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

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.

(e) Shall telecheck the animal by midnight on the day it was recovered if telecheck is normally required for the species taken.

(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) Unless otherwise prohibited from receiving destruction tags under Section 8 of this administrative regulation, the ~~[The]~~ Wildlife Division may issue destruction tags~~[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 who requests the same from a department representative.~~[:]~~

~~[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) For wildlife species other than white-tailed deer causing damage, a ~~[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) For white-tailed deer causing damage:

(a) The Wildlife Division shall issue a minimum of five (5) destruction tags to the landowner or approved designee that are valid for antlerless deer only for two (2) consecutive years; and

(b) Each destruction tag issued will be valid for two (2) years.

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

(5) ~~[(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.

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

(7) ~~[(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 as follows:~~[.]~~

(a) (There shall be no limit to the number of designees that a landowner may have in Zone 1 counties;

(b) A landowner may appoint up to five (5) designees per 100 acres of property in Zone 2 counties;

(c) A landowner may appoint up to three (3) designees per 100 acres of property in Zone 3 counties;

(d) A landowner may appoint one (1) designee per 100 acres of property in Zone 4 counties; and

(e) A landowner may be authorized to appoint additional designees if it is deemed necessary by the Commissioner to prevent further damage, pursuant to 150.105.

(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. Taking of Wildlife in the Act of Causing Damage

(1) A landowner, tenant, or approved designee may take wildlife in the act of causing damage as established in KRS 150.170 (7).

(2) Individuals established in KRS 150.170 (7) who take wildlife in the act of causing damage shall electronically report the take to the department at https://app.fw.ky.gov/reprint/krs150170.aspx within 24 hours of take.

(3) Individuals established in 150.170 (7) who have taken an animal causing damage shall request and obtain a carcass tag to remove the animal from the property or utilize the edible portions of the same via the electronic submission form as established in this section.

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

(1) The following material is incorporated by reference:

(a) "Wildlife Damage Designee Form", 2026[~~2025~~] edition; and

(b) "Out-of-Season Wildlife Destruction Reporting Form", 2026[~~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.

APPROVED by the Fish and Wildlife Commission
RICH STORM, Commissioner

APPROVED BY AGENCY: July 13, 2026

FILED WITH LRC: July 15, 2026 at 11:00 a.m.

PUBLIC HEARING AND COMMENT PERIOD: A public hearing on this administrative regulation shall be held on September 30, 2026, at 12:00 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, 2026. 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: fw.publicaffairs@ky.gov

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person:Jenny Gilbert, Phone: 502-564-3400, Email: fw.publicaffairs@ky.gov

Subject Headings:Agriculture, Animals: Wildlife, Conservation, Fish and Wildlife

(1) Provide a brief summary of:

(a) What this administrative regulation does:
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.

(b) The necessity of this administrative regulation:
necessary to alleviate wildlife damage in a regulated manner.

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

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

(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:
establishes reporting mechanism for control tags and wildlife taken under KRS 150.170 authorization, and clarifies destruction tag issuance process for white-tailed deer damage.

(b) The necessity of the amendment to this administrative regulation:
House Bill 142 altered KRS 150.170 and required the department to promulgate regulations to comply with the amended KRS.

(c) How the amendment conforms to the content of the authorizing statutes:
Provides reporting mechanism for wildlife taken under KRS 150.170 authorization, and clarifies destruction tag issuance process for white-tailed deer damage

(d) How the amendment will assist in the effective administration of the statutes:
150.105 authorizes the commissioner to destroy wildlife causing damage. 150.170 authorizes individuals to take wildlife in the act of causing damage. This amendment

establishes legal methods of take for wildlife causing damage and also reporting requirements.

(3) Does this administrative regulation or amendment implement legislation from the previous five years?Yes, Kentucky Acts Chapter 174 (HB 142 2026RS).

(4) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation:
landowners experiencing wildlife damage in Kentucky.

(5) Provide an analysis of how the entities identified in question (4) 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 (4) will have to take to comply with this administrative regulation or amendment:
landowners experiencing wildlife damage will need to comply with the provisions of this regulation, particularly in how they report the taking of wildlife in the act of causing damage

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (4):
no cost associated

(c) As a result of compliance, what benefits will accrue to the entities identified in question (4):
individuals with wildlife damage will receive assistance to help alleviate the same

(6) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:

(a) Initially:
no cost

(b) On a continuing basis:
no cost

(7) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation or this amendment:
Fish and Game Fund

(8) 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:
there will be no increase in fees

(9) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees:
no fees established

(10) TIERING: Is tiering applied?
Tiering is not applied as all individuals who experience wildlife damage, and request assistance from the department, are subject to same rules and regulations.

FISCAL IMPACT STATEMENT

(1) Identify each state statute, federal statute, or federal regulation that requires or authorizes the action taken by the administrative regulation:
150.105, 150.170. 150.025

(2) State whether this administrative regulation is expressly authorized by an act of the General Assembly, and if so, identify the act:
Kentucky Acts Chapter 174 required various actions by the department in relation to wildlife causing damage. This amendment is to establish regulatory procedures to comply with the statutory changes enacted by the act.

(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions:
Kentucky Department of Fish and Wildlife, Wildlife Division

(b) Estimate the following for each affected state unit, part, or division identified in (3)(a):

1. Expenditures:

For the first year:n/a

For subsequent years:n/a

2. Revenues:

For the first year:n/a

For subsequent years:n/a

3. Cost Savings:

For the first year:n/a

For subsequent years:n/a

(4)(a) Identify affected local entities (for example: cities, counties, fire departments, school districts):
no local entities impacted

(b) Estimate the following for each affected local entity identified in (4)(a):

1. Expenditures:

For the first year:n/a

For subsequent years:n/a

2. Revenues:

For the first year:n/a

For subsequent years:n/a

3. Cost Savings:

For the first year:n/a

For subsequent years:n/a

(5)(a) Identify any affected regulated entities not listed in (3)(a) or (4)(a):
no other regulated entities

(b) Estimate the following for each regulated entity identified in (5)(a):

1. **Expenditures:**

   For the first year:n/a

   For subsequent years:n/a

2. **Revenues:**

   For the first year:n/a

   For subsequent years:n/a

3. **Cost Savings:**

   For the first year:n/a

   For subsequent years:n/a

(6) Provide a narrative to explain the following for each entity identified in (3)(a), (4)(a), and (5)(a)

(a) Fiscal impact of this administrative regulation:
no fiscal impact anticipated

(b) Methodology and resources used to reach this conclusion:
n/a

(7) Explain, as it relates to the entities identified in (3)(a), (4)(a), and (5)(a):

(a) Whether this administrative regulation will have a "major economic impact", as defined by KRS 13A.010(14):
There will be no major economic impact

(b) The methodology and resources used to reach this conclusion:
The regulatory change allows for increased take of wildlife causing damage. There will be no added costs or fees to any entity but there should be a net economic benefit to the additional take and by alleviating crop / property damage due to wildlife.