

Kentucky Department of Fish & Wildlife Resources



Commission Meeting

Live Teleconference - Web link posted at fw.ky.gov

December 4, 2020

#1 Sportsman's Lane

Frankfort, KY

8:30 AM (ET)

AGENDA

Opening

- Call to Order and Welcome
- Invocation
- Pledge of Allegiance
- Chair's Remarks
- Deputy Commissioner's Remarks and Recognitions

Action Items

- Approval of September 25 Commission Meeting Minutes
Attachment A-1
- Approval of Quarterly Financial Statement (September)
Attachment A-2
- Approval of FY2021 Budget (July 2020-June 2021)
 - Report of Budget Working Group regarding review of detailed budget documents
 - Overview of budgetary process and budgetAttachment A-3
- Veteran Days and Youth Waterfowl Seasons
Amend 301 KAR 2:226. Youth waterfowl, moorhen, and gallinule hunting seasons.
 - Results of Waterfowl Hunter Preferences Survey will be reported
 - Wildlife Division recommends that if veteran days are implemented, allow youths to hunt Saturdays and veterans Sundays of designated weekendsAttachment A-4

- Bobcat Seasons

301 KAR 2:251. Hunting and trapping seasons and limits for furbearers.

- Recap of season dates, history, and ongoing research
- Wildlife Division recommendations:
 - Require tooth (jaw section) submission from all bobcats harvested (by hunting or trapping) via current voluntary mail-in program
 - Require bobcats and otters taken under KRS 150.170 damage criteria to be Telechecked

Attachment A-5

- Bobcat Permit

301 KAR 3:022 License, tag, and permit fees

- Wildlife Division recommendation:
 - Promulgate a bobcat hunting permit (\$5)
- This would provide contact information needed to survey bobcat hunters each season to obtain needed hunter effort data

Attachment A-6

- Wanton Waste

- Recap of research of other states' laws, recommendation from Wanton Waste Working group and resolution from LKS
- Wildlife Division recommendation:
 - Promulgate a regulation requiring reasonable effort to retrieve game taken, harvest major usable portions, clearly define dumping of carcasses as littering, and exempt salvaged roadkills and lawful take in response to crop damage

Attachment A-7

- Captive Cervids

Amend 301 KAR 2:083 to reference the updated 302 KAR 22:150.

- The Kentucky Department of Agriculture recently updated captive cervid regulations, moving them under 302 KAR 22:150 and repealing 20.066.
- Wildlife Division recommendation:
 - Promulgate an emergency regulation amending 301 KAR 2:083 to reflect this change in order to allow KDFWR to cite individuals failing to comply with that regulation as part of captive cervid facility inspections or in joint operations with KDA on captive cervid violations.

Attachment A-8

- Addition of Robert J. Barth Lake (Campbell County) to the FINs program

Amend 301 KAR 1:201. Taking of fish by traditional fishing methods

- Review of annual stocking numbers
- Fisheries Division Recommendation:
 - Add Barth Lake to FINs with standard creel and length limits

Attachment A-9

- Largemouth Bass Size and Creel Limit at Highsplant Lake
Amend 301 KAR 1:201. Taking of fish by traditional fishing methods
 - Fisheries Division recommendation:
 - Enact 20" minimum size limit and 1-fish daily creel limit on largemouth bass
 Attachment A-10

- Clear Fork tributary of Gasper River – Fishing Regulation
Amend 301 KAR 1:201. Taking of fish by traditional fishing methods
 - Fisheries Division recommendation:
 - Enact catch-and-release only restriction to allow fishery to recover from recent fish kill
 Attachment A-11

- Guist Creek Lake Concessionaire's License
 - Fisheries Division will report on public input regarding allowing restaurant on lake property to sell alcoholic beverages by the drink, similar to state parks/other venues
 - Act on request from Shelby County Development Foundation: Vote on whether to approve restaurant vendor's sale of alcohol by the drink
 Attachment A-12

- Waterway Safety Enhancements
Resolution to endorse the Kentucky legislature's amending KRS 235:285 to:
 - Expand Boater Education Certification requirement to all motorized vessel operators born on or after January 1, 1975
 - Enact a 14-day temporary exemption certificate contingent on review of legal and safety requirements and passing a basic knowledge test
 Attachment A-13

Discussion Items

- Waterfowl Hunting Requirements
Amend 301 KAR 2:222. Waterfowl hunting requirements on public lands.
 - Boatwright WMA hunting strategy
 - Modify description of Ballard WMA Ohio River hunting exclusion zone
 - Change shotshell limits for Ballard, Boatwright and Sloughs WMAs
 - Change Sloughs WMA - Jenny Hole Unit quota hunt periods
 - Remove seasonally drawn blinds at Sloughs WMA Grassy Pond, Powell's Lake and Highlands Creek Units
 - Remove blind requirement from South Shore WMA
 Attachment D-1

- Ballard Management Area Entry Rules
 - Incorporate 301 KAR 4:020 into 301 KAR 2:222, Repeal 301 KAR 4:020.
 Attachment D-2

- Swan Lake Unit Entry Rules, Camping Rules and Firearms Restrictions
 - Incorporate 301 4:050 into 301 KAR 2:222, Repeal 301 KAR 4:050.

Attachment D-3
- Depredation Permits
Informational Item
 - Description of depredation permit process prescribed by Kentucky law and how Hunters for the Hungry could be promoted in administering these permits.

Attachment D-4
- Harvest and Sale of Asian Carp
Amend 301 KAR 1:152 – Asian Carp capturing and harvesting methods
 - Update on year-to-date commercial Asian Carp harvest
 - Fisheries Division recommendation:
 - Update regulation to reflect innovations in capture and harvest methods

Attachment D-5
- Fish Kills – Material Incorporated by Reference
Amend 301 KAR 1:400. Assessing fish kill damages
 - The reference cited in the regulation is an outdated American Fisheries Society publication
 - Fisheries Division recommendation:
 - Update the reference to the more recent AFS publication, which has current average fish replacement costs

Attachment D-6

New Business

- Informational Item: Investigate possible removal of Great Crossing Dam on North Fork Elkhorn Creek (Scott Co.)
Attachment NB -1
- Proposal: Bear Zones Modification
 - Hunters have requested that Leslie, Perry and Pike counties be removed from East Zone 2 and made their own zones with a 2-female bear quota each

Attachment NB -2
- Establish a fee-based test for deer hunters seeking Chronic Wasting Disease (CWD) testing
 - Make available voluntary CWD testing outside standard surveillance protocols

Attachment NB-3

Public Comments*

Executive Session (per KRS 61.810)

- Discussion – Land Acquisition Projects

Action Items

- Approve Land Acquisition Projects

Adjourn

Next Suggested Commission Meeting Date: March 6, 2021

*Because of the virtual livestream format of this meeting due to COVID-19 pandemic precautions, public comments for this meeting will be handled in the following manner. Those wishing to comment about a topic on the agenda may email their comments to FW.PublicAffairs@ky.gov between 8:30am and 10:30am (eastern) on the day of the meeting, and those comments will be read by KDFWR staff up to 3 minutes total per commenter during the Public Comments time on the agenda. Commenters must include 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. Note: Contact information is not required but will be helpful if information is requested. The Commission chair reserves the right to not read publicly any comments that are libelous, profane, derogatory of others, or not relevant to the meeting agenda.

Attachment A-1

Kentucky Fish and Wildlife Commission Meeting

REQUEST FOR COMMISSION ACTION

DATE: December 4, 2020

Regulation Number: N/A

Regular or Emergency: N/A

Action Item: Approval of September 25, 2020 Commission Meeting Minutes

Kentucky Department of Fish & Wildlife Resources



Commission Meeting

Live Teleconference – [Video Recording](#) posted at *fw.ky.gov*

September 25, 2020

#1 Sportsman's Lane

Frankfort, KY

8:30 AM (ET)

Commission Members in Attendance via Zoom.com – Dr. Karl Clinard, Brian Fisher, Paul Horn, David Jones, Kenny Knott, Rob Lear, Josh Lillard, Doug Morgan, Ralph Swallows.

Call to Order and Welcome – Dr. Karl Clinard, Chair (Video 1 – 1:35)*

Invocation and Pledge of Allegiance – Ralph Swallows (Video 1 – 2:16) and Rob Lear (Video 1 – 3:30)

Introduction of New Members – Dr. Karl Clinard (Video 1 – 5:00)

Action Items

Action Item: Approval of June 26 Commission Meeting Minutes and Approval of August 12 Special Called Commission Meeting Minutes (Video 1 – 8:40) – Ralph Swallows moved to approve the minutes as written. Kenny Knott seconded. ***The motion was approved.***

Action Item: Approval of Quarterly Financial Statement (April-June 2020) (Video 1 – 10:45) - Administrative Services Division Director Lisa Cox gave an update on financial statements. Due to the COVID-19 pandemic, there have been effects on boat registrations and hunting/ fishing; we have a higher volume this year due to extensions given and timing of receipts. Mrs. Cox indicated FILO expenditures only are included in the Operating Budget Report. Mrs. Cox noted that there were significant losses due to COVID-19 and camps being shut down; the revenue for camp income is extremely down. Paul Horn moved to approve the financial statement as reported. Rob Lear seconded. ***The motion was approved.***

Action Item: Approval of FY2021 Budget (July 2020-June 2021) (Video 1 – 16:00) Mr. Morgan thanked Mrs. Cox for keeping the Commission apprised of the budget. Due to having three new members join the board and to allow for more time to review, Mr. Morgan made a motion to table this action item until the December meeting, to table the approval of the budget to next quarterly meeting, and to establish a working group comprised of both Commission members and Department staff to facilitate this review process and report back to the Commission. Kenny Knott seconded. *Discussion with motion:* Mr. Fisher asked to verify that this would not cause any timing issues with Finance or the Department if the action item is tabled until December. Mrs. Cox explained the Governor comes up with a recommended budget, and then the General Assembly passes a bill. We are under a single year budget, so we have the budget authority, but within KRS 150, we (the Department) need the Commission's approval. Mrs. Cox agrees that the Commission needs and should have time to review and understand all budget items before voting on them. Dr. Clinard asked Mrs. Cox to explain why the process has the legislatures vote on the budget prior to the Commission, instead of the Commission reviewing before it goes to legislative. Mrs. Cox explained the budget timeline process and that we do not have a lot of flexibility in set costs state-wide and the total of the budget except through budget requests. Mrs. Cox explained the budget and how it is received when given to the Department – the budget is received with two numbers; Restricted Fund Appropriation and Federal Fund Appropriation. Those amounts are divided up among Divisions. Mrs. Cox volunteered to go over any budget questions or information with any Commission members. Mr. Fisher asked if we (the Commission) should start working on plans for next year. Mrs. Cox explained how the budget is broken down. Deputy Commissioner Clark agreed with Mr. Morgan's motion to table the item, and while reviewing the budget, "please write down questions or concerns and send to us (the Department) so we can help get those answered with more details and information." Dr. Clinard motioned to table this action and form a working group; ***The motion was approved.***

Dr. Clinard recommended the Commission to make a motion to place Mr. Horn, Mr. Lear, and Mr. Morgan on the Finance Review Working Group. Mr. Knott made the motion – seconded by Mr. Fisher. ***The motion was approved.***

Dr. Clinard reminded the Commission that 2 members who serve on the Ohio River Working Group have had their terms expire; he suggested the Commission appoint Mr. Jones and Mr. Lillard to that group. Mr. Fisher made a motion to that effect; Mr. Morgan seconded. ***The motion was approved.***

Mr. Horn reminded the Commission that another member was needed on the Elk Working Group as well; due to terms expiring of past members; Mr. Lillard volunteered. Mr. Horn made a motion to appoint Mr. Lillard to the Elk Working Group; Mr. Fisher seconded. ***The motion was approved.***

Kevin Kelly read a statement to remind the public on the process to submit public comments via email. (Video 1 – 31:35).

