

301 KAR 1:010. Commercial boat docks, concession stands, and boat rental facilities.

RELATES TO: KRS 150.025(1)

STATUTORY AUTHORITY: KRS. KRS 150.620

NECESSITY, FUNCTION, AND CONFORMITY: KRS 150.620 authorizes 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 approval process for the construction of commercial boat docks, concession stands, and boat rental facilities on lakes and shoreline owned or controlled by the department.

Section 1. Written Request, Public Notice, and Public Hearings. (1) The following activities shall be prohibited on - department-owned or - controlled lakes and shorelines without prior written approval from the department:

- (a) Construction and operation of a commercial boat dock;
- (b) Construction and operation of a concession stand; and
- (c) Boat rental.

(2) A person, firm, or corporation may submit to the department, in writing, a request to conduct the activities specified in subsection (1) of this section.

(3) Upon receipt of a written request, the department shall:

- (a) Provide notice to the general public of the request;
- (b) Provide written notice to all known adjacent property owners on the lake for which the request was made; and

(c) Hold a public hearing at a time most convenient to the public and at a location within ten (10) miles of the boundary of the lake so that the public may make comments about the proposed commercial request.

(4) The notices specified in subsection (3) of this section shall include:

- (a) At least a thirty (30) day written comment period; and
- (b) The date of the next scheduled quarterly meeting involving the Fish and Wildlife Commission when the commercial request will be considered.

Section 2. Department Review and Approval. (1) The department shall:

(a) Review and consider all written and verbal comments received from the public;

(b) Provide to the Fish and Wildlife Commission:

1. All written comments received and a synopsis of all verbal comments received; and

2. A recommendation on the final decision that is based on the following criteria:

- a. Public need for the facility;
- b. Public support for the facility;
- c. If there is an existing facility of the same or similar type on the lake;
- d. If there is a suitable location on the lake for the requested facility; and
- e. The prior experience of the petitioner.

(2) The commission shall:

(a) Review and consider all comments received;

(b) Consider the written recommendations of the department; and

(c) Approve or deny the application based on the information provided in paragraphs (a) and (b) of this subsection.

(3) If one (1) or more of the activities specified in Section 1 of this administrative regulation are approved by the Fish and Wildlife Commission, a person, firm, or corporation shall not begin construction or operation of a commercial boat dock, concession stand, or boat rental business until possessing a signed agreement from the commissioner of the department.

(KFWR-F-23; 1 Ky.R. 33; eff. 10-2-1974; 37 Ky.R. 952; eff. 10-7-2010; Crt eff. 11-8-2019.)