

KENTUCKY DEPARTMENT OF FISH & WILDLIFE RESOURCES

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January 9, 2024

Senator Stephen West, Co-Chair  
Representative Derek Lewis, Co-Chair  
c/o Emily Caudill, Regulation Compiler  
Administrative Regulation Review Subcommittee  
Legislative Research Commission  
Rm 083, Capitol Annex  
Frankfort KY 40601

Re: 301 KAR 2:081. Transportation and holding of live native wildlife. 301 KAR 2:082.  
Transportation and holding of live exotic wildlife. 301 KAR 2:225 Dove, wood duck, teal, and  
other migratory game bird hunting.

Dear Co-Chairs:

After discussions with Administrative Regulation Review Subcommittee staff of the issues raised by 301 KAR 2:081, 301 KAR 2:082., and 301 KAR 2:225., Kentucky Department of Fish and Wildlife Resources proposes the attached amendment to 301 KAR 2:081, 2:082 and 2:225.

Sincerely,

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Kentucky Department of Fish and Wildlife Resources  
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## Subcommittee Substitute

### TOURISM, ARTS AND HERITAGE CABINET Department of Fish and Wildlife Resources (As Amended at ARRS)

#### 301 KAR 2:081. Transportation and holding of live native wildlife.

RELATES TO: KRS 150.010, 150.015, ~~150.183, 150.190, 150.195, 150.235,~~ 150.320, 150.330, 150.360, 150.370, 150.990, ~~[150.183, 150.190, 150.195, 150.235,]~~ 258.065, 258.085

STATUTORY AUTHORITY: KRS 65.877, 150.025(1), 150.105, 150.180, 150.280, 50 C.F.R. 17.3, 21.29  
NECESSITY, FUNCTION, AND CONFORMITY: KRS 65.877 authorizes local governments to regulate or prohibit inherently dangerous wildlife as identified by the Kentucky Department of Fish and Wildlife Resources and requires the department to establish procedures for denying or issuing a transportation permit. KRS 150.025(1) authorizes the department to promulgate administrative regulations for the buying, selling, or transporting of wildlife. KRS 150.105 authorizes the department to dispatch or bring under control any wildlife causing damage to persons, property, or other animals spreading disease and that should be eliminated to prevent further damage. KRS 150.180 authorizes the department to regulate the buying, selling, or transporting of protected wildlife. KRS 150.280 requires the department to promulgate administrative regulations to establish the procedures for the propagation and holding of protected wildlife. 50 C.F.R. 21.29 establishes the federal standards for holding raptors for falconry purposes. This administrative regulation establishes requirements for the buying, selling, holding, and transportation of live native wildlife.

#### Section 1. Definitions.

(1) "Bred in captivity" or "captive bred" ~~means [refers to]~~ wildlife, including eggs, born or otherwise produced in captivity from parents that mated or otherwise transferred gametes in captivity, if reproduction is sexual, or from parents that were in captivity when development of the progeny began, if development is asexual.

(2) "Enhanced Rabies Surveillance Zone" means Bell, Boyd, Bracken, Carter, Clay, Elliot, Fleming, Floyd, Greenup, Harlan, Johnson, Knott, Knox, Laurel, Lawrence, Leslie, Letcher, Lewis, Martin, Mason, McCreary, Pike, Perry, Robertson, and Whitley counties.

(3)~~(2)~~ "Native wildlife" means wildlife species that have:

~~(a) Historically]~~ historically existed~~[or]~~, currently exist, or have naturally expanded their range:~~[in the wild in Kentucky without introduction by humans; or~~

~~(b) Naturally expanded their range into Kentucky without introduction by humans.]~~

(a) In the wild into Kentucky;

(b) Without introduction by humans; and

(c) Regardless of:

1. Origin or location of an individual animal; and

2. Being captive-bred or taken from the wild.

(4)~~(3)~~ "Rabies vector species" means a:

(a) Coyote (*Canis latrans*);

- (b) Gray fox (*Urocyon cinereoargenteus*);
- (c) Raccoon (*Procyon lotor*);
- (d) Red fox (*Vulpes vulpes*);
- (e) Spotted skunk (*Spilogale putorius*);
- (f) Striped skunk (*Mephitis mephitis*); or
- (g) Any hybrid of paragraphs (a) through (f) of this subsection.

## Section 2. Taking and Possessing Native Wildlife.

(1) A person shall not possess native wildlife that was not legally acquired.

(2) For native wildlife obtained from the wild, a person shall not:

- (a) Buy;
- (b) Sell;
- (c) Offer to buy;
- (d) Offer to sell; or
- (e) Trade or barter.

(3) Except as established in Sections 5(9) and 7(1) of this administrative regulation and subsections (4), (5), (6), and (9) of this section, a person holding native wildlife in captivity shall apply for and obtain the appropriate permit prior to acquiring wildlife.

(4) Northern bobwhite.

(a) A person may possess 100 or fewer northern bobwhite without a captive wildlife permit, if the:

1. Birds are not propagated or sold; and
2. Person retains and possesses a receipt or proof of purchase.

(b) A person possessing northern bobwhite for dog training areas, shooting areas, or a shoot-to-train season shall comply with all applicable requirements of 301 KAR 2:041.

(c) Any confining facility shall comply with Sections 8 through 11 of this administrative regulation.

(5) Amphibians and reptiles.

(a) Five (5) or fewer individuals of each species of native reptile or amphibian may be taken year-round~~year-round~~ or possessed for personal use without a permit, except there shall be:

1. No limit on common snapping or softshell turtles, as established in 301 KAR 1:058;
2. A limit of fifteen (15) bullfrogs per night, during the bullfrog season, as established in 301 KAR 1:082; and
3. A limit of twenty-five (25) dusky salamanders of the genus *Desmognathus*, as established in 301 KAR 1:130.

(b) There shall **not** be **a [no]** limit on the number of individuals of each species possessed by a commercial or noncommercial captive wildlife permit holder, if the permit holder does not possess more than five (5) wild-caught individuals of each species of amphibian or reptile.

(c) A captive wildlife permit shall not be required to hold reptiles with a color morphology that is distinctly different from the wild type of the same species of reptile.

(6) A person with a valid falconry permit, as established in 301 KAR 2:195, shall not be required to possess a noncommercial captive wildlife permit or transportation permit for **[those]** raptors held under the falconry permit.

(7) A rabies vector species that is trapped in accordance with 301 KAR 2:251 shall be dispatched before being moved, unless immediately released at capture site, except that red foxes and coyotes trapped during the trapping season, as established in 301 KAR 2:251, may be:

- (a) Held for up to forty-eight (48) hours with a valid noncommercial captive wildlife permit only for the purpose of being transferred to a permitted [~~commercial~~]foxhound training enclosure as established in 301 KAR 2:041; and
- (b) Transferred from the wild to a permitted [~~commercial~~]foxhound training enclosure if the enclosure is located within the county of capture but **shall [may]** not be transferred from one foxhound training enclosure to another.
- (8) A person shall not transport a living rabies vector species into or out of the Enhanced Rabies Surveillance Zone.
- (9) [~~Except for foxes and coyotes, a~~]A captive wildlife permit shall not be required for captive-bred native wildlife legally imported or held in a temporary facility for ten (10) days or less.
- (10) A permit holder shall report all bites and exposure events, as established in KRS 258.065, to the local county health department within twelve (12) hours.
- (11) If a native mammal in a permit holder's possession bites a person or a mammal shows symptoms of a rabies infection, the animal shall be dispatched immediately, as established in KRS 258.085(1)(c), and the permit holder shall submit its head for testing immediately to a laboratory approved by the Secretary for Health and Family Services to be tested for rabies, as established in 902 KAR 2:070, Section 5.
- (12) Department staff shall confiscate and dispatch any wild mammal that bites a person or shows symptoms of a rabies infection if the animal is not otherwise immediately dispatched pursuant to subsection (11) of this section.

### Section 3. Captive Wildlife Permits and Record Keeping.

#### (1) Commercial captive wildlife permit.

(a) A commercial captive wildlife permit shall be required for a person to:

1. Sell;
2. Offer to sell;
3. Trade;
4. Barter; or
5. Profit in any way from captive native wildlife, except as authorized by Section 2(9) of this administrative regulation.

(b) A commercial captive wildlife permit shall be renewable annually from the date of issue.

(c) A commercial captive wildlife permit shall be valid for one (1) specific captive wildlife facility.

#### (2) Noncommercial captive wildlife permit.

(a) A noncommercial captive wildlife permit shall be required for a person possessing native wildlife, but not selling, offering to sell, trading, bartering, or profiting in any way from captive native wildlife.

(b) A noncommercial captive wildlife permit shall be renewable three (3) years from the date of issue.

(c) A noncommercial captive wildlife permit shall be valid for one (1) specific captive wildlife facility.

(3) A captive wildlife permit holder shall maintain accurate records for all captive-bred and wild-captured wildlife and include the information established in paragraphs (a) and (b) of this subsection.

(a) For each captive-bred animal, a person shall:

1. Record the common and scientific name;
  2. Keep evidence of legal acquisition, which shall be a:
    - a. Bill of sale;
    - b. Receipted invoice; or
    - c. Certificate of origin;
  3. Record and maintain each animal's date of birth;
  4. Record and maintain each transaction date related to:
    - a. Sale;
    - b. Purchase;
    - c. Trade;
    - d. Barter; or
    - e. Gifting; and
  5. Record and maintain information of the person either receiving or transferring captive wildlife, which shall include the person's:
    - a. Name;
    - b. Address;
    - c. Phone number; and
    - d. Captive wildlife permit number.
- (b) For each wild-captured animal, a person shall record and maintain the:
1. Common and scientific name;
  2. Date of capture or date when received;
  3. Location of capture;
  4. Trapping license or hunting license number, if applicable, of the individual obtaining the wildlife; and
  5. Information of the person to whom the animal was given or received, which shall include the person's:
    - a. Name;
    - b. Address;
    - c. Phone number; and
    - d. Captive wildlife permit number.
- (4) A captive wildlife permit holder shall:
- (a) Maintain all records for at least five (5) years; and
  - (b) Allow records to be inspected by a department representative upon request.

#### Section 4. Transportation Permits and Certificates of Veterinary Inspection.

- (1) **Unless otherwise exempted by this or another administrative regulation,** a person shall apply for and obtain a valid transportation permit or permit authorization number from the department for all shipments of native wildlife [~~unless otherwise exempted by this or another administrative regulation,~~] prior to:
- (a) Receiving a shipment of native wildlife from outside of Kentucky;
  - (b) Importing native wildlife into Kentucky; or
  - (c) Transporting native wildlife into and through the state to a destination outside Kentucky.
- (2) A copy of a valid transportation permit or permit authorization number shall accompany all shipments of native wildlife into and through Kentucky.

