

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

301 KAR 5:040. Migratory Bird Harvest Information Program.

RELATES TO: KRS 150.235, 150.603(1), (2)

STATUTORY AUTHORITY: KRS 150.195(1), 50 C.F.R. 20.20

NECESSITY, FUNCTION, AND CONFORMITY: KRS 150.195(1) authorizes the Kentucky Department of Fish and Wildlife Resources~~[department]~~ to promulgate administrative regulations that provide for the design, issuance, distribution, and other matters relating to all licenses and permits. 50 C.F.R. 20.20 requires that waterfowl or migratory shore and upland game bird hunters participate in a national harvest survey. This administrative regulation establishes the requirements for hunters participating in the Migratory Bird Harvest Information Program.

Section 1. Definition. "The Migratory Bird Harvest Information Program" means an online survey that a person completes prior to legally hunting waterfowl or migratory shore ~~or~~~~and~~ upland game birds.

Section 2.

(1) Prior to hunting waterfowl or migratory shore ~~or~~~~and~~ upland game birds, a person shall obtain a Migratory Bird Harvest Information Program verification number by completing the Migratory Bird Harvest Information Program Survey on the department's Web site at fw.ky.gov.

(2) A person shall possess the survey verification number established in subsection (1) of this section while hunting waterfowl or migratory shore and upland game birds.

Section 3. Incorporation by Reference.

(1) The "Migratory Bird Harvest Information Program Survey" form, 2016 edition, is incorporated by reference.

(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.

RICH STORM, Commissioner

APPROVED BY AGENCY: March 15, 2024

FILED WITH LRC: March 15, 2024 at 10:26 a.m.

PUBLIC HEARING AND COMMENT PERIOD: A public hearing on this administrative regulation shall be held on May 31, 2024, at 9:00 am, 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 May 31, 2024. 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, 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 the requirements for hunters participating in the Migratory Bird Harvest Information Program.

(b) The necessity of this administrative regulation:

This administrative regulation is necessary to ensure all migratory bird hunters operate within the law and participate in survey data as required in 50 C.F.R 20.20.

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

KRS 150.195(1) authorizes the department to promulgate administrative regulations that provide for the design, issuance, distribution, and other matters relating to all licenses and permits.

(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 the statutes by establishing requirements for migratory bird hunting and survey response.

(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:

There is no change to the substance of the regulation. The amendments are to improve the readability of the regulation and to bring the regulation in line with current drafting styles to be consistent with other recently enacted regulations.

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

The amendments are necessary to modernize the drafting style and improve readability.

(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:

Migratory bird hunters

(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:

There are no new requirements for migratory bird hunters in this amendment.

(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 cost to comply.

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

The entities will be in compliance with federal migratory bird hunting requirements which require the survey.

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

(a) Initially:

There will be no additional initial costs.

(b) On a continuing basis:

There will be no additional continuing costs.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation:

The Fish and Game 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:

No increase in fees or funding will be necessary. The amendments do not create any new obligations for the individual hunters or the agency.

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

This amendment does not establish or increase any fees directly or indirectly.

(9) TIERING: Is tiering applied?

No, all individuals must comply with 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?

Kentucky Department of Fish and Wildlife Resources

(2) Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation.

KRS 150.195, 50 C.F.R. 20.20

(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?

This amendment will not generate any additional funds in 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 any additional funds in subsequent years.

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

There will be no added costs to administer the program, as amended, for the first year.

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

There will be no added costs to administer the program, as amended, 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 (+/-):No change should occur.

Expenditures (+/-):No change should occur.

Other Explanation:

This amendment only contains semantic changes, therefore no change to revenue or expenditures are expected.

(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?

There will be no cost savings for the first year.

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

There will be no cost savings for subsequent years.

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

There will be no added costs for the first year.

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

There will be no added costs for 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 (+/-):No change should occur.

Expenditures (+/-):No change should occur.

Other Explanation:

This amendment only contains semantic changes, therefore no change to revenue or expenditures are expected.

(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)]: There will not be a major economic impact as the amendments do not create, increase, reduce, or eliminate any costs to any individual or organization.

FEDERAL MANDATE ANALYSIS COMPARISON

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

50 C.F.R 20.20 Migratory Bird Harvest Information Program.

(2) State compliance standards.

The Department of Fish and Wildlife Resources sets requirements for collection of information under frameworks established by the US Fish and Wildlife Service in 50 C.F.R. 20.20 and approved by the Office of Management and Budget; clearance number 1018-0015.

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

50 C.F.R 20.20 mandates that the Department of Fish and Wildlife Resources require each person hunting migratory game birds in Kentucky must have identified himself or herself as a migratory bird hunter and given his or her name, address, and date of birth to the Department. That hunter must have on his or her person evidence, provided by the Department, of compliance with this requirement. Further, the Department must ask each licensed migratory bird hunter in Kentucky to report approximately how many ducks, geese, doves, and woodcock he or she bagged the previous year, whether he or she hunted coots, snipe, rails, and/or gallinules the previous year.

(4) Will this administrative regulation impose stricter requirements, or additional or different responsibilities or requirements, than those required by the federal mandate?

No

(5) Justification for the imposition of the stricter standard, or additional or different responsibilities or requirements.

N/A