

TOURISM, ARTS AND HERITAGE CABINET
Department of Fish and Wildlife Resources
(Amendment)

301 KAR 2:251. Hunting and trapping seasons and limits for furbearers.

RELATES TO: KRS 150.170, 150.180, 150.370, 150.399, 150.415, 150.416, 150.990, 150.995

STATUTORY AUTHORITY: KRS 150.025(1), 150.175(7), (9), 150.360, 150.400, 150.410

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 150.175(7), (9) authorizes the department to issue licenses, permits, and tags for hunting and trapping. KRS 150.360 requires restrictions on the taking of wildlife and authorizes the department to promulgate administrative regulations establishing the requirements for hunting coyotes at night. KRS 150.400 authorizes the department to establish the types of traps that can legally be used by trappers. KRS 150.410 authorizes the department to regulate trap tags, trap visitation, and trap placement to protect domestic animals. This administrative regulation establishes seasons, bag limits, legal methods of take, and checking and recording requirements for hunting and trapping furbearers.

Section 1. Definitions.

- (1) "Body-gripping trap" means a commercially manufactured spring-loaded trap designed to kill an animal upon capture.
- (2) "Dry land set" means a trap that is placed so that no portion of the trap touches the water of a river, stream, pond, lake, wetland, or other water course.
- (3) "Foothold trap" means a commercially manufactured spring-loaded trap with smooth, metallic or rubber soft-catch jaws that close upon an animal's foot.
- (4) "Furbearer" means mink, muskrat, beaver, raccoon, opossum, gray fox, red fox, least weasel, long-tailed weasel, river otter, bobcat, coyote, or striped skunk.
- (5) "Hunter" means a person legally taking furbearers by means other than trapping.
- (6) "Otter Zone 1" means the following counties: Anderson, Ballard, Bath, Boone, Bourbon, Bracken, Breckinridge, Bullitt, Caldwell, Calloway, Campbell, Carlisle, Carroll, Christian, Crittenden, Daviess, Fayette, Fleming, Franklin, Fulton, Gallatin, Grant, Graves, Grayson, Hancock, Hardin, Harrison, Henderson, Henry, Hickman, Hopkins, Jefferson, Kenton, Larue, Livingston, Lyon, Marshall, Mason, McCracken, McLean, Meade, Muhlenberg, Nelson, Nicholas, Ohio, Oldham, Owen, Pendleton, Robertson, Rowan, Scott, Shelby, Spencer, Trigg, Trimble, Union, Webster, and Woodford.
- (7) "Otter Zone 2" means all Kentucky counties not included in subsection (6) of this section.
- (8) "Snare" means a wire, cable, or string with a knot, loop, or a single piece closing device, the deployment of which is or is not spring-assisted, but any spring-assisted device is not for the purpose of applying tension to the closing device.
- (9) "Squaller" means a hand-operated, mouth-operated, or electronic call capable of mimicking the vocalizations of furbearers.
- (10) "Trap" means a body-gripping trap, box trap, deadfall, foothold trap, snare, or wire cage trap used to catch furbearers, in the set or unset position.
- (11) "Water set" means a trap placed in the water of a river, stream, pond, lake, wetland, or other water course so that a portion of the trap body is underwater.

(12) "Youth" means a person under the age of sixteen (16) by the date of the hunt or the trapping date.

Section 2. License and Permit Requirements. Unless exempted by KRS 150.170, a person shall carry on his or her person a valid:

- (1) Hunting license while hunting furbearers; and
- (2) Bobcat hunting permit while hunting bobcat; or
- (3) Trapping license while trapping furbearers.

Section 3. Furbearer Hunting Seasons. Except as established in 301 KAR 2:049, a person shall only take furbearers by hunting during the seasons established in subsections (1) through (5) of this section:

- (1) Bobcat, from one-half (1/2) hour before sunrise on the third Saturday in November through the last day of February;
- (2) Coyote, year-round;
- (3) Raccoon and opossum, October 1 through the last day of February;
- (4) All other furbearers except as established in subsection (5) of this section, from one-half (1/2) hour before sunrise on the third day of modern gun deer season through the last day of February; and
- (5) Furbearers taken by falconry, September 1 through March 30.

Section 4. Furbearer Trapping Season. Except as established in 301 KAR 2:049, a person shall only take furbearers by trapping from one-half (1/2) hour before sunrise on the third day of the modern gun deer season through the last day of February.

