301 KAR 2:222E

Waterfowl hunting requirements on public lands

This administrative regulation establishes waterfowl seasons, bag limits and requirements on public lands within federal migratory bird hunting frameworks established in 50 CFR Part 20 according to the U.S. Fish and Wildlife Service.

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Significant Changes

This amendment sets hunting dates on Ballard and the Swan Lake Unit of Boatwright Wildlife Management Areas, sets daily stop times for waterfowl hunting on Kentucky River and Yellowbank Wildlife Management Areas, and opens the Grassy Pond-Powells Lake Unit on Sloughs Wildlife Management Area to walk-in waterfowl hunters.

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

STATEMENT OF EMERGENCY

301 KAR 2:222E

(1) This emergency administrative regulation establishes season dates, limits, shooting hours and other requirements for hunting waterfowl on public lands.

(2) Waterfowl hunting season frameworks are set annually by the U.S. Fish and Wildlife Service. Under federal law, states that wish to establish migratory bird hunting seasons shall do so within the federal frameworks. Development of the federal regulations involves consideration of harvest and population status data, coordination with state wildlife agencies, and public involvement. Consequently, federal migratory bird hunting regulations are promulgated less than six (6) weeks before the opening dates of the hunting season in Kentucky. An ordinary administrative regulation will not suffice because the federal framework is not established until days before the start of the waterfowl season.

(3) This emergency administrative regulation will be replaced by an ordinary administrative regulation. The ordinary administrative regulation is identical to this emergency administrative regulation.

Karen Waldrop

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

Steven L. Beshear, Governor
Commonwealth of Kentucky

1 TOURISM, ARTS AND HERITAGE CABINET

2 Kentucky Department of Fish and Wildlife Resources

3 (Emergency Amendment)

4 301 KAR 2:222E. Waterfowl hunting requirements on public lands.

5 RELATES TO: KRS 150.010(40), 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) "Blind" means a:

15 (a) Concealed enclosure;

16 (b) Pit; or

17 (c) Boat.

18 (2) "Department blind" means a permanently fixed blind structure built by the department.

19 (3) "Hunt site" means a specific location where waterfowl hunting is allowed, as approved by the

20 department or the U.S. Army Corps of Engineers.

21 (4) "Layout blind" means a portable blind that when fully deployed allows one (1) person to be

1 concealed above the surface of the ground.

2 (5) "Party" means:

3 (a) A person hunting alone; or

4 (b) Two (2) to four (4) people who share a department blind or hunt site.

5 (6) "Permanent blind" means a blind left in place by a waterfowl hunter longer than twenty-four

6 (24) hours.

7 (7) "Regular waterfowl season" means the open waterfowl season that does not include the Light

8 Goose Conservation Order or the September wood duck, teal, and Canada goose seasons as

9 established in 301 KAR 2:221 and 2:225.

10 (8) [~~"Waterfowl" is defined by KRS 150.010(40).~~

11 ~~(9)~~] "Wildlife Management Area" or "WMA" means a tract of land:

12 (a) Controlled by the department through ownership, lease, license, or cooperative agreement;

13 and

14 (b) That has "Wildlife Management Area" or "WMA" as part of its official name.

15 Section 2. Shot Requirements. A person hunting waterfowl shall not use or possess a shotgun

16 shell:

17 (1) Longer than three and one-half (3 1/2) inches; or

18 (2) Containing:

19 (a) Lead shot;

20 (b) Shot not approved by the U.S. Fish and Wildlife Service for waterfowl hunting; or

21 (c) Shot larger than size "T".

22 Section 3. (1) Except as established in this section or in Section 4 of this administrative

23 regulation, on a Wildlife Management Area:

1 (a) A person hunting waterfowl shall not:

2 1. Establish or hunt from a permanent waterfowl blind;

3 2. Hunt within 200 yards of:

4 a. Another occupied hunt site;

5 b. Another legal waterfowl hunting party; or

6 c. An area closed to waterfowl hunting;

7 (b) A person shall not hunt in a designated recreation area or access point;

8 (c) More than four (4) persons shall not occupy a waterfowl blind or hunt site; and

9 (d) A hunter shall remove decoys and personal items daily, except that a hunter drawn for a

10 multiday hunt may choose to leave decoys in place for the duration of the hunt.

11 (2) In order to establish or use a permanent waterfowl blind or hunt site on Lake Barkley, Barren

12 River Lake, Buckhorn Lake, Green River Lake, Nolin River Lake, Paintsville Lake, Rough River

13 Lake, Sloughs, or Doug Travis Wildlife Management Areas, a person:

14 (a) Shall first obtain a waterfowl blind permit from the U.S. Army Corps of Engineers or the

15 department;

16 (b) May designate one (1) other person as a partner; and

17 (c) Shall not hold more than one (1) permit per area.

18 (3) A person who participates in a drawing for a hunt site permit shall:

19 (a) Be at least eighteen (18) years of age; and

20 (b) Possess:

21 1. A valid Kentucky hunting license;

22 2. A Kentucky waterfowl permit; and

23 3. A federal duck stamp.

1 (4) The holder of a hunt site permit shall:

2 (a) Construct or establish the blind or hunt site before November 20 or forfeit the permit;

3 (b) Not lock a waterfowl blind; and

4 (c) Remove the blind and blind materials within thirty (30) days after the close of the regular

5 waterfowl season or be ineligible for a permit the following year, unless an extension of time is

6 granted by the department based on weather or water level conflicts.

7 (5) A permanent blind, department blind, or blind site not occupied by the permit holder one (1)

8 hour before sunrise shall be available to another hunter on a first-come, first-served basis.

9 (6) A waterfowl blind restriction established in this section shall not apply to a falconer if a gun

10 or archery season is not open.

11 Section 4. Wildlife Management Area Requirements. (1) The regular waterfowl season

12 provisions shall apply, as established in 301 KAR 2:221, except as established in this section.

13 (2) The provisions of this section shall not apply to a waterfowl hunting season that opens prior

14 to October 15, as established in 301 KAR 2:225.

15 (3) A person shall not:

16 (a) Hunt on an area marked by a sign as closed to hunting;

17 (b) Enter an area marked by signs as closed to public access; or

18 (c) Hunt a species on an area marked by signs as closed to hunting for that species.

19 (4) On Wildlife Management Areas in Ballard County:

20 (a) The shotgun shell possession limit shall be fifteen (15), except that the shotgun shell

21 possession limit shall be twenty-five (25) if:

22 1. The daily bag limit for ducks is greater than three (3); and

23 2. The daily bag limit for Canada goose is greater than or equal to two (2); and

1 (b) At least one (1) person in a waterfowl blind shall be eighteen (18) years of age or older if
2 hunting in a department waterfowl blind or hunt site [~~at Ballard or Boatwright WMA~~].
3 (5) At Ballard WMA:
4 (a) The duck, coot, merganser, and goose season shall be the first Wednesday in December
5 through the last Sunday in January;
6 (b) Youth waterfowl season shall be the first full weekend in February;
7 (c) A person hunting waterfowl shall not hunt on Monday, Tuesday, Christmas Day, or New
8 Year's Day; and
9 (d) A person hunting waterfowl shall:
10 1. Apply for the waterfowl quota hunt as established in Section 5 of this administrative
11 regulation;
12 2. Not hunt waterfowl on the Ohio River from fifty (50) yards upstream of Dam 53 to fifty (50)
13 yards downstream from the southern border of Ballard Wildlife Management Area from October
14 15 through March 15; and
15 3. Exit the area by 2 p.m. during the regular waterfowl season, except as authorized by the
16 department.
17 (6) At Boatwright WMA, including the Olmsted, Peal, and Swan Lake units:
18 (a) A party shall:
19 1. Not hunt on Monday, Tuesday, Christmas Day, or New Year's Day;
20 2. Obtain a daily check-in card by 8 a.m. before entering the area from the first Wednesday in
21 December through the last Sunday in January; and
22 3. Check out the same day by:
23 a. Visiting the designated Check station prior to 8 a.m.; or

1 b. Depositing the check-in card at a department-designated drop point after 8 a.m.;

2 (b) Duck season shall be open one-half (1/2) hour before sunrise to sunset beginning
3 Thanksgiving Day for four (4) consecutive days on areas of Boatwright WMA that are open to
4 hunting;

5 (c) A department blind or hunt site shall be assigned through a daily drawing through the last
6 Sunday in January;

7 (d) A department blind or hunt site shall be offered to another hunter on a first-come, first-served
8 basis, if the blind or hunt site has not been assigned during the daily drawing;

9 (e) Waterfowl hunters shall exit the area by 2 p.m. during the regular waterfowl season;

10 (f) A boat blind shall not be permitted in flooded timber, except:

11 1. During periods of flood if no other access is possible; or

12 2. A mobility-impaired hunter may hunt from a boat;

13 (g) A party shall only hunt waterfowl:

14 1. From a department blind; or

15 2. From layout blinds set so that all layout blinds in the party lie within a twenty-five (25) foot
16 radius from the center of the party, and within 200 yards of a hunt site in December and January
17 during the regular waterfowl season;

18 (7) [~~(h)~~] On the Peal unit of Boatwright WMA:

19 (a) [~~1.~~] More than seven (7) parties shall not hunt at the same time on Buck Lake or Flat Lake;

20 (b) [~~2.~~] More than four (4) parties shall not hunt at the same time on Fish Lake;

21 (c) [~~3.~~] More than three (3) parties shall not hunt at the same time on First Lake or Second Lake;
22 and

23 (d) [~~4.~~] A party shall not hunt waterfowl except within twenty-five (25) feet of a hunt site during

1 December and January.

2 (8) [~~; and~~

3 ~~(i)~~] On the Swan Lake Unit of Boatwright WMA:

4 (a) [~~1.~~] A person shall not hunt waterfowl from Thanksgiving Day through the first Tuesday in

5 December;

6 (b) [~~2.~~] The area open to hunting during the regular waterfowl season shall be open for the Light

7 Goose Conservation Order season as established in 301 KAR 2:221; and

8 (c) [~~3.~~] Blind restrictions shall not apply to the Light Goose Conservation Order season.

9 (9) [~~(7)~~] Lake Barkley WMA.

10 (a) A permanent blind shall only be established within ten (10) yards of a blind site.

11 (b) Waterfowl refuge areas shall be:

12 1. The area west of the Cumberland River channel, as marked by buoys, between river mile fifty-

13 one (51), at Hayes Landing Light, south to the Tennessee Valley Authority's power transmission

14 lines at river mile fifty-five and five-tenths (55.5) shall be closed from November 1 through

15 February 15; and

16 2. The area within Honker Bay and Fulton Bay, as marked by buoys and signs, which shall be

17 closed from November 1 through March 15.

18 (c) A person shall not hunt from October 15 through March 15:

19 1. On Duck Island; or

20 2. Within 200 yards of Duck Island.

21 (10) [~~(8)~~] Barren River Lake WMA. A person hunting waterfowl:

22 (a) May use a breech-loading shotgun along the shoreline of the Peninsula Unit; and

23 (b) Shall not use a breech-loading firearm elsewhere on the area.

1 (11) [~~(9)~~] Miller Welch-Central Kentucky WMA. A person shall not hunt waterfowl from
2 October 15 through January 14.
3 (12) [~~(10)~~] Lake Cumberland WMA. The following sections shall be closed to the public from
4 October 15 through March 15:
5 (a) The Wesley Bend area, bounded by Fishing Creek, Beech Grove Road and Fishing Creek
6 Road; and
7 (b) The Yellowhole area, bounded by Fishing Creek Road and Hickory Nut Road.
8 (13) [~~(11)~~] Pioneer Weapons WMA. A person hunting waterfowl:
9 (a) May use a breech-loading shotgun along the shoreline of Cave Run Lake; and
10 (b) Shall not use a breech-loading firearm elsewhere on the area.
11 (14) [~~(12)~~] Doug Travis WMA.
12 (a) Shooting hours shall be one-half (1/2) hour before sunrise until 2 p.m.
13 (b) A person shall not enter a hunting area prior to 4 a.m. daily.
14 (c) A person hunting waterfowl shall exit the area by 2 p.m. during waterfowl season, except as
15 authorized by the department.
16 (d) On Black Lake, Fish Lake, Forked Lake, Indian Camp Lake, Number Four Lake, and Upper
17 Goose Lake, all waterfowl hunting after November 1:
18 1. Shall be from hunt sites assigned by a random preseason drawing; and
19 2. Shall be within ten (10) yards of a hunt site, including periods of Mississippi River flooding.
20 (15) [~~(13)~~] Grayson Lake WMA. A person shall not hunt waterfowl:
21 (a) Within the no-wake zone at the dam site marina;
22 (b) From the shore of Camp Webb;
23 (c) On Deer Creek Fork; or

1 (d) Within three-quarters (3/4) of a mile from the dam.

2 (16) [~~(14)~~] Green River Lake WMA.

3 (a) Shooting hours shall be one-half (1/2) hour before sunrise until 2 p.m.

4 (b) A person shall not enter a hunting area prior to 4 a.m. daily.

5 (17) [~~(15)~~] Kaler Bottoms WMA.

6 (a) Shooting hours shall be one-half (1/2) hour before sunrise until 2 p.m.

