

Kentucky Department of Fish & Wildlife Resources



Commission Meeting

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

May 22, 2020

#1 Sportsman's Lane

Frankfort, KY

8:30 AM (ET)

AGENDA

Opening

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

Action Items

- Approval of December 6 Commission Meeting Minutes
Attachment A-1
- Approval of January 31 Commission Meeting Minutes
Attachment A-2
- Approval of Quarterly Financial Statement (October-December 2019)
Attachment A-3
- Designation of Commission Members for the "Wildlife Management Areas
Working Group"
Attachment A-4
- Designation of Commission Members for the "Elk Management Working Group"
Attachment A-5

- Captive Cervid Reporting Requirements
Amend 301 KAR 2:083. Holding and intrastate transportation of captive cervids
Attachment A-6
- Emergency Regulation
Amend 301 KAR 3:120. Commercial nuisance wildlife control
Attachment A-7
- Emergency Regulation
Amend 301 KAR 2:075. Wildlife rehabilitation permit
Attachment A-8
- Emergency Regulation
Amend 301 KAR 2:081. Transportation and holding of live native wildlife
Attachment A-9
- Amend 301 KAR 2:081. Transportation and holding of live native wildlife
Attachment A-10
- Emergency Regulation
Amend 301 KAR 2:082. Transportation and holding of live exotic wildlife
Attachment A-11
- Amend 301 KAR 2:082. Transportation and holding of live exotic wildlife
Attachment A-12

Break

Discussion Items

- Elk Hunt Drawing Enhancements Update
- Digital Transformation Update
- Proposed Revisions to Hunter Access Area Agreements
Amend 301 KAR 2:132. Elk hunting seasons, permits, zones, and requirements.
Attachment D-1
- Modification of Legal method to Hunt Migratory Birds
Amend 301 KAR 2:090. Means by which migratory game birds may be taken
Attachment D-2
- Reduce Scaup Daily Bag Limit

Amend 301 KAR 2:221. Waterfowl seasons and limits.
Attachment D-3

- Incorporate 301 KAR 2:224 into 301 KAR 2:221
Repeal 301 KAR 2:224. Waterfowl hunting zones.
Attachment D-4
- Timing of Sandhill Crane Season
Amend 301 KAR 2:228. Sandhill crane hunting requirements.
Attachment D-5

New Business Items

- Veteran and Youth Waterfowl Seasons
Amend 301 KAR 2:226. Youth waterfowl, moorhen, and gallinule hunting seasons.
Attachment NB-1
- Amend 301 KAR 2:225. Dove, wood duck, teal, and other migratory game bird hunting.
*Experimental Dove Fields
*Allow New Hunters ages 16+ on quota Mentored Hunt Dove Fields
Attachment NB-2
- Amend 301 KAR 1:016. Use of lands and waters on lakes owned or controlled by the department.
Boat Docks and Shoreline Access Violations
Attachment NB-3

Public Comments*

*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 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.

Executive Session

- Land Acquisition

Adjourn

Next Suggested Commission Meeting Date: To Be Determined

DRAFT

**Kentucky Fish and Wildlife Commission
Quarterly Meeting Minutes*
December 6, 2019
1 Sportsman's Lane
Frankfort, KY**

Call to Order and Welcome – Dr. Karl Clinard, Chair (Video 1 – 00:47)*

Invocation and Pledge of Allegiance – Invited staff

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

Opening Remarks and Staff Recognition - Rich Storm, Commissioner, Kentucky Department of Fish and Wildlife Resources (KDFWR) (Video 1 – 04:11)

Special Presentation - David Ledford, President/CEO, Appalachian Wildlife Foundation (Video 1 – 06:21)

David Ledford reported on the Appalachian Wildlife Foundation and its project in Eastern KY to build “Boone’s Ridge” wildlife center. He showed a video and entertained questions from Commission members and the public about the center and the elk restoration project underway there.

Commission and Committee Minutes (Video 1 – 56:35)

Action Item: Approval of Minutes

Dr. Carloss moved to approve the Committee and Commission meeting minutes as submitted, with the condition that the Committee meeting minutes be corrected to reflect accurate wording of the amendment, and Bond seconded. *The motion was approved.*

Old Business (Video 1 – 58:40)

Action Item: Re-Establishment of Alternative Income Working Group: Per discussion during our November committee meetings regarding establishing a WMA use permit, Doug Morgan made a motion that the Commission pass a resolution stating:

- 1) the Alternative Income Working Group shall be re-established by January 1, 2020 to thoroughly investigate a WMA user permit and other new revenue alternatives;
-

**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 recordings.

- 2) the Commission chair shall appoint up to four Commission members to work with KDFWR staff selected by the Commissioner to serve on the Alternative Income Working Group; and
- 3) that the Working Group begin meeting in January to bring forward to the Commission specific recommendations by the end of 2021.

This motion was seconded by Kevin Bond. *The resolution was approved.*

Administration, Education & Policy (Video 1—1:04:05)

Action item: Approval of Quarterly Financial Statements for July-September 2019. Administrative Services Director Lisa Cox presented quarterly revenue and spending. Paul Horn moved to approve the statements as presented, and Dr. Carloss seconded. *The motion was approved.*

Fisheries (Video 1—1:14:04)

Paul Wilkes, Acting Director of the Fisheries Division, provided follow-up information from the Committee meeting discussion on the Green River Lake fishing pier project and answered Commission members' and audience questions. Michael Scott interjected with information about the pier contract progress. Wilkes also gave an update on Cave Run Lake ADA Fishing Pier. He will provide leadership and coordination with other agencies to help with these projects.

Wilkes introduced fisheries biologist, Tom Timmerman. Timmerman gave a presentation on the experimental use of artificial catfish spawning boxes in small public lakes as a means of possibly sustaining natural reproduction in lieu of stocking those lakes with catfish.

Doug Morgan requested that the Fisheries Division and Law Enforcement work together toward proposing wording for a regulation amendment to protect the spawning boxes that could be presented for discussion at a subsequent meeting.

Special Presentations (Video 1 – 2:03:32)

Commission Challenge Trap Shoot champions - Kenny Knott recognized the winners of the Commission Challenge Trap Shoot, the Hart County team.

Kentucky Houndsmen Association donation - Doug Johnson presented the Department with a \$5,000 check from the organization's sale of a Special Commission Elk Permit to be used for Kentucky conservation camp scholarships.

Wildlife (Video 1 – 2:17:50)

Director Chris Garland presented action items from the Wildlife Division.

