

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

301 KAR 5:210. Special agency fundraising permits.

RELATES TO: KRS 150.170, 150.175

STATUTORY AUTHORITY: KRS 150.025, 150.195

NECESSITY, FUNCTION, AND CONFORMITY: KRS 150.025 authorizes the department to promulgate administrative regulations to establish hunting seasons, bag limits, and the methods of taking wildlife. KRS 150.175 authorizes the department to establish game permits to be used in combination with a statewide hunting license or valid youth statewide license, and how those permits are to be used. KRS 150.195(1) requires the department to promulgate administrative regulations pertaining to the issuance of, and other matters relating to, licenses and permits issued by the department. This administrative regulation establishes the requirements for the issuance and use of Special Agency Fundraising Permits.

Section 1. Definitions.

- (1) "Elk hunt sweepstakes permit" means a permit, which allows the holder to harvest one (1) elk of either sex.
- (2) "Immediate family" means a person's spouse, mother, father, daughter, brother, sister, grandparent, or son.
- (3) "Premium combination big game permit" means a permit that allows the holder to lawfully take during the year of selection, one (1) elk of either sex and, in addition to the statewide harvest limits, the following species: one (1) deer of either sex, one (1) bear of either sex; and in the spring turkey season the year after selection, one (1) legal spring turkey.
- (4) "Proceeds" means the amount of money received from the sale of applications for special agency fundraising permits.
- (5) "Special Agency Fundraising Permit" means a Kentucky hunting permit subject to a special application and drawing process to select the holder, that includes privileges to take specified big game animals when used in conjunction with a statewide annual hunting license.
- (6) "Standard combination big game permit" means a permit that allows the holder to lawfully take, in addition to the statewide harvest limits, the following species: one (1) deer of either sex, one (1) bear of either sex, and one (1) legal spring turkey.

Section 2. Application and Drawing Process.

- (1) The application period shall be August 1 of the year preceding through May 30 (midnight eastern time) of the year in which the drawing occurs.
- (2) An applicant shall:
 - (a) Complete the application process on the department's Web site at fw.ky.gov; and
 - (b) Pay the applicable nonrefundable application fee(s) for the permit(s) desired, as follows:
 1. For elk hunt sweepstakes permit and premium combination big game permits:
 - a. Five (5) dollars for residents and ten (10) dollars for nonresidents for one (1) application;
 - b. Ten (10) dollars for residents and twenty (20) dollars for nonresidents per bundle of three (3) applications; and
 - c. Twenty-five (25) dollars for residents and fifty (50) dollars for nonresidents per bundle of ten (10) applications.
 2. For standard combination big game permits:

- a. Three (3) dollars for residents and six (6) dollars for nonresidents for one (1) application;
 - b. Eight (8) dollars for residents and sixteen (16) dollars for nonresidents per bundle of three (3) applications; and
 - c. Twenty (20) dollars for residents and forty (40) dollars for nonresidents per bundle of ten (10) applications.
- (3) An applicant may purchase an unlimited number of applications or bundles thereof.
- (4) The number of special agency fundraising permits available per year shall be: one (1) elk sweepstakes permit (for a resident or nonresident holder); one (1) premium combination big game permit (for a resident or nonresident holder); one (1) standard combination big game permit for a resident; and one (1) standard combination big game permit for a nonresident.
- (5) There shall be a random electronic drawing, conducted subsequent to the general elk hunt drawing each year, from among applications in each applicant pool for the corresponding special agency fundraising permits available for that fall's hunting seasons. Each drawing shall be sequential, with the elk hunt sweepstakes drawing conducted first, proceeded by the premium big game permit drawing second, and followed by the standard combination big game permit drawings for selection of resident and nonresident permit holders. If an individual applicant is selected for the elk hunt sweepstakes permit or the premium combination big game permit, upon selection that applicant shall be removed from the other special agency fundraising permits applicant pools prior to the drawings to determine the holders of those other permits.
- (6) The commissioner shall extend the application deadline if technical difficulties with the application system prevent applications from being accepted for one (1) or more days during the application period.
- (7) An applicant who is selected for a Kentucky elk hunt sweepstakes permit shall be ineligible to receive the elk hunt sweepstakes permit in a subsequent drawing.
- (8) A person subject to a waiting period resulting from being selected in the general Kentucky Elk Hunt Drawing shall be eligible to apply for special agency fundraising permits.

Section 3. Issuance and Use of Permits.

- (1) Upon conclusion of the drawing process for special agency fundraising permits, the department shall announce the drawing results on the agency Web site and issue the permits to the recipients, subject to any applicable deferrals or transfers as described in Section 4 of this administrative regulation, prior to the first hunting season for which the permits are applicable.
- (2) A permit holder shall only take animals with legal hunting equipment and during the normal season dates for which take is otherwise allowed.
- (3) A permit holder shall carry proof of purchase of a valid Kentucky hunting license unless exempted from the requirement to be licensed by KRS 150.170.
- (4) Holder of a permit that allows take of an elk shall comply with the statewide bag limit of one (1) elk per hunter per license year and other requirements in 301 KAR 2:132.
- (5) The holder of a special agency fundraising permit that includes privileges to take elk may use the permit in any elk hunting unit open to hunting during any open elk hunting season on private land with permission from the landowner, or on department owned or managed lands that are the subject of public access agreements between the landowners and the department, but shall only use methods allowed during the season segment that is open as established in 301 KAR 2:132 while he or she is hunting.

Section 4. Deferral or Transfer of Permits.

- (1) A recipient of a special agency fundraising permit that includes privileges to take elk in Kentucky may:

- (a) Defer use of the elk hunting privilege included in the permit for one (1) year if he or she has previously obtained an elk permit of any kind for use during the Kentucky elk hunting season to which the special agency fundraising permit pertains; or
 - (b) Transfer use of the elk hunting privilege included in the permit to one (1) member of his or her immediate family for use during the hunting season(s) to which the permit pertains.
- (2) A holder wishing to transfer or defer use of the elk hunting privilege included in a permit shall contact the office of the commissioner in writing, no later than July 31 of the year in which he or she is selected through the drawing for the permit.

Section 5. Goods or Services May Be Included. The department may obtain goods or services of interest to prospective applicants, through purchase, donation or sponsorship, to incentivize applications for a special agency fundraising permit. The recipient of the permit shall also receive applicable goods or services included in the drawing for a permit, as posted on the agency Web site, except that a recipient may refuse an applicable good or service at his or her choosing.

Section 6. Use of Proceeds. Proceeds from the sale of special agency fundraising permits shall be deposited into the department's restricted Fish and Game Fund account and used solely for agency operational expenditures.

RICH STORM, Commissioner

APPROVED BY AGENCY: February 21, 2024

FILED WITH LRC: February 21, 2024 at 11:45 a.m.

PUBLIC HEARING AND COMMENT PERIOD: A public hearing on this administrative regulation shall be held on May 31, 2024, at 9:30 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 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: 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