

301 KAR 1:130. Live bait for personal use.

RELATES TO: KRS 150.010, 150.170, 150.175, 150.340, 150.450, 150.990

STATUTORY AUTHORITY: KRS 150.025(1), 50 C.F.R. 17.11

NECESSITY, FUNCTION, AND CONFORMITY: KRS 150.025(1) authorizes the department to promulgate administrative regulations to establish seasons for the taking of fish and wildlife, to regulate creel limits and methods of take, and to make these requirements apply to a limited area. 50 C.F.R. 17.11 establishes federally threatened or endangered fish species. This administrative regulation establishes the requirements for the taking of live bait for personal use.

Section 1. Definitions. (1) "Different body of water" means a body of water that is separate and not contiguous to another body of water, including a man-made reservoir that is separated from a downstream river by a dam, but does not include a river, stream, or creek that is separated by a low-level dam.

(2) "Live bait" means the organisms established in paragraphs (a) through (h) of this subsection if they are alive:

- (a) Live bait fishes;
- (b) Crayfish;
- (c) Salamanders;
- (d) Frogs, except bullfrogs;
- (e) Tadpoles;
- (f) Native lampreys;
- (g) Asiatic clams (Genus *Corbicula*); or
- (h) Other aquatic invertebrate organisms, except for mussels.

(3) "Live bait fishes" means:

(a) Rough fishes, except Asian carp and federally threatened or endangered species, as established in 50 C.F.R. 17.11; or

(b) Redear sunfish less than six (6) inches in length.

(4) "Sport fisherman" means a person holding a valid resident or nonresident fishing license and includes a person who is license exempt pursuant to KRS 150.170.

Section 2. Equipment. (1) Any other organisms not defined as live bait pursuant to Section 1 of this administrative regulation shall be returned immediately to the water.

(2) Live bait for personal use shall only be taken as established in paragraphs (a) through (d) of this subsection.

(a) The maximum size seine for:

1. Take in the Ohio and Mississippi Rivers and Barkley and Kentucky Lakes shall be:

- a. Thirty (30) feet long;
- b. Six (6) feet deep; and
- c. With bar mesh no larger than one-fourth (1/4) of an inch; or

2. All other waters of the Commonwealth shall be:

- a. Ten (10) feet long;
- b. Four (4) feet deep; and
- c. With bar mesh no larger than one-fourth (1/4) of an inch.

(b) The maximum size for a minnow trap shall be:

- 1. Three (3) feet long;
- 2. Eighteen (18) inches in diameter; and
- 3. With openings no larger than one (1) inch.

(c) The maximum size for a dip net shall be three (3) feet in diameter.

(d) The maximum size for a cast net shall be twenty (20) feet in diameter with one (1) inch bar mesh, except take shall be prohibited in the following bodies of water:

1. Lakes with a surface area of less than 500 acres; and
2. Hatchery Creek in Russell County, a tributary to the Cumberland River located below Wolf Creek Dam.

Section 3. Bait. (1) A mussel, except for an Asiatic clam, shall not be taken or used as bait.

(2) A sport fisherman shall not possess bait in an amount greater than the following:

- (a) 500 live bait fishes;
- (b) 500 crayfish;
- (c) Twenty-five (25) dusky salamanders of the genus *Desmognathus*;
- (d) Five (5) frogs, except bullfrogs;
- (e) Five (5) tadpoles;
- (f) 100 native lampreys; or
- (g) 500 aquatic invertebrates other than mussels, excluding Asiatic clams.

Section 4. Possession and Movement of Live Bait for Personal Use. (1) A person possessing live wild-caught shad or herring shall:

(a) Only use live wild-caught shad, herring, mooneye, or goldeye in the water body from which they were collected; and

(b) Not transport live wild-caught shad, herring, mooneye, or goldeye from the body in which they were collected to:

1. A different body of water; or
2. The same body of water if it involves transporting the shad, herring, mooneye, or goldeye via a Kentucky roadway.

(2) A person may possess or transport live shad, herring, mooneye, or goldeye if the person legally purchased the shad, herring, mooneye, or goldeye from a licensed bait dealer and possesses a valid receipt of the purchase that includes the:

- (a) Species of fish;
- (b) Quantity of fish;
- (c) Amount of the transaction; and
- (d) Date of purchase.

(3) Prohibited aquatic species, as established in 301 KAR 1:122, shall not be possessed or used as live bait. (KFWR-F-LB 1-1; 1 Ky.R. 242; eff. 1-8-1975; Am. 8 Ky.R. 1154; eff. 6-2-1982; 10 Ky.R. 623; eff. 12-2-1983; 16 Ky.R. 46; eff. 8-23-1989; 26 Ky.R. 2294; 27 Ky.R. 484; eff. 8-14-2000; 2871; 3240; eff. 6-8-2001; 29 Ky.R. 515; 927; eff. 10-9-2002; 30 Ky.R. 2334; 7-14-2004; 34 Ky.R. 2427; 35 Ky.R. 20; eff. 7-9-2008; 40 Ky.R. 642; 1094; 1249; eff. 1-3-2014; 44 Ky.R. 568; eff. 12-7-2017; 44 Ky.R. 2574; eff. 8-6-2018.)