

Kentucky Department of Fish & Wildlife Resources



Commission Meeting

Live Video Teleconference*

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

September 3, 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 & Presentation

Action Items

- Election of Officers
- June 29th 2021 Special Called Commission Meeting Minutes
Attachment A-1
- Quarterly Financial Statement
Attachment A-2
- 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 A-3

*A room for public viewing of the live-streamed video teleconference with chairs spaced for social distancing will be available beginning at 8:15am (EDT) at the Salato Wildlife Education Center at 1 Sportsman's Lane, Frankfort, KY 40601. Masks are currently required in Executive Branch state buildings due to COVID-19.

- WMA Waterfowl Hunt Selections
 - Review and approve protocols for assigning hunt slots for Boatwright WMA per [301 KAR 2:222](#).

Attachment A-4
- Prohibition of Bow Fishing on Selected Small Lakes
 - Amend [301 KAR 1:410](#). Taking of fish by nontraditional fishing methods.
 - Fisheries Division recommends prohibiting bow fishing at 5 small lakes due to taking of grass carp stocked for vegetation control at these lakes, and concerns of lake residents/neighbors about disturbances caused by generators, boats, and lights used at night by bow fishers. These lakes are: Lake Carnico (Nicholas County), Carpenter Lake (Daviness County), Clear Creek Lake (Bath County), Greenbo Lake (Greenup County), and Lake Reba (Madison County).

Attachment A-5

Discussion 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 species and add special regulations for select species where warranted in particular streams or lakes.

Attachment D-1
- Otter Creek Outdoor Recreation Area
 - Amend [301 KAR 3:012](#) to allow the public to use the area during spring turkey hunting hours

Attachment D-2
- Potential Measures to Enhance Wild Turkey Recruitment

Stakeholders have suggested a variety of measures in response to perceived declines in turkey numbers and/or reproduction. These and possibly other topics will be discussed:

 - Expand nighttime coyote hunting with rifles
 - Expand furbearer trapping
 - Reduce non-resident wild turkey bag limit
 - Change turkey regulations on WMAs
 - Change fall turkey hunting regulations

Attachment D-3
- Elk Management Working Group recommendations
 - Paul Horn, chair, will present statements of support on points of consensus reached by the Elk Working Group to date

Attachment D-4

- Elk Population Modeling Research Proposal
 - University of Kentucky wildlife researchers will present options for evaluating existing elk population parameters and data, and possible next steps for elk population modeling in Kentucky
- Elk Permit Quotas for 2022
 - The Wildlife Division recommends retaining the same elk permit quotas as 2021, with a total of 594 permits available in the 2022 Elk Hunt Drawing.
Attachment D-5
- WMAs Working Group recommendations
 - Doug Morgan, chair, will present statements of support on points of consensus reached by the WMAs Working Group to date
Attachment D-6
- Licensing – Update antiquated language and accommodate modernization efforts in applicable regulations
 - 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.

Attachment D-7

New Business Items

- Simplify and update snagging, grabbing, and bowfishing regulations
 - Amend [301 KAR 1:410](#) - Taking of fish by nontraditional fishing methods.
 - Fisheries Division recommends simplifying and updating snagging and bow fishing regulations in the Cumberland River below Lake Barkley and the Tennessee River below Kentucky Lake.
 - Fisheries Division also recommends adding a hand-grabbing harvest restriction on large catfish at Carr Creek Lake.
Attachment NB-1
- Hunter Education Courses
 - Amend [301 KAR 2:185](#) - Hunter Education
 - Define legal requirements for eligibility at an in-person hunter education course and in-person range exercise
 - Remove the requirement to carry a physical card as proof of certification
Attachment NB-2

- Transferability of Special Commission Permits

Public Comments*

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

- Discussion – Land Acquisition Projects

Action Items

- Land Acquisition Projects

Adjourn

Next Scheduled Quarterly Commission Meeting Date: December 3, 2021

*Public comments may be submitted by email to FW.PublicAffairs@ky.gov between 8:00am (eastern) on the Monday preceding the meeting until 10:00am (eastern) on the day of the meeting, and those comments will be read by KDFWR staff up to 3 minutes total per commenter, time permitting. Commenters should include "Commission meeting" in their email subject line, and include their first and last name(s), Kentucky county(s) of residence (or state of residence if a nonresident), and organizational affiliation and position if they are an officer or official representative for a particular organization. Note: A commenter's contact information is not required for emailed comments, but will be helpful if information is requested, and will *not* be publicly disclosed if provided. Anonymous comments will be reviewed by the Commission but may not be read during the meeting. The Commission chair reserves the right to not read publicly any comments that are libelous, profane, derogatory of others, or not relevant to the meeting agenda. Questions will receive an email response.

Kentucky Fish and Wildlife Commission Meeting

REQUEST FOR COMMISSION ACTION

DATE: September 3, 2021

Regulation Number: N/A

Regular or Emergency: N/A

Action Item: Approval of June 29, 2021 Special Called Commission Meeting Minutes

Kentucky Department of Fish & Wildlife Resources



Commission Meeting Minutes

Live Teleconference -

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

#1 Sportsman's Lane

Frankfort, KY

June 29, 2021 - 3:00 PM (ET)

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

Call to Order and Welcome (Video 04:53) – Chairman Clinard

Invocation and Pledge of Allegiance (Video 05:50) – Josh Lillard and Kenny Knott

Commissioner and Deputy Commissioner Remarks (Video 07:18)

Action Items

- June 4, 2021 quarterly Commission meeting minutes (Video 10:44)
 - Ralph Swallows made a motion to accept the minutes; seconded by Paul Horn. **Motion Carried.** (Video 11:30)
 - Brian Fisher subsequently made a motion (Video 25:00) to amend the June 4th minutes under the turkey population concerns item so the September discussion also includes these suggestions from the public: potentially limiting out-of-state permits, possible reduction in bag limit on WMAs, and

change in fall turkey bag limit; seconded by Ralph Swallows with the clarification that this is not an all-inclusive list that will be discussed. **Vote was unanimous in favor - Motion Carried.** (Video 26:23)

- Clarify regulation concerning “wake surfing” (Video 12:22)
 - Colonel Gibson presented to the Commission. Colonel is seeking action to amend [301 KAR 6:001](#) to incorporate “wakeboards” in definitions 20 and 21 to address emerging safety concerns raised by U.S. Army Corps of Engineers on their lakes, and to enhance boater and wakeboarder safety on lakes. These amended definitions would help close the loophole for wake surfing in no-ski areas. This would also make it mandatory for wake surfers to wear a lifejacket.
 - Doug Morgan made a motion to accept the motion as written; seconded by Kenny Knott. **Vote was unanimous in favor - Motion Carried.** (Video 21:10).
- Voting on Special Commission Permit applications for deer, turkey, elk, and waterfowl (Video 26:28)
 - Qualifying applications received by May 1 from non-profit wildlife conservation organizations for fundraising to conduct projects in Kentucky per [301 KAR 3:100](#)).
 - Chairman Clinard read the following prepared statement detailing history and information regarding the Special Commission Permit Application process.

Special Commission Permits for deer, turkey, elk and waterfowl were proposed by the Commission and approved by the legislature in 2001 to provide opportunities for incorporated nonprofit wildlife conservation organizations to raise funds through sale of special permits awarded by this Commission. In turn, recipient nonprofits must use the proceeds to support projects in Kentucky. The applicable regulation, [301 KAR 3:100](#), provides specific, qualifying criteria for the Commission to use in evaluating applications. Qualifying 501(c)(3) organizations must have a stated purpose that is: “to conserve and enhance fish and wildlife resources to provide opportunities for hunting, fishing, trapping, wildlife education, habitat enhancement, or related activities such as shooting sports, hunter and angler education and training, boating, etc.”

According to the regulation, funds must be used for projects proposed to further these goals. In 2020, based on feedback from many applicants and legal staff who review the applications for compliance with requirements in regulation, we promulgated amendments to the special commission permits regulation to clarify the:

- requirements;
- eligibility among 501(c)(3) nonprofits; and the
- application process.

