

Kentucky Fish and Wildlife recently amended regulations

By Lisa Jackson

In accordance with KRS 150.025, the Kentucky Department of Fish and Wildlife Resources is providing updated information about proposed fish and wild-life-related regulation amendments that have received final legislative approval and are now in effect.

The following is an overview of changes:

Chapter 1 – Fish 301 KAR 1:140. Special commercial fishing permit for Kentucky and Barkley lakes.

This administrative regulation sets forth the conditions and provisions for a special commercial fishery using gill and trammel nets at Kentucky and Barkley lakes and is necessary to specify the waters open to, and other restrictions on the use of, gill and trammel nets at Kentucky and Barkley lakes. This amendment addressed a cleanup where, “The Monthly Report of Commercial Fish Harvest in Kentucky,” had been revised multiple times since 2008 (2014, 2019, and 2023 (submitted to LRC in December)) and changes had been accounted for in 301 KAR 1:155. However, the reference to the same document in this administrative regulation was never changed and still referred to the 2008 document which is no longer being used. In addition, this amendment removed the definition section due to the creation of 301 KAR 1:001 which contains definitions for all 301 KAR 1 regulations.

301 KAR 1:146. Commercial fishing gear.

This administrative regulation establishes the legal methods that may be used by commercial fishers to harvest rough fish and is necessary to specify the types of legal gear that may be used by commercial fishers to harvest rough fish from waters open to commercial fishing. This amendment addressed several concerns about the use of trotlines for commercial fishing, including requiring the tagging of trotlines at both ends and every 100 feet, reducing single trot line length from 6,000 feet to 1,000 feet, and requiring commercial trot lines to be set at least 3 feet under the surface of the water. In addition, the definitions section for this regulation was removed due to the creation of 301 KAR 1:001 which contains definitions for all 301 KAR 1 regulations.

301 KAR 1:150. Waters open to commercial fishing.

This administrative regulation establishes the areas where commercial fishing is allowed and is necessary to manage the commercial harvest of fish in Kentucky by establishing the waters open to commercial fishing. This amendment removed several creeks and rivers from the list of waters open to commercial fishing due to either having no or very few records of commercial harvest in the last decade. In addition, due to the full removal of Lock and Dam 6 (previous upper boundary) and partial removal of Lock and Dam 5, this amendment set a new upper boundary for commercial fishing on the Green River at Lock and Dam 4. Finally, this amendment closed a portion of Lake Cumberland (upstream from the confluence of the Rockcastle River on the Cumberland River Arm) to commercial fishing due to numerous conflicts between recreational users and commercial fishers and potential detrimental effects on Lake Sturgeon.

301 KAR 1:155. Commercial fishing requirements.

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 regulation is necessary to effectively manage rough fish populations in Kentucky. The amendment removed the definition section due to the creation of 301 KAR 1:001 which contains definitions

for all 301 KAR 1 regulations, aligned trophy catfish harvest regulations with recreational fishing catfish regulations, removed tributaries to the Ohio River from open waters for Lower Ohio River Trophy Catfish harvest for special permit holders below Cannelton Lock and Dam on the Ohio River, provided minor edits to the Monthly Report of Commercial Fish Harvest in Kentucky, which is incorporated by reference, and cleaned up some non-substantive text throughout the regulation. By aligning the commercial and recreational fishing regulations for trophy catfish, better protection of these large catfish is provided to prevent overharvest. The removal of tributaries to the Ohio River below Cannelton Lock and Dam is based on trophy catfish abundance and declining harvest and use of these tributaries over the last ten years. It will provide better protection of these tributary trophy catfish populations. Finally, to make it easier to fill out the Monthly Report of Commercial Fish Harvest in Kentucky document, which is incorporated by reference, some formatting changes were made.

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

This administrative regulation establishes size limits, daily creel limits, and possession limits for sport fish that may be taken from Kentucky waters and is necessary to properly manage the sport fish populations of Kentucky. This amendment changed the size limit for Largemouth and Smallmouth bass at Grayson Lake from a 15-inch minimum size limit to a 12- to 15-inch slot size limit, requiring anglers to release fish in this size range. This amendment also removed the 12-inch catfish size limit from a list of 93 lakes and pond incorporated by reference. In addition, Lake Mingo was removed from the special regulation section (Section 2) because it was a redundant regulation that is already covered in Section 6 (Lake Mingo is on the list incorporated by reference for this section). Finally, Three Springs Lake’s name was changed to Jesse W. Thornton Lake in the “Special Lakes and Ponds” list which is incorporated by reference. This was required due to Warren County making the name change. One other non-substantive cleanup was made to the “Special Lakes and Ponds” list.

