

# Kentucky Department of Fish & Wildlife Resources



## Commission Meeting

### MINUTES

June 16, 2023 | 8:30 AM (ET)

Live Video Teleconference

Web link: [YouTube.com/FishandWildlifeKY](https://www.youtube.com/FishandWildlifeKY)

**Call to Order and Welcome** (Video 24:05) – Chairman Clinard

**Invocation** (Video 25:24) – Daniel Vichitbandha

**Pledge of Allegiance** (Video 26:02) – Brenda Hill

**Chair’s Remarks** (Video 26:23) – Chairman Clinard

**Commissioner’s Remarks** (Video 27:22) – Rich Storm

**Commission Members in attendance** (Video 28:28) – Greg Cecil, Dr. Karl Clinard, Jerry Ferrell, Brian Fisher, Dr. Robin Floyd, Paul Horn, Josh Lillard, Doug Morgan, and Ralph Swallows.

### Action Items

- Minutes from May 25, 2023 quarterly meeting (Video 28:57)
  - Commission member Josh Lillard made a **motion to accept the minutes as written**, seconded by Greg Cecil. Votes were as follows: Yes: Dr. Robin Floyd, Brian Fisher, Ralph Swallows, Greg Cecil, Josh Lillard, Jerry Ferrell, Paul Horn, and Doug Morgan. ***The motion carried unanimously.***
- Quarterly Financial Reports (Video 29:52)
  - Lisa Cox, Director of Administrative Services, presented the quarterly financial reports.
- Budget for FY24 (Video 32:47)
  - Lisa Cox, Director of Administrative Services, presented the budget for FY24. Paul Horn made a **motion to approve both the quarterly financial reports and the budget for FY24**, seconded by Ralph Swallows. Votes were as follows: Yes: Dr. Robin Floyd, Brian Fisher,

Ralph Swallows, Greg Cecil, Josh Lillard, Jerry Ferrell, Paul Horn, and Doug Morgan. ***The motion carried unanimously.***

- Hunting on Conservation Camp Properties (Video 41:08)
  - Kevin Kelly, Director of Information and Education, proposed to promulgate a regulation that will allow for special mentored hunts on all 3 conservation camp properties. Hunts for designated game species will be developed and conducted as department-sponsored events only for mentor/youth hunters for related department R3 learn-to-hunt programs such as Field to Fork.
  - Ralph Swallows made a **motion to accept the request to promulgate a regulation for special hunts on conservation camps as written**, seconded by Brian Fisher. Votes were as follows: Yes: Dr. Robin Floyd, Brian Fisher, Ralph Swallows, Greg Cecil, Josh Lillard, Jerry Ferrell, Paul Horn, and Doug Morgan. ***The motion carried unanimously.***
  
- Modify Special Commission Permits regulation (Video 48:14)
  - Brian Clark, Deputy Commissioner, proposed amending [301 KAR 3:100](#). The department recommends the addition of special commission permits for black bear for additional fundraising opportunities to Kentucky nonprofit conservation organizations. The department also proposes the following amendments: remove the requirement for permittee-hunter's date of birth as it is already in department records associated with the hunter's hunting license, require email or online submission of applications, hunter information, and reporting, as well as clarify that waterfowl permits are not for a bonus limit of waterfowl but rather for the preferred date to waterfowl hunt on a selected WMA.
  - Paul Horn made a **motion to approve attachment A5 on page 11 as it is written**, seconded by Robin Floyd. Votes were as follows: Yes: Dr. Robin Floyd, Brian Fisher, Ralph Swallows, Greg Cecil, Josh Lillard, Jerry Ferrell, Paul Horn, and Doug Morgan. ***The motion carried unanimously.***
  
- Establish Experimental Commercial Fishing Methods Program (Video 53:24)
  - Dave Dreves, Director of Fisheries, proposed amending [301 KAR 1:152](#) – Harvest and sale of Asian carp and [301 KAR 5:022](#) – License, tag, and permit fees. This amendment would establish a program that allows commercial fishers to use special commercial fishing gear and methods to further the goal of Asian carp harvest in mass quantities and be eligible for the existing carp subsidy.
  - Brian Fisher made a **motion to accept page 12 attachment A6 and the following pages as written**, seconded by Jerry Ferrell. Votes were as follows: Yes: Dr. Robin Floyd, Brian Fisher, Ralph Swallows, Greg Cecil,

Josh Lillard, Jerry Ferrell, Paul Horn, and Doug Morgan. ***The motion carried unanimously.***

