

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

301 KAR 2:144. Fall wild turkey hunting.

RELATES TO: KRS 150.010, 150.170, 150.175, 150.305, 150.360, 150.390, 150.990

STATUTORY AUTHORITY: KRS 150.025(1), 150.390(1)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 150.025(1) authorizes the department to promulgate administrative regulations to establish open seasons for the taking of wildlife, to regulate ~~bag~~ limits and methods of take, and to make such requirements apply to a limited area. KRS 150.390(1) requires that wild turkeys shall not be taken in any manner contrary to any provisions of KRS Chapter 150 or Title 301 KAR. This administrative regulation establishes seasons, ~~bag~~ limits, and methods of take, hunter requirements, and special area restrictions for fall wild turkey hunting.

Section 1. Definitions.

- (1) "Crossbow" means a bow capable of holding an arrow at full or partial draw without human aid.
- (2) "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. Statewide Wild Turkey Season Dates. Except as established in 301 KAR 2:111, a person shall only take wild turkey~~turkeys~~ during the seasons established in subsections (1) through (3) of this section:

- (1) Archery season shall be the first Saturday in September through the third Monday in January;
- (2) Crossbow season shall be:
 - (a) From October 1 through the end of the third full weekend in October; and
 - (b) From the second Saturday in November through December 31; and
- (3) Firearm season shall be:
 - (a) For seven (7) consecutive days beginning the fourth Saturday in October; and
 - (b) For seven (7) consecutive days beginning the first Saturday in December.

Section 3. Legal Equipment.

- (1) A person shall only use legal weapons and ammunition as established in 301 KAR 2:140.
- (2) Fall archery season. Archery equipment may be used.
- (3) Fall crossbow season. Crossbows and archery equipment may be used.
- (4) Fall firearm season. Archery equipment, crossbows, and firearms may be used.

Section 4. Fall Wild Turkey Bag Limits. A person shall take no more than:

- (1) Two (2) wild turkeys statewide, of which only:
 - (a) One (1) shall have a visible beard at least three (3) inches long; and
 - (b) One (1) shall have no visible beard or a beard less than three (3) inches long.
- ~~[(1)] [A person shall not take more than four (4) wild turkeys, no more than two (2) of which shall be taken with a firearm.]~~
- ~~(2) One (1) wild turkey per day. [Only one (1) of the turkeys taken pursuant to subsection (1) of this section shall have a visible beard at least three (3) inches long].~~
- ~~[(3)] [A person shall not harvest more than one (1) wild turkey per day.]~~

Section 5. Hunter Restrictions.

- (1) Dogs may be used to aid in taking wild turkey~~[s]~~ during any fall season.
- (2) A person may take a wild turkey from one-half (1/2) hour before sunrise until one-half (1/2) hour after sunset.
- (3) A person hunting wild turkey~~[turkeys]~~ in the fall shall comply with all license, permit, and check-in requirements established in 301 KAR 2:140.
- (4) A person shall not take a wild turkey within 600 feet of a baited area, as defined by 301 KAR 2:140, except that this prohibition is not applicable:
 - (a) To bona fide agricultural practices; and
 - (b) Across property boundaries.

Section 6. Wildlife Management Areas. Except as established in subsections (1) through (6) of this section, Wildlife Management Areas shall be open to fall wild turkey hunting pursuant to this administrative regulation and 301 KAR 2:140.

- (1) Ballard Wildlife Management Area. A person shall not hunt wild turkey~~[s]~~ during the fall firearm, crossbow, or archery seasons.
- (2) Barren River Wildlife Management Area. On the Peninsula Unit, including Narrows, Goose and Grass Islands, a person:
 - (a) Shall not hunt during the fall firearm season with a breech-loading firearm;
 - (b) May use a muzzleloading shotgun or crossbow during the fall firearm season; and
 - (c) May use a crossbow during the fall archery season.
- (3) Higginson-Henry Wildlife Management Area. A person shall not use a firearm while turkey hunting.
- (4) Pioneer Weapons Area. A person may use a crossbow during the fall archery turkey season.
- (5) Main block of Robinson Forest. A person shall not hunt wild turkey~~[turkeys]~~ during the fall firearm, crossbow, or archery seasons~~[season]~~ except a person participating in a department-authorized hunt.
- (6) Swan Lake Unit of Boatwright Wildlife Management Area. A person shall not hunt wild turkey~~[turkeys]~~ during the fall firearm, crossbow, or archery seasons~~[season]~~.

