

Kentucky Department of Fish & Wildlife Resources



Quarterly Commission Meeting

August 26, 2022 | 8:30 AM (ET)

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 June 3, 2022 quarterly meeting
Attachment A-1
- Quarterly Financial Reports
Attachment A-2
- Prohibit Use of Aircraft (drones, helicopters, airplanes, etc.) for Taking Fish or Wildlife
 - Promulgate a new regulation to prohibit taking of fish/wildlife with aircraft
 - Comport with federal law prohibiting take with aircraft (16 US Code § 742)
 - Prohibit use in hunting, fishing and trapping (to include spotting, locating or reporting location of, harassing, taking, transporting, killing of fish or wildlife) per wildlife definition in KRS 150.010
 - Exempt the department and its agents conducting research, communications and other authorized management activities
 - Allow for permitted landowners/their agents engaged in lawful wildlife damage control activities, and commercial fishers for use in locating or removing Asian Carp

- Reduce Bag Limit of Fall Turkeys to 2 males (no more than 1 with ≥ 3 " beard)
 - Amend [301 KAR 2:144](#) – Fall Wild Turkey Hunting
 - Clean-up item in keeping with Dec. 2021 vote to remove hens and beardless birds from allowable harvest

- Clarify Definition of Fall Hunting of Wild Turkeys with Unlawful Aid of Bait
 - Amend [301 KAR 2:144](#) – Fall Wild Turkey hunting.
 - Specify a set distance (600') from bait for hunting wild turkeys in fall to simplify regulation for hunters and conservation officers

Attachment A-3

- Clarify Bear Chase Permit Requirements
 - Amend [301 KAR 2:300](#) Black bear seasons and requirements and [302 KAR 3:022](#) License, tag and permit fees
 - Specify that all participants in a bear chase shall have a bear chase permit in addition to any valid Kentucky hunting license
 - Clarify that those attempting to harvest a bear shall have a bear permit in addition to a valid annual Kentucky hunting license and chase permit
 - Create nonresident bear chase permits

Attachment A-4

- Expansion of Falconry Waterfowl Hunting Opportunity
 - Amend [301 KAR 2:221](#) – Waterfowl seasons and limits.
 - Extend the end of falconry season from Feb. 15 to last Sunday of Feb.

Attachment A-5

- Remove Requirement for Sandhill Crane Hunters to Use Metal Leg Tags
 - Amend [301 KAR 2:228](#) – Sandhill Crane Hunting.
 - Remove the requirement for the department to issue and hunters to use metal leg-tags on harvested cranes. Instead, hunters will be able to conveniently print tags with their crane hunting permit.

Attachment A-6

- Special Commission Permits – Selection of nonprofit conservation organizations to receive 2023 special permits for deer, wild turkey, elk and waterfowl to raise funds for projects in Kentucky

New Business Items

- Change Simpson Co. from Zone 3 to Zone 2 for Deer Hunting
Attachment NB-1

- 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 NB-2

- 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 NB-3

- 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 NB-4

- Establish Commercial Fishing Methods and Experimental Gear Exemption
 - Amend [301 KAR 1:146](#), [301 KAR 1:152](#), or possibly new regulation.
 - 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 NB-5

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

Attachment NB-6

- 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 NB-7

- 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 NB-8

- Modify Special Commission Permits regulation (for 2023)
 - Amend [301 KAR 3:100](#)
 - Substitute bear for waterfowl in special commission permits to improve fundraising capacity for recipient organizations and eliminate scheduling challenges for applicable WMA waterfowl blind sites
 - 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

Public Comments¹

Closed Session

- Land Acquisition Project
- Update on Litigation
- Discussion Regarding an Individual Employee

Action Item

- Land Acquisition Project

Adjourn

Next Scheduled Quarterly Commission Meeting Date: December 2, 2022

¹Public comments regarding New Business Items or Discussion Items on the agenda may be submitted by email to FW.PublicAffairs@ky.gov until 5:00pm (eastern) the day preceding the meeting, and those comments will be distributed to all Commission members prior to the meeting and read by staff during the Commission meeting by KDFWR staff 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, redundant, or not relevant to the meeting agenda. 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.

