

# Kentucky Department of Fish & Wildlife Resources



## Commission Meeting Live Teleconference

Web link: <https://youtu.be/eqvdk8pHFW8>

June 4, 2021

#1 Sportsman's Lane

Frankfort, KY

8:30 AM (ET)

## AGENDA

### Opening

- Call to Order and Welcome
- Invocation
- Pledge of Allegiance
- Chair's Remarks
- Commissioner's Remarks

### Action Items

- March 5, 2021 Commission Meeting Minutes  
Attachment A-1
- April 1, 2021 Special Called Commission Meeting Minutes  
Attachment A-2
- April 14, 2021 Special Called Commission Meeting Minutes  
Attachment A-3
- May 5, 2021 Special Called Commission Meeting Minutes  
Attachment A-4
- Quarterly Financial Statement  
Attachment A-5
- Fiscal Year 2022 Management Operating Budget  
Attachment A-6

- Camp Earl Wallace Capital Expenditure  
The department seeks the Commission's approval to replace the antiquated 71-year-old camp dining hall using a combination of federal and state funds and donations.  
Attachment A-7
- Waterfowl Hunting Requirements  
Amend [301 KAR 2:222](#). Waterfowl hunting requirements on public lands.
  - Remove seasonally drawn blinds at Sloughs WMA Grassy Pond, Powell's Lake and Highlands Creek Units  
Attachment A-8
- Ballard Wildlife Management Area Entry Rules
  - Incorporate [301 KAR 4:020](#) into [301 KAR 2:222](#), Repeal 301 KAR 4:020.  
Attachment A-9
- Proposed Research Project – Spiny scale crayfish study
  - Investigate taxonomic status and distribution of crayfish under review for potential listing under the federal Endangered Species Act  
Attachment A-10

### Discussion Item

- Black Bear Season Structure  
Amend [301 KAR 2:300](#). Black bear seasons and requirements.
  - Consolidate black bear hunting zones, and regulate bear harvest by setting seasons using hunt days rather than harvest quotas.  
Attachment D-1

### New Business Items

- Sport Fishing Regulations – Simplify, update, and add/remove special fishing regulations for black bass, trout, catfish and muskellunge  
Amend [301 KAR 1:201](#) Taking of fish by traditional fishing methods.
  - Simplify size and daily creel limits for black bass, and add special regulations for select species where warranted in particular streams or lakes.  
Attachment NB-1
- Otter Creek Outdoor Recreation Area  
Amend [301 KAR 3:012](#)
  - Allow the general public to use the area during spring turkey hunting hours  
Attachment NB-2
- Licensing – Update antiquated language and accommodate modernization efforts
  - Amend [KRS 150.175](#) to:
    - Remove parental approval requirement for purchase of youth license

- Update Joint Fishing license language to comply with law
  - Update Proof of Disability requirements
- Amend [KRS 150.195](#) by removing antiquated language concerning license and permit issuance.
- Amend [301 KRS 5:001](#) by updating definitions to remove antiquated language and accommodate licensing vendor-provided services.
- Amend [301 KRS 5:010](#) by updating vendor language for consistency.
- Amend [301 KAR 5:020](#) to update antiquated language and:
  - Add vendor-provided solution language
  - Add issuance fee and operational fee language
  - Alter agent commission amount to be based on percentage of sale rather than fixed per transaction amount.
- Amend [301 KAR 5:030](#) by incorporating (and abolishing) [301 KAR 5:050](#) to create one comprehensive license and purchase issuance regulation.
  - Clarify information required for purchase
  - Add required proof-of-license language
  - Update language to adhere to current system capabilities and requirements
  - Update disability form requirement language.

#### Attachment NB-3

- Informational Item: 2021 Spring Turkey Season update
  - Turkey Population – Options for addressing concerns
  - Informational Item: 2020-21 Deer season update
  - Informational Item: Bass Tournament Exemptions Update
- Attachment NB-4
- Commission Meeting Format and Working Groups - Status Update & Review

### Public Comments\*

\*Because of the virtual livestream format of this meeting due to COVID-19 pandemic precautions, public comments for this meeting will be handled in the following manner. Those wishing to comment about a topic on the agenda may email their comments to [FW.PublicAffairs@ky.gov](mailto:FW.PublicAffairs@ky.gov) between 8:00am (eastern) on the Monday preceding the meeting until 10:30am (eastern) on the day of the meeting, and those comments will be read by KDFWR staff up to 3 minutes total per commenter during the Public Comments time on the agenda, time permitting. Commenters must include their first and last name(s), Kentucky county(s) of residence (or state of residence if a nonresident), and organizational affiliation and position, if they are an officer or official representative for a particular organization. Note: Contact information is not required but will be helpful if information is requested, and will not be publicly disclosed if provided. The Commission chair reserves the right to not read publicly any comments that are libelous, profane, derogatory of others, or not relevant to the meeting agenda. Questions will receive an email response.

## **Executive Session**

- Land Acquisition Project: The Commission shall enter closed session to discuss a potential land acquisition as described below pursuant to KRS 61.810(1)(b). This session shall be closed, as publicity of KDFWR's interest in acquiring the property is likely to affect the value of the property to be acquired for public use.
  - Project A – potential land donation.

## **Action Item**

- Project A – potential land donation.

## **Adjourn**

Next Scheduled Quarterly Commission Meeting Date: September 3, 2021

Kentucky Fish and Wildlife Commission Meeting

**REQUEST FOR COMMISSION ACTION**

DATE: June 4, 2021

**Regulation Number:** N/A

**Regular or Emergency:** N/A

**Action Item:** Approval of March 5, 2021 Commission Meeting Minutes

Kentucky Department of Fish & Wildlife Resources



**Commission Meeting Minutes**

Live Teleconference - Web link posted at [fw.ky.gov](http://fw.ky.gov)

March 5, 2021

#1 Sportsman's Lane

Frankfort, KY

8:30 AM (ET)

**Commission Members in Attendance via Zoom.com** – Dr. Karl Clinard, Brian Fisher, Paul Horn, David Jones, Kenny Knott, Rob Lear, Josh Lillard, Doug Morgan, Ralph Swallows.

**Call to Order and Welcome** (Video 1 – 2:00) – Chairman Clinard

**Invocation and Pledge of Allegiance** (Video 1 – 2:46) – Paul Horn and Kenny Knott

**Secretary Berry Remarks** (Video 1 – 4:05)

**Deputy Commissioner Remarks** (Video 1 – 7:50)

- Recognized Department staff who have reached 15 / 20 / 25 / 26+ years of service.
- Reserved a moment of silence for Fisheries Staffer, Jason McDowell
- Update on Public Relations Working Group suggestions / findings
- Recognized Law Enforcement Class 24
- Thank you to Conservation Officers for flood rescue / relief assistance

- Life Jacket Loaner Stations – Donations needed – Goal is to have 10 constructed in 2021 throughout Kentucky – contact [Marcus.Bowling@ky.gov](mailto:Marcus.Bowling@ky.gov) or Commission members
- Recognized Kentucky / Department for being chosen as top outdoor destination for various activities

## Action Items

- December 4, 2020 Commission Meeting Minutes (Video 1 – 26:55)
  - **Paul Horn made a motion to accept the minutes; seconded by Ralph Swallows. Motion Passed** (Video 1 – 27:43)
- Quarterly Financial Statement (October – December) (Video 1- 27:50)
  - Lisa Cox presented the financial statement to the Commission.
  - **Doug Morgan made a motion to accept the financial statement; seconded by Paul Horn. Motion Passed** (Video 1 – 31:16)
- Bobcat Hunting (Video 31:30)
  - Chris Garland and Laura Palmer presented to the Commission the Department's recommendations:
    - Amend [301 KAR 2:251](#) Hunting and trapping seasons and limits for furbearers.
      - Mandatory submission of bobcat jaws
      - Retain current gun season
    - Amend [301 KAR 3:022](#) License, tag, and permit fees.
      - Create bobcat hunting permit
  - Commission members discussed different options for obtaining needed biological samples for the bobcat population model, including mandatory or voluntary jaw/tooth submission, fee-based or free bobcat or predator hunting permit, and incentives.
    - **Brian Fisher made a motion to establish a free bobcat permit / survey to be conducted by the Department; seconded by Ralph Swallows. Motion does not pass.**
    - **Brian Fisher made a motion to:**
      - **Create a voluntary incentive program of an additional bobcat permit for jawbone submission;**
      - **Trapper harvests 2 or more he / she receives one additional permit for the following year; if he / she traps another 2 or 3 and submits those jaws – they will receive one additional permit;**
      - **Hunter harvests and submit 2 or 3 bobcat jaws he / she receives one additional bobcat permits for the following year**
      - **Additional permits are non-transferable**

- **Hunters / trappers must submit all jawbones from bobcats harvested, whether hunted or trapped, to be eligible for additional permits**

Motion seconded by Paul Horn. **Motion Passed.** (Video 1 – 1:53:43)

- **Commission revisited the motion made in regards to establishing a mandatory bobcat permit.** (Video 1:54:10)
  - **Brian Fisher made a motion to establish a free mandatory bobcat permit and subsequent survey;** seconded by Ralph Swallows. **Motion passed.**
- Bobcat Season (Video 1 – 1:55:36)
  - **Paul Horn made a motion to change bobcat hunting season to open on the 3<sup>rd</sup> Saturday of November;** seconded by Kenny Knott. **Motion Passed.** (Video 1 – 2:04:12)
- Waterfowl Hunting Requirements (Video 1 – 2:17:25)  
Chris Garland and John Brunjes presented to the Commission; The Wildlife Division proposes these changes related to WMA waterfowl hunting:
  - Boatright WMA:
    - Require all hunters during the regular waterfowl season to check-in daily at the designated morning check station.
    - Require all hunters to stop hunting by 2 p.m. daily and check out of the area by accurately completing the Daily Post-Hunt Survey provided by the department and submitting the survey at the designated drop point by 3 p.m. the day of the hunt.
    - Allow for the creation of hunting units.
    - Allow hunting away from blinds within units.
    - Mirror the Ballard WMA party spacing requirements.
    - Remove specific limits on numbers of parties in hunting units.
    - Close to boat access Dec 1-Jan 31 except to those participating in department managed activities (mirror Jenny Hole provisions).
  - Ballard WMA:
    - Change the description of Ohio River hunting exclusion zone: The northern boundary of the no hunting zone is currently described in regulation as “fifty (50) yards upstream of Dam 53.” With the pending removal of Dam 53 we recommend matching the southern boundary language and make the northern boundary “fifty (50) yards upstream of the northern border of Ballard WMA.” This would shift the line <200 yards and have no meaningful impact on waterfowl utilizing the area.

