

Kentucky Department of Fish and Wildlife Resources
Commission Meeting
#1 Sportsman's Lane
Frankfort, KY
September 13, 2019 8:30am (ET)

- I. Call to Order and Welcome
- II. Pledge of Allegiance
- III. Approval of Commission and Committee Minutes
 - A. Action Item: Approval of June 7, 2019 Commission Meeting Minutes
Attachment M-1
 - B. Action Item: Approval of July 12, 2019 Special Called Commission Meeting
Minutes
Attachment M-2
 - C. Action Item: Approval of August 9, 2019 Administration, Education & Policy
Committee Meeting Minutes, Public Relations Committee
Meeting Minutes, Fisheries Committee Meeting Minutes, and
Wildlife Committee Meeting Minutes
Attachment M-3
 - D. Action Item: Approval of August 9, 2019 Special Called Commission Meeting
Minutes
Attachment M-4
- IV. Old Business
- V. Administration, Education, and Policy
 - A. Action Item: Approval of Quarterly Financial Statements, April, May, June 2019
Attachment AEP-1
 - B. Action Item: Approval of Fiscal Year 2020 Budget
Attachment AEP-2
 - C. Action Item: Amend 301 KAR 3:100, Special Commission Permits
Attachment AEP-3

- D. Action Item: Amend 301 KAR 4:090, Taxidermy and the buying and selling of inedible wildlife parts
Attachment AEP-4

VI. Public Relations

- A. Information Item: Statement about Relocation of Elk to Appalachian Wildlife Foundation
- B. Information Item: Expansion of Elk Hunt Drawing Application Period
- C. Information Item: Voluntary Surrender of Elk Permits

VII. Fisheries

- A. Action Item: Amend 301 KAR 1:016, Use of Lands and Waters on Lakes Owned or Controlled by the Department
Attachment F-1
- B. Action Item: Amend 301 KAR 3:022, License, Tag and Permit Fees
Attachment F-2
- C. Action Item: Naming of the KDFWR Constructed Boat Ramp on the Cumberland River in Williamsburg
Attachment F-3

VIII. Wildlife

- A. Action Item: Amend 301 KAR 2:251, Hunting and Trapping Seasons and Limits for Furbearers
Attachment W-1
- B. Action Item: Amend 301 KAR 2:300, Black Bear Season and Requirements
Attachment W-2
- C. Information Item: Black Bear Season Research Progress Presentation
Attachment W-3

IX. New Business

- X. Special Presentations: Annual Achievements, Kentucky Hunters for the Hungry

- XI. Executive Session: Personnel Matters, Land Acquisition, and Project Feasibility Study

XII. Election of Officers

XIII. Adjourn

Next Suggested Committee Meetings date: November 1, 2019
Next Suggested Commission Meeting date: December 6, 2019

Kentucky Department of Fish and Wildlife Resource
Commission and Committee Minutes
September 13, 2019
1 Sportsman's Lane
Frankfort, KY

- I. Action Item: Approval of June 7, 2019 Commission Meeting Minutes
Attachment M-1
- II. Action Item: Approval of July 12, 2019 Special Called Commission Meeting
Minutes
Attachment M-2
- III. Action Item: Approval of August 9, 2019 Administration, Education & Policy
Committee Meeting Minutes, Public Relations Committee
Meeting Minutes, Fisheries Committee Meeting Minutes, and
Wildlife Committee Meeting Minutes
Attachment M-3
- IV. Action Item: Approval of August 9, 2019 Special Called Commission Meeting
Minutes
Attachment M-4

Kentucky Fish and Wildlife Commission Meeting
REQUEST FOR COMMISSION ACTION
September 13, 2019

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

Action Item: Approval of June 7, 2019 Commission Meeting Minutes

Effective Date:

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
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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
September 13, 2019

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

Action Item: Approval of July 12, 2019 Special Called Commission Meeting Minutes

Effective Date:

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
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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
September 13, 2019