The Department’s legal counsel, supplied by the Tourism, Arts and Heritage Cabinet, receives, catalogs and reviews applications for compliance with requirements in state regulations. To ensure legality, consistency and equity for applicants, the Commission,

Commissioner's Office staff, and other staff of the Department are not involved in reviewing or qualifying those applications. Applications that met the criteria in regulation were forwarded by the Department's legal team to members of the Commission for consideration. In other words, the first time we see that packet are after legal has reviewed those applications. Deputy Commissioner Clark wanted me to mention though that some of the ideas that they have come up with to help the applicants, so they don't make errors is because some organizations were apparently disqualified because they omitted required elements of their applications.

The Commission would like to offer a few friendly suggestions to applicants:

- First, we suggest that applicants first have more than one member of your organization to review your applications against the requirements prior to it being sent.
- Second, we recommend that you submit your applications electronically via email. Your electronic submission can be used to verify all elements that were submitted, the date the application was sent, and any related correspondence you have with our legal team.
- Finally, please be as specific as possible with your proposed projects. Competition for these permits can be strong, so we ask you to help us determine by your application which projects are most promising in terms of benefit to the Commonwealth's fish and wildlife resources and related recreational opportunities. In other words, don't just say we're going to use this money to help, it needs to be much more specific so that the following we can see that that money was used properly and where it went.

Today the Commission has the opportunity to award up to 10 permits for each of these game species: deer, wild turkey, elk, and waterfowl. A total of 9 applying organizations submitted applications that met all criteria specified in regulation. So Gentleman given that the number of eligible applicants is less than the number of permits that may be awarded, I suggest we first determine whether we wish to vote, or instead simply award each organization that applied for a given permit type to receive one. If we decide to vote, we can next decide whether we will vote by a) show of hands or b) use of the online voting ballot forms that we used last year, each of which can then be printed and the tally announced like Colonel Gibson did last year. So, I open the floor to discuss how many permits you want to do and how you want to vote, and we will go from there.

- Paul Horn made a motion to award 9 Elk, 9 Deer, 8 Waterfowl, and 7 Turkey permits to the qualified organizations who applied, and to assign elk units to the 9 organizations awarded Elk permits by random drawing; seconded by Doug Morgan. **Vote was unanimous in favor - Motion Carried.** (Video 43:56).

Discussion Items

- Elk Permit Quotas for 2022 (Video 44:55)
 - Chris Garland and John Hast presented to the Commission.
 - The Wildlife Division recommends that the current elk permit allotment numbers remain in place for the 2022 elk hunting season:

Either Sex Archery/Crossbow	= 175
Bull Firearm	= 150
Cow Firearm	= 244
Youth	= 25
Total	= 594
 - Discussion followed. Paul Horn shared recommendations made by the Kentucky Elk Guide Association to the Elk Working Group; he suggested the Commission discuss these at its next meeting and then vote on the permit numbers subsequently at a special called meeting.
 - This item will be a discussion item in the September meeting.

Alligator Gar Study Update (Video 1:06:33)

- Dave Dreves presented on KDFWR's ongoing Alligator Gar restoration efforts, initiated in 2009 with the goal of re-establishing the species to its native range in western Kentucky. The related research with Murray State University investigates movement patterns of stocked gar using telemetry equipment, and is funded through the State Wildlife Grant Program (65% federal / 35% state match).
- Kenny Knott made a motion to continue this research; seconded by Josh Lillard. **Vote was unanimous in favor - Motion Carried.** (Video 1:13:57)
- Lake Carnico – Concerns of lake residents/neighbors about generators, boats and lights used at night by bowfishers (Video 1:14:04)
 - Commissioner Morgan presented his concerns shared by lake residents / neighbors of Lake Carnico of bowfishers using generators and lights at night. The lake is not large enough to accommodate this without causing disturbance. He is going to work with Dave Dreves and department staff on possible solutions and propose a regulation that would prohibit bowfishing at night on this lake.
 - This item will be moved onto the September meeting agenda for action.

Action Items

- Announcement of Special Commission Permit recipients (Video 1:35:40)

The following Special Commission Permits were awarded:

2022 Deer

 - Appalachian Outdoorsmen Association, Inc.
 - Carr Creek Fish and Game Club
 - Kentucky Ducks Unlimited

- Kentucky Fish and Wildlife Foundation
- Kentucky Houndsmen Association Foundation for Sportsmen's Rights
- Kentucky Trapshooters League
- League of Kentucky Sportsmen, Inc.
- Northern Kentucky Quail Forever
- The Nature Conservancy (Kentucky)

2022 Turkey

- Appalachian Outdoorsmen Association, Inc.
- Carr Creek Fish and Game Club
- Kentucky Ducks Unlimited
- Kentucky Fish and Wildlife Foundation
- League of Kentucky Sportsmen, Inc.
- Northern Kentucky Quail Forever
- The Nature Conservancy (Kentucky)

2022 Waterfowl

- Appalachian Outdoorsmen Association, Inc.
- Carr Creek Fish and Game Club
- Kentucky Ducks Unlimited
- Kentucky Fish and Wildlife Foundation
- Kentucky Trapshooters League
- League of Kentucky Sportsmen, Inc.
- Northern Kentucky Quail Forever
- The Nature Conservancy (Kentucky)

2022 Elk

- Appalachian Outdoorsmen Association, Inc.
- Carr Creek Fish and Game Club
- Kentucky Ducks Unlimited
- Kentucky Fish and Wildlife Foundation
- Kentucky Houndsmen Association Foundation for Sportsmen's Rights
- Kentucky Trapshooters League
- League of Kentucky Sportsmen, Inc.
- Northern Kentucky Quail Forever
- The Nature Conservancy (Kentucky)

- Selection of elk hunt unit assignments for recipients of Special Commission Permits for elk (Video 1:37:37)

Elk Unit Assignments - Colonel Gibson drew the following at random:

- Carr Creek Fish and Game Club – Unit 3
- League of Kentucky Sportsmen, Inc. – Unit 5

- Appalachian Outdoorsmen Association, Inc. – Unit 6
 - Kentucky Ducks Unlimited – Unit 2
 - Kentucky Fish and Wildlife Foundation – Unit 4
 - Kentucky Trapshooters League – Unit 7
 - The Nature Conservancy (Kentucky) – Unit 2
 - Northern Kentucky Quail Forever – Unit 6
 - Kentucky Houndsmen Association Foundation for Sportsmen's Rights – Unit 4
- Alleged Open Meetings Act violations (Video 1:42:50)
 - Chairman Clinard read a timeline of events including allegations by complainant (plaintiff), opinion of the Attorney General, and a subsequent, pending suit filed in Franklin Circuit Court.
 - "On April 19, 2021 I received an e-mail complaint from LaGrange, KY resident alleging violations of the Open Meetings Act that occurred at meetings of the Commission on January 31, 2020 as well as April 1st and April 14th of 2021. Those allegations centered around the improper announcement of the need to go into executive sessions.
 - On April 27, 2021 the individual filed a complaint of the alleged violations with the Office of the Attorney General.
 - On May 6, 2021 Mr. Mickey McGuire, a Prestonsburg, Kentucky attorney answered the complaint filed with the Office of the Attorney General.
 - On May 17, 2021 the Attorney General rendered his opinion, finding that the Commission did indeed violate the Open Meeting on the three occasions mentioned.
 - The violations took place when I failed to be specific about what personnel issue would be discussed in closed session. The document announcing our intent to go into closed session is provided by attorneys who are assigned to Kentucky Department of Fish and Wildlife and who are chosen by the Tourism, Arts and Heritage Cabinet. They are present at all meetings and closed sessions to advise and direct our meetings to assure that we comply with the criteria for Open Meetings compliance. The announcement they have me read contains approximately 160 words. According to the Attorney General's Office, had I added about three words to the closed session announcement - the violation would not have occurred.
 - Further, the Attorney General found no violation had occurred during the closed sessions.
 - An additional side bar I might add is that on page 6 the (last sentence) of the Attorney General's opinion, he refers to the error as a "technical violation." None the less, On June 16, 2021 Mr. Richards filed a Lawsuit in Franklin Circuit Court in Frankfort against the Fish and Wildlife Commission. He accuses the Commission of "willfully" violating the Open Meeting Act and requests injunctive relief removing Commissioner Storm as the Kentucky Department of Fish and Wildlife Commissioner and voiding the four-year contract. Additionally, he requests the Court impose a \$100.00 fine per violation as well as his court cost and attorney fees.

- On June 1, 2021 I received an e-mail about an Open Meetings Act complaint alleging violations may have occurred at commission meetings held on June 26, 2020 and August 12, 2020. I responded to his concerns within the three days required by law on June 24. All Commission members were forwarded his complaint on Monday, June 21st via e-mail.
- That timeline brings us to today. In a few minutes I will open the floor to discussion to address these recent events and complaints-later I will ask for your recommendations to remedy these issues.
- Firstly, I want to assure our stake holders who are watching via Zoom as well as the Complaints, there was no, absolutely no, willful intent on the Commissions part to violate any Open Meetings requirements. There were no surreptitious attempts to keep our choice for commissioner from the Public, quite the contrary. This board has voted three times overwhelmingly to appoint Mr. Storm as the leader of this agency. I believe 13 district commissioners in all, appointed by two governors have agreed that he should serve as our Commissioner!
- The Commission acknowledges and accepts the findings of the Attorney General and for the technical violations we are truly sorry. However, as I have previously mentioned, our actions in these meetings are monitored and directed by the attorneys chosen by Tourism, Arts and Heritage Cabinet.
- In the future we will strive to assure that legal counsel better directs our efforts in conducting our business in these meetings.
- Speaking now personally, I do not believe for one minute that these complaints were generated from a sincere desire to see that our meetings were conducted according to proper procedures. I believe the complaints are subversive mechanisms aimed at the removal of Rich Storm by any means, for duplicitous, self-serving purposes. Now, I'm going to ask for any comments by other district Commissioners."
- Discussion by Commission members followed.
- Remedies:
 - Plaintiff's requested remedy includes dismissal of Rich Storm / voiding his current contract, open search for new Commissioner, and request court, legal, and attorney fines to be covered by the Commission.
 - Doug Morgan made a motion that the Commission reject the remedies suggested by the plaintiff who has taken this to Franklin Circuit Court; seconded by Kenny Knott. **Vote was unanimous in favor- Motion Carried.** (Video 2:11:41).
 - Kenny Knott made a motion for the Commission, in accordance with House Bill 394, to terminate Mr. Storm's present contract on June 30, 2021 and with his acceptance to appoint him Commissioner of Kentucky Fish & Wildlife beginning July 1, 2021 for 4 years (or maximal time allowable by Kentucky law) at the rate of compensation and conditions set forth in the April 14, 2021 contract; seconded by Doug Morgan. **Vote was unanimous in favor - Motion Carried.** (Video 2:28:44)

- Procuring legal counsel for Commission response to Open Meeting complaints and suit in Franklin Circuit Court
 - Chairman Clinard explained the Commission has currently spent \$5,500 for legal counsel.
 - Doug Morgan made a motion to continue work with Mickey McGuire of Prestonsburg as legal counsel for the Commission in open meeting complaints and in Franklin Circuit Court; seconded by Paul Horn. **Vote was unanimous in favor - Motion Carried.** (Video 2:33:35)

Public Comments

- One public comment was received and read by chief communications officer Kevin Kelly: (Video 2:33:55)

"I think wake boarding and boats used for such, should not be allowed at Taylorsville Lake. The lake is too small and the waves caused by this recreation are very hazardous to smaller boats and fishermen. If continued I believe there will be a serious accident or maybe death. I'm sure others who have encountered the wake boards would feel the same. Thank You." Submitted by Keith Stone

Dr. Clinard made a closing statement:

"It is my fervent hope that now, after voting to appoint Rich Storm for the 4th time, even those who disagree with the Commission's choice, will turn their efforts and energy toward advancing the causes of good wildlife and resource management. That they will join us in preparing the road to the outdoors for the generations to come, and that they would abandon this time consuming and divisive endeavor."

Adjourn – Kenny Knott made a motion to adjourn; seconded by Ralph Swallows. **Vote was unanimous in favor - Motion Carried.** (Video 2:35:40).

Next Scheduled Quarterly Commission Meeting Date: September 3, 2021

Attachment A-2

Kentucky Fish and Wildlife Commission Meeting

ACTION ITEM

DATE: September 3, 2021

Regulation Number: N/A

Regular or Emergency: N/A

Proposed Effective Timeframe: N/A

Action Item: Quarterly Financial Statement

Please continue to next page

Department of Fish & Wildlife Resources
Income Statement - FY21 / 4th Quarter

100.00%						
	FY21 Year To Date					Percent Earned / Expended
	TOTALS					
	April	May	June	FY21 BUDGET		
REVENUE						
Restricted Fish and Game Fund						
Hunting and Fishing Licenses	\$ 6,306,516.00	\$ 6,082,052.50	\$ 2,564,359.50	\$ 34,926,425.01	\$ 35,500,000.00	98.38%
Boat Registration Fees	\$ 2,080,953.25	\$ 1,383,853.74	\$ 809,847.69	\$ 7,022,229.27	\$ 6,000,000.00	117.04%
Interest Income	\$ 17,255.53	\$ 27,057.69	\$ (54,445.20)	\$ 2,766.17	\$ 600,000.00	0.46%
Camp Income	\$ 307,117.54	\$ 9,328.85	\$ 24,660.41	\$ 341,106.80	\$ 685,000.00	49.80%
General Sales	\$ 55,962.75	\$ 55,241.79	\$ 10,975.00	\$ 298,326.51	\$ 240,000.00	124.30%
Otter Creek Outdoor Recreation Area	\$ 19,631.24	\$ 184,254.79	\$ 19,248.44	\$ 333,575.92	\$ 350,000.00	95.31%
Proceeds from Asset Disposition	\$ -	\$ -	\$ 280,883.58	\$ 358,883.58	\$ 270,000.00	132.92%
Fish and Game Fines & Forfeitures/ Restitution	\$ 12,323.39	\$ 10,637.60	\$ 9,303.78	\$ 123,973.29	\$ 130,000.00	95.36%
Nongame (includes Ky Wild and Income Tax Check-off)	\$ 26,844.00	\$ 27,819.00	\$ 12,319.00	\$ 136,520.00	\$ 40,000.00	341.30%
Miscellaneous Receipts	\$ 151,811.52	\$ 111,904.77	\$ 295,509.08	\$ 1,347,821.05	\$ 1,881,700.00	71.63%
Sub-Total Restricted Fish and Game Fund	\$ 8,978,415.22	\$ 7,892,150.73	\$ 3,972,661.28	\$ 44,891,627.60	\$ 45,696,700.00	98.24%
Sub-Total FILO Stream Mitigation Fund (matches FILO Fund						
Used for Operating Costs Only)						
Sub-Total Federal Fish and Wildlife Fund	\$ 116,466.11	\$ 114,424.32	\$ 58,899.22	\$ 1,381,411.48	\$ 3,442,700.00	95.64%
TOTAL REVENUE	\$ 9,795,308.33	\$ 8,975,044.43	\$ 7,539,452.80	\$ 64,810,135.19	\$ 68,521,300.00	94.58%
EXPENDITURES						
Commissioner's Office	\$ 145,146.51	\$ 146,642.82	\$ 104,654.28	\$ 1,806,151.23	\$ 2,534,500.00	71.26%
Commission	\$ 2,009.60	\$ 2,089.30	\$ 2,007.85	\$ 22,807.91	\$ 33,000.00	69.11%
Marketing Division	\$ 104,061.17	\$ 82,615.81	\$ 147,341.33	\$ 1,055,164.34	\$ 1,350,000.00	78.16%
Administrative Services Division	\$ 299,293.60	\$ 423,712.59	\$ 209,287.35	\$ 3,724,321.51	\$ 3,887,600.00	95.80%
Engineering Infrastructure and Technology Division	\$ 317,055.92	\$ 216,167.37	\$ 167,613.55	\$ 2,655,326.16	\$ 3,238,000.00	82.01%
Wildlife Division	\$ 1,474,137.31	\$ 1,632,037.21	\$ 1,212,459.37	\$ 15,980,119.96	\$ 18,700,000.00	85.46%
Fisheries Division	\$ 1,021,660.62	\$ 971,798.04	\$ 1,294,958.06	\$ 11,721,211.74	\$ 15,800,000.00	74.18%
Information & Education	\$ 542,802.61	\$ 728,835.67	\$ 673,306.67	\$ 6,768,479.45	\$ 7,531,100.00	89.87%
Law Enforcement	\$ 1,061,965.70	\$ 1,411,113.78	\$ 1,302,350.87	\$ 13,637,318.22	\$ 15,447,100.00	88.28%
OPERATING EXPENDITURES	\$ 4,968,133.04	\$ 5,615,012.59	\$ 5,113,979.33	\$ 57,370,900.52	\$ 68,521,300.00	83.73%
NET Gain/Loss Operating	\$ 4,827,175.29	\$ 3,360,031.84	\$ 2,425,473.47	\$ 7,439,234.67	\$ -	

