301 KAR 2:172

Deer hunting seasons, zones, and requirements

This administrative regulation establishes deer hunting seasons and zones, methods of take, bag limits, harvest recording procedures, and checking requirements.

Significant Changes

This amendment adjusts Hardin, Marion, and Webster Counties to a more liberal harvest zone. It also clarifies the definition of an antlered deer.

FILED WITH LRC
TIME: NOON
JAN 13 2016
Donna Little
REGULATIONS COMPILER

1 TOURISM, ARTS AND HERITAGE CABINET

2 Kentucky Department of Fish and Wildlife Resources

3 (Amendment)

4 301 KAR 2:172. Deer hunting seasons, zones, and requirements.

5 RELATES TO: KRS 150.010, 150.177, 150.180, 150.411(3), 150.990, 237.110

6 STATUTORY AUTHORITY: KRS 150.025(1), 150.170, 150.175, 150.390(1)

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, to
9 regulate bag limits and methods of take, and to make these requirements apply to a limited area.
10 KRS 150.170 authorizes exemptions for certain people from hunting license and permit
11 requirements. KRS 150.175 authorizes the kinds of licenses and permits to be issued by the
12 department. KRS 150.390(1) prohibits the taking of deer in any manner contrary to any
13 provisions of KRS Chapter 150 or Title 301 KAR. This administrative regulation establishes
14 deer hunting seasons and zones, legal methods of taking, and checking and recording
15 requirements for deer hunting.

16 Section 1. Definitions. (1) "Additional deer permit" means a permit that allows the holder to take
17 up to two (2) additional deer beyond those allowed by the statewide permit in the following
18 combinations:

19 (a) One (1) antlered deer and one (1) antlerless deer; or

20 (b) Two (2) antlerless deer.

21 (2) "Adult" means a person who is at least eighteen (18) years of age.

1 (3) "Antlered deer" means a male or female deer, excluding male fawns, with a visible antler
2 protruding above the hairline.
3 (4) "Antlerless deer" means a male or female deer with no visible antler protruding above the
4 hairline.
5 (5) "Archery equipment" means a long bow, recurve bow, or compound bow incapable of
6 holding an arrow at full or partial draw without aid from the archer.
7 (6) "Arrow" means the projectile fired from a bow or crossbow.
8 (7) "Barbed broadhead" means a point or portion of a blade projecting backward from a
9 broadhead designed to hold an arrow within an animal.
10 (8) "Crossbow" means a bow designed or fitted with a device to hold an arrow at full or partial
11 draw without aid from the archer.
12 (9) "Deer" means a member of the species Odocoileus virginianus.
13 (10) "Firearm" means a breech or muzzle-loading rifle, shotgun, or handgun.
14 (11) "Fully automatic firearm" means a firearm that fires more than one (1) time with a single
15 pull of the trigger.
16 (12) "License year" means the period from March 1 through the following last day of February.
17 (13) "Modern gun" means a rifle, handgun, or shotgun that is loaded from the rear of the barrel.
18 (14) "Muzzle-loading gun" means a rifle, shotgun, or handgun that is loaded from the
19 discharging end of the barrel or discharging end of the cylinder.
20 (15) "Shotshell" means ammunition containing more than one (1) projectile.
21 (16) "Statewide deer permit" means a permit, which, in conjunction with appropriate licenses,
22 seasons, and methods, allows the holder to take:
23 (a) One (1) antlered deer and one (1) antlerless deer; or

1 (b) Two (2) antlerless deer.

2 (17) "Statewide deer hunting requirements" means the season dates, zone descriptions, bag
3 limits, and other requirements and restrictions for deer hunting established in this administrative
4 regulation.

5 (18) "Youth" means a person under the age of sixteen (16) by the date of the hunt.

6 (19) "Zone" means an area consisting of counties designated by the department within which
7 deer hunting season dates and limits are set for the management and conservation of deer in
8 Kentucky.

9 Section 2. License and Deer Permit Requirements. (1) Unless exempted by KRS 150.170, a
10 person shall carry proof of purchase of a valid Kentucky hunting license and valid deer permit
11 while hunting.

12 (2) In lieu of a statewide deer permit or a license or permit that grants statewide deer hunting
13 privileges, a person possessing a valid junior statewide hunting license shall not use more than
14 two (2) junior deer hunting permits.

15 (3) An additional deer permit shall not be valid unless accompanied by a valid Kentucky hunting
16 license and a statewide deer permit or a license or permit that grants statewide deer hunting
17 privileges.

18 Section 3. Hunter Restrictions. (1) A deer hunter shall not:

19 (a) Take a deer except during daylight hours;

20 (b) Use dogs, except leashed tracking dogs to recover a wounded deer;

21 (c) Take a deer that is swimming;

22 (d) From a vehicle, boat, or on horseback, take a deer, except that a hunter with a disabled
23 hunting exemption permit issued by the department may use a stationary vehicle as a hunting

1 platform; and

2 (e) Possess or use a decoy or call powered by electricity from any source.

3 (2) A deer hunter shall not take a deer with any device except a firearm, crossbow, or archery

4 equipment as authorized by Section 5 of this administrative regulation.

5 (3) A person shall not use any of the following items to take a deer:

6 (a) Rimfire ammunition;

7 (b) A fully automatic firearm;

8 (c) A firearm with a magazine capacity greater than ten (10) rounds;

9 (d) Full metal jacketed ammunition;

10 (e) Tracer bullet ammunition;

11 (f) A shotshell containing more than one (1) projectile;

12 (g) An arrow or crossbow bolt without a broadhead;

13 (h) A broadhead smaller than seven-eighths (7/8) inch wide;

14 (i) A barbed broadhead;

15 (j) A crossbow without a working safety device;

16 (k) A chemically treated arrow;

17 (l) An arrow with a chemical attachment;

18 (m) Multiple projectile ammunition; or

19 (n) Any weapon that is not consistent with the appropriate season established in Section 5 of this

20 administrative regulation.

21 Section 4. Hunter Orange Clothing Requirements. (1) During the modern gun deer season,

22 muzzle-loader season, and any youth firearm season, a person hunting any species during

23 daylight hours and any person accompanying a hunter, shall display solid, unbroken hunter

1 orange visible from all sides on the head, back, and chest except while hunting waterfowl.

2 (2) During an elk firearm season as established in 301 KAR 2:132, a person hunting any species

3 and any person accompanying a hunter within the elk restoration zone, shall display solid,

4 unbroken hunter orange visible from all sides on the head, back, and chest except while hunting

5 waterfowl.

6 (3) The hunter orange portions of a garment worn to fulfill the requirements of this section:

7 (a) May display a small section of another color; and

8 (b) Shall not have mesh weave openings exceeding one-fourth (1/4) inch by any measurement.

9 (4) A camouflage-pattern hunter orange garment worn without additional solid hunter orange on

10 the head, back, and chest shall not meet the requirements of this section.

11 Section 5. Statewide Season Dates. (1) A deer hunter may use archery equipment to hunt deer

12 statewide from the first Saturday in September through the third Monday in January.

13 (2) A deer hunter may take deer with a modern firearm statewide beginning the second Saturday

14 in November for:

15 (a) Sixteen (16) consecutive days in Zones 1 and 2; and

16 (b) Ten (10) consecutive days in Zones 3 and 4.

17 (3) A deer hunter may use a muzzle-loading gun to hunt deer statewide:

18 (a) For two (2) consecutive days beginning the third Saturday in October;

19 (b) For nine (9) consecutive days beginning the second Saturday in December; and

20 (c) During any season in which a modern gun may be used to take deer.

21 (4) A deer hunter may use a crossbow to hunt deer statewide:

22 (a) From October 1 through the end of the third full weekend in October;

23 (b) From the second Saturday in November through December 31; and

1 (c) During any season in which a firearm may be used to take deer.

2 (5) A legal resident hunter sixty-five (65) years or older may hunt with a crossbow from the first

3 Saturday in September through the third Monday in January.

4 (6) Youth firearm season. For two (2) consecutive days beginning on the second Saturday in

5 October, a youth deer hunter:

6 (a) May take antlered or antlerless deer and shall use a legal method to do so; and

7 (b) Shall comply with this administrative regulation and all other statewide deer hunting

8 requirements.

9 (7) There shall be a free youth weekend for two (2) consecutive days beginning on the Saturday

10 after Christmas during which a youth:

11 (a) Shall not be required to have a hunting license or deer permit;

12 (b) May take antlered or antlerless deer and shall use a legal method to do so; and

13 (c) Shall comply with this administrative regulation and all other statewide deer hunting

14 requirements.

