

**AGENDA**  
**KANSAS DEPARTMENT OF WILDLIFE AND PARKS**  
**COMMISSION MEETING AND PUBLIC HEARING**  
**Thursday, November 17, 2022**  
**Colby Event Center**  
**1200 S Franklin, Colby, KS**  
**including a**  
**Virtual ZOOM Meeting Option**

Instructions to Participate in Virtual Commission meeting on November 17, 2022

- A. Log Into Zoom
  - 1. Visit <https://ksoutdoors.zoom.us/meeting/register/tZUpdO-rqjwrGtwIJJ6xi-mpnyPvz5tCuoRp>
  - 2. Register by entering your first and last name, and email address.
  - 3. Once registered, you will be provided a link to “join the meeting.”
  - 4. Visitors will be muted upon entering the meeting. To comment or ask a question, use the “raise hand” feature or type into the chat area.
- B. Call In
  - 1. Call: 1-877-853-5257
  - 2. When a meeting ID is requested, enter: 814 3634 7108#
  - 3. When a participant ID is requested, enter: #
  - 4. For comments or questions, email: [kdwpt.kdwptinfo@ks.gov](mailto:kdwpt.kdwptinfo@ks.gov)
- C. Watch Live Video/Audio Stream
  - 1. Individuals may watch a live video/audio stream of the meeting on <https://ksoutdoors.com/commission-meeting>

**I. CALL TO ORDER AT 1:00 p.m.**

**II. INTRODUCTION OF COMMISSIONERS AND GUESTS**

**III. ADDITIONS AND DELETIONS TO AGENDA ITEMS**

**IV. APPROVAL OF September 8, 2022 MEETING MINUTES**

**V. GENERAL PUBLIC COMMENT ON NON-AGENDA ITEMS**

**VI. DEPARTMENT REPORT**

**A. Secretary’s Remarks**

- 1. Agency and State Fiscal Status (Brad Loveless)**

**B. General Discussion**

- 1. Regulation Procession Discussion (Dan Riley)**
- 2. Annual Camp (Steve Seibel)**
- 3. Villa High Lake (Dave Spalsbury)**
- 4. South Fork Republican River Restoration Project (Kevin Klag)**

5. **Birding Trail (Mike Rader)**
6. **Prairie Dog State Park Update (Luke VanSlike)**

**C. Workshop Session**

1. **Antelope 25-Series Regulations (Matt Peek)**
2. **Elk 25-Series Regulations (Matt Peek)**
3. **Big Game 4-Series Regulations (Levi Jaster)**
4. **Deer 25-Series Regulations (Levi Jaster)**
5. **KAR 115-25-5 Turkey; fall season, bag limit and permits (Kent Fricke)**
6. **KAR 115-25-6 Turkey; spring season, bag limit and permits (Kent Fricke)**
7. **KAR 115-4-11 Big game and wild turkey permit applications (Kent Fricke)**
8. **KAR 115-25-14. Fishing; creel limit, size limit, possession limit, and open season. (and associated reference document) (Bryan Sowards)**
9. **KAR 115-18-10. Importation and possession of certain wildlife; prohibition, permit requirement, and restrictions. (Bryan Sowards)**
10. **KAR 115-7-10. Fishing, special provisions (and associated reference document outlining reference document K.S.A. 2019 Supp. 32-807--Kansas ANS Designated Waters) (Bryan Sowards)**
11. **KAR 115-8-1 Hunting, furharvesting and discharge of firearms (Ryan Stucky)**
12. **Pending Regulations (no presentation, presented multiple times) (Dan Riley)**
  - KAR 115-8-23 Bait; hunting**
  - KAR 115-8-9 Camping**
  - KAR 115-8-25 Trail (Game) Cameras and other devices**

**VII. RECESS AT 5:00 p.m.**

**VIII. RECONVENE AT 6:30 p.m.**

**IX. RE-INTRODUCTION OF COMMISSIONERS AND GUESTS**

**X. GENERAL PUBLIC COMMENT ON NON-AGENDA ITEMS**

**XI. DEPARTMENT REPORT**

**D. Public Hearing**

1. **Cabin Rates (Steve Seibel)**

2. **KAR 115-5-1 Furbearers and coyotes; legal equipment, taking methods and general provisions (Matt Peek)**
3. **KAR 115-25-11 Furbearers; open seasons and bag limits (Matt Peek)**
4. **KAR 115-17-6 (revocation) Commercial mussel fishing license; license application and requirements, authority, reports, general provisions and license revocation (Jordan Hofmeier)**
5. **KAR 115-17-7 (revocation) Commercial harvest of mussels; legal species, seasons, size restrictions, daily limits and possession limits (Jordan Hofmeier)**
6. **KAR 115-17-8 (revocation) Commercial harvest of mussels; legal equipment, taking methods and general provisions (Jordan Hofmeier)**
7. **KAR 115-17-9 (revocation) Commercial mussel fishing; open areas (Jordan Hofmeier)**
8. **KAR 115-17-14 (revocation) Commercial mussel dealer permit; permit application and requirements, authority, reports, general provisions and permit revocation (Jordan Hofmeier)**

## **XII. OLD BUSINESS**

## **XIII. OTHER BUSINESS**

### **A. Future Meeting Locations and Dates**

## **XIV. RECESS**

If necessary, the Commission will recess on November 17, 2022, to reconvene November 18, 2022, at 9:00 a.m., at the same location to complete their business. Should this occur, time will be made available for public comment. If notified in advance, the department will have an interpreter available for the hearing impaired. To request an interpreter, call the Kansas Commission of Deaf and Hard of Hearing at 1-800-432-0698. Any individual with a disability may request other accommodations by contacting the Commission Secretary at (620) 672-5911. The next commission meeting is scheduled for Thursday January 12, 2023, Great Plains Nature Center Auditorium, 6232 E 29<sup>th</sup> St N, Wichita; times will be changing to start at NOON and run until we are finished, no recess.

**Kansas Department of Wildlife and Parks  
Commission Meeting Minutes  
Thursday, September 8, 2022  
Holiday Inn Express  
3401 Blue Comet Drive, Chanute, KS  
including a  
Virtual ZOOM Meeting Option**

Subject to  
Commission  
Approval

Pre-meeting tour, Wednesday, September 7, Neosho Wildlife Area (4 p.m. to 6 p.m.)

Pre-meeting panel discussion on Turkeys 9 a.m. to 11 a.m.

The September 8, 2022, meeting of the Kansas Wildlife and Parks Commission was called to order by Chairman Gerald Lauber at 1 p.m. Chairman Lauber and Commissioners Phil Escareno, Warren Gfeller, Emerick Cross, Lauren Queal Sill and Delia Lister were present. Commissioner Troy Sporer was not present.

## **II. INTRODUCTION OF COMMISSIONERS AND GUESTS**

The Commissioners and Department staff introduced themselves (Attendance Roster – Exhibit A).

## **III. ADDITIONS AND DELETIONS TO AGENDA ITEMS**

Sheila Kemmis – Gave new agenda to commissioners. (Adding Fisheries items to Workshop Session that did not end up in the Public Hearing (KAR 115-25-14, fishing; creel limit, size limit, possession limit and open season; 18-10 importation and possession of certain wildlife; and 7-10 fishing special provisions, also moving reference document out of Public Hearing and into 25-14 in Workshop Session (Agenda – Exhibit B). Jeff Koch has a copy of the revised agenda for you.)

## **IV. APPROVAL OF THE August 4 & 5, 2022, MEETING MINUTES**

Commissioner Warren Gfeller moved to approve the minutes, Commissioner Delia Lister second. *Approved* (Minutes – Exhibit C).

## **V. GENERAL PUBLIC COMMENT ON NON-AGENDA ITEMS**

Willard Shepard – Deer coming out our ears in Montgomery County near Chautauqua County line. There is no way to get rid of them without help. (Read statement) I live in northeast Montgomery County, three years ago I had four does move in where there had been none before. The next year I had eight does. This year I have over 20 plus and in 5-6 years probably over 100. They are multiplying fast. I have soybean fields where the deer eat all of it. I have two alfalfa fields next to the creek and I have gotten only one cutting of hay when I should have gotten four. These fields have from 20-70 deer in them all the time. Deer are out of control in our area. Mountain lions are moving in because of the deer but cattle are easier to kill and I have had calves killed because of the mountain lion. I would suggest letting people shoot does, \$5-\$8 fee,

Nebraska has something like that and we need to have it several times a year. We have had two boys killed on motorcycles hitting deer. So, not only is it a problem for us and our crops it is killing people. On the way up here, I saw dead deer laying in the road. What can you do about it? One thing that can be done, when they give these depredation permits; I have some but they only allow us to have two outside people to shoot deer. I am an old man and I haven't shot at anything for 20 years. I would like to get rid of my problem. If I asked people to shoot a doe, I have tags for it; they say yes but they don't shoot deer in the summer even though they tell you they will take them. If you would let me have five to ten people I might get two that will actually shoot some deer to get rid of them. It is not going to get rid of the problem, I don't know what to do. They are killing people and there are car wrecks, they are tearing up fences and bringing in diseases. We didn't mind it when it was a few but now too many and nobody shoots does. People are not going to pay money to kill does. That is part of the problem there. I have a kid that works on some of my properties and works for the county, can't afford the price you charge. We need to get it where it is economical to do this. If you don't start getting kids to hunt deer we aren't going to have anybody hunting. The new generation don't want to hunt they want to play on video machines. My suggestion is why make a kid or boy up to 18 buy a hunting license? You might get them interested in shooting. But when they have to spend, I don't know what cost is. I have a lifetime hunting and fishing license, but it is a lot of money. Chairman Lauber – You did a good job advocating your position. I understand where you are coming from but don't have any easy answers and I don't know if Levi or anyone else has a good answer to the problem. Shepard – The herd is multiplying and I have 40-50; south and east of Independence, north and west; the deer are thick. Besides that, the deer shed horns and end up in my combine, costing us a lot of money. Wasn't so bad when not overpopulated. Levi Jaster – After I do my couple items this afternoon I will have the time to chat with him. Chairman Lauber – Thanks for coming forward.

Chairman Lauber – Had interesting meeting this morning on turkey and last evening saw Neosho Waterfowl Area and Monte and Travis showed us their accomplishments and scientific data that was helpful to our duck discussion. Thank them again for going out of their way to take us around.

## **VI. DEPARTMENT REPORT**

### **A. Secretary's Remarks**

1. Agency and State Fiscal Status Report – Brad Loveless, Secretary, presented this update to the Commission – Park Fee Fund, revenue derived from entrance and camping fees and annual vehicle passes at state parks, revenue for first two months of fiscal year was \$2.1 million and balance at end of August was \$8.6 million. Cabin revenues in state parks and at some public land areas. Park cabin net revenue for first two months of fiscal year, that started in July, was approximately \$200,000, below previous two years but early in fiscal year. Wildlife Fee Fund (WFF) is derived from sale of hunting and fishing licenses, big game permits, tags to hunters and anglers. WFF for fiscal year was \$1.46 million at end of August, \$290,000 decline from previous year and will see how rest of year plays out. Boating Fee Fund (BFF) revenue is from boat registrations and with this money we provide boating safety education and infrastructure for boating and boat users. Fiscal year 2023 receipts so far are \$288,000, a decline from a year ago of about \$100,000, more than we expected so will watch that closely to see if that is a trend that is going to continue or will balance out. Currently working to finalize 2024 fiscal year salary and operations budget, due the middle of September. Capital Improvement budget was submitted in July.

## **B. General Discussion**

1. Antelope 25-Series Regulations – Matt Peek, furbearer research biologist, presented this regulation to the Commission (Exhibit D) – Western Kansas pronghorn antelope populations have supported a hunting season since 1974. The firearm pronghorn season has been four days long since 1990, starting on the first Friday in October. The archery pronghorn season was nine days long from 1985 to 2004 and included the two weekends prior to the firearm season. Since 2005, the archery season was reopened on the Saturday following the firearm season and continued through the end of October. A muzzleloader season was initiated in 2001. It has begun immediately after the archery season and ran for eight days, the last four overlapping the Friday through Monday firearm season. Since 2001, this regulation has basically been the same in season dates and structure with the exception of annual adjustments in permit allocations, this regulation has changed minimally in recent years. Poor reproduction in Kansas and caused apparent declines in pronghorn population. Two weeks ago, we had WAFWA pronghorn workshop in South Dakota and pronghorn biologists from all over the country got together. Almost all the states, including Wyoming that has about half the pronghorn in the country typically, have had significant declines in production. In Kansas this year, this can be partially attributed to drought but is more widespread than that. Because of these issues we are considering several approaches to reducing harvest. Easy to limit number of limited-draw permit allocations, but unlimited archery permits require other actions and more difficult to address. We have a proposed regulation change under consideration in a different regulation (K.A.R. 115-4-11) that would remove the ability for archery hunters to purchase a preference point for a limited draw permit and purchase an archery permit during that same year. This will have some effect on harvest or least on our draw system. We are also considering a recommendation to eliminate the late archery season which accounts for about 8% of the archery harvest. Since 2005, reopened archery following the firearm season and we could consider eliminating that which could reduce harvest by 8%. That would be easier and less drastic than going to limited quota permits. Following the upcoming 2022 harvest season and winter population surveys, we will also consider whether to issue any limited draw permits.

2. Elk 25-Series Regulations – Matt Peek, furbearer research biologist, presented this regulation to the Commission (Exhibit E) – Elk were first reintroduced onto Fort Riley in 1986, and a hunting season was initiated in 1990. Most of the hunting opportunity in the state occurs on the Fort. However, elk do exist on private lands, though unpredictably in most of the state, with some established herds on private lands where landowners want them. We consider them to range statewide now, in all four corners of the state, a real success story. Elk also occur in the vicinity of Cimarron National Grasslands, reintroduced back in the late 1980s, and is the one area in the state currently closed, Unit 1 in Morton County. Unit 2 includes Fort Riley and surrounding area. Since 1999, longer seasons and less restrictive permitting options for private landowners to dictate number of elk that occur on their properties. In some cases, they may not want them and it is easy for them to get over-the-counter hunters in most of the state to come in and remove them. In other cases where people have the land and can provide protection for a small number of them, small herds of them have thrived and done well. The comment I sometimes get is that our regulations look like we are trying to eliminate them and that is not the case, we are giving landowners the authority to determine how many are on their land. Current season dates run from August to mid-March. This has been a successful approach. Both on Cimarron and Fort Riley when the department protected elk from harvest to a higher degree, complaints from landowners became prevalent and we ended up issuing a lot of permits and drastically reduced those elk herds. This system we have now allows them to stay at numbers compatible with the landowner whose property they are on. I provided proposed season dates in

the briefing book and will come up with bag limits and season at a later time. Like pronghorn permit, the elk regulation has been consistent for quite a while. We will discuss recommendations at a future meeting.

### **C. Workshop Session**

1. Big Game 4-Series Regulations – Levi Jaster, big game coordinator, presented these regulations to the Commission (Exhibit F). We are currently reviewing our deer control permit program so I will take thoughts and recommendations back to the group doing that and perhaps make something that works better for everybody. Here to introduce the big game permanent regulations. This includes 115-4-2, big game general provisions, which includes what has to be on a tag, proof of sex requirements and registrations. We changed that a couple years ago regarding antlerless deer and elk to allow hunters to voluntarily report so they could leave head and spine at the site of harvest. Includes 115-4-4, legal equipment, taking methods; 115-4-6, which is management units; 115-4-11, which is application cycle and have upcoming public hearing regarding this regulation. KAR 115-4-13, permit descriptions, we are currently working on proposed changes to these and once we have those outlined better we will present them at workshop in November and January prior to March vote. Commissioner Escareno – Had phone call question on tagging deer, how we don't issue tags anymore and they have to go online and print them. This call was from an elderly gentleman who complained about that process. Why did we vote that out? Give me an explanation to tell him. Jaster – Regarding a change in systems we operated under and cost savings in printing on paper rather than printing green Tyvek tags that required special equipment. There has also been some confusion with the new e-tags; now you have to choose if paper printed tag or e-tag that is loaded to the phone and you have to fill out a harvest report within the app to record deer so you can legally transport it. We have had some confusion on what is happening. Often times may have chosen e-tag rather than paper tag. It is important to make sure to select whether you want paper or e-tag just on your app. In that case, there is not necessarily tag attached to deer; it is photo and registration that counts for that. With paper tag you would still have to attach it.

2. Deer 25-Series Regulations – Levi Jaster, big game coordinator, presented these regulations to the Commission (Exhibit G). Deer 25-series regulations is where we set season dates Proposed season dates follow what we have done for last several years. Season dates: Youth and Disability, September 2-10, 2023; Early Muzzleloader, September 11-24, 2023; Archery, opens concurrently with muzzleloader on September 11, 2023 to December 31, 2023; Pre-Rut whitetail-antlerless-only (WAO), October 7-9, 2023, three days over Columbus Day weekend which is a holiday for some folks; Regular Firearm, starts traditional Wednesday after Thanksgiving, November 29, 2023 to December 10, 2023; First extended WAO, January 1-7, 2024; second extended WAO, January 1-14, 2024; third extended WAO, January 1-21, 2024; and Extended Archery (DMU 19), January 22-31, 2024.