Action Item 1 (Video 1 – 2:18:11) - Amend 301 KAR 2:195, Falconry, raptor take, and raptor propagation. This amendment would modify the regulation to allow the take of tundrius peregrine falcons per the U.S. Fish and Wildlife Service permit process. Garland and other Wildlife staff answered questions from the public and answered questions from Commission members. Dr. Carloss moved to accept the amendment as written to include the changes noted in Attachment W-1 in the printed agenda, and Brian Fisher seconded. *The motion was approved.*

Garland next asked to move down to Action Item number 7 on the agenda. (Video 1 – 2:29:39)

Action Item 7 Part 1 (Video 1 – 2:29:39) - Amend 301 KAR 2:300 to allow for bear chase and bear hunting with dogs on Hunter Access Areas (HAA) and certain KDFWR owned Wildlife Management Areas (WMA) clarifying regulation language. Commission members asked questions of Garland about this clarification. Horn moved to accept the amendment as written, and Bond seconded. *The motion was approved.*

Action Item 7 Part 2 (Video 1 – 2:33:37) - Amend 301 KAR 2:300 to delineate Wayne County as a separate bear zone. Garland and wildlife biologist answered questions from the Commission members. Wildlife biologist suggested not to add numbers to the bear quota for now, but allow for a caveat to reevaluate this regulation after another year of data. Paul Horn moved to accept the amendment, and Morgan seconded. *The motion was approved.*

Action Item 2 and Part 1 of Action Item 3 (Video 1 – 2:42:48) - Amend 301 KAR 2:081 to not require a transportation or holding permit for falconers permitted under 301 KAR 2:195 AND Amend 301 KAR 2:082 to not require a transportation permit for exotic falcons with a valid state or federal falconry permit. The motion was made by Kevin Bond to amend both Action Items 2 and part 1 of Action Item 3 as printed on the agenda, and Ralph Swallows seconded. *The motion was approved.*

Action Item 3 Part 2: (Video 1 – 2:44:28) - Amend 301 KAR 2:082 to align with KRS 150.183. Commission members asked for our herpetologist to look at snakes that pose a threat to our native wildlife and add those species to the prohibited species list at a later date. A motion was made to accept the amendment as written by Fisher, and Dr. Carloss seconded. *The motion was approved.*

Action Item 4 (Video 1 – 2:47:51) - Amend 301 KAR 2:083, Holding and intrastate movement of captive cervids. Require double fencing on all new and expanded captive cervid facilities. The Commission members and wildlife biologists received comments from members of the public. Eaton asked if we needed to include a maintenance section as it applies to the enforcement of this regulation when Law Enforcement inspects the fences. Colonel Gibson, Director of the Law Enforcement Division, offered

information about issues pertaining to compliance of this regulation. Fisher moved to pass the amendment, and Bond seconded with the understanding that the department would work on regulation language to deal with existing facilities as well as fees associated with enforcement of this regulations at another time. *The motion was approved.*

Action Item 5 (Video 1 – 3:33:27) - Amend 301 KAR 2:095, Importation of cervid carcasses and parts to prohibit the importation of cervid carcass parts except deboned meat. Fisher moved to accept the amendment as written, and Swallows seconded. *The motion was approved.*

Action Item 6: (Video 1 – 3:34:54) - Amend 301 KAR 2:172, Deer hunting seasons, zones, and requirements to implement a statewide ban on the use of commercially produced natural cervid urines. Kenny Knott had comments about this amendment as it concerns the CWD discussion and “over-messaging” that may cause a lack of participation in the hunting seasons. Some Commission members believed this regulation was unenforceable and unable to be prosecuted. Wildlife Division and Law Enforcement Division staff and Commissioner Storm contributed to the discussion. Fisher moved to pass the amendment as written. There was no second to the motion. *Motion was not approved.*

Information Items (Video 1 – 3:46:10) – Updates on Elk and Deer Seasons

Deer Season Update: Gabe Jenkins gave an update including handouts of deer and elk graphs that highlighted the harvest numbers for fall hunting season to date. Jenkins projected that KY should be looking at the second or third highest harvest on record. More specific information for seasons, weapon types, final numbers, etc. will be given out at the next meeting.

- Fisher asked for a graph with the break-down in data to breakdown the harvest with crossbows for youths, seniors, and other hunters.
- Knott asked if the data could show the total number of deer permits sold vs the number of harvested animals per sportsman (success rate). Jenkins replied that this would be included in the annual deer program report.
- Dr. Carlross introduced the possibility of an antique weapon season for tourism purposes, for deer similar to “game fairs” in other countries. Chairman Clinard suggested this could be reviewed by the Deer Working Group.

Elk Season Update: Gabe Jenkins continued discussion with breakdowns of the 2019 elk season by season and weapon type. There appeared to be one out-of-zone elk harvested. Of the 175 total archery/crossbow permits, 153 permits were purchased, with a 19% hunter harvest rate. Of the 150 permits drawn for bull elk, 73 of 75 were purchased in week 1, and 71 of 75 purchased in Week 2. Week 1 of the bull season

showed a higher success rate (41%) than week 2 (23%), and the early opener (preceding much of the acorn drop) coupled with extremely hot weather likely contributed to an overall reduced harvest during the first two months of the season. Special Commission Permit holders had a 71% success rate, Landowner Permit holders - 56%, youth 48%, Voucher Permits – 33%, and Restoration Permits – 100%. Week 1 of the cow season had just concluded and there were 122 permits available with 100 purchased, and the hunter success rate was 44% for the first week.

- Commission discussed permit sales issues, application process, re-entry, etc. which will continue to be monitored and evaluated. Special Commission Permit success rate and participation was also discussed.
- Antler point data was included in graph information to get an idea of how big the bull elk were in the harvested data. Dr. Harry Carloss asked for information about brain worm and the effect on antler point data. This information will continue to be monitored by biologists.
- Commission members heard from the public on elk season discussion. Dr. Clinard asked for the guide association group to put together numbers to support their concerns.

New Business (Video 1 -- 4:14:28)

Fisher proposed an increase to the permit fee for non-residents hunting on Peabody WMA. Fisher's second proposal was to require a hang tag for hunters who purchase a user permit for Peabody similar to that which is required for quota hunts. Fisher would also like the Wildlife committee to look at several issues for discussion and action in the future:

- Deer drives on public land, the safety concern and hunter experience concern.
- Legal department research information on wanton waste law that was discussed previously, the department's statutory authority and what can be done to address this issue for the future
- Disability regulation language on WMA vs. restriction to mobility-impaired individuals who try to access the WMA.

Commissioner Storm and Deputy Commissioner Clark offered information as it pertained to the compliance with the American Disabilities Act and mobility-impaired access accommodations.

Executive Session (Video 2)

Dr. Clinard read the standard announcement about the statutory allowance in KRS 61.810, section 1F, for Executive Session in situations requiring confidentiality, such as real estate proceedings and personnel matters. Dr. Carloss made a motion to go in to closed session for discussion of confidential matters. The motion was seconded by Brian Fisher. *The motion was approved.*

Knott recused himself from a portion of the discussion to avoid a potential conflict of interest. Bond recused himself from a portion of the discussion to avoid a potential conflict of interest.

Open Session (Video 2)

Action Items - Land Acquisition Projects (Video 2 – 00.05)

The Commission came out of closed session to act on proposed two land acquisition projects, Project A and Project B, which were 100% funded by dedicated Fees in Lieu Of Stream and Wetland Mitigation funds (FILO funds).

Project A: Knott recused himself from discussion and vote on Project A to avoid a potential conflict of interest. Bond moved to approve this project, and Dr. Carloss seconded. *The motion was approved.*

Project B: Bond recused himself from discussion and vote on Project B to avoid a potential conflict of interest. Dr. Carloss moved to approve this project, and Brian Fisher seconded. *The motion was approved.*

Meeting Schedule for 2020 (Video 2 - 03.55)

Commissioner Storm expressed appreciation for the Commission's work on behalf of the Department and their constituents during the past year, and mentioned the possibility of changing the Commission's meeting schedule at the discretion of the Commission. He suggested that beyond the required four quarterly Commission meetings in Frankfort, committee or workgroup meetings could be held at other times and locations as set by the Commission, and invite the public. He suggested that committee meetings might be held at field sites or project locations, so long as these are communicated to maintain transparency.

The Commission discussed potential dates for the first meeting of 2020, and the board settled on January 31st.

Adjournment (Video 2 – 08.27)

Fisher moved to adjourn the meeting and Dr. Carloss seconded. *The motion was approved.*

Kentucky Fish and Wildlife Commission Meeting
REQUEST FOR COMMISSION ACTION
DATE: May 22, 2020

Regulation Number: N/A

Regular or Emergency: N/A

Action Item: Approval of December 6, 2019 Commission Meeting Minutes

DRAFT

Effective Date: N/A

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

Kentucky Fish and Wildlife Commission
Quarterly Meeting Minutes*
January 31, 2020
1 Sportsman's Lane
Frankfort, KY

Call to Order and Welcome – Dr. Karl Clinard, Chair (Video 1 – 00:39)*

Invocation and Pledge of Allegiance – Invited staff

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

Opening Remarks - Rich Storm, Commissioner, Kentucky Department of Fish and Wildlife Resources (KDFWR) recognized and thanked Tourism, Arts and Heritage Cabinet Secretary Mike Berry, Commission members and staff (Video 1 – 03:50)

Special Presentations – Commissioner Storm and Gabe Jenkins, Acting Director of I & E division, recognized Susan and Church Saufley and Ron Foltz as recipients of the Serve2Conserve Awards (Video 1 – 09:38)

Discussion Items – Dr. Clinard and Commissioner Storm presented a detailed explanation of the new quarterly meeting format, including the elimination of committees and the expanded use of working groups. (Video 1 —13:38)

Old Business (Video 1 – 41:35)

Dr. Carloss shared information on captive cervid facilities as a follow up to previously discussed regulations. He wanted to present a clarification on the addition of language to require double fencing on all new and expanded captive cervid facilities. The regulation that is being put forward is about five pages on how to build a fence. In an effort to address existing facilities that aren't expanding, he proposed an electric fence be placed around an existing fence.

Action Item: Captive Cervid Fencing - Dr. Carloss moved that all current captive cervid facilities and grandfathered non-commercial captive cervid facilities shall, within 12 months of the passage of this regulation, install a 2 strand electric fence on the outside of the perimeter

¹ *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 recordings.

fence. The 2 strands shall be offset from the main fence no less than 12 inches and be at a height of 18 inches and 30 inches off the ground. Both strands shall be electrified at all times with an energizer that is capable of electrifying the distance of the fence within the manufacturer's recommendations.

Dr. Carloss made the motion to add the clarification to current regulation language that was previously voted on by the Commission and is in currently in a draft format on page 6, inserted between line 13 and 14. Knott asked for an explanation on how this would be enforced in respect to property lines between neighbors. Dr. Carloss indicated he had discussed this with staff at the Department of Agriculture and believed it would not impede a neighbor's boundary line if the electric fence was extended 12" on the top of the fence. Knott asked if it was possible to have the electric fence installed on the inside of the captive cervid facility to respect property line issues. Current regulations call for a clearing on both sides of fence. This electric fence provides back up protection and prevention of nose-to-nose contact between captive cervids and wildlife. Knott would prefer fence on the outside, but if it is a property line issue, would be ok with electric on the inside.

This motion was seconded by Morgan. *The resolution was approved.*

Cave Run Handicapped Fishing Pier Update (Video 1—48:25) Morgan asked for Paul Wilkes to give a brief update on the Cave Run handicapped fishing pier. Wilkes gave a short explanation and deferred to Michael Scott, Director of Engineering, Infrastructure and Technology. Scott had performed a site survey and collected water data and showed the Commission several slides on the layout that would be feasible. Scott was asked to email a copy of that brief slide presentation to the Commission members.

New Business

Proposed Revisions to Hunter Access Area Agreements — (Video 1 – 52:18)

Dr. Clinard asked Chris Garland, Wildlife Division Director, to inform the Commission on work being done regarding Hunter Access Area (HAA) agreements. This was a new business/informational item and will be proposed for action at the March meeting. Garland indicated major proposed changes to HAA agreements to include some contractual and some regulation amendments:

- Standardize agreements in terms of expectations for the department and landowner-participants, such as terms of access, annual review meeting, boundary marking and maps
- Increased penalties for defaults
- Specify that a baited area will include 30 days after all bait is removed, consistent with the wild turkey hunting regulation
- Specify a single deadline (July 1 of each year)
- Require elk permits to be awarded by August 15

- Landowner elk permits would only be transferable once (a single transfer allowed)
- Landowner elk permits could only be used for lands enrolled

Dr. Carloss raised the issue of confusion about baiting for deer in the elk zone (allowed) and elk (not allowed) and asked for staff to review the situation and make sure people are baiting for deer and not elk. Garland clarified that on HAAs baiting in any form would not be allowed.

(Video 1 – 55:34)

Action Item: Contracts relating to Elk

Dr. Carloss made a motion that the legal staff shall review all contracts relating to elk and make appropriate recommendations to the Commissioner.

