

Kentucky Department of Fish & Wildlife Resources



Commission Meeting

June 21, 2024 | 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

Informational Items

- Quarterly Financial Reports
Attachment I-1
- Budget approved by General Assembly
- Informational update regarding the spring 2024 turkey season

Action Items

- Resolutions recognizing Cumberland Forest WMA project partners
- Resolution recognizing Lisa Cox, Director of Administrative Services
- Minutes from March 1, 2024 quarterly meeting
Attachment A-1

- Revised provisions for hunting and fishing on public lands
 - 301 KAR 3:005 Public use of newly acquired or newly managed lands
 - Define terms and promulgate new definition regulations for Chapter 3
 - Review provisions for FILO properties
 - Add provisions for property acquired or set aside for other uses (such as office space, equipment storage, etc.)
 - Adjust the timing properties may be under temporary restrictions

- Increase selected deer hunting opportunities in CWD Surveillance Zone counties, and statewide for youths and mentored hunters
 - 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 CWD Surveillance Zones counties with antlerless harvest during first five days of this season
Attachment A-2

- 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 A-3

- Recommendations for 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 opening day of cow firearm week 2 to the first Saturday in January to alleviate overlap with Christmas and Christmas Eve holidays
 - Prohibit drone use in take of elk
 - Clean up baiting regulations to prohibit hunting over a baited area within 30 days of bait being removed
 - Draw elk hunting units during the initial drawing
 - Amend loyalty redraw to fit this new drawing system
 - Landowner elk permits (provided in exchange for public hunting access) can only be used on property enrolled in the public access agreement
Attachment A-4

- Require identification on trail cameras on WMAs/public hunting areas
 - Amend 301 KAR 3:010 – Public Use of Wildlife Management Areas
 - Add requirement for all trail cameras used on WMAs/public hunting areas to be externally labeled with its owner’s Fish and Wildlife customer identification number
 - Clean up this regulation to conform with other regulations in Chapter 2

- 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
 - Amend 301 KAR 2:081 – Transportation and holding of live native wildlife
 - Amend 301 KAR 2:082 – Transportation and holding of live exotic wildlife
 - Amend 301 KAR 5:022 – License, tag, and permit fees
 - Create a noncommercial foxhound training enclosure permit for \$25/year, and prescribe enclosure criteria including 40-acre size minimum, fencing, cover, and stocking requirements

Attachment A-5
- ❖ Deer dispersal research project within CWD Management Zone counties
 - Seeking Commission approval to conduct research to determine deer dispersal rates and distances within CWD Surveillance Zone counties

Attachment A-6

Discussion Items

- Prohibit use of aircraft (drones, helicopters, airplanes, etc.) for taking fish or wildlife
 - Promulgate a new regulation to prohibit taking of fish/wildlife with aircraft
 - Comport with federal law prohibiting take with aircraft (16 US Code § 742)
 - Prohibit use in any aspect of take per wildlife definition in KRS 150.010
 - Exempt the department and its agents conducting research, communications, enforcement and other authorized management activities
 - 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 the use of decoys on public dove fields before October 1st
 - Amend 301 KAR 2:225 Dove, wood duck, teal, and other migratory game bird hunting
 - The use of decoys, both motorized and static, would be prohibited on dove fields managed by the Department during the month of September

Attachment D-1
- Streamline, clarify and update public lands waterfowl hunting requirements
 - Amend 301 KAR 2:222 Waterfowl hunting requirements on public lands
 - Add Harris-Dickerson, Clear Creek, and Blackford Oaks WMAs to the list of WMAs that have entry and exit requirements
 - Assign public land waterfowl hunters in Ballard County to a single unit per day

- Allow flexibility in timing for managers administering in-person standby drawings in Ballard County
- Remove the automatic assignment of surrendered hunting units during quota hunts at Boatwright WMA
- Remove the requirement to use primitive weapons on Barren River WMA while hunting waterfowl
- Change the rest days for waterfowl hunting at Sloughs WMA from Tuesday and Wednesday to Monday and Tuesday
- Require daily check-in before waterfowl hunting at Sloughs WMA
- Remove the penalty for violating state or federal law during waterfowl quota hunts that excludes hunters from applying for or participating in department quota hunts in the subsequent year

Attachment D-2

- Commission Bylaws

- The Commission may, with a majority vote, appoint a non-voting past commission member to the role of historian/educator. The individual shall serve a minimum term of one year

