

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

301 KAR 2:015. Feeding of wildlife.

RELATES TO: KRS 150.015

STATUTORY AUTHORITY: 150.025

NECESSITY, FUNCTION, AND CONFORMITY: KRS 150.015 requires the department to protect and conserve the wildlife of this Commonwealth. KRS 150.025(1)(h) authorizes the department to promulgate administrative regulations to carry out the provisions of KRS Chapter 150. This administrative regulation establishes restrictions on the feeding of wildlife that will serve to protect wildlife from disease and toxic substances that may cause harm to the wildlife population if left unregulated.

Section 1. Definitions.

- (1) "Captive" means confinement by fence or other structure, or restraint intended to prevent escape.
- (2) "Curtilage of the home" means the area encompassing the grounds immediately surrounding any home or group of homes used in the daily activities of domestic life, and may or may not be enclosed by a fence or other barrier, and includes areas occupied by captive cervids as established in 301 KAR 2:083 and wildlife held in captivity for rehabilitation purposes as established in 301 KAR 2:075 or held in captivity as established in 301 KAR 2:081 and 2:082.
- (3) "Feeding" means willingly, wantonly, or knowingly depositing, distributing, or scattering of shelled, shucked, or unshucked corn, millet, milo, safflower seed, sunflower seed, salt, mineral, or other attractants, thistle, wheat, or other grain, or any manufactured feed or food product to be consumed by wildlife, but shall not include the establishment and maintenance of plantings for wildlife, foods found scattered solely as the result of normal agricultural planting practices or harvesting practices, foods available to wildlife through normal agricultural practices of livestock feeding if the areas are occupied by livestock actively consuming the feed on a daily basis, or standing farm crops under normal agricultural practices.

Section 2. Recreational Feeding of Wildlife.

- (1) Wildlife shall not be fed from March 1 through July 31 except as provided in subsections (2) and (3) of this section.
- (2) Wildlife may only be fed year-round:
 - (a) In public areas that is not open to legal hunting or trapping, unless otherwise prohibited by statute, administrative regulation, or municipal ordinance;
 - (b) Within the curtilage of the home; and
 - (c) In a zoo or other facility that lawfully keeps or exhibits wildlife for rehabilitation, rescue, or public viewing.
- (3) Fish may be fed year-round.

Section 3. Chronic Wasting Disease. In a department-designated Chronic Wasting Disease Surveillance Zone or Management Zone county, specified on the department's Web site at fw.ky.gov, persons shall not bait or feed using grain, salt, mineral, or other ingested attractants, except that the following shall be exempted:

- (1) Normal agricultural practices;
- (2) Wildlife food plots or plantings;
- (3) Bird feeders within the curtilage of the home; and
- (4) Furbearer trapping, except that trappers shall not use grain, salt, or mineral.

(33 Ky.R. 1215; Am. 1523; eff. 12-7-2006; 34 Ky.R. 2220; eff. 6-6-2008; 35 Ky.R. 999; eff. 1-5-2009; 48 Ky.R. 133, 1730; eff. 3-1-2022; 49 Ky.R. 1144; eff. 2-2-2023.)

RICH STORM, Commissioner

APPROVED BY AGENCY: October 14, 2022

FILED WITH LRC: October 14, 2022 at 11:13 a.m.

PUBLIC HEARING AND COMMENT PERIOD: A public hearing on this administrative regulation shall be held on December 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 December 31, 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 Liaison, Kentucky Department of Fish and Wildlife Resources, 1 Sportsman's Lane, Frankfort, Kentucky (502) 564-3400, fax (502) 564-0506, email fwpubliccomments@ky.gov.