

# **INTERIM JOINT COMMITTEE ON TOURISM, SMALL BUSINESS, AND INFORMATION TECHNOLOGY**

## **Minutes of the 3rd Meeting of the 2018 Interim**

**August 16, 2018**

### **Call to Order and Roll Call**

The 3rd meeting of the Interim Joint Committee on Tourism, Small Business, and Information Technology was held on Thursday, August 16, 2018, at 1:00 PM, in Room 154 of the Capitol Annex. Representative Tommy Turner, Chair, called the meeting to order, and the secretary called the roll.

Present were:

Members: Senator Alice Forgry Kerr, Co-Chair; Representatives, and Tommy Turner, Co-Chair; Senators Rick Girdler, Jimmy Higdon, Stephen Meredith, Wil Schroder, Reginald Thomas, and Mike Wilson; Representatives Linda Belcher, John Blanton, Larry Brown, George Brown Jr, John Carney, Jeffery Donohue, Chris Fugate, Robert Goforth, Jim Gooch Jr., David Hale, Chris Harris, Angie Hatton, Michael Meredith, Charles Miller, Rick G. Nelson, Sannie Overly, Melinda Gibbons Prunty, Brandon Reed, John Sims Jr, Kevin Sinnette, and Jill York.

Guests: Frank Jemley, Acting Commissioner, Kentucky Department of Fish and Wildlife Resources; Dr. Karen Waldrop, Deputy Commissioner, Kentucky Department of Fish and Wildlife Resources; Eric Gibson, Law Enforcement Director, Kentucky Department of Fish and Wildlife Resources; Ron Brooks, Fisheries Director, Kentucky Department of Fish and Wildlife Resources.

LRC Staff: Carla Montgomery, Andrew Manno, Chip Smith, Emma Mills, and Sasche Allen.

Representative Reed made a motion to approve the minutes of the July 19th, 2018 meeting of the Interim Joint Committee on Tourism, Small Business and Information Technology, seconded by Representative Donohue. The motion passed by voice vote.

### **Introduction of New Personnel**

Acting Commissioner Frank Jemley introduced Colonel Eric Gibson, the new director of Kentucky Department of Fish and Wildlife Resource's Law Enforcement division. Col. Gibson is a 22 year veteran of the Kentucky State Police. Col. Gibson said he would like to initially focus on a safer environment on Kentucky's waterways. In 2018, Kentucky has experienced 32 drownings, so the department has increased visibility and

patrols on waterways. As fall sets in, the department will transition its focus to hunting safety. The department has 102 law enforcement officers and 11 recruits with the goal of starting a new cadet class, pending personnel approval.

Chairman Turner noted his appreciation for Col. Gibson, having worked with him in the past. Chairman Turner also wanted Col. Gibson to know he has noticed positive changes in morale of conservation officers in the field since joining the department.

Representative Fugate commented that Col. Gibson was his supervisor in the drug enforcement division of the Kentucky State Police and that he is a great man to work for. Responding to a question from Representative Fugate, Col. Gibson told the committee the ideal number of enforcement officers in the field would be 140 including supervisors, as a short term goal, and a long term goal of 158 to cover 120 counties.

Representative Blanton noted Col. Gibson's hard work and dedication to the State.

### **Asian Carp Update**

Mr. Ron Brooks, the Director of Fisheries with the Kentucky Department of Fish and Wildlife Resources, provided an update to the committee about the Asian carp problem in Kentucky's waterways. Western Kentucky is the primary area being negatively affected by the carp, with as much as a 20 percent reduction in tourism revenues in the area. Asian carp are the perfect invasive species. They out forage native species at the bottom of the food chain and affect all other species in the water. Carp can eat 20 to 40 percent of their body weight in a day.

The fish have been coming up through the Mississippi River basin since the 1970s. Kentucky Lake and Lake Barkley are the bodies of water most affected in Kentucky. Mr. Brooks showing pictures of paddlefish caught in a lake with Asian carp and one caught in carp-free waters.

The threat to humans arises primarily from silver carp, a species of carp that has a tendency to jump out of the water. Silver carp can get as big as 70 pounds. The big leapers range from 7 to 30 pounds, which can be a real concern for families enjoying the water. The tourism industry around Kentucky and Barkley lakes is valued around \$1.2 billion annually. The carp are negatively affecting this revenue stream.

Kentucky Department of Fish and Wildlife Resources does receive federal funding to address invasive carp in waterways north of Louisville. The goal is to prevent the carp from establishing reproducing populations. In 2018, the department received \$450,000 to contract carp fishing in the Louisville area. Mr. Brooks, however, does not feel the department is receiving enough federal funding for Kentucky and Barkley lakes.

In 2010, the department started recruiting businesses to find ways to utilize Asian carp as a product. Kentucky currently has three processors, processing 2.8 million pounds of carp per year. However, Mr. Brooks said these businesses need at least 9.5 million pounds per year to be able to establish markets outside of the Kentucky area. The department believes it possible to make Kentucky the largest exporter of Asian carp products in the United States while keeping the carp population at a manageable size.

Kentucky Department of Fish and Wildlife Resources is trying to be proactive in dealing with the Asian carp. The department has a six person crew paid from the department's budget who participate in shared research projects with researchers in Tennessee. The department is also spending money to raise awareness among recreational boaters of commercial fishing boats operating in the area. The department is also prepared to sign a contract to build a new fish house, to be paid for out of Fish & Wildlife funds through an increase in boating registration. Grants and low-interest loans will be available to the highest bid on the contract in return for a guarantee of processing a minimum of 5 million pounds of Asian carp per year for commercial use, with the potential to process 20 – 30 million pounds per year in the future. The department also has a \$.05 per pound subsidy to commercial fisherman for carp, however Mr. Brooks indicates that a \$.10 per pound subsidy would be ideal since Asian carp is worth much less on the open market than other fish in the state. The department is also experimenting with more focused fishing methods that would allow commercial fisherman to focus their catch solely on Asian carp and avoid affecting the sport fish populations.

Another project being investigated is introducing sonic barriers to the river lock system. The lock chambers at Kentucky Lake and Lake Barkley open between 5,000 and 6,000 times per year into the two reservoirs; an action that has precipitated the Asian carp populations in the two lakes. The U. S. Fish and Wildlife Service and the U.S. Geological Survey has proposed testing sonic barriers on the lock chambers to prevent fish from entering the lakes. The technology has been successful in the past on diverting salmon from specific waterways in the western United States and Great Britain. Mr. Brooks emphasized the department's efforts to combat the situation as well as the need for more funding.

Responding to a question from Representative Belcher, Mr. Brooks indicated pay lakes are not being intentionally stocked with Asian carp, however, he did not doubt they might be inadvertently introduced in pay-lakes due to lack of oversight and the similarities between Asian carp fry and other live bait. Kentucky Department of Fish and Wildlife Resources is proposing new regulations on pay-lake operators to make them aware of the Asian carp problem and to educate operators about how they can mitigate the problem in their own lakes.

In a response to a questions from Representative Miller about carp populations in Kentucky's smaller lakes, Mr. Brooks explained the migration patterns, reproduction requirements, and other factors have prevented carp from establishing large populations in other parts of Kentucky's waterways.

Responding to a question from Representative Carney regarding funding from the Federal Government, Mr. Brooks indicated there had been discussion about funding from the federal Farm Bill, but it proved hard to tie fishing wild Asian carp to an agricultural bill in Congress.

Responding to questions from Representative Hale, Mr. Brooks noted there are only six or seven commercial fisherman in the state dedicated to catching Asian carp, and none who catch carp full-time. Mr. Brooks emphasized the state needs dedicated, full-time fisherman catching Asian carp, and it is the hope of the department that the new fish house will attract full-time carp fisherman. The fish house will be probably be located close to Kentucky and Barkley Lakes.

In response to a question from Chairman Turner, Mr. Brooks said there have not been any Asian carp identified in any of the Eastern Kentucky lakes.

