301 KAR 2:221

Waterfowl seasons and limits

This administrative regulation establishes waterfowl seasons and bag limits within federal migratory bird hunting frameworks established in 50 CFR Parts 20 and 21 according to the U.S. Fish and Wildlife Service.

Significant Changes

This amendment will add days to the Canada goose season in Kentucky's Northeast Goose Zone. In addition, the amendment will adjust waterfowl daily bag and possession limits to reflect that permitted by federal waterfowl season frameworks under the current season structure.

FILED WITH LRC
TIME: 4 p.m.
OCT 27 2014
Donna Little
REGULATIONS COMPILER

1 TOURISM, ARTS AND HERITAGE CABINET

2 Kentucky Department of Fish and Wildlife Resources

3 (Amendment)

4 301 KAR 2:221. Waterfowl seasons and limits.

5 RELATES TO: KRS 150.010(40), 150.025(1), 150.305(1), 150.330, 150.340(1), (3), 150.990

6 STATUTORY AUTHORITY: KRS 150.025(1), 150.360, 150.600(1), 50 C.F.R. 20, 21

7 NECESSITY, FUNCTION, AND CONFORMITY: KRS 150.025(1) authorizes the department

8 to promulgate administrative regulations to establish open seasons for the taking of wildlife and

9 to regulate bag limits. KRS 150.360 authorizes the department to restrict methods of taking

10 wildlife. KRS 150.600(1) authorizes the department to regulate the taking of waterfowl on public

11 and private land. This administrative regulation establishes procedures for the taking of

12 waterfowl within reasonable limits and within the frameworks established by 50 C.F.R. Parts 20

13 and 21.

14 Section 1. Definitions. (1) "Dark goose" means a Canada goose, white-fronted goose, or brant.

15 (2) "Light Goose" means a snow goose or Ross's goose.

16 (3) "Light Goose Conservation Order" is defined by 50 C.F.R. 21.60

17 (4) "Waterfowl" is defined by KRS 150.010(40).

18 Section 2. (1) Except as established in [~~authorized by~~] 301 KAR 2:222, 2:225, or 2:226, a person

19 shall not hunt waterfowl except during the seasons established in this administrative regulation.

20 (2) Hunting zones, special hunt areas and reporting areas are established in 301 KAR 2:224.

21 Section 3. Season dates. (1) Duck, coot, and merganser. The season shall:

1 (a) Begin [~~Beginning~~] on Thanksgiving Day for four (4) consecutive days; and

2 (b) Be For fifty-six (56) consecutive days ending on the last Sunday in January of the following

3 year.

4 (2) Canada goose.[~~:~~]

5 (a) In the Eastern, Pennyrile, and Western Goose Zones, the season shall begin [~~beginning~~] on

6 Thanksgiving Day and continue [~~continuing~~] until [~~the last day in~~] January 31.

7 (b) In the Northeast Goose Zone the season shall begin[~~: Beginning~~] on the third Saturday in

8 December and continue until January 31 [~~1 for thirty-one (31) consecutive days~~].

9 (3) White-fronted and brant geese. The season shall begin[~~, beginning~~] on Thanksgiving Day and

10 continue [~~continuing~~] until [~~the last day in~~] January 31.

11 (4) Light goose. The season shall begin[~~:~~

12 ~~(a) Beginning~~] on Thanksgiving Day and continue [~~continuing~~] until [~~the last day in~~] January 31.

13 (5) [~~; and~~

14 ~~(b)~~] Light Goose Conservation Order.

15 (a) In the [~~season:~~

16 ~~1.~~] Western Duck Zone the season shall be[~~:~~] from February 1 through March 31, except:

17 1. [~~a.~~] The season shall be closed during the first full weekend in February; and

18 2. [~~b.~~] Youth hunters may hunt during the first full weekend in February pursuant to 301 KAR

19 2:226.

20 (b) In the [~~2.~~] Eastern Duck Zone the season shall be from February 1 through March 31.

21 (6) [~~(5)~~] A person shall not hunt a light or dark goose in:

22 (a) The areas of Laurel River Lake as posted by sign; or

23 (b) Cave Run Lake and the public land inside the boundary formed by Highways 801, 1274, 36,

211, US 60, and Highway 826.

Section 4. In the Ballard Zone that is established in 301 KAR 2:224:

(1) A person hunting waterfowl shall:

(a) Hunt from a blind unless hunting in flooded, standing timber;

(b) Not hunt from or establish a blind:

1. Within 100 yards of another blind; or

2. Within fifty (50) yards of a property line; and

(c) Not possess more than one (1) shotgun while in a blind.

(2) The requirements of subsection (1) of this section shall not apply if the Light Goose Conservation Order, as established in 301 KAR 2:221, is the only waterfowl season open, excluding falconry seasons.

Section 5. Bag and Possession Limits. (1) Ducks.[~~:~~] The daily limit shall be six (6), that shall not include more than:

(a) Four (4) mallards;

(b) Two (2) hen mallards;

(c) Three (3) wood ducks;

(d) One (1) black duck;

(e) Two (2) redheads;

(f) Two (2) pintails;

(g) Three (3) scaup;

(h) One (1) mottled duck; or

(i) One (1) [~~Two (2)~~] canvasback.

(2) Coot. The [~~:~~] Daily limit shall be fifteen (15).

1 (3) Merganser. The[:] Daily limit shall be five (5), which shall not include more than two (2)
2 hooded mergansers.
3 (4) Dark goose. The[:] Daily limit shall be five (5), which [~~that~~] shall not include more than:
4 (a) Three (3) Canada geese;
5 (b) Two (2) white-fronted geese; or
6 (c) One (1) brant.
7 (5) Light goose. The[:] Daily limit shall be twenty (20), except that there shall not be a limit
8 during the Light Goose Conservation Order season.
9 (6) The possession limit shall be triple the daily limit, except that there shall not be a light goose
10 possession limit.
11 Section 6. Shooting Hours. A person shall not hunt waterfowl except from one-half (1/2) hour
12 before sunrise until:
13 (1) 2 p.m. if hunting geese in the Northeast Goose Zone during a Canada goose season;
14 (2) Sunset in the remainder of the state, except as established in 301 KAR 2:222; or
15 (3) One-half (1/2) hour after sunset if hunting light geese during the Light Goose Conservation
16 Order season.
17 Section 7. Falconry Waterfowl Season and Limits. (1) The [~~Season dates:~~
18 ~~(a)~~] Light goose season shall be[:] November 5 through January 31;
19 (2) [~~(b)~~] Light Goose Conservation Order season.
20 (a) In the[:
21 ~~1.~~] Western Duck Zone the season shall be[:] from February 1 through March 31, except:
22 1. [~~a.~~] The season shall be closed during the first full weekend in February; and
23 2. [~~b.~~] Youth hunters may hunt during the first full weekend in February pursuant to 301 KAR

1 2:226.

2 (b) In the [~~2.~~] Remainder of state the season shall be[~~:~~] from February 1 through March 31.

3 (3) The season for all[~~; and~~

4 ~~(c)~~] Other waterfowl shall be from[~~:~~] November 5 through January 31.

5 (4) The [~~(2)~~] Daily limit shall be[~~:~~] three (3) waterfowl, except that there shall not be a limit on

6 light goose during the Light Goose Conservation Order season.

7 (3) The Possession limit shall be nine (9)[~~: six (6)~~] waterfowl, except that there shall not be a

8 possession limit on light goose during the Light Goose Conservation Order season.

9 Section 8. Permit for the Light Goose Conservation Order season. (1) A person hunting light

10 goose during the Light Goose Conservation Order season shall first obtain a free permit by

11 completing the online Snow Goose Conservation Order Permit process on the department's Web

12 site at fw.ky.gov.

13 (2) A person hunting light goose during the Light Goose Conservation Order season shall submit

14 a Snow Goose Conservation Order Permit Survey to the department by April 10.

15 Section 9. Incorporation by Reference. (1) The following material is incorporated by reference:

16 (a) "Snow Goose Conservation Order Permit", January 2014; and

17 (b) "Snow Goose Conservation Order Permit Survey", January 2014.

18 (2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at

19 the Kentucky Department of Fish and Wildlife Resources, #1 Sportsman's Lane [~~Game Farm~~

20 ~~Road~~], Frankfort, Kentucky, 40601, Monday through Friday, 8 a.m. to 4:30 p.m.

Approved by the Fish and Wildlife Commission

Karen Waldrop, Deputy Commissioner, for
Gregory K. Johnson, Commissioner
Department of Fish and Wildlife Resources

Robert H. Stewart, Secretary
Tourism, Arts and Heritage Cabinet

10/13/14
Date

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on December 22, 2014, at 9 a.m. at the Department of Fish and Wildlife Resources in the Commission Room of the Arnold L. Mitchell Building, #1 Sportsman's Lane, Frankfort, Kentucky. Individuals interested in attending this hearing shall notify this agency in writing by five business days prior to the hearing of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be canceled.

This hearing is open to the public. Any person who attends will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made.

If you do not wish to attend the public hearing, you may submit written comments on the proposed administrative regulation through December 31, 2014.

Send written notification of intent to attend the public hearing or written comments on the proposed administrative regulation to:

Rose Mack
Department of Fish and Wildlife Resources
Arnold L. Mitchell Building
#1 Sportsman's Lane
Frankfort, Kentucky 40601
(502) 564-3400 FAX (502) 564-9136
Email: fwpubliccomments@ky.gov

Regulatory Impact Analysis
and Tiering Statement

301 KAR 2:221. Waterfowl Seasons and Limits.
Contact Person: Rose Mack

(1) Provide a brief summary of:
(a) What the administrative regulation does: This administrative regulation establishes waterfowl seasons and bag limits within federal migratory bird hunting frameworks established in 50 CFR Parts 20 and 21 according to the U.S. Fish and Wildlife Service (USFWS).
(b) The necessity of the administrative regulation: The necessity of this administrative regulation is to establish the 2014-2015 waterfowl hunting seasons in accordance with the USFWS.
(c) How does this administrative regulation conform to the authorizing statute: KRS 150.025 authorizes the department to establish hunting season dates and bag limits. KRS 150.360 authorizes the department to restrict methods for the taking of wildlife. KRS 150.600(1) authorizes the department to regulate the taking of waterfowl on public and private land. This administrative regulation establishes procedures for the taking of waterfowl within reasonable limits and within the frameworks established by 50 C.F.R. Parts 20 and 21.
(d) How will this administrative regulation assist in the effective administration of the statutes: This administrative regulation assists in the effective administration of the statutes by establishing hunting season and bag limit requirements and providing reasonable hunting opportunity consistent with state, national, and international management requirements and strategies.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:
(a) How the amendment will change the existing administrative regulation: This amendment will add days to the Canada goose season in Kentucky's Northeast Goose Zone. In addition, the amendment will adjust waterfowl daily bag and possession limits to reflect that permitted by federal waterfowl season frameworks under the current season structure.
(b) The necessity of the amendment to this administrative regulation: Waterfowl seasons and limits are set on an annual basis following the establishment of federal frameworks by the U.S. Fish and Wildlife Service each summer. It is the Department's responsibility to allow quality hunting opportunity within these federal frameworks. The added days will overlap the Christmas holiday period which will provide more regional opportunity for local waterfowl hunters.
(c) How does the amendment conform to the authorizing statutes: See (1)(c) above.
(d) How the amendment will assist in the effective administration of the statutes: See (1)(d) above.

(3) List the type and number of individuals, businesses, organizations or state and local governments that will be affected: There are approximately 20,000 waterfowl hunters in Kentucky that may be affected by this administrative regulation.

(4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an

amendment, including:

(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment: The current changes in season dates and/or bag limits will be published in the fall waterfowl hunting guide and on the department's website. Hunters will need to follow all applicable amendments to the hunting season and bag limits.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): There will be no additional costs to those identified in question (3).

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): There will be an increased opportunity to hunt waterfowl in the state.

(5) Provide an estimate of how much it will cost to implement this administrative regulation:

(a) Initially: There will not be an additional cost to implement this administrative regulation initially.

(b) On a continuing basis: There will be no additional cost on a continuing basis.

(6) What is the source of funding to be used for implementation and enforcement of this administrative regulation? The source of funding is the State Game and Fish fund.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment. It will not be necessary to increase any fees or funding to implement this administrative regulation.

(8) State whether or not this administrative regulation establishes any fees directly or indirectly increases any fees: This administrative regulation does not establish any fees directly or increase any fees indirectly.

(9) TIERING: Is tiering applied? (Explain why tiering was or was not used) Tiering was not applied. The same guidelines and limits apply to all waterfowl hunters.

FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

Regulation Number: 301 KAR 2:221
Contact Person: Rose Mack
Phone number: (502) 564-3400

(1) What units, parts, or divisions of state or local government (including cities, counties, fire departments, or school districts) will be impacted by this administrative regulation? The Department's Wildlife Division and Law Enforcement Division.

(2) Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 150.025(1) authorizes the department to promulgate administrative regulations to establish open seasons for the taking of wildlife and to regulate bag limits. KRS 150.360 authorizes the department to restrict methods of taking wildlife. KRS 150.600 authorizes the department to regulate the taking of waterfowl on public and private land. This administrative regulation establishes procedures for the taking of waterfowl within reasonable limits and within the frameworks established by 50 C.F.R. Parts 20 and 21.

(3) Estimate the effect of this administrative regulation on the expenditures and revenues of a state or local government agency (including cities, counties, fire departments, or school districts) for the first full year the administrative regulation is to be in effect.

(a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year? This amendment will not generate revenue for the first year.

(b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years? This amendment will not generate revenue in subsequent years.

(c) How much will it cost to administer this program for the first year? No new costs will be incurred in the administration of this program for the first year.

(d) How much will it cost to administer this program for subsequent years? No new costs will be incurred in the administration of this program in subsequent years.

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Revenues (+/-):
Expenditures (+/-):
Other Explanation:

FEDERAL MANDATE ANALYSIS COMPARISON

1. Federal statute or regulation constituting the federal mandate. Wildlife and Fisheries, Federal Code of Regulations, 50 CFR Part 20, Migratory Bird Hunting; Part 21, Migratory Bird Permits.

2. State compliance standards. The Department of Fish and Wildlife Resources sets migratory birds seasons within the frameworks established by the U.S. Fish and Wildlife Service and published in 50 CFR Part 20, 21.

3. Minimum or uniform standards contained in the federal mandate. 50 CFR Part 20 contains season frameworks for the earliest opening and latest closing date, the maximum number of days a species is open to hunting, and daily bag and possession limits. 50 CFR Part 21 defines permits and the necessary requirements to hold and possess migratory game birds before, during and after periods open for hunting.

4. Will this administrative regulation impose stricter requirements, or additional or different responsibilities or requirements, than those required by the federal mandate? Yes.

5. Justification for the imposition of the stricter standard, or additional or different responsibilities or requirements. The federal mandate defines the regulatory frameworks that a state may allow. States are permitted to be more restrictive but not more liberal in their respective regulations. State management objectives necessitate more restrictive regulations to protect local, regional and/or state populations of birds important to Kentucky's waterfowl hunters. The season on snow geese is shorter than the federal framework because migration patterns for this species result in a paucity of birds early in the federal framework. The Canada goose season in the Northeast Goose Zone is shorter than is permitted in the rest of the state because of the desire to maintain a huntable population in that region of the state.