New Business Items

- Establish a permit for rabbit hunting enclosures.
 - Amend 301 KAR 2:041 Shooting areas, dog training areas, commercial fox hound training enclosures, and bobwhite shoot to train season
 - Develop a permitting process for rabbit training and hunting enclosures
- Add the Federal Duck Stamp (e-stamp) to the list of licenses/permits offered for sale online by the Department
 - Amend 301 KAR 5:022 License, tag, and permit fees
 - Allow the Department to enter into a MOA with the U.S. Fish and Wildlife Service Duck Stamp Office to allow the electronic sale of the Federal Duck Stamp (e-stamp) on the Department website
- Modify traditional fishing regulations on selected water bodies
 - Amend 301 KAR 1:201 – Taking of fish by traditional fishing methods
 - Remove the catch and release special regulations for sport fish on Clear Fork (Logan and Warren counties)
 - Remove the special regulations of 4-fish daily limit for channel catfish and 15-fish daily limit on sunfish from ponds on the Boone Tract of Kentucky River WMA
 - Add a 10-inch minimum size limit for crappie on Nolin River Lake and Rough River Lake
 - Biologists have used population modeling to determine that with the current growth and mortality, the crappie populations at these two

- reservoirs could benefit from the increased size limit.
- Add an 18-inch to 26-inch protective slot limit and 2 fish daily limit for native walleye on the Rockcastle River
 - Our native strain of walleye is present in just a few locations around the state, and we have an active program to restore these populations through supplemental stocking. The Commission has previously instituted these same regulations on the Barren River, upper Cumberland River, Kentucky River, and Levisa Fork. These regulations limit harvest of the prime spawning-size fish, so the hope is that the walleye populations can remain self-sustaining while still allowing some harvest.
 - Modify the language regarding the usage of electric motors on selected water bodies
 - Amend 301 KAR 1:015 – Boat and motor restrictions.
 - Clarify that the restriction to the usage of electric motors only on selected water bodies means electric motors equal to or less than 3 hp or 150 lbs of thrust.
 - With the advent of electric outboard motors, it has become necessary to clarify the language used in regulation to describe what size electric motors should be allowed on selected water bodies that are currently designated as “trolling motor only” and no internal combustion motors.

Closed Session - Discussion Items

- Land Project A
- Land Project B
- Land Project C
- Discussion of Pending Litigation

Action Items

- Land Project A
- Land Project B
- Land Project C

Public Comments¹

Set date for the 3rd Quarterly Commission Meeting

Ethics Training and Overview for New and Current Members at 2:00 P.M.

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.

Attachment I-1

Kentucky Fish and Wildlife Commission Meeting
INFORMATIONAL ITEM
DATE: June 21, 2024

Item: Quarterly Financial Statements

Please refer to draft financial statements document

Attachment A-1

Kentucky Fish and Wildlife Commission Meeting
ACTION ITEM
DATE: June 21, 2024

Item: Minutes from the March 1, 2024 Quarterly Commission Meeting

Please refer to draft minutes document

Kentucky Fish and Wildlife Commission Meeting

ACTION ITEM

DATE: June 21, 2024

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 October muzzleloader season. 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 CWD Surveillance Zone counties only. 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 CWD Surveillance Zone counties 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 CWD Surveillance Zone counties.

Kentucky Fish and Wildlife Commission Meeting

ACTION ITEM

DATE: June 21, 2024

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

Introduction: This administrative regulation establishes seasons, dates, zones and requirements for bear hunting in Kentucky. 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.

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).

- 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 crossbow deer season.

These amendments seek to provide increased opportunity for bear hunters and alleviate crop damage issues in the portions of the region with large-scale row crop operations.

Attachment A-4

Kentucky Fish and Wildlife Commission Meeting

ACTION ITEM

DATE: June 21, 2024

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 Eve and Christmas holidays](#)
- [Prohibit drone use for the scouting or hunting 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 general 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](#)

[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 drone use in take of elk:](#)

We propose prohibiting drone use for elk hunting or scouting.

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 regulation in terms of the 30-day bait removal window.

Draw elk hunting units during the general drawing:

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 permits 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 to the regulation would better distribute hunting pressure on these public land areas.

Kentucky Fish and Wildlife Commission Meeting

ACTION ITEM

DATE: June 21, 2024

Item: Modifications to the permitting criteria, holding criteria and area requirements for multiple permit holders and facilities types.

