TOURISM, ARTS AND HERITAGE CABINET

Department of Fish and Wildlife Resources

(Amendment)

301 KAR 1:155. Commercial fishing requirements.

RELATES TO: KRS 150.010, 150.120, 150.170, 150.445, 150.450(2), (3), 150.990, 217.015(20)

STATUTORY AUTHORITY: KRS 150.025(1), 150.175(3), 50 C.F.R. 17

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,[~~the~~] restriction of places where taking is permitted, and the application of administrative regulations to a limited area or to the entire state. KRS 150.175(3) authorizes the department to establish a commercial fishing license that allows the taking and selling of rough fish. 50 C.F.R. 17 protects the shovelnose sturgeon from harvest because of similarity of appearance with the endangered pallid sturgeon. This administrative regulation establishes commercial fishing requirements, protects certain species from overharvest, and regulates the buying and selling of roe-bearing species of rough fish.

Section 1. Commercial Fishing License Application Procedures. Before taking rough fishes from the waters of the state by the use of commercial fishing gear, an individual shall 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.

Section 2. Nonresident Commercial Fishing Licenses. A nonresident commercial fishing license shall only be issued to residents of states that offer nonresident fishing licenses to Kentucky residents, except that a nonresident with a valid 2013 Kentucky nonresident commercial fishing license shall be eligible to purchase a nonresident fishing license in subsequent license years, unless the nonresident fails to purchase the license[~~permit~~] during any license year.

Section 3.[~~Section 2.~~] Unlicensed Helpers.

(1) A commercial fisher shall not utilize more than two (2) unlicensed helpers while actively fishing.

(2) A commercial fisher shall ensure that an unlicensed helper complies with all boating safety requirements established in KRS Chapter 235.

(3) An unlicensed helper shall:

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

(b) Be permitted to transport roe or roe-bearing fish in the absence of a commercial fisher with a fish transportation permit[~~Fish Transportation Permit~~] as established in 301 KAR 1:125.

(4) A commercial fisher 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

(b) Assist a licensed Kentucky commercial fisher in harvesting or transporting fish.

Section 4.[~~Section 3.~~] Tagging and Using Commercial Gear. A commercial fisher shall:

(1) Tag commercial fishing gear as established in 301 KAR 1:146;

(2) Not use commercial fishing gear within:

(a) Fifty (50) yards of the outlet or inlet of an overflow lake;

(b) Fifty (50) yards of the mouth of a stream, except the mouth of the Ohio River; or

(c) 200 yards of a dam, as established in KRS 150.445;

(3) Not use commercial nets from April 1 through October 31:

(a) In bays and inlets of Kentucky Lake or Lake Barkley[ ~~lakes~~]; or

(b) Within 200 yards from the mouth of bays or inlets in Kentucky Lake or Lake Barkley[ ~~lakes~~]; and

(4) Call the department at 800-858-1549 within twenty-four (24) hours if any commercial gear is:

(a) Lost;

(b) Stolen; or

(c) Irretrievable due to unforeseen circumstances.

Section 5.[~~Section 4.~~] Special Catfish Harvest Restrictions.

(1) In all waters open to commercial fishing, except as established in subsection (2) of this Section, there shall be:

(a) An unlimited harvest of catfish less than trophy catfish size; and

(b) A daily limit of one (1) trophy catfish of each species.

(2) A person with a valid commercial license shall obtain from the department a free Lower Ohio River Trophy Catfish harvest permit[~~Harvest Permit~~] in order to harvest Lower Ohio River Trophy Catfish in the mainstem Ohio River downstream of Cannelton Lock and Dam.

(a) The department shall issue a maximum of fifteen (15) permits annually.

(b) The department shall issue a permit to a commercial fisher who:

1. Has reported a minimum harvest of 10,000 pounds of catfish from the Ohio River and its tributaries open to commercial fishing in at least two (2) of the last three (3) years; and

2. Submits a completed Lower Ohio River Trophy Catfish Harvest Permit Application[~~Sends a written request~~] to the department postmarked on or before March 10.

(c) A commercial fisher may retain the rights to the permit each year, provided the requirements established in paragraph (2)(b) of this subsection are met.

(d) Each permit shall be issued in the order established in subparagraph 1. through 3. of this paragraph.

1. Retained permit requests;

2. A random electronic drawing for the remaining permit requests that are postmarked by March 10 of each year; and

3. First-come, first-served for any remaining permits.

(e) There shall be an unlimited daily harvest of catfish less than Lower Ohio River Trophy Catfish size for each permit holder in the mainstem Ohio River downstream of Cannelton Lock and Dam.

(f) There shall be a daily limit of four (4) Lower Ohio River Trophy Catfish in aggregate for each permit holder in the mainstem Ohio River downstream of Cannelton Lock and Dam.

(3) A Lower Ohio River Trophy Catfish harvest permit[~~Harvest Permit~~] holder shall not possess more than one (1) daily limit of Lower Ohio River Trophy Catfish while on the water or trailering on a boat ramp.

(4) There shall be a maximum of two (2) daily limits of Lower Ohio River Trophy Catfish possessed per boat while on the water or when trailering on a boat ramp if there is more than one (1) Lower Ohio River Trophy Catfish harvest permit[~~Harvest Permit~~] holder in the boat.

(5) While on the water or trailering on a boat ramp, a commercial fisher who does not possess a Lower Ohio River Trophy Catfish harvest permit[~~Harvest Permit~~] shall not possess more than one (1) daily limit of trophy catfish.

(6) While on the water or trailering on a boat ramp, multiple commercial fishers per boat who do not possess a Lower Ohio River Trophy Catfish harvest permit[~~Harvest Permit~~] shall not possess more than two (2) daily limits of trophy catfish.

Section 6.[~~Section 5.~~] Commercial Roe-Bearing Fish Harvester's Permit.

(1) In order to retain his or her permit privilege, a harvester's permit holder shall submit to the department postmarked by September 15:

(a) A completed Commercial Fishing Licenses and Permits Application[~~Application for Commercial Roe-bearing Fish Harvester's Permit~~]; and

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

(2) Prior to being issued a harvester's permit, a person shall possess a valid commercial fishing license.

(3) A harvester's permit shall not be sold to a resident of a state that will not sell a nonresident harvester's permit, or its equivalent, to Kentucky residents.

(4) The maximum number of resident harvester's permits available each year shall be 101.

(5) The maximum number of nonresident harvester's permits available each year shall be eighteen (18).

(6) A harvester's permit holder shall be eligible to transfer permit privileges to an:

(a) Immediate family member; or

(b) Unlicensed helper who:

1. Has been employed by the permit holder for a period of at least one (1) year in that capacity; and

2. Complies with the requirements of this administrative regulation.

(7) To transfer a permit, the permit holder shall send to the department:

(a) A notarized letter documenting the name and relationship of the permit recipient; and

(b) If an unlicensed helper, proof of employment of the unlicensed helper for a period of one (1) year.

(8) Transferability shall be voided if a commercial fishing license or harvester's permit is revoked or suspended as established in Section 14[~~13~~] of this administrative regulation.

Section 7.[~~Section 6.~~] Commercial Roe-Bearing Fish Harvester's Permit Drawing.

(1) There shall be a drawing for the unfilled harvester's permits below the quota.

(2) A person shall apply for the drawing by submitting the following to the department by September 15:

(a) A completed Commercial Fishing Licenses and Permits Application[~~Application for Commercial Roe-bearing Fish Harvester's Permit~~]; and

(b) The applicable fee as referenced at https://fw.ky.gov/Licenses/Pages/Fees.aspx and[~~appropriate permit fee as~~] established in 301 KAR 5:022.

(3) A mailed Commercial Fishing Licenses and Permits Application[~~Application for Commercial Roe-bearing Fish Harvester's Permit~~] shall be postmarked by September 15 to be eligible.

(4) A person chosen in the drawing shall first obtain a commercial fishing license prior to obtaining a harvester's permit.

(5) The department shall return all permit fees to those not chosen in the drawing.

(6) If the department receives fewer resident or nonresident Commercial Fishing Licenses and Permits Applications[~~Applications for Commercial Roe-bearing Fish Harvester's Permits~~] than the number of available harvester's permits, then completed Commercial Fishing Licenses and Permits Applications[~~Applications for Commercial Roe-bearing Fish Harvester's Permits~~] received after September 15 shall be issued in the order they were received until the quota has been reached.

