

301 KAR 3:100. Special commission permits.

RELATES TO: KRS 150.170, 150.175, 26 U.S.C. 501(c)(3)

STATUTORY AUTHORITY: KRS 150.025, 150.177, 150.195(1)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 150.025 authorizes the department to promulgate administrative regulations to establish hunting seasons, bag limits, and the methods of taking wildlife. KRS 150.177 authorizes the department to issue a special permit to an incorporated nonprofit wildlife conservation organization. KRS 150.195(1) requires the department to promulgate administrative regulations pertaining to the issuance of licenses and permits. This administrative regulation establishes the requirements for the issuance and use of Special Commission Permits.

Section 1. Definitions. (1) "Incorporated nonprofit wildlife conservation organization" means an entity that:

(a) Has a stated purpose, as expressed in its articles of incorporation or bylaws, to conserve and enhance fish and wildlife resources to provide opportunities for hunting, fishing, trapping, wildlife education, habitat enhancement, or related activities such as shooting sports, hunter and angler education and training, boating, etc.;

(b)1. Holds status as a nonprofit organization pursuant to 26 U.S.C. Section 501(c)(3); and
2. Is incorporated under the laws of this state or any other state; or

(c) Is an affiliated regional, state, or local chapter of a parent organization that meets the requirements of subsection (1)(b) of this section.

(2) "Proceeds" means the amount of money received by an incorporated nonprofit wildlife conservation organization from the sale or transfer of a special commission permit minus all expenses directly attributable to the sale of the permit.

(3) "Project" means an enterprise designed to achieve stated purposes, which shall conserve and enhance fish and wildlife resources within Kentucky by enhancing habitat or providing opportunities for hunting, fishing, trapping, wildlife education, habitat enhancement, or related activities such as shooting sports, hunter and angler education and training, boating, etc.

(4) "Special commission permit" means a species-specific permit issued by the Kentucky Fish and Wildlife Commission to an incorporated nonprofit wildlife conservation organization that allows the permit recipient, depending on the species listed on the permit, to harvest:

(a) One (1) additional deer of either sex per license year;

(b) One (1) additional turkey of either sex per license year;

(c) One (1) elk of either sex per license year; or

(d) Up to a daily bag limit of waterfowl per day.

Section 2. Issuance and Sale of Special Commission Permit. (1) There shall be no more than ten (10) special commission permits issued per species per license year.

(2) An incorporated nonprofit wildlife conservation organization may apply for one (1) special commission permit per species. The incorporated nonprofit wildlife conservation organization shall accurately complete a Special Commission Permits Application Form.

(3) A national organization and its affiliated regional, state, and local chapters shall all be eligible to apply for a special commission permit in the same year if each organization meets the definition in Section 1(1) of this administrative regulation.

(4) No more than one (1) special commission permit per species shall be awarded per distinct Internal Revenue Service Employer Identification Number (EIN).

(5) In addition to the completed application, the organization shall also submit:

(a) A copy of the organization's articles of incorporation;

(b) A copy of the Internal Revenue Service determination letter establishing the organization's current tax-exempt status, including the applicant's Employer Identification Number (EIN);

(c) A copy of the organization's bylaws that state the purposes of the organization, if the purposes of the organization are not stated in the articles of incorporation; and

(d) A letter, dated within ninety (90) days of the application, from the organization's parent organization, if applicable, stating that the chapter organization is in good-standing and is recognized by the parent organization.

(6) The completed application and accompanying documents listed in subsection (5) of this section shall be postmarked or delivered to the department by May 1 of each year.

(7) Applications shall be disqualified from the awards process for the criteria listed in paragraphs (a) through (d) of this subsection:

(a) Failure to submit the required application and accompanying documents to the department by the deadline established in subsection (6) of this section;

(b) An incomplete or missing Special Commission Permits Application Form or accompanying documents required pursuant to subsection (5) of this section;

(c) Failure to qualify as an incorporated nonprofit wildlife conservation organization; or

(d) Beginning in 2022, the wildlife conservation organization applicant failed to:

1. Sell a special commission permit awarded in the previous two (2) years;

2. Comply with the requirements of subsections (11)(b) and 11(c) of this section during the previous two (2) years; or

3. Timely submit all of the information required by subsections (11)(d) and 11(f) of this section during the previous two (2) years.

(8) Prior to selecting special commission permit recipients, the Fish and Wildlife Commission shall review and consider all applications and documents submitted by each wildlife conservation organization that has not been disqualified pursuant to subsection (7) of this section.

(9) The department shall provide the Fish and Wildlife Commission with information concerning each applicant's relative standing with regard to:

(a) Past compliance; and

(b) History of funds generated.

(10) The Fish and Wildlife Commission shall select permit recipients based on the information listed in subsection (9) of this section and the information contained within the organization's application.

(11) An incorporated nonprofit wildlife conservation organization that is awarded a special commission permit shall:

(a) Generate proceeds through the sale of each permit awarded;

(b) Use the proceeds from the sale of the permits only for the project listed in the application;

(c) Remit to the department any proceeds from the sale of the permit that are not expended by the May 1 reporting deadline three (3) years after the submission deadline of the application for which the special commission permits were awarded;

(d) Submit to the department the information listed in subparagraphs 1. through 5. of this paragraph for the hunter to whom the permit shall be issued. Failure to submit the required information by the applicable deadline will result in no permit being issued.

1. Name;

2. Address;

3. Date of birth;

4. A copy of the hunter's valid Kentucky Hunting license; and

5. For waterfowl, the requested location and date of the hunt.

(e) The information to be submitted, as established in paragraph (d) of this section, shall be submitted to the department no later than the following dates during the license year for which the permit is valid:

1. March 1 for turkey;
2. August 1 for elk;
3. August 1 for deer; and
4. September 1 for waterfowl.

(f) Submit to the Department of Fish and Wildlife Resources, by May 1 of the following year, and each subsequent year until all funds generated by the sale of the permit are expended or remitted to the department, a report, subject to audit, that includes:

1. A financial statement containing:
 - a. Total funds raised;
 - b. A detailed list of expenditures directly attributable to the sale of the permit;
 - c. Net profit;
 - d. A detailed list of expenditures attributable to the conservation project with receipts attached; and
 - e. Balance of funds remaining;
2. A summary of the conservation project; and
3. A synopsis of the project's impact in regards to the goals stated in the application.

(12) Once a special commission permit has been issued to a hunter, it shall not be transferred to another hunter.

Section 3. Special Permit Use. (1) A special permit shall only be valid for the:

- (a) Individual named on the permit;
- (b) Species of wildlife listed on the permit; and
- (c) The first season for that species in the license year following the commission meeting that the special permit was awarded, except that during 2020 permits for deer and waterfowl shall also be awarded for the current license year.

(2) A special commission permit holder shall comply with all other department statutes and KAR Title 301.

(3) A holder of a special commission permit to hunt deer may hunt on any Wildlife Management Area during an open deer season or nonmobility impaired quota hunt pursuant to 301 KAR 2:178, except:

- (a) Hunting shall not be allowed on closed waterfowl refuges, pursuant to 301 KAR 2:222;
- (b) A permit holder shall contact the wildlife area manager at least forty-eight (48) hours before hunting; and
- (c) A permit holder shall notify the area manager upon leaving a Wildlife Management Area.

(4) A holder of a special commission permit to hunt wild turkey shall not hunt on a Wildlife Management Area that is closed to turkey hunting.

(5) A holder of a special commission permit to hunt waterfowl may, subject to the timely submission of all applicable information by the wildlife conservation organization, hunt on Ballard, Boatwright, or Sloughs Wildlife Management Areas from one (1) of the areas' hunting units during one (1) of the available hunt periods established by the department, pursuant to 301 KAR 2:222.

(6) Each special commission permit to hunt elk shall be randomly assigned a hunting unit at the time of the selection of the wildlife conservation organizations to be awarded special commission permits. Each unit will be assigned once prior to assigning a second permit to the unit. No unit will be assigned more than two (2) permits. The permit holder shall be restricted to hunting in the assigned unit only.

(7) A holder of any special commission permit may hunt on private land with the permission of the landowner.

Section 4. Incorporation by Reference. (1) "Special Commission Permits Application Form", 2019 edition, 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, Monday through Friday, 8 a.m. to 4:30 p.m. (27 Ky.R. 2957; eff. 6-8-2001; 28 Ky.R. 2054; 2332; eff. 5-16-2002; 29 Ky.R. 1680; 2088; eff. 2-16-2003; 33 Ky.R. 1118; 1524; eff. 12-7-2006; 37 Ky.R. 2287; 2832; eff. 6-2-2011; 41 Ky.R. 1885; 2088; eff. 5-1-2015; 45 Ky.R. 1083, 1521; eff. 12-14-2018; 46 Ky.R. 1303; eff. 4-1-2020.)