

Kentucky Department of Fish & Wildlife Resources



Commission Meeting

MINUTES

September 22, 2023 | 8:30 AM (ET)

In-person: #1 Sportsman's Lane, Frankfort, KY 40601

Livestream: [YouTube.com/FishandWildlifeKY](https://www.youtube.com/FishandWildlifeKY)

Call to Order and Welcome (Video 4:02) – Chairman Clinard

Invocation (Video 5:41) - Officer Derek Creech

Pledge of Allegiance (Video 6:14) - Law Enforcement Class 27

Chair's Remarks (Video 8:46) - Chairman Clinard

Commissioner's Remarks (Video 10:00) – Rich Storm

Commission Members in attendance (Video 13:55) – Greg Cecil, Dr. Karl Clinard, Jerry Ferrell, Brian Fisher, Dr. Robin Floyd, Paul Horn, Josh Lillard, Doug Morgan, and Ralph Swallows.

Action Items

- Minutes from June 16, 2023 quarterly meeting (Video 14:26)
 - Commission member Ralph Swallows made a **motion to accept the minutes as written**, seconded by Josh Lillard. ***The motion carried unanimously.***
- Quarterly Financial Reports (Video 15:34)
 - Lisa Cox, Director of Administrative Services, presented the quarterly financial reports. Paul Horn made a **motion to accept the quarterly financial reports as written**, seconded by Greg Cecil. ***The motion carried unanimously.***
- License agent regulations cleanup (Video 18:30)
 - Jenny Gilbert, Legislative Liaison, stated that the department is currently working on amending three regulations due to an oversight in previously filed amendments that conflicts with existing statutes. The three regulations that would be amended are [301 KAR 5:001](#) (clarify definitions), [301 KAR](#)

[5:010](#) (correct contract), and [301 KAR 5:020](#) (correct language). Allowing the department to amend these regulations would make it equitable for any agent, whether a county government, state agency, small business, or a regional business, that is processing license transactions.

- Paul Horn made a **motion to amend these three regulations as described**, seconded by Brian Fisher. ***The motion carried unanimously.***
- Modify water bodies open to commercial fishing (Video 25:48)
 - Dave Dreves, Director of Fisheries, proposed amending [301 KAR 1:150](#) – Waters open to commercial fishing. This amendment would remove water bodies open to commercial fishing that have low use and harvest and define a new upper boundary for waters open to commercial fishing on the Green River.
 - Commission member Paul Horn asked that an updated map of the proposed closures be sent out to all commercial fishermen.
 - Brian Fisher made a **motion to accept the changes in blue on attachment A3 as written**, seconded by Greg Cecil. ***The motion carried unanimously.***
- Modify catfish commercial fishing regulations and reporting requirements (Video 31:10)
 - Dave Dreves, Director of Fisheries, proposed amending [301 KAR 1:155](#) – Commercial fishing requirements. This amendment would expand locations with trophy catfish harvest regulations, modify Trophy Catfish Harvest Permit regulations downstream of Cannelton Lock and Dam, and fix the formatting of material incorporated by reference called “Monthly Report of Commercial Fish Harvest in Kentucky,” 2019 edition.
 - Commission member Josh Lillard asked for the department to think about how we can make data collection more accessible for the people who are supplying the data, whether by an app or online form, so that commercial fishermen can get the appropriate information turned in more accurately and in a timely manner.
 - Brian Fisher made a **motion to accept the changes requested by the Fisheries division on pages 10 and 11, written in blue**, seconded by Josh Lillard. ***The motion carried unanimously.***
- Prohibit hunting of wild pigs in Kentucky (Video 44:52)
 - Scott Harp, Assistant Director of Wildlife and Terri Brunjes, Wildlife Biologist, proposed amending [301 KAR 3:030](#). This amendment would remove wild pigs from the list of species with year-round seasons and landowners incurring damage will retain rights to shoot.
 - Chairman Clinard asked what Fish and Wildlife would pose as a fine mechanism for the judicial system.
 - Commission member Dr. Robin Floyd made a **motion to table this action item until the December meeting. He asked that the wildlife division get together with our legal team and craft specific language that would be more acceptable in the cases where people would incidentally run**

into a wild pig while hunting, seconded by Paul Horn. Votes were as follows: Yes: Dr. Robin Floyd, No: Brian Fisher, Yes: Ralph Swallows, No: Greg Cecil, Yes: Josh Lillard, Yes: Jerry Ferrell, Yes: Paul Horn, Yes: Doug Morgan. ***The motion carries by majority.***