### **"Fishing in Neighborhoods" Program (FINs)**

Mr. Brooks continued to address the committee about the Kentucky Department of Fish and Wildlife Resource's "Fishing in Neighborhoods" program, or FINs. This is a program to create interest in opportunities to fish in urban areas. There are forty-four neighborhood ponds in Kentucky. Other than providing for annual upkeep on these ponds, this program accrues no additional costs for local governance or the Kentucky Department of Fish and Wildlife Resources. The program is geared toward individuals and families in the urban environment who have never fished. Mr. Brooks said that 25 percent of participants in the program are either new to fishing or are returning to the sport because they finally have a location to fish. The department regularly stocks these lakes and ponds with catfish, trout, and other native fish that can be used as a food source.

### **Fees-in-Lieu-of (FILO) Program**

Frank Jemley, Acting Commissioner, Kentucky Department of Fish and Wildlife Resources, briefly discussed the report on the Fees-in-Lieu-of (FILO) Program. The report is required bi-annually as part of the budget requirements set forth by the General Assembly. Rob Lewis, Kentucky Department of Fish and Wildlife Resources, talked to the committee about the FILO program, or "compensatory mitigation" for damages to the environment. It is used to compensate for impacts or unavoidable losses to wetlands and streams due to development, road-construction, or other projects. The program is available state-wide, as needed. There are about 40 capital projects listed in the report.

Responding to a question from Representative Gibbons-Prunty, Mr. Lewis talked about the different types of projects included in the report. The projects are impacted streams and wetlands that have been degraded by human activity in some way. The funds are used by department staff to restore locations to pre-settlement conditions. Sometimes this requires contractors in addition to department staff.

### **Black Bears in Kentucky**

John Hast, Kentucky Department of Fish and Wildlife Resources, discussed the department's efforts regarding the American Black Bear. Black bears typically range in Eastern Kentucky to as far west as Clinton County, though an occasional bear will be seen in some western Kentucky counties. During the 1980s and 1990s, surrounding states would remove problems bears into the mountains, right to the Kentucky border. The vast majority of bear reproduction is localized to far southeastern Kentucky counties, such Harland and Letcher counties.

The Kentucky Department of Fish and Wildlife Resources uses science-based bear management for tracking and counting bears. One example of this type of management is radio collars on a portion of the bear population. Staff will track bears with the collars throughout their lifespan to get information on location, weight, cub numbers, and health. To count the bears, the department uses a gridded system of hare snares, a barbed wire corral with bate in the center. The staff will collect information on the bear to identify it in order to track which bears are going where. The department has partnered with Tennessee Wildlife Resources to track bears. Based on this management system, the department can determine the number of the bear population that can be harvested through hunting.

In 2017, the department re-evaluated bear hunting in Kentucky. The department identified the core bear area around Bell, Harlan, and Letcher counties where it needs to protect the bear population, while expanding opportunities for hunters. As the bear population has gradually increased, the hunting quota increases as well.

Unfortunately, part of Kentucky Department of Fish and Wildlife Resource's work with bears involves dealing with nuisance bears and educating the public in areas with large bear populations on how to manage attractants. To help education and prevention of nuisance bears, states in the Southeastern United States created a website, [www.bearwise.org](http://www.bearwise.org), to provide a consistent message about how people can learn to live with bears in the area without unnecessarily attracting bears to human habitats. Mr. Hast reminded everyone that it is illegal to directly or indirectly feed bears in Kentucky. The department has seen some issues regarding this problem, and individuals have been found feeding bears for entertainment purposes. Mr. Hast emphasized that Kentucky does not

have a large enough area of bear habitat for them not to come in contact with humans and trapping & moving bears will not solve the problem of bear/human interaction, so it is best for people in this area to be pro-active about not attracting bears.

Responding to a question from Chairman Turner, Mr. Hast explained that two separate groups of bears started population Eastern Kentucky around the same time. Though the department has not done a large scale DNA testing of bears recently, Mr. Hast assumes these two separate groups of bears have been intermingling around the Jellico, TN area.

Representative Hale commended Mr. Hast on the department's swift and thorough response to some bear issues in his district. Representative Hale said the department had a meeting for area residents to educate them on how to successfully take care of trash and other attractants. He also noted a recent incident in his district where an elementary school went on lockdown due to a bear on school grounds.

In response to a question from Chairman Turner about the expanding population of bears, Mr. Hast acknowledged the bear population has expanded more than he would have expected. Mr. Hast explained that the entire Southeast has seen this same expansion in their bear numbers as well. He thinks perhaps it is a combination of prime habitat and a willingness on the part of humans to co-exist with the bears.

Responding to a question from Representative Gibbons-Prunty, Mr. Hast indicated he thought bear expansion into Western Kentucky would be slow, if it happened at all. The fertile females tend to stay in these core counties in Eastern Kentucky. The bears the department finds roaming outside of Eastern Kentucky tend to be two year old male bears that have been kicked out of their communities by older, more dominant males.

Representative Hatton wanted to thank Mr. Hast and his work with the community regarding the bears.

### **Kentucky Wild Program**

Laura Burford, Wildlife Program Coordinator with the Kentucky Department of Fish and Wildlife Resources spoke to the committee about Kentucky Wild, the department's newest program offering citizens of Kentucky who do not hunt or fish the opportunity to support the Kentucky Department of Fish and Wildlife Resources, which is funded primarily through the sales of hunting and fishing licenses and federal taxes. But only about 9 percent of Kentuckians hunt and about 12 percent of Kentuckians fish. Kentucky Wild is a partnership program with Kentucky Department of Fish and Wildlife Resources with individual memberships with six different levels. With each membership

level, members have an opportunity to go out into the field with staff members to participate in the work the department's doing. The department will offer corporate sponsorships for businesses interested in partnering with the department. All of the money generated will go directly to the department's Wildlife Diversity Program, the program supporting all non-game animals in the state.

Ms. Burford said that Kentucky Wild could not come at a better time from a national standpoint. She said there are growing initiatives to evaluate wildlife conservation from the Alliance for America's Fish and Wildlife. This alliance was created in order to help secure funding for much needed conservation of fish and wildlife. Kentucky Department of Fish and Wildlife Resources staff feel it is important to be proactive to prevent native species from declining. Once a species is on a decline, it becomes much more resource intensive and costly to help that species recover. Ms. Burford gives the example of the whippoorwill and monarch butterflies as species in decline. There is currently a bill in the U.S. House of Representatives and a companion bill in the U.S. Senate that would divert existing funds to Kentucky to help fund programs.

In response to a question from Representative Gibbons-Prunty, Ms. Burford said there are plans for future Kentucky Wild memberships for children, families and schools.

Representative Belcher requested additional brochures to pass out to friends and family.

### **Grouse Restoration Project**

Dr. Karen Waldrop, Deputy Commissioner of the Kentucky Department of Fish and Wildlife Resources, was asked to speak about the grouse restoration projects in Eastern Kentucky. Dr. Waldrop talked about how grouse have been on the decline for years, mostly due to habitat loss. Grouse need different habitat types to thrive. These habitats include very young forest as well as a mature forest habitat. The first step in helping to restore grouse was to establish a plan. The grouse restoration plan is available on the Kentucky Department of Fish and Wildlife Resources website. Dr. Waldrop said there is a meeting on August 24<sup>th</sup> at 6:00 p.m. at Jenny Wiley State Park for the public to come talk to staff biologists with concerns or questions about the grouse restoration plans. Dr. Waldrop also noted a project the department is working on with the Rocky Mountain Elk Foundation and the Wisconsin Department of Natural Resources to help with funding for the grouse project. Kentucky provided Wisconsin with some elk in recent years. In return, they are willing to help fund the grouse restoration efforts. The main goal is to increase survey work taking place on grouse to look at how some of the department's efforts are either increasing or decreasing the numbers of grouse in the area.

Responding to a question from Chairman Turner, Dr. Waldrop said the money Wisconsin paid for the elk from Kentucky has been received.

In response to a question from Senator Wilson, Dr. Waldrop said efforts to maintain the quail population are going well. On lands managed by the state, Dr. Waldrop said she is seeing impressive increases in quail numbers, though she acknowledged conservation efforts on private land is much harder to maintain. Feral hogs are invasive. The General Assembly passed legislation a few years ago making it illegal to transport a wild hog into the state. The department has staff available to trap wild hogs found on private property.

### **Upcoming Committee Meetings**

The next meeting will be September 20 in Covington.

There being no further business, the meeting was adjourned at 2:40 p.m.