

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

301 KAR 2:041. Shooting areas, dog training areas, commercial and noncommercial~~commercial~~ foxhound training enclosures, and bobwhite shoot-to-train season.

RELATES TO: KRS 150.010, 150.170, 150.180, 150.280, 150.630, 150.990

STATUTORY AUTHORITY: KRS 150.025(1), 150.175(28), 150.240(2)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 150.025(1) authorizes the department to promulgate administrative regulations establishing hunting seasons, bag limits, and methods of taking wildlife, and to make these requirements apply to a limited area or to the entire state. KRS 150.175(28) authorizes the issuance of a special license for residents and nonresidents for the purpose of hunting on licensed shooting areas. KRS 150.240(2) authorizes the department to promulgate administrative regulations governing public or commercial shooting areas. This administrative regulation establishes a bobwhite shoot-to-train season and other requirements to ensure uniform operation of shooting areas, dog training areas, and commercial and noncommercial foxhound training enclosures.

Section 1. Definitions.

(1) "Commercial foxhound training enclosure" means a fenced area where red fox (*Vulpes vulpes*), coyote (*Canis latrans*), or both species are to be held for the purposes of dog training and for which business transactions occur to accumulate compensations, payments, or profits.

(2) ~~{(1)}~~ "Dog training area permit" means a permit that designates an area to allow dog training and shooting of captive-reared bobwhite quail.

(3) ~~{(2)}~~ "Hoofed animal" means ungulate wildlife except wild hogs and javelinas.

(4) "Noncommercial foxhound training enclosure" means a fenced area where red fox (*Vulpes vulpes*), coyote (*Canis latrans*), or both species are to be held for the purposes of dog training but for which no compensations or payments are received or profits earned in any way.

(5) ~~{(3)}~~ "Shooting area" means a place where animals are held or propagated in captivity and released to be taken by hunters.

Section 2. Seasons.

(1) The dog training area season and the dog training area hunting season shall be year-round for:

(a) Captive-reared bobwhite quail; and

(b) Pheasant and chukar, pursuant to 301 KAR 3:030.

(c) Commercial and noncommercial foxhound training enclosures for chase but not to kill red fox or coyote.

(2) The shooting area hunting seasons shall be as follows:

(a) Bobwhite quail: August 15 through April 15;

(b) Mallard ducks: year-round;

(c) Hoofed animals: September 1 through May 15; and

(d) All other species: the statewide season in effect where the shooting area is located.

(3) The bobwhite shoot-to-train season shall be from August 15 through May 15.

Section 3. Bobwhite Shoot-to-Train Requirements.

(1) A person shall only shoot on private land.

(2) Prior to shooting, a person shall:

- (a) Apply on the Bobwhite Quail Shoot-to-Train Application provided by the department;
 - (b) Submit the completed application to the department;
 - (c) Possess a valid Kentucky hunting license or be license-exempt pursuant to KRS 150.170;
 - (d) Possess:
 - 1. Proof of purchase of captive-reared bobwhite quail; or
 - 2. A captive wildlife permit;
 - (e) Band all captive-reared bobwhite quail with:
 - 1. Aluminum, #7 leg bands; or
 - 2. Department-issued, aluminum leg bands;
 - (f) Walk and examine the entire area to be hunted to ensure that no wild bobwhite quail are present; and
 - (g) Release banded birds immediately prior to dog training or shooting.
- (3) A person shall contact the department to update an application that is no longer accurate.
- (4) The number of leg bands on the dog training or shooting site shall not exceed the number of captive-reared bobwhite present on the site.
- (5) A person shall comply with the holding and permit requirements established in 301 KAR 2:081 if:
- (a) Captive-reared bobwhite quail are possessed for more than ten (10) days; or
 - (b) More than 100 captive-reared bobwhite quail are possessed.

Section 4. Permits, Applications, and Transfers.

