

Kentucky Department of Fish & Wildlife Resources



Quarterly Commission Meeting

Live Video Teleconference*

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

December 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 & Presentations

Public Comments²

¹ A room for public viewing of the live-streamed video teleconference with chairs spaced for social distancing will be available beginning at 8:15am (EST) 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.

² Public comments regarding agenda items may be submitted by email to FW.PublicAffairs@ky.gov until 5:00pm (eastern) the day preceding the meeting, and those comments will be read by KDFWR staff up to 3 minutes total per commenter, time permitting and at the discretion of the Commission chair. 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 necessary if information is requested, and other than name and affiliation it 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, redundant, or not relevant to the meeting agenda. Questions will receive an email response.

Action Items

- September 3, 2021 Quarterly Meeting Minutes
Attachment A-1
- September 10, 2021 Special Called Commission Meeting Minutes
Attachment A-2
- September 15, 2021 Special Called Commission Meeting Minutes
Attachment A-3
- Quarterly Financial Statement
Attachment A-4
- Chronic Wasting Disease Surveillance - Update
- Working Groups – Update
- Otter Creek Outdoor Recreation Area
 - Amend [301 KAR 3:012](#) to allow the public to use the area during spring turkey hunting hours
Attachment A-5
- Potential Measures to Enhance Wild Turkey Recruitment

Commission member Fisher recommends the following regulation amendments:

 1. Expand night-time coyote hunting with rifles through June 30 (except closed during spring turkey season)
 2. Expand furbearer trapping for selected nest predators to include March 1- June 30 using only dog-proof traps and live traps
 3. Restrict WMA bag limit to no more than 1 turkey per hunter per WMA
 4. Eliminate harvest of non-bearded turkeys during fall hunting seasons
 5. Extend prohibition of baiting from May 31 to July 31 each year

Given the absence of empirical evidence that any of these would improve recruitment, the Wildlife Division recommends focusing on (a) education of landowners and hunters about potential adverse effects of baiting/feeding and the importance of habitat improvement and (b) private lands assistance. Agency caveats to changes if enacted are suggested in A-6.
Attachment A-6
- Elk Population Modeling Research Proposal
 - The Wildlife Division recommends contracting with the University of Kentucky to produce an updated Statistical Population Reconstruction (SPR) model for elk in Kentucky, incorporating recent elk-collar research and other relevant data with a goal of completion by December 2022.
Attachment A-7

- 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 A-8

- Elk Herd Expansion to McCreary County
 - The Wildlife Division seeks approval of the Commission to relocate 25-50 elk to Daniel Boone National Forest and other suitable habitats in McCreary County from non-hunted areas elsewhere in the elk zone, using grant funding from Rocky Mountain Elk Foundation.

- Elk Permit “Loyalty Redraw”
 - The Department proposes implementing a “Loyalty Redraw” secondary drawing each year for leftover elk permits to be offered to longest-running applicants who have never drawn a permit (upon recommendation of the Elk Working Group, and Public Relations Working Group previously). Attachment A-9

- Licensing – Update antiquated language and accommodate modernization efforts in applicable regulations
 - Amend [301 KAR 5:001](#) by updating definitions to remove antiquated language and accommodate licensing vendor-provided services.
 - Amend [301 KAR 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 A-10

- 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 A-11

Discussion 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 D-1

- Hunter Education Courses
 - Amend [301 KAR 2:185](#) - Hunter Education
 - Remove the requirement to carry a physical card as proof of certification
Attachment D-2
- Transferability of Elk Permits issued through Landowner-Cooperator public access and Elk Restoration incentive programs
 - Amend [301 KAR 2:132](#) - Elk hunting seasons, permits, zones, and requirements
 - Require assignment of permits directly from Department to landowner-designated hunters

New Business

- Prohibit use of aircraft (drones, helicopters, airplanes, etc.) for taking wildlife
 - Promulgate a new regulation under wildlife definition in KRS 150.010
 - Prohibit use in hunting, fishing, trapping, spotting, locating or reporting location of, harassing, taking, transporting, killing of fish or wildlife
 - Exempt department and its agents conducting research and authorized management activities
 - Exempt landowners/their agents engaged in lawful wildlife damage control activities
- Clarify bear chase permit requirements
 - Amend [301 KAR 2:300](#)
 - Specify that all participants in a bear chase shall have a bear chase permit
 - Create nonresident permits
 - NR Youth Bear Chase Permit - \$15
 - NR Bear Chase Permit - \$50
 - NR Youth Bear Permit - \$100

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

- Discussion – Update on Litigation
- Discussion – Land Acquisition Projects

Action Items

- Land Acquisition Projects

Adjourn

Next Scheduled Quarterly Commission Meeting Date: March 4, 2022

Kentucky Fish and Wildlife Commission Meeting

ACTION ITEM

DATE: December 3, 2021

Regulation Number: N/A

Regular or Emergency: N/A

Action Item: Approval of September 3, 2021 Quarterly 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

September 3, 2021 - 8:30 AM (ET)

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

Call to Order and Welcome (Video 01:50) – Chairman Clinard

Invocation and Pledge of Allegiance (Video 03:10) – Dr. Robin Floyd and Dr. Karl Clinard

Introduction of new Commission member Brian Mackey (Video 05:19)

Commissioner and Deputy Commissioner Remarks (Video 07:32)

Presentation of 2019 and 2020 United Bowhunters of Kentucky Officer Awards by Judy Roberts – 2019 Award winner Officer Casper and 2020 Award Winner Officer Owens. (Video 23:19*)

Action Items

- Election of Officers (Video 15:44)
 - Nominations for Chair: Dr. Floyd nominated Dr. Karl Clinard, and Brian Mackey nominated Brian Fisher. Votes were taken by roll call and votes were as follows: Dr. Floyd, Brian Fisher, Ralph Swallows, Josh Lillard, Paul Horn, Doug Morgan voted for Dr. Clinard. Brian Mackey voted for Brian Fisher. **Dr. Clinard, 9th District, will serve as Commission Chairman for 2021-2022.**
 - Nominations of Vice Chair: Doug Morgan nominated Paul Horn. There were no other nominations. **Paul Horn, 7th District, will serve as Commission Vice Chair for 2021-2022.**
 - Nominations for Secretary: Paul Horn nominated Doug Morgan. There were no other nominations. By acclamation **Doug Morgan, 8th District, will serve as Commission Secretary for 2021-2022.**

Deputy Commissioner Brian Clark announced the public's ability to comment or question about items on the agenda via email to fw.publicaffairs@ky.gov.

- June 29th 2021 Special Called Commission Meeting Minutes (Video 27:51)
 - Commissioner Fisher **made a motion to accept the minutes**, seconded by Paul Horn. Dr. Clinard asked members to raise their hand indicating a favorable vote to accept the minutes. Votes were as follows: Yes: Brian Fisher, Paul Horn, Josh Lillard, Ralph Swallows, Brian Mackey, Doug Morgan, Dr. Robin Floyd. ***The motion carried unanimously.***
- Quarterly Financial Statement (Video 29:02)
 - Lisa Cox, Administrative Services Director, presented the budget. She mentioned an error on page two of the documents the Commission received, but will have it corrected before the minutes are finalized. Doug Morgan made a **motion to accept the budget**, seconded by Ralph Swallows. Votes were as follows: Yes: Brian Fisher, Paul Horn, Josh Lillard, Ralph Swallows, Brian Mackey, Doug Morgan, Dr. Robin Floyd. ***The motion carried unanimously.***
- Amend [301 KAR 2:300](#). Black bear seasons and requirements (Video 32:52)

Wildlife Director Chris Garland and Dr. John Hast presented the following proposed amendments to the Commission:

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

Paul Horn made a **motion to accept amendments 1-7 as written in attachment A-3 with the exception of reducing the muzzleloader caliber down to a .45**, seconded by Dr. Robin Floyd. Votes were as follows: Yes: Brian Fisher, Paul Horn, Josh Lillard, Ralph Swallows, Brian Mackey, Doug Morgan, Dr. Robin Floyd. ***The motion carried unanimously.***

- [Amend 301 KAR 2:222. WMA Waterfowl Hunt Selections](#) (Video 49:03)

Wildlife Director, Chris Garland, and Waterfowl Program Coordinator, John Brunjes, presented information to the Commission:

- Amend protocol for assigning hunt slots for Boatwright WMA per 301 KAR 2:222 to include: 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 process will also be available the morning of each hunt day.