- (3) An individual transportation permit shall be valid for one (1) shipment of native wildlife.
- (4) An annual transportation permit shall be valid for multiple wildlife shipments for one (1) year from the date of issue.
- (5) All shipments of wildlife, except for amphibians and reptiles, shall be accompanied by a:
  - (a) Certificate of veterinary inspection stating that the wildlife is free from symptoms of disease;
  - or
  - (b) Federal quarantine certificate.

#### Section 5. Applying for Permits.

- (1) A permit shall authorize a person to hold native wildlife according to this administrative regulation.
- (2) An applicant for a captive wildlife or transportation permit shall:
  - (a) Submit a completed Captive Wildlife Permit Application and Checklist;
  - (b) Provide the department with a valid email address;
  - (c) Submit the ~~[annual-]~~permit fee as established in 301 KAR 3:022, except for applicants meeting government agencies that meet the requirements in subsections (11) and (13)~~[subsection (12)]~~ of this section; and
  - (d) Be at least eighteen (18) years of age.
- (3) For a commercial or noncommercial captive wildlife permit, an applicant shall submit a completed Captive Wildlife Permit Application and Checklist.~~[:]~~
- (4) For an individual transportation permit, an applicant shall submit a completed Individual Transportation Permit Application.~~[: or]~~
- (5) For an annual transportation permit, an applicant shall submit a completed Annual Transportation Permit Application.
- (6) An applicant for a captive wildlife permit shall only obtain wildlife from:~~[:]~~
  - (a) A legal purchase or transfer of captive-bred animals from a commercial captive wildlife permit holder;
  - (b) A gift from a commercial or noncommercial captive wildlife permit holder;
  - (c) Wildlife trapped by the applicant during a legal season for the species with a valid trapping license, if applicable; or
  - (d) A legal out-of-state source if the applicant provides a valid transportation permit.
- (7) Following permit issuance, the permit holder shall retain records as established in Section 3(3) and (4) of this administrative regulation.
- (8) An applicant shall construct holding facilities that meet or exceed the enclosure specifications established in Sections 8 and 9 of this administrative regulation for each listed species to be acquired before submitting the Captive Wildlife Permit Application and Checklist.
- (9) A person in legal possession of native wildlife who moves to Kentucky shall have thirty (30) days to pass a facility inspection and apply for a captive wildlife permit, if the person possessed a valid transportation permit to import the wildlife.
- (10) A captive wildlife permit holder shall not simultaneously hold a wildlife rehabilitation permit.
- (11) An applicant shall submit a completed Captive Wildlife Permit Application and Checklist and the correct fee, as established in 301 KAR 3:022 or 301 KAR 3:061, except if the permit holder is a government agency engaged in conservation activities, the fee shall be waived.
- (12) An applicant importing into Kentucky, transporting through Kentucky, or possessing within

Kentucky, **any** federally protected migratory bird species shall possess, and provide to the department, a valid United States Fish and Wildlife Service permit, except for persons or entities that possess a valid falconry permit or meet the conditions listed in 50 C.F.R. 21.12 (a) and (b), 50 C.F.R. 21.13, and 50 C.F.R. 21.14.

(13) Federally endangered native species shall not be imported into Kentucky, transported through Kentucky, or possessed in Kentucky, except by:

(a) A facility accredited by the Association of Zoos and Aquariums, as established in Section 7 of this administrative regulation;

(b) An individual who possesses a United States Fish and Wildlife Service permit pursuant to KRS 150.183 and 301 KAR 3:061; or

(c) A facility listed as a cooperator in an Association of Zoos and Aquariums species survival plan.[-]

(14) An annual transportation permit holder shall submit a revised Annual Transportation Permit Application to the department **by [via]** mail to the address listed on the annual transportation permit application or **by [via]** email at FWpermits@ky.gov for any amendments to the original application and shall not ship wildlife until a revised permit is issued by the department.

(15) A person importing or possessing native wildlife shall be responsible for following all applicable federal laws, state laws, and local ordinances regarding wildlife.

#### Section 6. Prohibited Species.

(1) Except as established in Sections 2(7) and 7 of this administrative regulation, 301 KAR 2:075, and 301 KAR 3:120, a person shall not import, transport into Kentucky, or possess:

(a)~~(1)~~ Alligator snapping turtle (*Macrochelys temminckii*);

(b)~~(2)~~ Bats of any species that are native to Kentucky, including:

1.~~(a)~~ Big Brown Bat (*Eptesicus fuscus*);

2.~~(b)~~ Eastern Red Bat (*Lasiurus borealis*);

3.~~(c)~~ Eastern Small-footed Myotis (*Myotis leibii*);

4.~~(d)~~ Evening Bat (*Nycticeius humeralis*);

5.~~(e)~~ Gray Bat (*Myotis grisescens*);

6.~~(f)~~ Hoary Bat (*Lasiurus cinereus*);

7.~~(g)~~ Indiana Bat (*Myotis sodalis*);

8.~~(h)~~ Little Brown Bat (*Myotis lucifugus*);

9.~~(i)~~ Northern Long-eared Bat (*Myotis septentrionalis*);

10.~~(j)~~ Rafinesque's Big-eared Bat (*Corynorhinus rafinesquii*);

11.~~(k)~~ Seminole Bat (*Lasiurus seminolus*);

12.~~(l)~~ Silver-haired Bat (*Lasionycteris noctivagans*);

13.~~(m)~~ Southeastern Myotis (*Myotis austroriparius*);

14.~~(n)~~ Tricolored Bat (*Perimyotis subflavus*); and

15.~~(o)~~ Virginia Big-eared Bat (*Corynorhinus townsendii virginianus*);

(c)~~(3)~~ Black bear (*Ursus americanus*);

(d)~~(4)~~ Bobcat (*Lynx rufus*);

(e)~~(5)~~ Copperbelly water snake (*Nerodia erythrogaster neglecta*);

(f)~~(6)~~ Cougar or mountain lion (*Felis concolor*);

(g)~~(7)~~ Hellbender (*Cryptobranchus alleganiensis*);

(h)~~(8)~~ Kirtland's Snake (*Clonophis kirtlandii*);

- (i) ~~(9)~~ Otter (*Lontra canadensis*);
- (j) ~~(10)~~ Rabies Vector Species:
  - 1. ~~(a)~~ Coyote (*Canis latrans*);
  - 2. ~~(b)~~ Gray fox (*Urocyon cinereoargenteus*);
  - 3. ~~(c)~~ Raccoon (*Procyon lotor*);
  - 4. ~~(d)~~ Red fox (*Vulpes vulpes*);
  - 5. ~~(e)~~ Spotted skunk (*Spilogale putorius*);
  - 6. ~~(f)~~ Striped skunk (*Mephitis mephitis*); or
  - 7. ~~(g)~~ Any hybrid of rabies vector species.
- ~~(11)~~ Wild rabbits (All species of the Order Lagomorpha);
- (k) ~~(12)~~ Wild turkey (*Meleagris gallopavo*); or
- (l) ~~(13)~~ Wolf (*Canis lupus*).

(2) Except as established in Section 7 of this administrative regulation, a person may possess native wild rabbits of the *Sylvilagus* genus but shall not import or transport native wild rabbits of the *Sylvilagus* genus into Kentucky.

#### Section 7. Exemptions.

(1) Accredited facilities. A facility that is accredited by the Association of Zoos and Aquariums shall:

- (a) Not be required to obtain a transportation or captive wildlife permit for native wildlife;
- (b) Be allowed to import, transport, and possess federally endangered species and the prohibited species established in Section 6 of this administrative regulation for official zoo activities; and
- (c) Maintain prohibited species in an enclosure sufficient to prevent escape and direct contact with the public.

(2) Commissioner's exemption.

(a) Upon written request, the commissioner shall consider an exemption for the importation or possession of the prohibited species listed in Section 6 ***of this administrative regulation*** for scientific or educational purposes.

(b) The commissioner shall only grant exemptions that promote and further the purposes of KRS Chapter 150.

(c) ***Only*** The following entities shall be eligible for consideration for an exemption by the commissioner:

- 1. A facility that is designated as the official zoo of a municipality;
- 2. A government agency conducting research or education at a permanent wildlife center; or
- 3. A college or university conducting research or education that fulfills a classroom requirement.

(3) Legally possessed prohibited species.

(a) A permit holder with a prohibited species legally possessed in Kentucky prior to April 4, 2023, may remain in possession of the animal through the life of the animal by microchipping any rabies vector species, bobcats, or otters and reporting the microchip number to the department by submitting a Native Prohibited Wildlife Report form by June 4, 2023.

(b) Prohibited species shall not be transferred to other persons, except if the permit holder predeceases the animal, in which case the animal may be transferred to another valid permit holder.

(c) Prohibited species shall not be allowed to reproduce.



- (d) A person who legally possesses prohibited wildlife shall not replace that wildlife after its death.
- (e) Prohibited species possessed or imported into Kentucky shall be maintained within an enclosure sufficient to prevent:
  - 1. Escape; and
  - 2. Direct contact with the public.

Section 8. Confining Facilities.

- (1) Except as established in 301 KAR 2:041, a cage, pen, or other enclosure for confining native wildlife shall be of sufficient structural strength to:
  - (a) Prevent the escape of the captive animal;
  - (b) Protect the caged animal from injury and predators; and
  - (c) Prevent the entrance of free individuals of the same species.
- (2) A wing-clipped and pinioned bird may be kept in a suitable unroofed enclosure, even if wild birds of the same species may enter the enclosure.
- (3) A person shall not maintain any native wildlife in captivity in an unsanitary or unsafe condition or in a manner that results in the maltreatment or neglect of that wildlife.
- (4) Native wildlife shall not be confined in any cage or enclosure that does not meet the minimum cage specifications in Section 9 of this administrative regulation.
- (5) A cage or enclosure shall be maintained as established in paragraphs (a) through (n) of this subsection.
  - (a) Clean drinking water shall be provided daily in clean containers.
  - (b) Swimming or wading pools shall be cleaned as needed to ensure good water quality.
  - (c) Any cage or enclosure shall provide adequate drainage of surface water.
  - (d) A captive mammal or bird shall be fed daily.
  - (e) Food shall be:
    - 1. Of a type and quantity that meets the nutritional requirements for the particular species; and
    - 2. Provided in an unspoiled and uncontaminated condition.
  - (f) Any feeding container shall be kept clean, and uneaten food shall be removed within a reasonable time.
  - (g) A shelter shall be provided for security and protection from inclement weather.
  - (h) Shade or an overhead structure shall be provided in warm seasons.
  - (i) Fecal and food waste shall be:
    - 1. Removed from cage daily; and
    - 2. Stored or disposed of in a manner that prevents noxious odors and insect pests.
  - (j) Any cage or enclosure shall be ventilated to prevent noxious odors.
  - (k) A hard floor within a cage or enclosure shall be cleaned a minimum of once per week.
  - (l) A cage or enclosure with a dirt floor shall be raked a minimum of once every three (3) days with the waste removed.
  - (m) Animals that are compatible may be held in the same enclosure. Each enclosure with compatible animals held in the same enclosure shall comply with the required floor space established in Section 9 of this administrative regulation.
  - (n) A common wall shall be constructed between animals that are not compatible so that the animals cannot interact.

Section 9. Minimum Enclosure Sizes and Associated Requirements for Stationary Facilities.

(1) Birds.

(a) A northern bobwhite older than fourteen (14) weeks shall be held in an enclosure that meets the requirements established in subparagraphs 1. through 3. of this paragraph.

1. An enclosure for a single northern bobwhite shall be a minimum of 100 square feet.
2. There shall be an increase of at least one (1) square foot per additional northern bobwhite.
3. A northern bobwhite may be held in a smaller breeding pen during the breeding season.

(b) A duck shall be held in an enclosure that meets the requirements established in subparagraphs 1. and 2. of this paragraph.

1. No more than two (2) pairs or one (1) pair and their offspring prior to first molt shall be confined to an area smaller than 100 square feet. ~~and~~
2. There shall be at least two (2) square feet of additional land space for each additional adult duck.

(c) A goose shall be held in an enclosure that meets the requirements established in subparagraphs 1. through 3. of this paragraph.

1. No more than two (2) pair or one (1) pair and their offspring prior to first molt shall be confined to an area smaller than 500 square feet.
2. There shall be a minimum of fifty (50) square feet of water that is two (2) feet or greater in depth.
3. There shall be at least 100 square feet of land and twenty-five (25) square feet of water surface for each additional adult goose.

(d) A ruffed grouse shall be held in an enclosure that meets the requirements established in subparagraphs 1. and 2. of this paragraph.

1. There shall be 200 square feet of floor space and an enclosure height of at least six (6) feet for five (5) or fewer birds.
2. There shall be an additional twenty (20) square feet of floor space for each additional bird.

(e) A raptor shall be held in an enclosure meeting the federal falconry standards described in 50 C.F.R. Part 21.29.

(2) Mammals.

(a) A bat shall be held in an enclosure that meets the requirements established in subparagraphs 1. through 3. of this paragraph.

1. A little brown bat, long-eared bat, and pipistrelle shall be held in an enclosure that is at least 6 ft. x 6 ft. x 6 ft.
2. An evening or red bat shall be held in an enclosure that is at least 8 ft. x 12 ft. x 8 ft.
3. A big brown or hoary bat shall be held in an enclosure that is at least 10 ft. x 20 ft. x 8 ft.

(b) Except as established in 301 KAR 2:041, a fox, bobcat, or raccoon shall be held in an enclosure that meets the requirements established in subparagraphs 1. and 2. of this paragraph.

1. A single animal enclosure shall be at least 8 ft. x 8 ft. x 6 ft.
2. There shall be at least thirty (30) square feet floor space for each additional animal.

(c) A coyote shall be held in an enclosure that meets the requirements established in subparagraphs 1. and 2. of this paragraph.

1. A single animal enclosure shall be at least 8 ft. x 8 ft. x 6 ft.
2. There shall be at least twenty-five (25) square feet floor space for each additional animal.

(d) A beaver or otter shall be held in an enclosure that meets the requirements established in

subparagraphs 1. through 4. of this paragraph.

1. A single animal enclosure shall be at least 8 ft. x 12 ft. x 6 ft. with a 4 ft. x 6 ft. pool that is at least three (3) feet deep at one (1) end.

2. There shall be an increase in horizontal cage size and pool size by at least eight (8) square feet for each additional animal.

3. An otter shall have a slide and a dry place for sleeping and retreat.

4. A beaver shall be supplied with gnawing logs and a dry place for sleeping and retreat.

(e) A muskrat or mink shall be held in an enclosure that meets the requirements established in subparagraphs 1. through 3. of this paragraph.

1. A single animal enclosure shall be at least 6 ft. x 4 ft. x 3 ft. with a 2 ft. x 4 ft. pool that is at least two (2) feet deep at one (1) end.

2. There shall be an increase in horizontal cage size by at least eight (8) square feet and a pool size of at least two (2) square feet.

3. A muskrat shall have gnawing material.

(f) A gray squirrel, fox squirrel, or flying squirrel shall be held in an enclosure that meets the requirements established in subparagraphs 1. and 2. of this paragraph.

1. A single animal enclosure shall be 4 ft. x 4 ft. x 8 ft. [~~and~~]

2. There shall be an increase in floor space by two (2) square feet for each additional animal.

(g) A skunk, opossum, rabbit, or woodchuck shall be held in an enclosure that meets the requirements established in subparagraphs 1. through 3. of this paragraph.

1. A single animal enclosure shall be at least 6 ft. x 8 ft. x 8 ft.

2. There shall be an increase in floor space by at least four (4) square feet for each additional animal.

3. A woodchuck shall have several gnawing logs approximately six (6) inches in diameter.

(h) A weasel shall be held in an enclosure that meets the requirements established in subparagraphs 1. and 2. of this paragraph.

1. A single animal enclosure shall be at least 3 ft. x 3 ft. x 3 ft.

2. There shall be an increase in floor space by three (3) square feet for each additional animal.

Section 10. Mobile Facility. A mobile facility used in transporting native wildlife shall meet the requirements established in subsections (1) through (5) of this section.

(1) The mobile facility shall be equipped to provide fresh air and adequate protection from the elements, without injurious drafts.

(2) The animal housing area shall be free of engine exhaust fumes.

(3) A cage shall be large enough to ensure that each animal has sufficient room to stand erect and lie naturally.

(4) The structural strength of the enclosure shall be sufficient to contain the live animals and to withstand the normal rigors of transportation.

(5) Native wildlife housed in a mobile facility for more than ten (10) days shall be housed in a cage that meets the minimum cage specifications established in Section 8 of this administrative regulation.

Section 11. Temporary Facility. Native wildlife housed in a temporary facility or exhibit shall be housed in a cage that meets the minimum cage specifications established in Section 8 of this

administrative regulation if present in any geographical location for more than ten (10) days.

#### Section 12. Inspections and Access.

- (1) A permit holder shall allow a game warden~~[conservation officer]~~ to inspect the holding facilities and the property on which the holding facilities are located at any reasonable time.
- (2) A game warden~~[conservation officer]~~ shall immediately notify the permit holder if the inspection reveals a violation of any provision of this administrative regulation.
- (3) A facility shall fail inspection if any deficiencies are found during the inspection or if the permit holder denies entry to the game warden~~[conservation officer]~~ at a reasonable time.
- (4) An applicant who fails a facility inspection shall correct any deficiencies within ten (10) days of the failed inspection.
- (5) A permit holder shall allow any department employee, accompanied by a game warden~~[conservation officer]~~, to access the wildlife holding facilities and the property on which the holding facilities are located at any reasonable time to carry out the purposes of this administrative regulation.

#### Section 13. Permit Denial and Revocation.

- (1) Denial. The department shall deny the issuance of a new permit, deny a renewal of an existing or lapsed permit, and confiscate wildlife of a person who:
  - (a) Is convicted of a violation of any provisions of:
    1. KRS Chapter 150;
    2. Any department regulation; or
    3. Any federal statute or regulation related to hunting, fishing, or wildlife;
  - (b) Provides false information on a captive wildlife permit application, transportation permit application, certificate of veterinary inspection, federal quarantine certificate, request for commissioner's exemption, federal permits, reports, facility inspection, or records;
  - (c) Acquires wildlife prior to receiving an approved captive wildlife permit, transportation permit, or commissioner's exemption, except as established in Section 2(4) through (6) ***of this administrative regulation;***
  - (d) Fails a facility inspection, as established in Section 12 of this administrative regulation; or
  - (e) Fails to comply with any provision of this ***administrative*** regulation, 301 KAR 2:041, 301 KAR 2:082, 301 KAR 2:084, 301 KAR 2:195, 301 KAR 2:230, or 301 KAR 2:251.
- (2) Revocations.
  - (a) The department shall revoke the permit and confiscate wildlife, of a person who:
    1. Is convicted of a violation of any provisions of:
      - a. KRS Chapter 150;
      - b. KAR Title 301; or
      - c. Any federal statute or regulation related to hunting, fishing, or wildlife;
    2. Provides false information on a Captive Wildlife Permit Application, Transportation Permit Application, Certificate of Veterinary Inspection, federal Quarantine Certificate, request for commissioner's exemption, federal permits, reports, facility inspection, or records;
    3. Acquires wildlife prior to receiving an approved captive wildlife permit, transportation permit, or commissioner's exemption, except as established in Section 2(4) through (6) ***of this administrative regulation;***

4. Fails a facility inspection, as established in Section 12 of this administrative regulation; or  
5. Fails to comply with any provision of this administrative regulation, 301 KAR 2:041, 301 KAR 2:082, 301 KAR 2:084, 301 KAR 2:195, 301 KAR 2:230, or 301 KAR 2:251.

(b) If a person's captive wildlife permit is revoked for one (1) facility, permits for all other facilities in their name shall be revoked.

(c) A fee shall not be refunded for a permit that is revoked.

(3) Denial period.

(a) An applicant for a captive wildlife permit, transportation permit, or commissioner's exemption whose permit or commissioner's exemption has been revoked or denied for the grounds established in this section shall be ineligible to reapply, and all applications denied for:

1. The initial denial period, for one (1) year;
2. A second denial period, for three (3) years; and
3. A third or subsequent denial period, for five (5) years;

(b) The department shall deny all Captive Wildlife Permit Applications for any facility in which a permit was denied or revoked, for the same period of time as the denial period, as established in paragraph (a) of this subsection.

(4) Commissioner's exemption.

(a) A commissioner's exemption shall be revoked for:

1. Failure to maintain wildlife in an enclosure sufficient to prevent escape and direct contact with the public;
2. Failure to comply with the requirements established in this administrative regulation; or
3. Any other reason necessary to protect public health, public safety, native ecosystems, or native wildlife.

(b) If an exemption is terminated, all prohibited species shall be immediately placed in an enclosure sufficient to prevent escape and direct contact with the public and removed from the state within forty-eight (48) hours.

(5) Confiscated wildlife.

(a) All captive wildlife shall be confiscated if a captive wildlife permit, transportation permit, or commissioner's exemption is revoked or denied or if a person possesses native wildlife without a valid captive wildlife permit, transportation permit, or commissioner's exemption, except as established in Section 2(4), (5), or (6) **of this administrative regulation** or in subsection (4)(b) of this section.

(b) Confiscated wildlife shall be released, transferred, or dispatched, except that rabies vector species shall be dispatched immediately.

(c) Wildlife shall not be returned to the person, entity, or facility from which they were confiscated.

(d) **Upon being presented with a written order by the commissioner, a person, entity, or facility shall surrender** wildlife ~~[shall be surrendered]~~ to the department ~~[; upon being presented with a written order by the commissioner.]~~ for processing and disposition pursuant to this administrative regulation.

(6) Administrative hearings.

(a) An individual whose permit has been denied or revoked may request an administrative hearing, which shall be conducted pursuant to KRS Chapter 13B.

(b) A request for a hearing shall be in writing and postmarked or delivered in person to the department no later than thirty (30) days after notification of the denial or the revocation.

(c) Upon receipt of the request for a hearing, the department shall proceed according to the provisions of KRS Chapter 13B.

(d) The hearing officer's recommended order shall be considered by the commissioner, and the commissioner shall issue a final order, pursuant to KRS Chapter 13B.

#### Section 14. Incorporation by Reference.

(1) The following material is incorporated by reference:

- (a) "Captive Wildlife Permit Application and Checklist", 2024[2022] edition;
- (b) "Annual Transportation Permit Application", 2022 edition;
- (c) "Individual Transportation Permit Application", 2022 edition;
- (d) "Native Prohibited Wildlife Report", 2022 edition; and
- (e) "Facility Inspection Checklist", 2022 edition.

(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, Monday through Friday, 8 a.m. to 4:30 p.m. or online at:

- (a) <https://fw.ky.gov/Wildlife/Documents/captivewildapp.pdf> for the "Captive Wildlife Permit Application";
- (b) <https://fw.ky.gov/Wildlife/Documents/annualtransportapp.pdf> for the (Annual Transportation Permit Application);
- (c) <https://fw.ky.gov/Wildlife/Documents/indtransportapp.pdf> for the "Individual Transportation Permit Application";
- (d) <https://fw.ky.gov/Wildlife/Documents/nativeprohibitedreport.pdf> for the "Native Prohibited Wildlife Report"; and
- (e) <https://fw.ky.gov/Wildlife/Documents/RehabLEInspectionChecklist.pdf> for the "Facility Inspection Checklist".

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](mailto:fwpubliccomments@ky.gov).

## CAPTIVE WILDLIFE PERMIT APPLICATION AND CHECKLIST

- Commercial Permit (for all commercial use)      \$150 annually  
 Non-commercial Permit (for personal use)      \$75 for 3 years  
 New Permit  
 Renewal      Previous Permit # \_\_\_\_\_

2024 Edition

**Wildlife Division**  
**Use Only**

APPROVED

DENIED

REASON DENIED \_\_\_\_\_

SIGNATURE \_\_\_\_\_

DATE \_\_\_\_\_

**APPLICANT INFORMATION (REQUIRED)**

Social Security # or Federal Tax I.D. #: \_\_\_\_\_  
 Name of Applicant: \_\_\_\_\_  
 Business Name (if applicable): \_\_\_\_\_  
 Mailing Address: \_\_\_\_\_  
 City, State, Zip: \_\_\_\_\_  
 County: \_\_\_\_\_  
 Telephone ( ): \_\_\_\_\_  
 Email (Required): \_\_\_\_\_  
 Date of Birth (must be at least 18): \_\_\_/\_\_\_/\_\_\_

**ADDRESS WHERE ANIMALS WILL BE HOUSED**       **SAME AS ABOVE**

Facility Name (if applicable): \_\_\_\_\_  
 Facility Address (if different from above): \_\_\_\_\_  
 City, State, Zip: \_\_\_\_\_  
 County: \_\_\_\_\_  
 Telephone: ( ) \_\_\_\_\_

**NATIVE SPECIES TO BE HELD IN CAPTIVITY**

Common Name	Genus	Species

Email: \_\_\_\_\_

\*Out of state sources require a valid wildlife transportation permit prior to importation.

- Live Trap during legal season  
 Provide Trapping License Number \_\_\_\_\_  
(Reptiles and amphibians can be collected year-round without a trapping license)

**OR**

- Check here if no new stock has been obtained since your last application and you do not plan to obtain new stock.

**INITIAL THE FOLLOWING STATEMENTS**

\_\_\_\_\_ I understand that any permit issued is void if the transaction involves any violation of federal or state wildlife laws or regulations.

\_\_\_\_\_ I, the undersigned, shall indemnify and hold harmless KDFWR and all of its officers, agents, and employees from all suits, actions or claims of any character because of any injuries or damages received by any person, persons, or property resulting from my holding of wildlife species in captivity based upon this authorization, to the extent allowed by Kentucky law. No part of this agreement shall constitute, either directly or indirectly, a waiver of sovereign immunity granted under the Kentucky Constitution, Section 231, and the United States Constitution, Eleventh Amendment.

\_\_\_\_\_ I understand that receipt and cashing of payment does not imply approval of permit request. Correct payment must accompany application.

\_\_\_\_\_ I certify and understand that my permit shall be revoked and/or denied and wildlife confiscated if I fail to comply with the provisions of this administrative regulation, 301 KAR 2:041, 301 KAR 2:082, 301 KAR 2:084, 301 KAR 2:195, 301 KAR 2:230, or 301 KAR 2:251, if I am convicted of a violation of KRS Chapter 150, any department regulation, or any federal statute or regulation related to hunting, fishing, or wildlife or if I falsify information on this application, reports, or corresponding documents.

\_\_\_\_\_ I certify that I have not been convicted for a violation of KRS Chapter 150, 301 KAR 2:081 and/or 301 KAR 2:082, the administrative regulations promulgated under its authority, or hunting, fishing, or wildlife laws of the federal government, within the denial period established in 301 KAR 2:081.

\_\_\_\_\_ I certify and understand that it is my responsibility to renew and possess a valid captive wildlife permit prior to the expiration date listed on the permit.

\_\_\_\_\_ I understand that I am responsible for following all federal and state laws, local ordinances, and rules regarding wildlife.

\_\_\_\_\_ I certify that I do not possess captive wildlife and did not transport native species into Kentucky prior to possessing a valid captive wildlife permit, except as allowed by the following exceptions. Exceptions for reptiles/amphibians: up to 5 individuals of each species of reptile and amphibian may be possessed for



personal use without a captive wildlife permit. Exceptions for northern bobwhite quail: Up to 100 northern bobwhite quail may be possessed for personal use without a captive wildlife permit, provided they are not propagated or sold, legally obtained, and confining facilities meet the enclosure requirements in 301 KAR 2:081. Exceptions for temporary possession: Wildlife imported into KY for less than 10 days held in a temporary facility may be possessed without a captive wildlife permit. Moving to KY: A person in legal possession of wildlife that moves to Kentucky has 30 days to pass a facility inspection and apply for a captive wildlife permit.

\_\_\_\_\_ I certify that I have read and understand the above, 301 KAR 2:081 and/or 301 KAR 2:082, and that all information contained in this application is correct.

---

**Signature of Applicant**

**Date**

# CAPTIVE WILDLIFE PERMIT APPLICATION AND CHECKLIST

## FACILITY INSPECTION (TO BE COMPLETED BY KDFWR LAW ENFORCEMENT)

Name: \_\_\_\_\_

Facility Name: \_\_\_\_\_

Facility Address: \_\_\_\_\_

### Section 1. Complete for NEW permit applicants

Yes  No Does the applicant currently possess the wildlife species they are applying for?

Yes  No The applicant is eighteen (18) years of age or older.

### Section 2. Complete for ALL permit applicants

Yes  No Mark "YES" if the applicant has obeyed KRS 150 and federal wildlife laws (has not been convicted of a violation of KRS 150 or federal wildlife law or had permit revoked or denied during the denial period established in 301 KAR 2:081.

Yes  No The applicant has indicated a legal source for where/how they will obtain the wildlife species.

Yes  No Holding facilities meet or exceed the minimum enclosure sizes required by 301 KAR 2:081, or 50 C.F.R. 21.29 for federally protected birds.

Yes  No The cages, pens, or other enclosures for confining native wildlife are of sufficient strength to\*:

- o Prevent the escape of the captive animals;
- o Protect the caged animals from injury and predators; and
- o Prevent the entrance of free individuals of the same species.

\*Wing-clipped and pinioned birds may be kept in suitable unroofed enclosures even though wild birds may enter.

Yes  No A shelter is provided for security and protection from inclement weather, and shade and overhead structure is provided for warm seasons.

### Section 3. Complete for permit applicants who currently possess legally held wildlife (i.e. RENEWALS, or BOBWHITE, REPTILE and AMPHIBIAN, OR GRANDFATHERED SPECIES EXCEPTIONS)

Yes  No Wildlife is maintained in sanitary and safe conditions resulting in proper treatment and good health of wildlife.

Yes  No Clean drinking water is provided daily in clean containers.

Yes  No If present, swimming or wading pools are clean to ensure good water quality.

Yes  No Enclosures provide adequate drainage of water.

Yes  No Feeding containers are kept clean and uneaten food removed within a reasonable time.

Yes  No Food is provided daily and is in an unspoiled and uncontaminated condition.

Yes  No Fecal and food waste is removed from enclosure daily and stored or disposed of in a manner that prevents noxious odors or insect pests.

Yes  No Enclosure is ventilated to prevent noxious odors.

## CAPTIVE WILDLIFE PERMIT APPLICATION AND CHECKLIST

Name: \_\_\_\_\_  
Facility Name: \_\_\_\_\_  
Facility Address: \_\_\_\_\_

### Section 4. Complete for permit applicants who possess legally held, prohibited wildlife

Species	Sex	Age	Scanned (Y or N)	Microchip #	Additional information (Name, identifying marks, etc.)
---------	-----	-----	------------------	-------------	--


<sup>Yes</sup>  <sup>No</sup> Applicant only possesses legally obtained grandfathered species and has not acquired additional prohibited species

<sup>Yes</sup>  <sup>No</sup> Species, age, and description match previous records and applications

<sup>Yes</sup>  <sup>No</sup> Prohibited wildlife species are not reproducing

<sup>Yes</sup>  <sup>No</sup> Prohibited species are maintained in an enclosure sufficient to prevent escape and direct contact with the public

### Section 5. Complete for Mobile Facilities

<sup>Yes</sup>  <sup>No</sup> The mobile facility is equipped to provide fresh air and adequate protection from the elements, without injurious drafts.

<sup>Yes</sup>  <sup>No</sup> The animal housing area is free of engine exhaust fumes.