Action Item: Timing of Early (September) Goose Season (Video 1 – 33:44) – Chris Garland presented the action item to the Commission, advising that the current season was put into place in March 2016. Garland explained that Commission members have asked for the timing to be moved back up to the first two weeks in September after speaking with many hunters. The Migratory Bird Program has investigated several factors in considering these options. Mr. Garland presented options to the timing of Early Goose Season. The Wildlife Division recommendation is not to change any season dates, retain current season timing (Sept. 16-30), reschedule the season to open on the second Saturday in September to proceed 16 days (add a weekend, still overlap early wood duck/teal season), reschedule the September season statewide to Sept. 1-15, create a western zone for Sept. 1-15 season, and eastern zone for Sept. 16-30 season, or to table the matter so that the Department can survey by mail the hunters for whom we did not have email addresses in the HIP database and report results to Commission.

Dr. Clinard shared that the League of Kentucky Sportsmen had communicated that they did their own survey of members, which indicated that rescheduling of the season to open the second Saturday in September and then proceed for 16 days was the most preferred option in their membership poll.

Mr. Knott discussed moving the season to the first two weeks in September due to the farming practices and technology advances impacting harvest times. Mr. Fisher agreed with Mr. Knott. The geese are hard to pattern by mid-September in his district. Mr. Jones can see arguments on both sides of the discussion but tends to agree with the science side of things. Mr. Swallows discussed his conversations with constituents, found 50/50 to moving to the early season or not. Mr. Lillard spoke to his district sportsmen. He found they were opposed to moving it to the first of September. Mr. Lear shared his findings. He did not find anyone who wanted to move it to the first two weeks but was in favor of the 2nd option (reschedule season to open second Saturday in Sept). Mr. Knott discussed a fourth option, creating a season for each zone (western and eastern), which would serve the sportsmen throughout the state.

Mr. Knott made a motion to move the early goose season to be split into zones; create a western zone for September 1-15 season and an eastern zone for September 16-30 season. Mr. Garland explained this motion would have to go to U.S. Fish and Wildlife Service and would not go into effect until the 2022-2023 season due to needing federal approval. Mr. Fisher seconded the motion. ***The motion was approved.***

Action Item: Crossbows for Hunting Migratory Birds (Video 1 – 52:30) – Chris Garland explained this would allow crossbows as a legal method (like firearms and vertical bows) for hunting migratory birds per allowance in the Migratory Bird Treaty Act. He has reached out to other states who have used these practices and have not heard any issues. Mr. Fisher made a motion to approve; seconded by Mr. Swallows. ***The motion was approved.***

Action Item: Veteran Days and Youth Waterfowl Seasons (Video 1 – 55:13) – Chris Garland explained that last March, the Migratory Bird Treaty Act was modified to allow for up to two days for a veterans' hunt. He explained that states are allowed to select two days per duck hunting zone to be designated as youth waterfowl hunting days and two days per zone to be designated as veteran and activity duty military personnel hunting days. These in addition to regular Goose season. Mr. Garland explained his findings from other states. The Wildlife Division recommends eliminating the current youth waterfowl season, which is prescribed by zones. Currently, youth can hunt a consecutive Saturday and Sunday with the season's timing dependent on the zone. The Division recommends instead of hunting by zones, creating two statewide Youth/Veteran waterfowl weekends. The first weekend would begin the Saturday prior to Thanksgiving, and the

second weekend would start the second Saturday in February. Youth/Veteran weekends would allow youth hunters to hunt on Saturdays and veterans to hunt on Sundays.

Dr. Clinard expressed he was in favor of items benefiting our veterans and thanked Mr. Jones, commission member, for his service.

Mr. Fisher asked to verify this would not interrupt with mentor youth hunt. Waterfowl biologist Wes Little said this would not cause any issues that he can see.

Mr. Jones expressed concern with taking away days from the youth as he has seen the day in February being very beneficial. Mr. Fisher proposed the idea of having the veterans day on Thanksgiving weekend and the youth days in February statewide. Mr. Garland and Mr. Little agreed that could happen.

Mr. Lillard asked if we could overlap the two days and do both veterans and youth on the same days. Mr. Fisher explained the concern from the Commission as previously discussed with the veterans taking away from the youth spots; Mr. Knott agreed. Mr. Swallows shared what he has heard from the veterans: they would not want to take away from the youth.

Mr. Jones explained that he believes veterans would let youth shoot first, and there are more ducks to work with; he does not see an issue with allowing both veterans and youth to have the days in February; he just didn't want to exclude the youth.

Deputy Commissioner Brian Clark shared history on the topic to the effect that John Brunjes, the Waterfowl Program Coordinator, indicated he had received contact from one to two veterans asking for activation of this opportunity, which has been enacted at the federal level. He explained that the Department has not received much input asking for this but has received some feedback from a few hunters who thought it would be a good option or would like to take advantage of the opportunity. Clark stated, "We have received some public comment which we have shared with you (the Commission) as referenced by Mr. Knott; one group suggested that they wanted to provide equal opportunities for veterans but would rather not do anything that would infringe on youth opportunities."

Mr. Knott suggested we move forward with the youth season part and table the veteran part. He asked Deputy Commissioner Clark if there is a way to survey our veterans on what they prefer on this action. Clark suggested we could open it up on our website, but we do not have a direct contact list; we could open it up on our website and use social media channels to promote that. Clark said they could explore other options as well and get back to the Commission. Mr. Knott asked if there would be a timing issue; if tabled until December. Mr. Clark and Mr. Garland did not see a problem.

Chairman Clinard asked if there would be issues with letting both veterans and youth have both the extra days. Mr. Fisher asked Mr. Garland about checking in to see if there would be an issue with having two weekends in February.

Mr. Horn asked about the current season for youth and what is wrong with how it is currently being carried out. Mr. Garland explained we currently have two zones; a two-day youth season in the east in October and a two-day season in the west in February. Mr. Horn asked if we could leave the youth days alone and make the veterans' day concurrent.

Mr. Fisher made a motion to table this item until December meeting; seconded by Mr. Knott. ***The motion was approved.***

The Department will put out a survey to gather information for veterans on their opinion/preferences. Mr. Knott asked how Law Enforcement will check to ensure that those hunting are veterans; there is currently no way to check for that. Mr. Jones said there are forms for means of identifying a veteran's status. Colonel Gibson informed the Commission they would have to change the regulation to include proof of veteran status by providing proper forms or identification.

Action Item: Public Dove Fields (Video 1 – 1:19:50) – Mr. Garland explained the action item as a proposed amendment to Allow experimental dove field rules and allowed adult hunters 16+ to participate in mentored R3 hunts. This amendment would include two parts. The first part is creating experimental dove fields - following public suggestions to regulate hunting pressure on public dove fields, a staff committee recommends creating two “experimental” fields at each of Big Rivers WMA and Curtis Gates Lloyd WMA. Both fields would have two limited access (quota) hunts (opening day and the second Saturday of September) and would be paired with “open access” fields at the same WMA to compare results. In addition to limiting the number of hunters each day, the fields would close to hunting at 6 pm (5 pm central) and limit the number of shells each person can use to fifty (50). Hunters would be given a card to record harvest and asked opinions after their hunts. The information gained from these hunts could be used to help guide Wildlife Division management of dove fields in the future. The second part would be to allow New Hunters ages 16+ on quota Mentored Hunt Dove Fields. Currently, only youth hunters and their mentors may use public mentored dove hunting fields. Recent research on hunter recruitment has shown the value of recruitment aimed at new hunters older than those traditionally defined as youth hunters. This amendment would allow for mentees (mentored hunters) of any age on selected quota hunt dove fields while not adversely affecting youth opportunities.

Mr. Horn said from comments that he has received they would like to get their number of dove fields increased before we start trying to do experimental fields. Mr. Garland explained this would be in addition to the existing fields, and there would be an increase in funding next year for more fields.

Chairman Clinard asked Mr. Garland to report to the Commission on the number of fields. Garland said that the number is down compared to last year. Mr. Little explained that this year staff was very detailed in checking and reporting on public dove fields and will continue to do so moving forward. He explained that we usually have approximately fifty to sixty fields each year and that this year we are down on our leased fields due to contracts being late or held up due to COVID-19-related delays.

Chairman Clinard expressed concerns about WMA fields that could be converted and whether it would be cheaper for us to be able to do it versus paying someone else to do. Mr. Little explained the financial side and options.

Mr. Morgan has visited the five fields in his area. It is the number one issue in his district – that there are not enough dove fields to handle the demand. He understands many factors go into it, and it's a complicated issue. There was a mutual agreement that the Department needs to go back to the budget and see how much is allocated for dove fields. Mr. Fisher suggested creating a committee to investigate a paid dove hunt. What we are currently spending on them; is not

showing results worth the cost. Chairman Clinard asked if there would be a way to have a seed company to sponsor fields.

Mr. Knott emphasized that this program needs our attention. He agreed that the Department needs to focus on improving the current fields and that the creation of experimental fields is required to continue learning what is necessary for improvement/growth. Dove fields are used for beginner hunters, which is a considerable aspect of this effort and needs to be highlighted.

Mr. Swallows agreed with his fellow Commission members but asked Mr. Garland how realistic it is to have fifty top-notch dove fields in the state as many factors must be considered. Mr. Swallows advised that if the department is going to put this much money into something and add more fields, it would be multiple years. He stated that it sounds ambitious, but he does agree with it overall.

Mr. Jones has done research on various fields with seeds; he found there are cheaper options to have dove fields. Mr. Garland explained that the number of fields is directly tied to the budget, "We can work with the Commission on priority areas in your district and methods and cost analyzes."

Mr. Morgan is going to include Dove Field WMAs on his working group agenda. He advised that he favors adding experimental fields but believes that the Department should also look into the current WMA fields and use what it has instead of creating more.

Mr. Fisher agrees with the importance of this program and the need to expand/improve on it but stated that the Department needs to look at the budget again to ensure that all that is necessary to accomplish this task is allocated.

Mr. Swallows moved to accept the amendment; Mr. Knott seconded. ***The motion was approved.***

Action Item: Ballard WMA Shotgun Limit in Blinds (Video 1 – 1:40:54) – Mr. Garland explained to the Commission this an amendment to the regulation to allow only one loaded and uncased shotgun per hunter in a blind or hunting location. The Ballard Zone limits waterfowl hunters to one gun per hunter. This restriction was put in place during the times of more abundant Canada geese in western Kentucky. It was intended to keep hunters from having multiple loaded guns that could be easily grabbed, effectively increasing the number of shells a hunter could fire. To address this concern and still allow a hunter to have a backup shotgun in case of a failure, we recommend enabling waterfowl hunters to have an additional shotgun in the blind so long as it is unloaded and cased.

Mr. Fisher asked if this is the only one that we found where it would have that WMA restriction – Mr. Garland confirmed – yes.

