

301 KAR 1:171. Grass carp supplier requirements.

RELATES TO: KRS 150.010, 150.025, 150.180, 150.990

STATUTORY AUTHORITY: KRS 150.025

NECESSITY, FUNCTION, AND CONFORMITY: KRS 150.025(1) authorizes the department to promulgate administrative regulations to establish the procedures for transporting and conserving wildlife. This administrative regulation establishes the procedures for acquiring, transporting and producing triploid grass carp.

Section 1. Definitions.

- (1) "Diploid grass carp" means a fish of the genus and species *Ctenopharyngodon idella* that is reproductively fertile and has not been genetically altered and therefore has the normal set of somatic chromosomes as determined by blood sample.
- (2) "Triploid grass carp" means a fish of the genus and species *Ctenopharyngodon idella* that is reproductively sterile because it has been genetically altered so as to have an additional or extra set of somatic chromosomes as determined by blood sample.

Section 2. Acquisition of Triploid Grass Carp (*Ctenopharyngodon idella*) by a Supplier. A person wishing to supply triploid grass carp shall:

- (1) Obtain a live fish and bait dealers license as established in 301 KAR 1:120;
- (2) Obtain a fish transportation permit as established in 301 KAR 1:125 that lists triploid grass carp as the species to be transported;
- (3) If the triploid grass carp will be propagated, obtain a fisheries commercial propagation permit as established in 301 KAR 1:115; and
- (4) Provide the Division of Fisheries with written assurances on a monthly basis that each grass carp sold or delivered for use in Kentucky waters has been tested and certified by the U.S. Fish and Wildlife Service's Triploid Grass Carp Certification Program to be a triploid fish. Failure to supply these written assurances shall be cause for license or permit revocation.

Section 3. Propagation of Triploid Grass Carp.

- (1) A person shall apply to the Division of Fisheries for a Fisheries commercial propagation permit for propagating triploid grass carp.
- (2) A fisheries commercial propagation permit for triploid grass carp shall not be issued until the Division of Fisheries personnel have made an on-site inspection of the applicant's propagation facility to determine that adequate containment measures exist to preclude escape for all life stages of any diploid grass carp into public waters.
- (3) The Division of Fisheries shall determine and specify the number of broodstock diploid (sterile) grass carp that may be obtained from out-of-state sources.
- (4) A person shall utilize the U.S. Fish and Wildlife Service's Triploid Grass Carp Certification Program to certify all grass carp sold or transported are triploids.
- (5) Diploid grass carp resulting from the production of triploids shall be destroyed on site by the propagator.

Section 4. Eradication of Diploid Grass Carp.

- (1) The Division of Fisheries may take random samples of grass carp shipped into and within Kentucky and from other stocks held by suppliers.
- (2) A triploid grass carp licensee or permittee shall have his or her license or permit revoked if diploid grass carp are discovered.
- (3) The licensee or permittee shall be responsible for removing and destroying all grass carp from a shipment containing diploid fish that were stocked in Kentucky waters, and shall reimburse the pond owner the full purchase price of the fish, including transportation costs.

(15 Ky.R. 1988; eff. 3-22-1989; 30 Ky.R. 2335; 31 Ky.R. 24; eff. 7-14-2004; Crt eff. 11-8-2019.)