<sup>Yes</sup>  <sup>No</sup> A cage is large enough to ensure that each animal has sufficient room to stand erect and lay naturally.

<sup>Yes</sup>  <sup>No</sup> The structural strength of the enclosure is sufficient to contain the live animals and to withstand the normal rigors of transportation.

**I certify that I have inspected this facility.**

Conservation Officer Name (Print)	Signature	Badge #	Date
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**Make checks payable to KDFWR  
Mail completed application and check or money order to: The Kentucky Department of Fish & Wildlife Resources, #1 Sportsman's Lane, Frankfort, KY 40601 ATTN: Captive Wildlife Permit**

# CAPTIVE WILDLIFE PERMIT APPLICATION AND CHECKLIST

## Minimum Enclosure Sizes and Associated Requirements for Stationary Facilities (301 KAR 2:081, Section 9)

### Birds

**Northern bobwhite** older than fourteen (14) weeks shall be held in an enclosure with the following minimum specifications:

1. An enclosure for a single Northern bobwhite shall be a minimum of 100 square feet.
2. There shall be an increase in one (1) square foot per additional bobwhite.
3. Bobwhite may be held in smaller breeding pens during the breeding season.

A **duck** shall be held in an enclosure with the following minimum specifications:

1. No more than two (2) pairs or one (1) pair and their offspring prior to first molt shall be confined to an area smaller than 100 square feet;
2. There shall be at least two (2) square feet of additional land space for each additional adult duck.

A **goose** shall be held in an enclosure with the following minimum specifications:

1. No more than two (2) pair or one (1) pair and their offspring prior to first molt shall be confined to an area smaller than 500 square feet;
2. There shall be a minimum of fifty (50) square feet of water that is two (2) feet or greater in depth; and
3. There shall be at least 100 square feet of land and twenty-five (25) square feet of water surface for each additional adult goose.

**Ruffed grouse** shall be held in an enclosure with the following minimum specifications:

1. There shall be 200 square feet of floor space for five (5) or fewer birds with a height of at least six (6) feet; and
2. There shall be an additional twenty (20) square feet of floor space for each additional bird.

**Raptors** shall be held in an enclosure meeting the federal falconry standards described in 50 C.F.R. Part 21.29.

### Mammals

A **bat** shall be kept in an enclosure with the following minimum specifications:

1. A little brown bat, long-eared bat, and pipistrelle shall be kept in an enclosure that is at least 6 ft. x 6 ft. x 6 ft.
2. An evening or red bat shall be kept in an enclosure that is at least 8 ft. x 12 ft. x 8 ft.
3. A big brown or hoary bat shall be kept in an enclosure that is at least 10 ft. x 20 ft. x 8 ft.

A **fox, bobcat, or raccoon** shall be held in an enclosure with the following minimum specifications:

1. A single animal enclosure shall be 8 ft. x 8 ft. x 6 ft.; and
2. There shall be thirty (30) square feet floor space for each additional animal.

A **coyote** shall be held in an enclosure with the following minimum specifications:

1. A single animal enclosure shall be 8 ft. x 8 ft. x 6 ft.; and
2. There shall be twenty-five (25) square feet floor space for each additional animal.

A **beaver** shall be held in an enclosure with the following minimum specifications:

1. A single animal enclosure shall be 8 ft. x 12 ft. x 6 ft. with a 4 ft. x 6 ft. pool that is three (3) feet deep at one (1) end;
2. There shall be an increase in horizontal cage size and pool size by eight (8) square feet for each additional animal;
3. An otter shall have a slide and a dry place for sleeping and retreat; and
4. A beaver shall be supplied with gnawing logs and a dry place for sleeping and retreat.

**Muskrat and mink** shall be held in an enclosure with the following minimum specifications:

1. A single animal enclosure shall be 6 ft. x 4 ft. x 3 ft. with a 2 ft. x 4 ft. pool which is two (2) feet deep at one (1) end;
2. There shall be an increase in horizontal cage size by eight (8) square feet and a pool size of two (2) square feet for each additional animal; and
3. A muskrat shall have gnawing material.

A **gray squirrel, fox squirrel, or flying squirrel** shall be held in an enclosure with the following minimum specifications:

1. A single animal enclosure shall be 4 ft. x 4 ft. x 8 ft.; and
2. There shall be an increase in floor space by two (2) square feet for each additional animal.

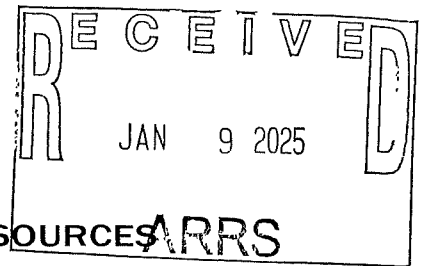
A **skunk, opossum, rabbit, or woodchuck** shall be held in an enclosure with the following minimum specifications:

1. A single animal enclosure shall be 6 ft. x 8 ft. x 8 ft.;
2. There shall be an increase in floor space by four (4) square feet for each additional animal; and
3. A woodchuck shall have several gnawing logs approximately six (6) inches in diameter.

A **weasel** shall be held in an enclosure with the following minimum specifications:

1. A single animal enclosure shall be 3 ft. x 3 ft. x 3 ft.; and
2. There shall be an increase in floor space by three (3) square feet for each additional animal.

**Reptiles or Amphibians - No Minimum Enclosure Sizes are Required**



**KENTUCKY DEPARTMENT OF FISH & WILDLIFE RESOURCES**

**Rich Storm**  
Commissioner

#1 Sportsman's Lane  
Frankfort, Kentucky 40601  
Phone (502) 564-3400  
Fax (502) 564-0506

**Brian Clark**  
Deputy Commissioner

**Gabe Jenkins**  
Deputy Commissioner

January 9, 2024

Senator Stephen West, Co-Chair  
Representative Derek Lewis, Co-Chair  
c/o Emily Caudill, Regulation Compiler  
Administrative Regulation Review Subcommittee  
Legislative Research Commission  
Rm 083, Capitol Annex  
Frankfort KY 40601

Re: 301 KAR 2:081. Transportation and holding of live native wildlife. 301 KAR 2:082.  
Transportation and holding of live exotic wildlife. 301 KAR 2:225 Dove, wood duck, teal, and  
other migratory game bird hunting.

Dear Co-Chairs:

After discussions with Administrative Regulation Review Subcommittee staff of the issues raised by 301 KAR 2:081, 301 KAR 2:082., and 301 KAR 2:225., Kentucky Department of Fish and Wildlife Resources proposes the attached amendment to 301 KAR 2:081, 2:082 and 2:225.

Sincerely,

A handwritten signature in cursive script that reads "Jenny Gilbert".

Jenny Gilbert  
Legislative Liaison  
Commissioner's Office  
Kentucky Department of Fish and Wildlife Resources  
1 Sportsmen's Lane  
Frankfort, KY 40601

**Subcommittee Substitute**

**TOURISM, ARTS AND HERITAGE CABINET  
Department of Fish and Wildlife Resources  
(As Amended at ARRS)**

**301 KAR 2:082. Transportation and holding of live exotic wildlife.**

RELATES TO: KRS 13B, 150.010, 150.015, ~~150.183~~, 150.186, ~~150.195~~, ~~150.235~~, 150.320, 150.330, 150.990, ~~[150.183, 150.195, 150.235,]~~ 258.065, 258.085

STATUTORY AUTHORITY: KRS 65.877, 150.025(1), 150.090, 150.105, 150.180, 150.280, 50 C.F.R. 17, 21, 16 U.S.C. 3371 – 3378, 18 U.S.C. 42 – 43

NECESSITY, FUNCTION, AND CONFORMITY: KRS 65.877 authorizes local governments to regulate or prohibit inherently dangerous wildlife as identified by the Kentucky Department of Fish and Wildlife Resources and requires the department to establish procedures for denying or issuing a transportation permit. KRS 150.025(1) authorizes the department to regulate the buying, selling, or transporting of wildlife. KRS 150.090 ***requires [authorizes]*** the department to appoint game wardens~~[conservation officers]~~ charged with the enforcement of this chapter. KRS 150.105 authorizes the department to destroy or bring under control any wildlife causing damage to persons, property, or other animals spreading disease and that should be eliminated to prevent further damage. KRS 150.180 authorizes the department to regulate the transportation and importation of wildlife into Kentucky. KRS 150.280 requires the department to promulgate administrative regulations establishing procedures for the holding of protected wildlife. 50 C.F.R. 21 ***establishes [requires]*** federal standards for holding migratory birds, including raptors. 50 C.F.R. 17 ***establishes [requires]*** federal standards for endangered and threatened wildlife. This administrative regulation establishes the procedures for obtaining a transportation permit for exotic wildlife, prohibits the importation and possession of exotic species with the potential to damage native ecosystems, and places restrictions on importing, transporting, and holding species that are potentially dangerous to human health and safety.

Section 1. Definition. "Exotic wildlife" means wildlife species that have never naturally existed in the wild in Kentucky, including species introduced by man that have become naturalized.

Section 2. Transportation Permits and Certificates of Veterinary Inspection.

(1) ***Unless otherwise exempted or prohibited by this or another administrative regulation***, a person shall apply for and obtain a valid transportation permit or permit authorization number from the department for all shipments of exotic wildlife~~[, unless otherwise exempted or prohibited by this or another administrative regulation,]~~ prior to:

- (a) Receiving a shipment of wildlife from outside of Kentucky;
- (b) Importing exotic wildlife into Kentucky; or
- (c) Transporting exotic wildlife into Kentucky.

(2) A copy of a valid transportation permit or permit authorization number shall accompany all shipments of wildlife into Kentucky.

(3) An individual transportation permit shall be valid for one (1) shipment of wildlife.

(4) An annual transportation permit shall be valid for multiple wildlife shipments for one (1) year from the date of issue.

(5) All shipments of wildlife, except for amphibians and reptiles, shall be accompanied by a:

(a) Certificate of veterinary inspection stating that the wildlife is free from symptoms of disease;  
or

(b) Federal quarantine certificate.

### Section 3. Applying for Permits.

(1) A person shall apply for a transportation permit by completing the online application process at [fw.ky.gov](http://fw.ky.gov), or by submitting the necessary forms:

(a) For an individual transportation permit, an applicant shall submit a completed Individual Transportation Permit Application form; or

(b) For an annual transportation permit, an applicant shall submit a completed Annual Transportation Permit Application form.

(2) A permit holder shall be at least eighteen (18) years of age.

(3) An applicant shall submit a completed application established in subsection (1)(a) or (b) of this section and remit the correct fee, as established in 301 KAR 3:022 or 301 KAR 3:061.

