

TOURISM, ARTS AND HERITAGE CABINET
Department of Fish and Wildlife Resources
(Amendment)

301 KAR 1:150. Waters open to commercial fishing.

RELATES TO: KRS 150.010, 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 of Fish and Wildlife Resources to promulgate administrative regulations regarding the buying, selling, and transporting of fish and wildlife, the restriction of places where taking is permitted, and the application of administrative regulations to a limited area or to the entire state. This administrative regulation establishes the areas where commercial fishing is allowed.

Section 1. Rivers and Creeks. The rivers and creeks established in subsections (1) through (7) of this section shall be open to commercial fishing pursuant to 301 KAR 1:146 and 1:155:

- (1) Cumberland River from its junction with the Ohio River upstream to the Highway 62 bridge;
- (2) Green River from its junction with the Ohio River upstream to 200 yards below Green River Lock and Dam 4;
- (3) Kentucky River from its junction with the Ohio River upstream to the junction of the North and Middle Forks of Kentucky River;
- (4) Mississippi River from the mouth of the Ohio River downstream to the Tennessee line;
- (5) Ohio River from its junction with the Mississippi River upstream to the West Virginia state line except those segments of the river that extend below the following locks and dams where slat baskets are the only piece of commercial gear allowed, except for the first 200 yards below the dam pursuant to KRS 150.445:
 - (a) Lock and Dam 53 downstream to a line perpendicular with the end of the longest lock wall including the circular cell portion;
 - (b) Lock and Dam 52 downstream to a line perpendicular with the end of the longest lock wall including the circular cell portion;
 - (c) Smithland Dam downstream to a line perpendicular to the end of the outer lock wall;
 - (d) J.T. Myers Dam downstream to a line perpendicular to the end of the outer lock wall and that portion of the split channel around the southern part of Wabash Island from the fixed weir dam to the first dike;
 - (e) Newburgh Dam downstream to a line perpendicular to the end of the outer lock wall;
 - (f) Cannelton Dam downstream to a line perpendicular to the end of the outer lock wall;
 - (g) McAlpine Dam downstream to the K&I railroad bridge;
 - (h) Markland Dam downstream to a line perpendicular to the end of the outer lock wall;
 - (i) Meldahl Dam downstream to a line perpendicular to the end of the outer lock wall;and
- (j) Greenup Dam downstream to a line perpendicular to the end of the outer lock wall;
- (6) Pond River from its junction with the Green River upstream to the Highway 62 bridge; and
- (7) Tennessee River from its junction with the Ohio River upstream to River Mile 17.8.

Section 2. Lakes. The lakes established in subsections (1) through (5) of this Section shall be open to commercial fishing pursuant to 301 KAR 1:146 and 1:155:

(1) Herrington Lake from the impounded or standing pools of the lake up to the first shoal or riffle in any main or tributary stream;

(2) Kentucky Lake from the impounded or standing pools of the lake up to the first shoal or riffle in any main or tributary stream;

(3) Lake Barkley from the impounded or standing pools of the lake up to the first shoal or riffle in any main or tributary stream;

(4) Lake Cumberland from the impounded or standing pools of the lake up to the first shoal or riffle in any main or tributary stream, except Lake Cumberland shall be closed to commercial fishing:

(a) Above the confluence of Koger Creek on the Big South Fork Arm; and

(b) Above the confluence of the Rockcastle River on the Cumberland River Arm; and

(5) Permanent overflow lakes adjacent to the Mississippi and Ohio Rivers that may be accessed from either river by a boat during high flow events, except as prohibited on department wildlife management areas pursuant to 301 KAR 4:020 and 301 KAR 4:050.

(KFWR-F-CF1-4; 1 Ky.R. 242; eff. 1-8-1975; Am. 872; eff. 6-11-1975; 3 Ky.R. 771; 4 Ky.R. 99; eff. 8-3-1977; 9 Ky.R. 934; eff. 3-2-1983; 12 Ky.R. 1357; eff. 3-4-1986; 15 Ky.R. 1131; eff. 11-23-1988; 17 Ky.R. 1797; eff. 12-19-1990; 29 Ky.R. 517; eff. 10-9-2002; 32 Ky.R. 307; 621; 10-12-2005; 32 Ky.R. 2087; 33 Ky.R. 87; eff. 7-12-2006; 40 Ky.R. 400; 792; eff. 10-3-2013; Cert eff. 2-5-2020; 50 Ky.R. 1761; eff. 7-18-2024.)

RICH STORM, Commissioner

APPROVED BY AGENCY: January 11, 2024

FILED WITH LRC: January 11, 2024 at 11:00 a.m.

PUBLIC HEARING AND COMMENT PERIOD: A public hearing on this administrative regulation shall be held on March 28, 2024, at 9:30 a.m., at KDFWR Administration Building, 1 Sportsman's Lane, Frankfort, Kentucky 40601. Individuals interested in being heard at this hearing shall notify this agency in writing by five workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing was received by that date, the hearing may be cancelled. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through March 31, 2024. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person.

CONTACT PERSON: Jenny Gilbert, Legislative Liaison, Kentucky Department of Fish and Wildlife Resources, 1 Sportsman's Lane, phone (502) 564-3400, fax (502) 564-0506, email fwpubliccomments@ky.gov.