

1 TOURISM, ARTS AND HERITAGE CABINET

2 Department of Fish and Wildlife Resources

3 (Amendment)

4 301 KAR 1:155. Commercial fishing requirements.

5 RELATES TO: KRS 150.010, 150.120, 150.170, 150.445, 150.450(2), (3), 150.990,
6 217.015(20)

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

8 NECESSITY, FUNCTION, AND CONFORMITY: KRS 150.025(1) authorizes the
9 department to promulgate administrative regulations to establish seasons for the taking
10 of fish and wildlife, to regulate bag limits, creel limits, and methods of take, and to make
11 these requirements apply to a limited area. KRS 150.175(3) authorizes the department to
12 establish a commercial fishing license that allows the taking and selling of rough fish. 50
13 C.F.R. [Part] 17 protects the shovelnose sturgeon from harvest because of similarity of
14 appearance with the endangered pallid sturgeon. This administrative regulation
15 establishes commercial fishing requirements, protects certain species from overharvest,
16 and regulates the buying and selling of roe-bearing species of rough fish.

17 Section 1. Definitions. (1) "Buyer's permit" means a Commercial Roe-bearing Fish
18 Buyer's Permit.

(2) "Commercial fisherman" means a person holding a valid resident or nonresident commercial fishing license.

(3) "Harvester permit" means a Commercial Roe-bearing Fish Harvester's Permit.

(4) "Immediate family member" means a person's spouse, mother, father, daughter, brother, sister, grandparent, or son.

(5) "Ohio River Trophy Catfish Harvest Permit" means a permit that allows a commercial fisherman to harvest trophy catfish~~[participate in a special catfish harvest program downstream of Cannelton Lock and Dam in the Ohio River and its tributaries open to commercial fishing]~~.

(6) "Overflow lake" means a permanent or temporary body of water that receives overflow flood waters from an adjacent stream.

(7) "Roe-bearing fish" means paddlefish, shovelnose sturgeon, and bowfin, regardless of the sex of the fish or the presence or absence of roe.

(8) "Roe-bearing Fish Buyer's Permit" means a permit issued by the department that entitles the permit holder~~[permittee]~~ to buy roe-bearing species or roe in accordance with this administrative regulation.

(9) "Roe-bearing Fish Harvester's Permit" means a permit issued by the department to a licensed commercial fisherman that entitles the permit holder to harvest and sell roe-bearing species in accordance with this administrative regulation.

(10) "Sport fish" means those species established in 301 KAR 1:060.

1 (11) "Trophy catfish" means, for the area downstream of Cannelton Lock and Dam in
2 the Ohio River and its tributaries open to commercial fishing, a:

3 (a) Blue or flathead catfish that is a minimum of forty (40) inches in length; or

4 (b) Channel catfish that is a minimum of thirty (30) inches in length.

5 (12) "Unlicensed helper" means a person without a commercial fishing license who is
6 assisting a commercial fisherman.

7 (13) "Unprocessed roe" means roe that has been removed from a roe-bearing fish by
8 a food processing plant prior to its sale at a roe-bearing fish buyer's facility.

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

15 Section 3. Unlicensed Helpers. (1) A commercial fisherman shall not utilize more than
16 two (2) unlicensed helpers while actively fishing.

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

19 (3) An unlicensed helper shall:

20 (a) Be accompanied by a licensed commercial fisherman while using commercial

1 fishing gear; and

2 (b) Be permitted to transport roe or roe-bearing fish in the absence of a commercial
3 fisherman with a Fish Transportation Permit as established in 301 KAR 1:125.

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

6 (a) Be listed as a helper by a licensed Kentucky commercial fisherman; or

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

8 Section 4. Tagging and Using Commercial Gear. A commercial fisherman shall:

9 (1) Tag commercial fishing gear pursuant to 301 KAR 1:146;

10 (2) Not use commercial fishing gear within:

11 (a)1. Fifty (50) yards of the outlet or inlet of an overflow lake; or

12 2. Fifty (50) yards of the mouth of a stream, except the mouth of the Ohio River; and

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

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

15 (a) In bays and inlets of Kentucky or Barkley Lakes; or

16 (b) Within [~~a distance of~~] 200 yards from the mouth of bays or inlets in Kentucky or
17 Barkley Lakes; and

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

20 (a) Lost;

1 (b) Stolen; or

2 (c) Irretrievable due to unforeseen circumstances.

