

# Kentucky Department of Fish & Wildlife Resources



## Commission Meeting

Live Teleconference - Web link: [https://youtu.be/9wkUABvJ\\_1c](https://youtu.be/9wkUABvJ_1c)

March 5, 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
- Deputy Commissioner's Remarks and Recognitions

### Action Items

- December 4, 2020 Commission Meeting Minutes  
Attachment A-1
- Quarterly Financial Statement (October – December)  
Attachment A-2
- Bobcat Hunting  
Amend [301 KAR 2:251](#) Hunting and trapping seasons and limits for furbearers.
  - Mandatory submission of bobcat jaws
  - Retain current gun seasonAmend [301 KAR 3:022](#) License, tag, and permit fees.
  - Create bobcat hunting permitAttachment A-3
- Waterfowl Hunting Requirements  
Amend [301 KAR 2:222](#). Waterfowl hunting requirements on public lands.
  - Boatwright WMA hunting strategy
  - Modify description of Ballard WMA Ohio River hunting exclusion zone

- Change shotshell limits for Ballard, Boatwright and Sloughs WMAs
  - Change Sloughs WMA - Jenny Hole Unit quota hunt periods
  - Remove seasonally drawn blinds at Sloughs WMA Grassy Pond, Powell's Lake and Highlands Creek Units
  - Remove blind requirement from South Shore WMA
- Attachment A-4
- Ballard WMA Entry Rules  
Incorporate [301 KAR 4:020](#) into [301 KAR 2:222](#), Repeal 301 KAR 4:020.  
Attachment A-5
  - Swan Lake Unit Entry Rules, Camping Rules and Firearms Restrictions  
Incorporate [301 KAR 4:050](#) into [301 KAR 2:222](#), Repeal 301 KAR 4:050.  
Attachment A-6
  - Proposed Research - Wild Turkey Population Study  
Attachment A-7
  - Proposed Research – State Report from the National Survey of Fishing, Hunting & Wildlife-Associated Recreation  
Attachment A-8
  - Asian Carp capturing and harvesting methods  
Amend [301 KAR 1:152](#). Harvest and Sale of Asian Carp.  
Attachment A-9
  - Fish Kills – Material Incorporated by Reference  
Amend [301 KAR 1:400](#). Assessing fish kill damages.  
Attachment A-10

## Discussion Items

- Deer Depredation Permits
  - Description of depredation permit process prescribed by Kentucky law and how Kentucky Hunters for the Hungry can be promoted in administering these permits  
Attachment D-1
- Proposal: Bear Zones Modification  
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 with a 2-female bear quota in each county  
Attachment D-2

- Walleye Snagging in Green River Lake Tailwater Stilling Basin (“The Box”)  
Attachment D-3

## **New Business**

- Informational Item: Fisheries - Overview for 2020-21 activities and regulation amendments to be proposed for June 2021 quarterly meeting
- Informational Item: CWD Update on testing results / Update on partners’ results  
Attachment NB-1
- Informational Item: Wildlife - Overview on 2020-21 deer, elk and bear seasons
- Bear Hunting – Enhancement of opportunities  
Amend [301 KAR 2:300](#). Black bear seasons and requirements.  
Attachment NB-2

## **Public Comments\***

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

- Discussion – Land Acquisition Project

## **Adjourn**

Next Suggested Commission Meeting Date: June 4, 2021

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\*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 8:30am and 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. 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.

Kentucky Fish and Wildlife Commission Meeting

**REQUEST FOR COMMISSION ACTION**

DATE: March 5, 2021

**Regulation Number:** N/A

**Regular or Emergency:** N/A

**Action Item:** Approval of December 4, 2020 Commission Meeting Minutes

Kentucky Department of Fish & Wildlife Resources



**Commission Meeting  
Minutes**

Live Teleconference posted at [youtube.com/FishandWildlifeKY](https://www.youtube.com/FishandWildlifeKY)

December 4, 2020

#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 – 4:03) – Chairman Clinard

**Invocation and Pledge of Allegiance** (Video 1 – 4:33) – Rob Lear and Doug Morgan

**Deputy Commissioner Remarks** (Video 1 – 7:23) – Deputy Commissioner Brian Clark recognized several staff and partners:

- Communications staff for their hard work to enhance the public's experience of the Commission meeting with audio-visual enhancements.

- A recent donation from the League of Kentucky Sportsmen to purchase seven Plotmasters (planting equipment) totaling nearly \$40,000 for WMA and private lands use, to be housed at WMAs around the state.
- Four members of Fern Creek Sportsmen’s Club (Roger LaPointe, Jason Scannell, Scott Crume and Glen Hall) were also recognized as recipients of the Serve2Conserve Award for their long-time involvement with offering Field to Fork and other introductory hunting and fishing programs.
- Two department staff—Obie Williams and Adrienne Yancy—also received the “Firebird Awards” from the National Bobwhite Conservation Initiative.
- Department staff who have reached their 5 and 10 years of state service benchmarks were also recognized.

He also shared vignettes submitted by four recent hunter education graduates who completed their range day requirements through the department’s video submission portal, created to allow students to complete their live-fire requirement in light of the restrictions on in-person services as a result of the COVID-19 pandemic.

### Action Items

- Approve September 25 Commission Meeting Minutes (Video 1 – 25:01)
  - Kenny Knott noted for a change to be made to the September minutes in New Business under Waterfowl Hunting Requirements – he asked that the minutes be modified to indicate if COVID restrictions were relieved, we would go back to the historical way of conducting the drawings.
  - **Paul Horn made a motion to accept the minutes with the change included**, seconded by Rob Lear. **Motion Passed.** (Video 1 – 27:18).
- Approve Quarterly Financial Statement (Video 1 – 27:25)
  - Lisa Cox presented the financial statement to the Commission.
  - **Brian Fisher made a motion to accept the financial statement**, seconded by Paul Horn. **Motion Passed.** (Video 1 30:03).
- Approve FY2021 Budget (July 2020-June 2021) (Video 1 – 30:15)
  - Report of Budget Working Group regarding review of detailed budget documents
    - Paul Horn reported that the working group had implemented some procedures for reviewing the budget, and that they will be kept informed during the three different stages during the approval process for the FY2022 budget.
  - Overview of budgetary process and budget
    - Lisa Cox informed the Commission that they would receiving the draft FY22 Budget later this month.
  - **Doug Morgan made a motion to accept the FY21 budget**, Kenny Knott seconded. **Motion Passed.** (Video 1 – 36:22).
- Veteran Days and Youth Waterfowl Seasons (Video 1 – 36:27)

Amend [301 KAR 2:226](#) replacing the special Youth Waterfowl Weekends scheduled separately for the east and west zones, with statewide Youth / Veterans Waterfowl weekends in which Youths can hunt on Saturdays and Veterans can hunt on Sundays.

