



KENTUCKY DEPARTMENT OF FISH & WILDLIFE RESOURCES

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Commissioner

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April 7, 2026

Senator Stephen West, Co-Chair
Representative Derek Lewis, Co-Chair
c/o Emily Caudill, Regulation Compiler
Administrative Regulation Review Subcommittee
Legislative Research Commission
Rm 083, Capitol Annex
Frankfort KY 40601

Re: 301 KAR 3:012 Public use of Otter Creek Outdoor Recreation Area. 301 KAR 3:013
Peabody Wildlife Management Area use requirements and restrictions.

Dear Co-Chairs:

After discussions with Administrative Regulation Review Subcommittee staff of the issues raised by 301 KAR 3:012 and 3:013, the Kentucky Department of Fish and Wildlife Resources proposes the attached suggested substitute to 301 KAR 3:012 and 3:013 to this ordinary regulation.

Sincerely,

A handwritten signature in cursive script that reads "Jenny Gilbert".

Jenny Gilbert
Legislative Liaison
Commissioner's Office
Kentucky Department of Fish and Wildlife Resources
1 Sportsmen's Lane
Frankfort, KY 40601

SUGGESTED SUBSTITUTE

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

301 KAR 3:012. Public use of Otter Creek Outdoor Recreation Area.

RELATES TO: KRS 150.010, 150.240, 150.620, 150.640, 150.990

STATUTORY AUTHORITY: KRS 150.025(1), 150.240(2), 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 department to promulgate administrative regulations to establish open seasons for the taking of wildlife, to regulate bag limits, and to make these requirements apply to a limited area. KRS 150.240(2) authorizes the department to promulgate administrative regulations to establish permits for public or commercial shooting areas. KRS 150.620 authorizes the department's commission to acquire, improve, and maintain lands for public shooting, fishing, and other recreational uses, to impose and enforce special regulations in the maintenance and operation of these lands, to pay for the cost of the operations and maintenance of these areas, and to charge fair and reasonable fees to the public for use of these areas. This administrative regulation establishes requirements for the use of the Otter Creek Outdoor Recreation Area.

[Section 1.] [Definitions:]

[(1)] [~~"Camp Piomingo" means a designated area within Otter Creek Outdoor Recreation Area that is leased from the department for an outdoor summer camp.~~]

[(2)] [~~"Event" means a planned gathering of thirty (30) or more people twelve (12) years or older on the area at the same time.~~]

[(3)] [~~"Shooting range" means a department built:~~]

[(a)] [~~Firearm target range facility in which a person is required to shoot through a metal tube at various stationary targets; or~~]

[(b)] [~~Archery range facility in which a person shoots at stationary targets from specified locations.~~]

Section 1.[~~Section 2.~~] General Area Use Restrictions.

(1) A person, except for permit exempt individuals, shall possess and carry:

(a) A valid daily or annual Area Entry Permit when using the Otter Creek Outdoor Recreation Area; and

(b) A valid daily or annual Special Activities Permit if:

1. Biking on designated trails;

2. Horseback riding on designated trails; or

3. Using designated shooting range facilities, except individuals possessing a valid shooting range permit shall not be required to possess a Special Activities Permit when using designated shooting range facilities.

(2) A shooting range permit shall not be required of a person who holds an Area Entry Permit and Special Activities Permit. ~~[-however]~~ The person shall follow safety rules and provisions for use of a shooting range as established in 301 KAR 3:015.

(3)~~(2)~~ [.] The department may enter into a lease agreement with Camp Piomingo to establish an annual flat-rate fee that allows permit-exempt use of the area by Camp Piomingo:

- (a) Campers; and
- (b) Staff.

(4)~~(3)~~ A person shall not be on the area when the area is closed, except for:

- (a) Registered campers at the designated campground area;
- (b) Authorized hunters;
- (c) Department staff;
- (d) Department authorized contractors; or
- (e) Individuals taking part in a special activity or event authorized by the department.

(5)~~(4)~~ The department shall notify the public when the area is closed by:

- (a) A pre-recorded phone message;
- (b) An internet posting; and
- (c) Visible signage on the area.

(6)~~(5)~~ A person shall park vehicles in designated parking areas only.

(7)~~(6)~~ A person who is hunting, fishing, trapping, or boating on the area shall follow all applicable administrative regulation requirements pursuant to 301 KAR Chapters 1, 2, 3, and 6. ~~[i]~~

(8)~~(7)~~ The area shall be closed to the general public, except for authorized hunters, during:

- (a) A firearms deer quota hunt pursuant to 301 KAR 2:178; and
- (b) Spring turkey season, pursuant to 301 KAR 2:142.

