

### **301 KAR 1:220. Reciprocal agreements regarding fishing.**

RELATES TO: KRS 150.340, 150.440, 150.445, 150.450, 150.470

STATUTORY AUTHORITY: KRS 150.025(1)(h), 150.170(8)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 150.025(1)(h) authorizes the department to promulgate administrative regulations necessary to carry out the purposes of the chapter. KRS 150.170(8) authorizes the department to enter into reciprocal agreements with other states so that a person holding a resident or nonresident fishing license issued by the state shall be permitted to perform the acts authorized by the license upon waters adjacent to the common boundaries. This administrative regulation establishes reciprocal agreement requirements between Kentucky and bordering states.

Section 1. Reciprocal Agreements. (1) Pursuant to KRS 150.170(8), Kentucky has entered into reciprocal agreements with neighboring states regarding fishing requirements on common bodies of water.

(2) Persons fishing in Dale Hollow Lake, the Big South Fork portion of the Cumberland River, a portion of the Kentucky Lake, the Mississippi River, the Ohio River, and the Big Sandy and Tug Fork rivers shall comply with the fishing requirements in the reciprocal agreements incorporated by reference in this administrative regulation.

Section 2. Dale Hollow Lake. (1) Pursuant to the reciprocal agreement incorporated by reference in this administrative regulation, a valid sport fishing license issued by the State of Tennessee shall be valid in the Kentucky portions of the Wolf River embayment of Dale Hollow Lake:

- (a) Beginning where Wolf River joins the main part of the lake at the Obey River; and
- (b) Including the Illwill Creek Embayment.

(2) A person fishing within the boundaries established in subsection (1) of this section shall observe the size and creel limits of the state in which the person is licensed.

Section 3. Big South Fork of the Cumberland River. (1) Pursuant to the reciprocal agreement incorporated by reference in this administrative regulation, a valid sport fishing license issued by either Tennessee or Kentucky shall be valid in the portion of the Big South Fork of the Cumberland River beginning at the Leatherwood Ford bridge at Highway 297 in Tennessee and continuing to the Highway 92 Bridge at Yamacraw, Kentucky.

(2) A person fishing within the boundaries established in subsection (1) of this section shall observe the size and creel limits of the state in which the person is licensed.

Section 4. Kentucky Lake. (1) Pursuant to the reciprocal agreement incorporated by reference in this administrative regulation, Kentucky and Tennessee shall recognize the sport fishing licenses of the two (2) states on the portion of Kentucky Lake south of the Eggners Ferry Bridge (U.S. 68 and Hwy 80) in Kentucky and north of the Governor Ned McWhorter Bridge (U.S. 79 and Hwy 76) in Tennessee.

(2) Embayments and tributaries within this portion of Kentucky Lake, except Blood River embayment, shall be included.

(3) The Blood River embayment boundary shall be delineated as a straight line between opposite points where the embayment connects to the main body of Kentucky Lake.

(4) A sport fishing license holder from either state may fish from the bank or attach legal sport fishing trot or limb lines in the reciprocal portion of Kentucky Lake.

(5) Sport fishing license holders shall abide by the administrative regulations of the state in

whose waters they are fishing.

(6) Wildlife enforcement officials of either state shall have the right to inspect the licenses, permits, creel, and equipment of any person on the reciprocal portion of Kentucky Lake subject to the laws of either Kentucky or Tennessee.

Section 5. Mississippi River. (1) Pursuant to the reciprocal agreement incorporated by reference in this administrative regulation, Kentucky and Missouri shall recognize the sport fishing licenses and permits of Kentucky and Missouri.

(2) The main channel of the Mississippi River and the immediate side or secondary channels or chutes are included when referring to the Mississippi River.

(3) Sport fishing license or permit holders may:

(a) Fish from land along the river under the jurisdiction of the other state; or

(b) Attach a fishing device or equipment on land along the river under the jurisdiction of the other state.

(4) Landowner permission is required to fish from the banks of the Mississippi River.

(5) A person shall abide by the administrative regulations of the state in whose waters the person is fishing, but should the two (2) states' administrative regulations conflict, a person shall comply with the more restrictive of the two (2) states' administrative regulations.

(6) Wildlife enforcement officials of Kentucky and Missouri shall have the right to inspect the licenses, permits, creel, and equipment of any person on common portions of the Mississippi River subject to the laws of Kentucky and Missouri.

(7) Exclusions to the agreement.

(a) Oxbow and floodplain lakes and tributary streams are not included in the agreement.

(b) A tributary is delineated by a straight line between opposite points where the stream or river connects with the main body of the Mississippi River.

(c) The agreement does not include backwaters that extend onto the floodplain or tributaries when the river exceeds thirty-three (33) feet at the gauging station at Cairo, Illinois.

