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

301 KAR 1:152. Harvest and sale of invasive carp.

RELATES TO: KRS Chapter 13B, 150.010, 150.170, 150.175, 150.445, 150.450(2), (3), 150.990

STATUTORY AUTHORITY: KRS 150.025(1)

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. This administrative regulation establishes the requirements for the harvest and sale of invasive carp beyond the requirements of 301 KAR 1:155.

Section 1. Invasive Carp and Scaled Rough Fish Harvest Program.

(1) To participate in the program, a commercial fisher shall:

(a) Contact the department and request to be included in the program;

(b) Obtain the appropriate Kentucky commercial fishing license by:

1. Submitting a completed Commercial Fishing Licenses and Permits Application to the department; and

2. Paying the applicable fee as referenced at https://fw.ky.gov/Licenses/Pages/Fees.aspx and established in 301 KAR 5:022;

(c) Contact the department at 270-226-4192 and provide the information established in subparagraphs 1. through 5. of this paragraph prior to fishing:

1. The participant's name;

2. The fish buyer's name;

3. Date fishing is to occur;

4. Restricted water body to be fished; and

5. Ramp, marina, or dock where a boat will be launched;

(d) Harvest a weight ratio of at least sixty-five (65) percent invasive carp to thirty-five (35) percent scaled rough fish over a one (1) month period, except that a commercial fisher whose license fee has been waived as established in subsection (2)(c) of this section shall only harvest invasive carp and not retain any scaled rough fish or by-catch;

(e) Only fish on dates and at locations provided to the department;

(f) Notify the department prior to changing any information as established in subsection (1)(c)2. through 5. of this section;

(g) Only use gill or trammel nets:

1. With a minimum bar mesh of three (3) inches;

2. That are always tended by a program participant if set less than three (3) feet below the surface of the water;

3. That are not left unattended by a program participant for more than six (6) hours if set at least three (3) feet below the surface of the water from April 1 through September 20; and

4. That are not left unattended by a program participant for more than eight (8) hours if set at least three (3) feet below the surface of the water from October 1 through March 31;

(h) Visibly mark each end of net sets or gangs of nets with floating buoys;

(i) Harvest, possess, and transport fish claimed under this program separately than fish harvested by any other method;

(j) Complete a Daily Harvest and Release Summary Card after each day's fishing and submit all cards to the department at the end of each month;

(k) Be allowed to sell all harvested invasive carp and scaled rough fish as established in subsection (1) of this section;

(l) Immediately release all by-catch; and

(m) Report all harvest on a Monthly Report of Commercial Fish Harvest in Kentucky, as established in 301 KAR 1:155.

(2) The department shall:

(a) Maintain a list of program participants and their contact information, which shall be:

1. Provided to known fish buyers; and

2. Updated at least weekly;

(b) Maintain a list of all restricted water fishing requests as established in subsection (1) of this section; and

(c) Waive the commercial fishing license fees, as referenced at https://fw.ky.gov/Licenses/Pages/Fees.aspx and established in 301 KAR 5:022, for a program participant who only harvests invasive carp in restricted or unrestricted waters.

(3) The department shall not approve a fishing request if:

(a) Higher than normal by-catch is likely to occur at that location and time; or

(b) Excessive user conflicts would occur.

Section 2. Experimental Commercial Fishing Methods Program.

(1) The following waterbodies, including restricted waters, shall be open to experimentation to target invasive carp under this program upon department approval:

(a) Cumberland River downstream of Lake Barkley;

(b) Tennessee River downstream of Kentucky Lake;

(c) Green River from 200 yards downstream of Green River Lock and Dam 4 to the confluence with the Ohio River;

(d) Kentucky Lake;

(e) Lake Barkley;

(f) Mississippi River from the mouth of the Ohio River downstream to the Kentucky-Tennessee state line; and

(g) Ohio River downstream of Newburg Lock and Dam.

(2) The commercial fishing gear tag requirements as established in 301 KAR 1:146 shall be waived if department personnel are present during experimentation.

(3) The commercial fishing gear tag requirements as established in 301 KAR 1:146 shall be followed if department personnel are not present during experimentation.

(4) Any commercial gear not conforming to those established in 301 KAR 1:146 shall be reviewed by the department for commercial gear tagging feasibility and need.

(5) Any live fish holding net left overnight on the water shall have a commercial fishing gear tag attached and be marked with equipment issued by the department.

(6) Tier I requirements.