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

	REVENUE		
	FY21	FY20	FY19
Restricted Funds			
Hunting and Fishing Licenses	\$ 2,564,359.50	\$ 3,747,476.50	\$ 2,785,950.50
Boat Registration Fees	\$ 809,847.69	\$ 1,169,954.87	\$ 703,682.38
Interest Income	\$ (54,445.20)	\$ 24,481.46	\$ 111,779.84
Camp Income	\$ 24,660.41	\$ (522.00)	\$ 18,026.80
General Sales	\$ 10,975.00	\$ 19,653.50	\$ 40,453.36
Otter Creek Outdoor Recreation Area	\$ 19,248.44	\$ 27,881.69	\$ 14,011.59
Proceeds from Asset Disposition	\$ 280,883.58		\$ (55,544.00)
Fish and Game Fines & Forfeitures/ Restitution	\$ 9,303.78	\$ 4,185.38	\$ 1,642.66
Nongame (Includes Ky Wild and Income Tax Check-off	\$ 12,319.00	\$ 15,101.00	\$ 3,200.00
Miscellaneous Receipts	\$ 295,509.08	\$ 218,449.55	\$ 44,145.87
Sub-Total Restricted Fish and Game Fund	\$ 3,972,661.28	\$ 5,226,661.95	\$ 3,667,349.00
Sub-Total FILO (=Operating Costs of FILO Fund)	\$ 58,899.22	\$ 46,475.75	
Sub-Total Federal Fish and Wildlife Fund	\$ 3,507,892.30	\$ 3,841,367.02	\$ 3,224,709.65
TOTAL REVENUE	\$ 7,539,452.80	\$ 9,114,504.72	\$ 6,892,058.65
EXPENDITURES			
Commissioner's Office	\$ 104,654.28	\$ 276,552.45	\$ 94,771.77
Commission	\$ 2,007.85	\$ 290.40	\$ 3,704.05
Marketing Division	\$ 147,341.33	\$ 37,844.86	\$ 57,656.95
Administrative Services Division	\$ 209,287.35	\$ 34,429.91	\$ 614,878.84
Engineering Infrastructure and Technology Division	\$ 167,613.55	\$ 131,715.40	\$ 204,151.05
Wildlife Division	\$ 1,212,459.37	\$ 1,681,365.73	\$ 1,443,610.02
Fisheries Division	\$ 1,294,958.06	\$ 693,966.33	\$ 732,809.75
Information & Education	\$ 673,306.67	\$ 575,156.21	\$ 628,979.84
Law Enforcement	\$ 1,302,350.87	\$ 1,131,179.42	\$ 1,541,521.70
OPERATING EXPENDITURES	\$ 5,113,979.33	\$ 4,562,500.71	\$ 5,322,083.97
NET Gain / Loss Operating	\$ 2,425,473.47	\$ 4,552,004.01	\$1,569,974.68

Department of Fish and Wildlife Resources

Cash Fund Balances - June 2021 (FY21)

	Beginning Balance (6/1/2021)	Revenue	Expenditures	Transfers	Ending Balance (6/30/21)
Agency Revenue Funds					
Restricted Fish & Game Fund (134R)	\$ 32,640,342.85	\$ 3,972,692.36	\$ (2,587,775.16)	\$ (184,591.25) ¹	\$ 33,840,668.80
Nongame Fish and Wildlife Fund (13NY)	\$ 26,878.21	\$ (31.08)			\$ 26,847.13
Ky Heritage Land Conservation Mgmt Fund (13KR)	\$ 250,334.79				\$ 250,334.79
Fees in Lieu of ("FILO") Stream Mitigation Fund (134S)	\$ 156,187,453.99	\$ 218,288.16	\$ (58,411.12)		\$ 156,347,331.03
Capital Fund					
Various Capital Funded Projects (FILO, Agency Maintenance, etc.)	\$ 35,192,575.17		\$ (1,198,137.17)	\$ 18,000.00	\$ 34,012,438.00
Federal Fund					
F&W Federal Fund	\$ 7,168,810.22	\$ 3,516,034.37	\$ (2,125,759.76)	\$ (16,047.72)	\$ 8,543,037.11
Special Deposit Trust Fund					
FW-Commissioner's Office Fund	\$ 8,916.24				\$ 8,916.24
	\$ 231,475,311.47	\$ 7,706,983.81	\$ (5,970,083.21)	\$ (182,638.97)	\$ 233,029,573.10

¹ Includes transfers of \$189,986 to State Police Radio Capital Project, \$7,327.03 transfer from Military Affairs for FEMA reimbursement

Attachment A-3

Kentucky Fish and Wildlife Commission Meeting

ACTION ITEM

DATE: September 3, 2021

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

Regular or Emergency: Regular

Projected Effective Timeframe: Fall 2022 Bear Hunting Season

Action 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.

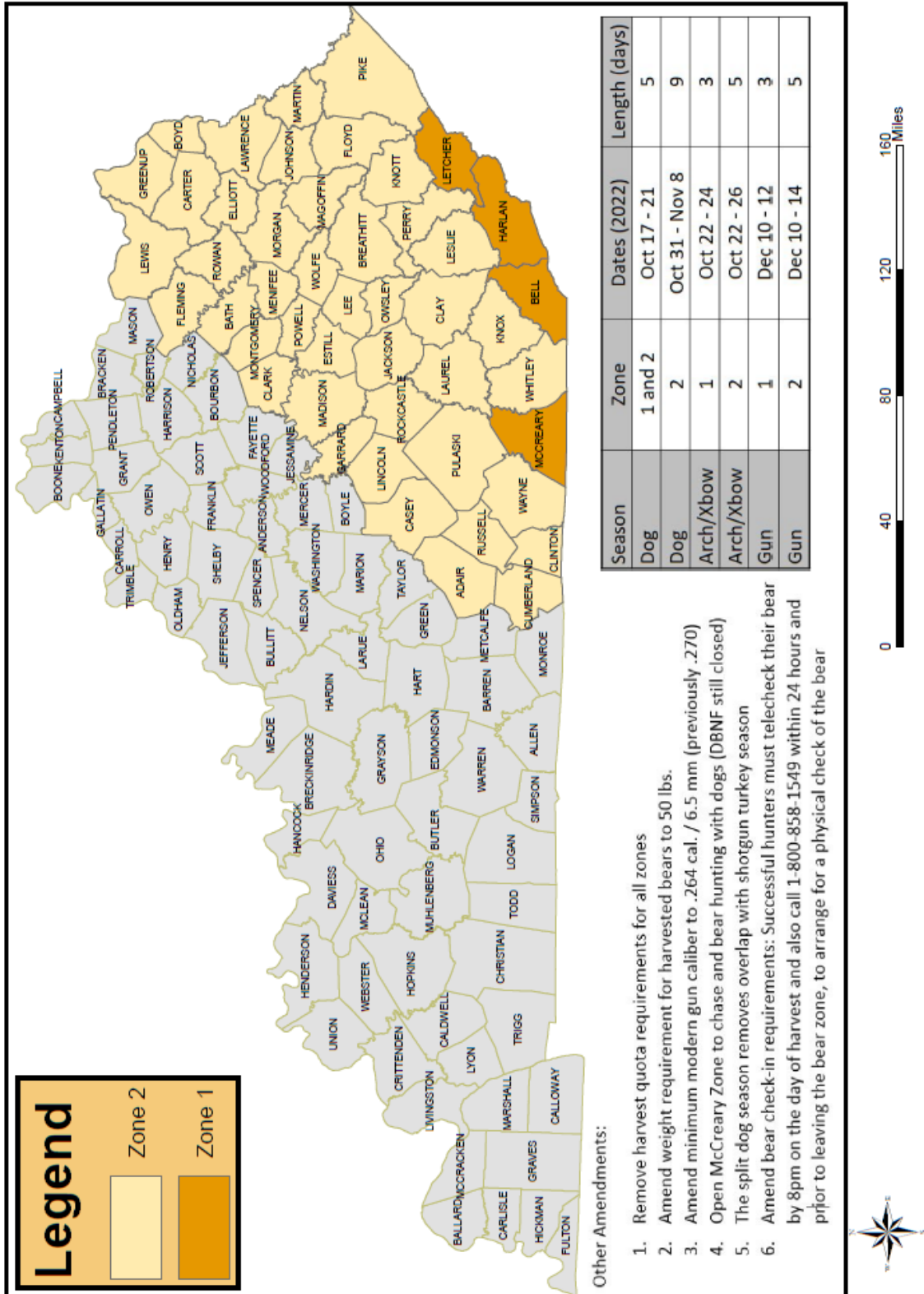
Introduction: As black bears in Kentucky have increased in number and expanded in range, bear season harvest objectives have changed over time. With our current harvest regime, we have 2 ways to adjust the harvest at a county level: (1) increase the female harvest quota or (2) reconfigure specific bear 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 modern gun caliber to .264 cal. / 6.5 mm (currently .270).
5. Open McCreary Zone to chase and bear hunting with dogs (Daniel Boone National Forest still closed).
6. Amend bear check-in requirements: Successful hunters must contact a biologist prior to leaving the bear zone.
7. 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



