

	KRA POLICY #			EFFECTIVE DATE	REVISION DATE
	Title / Subject TRESPASSING; FISHING ALLOWANCE; BOATING SAFETY				07/29/11
	REFERENCES			DISTRIBUTION	
	KRS 151.700 - 730	KRS 511.070 - 080		REPORT: <input type="checkbox"/>	

POLICY

The Kentucky River Authority (KRA) supports the recreational use of the Kentucky River Basin and the sport of fishing in or along the Kentucky River Basin including fishing in proximity to or near KRA property.

It is the policy of KRA to prohibit trespassing on any KRA property; specifically, physical structures, locks, dams, land wall, or guide wall owned and operated by KRA and real property in general.

Enforcement of this policy is delegated to all law enforcement agencies having jurisdiction generally and the Kentucky Department of Fish and Wildlife Resources (KDFWR) specifically.

OBJECTIVE

To create a safe environment for recreationalists and sportsmen using the Kentucky River while protecting the assets and property of the Kentucky River Authority.

DEFINITIONS

511.010 Definitions.

The following definitions apply in this chapter unless the context otherwise requires:

(1) "Building," in addition to its ordinary meaning, means any structure, vehicle, watercraft or aircraft:

- (a) Where any person lives; or
- (b) Where people assemble for purposes of business, government, education, religion, entertainment or public transportation.

Each unit of a building consisting of two (2) or more units separately secured or occupied is a separate building.

(2) "Dwelling" means a building which is usually occupied by a person lodging therein.

(3) "Premises" includes the term "building" as defined herein and any real property.

511.070 Criminal trespass in the second degree.

(1) A person is guilty of criminal trespass in the second degree when he knowingly enters or remains unlawfully in a building or upon premises as to which notice against trespass is given by fencing or other enclosure.

(2) Criminal trespass in the second degree is a Class B misdemeanor.

511.080 Criminal trespass in the third degree.

- (1) A person is guilty of criminal trespass in the third degree when he knowingly enters or remains unlawfully in or upon premises.
- (2) Criminal trespass in the third degree is a violation.

HISTORY

The United States Corps of Engineers (USCOE) established the fourteen (14) lock and dam network along the Kentucky River. The original purpose was to facilitate the navigation of these waters for commerce and to establish water pools sufficient to supply water to communities, towns and cities situated along or near the Kentucky River.

Pursuant to a memorandum (reference # 88-14) issued May 10, 1988, the USCOE prescribed the placement of buoys along waterways in Kentucky to include the Kentucky River Locks 1 through 14. The memorandum stated the requirement to place buoys with the message "KEEP OUT" marking the restricted area above (up-stream) each dam and situated a distance of 300 feet above each dam.

Moreover, the USCOE prescribed the placement of buoys below (down-stream) a distance of 150 feet from each dam to mark a danger zone. The memorandum required the placement of buoys with the message "DANGER DAM" to denote the limits of the danger area downstream of the dam.

PROCEDURES

A. Boating

1. The Kentucky River Authority shall not allow fishing access by boat or watercraft within a distance of less than three-hundred (300) feet above (up-stream) any dam structure. The limits of this area shall be marked as "**KEEP OUT**" or "**RESTRICTED AREA**".
2. Buoys and/or other permanent signs marked with a CLOSED or CROSSED DIAMOND placard inscribed with "**DANGER DAM**" – **KEEP OUT**" shall be deployed at a point 300' above each dam
3. The United States Army Corps of Engineers recognizes a restricted zone of one hundred-fifty feet from the Dam on the lower side. Accordingly boaters and fisherman are advised to exercise extreme caution and observe safe boating practice when operating in proximity to this area. This area is identified as a DANGER ZONE. Persons electing to pilot watercraft or boats in and around the locks and dams **PAST THE END OF THE CONCRETE WALL OR CYLINDER** extending the shortest distance from the dam structure – **SHALL** wear a Personal Floatation Device (PFD) at all times while in this area.
4. Buoys marked with an OPEN DIAMOND placard inscribed "**DANGER DAM**" shall be deployed at a point of 150 feet below each dam.

5. Signage MAY be affixed – at the discretion of KRA - to the permanent concrete structure (inside wall) below each dam – with the message – **DANGER – STRONG UNDERTOW** [graphic sign] **WEAR LIFE JACKETS BEYOND THIS POINT** to serve as a physical and visual indication to watercraft users of the access prohibitions or warnings.
6. In the event the water flow within and along the river creates the movement of the deployed buoys to a position greater than the distances they were intended to provide guidance for the established parameters of allowable use and access, their movement does not negate the distances established by this policy for user access or trespassing restrictions.

B. Trespassing on KRA Lock and Dam Properties

1. Trespassing on Locks or Dams or other property pertaining to or adjacent to Locks and Dams is strictly prohibited except where specifically permitted. This includes all KRA property at each Lock and Dam site, structures and right-of-way easements.
2. Specifically no trespassing shall be prohibited on any concrete structure by any person except KRA employees, contractors, law enforcement or other emergency personnel. Concrete structures include lock walls, guide walls or any adjacent concrete structure.
3. Instances of Trespassing are subject to the provisions of KRS 511. 070 – 080.

C. Fishing Exceptions

1. Fishing is permitted (by persons licensed by the KDFWR) from the river bank on the down stream side clear of any concrete structures. Persons fishing below the Lock and Dam structures shall minimize trespassing across KRA property to access the fishing site to the least extent possible.
2. No fishing shall be permitted from the river bank on the up stream side of any concrete structures.
3. Fishing is permitted from a boat or other authorized watercraft pursuant to the provisions of Section **A: Boating** of this policy (above).

Approved by the Kentucky River Authority Board this _____ day of _____, 2011.



Jerry T. Wildt, Chairman

8/22/2011
Date



A. Stephen Reeder, Executive Director

8/19/2011
Date