

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

301 KAR 3:010. Public use of Wildlife Management Areas.

RELATES TO: KRS 13B, 150.025, 150.620, 150.640

STATUTORY AUTHORITY: KRS 150.025, 150.620

CERTIFICATION STATEMENT: The Kentucky Department of Fish and Wildlife Resources, pursuant to statutory authority to promulgate administrative regulations to carry out the provisions of KRS Chapter 150 as established in KRS 150.025 and as an independent department of state government within the meaning of KRS Chapter 12 as established in KRS 150.021(1), promulgated by the Commissioner with approval of the Commission in accordance with KRS 150.010(1), does hereby certify this administrative regulation is promulgated in compliance with Section 8 of 2025 RS HB6.

NECESSITY, FUNCTION, AND CONFORMITY: KRS 150.025(1) authorizes the Kentucky Department of Fish and Wildlife Resources~~[department]~~ to promulgate administrative regulations necessary to carry out the purposes of KRS Chapter 150. KRS 150.620 authorizes the department to impose and enforce special administrative regulations on lands acquired for public hunting, fishing, and related recreational uses. This administrative regulation prohibits certain actions inconsistent with the intended purpose of Wildlife Management Areas, establishes requirements for other uses, and stipulates the procedure for obtaining group use permits on these areas.

Section 1. Definitions.

- (1) "Bait" means a substance composed of grains, minerals, salt, fruits, vegetables, hay or any other food materials, whether natural or manufactured, which may lure, entice, or attract wildlife.
- (2) "Baiting" means to place, deposit, tend, distribute, or scatter bait.
- (3) "Event" means:
 - (a) An activity conducted by a group;
 - (b) A commercial activity; or
 - (c) A field trial.
- (4) "Field trial" means an event where unleashed dogs are worked and judged.
- (5) "Group" means:
 - (a) A club, society or association;
 - (b) Ten (10) or more persons who gather to conduct an event; or
 - (c) A field trial.
- (6) "Horse" means a horse, pony, mule, donkey, llama, or similar beast of burden.
- (7) "Injurious substance" means a substance which may be injurious to aquatic life, wildlife, or wildlife habitat.
- (8) "Mechanized vehicle" means a motor vehicle, bicycle, or other human conveyance except a wheelchair.
- (9) "Motor vehicle" means a motor-driven conveyance, whether or not licensed for use on a public highway.
- (10) "Ride" means to ride, drive, or lead a horse.
- (11) "Special Use Wildlife Management Area" or "Special Use WMA" means a Wildlife Management Area that is subject to special restrictions due to safety concerns or recorded deed restrictions on the subject property prohibit.
- (12) ~~[(11)]~~ "Wildlife management area" or "WMA" means a tract of land:
 - (a) Controlled by the department through ownership, lease, license, or cooperative agreement; and

- (b) Having "Wildlife Management Area" or "WMA" as part of its official name.

Section 2. While upon a WMA, a person:

- (1) Shall observe the hunting dates, limits, and other requirements that apply to the county in which the WMA is located, unless otherwise specified in:

- (a) This administrative regulation;
- (b) 301 KAR 2:049;
- (c) 301 KAR 2:132 ~~[301 KAR 2:178];~~
- (d) 301 KAR 2:140;
- (e) 301 KAR 2:142;
- (f) 301 KAR 2:144;
- (g) 301 KAR 2:178;
- (h) ~~[(g)]~~ 301 KAR 2:222; ~~[or]~~
- (i) ~~[(h)]~~ 301 KAR 2:225; ~~[or]~~
- (j) 301 KAR 2:300.

- (2) Except for waterfowl or dove hunting, or legal hunting at night, a person who is hunting any species, or a person who is accompanying a hunter, shall wear hunter orange clothing pursuant to 301 KAR 2:172 while:

- (a) On a WMA that is open for modern gun or muzzleloader deer seasons, pursuant to 301 KAR 2:178;
- (b) Hunting within the sixteen (16) county elk zone when a firearms elk season is open, pursuant to 301 KAR 2:132; or
- (c) Hunting within the bear zone during a bear firearms season, pursuant to 301 KAR 2:300. ~~[Shall wear hunter orange garments as required in 301 KAR 2:172 when deer hunting with firearms is allowed.]~~

- (3) May hunt small game, furbearers, or turkey by archery during the modern gun deer season, including the first two (2) days, if the statewide modern gun deer season is closed on that area.

- (4) Unless specified otherwise in 301 KAR 2:049, shall not allow an unleashed dog from March 1 until the third Saturday in August, except when participating in:

- (a) A department-authorized field trial;
- (b) The spring squirrel season; or
- (c) Training a retriever or other water dog, if:
 - 1. The activity is authorized by a sign at the body of water; and
 - 2. The dog remains leashed except while actively training in or within 100 feet of the body of water.

- (5) Shall not:

- (a) Hunt:
 - 1. On a WMA or portion of a WMA designated by a sign as closed to hunting; or
 - 2. At an established access point, launching ramp, or recreation area.
- (b) Enter a portion of a Wildlife Management Area designated by a sign as closed to public access.
- (c) Discharge a firearm within 100 yards of a residence or occupied building, whether or not the building is on a WMA.
- (d) Camp, except in a designated area.
- (e) Place or distribute bait or otherwise participate in baiting wildlife on a Wildlife Management Area. Bait shall not include 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 area is occupied by livestock actively consuming the feed on a daily basis, or standing farm crops under normal agricultural practices.
- (f) Hunt over bait.

(g) Place trail cameras on WMAs or public hunting areas unless the trail camera is externally labeled with the owner's Fish and Wildlife customer identification number.

Section 3. Horseback Riding. A person shall not:

- (1) Ride a horse on a WMA except:
 - (a) On a trail or area specifically marked for horseback riding;
 - (b) A maintained public road open to public vehicular traffic;
 - (c) During an event where a horse is allowed under a permit issued under the provisions of Section 6 of this administrative regulation; or
 - (d) While engaged in a legal hunting activity.
- (2) Allow a horse to roam or graze on department property.
- (3) Tether a horse in a way that would cause damage to a tree or shrub.
- (4) Participate in horseback riding during firearms seasons for turkey, deer, and elk unless participating or assisting in a legal elk hunt. Any persons legally riding horses during an elk hunt shall abide by the hunter orange requirements found in 301 KAR 2:132, Section 5(5).

Section 4. Prohibited Activities. Except as authorized by the department, on a WMA a person shall not:

- (1) Damage a tree or shrub;
- (2) Dump trash or litter;
- (3) Set fires, except for an attended campfire;
- (4) Leave a campfire unattended;
- (5) Cut or damage a fence or gate;
- (6) Deface or destroy a sign;
- (7) Destroy, harvest, or glean a crop;
- (8) Allow livestock to roam freely;
- (9) Dump the contents of a holding tank, portable toilet, or other container holding human waste;
- (10) Deface or collect artifacts from historical or archeological sites;
- (11) Ignite fireworks or rockets;
- (12) Collect or remove plants;
- (13) Place or cause to be placed an injurious substance on land or water;
- (14) Engage in an activity which:
 - (a) Is commercial in nature and intent unless specified in Section 6(3) of this administrative regulation; or
 - (b) Could:
 1. Unreasonably interfere with other uses or users of the area;
 2. Pose a risk to persons or property; or
 3. Damage facilities, roads, trails, or ecosystems of the area.

Section 5. Use of Mechanized Vehicles. Except as specifically authorized by the department in this administrative regulation, on a WMA, a person shall not:

- (1) Use a mechanized vehicle except:
 - (a) On a maintained road open to public use; or
 - (b) In a designated parking area;
- (2) Park in a way that would:
 - (a) Block a road or gate; or
 - (b) Prevent access to a portion of the area.

Section 6. Group Permits.

- (1) A group shall not conduct an event upon department property without obtaining a permit at least thirty (30) days before the date of the event.
- (2) An applicant shall use the "Wildlife Management Area Use Permit Application."

- (3) The department shall deny a permit for an event that involves:
- (a) The use of mechanized vehicles, except for travel to and from the area; or
 - (b) An activity prohibited in Section 4 of this administrative regulation except that a commercial activity may be permitted if it is:
 - 1. An informational booth;
 - 2. A food vendor;
 - 3. For collecting registration or entrance fees;
 - 4. A similar ancillary activity authorized by the event permit; or
 - 5. An ecotourism event approved by the department.
- (4) The department may:
- (a) Require the group to reschedule an event to avoid user conflicts;
 - (b) Restrict an event to a specified location within the WMA;
 - (c) Cancel a scheduled event if flooding, fire danger, or other unforeseen circumstances render the WMA unsafe or unsuitable for the event; or
 - (d) Require the group to provide portable sanitary toilet facilities if existing facilities on the WMA are inadequate for the expected size of the group.
- (5) A group that holds a valid WMA use permit for an event on a shooting range shall:
- (a) Maintain a sign-in sheet with participants required to sign-in prior to participating in the event; and
 - (b) Submit the sign-in sheet to the department within 30 days of the event by any method indicated on the application incorporated by reference in 301 KAR 3:015.
- ~~(6) [(5)]~~ The department shall revoke the permit and cancel an event if the group's behavior:
- (a) Is rude, obnoxious, disruptive, or disorderly;
 - (b) Creates a danger to the health or safety of other users;
 - (c) Results in damage to the area; or
 - (d) Violates a state or federal law.
- ~~(7) [(6)]~~ The department may deny a permit to a group which has had a previous event canceled under subsection (5) of this section.

Section 7. Appeal of Permit Denial.

- (1) A person who wishes to appeal the denial of a permit shall request a hearing in writing, postmarked or delivered in person to the department no later than ten (10) days after notification of denial.
- (2) Upon receipt of the request for a hearing, the department shall:
- (a) Appoint a hearing officer qualified to conduct hearings under the provisions of KRS Chapter 13B; and
 - (b) Schedule a hearing to be held either:
 - 1. Prior to the next regularly scheduled meeting of the commission, if the request for a hearing is received more than thirty (30) days before the scheduled commission meeting; or
 - 2. Within thirty (30) days, if the request for a hearing is received within thirty (30) days of the next scheduled commission meeting.
- (3) The hearing officer shall conduct the hearing and present his recommendation at the commission meeting immediately following the hearing date.
- (4) The department may present evidence and call witnesses to support the suspension or revocation.
- (5) The commission shall make its decision by majority vote.
- (6) A person may appeal a decision of the commission in accordance with the provisions of KRS Chapter 13B.

Section 8. On Wildlife Management Areas not owned by the department, provisions of this administrative regulation shall not apply if:

- (1) An activity prohibited by this administrative regulation is allowed by the entity owning the property; or
- (2) An activity allowed by this administrative regulation is prohibited by the entity owning the property.

Section 9. Special Use Wildlife Management Areas

- (1) Special Use Wildlife Management Areas shall be established by the Department when safety concerns arising from the size of the property or the area surrounding the property are prevalent or due to recorded deed restrictions on the subject property.
- (2) When safety concerns necessitate an area be designated a Special Use Wildlife Management Area, the area shall be subject to the following restrictions:
 - (a) The use of rimfire rifles, centerfire rifles, pistols, or single-projectile shotgun ammunition for hunting or target shooting shall be prohibited; and
 - (b) The use of air rifles shall be prohibited except .177-.25 caliber air rifles shall be allowed for small game hunting.
- (3) Special Use Wildlife Management Areas established due to deed restrictions shall have restrictions consistent with those established in the recorded deeds for the area.

Section 10. [~~Section 9.~~] Incorporation by Reference.

- (1) "Wildlife Management Area Use Permit Application", 2025 Edition~~[1998 Edition]~~, is incorporated by reference.
- (2) It may be inspected, copied, or obtained, subject to applicable copyright law, at the Kentucky Department of Fish and Wildlife Resources, #1 Sportsman's Lane, Frankfort, Kentucky 40601 from 8 a.m. to 4:30 p.m. Monday through Friday or online at: <https://fw.ky.gov/Licenses/Documents/WMAUserPermitApp.pdf>

Approved by the Fish and Wildlife Commission:

Rich Storm, Commissioner

Department of Fish and Wildlife Resources

APPROVED BY AGENCY: April 24, 2025

FILED WITH LRC: April 28, 2025 at 11:51 a.m.

PUBLIC HEARING AND COMMENT PERIOD: A public hearing on this administrative regulation shall be held on July 31, 2025, at 11:00 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 July 31, 2025. 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, (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 administrative regulation authorizes the department to impose and enforce special administrative regulations on lands acquired for public hunting, fishing, and related recreational uses. This administrative regulation prohibits certain actions inconsistent with the intended purpose of Wildlife Management Areas, establishes requirements for other uses, and stipulates the procedure for obtaining group use permits on these areas.

(b) The necessity of this administrative regulation:

The necessity of this administrative regulation is to allow safe public use of Wildlife Management Areas for hunting, fishing, and related recreational uses.

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

KRS 150.025(1) authorizes the department to promulgate administrative regulations establishing hunting seasons, bag limits, and methods of taking wildlife, and to make these requirements apply to a limited area or to the entire state. KRS 150.620 authorizes the department to purchase or lease lands for the establishment and maintenance of public shooting, fishing and other recreational uses. Additionally, it allows for the operation of facilities on this land and for the subleasing of land.

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

This administrative regulation assists in the effective administration of the statutes by allowing for public hunting, fishing, and related recreational uses on land purchased or leased by the department in a safe manor.

(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:

This amendment will create Special Use Wildlife Management Areas that restrict certain public uses due to the size of the property, its location, or because of deed restrictions at the time of purchase. It allows for the use of trail cameras on WMAs if they are properly identified. Language was added to conform with hunter orange requirements as found in current Chapter 2 regulations. Also, a provision was added to require groups with a valid WMA user permit that hold events at a shooting range to provide the department with a sign-in sheet from those events within 30 days.

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

These amendments are necessary to allow for safe public use of some WMAs.

(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:

We have approximately 150,000 hunters that use our WMAs in a given year.

(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:

Hunters who use Special Use WMAs will have to only utilize weapons or engage in activities as allowed by the restrictions on Special Use WMAs. Hunters who use trail cameras on a WMA will need to use an external label on them.

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

There will be no additional costs to those identified in question (3).

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

WMA users will be able to safely use these public areas.

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

(a) Initially:

There will be no initial administrative cost to the department to implement this administrative regulation.

(b) On a continuing basis:

There will be no cost to the department on a continuing basis beyond staff time needed to list on department run websites and pages.

(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 fees 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:

No fees will directly or indirectly increase.

(9) TIERING: Is tiering applied?

No. tiering is not applied because all WMA users will be treated equally.

FISCAL IMPACT STATEMENT

(1) Identify each state statute, federal statute, or federal regulation that requires or authorizes the action taken by the administrative regulation:

KRS 150.025(1), KRS 150.620

(2) State whether this administrative regulation is expressly authorized by an act of the General Assembly, and if so, identify the act:

KRS 150.025(1) authorizes the department to promulgate administrative regulations establishing hunting seasons, bag limits, and methods of taking wildlife, and to make these requirements apply to a limited area or to the entire state. KRS 150.620 authorizes the department to purchase or lease lands for the establishment and maintenance of public shooting, fishing and other recreational uses. Additionally, it allows for the operation of facilities on this land and for the subleasing of land.

(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions:

The Department of Fish and Wildlife Resources

(b) Estimate the following for each affected state unit, part, or division identified in (3)(a):

1. Expenditures:

For the first year:N/A

For subsequent years:N/A

2. Revenues:

For the first year:N/A

For subsequent years:N/A

3. Cost Savings:

For the first year:N/A

For subsequent years:N/A

(4)(a) Identify affected local entities (for example: cities, counties, fire departments, school districts):

None

(b) Estimate the following for each affected local entity identified in (4)(a):

1. Expenditures:

For the first year:N/A

For subsequent years:N/A

2. Revenues:

For the first year:N/A

For subsequent years:N/A

3. Cost Savings:

For the first year:N/A

For subsequent years:N/A

(5)(a) Identify any affected regulated entities not listed in (3)(a) or (4)(a):

None

(b) Estimate the following for each regulated entity identified in (5)(a):

1. Expenditures:

For the first year:N/A

For subsequent years:N/A

2. Revenues:

For the first year:N/A

For subsequent years:N/A

3. Cost Savings:

For the first year:N/A

For subsequent years:N/A

(6) Provide a narrative to explain the following for each entity identified in (3)(a), (4)(a), and (5)(a)

(a) Fiscal impact of this administrative regulation:

There is no fiscal impact of this amendment.

(b) Methodology and resources used to reach this conclusion:

N/A

(7) Explain, as it relates to the entities identified in (3)(a), (4)(a), and (5)(a):

(a) Whether this administrative regulation will have a “major economic impact”, as defined by KRS 13A.010(13):

There is no major economic impact to KDFWR.

(b) The methodology and resources used to reach this conclusion:

N/A