3 Section 5. Special Catfish Harvest Restrictions. (1) In the Ohio River and its tributaries
4 open to commercial fishing, there shall be:

5 (a) An unlimited harvest of:

6 1. Blue and flathead catfish that are less than thirty-five (35) inches in length; and

7 2. Channel catfish that are less than twenty-eight (28) inches in length; and

8 (b) A daily limit of one (1):

9 1. Blue and flathead catfish greater than or equal to thirty-five (35) inches in length;

10 and

11 2. Channel catfish greater than or equal to twenty-eight (28) inches in length.

12 (2) A person with a valid commercial license shall obtain from the department a free
13 Ohio River Trophy Catfish Harvest Permit in order to harvest multiple trophy catfish
14 downstream of Cannelton Lock and Dam.

15 (a) The department shall issue a maximum of fifteen (15)~~[fifty (50)]~~ permits annually.

16 (b) ~~[Beginning in 2015,]~~ The department shall issue a permit to a commercial
17 fisherman who:

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

20 years; and

2. Sends a written request to the department postmarked on or before March 10.

(c) A commercial fisherman 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 trophy size for each permit holder.

~~(f)~~(d) There shall be a daily ~~creel~~~~[harvest]~~ limit of four (4) trophy catfish in aggregate for each permit holder.

(3) An Ohio River Trophy Catfish Permit holder shall not possess more than one (1) daily creel limit of trophy catfish while on the water or trailering on a boat ramp.

(4) There shall be a maximum of two (2) daily creel limits of trophy catfish possessed per boat while on the water or when trailering on a boat ramp if there is more than one (1) Ohio River Trophy Catfish Permit holder in the boat.

(5) While on the water or trailering on a boat ramp, a commercial fisherman who does not possess an Ohio River Trophy Catfish Permit shall not possess more than one

1 (1) daily creel limit of:

2 (a) Flathead catfish greater than or equal to thirty-five (35) inches;

3 (b) Blue catfish greater than or equal to thirty-five (35) inches; or

4 (c) Channel catfish greater than or equal to twenty-eight (28) inches.

5 (6) While on the water or trailering on a boat ramp, multiple commercial fishermen
6 per boat who do not possess an Ohio River Trophy Catfish Permit shall not possess
7 more than two (2) daily limits of:

8 (a) Flathead catfish greater than or equal to thirty-five (35) inches;

9 (b) Blue catfish greater than or equal to thirty-five (35) inches; or

10 (c) Channel catfish greater than or equal to twenty-eight (28) inches.

11 ~~[(e) Beginning in 2015, if fifty (50) permits are not issued by March 15, then the~~
12 ~~department shall conduct a random electronic lottery drawing for the remaining slots.~~

13 ~~(f) A commercial fisherman shall apply for the lottery established in paragraph (e) of~~
14 ~~this subsection by sending a written request to the department to be entered in the~~
15 ~~lottery postmarked on or before March 10.~~

16 ~~(g) If the number of applicants for any lottery is less than the number of available~~
17 ~~permits, then the remaining permits shall be distributed on a first-come, first-served~~
18 ~~basis.]~~

19 Section 6. Harvester Permit. (1) In order to retain his or her permit privilege, a
20 harvester permit holder shall submit to the department postmarked by September 15:

1 (a) A completed Application for Commercial Roe-bearing Fish Harvester's Permit; and

2 (b) The permit fee as established in 301 KAR 3:022.

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

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

7 (4) The maximum number of resident harvester permits available each year shall be
8 101.

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

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

12 (a) ~~[An]~~ Immediate family member; or

13 (b) ~~[An]~~ Unlicensed helper who:

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

16 2. Complies with the requirements of this administrative regulation.

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

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

20 (b) If an unlicensed helper, proof of employment of the unlicensed helper for a period

1 of one (1) year.

2 (8) Transferability shall be voided if a commercial fishing license or harvester permit is
3 revoked or suspended as established in Section 14 of this administrative regulation.

4 Section 7. Harvester Permit Lottery. (1) There shall be a lottery for the unfilled
5 harvester permits below the quota.

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

8 (a) A completed Application for Commercial Roe-bearing Fish Harvester's Permit; and

9 (b) The appropriate permit fee as established in 301 KAR 3:022.

