

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

301 KAR 2:224. Waterfowl hunting zones.

RELATES TO: KRS 150.010(40), 150.025(1), 150.305(1), 150.330, 150.340(1), (3), 150.600(1), 150.990, 59 C.F.R. 20

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

NECESSITY, FUNCTION, AND CONFORMITY: KRS 150.025(1) authorizes the department to make administrative regulations which apply to a limited area or to the entire state. This administrative regulation establishes waterfowl hunting zones.

Section 1. Goose Hunting Zones. (1) The Western Goose Zone includes Henderson County and the portion of Kentucky west of:

- (a) US 60 from the Henderson-Union County line to US 641;
- (b) US 641 to Interstate 24;
- (c) Interstate 24 to the Purchase Parkway; and
- (d) The Purchase Parkway.

(2) The Ballard Zone includes the portion of Ballard County north or 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;
- (d) The city limits of Wickliffe to the center of the Mississippi River.

(3) The [~~Counties associated with the~~] Ballard Reporting Area includes:

- (a) The portion of Ballard County not included in the Ballard Zone;
- (b) Carlisle and McCracken Counties; and
- (c) The portions of Fulton, Graves, Hickman and Marshall Counties in the Western Goose Zone.

(4) The Henderson-Union Zone includes Henderson County and the portion of Union County in the Western Goose Zone.

(5) Counties associated with the Henderson-Union Zone include those portions of Crittenden, Livingston and Lyon Counties in the Western Goose Zone.

(6) The Pennyroyal-Coalfield Goose Zone includes the area from the Western Goose Zone to and including Simpson, Warren, Butler, Ohio, and Daviess Counties.

(7) The Eastern Goose Zone includes the portions of Kentucky not included in the Western or Pennyroyal-Coalfield Goose Zones.

(8) The West-Central Special Hunt Zone includes:

- (a) Muhlenberg County;
- (b) Ohio County south of Rough River;
- (c) Butler County west of Highway 79 and north of Highway 70;
- (d) Hopkins County:
 1. East of Highways 814 and 109;
 2. South of US 41A between Highways 814 and Madisonville; and
 3. South of Highway 85 east of Madisonville.

(9) The Northeast Special Hunt Zone includes Bath, Menifee, Morgan and Rowan Counties, except Paintsville Lake and its shoreline in Morgan County.

Section 2. Duck, Coot, and Merganser Hunting Zones. (1) The Western Duck Zone includes the portion of Kentucky in the Western and Pennyroyal-Coalfield Goose Zones.

(2) The Eastern Duck Zone includes the portion of Kentucky not in the Western Duck Zone.

RICH STORM, Commissioner

MIKE BERRY, Secretary

APPROVED BY AGENCY: August 3, 2021

FILED WITH LRC: August 5, 2021 at 9:22 a.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on October 22, 2021 at 10:00 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 through October 31, 2021. Send written notification of intent to attend the public hearing or written comments on the proposed administrative regulation to the contact person.

CONTACT PERSON: Beth Frazee, Department of Fish and Wildlife Resources, Arnold L. Mitchell Building, #1 Sportsman's Lane, Frankfort, Kentucky 40601, phone (502) 564-3400, email fwpubliccomments@ky.gov

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Beth Frazee

(1) Provide a brief summary of:

(a) What the administrative regulation does: This administrative regulation establishes waterfowl hunting zones.

(b) The necessity of the administrative regulation: This administrative regulation is necessary to effectively manage waterfowl populations in Kentucky, while complying with the United States Fish and Wildlife Service federal frameworks.

(c) How does this administrative regulation conform to the authorizing statute: KRS 150.025(1) authorizes the department to make administrative regulations which apply to a limited area or to the entire state. KRS 150.600(1) authorizes the department to regulate the taking of waterfowl within the state and do anything else necessary to control or improve the conservation or hunting of waterfowl not contrary to federal regulations. 50 C.F.R. 20 is the federal regulation our regulations must comply with.

(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 statutes by establishing the waterfowl zones to effectively manage waterfowl and comply with federal frameworks.

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

(a) How the amendment will change the existing administrative regulation: This amendment cleans up and simplifies language in the existing regulation in regards to waterfowl hunting zones.

(b) The necessity of the amendment to this administrative regulation: The amendment is necessary as part of the agencies continued efforts to update and simplify our regulations,

(c) How does the amendment conform to the authorizing statutes: See (1)(c) above.

(d) How the amendment will assist in the effective administration of the statutes: See (1)(d) above.

(3) List the type and number of individuals, businesses, organizations or state and local governments that will be affected: Individuals hunting waterfowl.

(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: Compliance with the waterfowl season requirements.

(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 alter any costs for the entities in question (3).

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): Compliance with regulations and sustainable wildlife populations.

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

(a) Initially: 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 funding to be used for implementation and enforcement of this administrative regulation: The funding source is the KDFWR state fish and game funds.

(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 or funding for direct implementation of this regulation are not necessary as the regulation already exists.

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

(9) TIERING: Is tiering applied? No.

FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

(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? This amendment does not impact any state or local government.

(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), 150.600(1), 50 C.F.R. 20

(3) Estimate the effect of this administrative regulation on the expenditures and revenues of a state or local government agency (including cities, counties, fire departments, or school districts) for the first full year the administrative regulation is to be in effect.

(a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year? No revenue will be generated for the state or local government.

(b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years? No revenue will be generated for state and local governments.

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

(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: