

# Kentucky Department of Fish & Wildlife Resources



## Quarterly Commission Meeting

March 3, 2023 | 8:30 AM (ET)

**MEETING POSTPONED – NEW MEETING DATE TO BE ANNOUNCED**

In person: #1 Sportsman's Lane, Frankfort, KY 40601

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

## AGENDA

### Opening

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

### Action Items

- Minutes from December 2, 2022 quarterly meeting  
Attachment A-1
- Minutes from January 13, 2022 special called meeting  
Attachment A-2
- Quarterly Financial Reports  
Attachment A-3
- Change Simpson Co. from Zone 3 to Zone 2 for Deer Hunting  
Attachment A-4
- Informational Update – Elk Population Model
- Set Numbers of Elk Hunt Permits available through the 2023 Elk Hunt Drawing
  - The Wildlife Division recommends retaining for the 2023 season the same total number and distribution of elk permits as 2022 based on:
    - Preliminary results show a robust population of elk with cow elk numbers growing steadily between 2019 and 2021.

- Bull elk numbers have declined in recent years, warranting another year of comparative data prior to any regulatory adjustments.
- Update and Clarify Prohibited Aquatic Species Regulation
  - Amend [301 KAR 1:122](#) – Importation, possession, and prohibited aquatic species.
  - Clarify that goldfish are legal species to use as bait
  - Provide clarification that there shall be an exception for legal release of aquatic species back into waters from which caught at the time of take
  - Restrict transportation and sale of live tilapia within Kentucky to food consumption purposes only, with some exceptions
  - Explicitly prohibit possession of live Asian carp species
  - Allow sport fishing anglers to possess, sell, and transport Asian carp under the same three conditions allowed for licensed commercial fisherman

Attachment A-5
- Clarify Propagation of Aquatic Organisms Permit Requirements
  - Amend [301 KAR 1:115](#) – Propagation of aquatic organisms.
  - Explicitly provide for the option of denying a propagation permit for aquatic organisms that we determine are potentially damaging to native ecosystems

Attachment A-6
- Clarify Transportation of Fish Permit Requirements
  - Amend [301 KAR 1:125](#) – Transportation of fish.
  - Explicitly provide for the option of denying a transportation permit for aquatic organisms that we determine are potentially damaging to native ecosystems

Attachment A-7
- Establish Experimental Commercial Fishing Methods Program
  - Amend [301 KAR 1:152](#) – Harvest and sale of Asian carp;
  - [301 KAR 5:022](#) – License, tag, and permit fees.
  - Establish a program that allows commercial fishers to use special commercial fishing gear and methods to further the goal of Asian carp harvest in mass quantities and be eligible for the existing carp subsidy

Attachment A-8
- Define “Gill Net” and “Trammel Net” in Regulation
  - Amend [301 KAR 1:146](#) – Commercial fishing gear.

Attachment A-9
- Establish Special Regulations for Walleye and Smallmouth Bass on Barren River and Add Special Regulations for Catfish at Yatesville Lake
  - Amend [301 KAR 1:201](#) – Taking of fish by traditional fishing methods.
  - Define new lower boundary for walleye and smallmouth existing special regulations on the Barren River due to imminent removal of Lock and Dam 1
  - Add aggregate limit on blue catfish/channel catfish

Attachment A-10

- Add Special Regulations for Hand-Grabbing of Catfish at Yatesville Lake
  - Amend [301 KAR 1:410](#) – Taking of fish by nontraditional fishing methods.
  - Add aggregate limit on catfish

Attachment A-11
  
- Modify Special Commission Permits regulation
  - Amend [301 KAR 3:100](#)
  - The department recommends the Commission consider adding special commission permits for black bear for additional fundraising opportunities to Kentucky nonprofit conservation organizations
  - Remove the requirement for permittee-hunter's date of birth as it is already in Department records associated with the hunter's hunting license
  - Require email or online submission of applications, hunter information, and reporting

Attachment A-12

## Discussion Items

- Hunting on Conservation Camp Properties
  - Create a regulation that will allow for special hunts on all 3 conservation camp properties.
  - Hunts for designated game species will be conducted as department-sponsored events for mentor/youth hunters only.

Attachment D-1
  
- Commercial Guide License and License, tag and permit fees
  - Amend [301 KAR 2:030](#) and [301 KAR 5:022](#)
  - Create harvest reporting requirements
  - Modify the requirements and application for a commercial guide license
  - Increase the commercial guide license fees

Attachment D-2
  
- Modify water bodies open to commercial fishing
  - Amend [301 KAR 1:150](#) – Waters open to commercial fishing.
  - Remove water bodies open to commercial fishing that have low use and harvest
  - Define new upper boundary for waters open to commercial fishing on the Green River

Attachment D-3
  
- Modify catfish commercial fishing regulations and reporting requirements
  - Amend [301 KAR 1:155](#) – Commercial fishing requirements.
  - Expand locations with trophy catfish harvest regulations
  - Modify Trophy Catfish Harvest Permit regulations downstream of Cannelton Lock and Dam

- Fix formatting of material incorporated by reference called “Monthly Report of Commercial Fish Harvest in Kentucky,” 2019 edition  
Attachment D-4
- Prohibit Hunting of Wild Pigs in Kentucky
  - Amend [301 KAR 3:030](#)
  - Remove wild pigs from list of species with year-round seasons
  - Landowners incurring damage will retain rights to shoot  
Attachment D-5

## **New Business Items**

- Create regulations for administrative duties
  - Add a chapter to [301 KAR](#) for administrative functions
  - Define conditions and procedures for the department to carry out procurement requirements as outlined in [KRS 45A](#)
  - Define conditions and procedures for additional administrative functions
- Modify regulations for commercial trotlines
  - Amend [301 KAR 1:146](#) – Commercial fishing gear.
  - Commercial trotlines must be tagged at both ends and at least every 100 ft
  - Commercial trotline maximum length reduced from 6,000 ft to 1,000 ft
- Modify water bodies open to commercial fishing
  - Amend [301 KAR 1:150](#) – Waters open to commercial fishing.
  - Establish an upper boundary for waters open to commercial fishing on the mainstem of the Cumberland River above Lake Cumberland. The upper lake boundary on the Cumberland River shall be the confluence with the Rockcastle River.
- Allow Pooling of Points for Elk Restoration & Elk Voucher-Cooperator Permits
  - Amend [301 KAR 2:132](#)
  - Both permit types already have the same elk permit-earning values
  - Because KDFWR is not currently relocating elk, pooling these will allow Elk Restoration Permit point holders to continue earning elk permits as Voucher-Cooperators
- Informational Updates – 2022 Big Game Season Results
  - Deer Season
  - Bear Season
  - Elk Season
- Informational Updates – Land Conservation and Public Access
  - Wetland & Stream Mitigation Program (FILO)
  - Wildlife Management Areas

## Closed Session - Discussion Items

- Land Acquisition Project A
- Land Acquisition Project B
- Land Acquisition Project C
- Land Acquisition Project D

## Action Items

- Land Acquisition Project A
- Land Acquisition Project B
- Land Acquisition Project C
- Land Acquisition Project D

## Public Comments<sup>1</sup>

## Adjourn

Next Scheduled Quarterly Commission Meeting Date: June 2, 2023

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<sup>1</sup>Public comments regarding New Business Items or Discussion Items on the agenda may be submitted by email to [FW.PublicAffairs@ky.gov](mailto:FW.PublicAffairs@ky.gov). Once a date for the rescheduled meeting has been finalized, the updated agenda will include information about the deadline to submit comments. Comments will be distributed to all Commission members on the day prior to the meeting and read by KDFWR staff during the Commission meeting for up to 3 minutes total per commenter, time permitting and at the discretion of the Commission chair. Emailed comments allow Commission members adequate time for consideration and correspondence if necessary, and they allow the Commission to conduct business more efficiently during meetings. 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 distributed to the Commission members 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, not pertaining to business items on the meeting agenda, or redundant with other comments. Questions will receive an email response. 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. In-person attendees of meetings may also request to speak up to 3 minutes total per commenter on New Business Item(s) or Discussion Item(s) on the agenda, but will be required to sign-in on the public comment request form on the counter at the meeting room entrance by 9:00am (eastern) on the day of the meeting, and provide name, county and state of residence, organization represented and position (if applicable), and applicable agenda items. Commenters who speak in person will not have their emailed comments read publicly at the meeting and are asked to avoid voicing comments that are redundant with others speaking prior to them during the allotted public comments time.

**Attachment A-1**

Kentucky Fish and Wildlife Commission Meeting

**ACTION ITEM**

DATE: March 3, 2023

**Regulation Number:** N/A

**Regular or Emergency:** N/A

**Action Item:** Approval of Dec. 2, 2022 Quarterly Commission Meeting Minutes

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# Kentucky Department of Fish & Wildlife Resources



## Quarterly Commission Meeting

### MINUTES

Video Recording: [YouTube.com/FishandWildlifeKY](https://www.youtube.com/FishandWildlifeKY)

December 2, 2022

#1 Sportsman's Lane

Frankfort, KY

8:30 AM (ET)

**Call to Order** (Video: 05:22) – Chairman Clinard

**Commission Members in Attendance** (Video 08:10) – Dr. Karl Clinard, Jerry Ferrell, Brian Fisher, Dr. Robin Floyd, Paul Horn, Josh Lillard, Doug Morgan and Ralph Swallows.

**Invocation and Pledge of Allegiance** (Video: 06:37) – Danny Duvall and Jules Foster

**Welcome and Chair's Remarks** (Video:08:37) - Chairman Clinard

**Remarks by Commissioner Rich Storm** (Video:12:22)

Tommy Floyd, President and CEO of NASP, provided a national and state update regarding the National Archery in the Schools program. NASP currently reaches 1.3 million youths annually.

Rachel Young, Executive Director and John Woodall, Board Chair for the Kentucky Fish and Wildlife Foundation, updated the Commission on scholarships provided by the foundation for Kentucky Conservations Camps in 2022.