Attachment A-4

Kentucky Fish and Wildlife Commission Meeting

ACTION ITEM

DATE: September 3, 2021

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

Regular or Emergency: Regular

Projected Effective Timeframe: Fall 2021

Action Item: Review and approve protocols for assigning waterfowl hunt slots for Boatwright WMA.

Introduction: Wildlife Division recommends amending the process to draw for daily hunting spots at Boatwright WMA to enhance opportunities as outlined in proposed provisions below. This change does not require an amendment to 301 KAR 2:222.

Proposed amendments: The Wildlife Division proposes changing the drawing procedure for waterfowl hunts at Boatwright WMA to allocate hunt spots as follows:

- 70% of hunting slots awarded through online application and random weekly drawings,
- 30% of spots awarded through in-person drawings the morning of each hunt day.
- Unclaimed/no-show hunt spots from the online application/drawing process will also available the morning of each hunt day.

Background: Because of restrictions on public gatherings and Executive Branch agency operations enacted to help protect staff and the public from COVID-19, the department made changes to the process of how waterfowl hunting opportunities were available during the 2020-2021 waterfowl season at Boatwright WMA.

Traditionally, Boatwright WMA has held a daily drawing the morning of each hunt, in which hunting parties applied and were selected onsite for available hunting spots. For the 2020-21 season, COVID restrictions required the use of an online process to conduct the daily drawing. Hunters applied from Wednesday thru Sunday for hunts during the following week. On the following Monday, a computerized random drawing selected participants for each day of hunting (Wednesday thru Sunday) and posted the results so that applicants could see them. The process also allowed hunters who could not hunt on their drawn dates to surrender their spots up to 24 hours prior to their hunt. The online process was rapidly adopted by waterfowl hunters, with many more hunters applying for spots than was traditionally the case. Weekend hunt dates averaged 712 applicants across the season, and 3 weeks averaged more than 800 applicants for weekend hunt days. Because of COVID restrictions, standby hunting for unclaimed spots was not possible.

For 2021-22, the department proposes to award hunt spots through a hybrid system of A) advance online drawings and B) in-person drawings the day of the hunt. Any

unit/blind not assigned in online drawings as well as hunt spots opened up due to “no-shows” will be available the morning of a given hunt date.

For each hunting day’s available spots:

A) 70% of available hunting spots will be randomly assigned via the computer drawing. Online applications will be accepted Wednesday through Sunday of the week before each hunt. Random drawings for hunts and locations will then occur the following Monday. Each Monday drawing will determine hunters and locations for the following Wednesday through Sunday. Unassigned spots will be available for the in-person drawing. (The online process will be suspended during backwater events for public safety.)

B) 30% of available hunting slots will be awarded via in-person drawings the morning of each hunt day, as was traditionally done for all the Boatwright waterfowl hunting spots.

Application Rules - Applicants:

- Must have the necessary license and permit needed for waterfowl hunting when applying.
- Must be at least 18 years old.
- Cannot apply if cited for waterfowl hunting violations on a waterfowl quota hunt during the previous season.

How to apply:

- Visit the online application page: app.fw.ky.gov/huntdraw
- Enter last name, date of birth and last 4 digits of social security number.
- Apply individually; hunters may take up to 3 guests.
- Select the desired hunt days.
- Select preference of either a Boat-in/Walk-in spot (these require a boat to access), OR a pit/blind/walk-in spot (these do not require a boat to access).
- Flooding may open additional locations; the process to apply for these spots will remain the same. During backwater, a boat will be necessary to access all spots. Backwater can be dangerous. Because of that, hunting spots during backwater events will only be available via in-person drawings.
- On Monday night, visit fw.ky.gov and check the “My Profile” tab to determine drawing results and hunting locations. Download and print a copy of your check-in and check-out card.
- Hunters who are drawn and cannot hunt are asked to surrender their spots so others may hunt. There is no penalty for surrendering a spot and it will not affect one’s chances of being drawn in the future. Surrender spots by 6am (eastern) the day before a hunt to allow adequate time for a replacement hunting party to be notified. To surrender spots, hunters simply click the “Surrender Button” next to their hunt assignments in My Profile. Surrendered spots will go to the next person in line for that day. Hunters receiving surrendered spots will be notified via email (so please make sure your email in our system is valid) or they can check the Hunt Draw app.

The Day of a Hunt:

- Hunters may NOT enter the area before 4:30 a.m. (All times Central time).
- Hunters MUST check-in in person before 4:45 a.m. (doors open at 4:15 a.m.) at the Ballard Bottoms Tourism Council Building (the old First General Baptist Church Fellowship Hall, 255 S. 4th Street, Barlow, KY 42024) before hunting.
- Anyone not checked in by 4:45 a.m. forfeits the opportunity to hunt that day.
- Unfilled spots will be available via an in-person drawing beginning at 4:45 a.m.
- Hunters must carry their check-out cards (hunting permit) with them.
- Hunters must stop hunting and leave the area by 2 p.m.
- After hunting, hunters must drop their check-out cards in the drop box located at the Ballard Bottoms Tourism Council Building before 3 p.m. (before going home).
- Hunters must follow all normal rules pertaining to hunts at Boatwright WMA.

Ballard and Sloughs WMA Hunts (Background Info)

Ballard WMA has waterfowl hunts every Wednesday-Sunday of the second split of waterfowl season. For each day, the September Quota Hunt process assigns 14 people to hunt. A drawn hunter gets 2 days of hunting at the WMA. These “drawn” hunters then check in the morning of their hunt at the Ballard Check Station between 4:30 a.m. and 5:00 a.m. At 5 a.m., all hunters checked in participate in on-site lottery for order to select blinds/units. Once all “drawn hunters” are taken care of, any spots not claimed are available in a secondary drawing of “stand-by” hunters.

Sloughs WMA’s Crenshaw and Duncan Tracts waterfowl hunting spots are also assigned by the September quota hunt process. Ten units a day are available for hunting Thursday-Monday. A drawn hunter gets either a 2-day block (Thursday and Friday) or a 3-day block (Saturday to Monday). The quota hunt system assigns the drawn hunter a hunting unit. Drawn hunters must check in (remotely) by Sunday evening before their hunt. Any spots not claimed are available in a Monday evening “stand-by” drawing at the WMA office.

Sloughs WMA’s Jenny Hole spots are assigned in 2 ways. Two spots each week are assigned via the September quota hunt process and 10 spots are assigned during a Monday afternoon drawing at the WMA. Hunts in the Jenny Hole are assigned for the week (Thursday to Monday). Hunters will be assigned to a specific unit and must hunt within that unit all week.

Attachment A-5

Kentucky Fish and Wildlife Commission Meeting

ACTION ITEM

DATE: September 3, 2021

Regulation Number: [301 KAR 1:410](#)

Regular or Emergency: Regular

Proposed Effective Timeframe: Spring 2023

Action Item: Amend 301 KAR 1:410 – Taking of fish by nontraditional fishing methods

Introduction: The department has received complaints from residents/neighbors around Lake Carnico (Nicholas County) about disturbances caused by generators, boats, and lights used at night by bow fishers. Fisheries Division also has concerns of the taking of grass carp stocked for vegetation control by bow fishers at this lake and a few other small state-owned or managed lakes.

