

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

301 KAR 3:026. Access to Wildlife Management Areas for mobility-impaired individuals.

RELATES TO: KRS 150.025(1), 150.170, 150.175, 150.620

STATUTORY AUTHORITY: KRS 150.025(1), 150.620

NECESSITY, FUNCTION, AND CONFORMITY: KRS 150.025(1) authorizes the department to establish hunting seasons and to regulate bag and possession limits for, and the methods of taking and the devices used to take, wildlife. In addition, KRS 150.620 authorizes the department to regulate the use of its Wildlife Management Areas. This administrative regulation simplifies the process for obtaining method exemptions and special use permits for mobility-impaired individuals and promotes nature-related recreational access to department-managed lands.

Section 1. Definitions.

- (1) "ATV" is defined in KRS 189.010(24).
- (2) "Department" is defined in KRS 150.010(8).
- (3) "Mobility-impaired individual" means an individual who meets the requirements of Section 2(1) of this administrative regulation.
- (4) "Motor vehicle" is defined in KRS 189.010(19)(b).
- (5) "Qualified assistant" means an individual who is participating in the activity with the mobility-impaired individual and designated by the mobility-impaired individual.
- (6) "WMA" means a Wildlife Management Area owned or operated by the department.

Section 2. Mobility-impaired Access Permit.

(1) If a person meets one (1) of the following requirements, he shall qualify for a mobility-impaired access permit application from the department:

- (a) Has permanent paralysis of at least one (1) leg;
- (b) Has at least one (1) foot amputated;
- (c) Is permanently confined to a wheelchair or must use crutches, or a walker as a means of support to pursue daily activities;
- (d) Is restricted by a lung disease to such an extent that the person's forced respiratory expiratory volume for one (1) second, when measured by spirometry, is less than one (1) liter, or the arterial oxygen tension is less than sixty (60) mm/hg on room air at rest;
- (e) Requires portable oxygen;
- (f) Has a cardiac condition to the extent that the person's functional limitations are classified in severity as Class 3 or Class 4 according to standards set by the American Heart Association; or
- (g) Has a diagnosed disease which creates a severe mobility impairment.

(2) The mobility-impaired access permit shall allow the following activities by a mobility-impaired individual:

- (a) Discharge of a firearm or other legal hunting device from a motor vehicle when the vehicle is motionless and has its engine turned off. The motor vehicle shall be used as a place to wait or watch for game and shall not be used to chase, pursue, or drive game.
- (b) May operate electric wheelchairs, ATV's, and other passenger vehicles on or off gated or ungated or open-gated roads otherwise closed to vehicular traffic but only on designated tracts of designated WMAs.

1. The roads may be accessed March 1 through the third Friday in August.

2. Tracts designated as mobility-impaired access areas shall be posted with signs.

3. Vehicular access shall not be permitted on fields, openings, roads, paths, or trails planted with annual grains or agricultural crops.
4. It shall be permissible to access areas which are not roads the third Saturday of August until the end of February.
5. ATV users shall adhere to manufacturer recommendations including wearing a helmet, wearing safety glasses, and restricting riding to one (1) person, while using ATVs on WMAs.

Section 3.

- (1) A mobility-impaired individual may designate one (1) qualified assistant. The qualified assistant may:
 - (a) Track and dispatch a wounded animal;
 - (b) Retrieve an animal; or
 - (c) Render other assistance in accordance with KRS Chapter 150 and 301 KAR Chapters 2 and 3.
- (2) A qualified assistant shall not:
 - (a) Operate his or her own ATV; or
 - (b) Hunt or shoot from an ATV.
- (3) Applicants for a mobility-impaired access permit shall:
 - (a) Fill out the required information on the Mobility-Impaired Access Permit Application; and
 - (b) Obtain the attestation and signature from a licensed physician describing the mobility impairment.
- (4) In order to participate in activities authorized by Section 2(2) of this administrative regulation, a mobility-impaired individual shall have a completed mobility-impaired access application on his person at all times while participating in such activities.

Section 4. All method exemption cards and letters issued prior to the effective date of this administrative regulation are void.

Section 5. Incorporation by Reference.

- (1) "Mobility-impaired Access Permit", revised August 2001, is incorporated by reference.
- (2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Department for Fish and Wildlife Resources, #1 Sportsman's Lane, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m.

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 COMMENT PERIOD: A public hearing on this administrative regulation shall be held on October 21, 2021 at 2:00 p.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