

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

301 KAR 2:300. Black bear seasons and requirements.

RELATES TO: KRS 150.010, 150.092, 150.170, 150.175, 150.990

STATUTORY AUTHORITY: KRS 150.025(1), 150.390(1)

NECESSITY, FUNCTION, AND CONFORMITY: 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 150.390(1) prohibits the taking of bears in any manner contrary to any provisions of KRS Chapter 150 or KAR Title 301. This administrative regulation establishes bear hunting and chasing seasons, bear hunting areas, legal methods of take, and permitting, checking, and recording requirements.

Section 1. Definitions.

- (1) "Adult" means an individual who is at least eighteen (18) years of age.
- (2) "Archery equipment" means a long bow, recurve bow, or compound bow incapable of holding an arrow at full or partial draw without aid from the archer.
- (3) "Arrow" means the projectile fired from a bow or crossbow.
- (4) "Baited area" means an area where feed, grains, or other substances capable of luring black bears have been placed.
- (5) "Bear" means the species *Ursus americanus*.
- (6) "Bear chase permit" means a permit, which in conjunction with appropriate licenses, seasons, and methods, allows the holder to use dogs to chase a bear.
- (7) "Bear permit" means a permit, which in conjunction with appropriate licenses, seasons, and methods, allows the holder to harvest one (1) black bear of either sex.
- (8) "Bear Zone 1" means Bell, Harlan, Letcher and McCreary Counties.
- (9) "Bear Zone 2" means Adair, Bath, Boyd, Breathitt, Carter, Casey, Clark, Clay, Clinton, Cumberland, Elliot, Estill, Fleming, Floyd, Garrard, Greenup, Jackson, Johnson, Knott, Knox, Laurel, Lawrence, Lee, Leslie, Lewis, Lincoln, Madison, Magoffin, Martin, Menifee, Montgomery, Morgan, Owsley, Perry, Pike, Powell, Pulaski, Rockcastle, Rowan, Russell, Wayne, Whitley and Wolfe Counties.
- (10) "Chase-only season" means a designated season when a person may use dogs to chase a bear, without killing or intentionally injuring a bear.
- (11) "Crossbow" means a bow designed or fitted with a device to hold an arrow at full or partial draw without aid from the archer.
- (12) "Firearm" means a breech- or muzzle-loading rifle, shotgun, or handgun.
- (13) "License year" means the period from March 1 through the last day of February.
- (14) "Modern gun" means a rifle, handgun, or shotgun loaded from the rear of the barrel.
- (15) "Muzzleloader" means a rifle, shotgun, or handgun loaded from the discharging end of the barrel or discharging end of the receiver.
- (16) "Youth" means a person under the age of sixteen (16) on the day of the hunt.
- (17) "Youth bear chase permit" means a permit, which in conjunction with appropriate licenses, seasons, and methods, allows a youth to use dogs to chase a bear.

Section 2. Feeding Black Bears. A person shall not engage in any direct or indirect feeding of black bears.

Section 3. Bear Chase Requirements.

- (1) Unless exempted by KRS 150.170, a person, while using dogs to chase a bear, shall carry on his or her person a valid Kentucky hunting license and a valid:

- (a) Bear chase permit; or
 - (b) Youth bear chase permit.
- (2) A bear chase permit or youth bear chase permit shall only be purchased by a resident of Kentucky.
- (3) A person shall not:
- (a) Kill or intentionally injure a bear during a chase-only season;
 - (b) Chase a bear except during daylight hours while a chase season is open;
 - (c) Chase a bear from a baited area:
 - 1. While bait is present; or
 - 2. For thirty (30) days after the bait has been removed; or
 - (d) Disturb a bear in a den.
- (4) A person shall only use a dog to chase a bear on public hunting areas, or on private land with permission of the landowner, in all bear zones, except that it shall be prohibited to chase bears with dogs in the areas established in paragraphs (a) through (g) of this subsection:
- (a) Daniel Boone National Forest;
 - (b) Miller-Welch Central Kentucky Wildlife Management Area;
 - (c) Beaver Creek Wildlife Management Area;
 - (d) Cane Creek Wildlife Management Area;
 - (e) Mill Creek Wildlife Management Area;
 - (f) Pioneer Weapons Wildlife Management Area;
 - (g) Redbird Wildlife Management Area.

Section 4. Chasing Bears with Dogs. A person shall not use a dog to chase a bear except during the seasons established in subsections (1) and (2) of this section.

- (1) The chase-only season shall be from:
- (a) June 1 through August 31; and
 - (b) September 9 through September 30; and
- (2) The bear hunt with dogs season shall be pursuant to Section 8(1) of this administrative regulation.

Section 5. Bear Permit Requirements. Unless exempted by KRS 150.170, a person hunting a bear shall carry on his or her person a valid Kentucky hunting license and the appropriate valid bear permit or permits while hunting during the seasons established in Section 8(1) of this administrative regulation.

Section 6. Hunter Restrictions.

- (1) A person shall not:
- (a) Harvest a bear except during daylight hours;
 - (b) Use a dog during the modern gun, muzzleloader, or archery and crossbow season to hunt bears, except leashed tracking dogs may be used to recover a wounded or dead bear;
 - (c) Hunt bear on a baited area:
 - 1. While bait is present; or
 - 2. For thirty (30) days after the bait has been removed;
 - (d) Harvest:
 - 1. A female bear that has a cub; or
 - 2. A bear that weighs less than seventy-five (75) pounds;
 - (e) Harvest a bear that is swimming;
 - (f) Harvest a bear if the person is in a vehicle, boat, or on horseback, except that a hunter in possession of a disability hunting methods exemption permit issued by the department may use a stationary vehicle as a hunting platform;
 - (g) Harvest a bear in a den;

- (h) Disturb a bear in a den for the purpose of taking the bear if the bear exits the den;
or
 - (i) Use radio telemetry equipment to locate a bear that is equipped with a radio-tracking collar.
- (2) An adult shall accompany and maintain control of a youth who is hunting bear with a firearm.

Section 7. Equipment Restrictions.

- (1) A person shall only use the equipment and ammunition established in paragraphs (a) through (e) of this subsection to take a bear:
- (a) A crossbow or archery equipment loaded with a broadhead of seven-eighths (7/8) inch or wider upon expansion;
 - (b) A modern rifle:
 - 1. With an action that fires a single round of ammunition upon each manipulation of the trigger;
 - 2. Loaded with:
 - a. Bullets of .264 caliber (6.5 mm) or larger; and
 - b. Centerfire, single projectile ammunition designed to expand upon impact;
 - (c) A muzzleloader of .45 caliber or larger;
 - (d) A shotgun of twenty (20) gauge or larger loaded with a shell containing a slug or a slug with a sabot; or
 - (e) A handgun loaded with:
 - 1. Centerfire cartridges;
 - 2. Bullets of .264 caliber (6.5 mm) designed to expand upon impact; and
 - 3. Cartridges with a case length of 1.285 inches or larger.
- (2) A crossbow shall contain a working safety device.
- (3) A bear hunter using a modern gun shall not use a magazine capable of holding more than ten (10) rounds.
- (4) A bear hunter may use archery, crossbow, or muzzleloader equipment to take a bear during bear modern gun season.

Section 8. Bear Season Dates and Bag Limits.

- (1) A legal bear hunter shall only kill a bear in the open bear zones during the seasons established in paragraphs (a) through (f) of this subsection:
- (a) The archery and crossbow season for bears in Bear Zone 1 shall be for three (3) consecutive days beginning on the fourth Saturday in October;
 - (b) The archery and crossbow season for bears in Bear Zone 2 shall be for five (5) consecutive days beginning on the fourth Saturday in October;
 - (c) The modern gun season for bears in Bear Zone 1 shall be for three (3) consecutive days beginning on the second Saturday in December;
 - (d) The modern gun season for bears in Bear Zone 2 shall be for five (5) consecutive days beginning on the second Saturday in December;
 - (e) The bear hunt with dogs season in Bear Zone 1 shall be for five (5) consecutive days beginning on the Monday prior to the fourth Saturday in October; and
 - (f) The bear hunt with dogs season in Bear Zone 2 shall be for five (5) consecutive days beginning on the Monday prior to the fourth Saturday in October and for nine (9) consecutive days beginning the Thursday following the fourth Saturday in October.
- (2) A person shall not harvest more than one (1) bear in a license year.

Section 9. Bear Hunt with Dogs Requirements.

- (1) A person shall only harvest a bear using legal equipment with the use of unleashed dogs that are actively pursuing, chasing, baying, or treeing a bear prior to harvest.

(2) A dog used to harvest bears shall be a purebred or a crossbreed of the recognized dog breeds established in paragraphs (a) through (l) of this subsection.

- (a) Airedale;
- (b) American black and tan coonhound;
- (c) Black mouth cur;
- (d) Bluetick coonhound;
- (e) English coonhound;
- (f) Leopard cur;
- (g) Majestic tree hound;
- (h) Mathis;
- (i) Mountain cur;
- (j) Plott hound;
- (k) Redbone coonhound; or
- (l) Treeing walker coonhound.

(3) The bear hunt with dogs season shall also be open as a chase-only season for any person who possesses a valid bear chase permit.

Section 10. Hunter Orange Clothing Requirements.

(1) During any modern gun or muzzleloader season for bears, a person hunting any species, and any person accompanying a hunter, shall display solid, unbroken hunter orange visible from all sides on the head, back, and chest, except these requirements shall not apply to a person hunting:

- (a) Waterfowl; or
- (b) Furbearers at night during a legal furbearer season.

(2) The hunter orange portions of a garment worn to fulfill the requirements of this section:

- (a) May display a small section of another color; and
- (b) Shall not have mesh weave openings exceeding one-fourth (1/4) inch by any measurement.

Section 11. Bear Reserves. The areas established in subsections (1) through (3) of this section shall be closed to all bear hunting and bear chase with dogs.

- (1) Cumberland Gap National Historical Park;
- (2) Hensley-Pine Mountain Wildlife Management Area; and
- (3) Big South Fork National River and Recreation Area.

Section 12. Harvest Recording and Check-in Requirements.

(1) Immediately after harvesting a bear, and before moving the carcass, a person shall record on a hunter's log the:

- (a) Species taken;
- (b) Date taken;
- (c) County where taken; and
- (d) Sex of the bear.

(2) A person who has harvested a bear shall:

- (a) Retain a completed hunter's log;
- (b) Telecheck the bear by 8 p.m. Eastern Standard Time the day the bear was harvested by:

- 1. Calling 800-245-4263 and completing the telecheck process or checking the bear on the department's Web site at fw.ky.gov; and
- 2. Recording the confirmation number on the hunter's log;

(c) Arrange for department personnel to inspect the bear by:

- 1. Calling the department at 800-858-1549 within twenty-four (24) hours of harvest and prior to removing the harvested bear from the Bear Zone; and

2. Presenting to department personnel the bear carcass or an intact hide that contains the skull and proof of sex by including the attached:

- a. Testicles, scrotum, or penis for a male bear; or
- b. Udder or vulva for a female bear; and

(d) Attach to the carcass a department issued tag after having the bear inspected by department personnel.

(29 Ky.R. 1433; 1766; eff. 1-16-2003; 35 Ky.R. 349; 1745; eff. 3-6-2009; 37 Ky.R. 2683; 38 Ky.R. 16; 8-5-2011; 38 Ky.R. 1899; 39 Ky.R. 53; eff. 8-2-2012; 40 Ky.R. 412; 800; eff. 10-3-2013; 40 Ky.R. 2615; 41 Ky.R. 35; eff. 7-3-2014; 2318; eff. 9-4-2015; 43 Ky.R. 2034; 44 Ky.R. 56; eff. 7-6-2017; 45 Ky.R. 3498; eff. 8-20-2019; 46 Ky. R. 2115, 2625; eff. 6-4-2020; 47 Ky.R. 2640; 48 Ky.R. 792; eff. 9-15-2021; 49 Ky.R. 83; eff.10-20-2022.)

RICH STORM, Commissioner

APPROVED BY AGENCY: June 15, 2022

FILED WITH LRC: June 15, 2022 at 10:30 a.m.

PUBLIC HEARING AND COMMENT PERIOD: A public hearing on this administrative regulation shall be held on August 24, 2022, at 9:00am, at KDFWR Administration Building, 1 Sportsman's Lane, Frankfort, KY 40601. Individuals interested in being heard at this hearing shall notify this agency in writing by five workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing was received by that date, the hearing may be cancelled. 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 be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through August 31, 2022. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person.

CONTACT PERSON: Jenny Gilbert, Legislative Affairs, Kentucky Department of Fish and Wildlife Resources, 1 Sportsman's Lane, (502) 564-3400, fax (502) 564-0506, email fwpubliccomments@ky.gov.