

TOURISM, ARTS AND HERITAGE CABINET
Department of Fish and Wildlife Resources
(Amended at ARRS Committee)

301 KAR 4:100. 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

NECESSITY, FUNCTION, AND CONFORMITY: KRS 150.620 authorizes the 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 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 2. Permits Required. Except as ~~established~~~~provided~~ in Sections 3 and 4 of this administrative regulation, a person sixteen (16) years or older while on the area 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 3. Individual and Annual Event Permits.

- (1) In lieu of individual user permits, a person representing a group using the area shall have in possession an event permit and the area use permit as established in 301 KAR 3:010, Section 6.
- (2) An event permit shall:
 - (a) Apply to each member of the group;
 - (b) Specify:
 1. If it is an individual event permit, 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) Deny the application for an event which would interfere with:
 1. A management objective for the area; or
 2. Other uses or users; or

- (b) Revoke individual or event permits for violations of the terms of the application or this administrative regulation; ***and***
- (c) Not issue an event permit for an event at which wildlife is taken.

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 area on a state or county road; or
- (3) On the area:
 - (a) As a necessary part of his ***or her*** job; or
 - (b) For the protection of public safety or well-being.

Section 5. Permit Applications.

- (1) An applicant for an individual permit shall:
 - (a) Apply at an authorized license agent; and
 - (b) Pay the fee ***established/specified*** in 301 KAR 3:022.
- (2) An applicant for an event permit shall:
 - (a) Apply on ***the Peabody Wildlife Management Area and Starfire and Robinson Forest Wildlife Management Area Permit Application***~~*a form provided by the department*~~; and
 - (b) Pay the fee ***established/specified*** in 301 KAR 3:022.
- (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 6. Prohibited Activities. While on the 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~~;~~ ~~or~~
 - (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 7. Incorporation by Reference.

- (1) "Peabody Wildlife Management Area and Starfire and Robinson Forest Wildlife Management Area Permit Application", July 04, ~~1997~~ 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 Game Farm Road, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m. (19 Ky.R. 2531; Am. 20 Ky.R. 67; eff. 6-23-1993; 23 Ky.R. 3398; 3752; eff. 5-14-1997; 30 Ky.R. 412; 2572; eff. 10-31-2003; 31 Ky.R. 352; eff. 8-26-2004; 48 Ky.R. 906, 2698; eff. 6-9-2022.)

FILED WITH LRC: May 10, 2022

CONTACT PERSON: Beth Frazee, Department of Fish and Wildlife Resources, Arnold L. Mitchell Building, #1 Sportsman's Lane, Frankfort, Kentucky 40601, phone (502) 564-3400, fax (502) 564-0506, email fwpubliccomments@ky.gov