The objective is to come up with a standard agreement while the elk regulation would already be open, would ask the Commissioner to look at other elk regulation suggestions to be included in that and bring them back to the Commission.

Motion was seconded by Paul Horn. *The motion passed.*

Action Item: Elimination of Post-Season Elk Quota Hunt (Video 1 – 57:11)

Chris Garland described the history of a provision in the elk hunting regulation for addressing elk damage through a post-season quota hunt [301 KAR 2:132, Section 10], and indicated that at this time the prescribed hunt is no longer necessary. The Wildlife Division recommended removing this section from the elk regulation. Dr. Clinard noted that there would still be legal means for the Commissioner to authorize removal or disposal of nuisance elk if a problem in a particular area arose in the future, and that removal of cow elk per this post-season quota hunt was not desirable to many sportsmen and the Commission.

Dr. Carloss made a motion to:

- Remove the post-season quota elk hunt [Section 10];
- When a nuisance elk exists, the first priority is to move the animal. If that is impossible, the Commissioner shall issue a permit for the *designated* elk (not a bunch of elk);
- The disposition of all nuisance elk shall be reported to the Commission;
- Meat from the nuisance elk shall be donated to Hunters for the Hungry and the remainder of the elk [carcass(es)] shall become property of the Fish and Wildlife [Department] to be disposed of for the general benefit of the elk program; and
- The department shall seek suitable changes in regulation(s) or law(s) so that this can go forward.

The motion was seconded by Paul Horn. *The motion passed.*

Law Enforcement Division - Update (Video 1 – 1:01:52) - Commissioner Storm asked Col. Eric Gibson to give an update on current academy numbers at the Department of Criminal Justice Training (DOCJT) facility in Richmond and law enforcement vacancies. Col. Gibson reported an anticipated 29 new officers being in the field by end of year,

and 129 total by that time. The Commissioner's pledge to get an officer in every county is coming close to being fulfilled.

Action Item: Thank you to DOCJT

Commissioner Storm requested that the Commission send a thank you note to DOCJT for their assistance with their facility, training staff and accommodations for our recruits. Dr. Carloss made a motion that the Commission send a thank you note, which was seconded by Brian Fisher. *The motion passed.*

Ohio River Working Group (Video 1—1:08:20) - Doug Morgan made a motion to form a working group to assess the need for and enforcement of game and fish laws and enhancing opportunities along the Ohio River. Discussion took place, but there was no call for a second to the motion. Dr. Clinard stated that he would consult with prospective Commission members and concerned sportsmen to comprise a working group, and he asked that Col. Gibson also serve thereupon.

New Business Item: Concerns about Elk Poaching (Video 1 – 1:11:50) -

Dr. Carloss asked the Commission to consider the following:

- Offer a significant reward [leading to] the arrest and conviction of people poaching elk. Dr. Carloss recommended a \$5,000 reward as a lucrative incentive.
- Secondly, he asked for the [elk] season details to be modified with the objective of growing and maintaining the herd, including limiting the number of cows taken.
- Increase the availability of high quality nutrition by forming teams to [control] burn and make food plots, require landowners with permits to have food plots on their property, partner with food plot companies and conservation organizations to plant food plots, disturb the soil with strip disking, and remove invasive species. This may also reduce prevalence of the intermediate host of brainworm and may improve overall herd health.

Dr. Clinard noted that his request was really in two parts. The second is with Wildlife Division, the first will be a combo of Law Enforcement, Wildlife and legal. Dr. Carloss noted that the Commission just voted to open the elk regulation and all these things should be considered. Further, Kevin Bond introduced considerations related to elk poaching, including possession of elk parts (such as antlers) and wanton waste. Paul Horn indicated that there was already a reward available from the Rocky Mountain Elk Foundation. Jeff Eaton asked Kyle Sams, Deer and Elk Coordinator, to update the Commission on his ideas for a burn program. Commission and staff both agreed to work on the requests made by Dr. Carloss.

New Business Item: WMA 5 year plans (Video 1 – 1:19:45)

Dr. Carloss suggested that a WMA working group could be established. He asked that each WMA develop and submit a 5-year plan. It shall be both general and specific. The plan shall be reviewed and modified as necessary by the district wildlife supervisor, the Wildlife director and then submitted to the Commissioner who shall discuss it with the Commission member of that district and submit to the full Commission. The amended plan will then be returned to the WMA. Each year the WMA will submit a

progress report to the Commission and his/her superior. Notation will be made in the employee's record of the quality of the plan and its implementation. Notations will be made in all supervisory employees of the WMA manager. The plans and reports should include: a forestry management plan; conservation projects; farming practices including projected income, yields, and profits; public use and access; equipment list including engine hours, service records and general condition of all equipment, expected equipment needs and budget. Dr. Clinard asked that the lists be examined, formalized and brought to the table in a motion at the March Commission meeting.

New Business: Goose Season Dates (Video 1 – 1:23:10)

Brian Fisher asked Chris Garland, Wildlife Director, to look into his and Kenny Knott's idea to push back to September 1 the opening of early goose season when it was originally implemented. Fisher said that he and Knott have been talking to hunters in the second and fourth districts and there is overwhelming support among those they have spoken with in their districts. Chris Garland indicated that Waterfowl Program Coordinator John Brunjes had developed a draft survey, which will be finalized and administered to waterfowl hunters soon. Garland indicated that he will bring an update to the March meeting.

New Business: Peabody WMA management

Fisher also referenced a recent public meeting with several stakeholders at Peabody WMA regarding their concerns, and indicated that a survey is being developed to gather additional input. Garland said the survey is being developed with help from Deputy Commissioner Brian Clark, and the survey would be administered to Peabody permit holders for their input on Peabody WMA management and potential areas of concern. Garland indicated that he will also bring an update on this item to the March meeting.

New Business: Wanton Waste (Video 1 – 1:26:45)

Jeff Eaton brought up the topic of wanton waste of bear, elk and deer (big game only). KY does not currently have a wanton waste statute, but this is something the Commission and staff are working on.

Public Comments (Video 1 – 1:27:45)

1. Charlie Zwischenberger, a land steward who lives in Louisville and hunts in Anderson County, spoke about his concerns regarding Chronic Wasting Disease, and strongly encouraged Kentucky to do everything possible to stop it.
2. Pete Blandford, Quality Deer Management Association, spoke in support of the new Commission meeting format. He said he was very pleased with past involvement on the deer management working group.
3. Edwin Nighbert, President of the League of Kentucky Sportsmen, said that he will defer judgment about the new meeting format, but that advance rollout of information

was poor. He suggested based on feedback from a new houndsmen group that Kentucky match its rabbit season to surrounding states.

