Area (2)
- g) Statewide regulations apply at the following sites, except that hunters must obtain a free permit from the Department and variations in season dates are in parentheses. Permits must be in possession while hunting. The permit must be returned and harvest reported by ~~March~~[February](#) 15 or the hunter will forfeit privileges at that site for the following year:

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENTS

Chauncey Marsh (permit may be obtained at Red Hills State Park Headquarters) (1)

Clinton Lake State Recreation Area – North Fork Management Area, North of the County Road at the North Fork Boat Ramp and handicapped upland game area (1)

Coffeen Lake State Fish and Wildlife Area (statewide opening through September 30)

Fox Ridge State Park (1)

Harry "Babe" Woodyard State Natural Area

Hidden Springs State Forest (.22 rimfire firearms and muzzleloading blackpowder rifles prohibited until October 1) (1)

Horseshoe Lake State Park – Gabaret, Mosenthein and Chouteau Island Units (Madison County)

Hurricane Creek Habitat Area (season closes October 31)

Jim Edgar Panther Creek State Fish and Wildlife Area (the Quality Unit and Controlled Unit close October 31) (1)

Kickapoo State Park (season opens day after Labor Day)

Lake Shelbyville – Eagle Creek State Park (closes opening day of site's pheasant season)

Lake Shelbyville – Kaskaskia and West Okaw Wildlife Management Areas (1)

Matthiessen State Park (season opens on statewide opening day and closes the day before the archery deer season opens; permits available at the Starved Rock State Park office; hunting in designated areas only)

Meeker State Habitat Area (obtain permit at Sam Parr State Park headquarters)

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENTS

Middle Fork Fish and Wildlife Area (season opens day after Labor Day)

Momence Wetlands (season opens day after Labor Day; closes September 30; shotgun only, non-toxic shot only)

Moraine View State Park

Newton Lake Fish and Wildlife Area (closes September 30)

Pyramid State Park – Captain Unit (1)

Pyramid State Park – Denmark Unit (1)

Pyramid State Park – East Conant Unit (1)

Pyramid State Park – Galum Unit (1)

Ramsey Lake State Park

Sand Ridge State Forest (closes October 31) (1)

Sanganois State Fish and Wildlife Area (1)

Siloam Springs State Park – Buckhorn Unit (1) (2)

Ten Mile Creek Fish and Wildlife Area (1)

- h) Season dates shall be statewide opening through September 30 at the following sites:

Beaver Dam State Park (2)

Castle Rock State Park (2)

Iroquois County Wildlife Management Area (1) (2)

Mackinaw State Fish and Wildlife Area (2)

Mt. Vernon Game Propagation Center (2)

Sandy Ford Land and Water Reserve (2)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

Weldon Springs – Piatt County Unit (2)

Woodford County Fish and Wildlife Area (2)

- i) Season dates shall be statewide opening through October 31 at the following sites:

Green River State Wildlife Area (2)

Horseshoe Lake Conservation Area (season on the controlled goose hunting area shall close October 31, remainder of the public hunting area statewide season; non-toxic shot only) (1)

Union County Conservation Area (season on the controlled goose hunting area closes October 31; firing line unit – statewide closing; non-toxic shot only) (1)

(Source: Amended at 30 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: The Taking of Wild Turkeys – Fall Archery Season
- 2) Code Citation: 17 Ill. Adm. Code 720
- 3) 

<u>Section Numbers</u> :	<u>Proposed Action</u> :
720.30	Amendment
720.40	Amendments
- 4) Statutory Authority: Implementing and authorized by Sections 1.3, 1.4, 2.9, 2.10 and 2.11 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 2.9, 2.10 and 2.11].
- 5) A Complete Description of the Subjects and Issues Involved: This Part is being amended to add language identifying illegal bows and to update the list of open sites and site specific regulations.
- 6) Will this rulemaking replace an emergency rulemaking currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this rulemaking contain incorporations by reference? No
- 9) Are there any other proposed amendments pending on this Part? No
- 10) Statement of Statewide Policy Objective: This rulemaking does not affect units of local government.
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Comments on the proposed rulemaking may be submitted in writing for a period of 45 days following publication of this Notice to:  

Jack Price, Legal Counsel  
Department of Natural Resources  
One Natural Resources Way  
Springfield IL 62702-1271

217/782-1809
- 12) Initial Regulatory Flexibility Analysis:
  - A) Types of small businesses, small municipalities and not for profit corporations

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

affected: None

B) Reporting, bookkeeping or other procedures required for compliance: None

C) Types of professional skills necessary for compliance: None

13) Regulatory Agenda on which this rulemaking was summarized: January 2006

The full text of the Proposed Amendments begins on the next page:

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENTS

TITLE 17: CONSERVATION  
CHAPTER I: DEPARTMENT OF NATURAL RESOURCES  
SUBCHAPTER b: FISH AND WILDLIFEPART 720  
THE TAKING OF WILD TURKEYS – FALL ARCHERY SEASON

## Section

720.10	Hunting Seasons and Counties Open to Hunting
720.20	Statewide Turkey Permit Requirements
720.25	Turkey Permit Requirements – Landowner/Tenant Permits
720.30	Turkey Hunting Regulations
720.40	Regulations at Various Department-Owned or -Managed Sites
720.50	Releasing or Stocking of Turkeys (Repealed)

AUTHORITY: Implementing and authorized by Sections 1.3, 1.4, 2.9, 2.10 and 2.11 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 2.9, 2.10 and 2.11].

SOURCE: Adopted and codified at 8 Ill. Reg. 7825, effective May 22, 1984; emergency amendments at 8 Ill. Reg. 20086, effective October 12, 1985, for a maximum of 150 days; emergency expired March 2, 1985; amended at 9 Ill. Reg. 14311, effective September 5, 1985; amended at 11 Ill. Reg. 9556, effective May 5, 1987; amended at 12 Ill. Reg. 12254, effective July 15, 1988; amended at 13 Ill. Reg. 12831, effective July 21, 1989; amended at 14 Ill. Reg. 12413, effective July 20, 1990; amended at 15 Ill. Reg. 11611, effective August 2, 1991; amended at 16 Ill. Reg. 11093, effective June 30, 1992; amended at 16 Ill. Reg. 15442, effective September 28, 1992; amended at 17 Ill. Reg. 281, effective December 28, 1992; amended at 17 Ill. Reg. 10850, effective July 1, 1993; amended at 18 Ill. Reg. 10104, effective June 21, 1994; amended at 19 Ill. Reg. 11799, effective August 3, 1995; amended at 20 Ill. Reg. 10890, effective August 5, 1996; amended at 21 Ill. Reg. 9102, effective June 26, 1997; amended at 22 Ill. Reg. 14856, effective August 3, 1998; amended at 23 Ill. Reg. 9082, effective July 28, 1999; amended at 24 Ill. Reg. 8956, effective June 19, 2000; amended at 25 Ill. Reg. 11448, effective August 14, 2001; amended at 26 Ill. Reg. 13867, effective September 5, 2002; amended at 27 Ill. Reg. 12658, effective July 21, 2003; amended at 28 Ill. Reg. 13612, effective September 24, 2004; amended at 29 Ill. Reg. 18345, effective August 26, 2005; amended at 29 Ill. Reg. 18944, effective November 4, 2005; amended at 30 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

**Section 720.30 Turkey Hunting Regulations**

- a) It is unlawful:

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENTS

- 1) to use live or electronic turkey decoys, recorded calls, dogs or bait. An area is considered as baited during the presence of and for 10 consecutive days following the removal of bait;
  - 2) to take, or attempt to take, more than 1 wild turkey per valid permit during the fall archery season (either sex may be harvested);
  - 3) to use any weapon except a long, recurved or compound bow with a minimum pull of 40 pounds at some point within a 28 inch draw. Minimum arrow length is 20 inches, and broadheads must be used. Broadheads may have fixed or expandable blades, but they must have a minimum  $\frac{7}{8}$  inch diameter when fully opened. Broadheads with fixed blades must be metal or flint-, chert-, or obsidian-napped; broadheads with expandable blades must be metal. All other bows and arrows, including electronic arrow tracking systems, are illegal. Any mechanical device capable of maintaining a drawn or partially drawn position on a bow without the hunter exerting full string tension is illegal, unless authorized for eligible disabled persons by 17 Ill. Adm. Code 760. Crossbows may be used as provided by 520 ILCS 5/2.33;
  - 4) for any person having taken the limit of wild turkeys to further participate with a weapon in any hunting party for the purpose of taking additional turkeys;
  - 5) for any person to hunt wild turkeys without having a signed Archery Wild Turkey Hunting Permit in possession, except that a person without a weapon may accompany a turkey hunter as a caller or observer;
  - 6) to transport or move a wild turkey without first affixing and properly sealing the adhesive-backed turkey permit securely around the leg. Leg tag must be affixed to the turkey immediately upon kill. No person shall leave any turkey that has been killed without properly attaching the turkey permit around the leg; and
  - 7) to possess, while in the field during archery turkey season, any turkey permit issued to another person.
- b) Successful hunters must register their harvest by 10:00 p.m. on the same calendar day the turkey was taken by calling the toll-free telephone check-in system, and will be provided with a confirmation number to verify that they checked in their

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENTS

harvest. The confirmation number must be written by the hunter onto the leg tag. The leg tag must remain attached to the leg of the turkey until it is at the legal residence of the person who legally took or possessed the turkey and the turkey has been checked in. The turkey must remain whole (or field dressed) until it has been checked in.

- c) Violation of this Section is a Class B misdemeanor (see 520 ILCS 5/2.9).

(Source: Amended at 30 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 720.40 Regulations at Various Department-Owned or -Managed Sites**

Statewide regulations shall apply for the following sites, except those sites designated below by asterisk (\*) shall be open to archery turkey hunting without regard to firearm deer season. Those sites followed by (1) require hunters to check in and check out. Violation of a site specific regulation is a Class B misdemeanor (see 520 ILCS 5/2.9). Those sites followed by a (2) require hunters to obtain a permit from the site before hunting:

- \* Anderson Lake Conservation Area (1)
- Apple River Canyon State Park – Salem and Thompson Units (1)
- Argyle Lake State Park (1)
- Beaver Dam State Park (2)
- Big Bend State Fish and Wildlife Area (1)
- Big River State Forest (1)
- Cache River State Natural Area (1)
- Campbell Pond Wildlife Management Area
- Carlyle Lake Lands and Waters – Corps of Engineers Managed Lands
- Carlyle Lake Wildlife Management Area (subimpoundment area closed 7 days prior to and during the southern zone waterfowl season)
- Castle Rock State Park (1)

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENTS

Chain O'Lakes State Park (closed Wednesday through Sunday of pheasant season; opens Monday prior to pheasant season and closes Tuesday following close of pheasant season; reopens December 26 through the close of regular season) (1)

Chauncey Marsh (permit available at Red Hills State Park) (2)

Clinton Lake State Recreation Area (2)

Coffeen Lake State Fish and Wildlife Area (2)

Crawford County Conservation Area (1)

Cypress Pond State Natural Area (1)

[Deer Pond State Natural Area \(1\)](#)

Devil's Island State Fish and Wildlife Area

Dixon Springs State Park (1)

Dog Island Wildlife Management Area (1)

Eagle Creek State Park (2)

Falling Down Prairie (1)

Ferne Clyffe State Park (1)

Fort de Chartres Historic Site

[\\* Fort Kaskaskia Historic Site \(opens November 1\) \(1\)](#)

Fort Massac State Park (1)

\* Franklin Creek State Park (hunting in designated area only) (1)

Giant City State Park (1)

Green River State Wildlife Area (1)

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENTS

Hamilton County Conservation Area (must possess valid site archery permit) (2)

Hanover Bluff State Natural Area (1)

Harry "Babe" Woodyard State Natural Area (2)

Horseshoe Lake Conservation Area (Alexander County) (controlled goose hunting area closed 7 days prior to the Quota Zone goose season through the close of the Quota Zone goose season; remainder of the public hunting area open during the statewide season) (1)  
(2)

\* Horseshoe Lake State Park – Gabaret, Mosenthein and Chouteau Island Units (Madison County) (2)

Iroquois County State Wildlife Area

Jim Edgar Panther Creek State Fish and Wildlife Area (2)

Johnson-Sauk Trail State Park (closed Wednesday through Sunday during site's pheasant permit season) (1)

Jubilee College State Park (1)

Kaskaskia River State Fish and Wildlife Area ([no hunting within 50 yards of the Baldwin Lake Waterfowl Rest Area's main north-south road; this defined waterfowl rest area is closed until the Columbus Day holiday](#)) (1 – [except south of Highway 154 and north of Highway 13](#))

Kickapoo State Park (2)

Kinkaid Lake Fish and Wildlife Area

Kishwaukee River State Fish and Wildlife Area (1)

Lowden-Miller State Forest (1)

Mackinaw River State Fish and Wildlife Area (1)

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENTS

Marseilles State Fish and Wildlife Area (closed each Friday, Saturday, and Sunday in October; [unauthorized personnel may not be on the site outside of the posted check station operating hours; hunters may only enter the site from designated parking lots](#)) (1)

Marshall State Fish and Wildlife Area (Duck Ranch Unit closed 7 days prior to the duck season through the close of duck season) (1)

\* Matthiessen State Park (hunting in designated areas only; must have valid archery deer permit in possession to hunt turkeys; open concurrent with site archery deer season; during the statewide firearm deer seasons, hunters must meet orange clothing requirements) (1)

Mautino State Fish and Wildlife Area (2)

Meeker State Habitat Area (obtain permit at Sam Parr State Park) (2)

Mernet Lake State Fish and Wildlife Area (1)

Middle Fork State Fish and Wildlife Area (2)

Mississippi Palisades State Park (November 1 through December 31) (2)

Mississippi River Fish and Waterfowl Management Area (Pools 25 and 26)

Mississippi River Pools 16, 17 and 18

Mississippi River Pools 21, 22 and 24

Moraine View State Park (closed Wednesday through Sunday during site's controlled pheasant season) (2)

Nauvoo State Park (Max Rowe Unit only)

Newton Lake Fish and Wildlife Area (must possess valid site archery permit) (2)

Oakford Conservation Area

Peabody River King State Fish and Wildlife Area (east and north subunits closed November 1) (1)

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENTS

- Pere Marquette State Park (1)
- Pyramid State Park
- Pyramid State Park – East Conant Unit (2)
- \* Ramsey Lake State Park (2)
- \* Randolph County Conservation Area
- Ray Norbut State Fish and Wildlife Area (1)
- \* Red Hills State Park (1)
- \* Rend Lake Project Lands and Waters
- Sahara Woods State Fish and Wildlife Area (1)
- Saline County Conservation Area (1)
- \* Sam Dale Lake Conservation Area (2)
- \* Sam Parr State Park (1)
- Sand Ridge State Forest (2)
- \* Sandy Ford Land and Water Reserve (1)
- Sanganois State Fish and Wildlife Area (2)
- Sangchris Lake State Park (1) (2)
- \* Shabbona Lake State Park (1)
- Shelbyville Lake – Corps of Engineers Managed Lands
- Shelbyville Wildlife Management Area (2)
- Sielbeck Forest Natural Area (1)

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENTS

Siloam Springs State Park (1) (2)

Siloam Springs State Park – Buckhorn Unit (resident hunters only) (1)(2)

Skinner Farm State Habitat Area (1)

Spoon River State Forest (1)

\* Spring Lake State Fish and Wildlife Area (2)

\* Stephen A. Forbes State Park (2)

Tapley Woods State Natural Area (1)

Ten Mile Creek Fish and Wildlife Area (2)

Trail of Tears State Forest (1)

Turkey Bluffs State Fish and Wildlife Area

Union County Conservation Area (firing line unit – Statewide season, Public Hunting Area October 1 through October 31, reopens with the close of the Quota Zone goose season) (1)

\* Washington County Conservation Area (1)

Wayne Fitzgerald State Park (no hunting during controlled hunts as posted at the site) (1)

Weinberg-King State Park

Weinberg-King State Park – Cecil White Unit

Weinberg-King State Park – Scripps Unit (resident hunters only) (1)

Weinberg-King State Park – Spunky Bottoms Unit (resident hunters only) (1)

Wildcat Hollow State Forest

Witkowsky State Wildlife Area (1)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

(Source: Amended at 30 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)



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DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENT

- B) Reporting, bookkeeping or other procedures required for compliance: None
- C) Types of professional skills necessary for compliance: None
- 13) Regulatory Agenda on which this rulemaking was summarized: January 2006

The full text of the Proposed Amendment begins on the next page:

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENT

TITLE 17: CONSERVATION  
CHAPTER I: DEPARTMENT OF NATURAL RESOURCES  
SUBCHAPTER b: FISH AND WILDLIFEPART 730  
DOVE HUNTING

Section	
730.10	Statewide Regulations
730.20	Regulations at Various Department-Owned or -Managed Sites
730.30	Youth and Youth/Adult Dove Hunts at Various Department-Owned or -Managed Sites (Repealed)
730.40	Youth Dove Hunting

**AUTHORITY:** Implementing and authorized by Sections 1.3, 1.4, 2.9, 2.10 and 2.11 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 2.9, 2.10 and 2.11].

**SOURCE:** Adopted at 5 Ill. Reg. 8792, effective August 25, 1981; codified at 5 Ill. Reg. 10644; amended at 6 Ill. Reg. 9631, effective July 21, 1982; emergency amendment at 6 Ill. Reg. 10040, effective August 2, 1982, for a maximum of 150 days; emergency expired December 30, 1982; amended at 7 Ill. Reg. 10767, effective August 24, 1983; emergency amendment at 7 Ill. Reg. 10999, effective August 24, 1983, for a maximum of 150 days; amended at 8 Ill. Reg. 13680, effective July 25, 1984; amended at 9 Ill. Reg. 11601, effective July 16, 1985; emergency amendment at 9 Ill. Reg. 14025, effective September 4, 1985, for a maximum of 150 days; amended at 10 Ill. Reg. 15590, effective September 16, 1986; amended at 11 Ill. Reg. 9526, effective May 5, 1987; amended at 11 Ill. Reg. 11346, effective June 10, 1987; amended at 12 Ill. Reg. 12186, effective July 15, 1988; amended at 13 Ill. Reg. 10513, effective June 15, 1989; amended at 14 Ill. Reg. 11193, effective June 29, 1990; amended at 15 Ill. Reg. 9951, effective June 24, 1991; amended at 16 Ill. Reg. 11041, effective June 30, 1992; amended at 17 Ill. Reg. 10761, effective July 1, 1993; amended at 18 Ill. Reg. 10009, effective June 21, 1994; amended at 19 Ill. Reg. 10588, effective July 1, 1995; amended at 20 Ill. Reg. 10861, effective August 5, 1996; amended at 21 Ill. Reg. 11700, effective August 12, 1997; amended at 22 Ill. Reg. 14792, effective August 3, 1998; amended at 23 Ill. Reg. 9043, effective July 28, 1999; amended at 24 Ill. Reg. 8911, effective June 19, 2000; amended at 25 Ill. Reg. 11373, effective August 14, 2001; amended at 26 Ill. Reg. 13590, effective September 3, 2002; amended at 27 Ill. Reg. 12666, effective July 21, 2003; amended at 28 Ill. Reg. 12865, effective September 1, 2004; amended at 29 Ill. Reg. 9797, effective June 24, 2005; amended at 30 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

**Section 730.20 Regulations at Various Department-Owned or -Managed Sites**

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENT

- a) All the regulations in 17 Ill. Adm. Code 510 – General Hunting and Trapping apply in this Section, unless this Section is more restrictive.
- b) General Regulations
  - 1) Hunters shall possess only bismuth or lead shot size #7½, 8, 9 or size #6 steel or smaller for taking of doves, except as noted under subsection (b)(2), and except these restrictions do not apply during the November portion of dove season.
  - 2) Only non-toxic shot (as defined by the U.S. Fish and Wildlife Service in 50 CFR 20), #6 steel shot or #7½ bismuth shot or smaller may be possessed on the following areas:
    - Anderson Lake Conservation Area
    - Banner Marsh State Fish and Wildlife Area
    - Big Bend State Fish and Wildlife Area (#)
    - Cache River State Natural Area
    - Carlyle Lake Wildlife Management Area (subimpoundments only)
    - Chain O'Lakes State Park
    - Clinton Lake State Recreation Area (dove management fields only)
    - Des Plaines Conservation Area
    - Double T State Fish and Wildlife Area
    - Eldon Hazlet State Park
    - Green River State Wildlife Area
    - Hennepin Canal Parkway State Park
    - Horseshoe Lake Conservation Area (Alexander County)

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENT

Horseshoe Lake State Park (Madison County) (#)

Horseshoe Lake State Park (Madison County) Gabaret,  
Mosenthein, Chouteau Island Unit (#)

Johnson-Sauk Trail State Park

Jubilee College State Park

Kankakee River State Park (#)

Kaskaskia River State Fish and Wildlife Area (designated areas)

Lake Shelbyville – Kaskaskia and West Okaw Wildlife Management  
Areas (waterfowl management units and designated non-toxic shot units  
only)

Mackinaw River State Fish and Wildlife Area

Mautino State Fish and Wildlife Area

Mazonia State Fish and Wildlife Area (#)

Mississippi River State Fish and Wildlife Area (Pools 25 and 26)

Moraine View State Park

Mt. Vernon Game Propagation Center (~~hunting hours are 12 noon  
to 5:00 p.m.~~) (#)

Peabody River King State Fish and Wildlife Area

Pyramid State Park – Captain Unit

Pyramid State Park – Denmark Unit

Pyramid State Park – Galum Unit

~~Rend Lake Project Lands and Waters~~

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENT

Rend Lake State Fish and Wildlife Area and Corps of Engineers managed areas of Rend Lake

Sand Prairie Pheasant Habitat Area

Sanganois State Fish and Wildlife Area

Sangchris Lake State Park

Shabbona Lake State Park

Silver Springs State Fish and Wildlife Area

Snakeden Hollow State Fish and Wildlife Area/Victoria Pheasant Habitat Area

Spoon River State Forest

Ten Mile Creek State Fish and Wildlife Area (areas posted as rest area on the Eads and Belle Rive Units)

Union County Conservation Area

- 3) On areas where hunters are required to hunt from marked or staked sites, hunters must hunt within 10 feet of the marked site.
- 4) No hunting is allowed within 100 yards of a designated dove management field except for hunters who are part of the hunter quota for that field.
- 5) At sites indicated by (#), hunters are required to check in and/or sign out as provided ~~for~~ in 17 Ill. Adm. Code 510.
- 6) At sites where additional regulations apply, they are noted in parentheses after the site name.
- 7) Hunting hours and hunting dates at all sites that are open during the upland game season shall coincide with hunting hours and hunting dates listed for the respective sites listed in 17 Ill. Adm. Code 530.

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENT

- c) Statewide season regulations as provided for in this rule shall apply at the following sites:

Argyle Lake State Park (season opens day after Labor Day)(#)

Cache River State Natural Area (#)

Campbell Pond Wildlife Management Area (#)

Carlyle Lake Lands and Waters – Corps of Engineers managed lands (#)

Chauncey Marsh (permit required; may be obtained at Red Hills State Park headquarters; permits must be returned by 15 February)

Cypress Pond State Natural Area (#)

Devil's Island State Fish and Wildlife Area

Dog Island Wildlife Management Area (#)

Ferne Clyffe State Park (#)

Ft. de Chartres State Historic Site (muzzleloading shotgun only) (#)

Ft. Massac State Park (#)

Freeman Mine (permit required)

~~Horseshoe Lake Conservation Area (season closes at the end of the first statewide split season) (#)~~

~~Horseshoe Lake State Park (Madison County) Gabaret, Mosenthein, Chouteau Island Unit (site permit required)~~

Marshall State Fish and Wildlife Area (#)

Mazonia State Fish and Wildlife Area (season closes September 30) (#)

Meeker State Habitat Area (permit required; may be obtained at Sam Parr State Park headquarters; must be returned by February 15)

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENT

Mermet Lake State Fish and Wildlife Area (#)

Mississippi River Pools 16, 17 and 18

Mississippi River Pools 21, 22, 24

Mississippi River State Fish and Waterfowl Management Area (Pools 25 and 26)

Oakford Conservation Area

Red Hills State Park (#)

~~Rend Lake Project Lands and Waters (#)~~

Sahara Woods State Fish and Wildlife Area (#)

Sand Ridge State Forest (permit required; must be returned by February 15)

Sangamon County Conservation Area

Sielbeck Forest Natural Area (#)

Spoon River State Forest (#)

Tapley Woods State Natural Area (#)

Ten Mile Creek State Fish and Wildlife Area (permit required; must be returned by February 15)

Trail of Tears State Forest (#)

Weinberg-King State Park – Spunky Bottoms Unit (#)

Wildcat Hollow State Forest

- d) Statewide regulations as provided in this Part shall apply at the following sites except that hunting hours are 12 noon to 5 p.m. daily September 1-5; season

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENT

closes September 30. A drawing will be held at 11 a.m. if more hunters show up than can be accommodated.

Banner Marsh State Fish and Wildlife Area (sunrise to noon daily September 1-5, drawing one hour before sunrise; black powder firearms only on September 2) (#)

Double T State Fish and Wildlife Area (#)

Hennepin Canal State Park (#)

Iroquois County Wildlife Management Area (#)

Matthiessen State Park (#)

Mautino State Fish and Wildlife Area (#)

Morrison Rockwood State Park (#)

Sanganois State Fish and Wildlife Area

Snakeden Hollow State Fish and Wildlife Area/Victoria Pheasant Habitat Area

- e) Statewide regulations as provided for in this Part shall apply at the following sites, except that hunting hours are 12 noon to 5 p.m. daily September 1-5. A drawing will be held at 11 a.m. if more hunters show up than can be accommodated.

Anderson Lake Conservation Area (#)

Big Bend State Fish and Wildlife Area

Big River State Forest (#)

Carlyle Lake Wildlife Management Area (#)

Chain O'Lakes State Park (closes September 5) (#)

Clinton Lake State Recreation Area (dove management fields only) (#)

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENT

Eldon Hazlet State Park (closes October 14) (#)

Fox Ridge State Park (dove management fields only)

Harry "Babe" Woodyard State Natural Area (permit required) (#)

Hidden Springs State Forest (dove management fields only)

Horseshoe Lake State Fish and Wildlife Area (Alexander County) (season closes at the end of the first statewide split season) (#)

Kaskaskia River State Fish and Wildlife Area (Doza Creek Waterfowl Management Area closes October 14; the defined Baldwin Lake Waterfowl Rest Area is closed) (#)

Kinkaid State Fish and Wildlife Area (#)

Lake Shelbyville – Kaskaskia and West Okaw Wildlife Management Areas (dove management fields only)

Marseilles State Fish and Wildlife Area (after Labor Day, site is closed on Fridays, Saturdays, and Sundays through October; hunters must leave their guns at the stake site when retrieving downed birds; unauthorized personnel may not be on the site outside of the posted check station operating hours; hunters may only enter the site from designated parking lots) (#)

Middle Fork State Fish and Wildlife Area (dove management fields only) (#)

Moraine View State Park (dove management fields only; season closes October 14) (#)

Newton Lake Fish and Wildlife Area (dove management units) (#)

Peabody River King State Fish and Wildlife Area (east subunit closes October 14) (#)

Pyramid State Park (no dove hunting is allowed September 1-5 within 200 yards of a designated dove management field, except for hunters who are

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENT

part of the hunter quota for that field; all hunters must register as a group not to exceed 4 names per card; a hunter's name may only appear on one lottery card; the lottery card shall be in the possession of the hunter or group while hunting) (#)

Pyramid State Park – Captain Unit (permit required; permit must be returned by February 15; successful lottery participants must report their daily harvest during September 1-5 in harvest boxes on each management unit; unsuccessful lottery participants and other hunters not participating in the lottery drawing may only hunt in designated areas during September 1-5 (i.e., all land west of the Western Haul Road and all land east of the Eastern Haul Road to the shore of Super Lake to South Haul Road); all hunters must register as a group not to exceed 4 names per card; a hunter's name may only appear on one lottery card; the lottery card shall be in the possession of the hunter or group while hunting))

Pyramid State Park – Denmark Unit (permit required; permit must be returned by February 15; successful lottery participants must report their daily harvest during September 1-5 in harvest boxes on each management unit; unsuccessful lottery participants and other hunters not participating in the lottery drawing may only hunt in designated areas during September 1-5 (i.e., all land south of Quonset Hut Road to Tangen Cemetery Road to Brushy Creek Road); all hunters must register as a group not to exceed 4 names per card; a hunter's name may only appear on one lottery card; the lottery card shall be in the possession of the hunter or group while hunting))

Pyramid State Park – East Conant Unit (permit required; permit must be returned by February 15; successful lottery participants must report their daily harvest during September 1-5 in harvest boxes on each management unit; no dove hunting is allowed September 1-5 within 200 yards of a designated dove management field except for hunters who are part of the hunter quota for that field; all hunters must register as a group not to exceed 4 names per card; a hunter's name may only appear on one lottery card; the lottery card shall be in the possession of the hunter or group while hunting))

Pyramid State Park – Galum Unit (permit required; permit must be returned by February 15)

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENT

Randolph County State Conservation Area (#)

Ray Norbut State Fish and Wildlife Area (#)

Siloam Springs State Park (#)

Turkey Bluffs State Fish and Wildlife Area (#)

Union County State Fish and Wildlife Area (season closes at the end of the first statewide split season) (#)

Washington County Conservation Area (closes October 14) (#)

Weinberg-King State Park (#)

- f) Statewide regulations as provided for in this Part shall apply at the following sites, except that hunting hours are 12 noon to 5 p.m. daily September 1-30. A drawing will be held at 11 a.m. if more hunters show up than can be accommodated.

Crawford County State Fish and Wildlife Area (#)

Hamilton County State Fish and Wildlife Area (#)

Jubilee College State Park (#)

Lake Le Aqua Na State Park (#)

Saline County State Fish and Wildlife Area (#)

Sam Dale Lake Conservation Area (#)

Sam Parr State Park (#)

Shabbona Lake State Park (#)

Skinner Farm State Habitat Area (#)

Stephen A. Forbes State Park (season opens day after Labor Day) (#)

- g) Statewide regulations as provided for in this Part shall apply at the following sites,

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENT

except that hunting hours are 12 noon to 5 p.m. daily. Hunting is allowed on opening day, Wednesday, and Saturday only. A drawing will be held at 11 a.m. if more hunters show up than can be accommodated.

Giant City State Park (#)

~~Horseshoe Lake Conservation Area (Alexander County) (#)~~  
~~Rend Lake State Fish and Wildlife Area and Corps of Engineers managed areas of Rend Lake~~

Saline County State Fish and Wildlife Area (#)

- h) Statewide regulations apply except that hunting hours are 12 noon to 5 p.m. from September 1-5; hunters must obtain a free permit from the Department; permits must be in possession while hunting on the site. Permit must be returned and harvest reported by February 15 or hunter will forfeit hunting privileges for that site for the following season.

Clinton Lake State Recreation Area (except dove management fields)

Fox Ridge State Park (except dove management units; shooting hours after September 5 are 12 noon to sunset)

Hidden Springs State Forest (except dove management fields)

Kickapoo State Park

Lake Shelbyville – Eagle Creek State Park (season opens day after Labor Day; closes October 14; shooting hours are 12 noon to sunset)

Lake Shelbyville – Kaskaskia and West Okaw Wildlife Management Areas (except dove management fields; shooting hours after September 5 are 12 noon to sunset)

Middle Fork State Fish and Wildlife Area (except dove management units)

Moraine View State Park (except dove management fields; season closes October 14)

Newton Lake Fish and Wildlife Area (except dove management units)

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENT

## Snakeden Hollow State Fish and Wildlife Area/Victoria Pheasant Habitat Area

- i) Statewide regulations as provided for in this Part shall apply at the following sites, except that hunting hours are sunrise to 11:30 a.m. daily September 1-5; season closes September 30. A drawing will be held one hour before sunrise if more hunters show up than can be accommodated.

Johnson-Sauk Trail State Recreation Area (#)

Mt. Vernon Game Propagation Center (#)

- j) Permit Areas

- 1) Permit Season Regulations

- A) Permit season dates shall be September 1-5 and hunting hours are 12 noon to 5 p.m. at the sites listed at the end of this subsection.
- B) Permit Applications  
Applicants must contact the Department to obtain a permit reservation. Starting dates and methods for making reservations will be publicly announced. Applicants making reservations will be sent confirmation. Up to 6 reservations, but only one per applicant, may be made. Multiple reservations for the same person will not be accepted; further, persons attempting to make multiple reservations will forfeit the privilege to obtain a reservation for that season.
- C) Each person may apply for only one area and receive one permit per season. An applicant may reapply only if his previous application was unsuccessful.
- D) Hunting at these areas is by special permit only for the first five days of the season; thereafter, no permits are required for hunting these sites, except at Jim Edgar Panther Creek State Fish and Wildlife Area as indicated in subsection (i)(3). All permits will be issued from Springfield and not from the site, except at Panther Creek State Fish and Wildlife Area as indicated in subsection

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENT

(i)(3).

E) Check in time for registration shall be between 9 a.m. and 11 a.m. each day. Openings after 11 a.m. will be filled by drawing for standbys if more hunters register than there are vacancies.

F) All hunters must wear a DNR issued backpatch.

2) Non-Permit Season Regulations

A) Non-permit season shall be September 6-30 except as indicated in parentheses.

B) Non-permit hunting hours shall be 12 noon to sunset except as indicated in parentheses.

C) No permits are required except as indicated in parentheses.

D) Check in and check out is required except as indicated in parentheses.

E) Hunter quotas will be filled on a first come-first served basis.

3) Sites

Coffeen Lake State Fish and Wildlife Area (non-permit hunting hours are 12 noon to 5:00 p.m.)

Des Plaines Conservation Area (non-permit hunting hours are 12 noon to 5 p.m.)

Edward R. Madigan State Park

Green River State Wildlife Area/Sand Prairie Habitat Area (non-permit hunting hours are sunrise to sunset)

Horseshoe Lake State Park (Madison County) (non-permit hunting hours are 12 noon to 5 p.m.)

Horseshoe Lake State Park (Madison County) Gabaret, Mosenthein,

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENT

Chouteau Island Unit (non-permit hunting hours are 12 noon to 5:00 p.m.)

Jim Edgar Panther Creek State Fish and Wildlife Area (for days 6 through 10 of the season, hunting hours are noon to 6:00 p.m. and hunters must check in and out at the site office; permit required as indicated in subsection (i) ~~above~~ for days 11 through the end of the statewide dove season; hunting hours for days 11 through the end of the statewide dove season are sunrise to sunset; on the Controlled Unit only those hunters engaged in the controlled pheasant hunting program may take doves during the November portion of the dove season; on the Quail Management Unit only those hunters with Quail Management Unit Permits may take doves during the November portion of the dove season)

Kankakee River State Park

Mackinaw River State Fish and Wildlife Area (non-permit hunting hours 12 noon to 5 p.m.; each permit authorizes the holder to bring one hunting partner)

Ramsey Lake State Park (non-permit hunting hours are 12 noon to 5 p.m.)

Sangchris Lake State Park (closed after Sunday of the third weekend in September)

Silver Springs State Park (closed during National Hunting and Fishing Day Weekend)

k) Violation of a site specific regulation is a petty offense (see 520 ILCS 5/2.20).

(Source: Amended at 30 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)



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DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENT

- B) Reporting, bookkeeping or other procedures required for compliance: None
- C) Types of professional skills necessary for compliance: None
- 13) Regulatory Agenda on which this rulemaking was summarized: January 2006

The full text of the Proposed Amendment begins on the next page:

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENT

TITLE 17: CONSERVATION  
CHAPTER I: DEPARTMENT OF NATURAL RESOURCES  
SUBCHAPTER b: FISH AND WILDLIFEPART 740  
CROW, WOODCOCK, SNIPE, RAIL AND TEAL HUNTING

## Section

740.10 Statewide Regulations

740.20 Regulations at Various Department-Owned or -Managed Sites

AUTHORITY: Implementing and authorized by Sections 1.2, 1.3, 1.4, 2.1, 2.2, 2.18, 2.26, 2.33 and 3.5 of the Wildlife Code [520 ILCS 5/1.2, 1.3, 1.4, 2.1, 2.2, 2.18, 2.26, 2.33 and 3.5] and Migratory Bird Hunting (50 CFR 20, August 25, 1987).

SOURCE: Adopted at 5 Ill. Reg. 8896, effective August 25, 1981; codified at 5 Ill. Reg. 10645; amended at 6 Ill. Reg. 357, effective December 23, 1981; amended at 6 Ill. Reg. 9648, effective July 21, 1982; amended at 7 Ill. Reg. 8815, effective July 15, 1983; amended at 8 Ill. Reg. 16796, effective August 30, 1984; amended at 9 Ill. Reg. 11620, effective July 16, 1985; peremptory amendments at 9 Ill. Reg. 14383, effective September 5, 1985; amended at 10 Ill. Reg. 15607, effective September 16, 1986; amended at 11 Ill. Reg. 9575, effective May 5, 1987; emergency amendments at 11 Ill. Reg. 15253, effective August 28, 1987, for a maximum of 150 days; emergency expired January 25, 1988; amended at 12 Ill. Reg. 12261, effective July 15, 1988; amended at 13 Ill. Reg. 12869, effective July 21, 1989; amended at 14 Ill. Reg. 11207, effective June 29, 1990; amended at 15 Ill. Reg. 10057, effective June 24, 1991; amended at 16 Ill. Reg. 11162, effective June 30, 1992; amended at 17 Ill. Reg. 10877, effective July 1, 1993; amended at 18 Ill. Reg. 9998, effective June 21, 1994; amended at 19 Ill. Reg. 10577, effective July 1, 1995; amended at 20 Ill. Reg. 10851, effective August 5, 1996; amended at 21 Ill. Reg. 9061, effective June 26, 1997; amended at 22 Ill. Reg. 14782, effective August 3, 1998; amended at 23 Ill. Reg. 9033, effective July 28, 1999; amended at 24 Ill. Reg. 8901, effective June 19, 2000; amended at 25 Ill. Reg. 11364, effective August 14, 2001; amended at 26 Ill. Reg. 13605, effective September 3, 2002; amended at 28 Ill. Reg. 12882, effective September 1, 2004; amended at 29 Ill. Reg. 9814, effective June 27, 2005; amended at 30 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

**Section 740.20 Regulations at Various Department-Owned or -Managed Sites**

- a) All the rules in 17 Ill. Adm. Code 510 apply in this Section, unless this Section is more restrictive. Violation of a site specific regulation is a petty offense (see 520 ILCS 5/2.20).

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENT

- b) Woodcock, snipe and rail hunting; statewide regulations as provided for in this Part shall apply at the following areas (exceptions are in parentheses):

Anderson Lake Conservation Area (closed 7 days before duck season)

Big Bend State Fish and Wildlife Area

Big River State Forest

Cache River State Natural Area

Campbell Pond Wildlife Management Area

Carlyle Lake Lands and Waters – Corps of Engineers managed lands

Carlyle Lake Wildlife Management Area (sub-impoundment area closes 7 days prior to the southern zone waterfowl season)

Crawford County Conservation Area

Cypress Pond State Natural Area

Deer Pond State Natural Area

Devil's Island

Dog Island Wildlife Management Area

Eldon Hazlet State Park (North of Allen Branch and west of Peppenhorst Branch only)

Ferne Clyffe State Park

Ft. de Chartres Historic Site (hunting with muzzle loading shotgun only)

Ft. Massac State Park

Giant City State Park

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENT

Hamilton County Conservation Area (statewide hours until rabbit season, then 8:00 a.m. to 4:00 p.m.)