(4) An annual transportation permit holder shall submit a revised Annual Transportation Permit Application to the department **by [via]**mail to the address listed on the Annual Transportation Permit Application or **by [via]**email at [FWpermits@ky.gov](mailto:FWpermits@ky.gov) for any amendments to the original application and shall not ship wildlife until a revised permit is issued by the department.

~~(5)(6)~~ A person importing, transporting, or possessing exotic wildlife shall be responsible for following all applicable federal and state laws and local ordinances regarding wildlife.

~~(6)(7)~~ A person with a valid falconry permit, as established in 301 KAR 2:195, shall not be required to possess a transportation permit for **[those]** raptors held under the falconry permit.

~~(7)(8)~~ An applicant possessing, importing, or transporting into Kentucky from outside the state **any** federally protected migratory bird species, shall possess, and provide to the department, a valid United States Fish and Wildlife Service permit, except for persons or entities that meet the conditions listed in 50 C.F.R. 21.12 (a) and (b), 50 C.F.R. 21.13, and 50 C.F.R. 21.14.

~~(8)(9)~~ Federally endangered exotic species shall not be imported, transported into Kentucky, or possessed, except the Department of Fish and Wildlife Resources may allow importation, transportation, or possession of any exotic endangered species of wildlife pursuant to KRS 150.183 and 301 KAR 3:061.

### Section 4. Prohibited Species.

(1) Except as established in Section 5 of this administrative regulation, a person shall not import, transport into Kentucky, or possess the following exotic wildlife that are considered potentially injurious to native ecosystems:

(a) Baya weaver (*Ploceus philippinus*);

(b) Blackbirds (Genus *Agelaius*), except native species;

(c) Cape sparrow (*Passer melanurus*);

(d) Cowbirds (Genus *Molothrus*), except native species;

(e) Cuckoo (Family *Cuculidae*), except native species;

(f) Dioch or red-billed quelea (*Quelea quelea*);



- (g) European blackbird (*Turdus merula*);
  - (h) Fieldfare (*Turdus pilaris*);
  - (i) Flying fox or fruit bat (Genus *Pteropus*);
  - (j) Fox (Genus *Cerdocyon*, Genus *Lycalopex*, Genus *Otocyon*, Genus *Urocyon*, and Genus *Vulpes*);
  - (k) Gambian giant pouched rat (*Cricetomys gambianus*);
  - (l) Giant, marine, or cane toad (*Rhinella marina*);~~(*Bufo marinus*);~~
  - (m) Hawaiian rice bird or spotted munia (*Lonchura punctulata*);
  - (n) Java sparrow (*Padda oryzivora*);
  - (o) Madagascar weaver (*Foudia madagascariensis*);
  - (p) Mistle thrush (*Turdus viscivorus*);
  - (q) Monk or Quaker parakeet (*Myiopsitta monachus*);
  - (r) Multimammate rat (Genus *Mastomys*);
  - (s) Mute swan (*Cygnus olor*);
  - (t) Nutria (*Myocastor coypus*);
  - (u) Prairie dog (*Cynomys* spp.);
  - (v) Raccoon dog (*Nyctereutes procyonoides*);
  - (w) Sky lark (*Alauda arvensis*);
  - (x) Song thrush (*Turdus philomelus*);
  - (y) Starling (Family *Sturnidae*), including pink starlings or rosy pastors (*Sturnus roseus*), except for Indian Hill mynahs (*Gracula religiosa*);
  - (z) Suricate or slender-tailed meerkat (Genus *Suricata*);
  - (aa) Tongueless or African clawed frog (*Xenopus laevis*);
  - (bb) Weaver finch (Genus *Passer*), except *Passer domesticus*;
  - (cc) White eyes (Genus *Zosterops*);
  - (dd) European rabbit (*Oryctolagus cuniculus*) that morphologically resembles wild European rabbits;~~;~~~~[Wild rabbits, hares, and pikas (Order *Lagomorpha*);]~~
  - (ee) Yellowhammer (*Emberiza citrinella*); or
  - (ff) A member of the following families:
    1. *Suidae* (pigs or hogs), except for domestic swine;
    2. *Viverridae* (civets, genets, lingsangs, mongooses and fossas); or
    3. *Tayassuidae* (peccaries and javelinas).
- (2) Except as established in Sections 5 and 6 of this administrative regulation, a person shall not import, transport, or possess the following inherently dangerous exotic wildlife:
- (a) Alligators or caimans (Family *Alligatoridae*);
  - (b) African buffalo (*Syncerus caffer*);
  - (c) Bears (Family *Ursidae*);
  - (d) Cheetah (*Acinonyx jubatus*);
  - (e) Clouded leopard (*Neofelis nebulosa*);
  - (f) Crocodiles (Family *Crocodylidae*);
  - (g) Elephants (Family *Elephantidae*);
  - (h) Gavials (Family *Gavialidae*);
  - (i) Gila monsters or beaded lizards (Family *Helodermatidae*);
  - (j) Hippopotamus (*Hippopotamus amphibius*);
  - (k) Honey badger or ratel (*Mellivora capensis*);

- (l) Hyenas (Family Hyaenidae), including all species except aardwolves (*Proteles cristatus*);
  - (m) Komodo dragon (*Varanus komodoensis*);
  - (n) Lions, jaguars, leopards, or tigers (Genus *Panthera*);
  - (o) Lynx (Genus *Lynx*);
  - (p) Old world badger (*Meles meles*);
  - (q) Primates, nonhuman (Order Primates);
  - (r) Rhinoceroses (Family Rhinocerotidae);
  - (s) Snow leopard (*Uncia uncia*);
  - (t) Venomous exotic snakes of the families Viperidae, Atractaspididae, Elapidae, Hydrophidae, and Colubridae, except for hognose snakes (Genus *Heterodon*);
  - (u) Wolverine (*Gulo gulo*); or
  - (v) Hybrids of a species listed in this subsection.
- (3) Except as established in subsection (1) of this section and Section 5 of this administrative regulation, a person may possess, but shall not import into or transport through Kentucky wild rabbits, hares, or pikas (Order Lagomorpha).

#### Section 5. Exemptions.

(1) A facility that is accredited by the Association of Zoos and Aquariums shall:

- (a) Not be required to obtain a transportation permit for exotic wildlife;
- (b) Be allowed to import, possess, and transport into Kentucky federally endangered species and the prohibited exotic species listed in Section 4 of this administrative regulation for official zoo activities; and
- (c) Maintain prohibited exotic species in an enclosure sufficient to prevent escape and direct contact with the public.

(2) Commissioner's exemption.

(a) Upon written request, the commissioner shall consider an exemption for importation, transportation into Kentucky, or possession of the prohibited species listed in Section 4 of this administrative regulation.

(b) The commissioner shall only grant exemptions that promote and further the purposes of KRS Chapter 150.

(c) Only the following entities shall be eligible for an exemption by the commissioner:

1. A facility that is designated as the official zoo of a municipality;
2. A college or university conducting research or education that fulfills a classroom requirement;
3. A lawfully operated circus only importing or possessing inherently dangerous exotic wildlife species that are not federally endangered, as listed in the Endangered and Threatened Species Act list, 50 C.F.R. 17.11;
4. A facility previously granted an exemption by the commissioner for the purpose of housing confiscated wildlife and serving as an animal holding facility as a service to the department; and
5. A facility previously granted a commissioner's exemption, as a licensed or accredited institute of education or research, that houses prohibited species at a permanent wildlife facility for educational or research purposes.

#### Section 6. Prohibited Species Requirements.

(1) Prohibited exotic species imported, transported into Kentucky, or possessed shall be

maintained within an enclosure sufficient to prevent:

(a) Escape; and

(b) Direct contact with the public.

(2) A person shall obtain a valid transportation permit to temporarily transport into Kentucky a prohibited animal listed in Section 4(2) of this administrative regulation and shall not:

(a) Remain in Kentucky in excess of forty-eight (48) hours;

(b) Stop in Kentucky for exhibition purposes; or

(c) Sell, trade, gift, barter, offer for sale, trade, gift, barter, or profit in any way from a prohibited animal while in Kentucky.

(3) Except for Lynx, a person who legally possessed wildlife listed in Section 4(2) of this administrative regulation prior to July 13, 2005, may continue to possess the animal through the life of the animal and shall maintain:

(a) Veterinary records;

(b) Acquisition papers for the animal; or

(c) Any other evidence that establishes that the person possessed the animal in Kentucky prior to July 13, 2005.

(4) Lynx legally held in Kentucky prior to December 1, 2021, may be allowed to remain in possession of the owner through the life of the animal. The owner shall maintain:

(a) Veterinary records;

(b) Acquisition papers for the animal; or

(c) Any other evidence that establishes that the person legally possessed the animal in Kentucky prior to December 1, 2021.

(5) ***Without an exemption pursuant to Section 5 of this administrative regulation***, a person who legally possesses wildlife pursuant to subsection (3) or (4) of this section shall not ~~***without an exemption pursuant to Section 5 of this administrative regulation***~~:

(a) Replace the wildlife after its death;

(b) Allow the wildlife to reproduce; or

(c) Transfer wildlife to other persons, except if the owner predeceases the animal, the animal may be transferred to another person with the approval of the department's Wildlife Division Director.

(6) If exotic wildlife listed in Section 4 of this administrative regulation escapes, the owner shall immediately contact local emergency services and the department at 800-252-5378 to report the escape.

(7) All bites, as established in KRS 258.065, or contact with applicable exotic animals that results in possible exposure to disease or zoonotic infection, shall be reported to the local county health department within twelve (12) hours.

(8) If an exotic mammal bites a person or a mammal shows symptoms of a rabies infection, the owner of the animal shall arrange for the animal to be killed in a manner as to preserve the brain intact, and the animal's head shall be submitted for testing immediately to a laboratory approved by the Secretary of the Cabinet for Health and Family Services to be tested for rabies, as established in 902 KAR 2:070, Section 5 and KRS 258.085(1)(c).