- Ballard, Boatwright and quota hunt areas of Sloughs WMAs:
  - Change the daily shotshell limit to 25 shells. The limit is currently described as 15 shells daily unless Canada goose limits are greater than 2 or duck limits are greater than 3. Since Canada goose populations are unlikely to be below 3 geese daily anytime in the foreseeable future and new AHM models for ducks predict liberal seasons >90% of the time, the 15-shell limit seems unnecessary.
- Sloughs WMA Jenny Hole Unit - quota hunt periods:
  - Wildlife Division recommends changing the allocation of hunting access from 5 days (Thursday-Monday) to 2 (Thursday and Friday) and 3 (Saturday-Monday) allotments. Currently parties drawn have access to the Jenny Hole for 5 days (Thursday-Monday). In two seasons under this system, hunters have frequently complained the period is too long and the utilization of the area is less than desired.
- Sloughs WMA Grassy Pond, Powell's Lake and Highland Creek Units
  - Wildlife Division recommends removing the 14 seasonally drawn blinds from these units and allow the units to be hunted as walk-in areas.
- South Shore WMA  
We recommend removing the requirement to hunt from a blind on the WMA.

Discussion followed by Commission. **Kenny Knott made a motion for Boatwright WMA, Ballard WMA and Ballard, Boatwright and quota hunt areas of Sloughs WMAs be accepted as read;** seconded by Rob Lear. **Motion Passed.** David Jones recused himself from voting. (Video 1 – 2:32:04)

**Doug Morgan Made a motion to accept the South Shore WMA recommendation as read;** seconded by Brian Fisher. **Motion Passed.** (Video 1 – 2:38:23)

**Brian Fisher made a motion to accept the Sloughs WMA Jenny Hole Unit – quota hunt periods as written;** seconded by Kenny Knott. **Motion Passed.** (Video 1 – 2:39:58)

**Brian Fisher made a motion to table the Sloughs WMA Grassy Pond, Powell's Lake and Highland Creek Units until next meeting where it will be an action item;** seconded by Kenny Knott. **Motion Passed.** (Video 1 – 2:44:22)

- Ballard WMA Entry Rules (Video 1 – 2:44:27)
  - Chris Garland and John Brunjes presented to the Commission.
  - The Wildlife Division recommends repealing 301 KAR 4:020 and moving provisions listed below into 301 KAR 2:222:

- Section 1. A person shall not enter upon the premises of the Ballard Wildlife Management Area for any reason during the period October 15 through March 15, except:
  - Department authorized personnel
  - Persons participating in department-managed activities.
- Section 3. Trespass by Boat. During periods of high water or flood, unauthorized person shall not enter upon the premises of the Ballard Wildlife Management Area by boat for any purpose. High water or flood conditions do not affect or change the management area boundary which is marked by yellow signs.

Discussion followed by Commission. **Rob Lear made a motion to approve this action item as written;** seconded by David Jones. **Motion did not pass.** (Video 1 – 2:54:10)

- Swan Lake Unit Entry Rules, Camping Rules and Firearms Restrictions (Video 1 – 2:54:32)

Chris Garland presented to the Commission.

- The Wildlife Division recommends repealing 301 KAR 4:050 and moving into 301 KAR 2:222 the provisions listed below:
  - Section 1. Restrictions. (1) The Swan Lake Unit of Boatwright Wildlife Management Area shall be closed to all public access from October 15 through March 15, except for:
    - (1) Department authorized personnel
    - (2) Persons participating in department managed activities.

**Discussion followed by Commission. Brian Fisher made a motion to accept this action item as written;** seconded by Josh Lillard. **Motion Passed.** (Video 1 – 2:55:55)

- Proposed Research - Wild Turkey Population Study

Dr. Cohen, Dr. Casey and Zak Danks presented to the Commission.

- The Wildlife Division proposes a wild turkey research project to be conducted jointly with Tennessee Technological University (Dr. Brad Cohen, lead investigator) and Tennessee Wildlife Resources Agency (TWRA; Turkey Program Coordinator Roger Shields). In short, this project would provide pertinent information to our agency and our southern border state regarding status and management of wild turkeys.
- The project would span 4 years (2022-25) with an estimated total agency cost of \$167,000 (\$41,750/year). Project outcomes are listed below:

**Project Outcomes**

- 1) Document age-specific harvest rates of male wild turkeys across Kentucky.

- 2) Identify biological, landscape, and regulatory framework variables that influence observed harvest rates and determine which variables have the strongest influence.
- 3) Use the information collected above to develop spatially and temporally predictive models of how various regulatory changes could influence harvest.
- 4) Use the information collected above in conjunction with summer brood survey data to investigate estimates of relative turkey abundance.
- 5) Provide all data collected within Kentucky to KDFWR.
- 6) Perform pathogen screening and describe a baseline health assessment for wild turkeys in Kentucky.

Discussion followed by Commission. **Kenny Knott made a motion to accept this action item as written;** seconded by Brian Fisher. **Motion Passed.** (Video 1 – 3: 25:25).

- Proposed Research – State Report from the National Survey of Fishing, Hunting & Wildlife-Associated Recreation (Video 1 – 3:26:50)

Deputy Commissioner Clark presented to the Commission.

- The FHWAR Survey is conducted every 5 years using funds from the U.S. Fish and Wildlife Service. Reliable, science-based estimates for participation and expenditures in fishing, hunting and wildlife-associated recreation are very important in communicating the value of these activities to stakeholders ranging from executive and legislative authorities, to conservation granting institutions, to the general public. The FHWAR Survey historically collected adequate numbers of survey samples at the state level to yield reliable state estimates and generate state-specific reports for all 50 states. Unfortunately, because of industry-wide trend in decreasing survey response rates and accompanying increased costs of producing reliable estimates, this is no longer possible. Thus for states to obtain their own estimates and reports, they must purchase additional survey sample sufficient to obtain those products. The Association of Fish and Wildlife Agencies is facilitating the opportunity for states to procure additional survey samples and obtain reports from the contract vendor conducting the 2022 FHWAR Survey.
- The Department proposes to purchase sufficient additional samples from the FHWAR Survey effort to produce reliable estimates for participation and expenditures. Fortunately, this is grant eligible through the Wildlife and Sport Fish Restoration Program. We may also be able to enhance the precision of estimates by supplying selected Kentucky license participation data. The project would span three years (2021-23) with an

estimated total agency cost of \$70,000 in matching funds, coupled with another estimated \$70,000 in federal grant funds used.

### **Project Outcomes**

- 1) Survey sample sufficient to produce estimates of participation and expenditures at an estimated Coefficient of Variation (CV) level of 0.15 or better.
- 2) Detailed state survey project report explaining methodology, including estimates for participation and expenditures at the state level for fishing, hunting, and wildlife watching.
- 3) Detailed dataset in a relational format for possible future data mining and analyses.

**Paul Horn made a motion to accept the action item as written;** seconded by Doug Morgan. **Motion Passed.** Video 1 – 3:33:07)

- Asian Carp capturing and harvesting methods (Video 1 – 3:33:27)  
Dave Dreves presented to the Commission.
  - As the Asian Carp Harvest Program evolves, continued refinement of allowances and restrictions is necessary to make the program more efficient and effective. The Fisheries Division recommends the following:
    - Clean up definition wording to prevent the harvest of roe-bearing species as well as better define restricted waters
    - Commercial fishers would be allowed to set their nets in any fashion instead of being restricted to whip net sets.
    - The participant requirements would be edited to change the phone number to call to sign up for the program, remove the need to provide the fish buyer's phone number, and clean up the wording on what fishing location information is needed and notification requirements for changing fishing locations after assigned.
    - Commercial fishers would be required to mark the ends of their nets with floating buoys and all fish harvested, possessed, and transported under the program would need to be kept separate from fish harvested by any other methods.
    - The removal of immediate submission of daily harvest cards with a new requirement to submit that information at the end of each month
    - Allowing those fishing with a free Asian Carp Only commercial license to fish in both commercially restricted and open waters

- Removal of the ½ mile on-the-water participant separation and 3-day maximum occupancy of a requested fishing location restrictions
- Adding the ability for the department to restrict fishing in locations where there would be excessive user conflicts
- Allow commercial fishers in the Asian Carp Harvest Program to use unlicensed helpers by incorporating similar language as in [301 KAR 1:155](#).

Discussion followed by the Commission. Kenny Knott made a motion to accept the action item as written; seconded by Rob Lear. **Motion Passed.** (Video 1 – 3:41:17)

- Fish Kills – Material Incorporated by Reference (Video 1 – 3:41:27)
  - Fisheries Division recommends updating the “Material Incorporated by Reference” portion of the regulation, which is used to assess fish kill replacement values, to reflect the newest edition of the publication.

**Brian Fisher made a motion to accept this action item as written;** seconded by Josh Lillard. **Motion Passed.** (Video 1 – 3:42:08)

## Discussion Items

- Deer Depredation Permits (Video 1 – 4:11:34) – Informational Item  
Chris Garland presented to the Commission.
  - The Wildlife Division proposes to work more closely our Information & Education Division, our Marketing Division, and KHFH (Kentucky Hunters for the Hungry), to promote hunter donations of harvested deer and public donations of cash through KHFH or other avenues.
    - KHFH can be used alongside any of the above methods; however, damage issues are and should always be kept separate from normal hunting-related harvests.
    - We recommend developing an informational flyer to include with the deer depredation permit or deer control tag packets sent to landowners to encourage donation of deer to KHFH.

Discussion followed by the Commission.

- Proposal: Bear Zones Modification (Video 1 – 4:21:50)  
John Hast presented to the Commission.  
Hunters have requested that Leslie, Perry, and Pike counties be removed from East Zone 2 and make each county its own bear zone (map below) for the archery, modern gun and bear hunt with dogs’ seasons. The female bear harvest quota would be 2 female bears in each county for each of the 3 hunting seasons. A pending proposal for changes to the bear hunting structure that would be effective

for the 2022 season, which is being introduced in new business at this meeting, would render the above amendments unnecessary.

**Paul Horn made a motion to include this discussion item as an action item in a Special Called Commission Meeting;** seconded by Doug Morgan. **Motion Passed.** Video 1 – 4:27:04)

- Walleye Snagging in Green River Lake Tailwater Stilling Basin (“The Box”) (Video 1- 4:28:00)

Dave Dreves, Captain McQueary and Colonel Gibson presented to the Commission.

