301 KAR 2:132

Elk quota hunts, elk depredation permits, landowner cooperator permits, and voucher cooperator permits

This administrative regulation establishes the requirements for the elk permit drawing and quota hunts, the conditions under which special commission, landowner cooperator permits and cooperator voucher permits can be used, procedures for elk damage abatement, and any postseason hunt held after the quota hunts.

Significant Changes

This amendment creates two new limited entry areas and defines those boundaries. It gives additional days to elk hunting for crossbow hunters. It removes the north and south at-large divisions to create one at-large area. It establishes the voucher cooperator permit that will allow a landowner to accrue points toward an elk tag for allowing elk hunting on their property. The amendment also modifies the requirements for a hunter to provide proof of sex of a harvested elk.

FILED WITH LRC
TIME: 10 a.m.
JAN 14 2015
Donna Little
REGULATIONS COMPILER

1 TOURISM, ARTS AND HERITAGE CABINET

2 Kentucky Department of Fish and Wildlife Resources

3 (Amendment)

4 301 KAR 2:132. Elk quota hunts, elk depredation permits, landowner cooperator permits, and

5 voucher cooperator permits [~~quota hunts~~].

6 RELATES TO: KRS 150.010, 150.170(4), 150.180, 150.990

7 STATUTORY AUTHORITY: KRS 150.025(1), 150.177, 150.178, 150.390(3)

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

9 to promulgate administrative regulations to establish open seasons for the taking of wildlife, to

10 regulate bag limits and methods of take, and to make these requirements apply to a limited area.

11 KRS 150.177 authorizes the department to issue special commission permits for game species to

12 nonprofit wildlife conservation organizations. KRS 150.178 authorizes the department to issue

13 cooperator permits to landowners who enroll property for public hunting access. KRS 150.390(3)

14 authorizes the department to promulgate administrative regulations establishing the conditions

15 under which depredation permits for elk may be issued. This administrative regulation

16 establishes the requirements for the elk permit drawing and quota hunts, the conditions under

17 which special commission and landowner cooperator permits can be used, procedures for elk

18 damage abatement, and any postseason hunt held after the quota hunts.

19 Section 1. Definitions. (1) "Antlered elk" means an elk having visible polished antler protruding

20 above the hairline.

21 (2) "Antlerless elk" means an elk without visible polished antler protruding above the hairline.

1 (3) "At-large [~~north~~]" means any portion of the elk zone not included in a limited entry area [~~and~~

2 ~~that lies north of US Hwy 15~~].

3 (4) [~~"At-large south" means any portion of the elk zone not included in a limited entry area and~~

4 ~~that lies south of US Hwy 15.~~

5 ~~(5)~~] "Bait" means a substance composed of grains, minerals, salt, fruits, vegetables, hay, or any

6 other food materials, whether natural or manufactured, that may lure, entice, or attract wildlife,

7 but does not include the establishment and maintenance of plantings for wildlife, foods found

8 scattered solely as the result of normal agricultural planning or harvesting practices, foods

9 available to wildlife through normal agricultural practices of livestock feeding if the areas are

10 occupied by livestock actively consuming the feed on a daily basis, or standing farm crops under

11 normal agricultural practices.

12 (5) [~~(6)~~] "Baiting" means to place, deposit, tend, distribute, or scatter bait.

13 (6) [~~(7)~~] "Electronic decoy" means a motorized decoy powered by electricity, regardless of

14 source.

15 (7) [~~(8)~~] "Elk" means Cervus elaphus nelsoni.

16 (8) [~~(9)~~] "Elk Management Unit" or "EMU" means a designated area in the restoration zone with

17 specific management restrictions for a post-season antlerless elk quota hunt.

18 (9) [~~(10)~~] "Landowner cooperator" means a landowner or lessee who owns or leases at least

19 5,000 acres of land in the restoration zone and enters an agreement with the department to allow

20 public access and hunting for at least five (5) years.

21 (10) [~~(11)~~] "Limited Entry Area" or "LEA" means a designated area in the restoration zone with

22 specific management restrictions.

23 (11) [~~(12)~~] "Out-of-zone" means all counties not included in the restoration zone.

1 (12) [~~(13)~~] "Restoration zone" means the following Kentucky counties: Bell, Breathitt, Clay,
2 Floyd, Harlan, Johnson, Knott, Knox, Leslie, Letcher, Magoffin, Martin, McCreary, Perry, Pike,
3 and Whitley.
4 (13) [~~(14)~~] "Spike" means an elk having one (1) or two (2) antler points on each side.
5 (14) [~~(15)~~] "Youth" means a person under the age of sixteen (16) by the first date of the hunt.
6 (15) "Voucher cooperator" means a landowner or lessee who owns or leases at least 100 acres of
7 land in the restoration zone and enters into an agreement with the department to allow elk
8 hunting access.
9 Section 2. Elk Damage Control. The department may authorize the removal or destruction of elk
10 that are causing property damage. A person authorized to destroy an elk shall:
11 (1) Attach a department-issued disposal permit to an elk prior to moving the carcass; and
12 (2) Not remove the disposal permit until the carcass is processed.
13 Section 3. Elk Quota Hunts. (1) The elk quota hunt application period shall be January 1 to April
14 30.
15 (2) An applicant shall:
16 (a) Complete the elk quota hunt application process on the department's Web site at fw.ky.gov;
17 and
18 (b) Pay a nonrefundable application fee of ten (10) dollars.
19 (3) The commissioner may extend the application deadline if technical difficulties with the
20 application system prevent applications from being accepted for one (1) or more days during the
21 application period.
22 (4) There shall be a random electronic drawing from each applicant pool.
23 (5) Youth may enter a separate drawing pool for ten (10) either-sex elk permits that shall be valid

1 for use during all elk seasons:

2 (a) Anywhere in the at-large portion [~~north or at-large south portions~~] of the restoration zone; or

3 (b) Within an LEA if the youth applies for and is drawn for an LEA, pursuant to Section 5(3) of

4 this administrative regulation.

5 (6) A youth applicant shall not apply for the youth-only elk quota hunt more than once per

6 application period.

7 (7) An applicant for the youth-only elk quota hunt may also apply for the regular quota hunts as

8 established in subsection (12) of this section.

9 (8) A youth applicant drawn for the youth-only elk quota hunt shall not be drawn in any other elk

10 quota hunt held during the same calendar year.

11 (9) A youth drawn for the youth-only elk quota hunt shall be ineligible to be drawn in the youth-

12 only elk quota hunt in subsequent years.

13 (10) No more than ten (10) percent of all drawn applicants in each quota hunt pool shall be

14 nonresidents.

15 (11) A quota hunt permit awarded from any department-administered drawing shall not be

16 transferable.

17 (12) In addition to the youth-only quota hunt, there shall be four (4) separate regular elk quota

18 hunts consisting of:

19 (a) Antlered archery and crossbow;

20 (b) Antlered firearms;

21 (c) Antlerless archery and crossbow; and

22 (d) Antlerless firearms.

23 (13) An applicant shall:

1 (a) Apply only once for an individual elk quota hunt;

2 (b) Not be eligible to be drawn in more than one (1) of the four (4) quota hunt pools;

3 (c) Only be selected by a random electronic drawing; and

4 (d) Pay a nonrefundable application fee of ten (10) dollars for each entry.

5 (14) A person who is drawn for an antlered elk quota hunt shall be ineligible to be drawn for any

6 antlered elk quota hunt for the following three (3) years.

7 (15) A person who does not have access to the department's Web site to apply for any quota hunt

8 may contact the department toll free at 1-800-858-1549 for assistance in applying.

9 Section 4. Landowner Cooperator Permits. (1) With the approval of the commission, the

10 commissioner shall issue to a landowner cooperator:

11 (a) One (1) either-sex permit annually per 5,000 acres of land enrolled with the department in a

12 hunting access agreement for the duration of the agreement;

13 (b) Two (2) antlerless-only permits annually per 5,000 acres of land enrolled with the department

14 in a hunting access agreement for the duration of the agreement; or

15 (c) One (1) antlerless-only permit annually per 5,000 acres of land enrolled with the department

16 in an elk hunting access agreement for the duration of the agreement.

17 (2) A recipient of a landowner cooperator permit shall comply with the season, bag limit, and

18 hunter requirements in Sections 6 [~~5~~] and 7 [~~6~~] of this administrative regulation.

19 (3) A landowner cooperator permit shall be transferable, but shall only be used on the land for

20 which the agreement was made.

21 (a) The permit may be transferred to any person eligible to hunt in Kentucky.

22 (b) Prior to hunting, the landowner cooperator or person who has received the transferred permit

23 shall provide the department with the hunter's:

1 1. Name;

2 2. Social Security number;

3 3. Address; and

4 4. Telephone number.

5 (c) The permit shall not be transferable after being used for the harvest of one (1) elk.

6 (4) Public access agreements with the department shall be recorded in writing.

7 Section 5. Voucher Cooperator Permits (1) A voucher cooperator shall accrue:

8 (a) Two (2) voucher points for each legally harvested antlered elk; and

9 (b) One (1) voucher point for each legally harvested antlerless elk.

10 (2) A voucher cooperator who accrues twenty (20) total points on land enrolled pursuant to

11 Section 1(15) shall receive one (1) either-sex elk permit from the department.

12 (3) A recipient of a voucher cooperator elk permit shall comply with all of the requirements

13 established in Sections 6 and 7 of this administrative regulation.

14 (4) A voucher cooperator elk permit shall only be used on:

15 (a) The property enrolled with the department per agreement; or

16 (b) Other property that the landowner or lessee owns or leases.

17 (5) A voucher cooperator permit may be transferable to any person eligible to hunt in Kentucky.

18 (6) If a voucher cooperator permit is to be transferred, then the landowner, lessee, or person who

19 has received the transferred permit shall provide to the department by August 15 the hunter's:

20 (a) Name;

21 (b) Social security number;

22 (c) Address; and

23 (d) Telephone number.

1 (7) A permit shall not be transferable after being used for the harvest of an elk.

2 Section 6 [~~5~~]. Hunter Requirements. (1) A person shall carry proof of purchase of a valid

3 Kentucky hunting license and valid elk permit while hunting, unless exempted by KRS 150.170.

4 (2) The statewide bag limit shall be one (1) elk per hunter per license year.

5 (3) A drawn hunter may apply to hunt in up to four (4) [~~three (3)~~] areas in any combination of the

6 limited entry [~~and at-large~~] areas by completing the application process on the department's Web

7 site.

8 (a) Up to five (5) drawn hunters may apply for their LEA choices as a party.

9 (b) If the party is drawn for the LEA, all hunters in the party shall be assigned to that same LEA.

10 (c) If the number of slots remaining in the quota is less than the number of hunters in the next

11 party selected, the entire party shall be assigned to the party's next choice ranking or to the [~~an~~]

12 at-large area.

13 (4) A hunter who does not apply for an LEA or is not drawn for an LEA shall be assigned to [~~by~~]

14 the at-large area [~~department to either the:~~

15 ~~(a) At-large north portion of the elk zone; or~~

16 ~~(b) At-large south portion of the elk zone~~].

17 (5) A hunter drawn for an LEA may hunt only in the assigned LEA, except that a person who is

18 drawn for any elk quota hunt may hunt on his or her land within the restoration zone.

19 (6) An elk hunter or any person accompanying an elk hunter shall comply with hunter orange

20 requirements established in 301 KAR 2:172.

21 (7) An elk hunter shall not:

22 (a) Take elk except during daylight hours;

23 (b) Use dogs, except to recover wounded elk using leashed tracking dogs;

1 (c) Hunt over bait inside the elk restoration zone;

2 (d) Drive elk from outside the assigned area;

3 (e) Take an elk while it is swimming;

4 (f) Use electronic calls or electronic decoys; or

5 (g) Take an elk if the hunter is in a vehicle, boat, or on horseback, except that a disabled hunter

6 who has a hunting method exemption permit issued pursuant to 301 KAR 3:027 may use a

7 stationary vehicle as a hunting platform.

8 (8) A person shall:

9 (a) Obtain a vehicle tag from the department prior to hunting elk in the restoration zone; and

10 (b) Display the vehicle tag in the windshield of the vehicle while hunting elk.

11 (9) A youth shall be accompanied by an adult who shall remain in a position to take immediate

12 control of the youth's firearm.

13 (10) An adult accompanying a youth shall not be required to possess a hunting license or elk

14 permit if the adult is not hunting.

15 (11) A hunter may use any deer hunting method authorized by 301 KAR 2:172.

16 (12) A person shall only [~~not~~] use the weapons and ammunition established [~~items listed~~] in

17 paragraphs (a) through (e) [~~(f)~~] of this subsection to take an elk:

18 (a) A crossbow or archery equipment loaded with a non-barbed broadhead of seven-eighths (7/8)

19 inch or wider upon expansion [~~Any weapon or device prohibited for deer hunting pursuant to~~

20 ~~301 KAR 2:172~~];

21 (b) A [~~modern~~] firearm:

22 1. With an action that fires a single round of ammunition upon each manipulation of the trigger;

23 2. Of .270 caliber or larger; and

1 3. Loaded with centerfire, single projectile ammunition designed to expand upon impact [~~less~~

2 ~~than .270 caliber~~];

3 (c) A muzzle-loading firearm of [~~less than~~] .50 caliber or larger;

4 (d) A shotgun of twenty (20) [~~less than 20~~] gauge or larger loaded with a shell containing one (1)

5 projectile; or

6 (e) A handgun loaded with:

7 1. Centerfire cartridges;

8 2. Bullets of .270 caliber or larger designed to expand upon impact; and

9 3. Cartridges with a case length of 1.285 inches or larger.

10 (13) A crossbow shall contain a working safety device.

11 (14) An elk hunter shall not use a magazine capable of holding more than ten (10) rounds [~~Any~~

12 ~~arrow without a broadhead point;~~

13 ~~(f) A handgun with a barrel length of less than six (6) inches, a bore diameter less than .270~~

14 ~~inches (.270 caliber), and when fired, the bullet shall produce at least 550 ft/lbs of energy at 100~~

15 ~~yards~~].

16 (15) [~~(13)~~] A quota elk hunter shall only take an elk of the type and sex determined by the permit

17 drawn.

18 (16) [~~(14)~~] A hunter drawn for a firearms elk permit shall hunt elk pursuant to that permit only

19 during the seven (7) day period assigned during the initial drawing.

20 (17) [~~(15)~~] An individual who receives or is transferred a landowner cooperator permit, a

21 voucher cooperator permit or a special commission permit may hunt in all of the antlered-only or

22 antlerless-only quota hunts and shall hunt in accordance with the seasons and limits established

23 in Section 7 [~~6~~] of this administrative regulation.

24 (18) [~~(16)~~] A person who is drawn for an archery or crossbow permit or has a landowner

1 cooperator permit, a [~~or~~] special commission permit, or voucher cooperator permit may hunt
2 with a crossbow during all archery and crossbow seasons, if at the time of the hunt, the person:
3 (a) Is a youth;
4 (b) Is sixty-five (65) years or older; or
5 (c) Has a crossbow hunting method exemption permit for hunting deer pursuant to 301 KAR
6 3:027.
7 Section 7 [~~6~~]. Elk Quota Hunt Seasons and Limits. (1) A person drawn for an antlerless or
8 antlered archery and crossbow permit shall not hunt when an elk firearms season is open.
9 (2) A person drawn for an antlered archery and crossbow permit shall use:
10 (a) Archery equipment to take an antlered elk beginning the third Saturday in September through
11 the third Monday in January; and
12 (b) A crossbow to take an antlered elk from the fourth Saturday in September through the fourth
13 Friday in December[~~:~~
14 ~~1. For two (2) consecutive days beginning the third Saturday in October; and~~
15 ~~2. From the second Saturday in November through December 31~~].
16 (3) A person drawn for an antlerless archery and crossbow permit shall use:
17 (a) Archery equipment to take an antlerless elk beginning the third Saturday in October through
18 the third Monday in January; and
19 (b) A crossbow to take an antlerless elk from the third Saturday in October to the fourth Friday in
20 December[~~:~~
21 ~~1. For two (2) consecutive days beginning the third Saturday in October; and~~
22 ~~2. From the second Saturday in November through December 31~~].
23 (4) A person drawn for an antlered firearms permit shall use a modern gun or muzzleloader to

1 take an antlered elk during one (1) of two (2) seven (7) day periods randomly assigned by the
2 department from the:
3 (a) First Saturday in October for seven (7) consecutive days; or
4 (b) Second Saturday in October for seven (7) consecutive days.
5 (5) A person drawn for an antlerless firearms permit shall use a modern gun or muzzleloader to
6 take an antlerless elk during one (1) of two (2) seven (7) periods randomly assigned by the
7 department from the:
8 (a) Second Saturday in December for seven (7) consecutive days; or
9 (b) First [~~Third~~] Saturday in January [~~December~~] for seven (7) consecutive days.
10 Section 8 [~~7~~]. LEA boundaries. (1) [~~Caney LEA - Starting at the Intersection of State Hwy 550~~
11 ~~and Kentucky 1697, the boundary proceeds north on State Hwy 550 through Mousie and Betty to~~
12 ~~the intersection with State Hwy 7 near Lackey. The boundary then goes south on State Hwy 7,~~
13 ~~past Dema to intersection with State Hwy 899. The boundary then goes south on State Hwy 899,~~
14 ~~through Pippa Passes to intersection with Kentucky 1697 at Alice Lloyd College. The boundary~~
15 ~~then goes west on Kentucky 1697 to intersection with State Hwy 550 in Garner, completing the~~
16 ~~boundary.~~
17 ~~(2)~~] Hazard LEA - Starting at the intersection of State Hwy 476 and State Hwy 80, the boundary
18 proceeds east on Hwy 80 to the intersection with State Hwy 3209. The boundary then goes west
19 on Hwy 3209 to the intersection with State Hwy 1087. The boundary then goes east on Hwy
20 1087 to the intersection with State Hwy 1098 near Yellow Mountain. The boundary then follows
21 Hwy 1098 north and west to the intersection with State Hwy 15 near Quicksand. The boundary
22 then goes south on Hwy 15 to the intersection with State Hwy 476 near Lost Creek. The
23 boundary then goes south on Hwy 476 to the intersection with State Highway 80, completing the

1 boundary.

2 (2) Middlesboro LEA - Starting at the intersection of US Hwy 25E and the Tennessee boarder at

3 Middlesboro, the boundary proceeds southward and westward on the Tennessee and Kentucky

4 border until the intersection of State Hwy 190. The boundary proceeds northward and westward

5 on State Hwy 190 to the intersection of US Hwy 25E. The boundary then goes south on US Hwy

6 25E to the Tennessee boarder, completing the boundary.

7 (3) Prestonsburg LEA – The area shall be within the boundary of the Czar Hunter Access Area

8 as indicated by signage.

9 (4) [~~(3)~~] Straight Creek LEA - Starting at the intersection of State Hwy 66 and State Hwy 221 at

10 Straight Creek, the boundary proceeds east on State Hwy 221 to the intersection with State Hwy

11 2009. The boundary then proceeds north along State Hwy 2009 to the intersection with US Route

12 421. The boundary then proceeds north on US Route 421 to the intersection with State Hwy 406

13 near Stinnett. The boundary then follows State Hwy 406 west to the intersection with State

14 Highway 66. The boundary then follows State Hwy 66 south to the intersection with Hwy 221 to

15 complete the boundary.

16 Section 9 [~~8~~]. Post-season Quota Hunt on Private Land. (1) A modern firearms quota hunt for

17 antlerless elk and spikes shall take place beginning on the fourth Saturday in January for fourteen

18 (14) consecutive days.

