

Kentucky Department of Fish & Wildlife Resources



Commission Meeting

December 1, 2023 | 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

Action Items

- Minutes from September 22, 2023 quarterly meeting
Attachment A-1
- Quarterly Financial Reports
Attachment A-2
- 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 shootAttachment A-3
- Recommendation for legislative change on commercial guide licensure authority

- Create new “special agency fundraising permits”
 - Promulgate a new regulation 301 KAR 5:210 (and amend 301 KAR 5:022 and other regulations as necessary)
 - Allot a limited number of special permits for elk (2) and special bonus permits for bear, deer, and wild turkey (3 each), to be used in bonus drawing packages for raising revenue to help meet KDFWR’s operational funding needs and provide customers with special hunting opportunities

Attachment A-4

- Add provisions for special hunting regulations on designated WMAs
 - Amend 301 KAR 3:010 – Public use of Wildlife Management Areas
 - Create new section applicable to properties suited to more restrictive uses of firearms than statewide regulations
 - Include restriction of deer hunting to archery and crossbow only, and shotgun used with shotshells as the only firearm allowed for use
 - Allow .177-.25 caliber air rifles for small game
 - Prohibit target shooting with rimfire or centerfire rifles or single-projectile shotgun ammunition

- Elk Hunting – Season & permit recommendations for the 2024 season
 - Amend 301 KAR 2:132 – Elk hunting seasons, permits, zones, and requirements
 - Allow pooling of points for Elk Restoration & Elk Voucher-Cooperator Permits (both permit types already have the same elk permit-earning values)
 - Modify Loyalty Redraw provision to reflect “cumulative” rather than “consecutive” for loyalty years applied

- Update WMA deer quota hunts regulation for the 2024 season
 - Amend 301 KAR 2:178 – Deer hunting on WMAs
 - Remove December antlerless only hunt on Veteran’s Memorial WMA
 - Remove 3-day January open firearms hunt on West KY WMA
 - Clarify language to state that a quota hunt participant shall be given one preference point for each “antlerless” deer instead of each “female” deer on Ballard, Clay, Taylorsville Lake and Veterans Memorial WMAs
 - Remove the outdated reference to 1 bonus deer quota hunt permit for a quota hunt applicant due to historic changes in the Commission’s handling of Special Commission Permits
 - Modify 301 KAR 2:178 Section 2 (7) (d) to allow the hunter to plainly label the portable stand with the hunter’s customer identification number.

Attachment A-5

- Promulgate a new administrative regulation requiring wildlife disease reporting from veterinarians, wildlife disease testing facilities and researchers
 - Amend 301 KAR 4 to include a new administrative regulation for wildlife disease reporting by veterinarians and others upon receiving test-positive results

- Establish a reporting mechanism to address wildlife disease concerns that impacts preservation and conservation of wildlife populations per KRS 150
- Define conditions and procedures for reporting diseases detected in wildlife species
- Departments of Agriculture and Public Health have similar reporting requirements

Attachment A-6

- 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

Attachment A-7

- 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, which shall be its confluence with the Rockcastle River

Attachment A-8

- Modify special regulations for bass at Grayson Lake and eliminate minimum size limit on Channel Catfish in many public waters

- Amend 301 KAR 1:201 – Taking of fish by traditional methods
- Add a protective slot limit of 12-15 inches for Largemouth Bass and Smallmouth Bass at Grayson Lake
- Remove the 12-inch minimum size restriction for Channel Catfish on more than 100 water bodies in Kentucky

Attachment A-9

Discussion Items

- Modify nontraditional fishing regulations to clarify gig possession restrictions, specify possession limits for shovelnose sturgeon and sportfish, revise sport fishing trotline tagging requirements, and prohibit hand grabbing on smaller lakes owned or managed by the department.

- Amend 301 KAR 1:410 – Taking of fish by nontraditional fishing methods.
- Add dates when possession of a gig of any kind is illegal, to match dates established in 301 KAR 1:082 – Frog season; limits.
- Set a shovelnose sturgeon possession limit of two (2) times the daily limit and a possession limit of two (2) times the daily limit for sportfish taken by trotline, jugline, or setline.
- Require that sportfishing trotlines must be tagged on both ends with the angler's fishing license customer identification number.
- Prohibit hand grabbing on lakes less than 500 acres owned or managed by the Department.

Attachment D-1

- Create a seasonal no boat fishing zone around the oxygen injection area on Lake Cumberland
 - Amend 301 KAR 1:201 – Taking of fish by traditional fishing methods.
 - Create a no boat fishing zone in the forebay of Lake Cumberland during the summer and fall months when the U. S. Army Corps of Engineers is performing oxygen injection into the lake.

Attachment D-2

- Revised provisions for hunting and fishing on public lands:
 - 301 KAR 3:005 Public use of newly acquired or newly managed lands
 - Define terms including “managed lands”
 - Review provisions for fishing opportunities in ponds, lakes, or streams on or adjacent to department property.
 - Consider permanent closure of public land to hunting that was purchased for fishing access and does not lend itself to hunting safely
- Set daily harvest limits for raccoon hunting
 - Amend 301 KAR 2:251 – Hunting and trapping seasons and limits for furbearers
 - Set daily hunter harvest limits for raccoons at 2 per person, 6 per hunting party
- Add 2 days to end of spring squirrel season for additional hunter opportunity
 - Amend 301 KAR 2:122 – Seasons, methods, and limits for small game
 - Extend season through the third Sunday in June
- Increase selected deer hunting opportunities in Zone 1 and 2 counties, and statewide for youths and mentored hunters for the 2025 season
 - Amend 301 KAR 2:172 – Deer hunting seasons, zones, and requirements
 - Expand early youth gun deer season to nine consecutive days beginning the second Saturday in October in all four deer hunting Zones
 - Expand early muzzleloader deer season to seven consecutive days beginning the third Monday in October in Zones 1 and 2 counties with antlerless harvest only during first five days of this season

Attachment D-3

- Add Siberian Laika to the list of approved dog breeds/crossbreeds that can be used for bear hunting with dogs
 - Amend 301 KAR 2:300 – Black bear seasons and requirements
 - Bear dog hunters have requested addition of this breed

New Business Items

- Recommendations for the 2025 Bear Hunting Season
 - Amend 301 KAR 2:300 – Black bear seasons and requirements

- Establish a 14-day early archery and crossbow season in Clinton and Wayne Counties to begin on the third Saturday in September and coincide with the opening of deer crossbow season

Attachment NB-1

- Prohibit use of aircraft (drones, helicopters, airplanes, etc.) for taking fish or wildlife and use of drones/UAS on WMAs/public hunting areas
 - 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 any aspect of take per wildlife definition in KRS 150.010
 - Prohibit use of drones on any WMA or public hunting area statewide
 - Exempt the department and its agents conducting research, communications and other authorized management activities
 - Exempt use of aircraft for recovery of big game on private lands not open to public hunting
 - Allow for authorized landowners/their agents engaged in lawful wildlife damage control activities, and commercial fishers for use in locating or removing Invasive Carp
- Prohibit use of cellular or wireless trail cameras on WMAs/public hunting areas
 - Promulgate a new regulation or amend 301 KAR 3:010 to prohibit use of wireless or cellular trail cameras
 - Requirement for all trail cameras used on WMAs/public hunting areas to be externally labeled with its owners customer identification number
 - Exempt the department and its agents conducting research, communications, enforcement, and other authorized management activities
- Modify the 2025 Elk season
 - Amend 301 KAR 2:132 - Elk hunting seasons, permits, zones and requirements
 - Open Paul VanBooven WMA and Fishtrap Lake WMA to elk hunting
 - Move cow gun week 2 to the first Saturday in January to alleviate overlap with Christmas and Christmas Eve holidays
 - Prohibit cellular trail camera use during elk hunting season
 - Prohibit drone use for the hunting or scouting of elk
 - Clean up baiting regulations to prohibit hunting over a baited area within 30 days of the bait being removed
 - Draw elk hunting units during the initial drawing
 - Amend loyalty redraw to fit this new drawing system
 - Landowner elk permits can only be used on property enrolled in the landowner access agreement

Attachment NB-2

- Overview of bobcat hunting season and data collection methods

- Modifications to the permitting criteria, holding criteria and area requirements for multiple permit holders and facilities types
 - Amend 301 KAR 2:041– Shooting areas, dog training areas, commercial foxhound training enclosures, and bobwhite shoot to train season

Closed Session - Discussion Items

- Land Project A
- Open Litigation

Action Items

- Land Project A
- Election of Commission Officers

Public Comments¹

Adjourn

Next Quarterly Commission Meeting Date: TBD

¹Public comments regarding New Business Items or Discussion Items on the agenda may be submitted by email to FW.PublicAffairs@ky.gov. Emailed comments received by 5pm (Eastern) two days preceding the meeting date 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 a response 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 in their email message 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 table/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 official position (if applicable), and agenda items being addressed. 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 timeframe.

Kentucky Fish and Wildlife Commission Meeting

ACTION ITEM

DATE: December 1, 2023

Item: [Minutes from the September 22, 2023 Commission Meeting](#)

Please refer to draft minutes document

Kentucky Fish and Wildlife Commission Meeting

ACTION ITEM

DATE: December 1, 2023

Item: [Quarterly Financial Statements](#)

Please refer to draft financial statements document

Kentucky Fish and Wildlife Commission Meeting

ACTION ITEM

DATE: December 1, 2023

Item: Amend 301 KAR 3:030 Year-round season for wildlife

Introduction: [The Wildlife Division recommends prohibiting hunting 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.

References Cited:

Bevins, S. N., K. Pedersen, M. W. Lutman, T. Gidlewski, and T. J. Deliberto. 2014. Consequences associated with the recent range expansion of nonnative feral swine. *BioScience*, Vol. 64, No. 4, pp. 291-299.

- “...any arguments suggesting that private hunting is an effective means of reducing feral swine populations may be ignoring the powerful incentive to establish and maintain viable pig populations on private land.”

Tabak, M. A., A. J. Piaggio, R. S. Miller, R. A. Sweitzer, and H. B. Ernest. 2017. Anthropogenic factors predict movement of invasive species, *Ecosphere* 8(6):e01844.

- Historically, states have expanded hunting seasons in an effort to provide the greatest opportunity to control wild pigs. However, the expanded hunting opportunity is the primary factor responsible for hastening human-influenced spread of pigs across the United States. Wild pig hunters and those earning income from these hunters have been identified as a primary cause of wild pig introductions.

N. P. Snow, M. A. Jarzyna, and K. C. VerCauteren. 2017. Interpreting and predicting the spread of invasive wild pigs. *Journal of Applied Ecology*, 54, 2022-2032.

VerCauteren, K., J. Beasley, S. Ditchkoff, J. Mayer, G. Roloff, and B. Strickland. 2020. Pages 186-187. *Invasive wild pigs of North America*. CRC Press, Boca Raton, London, New York.

- “In contrast to the beliefs of wild pig researchers and managers, and despite the fact that hunting has never successfully eliminated wild pigs, most wild pig hunting enthusiasts consider hunting a beneficial control measure.”

Kentucky Fish and Wildlife Commission Meeting

ACTION ITEM

DATE: December 1, 2023

Item: Promulgate a new regulation for special agency fundraising permits (and amend 301 KAR 5:022. License, tag, and permit fees and other regulations as necessary) to create a limited number of agency fundraising big game permits to help sustain operational revenue needs and provide special hunting opportunities to customers.