- Amend 301 KAR 2:041 to update regulations for foxhound training enclosures related to the following:
 - Species, numbers of animals permitted within foxhound training enclosures, and operational periods.
 - Occurrence of enclosures within the Enhanced Rabies Surveillance Zone.
 - Specify requirements for acreage, fencing, and containment.
 - Establish requirements for animal holding and treatment, quarantine procedures, acclimation, and disease reporting and testing.
 - Establish requirements for permits, inspections, record keeping and reporting, possession of wildlife, and create definitions for foxhound training enclosure permits.
- Amend 301 KAR 2:081 for conformity with 2:041 and correction to a prior item passed by the commission:
 - Establish requirements for permitting, possession, and transfer of red fox and coyote to commercial and non-commercial foxhound training enclosures.
 - Correction to regulation needed to allow the possession of native eastern cottontail rabbits but not importation or transport into Kentucky.
- Amend 301 KAR 2:082 as follows:
 - Correction to regulation needed to allow the possession (but not importation or transport into Kentucky) of exotic rabbits, hares, and pikas. Domesticated races of Wild European/San Juan morphologically distinguishable from wild rabbits *Oryctolagus Cuniculus* may be possessed – Wild European/San Juan rabbits not morphologically distinguishable are prohibited from possession.
- Amend 301 KAR 5:022 as follows:
 - Create a non-commercial foxhound training enclosure permit for \$25 per year. This allows all foxhound training enclosure permits to be in the same regulation. The fee is maintained (previously \$75 every 3 years under 301 KAR 2:081).

Attachment A-6

Kentucky Fish and Wildlife Commission Meeting

ACTION ITEM

DATE: June 21, 2024

Item: Deer dispersal research project within CWD Management Zone counties

- Seeking Commission approval to conduct research to determine deer dispersal rates and distances within CWD Surveillance Zone counties

Justification: KDFWR has a longstanding Chronic Wasting Disease (CWD) Response Plan used to guide agency decision-making. Much of the Response Plan revolves around two established buffers (10-mile Management Zone and 30-mile Surveillance Zone) to manage the spread of CWD. While deer dispersal rates and distances have been studied in other states, they have not been researched in Kentucky. Therefore, the Deer Program proposes to radio-collar up to 80 juvenile deer inside the CWD Management Zone to examine deer dispersal rates and distances to ensure that our Response Plan is using the most current available science. Additional benefits of this project include the collection of auxiliary data to support deer population modelling.

Kentucky Fish and Wildlife Commission Meeting

DISCUSSION ITEM

DATE: June 21, 2024

Item: Amend 301 KAR 2:225 - Dove, wood duck, teal, and other migratory game bird hunting

- The use of decoys, both motorized and static, would be prohibited on dove fields managed by the Department during the month of September.

Justification: Decoys have become a problem on public dove fields in recent seasons. The use of motorized decoys has resulted in many quickly diving and low-flying doves, and has created a less safe environment for hunters using public dove fields. Additionally, numerous hunters have arrived in public dove fields early and used arrays of decoys to “block off” areas around them to keep other hunters away from their spots. This has created conflicts and discontent among other hunters. After October 1, hunter densities in public dove fields greatly decrease, so no concerns over safety or other hunters are expected in the late season.

Kentucky Fish and Wildlife Commission Meeting
DISCUSSION ITEM
DATE: June 21, 2024

Item: Amend 301 KAR 2:222 - Waterfowl hunting requirements on public lands

- Add Harris-Dickerson, Clear Creek, and Blackford Oaks WMAs to the list of WMAs that have entry and exit requirements.

Restrict access for waterfowl hunting to Harris-Dickerson, Clear Creek, and Blackford Oaks WMAs to not allow entry before 4:00 a.m. (local time) and require hunters to cease hunting by 2:00 p.m. (local time).

Justification: These WMAs are either new or have seen increased waterfowl hunting pressure in recent years. This matches these areas to other waterfowl-hunting WMAs. Not allowing entry before 4:00 a.m. keeps hunters from going in and staking out spots in the middle of the night and disturbing birds. Stopping hunting at 2 p.m. allows for some period of the day where ducks may feed without being disturbed.

- Assign public land waterfowl hunters in Ballard County to a single unit per day.

Restrict public land hunters, both waterfowl permit holders and guest hunters at Ballard and Boatwright WMAs, to only allow an individual to be assigned to a single hunting unit in a day.

Justification: There has been a problem with hunters splitting parties between Ballard and Boatwright check stations. A party will be drawn for a spot at Boatwright and then subsequently be drawn for a spot at Ballard. Then, the group decides which spot is preferred and abandons the other spot. The abandoned spot then goes unused, while people are turned away at the check station for lack of spots. This change would eliminate that problem.

- Allow flexibility in timing for managers administering in-person standby drawings in Ballard County.

Remove specific time requirements for in-person drawings at Ballard and Boatwright WMAs.

Justification: Current regulations dictate that stand-by drawings must occur at a specific time on the day of the hunt. The addition of Thanksgiving hunts to Boatwright and youth and veterans hunts to both WMAs has highlighted some staffing difficulties with increased number of check station mornings. The regulations now specify that standby drawing must occur at a specific time on the

morning of the hunt. With limited staff, we are requesting flexibility to have a Wednesday afternoon drawing (or something similar) for stand-by spots.

- [Remove the automatic assignment of surrendered hunting units during quota hunts at Boatwright WMA.](#)

Stop assigning surrendered hunting units in the Boatwright WMA online drawing to the next drawn hunter.

Justification: Currently, when a hunter surrenders a unit for which they were drawn in the weekly online drawing, the computer assigns that surrendered unit to the next hunter in the order of the drawing. This has created several problems. Hunters assigned to a unit via the online drawing may not hunt in another unit at Boatwright WMA. When a hunter surrenders a unit immediately before the deadline, the newly drawn hunter has no chance to surrender that spot and may be forced into a spot that doesn't work for them. In other cases, people don't realize they were put into a surrendered spot and are subject to receiving a citation from a game warden because of this. In reviewing the data from the last 2 hunting seasons, hunters who received surrendered spots showed up and checked in < 10% of the time. With the in-person check station, surrendered spots will be utilized.

- [Remove the requirement to use primitive weapons on Barren River WMA while hunting waterfowl.](#)

Remove the antiquated language that restricts waterfowl hunting on portions of Barren River Lake WMA to muzzleloading shotguns.

Justification: This is an old regulation that was intended to exclude waterfowl hunting from the primitive weapons requirements of the Peninsula Unit of the WMA. While accomplishing this, the regulation inadvertently required primitive weapons (non-breech loading shotguns) on the rest of the WMA. The request is to remove all primitive weapon requirements for waterfowl hunting on the WMA.

- [Change the rest days for waterfowl hunting at Sloughs WMA from Tuesday and Wednesday to Monday and Tuesday.](#)

Change the days a waterfowl hunter shall not hunt ducks in the Crenshaw and Duncan tracts of the Sauerheber Unit and the Jenny Hole Unit from Tuesday and Wednesday to Monday and Tuesday.

Justification: This change would bring the Sloughs WMA rest days in line with Ballard County WMAs, which are the only other areas where we provide rest days. This is a simplification of regulations, making the WMAs similar. Hunting opportunity would now be assigned on Wednesday to Friday (3-day) and Saturday and Sunday (2-day) blocks. The timing was changed a few years ago to allow

hunters to take advantage of at least one Monday holiday during the duck season; however, hunters have rarely hunted the WMA on Mondays.

- [Require daily check-in before waterfowl hunting at Sloughs WMA.](#)

Require waterfowl hunters hunting in the Crenshaw and Duncan tracts of the Sauerheber Unit and the Jenny Hole Unit to remit a completed check-in card at the WMA office the morning of their hunt.

Justification: The Crenshaw and Duncan tracts of the Sauerheber Unit and the Jenny Hole Unit at Sloughs WMA require that hunters submit a post-hunt check-out card. This is rarely occurring. The WMA staff has no way of knowing if someone who doesn't check out did not hunt or if they just failed to check out. Data on use and harvest is acquired from accurate post-hunt surveys. Adding the requirement to check in means the staff will know who has not completed their post-hunt survey. In addition to the data value, knowing who is or was hunting is critical to ensure hunter safety.

- [Remove the penalty for violating state or federal law during waterfowl quota hunts that excludes hunters from applying for or participating in department quota hunts in the subsequent year.](#)

Remove the portion of section 4 that excludes anyone who receives a citation during a waterfowl quota hunt from participating in or applying for any department quota hunts the following year.

Justification: This is a request originating from Law Enforcement staff in the 1st District. A hunter who receives a citation currently is excluded from applying for or participating in any department quota hunt. This includes the elk hunt drawing, deer quota hunts, dove quota hunts, and more. Because a person can't apply, they lose any accumulated preference points. Many citations issued on quota hunts are minor violations, but the penalty is the same for everyone. Removing this would give the officer discretion based on the circumstances of a case.