Mr. Fisher moved to accept the amendment as written; seconded by Mr. Swallows. ***The motion was approved.***

Action Item: Coyote Hunting at Night (Video 1 – 1:43:12) – Mr. Garland explained this is to clarify and enhance night coyote hunting provisions. Previous changes to this regulation necessitate clarification in some verbiage or to comport with other regulation protocols, such as allowing the use of lesser/more primitive methods and accommodation of mobility-impaired hunters. Specifically, the Wildlife and Law Enforcement divisions recommend amending the regulation pertaining to night hunting in order to:

- Allow the following more primitive/shorter-range methods on private lands: shotguns with slugs, muzzleloaders, crossbows and vertical bows;
- Clarify provisions pertaining use of specified methods on public and private lands, as follows:
 - On public land, a person shall not use any weapon other than a shotgun, crossbow or bow, and shall not use a shell with a single projectile;
 - On private land, a person shall not use any weapon other than a shotgun, crossbow or bow, and shall not use a shotshell with a single projectile, except that from December 1 through March 31 a person may also use a rifle of 6.5mm or smaller bullet diameter or a shotgun shell with a single projectile **or a muzzleloader. (added during reading – was accidentally omitted from original).**
 - Clarify language regarding species that may be hunted at night, per KRS 150.360. Specifically, list raccoons, opossums, fishes and frogs in addition to coyotes; and
 - Explicitly allow mobility-impaired hunters to use a stationary vehicle as a hunting platform and specify that they may cast lights from the stationary vehicle or utilize other means to make wildlife visible at night so long as the means used are not connected to the vehicle.

Mr. Horn asked if a restriction on the diameter of the bullet for the muzzleloader would be included. He suggested that there needs to either be specific caliber restrictions for muzzleloaders. If not, he inferred that their usage needs to be omitted. Mr. Horn also advised that there is a need also to specify centerfire or rimfire when referencing rifles. Colonel Gibson explained that they consider muzzleloaders to be a lesser method of take. When this issue was opened for an initial discussion - a 6.5 mm caliber was decided upon by being a popular choice. Colonel Gibson advised that the Law Enforcement Division does not have a preference in terms of centerfire caliber restrictions.

Mr. Jones asked why a specific time frame was included; Colonel Gibson explained it was mainly a safety concern during night hunts. Mr. Knott also explained they are looking into expanding these dates but are starting with a shorter time frame to make sure everything goes correctly.

Mr. Morgan suggested to add “*or a muzzleloader*” on the motion agenda item, specifying a .54 caliber or less.

Chairman Clinard asked how to define “mobility impaired”. Mr. Garland said they must carry the signed mobility impaired access permit that is provided by the department and signed by a licensed physician with them.

Mr. Garland re-read the amendment and included “or a muzzleloader of .54 caliber or less” to the motion. Mr. Morgan made a motion; Mr. Lear seconded. ***The motion was approved.***

Action Item: Permit Fees and Timelines (Video 1- 2:03:05) – Mr. Garland explained this would be an amendment to licenses, tags, and permits. The Department recommends amending these “licenses, tags and permits”:

- Make these annual permits valid for 1 year from date of purchase:
 - Otter Creek Outdoor Recreation Area valid for one year from date of issue (rather than until end of current license year);
 - Commercial Captive Wildlife permits; and
 - Annual Wildlife Transportation Permits (per 301 KAR 2:081).
- Make Nuisance Wildlife Control Operator permit valid for standard license year.

- Exempt other state/federal wildlife agencies from transportation permit fee.
- Change Otter Creek daily permits to monthly permits to comply with recreational use statute requirement.
- Update the fees for Land Between the Lakes hunting/backcountry camping permit and Clarks River National Wildlife Refuge permits, per their increases.

Deputy Commissioner Clark explained there had been some questions about the price points on these items. He noted that the Land Between the Lakes backcountry camping and hunting permit increasing to \$75 per year. He also explained that The Clarks River National Wildlife Refuge access permits, as explained by Mr. Garland, will be \$15 for general and \$5 for seniors/youths. Deputy Commissioner Clark advised that federal agencies set these prices. Clark asked if the Commission could change the Otter Creek permits from daily to monthly to comply with recreational use statutes for public access, explaining that the legal team recommended this update. Clark stated that the daily fee is currently \$3, and the monthly fee is not yet determined and that the department is considering surveying Otter Creek permit holders about fee amounts. A price range with sideboards from the Commission was requested.

Mr. Fisher asked what the annual fee was, to which the response was \$30; he also asked how many people buy a daily pass versus an annual pass. Mr. Swallows explained Otter Creek is a highly used area by himself and the Derby City Fishers. He claimed that if the Department were to go to a monthly fee, \$5-6 would be very reasonable. Mr. Knott asked what the previous cost was for Land Between the Lakes. It was \$35 previously; the federal agency has increased the fee. Mr. Knott asked if the hunting-only price was affected. Garland confirmed that it had not changed and that it was still \$25. Mr. Lillard agreed with Mr. Swallows that the annual or monthly fees are good options. Mr. Clark asked if the Commission could provide a range for the Department to use after a survey is conducted and for filing the regulation. Mr. Fisher suggested capping the fee at \$10. Mr. Fields explained this would only be for an access fee, separate from special use permits. Deputy Commissioner Clark asked for a motion that the Otter Creek daily permit be converted to a monthly permit, and the Department be given the leeway to determine a price point between \$3-10 in addition to the other points initially listed in the amendment.

Mr. Swallows made a motion to approve the amendment; second by Mr. Fisher. ***The motion was approved.***

Break

Deputy Commissioner Comments (Video 1 – 2:40:37) – Deputy Commissioner Brian Clark provided a brief presentation honoring the memory of former District Commissioner Member Dr. James Angel, recognizing the retirement of former Fisheries Director Ron Brooks, the retirement of former Law Enforcement Major Larry Estes, and the retirement of wetland wildlife biologist Ray Tour from the USDA Natural Resources Conservation Service. He then provided updates and information concerning the About Us section of the department's website, the agency strategic plan, the R3 Branch Summit, the ten-year update to the Road to Recovery quail plan, the Shawnee boat ramp project, the Virtual Conservation Camp program, Law Enforcement efforts, procurement efforts by the Administrative Services Branch, and the new Marketing campaign "Ruttin' in the Bluegrass."

Discussion Items

Fall Wild Turkey Season (Video 1 – 2:55:52) – Mr. Garland explained that several Commission members have had concerns about declining turkey populations. The Department has been looking into this and conducting fall turkey harvest surveys and has more planned. Garland advised that according to the harvest data, the Department does not see any drastic drop offs in any region, commission district, or statewide. He explained that the Department plans to keep a close eye on this, but it does not currently recommend any changes to fall turkey hunting regulations. The fall harvest has declined a little over the 3-year average compared to the 10-year average. Recognizing the need for additional information and the lack of evidence for fall harvest impacts, the Commission may decide to make changes out of an abundance of caution. In this case, the Wildlife Division would recommend:

1. Reduce the total fall season bag limit from 4 to 2;
2. Reduce the number of hen/beardless turkeys in the fall limit to 1;
3. Maintain the current fall limit of 1 turkey with visible beard of 3 inches or longer.

Deputy Commissioner Clark explained this had been brought up at several meetings; the Wildlife Division wanted to present their recommendation but wanted to include options or suggestions if the Commission did want to take action.

Mr. Fisher asked if the Department acted on this in December and whether it would be in effect in time to include in the regulation for the following year. He asked if the survey results could be sent out to the Commission to review and potentially have an action item in December.

Chairman Clinard asked if scientific data supports the population decline or if the opinions have been derived from only from talking to hunters. He requested Mr. Garland to provide the number of hens killed in the fall seasons of 2018 and 2019. Mr. Zak Danks gave the numbers; in 2019 – just under 1800 birds across the state – 24% below the three-year average of 2300 and 50% below the ten-year average of 3400. That is overall – total turkey. In that data – just under 1100 were hens or 61% of the fall harvest. The 61% has not changed in the three year or ten-year averages. The overall harvest has gone down, but the percentage of hens remains the same.

Mr. Knott asked Mr. Danks about the estimated population for turkeys - The estimated population of turkeys in Kentucky is between 200,000 and 300,000.

Mr. Horn asked how many hunters killed more than two birds in the fall – Mr. Danks explained that of successful hunters that checked at least one bird: 87% harvested only one bird; that statistic in the 3-year average is 85%, and the ten-year average is 84%. Mr. Danks shared data from the findings from Statewide Fall Turkey Harvest.

Mr. Swallows stated that if 85% of hunters are only taking one bird, this change would only affect 15%. He advised that it was his personal belief that reducing the bag limit would have negligible effects on the turkey population in the fall, specifically the hens.

Mr. Clinard confirmed the Wildlife Division does not have any recommendations for changes at this time.

Mr. Lillard made a motion to not pass this discussion item on as an action item in December; seconded by Mr. Knott. ***The motion was approved.***

Bobcat Seasons (Video 1 – 3:19:32) Mr. Garland explained this discussion item as an informational update on bobcat hunting trends, trapping seasons, and monitoring needs. The

Wildlife Division recommended no change in the bobcat hunting season currently. Garland advised that thus far, research conducted indicates the necessity of surveying all hunters who target bobcats, whether they harvest a bobcat or not.

The Commission initiated discussion of changing the bobcat season opening to be concurrent with the opening day of modern gun deer season. It was stated that: although the Wildlife Division recognizes the abundance of bobcats in many areas of Kentucky and wishes to provide more opportunity to those targeting bobcats, a successful monitoring plan should be in place before expanding bobcat hunting into modern gun deer season. Bobcats are valuable furbearers, monetarily to fur trappers and taxidermists, and as a trophy harvest to hunters and trappers. Predator hunters also target bobcats, along with foxes and coyotes. An added pressure is the recent popularity of hunting and trapping for predator management to support other game species. Consequently, the market and predator hunting and trapping make the bobcat a highly targeted species. While the wildlife division had hoped to increase the trapping bag limit for bobcats by now, efforts to monitor bobcats by collecting data from hunters and trappers in a voluntary manner have not yielded adequate sample sizes for population analyses. The Wildlife Division recommends the following to improve monitoring:

- Develop a bobcat hunting permit (\$5), which would provide contact information needed to survey successful and unsuccessful bobcat hunters each season.
- Consider mandatory tooth (jaw section) donation from all harvested bobcats via current voluntary mail-in program
- Require bobcats taken under 150.170 damage criteria to be tele checked.

Mr. Fisher asked how the department plans to implement the mandatory tooth submission requirement or is there a possible way to use the trappers right now to collect that data and potentially increase the limit from 5 to 6 in a one-year period—making jaw collection mandatory statewide and increasing bag limit from 5 to 6.

Chairman Clinard asked if this is made mandatory, could the Department provide a video of how to properly perform the procedure.

Mr. Fisher made a motion to move this discussion item to an action item for the December meeting; Mr. Horn seconded. ***The motion was approved.***

Wanton Waste (Video 1 – 3:30:20) – Mr. Garland explained the Wildlife Division has had a working group looking into this. Thirty-two (32) states have some sort of wanton waste law. Wildlife and Law Enforcement divisions recommend that promulgation of a wanton waste regulation be advanced to an action item at the December quarterly Commission meeting. Specific provisions that we recommend include:

- Require reasonable effort to retrieve all game species.
- Make specific to deer, elk, bear and game birds.
- Require removal from the field of:
 - 4 quarters, inner and outer loins for deer, bear and elk; and
 - Breast meat for game birds.
- Deboned meat would be compliant.
- Clearly define dumping of carcasses as littering, which is already punishable by up to a \$500 fine.
- Exempt from the law's requirements animals otherwise lawfully taken either in the act of causing crop or property damage or via roadkill.

Department and Commission members have been contacted in recent years by concerned sportsmen's groups, including the League of Kentucky Sportsmen, which passed a resolution in favor of developing a wanton waste law. After a thorough review of other states' wanton waste laws and discussion with Commission members on the working group and agency staff, the Department recommends the above parameters in a wanton waste law in Kentucky.