Brian Fisher made a **motion to accept the proposed amendments**, seconded by Josh Lillard. Votes were as follows: Yes: Brian Fisher, Paul Horn, Josh Lillard, Ralph Swallows, Brian Mackey, Doug Morgan, Dr. Robin Floyd. ***The motion carried unanimously.***

- [Amend 301 KAR 1:410 Taking of fish by nontraditional fishing methods. Prohibition of Bow Fishing on Selected Small Lakes](#) (Video 1:02:06)
 - Fisheries Division Director, Dave Dreves, recommended 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). Mr. Dreves took questions and comments from the Commission.

Doug Morgan **made the motion to accept these changes as written**, seconded by Brian Fisher. Votes were as follows: Yes: Brian Fisher, Paul Horn, Josh Lillard, Ralph Swallows, Brian Mackey, Doug Morgan, Dr. Robin Floyd. ***Motion carries unanimously.***

Discussion Items

- [Elk Management Working Group recommendations](#) (Video 1:07:20)*
 - Paul Horn, Chair, presented statements of support on points of consensus reached by the Elk Working Group to date. UK Wildlife Research Team members joined the meeting to discuss these recommendations. Mr. Horn answered questions from other Commission members in regards to the working group plan. Paul Horn asked for this item to be carried over to a discussion item for the December meeting as the plan is not ready for a vote.
- [Elk Population Modeling Research Proposal](#) (Video 1:23:38)
 - Dr. John Hast, acting Deer & Elk Program Coordinator, introduced Dr. Sean Murphy and Dr. John Cox from the University of Kentucky Dept. of Forestry and Natural Resources. Drs. Cox and Murphy presented options for evaluating existing elk population parameters and data, developing an updated SPR Model and answered questions about the proposal. Drs. Cox and Murphy also answered questions from the Commission.

*Change in order of discussion items from the posted agenda was made during the meeting for the UK wildlife research team to accommodate schedule conflicts.

- Elk Permit Quotas for 2022 (Video 2:58:00)
 - 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.

- Sport Fishing Regulations (Video 3:44:11)
 - Dave Dreves, Fisheries Division Director, proposed amendments to [301 KAR 1:201](#) Taking of fish by traditional fishing methods. The fisheries division recommended simplifying, updating, and add/removing special fishing regulations for black bass, trout, catfish and muskellunge. These changes would also simplify size and daily creel limits for black bass species and add special regulations for select species where warranted in particular streams or lakes.

- Otter Creek Outdoor Recreation Area (Video 4:13:53)
 - Chris Garland presented a recommendation to amend [301 KAR 3:012](#) to allow the public to use the area during spring turkey hunting hours.

- Potential Measures to Enhance Wild Turkey Recruitment (Video 4:16:03)
 1. Stakeholders have suggested a variety of measures in response to perceived declines in turkey numbers and/or reproduction. Chris Garland discussed the following topics to address concerns about turkey population numbers:
 - 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
 - Mr. Garland and Zak Danks, Wild Turkey & Grouse Program Coordinator, answered questions from Commission members. Mr. Garland will send information to Commission on crop usage on WMAs.
 - Commission Member Brian Fisher will send proposed motions or amendment language to Deputy Commissioner Brian Clark for review prior to the December meeting.

- WMAs Working Group recommendations (Video 4:50:09)
 - Doug Morgan, Working Group Chair, presented statements of support on points of consensus reached by the WMAs Working Group to date. Chris Garland will send information on the WMA tiered system. Brian Clark shared a brief update about public dove field expansion.

- Licensing (Video 5:01:00)
 - Brian Clark presented information to update antiquated language and accommodate modernization efforts in applicable regulations for the department's point of sale system. These recommendations would require the Commission to amend [301 KAR 5:001](#) by updating definitions to remove antiquated language and accommodate licensing vendor-provided services. Changes would also require amendments to [301 KAR 5:010](#) by updating vendor language for consistency. Deputy Commissioner Clark also recommended amending [301 KAR 5:020](#) to update antiquated language and add vendor-provided solution language, add issuance fee and operational fee language, and alter agent commission amount to be based on percentage of sale rather than fixed per transaction amount.

New Business Items

- Simplify and update snagging, grabbing, and bowfishing regulations (Video 5:10:10)
 - Dave Dreves presented information about amending [301 KAR 1:410](#) Taking of fish by nontraditional fishing methods. The Fisheries Division recommended simplifying and updating snagging and bow fishing regulations in the Cumberland River below Lake Barkley and the Tennessee River below Kentucky Lake. They also recommended adding a hand-grabbing harvest restriction on large catfish at Carr Creek Lake.

- Hunter Education Courses (Video 5:12:25)
 - Gabe Jenkins, Director of the Information and Education Division, presented information to amend [301 KAR 2:185](#) - Hunter Education. The provisions recommended would define legal requirements for eligibility at an in-person hunter education course and in-person range exercise. The proposed amendment would also remove the requirement to carry a physical card as proof of certification.

- Transferability of Special Commission Permits (Video 5:20:15)
 - Chairman Clinard called for discussion on the procedure and transferability of Special Commission Permits. Chris Garland will bring more information to the Commission at the next Commission meeting.

Public Comments* (Video 5:25:26) Kevin Kelly, Chief Communications Officer, read a sampling of questions submitted to the department for public comment. All comments were sent to the Commission members prior to the meeting. Questions will be answered directly to inquirers by the Commission Chairman or a staff designee.

- Kentucky Chapter of the Backcountry Hunters and Anglers (KY BHA) thanks the department for their assistance and contribution to our July Peabody WMA cleanup event. I applaud the establishment of a viewing room at Salato to allow KY Sportsmen and Women access to view the meeting. KY BHA appreciates the Department allowing a sportsman to serve on the Elk working group and we will continue to support science based decision making in wildlife management. We will continue to monitor the health of our wildlife populations and the condition of our public lands and waters as the fall seasons open. Thank you.

--Josh Rodamer

- I have a few concerns regarding this meeting. First I reside in the 6th district which has no representation at this time and would like know when that will be rectified. I do not see how you can proceed with elections without the entire state being represented. Second, I would like to know your vetting process for registration for in person HE classes and if a person fails the vetting process at what point are they still considered safe to handle a firearm for the video portion of the range day class. If the person is not considered safe to handle firearms with a hunter education instructor how can you justify them to be safe to handle it in the video portion or better yet in the field with other hunters? I am a concerned hunter education instructor. Does this process apply to everyone or just adults? If you going to require this process for hunter education when will this process be implemented for license sales as well. In the Attachment NB-2 for new business this is not addressed. The only draft changes are to the actual carrying of the HE card. Thank you for your time.

--Tina Hitchner

Executive Session (per [KRS 61.810](#)) (Video 5:33:30)

- Discussion – Land Acquisition Projects

Chairman Clinard read the following statement regarding entering executive (closed) session:

“All meetings of a quorum of the members of any public agency at which an public business is discussed or at which any action is taken by the agency, shall be public meetings, open to the public at all times except for specific items listed in KRS 61.810.