19 (2) Each hunter shall be randomly drawn from the pool of applicants who:

20 (a) Were not drawn for the previous elk quota hunts; and

21 (b) Are residents of counties included, wholly or in part, within an EMU boundary.

22 (3) A drawn applicant shall comply with the requirements in Section ~~5~~ 6 of this administrative

23 regulation except that an applicant may hunt only in the assigned EMU or on land the applicant

owns within another EMU.

(4) EMU boundaries shall be:

(a) Knott County EMU - Starting at the intersection of KY Route 777 and KY Route 550 near Porter Junction, the boundary proceeds east along KY Route 777 to the intersection with KY Route 680. The boundary then proceeds east along KY Route 680 to the intersection with KY Route 122 at Minnie. The boundary proceeds south along KY Route 122 to the intersection with KY Route 1498 near Bevinsville. The boundary then continues south on KY Route 1498 to the intersection with KY Route 7. The boundary then proceeds south on KY Route 7 to the intersection with KY Route 1410. The boundary then proceeds west on KY Route 1410 to the intersection with KY Route 160. The boundary then proceeds north on KY Route 160 to the intersection with KY Route 550 in Hindman. The boundary then proceeds north on KY Route 550 to the intersection with KY Route 7, with which KY Route 550 merges and both continue north, to the intersection with KY Route 777 near Porter Junction, thus completing the boundary.

(b) Stoney Fork EMU - Starting at the intersection of State Hwy 2058 and U.S. Hwy 421 near Helton, the boundary then proceeds south along U.S. Hwy 421 to the intersection of U.S. Hwy 421 and U.S. Hwy 119 near Harlan, then west along U.S. Hwy 119 to the intersection of U.S. Hwy 119 and U.S. Hwy 25E. The boundary then goes north following U.S. Hwy 25E to the intersection with State Hwy 66, then north on State Hwy 66 to the intersection of State Hwys 66 and 1850, then east along State Hwy 1850 to the intersection of State Hwys 1850 and 1780 at Warbranch. The boundary then proceeds south on State Hwy 1780 to its intersection with State Hwy 2058 near Spruce Pine, then east on State Hwy 2058 back to U.S. Hwy 421 at Helton, thus completing the boundary.

(5) Any public hunting area within an EMU shall be closed to elk hunting during this season.

1 Section 10 [~~9~~]. Tagging and Checking Requirements. (1) Immediately after taking an elk [~~and~~

2 ~~prior to removing the hide or head from the carcass,~~] a hunter shall record on a hunter's log:

3 (a) [~~Record on a hunter's log the following information:~~

4 ~~1.~~] The species harvested;

5 (b) [~~2.~~] The sex of the animal;

6 (c) [~~3.~~] Date of harvest; and

7 (d) [~~4.~~] County of harvest; and

8 (2) A hunter shall [~~(b)~~] Check the harvested elk before midnight on the day the elk is recovered

9 by:

10 1. Calling (800) 245-4263 and providing the requested information; or

11 2. Completing the online check-in process at fw.ky.gov.

12 (3) A hunter who has checked in an elk shall record the confirmation number on a hunter's log.

13 (4) If the hide or head is removed from the carcass before the elk is checked in, then the hunter

14 shall be required to demonstrate proof of the sex of the elk.

15 (a) For antlered elk the hunter shall retain the:

16 1. Head with antlers; or

17 2. Testicles, scrotum, or penis attached to the carcass; or

18 (b) For antlerless elk the hunter shall retain the:

19 1. Head; or

20 2. Udder or vulva attached to the carcass.

21 (5) [(~~2~~)] If a harvested elk leaves the possession of the hunter, the hunter shall attach to the

22 carcass a hand-made tag that contains the hunter's:

23 (a) Confirmation number;

1 (b) Name; and

2 (c) Telephone number.

3 (6) [~~(3)~~] A person shall not provide false information in:

4 (a) Completing the hunter's log;

5 (b) Checking an elk; or

6 (c) Creating a carcass tag.