- (1) A person shall obtain a permit from the department before operating the following:
- (a) A shooting area for birds;
 - (b) A dog training area; or
 - (c) A commercial or noncommercial foxhound training enclosure, ~~except:~~
 - 1. A commercial or noncommercial foxhound training enclosure permit shall not be issued after January 1, 2026 for a new enclosure occurring within the Enhanced Rabies Surveillance Zone defined in 301 KAR 2:081.
 - 2. An enclosure within the Enhanced Rabies Surveillance Zone that is permitted prior to January 1, 2026 may remain permitted so long as the permit coverage is continuously maintained.
 - 3. A permitted enclosure within the Enhanced Rabies Surveillance Zone may expand acreage upon existing enclosures but may not create a new, separate enclosure within the Enhanced Rabies Surveillance Zone.
- (2) A new shooting area permit shall not be issued for hoofed animals.
- (3) The following permits shall be valid from July 1 through June 30:
- (a) Dog training area permit;
 - (b) Shooting area permit for birds; and
 - (c) Shooting area permit for hoofed animals in existence prior to March 8, 2002.
- (4) A commercial or noncommercial foxhound training enclosure permit shall be valid for one (1) year from the date of issuance.
- (5) A person shall apply using the appropriate form provided by the department:
- (a) Shooting Area Permit Application;
 - (b) ~~Commercial~~ Foxhound Training Enclosure Permit Application and Checklist; or
 - (c) Dog Training Area Permit Application.
- (6) Applications ~~[An application]~~ for ~~[a]~~ dog training areas~~[area]~~ and commercial and noncommercial foxhound training enclosures shall not be approved until ~~[a]~~ department law enforcement personnel ~~[conservation officer or biologist]~~ inspect~~[inspects]~~ the area to

determine if it meets the requirements established in ~~Sections~~Section 6 and 8 of this administrative regulation.

(7) An applicant for a shooting area, dog training area, or commercial or noncommercial foxhound training enclosure shall provide documentation proving:~~[the applicant is the:]~~

(a) ~~The applicant is the owner~~ Owner of the land where the facility is to be located;~~;~~
~~or~~

(b) The applicant is the lessee ~~[Lessee]~~ of the land where the facility is to be located;
~~and~~~~;~~

(c) The acreage meets the requirements of a commercial or noncommercial foxhound training enclosure by providing:

1. A plat that lists the acreage of the commercial or noncommercial foxhound training enclosure boundaries completed by a licensed surveyor; or

2. Arial imagery to scale with marked boundaries and acreage of the commercial or noncommercial foxhound training enclosure subject to verification by the department.

(8) A commercial or noncommercial foxhound training enclosure within the Enhanced Rabies Surveillance Zone that is permitted prior to January 1, 2026 may be transferred if:

(a) A currently permitted facility is sold to another entity;

(b) The facility is inspected by law enforcement personnel prior to transfer;

(c) The seller of the facility is compliant with the provisions of this administrative regulation; and

(d) The purchaser of the facility:

1. Obtains a commercial or noncommercial foxhound training enclosure permit; and

2. Establishes the acreage meets the minimum requirements of a commercial or noncommercial foxhound training enclosure by providing:

a. A plat that lists the acreage of the commercial or noncommercial foxhound training enclosure boundaries completed by a licensed surveyor; or

b. Arial imagery to scale with marked boundaries and acreage of the commercial or noncommercial foxhound training enclosure subject to verification by the department.

(9) If ownership or lessee of a commercial or noncommercial foxhound training enclosure changes, the new owner or lessee shall be responsible for applying for a new permit.

(10) ~~[(8)]~~ A shooting area permit shall be transferable if:

(a) A currently permitted facility is sold to another entity;

(b) The facility is inspected by department law enforcement personnel~~[a conservation officer or biologist]~~ prior to transfer;

(c) The seller of the facility is compliant with the provisions of this administrative regulation; and

(d) The purchaser of the facility:

1. Completes a Shooting Area Permit Transfer Application ~~[provided by the department]; and~~

2. Provides a plat of the shooting area boundaries completed by a licensed surveyor.

(11) ~~[(9)]~~ A transferred shooting area permit shall only be valid for the land that was permitted prior to the time of transfer.

~~[(10)] [If ownership of a commercial foxhound training enclosure changes, the new owner shall be responsible for applying for a new permit.]~~

(12) ~~[(11)]~~ A person hunting on a shooting area shall:

(a) Possess a valid Kentucky hunting license;

(b) Possess a valid shooting area hunting license;

(c) Possess a shoot-to-retrieve field trial permit; or

(d) Be hunting license exempt pursuant to KRS 150.170.

~~(13)~~ ~~[(12)]~~ A shooting area hunting license shall be valid for only one (1) specific shooting area.

Section 5. Shooting Area Requirements.