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

Action Item: Approval of August 9, 2019 Administration, Education & Policy Committee Meeting Minutes, Public Relations Committee Meeting Minutes, Fisheries Committee Meeting Minutes, and Wildlife Committee Meeting Minutes

Effective Date:

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
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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
September 13, 2019

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

Action Item: Approval of August 9, 2019 Special Called Commission Meeting Minutes

Effective Date:

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

Motion made by: _____

Motion Seconded by: _____

Action: Approved Denied Referred back to Committee

Kentucky Department of Fish and Wildlife Resource
Administration, Education & Policy
September 13, 2019
1 Sportsman's Lane
Frankfort, KY

- I. Action Item: Approval of Quarterly Financial Statements, April, May, June 2019
Attachment AEP-1
- II. Action Item: Approval of Fiscal Year 2020 Budget
Attachment AEP-2
- III. Action Item: Amend 301 KAR 3:100, Special Commission Permits
Attachment AEP-3
- IV. Action Item: Amend 301 KAR 4:090, Taxidermy and the buying and selling of
inedible wildlife parts
Attachment AEP-4

ATTACHMENT AEP-1

Kentucky Fish and Wildlife Commission Meeting
REQUEST FOR COMMISSION ACTION
September 13, 2019

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

Action Item: Approval of the April, May, June 2019 Quarterly Financial Statements

Effective Date:

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
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Motion made by: _____

Motion Seconded by: _____

Action: Approved Denied Referred back to Committee

ATTACHMENT AEP-2

Kentucky Fish and Wildlife Commission Meeting
REQUEST FOR COMMISSION ACTION
September 13, 2019

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

Action Item: Approval of Fiscal Year 2020 Budget

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

ATTACHMENT AEP-3

Kentucky Fish and Wildlife Commission Meeting
REQUEST FOR COMMISSION ACTION
September 13, 2019

Regulation Number: 301 KAR 3:100

Regular or Emergency: Regular

Action Item: Amend 301 KAR 3:100, Special Commission Permits

Several amendments to 301 KAR 3:100 are needed to resolve current inconsistencies within the regulation. Proposed changes to the regulation will include:

- Clarifying the due date of the application
- Better defining which supporting documents are required to apply
- Removing any ambiguity for disqualification
- Removing the requirement of the organization to submit documentation of past Commission permit awards
- Establishing the criteria for which the Commission shall select permit recipients to include the information contained within an organization's application and the status of projects funded by prior Special Commission Permit proceeds
- Requiring that a detailed list of expenditures directly attributable to the sale of the permit, as well as to the conservation project with accompanying receipts, be submitted to the Department
- Requiring that proceeds from the sale of a permit that are not expended by the May 1 reporting deadline three years after the permit was awarded shall be remitted to the Department no later than three years after the permit was awarded
- Establish the deadlines for which an organization must submit a permit recipient's information for each species
- Defining what is considered to be a project and requiring more stringent documentation of the organization's project
- Establishing that each permit will be valid in the same license year
- Establishing that recipients of a Special Commission elk permit will be randomly assigned a hunting unit at the time of selection

Effective Date:

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

Motion Seconded by: _____

Action: Approved Denied Referred back to Committee

ATTACHMENT AEP-4

Kentucky Fish and Wildlife Commission Meeting
REQUEST FOR COMMISSION ACTION
September 13, 2019

Regulation Number: 301 KAR 4:090

Regular or Emergency: Regular

Action Item: Amend 301 KAR 4:090, Taxidermy and the Buying and Selling of Inedible Wildlife Parts

Action: Create a required registration system for cervid meat processors, as defined by KRS 150.722, in order to have accurate contact and location information for businesses

There are statutes and regulations pertaining to cervid meat processors that the department is responsible for enforcing; however, the department has no means of identifying locations and contact information for all current processors because there is no license system for these businesses, unlike all other commercial businesses that make a profit from a fish or wildlife resource.