3. KAR 115-25-(5&6) Turkey; seasons, bag limits, permits & game tags – Kent Fricke, small game coordinator, presented these regulations to the Commission (Exhibit H, PowerPoint – Exhibit I). Appreciate the time extended to us this morning in special informational session on turkeys. Appreciate time given by you and other panelists to help take a deep dive into turkey populations and harvest management concerns. At last meeting we talked about our harvest management strategies from spring and fall seasons and today wanted to talk about population trends we have been seeing. Statewide, from spring mail carrier survey, had population increase in late 2000s and declines that are continuing since then. What is driving that is lack of production, which we are seeing regionally and nationally. Data shows trend is consistent across

the state as well. Lot of factors driving the trends, but this is data we look at and towards in terms of where population is going. Overview of recommendations we are making this year. Starting with fall season, Unit 2 boundary definition, valid units for Unit 4 permits, spring and fall season structure for 2024 and 2023 spring and fall bag limits and permit quotas. Starting with fall Unit 2 boundary definition, this is clarification in description, and to correctly identify Unit 2, the description in the regulation does not close the loop. In Unit 4, currently in draw system for state of Kansas residents with half for landowners, 250, and remainder to other Kansas residents. Currently, if you draw a Unit 4 tag, you can use in adjacent units, Units 1, 2 and 5. Looking at making that only valid in Unit 4, so cannot hunt additional adjacent units. Turkey season date recommendation for 2024 seasons, look at these a year in advance to be able to put into fall hunting regulations. Youth/disabled starts April 1, runs through full weekend; archery season starts Monday after first full weekend; regular season begins Wednesday after second full weekend. Fall season currently is open to all legal equipment and runs from October 1 until November 10. In 2023, this is earliest start date to regular season, April 12, shortest youth/disabled portion, which is April 1 and 2, but continues to run through beginning of regular season; and archery will begin April 3. Fall season is set for October 1 through November 10. We are not recommending any changes to structure for 2024 season. Youth/Disabled April 1-16, archery April 8-16 and regular season April 17 to May 31 and no changes to fall season, October 1 through November 10. Harvest strategy, fell below the resident hunter success threshold in all of our six units so there was recommended changes from the strategy in each of the six units. Overall, that amounted to reductions in spring bag in Units 1 and 2 and to remove fall season in Units 3, 5 and 6 and reductions in resident draw permits in Unit 4. After extensive discussions with turkey committee, we decided to take strategy recommendations, in terms of reducing bag limits, from two to one in Units 1 and 2 and rather than approaching fall season we wanted to take a broader look at overall hunter numbers. We looked at nonresident numbers and came up with recommendation to reduce nonresident hunters and create a quota by reducing nonresident numbers by 25% in each of five remaining units. We looked at quotas for each of last five years, not including 2020, because nonresidents couldn't buy a tag during the 2020 season. We looked at estimated active nonresident hunters in each unit, averaged that out for five-year average, reduced that by 25% and rounded that to the nearest 100. Recommended quotas are 25% reduction of that five-year average. Additionally, for Unit 4 in southwest, which has limited draw for residents-only. Currently permit quota is 500, reduction of 25%, from 500 to 375 and recommended we reserve 200 permits for landowners to maximize the ability to hunt on your own property. We have never hit the 250 landowner quota limit so feel there will still be some left from that for general residents up to 375. Not recommending change to fall bag limit and no recommendation for suspension of the season there in any of our hunt units. We feel we can address concerns of harvest with spring nonresident reduction and bag limit reductions. Additionally, the harvest in fall has declined substantially, especially last 3-5 years and is at or below 500 birds each year. Not recommending any change there and recommend resident/nonresident unlimited over the counter permits no quota. Recommending clarification of Unit 2 boundary in Fall; removed adjacent unit allowance for Unit 4; no change to spring or fall season structures for 2024; reduction in spring bag limits in Units 1 and 2; and reduction in Unit 4 spring quota from 500 to 375 and creation of nonresident draw, by-unit, for those quotas. In June we talked about turkeys in general discussion, in August we talked about harvest summaries and introduced recommendations, special information session this morning talking about population trends and recommendation and anticipate this being up for public hearing in November at the next commission meeting. In discussions with legal counsel, we are up against quick timelines to get things submitted and approved for 60-day notice. We recognize we have to work on how those recommendations are formalized and submitted through legislative process and register process. In terms of discussion for today, recognizing if not able to meet deadlines



for a vote in November we may be looking at January. If thinking about going to draw system for spring we may be up against some time limits if we have to move it to January because that is when draw system application period would have to be open. If we are not able to get ready in timely manner be clear on what that means for the recommendation and spring season in 2023. Also, there has been some discussion about fall season as well. Interested in hearing Commission's thoughts on fall season and if you feel suspension is warranted in the state. If that is the case, we need to move forward with making sure we get that into recommendations in a timely manner. It has become apparent that it wouldn't necessarily be as simple as an amendment at November meeting; so, would like Commission's thoughts on that. Dan Riley – Any questions about that? Chairman Lauber – If we have to wait until January will that prevent us from starting the draw next year? Fricke – I would be open to discussion about that. From a logistical standpoint and hunter standpoint, voting to approve a draw system that begins only a couple of weeks later would be tough and put a lot of onus on nonresidents and uncertainty on hunts that spring. Not sure how quickly we could have effective dates but would need to be part of that discussion. According to regulation now, draw in January as soon as system is in place and end in mid-February, so there is an end point. Riley – Effective date, regulations take effect upon publication after approval, typically within a two-week timeframe, a week to 10-days after approved by the commission, upon publication in register following that. What is unpredictable is promulgation process, Kent has had regulations in the form and prepared to be submitted to the process, six weeks, and we have been waiting to submit those for most of that time because the Department of Administration now has a rule that you can't submit additional regulations until the regs you have in the system are cleared of the process. We have had regs in the system and back and forth in terms of edits for all of that six weeks so we haven't been able to start the turkey regs yet. That are next in line and waiting for their turn. The take-away message is that the whole process has become even more unpredictable than the last time we spoke. Chairman Lauber – Do you think we will know in November what we are looking at? Riley – We will have a better idea. I don't want to stop being optimistic because there is no reason why the regs can't go through the process expeditiously and we can get our 60-day-notice required and have them ready to vote on. Realistically, the most recent change to the process that impacts us, and everybody else trying to get regulations approved, is the lady who is essential part of editing process is retiring after 27 years, in October. I would like to think that will be opportunity for things to improve but realistically that she is someone who is the only person who did what she did and an institution in the process. I do not want to stop being optimistic because that doesn't serve any purpose. It has become more difficult to predict or give anyone a reasonable time frame in terms of how long it is expected to take. There have been more changes in last six months in the process than in the last 60 years. Commissioner Gfeller – On 25-4 recommendations, if approved, would take effect 2023 spring season? Fricke – Depends if talking about season dates or bag limits. Commissioner Gfeller – The dates are already set? Fricke – For 2023. Commissioner Gfeller – But bag limits, the draw and all of that stuff? Fricke – Is set to be in place for 2023 as currently recommended. Commissioner Gfeller – On 25-5, I favor suspending fall season. If that were the consensus if the commission, would that be for fall 2023 or are those dates already set. Fricke – That would supersede the dates, is my understanding. It would be creating a zero bag limit. Commissioner Gfeller – November 17 deadline has more to do with spring season and draw feature of it? Fricke – In a way, yes. We don't revisit fall season separately; we approach them combined. If we were to take a different approach we would have to separate out and have additional commission meetings specifically for the fall season. Chairman Lauber – I have been a fall season supporter, want to continue it, hate to close a season. The harvest and participation is extremely limited and it has no material effect on statewide harvest. I would like to see it stay open. Having said that, if Kent and turkey committee make formal staff recommendation I would modify my approach a little bit. I like

staff recommendation as is and if turkey numbers don't increase then we need to review it for 2024 season. My point is that I am looking more towards what staff thinks we ought to do. Right now, your recommendation is the same but that could change over time. Fricke – If additional thoughts appreciate those, especially thoughts on 2023 season. Commissioner Gfeller – Can't put finger on any one thing that caused declines but do know that there is significant decline. To me it is sense of urgency and all hands on deck and anything we can do to help we need to try and do. To give two more spring seasons and one fall season before we would make the change is not that sense of urgency. Chairman Lauber – I feel, no evidence that harvest is what is dropping the turkey numbers and we have meniscal participation. You are not without some biological sense in argument, so I get it too. Commissioner Sill – Unit 4 landowner tags, those are landowner/tenant tags not hunt-your-own-land tags? So, they can take on or off their own land? Fricke – Correct. I appreciate Annie Farrell, district biological with National Wild Turkey Federation (NWTF) making the trip today and participating in this morning's session and being here for the meeting this afternoon. We have a great partnership with NWTF with a lot of dollars being spent on conservation projects in the state. We appreciate their support and participation at today's meetings.

4. KAR 115-4-11 Big game and wild turkey permit – Kent Fricke, small game coordinator, presented these regulations to the Commission (Exhibit J, PowerPoint – Exhibit I). Add text to create an application period in January-February for non-residents to apply for a specific hunt unit (Units 1, 2, 3, 5 or 6) in which to be entered for a draw and if successful to receive a permit valid for that hunt unit.

5. Commercial Harvest of Mussels – Jordan Hofmeier, aquatic ecologist, presented this update to the Commission (Exhibit K, PowerPoint – Exhibit L). Previously freshwater mussels were used in the pearl button industry and to make cultured pearls. The regulation previously allowed for harvest of four native species and one non-native species. The moratorium originally started on January 1, 2003 and that was extended once but is set to sunset December 31, 2022. Based on what we have seen from data collected on mussels and the fact that there is a lack of market we are currently proposing to replace the five existing regulations related to commercial harvest with one regulation that prohibits commercial harvest of mussels.

6. Furbearer Regulations – Matt Peek, furbearer research biologist, presented these regulations to the Commission (Exhibit M). Three changes to recommend to furbearer regulations. First one is in KAR 115-5-1. Furbearers and coyotes; legal equipment, taking methods, and general provisions. Proposing allowing the use of laser sights to take furbearers that are treed by dogs. Currently furbearers taken under those conditions can only be taken with hand-held battery-powered flashlights, hat lamp or hand-held lantern. Some of commissioners might remember Houndsmen Federation who requested this change. Presumably it would allow them to shoot more accurately to bring the raccoon down out of a tree. It is not something that could be used to spot wildlife, it is just a laser that goes out and shows where the bullet is likely to hit. We are agreeable to this change. Other two changes are in KAR 115-25-11. Furbearers; open seasons and bag limits. One proposal is to extend the general furbearer season by about two weeks by changing closure of the season from February 15 to the last day of February. There recently has been a lot of people expressing concern about furbearer overpopulation so this seems like first logical step, to lengthen the season to full extent of when furs have some value. The other change is to increase otter season bag limit from five to 10 otters. Associated with that is we are also increasing the unit bag limits from five to 10 on the Lower Neosho and Marais des Cygnes otter management units and increase from two to five on the Verdigris and Missouri

units. I gave a presentation on otters specifically a couple of meetings ago. Have that information available if anyone wants more information on that.

7. KAR 115-8-23 Baiting; (Public Lands Regulation) – Ryan Stucky, public lands assistant director, presented these regulations to the Commission (Exhibit N). It outlines baiting and restrictions on department lands. The department has discussed banning baiting in this regulation for all activities, not just hunting. Department officers have reported a trend in baiting placed on department lands for other activities but bait being hunted over. Another focus as well is CWD. The department recommends adding language to existing regulation that would prohibit placing bait on any department lands and WIHA and iWIHA for any activities. This would not apply to licensed furharvesters permitted in KAR 115-5-1. Commissioner Gfeller – Baiting on private lands would still be allowed? Stucky – Yes. Commissioner Gfeller – We had a pretty extensive conversation about baiting and CWD and that issue. Where are we on that? Secretary Loveless – We will be following up on that based on the conversations we had last time. We are focused on that for topic for near future. Commissioner Gfeller – That wouldn't be a change that would part of this? Secretary Loveless – Not part of this, correct. Stucky – This is just department owned and managed public lands, WIHA and iWIHA. Chairman Lauber – We are going to be discussing baiting from time to time as we go forward. Baiting in general is a controversial deal, problem with CWD and unnatural grouping of animals, people who can't afford to buy corn by the pallet watching their deer being fed on some outfitters place. You have small town Coops that make a cottage industry off of selling grain for feed. It will be controversial and if you think baiting gives you a leg up then you think baiting makes sense and you like it; if you think baiting gives the deer herd more risk or it is not fair that someone else baits your deer, then you want to get rid of it. We have both biological and sociological problems we will have to face.

8. KAR 115-8-9 Camping (Public Land Regulation) – Ryan Stucky, public lands assistant director, presented these regulations to the Commission (Exhibit O). Our camping regulation on covering camping restrictions on department lands and waters. We are recommending reducing the number of consecutive camping days allowed on state fishing lakes and wildlife areas from 14 days to seven days. This would not affect state parks. Managers of state fishing lakes and wildlife areas would still have the discretion to post campgrounds and issue a permit allowing 14 days of camping if warranted. At state parks they allow 14 days consecutively in a campground and can stay at same state park but move to a different campground. At state fishing lake and wildlife area it will be seven days and would have to move from the property, not just one side of the lake to the other. Chairman Lauber – It makes sense.

9. KAR 115-8-25 Trail (Game) Cameras and other devices (New Public Land Regulation) – Ryan Stucky, public lands assistant director, presented these regulations to the Commission (Exhibit P). This is a new proposed public land regulation to address trail cameras, game cameras or related regulation that would cover the use of trail cameras on department lands. This new regulation would cover provisions and restrictions for use of trail or game cameras on department lands and waters. Many department lands, including WIHA and iWIHA properties are being inundated with constituents who are reporting camera theft and misuse of trail cameras on public land. Other related discussion points included conflicts among public land users and growing number of trail cameras on the landscape monopolizing public lands and potential disturbance to wildlife with frequent visits to check those cameras. In the regulation itself we would not be allowing use of trail cameras on department lands and waters or no person shall use images obtained from a satellite for purpose for aid in taking wildlife. Commissioner Lister – My assumption is for department or university research use there will be a designation

for that use? Maybe there already is? Stucky – Some identified marker on camera?  
Commissioner Lister – Yes. Commissioner Sill – Are there any other cutting edge devices out there that may not be in production right now that we need to get in front of other than taking things away later? Stucky – That was one of the reasons we wanted to add in images transmitted from satellite, that is new and upcoming. Stuart Schrag, Assistant Secretary of Operations – That is something that is ongoing and never ending issue, and not Kansas just specific. The Midwest public lands working group all waits for the next latest and greatest and bells and whistles and technology people are wanting to implement and use on public land. We haven't identified specific equipment asks or technology that the satellite imagery being relayed to a cell phone is the most recent hot topic so that is why we decided to be proactive and include that in this recommendation along with trail cameras. It has varied over the years from blinds that look like hay bales on four wheels that are motorized. It is always a challenge and part of the job.  
Chairman Lauber – You can get a program on your phone that you can download OnX that is a satellite image too. That is not a live thing and as long as it doesn't have live broadcast that would be okay? Assistant Secretary Schrag – Right. OnX Maps is a popular one that hunters like to use as well as Google Maps and several others. Those are still allowed and legal. It is live imagery where you can see real time data of wildlife on the move on location that we are trying to be watchful for. Commissioner Gfeller – Can drones be flown over public lands? Assistant Secretary Schrag – No. Secretary Loveless – You need to ask our permission before they do any of that. Assistant Secretary Schrag – There are certain state parks that allow it but if they want to do it on public wildlife areas they need to come to public land manager and get permission to fly that. Commissioner Escareno – Have there been very many requests for that? Secretary Loveless – Three or four, with one going right now in parks system. Assistant Secretary Schrag – In public lands we have gotten a few, one at Cheyenne Bottoms for research purposes. Again, it is review process and if we feel like there is a benefit in that research we review it and approve it. If anyone just wanting to fly a drone, no it is not allowed. Secretary Loveless – The main consideration we have in parks has been from people is we want to make that environment family friendly, so we worry about privacy issues. Nick Boehm, Overland Park – Support not having game cameras or drones on public land. May not be aware that content creators for YouTube, etc. fly drones as part of their videos and are monetizing public lands in that manner. It is a situation of fairness, when cameras out on public lands. Already limited public lands and difficult enough without filling up the airways too. Removing trail cameras from public landscape is beneficial because it encourages people to get back to roots of hunting. When deer hunting need to be looking for oak trees, draws and ridges and things like that so people will have a more competitive playing field to find the deer rather than just sticking 15 trail cameras up around a small space where they can monopolize it. Drones as well, when asking about things to get ahead of that is a huge one and you can scout a whole wildlife area really quick by putting a drone in the air to find out exactly where waterfowl, turkeys and deer are moving around. More than trail cameras you need to get ahead of the drones. People are doing it and it is hard to detect. So, recommend banning drones as well. Assistant Secretary Schrag – Appreciate his sentiments. A bigger picture and relates back to people videoing hunts on public lands and posting them on social media and YouTube and bigger commercialization of wildlife. Drones calculate into that. We have had internal conversations; it is a bigger picture but all related. Will have to discuss in near future, it is rising problem and people are making significant amounts of money off of public lands on social media platforms.

10. KAR 115-8-1 Department lands and waters: hunting, furharvesting and discharge of firearms – Ryan Stucky, public lands assistant director, presented this regulation to the Commission (Exhibit Q). This covers public lands special use restrictions and the main focus of this is the reference document. The department recommends adding all state fishing lakes and

wildlife areas into the electronic check-in and check-out system for hunting activities only. This would exclude Maxwell Wildlife Refuge, Big Basin Prairie Preserve and all state park properties. There is also a change for check-in and check-out for Buck Creek and Noe Wildlife Area for all activities.

11. KAR 115-25-14. Fishing; creel limit, size limit, possession limit, and open season (and associated reference document) – Jeff Koch, assistant fisheries research director, presented this regulation to the Commission (Exhibit R). Switch up due to uncertainty and misunderstandings of how we deal with reference document and associated changes. You have seen these changes several times. Hopefully workshop these this month and to the Attorney General and hopefully vote on them in November. This regulation is length and creel limit changes and you have seen them several times. Chairman Lauber – Pomona at 20-fish-limit not on there? Koch – Not on there for this year, no, we can pursue next year.

12. KAR 115-18-10. Importation and possession of certain wildlife; prohibition, permit requirement, and restrictions. – Jeff Koch, assistant fisheries research director, presented this regulation to the Commission (Exhibit R). This change would add rusty crayfish to the prohibited species list. Invasive crayfish native to Ohio River Basin that has proliferated throughout North America and caused some problems. We found them for the first time at McPherson State Fishing Lake last summer so we would like to add rusty crayfish to the prohibited species list. First, to get on board with surrounding states; and second, related to KAR 115-7-10.

