

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

301 KAR 2:122. Seasons, methods, and limits for small game.

RELATES TO: KRS 150.340, 150.360, 150.370, 150.990

STATUTORY AUTHORITY: KRS 150.025(1)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 150.025(1) authorizes the Kentucky Department of Fish and Wildlife Resources to promulgate administrative regulations to establish seasons for the taking of wildlife, to regulate bag limits and methods of take, and to make these requirements apply to a limited area. This administrative regulation establishes seasons, bag limits, and methods of take for small game.

Section 1. Definitions.

- (1) "Eastern Zone" means the third through the ninth wildlife districts as established in 301 KAR 4:010.
- (2) "Grouse Zone" means the area consisting of Adair, Bath, Bell, Boyd, Bracken, Breathitt, Campbell, Carter, Clark, Clay, Clinton, Cumberland, Elliott, Estill, Fleming, Floyd, Garrard, Greenup, Harlan, Harrison, Jackson, Johnson, Knott, Knox, Laurel, Lawrence, Lee, Leslie, Letcher, Lewis, Lincoln, McCreary, Madison, Magoffin, Martin, Mason, Menifee, Montgomery, Morgan, Nicholas, Owsley, Pendleton, Perry, Pike, Powell, Pulaski, Robertson, Rockcastle, Rowan, Russell, Wayne, Whitley, and Wolfe Counties.
- (3) "Modern gun deer season" means the season as established in 301 KAR 2:172.
- (4) "Rabbit" means an eastern cottontail rabbit, swamp rabbit, or Appalachian cottontail rabbit.
- (5) "Small game" means squirrels, rabbits, northern bobwhite, or ruffed grouse.
- (6) "Squirrel" means a gray squirrel or fox squirrel.
- (7) "Western Zone" means the first and second wildlife districts as established in 301 KAR 4:010.

Section 2. Methods of Harvest for Small Game.

- (1) A person shall use any of the following to take small game:
 - (a) Rimfire gun or rimfire handgun;
 - (b) Shotguns no larger than 10-gauge;
 - (c) Muzzle-loading gun;
 - (d) .410-gauge handgun;
 - (e) Bow and arrow;
 - (f) Crossbow;
 - (g) The following caliber air-guns with pellets:
 1. .177;
 2. .20;
 3. .22; or
 4. .25;
 - (h) Slingshot with manufactured hunting ammunition;
 - (i) Dogs;
 - (j) Falconry, pursuant to 301 KAR 2:195; or
 - (k) Trapping, pursuant to Section 5 of this administrative regulation, for:
 1. Rabbits; or
 2. Squirrel.
- (2) A person shall not use the following to take small game:
 - (a) A shotgun shell containing a shot size larger than number two (2); or

- (b) Single projectile shotgun ammunition.

Section 3. Small Game Hunting Seasons.

- (1) Except as established in 301 KAR 2:049, a person shall not take small game except during the dates specified in this section.
- (2) Small game taken by falconry: September 1 through March 30.
- (3) Squirrel:
 - (a) The third Saturday in May through the third Sunday in June; and
 - (b) The third Saturday in August through the last day of February, except the season shall be closed during the first two (2) days of modern gun deer season.
- (4) Rabbit and northern bobwhite:
 - (a) Western Zone: the third day of modern gun deer season through February 10.
 - (b) Eastern Zone: November 1 until January 31, except the season shall be closed during the first two (2) days of modern gun deer season.
- (5) Ruffed Grouse: November 1 through the last day of February in the Grouse Zone, except the season shall be closed during the first two (2) days of modern gun deer season.
- (6) There shall not be a closed season for chasing rabbits during daylight hours for sport and not to kill.
- (7) Free youth week. For seven (7) consecutive days beginning on the Saturday after Christmas, a youth may take small game without a hunting or trapping license, but shall be in compliance with all other statewide requirements.

Section 4. Limits and Other Requirements.

- (1) The small game possession limits shall be twice the daily bag limits.
- (2) Daily bag limits:
 - (a) Squirrel: six (6);
 - (b) Rabbit: four (4);
 - (c) Northern bobwhite: eight (8); and
 - (d) Ruffed grouse: four (4).
- (3) A falconer hunting outside any of the dates specified in Section 3(3) and (4) of this administrative regulation shall not take more than two (2) small game animals per day.
- (4) A person shall hunt small game during daylight hours only.

Section 5. Trapping for Squirrel and Rabbit. A person trapping for squirrel or rabbit shall:

- (1) Comply with the requirements established in 301 KAR 2:251;
 - (2) Only trap when the small game hunting season and trapping season overlap;
 - (3) Possess a trapping license;
 - (4) Comply with daily bag and possession limits pursuant to Section 4 of this administrative regulation; and
 - (5) Harvest squirrel and rabbits upon capture, except for a person possessing a valid captive wildlife permit, pursuant to 301 KAR 2:081.
- (33 Ky.R. 2831; eff. 6-13-2007; 34 Ky.R. 2437; eff. 7-9-2008; 37 Ky.R. 1752; eff. 4-1-2011; 39 Ky.R. 2064; eff. 6-6-2013; 42 Ky.R. 1919; eff. 3-4-2016; 42 Ky.R. 2820; 43 Ky.R. 20; eff 7-19-2016; 50 Ky.R. 2101; eff. 7-18-2024.)

RICH STORM, Commissioner

APPROVED BY AGENCY: March 15, 2024

FILED WITH LRC: March 15, 2024

PUBLIC HEARING AND COMMENT PERIOD: A public hearing on this administrative regulation shall be held on May 31, 2024, at 9:30 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 May 31, 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: CONTACT PERSON: Jenny Gilbert, Legislative Liaison, Kentucky Department of Fish and Wildlife Resources, 1 Sportsman's Lane, phone (502) 564-3400, fax (502) 564-0506, email fwpubliccomments@ky.gov.