Horseshoe Lake Conservation Area (public hunting area except controlled goose hunting area)

Iroquois County Wildlife Management Area (season closes the day before permit pheasant season; 4:00 p.m. daily closing; sign in/out required; closed to snipe hunting)

Jubilee College State Park (season coincides with Jubilee Upland season, 17 Ill. Adm. Code 530.110)

Kankakee River State Park (woodcock only; during the controlled pheasant hunting season, hunters must abide by those portions of 17 Ill. Adm. Code 530.105 and 530.110 which pertain to Kankakee River State Park)

Kaskaskia River State Fish and Wildlife Area (Doza Creek Waterfowl Management Area closed 7 days prior to waterfowl season; the defined Baldwin Lake Waterfowl Rest Area is closed)

Kinkaid Lake Fish and Wildlife Area

Marseilles State Fish and Wildlife Area (woodcock only; Monday – Thursday only through October; unauthorized personnel may not be on the site outside of the posted check station operating hours; hunters may only enter the site from designated parking lots)

Mermet Lake Fish and Wildlife Area

Mississippi River Fish and Waterfowl Management Area (Pools 25 and 26)

Mississippi River Pools 16, 17, and 18

Mississippi River Pools 21, 22 and 24

Oakford Conservation Area

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENT

Peabody River King State Fish and Wildlife Area (West subunit only;  
woodcock only)

Pyramid State Park

Ramsey Lake State Park (statewide hours until rabbit season begins; then  
8:00 a.m. to 4:00 p.m.)

Randolph County Conservation Area (woodcock only)

Ray Norbut State Fish and Wildlife Area

Red Hills State Park

Rend Lake Project Lands and Waters

Rice Lake Wildlife Area (season open during teal season only; sunrise  
until 1:00 p.m.)

Sahara Woods State Fish and Wildlife Area

Saline County Fish and Wildlife Area

Sam Dale Lake Conservation Area (statewide hours until rabbit season,  
then 8:00 a.m. to 4:00 p.m.)

Sam Parr State Park (statewide hours until rabbit season, then 8:00 a.m. to  
4:00 p.m.)

Sand Ridge State Forest (During the controlled pheasant hunting season,  
hunters must abide by those portions of 17 Ill. Adm. Code 530.105 and  
530.110 which pertain to Sand Ridge State Forest)

Sielbeck Forest Natural Area

Skinner Farm State Habitat Area

Snake Den Hollow Fish and Wildlife Area/Victoria Pheasant Habitat Area  
(closes September 30)

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENT

Stephen A. Forbes State Park (statewide hours until rabbit season, then 8:00 a.m. to 4:00 p.m.)

Tapley Woods State Natural Area (closed during firearm deer season)

Trail of Tears State Forest

Turkey Bluffs Fish and Wildlife Area

Union County Conservation Area (Firing Line Management Area only)

Washington County Conservation Area (woodcock only)

Weinberg-King State Park

Weinberg-King State Park – Spunky Bottoms Unit (check-in/check-out required)

Wildcat Hollow State Forest

- c) Woodcock, snipe and rail hunting permitted, exceptions as noted in parentheses. Hunters must obtain a permit from site office and permit must be in possession while hunting. Failure to report harvest by February 15 will result in loss of hunting privileges at that site for the following year.

Chauncey Marsh

Clinton Lake State Recreation Area (4:00 p.m. daily closing)

Fox Ridge State Park (woodcock only; 4:00 p.m. daily closing)

Harry "Babe" Woodyard State Natural Area (woodcock only; closes October 31)

Hidden Springs State Forest (4:00 p.m. daily closing)

Horseshoe Lake State Park (Madison County) – Gabaret, Mosenthein, Chouteau Island Unit (permit required)

Jim Edgar Panther Creek State Fish and Wildlife Area (hunters are

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENT

restricted to the Open Units portion of the site during the controlled pheasant season, except those hunters who possess a valid Quality Unit or Controlled Unit permit)

Kickapoo State Park (woodcock only; 4:00 p.m. daily closing; closed during firearm deer season)

Lake Shelbyville – Eagle Creek State Park (woodcock only; 4:00 p.m. daily closing; closes opening day of site's pheasant season)

Lake Shelbyville – Kaskaskia and West Okaw Wildlife Management Area (4:00 p.m. daily closing)

Middle Fork Fish and Wildlife Area (woodcock only; 4:00 p.m. daily closing; closed during firearm deer season)

Moraine View State Park (woodcock only; 4:00 p.m. daily closing; season closes the day before site's controlled pheasant season)

Pyramid State Park – Captain Unit (open to hunters with a quality upland permit, daily draw waterfowl permit and site permit)

Pyramid State Park – Denmark Unit (open to hunters with a quality upland permit, daily draw waterfowl permit and site permit)

Pyramid State Park – East Conant Unit (open to hunters with a quality upland permit, daily draw waterfowl permit and site permit)

Pyramid State Park – Galum Unit (permit required; must be returned by February 15)

Newton Lake Fish and Wildlife Area (woodcock only; closed during firearm deer season)

Sanganois State Fish and Wildlife Area

Ten Mile Creek Fish and Wildlife Area (non-toxic shot only for woodcock hunting in waterfowl rest areas)

- d) Teal hunting; statewide regulations as provided for in this Part shall apply on the

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENT

following sites, except no permanent blinds allowed except as authorized in 17 Ill. Adm. Code 590.15, 590.20, 590.40 and 590.50 (exceptions are in parentheses):

Anderson Lake Conservation Area

Blanding Wildlife Area

Cache River State Natural Area

Campbell Pond Wildlife Management Area

Carlyle Lake Lands and Waters – Corps of Engineers managed lands (waters of Peppenhorst Branch and Allen Branch north of the buoys only)

Carlyle Lake Wildlife Management Area (teal hunting prohibited east of Kaskaskia River from the Cox's Bridge Access north to DNR property boundary)

Chain O'Lakes State Park (hunting is allowed only from numbered blind sites; the blinds need not be completed)

Chauncey Marsh (permit required)

Clinton Lake State Recreation Area (hunting in waterfowl areas East of Parnell Bridge and North of Route 54 only)

Coffeen Lake State Fish and Wildlife Area (hunters must sign in prior to hunting and sign out reporting harvest at the end of each day; hunting from staked sites only; no permanent blinds; hunting by boat access only; no cutting vegetation on site; hunting north of County Road N6th only; four hunters per blind site; no fishing north of County Road N6th during this season)

Cypress Pond State Natural Area

Deer Pond State Natural Area

Des Plaines Conservation Area (hunting is allowed only from numbered blind sites; the blinds need not be completed)

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENT

Devil's Island

Dog Island Wildlife Management Area

Eldon Hazlet State Park – North Allen Branch Waterfowl Management Area

Ft. de Chartres Historic Site (hunting is allowed from anchored, portable boat blinds only)

Horseshoe Lake Conservation Area – Public Hunting Area (Alexander County)

Horseshoe Lake State Park (Madison County) (hunting is allowed only from numbered blind sites; blind builders must claim their blinds ½ hour before shooting time each day or blind is open to the public; blinds need not be completed)

Horseshoe Lake State Park (Madison County) – Gabaret, Mosenthein, Chouteau Island Unit (permit required)

Kaskaskia River State Fish and Wildlife Area (the defined Baldwin Lake Waterfowl Rest Area is closed)

Kidd Lake State Natural Area (hunters must check in and out and report harvest each day; hunter quota filled on a first come-first served basis; cutting of vegetation is prohibited)

Lake Shelbyville – Kaskaskia and West Okaw Wildlife Management Areas (site permit described in subsection (c) applies)

Lake Shelbyville – Corps of Engineers Managed Lands and Waters

Lake Sinnissippi Fish and Wildlife Area (hunting is allowed only from numbered blind sites; blind builders must claim their blinds ½ hour before shooting time each day or blind is open to the public; blinds need not be completed)

Marshall State Fish and Wildlife Area – all management units

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENT

## Meredosia Lake

Mississippi River Fish and Waterfowl Management Area (Mississippi River Pools 25 and 26) (blind builders must claim their blinds ½ hour before shooting time or the blind is open for that day's hunt; no hunting allowed in the designated Batchtown waterfowl rest area, Crull Hollow waterfowl rest area and Godar waterfowl rest area)

Mississippi River Pools 16, 17 and 18

Mississippi River Pools 21, 22 and 24

Oakford Conservation Area

Pyramid State Park – Captain Unit (permit required; must be returned by February 15; hunting not allowed in Captain Unit waterfowl rest area)

Pyramid State Park – Denmark Unit (permit required; must be returned by February 15; hunting not allowed in Denmark Unit waterfowl rest area)

Pyramid State Park – Galum Unit (permit required; must be returned by February 15)

Ray Norbut Fish and Wildlife Area

Rend Lake Project Lands and Waters

Rice Lake Fish and Wildlife Area (check in and check out required; sunrise until 1:00 p.m.)

Saline County Fish and Wildlife Area

Sanganois State Fish and Wildlife Area (permit required)

Snake Den Hollow Fish and Wildlife Area/Victoria Pheasant Habitat Area

Stephen A. Forbes State Park (walk-in hunting in the subimpoundment only)

Ten Mile Creek State Fish and Wildlife Area (permit required)

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENT

Turkey Bluffs State Fish and Wildlife Area

Union County Conservation Area (public hunting area and firing line unit only)

Weinberg-King State Park – Spunky Bottoms Unit (check-in/check-out required)

Woodford Fish and Wildlife Area

e) Crow Hunting

1) Statewide regulations as provided for in this Part shall apply at the following sites (season dates in parentheses):

Anderson Lake Conservation Area

Big Bend State Fish and Wildlife Area

Big River State Forest

Green River State Wildlife Area (January 1 through statewide closing)

Hamilton County State Fish and Wildlife Area

Jim Edgar Panther Creek State Fish and Wildlife Area (East and West Open Units)

Mississippi River Pools 16, 17, 18

Mississippi River State Fish and Wildlife Area (Pools 25 and 26)

Pyramid State Park – Captain Unit (no hunting in waterfowl rest area; permit required, must be returned by February 15)

Pyramid State Park – Denmark Unit (no hunting in waterfowl rest area; permit required, must be returned by February 15)

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENT

Pyramid State Park – East Conant Unit (no hunting in waterfowl rest area; permit required, must be returned by February 15)

Pyramid State Park – Galum Unit (no hunting in waterfowl rest area; permit required, must be returned by February 15)

Ray Norbut Fish and Wildlife Area

Sanganois State Fish and Wildlife Area (day after Canada goose season closes through statewide closing; nontoxic shot only; permit required)

Spoon River State Forest (all hunters must sign in/sign out)

Stephen A. Forbes State Park

Weinberg-King State Park – Spunky Bottoms Unit (check-in/check-out required)

- 2) Crow hunting permitted, exceptions as noted in parentheses. Hunters must obtain a permit from site office and permit must be in possession while hunting. Failure to report harvest by March 15 will result in loss of hunting privileges at that site for the following year:

Horseshoe Lake State Park (Madison County) (begins the day after controlled pheasant hunting closes through the end of February)

Horseshoe Lake State Park (Madison County) – Gabaret, Mosenthein, Chouteau Island Unit

Ten Mile Creek Fish and Wildlife Area (non-toxic shot only for crow hunting in waterfowl rest areas)

- 3) All hunters must make a reasonable effort to retrieve downed birds. All crows must be removed from the site by the hunter.

(Source: Amended at 30 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED RULES

- 1) Heading of the Part: Control of Emissions from Large Combustion Sources
- 2) Code Citation: 35 Ill. Adm. Code Part 225
- 3) 

<u>Section Numbers:</u>	<u>Proposed Action:</u>
225.100	New
225.120	New
225.130	New
225.140	New
225.200	New
225.202	New
225.205	New
225.210	New
225.220	New
225.230	New
225.232	New
225.235	New
225.237	New
225.240	New
225.250	New
225.260	New
225.261	New
225.263	New
225.265	New
225.270	New
225.290	New
225.295	New
- 4) Statutory Authority: 415 ILCS 5/9.10, 27 and 28.5 (2005)
- 5) A Complete Description of the Subjects and Issues Involved: This rulemaking is proposed to meet certain obligations of the State of Illinois under the Clean Air Act, 42 USC § 7401 *et seq.*; specifically, to satisfy Illinois' obligation to submit a State Implementation Plan to address the requirements of the Clean Air Mercury Rule, 70 Fed. Reg. 28606, and to address the applicable requirements of Section 9.10 of the Environmental Protection Act, 415 ILCS 5/9.10. This proposal will require Illinois coal-fired EGUs that serve a generator greater than 25 megawatts producing electricity for sale to begin to utilize control technology for mercury as necessary to achieve the numerical standards set by the proposed rule beginning July 1, 2009. To achieve this goal while preserving flexibility, the regulations provide new and existing sources with two

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED RULES

alternative mercury emission standards to demonstrate compliance. The first alternative allows a source to comply with a mercury emission standard of 0.0080 lb mercury/GWh gross electrical output for each EGU. In the alternative, sources may control emissions by a minimum of 90% from input mercury levels. In addition, through December 31, 2013, companies with several sources with EGUs may utilize averaging demonstrations between the sources. Those sources that have no sister plants are grouped into a co-op so that they may also average amongst the listed facilities. However, every source in the averaging demonstration must attain at least a 75% reduction of input mercury or 0.020 lb mercury/GWh gross electrical output. This proposal also sets forth permitting, monitoring, recordkeeping, and reporting requirements for affected sources.

- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: The regulatory proposal included the Illinois EPA's *Technical Support Document for Reducing Mercury Emissions from Coal-Fired Electric Generating Units (TSD)* that relied on several published studies and reports. Copies of the documents the Illinois EPA relied upon are available for review with the Pollution Control Board and are listed below. The *TSD* includes an executive summary of the results from the Integrated Planning Model that was performed by ICF Resources, Inc. contracted by the Illinois EPA. The underlying data used to perform the modeling and the results are also available for review at the Pollution Control Board.

Anderson, H.A., J.F. Amrhein, P. Shubat, and J. Hesse. Protocol for a uniform Great Lakes sport fish consumption advisory. Great Lakes Fish Advisory Task Force Protocol Drafting Committee. 1993.

Berry, M., Irvin, N., Monroe, L., Bustard, J., Lindsey, C., Brignac, P., Taylor, T., Schlager, R., Sjostrom, S., Starns, T., Chang, R., O'Palko, A., 2004. "Field Test Program for Long-Term Operation of a COHPAC® System for Removing Mercury from Coal-Fired Flue Gas", Presented at the Joint EPRI DOE EPA Combined Utility Air Pollution Control Symposium, The Mega Symposium, August 31-September 2, 2004, Washington, D.C.

Biermann, J., Higgins, B., Wendt, J.O., Senior, C., Wang, D. "Mercury Reduction at a Coal Fired Power Plant at over 2000 °F Using MinPlus Sorbent Through Furnace Sorbent Injection", 2006 Electric Utilities Environmental Conference, Tucson, AZ, January 22-25, 2006; Available online at <http://www.mobotecusa.com>

Bustard, J.; Durham, M.; Lindsey, C.; Starns, T.; Baldrey, K.; Martin, C.; Schlager, R.; Sjostrom, S.; Slye, R.; Renninger, S.; Monroe, L.; Miller, R.; Chang, R., "Full-Scale Evaluation of Mercury Control with Sorbent Injection and COHPAC at Alabama Power

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED RULES

E.C., Gaston,” DOE-EPRI-U.S. EPA-A&WMA Power Plant Air Pollutant Control Mega Symposium, Chicago, IL, August 20-23, 2001.

Cain, Alex, U.S. Environmental Protection Agency Presentation, LADCO Mercury Workshop, O’Hare International Center –Auditorium, Rosemont, Illinois, February 22, 2006.

Dombrowski, K., Richardson, C., “Sorbent Injection for Small ESP Mercury Control in Bituminous Coal Flue Gas”, DOE/NETL’s Mercury Control Technology R&D Program Review, Pittsburgh, PA, July 12-13, 2005.

Dombrowski, K., Richardson, C., Machalek, T., Chapman, D., Chang, R., Monroe, L., Berry, M., Irvin, N., McBee, K., Sjostrom, S., “Sorbent Injection for Mercury Control Upstream of Small-SCA ESPs”, Presented at the Joint EPRI DOE EPA Combined Utility Air Pollution Control Symposium, The Mega Symposium, August 31-September 2, 2004, Washington, D.C.

Durham, “Advances in Mercury Control Technology”, Pennsylvania Mercury Rule Workgroup Meeting, November 18, 2005.

"Field Test Program for Long-Term Operation of a COHPAC® System for Removing Mercury", DOE/NETL’s Mercury Control Technology R&D Program Review, Pittsburgh, PA, July 12-13, 2005.

Hurt, R., Suuberg, E., Yu-Ming, Mehta, A., "The Passivation of Carbon for Improvement of Air Entrainment in Fly Ash Concrete",  
<http://www.netl.doe.gov/publications/proceedings/00/ubc00/HURT.PDF>

Hutson, N., "Brominated Sorbents: Effects on Emissions of Halogenated Air Toxics", DOE/NETL's Mercury Control Technology R&D Program Review, Pittsburgh, PA, July 12-13, 2005.

Illinois Department of Public Health. Environmental Health Fact Sheet – Fish Advisories in Illinois. Illinois Department of Public Health, Division of Environmental Health, Springfield, IL. 2006.

Illinois Environmental Protection Agency. Illinois 2004 Section 303(d) List. IEPA/BOW/04-005. Bureau of Water, Watershed Management Section: Springfield, IL. November 2004.

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED RULES

Illinois Environmental Protection Agency. DRAFT – Illinois Integrated Water Quality Report and Section 303(d) list – 2006. Clean Water Act Sections 303(d), 305(b) and 314. Water Resource Assessment Information and Listing of Impaired Waters. Bureau of Water, Watershed Management Section, Surface Water Section: Springfield, IL.

Institute of Clean Air Companies, "Status and Capabilities of Mercury Control Technologies," Presentation to EPA Administrator Leavitt, Washington, D.C., July 20, 2004.

Jenkins, R.E., Burkhead, N.M., 1993. Freshwater Fishes of Virginia. American Fisheries Society. Bethesda, Maryland. Pages 732-736.

Johnson, D., Cummings, J., "TOXECON™ Retrofit for Mercury and Multi-Pollutant Control", presentation on Clean Coal Power Initiative, downloaded from [www.netl.doe.gov](http://www.netl.doe.gov)

Khan, S. and Srinivasachar, S., "Field Demonstration of Enhanced Sorbent Injection for Mercury Control", DOE-NETL, Mercury Control Program, Review Meeting, July 12, 2005.

Michigan Electric Utility Workgroup, "Final Report on Mercury Emissions from Coal-Fired Power Plants", June 20, 2005.

Migler, Paul, VanAthen, Chris. "North American Power Plant Air Emissions. Commission for Environmental Cooperation of North America, 2004.

MinPlus Sorbent: Non Carbon Sorbent for Mercury Control in Coal Fired Boilers, August 2005.

National Wildlife Federation, Getting the Job Done: Affordable Mercury Control at Coal-Burning Power Plants, October 2004.

Nelson, S., "Sorbent Technology for Mercury Control", Pennsylvania Mercury Rule Workgroup Meeting, November 18, 2005.

Nolan, P., Downs, W., Bailey, R., Vecchi, S., "Use of Sulfide Containing Liquors for Removing Mercury from Flue Gases", U.S. Patent # 6,503,470, January 7, 2003.

Northeast States for Coordinated Air Use Management (NESCAUM), "Economic Valuation of Human Health Benefits for Controlling Mercury Emissions from U.S. Coal-Fired Power Plants", February 2005.

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED RULES

Northeast States for Coordinated Air Use Management (NESCAUM), "Mercury Emissions from Coal-Fired Power Plants. The Case for Regulatory Action," October 2003.

Renninger, S., Farthing, G., Ghorishi, S.B., Teets, C., Neureuter, J., "Effects of SCR Catalyst, Ammonia Injection and Sodium Hydrosulfide on the Speciation and Removal of Mercury within a Forced-Oxidized Limestone Scrubber", Presented at the Joint EPRI DOE EPA Combined Utility Air Pollution Control Symposium, The Mega Symposium, August 31-September 2, 2004, Washington, D.C.

Richardson, C., Machalek, T., Marsh, B., Miller, S., Richardson, M., Chang, R., Strohfus M., Smokey, S., Hagley, T., Juip G., Rosvold, R., "Chemical Addition for Mercury Control in Flue Gas Derived from Western Coals" Presented at the Joint EPRI DOE EPA Combined Utility Air Pollution Control Symposium, The Mega Symposium, May 19-22, 2003, Washington, D.C.

Rostam-Abadi, M., "Illinois Coal Properties In Regard to Mercury", ICCI Mercury Meeting, Chicago, IL, November 9, 2005.

