

Kentucky Department of Fish & Wildlife Resources
Commission Meeting
December 6, 2019
#1 Sportsman's Lane
Frankfort, KY
8:30 AM (ET)

AGENDA

Call to Order and Welcome

Invocation and Pledge of Allegiance

Commissioner's Opening Remarks

Special Presentations

- I. David Ledford, Appalachian Wildlife Foundation

Approval of Commission and Committee Minutes

- I. Action Item: Approval of September 13, 2019 Commission Meeting Minutes
Attachment M-1
- II. Action Item: Approval of November 14, 2019 Administration, Education & Policy Committee Meeting Minutes, Public Relations Committee Meeting Minutes, Fisheries Committee Meeting Minutes, and Wildlife Committee Meeting Minutes
Attachment M-2

Old Business

Administration, Education, and Policy

- I. Action Item: Approval of Quarterly Financial Statements, July, August, September 2019
Attachment AEP-1

Fisheries

- I. Information Item: Cave Run Lake ADA Pier Update
Attachment F-1
- II. Information Item: Presentation on the Use of Artificial Catfish Spawning Boxes at Smaller Public Lakes
Attachment F-2

Special Presentations

- I. Commissioner Kenny Knott, Commission Challenge Trapshoot
- II. Doug Johnson, Kentucky Houndsmen Association

Wildlife

- I. Action Item: Amend 301 KAR 2:195, Falconry, Raptor Take, And Raptor Propagation
Attachment W-1
- II. Action Item: Amend 301 KAR 2:081, Transportation and Holding of Live Native Wildlife
Attachment W-2
- III. Action Item: Amend 301 KAR 2:082, Transportation and Holding of Live Exotic Wildlife
Attachment W-3
- IV. Action Item: Amend 301 KAR 2:083, Holding and Intrastate Movement of Captive Cervids
Attachment W-4
- V. Action Item: Amend 301 KAR 2:095, Importation of Cervid Carcasses and Parts
Attachment W-5
- VI. Action Item: Amend 301 KAR 2:172, Deer Hunting Seasons, Zones, and Requirements
Attachment W-6
- VII. Action Item: Amend 301 KAR 2:300, Black Bear Seasons and Requirements
Attachment W-7
- VIII. Information Item: Deer Season Update

New Business

Executive Session

- I. Land Acquisition

Adjourn

Next Suggested Commission Meeting Date: January 24

Kentucky Department of Fish and Wildlife Resource

Commission and Committee Minutes

December 6, 2019

#1 Sportsman's Lane

Frankfort, KY

- I. Action Item: Approval of September 13, 2019 Commission Meeting Minutes Attachment M-1

- II. Action Item: Approval of November 14, 2019 Administration, Education & Policy Committee Meeting Minutes, Public Relations Committee Meeting Minutes, Fisheries Committee Meeting Minutes, and Wildlife Committee Meeting Minutes Attachment M-2

Kentucky Fish and Wildlife Commission Meeting
REQUEST FOR COMMISSION ACTION
December 6, 2019

Regulation Number: N/A **Regular or Emergency:** N/A

Action Item: Approval of September 13, 2019 Commission Meeting Minutes

Effective Date:

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|---|--|
| Action Requested of Commission: <input type="checkbox"/> File the Regulation <input checked="" type="checkbox"/> Other | Action Taken by Commission: <input type="checkbox"/> File the Regulation <input type="checkbox"/> Other |
|---|--|

Motion made by: _____

Motion Seconded by: _____

Action: Approved Denied Referred back to Committee

Kentucky Fish and Wildlife Commission Meeting
REQUEST FOR COMMISSION ACTION
December 6, 2019

Regulation Number: N/A Regular or Emergency: N/A

Action Item: Approval of November 14, 2019 Administration, Education & Policy Committee Meeting Minutes, Public Relations Committee Meeting Minutes, Fisheries Committee Meeting Minutes, and Wildlife Committee Meeting Minutes

Effective Date:

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Kentucky Department of Fish and Wildlife Resource

Administration, Education & Policy

December 6, 2019

1 Sportsman's Lane

Frankfort, KY

- I. Action Item: Approval of Quarterly Financial Statements, July, August, September 2019
Attachment AEP-1

Kentucky Fish and Wildlife Commission Meeting
REQUEST FOR COMMISSION ACTION
December 6, 2019

Regulation Number: N/A **Regular or Emergency:** N/A

Action Item: Approval of July, August, September 2019 Quarterly Financial Statements

Effective Date:

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Motion Seconded by: _____

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Kentucky Department of Fish and Wildlife Resources

Fisheries

December 6, 2019

1 Sportsman's Lane

Frankfort, KY

- I. Information Item: Cave Run Lake ADA Fishing Pier Update
Attachment F-1

- II. Information Item: Presentation on the Use of Artificial Catfish Spawning Boxes at
Smaller Public Lakes
Attachment F-2

Kentucky Fish and Wildlife Commission Meeting
REQUEST FOR COMMISSION ACTION
December 6, 2019

Regulation Number: N/A

Regular or Emergency: N/A

Information Item: Cave Run Lake ADA Fishing Pier Update

At the November Fisheries Committee meeting, the Committee discussed the potential need for a fishing pier at Cave Run Lake and reviewed letters of support for the project. Furthermore, the Committee discussed the fishing pier project on Green River Lake and other potential fishing pier needs. The Fisheries Division will provide an update on the discussions regarding the Cave Run Lake pier discussion, the Green River Lake Pier, as well as other fishing pier needs around the state.

Kentucky Fish and Wildlife Commission Meeting
REQUEST FOR COMMISSION ACTION
December 6, 2019

Regulation Number: N/A

Regular or Emergency: N/A

Information Item: Presentation on the Use of Artificial Catfish Spawning Boxes at Smaller Public Lakes

Tom Timmermann, Program Coordinator in the Northeastern Fishery District, will give a presentation on initial findings from a project looking at the use of artificial catfish spawning boxes at Clear Creek Lake in Bath County. Successful use of spawning boxes in smaller public lakes could ease production demands at Peter Pfeiffer Hatchery, which produces all of the channel catfish stocked by KDFWR.

Kentucky Department of Fish and Wildlife Resources

Wildlife

December 6, 2019
1 Sportsman's Lane
Frankfort, KY

- I. Action Item: Amend 301 KAR 2:195, Falconry, Raptor Take, and Raptor Propagation
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- II. Action Item: Amend 301 KAR 2:081, Transportation and Holding of Live Native Wildlife
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- III. Action Item: Amend 301 KAR 2:082, Transportation and Holding of Live Exotic Wildlife
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- IV. Action Item: Amend 301 KAR 2:083, Holding and Intrastate Movement of Captive Cervids
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- VI. Action Item: Amend 301 KAR 2:172, Deer Hunting Seasons, Zones, and Requirements
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- VII. Action Item: Amend 301 KAR 2:300, Black Bear Seasons and Requirements
Attachment W-7
- VIII. Information Item: Deer Season Update

Kentucky Fish and Wildlife Commission Meeting
REQUEST FOR COMMISSION ACTION
December 6, 2019

Regulation Number: 301 KAR 2:195

Regular or Emergency: Regular

Action Item: Amend 301 KAR 2:195, Falconry, raptor take, and raptor propagation

Action: Modify the regulation to allow the take of passage tundrius peregrine falcons per the USFWS permit process

The Wildlife Division recommends an amendment to 301 KAR 2:195 to allow for the take of passage *tundrius* peregrine falcons per the USFWS permit process. New USFWS regulations allow states to apply for the take of passage *tundrius* peregrine falcons by a licensed master falconer. Kentucky has taken advantage of this opportunity and received a permit to take up to 1 peregrine falcon in areas outside of active nesting sites and restoration locations.

