

**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) "Combination 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 and to use dogs to chase a bear.
- (12) ~~((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.
- (13) ~~((12))~~ "Firearm" means a breech- or muzzle-loading rifle, shotgun, or handgun.
- (14) ~~((13))~~ "License year" means the period from March 1 through the last day of February.
- (15) ~~((14))~~ "Modern gun" means a rifle, handgun, or shotgun loaded from the rear of the barrel.
- (16) ~~((15))~~ "Muzzleloader" means a rifle, shotgun, or handgun loaded from the discharging end of the barrel or discharging end of the receiver.
- (17) ~~((16))~~ "Youth" means a person under the age of sixteen (16) on the day of the hunt.
- (18) ~~((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 ~~any,~~<sup>a</sup> valid Kentucky hunting license and a valid:

- (a) Bear chase permit; ~~or~~
- (b) Youth bear chase permit; ~~or~~
- (c) Combination bear permit.

~~{(2)} [A bear chase permit or youth bear chase permit shall only be purchased by a resident of Kentucky.]~~

~~(2) {(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.

~~(3) {(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; and
- (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 and shall also be open as a chase-only season.

Section 5. Bear Permit Requirements.

(1) Unless exempted by KRS 150.170, a person hunting a bear during the archery, crossbow, or modern gun seasons shall carry on his or her person a valid annual Kentucky hunting license and a valid bear permit or combination bear permit while hunting.

(2) Unless exempted by KRS 150.170, during the bear hunt with dogs season:

- (a) A person attempting to harvest a bear shall carry on his or her person a valid annual Kentucky hunting license in addition to either:
  - 1. A bear permit and a bear chase permit; or
  - 2. A combination bear permit;

(b) A person in a bear hunt or bear chase party who does not intend to harvest a bear shall carry on his or her person a Kentucky hunting license and either: a bear chase permit or a combination bear permit.

(3) Unless exempted by KRS 150.170, during a bear chase season, a person in a hunt party engaged in the pursuit of bear with the use of dogs shall carry on his or her person

any Kentucky hunting license and either:

- (a) A valid bear chase permit; or
- (b) A combination bear permit while chasing bears.

~~[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 ~~bear~~~~[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 as established in 301 KAR 3:027 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.

*RICH STORM, Commissioner*

APPROVED BY AGENCY: January 12, 2023

FILED WITH LRC: January 12, 2023 at 1:30 p.m.

PUBLIC HEARING AND COMMENT PERIOD: A public hearing on this administrative regulation shall be held on March 28, 2023, at 10:00 a.m., at KDFWR Administration Building, 1 Sportsman's Lane, Frankfort, Kentucky 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 March 31, 2023. 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: CONTACT PERSON: Jenny Gilbert, Legislative Liaison, Kentucky Department of Fish and Wildlife Resources, 1 Sportsman's Lane, (502) 564-3400, fax: (502) 564-0506, email: fwpubliccomments@ky.gov

## REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

**Contact Person: Jenny Gilbert**

**(1) Provide a brief summary of:**

**(a) What this administrative regulation does:**

This regulation establishes black bear chase and hunt seasons, chase and hunt requirements, bag limits, and legal methods of take.

**(b) The necessity of this administrative regulation:**

To establish bear hunting season requirements and methods of take to provide reasonable hunting and chasing opportunity, while properly managing bear populations in Kentucky.

**(c) How this administrative regulation conforms to the content of the authorizing statutes:**

KRS 150.025(1) authorizes the Department of Fish and Wildlife Resources to promulgate administrative regulations to establish open seasons for the taking of wildlife, regulate bag limits, 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 Chapter 150 or its regulations.

**(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes:**

This administrative regulation will assist in administering the above statutes by defining the seasons, bag limits, and methods of chase and take used to manage black bears in Kentucky.

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

**(a) How the amendment will change this existing administrative regulation:**

These amendments will allow nonresident hunters to engage in the bear chase and bear hunt with dogs seasons. Additionally, these amendments clarify what licenses and permits are necessary to participate in each type of bear season.

**(b) The necessity of the amendment to this administrative regulation:**

These amendments are necessary to allow for nonresident hunters to participate as well as to clarify the necessary licenses and permits needed to take bears.

**(c) How the amendment conforms to the content of 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 affected by this administrative regulation:**

There were approximately 1600 bear hunters participating in the 2022 bear hunting season.

**(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:**

Those who hunt bear must comply with the individual requirements and restrictions for respective hunt or chase-only seasons for bears.

**(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3):**

Resident bear: thirty (30) dollars; Resident youth bear: thirty (30) dollars; Resident bear chase: thirty (30) dollars; Resident youth bear chase: ten (10) dollars; Resident combination bear permit, which includes a bear permit and a bear chase permit: fifty (50) dollars; Nonresident bear: \$250; Nonresident youth bear: \$100; Nonresident bear chase: fifty (50) dollars; Nonresident youth bear chase: fifteen (15) dollars;

**(c) As a result of compliance, what benefits will accrue to the entities identified in question (3):**

The entities identified in question (3) will be afforded the right to pursue and harvest a bear.

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

**(a) Initially:**

There will be a small administrative cost to the department to implement this regulation.

**(b) On a continuing basis:**

There will be a small cost to the department on a continuing basis.

**(6) What is the source of the funding to be used for the 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:**

It will not be necessary to increase a fee or funding to implement this administrative regulation.

**(8) State whether or not this administrative regulation establishes any fees or 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. Tiering was not used because all persons who hunt bear are required to abide by the same requirements.

## FISCAL NOTE

**(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?**

The Kentucky Department of Fish and Wildlife Resources' Divisions of Wildlife and Law Enforcement will be impacted by this amendment.

**(2) Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation.**

KRS 150.025(1) and 150.390(1).

**(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?**

For the 2022 bear season, the total amount of revenue generated through permit sales was approximately \$64,350. The amount of revenue generated by this administrative regulation for the first year will likely be similar.

**(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?**

The amount of revenue generated by this administrative regulation for subsequent years is unknown but will likely be similar to 2022.

**(c) How much will it cost to administer this program for the first year?**

There will be a small administrative cost to administer this program for the first year.

**(d) How much will it cost to administer this program for subsequent years?**

There will be a small administrative cost incurred in 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:**

**(4) Estimate the effect of this administrative regulation on the expenditures and cost savings of regulated entities for the first full year the administrative regulation is to be in effect.**

**(a) How much cost savings will this administrative regulation generate for the regulated entities for the first year?**

These amendments will allow for more bear hunting opportunity at the same cost as before.

**(b) How much cost savings will this administrative regulation generate for the regulated entities for subsequent years?**

These amendments will allow for more bear hunting opportunity at the same cost as before.

**(c) How much will it cost the regulated entities for the first year?**

See 4(b) above.

**(d) How much will it cost the regulated entities for subsequent years?**

See 4(b) above.

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

**Cost Savings (+/-):**

**Expenditures (+/-):**

**Other Explanation:**

**(5) Explain whether this administrative regulation will have a major economic impact, as defined below.**

"Major economic impact" means an overall negative or adverse economic impact from an administrative regulation of five hundred thousand dollars (\$500,000) or more on state or local government or regulated entities, in aggregate, as determined by the promulgating administrative bodies. [KRS 13A.010(13)]