TOURISM, ARTS AND HERITAGE CABINET
Department of Fish and Wildlife Resources
(Amended at ARRS Committee)

301 KAR 2:176. Wildlife causing damage and landowner designee process.

RELATES TO: KRS 150.010, 150.175, 150.360, 150.390, 150.990
STATUTORY AUTHORITY: KRS 150.025(1), 150.105, 150.170(7), 150.186
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) authorizes the department to promulgate administrative regulations to establish open seasons for the taking of wildlife, to regulate bag limits and methods of take, and to make these requirements apply to a limited area. KRS 150.105 authorizes the commissioner with the approval of the commission to destroy or bring under control wildlife causing damage. KRS 150.170(7) authorizes landowners, their spouses or dependent children, or a designee to destroy wildlife causing damage. It also authorizes the department to promulgate administrative regulations that establish procedures for the designee appointment process. This administrative regulation establishes the requirements for the issuance of wildlife control tags and destruction tags and establishes the requirements for the landowner designee appointment process.

Section 1. Definitions.
(1) "Carcass tag" means a tag affixed to the carcass that allows the individual who legally takes the animal to move the carcass, utilize the edible parts of the same, or transfer possession to another individual.
(2) "Control tag" means a tag issued by the department that authorizes an individual to take wildlife during an open hunting or trapping season for the species causing damage.
(3) "Destruction tag" means an authorization issued by the department that authorizes a landowner or designee to take wildlife outside of an open hunting or trapping season for the species causing damage.
(4) "Department representative" means a department employee who is a wildlife biologist or game warden.
(5) "Designee" means a person who has been designated by a landowner and approved by the commissioner to remove wildlife causing damage on the landowner's property.
(6) "Food plot" means a crop or cultivated plants grown to attract and feed wildlife.
(7) "Landowner" means the person who has title to a particular property.

Section 2. Qualifying for Control Tags.
(1) A landowner shall qualify for control tags if:
(a) Hunting or trapping for the species occurred on the property during the previous season;
(b) Standard deterrent measures recommended by a department representative have proven ineffective or are impractical;
(c) A department representative certifies wildlife damage to crops, gardens, property, or wildlife habitat; or
(d) Hunting or trapping seasons and bag limits are determined by a department representative to be inadequate to control wildlife populations on the property.

(2) A department representative shall make an on-site inspection of each property for which a request for control tags has been made, unless the property:

(a) Has been previously inspected by a department representative and the landowner affirms that wildlife damage still exists; or

(b) Is immediately adjacent to property assessed by a department representative as having severe wildlife damage.

(3) The department shall not issue control tags to a landowner whose only damage is to a food plot.

Section 3. Applying for Control Tags.

(1) A landowner shall request control tags by contacting the department through:

(a) A game warden; or

(b) The wildlife biologist for the county in which the property is located.

(2) If required by Section 2 of this administrative regulation, a department representative shall visit the property and assess the nature and extent of wildlife damage.

Section 4. Number of Control Tags Issued.

(1) The Wildlife Division shall determine the number of control tags to be issued for each property based on the recommendation of the department representative.

(2) The department shall not issue a control tag if:

(a) The county hunting or trapping season is adequate to achieve the desired reduction in wildlife numbers; or

(b) Crop, property, or environmental damage is not present.

Section 5. Transfer of Control Tags.

(1) Control tags shall be issued in the landowner's name.

(2) A landowner:

(a) May transfer a control tag to another person; and

(b) Shall require hunters or trappers to sign a control tag after an animal has been taken.

Section 6. Use of Control Tags.

(1) A control tag shall not be valid except on the property for which it was issued.

(2) A control tag shall expire after the license year for which it was issued.

(3) A person who uses a control tag:

(a) Shall have in possession a valid:

1. Control tag; and

2. Hunting or trapping license, as applicable for the method of take, and permit for the species causing damage, if applicable, unless exempt from license or permit requirements pursuant to KRS 150.170 or 301 KAR 3:120; and

3. Proof of hunter education if required by 301 KAR 2:185.

(b) May use control tags during any open hunting or trapping season for the species;

(c) Shall comply with weapon and season requirements as established in 301 KAR 2:132, 2:142, 2:144, 2:172, 2:251, or 2:300, except that antlered deer or elk may not be taken; and

(d) Shall submit the head of harvested deer or elk to the department as determined by a department representative for Chronic Wasting Disease testing if the animal was taken inside of a Chronic Wasting Disease Surveillance Zone.

(4) Wildlife taken with a control tag shall not count toward the zone or statewide bag limit as established in 301 KAR 2:132, 2:142, 2:144, 2:172, 2:251, or 2:300.

(5) Traps used to take wildlife with a control tag shall:

(a) Be tagged and checked as established in KRS 150.400 and 150.410; and

(b) Comply with trap requirements as established in 301 KAR 2:251.

Section 7. Destruction Tags.

(1) The Wildlife Division may issue a destruction tag:

(a) To a person authorized by the commissioner to remove wildlife that are or may become a public safety or environmental threat or that have entered a permitted captive cervid facility;

(b) To a landowner or the designee:

1. Who continues to experience damage after using control tags; or

2. Whose property cannot be hunted legally and wildlife are posing a public safety or environmental threat;

(c) To a captive cervid facility permit holder or applicant:

1. Whose fence meets the fencing and holding requirements in 301 KAR 2:083; and

2. Who has attempted to remove wild deer using nonlethal methods or statewide deer seasons as established in 301 KAR 2:172; or

(d) If a department representative determines that out of season take is warranted to curtail damage after conducting the initial site visit as established in Section 3 of this administrative regulation.

(2) A destruction tag shall specify the:

(a) Number and sex of wildlife to be destroyed if the species causing damage is sexually dimorphic;

(b) Method of destruction;

(c) Name of the person who will destroy the wildlife; and

(d) Dates during which the destruction will take place.

(3) A destruction tag shall not be issued without the recommendation of a department representative and the approval of the commissioner.

(4) A person who uses a destruction tag shall:

(a) Have in possession a valid:

1. Destruction tag;

2. Hunting or trapping license for the species causing damage , unless exempt from license or permit requirements pursuant to KRS 150.170 or 301 KAR 3:120;

3. Proof of hunter education if required by 301 KAR 2:185; and

4. Completed Wildlife Damage Designee Form for the property in which wildlife are being removed;

(b) Attach to each carcass a carcass tag that contains the confirmation number, hunter's name, and telephone number;

(c) Not remove the carcass tag until the carcass is processed or disposed of;

(d) Relinquish to the department, destroy, or leave afield all inedible parts;

(e) Telecheck the animal by midnight on the day the animal was recovered if telecheck is ordinarily required for the species taken;

(f) Submit the head of harvested deer or elk to the department as determined by a department representative for Chronic Wasting Disease testing if the animal was taken inside of a Chronic Wasting Disease Surveillance Zone; and

(g) Not take wildlife causing damage at night unless specified by a department representative and approved by the commissioner in writing on the Wildlife Damage Designee Form.

(5) A destruction tag shall not be used except as established on the authorization.

(6) A person who receives a destruction tag for species other than bear, bobcat, deer, elk, river otter, or turkey shall:

(a) Complete a Wildlife Destruction Tag Reporting Form issued by the department; and

(b) Submit the completed form to the department at # 1 Sportsman's Lane, Frankfort, Kentucky 40601, ATTN: Wildlife Destruction Tag Report, within fourteen (14) days after the expiration date designated on the destruction tag.

Section 8. Designee Procedures,Requirements and Denial Process.

(1) A landowner may appoint a designee to kill wildlife causing damage on the landowner's land.

(2) The landowner and designee shall complete and submit to the department a Wildlife Damage Designee Form.

(3) The department shall have thirty (30) days upon receipt of the Wildlife Damage Designee Form to approve or deny a designee.

(4) The department shall deny a designee that:

(a) Has received a felony conviction; or

(b) Has been convicted of any state or federal wildlife violation during the previous three (3) years.

Section 9. Denial or Revocation of Control Tags or Destruction Tag and Appeal Procedures.

(1) The department shall revoke a control tag or destruction tag or deny a future tag to a person who fails to comply with the requirements of this administrative regulation.

(2) An individual whose request for a tag has been denied or revoked may request an administrative hearing, which shall be conducted pursuant to KRS Chapter 13B.

(3) 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.

(4) Upon receipt of the request for a hearing, the department shall proceed according to the provisions of KRS Chapter 13B.

(5) 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 10. Incorporation by Reference.

(1) The following material is incorporated by reference:

(a) "Wildlife Damage Designee Form", 2025 edition; and

(b) "Out-of-Season Wildlife Destruction Reporting Form", 2025 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, 8:00 a.m. to 4:30 p.m. Eastern Time or online at:

(a) Wildlife Damage Designee Form: https://fw.ky.gov/Wildlife/Documents/Wildlife-Damage-Designee-Form.pdf;

(b) Out-of-Season Wildlife Destruction Reporting Form: https://fw.ky.gov/Wildlife/Documents/Out-Season-Wildlife-Destr-Rpt-Form.pdf.

(301 KAR 002:176. 35 Ky.R. 347; 794; eff. 10-8-2008; 41 Ky.R. 1876; 2087; eff. 5-1-2015; 42 Ky.R. 2935; 43 Ky.R. 200; eff. 8-4-2016; 44 Ky.R. 2576; eff. 10-5-2018; 52 Ky.R. 1196,1695; eff. 6-4-2026.)

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