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

301 KAR 1:410. Taking of fish by nontraditional fishing methods.

RELATES TO: KRS 150.010, 150.170, 150.175, 150.235, 150.445, 150.620, 150.990
STATUTORY AUTHORITY: KRS 150.025(1), 150.440, 150.470, 235.280
NECESSITY, FUNCTION, AND CONFORMITY: KRS 150.025(1) authorizes the Kentucky 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. KRS 150.440 requires the department to promulgate administrative regulations for establishing open seasons and limits for rough fish by gigging, grabbing, snaring, and snagging. KRS 150.470 requires the department to promulgate administrative regulations for daily limits and size limits for fish. KRS 235.280 requires the department to promulgate administrative regulations to govern the fair, reasonable, equitable, and safe use of all waters of the state. This administrative regulation establishes the procedures for taking sport and rough fish by nontraditional fishing methods.

Section 1. General Provisions.

(1) A person using nontraditional fishing methods shall observe the daily limits and size limits established in paragraphs (a) through (d) of this subsection:

(a) The daily limit for catfish using any non-traditional fishing method shall not include more than one (1) trophy catfish of each species, except as established in Section 6(3) of this administrative regulation.

(b) The paddlefish daily limit shall be two (2) with no size limit.

(c) The shovelnose sturgeon daily limit shall be two (2) with no size limit.

(d) The invasive carp daily limit shall be unlimited with no size limit.

(2) The possession limit for paddlefish, trophy catfish, and shovelnose sturgeon shall be two (2) times the daily limit for each species.

(3) Shovelnose sturgeon shall not be harvested from the Mississippi River and shall be immediately released.

(4) A person shall release any:

(a) Lake sturgeon;

(b) Pallid sturgeon; or

(c) Alligator gar.

Section 2. Skin Diving, Scuba Diving, and Underwater Spear Fishing.

(1) Skin diving or scuba diving shall be prohibited in all lakes owned by the department, except as established in subsections (2), (3), and (4) of this section.

(2) Skin diving and scuba diving shall be allowed in salvage operations if the diver receives prior written permission from:

(a) The department's Division of Law Enforcement; or

(b) The local game warden who is assigned to the particular department-owned lake.

(3) Skin diving or scuba diving shall be permitted anytime without prior authorization in cases of emergency involving the possibility of saving human life or in the recovery of a drowning victim.

(4) Skin diving and scuba diving shall be allowed in Greenbo Lake:

(a) In a designated cove marked with signage and buoys;

(b) From April 1 through October 31; and

(c) From 10:00 a.m. to 6:00 p.m. daily.

(5) A person who is skin diving or scuba diving in a designated cove as established in subsection (4) of this section shall display an international diving flag as established in 301 KAR 6:030.

(6) Recreational boating and angling shall be prohibited in the designated cove marked with signage and buoys during the times open to skin diving and scuba diving as established in subsection (4) of this section if an international diving flag is present in the cove.

(7) Underwater spearing of fish with a hand-held spear or mechanically propelled spear shall be legal throughout the year in lakes 1,000 surface acres in size or larger, as measured at the normal summer pool level as established in paragraphs (a) and (b) of this subsection.

(a) An angler who is spearing fish shall:

1. Be completely submerged in the water where spearing takes place; and
2. Only spear rough fish.

(b) The daily limit shall be fifteen (15) rough fish, no more than five (5) of which shall be catfish.

Section 3. Sport Fishing Trot Lines, Jug Lines, and Set Lines.

(1) Each sport fishing trot line, jug line, or set line shall be permanently labeled or tagged with the customer identification number found on the current sport fishing license of the person using it.

(2) Each sport fishing trot line shall be permanently labeled or tagged as established in subsection (1) of this section at both ends of the line.

(3) Each trot line, jug line, or set line shall be checked by the owner at least once every twenty-four (24) hours, at which time the owner shall:

(a) Bait all hooks; and

(b) Remove all caught fish.

(4) A trot line, set line, or jug line shall be confiscated if it is not:

(a) Properly labeled or tagged; or

(b) Checked or baited at least once every twenty-four (24) hours.

(5) An angler shall not use more than:

(a) Two (2) sport fishing trot lines;

(b) Twenty-five (25) set lines; or

(c) Fifty (50) jug lines.

(6) Multiple anglers in one (1) boat shall not use more than fifty (50) jug lines per boat.

(7) An angler using a sport fishing trot line shall:

(a) Set the trot line at least three (3) feet below the water's surface;

(b) Not have more than fifty (50) single or multi-barbed hooks; and

(c) Have all hooks at least eighteen (18) inches apart on the trot line.