- Commercial Guide License and License, tag and permit fees (Video 1:16:01)
 - Gabe Jenkins, Deputy Commissioner, proposed amending [301 KAR 2:030](#) and [301 KAR 5:022](#) on behalf of the Commissioner's Office, Fisheries, Law Enforcement, and Wildlife Division. This amendment would clarify the commercial guide definition, create harvest reporting requirements, modify the requirements and application for a commercial guide license, and increase the commercial guide license fees.
 - Brian Fisher asked if there was a way to take a vote as a commission to request the state legislature to change KRS so that we could have the authority to create a tier system within the guide regulation. Scott Porter stated that the Commission can designate or request the Commissioner to seek the Commissioner's Office to seek statutory changes.
 - Paul Horn asked the department to look at the entire process structure, and if we have more than two guides working together, then you have an outfitter, and to go ahead and get this structure fixed correctly now.
 - Brian Fisher made a **motion to accept the written changes in blue on pages 14 and 15 of attachment A6 concerning the guide license and changing [301 KAR 2:030](#)**, seconded by Greg Cecil. Votes were as follows: Yes: Dr. Robin Floyd, Yes: Brian Fisher, No: Ralph Swallows, Yes: Greg Cecil, No: Josh Lillard, Yes: Jerry Ferrell, Yes: Paul Horn, Yes: Doug Morgan. ***The motion carries by majority.***
 - Paul Horn also asked if staff at the December meeting could bring the Commission a proposal, outline, and structure specifically for per se elk hunting or deer hunting if you had outfitters and guides as a substructure.
 - Josh Lillard asked if there was any way that KDFWR could work with the U.S. Coast Guard service to ensure that commercial guides have a Captain license on waterways where that is required.
 - Paul Horn made a **motion to table the proposed amendments for [301 KAR 5:022](#) until the Commission receives more information and a different presented structure at the December meeting**, seconded by Brian Fisher. ***The motion carried unanimously.***
 - Brian Fisher made a **motion asking the Commission to assign both Paul and Brian to work with the Commissioner's Office to draft a letter to the legislature concerning the Commission's request for a tiering system and to work with the Wildlife Division and Deputy Commissioner Gabe Jenkins to get together this system of how to implement**, seconded by Ralph Swallows. ***The motion carried unanimously.***

- Resolution honoring the National Wild Turkey Federation on its 50th Anniversary (Video 1:45:46)
 - Chairman Clinard asked the Commission if they would allow him to sign the resolution honoring the National Wild Turkey Federation on its 50th Anniversary. Brian Fisher made a **motion allowing Chairman Clinard to co-sign the letter with Commissioner Storm**, seconded by Ralph Swallows. ***The motion carried unanimously.***
- Letter from the Commission to U.S. congressional delegation and U.S. Department of Education secretary requesting remedy for the unintended impact of the federal Bipartisan Safer Communities Act on funding for school outdoor skills and safety programs such as NASP®, Hunter Education, etc. (Video 1:47:12)
 - Chairman Clinard requested the board to allow him to send a letter to the appropriate channels to see that they do not defund programs such as NASP®, Hunter Education, etc. Brian Fisher made a **motion for Chairman Clinard to sign and send the letter**, seconded by Greg Cecil. ***The motion carried unanimously.***
- **15-minute break** (Video 1:49:04)
- **Return from 15-minute break** (Video 2:05:17)
- Modify Special Commission Permits regulation (Video 2:05:24)
 - Steven Fields, Staff Attorney, and Ralph Swallows, Commission Member, proposed amending [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 Permits for elk be randomly assigned an elk hunting unit.
 - Commission member Swallows made a **motion to amend the special commission permit regulation to allow hunters using special commission elk permits to hunt outside of their assigned elk zone on private land not enrolled as a regulated area**, seconded by Brian Fisher. ***The motion carried unanimously.***
- Set elk permit numbers for 2024 season (Video 2:18:48)
 - Dr. John Hast, Elk and Bear Program Coordinator, provided an update for the 2024 elk season. Dr. Hast recommended setting the permits total at 500 for the 2024 season.
 - Commission member Morgan asked if, at the December meeting, he could be informed on what the overall budget for the elk program is spent on maintaining or expanding the habitat.
 - Paul Horn made a **motion to accept 500 tags for the 2024 season based on the information provided by Dr. Hast**, seconded by Dr. Robin Floyd. ***The motion carried unanimously.***