7 (b) A person shall not enter a hunting area prior to 4 a.m. daily.

8 (18) Kentucky River WMA.

9 (a) Shooting hours shall be one-half (1/2) hour before sunrise until 2 p.m.

10 (b) A person shall not enter a hunting area prior to 4 a.m. daily.

11 (19) [~~(16)~~] Land Between the Lakes National Recreation Area.

12 (a) The following portions shall be closed to the public from November 1 through March 15:

13 1. Long Creek Pond;

14 2. The eastern one-third (1/3) of Smith Bay, as marked by buoys; and

15 3. The eastern two-thirds (2/3) of Duncan Bay, as marked by buoys;

16 (b) The following portions shall be closed to waterfowl hunting:

17 1. The Environmental Education Center; and

18 2. Energy Lake.

19 (c) A person shall possess an annual Land Between the Lakes Hunting Permit if hunting

20 waterfowl:

21 1. Inland from the water's edge of Kentucky Lake or Barkley Lake; or

22 2. From a boat on a flooded portion of Land Between the Lakes when the lake level is above

23 elevation 359.

1 (d) A person shall not hunt waterfowl on inland areas during a quota deer hunt.

2 (e) A person shall not establish or use a permanent blind:

3 1. On an inland area; or

4 2. Along the Kentucky Lake shoreline of Land Between the Lakes.

5 (f) A person hunting waterfowl shall remove decoys and personal items daily.

6 (20) [~~(17)~~] Obion Creek WMA.

7 (a) Shooting hours shall be one-half (1/2) hour before sunrise until 2 p.m.

8 (b) A person shall not enter a hunting area prior to 4 a.m. daily.

9 (21) [~~(18)~~] Ohio River Islands WMA.

10 (a) A person shall not hunt from October 15 through March 15 on the Kentucky portion of the

11 Ohio River from Smithland Lock and Dam upstream to the power line crossing at approximately

12 river mile 911.5.

13 (b) Stewart Island shall be closed to public access from October 15 through March 15.

14 (c) Shooting hours shall be one-half (1/2) hours before sunrise until 2 p.m.

15 (d) A person shall not enter a hunting area prior to 4 a.m. daily.

16 (22) [~~(19)~~] Peabody WMA.

17 (a) Shooting hours shall be one-half (1/2) hour before sunrise until 2 p.m.

18 (b) A person shall not enter a hunting area prior to 4 a.m. daily.

19 (c) The following areas, as posted by signs, shall be closed to the public from October 15

20 through March 15:

21 1. The Sinclair Mine area, bounded by Hwy 176, the haul road, and Goose Lake Road; and

22 2. The Ken area, bounded by Wysox Road, H2 Road, H1 Road, and H6 Road.

23 (23) [~~(20)~~] Robinson Forest WMA. The main block of the WMA shall be closed to waterfowl

1 hunting.

2 (24) [~~(21)~~] Sloughs WMA.

3 (a) Shooting hours shall be one-half (1/2) hour before sunrise until 2 p.m.

4 (b) A person shall not enter a hunting area prior to 4 a.m. daily.

5 (c) A person hunting waterfowl shall exit the area by 2 p.m. during the regular waterfowl season.

6 (d) [~~On the Grassy Pond Powell's Lake Unit, a person hunting waterfowl:~~

7 ~~1. Shall hunt:~~

8 ~~a. From a department blind; or~~

9 ~~b. From a blind within twenty-five (25) yards of a blind site; and~~

10 ~~2. Shall remove decoys and personal items from the area on a daily basis.~~

11 ~~(e)~~] On the Jenny Hole-Highlands Creek and Grassy Pond Powells Lake units [~~Unit~~], a person

12 hunting waterfowl shall:

13 1. Hunt:

14 a. From a department blind;

15 b. Within twenty-five (25) yards of a hunt site; or

16 c. No closer than 200 yards of another hunting party; and

17 2. Remove decoys and personal items from the area on a daily basis.

18 (e) [~~(f)~~] If the Ohio River reaches a level that requires boat access, a waterfowl hunter:

19 1. May hunt from a boat without regard to department blinds; and

20 2. Shall not hunt closer than 200 yards from another boat.

21 (f) [~~(g)~~] If hunting waterfowl on the Crenshaw and Duncan Tracts of the Sauerheber Unit:

22 1. A person shall hunt from a blind assigned by the department through a drawing as established

23 in Section 5 of this administrative regulation;

2. A person may occupy a permitted blind if not claimed by the permittee within one (1) hour before sunrise;

3. A person shall not possess more than fifteen (15) shotgun shells, except that the shotgun shell possession limit shall be twenty-five (25) if:

a. The daily bag limit for ducks is greater than three (3); and

b. The daily bag limit for Canada goose is greater than or equal to two (2);

4. If under eighteen (18) years of age, a person shall be accompanied by an adult; and

5. The waterfowl blind for a mobility-impaired person shall be open to the public if the permit holder or another mobility-impaired person has not claimed the blind on that day by one (1) hour before sunrise.

(g) [~~(h)~~] The Crenshaw and Duncan II tracts of the Sauerheber Unit shall be closed to hunting except for:

1. Waterfowl from November 1 through March 15; and

2. The modern gun deer season.

(h) [~~(i)~~] The remainder of the Sauerheber Unit shall be closed to the public from November 1 through March 15.

(i) [~~(j)~~] A hunter drawn to hunt Sloughs WMA through a preseason draw shall submit a completed Sloughs WMA Waterfowl Hunter Survey Report at the conclusion of the hunt or shall be ineligible to participate in the waterfowl blind or quota draw the following year.

(25) [~~(22)~~] South Shore WMA.

(a) The WMA shall be closed to hunting from November 15 through January 15, except for waterfowl and dove hunting.

(b) A hunter shall use a department blind.

1 (c) A department blind shall be available daily on a first-come, first-served basis.

2 (26) [~~(23)~~] Taylorsville Lake WMA.

3 (a) Shooting hours shall be one-half (1/2) hour before sunrise until 2 p.m.

4 (b) A person shall not enter a hunting area prior to 4 a.m. daily.

5 (27) [~~(24)~~] Yatesville Lake WMA. The following areas shall be closed to waterfowl hunting,

6 unless authorized by Yatesville Lake State Park:

7 (a) The Greenbrier Creek embayment; and

8 (b) The lake area north from the mouth of the Greenbrier Creek embayment to the dam,

9 including the island.

10 (28) [~~(25)~~] Yellowbank WMA. The area designated by a sign and painted boundary marker shall

11 be closed to the public from October 15 through March 15.

12 (a) Shooting hours shall be one-half (1/2) hour before sunrise until 2 p.m.

13 (b) A person shall not enter a hunting area prior to 4 a.m. daily.

14 (29) [~~(26)~~] Cedar Creek WMA.

15 (a) Shooting hours shall be one-half (1/2) hour before sunrise until 2 p.m.

16 (b) A person shall not enter a hunting area prior to 4 a.m. daily.

17 (30) [~~(27)~~] Dix River WMA.

18 (a) Shooting hours shall be one-half (1/2) hour before sunrise until 2 p.m.

19 (b) A person shall not enter a hunting area prior to 4 a.m. daily.

20 (31) [~~(28)~~] J.C. Williams WMA.

21 (a) Shooting hours shall be one-half (1/2) hour before sunrise until 2 p.m.

22 (b) A person shall not enter a hunting area prior to 4 a.m. daily.

23 Section 5. Ballard WMA and Sloughs WMA. (1) A person applying to hunt waterfowl on

1 Ballard WMA or the Sauerheber Unit of Sloughs WMA shall:

2 (a) Apply by:

3 1. Calling 1-877-598-2401 and completing the telephone application process; or

4 2. Completing the online Ballard or Sloughs Waterfowl Quota Hunt Form process on the

5 department's Web site at fw.ky.gov;

6 (b) Apply from September 1 through September 30;

7 (c) Pay a three (3) dollar application fee for each application; and

8 (d) Not apply more than one (1) time for each hunt.

9 (2) A person drawn to hunt may bring up to three (3) additional hunters.

10 (3) A person shall be declared ineligible to hunt in department waterfowl quota hunts during the

11 remaining portion of the waterfowl season and declared ineligible to apply for any department

12 quota hunt the following year if the hunter violates state or federal regulations while waterfowl

13 hunting on WMAs that have a preseason or daily drawing.

14 Section 6. State Parks. (1) Waterfowl hunting shall be prohibited, except there shall be an open

15 waterfowl hunt December 13 through January 31 on designated areas of state parks at:

16 (a) Barren River;

17 (b) Grayson Lake;

18 (c) Greenbo Lake;

19 (d) Lake Barkley;

20 (e) Lincoln Homestead;

21 (f) Nolin Lake;

22 (g) Paintsville Lake;

23 (h) Pennyrile Lake;

1 (i) Rough River Lake; and

2 (j) Yatesville Lake.