(8) A person shall not use a jug line or set line with more than one (1) single or multi-barbed hook.

(9) A sport fishing trot line, jug line, or set line shall not be used in the waters established in paragraphs (a) through (d) of this subsection:

(a) In the Tennessee River within 700 yards of Kentucky Lake Dam;

(b) In the Cumberland River below Lake Barkley Dam to the Highway 62 bridge;

(c) In any lake less than 500 surface acres owned or managed by the department, except:

1. Ballard Wildlife Management Area lakes, Ballard County;
2. Peal Wildlife Management Area lakes, Ballard County; and
3. Swan Lake Wildlife Management Area lakes, Ballard County; or

(d) In the areas of the Ohio River established in subparagraphs 1. through 8. of this paragraph:

1. Smithland Dam downstream to a line perpendicular to the end of the outer lock wall;
2. J. T. Meyers 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;
3. Newburgh Dam downstream to a line perpendicular to the end of the outer lock wall;
4. Cannelton Dam downstream to a line perpendicular to the end of the outer lock wall;
5. McAlpine Dam downstream to the K & I railroad bridge;
6. Markland Dam downstream to a line perpendicular to the end of the outer lock wall;
7. Meldahl Dam downstream to a line perpendicular to the end of the outer lock wall; or
8. Greenup Dam downstream to a line perpendicular to the end of the outer lock wall.

(10) An angler using a trot line, jug line, or set line shall follow all sport fish daily limits, possession limits, and size limits as established in 301 KAR 1:201.

Section 4. Temporary Aquatic Areas and Temporary Pools.

(1) The department, with consent of the landowner, may delineate temporary aquatic areas and temporary pools where anglers may take rough fish by any method except:
(a) Poison;
(b) Electrical devices;
(c) Firearms; or
(d) Explosives.

(2) The department shall be authorized to establish the exact dates and times when rough fish may be taken in temporary aquatic areas and temporary pools.

(3) A person with a valid commercial fishing license may use nets and seines if the nets and seines are appropriately tagged, as established in 301 KAR 1:146.

(4) A person shall first obtain the permission of the landowner before taking rough fish from a temporary pool.

Section 5. Gigging and Snagging.

(1) Gigging and snagging season shall be February 1 through May 10, except as established in subsections (8) and (10) of this section.

(2) It shall be illegal to possess a gig, of any type, while in a boat, or on or in a stream or lake, from November 1 through the last day of January of the following year.

(3) A person shall not:
(a) Gig or snag a sport fish, as established in 301 KAR 1:060, except as established in subsections (8) and (10) of this section;
(b) Gig or snag from a platform;
(c) Gig from a boat in any lake less than 500 surface acres;
(d) Gig at night from a boat; or
(e) Snag from a boat.

(4) A snagging rod shall be equipped with:
(a) Line;
(b) Guides;
(c) A reel; and
(d) One (1) single hook or treble hook attached to the line, except that five (5) hooks, either single or treble, may be used while snagging in:
1. The Green River and its tributaries; or
2. The Rolling Fork River and its tributaries.

(5) A person who accidentally gigs or snags a sport fish shall immediately return the fish to the water, except as established in subsections (8) and (10) of this section.

(6) A person shall not gig or snag in the areas or bodies of water established in paragraphs (a) through (g) of this subsection:

(a) The Cumberland River below Wolf Creek Dam downstream to the Tennessee line, including Hatchery Creek;

(b) Any tributary of the Cumberland River below Wolf Creek Dam to the Tennessee line from the junction of the tributary with the Cumberland River to one-half (1/2) mile upstream;

(c) The Cumberland River below the Lake Barkley Dam to the U.S. 62 bridge;

(d) The Middle Fork of the Kentucky River, from Buckhorn Lake Dam downstream to the Breathitt County line in Perry County;

(e) The Rough River, below Rough River Lake Dam downstream to the State Highway 54 bridge in Breckinridge and Grayson counties;

(f) Cave Run Lake; or

(g) Within 200 yards of any dam on a river or stream, except as established in subsection (8) of this section.

(7) A person shall not gig in the Tennessee River below Kentucky Lake Dam.

(8) A person may snag sport fish or rough fish in the Tennessee River below the Kentucky Lake Dam to the U.S. 62 bridge:

(a) For twenty-four (24) hours a day from January 1 through May 31; and

(b) From sunset to sunrise from June 1 through December 31.

(9) A person shall not snag in that section of the Tennessee River from the U.S. 62 bridge to the Interstate 24 bridge.

(10) A person may snag sport fish or rough fish year-round in the section of the Tennessee River from the Interstate 24 bridge to the Ohio River.

(11) A person shall not snag on the Tennessee River:

(a) Under the U.S. 62 bridge;

(b) Under the P & L Railroad bridge; or

(c) From any fishing pier or jetty.

(12) There shall not be a daily limit for rough fish except the daily aggregate limit for snagging of rough and sport fish in the Tennessee River below Kentucky Lake Dam shall be eight (8), except there shall not be a daily limit on invasive carp.

(13) There shall not be a size limit for sport fish snagged in the Tennessee River below Kentucky Lake Dam.

(14) A person shall immediately retain, and not release or cull, any gigged or snagged paddlefish.

(15) All snagged fish in the Tennessee River below Kentucky Lake Dam shall be immediately retained, and not released or culled, except for invasive carp, shad, or herring.

(16) All gigged or snagged rough fish in the Cumberland River below Lake Barkley Dam shall be immediately retained, and not released or culled, except for invasive carp, shad, or herring.

(17) A person shall immediately cease snagging if:

(a) A daily limit of paddlefish is reached;

(b) A daily limit of shovelnose sturgeon is reached;

(c) A daily limit of sport fish has been caught in the Tennessee River below Kentucky Lake Dam, even if the daily limit for that sport fish is less than eight (8); or

(d) A trophy catfish is snagged.

Section 6. Grabbing.

(1) The grabbing season for rough fish shall be June 1 to August 31 during daylight hours.

(2) Grabbing shall not be permitted in any lake less than 500 surface acres owned or managed by the department, except:

(a) Ballard Wildlife Management Area lakes, Ballard County;

(b) Peal Wildlife Management Area lakes, Ballard County; and

(c) Swan Lake Wildlife Management Area lakes, Ballard County.

(3) The daily limit for grabbing shall be fifteen (15) fish, no more than five (5) of which may be catfish, except anglers grabbing at Barren River Lake, Carr Creek Lake, Dewey Lake, Fishtrap Lake, Taylorsville Lake, or Yatesville Lake may only harvest one (1) blue or channel catfish over twenty-five (25) inches.

Section 7. Bow Fishing.

(1) An angler using archery equipment, a crossbow, or a pneumatic arrow launching device shall not take:

(a) Sport fish;

(b) Alligator gar;

(c) More than five (5) catfish daily; or

(d) Lake sturgeon.

(2) Any paddlefish, shovelnose sturgeon, or catfish shot with archery equipment, a crossbow, or a pneumatic arrow launching device shall:

(a) Be immediately retained, and not released or culled; and

(b) Count toward a person's daily limit.

(3) Bow fishing shall be open statewide, except:

(a) In the Cumberland River below Wolf Creek Dam downstream to the Tennessee line including Hatchery Creek;

(b) In any tributary of the Cumberland River below Wolf Creek Dam to the Tennessee line, from the junction of the tributary with the Cumberland River to one-half (1/2) mile upstream;

(c) In:

1. Carpenter Lake (Daviess County);
2. Clear Creek Lake (Bath County);
3. Greenbo Lake (Greenup County);
4. Lake Carnico (Nicholas County); and
5. Lake Reba (Madison County); or

(d) From a boat in restricted areas below navigation, power generating, or flood control dams.

(32 Ky.R. 434; Am. 622; eff. 10-12-2005; 33 Ky.R. 1889; eff. 4-6-2007; 34 Ky.R. 374; eff. 10-9-2007; 35 Ky.R. 995; 1448; eff. 1-5-2009; 37 Ky.R. 744; 10-7-2010; 38 Ky.R. 1974; 39 Ky.R. 13; eff. 7-12-2012; 1944; eff. 5-31-2013; 41 Ky.R. 564;p 1048; eff. 12-5-2014; 42 Ky.R. 1322; eff. 1-4-2016; 44 Ky.R. 574; eff. 1-5-2018; 45 Ky.R. 428; eff. 10-4-2018; 46 Ky.R. 617; eff. 11-1-2019; 48 Ky.R. 1915; eff. 5-31-2022.; 49 Ky.R. 430, 1067; eff. 11-3-2022; 50 Ky.R. 147; eff. 10-19-2023; 51 Ky.R. 109; eff 11-7-2024.)

RICH STORM, Commissioner

APPROVED BY AGENCY: June 13, 2024

FILED WITH LRC: June 13, 2024 at 3:30 p.m.

PUBLIC HEARING AND COMMENT PERIOD: A public hearing on this administrative regulation shall be held on August 29, 2024, at 9:00 a.m. at KDFWR Administrative 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 August 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.