Chairman Clinard asked how the Department will define depredation advising that the Kentucky League of Sportsmen wondered whether the Department could coordinate an effort between this effort and Hunters for the Hungry. Mr. Garland said that staff could put those who needed depredation permits in contact with these groups and that the Department could look into this partnership.

Mr. Fisher made a motion to move this discussion item into an action item in December meeting; Mr. Swallows seconded. ***The motion was approved.***

Mr. Fisher made a second motion to include a discussion item in December meeting on how wanton waste might affect depredation tags and how depredation tags and Hunters for the Hungry could be dealt with; seconded by Mr. Lillard. ***The motion was approved.***

Emails in Licensing System – Informational Update (Video 1- 3:38:58) – Marketing Division director Brian Blank presented this item to the Commission. Mr. Blank first noted that the Agency Facebook page had surpassed 170,000 followers. KDFWR has collected emails since 2010 for purposes of communications, marketing, surveys/public input, and program evaluation. Customers may voluntarily provide their email addresses to receive a copy of their receipt/license and for KDFWR to keep on file for the above purposes. The overwhelming majority of emails are collected as part of the license and permit purchasing process. The percentage of customers providing email addresses is increasing over time. The increase in email "opt-in" rate over time is a result in part of customer-focused communications and marketing efforts, coupled with customers' desires to be more informed through electronic means. As we continue to grow the quality and volume of content delivered, such as Facebook live and virtual programming and offer more digital content, we anticipate further increases.

Blank explained that KDFWR is also working toward an email messaging opt-in on its website. The Department is inventorying current and desired communications and marketing offerings so that the most popular can be made available to website visitors upon opting in.

Chairman Clinard asked for an update on the discussion of an extended license or the ability to renew it each year. Deputy Commissioner Clark said it is currently one of the items in the request for information that is presently out for bidders or companies interested in later RFP on a new licensing delivery platform. Chairman Clinard asked if the Department could include veteran status for future surveys; Mr. Clark advised that he is going to investigate options.

Mr. Fisher asked about where the Department is at in terms of developing a mobile app. Deputy Commissioner Clark said that it is also included as a component of the RFI. He added that the Department has a fishing and boating app that is currently being beta-tested, and the Commission members will be contacted about that soon.

Addition of Robert J. Barth Lake (Campbell County) to the FINs program - Amend 301 KAR 1:201. Taking of fish by traditional fishing methods (Video 1 – 3:50:45) Fisheries Division acting director Paul Wilkes provided an update to the FINS program and the inclusion of Robert J. Barth Lake

into it. He noted the opportunities that the lake could provide, such as ease of access. He noted the stocking numbers and the size and creel limits for the lake. Brian Fisher asked if the inclusion of this lake would place a strain on the Fisheries budget. Wilkes advised that it would not. Doug Morgan commented on the successes of the FINs program.

Chairman Clinard requested that the Commission hear the remainder of the Fisheries Division's discussion items before voting. There was no opposition.

Largemouth Bass Size and Creel Limit at Highsplint Lake - Amend 301 KAR 1:201. Taking of fish by traditional fishing methods (Video 1 – 3:53:43) (Video 1 – 3:53:59) Paul Wilkes discussed size limit and creel limit changes for bass (20 inch minimum, 1 fish per day) for Highsplint Lake.

Clear Fork tributary of Gasper River – Fishing Regulation - Amend 301 KAR 1:201. Taking of fish by traditional fishing methods (Video 1 – 3:55:49) Paul Wilkes provided information concerning the fish kill at Clear Creek of the Gasper River. He noted that around 17 miles were affected due to agricultural runoff, and sampling resulted in nearly no aquatic life. He requested that this area be converted to a catch and release only until it could recover. Brian Fisher asked if there needed to be a timeline put on this change. Paul Wilkes advised that this change be enacted as a regulation without a time limit, claiming that it could take up to three years before a change in populations could be noticed. Prior to proceeding to the next discussion item, Kenny Knott interjected, noting that the Commission needed to vote on the ones already presented due to the different nature of the proceeding item. He then stated that he made a mistake and noted that there was one more item in relation.

Guist Creek Lake Concessionaire's License (Video 1 – 3:58:57) Paul Wilkes provided historical and operational information concerning Guist Creek Lake. He then discussed the request of the Shelby County Industrial Development Foundation to serve alcohol at the restaurant located at the Guist Creek Lake Marina facility. Alcohol would only be served as beer and wine to in-restaurant patrons. At the request of Chairman Clinard, Paul Wilkes read a letter of recommendation supporting this change by the Shelby County Judge Executive. Chairman Clinard asked for clarification on what relation the Commission has in this decision and if there would be any liability concerns for funding. Sarah Cronan advised that the Cabinet had the ability to apply for alcohol licenses but suggested that the situation would have to be looked into further. Steven Fields reported that there are several steps the department and Commission must take concerning this action. Brian Fisher expressed concern about liability. Kenny Knott asked if the department received funds for the lease of the property, and if so, if the addition of alcohol sales would affect the price of the lease. Paul Horn asked if the sale of alcohol was allowed at any other facility that the department is involved with. Wilkes advised that the department had a similar situation with the marina at Lake Malone. He noted that the agreements should cover the department in terms of liability and asked Mr. Fields if that was correct. Steven Fields advised that he needed to investigate that. Chairman Clinard asked for clarification on the distance between the restaurant and the closest private landowner and asked if noise would be a concern. There was a mutual agreement between Wilkes and Ralph Swallows that there would not.

(Video 1 – 4:12:26) Chairman Clinard requested a motion to advance these items to action items at the next Commission Meeting. Josh Lillard made the motion. Brian Fisher seconded. Brian Fisher, Rob Lear, Paul Horn, Ralph Swallows, David Jones, and Josh Lillard voted to bring the item back as an action item at the next meeting. ***The motion was approved.***

Waterway Safety Enhancements - Amend 301 KAR 6:030. Waterway safety requirements (Video 1 – 4:13:23) Colonel Eric Gibson explained waterway safety and the department's involvement in

it. He reported drowning statistics and discussed petitions for mandatory wear of personal flotation devices while on paddle craft by various groups. He presented a report from the Water Way Safety Team discussing the potential for PFD loaner stations and the merits for them. He discussed the options to allow different groups to be involved in building and maintenance of the stations, and an itemized list of materials needed. He noted the need for the department to create standardized educational signage to place at the stations. Gibson then spoke about the current requirements of the Boating Safety Certificate and a need for expanding those who would be required to have it. Gibson then presented information on increasing enforcement of PFD requirements using pre-existing regulation language from 301 KAR 6:020. Chairman Clinard clarified with Gibson that some legislators are not supportive of creating a mandatory PFD requirement and that this is the reasoning for the use of pre-existing language to increase enforcement efforts. Colonel Gibson noted law enforcement activity during the Labor Day period. Doug Morgan commended the work performed by law enforcement. Brian Fisher offered support of moving forward with this item. Paul Horn suggested looking into rekindling some of the educational information and practices from Water Patrol. Fisher discussed options to include a requirement for an education certificate based on age/born-on date. Kenny Knott moved to make this item and action item at the next meeting. Brian Fisher seconded. All Commission members voted to bring the item back as an action item at the next meeting. ***The motion was approved.***

New Business Items

Waterfowl Hunting Requirements - Amend 301 KAR 2:222. Waterfowl hunting requirements on public lands. (Video 1 – 5:00:22) Chris Garland presented information concerning amending provisions for hunting on Ballard, Boatwright, and Sloughs WMAs to enhance waterfowl hunting opportunities. Changes included: the Boatwright WMA hunting strategy, modifying the description of the Ballard WMA Ohio River hunting exclusion zone, changing the shotshell limits for Ballard, Boatwright, and Sloughs WMAs, changing Sloughs WMA Jenny Hole Unit quota hunt periods, removing seasonally drawn blinds at Sloughs WMA Grassy Pond, Powell's Lake and Highlands Creek Units, removing the blind requirement from South Shore WMA. Kenny Knott offered some clarification on confusion about the twenty-five shell limits. Doug Morgan mentioned public input about the duck blinds on South Shores WMA. Chairman Clinard reminded all Commission members to thoroughly review the Wildlife Division's included information on each of these changes before the next meeting.

Kenny Knott discussed personal experiences with hunting on Ballard Management Area and commended the department's work done on the public drawing system (Video 1 – 5:09:30). He then requested what the process would be for the drawing due to COVID restrictions. Chris Garland explained how this would be conducted via a random online drawing, and that standby options would be eliminated. Wes Little noted that maps would be provided online as well. Garland stated that if COVID restrictions were lifted by waterfowl season, an in-person drawing could be held. Kenny Knott then discussed some historical operational procedures for the drawing and expressed his disdain for not allowing an open in-person drawing. He offered some suggestions that could have been used instead of changing the drawing to an online process, stating that the online options were not well conceived in his opinion, and had little to no public input. David Jones advised that he would hate to see the staff who work at Ballard be put at risk due to holding an in-person drawing, and noted that if a staff member did contract COVID, the entire Ballard Management Area might need to be shut down. Kenny Knott stated that due to having several hundred staff in the department, there should be no problem changing staff around to accommodate for someone who may become sick. Chris Garland advised that there were

multiple ways to handle this situation and claimed that the department did as best as it could with what it had and would work to improve the process moving forward.

Ballard Management Area Entry Rules - Incorporate 301 KAR 4:020 into 301 KAR 2:222, Repeal 301 KAR 4:020. (Video 1 – 5:23:14) Chris Garland explained that the purpose of this change would be to simplify and clarify language found within the regulations and to remove redundancy.

Swan Lake Unit Entry Rules, Camping Rules and Firearms Restrictions - Incorporate 301 4:050 into 301 KAR 2:222, Repeal 301 KAR 4:050. (Video 1 – 5:25:12) Chris Garland explained that the purpose of this change would be to simplify and clarify language found within the regulations and to remove redundancy.

Harvest and Sale of Asian Carp - Amend 301 KAR 1:152 – Asian Carp capturing and harvesting methods (Video 1 – 5:26:09) Paul Wilkes discussed that the purpose of this change is to update the regulation to reflect minor changes needed and to clarify some of the language found within the regulation.

Fish Kills – Informational Update on Department's Response Process (Video 1 – 5:27:06) Paul Wilkes advised that this item was in response to a request made by former Commission member Kevin Bond. Wilkes and Doug Dawson discussed fish kills that have occurred within the last ten years and how the department assesses the fines and damages associated with them. Brian Fisher asked if the 186,000 reflected on the financial statements provided to the Commission members were related to the Kentucky River fish kill. Dawson advised that it was associated with the Kentucky River fish kill and that the funds from that went into the department's general fund. Deputy Commissioner Brian Clark offered some department operational explanation on the process followed for fish kills. Ralph Swallows stated that he felt the funds recouped from the kills didn't match the actual damage done as it didn't include recreational or economic impacts. Brian Fisher asked if the Kentucky River fish kill could be used as a model to explain impacts moving forward. Deputy Commission Clark discussed the difficulties in doing so and stated that the department is working on methods to accommodate for this. Steven Fields explained how the current wording of KRS 150.990 limits the amount and means in which financial recoupment for fish kills can be obtained. Wilkes, Dawson, and Deputy Commissioner Clark further explained the department's efforts and the time period needed for restocking the Kentucky River and how funds are assessed and utilized. Brian Fisher noted the need to allocate funding from fines so that it can be put back into the area where the fish kill occurred instead of into the department's general fund. Deputy Commissioner Clark agreed.

(Video 1 – 5:47:26) Chris Garland provided an update concerning the September archery season.

Public Comments

The following comment was received by email within the designated timeframe and related to the agenda, and was read by Chief Communications Officer Kevin Kelly (Video 1 – 5:48:00):

1. Mike Abell

“Gents, Defining a veteran is easy, see the link below.

