

**115-16-3. Nuisance bird control permit; application, provisions, and requirements.** (a) The term “nuisance birds” shall include ~~the following species:~~

~~(1) yellow-headed blackbird;~~

~~(2) red-winged blackbird;~~

~~(3) bi-colored red-winged blackbird;~~

~~(4) rusty blackbird;~~

~~(5) brewer's blackbird;~~

~~(6) cowbird;~~

~~(7) grackle;~~

~~(8) crow;~~

~~(9) magpie;~~

~~(10) feral pigeon;~~

~~(11) english sparrow; and~~

~~(12) starling~~ those species specified in the department’s “Kansas nuisance bird species table,”

dated May 9, 2011, which is hereby adopted by reference.

(b) Nuisance birds may be controlled when found depredating or about to depredate upon ornamental or shade trees, agricultural crops, livestock, or wildlife, or when concentrated in such numbers and manner as to constitute a health hazard or other nuisance.

(c) A nuisance bird control permit shall be required to use any lethal method of control ~~which~~ that involves poisons or chemicals for controlling nuisance birds other than the feral pigeon, English

sparrow, or European starling.

(d) Any person may apply to the secretary for a nuisance bird control permit. The application shall be submitted on forms provided by the department ~~and~~. Each applicant shall provide the following information:

- (1) The applicant's name ~~of the applicant~~;
- (2) the applicant's address ~~of the applicant~~;
- (3) the applicant's telephone number ~~of the applicant~~;
- (4) the location of the nuisance bird problem;
- (5) a description of the problem;
- (6) the species of birds involved;
- (7) the proposed method of control;
- (8) the length of time for which the permit is requested; and
- (9) any other relevant information as required by the secretary.

(e) Issuance of ~~the~~ a permit may be denied by the secretary if any of the following conditions is met:

- (1) The permit application is unclear or incomplete~~;~~;
- (2) The need for nuisance bird control has not been established~~;~~~~or~~;
- (3) Use of the poison or chemical would pose inordinate risk to the public, non-target wildlife, or the environment.

(f) ~~The~~ Each permit shall be valid only for the ~~time~~ period specified on the permit, ~~but~~ which

shall not exceed one year.

(g) A permit may be extended by the secretary upon request and justification by the permittee. However, the combined total of the original and the extended time ~~period~~ periods shall not exceed one year.

(h) ~~The~~ Each permit shall be valid only for the locations specified in the permit.

(i) In addition to other penalties as prescribed by law, a nuisance bird control permit may be revoked by the secretary if either of the following conditions is met:

- (1) The permit was secured through false representation; ~~or.~~
- (2) The permittee fails to meet permit requirements or violates permit conditions.

(j) A nuisance bird control permit shall not be required to control nuisance bird problems as described in subsection (b) ~~when~~ if the control method is ~~non-lethal~~ nonlethal or ~~when~~ if the control method involves use of firearms, ~~bow and arrow~~ archery equipment, or falconry.

(k) Nuisance birds killed and the plumage of nuisance birds killed during nuisance bird control may be possessed, transported, and otherwise disposed of or utilized, except that nuisance birds killed and the plumage of nuisance birds killed during nuisance bird control shall not be sold or offered for sale.

(l) ~~All nuisance bird control activities shall be subject to all federal and state laws and rules and regulations~~ Nontoxic shot and bullets shall be required for the taking of nuisance birds pursuant to this regulation, except when using an air rifle, air pistol, or .22 caliber rimfire firearm. (Authorized by K.S.A. 1991 Supp. 32-807 and K.S.A. 1991 Supp. 32-955; implementing K.S.A. 1991 Supp. 32-955,

K.S.A. ~~1991~~ 2010 Supp. 32-1002, and K.S.A. ~~1991~~ 2010 Supp. 32-1003; effective Sept. 10, 1990;  
amended Aug. 31, 1992; amended P-\_\_\_\_\_.)