The Fisheries Division has been in discussions with 4<sup>th</sup> District Commission member Kenny Knott and Capt. McQueary, Col. Gibson, and other conservation officers about this issue to learn the extent of the problem. If it is determined that a bait restriction modification is the best approach to address the issue, then it will be recommended for consideration and further discussion as part of other new business items within the June 2021 meeting.

Discussion followed by Commission. Jeff Ross suggested if this becomes an action item by the April 15<sup>th</sup> deadline to file; it could be added to the current 201 Reg [[301 KAR 1:201](#)] that is being reviewed and potentially be filed by April and be in 2022 Fishing and Boating Guide.

**Kenny Knott made a motion to table this item until the Special Commission Meeting (tentatively planned for prior to April 15<sup>th</sup>, 2021) where it will be listed as an action item;** seconded by Brian Fisher. **Motion Passed.** (Video 1 – 5:03:04)

### New Business

- Informational Item: CWD Update on testing results / Update on partners’ results (Video 1 – 5:04:10)  
Dr. Casey gave the Commission an update on the CWD testing results and shared plans for the current year.
- Informational Item: Wildlife - Overview on 2020-21 deer, elk, and bear seasons (Video 1 – 5:21:52)  
John Hast presented to the Commission.
- Bear Hunting – Enhancement of opportunities (Video 1- 5:52:10)  
Chris Garland and John Hast presented to the Commission.
  - As black bears in Kentucky have increased in number and expanded in range, bear season harvest objectives have changed over time. With our current harvest regime, we have 2 ways to adjust the harvest at a county level: (1) increase the female harvest quota or (2) reconfigure specific bear zones. Even with frequent zone and quota adjustments, the last 5 years have yielded valuable

data comparing the season length (measured by the number of days the season has remained open) and the number of bears harvested. With these metrics, the Wildlife Division recommends removing the harvest quota system and adopting a system that uses hunt days to regulate the bear harvest.

- The following amendments are recommended by the Wildlife Division:
  1. Remove the harvest quota requirements for all bear zones.
  2. Establish 2 bear zones (refer to map in Agenda NB-2).
  3. Bear harvest will be regulated by the number of days the season remains open (refer to chart in Agenda NB-2).
  4. Amend minimum weight requirement for harvested bears to 50 lbs.
  5. Amend minimum modern gun caliber to .264 cal. / 6.5 mm (currently .270).
  6. Open McCreary Zone to chase and bear hunting with dogs (Daniel Boone National Forest still closed).
  7. Amend bear check-in requirements: Successful hunters must contact a biologist prior to leaving the bear zone.
  8. Adjust the bear hunt with dogs' season dates as displayed below to avoid overlap with fall turkey season and archery/crossbow (Arch/Xbow) season for bears.

Paul Horn made a motion to move this item as a discussion item in the next scheduled Commission meeting; seconded by Ralph Swallows. **Motion Passed.** (Video 1 – 6:03:37)

- Informational Item: Fisheries - Overview for 2020-21 activities and regulation amendments to be proposed for June 2021 quarterly meeting (Video 1 – 6:04:13)  
Dave Dreves presented to the Commission and highlighted accomplishments for 2020.

### **Public Comments**

The following comments were received by email within the designated timeframe and were read by Chief Communications Officer Kevin Kelly (Video 1 6:20:43)

Daniel Riley –

“The online draw system for Boatwright WMA this past season was a failure. It resulted in more than half the spots drawn for not being hunted daily by giving most spots to Kentucky residents hours and hours away. These residents decided it wasn't worth the drive. If the online draw continues, this trend will also continue essentially making Boatwright and Ballard a 16,000-acre refuge that only hunts a combined 35ish spot a day. This also hurts the local hunt clubs as birds won't be moving as much if there's no one hunting the spots. I believe the only change that should be made to Boatwright is to make

it open hunting all season long, the way it is for the first part of the season. First come first serve. There is rarely, if ever, any problems with that method.”

**Executive Session** (per KRS 61.810)

- Discussion – Land Acquisition Project

**Adjourn**

**Brian Fisher made a motion to adjourn;** seconded by Josh Lillard. **Motion Passed.**  
(Video 1- 7:57:10)

Next Suggested Commission Meeting:  
Special Called Commission Meeting – before April 15, 2021

Next Scheduled Quarterly Commission Meeting Date: June 4, 2021

Kentucky Fish and Wildlife Commission Meeting

**REQUEST FOR COMMISSION ACTION**

DATE: June 4, 2021

**Regulation Number:** N/A

**Regular or Emergency:** N/A

**Action Item:** Approval of April 1, 2021 Special Called Commission Meeting Minutes

Kentucky Department of Fish & Wildlife Resources



**Commission Meeting Minutes**

Live Teleconference - Web link posted at [fw.ky.gov](http://fw.ky.gov)

April 1, 2021

#1 Sportsman's Lane

Frankfort, KY

3:00 PM (ET)

**Commission Members in Attendance via Zoom.com** – Dr. Karl Clinard, Brian Fisher, Paul Horn, Kenny Knott, Josh Lillard, Doug Morgan, Ralph Swallows, Dr. Robin Floyd

**Call to Order and Welcome** (Video 1 – 5:11)

**Invocation and Pledge of Allegiance** (Video 1 – 6:00) – Deputy Commissioner Clark and Chairman Clinard

**Chairman Remarks** (Video 1 – 8:00) – Chairman Clinard thanked Rob Lear and David Jones for their service to the Commission and welcomed Dr. Robin Floyd, the new 1<sup>st</sup> District Commission member.

**Deputy Commissioner Remarks** (Video 1 – 9:48) – Deputy Commissioner Clark encouraged everyone to get out and enjoy the outdoors and to take someone new fishing or hunting. He also recognized Sgt. Kyle Webb as the Mississippi Flyway Council Officer of the Year award recipient.

## Action Items

- Proposal: Bear Zones Modification (Video 1 – 13:55)
  - Chris Garland presented to the Commission.
  - Amend [301 KAR 2:300](#). Black bear seasons and requirements.
    - Hunters have requested that Leslie, Perry, and Pike counties be removed from East Zone 2 and each receive a 2-female bear quota per season.
  - **Paul Horn made a motion to accept the motion as written**; seconded by Doug Morgan. **Motion Passed.** (Video 1 – 15:23)
  
- Proposal: Restrict anglers to use of single hooks only in Green River Lake stilling basin (Video 1 – 16:27)
  - Dave Dreves presented to the Commission. Discussion followed.
  - Amend [301 KAR 1:201](#)
    - Some anglers have been illicitly snagging walleye and muskellunge using modified treble hooks attached to fishing lures while fishing in the concrete stilling basin immediately downstream of the dam on Green River Lake. KDFWR's Fisheries and Law Enforcement divisions propose to specify that only single hooks may be used by anglers fishing in the stilling basin.
  - **Kenny Knott made a motion to accept the proposal as written**; seconded by Brian Fisher. **Motion Passed.** (Video 1 – 22:03)
  
- Proposal: Establish Sunny Brook WMA in Rowan County (Video 1 – 22:54)
  - Chris Garland presented to the Commission. Discussion followed.
    - Recent acquisition of a 142-acre tract of land for a Stream and Wetland Mitigation Program (FILO) project could provide hunting opportunities and additional public access to the adjacent Daniel Boone National Forest. If approved by the Commission, staff will mark boundaries, prepare signage, parking lot, and online map, then open the WMA for hunting under statewide regulations applicable to Rowan County. The tract would need to be temporarily closed at times for stream restoration construction activities in the future, which would be accomplished by locking the gate and through signage.
  - **Doug Morgan made a motion to accept as written**; seconded by Paul Horn. **Motion Passed.** (Video 1- 25:45)

## **Public Comments**

No public comments were received.

**Doug Morgan made a motion to enter closed session**; seconded by Josh Lillard.  
**Motion Passed.** (Video 1 – 28:28)

**Executive Session** (per [KRS 61.810](#))

- Personnel Matter
  - Litigation Update by the Commission's Attorneys

**Action Items**

- Personnel Matter (Video 1 – 1:35:22)

Chairman Clinard made a personal statement regarding the Commission.

Kenny Knott made a motion to appoint Rich Storm as the Commissioner of the Kentucky Department of Fish and Wildlife Resources and authorize Chairman Clinard to negotiate contract terms necessary to effect this appointment subject to the Commission's approval; seconded by Doug Morgan. **Motion Passed.** Dr. Floyd recused himself from the vote. (Video 1 – 1:41:38)

**Adjourn** – Kenny Knott made a motion to adjourn; seconded by Ralph Swallows. **Motion Passed.** (Video 1- 45:20)

Kentucky Fish and Wildlife Commission Meeting  
**REQUEST FOR COMMISSION ACTION**  
DATE: June 4, 2021

**Regulation Number:** N/A

**Regular or Emergency:** N/A

**Action Item:** Approval of April 14, 2021 Special Called Commission Meeting Minutes

Kentucky Department of Fish & Wildlife Resources



**Commission Meeting Minutes**

Live Teleconference - Web link posted at [fw.ky.gov](http://fw.ky.gov)

April 14, 2021

#1 Sportsman's Lane

Frankfort, KY

3:00 PM (ET)

**Commission Members in Attendance via Zoom.com** – Dr. Karl Clinard, Brian Fisher, Paul Horn, Kenny Knott, Josh Lillard, Doug Morgan, Ralph Swallows

**Call to Order and Welcome** (Video 1 – 5:09)

Kenny Knott made a motion to enter Executive Session; seconded by Doug Morgan.

**Motion Passed.** (Video 1 – 7:27)

**Executive Session** (per [KRS 61.810](http://krs.ky.gov))

- Personnel Matter

**Action Item** (Video 1 - 46:55)

- Personnel Matter

Kenny Knott made a motion to accept the contract written for the re-hiring of Commissioner Rich Storm with the change that Rich Storm will receive a 5% raise after one year as opposed to two; seconded by Doug Morgan. **Motion Passed 6 to 1.** (Video 1 – 49:32)

## **Adjourn**

Ralph Swallows made a motion to adjourn; seconded by Kenny Knott. **Motion Passed.**  
(Video 1 – 51:29)

Next Scheduled Quarterly Commission Meeting: June 4, 2021

Kentucky Fish and Wildlife Commission Meeting  
**REQUEST FOR COMMISSION ACTION**  
DATE: June 4, 2021

**Regulation Number:** N/A

**Regular or Emergency:** N/A

**Action Item:** Approval of May 5, 2021 Special Called Commission Meeting Minutes

Kentucky Department of Fish & Wildlife Resources



**Commission Meeting Minutes**

Live Teleconference - Web link posted at [fw.ky.gov](http://fw.ky.gov)

May 5, 2021

#1 Sportsman's Lane

Frankfort, KY

9:00 AM (ET)

**Commission Members in Attendance via Zoom.com** – Dr. Karl Clinard, Brian Fisher, Paul Horn, Kenny Knott, Josh Lillard, Doug Morgan, Ralph Swallows, Dr. Robin Floyd.

