

# Kentucky Department of Fish & Wildlife Resources



## Commission Meeting

June 16, 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 May 25, 2023 quarterly meeting  
Attachment A-1
- Quarterly Financial Reports  
Attachment A-2
- Budget for FY24  
Attachment A-3
- Hunting on Conservation Camp Properties
  - Create a regulation that will allow for special mentored hunts on all 3 conservation camp properties.
  - Hunts for designated game species will be developed and conducted as department-sponsored events only for mentor/youth hunters for related department R3 learn-to-hunt programs such as Field to Fork.Attachment A-4

- Modify Special Commission Permits regulation
  - Amend 301 KAR 3:100
  - The department recommends addition of 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
  - Clarify that waterfowl permits are not for a bonus limit of waterfowl but rather for preferred date to waterfowl hunt on a selected WMA

Attachment A-5
  
- 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-6

## Discussion Items

- 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-1
  
- 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-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 shoot

Attachment D-3

- 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-4
- Modify Special Commission Permits regulation
  - Amend 301 KAR 3:100
  - Commission members and some recipient conservation organizations have requested that the Commission reconsider the current requirement in regulation that special commission elk permits be randomly assigned an elk hunting unit
- Informational Update: Licensing
- Update on public access on FILO land projects
  - Although properties acquired by KDFWR through FILO are primarily for wetland and stream restoration under federal law, standard procedure is to open them as a WMA (or addition to a WMA) whenever practicable
  - Stakeholders have inquired specifically about future use of the LIM property in Boone County
  - Commission member Lillard and the Department recommend development of new special regulation provisions for WMAs (such as the LIM property) that are best suited to archery/crossbow hunting for deer and shotgun/shotshells only for other game (first New Business Item below)
  - Properties purchased by the Wetland and Stream Restoration Program (FILO funds) will continue to be opened/closed as necessary to accommodate design, construction and monitoring requirements

## **New Business Items**

- Add provisions for special hunting regulations on designated WMAs
  - Amend 301 KAR 3:010 – Public use of Wildlife Management Areas
  - Create new section allowing for restriction of deer hunting to archery and crossbow only, and shotgun used with shotshells as the only firearm allowed for use
  - Apply to new properties (such as LIM tract, FILO acquisition in Boone Co. that is a pending new WMA) best suited to these uses so they can be opened in a timely fashion after being surveyed, boundaries marked, parking lot(s) established and roads developed
  - Clarify commercial activities

- Update on Wild Turkey Program – Spring 2023 season and research projects
- Update on Elk Program - Population model and recommendations
- Allow pooling of points for Elk Restoration & Elk Voucher-Cooperator Permits
  - Amend 301 KAR 2:132 – Elk hunting seasons, permits, zones, and requirements
  - Both permit types already have the same elk permit-earning values
  - Because KDFWR is not currently relocating elk, pooling these will allow current Elk Restoration Permit point holders to continue earning points toward elk permits as Voucher-Cooperators in return for public access to their properties
- Update WMA deer quota hunts regulation
  - 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

Attachment NB-1
- 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 NB-2
- Create new special big game permits to enhance agency fundraising efforts
  - Amend 301 KAR 2:132 and 301 KAR 3:100
  - Allot a limited number of special permits for elk and special bonus permits for bear, deer, and wild turkey, to be used in special bonus drawing packages for raising revenue to help meet KDFWR’s operational funding needs and promote Kentucky’s outstanding hunting opportunities

Attachment NB-3

- 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 NB-4
  
- 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 NB-5
  
- 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 NB-6

### **Closed Session - Discussion Items**

- Update on Land Projects A & B
- Land Projects C & D

### **Action Items**

- Land Projects C & D
- Land Project E

Continued on next page

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

## Adjourn

Next Quarterly Commission Meeting Date: September 22, 2023

---

<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). 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.

## Attachment A-1

Kentucky Fish and Wildlife Commission Meeting

### **ACTION ITEM**

DATE: June 16, 2023

**Item:** [Minutes from the May 25, 2023 Quarterly Commission Meeting](#)

Please refer to draft minutes document

Kentucky Fish and Wildlife Commission Meeting

**ACTION ITEM**

DATE: June 16, 2023

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

Please refer to draft financial statements document



## Attachment A-3

Kentucky Fish and Wildlife Commission Meeting

### **ACTION ITEM**

DATE: June 16, 2023

**Item:** [Budget for Fiscal Year 2024](#)

Please refer to proposed budget document

Kentucky Fish and Wildlife Commission Meeting

**ACTION ITEM**

DATE: June 16, 2023

**Item:** Promulgate a regulation for special hunts on conservation camp properties

**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 A-5

Kentucky Fish and Wildlife Commission Meeting

### ACTION ITEM

DATE: June 16, 2023

**Item:** Amend [301 KAR 3:100](#) Special commission permits

**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](http://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](http://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.
- Clarify that the special commission permit for waterfowl is not a bonus limit but rather special opportunity to schedule preferred dates on specified WMAs

Kentucky Fish and Wildlife Commission Meeting

**ACTION ITEM**

DATE: June 16, 2023

**Item:** Amend 301 KAR 1:152 & 3:022 Harvest and sale of Asian carp to Establish Experimental Commercial Fishing Methods Program

**Introduction:**

The Fisheries Division recommends establishment in regulation of a program that allows commercial fishers to use special experimental commercial fishing gear and methods to further the goal of invasive carp harvest and sale in mass quantities. The amendments to existing regulations would include creation of 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 those 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

## Attachment D-1

Kentucky Fish and Wildlife Commission Meeting

### DISCUSSION ITEM

DATE: June 16, 2023

**Item:** Amend 301 KAR 1:150 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: June 16, 2023

**Item:** Amend 301 KAR 1:155 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: June 16, 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

**DISCUSSION ITEM**

DATE: June 16, 2023

**Item:** Amend 301 KAR 2:030 Commercial guide license & 301 KAR 5:022 License, tag, and permit fees

**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

### Kentucky Fish and Wildlife Commission Meeting

#### **NEW BUSINESS ITEM**

DATE: June 16, 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

**NEW BUSINESS ITEM**

DATE: June 16, 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 State Wildlife Veterinarian. All laboratories providing veterinary diagnostic services for Kentucky shall give notification pursuant to this administrative regulation.



Kentucky Fish and Wildlife Commission Meeting  
**NEW BUSINESS ITEM**  
DATE: June 16, 2023

**Item:** Create a limited number of special big game permits for agency fundraising to help sustain operational revenue needs.

**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 in order to raise funds. Examples include the very popular “Super Tag” drawings and “Conservation Raffles.”

We propose to establish in regulation a limited number of special big game permits used for fundraising, with proceeds dedicated to helping to sustain agency programs. Special opportunities currently envisioned would include a total of: 3 elk, 2 bonus bear, 2 bonus deer, 2 bonus spring wild turkey permits). Changes to permit numbers or parameters of use used in the drawing would be subject to Commission review and approval.

The following are proposed concepts for future fundraising packages centered around new, 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**

- One 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).
- An individual may only ever win once

**Kentucky Big Game Permit Packages**

- New special combo permit packages of bonus permits for each of Deer, Bear and Spring Turkey plus 1 Elk
- The Department proposes 1 resident + 1 nonresident package to preclude competition between residence groups and adverse perceptions of the opportunities

For both packages:

- Unlimited entries per person at established fees
- 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
  - Permit deferable to 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 or Loyalty Redraw
  - 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) legal 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)

Kentucky Fish and Wildlife Commission Meeting

**NEW BUSINESS ITEM**

DATE: June 16, 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

**NEW BUSINESS ITEM**

DATE: June 16, 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

**NEW BUSINESS ITEM**

DATE: June 16, 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.