



KENTUCKY DEPARTMENT OF FISH & WILDLIFE RESOURCES

Rich Storm
Commissioner

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

Gabe Jenkins
Deputy Commissioner

March 6, 2026

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 2:176 Wildlife causing damage and landowner designee process.** [~~Deer control tags, deer destruction permits, and landowner designees.~~]; 301 KAR 4:112. Holding and preservation of seized wildlife.

Dear Co-Chairs:

After discussions with Administrative Regulation Review Subcommittee staff of the issues raised by 301 KAR 2:176 and 4:112, the Kentucky Department of Fish and Wildlife Resources proposes the attached suggested substitute to 301 KAR 2:176 and 4:112 to this ordinary regulation.

Sincerely,

A handwritten signature in black ink that reads "Jeremy Gilbert".

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

SUGGESTED SUBSTITUTE

**TOURISM, ARTS AND HERITAGE CABINET
Department of Fish and Wildlife Resources**

301 KAR 2:176. Wildlife causing damage and landowner designee process. ~~[Deer control tags, deer destruction permits, and landowner designees.]~~

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

STATUTORY AUTHORITY: KRS 150.025(1), 150.105, 150.170(7), 150.186

CERTIFICATION STATEMENT: The Kentucky Department of Fish and Wildlife Resources, pursuant to statutory authority to promulgate administrative regulations to carry out the provisions of KRS Chapter 150 as established in KRS 150.025 and as an independent department of state government within the meaning of KRS Chapter 12 as established in KRS 150.021(1), promulgated by the commissioner with approval of the commission in accordance with KRS 150.010(1), does hereby certify this administrative regulation is promulgated in compliance with Section 8 of 2025 RS HB6.

NECESSITY, FUNCTION, AND CONFORMITY: KRS 150.025(1) authorizes the department to promulgate administrative regulations to establish open seasons for the taking of wildlife, to regulate bag limits and methods of take, and to make these requirements apply to a limited area. KRS 150.105 authorizes the commissioner with the approval of the commission to destroy or bring under control wildlife causing damage. KRS 150.170(7) authorizes landowners, their spouses or dependent children, or a designee to destroy wildlife causing damage. It also authorizes the department to promulgate administrative regulations that establish procedures for the designee appointment process. This administrative regulation establishes the requirements for the issuance of wildlife~~[deer]~~ control tags and ~~[deer]~~destruction tags~~[permits]~~ and establishes the requirements for the landowner designee appointment process.

Section 1. Definitions.

- (1) "Carcass tag" means a tag affixed to the carcass that allows the individual who legally takes the animal to move the carcass, utilize the edible parts of the same, or transfer possession to another individual. ~~["Deer control tag" means a tag issued by the department that authorizes a hunter to take antlerless deer during an open deer season pursuant to 301 KAR 2:172.]~~
- (2) "Control tag" means a tag issued by the department that authorizes an individual to take wildlife during an open hunting or trapping season for the species causing damage.
- (3) "Destruction tag" means an authorization issued by the department that authorizes a landowner or designee to take wildlife outside of an open hunting or trapping season for the species causing damage.
- ~~[(2)] ["Deer destruction permit" means written authorization from the department to take deer outside the hunting season framework established in 301 KAR 2:172.]~~
- ~~[(3)] ["Deer food plot" means a crop or cultivated plants grown to attract and feed deer.]~~
- (4) "Department representative" means a department employee who is a wildlife biologist or game warden. ~~[qualified and authorized by the commissioner to assess deer damage.]~~
- (5) "Designee" means a person who has been designated by a landowner and approved by the commissioner to remove wildlife causing damage on the landowner's property.
- (6) "Food plot" means a crop or cultivated plants grown to attract and feed wildlife.
- (7) "Landowner" means the person who has title to a particular property.

Section 2. Qualifying for ~~[Deer]~~Control Tags.