Recommended Action: Prohibit bow fishing at the following lakes: Lake Carnico (Nicholas County), Carpenter Lake (Daviess County), Clear Creek Lake (Bath County), Greenbo Lake (Greenup County), and Lake Reba (Madison County).

Attachment D-1

Kentucky Fish and Wildlife Commission Meeting

DISCUSSION ITEM

DATE: September 3, 2021

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

Regular or Emergency: Regular

Projected Effective Timeframe: Spring 2023

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

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 (and change to statewide regulations for both size and daily creel limits: 12 in min length limit and 6-fish daily harvest/creel limit) at the following waters:

- 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 (and standardize to 6-fish daily harvest/creel limit) at the following waters:

- 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 (and maintain 6 fish daily harvest/creel limit) at the following waters:

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

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

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

Change to 15 inch minimum length limit and 6 fish daily harvest/creel limit on largemouth bass and smallmouth bass at 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 inch minimum length limit on smallmouth bass (and maintain 6 fish daily creel limit) on the following waters:

- 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 these 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 harvest/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 these waters:

- Cave Run Lake
- Dewey Lake
- Green River Lake

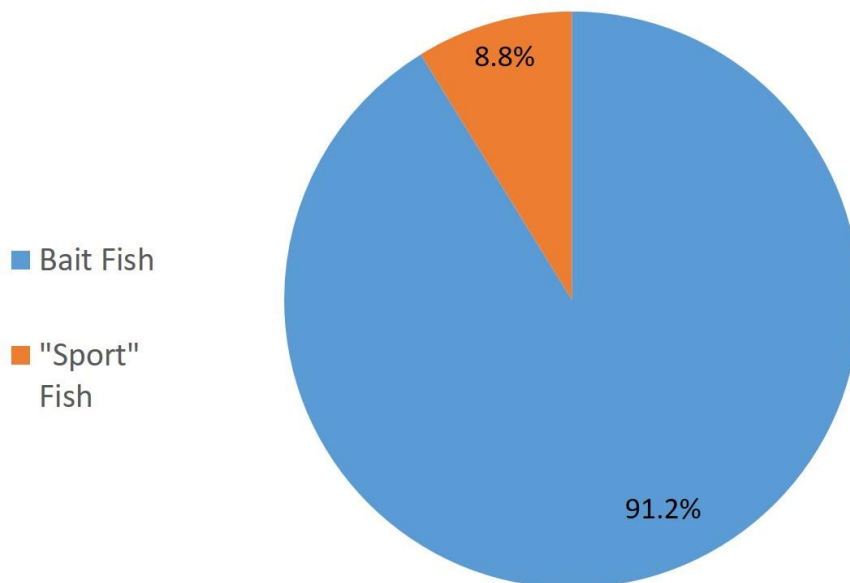


Figure 1. Composition of fishes in the diets of muskellunge at Buckhorn Lake (2003-2008).

Proposed Black Bass Regulation Changes												
Statewide Regulations					Special Regulations							
Largemouth Bass/Smallmouth Bass					Largemouth Bass				Largemouth Bass			
12" minimum length limit daily limit of 6 black bass					12-15 inch protective slot limit daily limit of 6 black bass				12-15 inch protective slot limit daily limit of 6 black bass			
Fisheries District	Water Body	Current Regulation	Fisheries District	Water Body	Current Regulation	Fisheries District	Water Body	Current Regulation	Fisheries District	Water Body	Current Regulation	Fisheries District
Central	KY River WNA Ponds (Prather, 6 acre, 15 acre ponds)	LMB 15" 1 fish daily	Central	Beaver Lake	Statewide	Central	Main Stem Elkhorn Creek	LMB/SMB 12-16" slot - 2 over	Central	Doe Run Lake	LMB 15" 3 fish daily	Central
Eastern	Paintsville Lake	LMB 12" SMB 18"	Central	Boltz Lake	Statewide	Central	Wood Creek Lake	LMB/SMB 15"	Central	Lake Shelby	LMB 15" 3 fish daily	Northwestern
Southwestern	Marion Co. Lake	LMB 15"	Central	Corinth Lake	Statewide	Northwestern	Otter Creek	LMB/SMB 12-16" slot - 1 over	Central	New Haven Optimist Lake	LMB 15" 3 fish daily	Northwestern
Southwestern	Fagan Br. Lake	LMB/SMB 12-15" slot	Central	McNeely Lake	LMB 12"	Central			Central	Willisburg Park Pond	LMB 15" 1 fish daily	Southwestern
Southwestern	Shanty Hollow Lake	LMB 15"	Central	General Butler SP Lake	LMB 15" - 3 fish daily	Central			Northwestern	Mill Creek Lake	LMB 15" 3 fish daily	
			Central	Lincoln Homestead SP Lake	LMB 15" - 3 fish daily							
			Northwestern	Cave Run Lake	LMB 13-16" slot SMB 18"				Smallmouth Bass			
			Northwestern	Smoky Valley (Carter Caves State Park Lake)	LMB 12-15" slot 1 over 15"				15 inch minimum length limit daily limit of 6 black bass			
			Eastern	Panbowl Lake	Statewide				Fisheries District	Water Body	Current Regulation	Fisheries District
			Southwestern	Bert T. Combs Lake	Statewide				Southwestern	Barren River	Statewide	Southwestern
			Southwestern	Beulah Lake	Statewide				Eastern, Southeastern	Upper Cumberland R.	Statewide	Eastern, Southeastern
			Western	Lake Pennyville	Statewide				Eastern, Southeastern	Upper Kentucky River	Statewide	Eastern, Southeastern

Kentucky Fish and Wildlife Commission Meeting

DISCUSSION ITEM

DATE: September 3, 2021

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

Regular or Emergency: Regular

Projected Effective Timeframe: Spring 2023

Discussion Item: The Wildlife Division recommends opening Otter Creek Outdoor Recreation Area to the 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 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.](#)

Kentucky Fish and Wildlife Commission Meeting

DISCUSSION ITEM

DATE: September 3, 2021

Regulation Number: Multiple

Regular or Emergency: Regular

Proposed Effective Timeframe: 2023 (if changes are made)

Discussion Item: Stakeholders have suggested a variety of measures in response to perceived declines in turkey numbers and/or reproduction. These and possibly other topics will be discussed:

- Expand nighttime coyote hunting with rifles
- Expand furbearer trapping
- Reduce non-resident wild turkey bag limit
- Change turkey regulations on WMAs
- Change fall turkey hunting regulations

At this time, the Wildlife Division recommends leveraging and promoting departmental expertise with habitat improvement and educational opportunities for regulated trapping. We also recommend a simple, annual hunter survey system to better identify hunters as well as an up-to-date system to measure use and hunter effort on our public lands. Finally, to better measure and understand turkey population dynamics objectively, we recommend that our current research project be completed and analyzed, and that additional cutting-edge research being conducted in other states be implemented here in Kentucky as well.

We acknowledge stakeholder concerns about wild turkey recruitment and appreciate suggestions to actively address these concerns. Poor recruitment of turkeys in some years or areas can lead to lower numbers at a localized level. The overall trend in our poult-per-hen index has been relatively stable for the past 10 years but is highly variable year to year.

Turkey recruitment is the culmination of nesting success and brood survival, both of which hinge on a combination of factors. Variability in reproductive success is related to weather during nesting and brooding periods. Kentucky springs and summers are becoming wetter and warmer, as farmers know, and untimely, severe rain events makes nesting hens and young poults more susceptible to predation and hypothermia. In contrast, land use (hay cutting, clean farming) predictably governs the area available for turkeys to reproduce but is up to landowners. Predation, which accounts for most losses of turkey nests and broods, is also a given every year.

Mammalian predators have become abundant since fur markets and trapping have declined and through natural expansion, but this situation has been the norm for some time. Comments from the public about possible turkey declines have only surfaced over the past 5 or so years here in Kentucky, and it is not clear that most predator species have increased substantially over this relatively short period. Hunters get many trail camera pictures of raccoons, coyotes, and other predators, but bait piles likely promote artificially high concentrations of these species at bait sites. Baiting can cause congregations of wildlife (including predators) and increase the impacts of disease or other health risks. One example is aflatoxins in corn, which can be lethal to wild turkeys and young deer. Baiting also increases risk of disease spread in our deer herd.