U.S. Environmental Protection Agency. Regulatory Impact Analysis of the Clean Air Mercury Rule. Final Report. EPA-452/R-05-003. March 2005.

Smith, Philip W. The Fishes of Illinois. University of Illinois Press. Pages 232-233. 1979.

Srinivasachar, S., Kang, S., "Field Demonstration of Enhanced Sorbent Injection for Mercury Control: Quarterly Technical Progress Report", Report Period: July 1 – September 30, 2005, Prepared for U.S. Department of Energy National Energy Technology Laboratory, Pittsburgh, Pennsylvania (Under Contract DE-FC26-04NT42306), November 8, 2005.

Srivastava, R.K.; Sedman, C.B.; Kilgroe, J.D., "Performance and cost of Mercury Emission Control Technology Applications on Electric Utility Boilers," EPA-600/R-00-083, September 2000.

Starns, T., Amrhein, J., Martin, C., Sjostrom, S., Bullinger, C., Stockdill, D., Strohfus, M., Chang, R., "Full-Scale Evaluation of TOXECON II<sup>TM</sup> on a Lignite-Fired Boiler", Presented at the Joint EPRI DOE EPA Combined Utility Air Pollution Control Symposium, The Mega Symposium, "August 31-September 2, 2004, Washington, D.C.

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED RULES

Staudt, J., "Mercury Allowances and Strategies: Peering Through the Mist", EUCI's Navigating the Mercury Issue, October 19-20, 2005, Arlington, VA.

Staudt, J., Jozewicz, W., "Performance and Cost of Mercury and Multipollutant Emission Control Technology Applications on Electric Utility Boilers", EPA/600/R-03/110; U.S. Environmental Protection Agency, Office of Research and Development, National Risk Management Research Laboratory, Research Triangle Park, NC, October 2003.

Tran, P., Shore, L., Yang, X., Hizny, W., Butz, J., "Mercury Control: Novel Non-Carbon Sorbents", Power-Gen International, Las Vegas, NV, December 6-8, 2005.

Trasande, L., Landrigan, P., Schechter, C., "Public Health and Economic Consequences of Methylmercury Toxicity to the Developing Brain," Environmental Health Perspective, February 28, 2005. Available online at <http://dx.doi.org>

"Use of High-Carbon Illinois Fly Ash in Cement Manufacturing Demonstration Phase," ICCI Project Number: 99-1/2.1A-1 <http://www.icci.org/00final/bhatty99.htm>

U.S. Department of Health and Human Services, Agency for Toxic Substances and Disease Registry (ATSDR). 1999. Toxicological Profile of Mercury. Public Health Service, Atlanta, GA.

U.S. Environmental Protection Agency. Mercury Study Report to Congress. An Inventory of Anthropogenic Mercury Emissions in the United States. Volume II (EPA-452/R-97-004); December 1997.

U.S. Environmental Protection Agency Mercury Study Report to Congress, Executive Summary. Volume I (EPA-US 2/R-97-003); December 1997.

U.S. Environmental Protection Agency. Mercury Study Report to Congress. Health Effects of Mercury and Mercury Compounds. Volume V. (EPA-452/R-97-007). 1997.

U.S. Environmental Protection Agency. Mercury Study Report to Congress. Characterization of Human Health and Wildlife Risks from Mercury Exposure in the United States. Vol. VII (EPA-452/R-97-009). December 1997.

U.S. Environmental Protection Agency, "Control of Mercury Emissions from Coal-Fired Electric Utility Boilers: Interim Report", EPA-600/R-01-109, April 2002.

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED RULES

U.S. Environmental Protection Agency, "Engineering and Economic Factors Affecting the Installation of Control Technologies for Multipollutant Strategies", EPA-600/R-02/073, October 2002.

U.S. Environmental Protection Agency, "Study of Hazardous Air Pollutant Emissions from Electric Utility Steam Generating Units – Final Report to Congress," EPA-453/R-98-004, February 1998.

U.S. Environmental Protection Agency, 2005, Air Pollution Prevention and Control Division, National Risk Management Research Laboratory, Office of Research and Development, "Control of Mercury Emissions from Coal Fired Electric Utility Boilers: An Update", Research Triangle Park, NC, February 18, 2005.

U.S. Environmental Protection Agency, Emission Generation Resource Grid (eGrid), User's Manual, Prepared by E.H. Pechan & Associates Inc., April 2003; Available Online at: (<http://www.epa.gov/cleanenergy/egrid/index.htm>)

U.S. Environmental Protection Agency. Guidance for 2006 Assessment, Listing and Reporting Requirements Pursuant to Sections 303(d), 305(b) and 314 of the Clean Water Act. Watershed Branch Assessment and Watershed Protection Division, Office of Wetlands, Oceans, and Watersheds, Office of Water. July 29, 2005.

U.S. Environmental Protection Agency. Office of Inspector General. Evaluation Report. Additional Analyses of Mercury Emissions Needed Before EPA Finalizes Rules for Coal-Fired Electric Utilities. Report No. 2005-P-00003. February 3, 2005.

World Health Organization. *Methyl Mercury, Volume 101*. Distribution and Sales Service, International Programme on Chemical Safety, Geneva, Switzerland. 1990.

California Environmental Protection Agency. "Chemicals in Fish: Consumption of Fish and Shellfish in California and the United States." October 2001.

Crelling, J. Dr., Carty, R. Dr. "Prediction of Mercury Removal Efficiencies with Current Coal Washing Practices." Interim Final Technical Report. September 1, 2004 through August 31, 2005.

Foerter, David C. Institute of Clean Air Companies. Testimony Before the USEPA on CAIR and CAMR. February 26, 2004.

Illinois Department of Natural Resources. "2006 Illinois Fishing Information." 2006.

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED RULES

Illinois Department of Public Health. 2006. Environmental Health Fact Sheet – Fish Advisories in Illinois. Illinois Department of Public Health, Division of Environmental Health, Springfield, IL

Nelson, Sid, Brickett, Lynn. Large Scale Mercury Control Field Testing- Phase II. "Advanced Utility Mercury-Sorbent Field Testing Program." Progress Report. July 2005.

O'Palko, A., Sjostrom, S., Starns, T. "Evaluation of Sorbent Injection for Mercury Control. NETL Meeting. July 12, 2005.

Pellettieri, M.B., Hallenbeck, W.H., Brenniman, G.R., Cailas, M., Clark, M. "PCB Intake from Sport Fishing Along the Northern Illinois Shore of Lake Michigan." Environmental Contamination and Toxicology. 1996.

Princiotta, F.T., Technical Memorandum, Control of Mercury Emissions from Coal-Fired Utility Boilers. October 25, 2000.

Srivastava, R.K., Staudt, James E., Jozewicz, W. "Preliminary Estimates of Performance and Cost of Mercury Emission Control Technology Applications on Electric Utility Boilers: An Update."

U.S. Environmental Protection Agency. Appendix B Background Material of Methodology Used to Estimate 1999 National Mercury Emissions from Coal-Fired Electric Utility Boilers. Electricity Utility Steam Generating Unit Mercury Emissions Information Collection Effort. September 15, 2000.

U.S. Geological Survey. "Coal Quality Information-Key to the Efficient and Environmentally Sound Use of Coal." February 9, 2006.

- 7) Will this rulemaking replace any emergency rule currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? Yes
- 10) Are there any other proposed rules pending on this Part? No

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED RULES

- 11) Statement of Statewide Policy Objective: This rulemaking does not create or enlarge a State mandate, as defined in Section 3(b) of the State Mandates Act. [30 ILCS 805/3(b) (2004)].
- 12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: The Board will accept written public comment on this proposal for 45 days after the date of publication in the *Illinois Register*. Comments should reference Docket R06-25 and be addressed to:

Clerk's Office  
Illinois Pollution Control Board  
100 W. Randolph St., Suite 11-500  
Chicago, IL 60601

Interested persons may request copies of the Board's opinion and order by calling Dorothy Gunn at 312-814-3620, or download from the Board's Web site at [www.ipcb.state.il.us](http://www.ipcb.state.il.us).

For more information contact Marie Tipsord at 312/814-4925 or email at [tipsordm@ipcb.state.il.us](mailto:tipsordm@ipcb.state.il.us).

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: None
- B) Reporting, bookkeeping or other procedures required for compliance: The proposed rulemaking requires the owner or operator of an affected source to install required emissions monitoring systems, complete required certification tests, and record, report, and quality-assure the data from such systems. The owner or operator of an affected source must also maintain emissions monitoring information, submit quarterly reports, compliance certifications, and annual certifications of compliance.
- C) Types of Professional skills necessary for compliance: No professional skills beyond those currently required by the existing State and federal air pollution control regulations applicable to affected sources will be required.
- 14) Regulatory Agenda on which this rulemaking was summarized: January 2006

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED RULES

The full text of the Proposed Rules begins on the next page:

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED RULES

TITLE 35: ENVIRONMENTAL PROTECTION  
SUBTITLE B: AIR POLLUTION  
CHAPTER I: POLLUTION CONTROL BOARD  
SUBCHAPTER c: EMISSION STANDARDS AND LIMITATIONS  
FOR STATIONARY SOURCES

## PART 225

## CONTROL OF EMISSIONS FROM LARGE COMBUSTION SOURCES

## SUBPART A: GENERAL PROVISIONS

Section	
225.100	Severability
225.120	Abbreviations and Acronyms
225.130	Definitions
225.140	Incorporations by Reference

SUBPART B: CONTROL OF MERCURY EMISSIONS  
FROM COAL-FIRED ELECTRIC GENERATING UNITS

Section	
225.200	Purpose
225.202	Measurement Methods
225.205	Applicability
225.210	Compliance Requirements
225.220	Clean Air Act Permit Program (CAAPP) Permit Requirements
225.230	Emission Standards for EGUs at Existing Sources
225.232	Averaging Demonstrations for Existing Sources
225.235	Units Scheduled for Permanent Shut Down
225.237	Emission Standards for New Sources with EGUs
225.240	General Monitoring and Reporting Requirements
225.250	Initial Certification and Recertification Procedures for Emissions Monitoring
225.260	Out of Control Periods for Emission Monitors
225.261	Additional Requirements to Provide Heat Input Data
225.263	Monitoring of Gross Electrical Output
225.265	Coal Analysis for Input Mercury Levels
225.270	Notifications
225.290	Recordkeeping and Reporting
225.295	Treatment of Mercury Allowances

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED RULES

AUTHORITY: Implementing Section 9.10 and authorized by Sections 27 and 28.5 of the Environmental Protection Act [415 ILCS 5/9.10, 27 and 28.5].

SOURCE: Adopted at 30 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## SUBPART A: GENERAL PROVISIONS

**Section 225.100 Severability**

If any Section, subsection or clause of this Part is found invalid, such finding shall not affect the validity of this Part as a whole or any Section, subsection or clause not found invalid.

**Section 225.120 Abbreviations and Acronyms**

Unless otherwise specified within this Part, the abbreviations used in this Part shall be the same as those found in 35 Ill. Adm. Code 211. The following abbreviations and acronyms are used in this Part:

Act	Environmental Protection Act [415 ILCS 5]
Btu	British thermal unit
CAA	Clean Air Act [42 USC 7401 et seq.]
CAAPP	Clean Air Act Permit Program
CO <sub>2</sub>	carbon dioxide
EGU	electric generating unit
GWh	gigawatt hour
hr	hour
lb	pound
MW	megawatt
MWe	megawatt electrical
MWh	megawatt hour
NO <sub>x</sub>	nitrogen oxides
O <sub>2</sub>	oxygen
RATA	relative accuracy test audit
SO <sub>2</sub>	sulfur dioxide
USEPA	United States Environmental Protection Agency

**Section 225.130 Definitions**

The definitions contained in this Section apply only to the provisions of this Part. Unless otherwise defined in this Section and unless a different meaning of a term is clear from its

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED RULES

context, the definitions of terms used in this Part shall have the meanings specified for those terms in 35 Ill. Adm. Code 211.

"Averaging demonstration" means, with regard to Subpart B of this Part, a demonstration of compliance that is based on the combined performance of EGUs at two or more sources.

"Boiler" means an enclosed fossil or other fuel-fired combustion device used to produce heat and to transfer heat to recirculating water, steam, or other medium.

"Bottoming-cycle cogeneration unit" means a cogeneration unit in which the energy input to the unit is first used to produce useful thermal energy and at least some of the reject heat from the useful thermal energy application or process is then used for electricity production.

"Coal" means any solid fuel classified as anthracite, bituminous, subbituminous, or lignite by the American Society for Testing and Materials (ASTM) Standard Specification for Classification of Coals by Rank D388-77, 90, 91, 95, 98a, or 99 (Reapproved 2004).

"Coal-derived fuel" means any fuel (whether in a solid, liquid or gaseous state) produced by the mechanical, thermal, or chemical process.

"Coal-fired" means combusting any amount of coal or coal-derived fuel, alone or in combination with any amount of any other fuel, during a specified year.

"Cogeneration unit" means a stationary, fossil fuel-fired boiler or stationary, fossil fuel-fired combustion turbine:

Having equipment used to produce electricity and useful thermal energy for industrial, commercial, heating, or cooling purposes through the sequential use of energy; and

Producing during the 12-month period starting on the date the unit first produces electricity and during any calendar year after the calendar year in which the unit first produces electricity:

For a topping-cycle cogeneration unit:

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED RULES

Useful thermal energy not less than 5 percent of total energy output; and

Useful power that, when added to one-half of useful thermal energy produced, is not less than 42.5 percent of total energy input, if useful thermal energy produced is 15 percent or more of total energy output, or not less than 45 percent of total energy input, if useful thermal energy produced is less than 15 percent of total energy output.

For a bottoming-cycle cogeneration unit, useful power not less than 45 percent of total energy input.

"Combustion turbine" means:

An enclosed device comprising a compressor, a combustor, and a turbine and in which the flue gas resulting from the combustion of fuel in the combustor passes through the turbine, rotating the turbine; and

If the enclosed device under the above paragraph of this definition is combined cycle, any associated heat recovery steam generator and steam turbine.

"Commence commercial operation" means, with regard to Subpart B of this Part, with regard to an Electric Generating Unit that serves a generator, to have begun to produce steam, gas, or other heated medium used to generate electricity for sale or use, including test generation. Such date shall remain the unit's date of commencement of operation even if the Electric Generating Unit is subsequently modified, reconstructed or repowered.

"Designated representative" means, with regard to Subpart B of this Part, the same as defined in 40 CFR 60.4102.

"Flue" means a conduit or duct through which gases or other matter is exhausted to the atmosphere.

"Gross electrical output" means the total electrical output from an Electric Generating Unit before making any deductions for energy output used in any way related to the production of energy. For an Electric Generating Unit generating

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED RULES

only electricity, the gross electrical output is the output from the turbine/generator set.

"Input mercury" means the mass of mercury that is contained in the coal combusted within an Electric Generating Unit.

"Nameplate capacity" means, starting from the initial installation of a generator, the maximum electrical generating output (in MWe) that the generator is capable of producing on a steady-state basis and during continuous operation (when not restricted by seasonal or other deratings) as specified by the manufacturer of the generator or, starting from the completion of any subsequent physical change in the generator resulting in an increase in the maximum electrical generating output (in MWe) that the generator is capable of producing on a steady-state basis and during continuous operation (when not restricted by seasonal or other deratings), such increased maximum amount as specified by the person conducting the physical change.

"Output-based emission standard" means, with regard to Subpart B of this Part, a maximum allowable rate of emissions of mercury per unit of gross electrical output from an Electric Generating Unit.

"Repowered" means, with regard to an EGU, replacement of a coal-fired boiler with one of the following coal-fired technologies at the same source as the coal-fired boiler:

Atmospheric or pressurized fluidized bed combustion;

Integrated gasification combined cycle;

Magnetohydrodynamics;

Direct and indirect coal-fired turbines;

Integrated gasification fuel cells; or

As determined by the USEPA in consultation with the United States Department of Energy, a derivative of one or more of the technologies under this definition and any other coal-fired technology capable of controlling multiple combustion emissions simultaneously with improved boiler or generation efficiency and with

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED RULES

significantly greater waste reduction relative to the performance of technology in widespread commercial use as of January 1, 2005.

"Rolling 12-month basis" means, with regard to Subpart B of this Part, a determination made on a monthly basis from the relevant data for a particular calendar month and the preceding 11 calendar months (total of 12 months of data), with two exceptions. For determinations involving one EGU, calendar months in which the EGU does not operate (zero EGU operating hours) shall not be included in the determination, and shall be replaced by a preceding month or months in which the EGU does operate, so that the determination is still based on 12 months of data. For determinations involving two or more EGUs, calendar months in which none of the EGUs covered by the determination operates (zero EGU operating hours) shall not be included in the determination, and shall be replaced by preceding months in which at least one of the EGU covered by the determination does operate, so that the determination is still based on 12 months of data.

**Section 225.140 Incorporations by Reference**

The following materials are incorporated by reference. These incorporations do not include any later amendments or editions.

- a) 40 CFR 60, § 60.17, § 60.45a, § 60.49a(k)(1), § 60.49a(p), § 60.50a(h), and §§ 60.4170 through 60.4176 (2005).
- b) 40 CFR 75 (2005).
- c) ASTM. American Society for Testing and Materials, 100 Barr Harbor Drive, P.O. Box C700, West Conshohocken PA 19428-2959, (610) 832-9585:
  - 1) ASTM D388-77, 90, 91, 95, 98a, or 99, Classification of Coals by Rank (Reapproved 2004).
  - 2) ASTM D3173-03, Standard Test Method for Moisture in the Analysis Sample of Coal and Coke (Approved April 10, 2003).
  - 3) ASTM D3684-01, Standard Test Method for Total Mercury in Coal by the Oxygen Bomb Combustion/Atomic Absorption Method (Approved October 10, 2001).

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED RULES

- 4) ASTM D5865-04, Standard Test Method for Gross Calorific Value of Coal and Coke (Approved April 1, 2004).
- 5) ASTM D6414-01, Standard Test Method for Total Mercury in Coal and Coal Combustion Residues by Acid Extraction or Wet Oxidation/Cold Vapor Atomic Absorption (Approved October 10, 2001).
- 6) ASTM D6784-02, Standard Test Method for Elemental, Oxidized, Particle-Bound and Total Mercury in Flue Gas Generated from Coal-Fired Stationary Sources (Ontario Hydro Method) (Approved April 10, 2002).

SUBPART B: CONTROL OF MERCURY EMISSIONS  
FROM COAL-FIRED ELECTRIC GENERATING UNITS

**Section 225.200 Purpose**

The purpose of this Subpart is to control the emissions of mercury from coal-fired electrical generating units in Illinois.

**Section 225.202 Measurement Methods**

Measurement of mercury shall be according to the following:

- a) Continuous emission monitoring pursuant to 40 CFR 75 (2005).
- b) ASTM D3173-03, Standard Test Method for Moisture in the Analysis Sample of Coal and Coke (Approved April 10, 2003).
- c) ASTM D3684-01, Standard Test Method for Total Mercury in Coal by the Oxygen Bomb Combustion/Atomic Absorption Method (Approved October 10, 2001).
- d) ASTM D5865-04, Standard Test Method for Gross Calorific Value of Coal and Coke (Approved April 1, 2004).
- e) ASTM D6414-01, Standard Test Method for Total Mercury in Coal and Coal Combustion Residues by Acid Extraction or Wet Oxidation/Cold Vapor Atomic Absorption (Approved October 10, 2001).

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED RULES

- f) ASTM D6784-02, Standard Test Method for Elemental, Oxidized, Particle-Bound and Total Mercury in Flue Gas Generated from Coal-Fired Stationary Sources (Ontario Hydro Method) (Approved April 10, 2002).

**Section 225.205 Applicability**

The following stationary coal-fired boilers and stationary coal-fired combustion turbines are EGUs and are subject to this Subpart:

- a) Except as provided in subsection (b) of this Section, a unit serving, at any time since the start-up of the unit's combustion chamber, a generator with nameplate capacity of more than 25 MWe producing electricity for sale.
- b) For a unit that qualifies as a cogeneration unit during the 12-month period starting on the date the unit first produces electricity and continues to qualify as a cogeneration unit, a cogeneration unit serving at any time a generator with nameplate capacity of more than 25 MWe and supplying in any calendar year more than one-third of the unit's potential electric output capacity or 219,000 MWh, whichever is greater, to any utility power distribution system for sale. If a unit qualifies as a cogeneration unit during the 12-month period starting on the date the unit first produces electricity but subsequently no longer qualifies as a cogeneration unit, the unit shall be subject to subsection (a) of this Section starting on the day on which the unit first no longer qualifies as a cogeneration unit.

**Section 225.210 Compliance Requirements**

- a) **Permit Requirements**  
The owner or operator of each source with one or more EGUs subject to this Subpart at the source must apply for a CAAPP permit that addresses the applicable requirements of this Subpart.
- b) **Monitoring Requirements**
  - 1) The owner or operator of each source and each EGU at the source must comply with the monitoring requirements of Sections 225.240 through 225.290 of this Subpart.
  - 2) The compliance of each EGU with the mercury requirements under Sections 225.230 and 225.237 of this Subpart shall be determined by the

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED RULES

emissions measurements recorded and reported in accordance with Sections 225.240 through 225.290 of this Subpart.

- c) **Mercury Emission Reduction Requirements**  
The owner or operator of any EGU subject to this Subpart shall comply with applicable requirements for control of mercury emissions under Section 225.230 or Section 225.237 of this Subpart.
  
- d) **Recordkeeping and Reporting Requirements**  
Unless otherwise provided, the owner or operator of a source with one or more EGUs at the source shall keep on site at the source each of the documents listed in subsections (d)(1) through (d)(3) of this Section for a period of five years from the date the document is created. This period may be extended for cause, at any time prior to the end of five years, in writing by the Agency.
  - 1) All emissions monitoring information, in accordance with Sections 225.240 through 225.290 of this Subpart.
  - 2) Copies of all reports, compliance certifications, and other submissions and all records made or required or documents necessary to demonstrate compliance with the requirements of this Subpart.
  - 3) Copies of all documents used to complete a permit application and any other submission under this Subpart.
  
- e) **Liability**
  - 1) The owner or operator of each source with one or more EGUs shall meet the requirements of this Subpart.
  - 2) Any provision of this Subpart that applies to a source shall also apply to the owner and operator of such source and to the owner and operator of each EGU at the source.
  - 3) Any provision of this Subpart that applies to an EGU shall also apply to the owner and operator of such EGU.
  
- f) **Effect on Other Authorities.** No provision of this Subpart shall be construed as exempting or excluding the owner and operator of a source or EGU from

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED RULES

compliance with any other provision of an approved State Implementation Plan, a permit, the Act, or the CAA.

**Section 225.220 Clean Air Act Permit Program (CAAPP) Permit Requirements**

- a) Application Requirements
  - 1) Each source with one or more EGUs subject to the requirements of this Subpart is required to submit a CAAPP permit application that addresses all applicable requirements of this Subpart, applicable to each EGU at the source.
  - 2) For any EGU that commenced commercial operation:
    - A) on or before December 31, 2008, the owner or operator of that EGU must submit an initial permit application or application for CAAPP permit modification that meets the requirements of this Section by December 31, 2008.
    - B) after December 31, 2008, the owner or operator of any such EGU must submit an initial CAAPP permit application or application for CAAPP modification that meets the requirements of this Section not later than 180 days before initial startup of the EGU, unless the construction permit issued for the EGU addresses the requirements of this Subpart.
- b) Contents of Permit Applications

In addition to other information required for a complete application for CAAPP permit or CAAPP permit modification, the application shall include the following information:

  - 1) The ORIS (Office of Regulatory Information Systems) or facility code assigned to the source by the Energy Information Administration, if applicable.
  - 2) Identification of each EGU at the source.
  - 3) The intended approach to the monitoring requirements of Sections 225.240 through 225.290 of this Subpart.

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED RULES

- 4) The intended approach to the mercury emission reduction requirements of Section 225.230 or 225.237 of this Subpart, as applicable.
- c) Permit Contents
- 1) Each CAAPP permit issued by the Agency for a source with one or more EGUs subject to the requirements of this Subpart shall contain federally enforceable conditions addressing all applicable requirements of this Subpart, which conditions shall be a complete and segregable portion of the source's entire CAAPP permit.
  - 2) In addition to conditions related to the applicable requirements of this Subpart, each such CAAPP permit shall also contain the information specified under subsection (b) of this Section.

**Section 225.230 Emission Standards for EGUs at Existing Sources**

- a) Emission Standards
- 1) Beginning July 1, 2009, the owner or operator of a source with one or more EGUs subject to this Subpart that commenced commercial operation on or before December 31, 2008 shall comply with one of the following standards for each EGU on a rolling 12-month basis:
    - A) An emission standard of 0.0080 lb mercury/GWh gross electrical output; or
    - B) A minimum 90-percent reduction of input mercury.
  - 2) For an EGU complying with subsection (a)(1)(A) of this Section, the actual mercury emission rate of the EGU for each 12-month rolling period, as monitored in accordance with this Subpart and calculated as follows, shall not exceed the applicable emission standard:

$$ER = \sum_{i=1}^{12} E_i \div \sum_{i=1}^{12} O_i$$

Where:

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED RULES

- $ER$  = Actual mercury emissions rate of the EGU for the particular 12-month rolling period, expressed in lb/GWh.
- $E_i$  = Actual mercury emissions of the EGU, in lbs, in an individual month in the 12-month rolling period, as determined in accordance with the emissions monitoring provisions of this Subpart.
- $O_i$  = Gross electrical output of the EGU, in GWh, in an individual month in the 12-month rolling period, as determined in accordance with Section 225.263 of this Subpart.

- 3) For an EGU complying with subsection (a)(1)(B) of this Section, the actual control efficiency for mercury emissions achieved by the EGU for each 12-month rolling period, as monitored in accordance with this Subpart and calculated as follows, shall meet or exceed the applicable efficiency requirement:

$$CE = 100 \times \left\{ 1 - \left( \sum_{i=1}^{12} E_i \div \sum_{i=1}^{12} I_i \right) \right\}$$

Where:

- $CE$  = Actual control efficiency for mercury emissions of the EGU for the particular 12-month rolling period, expressed as a percent.
- $E_i$  = Actual mercury emissions of the EGU, in lbs, in an individual month in the 12-month rolling period, as determined in accordance with the emissions monitoring provisions of this Subpart.
- $I_i$  = Amount of mercury in the fuel fired in the EGU, in pounds, in an individual month in the 12-month rolling period, as determined in accordance with Section 225.265 of this Subpart.

b) Alternative Emission Standards for Single EGUs

- 1) As an alternative to compliance with one of the above emission standards in subsection (a) of this Section, the owner or operator of the EGU may comply with the emission standards of this Subpart by demonstrating that the actual emissions of mercury from the EGU are less than the allowable emissions of mercury from the EGU on a rolling 12-month basis.

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED RULES

- 2) For this purpose, for each rolling 12-month period, the actual emissions of mercury from the EGU, as monitored in accordance with this Subpart, must not exceed the allowable emissions of mercury from the EGU, as further provided by the following formulas:

$$E_{12} \leq A_{12}$$

$$E_{12} = \sum_{i=1}^{12} E_i$$

$$A_{12} = \sum_{i=1}^{12} A_i$$

Where:

- $E_{12}$  = Actual mercury emissions of the EGU for the particular 12-month rolling period.
- $A_{12}$  = Allowable mercury emissions of the EGU for the particular 12-month rolling period
- $E_i$  = Actual mercury emissions of the EGU in an individual month in the 12-month rolling period.
- $A_i$  = Allowable mercury emissions of the EGU in an individual month in the 12-month rolling period, based on either the input mercury to the unit ( $A_{Input\ i}$ ) or the electrical output from the EGU ( $A_{Output\ i}$ ), as selected by the owner or operator of the EGU for that given month.
- $A_{Input\ i}$  = Allowable mercury emissions of the EGU in an individual month based on the input mercury to the EGU, calculated as 10.0 percent (or 0.100) of the input mercury to the EGU.
- $A_{Output\ i}$  = Allowable mercury emissions of the EGU in a particular month based on the electrical output from the EGU, calculated as the product of the output based mercury limit, i.e., 0.0080 lb/GWh, and the electrical output from the EGU, in GWh.

- 3) If the owner or operator of an EGU does not conduct the necessary sampling, analysis, and recordkeeping, in accordance with Section 225.265 of this Subpart, to determine the mercury input to the EGU, the

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED RULES

allowable emissions of the EGU must be calculated based on the electrical output of the EGU.

- c) If two or more EGUs are served by common stack(s) and the owner or operator conducts monitoring for mercury emissions in the common stack(s), as provided for by 40 CFR 75, Subpart I, such that the mercury emissions of each EGU are not determined separately, compliance of the EGUs with the applicable emission standards of this Subpart shall be determined as if the EGUs were a single EGU.
- d) Alternative Emission Standards for Multiple EGUs
- 1) As an alternative to compliance with the emission standards of subsection (a) of this Section, the owner or operator of a source with an EGU may comply with the emission standards of this Subpart by demonstrating that the actual emissions of mercury from all EGUs at the source are less than the allowable emissions of mercury from all EGUs at the source on a rolling 12-month basis.
  - 2) For this purpose, for each rolling 12-month period, the actual emissions of mercury from all the EGUs at the source, as monitored in accordance with this Subpart, must not exceed the sum of the allowable emissions of mercury from all the EGUs at the source, as further provided by the following formulas:

$$E_S \leq A_S$$

$$E_S = \sum_{i=1}^n E_i$$

$$A_S = \sum_{i=1}^n A_i$$

Where:

$E_S$  = Sum of the actual mercury emissions of the EGUs at the source.

$A_S$  = Sum of the allowable mercury emissions of the EGUs at the source.

$E_i$  = Actual mercury emissions of an individual EGU at the source, as determined in accordance with subsection (b)(2) of this Section.

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED RULES

$A_i$  = Allowable mercury emissions of an individual EGU at the source, as determined in accordance with subsection (b)(2) of this Section.

$n$  = Number of EGUs covered by the demonstration.

- 3) If an owner or operator of a source with two or more EGUs that is relying on this subsection (d) to demonstrate compliance fails to meet the requirements of this subsection (d) in a given 12-month rolling period, all EGUs at such source covered by the compliance demonstration are considered out of compliance with the applicable emission standards of this Subpart for the entire last month of that period.

**Section 225.232 Averaging Demonstrations for Existing Sources**

- a) Through December 31, 2013, as an alternative to compliance with the emission standards of Section 225.230(a) of this Subpart, the owner or operator of an EGU may comply with the emission standards of this Subpart by means of an Averaging Demonstration (Demonstration) that shows that the actual emissions of mercury from the EGU and other EGUs at the source and other EGUs at other sources covered by the Demonstration are less than the allowable emissions of mercury from all EGUs covered by the Demonstration on a rolling 12-month basis.
- b) The EGUs at each source covered by a Demonstration must also comply with one of the following emission standards on a source-wide basis for the period covered by the Demonstration:
  - 1) An emission standard of 0.020 lb mercury/GWh gross electrical output; or
  - 2) A minimum 75 percent reduction of input mercury.
- c) For the purpose of this Section, compliance shall be determined using the equations in Section 225.230(a)(2), (a)(3), or (d)(2) of this Subpart, as applicable, addressing all EGUs at the sources covered by the Demonstration, rather than only EGUs at one source.
- d) Limitations on Demonstrations
  - 1) The owners or operators of more than one existing source with EGUs can only participate in Demonstrations that include other existing sources that they own or operate.

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED RULES

- 2) Single Existing Source Demonstrations
  - A) The owner or operator of only a single existing source with EGUs (i.e., City, Water, Light & Power, City of Springfield, ID 167120AAO; Electric Energy, Inc., ID 127855AAC; Kincaid Generating Station, ID 021814AAB; and Southern Illinois Power Cooperative/Marion Generating Station, ID 199856AAC) can only participate in Demonstrations with other such owners or operators of a single existing source of EGUs.
  - B) Participation in Demonstrations under this Section by the owner or operator of only a single existing source with EGUs must be authorized through federally enforceable permit conditions for each such source participating in the Demonstration.
- e) A source may be included in only one Demonstration during each rolling 12-month period.
- f) The owner or operator of EGUs using Demonstrations to show compliance with this Subpart must complete the determination of compliance for each 12-month rolling period no later than 60 days following the end of the period.
- g) If averaging is used to demonstrate compliance with this Subpart, the effect of a failure to demonstrate compliance shall be that the compliance status of each source shall be determined under Section 225.230 of this Subpart as if the sources were not covered by a Demonstration.
- h) For purposes of this Section, if the owner or operator of any source that participates in a Demonstration with an owner or operator of a source that does not maintain the required records, data, and reports for the EGUs at the source, or does not submit copies of such records, data, or reports to the Agency upon request, then the effect of this failure will be deemed to be a failure to demonstrate compliance and the compliance status of each source shall be determined under Section 225.230 of this Subpart as if the sources were not covered by a Demonstration.

**Section 225.235 Units Scheduled for Permanent Shut Down**

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED RULES

- a) The emission standards of Section 225.230(a) of this Subpart are not applicable to an EGU that will be permanently shut down as follows:
- 1) The owner or operator of an EGU for which this Section is being relied upon shall by no later than June 30, 2009:
    - A) Have notified the Illinois EPA that it is planning to permanently shut down the EGU by the applicable date specified in subsection (a)(3) or (4) of this Section. This notification shall be accompanied by a description of the actions that have already been taken to allow the shut down of the EGU and a description of the future actions that must be accomplished to complete the shut down of the EGU, with the anticipated schedule for those actions and the anticipated date of permanent shut down of the unit.
    - B) Have applied for a construction permit or be actively pursuing a federally enforceable agreement that requires the EGU to be permanently shut down in accordance with this Section.
    - C) Have applied for revisions to the operating permit(s) for the EGU to include provisions that terminate the authorization to operate the unit in accordance with this Section.
  - 2) The owner or operator of an EGU for which this Section is being relied upon shall by no later than June 30, 2010:
    - A) Have obtained a construction permit or entered into a federally enforceable agreement as addressed by subsection (a)(1)(B) of this Section; or
    - B) Have obtained revised operating permit(s) in accordance with subsection (a)(1)(C) of this Section.
  - 3) The plan for permanent shut down of the EGU must provide for the EGU to be permanently shut down by no later than the applicable date specified below:
    - A) If the owner or operator of the EGU is not constructing a new EGU or other generating units to specifically replace the existing EGU, by December 31, 2010.

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED RULES

- B) If the owner or operator of the EGU is constructing a new EGU or other generating units to specifically replace the existing EGU, by December 31, 2011.
- 4) The owner or operator of the EGU must permanently shut down the EGU by the date specified in subsection (a)(3) of this Section, unless the owner or operator submits a demonstration to the Illinois EPA before such date showing that circumstances beyond its reasonable control (such as protracted delays in construction activity, unanticipated outage of another EGU, or protracted shakedown of a replacement unit) have occurred that interfere with the plan for permanent shut down of the EGU, in which case the date for shut down of the EGU may be extended as follows:
- A) If the owner or operator of the EGU is not constructing a new EGU or other generating units to specifically replace the existing EGU, for up to one year, i.e., permanent shut down of the EGU to occur by no later than December 31, 2011.
  - B) If the owner or operator of the EGU is constructing a new EGU or other generating units to specifically replace the existing EGU, for up to 18 months, i.e., permanent shutdown of the EGU to occur by no later than June 30, 2013; provided, however, that after December 31, 2012, the existing EGU shall only operate as a back-up unit to address periods when the new generating units are not in service.
- b) Notwithstanding Sections 225.230 and 225.232 of this Subpart, any EGU that is not required to comply with Section 225.230 of this Subpart pursuant to this Section shall not be included when determining whether any other EGUs at the source or other sources are in compliance with Section 225.230 of this Subpart.
- c) If an EGU, for which the owner or operator of the source has relied upon this Section in lieu of complying with Section 225.230(a) of this Subpart, is not permanently shut down as required by this Section, the EGU shall be considered to be a new EGU subject to the emission standards in Section 225.237(a) of this Subpart beginning in the month after the EGU was required to be permanently shut down, in addition to any other penalties that may be imposed for failure to permanently shut down the EGU in accordance with this Section.

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED RULES

**Section 225.237 Emission Standards for New Sources with EGUs**

- a) Standards
  - 1) The owner or operator of a source with one or more EGUs, but that previously had not had any EGUs that commenced commercial operation before January 1, 2009, shall comply with one of the following emission standards for each EGU on a rolling 12-month basis:
    - A) An emission standard of 0.0080 lb mercury/GWh gross electrical output; or
    - B) A minimum 90 percent reduction of input mercury.
  - 2) For this purpose, compliance may be demonstrated using the equations in Section 225.230(a)(2), (a)(3), or (b)(2) of this Subpart.
- b) The initial 12-month rolling period for which compliance with the emission standards of subsection (a)(1) of this Section must be demonstrated for a new EGU shall commence on the date that the initial performance test for the mercury emission standard under 40 CFR 60.45a also commences. The continuous emission monitoring systems required by this Subpart for mercury emissions from the EGU must be certified prior to this date. Thereafter, compliance shall be demonstrated on a rolling 12-month basis in terms of calendar months.

**Section 225.240 General Monitoring and Reporting Requirements**

The owner or operator of an EGU shall comply with the monitoring, recordkeeping, and reporting requirements as provided in this Section, Sections 225.250 through 225.290 of this Subpart, and Subpart I of 40 CFR 75. If the EGU utilizes a common stack with units that are not EGUs and the owner or operator of the EGU does not conduct emissions monitoring in the duct to the common stack from each EGU, the owner or operator of the EGU shall conduct emissions monitoring in accordance with 40 CFR 75.82(b)(2) and this Section, including monitoring in the duct to the common stack from each unit that is not an EGU, unless the owner or operator of the EGU counts the combined emissions measured at the common stack as the mass emissions of mercury for the EGUs for recordkeeping and compliance purposes.

- a) Requirements for installation, certification, and data accounting. The owner or operator of each EGU shall:

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED RULES

- 1) Install all monitoring systems required under this Section and Sections 225.250 through 225.290 of this Subpart for monitoring mercury mass emissions (including all systems required to monitor mercury concentration, stack gas moisture content, stack gas flow rate, and CO<sub>2</sub> or O<sub>2</sub> concentration, as applicable, in accordance with 40 CFR 75.81 and 75.82).
  - 2) Successfully complete all certification tests required under Section 225.250 and meet all other requirements of this Section, Sections 225.250 through 225.290 of this Subpart, and Subpart I of 40 CFR 75 applicable to the monitoring systems required under subsection (a)(1) of this Section.
  - 3) Record, report, and quality-assure the data from the monitoring systems required under subsection (a)(1) of this Section.
  - 4) If the owner or operator elects to use the low mass emissions excepted monitoring methodology for an EGU that emits no more than 464 ounces (29 pounds) of mercury per year pursuant to 40 CFR 75.81(b), also perform emissions testing in accordance with 40 CFR 75.81(c) to demonstrate that the EGU is eligible to use this excepted emissions monitoring methodology, as well as comply with all other applicable requirements of 40 CFR 75.81(b) through (f), and submit a copy of any information required to be submitted to the USEPA under these provisions to the Illinois EPA. The initial emissions testing to demonstrate eligibility of an EGU for the low mass emissions excepted methodology shall be conducted by the following dates:
    - A) If the EGU has commenced commercial operation before July 1, 2008, at least by January 1, 2009, or 45 days prior to relying on the low mass emissions excepted methodology, whichever date is later.
    - B) If the EGU has commenced commercial operation on or after July 1, 2008, at least 45 days prior to the applicable date specified under subsection (b)(2) of this Section or 45 days prior to relying on the low mass emissions excepted methodology, whichever date is later.
- b) Emissions Monitoring Deadlines. The owner or operator shall meet the emissions monitoring system certification and other emissions monitoring requirements of

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED RULES

subsections (a)(1) and (a)(2) of this Section on or before the following dates. The owner or operator shall record, report, and quality-assure the data from the emissions monitoring systems required under subsection (a)(1) of this Section on and after the following dates:

- 1) For the owner or operator of an EGU that commences commercial operation before July 1, 2008, by January 1, 2009.
  - 2) For the owner or operator of an EGU that commences commercial operation on or after July 1, 2008, by 90 unit operating days or 180 calendar days, whichever occurs first, after the date on which the EGU commences commercial operation.
  - 3) For the owner or operator of an EGU for which construction of a new stack or flue or installation of add-on mercury emission controls, a flue gas desulfurization system, a selective catalytic reduction system, a fabric filter, or a compact hybrid particulate collector system is completed after the applicable deadline under subsection (b)(1) or (2) of this Section, by 90 unit operating days or 180 calendar days, whichever occurs first, after the date on which emissions first exit to the atmosphere through the new stack or flue, add-on mercury emissions controls, flue gas desulfurization system, selective catalytic reduction system, fabric filter, or compact hybrid particulate collector system.
- c) Reporting Data
- 1) Except as provided in subsection (c)(2) of this Section, the owner or operator of an EGU that does not meet the applicable emissions monitoring date set forth in subsection (b) of this Section for any emissions monitoring system required under subsection (a)(1) of this Section shall, for each such monitoring system, determine, record, and report maximum potential (or, as appropriate, minimum potential) values for mercury concentration, stack gas flow rate, stack gas moisture content, and any other parameters required to determine mercury mass emissions in accordance with 40 CFR 75.80(g).
  - 2) The owner or operator of an EGU that does not meet the applicable emissions monitoring date set forth in subsection (b)(3) of this Section for any emissions monitoring system required under subsection (a)(1) of this Section shall, for each such monitoring system, determine, record, and

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED RULES

report substitute data using the applicable missing data procedures in 40 CFR 75.80(f), in lieu of the maximum potential (or, as appropriate, minimum potential) values for a parameter, if the owner or operator demonstrates that there is continuity between the data streams for that parameter before and after the construction or installation under subsection (b)(3) of this Section.