Unfortunately, Chronic Wasting Disease (CWD), an always-fatal neurologic disease in deer and elk, has now been found in 6 of 7 states surrounding Kentucky. It is imperative that the department know where all these businesses are located so they can implement their CWD prevention protocols regarding testing and enforcement of laws. In the event CWD is detected in Kentucky, it is equally important the department be able to effectively communicate with deer processors to implement a CWD response plan to help contain and manage the disease.

We recommend creating a required registration system for cervid meat processors, as defined in KRS 150.722, in order to have accurate contact and location information of these businesses. There is no fee associated with this registration.

This required registration will allow the department to both effectively communicate CWD response measures with processors, as well as better enforce current laws associated with these establishments.

Effective Date:

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

Motion made by: _____

Motion Seconded by: _____

Action: Approved Denied Referred back to Committee

Kentucky Department of Fish and Wildlife Resource

Public Relations

September 13, 2019

1 Sportsman's Lane

Frankfort, KY

- I. Information Item: Statement about Relocation of Elk to Appalachian Wildlife Foundation
- II. Information Item: Expansion of Elk Hunt Drawing Application Period
- III. Information Item: Voluntary Surrender of Elk Permits

Kentucky Department of Fish and Wildlife Resources

Fisheries

September 13, 2019

1 Sportsman's Lane

Frankfort, KY

- I. Action Item: Amend 301 KAR 1:016, Use of Lands and Waters on Lakes Owned or Controlled by the Department
Attachment F-1
- II. Action Item: Amend 301 KAR 3:022, License, Tag and Permit Fees
Attachment F-2
- III. Action Item: Naming of the KDFWR Constructed Boat Ramp on the Cumberland River in Williamsburg
Attachment F-3

Kentucky Fish and Wildlife Commission Meeting
REQUEST FOR COMMISSION ACTION
September 13, 2019

Regulation Number: 301 KAR 1:016

Regular or Emergency: Regular

Action Item: Amend 301 KAR 1:016, Use of Lands and Waters on Lakes or Controlled by the Department

Action: Amend 301 KAR 1:016 to increase the number of steps and platforms allowable on the KDFWR 50-foot buffer located between private properties and Lake Malone.

A land developer selling property located around Lake Malone requested amending 301 KAR 1:016 to increase the number of steps and platforms allowable on the KDFWR 50-foot buffer located between adjacent private properties and the lake. Currently, Administrative Regulation 301 KAR 1:016 limits the number of steps to 36 (Tier III construction permit with a waiver). This requested amendment would create a Tier IV and allow up to 36 additional steps and two additional landings.

The developer contends that "The current maximum number of allowable stair steps (30 with an additional 6, if necessary) was sufficient when the first lots were developed. The first lots were for only gradual slopes to the water's edge. Lots being developed today cannot meet the 36-stair step rule and reach to the bottom. Thirty-six stair steps equal a vertical ascent of only 18 feet, which is effectively 12-15 feet because of the typical topography at the base of the cliff walls."

The current regulation was constructed after many discussions and public meetings with residents living adjacent to the Lake Malone buffer in 2009 and 2010. The public's primary intent of the current regulation was to preserve much of the remaining natural beauty of the lake and to offer "reasonable" access for most landowners to the lake. In particular, the residents indicated that they wanted to prevent Lake Malone from becoming Herrington Lake with staircases built down high bluffs and ruining the natural beauty provided by the bluffs. The Kentucky Legislature passed the current regulations in April 2010.

A public meeting was held in May 2019 at the Muhlenberg County South Elementary School to discuss this request. Attendance at the meeting was very low. When votes at the public meeting were combined with several emails we received for or against the request, the vote was 19 against and 14 for the proposed additional tier.

This issue was deemed too important to not attempt to get more participation prior to deciding on an issue that was very contentious less than a decade ago. Therefore, KDFWR provided a query to 753 address received from Logan, Todd and Muhlenberg PVA offices. Of the 143

ATTACHMENT F-1

replies, 69 were against while 74 were for the proposed additional tier. A letter from Muhlenberg County Conservation Club would like all 296-club members to have their voice heard. Ninety-six have campers/cabins located on the club grounds full-time and all vote "No".

