

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

301 KAR 1:185. Pay lakes.

RELATES TO: KRS 150.470, 150.990

STATUTORY AUTHORITY: KRS 150.025(1)(h), 150.175(24), 150.660

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)(h) authorizes the Kentucky Department of Fish and Wildlife Resources~~[department]~~ to promulgate administrative regulations reasonably necessary to carry out the purposes of KRS Chapter 150. KRS 150.175(24) establishes a pay lake license that authorizes the holder to operate privately-owned impounded waters for fishing purposes for which a fee is charged. KRS 150.660 authorizes a person to establish a pay lake subject to the approval of the Commissioner of the department. This administrative regulation establishes the requirements for pay lake operators.

Section 1. Pay Lake License Application Procedures.

(1) Before operating a pay lake in Kentucky, an individual shall obtain the appropriate pay lake license by:

(a) Submitting a completed Pay Lake License Application to the department; and

(b) Paying the applicable fee as referenced at <https://fw.ky.gov/Licenses/Pages/Fees.aspx> and established in 301 KAR 5:022. ~~[Definitions.]~~

~~[(1)] ["Pay lake" means a privately-owned, impounded body of water where a daily fee is charged to fish, and is open to the public.]~~

~~[(2)] ["Pay lake operator" means a person who holds a valid pay lake license, as established in 301 KAR 3:022.]~~

~~[(3)] ["Trophy catfish" means a:]~~

~~[(a)] [Blue or flathead catfish that is a minimum of thirty-five (35) inches in length; or]~~

~~[(b)] [Channel catfish that is a minimum of twenty-eight (28) inches in length.]~~

~~[Section 2.] [Pay Lake License and Signage.]~~

~~[(1)] [A person shall not operate a pay lake without a valid pay lake license.]~~

(2) A pay lake license shall be transferable, but only for the same pay lake, except that no license may be transferred while an enforcement action is pending.

Section 2. ~~[(3)]~~ Pay Lake Signage. A pay lake operator shall post clearly visible signage stating:

(1) ~~[(a)]~~ The water body of origin of stocked catfish and any associated consumption advisories, if applicable; and

(2) ~~[(b)]~~ Fish handling policies if catch and release fishing is offered.

Section 3. Documentation and Fish Stocking Requirements.

(1) A pay lake shall not accept catfish that have been gifted to them.

(2) A pay lake shall save all receipts for three (3) years from the date of purchase, for each fish order received, and the receipts shall include:

- (a) The name, address, and telephone number of:
 - 1. The hatchery, if obtained from a hatchery; or
 - 2. The commercial ~~fisher~~~~fisherman~~ and driver who provided the fish, if obtained from public waters;
 - (b) Purchase dates; and
 - (c) The following details of fish by species, except catfish shall be recorded with separate entries for trophy and non-trophy catfish of each species, which includes the:
 - 1. Estimated number of fish;
 - 2. Poundage; and
 - 3. Waterbody of origin.
- (3) A pay lake may stock trophy catfish from public waters up to 750 pounds per surface acre of water per stocking, with a maximum annual limit of up to 2,250 pounds per surface acre of water per calendar year.

Section 4. Non-conforming Pay Lakes. Any lake not meeting the definition of a pay lake, as ~~defined~~~~established~~ in 301 KAR 1:001~~[Section 1 of this administrative regulation]~~, shall not qualify for a pay lake license, except that any non-conforming pay lake that was previously licensed as a pay lake for all license years 2008 through 2018 inclusive, shall be permitted to renew a pay lake license until the pay lake operator does not purchase a pay lake license for one (1) annual license period or the pay lake license is revoked as established in Section 6 of this administrative regulation. Notwithstanding any other provision, non-conforming pay lake licenses are non-transferable, and shall not be renewed after the 2054-2055 license year.

Section 5. Pay Lakes with Trophy Catfish from Public Waters.