### Action Items

- Election of Commission officers (Video 33:53)
  - Commission member Dr. Robin Floyd made a **motion to keep the commission officers the same as presently served**. Votes were as follows: Yes: Dr. Robin Floyd, Brian Fisher, Ralph Swallows, Josh Lillard, Jerry Ferrell, Paul Horn, Doug Morgan, and Karl Clinard. ***The motion carried unanimously.***
- Minutes from August 26, 2022, quarterly meeting (Video 39:21)
  - Commission member Josh Lillard made a **motion to accept the minutes for the August quarterly meeting**, seconded by Paul Horn. Votes were as follows: Yes: Dr. Robin Floyd, Brian Fisher, Ralph Swallows, Josh Lillard, Jerry Ferrell, Paul Horn and Doug Morgan. ***The motion carried unanimously.***

- Quarterly Financial Reports (Video 40:22)
  - Melissa Trent, Administrative Services Assistant Director presented the quarterly financial report. Paul Horn made a **motion to approve the financial report as presented**, seconded by Ralph Swallows. Votes were as follows: Yes: Dr. Robin Floyd, Brian Fisher, Ralph Swallows, Josh Lillard, Jerry Ferrell, Paul Horn, and Doug Morgan. ***The motion carried unanimously.***
- Clarify that Captive Cervid Facilities Shall Only Hold Captive Cervids (Video 48:22)
  - Ben Robinson, Director of Wildlife purposed amending [301 KAR 2:083](#) to clarify that only captive cervids may be held in captive cervid enclosures.
  - Brian Fisher made a **motion to accept amendment as written**, seconded by Dr. Robin Floyd. Votes were as follows: Yes: Dr. Robin Floyd, Brian Fisher, Ralph Swallows, Josh Lillard, Jerry Ferrell, Paul Horn, and Doug Morgan. ***The motion carried unanimously.***

## Discussion Items

- Change Simpson Co. from Zone 3 to Zone 2 for Deer Hunting (Video 55:07)
  - Ben Robinson, Director of Wildlife recommended to amend [301 KAR 2:172](#) -Deer hunting season, zones, and requirements. Specifically, they recommend re-zoning Simpson County from Zone 3 to Zone 2.
  - Ralph Swallows **made a motion to pass on this recommendation to an action item**, seconded by Paul Horn. Votes were as follows: Yes: Dr. Robin Floyd, Brian Fisher, Ralph Swallows, Josh Lillard, Jerry Ferrell, Paul Horn, and Doug Morgan. ***The motion carried unanimously.***
- Update and Clarify Prohibited Aquatic Species Regulation (Video 58:16)
  - Dave Dreves, Director of Fisheries recommended to amend [301 KAR 1:122](#) – Importation, possession, and prohibited aquatic species. Specifically, the Fisheries Division proposes adding the following provision to the regulation:
  - Clarify that goldfish may be used as bait;
  - Individuals of any aquatic species may be released at the time of catch back into the water body from which they are caught;
  - Restrict transportation and sale of live tilapia within Kentucky to;
    - another properly licensed propagator;
    - a properly licensed live fish and bait dealer; or
    - a person, corporation, or other business entity that is selling fish for food in establishments licensed for resale by another state agency or for sale as wholesale food products.
  - Explicitly prohibit possession of live Asian carp species; and
  - Allow sport fishing anglers to possess, transport, and sell Asian carp under the same three conditions allowed for licensed commercial fisherman.
  - Ralph Swallows **made a motion to pass on this recommendation to an action item**, seconded by Dr. Robin Floyd. Votes were as follows: Yes: Dr. Robin Floyd, Brian Fisher, Ralph Swallows, Josh Lillard, Jerry Ferrell, Paul Horn, and Doug Morgan. ***The motion carried unanimously.***
- Clarify Propagation of Aquatic Organisms Permit Requirements (Video 1:03:57)
  - Dave Dreves, Director of Fisheries recommended to amend [301 KAR 1:115](#) – Propagation of aquatic organisms. This recommendation would provide that the Department may deny a propagation permit for aquatic organisms that we determine are potentially damaging to native ecosystems.
  - Ralph Swallows **made a motion to pass on this recommendation to an action item**, seconded by Dr. Robin Floyd. Votes were as follows: Yes: Dr. Robin Floyd,



Brian Fisher, Ralph Swallows, Josh Lillard, Jerry Ferrell, Paul Horn, and Doug Morgan. ***The motion carried unanimously.***

- Clarify Transportation of Fish Permit Requirements (Video 1:05:25)
  - Dave Dreves, Director of Fisheries recommended to amend [301 KAR 1:125](#) – Transportation of fish. This recommendation would provide clarification that the Department may deny a transportation permit for the transportation of aquatic organisms that we determine are potentially damaging to native ecosystems.
  - Ralph Swallows **made a motion to pass on this recommendation to an action item**, seconded by Dr Robin Floyd. Votes were as follows: Yes: Dr. Robin Floyd, Brian Fisher, Ralph Swallows, Josh Lillard, Jerry Ferrell, Paul Horn, and Doug Morgan. ***The motion carried unanimously.***
  
- Establish Experimental Commercial Fishing Methods Program (Video 1:06:20)
  - Dave Dreves, Director of Fisheries recommended to amend [301 KAR 1:152](#) – Harvest and sale of Asian carp and [301 KAR 3:022](#) – License, tag, and permit fees. This would establish a program that allows commercial fishers to use special commercial fishing gear and special commercial fishing methods to further the goal of invasive carp harvest and sale in mass quantities and be eligible for the existing carp subsidy.
  - Ralph Swallows **made a motion to pass on this recommendation to an action item**, seconded by Dr Robin Floyd. Votes were as follows: Yes: Dr. Robin Floyd, Brian Fisher, Ralph Swallows, Josh Lillard, Jerry Ferrell, Paul Horn, and Doug Morgan. ***The motion carried unanimously.***
  
- Define “Gill Net” and “Trammel Net” in Regulation (Video 1:16:50)
  - Dave Dreves, Director of Fisheries recommended to amend [301 KAR 1:146](#) – Commercial fishing gear. Creating legal definitions for “gill net” and “trammel net” would be beneficial for the Law Enforcement Division during prosecution of commercial fish violations. The definitions are as follows:
    - “Gill net” means a passive capture device in which fishes are captured by becoming wedged, gilled, or entangled in a single panel of webbing fished vertically.
    - “Trammel net” means a passive capture device in which fishes are captured by becoming wedged, gilled, or entangled in two or three panels of webbing fished vertically.
  - Ralph Swallows **made a motion to pass on this recommendation to an action item**, seconded by Dr Robin Floyd. Votes were as follows: Yes: Dr. Robin Floyd, Brian Fisher, Ralph Swallows, Josh Lillard, Jerry Ferrell, Paul Horn, and Doug Morgan. ***The motion carried unanimously.***
  
- Establish Special Regulations for Walleye and Smallmouth Bass on Barren River and Add Special Regulations for Catfish at Yatesville Lake (Video 1:17:27)
  - Dave Dreves, Director of Fisheries recommended to amend [301 KAR 1:201](#) – Taking of fish by traditional fishing methods. This recommendation would be to propose a clarification in the regulation, as follows:
    - Provide that the new lower boundary on the Barren River for walleye and smallmouth bass special regulations shall be the mouth of the Barren River.
  - Dave Dreves also proposed the following special regulation for blue catfish and channel catfish at Yatesville Lake:
    - Blue Catfish and channel catfish will have a 15-fish daily creel limit in aggregate and only 1 fish may be longer than 25 inches.

- Ralph Swallows **made a motion to pass on this recommendation to an action item**, seconded by Dr Robin Floyd. Votes were as follows: Yes: Dr. Robin Floyd, Brian Fisher, Ralph Swallows, Josh Lillard, Jerry Ferrell, Paul Horn, and Doug Morgan. ***The motion carried unanimously.***
- Add Special Regulations for Hand-Grabbing of Catfish at Yatesville Lake (Video 1:19:21)
  - Dave Dreves, Director of Fisheries recommended to amend [301 KAR 1:410](#) – Taking of fish by nontraditional fishing methods. The recommendation would propose special provisions for hand-grabbing in Yatesville Lake:
    - Catfish will have a 5-fish daily creel limit in aggregate, and only 1 blue catfish or channel catfish may be longer than 25 inches.
  - Ralph Swallows **made a motion to pass on this recommendation to an action item**, seconded by Dr Robin Floyd. Votes were as follows: Yes: Dr. Robin Floyd, Brian Fisher, Ralph Swallows, Josh Lillard, Jerry Ferrell, Paul Horn, and Doug Morgan. ***The motion carried unanimously.***
- Modify Special Commission Permits regulation (for 2023) (Video 1:24:15)
  - Deputy Commissioner Brian Clark and Steven Field, Staff Attorney, recommended to Amend [301 KAR 3:100](#) – Special commission permits. The department proposed amending this regulation to substitute bear for waterfowl in available special commission permits.
  - The department also proposed the following amendments to further simplify and standardized the application and record-keeping process:
    - Remove the requirement for permittee-hunter's date of birth.
    - Require submission of special commission permit applications via email or online at fw.ky.gov.
    - Require annual reports be submitted via email or online at fw.ky.gov utilizing a standard form.
    - Reduce the disqualification period from 2 years to 1 year for failing to timely submit an annual report or submitting an incomplete report if they do subsequently submit the full report after the deadline.
    - Amend the requirements for submitting hunter information to avoid penalizing organizations who sell a permit but are unable to obtain the necessary hunter information from the hunter prior to the submission deadline.
  - Doug Morgan **made a motion to pass on this recommendation to an action item**, seconded by Brian Fisher. Votes were as follows: Yes: Dr. Robin Floyd, Brian Fisher, Ralph Swallows, Josh Lillard, Jerry Ferrell, Paul Horn, and Doug Morgan. ***The motion carried unanimously.***

## **New Business**

- Hunting on Conservation Camp Properties (Video 2:04:09)
  - Deputy Commissioner Gabe Jenkins presented a recommendation by the Information and Education Division to create a new regulation to allow for special mentored hunts on all 3 conservation camp properties.
- Commercial Guide License and License, tag and permit fees (Video 27:52)
  - Deputy Commissioner Gabe Jenkins presented a recommendation on behalf of the Commissioner's Office and Fisheries, Law Enforcement, and Wildlife divisions to amend [301 KAR 2:030](#) – Commercial guide license and [301 KAR 3:022](#) - License,

tag, and permit fees to update requirements and fees for commercial guides. Detailed recommendations are currently being developed by staff.

- Modify water bodies open to commercial fishing (Video 2:11:15)
  - Dave Dreves, Director of Fisheries, presented information to amend [301 KAR 1:150](#) – Waters open to commercial fishing. Fisheries proposes to remove the following waterbodies from waters open to commercial fishing:
    - Barren River, Licking River, Rough River, Tradewater River, Salt River, Eagle Creek, Highland Creek, North Fork Kentucky River, South Fork Kentucky River, and Panther Creek.
  - Dave Dreves also proposed a clarification in the regulation, as follows:
    - Provide that the new upper boundary for waters open to commercial fishing on the Green River shall be 200 yards below Green River Lock and Dam 4.
  
