

# Is Fishing A Right Or A Privilege?

By Denny Sands

Is fishing a right or a privilege? If you buy an Illinois' fishing license does that give you any expected fishing rights or merely the privilege to fish in Illinois. Is boating a right or a privilege? Does registering your boat with the IDNR give you any expected rights to take your boat to any IDNR lakes? Or is it merely a privilege to use your boat under IDNR rules and regulations.

Recently there has been a controversy stirred by a possible pilot program proposed by the Illinois Department Of Natural Resources. . This program would affect six lakes in Illinois. Those lakes are Shabbona, Pierce, Wolf, Dawson, Washington County and Mermet. The IDNR has drafted a proposed change to Administrative Rule Section 110.4 Boats and other Watercraft. The change states that an exception to the 10 horse power limit is being created :

"On the following pilot lakes between 60 - 500 acres (Shabbona, Pierce, Wolf, Dawson, Washington County and Mermet) - motors of any size are allowed (10 H.P. and under may operate at full speed while motors larger than 10 H.P. must operate at no wake, idle speed."

Shabbona Lake opened for fishing in 1978. Every year since there has been several requests to lift the 10 horse power limit on the lake. Anglers with motor boats with larger than 10 HP engines, felt they were being denied access to Illinois top fishing lake. They had a "right" to fish Shabbona Lake. They had bought Illinois Fishing Licenses. They had properly registered their boats with the IDNR. Yet they were denied the right to use their larger than 10 HP motor boats at Shabbona Lake.

Or were they?

Several years ago the IDNR set up a three tiered formula concerning motor restrictions on IDNR lakes. Lakes under 60 acres could only have electric motors. Lakes 60 acres to 500 acres could have up to a 10 horse power engine. Lakes over 500 acres could have unlimited horse power. In my opinion (not necessarily the IDNR's) this was done for three basic reasons, 1) safety, 2) habitat protection and 3) to limit access.

Lets look at all three. 1) Safety, it makes sense to limit smaller lakes to smaller engines. Small lakes are generally fished by fishermen using smaller boats. Smaller boats and the occupants would be in danger if larger boats were allowed cruise by a high speeds. The IDNR has limited law enforcement resources, and made the right decision that it could not enforce common sense rules at all of its lakes, all of the time.

We all know that fishermen fish until the very last opportunity to make that last cast of the day. Since we are already running late this generally leads to a return, as rapid as possible, to the

dock for loading,. Given an opportunity to get there faster with a larger engine on a small lake is just asking for problems. Motor restrictions were set to at least stop some of the problems before they developed. In hindsight that decision appears to have worked very well.

2) Habitat protection, larger boats and motors create erosion and turbidity problems for smaller lakes. A much higher percentage of a small lake's open water is covered with weed beds. Weed beds are the lifeline of any fishery. It is where life begins in a lake. A larger lake has weed beds only in bays or shallow areas. Larger motor boats will do more damage to weed beds in a smaller lake due to the limited open water to operate. The deeper depth of the propellers and the strength of their force would also be a factor in destroying weedbeds.

There would be more pollution from larger engines, compounded by the fact that they were operating in the confined space of a smaller lake exaggerating even small amounts of contaminants. Larger engines are not made to operate for lengthy periods at idle speed. They "gum" up and have to be cleared out periodically. While one could argue a newer engine would pollute less than a smaller older engine, I believe the gumming up problem would "out pollute" a smaller engine significantly. This would increase the damage to water quality.

Larger boats give off a stronger wake than smaller boats. While a smaller boat may make a wake initially larger than a heavier boat, the smaller wake of a heavier boat is more powerful, because it disperses more water. This will cause more shore erosion in the smaller lakes, because the shoreline is always close.

3) Limit access to prevent the over fishing of smaller lakes. This has been and always will be the most controversial of the reasons. By putting motor restrictions on lakes less than 500 acres, it relieved fishing pressure by limiting access. It did not prevent usage. Larger boats could gain access by using a trolling motor or a "kicker" engine 10 HP or less.

Smaller lakes like Shabbona, located in Northern Illinois half way between Chicago & Rockford, needed to limit access to survive. Literally, millions of people live within an hour's drive from Shabbona Lake. 330 acres of fishing water simply can not support added pressure, and maintain the quality of fishing we have experienced for 22 years. As it is now, Shabbona is the most heavily fished lake in Illinois, based on fishing manhours per acre of water.

The lake's original "Master Plan" called for a maximum of 40 rental boats. When we took over the concession business at Shabbona Lake, the previous concessionaire had 102 boats. Lakeside Bait, Tackle & Boat Rental has cut that number back to 80 (our IDNR contractual minimum), and we will recommend that the next contract cut that number back to 60.

The IDNR has set up a three tiered formula concerning motor restrictions on IDNR lakes. Lakes under 60 acres could only have electric motors. Lakes 60 acres to 500 acres could have up to a 10 horse power engine. Lakes over 500 acres could have unlimited horse power. Look what this system has done for the lakes of Illinois. The IDNR should be very proud of its accomplishments. Why change it now?

This takes us back to the opening argument, "Is fishing a right or a privilege?" My opinion is that it is a privilege, not a right. To take advantage of this privilege we need to look at the bigger picture, not at how it may affect selected individuals. The bottom line should be "Is it in the best interest of the lake (and the IDNR) to change the HP rule?" Not, "It is a right that "I" should be able to use a larger than 10 HP motor on Shabbona Lake". Access to Shabbona Lake is not denied to anyone, just follow the rules and use a kicker motor or a trolling motor.

The IDNR, with help from several fishing clubs & fishermen, has created something special at Shabbona Lake. Lets keep it that way. The IDNR is accepting comments on this issue until February 18th. Please send comments to "Jack Price, IDNR, 524 S. 2nd Street, Springfield, Illinois 62701-1787, or visit our web site at "[shabbonalake.com](http://shabbonalake.com)" and express your opinions, pro & con..