## Discussion Items

- Modify water bodies open to commercial fishing (Video 1:05:20)
  - Dave Dreves, Director of Fisheries, proposed amending [301 KAR 1:150](#) – Waters open to commercial fishing. This amendment would remove water bodies open to commercial fishing that have low use and harvest and define a new upper boundary for waters open to commercial fishing on the Green River.
  - Greg Cecil made a **motion to pass on this recommendation to an action item**, seconded by Josh Lillard. Votes were as follows: Yes: Dr. Robin Floyd, Brian Fisher, Ralph Swallows, Greg Cecil, Josh Lillard, Jerry Ferrell, Paul Horn, and Doug Morgan. ***The motion carried unanimously.***
- Modify catfish commercial fishing regulations and reporting requirements (Video 1:13:27)
  - Dave Dreves, Directors of Fisheries, proposed amending [301 KAR 1:155](#) – Commercial fishing requirements. This amendment would expand locations with trophy catfish harvest regulations, modify Trophy Catfish Harvest Permit regulations downstream of Cannelton Lock and Dam, and fix the formatting of material incorporated by reference called “Monthly Report of Commercial Fish Harvest in Kentucky,” 2019 edition.
  - Josh Lillard made a **motion to pass on this recommendation to an action item with the caveat that more statistical information will be provided to the Commission**, seconded by Jerry Ferrell. Votes were as follows: Yes Dr. Robin Floyd, Brian Fisher, Ralph Swallows, Greg Cecil, Josh Lillard, Jerry Ferrell, Paul Horn, and Doug Morgan. ***The motion carried unanimously.***
- Prohibit hunting of wild pigs in Kentucky (Video 1:46:37)
  - Ben Robinson, Director of Wildlife, and Terri Brunjes, Wild Pig Biologist, proposed amending [301 KAR 3:030](#). This amendment would remove wild pigs from the list of species with year-round seasons, and landowners incurring damage will retain the rights to shoot.
  - Brian Fisher made a **motion to pass on this recommendation to an action item**, seconded by Ralph Swallows. Votes were as follows: Yes: Dr. Robin Floyd, Brian Fisher, Ralph Swallows, Greg Cecil, Josh Lillard, Jerry Ferrell, Paul Horn, and Doug Morgan. ***The motion carried unanimously.***
- Commercial Guide License and License, tag and permit fees (Video 2:14:01)

- Gabe Jenkins, Deputy Commissioner, proposed amending [301 KAR 2:030](#) and [301 KAR 5:022](#) on behalf of the Commissioner's Office, Fisheries, Law Enforcement, and Wildlife Divisions. This amendment would create harvest reporting requirements, modify the requirements and application for a commercial guide license, and increase the commercial guide license fees.
  - Josh Lillard made **a motion to pass this recommendation to an action item**, seconded by Brian Fisher. Votes were as follows: Yes: Dr. Robin Floyd, Brian Fisher, Ralph Swallows, Greg Cecil, Josh Lillard, Jerry Ferrell, Paul Horn, and Doug Morgan. **The motion carried unanimously.**
  - Brian Fisher asked for a tiering system to be brought up as new business at the next meeting.
- Modify Special Commission Permits regulation (Video 2:31:17)
    - Brian Clark, Deputy Commissioner, and Ralph Swallows, Commission Member, proposed amending [301 KAR 3:100](#). Commission members and some recipient conservation organizations have requested that the Commission reconsider the current requirement in regulation that special commission elk permits be randomly assigned an elk hunting unit.
    - Ralph Swallows made a **motion to move forward with the elk tags to be zone-specific unless you have private land to hunt on**, seconded by Josh Lillard. Votes were as follows: Yes: Dr. Robin Floyd, Brian Fisher, Ralph Swallows, Greg Cecil, Josh Lillard, Jerry Ferrell, Paul Horn, and Doug Morgan. **The motion carried unanimously.**
- Informational Update: Licensing (Video 2:45:45)
    - Brian Clark, Deputy Commissioner, provided an update regarding licensing: 37 states out of 50 now have a vendor that provides a licensing service. The department is preparing to issue an RFP for bids. Currently, that is in draft format. The final details are being put in place.
- Update on public access on FILO land projects (Video 2:49:24)
    - Brian Clark, Deputy Commissioner, and Ben Robinson, Wildlife Director, provided an update regarding public access on FILO land projects. Although properties acquired by KDFWR through FILO are primarily for wetland and stream restoration under federal law, the standard procedure is to open them as a WMA (or in addition to a WMA) whenever practicable. Stakeholders have inquired specifically about the future use of the LIM property in Boone County. Commission member Lillard stated that he supported making the LIM property a WMA. The department will recommend the development of new special regulation provisions for WMAs that are best suited to archery/crossbow hunting for deer and shotgun/shotshells only for other game (as reflected in the first New Business Item below). Properties purchased by the Wetland and Stream

Restoration Program (FILO funds) will continue to be opened/closed as necessary to accommodate design, construction, and monitoring requirements.

## **New Business Items**

- Add provisions for special hunting regulations on designated WMAs (Video 3:00:40)
  - Brian Clark, Deputy Commissioner, and Ben Robinson, Wildlife Director, presented information to amend [301 KAR 3:010](#) – Public Use of Wildlife Management Areas. This amendment would:
    - Create a new section allowing for restriction of deer hunting to archery and crossbow only, and shotgun used with shotshells as the only firearm allowed for use
    - Apply to new properties (such as LIM tract, FILO acquisition in Boone Co. that is a pending new WMA) best suited to these uses so they can be opened in a timely fashion after being surveyed, boundaries marked, parking lot(s) established, and roads developed
    - Clarify commercial activities
    - Doug Morgan asked for an in-depth report from FILO with a timeline to let them know what's going on before putting regulations on a WMA. Also, they asked that the department provide an opportunity for Commission members to be able to look at the WMA before special regulations are posted. Dr. Robin Floyd supported the two suggestions brought by Doug Morgan.
- Update on Wild Turkey Program – Spring 2023 season and research projects (Video 3:08:38)
  - Ben Robinson, Wildlife Director, and Zak Danks, Turkey and Grouse Program Coordinator, provided an update on the 2023 spring turkey harvest and ongoing research projects. There were 35,658 turkeys taken in Kentucky this spring. The 2023 spring harvest was 33% higher from 2022 and 23% higher from the previous five years. There were better poults per hen in 2021 than in prior years (45% jump).
  - There are currently two research projects going on. One of those projects is the Banding Study. The two objectives of this study are to assess harvest and to assess the health of the flock. The seconded research study is the Reproductive Study. This study is concentrated in Western Kentucky. This study is looking at many facets of the reproductive ecology of turkeys.
- Update on Elk Program - Population model and recommendations (Video 3:25:49)

- Ben Robinson, Director of Wildlife, and Dr. John Hast, Elk and Bear Program Coordinator, provided an update regarding the Kentucky Elk Population Model (SPR) – Final Results. An SPR model has three foundational blocks. The first block is the survival and cause-specific mortality, the second block is the harvest data, and the third block is the hunter effort data. The following changes were made from the preliminary model: tooth age for the 2022 elk season, a full year of survival data for adult elk, a full year of survival data for calf elk (June 2022 – June 2023), and post-season elk hunter survey data for 2022 hunters. Overall, the elk abundance represents an approximately 3,700 elk increase from 2015 (2022 = 10,661). An additional year of data (2023 season) will improve the model and continue to collect auxiliary data.
- Paul Horn asked for the department to go back and look at recommendations for season lengths and tag numbers. Then bring that information forward at our next meeting as a discussion item so they can make an informed decision.
- Allow pooling of points for Elk Restoration & Elk Voucher-Cooperator Permits (Video 3:43:53)
  - Commission Member Jerry Ferrell temporarily left the meeting. (Video 3:44:06)
  - Ben Robinson, Wildlife Director, and Dr. John Hast, Elk and Bear Program Coordinator, proposed amending [301 KAR 2:132](#) – Elk hunting seasons, permits, zones, and requirements. This amendment would allow the pooling of points for elk restoration and elk voucher cooperator permits. Both permit types already have the same elk permit-earning values. KDFWR is not currently relocating elk, pooling these will allow current Elk Restoration Permit point holders to continue earning points toward elk permits as Voucher-Cooperators in return for public access to their properties.
- Commissioner Storm gave an update on CWD cases out of Florida and Oklahoma. (Video 3:48:25)

**Public Comments** (Video 3:48:52) Lisa Jackson, Public Information Office Supervisor, read the following statement regarding public comments.

“Public comments regarding New Business Items or Discussion Items on the agenda may be submitted by email to [FW.PublicAffairs@ky.gov](mailto:FW.PublicAffairs@ky.gov). Comments received by 5:00PM (eastern) two days before a meeting will be distributed to all Commission members the day prior to the meeting and will be read by KDFWR staff during the Commission meeting for up to 3 minutes total per commenter, time permitting and at the discretion of the Commission chair. Emailed comments allow Commission members adequate time for consideration and correspondence if necessary, and they allow the Commission to conduct business more efficiently during meetings. Note: A commenter’s contact

information is not required for emailed comments, but will be necessary if information is requested, and other than name and affiliation it will not be publicly disclosed if provided. Anonymous comments will be distributed to the Commission members but may not be read during the meeting. The Commission chair reserves the right to not read publicly any comments that are libelous, profane, derogatory of others, not pertaining to business items on the meeting agenda, or redundant with other comments. Questions will receive an email response. Commenters should include "Commission meeting" in their email subject line and include their first and last name(s), Kentucky county(s) of residence (or state of residence if a nonresident), and organizational affiliation and position if they are an officer or official representative for a particular organization. In-person attendees of meetings may also request to speak up to 3 minutes total per commenter on New Business Item(s) or Discussion Item(s) on the agenda, but will be required to sign-in on the public comment request form on the table at the meeting room entrance by 9:00AM (eastern) on the day of the meeting, and provide name, county and state of residence, organization represented and position (if applicable), and applicable agenda items. Commenters who speak in person will not have their emailed comments read publicly at the meeting and are asked to avoid voicing comments that are redundant with others speaking prior to them during the allotted public comments time."

Lisa Jackson, Public Information Office Supervisor, read the following emailed comments:

Commission members, as a state of Ohio resident and business owner in Kentucky along with holding a non-resident annual KY fishing license I would like to express my ongoing concerns regarding the commercial catfishing on the Ohio river from Kentucky licensed commercial fishermen. I do support your efforts to modify the waters open to commercial fishing & modify regulations for commercial trotlines but ask that we don't stop with just these modifications as times are changing and many more modifications to current regulations are needed to sustain a well balanced fishery. I also see that the commercial guide fees are being raised and a reasonable increase may be needed, but when I look at the other side of the fifteen FREE trophy catfishing permits downstream of Cannelton dam I scratch my head as to why these commercial guys can take for FREE for personal/private gain. Shouldn't increasing or at least charging them a Trophy FEE which they are not currently charged be appropriate (used for a much needed stocking program)? I am not against commercial fishing for catfish but I/WE do NOT support the taking of our resources from public waters for personal/private gain.....example, Trophy Paylakes in ANY state. We are working on Ohio and asking them to look further into these issues from Ohio, but a lot of the taking of fish are being taken from Kentucky controlled waters. I urge you to please strongly

consider some of the upcoming proposed solutions for these ongoing issues that need addressed before it's too late. Thank you for taking time to read & consider my concerns. – Jeremy Chase

My name is Scott Cress, I am a KY resident and live in Kenton County close to the Ohio River. Previously I was a member of working group, representing recreational anglers, of which was organized with the purpose to advise on regulations for catfish. I will always support proposed conservation regulations and fight for protection of our state resources for all the enjoy. I travel the country chasing trophy catfish and believe with enough time and better regulations our state can become a destination for catfish anglers across the Midwest and drive significant economic benefits if the catfish are left to grow and reproduce in our state waters. Overall I am encouraged to see new business items presented that will (hopefully) better protect our resources across the state from over harvest by commercial catfishing. As it relates the agenda items, I hope the Commission considers a large increase in commercial fishing permit fees for trophy catfish, especially for non-resident licenses, and strongly considers limiting the number of out of state licenses issued each year. I can tell you I see as many commercial fisherman on the southern sections of the OH river, especially out of Wickliffe, KY, as I do recreational anglers. Many OH trophy paylake operators have staged holding ponds in this area that they use to load up on daily catches before transporting these fish back to out of state pay-lakes. I support modifying and protecting waters from commercial fishing in general. I believe the 4 over 40 rule should be removed entirely. The rule serves to benefit a select few and is not consistent with any other state that institutes commercial catfish regulations. We are an outlier in this regard and the allowable harvest of 4 trophy fish over 40 inches daily is a material detrimental impact compared with the traditional 1 over 35 inches in place otherwise. In a better world catfish would be classified as game fish. We certainly wouldn't treat our bass or crappie fisheries in the same manner we do with catfish today. For those that have been on the Commission or with KDFWR for a few years will recall the ground swell of support by the state's recreational fisherman the last time catfish regulations were broadly considered – some referred to us as the blue shirt army and the meeting location was standing room only. Improved regulations that aid in the conservation of our state's resources has the support of thousands. I hope the Department's mission statement always guide's the Commission's decisions in all it decides.

– Scott Cress

Hi, my name is Tanner Underwood and I'm an avid cat fisherman that primarily fishes the meldahl pool of the Ohio river. Myself and many others throughout the state have concerns about the removal of trophy catfish by commercial fisherman to be put into paylakes and ultimately die. Catfishing is becoming very popular through the country and I think it's important to protect this resource as it can be beneficial to the state. I've traveled to other states such as TN and AL to chase trophy cats, without



knowing the area we've ran across several trophy fish each trip. Speaking from experience fishing the Ohio river, the average size of fish is smaller than other places I've fished as well as a lot tougher to catch a fish over 20 pounds frequently. We see many commercial fisherman out of our local boat ramp everyday for months at a time, I know there's still some nice fish in our river but by seeing paylake pages and how many fish they stock over and over each year it raises concerns that eventually it's going to deplete the resource. I would love to see commercial fishing to be outlawed in our state like it is in Ohio and West Virginia, if not at least stricter regulations on the paylakes themselves to where they can only stock so many fish and keep them sustained, where they do not have to stock thousands of pounds a year because they are dying. Knowing that a 15 year old fish is getting put in a pond to die doesn't set well with me as a sport fisherman. I would like to see catfish to be recognized as a sport fish and taken care of like bass in our state. I hope someone takes time to read my concerns and take them into consideration for the upcoming meeting. Thank you. – Tanner Underwood

Dear Commissioners: On behalf of the National Deer Association, I am writing to provide our comments in support of prohibiting the hunting of feral hogs in Kentucky. We are a national non-profit conservation organization with the mission to ensure the future of wild deer, wildlife habitat and hunting. We represent 30,000 members nationwide, including hunters, landowners and natural resource professionals. The NDA respectfully asks the Kentucky Fish and Wildlife Commission to vote in favor of prohibiting feral hog hunting in Kentucky at the upcoming vote on March 3, 2023. The NDA's mission – the future of wild deer, wildlife habitat, and hunting – relies on wildlife management decisions founded in sound scientific principles. With respect to feral hogs, an effective way to control this invasive species is to ban the transport and release of live animals for any purpose. Fortunately, a vast majority of states have laws prohibiting the public from transporting and releasing live hogs. Still, opportunities to hunt feral hogs can incentivize hunters to transport and release hogs in new areas – legal or not. States that have eliminated hunting opportunities for feral hogs have made the most significant gains in reducing or eradicating hogs in their jurisdictions. Feral hogs are a highly destructive and invasive species that cause significant problem for deer and other wildlife. Populations can spread locally at an alarming rate due primarily to their adaptive nature, human assistance, and their phenomenal reproductive capabilities. Feral hogs impact wildlife management programs in a variety of ways. For example, research shows that deer actively avoid hogs, resulting in some situations where deer lose access to the best food sources. Feral hogs directly compete with deer for food like acorns and soft mast. In fact, research suggests that as much as 64% of a feral hog's diet is mast. This means less availability for deer and other wildlife species when hog numbers are high. In addition, hogs destroy food plots and commercial crop production, damage forest roads,

and may even contribute to the spread of EHD by creating shallow mudholes that are ideal habitat for the gnats that spread the disease. In total, it's believed that feral hogs can be blamed for nearly \$2 billion in damages every year in the United States. The NDA encourages all wildlife agencies to allocate the resources necessary to control feral hog populations and reduce their spread to new areas. Prohibiting the hunting of wild hogs is an effective method for doing just that. Still, it's crucial to continue to educate the public on the dangers of hogs to human health, wildlife and habitat, and the control efforts taking place. Please don't hesitate to reach out with questions or for more information.

– Torin Miller, Senior Director of Policy, NDA

As I read through the agenda why in the world would you put wild hogs on a list of species you cannot hunt. That's about the most dumbest thing I have seen as I go hunt them in Florida with friends and seeing the damage they cause. You don't want Kentucky to end up like Southern states with hog problems. Let people have at them and harvest as many as they can. That and they are very dangerous if you come across one. The more you can take out now the better chance to get rid of them cause like in Florida they have been there since the settlers came in on ships. You can kill 40 a day and you wouldn't hurt the population one bit.

– Claude Reynolds

To whom it may concern, I assume you all are aware of the amount of work the Boone County Conservation District has put in, in partnership with KDFWR, to identify viable stream and wetland mitigation projects in Boone County. This being a response to the enormous development pressure in the last few years and our desire and responsibility to utilize these mitigation funds in Boone County, the area of impact. One of the benefits of BCCDKYs efforts has been the acquisition of the LIM and Anderson properties. Both properties are adjacent to state nature preserves and represent some of the highest quality natural areas left in northern Kentucky. Therefore, our interest is that these properties increase the size and accessibility to these areas and receive the high level of stewardship and management they deserve and require. BCCDKY is aware of interests in making these areas wildlife management areas and we fully support public access to areas that can safely support these activities. However, both properties are far too small and raise serious private property and safety concerns. As I understand, these properties would be managed at a "low management intensity" meaning they receive little or no active management. This doesn't seem appropriate for the highest quality natural areas in northern Kentucky. As an alternative, BCCDKY and our local partners including Boone County Parks, the Boone Conservancy, local sportsman and others has proposed using these properties as centers for conservation education and activity. We are committed to a high level of management and demonstrating conservation best management practices. We are also committed to providing access to these unique areas to families, particularly children, and any group

interested in conservation and the long-term protection of our local natural resources. We have already established family education programs, Conservation Kids Camp, L.E.A. F. Academy, Junior Conservation Board, and conservation education and wildlife intern programs. LIM and Anderson properties would make ideal homes for these activities. – Mark Jacobs, Director of Conservation Programs – Boone County Conservation District

The following comments were made in person:

- “Thank you for your time. I was going to give you a compliment on some of the things that you are doing about adjusting deer harvest on WMA’s, that’s personal. This is actually our Chapter’s position. It is not my personal position. The Kentucky Chapter of Backcountry Hunters and Anglers opposes the taking and transportation of catfish for the purpose of paylake exploitation. The Kentucky Chapter of Backcountry Hunters and Anglers is the State Chapter of the international organization Backcountry Hunters and Anglers, which seeks to ensure North America’s outdoor heritage of hunting and fishing in a natural setting through education and work on behalf of wild public lands, waters, and wildlife. As a 501C3 nonpartisan charity of 1,727 members and supporters in Kentucky, we stand up for wild public lands, waters, wildlife, and the outdoor opportunities they represent. The excessive catch of mature breeding Catfish by private and Commercial entities in Kentucky waters for use in commercial pay lakes in Kentucky is extremely damaging to our catfish fishery. What makes it worse is when these trophy fish are caught in Kentucky waters and transported to pay lakes across state lines. Further, it violates the principles and ethics of fair chase, which are championed by Backcountry Hunters and Anglers and were established by our conservation founders, such as President Theodore Roosevelt. In past years unregulated market hunting and fishing devastated U.S Wildlife Resources, which were only recovered through establishing fair chase principles, which require an element of skill, angling, woodsmanship, and challenge. To be very clear, paylake fishing is not fair chase. Access and opportunity is the number one reason why American hunters and anglers stop pursuing their outdoor passions and pursuits. Taking trophy catfish breeding catfish to be put in pay-to-play paylakes removes the opportunity to catch these fish in a wild setting. It degenerates one of the quintessential characteristics of America’s public land and water legacies. The fact that fish and wildlife belong to every citizen. Stopping the commercial catch of wild trophy fish for the stocking of private paylakes for the express purpose of private financial gain is especially important as these fish themselves fail to thrive in these lakes, dying not long after placement. The cascading effects are removing these wild trophy fish can cause the loss of revenue to guides and even reduce fishing license sales. For these reasons and those listed above, the Kentucky Chapter of Backcountry Hunters and Anglers, which again represents 1,727 members

and supporters in Kentucky, urges this commission to protect the ethics of fair chase and prevent the exploited monetization of public wild trophy fish for the express purpose of stocking paylakes.” – Mike Abell

- “I’m the legislative affairs chairman for the Kentuckiana Chapter’s Safari Club International. My name is Larry Richards, and I appreciate your time today. We are in general agreement with the Kentucky Elk Guides Association and this Commission and the increase in guides license charges. However, that being said, we feel that those modifications and increases need to follow the definition and creation of an outfitter’s license. The task that you’re giving to guides are traditionally outfitter tasks. Several of you Commission members this morning have used the word Outfitter and the guides need to work for outfitters. Outfitters give you one point of contact to work with all the guides. Outfitters typically are the people who advertise, promote, sign contracts, and deal with hunters. Guides don’t typically do that. When you finally get around to collating all this data, if you have to collate the data from 25 outfitters or 250 guides, what’s going to be easier for us? What’s going to give better data for us? Outfitters typically are the ones who carry the insurance. Outfitters are the ones that pay the lease costs, and outfitters are the people who drive the hunting industry. They employ guides, and that’s pretty much the sum of my comments.” – Larry Richards
- “Good afternoon and appreciate the time. The American Catfishing Association, and on behalf of the entire catfish community, wish to express our thanks to the Commission and those responsible for advancing vital catfish regulations. However, in that, discounting what has been proposed today, the ACA views this as a step of many in a journey to further protect the fisheries within the state of Kentucky. Years ago, the recreational catfish segment was one that few gave credence to. Today recreational fishing for catfish is not the third but the second largest segment in the multi-billion-dollar fishing industry. It’s the second. The state, without proper protection of this important species, is potentially losing countless millions, if not billions of dollars in revenue. This could also potentially cause a biological imbalance that could have a snowball effect on other fish species in the overall health of valued resources. You’re speaking about Asian carp, these trophy catfish that’s what they’re targeting now. Conversations take place all the time regarding data that for the most part, is not available. However, important information from anglers with decades of experience many of which are here today, must be taken into consideration. When countless experienced anglers state that trophy catfish have considerably diminished from what was for what is today, a certain level of merit must be granted. With regard to the moratorium, we believe the proposed regulations be implemented. During that period, conduct a study, revisit the regulations after the three years. Holding these important conservation efforts in place. In the past, the American Catfishing Association outlined various regulation considerations. A copy of which we have provided. It remains our hope

that all parties can work together to achieve responsible regulations. We Believe implementing our suggested considerations would benefit the Fisheries within the state for all to enjoy and prosper for generations. As presented in our recent video to the Commission members, these objectives are meant to establish responsible practices for all parties and to curb those parties and practices that defy in abuse our valued public resources for simple personal gain. The ACA seeks to partner and assists with any and all efforts set forth by this Commission to improve conservation regulations. We remain committed to improving regulations not only for catfish but for the overall fair and proper balance of our public fisheries for all to enjoy. Thank you for the opportunity.” - Glenn Thomas Oberacker, Co-Director, ACA

- In the book of Proverbs, it tells us that a wise man loves his beast. I quoted it before. You guys are the wise man here today. He quoted a very strong fact. Teddy Roosevelt went through the same issue, and what he did is, was he took it out of the people's hands, and he went biologically. Jake can stand right here before he comes in effect. Biological data stated the catfish was in abundance. We're not saying don't regulate. We are saying don't cut us out. We have to come to a place of where this has got to stop. This is 13 years I've been standing in front of you guys. The same battle, same fight. There has to be a place. The river is teeming with fish. No, we don't want to catch them all out. Yeah, some guys do, not everybody. The point of this is what I'm trying to make is let biological data state this. We've had agreement after agreement after agreement with the fishermen, you guys, and every time somebody new comes in. We either stepped down, move into their way, or we get stepped on. Our side is tired of getting stepped on also. This is our livelihood. This is what we've done. This is 26 straight years that I've done this. I don't primarily chase catfish. I do it five or six weeks out of the year. So, the point is, the attorney and I have had a good conversation, and we're going to have another one. We're going to try to work this out so this stops. Because a lot of decisions are being made by the pressure that's being put on Dave. He don't have to tell me that, I already know. A lot of decision-making is being put on you guys and put you in a position to where you're in a pickle all the time because you don't know what to do. This is what I'm saying, biological data. The man knows how to fish. He's been with us. He can right now sit down here go back to Ron Brook, and he can say when he was fishing with Heath, he saw something that he could have never imagined. Am I right or wrong? Yes, I'm right 100%. So, we know what we're doing. Some of these guys I don't know. We don't catch fish all the time, but we make a living. The fish are consistent. If you look at my data from last year and the year before, the fish in my pools increase more than double. It's online, like you said, you got to go by what we write down. Obviously, that's all you've got. If you want to know what's out there, they did make a comment that he didn't really want to put a fisherman, I mean their guys in the boat

with us. You want to know what's there, put them with us. It's that simple guys. Thank you.” – Mike Dye

- “The one you were speaking of was actually the guide scouting time in the SPR model. It has never been included in that model, and what I would ask for is Karl mentioned to me, and John just spoke about it also. That is information that needs to be included in that model is scouting time, and he may disagree with me. As far as the guide license change, if the elk guides are going to be required to do an annual report, that report should be included in that SPR model. Just my opinion on that. On the elk hunters, they are already required to do a survey or a report that does pretty much the same information that the elk guide will be providing. So, in that sense as a group, they're disagreeing with most of those proposals for the commercial guides license other than the increase, and as Gabe stated, they brought into 300 dollars. They weren't in agreement with that. The next thing was on the Commission tags that you'd mentioned Ralph. I stood here back in what Brian may have said 2017 and spoke with Karen right here and told her that was a mistake to sign units to those Commission tags. I still feel that way today. It decreases the value of, and if you're looking at revenue and creating revenue for these non-profits, I think you need to make them unit specific. As far as doing your public and private just like Greg had mentioned. Private landowners and lease property going to be very lucrative. It will, it will. It will increase for the private landowners. I myself, you know, I'm just speaking for myself as a guide. I'm with the Kentucky Bulls and Breads. I've been going for over 18 years now. I think they need to be just non-unit specific, but they do need regulated, as John stated on the on the RA's, the voucher tracks, and so forth. Karl, I think you got ahead of me here on one since I'm rushing. The special permits here that the department is going to come up with here. I spoke with Brian also, if you're going to do the three new permits the one elk permit, I would make it what he's calling the super tag. That tag would be it's 365 days out of the year. I know there's going to be some statutes and reg changes in this, but I'm just kind of looking for revenue issues. Take that one permit that you're going to do 365 either six and maybe even exclude the one elk per year just for that tag, but that is a one-in-a-lifetime tag. - Don Thomas, Kentucky Elk Guides Association
- Brian Mackey Hardin County Kentucky sportsman. Well, when we've been talking about the commercial catfishing, you know, there's been some talk about what impact. There's maybe not enough data. There's a well-known commercial catfisherman that also runs pay lakes in Ohio. Back in 2014, in the regs committee meeting, he testified when the 4 over 40 regs were being talked about, that that would potentially cause him to have to throw 70% of his catch back. So, that's a pretty big impact. It's a lot easier to catch those fish when you're running 50 hoop nets versus four rods and reels off the back of a boat. The same operators also stated that if every fish died in his paylakes, he could have him restocked in 10 days. So, once again, you know, maybe not all of them are doing this, but some of

them are pretty good at what they do. You know, a lot of these paylakes the way they really market their business models with the tournament jackpots. They may run six hours eight hours a day. People paid money in, you know, they catch a certain fish over a certain weight, they win, you know, eight hundred twelve hundred dollars sometimes. This business model use to operate years ago with tag fish. You know they didn't need the 17–80-pound fish, and they were still able to be profitable and run their business. Personally, I would like to see the elimination of transporting live fish, specifically, these trophy fish to paylakes for profit. To me, it's a form of prostitution of wild resource. If we're not willing to do that the fact that we give 15 free trophy catfish commercial permits away, you know, if we're not going to eliminate this, we need to charge them for the money they're making off this resource. Kentucky currently, and my understanding, has 35 paylakes that are allowed to stock live caught wild fish. You know, once again, this could go back to what kind of real impact this may have on that resource. You know, I don't feel that this agency, you know, we shouldn't be worried about money. We shouldn't be worried about people getting upset. We should be worried about airing on the caution to protect the natural resource. It's a lot easier to air on caution, gather data, then come back later versus keep kicking the can down the road, and then when things are too bad, it's too late. That's all I really have on this matter, thank you.” - Brian Mackey

- “I appreciate the Commission. My name is Rich Zimmer. I am the League of Kentucky Sportsman President, and I'm also the Fifth District President and District Chairman for Ducks Unlimited up in northern Kentucky area. First, I am actually speaking for the Fifth District Federation. We did take a vote, and the Fifth District is in support of the LIM property being a WMA. With that being said, I personally and some other sportsmen I've talked to we need to make sure as all resources that we're taking care of the resources that we best have, and we do have a couple other WMAs up in the Fifth District that are not utilized to their full potential. They're just sitting there. Their problems, they're great for the wildlife, but they're not being used. So, I would ask, and I appreciate Josh bringing that and all the Commission with the new regulations possibly for this WMA, and the being next to some other some properties that we utilize this property and this resource to the best that we can. Appreciate your time. Thank you, and happy Father's Day to you all.” – Rich Zimmer
- I'm Bo Gast. I'm the new Executive Director of the Kentucky Wildlife Control Operators Association. So, you guys probably know what Nuisance Wildlife Control Operators are. We remove animals from homes, commercial properties, from whatever across the entire state of Kentucky. I'm specifically here to speak to you about the pig issues that are going on in the state of Kentucky. I personally own a Nuisance Wildlife Control Operator business, and I'm licensed through the department here as well. We're in multiple states in multiple markets Indianapolis, Cincinnati, Louisville, Southern Indiana, all the way down to New Orleans, Baton

Rouge, and the North Shore in Louisiana. So, we have a whole team of people that work with us here. A couple colleagues here as well that are interested in this specific issue. So, this is a multi-million dollar if not in tens of millions of dollars industry in this state whether you know it or not. Our members remove hundreds and thousands and thousands of animals from people's homes and businesses constantly across the state. We're an important disease prevention, or you know, for what we do in removing, you know animals that cause diseases and bats and things like that from people's houses. So, the concern we have with this wild pig regulation is that our nuisance wildlife control operators in the state are being prohibited by the department from actually taking these pigs. So, if they're not on a farm like was testified by Terri Brunjes earlier. Our NWCO aren't being allowed to take those, and she reiterated that to me here today that she's not going to allow our NWCO to take those. So, we have hundreds and hundreds of NWCO's across the state. Every one of them should be allowed to take these pigs year-round as a means of controlling these on residential, commercial, and even foreign properties. Even though the USDA is doing that, there is a cost to that farm owner for the USDA to come out there and do that work, and that's she reiterated to me today. It's the farm bill is where that money is coming from. To actually fund those activities by the USDA on these properties. There is no funding on any other property that's not a farm. So, like in your district, they're going to take out the ones on the farm and leave the rest because they don't have the funding to remove the rest from the residential and commercial areas. So, we need the ability to do that as a wildlife control operator. So, we want an exemption on that for wildlife control operators to do that. Let's see, we want to keep that money in Kentucky too. That keeps that money local here in Kentucky instead of sending it to the federal government out of the state. I also want to encourage the departmental staff to work cooperatively with our new association. We've been trying to reach Ms. Brunjes on this issue, along with a myriad of other issues, for two months now and have had no response from her. She won't return a phone call. One other question I have, and I may get this answered afterwards, we're voting are you guys as Commissioners, and I appreciate all that you guys do for Kentucky's Wildlife here. My concern is you're not voting on the actual law that is going in place in the administrative regulation. You're voting on kind of bullet points on those. So, the department may put something that's different than that out and actually included in law than what actually was approved here. So, I need to question that I would love to talk to your attorney afterward and see if that was the correct process.”  
– Bo Gast

### **Lunch Break** (Video 4:37:51)

Commission member Jerry Ferrell returned to the meeting.



- Update WMA deer quota hunts regulation (Video 5:19:50)
  - Ben Robinson, Director of Wildlife, proposed amending [301 KAR 2:178](#) – Deer hunting on WMAs. This amendment would remove December antlerless-only hunt on Veteran’s Memorial WMA, remove the 3-day January open firearms hunt on West KY WMA, clarify language to state that a quota hunt participant shall be given one preference point for each “antlerless” deer instead of each “female” deer on Ballard, Clay, Taylorsville Lake and Veterans Memorial WMAs, and remove the outdated reference to 1 bonus deer quota hunt permit for a quota hunt applicant due to historic changes in the Commission’s handling of Special Commission Permits.
  
