

AGENDA

Kentucky Department of Fish and Wildlife Resources
Commission Meeting
#1 Sportsman's Lane
Frankfort, KY
March 8, 2019 8:30am (ET)

Pursuant to KRS 61.826, Commission member Harry Carloss is participating in this meeting via teleconference at the following location – 339 Pilot Point Lane, Boca Grande, Florida 33921. The other Commission members are attending and participating in person at the primary location at Ky. Fish & Wildlife Headquarters, 1 Sportsman's Lane, Frankfort KY.

*There will be a ceremony for Sportsman of the Year at approximately 11:00am

- I. Call to Order
And Welcome
- II. Pledge of Allegiance
- III. Information Item: Kleber WMA - Chris Schimmoeller
- IV. Approval of Commission and Committee Minutes
 - A. Action Item: Approval of December 7, 2018
Commission Meeting Minutes
Attachment 1
 - B. Action Item: Approval of February 8, 2019
Public Relations Committee Minutes
Attachment 2
 - C. Action Item: Approval of February 8, 2019
Administration, Education and Policy
Committee Meeting Minutes
Attachment 3
 - D. Action Item: Approval of February 8, 2019
Fisheries Committee Meeting Minutes
Attachment 4
 - E. Action Item: Approval of February 8, 2019
Wildlife Committee Meeting Minutes
Attachment 5

V. Old Business

VI. Administration, Education, and Policy Issues

A. Action Item: Approval of October, November, December 2018 Financial Statements

B. Action Item: Modification of 301 KAR 2:185; Hunter Education

VII. Public Relations Issues

A. Information Item: #Serve2Conserve Awards

B. Information Item: Elk Hunt Drawing Application Process Expansion

VIII. Wildlife Issues

A. Action Item: Modification of 301 KAR 2:049; Small Game and Furbearer Hunting and Trapping on Public Areas

B. Action Item: Modification of 301 KAR 2:221; Waterfowl Seasons and Limits

C. Action Item: Modification of 301 KAR 2:222; Waterfowl Hunting Requirements On Public Lands

D. Action Item: Modification of 301 KAR 2:400; Black Bear Seasons and Requirements

E. Action Item: Modification of 301 KAR 4:090; Buying and selling inedible Wildlife Parts (title to be amended)

IX. Fisheries Issues

A. Action Item: Proposal for a 10-inch Minimum Size Limit on Crappie at Barren River Lake

B. Action Item: Proposal to Remove the Seasonal Catch and Release Trout Regulation at Middle Fork Red River

C. Action Item: Proposal to Add Gunpowder Creek as a Seasonal Catch and Release Trout Regulation

- D. Action Item: Proposal to Amend Kentucky River WMA, Boone Tract Fishing Regulation and Pond Naming
- E. Action Item: Proposal to Amend Special Catfish Regulations
- F. Action Item: Proposal to Amend Lake Boundary Definitions
- G. Action Item: Proposal for the Kentucky River Muskie Research Project
- H. Action Item: Proposal to Allow Sale of Asian Carp Harvested by Non-Commercial Methods
- I. Action Item: Proposal to Designate Shoreline Fish Cleaning Stations
- J. Action Item: Proposal to Restrict Fishing within 200 feet of the BAFF System
- K. Action Item: Proposal to Remove Weekend Fishing Restriction in the Commercial Fishing Asian Carp Harvest Program

X. New Business

Adjourn

Next Committee Meeting date: May 10, 2019
Next Commission Meeting date: June 7, 2019

Administration, Education & Policy Division

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DEPARTMENT OF FISH AND WILDLIFE RESOURCES
 Operating Budget Review
 For the Month of December 2018 (FY19)

| | Fiscal Year To Date | | |
|---|------------------------|------------------------|------------------------|
| | FY19 | FY18 | FY17 |
| REVENUE¹ | | | |
| Restricted Fish and Game Fund | | | |
| Hunting and Fishing Licenses | \$ 2,036,477.00 | \$ 1,266,934.50 | \$ 1,323,347.50 |
| Boat Registration Fees | \$ 7,637.10 | \$ 4,450.88 | \$ 4,626.25 |
| Interest Income | \$ 95,860.84 | \$ 16,790.86 | \$ 17,045.43 |
| Camp Income | \$ - | \$ - | \$ 7,769.10 |
| General Sales | \$ 25,879.86 | \$ 7,884.26 | \$ 20,048.69 |
| Otter Creek Outdoor Recreation Area | \$ 1,433.00 | \$ 1,594.00 | \$ 1,999.27 |
| Proceeds from Asset Disposition | \$ - | \$ - | \$ - |
| Fish and Game Fines & Forfeitures/ Restitution | \$ 10,887.65 | \$ 10,200.90 | \$ 8,303.27 |
| Nongame (includes Ky Wild and Income Tax Check-off) | \$ 3,215.00 | \$ 109.50 | \$ 41.00 |
| Miscellaneous Receipts ³ | \$ 40,586.85 | \$ 154,294.83 | \$ 473,510.11 |
| Sub-Total Restricted Fund | \$ 2,221,977.30 | \$ 1,462,259.73 | \$ 1,856,690.62 |
| Sub-Total Federal Fish and Wildlife Fund | \$ 7,386,016.78 | \$ 5,071,822.47 | \$ 3,013,235.75 |
| TOTAL REVENUE | \$ 9,607,994.08 | \$ 6,534,082.20 | \$ 4,869,926.37 |
| EXPENDITURES² | | | |
| Commissioner's Office | \$ 114,651.86 | \$ 139,216.74 | \$ 122,822.70 |
| Commission | \$ 715.38 | \$ 2,477.32 | \$ 5,933.00 |
| Marketing Division | \$ 93,919.00 | \$ 116,569.88 | \$ 44,477.12 |
| Administrative Services Division | \$ 288,667.71 | \$ 247,249.74 | \$ 211,838.94 |
| Engineering Infrastructure and Technology Division | \$ 185,445.47 | \$ 196,016.85 | \$ 182,856.64 |
| Wildlife Division | \$ 1,290,157.98 | \$ 1,163,205.82 | \$ 1,244,902.08 |
| Fisheries Division | \$ 715,299.95 | \$ 625,600.15 | \$ 667,125.60 |
| Information & Education | \$ 533,631.19 | \$ 485,073.18 | \$ 497,684.36 |
| Law Enforcement | \$ 871,786.12 | \$ 984,666.72 | \$ 1,178,239.47 |
| OPERATING EXPENDITURES | \$ 4,094,274.66 | \$ 3,960,076.40 | \$ 4,155,879.91 |
| NET Gain / Loss Operating | \$ 5,513,719.42 | \$ 2,574,005.80 | \$ 714,046.46 |

¹ Receipts for FILO are not included, approximately \$1.1 million will be utilized for the administration of that program each year

² A portion of the salaries of the Commissioner and Deputy Commissioner will be corrected in January

³ Program Income \$36,814.56, Donations \$601.15

**Department of Fish & Wildlife Resources
Income Statement - FY19 / 2nd QTR**

36.27% 44.60% 52.93%

| | FY19 Year To Date | | | 2nd Quarter, YTD | |
|---|-------------------|-----------------|-----------------|------------------|------------------|
| | October | November | December | FY18 2nd Qtr | FY17 2nd Qtr |
| REVENUE | | | | | |
| Restricted Fish and Game Fund | | | | | |
| Hunting and Fishing Licenses | \$ 1,892,263.50 | \$ 5,900,188.00 | \$ 2,036,477.00 | \$ 14,268,484.54 | \$ 13,960,796.00 |
| Boat Registration Fees | \$ 38,594.06 | \$ 17,301.45 | \$ 7,637.10 | \$ 381,984.61 | \$ 373,036.23 |
| Interest Income | \$ 35,170.28 | \$ 56,187.28 | \$ 95,860.84 | \$ 116,187.77 | \$ (21,913.33) |
| Camp Income | \$ - | \$ 30,493.61 | \$ - | \$ 37,196.46 | \$ 30,123.60 |
| General Sales | \$ 24,783.96 | \$ 22,660.00 | \$ 25,879.86 | \$ 135,731.00 | \$ 136,919.58 |
| Otter Creek Outdoor Recreation Area | \$ 40,734.17 | \$ 5,379.40 | \$ 1,433.00 | \$ 84,952.10 | \$ 166,293.62 |
| Proceeds from Asset Disposition | \$ - | \$ 84,178.45 | \$ - | \$ 180,654.27 | \$ 147,912.50 |
| Fish and Game Fines & Forfeitures/ Restitution | \$ 6,638.89 | \$ 7,065.47 | \$ 10,887.65 | \$ 84,845.34 | \$ 58,161.66 |
| Nongame (includes Ky Wild and Income Tax Check-off) | \$ 1,450.00 | \$ 1,800.00 | \$ 3,215.00 | \$ 3,057.00 | \$ 119.00 |
| Miscellaneous Receipts | \$ 45,863.94 | \$ 214,253.95 | \$ 40,586.85 | \$ 370,005.83 | \$ 805,635.47 |
| Sub-Total Restricted Fish and Game Fund | \$ 2,085,498.80 | \$ 6,339,507.61 | \$ 2,221,977.30 | \$ 15,663,098.92 | \$ 15,657,084.33 |
| Sub-Total Federal Fish and Wildlife Fund | \$ 707,439.21 | \$ 1,599,598.29 | \$ 7,386,016.78 | \$ 9,901,254.07 | \$ 8,080,351.29 |
| TOTAL REVENUE | \$ 2,792,938.01 | \$ 7,939,105.90 | \$ 9,607,994.08 | \$ 25,564,352.99 | \$ 23,737,435.62 |

| | FY19 Year To Date | | | FY19 BUDGET | Percent Expended/ Earned |
|--|-------------------|------------------|---------|-------------|-----------------------------|
| | TOTALS | | | | |
| | \$ 14,464,513.00 | \$ 32,700,000.00 | 44.23% | | |
| | \$ 691,835.36 | \$ 5,920,000.00 | 11.69% | | |
| | \$ 451,070.02 | \$ 150,000.00 | 300.71% | | |
| | \$ 130,000.21 | \$ 685,000.00 | 18.98% | | |
| | \$ 173,002.85 | \$ 350,000.00 | 49.43% | | |
| | \$ 120,553.43 | \$ 270,000.00 | 44.65% | | |
| | \$ 84,178.45 | \$ 240,000.00 | 35.07% | | |
| | \$ 77,771.10 | \$ 130,000.00 | 59.82% | | |
| | \$ 19,281.50 | \$ 40,000.00 | 48.20% | | |
| | \$ 1,123,919.57 | \$ 1,881,700.00 | 59.73% | | |
| | \$ 17,336,125.49 | \$ 42,366,700.00 | 40.92% | | |
| | \$ 13,642,546.88 | \$ 18,880,200.00 | 72.26% | | |
| | \$ 30,978,672.37 | \$ 61,246,900.00 | 50.58% | | |

EXPENDITURES

| | | | | | | |
|--|-------------------|-----------------|-----------------|-------------------|------------------|--------|
| Commissioner's Office | \$ 114,464.44 | \$ 125,023.50 | \$ 114,651.86 | \$ 1,014,375.47 | \$ 2,179,600.00 | 46.54% |
| Commission | \$ 2,490.11 | \$ 3,789.68 | \$ 715.38 | \$ 12,712.43 | \$ 32,800.00 | 38.76% |
| Marketing Division | \$ 115,695.59 | \$ 122,948.52 | \$ 93,919.00 | \$ 653,014.20 | \$ 1,096,800.00 | 59.54% |
| Administrative Services Division | \$ 154,955.94 | \$ 267,323.76 | \$ 288,667.71 | \$ 2,343,399.96 | \$ 3,475,300.00 | 67.43% |
| Engineering Infrastructure and Technology Division | \$ 114,897.51 | \$ 268,339.98 | \$ 185,445.47 | \$ 1,524,756.86 | \$ 3,194,000.00 | 47.74% |
| Wildlife Division | \$ 1,290,446.36 | \$ 1,391,885.97 | \$ 1,290,157.98 | \$ 9,621,133.61 | \$ 17,888,600.00 | 53.78% |
| Fisheries Division | \$ 992,902.20 | \$ 879,020.32 | \$ 715,299.95 | \$ 6,035,762.17 | \$ 10,271,000.00 | 58.77% |
| Information & Education | \$ 504,440.49 | \$ 616,147.55 | \$ 533,631.19 | \$ 4,820,618.24 | \$ 8,134,200.00 | 59.26% |
| Law Enforcement | \$ 949,322.54 | \$ 890,320.51 | \$ 871,786.12 | \$ 7,460,115.25 | \$ 14,679,600.00 | 50.82% |
| OPERATING EXPENDITURES | \$ 4,239,615.18 | \$ 4,564,799.79 | \$ 4,094,274.66 | \$ 33,485,888.19 | \$ 60,951,900.00 | 54.94% |
| NET Gain/Loss Operating | \$ (1,446,677.17) | \$ 3,374,306.11 | \$ 5,513,719.42 | \$ (2,507,215.82) | \$ 295,000.00 | |

Cash Fund Balances - Fiscal Year 2019

As of December 31, 2018

| | Beginning Balance (12/1/2018) | Revenue | Expenditures | Transfers | Ending Balance (12/31/2018) |
|---|-------------------------------------|------------------------|------------------------|----------------|--------------------------------|
| Agency Revenue Fund | | | | | |
| Restricted Fish & Game Fund (134R) | \$ 12,786,448.73 | \$ 2,221,897.06 | \$ 2,910,204.81 | \$ (19,000.00) | \$ 12,079,140.98 |
| Nongame Fish and Wildlife Fund (13NY) | \$ 25,571.03 | \$ 80.24 | \$ - | \$ - | \$ 25,651.27 |
| Ky Heritage Land Conservation Mgmt Fund (13KR) | \$ 294,441.66 | \$ - | \$ - | \$ - | \$ 294,441.66 |
| Fees in Lieu of ("FILO") Stream Mitigation Fund (134S) | \$ 114,757,104.94 | \$ 6,129,337.79 | \$ 100,765.95 | \$ - | \$ 120,785,676.78 |
| Capital Fund | | | | | |
| Various Capital Funded Projects (FILO, Agency Maintenance, etc.) | \$21,566,573.98 | \$ - | \$ 1,036,523.80 | \$19,000.00 | \$ 20,549,050.18 |
| Federal Fund | | | | | |
| F&W Federal Fund | \$ 11,223,348.64 | \$ 7,386,016.78 | \$ 1,083,303.90 | \$ - | \$ 17,526,061.52 |
| Special Deposit Trust Fund | | | | | |
| FW-Commissioner's Office Fund | \$ 8,645.74 | \$ - | \$ - | \$ - | \$ 8,645.74 |
| | \$160,662,134.72 | \$15,737,331.87 | \$ 5,130,798.46 | \$ - | \$171,268,668.13 |

Kentucky Fish and Wildlife Commission Meeting
REQUEST FOR COMMISSION ACTION

March 8, 2019

Division: Information and Education

Regulation Number: 301 KAR 2:185 **Regular or Emergency:** Regular

Proposed Recommendation: Approval of proposed changes to 301 KAR 2:185
Hunter Education

1. Add a subsection to 301 KAR 2:185 Section 4 that will allow a student to receive their Hunter Education Certification without having to complete an "in-person" course or live fire exercise.
2. Remove the "license exempt" portion of Section 2. This would make it a requirement that all hunters in Kentucky, born after January 1st 2002, pass a hunter education course before hunting.

