

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

301 KAR 1:140. Special commercial fishing permit for Kentucky Lake and Lake Barkley.

RELATES TO: KRS 150.010(32), 150.450(2)

STATUTORY AUTHORITY: KRS 150.025(1), 150.175(3), (4)

CERTIFICATION STATEMENT: The Kentucky Department of Fish and Wildlife Resources, pursuant to statutory authority to promulgate administrative regulations to carry out the provisions of KRS Chapter 150 as established in KRS 150.025 and as an independent department of state government within the meaning of KRS Chapter 12 as established in KRS 150.021(1), promulgated by the Commissioner with approval of the Commission in accordance with KRS 150.010(1), does hereby certify this administrative regulation is promulgated in compliance with Section 8 of 2025 RS HB 6.

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 creel limits and methods of take, restriction of places where taking is permitted, and the application of administrative regulations to a limited area or to the entire state. KRS 150.175(3) and (4) authorize the department to promulgate administrative regulations regarding the issuance of commercial fishing licenses, commercial fishing gear, and commercial fishing gear tags. This administrative regulation establishes restrictions on the use of gill and trammel nets at Kentucky Lake and Lake Barkley.

Section 1. Permit Requirements.

- (1) A person shall possess a valid Kentucky commercial fishing license to obtain or retain a permit throughout the special commercial fishing season.
- (2) The department shall not issue more than twenty-five (25) permits.
- (3) A permit holder shall submit a completed Commercial Fishing Licenses and Permits Application to the department, along with the applicable fee as referenced at <https://fw.ky.gov/Licenses/Pages/Fees.aspx> and established in 301 KAR 5:022, postmarked on or before November 1 to retain the permit privilege.
- (4) The ability to purchase a permit shall only be transferred to immediate family members.
- (5) New permits shall not be issued until the total number of permits is less than twenty-five (25).
- (6) A drawing shall be used to select new permittees if the total number of permits is less than twenty-five (25).
 - (a) A person applying for a vacant permit shall submit to the department a completed Commercial Fishing Licenses and Permits Application postmarked on or before November 1, along with the applicable fee as referenced at <https://fw.ky.gov/Licenses/Pages/Fees.aspx> and established in 301 KAR 5:022.
 - (b) The maximum number of permits issued to nonresidents shall be seven (7).

Section 2. Permit Requirements.

- (1) A person shall possess and carry a valid permit and a valid commercial fishing license:
 - (a) If using a gill net or trammel net to take rough fish:
 1. From November 1 through March 31 at both Kentucky Lake and Lake Barkley;

and

2. In the portions of Kentucky Lake and Lake Barkley open to commercial fishing as established in 301 KAR 1:150;
 - (b) If transporting a gill net or trammel net; and
 - (c) If selling fish taken with a gill net or trammel net.
- (2) A person shall:
 - (a) Tag a gill net or trammel net as established in KRS 150.175(4);
 - (b) Not use a gill net or trammel net with a bar mesh size smaller than three and five-tenths (3.5) inches or larger than four and five-tenths (4.5) inches, except:
 1. A whip set may have a minimum bar mesh size of three (3) inches; and
 2. Beginning on November 15 and running through March 31 at both Kentucky Lake and Lake Barkley, gill and trammel nets with a bar mesh size larger than four and five-tenths (4.5) may be used in stationary sets only;
 - (c) Not fish a stationary set net with the top of the net or float line shallower than three (3) feet below the surface;
 - (d) Tend each net, except whip sets, at least once every twenty-four (24) hours;
 - (e) Not leave whip sets unattended;
 - (f) Affix a decal supplied by the department to each side of the boat or motor used for fishing under this permit so that the decal is clearly visible while fishing with a gill net or a trammel net;
 - (g) Not dispose of any commercially caught rough fish at public boat launch areas; and
 - (h) Not harvest paddlefish at both Kentucky Lake and Lake Barkley during the special commercial fishing season if the paddlefish are less than thirty-eight (38) inches, as measured from the beginning of the eye to the fork of the tail fin.
- (3) A permit holder may be accompanied by two (2) unlicensed helpers, who shall be:
 - (a) In the same boat with the permit holder if fishing with a gill net or a trammel net; or
 - (b) Accompanied by the permit holder if transporting or selling fish taken under the permit.
- (4) A permit holder shall:
 - (a) Maintain an accurate record of daily fishing activity; and
 - (b) Submit a completed Monthly Report of Commercial Fish Harvest in Kentucky to the department by the tenth day of the following month.

Section 3. Paddlefish Harvest Requirements.

- (1) A person who possesses a valid permit shall be allowed to harvest paddlefish flesh or roe during the special commercial fishing season without the need to purchase a commercial roe-bearing fish harvester's permit.
- (2) A person who harvests paddlefish roe during the special commercial fishing season shall follow all commercial roe-bearing fish harvester's permit reporting requirements established in 301 KAR 1:155, Section 14(2).

Section 4. Permit Suspension, Revocation, and Renewal.

- (1) The department shall suspend the permit of a person who fails to complete and submit to the department a Monthly Report of Commercial Fish Harvest in Kentucky or a Daily Roe-Bearing Fish Harvester's Transaction Report for each transaction involving a buyer permittee as established in paragraphs (a) through (c) of this subsection.
 - (a) The first time during the season a report is not received or, if mailed, not postmarked by the tenth of the following month, the licensee or permittee shall receive by mail a courtesy reminder letter.
 - (b) The second time during the season a report is not received or, if mailed, not postmarked by the tenth of the following month, the licensee or permittee shall receive a warning letter.
 - (c) If a third or subsequent time during the season a report is not received or, if mailed, not postmarked by the tenth of the following month, the license or permit shall be

suspended until all reports have been received.

(2) The department shall not renew the commercial fishing license or harvester's permit of a person who fails to complete and submit to the department all reports required by this administrative regulation.

(3) The department shall revoke or not renew a person's permit for a period of two (2) years, for the following state violations involving commercial fishing:

(a) Use of illegal commercial fishing gear;

(b) Knowingly placing commercial fishing gear in a restricted area;

(c) Harvesting prohibited species of fish;

(d) Commercially fishing, as established by 301 KAR 1:150, in waters not open to commercial fishing; or

(e) Knowingly falsifying commercial harvest data.

(4) A person whose permit has been revoked or denied shall be eligible to enter the drawing following the revocation period only if a permit is available based on the twenty-five (25) permit restriction established in Section 1 of this administrative regulation.

(5) A person whose permit has been revoked or denied may request an administrative hearing pursuant to KRS Chapter 13B.

(6) A request for a hearing shall be in writing and postmarked or delivered in person to the department no later than thirty (30) days after notification of the denial or revocation.

(7) Upon receipt of the request for a hearing, the department shall proceed according to the provisions of KRS Chapter 13B.

(8) The hearing officer's recommended order shall be considered by the commissioner and the commissioner shall issue a final order pursuant to KRS Chapter 13B.

Section 5. Incorporation by Reference.

(1) The following material is incorporated by reference:

(a) "Commercial Fishing Licenses and Permits Application", 2025 Edition;

(b) "Monthly Report of Commercial Fish Harvest in Kentucky", 2023 Edition; and

(c) "Daily Roe-Bearing Fish Harvester's Transaction Report", 2008 Edition.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Department of Fish and Wildlife Resources, #1 Sportsman's Lane, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m. or online at:

(a) <https://fw.ky.gov/Licenses/Documents/Comm-Fishing-Licenses-Permits-App.pdf> for the "Commercial Fishing Licenses and Permits Application";

(b) <https://fw.ky.gov/Fish/Documents/CommercialFishData.pdf> for the "Monthly Report of Commercial Fish Harvest in Kentucky"; and

(c) [https://fw.ky.gov/Fish/Documents/roefishharvestreport\[1\].pdf](https://fw.ky.gov/Fish/Documents/roefishharvestreport[1].pdf) for the "Daily Roe-Bearing Fish Harvester's Transaction Report".

(301 KAR 001:140. KRWT-F-LB2-1; 1 Ky.R. 347; eff. 2-5-1975; 4 Ky.R. 125; 227; eff. 12-7-1977; 26 Ky.R. 2295; 27 Ky.R. 484; eff. 8-14-2000; 40 Ky.R. 644; 1040; eff. 11-7-2013; 45 Ky.R. 750; eff. 12-7-2018; 52 Ky.R. 237; eff. 11-6-2025.)

*Approved by the Fish and Wildlife Commission
RICH STORM, Commissioner*

APPROVED BY AGENCY: June 26, 2025

FILED WITH LRC: June 26, 2025 at 3:50 p.m.

PUBLIC HEARING AND COMMENT PERIOD: A public hearing on this administrative regulation shall be held on September 30, 2025, at 10:00 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 September 30, 2025. 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.