- Results of Waterfowl Hunter Preferences Survey were reported
    - Deputy Commissioner Clark presented the results of the survey; the key highlights were:
      - 85% Support offering / maintaining youth days
      - 73% Support offering veteran days
      - 48% Support scheduling youth and veteran days statewide with split weekends (44% had no preference, and very few opposed)
  - Chris Garland presented - Wildlife Division recommends that if veteran days are implemented, allow youths to hunt Saturdays and veterans Sundays of designated weekends.
  - Chairman Clinard asked that the term “Veteran” be defined specifically. Garland explained per the amended Migratory Bird Treaty Act language would include Veterans and Active Duty Military Personnel.
  - Chairman Clinard and Josh Lillard asked that the term “active military” be included in the motion.
  - **Doug Morgan made a motion to accept the motion as modified to include “Active Military”** - *Motion: Amend [301 KAR 2:226](#) replacing the special Youth Waterfowl Weekends scheduled separately for the east and west zones, with statewide Youth / Veterans / Active Military (per Migratory Bird Treaty Act) Waterfowl weekends in which Youths can hunt on Saturdays and Veterans / Active Military can hunt on Sundays.* Josh Lillard seconded. **Motion Passed.** (Video 1 – 1:17:34)
  - Brian Fisher made a recommendation to Deputy Commissioner Clark that another survey be completed in the upcoming months on gathering thoughts on doing concurrent days during Waterfowl Seasons. (Video 1 – 1:19:21). Clark indicated that he would review relevant questions and results from the recent surveys conducted on this topic and report back to Mr. Fisher.
  - David Jones asked the department to look into options to help identify veterans on their hunting licenses (Video 1 – 1:20:40). Clark recommended that the regulation be written to require veterans and active duty military personnel to carry proof of status with them in the field, similar to how methods exemptions are validated by permit forms carried by hunters in addition to their licenses and other permits; this would not require IT system adjustment nor department validation of credentials up-front.
- Bobcat Seasons (Video 1 – 1:23:14)  
Amend [301 KAR 2:251](#). Hunting and trapping seasons and limits for furbearers.
    - Recap of season dates, history, and ongoing research
    - Wildlife Division recommendation:
      - Require tooth (jaw section) submission from all harvested (by hunting or trapping) bobcats via current voluntary mail-in program; and

- Require bobcats and otters taken under KRS 150.170 damage criteria to be Telechecked
  - Chris Garland and Laura Palmer presented the recommendation and answered questions, and described data needs. Commission members said that they had received feedback opposing the requirement of jaw/tooth submission on the grounds that skulls were desirable.
  - **Rob Lear moved to table the item until the next quarterly meeting.** Josh Lillard seconded. **Motion passed and the item was tabled.** (Video 1:50:39)
  - Brian Fisher made a recommendation to the Wildlife Division to investigate a possible incentive program. (Video – 1:50:55)
- Bobcat Permit (Video 1- 2:05:30)
  - 301 KAR 3:022 License, tag, and permit fees
    - Chris Garland and Laura Palmer presented the recommendation and answered questions. Wildlife Division recommendation:
      - Promulgate a \$5 Bobcat Hunting Permit
    - This would provide contact information needed to survey bobcat hunters each season to obtain needed hunter effort data
    - **Paul Horn made a motion to table the item and combine this action item with the previous action item (Bobcat Seasons), including a change to the gun season until the next quarterly meeting.** Doug Morgan seconded. **Motion passed and the item was tabled.** (Video 1 – 2:29:35)
- Wanton Waste
  - Recap of research of other states' laws, recommendation from Wanton Waste Working group and resolution from LKS
  - Chris Garland presented Wildlife Division recommendation:
    - Promulgate a regulation requiring reasonable effort to retrieve game taken, harvest major usable portions, clearly define dumping of carcasses as littering, and exempt salvaged road kills and lawful take in response to crop damage
  - Chris Garland and Colonel Gibson answered questions by the Commission
  - Brian Fisher recommended the term “unusable portions” be included in the action item as an exemption.
  - Josh Lillard asked that it be clearly defined that hunters can leave a carcass if they have permission to do so on the farm which they are hunting
    - Chris Garland explained that is part of the education.
  - **Brian Fisher made a motion to accept the motion as written with an exception to clearly define what a damaged part of the meat is and also better define / make it clear that allows people to dump on lands where they have permission,** seconded by Paul Horn. **Motion Passed.** (Video 1- 2:52:55)

- Chairman Clinard asked that a protocol be included in the department process; that the Chair receives a copy of the final regulation before sent to LRC.
- Captive Cervids (Video 1 – 2:53:07)  
Amend [301 KAR 2:083](#) to accurately reference the updated [302 KAR 22:150](#).
  - Chris Garland and Deputy Commissioner Clark presented to the Commission
  - The Kentucky Department of Agriculture recently updated captive cervid regulations, moving them under 302 KAR 22:150 and repealing 20.066.
  - Wildlife Division recommendation:
    - Promulgate an emergency regulation amending 301 KAR 2:083 to reflect this change in order to allow KDFWR to cite individuals failing to comply with that regulation as part of captive cervid facility inspections or in joint operations with KDA on captive cervid violations.
  - **Brian Fisher made a motion to accept the action item as written**, seconded by Rob Lear. **Motion Passed.** (Video 1 – 2:57:50)
- Addition of Robert J. Barth Lake (Campbell County) to the FINs program (Video 1:2:58:07)  
Amend [301 KAR 1:201](#). Taking of fish by traditional fishing methods
  - Dave Dreves presented to the Commission
  - Review of annual stocking numbers
  - Fisheries Division Recommendation:
    - Add Barth Lake to FINs with standard creel and length limits
  - **Josh Lillard made a motion to accept this action item as written**, seconded by Ralph Swallows. **Motion Passed.** (Video 1 - 3:03:10)
- Largemouth Bass Size and Creel Limit at Highsplint Lake  
Amend [301 KAR 1:201](#). Taking of fish by traditional fishing methods
  - Dave Dreves presented. Fisheries Division recommendation:
    - Enact 20” minimum size limit and 1-fish daily creel limit on largemouth bass
  - **Kenny Knott made a motion to accept this action item as written**, seconded by Paul Horn. **Motion Passed.** (Video 1- 3:05:35)
- Clear Fork tributary of Gasper River – Fishing Regulation (Video 1 – 3:05:55)  
Amend [301 KAR 1:201](#). Taking of fish by traditional fishing methods
  - Dave Dreves presented. Fisheries Division recommendation:
    - Enact catch-and-release only restriction to allow fishery to recover from recent fish kill on Clear Fork tributary of Gasper River.
  - **Brian Fisher made a motion to accept this action item as written**, seconded by Rob Lear. **Motion Passed.** (Video 1 – 3:11:25)
- Guist Creek Lake Concessionaire’s License (Video 1 – 3:11:33)



