

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

**301 KAR 3:120. Commercial nuisance wildlife control.**

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

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

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 nuisance wildlife control. This administrative regulation establishes the requirements for commercial nuisance wildlife control permits, and nuisance 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 NWCO 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. Definitions.**

- (1) "Commercial purposes" means taking nuisance wildlife in exchange for payment, ~~for trade, or associated with job duties as part of employment.~~
- (2) "Enhanced Rabies Surveillance ~~Zone~~area" means Bell, Boyd, Bracken, Carter, Clay, Elliot, Fleming, Floyd, Greenup, Harlan, Johnson, Knott, Knox, Laurel, Lawrence, Leslie, Letcher, Lewis, Martin, Mason, McCreary, Pike, Perry, Robertson, and Whitley counties.
- (3) "Federally-protected wildlife" means any wildlife species listed by the U.S. Fish and Wildlife Service as threatened or endangered, and any birds protected under the Migratory Bird Treaty Act ~~or~~and the Bald and Golden Eagle Protection Act.
- (4) "Nuisance wildlife" means vertebrate wildlife that causes or may cause damage or threat to agriculture, human health, ~~for~~ safety, or property~~, or natural resources~~.
- (5) "Nuisance wildlife control operator" means the holder of a valid permit, issued by the department, which authorizes the taking of nuisance wildlife for commercial purposes.
- (6) "NWCO" means a nuisance wildlife control operator as defined in this administrative regulation.
- (7) "Permit" means the nuisance wildlife control operator's permit issued pursuant to this administrative regulation.
- (8) "Rabies vector species" means a:
  - (a) Coyote (*Canis latrans*);
  - (b) Gray fox (*Urocyon cinereoargenteus*);
  - (c) Raccoon (*Procyon lotor*);
  - (d) Red fox (*Vulpes vulpes*);
  - (e) Spotted skunk (*Spilogale putorius*); or
  - (f) Striped skunk (*Mephitis mephitis*).

(9) "Rural habitat" means an area of the state not included within the boundaries of an incorporated or unincorporated city, village or borough, and having a population in excess of 1,500 inhabitants.

## Section 2. Permitting Requirements ~~[NWCO Permit].~~

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

(2) ~~[(1)]~~ A person shall apply for and obtain a valid NWCO permit, prior to conducting NWCO activities, by submitting:~~[on a form provided by the department.]~~

(a) A correct and complete Commercial NWCO Permit Application; and

(b) A Commercial NWCO Annual Activity Report for renewal applications.

(3) ~~[(2)]~~ The department shall only~~[not]~~ grant a permit to a person who:

(a) Is ~~[Less than]~~ eighteen (18) years old or over;

(b) ~~[Who]~~ 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~~[one (1) year of the date of application; or]~~

(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 are not required to complete the National Wildlife Control Training Program course; [Who fails to achieve a score of seventy (70) percent or better on an examination administered by the department.]

(d) Remits the correct annual permit fee as established in 301 KAR 3:022;

(e) Provides a complete and correct Commercial NWCO Permit Application; and

(f) Provides a valid email address.

~~[(3)] [Nothing in this subsection shall prohibit persons under eighteen (18) years old from assisting a NWCO.]~~

~~[(4)] [A person may appeal the denial of a permit for a violation of KRS Chapter 150 or the administrative regulations adopted under its authority by following the procedures established in Section 7 of this administrative regulation.]~~

(4) ~~[(5)]~~ A NWCO shall always have their~~[his]~~ permit in their~~[his]~~ possession ~~[at all times]~~ when performing the acts authorized by a NWCO permit~~[taking or transporting wildlife].~~

(5) ~~[(6)]~~ The NWCO permit shall be valid from March 1 through the last day of February.

(6) A permitted NWCO wishing to sell the pelts of a ~~furbearer[s]~~ taken during the statewide furbearer hunting and trapping season shall also possess a valid trapping license or hunting license, if applicable.

## Section 3. Reporting Requirements.

(1) A NWCO shall keep records of all wildlife taken in the course of NWCO duties on the NWCO Annual Activity Report.

(2) ~~[(1)]~~ A NWCO shall submit a NWCO Annual Activity Report to the Department:

(a) No later than March 30; and

(b) Prior to a permit being renewed. ~~[file an annual activity report with the department between March 1 and March 30 of each year.]~~

~~[(2)] [The annual activity report shall be filed:]~~

~~[(a)] [On a form:]~~

~~[1.] [Provided by the department; or]~~

~~[2.] [Photocopied from the department form.]~~

(3) ~~[(b)]~~ The Commercial NWCO Annual Activity Report~~[form]~~ shall contain the information regarding the activity for the period from February~~[March]~~ 1 of the previous year through January 31~~[the last day of February]~~ of the current year.

(4) ~~[(3)]~~ The department shall not renew the permit of an operator who does not:

- (a) Submit the Commercial NWCO Annual Activity Report~~[annual activity report]~~ as required by this section; or
- (b) ~~[(b)]~~ Provide the information required by the Commercial NWCO Annual Activity Report~~[annual activity report form]~~.
- ~~[(6)]~~ ~~[(4)]~~ Report documents and all records of NWCO activity, including the current or previous year's activity and written permission for releases, shall be made available to department staff upon request.

#### Section 4. Restrictions on Taking Wildlife.

- (1) A NWCO 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 4, 6, and 7 of this administrative regulation.
- ~~[(2)]~~ ~~[(1)]~~ A NWCO shall not:
  - (a) Transport nuisance wildlife to a wildlife rehabilitator or any person or facility that holds wildlife captive, except that a NWCO 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) ~~[(a)]~~ Take federally protected wildlife unless ~~[the NWCO has]~~ a valid permit for the activity is issued by the U. S. Fish and Wildlife Service for the species of nuisance 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) ~~[(b)]~~ Take the species established in subparagraphs 1. through 8.~~[5.]~~ unless authorized by the commissioner:
    - 1. Copperbelly water snake (*Nerodia erythrogaster neglecta*);
    - 2. White-tailed deer (*Odocoileus virginianus*);
    - 3. Elk (*Cervus canadensis*);
    - 4. Black bear (*Ursus americanus*);~~[-or]~~
    - 5. Wild turkey (*Meleagris gallopavo*);~~[-or]~~
    - 6. Kirtland's snake (*Clonophis kirtlandii*);
    - 7. Alligator Snapping turtle (*Macrochelys temminckii*);
    - 8. Hellbender (*Cryptobranchus alleganiensis*); or
  - (f) ~~[(e)]~~ Dispatch or cause death to bats ~~[Use lethal capture methods to take bats].~~
- ~~[(2)]~~ ~~[A NWCO may take other nuisance wildlife year-round using lethal or nonlethal capture methods, provided the NWCO has written or oral authorization from the person requesting control.]~~

#### Section 5. Legal Means of Take. ~~[Methods of taking nuisance wildlife.]~~

- (1) A NWCO using traps shall comply with:
  - (a) KRS 150.410; and
  - (b) The trapping requirements in 301 KAR 2:251.
- (2) A NWCO using a gun 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 6. Dispatch ~~[Disposal]~~ of Captured Wildlife~~[animals]~~.

- ~~[(1)]~~ ~~[A NWCO may euthanize or release captured wildlife, except that a NWCO shall:]~~
  - ~~[(a)]~~ ~~[Euthanize any rabies vector species captured within the enhanced rabies surveillance area before being moved; and]~~
  - ~~[(b)]~~ ~~[Shall not transport a rabies vector species into or out of the enhanced rabies surveillance area.]~~

~~{(2)} [Acceptable methods of euthanizing wildlife shall include:]~~

~~{(a)} [Captive bolt;]~~

~~{(b)} [Gunshot;]~~

~~{(c)} [Drowning, for wildlife trapped in water sets, pursuant to 301 KAR 2:251;]~~

~~{(d)} [Cervical dislocation or thoracic compression for small mammals and birds;]~~

~~{(e)} [Mechanical stunning, if followed immediately by an acceptable euthanasia method;]~~

~~{(f)} [Inhalants, including halothane, isoflurane, carbon monoxide, or carbon dioxide;]~~

~~{(g)} [Noninhalants including Secobarbital/dibucaine; or]~~

~~{(h)} [Commercially available agents for striped skunks, in accordance with manufacturer's specifications.]~~

~~(1) {(3)}~~ The department may, upon issuing a permit, specify that certain species shall be ~~dispatched~~~~[euthanized]~~.

(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 permits issued in that permit year shall contain the same requirement; or

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

~~(2)~~ A NWCO 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.

~~(h)~~ Any rabies vector species captured within the Enhanced Rabies Surveillance Zone at the capture site before being moved.

~~(3) {(2)}~~ Legal ~~[Acceptable]~~ methods of ~~dispatching~~~~[euthanizing]~~ wildlife shall include:

(a) Captive bolt;

(b) Gunshot;

(c) Submersion ~~[Drowning]~~, 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~~~~[euthanasia]~~ method;

(f) Inhalants, including halothane, isoflurane, carbon monoxide, or carbon dioxide;

~~{(g)}~~ ~~[Noninhalants including Secobarbital/dibucaine; or]~~

(g) ~~{(h)}~~ 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; or ~~[.]~~

(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.

~~(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 7. Release of Captured Wildlife.

(1) A NWCO 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 NWCO shall not:

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

~~[(4)] [A NWCO shall:]~~

- ~~[(a)] [Euthanize wildlife that shows obvious symptoms of disease or injury;]~~
- ~~[(b)] [Transport wildlife for release in a safe manner that minimizes stress to the animal;]~~
- ~~[(c)] [Not release wildlife:]~~
  - ~~[1.] [Except in a rural habitat suitable for the particular species; and]~~
  - ~~[2.] [Without 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;]~~

#### Section 8. Disposal of Carcasses.

(1) ~~[(d)]~~ A NWCO shall dispose of all wildlife carcass~~carcasses~~ 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, ~~and~~  
~~[(c)] [Not hold wildlife for more than forty-eight (48) hours except as otherwise provided by administrative regulations promulgated by the department.]~~  
~~[(5)] [A permitted NWCO wishing to sell the pelts of furbearers taken during the statewide furbearer hunting and trapping season shall also possess a valid trapping license or hunting license, if applicable.]~~

Section 9. ~~[Section 7.]~~ Revocation and Denial of Permits and Appeal Procedure. ~~[Permit revocation, appeal process.]~~

(1) The department shall revoke the permit without refund, deny the issuance of a new permit, or deny a renewal of an existing or lapsed permit and confiscate wildlife of a person~~[the permit of a nuisance wildlife control operator]~~ 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 NWCO Permit Application, Commercial NWCO Annual Activity Report, federal permit, written permission for wildlife release, or records;

(d) Takes nuisance wildlife with methods not approved in this regulation or 301 KAR 2:251;

(e) Takes nuisance wildlife for commercial purposes without a valid commercial nuisance 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 NWCO activities or have direct contact with wildlife.

(2) A person whose 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 NWCO 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;
3. A third or subsequent denial period shall be five (5) years.

(b) During the denial period, a person whose nuisance wildlife control operator permit has been denied or revoked shall not operate as a NWCO or assist in nuisance wildlife control activities.

~~[(a)] [Is convicted of a violation of a federal fish and wildlife law, a Kentucky fish and wildlife law, including KRS Chapter 150 or Title 301 KAR, or another state's fish and wildlife law; or]~~

~~[(b)] [Knowingly provides false information on:]~~

~~[1.] [The application for a permit; or]~~

~~[2.] [The Annual Activity Report.]~~

~~[(2)] [An individual whose permit has been revoked shall be ineligible to apply for another Nuisance Wildlife Control Operator Permit or be an assistant on another Nuisance Wildlife Control Operator Permit for a period of three (3) years.]~~

~~[(3)] [An individual whose permit has been denied or revoked may request an administrative hearing pursuant to KRS Chapter 13B.]~~

Section 10. [Section 8.] Incorporation by Reference [Items incorporated by Reference].

(1) The following material is incorporated by reference:

(a) "Commercial Nuisance Wildlife Control (NWCO) Permit Application," 2022 edition~~[August 2004]~~; and

(b) "Commercial Nuisance Wildlife Control Operator (NWCO) Annual Activity Report~~[Form]~~," 2022 edition~~[August 2004]~~;

(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~~[Game Farm Road]~~, Frankfort, Kentucky, Monday through Friday from 8 a.m. to 4:30 p.m.

(3) This material may also be found on the department's Web site at: <https://fw.ky.gov/Wildlife/Pages/Commercial-Nuisance-Wildlife-Control-Operator.aspx> for general NWCO information.

*RICH STORM, Commissioner*

APPROVED BY AGENCY: December 14, 2022

FILED WITH LRC: December 15, 2022 at 11:35 a.m.

PUBLIC HEARING AND COMMENT PERIOD: A public hearing on this administrative regulation shall be held on February 28, 2023, at 9:00 a.m., at KDFWR Administration Building, 1 Sportsman<sup>™</sup>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 February 28, 2023. 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<sup>™</sup>s Lane, (502) 564-3400, fax (502) 564-0506, email [fwpubliccomments@ky.gov](mailto: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 the requirements for commercial nuisance wildlife control permits and nuisance wildlife control operators.

**(b) The necessity of this administrative regulation:**

This regulation authorizes the department to issue permits to qualified persons to take and transport wildlife causing damage under commercial nuisance wildlife control permits.

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

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 nuisance wildlife control. This administrative regulation establishes the requirements for commercial nuisance wildlife control permits, and nuisance 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.

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

This administrative regulation will fulfill the purposes of KRS 150.170 and KRS 150.105 by providing a permitting mechanism for commercial nuisance wildlife control operators to take wildlife causing damage or threat to agriculture, human health, or property.

**(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 will improve training requirements for nuisance wildlife control operators, limit movement of rabies vector species, require dispatch of exotic species, and clarify the legal use of poison on wildlife.

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

This amendment will limit potential spread of disease and exotic species. Training for nuisance wildlife control operators will be improved.

**(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:**

There are currently 212 nuisance wildlife control operator permit holders.

**(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:**

New permittees will be required to take the new training and testing program. Nuisance wildlife control operators will be required to adhere to restrictions regarding transport and release of rabies vector species and dispatch of exotic wildlife.

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

The cost of the training program is \$200.

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

Improved training will equip nuisance wildlife control operators with expertise to better communicate with the public and eliminate wildlife causing damage.

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

**(a) Initially:**

There will be no additional cost to the department to implement this administrative regulation.

**(b) On a continuing basis:**

There will be no additional cost to the department 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 any other fees or to increase 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 fees or directly or indirectly increase any fees.

**(9) TIERING: Is tiering applied?**

No. Tiering is not applied because all Nuisance Wildlife Control Operators must comply with the requirements of this administrative regulation.

## **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 Department of Fish and Wildlife Resources will assist Nuisance Wildlife Control Operators with understanding changes to this administrative regulation. The Department will not be impacted fiscally.

**(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)(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 nuisance wildlife control. This administrative regulation establishes the requirements for commercial nuisance wildlife control permits, and nuisance 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.

**(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 additional revenue will be generated by this administrative regulation during 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 additional revenue will be generated by this administrative regulation during subsequent years.

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

There will be no additional costs incurred for the first year.

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

There will be no additional costs incurred in subsequent years.

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

**Revenues (+/-):**None; see 3(a) and (b) above.

**Expenditures (+/-):**None; see 3(b) and (c) above.

**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?**

N/A

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

N/A

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

N/A

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

N/A

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

**Cost Savings (+/-):**N/A

**Expenditures (+/-):**N/A

**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)] N/A

## **FEDERAL MANDATE ANALYSIS COMPARISON**

**(1) Federal statute or regulation constituting the federal mandate.**

N/A

**(2) State compliance standards.**

N/A

**(3) Minimum or uniform standards contained in the federal mandate.**

N/A

**(4) Will this administrative regulation impose stricter requirements, or additional or different responsibilities or requirements, than those required by the federal mandate?**

No

**(5) Justification for the imposition of the stricter standard, or additional or different responsibilities or requirements.**

N/A