10 (3) A mailed Application for Commercial Roe-bearing Fish Harvester's Permit shall be
11 postmarked by September 15 to be eligible.

12 (4) A person chosen in the lottery shall first obtain a commercial fishing license prior
13 to obtaining a harvester permit.

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

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

20 (7) If the number of Applications for Commercial Roe-bearing Fish Harvester's Permits

received after September 15 exceeds the number of harvester permits available, then a second lottery shall be held to determine the recipients of the available permits.

Section 8. Harvester Permit Requirements. (1) A harvester permit shall be required for a licensed commercial fisherman 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 and Barkley lakes during the special commercial fishing season, as established in 301 KAR 1:140.

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

(4) A harvester 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 of this administrative regulation; and

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

Section 9. 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 Application for Commercial Roe-bearing Fish Buyer's Permit along with the 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 permit holder's Daily Roe-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 Fish Harvester's Transaction Report for each transaction with a harvester permit holder for a period of three (3) years; and

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

Section 10. 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 and 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 Barkley and Kentucky 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 fisherman 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 and Barkley lakes as

established in 301 KAR 1:140; and

(c) Blue catfish, flathead catfish, and channel catfish as established in Section 5 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 or buyer permit holder shall not possess:

(a) Unprocessed paddlefish roe after June 5; or

(b) Unprocessed shovelnose sturgeon roe after May 20.

Section 11. Species Ineligible for Commercial Harvest. (1) A commercial fisherman 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 fisherman shall only sell roe-bearing fish or unprocessed roe from roe-bearing fish harvested by commercial fishing methods as established in [and permitted by] 301 KAR 1:146.

Section 12. Tending Gear and Removing Fish. A commercial fisherman 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. Roe Fish Egg Checking Methodology. A commercial fisherman shall use a ten (10) gauge or smaller needle to examine roe fish for the presence of eggs.

Section 14. Reporting, License and Permit Suspension, Renewal, and Revocation. (1) Every licensed commercial fisherman 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 permit holder shall:

(a) Complete a Daily Roe-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 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 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 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.

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

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

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

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

10 (c) Harvesting prohibited species of fish;

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

13 (e) Knowingly falsifying commercial harvest data.

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

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

17 (b) Who falsified data on a Monthly Commercial Roe-bearing Fish Buyer's Report.

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

20 (a) Denied;

1 (b) Suspended;

2 (c) Not renewed; or

3 (d) Revoked.

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

7 Section 16. Incorporation by Reference. (1) The following material is incorporated by
8 reference:

9 (a) "Application for Commercial Roe-bearing Fish Harvester's Permit", 2008 edition;

10 (b) "Application for Commercial Roe-bearing Fish Buyer's Permit", 2008 edition;

11 (c) "Daily Roe-bearing Fish Harvester's Transaction Report", 2008 edition;

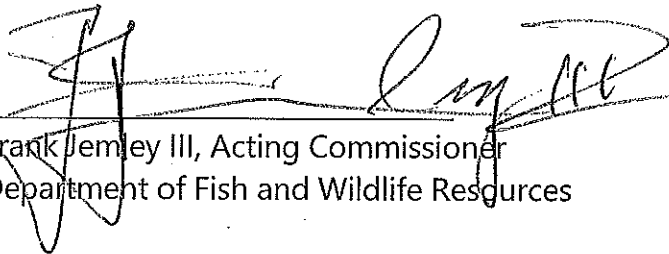
12 (d) "Monthly Commercial Roe-Bearing Fish Buyer's Report", 2008 edition;

13 (e) "Monthly Report of Commercial Fish Harvest in Kentucky", 2019 edition[2014]; and

14 (f) "List of GPS coordinates for Ohio River Boundary with Ohio", 2008 edition.

15 (2) This material may be inspected, copied, or obtained, subject to applicable
16 copyright law, at the Department of Fish and Wildlife Resources, #1 Sportsman's Lane,
17 Frankfort, Kentucky 40601, Monday through Friday, 8:00 a.m. to 4:30 p.m.

Approved by the Fish and Wildlife Commission



Frank Jemley III, Acting Commissioner
Department of Fish and Wildlife Resources



Don Parkinson, Secretary
Tourism, Arts and Heritage Cabinet

Date: 12/13/18

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on January 23, 2019 at 9 a.m. at the Department of Fish and Wildlife Resources in the Commission Room of the Arnold L. Mitchell Building, #1 Sportsman's Lane, Frankfort, Kentucky. Individuals interested in attending this hearing shall notify this agency in writing by five business days prior to the hearing of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be canceled.

This hearing is open to the public. Any person who attends will be given an opportunity to comment on the proposed administrative regulation. 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 attend the public hearing, you may submit written comments on the proposed administrative regulation through January 31, 2019.

Send written notification of intent to attend the public hearing or written comments on the proposed administrative regulation to:

Mark Cramer
Department of Fish and Wildlife Resources
Arnold L. Mitchell Building
#1 Sportsman's Lane
Frankfort, Kentucky 40601
(502) 564-3400 FAX (502) 564-0506
Email: fwpubliccomments@ky.gov

REGULATORY IMPACT ANALYSIS
AND TIERING STATEMENT

301 KAR 1:155. Commercial fishing requirements.

Contact Person: Mark Cramer

Email: mark.cramer@ky.gov

Phone: 502-564-3400

(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 department to promulgate administrative regulations to establish seasons for the taking of fish and wildlife, to regulate bag limits, creel limits, and methods of take, and to make these requirements apply to a limited area. 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 in the Mississippi River because of similarity of appearance with the federally protected 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 defining 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 will reduce the number of Ohio River Trophy Catfish Harvest Permits from 50 to 15. Currently there are only 8 commercial fishermen using the free permits. For commercial fishermen with an Ohio River Trophy Catfish Harvest Permit, this amendment will limit a commercial fishing boat to one daily limit of trophy catfish per commercial fisherman while on the water or when trailering the boat on a boat ramp. In addition, there shall be a maximum of two daily limits of trophy catfish allowed per commercial fishing boat when multiple commercial fishermen are on board. For commercial fishermen without an Ohio River Trophy Catfish Harvest Permit, this amendment will limit a commercial fishing boat to one daily limit of flathead and blue catfish greater than or equal to 35 inches and channel catfish greater than or equal to

28 inches per commercial fisherman while on the water or when trailering the boat on a boat ramp. In addition, there shall be a maximum of two (2) daily limits of flathead and blue catfish greater than or equal to 35 inches and channel catfish greater than or equal to 28 inches allowed per commercial fishing boat when multiple commercial fishermen are on board. The Monthly Report of Commercial Fish Harvest in Kentucky (incorporated by reference) was modified to remove a harvest method that was not valid for commercial fishing and several other minor errors on the form were corrected.

(b) The necessity of the amendment to this administrative regulation: This amendment is necessary to better protect overharvest of large catfish on the Ohio River and will allow the department's law enforcement officers to better assess commercial fishing violations.

(c) How the amendment conforms to the authorizing statutes: See (1)(c) above.

(d) How the amendment will assist in the effective administration of the statutes: See (1)(d) above.

(3) List the type and number of individuals, businesses, organizations or state and local governments affected by this administrative regulation: This amendment will affect all commercial fishermen who fish the Ohio River and its tributaries open to commercial fishing for trophy or other large catfish. Currently there are approximately 50 fishermen actively commercial fishing for trophy or other large catfish.

(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: Commercial fishermen fishing the Ohio River and its tributaries open to commercial fishing will have to follow the per boat, catfish daily creel limit restrictions. Only fifteen commercial fishermen will now be able to obtain a free Ohio River Trophy Catfish Harvest Permit. Currently there are only eight commercial fishermen using these 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 associated with complying with this administrative regulation amendment.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): The per-boat, daily limit restrictions will remove any ambiguity as to whether fish held by commercial fishermen on their boat are legally possessed. The reduction in free Ohio River Trophy Catfish Harvest Permits will neither be a benefit nor detriment to commercial fishermen.

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

this administrative regulation:

(a) Initially: This administrative regulation change will result in no initial change in administrative cost to the Department.

(b) On a continuing basis: There will be no additional cost on a continuing basis.

(6) What is the source of the funding to be used for implementation and enforcement of this administrative regulation? The source of funding is the State Game and Fish 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. It will not be necessary to increase any other fees or increase funding to implement this administrative regulation.

(8) State whether or not this administrative regulation established any fees or directly or indirectly increased any fees: No new fees will be established directly or indirectly.

(9) TIERING: Is tiering applied? No. Tiering is not applied to this regulation because all commercial fishermen must abide by the same requirements.

FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

301 KAR 1:155. Commercial fishing requirements.

Contact Person: Mark Cramer

Email: mark.cramer@ky.gov

Phone number: (502) 564-3400

(1) What units, parts, or divisions of state or local government (including cities, counties, fire departments, or school districts) will be impacted by this administrative regulation? The Department of Fish and Wildlife Resources' Divisions of Fisheries and Law Enforcement will be impacted by this administrative regulation.

(2) Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 150.025(1) authorizes the department to promulgate administrative regulations to establish seasons for the taking of fish and wildlife, to regulate bag limits, creel limits, and methods of take, and to make these requirements apply to a limited area. 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 in the Mississippi River because of similarity of appearance with the federally protected pallid sturgeon.

(3) Estimate the effect of this administrative regulation on the expenditures and revenues of a state or local government agency (including cities, counties, fire departments, or school districts) for the first full year the administrative regulation is to be in effect.

(a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year? No revenue will be generated by this administrative regulation during the first year.

(b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years? No revenue will be generated by this administrative regulation during subsequent years.

(c) How much will it cost to administer this program for the first year? There will be no additional costs to administer this program for the first year.

(d) How much will it cost to administer this program for subsequent years? There will be no additional costs to administer this program for subsequent years.

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Revenues (+/-):

Expenditures (+/-):

Other Explanation:

Summary of Material Incorporated by Reference
and
Summary of Changes to Material Incorporated by Reference

Summary of Material Incorporated by Reference

- (1) The "Monthly Report of Commercial Fish Harvest in Kentucky" form, 2019 edition, is a one-page, double-sided form that licensed commercial fishermen must accurately complete and submit to the department by the 10th of the following month.

Summary of Changes to Material Incorporated by Reference

- (1) The "Monthly Report of Commercial Fish Harvest in Kentucky" form, 2019 edition, is a one-page, double-sided form that licensed commercial fishermen must accurately complete and submit to the department by the 10th of the following month. This form replaces the "Monthly Report of Commercial Fish Harvest in Kentucky" form, 2014 edition, in its entirety. The original form was amended to remove the "Fishing Pole" column in the "Kind of Gear Used" section since it is not legal commercial fishing equipment, replaced "Revised 2014" to "2019 Edition" in the upper right corner of the first page, added the language "or equal to" twice in the "Catfish Harvest" section on the back page to remove ambiguity on catfish size limits, and amended the reference to the regulation section number from 12 to 14 in the "Instructions" section on the back page to be consistent with the current regulation.

MONTHLY REPORT OF COMMERCIAL FISH HARVEST IN KENTUCKY

Kentucky
Department of Fish
and Wildlife
Resources

KENTUCKY
2019
Revised 2014

**Please
use
back
page for
Catfish
Harvest**

DAY OF MONTH	WATER BODY FISHED	KIND OF GEAR USED (check one)										WEIGHTS OF SPECIES TAKEN DURING THE MONTH									
		Gill Nets	Thermal Nets	Hoop Nets	Fishing Pole	Trot Lines	Stat Traps	Spear	Dip Nets	Shad (LBS)	Chapsucker (LBS)	Suckers (LBS)	Paddlefish		Drum (LBS)	Sturgeon		Common Carp (LBS)	Shor Carp (LBS)	Bighead carp (LBS)	Others (LBS)
		total length in feet	number	total length in feet	number	number of hooks	number	total length in feet	number				No. of Fish	Flesh (LBS)		Eggs (LBS)	No. of Fish				
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		TOTAL WEIGHT OF EACH SPECIES TAKEN DURING THE MONTH:																			

REMARKS:

REPORTED BY (signature of commercial analyst)

DATE SIGNED _____

REPORT WILL BE RETURNED IF NOT COMPLETELY FILLED OUT

READ AND FOLLOW INSTRUCTIONS ON BACK

Page 1

Catfish Harvest

A Trophy Blue catfish and Flathead catfish is a fish greater than 35 inches

A Trophy Channel catfish is a fish greater than 28 inches

or equal to

or equal to

INSTRUCTIONS

1 All licensed commercial anglers shall complete the form for each month licensed and submit it to the Department by the 10th of following month (301 KAR 1:155, Section 4-2). Mail reports to the Kentucky Department of Fish and Wildlife Resources, Fisheries Division, #1 Sportsman's Lane, Frankfort, KY 40601. **Failure to report will result in the Department not renewing your commercial fishing license.**