The Commission has business today that will require entering into a closed session. Prior to entering the session, KRS 61.815 requires notice of the general nature of the business to be discussed in the closed session, the reason for the closed session, and the provision of KRS 61.810 that authorizes it.

In Today’s session we will be discussing three potential land acquisitions. All three are potential purchases from the current owners.

The session will be closed to protect the state’s interests in the acquisition of land. It is well known that land acquisitions by the Commonwealth require a lengthy process of review and approval, generally requiring much longer timeframes than private party acquisitions. By identifying KDFWR’s interest in the particular parcels, the general public would be alerted to the owner’s willingness to sell. As such, the publicity increases the likelihood other parties may make offers on the property. Such competing offers could lock the Department out of negotiations for the purchase or increase the value of the property. Alternatively, a private party could purchase the property from the current owner more quickly than the Commonwealth and then require the Commonwealth to pay a premium to purchase the property.

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

No final action will be taken in the session and no other business will be discussed other than that I just described.

During the closed session, necessary members of staff will be present to advise the Commission and make presentations regarding the topics I just described.”

Brian Fisher made a ***motion to go into Executive Session***, seconded by Doug Morgan. Dr. Clinard asked members to raise their hand indicating a favorable vote to enter executive session. Votes were as follows: Yes: Brian Fisher, Paul Horn, Josh Lillard, Ralph Swallows, Brian Mackey, Doug Morgan and Dr. Robin Floyd. ***The motion carried unanimously.***

Action Items

After open session resumed, Dr. Clinard entertained motions concerning the items discussed in closed session. (Video 6:7:42)

- Land Acquisition Projects. Paul Horn made a ***motion to proceed forward with acquisition of tracts A, B and C as described in executive session***. Brian Mackey seconded the motion. Vote was taken by raising of hands. Votes were as follows: Yes: Brian Fisher, Josh Lillard, Paul Horn, Doug Morgan, Ralph Swallows, Dr. Robin Floyd and Brian Mackey. ***The motion carried unanimously.***

Chairman Clinard made closing comments. (Video 6:09:11)

Adjourn

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

Next Scheduled Quarterly Commission Meeting Date: December 3, 2021

Kentucky Fish and Wildlife Commission Meeting

ACTION ITEM

DATE: December 3, 2021

Regulation Number: N/A

Regular or Emergency: N/A

Action Item: Approval of September 10, 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

September 10, 2021 - 8:30 AM (ET)

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

Call to Order and Welcome (Video 05:03) – Chairman Clinard

Invocation and Pledge of Allegiance (Video 07:20) – Commissioner Rich Storm, Phoebe and Avery Storm

Remarks by Commission Chair and Commissioner Storm (Video 8:40)

Discussion Items

- Report on recent detection of Chronic Wasting Disease (CWD) in Tennessee (Video 12:44)
 - Commissioner Storm introduced Gabe Jenkins, Information and Education Division Director (acting) and CWD Response Coordinator. Mr. Jenkins identified other KDFWR staff that will serve on the CWD incident response

team. Mr. Jenkins reported a history of the department's CWD Response Plan and actions taken in the past to prepare for possible detection within or near Kentucky's border. The detection of a free-ranging deer within 15 miles of Kentucky's border immediately activated the department's CWD Response Plan; a mature doe with clinical signs that tested positive in Henry County (TN) was found 7.8 miles south of our state line.

- Review of Kentucky's CWD Response Plan currently being implemented (Video 16:58)
 - Mr. Jenkins gave an overview of the Kentucky CWD Response Plan including measures KDFWR would take to provide early detection and management, CWD sampling strategy overview and active surveillance if CWD is detected. Dr. Clinard opened the meeting to questions from the Commission members about CWD. KDFWR Veterinarian, Dr. Christine Casey, introduced Dr. Katie Flynn, State Veterinarian from the Department of Agriculture, who was also available to provide information and answer questions.

Gabe Jenkins then presented the following proposed regulation amendments to the Commission:

- Amend [301 KAR 2:172](#) – Deer Hunting Season Zones and Requirements
 - Define the CWD Surveillance Zone (SZ) as Fulton, Hickman, Graves, Marshall and Calloway counties
 - Prohibit export of entire deer carcasses, brains and spinal columns from the SZ
 - Allow movement of legally-harvested cervid carcasses and parts within the SZ
 - Allow export of legally-harvested, deboned meat and clean skull plates outside the SZ
 - Baiting and feeding of all wildlife in the SZ will be prohibited outside the curtilage of the home, including:
 - Grains
 - Salt
 - Mineral
 - Other ingested attractants
 - Mandatory check of harvested deer within the SZ during the following seasons
 - Youth only gun season (Oct 9-10)
 - Early muzzleloader (Oct 16-17)
 - Modern gun (Nov 13-28)
 - December Muzzleloader (Dec 11-19)
- Amend [301 KAR 2:015](#) – Feeding of Wildlife

- Prohibit baiting and feeding of all wildlife in the SZ (outside the curtilage of the home), including:
 - Grains
 - Salt
 - Mineral
 - Other ingested attractants
- Amend [301 KAR 2:075](#) – Wildlife Rehabilitation Permit
 - Prohibit rehabilitation of cervids within the SZ
 - Any cervid currently being rehabbed must be released within the county in which rehabilitation took place

Discussion and Questions followed - (Video 50:23)

- Commission members asked questions of the staff after the presentation from Mr. Jenkins. Dr. Clinard noted the proposed amendments will be on the agenda for the Special Called Commission Meeting set for September 15, 2021.
- Dr. Robin Floyd, 1st District Commission Member made a motion to survey deer hunters in SZ to determine their willingness to harvest more deer in time periods outside of the original season dates or within crossbow or archery season. Dr. Clinard asked legal counsel, Steven Fields, for clarification on special meeting rules in order to hear the motion. Due to special meeting rule constraints, Dr. Floyd offered his suggestion in the form of a request for KDFWR staff to move forward with a survey. (Video 1:07:40)
- Deputy Commissioner Clark clarified that the provisions outlined in the proposals were effective immediately as part of the Commissioner's enacting the approved CWD Response Plan, and that the amendments to would formally codify these provisions in regulations.

Deputy Commissioner Clark announced that public comments would be accepted until 5pm (eastern) on Tuesday, September 14 via email to FW.PublicAffairs@ky.gov, and that the next special called meeting would be 10am (eastern) on September 15.

Executive Session

- Update on litigation involving the Kentucky Fish and Wildlife Commission, the Tourism, Arts and Heritage Cabinet, and the Finance and Administration Cabinet.

Chairman Clinard read the following statement regarding entering executive (closed) session (Video 1:15:17):

All meetings of a quorum of the members of any public agency at which an public business is discussed or at which any action is taken by the agency, shall be public meetings, open to the public at all times except for specific items listed in KRS 61.810.

The Commission has business today that will require entering into a closed session. KRS 61.815 requires notice of the general nature of the business to be discussed in the closed session, the reason for the closed session, and the provision of KRS 61.810 that authorizes it be publicly announced prior to entering closed session for most open meetings exceptions.

Today's closed session is to discuss pending litigation against the Commission. Closed sessions for litigation matters are not subject to the requirements of KRS 61.815, however, in the interest of transparency, we shall provide that information.

In today's session we will be discussing litigation between the Commission, the Tourism, Arts, and Heritage Cabinet, and the Finance and Administration Cabinet. The session will be closed to protect the Commission's litigation interests. The closed session is authorized by KRS 61.810 under Section 1(c). That section permits closed sessions for discussions of proposed or pending litigation against or on behalf of a public agency.

No final action will be taken in the session and no other business will be discussed other than what I just described.