- (1) The boundary of a shooting area shall be marked with signs:
 - (a) At least eight (8) inches by twelve (12) inches;
 - (b) Having a white background with contrasting letters at least one (1) inch high;
 - (c) That read "Shooting Area"; and
 - (d) Placed no more than 500 feet apart.
- (2) A person shall check in at a designated check station or with the operator of a shooting area before hunting.
- (3) A permit holder shall maintain a daily record of people using the area which includes each person's:
 - (a) Name;
 - (b) Address; and
 - (c) Hunting license number.
- (4) A permit holder shall:
 - (a) Obtain a bill of sale or receipt for each purchase that contains the number of:
 1. Game birds purchased; or
 2. Game bird eggs purchased; and
 - (b) Retain previous year's records and receipts for at least one (1) full year.
- (5) A permit holder shall possess a commercial captive wildlife permit, if applicable, pursuant to 301 KAR 2:081.
- (6) A field trial may be held on a shooting area year-round.

Section 6. Dog Training Area Requirements.

- (1) A dog training area shall be between ten (10) and seventy-five (75) acres in size.
- (2) The dog training area shall:
 - (a) Be contiguous;
 - (b) Consist of at least ninety (90) percent mowed or cut grass no greater than ten (10) inches in height; and
 - (c) Have a marked boundary with signs:
 1. At least eight (8) inches by twelve (12) inches high;
 2. Having a white background with contrasting letters at least one (1) inch high;
 3. That read "Dog Training Area"; and
 4. Placed no more than 150 feet apart.
- (3) A permit holder shall maintain a daily record of people using the area which includes each person's:
 - (a) Name;
 - (b) Address; and
 - (c) Hunting license number.
- (4) A permit holder shall retain previous year's records and receipts for at least one (1) full year.
- (5) A person using a dog training area shall possess:
 - (a) A bill of sale or receipt for any bobwhite quail released on the area; and
 - (b) A captive wildlife permit, if applicable, pursuant to 301 KAR 2:081.
- (6) A field trial may be held on a dog training area year-round.

Section 7. Hoofed Animals.

- (1) A shooting area permit holder shall not import or release a hoofed animal.
- (2) A shooting area permit holder who legally holds hoofed animals shall:
 - (a) Keep a record of the:
 1. Total number of each hoofed species taken;

2. Name of each hunter;
 3. Address of each hunter;
 4. Hunting license number of each hunter; and
 5. Species taken by each hunter; and
- (b) Submit to the department all records each month from September through May.
- (3) A permit holder shall not import, possess, release, or hunt any member of the family Suidae.

Section 8. Commercial and Noncommercial Foxhound Training Enclosures.

- (1) A commercial foxhound training enclosure shall:
- (a) Be at least 200 acres; and
 - ~~[(b)] [Be fenced to enclose foxes; and]~~
 - (b) ~~[(c)]~~ Not be divided by an interior fence that restricts the range of red fox and coyote~~[foxes]~~ to less than 200 acres.
- (2) A noncommercial foxhound training enclosure shall:
- (a) Be at least 40 acres; and
 - (b) Not be divided by an interior fence that restricts the range of red fox and coyote to less than 40 acres.
- (3) ~~[(2)]~~ Multiple enclosures of the same type and under the same ownership or management may be listed under the same permit if: [Two (2) or more enclosures under the same ownership or management may be licensed under the same permit if:]
- (a) Each enclosure is at least the minimum acreage required for the permit; and~~[200 acres in size; and]~~
 - (b) The enclosures share a common fence.
- (4) Commercial and noncommercial training enclosures shall:
- (a) Have an exterior fence that completely encloses the commercial or noncommercial foxhound training enclosure and is at least five (5) feet above ground level for its entire length;
 - (b) Have a fence consisting of woven wire, chain link, or equivalent strength material capable of preventing escape by red fox and coyote;
 - (c) Have at least one (1) strand of electric wire inside at the bottom of the fence capable of preventing red fox and coyote from digging out of or climbing over the fence;
 - (d) Have a minimum of twelve (12) inches of additional fence bent inward at a ninety (90) degree angle or at least one (1) strand of electric wire at the top of the fence capable of preventing red fox and coyote from climbing out;
 - (e) Have modifications in place at gates, creeks, and similar weaknesses to prevent escape of red fox or coyote; and
 - (f) Maintain fences and electric wire to be in working order at all times and free of debris or vegetation that enable red fox or coyote to escape.
- (5) ~~[(3)]~~ A commercial or noncommercial foxhound training permit holder shall: [The permit holder shall provide for the foxes:]
- (a) Limit the number of dogs to no more than one (1) dog per two (2) acres for enclosures 100 acres or greater and no more than one (1) dog per three (3) acres for enclosures less than 100 acres.
 - (b) Limit the number of red fox and coyote combined to no more than one (1) animal per five (5) acres maximum at any time.
 - (c) Only obtain red fox or coyote:
 1. From a licensed trapper who has a noncommercial captive wildlife permit as established in 301 KAR 2:081;
 2. During the furbearer trapping season; and

3. Within the county of the permitted commercial or noncommercial foxhound training enclosure.

(d) Quarantine red fox and coyote:

1. In a separate quarantine enclosure from the training enclosure where animals in quarantine cannot come in contact with free ranging wildlife or red fox and coyote within the training enclosure;

2. Within a separate quarantine enclosure that meets or exceeds the minimum size requirements for red fox and coyote as specified in 301 KAR 2:081; and

3. For a minimum of seven (7) days;

(e) Acclimate newly introduced red fox and coyote within the commercial or noncommercial foxhound training enclosure for a minimum of an additional seven (7) days following quarantine prior to dog training.

(f) Only release healthy and unaltered red fox and coyote that have not been physically altered in any way into commercial and noncommercial foxhound training enclosures.

(g) Only maintain red fox and coyote in captivity in a sanitary and safe condition and in a manner that does not result in the maltreatment or neglect of wildlife.

(h) Only allow dog training within an enclosure for a maximum of sixteen (16) hours within a twenty-four (24) hour period.

(i) Provide red fox and coyote with the following:

1. A diet that meets the nutritional needs of the animals;

~~{(a)} {Food;}~~

2. {b} Clean water;

3. {c} Shelter from inclement weather; and

4. {d} At least one (1) escape den per forty (40) acres and at least one (1) escape den per red fox or coyote{of the following}, which are{is} sufficient to prevent capture of red fox and coyote by dogs as follows:{foxhounds, per every fifty (50) acres;}

a. {1.} Natural den;

b. {2.} Constructed den;

c. {3.} Box; or

d. {4.} Hollow log.

~~{(4)} {A fox held for release into an enclosure shall be confined pursuant to 301 KAR 2:081.}~~

{(5)} A person shall not{intentionally} engage in an activity which would cause foxhounds to injure or kill a red fox or coyote in an enclosure at any time.

{(6)} Chasing red fox or coyote in {Fox chasing on} permitted commercial and noncommercial foxhound training enclosures{areas} shall be considered an authorized field trial and no hunting license shall be required{if a fox is not captured or killed}.

~~{(7)} {A person shall not take any wildlife within an enclosure except under legal statewide seasons and methods.}~~

{(8)} The take of any species other than chase of red foxes or coyotes is prohibited within a commercial or noncommercial foxhound training enclosure.

{(9)} A person shall not possess or release any native or exotic wildlife in a commercial or noncommercial foxhound training enclosure with the exception of red fox and coyote.

{(10)} A commercial and noncommercial foxhound training enclosure operator shall abide by the following disease prevention and control measures:

(a) Without damaging the head, dispatch diseased or sick acting red fox and coyote, retain carcass, and report to the department veterinarian within twenty-four (24) hours for proper disposition of the carcass;

(b) Report escaped red fox or coyotes to department veterinarian within twenty-four (24) hours; and

(c) Allow the department to inspect a commercial or noncommercial foxhound training enclosure when reportable diseases are suspected or confirmed and take the following actions when necessary.

1. Quarantine and prohibit introduction or removal of red fox and coyote to or from an enclosure until the department determines there is no longer a threat of disease exposure to humans, wildlife, or domestic animals;
2. Dispatch animals for diagnostic testing;
3. Require disinfection of the enclosure by the training enclosure operator; and
4. Examination of records for disease exposure notification.

(11) Permits do not confer ownership, wildlife remains under the stewardship of the Department and may be confiscated, relocated, or euthanized.

(12) Hunting or take of any species other than chase of red fox or coyote is prohibited within a commercial or noncommercial foxhound training enclosure.

(13) ~~{(8)}~~ A commercial or noncommercial foxhound training enclosure owner or operator shall: ~~{The owner or operator of an enclosure shall:}~~

(a) Allow department law enforcement personnel~~{a conservation officer}~~ to inspect the facility at any reasonable time;~~{and}~~

~~{(b)}~~ ~~{Comply with all permitting requirements, if applicable, pursuant to 301 KAR 2:081.}~~

(b) Maintain a registry of names, addresses, phone numbers, and dates hunted for one (1) year of all participants engaging in foxhound training activities or field trials to be provided to department staff upon request for purposes of disease response; and

(c) Maintain the following records and report to the department annually by submitting a Foxhound Training Enclosure Annual Report form:

1. The number of all red foxes and coyotes trapped for release into the enclosure;
2. The name, address, phone number, trapping license number, and noncommercial captive wildlife permit number of the trapper associated with each red fox and coyote;
3. The county of origin for each red fox and coyote;
4. The capture and release dates for each red fox and coyote; and
5. All missing, escaped, or killed red fox and coyote.

(d) Report must be provided to the department within thirty (30) days of the expiration date of the permit.

Section 9. Revocation for Dog Training Area, Shooting Area, and Bobwhite Quail Shoot to Train Permits. ~~{Revocation of Permits.}~~

(1) Revocation. A person who is convicted of a fish and wildlife violation, including KRS Chapter 150, KAR Title 301, or any federal fish and wildlife laws, shall have his or her permit revoked for a period of one (1) year.

(2) Appeal Procedures. An individual whose request for a permit has been denied or revoked may request an administrative hearing pursuant to KRS Chapter 13B.

Section 10. Permit Denial and Revocation for Commercial and Noncommercial Foxhound Training Enclosures.

(1) Denial. The department shall deny the issuance of a new permit, deny a renewal of an existing or lapsed permit, and may confiscate wildlife of a person who:

(a) Is convicted of a violation of any provisions of:

1. KRS Chapter 150;
2. KAR Title 301; or
3. Any federal statute or regulation related to hunting, fishing, or wildlife;

(b) Provides false information on a commercial or noncommercial foxhound training enclosure permit application, captive wildlife permit application, reports, facility inspection, or records;

- (c) Acquires red fox or coyote prior to receiving an approved commercial or noncommercial foxhound training enclosure permit;
- (d) Acquires red fox or coyote from an illegal source, location, or outside the legal season;
- (e) Fails a facility inspection;
- (f) Fails to comply with any provision of this administrative regulation, 301 KAR 2:081, 301 KAR 2:230, or 301 KAR 2:251; or
- (g) Is located within the rabies surveillance zone and has previously had their permit revoked.

(2) Facility Inspections.

- (a) A permit holder shall allow a game warden to inspect the foxhound training enclosure facilities and property prior to approval of any application and if permitted, at any reasonable time and frequency.
- (b) The game warden shall immediately notify the applicant or permit holder and the Wildlife Division director if a facility inspection reveals that the facility is not in compliance with this administrative regulation and shall provide a completed Training Enclosure Inspection form to the appropriate Wildlife Division personnel within three
- (3) business days.
- (c) If an inspection determines that a facility is not in compliance with a KRS Chapter 150 and KAR Title 301, the game warden shall make a second inspection after ten (10) calendar days, and the permit application shall be denied or the permit shall be revoked and all wildlife may be confiscated if the non-compliant conditions have not been corrected.

(3) Revocations.

- (a) The department shall revoke the permit and may confiscate wildlife, of a person who:
 - 1. Is convicted of a violation of any provisions of:
 - a. KRS Chapter 150;
 - b. KAR Title 301; or
 - c. Any federal statute or regulation related to hunting, fishing, or wildlife;
 - 2. Provides false information on a commercial or noncommercial foxhound training enclosure permit application, captive wildlife permit application, reports, facility inspection, or records;
 - 3. Acquires red fox or coyote prior to receiving an approved commercial or noncommercial foxhound training enclosure or captive wildlife permit;
 - 4. Acquires red fox or coyote from an illegal source, location, or outside the legal season;
 - 5. Fails a second facility inspection; or
 - 6. Fails to comply with any provision of this administrative regulation, 301 KAR 2:081, 301 KAR 2:230, or 301 KAR 2:251.
- (b) If a person's commercial or noncommercial foxhound training enclosure is revoked for one (1) enclosure, permits for all other enclosures in their name shall be revoked and the enclosures may not be permitted for the applicable denial period.
- (c) A fee shall not be refunded for a permit that is revoked.

(4) Denial period. An applicant for a commercial or noncommercial foxhound training enclosure permit or captive wildlife permit that has been revoked or denied for the grounds established in this section shall be ineligible to reapply, and all applications denied:

- (a) Permanently for commercial and noncommercial foxhound training enclosures within the rabies surveillance zone; and
- (b) For commercial and noncommercial foxhound training enclosures outside the rabies surveillance zone;

1. The initial denial period, for one (1) year;
 2. A second denial period, for three (3) years; and
 3. A third or subsequent denial period, for five (5) years.
- (5) Confiscated wildlife.
- (a) All red fox and coyote may be confiscated if a commercial and noncommercial foxhound training enclosure permit is revoked or denied or if a person possesses red fox or coyote without a valid commercial or noncommercial foxhound training enclosure permit.
 - (b) Confiscated wildlife shall be released, transferred, or dispatched as ordered by the department.
 - (c) Wildlife shall not be returned to the person, entity, or facility from which they were confiscated.
 - (d) Wildlife shall be surrendered to the department, for processing and disposition pursuant to this administrative regulation, upon being presented with a written order by the commissioner.
- (6) Administrative hearings.
- (a) An individual whose permit has been denied or revoked may request an administrative hearing, which shall be conducted pursuant to KRS Chapter 13B.
 - (b) A request for a hearing shall be in writing and postmarked or delivered in person to the department no later than thirty (30) days after notification of the denial or the revocation.
 - (c) Upon receipt of the request for a hearing, the department shall proceed according to the provisions of KRS Chapter 13B.
 - (d) The hearing officer's recommended order shall be considered by the commissioner, and the commissioner shall issue a final order, pursuant to KRS Chapter 13B.

Section 11. [Section 10.] Incorporation by Reference.

- (1) The following material is incorporated by reference:
- (a) "Bobwhite Quail Shoot-to-Train Application", July 2012 edition.
 - (b) "Dog Training Area Permit Application", July 2012 edition;
 - (c) "Foxhound Training Enclosure Permit Application and Checklist", 2024 edition;
 - (d) "Foxhound Training Enclosure Permit Annual Report", 2024 edition;
 - (e) "Shooting Area Permit Application", July 2012 edition; and
 - (f) "Shooting Area Permit Transfer Application", July 2012 edition.
- ~~{(a)} ["Shooting Area Permit Application", July 2012 edition;]~~
~~{(b)} ["Commercial Foxhound Training Enclosure Permit Application", July 2012 edition;]~~
~~{(c)} ["Dog Training Area Permit Application", July 2012 edition;]~~
~~{(d)} ["Shooting Area Permit Transfer Application", July 2012 edition; and]~~
~~{(e)} ["Bobwhite Quail Shoot-to-Train Application", July 2012 edition.]~~
- (2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Department of Fish and Wildlife Resources, #1 Sportsman's Lane, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m. or online at:
- (a) <https://fw.ky.gov/Licenses/Documents/CommercialFoxhoundTrainingApp2024.pdf> for the "Foxhound Training Enclosure Permit Application and Checklist";
 - (b) <https://fw.ky.gov/Licenses/Documents/CommercialFoxhoundTrainingAnnualReport2024.pdf> for the "Foxhound Training Enclosure Permit Annual Report".

RICH STORM, Commissioner

APPROVED BY AGENCY: November 14, 2024
 FILED WITH LRC: November 15, 2024 at 11:25 a.m.

PUBLIC HEARING AND COMMENT PERIOD: A public hearing on this administrative regulation shall be held on January 30 at 10:00 a.m., at KDFWR Headquarters, 1 Sportsman Lane, Frankfort KY, 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 January 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 Lane, (502) 564-3400, fax: (502) 564-0506, email: 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 a bobwhite shoot-to-train season and requirements to regulate the operation of shooting areas, dog training areas, and commercial and noncommercial foxhound training enclosures. This administrative regulation establishes requirements for the possession, holding, commercial activity, and transportation of red fox and coyote for foxhound training enclosures.

(b) The necessity of this administrative regulation:

This administrative regulation is necessary to provide a defined process for the permitting, holding, and transportation of wildlife used during shoot-to-train season, shooting areas, dog training areas, and commercial and noncommercial foxhound training enclosures.

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

KRS 150.025(1) authorizes the department to promulgate administrative regulations establishing hunting seasons, bag limits, and methods of taking wildlife, and to make these requirements apply to a limited area or to the entire state. KRS 150.175(28) authorizes the issuance of a special license for residents and nonresidents for the purpose of hunting on licensed shooting areas. KRS 150.240(2) authorizes the department to promulgate administrative regulations governing public or commercial shooting areas.

