

Kentucky Department of Fish & Wildlife Resources



Commission Meeting

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

September 25, 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 and Introduction of New Commission Members
- Deputy Commissioner's Remarks and Recognitions

Action Items

- Approval of June 26 Commission Meeting Minutes
Attachment A-1
- Approval of August 12 Special Called Commission Meeting Minutes
Attachment A-2
- Approval of Quarterly Financial Statement (April-June 2020)
Attachment A-3
- Approval of FY2021 Budget (July 2020-June 2021)
Attachment A-4
- Timing of Early (September) Goose Season
301 KAR 2:225. Dove, wood duck, teal, and other migratory game bird hunting.
 - Wildlife Division recommends no change to season dates
 - Options:

1. Retain current season timing (Sept. 16-30);
2. Reschedule season to open second Saturday in Sept. and proceed 16 days (add a weekend, still overlap early wood duck/teal season);
3. Reschedule the September season statewide to Sept. 1-15;
4. Create a western zone for Sept. 1-15 season, and eastern zone for Sept. 16-30 season; or
5. Table the matter, survey by mail the hunters for whom we did not have email addresses in HIP database, and report results to Commission.

Attachment A-5

- Crossbows for Hunting Migratory Birds

301 KAR 2:090. Means by which migratory game birds may be taken.

- Proposal: Allow crossbows as legal method (like firearms and vertical bows) for hunting migratory birds per allowance in Migratory Bird Treaty Act

Attachment A-6

- Veteran Days and Youth Waterfowl Seasons

Amend 301 KAR 2:226. Youth waterfowl, moorhen, and gallinule hunting seasons.

- Proposal: If veteran days are implemented, allow veterans to hunt Sundays and restrict youths to hunt on Saturdays of special youth waterfowl weekends

Attachment A-7

- Public Dove Fields

Amend 301 KAR 2:225. Dove, wood duck, teal, and other migratory game bird hunting.

- Proposal: Approve experimental dove hunting management on public fields
- Proposal: Allow new hunters ages 16+ on designated quota mentored hunt dove fields

Attachment A-8

- Ballard WMA Shotgun Limit in Blinds

Amend 301 KAR 2:221. Waterfowl seasons and limits.

- Proposal: Allow 1 uncased and loaded shotgun per hunter in a blind or hunt location

Attachment A-9

- Coyote Hunting at Night

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

- Amend language to allow more primitive methods, clarify season language and mobility-impaired opportunity

Attachment A-10

- Permit Fees and Timelines

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

- Make effective dates for Nuisance Wildlife Control Permit March 1-Feb. 28. (currently valid for calendar year).
- Make Wildlife Transportation Permit and Commercial Captive Wildlife Permit valid for dates specified (currently valid for calendar year).
- Exempt from transportation fee a government agency engaged in legitimate conservation work approved by the department (cf. 301 KAR 2:081).
- Update Land Between the Lakes permit fees and add new Clarks River National Wildlife Refuge per federal permit fee increases.

Attachment A-11

Break (At the Discretion of the Chair)

Discussion Items

- Fall Wild Turkey Season

301 KAR 2:144. Fall wild turkey hunting.

- Review of season dates, limits and number of hens per limit
- Recommendation: Complete hunter effort research to inform future recommendations to Commission

Attachment D-1

- Bobcat Seasons

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

- Review of season dates history, recent and ongoing research
- Recommendations:
 - 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.

Attachment D-2

- Wanton Waste

- Report on research of other states' laws
- Recommendation of provisions to Commission

Attachment D-3

- Emails in Licensing System – Informational Update

- Overview of current protocols
- Percentages of license customers by group

Attachment D-4

- Addition of Robert J. Barth Lake (Campbell County) to the FINs program
Amend 301 KAR 1:201. Taking of fish by traditional fishing methods
 - Annual stocking numbers
 - Enact standard fish creel and length limits
 Attachment D-5
- Largemouth Bass Size and Creel Limit at Highsplint Lake
Amend 301 KAR 1:201. Taking of fish by traditional fishing methods
 - Enact 20" minimum size limit on largemouth bass
 - Enact 1-fish daily creel limit
 Attachment D-6
- Clear Fork tributary of Gasper River – Fishing Regulation
Amend 301 KAR 1:201. Taking of fish by traditional fishing methods
 - Enact catch-and-release only restriction
 - Recommendation to allow fishery to recover from recent fish kill
 Attachment D-7
- Guist Creek Lake Concessionaire's License
 - Obtain public input on allowing restaurant on lake property to sell alcoholic beverages by the drink, similar to state parks and other venues
 Attachment D-8
- Waterway Safety Enhancements
Amend 301 KAR 6:030. Waterway safety requirements
 - PFD Loaner Stations
 - Boater Safety Certification
 - The Department will more thoroughly enforce requirement that PFDs be "readily accessible" on Class A vessels
 Attachment D-9

New Business

- 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 NB-1
- Ballard Management Area Entry Rules

Incorporate 301 KAR 4:020 into 301 KAR 2:222, Repeal 301 KAR 4:020.
Attachment NB-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 NB-3

- Harvest and Sale of Asian Carp
Amend 301 KAR 1:152 – Asian Carp capturing and harvesting methods
 - Harvest update
 - Capturing and harvesting methods
 - Expansion of Asian Carp into new watersAttachment NB-4

- Fish Kills – Informational Update on Department's Response Process

Public Comments*

Break

Executive Session (per KRS 61.810)

- Discussion – Land Acquisition Projects

Action Items

- Land Acquisition Projects
- Update to Commission By-laws
Attachment A-11
- Election of Officers

Adjourn

Next Suggested Commission Meeting Date: December 4, 2020

*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.

Kentucky Department of Fish & Wildlife Resources



**Commission Meeting
Minutes**

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

June 26, 2020

#1 Sportsman's Lane
Frankfort, KY
8:30 AM (ET)

Commission Members in Attendance via Zoom.com - Kevin Bond, Dr. Karl Clinard, Dr. Harry Carloss, Jeff Eaton, Brian Fisher, Paul Horn, Kenny Knott, Doug Morgan, Ralph Swallows.

Call to Order and Welcome – Dr. Karl Clinard, Chair (Video 1 – 00:59)*

Invocation and Pledge of Allegiance – Jeff Eaton (Video 1 – 1:40) and Kevin Bond (Video 1 – 2:17)

Action Items

Action Item: Approval of May 22 Commission Meeting Minutes (Video 1—2:54) Dr. Carloss moved to approve the minutes as written. Paul Horn seconded. *The motion was approved.*

Action Item: Approval of Quarterly Financial Statement (January-March 2020) (Video 1—4:26) Administrative Services Division Director Lisa Cox gave an update on financial statements. Due to COVID-10 pandemic, there have been effects on boat registrations and hunting/fishing license sales. Mrs. Cox addressed the timing of receipts in the fiscal year. The quarterly statement does not show the returned fees given to campers due to the cancellation of the summer conservation camps. Mr. Morgan thanked Mrs. Cox for going over the financial report with him this past month. Doug Morgan moved to approve the financial statement as reported. Dr. Harry Carloss seconded. *The motion was approved.*

*Video segments of the meeting sections are available at [fw.ky.gov](#). The starting times in video segments for particular agenda items, respectively, as outlined in the minutes are provided to aid readers in finding topics of interest in the video.

Action Item: Designation of Commission Members for the “Ohio River Working Group” (Video 1—7:14) Dr. Clinard has asked Dr. Harry Carloss, Kevin Bond, and staff representative Major Shane Carrier to serve on the Ohio River (WMA) Working Group. Commissioner Storm will assign other staff members to aid the Commission members in this group. Brian Fisher made a motion to accept Dr. Carloss and Kevin Bond to the working group. Ralph Swallows seconded. *The motion was approved.*

Dr. Clinard acknowledged Paul Horn as the chairman of the Elk Management Working Group. (Video 1—08:55) Mr. Horn told the Commission that he has asked Kenny Knott, Kevin Bond, Chris Garland, Dan Crank, Gabe Jenkins, Greg Watts and members of the public to serve on the working group.

Deputy Commissioner Brian Clark read a statement to remind the public on the process to submit public comments via email. (Video 1—10:10)

Action Item: Amend 301 KAR 2:221. Waterfowl seasons and limits (Video 1—12:15) Dr. Clinard asked Wildlife Division Director Chris Garland to present information on the proposed amendment to the scaup daily bag limit. Following the federal framework and guidelines, this proposed amendment would create a scaup season with a daily bag limit of 1 for the first 15 days of regular duck season, then a daily bag limit of 2 for the remaining 45 days. This follows the U.S. Fish and Wildlife Service guidelines based on best available science. Brian Fisher moved to accept the amendment. Dr. Carloss seconded. *The motion was approved.*

Action Item: Amend 301 KAR 2:224 into 301 KAR 2:221, Repeal 301 KAR 2:224. Update Waterfowl Hunting Units (Video 1—13:44) Chris Garland gave information on this amendment and the need for updating the regulations as discussed in the May 22nd Commission meeting. Dr. Carloss moved to accept the amendment as written. Brian Fisher seconded. *The motion was approved.*

Action Item: Amend 301 KAR 2:228. Timing of Sandhill Crane Season (Video 1—15:15) Kentucky Fish and Wildlife Commission changed the timing of the Sandhill Crane season in 2017-2018 to coincide with duck season. With the change in the framework of the 2019-2020 duck season, moving the closure to January 31, the sandhill crane and duck seasons are again different. Season frameworks allow for a January 31 closure for sandhill cranes. This proposal would make the closure the same for ducks and cranes for the foreseeable future based on the current duck season framework. Brian Fisher asked about the date of Sandhill crane season being consistent with the start date for duck season. Brian Fisher moved to accept the amendment as written. Doug Morgan seconded. *The motion was approved.*

Action Item: Amend 301 KAR 2:225. Dove, wood duck, teal, and other migratory game bird hunting - Timing of Early (September) Goose Season (Video 1—17:03). Chris Garland asked John Brunjes, Migratory Bird Program Coordinator, to give an update on harvest and participation trends, and hunter survey results. Dr. Brunjes gave a Powerpoint presentation to review goose season dates and background on this topic

and took questions from the Commission on the number of birds harvested, types of birds harvested in September vs. the regular season and other season-related issues. Kenny Knott said that his personal experience in his district was different, noting that farming harvest and practices as possible reasons for the change in the patterns of geese in his area, and sharing concerns from members in his district about this topic. Jeff Eaton asked about the possibility of creating goose zones in the state to allow for different start dates depending on those zones; KDFWR could list early goose season dates in September by zone, but that would not be in effect until next year due to federal guidelines which would need to be added to the regulation change. Dr. Clinard asked the Commission if they would like to table this action item to find out more details on the zones. Commissioner Storm asked Dr. Brunjes to check the details discussed with the Service and have information available at the next meeting. Brian Fisher asked each Commissioner member to reach out to their constituents on this issue to provide more feedback at the next meeting. Kenny Knott moved to table this discussion until the Commission meeting in August. Dr. Carloss seconded. *The motion was approved and the item was tabled was tabled.*

Brian Clark also asked the Commission members to reach out to him with information or suggestions on obtaining survey responses from a broader group. Dr. Carloss mentioned the agency does not capture a majority of the emails for licensees in order to increase participation in survey data. Deputy Commissioner Clark said the agency is working on modernization efforts with the licensing branch to capture information when someone buys a license. Dr. Clinard asked for an informational report to be given at the August meeting on this topic.

Commissioner Remarks – Dr. Clinard asked Commissioner Rich Storm to give an update on some timely items. Commissioner Storm informed the public of upcoming Commission nomination meetings that will be held in July. He asked Brian Clark to show viewers (via camera) the posters that would be displayed in each district. Storm then gave all detailed information to the public on location, time and date of each meeting. He asked Mr. Clark to give details on the logistics of these “drive-in” format meetings as they will be held in public parking lots, with voting (if necessary) taking place from participants’ vehicles. While the Commission nomination procedure is regulated through KRS, the logistics have to be adapted to comply with Healthy at Work guidelines from the Governor’s COVID-19 reopening taskforce.

Commissioner Storm thanked the Commission for extending his contract for another term of service. He gave an update from each division and noted increased participation in outdoor activities, including fishing, hunting and boating. He thanked the Commission, specific staff and Kevin Bond as he served Dr. James Rich’s family in the event of his passing earlier in the year. (Video 1 – 1:09:50)

Commissioner Storm thanked the Commission members for their dedicated service and commended a number of staff members and Divisions for stepping up to meet the challenges associated with COVID-19 and keep the department on track.

Action Item: Update to Commission By-laws (Video 1—1:20:34) Dr. Clinard switched the order of the last two action items to allow the Commission time during the break to vote on the special commission permits. He thanked Dr. Carloss for the time and effort drafting new Commission

bylaws. Dr. Carloss gave a brief summary on the history of the bylaws, which are set by the Commission. Dr. Carloss wrote the current draft, consulted legal advice, and sent the document to the other Commission members for feedback. He did not make suggested changes to the language due to open meeting laws. Doug Morgan noted his appreciation of Dr. Carloss' efforts and supported the bylaws as written. Jeff Eaton suggested that the abbreviated version of Robert's Rules of Order be used in training future Commission members. Jeff Eaton made a motion to accept the bylaws as written. Kenny Knott seconded the motion. Sarah Cronan, Chief General Counsel of TAH Cabinet, thanked Dr. Carloss on his work, but noted that Cabinet legal staff had not had sufficient time to review the bylaws. She advised existing bylaws and proposed changes to the bylaws need to be presented to the public before a vote is taken and deferred to agency counsel on Robert's Rules of Order for a vote. Steven Fields, legal counsel for KDFWR, said he was planning on training the Commission on Robert's Rules of Order before COVID-19 pandemic but agreed with Ms. Cronan. Dr. Clinard asked how it would need to be published. Ms. Cronan suggested attaching the bylaws to the agenda of the next meeting for public notice. Jeff Eaton said Robert's Rules deals with board procedure and does not require public comment. Ms. Cronan said it was required under open meetings law. Dr. Carloss said he had sent a copy to Ms. Cronan and Secretary Berry but pointed out there are no existing bylaws at this time. Paul Horn moved to table the action until the bylaws could be posted for public review through the KDFWR website and by attaching to the agenda for the August meeting. Brian Fisher seconded. *The motion was approved, and the item was tabled.*

Action Item: Award of Special Commission Permits to Nonprofit Conservation Organizations in Kentucky for Fundraising (Video 1—1:32:37) Dr. Clinard read the following explanation about the process for special commission permits:

Per KRS 150.177 and 301 KAR 3:100, the Kentucky Fish and Wildlife Commission may award Special Commission Permits to incorporated nonprofit wildlife conservation organizations for the purpose of fundraising to generate proceeds to conduct projects in Kentucky. These projects "shall conserve and enhance fish and wildlife resources within Kentucky by enhancing habitat or providing opportunities for hunting, fishing, trapping, wildlife education, habitat enhancement, or related activities such as shooting sports, hunter and angler education and training, boating, etc." By law, these organizations must report the results of their projects.

At its discretion, the Commission may select up to 10 qualifying applicants per permit type to receive a special permit for each of the following:

- *deer
- *turkey
- *waterfowl
- *elk

Because of our teleconference meeting format today, we will be voting on Special Commission Permit recipients using online ballots. This process was vetted by our legal counsel to ensure compliance with statute and regulation. Votes will be electronically limited to one ballot per Commission member, and tallied with the online ballot software used. Once the results are accessed via a secure website, inspected to ensure there were no more votes cast by each member for a particular permit than allowed per permit, they will be printed and presented to the chair. A staff member outside the Commissioner's office and a department conservation officer will serve as witnesses to

the printing and review of the online ballots and tally report, and initial the tally as witnesses that it was directly downloaded and printed as received from the Commission members.

We will read the results of our votes at the beginning of the New Business Items on our agenda.

At this time, I ask each Commission member to open the email you received with a link to the online ballot, and place your votes.

Dr. Carloss said the Commission received 13 groups who were qualified for the elk tags. He believes the required application process is excessive and he would like to see those who do not get an elk tag be awarded a deer or waterfowl tag ensuring every applicant has some reward for the effort put in to prepare their applications. Paul Horn noted the elk tags are not zone specific and without more input for the Commission to change that rule prior to the vote, there should not be a change to the process. Doug Morgan noted there are only 10 organizations that applied for a turkey permit, ten applied for deer permit, and 9 applied for a waterfowl permit. Paul Horn corrected by saying there were 11 applications for deer permits. Legal counsel Steven Fields responded to questions about the elk zone discussion. He noted an assignment of zones for the elk permits was incorporated into the recent regulation change which would mean the Commission would also have to draw zones corresponding to each elk permit awarded. (The regulation referring to hunting in the elk zone is 301 KAR 2:132.)

Kevin Bond moved that the Commission draw for 10 permits on each species. There are 6 active elk zones for hunting each year. Mr. Fields said assignment needs to be random according to regulation and reminded the Commission of the regulation changes for commission permits to be awarded in a specific year. For this current vote, the Commission would award up to 10 permits for each of deer and waterfowl in 2020, as well as spring turkey, deer, elk and waterfowl in 2021. Each subsequent year hereafter, the vote will be made to award permits for the following year. Doug Morgan seconded Mr. Bond's original motion to award 10 permits per species. Horn, Bond, Carloss, Morgan, Eaton and Knott voted in favor of the motion. Fisher and Swallows voted nay. *The motion was approved.*

Discussion continued on how the Commission would draw for each permit to correspond with the elk hunting units. Mr. Fields read from the updated regulation to ensure the Commission was voting correctly. Horn moved to put the names of organizations awarded an elk permit in one box, put the number of zones in another box and then have a random drawing of a name and then a random drawing for zone, for each permit awarded. Kevin Bond seconded the motion. *The motion was approved.*

Break—Commission cast their votes on Special Commission Permits

Update on Wildlife Management Areas (WMAs) Working Group (Video 1—2:33:06) Dr. Clinard asked Doug Morgan, Chairman of the WMA Working Group, to give an update on their progress. Mr. Morgan listed fellow Commission member Brian Fisher and Ralph Swallows as members. Also on the working group from KDFWR staff are Chris Garland, Jimmy Woods, Brian Gray, John Zimmer, and Scott Harp. Rob Howard, Scott Cronin and Adam Ferguson will join from the public.

Discussion Items

Crossbows for Hunting Migratory Birds - Amend 301 KAR 2:090. Means by which migratory game birds may be taken (Video 1—2:34:32) Chris Garland gave an update with data collected by other states on the usage of crossbows for hunting migratory birds. He noted the Wildlife Division also discussed this issue with the Law Enforcement Division. Dr. Carlross noted reasons for disagreement with the change in regulation to allow for crossbow use. The Commission asked questions of Mr. Garland and Dr. Brunjes about possible restrictions that could be written in regulation for the type of weapon, arrows to be used, etc. Ralph Swallows moved this item be brought back to the next meeting as an action item. Brian Fisher seconded. Fisher, Bond, Eaton, Knott and Swallows voted to bring the item back for a vote. Carlross, Horn, Morgan voted nay. *The motion to make this an action item for next meeting was approved.*

Veteran Days and Youth Waterfowl Seasons (Video 1—2:45:18) Federal law signed in March 2019 modified the Migratory Bird Treaty Act to allow for 2 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. Chris Garland and John Brunjes discussed several options for the dates for both youth and veterans. Brian Fisher and Ralph Swallows both noted there was no concern from veterans in their district as the veterans they spoke to prefer for the youths to have an opportunity. Dr. Carlross noted he spoke to veterans in his district as well who both appreciated the opportunity to have a specific day for hunting while also wanting the youths to have the same benefit. Doug Morgan moved to make this item an action item at the next meeting. Kevin Bond seconded. *The motion to make this an action item at the next meeting was approved.*

Public Dove Fields - Amend 301 KAR 2:225. Dove, wood duck, teal, and other migratory game bird hunting (Video 1—2:52:13) Chris Garland the two parts to the proposed amendment change: 1) Creation of Experimental Dove Fields, and 2) Allowing New Hunters ages 16+ on quota Mentored Hunt Dove Fields

1. Experimental Dove Fields: The Wildlife Division created an internal dove committee to consider how best to extend opportunity. The committee recommended the creation of two “experimental” fields. One would be in the west at Big Rivers WMA and one in the east at Lloyd WMA. Both fields would have 2 limited access (quota) hunts (opening day and the second Saturday of September). Both experimental fields 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 6pm (5pm central) and limit the number of shells (50) each person can use. Hunters would be given a card to record harvest and asked opinions after their hunts. Information gained from these hunts could be used to help guide Wildlife Division management of dove fields in the future. Dr. Carlross asked about contracts with landowners for dove fields. Doug Morgan would like to see re-establishment of former dove fields and new construction of public dove fields in the state. Mr. Garland responded about limited funding for fields, but all agreed it could be a project for the WMA working group. Mr. Brunjes also mentioned the number of participants with private land agreements for dove fields is declining.
2. Allow New Hunters ages 16+ on quota Mentored Hunt Dove Fields: Each dove season, the Kentucky Department of Fish and Wildlife Resources has a number of dove fields dedicated to recruiting youth hunters across the Commonwealth. These youth-mentor

fields have a specific process, described in regulation, for applying. That process currently only allows for youth hunters (15 years old or younger) and their mentors to hunt on designated dates. The R3 [Recruitment, Retention and Reactivation] Branch in KDFWR's Information and Education Division has asked to modify the regulation to allow for mentees (mentored hunters) of any age to hunt on selected quota hunt dove fields. The Wildlife Division would still be able to specify that a given field would be youth-mentor only, but this amendment would allow for flexibility in providing opportunities for the recruitment of hunters of different ages.

Ralph Swallows moved to advance this item as an action item. Kevin Bond seconded. *The motion was approved.*

Mr. Swallows asked if experimental dove fields could have a gate fee to recoup some of the cost associated with maintaining the dove field. A fee would have to be passed through regulation. Mr. Swallows would like to move forward with that concept. Mr. Garland noted they could ask hunters in a survey about the issue of a small fee for usage. Legal Counsel Steven Fields advised that a regulation change would be needed to add a fee, and if landowners were charging then the recreational use liability protection would be jeopardized.

Ballard WMA Shotgun Limit in Blinds - Amend 301 KAR 2:221. Waterfowl seasons and limits (Video 1—2:58:33) 1 shotgun per hunter in a blind is the current limitation. At the last meeting, Commission members asked for a proposed alternative which would be 1 uncased and loaded shotgun per hunter in a blind. Chris Garland gave update on history and rationale. Law Enforcement Division did not indicate a problem with enforcement of this change. Brian Fisher moved to advance this item on as an action item. Kevin Bond seconded. *The motion was approved.*

Brian Fisher asked for a clarification from Mr. Garland if there were other regulations that would restrict the firearm usage. Garland did not know of any other restrictions.

Elk Hunt Drawing Enhancements - Amend 301 KAR 2:132. Elk hunting seasons, permits, zones, and requirements (Video 1—3:01:34) Brian Blank, Marketing Division Director, gave a presentation concerning the enhancements to the elk hunt drawing. The four proposed enhancements are:

1. Open application window earlier - August 1, retain deadline date of April 30
2. Voluntary Surrender - Permits not purchased by a set deadline are classified automatically as "voluntary surrendered" and will be offered to loyalty applicants
3. "Loyalty Redraw" - Loyalty rewards for applicants who have applied every year and have never been drawn
4. Adjust Drawing Dates to accommodate loyalty redraw

The benefits of this plan includes better customer service, increased hunting opportunities, and enhanced satisfaction and support among applicants and hunters. Mr. Blank gave a thorough explanation for each recommendation to the program. Brian Fisher would like to not issue more permits for elk cows. Brian Clark said the quota number of permits is already set by the Commission and this would not negatively affect the herd. Paul Horn would like to move this item to the Elk Management Working

Group for clarification on issues raised by the Commission members, then bring back for a vote at a later meeting. Mr. Swallows, Mr. Bond, and Dr. Carloss each thanked Mr. Blank for his work, and offered suggestions for changes. Jeff Eaton said they had been working on this plan for the past 1.5 years and thanked Mr. Blank. He also thanked Mr. Horn for accepting the enhancement program ideas to the working group. Mr. Eaton moved for this program to be considered by the Elk Management Working Group before being brought for a vote. Brian Fisher seconded. *The motion was approved.*

Mr. Blank noted there were changes in the length of time an item may be moved through the legislative process after it has been voted on by the Commission. If this item is not acted upon by September, it will not take effect by the 2022 elk season. Jeff Eaton reminded the Commission that the working group is an advisory group.

New Business Items

Amend 301 KAR 2:144 - Fall Wild Turkey Season – Bag limit and season structure (Video 1—3:34:00) At the May 22 Commission meeting the Commission introduced the fall turkey season and the discussion of reducing the fall bag limit to 2 birds from the current 4-bird limit and reducing the number of hens allowed in the fall bag limit. Chris Garland gave the Commission an updated summary on participation and history. Brian Clark discussed harvest trends and preliminary hunter survey results using a PowerPoint presentation. Chris Garland asked what the Commission would like to bring back for discussion. Kenny Knott suggested that some hunters may be voluntarily passing on hens as a result of seeing fewer turkeys. Dr. Carloss expressed appreciation for the white paper received from the Wildlife Division on turkey hunting from the Southeastern Association of Fish and Wildlife Agencies, and said that based on hunter observations of fewer turkeys, he would like to see the fall bag limit of hens reduced.

Amend 301 KAR 2:251. Bobcat Seasons (Video 1—3:53:39) Chris Garland discussed history of changes, trends in bobcat hunting and trapping seasons. He requested that the Commission look at the bobcat white paper in their packet as he discussed the information provided in statistical graphs. Preliminary hunter survey results were not available, but a current study is underway. Trapping remains popular in Kentucky with bobcat as a valuable furbearer species. Mr. Garland said the Wildlife Division would like to research this issue further before potentially increasing hunter harvest on this species. Brian Fisher would like to see data showing the number of bobcats harvested during modern gun season. He also thanked biologist Laura Palmer, Zak Danks, Chris Garland and Brian Clark for their work on this subject.

“Youth” Definition in Waterfowl Regulation - 301 KAR 2:221. (Video 1—3:59:16) Clarification on regulation language. The regulations consistently define “youth” as age 15 or younger for licensing and participation at time of youth hunts. “Adult” is defined as 18 or older for legal supervision of youths. There is the option to expand hunt opportunities to youths who buy their license/permits before turning 16. Dr. Carloss asked about the legality of the hunter who is 17 hunting in a stand by him/herself. Mr. Garland said they will be looking at all regulations containing the word “youth” to ensure consistency in definitions.

Wanton Waste (Video 1—4:01:50) Department and Commission members have been contacted by sportsmen’s groups including the League of Kentucky Sportsmen, who passed a resolution in favor of developing a wanton waste law. Department staff and Commission members have

been reviewing wanton waste laws in other states and will present recommendations for Kentucky. Kyle Sams and John Hast have put together research on this topic. Steven Fields has reviewed statutory authority. Retrieval, removal in field, and disposal methods are the three areas Mr. Garland said would be addressed in a potential regulation. Nuisance animals and use of road kills would be exempt from this proposed regulation. Mr. Garland will send his summary out to the Commission for them to discuss with their constituents. Dr. Carloss would like to look at nuisance tags that are provided by the department. Current law says to leave the carcass, which means groups like Hunters for the Hungry do not get the meat; he would like to see the carcass go to good use rather than decay in a field. Mr. Eaton brought up taxidermy issues, and the potential need to list some exemptions in the regulation. Chris Garland clarified that current law (KRS 150.170) allows for edible portions of dispatched nuisance animals being donated to Hunters for the Hungry.

Updates from Recent Hunting Seasons (Video 1—4: 09:20) Mr. Garland asked Bear Program Coordinator Dr. John Hast to give a summary on bear season including permit sales, harvest statistics and nuisance reports. Dr. Carloss asked about feasibility of trapping bears and moving to the Land between the Lakes in cooperation with the U.S. Fish and Wildlife Service.

Turkey Program Coordinator Zak Danks to give a spring turkey season update including harvest information.

Doug Morgan asked on status of proposed squirrel season in Greenbo Lake State Resort Park. Mr. Garland updated Commission on progress.

Acting Deer and Elk Program Coordinator Kyle Sams gave an update on deer and elk harvest, elk program changes and chronic wasting disease (CWD) information.

Small Game Program Coordinator John Morgan gave an update on small game seasons, interactions with sportsmen and hunting season for rabbits and game bird species. He will be releasing a final report on the quail restoration effort that began in 2008 and finished in 2018.

Fisheries Update (Video 1—4:44:56) Fisheries Division Acting Director Paul Wilkes gave an update on fisheries and potential regulation changes. Mr. Bond asked for a summary of the fish kill settlement. Mr. Wilkes asked Steven Fields to address the litigation involved in the agreement. Mr. Wilkes will follow up and give update to Mr. Bond. Doug Morgan updated information on handicapped-accessible fishing pier discussion for his district. Mr. Knott commended the Fisheries staff working on Barren River Lake for the great job they have done working in his district and also for the work on Kentucky Lake.

Dr. Clinard asked Law Enforcement Director Colonel Eric Gibson to update the Commission on drownings this season. Col. Gibson also reported on the current Conservation Officer recruit class, which was suspended due to COVID-19. Kenny Knott asked about new technology for body retrieval in the event of drownings. Col. Gibson responded with information on this issue he had previously discussed with Commissioner Storm. He thanked volunteers at Herrington Lake with their assistance recently as they aided in recent search and recovery.

Salato Wildlife Education Center Fees (Video 1—5:01:43) Information and Education Acting Director Gabe Jenkins gave an update from his division. Mr. Jenkins also briefly discussed the possibility of updating entry fees for Salato Wildlife Education Center. These fees were last adjusted in 2015. Mr. Jenkins asked for support from the Commission to evaluate the fee

structure currently in place, pass the information on to the Alternative Income Working Group and bring that to the Commission. Brian Fisher moved to approve the research and support the division's efforts to research potential changes in fees. Jeff Eaton seconded. *The motion was approved.*

Kevin Bond asked for a list of working group members.

Dr. Clinard reported a 3-way tie on Special Commission elk permits. The Commission will need to do a show-of-hands vote to break the tie. Mr. Clark announced the 3 organizations (Northern Kentucky Fly Fishers, The Nature Conservancy and Wildlife Women) to the Commission for the Commission members to contemplate during executive session.

Public Comments

The following comments received by email within the designated timeframe and related to the agenda were read by public information officer Kevin Kelly (Video 1—5:22:17):

1. Bob Cotter

Will nonresidents be able to hunt deer this year? What you did to turkey hunters was extremely unsettling.

2. Larry Richards, President, Kentuckiana Chapter of Safari Club International

Not everyone received the survey in the proper time. I worked late on the night before the closing date to try and get waterfowl hunters who did not receive the survey for whatever reason to get the survey sent to them despite having filled out the HIP survey. Kentuckiana Safari Club fully supports returning the opening to the original Sept 1 date.

3. Col. (Retired) Mike Abell, Vice Chairman, Kentucky Chapter of Backcountry Hunters and Anglers.

Dear Commissioners, There was great interest and review by the Board of Directors of Kentucky Backcountry Hunters and Anglers in this month's agenda. We would like to thank you for sending out the full agenda much earlier this month. It really helped us review and discuss the agenda items.

Our only issue that we feel strongly enough to provide public comment on this month is New Business Item 1 (NB-1), "Update on fall turkey hunting participation and harvest trends and recent hunter survey results."

We have two points:

(1) While we acknowledge the reduced overall fall harvest trend, we are concerned about whether that is due to reduced turkey populations or hunter interest. We want to ensure that the reduced bag limit is also recommended by the biologists of the KDFWR, because we strongly believe in science based management of our wildlife as per the North American Model of Wildlife Conservation.

(2) Our hunting traditions are part of our culture and we believe we should take that into consideration. Fall turkey hunting throughout the region, not just Kentucky, predates our spring seasons. We are concerned that reducing opportunity in the fall starts a "slippery

slope" that could lead to eliminating the fall hunt. So, to circle back to our first point, the reduction should only be done if there is a biological imperative. Thank you.

4. Jake Anderson, Lusk Mechanical Contractors, Service Technician

Can someone within Kentucky Department of Fish and Wildlife give me a scientific explanation as to how CWD originated in free range deer in Tennessee?

Executive Session (Video 1—5:27:17) 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 an public business is discussed or at which any action is taken by the agency, shall be public meetings, open to the public at all times except for specific 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 personnel matter and land acquisitions.

The session will be closed to maintain the privacy of the employee and to protect the states interests in the acquisition of land.

The closed session is authorized by KRS 61.810 under Section 1(f) for the personnel matter and 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 closed session, the live feed of the meeting will be suspended for the duration of the closed session. During this time, the feed will just show a blank black screen. Once the closed session ends, we will resume the live feed. Members of the public that are viewing the live feed will not have to do anything to their computers. You can just wait, and the live feed will resume without you having to click on anything. We anticipate the closed session will take at least thirty minutes. If it is less than that, we will wait to resume the open meeting until at least thirty minutes have passed since entering closed session. That way everyone knows they have at least twenty minutes of break to get a drink, stretch your legs, or whatever you would like to do.

Paul Horn moved to enter executive session. Kevin Bond seconded. *The motion was approved.*

Open Session (Video 2)

Chairman Clinard called the meeting back to order for continuing with open session.

Action Items: Land Acquisition Projects (Video 2—0:05) Commission came out of executive session to act on four proposed land acquisition projects, Project A, Project B, Project C and Project D.

Dr. Carloss moved to acquire Projects A and B. Seconded by Kevin Bond. *The motion was approved.*

Dr. Carloss moved to acquire Projects C and D. Seconded by Kevin Bond. *The motion was approved.*

Dr. Clinard announced a potential date for the next meeting as August 7, 2020.

Special Commission Permits (Video 2—1:20) The Commission members were asked to raise their hands to break a 3-way tie of votes for awarding elk permits. Brian Fisher was not able to be present on this portion of the meeting. Wildlife Women, The Nature Conservancy, and Northern Kentucky Fly Fishers were the 3 groups in this tie vote.

Dr. Clinard asked to read the names of the permits that were awarded while the Commission waited on technical issues for Kenny Knott to rejoin the meeting.

- 2020 Waterfowl — Appalachian Outdoorsmen Association Inc., Kentucky Fish and Wildlife Foundation, Kentucky Grouse Hunters Association, Kentucky Hunters for the Hungry, Kentucky Trapshooters League, League of Kentucky Sportsmen Inc., Northern Kentucky Fly Fishers Inc., The Nature Conservancy, Wildlife Women
- 2020 Deer — Appalachian Outdoorsmen Association Inc., Kentucky Fish and Wildlife Foundation, Kentucky Grouse Hunters Association, Kentucky Houndsmen Foundation for Sportsmen's Rights Inc., Kentucky Hunters for the Hungry, Kentucky Trapshooters League, League of Kentucky Sportsmen Inc., Quality Deer Management Association, The Nature Conservancy, *Wildlife Women [*this organization name was inadvertently left unread during the meeting]
- 2021 Deer — Kentucky Fish and Wildlife Foundation, Kentucky Grouse Hunters Association, Kentucky Houndsmen Foundation for Sportsmen's Rights Inc., Kentucky Hunters for the Hungry, Kentucky Trapshooters League, League of Kentucky Sportsmen Inc., Northern Kentucky Fly Fishers Inc., Quality Deer Management Association, The Nature Conservancy, *Wildlife Women Wildlife Women [*this organization name was inadvertently left unread during the meeting]
- 2021 Spring Turkey — Appalachian Outdoorsmen Association Inc., Kentucky Fish and Wildlife Foundation, Kentucky Grouse Hunters Association, Kentucky Hunters for the Hungry, Kentucky Trapshooters League, League of Kentucky Sportsmen Inc., Northern Kentucky Fly Fishers Inc., Quality Deer Management Association, The Nature Conservancy, Wildlife Women
- 2021 Waterfowl — Appalachian Outdoorsmen Association Inc., Kentucky Fish and Wildlife Foundation, Kentucky Grouse Hunters Association, Kentucky Hunters for the Hungry, Kentucky Trapshooters League, League of Kentucky Sportsmen Inc., Northern Kentucky Fly Fishers Inc., The Nature Conservancy, Wildlife Women

Dr. Clinard asked the Commission to break the 3-way tie for elk permit.

Results of the vote were: Northern Kentucky Fly Fishers Inc. received 7 votes, The Nature Conservancy received 2 votes, and Wildlife Women received 5 votes. Therefore the results for 2021 elk permits were as follows:

- 2021 Elk — KY Fish and Wildlife Foundation, Kentucky Grouse Hunters Association, Kentucky Houndsmen Foundation for Sportsmen's Rights Inc., Kentucky Hunters for the Hungry, Kentucky Trapshooters League, League of Kentucky Sportsmen Inc., Northern Kentucky Fly Fishers Inc., Quality Deer Management Association, Rocky Mountain Elk Foundation, Wildlife Women

All 10 names of elk permit recipients (printed on separate pieces of paper and folded) were placed in a box. The numbers for elk hunting units (printed on separate pieces of paper and folded) were placed in a separate box. A blind drawing was conducted to sequentially select an organization name and then a corresponding elk hunting unit for each recipient organization. After the first 6 recipient organizations and units were drawn, the huntable unit numbers were placed back in the unit drawing box for the final 2 recipients' unit assignments. Results of the elk hunting units were as follows:

Kentucky Houndsmen Foundation for Sportsmen's Rights Inc. - Unit 5
Rocky Mountain Elk Foundation - Unit 3
Quality Deer Management Association - Unit 2
Wildlife Women - Unit 6
Kentucky Hunters for the Hungry - Unit 7
Kentucky Fish and Wildlife Foundation - Unit 4
League of Kentucky Sportsmen - Unit 6
Kentucky Trap Shooters drew - Unit 2
Kentucky Grouse Hunters Association - Unit 7
Northern Kentucky Fly Fishers - Unit 4

Dr. Carloss made a motion that, if legally possible, the Commission shall offer a permit within the 10-permit allocation that was not awarded to a group(s) who had applied for other permit types but did not receive one through voting. Doug Morgan seconded. *The motion was approved.*

Mr. Fields stipulated that if this were to be legally allowable, then the organization(s) offered a permit would not be obligated to receive the tag.

Adjournment (Video 2 –27:08) Dr. Carloss moved to adjourn the meeting and Kevin Bond seconded. *The motion was approved.*

Kentucky Fish and Wildlife Commission Meeting

REQUEST FOR COMMISSION ACTION

DATE: September 25, 2020

Regulation Number: N/A

Regular or Emergency: N/A

Action Item: Approval of June 26, 2020 Commission Meeting Minutes

Effective Date: N/A

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

Motion made by: _____

Motion Seconded by: _____

Action: **Approved** **Denied**

Kentucky Department of Fish & Wildlife Resources



**Special Called Commission Meeting
Minutes**

Live Teleconference – [Video recording](#)* posted at *fw.ky.gov*
August 12, 2020
#1 Sportsman's Lane
Frankfort, KY
8:30 AM (ET)

Commission Members in Attendance (via Zoom.com) - Dr. Karl Clinard, Jeff Eaton, Brian Fisher, Paul Horn, Kenny Knott, Doug Morgan, Ralph Swallows.

Call to Order and Welcome – Dr. Karl Clinard, Chair

Invocation and Pledge of Allegiance – Ralph Swallows and Brian Fisher

Opening Remarks (Video – 00:32) – Dr. Clinard presented the following opening statement:

“Since the beginning of this year, the Commission has fought to exercise its statutory right under KRS 150.061 to appoint the Commissioner of the Department of Fish and Wildlife Resources. At each turn, the Administration has thwarted our efforts, I believe, in an attempt to exert undue political influence over the Commission and to access departmental funds.

Kentucky sportsmen have paid their license fees with the expectation that the Department and the Commission will fulfill their mandate to conserve wildlife habitat and preserve our heritage and constitutional rights to hunt and fish in the Commonwealth.

*Technical difficulties precluded video recording of the Call to Order, Welcome, Invocation and Pledge of Allegiance from being archived.

The Administration—including the Tourism, Arts and Heritage Cabinet, the Finance and Administration Cabinet, and their secretaries—have sown discord and dysfunction, have injected politics into what should be the Department’s nonpartisan objectives, and threatened the restricted funds voluntarily paid by Kentucky’s sportsmen to support our mission.

Commissioners, sportsmen and women, let me review what has happened in recent months that brings us together today:

On January 31, the Commission voted unanimously to renew Commissioner Storm’s contract for two years, executed the contract renewal documents, and submitted them to Secretary Berry of the Tourism, Arts and Heritage Cabinet.

On May 18, after the Contract had received no action, I asked the Department’s Administrative Services Office to re-send the Contract to Secretary Berry and again request that he forward the contract to the Finance and Administration Cabinet. The Secretary still took no action.

On June 1, I asked Administrative Services to forward Commissioner Storm’s contract and other relevant documents to the Legislative Research Commission’s Government Contract Review Committee for approval. The Committee received the contract the same day.

On June 16, the Commission requested a formal opinion from the Attorney General concerning our legal authority to appoint a Commissioner.

The Attorney General’s office provided the opinion we requested within ten days. The Attorney General held that: (1) the Commission has the sole power to appoint the Commissioner of Fish and Wildlife and set his compensation, and (2) the Finance Cabinet has no role in reviewing or approving our contract with the Commissioner unless the contract is disapproved by the Government Contract Review Committee.

On June 30, the Finance Cabinet asked the Commission to remove signature lines for the Cabinet from Commissioner Storm’s contract. We did so and re-sent the contract to the Government Contract Review Committee the very same day. The Committee confirmed receipt of the contract and scheduled the revised contract to be heard at its July 14th meeting.

On July 14th, the Contract Review Committee accepted the revised contract, without objection.

The Governor’s Office of Legislative Services sent a letter to the Contract Review Committee on July 15th, in which they claimed that, contrary to the Attorney General’s opinion, the Commission does not have the sole authority to select its Commissioner, and that all contracts must be approved by Tourism and Finance cabinets.

The Governor’s Office also claimed that the contract with Commissioner Storm was inappropriate because it was for two years duration; when the General Assembly had enacted only a one-year state budget. The claim was hypocritical because the Administration had approved over 900 personal service contracts this year with a duration longer than one year. The claim also over-emphasized the relevance of the one-year legislatively enacted budget, because the Department receives no General Fund revenues and the Commissioner’s salary would be paid entirely from restricted funds, which come from the user fees paid by Kentucky sportsmen.

On July 15th, I sent a letter to Secretary Berry and the General Counsel of the Tourism, Arts and Heritage Cabinet, informing them of the Committee's decision to accept the contract with Commissioner Storm, and asked them to restore Commissioner Storm's electronic devices and email capabilities.

The next day, July 16th, Secretary Berry responded to me and informed me that the Cabinet considered Commissioner Storm's contract to be void and unenforceable.

Also, on July 16, Secretary McCoy-Johnson of the Finance Cabinet sent a letter to the Government Contract Review Committee regarding its acceptance of the contract with Commissioner Storm. According to the Secretary, the contract was not valid under the Model Procurement Code, and therefore, would not be uploaded into the Commonwealth's electronic contracting system.

At the Commission's request, on August 5 the Attorney General's office sent a final appeal letter to the Governor's Office and the Finance and Tourism cabinets, requesting that the cabinets process Commissioner Storm's contract.

The Governor's Office responded to the Attorney General's letter on August 6 and asserted that the Finance Cabinet has authority to review and disapprove the Commission's contract with Commissioner Storm. A special meeting we had planned for last week was cancelled to allow the Commission time to consider the letter from the Governor's Office.

Despite having been given opportunities—multiple opportunities—over the past seven-plus months, the Administration apparently will not do the right thing. The 700,000 sportsmen of the Commonwealth deserve and demand better. It is our duty as Commissioners to resist this politically motivated action by the Administration.

