

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

**301 KAR 3:005. Public use of newly acquired or newly managed lands.**

RELATES TO: KRS 150.010, 150.170, 150.175, 150.390

STATUTORY AUTHORITY: KRS 150.025(1), 150.620

NECESSITY, FUNCTION, AND CONFORMITY: KRS 150.025(1) requires the Kentucky Department of Fish and Wildlife Resources to promulgate administrative regulations to establish open seasons for the taking of wildlife, to regulate bag limits and methods of take, and to make administrative regulations apply to a limited area. KRS 150.620 requires the department to promulgate administrative regulations for the maintenance and operation of the lands it has acquired for public recreation. This administrative regulation establishes the requirements for the department to close seasons on newly acquired or managed properties or to establish requirements that are different from statewide season requirements or methods of take until the department can subsequently amend administrative regulations. This administrative regulation also establishes the authority to restrict hunting, fishing, and trapping or methods of take in areas for reasons of public safety.

Section 1.

- (1) Upon acquiring new public land, the department shall close the area to all hunting, fishing, or trapping or for certain species for up to the first three (3) years of ownership if:
  - (a) Inadvertent trespassing on adjacent private land by hunters, anglers, or trappers due to a lack of adequate boundary marking is likely; or
  - (b) The activity would have a negative impact to wildlife populations.
- (2) The department shall close areas to all hunting, fishing, or trapping or consumption of certain species if:
  - (a) The department determines the area is unsafe for hunting, fishing or trapping due to:
    1. Hazards that exist on the area which pose a substantial risk of harm to members of the public engaged in said activity;
    2. The area being adjacent to or near residential dwellings or commercial development; or
    3. Construction activities;
  - (b) The area is deemed unsuitable for hunting, fishing, or trapping due to:
    1. The department establishing the area for use as office space, equipment storage, parking, habitat preservation, a shooting range, boat ramp access, or exclusively for educational purposes, or
    2. Ongoing management, habitat improvement or research by the department which would conflict with said activity; or
  - (c) Species found within the area are deemed unsafe or unsuitable for consumption based upon suspected or confirmed environmental hazards or disease.
- (3) An area shall be closed for hunting and trapping if said area is established by the department exclusively for public fishing access.
- (4) If there are any restrictions as established pursuant to subsection (1), (2), or (3) of this section, the department shall inform the public by:
  - (a) Conspicuously posting the requirements on signage at major access points on the area; and
  - (b) Posting the area requirements on the department's Web site at [fw.ky.gov](http://fw.ky.gov).

Section 2.

(1) Upon acquiring or managing new public land, the department may establish temporary device restrictions for hunting that differ from statewide requirements, for up to three (3) years, if an imminent risk is present regarding:

(a) Human safety; or

(b) A negative impact on the area's population of a species.

(2) Upon acquiring or managing new public land, the department may establish temporary gear, size limits, or harvest limits that differ from statewide fishing requirements, for up to three (3) years, if an imminent risk is present regarding a negative impact on the area's population of aquatic species.

(3) If there is any deviation from statewide device requirements regarding methods of take, as established in subsections (1) and (2) of this section, the department shall inform the public as established in Section 1(4) of this administrative regulation.

*RICH STORM, Commissioner*

APPROVED BY AGENCY: September 12, 2024

FILED WITH LRC: September 13, 2024 at 11:00 a.m.

**PUBLIC HEARING AND COMMENT PERIOD:** A public hearing on this administrative regulation shall be held on November 29, 2024, at 9:30 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 November 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, Frankfort, Kentucky 40601, Phone: (502) 564-3400, fax: (502) 564-0506, email: [fwpubliccomments@ky.gov](mailto:fwpubliccomments@ky.gov)