- Justification:**
1. Allowing the Hunter Education Certification to be achieved via a free online learning course provides constituents with an additional opportunity to complete the Hunter Education requirement while still maintaining safety standards. The addition of an online only option allows KDFWR to reach constituents that may have limited time and resources to travel to a range day or in-person course. Given the busy schedules of many potential Hunter Education students, the online only option enables them to complete the course in a manner that works with their schedule. For those students that prefer an in-person course that will still be available. By eliminating barriers to complete the Hunter Education requirement, KDFWR is working to ensure that all hunters in field have completed the Hunter Education requirement.
 2. With the implementation of an online option, many of the barriers to complete an in-person course have been removed including travel costs, course availability, competition for students' time and others. With these barriers removed, KDFWR should strive to have all hunters in the field trained in Hunter Education.

Public Relations Committee

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- II. Information Item: Elk Hunt Drawing Application
Process Expansion

WILDLIFE DIVISION

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REQUEST FOR COMMISSION ACTION

March 8, 2019

Division: Wildlife

Regulation Number: 301 KAR 2:049 Regular or Emergency: Regular

Proposed Recommendation: Modification of 301 KAR 2:049, Small Game and Furbearer Hunting and Trapping on Public Areas

The Wildlife Division Recommends the following changes:

Allow hunting on Clay, Green River and Yellowbank WMA's during pheasant quota hunts in areas unassociated with pheasant hunts

Justification:

Pheasant quota hunts occur on three separate Wildlife Management Areas (WMA): Clay WMA, Yellowbank WMA, and Green River WM. Current regulations close all hunting except archery and muzzleloader deer hunting on each WMA for the 3 day Pheasant Quota Hunts. Pheasants are released on a small subset of the acreage comprising each WMA. The closure of each area in its entirety for this three day period is restricting hunting on these areas where the Pheasant Quota Hunts are not taking place. The remaining WMA could be safely opened for all other legal hunting. Each Pheasant Quota Hunt Area will be identified. The remaining area outside this boundary will be open according to each WMA's regulations.

| Action Requested of Commission: | Action Taken by Commission: |
|---|--|
| <input checked="" type="checkbox"/> File the Regulation | <input type="checkbox"/> File the Regulation |
| Other: _____ | Other _____ |
| _____ | _____ |
| _____ | _____ |

Motion made by _____

Motion Seconded by: _____

Action: Approved Denied Referred back to Committee

REQUEST FOR COMMISSION ACTION

March 8, 2019

Division: Wildlife

Regulation Number: 301 KAR 2:221 Regular or Emergency: Regular

Proposed Recommendation: Modification of 301 KAR 2:221, Waterfowl Seasons and Limits

The Wildlife Division recommends the following changes:

**1) Establish Migratory Bird Season Dates for the 2019-20 Season
Doves**

September 1 – October 26, 2019
November 28 – December 8, 2019
December 21, 2019 – January 12, 2020

Other Webless Species

Rails and Gallinules: September 1 – November 9, 2019
Wilson's snipe: September 18 – October 27, 2019
November 28 – February 2, 2020
Sandhill Crane: December 02, 2019 – January 26, 2020

Early Season Ducks

Wood duck and teal: September 21 – 25, 2019
Teal Only: September 26 – 29, 2019

Early Season Geese

Canada Geese: September 16, 2019 – September 30, 2019

Late Season Goose Seasons

Dates: November 28, 2019 – February 15, 2020

Youth Waterfowl Seasons

Eastern Zone: November 2 – November 3, 2019
Western Zone: February 1 – February 2, 2020

Snow Goose Conservation Order Season

Dates: February 16, 2020 – March 31, 2020

Falconry Waterfowl Season

Dates: November 28, 2019 – February 15, 2020

Justification: Update according to 2019-2020 calendar shifts.

2) Establish Framework Changes for Late Season Ducks, Mergansers and Coot

Justification: The US Fish and Wildlife Service (USFWS) sets frameworks for duck hunting within the Mississippi Flyway based on Adaptive Harvest Models each season. Under the liberal framework, states may set a 60-day season between the Saturday closest to September 24th and the last Sunday in January. The Mississippi Flyway Council requested that the USFWS change the late season duck liberal framework closure from the last Sunday in January to a fixed date of January 31. The USFWS approved the framework extension. The change was approved after extensive modeling efforts that showed no significant impacts on populations or the likelihood of moderate or restrictive seasons. In informal surveys, hunters support changing to a January 31 closure. Moving the date from the last Sunday in January has some consequences. (1) The season will no longer close on a fixed weekend day, with the season ending on a weekday 5 of the next 10 years. (2) Harvest in Kentucky is higher in December when compared to January. (3) Western zone youth season will no longer enjoy a fixed five (5) day rest period before that season begins. In spite of these concerns, we believe the desire of the waterfowl hunters to hunt as late as possible supports the change.

Proposed Dates: November 28, 2019 – December 1, 2019
December 7, 2019 – January 31, 2020

3) Reduce northern pintail daily bag limit to one (1)

Justification: In 2010, the USFWS and all four Flyway Councils adopted an Adaptive Harvest Management (AHM) modeling framework to inform northern pintail harvest management. These AHM models guide bag limits for pintails on an annual basis. Northern pintails are one of the few duck species that remain under long-term averages and careful management of this population is warranted. The northern pintail adaptive harvest management protocol considers two population models that utilize breeding survey data and harvest data. These models also take into account latitude bias of the nesting pintail population. The model output this year prescribed a regulatory choice for the 2019-2020 hunting season of a 1-bird daily bag limit and 60-day season. Therefore, for the 2019-2020 season, Kentucky must reduce the daily bag limit of Northern Pintails from two (2) birds daily to one (1) bird daily and corresponding reduction of possession limit from six (6) to three (3) pintails.

Action Requested of Commission:

File the Regulation

Other: _____

Action Taken by Commission:

File the Regulation

Other _____

**Motion made
by:** _____

Motion Seconded by: _____

Action:

Approved

Denied

Referred back to Committee

REQUEST FOR COMMISSION ACTION

March 8, 2019

Division: Wildlife

Regulation Number: 301 KAR 2:222 **Regular or Emergency:** Regular

Proposed Recommendation: Modification of 301 KAR 2:222, Waterfowl Hunting Requirements on Public Lands

The Wildlife Division Recommends the following changes:

1) Remove KDFWR Refuge Areas from Lake Barkley

Justification: KDFWR closed the area west of the Cumberland River channel, as marked by buoys, between river mile 51, at Hayes Landing Light, south to the Tennessee Valley Authority's power transmission lines at river mile 55.5 to provide refuge for wintering waterfowl. In recent years, aerial surveys have found few if any waterfowl using this area. The closure no longer provides any meaningful benefit for waterfowl. Additionally, it created a great deal of confusion for hunters and anglers.