(7) If the number of Commercial Fishing Licenses and Permits Applications[~~Applications for Commercial Roe-bearing Fish Harvester's Permits~~] received after September 15 exceeds the number of harvester's permits available, then a second drawing shall be held to determine the recipients of the available permits.

Section 8.[~~Section 7.~~] Commercial Roe-Bearing Fish Harvester's Permit Requirements.

(1) A harvester's permit shall be required for a licensed commercial fisher to harvest, transport, or sell roe fish or unprocessed roe.

(2) A permit shall not be required for a special commercial fishing permit holder to harvest and sell roe-bearing fish flesh or unprocessed roe from Kentucky Lake and Lake Barkley [~~lakes~~ ]during the special commercial fishing season, as established in 301 KAR 1:140.

(3) A harvester's permit shall not be issued unless all applicable reports have been completed and submitted to the department, pursuant to Section 14[~~13~~] of this administrative regulation.

(4) A harvester's permit holder shall:

(a) Have the permit in possession while:

1. Fishing for roe-bearing fish; and

2. Transporting or selling roe-bearing fish or unprocessed roe;

(b) Only sell, ship, barter, or provide harvested roe from roe-bearing fish to a Kentucky permitted buyer as established in Section 9[~~8~~] of this administrative regulation; and

(c) Possess a valid bill of lading if transporting unprocessed roe to a Kentucky permitted buyer.

Section 9.[~~Section 8.~~] Commercial Roe-Bearing Fish Buyer's Permit Requirements.

(1) A buyer's permit shall be required to buy, sell, barter, receive, or ship unprocessed roe from roe-bearing fish harvested in Kentucky.

(2) A person shall apply for a buyer's permit by submitting a completed Commercial Fishing Licenses and Permits Application to the department[~~Application for Commercial Roe-bearing Fish Buyer's Permit~~] along with the applicable fee as referenced at https://fw.ky.gov/Licenses/Pages/Fees.aspx and established in 301 KAR 5:022[~~appropriate permit fee to the department, as established in 301 KAR 3:022~~].

(3) A buyer's permit holder shall:

(a) Not knowingly purchase illegally taken fish or unprocessed roe from any state;

(b) Have in possession a valid buyer's permit while purchasing, receiving, or transporting unprocessed roe;

(c) Maintain for a period of three (3) years an accurate record of all unprocessed roe purchased from roe-bearing fish harvesters in Kentucky;

(d) Maintain for a period of three (3) years an accurate record of all unprocessed roe purchased from roe-bearing fish harvesters in another state including:

1. Name, address, and telephone number of the seller;

2. License number of the seller; and

3. Number of pounds of unprocessed roe purchased;

(e) Sign the harvester's permit holder's Daily Roe-Bearing[~~bearing~~] Fish Harvester's Transaction Report for each transaction prior to purchasing or receiving unprocessed roe from the harvester;

(f) Retain a copy of the Daily Roe-Bearing[~~bearing~~] Fish Harvester's Transaction Report for each transaction with a harvester's permit holder for a period of three (3) years; and

(g) Allow a game warden[~~conservation officer~~] access to all records and reports, as established in this section, upon request, during normal business hours.

Section 10.[~~Section 9.~~] Commercial Fishing Season and Size Limits.

(1) The commercial fishing season shall be open year-round in the waters listed in 301 KAR 1:150, except for:

(a) Kentucky Lake and Lake Barkley [~~lakes~~ ]as established in 301 KAR 1:140;

(b) The shovelnose sturgeon season, which shall extend from October 15 through May 15 in the Ohio River Basin only; and

(c) The paddlefish season, which shall extend from:

1. November 1 through April 30 in all waters open to commercial fishing, except Kentucky Lake and Lake Barkley[ ~~lakes~~], as established in 301 KAR 1:140; and

2. November 1 through May 31 for commercial trotlines in all waters open to commercial fishing, except the Ohio and Mississippi rivers.