4. Col. (ret) Mike Abell, Kentucky Backcountry Hunters and Anglers, thanked Ralph Swallows for consistently holding public meetings in his district. He congratulated the Commission on the new meeting format and delivery. He expressed concern that concerned stakeholders be allowed to be involved in future working groups. He expressed support for reduction in cow elk permits. Abell also requested procedural information about organizational support for specific partnership projects.
5. Jamie Gray, sportsman, spoke in support of enacting a wanton waste law, addressing baiting, managing lespedeza with herbicides and using burning to manage native grasses on Peabody WMA, performing habitat management such as forestry work on public lands, and prohibiting movement of cervids.

Executive Session (Video 1 – 2:02:10)

Dr. Karl Clinard read the required announcement about how Executive Session would be handled. The Commission would enter in to closed session to discuss personnel matters. Closed session is authorized by KRS 61.810 under section 1F for the personnel matters and section 1B for the land acquisition. No final action was taken and no other new business was discussed. Dr. Harry Carloss made a motion to go in to closed session. The motion was seconded by Kevin Bond. *The motion was approved.*

Open Session (Video 2)

The Commission came out of closed session and reconvened in open session to act on personnel decisions.

Action Item – Support for staff (Video 2 – 00.08)

Dr. Carloss made a motion to put forward the Commission's unanimous support of the individual employee discussed during closed session. Motion seconded by Ralph Swallows.

Motion passed unanimously.

Action Item – Support for continuing staff member's contract for 2 years

Dr. Carloss also made a motion to exercise the option as a Commission to extend the contract of the person discussed during the executive session. Motion seconded by Brian Fisher.

The motion passed unanimously.

Action Item – Research increasing staff member's contract to cover insurance costs

Dr. Carloss made a motion to ask the HR branch to evaluate the insurance cost and compensation of the contract and make appropriate adjustments for the employee discussed in executive session. The motion was seconded by Doug Morgan. *The motion passed unanimously.*

Adjournment (Video 2 – 03:27)

Kenny Knott moved to adjourn the meeting and Dr. Carloss seconded. *The motion was approved.*

DRAFT

Kentucky Fish and Wildlife Commission Meeting
REQUEST FOR COMMISSION ACTION
DATE: May 22, 2020

Regulation Number: N/A

Regular or Emergency: N/A

Action Item: Approval of January 31, 2020 Commission Meeting Minutes

DRAFT

Effective Date: N/A

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

Kentucky Fish and Wildlife Commission Meeting
REQUEST FOR COMMISSION ACTION
DATE: May 22, 2020

Regulation Number: N/A

Regular or Emergency: N/A

Action Item: Approval of Quarterly Financial Statements (October – December 2019)

DRAFT

Effective Date: N/A

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

Kentucky Fish and Wildlife Commission Meeting
REQUEST FOR COMMISSION ACTION
DATE: May 22, 2020

Regulation Number: N/A

Regular or Emergency: N/A

Action Item: Designation of Commission members for the “Wildlife Management Areas Working Group”

DRAFT

Effective Date: N/A

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

Kentucky Fish and Wildlife Commission Meeting
REQUEST FOR COMMISSION ACTION
DATE: May 22, 2020

Regulation Number: N/A

Regular or Emergency: N/A

Action Item: Designation of Commission members for the “Elk Management Working Group”

DRAFT

Effective Date: N/A

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

Kentucky Fish and Wildlife Commission Meeting

ACTION ITEM

DATE: May 22, 2020

Regulation Number: 301 KAR 2:083

Regular or Emergency: Regular

Discussion Item: Amend 301 KAR 2:083, Holding and intrastate transportation of captive cervids.

Proposed Amendment: Reporting Requirements for Wild Cervid Ingress into Captive Cervid Facilities

Projected Effective Timeframe: January 2021

Currently, a captive cervid permit holder is required to report the ingress of wild cervids into a captive cervid enclosure by submitting a written report to the department. The Wildlife Division recommends requiring that ingress shall be reported to the department by phone call within 48 hours of the event, in addition to submitting a written notification.

Effective Date:

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

Motion Seconded by: _____

Action: Approved Denied Referred to Working Group

Kentucky Fish and Wildlife Commission Meeting

ACTION ITEM

DATE: May 22, 2020

Regulation Number: 301 KAR 3:120

Regular or Emergency: Emergency

Action Item: Amend 301 KAR 3:120, Commercial nuisance wildlife control

Proposed Amendment:

- Allow Nuisance Wildlife Control Operators (NWCOs) to use lethal capture methods to take bats removed from the routinely occupied spaces within homes and businesses.
- NWCOs shall not remove or exclude bats from May 15 to August 15, except to remove lone bats loose within a home or business that meet the conditions of human exposure.
 - Conditions for human exposure:
 - A bat is found in the routinely occupied portion of a home or business; or
 - A person is bitten or scratched by a bat in their home or business.
- Only allow a NWCO to use exclusionary tactics to remove bats unless that bat has bitten or scratched a person or is suspected of a rabies infection.
- Prohibit a NWCO from destroying the head of any wildlife suspected of a rabies infection.
- Require a NWCO to report the take of an endangered species (these are typically bat species).
- Require a NWCO to report bite and exposure events to the local health department and conduct rabies testing as required in 902 KAR 2:070.
- Clearly outline the acceptable methods of bat euthanasia.

Projected Effective Timeframe: Immediate

Introduction:

It is currently unknown if SARS-CoV-2, the causative agent of COVID-19, has or will spillover to North American bats, if these bats are susceptible to infection, could serve as a new reservoir for the disease, or if the virus will result in morbidity and mortality, particularly in bats weakened by white-nose syndrome or other stressors.

To address these concerns, the Association of Fish and Wildlife Agencies and Bat Working Group collaborated to produce interim guidance for activities involving direct and indirect contact with bats. The goal of these recommendations is to reduce the potential of an infected animal being released back into the wild and possibly

infecting other wildlife. Three important groups of stakeholders were identified: researchers and consultants, wildlife control operators, and wildlife rehabilitators. Recommendations were tailored for each of these groups.

The guidance recommends that wildlife control operators should euthanize any bats removed from occupied dwellings and business. Bats found in occupied living spaces or business have an increased risk for potential exposure to COVID-19 infected individuals. Until more information is available about whether bats are susceptible to SARS-CoV-2 it is unwise to release bats that may have been exposed.

In keeping with these recommendations, we are proposing a regulation change that would allow Nuisance Wildlife Control Operators (NWCOs) to euthanize a bat found in occupied dwellings or business. Currently, euthanasia of bats for reasons other than suspect rabies cases is prohibited. This emergency regulation should be considered only a temporary measure, out of an abundance of caution, until more information is available on transmission dynamics of SARS-CoV-2 in North America Bats.