2) Remove the 200 yard closure for hunting adjacent to areas closed for waterfowl hunting

Justification: Current regulations for waterfowl hunting on public land requires hunters to be more than 200 yards from an area closed to hunting. This regulation has caused confusion for WMAs utilizing hunting units. Currently Ballard WMA and Sloughs WMA utilize units when assigning hunting opportunity to waterfowl hunters. Managers of these areas rotate hunting opportunity among units creating situations where hunters are hunting in a unit next to a "resting" and technically closed unit. The small size of some units make being 200 yards from this rested unit impossible. Refuge areas are designed to be robust to hunting pressure on the edges and no negative impact would be expected. We recommend removing this closure to hunting within 200 yards of a closed area.

3) Require all members of parties hunting in units to be within twenty-five (25) feet of another member with no party members being more than 100 feet away from any other party member.

Justification: The addition of hunting units at Ballard and Sloughs WMA has resulted in confusion for parties hunting in these units. In past seasons, hunters were restricted to blinds and were required to hunt in close proximity based on this. With the opportunity to hunt in units, the requirement to stay in close proximity no longer exists. Duck hunters could potentially spread out in a unit. If

parties were to separate widely, then hunting pressure is effectively increased. This could lead to more pressure than desired on our public lands. This rule would keep parties together so that hunting pressure generated by a party is limited to a single area but at the same time allows hunters to make best use of the natural habitats to conceal themselves.

| Action Requested of Commission: | Action Taken by Commission: |
|---|--|
| <input checked="" type="checkbox"/> File the Regulation | <input type="checkbox"/> File the Regulation |
| Other: _____ | Other _____ |
| _____ | _____ |
| _____ | _____ |

Motion made by: _____

Motion Seconded by: _____

Action: Approved Denied Referred back to Committee

REQUEST FOR COMMISSION ACTION

March 8, 2019

Division: Wildlife

Regulation Number: 301 KAR 2:300 Regular or Emergency: Regular

Proposed Recommendation: Modification of 301 KAR 2:300, Black Bear Seasons and Requirements

The Wildlife Division Recommends the following changes:

1) Adjust bear harvest quotas

Justification: Bear numbers in the zone 1 counties have begun to reach and exceed social carrying capacity, oftentimes straining the human-bear relationship in these counties. In an effort to stabilize and begin to reduce the population, an increase in harvest is necessary. By subdividing the zone by county, we will apply harvest pressure across the zone and allow for a greater level of hunter opportunity. The zone 2 quota will only be increased by one female due to the subdivision of the zone discussed below.

2) Remove quota on male bears

Justification: This will allow for a more liberal harvest of male bears while still protecting the female demographic, the most important component to population persistence. Additionally, this will increase hunter opportunity.

3) Break zone 1 into individual counties with their own quota (McCreary, Bell, Harlan, and Letcher)

Justification: By subdividing the zone by county, we will apply harvest pressure evenly across the zone and allow for a greater level of hunter opportunity. With our liberalization of the female quota, this will ensure harvest levels remain sustainable across the zone while avoiding localized overharvest of female bears.

4) Subdivide zone 2 into an east and west zone

Justification: When liberalizing the female quota by one bear (11 in 2018, 12 proposed), we must ensure that we are avoiding localized overharvest. Dividing the zone will disperse harvest pressure and provide greater hunter opportunity in the form of a longer season.

4) Move modern gun season in McCreary, Bell, Harlan, Letcher, and zone 2 (east and west) to the second Saturday in December

Justification: For 2019, our current regulations would cause the gun season for bears to fall over Christmas week and very late in the calendar year (opening day = December 21). Greater hunter opportunity would be provided by avoiding the holiday week and moving the season earlier in the month in hopes of improved weather.

6) Do away with the zone 3 muzzleloader hunt and establish a modern gun season for bears in zone 3 opening the second Saturday in December for 7 consecutive days.

Justification: We have not had a bear harvested in zone 3 since the inception of the zone in 2017. As such, we suggest moving the season to run concurrent with the gun hunt in zones 1 and 2 to offer greater opportunity and a better chance at harvesting a transient bear in the periphery of the bear zone.

7) Remove landowner restrictions around the Pine Mountain bear sanctuary.

Justification: Landowners in this area have suggested this change for many years. Additionally, the area is adjacent to the town of Cumberland and likely influences the town's nuisance bear issues. Further, the size of this area is not great enough to protect bears from harvest as illustrated by GPS data of female bears in the area. Our harvest plan will continue to guarantee the sustainability of the bear population in this area even without these landowner restrictions in place.

8) Clean up weapons restrictions to allow the use of lesser weapons (i.e. archery, crossbow, muzzleloader, during modern gun season)

Justification: The intent of weapons restrictions is to restrict the most efficient weapon. This would clean up to mirror other season which allow any lesser weapon during those seasons.

9) Reopen public land in McCreary County (excludes BSFNRRRA sanctuary area)

Justification: With a very conservative quota of two female bears per year, we feel that we can open public land without fear of overharvest. Additionally, many areas in this county are reaching social carrying capacity and bears are losing their value due to local hunters not being able to access the vast amounts of public land and have an opportunity to harvest a bear.

10) Reword bear quota hunt with dogs language to say the following: "a person shall only harvest a bear with the use of unleashed dogs that are actively pursuing or chasing the bear prior to harvest"

Justification: This change is necessary to close a loophole and preventing abuse of the dog season where a hunter would simply take their unleashed "pet" dog into the woods and harvest a bear. Abuse of this regulatory loophole has been gaining in popularity for many years and was finally tested in the fall of 2018. Wildlife and Law Enforcement staff met to discuss revising regulatory language concerning the bear hunt with dogs which will be presented at the Commission meeting.

11) Move dog hunt back two days to the third Monday in October for 14 consecutive days.

Justification: This move would remove the conflict with early muzzleloader deer season, which typically opens on the same weekend as the dog hunt.

12) Remove the requirement of the bear chase survey

Justification: This will be replaced by post-season survey for all bear hunters each year.

13) Remove time window to buy a bear chase permit

Justification: This is a relic of the old quota system where chase tags were given out in a drawing. Chase permits should be able to be purchased alongside the other bear permits at any point in the year.

14) Prohibit the use of telemetry equipment to locate or hunt bears

Justification: We have an abundance of radio-collared animals across the state that can be easily located via radio telemetry. This shall not prohibit the use of telemetry to track and recover hunting dogs.

*During the Wildlife Committee meeting, it was proposed that we extend the dog chase season. Wildlife Division staff met to discuss the matter and will present their recommendation at the Commission meeting.

Action Requested of Commission:

File the Regulation

Other: _____

Action Taken by Commission:

File the Regulation

Other _____

Motion made

by: _____

Motion Seconded by: _____

Action: **Approved** **Denied** **Referred back to Committee**

REQUEST FOR COMMISSION ACTION

March 8, 2019

Division: Wildlife

Regulation Number: 301 KAR 4:090 Regular or Emergency: Regular

Proposed Recommendation: Modification of 301 KAR 4:090, Buying and Selling of inedible wildlife parts (title to be amended)

The Wildlife Division Recommends the following changes:

Require licensed taxidermist to dispose of the cervid carcass material and waste as defined in section 2) Item c and d in the newly established statute KRS 150.722. (Figure 1.)