(9)~~(8)~~ The following activities ***shall be***~~are~~ prohibited without prior department authorization:

- (a) Cutting or removing live or standing trees, shrubs, or other vegetation;
- (b) Riding motorized all-terrain or off-highway vehicles;
- (c) Allowing unleashed dogs, except at times and areas designated by the department;
- (d) Camping, except in designated areas;
- (e) Setting fires, except for attended fires:
 - 1. In designated camping areas; or
 - 2. In grills at designated picnic areas; ~~[i]~~
- (f) Blocking a roadway or gate;
- (g) Igniting fireworks or rockets;
- (h) Participating in a commercial activity or endeavor;
- (i) Damaging or destroying crops or wildlife food plots;
- (j) Damaging or defacing buildings, structures, signs, or other property;
- (k) Hunting in an area closed to hunting;
- (l) Tethering a horse to a tree, shrub, or sign; or
- (m) Discharging a firearm:
 - 1. Within 100 yards of a building;
 - 2. Except on a designated firearm shooting range; or
 - 3. Except during an authorized hunting season in an authorized hunting area.

Section 2. ~~[Section 3.]~~ Trail Requirements.

(1) A person shall only ride a horse or bike on designated trails or roadways.

(2) A person shall not possess a wheeled vehicle other than a bike on a designated bike trail, except for department authorized maintenance activities.

(3) A person shall not ride a bike or a horse on designated trails that have been temporarily closed by the department due to:

- (a) Hunting activity;
- (b) Wet conditions;
- (c) Trail maintenance activity;
- (d) Downed trees;
- (e) Unsafe conditions; or
- (f) An event authorized by the department.

(4) The department shall provide the public with a reasonable notification system for temporary trail closures that includes:

- (a) A pre-recorded phone message;
- (b) An internet posting; and
- (c) Visible signage on the area.

Section 3.~~[Section 4.]~~ Event Permits.

(1) A group of people conducting an event shall not meet on the area without first applying for and obtaining a completed Event Permit from the department **by submitting an Otter Creek Event Permit Application.**

(2) A person, on behalf of the people involved with an event, shall apply for an Event Permit at least thirty (30) days in advance of the planned event.

(3) ~~[The application for an Event Permit shall be on a form provided by the department.~~

~~(4)]~~The department shall deny an Event Permit if the planned activity or event:

- (a) Is prohibited pursuant to this administrative regulation; or
- (b) Is in conflict with:
 - 1. Another Event Permit activity already authorized by the department;
 - 2. A hunting season;
 - 3. A quota hunt; or
 - 4. Recreational use of the area.

Section 4.~~[Section 5.]~~ Incorporation by Reference.

(1) "Otter Creek Event Permit Application", 2011 Edition, is incorporated by reference.

(2) The permit application may be inspected, copied, or obtained, subject to applicable copyright law, at the Department of Fish and Wildlife Resources, #1 Sportsman's Lane, Frankfort, Kentucky, Monday through Friday, 8 a.m. to 4:30 p.m. Eastern Time or online at: Otter Creek Event Permit Application: <https://fw.ky.gov/Wildlife/Documents/Otter-Creek-Event-Permit-Application.pdf>

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

SUGGESTED SUBSTITUTE

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

301 KAR 3:013. Peabody Wildlife Management Area use requirements and restrictions.

RELATES TO: KRS 150.250, 150.620, 150.990

STATUTORY AUTHORITY: KRS 150.025(1), 150.195(4)(f), (g), 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 150.620 authorizes the department's commission[department] to acquire lands for public use, to promulgate administrative regulations for their management, and to charge fees for their use. KRS 150.195(4)(f) and (g) authorize the department to establish the term and manner of license and permit sales. KRS 150.025(1) authorizes the department to promulgate administrative regulations necessary to carry out the purposes of KRS Chapter 150. This administrative regulation establishes a permit for public use of the Peabody Wildlife Management Area and places necessary restrictions on the area's[its] use by the public.

[Section 1.] [Definitions.]

- [(1)] ["The area" means the Peabody Wildlife Management Area.]
- [(2)] ["Group" means a family, organization, or gathering using the area for a specific event.]
- [(3)] ["The Peabody Wildlife Management Area" means the lands in Hopkins, Ohio, and Muhlenberg Counties owned or managed by the Department of Fish and Wildlife Resources.]
- [(4)] ["Permanent structure" means a blind, pit, stand, or other structure left in place for more than twenty-four (24) hours.]