7 Section 11 [~~10~~]. Elk Hunting on Public Land. (1) A person drawn for an elk quota hunt or the

8 recipient of a special commission permit may hunt on the areas listed in paragraphs (a) through

9 (f) of this subsection within the restoration zone pursuant to the conditions of the permit

10 received:

11 (a) Wildlife Management Areas;

12 (b) Hunter Access Areas;

13 (c) State forests;

14 (d) Big South Fork National River and Recreation Area;

15 (e) Daniel Boone National Forest; or

16 (f) Jefferson National Forest.

17 (2) Portions of Paintsville Lake WMA that lie out of the restoration zone are subject to the

18 requirements established in Section 12 [~~11~~] of this administrative regulation.

19 (3) Elk hunting shall not be allowed on public areas during quota deer hunts listed in 301 KAR

20 2:178.

21 (4) Paul Van Booven WMA.

22 (a) The archery and crossbow seasons shall be open as established in Section 7 [~~6~~] of this

23 administrative regulation.

1 (b) A firearm shall not be used to hunt elk.

2 (5) A person shall not mimic the sound of an elk on public land open to elk hunting from

3 September 1 until the opening of the elk archery season.

4 Section 12 [~~11~~]. Out-of-zone Elk Hunting. (1) The methods for taking deer and the deer seasons

5 established in 301 KAR 2:172 shall apply to a person taking elk outside of the restoration zone,

6 except that a hunter shall comply with [~~not use~~] the weapons and ammunition requirements

7 established [~~items listed~~] in Section 6 [~~paragraphs (a) through (f)~~] of this administrative

8 regulation. [~~subsection to take elk:~~

9 ~~(a) Any weapon or device prohibited for deer hunting pursuant to 301 KAR 2:172;~~

10 ~~(b) A modern firearm less than .270 caliber;~~

11 ~~(c) A muzzle loading firearm less than .50 caliber;~~

12 ~~(d) A shotgun less than 20 gauge; or~~

13 ~~(e) Any arrow without a broadhead point;~~]

14 (2) Unless exempted by KRS 150.170, a person who is hunting out-of-zone elk shall possess:

15 (a) A valid Kentucky hunting license; and

16 (b) An out-of-zone elk permit.

17 (3) A person may take an elk of either sex, which shall not count toward the person's deer bag

18 limit.

19 (4) Any elk harvested out-of-zone shall be telechecked pursuant to Section 10 [~~9~~] of this

20 administrative regulation.

21 Section 13 [~~12~~]. A person who takes possession of any elk antler that has the skull or skull plate

22 attached to it shall contact the department's Law Enforcement Division within twenty-four (24)

23 hours to obtain a disposal permit.

24 Section 14 [~~13~~]. A person who is the recipient of a valid elk quota hunt permit, landowner

1 cooperator permit, voucher cooperator permit, or special commission permit may defer use of the

2 permit to the following year if:

3 (1) There is a death of the permit holder's:

4 (a) Spouse;

5 (b) Child; or

6 (c) Legal guardian, if the permit holder is under eighteen (18) years old; and

7 (2) The permit holder provides to the department a death certificate and one (1) of the following

8 documents prior to May 1 of the year following the hunting season:

9 (a) A marriage certificate;

10 (b) A birth certificate; or

11 (c) An affidavit of paternity or maternity.

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

1/9/15
Date

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on February 23, 2015, 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 by close of business March 2, 2015.

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 2:132. Elk quota hunts, elk depredation permits, landowner cooperator permits, and voucher cooperator permits.
Contact Person: Rose Mack

(1) Provide a brief summary of:
(a) What this administrative regulation does: This administrative regulation establishes the requirements for the elk permit drawing and quota hunts, the conditions under which special commission, landowner cooperator permits and cooperator voucher permits can be used, procedures for elk damage abatement, and any postseason hunt held after the quota hunts.
(b) The necessity of this administrative regulation: This administrative regulation is necessary to effectively manage elk populations in Kentucky, while providing optimal elk hunting opportunities.
(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 hunting seasons, bag limits, and the methods of taking wildlife. KRS 150.177 authorizes the department to issue special commission permits for game species to nonprofit wildlife conservation organizations. KRS 150.178 authorizes the department to issue cooperator permits to landowners who enroll property for public hunting access. KRS 150.390(3) authorizes the department to promulgate administrative regulations establishing the conditions under which depredation permits for elk may be issued.
(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation will assist the statutes by establishing the requirements for the elk permit drawing, quota hunts, legal methods of harvest, the conditions under which special commission permits, landowner cooperator permits, and voucher cooperator permits can be used, the procedures for elk damage abatement and any postseason hunt held after the quota hunts.