KRS 150:722 in Section 2, item "C" and "E" as follows:

(c) Burying the carcass and all of its parts and products in the earth at a point which is never covered with the overflow of ponds or streams and which is not less than one hundred (100) feet distant from any watercourse, sinkhole, well, spring, public highway, residence, or stable. The carcass shall be placed in an opening in the earth at least four (4) feet deep, the abdominal and thoracic cavities opened wide their entire length, and the entire carcass covered with two (2) inches of quicklime and at least three (3) feet of earth

(e) Deposition of the carcass in a contained landfill approved pursuant to KRS Chapter 224

Justification: KRS 150:722 was recently established to require cervid processors (deer processors) to dispose of the carcass material and waste. These same provisions should also be required for taxidermist. The correct disposal of carcass parts is necessary because improper disposal creates a source of potential risk for the introduction of CWD into the state. To be in line with an Association of Fish and Wildlife Agencies technical report on Best Management Practices for Prevention, Surveillance, and Management of Chronic Wasting Disease and Commission recommendation disposal would only be permitted per Section 2, item c and d or 150.722.

Action Requested of Commission:

File the Regulation

Other: _____

Action Taken by Commission:

File the Regulation

Other _____

**Motion made
by:** _____

Motion Seconded by: _____

Action: **Approved** **Denied** **Referred back to Committee**

FISHERIES DIVISION

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Fisheries Committee Meeting
February 8, 2019

Committee members present: Chairman Kenny Knott, Dr. Harry Carloss, Dr. Karl Clinard, and Ralph Swallows

Commission Members present: Paul Horn, Kevin Bond, Jeff Eaton, Brian Fisher, and Dr. James Rich.

Department personnel attending: Rich Storm, Frank Jemley, Leigh Powers, Karen Waldrop, Misty Judy, Jeff Ross, Dave Dreves, Kevin Kelly, Brian Blank, Michael Scott, Nathan Brooks, Col. Eric Gibson, Jay Herrala, Chris, Garland, Dave Baker, Lisa Tolliver, Lee McClellan, Paul Wilkes, Emily Hogue, Mike Hardin, Chris Riggsby, Major Shane Carrier, Gabe Jenkins and John Brunjes.

Other attendees: Jack Dahl (LKS), Chet Hayes (LKS), Doug Morgan (KHA), Judy Roberts (UBK), Jimmy Cantrell (AOA) and Larry Cornett.

Fisheries Division Committee began at 10:05am.

Chairman Knott asked if any Old Business. None presented.

I. Barren River Lake Crappie Size Limit Amendment

Commissioner Knott was approached by crappie anglers at Barren River Lake, asking for an increase in the crappie size limit. Anglers feel the size limit increase will better protect the crappie population and allow for better harvest success over time. Winter harvest at Barren River Lake can be substantial, as the lake is drawn down from 10,000 to 5,000 acres. This regulation could help ease the impacts of increased harvest during this time. The Fisheries Division feels that, biologically, this regulation can be beneficial and proposes a 10-inch minimum size limit on crappie at Barren River Lake.

Commissioner Clinard made a motion to recommend a 10-inch minimum size limit on crappie at Barren River Lake. Commissioner Carloss seconded the motion. All in favor to move to the Full Commission.

Commissioner Carloss made a motion to move this item to the Consent Calendar. Commissioner Clinard explained Legal believes since all the Commission members are not presented at the table; they would not be able to peruse the items. They would like for each item be presented individually until it can be determine if all Commission members can be seated at the table. Commissioner Carloss recommends Legal to be present at the table and the Commission receive their own legal representation.

II. Middle Fork Red River Trout Regulation Amendment

The Middle Fork Red River is a trout stream that runs through Natural Bridge State Park in Powell and Wolfe counties. The stream is currently regulated from October through March under the seasonal catch and release program.

However, the boundary for the park is only a moderate distance from the stocking locations. As a result, trout tend to migrate out of the park boundaries on to private property over time and are not available to anglers. It is recommended that the seasonal catch and release regulation be removed and revert to statewide rainbow trout regulations to allow harvest of the trout year-round within the park. Natural Bridge State Park staff have been contacted and they are in favor of this regulation change as well as the Fisheries Division.

Commissioner Clinard made a motion to remove the seasonal catch and release regulation for the Middle Fork Red River to allow year-round harvest. Commissioner Swallows seconded the motion. All in favor to move to the Full Commission.

III. Addition of Gunpowder Creek Seasonal Catch and Release

Gunpowder Creek in Boone County will be stocked with rainbow trout for the first time in April of 2019. Stockings will occur annually in April, May and October. Angler pressure on the stream could be high and to better protect those trout stocked in October, the Fisheries Division recommends seasonal catch and release regulations from October through March. All trout caught during this time must be released. Release of the trout should allow for more fishing success during the winter until trout are stocked once again in April.

Commissioner Swallows made a motion to add Gunpowder Creek as a seasonal catch and release stream. Commissioner Clinard seconded the motion. All in favor to move to the Full Commission.

IV. Kentucky River WMA, Boone Tract Fishing Regulation Amendments and Pond Naming

1. When the Kentucky River WMA, Boone Tract lakes were first obtained by KDFWR, somewhat restrictive regulations were placed on the fisheries to provide protection until several years of population data could be collected. Now that we have a better idea of species numbers, sizes, growth, etc., we are able to better refine regulations on those lakes. The following regulations amendments are proposed:
 - a. Kinman Lake – Remove reduced channel catfish daily creel limit (4 fish) and revert back to statewide 12-inch size limit and no daily creel limit. This provides simplification of the regulation. The lake is stocked every other year with channel catfish and receives only moderate catfishing pressure.
 - b. 4-acre pond, 6-acre pond, and 15-acre lake – Remove reduced crappie daily creel limit (15 fish) and revert back to statewide 20 fish daily creel limit and no minimum size limit. This provides simplification of the regulation and data shows there should be no problems with the statewide creel limit.
2. Kerry Prather, a long-time fisheries biologist with KDFWR passed away in 2018. Kerry served with KDFWR for 31 years prior to his retirement in 2008. He was a devoted biologist and mentor to many of our current and former

staff. Kerry's "on the ground" work in public education, farm pond management and promotion of our fish and wildlife resources to the general public was extraordinary. Kerry averaged 100 on-site farm pond technical guidance visits per year over a 23-year period and logged an average of 600 technical guidance phone calls annually. Kerry's love for pond management led to his authoring of three editions of "A Management Guide for Ponds and Small Lakes in Kentucky". This is one of the most requested publications printed by the Department. In addition, Kerry held multiple farm pond management seminars each year. Based on Kerry's devotion to this agency and his work involving small lakes and ponds, the Fisheries Division requests to name the 4-acre pond at Kentucky River WMA, Boone Tract, "Prather Pond."

Commissioner Clinard made a motion to accept the fishing regulation amendments for the Kentucky River WMA, Boone Tract and name the 4-acre pond "Prather Pond." Commissioner Swallows seconded the motion. All in favor to move to the Full Commission.

V. Special Catfish Regulation Lakes Amendments

In 2018, the Commission passed a 12-inch size limit regulation for lakes regularly stocked with catfish by KDFWR. The following are amendments and additions to the list of "Special Catfish Regulation Lakes" which is incorporated by reference in the regulation:

1. Change Peabody lakes to say Muhlenberg and Ohio counties. Ohio County was mistakenly left off.
2. Replace Mauzy Lake and Morton's Lake (Higginson and Henry WMA) with "Higginson and Henry WMA lakes". There is a third, smaller lake that is not stocked with catfish on the WMA and the wildlife division stated it would be easier to sign the entire WMA instead of each lake individually.
3. Replace Taylorsville WMA Pond 2 with "Taylorsville Lake WMA ponds". Once again, several other ponds on the WMA are not stocked with catfish. However, it would be less confusing to anglers to have all ponds on the WMA regulated the same, and it would help with signing.
4. Add Lake Pennyrile to the list of regulated lakes. More regular stockings will occur at this lake, so inclusion in the list is necessary.
5. Add Kentucky River WMA, Boone Tract 4-pond (Prather Pond) and 6-acre pond to the list of regulated lakes. Catfish stockings will begin at these waterbodies starting in 2019.