**Opening**

- Call to Order and Welcome (Video – 3:45)
  - Chairman Clinard called the meeting to order and welcomed those in attendance or observing.

**Action Item**

- Authorize the Securing of Legal Counsel for Commission Response to Open Meetings Act Complaints (Video – 4:42)
  - Dr. Clinard explained that the purpose of the meeting was to obtain the permission to secure legal counsel to respond to complaints from an individual alleging violations to Open Meetings Act requirements with closed sessions held in 2020 and 2021 Commission meetings
  - Sarah Cronan, General Counsel of the Tourism, Arts and Heritage Cabinet elaborated on the conflict of interest being ongoing litigation between the

Commission that the attorneys of the Cabinet and its agencies would not be able to assist with responding to this particular complaint.

- Doug Morgan summarized his understanding of the circumstances dictating that have necessitated the hiring of an outside attorney and his personal distress over the situation, then moved as follows:

**MOTION: (Video – 15:25) The Commission authorizes its chairman to retain services of legal counsel to file a response on behalf of the department at such reasonable fees as are customary and usual, not to exceed \$250 per hour.** Seconded by Kenny Knott. The **Motion passed 7-1.**

- General Counsel Cronan provided clarification regarding the roles of attorneys involved in advising the Commission for the meetings in question.
- Brian Fisher commented that he would add that the rate be subject to state law, and Chairman Clinard indicated that was understood.

### **Adjourn**

- Paul Horn moved to adjourn (Video – 30:27), seconded by Josh Lillard. Meeting adjourned.

Next Scheduled Quarterly Commission Meeting: June 4, 2021

Kentucky Fish and Wildlife Commission Meeting

**ACTION ITEM**

DATE: June 4, 2021

**Regulation Number:** N/A

**Regular or Emergency:** N/A

**Proposed Effective Timeframe:** N/A

**Action Item:** Quarterly Financial Statement

Department of Fish & Wildlife Resources  
Income Statement - FY21 /3rd Quarter

REVENUE	75.00%				FY21 BUDGET	Percent Earned / Expended
	FY21 Year To Date					
	January	February	March	TOTALS		
<b>Restricted Fish and Game Fund</b>						
Hunting and Fishing Licenses	\$ 320,734.00	\$ 427,883.00	\$ 1,694,220.50	\$ 19,973,497.01	\$ 35,500,000.00	56.26%
Boat Registration Fees	\$ 13,388.30	\$ 11,913.50	\$ 1,167,584.74	\$ 2,747,574.59	\$ 6,000,000.00	45.79%
Interest Income	\$ 1,588.57	\$ (32,357.87)	\$ (1,931.88)	\$ 12,898.15	\$ 600,000.00	2.15%
Camp Income	\$ -	\$ -	\$ -	\$ -	\$ 685,000.00	0.00%
General Sales	\$ 19,596.04	\$ 11,895.94	\$ 15,107.82	\$ 176,146.97	\$ 240,000.00	73.39%
Otter Creek Outdoor Recreation Area	\$ 1,480.00	\$ 3,997.04	\$ 4,987.04	\$ 110,441.45	\$ 350,000.00	31.55%
Proceeds from Asset Disposition	\$ -	\$ -	\$ -	\$ 78,000.00	\$ 270,000.00	28.89%
Fish and Game Fines & Forfeitures/ Restitution	\$ 8,672.06	\$ 14,923.27	\$ 10,939.61	\$ 91,708.52	\$ 130,000.00	70.55%
Nongame (includes Ky Wild and Income Tax Check-off)	\$ 2,577.50	\$ 2,075.00	\$ 13,248.50	\$ 69,538.00	\$ 40,000.00	173.85%
Miscellaneous Receipts	\$ 311,763.08	\$ 7,709.44	\$ 9,457.75	\$ 788,595.68	\$ 1,881,700.00	41.91%
<b>Sub-Total Restricted Fish and Game Fund</b>	\$ 679,799.55	\$ 448,039.32	\$ 2,913,614.08	\$ 24,048,400.37	\$ 45,696,700.00	52.63%
<b>Sub-Total FILO Stream Mitigation Fund (matches FILO Fund Used for Operating Costs Only)</b>	\$ 113,027.00	\$ 113,707.68	\$ 165,578.99	\$ 1,091,621.83	\$ 3,442,700.00	68.93%
<b>Sub-Total Federal Fish and Wildlife Fund</b>	\$ 698,843.89	\$ 3,815,141.58	\$ 752,657.69	\$ 13,360,307.43	\$ 19,381,900.00	
<b>TOTAL REVENUE</b>	\$ 1,491,670.44	\$ 4,376,888.58	\$ 3,831,850.76	\$ 38,500,329.63	\$ 68,521,300.00	56.19%
<b>EXPENDITURES</b>						
Commissioner's Office	\$ 145,093.92	\$ 136,084.42	\$ 142,518.47	\$ 1,409,707.62	\$ 2,534,500.00	55.62%
Commission	\$ -	\$ 4,833.24	\$ 387.05	\$ 16,701.16	\$ 33,000.00	50.61%
Marketing Division	\$ 79,009.27	\$ 110,168.45	\$ 129,640.44	\$ 721,146.03	\$ 1,350,000.00	53.42%
Administrative Services Division	\$ 187,984.56	\$ 316,581.42	\$ 163,067.02	\$ 2,792,027.97	\$ 3,887,600.00	71.82%
Engineering Infrastructure and Technology Division	\$ 217,988.25	\$ 209,328.39	\$ 216,121.44	\$ 1,954,489.32	\$ 3,238,000.00	60.36%
Wildlife Division	\$ 1,208,198.65	\$ 1,307,586.85	\$ 1,353,799.68	\$ 11,561,486.07	\$ 18,700,000.00	62.36%
Fisheries Division	\$ 833,454.52	\$ 868,570.26	\$ 977,596.92	\$ 8,432,795.02	\$ 15,800,000.00	53.37%
Information & Education	\$ 533,869.12	\$ 511,603.40	\$ 483,317.20	\$ 4,823,534.50	\$ 7,531,100.00	64.05%
Law Enforcement	\$ 1,086,545.97	\$ 1,362,013.08	\$ 1,000,701.03	\$ 9,861,887.87	\$ 15,447,100.00	63.84%
<b>OPERATING EXPENDITURES</b>	\$ 4,292,144.26	\$ 4,826,769.51	\$ 4,467,149.25	\$ 41,673,775.56	\$ 68,521,300.00	60.82%
<b>NET Gain/Loss Operating</b>	\$ (2,800,473.82)	\$ (449,880.93)	\$ (635,298.49)	\$ (3,173,445.93)	\$ -	

DEPARTMENT OF FISH AND WILDLIFE RESOURCES  
 Operating Budget Review  
 For the Month of March 2021 (FY21)

	REVENUE			Fiscal Year To Third Quarter		
	FY21	March FY20	FY19	FY21	FY20	FY19
<b>Restricted Funds</b>						
Hunting and Fishing Licenses	\$ 1,694,220.50	\$ 2,930,775.50	\$ 2,433,114.00	\$ 19,973,497.01	\$ 19,674,383.00	\$ 17,268,436.00
Boat Registration Fees <sup>1</sup>	\$ 1,167,584.74	\$ 399,192.08	\$ 932,599.53	\$ 2,747,574.59	\$ 1,039,509.10	\$ 1,633,444.29
Interest Income <sup>2</sup>	\$ (1,931.88)	\$ 176,914.40	\$ 102,532.28	\$ 12,898.15	\$ 788,436.28	\$ 608,283.17
Camp Income <sup>3</sup>	\$ -	\$ 142,999.00	\$ 213,169.45	\$ -	\$ 383,529.77	\$ 420,771.86
General Sales <sup>4</sup>	\$ 15,107.82	\$ 37,641.70	\$ 34,050.44	\$ 176,146.97	\$ 226,141.53	\$ 215,797.77
Otter Creek Outdoor Recreation Area	\$ 4,987.04	\$ 15,122.44	\$ 18,879.18	\$ 110,441.45	\$ 81,085.54	\$ 139,632.61
Proceeds from Asset Disposition <sup>4</sup>	\$ -	\$ 2,155.95	\$ -	\$ 78,000.00	\$ 283,759.95	\$ 84,178.45
Fish and Game Fines & Forfeitures/ Resitution	\$ 10,939.61	\$ 8,200.14	\$ 23,848.41	\$ 91,708.52	\$ 93,069.96	\$ 116,064.47
Nongame (includes Ky Wild and Income Tax Check-off)	\$ 13,248.50	\$ 9,050.00	\$ 7,387.50	\$ 69,538.00	\$ 53,167.76	\$ 26,669.00
Miscellaneous Receipts	\$ 9,457.75	\$ 104,555.61	\$ 35,133.26	\$ 788,595.68	\$ 761,366.38	\$ 1,255,719.10
<b>Sub-Total Restricted Fish and Game Fund</b>	\$ 2,913,614.08	\$ 3,826,606.82	\$ 3,800,714.05	\$ 24,048,400.37	\$ 23,384,449.27	\$ 21,768,996.72
Sub-Total FILO (=Operating Costs of FILO Fund)	\$ 165,578.99	\$ 104,480.40	\$ -	\$ 1,091,621.83	\$ 1,006,398.72	\$ -
Sub-Total Federal Fish and Wildlife Fund	\$ 752,657.69	\$ 655,372.30	\$ 2,421,687.69	\$ 13,360,307.43	\$ 14,910,065.87	\$ 16,916,491.66
<b>TOTAL REVENUE</b>	\$ 3,831,850.76	\$ 4,586,459.52	\$ 6,222,401.74	\$ 38,500,329.63	\$ 39,300,913.86	\$ 38,685,488.38
<b>EXPENDITURES</b>						
Commissioner's Office	\$ 142,518.47	\$ 154,058.96	\$ 133,194.22	\$ 1,409,707.62	\$ 1,549,286.39	\$ 1,363,595.16
Commission	\$ 387.05	\$ 852.81	\$ 6,185.57	\$ 16,701.16	\$ 18,579.87	\$ 21,760.97
Marketing Division	\$ 129,640.44	\$ 80,784.71	\$ 83,384.95	\$ 721,146.03	\$ 686,399.10	\$ 833,794.52
Administrative Services Division	\$ 163,067.02	\$ 141,489.90	\$ 249,514.60	\$ 2,792,027.97	\$ 2,746,610.55	\$ 2,896,018.22
Engineering Infrastructure and Technology Division	\$ 216,121.44	\$ 204,414.25	\$ 293,809.63	\$ 1,954,489.32	\$ 1,858,858.24	\$ 2,008,735.01
Wildlife Division	\$ 1,353,799.68	\$ 1,640,489.03	\$ 1,150,748.11	\$ 11,661,486.07	\$ 12,031,670.32	\$ 12,134,841.63
Fisheries Division <sup>5</sup>	\$ 977,596.92	\$ 1,005,277.97	\$ 808,939.43	\$ 8,432,795.02	\$ 8,816,757.37	\$ 7,566,697.17
Information & Education	\$ 483,317.20	\$ 568,459.79	\$ 520,888.66	\$ 4,823,534.50	\$ 5,824,024.69	\$ 5,868,703.76
Law Enforcement	\$ 1,000,701.03	\$ 1,007,700.43	\$ 1,016,304.07	\$ 9,861,887.87	\$ 9,975,323.19	\$ 9,501,915.11
<b>OPERATING EXPENDITURES</b>	\$ 4,467,149.25	\$ 4,803,527.85	\$ 4,262,969.24	\$ 41,673,775.56	\$ 43,507,509.72	\$ 42,196,061.55
<b>NET Gain / Loss Operating</b>	\$ (635,298.49)	\$ (321,548.73)	\$ 1,959,432.50	\$ (3,173,445.93)	\$ (4,206,595.86)	\$ (3,510,573.17)