## d) Prohibitions

- 1) No owner or operator of an EGU shall use any alternative emissions monitoring system, alternative reference method for measuring emissions, or any other alternative to the emissions monitoring and measurement requirements of this Section and Sections 225.250 through 225.290 of this Subpart, unless such alternative is promulgated by the USEPA and approved in writing by the Agency or the use of such alternative is approved in writing by the Agency and USEPA.
- 2) No owner or operator of an EGU shall operate the EGU so as to discharge, or allow to be discharged, mercury emissions to the atmosphere without accounting for all such emissions in accordance with the applicable provisions of this Section, Sections 225.250 through 225.290 of this Subpart, and Subpart I of 40 CFR 75.
- 3) No owner or operator of an EGU shall disrupt the continuous emission monitoring system, any portion thereof, or any other approved emission monitoring method, and thereby avoid monitoring and recording mercury mass emissions discharged into the atmosphere, except for periods of recertification or periods when calibration, quality assurance testing, or maintenance is performed in accordance with the applicable provisions of this Section, Sections 225.250 through 225.290 of this Subpart, and Subpart I of 40 CFR 75.
- 4) No owner or operator of an EGU shall retire or permanently discontinue use of the continuous emission monitoring system or any component thereof, or any other approved monitoring system under this Subpart, except under any one of the following circumstances:
  - A) The owner or operator is monitoring emissions from the EGU with another certified monitoring system that has been approved, in accordance with the applicable provisions of this Section, Sections

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED RULES

225.250 through 225.290 of this Subpart, and Subpart I of 40 CFR 75, by the Agency for use at that EGU and that provides emission data for the same pollutant or parameter as the retired or discontinued monitoring system; or

- B) The owner or operator or designated representative submits notification of the date of certification testing of a replacement monitoring system for the retired or discontinued monitoring system in accordance with Section 225.250(a)(3)(A) of this Subpart.
- e) Long-term Cold Storage  
The owner or operator of an EGU that is in long-term cold storage is subject to the applicable provisions of 40 CFR 75 for monitoring, recordkeeping, and reporting for units in long-term cold storage.

**Section 225.250 Initial Certification and Recertification Procedures for Emissions Monitoring**

- a) The owner or operator of an EGU shall comply with the following initial certification and recertification procedures for a continuous emissions monitoring system (i.e., a continuous emission monitoring system or an excepted monitoring system (sorber trap monitoring system) under 40 CFR 75.15) required by Section 225.240(a)(1). The owner or operator of an EGU that qualifies for, and for which the owner or operator elects to use, the low mass emissions excepted methodology under 40 CFR 75.81(b) shall comply with the procedures in subsection (c) of this Section.
  - 1) Requirements for Initial Certification. The owner or operator of an EGU shall ensure that, for each continuous emissions monitoring system required by Section 225.240(a)(1) of this Subpart (including the automated data acquisition and handling system), the owner or operator successfully completes all of the initial certification testing required under 40 CFR 75.80(d) by the applicable deadline in Section 225.240(b) of this Subpart. In addition, whenever the owner or operator of an EGU installs a monitoring system to meet the requirements of this Subpart in a location where no such monitoring system was previously installed, the owner or operator must successfully complete the initial certification requirements of 40 CFR 75.80(d).

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED RULES

- 2) Requirements for Recertification. Whenever the owner or operator of an EGU makes a replacement, modification, or change in any certified continuous emission monitoring system, or an excepted monitoring system (sorbent trap monitoring system) under 40 CFR 75.15, and required by Section 225.240(a)(1) of this Subpart, that may significantly affect the ability of the system to accurately measure or record mercury mass emissions or heat input rate or to meet the quality-assurance and quality-control requirements of 40 CFR 75.21 or Appendix B to 40 CFR 75, the owner or operator of an EGU shall recertify the monitoring system in accordance with 40 CFR 75.20(b). Furthermore, whenever the owner or operator of an EGU makes a replacement, modification, or change to the flue gas handling system or the EGU's operation that may significantly change the stack flow or concentration profile, the owner or operator shall recertify each continuous emission monitoring system, and each excepted monitoring system (sorbent trap monitoring system) under 40 CFR 75.15, whose accuracy is potentially affected by the change, all in accordance with 40 CFR 75.20(b). Examples of changes to a continuous emission monitoring system that require recertification include replacement of the analyzer, complete replacement of an existing continuous emission monitoring system, or change in location or orientation of the sampling probe or site.
  
- 3) Approval Process for Initial Certification and Recertification. Subsections (a)(3)(A) through (D) of this Section apply to both initial certification and recertification of a continuous monitoring system required by Section 225.240(a)(1) of this Subpart. For recertifications, replace the words "certification" and "initial certification" with the word "recertification", replace the word "certified" with the word "recertified", and follow the procedures in 40 CFR 75.20(b)(5) in lieu of the procedures in subsection (a)(3)(E) of this Section.
  - A) Notification of Certification. The owner or operator shall submit to the Agency, USEPA Region 5, and the Administrator of the USEPA written notice of the dates of certification testing, in accordance with Section 225.270 of this Subpart.
  
  - B) Certification Application. The owner or operator shall submit to the Agency a certification application for each monitoring system. A complete certification application shall include the information specified in 40 CFR 75.63.

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED RULES

- C) **Provisional Certification Date.** The provisional certification date for a monitoring system shall be determined in accordance with 40 CFR 75.20(a)(3). A provisionally certified monitoring system may be used under this Subpart for a period not to exceed 120 days after receipt by the Agency of the complete certification application for the monitoring system under subsection (a)(3)(B) of this Section. Data measured and recorded by the provisionally certified monitoring system, in accordance with the requirements of 40 CFR 75, will be considered valid quality-assured data (retroactive to the date and time of provisional certification), provided that the Agency does not invalidate the provisional certification by issuing a notice of disapproval within 120 days after the date of receipt by the Agency of the complete certification application.
- D) **Certification Application Approval Process.** The Agency will issue a written notice of approval or disapproval of the certification application to the owner or operator within 120 days after receipt of the complete certification application required by subsection (a)(3)(B) of this Section. In the event the Agency does not issue such a notice within the 120-day period, each monitoring system that meets the applicable performance requirements of 40 CFR 75 and is included in the certification application will be deemed certified for use under this Subpart.
- i) **Approval Notice.** If the certification application is complete and shows that each monitoring system meets the applicable performance requirements of 40 CFR 75, then the Agency will issue a written notice of approval of the certification application within 120 days after receipt.
- ii) **Incomplete Application Notice.** If the certification application is not complete, then the Agency will issue a written notice of incompleteness that sets a reasonable date by which the owner or operator must submit the additional information required to complete the certification application. If the owner or operator does not comply with the notice of incompleteness by the specified date, then the Agency may issue a notice of disapproval under subsection

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED RULES

(a)(3)(D)(iii) of this Section. The 120-day review period shall not begin before receipt of a complete certification application.

- iii) Disapproval Notice. If the certification application shows that any monitoring system does not meet the performance requirements of 40 CFR 75 or if the certification application is incomplete and the requirement for disapproval under subsection (a)(3)(D)(ii) of this Section is met, then the Agency will issue a written notice of disapproval of the certification application. Upon issuance of such notice of disapproval, the provisional certification is invalidated by the Agency and the data measured and recorded by each uncertified monitoring system shall not be considered valid quality-assured data beginning with the date and hour of provisional certification (as defined under 40 CFR 75.20(a)(3)). The owner or operator shall follow the procedures for loss of certification in subsection (a)(3)(E) of this Section for each monitoring system that is disapproved for initial certification.
  - iv) Audit Decertification. The Agency may issue a notice of disapproval of the certification status of a monitor in accordance with Section 225.260(b) of this Subpart.
- E) Procedures for Loss of Certification. If the Agency issues a notice of disapproval of a certification application under subsection (a)(3)(D)(iii) of this Section or a notice of disapproval of certification status under subsection (a)(3)(D)(iv) of this Section, then:
- i) The owner or operator shall substitute the following values, for each disapproved monitoring system, for each hour of EGU operation during the period of invalid data specified under 40 CFR 75.20(a)(4)(iii) or 75.21(e) and continuing until the applicable date and hour specified under 40 CFR 75.20(a)(5)(i). For a disapproved mercury pollutant concentration monitor and disapproved flow monitor, respectively, the maximum potential concentration of mercury and the maximum potential flow rate, as defined in

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED RULES

Sections 2.1.7.1 and 2.1.4.1 of Appendix A to 40 CFR 75. For a disapproved moisture monitoring system and disapproved diluent gas monitoring system, respectively, the minimum potential moisture percentage and either the maximum potential CO<sub>2</sub> concentration or the minimum potential O<sub>2</sub> concentration (as applicable), as defined in Sections 2.1.5, 2.1.3.1, and 2.1.3.2 of Appendix A to 40 CFR 75. For a disapproved excepted monitoring system (sorber trap monitoring system) under 40 CFR 75.15 and disapproved flow monitor, respectively, the maximum potential concentration of mercury and maximum potential flow rate, as defined in Sections 2.1.7.1 and 2.1.4.1 of Appendix A to 40 CFR 75.

- ii) The owner or operator shall submit a notification of certification retest dates and a new certification application in accordance with subsections (a)(3)(A) and (B) of this Section.
  - iii) The owner or operator shall repeat all certification tests or other requirements that were failed by the monitoring system, as indicated in the Agency's notice of disapproval, no later than 30 unit operating days after the date of issuance of the notice of disapproval.
- b) Exemption
- 1) If an emissions monitoring system has been previously certified in accordance with 40 CFR 75 and the applicable quality assurance and quality control requirements of 40 CFR 75.21 and Appendix B to 40 CFR 75 are fully met, the monitoring system shall be exempt from the initial certification requirements of this Section.
  - 2) The recertification provisions of this Section shall apply to an emissions monitoring system required by Section 225.240(a)(1) of this Subpart exempt from initial certification requirements under subsection (a)(1) of this Section.
- c) Initial certification and recertification procedures for EGUs using the mercury low mass emissions excepted methodology under 40 CFR 75.81(b). The owner or

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED RULES

operator of an EGU qualified to use the mercury low mass emissions excepted methodology under 40 CFR 75.81(b) shall meet the applicable certification and recertification requirements in 40 CFR 75.81(c) through (f).

- d) **Certification Applications.** The owner or operator of an EGU shall submit an application to the Agency within 45 days after completing all initial certification or recertification tests required under this Section, including the information required under 40 CFR 75.63.

**Section 225.260 Out of Control Periods for Emission Monitors**

- a) Whenever any emissions monitoring system fails to meet the quality-assurance and quality-control requirements or data validation requirements of 40 CFR 75, data shall be substituted using the applicable missing data procedures in Subparts D and I of 40 CFR 75.
- b) **Audit Decertification.** Whenever both an audit of an emissions monitoring system and a review of the initial certification or recertification application reveal that any emissions monitoring system should not have been certified or recertified because it did not meet a particular performance specification or other requirement under Section 225.250 of this Subpart or the applicable provisions of 40 CFR 75, both at the time of the initial certification or recertification application submission and at the time of the audit, the Agency will issue a notice of disapproval of the certification status of such monitoring system. For the purposes of this subsection, an audit shall be either a field audit or an audit of any information submitted to the Agency. By issuing the notice of disapproval, the Agency revokes prospectively the certification status of the emissions monitoring system. The data measured and recorded by the monitoring system shall not be considered valid quality-assured data from the date of issuance of the notification of the revoked certification status until the date and time that the owner or operator completes subsequently approved initial certification or recertification tests for the monitoring system. The owner or operator shall follow the applicable initial certification or recertification procedures in Section 225.250 of this Subpart for each disapproved monitoring system.

**Section 225.261 Additional Requirements to Provide Heat Input Data**

The owner or operator of an EGU that monitors and reports mercury mass emissions using a mercury concentration monitoring system and a flow monitoring system shall also monitor and report heat input rate at the EGU level using the procedures set forth in 40 CFR 75.

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED RULES

**Section 225.263 Monitoring of Gross Electrical Output**

The owner or operator of an EGU complying with this Subpart by means of Section 225.230(a)(1) or using electrical output ( $O_i$ ) and complying by means of Section 225.230(b) or (d) or Section 225.232 of this Subpart shall monitor gross electrical output of the associated generator(s) in MWh on an hourly basis.

**Section 225.265 Coal Analysis for Input Mercury Levels**

- a) The owner or operator of an EGU complying with this Subpart by means of Section 225.230(a)(2) or using input mercury levels (Ii) and complying by means of Section 225.230(b) or (d) or Section 225.232 of this Subpart shall:
  - 1) Perform daily sampling of the coal combusted in the EGU for mercury content. The owner or operator of such EGU shall collect a minimum of one 2-lb grab sample per day of operation from the belt feeders anywhere between the crusher house or breaker building and the boiler. The sample shall be taken in such a manner so as to provide a representative mercury content for the coal burned on that day.
  - 2) Analyze the grab coal sample for the following:
    - A) Determine the heat content using ASTM D5865-04 or equivalent approved in writing by the Agency.
    - B) Determine the moisture content using ASTM D3173-03 or equivalent approved in writing by the Agency.
    - C) Measure the mercury content using ASTM D6414-01, ASTM D3684-01, or equivalent approved in writing by the Agency.
  - 3) The owner or operator of multiple EGUs at the same source using the same crusher house or breaker building may take one sample per crusher house or breaker building, rather than one per EGU.
  - 4) The owner or operator of an EGU shall use the data analyzed under subsection (b) of this Section to determine the mercury content in terms of lbs/trillion Btu.

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED RULES

- b) The owner or operator of an EGU that must conduct sampling and analysis of coal pursuant to subsection (a) of this Section shall begin such activity by the following date:
  - 1) If the EGU is in daily service, at least 30 days before the start of the month for which such activity will be required.
  - 2) If the EGU is not in daily service, on the day that the EGU resumes operation.

**Section 225.270 Notifications**

The owner or operator of a source with one or more EGUs shall submit written notice to the Agency according to the provisions in 40 CFR 75.61 for each EGU or group of EGUs monitored at a common stack and each non-EGU monitored under 40 CFR 75.82(b)(2)(ii).

**Section 225.290 Recordkeeping and Reporting**

- a) General Provisions
  - 1) The owner or operator of an EGU and its designated representative shall comply with all applicable recordkeeping and reporting requirements in this Section and with all applicable recordkeeping and reporting requirements of 40 CFR 75.84.
  - 2) The owner or operator of an EGU shall maintain records for each month identifying the emission standard in Section 225.230(a) or 225.237(a) of this Section with which it is complying or that is applicable for the EGU and the following records related to the emissions of mercury that the EGU is allowed to emit:
    - A) For an EGU for which the owner or operator is complying with this Subpart by means of Section 225.230(a)(2) or 225.237(a)(1)(B) or using input mercury levels to determine the allowable emissions of the EGU, records of the daily mercury content of coal used (lbs/trillion Btu) and the daily and monthly input mercury (lbs), which shall be kept in the file required under 40 CFR 75.84(a).

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED RULES

- B) For an EGU for which the owner or operator of an EGU complying with this Subpart by means of Section 225.230(a)(1) or 225.237(a)(1)(A) or using electrical output to determine the allowable emissions of the EGU, records of the daily and monthly gross electrical output (GWh), which shall be kept in the file required under 40 CFR 75.84(a).
- 3) The owner or operator of an EGU shall maintain records of the following for each EGU:
    - A) Monthly emissions of mercury from the EGU.
    - B) For an EGU for which the owner or operator is complying by means of Section 225.230(b) or (d) of this Subpart, records of the monthly allowable emissions of mercury from the EGU.
  - 4) The owner or operator of an EGU that is participating in an Averaging Demonstration pursuant to Section 225.232 of this Subpart shall maintain records identifying all sources and EGUs covered by the Demonstration for each month and, within 60 days after the end of each calendar month, calculate and record the actual and allowable mercury emissions of the EGU for the month and the applicable 12-month rolling period.
  - 5) The owner or operator of an EGU shall maintain the following records related to quality assurance activities conducted for emissions monitoring systems:
    - A) The results of quarterly assessments conducted under Section 2.2 of Appendix B of 40 CFR 75; and
    - B) Daily/weekly system integrity checks under Section 2.6 of Appendix B of 40 CFR 75.
  - 6) The owner or operator of an EGU shall maintain an electronic copy of all electronic submittals to the USEPA under 40 CFR 75.84(f).
  - 7) The owner or operator of an EGU shall retain all records required by this Section at the source unless otherwise provided in the CAAPP permit issued for the source and shall make a copy of any record available to the Agency upon request.

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED RULES

- b) Quarterly Reports. The owner or operator of a source with one or more EGUs shall submit quarterly reports to the Agency as follows:
- 1) These reports shall include the following information for operation of the EGUs during the quarter:
    - A) The total operating hours of each EGU and the mercury CEMS, as also reported in accordance with 40 CFR 75.
    - B) A discussion of any significant changes in the measures used to control emissions of mercury from the EGUs or the coal supply to the EGUs, including changes in the source of coal.
    - C) Summary information on the performance of the mercury CEMS. When the mercury CEMS was not inoperative, repaired, or adjusted, except for routine zero and span checks, this shall be stated in the report.
    - D) If the CEMS downtime was more than 5.0 percent of the total operating time for the EGU: the date and time identifying each period during which the CEMS was inoperative, except for routine zero and span checks; the nature of CEMS repairs or adjustments and a summary of quality assurance data consistent with 40 CFR 75, i.e., the dates and results of the Linearity Test(s) and any Relative Accuracy Test Audit(s) during the quarter; a listing of any days when a required daily calibration was not performed; and the date and duration of any periods when the CEMS was out-of-control as addressed by Section 225.260 of this Subpart.
  - 2) The owner or operator shall submit each quarterly report to the Agency within 45 days following the end of the calendar quarter covered by the report.
- c) Compliance Certification. The owner or operator of a source with one or more EGUs shall submit to the Agency a compliance certification in support of each quarterly report based on reasonable inquiry of those persons with primary responsibility for ensuring that all of the EGUs' emissions are correctly and fully monitored. The certification shall state:

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED RULES

- 1) That the monitoring data submitted were recorded in accordance with the applicable requirements of this Section, Sections 225.240 through 225.270 and 40 CFR 75, including the quality assurance procedures and specifications; and
  - 2) For an EGU with add-on mercury emission controls, a flue gas desulfurization system, a selective catalytic reduction system, or a compact hybrid particulate collector system and for all hours where mercury data are substituted in accordance with 40 CFR 75.34(a)(1):
    - A) That:
      - i) The mercury add-on emission controls, flue gas desulfurization system, selective catalytic reduction system, or compact hybrid particulate collector system was operating within the range of parameters listed in the quality assurance/quality control program listed in the quality assurance/quality control program under Appendix B to 40 CFR 75; or
      - ii) With regard to a flue gas desulfurization system or a selective catalytic reduction system, quality-assured SO<sub>2</sub> emission data recorded in accordance with 40 CFR 75 document that the flue gas desulfurization system was operating properly, or quality-assured NO<sub>x</sub> emission data recorded in accordance with 40 CFR 75 document that the selective catalytic reduction system was operating properly, as applicable; and
    - B) The substitute data values do not systematically underestimate mercury emissions.
- d) Annual Certification of Compliance
- 1) The owner or operator of a source with one or more EGUs subject to this Subpart shall submit to the Agency an Annual Certification of Compliance with this Subpart no later than May 1 of each year and shall address compliance for the previous calendar year. Such certification shall be submitted to the Agency, Air Compliance and Enforcement Section, and the Air Regional Field Office.

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED RULES

- 2) Annual Certifications of Compliance shall indicate whether compliance existed for each EGU for each month in the year covered by the Certification and certification to that effect. In addition, for each EGU, the owner or operator shall provide the following:
- A) If complying with this Subpart by means of Section 225.230(a)(1)(A) or 225.237(a)(1)(A):
    - i) Actual emissions rate, in lb/GWh, for each 12-month rolling period ending in the year covered by the Certification;
    - ii) Actual emissions, in lbs, and gross electrical output, in GWh, for each 12-month rolling period ending in the year covered by the Certification; and
    - iii) Actual emissions, in lbs, and gross electrical output, in GWh, for each month in the year covered by the Certification and in the previous year.
  - B) If complying with this Subpart by means of Section 225.230(a)(1)(B) or 225.237(a)(1)(B):
    - i) Actual control efficiency for emissions for each 12-month rolling period ending in the year covered by the Certification, expressed as a percent;
    - ii) Actual emissions, in lbs, and mercury content in the fuel fired in such EGU, in lbs, for each 12-month rolling period ending in the year covered by the Certification; and
    - iii) Actual emissions, in lbs, and mercury content in the fuel fired in such EGU, in lbs, for each month in the year covered by the Certification and in the previous year.
  - C) If complying with this Subpart by means of Section 225.230(b):
    - i) Actual emissions and allowable emissions for each 12-month rolling period ending in the year covered by the Certification; and

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED RULES

- ii) Actual emissions and allowable emissions, and which standard of compliance the owner or operator was utilizing for each month in the year covered by the Certification and in the previous year.
- D) If complying with this Subpart by means of Section 225.230(d):
- i) Actual emissions and allowable emissions for all EGUs at the source for each 12-month rolling period ending in the year covered by the Certification; and
  - ii) Actual emissions and allowable emissions, and which standard of compliance the owner or operator was utilizing for each month in the year covered by the Certification and in the previous year.
- E) If complying with this Subpart by means of Section 225.232:
- i) Actual emissions and allowable emissions for all EGUs at the source in an Averaging Demonstration for each 12-month rolling period ending in the year covered by the Certification; and
  - ii) Actual emissions and allowable emissions, with the standard of compliance the owner or operator was utilizing for each EGU at the source in an Averaging Demonstration for each month for all EGUs at the source in an Averaging Demonstration in the year covered by the Certification and in the previous year.
- F) Any deviations, data substitutions, or exceptions each month and discussion of the reasons for such deviations, data substitutions, or exceptions.
- 3) All Annual Certifications of Compliance required to be submitted shall include the following certification by a responsible official:

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED RULES

designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

- 4) The owner or operator of an EGU shall submit its first Annual Certification of Compliance to address calendar year 2009 or the calendar year in which the EGU commences commercial operation, whichever is later. Notwithstanding subsection (d)(2) of this Section, in the Annual Certifications of Compliance that are required to be submitted by May 1, 2010 and May 1, 2011 to address calendar years 2009 and 2010, respectively, the owner or operator is not required to provide 12-month rolling data for any period that ends before June 30, 2010.
- e) Deviation Reports. For each EGU, the owner or operator shall promptly notify the Agency of deviations from requirements of this Subpart. At a minimum, these notifications shall include a description of such deviations within 30 days after discovery of the deviations, and a discussion of the possible cause of such deviations, any corrective actions, and any preventative measures taken.
- f) Quality Assurance RATA Reports. The owner or operator of an EGU shall submit to the Agency, Air Compliance and Enforcement Section, the quality assurance RATA report for each EGU or group of EGUs monitored at a common stack and each non-EGU under 40 CFR 75.82(b)(2)(ii) within 45 days after completing a quality assurance RATA.

**Section 225.295 Treatment of Mercury Allowances**

Any mercury allowances allocated to the Agency by the USEPA shall be treated as follows:

- a) No such allowances shall be allocated to any owner or operator of an EGU or other sources of mercury emissions into the atmosphere or discharges into the waters of the State.
- b) The Agency shall hold all allowances allocated by the USEPA to the State. At the end of each calendar year, the Agency shall instruct the USEPA to retire permanently all such allowances.

## TEACHERS' RETIREMENT SYSTEM OF THE STATE OF ILLINOIS

## NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: The Administration and Operation of the Teachers' Retirement System
- 2) Code Citation: 80 Ill. Adm. Code 1650
- 3) 

<u>Section Numbers</u> :	<u>Proposed Action</u> :
1650.1000	Amendment
1650.1001	Amendment
1650.1010	Amendment
1650.1020	Amendment
1650.1030	Amendment
1650.1080	Amendment
1650.1090	New
- 4) Statutory Authority: Implementing and authorized by Article 16 [40 ILCS 5/16] and Article 1, Section 119 [40 ILCS 5/1-119] of the Illinois Pension Code.
- 5) A Complete Description of the Subjects and Issues Involved: Public Act 94-710, effective December 5, 2005, imposes a new requirement on the Teachers' Retirement System of the State of Illinois to hold a special election when an elected TRS trustee position becomes vacant with more than six months remaining until the term expires. The proposed amendments to TRS Administrative Rules Subpart L: Board Election Procedures, 1650.1000 – 1650.1090, will bring TRS into compliance with this legislation by incorporating special election procedures within the current TRS trustee election framework.
- 6) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this rulemaking contain incorporations by reference? No
- 9) Are there any other proposed amendments pending on this Part? No
- 10) Statement of Statewide Policy Objectives: This rulemaking does not create or expand a State mandate under Section 3(b) of the State Mandates Act [30 ILCS 805/3(b)].
- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Comments on the proposed amendment may be submitted in writing for a period of 45 days following publication of this Notice to:

## TEACHERS' RETIREMENT SYSTEM OF THE STATE OF ILLINOIS

## NOTICE OF PROPOSED AMENDMENTS

Cynthia M. Fain  
Sr. Asst. General Counsel  
Teachers' Retirement System  
2815 West Washington, P. O. Box 19253  
Springfield, Illinois 62794-9253

(217) 753-0375

- 12) Initial Regulatory Flexibility Analysis: These amendments will not affect small businesses.
- A) Types of small businesses, small municipalities and not for profit corporations affected: None
- B) Reporting, bookkeeping or other procedures required for compliance: None
- C) Types of professional skills necessary for compliance: None
- 13) Regulatory Agenda on which this rulemaking was summarized: January 2006

The full text of the Proposed Amendments begin on the next page:

TEACHERS' RETIREMENT SYSTEM OF THE STATE OF ILLINOIS

NOTICE OF PROPOSED AMENDMENTS

TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES  
SUBTITLE D: RETIREMENT SYSTEMS  
CHAPTER III: TEACHERS' RETIREMENT SYSTEM OF  
THE STATE OF ILLINOIS

PART 1650  
THE ADMINISTRATION AND OPERATION OF THE  
TEACHERS' RETIREMENT SYSTEM

SUBPART A: REPORTS BY BOARD OF TRUSTEES

Section  
1650.10 Annual Financial Report (Repealed)

SUBPART B: BASIC RECORDS AND ACCOUNTS

Section  
1650.110 Membership Records  
1650.120 Claims Records (Repealed)  
1650.130 Individual Accounts (Repealed)  
1650.140 Ledger and Accounts Books (Repealed)  
1650.150 Statistics (Repealed)  
1650.160 Confidentiality of Records  
1650.180 Filing and Payment Requirements  
1650.181 Early Retirement Incentive Payment Requirements  
1650.182 Waiver of Additional Amounts Due  
1650.183 Definition of Employer's Normal Cost

SUBPART C: FILING OF CLAIMS

Section  
1650.201 Disability Benefits – Application Procedure  
1650.202 Disability and Occupational Disability Benefits – Definitions  
1650.203 Disability Retirement Annuity – Definitions  
1650.204 Gainful Employment – Consequences  
1650.205 Medical Examinations and Investigation of Disability Claims  
1650.206 Physician Certificates  
1650.207 Disability Due to Pregnancy  
1650.208 Disability Payments  
1650.209 Computation of Annual Salary When Member Has Different Semester Salary

## TEACHERS' RETIREMENT SYSTEM OF THE STATE OF ILLINOIS

## NOTICE OF PROPOSED AMENDMENTS

	Rates
1650.210	Claim Applications
1650.211	Disability Recipient Eligible to Receive an Age or Disability Retirement Annuity
1650.220	Reclassification of Disability Claim (Repealed)
1650.221	When Member Becomes Annuitant
1650.222	Death Out of Service
1650.230	Medical Examinations and Investigations of Claims (Repealed)
1650.240	Refunds; Impermissible Refunds; Canceled Service; Repayment
1650.250	Death Benefits
1650.260	Evidence of Age
1650.270	Reversionary Annuity – Evidence of Dependency
1650.271	Evidence of Parentage
1650.272	Eligible Child Dependent By Reason of a Physical or Mental Disability
1650.280	Evidence of Marriage
1650.290	Offsets

## SUBPART D: MEMBERSHIP AND SERVICE CREDITS

## Section

<u>1650.301</u>	<u>Early Retirement Without Discount – Return to Teaching from a Break in Service</u>
1650.310	Effective Date of Membership
1650.320	Method of Calculating Service Credits
1650.325	Method of Calculating Service Credit for Recipients of a Disability Benefit or Occupational Disability Benefit
1650.330	Duplicate Service Credit
1650.335	Unreported Regular Service Credit and Earnings
1650.340	Service Credit for Leaves of Absence
1650.341	Service Credit for Involuntary Layoffs
1650.345	Service Credit for Periods Away From Teaching Due to Pregnancy
1650.346	Service Credit for Periods Away From Teaching Due to Adoption
1650.350	Service Credit for Unused Accumulated Sick Leave Upon Retirement
<u>1650.351</u>	<u>Employer Contribution for Excess Sick Leave</u>
1650.355	Purchase of Optional Service – Required Minimum Payment
1650.356	Payroll Deduction Program (Repealed)
1650.357	Employer Payment of Member's Optional Service and/or Upgrade Contribution Balance (Repealed)
1650.360	Settlement Agreements and Judgments
1650.370	Calculation of Average Salary (Renumbered)
1650.380	Definition of Actuarial Equivalent
1650.390	Independent Contractors

## TEACHERS' RETIREMENT SYSTEM OF THE STATE OF ILLINOIS

## NOTICE OF PROPOSED AMENDMENTS

- 1650.391 Optional 2.2 Upgrade of Earned and Credited Service  
 1650.392 2.2 Upgrade of Optional Service Not Credited at Initial Upgrade

## SUBPART E: CONTRIBUTION CREDITS AND PAYMENTS

## Section

- 1650.410 Return of Contributions for Duplicate or Excess Service  
 1650.415 Return of Optional Increase in Retirement Annuity Contributions  
 1650.416 Optional Increase in Retirement Annuity – 1% Contribution Reduction  
 1650.420 Interest on Deficiencies (Repealed)  
 1650.430 Installment Payments (Repealed)  
 1650.440 Small Deficiencies, Credits or Death Benefit Payments  
 1650.450 Definition of Salary  
 1650.451 Reporting of Conditional Payments  
 1650.460 Calculation of Average Salary  
 1650.470 Rollover Distributions  
 1650.480 Rollovers to the System  
1650.481 [Employer Contribution Required for Salary Increases in Excess of 6%](#)  
1650.482 [Contracts and Collective Bargaining Agreements – Loss of Exemption from Employer Contributions](#)  
1650.483 [Employer Contributions for Salary Increases in Excess of 6% and Excess Sick Leave Exemption from Contributions](#)  
1650.484 [Members Not Covered by Collective Bargaining Agreements or Employment Contracts](#)

## SUBPART F: RULES GOVERNING ANNUITANTS AND BENEFICIARIES

## Section

- 1650.505 Beneficiary (Repealed)  
 1650.510 Re-entry Into Service  
 1650.520 Suspension of Benefits  
 1650.530 Power of Attorney  
 1650.540 Conservators/Guardians  
 1650.550 Presumption of Death  
 1650.560 Benefits Payable on Death  
 1650.570 Survivors' Benefits  
 1650.571 Payment of Monthly Survivor Benefits to a Trust  
 1650.575 Full-time Student – Receipt of Survivors Benefits Until Age 22  
 1650.580 Evidence of Eligibility  
 1650.590 Comptroller Offset

TEACHERS' RETIREMENT SYSTEM OF THE STATE OF ILLINOIS

NOTICE OF PROPOSED AMENDMENTS

1650.595 Overpayments

SUBPART G: ATTORNEY GENERALS' OPINION

Section

1650.605 Policy of the Board Concerning Attorney Generals' Opinion (Repealed)

SUBPART H: ADMINISTRATIVE REVIEW

Section

1650.610 Staff Responsibility  
1650.620 Right of Appeal  
1650.630 Form of Written Request  
1650.635 Presiding Hearing Officer – Duties and Responsibilities  
1650.640 Prehearing Procedure  
1650.641 Claims Hearing Committee Hearing Packet  
1650.650 Hearing Procedure  
1650.660 Rules of Evidence (Repealed)

SUBPART I: AMENDMENTS TO BYLAWS AND RULES

Section

1650.710 Amendments

SUBPART J: RULES OF ORDER

Section

1650.810 Parliamentary Procedure

SUBPART K: FREEDOM OF INFORMATION ACT REQUESTS

Section

1650.910 Summary and Purpose  
1650.920 Definitions  
1650.930 Submission of Requests  
1650.940 Form and Content of FOIA Requests  
1650.950 Appeal of a Denial  
1650.960 Executive Director's Response to Appeal  
1650.970 Response to FOIA Requests  
1650.980 Inspection of Records at System Office

## TEACHERS' RETIREMENT SYSTEM OF THE STATE OF ILLINOIS

## NOTICE OF PROPOSED AMENDMENTS

- 1650.990 Copies of Public Records  
1650.995 Materials Available Under Section 4 of FOIA

## SUBPART L: BOARD ELECTION PROCEDURES

## Section

- 1650.1000 Nomination of Candidates  
1650.1001 Elections Date/Election Day – Defined  
1650.1010 Petitions  
1650.1020 Eligible Voters  
1650.1030 Election Materials  
1650.1040 Marking of Ballots  
1650.1050 Return of Ballots  
1650.1060 Observation of Ballot Counting  
1650.1070 Certification of Ballot Counting  
1650.1080 Challenges to Ballot Counting  
1650.1090 Special Election to Fill Un-Expired Term of Elected Trustee

## SUBPART M: QUALIFIED ILLINOIS DOMESTIC RELATIONS ORDERS

## Section

- 1650.1110 Definitions  
1650.1111 Requirements for a Valid Qualified Illinois Domestic Relations Order  
1650.1112 Curing Minor Deficiencies  
1650.1113 Required Form  
1650.1114 Filing a QILDRO with the System  
1650.1115 Benefits Affected by a QILDRO  
1650.1116 Effect of a Valid QILDRO  
1650.1117 QILDROs Against Persons Who Became Members Prior to July 1, 1999  
1650.1118 Alternate Payee's Address  
1650.1119 Electing Form of Payment  
1650.1120 Automatic Annual Increases  
1650.1121 Reciprocal Systems QILDRO Policy Statement  
1650.1122 Providing Benefit Information for Divorce Purposes  
1650.1123 Suspension and Expiration of a QILDRO

## SUBPART N: PAYROLL DEDUCTION PROGRAM

## Section

- 1650.1200 Payroll Deduction Program Guidelines

## TEACHERS' RETIREMENT SYSTEM OF THE STATE OF ILLINOIS

## NOTICE OF PROPOSED AMENDMENTS

- 1650.1201 Employer Responsibility Under the Payroll Deduction Program Upon Execution of a Payroll Deduction Agreement
- 1650.1202 Payroll Deduction Agreements – Suspensions and Terminations
- 1650.1203 Payroll Deduction Program – Full Time Employment Defined
- 1650.1204 Payroll Deduction Program – Disability Defined
- 1650.1205 Employer Payment of Member's Optional Service, Refund and/or Upgrade Contribution Balance

## SUBPART O: RETIRMENT BENEFITS

## Section

- 1650.2900 Excess Benefit Arrangement

**AUTHORITY:** Implementing and authorized by Articles 1 and 16 of the Illinois Pension Code [40 ILCS 5/Arts. 1 and 16]; Freedom of Information Act [5 ILCS 140]; Internal Revenue Code (26 USC 1 et seq.); Section 5-15 of the Illinois Administrative Procedure Act [5 ILCS 100/5-15].

**SOURCE:** Filed June 20, 1958; emergency rules adopted at 2 Ill. Reg. 49, p. 249, effective November 29, 1978, for a maximum of 150 days; adopted at 3 Ill. Reg. 9, p. 1, effective March 3, 1979; codified at 8 Ill. Reg. 16350; amended at 9 Ill. Reg. 20885, effective December 17, 1985; amended at 12 Ill. Reg. 16896, effective October 3, 1988; amended at 14 Ill. Reg. 18305, effective October 29, 1990; amended at 15 Ill. Reg. 16731, effective November 5, 1991; amended at 17 Ill. Reg. 1631, effective January 22, 1993; amended at 18 Ill. Reg. 6349, effective April 15, 1994; emergency amendment at 18 Ill. Reg. 8949, effective May 24, 1994, for a maximum of 150 days; emergency modified at 18 Ill. Reg. 12880; amended at 18 Ill. Reg. 15154, effective September 27, 1994; amended at 20 Ill. Reg. 3118, effective February 5, 1996; emergency amendment at 21 Ill. Reg. 483, effective January 1, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 2422, effective January 31, 1997; amended at 21 Ill. Reg. 4844, effective March 27, 1997; emergency amendment at 21 Ill. Reg. 17159, effective December 9, 1997, for a maximum of 150 days; amended at 22 Ill. Reg. 7243, effective April 9, 1998; emergency amendment at 22 Ill. Reg. 7314, effective April 9, 1998, for a maximum of 150 days; emergency amendment at 22 Ill. Reg. 9374, effective May 14, 1998, for a maximum of 150 days; emergency rule modified in response to JCAR Objection at 22 Ill. Reg. 11640; emergency amendment at 22 Ill. Reg. 13151, effective June 29, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 15620, effective August 17, 1998; amended at 22 Ill. Reg. 19079, effective October 1, 1998; amended at 22 Ill. Reg. 22090, effective December 1, 1998; amended at 23 Ill. Reg. 3079, effective February 23, 1999; amended at 24 Ill. Reg. 2440, effective January 27, 2000; amended at 24 Ill. Reg. 10300, effective June 26, 2000; amended at 25 Ill. Reg. 203, effective December 22, 2000; amended at 26 Ill. Reg. 2758, effective February 11, 2002; amended at 26 Ill. Reg. 11476, effective July 11, 2002; amended at 27 Ill. Reg. 1668, effective

## TEACHERS' RETIREMENT SYSTEM OF THE STATE OF ILLINOIS

## NOTICE OF PROPOSED AMENDMENTS

January 17, 2003; amended at 27 Ill. Reg. 9209, effective May 28, 2003; amended at 28 Ill. Reg. 10055, effective June 29, 2004; amended at 29 Ill. Reg. 1546, effective January 14, 2005; amended at 29 Ill. Reg. 13244, effective August 9, 2005; amended at 30 Ill. Reg. 194, effective December 23, 2006; amended at 30 Ill. Reg. 472, effective December 21, 2005; amended at 30 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## SUBPART L: BOARD ELECTION PROCEDURES

**Section 1650.1000 Nomination of Candidates**

- a) Any candidate for a vacant teacher position on the System's Board of Trustees shall be nominated by a written petition signed by no fewer than 500 individuals who, as of the date of signing, were teachers as defined in Section 16-106 of the Illinois Pension Code [40 ILCS 5/16-106].
- b) Any candidate for a vacant annuitant position on the System's Board of Trustees shall be nominated by a written petition signed by no fewer than 500 individuals who, as of the date of signing, were teachers as defined in Section 16-111.1 of the Illinois Pension Code [40 ILCS 5/16-111.1].
- c) Petitions may be circulated for signatures by any individual or entity for a period of time as follows:
  - 1) For a regular election, commencing the November 1 immediately preceding the election date and ending with the time for filing such petition with the Board's secretary as provided in subsection (b)(4) of Section 1650.1010;-
  - 2) For a special election as provided in Section 1650.1090, commencing the date that the Board's secretary announces that a special election will be held and for a two-week period thereafter.
- d) An individual eligible to sign a petition nominating a candidate for a vacant teacher position on the Board may sign petitions for as many candidates as desired.
- e) An individual eligible to sign a petition nominating a candidate for a vacant annuitant position on the Board may sign petitions for as many candidates as desired.

