

301 KAR 2:176. 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)

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 deer control tags and deer destruction permits and establishes the requirements for the landowner designee appointment process.

Section 1. Definitions. (1) "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) "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 qualified and authorized by the commissioner to assess deer damage.

(5) "Designee" means a person who has been designated by a landowner to remove wildlife causing damage on the landowner's property.

(6) "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) 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 deer damage to crops, gardens, property, or wildlife habitat.

(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

(b) Deer seasons and bag limits as established in 301 KAR 2:172 are determined by a department representative to be inadequate to control deer populations on the property.

(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 the department and the landowner affirms that deer damage still exists; or

(b) Is immediately adjacent to property assessed by a department representative as having severe 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.

(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 conservation officer; or
- (b) The 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 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 Tags Issued. (1) The department shall determine the number of deer control tags to be issued for each property based on the recommendation of the department representative.

(2) 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 deer season is adequate to achieve the desired reduction in deer numbers; or
- (b) Crop or environmental damage is not present.

Section 5. Transfer of Deer Control Tags. (1) 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 to sign a 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. Deer control tag; and

2. Hunting license and current deer permit, unless exempt from license or permit requirements pursuant to KRS 150.170;

(b) May use 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 301 KAR 2:172, except that:

1. Antlered deer shall not be taken; and

2. The deer control tag shall remain attached to the carcass until final processing or disposal.

(4) Deer taken with a deer control tag shall not count toward the zone bag limit as established in 301 KAR 2:172.

Section 7. Deer Destruction Permits. (1) The department may issue a deer destruction permit:

(a) To a person authorized by the commissioner to remove 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 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.
- (2) A deer destruction permit shall specify the:
 - (a) Number and sex of deer to be destroyed;
 - (b) Method of destruction;
 - (c) Name of the person who will destroy the deer; and
 - (d) Dates during which the destruction will take place.
- (3) A deer destruction 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 permit shall:
 - (a) Attach to each carcass a disposal permit provided by the department;
 - (b) Not remove the disposal permit until the carcass is processed or disposed of; and
 - (c) If an antlered deer was taken, relinquish the antlers to the department.
- (5) A deer destruction permit shall not be used except as specified on the permit.
- (6) A person who receives a deer destruction permit shall:
 - (a) Complete a Wildlife Destruction 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 Permit Report, within fourteen (14) days after the expiration date designated on the destruction permit.

Section 8. Designee Procedures and Requirements. (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.

Section 9. Denial or Revocation or Deer Control Tags or Destruction Permits and Appeal Procedures. (1) The department shall revoke a deer control tag or destruction 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 permit has been denied or revoked may request an administrative hearing pursuant to KRS Chapter 13B.

Section 10. Incorporation by Reference. (1) The following material is incorporated by reference:

- (a) "Wildlife Damage Designee Form", 2015 edition; and
- (b) "Wildlife Destruction Permit Reporting Form", 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. (35 Ky.R. 347; 794; eff. 10-8-2008; 41 Ky.R. 1876; 2087; eff. 5-1-2015; 42 Ky.R. 2935; 43 Ky.R. 200; eff. 8-4-2016; 44 Ky.R. 2576; eff. 10-5-2018.)