

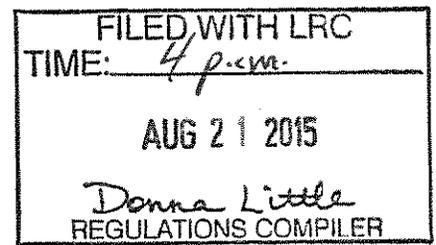
## **301 KAR 2:225E**

### **Dove, wood duck, teal, and other migratory game bird hunting**

This administrative regulation establishes seasons and bag limits within federal migratory bird hunting frameworks established in 50 C.F.R. Parts 20 and 21 according to the U.S. Fish and Wildlife Service (USFWS). In addition, it establishes requirements for the hunting of migratory birds.

#### **Significant Changes**

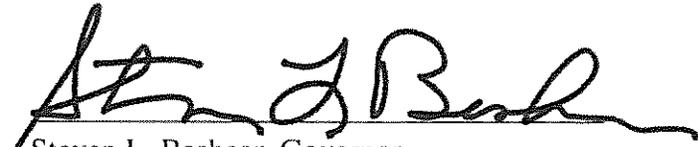
This amendment will change the start of wood duck and teal seasons from the third Wednesday in September to the third Saturday in September. It will decrease the daily bag limit of common and purple gallinules from 15 to 3 and the possession limit from 45 to 9. All these changes are consistent with the long-term Mississippi Flyway and continental management efforts and are within the USFWS required frameworks.

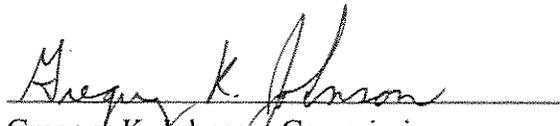


STATEMENT OF EMERGENCY

301 KAR 2:225E

- (1) This emergency administrative regulation establishes season dates, limits, shooting hours, and other requirements for hunting dove, woodcock, snipe, and other migratory game birds.
- (2) Migratory bird hunting season frameworks are established 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 migratory bird season.
- (3) This emergency administrative regulation will be filed with an ordinary administrative regulation. The ordinary administrative regulation is identical to this emergency administrative regulation.

  
Steven L. Beshear, Governor

  
Gregory K. Johnson, Commissioner  
Department of Fish and Wildlife Resources

1 TOURISM, ARTS AND HERITAGE CABINET  
2 Kentucky Department of Fish and Wildlife Resources  
3 (Emergency Amendment)  
4 301 KAR 2:225E. Dove, wood duck, teal, and other migratory game bird hunting.  
5 RELATES TO: KRS 150.330, 150.340, 150.603  
6 STATUTORY AUTHORITY: KRS 150.025(1), 150.360, 150.600, 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 for the taking  
10 of wildlife. KRS 150.600 authorizes the department to regulate the taking of waterfowl on public  
11 and private land. This administrative regulation establishes the requirements for the taking of  
12 migratory game birds within reasonable limits [~~based upon an adequate supply,~~] and within the  
13 frameworks established by 50 C.F.R. Parts 20 and 21.  
14 Section 1. Definitions. (1) "Dove" means mourning dove or white-winged dove.  
15 (2) "Migratory game bird" means mourning dove, white-winged dove, wood duck, teal, Canada  
16 goose, common gallinule [~~mæərhen~~], woodcock, [~~eəmmən~~] snipe, purple gallinule, Virginia rail,  
17 or sora rail.  
18 (3) "Teal" means green-winged teal, blue-winged teal, or cinnamon teal.  
19 (4) "Wildlife Management Area" or "WMA" means a tract of land:  
20 (a) Controlled by the department through ownership, lease, license, or cooperative agreement;  
21 and

- 1 (b) That has "Wildlife Management Area" or "WMA" as part of its official name.
- 2 Section 2. Season Dates. (1) A person shall not hunt a migratory game bird except during a  
3 season established in this administrative regulation.
- 4 (2) The following seasons shall apply to migratory bird hunting:
- 5 (a) Dove, beginning on:
- 6 1. September 1 for fifty-six (56) consecutive days;
- 7 2. Thanksgiving Day for eleven (11) consecutive days; and
- 8 3. The Saturday before Christmas for twenty-three (23) consecutive days;
- 9 (b) Woodcock, beginning on November 1 for forty-five (45) consecutive days;
- 10 (c) [~~Common~~] snipe, beginning on:
- 11 1. The third Wednesday in September for forty (40) consecutive days; and
- 12 2. Thanksgiving Day for sixty-seven (67) consecutive days;
- 13 (d) Wood duck, beginning on the third Saturday [~~Wednesday~~] in September for five (5)  
14 consecutive days;
- 15 (e) Teal, beginning on the third Saturday [~~Wednesday~~] in September for nine (9) consecutive  
16 days;
- 17 (f) Virginia rail, sora rail, common gallinule [~~møørhæn~~], and purple gallinule, beginning on  
18 September 1 for seventy (70) consecutive days; and
- 19 (g) Canada goose, beginning September 1 for fifteen (15) consecutive days except that the  
20 following areas, as established in 301 KAR 2:224, shall be closed:
- 21 1. Public land in the Ballard Zone;
- 22 2. Public land in the West-Central Goose Zone; and
- 23 3. The Northeast Goose Zone.