<sup>1</sup> Due to deadline extension for COVID, receipts were down in FY20 - up in FY21  
<sup>2</sup> Statewide Investment Reports can be found at <https://finance.ky.gov/services/ofim/Pages/MonthlyInvestmentReports.aspx>.  
<sup>3</sup> Camps will be re-opening from COVID closures at 60% capacity for the summer 2021 Season.  
<sup>4</sup> Effected by COVID closures.  
<sup>5</sup> Asian Carp bench marks have not been made, less payments to vendors.

## Cash Fund Balances - March 2021 (FY21)

	Beginning Balance (3/1/2021)	Revenue	Expenditures	Transfers	Ending Balance (3/31/21)
<b>Agency Revenue Funds</b>					
Restricted Fish & Game Fund (134R)	\$ 23,369,566.10	\$ 2,913,615.38	\$ (3,085,456.09)	\$ (242,455.00)	\$ 22,955,269.39
Nongame Fish and Wildlife Fund (13NY)	\$ 26,860.57	\$ (1.30)			\$ 26,849.27
Ky Heritage Land Conservation Mgmt Fund (13KR)	\$ 250,334.79				\$ 250,334.79
Fees in Lieu of ("FILO") Stream Mitigation Fund (134S)	\$ 151,946,249.13	\$ 3,195,304.27	\$ (165,578.99)	\$ (250,000.00)	\$ 154,725,974.41
<b>Capital Fund</b>					
Various Capital Funded Projects (FILO, Agency Maintenance, etc.)	\$ 38,154,670.73		\$ (772,840.57)	\$492,455.00	\$ 37,874,285.16
<b>Federal Fund</b>					
F&W Federal Fund	\$ 9,147,221.63	\$ 752,657.69	\$ (1,205,899.84)		\$ 8,693,979.48
<b>Special Deposit Trust Fund</b>					
FW-Commissioner's Office Fund	\$ 8,916.24				\$ 8,916.24
	\$ 222,903,808.19	\$ 6,861,576.04	\$ (5,229,775.49)	\$ -	\$ 224,535,608.74

**Attachment A-6**

Kentucky Fish and Wildlife Commission Meeting

**ACTION ITEM**

DATE: June 4, 2021

**Regulation Number:** N/A

**Regular or Emergency:** N/A

**Proposed Effective Timeframe:** N/A

**Action Item:** Approve Fiscal Year 2022 Management Operating Budget

**Kentucky Department of Fish & Wildlife Resources  
Operating Budget - Fiscal Year 2022**

<u>REVENUE</u>	
Hunting and Fishing Licenses	\$ 35,500,000
Boat Registration Fees	\$ 6,000,000
Interest Income	\$ 600,000
Camp Fees	\$ 685,000
Otter Creek Outdoor Recreation Area	\$ 350,000
Proceeds from Asset Disposition	\$ 270,000
General Sales	\$ 240,000
Fish and Game Fines & Forfeitures	\$ 130,000
Nongame (includes Ky Wild and Income Tax Check-off)	\$ 40,000
Miscellaneous Receipts	\$ 1,881,700
<b>Sub-Total Restricted Fish and Game Fund</b>	<b>\$ 45,696,700</b>
<b>Sub-Total FILO Receipts required for FILO Operating Expenditures</b>	<b>\$ 2,942,700</b>
<b>Sub-Total Federal Fish and Wildlife Fund</b>	<b>\$ 19,412,000</b>
<b>TOTAL REVENUE</b>	<b>\$ 68,051,400</b>
 <u>EXPENDITURES</u>	
Administration & Support	\$ 6,238,800
Marketing Division	\$ 1,350,000
Engineering Infrastructure and Technology Division	\$ 3,230,300
Wildlife Division	\$ 18,700,000
Fisheries Division	\$ 14,900,000
Information & Education	\$ 8,368,500
Law Enforcement	\$ 15,200,000
<b>OPERATING EXPENDITURES</b>	<b>\$ 67,987,600</b>
<b>NET Gain/Loss Operating</b>	<b>\$ 63,800</b>

Kentucky Fish and Wildlife Commission Meeting

**ACTION ITEM**

DATE: June 4, 2021

**Regulation Number:** N/A

**Regular or Emergency:** N/A

**Proposed Effective Timeframe:** N/A

**Action Item:** Approve Capital Expenditure to Replace Dining Hall on Camp Earl Wallace

The Department seeks Commission approval for replacement of the Camp Wallace Dining Hall in order to pursue additional grant funds and complete the required preparations for the capital project to begin in the next 2 years. The dining hall has surpassed its useful life (71 years). The facility needs to be demolished and a new one built in its place to comply with current building code standards. A 4,000-square foot hall will support the additional camp seating capacity, bathroom facilities, kitchen facilities, and food storage needs. The estimated total cost is \$3.5 million, of which we anticipate 69% will be federal funds, with the remaining \$1,085,000 provided by donations and Fish & Game Fund dollars.

Kentucky Fish and Wildlife Commission Meeting

**ACTION ITEM**

DATE: June 4, 2021

**Regulation Number:** [301 KAR 2:222](#)

**Regular or Emergency:** Regular

**Proposed Effective Timeframe:** Fall 2021

**Action Item:** Waterfowl Hunting Requirements

**Introduction:** Wildlife Division recommends amending waterfowl hunting provisions for Sloughs WMAs to enhance opportunities as outlined in proposed provisions below.

The Kentucky Department of Fish and Wildlife Resources made several changes to how waterfowl hunts were managed at Ballard and Sloughs WMA's beginning with the 2018-2019 season. These changes were part of a series of recommendations from the Wetland Review to improve hunt quality and hunter satisfaction. Based on positive experience from those first two seasons, the Wildlife Division would like to make this change to Sloughs WMA to enhance hunter opportunity on the area.

**Proposed amendments:** The Wildlife Division proposes these changes related to Sloughs WMA waterfowl hunting:

Sloughs WMA Grassy Pond, Powell's Lake and Highland Creek Units

- Wildlife Division recommends removing the 14 seasonally drawn blinds from these units and allow the units to be hunted as walk-in areas.

## Attachment A-9

Kentucky Fish and Wildlife Commission Meeting

### ACTION ITEM

DATE: June 4, 2021

**Regulation Number:** [301 KAR 4:020](#) & [KAR 2:222](#) **Regular or Emergency:** Regular

**Proposed Effective Timeframe:** Fall 2022

**Action Item:** Repeal 301 KAR 4:020 and move relevant portions into 301 KAR 2:222.

**Introduction:** This regulation contains specific entry rules for Ballard WMA and allows for closure of the area during flood events. The entry rules in this regulation are similar to those described on other waterfowl WMAs in 301 KAR 2:222. There is no reason for this stand-alone regulation; the relevant portions can be moved into 2:222 if this regulation is repealed.

The Wildlife Division recommends repealing 301 KAR 4:020 and incorporating the provisions listed below into 301 KAR 2:222. (The full 4:020 regulation is printed below, with highlighted portions from Sections 1 and 3 proposed for incorporation into 2:222.)

- A person shall not enter upon the premises of the Ballard Wildlife Management Area for any reason during the period October 15 through March 15, except:
  - Department authorized personnel
  - Persons participating in department managed activities.
- Trespass by Boat. During periods of high water or flood, unauthorized person shall not enter upon the premises of the Ballard Wildlife Management Area by boat for any purpose. High water or flood conditions do not affect or change the management area boundary which is marked by yellow signs.

Current language of 301 KAR 4:020 (highlights of portion to incorporate into 2:222):

**301 KAR 4:020. Ballard Wildlife Management Area restrictions.**

RELATES TO: KRS 150.010, 150.025, 150.300, 150.600

STATUTORY AUTHORITY: KRS 13A.350, 150.025

NECESSITY, FUNCTION, AND CONFORMITY: This administrative regulation pertains to entering upon the premises and disturbing or poaching waterfowl and other wildlife on Ballard Wildlife Management Area, located in Ballard County. This administrative regulation is necessary to prevent disturbance of migratory waterfowl. The function of this administrative regulation is to ensure that migratory waterfowl and other wildlife are not disturbed or molested during specified periods or in places that are closed. The purpose of this amendment is to update terminology and clarify the administrative regulation.

Section 1. Trespass by Unauthorized Persons. A person shall not enter upon the premises of the Ballard Wildlife Management Area for any reason during the period October 15 through March 15, except the following authorized personnel:

- (1) Department employees acting under the direction of the commissioner of the department;
- (2) The director of the Wildlife Division;
- (3) The Wildlife Management Area Manager;
- (4) U.S. Fish and Wildlife Service special agents; and
- (5) Persons participating in department managed activities.

Section 2. Carrying of Firearms or Accompanied by a Dog. Only authorized personnel or U.S. Fish and Wildlife Service special agents engaged in assigned duties, shall enter upon the premises of the Ballard Wildlife Management Area during the period October 15 through March 15, shall be permitted to be accompanied by a dog and possess firearms necessary to conduct permitted activities.