13. KAR 115-7-10. Fishing, special provisions (and associated reference document outlining reference document K.S.A. 2019 Supp. 32-807 – Kansas ANS Designated Waters) – Jeff Koch, assistant fisheries research director, presented this regulation to the Commission (Exhibit R). If we add rusty crayfish to prohibit species list it would trigger an aquatic nuisance species designated water at McPherson SFL. Also, add Lebo City Lake as an ANS Designated Water for zebra mussels. We would like to clean up some language and remove any references to the term "Asian Carp" to be more specific with individual species, "Silver Carp" and "Bighead Carp". Chairman Lauber – Found crayfish in a pond someplace, not rusty crayfish but considered undesirable. Am I correct on that? Koch – I think swamp crayfish is what you are referring to. Chairman Lauber – The type you would eat in New Orleans? Koch – Yes, you can buy them live from Louisiana and some people have released those in ponds assuming they are good forage, for bait or to harvest later. Chairman Lauber – Considered an invasive species? Koch – Listed at non-native species, not invasive at this point because we don't know what their impacts are. We can only have so much per view over that type of thing because importing them for food would be under the Department of Ag so that gets muddy. Chairman Lauber – They are prohibited for use as bait? Recall past discussion on that. Placed in pond somewhere and concern that they would out-compete and create undue competition for native crayfish. I was thinking we dealt with those in some way. Koch – That was Butler County, but not to my knowledge have we dealt with those.

Chairman Lauber – Offer alternative thoughts on how to structure future meetings. For convenience of out-of-town commissioners but staff as well. We always thought we had to have an evening session, so no conflict to work and have public involvement and communication. We still want that but from a practical standpoint we don't get a lot of that. With advent of having meetings online the opportunity is there for a lot of people who don't have to travel here to get time necessary and state their case. We want to continue to have public input. The more public input you have the less complaining afterwards. So much of the time, long agenda with things

that have to be workshopped, so we can thread needle with state workings to get our regulations passed. I would like us to consider starting meetings at 12 p.m. (noon), so people can come during their lunch hour and have public comment and then run straight through until meeting is over, anticipating meeting being over by 6 p.m. Have a segment towards the end designated for public hearing. Do we need to have that break for any mandatory reason? Riley – I don't believe so. I assume that was to get people to participate in the meetings. Chairman Lauber – I'm sure that it was. I used to work at a bank and be open until 6:30 p.m. on Friday evenings so workers and farmers could come in after hours and conduct banking business. Over time it was a ghost town after 5 p.m., but we still did it. People like Jeff has to hang around until this evening because we published when we would have this meeting and once we publish what we are going to have we have to stick to the schedule and we can't jump ahead. It seems like a waste of resources. If we could keep moving along the meetings may not last as long or may last longer because we will meet until we are done. Wondering if that is something we would have push back on if we amended the hours we meet. We could start at 12 p.m. or 1 p.m. Would like staff to weigh in on this because they are the bulk of our participation and they come and suffer silently. Riley – From a legal standpoint I don't think there would be any insufficiency created by condensing the meeting and from fairness and access standpoint I think the availability of participating by Zoom has changed a lot of that. Obviously before someone had the opportunity to participate remotely, if you weren't there you did not know what was going on so if your schedule didn't allow you to be in the room then you were excluded, but Zoom has changed the world. I can't think of too many situations where somebody who has the burning desire to participate couldn't manage to get in front of a computer someplace to participate. I think fairness and participation issue is resolved technologically. There is a strong argument to be had that we want the comments to be made sooner than later in the process. If we create a process where people show up at public hearing and raises hell because they have six changes they thought should be made that is going to blow us up in terms of the regulation process because then we would have to go back and start all over to make substantial changes. We don't want that. There is a margin in between. The opportunity to condense the hearing process and meeting process and give people fair opportunity to participate, in-person or remotely, can satisfy those things you are talking about. Chairman Lauber – Does it make any sense to start at noon or 1 p.m.? Commissioner Gfeller – I would say noon. That would give people who can't get on their computer during workhours to be on during their lunch hour. I favor noon. Secretary Loveless – I agree with Commissioner Gfeller's comment, when you think about how we can incorporate the most chances for public to be involved, noon would be valuable. If we end 6 p.m. that gives them tie in by Zoom a second time. Commissioner Gfeller – Have other opportunities to comment too in between meetings. Chairman Lauber – Yes, they do. Part of transparency is that we workshop these so that we let people know it is coming. Some people still say they didn't know we were going to change something, but we have talked about it for six months and allow them to weigh into the process. That way we don't have public hearing scramble when somebody has a point. We have enough of that when it comes to ducks. If we can minimize it; we waste a lot of time here because everyone has to hang around until 6:30 p.m. and have a lot of time to kill. If we schedule it in advance then nobody can say there were not made aware. Commissioner Sill – Advocate for the public when they find things out. We see individuals participating and recognize many of those names we know are paying attention all the time. For many folks who are just your average constituent they don't recognize what is happening until newspaper picks it up or a pod cast or something. When a news outlet picks it up and says something is up for vote that is often the first time they know about it. Granted we have talked about it for a long time, some things talked about for a year now, and yet the public hearing piece is when they hear anything. It is not necessarily the public's fault they don't know. I want to encourage us to find as many ways as we can to keep things out in front of all the public; social media, news, working

with other organizations that do pod casts, whatever, so we don't get in that bind. Some of that is difficult to get to the general individual before it is a big deal. Chairman Lauber – When I first started Mike Pearce was at every meeting, from the Wichita paper and he would have an article every week and he would cover what we were doing and thinking about doing. And Brent Freze would do some of the same thing. They are gone, newspapers don't cover anything. Now if you want to know what is going on outdoors you watch some hunter or guide with camera on his head telling you where he can get you into bit deer. It is not the same. We put it on the website, if we issued a press release every month half of the news services wouldn't run it so I don't know what else we can do. Continue to do the best we can and try and every opportunity. I don't know if we want to start scheduling the next meeting accordingly or have wait one more time to see if any thoughts come up between legal and staff that I hadn't thought of. Riley – We already have notice published for November meeting. From reg standpoint we are scheduling 60 days out, we have not published for January yet. Chairman Lauber – I propose we make that change. Commissioner Gfeller – I second that. Secretary Loveless – We are glad to do a check with our people but common sense tells me that your consideration of our schedules is accurate and we appreciate that. Another thing I might point out is cost savings if we compress this toward the center of the day, folks are able to drive home and not having to stay overnight before they go home, a benefit that way. We will check but I think it is safe to say staff would be supportive of recommendation. Commissioner Escareno - Can we have motion and second and vote on it and have it approved in advent we can make changes to happen in January? Riley – Doesn't require formal action, but nothing to prevent it. Chairman Lauber – Anyone on the Commission that doesn't want to start at noon and run straight through the afternoon? Divide up public hearing on paper but not give a time. Riley – I don't think current schedule is codified so Commission has flexibility to adjust as they see fit. Chairman Lauber – Start at January meeting. Commissioner Gfeller – The only caveat is that 9 a.m. sessions we are having now, that we may not be able to have those? Chairman Lauber – We should be able to still do those. That may not be an every meeting thing. We could make it make them hour and a half sessions to give a longer lunch, end at 10:30 a.m. or something like that. Propose we do it starting in January.

**VII. RECESS AT 2:37 p.m.**

**VIII. RECONVENE AT 6:30 p.m.**

**IX. RE-INTRODUCTION OF COMMISSIONERS AND GUESTS**

**X. GENERAL PUBLIC COMMENT ON NON-AGENDA ITEMS**

*None*

**VI. DEPARTMENT REPORT**

**D. Public Hearing**

*Notice Form and Attorney General Letter (Exhibit S).*

1. KAR 115-2-1. Amount of Fees. (Add Resident Kids Lifetime Hunting and Fishing Combination License) – Dan Riley, chief legal counsel presented this regulation to the Commission (Exhibit T). Proposed amendment to fees, includes fees for resident kids lifetime hunting and fishing combination license. There are two different options, one for kids five years

of age or younger at \$300 fee; and kid six through seven years of age at a \$500 fee. We have not received any comments on this proposed amendment to this regulation.

**Commissioner Phil Escareno moved to approve KAR 115-2-1, Commissioner Emerick Cross seconded.**

**The roll call vote to approve KAR 115-2-1 as recommended was as follows (Exhibit U):**

<b>Commissioner Cross</b>	<b>Yes</b>
<b>Commissioner Escareno</b>	<b>Yes</b>
<b>Commissioner Gfeller</b>	<b>Yes</b>
<b>Commissioner Lister</b>	<b>Yes</b>
<b>Commissioner Sill</b>	<b>Yes</b>
<b>Commissioner Sporer</b>	<b>Absent</b>
<b>Commissioner Lauber</b>	<b>Yes</b>

**The motion to approve KAR 115-2-1 as presented passed 6-0.**

2. KAR 115-9-3. Purchase of lifetime hunting or lifetime combination hunting and fishing license without certificate of completion of an approved hunter education course. (Resident Kids Lifetime Hunting and Fishing Combination License) – Dan Riley, chief legal counsel presented this regulation to the Commission (Exhibit V). Proposed to allow purchase of lifetime combination hunting and fishing license without first obtaining hunter education certificate. Our amendment to our regulation is to incorporate that same kids lifetime fishing and hunting license to the other lifetime licenses that don't require obtaining hunter education certificate. To my knowledge no comments received. Commissioner Sill – Statute has 10-year sunset limitation. Does this need that same thing? Riley – I don't think that it does because this regulation is dependent on existence of that lifetime license. If it happens to not survive past that sunset clause then the regulation would be basically none-functional and we could delete it or allow it to die its own death. It is dependent on that underlying statute.

**Commissioner Warren Gfeller moved to approve KAR 115-9-3; Commissioner Lauren Sill seconded.**

**The roll call vote to approve KAR 115-9-3 as recommended was as follows (Exhibit W):**

<b>Commissioner Cross</b>	<b>Yes</b>
<b>Commissioner Escareno</b>	<b>Yes</b>
<b>Commissioner Gfeller</b>	<b>Yes</b>
<b>Commissioner Lister</b>	<b>Yes</b>
<b>Commissioner Sill</b>	<b>Yes</b>
<b>Commissioner Sporer</b>	<b>Absent</b>
<b>Commissioner Lauber</b>	<b>Yes</b>

**The motion to approve KAR 115-9-3 as presented passed 6-0.**

3. KAR 115-4-11. Big game permit application. – Levi Jaster, big game coordinator, presented these regulations to the Commission (Exhibit X). This is big game and wild turkey permit applications. Our recommendation is to limit antelope hunters to either getting a preference point if unsuccessful when applying for limited draw permit or they could also purchase an unlimited archery or other permit available and not get a preference point. Currently, a hunter can apply for a firearm and if unsuccessful get a preference point and could still get an



over-the-counter archery permit. We hope this will help reduce point creep and needing more than one point to draw a permit. It makes it so they can get one or the other in the same year but not both.

**Commissioner Delia Lister moved to approve KAR 115-4-11; Commissioner Lauren Sill seconded.**

**The roll call vote to approve KAR 115-4-11 as recommended was as follows (Exhibit Y):**

<b>Commissioner Cross</b>	<b>Yes</b>
<b>Commissioner Escareno</b>	<b>Yes</b>
<b>Commissioner Gfeller</b>	<b>Yes</b>
<b>Commissioner Lister</b>	<b>Yes</b>
<b>Commissioner Sill</b>	<b>Yes</b>
<b>Commissioner Sporer</b>	<b>Absent</b>
<b>Commissioner Lauber</b>	<b>Yes</b>

**The motion to approve KAR 115-4-11 as presented passed 6-0.**

4. KAR 115-1-1. Definitions. (Definition of artificial lure change) – Jeff Koch, assistant fisheries research director, presented this regulation to the Commission (Exhibit Z). We have four regulations to vote on. The first two work in concert in order to define and allow the use of umbrella rigs. Previously you could only have two hooks on an umbrella rig. We revised these two definitions in 115-1-1 and 115-7-1 so we can have up to five hooks on an umbrella rig but only one umbrella rig per line.

**Commissioner Emerick Cross moved to approve KAR 115-1-1; Commissioner Delia Lister seconded.**

**The roll call vote to approve KAR 115-1-1 as recommended was as follows (Exhibit AA):**

<b>Commissioner Cross</b>	<b>Yes</b>
<b>Commissioner Escareno</b>	<b>Yes</b>
<b>Commissioner Gfeller</b>	<b>Yes</b>
<b>Commissioner Lister</b>	<b>Yes</b>
<b>Commissioner Sill</b>	<b>Yes</b>
<b>Commissioner Sporer</b>	<b>Absent</b>
<b>Commissioner Lauber</b>	<b>Yes</b>

**The motion to approve KAR 115-1-1 as presented passed 6-0.**

5. KAR 115-7-1. Fishing; legal equipment, methods of take and other provisions (number of hooks) – Jeff Koch, assistant fisheries research director, presented this regulation to the Commission (Exhibit BB). *See explanation in KAR 115-1-1.*

**Commissioner Emerick Cross moved to approve KAR 115-7-1; Commissioner Warren Gfeller seconded.**

**The roll call vote to approve KAR 115-7-1 as recommended was as follows (Exhibit CC):**

<b>Commissioner Cross</b>	<b>Yes</b>
<b>Commissioner Escareno</b>	<b>Yes</b>
<b>Commissioner Gfeller</b>	<b>Yes</b>

<b>Commissioner Lister</b>	<b>Yes</b>
<b>Commissioner Sill</b>	<b>Yes</b>
<b>Commissioner Sporer</b>	<b>Absent</b>
<b>Commissioner Lauber</b>	<b>Yes</b>

**The motion to approve KAR 115-7-1 as presented passed 6-0.**

6. KAR 115-7-4. Fish; processing and possession (fish subject to length limit) – Jeff Koch, assistant fisheries research director, presented this regulation to the Commission (Exhibit DD). Clean up verbiage so change this regulation on the way you use and obtain cut bait on the water. This regulation was previously written where you could not cut up or process any fish for cut bait while on the water, you had to wait until off the water which prohibited legal use of cut bait. We cleaned up the verbiage on that.

**Commissioner Phil Escareno moved to approve KAR 115-7-4; Commissioner Lauren Sill seconded.**

**The roll call vote to approve KAR 115-7-4 as recommended was as follows (Exhibit EE):**

<b>Commissioner Cross</b>	<b>Yes</b>
<b>Commissioner Escareno</b>	<b>Yes</b>
<b>Commissioner Gfeller</b>	<b>Yes</b>
<b>Commissioner Lister</b>	<b>Yes</b>
<b>Commissioner Sill</b>	<b>Yes</b>
<b>Commissioner Sporer</b>	<b>Absent</b>
<b>Commissioner Lauber</b>	<b>Yes</b>

**The motion to approve KAR 115-7-4 as presented passed 6-0.**

7. KAR 115-17-3. Commercial fish bait permit; requirement, application and general provisions (clarify non-living bait) – Jeff Koch, assistant fisheries research director, presented this regulation to the Commission (Exhibit FF). The way the regulation is currently written businesses that are selling dead bait, cut bait or packaged dead bait, like at Walmart, would require a commercial bait permit and would require us to inspect those businesses. That was not the intent of this regulation so we are cleaning that up to exempt businesses from a commercial bait permit when they are only selling dead fish. So, limited risk of them selling anything harmful.

**Commissioner Warren Gfeller moved to approve KAR 115-17-3; Commissioner Delia Lister seconded.**

**The roll call vote to approve KAR 115-17-3 as recommended was as follows (Exhibit GG):**

<b>Commissioner Cross</b>	<b>Yes</b>
<b>Commissioner Escareno</b>	<b>Yes</b>
<b>Commissioner Gfeller</b>	<b>Yes</b>
<b>Commissioner Lister</b>	<b>Yes</b>
<b>Commissioner Sill</b>	<b>Yes</b>
<b>Commissioner Sporer</b>	<b>Absent</b>
<b>Commissioner Lauber</b>	<b>Yes</b>

**The motion to approve KAR 115-17-3 as presented passed 6-0.**

## **XII. OLD BUSINESS**

Chairman Lauber – That concludes business for tonight. As you can tell it didn't take very long but we waited around from 3 p.m. to do it, so that is one of the reasons we are going to try shuffle this around. It has been suggested that we start future meetings, starting in January, at noon. Appreciate everyone who attends these and spends the afternoon with us.

## **XIII. OTHER BUSINESS**

### **A. Future Meeting Locations and Dates**

*November 17, Colby, Colby Event Center*

*January 12, Wichita, Great Plains Nature Center (starting at noon)*

*March 9, Topeka*

*April 27, Kansas City area*

## **XIV. ADJOURNMENT**

Adjourned at 6:50 p.m.

# **Secretary's Remarks**

**Agency and State Fiscal Status**

**No briefing book items – possible handout after the meeting**

# **General Discussion**

## **DISCUSSION OF REGULATION PROMULGATION PROCESS AND IDEAS FOR IMPROVEMENTS**

Significant changes in the promulgation process have had a major impact on internal procedures and practices that are critical to the agency function. A discussion of those changes and some ideas for possible adjustments and alternatives to improve efficiency will begin a dialog that is intended to result in positive change.

### **115-2-3. Camping, utility, and other fees.**

Annual Camping Review:

K.A.R. 115-2-3. Camping, utility, and other fees.

Annual Camping Permit (April 1 through September 30) \$250

Annual Camping Permit (October 1 through March 31) \$200

This permit is being reviewed on the number of permits sold and how it is used. Increased camping occupancy has elevated the review of this permit and what changes are necessary to resolve capacity and storage of RV campers.



## **Colby-Villa High Renovation**

Although the 1.9-acre Colby-Villa High Lake lies within a relatively small community of approximately 5,500 people in western Kansas it is characteristic of an urban lake. Given the urban and agricultural land use within the watershed, increased sedimentation rate and eutrophication resulted in a shallow pond with an average depth of 2.5 feet and a low dissolved oxygen tolerant fish community comprised of black bullheads, green sunfish, fathead minnow, golden shiner, koi carp, and goldfish. Public desire for an improved fishery, a \$150,000 donation from Colby Convention and Visitors Bureau, and a receptive municipal government were the impetus for instigation of a complete renovation. The project was initiated in the winter of 2019 and included watershed-wide fish population eradication, removal of approximately 11,000 cubic yards of sediment, lake basin sealing, shoreline rip-rapping and revegetation, installation of various materials for fish habitat, installation of a aeration/destratification unit, and construction of a recirculating wetland. KDWP provided technical guidance and \$78,000 of assistance through two CFAP grants. Dredging was contracted out and accomplished by McCormick Paving and Construction. The lake basin seal was accomplished by a cooperative effort between City of Colby Parks Department, Thomas County Road and Bridge Department, and Aquatic Specialties Inc.. The remainder of the work was accomplished principally by City of Colby Parks Dept. employees. KDWP provided fish for stocking through state and commercial hatchery sources and the lake is a KDWP trout and Urban Catfish stocking location. The project is ongoing as improving water quality is paramount. Colby-Villa High Lake is currently home to a fish population that consists of fathead minnow, golden shiner, bluegill, smallmouth bass, channel catfish year-round and additionally rainbow trout in the winter.

