

301 KAR 3:061. Endangered species of fish and wildlife.

RELATES TO: KRS 150.025, 150.183

STATUTORY AUTHORITY: KRS 13A.350, 150.025

NECESSITY, FUNCTION, AND CONFORMITY: This administrative regulation pertains to the buying, selling, transporting, importing, processing and possessing of state and federally protected endangered fish and wildlife species. This administrative regulation is necessary to comply with the U.S. Department of the Interior's Endangered Species Act of 1973 as amended. The function of this administrative regulation is to protect and conserve those endangered fish and wildlife species appearing on present and revised future lists issued by the state and federal governments. The commissioner, with the concurrence of the commission, therefore finds it essential to promulgate a new administrative regulation to meet statutory requirements for the management of endangered fish and wildlife.

Section 1. Possession, Buying and Selling Endangered Fish and Wildlife. It is unlawful for any person to import, transport, possess, process, sell or offer for sale any endangered species of fish and wildlife, or parts thereof, except as provided in Sections 3 and 4 of this administrative regulation. Nor shall any article be made in whole or from any part or parts of any species of fish and wildlife designated as endangered by this administrative regulation.

Section 2. Endangered Species. Definition and exclusions. Any species or subspecies designated as endangered by the Secretary of the Interior on a current United States List of Endangered and Threatened Wildlife as recorded in 50 Code of Federal Regulations, Part 17, is considered an endangered species in Kentucky under the provisions of KRS 150.183. Those species described as "threatened" on the above federal list are not included under KRS 150.183 or this administrative regulation.

Section 3. Exceptions and Permits. The Department of Fish and Wildlife Resources may, under permit, allow the importation, transportation, possession, sale or resale of any native or foreign endangered species or subspecies of fish and wildlife and part or parts thereof, for zoological, educational or scientific purposes, and for the propagation of such fish and wildlife in captivity for preservation purposes, except as otherwise prohibited by federal and other states' statutes and regulations. This permit will be issued free of charge by applying in writing to the Commissioner of the Department of Fish and Wildlife Resources. Where applicable, an application for a Kentucky permit for zoological, educational or scientific purposes must be accompanied by a copy of the appropriate federal permit or permits from another state. The federal permit may be obtained by writing to the Director, U.S. Fish and Wildlife Service, U.S. Department of the Interior, Washington, D.C. 20240.

Section 4. Possession Prior to 1973. Any person or organization who, prior to the enactment of the Federal Endangered Species Act of 1973, had in their possession an endangered species or part or parts thereof, may continue to possess same without a state permit. (4 Ky.R. 137; eff. 11-2-1977; Crt eff. 12-13-2019.)