

# USDA Forest Service — Land Between the Lakes National Recreation Area

## Turkey Bay Off-Highway Vehicle Area

### Release And Waiver Of Liability And Indemnity Agreement

The **PARTIES** to this **RELEASE AND WAIVER OF LIABILITY AND INDEMNITY AGREEMENT** are the USDA Forest Service — Land Between the Lakes (USDA-FS-LBL), the federal government, their subdivisions, departments, officials, managers, contractors, subcontractors and employees (hereinafter collectively referred to as the "Releasees") and the UNDERSIGNED, his or her personal representatives, heirs, companions and next to kin (hereinafter collectively referred to as the "Releasers").

IN CONSIDERATION of being permitted to enter into Turkey Bay Off-Highway Vehicle Area for the purpose of recreational off-highway vehicle riding or being permitted to ride an off-highway vehicle within the boundaries of Turkey Bay Off-Highway Vehicle Area, THE UNDERSIGNED, for himself or herself, and his or her personal representatives, heirs, and next of kin, with knowing and willing consent of his or her PARENT OR LEGAL GUARDIAN as attested by signature of the same if the UNDERSIGNED is below the age of 18 years, acknowledges, agrees and represents that he or she has, or will immediately upon entering into the confines of Turkey Bay Off-Highway Vehicle Area, and will continuously thereafter, inspect said confines and all portions thereof which he or she enters and with which he or she comes into contact, and he or she further warrants that his or her entry upon said confines and his or her participation in any activities within those confines constitutes acknowledgement that he or she has inspected said confines and that he or she finds and accepts the same as being reasonably suited for the purpose of his or her use, and he or she does further agree and warrant that, if, at any time, he or she is within or about the confines and he or she feels or believes anything to be unsafe, he or she will immediately leave the confines and will advise officials of the USDA Forest Service — Land Between the Lakes (USDA-FS-LBL) of the condition(s) which he or she believes to be unsafe. Further, in such consideration, the UNDERSIGNED:

1. HEREBY COVENANTS NOT TO SUE, RELEASES, WAIVES, AND DISCHARGES the Releasees from any and all liability to the Undersigned, his or her personal representatives, assigns, heirs, companions, and next of kin for any and all loss or damage, and any claim or demands therefore on account of injury to the person or property or resulting in death of the UNDERSIGNED or any person accompanying the UNDERSIGNED or permitted by the UNDERSIGNED to use his or her off-highway vehicle or the off-highway vehicle under his or her supervision, all for the purposes herein referred to as the UNDERSIGNED's "companions," whether caused by the negligence of the Releasees or otherwise while the UNDERSIGNED or his or her companions is or are in or upon the confines for any purpose or reason;
2. HEREBY AGREES TO INDEMNIFY AND SAVE AND HOLD HARMLESS the Releasees and each of them from any loss, liability, damage, or cost, real or imagined, which they may incur due to the presence of the UNDERSIGNED or any of his or her companions in or upon the confines for any reason whether caused by the Releasees or otherwise; and
3. HEREBY ASSUMES FULL RESPONSIBILITY FOR AND RISK OF BODILY INJURY, DEATH OR PROPERTY DAMAGE OR LOSS to himself or herself or any of his or her property or companions due to the negligence of the Releasees or otherwise while in or upon the confines or while participating in or observing any activities occurring within the confines for any reason.

THE UNDERSIGNED expressly acknowledges and agrees that riding off-highway vehicles or being within an area in which such vehicles are being used involves risk of serious injury and/or death and/or property damage. THE UNDERSIGNED further expresses that the foregoing release, waiver, and indemnity agreement is intended to be as broad and inclusive as is permitted by the law of the Commonwealth of Kentucky and that, if any portion thereof is held invalid, it is agreed that the balance thereof shall, notwithstanding, continue in full legal force and effect.

THE UNDERSIGNED expressly agrees that this RELEASE AND WAIVER OF LIABILITY AND INDEMNITY AGREEMENT will be construed in accordance with the laws of the Commonwealth of Kentucky.

THE UNDERSIGNED HAS READ, COMPREHENDED AND NOW VOLUNTARILY SIGNS THIS RELEASE AND WAIVER OF LIABILITY AND INDEMNITY AGREEMENT, and further agrees that no representations, statements or inducements apart from the foregoing written agreement have been made.

<b>Off-Highway Vehicle Registration Form (Please press hard when writing so both copies are legible.)</b>			
<b>Permit Information:</b>		NAME	
Today's Date _____ Permit Number _____		STREET/P.O. BOX	
Term (check one) <input type="checkbox"/> One to Three-day      \$20.00 <input type="checkbox"/> Annual                              \$100.00 <input type="checkbox"/> Replacement                      \$5.00  (Replaces Permit Number): _____	CITY, STATE	ZIP CODE	
		TELEPHONE NUMBER (      )	DATE OF BIRTH
<b>Vehicle Information: (Circle One)</b>		(e.g. Yamaha, Honda, Ford)	
Type: SXS 2WH 4WH TRK BGY JEEP OTHER:		Make:	Gender: <input type="radio"/> Male <input type="radio"/> Female
<b>X</b> _____ REGISTRANT: <b>PRINT NAME HERE</b>		<b>X</b> _____ REGISTRANT: <b>SIGN NAME HERE</b>	
<b>X</b> _____ PARENT/LEGAL GUARDIAN: <b>PRINT NAME HERE</b> <small>(If registrant is under 18 years of age)</small>		<b>X</b> _____ PARENT/LEGAL GUARDIAN: <b>SIGN NAME HERE</b> <small>(If registrant is under 18 years of age)</small>	

**FOR MEDICAL EMERGENCIES CALL: 911 or 877-861-2457**

**By signing this form, the aforesigned attests that he/she has read the rules and regulations of Turkey Bay OHV Area on the reverse side of this form and agrees to comply with these rules:** to inform anybody who he/she allows to use the registered vehicle of the rules and to be liable for the use of the registered vehicle by said users. The aforesigned understands that violations of the rules and regulations of Turkey Bay OHV Area by any user of the registered vehicle may result in (a) citations being levied on the violating user or (b) the user or the vehicle being banned from the facility and owner agrees to be liable for any fines levied to him/her. The aforesigned agrees to apply the permit to the registered vehicle as instructed by the issuing officer and to assure that the permit is clearly visible at any time the vehicle is being used at Land Between the Lakes. Registrant also agrees to the items and conditions of the Waiver above and accepts same as legally binding and further attests that all information in the Off-Highway Vehicle Registration Form above is complete and correct.

# Turkey Bay Off-Highway Vehicle Area

## Rules and Regulations

By signing this waiver, the registrant agrees to obey all rules and regulations posted in Turkey Bay OHV Area or printed in Land Between the Lakes literature. The permit holder is responsible for all use of the registered vehicle ensuring that it is operated in a safe and prudent manner at all times.

1. Operating a vehicle in a manner that damages, mutilates, or removes any natural feature or other property is prohibited (36 CFR 261.9 a and b). This includes mud bogging, mudding, and creating new trails.
2. Riding passengers on OHVs not designed to carry passengers is prohibited. (36 CFR 261.55b)
3. Passengers are only allowed in vehicles intended by the manufacturer to carry such passengers. The vehicle must contain the following: enclosed metal cab, roll bar protection, and seatbelts. Golf carts are not permitted at Turkey Bay.
4. All users are required to wear DOT-approved motorcycle safety helmets while vehicles are in operation, except in vehicles with fully enclosed metal cabs and/or roll bar protection and seatbelts.
5. No person under age 16 may operate an ATV with an engine size exceeding 90cc displacement, and no person under age 12 may operate an ATV with an engine size exceeding 70cc displacement. (KY State Law 189.515)
6. Direct parental or adult supervision is required for all persons under the age of 16 years operating an OHV. (KY Revised Statute 189.515)
7. OHVs are to be operated from sunrise to sunset only. Legal riding hours are posted at gatehouse.
8. Stay on designated trails. If a trail is not signed, it is not a legal trail.
9. Users must remain within the boundaries of Turkey Bay Off-Highway Vehicle Area. The lakeside boundary fluctuates with the summer and winter pool lake levels. The water's edge serves as the western boundary of Turkey Bay.
10. Operators/passengers of motorized vehicles, except motorcycles, ATVs, and six wheelers, must use a fastened seatbelt while the vehicle is in use.
11. All off-highway vehicles must be registered with Land Between the Lakes before being used in Turkey Bay OHV Area. The permit sticker must be properly displayed on the registered vehicle at all times. When the gatehouse is not staffed, riders must obtain a permit from the Golden Pond Visitor Center, open daily from 9am-5pm.
12. A 15 mph speed limit will be enforced on the entrance road. Camping and unloading areas are 10 mph. Please use these areas for their designated use. No exhibition riding will be permitted.
13. All vehicles and operators must be in compliance with all state and federal laws.
14. OHVs must have properly functioning spark arresters and mufflers.
15. Land Between the Lakes is neither liable nor responsible for damage, loss, or theft of personal property or for injuries to visitors.
16. Litter laws are strictly enforced throughout all of Land Between the Lakes. Users are expected to use the trash receptacles or to remove any trash they bring.
17. All users must enter and exit Turkey Bay OHV Area by way of Road 167 off Woodlands Trace National Scenic Byway. All other accesses are prohibited.
18. Anyone under 18 years of age must have a parent or legal guardian's signature to ride.
19. Kentucky state law prohibits the public consumption of alcohol.
20. All users must use existing trails appropriate for the size of their vehicle. Travel off of the trails is prohibited.