Section 3. Trespass by Boat. During periods of high water or flood, unauthorized person shall not enter upon the premises of the Ballard Wildlife Management Area by boat for any purpose. High water or flood conditions do not affect or change the management area boundary which is marked by yellow signs. (KFWR-G-76; 1 Ky.R. 65; eff. 11-13-74; Am. 19 Ky.R. 982; 1344; eff. 11-23-92.

## Attachment A-10

Kentucky Fish and Wildlife Commission Meeting

### **ACTION ITEM**

DATE: June 4, 2021

**Regulation Number:** N/A

**Regular or Emergency:** N/A

**Proposed Effective Timeframe:** FY2022-23

**Action Item:** Proposed Research – Spiny Scale Crayfish Project

**Introduction:** The spiny scale crayfish is scheduled for review by USFWS to determine its candidacy for listing under the endangered species act. However, the taxonomic status and distribution of the species is unclear.

The project would span 2 years (2021-2023) with an estimated total agency cost of \$10,000.

**Project Outcomes:** This project will be focused on collection of morphometric and genetic data to clarify the taxonomic status of the spiny scale crayfish and to delineate its range in Kentucky. Ultimately, the results of this study will be used to inform future listing decisions for this species at the federal level. Further, it is anticipated that this project will result in the discovery of new species of crayfish currently unknown to science.

## Attachment D-1

Kentucky Fish and Wildlife Commission Meeting

### DISCUSSION ITEM

DATE: June 4, 2021

**Regulation Number:** [301 KAR 2:300](#)

**Regular or Emergency:** Regular

**Projected Effective Timeframe:** Fall 2022 Bear Hunting Season

**New Business Item:** The Wildlife Division recommends consolidating the number of bear zones to 2, and using hunt days to regulate the bear harvest instead of a harvest quota system.

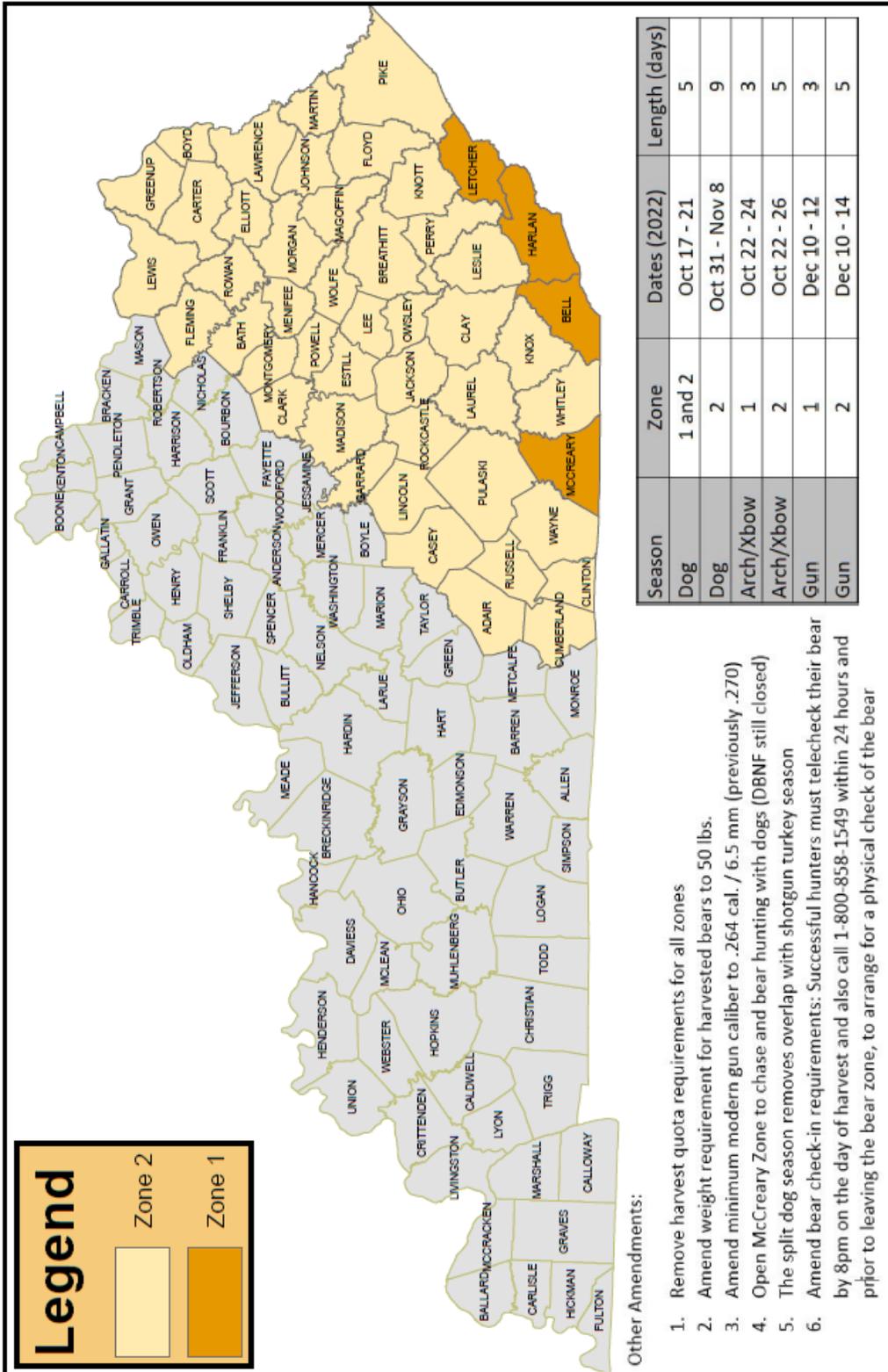
**Introduction:** As black bears in Kentucky have increased in number and expanded in range, bear season harvest objectives have changed over time. With our current harvest regime, we have 2 ways to adjust the harvest at a county level: (1) increase the female harvest quota or (2) reconfigure specific bear zones. Even with frequent zone and quota adjustments, the last 5 years have yielded valuable data comparing the season length (measured by the number of days the season has remained open) and the number of bears harvested.

The following amendments are recommended by the Wildlife Division:

1. Remove the harvest quota requirements for all bear zones.
2. Establish 2 bear zones (refer to attached Proposed Bear Hunting Zones 2022 map).
3. Bear harvest will be regulated by the number of days the season remains open (refer to chart below).
4. Amend minimum weight requirement for harvested bears to 50 lbs.
5. Amend minimum modern gun caliber to .264 cal. / 6.5 mm (currently .270).
6. Open McCreary Zone to chase and bear hunting with dogs (Daniel Boone National Forest still closed).
7. Amend bear check-in requirements: Successful hunters must contact a biologist prior to leaving the bear zone.
8. Adjust the bear hunt with dogs season dates as displayed below to avoid overlap with fall turkey season and archery/crossbow (Arch/Xbow) season for bears.

Season	Zone	Dates (2022)	Length (days)
Dog	1 and 2	Oct 17 - 21	5
Dog	2	Oct 31 - Nov 8	9
Arch/Xbow	1	Oct 22 - 24	3
Arch/Xbow	2	Oct 22 - 26	5
Gun	1	Dec 10 - 12	3
Gun	2	Dec 10 - 14	5

# Proposed Bear Hunting Zones 2022



**Legend**

Zone 2

Zone 1

Season	Zone	Dates (2022)	Length (days)
Dog	1 and 2	Oct 17 - 21	5
Dog	2	Oct 31 - Nov 8	9
Arch/Xbow	1	Oct 22 - 24	3
Arch/Xbow	2	Oct 22 - 26	5
Gun	1	Dec 10 - 12	3
Gun	2	Dec 10 - 14	5

**Other Amendments:**

1. Remove harvest quota requirements for all zones
2. Amend weight requirement for harvested bears to 50 lbs.
3. Amend minimum modern gun caliber to .264 cal. / 6.5 mm (previously .270)
4. Open McCreary Zone to chase and bear hunting with dogs (DBNF still closed)
5. The split dog season removes overlap with shotgun turkey season
6. Amend bear check-in requirements: Successful hunters must telecheck their bear by 8pm on the day of harvest and also call 1-800-858-1549 within 24 hours and prior to leaving the bear zone, to arrange for a physical check of the bear



Kentucky Fish and Wildlife Commission Meeting  
**NEW BUSINESS ITEM**  
DATE: June 4, 2021

**Regulation Number:** [301 KAR 1:201](#)

**Regular or Emergency:** Regular

**New Business Item:** The Fisheries Division proposes to simplify, update, and add/remove special fishing regulations for black bass, trout, catfish and muskellunge

**Projected Effective Timeframe:** Spring 2023

**Introduction:**

Fisheries goal is to simplify regulations where possible, and update others as needed to enhance the fisheries, for the following species and waterbodies as indicated below. For proposed black bass regulation changes, a table follows the text with categories of size, slot and harvest (creel) limits.

***Black Bass:***

Remove special regulations for largemouth bass and/or smallmouth bass at the following waters and change to statewide regulations for both size and daily creel limits – 12 in min length limit and 6-fish daily creel limit:

- Kentucky River WMA
- Paintsville Lake
- Marion County Lake
- Fagan Branch Lake
- Shanty Hollow Lake
- 

Apply a 12-15 inch protective slot limit on largemouth bass only at the following waters (and standardize to 6-fish daily creel limit):

- Beaver Lake
- Boltz Lake
- Corinth Lake
- McNeely Lake
- General Butler State Park Lake
- Lincoln Homestead State Park Lake
- Cave Run Lake
- Panbowl Lake
- Bert T. Combs Lake
- Beulah Lake
- Smoky Valley Lake (Carter Caves State Park)
- Lake Pennyrile

Apply a 12-15 inch protective slot limit on largemouth bass and smallmouth bass at the following waters (maintain 6 fish daily creel limit):

- Otter Creek
- Mainstem of Elkhorn Creek
- Wood Creek Lake

Change daily creel limit on largemouth bass to six fish on the following waters (maintain 15 in. minimum length limit):

- Doe Run Lake
- Lake Shelby
- New Haven Optimist Lake
- Willisburg Park Pond
- Mill Creek

Change to 15 in. minimum length limit and six fish daily creel limit on largemouth bass and smallmouth bass on the following waters:

- Floyds Fork (US 60 to US 150) – change to daily creel limit of six fish
- Nolin River Lake
- Rough River Lake
- Barren River Lake

Change to 15 in. minimum length limit on smallmouth bass on the following waters (maintain 6 fish daily creel limit):

- Barren River and all tributaries upstream of Barren River Lake; downstream of the lake to Lock and Dam 1 and all tributaries
- Cumberland River upstream from Cumberland Falls and all tributaries
- Kentucky River upstream of Lock and Dam 14, the North Fork and tributaries including Carr Fork below Carr Creek Lake along with the Middle and South Forks and all tributaries

## ***Trout***

Fisheries proposes to simplify trout regulations by removing special regulations at two streams and making catch and release season dates consistent for all streams.