- Modify catfish commercial fishing regulations and reporting requirements (Video 2:12:43)

Dave Dreves, Director of Fisheries presented a proposal amending [301 KAR 1:155](#) – Commercial fishing requirements. The Fisheries Division proposed:

  - To align commercial trophy catfish harvest regulations with recreational trophy catfish harvest regulations and allow the commercial daily harvest of one blue catfish and one flathead catfish that is a minimum of thirty-five (35) inches in length and one channel catfish that is a minimum of twenty-eight (28) inches in length in all waters open to commercial fishing except for the mainstem of the Ohio River downstream of Cannelton Lock and Dam.
  - With the declining catfish harvest and commercial fishing use in tributaries open to commercial fishing in the lower Ohio River, it would simplify regulations, provide more clarity, and aid enforcement if the special Trophy Catfish Harvest Permit regulations downstream of Cannelton Lock and Dam only applied to the mainstem of the Ohio River and not the tributaries. The Lower Ohio River Trophy Catfish Harvest Permit would then entitle the permit holder to harvest four Lower Ohio River Trophy Catfish in only the mainstem of the Ohio River downstream of Cannelton Lock and Dam.
  - Resubmit a corrected, print copy of the “Monthly Report of Commercial Fish Harvest in Kentucky.” This same document is referenced in 301 KAR 1:140. Therefore, a corrected copy would need to be filed for that regulation.
  
- Informational Update: Consolidating Fisheries Definitions in [301 KAR Chapter 1](#) (Video 2:21:50)
  - Dave Dreves provided an update regarding the consolidation of Fisheries definitions in Chapter 1. All current definitions would be duplicated into one regulation to be filed and initiated into a new regulation in Chapter 1.
  
- Informational Update: Small Game & Migratory Bird Programs (Video 2:21:50)
  - Cody Rhoden, Small Game Program Coordinator, provided an update regarding the Quail population in Kentucky. The Quail population over the years has decreased significantly. In 2008 the Road to Recovery was planned. This plan included creating six Quail focus areas throughout the state of Kentucky to monitor both habitat management and bird numbers amongst numerous other things.
  - Zak Danks, Grouse & Turkey Program Coordinator, provided an update regarding the decline in the Grouse population. The best chance in protecting the Grouse would be by high-quality habitat. One way in getting more Grouse is by doing more

forest management. As of today, there have been 366 acres of forest managed out of the 1096 acres planned.

- John Brunjes, Migratory Bird Program Coordinator, provided an update regarding migratory birds. Regarding public dove fields in 2022, the department provided a total of 82 fields on WMAs totaling 581 acres, plus 11 fields totaling 452 acres on leased private lands. Altogether there were more than 1,000 acres of dove fields planted on both public and private-leased lands. He noted that there has been a substantial decline in the dove population based on range-wide data collection and the U.S. Fish & Wildlife Service mourning dove population model. Regarding waterfowl, next year's ducks season recommendation will be the same as this year's season.
- Informational Update: Multi-state Wild Turkey Disease Testing Project (Video 3:17:05)
  - Ben Robinson, Director of Wildlife, and Zak Danks, Turkey & Grouse Program Coordinator, introduced a multi-state wild turkey diseases testing project. As of now the grant for this program is not funded. If funding does become available, it would be at no cost to the department. This project would be supplied by federal dollars that would go to the University of Georgia to conduct an experimental trial. Eggs from wild nest would be provided to them. They would then incubate, hatch, rear and then infect the eggs with lymphoproliferative disease (LPDV). The research done on the infected turkeys would help many states in understanding how the disease is transmitted and may play a role in their turkey populations, which would help in understanding the mechanisms in how the disease operates which would help to inform future wild turkey management.
- Informational Update: Elk Population Model Status & Research Update (Video 3:21:09)
  - Kate Williams, wildlife biologist, provided an update regarding the Kentucky elk calf survival research project. In the winter season there was a total of 95 vaginal-implant transmitters deployed and 96% of them were then recovered. There was a total of 85 known fetal outcomes and 80 live calves were then able to be collared. Future work will include continually monitoring for 2022 calves, investigate effects of select health parameters on survival, and produce an average survival and mortality probabilities for the entire Elk Zone.
  - John Hast, Elk & Bear Program Coordinator, provided an update regarding the Elk Population Abundance Model regarding what is needed to complete the model, and future steps.
- Prohibit Hunting of Wild Pigs in Kentucky (Video 3:40:55)
  - Ben Robinson, Director of Wildlife presented information to amend [301 KAR 3:030](#). This recommendation would purpose to remove wild pigs from list of species with year-round seasons.
- Informational Update: Engineering & IT Division – 2021-22 Projects (Video 3:54:47)
  - Michael Scott, Director of Engineering, Infrastructure & Technology provided an update regarding capital projects that were completed. There was a total of 40 projects completed for the year 2022.

**Executive Session** (Video 4:11:11) Steven Field, Staff Attorney, read the following statement for public notice about the Commission meeting in closed session:

“All meetings of a quorum of the members of any public agency at which any 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 exceptions listed in KRS 61.810 or otherwise provided for by law.

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.

In the proposed closed session, the Commission discuss four potential land acquisitions via purchase. The discussions shall occur in the closed session to protect the state's interests in the acquisition of land. By identifying KDFWR's interest in the particular parcels, the general public would be alerted to the various owner's willingness to sell the properties. As such, the publicity increases the likelihood other parties may make offers on the properties. Such competing offers could increase the value of the subject properties. Alternatively, a private party could purchase a property from the current owner more quickly than the Commonwealth and require the Commonwealth to pay a premium to acquire it.

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

Upon an approved motion, the Commission will enter into closed session. The Commission shall not discuss any other matters and no action shall be taken occur during the closed session.

During the closed session, counsel and necessary members of staff will be present to advise the Commission.”

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

## **Lunch Break**

### **Action Items**

After open session resumed, Dr. Clinard entertained motions concerning the items discussed in closed session.

- Land Acquisition Project (Video 5:03:40) Doug Morgan ***made a motion to accept the Land Acquisition Project A, B, C and D***, seconded by Dr. Robin Floyd. Votes were as follows: Yes: Dr. Robin Floyd, Brian Fisher, Ralph Swallows, Josh Lillard, Jerry Ferrell, Paul Horn, and Doug Morgan. ***The motion carried unanimously.***

**Public Comments** (Video 5:04:44) – The following comments were made in person:

- “Gentlemen, as Executive Director of Kentucky Hunters for the Hungry, I am asking that the commission keep the Waterfowl Commission Tags. Our organization has benefited from these tags on the occasions we were awarded them. They are an integral part of our annual fundraising. Ballard County provides a unique opportunity for those who are avid waterfowlers or the first time waterfowl hunter. Dr. Brunjes and his staff have made the refuge what I think is the crown jewel of the department's WMAs. In removing the tag, we remove the opportunity to showcase this WMA and what the department has accomplished. It is basically the only place in the Commonwealth where one may experience a first class waterfowl hunt. Also the tourism dollars that are brought into the

area. Two to three nights lodging, meals, gas and ancillary purchases would be lost for an area that relies on hunters. I think it's more than just the monies our organization would lose, but the showcasing of the department, introducing new hunters and tourism spending that would also be lost. Adding a bear tag, which I think is a great idea, but it goes to an area that is receiving dollars from the sale of elk permits and leaving the western part of the Commonwealth out. Again please consider keeping this tag." – Roger LaPointe, Executive Director Kentucky Hunter for the Hungry.

- "The American Catfishing Association (ACA), an organization created to represent what is now considered to be the second largest segment within the \$50 billion recreational fishing industry would like to thank you for your efforts and considerations. We understand the commission must take into consideration what is fair and best for all segments of the fishing industry. We ask that when considering any changes, it be made knowing your leadership and regulation direction could affect countless fisheries, anglers, business interests and can cause significant economic impact throughout Kentucky. That being stated, the ACA's sole objective is to work with the commission to form a synergy and partnership to assist these great tasks ahead. Over the past many years, recreational anglers have come forward stating that fisheries on some of Kentucky's major waterways have been producing far fewer trophy size catfish than in the past. Given the State's data has been reported to encompass approximately the last 10 or so years, we believe it is important to take into consideration what anglers with decades of experience on Kentucky waters have observed and have reported. Trophy catfish should be considered a valued commodity. Unlike a bass, crappie or walleye species that take only a few years to grow to size, a catfish can take 10 years or more to reach 35". Being of far greater importance and value when reaching a mature size, the ACA believes they should be protected as a valued asset of the state. Today, recreational catfish anglers are traveling to regions of the country where waterways with trophy catfish have enjoyed protection from being exploited. With the significant growth of the catfish segment, these same regions are enjoying millions of dollars in growth for businesses and municipalities. To ensure the State of Kentucky enjoys the same, the ACA encourages further regulation refinement. With the aforementioned stated, and in addition to what is being proposed today and/or in the future; the American Catfishing Association respectfully proposes the following for the commission's current and future consideration: 1. That commercial fishing and for profit private lake operations follow the same size regulations that are currently in place or may be adopted for the recreational segment. 2. That certain indiscriminate fishing apparatus be banned from use and subsequent allowable apparatus be mandated to be clearly identified with the owner's information. 3. Since patrons of private pay lake operations are not required to be licensed, that those same patrons pay a nominal conservation fee per visit that would go towards state conservation programs and research. 4. That pay lake operations be regulated and limited to the number of fish they can take possession of that originate from public waters. 5. That the transportation of live fish out of the State of Kentucky be prohibited unless a special permit is obtained. Said permitting would be limited to accredited aquariums, research organizations, catch and release (to the same public waters) tournament events, and cooperating state stocking programs. 6. That violation fines be substantially increased to all segments and operations, and include asset confiscation and revocation of any and all licenses and permits for habitual violators. 7. That commercial fishing be encouraged and possibly incentivized to target invasive species for non-human consumption processes. 8. That harvest limits, (bag limits) be employed. There is no reason that any one angler needs to harvest an unlimited number of fish per day. 9. That trophy catfish be classified as a sport fish throughout the state internal and bordering waterways. The American Catfishing Association commends the efforts of the state and welcomes the new business

proposals being brought to the floor. The ACA stands ready and willing to assist the efforts of the State of Kentucky and look forward to a long and beneficial partnership. Thank you all for your time and consideration.” – Glen Thomas Oberacker, American Catfishing Association

- “I’m Justin Browning from Middletown Ohio. I’ve fished the Ohio River and its tributaries for over 20 years. I have never seen it in the shape it is in the day. I support the catfish regulations that’s on the agenda today. I also believe we should take it a step farther there is way more that needs to be done than just what’s on the agenda today. We need a possession limit more than just at the boat ramps and on the water for commercial fishermen and a limit on unders. I also believe we need to get rid of the 4/40 on the pools below Cannelton. The system in which the commercial fisherman reporting their catch is an absolute joke the honor system does not work. Another area of a great concern is a no transport across state lines I think it is absolutely a necessity and it would keep pay lakes in Ohio from stocking hundreds of thousands of pounds of Kentucky catfish and keep that money and fish in Kentucky. Lastly, I would like to see more enforcement there is very little if any enforcement on the river the only time you see any enforcement on the river is during a holiday when they’re generating revenue from drunk boaters and most of the time that’s even Limited. Lastly, I would like to say thank you for your time and I hope you take this into consideration.” – Justin Browning
- Brian Mackey commented regarding special waterfowl permits. Mr. Mackey stated, “To me with the bear permit I really don’t see what the added value to that would be. I think something that should be looked at is how many bear permits do we currently sale and how many of those tags get filled because I am pretty sure that it is a low number and if its already a low number the likelihood of someone going out and killing a second bear is pretty low.” Mr. Mackey went on to state that he understands that there are logistical issues with the Ballard hunt but there continues to be 40-50 blinds at Ballard. Mr. Mackey suggested setting a certain number of blinds for Commission permits instead of going to a bear permit.

Kevin Kelly, Chief Communications Officer, read the following comments selected as a sampling of those received via email:

- I’m writing regarding the New Business Agenda items “Modify water bodies open to commercial fishing” and “Modify catfish commercial fishing regulations and reporting requirements”. I likely will not be able to attend Friday’s meeting. Seeing these agenda items concerns me as an angler who loves to fish for catfish. I and other anglers have pushed KDFWR for years on better, more reasonable regulations regarding Kentucky’s catfish population. I fished the Ohio River for trophy catfish a lot in the mid 2000s to mid 2010s and definitely noticed a degradation in the quality of fishing. In my opinion this was due to unregulated harvest of trophy catfish (likely for use in pay lakes). To KDFWR credit, stronger regs have been put in place since then. If anything, these regs need to be more stringent. I’m tremendously concerned that with this being on the agenda now, KDFWR could be considering loosening these regs. Strong regulations (and robust enforcement) are still needed. Commercial fishermen are still targeting trophy catfish, but hopefully now due to KDFWR regs, some of this pressure is going to surrounding states. I urge the commission to stay the course and enforce current regs, and consider stronger regs to protect the fisheries further. Catfishing continues to be a fast growing segment in the industry and deserves serious protection. Thanks. – Rob Benningfield, American Catfish Association Member
- Hello, My name is Landon Garrison from Mason County, Kentucky. I am an avid catfish angler and have been working with Kentucky Fish and Wildlife since 2010 on catfish conservation regulations on the Ohio River. I must give high praise and commend Jay

Herrala and the KDFWR biologists on the job they have done protecting our natural resources. Since the regulations have been established roughly 10 years ago, we have seen an increase in trophy catfish catches in the Meldahl pool of the Ohio River. The one over 35" limit on blue and flathead catfish on all fishermen, commercial and anglers, has done wonders for our fishery. More anglers are willing to spend their money in Kentucky to enjoy the Ohio River versus traveling out of state to have the opportunity to catch trophy sized catfish. I see on the agenda for the December 2<sup>nd</sup> Commission meeting under New Business that some items will be discussed regarding trophy catfish / commercial fishing. I support any further regulations that will continue to protect the trophy sized blue, channel, and flathead catfish in our fisheries from commercial fishing overharvest. The department has done such a great job protecting our resource and I'd like to see that continued. I am happy to assist the department in any way that I can to protect the resource. Please feel free to reach out to me. I appreciate your time and hope everyone has a very Happy Holiday season! Thank you. – Landon Garrison

- I am emailing to comment on new business items scheduled to be discussed on the December 2, 2022 quarterly commission meeting agenda. Specifically related to catfish regulations. My name is Scott Cress and I am a resident of Kenton County. I was a member of a focus group representing recreational anglers the last time catfish regulations were broadly discussed and considered. I am a strong supporter of catfish conservation and firmly believe the states trophy catfish resources have been historically depleted for the benefit of few (commercial fisherman / paylakes) at the detriment of many (recreational anglers). I travel the country chasing trophy catfish and believe with enough time and better regulations our state can become a destination for catfish anglers across the Midwest and drive significant economic benefits if the catfish are left to grow and reproduce in our states waters. Overall I am encouraged to see new business items presented that will (hopefully) better protect our resources across the state from over harvest by commercial catfishing. As it relates to the agenda items, I hope the commission considers a large increase in commercial fishing permit fees for trophy catfish, especially for non-resident licenses, and strongly considers limiting the number of out of state licenses issued each year. I can tell you I see as many commercial fisherman on the southern sections of the OH river, especially out of Wickliffe, KY, as I do recreational anglers. Many OH trophy paylake operators have staged holding ponds in this area that they use to load up on daily catches before transporting these fish back to out of state pay-lakes. I support modifying and protecting waters from commercial fishing in general. I believe the 4 over 40 rule should be removed entirely. The rule serves to benefit a select few and is not consistent with any other state that institutes commercial catfish regulations. We are an outlier in this regard and the allowable harvest of 4 trophy fish over 40 inches daily is a material detrimental impact compared with the traditional 1 over 35 inches in place otherwise. For those that have been on the commission or with KDFWR for a few years will recall the ground swell of support by the state's recreational fisherman the last time catfish regulations were broadly considered – some referred to us as the blue shirt army and the meeting location was standing room only. Improved regulations that aid in the conservation of our state's resources has the support of thousands. I hope the department's mission statement always guide's the commission's decisions it all it decides: The Kentucky Department of Fish and Wildlife Resources' mission is to conserve, protect and enhance Kentucky's fish and wildlife resources and provide outstanding opportunities for hunting, fishing, trapping, boating, shooting sports, wildlife viewing, and related activities. Sincerely – Scott Cress
- Dear KDFWR Commissioner: USDA does not take positions on state legislation; we have not reviewed the bill language to do so. Below we have provided information on our



National Feral Swine Damage Management Program (NFSDMP) and our experience with States that have legislation that limit or prohibit feral swine hunting. In 2014, in response to the increasing damage and disease threats posed by expanding feral swine populations in the United States, Congress appropriated \$20 million to the United States Department of Agriculture's Animal and Plant Health Inspection Service (APHIS) for the creation of a collaborative, national feral swine damage management program within APHIS' Wildlife Services (WS) program. WS is the lead organization within APHIS to manage the wide array of feral swine damage issues that impact numerous resources in Kentucky. The primary goal of the NFSDMP is to protect agricultural and natural resources, property, animal health, and human health and safety by managing damage caused by feral swine. The NFSDMP works in conjunction with WS State Programs to manage feral swine. All WS feral swine damage management efforts in Kentucky use science-based, adaptive management strategies and are done in collaborative cooperation with our state partners. The partnership between Kentucky Department of Fish and Wildlife Resources (KDFWR) and WS, in collaboration with other partners and cooperators, has resulted in eradication of several wild pig populations throughout Kentucky with a path forward to eliminate wild pigs in Kentucky. However, hunting, which can involve illegal importation, relocation, re-introduction or release, provides an incentive to maintain wild pig populations. Prohibitions on hunting have been very effective in reducing new releases of wild pigs and enhancing elimination strategies. Based on the experience of other state programs, limitations on hunting facilitate a more systematic application of proven-effective eradication methods where wild pigs occur. Please let us know if we can answer any questions regarding the APHIS NFSMP or our WS State Program activities conducted with local partners to eradicate feral swine in Kentucky. – Brett Dunlap, CWB® State Director, Kentucky USDA/APHIS/Wildlife Services and Dana Cole, DVM, PhD, Coordinator, National Feral Swine Damage Management Program USDA/APHIS/Wildlife Services

**Adjourn** (Video 5:32:36)

Brian Fisher made a ***motion to adjourn***, seconded by Ralph Swallows. ***The motion carried unanimously.***

**Attachment A-2**

Kentucky Fish and Wildlife Commission Meeting

**ACTION ITEM**

DATE: March 3, 2023

**Regulation Number:** N/A

**Regular or Emergency:** N/A

**Action Item:** Approval of January 13, 2023 Special Called Commission Meeting Minutes

Please continue to next page

# Kentucky Department of Fish & Wildlife Resources



## Special Called Commission Meeting

### MINUTES

Live Video Teleconference<sup>1</sup>

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

January 13, 2023

#1 Sportsman's Lane

Frankfort, KY

9:00 AM (EST)

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

**Call to Order** (Video 3:54) – Chairman Clinard

**Remarks by Commission Chair Clinard and Commissioner Storm** (Video 5:04)

#### Action Item

- Licensing – Offer a Senior Lifetime Sportsman's License (Video 6:13)
  - Jenny Gilbert, Legislative Liaison, presented the Department's proposal to amend [301 KAR 3:022](#) by adding language to enable the Department to sell this license as established in [KRS 150.175](#), to include hunting and fishing licenses plus permits for trout, deer, spring and fall turkey, and migratory bird/waterfowl, and setting a price point.
  - Josh Lillard made a **motion to offer a Senior Lifetime Sportsman's License for \$180.00**, seconded by Robin Floyd. ***The motion carried unanimously.***

**Adjourn** (Video 29:14)

Robin Floyd made a **motion to adjourn**, seconded by Brian Fisher. ***The motion carried unanimously.***