Addressing predation on turkeys through regulations is difficult. In practical terms, trapping intensively enough, over a large enough area, and for a long enough period of time to make a biological difference is cost-prohibitive and unrealistic for Kentucky sportsmen and landowners. Hunters and landowners currently have 3-5 months of opportunity to trap and hunt furbearers. It must be noted that other predators like snakes and raptors, which cannot be managed practically, account for a high proportion of turkey nest loss already, and would fill the void left by furbearer trapping even if it were to be achieved at the unrealistic level required in principle to benefit turkeys.

Altering furbearer seasons must be carefully thought out and explored to avoid unintended consequences. Repercussions resulting from changes targeting predators is a serious concern in this current age of national agendas to end trapping and could lead to the loss of a necessary tool for furbearer management. (There is currently a federal bill aimed at prohibiting body-gripping traps.) We recommend promoting the Fur Trapper Lookup on the department's website to landowners and hunters wishing to attempt predator trapping. Trapping during the traditional furbearer seasons is ideal, as trapped animals can be utilized, and experienced (hence, more effective) trappers are more likely to trap during this time.

Based on over 20 years of consistent regulations and harvest data, we have no evidence that turkey harvest by non-residents is excessive or unfair to resident hunters in any way. Based on license sales and Telecheck data, we know that success among nonresident turkey hunters has been declining rather than increasing. Nonresidents currently account for just over a quarter of spring turkey harvest on Kentucky public lands, likely due in part to non-residents' lack of access to private lands in the state. Were we to limit nonresidents, other states would likely impose reciprocal restrictions against Kentucky hunters looking to hunt in other states. This would in turn be unpopular with many of our hunters who enjoy turkey hunting elsewhere.

Concerning turkey harvest on Wildlife Management Areas, we currently lack important information about hunter participation and effort. These would be particularly useful given that the lower turkey harvest on public lands provides less information on its own. We recommend methods to obtain hunter effort data on public lands before implementing regulation changes to restrict any one group of hunters. An electronic check in/check out system would yield requisite, time-series data on WMA use and hunter effort.

Finally, concerns over fall turkey harvest are reasonable because research has long shown that excessive fall harvest can stifle turkey population growth. However, Kentucky's fall harvest is low. Despite a liberal bag limit, only about 15% of successful fall hunters harvest more than 1 turkey. We control fall harvest more through our limited number of days of shotgun hunting (14). In reality, fall turkey hunting is simply not as popular given other opportunities. Even with illegal and unreported harvest factored in, population impacts from fall hunting are still low. Albeit incremental, of all the proposed regulation changes, reducing fall shotgun seasons and bag limits could be the most impactful on a statewide basis.

At this time, we do not recommend changes to the turkey or furbearer regulations. Rather, we suggest focusing departmental expertise in technical guidance and heightened communications to promote turkey habitat improvement and increasing educational opportunities for regulated trapping. We also recommend a simple, annual hunter survey system to better identify hunters as well as an up-to-date system to measure use and hunter effort on our public lands. Finally, we recommend implementing cutting-edge research to better understand recruitment and other aspects of wild turkey population dynamics in Kentucky.

Following are projected reductions in turkey harvest using different options:

Fall turkey hunting regulations: Options:

- **Eliminate hen harvest → 1,100-1,900 turkeys conserved**

Fall Hen Harvest	2020	5-yr avg	10-yr avg
total turkeys	2,102	2,576	3,083
total hens = hens "saved" if no hen harvest	1,162	1,582	1,940
% hens in harvest = % turkeys "saved" if no hen harvest	55%	61%	63%
total turkeys minus "saved" hens = what total fall harvest would become	940	994	1,143
average hens saved per county	8	7	6

- **Reduce hen bag limit to 1 → 100-200 turkeys conserved.**

Fall Hen Harvest	2020	5-yr avg	10-yr avg
total turkeys	2,102	2,576	3,083
% hunters harvesting 2 hens	9%	11%	11%
total hunters killing 2 hens = hens "saved" if bag limit lowered to 1	98	157	198
total turkeys minus "saved" hens = what total fall harvest would become	2,004	2,419	2,885

- **Eliminate October gun season → 500-900 turkeys conserved.**

Fall Shotgun Harvest	2020	5-yr avg	10-yr avg
total turkeys by gun in Oct & Dec	1,044	1,446	1,763
total hens = hens "saved" if no Oct gun harvest during main baiting period	568	587	945
% turkeys in harvest = % turkeys "saved" if no Oct gun harvest	54%	41%	54%
total turkeys minus "saved" hens = what total fall harvest would become	476	859	818

Spring Turkey Regulations – Options:

- **Reduce bag limit to 1 for non-residents → 650-700 turkeys conserved.**

This is 19-20% of the 3,200-3,800 turkeys that non-residents harvest statewide, but *only about 2% of our typical annual statewide total harvest* of 32,000-34,000 turkeys.

Non-resident turkey harvest	2021	5-yr avg	10-yr avg
total turkeys	3,768	3,235	3,257
% resident hunters harvesting 2 turkeys	27%	26%	26%
% non-res hunters harvesting 2 turkeys	24%	25%	26%
total non-res hunters killing 2 turkeys = turkeys "saved" if non-res bag limit lowered to 1	734	654	657
% turkeys "saved" if 1-turkey limit	19%	20%	20%
total turkeys minus "saved" turkeys	3,034	2,581	2,600

- **Reduce bag limit to 1 on WMAs → 130-140 turkeys conserved.**

This is 13% of the 1,600-1,700 turkeys harvested on WMAs. (Does not include DBNF, LBL, Ft. Knox, Clarks River NWR, Reelfoot Lake NWR.)

WMA turkey harvest	2021	5-yr avg	10-yr avg
total turkeys	1,035	1,038	1,071
% hunters harvesting 2 turkeys	15%	14%	15%
total hunters killing 2 turkeys = turkeys "saved" if bag limit lowered to 1	136	129	138
% turkeys "saved" if 1-turkey limit	13%	12%	13%
total turkeys minus "saved" turkeys	899	909	933

- **Reduce bag limit to 1 on all public lands → 230-250 turkeys conserved.**

This is 14% of the 1,600-1,700 turkeys harvested on public lands. (Note this includes DBNF and other public hunting areas in addition to WMAs. Strictly WMAs would be slightly different.)

Public land turkey harvest	2021	5-yr avg	10-yr avg
total turkeys	1,746	1,628	1,712
% hunters harvesting 2 turkeys	17%	15%	16%
total hunters killing 2 turkeys = turkeys "saved" if bag limit lowered to 1	251	227	232
% reduction if 1-turkey limit	14%	14%	14%
total turkeys minus "saved" turkeys	1,495	1,401	1,480

Attachment D-4

Kentucky Fish and Wildlife Commission Meeting

DISCUSSION ITEM

DATE: September 3, 2021

Regulation Number: N/A & [301 KAR 2:132](#) **Regular or Emergency:** Regular

Proposed Effective Timeframe: August 2022 and Spring 2023

Discussion Item: Elk Working Group chair Paul Horn will present its recommendations to date:

Elk Working Group Recommendations – July 2021

Expand elk herd westward – Support elk range expansion within the elk zone beginning January 2022 through translocation of Kentucky elk into McCreary County, with priority on public lands including Daniel Boone National Forest's Stearns Ranger District and other suitable habitats.

Elk Population Estimates – Support a two-phase project performed by University of Kentucky wildlife research team, including:

- 1) an evaluation of the existing elk data and identification of needs with recommendations regarding changes in the hunt structure and permit allocations that would be compatible with an updated SPR model; and
- 2) update to the existing Kentucky elk SPR model with new research data collected.

Loyalty Redraw – Support implementation of the Loyalty Redraw program with the caveat that, if feasible, loyalty applicants are only offered through the loyalty redraw (leftover) permits of the same hunt types they applied for that year. [[301 KAR 2:132](#)]

Elk Hunt Application Period – Support opening the application period for a given year's hunt drawing on August 1, rather than January 1 (current opening date). [[301 KAR 2:132](#)]

Public Access – Support KDFWR and partners pursuing public land acquisition/access in the elk zone.

Habitat improvement – Support KDFWR GIS-mapping prospective large-scale habitat improvements in the elk zone and pursuing habitat improvements wherever feasible.