The Fisheries Division sees no biological impacts from this request and asks the Commission to provide a directive on this proposed amendment.

Effective Date:

Action Requested of Commission: <input type="checkbox"/> File the Regulation <input checked="" type="checkbox"/> Other Commission to provide directive on further actions to be taken.	Action Taken by Commission: <input type="checkbox"/> File the Regulation <input type="checkbox"/> Other
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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
September 13, 2019

Regulation Number: 301 KAR 3:022

Regular or Emergency: Regular

Action Item: Amend 301 KAR 3:022, License, Tag, and Permit Fees

Action: Should the Commission vote to amend 301 KAR 1:016, the Fisheries Division recommends that a Tier-IV fee be established to account for the doubling of the amount of stair steps and landings allowed on Department-owned buffers.

Current revenues and expenditures for this program will be discussed at the Commission meeting prior to deciding on the recommended fee for this new tier. Permit prices are prorated for those purchased within any 15-year period.

Effective Date:

Action Requested of Commission: <input checked="" type="checkbox"/> File the Regulation <input type="checkbox"/> Other	Action Taken by Commission: <input type="checkbox"/> File the Regulation <input type="checkbox"/> Other
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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
September 13, 2019

Regulation Number: N/A

Regular or Emergency: Regular

Action Item: Naming of the KDFWR Constructed Boat Ramp on the Cumberland River in Williamsburg

Action: The current mayor of Williamsburg, Roddy Harrison, brought forward a request to name KDFWR's Cumberland River boat ramp in Williamsburg after former Mayor Marcella Mountjoy. Marcella was mayor of Williamsburg at the time of the ramp construction and worked with our agency to get the ramp installed. The requested ramp name is Mayor Marcella Mountjoy River Launch.

Effective Date:

Action Requested of Commission: <input type="checkbox"/> File the Regulation <input checked="" type="checkbox"/> Other Approve naming of KDFWR constructed boat ramp in Williamsburg	Action Taken by Commission: <input type="checkbox"/> File the Regulation <input type="checkbox"/> Other
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Motion made by: _____

Motion Seconded by: _____

Action: Approved Denied Referred back to Committee

Kentucky Department of Fish and Wildlife Resources

Wildlife

September 13, 2019

1 Sportsman's Lane

Frankfort, KY

- I. Action Item: Amend 301 KAR 2:251, Hunting and Trapping Seasons and Limits for Furbearers
Attachment W-1
- II. Action Item: Amend 301 KAR 2:300, Black Bear Seasons and Requirements
Attachment W-2
- III. Information Item: Black Bear Season Research Progress Presentation
Attachment W-3

Kentucky Fish and Wildlife Commission Meeting
REQUEST FOR COMMISSION ACTION
September 13, 2019

Regulation Number: 301 KAR 2:251

Regular or Emergency: Regular

Action Item: Amend 301 KAR 2:251, Hunting and Trapping Seasons and Limits for Furbearers

Action: Allow expanded hunting of coyotes after daylight hours

Current regulation allows a person to take coyotes after daylight hours; however, the use of artificial light or other means designed to make wildlife visible at night is only permitted from February 1 through May 31. Coyote hunting at night is currently only permitted using a shotgun; however, a single projectile shell is not allowed. The Commission has received requests to expand the opportunity for more nighttime hunting with lights to allow a broader timeframe and/or allow the use of rifles for hunting coyotes at night. Biologically, this will have no impact on the coyote population; however, there are several potential social, safety, and enforcement issues with this proposal.

The Wildlife Committee has recommended using Illinois' framework for coyote hunting, as well as requiring written permission from the landowner when hunting on private property. Illinois' statewide regulation for coyote hunting permits nighttime hunting from November 10 to March 15. Illinois does not restrict the type of sights or scopes used for coyote hunting, including laser sights and night vision scopes. Lights with any color lens can be used as long as the lights are not used from or connected to any vehicle or conveyance (including ATVs). Coyotes may be hunted on private property using any weapon type.

