

TOURISM, ARTS AND HERITAGE CABINET
Department of Fish and Wildlife Resources
(New Administrative Regulation)

301 KAR 3:130. Public use of conservation camp properties.

RELATES TO: KRS 13B, 150.025, 150.0241

STATUTORY AUTHORITY: KRS 150.025, 150.179, 150.620, 150.0241

NECESSITY, FUNCTION, AND CONFORMITY: KRS 150.025(1) authorizes the department to promulgate administrative regulations necessary to carry out the purposes of KRS Chapter 150. 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 individuals meeting defined criteria for mentored events to boat, fish, hunt, shoot, or trap as part of a department-approved activity or program. KRS 150.0241 authorizes the department to impose and enforce special administrative regulations on lands managed for public hunting, fishing, and related recreational uses. This administrative regulation prohibits certain actions inconsistent with the intended purpose of conservation camp properties, establishes requirements for other uses, and stipulates the procedure for obtaining group use permits on these areas.

Section 1. Definitions.

- (1) "Adult" means a person who is at least eighteen (18) years of age.
- (2) "Bait" means:
 - (a) A substance composed of grains, minerals, salt, fruits, vegetables, hay, or any other food materials, whether natural or manufactured, that could lure, entice, or attract wildlife; and
 - (b) Does not mean the establishment and maintenance of plantings for wildlife, foods found scattered solely as the result of normal agricultural planting or harvesting practices, foods available to wildlife through normal agricultural practices of livestock feeding if the areas are occupied by livestock actively consuming the feed on a daily basis, or standing farm crops under normal agricultural practices.
- (3) "Conservation camp" means a tract of land:
 - (a) Controlled by the department through ownership, lease, license or cooperative agreement; and
 - (b) That is utilized to host summer conservation camps for Kentucky children.
- (4) "Event" means a boating, fishing, hunting, shooting, or trapping activity, conducted by the department.
- (5) "Experienced" means a person who has often participated in a particular activity in the past and is well versed in the techniques, equipment, and safety concerns for the activity.
- (6) "Injurious substance" means a substance which may be injurious to aquatic life, wildlife, or wildlife habitat.
- (7) "Mentee" means a youth or novice adult hunter, trapper or angler that is participating or going to participate in a mentored event.
- (8) "Mentor" means an adult, experienced in the type of activity that is to occur at an event, who must submit to and pass a background check prior to accompanying a mentee during a mentored event.
- (9) "Mentored event" means an event during a statewide season in which mentors accompany mentees.

(10) "Mobility-impaired" means an individual who meets the requirements of 301 KAR 3:026, Section 2(1).

(11) "Novice" means a person who has not held the applicable license for an event activity for more than two (2) license years in total, has not held the applicable license for an event activity within the past five (5) years, has not successfully harvested the targeted species for an event within the past five (5) years, or for shooting and boating activities, has not participated in the activity more than five (5) times within the past five (5) years.

(12) "Participant" means an individual who engages in boating, fishing, hunting, shooting, or trapping, as part of an event.

(13) "Youth" means a person fifteen (15) years old or younger on the date of their license purchase.

Section 2. General Requirements.

(1) Unless established in this administrative regulation, statewide requirements shall apply.

(2) A person shall only hunt or trap in the area assigned to them by department staff.

(3) While upon a conservation camp property, a person shall not:

(a) Enter a portion of a conservation camp property designated by signage as closed to public access.

(b) Camp, except in a designated area.

(c) Place or distribute bait or otherwise participate in baiting wildlife on a conservation camp property.

(d) Hunt over bait.

(e) Possess or be under the influence of alcohol or illicit substances, as established in KRS 351.010, at any time while on conservation camp property.

(4) Only individuals who possess valid hunter education certification may participate in a hunting or trapping event.

Section 3. Mentored Events.

(1) Unless license exempt, as established in KRS 150.170, the mentee shall abide by any license requirements and daily harvest and possession limits.

(2) A mentor shall:

(a) Accompany a mentee;

(b) Remain in a position at all times to take immediate control of a mentee's bow, crossbow, firearm or any equipment used to legally hunt, trap or fish;

(c) Not be required to possess a hunting license or related permits, if only assisting the mentee.

(3) A mentee shall:

(a) Accompany a mentor;

(b) Remain in a position at all times so that the mentor may take immediate control of the mentee's bow, crossbow, firearm or any equipment used to legally hunt, trap or fish; and

(c) Possess all required licenses and permits.

Section 4. Mobility-impaired individuals.

(1) Individuals who are participating in an event, possess a Mobility-impaired Access Permit, as established in 301 KAR 3:026, and carry the permit on their person during the event, shall be allowed, if otherwise qualified to do so at the event, to do the following acts:

(a) Discharge of a firearm or other legal hunting device from a motor vehicle if 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, ungated, or open-gated roads otherwise closed to vehicular traffic, but the individual shall do so only on designated portions of camp property.
- (2) ATV users shall adhere to manufacturer recommendations while utilizing ATVs on camp property.
- (3) A mentee or mentor accompanying a mobility-impaired individual during an event shall be permitted to:
 - (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.
- (4) A mentee or mentor accompanying a mobility-impaired individual during an event shall not:
 - (a) Operate his or her own ATV; or
 - (b) Hunt or shoot from an ATV.

Section 5. General Requirements on Federally Owned Areas.

- (1) Unless established in this administrative regulation, statewide requirements shall apply.
- (2) A person shall:
 - (a) Not hunt except on assigned dates and in assigned areas; and
 - (b) Comply with all requirements established by the agency controlling the area.

RICH STORM, Commissioner

APPROVED BY AGENCY: February 13, 2024

FILED WITH LRC: February 14, 2024 at 1:35 p.m.

PUBLIC HEARING AND COMMENT PERIOD: A public hearing on this administrative regulation shall be held on April 30, 2024, 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 April 30, 2024. 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 Liaison, Kentucky Department of Fish and Wildlife Resources, 1 Sportsman's Lane, phone (502) 564-3400, fax (502) 564-0506, email fwpubliccomments@ky.gov.