- 1 Section 3. Bag and Possession Limits. (1) A person shall not exceed the following limits:
- 2 (a) Dove:
- 3 1. Daily limit of fifteen (15); and
- 4 2. Possession limit of forty-five (45).
- 5 (b) Eurasian collared dove: No limit, except that a hunter, if in the field or during transport, shall
- 6 keep one (1) of the following attached to the bird:
- 7 1. The head; or
- 8 2. A fully-feathered wing.
- 9 (c) Woodcock:
- 10 1. Daily limit of three (3); and
- 11 2. Possession limit of nine (9).
- 12 (d) [~~Common~~] snipe:
- 13 1. Daily limit of eight (8); and
- 14 2. Possession limit of twenty-four (24).
- 15 (e) Virginia and sora rail, singly or in aggregate:
- 16 1. Daily limit of twenty-five (25); and
- 17 2. Possession limit of seventy-five (75).
- 18 (f) Common [~~mourthen~~] and purple gallinule, singly or in aggregate:
- 19 1. Daily limit of three (3) [~~fifteen (15)~~]; and
- 20 2. Possession limit of nine (9) [~~forty-five (45)~~].
- 21 (g) Wood duck and teal:
- 22 1. Daily limit of six (6), which shall not include more than two (2) wood ducks; and
- 23 2. Possession limit of eighteen (18), which shall not include more than six (6) wood ducks.

1 (h) Canada goose:

2 1. Daily limit of five (5); and

3 2. Possession limit of fifteen (15).

4 (2) A hunter who possesses a migratory game bird other than a dove, in the field or during  
5 transport, shall keep one (1) of the following attached to the bird:

6 (a) The head; or

7 (b) A fully-feathered wing.

8 Section 4. Shooting Hours. A person shall not take a migratory game bird except during the  
9 times established in this section. (1) If hunting dove on WMA land, a person shall hunt:

10 (a) Between 11 a.m. and sunset during the September and October portion of the season, as  
11 established in Section 2 of this administrative regulation; and

12 (b) Between one-half (1/2) hour before sunrise and sunset during the remainder of the season, as  
13 established in Section 2 of this administrative regulation.

14 (2) If hunting dove on private land, a person shall hunt:

15 (a) Between 11 a.m. and sunset on September 1; and

16 (b) Between one-half (1/2) hour before sunrise and sunset during the remainder of the season, as  
17 established in Section 2 of this administrative regulation.

18 (3) Other species listed in this administrative regulation shall be taken between one-half (1/2)  
19 hour before sunrise and sunset.

20 Section 5. Shot Requirements. A person hunting waterfowl shall not use or possess a shotgun  
21 shell:

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

23 (2) Containing:

- 1 (a) Lead shot;
- 2 (b) Shot not approved by the U.S. Fish and Wildlife Service pursuant to 50 C.F.R. Parts 20 and
- 3 21 for waterfowl hunting; or
- 4 (c) Shot larger than size "T".

5 Section 6. Hunter Orange. A person shall be exempt from hunter orange requirements pursuant  
6 to 301 KAR 2:132 and 2:172 if:

- 7 (1) Hunting waterfowl or doves; or
- 8 (2) Accompanying a person hunting waterfowl or doves.

9 Section 7. Exceptions to Statewide Migratory Game Bird Seasons on Specified Wildlife  
10 Management Areas. (1) A person shall not:

- 11 (a) Hunt wood duck or teal on an area closed to waterfowl hunting as established in 301 KAR
- 12 2:222;
- 13 (b) Hunt in an area marked by a sign as closed to hunting; or
- 14 (c) Enter an area marked by a sign as closed to the public.

15 (2) A person hunting dove on any of the following areas shall only use or possess nontoxic shot  
16 approved by the U.S. Fish and Wildlife Service pursuant to 50 C.F.R. Parts 20 and 21:

- 17 (a) Ballard WMA;
- 18 (b) Boatwright WMA;
- 19 (c) Doug Travis WMA;
- 20 (d) Duck Island WMA;
- 21 (e) Kaler Bottoms WMA;
- 22 (f) Kentucky River WMA;
- 23 (g) Ohio River Islands WMA;

- 1 (h) Sloughs WMA;
- 2 (i) South Shore WMA;
- 3 (j) Yatesville Lake WMA; and
- 4 (k) A WMA wetland management unit that is posted by sign.
- 5 (3) At Ballard WMA, a person shall not hunt:
- 6 (a) Dove, Virginia rail, sora rail, common gallinule [~~mooerhen~~], purple gallinule, or snipe after
- 7 October 13; or
- 8 (b) Woodcock.
- 9 (4) In the Swan Lake Unit of Boatwright WMA, a person shall not hunt:
- 10 (a) Dove, Virginia rail, sora rail, common gallinule [~~mooerhen~~], purple gallinule, or snipe after
- 11 October 13; or
- 12 (b) Woodcock.
- 13 (5) At Miller Welch - Central Kentucky WMA, a person shall not hunt:
- 14 (a) Dove or snipe after October 13; or
- 15 (b) Woodcock.
- 16 (6) At Grayson Lake WMA, a person shall not hunt:
- 17 (a) Within three-quarters (3/4) of a mile from the dam including the no-wake zone of the dam
- 18 site marina;
- 19 (b) On Deer Creek Fork; or
- 20 (c) On Camp Webb property or the state park, except for youths drawn for any department quota
- 21 dove hunt on Camp Webb property in September.
- 22 (7) At Land Between the Lakes National Recreation Area, a person shall not hunt a migratory
- 23 game bird between the last Saturday in September and November 30.