Section 7. Permit-exempt Animals. The following exotic animals shall not require permits from the department for importation, transportation into Kentucky, or possession:

(1) Alpaca (*Vicugna pacos*);

- (2) American bison (*Bison bison*);
- (3) Breeds and varieties of goats derived from the wild goat or bezoar (*Capra hircus*);
- (4) Camel (*Camelus bactrianus* and *Camelus dromedarius*);
- (5) Canary (*Serinius canaria*);
- (6) Chinchilla (*Chinchilla laniger*);
- (7) Cockatoo and cockatiel (family *Cacatuidae*);
- (8) Domesticated races of ducks and geese (family *Anatidae*) morphologically distinguishable from wild ducks or geese;
- (9) Domesticated races of the European rabbit (*Oryctolagus cuniculus*) morphologically distinguishable from wild European rabbits;
- (10) Domesticated races of mink (*Mustela vison*), if:
  - (a) Adults are heavier than 1.15 kilograms; or
  - (b) The fur color can be distinguished from wild mink;
- (11) Domesticated races of rats (*Rattus norvegicus* or *Rattus rattus*) or mice (*Mus musculus*);
- (12) Domesticated races of turkeys (*Meleagris gallopavo*) recognized by the American Poultry Association and the U.S. Department of Agriculture, but shall not include captive held or bred wild turkeys;
- (13) Domestic yak (*Bos grunniens*);
- (14) Gerbil (*Meriones unguiculatus*);
- (15) Guinea fowl (*Numida meleagris*);
- (16) Guinea pig (*Cavia porcellus*);
- (17) Hamster (*Mesocricetus* spp.);
- (18) Indian Hill mynah (*Gracula religiosa*);
- (19) Llama (*Lama glama*);
- (20) Parrot, lovebird, budgerigar, macaw, parakeet (except monk parakeet, *M. monachus*) (families *Psittacidae*, *Psittaculidae*, and *Psitttrichasiidae*);
- (21) Peafowl (*Pavo cristatus*);
- (22) Pigeon (*Columba domestica* or *Columba livia*) or domesticated races of pigeons;
- (23) Ratite, as defined by KRS 247.870; and
- (24) Toucan (family *Rhamphastidae*).

Section 8. Release. With the exception of pheasants and chukars, a person shall not release exotic wildlife into the wild.

Section 9. Inspections and Access.

(1) A person in possession of exotic wildlife, pursuant to a transportation permit or commissioner's exemption, shall allow a game warden~~[conservation officer]~~ to inspect the holding facilities at any reasonable time to carry out the purposes of this administrative regulation.

(2) A transportation permit or commissioner's exemption holder shall allow any department employee, accompanied by a game warden~~[conservation officer]~~, to access the holding facilities at any reasonable time to carry out the purposes of this administrative regulation.

Section 10. Permit Denial and Revocation.

(1) Denial. The department shall deny the issuance of a new permit, or deny a renewal of an

existing or lapsed permit, and may confiscate wildlife from a person who:

(a) Is convicted of a violation of any provisions of:

1. KRS Chapter 150;
2. 301 KAR Chapters 1 through 5; or
3. Any federal statute or regulation related to hunting, fishing, or wildlife;

(b) Provides false information on a transportation permit application, certificate of veterinary inspection, federal quarantine certificate, request for commissioner's exemption, federal permits, reports, or records;

(c) Acquires wildlife prior to receiving a transportation permit, commissioner's exemption, or certificate of veterinary inspection, except as established in Sections 2(5), 3(7), 5(1), and 7 ***of this administrative regulation***; or

(d) Fails to comply with any provision of this administrative regulation, 301 KAR 2:041, 301 KAR 2:081, 301 KAR 2:084, 301 KAR 2:195, 301 KAR 2:230, 301 KAR 2:251, 301 KAR 3:061, 302 KAR 20:020, 302 KAR 20:040, 50 C.F.R. 17, 50 C.F.R. 21, 18 U.S.C. 42 - 43, or 16 U.S.C. 3371 - 3378.

(2) Revocations.

(a) The department shall revoke a transportation permit or commissioner's exemption, and may confiscate wildlife, of a person who:

1. Is convicted of a violation of any provisions of:

- a. KRS Chapter 150;
- b. 301 KAR Chapters 1 through 5; or
- c. Any federal statute or regulation related to hunting, fishing, or wildlife;

2. Provides false information on a transportation permit application, certificate of veterinary inspection, federal quarantine certificate, request for commissioner's exemption, federal permits, reports, or records;

3. Acquires wildlife prior to receiving a transportation permit or commissioner's exemption, except as established in Sections 3(7) and 5(1) ***of this administrative regulation***; or

4. Fails to comply with any provision of this administrative regulation, 301 KAR 2:041, 301 KAR 2:081, 301 KAR 2:084, 301 KAR 2:195, 301 KAR 2:230, 301 KAR 2:251, 301 KAR 3:061, 302 KAR 20:020, 302 KAR 20:040, 50 C.F.R. 17, 50 C.F.R. 21, 18 U.S.C. 42-43, or 16 U.S.C. 3371-3378.

(b) A fee shall not be refunded for a permit that is revoked.

(3) Denial period. An applicant for a transportation permit or commissioner's exemption whose permit or commissioner's exemption has been revoked or denied for the grounds established in this section shall be ineligible to reapply, and all applications and commissioner's exemption requests shall be denied for:

- (a) The initial denial period, for one (1) year;
- (b) A second denial period, for three (3) years; and
- (c) A third or subsequent denial period, for five (5) years.

(4) Commissioner's exemption.

(a) A commissioner's exemption shall be revoked for:

1. Failure to maintain wildlife in an enclosure sufficient to prevent escape and direct contact with the public;
2. Failure to abide by the provisions established in an exemption letter or this administrative regulation; or
3. Any other reason necessary to protect public health, public safety, native ecosystems, or native

wildlife.

(b) If an exemption is terminated, all prohibited species shall be immediately placed in an enclosure sufficient to prevent escape and direct contact with the public and removed from the state within forty-eight (48) hours.

(5) Confiscated wildlife.

(a) All captive wildlife may be confiscated if a transportation permit or commissioner's exemption is revoked or denied, or **if** a person imports, transports into Kentucky, or possesses exotic wildlife without a valid transportation permit, commissioner's exemption, or certificate of veterinary inspection, except as established in Sections 2(5), 3(7), 5(1), and 7 **of this administrative regulation.**

(b) Wildlife that is confiscated, as established in this section, shall not be returned to the person, entity, or facility from which the wildlife was confiscated.

(c) Confiscated wildlife shall be euthanized if:

1. It is necessary to protect public safety, property, or wild or domesticated animals;
2. It is necessary to protect native ecosystems;
3. The wildlife is suffering from injury or illness; or
4. A facility legally capable and properly equipped to hold the wildlife is not readily available or economically feasible.

#### Section 11. Administrative Hearings.

(1) An individual whose permit has been denied or revoked may request an administrative hearing pursuant to KRS Chapter 13B.

(2) A request for a hearing shall be in writing and postmarked or delivered in person to the department no later than thirty (30) days after notification of the denial or the revocation.

(3) Upon receipt of the request for a hearing, the department shall proceed according to the provisions of KRS Chapter 13B.

(4) The hearing officer's recommended order shall be considered by the commissioner, and the commissioner shall issue a final order, pursuant to KRS Chapter 13B.

#### Section 12. Incorporation by Reference.

(1) The following material is incorporated by reference:

(a) "Annual Transportation Permit Application", 2022; ***and***

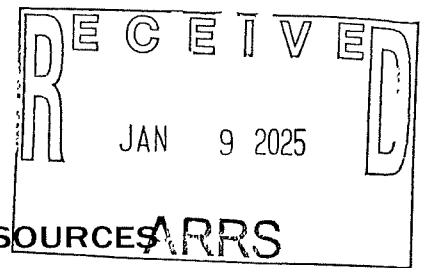
(b) "Individual Transportation Permit Application", 2022.

(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, Monday through Friday, 8 a.m. to 4:30 p.m. or online at:

(a) <https://fw.ky.gov/Wildlife/Documents/annualtransportapp.pdf> for the "Annual Transportation Permit Application"; ***and***

(b) <https://fw.ky.gov/Wildlife/Documents/indtransportapp.pdf> for the "Individual Transportation Permit Application".

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](mailto:fwpubliccomments@ky.gov).



KENTUCKY DEPARTMENT OF FISH & WILDLIFE RESOURCES

**Rich Storm**  
Commissioner

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Frankfort, Kentucky 40601  
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**Brian Clark**  
Deputy Commissioner

**Gabe Jenkins**  
Deputy Commissioner

January 9, 2024

Senator Stephen West, Co-Chair  
Representative Derek Lewis, Co-Chair  
c/o Emily Caudill, Regulation Compiler  
Administrative Regulation Review Subcommittee  
Legislative Research Commission  
Rm 083, Capitol Annex  
Frankfort KY 40601

Re: 301 KAR 2:081. Transportation and holding of live native wildlife. 301 KAR 2:082.  
Transportation and holding of live exotic wildlife. 301 KAR 2:225 Dove, wood duck, teal, and  
other migratory game bird hunting.

Dear Co-Chairs:

After discussions with Administrative Regulation Review Subcommittee staff of the issues  
raised by 301 KAR 2:081, 301 KAR 2:082., and 301 KAR 2:225., Kentucky Department of Fish and  
Wildlife Resources proposes the attached amendment to 301 KAR 2:081, 2:082 and 2:225.

Sincerely,

Jenny Gilbert  
Legislative Liaison  
Commissioner's Office  
Kentucky Department of Fish and Wildlife Resources  
1 Sportsmen's Lane  
Frankfort, KY 40601

## Subcommittee Substitute

### TOURISM, ARTS AND HERITAGE CABINET Department of Fish and Wildlife Resources (As Amended at ARRS)

#### 301 KAR 2:225. Dove, wood duck, teal, and other migratory game bird hunting.

RELATES TO: KRS 150.330, 150.340, 150.603

STATUTORY AUTHORITY: KRS 150.025(1), 150.360, 150.600(1), 50 C.F.R. 20, 21

NECESSITY, FUNCTION, AND CONFORMITY: KRS 150.025(1) authorizes the Kentucky Department of Fish and Wildlife Resources to promulgate administrative regulations to establish open seasons for the taking of wildlife, to regulate bag limits and methods of take, and to make these requirements apply to a limited area. KRS 150.360 authorizes the department to restrict methods for the taking of wildlife. KRS 150.600(1) authorizes the department to regulate the taking of waterfowl on public and private land. This administrative regulation establishes the requirements for the taking of migratory game birds within reasonable limits and within the frameworks established by 50 C.F.R. Parts 20 and 21.

#### Section 1. Definitions.

(1) "Cooperative dove field" means a tract of land controlled by the department through lease, license, or cooperative agreement specifically for hunting doves.

(2) "Decoy" means an artificial representation of a bird meant to entice birds within range of a hunter.

(3) "Dove" means mourning dove or white-winged dove.

(4)~~(2)~~ "Drawn hunter" means a hunter who applied for a quota hunt and was selected by the department to participate in the hunt.

(5)~~(3)~~ "Experienced hunter" means an adult hunter who has hunted during more than two (2) prior license years.

(6)~~(4)~~ "Guest hunter" means a hunter invited by a drawn hunter to participate in a quota hunt.

(7)~~(5)~~ "Mentored hunter" means a hunter who:

(a) Has hunted during no more than two (2) prior license years; and

(b) Hunts with experienced hunters on department sponsored dove hunts.