If we allow politics to infiltrate the KDFWR, I am convinced that our resources will suffer, and revenue generated by our sportsmen will be seized.

That concludes my opening statement. The floor is now open to further discussion or motions on your part."

Discussion (Video – 08:05)

Doug Morgan commented that for about seven months the question had been debated, everyone had had their say, and the Commission had vetted this as much as possible, and that it was time to cut the debate off. He then made a motion as follows.

Action Items

Action Item (Video – 08:27)

Doug Morgan moved that the Commission reassert its statutory authority, reaffirm its vote on January 31st to appoint Rich Storm as Commissioner of the Department of Fish and Wildlife Resources, declare that Commissioner Storm is, in fact, the Commissioner of the Department, and authorize Chairman Clinard to execute any contracts or other documents necessary to effect the Commission's appointment of Commissioner Storm. Kenny Knott seconded the motion.

Jeff Eaton asked for clarification on specific points in the motion, so Doug Morgan re-read his motion. The Commission members present unanimously voted to approve the motion. There was no further discussion on the motion.

Chairman Clinard asked for a vote on the motion. *The motion passed 7-0.*

Action Item (Video – 12:08)

Ralph Swallows made the motion that the Commission engage the services of the Office of the Attorney General to provide legal services to the Commission regarding Commissioner Storm's contract and the administration's efforts to frustrate the Commission's appointment, and that Chairman Clinard be authorized to enter into a memorandum of agreement or any other documents necessary to engage the Attorney General's Office. Brian Fisher seconded the motion. There was no discussion on the motion. Chairman Clinard asked for a vote on the motion. The Commission members present unanimously voted to approve the motion. *The motion passed 7-0.*

Action Item (Video – 13:53)

Kenny Knott moved that the Commission authorize the Attorney General's Office as its legal counsel to initiate any legal proceedings and appeals that are necessary to implement the Commission's appointment of Rich Storm as Commissioner of the Department of Fish and Wildlife Resources, including, if necessary, an appeal all the way to the Kentucky Supreme Court. Brian Fisher asked for a re-reading of the motion, so Kenny Knott re-read his motion. Doug Morgan seconded the motion. There was no further discussion on the motion. Chairman Clinard asked for a vote on the motion. The Commission members present unanimously voted to approve the motion. *The motion passed 7-0.*

Chairman Clinard asked if there was any other business to be brought up other than the three action items.

Chief General Counsel Sarah Cronan stated that given the very limited nature of any discussion on these unprecedented motions and actions, she had concerns that there may have been a violation of the open meetings act. She asked, "Have there had been discussions among the Commission members on the agenda items outside of today's scheduled meeting?"

Chairman Clinard said that all members were given the agenda items. Ms. Cronan said that was not her question, and she restated it: "Have there been discussions among the Commission members on the agenda items outside of today's scheduled meeting?" Dr. Clinard stated that although he could not speak for the rest of the Commission members, he did not believe any members had spoken to more than perhaps one other individual prior to the meeting. He stated that there was no discussion among or meeting of a quorum of the members. He thanked counsel Cronan for her concern.

Chairman Clinard asked if there were any other items for discussion. There were none.

Closing Remarks – Dr. Karl Clinard presented the following closing statement: (Video – 17:19)

"Before we conclude today's meeting, I want to remind everyone of the full Commission meeting on Friday morning at 8:30 a.m. on September 25th. We'll have a busy day with many important

issues to consider. We will also be introducing new gubernatorial appointees to the Commission and to the sportsmen and women of Kentucky.

I also want to recognize and honor three members of our Commission who will serve their last day tomorrow when their term expires:

Dr. Harry Carloss of the 1st District,
Dr. Jeff Eaton of the 6th District, and
Kevin Bond of the 5th District

I have had the distinct privilege of working with these fine men over the last few years. They have donated countless hours to sportsmen's efforts, to resource protection, and to wildlife management throughout the Commonwealth. They will be sorely missed. Thank you, gentlemen, from all your fellow Commissioners, for your service. I encourage the sportsmen in the 1st, 5th, and 6th districts to contact these men and thank them for their years of selfless service.

Finally, on behalf of the entire Commission and Commissioner Rich Storm, I want to thank the thousands of individuals who have expressed their support and offered their assistance to the Commission in dealing with the matters before us today. Many legislators, from both sides of the aisle, have contacted us and offered their encouragement.

Sportsmen's groups and individuals by the thousands have sent word of their support. To all of those, I say thank you all.

Please continue your support by expressing your concern to legislators and to the Administration. By doing so, I pray that this battle for sportsmen's rights will never need to be waged again and we will prevail together.

Is there any other business to be discussed, gentlemen? If there is no further discussion, I'll entertain a motion to adjourn."

Adjournment (Video – 19:48) Kenny Knott moved to adjourn the meeting. Ralph Swallows seconded. *The motion was approved and the meeting adjourned.*

Kentucky Fish and Wildlife Commission Meeting

REQUEST FOR COMMISSION ACTION

DATE: September 25, 2020

Regulation Number: N/A

Regular or Emergency: N/A

Action Item: Approval of August 12, 2020 Special Called Commission Meeting Minutes

Effective Date: N/A

Action Requested of Commission:

☐ File the Regulation

☒ Other

Action Taken by Commission:

☐ File the Regulation

☐ Other

Motion made by: _____

Motion Seconded by: _____

Action: ☐ Approved ☐ Denied

Quarterly Financial Statements

Department of Fish & Wildlife Resources Income Statement - FY20 / June

100.00%						
	FY20 Year To Date					Percent
REVENUE	April	May	June	TOTALS	FY20 BUDGET	Earned / Expended
<u>Restricted Fish and Game Fund</u>						
Hunting and Fishing Licenses	\$ 5,498,946.00	\$ 4,644,493.05	\$ 3,747,476.50	\$ 33,565,298.55	\$ 32,700,000.00	102.65%
Boat Registration Fees	\$ 1,101,633.15	\$ 1,334,942.17	\$ 1,169,954.87	\$ 4,646,039.29	\$ 5,920,000.00	78.48%
Interest Income	\$ 54,519.05	\$ 25,784.40	\$ 24,481.46	\$ 893,221.19	\$ 150,000.00	595.48%
Camp Income	\$ 6,365.50	\$ (315,283.94)	\$ (522.00)	\$ 74,089.33	\$ 685,000.00	10.82%
General Sales	\$ 36,473.46	\$ 36,778.48	\$ 19,653.50	\$ 319,046.97	\$ 350,000.00	91.16%
Otter Creek Outdoor Recreation Area	\$ 12,955.30	\$ 7,165.42	\$ 27,881.69	\$ 129,087.95	\$ 270,000.00	47.81%
Proceeds from Asset Disposition	\$ -	\$ -	\$ -	\$ 283,759.95	\$ 240,000.00	118.23%
Fish and Game Fines & Forfeitures/ Restitution	\$ 12,631.80	\$ 3,953.14	\$ 4,185.38	\$ 113,840.28	\$ 130,000.00	87.57%
Nongame (includes Ky Wild and Income Tax Check-off)	\$ 17,531.50	\$ 18,809.00	\$ 15,101.00	\$ 104,609.26	\$ 40,000.00	261.52%
Miscellaneous Receipts	\$ 35,042.84	\$ 226,983.15	\$ 218,449.55	\$ 1,241,841.92	\$ 1,881,700.00	66.00%
Sub-Total Restricted Fish and Game Fund	\$ 6,776,098.60	\$ 5,983,624.87	\$ 5,226,661.95	\$ 41,370,834.69	\$ 42,366,700.00	97.65%
Sub-Total Federal Fish and Wildlife Fund	\$ 527,164.09	\$ 753,721.34	\$ 3,841,367.02	\$ 20,032,318.32	\$ 18,880,200.00	106.10%
TOTAL REVENUE	\$ 7,303,262.69	\$ 6,737,346.21	\$ 9,068,028.97	\$ 61,403,153.01	\$ 61,246,900.00	100.26%
<u>EXPENDITURES</u>						
Commissioner's Office	\$ 161,899.04	\$ 145,229.09	\$ 276,552.45	\$ 2,132,966.97	\$ 2,179,600.00	97.86%
Commission	\$ 344.55	\$ 26.35	\$ 290.40	\$ 19,241.17	\$ 32,800.00	58.66%
Marketing Division	\$ 106,956.52	\$ 74,604.66	\$ 37,844.86	\$ 905,805.14	\$ 1,096,800.00	82.59%
Administrative Services Division	\$ 345,101.88	\$ 375,803.96	\$ 34,429.91	\$ 3,501,946.30	\$ 3,475,300.00	100.77%
Engineering Infrastructure and Technology Division	\$ 194,186.94	\$ 193,895.11	\$ 131,715.40	\$ 2,378,655.69	\$ 3,194,000.00	74.47%
Wildlife Division	\$ 1,405,937.33	\$ 1,273,202.25	\$ 1,681,365.73	\$ 16,392,175.63	\$ 17,888,600.00	91.63%
Fisheries Division	\$ 816,501.39	\$ 824,584.50	\$ 693,966.33	\$ 11,151,809.59	\$ 10,271,000.00	108.58%
Information & Education	\$ 557,385.39	\$ 530,345.80	\$ 575,156.21	\$ 7,486,912.09	\$ 8,134,200.00	92.04%
Law Enforcement	\$ 1,370,528.99	\$ 1,048,280.50	\$ 1,131,179.42	\$ 13,525,312.10	\$ 14,679,600.00	92.14%
OPERATING EXPENDITURES	\$ 4,958,842.03	\$ 4,465,972.22	\$ 4,562,500.71	\$ 57,494,824.68	\$ 60,951,900.00	94.33%
NET Gain/Loss Operating	\$ 2,344,420.66	\$ 2,271,373.99	\$ 4,505,528.26	\$ 3,908,328.33	\$ 295,000.00	

DEPARTMENT OF FISH & WILDLIFE RESOURCES
Operating Budget Review
For the Month of June 2020 (FY20)

	Month of June			Fiscal Year To Fourth Quarter		
	FY20	FY19	FY18	FY20	FY19	FY18
REVENUE ¹						
Restricted Fish and Game Fund						
Hunting and Fishing Licenses	\$ 3,747,476.50	\$ 2,785,950.50	\$ 2,220,454.50	\$ 33,565,298.55	\$ 30,450,147.00	\$ 30,530,727.95
Boat Registration Fees ²	\$ 1,169,954.87	\$ 703,682.38	\$ 745,214.97	\$ 4,646,039.29	\$ 5,936,230.31	\$ 5,556,740.17
Interest Income	\$ 24,481.46	\$ 111,779.84	\$ -	\$ 893,221.19	\$ 950,586.90	\$ 262,298.62
Camp Income	\$ (522.00)	\$ 18,026.80	\$ 20,382.05	\$ 74,089.33	\$ 567,927.66	\$ 650,975.58
General Sales	\$ 19,653.50	\$ 40,453.36	\$ 37,305.99	\$ 319,046.97	\$ 372,126.13	\$ 341,324.40
Otter Creek Outdoor Recreation Area	\$ 27,881.69	\$ 14,011.59	\$ 38,185.77	\$ 129,087.95	\$ 186,720.70	\$ 253,471.80
Proceeds from Asset Disposition		\$ (55,544.00)	\$ 15,200.00	\$ 283,759.95	\$ 201,654.76	\$ 258,587.27
Fish and Game Fines & Forfeitures/ Restitution	\$ 4,185.38	\$ 1,642.66	\$ 14,375.63	\$ 113,840.28	\$ 139,848.24	\$ 152,462.60
Nongame (includes Ky Wild and Income Tax Check-off	\$ 15,101.00	\$ 3,200.00	\$ 6,058.00	\$ 104,609.26	\$ 54,411.50	\$ 31,507.00
Miscellaneous Receipts ³	\$ 218,449.55	\$ 44,145.87	\$ 329,120.97	\$ 1,241,841.92	\$ 1,547,361.50	\$ 1,179,095.94
Sub-Total Restricted Fish and Game Fund	\$ 5,226,661.95	\$ 3,667,349.00	\$ 3,426,297.88	\$ 41,370,834.69	\$ 40,407,014.70	\$ 39,217,191.33
Sub-Total Federal Fish and Wildlife Fund	\$ 3,841,367.02	\$ 3,224,709.65	\$ 1,219,245.52	\$ 20,032,318.32	\$ 21,024,729.13	\$ 15,452,696.20
TOTAL REVENUE	\$ 9,068,028.97	\$ 6,892,058.65	\$ 4,645,543.40	\$ 61,403,153.01	\$ 61,431,743.83	\$ 54,669,887.53
EXPENDITURES						
Commissioner's Office	\$ 276,552.45	\$ 94,771.77	\$ 57,966.62	\$ 2,132,966.97	\$ 1,802,757.55	\$ 1,718,412.73
Commission	\$ 290.40	\$ 3,704.05	\$ 8,944.85	\$ 19,241.17	\$ 29,159.32	\$ 28,904.89
Marketing Division	\$ 37,844.86	\$ 57,656.95	\$ 54,262.12	\$ 905,805.14	\$ 1,097,484.63	\$ 978,562.40
Administrative Services Division	\$ 34,429.91	\$ 614,878.84	\$ 137,170.61	\$ 3,501,946.30	\$ 3,674,666.47	\$ 2,873,881.40
Engineering Infrastructure and Technology Division	\$ 131,715.40	\$ 204,151.05	\$ 117,310.40	\$ 2,378,655.69	\$ 2,648,156.05	\$ 2,373,594.40
Wildlife Division	\$ 1,681,365.73	\$ 1,443,610.02	\$ 1,156,706.56	\$ 16,392,175.63	\$ 16,872,023.17	\$ 15,074,285.99
Fisheries Division	\$ 693,966.33	\$ 732,809.75	\$ 696,295.15	\$ 11,151,809.59	\$ 10,249,786.12	\$ 9,042,286.51
Information & Education	\$ 575,156.21	\$ 628,979.84	\$ 607,224.02	\$ 7,486,912.09	\$ 7,782,598.52	\$ 7,110,530.84
Law Enforcement	\$ 1,131,179.42	\$ 1,541,521.70	\$ 1,262,985.49	\$ 13,525,312.10	\$ 13,289,828.18	\$ 12,589,415.13
OPERATING EXPENDITURES ⁴	\$ 4,562,500.71	\$ 5,322,083.97	\$ 4,098,865.82	\$ 57,494,824.68	\$ 57,446,460.01	\$ 51,789,874.29
NET Gain / Loss Operating	\$4,505,528.26	\$1,569,974.68	\$546,677.58	\$3,908,328.33	\$3,985,283.82	\$2,880,013.24

¹ FILO Administrative Receipts are not represented - Approx \$1.2 million for FY20

² The Deadline for Boat Registration was extended due to COVID, Additional Receipts anticipated in early Fiscal Year 2021.

³ Fish Kill Receipts of \$186K included in Miscellaneous Receipts.

⁴ Expenditures were lower due to COVID closure of camps. The Commissioner's Office absorbed costs for other divisions.

Cash Fund Balances - Fiscal Year 2020 June

	Beginning Balance	Revenue	Expenditures	Transfers	Ending Balance
Agency Revenue Funds					
Restricted Fish & Game Fund (134R)	\$ 27,981,622.64	\$ 5,226,657.08	\$ (2,850,631.28)	\$ (574,735.97)	\$ 29,782,912.47
Nongame Fish and Wildlife Fund (13NY)	\$ 26,816.07	\$ 17.37			\$ 26,833.44
Ky Heritage Land Conservation Mgmt Fund (13KR)	\$ 250,342.11				\$ 250,342.11
Fees in Lieu of ("FILO") Stream Mitigation Fund (134S)	\$ 170,023,825.80	\$ 683,941.95	\$ (48,844.33)	\$ (14,297,008.27)	\$ 156,361,915.15
Capital Fund					
Various Capital Funded Projects (FILO, Agency Maintenance, etc.)	\$ 19,834,600.46		\$ (1,380,655.95)	\$ 14,962,008.27	\$ 33,415,952.78
Federal Fund					
F&W Federal Fund	\$ 6,272,235.59	\$ 3,841,404.52	\$ (1,426,845.88)	\$ (90,264.03)	\$ 8,596,530.20
Special Deposit Trust Fund					
FW-Commissioner's Office Fund	\$ 8,916.24				\$ 8,916.24
	<u>\$ 224,398,358.91</u>	<u>\$ 9,752,020.92</u>	<u>\$ (5,706,977.44)</u>	<u>\$ (0.00)</u>	<u>\$ 228,443,402.39</u>

Attachment A-3

Kentucky Fish and Wildlife Commission Meeting
REQUEST FOR COMMISSION ACTION
DATE: September 25, 2020

Regulation Number: N/A

Regular or Emergency: N/A

Action Item: Approval of Quarterly Financial Statements (April – June 2020)

Effective Date: N/A

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

Motion made by: _____

Motion Seconded by: _____

Action: ☐ Approved ☐ Denied

Department of Fish & Wildlife Resources

Operating Budget - Fiscal Year 2021

<u>REVENUE</u>	<u>FY21 BUDGET</u>
Hunting and Fishing Licenses	\$ 34,000,000.00
Boat Registration Fees	\$ 5,920,000.00
Interest Income	\$ 700,000.00
Camp Income	\$ 685,000.00
General Sales	\$ 350,000.00
Otter Creek Outdoor Recreation Area	\$ 200,000.00
Proceeds from Asset Disposition	\$ 240,000.00
Fish and Game Fines & Forfeitures/ Restitution	\$ 130,000.00
Nongame (includes Ky Wild and Income Tax Check-off)	\$ 100,000.00
Miscellaneous Receipts	\$ 1,500,000.00
Sub-Total Restricted Fish and Game Fund	\$ 43,825,000.00
Sub-Total Federal Fish and Wildlife Fund	\$ 21,000,000.00
TOTAL REVENUE	\$ 64,825,000.00
<u>EXPENDITURES</u> [*]	
Administration & Support	\$ 5,735,100.00
Marketing Division	\$ 1,350,000.00
Engineering Infrastructure and Technology Division	\$ 3,230,300.00
Wildlife Division	\$ 18,700,000.00
Fisheries Division	\$ 13,400,000.00
Information & Education	\$ 6,788,800.00
Law Enforcement	\$ 15,200,000.00
OPERATING EXPENDITURES	\$ 64,404,200.00
NET Gain/Loss Operating	\$ 420,800.00

^{*} Operating budget includes anticipated budget cut reduction.

Attachment A-4

Kentucky Fish and Wildlife Commission Meeting

ACTION ITEM

DATE: September 25, 2020

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

Effective Date: FY2020

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

Motion made by: _____

Motion Seconded by: _____

Action: **Approved** **Denied**

Attachment A-5

Kentucky Fish and Wildlife Commission Meeting
REQUEST FOR COMMISSION ACTION
DATE: September 25, 2020

Regulation Number: 301 KAR 2:225

Regular or Emergency: Regular

Action Item: Amend 301 KAR 2:225. Dove, wood duck, teal, and other migratory game bird hunting.

Action: Determine the recommended September Canada goose season timing

Projected Effective Timeframe: Current (if unchanged), or 2021-2022 Goose season (if amended)

Introduction:

The Wildlife Division recommends retaining the current season timing of Sept. 16-30.

In 2001, Kentucky initiated a September Canada goose hunting season, occurring September 1-15. In 2016, after extensive conversations with goose hunters by the KDFWR Wildlife Division and by the Commission, the Commission voted to change the timing of the Kentucky September goose season to September 16-30. More recently, KDFWR Commission members have heard from some hunters wishing to revert to the original season dates of September 1-15.

Options include:

- Retain the current season timing, Sept. 16-30;
- Move the September season statewide to Sept. 1-15 and eliminate zones;
- Compromise the above options with a mid-Sep. season, opening the second Saturday in Sept. and closing on a Sunday after 16 consecutive days.
- Create a western zone for early Sept. season, and eastern zone for late Sept.
- Administer the waterfowl hunter survey by mail to hunters in the HIP Migratory Bird Harvest Survey database who did not respond to the email survey in order to determine whether results are the same mail vs. email.

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

Motion Seconded by: _____

Action: **Approved** **Denied**

Attachment A-6

Kentucky Fish and Wildlife Commission Meeting

ACTION ITEM

DATE: September 25, 2020

Regulation Number: 301 KAR 2:090 **Regular or Emergency:** Regular

Action Item: Amend 301 KAR 2:090, Means by which migratory game birds may be taken.

Proposed Amendment: Allow crossbows as a legal method for hunting migratory birds

Projected Effective Timeframe: Fall season 2021

Introduction:

The Wildlife and Law Enforcement divisions propose allowing crossbows as a legal method of take for hunting migratory birds, to complement opportunities with firearms and vertical bows.

The Kentucky Department of Fish and Wildlife Resources specifies methods by which migratory birds may be taken. 301 KAR 2:090 is based on legal methods of take described in the Migratory Bird Treaty Act (MBTA). The MBTA has now been amended to allow crossbows as a legal method of take, in addition to firearms and vertical bows. The KDFWR regulation does not currently allow for the use of crossbows. While few sportsmen or sportswomen would likely use a crossbow for hunting migratory birds, the ability to use crossbows might allow for take of nuisance birds in areas where the discharge of firearms is not allowed and align our regulation with methods allowed by the MBTA. Currently Missouri, Arkansas, Illinois, Indiana and Tennessee all allow crossbows for waterfowl and all of these states' representatives stated that use is minimal and there have been no known problems in their states involving crossbows and waterfowl hunting.

Effective Date: 2021-2022 Season

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

Kentucky Fish and Wildlife Commission Meeting

ACTION ITEM

DATE: September 25, 2020

Regulation Number: 301 KAR 2:226**Regular or Emergency:** Regular**Action Item:** Implement optional two days of "Veterans Hunts" for waterfowl

Proposed Amendment: Eliminate youth weekends with consecutive Saturday and Sunday hunts in the east and west duck zones; create instead two statewide Youth/Veterans weekends. Youth hunters could hunt on Saturdays and veterans would be allowed to hunt on Sundays of these Youth/Veteran weekends.