## Attachment A-3

Kentucky Fish and Wildlife Commission Meeting

### **ACTION ITEM**

DATE: March 3, 2023

**Regulation Number:** N/A

**Regular or Emergency:** N/A

**Proposed Effective Timeframe:** N/A

**Action Item:** [Quarterly Financial Statements](#)

Please continue to next page

**Department of Fish & Wildlife Resources  
Income Statement - FY23/Q2**

REVENUE	50.00%				FY23 Year To Date TOTALS	FY23 BUDGET	Percent Earned / Expended
	October	November	December				
<b>Restricted Fish and Game Fund</b>							
Hunting and Fishing Licenses	\$ 2,602,104.50	\$ 7,595,116.08	\$ 856,727.50	\$ 16,372,583.78	\$ 39,000,000	41.98%	
Boat Registration Fees	\$ 42,596.79	\$ 14,438.93	\$ 11,124.18	\$ 625,957.50	\$ 7,000,000	8.94%	
Interest Income	\$ (18,376.17)	\$ 199,710.90	\$ 141,955.58	\$ 10,375.46	\$ 100,000	10.38%	
Camp Income	\$ -	\$ -	\$ -	\$ (89,017.75)	\$ 685,000	-13.00%	
General Sales	\$ 33,241.96	\$ 26,608.68	\$ 16,683.96	\$ 141,925.90	\$ 240,000	59.14%	
Otter Creek Outdoor Recreation Area	\$ 31,167.36	\$ 19,509.24	\$ 4,398.62	\$ 160,429.86	\$ 350,000	45.84%	
Proceeds from Asset Disposition	\$ -	\$ -	\$ -	\$ -	\$ 450,000	0.00%	
Fish and Game Fines & Forfeitures/ Restitution	\$ 7,926.80	\$ 15,741.60	\$ 6,827.00	\$ 59,323.09	\$ 250,000	23.73%	
Miscellaneous Receipts	\$ 72,014.78	\$ 212,628.89	\$ 193,097.71	\$ 623,506.14	\$ 1,900,000	32.82%	
<b>Sub-Total Restricted Fish and Game Fund</b>	<b>\$ 2,770,676.02</b>	<b>\$ 8,083,754.32</b>	<b>\$ 1,230,814.55</b>	<b>\$ 17,905,083.98</b>	<b>\$ 49,975,000</b>	<b>35.83%</b>	
<b>Sub-Total FILO Stream Mitigation Fund (matches FILO Fund Used for Operating Costs Only)</b>	<b>\$ 128,324.19</b>	<b>\$ 129,002.75</b>	<b>\$ 143,063.66</b>	<b>\$ 847,834.51</b>	<b>\$ 1,837,800</b>	<b>46.13%</b>	
<b>Sub-Total Federal Fish and Wildlife Fund</b>	<b>\$ 1,076,266.79</b>	<b>\$ 879,931.48</b>	<b>\$ 2,050,793.09</b>	<b>\$ 6,640,396.62</b>	<b>\$ 25,000,000</b>	<b>26.56%</b>	
<b>TOTAL REVENUE</b>	<b>\$ 3,975,267.00</b>	<b>\$ 9,092,688.55</b>	<b>\$ 3,424,671.30</b>	<b>\$ 25,393,315.11</b>	<b>\$ 76,812,800</b>	<b>33.06%</b>	
<b>EXPENDITURES</b>							
Commissioner's Office	\$ 140,741.95	\$ 159,557.07	\$ 123,158.36	\$ 848,457.42	\$ 7,272,900	11.67%	
Commission	\$ 406.00	\$ 1,098.46	\$ 2,121.70	\$ 11,499.76	\$ 21,200	54.24%	
Marketing Division	\$ 126,130.32	\$ 75,148.45	\$ 73,270.05	\$ 529,201.94	\$ 1,389,000	38.10%	
Administrative Services Division	\$ 295,583.67	\$ 343,949.51	\$ 192,897.06	\$ 2,268,548.30	\$ 4,392,300	51.65%	
Engineering Infrastructure and Technology Division	\$ 171,961.59	\$ 228,129.39	\$ 191,317.64	\$ 1,136,949.59	\$ 3,052,500	37.25%	
Wildlife Division	\$ 1,256,963.97	\$ 1,724,172.17	\$ 1,524,738.79	\$ 8,408,339.36	\$ 20,432,100	41.15%	
Fisheries Division	\$ 890,971.22	\$ 986,354.82	\$ 1,111,022.06	\$ 5,806,259.98	\$ 15,478,200	37.51%	
Information & Education	\$ 602,685.08	\$ 554,876.57	\$ 573,959.95	\$ 4,100,824.09	\$ 8,976,900	45.68%	
Law Enforcement	\$ 1,159,358.70	\$ 1,079,214.50	\$ 1,341,509.40	\$ 7,041,060.00	\$ 15,797,700	44.57%	
<b>OPERATING EXPENDITURES</b>	<b>\$ 4,644,802.50</b>	<b>\$ 5,152,500.94</b>	<b>\$ 5,133,995.01</b>	<b>\$ 30,151,140.44</b>	<b>\$ 76,812,800</b>	<b>39.25%</b>	
<b>NET Gain/Loss Operating</b>	<b>\$ (669,535.50)</b>	<b>\$ 3,940,187.61</b>	<b>\$ (1,709,323.71)</b>	<b>\$ (4,757,825.33)</b>	<b>\$ -</b>	<b>-</b>	

<sup>1</sup> Excludes \$9M FILO Third-Party Agreements paid as operating, which are included in the approved budget.

<sup>2</sup> Includes approved contingency budget held in Commissioner's Office for entire department.

<sup>3</sup> Includes statewide charges paid centrally for workers' compensation, personnel board assessment, insurance premiums, payroll system charge, etc.

DEPARTMENT OF FISH AND WILDLIFE RESOURCES  
 Operating Budget Review  
 For the Month of December 2022 (FY23)

	December			Fiscal Year To Date		
	FY23	FY22	FY21	FY23	FY22	FY21
<b>REVENUE</b>						
<b>Restricted Funds</b>						
Hunting and Fishing Licenses	\$ 856,727.50	\$ 6,509,906.50	\$ 7,111,701.00	\$ 16,372,583.78	\$ 17,821,216.25	\$ 17,462,790.01
Boat Registration Fees	\$ 11,124.18	\$ 13,545.05	\$ 37,508.14	\$ 625,957.50	\$ 602,498.45	\$ 1,554,688.05
Interest Income	\$ 141,955.58	\$ (55,362.30)	\$ 15,690.20	\$ 10,375.46	\$ (127,780.09)	\$ 45,596.90
Camp Income	\$ -	\$ -	\$ -	\$ (89,017.75)	\$ (5,714.83)	\$ -
General Sales	\$ 16,683.96	\$ 24,382.16	\$ 42,763.09	\$ 141,925.90	\$ 152,109.47	\$ 129,547.17
Otter Creek Outdoor Recreation Area	\$ 4,398.62	\$ 1,222.34	\$ 14,237.32	\$ 160,429.86	\$ 160,749.36	\$ 99,977.37
Proceeds from Asset Disposition	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 78,000.00
Fish and Game Fines & Forfeitures/ Restitution	\$ 6,827.00	\$ 18,671.57	\$ 6,125.77	\$ 59,323.09	\$ 71,142.00	\$ 57,173.58
Miscellaneous Receipts <sup>1</sup>	\$ 193,097.71	\$ 117,972.26	\$ 129,866.15	\$ 623,506.14	\$ 228,829.78	\$ 506,544.33
<b>Sub-Total Restricted Fund</b>	<b>\$ 1,230,814.55</b>	<b>\$ 6,630,334.58</b>	<b>\$ 7,357,891.67</b>	<b>\$ 17,905,083.98</b>	<b>\$ 18,903,050.39</b>	<b>\$ 19,934,317.41</b>
<b>Sub-Total FILO (=Operating Costs of FILO Fund)</b>	<b>\$ 143,063.66</b>	<b>\$ 119,770.68</b>	<b>\$ 111,169.91</b>	<b>\$ 847,834.51</b>	<b>\$ 797,290.27</b>	<b>\$ 698,308.16</b>
<b>Sub-Total Federal Fish and Wildlife Fund</b>	<b>\$ 2,050,793.09</b>	<b>\$ 890,671.35</b>	<b>\$ 2,994,968.47</b>	<b>\$ 6,640,396.62</b>	<b>\$ 6,515,272.00</b>	<b>\$ 7,586,693.39</b>
<b>TOTAL REVENUE</b>	<b>\$ 3,424,671.30</b>	<b>\$ 7,640,776.61</b>	<b>\$ 10,464,030.05</b>	<b>\$ 25,393,315.11</b>	<b>\$ 26,215,612.66</b>	<b>\$ 28,219,318.96</b>
<b>EXPENDITURES</b>						
Commissioner's Office	\$ 123,158.36	\$ 192,560.45	\$ 134,558.34	\$ 848,457.42	\$ 992,150.34	\$ 986,010.81
Commission	\$ 2,121.70	\$ 400.18	\$ 599.51	\$ 11,499.76	\$ 9,051.07	\$ 11,480.87
Marketing Division	\$ 73,270.05	\$ 121,515.46	\$ 74,891.54	\$ 529,201.94	\$ 508,328.95	\$ 402,327.87
Administrative Services Division	\$ 192,897.06	\$ 156,784.78	\$ 257,665.09	\$ 2,268,548.30	\$ 2,060,111.49	\$ 2,124,394.97
Engineering Infrastructure and Technology Division	\$ 191,317.64	\$ 230,689.42	\$ 198,515.66	\$ 1,136,949.59	\$ 1,461,349.85	\$ 1,311,051.24
Wildlife Division	\$ 1,524,738.79	\$ 1,558,441.70	\$ 1,314,530.84	\$ 8,408,339.36	\$ 8,445,115.36	\$ 7,791,900.89
Fisheries Division	\$ 1,111,022.06	\$ 861,522.34	\$ 1,190,549.77	\$ 5,806,259.98	\$ 5,844,425.98	\$ 5,753,173.32
Information & Education	\$ 573,959.95	\$ 532,463.48	\$ 479,923.84	\$ 4,100,824.09	\$ 4,059,322.56	\$ 3,294,744.78
Law Enforcement	\$ 1,341,509.40	\$ 1,110,316.37	\$ 962,003.68	\$ 7,041,060.00	\$ 7,102,854.32	\$ 6,412,627.79
<b>OPERATING EXPENDITURES</b>	<b>\$ 5,133,995.01</b>	<b>\$ 4,764,694.18</b>	<b>\$ 4,613,238.27</b>	<b>\$ 30,151,140.44</b>	<b>\$ 30,482,709.92</b>	<b>\$ 28,087,712.54</b>
<b>NET Gain / Loss Operating</b>	<b>\$ (1,709,323.71)</b>	<b>\$ 2,876,082.43</b>	<b>\$ 5,850,791.78</b>	<b>\$ (4,757,825.33)</b>	<b>\$ (4,267,097.26)</b>	<b>\$ 131,606.42</b>

## Department of Fish and Wildlife Resources Cash Fund Balances - December 2022 (FY23)

	Beginning Balance (12/1/2022)	Revenue	Expenditures	Transfers	Ending Balance 12/31/2022)
<b>Agency Revenue Funds</b>					
Restricted Fish & Game Fund (134R)	\$ 33,577,802.08	\$ 1,230,450.68	\$ (3,418,788.43)		\$ 31,389,464.33
Nongame Fish and Wildlife Fund (13NY)	\$ 47,067.86	\$ 301.87			\$ 47,369.73
Ky Heritage Land Conservation Mgmt Fund (13KR)	\$ 249,868.67				\$ 249,868.67
JC Williams WMA Management Funds (13QJ)	\$ 66,207.41	\$ 208.36			\$ 66,415.77
Fees in Lieu of ("FILO") Stream Mitigation Fund (134S)	\$ 138,438,204.10	\$ 1,801,283.22	\$ (143,063.66)	\$ (27,168,063.75)	\$ 112,928,359.91
<b>Capital Fund</b>					
Various Capital Funded Projects (FILO, Agency Maintenance, etc.)	\$ 73,941,134.32		\$ (1,683,318.25)	\$ 27,168,063.75	\$ 99,425,879.82
<b>Federal Fund</b>					
F&W Federal Fund	\$ 4,973,369.14	\$ 2,050,793.09	\$ (1,575,540.89)		\$ 5,448,621.34
<b>Special Deposit Trust Fund</b>					
FW-Commissioner's Office Fund	\$ 8,916.24				\$ 8,916.24
	\$ 251,302,569.82	\$ 5,083,037.22	\$ (6,820,711.23)	\$ -	\$ 249,564,895.81

Kentucky Fish and Wildlife Commission Meeting

**ACTION ITEM**

DATE: March 3, 2023

**Proposed Effective Timeframe:** Fall 2023

**Discussion Item:** Amend 301 KAR 2:172 – Deer hunting seasons, zones, and requirements

**Introduction:** [The Wildlife Division recommends re-zoning Simpson County from Zone 3 to Zone 2.](#)

All counties surrounding Simpson County are Zone 2. This change will still allow hunters to harvest a maximum of 4 antlerless deer, but it will allow more of those deer to be taken via firearm or air gun. Designating Simpson County as Zone 2 will not be detrimental to the deer population but will provide more opportunity for hunters in that county.