(1) A landowner ~~[with fewer than 1,000 contiguous acres]~~ shall qualify for ~~[deer]~~control tags if:

- (a) ~~Hunting or trapping for the species~~~~[Deer hunting]~~ occurred on the property during the previous ~~[deer]~~season;
- (b) Standard deterrent measures recommended by a department representative have proven ineffective or are impractical;~~[-and]~~
- (c) A department representative certifies wildlife~~[deer]~~ damage to crops, gardens, property, or wildlife habitat; ~~or~~[-]

~~[(2)] [A landowner with 1,000 contiguous acres or more shall qualify for deer control tags if:]~~

- ~~[(a)] [Deer hunting occurred on the property during the previous deer season; and]~~
- ~~[(d)] [(b)]~~ Hunting or trapping~~[Deer]~~ seasons and bag limits ~~[as established in 301 KAR 2:172]~~ are determined by a department representative to be inadequate to control wildlife~~[deer]~~ populations on the property.

~~[(2)] [(3)]~~ A department representative shall make an on-site inspection of each property for which a request for ~~[deer]~~control tags has been made, unless the property:

- (a) Has been previously inspected by a~~[the]~~ department representative and the landowner affirms that wildlife~~[deer]~~ damage still exists; or
- (b) Is immediately adjacent to property assessed by a department representative as having severe wildlife~~[deer]~~ damage.

~~[(4)] [A landowner whose property is immediately adjacent to property assessed by a department representative as having severe deer damage shall be issued deer control tags upon request of the landowner.]~~

~~[(3)] [(5)]~~ The department shall not issue ~~[deer]~~control tags to a landowner whose only damage is to a ~~[deer]~~food plot.

Section 3. Applying for ~~[Deer]~~Control Tags.

(1) A landowner shall request ~~[deer]~~control tags by contacting the department through:

- (a) A game warden~~[conservation officer]~~; or
- (b) The wildlife~~[private lands]~~ biologist for the county in which the property is located.

(2) If required by Section 2 of this administrative regulation, a department representative shall visit the property and assess the nature and extent of wildlife~~[deer]~~ damage.

~~[(3)] [A request for an assessment shall be made on or before September 30 to be eligible for current year deer control tags.]~~

~~[(4)] [A request for an assessment made after September 30 shall be considered for the following year.]~~

Section 4. Number of Control Tags Issued.

(1) The Wildlife Division~~[department]~~ shall determine the number of ~~[deer]~~ control tags to be issued for each property based on the recommendation of the department representative.

(2) ~~The~~~~[Except as established in Section 2(2) or (4) of this administrative regulation, the]~~ department shall not issue a ~~[deer]~~control tag if:

- (a) The county hunting or trapping~~[deer]~~ season is adequate to achieve the desired reduction in wildlife~~[deer]~~ numbers; or
- (b) Crop, property, or environmental damage is not present.

Section 5. Transfer of ~~[Deer]~~Control Tags.

(1) Control~~[Deer control]~~ tags shall be issued in the landowner's name.

(2) A landowner:

- (a) May transfer a ~~[deer]~~control tag to another person; and
- (b) Shall require hunters or trappers to sign a control tag after an animal has been taken~~[deer control tag when an antlerless deer is harvested]~~.

Section 6. Use of ~~[Deer]~~Control Tags.

- (1) A ~~[deer]~~control tag shall not be valid except on the property for which it was issued.
- (2) A ~~[deer]~~control tag shall expire after the license year for which it was issued.
- (3) A person who uses a ~~[deer]~~control tag:
 - (a) Shall have in possession a valid:
 - 1. Control~~[Deer control]~~ tag; and
 - 2. Hunting or trapping license, as applicable for the method of take, and permit for the species causing damage, if applicable~~[and current deer permit]~~, unless exempt from license or permit requirements pursuant to KRS 150.170 or 301 KAR 3:120; and
 - 3. Proof of hunter education if required by 301 KAR 2:185.
 - (b) May use control tags during any open hunting or trapping season for the species;~~[deer control tags during archery, crossbow, modern gun, both youth deer seasons, or muzzle-loader seasons to take antlerless deer; and]~~
 - (c) Shall comply with weapon and season requirements as established in 301 KAR 2:132, 2:142, 2:144, 2:172, 2:251, or 2:300, except that antlered deer or elk may not be taken; and~~;~~
 - [1.] ~~[Antlered deer shall not be taken; and]~~
 - [2.] ~~[The deer control tag shall remain attached to the carcass until final processing or disposal.]~~
 - (d) Shall submit the head of harvested deer or elk to the department as determined by a department representative for Chronic Wasting Disease testing if the animal was taken inside of a Chronic Wasting Disease Surveillance Zone.
- (4) Wildlife~~[Deer]~~ taken with a ~~[deer]~~control tag shall not count toward the zone or statewide bag limit as established in 301 KAR 2:132, 2:142, 2:144, 2:172, 2:251, or 2:300.
- (5) Traps used to take wildlife with a control tag shall:
 - (a) Be tagged and checked as established in KRS 150.400 and 150.410; and
 - (b) Comply with trap requirements as established in 301 KAR 2:251.

Section 7. ~~[Deer]~~Destruction Tags~~[Permits]~~.

- (1) The Wildlife Division~~[department]~~ may issue a ~~[deer]~~destruction tag~~[permit]~~:
 - (a) To a person authorized by the commissioner to remove wildlife~~[deer]~~ that are or may become a public safety or environmental threat or that have entered a permitted captive cervid facility;
 - (b) To a landowner or the designee:
 - 1. Who continues to experience damage after using ~~[deer]~~control tags; or
 - 2. Whose property cannot be hunted legally and wildlife~~[deer]~~ are posing a public safety or environmental threat;~~[-or]~~
 - (c) To a captive cervid facility permit holder or applicant:
 - 1. Whose fence meets the fencing and holding requirements in 301 KAR 2:083; and
 - 2. Who has attempted to remove wild deer using nonlethal methods or statewide deer seasons as established in 301 KAR 2:172; or~~;~~
 - (d) If a department representative determines that out of season take is warranted to curtail damage after conducting the initial site visit as established in Section 3 of this administrative regulation.
- (2) A ~~[deer]~~destruction tag~~[permit]~~ shall specify the:
 - (a) Number and sex of wildlife~~[deer]~~ to be destroyed if the species causing damage is sexually dimorphic;

- (b) Method of destruction;
 - (c) Name of the person who will destroy the wildlife[deer]; and
 - (d) Dates during which the destruction will take place.
- (3) A [deer] destruction tag[permit] shall not be issued without the recommendation of a department representative and the approval of the commissioner.
- (4) A person who uses a [deer-]destruction tag[permit] shall:
- (a) Have in possession a valid:
 - 1. Destruction tag;
 - 2. Hunting or trapping license for the species causing damage [and current deer permit], unless exempt from license or permit requirements pursuant to KRS 150.170 or 301 KAR 3:120;
 - 3. Proof of hunter education if required by 301 KAR 2:185; and
 - 4. Completed Wildlife Damage Designee Form for the property in which wildlife are being removed;[;]
 - (b)~~(a)~~ Attach to each carcass a carcass tag that contains the confirmation number, hunter's name, and telephone number[disposal permit provided by the department];
 - (c)~~(b)~~ Not remove the carcass tag[disposal permit] until the carcass is processed or disposed of;[and]
 - (d) Relinquish to the department, destroy, or leave afield all inedible parts;
 - ~~(e) [If an antlered deer was taken, relinquish the antlers to the department.]~~
 - (e) ~~[Shall-]~~ Telecheck the animal by midnight on the day **the animal[it]** was recovered if telecheck is ordinarily required for the species taken;
 - (f) ~~[Shall-]~~ Submit the head of harvested deer or elk to the department as determined by a department representative for Chronic Wasting Disease testing if the animal was taken inside of a Chronic Wasting Disease Surveillance Zone; and
 - (g) Not take wildlife causing damage at night unless specified by a department representative and approved by the commissioner in writing on the Wildlife Damage Designee Form.
- (5) A [deer-]destruction tag[permit] shall not be used except as **established[specified]** on the authorization[permit].
- (6) A person who receives a [deer-]destruction tag for species other than bear, bobcat, deer, elk, river otter, or turkey~~[permit]~~ shall:
- (a) Complete a Wildlife Destruction Tag[permit] Reporting Form issued by the department; and
 - (b) Submit the completed form to the department at # 1 Sportsman's Lane, Frankfort, Kentucky 40601, ATTN: Wildlife Destruction Tag[Permit] Report, within fourteen (14) days after the expiration date designated on the destruction tag[permit].

Section 8. Designee Procedures,~~and~~ Requirements and Denial Process.

- (1) A landowner may appoint a designee to kill wildlife causing damage on the landowner's land.
- (2) The landowner and designee shall complete and submit to the department a Wildlife Damage Designee Form.
- (3) The department shall have thirty (30) days upon receipt of the Wildlife Damage Designee Form to approve or deny a designee.
- (4) The department shall deny a designee that:
 - (a) Has received a felony conviction; or
 - (b) Has been convicted of any state or federal wildlife violation during the previous three (3) years.

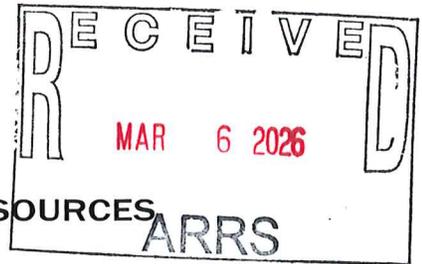
Section 9. Denial or Revocation ~~of~~~~or~~ ~~Deer~~ Control Tags or Destruction Tag[Permits] and Appeal Procedures.

- (1) The department shall revoke a [~~deer-~~]control tag or destruction ~~tag~~[~~permit~~] or deny a future tag [~~or permit-~~]to a person who fails to comply with the requirements of this administrative regulation.
- (2) An individual whose request for a ~~tag~~[~~permit~~] has been denied or revoked may request an administrative hearing, ***which shall be conducted*** pursuant to KRS Chapter 13B.
- (3) 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.
- (4) Upon receipt of the request for a hearing, the department shall proceed according to the provisions of KRS Chapter 13B.
- (5) The hearing officer's recommended order shall be considered by the commissioner, and the commissioner shall issue a final order~~[r]~~ pursuant to KRS Chapter 13B.

Section 10. Incorporation by Reference.

- (1) The following material is incorporated by reference:
 - (a) "Wildlife Damage Designee Form", 2025[2015] edition; and
 - (b) "Out-of-Season Wildlife Destruction [~~Permit-~~]Reporting Form", 2025[2016] edition.
- (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, 8:00 a.m. to 4:30 p.m. Eastern Time or online at:
 - (a) Wildlife Damage Designee Form: <https://fw.ky.gov/Wildlife/Documents/Wildlife-Damage-Designee-Form.pdf>;
 - (b) Out-of-Season Wildlife Destruction Reporting Form: <https://fw.ky.gov/Wildlife/Documents/Out-Season-Wildlife-Destr-Rpt-Form.pdf>.

CONTACT PERSON: Jenny Gilbert, Legislative Liaison, Kentucky Department of Fish and Wildlife Resources, 1 Sportsman's Lane, (502) 564-3400, fax (502) 564-0506, email fwpubliccomments@ky.gov



KENTUCKY DEPARTMENT OF FISH & WILDLIFE RESOURCES

Rich Storm
Commissioner

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

Gabe Jenkins
Deputy Commissioner

March 6, 2026

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 2:176 Wildlife causing damage and landowner designee process. [~~Deer control tags, deer destruction permits, and landowner designess.~~]; 301 KAR 4:112. Holding and preservation of seized wildlife.

Dear Co-Chairs:

After discussions with Administrative Regulation Review Subcommittee staff of the issues raised by 301 KAR 2:176 and 4:112, the Kentucky Department of Fish and Wildlife Resources proposes the attached suggested substitute to 301 KAR 2:176 and 4:112 to this ordinary regulation.

Sincerely,

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

SUGGESTED SUBSTITUTE

301 KAR 4:112. Holding and preservation of seized wildlife.

RELATES TO: KRS 150.010, 150.025, 150.105, 150.120, 150.170, 150.280, 258.085

STATUTORY AUTHORITY: KRS 150.025, 150.105, 150.120

CERTIFICATION STATEMENT: The Kentucky Department of Fish and Wildlife Resources, pursuant to statutory authority to promulgate administrative regulations to carry out the provisions of KRS Chapter 150 as established in KRS 150.025 and as an independent department of state government within the meaning of KRS Chapter 12 as established in KRS 150.021(1), promulgated by the commissioner with approval of the commission in accordance with KRS 150.010(1), does hereby certify this administrative regulation is promulgated in compliance with Section 8 of 2025 RS HB6.

NECESSITY, FUNCTION, AND CONFORMITY: KRS 150.025(1)(h) authorizes the Department of Fish and Wildlife Resources to promulgate administrative regulations reasonably necessary to implement or carry out the purposes of KRS Chapter 150. KRS 150.092(3) authorizes Game Wardens to arrest or issue a citation to any person who is in violation of KRS Chapter 150 or administrative regulations adopted thereunder. 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 150.120 authorizes the game wardens to seize and take possession of any and all wildlife which have been taken, used, transported, or possessed contrary to any law or regulation adopted under KRS Chapter 150. This administrative regulation establishes the parameters for impounding wildlife either alive or euthanized and preserved as evidence in a criminal proceeding until adjudication.

Section 1. Definition. "Impoundment agent" means an individual or entity authorized by contractual agreement with the department to hold impounded wildlife as evidence during a judicial process.

Section 2.

(1) Wildlife that is alive upon seizure by a game warden as evidence in a criminal case shall be impounded and held alive and preserved as evidence until adjudication of the case, unless the commissioner authorizes a game warden or other department personnel to destroy or bring under control any wild animal, fish, or wild bird in accordance with KRS 150.105.

(2) If an animal dies before adjudication of the case, it shall be preserved to prevent decay.

(3) A wild or exotic animal that bites a human being or exhibits symptoms of rabies shall be destroyed and tested in accordance with KRS 258.085(1)(c).

Section 3. Impoundment Agent Requirements.

(1) Holding expectations and exemption for an impoundment agent assisting ***the department [KDFWR]*** in evidentiary impoundment and oversight of wildlife in a criminal case. [;]

(a) An impoundment agent shall be at least eighteen (18) years of age.

(b) An impoundment agent shall be under a current contract with the Department authorizing them to do so.

(c) An impoundment agent shall be subject to and comply with any federal holding requirements as applicable for species of wildlife being held.

(d) ~~[Notwithstanding any other state regulatory restrictions,]~~ Except for this **administrative** regulation, an impoundment agent shall be exempt from state species possession restrictions **if[when]** acting as an agent of the state to hold impounded wildlife as evidence during judicial process.

(2) Impoundment agent holding impounded evidence shall:

(a) Ensure impounded evidence is housed in an enclosure that complies with the established minimum standards within the contract;

(b) House impounded evidence in a separate enclosure that prevents direct or indirect contact with free-ranging wildlife, domestic animals, or any other captive or rehabilitating wildlife being housed on the premises of the impoundment agent;

(c) Maintain all impounded evidence in sanitary and safe conditions and in a manner that prevents maltreatment or neglect as referenced in 301 KAR 2:081 Section 8(5)(a)-(l); and

(d) Ensure impounded evidence is housed in an enclosure sufficient to prevent escape and direct contact with the public.

Section 4. Identification and Handling of Impounded Evidence.

(1) Impoundment agent shall ensure that all impounded wildlife be maintained on a chain of custody form.

(2) The impoundment agent shall not:

(a) Propagate impounded evidence;

(b) Remove impounded evidence from the holding facility except for veterinary care;

(c) Exhibit impounded evidence for public display.

Section 5. Stewardship of Wildlife.

(1) All impounded evidence held under the contract shall remain under the stewardship of the Department of Fish and Wildlife Resources, except that federally protected wildlife remains under the stewardship of both the Department of Fish and Wildlife and the U.S. Fish and Wildlife Service.

(2) Impounded evidence shall be immediately surrendered to a game warden upon ~~[their-]~~ request.