

# Kentucky Department of Fish & Wildlife Resources



## Quarterly Commission Meeting

### MINUTES

Video Recording: [YouTube.com/FishandWildlifeKY](https://www.youtube.com/FishandWildlifeKY)

December 2, 2022

#1 Sportsman's Lane

Frankfort, KY

8:30 AM (ET)

**Call to Order** (Video: 05:22) – Chairman Clinard

**Commission Members in Attendance** (Video 08:10) – Dr. Karl Clinard, Jerry Ferrell, Brian Fisher, Dr. Robin Floyd, Paul Horn, Josh Lillard, Doug Morgan and Ralph Swallows.

**Invocation and Pledge of Allegiance** (Video: 06:37) – Danny Duvall and Jules Foster

**Welcome and Chair's Remarks** (Video:08:37) - Chairman Clinard

**Remarks by Commissioner Rich Storm** (Video:12:22)

Tommy Floyd, President and CEO of NASP, provided a national and state update regarding the National Archery in the Schools Program. NASP currently reaches 1.3 million youths annually.

Rachel Young, Executive Director and John Woodall, Board Chair for the Kentucky Fish and Wildlife Foundation, updated the Commission on scholarships provided by the foundation for Kentucky Conservation Camps in 2022.

### Action Items

- Election of Commission officers (Video 33:53)
  - Commission member Dr. Robin Floyd made a **motion to keep the commission officers the same as presently served**. Votes were as follows: Yes: Dr. Robin Floyd, Brian Fisher, Ralph Swallows, Josh Lillard, Jerry Ferrell, Paul Horn, Doug Morgan, and Karl Clinard. ***The motion carried unanimously.***
- Minutes from August 26, 2022, quarterly meeting (Video 39:21)

- Commission member Josh Lillard made a **motion to accept the minutes for the August quarterly meeting**, seconded by Paul Horn. Votes were as follows: Yes: Dr. Robin Floyd, Brian Fisher, Ralph Swallows, Josh Lillard, Jerry Ferrell, Paul Horn and Doug Morgan. ***The motion carried unanimously.***
- Quarterly Financial Reports (Video 40:22)
  - Melissa Trent, Administrative Services Assistant Director presented the quarterly financial report. Paul Horn made a **motion to approve the financial report as presented**, seconded by Ralph Swallows. Votes were as follows: Yes: Dr. Robin Floyd, Brian Fisher, Ralph Swallows, Josh Lillard, Jerry Ferrell, Paul Horn, and Doug Morgan. ***The motion carried unanimously.***
- Clarify that Captive Cervid Facilities Shall Only Hold Captive Cervids (Video 48:22)
  - Ben Robinson, Director of Wildlife purposed amending [301 KAR 2:083](#) to clarify that only captive cervids may be held in captive cervid enclosures.
  - Brian Fisher made a **motion to accept amendment as written**, seconded by Dr. Robin Floyd. Votes were as follows: Yes: Dr. Robin Floyd, Brian Fisher, Ralph Swallows, Josh Lillard, Jerry Ferrell, Paul Horn, and Doug Morgan. ***The motion carried unanimously.***

## Discussion Items

- Change Simpson Co. from Zone 3 to Zone 2 for Deer Hunting (Video 55:07)
  - Ben Robinson, Director of Wildlife recommended to amend [301 KAR 2:172](#) - Deer hunting season, zones, and requirements. Specifically, they recommend re-zoning Simpson County from Zone 3 to Zone 2.
  - Ralph Swallows **made a motion to pass on this recommendation to an action item**, seconded by Paul Horn. Votes were as follows: Yes: Dr. Robin Floyd, Brian Fisher, Ralph Swallows, Josh Lillard, Jerry Ferrell, Paul Horn, and Doug Morgan. ***The motion carried unanimously.***
- Update and Clarify Prohibited Aquatic Species Regulation (Video 58:16)
  - Dave Dreves, Director of Fisheries recommended to amend [301 KAR 1:122](#) – Importation, possession, and prohibited aquatic species. Specifically, the Fisheries Division proposes adding the following provision to the regulation:
  - Clarify that goldfish may be used as bait;
  - Individuals of any aquatic species may be released at the time of catch back into the water body from which they are caught;
  - Restrict transportation and sale of live tilapia within Kentucky to;
    - another properly licensed propagator;
    - a properly licensed live fish and bait dealer; or
    - a person, corporation, or other business entity that is selling fish for food in establishments licensed for resale by another state agency or for sale as wholesale food products.
  - Explicitly prohibit possession of live Asian carp species; and
  - Allow sport fishing anglers to possess, transport, and sell Asian carp under the same three conditions allowed for licensed commercial fisherman.