## **South Fork Republican River Restoration Update**

This project is restoring habitat along the South Fork of the Republican River in Cheyenne County, Kansas. The focus of the project is on the removal of invasive trees, particularly Russian Olives and Tamarisk. The removal of these invasive trees will open the canopy over river channels, wetlands and small ponds to make these areas available to wintering waterfowl which has been seen with similar work completed on the South Fork of the Republican River in Colorado. Furthermore, by improving the watershed; its wetland and upland habitat conditions, the project will address the needs of a diversity of bird species, including nesting and roosting conditions for the wild turkey.

## **Kansas Birding Trail Project Update**

Mike Rader will present information pertaining to the initiation, development, and implementation of the Kansas Birding Trail project.

The idea of a Kansas Birding Trail is not new, but previous attempts by other entities either failed or had no action taken on them. A constituent approached KDWP Secretary Brad Loveless about trying to do a birding trail that could be designed and implemented as a benefit to wildlife watchers in Kansas and to our agency as well. Rader was given the project in September of 2020. He pulled together a team of experts that include a photographer, an author and other folks that know the Kansas birding landscape very well. A broad range of ages were brought into the working group to provide different perspectives for the project.

There are many reasons why KDWP should pursue a birding trail and other means of engaging wildlife watchers in Kansas. It promotes Ecotourism in the state, encourages patrons to connect with the environment by visiting predetermined locations across the state that are high quality, have all-weather roads and are easily accessible to the public. This connection of birders to our natural areas can help facilitate new audiences for the agency and potentially new contributors to wildlife conservation measures. Information from the recent Kansas Wildlife Viewer survey shows that a majority of Kansans consider themselves as wildlife watchers and these pursuits continue to be the fastest growing outdoor recreation activity. Our agency needs to concentrate on attracting a new and broader demographic, with emphasis on families and those viewers that may have been underserved in the past.

Goals of this project include providing a high-quality reference for those wanting to travel to find birds in our state, providing locations that are open to public travel and to continue improving these opportunities to experience the great birding that Kansas has to offer. This project was officially launched in March 2022, with marketing efforts continuing through this fall. The web address for the Kansas Birding Trail is: [www.ksbirdingtrail.com](http://www.ksbirdingtrail.com)

## **Prairie Dog State Park Update**

Covering recent trends in revenue and visitation for Prairie Dog State Park as it correlates to the reservoir's water level. In addition to this year's special event programs and current projects.

# **Workshop Session**

## **KAR 115-25-7**

### **Antelope; open season, bag limit and permits**

#### **Background**

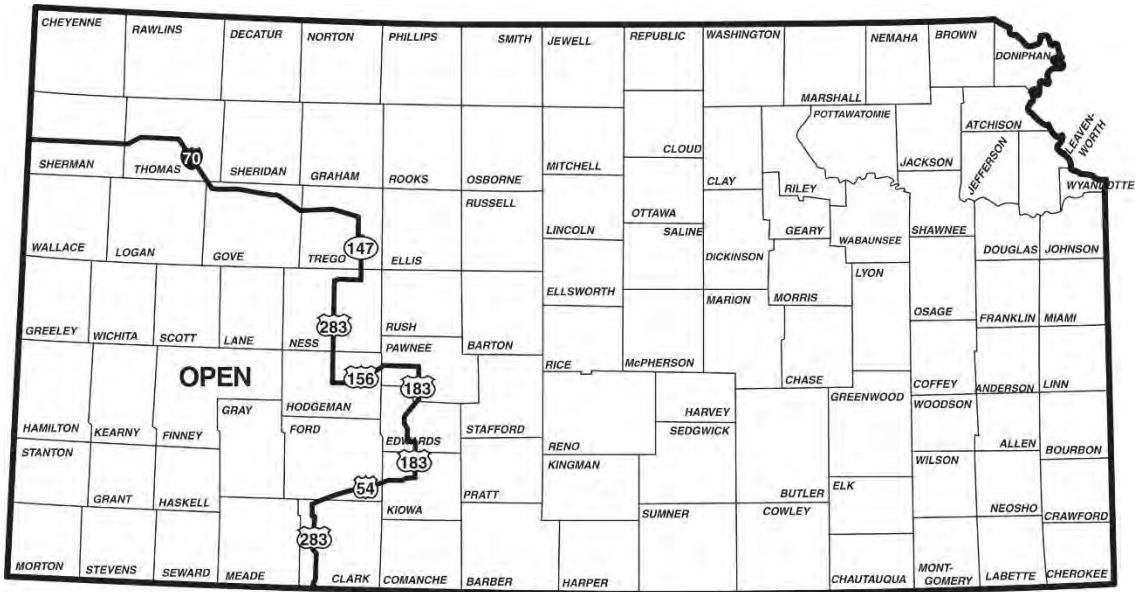
This regulation pertains to seasons, bag limits, unit boundaries, permits and tags for pronghorn antelope.

Western Kansas pronghorn antelope populations have supported a hunting season since 1974. The firearm pronghorn season has been four days long since 1990, starting on the first Friday in October. The archery pronghorn season was nine days long from 1985 to 2004, and included the two weekends prior to the firearm season. Since 2005, the archery season has reopened on the Saturday following the firearm season and continued through the end of October. A muzzleloader season was initiated in 2001. It has begun immediately after the archery season and ran for eight days, the last four overlapping the firearm season. With the exception of annual adjustments in permit allocations, this regulation has changed minimally in recent years.

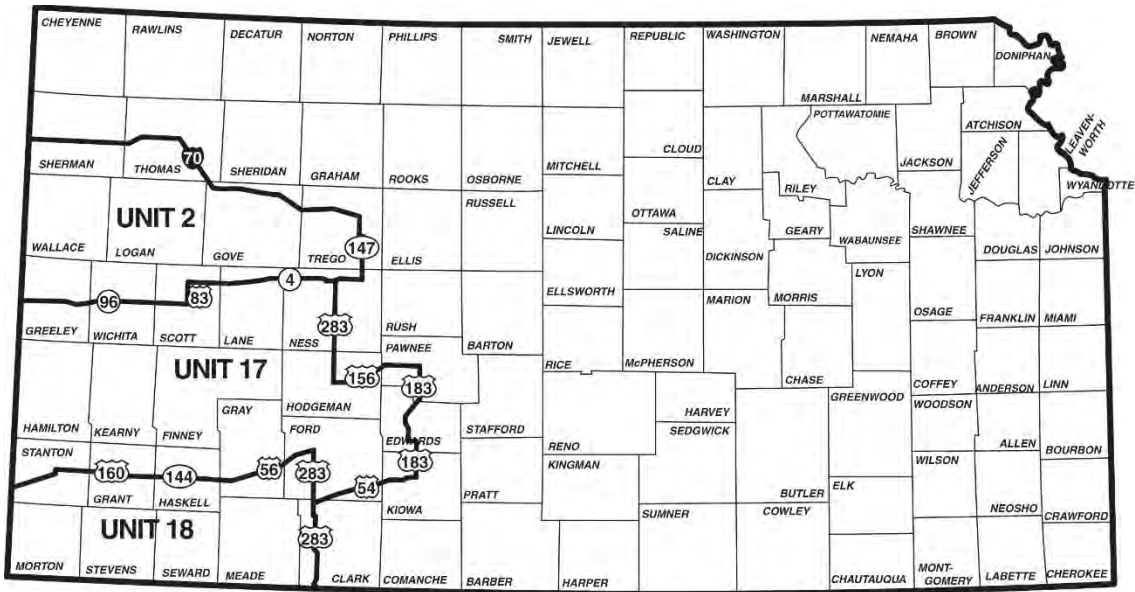
#### **Discussion & Recommendations**

Poor production in Kansas and rangewide have caused apparent declines in pronghorn populations in many areas. In Kansas this year, this can be partially attributed to drought. As such, the Department is considering several approaches to reducing harvest. Limited permit allocations are easily reduced, but unlimited archery permits require other actions. We have a proposed regulation change under consideration in a different regulation (K.A.R. 115-4-11) that would remove the opportunity for hunters to both purchase an archery permit and obtain a preference point for a future limited draw (firearms or muzzleloader) permit. For this regulation, we are considering a recommendation to eliminate the late archery season which accounts for about 8% of the archery harvest. Following the upcoming 2022 harvest season and winter population surveys, we will also consider whether to issue any limited draw permits for Unit 18 in 2023. We expect that other aspects of this regulation including season structure, bag limits, and permit types will remain consistent.

# Archery Pronghorn Unit



# Firearm, Muzzleloader Pronghorn Units



## **KAR 115-25-8**

### **Elk; open season, bag limit and permits**

#### **Background**

This regulation pertains to seasons, bag limits, unit boundaries, permits and tags for elk hunting.

Elk were first reintroduced onto Fort Riley in 1986, and a hunting season was initiated in 1990. Most of the hunting opportunity in the state occurs on the Fort. However, elk do exist on private lands, though unpredictably in most of the state, with parts of southwest Kansas being the main exception. Elk also occur in the vicinity of Cimarron National Grasslands, but these elk are primarily found in neighboring states, and the Grasslands have been closed to elk hunting since 1995, following several years of heavy harvest pressure.

Since 1999, longer seasons and less restrictive permitting options have been authorized except near Fort Riley and the Grasslands. This framework is intended to allow for elk that may be causing crop damage or other conflicts on private land to be harvested, and for landowners to have the opportunity to maintain elk at desirable numbers on their own property while at the same time allowing the Fort Riley and Cimarron herds to be maintained.

#### **Discussion & Recommendations**

We do not currently anticipate any changes to season structure, bag limits or permit types.

Unit boundaries are defined in K.A.R. 115-4-6b. Units 2 and 3 will be open to hunting.

The proposed season dates on Fort Riley are:

- a) September 1-30, 2023 for a season in which both muzzleloader and archery equipment may be used.
- b) October 1-December 31, 2023 for the firearms season.
  - a. Any elk permits are valid during all three months.
  - b. One-third of the antlerless only permits valid during each of the following segments:
    - 1) First segment: October 1-31, 2023.
    - 2) Second segment: November 1-30, 2023.
    - 3) Third segment: December 1-31, 2023.

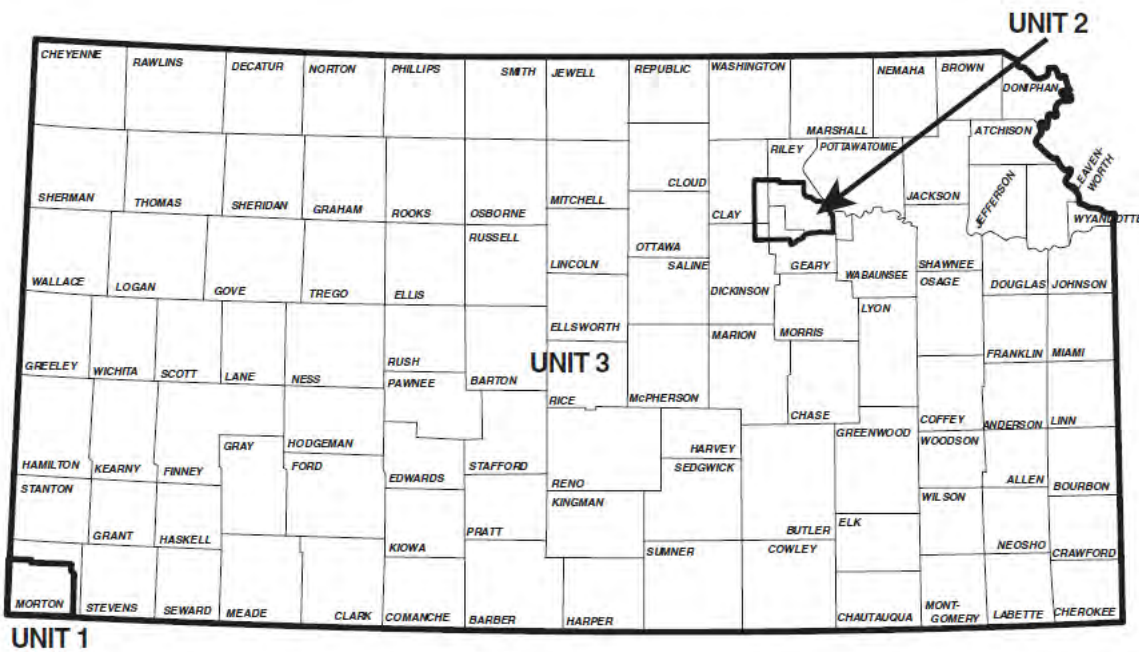
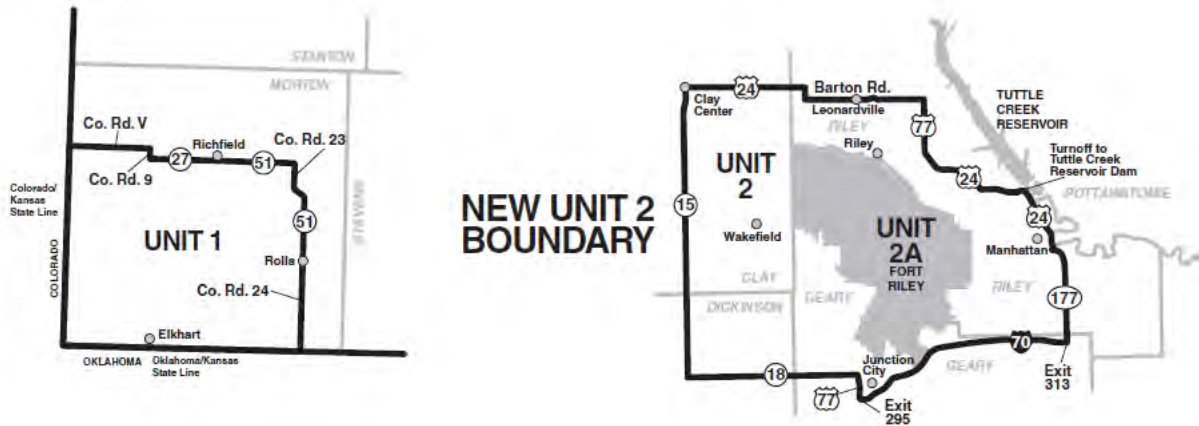
The proposed season dates outside the boundaries of Fort Riley are:

- a) September 1-30, 2023 for the muzzleloader season.
- b) September 11-December 31, 2023 for the archery season.
- c) August 1-31, 2023, November 29-December 10, 2023, and January 1-March 15, 2024 for the firearms seasons.



Elk permits will be available only to Kansas residents, and permit applications will be separated into military and nonmilitary applicants. Unit 2 permit recommendations will be determined at a later date. An unlimited number of hunt-on-your-own-land antlerless-only and either-sex elk permits will also be authorized in Units 2 and 3. An unlimited number of general resident and landowner tenant antlerless-only and any-elk permits will be authorized in Unit 3.

## Elk Units



## **VI. DEPARTMENT REPORT**

### **C. Workshop Session**

#### **3. Big Game Permanent Regulations.**

All permanent regulations dealing with big game will be discussed together at this meeting. In recent years these regulations have been brought forward in the General Discussion portion of the Commission Meeting in August to allow public comments and to determine if further review was needed.

##### **a) K.A.R. 115-4-2. Big game; general provisions.**

#### **Background**

This regulation contains the following items:

- Information that must be included on the carcass tag
- Registration (including photo check) needed to transport certain animals
- Procedures for transferring meat to another person
- Procedures for possessing a salvaged big game carcass
- Who may assist a big game permittee and how they may assist, including the provisions for designated individuals to assist disabled big game permittees.

#### **Discussion**

In 2020, changes to this regulation included modifying proof-of-sex regulations for antlerless deer and elk to allow hunters to voluntarily help prevent spreading chronic wasting disease by leaving the most infective parts of a carcass, the head and spine, at the site of harvest.

##### **b) K.A.R. 115-4-4. Big game; legal equipment and taking methods.**

#### **Background**

This regulation contains the following items:

- Specific equipment differences for hunting various big game species.
- Specifications for bright orange colored clothing, which must be worn when hunting during certain big game seasons.
- Accessory equipment such as calls, decoys, and blinds.
- Shooting hours
- Special restrictions on the use of horses or mules to herd or drive elk.

#### **Discussion**

New hunting equipment continues to be created and people request changes in the regulation to allow novel equipment. Historically changes in this regulation have attempted to balance a potential benefit of allowing new equipment to benefit a few people against the added complexity caused by changing the regulation, which may confuse other hunters. Typically, the department has changed this regulation after a review for a period of years rather than annually.

**c) K.A.R. 115-4-6. Deer; firearm management units.**

**Background**

This regulation established the boundaries for the 19 Deer Management Units in Kansas.

**Discussion**

Recent changes were implemented to correct this regulation for recent road name changes that occurred on the boundary roads of some management units.

**d) K.A.R. 115-4-11. Big game and wild turkey permit applications. FY2023 big game regulation review cycle.**

**Background**

This regulation describes general application procedures, including the establishment of priority drawing procedures when the number of applicants exceeds the availability of authorized permits. The regulation also authorized hunters to purchase a preference point for future applications.

**Discussion**

During the 2021-2022 review cycle this regulation was changed to limit pronghorn antelope hunters to receive either a draw permit, preference point or over-the-counter permit each year as opposed to being able to get a preference point and an over-the-counter permit in the same year. Some additional modification of the language in this regulation is needed to clearly define the limitations set forth in this regulation regarding acquiring pronghorn antelope permits or preference points in the same year.

**Recommendation**

Adopt the changes in language needed to clearly state the action of the regulation regarding acquiring pronghorn antelope permits or preference points.