Kentucky Fish and Wildlife Commission Meeting

ACTION ITEM

DATE: August 26, 2022

Regulation Number: N/A

Regular or Emergency: N/A

Action Item: Approval of June 3, 2022 Quarterly Commission Meeting Minutes

Kentucky Department of Fish & Wildlife Resources



Quarterly Commission Meeting

MINUTES

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

June 3, 2022

#1 Sportsman's Lane

Frankfort, KY

8:30 AM (ET)

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

Call to Order (Video: 00:10) – Chairman Clinard

Invocation and Pledge of Allegiance (Video: 01:04) – Deputy Commissioner Brian Clark, Paul Horn

Welcome and Chair's Remarks (Video: 02:57) - Chairman Clinard

Remarks by Deputy Commissioner Clark (Video: 04:08)

Action Items

- Minutes from April 22, 2022 quarterly meeting and May 12 special called meeting (Video: 07:42)
 - Commission member Ralph Swallows made a **motion to accept the minutes both meetings as corrected**, seconded by Josh Lillard. Votes were as follows: Yes: Brian Fisher, Paul Horn, Josh Lillard, Ralph Swallows, Doug Morgan, Dr. Robin Floyd, Jerry Ferrell and Dr. Clinard. ***The motion carried unanimously.***
- Quarterly Financial Report (Video: 09:04)
 - Lisa Cox, Administrative Services Director, and Amanda Cook, Budget Analyst, presented the quarterly financial report. Paul Horn made a **motion to approve the financial report as presented**, seconded by Dr. Robin Floyd. Votes were as follows: Yes: Dr. Floyd, Brian Fisher, Ralph Swallows, Josh Lillard, Jerry Ferrell, Paul Horn, Doug Morgan. ***The motion carried.***
- FY23 Budget – Budget Working Group Recommendation (Video: 16:55)
 - Paul Horn, Doug Morgan and Dr. Robin Floyd worked with Lisa Cox and staff to review capital projects, division budgets and requests. Paul Horn made a **motion to accept the 2023 budget as written**, seconded by Doug Morgan. Votes were as follows: Yes: Dr. Floyd, Brian Fisher, Ralph Swallows, Josh Lillard, Jerry Ferrell, Paul Horn, Doug Morgan. ***The motion carried.***
- Prohibit use of aircraft (drones, helicopters, airplanes, etc.) for taking fish or wildlife (Video: 30:01)
 - Colonel Eric Gibson, Law Enforcement Division Director, recommended to table a vote on this issue until more research can be done and detailed recommendations can be made. Doug Morgan made a **motion to table this item until the quarterly meeting on August 26th**, seconded by Ralph Swallows. Votes were as follows: Yes: Dr. Floyd, Brian Fisher, Ralph Swallows, Josh Lillard, Jerry Ferrell, Paul Horn, Doug Morgan. ***The motion carried.***
- Land Acquisition Project: Cumberland Forest (Video 36:03)
 - Ben Robinson, Acting Wildlife Division Director, presented an update on the Cumberland Forest property previously reviewed by the Commission in executive session two years ago. The funding model for this property has changed due to appropriation given to the department in SB 217 during the 2022 legislative session specific to the purchase of the Cumberland Forest/Ataya property. Josh Lillard made a **motion to accept the land acquisition project**, seconded by Brian Fisher. The votes were as follows: Yes: Dr. Floyd, Brian Fisher, Ralph Swallows, Josh Lillard, Jerry Ferrell, Paul Horn, Doug Morgan. ***The motion carried.***

Discussion Items

- Reduce Bag Limit of Fall Turkeys to 2 males (no more than 1 with >3" beard) (Video 45:21)
 - This proposal was made by the Wildlife Division in keeping with the recommendation of the Commission to remove hens from the fall bag limit in [301 KAR 2:144](#), voted in December 2021.
 - In order to allow for public input on this item, the consensus of the Commission was to table the proposal until the August meeting and hold the previously recommended amendments until this change, if approved, could be added to the amendments.
 - Josh Lillard made a **motion to temporarily halt promulgating fall turkey season regulation changes as recommended in the December meeting and vote on this item at the next quarterly meeting**, seconded by Doug Morgan. The votes were as follows: Yes: Dr. Floyd, Brian Fisher, Ralph Swallows, Josh Lillard, Jerry Ferrell, Paul Horn, Doug Morgan. ***The motion carried.***

- Clarify bear chase permit requirements (Video: 01:39:18)
 - Colonel Eric Gibson recommended amending [301 KAR 2:300](#) as discussed during previous meetings. The Law Enforcement and Wildlife divisions recommend clarifying the regulation by specifying that all participants in a bear chase shall have a bear chase permit in addition to any valid Kentucky hunting license, and creating nonresident bear chase permits. Discussion from commission members followed. Ben Robinson and Dr. John Hast provided further input from the wildlife division. Colonel Gibson also listed amendments to [301 KAR 3:022](#) License, tag and permit fees, to be considered at the next quarterly meeting.

- Clarify Definition of Baiting for Wild Turkeys (Video: 1:56:16)
 - Ben Robinson and Colonel Gibson recommended amending [301 KAR 2:140](#) - Requirements for wild turkey hunting, specifying a set distance (600') from bait for hunting wild turkeys in fall to simplify regulation for hunters and conservation officers.

- Expansion of Falconry Waterfowl Hunting Opportunity (Video: 02:01:12)
 - Ben Robinson and Dr. John Brunjes, Waterfowl Program Coordinator, recommended amending [301 KAR 2:221](#) – Waterfowl seasons and limits, extending the end of falconry season from Feb. 15 to last Sunday of Feb.

- Remove Requirement for Sandhill Crane Hunters to Use Metal Leg Tags (Video: 02:05:28)
 - Ben Robinson and Dr. John Brunjes recommended amending [301 KAR 2:228](#) – Sandhill Crane Hunting to simplify the process for sandhill crane hunters. This amendment would remove the requirement for the department to issue and hunters to use metal leg-tags on harvested cranes.

Instead, hunters would be able to conveniently print their tags along with their crane hunting permit.

- Informational Update: Fall 2021-22 Big Game and Spring 2022 Turkey Seasons (Video: 02:08:12)
 - Dr. John Hast, Deer and Elk Program Coordinator, provided a deer, elk and bear update from last fall including total harvest numbers, CWD surveillance data and plan for 2022 fall season. He also highlighted extensive prescribed burning done over the winter as part of the Wildlife Division's eastern Kentucky habitat improvement initiative.
 - Zak Danks, Turkey Program Coordinator, provided spring turkey harvest information, hunter survey preliminary findings, and turkey banding results.
- Informational Update: WMA Tiering (Video: 02:48:48)
 - Ben Robinson provided an update on the "tiering" effort, which has resulted in the use of "management levels" terminology based on results from a hunter and WMA users survey. "High," "moderate" and "low" management levels will be used to help communicate the general levels of intensity applied to WMAs based on such factors as their locations, staffing, land and cover types, and amenities present.
- Informational Update: Wetland and Stream Mitigation (FILO) Program (Video: 03:01:28)
 - Rob Lewis, FILO Program Coordinator, provided an overview and update on the FILO program, which uses restricted funds contributed by developers who affecting wetlands and streams to perform stream and wetland restoration projects in the affected watersheds (service areas).

Public Comments (Video: 03:20:23) - Kevin Kelly, Chief Communications Officer, reviewed the guidelines and procedures for submission of public comments via email prior to, and in person at, each Commission meeting. He then read a comment submitted via email until the time allotted expired:

On behalf of The Humane Society of the United States and our Kentucky supporters, we submit these comments in support of the proposal to prohibit the use of aircraft (i.e. drones, helicopters, etc.) "in hunting, fishing, trapping, spotting, locating or reporting location of, harassing, taking, transporting, killing of fish or wildlife." We also respectfully oppose the proposal to create nonresident bear chase permits and urge the Commission to reject that change.

I. The use of drones and other aircraft stacks the deck unfairly against wildlife and have no place in Kentucky.

Using drones to scout and find game animals to relay locations back to a hunter flies in the face of fair chase – a core principle of hunting ethics. Drones and other aircraft give hunters an extreme advantage over those using more traditional methods.