- Ralph Swallows **made a motion to pass on this recommendation to an action item**, seconded by Dr. Robin Floyd. Votes were as follows: Yes: Dr. Robin Floyd, Brian Fisher, Ralph Swallows, Josh Lillard, Jerry Ferrell, Paul Horn, and Doug Morgan. ***The motion carried unanimously.***
- Clarify Propagation of Aquatic Organisms Permit Requirements (Video 1:03:57)
  - Dave Dreves, Director of Fisheries recommended to amend [301 KAR 1:115](#) – Propagation of aquatic organisms. This recommendation would provide that the Department may deny a propagation permit for aquatic organisms that we determine are potentially damaging to native ecosystems.
  - Ralph Swallows **made a motion to pass on this recommendation to an action item**, seconded by Dr Robin Floyd. Votes were as follows: Yes: Dr. Robin Floyd, Brian Fisher, Ralph Swallows, Josh Lillard, Jerry Ferrell, Paul Horn, and Doug Morgan. ***The motion carried unanimously.***
- Clarify Transportation of Fish Permit Requirements (Video 1:05:25)
  - Dave Dreves, Director of Fisheries recommended to amend [301 KAR 1:125](#) – Transportation of fish. This recommendation would provide clarification that the Department may deny a transportation permit for the transportation of aquatic organisms that we determine are potentially damaging to native ecosystems.
  - Ralph Swallows **made a motion to pass on this recommendation to an action item**, seconded by Dr Robin Floyd. Votes were as follows: Yes: Dr. Robin Floyd, Brian Fisher, Ralph Swallows, Josh Lillard, Jerry Ferrell, Paul Horn, and Doug Morgan. ***The motion carried unanimously.***
- Establish Experimental Commercial Fishing Methods Program (Video 1:06:20)
  - Dave Dreves, Director of Fisheries recommended to amend [301 KAR 1:152](#) – Harvest and sale of Asian carp and [301 KAR 3:022](#) – License, tag, and permit fees. This would establish a program that allows commercial fishers to use special commercial fishing gear and special commercial fishing methods to further the goal of invasive carp harvest and sale in mass quantities and be eligible for the existing carp subsidy.
  - Ralph Swallows **made a motion to pass on this recommendation to an action item**, seconded by Dr Robin Floyd. Votes were as follows: Yes: Dr. Robin Floyd, Brian Fisher, Ralph Swallows, Josh Lillard, Jerry Ferrell, Paul Horn, and Doug Morgan. ***The motion carried unanimously.***
- Define “Gill Net” and “Trammel Net” in Regulation (Video 1:16:50)
  - Dave Dreves, Director of Fisheries recommended to amend [301 KAR 1:146](#) – Commercial fishing gear. Creating legal definitions for “gill net” and “trammel net” would be beneficial for the Law Enforcement Division during prosecution of commercial fish violations. The definitions are as follows:
    - “Gill net” means a passive capture device in which fishes are captured by becoming wedged, gilled, or entangled in a single panel of webbing fished vertically.
    - “Trammel net” means a passive capture device in which fishes are captured by becoming wedged, gilled, or entangled in two or three panels of webbing fished vertically.

- Ralph Swallows **made a motion to pass on this recommendation to an action item**, seconded by Dr Robin Floyd. Votes were as follows: Yes: Dr. Robin Floyd, Brian Fisher, Ralph Swallows, Josh Lillard, Jerry Ferrell, Paul Horn, and Doug Morgan. ***The motion carried unanimously.***
- Establish Special Regulations for Walleye and Smallmouth Bass on Barren River and Add Special Regulations for Catfish at Yatesville Lake (Video 1:17:27)
  - Dave Dreves, Director of Fisheries recommended to amend [301 KAR 1:201](#) – Taking of fish by traditional fishing methods. This recommendation would be to propose a clarification in the regulation, as follows:
    - Provide that the new lower boundary on the Barren River for walleye and smallmouth bass special regulations shall be the mouth of the Barren River.
  - Dave Dreves also proposed the following special regulation for blue catfish and channel catfish at Yatesville Lake:
    - Blue Catfish and channel catfish will have a 15-fish daily creel limit in aggregate and only 1 fish may be longer than 25 inches.
  - Ralph Swallows **made a motion to pass on this recommendation to an action item**, seconded by Dr Robin Floyd. Votes were as follows: Yes: Dr. Robin Floyd, Brian Fisher, Ralph Swallows, Josh Lillard, Jerry Ferrell, Paul Horn, and Doug Morgan. ***The motion carried unanimously.***
- Add Special Regulations for Hand-Grabbing of Catfish at Yatesville Lake (Video 1:19:21)
  - Dave Dreves, Director of Fisheries recommended to amend [301 KAR 1:410](#) – Taking of fish by nontraditional fishing methods. The recommendation would propose special provisions for hand-grabbing in Yatesville Lake:
    - Catfish will have a 5-fish daily creel limit in aggregate, and only 1 blue catfish or channel catfish may be longer than 25 inches.
  - Ralph Swallows **made a motion to pass on this recommendation to an action item**, seconded by Dr Robin Floyd. Votes were as follows: Yes: Dr. Robin Floyd, Brian Fisher, Ralph Swallows, Josh Lillard, Jerry Ferrell, Paul Horn, and Doug Morgan. ***The motion carried unanimously.***
- Modify Special Commission Permits regulation (for 2023) (Video 1:24:15)
  - Deputy Commissioner Brian Clark and Steven Fields, Staff Attorney, recommended to amend [301 KAR 3:100](#) – Special commission permits. The department proposed amending this regulation to substitute bear for waterfowl in available special commission permits.
  - The department also proposed the following amendments to further simplify and standardized the application and record-keeping process:
    - Remove the requirement for permittee-hunter’s date of birth.
    - Require submission of special commission permit applications via email or online at fw.ky.gov.
    - Require annual reports be submitted via email or online at fw.ky.gov utilizing a standard form.

- Reduce the disqualification period from 2 years to 1 year for failing to timely submit an annual report or submitting an incomplete report if they do subsequently submit the full report after the deadline.
- Amend the requirements for submitting hunter information to avoid penalizing organizations who sell a permit but are unable to obtain the necessary hunter information from the hunter prior to the submission deadline.
- Some Commission members expressed concern that they would not want to remove an opportunity for a conservation organization to raise funds for projects in Kentucky, or eliminate the special hunting opportunities the special waterfowl permits afford the holders to hunt on one of our premier waterfowl areas on public lands.
- Doug Morgan **made a motion to pass on this recommendation to an action item**, seconded by Brian Fisher. Votes were as follows: Yes: Dr. Robin Floyd, Brian Fisher, Ralph Swallows, Josh Lillard, Jerry Ferrell, Paul Horn, and Doug Morgan. ***The motion carried unanimously.***

## New Business

- Hunting on Conservation Camp Properties (Video 2:04:09)
  - Deputy Commissioner Gabe Jenkins presented a recommendation by the Information and Education Division to create a new regulation to allow for special mentored hunts on all 3 conservation camp properties.
- Commercial Guide License and License, tag and permit fees (Video 27:52)
  - Deputy Commissioner Gabe Jenkins presented a recommendation on behalf of the Commissioner's Office and Fisheries, Law Enforcement, and Wildlife divisions to amend [301 KAR 2:030](#) – Commercial guide license and [301 KAR 3:022](#) - License, tag, and permit fees to update requirements and fees for commercial guides. Detailed recommendations are currently being developed by staff.
- Modify waterbodies open to commercial fishing (Video 2:11:15)
  - Dave Dreves, Director of Fisheries, presented information to amend [301 KAR 1:150](#) – Waters open to commercial fishing. Fisheries proposes to remove the following waterbodies from waters open to commercial fishing:
    - Barren River, Licking River, Rough River, Tradewater River, Salt River, Eagle Creek, Highland Creek, North Fork Kentucky River, South Fork Kentucky River, and Panther Creek.
  - Dave Dreves also proposed a clarification in the regulation, as follows:
    - Provide that the new upper boundary for waters open to commercial fishing on the Green River shall be 200 yards below Green River Lock and Dam 4.