1 (8) At West Kentucky WMA, a person shall not hunt Canada geese during the September season.

2 (9) At Yatesville Lake, the following areas shall be closed to waterfowl hunting, unless

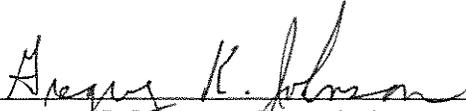
3 authorized by Yatesville Lake State Park:

4 (a) The Greenbrier Creek embayment; and

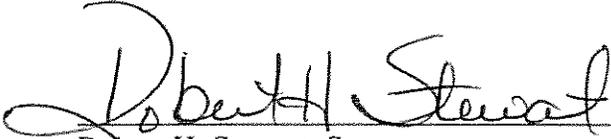
5 (b) The lake area north of the mouth of the Greenbrier Creek embayment to the dam, including  
6 the island.

7 (10) At Robinson Forest WMA, a person shall not hunt a migratory game bird on the main block  
8 of the WMA.

Approved by the Fish and Wildlife Commission



\_\_\_\_\_  
Gregory K. Johnson, Commissioner  
Department of Fish and Wildlife Resources



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

8/5/15  
\_\_\_\_\_  
Date

## REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

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

Contact Person: Rose Mack

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation establishes seasons and bag limits within federal migratory bird hunting frameworks established in 50 C.F.R. Parts 20 and 21 according to the U.S. Fish and Wildlife Service (USFWS). In addition, it establishes requirements for the hunting of migratory birds.

(b) The necessity of this administrative regulation: The necessity of this administrative regulation is to establish the 2015–2016 migratory bird seasons in accordance with the USFWS.

(c) How this administrative regulation conforms to the content of the authorizing statutes: 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 for the taking of 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 migratory game birds within reasonable limits and within the frameworks established by 50 C.F.R. Parts 20 and 21.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: By establishing the migratory bird hunting seasons and area specific requirements, this administrative regulation maintains and manages migratory game bird conservation efforts consistent with national and international management goals.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change this existing administrative regulation: This amendment will change the start of wood duck and teal seasons from the third Wednesday in September to the third Saturday in September. It will decrease the daily bag limit of common and purple gallinules from 15 to 3 and the possession limit from 45 to 9. All these changes are consistent with the long-term Mississippi Flyway and continental management efforts and are within the USFWS required frameworks.

(b) The necessity of the amendment to this administrative regulation: The necessity of the amendment is to increase migratory bird hunting opportunity for early migratory bird hunting seasons, as defined by the dates in which the hunting season may open as early as September 1.

(c) How the amendment conforms 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 affected by this administrative regulation: 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: Duck hunters will have the start of the season shift from the third Wednesday to the third Saturday in September. This will allow an additional weekend of hunting opportunity for teal. Gallinule hunters will have a reduced bag limit from 15 to 3 and reduced possession limit from 45 to 9.

(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 increased opportunity to hunt migratory game birds.

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

(a) Initially: This administrative regulation change will result in no initial change in administrative cost to the Department.

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

(6) What is the source of the 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 increase funding to implement this administrative regulation.

(8) State whether or not this administrative regulation established any fees or directly or indirectly increased any fees: No new fees will be established.

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

## FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

Regulation Number: 301 KAR 2:225E

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 of Fish and Wildlife Resources Divisions of Wildlife and Law Enforcement will be impacted by this administrative regulation.

(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 for the taking of 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 migratory game birds 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 during 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 during subsequent years.

(c) How much will it cost to administer this program for the first year? There will be no additional costs to administer this program for the first year.

(d) How much will it cost to administer this program for subsequent years? There will be no additional costs to administer this program for 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 C.F.R. 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 which are within the frameworks established by the U.S. Fish and Wildlife Service and published in 50 C.F.R. Parts 20 and 21.
3. Minimum or uniform standards contained in the federal mandate. 50 C.F.R. Part 20 contains season frameworks for the following: earliest opening and latest closing date, maximum number of days a species is open to hunting, and daily bag and possession limits. 50 C.F.R. 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 maximum days and bag limits permitted under the federal regulations. States are permitted to be more restrictive but not more liberal in their respective regulations. The amended regulation is more restrictive than the federal frameworks for gallinule bag limits and possession limits. The limits are being reduced because of declines in the mid-continent population, including Kentucky populations. By reducing bag limits, we are hoping to avoid a complete season closure by the U.S. Fish and Wildlife Service.