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*Emily B Caudill*  
REGULATIONS COMPILER

1 TOURISM, ARTS AND HERITAGE CABINET

2 Kentucky Department of Fish and Wildlife Resources

3 (New Administrative Regulation)

4 301 KAR 2:228. Sandhill Crane Hunting Requirements.

5 RELATES TO: KRS 150.010, 150.305, 150.340, 150.990

6 STATUTORY AUTHORITY: KRS 150.025(1), 150.170(3)(4), 150.330, 150.603(2), 50 C.F.R.  
7 20, 21

8 NECESSITY, FUNCTION, AND CONFORMITY: KRS 150.025(1) authorizes the department  
9 to promulgate administrative regulations to establish open seasons for the taking of wildlife and  
10 to regulate bag limits. KRS 150.170(3)(4) authorizes license exemptions for people under  
11 twelve (12) and resident owners of farmlands, including their spouses and dependent children  
12 who hunt on those farmlands. KRS 150.330 authorizes take and possession of migratory birds  
13 when in compliance with the provisions of the Federal Migratory Bird Treaty Act and authorizes  
14 hunting of migratory birds with the appropriate permits. KRS 150.603(2) requires a person  
15 sixteen (16) years or older to possess a hunting license and a Kentucky migratory game bird  
16 permit or waterfowl permit in order to hunt migratory birds. This administrative regulation  
17 establishes the requirements for taking sandhill cranes within reasonable limits and within the  
18 frameworks established by 50 C.F.R. Parts 20 and 21.

19 Section 1. Definitions. "Wildlife Management Area" or "WMA" means a tract of land that:

20 (1) Is controlled by the department through ownership, lease, license, or cooperative agreement;

21 and

- 1 (2) Has "Wildlife Management Area" or "WMA" as part of its official name.
- 2 Section 2. Applications and Permits. (1) To apply for a sandhill crane hunting permit a person
- 3 shall: (a) Complete the online application process on the department's website between October
- 4 15 and October 31;
- 5 (b) Unless exempt pursuant to KRS 150.170, purchase a hunting license by October 31;
- 6 (c) Pay a three (3) dollar application fee; and
- 7 (d) Not apply more than once.
- 8 (2) The department shall:
- 9 (a) Issue a maximum of 400 sandhill crane hunting permits;
- 10 (b) Select each permit recipient with a random electronic draw from all qualified applicants;
- 11 (c) Issue each permit via the department's website at <http://fw.ky.gov>;
- 12 (d) Issue two (2) metal leg tags to each permit recipient prior to the crane hunting season.
- 13 (e) Disqualify an applicant who does not possess a hunting license prior to October 31, unless
- 14 exempted by KRS 150.170; and
- 15 (3) A person who does not have access to the internet may call the department's toll-free
- 16 number at 1-800-858-1549 for assistance in applying.
- 17 (4) A sandhill crane hunting permit shall not be transferable.
- 18 (5) A person selected to receive a permit shall pass a bird identification test provided by the
- 19 department prior to receiving a permit;
- 20 (6) A permit recipient shall complete and submit a post-season crane hunting survey on the
- 21 department's website no later than January 25.
- 22 (7) A person who fails to complete the post-season survey by the date specified in subsection 6
- 23 of this section shall be ineligible to be drawn the following year.

1 Section 3. Season, Bag Limits, and Hunting Requirements. (1) Unless exempted by KRS  
2 150.170, a person shall not hunt a sandhill crane without:

- 3 (a) A valid Kentucky hunting license;
- 4 (b) A valid Kentucky sandhill crane hunting permit; and
- 5 (c) A Kentucky migratory bird permit; or
- 6 (d) A Kentucky waterfowl permit.

7 (2) A permit recipient shall possess a printed copy of a valid crane hunting permit:

- 8 (a) While crane hunting; and
- 9 (b) When in possession of a harvested crane.

10 (3) The season shall:

- 11 (a) Begin on the Saturday closest to December 15 for thirty (30) consecutive days; or
- 12 (b) End at sunset on the day when a harvest of 400 sandhill cranes is projected to be attained;

13 (4) The department shall notify hunters on the day that the crane season has closed by:

- 14 (a) Providing a pre-recorded message on the department's toll-free number at 1-800-858-1549;
- 15 and
- 16 (b) Posting the closure on the department's website.

17 (5) A permit recipient shall be responsible for checking if the crane season is closed on a daily  
18 basis prior to hunting cranes.