(8)~~(6)~~ "Migratory game bird" means mourning dove, white-winged dove, wood duck, teal, Canada goose, common gallinule, woodcock, snipe, purple gallinule, Virginia rail, or sora rail.

(9)~~(7)~~ "Teal" means green-winged teal, blue-winged teal, or cinnamon teal.

(10)~~(8)~~ "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.

(11)~~(9)~~ "Youth" means a person who has not reached his or her 16th birthday.

#### Section 2. September Goose Hunting Zones.

(1) The Western goose zone shall include all counties west of and including Hardin, Nelson,



Washington, Marion, Taylor, Adair, and Cumberland counties.

(2) The Eastern goose zone shall include Bullitt County in its entirety and all other counties not included in the Western goose zone.

### Section 3. Season Dates.

(1) A person shall not hunt a migratory game bird except during a season established in this administrative regulation, 301 KAR 2:221, or 301 KAR 2:228.

(2) The seasons established in paragraphs (a) through (g) of this subsection shall apply to migratory bird hunting.

(a) Dove, beginning on:

1. September 1 for fifty-six (56) consecutive days;
2. Thanksgiving Day for eleven (11) consecutive days; and
3. The Saturday before Christmas for twenty-three (23) consecutive days;

(b) Woodcock, beginning on the fourth Saturday in October for forty-seven (47) consecutive days, except that the season shall be closed during the first two (2) days of modern gun deer season, as established in 301 KAR 2:172;

(c) Snipe, beginning on:

1. The third Wednesday in September for forty (40) consecutive days; and
2. Thanksgiving Day for sixty-seven (67) consecutive days;

(d) Wood duck, beginning on the third Saturday in September for five (5) consecutive days;

(e) Teal, beginning on the third Saturday in September for five (5)~~nine (9)~~ consecutive days;

(f) Virginia rail, sora rail, common gallinule, and purple gallinule, beginning on September 1 for seventy (70) consecutive days; and

(g) Canada goose:

1. Eastern goose zone beginning September 16 for fifteen (15) consecutive days; and
2. Western goose zone beginning September 1 for fifteen (15) consecutive days.

Section 4. Bag and Possession Limits. A person shall not exceed the limits established in subsections (1) through (8) of this section for seasons established in Section 2 of this administrative regulation.

(1) Dove. There shall be a:

- (a) Daily limit of fifteen (15); and
- (b) Possession limit of forty-five (45).

(2) Eurasian collared dove. There shall not be a limit, except that a hunter, if in the field or during transport, shall keep **~~the head or a fully feathered wing~~** attached to the bird:[:]

(a) The head; or

(b) A fully-feathered wing.

(3) Woodcock. There shall be a:

- (a) Daily limit of three (3); and
- (b) Possession limit of nine (9).

(4) Snipe. There shall be a:

- (a) Daily limit of eight (8); and
- (b) Possession limit of twenty-four (24).

(5) Virginia and sora rail, singly or in aggregate. There shall be a:

- (a) Daily limit of twenty-five (25); and
- (b) Possession limit of seventy-five (75).
- (6) Common and purple gallinule, singly or in aggregate. There shall be a:
  - (a) Daily limit of three (3); and
  - (b) Possession limit of nine (9).
- (7) Wood duck and teal. There shall be a:
  - (a) Daily limit of six (6), which shall not include more than two (2) wood ducks; and
  - (b) Possession limit of eighteen (18), which shall not include more than six (6) wood ducks.
- (8) Canada goose.
  - (a) For the Canada goose seasons beginning in September, there shall be a:
    - 1. Daily limit of five (5); and
    - 2. Possession limit of fifteen (15).
  - (b) Bag and possession limits for all remaining Canada goose seasons shall be as established in 301 KAR 2:221.

Section 5. Shooting Hours. A person shall not take a migratory game bird except during the times established in this section.

- (1) If hunting dove on WMA land or cooperative dove field, a person shall hunt:
  - (a) Between 11 a.m. and sunset during the September and October portion of the season, as established in Section 2 of this administrative regulation; and
  - (b) Between one-half (1/2) hour before sunrise and sunset during the remainder of the season, as established in Section 2 of this administrative regulation.
- (2) If hunting dove on private land, a person shall hunt:
  - (a) Between 11 a.m. and sunset on September 1; and
  - (b) Between one-half (1/2) hour before sunrise and sunset during the remainder of the season, as established in Section 2 of this administrative regulation.
- (3) Other species listed in this administrative regulation shall be taken between one-half (1/2) hour before sunrise and sunset.

Section 6. Hunter Orange. A person shall be exempt from hunter orange requirements pursuant to 301 KAR 2:132 and 2:172 if:

- (1) Hunting waterfowl or doves; or
- (2) Accompanying a person hunting waterfowl or doves.

Section 7. Exceptions to Statewide Migratory Game Bird Seasons.

- (1) A person shall not:
  - (a) Hunt wood duck or teal on an area closed to waterfowl hunting as established in 301 KAR 2:222;
  - (b) Hunt in an area marked by a sign as closed to hunting;
  - (c) Enter an area marked by a sign as closed to the public; or
  - (d) Hunt geese during September on:
    - 1. Public land in the Ballard Zone, as established in 301 KAR 2:221;~~and~~
    - 2. Cave Run Lake and the public land inside the boundary formed by Highways 801, 1274, 36, 211, U.S. 60, and Highway 826;and[-]

- (e) Use a decoy while hunting doves on WMA land or cooperative dove field prior to October 1.
- (2) A person hunting migratory birds on any of the areas established in paragraphs (a) through (k) of this subsection shall only use or possess nontoxic shot approved by the U.S. Fish and Wildlife Service pursuant to 50 C.F.R. Parts 20 and 21:
- (a) Ballard WMA;
  - (b) Boatwright WMA;
  - (c) Doug Travis WMA;
  - (d) Duck Island WMA;
  - (e) Kaler Bottoms WMA;
  - (f) Kentucky River WMA;
  - (g) Ohio River Islands WMA;
  - (h) Sloughs WMA;
  - (i) South Shore WMA;
  - (j) Yatesville Lake WMA; and
  - (k) A WMA wetland management unit that is posted by sign.
- (3) At Ballard WMA and the Swan Lake Unit of Boatwright WMA, a person shall not hunt:
- (a) Dove, Virginia rail, sora rail, common gallinule, purple gallinule, or snipe after October 13; or
  - (b) Woodcock.
- (4) At Miller Welch - Central Kentucky WMA, a person shall not hunt:
- (a) Dove or snipe after October 13; or
  - (b) Woodcock.
- (5) At Grayson Lake WMA, a person shall not hunt:
- (a) Within three-quarters (3/4) of a mile from the dam including the no-wake zone of the dam site marina;
  - (b) On Deer Creek Fork; or
  - (c) On Camp Webb property or the state park, except for participants drawn for any department-sponsored quota dove hunt on Camp Webb property in September.
- (6) At Land Between the Lakes National Recreation Area, a person shall not hunt a migratory game bird between the last Saturday in September and November 30.
- (7) At West Kentucky WMA, a person shall not hunt Canada geese during the September season.
- (8) At Yatesville Lake, the following areas shall be closed to waterfowl hunting, unless authorized by Yatesville Lake State Park:
- (a) The Greenbrier Creek embayment; and
  - (b) The lake area north of the mouth of the Greenbrier Creek embayment to the dam, including the island.
- (9) At Robinson Forest WMA, a person shall not hunt a migratory game bird on the main block of the WMA.

#### Section 8. Youth and Mentored Hunter Dove Hunts.

- (1) There shall be department-sponsored youth and mentored hunter dove hunts in which participants shall be selected by a random computerized drawing.
- (2) A youth or mentored hunter shall:
  - (a) Apply on the department's Web site at [fw.ky.gov](http://fw.ky.gov) between the first Monday in August and the third Friday in August; and

- (b) Carry a department provided selection notification letter on the day of the hunt.
- (3) Each youth or mentored hunter shall be accompanied by an experienced hunter.
- (4) At the youth or mentored hunter hunts:
  - (a) Each youth or mentored hunter shall not be accompanied by more than one (1) experienced hunter;
  - (b) One (1) experienced hunter may accompany two (2) youths or mentored hunters; and
  - (c) A maximum of two (2) shotguns are allowed per party.
- (5) A person shall:
  - (a) Hunt within fifteen (15) feet of the assigned location stake; and
  - (b) Not change locations unless another location has been vacated by the assigned hunter.
- (6) A person shall only discharge a firearm within fifteen (15) feet of the assigned location stake.
- (7) A person shall leave their firearm at the assigned location stake when retrieving birds.
- (8) A hunter participating in youth or mentored hunter hunts shall:
  - (a) Check-in prior to hunting;
  - (b) Not begin hunting before 2 p.m.;
  - (c) Cease hunting by 7 p.m.;
  - (d) Exit the area by 7:30 p.m.; and
  - (e) Check out before exiting the field.

#### Section 9. Dove Quota Hunts.

- (1) A person applying to hunt doves on a department dove quota hunt shall:
  - (a) Apply on the department's web site at [fw.ky.gov](http://fw.ky.gov) between the first Monday in August and the third Friday in August; and
  - (b) Not apply for more than one (1) quota hunt.
- (2) A person drawn to hunt on a dove quota hunt may bring up to one (1) additional guest hunter.
- (3)
  - (a) A hunter need not apply for the quota hunt to participate as a guest.
  - (b) Checking in prior to or participating in the quota hunt shall not constitute applying for the quota hunt.
- (4) A person hunting doves on department quota hunt shall:
  - (a) Check in prior to hunting;
  - (b) Not begin hunting before 1 p.m. in the Eastern Time Zone and by 12 p.m. in the Central Time Zone;
  - (c) Carry a copy of his or her department provided selection notification letter on the day of the hunt, except a guest hunter shall carry a copy of his or her host hunter's selection notification letter;
  - (d) Not hunt as a guest hunter unless the drawn hunter who invited them is present in field;
  - (e) Cease hunting and exit the field by 6 p.m. in the Eastern Time Zone and by 5 p.m. in the Central Time Zone;
  - (f) Check out of the area by accurately completing the Dove Quota Post-hunt Hunter Survey provided by the department and submitting the survey at the department designated drop point before exiting the field; and
  - (g) Not possess more than fifty (50) shotshells.

Section 10. Incorporation by Reference.

(1) "Dove Quota Post-hunt Hunter Survey", First Edition, 2022[=], is incorporated by reference.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Department of Fish and Wildlife Resources, #1 Sportsman's Lane, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. until 4:30 p.m.

(3) This material may also be found on the department's Web site at [fw.ky.gov](http://fw.ky.gov).

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](mailto:fwpubliccomments@ky.gov).