

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

301 KAR 2:095. Importation, possession, and transportation of wildlife meat, cervid carcasses, and parts.

RELATES TO: KRS 150.180, 150.280, 150.290

STATUTORY AUTHORITY: KRS 150.025(1)(c), 150.720(2)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 150.025(1)(c) authorizes the department to promulgate administrative regulations governing the buying, selling, or transporting of wildlife. KRS 150.720(2) authorizes the department and the Department of Agriculture to hold a person responsible for all costs incurred in the investigation, response, and eradication of a disease if the person imports a diseased animal into the Commonwealth. This administrative regulation establishes procedures for the importation, possession, and transportation~~and possession~~ of specified wildlife~~cervid~~ carcasses or carcass parts~~part~~.

Section 1. Definitions.

- (1) "Cervid" means deer, elk, moose, caribou, reindeer, and related species and hybrids thereof, including all members of the Cervidae family and hybrids thereof~~a member of the family Cervidae~~.
- (2) "Chronic Wasting Disease" or "CWD" means a transmissible spongiform encephalopathy found in cervids.
- (3) "CWD Surveillance Zone" means an area designated as being subject to special cervid regulations due to a CWD positive cervid detection.
- ~~[(2)]~~ ~~["Clean" means having no meat matter or tissue attached to the carcass part.]~~
- (4) ~~[(3)]~~ "Import" means to transport a cervid carcass or carcass part into Kentucky~~bring~~ goods into the state of Kentucky from another state but does not include transportation of goods through Kentucky from outside the state.
- (5) "Lagomorph" means wild rabbits, hares, and pikas, and related species and hybrids thereof, including all wild members of the Order Lagomorpha and hybrids thereof.

Section 2. Importation and Transportation of Cervid Meat, Carcasses, and Parts.

- (1) ~~[A person shall not import a cervid carcass or carcass part that has any part of the spinal column or head.]~~
~~[(2)]~~ A person importing a ~~legally taken~~ cervid carcass or carcass parts shall only~~part may~~ possess the items of a legally harvested cervid listed in paragraphs (a) through (g) ~~[(f)]~~ of this subsection.
 - (a) Deboned meat, excluding brain matter;
 - (b) Antlers;
 - (c) ~~[(b)]~~ Antlers that are attached to a ~~clean~~ skull ~~[plate]~~ cap having no meat matter or tissue attached;
 - (d) ~~[(c)]~~ A ~~clean~~ skull having no meat matter or tissue attached;
 - (e) ~~[(d)]~~ ~~Clean~~ Upper canine teeth having no meat matter or tissue attached;
 - (f) ~~[(e)]~~ A finished taxidermy product; or
 - (g) ~~[(f)]~~ The hide, ~~or~~
~~[(g)]~~ ~~Quartered or deboned meat.~~
- (2) A person shall not transport a cervid carcass or carcass part through Kentucky from outside the state except those parts permissible for import, unless the carcass or carcass parts that are non-permissible for import are transported in a leak and spill-proof container and no contents thereof are permitted to be deposited or disposed of within the state.

(3) Transportation of cervid carcasses or parts out of a CWD Surveillance Zone. All persons in possession of or transporting a cervid carcass or carcass parts originating from a CWD Surveillance Zone shall only transport the following parts out of the CWD Surveillance Zone:

- (a) Deboned meat, excluding brain matter;
 - (b) Antlers;
 - (c) Antlers that are attached to a skull cap having no meat matter or tissue attached;
 - (d) A skull having no meat matter or tissue attached;
 - (e) Upper canine teeth having no meat matter or tissue attached;
 - (f) A finished taxidermy product; or
 - (g) The hide.
- (4) ~~[(3)] [A licensed taxidermist or deer processor]~~ An individual who engages in the act of taxidermy or processing of cervid meat who accepts ~~[a cervid head with an intact skull, spinal column, or spinal column part originating from another state or country]~~ an imported cervid carcass or carcass part prohibited by subsection (1) or subsection (3) of this section shall:

- (a) Contact the law enforcement division of the department within forty-eight (48) hours after ~~[receiving]~~ accepting the cervid carcass or carcass part ~~[head, spinal column, or spinal column part];~~
- (b) Provide to the department the hunter's:
 - 1. Name; and
 - 2. Address; and
- (c) Transfer all ~~nonpermitted cervid carcass and carcass parts~~ ~~[spinal column parts and the skull with the intact brain]~~ to the department ~~[once the skull plate has been removed].~~

Section 3. Importation of Wild Lagomorph Meat, Carcasses, and Parts.

- (1) A person shall only import a completely skinned and fully eviscerated carcass, quarters, or deboned meat of a legally harvested wild Lagomorph.
- (2) A person shall not transport wild Lagomorph meat, carcasses, or parts through Kentucky from outside the state except those parts permissible for import, unless the carcass or carcass parts that are non-permissible for import are transported in a leak and spill-proof container and no contents thereof are permitted to be deposited or disposed of within the state.

RICH STORM, Commissioner

APPROVED BY AGENCY: June 15, 2022

FILED WITH LRC: June 15, 2022 at 10:30 a.m.

PUBLIC HEARING AND COMMENT PERIOD: A public hearing on this administrative regulation shall be held on August 24, 2022, 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 August 31, 2022. 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: CONTACT PERSON: Jenny Gilbert, Legislative Affairs, Kentucky Department of Fish and Wildlife Resources, 1 Sportsman's Lane, phone (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 regulation establishes procedures for the importation and possession of cervid and wild lagomorph carcasses or carcass parts from other states or countries.

(b) The necessity of this administrative regulation:

This administrative regulation is necessary to prevent the importation of cervid parts most likely to be contaminated with the agent that causes Chronic Wasting Disease (CWD) and lagomorph carcasses potentially infected with rabbit hemorrhagic disease (RHDV2).

(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 the requirements for the transportation of wildlife. KRS 150.720(2) authorizes the department to hold individuals responsible for violating administrative regulations regarding the importation of diseased animals into the state.

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

This administrative regulation will assist in the administration of the statutes by helping to protect the state's deer, elk and lagomorph populations from CWD and RHDV2.

(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:

This amendment prohibits the importation of cervid and wild lagomorph carcasses and high-risk carcass parts from all states and countries.

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

CWD may persist in the environment for years before clinical symptoms develop in cervids or the disease is discovered. RHDV2 can persist in the environment for months and survives freezing. By prohibiting the importation of high-risk wildlife carcasses and carcass parts, the likelihood that infectious materials enter the state is greatly reduced.

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

See 1 (c) above.

(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:

All cervid hunters from Kentucky who transport legally taken wild or captive cervids from other states or countries will be affected. The number of affected hunters is unknown. Currently deer processors are unlicensed by the department and the number of processors in Kentucky is also unknown. There are approximately 350 licensed taxidermists within Kentucky. There are approximately 80,000 licensed rabbit hunters

in the Kentucky and a segment of that population travels out of state to hunt wild rabbits.

(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:

Hunters who hunt in other states or countries will only be allowed to import low risk portions of a cervid carcass. A processor or taxidermist who accepts a whole carcass or a high risk carcass part from another state or country must report this to the department within 48 hours, provide the department with the name and address of the hunter, and transfer possession of high-risk cervid parts to the department. Any hunter that travels through or back to Kentucky could only transport the fully skinned and dressed carcass of a legally harvested wild lagomorph.

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

There will be no cost associated with this amendment.

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

There are no direct benefits to the entities identified in question (3), only the secondary benefit of protecting the deer and wild lagomorph populations in Kentucky.

(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 cost to the agency to implement this regulation.

(b) On a continuing basis:

There will be no additional cost on a continuing basis.

(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 a fee 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:

This administrative regulation does not establish any fees directly or indirectly.

(9) TIERING: Is tiering applied?

Tiering is not applied because all individuals, taxidermists, and deer processors are treated equally.

FISCAL NOTE

(1) What units, parts, or divisions of state or local government (including cities, counties, fire departments, or school districts) will be impacted by this administrative regulation?

The Kentucky Department of Fish and Wildlife Resources Divisions of Wildlife and Law Enforcement will be affected by this regulation.

(2) Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation.

KRS 150.025(1) and 150.720(2).

(3) Estimate the effect of this administrative regulation on the expenditures and revenues of a state or local government agency (including cities, counties, fire departments, or school districts) for the first full year the administrative regulation is to be in effect.

(a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year?

No revenue will be generated for the first year.

(b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years?

No revenue will be generated in subsequent years.

(c) How much will it cost to administer this program for the first year?

(d) How much will it cost to administer this program for subsequent years?

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Revenues (+/-):

Expenditures (+/-):

Other Explanation:

(4) Estimate the effect of this administrative regulation on the expenditures and cost savings of regulated entities for the first full year the administrative regulation is to be in effect.

(a) How much cost savings will this administrative regulation generate for the regulated entities for the first year?

This amendment will not result in cost savings or additional expenditures.

(b) How much cost savings will this administrative regulation generate for the regulated entities for subsequent years?

This amendment will not result in cost savings or additional expenditures.

(c) How much will it cost the regulated entities for the first year?

This amendment will not result in any additional costs.

(d) How much will it cost the regulated entities for subsequent years?

This amendment will not result in any additional costs.

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Cost Savings (+/-):

Expenditures (+/-):

Other Explanation:

(5) Explain whether this administrative regulation will have a major economic impact, as defined below.

"Major economic impact" means an overall negative or adverse economic impact from an administrative regulation of five hundred thousand dollars (\$500,000) or more on state or local government or regulated entities, in aggregate, as determined by the promulgating administrative bodies. [KRS 13A.010(13)]. Compliance with this amendment does not require any additional costs and therefore should not have a major economic impact.