Commissioner Clinard made a motion to accept the special catfish regulation lakes amendments. Commissioner Swallows seconded the motion. All in favor to move to the Full Commission.

VI. Lake Boundary Definition Additions

The current regulation definition of a "lake" reads, "Impounded waters from the dam upstream to the first riffle on the main stem river and tributary streams". This has worked fairly well for lakes across the state. However, there have been a few main tributary streams that have created enforcement difficulties due to the location of the first riffle moving depending on water levels throughout the year. For these lakes, we have further defined the upper lake boundary with a specific landmark in those tributaries. Based on recent discussions with our district biologists and law enforcement staff, the Fisheries Division would like to better define the upper lake boundaries on the following lake tributaries:

1. Cave Run Lake
 - a. Scott's Creek to the Hwy 801 culvert
 - b. Beaver Creek to the Hwy 1274 culvert
 - c. North Fork Creek to the confluence of Craney Creek
 - d. Licking River to the Hwy 772 bridge
 - e. Ramey Creek to include pool of water north of Hwy 801

2. Green River Lake
 - a. Green River to Snake Creek Boat Ramp
 - b. Robinson Creek to Hwy 76 bridge
 - c. Casey Creek to Arnolds Landing Boat Ramp

3. Rough River Lake
 - a. Rough River to Hwy 84 bridge

Commissioner Knott asked if the boundaries are changing compared to what they were before. Mr. Brooks stated we have tried to identify landmarks to where the first riffle would be. We could also have signage to help law enforcement and the public. Commissioner Clinard asked if the boundaries join government or private land. In addition, will there be any push back from the private landowners. Ron replied either we have a good rapport with landowners or we will determine alternatives such that signage would not be on private property.

Commissioner Clinard made a motion to accept the additions to the lake boundary definitions. Commissioner Swallows seconded the motion. All in favor to move to the Full Commission.

VII. Committee Review of Proposed Kentucky River Muskie Research Project

In 2016, the Streams Investigations Branch initiated a research project to evaluate the stocking of two sizes of fingerling muskellunge in two pools of the Kentucky River. During the course of this research, they saw evidence that the movement of these fish may be greater than initially thought. The decision was made to put the project on hold until they can better ascertain the post-stocking movement of muskellunge in the Kentucky River. The Fisheries Divisions proposes a new research project with two specific objectives: 1) determine dispersal of age-1 and age-2 muskellunge stocked into pools 11-13 of the Kentucky River and 2) Utilize the results of the project to develop muskellunge stocking recommendations for the entire Kentucky River. Staff will fin-clip so

there will not be any extra cost for equipment. A narrative for this research project was included in the Committee packet.

Commissioner Clinard made a motion to accept the proposed Kentucky River musky research project. Commissioner Swallows seconded the motion. All in favor to move to the Full Commission.

VIII. Allow Sale of Asian Carp Harvested by Bow Fishing

Fisheries has received a request from concerned anglers to allow Asian carp harvested by bow fishermen to sell to any buyer willing to pay a bounty for the fish. Some people feel that a "bounty" on Asian carp would significantly increase fishing pressure on Asian carp. Currently, Statute 150.175 only authorizes the sale of rough fishes by commercial licensed fishermen. Fisheries believes that some increase in bow fishing may occur if bounties were allowed. If an amendment was approved by Kentucky legislators, regulations should follow that would provide protection to commercial fishers that would deter people from vandalizing commercial gear or removing fish caught in their nets. Competition of financial interests between bow and commercial fishers must be prevented. Commercial fisherman feel the bow fishermen should pay for a commercial fishing license. We do have a free Asian carp commercial fishing license that allows the person only to harvest Asian carp. Tennessee developed a similar model in 2015 but had very little response. They requested participants provide a monthly report, as we would require. They did not receive any reports for Asian carp by bow fishing, but it has become more popular since 2015. The bow fishermen would not be able to sell their catch for food due to FDA regulations. The Fisheries Division doesn't see a problem with this regulation but would like to add a 200-ft restriction from commercial nets. The price per pound can vary depending on whom they sell to; a fish meal processor can pay up to \$0.10 per pound if delivered to facility.

Commissioner Knott feels if the monetary gain is low, so most will not do it. Mr. Brooks replied it would be gas money but could amend the contract to allow Asian carp from bow fishing tournaments which would benefit more.

Commissioner Carloss doesn't object to the idea but does object to the making a new regulation. He feels we don't need a regulation to kill invasive species. We should allow people to kill invasive species anyway they want as long as it doesn't affect game species. Mr. Brooks agrees with Commissioner Carloss but the anglers feel if they had some type of incentive, it would encourage them to harvest Asian carp. He introduced James Story who is in favor of this amendment. James Story, manager of Kentucky Fish Center, stated the bow fishermen are not trying to make a profit just a little gas money.

Commissioner Carloss made a motion to allow sale of Asian carp harvested by bow fishing. Commissioner Clinard amended the motion to add the determination of distance from commercial fishing to be established and to revisit this in a calendar year. Commissioner Clinard seconded the motion with the amendments. All in favor to move to the Full Commission.

IX. Designated Shoreline Fish Cleaning Stations

Anglers are restricted from cleaning any fish for which a size limit or daily creel limit exists while fishing on the shoreline, on the water, or in boats (301 KAR 1:201, Section 2(9)). Department of Water has a water quality standard statute that doesn't allow depositing carcass of any animal into the water. U.S. Army Corps of Engineers have also been approached with the same issue. Both Corps of Engineers and Division of Water have stated this is counter to the Clean Water Act. Fisheries is not opposed to delegating specific areas as potential cleaning station locations. It will be necessary that the entity providing the cleaning stations be responsible for maintaining the area in terms of cleanliness and routine offal disposal.

Leigh Powers, General Council, asked if we have received approval in writing from the Corps of Engineers. Mr. Brooks replied the CORPS advised that they would adhere to Division of Water's regulations. Ms. Powers asked if we could discuss this with Division of Water before amending a regulation we might not have the authority to do so. Mr. Brooks replied the Commissioner will have to reach out and if Legal would like to do so instead, they would be great. He feels that we can still move forward with the understanding they would have to follow the Division of Water regulations. Ms. Powers stated she would give an update at the March Commission meeting.

Commissioner Clinard made a motion to designate shoreline fish cleaning stations pending research from Legal. Commissioner Swallows seconded the motion. All in favor to move to the Full Commission.

X. Fishing Restriction Near BAFF Below Barkley Dam

Asian carp have been migrating through lock chambers into Kentucky and Barkley lakes for many years and have increased their numbers to become a major threat to tourism and fishing in those reservoirs. Kentucky is participating in an extensive research project to investigate the efficacy of using a bio-acoustical fish fence (BAFF) to deter Asian carp from moving through lock chambers of dams to access pools or reservoirs above the dams. The BAFF system has proven beneficial for deterring fish in Western U.S. and Europe. KDFWR Fisheries is working with the USGS, University of Minnesota, TWRA, USFWS and USACE to test the BAFF below Barkley Dam. The test will last at least three years, and if successful, the system could become a permanent deterrent below that dam. Since there are many areas threatened by Asian carp, a successful BAFF system would provide hope to many states that Asian carp can be controlled or significantly reduced in waters where movement through dams is significantly reduced. By combining BAFF deterrents below both dams with commercial fishing and Fisheries staff removal; we believe that Asian carp numbers in the two reservoirs can be significantly reduced.