Act on Shelby County Development Foundation's request to allow the restaurant on lake property to sell alcoholic beverages by the drink, similar to state parks/other venues

- Fisheries Division reported on public input, which was overwhelmingly favorable to allowing it
  - Libby Adams, Executive Director of the Foundation, was present and was available to answer questions
  - Action Item: The Department recommends approving the expansion of services at the Guist Creek Marina to include operation of a restaurant which may serve beer and wine by the drink, subject to approval of the appropriate alcohol sales and restaurant licensing agencies, and subject to the concessionaire maintaining adequate dram shop insurance naming the Fish & Wildlife Commission and the Commonwealth as additional insured entities.
  - **Ralph Swallows made a motion to accept the recommendation by the department as written**, seconded by Josh Lillard. **Motion Passed.** (Video 1 – 3:18:55)
- Waterway Safety Enhancements (Video 1 – 3:19:16)  
Resolution to endorse the Kentucky legislature's amending KRS 235:285 to:  
(1) Expand Boater Education Certification requirement to all motorized vessel operators born on or after January 1, 1975; and  
(2) Create a 14-day temporary exemption certificate contingent on review of legal and safety requirements and passing a basic knowledge test
    - Colonel Gibson presented the Law Enforcement Division's recommendation that the Commission endorse expanded boater education in state law
    - **Brian Fisher made a motion to accept the action item as written**; seconded by Rob Lear. **Motion Passed.** (Video 1 – 3:24:47)
    - Brian Fisher asked for the life jacket loaner stations graphics to be sent to him and fellow Commission members to help distribute them / help spread the word in their districts.

#### **Working Group Updates** (Video 1 – 3:27:06)

- Doug Morgan reported that the WMA Working Group's first official meeting was held, in which the group set out a criteria and a mission statement: "Conduct a study of all Kentucky WMAs and dove fields on Kentucky WMAs to discover if the sportsmen are receiving the maximum outdoor opportunity in a cost-effective manner and to make conclusions and recommendations to the Chairman of the Commission." The working group is starting with Peabody WMA and the Greenup County Dove Field, and will report back once completed.
- Paul Horn reported that the first working group meeting for the Elk Working Group will be December 8<sup>th</sup>.

## Discussion Items

- Waterfowl Hunting Requirements (Video 1 – 4:05:20)
  - Amend [301 KAR 2:222](#). Waterfowl hunting requirements on public lands.
  - Chris Garland and John Brunjes presented and answered questions of the Commission. Wildlife Division recommends amending waterfowl hunting provisions for Ballard, Boatwright, South Shore and Sloughs WMAs to enhance opportunities as outlined in proposed provisions below:
    - Boatwright WMA:
      - Requiring all hunters during the regular waterfowl season to check-in daily at our 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.
      - Match 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)
        - David Jones and Fisher asked for clarification / to look into changing the dates from “December 1<sup>st</sup>” to “Thanksgiving Day.”
    - Ballard WMA - modify description of Ohio River hunting exclusion zone:
      - 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 Sloughs WMAs - Change shotshell limits:
      - 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 - Change 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 Highlands Creek Units - Remove seasonally drawn blinds:
      - Wildlife Division recommends removing the 14 seasonally drawn blinds from these units and allowing the units to be hunted as walk-in areas.
    - South Shore WMA - Remove blind requirement
      - Wildlife Division recommends removing the requirement to hunt from a blind on the WMA.
        - Doug Morgan indicated that the blinds are not maintained or grown up around, and asked that Wildlife investigate cleaning up this area.
        - David Jones requested that the Department consider addressing “mud motors” because of noise disturbance.
  - **Kenny Knott made a motion to accept all the above waterfowl discussion items and move them to action items at the next quarterly meeting**, seconded by David Jones. **Motion Passed.** (Video 1 – 4:31:11)
- Ballard WMA Entry Rules (Video 1 – 4:31:22)
  - Incorporate [301 KAR 4:020](#) into [301 KAR 2:222](#), Repeal 301 KAR 4:020.
  - Chris Garland presented:
    - 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.
  - 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
      - (1) Department authorized personnel
      - (2) Persons participating in a department managed activity.
    - 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



license and current deer permit, unless exempt from license or permit requirements pursuant to [KRS 150.170](#).

- (1) Deer harvested with DCTs are treated just like any other harvest except, those deer do not count toward the hunter bag limit.
- Deer Destruction Permits – are issued to landowners who continue to experience damage after using DCTs or whose property cannot be hunted. Meaning, the landowners are required to utilize hunting as a means of reducing the deer population prior to receiving DDPs.
  - (1) DDPs are intended to be used outside the season framework established in [301 KAR 2:172](#).
  - (2) DDPs are designed to be used concurrently with KRS 150.170. In order for a landowner to obtain DDPs they are required to complete the Wildlife Damage Designee Form described in KRS 150.170 in which DDPs would be issued.
  - (3) DDPs can be issued immediately if there is a public safety or environmental threat.