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

This regulation sets forth the requirements for applying for and receiving permits to possess native wildlife and establishes requirements for shoot-to-train season, shooting areas, dog training areas, and commercial and noncommercial foxhound training enclosures.

(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:

These amendments will establish requirements for species and number of animals that may be maintained within foxhound training enclosures, the possession and transport of red fox and coyotes, fencing to maintain red fox and coyote within foxhound training enclosures, size of enclosures, quarantine and disease response, record keeping and reporting, and permitting and enforcement.

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

These amendments are necessary to establish requirements for commercial and noncommercial foxhound training enclosures and the possession of red foxes and coyotes for dog training purposes.

(c) How the amendment conforms to the content of the authorizing statutes:

See (1)(c) above. This amendment falls within the reach of the authorizing statute KRS 150.025 (1)(c).

(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:

There are approximately ten permitted foxhound training enclosures. These amendments will allow individuals owning or leasing between 40 and 200 acres to apply for foxhound training enclosure permits.

(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:

Individuals will need to comply with commercial and noncommercial foxhound training enclosure requirements and obtain a permit prior to engaging in foxhound training activities or possession of red fox or coyote.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3):

There may be a cost to individuals to build enclosures that meet the requirements of the regulation.

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

Individuals will be able to engage in foxhound training activities within an enclosed area with the proper permits.

(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 beyond staff time to review permit applications, issue permits, and enforcement.

(b) On a continuing basis:

There will be no cost to the department on a continuing basis beyond reviewing permit applications, issuing permits, and enforcement.

(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 fees or funding to implement this administrative regulation.

(8) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees:

An annual permit fee of \$25 will be charged for a noncommercial foxhound training enclosure permit, however, individuals will no longer be required to pay a \$75 fee every three years for a captive wildlife permit.

(9) TIERING: Is tiering applied?

No. Tiering is not applied because all permit holders within each permit type are treated equally.

FISCAL IMPACT STATEMENT

(1) Identify each state statute, 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 administrative regulations establishing hunting seasons, bag limits, and methods of taking wildlife, and to make these requirements apply to a limited area or to the entire state. KRS 150.175(28) authorizes the issuance of a special license for residents and nonresidents for the purpose of hunting on licensed shooting areas. KRS 150.240(2) authorizes the department to promulgate administrative regulations governing public or commercial shooting areas.

(2) Identify the promulgating agency and any other affected state units, parts, or divisions:

Kentucky Department of Fish and Wildlife Resources will be impacted by this amendment in terms of staff time to review applications, issue permits, and enforce regulations.

(a) Estimate the following for the first year:

Expenditures:n/a

Revenues:\$25 per noncommercial permit issued (estimated less than 50)

Cost Savings:n/a

(b) How will expenditures, revenues, or cost savings differ in subsequent years?

\$25 per noncommercial permit issued (estimated less than 20 per year)

(3) Identify affected local entities (for example: cities, counties, fire departments, school districts):

N/A

(a) Estimate the following for the first year:

Expenditures:n/a

Revenues:n/a

Cost Savings:n/a

(b) How will expenditures, revenues, or cost savings differ in subsequent years?

No revenue will be generated by this administrative regulation for local entities.

(4) Identify additional regulated entities not listed in questions (2) or (3):

(a) Estimate the following for the first year:

Expenditures:n/a

Revenues:n/a

Cost Savings:n/a

(b) How will expenditures, revenues, or cost savings differ in subsequent years?

No revenue will be generated by this administrative regulation for other entities.

(5) Provide a narrative to explain the:

(a) Fiscal impact of this administrative regulation:

This administrative regulation has minimal fiscal impact.

(b) Methodology and resources used to determine the fiscal impact:

There will be no additional costs to administer this regulation.

(6) Explain:

(a) Whether this administrative regulation will have an overall negative or adverse major economic impact to the entities identified in questions (2) - (4). (\$500,000 or more, in aggregate)

This regulation will not have an overall negative or adverse major economic impact to the entities identified in questions (2) - (4). (\$500,000 or more, in aggregate), considering the \$25 permit application fee and no substantial increase in time for issuing permits and enforcement.

(b) The methodology and resources used to reach this conclusion:

There will be no additional costs to administer this regulation.