DRAFT

Effective Date:

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

Motion Seconded by: _____

Action: Approved Denied Referred to Working Group

Kentucky Fish and Wildlife Commission Meeting

ACTION ITEM

DATE: May 22, 2020

Regulation Number: 301 KAR 2:075

Regular or Emergency: Emergency

Action Item: Amend 301 KAR 2:075, Wildlife rehabilitation permit.

Proposed Amendment:

- Define Felidae and Mustelidae.
- Prohibit Wildlife Rehabbers from releasing bats, Felidae or Mustelidae currently under their care until further guidance is given from the department.
- Allow rehabbers to hold bats, Felidae and Mustelidae over 180 days.
- Prohibit the use of bats, Felidae and Mustelidae as educational animals and prohibit their interaction with the public, volunteers and other rehabilitation staff.
- Prohibit rehabbers from accepting, transferring or releasing bats, Felidae or Mustelidae.
- These animals shall not leave the facility except for veterinary care.
- Rehabbers shall only interact with bats, Felidae and Mustelidae for necessary medical care.
- Require rehabbers to keep records for one year of anyone who comes in contact with bats, Felidae or Mustelidae within the rehabilitation facility.
- Require that all caged bats, Felidae and Mustelidae be held in cages with solid walls between individuals.
- Require a rehabber to report bite and exposure events to the local health department and conduct rabies testing as required in 902 KAR 2:070.
- Prohibit rehabbers from allowing domestic animals to have contact with wildlife under their care.

Projected Effective Timeframe: Immediate

Introduction:

The causative agent of the COVID-19 pandemic, SARS-CoV-2 virus, is believed to have originated in Old World bats from southwest China. Furthermore, experimental infection studies suggest that felids and mustelids are susceptible to infection. Additionally, confirmed infections in pet cats, tigers and lions from a New York Zoo, and multiple mink farms in the Netherlands corroborates these findings. The risk of transmission to North American wildlife is still unknown but there is concern that in addition to possible population level impacts this disease could have on vulnerable species, it could also potentially become endemic in North American wildlife and pose a spill back threat to people.

To address these concerns, the Association of Fish and Wildlife Agencies (AFWA)'s Wildlife Health Committee and national Bat Working Group collaborated to produce interim guidance for activities related to or involving direct and indirect contact with bats. The goal of these recommendations is to reduce the potential of an infected animal being released back into the wild and possibly infecting other wildlife. Three important groups of stakeholders were identified: researchers and consultants, wildlife control operators, and wildlife rehabilitators and recommendations were tailored for each of these groups. Additionally, a risk assessment was completed by the U.S. Geological Survey, U.S. Fish and Wildlife Service, U.S. Forest Service, and state fish and wildlife agencies and AFWA to help inform these recommendations.

The risk assessment found that wildlife rehabilitators posed the largest risk of exposure to bats due to the nature of the work (i.e. close contact, and for long periods of time). At this time, it is recommended to temporarily suspend the intake of new bats into rehabilitation and to postpone the release of any bats currently held in captivity. Current regulation does not prohibit the rehabilitation of bats. Therefore we are proposing an emergency regulation that would prohibit the rehabilitation of bats and postpone the release of any captive bats. Along with bats, felid and mustelid species are also commonly brought to wildlife rehabilitators. We are making the additional recommendation to temporarily suspend the rehabilitation of these species as well. These emergency regulations are precautions to prevent inadvertently introducing SARS-CoV-2 into wildlife populations. These are temporary and will be modified as more information becomes available.

Effective Date: Immediate

Action Requested of Commission:

File the Regulation
 Other

Action Taken by Commission:

File the Regulation
 Other

Motion made by: _____

Motion Seconded by: _____

Action: Approved Denied Referred to Working Group

Kentucky Fish and Wildlife Commission Meeting

ACTION ITEM

DATE: May 22, 2020

Regulation Number: 301 KAR 2:081

Regular or Emergency: Emergency

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

Proposed Amendment:

Prohibit the importation and transportation through Kentucky of wild rabbits, hares and pikas (Order *Lagomorpha*)

Projected Effective Timeframe: Immediate

Introduction:

The proposed emergency regulation to ban the importation of native and exotic rabbit species is to prevent the introduction of a highly contagious foreign animal disease, rabbit hemorrhagic disease virus 2 (RHDV2). In March and April 2020, reports of RHDV2 were confirmed in domestic and wild rabbits in southwestern United States, including Arizona, Colorado, Nevada, New Mexico, and Texas. While sporadic cases have been previously confirmed in domestic rabbits in North America, this is the first time that free-ranging rabbits have been affected in the United States. While, the complete host range is still unknown multiple species within the order *lagomorpha* are susceptible including cottontail and jackrabbit species.

RHDV2 is highly contagious and can have high mortality among infected rabbits which could have significant ramifications on Kentucky's native rabbit populations. This virus only infects rabbit species, people are not at risk for this disease. Transmission among rabbits can occur through contact with infected rabbits or carcasses, their meat or fur, or contact with contaminated food, water, or bedding. Additionally, the virus can persist in the environment for long periods of time. This virus has the potential to cause significant population impacts and has been linked to wild rabbit declines in France and Australia. Due to the devastating impacts on both wild and domestic rabbit populations RHDV2 is considered a foreign animal disease by the World Organization for Animal Health (OIE) and is reportable by USDA.

There is a serious concern about the potential introduction of this virus into Kentucky via the movement of animals for commercial and recreational activities. Because of the risk of widespread rabbit mortality from RHDV2, we recommend that no rabbit species alive or dead be imported into Kentucky. Although spread through natural means in the environment is a concern, relocation and establishment of the virus by people transporting infected rabbits is the main risk of RHDV2 being introduced into our native wild populations of rabbits in Kentucky and elsewhere in the Southeast.