3 (2) Hunters shall check in each day at the front desk of the state park or a designated check-in

4 location on days that the park office is not open.

5 (3) During check-in hunters shall be provided a map showing designated areas of the park that

6 are open to waterfowl hunting.

7 (4) Hunters shall check out each day at the front desk of the state park or a designated check-out

8 location on days that the park office is not open.

9 Section 7. Youth-Mentor and Mobility-Impaired Waterfowl Hunts. (1) There shall be youth-

10 mentor waterfowl hunts on the Minor Clark and Peter W. Pfeiffer fish hatcheries each Saturday

11 and Sunday in January.

12 (2) There shall be a mobility-impaired waterfowl hunt at Minor Clark Fish Hatchery that is held

13 concurrently with each youth-mentor hunt.

14 (3) A youth or mobility-impaired person shall register in advance and carry a department

15 provided postcard notification on the day of the hunt.

16 (4) A mobility-impaired person shall also submit a mobility-impaired access permit pursuant to

17 301 KAR 3:026.

18 (5) Each youth shall be accompanied by an adult who is eighteen (18) years or older.

19 (6) Each youth shall not be accompanied by more than one (1) adult.

20 (7) One (1) adult may accompany two (2) youths.

21 (8) A mobility-impaired hunter may be accompanied by no more than one (1) assistant who may

22 also hunt.

23 (9) A person shall:

1 (a) [~~Shall~~] hunt from an established blind; and

2 (b) [~~Shall~~] not change blinds.

3 (10) A blind shall not be used by more than four (4) hunters.

4 (11) A person shall only discharge a firearm from a blind.

5 (12) A person shall not possess more than fifteen (15) shotshells.

6 (13) A waterfowl hunter, mentor, or assistant shall immediately retrieve downed birds.

7 (14) A person shall encase a firearm if traveling to and from a blind.

8 (15) A hunter shall:

9 (a) Cease hunting by noon; and

10 (b) Exit the area by 1 p.m.

11 (16) All decoys and equipment shall be removed at the end of each day's hunt.

12 (17) A hunter shall report harvest by depositing a completed hunt permit at the designated

13 location.

14 Section 8. Incorporation by Reference. (1) The following material is incorporated by reference:

15 (a) "Sloughs WMA Waterfowl Hunter Survey Report", January 2014; and

16 (b) "Ballard or Sloughs Waterfowl Quota Hunt Form", January 2014.

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

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

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

Approved by the Fish and Wildlife Commission

Karen Waldrop

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

Robert H Stewart

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

10/13/14

Date

Regulatory Impact Analysis
And Tiering Statement

301 KAR 2:222E. Waterfowl Hunting Requirements on Public Lands
Contact Person: Rose Mack

(1) Provide a brief summary of:
(a) What the administrative regulation does: This administrative regulation establishes waterfowl seasons, bag limits and requirements on public lands within federal migratory bird hunting frameworks established in 50 CFR Part 20 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 requirements on public lands in accordance with the USFWS and Department management objectives.
(c) How does this administrative regulation conform to the authorizing statute: KRS 150.025(1) authorizes the department to establish hunting season dates, bag limits and other hunting requirements. KRS 150.360 authorizes the department to restrict methods and hunting hours for taking 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 the above statutes by managing waterfowl populations and hunting opportunity consistent with state and national 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 sets hunting dates on Ballard and the Swan Lake Unit of Boatwright WMAs, sets daily stop times for waterfowl hunting on Kentucky River and Yellowbank WMA's, and opens the Grassy Pond-Powells Lake Unit on Sloughs WMA to walk-in waterfowl hunters.
(b) The necessity of the amendment to this administrative regulation: This amendment is necessary to provide quality public hunting opportunity with minimal area use conflict that is consistent with meeting state and federal waterfowl management objectives.
(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 of 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 amendments in season dates and hunting requirements 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 seasons.

(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 or amended 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 continued opportunity for quality waterfowl hunting on public areas.

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

(a) Initially: This administrative regulation change will not result in any additional cost for the Department to administer 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 other 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 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 2:222E
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(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.

(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? No revenue will be generated by this administrative regulation amendment 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? No revenue will be generated by this administrative regulation amendment 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 Parts 20 and 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 greatest wintering and migrating waterfowl concentrations are located on public lands managed by the Department. The Department imposes more restrictive hunting regulations on these lands in effort to meet waterfowl management objectives while still providing quality hunting opportunity.