The trends in our deer population model for the area, and density estimates for Simpson County specifically, support this change. Moreover, staff biologists and conservation officers, and hunters and landowners in the county have expressed support for this change.

Specifically, we recommend amending Section 6 (Zones) of the regulation as follows:

(2) Zone 2 shall consist of Adair, Allen, Barren, Bath, Bourbon, Boyd, Boyle, Breckinridge, Butler, Carter, Casey, Clark, Daviess, Edmonson, Fayette, Fleming, Grayson, Greenup, Hancock, Jessamine, Lawrence, Lewis, Lincoln, Logan, Madison, Marion, Meade, Metcalf, Monroe, Montgomery, Nicholas, Ohio, **Simpson**, Taylor, and Warren Counties.

(3) Zone 3 shall consist of Cumberland, Elliott, Estill, Garrard, Johnson, Laurel, Morgan, Powell, Pulaski, Rowan, ~~Simpson~~, Wayne, and Wolfe Counties.



Kentucky Fish and Wildlife Commission Meeting

**ACTION ITEM**

DATE: March 3, 2023

**Regulation Number:** 301 KAR 1:122

**Regular or Emergency:** Regular

**Discussion Item:** Importation, possession, and prohibited aquatic species.

**Introduction:**

This administrative regulation establishes the species of aquatic life that are prohibited in the Commonwealth. The current regulation language specifies the prohibition of various activities with regard to these invasive species. Some simple clarifications and “clean up” language in keeping with the intent of the regulation are needed.

The Fisheries Division recommends adding the following provisions to the regulation:

- Clarify that goldfish may be used as bait.

There is currently ambiguity in the regulation as to whether goldfish are a legal species for use as bait in Kentucky waters. Though they are a non-native species, but not injurious to native ecosystems and widely found in Kentucky waters. As such Fisheries has already sanctioned the propagation and sale of this species as bait and they are a popular baitfish used by anglers.

- Individuals of any aquatic species may be released at the time of catch back into the water body from which they are caught.

The regulation currently reads that Asian carp and various other types of invasive aquatic species may not be “released” in Kentucky. The regulation intended to prohibit people from intentionally introducing detrimental species not already established in Kentucky waters in general or a specific water body in particular, but not necessarily to make it illegal to release a species from the water where it was taken. As it stands, the regulation unintentionally makes it unlawful for recreational anglers to release prohibited species back into the water body where they are caught, even if they don’t recognize them.

- Restrict transportation and sale of live tilapia within Kentucky to:
  - another properly licensed propagator;
  - a properly licensed live fish and bait dealer; or
  - a person, corporation, or other business entity that is selling fish for food in establishments licensed for resale by another state agency or for sale as wholesale food products.

The Fisheries Division already allows for the propagation of non-native tilapia species for food consumption; however this exception is currently not in regulation. To ensure tilapia do not become established in Kentucky waters, outside of the aquarium trade, we propose to allow tilapia propagation and transportation within Kentucky *for food consumption only* and therefore not sold live except in specific cases.

The Fisheries Division also recommends amending Section 4 pertaining to Asian carp:

- Explicitly prohibit possession of live Asian carp species.

This section already prohibits a person from buying, selling, importing, transporting, or releasing live Asian carp species (notwithstanding the exception for licensed commercial fisherman). We recommend adding “possess” to prohibited activities.

- Allow sport fishing anglers to possess, transport, and sell Asian carp under the same three conditions allowed for licensed commercial fisherman:
  - must not be transported in water;
  - must be moribund (meaning dead or dying); and
  - must be transported to a fish processing facility.

Because we have made the allowance in 301 KAR 1:152, Section 8 for the non-commercial harvest of Asian carp, we also need to make this allowance.

Kentucky Fish and Wildlife Commission Meeting

**ACTION ITEM**

DATE: March 3, 2023

**Regulation Number:** [301 KAR 1:115](#)

**Regular or Emergency:** Regular

**Discussion Item:** Propagation of aquatic organisms.

**Proposed Effective Timeframe:** Fall 2023

**Introduction:**

This administrative regulation establishes the requirements for obtaining a propagation permit for aquatic organisms and establishes the requirements for propagation permit holders. KRS 150.280 prescribes that the department shall by administrative regulation identify species that are potentially damaging to native ecosystems and shall prohibit the transporting or holding of these species.

The Fisheries Division proposes adding the following procedures change:

- [Provide that the Department may deny a propagation permit for aquatic organisms that we determine are potentially damaging to native ecosystems.](#)

By providing this clarification in regulation, it will also give permit applicants wishing to appeal a decision the recourse of an administrative hearing.

Kentucky Fish and Wildlife Commission Meeting

**ACTION ITEM**

DATE: March 3, 2023

**Regulation Number:** [301 KAR 1:125](#)

**Regular or Emergency:** Regular

**Discussion Item:** Transportation of fish.

**Proposed Effective Timeframe:** Fall 2023

**Introduction:**

This administrative regulation provides for control of the transportation of fish, fish eggs, live bait, and other aquatic organisms into, through, and within the state to protect the resident fish populations. KRS 150.280 mandates that the department shall by administrative regulation identify species that are potentially damaging to native ecosystems and shall prohibit the transporting or holding of these species.

With that in mind the Fisheries Division proposes a clarification in the regulation, as follows:

- [Provide that the Department may deny a transportation permit for the transportation of aquatic organisms that we determine are potentially damaging to native ecosystems.](#)

By providing this clarifying wording in regulation it will also give those wishing to appeal our decision recourse to an administrative hearing.

Kentucky Fish and Wildlife Commission Meeting

**ACTION ITEM**

DATE: March 3, 2023

**Regulation(s) Number:** 301 KAR 1:152 & 3:022      **Regular or Emergency:** Regular

**Proposed Effective Timeframe:** Fall or Winter 2023

**Discussion Item:** Harvest and sale of Asian carp.

**Introduction:**

The Fisheries Division recommends establishment of a program that allows commercial fishers to use special commercial fishing gear and special commercial fishing methods to further the goal of invasive carp harvest and sale in mass quantities. The amendments to existing regulations will create a new Experimental Commercial Fishing Methods Permit that will allow commercial fishers, under the oversight of KDFWR staff, to use and experiment with currently impermissible gear/methods in restricted/designated areas to determine if said methods and gear can be employed safely; are effective at harvesting invasive carp; have minimal by-catch; and cause negligible interference with other recreational users.

KDFWR has limited ability to provide concurrent, in-person oversight of more than just a handful of commercial fishers, so filtering criteria would be established to limit the number of participants in the program at any one time. Through the structured on-site review and evaluation of fisher's methods and efficiency in Tier I of this program, it may become feasible to allow a fisher to continue their methods with less rigorous oversight by assigning them to a 'Tier II' status. This would allow KDFWR to potentially permit an unlimited number of participants in that status and ultimately permit those methods and gears for general use by commercial fishers.

Fisheries proposes the following fee structure for the permits:

- Tier I resident – \$800
- Tier II resident – \$1,200
- Tier I non-resident – \$1,600
- Tier II non-resident – \$2,400

The number of experimentation days allowed will be dependent on number of persons in the program and staff availability. However, applicants selected for entry into Tier I of the Program shall be offered a minimum of 25 days per year of KDFWR-supervised

experimentation of fishing methods and gears. The department shall not approve a fishing request for reasons such as: (a) Higher than normal by-catch is likely to occur at that location and time; (b) Excessive user conflicts would occur, or (c) pending adjudication of a commercial fishing offense.

Experimentation under this program will be allowed in the following waters upon KDFWR approval, including restricted waters:

Kentucky Lake

Lake Barkley

Ohio River downstream of Newburg Lock and Dam

Mississippi River from the mouth of the Ohio River downstream to the Tennessee line

Tennessee River downstream of Kentucky Lake

Cumberland River downstream of Lake Barkley

Green River downstream of Green River Lock and Dam # 4.

The gear tagging requirement for commercial fishing gear is waived when KDFWR observers are present. However, program participants must follow gear tagging requirements if KDFWR staff are not present. If fish must be left overnight in a live holding net, then they must have a commercial fishing gear tag and be marked with equipment issued by KDFWR.

### Tier I Experimental Commercial Fishing Methods Program

To be eligible for Tier I of the Experimental Commercial Fishing Methods Program, the applicant must possess the necessary commercial fishing experience and required equipment as follows:

- Have a minimum of three years commercial fishing experience with at least two years holding a valid commercial fishing license
- Have a boat and motor(s) that meet the following minimum requirements:
  - Work boat – at least 22 feet in length and space for essential crew and one agency appointed observer, along with storage capacity for harvested fish
  - Outboard with a minimum of 75 horsepower
  - Required safety equipment and personal flotation devices (PFD)
  - Fishing electronics – traditional and side-imaging sonar, and water temperature
- Valid boat registration
- Have a towing vehicle capable of handling boat transportation to and from designated removal sites and the hauling of harvests for sale or disposal, and if hauling fish within Kentucky, have the necessary Kentucky Department of Transportation identification permits, insurance cards, and federal transportation tags required for commercial transport of fish.

Tier I of the new Experimental Commercial Fishing Methods Program will also have the following requirements:

- Shall be limited to a maximum of three (3) program participants at any one time, selected based on a ranking system developed by KDFWR
- A KDFWR staff member must be present for all commercial fishing methods experimentation
- Program participant shall:
  - purchase valid commercial fishing license
  - purchase Experimental Commercial Fishing Methods Permit
  - be present for all methods experimentation
  - supply KDFWR with a description of experimental commercial fishing gear and practices for prior approval
  - coordinate with the KDFWR point of contact to request a fishing date and location at least 5 days in advance
  - allow fisheries biologists or agency appointed observers onboard vessels to observe and record fish harvesting efforts
  - cease any experimentation considered by KDFWR to be unsafe or unduly interferes with other recreational users, detrimental to non-target species, or unsuccessful for significant invasive carp harvests
  - be responsible for the removal and lawful disposal of all invasive carp species caught from waters during fishing efforts (may be sold to any willing buyer)
  - indicate on the sales receipt that fish were harvested via an experimental gear/method authorized under this special permit and must identify the permit holder
  - submit itemized invoices (by date) to KDFWR each month to allow for clear identification of species and pounds harvested
  - fish under a paid license that allows the harvest and sale of rough fish other than invasive carp, however, the harvest ratios must abide by the limits set under the Asian Carp Harvest Program regulations
  - meet with KDFWR personnel quarterly to review the actions taken under this permit
  - be eligible for the KDFWR Kentucky and Barkley Lake Asian Carp Subsidy Program

### Tier II Experimental Commercial Fishing Methods Program

Qualified commercial fishers currently enrolled in Tier I of the Experimental Commercial Fishing Methods Program who have demonstrated competency to harvest mass amounts of invasive carp with little or no negative aspects described above may complete an application to be considered for Tier II of the program where direct KDFWR oversight will not be required.

The Experimental Commercial Fishing Methods Program Tier II applicant will also need to have achieved specific milestones in the Tier I program. KDFWR will assess each

applicant's eligibility for admission to Tier II using the following criteria:

- A valid commercial fishing license
- A valid boat registration
- Maintained satisfactory communication with KDFWR staff during Tier I activities
- At least six (6) months of participation in Tier I of the Experimental Commercial Fishing Methods Program, with gear/method fished a minimum of 20 times
- Bycatch must have represented 20% or less of total catch for the most recent 10 fishing days and bycatch must be in a condition where there is an expectation of survival upon release
- Harvested at least 200,000 lbs. of invasive carps through the Tier I of the Experimental Commercial Fishing Methods Program within the previous year

Tier II Experimental Commercial Fishing Methods Program participants will need to adhere to many of the Tier I requirements along with the following different requirements:

- Coordinate with the KDFWR POC to request a fishing date and location at least 24 hours prior to the requested date
- Allow scheduled ride-alongs or random spot checks by KDFWR staff
- Shall not leave their gear unattended in a manner that will cause conflicts with watercraft navigation or pose risk of injury to other users on the waterways
- The program participant will be required to keep daily records and report the following information to KDFWR point of contact on a monthly basis
  - Pounds of fish harvested by species
  - Number of personnel assisting with the effort
  - Names of sub-contractors that fish were transferred to (if any)
  - Name of processor or fish market receiving fish
  - Number of hours experimental gear was fished
  - Number of times gear was deployed
  - Other pertinent information associated with the gear (mesh size, gear depth, gear length, approximate depth of water gear was used in)
- Restrictions on the time of year or location that experimental gear or fishing methods can be used under Tier II of the program may be imposed by KDFWR on a case-by-case basis



Kentucky Fish and Wildlife Commission Meeting

**ACTION ITEM**

DATE: March 3, 2023

**Regulation(s) Number:** 301 KAR 1:146      **Regular or Emergency:** Regular

**Discussion Item:** Commercial fishing gear.

**Proposed Effective Timeframe:** Spring 2024

**Introduction:**

This administrative regulation establishes the legal methods that may be used by commercial fishermen to harvest rough fish.

It has been determined that creating legal definitions for “gill net” and “trammel net” would be beneficial for the Law Enforcement Division during prosecution of commercial fishing violations. Therefore, the Fisheries Division proposes definitions based on wording derived from a standardized sampling manual published by the American Fisheries Society.

Promulgate in regulation legal definitions as follows:

- “Gill net” means a passive capture device in which fishes are captured by becoming wedged, gilled, or entangled in a single panel of webbing fished vertically.
- “Trammel net” means a passive capture device in which fishes are captured by becoming wedged, gilled, or entangled in two or three panels of webbing fished vertically.

## Attachment A-10

Kentucky Fish and Wildlife Commission Meeting

### **ACTION ITEM**

DATE: March 3, 2023

**Regulation Number:** 301 KAR 1:201

**Regular or Emergency:** Regular

**Discussion Item:** Taking of fish by traditional fishing methods.

**Proposed Effective Timeframe:** Spring 2024

#### **Introduction:**

This administrative regulation establishes fish size limits, daily creel limits, and possession limits for fishing.

The U. S. Army Corps of Engineers has deauthorized Barren River Lock and Dam 1 and the U. S. Fish and Wildlife Service is currently in process of the demolition and complete removal of the lock and dam. This structure is currently the boundary for two special regulations. Therefore, we need to establish a new physical boundary.

The Fisheries Division proposes a clarification in the regulation, as follows:

- Provide that the new lower boundary on the Barren River for walleye and smallmouth bass special regulations shall be the mouth of the Barren River.

The special regulation for walleye is an 18-26 inch protective slot limit and 2-fish daily creel limit. The special regulation for smallmouth bass is a 15-inch minimum size limit. This change in the lower boundary will add protection with these special regulations to 15 more miles of Barren River mainstem and since the special regulation also includes all tributaries, it notably also includes Gasper River.

The Fisheries Division has also added Yatesville Lake to the blue catfish stocking program. Reservoirs enrolled in this program typically have restrictive size and daily creel limits. The Fisheries Division proposes the following special regulation for blue catfish and channel catfish at Yatesville Lake:

- Blue catfish and channel catfish will have a 15-fish daily creel limit in aggregate and only 1 fish may be longer than 25 inches

## Attachment A-11

Kentucky Fish and Wildlife Commission Meeting

### **ACTION ITEM**

DATE: March 3, 2023

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

**Regular or Emergency:** Regular

**Discussion Item:** Taking of fish by nontraditional fishing methods.

**Proposed Effective Timeframe:** Spring 2024

#### **Introduction:**

This administrative regulation establishes the procedures for taking sport and rough fish by nontraditional fishing methods.

Because we are proposing to protect blue catfish and channel catfish at Yatesville Lake with special regulations for fishing with *traditional* fishing methods, correspondingly [the Fisheries Division proposes special provisions for hand-grabbing in Yatesville Lake:](#)

- [Catfish will have a 5-fish daily creel limit in aggregate, and only 1 blue catfish or channel catfish may be longer than 25 inches](#)

Kentucky Fish and Wildlife Commission Meeting

**ACTION ITEM**

DATE: March 3, 2023

**Regulation Number:** [301 KAR 3:100](#)

**Regular or Emergency:** Regular

**New Business Item:** Special commission permits.

**Proposed Effective Timeframe:** 2024

**Introduction:**

The Department proposes amending this regulation to allow for bear permits among the types of special commission permits that may be applied for and awarded by the Commission. Bonus bear permits offer a significant fundraising potential for eligible nonprofit conservation organizations. Awarding a limited number of bonus bear permits would be in keeping with population objectives for bears. If approved, the Wildlife Division recommends beginning with a small number of permits and increasing over time.

The Department also proposes the following amendments to further simplify and standardize the application and record-keeping process:

- [Remove the requirement for permittee-hunter's date of birth](#) as it is already in Department records associated with the hunter's hunting license
- [Require submission of special commission permit applications via email or online at fw.ky.gov.](#) This requirement will ensure that all organizations who submit their applications on time will have a time-stamped record of their submissions and verifiable records of all supporting materials supplied.
- [Require annual reports be submitted via email or online at fw.ky.gov utilizing a standardized form.](#) This requirement will ensure that all organizations who submit their reports will have a time-stamped record of their submissions, will ensure the organizations are specifically prompted to provide all necessary information for a complete report, and will simplify the staff's review process.
- [Reduce the disqualification period from 2 years to 1 year for failing to timely submit an annual report or submitting an incomplete report if they do subsequently submit the full report after the deadline.](#)
- [Amend the requirements for submitting hunter information to avoid penalizing organizations who sell a permit but are unable to obtain the necessary hunter information from the hunter prior to the submission deadline.](#)

Kentucky Fish and Wildlife Commission Meeting

**DISCUSSION ITEM**

DATE: March 3, 2023

**Regulation Number:** New Regulation                      **Regular or Emergency:** Regular

**New Business Item:** Hunting on Conservation Camp Properties

**Proposed Effective Timeframe:** Fall 2023

**Introduction:** [The Information and Education Division proposes promulgation of a new regulation to allow for special mentored hunts on all 3 conservation camp properties.](#)

We are increasing the number of Department-sponsored mentor/youth hunts facilitated by Information and Education Division staff, as well as seeking to optimize use of camp properties outside the summer conservation camp timeframe.

Conservation camp properties are publicly owned, thus we propose to formally specify the hunting opportunities to be provided by specifying them as public land in regulation. The I&E division intends to provide special youth and adult mentor hunts, when feasible and under the following stipulations:

- Create a regulation for special hunts on all 3 conservation camp properties.
- Hunts are to be conducted as Department-sponsored events for mentor/youth hunters only.
- Hunts would be conducted during statewide seasons, and license requirements and bag limits for waterfowl, small game, spring and fall turkey and migratory birds would apply.
- Deer hunts would follow statewide bag limits and license requirements, but hunters would be permitted to use any legal hunting equipment as with other special mentored deer hunts already provided for in regulation, from the first Saturday in September through the third Monday in January.

## Attachment D-2

Kentucky Fish and Wildlife Commission Meeting

### DISCUSSION ITEM

DATE: March 3, 2023

**Regulation(s) Number:** [301 KAR 2:030](#) Commercial guide license &  
[301 KAR 5:022](#) License, tag, and permit fees

**Regular or Emergency:** Regular

**New Business Item:** [Update requirements for commercial guides](#)

#### Introduction:

The Commissioner's Office and Fisheries, Law Enforcement, and Wildlife divisions recommend modifications to the commercial guide regulation to require reporting for both hunting and fishing guides, update the requirements to obtain a commercial guide license, and update the commercial guide license application. Additionally, we recommend an increase in the commercial guide fees.

Wildlife and Fisheries Division staff do not currently receive information related to the number of fish and/or wildlife that are harvested by anglers or hunters with the aid of a commercial guide. Many of the species that commercial guides target with their clients do not have a reporting requirement when harvested, thus the impact on the resource is unknown. Other commercial activities, such as commercial fishing, are required to report harvest to the department. By requiring the reporting of this data, biologists and managers will have a better understanding of the demands on these public resources and gain more consistent effort and harvest data on locations with commercial guiding activity. Additionally, obtaining more data about where commercial guiding is occurring will aid the Law Enforcement Division with proper enforcement and compliance activities.

We recommend amending 301 KAR 2:030 as follows:

- [Update the application to require applicants to provide:](#)
  - [Secretary of state business Identification Number](#)
  - [Indicate what primary game \(both fish and wildlife\) species they plan to target/pursue](#)
  - [Require the applicants indicate the amount of land they currently have leased at the time of application if the applicant is applying to be a hunting commercial guide](#)
  
- [For commercial guides who indicate they are a fishing guide:](#)
  - [Require a monthly report be submitted online that provides the following information for each guided trip:](#)
    - [Guide name and license number](#)

- Date fished/bowfished
  - Waterbody fished/bowfished
  - Fish species targeted
  - Number of anglers/bowfishers guided per trip
  - Hours fished/bowfished per trip
  - Fish species caught/shot and numbers per trip in the following categories:
    - Sublegal releases\*
    - Legal released\*
    - Harvested
 (\* can be approximate)
  - Failure to submit a monthly report will result in a courtesy reminder letter the first month, a warning letter for failure to submit the second month then after 3 months of failure to submit the reports the commercial guiding license will be suspended for the remainder of the license year.
- For commercial guides who indicate they are a hunting guide:
  - Require an annual report at the end of the license year that is submitted online that provides the following information:
    - Guide name and license number
    - Wildlife species targeted during the hunting season
    - Total number of guided clients
      - Broken down by the number of resident and non-resident hunters
    - Number of animals harvested
      - Broken down by species and sex (if known) of the animal
    - Number of big game animals shot, but not recovered
      - Broken down by species and sex (if known) of the animal
    - Name of county(s) where guiding occurred
    - Name(s) of any public land area(s) where guiding was done
    - Whether or not guiding was done for any pen-raised animals or at facilities that are permitted as a shooting facility
  - Failure to submit the end of the license year report will result in the lack of issuance of the license the following year until a report is submitted
- For commercial guides who indicate they commercially guide for hunting and fishing the reports outline above will be required as proposed

We also recommend amending 301 KAR 5:022 as follows:

- Resident commercial guide fee from \$150 to \$500
- Non-resident commercial guide fee from \$400 to \$2,000

## Attachment D-3

Kentucky Fish and Wildlife Commission Meeting

### DISCUSSION ITEM

DATE: March 3, 2023

**Regulation(s) Number:** 301 KAR 1:150      **Regular or Emergency:** Regular

**New Business Item:** Waters open to commercial fishing.

#### Introduction:

This administrative regulation establishes the areas where commercial fishing is allowed.

In a review of our commercial fishing reporting records, it has been determined that there are a number of waterbodies currently open to commercial fishing that have either no or very few records of commercial harvest of fish in the last decade. These waterbodies have been sampled and found to have relatively low densities of catfish.

Due to low use of these waters by commercial fishers and to make enforcement easier, we propose removing the following waterbodies from waters open to commercial fishing:

Barren River  
Licking River  
Rough River  
Tradewater River  
Salt River  
Eagle Creek  
Highland Creek  
North Fork Kentucky River  
South Fork Kentucky River  
Panther Creek

Green River Lock and Dam 6 is currently referenced in regulation as an upper boundary for waters open to commercial fishing on the Green River. The U. S. Army Corps of Engineers has deauthorized Green River Lock and Dam 5 and 6. The U. S. Fish and Wildlife Service has completely removed Lock and Dam 6 and partially removed Lock and Dam 5. Therefore, we need to establish a new physical boundary.

The Fisheries Division proposes a clarification in the regulation, as follows:

Provide that the new upper boundary for waters open to commercial fishing on the Green River shall be 200 yards below Green River Lock and Dam 4.



Kentucky Fish and Wildlife Commission Meeting

**DISCUSSION ITEM**

DATE: March 3, 2023

**Regulation(s) Number:** 301 KAR 1:155      **Regular or Emergency:** Regular

**New Business Item:** Commercial fishing requirements.

**Introduction:**

This administrative regulation establishes commercial fishing requirements, protects certain species from overharvest, and regulates the buying and selling of roe-bearing species of rough fish.

The Fisheries Division proposes:

- 1) To align commercial fishing trophy catfish harvest regulations with recreational fishing trophy catfish harvest regulations and allow the commercial daily harvest of one blue catfish and one flathead catfish that is a minimum of thirty-five (35) inches in length and one channel catfish that is a minimum of twenty-eight (28) inches in length in all waters open to commercial fishing except for the mainstem of the Ohio River downstream of Cannelton Lock and Dam.

If the Commission were to approve the closures of low use waters to commercial fishing outlined above, there would remain seven rivers and four lakes in Kentucky that are open to commercial fishing: Mississippi, Ohio, Tennessee, Cumberland, Pond, Green, and Kentucky Rivers, and Barkley, Kentucky, Herrington, and Cumberland Lakes. Large catfish abundance varies by water body but is generally best in the large rivers. Lake Barkley and Kentucky Lake currently have moderate abundance of large catfish, but with the lack of commercial catfish regulations and high use by commercial fishermen, there is potential for overharvest. Recreational anglers are already restricted to the daily harvest of one trophy catfish of each species statewide. For recreational fishing, a trophy catfish is defined as blue catfish and flathead catfish that is a minimum of thirty-five (35) inches in length or channel catfish that is a minimum of twenty-eight (28) inches in length. This same definition of trophy catfish also applies commercially on the Ohio River and its tributaries open to commercial fishing above Cannelton Lock and Dam (upper river).

- 2) With the declining catfish harvest and commercial fishing use in tributaries open to commercial fishing in the lower Ohio River, it would simplify regulations, provide more clarity, and aid enforcement if the special Trophy Catfish Harvest Permit regulations downstream of Cannelton Lock and Dam only applied to the mainstem of the Ohio River and not the tributaries. The Lower Ohio River Trophy Catfish Harvest Permit

would then entitle the permit holder to harvest four Lower Ohio River Trophy Catfish in only the mainstem of the Ohio River downstream of Cannelton Lock and Dam.

Below Cannelton Lock and Dam, the main stem Ohio River and tributaries are regulated in two ways. Up to fifteen commercial fishers with a free Trophy Catfish Harvest Permit issued by the department, specific to this lower section of the river, have a daily limit of four trophy catfish. Under this permit, trophy catfish are defined as blue catfish or flathead catfish that is a minimum of forty (40) inches in length or channel catfish that is a minimum of thirty (30) inches in length. Commercial fishermen without the Trophy Catfish Harvest Permit, fishing below Cannelton Lock and Dam, must follow the same trophy catfish regulations that apply to the upper Ohio River (above Cannelton Lock and Dam). KDFWR sampling indicates that catfish population density and trophy catfish abundance in several of the tributaries to the lower Ohio River have shown declining harvest and use in the past ten years.

There is also material incorporated by reference for this regulation that is used by commercial fishers for mandatory monthly harvest reporting. We became aware that due to formatting there was wording inadvertently omitted from the printed copy submitted to LRC in 2019.

- 3) Fisheries proposes to resubmit a corrected, print copy of the “Monthly Report of Commercial Fish Harvest in Kentucky.” This same document is referenced in 301 KAR 1:140 so we will also need to file the corrected copy for that regulation.

Kentucky Fish and Wildlife Commission Meeting  
**DISCUSSION ITEM**  
DATE: March 3, 2023

**Regulation Number:** 301 KAR 3:030

**Regular or Emergency:** Regular

**Proposed Effective Timeframe:** 2024

**New Business Item:** [The Wildlife Division recommends a prohibition on hunting of wild pigs in Kentucky.](#)

Wild pigs are currently one of the greatest challenges facing natural resource professionals, landowners, and farmers. They cause devastating impacts to native wildlife resources, habitat, and agriculture. Wild pigs are especially fond of acorns, outcompeting many native species that rely on them as a major food source in the fall. White-tailed deer and wild turkey are displaced and preyed upon, which can negatively affect hunter opportunity and harvest. They also prey upon eggs of ground nesting birds, such as wild turkey and quail, adversely affecting reproduction directly. Wild pigs adversely affect water quality through fecal deposition and wallowing, creating unfavorable conditions for many aquatic species and polluting water supplies for humans and other wildlife. Wild pigs are one of the most active carriers of wildlife-related diseases in the U.S., carrying at least 45 different parasites and diseases that are transmissible to native wildlife, livestock, and humans.

Historically, states have liberalized hunting seasons with the goal of promoting opportunity for control of wild pigs. However, this approach has been unsuccessful and even counterproductive. Allowing or promoting hunting effectively encourages the illegal importation and release of wild pigs for hunting, thereby increasing geographic spread and introduction of new populations. In fact, the liberal hunting opportunity is the primary factor responsible for hastening human-influenced spread of pigs across the United States. According to M. Tabek, wild pig hunters and those earning income from these hunters have been identified as a primary cause of wild pig introductions (Tabek et al. 2017). Bevins and Snow also stated "...[the] expansion of wild pig distribution is a direct result of individuals wishing to create or augment hunting opportunities through introductions (Bevins et al. 2014, Snow et al. 2017).

Kentucky implemented a year-round season on wild pigs in the early 1990s in response to small populations of pigs occurring in Cumberland and McCreary counties. Following this action, a marked spread of this invasive species within the Commonwealth occurred, mainly due to releases. In 2012, the threat of release pigs was addressed in part with passage of KRS 150.186—a state law prohibiting the importation, transportation, possession, and release of wild, feral, and Eurasian pigs in Kentucky.

Despite the enactment of KRS 150.186, wild pigs continue to show up in new areas, often far removed from other populations. This is indicative of illegal importation and release and emphasizes the difficulty of catching these illegal acts. To fully eradicate wild

pigs, the incentive for illegal importation and release must be eliminated - and that incentive is hunting.

According to VerCauteren et al. 2020, “states that adopted the prohibited provision... [transportation of wild pigs] are the only states to have achieved meaningful progress towards preventing spread and reducing populations of wild pigs. In addition to prohibiting transport, such states also complement these policies with a prohibition on hunting supported by steep penalties for violators, in theory dissolving existing incentives for residents (or non-residents) to participate in recreational wild pig hunting activities.”

The partnership between the Department, USDA APHIS Wildlife Services, plus other partners and cooperators, has resulted in eradication of several wild pig populations using a science-based and adaptive eradication strategy. A prohibition on hunting of wild pigs in Kentucky would enhance this strategy by reducing occurrence of new wild pig releases and facilitating a more systematic application of proven-effective eradication methods where wild pigs occur in the Commonwealth.