

RULES AND REGULATIONS

GOVERNING PUBLIC USE OF FALLS OF THE OHIO NATIONAL WILDLIFE CONSERVATION AREA

FOREWARD

The following rules and regulations, published in the *Federal Register* of September 9, 1983, govern the public use of Falls of the Ohio National Wildlife Conservation Area administered by the Chief of Engineers. Visitors are bound by these Title 36 regulations.

Title 36 -- Parks, Forests, and Public Property
CHAPTER 111 -- U.S. ARMY CORPS OF ENGINEERS
PART 331--RULES AND REGULATIONS GOVERNING THE PROTECTION, USE AND MANAGEMENT OF THE FALLS
OF THE OHIO NATIONAL WILDLIFE CONSERVATION AREA, KENTUCKY AND INDIANA.

Section Index

- [331.1 Applicability and Scope.](#)
- [331.2 Policy.](#)
- [331.3 Hunting and Trapping.](#)
- [331.4 Fishing.](#)
- [331.5 Explosives and Fireworks.](#)
- [331.6 Public Property.](#)
- [331.7 Sanitation.](#)
- [331.8 Picnicking.](#)
- [331.9 Camping.](#)
- [331.10 Swimming.](#)
- [331.11 Special Events.](#)
- [331.12 Vehicles.](#)
- [331.13 Vessels.](#)
- [331.14 Aircraft.](#)
- [331.15 Fires.](#)
- [331.16 Interference with Government Employees.](#)
- [331.17 Minerals.](#)
- [331.18 Restrictions.](#)
- [331.19 Commercial activities.](#)
- [331.20 Advertisement.](#)
- [331.21 Unauthorized structures.](#)
- [331.22 Abandonment of personal property.](#)
- [331.23 Control of Animals.](#)
- [331.24 Permits.](#)
- [331.25 Violation of Regulations.](#)

Authority: Section 206, Pub. L. 97-137, 95 Stat. 1710 (16 U.S. C. 668dd note).

331.1 Applicability.

(a) The regulations contained in this part apply to those lands and waters within the established boundary of the Falls of the Ohio National Wildlife Conservation Area (WCA). Included in this boundary, which was published in the Federal Register of August 12, 1982 are publicly and privately owned lands, waters and improvements. The Federal Government, acting through the Corps of Engineers, will acquire such rights to privately-owned properties in the WCA as are necessary to carry out the purposes of Title II, Pub. L. 97-137. The regulations prescribed herein are for the use, management and protection of the resources of the WCA and all persons entering, using or visiting within the boundaries of the WCA are subject in these regulations. All other applicable Federal, State and local laws and regulations remain in full force and effect. The District Engineer, US Army Corps of Engineers, exercises nonexclusive jurisdiction over the lands and waters of the WCA and enforces these regulations.

(b) The WCA boundary encompasses an existing hydroelectric generating station and the McAlpine Locks and Dam operation navigation structures which are part of the authorized Ohio River Navigation System. The continued operation and maintenance of this system take precedence over the purposes of the WCA, except that such operation and maintenance will be consistent with the basic purpose of the WCA as regards prohibition of hunting, vandalism and dumping of refuse. Management of the WCA to achieve its intended purposes will, to the extent practicable, be accomplished in a manner consistent and compatible with continued generation of electricity and navigation on the Ohio River, including operation and maintenance of the McAlpine Locks and Dam and the Louisville Repair Station and material storage areas located on Shippingport Island.

[\[Return to Section Index\]](#)

331.2 Policy.

(a) It is the policy of the Secretary of the Army, acting through the Corps of Engineers, to manage the natural and cultural resources of the WCA in the public interest, providing the public with safe and healthful recreational opportunities while protecting and enhancing these resources.

(b) Unless otherwise indicated in this part, the term "District Engineer" shall include the authorized representatives of the District Engineer.

(c) The WCA shall be available to the public without regard to sex, race, color, creed, or national origin. No lessee, licensee, or concessionaire providing a service to the public shall discriminate against any person because of sex, race, creed, color, or national origin in the conduct of the operations under the lease, license or concession contract.

[\[Return to Section Index\]](#)

331.3 Hunting and trapping.

Unless authorized in writing by the District Engineer:

(a) The hunting, trapping, catching, molesting, killing or having in possession any wild animal or bird, or taking the eggs of any such bird, is prohibited.

(b) Possession of equipment (including, but not limited to, firearms, ammunition, traps, projectile firing devices including bow and arrow) which could be used for hunting, trapping, or the taking of wildlife, is prohibited.

[\[Return to Section Index\]](#)

331.4 Fishing.

Unless otherwise authorized in writing by the District Engineer:

(a) Fishing is only permitted in accordance with the laws and regulations of the State within whose exterior boundaries that portion of the WCA is located, and such laws and regulations which are now or may hereafter be in effect are hereby adopted as part of these regulations.

(b) Fishing by means of the use of drugs, poisons, explosives, bow and arrow or electricity is prohibited.

(c) Commercial fishing and fishing with gill nets, trammel nets, hoop nets, bow and arrow or trot lines is prohibited.

[\[Return to Section Index\]](#)

331.5 Explosives and fireworks.

Unless otherwise authorized in writing by the District Engineer:

(a) The possession or use of fireworks is prohibited.

(b) The possession or use of explosives is prohibited.

[\[Return to Section Index\]](#)

331.6 Public property.

Unless otherwise authorized in writing by the District Engineer, the destruction, injury, defacement, removal or any alteration of public property including, but not limited to natural formations, paleontological features and vegetative growth is prohibited. Any such destruction, removal, or alteration of public property shall be in accordance with the conditions of any permission granted.

[\[Return to Section Index\]](#)

331.7 Sanitation.

(a) Garbage, trash, rubbish, litter or any other waste material or waste liquid generated on the WCA shall be removed from the project or deposited in receptacles provided for that purpose. The improper disposal of such wastes within the boundaries of the WCA is prohibited.

(b) The use of refuse containers for the disposal of refuse not generated on the WCA is prohibited.

(c) It is a violation to bring any material onto the WCA for the purpose of disposal.

(d) The discharge or placing of sewage, galley waste, garbage, refuse, or pollutants into the WCA waters from any vessel or watercraft is prohibited.

[\[Return to Section Index\]](#)

331.8 Picnicking.

(a) Picnicking is permitted only in designated areas.

(b) Picnickers shall remove all personal equipment and clean their sites upon departure.

[\[Return to Section Index\]](#)

331.9 Camping.

Camping is not permitted within the WCA.

[\[Return to Section Index\]](#)

331.10 Swimming.

Swimming is prohibited unless authorized in writing by the District Engineer.

[\[Return to Section Index\]](#)

331.11 Special Events.

- (a) Special events including, but not limited to, water carnivals, boat regattas, music festivals, dramatic presentations or other special recreation programs are prohibited unless written permission has been granted by the District Engineer.
- (b) The public shall not be charged any fee by the sponsor of such event unless the District Engineer has approved in writing the proposed schedule of fees. The District Engineer shall have authority to revoke permission and require removal of any equipment upon failure of the sponsor to comply with terms and conditions of the permit/permission. Any violation shall constitute a separate violation for each calendar day in which occurs.

[\[Return to Section Index\]](#)

331.12 Vehicles.

- (a) The use of a vehicle off roadways is prohibited except as may be authorized by the District Engineer.
- (b) Vehicles shall not be parked in violation of any posted restriction, or in such a manner as to endanger any Federal property to include natural features. The owner of any vehicle parked in violation of this section shall be presumed to have parked it, and unless rebutted such presumption will be sufficient to sustain a conviction as provided for in 331.25.
- (c) Vehicles shall be operated in accordance with all posted regulations.
- (d) Driving or operating any vehicle in a careless, negligent, or reckless manner, heedlessly or in willful disregard for the safety of other persons, or in such manner as to endanger any property or environmental feature, or without due care or at a speed greater than is reasonable and prudent under prevailing conditions with regard to traffic, weather, road, light and surface conditions, is prohibited.
- (e) This section pertains to all vehicles, including, but not limited to automobiles, trucks, motorcycles, minibikes, trail bikes, snowmobiles, dune buggies, all terrain vehicles, bicycles, trailers, campers, or any other such equipment.
- (f) Except as authorized by the District Engineer, no person shall operate any motorized vehicle without a proper and effective exhaust muffler, or with an exhaust muffler cutout open, or in any other manner which renders the exhaust muffler ineffective in muffling the sound of engine exhaust.

[\[Return to Section Index\]](#)

331.13 Vessels.

- (a) Vessels or other watercraft may be operated in the WCA waters except in prohibited or restricted areas in accordance with posted regulations and applicable Federal, State and local laws.
- (b) All vessels when not in actual use shall be removed from the WCA unless securely moored at mooring facilities approved by the District Engineer. The placing of floating or stationary mooring facilities to, or interfering with, a buoy, channel marker, or other navigational aid is prohibited.
- (c) The operation of vessels or other watercraft in a careless, negligent, or reckless manner so as to endanger any property (including the operator and/or user(s) of the vessel or watercraft) is prohibited.

[\[Return to Section Index\]](#)

331.14 Aircraft.

- (a) The operation of aircraft on WCA lands and waters is prohibited, unless authorized in writing by the District Engineer.
- (b) Except in extreme emergencies threatening human life or serious property loss, the air delivery of any person or thing by parachute, helicopter, or other means onto project lands or waters without written permission of the District Engineer is prohibited.
- (c) The provisions of this section shall not be applicable to aircraft engaged in official business of the Federal Government or used in emergency rescue in accordance with the directions of the District Engineer.

[\[Return to Section Index\]](#)

331.15 Fires.

Open fires are prohibited unless confined to fireplaces, grills, or other facilities designed for this purpose as designated by the District Engineer. Fires shall not be left unattended and must be completely extinguished prior to departure.

[\[Return to Section Index\]](#)

331.16 Interference with government employees.

Interference with any Government employee in the conduct of his or her official duties pertaining to the administration of these regulations is prohibited. It is a violation to fail to comply with a lawful order directed by any Government employee or to knowingly give any false, fictitious, or fraudulent report or other information to any Government employee in the performance of his or her official duties pertaining to the administration of these regulations.

[\[Return to Section Index\]](#)

331.17 Minerals.

All activities in connection with prospecting, exploration, development, mining or other removal or the processing of mineral resources and all uses reasonably incident thereto are prohibited.

[\[Return to Section Index\]](#)

331.18 Restrictions.

The District Engineer may establish and post a schedule of visiting hours and/or restrictions on the public use of a portion or portions of the WCA. The District Engineer may close or restrict the use of the WCA or portion of the WCA when necessitated by reason of public health, public safety, security, maintenance or other reasons in the public interest. Entering or using the project in a manner which is contrary to the schedule of visiting hours, closure or restrictions is prohibited.

[\[Return to Section Index\]](#)

331.19 Commercial activities.

Unless other authorized in writing by the District Engineer, the engaging in or solicitation of business or money is prohibited.

[\[Return to Section Index\]](#)

331.20 Advertisement.

Unless other authorized in writing by the District Engineer, advertising by the use of billboards, signs, markers, audio devices, or any other means whatsoever including handbills, circulars, and posters is prohibited. Vessels or vehicles with semipermanent or permanently installed signs are exempt if being used for authorized recreational activities or special events and in compliance with all other rules and regulations pertaining to vessels and vehicles.

[\[Return to Section Index\]](#)

327.21 Unauthorized structures.

The construction, placing, or continued existence of any structure of any kind under, upon, in or over WCA lands or waters is prohibited unless a permit, lease, license or other appropriate written agreement therefor has been issued by the District Engineer. Structures not so authorized are subject to summary removal or impoundment by the District Engineer. The design, construction, placing, existence, or use of structures in violation of the terms of the permit, lease, license, or other written agreement therefor is prohibited.

[\[Return to Section Index\]](#)

331.22 Abandonment of personal property.

(a) Personal property of any kind left unattended upon WCA lands or waters for a period of 24 hours shall be considered abandoned and may be impounded and stored at a storage point designated by the District Engineer who may assess a reasonable impoundment fee. Such fee shall be paid before the impounded property is returned to its owner.

(b) If abandoned property is not claimed by its owner within 3 months after the date it is received at the storage point designated by the District Engineer, it may be disposed of by public or private sale or by other means determined by the District Engineer. Any net proceeds from the sale of property shall be conveyed unto the Treasury of the United States as miscellaneous receipts.

[\[Return to Section Index\]](#)

331.23 Controls of animals.

(a) No person shall bring or allow horses, cattle, or other livestock in the WCA.

(b) No person shall bring dogs, cats, or other pets into the WCA unless penned, caged, or on a leash under 6 feet in length, or otherwise under physical restraint at all times. Unclaimed or unattended animals are subject to immediate impoundment and removal in accordance with State and local laws.

[\[Return to Section Index\]](#)

331.24 Permits.

It shall be a violation of these regulations to refuse to or fail to comply with the terms or conditions of any permit issued by the District Engineer.

[\[Return to Section Index\]](#)

331.25 Violation of regulations.

Anyone violating the provisions of this regulation shall be subject to a fine of not more than \$500 or imprisonment for not more than 6 months, or both. All persons designated by the Chief of Engineers, U.S. Army Corps of Engineers, for that purpose shall have the authority to issue a citation for the violation of these regulations, requiring the appearance of any person charged with violation to appear before the U.S. Magistrate within whose jurisdiction the violation occurred.

[\[Return to Section Index\]](#)