19 (6) The season bag limit shall be two (2) cranes per person.


20 (7) A person shall only hunt sandhill cranes from sunrise to sunset.

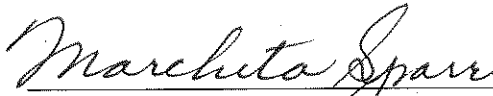
21 (8) A person shall check a harvested sandhill crane by:

- 22 (a) Attaching one of the department-issued metal tags to the leg of the harvested crane prior to  
23 moving the carcass;

- 1 (b) Calling 1-877-245-4263 on the day the sandhill crane is harvested;
- 2 (c) Providing the information requested by the automated check-in system; and
- 3 (d) Recording and retaining the check-in confirmation number for the rest of the current season.
- 4 (9) A hunter who has harvested a crane shall possess the check-in confirmation number when in
- 5 the field during the current season.
- 6 (10) A person shall not knowingly falsify a harvested crane on the automated check-in system.
- 7 (11) A person hunting sandhill cranes shall not use or possess a shotgun shell containing:
- 8 (a) Lead shot; or
- 9 (b) Shot not approved by the U.S. Fish and Wildlife Service for waterfowl hunting.
- 10 (12) A person shall not use the following to take sandhill cranes:
- 11 (a) A shotgun larger than ten (10) gauge;
- 12 (b) A shotgun shell larger than three and one-half (3½) inches; or
- 13 (c) A shotgun shell with shot larger than size "T".
- 14 (13) A person hunting a sandhill crane on a Wildlife Management Area shall comply with the
- 15 applicable WMA waterfowl hunting requirements, pursuant to 301 KAR 2:222, except that on
- 16 Barren River WMA sandhill crane hunting shall be prohibited on crane refuge areas that are
- 17 delineated by signage and buoys.

Approved by the Fish and Wildlife Commission June 3, 2011

  
Benjy Kunman, Deputy Commissioner, for  
Dr. Jonathan Gassett, Commissioner  
Department of Fish and Wildlife Resources

  
Marcheta Sparrow, Secretary  
Tourism, Arts and Heritage Cabinet

06.13.11  
Date

**PUBLIC HEARING AND PUBLIC COMMENT PERIOD:** A public hearing on this administrative regulation shall be held on July 21, 2011, at 9 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 by August 1, 2011.

Send written notification of intent to attend the public hearing or written comments on the proposed administrative regulation to:

Rose Mack  
Department of Fish and Wildlife Resources  
Arnold L. Mitchell Building  
#1 Sportsman's Lane  
Frankfort, Kentucky 40601  
(502) 564-3400 FAX (502) 564-9136

## Regulatory Impact Analysis And Tiering Statement

301 KAR 2:228. Sandhill Crane Hunting Requirements  
Contact Person: Rose Mack

- (1) Provide a brief summary of:
  - (a) What the administrative regulation does: This administrative regulation establishes a hunting season for the Eastern Population of sandhill cranes, sets bag and season limits and requirements on public lands within federal migratory bird hunting frameworks established in 50 CFR Part 20 according to the U.S. Fish and Wildlife Service.
  - (b) The necessity of the administrative regulation: The necessity of this administrative regulation is to establish the 2011–2012 sandhill crane hunting season in accordance with the U.S. Fish and Wildlife Service, Mississippi Flyway Council, and the department’s management objectives.
  - (c) How does this administrative regulation conform to 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 150.330 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 permit or waterfowl permit in order to hunt migratory birds.
  - (d) How will this administrative regulation assist in the effective administration of the statutes: By establishing a sandhill crane hunting season and area-specific requirements, this administrative regulation will ensure management of the Eastern Population of sandhill cranes is consistent with state statutes and state, national, and international management objectives identified in the management plan.
  
- (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: N/A. This is a new administrative regulation.
  - (b) The necessity of the amendment to this administrative regulation: N/A
  - (c) How does the amendment conform to the authorizing statutes: N/A
  - (d) How the amendment will assist in the effective administration of the statutes: N/A
  
- (3) List the type and number of individuals, businesses, organizations or state and local governments that will be affected: There are approximately 50,000 migratory bird hunters and 20,000 waterfowl hunters in Kentucky that will likely be affected by this administrative regulation, but all legal hunters are eligible to apply for one of the sandhill crane permits.
  