Getting a person to prove they're a veteran can be very difficult.

<https://va.org/what-is-a-veteran-the-legal-definition/>

You have to have served on Active Duty (not just Guard or Reserves) and have had an honorable discharge.

There's a WHOLE LOT of people who say they are a veteran who do not meet that criteria.

Most veterans DO NOT have an ID card.

They would have to have actually made it to retirement to have an ID card or still be on active duty.

Reservists and Guardsmen who are currently serving WILL have an ID card, but they are not necessarily veterans, because once again - they have to have served on ACTIVE DUTY and been honorably discharged.

Or they would have to be going through the VA for medical. The VA reports that there are approximately 19.8 million living veterans eligible for VA benefits, but only 9.21 million are actually using the services. So, the VA's utilization rate is 46.5%.

A Department of Defense Form DD214 is a paper form that most veterans don't actually have handy. Some will and some won't. Some won't want to bring a paper form into a waterfowl field where it could get ruined.

Trust me, we have many veterans who cannot prove their status.

So, it will be hard to enforce.

Just wanted to help you with the context and background

--Colonel Mike”

Executive Session (Video 1 – 5:50:40)

The following statement was read prior to the Commission entering executive 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 items except for specific items listed in KRS 61:810.

The Commission has business today that will require entering into closed session. Prior to entering 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 provisions of KRS 61.810 that authorize it.

In today's session we will be discussing a land acquisition.

The session will be closed to protect the state's interests in the acquisition of land.

The closed session is authorized by KRS 61.810 under Section 1(b) for the land acquisition.

No final action will be taken in the session and no other business will be discussed other than that I just described.

When we enter into closed session, the live feed of the meeting will be suspended for the duration of the closed session. During this time, the live feed will end. Once the closed session ends we will resume the live feed. Members of the public that are viewing the live feed will need to click on the live feed link to resume the feed. We anticipate the closed session will take about one hour. If it is less than that we will take a break and not resume the meeting until at least one hour has passed since entering closed session. That way everyone knows that they have at least a one hour break to get a drink, stretch their legs, have lunch, or whatever you would like to do.

Brian Fisher moved to enter into executive session. Doug Morgan seconded. ***The motion was approved.***

Open Session (Video 2 – 2:29)

Chairman Clinard called the meeting back to order for resuming the meeting in open session.

Action Items: Land Acquisition Projects (Video 2:50) Commission came out of executive session to act on seven proposed land acquisitions projects: Project A, Project B, Project C, Project D, Project E, Project F, and Project G.

Brian Fisher moved to acquire Projects A, B, C, D, E, F, and G. Seconded by Doug Morgan. Before the vote, David Jones interjected and advised that in his area, three WMAs required repair. He noted that he was more concerned about the upkeep of current properties than the acquisition of new ones. Kenny Knott agreed with Jones. Dr. Clinard advised that Chris Garland was the person to contact regarding this concern. Brian Fisher, Doug Morgan, Rob Lear, Paul Horn, Ralph Swallows, Josh Lillard voted to move to acquire these projects. ***The motion was approved.***

Chairman Clinard opened the floor for discussion on Project H. There was no discussion. Kenny Knott moved to acquire Project H. Rob Lear seconded. Brian Fisher, Doug Morgan, Rob Lear, Paul Horn, Ralph Swallows, Josh Lillard voted to move to acquire these projects. ***The motion was approved.***

Brian Fisher asked for clarification if FILO funds were used to maintain roads on WMAs. Deputy Commissioner Brian Clark clarified that it was not in general, and that the funds had to be spent strictly on FILO projects in the areas that the mitigation funds came from. David Jones asked if it was possible to acquire FEMA funds to fix some of the WMA roads. Clark advised that it would be

checked on. Brian Fisher suggested to Jones to forward his concerns to Doug Morgan so that they could be taken into consideration by the WMA working group.

Update to Commission By-Laws (Video 2 – 9:03) Chairman Clinard gave a brief explanation to the new Commission members for the purpose of these updates to the Commission by-laws. David Jones asked counsel to explain some language and requested a change to clarify it. Sarah Cronan gave a detailed explanation of this language and satisfied Jones' request. Brian Fisher asked about the changes to the by-laws that would affect Commission members entering into the elk drawing. Steven Fields and Sarah Cronan explained that the Kentucky Ethic's Opinions should cover this, but if the Commission wanted to include a prohibition, it could. Chairman Clinard and Deputy Commissioner Clark further discussed the history and current operations of the elk drawing with counsel. Kenny Knott advised that public image could be harmed if a Commission member won an elk permit. Ralph Swallows and Brian Fisher agreed. Doug Morgan disagreed and suggested that there would be no harm in Commission members applying for the elk hunt drawing so long as they had no advantage over the public. Mr. Morgan made a motion to accept the by-laws as written. Kenny Knott seconded. Doug Morgan, Paul Horn, David Jones, Josh Lillard, Kenny Knott, and Chairman Clinard moved to accept the by-laws as written. ***The motion was approved by two-thirds majority.***

Election of Officers (Video 2 – 23:07) Doug Morgan made a motion to begin from the Chairman and work down, nominating Dr. Clinard as Chairman. There were no other nominations. All were in favor. ***The motion to nominate Dr. Clinard as Chairman was approved.*** Brian Fisher nominated Paul Horn as Vice Chairman. There were no other nominations. All were in favor. ***The motion to nominate Paul Horn as Vice Chairman was approved.*** Doug Morgan nominated Brian Fisher as Secretary. There were no other nominations. All were in favor. ***The motion to nominate Brian Fisher as Secretary was approved.***

(Video 2 - 26:11) Deputy Commissioner Brian Clark introduced new FILO legal counsel Scott Porter to the Commission and to the public.

(Video 2 – 28:06) Steven Fields expressed concern about the Chair's ability to vote to create a two-thirds vote regarding the approval of the Commission by-laws. A brief recess was taken for Fields to research this issue.

(Video 2 – 34:44) Steven Fields stated that after reviewing the full version of Robert's Rules of Order, he confirmed that the Chairman could vote to create a two-thirds majority.

Adjournment

(Video 2 – 35:41) Brian Fisher moved to adjourn the meeting and Paul Horn seconded. ***The motion was approved.***

Kentucky Fish and Wildlife Commission Meeting
REQUEST FOR COMMISSION ACTION
 DATE: December 4, 2020

Regulation Number: N/A

Regular or Emergency: N/A

Action Item: Approve Quarterly Financial Statements (July - September 2020).

Department of Fish & Wildlife Resources
 Income Statement - FY21 / 1st Quarter

	25%					Percent Earned / Expended
	FY21 Year To Date					
	July	August	September	TOTALS	FY21 BUDGET	
REVENUE						
<u>Restricted Fish and Game Fund</u>						
Hunting and Fishing Licenses	\$ 2,210,675.00	\$ 974,552.00	\$ 3,014,551.01	\$ 6,199,778.01	\$ 34,000,000.00	18.23%
Boat Registration Fees	\$ 727,189.84	\$ 472,938.84	\$ 189,770.03	\$ 1,389,898.71	\$ 5,920,000.00	23.48%
Interest Income	\$ 27,000.72	\$ (20,865.72)	\$ 4,720.63	\$ 10,855.63	\$ 700,000.00	1.55%
Camp Income	\$ -	\$ -	\$ -	\$ -	\$ 685,000.00	0.00%
General Sales	\$ 20,560.40	\$ 8,554.34	\$ 22,394.80	\$ 51,509.54	\$ 350,000.00	14.72%
Otter Creek Outdoor Recreation Area	\$ 20,760.23	\$ 9,581.94	\$ 21,106.70	\$ 51,448.87	\$ 200,000.00	25.72%
Proceeds from Asset Disposition	\$ 78,000.00	\$ -	\$ -	\$ 78,000.00	\$ 240,000.00	32.50%
Fish and Game Fines & Forfeitures/ Restitution	\$ 9,006.05	\$ 11,662.66	\$ 12,779.53	\$ 33,448.24	\$ 130,000.00	25.73%
Nongame (includes Ky Wild and Income Tax Check-off)	\$ 8,652.50	\$ 9,327.50	\$ 9,580.50	\$ 27,560.50	\$ 100,000.00	27.56%
Miscellaneous Receipts	\$ 16,146.64	\$ 9,148.59	\$ 25,619.56	\$ 50,914.79	\$ 1,500,000.00	3.39%
Sub-Total Restricted Fish and Game Fund	\$ 3,117,991.38	\$ 1,474,900.15	\$ 3,300,522.76	\$ 7,893,414.29	\$ 43,825,000.00	18.01%
Sub-Total Federal Fish and Wildlife Fund	\$ 1,242,970.32	\$ 980,802.61	\$ 1,130,669.71	\$ 3,354,442.64	\$ 21,000,000.00	15.97%
TOTAL REVENUE	\$ 4,360,961.70	\$ 2,455,702.76	\$ 4,431,192.47	\$ 11,247,856.93	\$ 64,825,000.00	17.35%
<u>EXPENDITURES</u>						
Commissioner's Office	\$ 238,429.05	\$ 173,263.18	\$ 151,636.50	\$ 563,328.73	\$ 2,534,500.00	22.23%
Commission	\$ -	\$ 3,970.19	\$ 78.00	\$ 4,048.19	\$ 33,000.00	12.27%
Marketing Division	\$ 73,610.93	\$ 91,075.68	\$ 69,172.95	\$ 233,859.56	\$ 1,350,000.00	17.32%
Administrative Services Division	\$ 824,116.87	\$ 303,743.87	\$ 203,747.79	\$ 1,331,608.53	\$ 3,167,600.00	42.04%
Engineering Infrastructure and Technology Division	\$ 279,999.77	\$ 235,673.75	\$ 196,905.74	\$ 712,579.26	\$ 3,230,300.00	22.06%
Wildlife Division	\$ 1,600,140.26	\$ 1,234,953.55	\$ 1,195,598.41	\$ 4,030,692.22	\$ 18,700,000.00	21.55%
Fisheries Division	\$ 1,126,260.54	\$ 861,880.24	\$ 810,837.08	\$ 2,798,977.86	\$ 13,400,000.00	20.89%
Information & Education	\$ 742,300.97	\$ 564,622.45	\$ 509,106.94	\$ 1,816,030.36	\$ 6,788,799.00	26.75%
Law Enforcement	\$ 1,414,174.12	\$ 1,103,519.32	\$ 980,911.21	\$ 3,498,604.65	\$ 15,200,000.00	23.02%
OPERATING EXPENDITURES	\$ 6,299,032.51	\$ 4,572,702.23	\$ 4,117,994.62	\$ 14,989,729.36	\$ 64,404,199.00	23.27%
NET Gain/Loss Operating	\$ (1,938,070.81)	\$ (2,116,999.47)	\$ 313,197.85	\$ (3,741,872.43)	\$ 420,801.00	

DEPARTMENT OF FISH AND WILDLIFE RESOURCES
Operating Budget Review
For the Month of September 2020 (FY21)