**e) K.A.R. 115-4-13. Deer permits; descriptions and restrictions.**

**Background**

This regulation contains the following items:

- Creates permit types that include:
  - White-tailed deer, either-sex (WTES) permit or white-tailed deer antlerless only (WTAO) permit for residents of Kansas. These permits are valid during all seasons with equipment authorized for that season.
  - White-tailed deer, either-sex permit for nonresidents valid for one equipment type and one unit. Nonresident hunters may designate one adjacent unit where they may hunt.
  - Either-species, either-sex permit, restricted to a season or seasons and units where they may be used by resident and nonresident deer hunters.

- Hunt-on-your-own-land permits, including resident HOYOL, nonresident HOYOL, and special HOYOL permits for certain direct relatives of the landowner or tenant.
- Each deer permit is valid only for the species and antler category specified on the permit.
- Antlerless deer are defined as a deer without a visible antler plainly protruding from the skull.

### **Discussion**

Starting with the 2016 season, Either-species Antlerless Only Permits (ESAO) were no longer issued in Kansas. This was done to address the changing mule deer population to reduce harvest of female mule deer. Mule deer population status in other DMUs within the East and West mule deer hunt zones currently are stable at low density or in decline.

## **VI. DEPARTMENT REPORT**

### **C. Workshop Session**

#### **4. Deer 25-Series Regulations.**

##### **Background**

The regulation contains the following items:

- Dates of deer seasons when equipment such as archery, firearms, or muzzleloader may be used.
- Provisions when seasons may occur on military subunits within management units.
- Dates for a special firearm deer season and extended archery seasons in urban units.
- Dates of deer seasons for designated persons.
- Dates and units when extended firearm seasons are authorized and the type of permits and changes in the species and antler categories of those permits.
- Limitations in obtaining multiple permits.

##### **Discussion**

Abundant deer populations in some deer management units potentially allow for additional whitetail antlerless only hunting opportunity as part of deer population management. To address abundant deer populations in DMU 12 and increasing deer damage complaints, additional whitetail antlerless hunting is warranted, and extending the Pre-Rut WAO season provides this additional opportunity that may increase antlerless deer harvest during a period that better addresses the issues caused by overly abundant whitetail deer.

##### **Recommendation**

The proposed season dates suggested for deer hunting during 2023-24 are as follows:

Youth and Disability	Sept. 2, 2023 – Sept. 10, 2023
Early Muzzleloader	Sept. 11, 2023 – Sept. 24, 2023
Archery	Sept. 11, 2023 – Dec. 31, 2023
Pre-Rut WAO	Oct. 7, 2023 – Oct. 9, 2023
Extended Pre-Rut WAO	Oct. 7, 2023 – Oct. 15, 2023
Regular Firearm	Nov. 29, 2023 – Dec. 10, 2023
1 <sup>st</sup> Extended WAO	Jan. 1, 2024 – Jan. 7, 2024
2 <sup>nd</sup> Extended WAO	Jan. 1, 2024– Jan. 14, 2024
3 <sup>rd</sup> Extended WAO	Jan. 1, 2024 – Jan. 21, 2024
Extended Archery (DMU 19)	Jan. 22, 2024– Jan. 31, 2024

## **VI. DEPARTMENT REPORT**

### **C. Workshop**

- 5. KAR 115-25-5 Turkey; fall season, bag limit and permits**
- 6. KAR 115-25-6 Turkey; spring season, bag limit and permits**
- 7. KAR 115-4-11 Big game and wild turkey permit applications**

#### **Background**

The 2022 spring turkey season was open April 1-May 31 and included 3 segments: youth/disabled, archery, and regular. The fall 2021 season was open October 1 to November 10. Hunting regulations are set within 6 management units for both spring and fall seasons (Figure 1).

For the spring 2022 season, 32,034 hunters purchased 39,692 carcass tags. Nonresidents accounted for 43 percent of Kansas' spring hunters. Estimated spring harvest was 12,893, a 22% decrease from 2021 (Table 1). Statewide spring hunter success declined to 40% (Table 1).

#### **Population Status and Productivity**

Turkey abundance in Kansas has been declining since the late 2000s (Figure 3). Nesting and brood rearing seasons in 2022 in eastern Kansas were likely been impacted by heavy precipitation in April and May with very dry conditions in June and July. In central and eastern Kansas, production was low in 2022. Production was low in most areas of Kansas in 2022. Reduced turkey production is a trend that has been noted throughout the Midwest in the past 15 years and is a primary concern as turkey populations decline across the region.

#### **Harvest Management**

The department utilizes an adaptive harvest strategy to help guide staff recommendations on wild turkey permit allotments during both the spring and fall seasons. The intent of the strategy is to maintain high hunter success in each management unit while maintaining relatively high populations. The strategy provides a consistent and transparent method of developing staff recommendations and includes a hierarchy of regulation packages for both the spring and fall seasons as well as established triggers for when and how changes to bag limits will be recommended. The strategy has been in place now for 12 years and includes data for the last 19 hunting seasons.

An analysis of the spring 2022 harvest data revealed that resident hunter success was below thresholds in all 6 hunt units during the spring season for two or more seasons.

#### **Recommendations**

##### **KAR 115-25-5      Fall season, bag limits and permits**

##### **Unit 2 boundary definition**

Upon review, a slight language adjustment will need to be made to correctly define Unit 2 as described in KAR 115-25-05:

- (2) Unit 2. Unit 2 shall consist of that area bounded by a line from the Nebraska-Kansas state line south on federal highway US-81 to its junction with interstate highway I-135, then south on interstate highway I-135 to its junction with federal highway US-56, then west on federal highway US56 to its junction with state highway K-96, then west on state highway K-96 to its junction with federal highway US-183, then north on federal highway US-183 to its junction with the Nebraska-Kansas state line, and then east along the Nebraska-Kansas state line to its junction with federal highway US-~~81~~ **183**, except federal and state sanctuaries. An unlimited number of permits shall be authorized for unit 2.

## Fall bag limits

The number of fall turkey hunters statewide has decreased substantially since 2015, at a rate of approximately 20% per year. In 2019, the statewide fall turkey season dates were reduced from October 1-January 31 to October 1-November 10, beginning in fall 2020. Estimated annual statewide fall harvest is less than 500 birds. While this is a small proportion of the statewide population, fall harvest is an additive source of mortality for turkeys—especially when hens are harvested.

**Staff recommend suspending the fall season statewide, beginning with the 2023 season.**

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## KAR 115-25-6 Spring season, bag limits and permits

### Spring bag limits and permits

To reduce overall turkey harvest, **staff recommend reducing bag limits in Unit 1 (northwest) and Unit 2 (northcentral) from 2 birds to 1 bird.**

To reduce overall hunting pressure and reduce turkey harvest, **staff recommend reducing nonresident hunters by 25% in each unit by utilizing a draw system.**

Estimated number of active nonresidents in each hunt unit.

Year	Estimated Active Nonresidents						
	Northwest	Northcentral	Northeast	Southwest	Southcentral	Southeast	Statewide
2017	1,326	2,652	3,836	118	1,066	4,428	15,533
2018	972	3,392	4,178	103	1,324	4,488	14,912
2019	1,036	3,180	3,751	143	929	4,716	14,540
2020	290	618	733	39	328	849	3,011
2021	980	3,720	3,475	178	1,537	3,274	14,991
2022	643	3,235	3,324	44	1,241	2,637	13,383
5-Yr Avg (w/o 2020)	991	3,236	3,713	117	1,219	3,909	14,672
75% of 5-Yr Avg	744	2,427	2,785	88	915	2,931	11,004
75% (nearest 100)	700	2,400	2,800	100	900	2,900	11,000

In Unit 4 (Southwest), a resident-only draw with a quota of 500 is in place. **Staff recommend decreasing the quota to 375 (75%).** By state statute, if a draw is in place for residents, at least 50% of the quota must be offered for landowners. **Staff recommend setting the landowner quota for Unit 4 at 200 to ensure all landowners can hunt on their own property.** If applications are unfilled for landowner/tenants, they do become available for general resident applicants.

### Recommended nonresident quotas:

**Non-resident draw, specific to the unit that is applied for, with the following quotas:**

- **Unit 1 (northwest) 700**
- **Unit 2 (northcentral) 2,400**
- **Unit 3 (northeast) 2,800**
- **Unit 4 (southwest) no nonresident permits (no change)**
- **Unit 5 (southcentral) 900**
- **Unit 6 (southeast) 2,900**
- **Total available 9,700 (13,383 active nonresidents in 2022, 27.5% reduction)**

## Unit 4 Permits in Adjacent Units

Currently, Unit 4 permits are valid in adjacent units—similar to draw deer permits. For several years, staff have heard from some residents in Unit 4 that they are no longer able to successfully apply for Unit 4 permits. Prior to 2018, most years did not see all permits allocated in Unit 4. Since 2018, the number of general resident applications has risen significantly. It is understood that some of these successful applicants take advantage of the adjacent unit allowance, especially when they also have a game tag. With the objective of ensuring Unit 4 residents have the utmost opportunity to successfully apply for a Unit 4 permit, **staff recommend removing the allowance of Unit 4 permits being allowed in adjacent units.**

### Season Structure

In 2013, the Commission voted to create three segments to the spring turkey season, which were implemented beginning in 2015. The current structure is as follows:

- Youth / Disabled begins April 1
- Early Archery begins the Monday after the first full weekend in April
- Regular begins the Wednesday after the second full weekend in April

**Staff do not recommend any season structure changes**, which would result in the following 2024 Spring Turkey season dates:

- Spring
- Youth / Disabled      April 1 - 16
  - Early Archery          April 8 - 16
  - Regular Firearm        April 17 - May 31
- 

### 115-4-11      **Big game and wild turkey permit applications**

Add text to create an application period in January-February for non-residents to apply for a specific hunt unit (Units 1, 2, 3, 5 or 6) in which to be entered for a draw and—if successful—to receive a permit valid for that hunt unit.

To finalize a nonresident spring turkey draw process, KAR 115-2-1 (Amount of fees) will also need to be amended to create wild turkey application fees and a preference point service charge. Staff anticipate introducing proposed changes to KAR 115-2-1 in January.



Table 1. Kansas wild turkey permit sales, total harvest, and hunter success for each of the last 5 seasons, 2017-2022.

Year	Spring			Fall			
	Permits & Game Tags	Total Harvest	Success (%)	Permits & Game Tags	Total Harvest	Hen Harvest (%)	Success (%)
2017	65,818	30,441	51	6,262	1,183	36	25
2018	60,545	22,639	43	5,475	1,275	35	30
2019	56,388	23,568	47	4,570	487	29	35
2020	32,324	12,645	46	3,459	506	45	20
2021	45,263	16,476	45	2,779	313	51	16
2022	39,692	12,893	40	--	--	--	--

Success: percentage of active hunters harvesting  $\geq 1$  bird

Table 2. Spring turkey permit and game tag sales for 2021 and 2022.

Permit Type	2021	2022	Difference
Carcass Tags	45,263	39,692	-12.3%
Permit Buyers	35,587	32,034	-10.0%
Game Tags	9,676	7,658	-20.9%
Resident Permit Buyers	20,306	18,274	-10.0%
Nonresident Permit Buyers	15,281	13,760	-10.0%
Resident Game Tags	3,727	2,996	-19.6%
Nonresident Game Tags	5,949	4,665	-21.6%

Table 3. Spring turkey season resident hunter success (%), 2018-2022.

Year	Northwest (Unit 1)	Northcentral (Unit 2)	Northeast (Unit 3)	Southwest (Unit 4)	Southcentral (Unit 5)	Southeast (Unit 6)	Statewide
2018	37.8	41.8	37.3	37.5	44.3	35.5	36.9
2019	56.3	56.0	40.7	57.1	47.1	42.9	42.9
2020	61.1	58.2	45.7	69.6	44.8	37.7	45.6
2021	43.8	43.4	41.3	52.4	40.5	35.6	39.1
2022	25.0	39.2	39.9	50.0	39.1	34.2	35.9

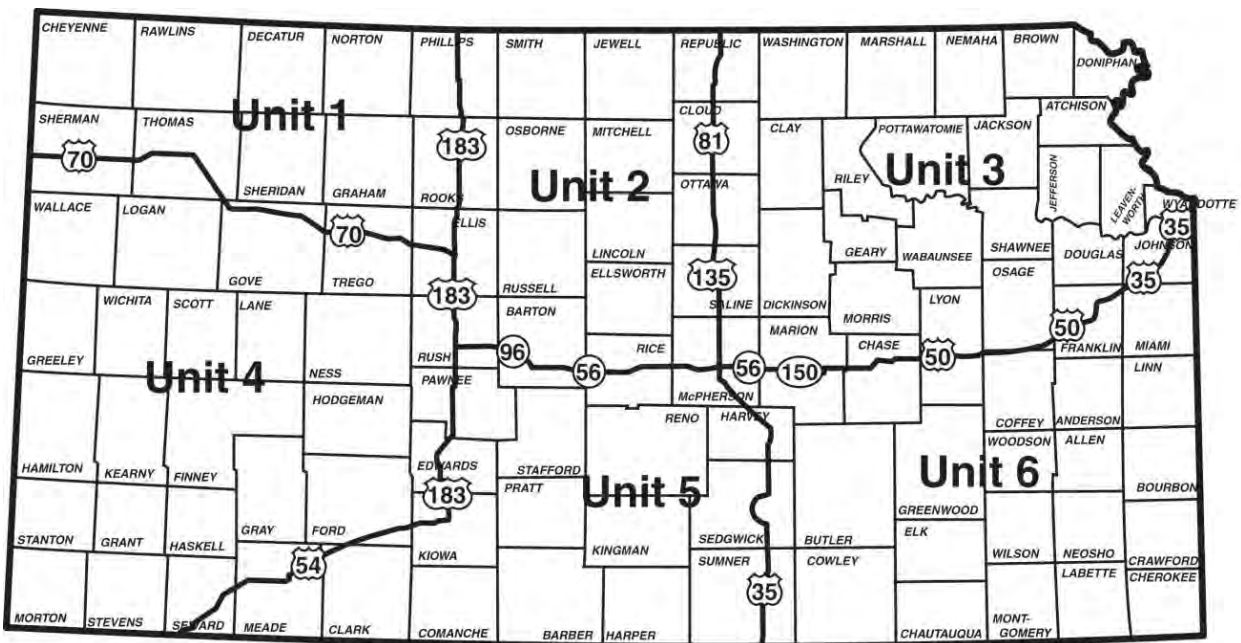


Figure 1. Kansas turkey hunt units.

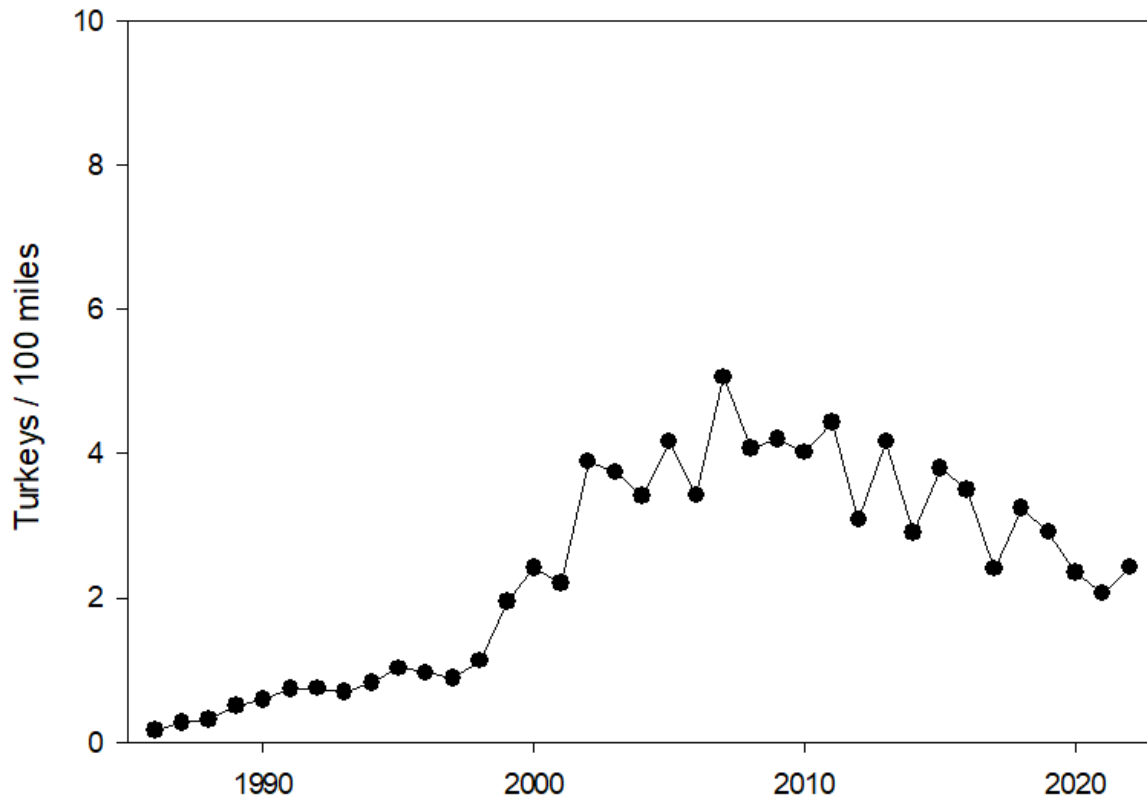


Figure 2. Statewide turkey spring rural mails carrier survey index, 1986-2022.

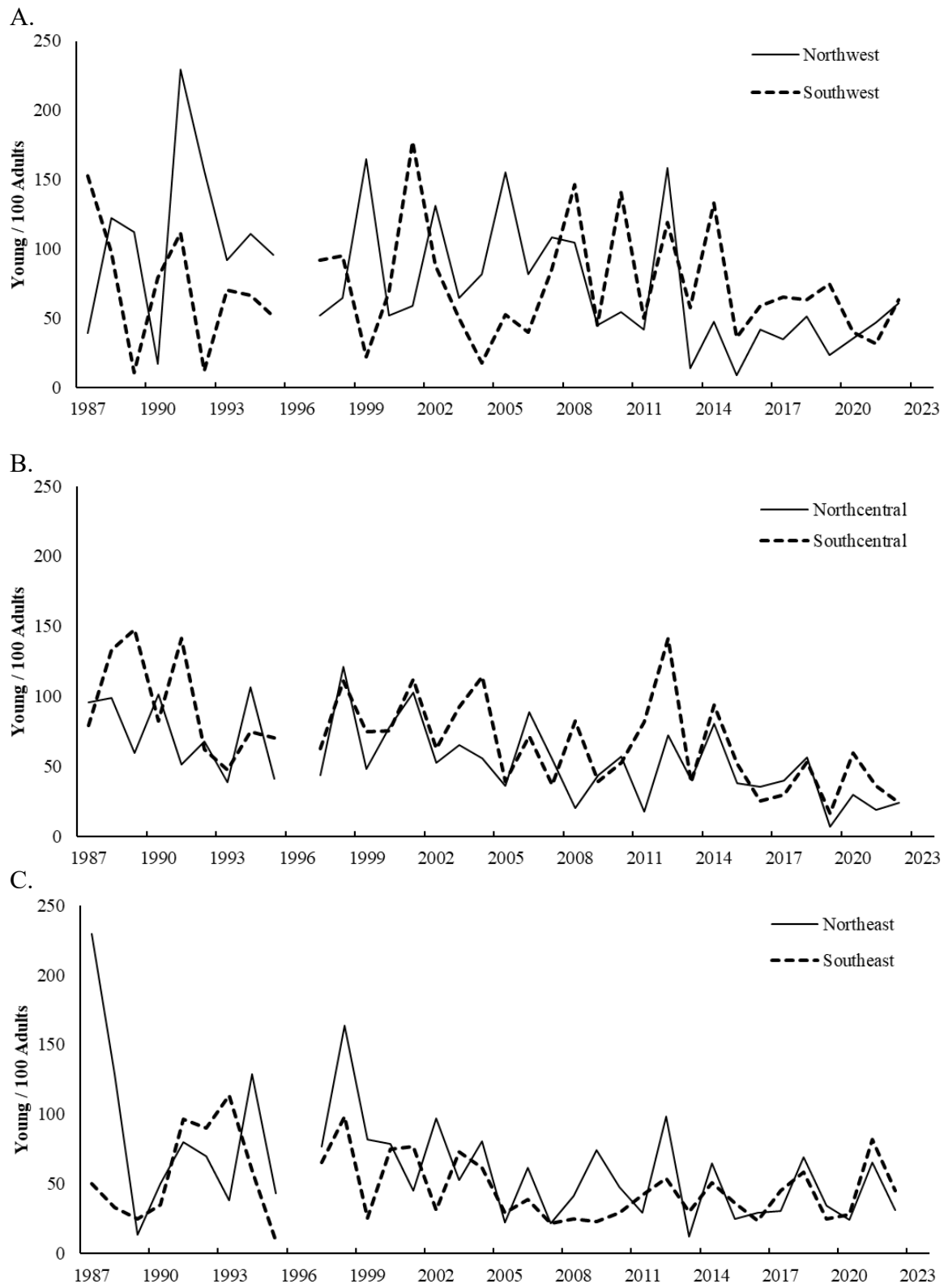


Figure 3. Turkey production indices for western (A), central (B), and eastern (C) Kansas, 1987-2022. Data from Summer Rural Mail Carrier Survey.

**115-25-14. Fishing; creel limit, size limit, possession limit, and open season. (and associated reference document)**

- *This change will introduce length and creel limit proposals at individual waters*
- *This change will also change some trout waters*
  - *King Lake-Emporia – add as a Type 1 trout water*
  - *OJ Watson Park – add as a Type 1 trout water*
  - *Wichita KDOT-East – remove from trout waters list*

**115-18-10. Importation and possession of certain wildlife; prohibition, permit requirement, and restrictions.**

-This change would add Rusty Crayfish to the prohibited species list

**115-7-10. Fishing, special provisions (and associated reference document outlining reference document K.S.A. 2019 Supp. 32-807--Kansas ANS Designated Waters)**

-This change will add Lebo City Lake as an ANS Designated Water (Zebra Mussels), add McPherson SFL to the prohibited species list (given Rusty Crayfish are added to the prohibited species list as noted above)

-This will also remove the term "Asian Carp" to a more descriptive "Silver Carp" and "Bighead Carp"

## Workshop Session #6

### Public Lands Reference Document

November 17, 2022

#### **KAR 115-8-1. Department lands and waters: hunting furharvesting, and discharge of firearms.**

##### Background

Subsection (e) of this regulation covers the Department's Public Lands Division Special Use Restrictions.

##### Discussion

This reference document within the regulation is reviewed annually for revisions.

The Department is discussing amendments to the following sections:

##### **I.) Access Restrictions**

*After Cheyenne Bottoms staff discussed further, no additional restrictions are being recommended at this time.*

##### **XII.) Refuges** (Add tracts listed below in Region 3)

The following properties have portions of the area designated as a refuge during specific periods of the year, or year-round. Access and activity restrictions are for refuge management, special hunts, or special permits.

##### **a.) Refuge Area Closed to All Activities Year Round**

###### **Region 1**

- Cedar Bluff WA (Operations Area East of Dam)
- Cheyenne Bottoms WA-Pool 1
- Lovewell WA (designated land area)

###### **Region 2**

- Benedictine WA
- Jeffrey Energy Center-Area #3
- Marais des Cygnes WA

###### **Region 3**

- Fall River WA
- McPherson Wetlands - South Refuge
- Mined Land WA Bison Pen located on Unit 1
- Byron Walker WA; around headquarters and archery range
- Cherokee Lowlands WA (Perkin's east and Bogner center tracts)

## **XV. Daily Hunt Permits**

*After extensive internal discussions, the Department is recommending adding all Public Lands properties (state fishing lakes and wildlife areas) into the electronic check-in/check-out system. This requirement would be for hunting activity only.*

Electronic Daily use permits are required ~~on the following properties~~ through the department's licensing system for hunting activity on the following properties:

### **Region 1**

~~-Cheyenne Bottoms WA - In addition to daily hunt permit, trapping permit is required from the manager to trap~~

~~-Glen Elder WA~~

~~-Isabel WA~~

~~-Jamestown WA - In addition to daily hunt permit, trapping permit is required from the manager to trap~~

~~-Lovewell WA - In addition to daily hunt permit, trapping permit is required from the manager to trap~~

~~-Talmo Marsh~~

~~-Texas Lake WA~~

### **Region 2**

~~-Benedictine Bottoms~~

~~-Blue Valley WA~~

~~-Bolton WA~~

~~-Clinton WA~~

~~-Dalbey WA~~

~~-Douglas SFL~~

~~-Elwood WA~~

~~-Hillsdale WA~~

~~-Jeffrey Energy Center WA Area # 2~~

~~-Kansas River WA~~

~~-La Cygne WA~~

~~-Lyon SFL~~

~~-Marais des Cygnes WA~~

~~-Melvern WA~~

~~-Milford WA~~

~~-Oak Mills WA~~

~~-Perry WA~~

~~-Tuttle Creek WA~~



### Region 3

- Berentz/Dick WA
- Marion WA
- McPherson Wetlands
- Neosho WA
- Slate Creek Wetland

### Statewide

- iWIHA
- All Department managed lands and waters (Wildlife Areas and State Fishing Lakes)

\*Excluding Maxwell Wildlife Refuge, Big Basin Prairie Preserve, and all State Parks

## XVI. Daily Use Permits

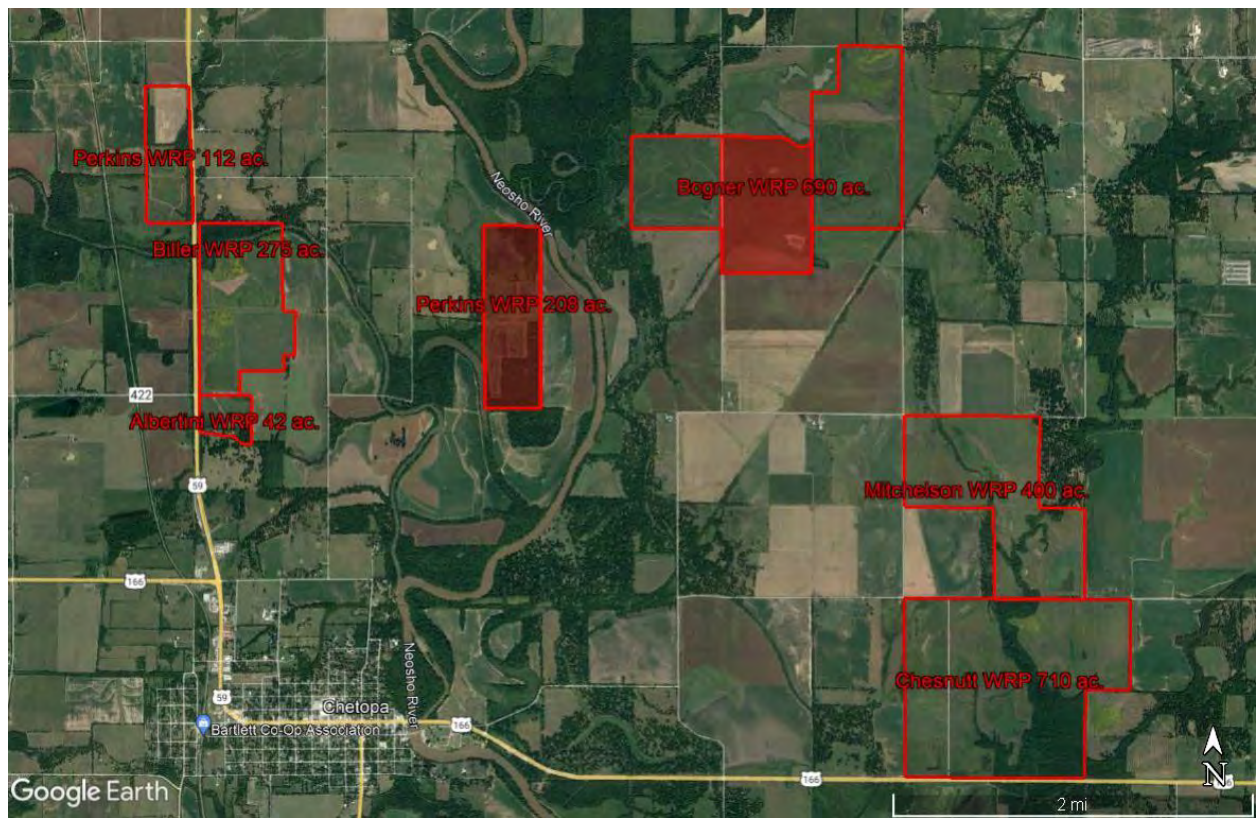
~~Electronic~~ ~~D~~daily use permits are ~~available~~ required electronically through ~~I-Sportsman e-permit~~ the department's licensing system for ALL activities.

### Region 2

- Buck Creek WA
- Noe WA

\*The Department is considering implementing electronic daily use permits for our river access sites on department lands and waters. This would be an effort to learn more about non-motorized vessel use.

*\*After discussing internally with staff who coordinate and plan hunts through the Department's Special Hunts Program, for the 2022-2023 fall and winter hunts, 75% - 80% of those Special Hunts will be restricted to Kansas residents only.*



**Pending Regulations (no presentation, presented multiple times – regulation included for your convenience)**

**Workshop Session #6**

**Public Lands Baiting Regulation**

November 17, 2022

**KAR 115-8-23                      Baiting**

Background:

This regulation outlines the provisions and restrictions of baiting on department lands.

Discussion:

Department staff have discussed amending this regulation to prohibit baiting on department lands and waters for **all activities**, not just for hunting or preparing to hunt as the current regulation states. Department officers are reporting a trend of bait being placed on department lands and WIHA for “wildlife viewing or photography” with the bait being hunted over.

Recommendation:

The Department recommends adding language to the existing regulation that would prohibit placing bait on department lands and WIHA/iWIHA for all activities.

This would not apply to licensed furharvesters as permitted in KAR 115-5-1.

**115-8-23. Baiting; ~~hunting.~~** (a) No person shall place, deposit, expose, or scatter bait ~~while hunting~~ ~~or preparing to hunt~~ on department lands or place, deposit, expose, or scatter bait in a manner that causes another person to be in violation of this regulation.

**(1) This regulation applies to WIHA and iWIHA properties**

**(2) This shall not apply to licensed furharvesters as permitted in KAR 115-5-1.**

~~(b) Hunting shall be prohibited within 100 yards of any bait placed, deposited, exposed, or scattered on department lands. Bait shall be considered placed, deposited, exposed, or scattered on department lands for 10 days following complete removal of the bait.~~

~~(c)-(1)~~ **(b)** Nothing in this regulation shall prohibit the hunting or taking of wildlife over any of the following:

(A) Standing crops, grain found or flooded standing crops, including aquatic crops.

(B) standing, flooded, or manipulated natural vegetation.

(C) flooded harvested croplands.

(D) lands or areas where seeds or grains have been scattered solely as the result of normal agricultural planting, harvesting, postharvest manipulation, or soil stabilization practice; or

(E) standing or flooded standing agricultural crops over which grain is inadvertently scattered solely as a result of a hunter entering or exiting a hunting area, placing decoys, or retrieving downed wildlife.

(2) The taking of wildlife, except migratory waterfowl, coots, and cranes, on or over any lands or areas meeting the following conditions shall not be prohibited:

(A) Are not otherwise baited; and

(B) have grain or other feed that has been distributed or scattered solely as the result of manipulation of an agricultural crop or other feed on the land where grown, scattered solely as the result of normal agricultural operations, or scattered solely as the result of normal weather conditions.

(d) For the purposes of this regulation, “bait” shall mean any grain, fruit, vegetable, nut, hay, salt, sorghum, feed, other food, or mineral that is capable of attracting wildlife. Liquid scents and sprays shall not be considered bait. (Authorized by and implementing K.S.A. 2012 Supp. 32-807; effective July 20, 2012; amended July 26, 2013.)

## Workshop Session #6

### Public Lands Camping Regulation

November 17, 2022

#### KAR 115-8-9          Camping

##### Background:

This regulation covers the provisions and restrictions for camping on department lands and waters.

##### Discussion:

Department staff have discussed reducing the current 14-consecutive-day camping stay limit at state fishing lakes and wildlife areas. Area managers are faced with the ever-growing issue of vagrant and homeless people basically living at state fishing lakes and wildlife areas. This has required extra enforcement and maintenance man-hours combating the issues that arise. Degradation and destruction of the natural resources and conflicts with traditional users are growing problems, and there is also the financial burden associated with removing abandoned personal property left at this camping areas.

The main complaint from primary constituents is that they eventually avoid using these areas.

##### Recommendation:

The Department is recommending reducing the number of consecutive camping days allowed at state fishing lakes and wildlife areas from 14 to seven days.

This would NOT affect state parks.

Managers at state fishing lakes and wildlife areas would still have the discretion to post their campgrounds or issue a permit allowing 14-day camping, if warranted.

**115-8-9. Camping.** (a) Camping shall be allowed only in designated areas on department lands and waters and shall be subject to provisions or restrictions as established by posted notice.

(b) All campers and camping units **in state parks** shall be limited to a stay of not more than 14 consecutive days in a campground unless otherwise established by posted notice or as otherwise authorized by the department.

(1) Upon completing 14 consecutive days in a campground, each person and all property of each person shall be absent from that campground for at least five days.

(2) One extended camping stay of not more than 14 additional consecutive days at the same campground may be granted through a written permit issued by the department if vacant camping sites are available. Upon completing 28 consecutive days at the same campground, each person and all property of each person shall be absent from the department-managed area for at least five days, except as authorized in subsection (b)(3).

(3) Long-term camping in state parks shall be allowed on designated camping sites for six consecutive months through a written permit issued by the department if vacant long-term camping sites are available. Upon completing six consecutive months at the same state park, each person and all property of each person shall be absent from the state park for at least five days.

(c) All campers and camping units **at a state fishing lake or wildlife area** shall be limited to a stay of not more than seven consecutive days **in a campground on that property** unless otherwise established by posted notice or as otherwise authorized by the department. **Upon completing seven**

consecutive days on the same property, each person and all property of each person shall be absent from the department-managed area for at least five days.

(1) One extended camping stay of not more than seven additional consecutive days ~~at the same campground~~ on the same property may be granted through a written permit issued by the department if vacant camping sites are available. Upon completing 14 consecutive days ~~at the same campground~~ on the same property, each person and all property of each person shall be absent from the department-managed area for at least five days.

(d) Unless authorized by the department or located on a prepaid state park campsite reserved through the department's electronic reservation system, camping units shall not be left unoccupied in a campground for more than 24 hours.

(e) Except as Unless authorized by the department or located on a prepaid state park campsite reserved through the department's electronic reservation system, vehicles or other property shall not be left unattended upon department lands or waters for more than 24 hours.

(f) Except as authorized by the department, any property unoccupied or unattended for more than 48 hours, unless the property is on a prepaid state park campsite reserved through the department's electronic reservation system, and any property abandoned upon department lands or waters shall be subject to removal by the department and may be reclaimed by the owner upon contacting the department.

(g) A campsite shall not be left unoccupied in a campground for more than 24 hours, unless the department so authorizes, or the campsite is a prepaid state park campsite reserved through the department's electronic reservation system. (Authorized by and implementing K.S.A. 32-807; effective March 19, 1990; amended Feb. 10, 1992; amended Oct. 12, 1992; amended Sept. 12, 2008; amended Nov. 14, 2011.)

## Workshop Session #6

### Public Lands Trail (Game) Camera Regulation

November 17, 2022

**KAR 115-8-25**

**Trail (Game) Cameras and Other devices:**

#### Background:

There is no current regulation specifically addressing the use of trail cameras on department lands and waters nor is there any related regulation that would cover the use of trail cameras on department lands and waters.

This regulation would be a new Kansas Administrative Regulation (KAR) and would cover the provisions and restrictions for the use of trail (game) cameras on department lands and waters.

#### Discussion:

Department staff have been discussing the use of trail (game) cameras on department lands for several years. Research has been conducted as to what other states do or do not allow on public lands. Many Kansas public lands, including WIHA and iWIHA, are being inundated with trail cameras. Constituent reports of camera theft and misuse of trail cameras on public lands are on the rise.