(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 creates two (2) new limited entry areas and defines those boundaries. It gives additional days to elk hunting for crossbow hunters. It removes the north and south at large divisions to create one at large area. It establishes the voucher cooperator permit that will allow a landowner to accrue points toward an elk tag for allowing elk hunting on their property. The amendment also modifies the requirements for a hunter to provide proof of sex of a harvested elk.
(b) The necessity of the amendment to this administrative regulation: See 1 (b) above.
(c) How the amendment conforms to the content of 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 35,000 to 60,000 people who apply to hunt elk in Kentucky each year, of which approximately 1000 are drawn. People who own or lease land over 100 acres can enter into an agreement with the

Department for elk hunting access and receive elk tags based on the number of elk that are harvested on the property.

(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: All drawn hunters can apply online for a Limited Entry Area and must comply with the change in season dates. Landowners with at least 100 acres in the elk zone may now enter into an agreement with the department to allow elk hunting on their land, which if they accrue a minimum number of points based on elk harvested on their land, they will receive an either sex elk permit. Hunters who harvest elk will be required to comply with the requirements for proving the sex of the harvested elk.
(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): This amendment does not change any costs to the entities identified in 3.
(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): Landowners who own less than 5000 acres, but more than 100 acres, may now receive a cooperator elk tag based on the numbers and sex of elk harvested on their property.

(5) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:
(a) Initially: Other than a minor administrative cost, there will be no additional cost to the agency to implement this administrative regulation.
(b) On a continuing basis: There will be no additional cost to the agency on a continuing basis.

(6) What is the source of the funding to be used for the 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: Additional fees for direct implementation of this regulation are not necessary, as infrastructure for conducting all aspects of elk management and quota hunts already exists.

(8) State whether or not this administrative regulation established any fees or directly or indirectly increased any fees: This administrative regulation does not establish any fees nor does it indirectly increase any fees.

(9) TIERING: Is tiering applied? Yes. Residents of the counties within the EMUs who are not drawn for the regular quota hunt shall be eligible for a late season depredation hunt. This hunt to allows residents to assist landowners in removing elk causing property damage in 2 areas with chronic nuisance elk problems. Fewer than 50 tags for antlerless and spike bulls will be drawn. These tags can only be used on private land within one of the 2 Elk Management Units (EMUs). The number of tags to be issued will be determined by the level of nuisance elk cases or property damage caused by elk documented within the EMUs prior to January each year.

FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

Regulation Number: 301 KAR 2:132
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 Kentucky Department of Fish and Wildlife Resources' Divisions of Wildlife and Law Enforcement will be impacted by this amendment.

(2) Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 150.025, KRS 150.177, KRS 150.178, KRS 150.390.

(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? For the 2014 elk season, approximately 67,600 applications were purchased at $10 per application $676,000 of revenue to the department). Approximately 890 of the 1000 drawn hunters paid for elk permits, generating $52,000 in additional revenue to the department. Total revenue directly generated by the elk hunts for the department was $728,000 for the 2014 season.

(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? It is estimated that approximately $600,000 to $800,000 will be generated from lottery applications and elk permits for the department. There is also a positive economic impact to cities, counties and local businesses in and near the elk restoration zone as hunters visit to hunt, but the specific dollar amount is unknown.

(c) How much will it cost to administer this program for the first year? There will be no additional costs for the first year. The department already has mechanisms in place for quota hunt application procedures, random drawings and other aspects of the elk hunts.

(d) How much will it cost to administer this program for subsequent years? There will be no additional costs incurred 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: