TOURISM, ARTS AND HERITAGE CABINET
Department of Fish and Wildlife Resources
(Amendment)

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
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 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 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 as referenced at https://fw.ky.gov/Licenses/Pages/Fees.aspx and established in 301 KAR 5:022~~[established 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; and
(b) Pay the fee as referenced at https://fw.ky.gov/Licenses/Pages/Fees.aspx and established in 301 KAR 5:022~~[established 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
(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", May 2025~~[July 04]~~; 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. or online at: https://fw.ky.gov/Licenses/Documents/Peabody-Event-Permit-App.pdf.

(301 KAR 004:100. 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; 52 Ky.R. 300; eff. 11-6-2025; Recodified as 301 KAR 003:013, 12-2-2025.)

Approved by the Fish and Wildlife Commission
RICH STORM, Commissioner

APPROVED BY AGENCY: July 1, 2025

FILED WITH LRC: July 1, 2025 at 2:05 p.m.

PUBLIC HEARING AND COMMENT PERIOD: A public hearing on this administrative regulation shall be held on September 30, 2025. at 3:00 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 {Month ##, 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, phone (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 administrative regulation establishes a permit for public use of the Peabody Wildlife Management Area and places necessary restrictions on its use by the public.

(b) The necessity of this administrative regulation:
This administrative regulation is necessary to establish a permit for public use of the Peabody Wildlife Management Area and places necessary restrictions on its use by the public.

(c) How this administrative regulation conforms to the content of the authorizing statutes:
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.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes:
This regulation establishes the manner in which the public can safely use of the Peabody Wildlife Management Area and places necessary restrictions on its use by the public.

(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 removes any reference to fees and replaces them with a reference to the fee regulation, 301 KAR 5:022, and similarly updates any applicable material incorporated by reference. This amendment also removes Starfire and Robinson Forest from the name of the permit because KDFWR does not own those properties and no longer has public access to these areas.

(b) The necessity of the amendment to this administrative regulation:
This amendment is necessary to allow future fee changes to be promulgated in 301 KAR 5:022 without the need for promulgating matching amendments to this regulation.

(c) How the amendment conforms to the content of the authorizing statutes:
KRS 150.025(1) grants authority for the department to promulgate regulations necessary to carry out the purposes of KRS Chapter 150. KRS 150.175 sets out licenses and tags to be sold by the department. KRS 150.195 requires the department to establish administrative regulations to provide for the control, design, issuance, distribution, and other matters related to licenses and permits issued by the department.

(d) How the amendment will assist in the effective administration of the statutes:
This amendment will consolidate any associated fees into a single fee regulation, 301 KAR 5:022.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation:

All individuals who which to obtain the associated permit.

(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:

No action will be required to comply with the amendments, however, the individuals would need to look to 301 KAR 5:022 for the regulation which establishes the cost of the associated permit.

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

There will be no cost to comply with the amendments to this regulation.

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

Compliance with these amendments will allow individuals to obtain the associated permit.

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

(a) Initially:

There will be no cost to implement these regulatory amendments initially.

(b) On a continuing basis:

There will be no continuing costs to implement these amendments.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation:

The Fish and Game 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:

There will be no increase in fees or funding necessary to implement these changes.

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

This administrative regulation does not establish any fees or directly or indirectly increase any fees. Any associated fees are addressed in 301 KAR 5:022.

(9) TIERING: Is tiering applied?

Tiering is not applied as all individuals will need to look to 301 KAR 5:022 for the regulation which establishes the cost of the associated permit.

FISCAL IMPACT STATEMENT

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

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.

(2) State whether this administrative regulation is expressly authorized by an act of the General Assembly, and if so, identify the act:

This amendment is not expressly authorized by an act of the General Assembly but is promulgated pursuant to KRS 150.025 and 150.195.

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

The promulgating agency is the Kentucky Department of Fish and Wildlife Resources. No other state agencies are affected.

(b) Estimate the following for each affected state unit, part, or division identified in (3)(a):

1. Expenditures:

For the first year:These amendments will not result in any additional expenditures for the department.

For subsequent years:These amendments will not result in any additional expenditures for the department.

2. Revenues:

For the first year:These amendments will not result in any change in revenues for the department.

For subsequent years:These amendments will not result in any change in revenues for the department.

3. Cost Savings:

For the first year:These amendments will not result in any cost savings for the department.

For subsequent years:These amendments will not result in any cost savings for the department.

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

No local entities should be affected by these amendments.

(b) Estimate the following for each affected local entity identified in (4)(a):

1. Expenditures:

For the first year:N/A

For subsequent years:N/A

2. Revenues:

For the first year:N/A

For subsequent years:N/A

3. Cost Savings:

For the first year:N/A

For subsequent years:N/A

(5)(a) Identify any affected regulated entities not listed in (3)(a) or (4)(a):
No other entities should be affected by these amendments.

(b) Estimate the following for each regulated entity identified in (5)(a):

1. Expenditures:

For the first year:N/A

For subsequent years:N/A

2. Revenues:

For the first year:N/A

For subsequent years:N/A

3. Cost Savings:

For the first year:N/A

For subsequent years:N/A

(6) Provide a narrative to explain the following for each entity identified in (3)(a), (4)(a), and (5)(a)

(a) Fiscal impact of this administrative regulation:
This amendment will not have any significant fiscal impact.

(b) Methodology and resources used to reach this conclusion:
This amendment does not modify any fees or require affected entities to expend funds to comply with the amendments beyond those incidental to normal operations.

(7) Explain, as it relates to the entities identified in (3)(a), (4)(a), and (5)(a):

(a) Whether this administrative regulation will have a "major economic impact", as defined by KRS 13A.010(13):
This amendment will not have a major economic impact.

(b) The methodology and resources used to reach this conclusion:
This amendment does not increase any fees or otherwise create a financial burden to state or local government agencies or to regulated entities.