15 Section 6. Zones. (1) Zone 1 shall consist of Anderson, Ballard, Boone, Bracken, Bullitt,

16 Caldwell, Calloway, Campbell, Carlisle, Carroll, Christian, Crittenden, Franklin, Fulton,

17 Gallatin, Grant, Graves, Green, Hardin, Harrison, Henry, Hickman, Hopkins, Jefferson, Kenton,

18 Larue, Livingston, Lyon, Marshall, McCracken, Nelson, Oldham, Owen, Pendleton, Robertson,

19 Scott, Shelby, Spencer, Trigg, Trimble, Washington, Webster, and Woodford Counties.

20 (2) Zone 2 shall consist of Bourbon, Boyd, Carter, Fayette, Fleming, Grayson, Greenup,

21 [~~Hardin,~~] Hart, Henderson, Jessamine, Lawrence, Lewis, Logan, Marion, Mason, McLean,

22 Mercer, Muhlenberg, Nicholas, Ohio, Todd, and Union[~~, and Webster~~] Counties.

23 (3) Zone 3 shall consist of Adair, Allen, Barren, Bath, Boyle, Breckinridge, Butler, Casey, Clark,

1 Cumberland, Daviess, Edmondson, Elliott, Estill, Hancock, Johnson, Lincoln, Madison,
2 [~~Marion,~~] Meade, Metcalf, Monroe, Montgomery, Morgan, Powell, Rowan, Simpson, Taylor,
3 Warren, and Wolfe Counties.
4 (4) Zone 4 shall consist of Bell, Breathitt, Clay, Clinton, Floyd, Garrard, Harlan, Jackson, Knott,
5 Knox, Laurel, Lee, Leslie, Letcher, Magoffin, Martin, McCreary, Menifee, Owsley, Perry, Pike,
6 Pulaski, Rockcastle, Russell, Wayne, and Whitley Counties.
7 Section 7. Season and Zone Limits. (1) A person shall not take more than four (4) deer statewide
8 in a license year except:
9 (a) As authorized in 301 KAR 2:111, 2:176, 2:178, and 3:100; and
10 (b) A person may take an unlimited number of antlerless deer in Zone 1 if the person has
11 purchased the appropriate additional deer permits.
12 (2) A person shall not take more than one (1) antlered deer per license year, regardless of the
13 permit type used, except as established in 301 KAR 2:111, 2:178, and 3:100.
14 (3) In Zone 3, a person may take two (2) deer with a firearm.
15 (4) In Zone 4, a person may take:
16 (a) Only two (2) deer with a firearm; and
17 (b) Only antlered deer during:
18 1. Modern firearm season;
19 2. Early muzzleloader season; and
20 3. The first six (6) days of the December muzzleloader season.
21 (5) The aggregate bag limit for Zones, 2, 3, and 4 shall be four (4) deer per hunter.
22 Section 8. Supervision of Youth Firearm Deer Hunters. (1) An adult shall:
23 (a) Accompany a person under sixteen (16) years old; and

1 (b) Remain in a position to take immediate control of the youth's firearm.

2 (2) An adult accompanying a youth hunter shall not be required to possess a hunting license or

3 deer permit if the adult is not hunting.

4 Section 9. Harvest Recording. (1) Immediately after taking a deer, and prior to moving the

5 carcass, a person shall record, in writing:

6 (a) The species taken:

7 (b) The date taken:

8 (c) The county where taken; and

9 (d) The sex of the deer taken on one (1) of the following:

10 1. The hunter's log section on the reverse side of a license or permit;

11 2. The hunter's log produced in a hunting guide;

12 3. A hunter's log printed from the Internet;

13 4. A hunter's log available from any KDSS agent; or

14 5. An index or similar card.

15 (2) The person shall retain and possess the completed hunter's log while the person is in the field

16 during the current hunting season.

17 Section 10. Checking a Deer. (1) A person shall check a harvested deer by:

18 (a) Calling the toll free telecheck number at (800) 245-4263 or on the department's Web site at

19 fw.ky.gov:

20 1. Before midnight on the day the deer is recovered; and

21 2. Prior to processing or removing the hide or head from the carcass;

22 (b) Providing the information requested by the automated check-in system; and

23 (c) Writing the confirmation number given by the system on the hunter's log authorized in

1 Section 9 of this administrative regulation.

2 (2) If a hunter transfers possession of a harvested deer, the hunter shall attach to the carcass a

3 hand-made tag that contains the following information:

4 (a) The confirmation number;

5 (b) The hunter's name; and

6 (c) The hunter's telephone number.

7 (3) A person shall not provide false information while:

8 (a) Completing the hunter's log;

9 (b) Checking a deer; or

10 (c) Creating a carcass tag.

11 Section 11. Transporting and Processing Deer. (1) A person shall:

12 (a) Not transport an unchecked deer out of Kentucky;

13 (b) Have proof that a deer or parts of deer brought into Kentucky were legally taken;

14 (c) Not sell deer hides except to a licensed:

15 1. Fur buyer;

16 2. Fur processor; or

17 3. Taxidermist.

18 (2) A taxidermist or an individual who commercially butchers deer shall not accept a deer

19 carcass or any part of a deer without a valid disposal permit issued by the department pursuant to

20 KRS 150.411(3) or a proper carcass tag as established in Section 10 of this administrative

21 regulation.

22 (3) An individual who commercially butchers deer shall keep accurate records of the hunter's

23 name, address, confirmation number, and date received for each deer in possession and retain the

1 records for a period of one (1) year.

Approved by the Fish and Wildlife Commission

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

Don Parkinson, Secretary
Tourism, Arts and Heritage Cabinet

1/6/16
Date

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on February 22, 2016, 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 Way, Frankfort, Kentucky. Individuals interested in attending this hearing shall notify this agency in writing 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 wishes to be heard 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 February 29, 2016.

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) 564-7109, ext. 4507 FAX (502) 564-9136
Email: fwpubliccomments@ky.gov

REGULATORY IMPACT ANALYSIS
AND TIERING STATEMENT

301 KAR 2:172. Deer hunting seasons, zones, and requirements
Contact Person: Rose Mack

(1) Provide a brief summary of:
(a) What this administrative regulation does: This administrative regulation establishes deer hunting seasons and zones, methods of take, bag limits, harvest recording procedures, and checking requirements.
(b) The necessity of this administrative regulation: This administrative regulation is necessary to properly manage for a long-term, sustainable, and healthy deer population in Kentucky while providing reasonable and ample recreational opportunity for deer hunters.
(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 150.025 authorizes the department to promulgate administrative regulations establishing hunting seasons, bag limits, and the methods to take wildlife. KRS 150.170 exempts certain people from hunting license and permit requirements. KRS 150.175 authorizes the kinds of licenses and permits that are issued by the department. KRS 150.390 prohibits the taking of deer in any manner contrary to any provisions of Chapter 150 and Title 301 KAR.
(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation will assist in the effective administration of the statutes by establishing the seasons, zones, limits, procedures, and requirements authorized by the statutes.

(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: The amendment adjusts Hardin, Marion, and Webster Counties to a more liberal harvest zone. It also clarifies the definition of an antlered deer.
(b) The necessity of the amendment to this administrative regulation: The amendment is necessary to increase doe harvest Hardin, Marion, and Webster Counties to a more liberal harvest zone. It also better defines the definition of an antlered deer.
(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: For the 2015 -16 deer season there were approximately 274,171 resident and 24,588 non-resident Kentucky deer hunters.

(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:
(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: Hunters in Hardin and Webster Counties will have to abide by harvest restrictions for Zone 1. Hunters in Marion County will

have to abide by the harvest restrictions for Zone 2.
(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 cost to hunters as a result of this amendment.
(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): The increase in doe harvest for Hardin, Marion and Webster Counties will slightly lower or maintain current deer numbers and thus balance the needs and desires of the hunting and non-hunting constituents of the counties.

(5) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:
(a) Initially: There will be no additional cost to the department to implement this administrative regulation.
(b) On a continuing basis: There will be no additional cost to the department 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: It will not be necessary to increase a fee or 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 or why not) No. All deer hunters are subject to the same seasons, bag limits, and zone requirements for hunting.

FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

Regulation Number: 301 KAR 2:172
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(1), KRS 150.170, KRS 150.175 and KRS 150.390(1).

(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? Direct revenue from the sale of all deer permits is estimated to be between $3.5 and $4.0 million based on recent years' sales.

(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? Revenue during subsequent years is dependent on the number of permits sold, which has been stable to slightly decreasing in recent years.

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

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