- Modify catfish commercial fishing regulations and reporting requirements (Video 2:12:43)
  - Dave Dreves, Director of Fisheries presented a proposal amending [301 KAR 1:155](#) – Commercial fishing requirements. The Fisheries Division proposed:
    - To align commercial trophy catfish harvest regulations with recreational trophy catfish harvest regulations and allow the commercial daily harvest of one blue catfish and one flathead catfish that is a minimum of thirty-five (35) inches in length and one channel catfish that is a minimum of twenty-eight (28) inches in length in all waters open to commercial fishing except for the mainstem of the Ohio River downstream of Cannelton Lock and Dam.
    - With the declining catfish harvest and commercial fishing use in tributaries open to commercial fishing in the lower Ohio River, it would simplify regulations, provide more clarity, and aid enforcement if the special Trophy Catfish Harvest Permit regulations downstream of Cannelton Lock and Dam only applied to the mainstem of the Ohio River and not the tributaries. The Lower Ohio River Trophy Catfish Harvest Permit would then entitle the permit holder to harvest four Lower Ohio River Trophy Catfish in only the mainstem of the Ohio River downstream of Cannelton Lock and Dam.
    - Resubmit a corrected, print copy of the “Monthly Report of Commercial Fish Harvest in Kentucky.” This same document is referenced in 301 KAR 1:140. Therefore, a corrected copy would need to be filed for that regulation.
  
- Informational Update: Consolidating Fisheries Definitions in [301 KAR Chapter 1](#) (Video 2:21:50)
  - Dave Dreves, Fisheries director, provided an update regarding the consolidation of Fisheries definitions in Chapter 1. All current definitions would be duplicated into one regulation to be filed and initiated into a new regulation in Chapter 1.
  
- Informational Update: Small Game & Migratory Bird Programs (Video 2:21:50)
  - Cody Rhoden, Small Game Program Coordinator, provided an update regarding the quail population in Kentucky. The quail population over the years has decreased significantly. In 2008, the “Road to Recovery” was planned. This plan included creating six Quail focus areas throughout the state of Kentucky to monitor both habitat management and bird numbers among other things.
  - Zak Danks, Grouse & Turkey Program Coordinator, provided an update regarding the decline in the grouse population. The best chance in protecting the grouse would be by high-quality habitat. One way in getting more grouse is by doing more forest management. As of today, there have been 366 acres of forest managed out of the 1,096 acres planned.
  - John Brunjes, Migratory Bird Program Coordinator, provided an update regarding migratory birds. Regarding public dove fields in 2022, the department provided a total of 82 fields on WMAs totaling 581 acres, plus 11 fields totaling 452 acres on leased private lands. Altogether there were more than 1,000 acres of dove fields planted on both public and private-



leased lands. He noted that there has been a substantial decline in the dove population based on range-wide data collection and the U.S. Fish & Wildlife Service mourning dove population model. Regarding waterfowl, next year's ducks season recommendation will be the same as this year's season.

- Informational Update: Multi-state Wild Turkey Disease Testing Project (Video 3:17:05)
  - Ben Robinson, Director of Wildlife, and Zak Danks, Turkey & Grouse Program Coordinator, introduced a multi-state, wild turkey disease testing project. As of now the grant for this program is not funded. If funding does become available, it would be at no cost to the department. This project would be supported by federal dollars that would go to the University of Georgia to conduct an experimental trial. Eggs from wild nests would be provided to them. They would then incubate, hatch, rear and then infect the eggs with lymphoproliferative disease (LPDV). The research on the infected turkeys would help many states in understanding how the disease is transmitted and may play a role in their turkey populations, which would help in understanding how the disease operates which would help to inform future wild turkey management.
- Informational Update: Elk Population Model Status & Research Update (Video 3:21:09)
  - Kate Williams, wildlife biologist, provided an update regarding the Kentucky elk calf survival research project. In the winter season there was a total of 95 vaginal-implant transmitters deployed and 96% of them were then recovered. There was a total of 85 known fetal outcomes and 80 live calves were then able to be collared. Future work will include continually monitoring for 2022 calves, investigate effects of select health parameters on survival, and produce an average survival and mortality probabilities for the entire Elk Zone.
  - John Hast, Elk & Bear Program Coordinator, provided an update regarding the Elk Population Abundance Model regarding what is needed to complete the model, and future steps.
- Prohibit Hunting of Wild Pigs in Kentucky (Video 3:40:55)
  - Ben Robinson, Director of Wildlife presented information to amend [301 KAR 3:030](#) to remove wild pigs from list of species with year-round seasons.
- Informational Update: Engineering & IT Division – 2021-22 Projects (Video 3:54:47)
  - Michael Scott, Director of Engineering, Infrastructure & Technology provided an update regarding capital projects that were completed. There was a total of 40 projects completed for the year 2022.