2 Definitions: suckers includes white, spotted, blue and all rathorses; others includes gar, bowfin and eel.

3 Record your take (harvest) of all fish regardless of whether or not you sold these fish.

4 If you did not fish the entire month, you are still required to submit this form. Write "Did Not Fish" across the form and mail it in.

5 Only one commercial license holder shall report on each form.

6 The license holder who fills out the report shall sign each form.

7 Under **Kinds of gear** please fill in total length of nets fish and/or numbers for each gear fished each day.

The reports, when summarized, are an index of the health of the fishery. Your cooperation is necessary to help the department manage the commercial fisheries. You must accurately report the requested information.

DAY OF MONTH	KIND OF GEAR USED (check one)						Channel catfish			Blue catfish			Flathead catfish		
	Gill Nets	Trammel Nets	Hoop Nets	Fishing Pole	Trot Lines	Slat Traps	Sahses	Dip Nets	Total No. of Fish caught	Total LBS harvested	Total No. of Trophy Fish Released	Total No. of Fish caught	Total LBS harvested	Total No. of Trophy Fish Released	Total No. of Trophy Fish Released
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TOTAL WEIGHT OF EACH SPECIES TAKEN DURING THE MONTH:

REMARKS:

REPORT WILL BE RETURNED IF NOT COMPLETELY FILLED OUT



Kentucky
UNBROKEN SPIRIT

NAME

LAST FOUR DIGITS OF SOCIAL SECURITY NUMBER

COMMERCIAL FISHING LICENSE NUMBER

MONTH

YEAR



**Please
use
back
page for
Catfish
Harvest**

[illegible]

REMARKS:

REPORTED BY (signature of commercial angler)

DATE SIGNED

REPORT WILL BE RETURNED IF NOT COMPLETELY FILLED OUT

Catfish Harvest

A Trophy Blue catfish and Flathead catfish is a fish greater than or equal to 35 inches
A Trophy Channel catfish is a fish greater than or equal to 28 inches

INSTRUCTIONS

- All licensed commercial anglers shall complete the form for each month licensed and submit it to the Department by the 10th of following month (301 KAR 1:155, Section 14). Mail reports to the Kentucky Department of Fish and Wildlife Resources, Fisheries Division, #1 Sportsman's Lane, Frankfort, KY 40601. **Failure to report will result in the Department not renewing your commercial fishing license.**
 - Definitions: **suckers** includes white, spotted, blue and all redsides; **others** includes gar, bowfin and eel.
 - Record your take (harvest) of all fish regardless of whether or not you sold these fish.
 - If you did not fish the entire month, you are still required to submit this form. Write "Did Not Fish" across the form and mail it in.
 - Only one commercial license holder shall report on each form.
 - The license holder who fills out the report shall sign each form.
 - Under **Kinds of gear** please fill in total length of nets fish and/or numbers for each gear fished each day.
- The reports, when summarized, are an index of the health of the fishery. Your cooperation is necessary to help the department manage the commercial fisheries. You must accurately report the requested information.

DAY OF MONTH	WATER BODY FISHED (Please also list pool fished)	KIND OF GEAR USED (check one)										Channel catfish			Blue catfish			Flathead catfish		
		Gill Nets	Trammel Nets	Hoop Nets	Trot Lines	Slat Traps	Screens	Dip Nets	Total No. of Fish Caught	Total LBS of Trophy Fish Harvested	Total No. of Trophy Fish Released	Total No. of Fish Caught	Total LBS of Trophy Fish Harvested	Total No. of Trophy Fish Released	Total No. of Fish Caught	Total LBS of Trophy Fish Harvested	Total No. of Trophy Fish Released			
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TOTAL WEIGHT OF EACH SPECIES TAKEN DURING THE MONTH:																				

REMARKS:

REPORT WILL BE RETURNED IF NOT COMPLETELY FILLED OUT



Kentucky
UNBRIDLED SPIRIT