- Promulgate a new administrative regulation requiring wildlife disease reporting from veterinarians, wildlife disease testing facilities and researchers (Video 5:24:56)
  - Ben Robinson, Director of Wildlife, and Dr. Christine Casey, Veterinarian, proposed amending [301 KAR 4](#) to include a new administrative regulation for wildlife disease reporting by veterinarians and others upon receiving test-positive results. This amendment would establish a reporting mechanism to address wildlife disease concerns that impacts the preservation and conservation of wildlife populations per [KRS 150](#), and it would define conditions and procedures for reporting diseases detected in wildlife species. Departments of Agriculture and Public Health have similar reporting requirements.
  
- Create new special big game permits to enhance agency fundraising efforts (Video 5:26:35)
  - Deputy Commissioner Brian Clark proposed amending [301 KAR 2:132](#) and [301 KAR 3:100](#). This amendment would allow a limited number of special permits for elk and special bonus permits for bear, deer, and wild turkey to be used in special bonus drawing packages for raising revenue to help meet KDFWR’s operational funding needs and promote Kentucky’s outstanding hunting opportunities.
  
- Modify regulations for commercial trotlines (Video 5:37:24)
  - Dave Dreves, Directors of Fisheries, proposed amending [301 KAR 1:146](#) – Commercial fishing gear as follows: commercial trotlines must be tagged at both ends and at least every 100 ft, commercial trotline maximum length reduced from 6,000 ft to 1,000 ft, and commercial trotlines must be set at least three (3) feet under the surface.
  
- Modify water bodies open to commercial fishing (Video 5:41:17)
  - Dave Dreves, Director of Fisheries, proposed amending [301 KAR](#)

1:150 – Waters open to commercial fishing. This amendment would establish an upper boundary for waters open to commercial fishing on the mainstem of the Cumberland River above Lake Cumberland, which shall be its confluence with the Rockcastle River.

- Modify special regulations for bass at Grayson Lake and eliminate minimum size limit on Channel Catfish in many public waters (Video 5:44:14)
  - Dave Dreves, Director of Fisheries, proposed amending 301 KAR 1:201 – Taking of fish by traditional methods. This amendment would add a protective slot limit of 12-15 inches for Largemouth Bass and Smallmouth Bass at Grayson Lake and would remove the 12-inch minimum size restriction for Channel Catfish on more than 100 water bodies in Kentucky.

**Executive Session** (Video 5:50:43) Scott Porter, Staff Attorney, read the following statement for public notice about the Commission meeting in closed session:

“All meetings of a quorum of the members of any public agency at which any public business is discussed or at which any action is taken by the agency, shall be public meetings, open to the public at all times except for specific exceptions listed in KRS 61.810 or otherwise provided for by law.

The Commission has business today that will require entering into a closed session. KRS 61.815 requires notice of the general nature of the business to be discussed in the closed session, the reason for the closed session, and the provision of KRS 61.810 that authorizes it be publicly announced prior to entering closed session for most open meetings exceptions.

In the proposed closed session, the Commission shall discuss the potential disposition two parcels and acquisition of two parcels of land via swaps. One of the properties may eventually be traded to a government agency in exchange for property to be purchased by that government agency from private third-party owners provided multiple contingencies can be satisfied. Another property may be traded to a private party in exchange for the acquisition of another piece of property owned by that private party per KRS 61.810 discussions shall occur in the closed session to protect the states interest in the acquisition of these parcels of land.”

Paul Horn made a **motion to enter executive session**, seconded by Brian Fisher. Votes were as follows: Yes: Dr. Robin Floyd, Brian Fisher, Ralph Swallows, Greg Cecil, Josh Lillard, Jerry Ferrell, Paul Horn, and Doug Morgan. ***The motion carried unanimously.***

**Action Items** (Video 6:30:39)

- Land Projects C & D
  - Paul Horn made a **motion to accept land projects C & D as proposed**, seconded by Greg Cecil. ***The motion carried unanimously.***
- Land Project E
  - Brian Clark, Deputy Commissioner, and Ben Robinson, Director of Wildlife provided a presentation regarding Land Project E. This property is currently owned by the state of Kentucky. Therefore, it does not qualify under the open meetings exemption. This land project is approximately 2,000 acres piece of property in Bell County. Deputy Commissioners Clark's request was for the Commission to approve for the transfer the department to receive the property contingent on the approval of the Heritage Land Fund Board. This land project would be a free transfer to the department from the current owner of the Kentucky Department of Parks.
  - Ralph Swallows made a **motion to proceed with the transfer of the property contingent upon additional information being provided and acceptable to the Commissioner and Deputy Commissioners**, seconded by Paul Horn. ***The motion carried unanimously.***
- (Video 6:47:33) Commission member Brian Fisher made a **motion asking for a discussion item to be added to the next meeting to identify potential statutory changes associated with the regulatory amendments for commercial guides**, seconded by Josh Lillard. ***The motion carried unanimously.***

(Video 6:49:57) Commission member Doug Morgan asked for the Wildlife Division to look into re-establishing a limit on the number of raccoons that can be taken and advise the Commission at the next meeting on new business.

**Adjourn** (Video 6:50:33)

- Ralph Swallows made a **motion to adjourn**, seconded by Paul Horn. ***The motion carried unanimously.***