- Voting on qualifying nonprofit organizations' applications for 2024 Special Commission Permits for deer, turkey, elk & waterfowl for fundraising to support projects in Kentucky (Video 2:32:16)
 - Brian Clark, Deputy Commissioner, reminded the Commission that they can award up to 10 special commission permits per big game animal or waterfowl. Those permits are for non-profits to raise funds and do projects in Kentucky to benefit conservation and related recreation for fish and wildlife. Ten permits can be allowed for deer, turkey, elk, and waterfowl as a group.
 - Paul Horn made a **motion to award 10 turkeys, 10 deer, 10 waterfowl, and 7 elk**, seconded by Dr. Robin Floyd. Yes: Dr. Robin Floyd, Yes: Brian Fisher, Yes: Ralph Swallows, No: Greg Cecil, No: Josh Lillard, Yes: Jerry Ferrell, Yes: Paul Horn, Yes: Doug Morgan. ***The motion carries by majority.***
 - The Commission started the voting process for the nonprofit organizations' special commission permits for the year 2024. The results from the Commission votes will be tallied and read during New Business.
 - While the Commission was voting, Commissioner Storm gave an update regarding the CWD whistleblower case with the TWRA.

Discussion Items

- Create new agency fundraising big game permits (Video 2:52:39)
 - Brian Clark, Deputy Commissioner, proposed amending [301 KAR 2:132](#) and [301 KAR 3:100](#). This amendment comes out of the Alternative Income Working Group and would allow a limited number of special permits for elk and special bonus permits for bear, deer, and wild turkey to be used in drawing packages for raising revenue to help meet KDFWR's operational funding needs and to promote Kentucky's outstanding hunting opportunities.
 - Ralph Swallows made a **motion to pass this item on to an action item at the December meeting**, seconded by Josh Lillard. ***The motion carried unanimously.***
- Add provisions for special hunting regulations on designated WMAs (Video 3:03:44)
 - Assistant Directors of Wildlife Scott Harp and Derek Beard proposed amending [301 KAR 3:010](#) – Public Use of Wildlife Management Areas. This amendment would create a new section applicable to properties suited to more restrictive uses of firearms than statewide regulations, include restriction of deer hunting to archery and crossbow only, and shotgun used with shotshells as the only firearm allowed for use, and prohibit target shooting with rifles or single-projectile ammunition.
 - Commission member Lillard asked that air rifles be added to the proposed methods allowed (for hunting small game).
 - Commission member Morgan asked that commission members be able to inspect the property before being voted on at the next meeting.
 - Chairman Clinard asked for an audible vote to move this to an action item at the next meeting: ***The motion carried unanimously.***

Commission Member Doug Morgan left the meeting (Video 3:08:55)

- Elk Hunting – Season & permit recommendations (Video 3:07:35)
 - Scott Harp, Assistant Director of Wildlife, and Dr. John Hast, Elk and Bear Program Coordinator, proposed amending [301 KAR 2:132](#) – Elk hunting seasons, permits, zones, and requirements. This amendment would allow the pooling of points for Elk Restoration & Elk Voucher-Cooperator Permits (both permit types already have the same elk permit-earning values). This amendment would also modify the Loyalty Redraw provision to reflect “cumulative” rather than “consecutive” for loyalty years applied.
 - Chairman Clinard asked for an audible vote to move this to an action item at the next meeting. **The motion carried unanimously.**

- Update WMA deer quota hunts regulation (Video 3:11:52)
 - Scott Harp, Assistant Director of Wildlife, and Joe McDermott, Wildlife Program Coordinator, proposed amending [301 KAR 2:178](#) – Deer hunting on WMAs. This amendment would (1) remove December antlerless only hunt on Veteran’s Memorial WMA, (2) remove 3-day January open firearms hunt on West KY WMA, (3) 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, (4) 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.
 - Chairman Clinard asked for an audible vote to move this to an action item at the next meeting. **The motion carried unanimously.**

Commission Member Doug Morgan returned to the meeting (Video 3:17:17)

