

**301 KAR 1:400. Assessing fish kill damages.**

RELATES TO: KRS 150.460(1), (3), 150.990(7)

STATUTORY AUTHORITY: KRS 150.990(7)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 150.460(1) and (3) make it illegal for a person to pollute the waters of the commonwealth. KRS 150.990(7) holds a person who violates KRS 150.460 liable to the department in an amount not to exceed the value of any fish or wildlife killed or destroyed. This administrative regulation establishes the standard the department shall use to determine the replacement value of fish killed in pollution cases.

Section 1. The department shall use the American Fisheries Society Special Publication 35, "Investigation and Monetary Values of Fish and Freshwater Mollusk Kills", to assess the replacement value of fish killed in violation of KRS 150.460(1) or (3).

Section 2. Incorporation by Reference.

(1) The American Fisheries Society Special Publication 35: "Investigation and Monetary Values of Fish and Freshwater Mollusk Kills", 2017 edition, is incorporated by reference.

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

(26 Ky.R. 288; eff. 9-8-1999; 30 Ky.R. 2337; eff. 7-14-2004; 47 Ky.R. 2468; eff. 8-5-2021.)