- (1) There shall be a maximum of thirty-five (35) pay lakes with trophy catfish originating from public waters in any pay lake license year.
- (2) If there are more than thirty-five (35) licensed pay lakes, as established in subsection (1) of this section, at the effective date of this administrative regulation, each licensed pay lake shall be permitted to renew a pay lake license until the pay lake operator does not purchase a pay lake license for one (1) annual license period.
- (3) If at the end of a pay lake license year, less than thirty-five (35) pay lake licenses were issued, as established in subsection (1) of this section, then the department shall issue pay lake licenses on a first-come, first-served basis beginning on the first work day of the next license year.

Section 6. Pay Lake License Revocation.

- (1) A pay lake operator who violates this administrative regulation or is convicted or enters a guilty plea to any state or federal fish or game violation shall have his or her pay lake license revoked for a period of three (3) months for a first offense, one (1) year for a second offense, and two (2) years for a third or subsequent offense, except any revocation of non-conforming pay lake licenses shall be permanent.
- (2) A pay lake operator whose pay lake license is denied, revoked, or suspended may request an administrative hearing as established in KRS Chapter 13B.
- (3) 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.
- (4) Upon receipt of the request for a hearing, the department shall proceed as established in KRS Chapter 13B.
- (5) The hearing officer's recommended order shall be considered by the Commissioner and the Commissioner shall issue a final order as established in KRS Chapter 13B.~~[Approved by the Fish and Wildlife Commission.]~~

Section 7. Incorporation by Reference.

- (1) "Pay Lake License Application", 2025 Edition, is incorporated by reference.

(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 <https://fw.ky.gov/Licenses/Documents/Pay-Lake-Lic-App.pdf>.

*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 11:30 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.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person:Jenny Gilbert

(1) Provide a brief summary of:

(a) What this administrative regulation does:

This administrative regulation establishes the requirements for pay lake operators, including signage, documentation, and stocking restrictions.

(b) The necessity of this administrative regulation:

This administrative regulation is necessary to provide oversight on the pay lake industry and ensure that overharvest of trophy catfish originating from public waters is prevented.

(c) How this administrative regulation conforms to the content of the authorizing statutes:

KRS 150.025(1)(h) authorizes the Kentucky Department of Fish and Wildlife Resources to promulgate administrative regulations reasonably necessary to carry out the purposes of KRS Chapter 150. KRS 150.175(24) establishes a pay lake license that authorizes the holder to operate privately-owned impounded waters for fishing purposes for which a fee is charged. KRS 150.660 authorizes a person to establish a pay lake subject to the approval of the Commissioner of the department.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes:

This administrative regulation will assist in the effective administration of the statutes by establishing requirements and limits for pay lake operators.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change this existing administrative regulation:

This amendment removes any reference to fees and replaces them with a reference to the fee regulation, 301 KAR 5:022, and similarly updates any applicable material incorporated by reference. In addition, this amendment adds a Pay Lake License Application to the Incorporation by Reference section and removes the Definitions section.

(b) The necessity of the amendment to this administrative regulation:

This amendment is necessary to allow future fee changes to be promulgated in 301 KAR 5:022 without the need for promulgating matching amendments to this regulation. This amendment also adds a license application that was initially left out of the Incorporation by Reference section. Finally, the Definitions section is being removed due to creation of a new definitions regulation (301 KAR 1:001) for Chapter 1.

(c) How the amendment conforms to the content of the authorizing statutes:

KRS 150.025(1) grants authority for the department to promulgate regulations necessary to carry out the purposes of KRS Chapter 150. KRS 150.175 sets out licenses and tags to be sold by the department. KRS 150.195 requires the department to establish administrative regulations to provide for the control, design, issuance, distribution, and other matters related to licenses and permits issued by the department.

(d) How the amendment will assist in the effective administration of the statutes:

This amendment will consolidate any associated fees into a single fee regulation, 301 KAR 5:022.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation:

All individuals who wish to obtain the associated license.