**Executive Session** (Video 4:11:11) Steven Fieldd, 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 members discuss four potential land acquisitions via purchase. The discussions shall occur in the closed session to protect the state’s interests in the acquisition of land. By identifying KDFWR’s interest in the particular parcels, the general public would be alerted to the various owner’s willingness to sell the properties. As such, the publicity increases the likelihood other parties may make offers on the properties. Such competing offers could increase the value of the subject properties. Alternatively, a private party could purchase a property from the current owner more quickly than the Commonwealth and require the Commonwealth to pay a premium to acquire it.

This portion of the closed session is authorized by KRS 61.810 under Section 1(b) for the potential land acquisitions.

Upon an approved motion, the Commission will enter into closed session. The Commission shall not discuss any other matters and no action shall be taken occur during the closed session.

During the closed session, counsel and necessary members of staff will be present to advise the Commission.”

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

## **Lunch Break**

### **Action Items**

After open session resumed, Dr. Clinard entertained motions concerning the items discussed in closed session.

- Land Acquisition Project (Video 5:03:40) Doug Morgan ***made a motion to accept the Land Acquisition Project A, B, C and D***, seconded by Dr. Robin Floyd. Votes were as follows: Yes: Dr. Robin Floyd, Brian Fisher, Ralph Swallows, Josh Lillard, Jerry Ferrell, Paul Horn, and Doug Morgan. ***The motion carried unanimously.***

**Public Comments** (Video 5:04:44) – The following comments were made in person:



- “Gentlemen, as Executive Director of Kentucky Hunters for the Hungry, I am asking that the commission keep the Waterfowl Commission Tags. Our organization has benefited from these tags on the occasions we were awarded them. They are an integral part of our annual fundraising. Ballard County provides a unique opportunity for those who are avid waterfowlers or the first time waterfowl hunter. Dr. Brunjes and his staff have made the refuge what I think is the crown jewel of the department’s WMAs. In removing the tag, we remove the opportunity to showcase this WMA and what the department has accomplished. It is basically the only place in the Commonwealth where one may experience a first class waterfowl hunt. Also, the tourism dollars that are brought into the area. Two to three nights lodging, meals, gas and ancillary purchases would be lost for an area that relies on hunters. I think it’s more than just the monies our organization would lose, but the showcasing of the department, introducing new hunters and tourism spending that would also be lost. Adding a bear tag, which I think is a great idea, but it goes to an area that is receiving dollars from the sale of elk permits and leaving the western part of the Commonwealth out. Again, please consider keeping this tag.” – Roger LaPointe, Executive Director Kentucky Hunters for the Hungry.
- “The American Catfishing Association (ACA), an organization created to represent what is now considered to be the second largest segment within the \$50 billion recreational fishing industry would like to thank you for your efforts and considerations. We understand the commission must take into consideration what is fair and best for all segments of the fishing industry. We ask that when considering any changes, it be made knowing your leadership and regulation direction could affect countless fisheries, anglers, business interests and can cause significant economic impact throughout Kentucky. That being stated, the ACA’s sole objective is to work with the commission to form a synergy and partnership to assist these great tasks ahead. Over the past many years, recreational anglers have come forward stating that fisheries on some of Kentucky’s major waterways have been producing far fewer trophy size catfish than in the past. Given the State’s data has been reported to encompass approximately the last 10 or so years, we believe it is important to take into consideration what anglers with decades of experience on Kentucky waters have observed and have reported. Trophy catfish should be considered a valued commodity. Unlike a bass, crappie or walleye species that take only a few years to grow to size, a catfish can take 10 years or more to reach 35”. Being of far greater importance and value when reaching a mature size, the ACA believes they should be protected as a valued asset of the state. Today, recreational catfish anglers are traveling to regions of the country where waterways with trophy catfish have enjoyed protection from being exploited. With the significant growth of the catfish segment, these same regions are enjoying millions of dollars in growth for businesses and municipalities. To ensure the State of Kentucky enjoys the same, the ACA encourages further regulation refinement. With the aforementioned stated, and in addition to what is being proposed today and/or in the future; the American Catfishing Association respectfully proposes the following for the commission’s current and future consideration: 1. That commercial fishing and for

