

## **State of the State/Province Report – Kentucky**

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### **Recent Legislation**

**Wildlife Depredation:** New law clarifies that landowners may take certain wildlife that are causing damage to their property without reference to season, and allows in statute non-landowners who have been approved by both the landowner and the Commissioner to do the same. This language officially recognizes the current process and department approval form that has been used consistently in the past. It also provides that individuals wishing to use the carcass shall contact the department to request a disposal tag or the equivalent. This new provision does not apply to depredating Elk, which is instead governed by existing statutes.

**License Exemption:** A person under 12 years of age is exempt from hunting and trapping license.

**Public access areas:** Public-private land use agreements can now be established between any landowner and any governmental entity for the purposes of hunting, fishing, wildlife watching, hiking, horse trails, rock climbing, mountain bikes, and off road vehicles. User fees may be established and landowner liability protection has been clarified.

### **Information and Education**

**Kentucky Afield Television:** This is a weekly television show produced by the Department. The show was recognized for broadcast excellence when it received two Emmy Awards in 2009. KDFWR made a large investment in the quality of the show. In order to keep current with today's television broadcasting demands Kentucky Afield made the switch to high definition television. This meant investing in all new equipment. The show is now shot, edited, produced, and broadcast in high definition format. The result is sharper, more brilliant pictures.

Weekly fishing reports, in a video format, have been added to the department's web site. These video reports are proving to be extremely popular and have significantly increased the number of hits to the department's website. The department also supplies a weekly video vignette to local news stations in Kentucky. These vignettes, called "Fish & Wildlife Minutes", have proven so popular that stations that air them are using them to generate advertising revenue.

The broadcast staff of KDFWR produced a video on deer processing that has surpassed all expectations. To date sales of "From the Field to the Freezer", have exceeded \$100,000 with orders coming in from all over the United States as well as other countries

**Kentucky Afield Magazine:** The Department's quarterly magazine has eliminated a \$200,000 annual operating deficit. Revenue from the magazine now covers all production costs

including personnel costs. Increased marketing efforts have resulted in a steady increase in the number of paid magazine subscriptions.

**Archery in the Schools Program:** The number of students participating in archery programs in school continues to grow at an amazing pace. Approximately 300,000 Kentucky school children from over 750 Kentucky schools participated in a school archery program this year. The Kentucky State Archery Tournament had 2,300 students competing this year.

**Conservation Camp:** Despite a difficult economy, approximately 4,500 4<sup>th</sup>, 5<sup>th</sup> and 6<sup>th</sup> graders have registered to attend the Department's three residential summer camps this year. Campers receive instruction in archery, firearms safety, boating, angling, first aid, nature studies, and swimming.

### **Wildlife**

**Elk Reintroduction:** Kentucky ranks 10th in the nation in the size of its elk herd, which after the 2009 calving season will be around 11,300. To establish our herd, over 1,550 elk from 6 states were released in 8 locations in southeastern Kentucky. With very high annual survival rates and fertility rates producing as many as 75 and 80 calves per 100 cows, the restoration of elk has been a resounding success. It has been so successful that the Kentucky Department of Fish and Wildlife Resources (KDFWR) has issued 1,000 elk tags for 2009, with 250 bull tags and 750 cow tags. We have had over 46,000 people apply for these 1000 tags. People from every state in the country, with the exception of Hawaii, and 2 Canadian provinces applied for a Kentucky elk tag.

**Kentucky's First Bear Season:** Kentucky is preparing for its first black bear season in more than 100 years. Kentucky's initial bear hunt takes place Dec. 19–20 in Harlan, Letcher and Pike counties. These counties have the highest bear densities and offer the best chance for hunter success. By the time of the hunt, it is estimated that bear numbers will reach approximately 300 individuals in these 3 counties. Restricting the hunt to three counties will allow bear populations elsewhere to continue to expand. Only Kentucky residents may hunt bears in the state this year. Permits, which cost \$30, go on sale July 1.

**Wildlife Action Plan:** Since the approval of Kentucky's Wildlife Action Plan in 2005, the Kentucky Department of Fish and Wildlife Resources (KDFWR) has addressed 65 of 127 (51%) identified conservation actions. KDFWR has formed partnerships with academic universities, non-profit organizations, private consulting firms, and sister agencies to implement a variety of projects aimed at restoring species and habitats of conservation concern. SWG projects have addressed a wide array of Wildlife Action Plan Goals, from high-priority survey and monitoring projects, to implementation of habitat improvement practices in target areas. Specific examples of recent projects include the following: targeted bottomland hardwood habitat restoration in the Obion Creek/Bayou de Chien watersheds, restoration of grassland habitat to benefit avian species of concern, initiation of the first status survey to assess population health of the Longhead Darter in Kentucky, and a research project aimed at developing invitro techniques (bypassing fish hosts) to propagate imperiled freshwater mussels. In total, there were thirty active State Wildlife Grant projects administered by KDFWR in 2008.

