

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

301 KAR 3:120. Commercial wildlife control.

RELATES TO: KRS 150.183, 150.275, 150.330, 150.410, 50 C.F.R. 21.41

STATUTORY AUTHORITY: KRS 150.025(1)(h), 150.105, 150.170, 150.235, 150.275, 150.365

CERTIFICATION STATEMENT: The Kentucky Department of Fish and Wildlife Resources, pursuant to statutory authority to promulgate administrative regulations to carry out the provisions of KRS Chapter 150 as established in KRS 150.025 and as an independent department of state government within the meaning of KRS Chapter 12 as established in KRS 150.021(1), promulgated by the Commissioner with approval of the Commission in accordance with KRS 150.010(1), does hereby certify this administrative regulation is promulgated in compliance with Section 8 of 2025 RS HB6.

NECESSITY, FUNCTION, AND CONFORMITY: KRS 150.025(1)(h) authorizes the department to promulgate any other administrative regulations reasonably necessary to implement or carry out the purposes of KRS Chapter 150. KRS 150.105 authorizes the commissioner, with the approval of the commission, to authorize any person to destroy or bring under control any wild animal, fish, or wild birds, protected or unprotected, which are causing damage to persons, property, other animals, or spreading diseases. KRS 150.275 authorizes the department to issue permits to qualified persons to take and transport wildlife at any time for commercial wildlife control. This administrative regulation establishes the requirements for commercial wildlife control permits, and wildlife control operators. KRS 150.235 prohibits persons from performing acts authorized to be performed by a permit without first procuring the permit and the permit or license shall be kept on their person while conducting acts. KRS 150.170 prevents persons from doing any act or assisting a person with an act authorized by any kind of license or permit unless they hold the kind of permit that authorizes the act. 50 C.F.R. 21.41 provides federal permitting requirements for depredating migratory birds and allows a WCO to herd or scare depredating migratory birds without a federal permit, except that federally endangered or threatened species and bald or golden eagles shall not be scared or herded.

Section 1. Permitting Requirements.

(1) A WCO permit authorizes a WCO to take wildlife year-round using lethal or non-lethal capture methods, provided the WCO has written or oral authorization from the person requesting control.

(2) A person shall apply for and obtain a valid WCO permit, prior to conducting WCO activities, by submitting:

- (a) A correct and complete Commercial WCO Permit Application; and
- (b) A Commercial WCO Annual Activity Report for renewal applications.

(3) The department shall only grant a permit to a person who:

- (a) Is eighteen (18) years old or over;
- (b) Has not been convicted of a violation of KRS Chapter 150 or the administrative regulations promulgated under its authority within the denial period established in this administrative regulation;
- (c) Provides proof of a passing score on the National Wildlife Control Training Program course, except a person who passed the department issued examination prior to the effective date of this administrative regulation shall not be required to complete the National Wildlife Control Training Program course;

- (d) Remits the correct annual permit fee as referenced at <https://fw.ky.gov/Licenses/Pages/Fees.aspx> and established in 301 KAR 5:022;
 - (e) Provides a complete and correct Commercial WCO Permit Application; and
 - (f) Provides a valid email address.
- (4) A WCO shall always have their permit in their possession when performing the acts authorized by a WCO permit.
 - (5) The WCO permit shall be valid from March 1 through the last day of February.
 - (6) A permitted WCO wishing to sell the pelts of a furbearer taken during the statewide furbearer hunting and trapping season shall also possess a valid trapping license or hunting license, if applicable.

Section 2. Reporting Requirements.

- (1) A WCO shall keep records of all wildlife taken in the course of WCO duties on the WCO Annual Activity Report.
- (2) A WCO shall submit a Commercial WCO Annual Activity Report to the Department:
 - (a) No later than March 30; and
 - (b) Prior to a permit being renewed.
- (3) The Commercial WCO Annual Activity Report shall contain the information regarding the activity for the period from February 1 of the previous year through January 31 of the current year. If white-tailed deer are taken, a WCO shall also include copies of all valid Wildlife Damage Designee Forms for landowners they worked with to take white-tailed deer (*Odocoileus virginianus*) during this period.
- (4) A WCO shall submit tissue or other biological samples from dispatched animals as determined by the department.
 - (a) White-tailed deer taken in CWD Surveillance Zone Counties shall be submitted for testing as determined by a department representative;
 - 1. Request sample submission instructions from the Wildlife Health Program by email at wildlifehealth@ky.gov.
 - 2. Submit deer heads to the department within forty-eight (48) hours of take or freeze and retain the head for submission as directed by a department representative.
 - (b) A list of other tissues and biological samples from dispatched animals to be removed by WCO's will be maintained on the department's website at: <https://fw.ky.gov/Wildlife/Pages/Commercial-Wildlife-Control-Operator.aspx>.
- (5) The department shall not renew the WCO permit of an operator who does not:
 - (a) Submit the Commercial WCO Annual Activity Report as required by this section;
 - (b) Provide the information required by the Commercial WCO Annual Activity Report; or
 - (c) Submit tissue or other biological samples to the department as established in this section.
- (6) Report documents and all records of WCO activity, including the current or previous year's activity and written permission for releases, shall be made available to department staff upon request.

Section 3. Restrictions on Taking Wildlife.

- (1) A WCO shall only dispatch or release captured wildlife according to the requirements in this administrative regulation, except for federally protected species that meet the criteria in Sections 3, 5, and 6 of this administrative regulation.
- (2) A WCO shall only take white-tailed deer in an area that has been deemed to be experiencing wildlife damage by a department representative as established in 301 KAR 2:176;
 - (a) Only the WCO designated on a valid Wildlife Damage Designee Form per 301 KAR 2.176 is permitted to take white-tailed deer under this section;

- (b) Must be in possession of a valid Wildlife Damage Designee Form while performing WCO duties to take white-tailed deer and maintain copies for submission with the Commercial WCO Annual Activity Report; and
- (c) Adhere to all CWD Surveillance Zone Regulations as established in 301 KAR 2.172.

(3) A WCO shall not:

- (a) Transport wildlife to a wildlife rehabilitator or any person or facility that holds wildlife captive, except that a WCO shall immediately transport injured, ill, orphaned, or exhausted federally protected species to a permitted wildlife rehabilitator within Kentucky;
- (b) Release wildlife in any area that restricts their free movement or holds them captive;
- (c) Hold wildlife for more than forty-eight (48) hours;
- (d) Take federally protected wildlife unless a valid permit for the activity is issued by the U. S. Fish and Wildlife Service for the species of wildlife, except that a federal permit is not required to herd or scare migratory birds, excluding bald and golden eagles and endangered or threatened species;
- (e) Take the species established in subparagraphs 1. through 8. of this paragraph unless authorized by the commissioner:
 - 1. Copperbelly water snake (*Nerodia erythrogaster neglecta*);
 - 2. Elk (*Cervus canadensis*);
 - 3. Black bear (*Ursus americanus*);
 - 4. Wild turkey (*Meleagris gallopavo*);
 - 5. Kirtland's snake (*Clonophis kirtlandii*);
 - 6. Alligator Snapping turtle (*Macrochelys temminckii*);
 - 7. Hellbender (*Cryptobranchus alleganiensis*); or
- (f) Dispatch or cause death to bats.

Section 4. Legal Means of Take.

- (1) A WCO using traps shall comply with:
 - (a) KRS 150.410; and
 - (b) The trapping requirements in 301 KAR 2:251.
- (2) A WCO shall comply with weapon restrictions as established in 301 KAR 2:172 when taking white-tailed deer;
 - (a) Must comply with all local ordinances regarding the discharge of firearms in city limits.
 - (b) WCO shall not use traps to take white-tailed deer; or
 - (c) Use chemical immobilization drugs in free-ranging wildlife as established in 301 KAR 4:110.
- (3) A WCO using a firearm, air gun, archery or crossbow equipment shall provide proof of completion of the Kentucky Hunter Education Program or a course offered by another jurisdiction that meets the course standards set by the International Hunter Education Association.

Section 5. Dispatch of Captured Wildlife.