- Set daily harvest limits for raccoon hunting (Video 3:20:51)
 - Commission Member Doug Morgan proposed amending [301 KAR 2:251](#) – Hunting and trapping seasons and limits for furbearers. This amendment would set daily hunter harvest limits for raccoons at 2 per person and 6 per hunting party.
 - Laura Palmer, Wildlife Program Coordinator, stated she had spoken with regional staff and coordinators, field staff, hunters, and houndsmen throughout Kentucky. She did not identify any reports or inquiries related to a raccoon decline. There seemed to be an overabundance of raccoons.
 - Chairman Clinard asked for an audible vote to move this to an action item at the next meeting. Votes were as follows: Yes: Dr. Robin Floyd, No: Brian Fisher, No: Ralph Swallows, No: Greg Cecil, No: Josh Lillard, Yes: Jerry Ferrell, Yes: Paul Horn, Yes: Doug Morgan. The vote was four to four. Chairman Clinard voted “yes” to break the tie and move this item onto an action item at the next meeting.

- Informational Update: Prospective new WMA in Bell County (Video 3:35:34)

- Assistant Directors of Wildlife Scott Harp and Derek Beard provided an informational update about the prospective new WMA in Bell County, previously proposed and approved for transfer from Kentucky Department of Parks contingent on no adverse environmental findings. Department staff have been on site with the Division of Oil and Gas, and no concerns have been identified that would prevent the department from accepting this transfer. Staff will proceed with necessary steps to complete the transfer.
- Promulgate a new administrative regulation requiring wildlife disease reporting from veterinarians, wildlife disease testing facilities and researchers (Video 3:37:56)
 - Scott Harp, Assistant Director of Wildlife, and Dr. Christine Casey, Veterinarian, proposed amending [301 KAR 4](#) to include a new administrative regulation for wildlife disease reporting to the department by veterinarians and others upon receiving test-positive results. This amendment would also establish a reporting mechanism to address wildlife disease concerns that impact preservation and conservation of wildlife populations per KRS 150, and it would define conditions and procedures for reporting diseases detected in wildlife species. Departments of Agriculture and Public Health have similar reporting requirements.
 - Chairman Clinard asked for an audible vote to move this to an action item at the next meeting. ***The motion carried unanimously.***
- Modify regulations for commercial trotlines (Video 3:47:53)
 - Dave Dreves, Director of Fisheries, proposed amending [301 KAR 1:146](#) – Commercial fishing gear 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, and commercial trotlines must be set at least three (3) feet under the surface.
 - Chairman Clinard asked for an audible vote to move this to an action item at the next meeting. ***The motion carried unanimously.***
- Modify water bodies open to commercial fishing (Video 3:52:26)
 - Dave Dreves, Director of Fisheries, proposed amending [301 KAR 1:150](#) – Waters open to commercial fishing. This amendment would 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.
 - Chairman Clinard asked for an audible vote to move this to an action item at the next meeting. ***The motion carried unanimously.***
- Modify special regulations for bass at Grayson Lake and eliminate minimum size limit on Channel Catfish in many public waters (Video 3:54:36)
 - Dave Dreves, Director of Fisheries, proposed amending [301 KAR 1:201](#) – Taking of fish by traditional methods. This amendment would add a protective slot limit of 12-15 inches for Largemouth Bass and Smallmouth

Bass at Grayson Lake and remove the 12-inch minimum size restriction for Channel Catfish on more than 100 water bodies in Kentucky.

- Chairman Clinard asked for an audible vote to move this to an action item at the next meeting. ***The motion carried unanimously.***

Lunch Break (Video 3:59:35)

New Business Items

- Modify nontraditional fishing regulations to clarify gig possession restrictions, specify possession limits for shovelnose sturgeon and sportfish, revise sport fishing trotline tagging requirements, and prohibit hand grabbing on smaller lakes owned or managed by the department (Video 4:46:00)
 - Dave Dreves, Director of Fisheries, proposed amending [301 KAR 1:410](#) – Taking of fish by nontraditional fishing methods. The following proposals were made: (1) Add dates when possession of a gig of any kind is illegal, to match dates established in 301 KAR 1:082 – Frog season; limits. (2) Propose a shovelnose sturgeon possession limit of two times the daily limit and a possession limit of two times the daily limit for sportfish taken by trotline, jugline, or setline. (3) Proposed a requirement that sportfishing trotlines must be tagged on both ends with the angler’s customer identification number. (4) Proposed to prohibit hand grabbing on lakes less than 500 acres owned or managed by the Department.
- Create a seasonal no boat fishing zone around the oxygen injection area on Lake Cumberland (Video 4:49:51)
 - Dave Dreves, Director of Fisheries, proposed amending [301 KAR 1:201](#) – Taking of fish by traditional fishing methods. This proposal would create a no-boat fishing zone in the forebay of Lake Cumberland during the summer and fall months when the U.S. Army Corps of Engineers is performing oxygen injection into the lake.
- Amend the following regulations for semantic or modernization language, pursuant to KRS 13A requirement for review of expiring regulations (Video 4:55:32)
 - Jenny Gilbert, Legislative Liaison, proposed amending the following regulations: [301 KAR 2:122](#) Seasons, methods, and limits for small game; [301 KAR 3:005](#) Public use of newly acquired or newly managed lands; and [301 KAR 5:040](#) Migratory Bird Harvest Information.
- Announcement of recipients of 2024 Special Commission Permits for Deer, Turkey, Elk & Waterfowl for nonprofits’ fundraising for projects in Kentucky (Video 4:58:38)
DEER (10 PERMITS):
 - Bluegrass Land Conservancy
 - Caldwell County Sportsman Club
 - Kentucky Ducks Unlimited

- Kentucky Elk Guide Association, Inc.
- Kentucky Fish and Wildlife Foundation
- Kentucky Houndsmen Association Foundation for Sportsmen Rights, Inc.
- Kentucky Hunters for the Hungry
- National Deer Association (formerly Quality Deer Management Association, QDMA)
- National Wild Turkey Federation (NWTf) - Kentucky State Chapter
- The Nature Conservancy - Kentucky

WILD TURKEY (10 PERMITS)

- Bluegrass Land Conservancy
- Caldwell County Sportsman Club
- Carr Creek Fish and Game Club
- Kentucky Ducks Unlimited
- Kentucky Elk Guide Association, Inc.
- Kentucky Fish and Wildlife Foundation
- Kentucky Hunters for the Hungry
- National Deer Association (formerly Quality Deer Management Association, QDMA)
- National Wild Turkey Federation (NWTf) - Kentucky State Chapter
- The Nature Conservancy - Kentucky

WATERFOWL (9 PERMITS*)

- Bluegrass Land Conservancy
- Caldwell County Sportsman Club
- Carr Creek Fish and Game Club
- Kentucky Ducks Unlimited
- Kentucky Elk Guide Association, Inc.
- Kentucky Fish and Wildlife Foundation
- Kentucky Hunters for the Hungry
- National Wild Turkey Federation (NWTf) - Kentucky State Chapter
- The Nature Conservancy - Kentucky

*9 permits were awarded because there were 10 applicants, but two were under the same NWTf nonprofit incorporation

ELK (7 PERMITS)

- Caldwell County Sportsman Club – *Elk Hunting Unit 6*
- Kentucky Ducks Unlimited – *Elk Hunting Unit 7*
- Kentucky Elk Guide Association, Inc. – *Elk Hunting Unit 5*
- Kentucky Fish and Wildlife Foundation – *Elk Hunting Unit 2*
- Kentucky Houndsmen Association Foundation for Sportsmen Rights, Inc. – *Elk Hunting Unit 4*
- Kentucky Hunters for the Hungry – *Elk Hunting Unit 3*
- National Deer Association (formerly Quality Deer Management Association, QDMA) – *Elk Hunting Unit 3*

- Add 2 days to end of spring squirrel season for additional hunter opportunity (Video 5:05:41)
 - Commission member Ralph Swallows proposed amending [301 KAR 2:122](#). This proposal is to extend the season through the third Sunday in June.

- Increase selected deer hunting opportunities in Zone 1 and 2 counties, and statewide for youths and mentored hunters (Video 5:06:54)
 - Commission member Dr. Robin Floyd proposed increasing the opportunity for youth hunters to hunt with mentors. Dr. Floyd proposed that we expand the early youth deer season from two days to nine days.
- Add Siberian Laika to the list of approved dog breeds/crossbreeds that can be used for bear hunting with dogs (Video 5:09:07)
 - Scott Harp, Assistant Director of Wildlife, proposed amending [301 KAR 2:300](#). Bear hunters have requested the addition of this breed.
- Informational Update – Wetland and Stream Mitigation Program (FILO) (Video 5:10:18)
 - Rob Lewis, FILO Coordinator, gave a brief presentation to update the Commission on the Wetland and Stream Mitigation Program.
 - Chairman Clinard requested a copy of the presentation/update for the Commission to have.

Public Comments (Video 5:19:27) Lisa Jackson, Public Information Office Supervisor, read the following statement regarding public comments:

“Public 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 5:00PM (eastern) two days preceding the meeting date will be distributed to all Commission members the day prior to the meeting and will be 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 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 position (if applicable), and applicable agenda items. 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 time.”

Lisa Jackson, Public Information Office Supervisor, read the following emailed comment:

Hi, my name is Tanner Underwood from Lewis County KY. I wanted to express my thoughts about the commercial fishing regulations. I sent in my thoughts before the last meeting but would like to address some things I heard talked about over the live feed. My opinion is that paylakes and commercial fishing for catfish needs to be completely eliminated. One person had a quote talking about “fair chase” paylakes are not fair chase and it’s taking from our natural resources. I have no problem with people abiding by the laws and taking catfish to eat if that helps support their family, that’s why we have our natural resources but for 15-20 year old fish to be taken and put in a pond to die is not ethical in my opinion. If people want to fish paylakes I think there needs to be a way to stock them for a one time deal to an amount that can sustain life and spawn and produce more. Provide enough food source for them in order to live as they would in their natural habitat. Commercial guys are at the Kinniconick boat ramp everyday from March till September (some from KY some from Ohio). Also, I know you guys want to see some numbers to back your decisions. I will work on getting actual numbers of different things, but from my own experience watching tournament trails and fishing in some. When a club fishing in Ohio/WV waters where both states don’t allow commercial fishing, tournament weights are significantly higher than when that same club comes to fish the Meldhal pool, an hour away. Just some things to consider, I plan to keep voicing my opinion and working on finding a solution to the problem as I want to keep our resources available for people to enjoy in our great state. Thanks. – Tanner Underwood

The following comments were made in person:

Gentlemen, you all know me, but for the record, I’m Colonel Mike Abel. I’m on the board of directors with Kentucky Backcountry Hunters and Anglers, which has members and supporters in Kentucky that’s over 2,800. Last meeting—at the June Commission meeting—we read our official position where we opposed commercial or, excuse me wild-caught trophy fish being put into paylakes. To be clear, no one on our board of directors is a commercial fisher, tournament catfisher, or paylake owner. Because we are the conservation group that advocates not just to keep public lands wildlife in public hands, but we also strongly advocate for access and fair chase. These groups came to us: former commercial fishermen, former paylake owners, tournament catfishers, bait and tackle shop owners, and catfish tournament hosts all came for our help, and through that relationship, we’ve garnered larger education of the issue. Ralph, at the last meeting, you said the four-trophy catfish permitted people, or excuse me, the 15 that are allowed to catch 4 over 40 below Cannelton Dam, is 60 trophy fish a day, and you didn’t think that the fishery could sustain that. Well, we learned is not only can they take, say, 4 flatheads over 40 a day, they can also take 4 that are 37 inches, 4 that are 36 inches. It goes on down the line, right? So, the impact of the fisheries is even

greater. The trophy fishing has significantly impacted that young man's comment--Tanner's comment—is spot on. It's really impacted our ability to do tournaments as well. When we had the Ohio River Monsters tournament going out of Owensboro, the most they ever had was 198 boats. We talked about the impact, and Dave gave us numbers on the impact to the commercial fishermen, approximately \$5,000 to those 80-90 people over a number of years, right? One hundred ninety-eight boats went out of Owensboro. Licenses, hotel rooms, meals, gas, bait, and tackle, all the things that they also buy that increases our Dingell-Johnson money. That tournament is over, they've cancelled it; they don't have it any more. The economic impact is now gone. So, we've learned a significant amount through this process. We still stand fast in that we must end the take of these trophy wild-caught fish being put in paylakes. Thank you. – Col. Mike Abel

About the coon hunting regulation you looked at. Of our 7 neighbors, only Tennessee, Virginia, and West Virginia have limits on raccoon hunting, and they range from 2 to 4. There's nothing no scientific data that you can present or that I've seen that says our coons are in trouble and that we need to limit the take. Commissioner Morgan, in your 2016 article 2015 article with the Tribune, you said harvest was the was the object of that. Coons, as well we know, have great economic impacts on our farmers. They are a major vector for several diseases. Canine distemper also affects wildlife and your pets. Senator Webb, just a few days ago, had a picture on the Capitol steps of a raccoon. You asked that this be put this issue rightly so be put on this meeting's agenda back in June as a new business item, and here we are discussing it as a discussion item, and we just skipped the new business portion of this where we might could have headed this off. But as president or chairman of the Kentuckiana Chapter of Safari Club International, we are dead against any kind of moratorium or reducing the raccoon harvest. It's a pest, and we need to keep it that way. Putting a limit on these things is directly in contravention of our wild turkey restoration program, where we said nest predators are the single thing we've got to overcome to increase our wild turkey population. Thank you. – Larry Richards

Hi, I'm Griff Baute. I'm still on the board directors for Kentucky Backcountry Hunters and Anglers. I just want to say our current position on the wild pig hunting ban. We support it. That's all I have to say. Thank you. – Griff Baute

Good afternoon, gentlemen and ladies. For those of you all that don't know me, my name is Edwin Nighbert. I'm humbled and honored to be elected to the presidency of the League Kentucky Sportsmen again. I got a couple of things to address. The first one is pig hunting. Our board did defer to the intelligence and biology of you guys that believe that if we believe that trapping is the most sound management practice to keep them out of the state, then that's what the board wants to do. The board was also absolutely in favor of the super tag commission tag that you all discussed doing. We absolutely want to do that, again. The deer quota hunts absolutely. They like those as well, and just like Mr. Richards, our raccoon hunting, we absolutely need to do something to get ahead of it. I've invited numerous coon hunters to our farm. I don't coon hunter, personally. They don't kill my coons, and to me, it's just kind of a waste to put pressure on the animals if they're not getting rid of them. Our board agreed with that as well, too, but there was a contingency,

and that is based on what kind of data we get out of Dr. Cohen's studies. I understand Dr. Michael Chamberlain's also doing studies here as well. I think we need to look at their overall data as far as habitat degradation as well as desperation and what kind of factors we've got as to how we set those limits, but we definitely don't see closing it down and putting a moratorium on it as being beneficial to our ground-nesting birds. Then, to speak to what Colonel Abel did as well. Some of the same groups contacted us as they did before when I was president, and we would like to see a little bit more data collected, and I know I talked with Jeff, and I forget the gentleman's name he told me about, but as they're doing shocking of these fish, and they have to euthanize some of them for aging through the ear bone, we'd like them to do some necropsies and check their stomachs for identifiable to see if there has been a difference in the correlation of the amount of Asian carp they're eating 12 years ago when the old data was to what they might be doing today (catfish). Again, there we don't have any regulations. It's great that we're addressing the 4 over 40, but we don't have any regulation on 35 to 40 inch. So, we're really destroying age classes. You know, there's only a few bad actors that are actually doing this, but the guys that are doing it are doing it so horribly. I mean, they'll have 16 of their fish over 40, and then they'll be standing on top of three foot of fish that are all between 35 and 40 inches. We need to get some regulation in place for that, and I think that'll calm down a lot of other people. Thank you for all the work you do, guys. I appreciate you. – Edwin Nighbert

Roger LaPointe, Kentucky Hunters for the Hungry. First, gentleman, I'd like to thank you for the support of our organization. It is greatly appreciated. What I'd like to speak about today is in support of Commissioner Floyd's proposal for an expanded deer season in the early fall. One of the common complaints that we hear from our processors is that they're inundated with donated deer during rifle season. That's their money maker right there. As you all know, we pay reduced costs to processed deer. So, a lot of times, they will they'll be full, and our deer are the first ones that will be turned away. So, with the early season that Dr. Floyd would like to propose, I would love to make that like a donation for us and really get behind this. I think it's a great idea and just like to thank you all for your consideration. Thank you. – Roger LaPointe

Chairman Clinard voiced appreciation for the public comments and input from sportspeople in general. He also observed that some have expressed concern with a limitation on time for individuals to make comments during meetings. He pointed out the convenience of using email to communicate with Commission members, as well as telephone. Dr. Clinard said that with some 750,000 active sportsmen in Kentucky, with approximately 1 Million active and inactive, if the Commission allowed 1 in every 10,000 sportsmen to speak for 10 minutes, instead of the 3 minutes currently allowed, that would be 75 sportsmen speaking for a total of 750 minutes or 12 ½ hours! Letters, emails, phone calls are much more effective and efficient for communicating concerns and even complaints. He concluded by pointing out that the Kentucky open meetings act does not include a right to participate in the meeting or address the agency, but that the Commission nonetheless allows public comments and even encourages them.

- (Video 5:38:27) Commission member Fisher asked for two things to be brought in as new business at the next meeting. He would like the Wildlife Division to look at potentially putting in an antlerless-only deer season towards the end of the season, perhaps around the holidays. Secondly, he asked if Laura Palmer could bring back data on bobcats since the hunt permit and earlier season opening were implemented.
- **Executive Session** (Video 5:40:58) Steven Fields, Staff Attorney, read the following statement for public notice about the Commission meeting in closed session:

“All meetings of a quorum of the members of any public agency at which any public business is discussed or at which any action is taken by the agency, shall be public meetings, open to the public at all times except for specific exceptions listed in KRS 61.810 or otherwise provided for by law.

The Commission has business today that will require entering into a closed session. KRS 61.815 requires notice of the general nature of the business to be discussed in the closed session, the reason for the closed session, and the provision of KRS 61.810 that authorizes it be publicly announced prior to entering closed session for most open meetings exceptions.

In the proposed closed session, the Commission will discuss 5 potential land acquisitions via purchase. One of the land acquisitions was previously discussed and approved but is being reconsidered due to a change in project funding. The discussions shall occur in the closed session to protect the state’s interests in the acquisition of land. By identifying KDFWR’s interest in the particular parcels, the general public would be alerted to the various owners’ willingness to sell the properties and our intent to purchase. As such, the publicity increases the likelihood other parties may make offers on the properties. Such competing offers could increase the value of the subject properties. Alternatively, a private party could purchase a property from the current owner more quickly than the Commonwealth and require the Commonwealth to pay a premium to acquire it.

This portion of the closed session is authorized by KRS 61.810 under Section 1(b) for the potential land acquisitions.

In today’s closed session, the Commission shall also conduct the annual review of the Fish and Wildlife Resources Commissioner’s performance. KRS 61.810(1)(f) authorizes closed sessions for discussions which might lead to the appointment, discipline, or dismissal of an individual employee. As confirmed by opinion of the Attorney General’s Office in 21-OMD-091, the annual review is required to be in closed session pursuant to KRS 150.061(1)(a) and in accordance with 61.810(1)(f).

Upon an approved motion, the Commission will enter into closed session. The Commission shall not discuss any other matters and no action shall be taken during the closed session.

During the closed session, counsel and necessary members of staff will be present to advise the Commission.”

- Paul Horn made a **motion to enter executive session**, seconded by Brian Fisher. Chairman Clinard asked for an audible vote to move into executive session. ***The motion carried unanimously.***

Action Items (Video 7:42:02)

- Brian Fisher made a **motion to accept all 5 land projects (A-E) and approve as presented**, seconded by Greg Cecil. Votes were as follows: Yes: Dr. Robin Floyd, Brian Fisher, Ralph Swallows, Greg Cecil, Josh Lillard, Jerry Ferrell, Paul Horn, and Doug Morgan. ***The motion carried unanimously.***
- Greg Cecil made a **motion to amend the Commissioner’s contract to reflect the 6 percent increase to his base salary based upon the governor’s 6 percent increase to all department and state employees last year. The motion was extended also to have the Chairman and the Vice Chairman sit with the Commissioner and discuss what was discussed in closed session**, seconded by Doug Morgan. Votes were as follows: Yes: Dr. Robin Floyd, Brian Fisher, Ralph Swallows, Greg Cecil, Josh Lillard, Jerry Ferrell, Paul Horn, and Doug Morgan. ***The motion carried unanimously.***

Adjourn (Video 7:45:56)

- Brian Fisher made a **motion to adjourn**, seconded by Ralph Swallows. ***The motion carried unanimously.***