During the closed session, necessary members of staff and potential counsel will be present to advise the Commission and make presentations regarding the topics I just discussed.

Ralph Swallows made a ***motion to go into Executive Session***, seconded by Doug Morgan. Dr. Clinard asked members to raise their hand indicating a favorable vote to enter executive session. Votes were as follows: Yes: Dr. Floyd, Paul Horn, Josh Lillard, Ralph Swallows, Brian Mackey, Doug Morgan. ***The motion carried unanimously.*** (Video 1:17:55)

After open session resumed, Dr. Clinard announced that there would be a subsequent meeting to act on the recommendations to amend deer-related regulations on September 15 at 10:00am (eastern), and that the Commission members could further review the proposals and receive input from stakeholders.

Adjournment

Josh Lillard made a ***motion to adjourn***, and Paul Horn seconded. Votes were as follows: Yes: Dr. Floyd, Paul Horn, Josh Lillard, Ralph Swallows, Brian Mackey, Doug Morgan. ***The motion carried unanimously.***

Next Special Called Commission Meeting Date: September 15, 2021

Next Scheduled Quarterly Commission Meeting Date: December 3, 2021

Kentucky Fish and Wildlife Commission Meeting

ACTION ITEM

DATE: December 3, 2021

Regulation Number: N/A

Regular or Emergency: N/A

Action Item: Approval of September 15, 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

September 15, 2021 - 8:30 AM (ET)

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

Call to Order (Video 05:12) – Chairman Clinard

Invocation and Pledge of Allegiance (Video 05:35) – Deputy Commissioner Brian Clark, Dr. Clinard

Welcome (Video 7:06) - Chairman Clinard

Remarks by Commissioner Storm (Video 8:50)

Discussion Items

- Review and Update from Sept. 10 Special Called Meeting by Deputy Commissioner Brian Clark (Video 10:57)
 - Detection of CWD-positive case of a free-ranging deer within 15 miles of Kentucky's border immediately activated the department's CWD Response Plan

- Overview of CWD Response Plan implementation in Kentucky

Public Comments* (Video 27:46) Kevin Kelly, Chief Communications Officer, read a sampling of the 12 questions or comments submitted to the department. All comments were shared with the Commission members prior to the meeting. (Kevin indicated that questions will be answered directly to the inquirer by the Commission Chairman or a staff designee, and that much relevant information is available at fw.ky.gov/cwd.)

- “I have a few questions that I would like answered regarding the proposed mandatory CWD tests for the west KY surveillance zone (SZ). I typically hunt family land in Graves County next to my house. I harvest my deer and do my own processing. If mandatory CWD testing is required of all deer, then what will I need to bring into the CWD testing site? Do I simply bring just the head or do I need to bring specific tissue from the deer or what will be required? Will the option of mailing the tissue to KDFWR exist? Driving a deer to town, especially during limited specific hours, is not easily done and I would like this to be taken into consideration. In the event that I harvest a buck, or that my son does during youth season, that I wish to do a European mount by my own hands, how do I go about complying with the mandatory CWD testing? In the event that I or my son harvest a buck that I want mounted by a taxidermist outside of the Surveillance Zone (SZ), for instance I harvest one in Graves County but my taxidermist is in Ballard County, what will I need to do in order to comply with the mandatory testing and transportation requirements? Can a deer harvested in the Surveillance Zone (SZ) be taken to a taxidermist outside of the SZ? I have never caped a deer before, so if only the cape can be transported can KDFWR provide some videos or guidance on how to cape a deer to help with this? Please let me know. Thank you.”
--Scott Brown
- “If I’m reading the proposal correctly. If I kill a deer in Calloway County I WOULD NOT be allowed to transport that carcass in to McCracken or any of the Counties outside the zone you have highlighted on the map? If I kill a deer in Calloway can I then transport that carcass to Marshall since they are both in the zone you have highlighted? Or is it only meat that has been deboned that is permissible to transport? Is this correct?”
--Tracy Estes
- “Do you have evidence to support how CWD is transferred? Only focusing on one method, i.e., deer, seems to be exclusionary and presumptive. The five counties in the surveillance zone encompass 1,792 square miles. This is over 59 times greater of an area than the originally reported 30 mile radius for surveillance. This creates

a significantly higher scope of monitoring for many people who are not in the direct area of concern.”

--Chance Groves, Barren County, KY Board of Directors, member of Kentucky Alternative Livestock Association

Gabe Jenkins, Acting Director Information and Education and the department’s CWD Response Coordinator, briefly answered questions raised in the public comments.

Action Items

Gabe Jenkins read the following proposed amendments: (Video 37:51)

- Amend [301 KAR 2:172](#) – Deer Hunting Seasons, Zones and Requirements
 - Define the CWD Surveillance Zone (SZ) as Fulton, Hickman, Graves, Marshall and Calloway counties
 - Prohibit export of entire deer carcasses, skull contents and spinal columns from the SZ
 - Allow movement of legally-harvested cervid carcasses and parts within the SZ
 - Allow transportation outside the SZ of parts from legally-harvested deer, including deboned meat, clean skull plates, antlers, antlers attached to a clean skull plate, a clean skull, clean teeth, finished taxidermy work or hide.
 - Prohibit baiting and feeding in the SZ, including:
 - Grains
 - Salt
 - Mineral
 - Other ingested attractants
 - During the following Kentucky deer hunting seasons, all hunters who harvest deer in these counties shall present at a KDFWR-authorized check station in one of these counties either the entire carcass of each deer, or the entire head and proof of sex (as established in 301 KAR 2:172) for collection of a CWD sample:
 - Early Muzzleloader Season (two (2) consecutive days beginning the third Saturday in October);
 - Modern Gun Season (sixteen (16) consecutive days beginning the second Saturday in November); and
 - Late Muzzleloader Season (nine (9) consecutive days beginning the second Saturday in December).
- Amend [301 KAR 2:015](#) – Feeding of Wildlife
 - Prohibit baiting and feeding of all wildlife in the SZ, including grains, salt, mineral, and other ingested attractants, except for:
 - Normal agricultural practices, including food plots;
 - Hanging bird feeders within the curtilage of the home; and

- Furbearer trapping (trappers shall use no grain, salt or mineral).
- Amend [301 KAR 2:075](#) – Wildlife Rehabilitation Permit
 - Prohibit rehabilitation of cervids within the SZ
 - Any cervid currently being rehabilitated must be released within the county in which rehabilitation took place
- Amend [301 KAR 2:095](#) – Importation of cervid carcasses and parts.
 - Change title to, “Possession and transportation of cervid carcasses and parts”
 - Persons in possession of or transporting a cervid carcass or parts in or through any of these counties shall affix to the carcass or parts a clearly visible tag (such as paper, plastic or metal durably attached by wire or string) with the following information legibly displayed for inspection upon request by an official from the department, and shall include:
 - Species and sex of animal;
 - County and state of origin;
 - Date harvested or obtained;
 - Hunter’s name, valid telephone number including area code, and telecheck number (or state of origin’s equivalent check-in verification number or information) for a hunter-harvested cervid; and
 - Possessor’s name, valid telephone number including area code, and a description of how the cervid carcass (or parts) was obtained, if possessor is different from hunter.

Discussion on amendments followed.

Brian Fisher made a ***motion to pass the four amendments as they are written in pages 2-3 of the meeting agenda***, motion seconded by Brian Mackey. Dr. Clinard asked members to raise their hand indicating a favorable vote to pass the amendments. Votes were as follows: Yes: Brian Fisher, Paul Horn, Josh Lillard, Ralph Swallows, Brian Mackey, Doug Morgan. ***The motion carried unanimously.*** (Video 51:12)

Executive Session

- **Discussion about pending litigation** involving the Kentucky Fish and Wildlife Commission regarding Open Records

Chairman Clinard read the following statement regarding entering executive (closed) session (Video 52:30):

All meetings of a quorum of the members of any public agency at which an public business is discussed or at which any action is taken by the agency, shall be public meetings, open to the public at all times except for specific items listed in KRS 61.810.