Furthermore, the use of drones and other aircraft could also negatively impact wildlife populations. When wildlife biologists determine bag limits and acceptable numbers of licenses to sell, they did so with traditional hunting methods and standard success rates in mind. Because the sporting element is diminished so greatly with the use of drones and other aircraft, hunter success can increase dramatically.

Although the use of drones while hunting in Kentucky may not be an immediate problem, this proposal is a proactive step in the right direction. States are increasingly moving towards banning this unsporting killing method, and the use of drones in hunting has garnered strong opposition. Various stakeholders oppose the use of drones and other aircraft, including animal welfare proponents as well as sportsmen's organizations – such as Backcountry Hunters and Anglers, who worked to pass bans in various states – as well as the Pope and Young Club, and Orion: The Hunter's Institute.

It's critical that Kentucky take the necessary step of prohibiting the use of drones and other aircraft for the purpose of taking or aiding in the take of wildlife to preserve the notion of fair chase. Failure to do so would erode the public's trust in ethical state wildlife management. We respectfully request the Commission to adopt this proposal.

II. Allowing nonresidents to obtain bear chase permits expands extremely unsporting and harmful practices upon Kentucky's small bear population

Kentucky's own black bear biologists suggest that the bear populations be monitored, hunting levels limited, poaching stopped and females protected. Yet in the last five years alone, the number of black bears killed in Kentucky each year has increased by 172.5%. Kentucky black bears need more, not fewer, conservation measures to protect them.

Hast (2010) determined that Kentucky's black bears consist of two primary populations. One is located on the Cumberland Plateau and is related to bears in West Virginia and Virginia. A separate population is found at the Big South Fork National River and Recreation Area and is directly related to bears in Great Smoky Mountain National Park, from where they had been trapped and then transported.

Murphy et al. (2015) believed that the Big South Fork Kentucky population contains about 21 males and 17 females for a total population of 38, with an estimated 35 breeding animals. Murphy et al. (2015) suggest that this bear population, while genetically limited, is sustainable for now. However, in this same study, bear biologists suggest that this population be monitored using non-invasive techniques and that this population should be protected from high harvest rates and illegal kills.

The eastern Kentucky bear population is larger than the one at the Big South Fork, with approximately 310 bears; this population too has genetic problems because it experiences relatively low gene flow necessary to ensure population vitality.

Kentucky's two black bear populations are still small and two factors could harm them: 1) habitat fragmentation and loss; and 2) hunting and poaching. At least 24 bears have been poached in the past two decades.

--Todd Blevins, Kentucky State Director, Humane Society of the United States, Madison Co., KY

Dr. Floyd made a remark to stakeholders expressing appreciation for their patience and encouraging them to see the sincerity of the Commission in trying to follow its agreed-upon process and get regulations right in the interest of our wildlife and sportspeople, with transparency and no pre-determined outcomes as evidenced by the lengthy and circuitous discussion about fall turkey regulations.

Adjourn (Video: 03:30:31)

- Ralph Swallows made a ***motion to adjourn***, seconded by Paul Horn. ***The motion carried unanimously.***

ACTION ITEM

Kentucky Fish and Wildlife Commission Meeting

DATE: August 26, 2022

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 - 4th Quarter Fiscal Year 2022**

	April	May	June	FY22 TOTALS	FY22 BUDGET	Percent Earned / Expended
REVENUE						
Restricted Operating Funds						
Hunting and Fishing Licenses	\$ 5,416,442.50	\$ 6,432,980.50	\$ 2,273,461.00	\$ 36,349,062.75	\$ 35,500,000.00	102.39%
Boat Registration Fees	\$ 1,591,438.81	\$ 1,304,053.02	\$ 1,180,078.54	\$ 5,945,593.91	\$ 6,000,000.00	99.09%
Interest Income	\$ (133,476.61)	\$ 172,036.89	\$ (206,997.51)	\$ (946,043.41)	\$ 600,000.00	-157.67%
Camp Income	\$ 51,407.56	\$ 27,850.04	\$ (32,165.01)	\$ 496,930.05	\$ 685,000.00	72.54%
General Sales	\$ 47,401.22	\$ 66,269.96	\$ 35,776.72	\$ 392,613.85	\$ 240,000.00	163.59%
Otter Creek Outdoor Recreation Area	\$ 21,069.11	\$ 24,121.48	\$ 39,313.70	\$ 286,196.37	\$ 350,000.00	81.77%
Proceeds from Asset Disposition	\$ -	\$ -	\$ -	\$ -	\$ 270,000.00	0.00%
Fish and Game Fines & Forfeitures/ Restitution	\$ 7,379.80	\$ 11,803.34	\$ 13,700.20	\$ 129,613.34	\$ 130,000.00	99.70%
Miscellaneous Receipts	\$ 112,833.45	\$ 61,710.45	\$ 200,874.05	\$ 1,072,420.02	\$ 1,921,700.00	55.81%
Sub-Total Restricted Fish and Game Fund	\$ 7,114,495.84	\$ 8,100,825.68	\$ 3,504,041.69	\$ 43,726,386.88	\$ 45,696,700.00	95.59%
Sub-Total FILO Stream Mitigation Fund (matches FILO Fund Used for Operating Costs Only)	\$ 114,591.38	\$ 126,901.78	\$ 154,086.45	\$ 1,529,479.36	\$ 3,442,700.00	101.99%
Sub-Total Federal Fish and Wildlife Fund	\$ 766,752.07	\$ 1,184,783.13	\$ 5,342,043.13	\$ 19,767,585.39	\$ 19,381,900.00	101.99%
TOTAL REVENUE	\$ 7,995,839.29	\$ 9,412,510.59	\$ 9,000,171.27	\$ 65,023,451.63	\$ 68,521,300.00	94.90%
EXPENDITURES						
Commissioner's Office	\$ 131,433.18	\$ 122,329.52	\$ 228,531.83	\$ 1,965,910.33	\$ 2,567,100.00	76.58%
Commission	\$ 770.22	\$ 5,706.10	\$ 2,815.68	\$ 19,768.21	\$ 120,000.00	16.47%
Marketing Division	\$ 84,172.57	\$ 107,902.44	\$ 148,028.08	\$ 1,060,552.57	\$ 1,350,000.00	78.56%
Administrative Services Division	\$ 252,461.54	\$ 409,209.95	\$ 226,916.21	\$ 3,821,784.21	\$ 3,551,700.00	107.60%
Engineering Infrastructure and Technology Division	\$ 225,706.62	\$ 207,975.32	\$ 190,992.04	\$ 2,742,681.96	\$ 3,230,300.00	84.90%
Wildlife Division	\$ 1,420,728.87	\$ 1,270,168.92	\$ 1,700,849.20	\$ 16,947,984.17	\$ 18,700,000.00	90.63%
Fisheries Division	\$ 1,111,645.68	\$ 977,054.21	\$ 1,374,141.90	\$ 12,309,440.27	\$ 14,900,000.00	82.61%
Information & Education	\$ 569,352.38	\$ 571,662.47	\$ 969,841.89	\$ 7,705,670.60	\$ 8,368,500.00	92.08%
Law Enforcement	\$ 1,128,340.33	\$ 1,057,066.36	\$ 1,812,160.09	\$ 14,681,851.95	\$ 15,200,000.00	96.59%
OPERATING EXPENDITURES	\$ 4,924,611.39	\$ 4,729,075.29	\$ 6,654,276.92	\$ 61,255,644.27	\$ 67,987,600.00	90.10%
NET Gain/Loss Operating	\$ 3,071,227.90	\$ 4,683,435.30	\$ 2,345,894.35	\$ 3,767,807.36	\$ 533,700.00	

DEPARTMENT OF FISH AND WILDLIFE RESOURCES
 Operating Budget Review
 For the Month of June 2022 (FY22)

	Month of June		Fiscal Year To Date	
	FY22	FY21	FY22	FY21
REVENUE				
Restricted Funds				
Hunting and Fishing Licenses	\$ 2,273,461.00	\$ 2,564,359.50	\$ 34,858,555.51	\$ 33,565,298.55
Boat Registration Fees	\$ 1,180,078.54	\$ 809,847.69	\$ 7,022,229.27	\$ 4,646,039.29
Interest Income	\$ (206,997.51)	\$ (54,445.20)	\$ (946,043.41)	\$ 893,221.19
Camp Income ¹	\$ (32,165.01)	\$ 24,660.41	\$ 341,106.80	\$ 74,089.33
General Sales	\$ 35,776.72	\$ 10,975.00	\$ 298,326.51	\$ 319,046.97
Otter Creek Outdoor Recreation Area	\$ 39,313.70	\$ 19,248.44	\$ 286,196.37	\$ 129,087.95
Proceeds from Asset Disposition	\$	\$ 280,883.58	\$	\$ 358,883.58
Fish and Game Fines & Forfeitures/ Restitution	\$ 13,700.20	\$ 9,303.78	\$ 129,613.34	\$ 123,973.29
Miscellaneous Receipts	\$ 200,874.05	\$ 307,828.08	\$ 1,072,420.02	\$ 1,479,582.97
Sub-Total Restricted Fish and Game Fund	\$ 3,504,041.69	\$ 3,972,661.28	\$ 44,818,997.59	\$ 41,370,834.69
Sub-Total FILO (=Operating Costs of FILO Fund)	\$ 154,086.45	\$ 58,899.22	\$ 1,529,479.36	\$ 1,380,411.48
Sub-Total Federal Fish and Wildlife Fund	\$ 5,342,043.13	\$ 3,507,892.30	\$ 19,767,585.39	\$ 20,032,318.32
TOTAL REVENUE	\$ 9,000,171.27	\$ 7,539,452.80	\$ 64,229,534.30	\$ 62,649,696.33
EXPENDITURES				
Commissioner's Office	\$ 228,531.83	\$ 104,654.28	\$ 1,965,910.33	\$ 1,806,151.23
Commission	\$ 2,815.68	\$ 2,007.85	\$ 19,768.21	\$ 22,807.91
Marketing Division	\$ 148,028.08	\$ 147,341.33	\$ 1,060,552.57	\$ 1,055,164.34
Administrative Services Division	\$ 226,916.21	\$ 209,287.35	\$ 3,821,784.21	\$ 3,724,321.51
Engineering Infrastructure and Technology Division	\$ 190,992.04	\$ 167,613.55	\$ 2,742,681.96	\$ 2,655,326.16
Wildlife Division	\$ 1,700,849.20	\$ 1,212,459.37	\$ 16,947,984.17	\$ 15,980,119.96
Fisheries Division	\$ 1,374,141.90	\$ 1,294,958.06	\$ 12,309,440.27	\$ 11,721,211.74
Information & Education	\$ 969,841.89	\$ 673,306.67	\$ 7,705,670.60	\$ 6,768,479.45
Law Enforcement	\$ 1,812,160.09	\$ 1,302,350.87	\$ 14,681,851.95	\$ 13,637,318.22
OPERATING EXPENDITURES²	\$ 6,654,276.92	\$ 5,113,979.33	\$ 57,370,900.52	\$ 57,494,824.68
NET Gain / Loss Operating	\$ 2,345,894.35	\$ 2,425,473.47	\$ 3,767,807.36	\$ 6,858,633.78
			\$ 5,154,871.65	

¹ Camp refunds due to COVID closures.

² FY22 includes second payroll for June, which had been paid in the next fiscal year, July, in FY20 and FY21.

Department of Fish and Wildlife Resources Cash Fund Balances - June 2022 (FY22)