REVENUE ¹	September			Fiscal Year To Date		
	FY21	FY20	FY19	FY21	FY20	FY19
Restricted Funds						
Hunting and Fishing Licenses ²	\$ 3,014,551.01	\$ 1,095,980.50	\$ 2,044,953.00	\$ 6,199,778.01	\$ 3,150,540.00	\$ 4,217,859.00
Boat Registration Fees ³	\$ 189,770.03	\$ 72,703.07	\$ 61,451.08	\$ 1,389,898.71	\$ 565,425.16	\$ 619,494.22
Interest Income ⁴	\$ 4,720.63	\$ 22,236.66	\$ 19,440.55	\$ 27,932.94	\$ 182,777.87	\$ 175,027.32
Camp Income ⁵		\$ 190.00	\$ -	\$ -	\$ 3,413.00	\$ 2,766.60
General Sales ⁵	\$ 22,394.80	\$ 15,280.26	\$ 14,146.50	\$ 51,509.54	\$ 71,620.90	\$ 74,246.11
Otter Creek Outdoor Recreation Area ⁵	\$ 21,106.70	\$ 2,634.90	\$ 11,597.30	\$ 51,448.87	\$ 28,059.95	\$ 54,333.60
Proceeds from Asset Disposition			\$ -	\$ 78,000.00	\$ -	\$ -
Fish and Game Fines & Forfeitures/ Restitution	\$ 12,779.53	\$ 8,230.05	\$ 16,126.07	\$ 33,448.24	\$ 30,594.99	\$ 39,893.78
Nongame (Includes Ky Wild and Income Tax Check-off) ⁴	\$ 9,580.50	\$ 3,353.00	\$ 3,171.00	\$ 27,560.50	\$ 10,375.50	\$ 9,664.00
Miscellaneous Receipts ^{4,5}	\$ 25,619.56	\$ 1,772.92	\$ 83,288.64	\$ 50,914.79	\$ 204,946.75	\$ 119,711.44
Sub-Total Restricted Fish and Game Fund	\$ 3,300,522.76	\$ 1,222,381.36	\$ 2,254,174.14	\$ 7,910,491.60	\$ 4,247,754.12	\$ 5,312,996.07
Sub-Total Federal Fish and Wildlife Fund	\$ 1,130,669.71	\$ 1,036,587.74	\$ 574,310.42	\$ 3,354,442.64	\$ 3,290,945.86	\$ 3,271,041.80
TOTAL REVENUE	\$ 4,431,192.47	\$ 2,258,969.10	\$ 2,828,484.56	\$ 11,264,934.24	\$ 7,538,699.98	\$ 8,584,037.87
EXPENDITURES						
Commissioner's Office	\$ 151,636.50	\$ 159,811.52	\$ 175,112.91	\$ 563,328.73	\$ 550,065.54	\$ 487,282.56
Commission	\$ 78.00	\$ 522.04	\$ 4,092.35	\$ 4,048.19	\$ 3,805.90	\$ 3,982.35
Marketing Division	\$ 69,172.95	\$ 59,193.15	\$ 97,711.86	\$ 233,859.56	\$ 199,147.47	\$ 243,422.40
Administrative Services Division	\$ 203,747.79	\$ 156,688.59	\$ 13,994.56	\$ 1,331,608.53	\$ 1,353,750.86	\$ 1,136,657.50
Engineering Infrastructure and Technology Division	\$ 196,905.74	\$ 188,291.10	\$ 204,607.20	\$ 712,579.26	\$ 653,910.74	\$ 764,249.93
Wildlife Division	\$ 1,195,598.41	\$ 1,237,199.75	\$ 1,467,157.43	\$ 4,030,692.22	\$ 4,230,828.81	\$ 4,419,780.40
Fisheries Division	\$ 810,837.08	\$ 761,910.36	\$ 853,250.05	\$ 2,798,977.86	\$ 2,733,824.44	\$ 2,701,242.57
Information & Education	\$ 509,106.94	\$ 535,633.82	\$ 683,514.82	\$ 1,816,030.36	\$ 2,572,427.67	\$ 2,626,548.18
Law Enforcement	\$ 980,911.21	\$ 1,071,103.04	\$ 1,075,290.09	\$ 3,498,604.65	\$ 3,389,846.89	\$ 3,555,549.46
OPERATING EXPENDITURES	\$ 4,117,994.62	\$ 4,170,353.37	\$ 4,574,731.27	\$ 14,989,729.36	\$ 15,687,608.32	\$ 15,938,715.35
NET Gain / Loss Operating	\$313,197.85	(\$1,911,384.27)	(\$1,746,246.71)	(\$3,724,795.12)	(\$8,148,908.34)	(\$7,354,677.48)

¹ Receipts do not include Fees in Lieu of (FILO) receipts used for Operations (estimated as \$1.3 million in FY21).

² License fees were increased in Fiscal Year 2019; the number of licenses sold are up 15% from last fiscal year.

³ Extension of boat registrations deadlines resulted in a timing increase compared to previous years

⁴ Statewide Investment Reports can be found at <https://finance.ky.gov/services/ofm/Pages/MonthlyInvestmentReports.aspx>.

⁵ COVID closures affected camps, general sales in admissions and sales to public - numbers are picking up but FYTD are still struggling

-

Cash Fund Balances - September 2020 (FY21)

	Beginning Balance (9/1/2020)	Revenue	Expenditures	Transfers	Ending Balance (9/30/20)
Agency Revenue Funds					
Restricted Fish & Game Fund (134R)	\$ 26,603,448.75	\$ 3,295,761.03	\$ (2,830,487.15)		\$ 27,068,722.63
Nongame Fish and Wildlife Fund (13NY)	\$ 26,850.05	\$ 3.65			\$ 26,853.70
Ky Heritage Land Conservation Mgmt Fund (13KR)	\$ 250,342.11				\$ 250,342.11
Fees in Lieu of ("FILO") Stream Mitigation Fund (134S)	\$ 156,363,244.06	\$ 3,104,079.67	\$ (105,003.26)	\$ (6,766,500.00)	\$ 152,595,820.47
Capital Fund					
Various Capital Funded Projects (FILO, Agency Maintenance, etc.)	\$ 31,510,903.90		\$ (572,349.60)	\$ 6,912,750.00	\$ 37,851,304.30
Federal Fund					
F&W Federal Fund	\$ 6,838,714.41	\$ 1,135,427.79	\$ (1,213,302.32)	\$ (146,250.00)	\$ 6,614,589.88
Special Deposit Trust Fund					
FW-Commissioner's Office Fund	\$ 8,916.24				\$ 8,916.24
	<u>\$ 221,602,419.52</u>	<u>\$ 7,535,272.14</u>	<u>\$ (4,721,142.33)</u>	<u>\$ -</u>	<u>\$ 224,416,549.33</u>

Attachment A-3

Kentucky Fish and Wildlife Commission Meeting

ACTION ITEM

DATE: September 25, 2020

Action Item: Approve FY2021 Budget (July 2020-June 2021)

The Budget Working Group recently met with Administrative Services Division staff to review detailed budget documents and learn more about the state budget approval process. Copies of the detailed budget documents were supplied to Commission members for review. Administrative Services director Lisa Cox will provide an overview of the budget and answer any outstanding questions.

Kentucky Fish and Wildlife Commission Meeting

ACTION ITEM

DATE: September 25, 2020

Regulation Number: 301 KAR 2:226

Regular or Emergency: Regular

Proposed Effective Timeframe: Fall season 2021

Action Item: Determine whether to implement optional “Veteran Waterfowl Days.”

Introduction: If implemented, Wildlife Division recommends replacing the special Youth Waterfowl Weekends scheduled separately for the east and west zones, with statewide Youth/Veterans Waterfowl weekends in which youth hunters could hunt on Saturdays and Veterans could hunt on Sundays.

Currently, youths are allowed to hunt a consecutive Saturday and Sunday with the timing of the season, dependent on the zone. The Division recommends instead of hunting by zones, offer two statewide Youth/Veteran waterfowl weekends. The first weekend would begin the Saturday prior to Thanksgiving and the second weekend would begin the second Saturday in February. Youth/Veteran weekends would allow youth hunters to hunt on Saturdays and veterans to hunt on Sundays.

Background: On March 12, 2019, the Migratory Bird Treaty Act was modified to allow for two days of “Veterans Hunts.” States may select 2 days per duck-hunting zone, designated as “Youth Waterfowl Hunting Days,” and 2 days per duck-hunting zone, designated as “Veterans and Active Military Personnel Waterfowl Hunting Days,” in addition to their regular duck seasons. The days may be held concurrently. Four Mississippi Flyway states (AL, AR, IN and MS) enacted Veterans hunts for the 2019-2020 season. All made veterans days concurrent with youth days. Missouri’s Commission opted to not offer the 2-day special season for veterans and military in 2019. They based the decision on the following rationales: (1) It would likely create demand for similar special seasons for deer, turkey, and other species of game and fish; (2) It would be hard to then say no to other deserving groups such as first responders, law enforcement, fire fighters and groups who have already requested similar seasons (e.g., senior citizens, first-time hunters and others).

Kentucky Fish and Wildlife Commission Meeting

ACTION ITEM

DATE: December 4, 2020

Regulation Number: 301 KAR 2:251

Regular or Emergency: Regular

Projected Effective Timeframe: 2021 Hunting Season

Proposed Amendment: Amend 301 KAR 2:251 to require:

- Mandatory tooth (jaw or jaw section) submission from all bobcats harvested (trapping or hunting) via mail-in program (currently voluntary)
- Telecheck of bobcats and otters taken under KRS 150.170 damage criteria

Introduction: The Commission initiated discussion of changing the bobcat season opening to be concurrent with the modern gun deer season opening day. Although the Wildlife Division recognizes the abundance of bobcats in many areas of Kentucky and wishes to provide more opportunity to those targeting bobcats, a successful monitoring plan should be in place prior to expanding bobcat hunting into modern gun deer season. Bobcats are valuable furbearers, monetarily to fur trappers and taxidermists, and as a prized harvest to hunters and trappers. Predator hunters also target bobcats, along with foxes and coyotes. An added pressure is the recent popularity of hunting and trapping for predator management to support other game species. Consequently, the market and predator hunting and trapping make the bobcat a highly targeted species. Although the Wildlife Division had hoped to increase the trapping bag limit for bobcats by now, efforts to monitor bobcats by collecting data from hunters and trappers in a voluntary manner have not yielded adequate sample sizes for population analyses. The proposed changes will give the program the needed biological information and sample size to better manage the population moving forward. The Wildlife Division recommends the amendments above to significantly improve bobcat data collection for population monitoring and to aid in formulating hunting season recommendations.

Attachment A-6

Kentucky Fish and Wildlife Commission Meeting

ACTION ITEM

DATE: December 4, 2020

Regulation Number: 301 KAR 3:022

Regular or Emergency: Regular

Proposed Amendment: Promulgate a \$5 Bobcat Hunting Permit.

Projected Effective Timeframe: 2021 Hunting Season

Introduction: The Commission initiated discussion of changing the bobcat hunting season opening to be concurrent with the modern gun deer season opening day. Although the Wildlife Division recognizes the abundance of bobcats in many areas of Kentucky and wishes to provide more opportunity to those targeting bobcats, a successful monitoring plan should be in place prior to expanding bobcat hunting into modern gun deer season. We gain information and have contact information for trappers as they are already required to have a trapping license but are missing this information for hunters. Bobcats are valuable furbearers, monetarily to fur trappers and taxidermists, and as a trophy harvest to hunters and trappers. Predator hunters also target bobcats, along with foxes and coyotes. An added pressure is the recent popularity of hunting and trapping for predator management to support other game species. Consequently, the market and predator hunting and trapping make the bobcat a highly targeted species. While the Wildlife Division had hoped to increase the trapping bag limit for bobcats by now, efforts to monitor bobcats by collecting data from hunters and trappers in a voluntary manner have not yielded adequate sample sizes for population analyses. The Wildlife Division recommends requiring a bobcat hunting permit (\$5) for all licensed hunters to hunt bobcats; this would yield the hunter contact information needed to survey bobcat hunters each season. The proposed changes above will give the program the needed biological information and sample size to better manage the population moving forward and provide contact information needed to survey successful and unsuccessful bobcat hunters each season.