The BAFF is scheduled to be installed in the lock canal below Barkley Dam in March 2019. The acoustics and air system need to be protected from hooks that could damage them. Therefore, we need to restrict fishing within 200 feet of the BAFF system. Fisheries has hosted public meetings where the BAFF was introduced and the restrictions were discussed, and we have made public

announcements. We have received no negative comments about restricting this small portion of water below the lock chamber. Because of the March start up, we will also need to pursue an emergency regulation by the start of construction.

Commissioner Clinard made a motion to restrict fishing within 200ft of the BAFF system. Commissioner Swallows seconded the motion. All in favor to move to the Full Commission.

Chairman Knott asked if there is any New Business. None presented.

Commissioner Clinard moved to adjourn the Fisheries Committee. Commissioner Swallows seconded the motion. Motion Approved. The Fisheries Committee meeting concluded at 10:51am.

March 8, 2019

Division: Fisheries

Regulation Number:

Regular or Emergency: Regular

Proposed Recommendation: Approval of Minutes for February 8, 2019 Fisheries
Division Committee Meeting

Justification:

| Action Requested of Commission: | Action Taken by Commission: |
|--|--|
| <input type="checkbox"/> File the Regulation | <input type="checkbox"/> File the Regulation |
| <input checked="" type="checkbox"/> Other: _____ | <input type="checkbox"/> Other: _____ |
| _____ | _____ |

Motion made by: _____

Motion Seconded by: _____

Action: Approved Denied Referred back to Committee

March 8, 2019

Division: Fisheries

Regulation Number: 301 KAR 1:201 Regular or Emergency: Regular

Proposed Recommendation: Proposal for a 10-inch minimum size limit on crappie at Barren River Lake.

Justification:

Crappie anglers fishing in Barren River Lake asked to increase the minimum size for crappie harvested to 10 inches. The crappie populations are comprised of almost equal percentages of black and white crappie. Growth rates of white crappie are better than black crappie, with white crappie reaching 10 inches in 2-3 years and black crappie reaching 10 inches in 4-5 years. Although black crappie growth is not exceptional for this proposed size limit, angler catch is dominated by white crappie. Additionally, winter harvest at Barren River Lake can be substantial, as the lake is drawn down from 10,000 to 5,000 acres. This regulation could help ease the impacts of increased harvest during this time. The Fisheries Division feels that, biologically, this regulation can be beneficial and proposes a 10-inch minimum size limit on crappie at Barren River Lake.

| Action Requested of Commission: | Action Taken by Commission: |
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| <input checked="" type="checkbox"/> File the Regulation | <input type="checkbox"/> File the Regulation |
| Other: _____ | Other: _____ |
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Motion made by: _____

Motion Seconded by: _____

Action: Approved Denied Referred back to Committee

March 8, 2019

Division: Fisheries

Regulation Number: 301 KAR 1:201 Regular or Emergency: Regular

Proposed Recommendation: Proposal to remove the seasonal catch and release trout regulation on Middle Fork Red River

Justification: The Middle Fork Red River is a trout stream that runs through Natural Bridge State Park in Powell and Wolfe counties. The stream is currently regulated from October through March under the seasonal catch and release program. However, the boundary for the park is only a moderate distance from the stocking locations and trout tend to migrate out of the park boundaries on to private property soon after stocking, resulting in poor use of the stocked fish. It is recommended that the seasonal catch and release regulation be removed and revert to statewide rainbow trout regulations to allow harvest of the trout year-round within the park.

| Action Requested of Commission: | Action Taken by Commission: |
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| <input checked="" type="checkbox"/> File the Regulation | <input type="checkbox"/> File the Regulation |
| Other: _____ | Other: _____ |
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Motion made by: _____

Motion Seconded by: _____

Action: Approved Denied Referred back to Committee

March 8, 2019

Division: Fisheries

Regulation Number: 301 KAR 1:201 Regular or Emergency: Regular

Proposed Recommendation: Proposal to add Gunpowder Creek as a seasonal catch and release trout regulation

Justification: Gunpowder Creek in Boone County will be stocked with rainbow trout in April of 2019. Stockings will occur annually in April, May and October. As we do with many of our warm-water streams, we recommend seasonal catch and release regulations from October through March. All trout caught during this time must be released. Release of the trout should allow for more fishing success during the winter until trout are stocked once again in April. The fishable portion of this stream is approximately 1.5-2 miles so trout should remain available for anglers throughout the winter even with some dispersion. Statewide harvest regulations will apply outside of the catch and release season.

| Action Requested of Commission: | Action Taken by Commission: |
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| <input checked="" type="checkbox"/> File the Regulation | <input type="checkbox"/> File the Regulation |
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Motion made by: _____

Motion Seconded by: _____

Action: Approved Denied Referred back to Committee

March 8, 2019

Division: Fisheries

Regulation Number: 301 KAR 1:201 Regular or Emergency: Regular

Proposed Recommendation: Proposal to amendment Kentucky River WMA, Boone Tract Fishing Regulation and Pond Naming

Justification: 1. Fairly restrictive regulations were initially approved for ponds in the Kentucky River WMA, Boone Tract lakes to provide protection until angler harvest pressure on the fish populations could be assessed. The results from information collected suggest that the regulations on those lakes can be relaxed as follows:

- a. Kinman Lake – Amend channel catfish daily creel limit of 4 fish to statewide, 12-inch size limit and no daily creel limit. This lake is stocked every other year with channel catfish and receives only moderate catfishing pressure.
- b. 4-acre pond, 6-acre pond, and 15-acre lake – Amend crappie daily creel limit of 15 fish to statewide, 20 fish daily creel limit and no minimum size limit.

2. Name the very popular, 4-acre pond at Kentucky River WMA, Boone Tract, "Prather Pond". After longtime and exceptional fisheries biologist, Kerry Prather. Kerry served with KDFWR for 31 years prior to his retirement in 2008. He was a devoted biologist and mentor to many of our current and former staff. Kerry's "on the ground" work in public education, farm pond management and promotion of our fish and wildlife resources to the general public was extraordinary. Kerry authored three editions of "A Management Guide for Ponds and Small Lakes in Kentucky"; one of the most requested publications printed by the Department. Kerry's devotion to this agency and his work involving small lakes and ponds was exceptional and made this request fitting.

| Action Requested of Commission: | Action Taken by Commission: |
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| <input checked="" type="checkbox"/> File the Regulation | <input type="checkbox"/> File the Regulation |
| Other: _____ | Other: _____ |

Motion made by: _____

Motion Seconded by: _____

Action: Approved Denied Referred back to Committee

March 8, 2019

Division: Fisheries

Regulation Number: 301 KAR 1:201 Regular or Emergency: Regular

Proposed Recommendation: Proposal to Amend Special Catfish Regulations

Justification: In 2018, the Commission passed a 12-inch size limit regulation for lakes regularly stocked with catfish by KDFWR. The following are amendments and additions to the list of "Special Catfish Regulation Lakes" which is incorporated by reference in the regulation:

1. Peabody lakes in Muhlenberg and Ohio counties.
2. Include all lakes in Higginson and Henry WMA.
3. Include all Taylorsville WMA ponds.
4. Add Lake Pennyrile as it has been added to the catfish stocking list.
5. Add Kentucky River WMA, Boone Tract 4-acre pond (Prather Pond) and the 6-acre pond.