**Kentucky's Focus on Quail:** The Department has developed a plan: Road to Recovery: The Blueprint for Restoring the Northern Bobwhite in Kentucky. The plan developed 5 goals and targeted 8 focus areas on both private and public lands. The state's largest management area, Peabody WMA will be the site for most intense work on public land. To address private land, NRCS has set aside \$1M for three EQIP focus areas that correspond to our quail focus areas. Establishment of native grasses, setbacks from the tree line, edge feathering, and timber stand improvement will be eligible practices. In addition to these efforts, several other actions are also occurring including the creation of a quail license plate, a Quail Unlimited Habitat Team, and a Prescribed Fire Council.

### **Fisheries**

**Fee's in Lieu Program (FILO):** The fees in-lieu of (FILO) program was established in 2002 through an agreement between KDFWR and the U.S. Army Corps of Engineers under the authority of Section 404 of the Clean Water Act. The FILO program was established to mitigate the permanent physical loss of stream and wetland habitat in Kentucky. Since FILO's inception, KDFWR has received approval for 40 projects on over 50 miles of streams in 28 counties. The FILO program has completed 13 restoration projects on over 7 miles of streams. Of the remaining 33 projects, 16 miles of stream restoration projects are being designed, over 2 miles are in construction now, and over 8.5 miles of new projects were recently approved by an oversight committee. One site involves the acquisition of 6.1 miles of high quality trout stream.

**Lake Sturgeon Restoration in the Upper Cumberland River:** Lake Sturgeon are endemic to Kentucky, but their numbers severely declined by 1950. In 2007, KDFWR committed to a 20-year stocking/restoration program in the upper Cumberland River. The Wisconsin Department of Natural Resources provided fertilized eggs, the sturgeon were reared at Pfeiffer Fish Hatchery, marked and stocked as 8-10 inch fish during April 2008. Funding for this project is being provided by the KDFWR and the State Wildlife Grants Program.

**Native Walleye Restoration in the upper Barren River:** For the past five years, fisheries biologists have been working to restore and enhance a surviving population of "native" strain walleye in the Rockcastle River, immediately above the impoundment of Lake Cumberland. During the fall 2007, "native" strain walleye were reintroduced into the upper Barren River in an attempt to restore this species to another portion of its historic range. The primary purpose of the stockings of "native" strain walleye into the upper Barren River is to establish another river population of "native" walleye outside of the Rockcastle River and create a sanctuary to maintain their genetic integrity. Kentucky's state record walleye was caught in 1958 and was 21 lb, 8 oz. This fish is the third largest walleye caught in the world and was most likely a "native" strain walleye.

**Ohio River Largemouth Bass Stocking Study:** In June 2007, KDFWR began a three-year project stocking largemouth bass in the Ohio River's Markland Pool. The goal is to determine if maintenance stocking bass can mitigate poor recruitment in the Ohio River. Approximately 200,000 (2-inch) fingerling bass were stocked into 16 embayments on both the Indiana and Kentucky portions of the pool. The stockings will be repeated during 2008 and 2009, and the study will continue an additional three years after the last stocking to follow growth, survival, and contribution of the stocked fish to year-classes strengths. Fall

electrofishing of age-0 largemouth bass revealed that stocked bass accounted for the majority of the fish collected. Growth of the young bass was phenomenal with some age-0 bass reaching in excess of 9 inches by fall.

**Kentucky River Stocking Initiative:** The Kentucky River resides within a 7,000 square mile basin and encompasses approximately 9,116 acres. A total of fourteen navigational lock and dams have segmented the Kentucky River into a series of pools throughout its length (totaling 405 miles from its origin to the confluence with the Ohio River. KDFWR is in the second year of a multi-year study evaluating the effects of supplemental stocking of sauger, white bass and hybrid striped bass. Sauger and white bass are stocked annually during May as fingerlings (1.5 inches) in pools 4-14. Both species are marked to determine overall growth and survival of these hatchery stockings. Hybrid striped bass fingerlings are stocked in pools 4-9 and are also marked. Spring and fall electrofishing surveys will be used to assess the overall success of this study.