profit private lake operations follow the same size regulations that are currently in place or may be adopted for the recreational segment. 2. That certain indiscriminate fishing apparatus be banned from use and subsequent allowable apparatus be mandated to be clearly identified with the owner's information. 3. Since patrons of private pay lake operations are not required to be licensed, that those same patrons pay a nominal conservation fee per visit that would go towards state conservation programs and research. 4. That pay lake operations be regulated and limited to the number of fish they can take possession of that originate from public waters. 5. That the transportation of live fish out of the State of Kentucky be prohibited unless a special permit is obtained. Said permitting would be limited to accredited aquariums, research organizations, catch and release (to the same public waters) tournament events, and cooperating state stocking programs. 6. That violation fines be substantially increased to all segments and operations, and include asset confiscation and revocation of any and all licenses and permits for habitual violators. 7. That commercial fishing be encouraged and possibly incentivized to target invasive species for non-human consumption processes. 8. That harvest limits, (bag limits) be employed. There is no reason that any one angler needs to harvest an unlimited number of fish per day. 9. That trophy catfish be classified as a sport fish throughout the state internal and bordering waterways. The American Catfishing Association commends the efforts of the state and welcomes the new business proposals being brought to the floor. The ACA stands ready and willing to assist the efforts of the State of Kentucky and look forward to a long and beneficial partnership. Thank you all for your time and consideration." – Glen Thomas Oberacker, American Catfishing Association

- "I'm Justin Browning from Middletown Ohio. I've fished the Ohio River and its tributaries for over 20 years. I have never seen it in the shape it is in the day. I support the catfish regulations that's on the agenda today. I also believe we should take it a step farther there is way more that needs to be done than just what's on the agenda today. We need a possession limit more than just at the boat ramps and on the water for commercial fishermen and a limit on unders. I also believe we need to get rid of the 4/40 on the pools below Cannelton. The system in which the commercial fisherman reporting their catch is an absolute joke the honor system does not work. Another area of a great concern is a no transport across state lines I think it is absolutely a necessity and it would keep pay lakes in Ohio from stocking hundreds of thousands of pounds of Kentucky catfish and keep that money and fish in Kentucky. Lastly, I would like to see more enforcement there is very little if any enforcement on the river the only time you see any enforcement on the river is during a holiday when they're generating revenue from drunk boaters and most of the time that's even Limited. Lastly, I would like to say thank you for your time and I hope you take this into consideration." – Justin Browning
- Brian Mackey commented regarding special waterfowl permits. Mr. Mackey stated, "To me with the bear permit I really don't see what the added value to that would be. I think something that should be looked at is how many bear permits do we currently sell and how many of those tags get filled because I am pretty sure that it

is a low number and if its already a low number the likelihood of someone going out and killing a second bear is pretty low.” Mr. Mackey went on to state that he understands that there are logistical issues with the Ballard hunt but there continues to be 40-50 blinds at Ballard. Mr. Mackey suggested setting a certain number of blinds for Commission permits instead of going to a bear permit.

Kevin Kelly, Chief Communications Officer, read the following comments selected as a sampling of those received via email:

- I'm writing regarding the New Business Agenda items “Modify water bodies open to commercial fishing” and “Modify catfish commercial fishing regulations and reporting requirements”. I likely will not be able to attend Friday’s meeting. Seeing these agenda items concerns me as an angler who loves to fish for catfish. I and other anglers have pushed KDFWR for years on better, more reasonable regulations regarding Kentucky’s catfish population. I fished the Ohio River for trophy catfish a lot in the mid 2000s to mid 2010s and definitely noticed a degradation in the quality of fishing. In my opinion this was due to unregulated harvest of trophy catfish (likely for use in pay lakes). To KDFWR credit, stronger regs have been put in place since then. If anything, these regs need to be more stringent. I’m tremendously concerned that with this being on the agenda now, KDFWR could be considering loosening these regs. Strong regulations (and robust enforcement) are still needed. Commercial fishermen are still targeting trophy catfish, but hopefully now due to KDFWR regs, some of this pressure is going to surrounding states. I urge the commission to stay the course and enforce current regs, and consider stronger regs to protect the fisheries further. Catfishing continues to be a fast growing segment in the industry and deserves serious protection. Thanks. – Rob Benningfield, American Catfish Association Member
- Hello, My name is Landon Garrison from Mason County, Kentucky. I am an avid catfish angler and have been working with Kentucky Fish and Wildlife since 2010 on catfish conservation regulations on the Ohio River. I must give high praise and commend Jay Herrala and the KDFWR biologists on the job they have done protecting our natural resources. Since the regulations have been established roughly 10 years ago, we have seen an increase in trophy catfish catches in the Meldahl pool of the Ohio River. The one over 35” limit on blue and flathead catfish on all fishermen, commercial and anglers, has done wonders for our fishery. More anglers are willing to spend their money in Kentucky to enjoy the Ohio River versus traveling out of state to have the opportunity to catch trophy sized catfish. I see on the agenda for the December 2<sup>nd</sup> Commission meeting under New Business that some items will be discussed regarding trophy catfish / commercial fishing. I support any further regulations that will continue to protect the trophy sized blue, channel, and flathead catfish in our fisheries from commercial fishing overharvest. The department has done such a great job protecting our resource and I’d like to see that continued. I am happy to assist the department in any way that I can to protect the resource. Please feel free to reach out to me. I appreciate your time and hope everyone has a very Happy Holiday season! Thank you. – Landon Garrison

- I am emailing to comment on new business items scheduled to be discussed on the December 2, 2022 quarterly commission meeting agenda. Specifically related to catfish regulations. My name is Scott Cress and I am a resident of Kenton County. I was a member of a focus group representing recreational anglers the last time catfish regulations were broadly discussed and considered. I am a strong supporter of catfish conservation and firmly believe the states trophy catfish resources have been historically depleted for the benefit of few (commercial fisherman / paylakes) at the detriment of many (recreational anglers). 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 states 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 to 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. 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 it all it decides: The Kentucky Department of Fish and Wildlife Resources' mission is to conserve, protect and enhance Kentucky's fish and wildlife resources and provide outstanding opportunities for hunting, fishing, trapping, boating, shooting sports, wildlife viewing, and related activities. Sincerely – Scott Cress
- Dear KDFWR Commissioner: USDA does not take positions on state legislation; we have not reviewed the bill language to do so. Below we have provided information on our National Feral Swine Damage Management Program (NFSDMP) and our experience with States that have legislation that limit or prohibit feral swine hunting. In 2014, in response to the increasing damage and disease threats posed by expanding feral swine populations in the United States, Congress appropriated \$20 million to the United States Department of Agriculture's Animal and Plant Health Inspection Service (APHIS) for the creation of a collaborative,

national feral swine damage management program within APHIS' Wildlife Services (WS) program. WS is the lead organization within APHIS to manage the wide array of feral swine damage issues that impact numerous resources in Kentucky. The primary goal of the NFSDMP is to protect agricultural and natural resources, property, animal health, and human health and safety by managing damage caused by feral swine. The NFSDMP works in conjunction with WS State Programs to manage feral swine. All WS feral swine damage management efforts in Kentucky use science-based, adaptive management strategies and are done in collaborative cooperation with our state partners. The partnership between Kentucky Department of Fish and Wildlife Resources (KDFWR) and WS, in collaboration with other partners and cooperators, has resulted in eradication of several wild pig populations throughout Kentucky with a path forward to eliminate wild pigs in Kentucky. However, hunting, which can involve illegal importation, relocation, re-introduction or release, provides an incentive to maintain wild pig populations. Prohibitions on hunting have been very effective in reducing new releases of wild pigs and enhancing elimination strategies. Based on the experience of other state programs, limitations on hunting facilitate a more systematic application of proven-effective eradication methods where wild pigs occur. Please let us know if we can answer any questions regarding the APHIS NFSMP or our WS State Program activities conducted with local partners to eradicate feral swine in Kentucky. – Brett Dunlap, CWB® State Director, Kentucky USDA/APHIS/Wildlife Services and Dana Cole, DVM, PhD, Coordinator, National Feral Swine Damage Management Program USDA/APHIS/Wildlife Services

### **Adjourn** (Video 5:32:36)

Brian Fisher made a ***motion to adjourn***, seconded by Ralph Swallows. ***The motion carried unanimously.***

Next Scheduled Quarterly Commission Meeting Date: March 3, 2023