Remove special regulations for trout on several waters:

- Poor Fork of Cumberland River (Harlan Co.) – remove special regulations for brook trout
- Paintsville Lake Tailwater (Johnson Co.) – remove special regulations for trout

Change the catch and release season dates at Swift Camp Creek to match the other seasonal catch and release stream dates:

- Swift Camp Creek (Wolfe Co.) – change trout catch and release season dates to October 1 through March 31 (currently October 1 through May 31)

### **Catfish**

Add special regulations for Channel Catfish and Blue Catfish at Carr Creek Lake:

- Carr Creek Lake (Knott Co.) – add special regulation, Blue and Channel Catfish: 15 fish daily creel limit, only 1 fish may be longer than 25 inches

### **Muskellunge**

Increase the minimum size limit for muskellunge from 36 in. to 40 in. at:

- Cave Run Lake
- Dewey Lake
- Green River Lake



Kentucky Fish and Wildlife Commission Meeting  
**NEW BUSINESS ITEM**  
DATE: June 4, 2021

**Regulation Number:** [301 KAR 3:012](#)

**Regular or Emergency:** Regular

**Projected Effective Timeframe:** Spring 2023

**New Business Item:** The Wildlife Division recommends opening Otter Creek Outdoor Recreation Area to the general public during the spring turkey season.

**Introduction:** This regulation was enacted with the original opening of Otter Creek under Department ownership upon transfer from Louisville Metro Government. Harvest since 2011 averages less than 2 birds per season. Staff report typically 5 or fewer hunters on the area any given day. By regulation turkey hunting on Otter Creek ends by noon each day, and most other recreational area users access the area in the afternoons, so conflicts would be rare. The department will use signage at the front gate, and references on the agency website and in the Spring Hunting Guide, to alert other area users that turkey hunting is in progress during spring turkey season. This change would not affect other compatible uses of the area including fishing, hiking, and wildlife watching.

The proposed deletion is highlighted in following excerpt from 3:012:

(7) The area shall be closed to the general public, except for authorized hunters, during: (a) A firearms deer quota hunt pursuant to 301 KAR 2:178; and (b) **Spring turkey season, pursuant to 301 KAR 2:142.**

## Attachment NB-3

Kentucky Fish and Wildlife Commission Meeting

### **NEW BUSINESS ITEM**

DATE: June 4, 2021

**Regulation Number:** Multiple (each follows)

**Regular or Emergency:** Regular

**Proposed Effective Timeframe:** Summer 2022

**New Business Item:** Update regulations related to license issuance and administration to enhance customer service, improve consistency, and accommodate modernization efforts in current and future license delivery solutions.

**Regulation Number:** [301 KAR 5:001](#)

**Recommended changes** (additions underlined, deletions struck through):

Section 1. Definitions.

Update language for consistency:

~~(1) "Agents of county clerks" means the business establishments included on the list submitted to the department by county clerks of their authorized license agents as of July 16, 1994.~~

(45) "License agent" means a county clerk, government office or business person, government entity, business, or organization authorized to sell licenses and conduct other transactions for the department.

Remove antiquated language from old paper-based license system:

~~(56) "License stock" means the blank paper upon which licenses are printed by the POS device.~~

Remove definition as POS device, no longer applicable to license delivery solutions:

~~(7) "POS device" means a point-of-sale computer terminal, printer, and associated hardware, software, and connecting cables used to generate licenses and record license sale data.~~

Remove POS license definition, which is covered in KRS 150.010:

~~(8) "POS licenses" means the licenses or permits authorized by KRS 150.175 and 301 KAR 3:022 which are available for sale through POS devices.~~

Remove POS language from definition of "transaction":

~~(69) "Transaction" means the purchase or sale of a license, permit, or product, or the application for a hunt, using a POS device at a license agent location.~~

Add "Vendor" definition:

(7) "Vendor" means any person, organization, or business under contract with the department to sell or issue licenses, permits, or other goods and services offered or authorized by the department.

Remove definition of "upload," which is no longer applicable in current or future delivery solution:

~~(10) "Upload" means the transfer, over telephone lines, of electronic data from the POS device to the department.~~

**Regulation Number:** [301 KAR 5:010](#)

**Recommend changes** (additions underlined, deletions struck through):

Section 1. License Agent Applications and Agreements.

Update for consistency with definitions in statutes and regulations. Add language to allow for license agent funds processing by a vendor. Add language to define an agent-initiated wire transfer process for submission of funds:

- (1) Before receiving authorization to serve as license persons, government entities, businesses, or organizations shall:
  - (a) Complete and submit a License Agent Application Form;
  - (b) Enter into a formal contract with the department by agreeing to the provisions of, and signing, the appropriate license agent agreement; and
  - (c) Complete an Electronic Funds Transfer Request Form that authorizes the department or vendor to make electronic fund transfers from a bank account into which the license agent shall deposit the proceeds from transactions, or, establish and agree upon the process for license agent initiated fund transfers to the department or vendor.
- (2) State agencies serving as license agents shall remit payment through the state accounting system.
- (3) The department shall appoint as agents businesses that have:
  - (a) A valid federal identification number;
  - (b) Except for out-of-state agents, a Kentucky sales tax number; and
  - (c) For out-of-state agents, businesses that post a surety bond of \$5,000.

[Remove Governmental License Agent Contractual Agreement; government agents will be addressed in the standard License Agent Contractual Agreement.](#)

Section 3. Incorporation by Reference. (1) The following material is incorporated by reference:

- (a) License Agent Application Form, 1995;
- (b) Electronic Fund Transfer Authorization Form, 1995;
- (c) License Agent Contractual Agreement, 2018 edition; and
- (d) ~~Governmental License Agent Contractual Agreement, 2018 edition.~~

**Regulation Number:** [301 KAR 5:020](#)

**Recommend changes:** Add “and permits” or “or permits” throughout regulation for consistency. License and permits are defined (separately) in statute KRS 150.010 (definitions).

Add “applicable issuance and operational fees” to cover issuance and operational costs:

Section 1. Issuing Licenses and Permits.

(1) A license agent shall issue a license or permit to a person who completes the registration process with the agent and pays the applicable issuance and operational fees and appropriate license or permit fee as established in 301 KAR 3:022.

Remove fixed commission amount and adding the commission based on a percentage of the sale. This will allow the agent to cover the costs incurred for credit card processing and cover expendables:

Section 2. Agent Commission and Depositing of Funds.

(1) The license agent shall retain as a commission:

(a) ~~Fifty (50) cents for each Peabody permit issued pursuant to 301 KAR 4:100; and~~ A percentage, not to exceed three (3) percent, of the total sale as specified in the License Agent Agreement; or

(b) Print or display, on the initial license or permit issued, a coupon or advertisement, pursuant to a department sponsorship established in KRS 45A.097, in lieu of retaining the applicable commission.

Move the sponsorship in lieu of monetary commission to agent commission subsection 1:

(2) A license agent shall promptly deposit transaction fees, less the commissions established in subsection (1) of this section, into the bank account established in 301 KAR 5:010.

(3) ~~A license agent may elect to print, on any license or permit issued, a coupon or advertisement, pursuant to a department sponsorship established in KRS 45A.097, in lieu of retaining the applicable commission established in subsection (1) of this section.~~

Add language prohibiting agents from additional charges:

(3) License Agents are prohibited from any additional charges other than specified in the License Agent Agreement.

Add language prohibiting license agents from requiring or encouraging a certain payment type:

(4) License Agents are prohibited from requiring or encouraging particular payment methods.

Add language to allow vendor to perform services for the department:

Section 3. Electronic Transfer of Funds to the Department.

(1) The department or vendor shall provide each license agent with a schedule of dates when electronic fund transfers will be initiated.

(2) On the day of a scheduled electronic fund transfer, a license agent shall have sufficient funds in the account to cover the amount of the transfer.

(3) A license agent shall contact the department or vendor prior to the day of a scheduled electronic fund transfer if there are any discrepancies or concerns that need to be resolved.

Add specified timeframe for an agent to void a license. License not printing correctly is no longer valid with free reprint and electronic licenses:

Section 4. Voiding Licenses and Permits.

(1) A license agent may, within 4 hours, void a license or permit if:

(a) ~~The license does not print correctly;~~ or After the license or permit is printed, the purchaser:

**Regulation Number:** [301 KAR 5:030](#) and [301 KAR 5:050](#)

**Recommend changes:** Consolidate 301 KAR 5:030 (Standard license issuance) and 301 KAR 5:050 (electronic license issuance), then abolish the latter.

Consolidation of these two regulations will create one comprehensive regulation for the issuance of licenses and permits, including information required for issuance, proof of license or permit, use of authorization number, methods of purchasing, reprinting or refunding a license or permit, obtaining disability authorization, and the duration of a disability exemption.

Add “and permits” or “or permits” throughout regulation to provide consistency with statute definitions (KRS 150:010):

Example:

KRS 150.195(1) authorizes the department to promulgate administrative regulations pertaining to the issuance of licenses and permits.

Clarify requirements to purchase a license or permit.

Require:

- (1) The applicant’s date of birth; and
- (2) An identification number, which shall be:
  - (a) The applicant’s:
    1. Social Security number; or
    2. Fish and Wildlife Identification number; or
    3. An agency approved state or federal identification number.
- (3) Address; including city, state and zip code.
- (4) Email and/or phone number.
- (5) Proof of age if purchasing a senior license
- (6) An unexpired disability authorization, if purchasing a disability license, issued by the department to the license applicant.

Add language to method of purchase to include online and mobile purchase portals:

- (a) At license agent locations or other department sponsored/approved sites or events.
- (b) Accessing the department’s online purchase portal.
- (c) Accessing the department’s mobile purchase portal.

Clarify requirements to request a refund of a license or permit. This includes the removal of the 5 dollar refund fee. Current solution reprint capabilities coupled with the pre-purchase edits has limited the number of requested refunds:

- (2) A person may obtain a refund for a duplicate license or permit by:
  - (a) Requesting a refund from the license agent who completed the transaction if request is made within 4 hours of the license or permit issuance; or
  - (b) By furnishing the department with:
    - (1) Identification number used to purchase;
    - (2) Date of Birth;

- (3) Last name;
- (4) Mailing address to send refund;
- (5) License, permit, or authorization number of original license or permit;
- (6) Reason for refund request

(3) Upon receipt of the refund request, and subsequent verification of the original purchase, the department shall issue a refund check for the face value of the license or permit purchased. Refunds shall not include applicable issuance and operational fees paid by the customer.