- The permit will be awarded to a master falconer by means of an online draw/lottery.
- Take of wild peregrines will not be allowed in counties where peregrines are known to nest and counties where we expect cliff-nesting activity to expand in the near future. A buffer on cliff nesting counties will be used to prevent take of cliff-nesting birds.
- The opportunity will only be open to Kentucky residents.
- The person awarded the permit will not be eligible to enter the lottery again for 3 years.
- The permit/authorization will be non-transferrable.
- If someone is found in violation of the peregrine falcon take regulation, his or her falconry permit will be revoked.

The Wildlife Division will discuss the option to request up to 3 permits from the USFWS in the next cycle and, if awarded, reevaluate the sit out period for successful applications to allow for maximum utilization of the permits.

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Motion Seconded by: _____

Action: Approved Denied Referred back to Committee

Kentucky Fish and Wildlife Commission Meeting
REQUEST FOR COMMISSION ACTION
December 6, 2019

Regulation Number: 301 KAR 2:081

Regular or Emergency: Regular

Action Item: Amend 301 KAR 2:081, Transportation and holding of live native wildlife

Action: Amend 301 KAR 2:081 to not require a transportation or holding permit for falconers permitted under 301 KAR 2:195

The Wildlife Division recommends an amendment to 301 KAR 2:081 to not require a transportation or holding permit for falconers permitted under 301 KAR 2:195. Currently, our falconry regulations state that falconers do not need to obtain a wildlife transportation permit. Our falconry permit already captures all the necessary information to track the take and possession of birds used in falconry activities. This amendment will allow these two regulations to be consistent and will better align the native wildlife and falconry regulations.

Effective Date:

Action Requested of Commission:

File the Regulation
 Other

Action Taken by Commission:

File the Regulation
 Other

Motion made by: _____

Motion Seconded by: _____

Action: Approved Denied Referred back to Committee

Kentucky Fish and Wildlife Commission Meeting
REQUEST FOR COMMISSION ACTION
December 6, 2019

Regulation Number: 301 KAR 2:082

Regular or Emergency: Regular

Action Item: Amend 301 KAR 2:082, Transportation and holding of live exotic wildlife

Action: Amend 301 KAR 2:082 to not require a transportation permit for exotic falcons with a valid state or federal falconry permit

Currently, many falconers are burdened by the need to acquire both a transportation permit and a falconry permit. Our falconry permit already captures all the necessary information to track the take and possession of birds used in falconry activities. This amendment will allow these two regulations to be consistent and will better align the exotic wildlife and falconry regulations.

Action: Amend 301 KAR 2:082 to align with KRS 150.183

KRS 150.183 currently prohibits the importation and transportation of exotic endangered wildlife into or through the state of Kentucky for entertainment purposes. However, 301 KAR 2:082 currently allows for the importation of many exotic and endangered species of wildlife.

To make 301 KAR 2:082 consistent with KRS 150.183, we propose the removal of the exemptions for endangered species imported for entertainment purposes. Endangered species could still be imported for zoological, educational and scientific purposes with a required USFWS permit.

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Motion Seconded by: _____

Action: Approved Denied Referred back to Committee

Kentucky Fish and Wildlife Commission Meeting
REQUEST FOR COMMISSION ACTION
December 6, 2019

Regulation Number: 301 KAR 2:083

Regular or Emergency: Regular

Action Item: Amend 301 KAR 2:083, Holding and intrastate movement of captive cervids

Action: Require double fencing on all captive cervid facilities

The Wildlife Division recommends updating the fencing and holding requirements in 301 KAR 2:083, Section 2 to require double fencing on all new and expanded captive cervid facilities. This change would reduce the risk of escapes while also minimizing direct and indirect contact of captive herds with wild cervids on the surrounding landscape and potential for ingress from outside animals.

Division and program staff have met with the Department of Agriculture and discussed their proposed regulation changes in regards to captive cervid facilities. Some of the proposed changes the Department of Agriculture filed in November include:

- Certification of the sample system per a nationally adopted standard for captive cervid facilities.
- Testing of all animals harvested or dead animals from all facilities.
- Increased permit fees.