(4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:

(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment:

No action will be required to comply with the amendments, however, the individuals would need to look to 301 KAR 5:022 for the regulation which establishes the cost of the associated license.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3):

There will be no cost to comply with the amendments to this regulation.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3):

Compliance with these amendments will allow individuals to obtain the associated license.

(5) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:

(a) Initially:

There will be no cost to implement these regulatory amendments initially.

(b) On a continuing basis:

There will be no continuing costs to implement these amendments.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation:

The Fish and Game Fund

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment:

There will be no increase in fees or funding necessary to implement these changes.

(8) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees:

This administrative regulation does not establish any fees or directly or indirectly increase any fees. Any associated fees are addressed in 301 KAR 5:022.

(9) TIERING: Is tiering applied?

Tiering is not applied as all individuals will need to look to 301 KAR 5:022 for the regulation which establishes the cost of the associated license.

FISCAL IMPACT STATEMENT

(1) Identify each state statute, federal statute, or federal regulation that requires or authorizes the action taken by the administrative regulation:

KRS 150.025(1)(h) authorizes the Kentucky Department of Fish and Wildlife Resources to promulgate administrative regulations reasonably necessary to carry out the purposes of KRS Chapter 150. KRS 150.175(24) establishes a pay lake license that authorizes the holder to operate privately-owned impounded waters for fishing purposes for which a fee is charged. KRS 150.660 authorizes a person to establish a pay lake subject to the approval of the Commissioner of the department.

(2) State whether this administrative regulation is expressly authorized by an act of the General Assembly, and if so, identify the act:

This amendment is not expressly authorized by an act of the General Assembly but is promulgated pursuant to KRS 150.025 and 150.195.

(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions:

The promulgating agency is the Kentucky Department of Fish and Wildlife Resources. No other state agencies are affected.

(b) Estimate the following for each affected state unit, part, or division identified in (3)(a):

1. Expenditures:

For the first year:These amendments will not result in any additional expenditures for the department.

For subsequent years:These amendments will not result in any additional expenditures for the department.

2. Revenues:

For the first year:These amendments will not result in any change in revenues for the department.

For subsequent years:These amendments will not result in any change in revenues for the department.

3. Cost Savings:

For the first year:These amendments will not result in any cost savings for the department.

For subsequent years:These amendments will not result in any cost savings for the department.

(4)(a) Identify affected local entities (for example: cities, counties, fire departments, school districts):

No local entities should be affected by these amendments.

(b) Estimate the following for each affected local entity identified in (4)(a):

1. Expenditures:

For the first year:NA

For subsequent years:NA

2. Revenues:

For the first year:NA

For subsequent years:NA

3. Cost Savings:

For the first year:NA

For subsequent years:NA

(5)(a) Identify any affected regulated entities not listed in (3)(a) or (4)(a):

No other entities should be affected by these amendments.

(b) Estimate the following for each regulated entity identified in (5)(a):

1. Expenditures:

For the first year:NA

For subsequent years:NA

2. Revenues:

For the first year:NA

For subsequent years:NA

3. Cost Savings:

For the first year:NA

For subsequent years:NA

(6) Provide a narrative to explain the following for each entity identified in (3)(a), (4)(a), and (5)(a)

(a) Fiscal impact of this administrative regulation:

This amendment will not have any significant fiscal impact.

(b) Methodology and resources used to reach this conclusion:

This amendment does not increase any fees or otherwise create a financial burden to state or local government agencies or to regulated entities.

(7) Explain, as it relates to the entities identified in (3)(a), (4)(a), and (5)(a):

(a) Whether this administrative regulation will have a "major economic impact", as defined by KRS 13A.010(13):

This amendment will not have a major economic impact.

(b) The methodology and resources used to reach this conclusion:

This amendment does not increase any fees or otherwise create a financial burden to state or local government agencies or to regulated entities.