(a) A commercial fisher shall apply for Tier I of the program by submitting a completed Experimental Commercial Fishing Methods Program Permit Application provided by the department.
(b) Participation in Tier I of the program shall be limited to three (3) program participants at any one (1) time.
(c) In addition to meeting the qualification requirements established in paragraph (e) of this subsection, selection of the top three (3) applicants shall be based on the scoring criteria established in subparagraphs 1. through 4. of this paragraph:
1. The fisher's experience as a commercial fisher, as well as the fisher's experience fishing for invasive carp;
2. The years of experience the fisher has with the gear and methods proposed and the past results of using the proposed gear and methods;
3. The status of the fisher's gear, including if:
a. They currently possess all the gear required for their proposed method;
b. They do not currently possess all the gear, but they attest they will possess all the gear prior to their admission in the program; or
c. They have access to the gear; and
4. How their proposal shall help the department to achieve its mission of reducing the number of invasive carp in Kentucky waters.
(d) If at any time the number of program participants falls below three (3), all applications submitted prior to the vacancy will be reviewed as established in paragraph (c) of this subsection for selection of a new program participant.
(e) To qualify for Tier I of the program, a commercial fisher shall:
1. Have a minimum of three (3) years commercial fishing experience with at least two (2) years holding a valid commercial fishing license;
2. Have a boat and motor that meet the following requirements:
a. Minimum boat length of twenty-two (22) feet, and space for essential crew and one (1) department-appointed observer, along with storage capacity for harvested fish;
b. Outboard motor with a minimum of seventy-five (75) horsepower;
c. Required safety equipment and personal flotation devices (PFD);
d. Fishing electronics, including traditional and side-imaging sonar, and water temperature; and
e. Valid boat registration;
3. Have a towing vehicle capable of boat transportation to and from designated removal sites and hauling of harvests for sale or disposal;
4. Have the necessary Kentucky Department of Transportation identification permits, insurance cards, and federal transportation tags for commercial transport of fish; and
5. Allow a department staff member to be present for all commercial fishing methods experimentation.
(f) A Tier I participant shall:
1. Fish under a paid commercial license that allows the harvest and sale of rough fish other than invasive carp;
2. Possess a valid Experimental Commercial Fishing Methods Program permit;
3. Be present for all commercial fishing methods experimentation;
4. Coordinate with the department to request a fishing date and location at least five (5) days in advance of fishing;
5. Allow department staff onboard vessels to observe and record fish harvesting efforts;
6. Cease any experimentation considered by the department to:
a. Be unsafe;

b. Interfere with other recreational users;
c. Be detrimental to non-target species; or
d. Be unsuccessful for significant invasive carp harvest;

7. Be responsible for the removal and lawful disposal of all invasive carp species caught from waters during fishing efforts;

8. Indicate on sales receipts that fish were harvested by an experimental gear and method authorized under this program and identify the permit holder;

9. Be eligible for the department's Kentucky and Barkley Lake Invasive Carp Subsidy Program;

10. Submit itemized invoices, by date, to the department each month, including pounds harvested of each species;

11. Complete a Daily Harvest and Release Summary Card after each day's fishing and submit all cards to the department at the end of each month;

12. Report all harvest on a Monthly Report of Commercial Fish Harvest in Kentucky, as established in 301 KAR 1:155; and

13. Meet with department personnel quarterly to review the actions taken under this program.

(7) Tier II requirements.

(a) A commercial fisher shall apply for Tier II of the program by submitting a completed Experimental Commercial Fishing Methods Program Permit Application provided by the department.

(b) Along with meeting the requirements established in subsection (6)(e)1. through 5. of this section, Tier II applicants shall also meet the requirements established in subparagraphs 1. through 6. of this paragraph:

1. Shown proficiency in use of the experimental gear and method by either:
a. Participating for at least six (6) months in Tier I of the program, with the gear and method fished a minimum of twenty (20) times; or
b. Previously utilizing the experimental gear and method through a department Memorandum of Agreement and have been released from department observation of experimental fishing activities;

2. Have previously been responsive to all department communications and requirements during Tier I activities including:
a. Fishing date scheduling and scheduling changes;
b. Reporting requirements; and
c. Department staff onboard observations;

3. Harvested at least 200,000 pounds of invasive carps through Tier I of the program within the previous year;

4. Harvested a weight ratio of at least eighty (80) percent invasive carp to twenty (20) percent scaled rough fish over the most recent ten (10) fishing days under Tier I of the program;

5. By-catch, in the form of sportfish, shall have represented five (5) percent or less by number of the fish caught, based upon the department observer's visual estimate, over the most recent ten (10) fishing days under Tier I of the program; and

6. By-catch shall have been in a condition where survival could be expected upon release.

(c) A Tier II participant shall:

1. Follow the requirements established in subsection (6)(f) of this section, except requests for a fishing date and location shall be made at least twenty-four (24) hours in advance of fishing;

2. Harvest a weight ratio of at least eighty (80) percent invasive carp to twenty (20) percent scaled rough fish over each one (1) month period;

3. By-catch, in the form of sportfish, shall be maintained at five (5) percent or less by number of the fish caught, based upon the fisher's or a department observer's visual estimate; and

4. Keep daily records and report the following to department staff on a monthly basis:

a. Pounds of fish harvested by species;

b. Number of personnel assisting with the effort;

c. Names of licensed commercial fishers that fish were transferred to for the purpose of transport and sale, if any;

d. Name of processor or fish market receiving fish;

e. Number of hours experimental gear was fished;

f. Number of times gear was deployed; and

g. Other pertinent information associated with the gear, for example, mesh size, gear depth, gear length, and approximate depth of water gear was used in.

