

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

301 KAR 3:140. Take of wildlife with aircraft prohibited.

RELATES TO: KRS 150.010, 150.025, 16 U.S.C. 742

STATUTORY AUTHORITY: KRS 150.010(46), 150.025(1), 150.360

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 150.010(46) authorizes the Kentucky Department of Fish and Wildlife Resources to define methods of take. KRS 150.025(1) authorizes the department to promulgate administrative regulations to establish open seasons for the taking of wildlife, to regulate bag limits and methods of take, and to make these requirements apply to a limited area. KRS 150.360(1) authorizes the department to restrict methods of taking wildlife. This administrative regulation establishes the use of aircraft for the take of wildlife and is within the frameworks established by 16 U.S.C.~~16 U.S.C.~~ 742.

Section 1. Unlawful Use of Aircraft or Unmanned Aircraft.

(1) A person ~~He~~ shall ~~not be unlawful at any time for any person to~~ use an aircraft or unmanned aircraft system:

- (a) To fish, hunt, or take wildlife or to drive or herd any wildlife for the purpose of fishing, hunting, or taking; or
- (b) To harass any wildlife.

(2) ~~Except~~ Aircraft or unmanned aircraft systems may be used by:

- (a) Department employees and contractors or agents acting on behalf of the Department when addressing human safety, law enforcement, research, management, or other needs approved by the department;
- (b) Authorized landowners or their agents to engage in lawful wildlife damage control activities; and
- (c) Commercial fishers for use in locating or removing invasive carp.

FILED WITH LRC: September 9, 2025, at 1 p.m.

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