

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

**301 KAR 3:110. Mobility-impaired hunts for deer, turkey and waterfowl.**

RELATES TO: KRS 150.170, 150.175, 150.360, 150.362, 150.365, 150.370, 150.390, 150.990

STATUTORY AUTHORITY: KRS 150.025, 150.179, 28 C.F.R. Parts 35, Part 36, 43 C.F.R. Part 17

NECESSITY, FUNCTION, AND CONFORMITY: KRS 150.025(1) authorizes the department to promulgate administrative regulations that set seasons and regulate methods of taking. KRS 150.179(2) authorizes the department to approve certain special events that provide education or appreciation of the recreational activity. 43 C.F.R. Part 17 and 28 C.F.R. parts 35 and 36 mandate that state government agencies comply with the Americans with Disabilities Act. This administrative regulation establishes procedures to allow mobility-impaired individuals to hunt during youth deer, turkey and waterfowl weekends at department-approved events.

Section 1. Department Approved Events. (1) The Kentucky Fish and Wildlife Commission may approve organized deer, turkey and waterfowl hunting events for mobility-impaired persons sponsored by bona\_fide organizations during youth deer, turkey, and waterfowl weekends.

(2) Requirements.

(a) A special mobility-impaired event request shall be received by the department by January 1 for the upcoming fall deer season, June 1 for the upcoming spring turkey season, and June 1 for the upcoming waterfowl season.

(b) The special event request shall contain the following information:

1. Identity of the organization;
2. The organization's articles of incorporation;
3. A contact person's name, address and phone number;
4. Location of event;
5. Type of hunt;
6. Number of expected mobility-impaired participants;
7. Number of expected assistants, mentors and facilitators;
8. A copy of the certification of an assistant or facilitator who shall be attending the event who is Red Cross-certified to administer CPR;
9. If the event is to take place on private land, written permission from the land owner or organization holding the land; and
10. If the event is to take place on a Wildlife Management Area and ATVs are to be used, the expected number of ATVs to be in used at the event.

Section 2. Seasons and Methods of Taking. (1) The approved mobility impaired hunting events shall take place during the youth deer, turkey, and waterfowl seasons.

(2) The methods of taking shall comply with 301 KAR 2:172, 301 KAR 2:142, 301 KAR 2:144, 301 KAR 2:221, 301 KAR 2:222; 301 KAR 3:026, 301 KAR 3:027, and 301 KAR 3:028.

(3) A mobility-impaired hunter shall comply with the licensing requirements of KRS 150.170, 150.175, 301 KAR 2:172 and 301 KAR 2:140.

(4) A mobility-impaired hunter shall carry on his person a mobility-impaired permit as required by 301 KAR 3:026.

RICH STORM, Commissioner  
MIKE E. BERRY, Secretary

APPROVED BY AGENCY: July 14, 2021

FILED WITH LRC: August 5, 2021 at 9:27 a.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on October 21, 2021 at 11:00 a.m. at the Department of Fish and Wildlife Resources in the Commission Room of the Arnold L. Mitchell Building, #1 Sportsman's Lane, Frankfort, Kentucky. Individuals interested in attending this hearing shall notify this agency in writing by five business days prior to the hearing of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be canceled. This hearing is open to the public. Any person who attends will be given an opportunity to comment on the proposed administrative regulation. 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 attend the public hearing, you may submit written comments on the proposed administrative regulation through October 31, 2021. Send written notification of intent to attend the public hearing or written comments on the proposed administrative regulation to the contact person.

CONTACT PERSON: Beth Frazee, Department of Fish and Wildlife Resources, Arnold L. Mitchell Building, #1 Sportsman's Lane, Frankfort, Kentucky 40601, phone (502) 564-3400, fax (502) 564-0506, email fwpubliccomments@ky.gov

## REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Beth Frazee

(1) Provide a brief summary of:

(a) What the administrative regulation does: This administrative regulation establishes procedures to allow mobility-impaired individuals to hunt during youth deer, turkey and waterfowl weekends at department-approved events.

(b) The necessity of the administrative regulation: This administrative regulation is necessary to allow mobility impaired individuals a means to hunt at department approved events

(c) How does this administrative regulation conform to the authorizing statute: KRS 150.025(1) authorizes the department to promulgate administrative regulations that set seasons and regulate methods of taking. KRS 150.179(2) authorizes the department to approve certain special events that provide education or appreciation of the recreational activity. 43 C.F.R. Part 17 and 28 C.F.R. parts 35 and 36 mandate that state government agencies comply with the Americans with Disabilities Act.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes This administrative regulation will assist in the effective administration of mobility impaired hunts.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change the existing administrative regulation: This amendment cleans up and simplifies language in the existing regulation.

(b) The necessity of the amendment to this administrative regulation: The amendment is necessary as part of the agencies continued efforts to update and simplify our regulations,

(c) How does the amendment conform to 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 that will be affected: Individuals who are mobility-impaired hunting.

(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 needed to comply with this amendment.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): This amendment does not alter any costs for the entities in question (3).

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

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

(a) Initially: There will be no additional cost to the agency to implement this administrative regulation.

(b) On a continuing basis: There will be no additional cost to the agency on a continuing basis..

(6) What is the source of funding to be used for 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. Additional fees or funding for direct implementation of this regulation are not necessary as the regulation already exists.

(8) State whether or not this administrative regulation establishes any fees directly or indirectly increases any fees. This administrative regulation does not establish any fees nor does it indirectly increase any fees.

(9) TIERING: Is tiering applied? No.

## FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

(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? No state or local government units will be impacted by this change.

(2) Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 150.025, 150.179, 28 C.F.R. Parts 35, 36, 43 C.F.R. Part 17

(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 revenue will be generated for the state or local government.

(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 revenue will be generated for state and local governments.

(c) How much will it cost to administer this program for the first year? There will be no additional costs for the first year.

(d) How much will it cost to administer this program for subsequent years? There will be no additional costs incurred for subsequent years.

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

Revenues (+/-):

Expenditures (+/-):

Other Explanation: