

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

301 KAR 2:195. Falconry, raptor take, and raptor propagation.

RELATES TO: KRS 150.010, 150.180, 150.183, 150.290, 150.305, 150.320, 150.330, 150.360

STATUTORY AUTHORITY: KRS 150.025(1), 150.280(1), 50 C.F.R. Parts 13, 17, 21, 22

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 establishing open seasons for the taking of wildlife, bag limits, and methods of taking wildlife, and to make these requirements apply to a limited area. KRS 150.280(1) requires the department to promulgate administrative regulations establishing procedures for propagating and holding of protected wildlife. 50 C.F.R. Parts 13, 17, 21, and 22 establish requirements for permitting, taking, possessing, and selling of raptors and endangered and threatened species. This administrative regulation establishes permitting, taking, possessing, and reporting requirements for people engaged in falconry and raptor propagation.

Section 1. Definitions.

- (1) "Adult" means a raptor that is at least one (1) year old.
- (2) "Captive-bred raptor" means a raptor, or the eggs thereof, hatched in captivity from parents in captivity.
- (3) "Eyas" means a young raptor that is still in the nest and not capable of flight.
- (4) "Falconry" means caring for and training wild or captive-bred raptors for the pursuit of wild game.
- (5) "Hack" means the temporary release of a raptor held for falconry to the wild so that it can survive on its own.
- (6) "Hybrid raptor" means an offspring produced by two (2) distinct raptor species.
- (7) "Imprinted" means a raptor that has been hand-raised by a human in isolation from the sight of other raptors from two (2) weeks of age through fledging.
- (8) "Native raptor" means a raptor species which has historically existed or currently exists in the wild in Kentucky without introduction by humans.
- (9) "Passage bird" means a raptor less than one (1) year of age that is capable of sustained flight and is no longer dependent on parental care.
- (10) "Wild raptor" means a raptor that was originally taken from the wild.

Section 2. Federal requirements. Except as established in Sections 3 through 11 of this administrative regulation, a person shall be in compliance with the federal requirements established in 50 C.F.R. Parts:

- (1) 13;
- (2) 17;
- (3) 21; and
- (4) 22.

Section 3. Permits and Licenses.

- (1) A person shall be required to obtain and possess a valid falconry permit to take or possess a raptor for use in falconry.

- (2) A raptor obtained with a valid falconry permit shall not be used or kept for purposes other than falconry.
- (3) A person with a valid state or federal falconry permit:
 - (a) May take wildlife pursuant to applicable statewide requirements if the falconer:
 - 1. Has a valid Kentucky hunting license; or
 - 2. Is hunting license exempt pursuant to KRS 150.170; and
 - (b) Shall not be required to obtain a wildlife transportation permit pursuant to 301 KAR 2:081 and 2:082 if the person:
 - 1. Is importing or transporting a legally held falconry raptor into Kentucky; or
 - 2. Is transporting a legally held falconry raptor into and through Kentucky to a destination outside of Kentucky.

Section 4. Falconry Permit Requirements, Classes of Permits, and Apprentice Sponsors.

- (1) To obtain a falconry permit of any class, a person shall:
 - (a) Complete a Kentucky Falconry Permit Application form provided by the Department; and
 - (b) Submit to the department:
 - 1. The completed application;
 - 2. The appropriate fee, as referenced at <https://fw.ky.gov/Licenses/Pages/Fees.aspx> and established in 301 KAR 5:022~~established in 301 KAR 3:022~~; and
 - 3. A completed Raptor Facilities and Equipment Inspection Report form signed by a department conservation officer, department biologist, or department approved representative.
- (2) An apprentice falconry permit applicant shall:
 - (a) Be at least twelve (12) years old;
 - (b) Obtain a sponsor who holds a valid Kentucky general or master falconry permit pursuant to subsection (12) of this section;
 - (c) If under eighteen (18) years old, have a parent or legal guardian co-sign the application;
 - (d) Contact the department to schedule a time to take a written exam administered by the department;
 - (e) Provide photo identification prior to taking the exam;
 - (f) Complete the written exam within ninety (90) minutes;
 - (g) Only take the written exam one (1) time in a given day; and
 - (h) Pass the written examination by scoring a minimum of eighty (80) percent.
- (3) An applicant shall not take more than three (3) exams in any twelve (12) month period.
- (4) A person shall submit an application within twelve (12) months of passing the falconry exam, or the application shall be invalid.
- (5) An apprentice class falconry permit holder shall:
 - (a) Only possess one (1) of the following wild or captive-bred raptors at any given time:
 - 1. American kestrel (*Falco sparverius*);
 - 2. Red-tailed hawk (*Buteo jamaicensis*);
 - 3. Red-shouldered hawk (*Buteo lineatus*); or
 - 4. Harris's hawk (*Parabuteo unicinctus*);
 - (b) Not possess a raptor:
 - 1. Taken from the wild as a nestling; or
 - 2. That is imprinted on humans; and
 - (c) Only take a wild raptor under the direct supervision of the permit holder's sponsor.
- (6) A general class falconry permit applicant shall:
 - (a) Be at least sixteen (16) years old;
 - (b) If under eighteen (18) years old, have a parent or legal guardian co-sign the application;
 - (c) Have practiced falconry at the apprentice level for at least two (2) years; and
 - (d) Have complied with all previous year reporting requirements, if applicable, pursuant to Section 7 of this administrative regulation.
- (7) A first time general class permit applicant shall:

- (a) Submit to the department a completed Kentucky Apprentice Falconer Activity Report;
 - (b) Practice falconry with a wild raptor at the apprentice level for at least two (2) years; and
 - (c) Maintain, train, and hunt with a raptor for an average of six (6) months per year with at least four (4) months in each year.
- (8) A general class falconry permit holder shall:
- (a) Be allowed to possess the following:
 - 1. A raptor obtained from the wild;
 - 2. A hybrid raptor; or
 - 3. A captive-bred raptor; and
 - (b) Not possess more than three (3) of the following raptors at any given time:
 - 1. Great horned owl (*Bubo virginianus*); or
 - 2. Any member of the Order Falconiformes, except for the following species which shall not be possessed:
 - a. Golden eagle (*Aquila chrysaetos*);
 - b. Bald eagle (*Haliaeetus leucocephalus*);
 - c. White-tailed eagle (*Haliaeetus albicilla*); or
 - d. Stellar's sea eagle (*Haliaeetus pelagicus*).
- (9) A master class falconry permit applicant shall:
- (a) Have held a valid general class falconry permit for at least five (5) years; and
 - (b) Have complied with all previous year reporting requirements, pursuant to Section 7 of this administrative regulation.
- (10) A first time master class permit applicant shall submit to the department a completed Kentucky General Falconer Upgrade Report, signed by the applicant and one (1) reference who is a permitted master or general class falconer, attesting that the applicant has practiced falconry:
- (a) At the general class permit level for at least five (5) years; and
 - (b) For an average of four (4) months a year, in at least four (4) out of the last five (5) years.
- (11) A master class falconry permit holder:
- (a) Shall not possess more than five (5) of the following wild raptors at any given time:
 - 1. Great horned owl; and
 - 2. Any member of the Order Falconiformes except a bald eagle;
 - (b) Shall obtain prior approval from the department pursuant to the requirements of 50 C.F.R. 21 and 22 to possess any of the following raptors:
 - 1. Golden eagle;
 - 2. White-tailed eagle; or
 - 3. Stellar's sea eagle; and
 - (c) May possess any number of captive-bred raptors of the species allowed in paragraph (a) and (b) of this subsection.
- (12) An apprentice sponsor shall:
- (a) Not have more than three (3) apprentices at any given time;
 - (b) Be at least eighteen (18) years old;
 - (c) Possess a valid Kentucky general or master class falconry permit;
 - (d) Have held a general class falconry permit for a minimum of two (2) years; and
 - (e) Submit a signed letter to the department:
 - 1. Attesting that the sponsor will assist the apprentice in:
 - a. Learning about the husbandry and training of raptors held for falconry;
 - b. Learning relevant wildlife laws and regulations;
 - c. Deciding which species of raptor is most appropriate for the apprentice to possess;
 - d. Providing direct supervision to the apprentice while trapping wild raptors; and
 - e. Evaluating the apprentice's facility and bird a minimum of one (1) time every twelve (12) months; and
 - 2. Containing the sponsor's:

- a. Name;
 - b. Falconry permit number;
 - c. Address; and
 - d. Telephone number.
- (13) A sponsor who is withdrawing sponsorship of an apprentice shall:
 - (a) Notify the department in writing within five (5) days of withdrawing the sponsorship; and
 - (b) Provide the apprentice with a signed and dated document stating the length of time that the apprentice practiced falconry under the sponsor's guidance.
- (14) An apprentice who loses sponsorship shall obtain a new sponsor within thirty (30) days from the sponsor's notification of withdrawal.
- (15) A new sponsor shall be in compliance with the requirements established in subsection (7) of this section.
- (16) If an apprentice fails to obtain a new sponsor within thirty (30) days, the department shall:
 - (a) Revoke the apprentice's falconry permit; and
 - (b) Confiscate any raptor in the apprentice's possession if the apprentice does not transfer ownership of the raptor to another licensed falconer.
- (17) A non-resident falconer who moves to Kentucky to establish residency shall apply for the appropriate Kentucky falconry permit within thirty (30) days after moving.
- (18) A resident falconry applicant who is a new resident of the United States shall obtain the appropriate Kentucky falconry permit by:
 - (a) Meeting the application requirements established in subsection (1) of this section;
 - (b) Contacting the department to schedule a time to take a written examination administered by the department;
 - (c) Passing the written examination by scoring a minimum of eighty (80) percent; and
 - (d) Providing to the department written documentation of previous falconry experience including:
 - 1. The number of years the applicant has practiced falconry;
 - 2. The raptor species used in falconry; and
 - 3. The game species taken with falconry.
- (19) A person who held a valid Kentucky falconry permit within the last five (5) years, but has allowed the permit to lapse, may apply for reinstatement at the class level previously held by:
 - (a) Complying with the application requirements established in subsection (1) of this section; and
 - (b) Providing the department with proof of previous certification at that class level.
- (20) An apprentice or general falconer whose Kentucky falconry permit has lapsed for a period greater than five (5) years may apply for reinstatement at the class level previously held by:
 - (a) Complying with the application requirements established in subsection (1) of this section;
 - (b) Complying with the examination requirements established in subsection (2) of this section; and
 - (c) Providing the department with proof of previous certification at that class level.
- (21) A master class permittee whose Kentucky falconry permit has lapsed for a period greater than five (5) years will be reinstated at the general class level, provided he satisfies the application requirements in subsection (1) of this section.
 - (a) A person formerly permitted at the master class level and reinstated at the general class level shall actively practice falconry for an average of four (4) months a year in at least two (2) out of the last three (3) years prior to upgrading to a master class permit.
 - (b) A person applying for master class reinstatement shall:
 - 1. Submit to the department a Kentucky General Falconer Upgrade Report;

2. Have complied with all previous years' reporting requirements, as established in Section 7; and
 3. Provide the department with proof of previous certification at the master class level.
- (22) A falconry permit holder shall not be required to pay the permit fee referenced at <https://fw.ky.gov/Licenses/Pages/Fees.aspx> and established in 301 KAR 5:022~~established in 301 KAR 3:022~~ if the permit holder's current permit has not yet expired and the permit holder is applying for:
- (a) An upgrade to the next falconry class; or
 - (b) A facility relocation.

Section 5. Facility, Equipment, and Care Requirements.

- (1) A falconry permit holder shall comply with all federal requirements established in 50 C.F.R. Part 21 for the permit holder's:
 - (a) Facility;
 - (b) Equipment; and
 - (c) Treatment and care for possessed raptors.
- (2) A permittee shall keep all:
 - (a) Raptors in humane and healthy condition; and
 - (b) Facilities and equipment in serviceable, safe, and sanitary condition, as established in 50 C.F.R. Part 21.
- (3) A falconry permit holder who is relocating a raptor facility shall:
 - (a) Notify the department within five (5) business days of relocation; and
 - (b) Have a relocated raptor facility inspected and approved by a department conservation officer, department biologist, or department approved representative within thirty (30) days of relocation.
- (4) A department conservation officer, department biologist, or department approved representative shall only inspect a raptor facility:
 - (a) In the presence of the permit holder;
 - (b) On a weekday; and
 - (c) Between 8 a.m. and 8 p.m. local time.

Section 6. Banding, Tagging, and Telemetry Requirements.

- (1) A falconry permit holder shall comply with federal banding, tagging, and telemetry requirements established in 50 C.F.R. Part 21.
- (2) A falconry permit holder who is required by federal regulations to band a raptor shall:
 - (a) Contact the department to request leg bands at least fifteen (15) days prior to obtaining a raptor; and
 - (b) Only use U.S. Fish and Wildlife Service leg bands that are issued by the department.
- (3) A falconry permit holder shall attach at least two (2) radio transmitters to a hybrid raptor if the permit holder is flying it untethered in the wild.

Section 7. Raptor Take and Release, Recordkeeping, and Reporting Requirements.

- (1) Unless exempted by KRS 150.170, a Kentucky falconry permit holder shall have in possession a valid Kentucky hunting license when taking a raptor from the wild.
- (2) When taking a raptor from the wild, a nonresident shall have in possession:
 - (a) A valid Kentucky nonresident hunting license;
 - (b) A valid falconry permit or equivalent from the nonresident's home state; and
 - (c) An approved Kentucky Nonresident Raptor Take Form.
- (3) To obtain a Kentucky Nonresident Raptor Take Form, a person shall:
 - (a) Print a copy of the form from the department's Web site at fw.ky.gov; or
 - (b) Contact the department at 800-858-1549 and request a mailed copy.
- (4) A person shall submit to the department a completed and signed Kentucky Nonresident Raptor Take Form at least fifteen (15) working days prior to the requested take date.
- (5) A falconry permit holder shall be responsible for complying with all applicable federal requirements if taking raptors on federal land.

- (6) A falconry permit holder who is a nonresident shall only take one (1) legal raptor in Kentucky per calendar year.
- (7) An approved Kentucky Nonresident Raptor Take Form shall only be issued to a person whose state of residence allows a Kentucky resident to legally take a raptor from that state.
- (8) A nonresident falconer who takes a raptor in Kentucky shall submit to the department a completed and signed Falconry Take Location Report within five (5) days of taking a bird.
- (9) A licensed falconer shall comply with all raptor take requirements established in 50 C.F.R. 21 in addition to the requirements established in this section.
- (10) A resident falconry permit holder shall not take more than two (2) raptors from the wild in any calendar year.
- (11) An eyas shall only be taken:
 - (a) By a general or master class falconry permit holder; and
 - (b) From January 1 through July 31.
- (12) A person shall not take more than one (1) sharp-shinned hawk (*Accipiter striatus*) eyas per calendar year.
- (13) There shall be an annual maximum quota for sharp-shinned hawk eyases of:
 - (a) Ten (10) for Kentucky residents; and
 - (b) Five (5) for nonresidents.
- (14) Prior to taking a sharp-shinned hawk eyas, a person shall be responsible for calling the department at 800-858-1549 to check if the sharp-shinned hawk eyas annual quota has been reached.
- (15) A person shall not take a sharp-shinned hawk eyas from a nest unless there are at least three (3) eyases in the nest.
- (16) Each person who takes a sharp-shinned hawk eyas shall submit to the department the Falconry Take Location Report within five (5) days of possession.
- (17) Any permit class falconer may take a passage bird if it is a species the falconer is allowed to possess as established in Section 4 of this administrative regulation.
- (18) The allowable period of take for:
 - (a) A passage bird, other than a great horned owl, shall be September 1 through January 31;
 - (b) An adult or passage bird great horned owl shall be September 1 through October 31; and
 - (c) An adult American kestrel shall only be taken from September 1 through January 31.
- (19) An adult American kestrel or adult great horned owl shall only be taken by a:
 - (a) General class permit holder; or
 - (b) Master class permit holder.
- (20) A person shall not release the following raptors into the wild:
 - (a) A non-native raptor;
 - (b) A hybrid raptor; or
 - (c) A captive-bred, native raptor.
- (21) Prior to releasing a raptor into the wild, a person shall remove all leg bands from the bird, except that a falconer who intends to release a wild caught peregrine falcon previously used in falconry shall contact the department's Falconry Coordinator to:
 - (a) Have the department band the bird with a permanent band; and
 - (b) Release the bird only in a county approved in writing by the department's Falconry Coordinator.
- (22) A falconry permit holder shall complete and submit to the department a federal form 3-186A or enter the required information in the federal database at <https://epermits.fws.gov/falcP/> within five (5) days if a raptor is:
 - (a) Acquired;
 - (b) Transferred;
 - (c) Released;
 - (d) Lost;
 - (e) Rebanded;

- (f) Microchipped;
 - (g) Stolen; or
 - (h) Dead.
- (23) A falconer shall retain copies of each submitted 3-186A form or the electronically submitted data for a minimum of five (5) years following a raptor's:
- (a) Transfer;
 - (b) Release;
 - (c) Loss; or
 - (d) Death.

Section 8. Transfer of Ownership and Propagation.

(1) A falconry permit holder may transfer ownership of a wild-caught raptor pursuant to 50 C.F.R. Part 21, but shall not engage in the following activities with wild-caught raptors:

- (a) Selling;
 - (b) Purchasing;
 - (c) Trading; or
 - (d) Bartering.
- (2) A falconry permit holder may transfer a wild-caught raptor to a person who possesses a valid federal raptor propagation permit if:

- (a)
 1. The raptor has been used in falconry for at least one (1) year for the following species:
 - a. Sharp-shinned hawk;
 - b. Cooper's hawk (*Accipiter cooperii*);
 - c. Merlin (*Falco columbarius*); or
 - d. American kestrel; or
 2. The raptor has been used in falconry for at least two (2) years for all other legal species of raptor; and
 - (b) The person receiving the transferred bird possesses a valid state captive wildlife permit.
- (3) A person who legally possesses a captive-bred raptor may engage in the activities listed in subsection (1)(a) through (d) of this section if:
- (a)
 1. The transferred bird is marked with a metal leg band; or
 2. The transferred bird is implanted with a microchip pursuant to 50 C.F.R. Part 21; and
 - (b) The person in receipt of the bird possesses:
 1. The appropriate class falconry permit; or
 2. A valid federal raptor propagation permit.
- (4) A person shall not breed or propagate a native raptor without first obtaining:
- (a) A federal raptor propagation permit, pursuant to 50 C.F.R. Part 21; and
 - (b) The appropriate Kentucky captive wildlife permit, pursuant to 301 KAR 2:081.
- (5) A person who is propagating a native raptor shall submit to the department copies of all the following materials required by 50 C.F.R. Part 21:
- (a) The raptor propagation application;
 - (b) Propagation records; and
 - (c) Propagation reports.
- (6) The materials required in subsection (5) of this section shall be submitted to the department by the same dates required in 50 C.F.R. Part 21.

Section 9. Other Activities.

- (1) A falconry permit holder may use a raptor for conservation education programs, pursuant to 50 C.F.R. Part 21.
- (2) A falconry permit holder who is in compliance with the permit requirements for Special Purpose Abatement, pursuant to 50 C.F.R. Part 21, may receive payment for nuisance wildlife control work if the permit holder also possesses a valid Kentucky Commercial Nuisance Wildlife Control permit, pursuant to 301 KAR 3:120.

(3) A person may assist a permitted wildlife rehabilitator, as established in 301 KAR 2:075, in conditioning raptors for subsequent release into the wild if the person is:

- (a) A general or master class falconry permit holder; and
- (b) Working with a species the falconry permit holder is allowed to possess.

(4) A general or master class permit holder may hack a raptor, previously used for falconry, if the permit holder is in compliance with 50 C.F.R. 21 and contacts the department to provide the information established in paragraph (a) through (d) of this subsection.

- (a) The hack site location;
- (b) The species of raptor;
- (c) The origin of the raptor; and
- (d) The planned hacking dates.

Section 10. Passage Tundrius Peregrine Falcon Take Opportunity Drawing.

(1) Dependent upon the number of passage tundrius peregrine falcon take opportunities allocated to the department by the U.S. Fish and Wildlife Service, the department shall administer a random drawing annually for the passage tundrius peregrine falcon take opportunities allocated.

(2) One passage tundrius peregrine falcon take opportunity, authorizing the take of one (1) passage tundrius peregrine falcon, will be awarded per drawn falconer.

(3) To be eligible for the passage tundrius peregrine falcon take opportunity drawing, falconers shall:

- (a) Be a resident of Kentucky;
- (b) Have a valid Kentucky resident hunting license or be license exempt, as established in KRS 150.170;
- (c) Have a valid Kentucky master class falconry permit, pursuant to Section 4 of this administrative regulation;
- (d) Submit to the department a complete and accurate online application at fw.ky.gov by July 31; and
- (e) Not have been convicted of violating any Kentucky falconry regulation in the past five (5) years.

(4) The department will notify the drawn falconer, by their preferred method of contact as indicated on the application, no later than August 15.

(5) Upon notification, drawn falconers must contact the department's Falconry Coordinator by phone or email within ten (10) calendar days to accept the passage tundrius peregrine falcon take opportunity. Failure to accept a passage tundrius peregrine falcon take opportunity within ten (10) calendar days will result in a forfeiture of the passage tundrius peregrine falcon take opportunity.

(6) If the passage tundrius peregrine falcon take opportunity is forfeited, the department shall conduct additional random drawings until the passage tundrius peregrine falcon take opportunity is accepted or until the take period has passed, as established in this section.

(7) If a passage tundrius peregrine falcon take opportunity is awarded and accepted, the drawn falconer shall:

- (a) Carry on his or her person an authorization letter provided by the department to take one (1) passage tundrius peregrine falcon;
- (b) Only take a passage tundrius peregrine falcon between September 20 and October 20 of the year the passage tundrius peregrine falcon take opportunity is awarded;
- (c) Not take or attempt to take a passage tundrius peregrine falcon from a county in which the trapping of a passage tundrius peregrine falcon is prohibited, as established by the department;
- (d) Immediately release any captured peregrines of non-tundrius subspecies or birds with a band or research marker, except that bands and research marker information must be photographed or otherwise recorded and reported to the department within forty-eight (48) hours of release;

- (e) Report to the department's Falconry Coordinator the take of a passage tundra peregrine falcon within twenty-four (24) hours by phone or email at FWFalconry@ky.gov;
- (f) Within ten (10) calendar days of taking of a passage tundra peregrine falcon, make arrangements for the department to:
 - 1. Inspect the passage tundra peregrine falcon. If the captured falcon is determined not to be a passage tundra peregrine falcon, the bird shall be surrendered to the department on site; and
 - 2. Band the captured passage tundra peregrine falcon with a U.S. Fish and Wildlife Service falconry band; and
- (g) Not be eligible to participate in the random drawing for the subsequent two (2) years.
- (8) The passage tundra peregrine falcon take opportunity is nontransferable.

Section 11. Revocation of Permits and Appeal Procedure.

- (1) The department shall revoke the permit, deny the issuance of a new permit, or deny a renewal of an existing or lapsed permit for a period of one (1) year of a person who:
 - (a) Violates any provision of KRS Chapter 150;
 - (b) Violates any department regulation;
 - (c) Violates any federal statute or regulation related to hunting, fishing, or wildlife; or
 - (d) Falsifies a falconry permit application.
- (2) A person whose permit is denied or revoked may request an administrative hearing 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 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 12. Incorporation by Reference.

- (1) The following material is incorporated by reference:
 - (a) "Kentucky Falconry Permit Application", ~~2025~~[2018] edition;
 - (b) "Raptor Facilities and Equipment Inspection Report", 2013 edition;
 - (c) "Falconry Take Location Report", 2013 edition;
 - (d) "Kentucky Nonresident Raptor Take Form", 2013 edition;
 - (e) "Kentucky Apprentice Falconer Activity Report", 2018 edition;
 - (f) "Kentucky General Falconer Upgrade Report", 2018 edition;
 - (g) "Kentucky Passage Tundra Peregrine Falcon Falconry Take Opportunity Application", 2019 edition; and
 - (h) "Kentucky Counties Where Trapping Of Passage Tundra Peregrine Falcons Is Prohibited", 2019 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 a.m. to 4:30 p.m. Eastern Time or online at:
 - (a) Kentucky Falconry Permit Application:
<https://fw.ky.gov/Licenses/Documents/Falconry-App.pdf>;
 - (b) Raptor Facilities and Equipment Inspection Report:
<https://fw.ky.gov/Wildlife/Documents/falconryinspectionform.pdf>;
 - (c) Falconry Take Location Report:
<https://fw.ky.gov/Wildlife/documents/newfalconrytakereport.pdf>;
 - (d) Kentucky Nonresident Raptor Take Form:
<https://fw.ky.gov/Wildlife/Documents/Nonresraptortakeform.pdf>;
 - (e) Kentucky Apprentice Falconer Activity Report:
https://fw.ky.gov/Wildlife/Documents/Kentucky_Apprentice_Falconer_Activity_Report.pdf;
 - (f) Kentucky General Falconer Upgrade Report:
https://fw.ky.gov/Wildlife/Documents/Kentucky_General_Falconer_Upgrade_Report.pdf;

(g). "Kentucky Passage Tundrius Peregrine Falcon Falconry Take Opportunity Application: <https://app.fw.ky.gov/specialDrawing/Wildlife/falcon.aspx>;

(h). "Kentucky Counties Where Trapping Of Passage Tundrius Peregrine Falcons Is Prohibited: <https://fw.ky.gov/Wildlife/Documents/Falconry-Prohibited-Trapping-Counties.pdf>.

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

APPROVED BY AGENCY: June 27, 2025

FILED WITH LRC: June 27, 2025 at 2:45 p.m.

PUBLIC HEARING AND COMMENT PERIOD: A public hearing on this administrative regulation shall be held on September 29, 2025, at 1:00 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, 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, 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 administrative regulation establishes permitting, taking, possessing, and reporting requirements for people engaged in falconry and raptor propagation.

(b) The necessity of this administrative regulation:

This admirative regulation is needed to provide safe guidelines for falconers to operate in a manner that will protect their operation and the wildlife in the Commonwealth of KY.

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

KRS 150.025(1) authorizes the department to promulgate administrative regulations establishing open seasons for the taking of wildlife, bag limits, and methods of taking wildlife, and to make these requirements apply to a limited area. KRS 150.280(1) requires the department to promulgate administrative regulations establishing procedures for propagating and holding of protected wildlife.

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

This administrative regulation establishes permitting, taking, possessing, and reporting requirements for people engaged in falconry and raptor propagation.

(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 removes any reference to fees and replaces them with a reference to the fee regulation, 301 KAR 5:022, and similarly updates any applicable material incorporated by reference.

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

This amendment is necessary to allow future fee changes to be promulgated in 301 KAR 5:022 without the need for promulgating matching amendments to this regulation.

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

KRS 150.025(1) grants authority for the department to promulgate regulations necessary to carry out the purposes of KRS Chapter 150. KRS 150.175 sets out licenses and tags to be sold by the department. KRS 150.195 requires the department to establish administrative regulations to provide for the control, design, issuance, distribution, and other matters related to licenses and permits issued by the department.

(d) How the amendment will assist in the effective administration of the statutes:

This amendment will consolidate any associated fees into a single fee regulation, 301 KAR 5:022.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation:

All individuals who wish to obtain the associated license or permit.

(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:

No action will be required to comply with the amendments, however, the individuals would need to look to 301 KAR 5:022 for the regulation which establishes the cost of the associated license or permit.

(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 to comply with the amendments to this regulation.

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

Compliance with these amendments will allow individuals to obtain the associated license or permit.

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

(a) Initially:

There will be no cost to implement these regulatory amendments initially.

(b) On a continuing basis:

There will be no continuing costs to implement these amendments.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation:

The Fish and Game 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:

There will be no increase in fees or funding necessary to implement these changes.

(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 or directly or indirectly increase any fees. Any associated fees are addressed in 301 KAR 5:022.

(9) TIERING: Is tiering applied?

Tiering is not applied as all individuals will need to look to 301 KAR 5:022 for the regulation which establishes the cost of the associated permits.

FISCAL IMPACT STATEMENT

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

KRS 150.025(1) authorizes the department to promulgate administrative regulations establishing open seasons for the taking of wildlife, bag limits, and methods of taking wildlife, and to make these requirements apply to a limited area. KRS 150.280(1) requires the department to promulgate administrative regulations establishing procedures for propagating and holding of protected wildlife. 50 C.F.R. Parts 13, 17, 21, and 22 establish requirements for permitting, taking, possessing, and selling of raptors and endangered and threatened species.

(2) State whether this administrative regulation is expressly authorized by an act of the General Assembly, and if so, identify the act:

This amendment is not expressly authorized by an act of the General Assembly but is promulgated pursuant to KRS 150.025 and 150.195.

(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions:

The promulgating agency is the Kentucky Department of Fish and Wildlife Resources. No other state agencies are affected.

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

1. Expenditures:

For the first year:These amendments will not result in any additional expenditures for the department.

For subsequent years:These amendments will not result in any additional expenditures for the department.

2. Revenues:

For the first year:These amendments will not result in any change in revenues for the department.

For subsequent years:These amendments will not result in any change in revenues for the department.

3. Cost Savings:

For the first year:These amendments will not result in any cost savings for the department.

For subsequent years:These amendments will not result in any cost savings for the department.

(4)(a) Identify affected local entities (for example: cities, counties, fire departments, school districts):

No local entities should be affected by these amendments.

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

1. Expenditures:

For the first year:NA

For subsequent years:NA

2. Revenues:

For the first year:NA

For subsequent years:NA

3. Cost Savings:

For the first year:NA

For subsequent years:NA

(5)(a) Identify any affected regulated entities not listed in (3)(a) or (4)(a):

No other entities should be affected by these amendments.

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

1. Expenditures:

For the first year:NA

For subsequent years:NA

2. Revenues:

For the first year:NA

For subsequent years:NA

3. Cost Savings:

For the first year:NA

For subsequent years:NA

(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:

This amendment will not have any significant fiscal impact.

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

This amendment does not modify any fees or require affected entities to expend funds to comply with the amendments beyond those incidental to normal operations.

(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(13):

This amendment will not have a major economic impact.

(b) The methodology and resources used to reach this conclusion:

This amendment does not increase any fees or otherwise create a financial burden to state or local government agencies or to regulated entities.

FEDERAL MANDATE ANALYSIS COMPARISON

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

Wildlife and Fisheries, Federal Code of Regulations 50 C.F.R. Parts 13, 17, 21, and 22 establish requirements for permitting, taking, possessing, and selling of raptors and endangered and threatened species.

(2) State compliance standards.

The Department of Fish and Wildlife Resources sets the requirements for permitting, taking, possessing, and selling of raptors within the frameworks established by the U.S. Fish and Wildlife Service and published in 50 C.F.R. Parts 13, 17, 21, and 22.

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

50 C.F.R. Parts 13, 17, and 22 establish requirements for permitting, taking, possessing, and selling of raptors and endangered and threatened species. 50 C.F.R. Part 21 defines permits and the necessary requirements to hold and possess migratory game birds before, during and after periods open for hunting.

(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