(2) There shall not be a size limit on any commercially-harvested rough fish, except that a commercial fisher shall only harvest:

(a) Shovelnose sturgeon between twenty-four (24) and thirty-two (32) inches, as measured from the tip of the snout to the fork of the tail fin;

(b) Paddlefish that are thirty-two (32) inches or greater, as measured from the beginning of the eye to the fork of the tail fin, except in Kentucky Lake and Lake Barkley [~~lakes~~ ]as established in 301 KAR 1:140; and

(c) Blue catfish, flathead catfish, and channel catfish as established in Section 5[~~4~~] of this administrative regulation, and measured by laying the fish flat on a ruler with the mouth closed and tail lobes squeezed together.

(3) A harvester's or buyer's permit holder shall not possess:

(a) Unprocessed paddlefish roe after June 5; or

(b) Unprocessed shovelnose sturgeon roe after May 20.

Section 11.[~~Section 10.~~] Species Ineligible for Commercial Harvest.

(1) A commercial fisher shall not harvest, and shall immediately release the following species:

(a) Sport fish listed in 301 KAR 1:060;

(b) Pallid sturgeon, a federally endangered species;

(c) Lake sturgeon;

(d) Shovelnose sturgeon caught in the Mississippi River;

(e) All turtle species;

(f) All mussel species except Asiatic clams (Genus Corbicula); and

(g) Alligator gar.

(2) A licensed commercial fisher shall only sell roe-bearing fish or unprocessed roe from roe-bearing fish harvested by commercial fishing methods as established in 301 KAR 1:146.

Section 12.[~~Section 11.~~] Tending Gear and Removing Fish. A commercial fisher shall:

(1) Tend and remove the fish from:

(a) Hoop nets or slat traps at least once every seventy-two (72) hours; and

(b) Other commercial fishing gear at least once every twenty-four (24) hours;

(2) Not possess eggs of any species of fish outside of the fish's body cavity while on the water or adjacent bank; and

(3) Remove commercial fishing gear from the water when finished fishing.

Section 13.[~~Section 12.~~] Roe Fish Egg Checking Methodology. A commercial fisher shall use a ten (10) gauge or smaller needle to examine roe fish for the presence of eggs.

Section 14.[~~Section 13.~~] Reporting, License and Permit Suspension, Renewal, and Revocation.

(1) Every licensed commercial fisher shall submit a completed Monthly Report of Commercial Fish Harvest in Kentucky by the tenth day of every month for the previous month's harvest, even if no harvest occurred.

(2) A harvester's permit holder shall:

(a) Complete a Daily Roe-Bearing[~~bearing~~] Fish Harvester's Transaction Report for each day of the month that roe-bearing fish are harvested or sold to a Kentucky permitted buyer; and

(b) Submit to the department all completed daily reports within a calendar month by the tenth day of the following month, in addition to the reporting requirements established in subsection (1) of this section.

(3) If a buyer's permit holder completes any transactions in a given month, the permit holder shall submit to the department a completed Monthly Commercial Roe-Bearing[~~bearing~~] Fish Buyer's Report by the tenth day of the following month.

(4) A report that is being mailed to the department shall be postmarked on or before the tenth of the month pursuant to subsections (1) through (3) of this section.

(5) The department shall issue a courtesy reminder letter to a holder of a commercial fishing license, harvester's permit, or buyer's permit who has failed to submit to the department a monthly report by the deadlines established in subsections (1) through (4) of this section.

(6) The department shall issue a warning letter to a license or permit holder who has twice failed to meet the reporting deadlines established in subsections (1) through (4) of this section during any given commercial fishing license year.

(7) The department shall suspend the commercial fishing license of a license or permit holder who has failed to meet reporting deadlines for three (3) or more months in a given license year until the license or permit holder submits to the department all required reports.

(8) The department shall suspend for a period of three (3) months the commercial fishing license of a license or permit holder who has not met the reporting deadlines established in this section for four (4) or more times in a license year.

(9) If a three (3) month suspension extends into a new license year, subsequent delinquent reports shall result in additional three (3) month suspensions.

(10) The department shall not renew a commercial fishing license, harvester's permit, or buyer's permit for a person who has not satisfied the reporting requirements of this administrative regulation.

