

### **301 KAR 2:222. Waterfowl hunting requirements on public lands.**

RELATES TO: KRS 150.010(41), 150.305(1), 150.330, 150.340(1), (3), 150.990

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

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(1) 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) "Blind" means a:

- (a) Concealed enclosure;
- (b) Pit; or
- (c) Boat.

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

(3) "Hunt site" means a specific location where waterfowl hunting is allowed, as approved by the department or the U.S. Army Corps of Engineers.

(4) "Layout blind" means a portable blind that when fully deployed allows one (1) person to be concealed above the surface of the ground.

(5) "Party" means:

- (a) A person hunting alone; or
- (b) Two (2) to four (4) people who share a department blind or hunt site.

(6) "Permanent blind" means a blind left in place by a waterfowl hunter longer than twenty-four (24) hours.

(7) "Regular waterfowl season" means the open waterfowl season that does not include the Light Goose Conservation Order or the September wood duck, teal, and Canada goose seasons as established in 301 KAR 2:221 and 2:225.

(8) "Wildlife Management Area" or "WMA" means a tract of land:

- (a) Controlled by the department through ownership, lease, license, or cooperative agreement; and
- (b) That has "Wildlife Management Area" or "WMA" as part of its official name.

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

- (1) Longer than three and one-half (3 1/2) inches; or
- (2) Containing:
  - (a) Lead shot;
  - (b) Shot not approved by the U.S. Fish and Wildlife Service for waterfowl hunting; or
  - (c) Shot larger than size "T".

Section 3. (1) Except as established in this section or in Section 4 of this administrative regulation, on a Wildlife Management Area:

- (a) A person hunting waterfowl shall not:
  - 1. Establish or hunt from a permanent waterfowl blind; or
  - 2. Hunt within 200 yards of:
    - a. Another occupied hunt site; or
    - b. Another legal waterfowl hunting party.

- (b) A person shall not hunt in a designated recreation area or access point;
- (c) More than four (4) persons shall not occupy a waterfowl blind or hunt site; and
- (d) A hunter shall remove decoys and personal items daily, except that a hunter drawn for a multiday hunt may choose to leave decoys in place for the duration of the hunt.

(2) In order to establish or use a permanent waterfowl blind or hunt site on Lake Barkley, Barren River Lake, Buckhorn Lake, Green River Lake, Nolin River Lake, Paintsville Lake, Rough River Lake, Sloughs, or Doug Travis Wildlife Management Areas, a person:

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

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

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

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

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

(b) Possess:

1. A valid Kentucky hunting license;

2. A Kentucky migratory game bird and waterfowl permit; and

3. A federal duck stamp.

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

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

(b) Not lock a waterfowl blind; and

(c) Remove the blind and blind materials within thirty (30) days after the close of the regular waterfowl season or be ineligible for a permit the following year, unless an extension of time is granted by the department due to weather or water level conflicts.

(5) A permanent blind, department blind, or blind site not occupied by the permit holder one (1) hour before sunrise shall be available to another hunter on a first-come, first-served basis.

(6) A waterfowl blind restriction established in this section shall not apply to a falconer if a gun or archery season is not open.

Section 4. Wildlife Management Area Requirements. (1) The regular waterfowl season provisions shall apply, as established in 301 KAR 2:221, except as established in this section.

(2) The provisions of this section shall not apply to a waterfowl hunting season that opens prior to October 15, as established in 301 KAR 2:225.

(3) A person shall not:

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

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

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

(4) On Wildlife Management Areas in Ballard County:

(a) The shotgun shell possession limit shall be fifteen (15), except that the shotgun shell possession limit shall be twenty-five (25) if:

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

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

(b) At least one (1) person shall be eighteen (18) years of age or older if hunting in a department waterfowl blind or hunt site.

(5) At Ballard WMA:

(a) The duck, coot, merganser, and goose season shall be December 7 through January 31;

(b) Youth waterfowl season shall be the first full weekend in February;

(c) A person hunting waterfowl shall not hunt on Monday, Tuesday, Christmas Eve, Christmas Day, or New Year's Day; and

(d) A person hunting waterfowl shall:

1. Apply for the waterfowl quota hunt as established in Section 5 of this administrative regulation;

2. Not hunt waterfowl on the Ohio River from fifty (50) yards upstream of Dam 53 to fifty (50) yards downstream from the southern border of Ballard WMA from October 15 through March 15;

3. Stop hunting and exit the hunting area by 2 p.m. during the regular waterfowl season, except as authorized by the department;

4. Check out of the area by accurately completing the Daily Post-Hunt Survey provided by the department and submitting the survey at the department-designated drop point by 3 p.m. the day of the hunt, or be declared ineligible to hunt at Ballard WMA for the remainder of the current and following waterfowl season; and

5. Hunt in close proximity to other hunt party members so that each member of the party is within twenty-five (25) feet of another party member and no two (2) party members are more than 100 feet apart.

(6) At Boatwright WMA, including the Olmsted, Peal, and Swan Lake units:

(a) A party shall:

1. Not hunt on Monday, Tuesday, Christmas Eve, Christmas Day, or New Year's Day;

2. Obtain a daily check-in card by 8 a.m. before entering the area from December 7 through January 31; and

3. Check out the same day by:

a. Visiting the designated check station prior to 8 a.m.; or

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

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

(c) A department blind or hunt site shall be assigned through a daily drawing from December 7 through January 31;

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

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

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

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

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

(g) A party shall only hunt waterfowl:

1. From a department blind; or

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

(7) On the Peal unit of Boatwright WMA:

(a) More than seven (7) parties shall not hunt at the same time on Buck Lake or Flat Lake;

(b) More than four (4) parties shall not hunt at the same time on Fish Lake;

(c) More than three (3) parties shall not hunt at the same time on First Lake or Second Lake; and

(d) A party shall not hunt waterfowl except within twenty-five (25) feet of a hunt site during the regular waterfowl season.

(8) On the Swan Lake Unit of Boatwright WMA:

(a) A person shall not hunt waterfowl from Thanksgiving Day through December 6;

(b) The area open to hunting during the regular waterfowl season shall be open for the Light Goose Conservation Order season as established in 301 KAR 2:221; and

- (c) Blind restrictions shall not apply to the Light Goose Conservation Order season.
- (9) Lake Barkley WMA.
  - (a) A permanent blind shall only be established within ten (10) yards of a blind site.
  - (b) Waterfowl refuge areas.
    - 1. The area west of the Cumberland River channel, as marked by buoys, between river mile 51, at Hayes Landing Light, south to the Tennessee Valley Authority's power transmission lines at river mile 55.5, shall be closed from November 1 through February 15; and
    - 2. The area within Honker Bay and Fulton Bay, as marked by buoys and signs, shall be closed from November 1 through March 15.
      - (c) A person shall not hunt from October 15 through March 15:
        - 1. On Duck Island; or
        - 2. Within 200 yards of Duck Island.
- (10) Barren River Lake WMA. A person hunting waterfowl:
  - (a) May use a breech-loading shotgun along the shoreline of the Peninsula Unit; and
  - (b) Shall not use a breech-loading firearm elsewhere on the area.
- (11) Big Rivers WMA.
  - (a) Shooting hours shall be one-half (1/2) hour before sunrise until 2 p.m.
  - (b) A person shall not enter a hunting area prior to 4 a.m. daily.
- (12) Cedar Creek WMA.
  - (a) Shooting hours shall be one-half (1/2) hour before sunrise until 2 p.m.
  - (b) A person shall not enter a hunting area prior to 4 a.m. daily.
- (13) Miller Welch-Central Kentucky WMA. A person shall not hunt waterfowl from October 15 through January 14.
- (14) Lake Cumberland WMA. The following sections shall be closed to the public from October 15 through March 15:
  - (a) The Wesley Bend area, bounded by Fishing Creek, Beech Grove Road, and Fishing Creek Road; and
  - (b) The Yellowhole area, bounded by Fishing Creek Road and Hickory Nut Road.
- (15) Dix River WMA.
  - (a) Shooting hours shall be one-half (1/2) hour before sunrise until 2 p.m.
  - (b) A person shall not enter a hunting area prior to 4 a.m. daily.
- (16) Doug Travis WMA.
  - (a) Shooting hours shall be one-half (1/2) hour before sunrise until 2 p.m.
  - (b) A person shall not enter a hunting area prior to 4 a.m. daily.
  - (c) A person hunting waterfowl shall exit the area by 2 p.m. during waterfowl season, except as authorized by the department.
  - (d) On Black Lake, Fish Lake, Forked Lake, Indian Camp Lake, Number Four Lake, Town Creek Moist Soil Unit, and Upper Goose Lake, all waterfowl hunting after November 1 shall be:
    - 1. From hunt sites assigned by a random preseason drawing; and
    - 2. Within ten (10) yards of a hunt site, including periods of Mississippi River flooding.
- (17) Grayson Lake WMA. A person shall not hunt waterfowl:
  - (a) Within the no-wake zone at the dam site marina;
  - (b) From the shore of Camp Webb;
  - (c) On Deer Creek Fork; or
  - (d) Within three-quarters (3/4) of a mile from the dam.
- (18) Green River Lake WMA.
  - (a) Shooting hours shall be one-half (1/2) hour before sunrise until 2 p.m.
  - (b) A person shall not enter a hunting area prior to 4 a.m. daily.
- (19) Kaler Bottoms WMA.

- (a) Shooting hours shall be one-half (1/2) hour before sunrise until 2 p.m.
- (b) A person shall not enter a hunting area prior to 4 a.m. daily.
- (20) Kentucky River WMA.
  - (a) Shooting hours shall be one-half (1/2) hour before sunrise until 2 p.m.
  - (b) A person shall not enter a hunting area prior to 4 a.m. daily.
- (21) Land Between the Lakes National Recreation Area.
  - (a) The following portions shall be closed to the public from November 1 through March 15:
    1. Long Creek Pond;
    2. The eastern one-third (1/3) of Smith Bay, as marked by buoys; and
    3. The eastern two-thirds (2/3) of Duncan Bay, as marked by buoys.
  - (b) The following portions shall be closed to waterfowl hunting:
    1. The Environmental Education Center; and
    2. Energy Lake.
  - (c) A person shall possess an annual Land Between the Lakes Hunting Permit if hunting waterfowl:
    1. Inland from the water's edge of Kentucky Lake or Barkley Lake; or
    2. From a boat on a flooded portion of Land Between the Lakes when the lake level is above elevation 359.
  - (d) A person shall not hunt waterfowl on inland areas during a quota deer hunt.
  - (e) A person shall not establish or use a permanent blind:
    1. On an inland area; or
    2. Along the Kentucky Lake shoreline of Land Between the Lakes.
  - (f) A person hunting waterfowl shall remove decoys and personal items daily.
- (22) Obion Creek WMA.
  - (a) Shooting hours shall be one-half (1/2) hour before sunrise until 2 p.m.
  - (b) A person shall not enter a hunting area prior to 4 a.m. daily.
- (23) Ohio River Islands WMA.
  - (a) A person shall not hunt from October 15 through March 15 on the Kentucky portion of the Ohio River from Smithland Lock and Dam upstream to the power line crossing at approximately river mile 911.5.
  - (b) Stewart Island shall be closed to public access from October 15 through March 15.
  - (c) Shooting hours shall be one-half (1/2) hour before sunrise until 2 p.m.
  - (d) A person shall not enter a hunting area prior to 4 a.m. daily.
- (24) Peabody WMA.
  - (a) Shooting hours shall be one-half (1/2) hour before sunrise until 2 p.m.
  - (b) A person shall not enter a hunting area prior to 4 a.m. daily.
  - (c) The following areas, as posted by signs, shall be closed to the public from October 15 through March 15:
    1. The Sinclair Mine area, bounded by Hwy 176, the haul road, and Goose Lake Road; and
    2. The Ken area, bounded by Wysox Road, H2 Road, H1 Road, and H6 Road.
- (25) Pioneer Weapons WMA. A person hunting waterfowl:
  - (a) May use a breech-loading shotgun along the shoreline of Cave Run Lake; and
  - (b) Shall not use a breech-loading firearm elsewhere on the area.
- (26) Robinson Forest WMA. The main block of the WMA shall be closed to waterfowl hunting.
- (27) Sloughs WMA.
  - (a) Shooting hours shall be one-half (1/2) hour before sunrise until 2 p.m.
  - (b) A person shall not enter a hunting area prior to 4 a.m. daily.
  - (c) A person hunting waterfowl shall exit the area by 2 p.m. during the regular waterfowl

season.

(d) On the Highlands Creek and Grassy Pond Powell's Lake units, a person hunting waterfowl shall:

1. Hunt:

a. From a department blind;

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

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

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

(e) If the Ohio River reaches a level that requires boat access, a waterfowl hunter:

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

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

(f) If hunting waterfowl on the Crenshaw and Duncan Tracts of the Sauerheber Unit or the Jenny Hole Unit:

1. A person shall not hunt on a Tuesday or Wednesday;

2. A person shall hunt from a blind or a hunt site assigned by the department through a drawing as established in Section 5 of this administrative regulation;

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

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

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

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

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

1. Waterfowl from November 1 through March 15; and

2. The modern gun deer season.

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

(i) The Jenny Hole Unit shall be closed to boats from Thanksgiving Day through the last Sunday in January, except for persons participating in department-managed activities.

(j) A hunter participating in a quota waterfowl hunt at Sloughs WMA shall:

1. Hunt in close proximity to other hunt party members so that each member of the party is within twenty-five (25) feet of another party member and no two (2) party members are more than 100 feet apart; and

2. Check out of the area by accurately completing the Daily Post-Hunt Survey provided by the department and submitting the survey at the designated drop point by 3 p.m. the day of the hunt or be ineligible to hunt at Sloughs WMA for the remainder of the current and following waterfowl season.

(28) South Shore WMA.

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

(b) A hunter shall use a department blind.

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

(29) Taylorsville Lake WMA.

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

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

(30) Yatesville Lake WMA. The following areas shall be closed to waterfowl hunting, unless authorized by Yatesville Lake State Park:

(a) The Greenbrier Creek embayment; and

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

cluding the island.

(31) Yellowbank WMA. The area designated by a sign and painted boundary marker shall be closed to the public from October 15 through March 15.

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

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

(32) J.C. Williams WMA.

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

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

Section 5. Ballard WMA and Sloughs WMA Quota Hunts. (1) A person applying to hunt waterfowl on Ballard WMA or the Sauerheber Unit of Sloughs WMA shall:

(a) Apply by completing the online Ballard or Sloughs Waterfowl Quota Hunt Form process on the department's Web site at fw.ky.gov;

(b) Apply from September 1 through September 30;

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

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

(2) A person drawn to hunt at Sloughs WMA shall check in on the Sunday prior to their hunt on the department's Web site at fw.ky.gov.

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

(4) A person shall be declared ineligible to hunt in department waterfowl quota hunts during the remaining portion of the waterfowl season and declared ineligible to apply for any department quota hunt the following year if the hunter violates state or federal regulations while waterfowl hunting on WMAs that have a preseason or daily drawing.

(5) A party applying to hunt waterfowl on the Jenny Hole Unit of Sloughs WMA shall:

(a) Apply by attending a weekly on-site drawing at the WMA; and

(b) Designate any other party members, if applicable, prior to the drawing.

(6) A party drawn to hunt on the Jenny Hole Unit of Sloughs WMA, as established in subsection (5) of this section, shall not be allowed to change any party members after being drawn.

Section 6. State Parks. (1) Waterfowl hunting shall be prohibited, except there shall be an open waterfowl hunt December 13 through January 31 on designated areas of state parks at:

(a) Greenbo Lake;

(b) Lake Barkley;

(c) Lincoln Homestead;

(d) Nolin Lake;

(e) Paintsville Lake; and

(f) Yatesville Lake.

(2) Hunters shall check in and out each day at the designated check station.

(3) During check-in, hunters shall be provided a map showing designated areas of the park that are open to waterfowl hunting.

Section 7. Youth-Mentor and Mobility-Impaired Waterfowl Hunts. (1) There shall be youth-mentor waterfowl hunts on the Minor Clark and Peter W. Pfeiffer fish hatcheries each Saturday and Sunday in January.

(2) There shall be a mobility-impaired waterfowl hunt at Minor Clark Fish Hatchery that is held concurrently with each youth-mentor hunt.

(3) There shall be a waterfowl blind at Doug Travis WMA assigned by a random pre-season electronic drawing among all mobility-impaired applicants.

- (4) A youth or mobility-impaired person shall:
  - (a) Apply on the department's Web site at fw.ky.gov between November 1 and November 15; and
  - (b) Carry a department provided postcard notification on the day of the hunt.
- (5) A mobility-impaired person shall carry a mobility-impaired access permit pursuant to 301 KAR 3:026.
  - (6) Each youth shall be accompanied by an adult who is eighteen (18) years or older.
  - (7) At the youth-mentor hunts:
    - (a) Each youth shall not be accompanied by more than one (1) adult; and
    - (b) One (1) adult may accompany two (2) youths.
  - (8) A person shall:
    - (a) Hunt from an established blind; and
    - (b) Not change blinds.
  - (9) A blind shall not be used by more than four (4) hunters.
  - (10) A person shall only discharge a firearm from a blind.
  - (11) A person shall not possess more than twenty-five (25) shotshells.
  - (12) A waterfowl hunter, mentor, or assistant shall immediately retrieve downed birds.
  - (13) A person shall encase a firearm if traveling to and from a blind.
  - (14) A hunter at Minor Clark or Peter Pfeiffer Fish Hatcheries shall:
    - (a) Cease hunting by noon; and
    - (b) Exit the area by 1 p.m.
  - (15) All decoys and equipment shall be removed at the end of each day's hunt.
  - (16) A hunter at Minor Clark or Peter Pfeiffer Fish Hatcheries shall report harvest by depositing a completed hunt permit at the designated location.

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

- (a) "Sloughs WMA Waterfowl Hunter Survey Report", 2014 edition;
- (b) "Ballard or Sloughs Waterfowl Quota Hunt Form", 2014 edition;
- (c) "Hatcheries Youth-Mentor/Mobility-Impaired Canada Goose Hunt Application", 2017 edition; and
- (d) "Doug Travis WMA Mobility-Impaired Waterfowl Hunt Application", 2017 edition.

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