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| Action Requested of Commission: <input checked="" type="checkbox"/> File the Regulation Other: _____ _____ _____ | Action Taken by Commission: File the Regulation _____ Other: _____ _____ _____ |
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Motion made by: _____

Motion Seconded by: _____

Action: Approved Denied Referred back to Committee

March 8, 2019

Division: Fisheries

Regulation Number: 301 KAR 1:201 Regular or Emergency: Regular

Proposed Recommendation: Proposal to Amend Lake Boundary Definitions

Justification: Current regulations define a "lake" as "impounded waters from the dam upstream to the first riffle on the main stem river and tributary streams". However, three reservoirs have main tributary streams which make location of the first riffle impossible during higher water levels. For these lakes, we recommend the following landmarks to define the upper lake boundaries:

1. Cave Run Lake
 - a. Scott's Creek to the Hwy 801 culvert
 - b. Beaver Creek to the Hwy 1274 culvert
 - c. North Fork Creek to the confluence of Craney Creek
 - d. Licking River to the Hwy 772 bridge
 - e. Ramey Creek to include pool of water north of Hwy 801
2. Green River Lake
 - a. Green River to Snake Creek Boat Ramp
 - b. Robinson Creek to Hwy 76 bridge
 - c. Casey Creek to Arnolds Landing Boat Ramp
3. Rough River Lake
 - a. Rough River to Hwy 84 bridge.

| Action Requested of Commission: | Action Taken by Commission: |
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| <input checked="" type="checkbox"/> File the Regulation | <input type="checkbox"/> File the Regulation |
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Motion made by: _____

Motion Seconded by: _____

Action: Approved Denied Referred back to Committee

March 8, 2019

Division: Fisheries

Regulation Number:

Regular or Emergency:

Proposed Recommendation: Proposal for the Kentucky River Muskie Research Project

Justification: Musky research conducted by the Streams Investigations Branch has revealed that the stocked fish often exhibit extended downriver movement. The ancillary data provided impetus for the biologists to propose a research project focused on determining post-stocking movement of muskellunge in the Kentucky River. The two objectives of the project include: 1) determine dispersal of age-1 and age-2 muskellunge stocked into pools 11-13 of the Kentucky River; and 2) Utilize the results of the project to develop muskellunge stocking recommendations for the entire Kentucky River.

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| Action Requested of Commission: <input type="checkbox"/> File the Regulation <input checked="" type="checkbox"/> Other: _____ _____ | Action Taken by Commission: <input type="checkbox"/> File the Regulation <input type="checkbox"/> Other: _____ _____ |
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Motion made by: _____

Motion Seconded by: _____

Action: Approved Denied Referred back to Committee

March 8, 2019

Division: Fisheries

Regulation Number: 301 KAR 1:152 **Regular or Emergency:** Regular

Proposed Recommendation: Proposal to Allow Sale of Asian Carp Harvested by Non-Commercial Methods

Justification: Fisheries has received a request to allow Asian carp harvested by bow fishermen to be sold to any buyer. At the February Fisheries Committee meeting, Commissioner Carlos suggested that there should be no restrictions to anyone harvesting or selling Asian carp. To address this suggestion, we propose to rename and amend 150 KAR 1:152 (Asian Carp and Scaled Rough Fish Harvest Program) to allow sale of Asian carp harvested by bow fishing or by any other legal method. For non-commercial fishing, harvesting fish, including Asian carp, requires a sport fishing license for taking fish. Also, during the Fisheries Committee meeting, we reported a commercial fisherman's recommendation to add an amendment to prevent bow fishing activity within 200 feet of visible buoys or flags used to mark net sets. The fishermen believe that the ability to sell Asian carp will result in an increase in the amount of bow fishing activity near commercial fishing nets which would decrease commercial harvest. Although this concern is understandable, the recommendation would be unenforceable for all intent and purposes, and it is not at all clear that allowing people to sell Asian carp will result in a significant increase in bow fishing activity. Therefore, we do not recommend adding this restriction to the regulation at this time.

| Action Requested of Commission: | Action Taken by Commission: |
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| <input checked="" type="checkbox"/> File the Regulation | <input type="checkbox"/> File the Regulation |
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Motion made by: _____

Motion Seconded by: _____

Action: **Approved** **Denied** **Referred back to Committee**

March 8, 2019

Division: Fisheries

Regulation Number: 301 KAR 1:201 Regular or Emergency: Regular

Proposed Recommendation: Proposal to Designate Shoreline Fish Cleaning Stations

Justification: Anglers are restricted from cleaning any fish for which a size limit or daily creel limit exists while fishing on the shoreline, on the water, or in boats (301 KAR 1:201, Section 2(9)). However, reservoirs with marinas and state parks have requested permission to construct lakeside cleaning stations. Fisheries is not opposed to delegating specific areas as potential cleaning station locations, but current Kentucky Division of Water quality standards restrict depositing fish carcasses in the water after cleaning. We have reached out to KDOW for confirmation on this ruling and have been advised to postpone final actions on this until they have time to reconsider for particular circumstances. We therefore recommend tabling this agenda item until we get definitive response from KDOW.

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| Action Requested of Commission: <input checked="" type="checkbox"/> File the Regulation Other: _____ | Action Taken by Commission: _____ File the Regulation Other: _____ |
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Motion made by: _____

Motion Seconded by: _____

Action: Approved Denied Referred back to Committee

March 8, 2019

Division: Fisheries

Regulation Number: 301 KAR 1:201 Regular or Emergency: Regular

Proposed Recommendation: Proposal to Restrict Fishing Within 200 feet of the BAFF System

Justification: Kentucky is participating in an extensive research project to investigate the efficacy of using a bio-acoustical fish fence (BAFF) to deter Asian carp from moving through lock chambers of dams to access pools or reservoirs above the dams. The project will be below Barkley Dam and will include researchers from USGS, University of Minnesota, TWRA, USFWS and USACE. The test will last at least three years, and if successful, the system could become a permanent deterrent below that dam. After another delay due to federal funding delays, the BAFF is scheduled to be installed in the lock canal below Barkley Dam in early summer 2019. The acoustics and air system needs protection from potential damage from hooks and weights, therefore, we need to restrict fishing within 200 feet of the BAFF system. Fisheries has hosted public meetings where the BAFF was introduced and the restrictions were discussed, and we have made public announcements. We have received no negative comments about restricting this small portion of water below the lock chamber.

| Action Requested of Commission: | Action Taken by Commission: |
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Motion made by: _____

Motion Seconded by: _____

Action: Approved Denied Referred back to Committee

March 8, 2019

Division: Fisheries

Regulation Number: 301 KAR 1:152 **Regular or Emergency:** Emergency

Proposed Recommendation: Proposal to Remove Weekend Fishing Restriction in the Commercial Fishing Asian Carp Harvest Program

Justification: The Asian carp issues in Western Kentucky have compelled this Department to create, and often adjust, a regulation designed to promote harvest of the invasive species in otherwise restricted waters. The Fisheries Division has received requests to remove the current restriction in 301 KAR 1:152 that prohibits commercial fishing for Asian carp and scaled rough fish in restricted waters on weekends and holidays from April 1 through September 30. The restriction was originally included to reduce the amount of netting during recreational high use periods. However, the public now understands the importance of commercial fishing to control and reduce Asian carp numbers and appear agree with this proposal. Since it takes 5 months to pass regulations, we are also requesting to approach the LRC with an emergency regulation proposal.

| Action Requested of Commission: | Action Taken by Commission: |
|---|--|
| <input checked="" type="checkbox"/> File the Regulation Other: _____ _____ _____ | <input type="checkbox"/> File the Regulation Other: _____ _____ _____ |

Motion made by: _____

Motion Seconded by: _____

Action: **Approved** **Denied** **Referred back to Committee**