TOURISM, ARTS AND HERITAGE CABINET
Department of Fish and Wildlife Resources
(New Administrative Regulation)

301 KAR 2:245. Wanton waste and disposal of big game and upland game birds.

RELATES TO: KRS 150.015, 150.025, 150.092, 150.170, 150.390, 150.722
STATUTORY AUTHORITY: KRS 150.015, 150.025(1), 150.390(1), 512.070(1)(b)
NECESSITY, FUNCTION, AND CONFORMITY: KRS 150.025(1) authorizes the department to promulgate any administrative regulations reasonably necessary to implement or carry out the purposes of KRS Chapter 150. KRS 150.390(1) prohibits the taking of any wild elk, deer, wild turkey, or bear contrary to any provisions of KRS Chapter 150 or KAR Title 301. KRS 512.070 Criminal Littering protects against knowingly placing or throwing litter on any public or private property or in any public or private water without permission. This administrative regulation protects against intentional and wanton waste or unlawful disposal of big game animals and upland game birds.

Section 1. Definitions.
(1) "Big game" means wild individuals of the species:
(a) Deer, Odocoileus virginianus;
(b) Elk, Cervus canadensis nelsoni; and
(c) Bear, Ursus americanus.
(2) "Carcass or offal" means the skeleton, skin, entrails, and other parts of big game or upland game birds remaining after the edible portions have been removed.
(3) "Edible parts" are those portions suitable for processing and consumption after take and recovery of the animal, which have not been spoiled due to the method of take, including:
(a) For big game, the quarters and outer loins; and
(b) For an upland game bird, the breast meat.
(4) "Processing" means the act of removing the usable portions of meat from a taken and recovered animal and storing or preparing the meat for consumption.
(5) "Recover" means to locate and retrieve an animal a person has taken.
(6) "Upland game birds" means wild individuals of these species:
(a) Wild turkey, Meleagris gallopavo silvestris;
(b) Northern bobwhite, Colinus virginianus; and
(c) Ruffed grouse, Bonasa umbellus.

Section 2. Recovery of Big Game and an Upland Game Bird. A person who has attempted to take big game or an upland game bird shall make a reasonable effort to recover the animal.

Section 3. Harvest of Big Game or Upland Game Birds.
(1) Upon recovery of big game or an upland game bird, the hunter taking the animal shall:
(a) Comply with the established requirements as established in 301 KAR Chapter 2 for tagging and checking; and
(b) Remove edible parts from the field and make a reasonable effort to transport them to the hunter's residence or other destination for storage or processing, or lawfully transfer them to another individual, establishment, or organization.
(2) It shall be unlawful to remove inedible portions of big game or an upland game bird while leaving edible portions in the field to waste.
(3) The provisions of this section shall not apply to big game or an upland game bird that is:

(a) Recovered and the hunter taking the animal has reasonable grounds to believe the animal was diseased or rendered partially or completely unusable by infection or injury; or

(b) Cannot be recovered before the carcass has begun to decay rendering it unsuitable for consumption.

Section 4. Authorization to Take for Other Purposes. A person shall be exempt from requirements in this administrative regulation for big game or an upland game bird taken:

(1) For damage to private lands or personal property by the landowner or a person otherwise authorized under the provisions of KRS 150.170(7);

(2) Due to vehicle collision; or

(3) For humanely dispatching an animal or in defense of self or others under the provisions of KRS 150.172(2)(a) or 525.130(2).

Section 5. Carcass Disposal.

(1) It shall be unlawful to dispose of a carcass or offal of big game or an upland game bird on any private or public property or public waterway, except:

(a) A hunter may dispose of a carcass or offal from big game or an upland game bird on the public property where the animal was taken, but the carcass or parts shall be deposited at least 300 feet from a building, maintained road, parking area, public access facility or gate, or established hunting blind, unless otherwise prohibited and as long as the big game or upland bird is not removed from the public property and then returned thereto;

(b) A hunter may dispose of a carcass or offal from legally acquired big game or upland bird on private property where the hunter received permission from the landowner; or

(c) A hunter may dispose of a big game carcass or offal by burying the carcass and parts, deposition in a contained landfill, or removal by a duly licensed rendering establishment as described in KRS 150.722.

(2) A person disposing of big game or an upland game bird carcass or offal in an unlawful manner may be cited with criminal littering pursuant to KRS 512.070.

RICH STORM, Commissioner

APPROVED BY AGENCY: December 14, 2022

FILED WITH LRC: December 15, 2022 at 11:35 a.m.

PUBLIC HEARING AND COMMENT PERIOD: A public hearing on this administrative regulation shall be held on February 28, 2023, 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 February 28, 2023. 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: Jenny Gilbert, Legislative Liaison, Kentucky Department of Fish and Wildlife Resources, 1 Sportsman's Lane, (502) 564-3400, fax (502) 564-0506, email fwpubliccomments@ky.gov.