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

This administrative regulation establishes the procedures for taking sport and rough fish by nontraditional fishing methods and is necessary to effectively manage the fish populations of Kentucky and to provide for reasonable recreational fishing opportunities. This amendment clarified the dates when it is illegal to possess a gig, added a shovelnose sturgeon possession limit of two (2) fish, added a possession limit of two (2) fish for sportfish taken by trot line, jug line, or set line, requires sport fishing trotlines to be tagged at both ends with the angler’s customer identification number, and prohibits hand grabbing on lakes less than 500 acres owned or managed by the department, except Ballard,

Peale and Swan Lake Wildlife Management Area lakes in Ballard County. This language conforms to restrictions used in the language of 301 KAR 1:082.

Chapter 2 – Game 301 KAR 2:030. Commercial guide license.

This administrative regulation establishes the requirements for commercial hunting and fishing guides and is necessary to establish minimum regulatory standards and qualifications for commercial guides. This amendment created a requirement that all commercial guide license holders report to the department information related to their guiding activity, established parameters for the revocation of the license if the report is not submitted, updated the commercial guide application that is incorporated by reference and clarified the definition of a commercial guide.

301 KAR 2:083. Holding and intrastate transportation of captive cervids.

This regulation establishes the manner in which captive cervids may be held in captivity or moved within the state. This amendment references a new regulation by the Kentucky Department of Agriculture (KDA). A new regulation (302 KAR 22:150) was promulgated and is now referenced and 302 KAR 20:066 was repealed. This amendment ensures the proper KDA regulation is referenced within Kentucky Fish and Wildlife’s regulations for the captive cervid program.

301 KAR 2:122. Seasons, methods, and limits for small game.

This administrative regulation establishes seasons, bag limits, and methods of take for small game and is necessary to effectively manage wildlife populations in Kentucky, specifically those designated as small game. This amendment extended the hunting season for squirrels by two days through the third Sunday in June.

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

This administrative regulation establishes all the requirements for elk hunting, the procedures for elk damage abatement, and is necessary to effectively manage elk populations in Kentucky, while providing optimal elk hunting and tourism opportunities. This amendment will allow for the pooling of Voucher Cooperator and Elk Restoration permit points used towards an elk permit. Additionally, this amendment adjusts the Loyalty Redraw system from consecutive years to cumulative years.

301 KAR 2:172. Deer hunting seasons, zones, and requirements.

This administrative regulation establishes the manner in which white-tailed deer may be harvested in Kentucky. Deer are a public resource entrusted to the state for management. As such, there must be regulations in place to control the method and manner in which deer may be taken. This amendment changed the deer hunting zone designation of Simpson County from a Zone 3 to a Zone 2. The necessity of the amendment for zone designation of Simpson County is due to increasing deer population in this area and will allow the KDFWR

to more effectively manage the deer population via a liberalization of the bag limit.

301 KAR 2:178. Deer hunting on Wildlife Management Areas, state parks, other public lands, and federally controlled areas.

This administrative regulation establishes the manner in which white-tailed deer may be taken in Kentucky on public land. Deer are a public resource entrusted to the state for management. As such, there must be regulations in place to control the method and manner in which deer may be taken. This amendment removed two additive hunts where the deer densities are below objective, changed the preference point option from female to antlerless deer, and established new requirements when utilizing portable stands on public properties.

Chapter 3 – Hunting and Fishing

301 KAR 3:030. Year-round season for wildlife.

This administrative regulation establishes requirements and prohibitions for take of protected and unprotected species and sets year-round hunting seasons for specific species. This amendment is necessary to provide clear guidance on which species can be taken year-round and identifies species as protected or unprotected. This regulation defines exotic wildlife and sets forth the requirements and prohibitions for take of protected and unprotected species. This amendment prohibited sport hunting of wild pigs, required a hunting license to hunt starlings or English sparrows to adhere to statute KRS 150.320, corrected inaccurate language regarding coyote trapping seasons and aligned the definition of exotic wildlife with other department regulations.

301 KAR 3:130. Public use of conservation camp properties.

This new administrative regulation establishes procedures to allow individuals meeting defined criteria for mentored events to boat, fish, hunt, shoot, or trap as part of a department-approved activity or program, prohibits certain actions inconsistent with the intended purpose of conservation camp properties, establishes requirements for other uses, and stipulates the guidelines for participation in events. This administrative regulation establishes guidelines under which the department may operate special mentored events on conservation camp properties and prohibits certain actions inconsistent with the intended purpose of conservation camp properties, establishes requirements for other uses, and stipulates the guidelines for participation in events.

Chapter 4 – Wildlife

301 KAR 4:021. Repeal of 301 KAR 4:020 and 301 KAR 4:050.

These administrative regulations established restrictions for entry and activities at Ballard Wildlife Management Area and the Swan Lake Unit of Boatwright Wildlife Management Area. The repeal was necessary as amendments to 301 KAR 2:222 included the subject matter from 301 KAR 4:020 and 301 KAR 4:050, and consolidated the requirements for waterfowl hunting on public lands into one location.

Chapter 5 – Licensing

301 KAR 5:001. Defini-

tions for 301 KAR Chapter 5.

This regulation establishes definitions for terms used within 301 KAR, Chapter 5. This amendment changed the existing administrative regulation by removing terms that are no longer applicable and adding terms that are to be utilized in amendments made to other regulations in 301 KAR, Chapter 5.

301 KAR 5:010. License agent applications and agreements.

This regulation establishes the methods for application and operation of license agents. It is necessary to create a network of license agents to partner with the department to effectuate the sale and distribution of the department’s licenses, permits, and other items sold by the department. This amendment established updated contractual language in the document incorporated by reference to be consistent with changes in other 301 KAR, Chapter 5 regulations.

301 KAR 5:020. License agent requirements and responsibilities.

This regulation establishes procedures for agents of the department to sell and issue the department’s licenses and permits. This regulation is necessary to define legal sales parameters to protect the interests of agents, customers and the department in implementing 301 KAR, Chapter 5. The amendments updated language to include statutorily permissible fees and removed conflict with KRS 45.345(2) and KRS 64.840(3) while placing private entities on even footing with public entities that are acting as license agents.

301 KAR 5:040. Migratory Bird Harvest Information Program.

This administrative regulation establishes the requirements for hunters participating in the Migratory Bird Harvest Information Program and is necessary to ensure all migratory bird hunters operate within the law and participate in survey data as required in 50 C.F.R. 20.20. There is no change to the substance of the regulation. The amendments improved the readability of the regulation and brought the regula-

tion in line with current drafting styles to be consistent with other recently enacted regulations.

301 KAR 5:200. Special commission permits for incorporated nonprofit wildlife conservation organizations. (recodified 301 KAR 3:100)

This regulation establishes the procedures for the application, award, and reporting of the Special Commission Permit fund raising opportunity for incorporated nonprofit wildlife conservation organizations. This amendment added Black Bear as a species for which permits will be offered, clarified the benefit of the receiving a waterfowl permit, moved the application and reporting process to an online submission portal, and removes language that is no longer needed. This amendment was necessary to provide additional fund-raising opportunities through black bear permits, to clarify ambiguous language regarding the benefits of possessing a special waterfowl permit and streamlined the application and reporting process via an online system that will provide various error controls to assist organizations in properly completing the applications and reports. This regulation is recodified from 301 KAR 3:100 and listed now in 301 KAR, Chapter 5 Licensing to better organize regulations by topic for the end user.

301 KAR 5:210. Special agency fundraising permits.

This new administrative regulation establishes a limited number of special agency fundraising permits to hunt big game species, which will generate agency revenues through collection of drawing application fees. The regulation does not increase existing fees but establishes new fees for voluntary applications for the drawing to award new special permit.

Note: The department has initiated all required procurement, IT, and administrative steps necessary to implement the provisions of this regulation to be able to receive applications for and to conduct these special drawings for the applicable 2025-26 hunting seasons.

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Lewis County Board of Education Invitation to Bid on Surplus Property

The Lewis County Board of Education will be accepting bids on surplus property. Bid forms containing a listing of available items can be found under district news or archived news on the district’s website at www.lewis.kyschools.us or at the district board office listed below. Bid forms must be placed in a sealed envelope with “Surplus Property Bid” written on the front of the envelope. Bids must be received by 2:00 p.m. (2:30 p.m. opening) Wednesday, November 6, 2024 at the Lewis County Board of Education: PO Box 159, 251 Lions Lane, Vanceburg, KY 41179. Bids will be reviewed at the November 11, 2024 board meeting, they will be approved or denied.

Items can be inspected from 8:00 a.m. to 3:00 p.m. Monday through Friday as the Lewis County School District Floral Hall located at 251 Lions Lane, Vanceburg, KY 41179. For inquiries regarding the property or to schedule an appointment for inspection contact Michael Melton or Woody Underwood at 606-796-2811 and Jeremy Ruckel at 606-796-6106. Successful bidders will be contacted by Thursday, November 14, 2024. Successful bidders will have until Thursday, November 28, 2024 to make payment and take possession of property. Successful bidders will be required to transfer titles as applicable. The Lewis County Board of Education reserves the right to reject any and all bids. No bids from current employees will be accepted. The surplus property is to be sold “as is” with no warranty and no guarantee.