	Beginning Balance (6/1/2022)	Revenue	Expenditures	Transfers	Ending Balance (6/30/22)
Agency Revenue Funds					
Restricted Fish & Game Fund (134R)	\$ 35,827,425.43	\$ 3,503,982.03	\$ (3,581,696.84)	\$ 47,815.28	\$ 35,797,525.78
Nongame Fish and Wildlife Fund (13NY)	\$ 44,387.82	\$ 180.16			\$ 44,577.98
Ky Heritage Land Conservation Mgmt Fund (13KR)	\$ 249,868.67				\$ 249,868.67
JC Williams WMA Management Funds (13QJ)	\$ 66,689.31	\$ (295.95)			\$ 66,393.36
Fees in Lieu of ("FILO") Stream Mitigation Fund (134S)	\$ 134,044,000.40	\$ 6,393,403.41	\$ (153,679.00)	\$ (2,376,817.76)	\$ 137,907,107.05
Capital Fund					
Various Capital Funded Projects (FILO, Agency Maintenance, etc.)	\$ 68,650,147.91		\$ (1,579,580.75)	\$ 2,376,817.76	\$ 69,447,184.92
Federal Fund					
F&W Federal Fund	\$ 5,430,709.35	\$ 5,462,022.36	\$ (2,715,438.10)	\$ (47,815.26)	\$ 8,129,480.35
Special Deposit Trust Fund					
FW-Commissioner's Office Fund	\$ 8,916.24				\$ 8,916.24
	<u>\$ 244,322,145.13</u>	<u>\$ 15,359,302.01</u>	<u>\$ (8,030,392.79)</u>	<u>\$ (0.00)</u>	<u>\$ 251,651,054.35</u>

ACTION ITEM

Kentucky Fish and Wildlife Commission Meeting

DATE: August 26, 2022

Regulation Number: [301 KAR 2:144](#)

Regular or Emergency: Regular

Proposed Effective Timeframe: Fall 2023

Action Item: Amend 301 KAR 2:144 – Fall wild turkey hunting

Introduction: The Department recommends [establishment of an objective standard for prohibition on hunting wild turkeys with aid of bait in fall: a person shall not knowingly hunt wild turkeys within 200 yards \(600 feet\) of bait/feed during fall turkey seasons.](#)

Of the 8 states that do specify a distance to bait for lawful harvest in their turkey hunting regulations, distances range from bait vary from 100 to 400 yards, with the nearest states being Georgia and Louisiana (both specifying a 200-yard minimum).

This change would help clarify for both hunters and conservation officers specifically what constitutes unlawful baiting for fall turkey hunting.

ACTION ITEM

Kentucky Fish and Wildlife Commission Meeting
 DATE: August 26, 2022

Regulation Number: [301 KAR 2:300](#) &
[302 KAR 3:022](#)

Regular or Emergency: Regular

Proposed Effective Timeframe: Fall 2023

Action Item: Amend 301 KAR 2:300 - Black bear seasons and requirements
 & 302 KAR 3:022 - License, tag and permit fees

Introduction: These proposed amendments would clarify that all participants in a bear chase shall have a bear chase permit in addition to any Kentucky hunting license, and that those attempting to harvest a bear shall have a bear permit in addition to an annual Kentucky hunting license and chase permit.

In addition, it will create opportunities for nonresidents who wish to participate in bear chase activities to legally do so. A new youth bear permit is also proposed for to comport with other youth permit offerings. Below are proposed price points for the new nonresident bear chase permits, along with other big game permit prices for comparison.

Proposed Prices for New Nonresident Permits (not currently available):

	Nonresident	Resident
Bear Chase Permit	\$50	\$30
Youth Bear Chase Permit	\$15	\$10
Youth Bear Permit	\$100	\$10

Other Permit Prices for Comparison:

	Nonresident	Resident
Bear Permit	\$250	\$30
Deer Permit	\$185	\$35
Youth Deer Permit	\$15	\$10
Elk Permit	\$550 bull \$400 cow	\$100 bull \$60 cow
Youth Elk Permit	\$200	\$30

ACTION ITEM

Kentucky Fish and Wildlife Commission Meeting

DATE: August 26, 2022

Regulation Number: [301 KAR 2:221](#)

Regular or Emergency: Regular

Proposed Effective Timeframe: Fall 2023

Discussion Item: Amend 301 KAR 2:221 – Waterfowl seasons and limits

Introduction: [The Wildlife Division recommends extending the falconry duck season by moving the end date from February 15 to the last Sunday of February.](#)

Harvest of ducks by Kentucky falconers is extremely low and has no significant impact on duck populations. The current falconry duck season opens Thanksgiving Day and closes Feb. 15.

The Department received in 2021 a request from the Kentucky Falconers Association to extend the regular duck season for falconers, and our review of implications resulted in no anticipated conflicts with other user groups, nor concerns in terms of state or federal laws. The extension falls within frameworks allowed by the United States Fish and Wildlife Service (USFWS) for falconry.

In summary, we recommend amending Section 7 – Falconry Waterfowl Hunting to include:

- The season for ducks shall be from Thanksgiving Day through the last day of February (instead of Feb. 15).

ACTION ITEM

Kentucky Fish and Wildlife Commission Meeting
DATE: August 26, 2022

Regulation Number: [301 KAR 2:228](#)

Regular or Emergency: Regular

Proposed Effective Timeframe: Fall 2023

Discussion Item: Amend 301 KAR 2:228 – Sandhill crane hunting requirements

Introduction: [The Wildlife Division recommends removing the requirements to issue and use *metal* tags for sandhill cranes.](#)

The Eastern Population Sandhill Crane Plan requires hunters to “tag” harvested sandhill cranes in the Mississippi Flyway. That plan does not specify tag material. Kentucky currently issues locking, metal tags. These tags are mailed to hunters after they complete their crane identification test and are issued a permit. These mailed tags have created several logistical challenges for hunters in past seasons. As much as 20% of tags are either lost in the mail or misplaced by hunters after being received. This has created an unfortunate barrier to timely participation in some cases. Many have been forced to either drive to Frankfort to pick up tags or wait up to a week to receive replacement metal tags in the mail. Additionally, hunters who wait to complete their ID test discover at the last minute they can’t hunt because they don’t have tags.

The Wildlife Division recommends removing the requirement for metal tags. Instead, the permit issued by our online system would be modified to include appropriate number of printable leg tags. These tags could then be cut out and affixed to harvested sandhill cranes as required per the regulation.

NEW BUSINESS ITEM
Kentucky Fish and Wildlife Commission Meeting
DATE: August 26, 2022

Regulation Number: [301 KAR 2:172](#)

Regular or Emergency: Regular

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 up to 4 antlerless deer, but it allows 1 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.

Attachment NB-2

Kentucky Fish and Wildlife Commission Meeting

NEW BUSINESS ITEM

Kentucky Fish and Wildlife Commission Meeting

DATE: August 26, 2022

Regulation Number: [301 KAR 1:122](#) **Regular or Emergency:** Regular

New Business 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.

Attachment NB-3

NEW BUSINESS ITEM

Kentucky Fish and Wildlife Commission Meeting
DATE: August 26, 2022

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

New Business Item: Propagation of aquatic organisms.

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.

NEW BUSINESS ITEM

Kentucky Fish and Wildlife Commission Meeting

DATE: August 26, 2022

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

Regular or Emergency: Regular

New Business Item: Transportation of fish.

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.

NEW BUSINESS ITEM

Kentucky Fish and Wildlife Commission Meeting

DATE: August 26, 2022

Regulation(s) Number: [301 KAR 1:146](#), [301 KAR 1:152](#), New Regulation?

Regular or Emergency: Regular

New Business Item: Harvest and sale of Asian carp / Commercial fishing method and gear exemption.

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 Asian carp harvest and sale in mass quantities. The amendments to existing regulations or development of a new regulation would allow commercial fishers, under the oversight of KDFWR staff, to use and experiment with non-traditional and permitted gear and methods and in restricted/designated areas to determine if said methods and gear can be employed safely; are effective at harvesting Asian 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 review and evaluation of fisher's methods and efficiency in Tier 1 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 2' status. This would allow KDFWR to potentially permit an unlimited number of participants in that status and ultimately permitting the method and gear for use.

Attachment NB-6

NEW BUSINESS ITEM

Kentucky Fish and Wildlife Commission Meeting

DATE: August 26, 2022

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

New Business Item: Commercial fishing gear.

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 that is hung on a diamond and fished vertically.
- “Trammel net” means a passive capture device used to entangle fish in two or three panels of webbing.

NEW BUSINESS ITEM

Kentucky Fish and Wildlife Commission Meeting
DATE: August 26, 2022

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

New Business 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

Kentucky Fish and Wildlife Commission Meeting

NEW BUSINESS ITEM

DATE: August 26, 2022

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

Regular or Emergency: Regular

New Business 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, [the Fisheries Division proposes special provisions for hand-grabbing](#):

- [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](#)