Introduction: Rising operational costs (personnel, materials and services used to deliver conservation and recreation programs), coupled with the goal of state fish and wildlife agencies of retaining as many participants as possible by constraining standard license and permit prices so as not to introduce a barrier to participation, have driven state fish and wildlife agencies to pursue alternative funding mechanisms to augment traditional license revenue.

Numerous other states across the U.S. have had great success using big game permit bundles or prize packages to raise funds. Examples include the very popular “Super Tag” drawings and “Conservation Raffles.”

We propose to establish in regulation a limited number of big game permits used for fundraising, with proceeds dedicated to helping to sustain agency programs. As currently envisioned, these would include a total of: 2 elk, 3 each of bonus bear, deer, and spring wild turkey permits. Future changes to entry pricing, permit numbers, parameters of permit use of permits would be subject to Commission review and approval.

The following are proposed provisions for the fundraising packages centered around these special big game permits. Branding and promotions would be developed after the regulation is enacted (upon approval by the Commission and legislature).

Kentucky Elk Hunting Prize Package - 1 Elk Permit + sponsored prizes

- New special drawing for 1 either-sex elk permit to be used in any open Elk Hunting Unit during any open elk season with applicable legal hunting method(s), on public hunting areas or private land (with permission of the landowner)
- Accompanying gear package provided through sponsorship(s) or by donation
- An individual may only ever win once

Kentucky Premium Big Game Permit Package – 1 Elk + Bonus Deer, Bear & Turkey

- New special combo permit package drawing for bonus permits for each of deer, Bear and Spring Turkey plus 1 Elk

Kentucky Standard Big Game Permit Packages – Bonus Deer, Bear & Turkey

- New special combo permit package drawings for bonus permits for each of deer, bear and spring turkey
- 2 Packages – 1 Resident, 1 Nonresident

For all packages:

- Unlimited entries per person at established fees (see below)
- Simple random drawing among all entries for each package, respectively
- Applicable *permit privileges included in prize packages* for winners – no additional permit purchase necessary except annual hunting license
- Application period same as general Elk Hunt Drawing plus two or more additional weeks (for marketing/sales of additional opportunity to those who did not draw a general elk permit)
- Elk permit deferrable to the next year OR transferable during same year to an immediate family member (spouse or dependent child) *only if* winner is selected for a permit in the general Elk Hunt Drawing, Loyalty Redraw or can show proof of prior purchase of a special commission elk permit, landowner-cooperator permit, voucher-cooperator or elk restoration permit
- Each permit may be used as bonus in addition to statewide permits/limits except for elk (no more than 1 elk permit per person per year, by statute)
- Elk permit could be used in any open Elk Hunting Unit during any elk season with the hunting method(s) allowed at the time, on open public hunting areas or private land with permission of the landowner
- Proceeds directly benefit the Department to help sustain its conservation and recreation programs
- Drawings for these special packages to be conducted by Commonwealth Office of Technology or other impartial third party and then certified by a separate auditing company (the same as the Kentucky Elk Hunt Drawing is conducted currently)

Proposed Entry Pricing for Agency Fundraising Permit Packages (with elk)				
	1	3	10	Number of Entries
Resident	\$5	\$10	\$25	Price Point
Nonresident	\$10	\$20	\$50	
Proposed Entry Pricing for Agency Fundraising Permit Packages (without elk)				
Resident	\$3	\$8	\$20	Price Point
Nonresident	\$6	\$16	\$40	

Kentucky Fish and Wildlife Commission Meeting

ACTION ITEM

DATE: December 1, 2023

Item: Amend 301 KAR 2:178 – Deer hunting on wildlife management areas, state parks, other public lands, and federally controlled lands that differ from statewide regulations.