- (1) The department may, upon issuing a WCO permit, specify that certain species shall be dispatched.
 - (a) The requirement that a species be dispatched may apply statewide or to certain geographical regions.
 - (b) If the requirement that a species be dispatched is made to apply:
 - 1. Statewide, all WCO permits issued in that permit year shall contain the same requirement; or

2. To a limited geographical area, all WCO permits issued in that area shall contain the same requirement.

- (2) A WCO shall dispatch:
- (a) House sparrow (*Passer domesticus*);
 - (b) European starling (*Sturnus vulgaris*);
 - (c) Pigeon (*Columba domestica* or *Columba livia*);
 - (d) Nutria (*Myocaster coypus*);
 - (e) House mouse (*Mus musculus*);
 - (f) Rat (*Rattus norvegicus* or *Rattus rattus*);
 - (g) Wildlife that shows obvious symptoms of disease or injury, except for federally protected species and bats; or
 - (h) Any rabies vector species captured within the Enhanced Rabies Surveillance Zone at the capture site before being moved.
- (3) Legal methods of dispatching wildlife shall include:
- (a) Captive bolt;
 - (b) Gunshot;
 - (c) Submersion, for wildlife trapped in water sets, pursuant to 301 KAR 2:251;
 - (d) Cervical dislocation or thoracic compression for small mammals and birds, except for federally protected species and bats;
 - (e) Mechanical stunning, if followed immediately by an acceptable dispatch method;
 - (f) Inhalants, including halothane, isoflurane, carbon monoxide, or carbon dioxide;
 - (g) Commercially available agents for striped skunks, in accordance with manufacturer's specifications, except that prohibited methods of dispatch listed in this section shall not be used;
 - (h) Commercially available rodenticides used on small rodents in accordance with manufacturer specifications, except that prohibited methods of dispatch listed in this section shall not be used; or
 - (i) Archery or crossbow equipment as established in 301 KAR 2:172 when taking white-tailed deer only.
- (4) Prohibited methods of dispatch:
- (a) Extra-label use of chemicals, toxicants, or poisons is prohibited.
 - (b) Per KRS 150.365, the following methods of take are prohibited:
 - 1. Fire;
 - 2. Explosives;
 - 3. Mechanical, electrical, or hand operated sonic recording devices; or
 - 4. Gas or smoke in a den, hole, or nest of wildlife.

Section 6. Release of Captured Wildlife.

- (1) A WCO shall:
- (a) Transport wildlife for release in a safe manner that minimizes stress to the animal;
 - (b) Only release non-rabies vector species of wildlife:
 - 1. On-site; or
 - 2. In a rural habitat suitable for the particular species in which wildlife movement is unrestricted; and
 - 3. With the written permission of:
 - a. The private landowner of at least 100 contiguous acres;
 - b. The private landowners of contiguous properties totaling at least 100 acres; or
 - c. The agency responsible for management of public land totaling at least 300 acres.
 - (c) Only release rabies vector species of wildlife captured outside the Enhanced Rabies Surveillance Zone;
 - 1. On-site;

2. In a rural habitat suitable for the particular species within the county of capture in which wildlife movement is unrestricted; and
3. With the written permission of:
 - a. The private landowner of at least 100 contiguous acres;
 - b. The private landowners of contiguous properties totaling at least 100 acres; or
 - c. The agency responsible for management of public land totaling at least 300 acres.

(2) A WCO shall not:

- (a) Transport a rabies vector species into, out of, or within the enhanced rabies surveillance zone;
- (b) Release wildlife in unsuitable habitat including any enclosed area that restricts free movement of wildlife or holds wildlife captive.

Section 7. Disposal of Carcasses. A WCO shall dispose of all wildlife carcasses, except white tail deer and elk, by:

- (1) Complete incineration of the entire carcass and all of its parts and products;
- (2) Placing the carcass in a contained landfill as established in KRS Chapter 224;
- (3) Burying the carcass and all its parts and products in the earth:
 - (a) In a location that is never covered with the overflow of ponds or streams;
 - (b) Not less than 100 feet from any watercourse, sinkhole, well, spring, public highway, residence, or stable; and
 - (c) At least one (1) foot deep and covered with one (1) foot of earth; or
- (4) Removing the carcass by a duly licensed rendering establishment.
- (5) A WCO shall comply with carcass disposal requirements for white-tailed deer and elk as established in 301 KAR 2:245; and
 - (a) Relinquish to the department, destroy, or leave afield all inedible parts.
 - (b) Adhere to carcass movement restrictions when taking deer inside of a CWD Surveillance Zone as established in 301 KAR 2:172.

Section 8. Revocation and Denial of Permits and Appeal Procedure.

- (1) The department shall revoke the WCO permit without refund, deny the issuance of a new WCO permit, or deny a renewal of an existing or lapsed WCO permit and confiscate wildlife of a person who:
 - (a) Is convicted of a violation of any provisions of:
 1. KRS Chapter 150;
 2. 301 KAR Chapters 1 through 5;
 3. Any federal statute or regulation related to hunting, fishing, or wildlife; or
 4. Another state's fish and wildlife law.
 - (b) Fails to comply with the provisions of this administrative regulation or 301 KAR 2:041, 301 KAR 2:075, 301 KAR 2:081, or 301 KAR 2:251;
 - (c) Provides false information on a Commercial WCO Permit Application, Commercial WCO Annual Activity Report, federal permit, written permission for wildlife release, or records;
 - (d) Takes wildlife with methods not approved in this regulation or 301 KAR 2:251;
 - (e) Takes wildlife for commercial purposes without a valid commercial wildlife control permit;
 - (f) Takes federally protected species without a federal permit;
 - (g) Possesses wildlife over forty-eight (48) hours;
 - (h) Fails to dispatch rabies vector species at capture site in the Enhanced Rabies Surveillance Zone;
 - (i) Transports rabies vector species into, out of, or within the Enhanced Rabies Surveillance Zone;

- (j) Transports rabies vector species captured outside the Enhanced Rabies Surveillance Zone to a location outside the county of capture;
 - (k) Fails to comply with any provision of KRS Chapter 150, any administrative regulation of the department, or hunting, fishing, or wildlife laws of the federal government;
 - (l) Allows non-permitted persons to assist or conduct WCO activities or have direct contact with wildlife; or
 - (m) Fails to submit tissue or other biological samples from dispatched animals to the department.
- (2) A person whose WCO permit is denied or revoked may request an administrative hearing pursuant to KRS Chapter 13B.
- (a) 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 revocation.
 - (b) Upon receipt of the request for a hearing, the department shall proceed according to the provisions of KRS Chapter 13B.
 - (c) 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.
- (3) Denial period.
- (a) An applicant for a WCO permit whose permit has been revoked or denied for the grounds established in this section shall be ineligible to reapply, and all applications shall be denied for the period established below:
 1. The initial denial period shall be one (1) year;
 2. A second denial period shall be three (3) years; and
 3. A third or subsequent denial period shall be five (5) years.
 - (b) During the denial period, a person whose wildlife control operator permit has been denied or revoked shall not operate as a WCO or assist in wildlife control activities.

Section 9. Incorporation by Reference.

- (1) The following material is incorporated by reference:
 - (a) "Commercial Wildlife Control (WCO) Permit Application," 2025 edition; and
 - (b) "Commercial Wildlife Control Operator (WCO) Annual Activity Report," 2022 edition.
- (2) The material may be inspected, copied, or obtained subject to applicable copyright law, at the Kentucky Department of Fish and Wildlife Resources, #1 Sportsman's Lane, Frankfort, Kentucky, Monday through Friday from 8 a.m. to 4:30 p.m. or online at:
 - (a) <https://fw.ky.gov/Licenses/Documents/WCO-Permit-App.pdf> for the "Commercial Wildlife Control (WCO) Permit Application," and
 - (b) <https://fw.ky.gov/Wildlife/Documents/nwcoreportform.pdf> for the "Commercial Wildlife Control Operator (WCO) Annual Activity Report".
- (3) This material may also be found on the department's website at: <https://fw.ky.gov/Wildlife/Pages/Commercial-Wildlife-Control-Operator.aspx> for general WCO information.

*Approved by the Fish and Wildlife Commission
RICH STORM, Commissioner*

APPROVED BY AGENCY: July 7, 2025

FILED WITH LRC: July 9, 2025 at 3:30 p.m.

PUBLIC HEARING AND COMMENT PERIOD: A public hearing on this administrative regulation shall be held on September 29, 2025, at 1:30 p.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 September 30, 2025. 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.