Section 3. Unlicensed Helpers.

(1) A participant in the Invasive Carp and Scaled Rough Fish Harvest Program shall not utilize more than two (2) unlicensed helpers while actively fishing.

(2) A participant in Tier I or Tier II of the Experimental Commercial Fishing Methods Program may use more than two (2) unlicensed helpers while actively fishing but shall follow the reporting requirements as established in Section 2(7)(c)4.b. of this administrative regulation.

(3) A participant in either program shall ensure that an unlicensed helper complies with all boating safety requirements established in KRS Chapter 235.

(4) An unlicensed helper in either program shall:

(a) Be accompanied by a licensed program participant while using commercial fishing gear; and

(b) Be permitted to transport invasive carp in the absence of a program participant with a fish transportation permit as established in 301 KAR 1:125.

(5) A program participant whose commercial fishing license has been suspended or revoked in Kentucky or in another state shall not:

(a) Be listed as a helper by a licensed Kentucky commercial fisher or another participant in either program; or

(b) Assist a licensed Kentucky commercial fisher or another participant in either program in harvesting or transporting fish.

Section 4. Program Suspension, Revocation, and Disqualification.

(1) A participant in either program whose commercial fishing license becomes revoked or suspended as established in 301 KAR 1:155 shall be disqualified from participating in those programs while that license is revoked or suspended.

(2) A participant in the Invasive Carp and Scaled Rough Fish Harvest Program shall be suspended from the program:

(a) For a three (3) month period beginning on the first day of the next month if the minimum requirements established in Section 1(1)(d) are not met; and

(b) For a period of one (1) year beginning on the first day of the next month if the requirements are not met a second time.

(3) A participant in Tier I of the Experimental Commercial Fishing Methods Program shall be suspended from the program:

(a) For a three (3) month period beginning on the first day of the next month if the minimum requirements established in Section 2(6)(f) are not met; and

(b) For a period of one (1) year beginning on the first day of the next month if the requirements are not met a second time.

(4) A participant in Tier II of the Experimental Commercial Fishing Methods Program shall be suspended from the program:

(a) For a three (3) month period beginning on the first day of the next month if the minimum requirements established in Section 2(7)(c) are not met; and

(b) For a period of one (1) year beginning on the first day of the next month if the requirements are not met a second time.

(5) Falsification of any information listed in an application shall result in disqualification from consideration for selection and revocation of any experimental methods permit that may have been issued to the applicant.

(6) Any participant who is disqualified, revoked, or suspended from participation in either program may appeal the decision in accordance with KRS Chapter 13B.

(7) To appeal the disqualification, revocation, or suspension, the participant shall provide a written request for a KRS Chapter 13B hearing, postmarked or delivered in person to the department no later than thirty (30) days after notification of the disqualification or suspension.

Section 5. Non-commercial Invasive Carp Harvest and Sale. Any person possessing a valid Kentucky sport fishing license:

(1) May harvest invasive carp using legal fishing methods as established in 301 KAR 1:201; and

(2) May sell harvested invasive carp.

Section 6. Incorporation by Reference.

(1) The following material is incorporated by reference:

(a) "Daily Harvest and Release Summary Card", 2011 Edition;

(b) "Experimental Commercial Fishing Methods Program Permit Application", 2025 Edition;

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

(d) "Monthly Report of Commercial Fish Harvest in Kentucky", 2023 Edition.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Kentucky Department of Fish and Wildlife Resources, #1 Sportsman's Lane, Frankfort, Kentucky, Monday through Friday, 8:00 a.m. to 4:30 p.m. or online at:

(a) https://fw.ky.gov/Fish/Documents/DailyHarvestandReleaseSummaryCardAsianCarp.pdf for the "Daily Harvest and Release Summary Card";

(b) https://fw.ky.gov/Licenses/Documents/Exp-Comm-Fish-Methods-Program-Permit-App.pdf for the "Experimental Commercial Fishing Methods Program Permit Application";

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

(d) https://fw.ky.gov/Fish/Documents/CommercialFishData.pdf for the "Monthly Report of Commercial Fish Harvest in Kentucky".

(301 KAR 001:152. 38 Ky.R. 434; eff. 10-6-2011; 38 Ky.R. 1473; 1724; eff. 5-4-2012; 39 Ky.R. 647; 1041; eff. 11-7-2013; 41 Ky.R. 854; eff. 1-5-2015; 43 Ky.R. 1440; eff 5-5-2017; 44 Ky.R. 132; eff. 9-8-2017; 45 Ky.R. 2165; eff. 4-5-2019; 46 Ky.R. 150; eff. 9-10-2019; 48 Ky.R. 130, 1125; eff. 11-17-2021; 50 Ky.R. 2292; 51 Ky.R. 268; eff. 11-5-20024; 52 Ky.R.240; 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 10:30 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 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.