#### [KRS 150.170](#)

- Killing of wildlife causing damage – Landowners, their spouses or dependent children, or their designee who must be approved by the commissioner, who kill or trap on their lands any wildlife causing damage to the lands or any personal property situated thereon shall not be required to have a hunting or trapping license and may do so during periods other than the open season for the particular species without a tag and dispose of the carcass onsite.
  - (1) Upon destruction of any wildlife by the above-specified individuals, the act shall be reported to a Conservation Officer within twenty-four (24) hours of the kill.
  - (2) Individuals wishing to transport the carcass from the property upon which it was killed shall contact personnel of the department to request a disposal tag or other authorization.
  - (3) Inedible parts from wildlife taken under the authorization of this section shall not be utilized for any purpose and shall be destroyed or left afield.
- **Proposed Action:** Kentucky Hunters for the Hungry (KHFH)
  - KHFH can be used alongside any of the above methods; however, damage issues are and should always be kept separate from hunting-related harvests.
  - Wildlife Division recommends providing an informational flyer together with DDP/DCT packets that are sent to landowners to encourage those individuals to donate to KHFH any deer taken using those permits/tags.

- Chairman Clinard requested the number of depredation tags (issued and fulfilled) for each Kentucky County be sent to the Commission members. (Video 1 – 47:40)
- Doug Morgan recommended that we look into a way to ensure that the tags that are being issued aren't being wasted.
- Ralph Swallows suggested adding “Kentucky Hunters for the Hungry” to this motion in some sort of way and including it into the depredation tag process.
- Deputy Commissioner Clark suggested the department compile some recommendations of things the department can do operationally in administering these permits and tags, including coordinating with Hunters for the Hungry and Field to Fork mentor-hunting opportunities.
- **Ralph Swallows made a motion to move this informational item to a discussion item for the next quarterly meeting**, seconded by Brian Fisher. **Motion Passed.** (Video 1 – 5:07:01)
- Harvest and Sale of Asian Carp (Video 1 – 5:07:15)  
Amend [301 KAR 1:152](#) – Asian Carp capturing and harvesting methods
  - Dave Dreves and Jeff Ross gave an update and answered questions on year-to-date commercial Asian Carp harvest.
  - Fisheries Division recommendation:
    - Update the regulation to reflect innovations in capture and harvest methods
      - 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
  - Doug Morgan asked Dreves to check into a proposal that was made for food process permitting and inspection (Video 1 – 5:13:30)
  - **Kenny Knott made a motion to accept this discussion item and move it to an action item in the next quarterly meeting**, seconded by Brian Fisher. **Motion Passed.** (Video 1 – 5:25:56)
- Fish Kills – Material Incorporated by Reference (Video 1 – 5:26:09)  
Amend [301 KAR 1:400](#). Assessing fish kill damages
  - Dave Dreves presented to the Commission - The reference cited in the regulation is an outdated American Fisheries Society publication
    - Fisheries Division recommendation:
      - Update the reference to the more recent AFS publication, which has current average fish replacement costs
  - Dave Dreves and Steve Fields answered questions from the Commission
  - **Brian Fisher made a motion to move this item to an action item in the next quarterly meeting**, seconded by Ralph Swallows. **Motion Passed.** (Video 1 – 5:38:30)

## New Business

- Informational Item: Investigate possible removal of Great Crossing Dam on North Fork Elkhorn Creek (Scott Co.) (Video 1 – 5:49:01)
  - Dave Dreves presented this item to the Commission: The department has been approached by a non-profit entity. Great Crossing Dam on the North Fork of Elkhorn Creek is the third dam upstream from the Kentucky River. The KDFWR-owned dam impounds a 2.6-mile pool in Georgetown, KY. A study funded by Scott County indicated that the dam was beginning to show signs of deterioration and undermining. The Ohio River Foundation has expressed interest in spearheading the dam removal project at minimal cost to KDFWR. There is no near-term cost to KDFWR to further explore this possibility.
- Proposal: Bear Zones Modification
  - Chris Garland and John Hast presented this 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 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 three hunting seasons. A pending proposal for changes to the bear hunting structure that would be effective for the 2022 season, which is currently being developed, would render the above amendments unnecessary. Staff noted that in the

current meeting format timeline, any changes made to the bear hunting regulations for the 2021 season would not be in place prior to the printing of the fall hunting guide, unless a special called meeting is made to vote on the proposed changes before the June meeting.

- **Chairman Clinard asked if anyone objected to move this item to a discussion item in the next quarterly meeting. No one objected.** (Video 1 – 5:57:54)
- Establish a fee-based test for deer hunters seeking Chronic Wasting Disease (CWD) testing – Informational Item (Video 1 – 5:59:11)
  - Chris Garland presented: Create a fee-based Chronic Wasting Disease test as a service to deer hunters who wish to have deer tested by voluntary submission of samples outside the scope of the department’s standard surveillance efforts.
- Kenny Knott (Video 1 – 6:02:08) – has an issue in his district that continually comes up. Below the Green River Dam there is an area called “The Box” where the water comes out of the dam. While the fish are running in there, fishermen using silver buddy blade top bait are being accused of placing oversized hooks on these baits, which is being considered snagging by the way the regulation reads. There is a conflict of officers being able to cite anyone for this and having an enforceable law. Suggestion: Single hook or live bait only in that box alone. Mr. Knott would like for Fisheries to look into this issue and possibly get a new regulation in place.
  - **This will be made as a discussion item in the next quarterly meeting.**
- **Brian Fisher asked for Chris Garland to give an update at the next meeting on CWD and our testing results. He also asked that the results from our colleagues with TWRA in Tennessee also be given.**

### Public Comments\*

The following comments were received by email within the designated timeframe and were read by Chief Communications Officer Kevin Kelly (Video 1 – 6:09:43)

David Erickson –

“I am totally in favor of the recommendations for Clear Fork of Gasper River. I would highly recommend enacting the same regulations for all of Gasper River and its tributaries”.

Mark Wilson –

“Here is a thought for the deer program. I think we could come up with a system to allow two bucks to facilitate helping the herd. I often have to choose between a cull and a quality buck. I’d love to be able to cull one deer and harvest a mature one. I could see a two tiered approach of something along the lines of legal bucks being:



- Minimum 12” spread or single tine of “x” length (define a mature buck)
- Mismatch between left and right antler of 2 more points or more, or difference between main beams of 4” or more. (define a cull)
- If we are worried about being too restrictive on allowable bucks, we could allow a second buck meeting the cull definition. Numbers are just examples, but I think something like this could work to improve the quality of the herd. Thanks.”