- (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 of 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: Individuals interested in

hunting sandhill cranes will need to possess a valid Kentucky hunting license prior to September 30 unless exempt, pay a three (3) dollar application fee, and complete an online application process on the department's website. Those hunters who are successful in the random computerized draw will also be required to complete a bird identification test in order to legally participate in crane hunting. Hunters will also be required to possess either a migratory bird permit or a waterfowl permit to be legal.

- (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 to those identified in question (3) other than the \$3.00 application fee.
  - (c) As a result of compliance, what benefits will accrue to the entities identified in question (3): Hunters will have an increased opportunity to pursue a new game species in Kentucky.
- (5) Provide an estimate of how much it will cost to implement this administrative regulation:
- (a) Initially: This administrative regulation will result in a negligible administration cost to the department.
  - (b) On a continuing basis: There will be a negligible cost on a continuing basis.
- (6) What is the source of funding to be used for 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 funding to implement this administrative regulation.
- (8) State whether or not this administrative regulation establishes any fees directly or indirectly increases any fees: Other than the \$3.00 application fee, no new fees will be established.
- (9) TIERING: Is tiering applied? (Explain why tiering was or was not used) Tiering was not applied. The same guidelines and limits apply to all hunters wanting to hunt sandhill cranes.



## FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

Regulation No. 301 KAR 2:228

Contact Person: Rose Mack

1. Does this administrative regulation relate to any program, service, or requirements of a state or local government (including cities, counties, fire departments, or school districts)?

Yes   X   No       

If yes, complete questions 2-4.

2. 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 Divisions of Wildlife and Law Enforcement will be impacted.

3. Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 150.025(1), KRS 150.330, and KRS 150.603(2), authorize this regulation. 50 CFR Part 20 specifies the federal season frameworks. 50 CFR Part 21 defines permits and the necessary requirements to hold and possess migratory game birds.

4. 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 direct revenue will be generated by this administrative regulation during the first year; however, this increased hunting opportunity may have a positive economic impact at a local level.

(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 department does not anticipate a direct increase in revenue by this administrative regulation during subsequent years; however, this increased hunting opportunity may have a positive economic impact at a local level.

(c) How much will it cost to administer this program for the first year? There will be a small cost incurred for the first year.

(d) How much will it cost to administer this program for subsequent years? There will be a small 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 (+/-):

Expenditures (+/-):

Other Explanation:

## FEDERAL MANDATE ANALYSIS COMPARISON

1. Federal statute or regulation constituting the federal mandate. Wildlife and Fisheries, Federal Code of Regulations, 50 CFR 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 which are within the guidelines of the Eastern Population of sandhill crane management plan approved jointly by the Atlantic and Mississippi Flyway Councils and the frameworks established by the U.S. Fish and Wildlife Service and published in 50 CFR Part 20, 21.
3. Minimum or uniform standards contained in the federal mandate. 50 CFR Part 20 contains season frameworks for the earliest opening and latest closing date, the maximum number of days open to hunting, and daily bag and possession limits. 50 CFR 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 maximum permitted under the federal regulations. States are permitted to be more conservative but not more liberal in their respective regulations. State management objectives necessitate more conservative regulations to protect local, regional and/or state stocks of birds important to Kentucky's migratory bird hunters. The largest concentration of wintering and migrating sandhill cranes is located on public lands managed by the department. The department imposes more restrictive hunting regulations on these lands in effort to meet international migratory bird management objectives while still providing quality hunting opportunity consistent with population objectives established in the management plan.

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**LEGISLATIVE RESEARCH COMMISSION**

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502-564-8100

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Director

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Majority Whip  
**Danny R. Ford**  
Minority Whip

**MEMORANDUM**

**TO:**            Rose Mack  
                  Department of Fish and Wildlife Resources

**FROM:**        Emily Caudill  
                  Regulations Compiler

**RE:**            Acknowledgement of Proposed Administrative Regulation - 301 KAR 2:228

**DATE:**        June 15, 2011

A copy of the administrative regulation listed above is enclosed for your files. This administrative regulation is **tentatively** scheduled for review by the Administrative Regulation Review Subcommittee at its **August 2011**, meeting. We will notify you of the date and time of this meeting when it has been scheduled.

Pursuant to KRS 13A.280, if a public hearing is held or you receive written comments on this ordinary administrative regulation, the Statement of Consideration for this ordinary administrative regulation is due by noon on **August 15, 2011**. Please reference KRS 13A.270 and 13A.280 for other requirements relating to public hearings and the Statement of Consideration.

If you have any questions, please do not hesitate to contact me at (502) 564-8100.

Enclosures