DRAFT

Effective Date:

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

Motion Seconded by: _____

Action: Approved Denied Referred to Working Group

Kentucky Fish and Wildlife Commission Meeting

ACTION ITEM

DATE: May 22, 2020

Regulation Number: 301 KAR 2:081

Regular or Emergency: Regular

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

Proposed Amendment:

Prohibit the importation and transportation through Kentucky of wild rabbits, hares and pikas (Order *Lagomorpha*)

Projected Effective Timeframe: Upon expiration of emergency regulation

DRAFT

Effective Date:

Action Requested of Commission:

File the Regulation
 Other

Action Taken by Commission:

File the Regulation
 Other

Motion made by: _____

Motion Seconded by: _____

Action: Approved Denied Referred to Working Group

Kentucky Fish and Wildlife Commission Meeting

ACTION ITEM

DATE: May 22, 2020

Regulation Number: 301 KAR 2:082

Regular or Emergency: Emergency

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

Proposed Amendment: Prohibit the importation and transportation through Kentucky of wild rabbits, hares and pikas (*Order Lagomorpha*)

Projected Effective Timeframe: Immediate

Introduction:

The proposed emergency regulation to ban the importation of native and exotic rabbit species is to prevent the introduction of a highly contagious foreign animal disease, rabbit hemorrhagic disease virus 2 (RHDV2). In March and April 2020, reports of RHDV2 were confirmed in domestic and wild rabbits in southwestern United States, including Arizona, Colorado, Nevada, New Mexico, and Texas. While sporadic cases have been previously confirmed in domestic rabbits in North America, this is the first time that free-ranging rabbits have been affected in the United States. While, the complete host range is still unknown multiple species within the order *lagomorpha* are susceptible including cottontail and jackrabbit species.

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There is a serious concern about the potential introduction of this virus into Kentucky via the movement of animals for commercial and recreational activities. Because of the risk of widespread rabbit mortality from RHDV2, we recommend that no rabbit species alive or dead be imported into Kentucky. Although spread through natural means in the environment is a concern, relocation and establishment of the virus by people transporting infected rabbits is the main risk of RHDV2 being introduced into our naïve wild populations of rabbits in Kentucky and elsewhere in the Southeast

DRAFT

Effective Date:

Action Requested of Commission:

File the Regulation
 Other

Action Taken by Commission:

File the Regulation
 Other

Motion made by: _____

Motion Seconded by: _____

Action: Approved Denied Referred to Working Group

Kentucky Fish and Wildlife Commission Meeting

ACTION ITEM

DATE: May 22, 2020

Regulation Number: 301 KAR 2:082

Regular or Emergency: Regular

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

Proposed Amendment: Prohibit the importation and transportation through Kentucky of exotic wild rabbits, hares and pikas (*Order Lagomorpha*)

Projected Effective Timeframe: Upon expiration of emergency regulation

DRAFT

Effective Date:

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

Motion Seconded by: _____

Action: Approved Denied Referred to Working Group

Attachments D-1

Kentucky Fish and Wildlife Commission Meeting
DISCUSSION ITEM
DATE: May 22, 2020

Regulation Number: 301 KAR 2:132

Regular or Emergency: Regular

Action Item: Amend 301 KAR 2:132, Elk hunting seasons, permits, zones, and requirements

Action: Standardize the WMA/HAA agreements to award 1 either-sex elk permit per 5,000 acres enrolled and other requirements

Introduction

As of the 2019 elk hunting season, KDFWR has 12 WMA/HAA agreements where elk permits are given that total approximately 244,134 acres. Each year we have added new properties or changed owners, which have led to different agreements creating a patchwork of areas that each have their own agreement and set of rules for the public. To ensure as much consistency for our hunters and landowner cooperators as possible, the Department proposes the following recommendations for policy and regulation updates:

Standardize Acreage Requirements

Award: 1 either-sex elk permit for every 5,000 acres enrolled

Requirements:

- Must be open for elk hunting 5 of the 6 elk seasons
- Access for minimum of 1 elk hunter per 2,500 acres minimum
- Area open for statewide seasons for all other species
- Open to properly licensed hunters during applicable hunting and bear chase seasons

Any entity not wanting any of the 3 above programs can enter into our voucher elk program and can work towards an elk permit without a formal agreement (1 point for each harvested elk, landowner accrues 10 points receives an elk permit).

Standardize Permit Award Process Provisions

- Loyalty – Existing HAAs in program 3+ years receive all permits up front in the first year of the new agreement and on the back end after every year of the agreement through year 5.
- New cooperators in 2020 & all after 2020 – Receive 1 permit after execution of the agreement for that season and all subsequent permits for following year's use at conclusion of each season of public access.

- Hunters shall not hunt with the aid of, or over, bait or areas for 30 days after the bait is removed.
- All contracts signed and approved by July 1 to be effective for the upcoming hunting season.
- Require landowner permits be issued to the landowner-designated hunters by August 15; they can no longer be transferred.
- Permits can only be used on property enrolled in the applicable HAAs.

Agreement Contract Provisions

- Standardized agreements and language.
- Define public access and have the company identify access points.
- Boundary clearly delineated by the company through electronic mapping or on-the-ground marking
- Agreement partners provide documentation/affidavit that holds them accountable for property entered into agreements
- No baiting or feeding of wildlife or hunting over or with the aid of bait.
- Landowner Cooperator allows equal access for public hunters and landowner permits (Except landowner and immediate family).
- Any landowner-required liability waivers for access to the property are provided through KDFWR.
- Fixed deadline for declaring off limits areas to public hunters by landowner is Sept 1. Off limits areas come off agreement acreage and landowner permit holders cannot hunt that property.
- Penalty for default of the contract strengthened to \$10,000 per permit.

Summary

The WMA/HAA Agreement program has been very successful in opening up public hunting acreage in the elk zone. However, over time, agreements have been entered into where extent of public access has varied, different provisions apply to each area. In an effort to 1) standardize the agreements and 2) ensure the sportsmen and sportswomen are getting the access as intended by this program; 3) ensure we are getting public access prior to permits being issued.

Attachment D-2

Kentucky Fish and Wildlife Commission Meeting
DISCUSSION ITEM
DATE: May 22, 2020

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

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

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

Projected Effective Timeframe: If voted as an action item in June effective March 2021

Introduction:

The Kentucky Department of Fish and Wildlife Resources specifies methods by which migratory birds may be taken. This includes restrictions on weapon type and size. 301 KAR 2:090 is based on legal methods of take described in the Migratory Bird Treaty Act (MBTA). The MBTA was modified to allow crossbows as a legal method of take. The KDFWR regulation does not allow for the use of crossbows. While few sportsmen or sportswomen would likely use a crossbow for hunting migratory birds, a crossbow would be a valuable tool for people with problems with Canada geese. The ability to use crossbows might allow for take of nuisance birds in areas where the discharge of firearms is not allowed.

Attachment D-3

Kentucky Fish and Wildlife Commission Meeting
DISCUSSION ITEM
DATE: May 22, 2020

Regulation Number: 301 KAR 2:221

Regular or Emergency: Emergency

Discussion Item: Amend 301 KAR 2:221, Waterfowl seasons and limits.