(11) The department shall revoke the commercial fishing license, for a period of two (2) years, of a person who has been convicted of a federal commercial fishing violation or the following state violations involving commercial fishing:

(a) Use of illegal commercial fishing gear, pursuant to 301 KAR 1:146;

(b) Knowingly placing commercial fishing gear in a restricted area, pursuant to Section 4[~~3~~](2) and (3) of this administrative regulation;

(c) Harvesting prohibited species of fish;

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

(e) Knowingly falsifying commercial harvest data.

(12) The department shall revoke a buyer's permit, for a period of two (2) years, of a person:

(a) Convicted of a federal commercial fishing violation; or

(b) Who falsified data on a Monthly Commercial Roe-Bearing[~~bearing~~] Fish Buyer's Report.

Section 15.[~~Section 14.~~] Administrative Hearings.

(1) A person may request an administrative hearing pursuant to KRS Chapter 13B if a permit has been:

(a) Denied;

(b) Suspended;

(c) Not renewed; or

(d) Revoked.

(2) 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, suspension, non-renewal, or revocation.

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

(4) 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 16.[~~Section 15.~~] Boundaries. The department shall make available on its Web site at fw.ky.gov the Global Positioning System coordinates detailing the Kentucky and Ohio border on the Ohio River, for download to personal devices.

Section 17.[~~Section 16.~~] Incorporation by Reference.

(1) The following material is incorporated by reference:

(a) "Commercial Fishing Licenses and Permits Application"[~~"Application for Commercial Roe-bearing Fish Harvester's Permit"~~], 2025 Edition[~~2008 edition~~];

(b) "Lower Ohio River Trophy Catfish Harvest Permit Application"[~~"Application for Commercial Roe-bearing Fish Buyer's Permit"~~], 2025 Edition[~~2008 edition~~];

(c) "Daily Roe-Bearing[~~bearing~~] Fish Harvester's Transaction Report", 2008 Edition[~~edition~~];

(d) "Monthly Commercial Roe-Bearing Fish Buyer's Report", 2008 Edition[~~edition~~];

(e) "Monthly Report of Commercial Fish Harvest in Kentucky", 2023 Edition[~~edition~~]; and

(f) "List of GPS coordinates for Ohio River Boundary with Ohio", 2008 Edition[~~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, 8:00 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/Licenses/Documents/Lower-Ohio-River-Trophy-Catfish-Harvest-Permit-App.pdf for the "Lower Ohio River Trophy Catfish Harvest Permit Application";

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

(d) https://fw.ky.gov/Fish/Documents/roefishbuyreport[1].pdf for the "Monthly Commercial Roe-Bearing Fish Buyer's Report";

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

(f) https://fw.ky.gov/Fish/Pages/Navigation-Information-for.aspx for the "List of GPS coordinates for Ohio River Boundary with Ohio".[~~may be obtained at https://fw.ky.gov/Fish/Pages/Commercial-Fishing.aspx.~~]

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 PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on September 30, 2025, at 11:00 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.

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 commercial fishing requirements, protects certain species from overharvest, and regulates the buying and selling of roe-bearing species of rough fish.

(b) The necessity of this administrative regulation:

This administrative regulation is necessary to effectively manage rough fish populations in Kentucky.

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

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) authorizes the department to establish a commercial fishing license that allows the taking and selling of rough fish. 50 C.F.R. 17 protects the shovelnose sturgeon from harvest because of similarity of appearance with the endangered pallid sturgeon.

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

This administrative regulation will carry out the purposes of the statutes and federal regulation by describing the requirements for commercial fishing in Kentucky.

(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, two new documents were added to the Incorporation by Reference section. Finally, this amendment replaces the improper name "Barkley Lake" with the correct name "Lake Barkley" throughout the regulation.

(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. The two documents added to the amended Incorporation by Reference section were referenced in the main body of the current version of the regulation but were not listed in the Incorporation by Reference section. The final amendment is to correct the improper naming of Lake Barkley throughout the regulation.

(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 licenses and permits.

(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 licenses and permits.

(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 licenses and permits.

(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 licenses and permits.

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) 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) authorizes the department to establish a commercial fishing license that allows the taking and selling of rough fish. 50 C.F.R. 17 protects the shovelnose sturgeon from harvest because of similarity of appearance with the endangered pallid sturgeon.

(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.