**Cedar Creek Lake (Trophy Bass Management):** Cedar Creek Lake is Kentucky's only state-owned lake specifically managed for trophy largemouth bass. Three year-classes of largemouth bass were stocked in the spring of 2003 to serve as the initial stock of bass. The 2008 fishing season will represent five years post-impoundment and four years of trophy largemouth bass management. Catch of trophy largemouth bass larger than 20 inches during electrofishing samples first occurred in the spring of 2006 (3 years after stocking of largemouth bass). By 2007, catch of trophy bass increased 34-fold, and is also expected to increase in 2008 and 2009. Catch of largemouth bass smaller than 20 inches developed rapidly following the initial stocking. Fifteen inch and larger bass were collected in the spring of 2004 and increased seven-fold by 2005. The bass population's growth is now beginning to stabilize. An exceptionally strong year-class of largemouth bass was produced in 2004, while average to slightly below average year-classes were produced in 2005 and 2006. A creel and angler attitude survey was conducted in 2005 and determined that 98% of all bass anglers were satisfied with the largemouth bass fishery at Cedar Creek Lake. Additionally, 98% of all bass anglers stated they supported the 20 inch minimum size limit.

**Urban Fishing Program:** The Urban Fishing Program has developed a new name, "Fishing in Neighborhoods (FINs)." Rainbow trout, hybrid bluegill sunfish, and channel catfish are stocked routinely to provide anglers quality fishing opportunities close to home. Rainbow trout are stocked (500/acre) in April and October, while hybrid bluegill and channel catfish are stocked at 200/acre in April, May, and June. Anglers most preferred to fish for channel catfish followed next by largemouth bass and bluegill. Advertisements and banners are being developed to help recruit new anglers to these urban fisheries. Creel and angler attitude surveys are being repeated in 2008 to help refine the program and stocking practices.

**Southeast Aquatic Resources Partnership (SARP) Projects:** The Department received its second grant from the National Fish Habitat Initiative through the Southeastern Aquatic Resources Partnership (SARP) for a bank stabilization project and the creation of 1,000 feet of fish habitat on the Green River in Adair County. The project area includes a section of the riverbank that has been eroding at a rate of approximately 20 feet a year since the 1970s. This section of river has been targeted by the Department for a number of years as a potential

area for an enhancement project. The Divisions of Fisheries, Wildlife, and Engineering will collaborate on the project with the cooperation of the U.S. Army Corps of Engineers. The Department received its first National Fish Habitat Initiative grant through SARP in 2007 for a project on Buck Creek which involves the restoration of 6,000-8,000 feet of stream and up to 65 acres of wetlands.

### **Law Enforcement**

Special Investigation Officers concluded a 20 month investigation into the illegal sale and trade of coyotes that resulted in the arrest of six individuals and the serving of summons on two others. The eight individuals face a total of 831 counts of illegally buying, selling or possessing wild-caught coyotes. One individual has also been charged with cruelty to animals for cutting tails off coyotes. The 20 month investigation, code named "GYP-Sum", received investigative assistance from Special Investigations Officers from Alabama, Virginia, Indiana, South Carolina, and Florida. The individuals charged face a combined 7 years in jail and \$342,000 in fines.

Game Trails LLC, a 12,000 acre commercial hunting preserve located in Union and Crittenden Counties in Kentucky, was fined \$35,000 for violations of the Lacey Act of taking wildlife unlawfully and for making false statements to Kentucky officers about the takings and interstate transporting of wildlife. The President, CEO and sole proprietor owner of Thompson/Center Arms and the site manager paid \$50,000 in fines after entering guilty pleas to misdemeanor violations.

The investigation began with reconciling the Telechecked deer harvest reports of Game Trails clients with information from Quality Deer Management Association. The investigation turned up numerous instances of Game Trails employees, their friends and family chronically taking over-limits of deer outside hunting season parameter then supplying false information to Kentucky Fish and Wildlife using social security numbers of Game Trails clients without their permission to Telecheck their deer harvest.

As a result of an advertisement on a local radio station advertising wild turkeys for sale, the Department conducted an 11-month investigation that resulted in summonses being issued to eleven individuals for illegally selling, importing and possessing wild turkey. The turkeys were brought from a business in New Mexico which certified that the turkeys, Rio Grande and Eastern, were wild turkeys. Kentucky officers also received certification from New Mexico Fish and Game officers that the business dealt in wild turkeys. Preliminary hearings have not been held for those individuals involved in the case.

Special Investigation officers conducted an investigation, with the assistance of local Conservation Officers and officers from surrounding states, into the purchase of resident hunting/fishing license by individuals who do not live in Kentucky. Numerous individuals have been identified whose practice is to use addresses not listed to them to make purchase of resident license. This practice has led to the loss of revenue, in excess of \$250,000, to the Kentucky Department of Fish and Wildlife Resources.

Officers from the Florida Fish and Game Conservation Commission traveled to Kentucky to provide our officers with Waterborne Response Training. This training focuses on boat operations in critical situations. The Law Enforcement Division received a \$1.8M grant from the Department of Homeland Security to purchase state-of-the-art boats to patrol the Ohio River, which is 660 miles long along Kentucky's northern border (Kentucky is the only state with jurisdictional authority) and has numerous locks and dams, where tugs and barges transport over \$46B in commerce each year.