Attachment A-7

Kentucky Fish and Wildlife Commission Meeting

ACTION ITEM

DATE: December 4, 2020

Regulation Number: To be determined

Regular or Emergency: N/A

Action Item: Promulgate a wanton waste regulation with the provisions outlined below.

Projected Effective Timeframe: 2021 Hunting Season

Introduction: Wildlife and Law Enforcement divisions recommend promulgation of a wanton waste regulation with these provisions:

- Make specific to deer, elk, bear and game birds.
- Require reasonable effort to retrieve all game species taken.
- Require removal from the field of:
 - 4 quarters, inner and outer loins for deer, bear and elk; and
 - Breast meat for game birds.
- Deboned meat would be compliant.
- Clearly define dumping of carcasses as littering, which is already punishable by up to a \$500 fine.
- Exempt from the law's requirements animals otherwise lawfully taken either in the act of causing crop or property damage or via road-kill.

Department and Commission members have been contacted in recent years by concerned sportsmen's groups, including the League of Kentucky Sportsmen, which passed a resolution, in favor of developing a wanton waste law. After a thorough review of other states' wanton waste laws and discussion with Commission members on the working group and agency staff, the Department recommends the above parameters for a common sense wanton waste regulation in Kentucky.

Kentucky Fish and Wildlife Commission Meeting

ACTION ITEM

DATE: December 4, 2020

Regulation Number: 301 KAR 2:083

Regular or Emergency: Regular

Action Item: Amend 301 KAR 2:083 to accurately reference Kentucky Department of Agriculture's Captive Cervids updated regulation, 302 KAR 22:150.

Projected Effective Timeframe: Fall 2021

Introduction: The Kentucky Department of Agriculture (KDA) recently updated regulations regarding captive cervids, repealing 20.066 and moving its provisions under 302 KAR 22:150. Reflecting this change in 301 KAR 2:083 will allow KDFWR to cite individuals failing to comply with applicable provisions as part of our inspections or joint operations with KDA on captive cervid violations. Wildlife Division recommends updating 301 KAR 2:083 to accurately reference the current KDA captive cervids regulation.

Following is a 1-page overview with more details about KDA's recent changes.

Kentucky Department of Agriculture - Captive Cervid Regulation Updates

KDA recently repealed 302 KAR 22:066 and amended 302 KAR 22:150. Here is a summary of changes:

1. **Radiofrequency Identification Devices (RFID) now required:** RFID Official Identification Devices shall be applied to eligible animals over 12 months of age, at any initial tagging event, retagging event, or anytime a cervid is restrained by any method, including permitted movements. Reminder, each identified animal must have two identification devices and they must be recorded.
2. **November 30th is the annual renewal submission date.** Fee for renewal is dependent upon the number of cervids at time of renewal application submission and the date of payment. See table below. (Note: census inventory must be provided with application).

Number of Cervids in Herd	Fee if paid before December 1	Fee if paid between December 1 and 31	Fee if paid after January 1
1-50	\$135	\$150	\$250
51-100	\$250	\$275	\$375
over 101	\$450	\$500	\$600

3. **Annual Inventory Inspection Must be Performed between January 1 and April 30th:** Inventory includes observation of all cervids in an enclosed area, including physical restraint, if necessary, to reconcile all visible identification devices with available records. Owner must coordinate scheduling of inventory with OSV representative. Herds not inventoried by May will be placed under quarantine restrictions. If necessary the state veterinarian may request additional physical inventories to verify herd compliance with program standards.
4. **Quarterly Inspections of Records Required:** Herd inventory record inspections and reviews will be conducted quarterly, at a minimum, by a representative of the Office of State Veterinarian (OSV).
5. **Change in Reporting Requirements for Herd Certification Program:** Owner shall report ANY cervid that escapes, disappears or dies (including killed by harvest or slaughter). **If none have escaped, disappeared or died in the month, the owner must report “no changes” to the OSV by COB on the first of each month.** Escaped or disappeared cervids must be reported within 48 hours. Cervids taken by harvest or that die from illness or any other reason shall be reported within 7 days.
6. **Sample Collection and Submission within 7 days for Herd Certification Program:** Any cervid that is 12 months or older that dies for any reason including harvest shall be tested for CWD. Owner is responsible for sample collection, submission and testing. Samples shall be submitted to an approved laboratory within 7 days of collection.

As a general reminder, the herd veterinarian shall be notified within twenty-four (24) hours of observance of a cervid with clinical signs suggestive of Chronic Wasting Disease.

Kentucky Fish and Wildlife Commission Meeting

ACTION ITEM

DATE: December 4, 2020

Regulation Number: 301 KAR 1:201

Regular or Emergency: Regular

Action Item: Add Robert J. Barth (Campbell County) to the FINs program with standard creel and length limits.

Projected Effective Timeframe: Summer 2021

Introduction: The City of Cold Spring (Campbell County) approached KDFWR in 2017 after acquiring a 3.7-acre lake about possible inclusion in the Fishing in Neighborhoods (FINs) program. Since acquiring the property, the city has developed the surrounding area into Robert J. Barth Park with numerous amenities, installed lake aeration, and access for us to launch a boat to survey the fish population and potentially stock fish. The lake is an ideal location, offering fishing opportunities for a large population of people nearby. There is a walking path around the lake that offers 100% bank access. The FINs inclusion letter and MOA were sent out to the City of Cold Spring on June 22, 2020. As a FINs lake, the lake would receive 2,800 catfish and 2,250 rainbow trout annually. Currently there are 44 lakes in 28 counties enrolled in the FINs program. A total of 120,000 rainbow trout and 123,000 catfish are stocked annually in FINs lakes. The addition of Robert J. Barth Park Lake to the FINs list under 301: KAR 1:201 Section 9 (b) Special Lakes and Ponds, would bring the creel and length limits into alignment with all other FINs lakes enrolled in the program before fish stockings begin. The Fisheries Division recommends adding Robert J. Barth Lake (Campbell County) to the FINs program.

Kentucky Fish and Wildlife Commission Meeting

ACTION ITEM

DATE: December 4, 2020

Regulation Number: 301 KAR 1:201

Regular or Emergency: Regular

Action Item: Enact 20-inch minimum size limit and 1-fish daily creel limit on Largemouth Bass at Highsplint Lake

Projected Effective Timeframe: Summer 2021

Introduction: Enact new 20-inch minimum size limit and 1-fish daily creel limit for Largemouth Bass regulation on Highsplint Lake (Harlan Co.). This is consistent with the largemouth bass regulation at Cedar Creek Lake (Lincoln Co.). Highsplint Lake currently holds the new state record for largemouth bass in KY (2019). Since discovery of the new record, fishing pressure at this location has sharply increased and numerous large fish are being harvested. County officials and KDFWR conservation officers have expressed concern with overharvest at this small lake and want to protect the quality of the fishery.

Kentucky Fish and Wildlife Commission Meeting

ACTION ITEM

DATE: December 4, 2020

Regulation Number: 301 KAR 1:201

Regular or Emergency: Regular

Projected Effective Timeframe: Fall 2021

Action Item: Enact catch-and-release only restriction on Clear Fork tributary of Gasper River.

Introduction: In summer of 2019, a fish kill occurred on Clear Fork of Gasper River that spread downstream, also impacting the mainstem of Gasper River. Before the fish kill, Clear Fork was one of the state's most exceptional black bass stream fisheries. While low water precluded many sampling events, the single site that was sampled yielded a very poor catch per unit effort of less than 3 fish per hour. Aquatic life in general appears to be faring poorly, with very little to no silversides, shad, crawfish, buffalo, carp, gar, longear sunfish, snakes, or even turtles. Fisheries Division recommends this catch-and-release only regulation to protect the limited number of remaining sportfish. We have also received requests for this from stream anglers.

Kentucky Fish and Wildlife Commission Meeting

ACTION ITEM

DATE: December 4, 2020

Regulation Number: Not applicable

Projected Effective Timeframe: Spring 2021

Action Item: Determine whether to allow sale of alcohol by the drink in the Guist Creek Lake marina restaurant.

Introduction: Shelby County Industrial and Development Foundation (Foundation) requests modification of KDFWR's agreement to allow alcoholic beverages in the Guist Creek Lake marina restaurant. Results of public input on the Foundation's request will be presented.

KDFWR entered into a Contract and Grant of Rights with the Shelby County Industrial and Development Foundation (Foundation), Inc. on May 4, 1960. In accordance with this contract the Guist Creek Marina operated by the Foundation shall be the only marina and concession facility on the lake. The Foundation and marina have remained in good standing with KDFWR and have offered a wide variety of amenities and services to the public at the facility. The Foundation plans to rehabilitate portions of the marina and is seeking a new restaurant vendor to operate an upscale grill-style restaurant. The Foundation is seeking departmental approval to allow the sale of alcohol to dine-in patrons. The current license allows food services, but alcohol is not specifically mentioned. State parks and other similar venues allow this type of service. The KDFWR does not have any similar vendor agreements on the properties of state-owned lakes.

Kentucky Fish and Wildlife Commission Meeting

ACTION ITEM

DATE: December 4, 2020

Regulation Number: N/A

Regular or Emergency: Regular

Projected Effective Timeframe: July 1, 2021

Action Item: Pass a resolution to support the legislature's amending KRS 235:285 to:

- (1) Expand the boater education certification requirement to include all motorized vessel operators born on or after January 1, 1975; and
- (2) Create a temporary 14-day Boater Education Exemption Certificate contingent on successful review of basic educational material and completion of a basic boating and safety laws test.

Introduction: Number of deaths on public waters continues to climb. The department has also been approached by victims of families involved in waterway deaths requesting expanded boater safety education and enhanced personal flotation device usage, to help prevent unnecessary incidents and deaths on Kentucky waters. Currently boater safety education is only required for youths ages 12-17 operating boats in Kentucky. The provisions described above, paralleling the Hunter Education requirement, will improve boater awareness of waterway safety and legal requirements, and thus help to protect more Kentuckians and visitors using public waterways. KDFWR Law Enforcement Division requests the Commission's endorsement of this proposed amendment to statute.

Kentucky Fish and Wildlife Commission Meeting

DISCUSSION ITEM

DATE: December 4, 2020

Regulation Number: 301 KAR 2:222

Regular or Emergency: Regular

Projected Effective Timeframe: Fall 2021

Discussion Item: Wildlife Division recommends amending waterfowl hunting provisions for Ballard, Boatwright, South Shore and Sloughs WMAs to enhance opportunities as outlined in proposed provisions below.

Introduction: The Kentucky Department of Fish and Wildlife Resources made a number of changes to how waterfowl hunts were managed at Ballard and Sloughs WMA's beginning with the 2018-2019 season. These changes were part of a series of recommendations from the Wetland Review to improve hunt quality and hunter satisfaction. Based on positive experience from those first two seasons, the Wildlife Division would like to make a number of changes to how hunts are conducted at several WMA's to improve hunter satisfaction and success.

Proposed amendments: The Wildlife Division proposes these changes related to WMA waterfowl hunting:

Boatright WMA:

- Requiring all hunters during the regular waterfowl season to check-in daily at our morning check station.
- Require all hunters to stop hunting by 2 p.m. daily and check out of the area by accurately completing the Daily Post-Hunt Survey provided by the department and submitting the survey at the designated drop point by 3 p.m. the day of the hunt.
- Allow for the creation of hunting units.
- Allow hunting away from blinds within units.
- Match Ballard WMA party spacing requirements.
- Remove specific limits on numbers of parties in hunting units.
- Close to boat access Dec 1-Jan 31 except to those participating in department managed activities. (Mirror Jenny Hole)

Ballard WMA:

- Change the description of Ohio River hunting exclusion zone: The northern boundary of the no hunting zone is currently described in regulation as "fifty (50) yards upstream of Dam 53". With the pending removal of Dam 53 we recommend matching the southern boundary language and make the northern boundary "fifty (50) yards upstream of the northern border of Ballard WMA".

This would shift the line <200 yards and have no meaningful impact on waterfowl utilizing the area.

Ballard, Boatwright and quota hunt areas of Sloughs WMAs:

- Change the daily shotshell limit to 25 shells. The limit is currently described as 15 shells daily unless Canada goose limits are greater than 2 or duck limits are greater than 3. Since Canada goose populations are unlikely to be below 3 geese daily anytime in the foreseeable future and new AHM models for ducks predict liberal seasons >90% of the time, the 15-shell limit seems unnecessary.

Sloughs WMA Jenny Hole Unit - quota hunt periods:

- Wildlife Division recommends changing the allocation of hunting access from 5 days (Thursday-Monday) to 2 (Thursday and Friday) and 3 (Saturday-Monday) allotments.

Currently parties drawn have access to the Jenny Hole for 5 days (Thursday-Monday). In two seasons under this system, hunters have frequently complained the period is too long and the utilization of the area is less than desired.

Sloughs WMA Grassy Pond, Powell's Lake and Highland Creek Units

- Wildlife Division recommends removing the 14 seasonally drawn blinds from these units and allow the units to be hunted as walk-in areas.

South Shore WMA

We recommend removing the requirement to hunt from a blind on the WMA.

Kentucky Fish and Wildlife Commission Meeting

DISCUSSION ITEM

DATE: December 4, 2020

Regulation Number: 301 KAR 4:020

Regular or Emergency: Regular

Projected Effective Timeframe: Fall 2021

Discussion Item: Repeal 301 KAR 4:020 and move relevant portions into 301 KAR 2:222.

Introduction: This regulation contains specific entry rules for Ballard WMA and allows for closure of the area during flood events. The entry rules in this regulation are similar to those described on other waterfowl WMAs in 301 KAR 2:222. There is no reason for this stand-alone regulation; the relevant portions can be moved into 2:222 if this regulation is repealed.

The Wildlife Division recommends repealing 301: KAR 4:020 and moving provisions listed below into 301 KAR 2:222:

Section 1. A person shall not enter upon the premises of the Ballard Wildlife Management Area for any reason during the period October 15 through March 15, except

- (1) Department authorized personnel
- (2) Persons participating in a department managed activities.

Section 3. Trespass by Boat. During periods of high water or flood, unauthorized person shall not enter upon the premises of the Ballard Wildlife Management Area by boat for any purpose. High water or flood conditions do not affect or change the management area boundary which is marked by yellow signs.

Kentucky Fish and Wildlife Commission Meeting

DISCUSSION ITEM

DATE: December 4, 2020

Regulation Number: 301 KAR 4:050

Regular or Emergency: Regular

Projected Effective Timeframe: Fall 2021

Discussion Item: Repeal 301 KAR 4:050 and move relevant portions into 301 KAR 2:222.

Introduction: As with the Ballard regulation, this regulation contains specific entry rules for the Swan Lake unit of Boatwright WMA. It also includes specific camping rules and a limit on using firearms to hunt bullfrogs. The entry rules in this regulation are similar to those described on other waterfowl WMAs in 301 KAR 2:222 and should be moved to this regulation. The camping rules are prescribed in 301 KAR 3:010 (Public use of Wildlife Management Areas). The restriction on firearms for bullfrog hunting are not found on any other WMAs in Kentucky; there are no current staff who know why this might have been implemented. We see no reason why Swan Lake Unit should be different from the rest of the state.

The Wildlife Division recommends repealing 301 KAR 4:050 and moving into 301 KAR 2:222 the provisions listed below:

Section 1. Restrictions. (1) The Swan Lake Unit of Boatwright Wildlife Management Area shall be closed to all public access from October 15 through March 15, except for:

- (1) Department authorized personnel
- (2) Persons participating in a department managed activities.

Kentucky Fish and Wildlife Commission Meeting

DISCUSSION ITEM

DATE: December 4, 2020

Regulation Number: 301 KAR 2:176

Regular or Emergency: Regular

Discussion Item: Informational Item - Depredation Permits

Introduction: A description will be provided regarding the depredation permit process prescribed by Kentucky law and how Kentucky Hunters for the Hungry (KHFH) could be promoted in administering these permits. Landowners that are experiencing deer damage are always encouraged to incorporate deer hunting in to the management of deer on their property when the scenario allows it. In addition to deer hunting, landowners can utilize the following methods to mitigate deer damage.

301 KAR 2:176

- Deer Control Tags (DCT) – are recommended by biologist and conservation officer who conducts the on-site damage inspection and are for antlerless deer only. These DCT's are distributed to the landowner and can be given to anyone who has a valid hunting license and current deer permit, unless exempt from license or permit requirements pursuant to KRS 150.170.
 - Deer harvested with DCTs are treated just like any other harvest except, those deer do not count toward the hunter bag limit.
- Deer Destruction Permits – are issued to landowners who continue to experience damage after using DCTs or whose property cannot be hunted. Meaning, the landowners are required to utilize hunting as a means of reducing the deer population prior to receiving DDPs.
 - DDPs are intended to be used outside the season framework established in 301 KAR 2:172.
 - DDPs are designed to be used concurrently with KRS 150.170. In order for a landowner to obtain DDPs they are required to complete the Wildlife Damage Designee Form described in KRS 150.170 in which DDPs would be issued.
 - DDPs can be issued immediately if there is a public safety or environmental threat.

KRS 150.170

- Killing of wildlife causing damage – Landowners, their spouses or dependent children, or their designee who must be approved by the commissioner, who kill or trap on their lands any wildlife causing damage to the lands or any personal property situated thereon shall not be required to have a hunting or trapping license and may do so during periods other than the open season for the particular species without a tag and dispose of the carcass onsite.

- Upon destruction of any wildlife by the above-specified individuals, the act shall be reported to a conservation officer within twenty-four (24) hours of the kill.
- Individuals wishing to transport the carcass from the property upon which it was killed shall contact personnel of the department to request a disposal tag or other authorization.
- Inedible parts from wildlife taken under the authorization of this section shall not be utilized for any purpose and shall be destroyed or left afield.

Proposed Action: Kentucky Hunters for the Hungry (KHFH)

- KHFH can be used alongside any of the above methods; however, damage issues are and should always be kept separate from hunting-related harvests.
- Wildlife Division recommends providing an informational flyer together with DDP/DCT packets that are sent to landowners to encourage those individuals to donate to KHFH any deer taken using those permits/tags.

Kentucky Fish and Wildlife Commission Meeting

DISCUSSION ITEM

DATE: December 4, 2020

Regulation Number: 301 KAR 1:152

Regular or Emergency: Regular

Projected Effective Timeframe: Fall 2021

Discussion Item: Fisheries Division recommends amending this regulation to allow the Asian Carp Harvest Program to improve its efficiency and effectiveness.

Introduction:

As the Asian Carp Harvest Program evolves, continued refinement of allowances and restrictions is necessary to make the program more efficient and effective. The Fisheries Division recommends the following:

- Clean up definition wording to prevent the harvest of roe-bearing species as well as better define restricted waters
- Commercial fishers would be allowed to set their nets in any fashion instead of being restricted to whip net sets.
- The participant requirements would be edited to change the phone number to call to sign up for the program, remove the need to provide the fish buyer's phone number, and clean up the wording on what fishing location information is needed and notification requirements for changing fishing locations after assigned.
- Commercial fishers would be required to mark the ends of their nets with floating buoys and all fish harvested, possessed, and transported under the program would need to be kept separate from fish harvested by any other methods.
- The removal of immediate submission of daily harvest cards with a new requirement to submit that information at the end of each month
- Allowing those fishing with a free Asian Carp Only commercial license to fish in both commercially restricted and open waters
- Removal of the ½ mile on-the-water participant separation and 3-day maximum occupancy of a requested fishing location restrictions
- Adding the ability for the department to restrict fishing in locations where there would be excessive user conflicts

Finally, the possibility of adding a new section in the regulation to provide for the use of unlicensed helpers in the program will be discussed.

Kentucky Fish and Wildlife Commission Meeting

DISCUSSION ITEM

DATE: December 4, 2020

Regulation Number: 301 KAR 1:400

Regular or Emergency: Regular

Projected Effective Timeframe: Fall 2021

Discussion Item: Fisheries Division recommends updating the “Material Incorporated by Reference” portion of the regulation, which is used to assess fish kill replacement values, to reflect the newest edition of the publication.

Introduction: The current administrative regulation to assess the replacement values of fish killed in violation of KRS 150.460(1) or (3) references an outdated edition of the American Fisheries Society publication. Fisheries Division recommends updating the Material Incorporated by Reference to the 2017 edition which is American Fisheries Society Special Publication 35, "Investigation and Monetary Values of Fish and Freshwater Mollusk Kills."

Kentucky Fish and Wildlife Commission Meeting
NEW BUSINESS ITEM
DATE: December 4, 2020

Regulation Number: Not applicable

Projected Effective Timeframe: To be determined

Informational Item: Investigate possible removal of Great Crossing Dam on North Fork Elkhorn Creek (Scott Co.) in efforts to return to more historical natural waterflow.

Introduction: Great Crossing Dam on the North Fork of Elkhorn Creek is the third dam upstream from the Kentucky River. The KDFWR-owned dam impounds a 2.6-mile pool in Georgetown, KY. A study funded by Scott County indicated that the dam was beginning to show signs of deterioration and undermining. The Ohio River Foundation has expressed interest in spearheading the dam removal project at minimal cost to KDFWR. There is no near-term cost to KDFWR to further explore this possibility.

Kentucky Fish and Wildlife Commission Meeting

NEW BUSINESS ITEM

DATE: December 4, 2020

Regulation Number: 301 KAR 2:300

Regular or Emergency: Regular

Projected Effective Timeframe: Fall 2021

New Business Item: Create a new bear hunting zone consisting of Leslie, Perry and Pike counties.

Introduction: Hunters have requested that Leslie, Perry and Pike counties be removed from East Zone 2 and make each county its own bear zone for the archery, modern gun and bear hunt with dogs seasons. The female bear harvest quota would be 2 female bears in each county for each of the three hunting seasons. A pending proposal for changes to the bear hunting structure that would be effective for the 2022 season, which is currently being developed, would render the above amendments unnecessary. Note: In our current meeting format timeline, any changes made to the bear hunting regulations for the 2021 season would not be in place prior to the printing of the fall hunting guide, unless a special called meeting is made to vote on the proposed changes before the June meeting.

Kentucky Fish and Wildlife Commission Meeting

NEW BUSINESS ITEM

DATE: December 4, 2020

Regulation Number: Not applicable

Regular or Emergency: Regular

Projected Effective Timeframe: Fall 2021

New Business Item: Create a fee-based Chronic Wasting Disease test as a service to deer hunters who wish to have deer tested by voluntary submission of samples outside the scope of the department's standard surveillance efforts.

Introduction: This would create a reduced price option to pre-purchase a CWD test (\$25) for hunter harvests through KDFWR. This would establish future options for CWD testing. This could be something we implement before we get CWD or wait until if/when we have it, but would be the mechanism to be prepared in advance. In a scenario where KY detects CWD, our resources will be focused on a specific surveillance zone but a positive status may heighten concerns of hunters across the state. This would be a viable option for hunters who would like their animal tested but would not fall under KDFWR's standard surveillance protocols. Wildlife Division recommends establishing the voluntary \$25 fee-based test for CWD.