## TEACHERS' RETIREMENT SYSTEM OF THE STATE OF ILLINOIS

## NOTICE OF PROPOSED AMENDMENTS

(Source: Amended at 30 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 1650.1001 Election Date/Election Day – Defined**

- a) For a regular election, ~~purposes of Subpart L: Board Election Procedures~~, the term "election date" or "election day" shall mean "May 1, ~~unless May 1 falls on a Saturday or Sunday, in which event the election shall be conducted on the following Monday~~" in trustee election years as prescribed in 40 ILCS 5/16-165.
- b) For a special election as provided in Section 1650.1090, the term "election date" or "election day" shall mean the date prescribed by the Board's secretary.
- c) If the election day falls on a Saturday, Sunday, or holiday observed by the System, the election will be held the next day on which the System is open for business.

(Source: Amended at 30 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 1650.1010 Petitions**

- a) All petitions shall be in the form adopted by the System. Petition forms may be obtained from the System, upon request of any individual or entity.
- b) A valid petition nominating a candidate for a vacant teacher position or a vacant annuitant position on the System's Board of Trustees shall meet the following requirements:
  - 1) The petition must bear the requisite number of original signatures of individuals eligible to nominate the candidate pursuant to subsection (a) or (b) of Section 1650.1000. A valid petition may consist of multiple pages and may contain blank signature lines; however, all valid signatures thereon must be original signatures;
  - 2) Each signature of an eligible voter must be accompanied by the signing person's name (printed), street address, city, and state and may, at the signing person's option, be accompanied by the signing person's area code and telephone number to assist the Board's secretary in verifying voter eligibility;
  - 3) The petition shall bear the notarized signature of the individual who

## TEACHERS' RETIREMENT SYSTEM OF THE STATE OF ILLINOIS

## NOTICE OF PROPOSED AMENDMENTS

circulated the petition for signatures, verifying that the signatures contained thereon were signed in that individual's presence, are genuine, and that to the best of the circulating individual's knowledge, the persons who signed the petition were eligible to do so as provided in subsection (a) or (b) of Section 1650.1000;

- 4) Petitions shall be filed with the Board's secretary during the following time periods:
  - A) For a regular election, not less than 90 nor more than 120 days prior to the election day;
  - B) For a special election as provided in Section 1650.1090, beginning with the Board's secretary's announcement that a special election will be held and no later than the petition-filing deadline announced by the Board's secretary.
- 5) Petitions filed after the prescribed petition-filing period less than 90 days prior to the election day are invalid and will be returned to the party submitting thesuch petition for filing; and
- 6) Petitions filed before the prescribed petition-filing period more than 120 days prior to the election day will not be accepted and will be returned to the party submitting thesuch petition for filing. Nothing in this subsection (b)(6) precludes the timely re-filing of petitions filed before the prescribed petition-filing period more than 120 days prior to the election day.
- c) The Board's secretary shall determine the validity of all petitions for regular elections not less than 75 days prior to the election day, and for special elections not less than 20 days prior to the election day.
- d) Any individual may, upon reasonable notice to the System, examine the petitions that~~which~~ have been filed with the System with respect to the election to take place ~~that year~~; provided, however, that in order to protect the signing teachers' and annuitants' ~~rights to~~ privacy and confidentiality ~~as to their names, addresses, and social security numbers,~~ thesuch examination shall only take place subject to the following limitations:
  - 1) Petitions may only be examined at the System's offices after the validity of the petitions has been verified by the Board's secretary as provided in

## TEACHERS' RETIREMENT SYSTEM OF THE STATE OF ILLINOIS

## NOTICE OF PROPOSED AMENDMENTS

subsection (c) of this Section;

- 2) Petitions may not be removed from the System's offices, copied, or duplicated by any means; and
- 3) Petitions, including any information thereon, shall not be subject to production or disclosure under the provisions of the Illinois Freedom of Information Act (FOIA) [5 ILCS 140].

(Source: Amended at 30 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 1650.1020 Eligible Voters**

- a) An individual is eligible to vote for a vacant teacher position on the Board of Trustees of the System if he or she was a "teacher", as defined in Section 16-106 of the Illinois Pension Code [40 ILCS 5/16-106], determined as of the following dates:
  - 1) For a regular election, March 1 of the year in which the election is held;:-
  - 2) For a special election as provided in Section 1650.1090, the date the Board's secretary determines the validity of petitions.
- b) An individual is eligible to vote for a vacant annuitant position on the Board of Trustees of the System if he or she was an "annuitant", as defined in Section 16-111.1 of the Illinois Pension Code [40 ILCS 5/16-111.1], determined as of the following dates:
  - 1) For a regular election, March 1 of the year in which the election is held;:-
  - 2) For a special election as provided in Section 1650.1090, the date the Board's secretary determines the validity of petitions.
- c) A person who is eligible to vote for a vacant teacher position pursuant to subsection (a) of this Section is not eligible to vote for a vacant annuitant position.
- d) A person who is eligible to vote for a vacant annuitant position pursuant to subsection (b) of this Section is not eligible to vote for a vacant teacher position.

(Source: Amended at 30 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## TEACHERS' RETIREMENT SYSTEM OF THE STATE OF ILLINOIS

## NOTICE OF PROPOSED AMENDMENTS

**Section 1650.1030 Election Materials**

- a) At least ~~2019~~ days prior to the election day, the System shall mail to the eligible voter's latest address known to the System the following election materials:
- 1) A preprinted, perforated ballot/signature card listing, in alphabetical order, either the teacher candidates or the annuitant candidates, depending on the basis for the individual's eligible voter status as provided in Section 1650.1020(a) or (b);
  - 2) A preprinted, return envelope addressed to the System's Board; and
  - 3) A preprinted envelope marked "For Ballot Only."
- b) If an eligible voter has not received any or all of the election materials specified in subsection (a) of this Section prior to the election day, the eligible voter may request that the System send election materials to him or her.
- 1) Upon such request, the System shall verify that the requesting individual is an eligible voter as provided in Section 1650.1020, and upon such verification shall send the eligible voter a written certification of nonreceipt in the form prescribed by the System and the election materials via first class U.S. mail, or if the election is less than one week away, via priority U.S. mail.
  - 2) The eligible voter shall complete the certification attesting to nonreceipt of election materials and attach it to the signature card.
- c) If previously mailed election materials are returned to the System undelivered at least one week prior to the election day and a forwarding address has been provided, the System shall mail election materials to the forwarding address via first class U.S. mail.

(Source: Amended at 30 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 1650.1080 Challenges to Ballot Counting**

- a) Any challenge to the ballot counting shall be made in the following manner:

## TEACHERS' RETIREMENT SYSTEM OF THE STATE OF ILLINOIS

## NOTICE OF PROPOSED AMENDMENTS

- 1) Only those candidates, organizations or associations which had a poll watcher present during the ballot counting in accordance with Section 1650.1060(a), or a public observer present during the ballot counting in accordance with Section 1650.1060(b), shall have standing to challenge the ballot counting.
  - 2) The challenger shall submit to the Board a written statement identifying the specific aspect or aspects of the ballot counting process which are being challenged.
  - 3) All challenges as provided in this Section shall be submitted no later than 7 days after the election day. Any challenge submitted more than 7 days after the election day shall not be considered.
- b) The written statement timely submitted in accordance with subsection (a) of this Section shall be presented and considered by the Board at the next regularly scheduled meeting of the Board. To consider a written statement submitted in regard to a special election, the Board may schedule a special meeting for that purpose. The challenger shall have no right to appear at the Board meeting. The Board shall, in its sole discretion, determine what steps, if any, need to be taken in response to the challenge, including, but not limited to, modifying the election results declared by the Board in accordance with Section 16-165 of the Illinois Pension Code [40 ILCS 5/16-165].
- c) In the event that election results have already been declared by the Board in accordance with Section 16-165 of the Illinois Pension Code [40 ILCS 5/16-165], such election results shall remain valid pending determination of any challenge as provided by this Section.
- d) The Board shall send written notice of its determination to the challenger and all candidates within 730 days after making thesueh determination.

(Source: Amended at 30 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 1650.1090 Special Election to Fill Un-Expired Term of Elected Trustee**

- a) On the date that an elected trustee position becomes vacant, if more than six months remain until the term expires, the Board's secretary will hold a special election in accordance with this Subpart L; provided, however, that if the Board's secretary determines there is inadequate time to hold a special election so as to

## TEACHERS' RETIREMENT SYSTEM OF THE STATE OF ILLINOIS

## NOTICE OF PROPOSED AMENDMENTS

allow the newly elected trustee to participate in at least one regularly scheduled Board meeting, then no special election will be held and the vacancy will remain until the next regular election.

- b) The Board's secretary will notify the System's membership that a special election will be held as soon as administratively feasible upon receiving notice of a vacancy and will announce the schedule for the special election, which will include the following:
- 1) The date the vacancy occurred;
  - 2) The time period for circulating petitions for nominating signatures;
  - 3) The deadline for filing petitions with the System;
  - 4) The date the Board's secretary will verify the validity of petitions;
  - 5) The date ballots will be sent to eligible voters;
  - 6) The election date; and
  - 7) The date results of the election will be announced.

(Source: Added at 30 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

JOINT COMMITTEE ON ADMINISTRATIVE RULES  
ILLINOIS GENERAL ASSEMBLY

STATEMENT OF OBJECTION TO  
EMERGENCY RULEMAKING

DEPARTMENT OF HUMAN SERVICES

Heading of the Part: Crisis Assistance

Code Citation: 89 Ill. Adm. Code 116

Section Numbers: 116.530

Date Originally Published in the Illinois Register: 2/10/06  
30 Ill. Reg. 1907

At its meeting on March 14, 2006, the Joint Committee on Administrative Rules objected to the emergency rules of the Department of Human Services titled Crisis Assistance (89 Ill. Adm. Code 116; 30 Ill. Reg. 1907, effective 1/27/06) because, while there was an emergency situation, the Department conducted and concluded a program to disburse cash assistance payments to applicants during the fall of 2005 before its 1/27/06 adoption of emergency rules. Use of emergency rulemaking procedures after expiration of the emergency situation and termination of cash benefits payments is axiomatically objectionable based on the lack of a current emergency situation.

Failure of the agency to respond within 90 days after receipt of the Statement of Objection shall be deemed a refusal. The agency's response will be placed on the JCAR agenda for further consideration.

JOINT COMMITTEE ON ADMINISTRATIVE RULES  
ILLINOIS GENERAL ASSEMBLY

STATEMENT OF OBJECTION  
TO PROPOSED RULEMAKING

DEPARTMENT OF HUMAN SERVICES

Heading of the Part: Food Stamps

Code Citation: 89 Ill. Adm. Code 121

Section Numbers: 121.63

Date Originally Published in the Illinois Register: 10/28/05  
29 Ill. Reg. 16344

At its meeting on March 14, 2006, the Joint Committee on Administrative Rules objected to the Department of Human Services rulemaking titled Food Stamps (89 Ill. Adm. Code 121; 29 Ill. Reg. 16344) because DHS failed to adopt a previous proposed rulemaking (28 Ill. Reg. 15295) while allowing the matching emergency rule (28 Ill. Reg. 15323) to expire, resulting in DHS utilizing a higher utility standard allowance than is currently established in rule.

Failure of the agency to respond within 90 days after receipt of the Statement of Objection shall constitute withdrawal of this proposed rulemaking. The agency's response will be placed on the JCAR agenda for further consideration.

JOINT COMMITTEE ON ADMINISTRATIVE RULES  
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

The following second notices were received by the Joint Committee on Administrative Rules during the period of March 14, 2006 through March 20, 2006 and have been scheduled for review by the Committee at its April 11, 2006 meeting. Other items not contained in this published list may also be considered. Members of the public wishing to express their views with respect to a rulemaking should submit written comments to the Committee at the following address: Joint Committee on Administrative Rules, 700 Stratton Bldg., Springfield IL 62706.

<u>Second Notice Expires</u>	<u>Agency and Rule</u>	<u>Start Of First Notice</u>	<u>JCAR Meeting</u>
4/27/06	<u>Department of Central Management Services, Extensions of Jurisdiction (80 Ill. Adm. Code 305)</u>	1/27/06 30 Ill. Reg. 1160	4/11/06
5/3/06	<u>Department of Commerce and Economic Opportunity, Technology Advancement and Development Act Programs (14 Ill. Adm. Code 545)</u>	1/27/06 30 Ill. Reg. 1162	4/11/06

## PROCLAMATIONS

**2006-75  
NATIONAL GARDEN WEEK**

WHEREAS, the Garden Clubs of Illinois, in cooperation with the National Garden Clubs, Inc., is promoting National Garden Week in Illinois; and

WHEREAS, Garden Week involves setting aside a special week to strengthen communities by encouraging citizens of all ages to work toward common goals; and

WHEREAS, among Garden Week activities are: educational programs, environmental cleanup, community beautification, flower shows, garden walks, youth activities and workshops; and

WHEREAS, the Garden Clubs of Illinois is a non-profit organization with more than 9,650 members and 200 clubs throughout Illinois; and

WHEREAS, the members are concerned citizens willing to devote their time and talents to the conservation, preservation, and beautification of our state's natural treasures and to expand and share our knowledge for the betterment of the environment:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim June 4 – 10, 2006 as **NATIONAL GARDEN WEEK** in Illinois, and encourage all citizens to recognize and celebrate the importance of our state's natural wonders.

Issued by the Governor on March 16, 2006.

Filed by the Secretary of State March 16, 2006.

**2006-76  
NATIONAL DIGESTIVE MOTILITY AWARENESS MONTH**

WHEREAS, digestive diseases, in general, rank first among illnesses for total economic burden making up about 15% of all direct health care costs, therefore being an important health care issue in our Nation; and

WHEREAS, the largest group of digestive diseases is made up of a family of digestive motility diseases/disorders that are caused by a poorly understood neuro-muscular dysfunction of the gut that may produce in any region of the digestive tract chronic motor and sensory disturbances characterized by weakened, spastic or failed propulsion of food through the digestive system; and

WHEREAS, these gut motor and sensory disturbances, ranging in severity from mild to digestive failure at the critical end of the spectrum, collectively affect 35 million Americans; and

## PROCLAMATIONS

WHEREAS, this family of digestive motility disturbances – loosely referred to as "dyspepsia" when affecting the upper digestive tract and commonly found in association with delayed gastric emptying – amounts to more than 2 million physician outpatient visits annually and almost 40% of all referrals to a gastroenterologist; and

WHEREAS, 10% of Americans are affected on a daily basis by heartburn, which for half of this group is caused by a motor disturbance of the stomach that results in delayed gastric emptying whose symptoms of bloating, a feeling of fullness with abdominal discomfort, and nausea are not addressed by acid-suppressing drugs alone; and

WHEREAS, 20 to 30% of the general North American population experience bothersome upper or lower digestive tract motility disturbances on a chronic basis; and

WHEREAS, lack of formal recognition of this continuum of serious digestive motility problems has resulted in discrimination against patients for disability claims, marginalization of care, and even refusal of care with the explanation that the symptoms are psychologically based; and

WHEREAS, national and international organizations, such as the Gastroparesis and Dysmotilities Association, the Gastroparesis and Dysmotilities Association – USA, and the Association for Gastrointestinal Motility Disorders, are committed to educating the health care community and the general public regarding the serious nature of digestive motility diseases/disorders and to provide accurate information on treatment, early detection and symptom management:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim May 2006 as **NATIONAL DIGESTIVE MOTILITY AWARENESS MONTH** in Illinois, and encourage all citizens to commit to the promotion of knowledge and understanding of digestive motility diseases and disorders.

Issued by the Governor on March 16, 2006.

Filed by the Secretary of State March 16, 2006.

**2006-77**

**PETER WILT DAY**

WHEREAS, Peter Wilt, a native of McHenry, Illinois, first came into the spotlight in Chicagoland sports as the General Manager (GM) of the Chicago Power of the National Professional Soccer League. He remained the GM with the Power from

## PROCLAMATIONS

1990 until 1994; the team won their only championship under his leadership during the 1990-91 season; and

WHEREAS, in 1997, Mr. Wilt was named GM of Chicago's new Major League Soccer (MLS) franchise, the Chicago Fire. Throughout his tenure, he developed a reputation for being a "fan friendly" businessman in the soccer world who is always willing to answer questions and cheer on the team; and

WHEREAS, since the beginning of the Chicago Fire, Mr. Wilt has been a strong force behind the FireWorks for Kids Foundation. As President of the Foundation, Mr. Wilt helped raise over \$1.8 million dollars to help advance recreational and educational opportunities for economically or otherwise disadvantaged children throughout the Chicagoland area; and

WHEREAS, in the Fire's inaugural season, Mr. Wilt built a team that won the U.S. Open CUP and the MLS Cup in 1998. The Fire went on to win two more U.S. Open Cup titles in 2000 and in 2003, and won division titles in 2000, 2001, and 2003; and

WHEREAS, Mr. Wilt served on the United States Soccer Federation board of directors and was instrumental in the memorandum being passed between the Fire, AEG and the Village of Bridgeview to bring a world class, soccer specific stadium to the State; and

WHEREAS, for his many endeavors, Peter Wilt has received numerous honors and awards. In 1998, he was named the MLS's Executive of the Year and the Northwest Herald's Sportsman of the Year. In 2002, he was honored as the Naperville Person of the Year by the Daily Herald, and in 2004 he was named to the Marian Central High School Sports Hall of Fame and the Illinois Soccer Hall of Fame; and

WHEREAS, on March 31, the Chicago Storm will be honoring Peter Wilt for his contributions to soccer, Chicago, and our great State:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim March 31, 2006 as **PETER WILT DAY** in Illinois.

Issued by the Governor on March 16, 2006.

Filed by the Secretary of State March 16, 2006.

# ILLINOIS ADMINISTRATIVE CODE Issue Index - With Effective Dates

Rules acted upon in Volume 30, Issue 13 are listed in the Issues Index by Title number, Part number, Volume and Issue. Inquires about the Issue Index may be directed to the Administrative Code Division at (217) 782-7017/18.

## PROPOSED RULES

80 - 2120	.....	5741
23 - 227	.....	5763
23 - 675	.....	5777
17 - 510	.....	5803
17 - 550	.....	5810
17 - 570	.....	5820
17 - 650	.....	5832
17 - 660	.....	5858
17 - 670	.....	5873
17 - 685	.....	5899
17 - 690	.....	5906
17 - 720	.....	5917
17 - 730	.....	5928
17 - 740	.....	5944
35 - 225	.....	5957
80 - 1650	.....	6003

## JOINT COMMITTEE ON ADMINISTRATIVE RULES

### STATEMENTS OF OBJECTION

89 - 116	.....	6018
89 - 121	.....	6019

## EXECUTIVE ORDERS AND PROCLAMATIONS

06 - 76	03/16/2006.....	6021
06 - 75	03/16/2006.....	6021
06 - 77	03/16/2006.....	6022

