

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

301 KAR 3:140. Take of Wildlife with aircraft prohibited.

RELATES TO: KRS 150.010, 150.025, 16 U.S.C. 742

STATUTORY AUTHORITY: KRS 150.010(46), 150.025(1), 150.360

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 150.010(46) authorizes the Kentucky Department of Fish and Wildlife Resources to define methods of take. 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 150.360(1) authorizes the department to restrict methods of taking wildlife. This administrative regulation establishes the use of aircraft for the take of wildlife and is within the frameworks established by 16 US C.F.R. 742.

Section 1. Unlawful use of aircraft or unmanned aircraft

(1) It shall be unlawful at any time for any person to use an aircraft or unmanned aircraft system:

- (a) To fish, hunt, or take wildlife or to drive or herd any wildlife for the purpose of fishing, hunting, or taking; or
- (b) To harass any wildlife.

(2) Except aircraft or unmanned aircraft systems may be used by:

- (a) Department employees and contractors or agents acting on behalf of the Department when addressing human safety, law enforcement, research, management, or other needs approved by the department;
- (b) Authorized landowners or their agents to engage in lawful wildlife damage control activities; and
- (c) Commercial fishers for use in locating or removing invasive carp.

Approved by the Fish and Wildlife Commission:

RICH STORM, Commissioner

APPROVED BY AGENCY: May 2, 2025

FILED WITH LRC: May 2, 2025 at 2:45 p.m.

PUBLIC HEARING AND COMMENT PERIOD: A public hearing on this administrative regulation shall be held on July 31, 2025, at 12:30 p.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