### **Executive Session** (per KRS 61.810) (Video 1 – 6:11:35)

- **Paul Horn made a motion to enter executive session**, seconded by Doug Morgan. **Motion Passed.**
  - Discussion – Land Acquisition Projects

### **Action Items**

- Approve Land Acquisition Projects (Video 1 – 6:46:15)
  - **Doug Morgan made a motion to approve all three land acquisition projects, Projects A, B and C**, seconded by Brian Fisher. **Motion Passed.** (Video 1 – 6:47:30)

### **Adjournment**

**Kenny Knott made a motion to adjourn**, seconded by Brian Fisher. **Motion Passed.**

Proposed Meeting Dates for 2021  
(First Fridays of quarter-ending months):

- March 6, 2021
- June 4, 2021
- September 3, 2021
- December 3, 2021

**Attachment A-2**

Kentucky Fish and Wildlife Commission Meeting  
**REQUEST FOR COMMISSION ACTION**  
DATE: March 5, 2021

**Regulation Number:** N/A

**Regular or Emergency:** N/A

**Action Item:** Approve Quarterly Financial Statement (October - December)

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

REVENUE	50.00%				FY21 Year To Date TOTALS	FY21 BUDGET	Percent Earned / Expended
	October	November	December				
<b>Restricted Fish and Game Fund</b>							
Hunting and Fishing Licenses	\$ 1,824,067.50	\$ 2,395,113.00	\$ 7,111,701.00	\$ 17,530,659.51	\$ 35,500,000.00	49.38%	
Boat Registration Fees	\$ 88,642.21	\$ 38,638.99	\$ 37,508.14	\$ 1,554,688.05	\$ 6,000,000.00	25.91%	
Interest Income	\$ (10,006.59)	\$ 11,982.78	\$ 15,690.20	\$ 45,599.33	\$ 600,000.00	7.60%	
Camp Income	\$ -	\$ -	\$ -	\$ -	\$ 685,000.00	0.00%	
General Sales	\$ 15,139.04	\$ 20,135.50	\$ 42,763.09	\$ 129,547.17	\$ 240,000.00	53.98%	
Otter Creek Outdoor Recreation Area	\$ 14,672.83	\$ 19,618.35	\$ 14,237.32	\$ 99,977.37	\$ 350,000.00	28.56%	
Proceeds from Asset Disposition	\$ -	\$ -	\$ -	\$ 78,000.00	\$ 270,000.00	28.89%	
Fish and Game Fines & Forfeitures/ Restitution	\$ 10,076.25	\$ 7,523.32	\$ 6,125.77	\$ 57,173.58	\$ 130,000.00	43.98%	
Nongame (includes Ky Wild and Income Tax Check-off)	\$ 3,660.50	\$ 5,172.50	\$ 15,243.50	\$ 51,637.00	\$ 40,000.00	129.09%	
Miscellaneous Receipts	\$ 251,532.69	\$ 42,595.28	\$ 114,622.65	\$ 459,665.41	\$ 1,881,700.00	24.43%	
<b>Sub-Total Restricted Fish and Game Fund</b>	<b>\$ 2,197,784.43</b>	<b>\$ 2,540,779.72</b>	<b>\$ 7,357,891.67</b>	<b>\$ 20,006,947.42</b>	<b>\$ 45,696,700.00</b>	<b>43.78%</b>	
<b>Sub-Total FILO Stream Mitigation Fund (matches FILO Fund Used for Operating Costs Only)</b>	<b>\$ (186,106.28)</b>	<b>\$ 110,685.84</b>	<b>\$ 111,169.91</b>	<b>\$ 699,308.16</b>	<b>\$ 3,442,700.00</b>		
<b>Sub-Total Federal Fish and Wildlife Fund</b>	<b>\$ 515,065.04</b>	<b>\$ 1,229,188.12</b>	<b>\$ 2,994,968.47</b>	<b>\$ 8,093,664.27</b>	<b>\$ 19,381,900.00</b>	<b>41.76%</b>	
<b>TOTAL REVENUE</b>	<b>\$ 2,526,743.19</b>	<b>\$ 3,880,653.68</b>	<b>\$ 10,464,030.05</b>	<b>\$ 28,799,919.85</b>	<b>\$ 68,521,300.00</b>	<b>42.03%</b>	
<b>EXPENDITURES</b>							
Commissioner's Office	\$ 165,371.73	\$ 122,752.01	\$ 134,558.34	\$ 986,010.81	\$ 2,534,500.00	38.90%	
Commission	\$ 3,300.00	\$ 3,533.17	\$ 599.51	\$ 11,480.87	\$ 33,000.00	34.79%	
Marketing Division	\$ 23,269.94	\$ 70,306.83	\$ 74,891.54	\$ 402,327.87	\$ 1,350,000.00	29.80%	
Administrative Services Division	\$ 218,104.75	\$ 317,016.60	\$ 257,665.09	\$ 2,124,394.97	\$ 3,887,600.00	54.65%	
Engineering Infrastructure and Technology Division	\$ 116,062.60	\$ 283,893.72	\$ 198,515.66	\$ 1,311,051.24	\$ 3,238,000.00	40.49%	
Wildlife Division	\$ 1,030,198.88	\$ 1,416,478.95	\$ 1,314,530.84	\$ 7,791,900.89	\$ 18,700,000.00	41.67%	
Fisheries Division	\$ 905,196.23	\$ 858,449.46	\$ 1,190,549.77	\$ 5,753,173.32	\$ 15,800,000.00	36.41%	
Information & Education	\$ 352,965.22	\$ 645,825.36	\$ 479,923.84	\$ 3,294,744.78	\$ 7,531,100.00	43.75%	
Law Enforcement	\$ 547,195.75	\$ 1,404,823.71	\$ 962,003.68	\$ 6,412,627.79	\$ 15,447,100.00	41.51%	
<b>OPERATING EXPENDITURES</b>	<b>\$ 3,361,665.10</b>	<b>\$ 5,123,079.81</b>	<b>\$ 4,613,238.27</b>	<b>\$ 28,087,712.54</b>	<b>\$ 68,521,300.00</b>	<b>40.99%</b>	
<b>NET Gain/Loss Operating</b>	<b>\$ (834,921.91)</b>	<b>\$ (1,242,426.13)</b>	<b>\$ 5,850,791.78</b>	<b>\$ 712,207.31</b>	<b>\$ -</b>		

DEPARTMENT OF FISH AND WILDLIFE RESOURCES  
 Operating Budget Review  
 For the Month of December 2020 (FY21)

REVENUE	December			Fiscal Year To Date		
	FY21	FY20	FY19	FY21	FY20	FY19
<b>Restricted Funds</b>						
Hunting and Fishing Licenses <sup>1</sup>	\$ 7,111,701.00	\$ 5,656,944.00	\$ 2,036,477.00	\$ 17,530,659.51	\$ 15,843,912.50	\$ 14,046,787.50
Boat Registration Fees <sup>1</sup>	\$ 37,508.14	\$ 8,735.31	\$ 7,637.10	\$ 1,554,688.05	\$ 624,552.62	\$ 683,026.83
Interest Income <sup>2</sup>	\$ 15,690.20	\$ 63,816.86	\$ 95,860.84	\$ 45,599.33	\$ 343,033.66	\$ 362,245.72
Camp Income <sup>3</sup>			\$ -	\$ -	\$ 3,313.00	\$ 33,260.21
General Sales <sup>3</sup>	\$ 42,763.09	\$ 36,024.79	\$ 25,879.86	\$ 129,547.17	\$ 160,749.59	\$ 147,569.93
Otter Creek Outdoor Recreation Area	\$ 14,237.32	\$ 5,505.28	\$ 1,433.00	\$ 99,977.37	\$ 62,849.62	\$ 101,880.17
Proceeds from Asset Disposition <sup>3</sup>			\$ -	\$ 78,000.00	\$ 281,604.00	\$ 84,178.45
Fish and Game Fines & Forfeitures/ Restitution	\$ 6,125.77	\$ 8,882.80	\$ 10,887.65	\$ 57,173.58	\$ 57,102.46	\$ 64,485.79
Nongame (includes Ky Wild and Income Tax Check-off)	\$ 15,243.50	\$ 3,905.00	\$ 3,215.00	\$ 51,637.00	\$ 21,200.00	\$ 16,129.00
Miscellaneous Receipts <sup>4</sup>	\$ 114,622.65	\$ 38,846.42	\$ 40,586.85	\$ 459,665.41	\$ 389,709.96	\$ 420,416.18
<b>Sub-Total Restricted Fund</b>	<b>\$ 7,357,891.67</b>	<b>\$ 5,822,660.46</b>	<b>\$ 2,221,977.30</b>	<b>\$ 20,006,947.42</b>	<b>\$ 17,788,027.41</b>	<b>\$ 15,959,979.78</b>
<b>Sub-Total FILO (=Operating Costs of FILO Fund)<sup>5</sup></b>	<b>111,169.91</b>	<b>94,943.40</b>		<b>\$ 699,308.16</b>	<b>\$ 699,246.57</b>	
<b>Sub-Total Federal Fish and Wildlife Fund</b>	<b>\$ 2,994,968.47</b>	<b>\$ 5,759,204.74</b>	<b>\$ 7,386,016.78</b>	<b>\$ 8,093,664.27</b>	<b>\$ 11,388,378.36</b>	<b>\$ 12,964,096.08</b>
<b>TOTAL REVENUE</b>	<b>\$ 10,464,030.05</b>	<b>\$ 11,676,808.60</b>	<b>\$ 9,607,994.08</b>	<b>\$ 28,799,919.85</b>	<b>\$ 29,875,652.34</b>	<b>\$ 28,924,075.86</b>
<b>EXPENDITURES</b>						
Commissioner's Office	\$ 134,558.34	\$ 150,923.68	\$ 114,651.86	\$ 986,010.81	\$ 1,072,649.61	\$ 841,422.36
Commission	\$ 599.51	\$ 3,861.74	\$ 715.38	\$ 11,480.87	\$ 11,387.56	\$ 10,977.52
Marketing Division	\$ 74,891.54	\$ 66,461.45	\$ 93,919.00	\$ 402,327.87	\$ 396,724.03	\$ 575,985.51
Administrative Services Division	\$ 257,665.09	\$ 114,507.56	\$ 288,667.71	\$ 2,124,394.97	\$ 2,014,198.02	\$ 1,847,604.91
Engineering Infrastructure and Technology Division	\$ 198,515.66	\$ 205,304.03	\$ 185,445.47	\$ 1,311,051.24	\$ 1,250,324.33	\$ 1,332,932.89
Wildlife Division	\$ 1,314,530.84	\$ 1,382,133.94	\$ 1,290,157.98	\$ 7,791,900.89	\$ 8,155,374.96	\$ 8,392,270.71
Fisheries Division	\$ 1,190,549.77	\$ 815,547.35	\$ 715,299.95	\$ 5,753,173.32	\$ 5,882,471.94	\$ 5,288,465.04
Information & Education	\$ 479,923.84	\$ 562,607.09	\$ 533,631.19	\$ 3,294,744.78	\$ 4,185,690.29	\$ 4,280,767.41
Law Enforcement	\$ 962,003.68	\$ 1,206,008.31	\$ 871,786.12	\$ 6,412,627.79	\$ 6,769,548.29	\$ 6,266,978.63
<b>OPERATING EXPENDITURES</b>	<b>\$ 4,613,238.27</b>	<b>\$ 4,507,355.15</b>	<b>\$ 4,094,274.66</b>	<b>\$ 28,087,712.54</b>	<b>\$ 29,738,369.03</b>	<b>\$ 28,837,404.98</b>
<b>NET Gain / Loss Operating</b>	<b>\$ 5,850,791.78</b>	<b>\$ 7,169,453.45</b>	<b>\$ 5,513,719.42</b>	<b>\$ 712,207.31</b>	<b>\$ 137,283.31</b>	<b>\$ 86,670.88</b>

<sup>1</sup> Hunting and Fishing License Sales and Boat Registration fee increased mid-FY19. The timing of receipts were affected by COVID between FY20 and FY21.

<sup>2</sup> Statewide Investment Reports can be found at <https://finance.ky.gov/services/ofm/Pages/MonthlyInvestmentReports.aspx>.

<sup>3</sup> General Sales (Kentucky Afield Magazine, Apparel sales, Salato Admissions and Gift Certificates), Camp Income and Asset Disposition has been affected by COVID closures.

<sup>4</sup> Miscellaneous Receipts generally include program income earned on Wildlife Management Areas (WMA), rental of Salato rooms/shelters, donations, hunter education exemptions, etc. For this month, the program income from WMAs is \$75.6K.

<sup>5</sup> Fees-in-Lieu of Stream Mitigation is part of the Fisheries Division, but the FILO Fund provides for the operations. The receipts include only the monthly operational expenditures in FY20 and FY21.

## Cash Fund Balances - December 2020 (FY21)

	Beginning Balance (12/1/2020)	Revenue	Expenditures	Transfers	Ending Balance (12/31/20)
<b>Agency Revenue Funds</b>					
Restricted Fish & Game Fund (134R)	\$ 24,408,296.17	\$ 7,357,881.20	\$ (2,806,802.97)	\$ (41,500.00)	\$ 28,917,874.40
Nongame Fish and Wildlife Fund (13NY)	\$ 26,862.94	\$ 10.47			\$ 26,873.41
Ky Heritage Land Conservation Mgmt Fund (13KR)	\$ 250,334.79				\$ 250,334.79
Fees in Lieu of ("FILO") Stream Mitigation Fund (134S)	\$ 151,594,805.96	\$ 305,236.37	\$ (111,169.91)	\$ (1,550,510.00)	\$ 150,238,362.42
<b>Capital Fund</b>					
Various Capital Funded Projects (FILO, Agency Maintenance, etc.)	\$ 36,546,260.39		\$ (868,714.45)	\$ 1,592,010.00	\$ 37,269,555.94
<b>Federal Fund</b>					
F&W Federal Fund	\$ 5,567,651.62	\$ 2,994,968.47	\$ (1,669,295.32)		\$ 6,893,324.77
<b>Special Deposit Trust Fund</b>					
FW-Commissioner's Office Fund	\$ 8,916.24				\$ 8,916.24
	<u>\$ 218,403,128.11</u>	<u>\$ 10,658,096.51</u>	<u>\$ (5,455,982.65)</u>	<u>\$ -</u>	<u>\$ 223,605,241.97</u>

Kentucky Fish and Wildlife Commission Meeting

**ACTION ITEM**

DATE: March 5, 2021

**Regulation Number:** [301 KAR 2:251](#) & [301 KAR 3:022](#)    **Regular or Emergency:** Regular

**Proposed Effective Timeframe:** Fall 2021

**Action Item:** Bobcat Hunting

**Introduction:** Bobcats are valuable furbearers—to fur trappers monetarily in peak market conditions, in the taxidermy market, and to hunters and trappers as a prized harvest. Bobcats are also targeted, along with foxes and coyotes, by predator hunters. An added pressure is the recent popularity of hunting and trapping for predator management to support other game species. Consequently, the market and predator hunting and trapping make the bobcat a highly targeted furbearer.

Once extirpated or rare in many states, bobcats have now recovered to varying degrees throughout most of their native range. Bobcats (and otters) are currently listed under the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) treaty. CITES is an international agreement created in 1975 to ensure that international trade of certain wildlife and plant species does not threaten their survival. A federal CITES tag is required to be attached to a bobcat hide by the harvester prior to it being sold within the U.S. or exported from the U.S. States are required to report data annually to the U.S. Fish and Wildlife Service regarding CITES requirements and bobcat population status.

Because bobcats are a charismatic species, groups attempting to halt hunting and trapping of furbearers have often focused attention on bobcats. States have been challenged in courts over lack of data to support the harvest, sale, and export of bobcat hides. Sound data are paramount, not only to defend harvest against ever increasing opposition to hunting and trapping, but to responsibly and properly manage bobcat populations within Kentucky.

KDFWR is working with the University of St. Thomas, Minnesota to develop a cost-effective method for monitoring bobcat populations in Kentucky. The Commission approved this research project in 2018. Integrated Population Models were recently completed using age at harvest data (tooth samples collected from hunters and trappers in past years), catch-effort data (collected through voluntary trapper and hunter surveys), and survival (from bobcat telemetry studies). Unfortunately, results obtained were statistically invalid due to poor participation of hunters and trappers in the voluntary tooth/jaw section donation program. As a result, the Wildlife Division recommended mandatory submission of tooth/jaw sections of harvested bobcats via the current voluntary mail-in program at the December 2020 commission meeting. A bobcat hunting permit was also recommended.

**Recommended Actions:** The Wildlife Division proposes the following actions:

### Mandatory Submission of Bobcat Jaws

- Require lower jaw section submission from all harvested (by hunting or trapping) bobcats via current voluntary mail-in program.
- Recognizing that skulls are desirable mementos, we will implement an alternate approach to collecting samples when adequate data are collected. In the interim, an exemption can be given to the (very few) taxidermists who use the natural skulls in bobcat mounts. Those wishing to boil the skulls to preserve them for may extract and submit the lower canine, then receive a replacement from the furbearer program as extra teeth become available.

### Bobcat Hunting Permit

- Promulgate a \$5 Bobcat Hunting Permit for all licensed hunters.
- A Bobcat Hunting Permit will provide an accurate list of bobcat hunters to survey for effort data immediately upon close of the season. This approach, compared to others, would reduce recall time (the amount of time a hunter would need to remember information to answer the survey between close of season and when they receive the survey).
- Instructions for collecting hunter effort during the upcoming season can be emailed to the hunter at the time they purchase their permit. This will improve data quality and likely participation as well.
- Allow Wildlife Division to identify bobcat hunters pre-season; before they begin hunting bobcats. This is critical for notifying hunters (at the time they purchase permits) to request that they save and submit jaw section samples. This will hopefully increase sample size, as hunters are now aware of the department's need for samples, rather than finding out after they have disposed of carcasses.

### Gun Season for Bobcats

- The Wildlife Division recommends retaining the current bobcat hunting season until a hunter effort monitoring system is in place.

Kentucky Fish and Wildlife Commission Meeting

**ACTION ITEM**

DATE: March 5, 2021

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

**Regular or Emergency:** Regular

**Proposed Effective Timeframe:** Fall 2021

**Action Item:** Waterfowl Hunting Requirements – Enhance WMA opportunities

**Introduction:** Wildlife Division recommends amending waterfowl hunting provisions for Ballard, Boatwright, South Shore and Sloughs WMAs to enhance opportunities as outlined in proposed provisions below.

The Kentucky Department of Fish and Wildlife Resources made a number of changes to how waterfowl hunts were managed at Ballard and Sloughs WMAs 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 a number of changes to how hunts are conducted at several WMAs to improve hunter satisfaction and success.

**Proposed amendments:** 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 our 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.

## Attachment A-5

Kentucky Fish and Wildlife Commission Meeting

### **ACTION ITEM**

DATE: March 5, 2021

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

**Proposed Effective Timeframe:** Fall 2021

**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 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:

- (1) Department authorized personnel
- (2) 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.

## Attachment A-6

Kentucky Fish and Wildlife Commission Meeting

### **ACTION ITEM**

DATE: March 5, 2021

**Regulation Number:** [301 KAR 4:050](#) & [301 KAR 2:222](#)    **Regular or Emergency:** Regular

**Proposed Effective Timeframe:** Fall 2021

**Action Item:** Repeal 301 KAR 4:050 and move relevant portions into [301 KAR 2:222](#).

**Introduction:** As with the Ballard regulation, this regulation contains specific entry rules for the Swan Lake unit of Boatwright WMA. It also includes specific camping rules and a limit on using firearms to hunt bullfrogs. The entry rules in this regulation are similar to those described on other waterfowl WMAs in 301 KAR 2:222 and should be moved to this regulation. The camping rules are prescribed in [301 KAR 3:010](#) (Public use of Wildlife Management Areas). The restriction on firearms for bullfrog hunting are not found on any other WMAs in Kentucky; there are no current staff who know why this might have been implemented. We see no reason why Swan Lake Unit should be different from the rest of the state.

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.

Kentucky Fish and Wildlife Commission Meeting

**ACTION ITEM**

DATE: March 5, 2021

**Regulation Number:** N/A

**Regular or Emergency:** Regular

**Proposed Effective Timeframe:** January 2022

**Action Item:** Proposed Research - Wild Turkey Population Study

**Introduction:** 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.

Kentucky Fish and Wildlife Commission Meeting

**ACTION ITEM**

DATE: March 5, 2021

**Regulation Number:** N/A

**Regular or Emergency:** Regular

**Proposed Effective Timeframe:** Project Implementation 2021-2023

**Action Item:** Proposed Research Project – State-level survey report from the National Survey of Fishing, Hunting & Wildlife-Associated Recreation (FHWAR Survey).

**Introduction:** 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.

Kentucky Fish and Wildlife Commission Meeting

**ACTION ITEM**

DATE: March 5, 2021

**Regulation Number:** [301 KAR 1:152](#)

**Regular or Emergency:** Regular

**Proposed Effective Timeframe:** Fall 2021

**Action Item:** Harvest and Sale of Asian Carp – Update allowances and restrictions

**Introduction:** 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](#).

## Attachment A-10

Kentucky Fish and Wildlife Commission Meeting

### **ACTION ITEM**

DATE: March 5, 2021

**Regulation Number:** [301 KAR 1:400](#)

**Regular or Emergency:** Regular

**Proposed Effective Timeframe:** Fall 2021

**Action Item:** Fish Kills – Update the “Material Incorporated by Reference” in regulation

**Introduction:** 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.

The current administrative regulation to assess the replacement values of fish killed in violation of [KRS 150.460](#) (1) or (3) references an outdated edition of the American Fisheries Society publication. Fisheries Division recommends updating the Material Incorporated by Reference to the 2017 edition which is American Fisheries Society Special Publication 35, "Investigation and Monetary Values of Fish and Freshwater Mollusk Kills."

## Attachment D-1

Kentucky Fish and Wildlife Commission Meeting

### **DISCUSSION ITEM**

DATE: March 5, 2021

**Regulation Number: NA**

**Regular or Emergency:**

**Projected Effective Timeframe:** Fall 2021

**Discussion Item:** Deer Depredation Permits – Informational Item

**Introduction:** At the previous meeting, the depredation permit process prescribed by Kentucky law was described. At its request, the Commission was previously provided with statistics on deer damage reports and deer control tags issued by county for the last 3 years for its review. Landowners that are experiencing deer damage are always encouraged by KDFWR conservation officers and biologists to incorporate deer hunting into the management of deer on their property when the scenario allows it. Kentucky Hunters for the Hungry (KHFH) could be promoted in administering these permits.

**Proposed Action:** The Wildlife Division proposes to work more closely our Information & Education Division, our Marketing Division, and KHFH, 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.



## Attachment D-2

Kentucky Fish and Wildlife Commission Meeting

### **DISCUSSION ITEM**

DATE: March 5, 2021

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

**Regular or Emergency:** Regular

**Projected Effective Timeframe:** Fall 2021

**Discussion Item:** Bear Hunting Zone Modification

**Introduction:** 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.

Note: In our current meeting format timeline, any changes made to the bear hunting regulations for the 2021 season would not be in place prior to the printing of the fall hunting guide, unless a special called meeting is made to vote on the proposed changes before the June meeting.

## Attachment D-3

Kentucky Fish and Wildlife Commission Meeting

### **DISCUSSION ITEM**

DATE: March 5, 2021

**Regulation Number:** N/A

**Regular or Emergency:** Regular

**Projected Effective Timeframe:** N/A

**Discussion Item:** Walleye Snagging in Green River Lake Tailwater Stilling Basin  
("The Box")

**Introduction:** 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 a package of several other new business items within [301 KAR 1:201](#) in June 2021.

## Attachment NB-1

Kentucky Fish and Wildlife Commission Meeting

### **NEW BUSINESS ITEM**

DATE: March 5, 2021

**Regulation Number:** N/A

**Regular or Emergency:** N/A

**Projected Effective Timeframe:** N/A

**New Business Item:** CWD Update on testing results / Update on partners' results

**Introduction:** KDFWR staff veterinarian Dr. Christine Casey and acting deer and elk program coordinator John Hast will provide an update on CWD testing for the 2020-21 hunting seasons, and plans for the current year.

## Attachment NB-2

Kentucky Fish and Wildlife Commission Meeting

### NEW BUSINESS ITEM

DATE: March 5, 2021

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

Regular or Emergency: Regular

Projected Effective Timeframe: 2022 fall hunting season

New Business Item: Bear Hunting – Enhancement of opportunities

**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. 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 attached 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