West Virginia request for elk - Without prejudice to any particular state's request for assistance, support a moratorium on elk relocation to other states for 3 more years (until a minimum of 5 years of calf/cow collar data are collected and elk population model is updated to compare with previous iterations and the KDFWR life table estimates/population trend).

Kentucky Fish and Wildlife Commission Meeting

DISCUSSION ITEM

DATE: September 3, 2021

Regulation Number: [301 KAR 2:132](#)

Regular or Emergency: Regular

Proposed Effective Timeframe: Fall 2022

Discussion Item: The Wildlife Division recommends retaining the same total number of elk quota permits and allocations by permit type as in 2021.

The Wildlife Division is recommending that the current elk regulations remain in place through the 2023 hunting season. The reasoning behind this is twofold. First, in order to complete the most accurate statistical population reconstruction (SPR) model possible, regulations must remain consistent through the entire timespan of the model. Second, changes to cow hunts suggested by stakeholders will only result in a miniscule increase in the annual growth rate, and subsequently, the overall number of elk within the elk restoration zone, but it will reducing hunter opportunity substantially (20.5%, a loss of 122 elk permits). These two points discussed further below will illustrate why regulatory changes are not only unnecessary from an elk population standpoint, but also detrimental to the work currently being conducted to deliver a statistically sound population estimate.

SPR model:

The Elk Program has been working diligently to fill in the gaps identified following the development of the 2018 proof of-concept SPR model. These gaps, including age-at-harvest data, the implementation of a mandatory post-season hunter survey to collect hunter effort data, the maintenance of greater than 100 collared elk across the zone, improved data on elk pregnancy rates, and the completion of the second year of a major calf-capturing project, have cost in excess of \$750,000. These data are foundational to a revised SPR model, but must also be coupled with consistent hunter effort data that are not affected by major regulation changes. After consultation with a University of Kentucky biostatistician, 3 years of data were described as the bare minimum and would likely not be enough data to allow for updating the SPR model. As such, we are suggesting 5 years of consistent regulations, which would allow for the above projects to be completed and for the production of the best possible population abundance model. At present, we have just completed year two of this project. Year three will not be complete (and data compiled for analysis) until July 2022, when age-at-harvest results are delivered from the lab conducting the analysis of tooth samples.

The negligible impact of proposed regulation changes:

Although we understand the concerns of the Kentucky Elk Guide Association and their recommendation to remove the November cow gun season, we have no objective reason to believe that the reduction in hunter opportunity will net anything more than a miniscule increase in the overall number of elk on the landscape. Removing this cow season will result in a decline of 122 permits, equating to a 20.5% reduction in hunter opportunity. Based on harvest data from the last 2 elk hunting seasons, the average harvest during this 5-day season segment is 41 cow elk. If we assume that all 41 cow elk are fertile adults and we apply our known pregnancy rate of 85%, along with our known calf survival rate of 90%, these 41 cows will produce 31 calves. This will result in a net increase of 72 elk annually, which applied to our current life table

population estimate, will result in a ~1% increase in the annual growth rate of the Kentucky elk population. What was described above is the maximum possible increase to the population, as we know that some portion of our cow harvest is made up of yearling cows (lower pregnancy and calf survival rate than mature adult cows) *and* bull calves. A 20.5% reduction in hunter opportunity to increase the annual population growth rate by less than 1% is not equitable to our hunters, nor is it necessary to sustain our elk herd. As mentioned above, making this regulation change will not allow us to develop a statistically sound SPR model and will render useless the funds spent to date on recent and current research projects.

Kentucky Fish and Wildlife Commission Meeting

DISCUSSION ITEM

DATE: September 3, 2021

Regulation Number: N/A

Regular or Emergency: N/A

Proposed Effective Timeframe: Ongoing

Discussion Item: WMAs Management Working Group chair Doug Morgan will present its recommendations to date.

WMA Working Group
Recommendations – August 2021

Tiering of WMAs

Support implementation of the WMA tiering designations as approved by the Commission, to include proceeding with development of applicable communications about levels of management and opportunities.

Fees-in-Lieu of Mitigation (FILO) Program

Support regular communications updates about the FILO program, particularly on lands acquired by the Department for stream and wetland restoration that are likely to become WMAs.

Volunteer Opportunities

Support the department providing readily accessible means on its website for prospective volunteers on WMAs to submit their requests to help.

Kentucky Fish and Wildlife Commission Meeting

DISCUSSION ITEM

DATE: September 3, 2021

Regulation Number: Multiple (each follows) **Regular or Emergency:** Regular

Proposed Effective Timeframe: Summer 2022

Discussion 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.

Specific changes requested include:

- 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.

Please continue to next page

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:

Attachment NB-1

Kentucky Fish and Wildlife Commission Meeting

NEW BUSINESS ITEM

DATE: September 3, 2021

Regulation Number: [301 KAR 1:410](#)

Regular or Emergency: Regular

Proposed Effective Timeframe: Spring 2023

New Business Item: Amend 301 KAR 1:410 – Taking of fish by non-traditional fishing methods

Introduction: The Fisheries Division would like to simplify and update sections of this regulation by specifically addressing some of the general provisions and the language regarding gigging and snagging in the Cumberland River below Lake Barkley and the Tennessee River below Kentucky Lake. Fisheries also proposes to update bow fishing regulations to include shovelnose sturgeon. Finally, Fisheries began stocking Carr Creek Lake with blue catfish last year and we previously proposed adding harvest restrictions using traditional fishing methods. We also recommend adding a hand-grabbing harvest restriction on large catfish at Carr Creek Lake.

General provision

- Statewide daily harvest limit of 2 paddlefish using any non-traditional fishing method
- Statewide daily harvest limit of 2 shovelnose sturgeon using any non-traditional fishing method
- Harvest of shovelnose sturgeon only allowed in the Ohio River basin
- No harvest of pallid sturgeon statewide (catch and release only)
- No daily harvest limit for Asian carp taken by non-traditional fishing methods

Gigging and Snagging

Statewide:

- Anglers must stop snagging when a daily limit of shovelnose sturgeon is caught
- Tennessee River below Kentucky Lake Dam:

- Prohibit snagging from the fishing piers located on the Tennessee River below Kentucky Lake dam

Cumberland River below Lake Barkley Dam:

- Prohibit gigging and snagging in the Cumberland River below Lake Barkley dam to the Highway 62 bridge
- Remove daily harvest limit of 8 rough fish and the requirement to keep them

Bow fishing

- Add shovelnose sturgeon to the list of fish that must be harvested if shot

Hand Grabbing

- Add Carr Creek Lake to the list of lakes where only 1 blue catfish or channel catfish over 25 inches may be harvested per angler per day

Attachment NB-2

Kentucky Fish and Wildlife Commission Meeting

NEW BUSINESS ITEM

DATE: September 3, 2021

Regulation Number: [301 KAR 2:185](#)

Regular or Emergency: Regular

Proposed Effective Timeframe: Fall 2022

New Business Item: Amend 301 KAR 2:185 – Hunter Education (HE) regulation to provide criteria for eligibility to attend an in-person HE course and remove the requirement for hunters to carry a physical HE-certification card.

Introduction: Currently there are no provisions in regulation to screen applicants for in-person HE courses and range days. In the interest of safety for both public attendees and staff, the Department wishes to enact objective means of qualifying people for these in-person services. Anyone disqualified would be directed to online HE course options and the video range day submission option.

Also, the requirement to carry an actual “card” for proof of hunter education is antiquated. Certified hunters currently have their hunter education status printed on their Kentucky license. Additionally, a hunter should be able to use electronic documentation (with proof of identity at age 16) to verify hunter education-certification. Certification requirements would not change, but a physical card would no longer be necessary.

Here are draft changes to the card requirement in the Hunter Education regulation:

301 KAR 2:185. Hunter education

Section 2. Hunter Education Card.

(1) Unless exempt pursuant to Section 3 of this administrative regulation or license-exempt pursuant to KRS 150.170, a person born on or after January 1, 1975 shall carry a valid [proof of] hunter education [certification] card while hunting in Kentucky. (2) A person who is less than twelve (12) years old hunting without a hunter education card shall be accompanied by an adult who is in position to take immediate control of the weapon and who: (a) Has a ~~proof of~~ hunter education [certification] card; or (b) Is exempt from hunter education requirements. (3) An adult shall not accompany more than two (2) hunters under twelve (12) years old at any one (1) time.