Given the previous discussions and concerns with nighttime hunting with rifles during deer and turkey seasons, the Wildlife Division recommends a separate rifle season within the current shotgun nighttime season using lights or night vision equipment (February 1 – May 31). The rifle season will only be permitted from February 1 through March 31. Coyotes may be hunted on private property with written permission using any weapon type.

Action: Extend the trapping season on defined water sets through the end of March for beaver, muskrat, mink and raccoon and extend the hunting season through the end of March for beaver and muskrat

The United Trappers of Kentucky (UTK) have requested to extend the trapping season on defined water sets through the end of March. This past year we extended the trap check timeframe and the season for nuisance beaver trapping efforts only. We have reviewed what other states allowed, reviewed NWCO reports for the month of March, met with representatives from both the UTK and the KY Houndsmen Association (KHA) and discussed the wishes and concerns of both groups. A summary of that meeting was sent to both groups, and

ATTACHMENT W-1

we asked them to get the information out to their members and give us feedback and comments.

The Wildlife Division has received several letters from trappers and NWCOS in favor of the framework discussed at the meeting between UTK and the KHA. Additionally, houndsmen have expressed disinterest in the proposal to lengthen the trapping season. The Wildlife Division is of the opinion that lengthening the season into the month of March will allow for more opportunity to trap and a more streamlined mechanism to control our burgeoning beaver populations. In locations across the state, and especially in the western portion, beaver damage has increased in recent years resulting in flooded roads, fields and timber stands. Sixteen of nineteen states in the Midwest and Southeast allow water set trapping through March. When discussed, no states indicated conflicts with hounds and further noted that the month of March saw a reduced level of hound activity, compared to other months of the year. The Wildlife Division recommends the following changes:

1. Extend the trapping season for beaver, muskrat, mink, and raccoon by one month (from the last day of February to March 31). Muskrats also cause damage to dams and levees and raccoons are overpopulated in many areas.
2. Only traps set as defined water sets may be used in the month of March.
3. Incidental otters and bobcats caught in March must be Telechecked. Incidental otters and bobcats may not be sold, but may be kept for personal use or donated for educational purposes. CITES tags will not be issued for incidentals trapped in March. Trappers may request a disposal tag from a Conservation Officer to send a hide to a tannery.
4. Extend the hunting season for beaver and muskrat by one month (from the last day of February to March 31).

Effective Date:

Action Requested of Commission: <input checked="" type="checkbox"/> File the Regulation <input type="checkbox"/> Other	Action Taken by Commission: <input type="checkbox"/> File the Regulation <input type="checkbox"/> Other
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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
September 13, 2019

Regulation Number: 301 KAR 2:300

Regular or Emergency: Regular

Action Item: Amend 301 KAR 2:300, Black Bear Seasons and Requirements

Action: Add the month of June to the 2020 bear chase season

Currently, dogs can be used to chase bears during the months of July and August, as well as from September 9th through the 30th. Additionally, bears may be chased following the closure of the two-week bear hunting with dogs season in October. Houndsmen have requested this addition to allow for an extra month of chase season.

Effective Date:

Action Requested of Commission: <input checked="" type="checkbox"/> File the Regulation <input type="checkbox"/> Other	Action Taken by Commission: <input type="checkbox"/> File the Regulation <input type="checkbox"/> Other
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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
September 13, 2019

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

Information Item: Black Bear Research Progress Report

John Hast will give an update on our current black bear research project and population modeling. A major black bear abundance project was initiated in May of 2019 for a ten county area encompassing the Big South Fork bear population. This research, a collaboration between KDFWR and the University of Tennessee, will update population numbers for our westernmost bear population core. The current abundance numbers we have for this area are almost ten years old and although our model is accurate, we need to investigate population expansion to the north and west, allowing for further refinement of our population model.