The Commission has business today that will require entering into a closed session. KRS 61.815 requires notice of the general nature of the business to be discussed in the closed session, the reason for the closed session, and the provision of KRS 61.810 that authorizes it be publicly announced prior to entering closed session for most open meetings exceptions.

Today's closed session is to discuss pending litigation against the Commission. Closed sessions for litigation matters are not subject to the requirements of KRS 61.815, however, in the interest of transparency, we shall provide that information.

In today's session we will discuss a recent Franklin Circuit Court action filed by the Kentucky Open Government Coalition naming the Kentucky Department of Fish and Wildlife Commission as a defendant. The Commission will also discuss legal representation for the suit. The session will be closed to protect the Commission's litigation interests. The closed session is authorized by KRS 61.810 under Section 1(c). That section permits closed sessions for discussions of proposed or pending litigation against or on behalf of a public agency.

No final action will be taken in the session and no other business will be discussed other than that I just described.

During the closed session, necessary members of staff will be present to advise the Commission and make presentations regarding the topics I just described.

Ralph Swallows made a ***motion to go into Executive Session***, seconded by Josh Lillard. Dr. Clinard asked members to raise their hand indicating a favorable vote to enter executive session. Votes were as follows: Yes: Brian Fisher, Paul Horn, Josh Lillard, Ralph Swallows, Brian Mackey, Doug Morgan. ***The motion carried unanimously.*** (Video 54:20)

After open session resumed, Dr. Clinard entertained motions concerning the closed session. Paul Horn **made a motion for the Chairman of the Commission and Commission member Brian Fisher along with the lawyers for the Tourism Cabinet to conduct interviews with law firms 1, 2 and 3 that we discussed in executive session. Based on your all's review, hire a law firm to represent us and report back to us with that name.** Ralph Swallows seconded the motion. Vote was taken by raising of hands. Votes were as follows: Yes: Brian Fisher, Josh Lillard, Paul Horn, Doug Morgan, Ralph Swallows and Dr. Robin Floyd. Brian Mackey explained that he had some issues or concerns and abstained from the vote. (Dr. Clinard indicated that Dr. Floyd was unavailable to attend the regular session previously due to work commitments, but entered during executive session and the subsequent open meeting for voting.) (Video 1:57:48)

Deputy Commissioner Brian Clark commended staff for their hard work in response to the CWD detection, and the Commissioner and the Commission for acting to protect the deer herd (Video 2:00:49).

Adjourn

Josh Lillard made a ***motion to adjourn***, and Paul Horn seconded. Votes were as follows: Yes: Dr. Floyd, Paul Horn, Josh Lillard, Ralph Swallows, Brian Mackey, Doug Morgan and Brian Fisher. ***The motion carried unanimously.*** (Video 2:03:12)

Next Scheduled Quarterly Commission Meeting Date: December 3, 2021

Attachment A-4

Kentucky Fish and Wildlife Commission Meeting

ACTION ITEM

DATE: December 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 - FY22 / 1st Quarter**

25%

	REVENUE				FY22 Year To Date		FY22 BUDGET	Percent Earned / Expended
	July	August	September	TOTALS				
Restricted Fish and Game Fund								
Hunting and Fishing Licenses	\$ 2,044,576.75	\$ 1,243,825.00	\$ 1,511,430.00	\$ 4,799,831.75	\$	\$ 35,500,000.00	13.52%	
Boat Registration Fees	\$ 240,888.45	\$ 220,982.50	\$ 66,772.77	\$ 528,643.72	\$	\$ 6,000,000.00	8.81%	
Interest Income	\$ 56,757.45	\$ (11,109.64)	\$ (27,674.87)	\$ 17,972.94	\$	\$ 600,000.00	3.00%	
Camp Income	\$ 5,798.13	\$ 4,184.45	\$ (35,215.30)	\$ (25,232.72)	\$	\$ 685,000.00	-3.68%	
General Sales	\$ 37,232.66	\$ 26,382.00	\$ 17,723.55	\$ 81,338.21	\$	\$ 240,000.00	33.89%	
Otter Creek Outdoor Recreation Area	\$ 26,748.82	\$ 44,377.85	\$ 18,642.20	\$ 89,768.87	\$	\$ 350,000.00	25.65%	
Proceeds from Asset Disposition	\$ -	\$ -	\$ -	\$ -	\$	\$ 270,000.00	0.00%	
Fish and Game Fines & Forfeitures/ Restitution	\$ 10,251.43	\$ 7,572.20	\$ 13,360.40	\$ 31,184.03	\$	\$ 130,000.00	23.99%	
Nongame (Includes Ky Wild and Income Tax Check-off)	\$ 8,997.50	\$ 7,524.50	\$ 128,605.00	\$ 145,127.00	\$	\$ 40,000.00	362.82%	
Miscellaneous Receipts	\$ 11,109.42	\$ 21,215.41	\$ 11,530.88	\$ 43,855.71	\$	\$ 1,881,700.00	2.33%	
Sub-Total Restricted Fish and Game Fund	\$ 2,442,360.61	\$ 1,564,954.27	\$ 1,705,174.63	\$ 5,712,489.51	\$	\$ 45,696,700.00	12.50%	
Sub-Total FILO Stream Mitigation Fund (matches FILO Fund Used for Operating Costs Only)	\$ 213,204.03	\$ 117,117.19	\$ 114,208.02	\$ 444,529.24	\$	\$ 3,442,700.00	11.15%	
Sub-Total Federal Fish and Wildlife Fund	\$ 465,142.00	\$ 1,448,216.43	\$ 247,268.21	\$ 2,160,626.64	\$	\$ 19,381,900.00	11.15%	
TOTAL REVENUE	\$ 3,120,706.64	\$ 3,130,287.89	\$ 2,066,650.86	\$ 8,317,645.39	\$	\$ 68,521,300.00	12.14%	
EXPENDITURES								
Commissioner's Office	\$ 214,628.52	\$ 152,966.33	\$ 139,965.99	\$ 507,560.84	\$	\$ 2,567,100.00	19.77%	
Commission	\$ 1,569.33	\$ 4,796.86	\$ 531.90	\$ 6,898.09	\$	\$ 120,000.00	5.75%	
Marketing Division	\$ 70,293.42	\$ 73,461.61	\$ 69,261.83	\$ 213,016.86	\$	\$ 1,350,000.00	15.78%	
Administrative Services Division	\$ 826,370.17	\$ 305,279.01	\$ 214,414.20	\$ 1,346,063.38	\$	\$ 3,551,700.00	37.90%	
Engineering Infrastructure and Technology Division	\$ 300,157.41	\$ 232,736.73	\$ 232,834.41	\$ 765,728.55	\$	\$ 3,230,300.00	23.70%	
Wildlife Division	\$ 1,713,907.56	\$ 1,300,818.21	\$ 1,257,617.60	\$ 4,272,343.37	\$	\$ 18,700,000.00	22.85%	
Fisheries Division	\$ 1,174,586.80	\$ 870,106.57	\$ 881,634.60	\$ 2,926,327.97	\$	\$ 14,900,000.00	19.64%	
Information & Education	\$ 1,133,421.92	\$ 780,768.09	\$ 566,229.70	\$ 2,480,419.71	\$	\$ 8,368,500.00	29.64%	
Law Enforcement	\$ 1,581,486.76	\$ 1,170,336.44	\$ 1,163,096.66	\$ 3,914,919.86	\$	\$ 15,200,000.00	25.76%	
OPERATING EXPENDITURES	\$ 7,016,421.89	\$ 4,891,269.85	\$ 4,525,586.89	\$ 16,433,278.63	\$	\$ 67,987,600.00	24.17%	
NET Gain/Loss Operating	\$ (3,895,715.25)	\$ (1,760,981.96)	\$ (2,458,936.03)	\$ (8,115,633.24)	\$	\$ 533,700.00		