Section 6. Ohio River Agreement with the State of Ohio. (1) Pursuant to the reciprocal agreement incorporated by reference in this administrative regulation, Ohio and Kentucky shall recognize the sport fishing license and appropriate stamps of Ohio and Kentucky on the main stem and from the banks of the Ohio River where the Ohio River forms the state boundary, excluding embayments and tributaries.

(2) A person shall comply with the administrative regulations of the state in which the license or permit is issued, except that a person who is fishing from a bank shall comply with the administrative regulations of the state where the bank is located.

(3) Commercial fishing and musseling are prohibited on the Ohio side of the river.

(4) Wildlife enforcement officials of either state shall have the right to inspect the license, creel, and equipment of a person on the Ohio River subject to the laws of either state.

(5) An embayment and a tributary are delineated by a straight line between opposite points where the embayment or tributary connects with the main body of the Ohio River.

Section 7. Ohio River Agreement with the State of Indiana. (1) Pursuant to the reciprocal agreement incorporated by reference in this administrative regulation, Indiana and Kentucky shall recognize the sport fishing license and appropriate stamps or permits of Indiana and Kentucky on the main stem and from the banks of the Ohio River where the Ohio River forms the state boundary, excluding embayments and tributaries.

(2) A person shall comply with the administrative regulations of the state in which the license or permit is issued, except that a person who is fishing from a bank shall comply with the ad-

ministrative regulations of the state where the bank is located.

(3) Wildlife enforcement officials of either state shall have the right to inspect the license, creel, and equipment of a person on common portions of the Ohio River subject to the laws of either state.

Section 8. Ohio River Agreement with the State of Illinois. (1) Pursuant to the reciprocal agreement incorporated by reference in this administrative regulation, Illinois and Kentucky shall recognize the sport fishing license and appropriate stamps or permits of Illinois and Kentucky on the main stem and from the banks of the Ohio River where the Ohio River forms the state boundary, excluding embayments and tributaries.

(2) A person shall comply with the administrative regulations of the state in which the license or permit is issued, except if the two (2) states' administrative regulations conflict, a person shall comply with the more restrictive of the two (2) states' administrative regulations.

(3) A person who is fishing from a bank shall comply with the administrative regulations of the state where the bank is located.

(4) Embayment and tributary boundaries are delineated by a straight line between opposite points where the tributary or embayment connects with the main body of the Ohio River.

(5) Wildlife enforcement officials of either state shall have the right to inspect the license, creel, and equipment of a person on common portions of the Ohio River subject to the laws of either state.

Section 9. Big Sandy and Tug Fork Rivers. (1) Pursuant to the reciprocal agreement incorporated by reference in this administrative regulation, West Virginia and Kentucky shall recognize the sport fishing license and appropriate stamps or permits of West Virginia and Kentucky on the main stem and from the banks of the Big Sandy and Tug Fork rivers from the confluence of the Big Sandy River with the Ohio River to the Virginia state line, excluding tributaries, except that Kentucky residents shall hold any applicable Kentucky resident license.

(2) A person shall comply with the administrative regulations of the state in which the license or permit is issued, except that a person who is fishing from a bank shall comply with the administrative regulations of the state where the bank is located.

(3) A tributary boundary is delineated by a straight line between opposite points where the tributary connects with the main body of the Big Sandy or Tug Fork rivers.

Section 10. Incorporation by Reference. (1) The following material is incorporated by reference:

(a) "Reciprocal Fishing Agreement Between the Department and the Tennessee Wildlife Resources Agency Regarding Dale Hollow Lake", November 1997 edition;

(b) "Reciprocal Fishing Agreement Between the Department and the Tennessee Wildlife Resources Agency Regarding the Big South Fork of the Cumberland River", November 1997 edition;

(c) "Reciprocal Agreement on Kentucky Lake between the Commonwealth of Kentucky and the State of Tennessee", August 2003 edition;

(d) "Reciprocal Fishing Agreement Between the Department and the State of Missouri Regarding the Mississippi River", February 2003 edition;

(e) "Reciprocal Agreement Between the Department and the Ohio Department of Natural Resources", November 2002 edition;

(f) "Revision to Memorandum of Understanding between the Commonwealth of Kentucky, Department of Fish and Wildlife Resources and the State of Indiana Department of Natural Resources", October 2007 edition;

(g) "Amendment to the Memorandum of Understanding between the Commonwealth of Kentucky, Department of Fish and Wildlife Resources and the State of Illinois Department of Natural Resources", November 2007 edition; and

(h) "Reciprocal Agreement Between The State Of West Virginia And The Commonwealth Of Kentucky Regarding Reciprocal Hunting and Fishing Privileges", July 2014 edition.

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