The Department of Agriculture has been supportive of double barriers as a requirement for captive cervid facilities and sees this as mutually beneficial to the facilities as well as the state. We have met with KALA and the Department of Agriculture a second time and are currently evaluating cost effectiveness and alternatives to a double barrier system on facilities that is mutually beneficial.

KDFWR staff has initiated discussions with KALA regarding fencing and other best practices for protecting wild cervids (and potentially captive animals as well). The KALA board meets next week to discuss our proposed changes, including a double barrier. On the exterior of existing facilities: electric fencing with a mesh barrier; and for new facilities or expansions: a double-fenced entry/loading/working area, and complete double-fencing per specifications.

The Wildlife Division recommends continuing discussions and finalizing the exact requirements for existing facilities with the Department of Agriculture and KALA, and to bring the specifications and timeframe for existing facilities to the February Committee meeting.

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Motion Seconded by: _____

Action: Approved Denied Referred back to Committee

Kentucky Fish and Wildlife Commission Meeting
REQUEST FOR COMMISSION ACTION
December 6, 2019

Regulation Number: 301 KAR 2:095

Regular or Emergency: Regular

Action Item: Amend 301 KAR 2:095, Importation of cervid carcasses and parts

Action: Prohibit the importation of cervid carcass parts except deboned meat

In an effort to further reduce the risk of bringing Chronic Wasting Disease into Kentucky, the Wildlife Division would like to prohibit all carcasses from being imported from other states. We continue to work with states in the Midwest and Southeast, in accordance with regulation, on carcass movement across state lines. If this proposal passes, only deboned meat, clean skull or skull plate, clean upper canine teeth, the hide, or finished taxidermy products would be permissible to be brought into Kentucky from any other state or Canadian providence.

Effective Date:

Action Requested of Commission:

File the Regulation
 Other

Action Taken by Commission:

File the Regulation
 Other

Motion made by: _____

Motion Seconded by: _____

Action: Approved Denied Referred back to Committee

Kentucky Fish and Wildlife Commission Meeting
REQUEST FOR COMMISSION ACTION
December 6, 2019

Regulation Number: 301 KAR 2:172

Regular or Emergency: Regular

Action Item: Amend 301 KAR 2:172, Deer hunting seasons, zones, and requirements

Action: Implement a statewide ban on the use of commercially produced natural cervid urines

In efforts to further, protect the state from CWD introduction the Wildlife Division recommends a statewide ban on the use of commercially produced natural cervid urines as attractants for deer and elk hunting. The state would still allow synthetic urines, ATA certified attractants or "home brews" where urine is taken from a legally harvested animal and used as an attractant.

Effective Date:

Action Requested of Commission:

File the Regulation
 Other

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File the Regulation
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Motion made by: _____

Motion Seconded by: _____

Action: Approved Denied Referred back to Committee

Kentucky Fish and Wildlife Commission Meeting
REQUEST FOR COMMISSION ACTION
December 6, 2019

Regulation Number: 301 KAR 2:300

Regular or Emergency: Regular

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

Action: Amend 301 KAR 2:300 to allow for bear chase and bear hunting with dogs on Hunter Access Areas (HAA) and certain KDFWR owned Wildlife Management Areas (WMA)

The Wildlife Division proposes to amend 301 KAR 2:300 to clarify which HAAs and KDFWR owned or leased WMAs are open to bear chase and bear hunting with dogs. WMA's would not open for bear chase starting the third Saturday in August due to current WMA leash requirements. The areas open to bear chase will be listed in the regulation. This amendment is needed for clarification on the areas open for dog chase and hunting.

Additionally, we are in discussions with the Daniel Boone National Forest (DBNF) in regards to chase and bear hunting on DBNF property as well as DBNF owned WMAs.

Action: Amend 301 KAR 2:300 to delineate Wayne County as a separate bear zone

The quota for this new zone would be 2 females for bear hunting with dogs, 2 females for archery season, and 2 females for gun season. Subsequently, the quota for West Zone 2 would be reduced by 1 female bear for each season type. Overall, the female bear quota would increase to 39 bears.

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Motion made by: _____

Motion Seconded by: _____

Action: Approved Denied Referred back to Committee