

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

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;
- (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 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.
 - (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.
- (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](https://fw.ky.gov/Wildlife/Documents/Otter-Creek-Event-Permit-Application.pdf)

*APPROVED by the Fish and Wildlife Commission
RICH STORM, Commissioner*

APPROVED BY AGENCY: January 14, 2026

FILED WITH LRC: January 15, 2026 at

PUBLIC HEARING AND COMMENT PERIOD: A public hearing on this administrative regulation shall be held on March 26, 2026, at 10:00 a.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 March 31, 2026. 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

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person:Jenny Gilbert

Subject Headings:Fish and Wildlife, Conservation, Land Use

(1) Provide a brief summary of:

(a) What this administrative regulation does:

This administrative regulation establishes a permit for public use of the Otter Creek Outdoor Recreation 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 Otter Creek Outdoor Recreation 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 the Otter Creek Outdoor Recreation 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 outlines an exemption for the shooting range permit required in 301 KAR 3:015 with the purchase of an annual or daily Otter Creek Outdoor Recreation Area Entry permit. This amendment also removes the definitions section since Chapter 3 has a definition regulation.

(b) The necessity of the amendment to this administrative regulation:

This amendment is necessary to comply with the provisions in 301 KAR 3:015 and ensure the public is not over charged for permits to participate in activity on the Otter Creek Outdoor Recreation Area

(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 outlines the public use for a specific area of land owned or managed by the department and outlines the permits required for use.

(3) Does this administrative regulation or amendment implement legislation from the previous five years? No

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

All individuals who wish to obtain the associated permit.

(5) Provide an analysis of how the entities identified in question (4) 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 (4) will have to take to comply with this administrative regulation or amendment:

No action will be required to comply with the amendments.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (4):

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 (4):

Compliance with these amendments will allow individuals to use the shooting range on the Peabody Wildlife Management Area without acquiring an extra permit.

(6) 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.

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

The Fish and Game Fund.

(8) 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.

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

There are no fee increases established in this amendment.

(10) TIERING: Is tiering applied?

Tiering is not applicable to this amendment.

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:

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: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

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

N/A

(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.

(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(14):

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.