

TOURISM, ARTS AND HERITAGE CABINET
Department of Fish and Wildlife Resources
(Amendment)

301 KAR 2:221. Waterfowl seasons and limits.

RELATES TO: KRS 150.010(45), 150.025(1), 150.305(1), 150.330, 150.340(1), (3), 150.990

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

CERTIFICATION STATEMENT: The Kentucky Department of Fish and Wildlife Resources, pursuant to statutory authority to promulgate administrative regulations to carry out the provisions of KRS Chapter 150 as established in KRS 150.025 and as an independent department of state government within the meaning of KRS Chapter 12 as established in KRS 150.021(1), promulgated by the Commissioner with approval of the Commission in accordance with KRS 150.010(1), does hereby certify this administrative regulation is promulgated in compliance with Section 8 of 2025 RS HB6.

NECESSITY, FUNCTION, AND CONFORMITY: KRS 150.025(1) authorizes the department to promulgate administrative regulations to establish open seasons for the taking of wildlife and to regulate bag limits. KRS 150.360 authorizes the department to restrict methods of taking wildlife. KRS 150.600 authorizes the department to regulate the taking of waterfowl on public and private land. This administrative regulation establishes requirements for the taking of waterfowl within reasonable limits and within the frameworks established by 50 C.F.R. Parts 20 and 21.

Section 1. Definitions.

- (1) "Active military personnel" means a member of the Armed Forces on active duty, including members of the National Guard and Reserves on active duty other than for training.
- (2) "Adult" means a person who is at least eighteen (18) years of age~~has reached his or her 18th birthday~~.
- (3) "Dark geese" means Canada geese, cackling geese, white-fronted geese, or brants.
- (4) "Light geese" is defined by KRS 150.010(20).
- (5) "Light geese conservation order" is defined by KRS 150.010(21).
- (6) "Veteran" means a person who served in the active military, naval, air, or space service, and who was discharged or released therefrom under conditions other than dishonorable.
- (7) "Waterfowl" is defined by KRS 150.010(45).
- (8) "Youth" means a person who has not reached his or her 16th birthday.

Section 2. Except as established in 301 KAR 2:222 or 2:225, a person shall not hunt waterfowl except during the seasons established in this administrative regulation.

Section 3. Season Dates.

- (1) The duck, coot, and merganser season shall:
 - (a) Begin on Thanksgiving Day for four (4) consecutive days; and
 - (b) Be from December 7 through January 31.
- (2) The dark geese season shall be from Thanksgiving Day through February 15.
- (3) The light geese season shall be from Thanksgiving Day through February 15.
- (4) The light geese conservation order season shall be from February 16 through March 31.
- (5) A person shall not hunt light or dark geese in:
 - (a) The areas of Laurel River Lake as posted by sign; or

- (b) Cave Run Lake and the public land inside the boundary formed by Highways 801, 1274, 36, 211, US 60, and Highway 826.

Section 4. Ballard Zone.

- (1) The Ballard Zone includes the portion of Ballard County north and west of:
 - (a) The Ballard-McCracken County line to State Road 358;
 - (b) State Road 358 to US 60;
 - (c) US 60 to the city limits of Wickliffe; and
 - (d) The city limits of Wickliffe to the center of the Mississippi River.
- (2) In the Ballard Zone, a person hunting waterfowl shall:
 - (a) Not hunt or establish a blind within:
 - 1. 100 yards of another blind; or
 - 2. Fifty (50) yards of a property line; and
 - (b) Not possess more than one (1) uncased or loaded shotgun while in a blind.
- (3) The requirements of subsection (1) of this section shall not apply if the Light Geese Conservation Order, as established in Section 3 of this administrative regulation, is the only waterfowl season open, excluding falconry seasons.

Section 5. Bag and Possession Limits.

- (1) Ducks. The daily limit shall be six (6), which shall not include more than:
 - (a) Four (4) mallards;
 - (b) Two (2) hen mallards;
 - (c) Three (3) wood ducks;
 - (d) Two (2) black ducks;
 - (e) Two (2) redheads;
 - (f) Three (3) pintails [~~One (1) pintail~~];
 - (g) One (1) scaup beginning Thanksgiving Day for four (4) consecutive days and December 7 through December 17;
 - (h) Two (2) scaup beginning on December 18 through January 31;
 - (i) One (1) mottled duck; or
 - (j) Two (2) canvasbacks.
- (2) Coot. The daily limit shall be fifteen (15).
- (3) Merganser. The daily limit shall be five (5), which shall not include more than two (2) hooded mergansers.
- (4) Dark geese. The daily limit shall be five (5), which shall not include more than:
 - (a) Three (3) Canada geese or cackling geese, in combination;
 - (b) Two (2) white-fronted geese; or
 - (c) One (1) brant.
- (5) Light geese. The daily limit shall be twenty (20), except that there shall not be a limit during the light geese conservation order season.
- (6) The possession limit shall be triple the daily limit, except that there shall not be a light geese possession limit.

Section 6. Shooting Hours. A person shall not hunt waterfowl except from one-half (1/2) hour before sunrise until:

- (1) Sunset, except as established in 301 KAR 2:222; or
- (2) One-half (1/2) hour after sunset if hunting light geese during the light geese conservation order season.

Section 7. Falconry Waterfowl Season and Limits.

- (1) The season for waterfowl shall be from Thanksgiving Day through the last Sunday in February.
- (2) The daily limit shall be three (3) waterfowl.
- (3) The possession limit shall be nine (9) waterfowl.

Section 8. Permit for the Light Geese Conservation Order Season.

- (1) A person hunting light geese during the light geese conservation order season shall first obtain a free permit by completing the online Snow Geese Conservation Order Permit process on the department's Web site at fw.ky.gov.
- (2) A person hunting light geese during the light geese conservation order season shall submit a Snow Geese Conservation Order Permit Survey to the department by April 10.

Section 9. Special Youth Waterfowl Season.

- (1) For the waterfowl season, the Saturday before Thanksgiving and the second Saturday in February shall be exclusive to youth hunters.
- (2) A youth hunter shall be accompanied by an adult.
- (3) If hunting, youth hunters shall comply with the provisions of 301 KAR 2:221 and 301 KAR 2:222 and also hunt on the applicable additional dates established in this administrative regulation.
- (4) An adult accompanying a youth who is waterfowl hunting shall:
 - (a) Remain in a position to take immediate control of the youth's firearm;
 - (b) Not hunt ducks, coots, mergansers, and gallinules; or
 - (c) Not be required to possess a hunting license or waterfowl permit if he or she is not hunting.

Section 10. A Special Veterans and active Military Personnel Waterfowl Hunting Season.

- (1) For the waterfowl season, the Sunday before Thanksgiving and the second Sunday in February shall be exclusive to veterans or active military personnel hunters.
- (2) If hunting, veteran or active-duty military hunters shall comply with the provisions of 301 KAR 2:221 and 301 KAR 2:222 and also hunt on the applicable additional dates established in this administrative regulation.
- (3) While in the field during the special veterans and active military personnel waterfowl hunting season, waterfowl hunters shall either have a state hunting license showing veteran status or carry proof of their veteran or active military personnel status. Acceptable forms of proof shall be a current military identification card, a VA-issued identification card, state issued driver's license or identification card with a veteran's designation, or an original or copy of a DD Form 214, DD Form 215, NGB Form 22, NGB Form 22-a, or DD Form 256.

Section 11. Incorporation by Reference.

- (1) The following material is incorporated by reference:
 - (a) "Snow Geese Conservation Order Permit", April 2022; and
 - (b) "Snow Geese Conservation Order Permit Survey", April 2022.
- (2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Kentucky Department of Fish and Wildlife Resources, #1 Sportsman's Lane, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m. or online at:
 - (a) <https://app.fw.ky.gov/snowgoosesurvey/snowgoose.aspx> for the "Snow Geese Conservation Permit"; and
 - (b) <https://app.fw.ky.gov/snowgoosesurvey/snowgoosesurvey.aspx> for the "Snow Geese Conservation Order Permit Survey."

Approved by the Fish and Wildlife Commission:

RICH STORM, Commissioner

APPROVED BY AGENCY: April 24, 2025

FILED WITH LRC: April 28, 2025 at 11:51 a.m.

PUBLIC HEARING AND COMMENT PERIOD: A public hearing on this administrative regulation shall be held on July 31, 2025, at 9:30 a.m., at KDFWR

Administration Building, 1 Sportsman's Lane, Frankfort, KY 40601. Individuals interested in being heard at this hearing shall notify this agency in writing by five workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing was received by that date, the hearing may be cancelled. 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 be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through July 31, 2025. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person.

CONTACT PERSON: Jenny Gilbert, Legislative Liaison, Kentucky Department of Fish and Wildlife Resources, 1 Sportsman's Lane, (502) 564-3400, fax: (502) 564-0506, email: fwpubliccomments@ky.gov

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person:Jenny Gilbert

(1) Provide a brief summary of:

(a) What this administrative regulation does:

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

(b) The necessity of this administrative regulation:

The necessity of this administrative regulation is to establish waterfowl hunting 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(1) authorizes the department to regulate the taking of waterfowl on public and private land.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes:

This administrative regulation assists in the effective administration of the statutes by establishing hunting season and bag limit requirements and providing reasonable hunting opportunity consistent with state, national, and international management requirements.

(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 bag limit for northern pintails from 1 pintail daily to 3 pintails daily. New harvest models employed by the USFWS allow for increased harvest and this would allow Kentucky hunters to participate.

(b) The necessity of the amendment to this administrative regulation:

Waterfowl seasons and limits are set on an annual basis following the establishment of federal frameworks by the USFWS each year. It is the Department's responsibility to allow quality hunting opportunity within these federal frameworks. The changes in bag limit maximizes the hunting opportunity allowed by federal frameworks.

(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 20,000 duck hunters in Kentucky which would benefit from increased bag limits on northern pintail.

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

(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment:

The current changes in bag limits will be published in the fall waterfowl hunting guide and on the department's website. Hunters will need to follow all applicable amendments to the hunting bag limits.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3):

There will be no additional costs to those identified in question (3).

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3):

They will be in compliance with Federal law.

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

(a) Initially:

There will not be an additional cost to implement this administrative regulation initially.

(b) On a continuing basis:

There will be no additional cost on a continuing basis.

(6) What is the source of 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 any fees or funding to implement this administrative regulation.

(8) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees:

This administrative regulation does not establish any fees directly or increase any fees indirectly.

(9) TIERING: Is tiering applied?

Tiering was not applied. The same guidelines and limits apply to all waterfowl hunters.

FISCAL IMPACT STATEMENT

(1) Identify each state statute, federal statute, or federal regulation that requires or authorizes the action taken by the administrative regulation:

KRS 150.025(1), 150.360, 150.600, 50 C.F.R. 20, 21

(2) State whether this administrative regulation is expressly authorized by an act of the General Assembly, and if so, identify the act:

KRS 150.025(1) authorizes the department to promulgate administrative regulations to establish open seasons for the taking of wildlife and to regulate bag limits. KRS 150.360 authorizes the department to restrict methods of taking wildlife. KRS 150.600 authorizes the department to regulate the taking of waterfowl on public and private land. This administrative regulation establishes requirements for the taking of waterfowl within reasonable limits and within the frameworks established by 50 C.F.R. Parts 20 and 21.

(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions:

The Department's Wildlife Division and Law Enforcement Division.

(b) Estimate the following for each affected state unit, part, or division identified in (3)(a):

1. Expenditures:

For the first year:No additional expenditures will be necessitated by the amendments to this administrative regulation during the first year.

For subsequent years:There will be no differences to expenditures in subsequent years.

2. Revenues:

For the first year:No revenue will be generated by amendments to this administrative regulation during the first year.

For subsequent years:There will be no differences to revenues in subsequent years.

3. Cost Savings:

For the first year:No cost savings will be generated by amendments to this administrative regulation during the first year.

For subsequent years:There will be no differences to cost savings in subsequent years.

(4)(a) Identify affected local entities (for example: cities, counties, fire departments, school districts):

None

(b) Estimate the following for each affected local entity identified in (4)(a):

1. Expenditures:

For the first year:N/A

For subsequent years:N/A

2. Revenues:

For the first year:N/A

For subsequent years:N/A

3. Cost Savings:

For the first year:N/A

For subsequent years:N/A

(5)(a) Identify any affected regulated entities not listed in (3)(a) or (4)(a):

None

(b) Estimate the following for each regulated entity identified in (5)(a):

1. Expenditures:

For the first year:N/A

For subsequent years:N/A

2. Revenues:

For the first year:N/A

For subsequent years:N/A

3. Cost Savings:

For the first year:N/A

For subsequent years:N/A

(6) Provide a narrative to explain the following for each entity identified in (3)(a), (4)(a), and (5)(a)

(a) Fiscal impact of this administrative regulation:

There will be no fiscal impact generated by the amendment to this administrative regulation. This is a small increase in the bag limit for one duck species. This species is harvested in low numbers in Kentucky so it is not expected to create increased participation.

(b) Methodology and resources used to reach this conclusion:

Experience of KDFWR staff.

(7) Explain, as it relates to the entities identified in (3)(a), (4)(a), and (5)(a):

(a) Whether this administrative regulation will have a “major economic impact”, as defined by KRS 13A.010(13):

These amendments will not have a “Major Economic Impact”.

(b) The methodology and resources used to reach this conclusion:

Experience of KDFWR staff.

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 bird 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 migratory bird hunters. Restricting bag limits provides the state the ability to protect populations that may be of concern on the state level but not on a national scale. The greatest concentrations of migratory birds and the greatest hunting pressure often occur on public lands managed by the Department. The Department imposes more restrictive regulations on these lands in effort to meet migratory bird management objectives while still providing quality hunting opportunity.