Section 1.[Section 2.] Permits Required. Except as established in Sections 3 and 4 of this administrative regulation, a person sixteen (16) years or older while on the Peabody Wildlife Management area (PWMA) in Hopkins, Ohio, and Mulhenburg Counties owned or managed by the Department of Fish and Wildlife Resources shall:

- (1) Have in his or her possession a Peabody Wildlife Management Area user permit; or
- (2) Be a member of a group with an event permit, either an individual event permit or annual event permit.

Section 2.[Section 3.] Individual and Annual Event Permits.

(1) In lieu of individual user permits, a person representing a group using the PWMA[area] shall have in possession both an event permit and the Wildlife Management Area Use Permit[area-use permit] as established in 301 KAR 3:010, Section 5[6].

- (2) An event permit shall:
 - (a) Apply to each member of the group;
 - (b) Include[Specify]:

1. If it is an individual event permit, ***the permit's[its]*** period of validity, not to exceed four (4) days or, if it is an annual event permit, the dates the permit is not valid;
 2. The activities in which the group will engage;
 3. The name of the group; and
 4. The name and address of an individual representing the group.
- (3) The department may:
- (a) Limit the number of event permits issued; or
 - (b) Assign a specific location for an event.
- (4) The department shall:
- (a) ***1.*** Deny the application for an event ***that[which]*** would interfere with:
 - a.[1.]*** A management objective for the PWMA[area]; or
 - b.[2.]*** Other uses or users; or
 - 2.[(b)]*** Revoke individual or event permits for violations of the terms of the application or this administrative regulation; and
 - (b)[(c)]*** Not issue an event permit for an event at which wildlife is taken.

Section 3.~~[Section 4.]~~ Permit Exceptions. An individual or event permit shall not be required of a person:

- (1) On official business and employed by or an agent of:
 - (a) Peabody Coal Company;
 - (b) Beaver Dam Coal Company;
 - (c) Peabody Holding Company; or
 - (d) The Kentucky Department of Fish and Wildlife Resources;
- (2) En route through the PWMA[area] on a state or county road; or
- (3) On the PWMA[area]:
 - (a) As a necessary part of his or her job; or
 - (b) For the protection of public safety or well-being.
- (4) A shooting range permit shall not be required of a person who:
 - (a) Holds a Peabody Wildlife Management Area use permit; or
 - (b) Is a member of a group that holds a Peabody WMA Event Permit and a Wildlife Management Area Use Permit, pursuant to 301 KAR 3:010, Section 5, for an event on the shooting range.
- (5) All individuals shall follow safety rules and provisions for use of a shooting range as established in 301 KAR 3:015.

Section 4.~~[Section 5.]~~ Permit Applications.

- (1) An applicant for an individual permit shall:
 - (a) Apply at an authorized license agent; and
 - (b) Pay the fee as referenced at <https://fw.ky.gov/Licenses/Pages/Fees.aspx> and established in 301 KAR 5:022.
- (2) An applicant for an event permit shall:
 - (a) Apply on the Peabody WMA Event[Wildlife Management Area] Permit Application; and
 - (b) Pay the fee as referenced at <https://fw.ky.gov/Licenses/Pages/Fees.aspx> and established in 301 KAR 5:022.
- (3) The department shall keep applications and copies of event permits issued in a retrievable form for a minimum of one (1) year after the permits expire.

Section 5.~~[Section 6.]~~ Prohibited Activities. While on the PWMA[area], a person shall not:

- (1) Swim for recreational purposes;

- (2) Camp, except in a primitive fashion along an existing road;
- (3) Leave a campfire unattended;
- (4) Operate a motorized vehicle:
 - (a) Off an existing road; or
 - (b) Where prohibited by signs;
- (5) Block a road or gate;
- (6) Park, except in a designated parking area unless none are available;
- (7) Park or camp within 100 feet of well heads;
- (8) Target shoot, except at a designated area;
- (9) Construct a permanent structure;
- (10) Leave a temporary blind or stand in place overnight;
- (11) Operate a boat:
 - (a) With a centerline exceeding eighteen (18) feet six (6) inches in length, except:
 1. A canoe shall not have a length restriction; and
 2. A pontoon boat shall not exceed twenty-two (22) feet in length;
 - (b) At greater than idle speed; or
 - (c) With an internal combustion engine on:
 1. Goose Lake;
 2. Island Lake; or
 3. South Lake.

Section 6.~~[Section 7.]~~ Incorporation by Reference.

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

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