DEPARTMENT OF FISH AND WILDLIFE RESOURCES
 Operating Budget Review
 For the Month of September 2021 (FY22)

	September			Fiscal Year To Date		
	FY22	FY21	FY20	FY22	FY21	FY20
REVENUE¹						
Restricted Funds						
Hunting and Fishing Licenses	\$ 1,511,430.00	\$ 3,014,551.01	\$ 1,095,980.50	\$ 4,799,831.75	\$ 6,131,908.51	\$ 3,150,540.00
Boat Registration Fees	\$ 66,772.77	\$ 189,770.03	\$ 72,703.07	\$ 528,643.72	\$ 1,389,898.71	\$ 565,425.16
Interest Income	\$ (27,674.87)	\$ 4,720.63	\$ 22,236.66	\$ 17,972.94	\$ 27,930.51	\$ 182,777.87
Camp Income	\$ (35,215.30)	\$ -	\$ 190.00	\$ (25,232.72)	\$ -	\$ 3,413.00
General Sales	\$ 17,723.55	\$ 22,394.80	\$ 15,280.26	\$ 81,338.21	\$ 51,509.54	\$ 71,620.90
Other Creek Outdoor Recreation Area	\$ 18,642.20	\$ 21,106.70	\$ 2,634.90	\$ 89,768.87	\$ 51,448.87	\$ 28,059.95
Proceeds from Asset Disposition	\$ -	\$ -	\$ -	\$ -	\$ 78,000.00	\$ -
Fish and Game Fines & Forfeitures/Restitution	\$ 13,360.40	\$ 12,779.53	\$ 8,230.05	\$ 31,184.03	\$ 33,448.24	\$ 30,594.99
Nongame (Includes Ky Wild and Income Tax Check-off)	\$ 128,605.00	\$ 9,580.50	\$ 3,353.00	\$ 145,127.00	\$ 27,560.50	\$ 10,375.50
Miscellaneous Receipts	\$ 11,530.88	\$ 20,861.48	\$ 1,772.92	\$ 43,855.71	\$ 46,156.71	\$ 204,946.75
Sub-Total Restricted Fish and Game Fund	\$ 1,705,174.63	\$ 1,222,381.36	\$ 2,254,174.14	\$ 5,712,489.51	\$ 7,837,861.59	\$ 4,247,754.12
Sub-Total FILO (=Operating Costs of FILO Fund)	\$ 114,208.02	\$ 105,003.26	\$ 108,278.81	\$ 444,529.24	\$ 359,942.69	\$ 383,074.15
Sub-Total Federal Fish and Wildlife Fund	\$ 247,268.21	\$ 1,331,955.11	\$ 1,036,587.74	\$ 2,160,626.64	\$ 2,847,471.76	\$ 3,290,945.86
TOTAL REVENUE	\$ 2,066,650.86	\$ 2,659,339.73	\$ 3,399,040.69	\$ 8,317,645.39	\$ 11,045,276.04	\$ 7,921,774.13
EXPENDITURES						
Commissioner's Office	\$ 139,965.99	\$ 151,636.50	\$ 159,811.52	\$ 507,560.84	\$ 563,328.73	\$ 550,065.54
Commission	\$ 531.90	\$ 78.00	\$ 522.04	\$ 6,898.09	\$ 4,048.19	\$ 3,805.90
Marketing Division	\$ 69,261.83	\$ 69,172.95	\$ 59,193.15	\$ 213,016.86	\$ 233,859.56	\$ 199,147.47
Administrative Services Division	\$ 214,414.20	\$ 203,747.79	\$ 156,688.59	\$ 1,346,063.38	\$ 1,331,608.53	\$ 1,353,750.86
Engineering Infrastructure and Technology Division	\$ 232,834.41	\$ 196,905.74	\$ 188,291.10	\$ 765,728.55	\$ 712,579.26	\$ 653,910.74
Wildlife Division	\$ 1,257,617.60	\$ 1,195,598.41	\$ 1,237,199.75	\$ 4,272,343.37	\$ 4,030,692.22	\$ 4,230,828.81
Fisheries Division	\$ 881,634.60	\$ 810,837.08	\$ 761,910.36	\$ 2,926,327.97	\$ 2,798,977.86	\$ 2,733,824.44
Information & Education	\$ 566,229.70	\$ 509,106.94	\$ 535,633.82	\$ 2,480,419.71	\$ 1,816,030.36	\$ 2,572,427.67
Law Enforcement	\$ 1,163,096.66	\$ 980,911.21	\$ 1,071,103.04	\$ 3,914,919.86	\$ 3,498,604.65	\$ 3,389,846.89
OPERATING EXPENDITURES	\$ 4,525,586.89	\$ 4,170,353.37	\$ 4,574,731.27	\$ 16,433,278.63	\$ 14,989,729.36	\$ 15,687,608.32
NET Gain / Loss Operating	(\$2,458,936.03)	(\$1,911,384.27)	(\$1,746,246.71)	(\$8,115,633.24)	(\$3,944,453.32)	(\$7,765,834.19)

¹ Receipts include Fees-In-Lieu of (FILO) receipts used for Operations in the current month.

Department of Fish and Wildlife Resources Cash Fund Balances - September 2021 (FY22)

	Beginning Balance (9/1/2021)	Revenue	Expenditures	Transfers	Ending Balance (9/30/21)
Agency Revenue Funds					
Restricted Fish & Game Fund (134R)	\$ 28,880,540.18	\$ 1,706,483.84	\$ (3,082,911.92)	\$ (25,000.00)	\$ 27,479,112.10
Nongame Fish and Wildlife Fund (13NY)	\$ 26,869.01	\$ (19.21)			\$ 26,849.80
Ky Heritage Land Conservation Mgmt Fund (13KR)	\$ 249,868.67				\$ 249,868.67
Fees in Lieu of ("FILO") Stream Mitigation Fund (134S)	\$ 157,526,895.45	\$ 162,566.20	\$ (114,208.02)	\$ (821,000.00)	\$ 156,754,253.63
Capital Fund					
Various Capital Funded Projects (FILO, Agency Maintenance, etc.)	\$ 33,401,785.77		\$ (714,974.47)	\$921,000.00	\$ 33,607,811.30
Federal Fund					
F&W Federal Fund	\$ 6,708,490.02	\$ 244,573.08	\$ (1,346,090.56)	\$ (75,000.00)	\$ 5,531,972.54
Special Deposit Trust Fund					
FW-Commissioner's Office Fund	\$ 8,916.24				\$ 8,916.24
	\$ 226,803,365.34	\$ 2,113,603.91	\$ (5,258,184.97)	\$ -	\$ 223,658,784.28

Kentucky Fish and Wildlife Commission Meeting

ACTION ITEM

DATE: December 3, 2021

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

Regular or Emergency: Regular

Projected Effective Timeframe: Spring 2023

Action 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

ACTION ITEM

DATE: December 3, 2021

Regulation Number: Multiple

Regular or Emergency: Regular

Proposed Effective Timeframe: 2023 (if changes are made)

Action Item: Wild Turkey Population Recruitment

Introduction: In response to stakeholder concerns about perceived declines in turkey numbers and/or reproduction, Commission member Fisher introduced 5 recommendations in discussion at the September 3, 2021 Commission meeting. The following are Brian Fisher's recommendations, and suggested caveats from the Department where applicable if any of the recommendations are enacted:

1. Extend night-time coyote hunting with rifles through June 30 (except closed during spring turkey season)
 - Wildlife & Law Enforcement Divisions' suggestions, if enacted:
 - (1) Extend night-time coyote hunting using artificial light through June 30 (currently Dec. 1 – May 31), but close during spring turkey seasons (April 1-May 15) to avoid conflicts.
2. Expand furbearer trapping for selected nest predators to include March 1-June 30 using only dog-proof traps and live traps.
 - Wildlife Division suggestions:
 - (1) No change to current furbearer trapping regulations.
 - (2) If enacted, specifics of allowed species (e.g., raccoons and opossums) and allowed traps/sets must be prescribed.
3. Restrict WMA bag limit to no more than 1 turkey per hunter per WMA.
 - Wildlife Division suggestions:
 - (1) No change to current regulations on spring turkey bag limits on WMAs.
 - (2) Collect data on hunter use and hunting effort of WMAs via a mobile app and website reporting system.
4. Eliminate harvest of non-bearded turkeys during fall hunting seasons.
 - Wildlife Division suggestion, if enacted:
 - (1) No change to current fall turkey hunting seasons.

(2) If enacted, reduce fall bag limit to 1 bird of either sex per hunter during all fall turkey seasons combined (i.e., archery, crossbow, firearm); recent Telecheck trends suggest this would reduce total fall turkey harvest 11-15%.

5. Extend prohibition of baiting from May 31 to July 31 each year.
 - Wildlife Division supports this provision.

The Wildlife Division recommends the following additional measures to better understand Kentucky's turkey population:

- Promote the Fur Trapper Lookup on the department's website to landowners and hunters wishing to attempt predator trapping.
- Promote turkey habitat improvement and Farm Bill programs for landowner financial assistance.
- Develop a hunter survey system to better identify hunters of various species (such as turkeys) and measure hunter use of and effort on public lands.
- Follow Commission Member Fisher's recommendation to study wild turkey recruitment and related factors by approving a research proposal provided by top university researchers at the March quarterly meeting of the Commission.

The Wildlife Division bases its recommendations on the following biological considerations:

- 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, such as weather, predation, and land use. Comments from the public about possible turkey declines have only surfaced over the past 5 or so years here in Kentucky, while mammalian predators have been abundant for much longer and it is not clear that most predator species have increased substantially over this relatively short period.
- Trapping predators intensively enough, over a large enough area, and for a long enough period of time to influence turkey populations 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.
- Trapping during traditional, 3- to 5-month furbearer seasons is ideal, as trapped animals can be utilized. Altering furbearer seasons must be carefully thought out to avoid unintended consequences in this current age of national agendas to end trapping.
- Bait piles promote artificially high concentrations of predators and turkeys at bait sites, which likely increases predation and health risk to turkeys. One example is aflatoxins (fungal pathogen), which can develop in corn piles and be lethal to wild turkeys.

- We have no evidence of excessive turkey harvest on WMAs, but we lack information turkey hunting participation and effort on WMAs. We recommend obtaining hunter effort data before implementing regulation changes to restrict public lands turkey harvest.
- Fall turkey harvest has been declining for the past 5 to 10 years and we have no evidence that the current level of fall turkey harvest, including harvest of hens, is excessive. Only 11-15% of successful fall hunters harvest more than 1 turkey and although hens comprise 60% of the fall turkey harvest, this amounts to fewer than 2,600 hens per year for the past 5 years (less than 10% of the annual total harvest).

Kentucky Fish and Wildlife Commission Meeting

ACTION ITEM

DATE: December 3, 2021

Regulation Number: N/A

Regular or Emergency: N/A

Projected Effective Timeframe: February 2023

Action Item: Proposal for new Statistical Population Reconstruction model for Kentucky elk

Introduction: The Wildlife Division proposes to contract with University of Kentucky wildlife researchers to evaluate existing elk population parameters and data, develop an updated statistical population reconstruction (SPR) model for Kentucky's elk population (including the first three years of elk-collar data, available age-at-harvest data and hunter survey data), and provide recommendations on next steps for research and model refinement.

We are currently in the third elk hunting season of data collection necessary to complete an SPR model. All necessary data to complete three years of data collection will be acquired by July 2022. At this point, UK researchers will attempt to fit a variety of SPR models using data from the previous three years. With three years of data, it is likely they will be able to fit a model, but also likely that confidence intervals will be wide and precision will be lacking (refer to the next elk action item). Deliverables will include a new SPR model based on data collected over the last three years as well as an application that will allow KDFWR researchers to update the model with data from years 4 and 5 if tag allotment and hunting season structure remain consistent. The deliverables listed below will be achieved by February 2023.

Continued on next page

ESTIMATED BUDGET – ELK STATISTICAL POPULATION RECONSTRUCTION

Task/Deliverable	Estimated # Hours	UK Match	Total Cost
1. Estimate elk abundance with SPR models using data collected during 2019-2021			
<i>a. Inspect and format sex × age-at-harvest data</i>	40	–	\$1,200
<i>b. Inspect and format auxiliary data</i>	40	–	\$1,200
<i>c. Write custom code for multiple SPR models, each with different specifications that reflect variation in elk biology relative to observed harvest structure</i>	400	–	\$12,000
<i>d. Fit and run SPR models</i>	160	–	\$4,800
<i>e. Conduct diagnostics to evaluate model convergence, goodness-of-fit, and perform model selection</i>	80	–	\$2,400
<i>f. Conduct simulation exercises to evaluate model accuracy relative to changes in elk biology and harvest structure</i>	240	–	\$7,200
<i>g. Use most parsimonious SPR model and simulation to attempt to predict future elk abundance under different harvest structures</i>	240	–	\$7,200
<i>h. Draft a report to KDFWR of results</i>	160	–	\$4,800
2. Develop custom application to enable SPR model use by KDFWR elk program biologists	400	–	\$12,000
3. Draft a manuscript for publication in peer-reviewed scientific journal	320	–	\$9,600
Post Doc Researcher Subtotal Salary @ \$30/hour	2,080	–	\$62,400
+ 8.447% Fringe = \$5,270		–	\$67,670
PI Supervisory Salary @ 2% effort (\$2070) + 20.037% Fringe (\$422) =			\$2,490
Subtotal Direct Costs			\$70,160
Indirect Costs @ 45%: 10% paid by KDFWR			\$7,016
Total Costs to Sponsor (KDFWR)			\$77,176
Indirect Costs @ 45%: 35% unrecovered match by UK			\$24,556
Total Project Costs (Direct + Indirect)			\$101,732

Kentucky Fish and Wildlife Commission Meeting

ACTION ITEM

DATE: December 3, 2021

Regulation Number: N/A

Regular or Emergency: N/A

Proposed Effective Timeframe: Fall 2022

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

The recommended elk permit allotment for the 2022 season is:

Either Sex Archery/Crossbow = 175

Bull Firearm = 150

Cow Firearm = 244

Youth = 25

Total = 594

Introduction: The Wildlife Division recommends 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 be 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

ACTION ITEM

DATE: December 3, 2021

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

Regular or Emergency: Regular

Proposed Effective Timeframe: August 2023

Action Item: Elk Hunt Loyalty Redraw

Introduction: The Department recommends:

- 1) Opening the Elk Hunt Drawing application window on August 1 of the year immediately preceding a hunting season (instead of January 1 of the hunt year); and
- 2) Implementing the “Loyalty Redraw” to reward long-time applicants who have never been drawn.

Typically about 10% of elk permits (50-100 on average) go unpurchased each year. This represents lost opportunity for Kentucky hunters, within the planned and approved permit quotas. The Loyalty Redraw would consist of a secondary random drawing for elk permits that are “left over” by drawn applicants (unpurchased by a set deadline), to make those permits available to the longest-applying applicants to date who have never been drawn as of the applicable year.

Proposed provisions of the Loyalty Redraw include:

General Provisions:

- Application window (For fall 2022): August 1-April 30
- Eligibility during a current year would be limited to the applicants who have applied in the most consecutive years but have never been drawn (75 applicants going into 2022), by year of cohort (starting with 21 years applied)

Proposed New Drawing Timeline:

- April 30 - Elk Hunt Drawing application deadline –
- May 14 - Drawing Results Revealed (second Saturday in May)
- June 15 - Permit purchase deadline (allows drawn applicants 1 month to purchase)
- June 16-30 - Loyalty Redraw period (Drawing conducted with surrendered permits for loyalty applicants, loyalty reward permits offered)
- July 1 - Elk Unit application deadline
- July 15 - Elk Units assigned

Sideboards:

- Loyalty applicants will be proactively communicated with prior to, during, and after the general Elk Hunt Drawing via email, My Profile, website, and social media to alert them of the opportunity if they are not drawn in the current year
- Loyalty applicants will be entered in the Loyalty Redraw for surrendered permits (leftover/unpurchased)
- Loyalty Redraw (secondary drawing for surrendered permits) will mirror the general Elk Hunt Drawing in terms of structure/procedure
- Loyalty applicants will be entered into drawing for the same permit types they applied for in the *current* (activation) year
- Loyalty applicants who fail to purchase a permit offered to them will be returned to the general Elk Hunt Drawing without penalty (no sit-out period)
- Redraw will be performed by Commonwealth Office of Technology (like the general Elk Hunt Drawing) and likewise audited for accuracy and transparency in delivery/reporting of results.

Kentucky Fish and Wildlife Commission Meeting

ACTION ITEM

DATE: December 3, 2021

Regulation Number: Multiple (each follows)

Regular or Emergency: Regular

Proposed Effective Timeframe: Summer 2022

Action 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" and "Operational Cost" definitions:

(7) "Vendor" means any person, organization, or business under contract with the department to provide the operation, storage, security, maintenance, and support of the solutions required to deliver department defined goods and services.

(8) "Operational Cost" means the fees paid to a vendor for the operation, storage, security, maintenance, and support of the vendor provided solutions.

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:

Kentucky Fish and Wildlife Commission Meeting

ACTION ITEM

DATE: December 3, 2021

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

Regular or Emergency: Regular

Projected Effective Timeframe: Spring 2023

Action 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 (Prather, 15-acre, and 6-acre ponds; Henry County)
- Paintsville Lake (Johnson and Morgan counties)
- Marion County Lake (Marion County)
- Fagan Branch Lake (Marion County)
- Shanty Hollow Lake (Warren County)

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 (Anderson County)
- Boltz Lake (Grant County)
- Corinth Lake (Grant County)
- McNeely Lake (Jefferson County)
- General Butler State Park Lake (Carroll County)
- Lincoln Homestead State Park Lake (Washington County)
- Cave Run Lake (Bath, Menifee, Morgan, and Rowan counties)
- Panbowl Lake (Breathitt County)
- Bert T. Combs Lake (Clay County)
- Beulah Lake (Jackson County)
- Smoky Valley Lake (Carter Caves State Park; Carter County)
- Lake Pennyrile (Christian County)

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 (Hardin and Meade counties)
- Mainstem of Elkhorn Creek (Franklin County)
- Wood Creek Lake (Laurel County)

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 (Kenton County)
- Lake Shelby (Shelby County)
- New Haven Optimist Lake (Nelson County)
- Willisburg Park Pond (Washington County)
- Mill Creek (Powell and Wolfe counties)

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; Jefferson County) – change to daily creel limit of six fish
- Nolin River Lake (Edmonson, Grayson, and Hart counties)
- Rough River Lake (Breckinridge and Grayson counties)
- Barren River Lake (Allen and Barren counties)

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 (Allen, Barren, Monroe, Simpson, and Warren counties)
- Cumberland River upstream from Cumberland Falls and all tributaries (Bell, Harlan, Knox, Letcher, McCreary, and Whitley counties)
- 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 (Breathitt, Clay, Harlan, Knott, Knox, Lee, Leslie, Letcher, Owsley, Perry, and Wolfe counties)

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 County) – remove special regulations for brook trout
- Paintsville Lake Tailwater (Johnson County) – 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 County) – 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 County) – 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 (Bath, Menifee, Morgan, and Rowan counties)
- Dewey Lake (Floyd County)
- Green River Lake (Adair and Taylor counties)

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Proposed Black Bass Regulation Changes														
Statewide Regulations						Special Regulations								
Largemouth Bass/Smallmouth Bass			Largemouth Bass			Largemouth Bass/Smallmouth Bass			Largemouth Bass			Largemouth Bass/Smallmouth 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			15 inch minimum length limit daily limit of 6 black bass			15 inch minimum length 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	Water Body	Current Regulation
Central	KY River WMA 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	Floyds Fork	LMB/SMB 15" 1 fish daily
Eastern	Paintsville Lake	LMB 12" SMB 18"	Central	Boltz Lake	Statewide	Southwestern	Wood Creek Lake	LMB/SMB 15"	Central	Lake Shelby	LMB 15" 3 fish daily	Northwestern	Nolin River Lake	LMB/SMB 15" 1 fish under
Southwestern	Marion Co. Lake	LMB 15"	Central	Corinth Lake	Statewide	Northwestern	Otter Creek	LMB/SMB 12-16" slot - 1 over	Central	New Haven	LMB 15" 3 fish daily	Northwestern	Rough River Lake	LMB/SMB 15" 1 fish under
Southwestern	Fagan Br. Lake	LMB/SMB 12-15" slot	Central	McNeely Lake	LMB 12"	Central	General Butler SP		Central	Willisburg Park Pond	LMB 15" 1 fish daily	Southwestern	Barren River Lake	LMB/SMB 15" 1 fish under
Southwestern	Shanty Hollow Lake	LMB 15"	Central	Lincoln Homestead SP	LMB 15" - 3 fish daily				Northwestern	Mill Creek Lake	LMB 15" 3 fish daily			
			Central	Lincoln Homestead SP	LMB 15" - 3 fish daily									
			Northwestern	Cave Run Lake	LMB 13-16" slot SMB 18"									
			Northwestern	Smoky Valley (Carter Caves State Park Lake)	LMB 12-15" slot 1 over 15"									
			Eastern	Panbow Lake	Statewide									
			Southwestern	Bert T. Combs Lake	Statewide									
			Southwestern	Beulah Lake	Statewide				Eastern, Southeastern, Eastern, Southeastern	Upper Cumberland R. River	Statewide			
			Western	Lake Pennyrite	Statewide				Eastern, Southeastern	Upper Kentucky River	Statewide			

Kentucky Fish and Wildlife Commission Meeting

DISCUSSION ITEM

DATE: December 3, 2021

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

Regular or Emergency: Regular

Proposed Effective Timeframe: Spring 2023

Discussion Item: Amend 301 KAR 1:410 – Taking of fish by non-traditional fishing methods, to simplify and update where necessary

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

Kentucky Fish and Wildlife Commission Meeting
DISCUSSION ITEM
DATE: December 3, 2021

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

Regular or Emergency: Regular

Proposed Effective Timeframe: Fall 2022

Discussion Item: Amend 301 KAR 2:185 – Hunter Education (HE) regulation to remove the requirement for hunters to carry a physical HE-certification card.

Introduction: 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.