

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

301 KAR 2:228. Sandhill crane hunting requirements.

RELATES TO: KRS 150.010, 150.305, 150.340, 150.990

STATUTORY AUTHORITY: KRS 150.025(1), 150.170(3), (4), 150.330, 150.603(2), 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 150.170(3)(4) authorizes license exemptions for people under twelve (12) and resident owners of farmlands, including their spouses and dependent children who hunt on those farmlands. KRS 150.330 authorizes take and possession of migratory birds when in compliance with the provisions of the Federal Migratory Bird Treaty Act and authorizes hunting of migratory birds with the appropriate permits. KRS 150.603(2) requires a person sixteen (16) years or older to possess a hunting license and a Kentucky migratory game bird and waterfowl permit in order to hunt migratory birds. This administrative regulation establishes the requirements for taking sandhill cranes within reasonable limits and within the frameworks established by 50 C.F.R. Parts 20 and 21.

Section 1. Definitions.

- (1) "Crane" means a sandhill crane.
- (2) "Wildlife Management Area" or "WMA" means a tract of land that:
 - (a) Is controlled by the department through ownership, lease, license, or cooperative agreement; and
 - (b) Has "Wildlife Management Area" or "WMA" as part of its official name.

Section 2. Applications and Permits.

- (1) To apply for a crane hunting permit a person shall:
 - (a) Complete the online application process, not more than once per calendar year, on the department's Web site at fw.ky.gov between September 1 and September 30;
 - (b) Possess a valid hunting license by September 30, unless the applicant is license exempt as established in KRS 150.170; and
 - (c) Pay a three (3) dollar application fee.
- (2) The department shall:
 - (a) Rank each applicant with a random electronic draw from all qualified applicants;
 - (b) Issue a crane hunting permit and one (1) printable crane tag to all ranked applicants up to the maximum number of crane tags allowed by the United States Fish and Wildlife Service for that season, as established in 50 C.F.R. 20, except that if the number of applicants:
 1. Exceeds the maximum number of tags, then those applicants ranking higher than the maximum will not receive a permit; and
 2. Is less than the maximum number of tags available, then the additional tags will be assigned to applicants in the order of ranking until all tags are assigned;
 - (c) ~~Issue each permit via the department's Web site at fw.ky.gov;~~
 - ~~[(d)] Issue the appropriate number of metal leg tags to each permit recipient prior to the crane hunting season; and~~
 - ~~[(e)] Disqualify an applicant who does not possess a hunting license prior to September 30, unless the applicant is license exempt as established in KRS 150.170.~~
- (3) A person who does not have access to the internet may call the department's toll-free number at 1-800-858-1549 for assistance in applying.

- (4) A crane hunting permit shall not be transferable.
- (5) A person selected to receive a permit shall pass a bird identification test provided by the department prior to receiving a permit.
- (6) A permit recipient shall complete and submit a post-season crane hunting survey on the department's Web site no later than fourteen (14) days after the close of the season.
- (7) A person who fails to complete the post-season survey by the date specified in subsection (6) of this section shall be ineligible to be drawn the following year.

Section 3. Season, Bag Limits, and Hunting Requirements.

- (1) Unless license exempt as established in KRS 150.170, a person shall not hunt a crane without a:
 - (a) Valid Kentucky hunting license;
 - (b) Valid Kentucky crane hunting permit; and
 - (c) Kentucky migratory game bird and waterfowl permit.
- (2) A permit recipient shall possess a printed or electronic copy of a valid crane hunting permit, available via the customer's profile on the department's Web site at <https://app.fw.ky.gov/Myprofile/default.aspx> or mobile application:
 - (a) While crane hunting; and
 - (b) When in possession of a harvested crane.
- (3) The season shall be from December 7 through January 31.
- (4) The bag limit shall be:
 - (a) Two (2) cranes daily for permit holders with two (2) or more crane tags; or
 - (b) One (1) crane for permit holders with one (1) tag.
- (5) A person shall only hunt cranes from sunrise to sunset.
- (6) A person who has harvested a crane shall attach a department-issued printable~~metal~~ tag to the leg of the crane prior to moving the carcass. The department-issued tags shall be available for print via the customer's profile on the department's Web site at <https://app.fw.ky.gov/Myprofile/default.aspx> or mobile application.
- (7) A person shall check a harvested crane on the day the crane is harvested by:
 - (a) Calling 800-245-4263 and providing the information requested by the automated check-in system; or
 - (b) Completing the check-in process on the department's Web site at fw.ky.gov; and
 - (c) Recording and retaining the check-in confirmation number for the rest of the current season.
- (8) A hunter who has harvested a crane shall possess the check-in confirmation number when in the field during the current season.
- (9) A person shall not knowingly falsify the harvest of a crane on the automated check-in system.
- (10) A person hunting cranes shall not use or possess a shotgun shell containing:
 - (a) Lead shot; or
 - (b) Shot not approved by the U.S. Fish and Wildlife Service for waterfowl hunting.
- (11) A person shall not use the following to take cranes:
 - (a) A shotgun larger than ten (10) gauge;
 - (b) A shotgun shell larger than three and one-half (3 1/2) inches; or
 - (c) A shotgun shell with shot larger than size "T".
- (12) A person hunting a crane on a Wildlife Management Area shall comply with the applicable WMA waterfowl hunting requirements, as established in 301 KAR 2:222, except that on:
 - (a) Barren River WMA crane hunting shall be prohibited within 100 yards of the normal summer pool level of 552 feet in the embayments established in subparagraphs 1. through 3. of this paragraph:
 1. Beaver Creek;

2. Peters Creek; and
 3. Skaggs Creek; and
- (b) Green River Lake, crane hunting shall be prohibited within 100 yards of the normal summer pool level of 675 feet, east of the Hwy 551 bridge in the embayments established in subparagraphs 1. and 2. of this paragraph:
1. Green River to the Snake Creek Boat Ramp; and
 2. Casey Creek to the Hwy 76 bridge.

RICH STORM, Commissioner

APPROVED BY AGENCY: November 15, 2022 at 11:43 a.m.

FILED WITH LRC: November 15, 2022

PUBLIC HEARING AND COMMENT PERIOD: A public hearing on this administrative regulation shall be held on January 31, 2023, at 10:00 a.m., at KDFWR Administration Building, 1 Sportsman's Lane, Frankfort, Kentucky 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 January 31, 2023. 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: CONTACT PERSON: Jenny Gilbert, Legislative Liaison, Kentucky Department of Fish and Wildlife Resources, 1 Sportsman's Lane, phone (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 sandhill crane seasons, bag limits and requirements on public lands within federal migratory bird hunting frameworks established in 50 C.F.R. 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 the 2023-2024 and beyond sandhill crane hunting requirements on private and public lands in accordance with the USFWS and Department management objectives.

(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 authorizes the department to regulate the taking of waterfowl on public and private land. This administrative regulation establishes procedures for the taking of migratory game birds within reasonable limits and within the frameworks established by 50 C.F.R. Parts 20 and 21.

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

By establishing sandhill crane hunting seasons and area specific requirements, this administrative regulation maintains and manages migratory game bird conservation efforts consistent with national and international management goals.

(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 remove the requirement for leg tags on harvested cranes to be metal.

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

This amendment will simplify the harvest of cranes for hunters. Many lost their tags or waited too late to request their tags. This will allow the department to issue paper tags that can be downloaded and printed.

(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:

In most seasons, there are between 500-600 applicants for the crane quota hunt.

(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:

Applicants will now have to cut tags off the permit that they print and attach those paper tags to harvested birds versus Department issued metal tags. Permit holder were previously required to print their permit, so this represents no new cost or effort by the permit holder.

(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 in order to comply with this amendment.

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

The change reduces the chance an applicant wants to go hunting but can't because they do not have the required metal tags.

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

(a) Initially:

This administrative regulation change will result in the savings of \$2000 in costs for tags, mailing supplies and mailing.

(b) On a continuing basis:

There will be an continuing cost savings of \$2000 per year.

(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 other fees or increase funding to implement this administrative regulation.

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

No new fees will be established directly or indirectly.

(9) TIERING: Is tiering applied?

No. Tiering was not applied since the same requirements and limits apply to all crane hunters.

FISCAL NOTE

(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 Department's Wildlife Division and Law Enforcement Division.

(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), 150.170(3),(4), 150.330, KRS 150.603(2), and 50 C.F.R. Parts 20 and 21.

(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?

This amendment will not generate revenue for the first year.

(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?

This amendment will not generate revenue in subsequent years.

(c) How much will it cost to administer this program for the first year?

No new costs will be incurred in the administration of this program for the first year.

(d) How much will it cost to administer this program for subsequent years?

No new costs will be incurred in the administration of this program 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:

(4) Estimate the effect of this administrative regulation on the expenditures and cost savings of regulated entities for the first full year the administrative regulation is to be in effect.

(a) How much cost savings will this administrative regulation generate for the regulated entities for the first year?

(b) How much cost savings will this administrative regulation generate for the regulated entities for subsequent years?

(c) How much will it cost the regulated entities for the first year?

There will be no new costs the first year.

(d) How much will it cost the regulated entities for subsequent years?

There will be no new costs in subsequent years.

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Cost Savings (+/-):

Expenditures (+/-):

Other Explanation:

(5) Explain whether this administrative regulation will have a major economic impact, as defined below.

"Major economic impact" means an overall negative or adverse economic impact from an administrative regulation of five hundred thousand dollars (\$500,000) or more on state or local government or regulated entities, in aggregate, as determined by the promulgating administrative bodies. [KRS 13A.010(13)] This amendment will not have a major economic impact.

FEDERAL MANDATE ANALYSIS COMPARISON

(1) Federal statute or regulation constituting the federal mandate.

Wildlife and Fisheries, Federal Code of Regulations, 50 C.F.R. Part 20, Migratory Bird Hunting; Part 21, Migratory Bird Permits.

(2) State compliance standards.

The Department of Fish and Wildlife Resources sets migratory birds seasons within the frameworks established by the U.S. Fish and Wildlife Service and published in 50 C.F.R. Parts 20 and 21.

(3) Minimum or uniform standards contained in the federal mandate.

50 C.F.R. 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 C.F.R. 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 roosting areas important to wintering sandhill cranes in Kentucky. Cranes are very susceptible to disturbance in roosting areas and closure maintains the use of these areas by cranes. The Department imposes more restrictive hunting regulations on sandhill cranes to meet management objectives while still providing quality hunting opportunity.