

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

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 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.
- (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.
- (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.
- (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.

- (5) A person shall park vehicles in designated parking areas only.
- (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;
- (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.
- (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 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 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 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.

(37 Ky.R. 1934; 2155; eff. 4-1-2011; 39 Ky. 354; 967; eff. 12-7-2012; 48 Ky.R. 892; eff. 3-1-2022.)

RICH STORM, Commissioner

MIKE E. BERRY, Secretary

APPROVED BY AGENCY: July 14, 2021

FILED WITH LRC: August 5, 2021 at 9:27 a.m.

PUBLIC HEARING AND COMMENT PERIOD: A public hearing on this administrative regulation shall be held on October 21, 2021 at 1:00 p.m. at the Department of Fish and Wildlife Resources in the Commission Room of the Arnold L. Mitchell Building, #1 Sportsman's Lane, Frankfort, Kentucky. Individuals interested in attending this hearing shall notify this agency in writing by five business days prior to the hearing of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be canceled. This hearing is open to the public. Any person who attends will be given an opportunity to comment on the proposed administrative regulation. 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 attend the public hearing, you may submit written comments on the proposed administrative regulation through October 31, 2021. Send written notification of intent to attend the public hearing or written comments on the proposed administrative regulation to the contact person.

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