Remove the Disability Authorization “Card” requirement. (Disability authorization is verified at time of purchase, and physical cards will no longer be necessary.):

Section 6. Obtaining Disability Authorization ~~Card~~

- (a) A department approved form or electronic verification from the applicant’s local federal Social Security office certifying the applicant is receiving disability benefits from Social Security;

Remove the “TPQY” form requirement for SSN disability authorization. Language altered to request a department approved form or electronic verification. This will address current and future changes to the accepted methods of SSN disability verification from the Social Security Administration.

The proposed new regulation would read as follows:

**301 KAR 5:030. Purchasing licenses and permits.**

RELATES TO: KRS 150.090, 150.170, 150.175, 150.195, 150.225, 150.235, 150.990

STATUTORY AUTHORITY: KRS 150.170, 150.175, 150.195

NECESSITY, FUNCTION, AND CONFORMITY: KRS 150.195(1) authorizes the department to promulgate administrative regulations pertaining to the issuance of licenses and permits. KRS 150.175 authorizes the department to require proof of residency and age or disability for those eligible to purchase a senior or disabled combination license. This administrative regulation specifies the information required to purchase a license or permit, the methods of purchasing a license or permit, reprinting and refunding duplicate licenses or permits, and how to obtain a disability authorization.

Section 1. Information Required to Purchase a license or permit. A person buying a license or permit shall provide the following information:

- (1) The applicant's date of birth; and
- (2) An identification number, which shall be:
  - (a) The applicant's:
    1. Social Security number; or
    2. Fish and Wildlife Identification number; or
    3. An agency approved state or federal identification number.
- (3) Address; including city, state and zip code.
- (4) Email and/or phone number.
- (5) Proof of age if purchasing a senior license
- (6) An unexpired disability authorization, if purchasing a disability license, issued by the department to the license applicant.

Section 2. Proof of License or Permit

- (1) Before performing an act authorized by the license or permit, the license or permit holder shall keep proof of license or permit purchase, whether printed, electronic, or department issued authorization number in possession at all times while performing any act authorized by the license or permit.
- (2) A license or permit not completed or presented as specified in this section shall not be valid.
- (3) A senior Sportsman's license shall not be valid unless accompanied by:
  - (a) Proof of age and Kentucky residency
- (4) A disability Sportsman's license shall not be valid unless accompanied by:
  - (a) Proof of Kentucky residency.
- (5) The authorization number shall serve in lieu of the paper or electronic license or permit. A person using an authorization number as proof of license or permit, while performing an act authorized by the license or permit, shall carry upon their person and present upon request to a law enforcement officer:
  - (a) The authorization number

- (b) Identification with a picture and date of birth
- (6) A person using an authorization number in lieu of a deer, elk, or turkey permit shall:
  - (a) Before hunting, write his name, address and applicable authorization number on a card;
  - (b) Immediately after taking an animal, write the date the animal was taken, the species and the sex of the animal on the card;
  - (c) Complete any check-in procedure required for that species, write the telecheck authorization number on the card; and
  - (d) If the carcass is out of the hunter's possession, the hunter shall attach another card to the carcass containing the hunter's name, address, authorization number, date the animal was taken, species, and telecheck authorization number, if already obtained.

### Section 3. Methods of purchasing a license or permit.

- (1) Licenses or permits may be purchased:
  - (a) At license agent locations or other department sponsored/approved sites or events.
  - (b) Accessing the department's online purchase portal.
  - (c) Accessing the department's mobile purchase portal.
  - (d) By phone using the department's phone sales.
    - 1. Phone sale customers will be issued an authorization number and must comply with Section 2 of this regulation.

### Section 4. Reprint of license or permit and license or permit refunds.

- (1) A person whose license or permit is lost or destroyed may:
  - (a) Reprint the license or permit using the reprint option available in the customer's profile on the department's web site or mobile application.
  - (b) Ensure an electronic version is available as outlined in Section 2.
- (2) A person may obtain a refund for a duplicate license or permit by:
  - (a) Requesting a refund from the license agent who completed the transaction if request is made within 4 hours of the license or permit issuance; or
  - (b) By furnishing the department with:
    - (1) Identification number used to purchase;
    - (2) Date of Birth;
    - (3) Last name;
    - (4) Mailing address to send refund;
    - (5) License, permit, or authorization number of original license or permit;
    - (6) Reason for refund request
- (3) Upon receipt of the refund request, and subsequent verification of the original purchase, the department shall issue a refund check for the face value of the license or permit purchased. Refunds shall not include applicable issuance and operational fees paid by the customer.

Section 5. Buying licenses or permits for another person. An individual purchasing a license or permit for another person shall provide the information about the person for whom the license or permit is being purchased as required in Section 1 of this administrative regulation.

A person other than the parent or guardian may not purchase a youth hunting license or permit for another person.

#### Section 6. Obtaining Disability Authorization

(1) To verify the applicant qualifies for a disabled combination license because of a disability as specified in KRS 150.175, a person shall provide the department proof of Kentucky residency and one (1) of the following:

(a) A department approved form or electronic verification from the applicant's local federal Social Security office certifying the applicant is receiving disability benefits from Social Security;

(b) A copy of applicant's disability rating showing at least a fifty (50) percent military service-connected disability;

(c) A letter of verification from the United States Railroad Retirement Board certifying that the applicant has been declared totally and permanently disabled;

(d) A letter, on that state board's letterhead, certifying that the applicant has been declared totally and permanently disabled by another state's workers' compensation board;

(e) A letter of verification from the Kentucky Teachers' Retirement System certifying that the applicant has been declared totally and permanently disabled from teaching; or

(f) A letter of verification from the U.S. Office of Personnel Management certifying that the applicant has been declared totally and permanently disabled.

(2) A person declared totally and permanently disabled by the Kentucky State Workers' Compensation Board shall:

(a) Obtain a Disability Workers Compensation Exemption form from the department; and

(b) Complete the form and mail it to the address given on the form.

(3) Upon receipt of the verification required by subsection (1) of this section or upon receipt of verification from the state Worker's Compensation Board, the department shall issue a disability authorization certifying the person is eligible to purchase a disabled combination license.

#### Section 7. Duration of Disability Exemption.

(1) Certification by the Social Security Administration, Kentucky Teachers' Retirement System, or a state worker's compensation board shall remain valid for three (3) years after issue of the disability authorization.

(2) Certification by the United States Railroad Retirement Board, U.S. Office of Personnel Management, or certification of at least fifty (50) percent military service-connected disability shall remain valid until the license holder turns sixty-five (65) years of age or no longer requires the disability exemption.

Section 8. Incorporation by Reference.

- (1) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Department of Fish and Wildlife Resources, Division of Fiscal Control, #1 Sportsman's Lane, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m. (22 Ky.R. 1750; Am. 2001; eff. 5-16-96; 25 Ky.R. 602; 1036; eff. 11-18-98; 26 Ky.R. 2303; 27 Ky.R. 492; eff. 8-142000; 3345; eff. 8-15-01; 30 Ky.R. 2347; eff. 7-14-04; 33 Ky.R. 1894; eff. 4-6-07; 4224; eff. 8-3107.)

Kentucky Fish and Wildlife Commission Meeting  
**NEW BUSINESS ITEM**  
DATE: June 4, 2021

**Regulation Number:** N/A

**Regular or Emergency:**

**Proposed Effective Timeframe:**

**New Business Item:** Informational Item - Bass Tournament Exemptions Update

In 2017, after receiving several requests from bass tournament organizers that fish at Cave Run Lake and Lake Cumberland, the Fisheries Division proposed to the KDFWR Commission to evaluate exempting bass tournaments from length limits. These exemptions were to allow participants in a bass tournament to bring fish normally protected by “special fishing regulations” (length or slot limits different from the statewide regulations) to the tournament weigh-in, with the intention of releasing the fish after the weigh-in. Before any long-term policy decision was to be made, the Commission authorized a 3-year “test” of these exemptions on size restrictions for largemouth (LMB) and smallmouth (SMB) bass caught in tournaments on those 2 lakes to gauge the impacts to the fisheries as well as public feedback received. Normal special regulations for sizes of bass kept at these lakes are:

- Cave Run Lake – Must release LMB between 13” and 16”, and SMB < 18”
- Lake Cumberland – Must release LMB < 15” and SMB < 18”

The 3-year test for the bass tournament exemptions included:

- In exempted tournaments – anglers could keep any LMB or SMB > 12 inches.
- Test 2 tournaments at each lake in the spring; 2 tournaments at each lake in the fall
- Spring tournaments not exempt after May; fall tournaments not exempt before October (to minimize temperature-related stress on fish).
- KDFWR attempted to schedule 1 large tournament (>100 boats) and 1 smaller tournament (40-100 boats) at each lake.
- Encompass all levels of weigh-in procedures and bass handling.
- Tournaments were required to follow B.A.S.S. “Keeping Bass Alive” procedures.
- KDFWR Law Enforcement Division was notified prior to each exempted tournament.
- Participants required to have operating live well, a valid fishing license, some agreed-upon signage on boat to allow identification by KDFWR Law Enforcement.
- To make sure all mortality was recorded, tournament anglers could not cull dead bass
- All fish had to be released after weigh-in.
- KDFWR fisheries biologists: observed each weigh-in; recorded bass mortality occurring on the water and at weigh-in; checked the release site for a week after the tournament.

Observations by Fisheries staff did not indicate any significant tournament-related bass mortality. However, KDFWR has received multiple complaints from anglers during the test period, contending that we should not make special exceptions for tournaments. One argument against special exemptions is that with the increasing popularity of catch, weigh, and release tournaments that organizers could simply adopt that format if they feel that the special regulations for bass at a particular lake are too restrictive. Another argument against the

exemptions is that tournaments could be held on other lakes with more permissive size/slot limits. Many constituents have also argued that because all participating tournament anglers must fish under the same rules on a given lake, thus size exemptions are not needed. Exemptions have also been given to some of the high school fishing tournaments each year, and some constituents have argued that exempting young anglers from normal regulations does not promote good conservation ethics. Finally, exemptions add complexities to enforcement.

KDFWR does not have angler survey data on this issue, but we are confident that a majority of anglers oppose special tournament exemptions. Very few states offer size exemptions to bass tournaments. KDFWR recommends curtailing the exemptions (no regulation change needed).