

### **301 KAR 1:146. Commercial fishing gear.**

RELATES TO: KRS 150.010, 150.025, 150.120, 150.170, 150.175, 150.445, 150.450, 150.990

STATUTORY AUTHORITY: KRS 150.025(1)

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 bag limits, creel limits, and methods of take, and to make those requirements apply to a limited area. This administrative regulation establishes the legal methods that may be used by commercial fishermen to harvest rough fish.

Section 1. Definitions. (1) "Bar mesh size" means the distance between two (2) knots on a line of a net.

(2) "Commercial gear tag" means a metal tag provided by the department that is attached to legal commercial fishing gear as established in this administrative regulation.

(3) "Flag net" means a gill or trammel net that is anchored on one (1) end, with the other end of the net unanchored, allowing this end of the gill or trammel net to float freely.

Section 2. Gear Requirements. (1) The gear listed in subsections (2) through (16) of this section shall be the only legal commercial fishing gear allowed in commercial fishing waters established in 301 KAR 1:150 and under the conditions established in 301 KAR 1:155 by a licensed commercial fisherman.

(2) A hoop net, wing net, straight net, or heart lead net shall have a minimum bar mesh size of three (3) inches, except that the minimum mesh size shall be one (1) inch in the following waters:

(a) The Ohio River;

(b) The Mississippi River; and

(c) Those portions of the following waters open to commercial fishing pursuant to 301 KAR 1:150:

1. The Cumberland River below Barkley Dam; and

2. The Tennessee River below Kentucky Dam.

(3) A hoop may be made of any:

(a) Size;

(b) Shape; or

(c) Material.

(4) Wings and leads shall be constructed of the following material:

(a) Natural multifilament; or

(b) Synthetic.

(5) Netting used for wings and leads shall:

(a) Be constructed of twine no smaller than number six (6) nylon or the equivalent;

(b) Have a breaking strength of fifty-five (55) pounds or greater; and

(c) Have a bar mesh size no larger than one (1) inch.

(6) Wings and leads may consist of either:

(a) Knotted construction; or

(b) Knotless construction.

(7) The maximum length of each hoop net wing or lead shall be sixty (60) feet.

(8) The following nets shall be fished as individual nets:

(a) Hoop nets;

(b) Wing nets;

- (c) Straight lead nets; or
- (d) Heart lead nets.
- (9) Wings or leads shall:
  - (a) Not be tied together to become a continuous multiple net unit; and
  - (b) Be used only to lead fish into a hoop net.
- (10) One (1) commercial gear tag shall be attached to the first hoop of each net.
- (11) A gill or trammel net:
  - (a) May be fished:
    - 1. Weighted; or
    - 2. As a flag net; and
  - (b) Shall have one (1) commercial gear tag attached to each 100 feet or part thereof.
- (12) A gill or trammel net shall only be used in:
  - (a) The Ohio River;
  - (b) The Mississippi River; or
  - (c) An overflow lake adjacent to the Ohio or Mississippi River if the lake can be accessed from the river by a boat during high flow conditions, except as prohibited:
    - 1. On department Wildlife Management Areas pursuant to 301 KAR 4:020 and 4:050; or
    - 2. Pursuant to the requirements of 301 KAR 1:140.
- (13) The bar mesh size on gill or trammel nets shall be:
  - (a) At least three (3) inches in:
    - 1. The Mississippi River; and
    - 2. Overflow lakes adjacent to the Mississippi River;
  - (b) At least four (4) inches from November 1 through April 30 in:
    - 1. The Ohio River; and
    - 2. Overflow lakes adjacent to the Ohio River; and
  - (c) Between four (4) and four and one-half (4 1/2) inches from May 1 through October 31 in:
    - 1. The Ohio River; and
    - 2. Overflow lakes adjacent to the Ohio River.
- (14) A commercial trotline shall:
  - (a) Have more than fifty (50) hooks placed no closer than eighteen (18) inches apart;
  - (b) Have one (1) commercial gear tag attached; and
  - (c) Not be longer than 6,000 feet.
- (15) A seine:
  - (a) Shall have a maximum bar mesh size of one (1) inch;
  - (b) May have knotted netting if constructed of twine that is:
    - 1. No smaller than number six (6) nylon; or
    - 2. An equivalent having a breaking strength of at least fifty-five (55) pounds;
  - (c) May have knotless netting if constructed of twine that is:
    - 1. No smaller than number 147 nylon; or
    - 2. An equivalent having a breaking strength of fifty (50) pounds or greater;
  - (d) Shall be constructed of:
    - 1. Natural multifilament; or
    - 2. Synthetic material;
  - (e) Shall have both float and lead lines;
  - (f) Shall have the following attached at each end:
    - 1. Wood poles;
    - 2. Fiberglass poles; or
    - 3. Brailes;
  - (g) Shall be attended by a person who pulls the seine by hand through the water to entrap

fish; and

(h) Shall have one (1) commercial gear tag attached to each 100 feet or part thereof.

(16) A slat trap basket shall:

(a) Not have wire or other mesh added to any part of the trap;

(b) Have at least two (2) openings left between slats:

1. No smaller than one and one-fourth (1 1/4) inches wide in the catch portion of the trap;

and

2. That shall not be restricted by cross-bracings to a length shorter than eight (8) inches;

(c) Not be larger than two (2) feet in diameter or square-end measure; and

(d) Have one (1) commercial gear tag attached to the opening ring or square. (15 Ky.R. 1184; eff. 11-23-88; Am. 16 Ky.R. 1401; 2654; eff. 5-8-90; 34 Ky.R. 2215; 35 Ky.R. 549; eff. 9-12-08; 39 Ky.R. 832; eff. 1-4-13; 42 Ky.R. 97; eff. 9-3-2015.)