RICH STORM, Commissioner

APPROVED BY AGENCY: January 12, 2023

FILED WITH LRC: January 12, 2023 at 1:30 p.m.

PUBLIC HEARING AND COMMENT PERIOD: A public hearing on this administrative regulation shall be held on March 28, 2023, at 9:00 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 March 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: Jenny Gilbert, Legislative Affairs, 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 regulation establishes season dates, shooting hours, and other requirements for fall wild turkey hunting in Kentucky.

(b) The necessity of this administrative regulation:

To regulate fall wild turkey hunting for the effective management of wild turkeys in Kentucky.

(c) How this administrative regulation conforms to the content of the authorizing statutes:

KRS 150.025(1) authorizes the department to promulgate administrative regulations establishing hunting seasons and limits and methods of taking wildlife, including wild turkeys. KRS 150.390(1) prohibits a person from taking, pursuing, or molesting a wild turkey in any manner contrary to the provisions of Chapter 150 or its administrative regulations.

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

This administrative regulation will assist in administering the above statutes by defining the seasons and limits and methods of taking wild turkeys in Kentucky.

(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 adjusts limits on taking wild turkeys during fall hunting seasons, including the reduction in bag limit and the addition of a distance-from-bait hunting requirement.

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

This amendment is necessary to enact changes and clarifications to fall turkey hunting regulations.

(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:

All hunters that pursue wild turkeys during fall hunting seasons will be affected by this regulatory amendment. In 2020, there were roughly 48,000 fall turkey hunters in Kentucky.

(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:

Those who hunt wild turkeys must comply with the individual requirements for hunting seasons for turkeys, which includes the amended limits to the number of turkeys that may be taken during fall seasons and the new limit on proximity of hunting to baited areas.

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

The cost for resident adults to turkey hunt is either \$57 (\$30 Fall Turkey Permit plus \$27 Annual Hunting License), \$72 (\$30 Fall Turkey Permit plus \$42 Annual Combination Hunting/Fishing License), \$95 (Sportsman's License), or \$12 (Senior/Disabled Sportsman's License). The cost for resident youth to turkey hunt is either \$16 (\$10 Youth Turkey Permit plus \$6 Annual Youth Hunting License) or \$30 (Youth Sportsman's License). The cost for nonresident adults is \$235 (\$85 Fall Turkey Permit plus \$150 Annual Hunting License). The cost for nonresident youth is \$25 (\$15 Youth Turkey Permit plus \$10 Annual Youth Hunting License).

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

Hunting opportunity will be decreased to ensure a sustainable turkey population for the future.

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

(a) Initially:

There will be a small administrative cost to the department to implement this regulation.

(b) On a continuing basis:

There will be a small 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 establishes any fees or 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. Tiering was not used because all persons who hunt wild turkeys in fall are required to abide by the same requirements.

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 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) and 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?

For the 2021 fall turkey season, the total amount of revenue generated from the sale of 186,665 licenses and permits that conferred the fall turkey hunting privilege was approximately \$8,600,000. When the number of licenses and permits sold are corrected to only account for the estimated percentage of eligible license holders who actually fall turkey hunted, revenue would be approximately \$2,000,000. The amount of revenue generated by this administrative regulation will decrease if non-resident license/permit sales decline due to the reduction in bag limit.

(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?

The amount of revenue generated by this administrative regulation for subsequent years is unknown but will likely be less than in 2021.

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

There will be a small administrative cost to administer this program for the first year.

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

There will be a small administrative cost 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 (+/-):- because of reduced limit on take of turkeys.

Expenditures (+/-):None because no change in expenditures.

Other Explanation:

None.

(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?

None. This administrative regulation does not amend fees nor does it reduce the cost burden to fall turkey hunters. These amendments will allow for less fall turkey hunting opportunity at the same cost as before.

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

None. This administrative regulation does not amend fees nor does it reduce the cost burden to fall turkey hunters. These amendments will allow for less fall turkey hunting opportunity at the same cost as before.

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

The cost of a fall turkey permit or license types that confer the same privileges will remain the same. For a resident adult hunter, that cost is either \$57, \$72, or \$95. For a non-resident adult hunter, that cost is \$235. For a resident youth that cost is either \$16 or \$30. For a non-resident youth that cost is \$25.

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

Each year, the cost will remain the same under the current regulations.

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

Cost Savings (+/-):None.

Expenditures (+/-):None.

Other Explanation:

None.

(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 result in any form of major economic impact as the license and permit fees associated with this regulation have not changed and the possible decline in revenue with fewer non-resident licenses and permits will be slight relative to overall agency revenues.