Introduction: [The Wildlife Division recommends making the following necessary updates to WMA quota hunts:](#)

- [Remove the antlerless-only quota hunt on Veteran’s Memorial WMA.](#) Hunter check card data have shown a steady decline in deer observations per hunter over the last several years. The annual spotlight surveys conducted by Bluegrass Region staff also show a declining number of deer seen per linear mile travelled. Both metrics would suggest a decreasing population and that the antlerless-only quota hunt has achieved the desired result of helping reduce deer densities in the area. Thus, it is likely that the antlerless only quota hunt in December is additive mortality and should be removed. With the December antlerless-only quota hunt removed, it would also become necessary to remove the preference point option for female deer checked in during the December hunt.
- [Remove the January open gun hunt on West Kentucky WMA.](#) Herd health check data on West Kentucky WMA suggest a deer population significantly below carrying capacity. Average values for Abomasum Parasite Counts (APCs) in white-tailed deer at carrying capacity should be around 1000. The values at West Kentucky WMA during the last herd health check were in the 400 range. Post-hunt participant comments and hunter check card observation data also indicate low sightings and densities on the area, supporting this change.
- [Clarify the language for how preference points are earned on Ballard, Clay, and Taylorsville Lake WMA quota hunts by changing “female” to “antlerless” deer.](#) WMA staff have received reports of antlerless male deer (i.e., button bucks) being taken during quota hunts and left in the field. Staff speculate that some hunters have mistaken button bucks for does and abandoned the harvested animals because they would not yield a preference point. Amending the preference point requirement from “female” to “antlerless” deer should reduce this undesirable outcome and incentivize hunters to check in all antlerless deer taken during these quota hunts. The proposed change is also consistent with designations for antlerless deer found elsewhere in our hunting regulations.
- [Remove reference to the special bonus deer permit from the pool of applicants who were unsuccessful in the deer quota hunt drawing.](#) This permit came about when Special Commission Permits (SCPs) were first developed. Originally there were 9 SCPs—one for each District Commissioner to award to a nonprofit conservation organization for fundraising—plus an extra permit available to the public. However, since then the Commission’s approach has evolved to issuing 10 SCPs for deer, thus making this bonus permit superfluous.

Kentucky Fish and Wildlife Commission Meeting

ACTION ITEM

DATE: December 1, 2023

Item: Promulgate a new administrative regulation in 301 KAR Chapter 4 for wildlife disease reporting

Introduction: [The Wildlife Division proposes a new administrative regulation to establish a comprehensive list of reportable diseases and the conditions under which the diseases shall be reported by applicable veterinarians, researchers and diagnostic labs.](#)

KRS 150.015 authorizes the Kentucky Department of Fish and Wildlife Resources with protecting, preserving and conserving the fish and wildlife resources of the Commonwealth. KRS 150.025 (1)(h) authorizes the Department to promulgate administrative regulations necessary to carry out the purposes of KRS Chapter 150.

Agriculture and Public Health have administrative regulations with similar reporting requirements to help protect public health, industries and financial interests in the Commonwealth.

Because of the substantial impacts of certain diseases to native fish and wildlife populations (game as well as other species), it is vital that we establish a listing of all reportable diseases that are transmissible to fish and wildlife and set out the conditions under which the diseases shall be reported. Immediate knowledge about the presence of a disease threat can help the Department to work with partners and stakeholders to prevent or minimize its adverse effects on Kentucky's fish and wildlife resources, as well as potential impacts on human health, food availability, recreational opportunities and economy.

We propose the following new requirement: Every veterinarian, veterinary practice, and personnel; veterinary diagnostic laboratory and personnel; laboratory providing veterinary diagnostic services for Kentucky; or any other person or entity having knowledge of the existence of any reportable disease, as established in this administrative regulation, shall immediately report the disease or condition to the Department's veterinarian. All laboratories providing veterinary diagnostic services for Kentucky shall give notification pursuant to this administrative regulation.

Kentucky Fish and Wildlife Commission Meeting

ACTION ITEM

DATE: December 1, 2023

Item: Amend 301 KAR 1:146 – Commercial fishing gear.

Introduction: This administrative regulation establishes the legal methods that may be used by commercial fishermen to harvest rough fish. KRS 150.175 already specifies that a commercial fishing gear tag shall be attached to each one hundred feet of “linear gear.”

The Fisheries Division proposes to modify regulations for commercial trotlines as follows:

- 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
- Commercial trotlines must be set at least three (3) feet under the surface

This proposal will correct the administrative regulations that currently only specifies one gear tag for a commercial trotline and make it far easier for law enforcement to quickly identify the owner of a commercial trotline when encountered on the water.

Kentucky Fish and Wildlife Commission Meeting

ACTION ITEM

DATE: December 1, 2023

Item: Amend 301 KAR 1:150 – Waters open to commercial fishing.

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

The Fisheries Division proposes to establish an upper boundary for commercial fishing on Lake Cumberland, which shall be the confluence of the Rockcastle River. The portion of Lake Cumberland above the confluence of the Rockcastle River up to Cumberland Falls shall be closed to commercial fishing.

Fisheries and Law Enforcement Divisions have been made aware of numerous conflicts between recreational users and commercial fishers using trotlines in the narrower, upper reaches of Lake Cumberland. A high density of commercial trotlines in this reach, especially some hanging above the water, are interfering with boaters and anglers that are trolling. Fisheries also has concerns about detrimental effects of commercial trotlines on Lake Sturgeon in this reach because of their high susceptibility to trotlines.

Kentucky Fish and Wildlife Commission Meeting

ACTION ITEM

DATE: December 1, 2023

Item: Amend 301 KAR 1:201 – Taking of fish by traditional fishing methods.

Introduction: The current special regulation at Grayson Lake is a 15-inch minimum size limit with a 6 fish daily limit. There also currently is a 12-inch minimum size limit on Channel Catfish on many water bodies across Kentucky.

The Fisheries Division proposes to change the special regulations for Largemouth Bass and Smallmouth Bass at Grayson Lake by adding a protective slot limit of 12-15 inches (and retain the 6 fish daily limit).

The Fisheries Division also proposes to simplify the regulations for channel catfish by eliminating the 12-inch minimum size limit for Channel Catfish on more than 100 water bodies. Fisheries has determined the current regulation is overly burdensome and not necessary.

Kentucky Fish and Wildlife Commission Meeting

DISCUSSION ITEM

DATE: December 1, 2023

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

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

The Fisheries Division proposes the following amendments to the regulation:

- Add the dates when possession of a gig of any kind is illegal, to match dates established in 301 KAR 1:082 – Frog season; limits.

There is currently wording in 301 KAR 1:082 – Frog season; limits that already makes it illegal to “possess a gig, of any type, while in a boat, or on or in a stream or lake, from November 1 through the last day of January the following year.” This wording is not in 301 KAR 1:410 under the gigging section. Unless an angler looks at the frog season regulation, they would not know of the gig possession restrictions. Adding this wording to 301 KAR 1:410 will clarify this restriction.

- Add a shovelnose possession limit of two (2) times the daily limit and add a possession limit of two (2) times the daily limit for sportfish taken by trotline, jugline, or setline.

Paddlefish and trophy catfish possession limits are already set in the “General Provisions” section of 301 KAR 1:410, along with their daily limits. A daily limit for shovelnose sturgeon is also set, but there is no possession limit listed for this species. Similarly, sportfish size limits and daily limits listed in 301 KAR 1:201 already must be observed by persons using a trotline, jugline, or setline. However, there is not currently a possession limit. A possession limit of 2 times the daily limit is needed in both cases to provide the necessary protection.

- Require that sportfishing trot lines must be tagged at both ends with the angler’s customer identification number.

Sport fishing trot lines are currently required to be tagged, but the regulation does not specify where. To make it easier for Law Enforcement to efficiently identify the owner of a sport fishing trotline and not have to examine the whole line to find the single tag, Fisheries recommends the customer identification number be placed at both ends of the line.

- Prohibit hand grabbing on lakes less than 500 acres owned or managed by the Department, except at Ballard, Peal, and Swan Lake Wildlife Management Area lakes in Ballard County.

301 KAR 1:410 already contains wording prohibiting the use of trotlines, jug lines, and setlines in lakes less than 500 acres that are owned or managed by the department. These smaller lakes are often not conducive to natural reproduction of catfish and often receive high use by shoreline fishing anglers, so they are not intended or conducive to these nontraditional fishing methods. This will prevent user conflicts, especially at designated FINS lakes. Fisheries also proposes exceptions for Ballard, Peal, and Swan Lake WMA lakes to match the regulations for trotlines jug lines, and setlines.

Kentucky Fish and Wildlife Commission Meeting

DISCUSSION ITEM

DATE: December 1, 2023

Item: Amend 301 KAR 1:201 – Taking of fish by traditional fishing methods.

Introduction:

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

The Fisheries Division proposes the following amendments to the regulation:

- Create a seasonal no boat fishing zone in the oxygen injection area on Lake Cumberland.

The U.S. Army Corps of Engineers (USACE) is constructing a system that will inject oxygen into the forebay of Lake Cumberland. The system is expected to be completed in the fall of 2025 but is projected to be operated each year between mid-summer and late fall. Experience from other locations with similar oxygen injection systems shows that striped bass and walleye will be attracted to the better water quality and concentrated oxygen in this area during operation of the system. To protect these fish populations from overharvest during oxygen injection when they will be more vulnerable, the Fisheries Division proposes a zone where fishing from boats would be off-limits. We are still trying to gather more information from the USACE to determine the dates and size of the closure zone. Fishing from shore would be unaffected during the seasonal boat fishing closure.

Kentucky Fish and Wildlife Commission Meeting

DISCUSSION ITEM

DATE: December 1, 2023

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

Expand early youth season from two days to nine days. The proposed amendment is designed to provide more firearms hunting opportunity for youths during the month of October. This expanded season would overlap with the proposed expanded muzzleloader season in hopes that more adults/mentors would accompany youths afield if they were allowed to use a type of firearm as well. The expanded season would require five additional “hunter orange” days to small game and archery hunters, but there is no conflict with other hunting seasons. This would be a statewide change impacting all four Deer Zones in Kentucky.

Expand early muzzleloader season from two days to seven days in Deer Zones 1 and 2. The proposed amendment would allow for additional hunting opportunity during muzzleloader season. The five additional hunting days (i.e., Monday to Friday) would apply to counties in Deer Zones 1 and 2 to help maintain populations at or decrease them to desirable levels. During this additional five-day period, only antlerless deer would be eligible for harvest with a muzzleloader in Deer Zones 1 and 2.

Kentucky Fish and Wildlife Commission Meeting

NEW BUSINESS ITEM

DATE: December 1, 2023

Item: Amend 301 KAR 2:300, Black bear seasons and requirements

Introduction: Based on population growth rates and an increased level of agricultural damage in the summer of 2023, the Wildlife Division recommends expanding bear hunting opportunity in Clinton and Wayne Counties. Further, through feedback from elk hunters and guides, as well as through the mandatory elk hunter survey, the Wildlife Division recommends eliminating the bear chase season during the month of September.

- Establish a 14-day early archery and crossbow season in Clinton and Wayne Counties to begin on the third Saturday in September and coincide with the opening of deer crossbow season.

This administrative regulation establishes seasons, dates, zones and requirements for bear hunting in Kentucky. These amendments seek to provide increased opportunity for bear hunters and alleviate crop damage issues in the portions of the elk zone with large-scale row crop operations. Secondly, as bear chase season has increased in popularity, elk hunters have noticed conflicts with this user group during the month of September. Disturbance of any kind is a major factor in the dispersal and movement of elk prior to the rut. Aside from direct interactions with elk hunters, bear chase and the use of ATVs and UTVs will cause elk to become nocturnal and cease their normal rut behaviors.

Wayne and Clinton County early archery season:

Due to the possibility of continued crop damage, the wildlife division proposes the establishment of a September archery/crossbow season to better manage bear numbers in these agriculturally important counties. Positive population growth in the Big South Fork bear population indicates the ability to increase harvest without detrimental impacts to the population. We propose a 14 day archery/crossbow season beginning the 3rd Saturday in September (opens with crossbow deer season).

Kentucky Fish and Wildlife Commission Meeting

NEW BUSINESS ITEM

DATE: December 1, 2023

Item: Amend 301 KAR 2:132, Elk hunting seasons, permits, zones and requirements

Introduction: This administrative regulation establishes seasons, dates, zones and requirements for elk hunting in Kentucky. These amendments seek to provide increased opportunity for elk hunters and alleviate many of the issues found in the current elk hunting system. Based on feedback derived from the mandatory post-season hunter survey, the Elk Program recommends several modifications to the draw system, season structure and other ancillary portions of the elk hunting regulation as described below:

- [Open Paul VanBooven WMA and Fishtrap Lake WMA to elk hunting](#)
- [Move cow gun week 2 to the first Saturday in January to alleviate overlap with Christmas and Christmas Eve holidays](#)
- [Prohibit cellular trail camera use during elk hunting season](#)
- [Prohibit drone use for the hunting or scouting of elk](#)
- [Clean up baiting regulations to prohibit hunting over a baited area within 30 days of the bait being removed](#)
- [Draw elk hunting units during the initial draw](#)
- [Amend loyalty redraw to fit this new draw system](#)
- [Landowner elk permits can only be used on property enrolled in the landowner access agreement](#)

[Open Paul VanBooven WMA and Fishtrap Lake WMA to elk hunting:](#)

These WMAs are listed as elk viewing areas and closed to elk hunting. EHU 4 and 7 are severely limited in their amount of available public land. Paul VanBooven WMA would be open for archery/crossbow elk hunting only. Habitat work on Paul VanBooven WMA has not produced a reliable viewing opportunity for the public and the viewing area on Fishtrap Lake WMA is no longer accessible. We propose to continue habitat work on these WMAs, but allow hunters to pursue elk.

[Move cow gun week 2 to the first Saturday in January to alleviate overlap with Christmas and Christmas Eve holidays:](#)

In 2021, this season opened on Christmas day and was a major point of frustration with our cow hunters. We need to make this change now to avoid a calendar shift back to a Christmas day opener for this cow season.

[Prohibit cellular trail camera use during elk hunting season:](#)

Cellular trail cameras present an unfair advantage when hunting elk, especially bull elk during the rut. We propose to prohibit their use during any elk season, but allow them to be used for scouting purposes prior to any elk season.

Prohibit drone use for the hunting or scouting of elk:

This amendment was brought forth by the Law Enforcement Division, but got mired down in its application to other species. We propose prohibiting drone use for elk hunting or scouting, but still allow them for animal recovery.

Clean up baiting regulations to prohibit hunting over a baited area within 30 days of the bait being removed:

Currently, hunters must remove bait immediately prior to the hunt. We propose regulations that mirror the fall turkey reg in terms of the 30 day bait removal window.

Draw elk hunting units during the initial draw:

The unit draw has been a major point of contention over the last four elk seasons. Nearly two months of time in the summer are lost between the elk permit draw and the elk hunting unit draw. Hunters will still have the usual “pick 3” (4 for youth), and for each permit type, hunters will pick a unit or select the “any unit” option. The complexity of this new system would necessitate online application only according to our IT division. A regulated area draw would take place as normal after the loyalty redraw.

Amend the loyalty redraw to fit this new draw system:

The new loyalty redraw system would be amended to fit this new draw system. With these changes, redrawn tags would also include a unit.

Landowner elk permits can only be used on property enrolled in the landowner access agreement:

As currently written, landowner elk permits may be used on the property enrolled in the access agreement or on neighboring property with permission and as long as that property is owned by a different landowner. This has led to hunter congregation in areas with ample public land and especially in EHU 3. This amendment will better distribute hunting pressure on these public land areas.