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)

CERTIFICATION STATEMENT:

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) "Bear Zone 3" means Clinton and Wayne Counties.

(11)[~~(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.

(12)[~~(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.

(13)[~~(12)~~] "Crossbow" means a bow designed or fitted with a device to hold an arrow at full or partial draw without aid from the archer.

(14)[~~(13)~~] "Firearm" means a breech- or muzzle-loading rifle, shotgun, or handgun.

(15)[~~(14)~~] "License year" means the period from March 1 through the last day of February.

(16)[~~(15)~~] "Modern gun" means a rifle, handgun, or shotgun loaded from the rear of the barrel.

(17)[~~(16)~~] "Muzzleloader" means a rifle, shotgun, or handgun loaded from the discharging end of the barrel or discharging end of the receiver.

(18)[~~(17)~~] "Youth" means a person under the age of sixteen (16) on the day of the hunt.

(19)[~~(18)~~] "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 valid annual Kentucky hunting license and a valid:

(a) Bear chase permit;

(b) Youth bear chase permit; or

(c) Combination bear permit.

(2) 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) 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 and either a valid:

1. Bear permit and bear chase permit; or

2. Combination bear permit; and

(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 valid annual Kentucky hunting license and either a valid:

1. Bear chase permit; or

2. 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 valid annual Kentucky hunting license and either a valid:

(a) Bear chase permit; or

(b) Combination bear permit.

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, 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 archery and crossbow season for bears in Bear Zone 3 shall be for fourteen (14) consecutive days beginning the third Saturday in September, and five (5) consecutive days beginning on the fourth Saturday in October;

(d)[~~(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;

(e)[~~(d)~~] The modern gun season for bears in Bear Zone 2 and Bear Zone 3 shall be for five (5) consecutive days beginning on the second Saturday in December;

(f)[~~(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

(g)[~~(f)~~] The bear hunt with dogs season in Bear Zone 2 and Bear Zone 3 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) Siberian Laika; or

(m)[~~(l)~~] Treeing walker coonhound.

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: December 12, 2024

FILED WITH LRC: December 12, 2024 at 2:22 p.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on February 27, 2025 at 11:00 a.m., at the KDFWR Administrative 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 February 28. 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 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:

This amendment will establish a 14-day hunting season in Clinton and Wayne Counties as well as add the Siberian Laika to the list of approved dogs to be used during bear chase and the hunt with dogs seasons.

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

The 14-day season addition in Clinton and Wayne Counties is necessary to attempt to reduce the level of crop depredation in the area.

(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 1500 bear hunters taking part in the 2023 bear 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:

Archery hunters will have more opportunity to bear hunt in Clinton and Wayne Counties. Dog hunters will have the ability to use an additional and popular breed of dog when chasing and hunting bears.

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

Fees were not raised or altered with this amendment.

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

More opportunity will be available for bear hunting.

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

(a) Initially:

None.

(b) On a continuing basis:

None.

(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:

No increases in fees or funding will be necessary.

(8) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees:

None.

(9) TIERING: Is tiering applied?

Tiering was not used because all persons who hunt bears area required to abide by the same requirements.

FISCAL IMPACT STATEMENT

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

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

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

KDFWR Division of Administrative Services will be impacted by this amendment.

(a) Estimate the following for the first year:

Expenditures: No increase.

Revenues: No increase.

Cost Savings: None.

(b) How will expenditures, revenues, or cost savings differ in subsequent years?

This will not differ in subsequent years.

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

None

(a) Estimate the following for the first year:

Expenditures: No change.

Revenues: No change.

Cost Savings: No change.

(b) How will expenditures, revenues, or cost savings differ in subsequent years?

This will not differ in subsequent years.

(4) Identify additional regulated entities not listed in questions (2) or (3):

None

(a) Estimate the following for the first year:

Expenditures: N/A

Revenues: N/A

Cost Savings: N/A

(b) How will expenditures, revenues, or cost savings differ in subsequent years?

N/A

(5) Provide a narrative to explain the:

(a) Fiscal impact of this administrative regulation:

No fiscal impact will be noted.

(b) Methodology and resources used to determine the fiscal impact:

The changes to the administrative regulation will not change how this regulation is enforced and will not lead to an increase in fees, expenditures or revenue.

(6) Explain:

(a) Whether this administrative regulation will have an overall negative or adverse major economic impact to the entities identified in questions (2) - (4). ($500,000 or more, in aggregate)

None.

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

The changes to the administrative regulation will not change how this regulation is enforced and will not lead to an increase in fees, expenditures or revenue.