

TOURISM, ARTS AND HERITAGE CABINET
Department of Fish and Wildlife Resources
(Amended at ARRS Committee)

301 KAR 3:001. Definitions for 301 KAR Chapter 3.

RELATES TO: KRS 150.010, 150.025, 189.010

STATUTORY AUTHORITY: 150.025(1)(i)~~/(h)~~

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)(i) authorizes~~/(h)~~ ~~requires~~ the department to promulgate administrative regulations to carry out the purpose of the chapter. This administrative regulation establishes definitions for terms used in 301 KAR Chapter 3.

Section 1. Definitions.

(1) "Adult" means a person who is at least eighteen (18) years of age.

(2) "Aircraft" means a device that is used or intended to be used for flight in the air.

(3) "Air gun" means a pneumatic gun fired by a charge of compressed air.

~~(4) ~~/(3)~~~~ "ATV" is as defined in KRS 189.010(24).

~~(5) ~~/(4)~~~~ "Bait":

(a) Means a substance composed of grains, minerals, salt, fruits, vegetables, hay, or any other food materials, whether natural or manufactured, that could lure, entice, or attract wildlife; and

(b) Does not mean the establishment and maintenance of plantings for wildlife, foods found scattered solely as the result of normal agricultural planting or harvesting practices, foods available to wildlife through normal agricultural practices of livestock feeding if the areas are occupied by livestock actively consuming the feed on a daily basis, or standing farm crops under normal agricultural practices.

~~(6) ~~/(5)~~~~ "Baiting" means to place, deposit, tend, distribute, or scatter bait.

~~(7) ~~/(6)~~~~ "Camp Piomingo" means a designated area within Otter Creek Outdoor Recreation Area that is leased from the department for an outdoor summer camp.

(8) "Chronic Wasting Disease" or "CWD" means a transmissible spongiform encephalopathy found in cervids.

~~(9) ~~/(7)~~~~ "Club-operated shooting range" means a facility that is:

(a) Operated by a department-authorized entity for target shooting; and

(b) Open to the public during club events.

~~(10) ~~/(8)~~~~ "Commercial purposes" means taking nuisance wildlife in exchange for payment, trade, or associated with job duties as part of employment.

~~(11) ~~/(9)~~~~ "Conservation camp" means a tract of land:

(a) Controlled by the department through ownership, lease, license, or cooperative agreement; and

(b) That is utilized to host conservation camps.

(12) "Crossbow" means a bow with a string designed or fitted with a device to hold an arrow at full or partial draw without aid from the archer.

(13) "CWD Surveillance Zone" means an area, designated and listed on the department's website at fw.ky.gov, as being under special cervid requirements, as

established in 301 KAR 2:172, due to a CWD positive cervid detection.

~~(14) (10)~~ "Department" is defined in KRS 150.010,~~(10)(8)~~.

~~(15) (11)~~ "Enhanced Rabies Surveillance Zone" means the counties designated by the United States Department of Agriculture as current rabies surveillance counties listed at <http://fw.ky.gov/Wildlife/Pages/Rabies.aspx>~~{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}~~.

~~(16) (12)~~ "Event" means a planned activity conducted by the department or a group for the purpose of boating, fishing, hunting, shooting, trapping, or other recreational activity.

~~(17) (13)~~ "Exotic wildlife " means wildlife species that have never naturally existed in the wild in Kentucky, including species introduced by man that have become naturalized.

~~(18) (14)~~ "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 the Bald and Golden Eagle Protection Act.

~~(19) (15)~~ "Field trial" means an organized event where unleashed hunting dogs are worked and judged.

~~(20) "Firearm" means a breach or muzzle-loading rifle, shotgun, or handgun.~~

~~(21) "Firing line" means the area where a weapon is shot or discharged, as designated by:~~

~~(a) Signage;~~

~~(b) A shooting bench; or~~

~~(c) A range officer.~~

~~(22) (16)~~ "Fishing outfitter" means the holder of a valid license, issued by the department, which authorizes a person to solicit for guiding services or provide guiding services for clients in the taking or attempting to take fish and which may have fishing guides authorized to assist clients on behalf of the license holder.

~~(23) (17)~~ "Fishing guide" means the holder of a valid license, issued by the department, which authorizes a person to assist a fishing outfitter license holder's clients in taking or attempting to take fish and is employed by or contracted with a fishing outfitter license holder.

~~(24) (18)~~ "Fishing helper" means a person who assists a fishing outfitter or fishing guide and is in the same boat or is directly alongside of the fishing outfitter or fishing guide if standing on a stream or riverbank while guiding others in the taking or attempting to take of fish.

~~{(19)} {"Firing line" means the area where a weapon is shot or discharged, as designated by:}~~

~~{(a)} {Signage;}~~

~~{(b)} {A shooting bench; or}~~

~~{(c)} {A range officer.}~~

~~(25) (20)~~ "Group" means:

(a) A club, society, or association;

(b) Ten (10) or more persons who gather to conduct an event; or

(c) A field trial.

~~(26) (21)~~ "Harass" means any action that creates the likelihood of injury to wildlife by annoying it with aircraft or unmanned aircraft to such an extent as to significantly disrupt normal behavior patterns, which include breeding, feeding, or sheltering.

~~(27) (22)~~ "Horse" means a horse, pony, mule, donkey, llama, or similar beast of burden.

~~(28) (23)~~ "Hunting outfitter" means the holder of a valid license, issued by the department, which authorizes a person to solicit for guiding services or provide guiding services for clients in the taking or attempting to take wildlife and which may have hunting guides authorized to assist clients on behalf of the license holder.

~~(29)~~ ~~(24)~~ "Hunting guide license" means the holder of a valid license, issued by the department, which authorizes a person to assist a hunting outfitter license holder's clients in taking or attempting to take wildlife and is employed by or contracted with a hunting outfitter license holder.

~~(30)~~ ~~(25)~~ "Injurious substance" means a substance which may be harmful to wildlife, or wildlife habitat.

~~(31)~~ ~~(26)~~ "Mechanized vehicle" means a motor vehicle, bicycle, or other human conveyance except a wheelchair.

~~(32)~~ ~~(27)~~ "Mentee" means an individual who is participating or going to participate in a mentored event to receive guidance and instruction from a mentor to learn the lawfully compliant methods and techniques for engaging in the activity being performed in the mentored event.

~~(33)~~ ~~(28)~~ "Mentor" means an adult who:

(a) Has previously participated in a particular activity; and

(b) Is well versed in the techniques, equipment, and safety concerns related to the activity that is to occur at an event.

~~(34)~~ ~~(29)~~ "Mentored event" means an event during a statewide season in which mentors accompany mentees.

~~(35)~~ ~~(30)~~ "Mobility-impaired" means an individual who meets the requirements of 301 KAR 3:026 Section 2(1).

~~(36)~~ ~~(31)~~ "Motor vehicle" ~~is~~ defined in KRS 189.010(19).

~~(37)~~ ~~(32)~~ "Novice" means a person who has not:

(a) Held the applicable license for an event activity for more than two (2) license years in total;

(b) Held the applicable license for an event activity within the past three (3) years;

(c) Successfully harvested the targeted species for an event within the past three (3) years; or

(d) For shooting and boating activities, participated in the activity more than five (5) times within the past three (3) years.

~~(38)~~ ~~(33)~~ "Nuisance wildlife" means vertebrate wildlife that causes or may cause damage or threat to agriculture, human health, safety, or property.

~~(39)~~ ~~(34)~~ "Nuisance wildlife control operator" or "NWCO" means the holder of a valid permit, issued by the department, which authorizes the taking of nuisance wildlife for commercial purposes.

~~(40)~~ ~~(35)~~ "Participant" means an individual who engages in boating, fishing, hunting, shooting, or trapping, as part of an event.

~~(41)~~ ~~(36)~~ "Pistol pit" means a shooting range that is established for target shooting with pistols.

~~(42)~~ ~~(37)~~ "Qualified assistant" means an individual who is participating in the activity with the mobility-impaired individual and designated by the mobility-impaired individual.

~~(43)~~ ~~(38)~~ "Rabies vector species" means a:

(a) ~~Bat~~ ~~Bats~~ of any species (order Chiroptera);

(b) Coyote (*Canis latrans*);

(c) Gray fox (*Urocyon cinereoargenteus*);

(d) Raccoon (*Procyon lotor*);

(e) Red fox (*Vulpes vulpes*);

(f) Spotted skunk (*Spilogale putorius*);

(g) Striped skunk (*Mephitis mephitis*); or

(h) ~~Any~~ Hybrid of paragraphs (a) through (g) of this subsection.

~~(44)~~ ~~(39)~~ "Range officer" means an individual designated as a National Rifle Association range officer, a National Shooting Sports Foundation range officer, a

department hunter education instructor, or a law enforcement range officer, responsible for supervising a shooting range and ensuring compliance with this administrative regulation.

~~(45)~~ ~~[(40)]~~ "Ride" means to ride, drive, or lead a horse.

~~(46)~~ ~~[(41)]~~ "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.

~~(47)~~ ~~[(42)]~~ "Safety zone" means an area downrange of a firing line where all public access is prohibited as designated by department signs.

~~(48)~~ ~~[(43)]~~ "Self-service trap shooting range" means a shooting range that is established for people to shoot at moving targets with a shotgun.

~~(49)~~ ~~[(44)]~~ "Shooting station" means a location on the firing line for one (1) person to shoot, as designated by:

- (a) Signage;
- (b) A shooting bench; or
- (c) A concrete pad.

~~(50)~~ ~~[(45)]~~ "Shooting range" or "range" means a public facility on lands owned or managed by the department through ownership, lease, license, or cooperative agreement, or a facility owned or managed by an affiliated partner of the department that is designated for the shooting of firearms or archery equipment.

~~(51)~~ ~~[(46)]~~ "Special Use Wildlife Management Area" or "Special Use WMA" means a Wildlife Management Area that is subject to special restrictions due to safety concerns or recorded deed restrictions on the subject property prohibit.

~~(52)~~ ~~[(47)]~~ "Tube range" means a shooting range established for target shooting through designated steel tubes.

~~(53)~~ ~~[(48)]~~ ~~[(3)]~~ "Unmanned aircraft" means an aircraft operated without the possibility of direct human intervention from within or on the aircraft.

~~(54)~~ "WCO Permit" means the wildlife control operator's permit issued pursuant to Title 301 KAR 3:120.

~~(55)~~ "Wildlife control operator" or "WCO" means the holder of a valid permit, issued by the department, which authorizes the taking of nuisance wildlife for commercial purposes.

~~(56)~~ ~~[(49)]~~ "Wildlife management area" or "WMA" means a tract of land:

- (a) Controlled by the department through ownership, lease, license, or cooperative agreement; and
- (b) Having "Wildlife Management Area" or "WMA" as part of its official name.

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