Section 5. License-Exempt Youth Season. For seven (7) consecutive days beginning on the Saturday after Christmas, a youth may hunt or trap furbearers without a license, but all other statewide requirements shall apply.

Section 6. Legal Hunting Equipment. Except as established in Section 7(8) of this administrative regulation, a hunter shall only use the equipment established in subsections (1) through (7) of this section to hunt furbearers:

- (1) Centerfire gun;
- (2) Rimfire gun;
- (3) Shotgun;
- (4) Muzzleloader;
- (5) Bow and arrow;
- (6) Crossbow; or
- (7) An air gun using pellets at least .22 caliber in size.

Section 7. Hunter Restrictions.

(1) Furbearers may be taken during daylight hours only, except for the following, which may also be taken after daylight hours:

- (a) Coyote;
- (b) Opossum; or
- (c) Raccoon.

(2) A person shall not take a raccoon or opossum during daylight hours during the modern gun deer season, as established in 301 KAR 2:172.

(3) A person hunting from a boat shall not use a light in conjunction with taking a raccoon or opossum.

(4) A person shall not use the following while chasing a raccoon or opossum from noon on March 1 through September 30;

- (a) A firearm;
- (b) Slingshot;
- (c) Tree climber; or

- (d) Any device to kill, injure, or force a raccoon or opossum from a tree or den.
- (5) A person may use a squaller year-round.
- (6) There shall not be a closed season on:
 - (a) Chasing red and gray foxes during daylight hours for sport and not to kill; or
 - (b) Chasing raccoons or opossums for sport and not to kill.
- (7) A hunter may use a hand or mouth-operated call, electronic call, or any other attracting device during a furbearer hunting season.
- (8) A person may take a coyote after daylight hours year-round, except that:
 - (a) It shall not be allowed in a county or area where a deer or elk firearm season is open;
 - (b) Artificial light or other means designed to make wildlife visible at night shall only be used from December 1 through March 31, and from May 16 through June 30 on public and private land;~~[May 31;]~~
 - (c) Any artificial light or other means designed to make wildlife visible at night shall not be connected to or cast from a mechanized vehicle;
 - (d) A holder of a valid Mobility-Impaired Access Permit or Hunting Methods Exemption - Vehicle Permit may use a stationary vehicle as a hunting platform and may cast lights or other means designed to make wildlife visible at night so long as the means used are not connected to the vehicle;
 - (e) On public land, a person shall not use any equipment other than a bow, crossbow, or shotgun and shall not use a shotgun shell with a single-projectile;
 - (f) On private land, a person shall not use any equipment other than a bow, crossbow, or shotgun and shall not use a shotgun shell with a single-projectile, except that from December 1 through March 31 and May 16 through June 30 a person may also use a ~~rifle of 6.5mm (.264 caliber) or smaller bullet diameter, a~~ muzzleloader of .54 caliber or less, ~~for~~ a shotgun shell with a single projectile, or any modern firearm, including any rifle, pistol, or shotgun loaded from the rear of the barrel.

Section 8. Legal Traps.

- (1) A person who is trapping with a dry land set shall only use traps as established in paragraphs (a) through (e) of this subsection:
 - (a) Deadfall;
 - (b) Wire cage or box trap;
 - (c) Foothold trap with a maximum inside jaw spread of six (6) inches measured perpendicular to the hinges;
 - (d) A snare; or
 - (e) Except as established in 301 KAR 2:049, a body-gripping trap with a maximum inside jaw spread of seven and one-half (7 1/2) inches measured parallel with the trigger:
 - 1. In the center of the trap; and
 - 2. In the unset position.
- (2) There shall be no restrictions on the size or type of trap used as a water set, except that any body-gripping trap greater than twenty (20) inches in width shall be set so that the trap is completely submerged underwater.

Section 9. Trapper Restrictions.

- (1) A person trapping on private land shall not place traps used as dry land sets any closer than ten (10) feet apart unless possessing written permission from the landowner or the landowner's designee, except that there shall not be more than three (3) traps placed within any ten (10) foot spacing.
- (2) The trap spacing requirement established in subsection (1) of this section shall not apply to:
 - (a) Box or cage live traps; or

- (b) Properties of five (5) acres or less.
- (3) A trap shall not be set in a trail or path commonly used by a human or a domestic animal.
- (4) A trapper may use lights from a boat or a vehicle in conjunction with trapping furbearers.

Section 10. Trap Tags.

- (1) Each trap shall have a metal tag attached to it that clearly shows:
 - (a) The name and address of the person setting, using, or maintaining the trap; or
 - (b) A wildlife identification number issued by the department and the 1-800-25ALERT department hotline phone number.
- (2) A person applying for a wildlife identification number shall apply by:
 - (a) Completing the Wildlife Identification Number for Trap Tags – Application available on the department's Web site at fw.ky.gov; or
 - (b) Calling the department's information center at 1-800-858-1549.
- (3) The following information shall be required for a person to apply for a wildlife identification number:
 - (a) Name;
 - (b) Current home address;
 - (c) Social Security number;
 - (d) Current phone number;
 - (e) Date of birth; and
 - (f) Driver's license number, if available.
- (4) A person shall:
 - (a) Not use a trap tag that has an inaccurate or outdated address;
 - (b) Not use a trap tag that has a wildlife identification number that corresponds to an inaccurate or outdated address or phone number; and
 - (c) Contact the department to provide updated address and phone number.
- (5) A wildlife identification number shall be valid for the life of the holder.

Section 11. Bag Limits.

- (1) There shall not be a bag limit on furbearers, except as established in subsections (2) through (6) of this section.
- (2) A person shall not take more than five (5) bobcats per season, no more than three (3) of which shall be taken with a gun, except as established in subsection (3) of this section.
- (3) Hunters and trappers may increase their bobcat bag limit for the following season, under the following criteria:
 - (a) A hunter or trapper who submits lower jaws from all harvested bobcats in a single season may receive one (1) additional bobcat to the bag limit for the following season for every two (2) jaws submitted.
 - (b) Additions to the bobcat bag limit also increase the allowable number of bobcats that may be taken with a gun.
 - (c) Hunters and trappers shall submit all lower jaws, from bobcats they harvest during a single season, to the department by March 15th the year the season ends to be eligible for bag limit incentives. Instructions how to remove and submit the lower jaws can be obtained from the department's Web site at fw.ky.gov.
 - (d) Additions of bobcats to bag limits are non-transferable.
- (4) A person shall not take more than ten (10) river otters per season in Otter Zone 1.
- (5) A person shall not take more than six (6) river otters per season in Otter Zone 2.
- (6) The total river otter bag limit per season shall be ten (10) per person, only six (6) of which can be taken from Otter Zone 2.
- (7) A falconer hunting within the falconry season, but outside the dates specified in Section 3(3) and (4) of this administrative regulation, shall not take more than two (2) of

any furbearer per day.

Section 12. Harvest Recording.

- (1) Immediately after harvesting a river otter or bobcat, and prior to moving the carcass, a person shall record in writing the:
 - (a) Species;
 - (b) Date;
 - (c) County where taken; and
 - (d) Sex of the river otter or bobcat.
- (2) The information required by subsection (1)(a) through (d) of this section shall be documented on:
 - (a) The hunter's log section on the reverse side of a license or permit;
 - (b) A hunter's log printed from the department's Web site at fw.ky.gov;
 - (c) A hunter's log available from any KDSS agent; or
 - (d) An index card or similar card.
- (3) A person shall retain and possess the completed hunter's log while hunting or trapping during the current season.

Section 13. Checking a River Otter or Bobcat.

- (1) A person who harvests a river otter or bobcat shall check each animal by:
 - (a) Completing the telecheck process after calling 800-245-4263 or completing the check-in process on the department's Web site at fw.ky.gov:
 1. Before midnight on the day the river otter or bobcat is recovered;
 2. Prior to processing the carcass; and
 3. Prior to transporting the raw fur, pelt, or unskinned carcass out of Kentucky; and
 - (b) Writing the check-in confirmation number on the hunter's log as established in this section.
- (2) A person who intends to sell the raw fur of a river otter or bobcat to a licensed fur processor, fur buyer, or taxidermist or wishing to export a river otter or bobcat pelt outside the United States shall:
 - (a) Contact the department and request a Convention on International Trade of Endangered Species of Flora and Fauna (CITES) tag by providing:
 1. A valid check-in confirmation number as established in subsection (1) of this section; and
 2. A street address where the tag is to be mailed; or
 - (b) Complete the CITES tag request form on the department's Web site at fw.ky.gov.
- (3) A person who is transferring a river otter or bobcat that does not have an attached CITES tag shall attach to the carcass a handmade tag that contains the:
 - (a) Confirmation number;
 - (b) Hunter or trapper's name; and
 - (c) Hunter or trapper's phone number.
- (4) A person shall not knowingly provide false information when:
 - (a) Completing the hunter's log;
 - (b) Checking a river otter or bobcat;
 - (c) Completing a CITES tag request form; or
 - (d) Creating a handmade carcass tag.
- (5) A CITES tag shall be attached to the raw fur, pelt, or unskinned carcass upon receipt of the tag from the department per the instructions provided by the department and remain attached until it is processed or exported outside the United States.
- (6) Possession of an unused CITES tag issued by the department shall be prohibited.

Section 14. Transporting and Processing a River Otter or Bobcat.

- (1) A person shall not sell the raw fur of a river otter or bobcat except to a licensed:

- (a) Fur buyer;
 - (b) Fur processor; or
 - (c) Taxidermist.
- (2) A taxidermist, fur buyer, or fur processor shall:
- (a) Not accept a river otter or bobcat carcass or any part thereof without a proper carcass tag or CITES tag as established in Section 13 of this administrative regulation; and
 - (b) Retain the information established in subparagraphs 1. through 4. of this paragraph from a hunter or trapper:
 - 1. Name;
 - 2. Address;
 - 3. Confirmation number or CITES tag number; and
 - 4. Date received for each river otter or bobcat.

Section 15. Incorporation by Reference.

- (1) The following material is incorporated by reference:
 - (a) "Wildlife Identification Number for Trap Tags – Application", 2014 edition; and
 - (b) "CITES Tag Request" form, 2014 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 a.m. to 4:30 p.m. Eastern Time.
(20 Ky.R. 2928; Am. 3193; eff. 6-2-1994; 21 Ky.R. 1915; 2478; eff. 4-6-1995; 22 Ky.R. 1491; eff. 4-5-1996; 23 Ky.R. 3879; eff. 7-9-1997; 25 Ky.R. 1435; eff. 2-10-1999; 27 Ky.R. 214; 754; eff. 8-24-2000; 3340; 28 Ky.R. 363; eff. 8-15-2001; 2423; eff. 7-15-2002; 29 Ky.R. 2139; eff. 4-11-2003; 2964; eff. 8-13-2003; 31 Ky.R. 838; 1077; eff. 1-4-2005; 1717; eff. 6-8-2005; 32 Ky.R. 1765; eff. 6-2-2006; 33 Ky.R. 519; eff. 10-11-2006; 3426; 3604; eff. 6-13-2007; 35 Ky.R. 1008; 1743; eff. 3-6-2009; 36 Ky.R. 865; 1199; eff. 10-23-2009; 37 Ky.R. 797; eff. 11-4-2010; 38 Ky.R. 1661; 1948; eff. 6-7-2012; 39 Ky.R. 2397; 40 Ky.R. 542; eff. 9-5-2013; 2216; 2430; eff. 6-6-2014; 43 Ky.R. 440, 1176; eff. 2-3-2017; 46 Ky.R. 1610, 2397; eff. 6-2-2020; 47 Ky.R. 2637; 48 Ky.R. 790; eff. 9-15-2021; 49 Ky.R. 886, 1545; eff. 2-2-2023.)

Approved by the Fish and Wildlife Commission
RICH STORM, Commissioner

APPROVED BY AGENCY: August 16, 2022

FILED WITH LRC: August 16, 2022 at 10:20 a.m.

PUBLIC HEARING AND COMMENT PERIOD: A public hearing on this administrative regulation shall be held on November 29, 2022, at 10:00 a.m., at KDFWR Administration Building, 1 Sportsman's Lane, Frankfort, Kentucky 40601. Individuals interested in being heard at this hearing shall notify this agency in writing by five workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing was received by that date, the hearing may be cancelled. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through November 30, 2022. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person.

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

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Jenny Gilbert

(1) Provide a brief summary of:

(a) What this administrative regulation does:

This regulation establishes furbearer hunting and trapping seasons, bag limits, legal methods of take, and other furbearer hunting and trapping requirements.

(b) The necessity of this administrative regulation:

This regulation is necessary to provide adequate furbearer hunting and trapping opportunities and to properly manage furbearer populations in Kentucky.

(c) How this administrative regulation conforms to the content of the authorizing statutes:

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 150.175(7), (9) authorizes the department to issue licenses, permits, and tags for hunting and trapping. KRS 150.360 requires restrictions on the taking of wildlife and authorizes the department to promulgate administrative regulations establishing the requirements for hunting coyotes at night. KRS 150.400 authorizes the department to establish the types of traps that can legally be used by trappers. KRS 150.410 authorizes the department to regulate trap tags, trap visitation, and trap placement to protect domestic animals.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes:

This administrative regulation will fulfill the purposes of KRS 150.025 and 150.410 by defining the seasons, bag limits, and methods of take used to manage furbearers in Kentucky.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change this existing administrative regulation:

This amendment will extend the season for night coyote hunting with modern firearms and use of lights.

(b) The necessity of the amendment to this administrative regulation:

This amendment will further increase the efficacy of coyote removal and provide an increased level of hunter opportunity.

(c) How the amendment conforms to the content of the authorizing statutes:

See (1)(c) above.

(d) How the amendment will assist in the effective administration of the statutes:

See (1)(d) above.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation:

All legal hunters could pursue coyotes at night with more effective weapons than were allowed in the past. Additionally, farmers and others experiencing coyote nuisance issues can use this amendment to better control coyote numbers and protect their agricultural interests.

(4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:

(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment:

Hunters may take advantage of an extended season for the use of modern firearms and lights.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3):

There will be no additional cost to licensed hunters.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3):

Hunters will have more opportunity to pursue coyotes at night.

(5) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:

(a) Initially:

There will be no additional cost to the department to implement this administrative regulation.

(b) On a continuing basis:

There will be no additional cost to the department on a continuing basis.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation:

The source of funding is the State Game and Fish Fund.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment:

It will not be necessary to increase any other fees or to increase funding to implement this administrative regulation.

(8) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees:

This administrative regulation does not establish fees or directly or indirectly increase any fees.

(9) TIERING: Is tiering applied?

No. Tiering is not applied because all hunters of coyotes in Kentucky must comply with the requirements of this administrative regulation.

FISCAL NOTE

(1) What units, parts, or divisions of state or local government (including cities, counties, fire departments, or school districts) will be impacted by this administrative regulation?

The Department of Fish and Wildlife Resources Divisions of Wildlife and Law Enforcement will be impacted by this administrative regulation.

(2) Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation.

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 150.175(7), (9) authorizes the department to issue licenses, permits, and tags for hunting and trapping. KRS 150.360 requires restrictions on the taking of wildlife and authorizes the department to promulgate administrative regulations establishing the requirements for hunting coyotes at night. KRS 150.400 authorizes the department to establish the types of traps that can legally be used by trappers. KRS 150.410 authorizes the department to regulate trap tags, trap visitation, and trap placement to protect domestic animals.

(3) Estimate the effect of this administrative regulation on the expenditures and revenues of a state or local government agency (including cities, counties, fire departments, or school districts) for the first full year the administrative regulation is to be in effect.

(a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year?

No additional revenue will be generated by this administrative regulation during the first year.

(b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years?

No additional revenue will be generated by this administrative regulation during subsequent years.

(c) How much will it cost to administer this program for the first year?

There will be no additional costs incurred for the first year.

(d) How much will it cost to administer this program for subsequent years?

There will be no additional costs incurred in subsequent years.

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Revenues (+/-):None; see 3(a) and (b) above.

Expenditures (+/-):None; see 3(b) and (c) above.

Other Explanation:

(4) Estimate the effect of this administrative regulation on the expenditures and cost savings of regulated entities for the first full year the administrative regulation is to be in effect.

(a) How much cost savings will this administrative regulation generate for the regulated entities for the first year?

N/A

(b) How much cost savings will this administrative regulation generate for the regulated entities for subsequent years?

N/A

(c) How much will it cost the regulated entities for the first year?

N/A

(d) How much will it cost the regulated entities for subsequent years?

N/A

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Cost Savings (+/-):

Expenditures (+/-):

Other Explanation:

(5) Explain whether this administrative regulation will have a major economic impact, as defined below.

"Major economic impact" means an overall negative or adverse economic impact from an administrative regulation of five hundred thousand dollars (\$500,000) or more on state or local government or regulated entities, in aggregate, as determined by the promulgating administrative bodies. [KRS 13A.010(13)] N/A

FEDERAL MANDATE ANALYSIS COMPARISON

- (1) Federal statute or regulation constituting the federal mandate.**
- (2) State compliance standards.**
- (3) Minimum or uniform standards contained in the federal mandate.**
- (4) Will this administrative regulation impose stricter requirements, or additional or different responsibilities or requirements, than those required by the federal mandate?**
- (5) Justification for the imposition of the stricter standard, or additional or different responsibilities or requirements.**