

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

**301 KAR 3:030. Year-round season for wildlife.**

RELATES TO: KRS 150.010, 150.025, 150.170, 150.175, 150.320, 150.360, 150.370, 150.990.

STATUTORY AUTHORITY: KRS 150.025(1), 150.360(1)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 150.025(1) authorizes Kentucky Department of Fish and Wildlife Resources~~[the department]~~ to establish seasons and other administrative regulations necessary to carry out the purpose of KRS Chapter 150. KRS 150.175 authorizes the types of licenses, permits, and tags set by the department. This administrative regulation establishes hunting requirements for species that may be taken year-round and specifies species that are unprotected.

Section 1. Definition. "Exotic wildlife" means ~~[living terrestrial]~~ wildlife species that have never naturally existed in the wild in Kentucky, including species introduced by man that have become naturalized~~[starlings (Sturnus vulgaris), English sparrows (Passer domesticus), and Eurasian collared doves (Streptopelia decaocto).]~~

Section 2. Year-Round ~~[Year Round]~~ Seasons.

(1) A person may take coyotes~~[, wild hogs and woodchucks]~~year-round~~[year round]~~ pursuant to 301 KAR 2:251.

(2) A person may take groundhogs year-round.

~~(3)~~ (3) A person taking coyotes~~[, wild hogs,]~~ or groundhogs~~[woodchucks]~~, unless exempted by KRS 150.170, shall possess a hunting or trapping license as required for the method of take.~~[:]~~

~~[(a)] [A hunting license; and]~~

~~[(b)] [A hog permit issued by the National Park Service if he is hunting on the Big South Fork National River and Recreational Area.]~~

(4) A person may take pheasants year-round except as otherwise prohibited by 301 KAR 2:049 for department sponsored pheasant quota hunts.

Section 3. Unprotected Species.

(1) A person may take the following wildlife species year-round:

(a) Moles (Scalopus aquaticus, Parascalops breweri, Condalyra cristata);

(b) Mice (Mus musculus);

(c) Rats (Rattus rattus, R. norvegicus);

(d) Terrestrial invertebrates; and

(e) Exotic wildlife, except for pheasants, as restricted in Section 2(4) of this administrative regulation, and the species listed in Section 4 of this administrative regulation. ~~[Except for rare, threatened or endangered species protected by federal laws, a person may take year-round:]~~

~~[(a)] [Exotic wildlife, except pheasants released during department administered quota hunts pursuant to 301 KAR 2:249;]~~

~~[(b)] [Moles (Scalopus aquaticus, Parascalops breweri, Condalyra cristata);]~~

~~[(c)] [Mice (Mus musculus);]~~

~~[(d)] [Rats (Rattus rattus, R. norvegicus); and]~~

~~[(e)] [Terrestrial invertebrates.]~~

(2) A person may take the species listed in subsection (1) of this section without a hunting or trapping license, except that take of English sparrow and starlings requires a hunting license.

Section 4. Species with Restricted Take. A person shall not take the following species:

- (1) Members of the Family Suidae (pigs or hogs), except if landowners are incurring damage, they may be taken pursuant to KRS 150.170 section 7;
- (2) Federally protected migratory birds; or
- (3) Federally threatened or endangered species.

*RICH STORM, Commissioner*

APPROVED BY AGENCY: February 14, 2024

FILED WITH LRC: February 14, 2024 at 1:35 p.m.

PUBLIC HEARING AND COMMENT PERIOD: A public hearing on this administrative regulation shall be held on April 30, 2024, at 10:30 am., 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 April 30, 2024. 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](mailto: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 administrative regulation establishes requirements and prohibitions for take of protected and unprotected species and sets year-round hunting seasons for specific species.

**(b) The necessity of this administrative regulation:**

This regulation is necessary to provide clear guidance on which species can be taken year-round and identifies species as protected or unprotected.

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

KRS 150.025 authorizes the Department to make administrative regulations as to game and fish, including seasons and limits. KRS 150.360 authorizes the Department to provide restrictions on the take of wildlife. KRS 150.320 authorizes the Department to require a hunting license for the take of Starlings and English sparrows.

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

This regulation defines exotic wildlife and sets forth the requirements and prohibitions for take of protected and unprotected species.

**(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 prohibit sport hunting of wild pigs, require a hunting license to hunt starlings or English sparrows to adhere to statute KRS 150.320, correct inaccurate language regarding coyote trapping seasons, and align the definition of exotic wildlife with other Department regulations.

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

See 1(b) above

**(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:**

These amendments may impact those persons interested in sport hunting of pigs, although wild pigs are scarce in Kentucky, and few hunting opportunities exist. Amendments are necessary to allow for eradication of wild pigs in the state, which will reduce damage to crops, financial losses to farmers, protect native wildlife, forests, and domestic swine operations from transmission of diseases.

**(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:**

No action needed.

**(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 cost incurred to individuals

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

Benefits include a reduction in crop damage and financial losses to farmers as well as protections from transmission of disease from wild pigs to domestic swine.

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

**(a) Initially:**

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

**(b) On a continuing basis:**

There will be no 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 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:**

No new fees will be established.

**(9) TIERING: Is tiering applied?**

No. Tiering is not applied because no costs are associated with this amendment.

## 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 regulations to fix, close, terminate, shorten, or divide open season or regulate or restrict take. KRS 150.360(1) authorizes the Department to prescribe by regulation legal methods of take.

**(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 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 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 to administer this program for the first year.

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

There will be no additional costs to administer this program for subsequent years.

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

**Revenues (+/-):**

**Expenditures (+/-):**

**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?**

There will be no cost savings for entities for the first year.

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

There will be no cost savings for entities for subsequent years.

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

There will be no costs to administer this program for the first year.

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

There will be no costs to administer this program for subsequent years.

**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)] Amendments to this administrative regulation will not have a major economic impact.