Proposed Amendment: Create a hybrid 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

Projected Effective Timeframe: This must be voted on as an action item in June and passed as an emergency regulation to be effective for this fall, October 2020

Introduction:

The U.S. Fish and Wildlife Service dictates the seasons and bag limits that may be utilized by states hunting migratory birds. Adaptive Harvest Management models are used to manage populations of ducks to ensure healthy populations. Many species of ducks that are of concern to biologists have species-specific harvest strategies. These species include Redheads, Canvasbacks, Scaup, Pintails, Wood Ducks and Black Ducks. The Scaup harvest strategy prescribes different regulatory packages based on breeding populations (BPOP) and harvest rates. Recent breeding surveys have found low numbers of Scaup. The low 2019 BPOP estimate resulted in a harvest strategy shift for Scaup; from the moderate to restrictive packages. In the restrictive package, Mississippi Flyway states are allowed a hybrid Scaup season of 45 days with a two-bird bag limit and 15 days of a one-bird bag limit. Scaup are the main bird in the bag of dedicated diving duck hunters. Diving duck numbers, including Scaup, reach their greatest numbers late in the season with cold conditions and are hunted most frequently late in the season. Having a two-bird bag at the end of the season reduces the impact of lowered Scaup limits on diving duck hunters as much as possible.

Attachment D-4

Kentucky Fish and Wildlife Commission Meeting
DISCUSSION ITEM
DATE: May 22, 2020

Regulation Number: 301 KAR 2:224

Regular or Emergency: Regular

Discussion Item: Repeal 301 KAR 2:224, Waterfowl hunting zones.

Proposed Amendment: Repeal 301 KAR 2:224 and move the description of eastern and western duck zones into 301 KAR 2:221

Projected Effective Timeframe: If passed to action item and voted on favorably in June effective Feb-March 2021

Introduction:

301 KAR 2:224 was created during a period when the harvest of Canada geese was strictly regulated by the USFWS. Harvest quotas were assigned to each state by zones. Zones created within Kentucky specifically to manage populations of Canada geese included the Ballard zone, the Western goose zone, the Henderson-Union Zone, the Pennyroyal-Coalfield Goose Zone, and the Eastern and Northeastern goose zones. All of these zones are described in this regulation. Today, populations of Canada geese are doing well and the need for goose zones is gone. The Kentucky Fish and Wildlife Commission has removed special regulations from all of the goose zones and now geese are managed under statewide regulations. This regulation still contains a description of duck zones utilized in youth waterfowl seasons.

Kentucky Fish and Wildlife Commission Meeting
DISCUSSION ITEM
DATE: May 22, 2020

Regulation Number: 301 KAR 2:228

Regular or Emergency: Regular

Discussion Item: Repeal 301 KAR 2:228, Sandhill Crane hunting season.

Proposed Amendment: Change the Sandhill Crane hunting season to match the second segment of regular duck season (December 7 – January 31)

Projected Effective Timeframe: Fall 2021

Introduction:

The 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 crane and duck seasons are again different. Season frameworks allow for a January 31st closure for Sandhill Cranes. We propose making the closure the same for ducks and cranes.

Kentucky Fish and Wildlife Commission Meeting

NEW BUSINESS ITEM

DATE: May 22, 2020

Regulation Number: 301 KAR 2:226

Regular or Emergency: Regular

New Business Item: Implement optional two days of “Veterans Hunts” for waterfowl

Introduction:

On March 12, 2019, President Trump signed the “John D. Dingell, Jr. Conservation, Management, and Recreation Act”. This federal law, among many other items, modified the Migratory Bird Treaty Act 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. The Youth/Veterans Waterfowl Hunting Days must be held outside any regular duck season on weekends, holidays, or other non-school days when youth hunters would have the maximum opportunity to participate. The days may be held up to fourteen days before or after any regular duck-season frameworks or within any split of a regular duck season, or within any other open season on migratory birds. Veterans (as defined in section 101 of title 38, United States Code) and members of the Armed Forces on active duty, including members of the National Guard and Reserves on active duty (other than for training), may participate. All hunters (16 years old and older) must possess a Federal Migratory Bird Hunting and Conservation Stamp (also known as Federal Duck Stamp). Because of the late passage of this act, the Kentucky Fish and Wildlife Commission was not able to consider the issue. 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). Choosing days outside our current waterfowl season and youth seasons would be difficult. Going earlier potentially overlaps with deer season, deer quota hunts or has limited opportunity with few ducks around. As the Commission considers the utilization of Veterans Days, they might also consider the timing of youth hunts as well. The Wildlife Division has heard a number of requests in recent years to consider modifying the youth season dates from a weekend to two Saturdays (one day before the season and one day after the season). The rationale being that an earlier day allows for a hunt with less pressured birds and warmer conditions for younger hunters. By having split Saturdays, the Saturday after the regular duck season could be set on the second Saturday in February to avoid youth season starting the day after the regular season as it did in the

2019-20 season. Split Saturdays maximize opportunity to hunt “rested birds” and it reduces conflicts that hunters have reported in association with church functions.

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Attachment NB-2

Kentucky Fish and Wildlife Commission Meeting
NEW BUSINESS ITEM
DATE: May 22, 2020

Regulation Number: 301 KAR 2:225

Regular or Emergency: Regular

New Business Items:

Creation of experimental dove fields

The Kentucky Fish and Wildlife Commission heard a presentation by Mr. Eddie Joiner asking the Commission to consider a method to extend the use of public fields by dove hunters. He was concerned the open nature of public lands hunts severely limited the number of times the field could be hunted. The Wildlife Division has long had concerns about how short in duration the quality hunting opportunity on public fields was, but extending opportunity on a field is not a simple fix. 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.

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 (16 years old or younger) and their mentors. Recent research on hunter recruitment has shown the value of recruitment aimed at new hunters older than those traditionally defined as youth hunters. The R3 Branch in KDFWR’s Information and Education Division has asked to modify the regulation to allow for mentees (mentored hunters) of any age 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.

Attachment NB-3

Kentucky Fish and Wildlife Commission Meeting
NEW BUSINESS ITEM
DATE: May 22, 2020

Regulation Number: 301 KAR 1:016

Regular or Emergency: Regular

New Business Item: Amend 301 KAR 1:016, Use of lands and waters on lakes owned or controlled by the department.

Proposed Amendment: Establish a fine system for violations

Projected Effective Timeframe: Early Summer 2021

Introduction:

The buffer areas on lakes owned or controlled by the department continue to be difficult to enforce and require constant patrolling. Once a violation has been noted, it becomes difficult to make decisions on the best way to handle the violation. In order to offset the costs of the program and simplify enforcement, the Fisheries Division would like to establish a fine system for dealing with violations.