Proposed Effective Timeframe: Fall season 2021

Introduction: The Wildlife Division recommends eliminating the current youth waterfowl season which is prescribed by zones. Currently, youth 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; creating 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.

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).

Action Requested of Commission:☐ File the Regulation☒ Other**Action Taken by Commission:**☐ File the Regulation☐ Other**Motion made by:** _____**Motion Seconded by:** _____**Action:** ☐ Approved ☐ Denied

Attachment A-8

Kentucky Fish and Wildlife Commission Meeting

ACTION ITEM

DATE: September 25, 2020

Regulation Number: 301 KAR 2:225

Regular or Emergency: Regular

Action Items: Amend 301 KAR 2:225. Dove, wood duck, teal, and other migratory game bird hunting.

Proposed Amendment: Allow experimental dove field rules and allow adult hunters 16+ to participate in mentored R3 hunts.

Proposed Effective Timeframe: Fall season 2021

Introduction: Allow experimental dove hunting fields and allow new hunters ages 16+ on selected quota Mentored Hunt Dove Fields

Creation of experimental dove fields

Following public suggestions to regulate hunting pressure on public dove fields, a staff committee recommends creation of two “experimental” fields at each of Big Rivers WMA and Curtis Gates Lloyd WMA. Both fields would have 2 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 6pm (5pm central) and limit the number of shells (50) each person can use. Hunters would be given a card to record harvest and asked opinions after their hunts. Information gained from these hunts could be used to help guide Wildlife Division management of dove fields in the future.

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.

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

Attachment A-9

Kentucky Fish and Wildlife Commission Meeting

ACTION ITEM

DATE: September 25, 2020

Regulation Number: 301 KAR 2:221

Regular or Emergency: Regular

Action Items: Amend 301 KAR 2:221. Waterfowl seasons and limits.

Proposed Amendment: Amend regulation to allow only one loaded and uncased shotgun per hunter in a blind or hunting location.

Proposed Effective Timeframe: 2021-2022 Fall Season

Introduction:

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 allowing waterfowl hunters to have an additional shotgun in the blind so long as it is unloaded and cased.

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

Kentucky Fish and Wildlife Commission Meeting

ACTION ITEM

DATE: September 25, 2020

Regulation Number: 301 KAR 2:251

Regular or Emergency: Regular

Discussion Item: Clarify and Enhance Night Coyote Hunting Provisions

Introduction:

Previous changes to this regulation necessitate clarification in some verbiage or to comport with other regulation protocols, such as allowing 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.
- 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.

Kentucky Fish and Wildlife Commission Meeting

ACTION ITEM

DATE: September 25, 2020

Regulation Number: 301 KAR 3:022

Regular or Emergency: Regular

Action Item: Permit fees and timelines

Introduction: 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.

Nuisance Wildlife Control Operator Permit (301 KAR 3:120): Nuisance wildlife control operator permits are currently valid from March 1 through the last day of February per 301 KAR 3:120, Section 2 (6). This conflicts with 301 KAR 3:022 Section 2 (7) which requires this permit to be valid for the calendar year. We prefer to change 3:022 to align with 3:120 to continue issuing the NWCO permit for the period of March 1 through the last day of February. This benefits our customers, most of which also purchase hunting licenses. Purchasing licenses and permits at the same time is more convenient for them.

Commercial Captive Wildlife Permit (301 KAR 2:081): Commercial Captive Wildlife permits are currently valid one year from the date of issue per 301 KAR 2:081 Section 3(1) (b). This conflicts with 301 KAR 3:022 Section 2 (9), which requires the permit to be valid for the calendar year. We prefer that this permit be valid from the date of issue, according to 2:081, for better customer service. In addition, the permits biologist handles 800-1000 permits annually and does not have the personnel or resources to process and approve permits if all of them expire on the same date.

Annual Transportation Permit (301 KAR 2:081 and 2:082): Annual transportation permits are currently valid one year from the date of issue per 301 KAR 2:081 Section 4 (4). This conflicts with 301 KAR 3:022 Section 2 (12), which requires the permit to be valid for the calendar year. We prefer that this permit be valid from the date of issue, according to 2:081, for better customer service. Also, exempt other agencies from fee requirement when doing restoration.

Otter Creek permits: Currently annual permits are valid July 1 through June 30 each year. Customers frequently request access for one year from date of purchase. Also, daily permits should be made monthly permits, to comply with recreational use statute for public access.

Federal Area Permits: Fees on federal areas were recently increased, necessitating immediate amendment to our regulation, which authorizes the Department to sell them.

Kentucky Fish and Wildlife Commission Meeting

DISCUSSION ITEM

DATE: September 25, 2020

Regulation Number: 301 KAR 2:144

Regular or Emergency: Regular

Discussion Item: Informational update on fall turkey harvest trends, surveys, and potential regulation changes.

Introduction:

Discussion Item: Informational update on fall turkey harvest trends, surveys, and potential regulation changes.

Introduction:

The Wildlife Division recommends no changes to fall turkey hunting regulations at this time. A fall turkey hunter survey being administered in fall 2020 will provide information to better assess trends before we make recommendation(s) to the Commission.

Some turkey hunters have expressed concerns about fewer turkeys observed in recent years, and possible impacts of fall harvest of hens. Given declining trends in turkey productivity (poult-per-hen ratios) in many states over the past 20 years, such concern may be warranted. Fall harvest has declined (3-year average is 2,300 compared to a 10-year average of 3,500), although we do not know if this is a result of reduced hunter effort, voluntary passing on harvest of hens, or other factors. Some have suggested reducing the fall bag limit for hens to limit potential negative population impacts. However, we have no evidence that harvest pressure on hens has increased. Surveys have shown that the percentage of licensed hunters who fall turkey hunt has been quite stable (20-22%). Similarly, Telecheck information for the past decade indicates stable trends in both the percentage of hens in the fall harvest (60-61%) and the percentage of successful fall hunters who harvest more than one turkey (11-16%). Even with increased popularity of crossbow hunting, yearly fall turkey harvest by crossbow remains under 300 statewide, and harvest by shotguns and vertical bows has been stable. We lack information to assess fall turkey hunting effort or success rates.

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.

Kentucky Fish and Wildlife Commission Meeting

DISCUSSION ITEM

DATE: September 25, 2020

Regulation Number: 301 KAR 2:251

Regular or Emergency: Regular

Discussion Item: Informational update on trends in bobcat hunting and trapping seasons, and monitoring needs.

Introduction:

The Wildlife Division recommends no change in the bobcat hunting season currently. Research conducted thus far indicates the necessity of a means to survey 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 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 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.

Kentucky Fish and Wildlife Commission Meeting

DISCUSSION ITEM

DATE: September 25, 2020

Regulation Number: N/A

Regular or Emergency: N/A

Discussion Item: Wanton Waste Law

Introduction:

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 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 in a wanton waste law in Kentucky.

Kentucky Fish and Wildlife Commission Meeting

DISCUSSION ITEM

DATE: September 25, 2020

Regulation Number: N/A

Regular or Emergency: N/A

Discussion Item: Informational Update – Collection of Customer Emails

Introduction: KDFWR collects emails voluntarily from license/permit customers, and through special promotions.

KDFWR has collected emails since 2010 for purposes of communications, marketing, surveys/public input, and program evaluation. Customers may voluntarily provide their email address to receive a copy of their receipt and 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.

From 2010-2020:

27% were collected on Fishing License related purchases

34% were collected as part of Hunting License related purchases

31% were collected on Hunting and Fishing related combo/bundled licenses/permits

83% were collected on Elk Hunt Applications

Since 2019:

45% with Fishing

52% with Hunting

47% with combo/bundled licenses

96% with Elk Hunt Applications

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 of content delivered and the volume of video, Facebook live and virtual programming and offer more digital content, we anticipate increased.

KDFWR is also working toward an email messaging opt-in on our website. We are inventorying current and desired communications and marketing offerings, in order to make these available to website visitors upon opting in.

Kentucky Fish and Wildlife Commission Meeting

DISCUSSION ITEM

DATE: September 25, 2020

Regulation Number: 301 KAR 1:201

Regular or Emergency: Regular

Discussion Item: Addition of Robert J. Barth (Campbell County) to the FINs program

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 120,00 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.

Kentucky Fish and Wildlife Commission Meeting

DISCUSSION ITEM

DATE: September 25, 2020

Regulation Number: 301 KAR 1:201

Regular or Emergency: Regular

Discussion Item: Enact 20" minimum size limit and 1 fish daily creel limit on Largemouth Bass at Highsplint Lake

Introduction: Highsplint Lake (Harlan Co.) Largemouth Bass: Add new regulation "20 inch minimum size limit, 1 fish daily creel limit". This is consistent with the largemouth bass regulation at Cedar Creek Lake (Lincoln Co.). Highsplint 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

DISCUSSION ITEM

DATE: September 25, 2020

Regulation Number: 301 KAR 1:201

Regular or Emergency: Regular

Discussion Item: Amend regulation to 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 Creek was one of the state's most exceptional black bass stream fisheries in the state. 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

DISCUSSION ITEM

DATE: September 25, 2020

Regulation Number: Not applicable

Discussion Item: Gather public input on allowing restaurant at Guist Creek Lake marina to sell alcoholic beverages by the drink, similar to state parks and other venues

Introduction: The Kentucky Department of Fish and Wildlife Resources (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

DISCUSSION ITEM

DATE: September 25, 2020

Regulation Number: 301 KAR 6:030

Regular or Emergency: Regular

Discussion Item: water safety laws to require PFD use requirement on manually propelled vessels, wakeboards, and other apparatus pulled or propelled by vessels

Introduction: KDFWR Law Enforcement staff will discuss the following items:

- PFD Loaner Stations
- Boater Safety Certification requirement
- Enhanced enforcement of the requirement that PFDs be “readily accessible” on Class A vessels

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.

The Department recommends amendment of KRS 235:285 to expand the boater safety requirements to include all recreational vessel operators born on or after a specific date (“born-on date” provision).

The actions above and should improve waterway safety and thus help to protect more Kentuckians and visitors on public waterways.

Kentucky Fish and Wildlife Commission Meeting

NEW BUSINESS ITEM

DATE: September 25, 2020

Regulation Number: 301 KAR 2:222

Regular or Emergency: Regular

New Business Item: Amend provisions for Ballard, Boatwright, South Shore and Sloughs WMAs to enhance waterfowl hunting opportunities.

Introduction:

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

- Change description of Ballard WMA Ohio River hunting exclusion zone
- Enhance waterfowl hunt management on Boatwright WMA
- Change shotshell limit from 15 to 25 on Ballard, Boatwright and Sloughs WMAs
- Change the Sloughs WMA Jenny Hole Unit quota hunt periods from weekly to Thursday/Friday and Saturday-Monday blocks
- Removal of seasonally drawn blinds at Sloughs WMA Grassy Pond, Powell's Lake and Highland Creek Units
- Remove the requirement to hunt from a blind at South Shore WMA

Boatwright WMA: The Kentucky Department of Fish and Wildlife Resources made a number of changes to how waterfowl hunts were managed at Ballard WMA beginning with the 2018-2019 season. These changes were part of a series of recommendations from the Ballard Wetland Review to improve hunt quality and hunter satisfaction at Ballard WMA. 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 Boatwright to improve hunter satisfaction and success. For Boatwright, these changes would include: 1) requiring all hunters during the regular waterfowl season to check-in daily at our morning check station, 2) require all hunters to 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 3) allow for the creation of hunting units, 4) allow hunting away from blinds within units, 5) match Ballard WMA party spacing requirements and 6) remove specific limits on numbers of parties in hunting units. These changes would allow for a better experience on the area and allows staff to have better control over hunting pressure on the area.

Ballard WMA – description of Ohio River hunting exclusion zone: Waterfowl hunting in the Ohio River next to Ballard WMA has been prohibited to allow ducks and geese to utilize the refuge without being harassed as they come and go. The northern boundary of the no hunting zone is currently described in regulation as “fifty (50) yards upstream of Dam 53”. The US Army Corps of Engineers has plans to remove Dam 53 over the coming year. Once removed, this cannot serve as a boundary for hunting. 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 – shotshell limits: Waterfowl enthusiasts hunting at these areas have had been limited on the number of shells they may carry in the field. This shell limit is meant to keep hunters mindful of the shots they take and not waste shots. Less shooting reduces hunting pressure on these WMAs. Hunter satisfaction over shell limits continue to be high as hunters feel restrictions do limit “sky-busting”. The current language for this restriction was developed during times of limited goose numbers and frequent use of restricted seasons for ducks. The limit is currently described as 15 shells daily unless Canada goose limits are greater than two or duck limits are greater than three. This is confusing to many hunters when reading our guides or regulations. Since Canada goose populations are unlikely to be below three 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. In addition, since these regulations were written, white-fronted geese have shifted wintering range eastward and are regularly encountered by our hunters in these areas. The Wildlife Division recommends changing the sliding scale of shell limits to simply 25 shells daily.

Sloughs WMA Jenny Hole Unit - quota hunt periods - The number of waterfowl hunters in the Jenny Hole Unit have been limited since the 2018-2019 waterfowl season. The limited number of spots in three units have been assigned during a Monday night drawing before hunts. 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 had been hoped. We recommend changing the allocation of hunting access from five days (Thursday-Monday) to two (Thursday and Friday) and three (Saturday-Monday) allotments.

Sloughs WMA Grassy Pond, Powell's Lake and Highland Creek Units - Removal of seasonally drawn blinds: Hunters are allowed to apply for 14 seasonally drawn blinds in the Grassy Pond, Powell's Lake and Highland Creek Units of Sloughs WMA. These blinds are built and maintained by one party and that party has first rights each day of the season. If the drawn party does not utilize the blind, then it is available to the public on a first come-first serve basis. These blinds have seen a decline in usage in recent years. In most days, few if any of these blinds are utilized. The units where the blinds are located are best for waterfowl during periods of flooding. These blinds often are not located in areas that are optimal during flooding or may be inundated during flooding. These flooded blinds create confusion among hunters utilizing the area when trying to decide what they can and cannot do. The 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 - Remove requirement to hunt from a blind: Regulations currently require waterfowl hunters utilizing a South Shore WMA to hunt from a Department supplied blind. South Shore WMA is a remote WMA in in Greenup County of the Northeast region which is unstaffed and maintaining blinds has become impossible. Similar to our efforts at other WMAs, we recognize the value of allowing hunters to get out of blinds and hunt the way that best suits them and the conditions. We recommend removing the requirement to hunt from a blind on the WMA.

Kentucky Fish and Wildlife Commission Meeting

NEW BUSINESS ITEM

DATE: September 25, 2020

Regulation Number: 301 KAR 4:020

Regular or Emergency: Regular

New Business 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.

Kentucky Fish and Wildlife Commission Meeting

NEW BUSINESS ITEM

DATE: September 25, 2020

Regulation Number: 301 KAR 4:050

Regular or Emergency: Regular

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

Introduction:

The Wildlife Division recommends repealing this (mostly antiquated) regulation and moving the relevant waterfowl season entry restrictions to 2:222 if this regulation is repealed.

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.

Kentucky Fish and Wildlife Commission Meeting

NEW BUSINESS ITEM

DATE: September 25, 2020

Regulation Number: 301 KAR 1:152

Regular or Emergency: Regular

Discussion Item: Amend regulation to allow for refinement of the Asian Carp Harvest Program to improve 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 proposes to 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. In addition, 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.

Other changes needed include: 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; and 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
REQUEST FOR COMMISSION ACTION
DATE: September 25, 2020

Regulation Number: N/A

Regular or Emergency: N/A

Action Item: Update to Commission By-laws

Proposed Effective Timeframe: Immediate upon vote by Commission

KENTUCKY FISH AND WILDLIFE COMMISSION

BYLAWS¹

ESTABLISHMENT, MEMBERSHIP, AND AUTHORITY

The Kentucky Fish and Wildlife Commission (the “Commission”) is established in Chapter 150 of the Kentucky Revised Statutes (KRS).

“The Department of Fish and Wildlife Resources Commission shall consist of nine (9) members, one (1) from each wildlife district, as set out by the commissioner with the approval of the commission, and not more than five (5) of the same political party.” KRS 150.022(1).

The Commission’s authority and duties are set out in KRS Chapter 150 and Chapter 235.

MISSION

The mission of the Kentucky Fish and Wildlife Commission “is to protect and conserve the wildlife of this Commonwealth so as to insure a permanent and continued supply of the wildlife resources of this state for the purpose of furnishing sport and recreation for the present and for the future residents of this state; to promote the general welfare of the Commonwealth; to provide for the prudent taking and disposition of wildlife within reasonable limits, based upon the adequacy of the supply thereof; to protect the food supply of this state, and to insure the continuation of an important part of the commerce of this state which depends upon the existence of its wildlife resources.” KRS 150.015.

GOVERNANCE

Although no member of the Commission is more noteworthy than any other, organization is necessary for efficiency; therefore, the Commission shall elect annually from its members a:

¹These by-laws shall replace in their entirety any by-laws or standing orders approved by this or any prior Commission of the Department of Fish and Wildlife Resources. Any duties or requirements subsequently added to the Commission through KRS or KAR will necessarily apply.

- Chair;
- Vice Chair; and
- Secretary.

The Chair shall preside at all meetings of the Commission. The strength of the Commission relies on the diversity of the opinions of its members. Its power is as a group, not as individuals. Therefore, the Chair should be the spokesperson conveying the sentiment of the Commission to the staff and public. When speaking in their districts, Commission members should clearly distinguish their own opinions from official positions of the Commission as determined by a vote when those differ.

The Chair is the conduit between the Commission and the Commissioner. The Commissioner is the conduit between the Commission and staff.

With knowledge of the Chair of the Commission and Commissioner, a Commission member may seek advice from staff regarding a problem or question in their district.

The Vice Chair shall preside at meetings in the absence of the Chair.

The Secretary shall record minutes of all meetings of the Commission, and preside at meetings in the absence of the Chair and Vice Chair.

MEETINGS

All meetings of the Commission and its committees shall comply with state law and be conducted under Roberts Rules of Order².

“A majority³ of the commission shall constitute a quorum for the transaction of any business, for the performance of any duty or for the exercise of any power vested in the commission.” KRS 150.022(9).

The Commission shall meet at least quarterly in Frankfort. See KRS 150.023(1). It may also conduct special called meetings at will upon request of the chair and consent of at least four members electronically or by mail, or by petition of any majority of Commission members electronically or by mail, in any part of the state where a specific need or opportunity arises, or to contribute to better communication with stakeholders in the various regions of the state. No more than two special called meetings shall be held in one fish and wildlife Commission district during the same calendar year, except meetings held at department headquarters in Frankfort are not applicable or subject to this restriction. All Commission meetings shall be conducted under the Kentucky Open Meetings Act.

In order to promote efficient meetings and well informed decisions, the Commission directs the Department to provide all agendas, handouts, statistics, and other materials deemed necessary and relevant to a meeting’s agenda to all Commission members prior to any regular meeting.

² Meetings of the Commission shall be conducted in accordance to the most recently published version of Roberts Rules of Order Newly Revised In Brief including versions published subsequent to the adoption of these Bylaws.

³ A majority of the Commission is based upon the current membership at the time of the action. As such, vacancies may result in the number of members needed for a quorum being less than five (5). See 1988-1991 Ky. Op. Att’y Gen. 2-469 (1990), Ky. OAG 90-119, 1990, WL 512690.

Said information is generally to be delivered electronically or postmarked at least two weeks (14 days) before the scheduled regular meeting date. This timeline should not generally be deviated from except in cases of emergency, necessity, or by special request from Commission members.

COMMITTEES AND WORKING GROUPS

The Commission may establish committees to aid in its mission. Committees conduct official business on the part of the Commission. A committee shall be comprised of no more than four Commission members, nominated by members other than the Chair and approved by majority vote of a quorum. Committees shall elect a committee chair by vote of a quorum of the committee; in the event of a tie, the Commission Chair shall cast the tie-breaking vote.

Committees may be standing committees—to meet as needed to review and vote on assigned business to advance to the full Commission for action as the committee sees fit, or special (ad hoc) committees—to review and report on specific issues or topics with a more limited scope or timeframe. A Commission member shall not simultaneously chair more than one (1) standing Committee, nor serve on more than two (2) standing committees. A member may only serve on a particular committee, or chair a particular committee, for a maximum of four (4) years. Committees must provide public notice of each meeting including date, time, and location information, no less than seven (7) days before a committee meeting date and consistent with the Kentucky Open Meetings Act.

The Commission members may choose to participate in working groups established by the Department upon request of the Commissioner. Working groups shall be advisory only. The Commission may designate up to three (3) Commission members to participate in a given working group. These shall be appointed by the Chair and approved by majority vote of a quorum.

ETHICS

The actions and ethics of the Commission shall be governed by the Executive Branch Code of Ethics, provisions deemed applicable to Board and Commissions. See <https://ethics.ky.gov/Pages/boardsCommissionsGuidelines.aspx>.

In terms of conduct and demeanor toward the public, Commission members shall:

- seek to advance the mission of the department;
- be exemplary sportspeople;
- obey all fish, wildlife and boating laws;
- encourage environmental responsibility;
- never use or attempt to use his or her official position to secure or create privileges, exemptions, advantages, or treatment for themselves or others in derogation of the public interest at large.

TRAINING

Within 30 days of appointment to the Commission by the Governor and after taking the Oath of Office as required by KRS 12.070(4), KRS 62.010(3), and Section 228 of the Constitution but no later than the day prior to the first Commission meeting at which the member is to participate,

Commission members shall make themselves available for training at department headquarters in Frankfort by the Commissioner, his assigned department representative(s), and/or legal counsel, as to:

- duties;
- ethics;
- conduct of meetings; and
- procedures for receiving reimbursement for expenses.

Commission members shall make themselves available for additional trainings as required for members of executive branch boards and commissions and refresher trainings as necessary.

Effective Date: Immediate upon vote by Commission

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