Staff discussions have also considered the North American Model of Wildlife Conservation and the concept of fair chase, specifically, the use of new or evolving technology and practices that provide hunters with an improper or unfair advantage.

Other related discussion points included: conflicts in the field among public land users, the growing number of trail cameras on the landscape (monopolizing PL's), and the potential disturbance to wildlife of frequent visits to set and check trail cameras.

States with existing trail camera regulations include: Arizona, Nevada, and Utah (Private and public lands); Montana, New Hampshire, and Alaska (partial ban = no wireless or cellular cameras during any open hunting season)

#### Recommendation:

The Department recommends enacting this regulation prohibiting trail (game) cameras on department lands and waters.

**K.A.R. 115-8-25. Trail (Game) Camera's and other devices.** (a) No person shall place, maintain, or use a trail camera, or images and video, including location, time, or date from a trail camera on department lands and waters, for any purpose.

(1) This regulation also applies to WIHA and iWIHA properties.

(b) No person shall use images of wildlife produced or transmitted from a satellite for the purpose of taking or aiding in the take of wildlife or locating wildlife for the purpose of taking or aiding in the take of wildlife on department lands and waters.

(1) This subsection does not prohibit the use of mapping systems or programs.

(2) For this subsection, the definition of take is adopted as outlined in KSA 32-701.

(3) This subsection also applies to WIHA and iWIHA properties.

(c) For this regulation, the definition of trail (game) camera shall be any remote motion-activated or infrared camera where the shutter is activated via sound triggers, proximity sensation, radio transmitters, or the self-timer built into the camera.

(d) This regulation shall not apply to any trail (game) camera that is owned by the department or a designated agent and is used for department operations or research on department lands and waters.



# **Public Hearing**

Wildlife and Parks Commission  
Notice of Public Hearing

A public hearing will be conducted by the Wildlife and Parks Commission at 6:30 p.m., Thursday, November 17, 2022, at the Colby Event Center, 1200 S. Franklin, Colby, Kansas to consider the approval and adoption of proposed administrative regulations of the Kansas Department of Wildlife and Parks.

An education session for commissioners may be conducted beginning at 9:00 a.m., November 17, 2022, at the location listed above. A workshop meeting on business of the Wildlife and Parks Commission will begin at 1:00 p.m., November 17, 2022, at the location listed above. The meeting will recess at approximately 5:00 p.m. and then resume at 6:30 p.m. at the same location for the regulatory hearing and more business. There will be public comment periods at the beginning of the afternoon and evening meetings for any issues not on the agenda, and additional comment periods will be available during the meeting on agenda items. Old and new business may also be discussed at this time. If necessary to complete the hearing or other business matters, the commission will reconvene at 9:00 a.m., November 18, 2022, at the location listed above.

Any individual with a disability may request an accommodation in order to participate in the public hearing and may request the proposed regulations and economic impact statements in an accessible format. Requests for accommodation to participate in the hearing should be made at least five working days in advance of the hearing by contacting Sheila Kemmis, Commission secretary, at (620) 672-5911. Persons with a hearing impairment may call the Kansas Commission for the Deaf and Hard of Hearing at 1-800-432-0698 to request special accommodations.

This 60-day notice period prior to the hearing constitutes a public comment period for the purpose of receiving written public comments on the proposed administrative regulations.

All interested parties may submit written comments prior to the hearing to the Chairman of the Commission, Kansas Department of Wildlife and Parks, 1020 S. Kansas Ave., Suite 200, Topeka, KS 66612 or to [sheila.kemmis@ks.gov](mailto:sheila.kemmis@ks.gov), if submitted electronically. All interested parties will be given a reasonable opportunity at the hearing to express their views orally regarding the adoption of the proposed regulations. During the hearing, all written and oral comments submitted by interested parties will be considered by the commission as a basis for approving, amending and approving, or rejecting the proposed regulations.

The regulations that will be heard during the regulatory hearing portion of the meeting are as follows:

**K.A.R. 115-5-1.** This permanent regulation amendment adds laser sights to the illuminating devices which may be used for the taking of furbearers treed with the aid of dogs when paired with a .22 or .17 caliber rimfire handgun or rifle.

**Economic Impact Summary:** This amendment is not expected to have any significant economic impact on the department, other agencies, or the public.

**K.A.R. 115-25-11.** This exempt regulation establishes open seasons for hunting, running and trapping furbearers and also establishes bag limits.

**Economic Impact Summary:** The economic impact will be directly proportionate to any increase in furbearer harvest resulting from an additional 15 days of general furbearer open season and increases in the otter bag limits.

**K.A.R. 115-17-6.** This permanent regulation revocation will eliminate all licensing provisions for commercial mussel harvest.

**Economic Impact Summary:** There is no anticipated economic impact to this revocation since commercial mussel harvest has been suspended since 2003.

**K.A.R. 115-17-7.** This permanent regulation revocation clarifies that commercial mussel harvesting is prohibited at all locations in Kansas.

**Economic Impact Summary:** There is no anticipated economic impact to this revocation since commercial mussel harvest has been suspended since 2003.

**K.A.R. 115-17-8.** This permanent regulation revocation eliminates all authorized equipment and methods of taking mussels commercially.

**Economic Impact Summary:** There is no anticipated economic impact to this revocation since commercial mussel harvest has been suspended since 2003.

**K.A.R. 115-17-9.** This permanent regulation revocation eliminates the prior designation of areas open to commercial mussel harvest.

**Economic Impact Summary:** There is no anticipated economic impact to this revocation since commercial mussel harvest has been suspended since 2003.

**K.A.R. 115-17-14.** This permanent regulation revocation eliminates the procedure for the issuance, reporting and revocation of commercial mussel harvesting permits.

**Economic Impact Summary:** There is no anticipated economic impact to this revocation since commercial mussel harvest has been suspended since 2003.

Copies of the complete text of the regulations and economic impact statements may be obtained by writing the chairman of the Commission at the address above, electronically on the department's website at [www.ksoutdoors.com](http://www.ksoutdoors.com), or by calling (785) 296-2281.

Gerald Lauber, Chairman



STATE OF KANSAS  
OFFICE OF THE ATTORNEY GENERAL

**DEREK SCHMIDT**  
ATTORNEY GENERAL

MEMORIAL HALL  
120 SW 10TH AVE., 2ND FLOOR  
TOPEKA, KS 66612-1597  
(785) 296-2215 • FAX (785) 296-6296  
WWW.AG.KS.GOV

August 5, 2022

Dan Riley  
Kansas Department of Wildlife and Parks  
1020 S. Kansas Ave.  
Topeka, KS 66612

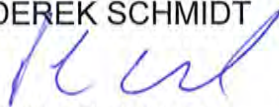
RE: **K.A.R. 115-5-1; K.A.R. 115-17-6; K.A.R. 115-17-7; K.A.R. 115-17-8; K.A.R. 115-17-9; K.A.R. 115-17-14; K.A.R. 115-25-11**

Dear Mr. Riley:

Pursuant to the Rules and Regulations Filing Act, K.S.A. 77-415, *et seq.*, we have reviewed the above-referenced regulations for legality. Finding no issues of concern, we have approved them. The stamped original regulations are enclosed.

Sincerely,

OFFICE OF THE ATTORNEY GENERAL  
DEREK SCHMIDT



Philip R. Michael  
Assistant Attorney General

PRM:sb  
Enclosures

cc: Sen. Kellie Warren, Chair, Joint Committee on Rules and Regulations  
Rep. Barbara Wasinger, Vice Chair, Joint Committee on Rules and Regulations  
Sen. Oletha Faust-Goudeau, Ranking Minority Member, Joint Committee on  
Rules and Regulations  
Jill Shelley, Legislative Research, State Capitol, Room 68-W  
Natalie Scott, Office of Revisor, State Capitol, Room 24-E

## **2022 Cabin Fees Effective Calendar 2023**

### **Background:**

**115-2-3a. Cabin camping permit fees.** (a) The following cabin camping permit fees shall be in effect for the following state parks: The cabin fees are reviewed several times each year and adjusted based on cabin occupancy rates. Based on those rates cabin prices may warrant an increase or perhaps a decrease during certain times of the year. At this time we are proposing the following cabin rate changes.

Utility rates, cleaning and upkeep of the cabins is requiring an increase in nightly cabin rates.

Regulations Transmittal Memo

To: Legal Opinions and Governmental Counsel Division  
Attorney General's Office

From: Kansas Department of Wildlife and Parks

Date: 8/3/22

Re: K.A.R. 115-5-1, 115-17-6, 115-17-7, 115-17-8, 115-17-9, 115-17-14, 115-25-11

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KANSAS ATTORNEY GENERAL

[Agency] is submitting the above-referenced regulation(s) for your review. We have included a copy of the most current version of the law (each enrolled bill, Session law, or statute) cited in the history section of each proposed regulation. We also have included the Economic Impact Statement.

The regulation(s) status is as follows:

- Initial review of new, newly amended, or revoked regulation(s)
- 2<sup>nd</sup> or subsequent review following disapproval by Attorney General after initial review \*
- 2<sup>nd</sup> or subsequent review following agency pre-hearing changes \*
- Post-hearing review with changes as suggested by public comments or the Joint Committee on Rules and Regulations \*

\* NOTE: Please indicate changes from previously submitted version in some manner.

Any additional comments, i.e. statutory or other deadline:

Review requested as soon as possible, seasonal deadlines pending.

The agency contact person is: Name: Dan Riley  
Agency: KDWP  
Address: 1020 S. Kansas Ave  
City/State/Zip: Topeka, Ks 66612  
Phone: 785-296-1032  
E-mail: Dan.Riley@ks.gov

**115-5-1. Furbearers and coyotes; legal equipment, taking methods, and general provisions. (a)**

Hunting equipment permitted during furbearer hunting seasons and during coyote hunting seasons shall consist of the following:

- (1) Firearms, except fully automatic firearms;
- (2) archery equipment;
- (3) crossbows; and
- (4) optical scopes or sights that project no visible light toward the target and do not

electronically amplify visible or infrared light, except as specified in subsection (d). this regulation.

(b) Trapping equipment permitted during furbearer and coyote trapping seasons shall consist of the following:

(1) Smooth-jawed foothold traps, except that all types of foothold traps may be used in water sets;

- (2) body-gripping traps;
- (3) box traps;
- (4) cage traps;
- (5) colony traps;
- (6) snares; and
- (7) deadfalls.

(c) The following general provisions shall apply to the taking of furbearers and coyotes:

- (1) Calls may be used in the taking of furbearers and coyotes.
- (2) Handheld, battery-powered flashlights, hat lamps, and handheld lanterns may be used while trapping furbearers or coyotes or while running furbearers.

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**AUG 03 2022**

**DEPT. OF ADMINISTRATION**

**APPROVED**

**AUG 05 2022**

**ATTORNEY GENERAL**

(3) Any .22 or .17 caliber rimfire rifle or handgun may be used to take trapped furbearers or trapped coyotes when using a light to check traps.

(4) Any .22 or .17 caliber rimfire rifle or handgun may be used while using a handheld, battery-powered flashlight, hat lamp, ~~or handheld lantern~~, or laser sight to take furbearers treed with the aid of dogs.

(5) Lures, baits, and decoys may be used in the taking of furbearers and coyotes.

(6) The use of horses and mules shall be permitted while hunting, trapping, or running furbearers and coyotes.

(7) The use of motor vehicles for taking coyotes shall be permitted while hunting coyotes, except as provided in subsection (d).

(8) The use of radios in land or water vehicles shall be permitted for the taking of coyotes.

(9) The use of dogs for hunting and during running seasons shall be permitted.

(10) Each body-gripping trap with an inside jawsread of eight inches or greater, when measured across the jaws at a 90-degree angle, shall be used only in a water set.

(11) Only landowners or tenants of land immediately adjacent to the right-of-way of a public road, or their immediate family members or authorized agents, may set slide-locking wire or snare-type cable traps as dryland sets within five feet of a fence bordering a public road or within 50 feet of the outside edge of the surface of a public road. Only these landowners or tenants, or their immediate family members or authorized agents, may possess the fur, pelt, skin, or carcass of any furbearer or coyote removed from these devices located within these specified limits.

(12) A person shall not have in possession any equipment specified in subsection (a) while

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pursuing or chasing furbearers with hounds during the running season.

(13) All trapping devices included in subsection (b) shall be tagged with either the user's name and address or the user's department-issued identification number and shall be tended and inspected at least once every calendar day.

(14) Each foothold trap that has an outside jawsread greater than seven inches, when measured across the jaws at a 90-degree angle, shall be used only in a water set.

(d) From January 1 through March 31, the following provisions shall apply to the hunting of coyotes:

(1) Artificial light, scopes and equipment that amplify visible light, and thermal-imaging scopes and thermal-imaging equipment may be used for hunting.

(2) The use of vehicles when hunting with the equipment specified in paragraph (d)(1) shall be prohibited.

(3) The use of the equipment specified in paragraph (d)(1) shall not be authorized on department lands and waters.

(4) Each person using the equipment specified in paragraph (d)(1) in the manner prescribed in this subsection shall first obtain a permit from the department. (Authorized by and implementing K.S.A. 2019 Supp. 32-807 and 32-1003; effective March 19, 1990; amended Nov. 15, 1993; amended July 19, 2002; amended Feb. 18, 2005; amended Sept. 4, 2009; amended July 22, 2011; amended July 26, 2013; amended May 31, 2019; amended Sept. 18, 2020; amended P-\_\_\_\_\_.)

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JUL 22 2022

DEPT. OF ADMINISTRATION

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AUG 05 2022

ATTORNEY GENERAL

# Kansas Administrative Regulations Economic Impact Statement (EIS)

KDWP  
Agency

Dan Riley  
Agency Contact

296-1032  
Contact Phone Number

115-5-1  
K.A.R. Number(s)

Permanent     Temporary

Is/Are the proposed rule(s) and regulation(s) mandated by the federal government as a requirement for participating in or implementing a federally subsidized or assisted program?

Yes    If yes, continue to fill out the remaining form to be included with the regulation packet submitted in the review process to the Department of Administration and the Attorney General. Budget approval is not required; however, the Division of the Budget will require submission of a copy of the EIS at the end of the review process.

No    If no, do the total annual implementation and compliance costs for the proposed rule(s) and regulation(s), calculated from the effective date of the rule(s) and regulation(s), exceed \$1.0 million over any two-year period through June 30, 2024, or exceed \$3.0 million over any two-year period on or after July 1, 2024 (as calculated in Section III, F)?

Yes    If yes, continue to fill out the remaining form to be included with the regulation packet submitted in the review process to the Department of Administration, the Attorney General, AND the Division of the Budget. The regulation(s) and the EIS will require Budget approval.

No    If no, continue to fill out the remaining form to be included with the regulation packet submitted in the review process to the Department of Administration and the Attorney General. Budget approval is not required; however, the Division of the Budget will require submission of a copy of the EIS at the end of the review process.

DOB APPROVAL STAMP (If Required)

## Section I

Brief description of the proposed rule(s) and regulation(s).

The proposed regulation amendment authorizes the addition of a laser sight to the existing .22 or .17 caliber rifle or handgun authorized for the taking of furbearers treed with the aid of dogs.

## Section II

Statement by the agency if the rule(s) and regulation(s) exceed the requirements of applicable federal law, and a statement if the approach chosen to address the policy issue(s) is different from that utilized by agencies of contiguous states or the federal government. *(If the approach is different or exceeds federal law, then include a statement of why the proposed Kansas rule and regulation is different.)*

There are no relevant federal laws or standards. Most states allow night coon hunting with a light source and several other allow laser sights.

## Section III

Agency analysis specifically addressing the following:

- A. The extent to which the rule(s) and regulation(s) will enhance or restrict business activities and growth;  
No significant or measurable impact on business activities is anticipated.
- B. The economic effect, including a detailed quantification of implementation and compliance costs, on the specific businesses, sectors, public utility ratepayers, individuals, and local governments that would be affected by the proposed rule(s) and regulation(s) and on the state economy as a whole;  
No significant compliance or implementation costs are anticipated for any group or individual.
- C. Businesses that would be directly affected by the proposed rule(s) and regulation(s);  
No known direct impact for businesses is anticipated.
- D. Benefits of the proposed rule(s) and regulation(s) compared to the costs;  
No costs anticipated. Benefits anticipated- increased accuracy resulting in fewer wounded but not taken animals, more efficient harvest of raccoons by hunters using tree dogs.
- E. Measures taken by the agency to minimize the cost and impact of the proposed rule(s) and regulation(s) on business and economic development within the State of Kansas, local government, and individuals;  
No measures required, no cost or significant impact to local government or individuals in Kansas is anticipated.

DOB APPROVAL STAMP (If Required)

F. An estimate of the total annual implementation and compliance costs that are reasonably expected to be incurred by or passed along to businesses, local governments, or members of the public.  
*Note: Do not account for any actual or estimated cost savings that may be realized.*

Costs to Affected Businesses – \$None

Costs to Local Governmental Units – \$None

Costs to Members of the Public – \$None

**Total Annual Costs – \$None**

(sum of above amounts)

Give a detailed statement of the data and methodology used in estimating the above cost estimate.

No costs anticipated

- Yes If the total implementation and compliance costs exceed \$1.0 million over any two-year period through June 30, 2024, or exceed \$3.0 million over any two-year period on or after July 1, 2024, and prior to the submission or resubmission of the proposed rule(s) and regulation(s), did the agency hold a public hearing to find that the estimated costs have been accurately determined and are necessary for achieving legislative intent? If applicable, document when the public hearing was held, those in attendance, and any pertinent information from the hearing.
- No
- Not Applicable

No anticipated costs, however the agency held a hearing on January 13, 2022 (virtually) 28 members of the public attended, March 31, 2022 26 public attendees, April 21, 2022 in Beloit, Kansas with a total of 19 public attendees and June 23, 2022 with 28 public attendees.

Provide an estimate to any changes in aggregate state revenues and expenditures for the implementation of the proposed rule(s) and regulation(s), for both the current fiscal year and next fiscal year.

Not applicable.

Provide an estimate of any immediate or long-range economic impact of the proposed rule(s) and regulation(s) on any individual(s), small employers, and the general public. If no dollar estimate can be given for any individual(s), small employers, and the general public, give specific reasons why no estimate is possible.

Not applicable

G. If the proposed rule(s) and regulation(s) increases or decreases revenues of cities, counties or school districts, or imposes functions or responsibilities on cities, counties or school districts that will increase expenditures or fiscal liability, describe how the state agency consulted with the League of Kansas Municipalities, Kansas Association of Counties, and/or the Kansas Association of School Boards.

Not applicable

DOB APPROVAL STAMP (if Required)

H. Describe how the agency consulted and solicited information from businesses, associations, local governments, state agencies, or institutions and members of the public that may be affected by the proposed rule(s) and regulation(s).

News releases statewide, public hearings with on-line access, publication in the Kansas Register and the agency website.

#### Section IV

Does the Economic Impact Statement involve any environmental rule(s) and regulation(s)?

Yes If yes, complete the remainder of Section IV.

No If no, skip the remainder of Section IV.

A. Describe the capital and annual costs of compliance with the proposed rule(s) and regulation(s), and the persons who would bear the costs.

[Click here to enter agency response.](#)

B. Describe the initial and annual costs of implementing and enforcing the proposed rule(s) and regulation(s), including the estimated amount of paperwork, and the state agencies, other governmental agencies, or other persons who would bear the costs.

[Click here to enter agency response.](#)

C. Describe the costs that would likely accrue if the proposed rule(s) and regulation(s) are not adopted, as well as the persons who would bear the costs and would be affected by the failure to adopt the rule(s) and regulation(s).

[Click here to enter agency response.](#)

D. Provide a detailed statement of the data and methodology used in estimating the costs used.

[Click here to enter agency response.](#)

DOB APPROVAL STAMP (if Required)

**115-25-11. Furbearers; open seasons and bag limits.** (a) All hunting, trapping, and running seasons shall begin at 12:01 a.m. on the opening day and close at 12:00 midnight on the closing day.

(b) The open season for the taking of badger, bobcat, gray fox, red fox, swift fox, mink, muskrat, opossum, raccoon, striped skunk, and weasel by hunting and trapping shall be from the first Wednesday after the second Saturday in November through the last day of February of the following year. The bag limit for these species shall be unlimited.

(c) The open season for the taking of beaver by trapping shall be from the first Wednesday after the second Saturday in November through March 31 of the following year. The bag limit shall be unlimited. Muskrat that are incidentally taken after the close of the open season for muskrat but during the open season for beaver by trapping may be possessed. The bag limit for incidentally taken muskrat shall be 10 animals.

(d) The open season for the taking of otter by trapping shall be from the first Wednesday after the second Saturday in November and through March 31 of the following year. The season bag limit shall be 10 otters per trapper. No more than one otter may be taken from the following otter management units: Western, Solomon, Smoky-Saline, Republican, and Middle Arkansas. No more than two otters may be taken from the following otter management units: Big Blue, Kansas, Upper Neosho, and Lower Arkansas. No more than five otters may be taken from the following otter management units: Verdigris and Missouri. No more than 10 otters may be taken from the following otter management units: Lower Neosho and Marais des Cygnes.

(e) The open season for the running of bobcat, gray fox, red fox, opossum, and raccoon shall be from March 1 through November 8. (Authorized by and implementing K.S.A. 32-807.)

**APPROVED**

**JUL 22 2022**

**DEPT. OF ADMINISTRATION**

**APPROVED**

**AUG 05 2022**

**ATTORNEY GENERAL**

# Kansas Administrative Regulations Economic Impact Statement (EIS)

KDWP  
Agency

Dan Riley  
Agency Contact

296-1032  
Contact Phone Number

115-25-11  
K.A.R. Number(s)

Permanent     Temporary

Is/Are the proposed rule(s) and regulation(s) mandated by the federal government as a requirement for participating in or implementing a federally subsidized or assisted program?

Yes    If yes, continue to fill out the remaining form to be included with the regulation packet submitted in the review process to the Department of Administration and the Attorney General. Budget approval is not required; however, the Division of the Budget will require submission of a copy of the EIS at the end of the review process.

No    If no, do the total annual implementation and compliance costs for the proposed rule(s) and regulation(s), calculated from the effective date of the rule(s) and regulation(s), exceed \$1.0 million over any two-year period through June 30, 2024, or exceed \$3.0 million over any two-year period on or after July 1, 2024 (as calculated in Section III, F)?

Yes    If yes, continue to fill out the remaining form to be included with the regulation packet submitted in the review process to the Department of Administration, the Attorney General, AND the Division of the Budget. The regulation(s) and the EIS will require Budget approval.

No    If no, continue to fill out the remaining form to be included with the regulation packet submitted in the review process to the Department of Administration and the Attorney General. Budget approval is not required; however, the Division of the Budget will require submission of a copy of the EIS at the end of the review process.

DOB APPROVAL STAMP (If Required)

## Section I

Brief description of the proposed rule(s) and regulation(s).

The proposed regulation amendment authorizes the extension of the general furbearer harvest season which currently runs through February 15, through the end of the month of February and increases bag limits for otter.

## Section II

Statement by the agency if the rule(s) and regulation(s) exceed the requirements of applicable federal law, and a statement if the approach chosen to address the policy issue(s) is different from that utilized by agencies of contiguous states or the federal government. *(If the approach is different or exceeds federal law, then include a statement of why the proposed Kansas rule and regulation is different.)*

There are no relevant federal laws or standards. Many states have extended harvest seasons due to damages sustained as the result of elevated raccoon populations.

## Section III

Agency analysis specifically addressing the following:

- A. The extent to which the rule(s) and regulation(s) will enhance or restrict business activities and growth;

No significant or measurable impact on business activities is anticipated.

- B. The economic effect, including a detailed quantification of implementation and compliance costs, on the specific businesses, sectors, public utility ratepayers, individuals, and local governments that would be affected by the proposed rule(s) and regulation(s) and on the state economy as a whole;

No significant compliance or implementation costs are anticipated for any group or individual .

- C. Businesses that would be directly affected by the proposed rule(s) and regulation(s);

No known direct impact for businesses is anticipated.

- D. Benefits of the proposed rule(s) and regulation(s) compared to the costs;

No costs anticipated. Benefits anticipated-the additional length of furbearer harvest season and increased otter bag limits should result in additional revenue for trappers and raccoon hunters and also provide some relief from damage caused by the animals.

- E. Measures taken by the agency to minimize the cost and impact of the proposed rule(s) and regulation(s) on business and economic development within the State of Kansas, local government, and individuals;

No measures required, no cost or significant impact to local government or individuals in Kansas is anticipated.

DOB APPROVAL STAMP (If Required)



F. An estimate of the total annual implementation and compliance costs that are reasonably expected to be incurred by or passed along to businesses, local governments, or members of the public.  
*Note: Do not account for any actual or estimated cost savings that may be realized.*

Costs to Affected Businesses – \$None

Costs to Local Governmental Units – \$None

Costs to Members of the Public – \$None

**Total Annual Costs – \$None**  
(sum of above amounts)

Give a detailed statement of the data and methodology used in estimating the above cost estimate.

No costs anticipated

- Yes      If the total implementation and compliance costs exceed \$1.0 million over any two-year period through June 30, 2024, or exceed \$3.0 million over any two-year period on or after July 1, 2024, and prior to the submission or resubmission of the proposed rule(s) and regulation(s), did the agency hold a public hearing to find that the estimated costs have been accurately determined and are necessary for achieving legislative intent? If applicable, document when the public hearing was held, those in attendance, and any pertinent information from the hearing.
- No
- Not Applicable

No anticipated costs, however the agency held a hearing on January 13, 2022 (virtually) 28 members of the public attended, March 31, 2022 26 public attendees, April 21, 2022 in Beloit, Kansas with a total of 19 public attendees and June 23, 2022 with 28 public attendees.

Provide an estimate to any changes in aggregate state revenues and expenditures for the implementation of the proposed rule(s) and regulation(s), for both the current fiscal year and next fiscal year.

Not applicable.

Provide an estimate of any immediate or long-range economic impact of the proposed rule(s) and regulation(s) on any individual(s), small employers, and the general public. If no dollar estimate can be given for any individual(s), small employers, and the general public, give specific reasons why no estimate is possible.

Not applicable

G. If the proposed rule(s) and regulation(s) increases or decreases revenues of cities, counties or school districts, or imposes functions or responsibilities on cities, counties or school districts that will increase expenditures or fiscal liability, describe how the state agency consulted with the League of Kansas Municipalities, Kansas Association of Counties, and/or the Kansas Association of School Boards.

Not applicable

DOB APPROVAL STAMP (If Required)

- H. Describe how the agency consulted and solicited information from businesses, associations, local governments, state agencies, or institutions and members of the public that may be affected by the proposed rule(s) and regulation(s).

News releases statewide, public hearings with on-line access, publication in the Kansas Register and the agency website.

#### Section IV

Does the Economic Impact Statement involve any environmental rule(s) and regulation(s)?

- Yes If yes, complete the remainder of Section IV.  
 No If no, skip the remainder of Section IV.

- A. Describe the capital and annual costs of compliance with the proposed rule(s) and regulation(s), and the persons who would bear the costs.

Click here to enter agency response.

- B. Describe the initial and annual costs of implementing and enforcing the proposed rule(s) and regulation(s), including the estimated amount of paperwork, and the state agencies, other governmental agencies, or other persons who would bear the costs.

Click here to enter agency response.

- C. Describe the costs that would likely accrue if the proposed rule(s) and regulation(s) are not adopted, as well as the persons who would bear the costs and would be affected by the failure to adopt the rule(s) and regulation(s).

Click here to enter agency response.

- D. Provide a detailed statement of the data and methodology used in estimating the costs used.

Click here to enter agency response.

DOB APPROVAL STAMP (if Required)

**115-17-6.** (Authorized by and implementing K.S.A. 32-807 and K.S.A. 32-941; effective Jan. 1, 1991; amended June 8, 1992; amended Nov. 30, 1998; amended Nov. 22, 2002; amended April 18, 2003; amended July 20, 2012; revoked P-\_\_\_\_\_.)

APPROVED

JUL 22 2022

DEPT. OF ADMINISTRATION

APPROVED

AUG 05 2022

ATTORNEY GENERAL

# Kansas Administrative Regulations Economic Impact Statement (EIS)

KDWP  
Agency

Dan Riley  
Agency Contact

296-1032  
Contact Phone Number

115-17-6  
K.A.R. Number(s)

Permanent     Temporary

Is/Are the proposed rule(s) and regulation(s) mandated by the federal government as a requirement for participating in or implementing a federally subsidized or assisted program?

Yes    If yes, continue to fill out the remaining form to be included with the regulation packet submitted in the review process to the Department of Administration and the Attorney General. Budget approval is not required; however, the Division of the Budget will require submission of a copy of the EIS at the end of the review process.

No    If no, do the total annual implementation and compliance costs for the proposed rule(s) and regulation(s), calculated from the effective date of the rule(s) and regulation(s), exceed \$1.0 million over any two-year period through June 30, 2024, or exceed \$3.0 million over any two-year period on or after July 1, 2024 (as calculated in Section III, F)?

Yes    If yes, continue to fill out the remaining form to be included with the regulation packet submitted in the review process to the Department of Administration, the Attorney General, AND the Division of the Budget. The regulation(s) and the EIS will require Budget approval.

No    If no, continue to fill out the remaining form to be included with the regulation packet submitted in the review process to the Department of Administration and the Attorney General. Budget approval is not required; however, the Division of the Budget will require submission of a copy of the EIS at the end of the review process.

DOB APPROVAL STAMP (If Required)

## Section I

Brief description of the proposed rule(s) and regulation(s).

The proposed revocation of this regulation will eliminate all licensure, salvage or commercial harvest permits for mussels in Kansas.

## Section II

Statement by the agency if the rule(s) and regulation(s) exceed the requirements of applicable federal law, and a statement if the approach chosen to address the policy issue(s) is different from that utilized by agencies of contiguous states or the federal government. *(If the approach is different or exceeds federal law, then include a statement of why the proposed Kansas rule and regulation is different.)*

There are no relevant federal laws or standards for Kansas. Most other states identified the threat to mussel populations and have corresponding, and similar provisions. Kansas has had a moratorium prohibiting commercial harvest in place since January 1, 2003. The moratorium expires on December 31, 2022.

## Section III

Agency analysis specifically addressing the following:

- A. The extent to which the rule(s) and regulation(s) will enhance or restrict business activities and growth;  
No significant or measurable impact on business activities is anticipated.
- B. The economic effect, including a detailed quantification of implementation and compliance costs, on the specific businesses, sectors, public utility ratepayers, individuals, and local governments that would be affected by the proposed rule(s) and regulation(s) and on the state economy as a whole;  
No significant compliance or implementation costs are anticipated for any group or individual .
- C. Businesses that would be directly affected by the proposed rule(s) and regulation(s);  
No known direct impact for businesses is anticipated. No known commercial mussel industry remains in Kansas. Commercial harvest has been suspended since 2003.
- D. Benefits of the proposed rule(s) and regulation(s) compared to the costs;  
No costs anticipated. Benefits anticipated- increased viability and sustainability of mussel species in Kansas.
- E. Measures taken by the agency to minimize the cost and impact of the proposed rule(s) and regulation(s) on business and economic development within the State of Kansas, local government, and individuals;  
No measures required, no cost or significant impact to local government or individuals in Kansas is anticipated.

DOB APPROVAL STAMP (If Required)

- F. An estimate of the total annual implementation and compliance costs that are reasonably expected to be incurred by or passed along to businesses, local governments, or members of the public.  
*Note: Do not account for any actual or estimated cost savings that may be realized.*

Costs to Affected Businesses – \$None

Costs to Local Governmental Units – \$None

Costs to Members of the Public – \$None

**Total Annual Costs – \$None**

(sum of above amounts)

Give a detailed statement of the data and methodology used in estimating the above cost estimate.

No costs anticipated

- Yes    If the total implementation and compliance costs exceed \$1.0 million over any two-year period through June 30, 2024, or exceed \$3.0 million over any two-year period on or after July 1, 2024, and prior to the submission or resubmission of the proposed rule(s) and regulation(s), did the agency hold a public hearing to find that the estimated costs have been accurately determined and are necessary for achieving legislative intent? If applicable, document when the public hearing was held, those in attendance, and any pertinent information from the hearing.
- No
- Not Applicable

No anticipated costs, however the agency held a hearing on January 13, 2022 (virtually) 28 members of the public attended, March 31, 2022, 26 public attendees, April 21, 2022 in Beloit, Kansas with a total of 19 public attendees and June 23, 2022 in Lawrence with 28 public attendees.

Provide an estimate to any changes in aggregate state revenues and expenditures for the implementation of the proposed rule(s) and regulation(s), for both the current fiscal year and next fiscal year.

Not applicable.

Provide an estimate of any immediate or long-range economic impact of the proposed rule(s) and regulation(s) on any individual(s), small employers, and the general public. If no dollar estimate can be given for any individual(s), small employers, and the general public, give specific reasons why no estimate is possible.

Not applicable

- G. If the proposed rule(s) and regulation(s) increases or decreases revenues of cities, counties or school districts, or imposes functions or responsibilities on cities, counties or school districts that will increase expenditures or fiscal liability, describe how the state agency consulted with the League of Kansas Municipalities, Kansas Association of Counties, and/or the Kansas Association of School Boards.

Not applicable

DOB APPROVAL STAMP (If Required)

- H. Describe how the agency consulted and solicited information from businesses, associations, local governments, state agencies, or institutions and members of the public that may be affected by the proposed rule(s) and regulation(s).

News releases statewide, public hearings with on-line access, publication in the Kansas Register and the agency website.

#### Section IV

Does the Economic Impact Statement involve any environmental rule(s) and regulation(s)?

- Yes If yes, complete the remainder of Section IV.  
 No If no, skip the remainder of Section IV.

- A. Describe the capital and annual costs of compliance with the proposed rule(s) and regulation(s), and the persons who would bear the costs.

Click here to enter agency response.

- B. Describe the initial and annual costs of implementing and enforcing the proposed rule(s) and regulation(s), including the estimated amount of paperwork, and the state agencies, other governmental agencies, or other persons who would bear the costs.

Click here to enter agency response.

- C. Describe the costs that would likely accrue if the proposed rule(s) and regulation(s) are not adopted, as well as the persons who would bear the costs and would be affected by the failure to adopt the rule(s) and regulation(s).

Click here to enter agency response.

- D. Provide a detailed statement of the data and methodology used in estimating the costs used.

Click here to enter agency response.

DOB APPROVAL STAMP (If Required)

**115-17-7. Commercial harvest of mussels prohibited; ~~legal species, seasons, size restrictions, daily limits, and possession limits.~~** (a) The commercial harvest of all species of mussels shall be prohibited

under all circumstances and in all locations. The following listed mussel species may be taken for commercial purposes, except that no mussels may be commercially harvested on and after January 1, 2003 through December 31, 2022, unless a mussel salvage order has been issued by the secretary through public notice or posting the area open to mussel salvage:

- (1) ~~Threeridge, *Amblema plicata*;~~
- (2) ~~monkeyface, *Quadrula metanevra*;~~
- (3) ~~mapleleaf, *Quadrula quadrula*;~~
- (4) ~~bleufer (purple shell), *Potamilus purpuratus*; and~~
- (5) ~~Asian clam, *Corbicula fluminea*.~~

(b) ~~The season for the commercial harvest of mussels shall be on and after April 1 through September 30. However, mussels shall not be commercially harvested on and after January 1, 2003 through December 31, 2022, unless a mussel salvage order has been issued by the secretary through public notice or posting the area open to mussel salvage.~~

(c) ~~Harvesting requirements shall include the following:~~

- (1) ~~The minimum size of mussels shall be measured by passing the mussel shell through a circular measuring device with the appropriate inside diameter.~~
- (2) ~~Measurement shall occur immediately upon removal of the mussel from the water.~~
- (3) ~~If the mussel passes through the appropriate circular measuring device from any angle or direction, the mussel shall not be deemed to meet the minimum size requirement and shall be immediately returned to the water.~~

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AUG 05 2022

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~~(4) The minimum shell size for mussel species shall be the following:~~

~~(A) Threeridge: 3-inch diameter;~~

~~(B) monkeyface: 2 3/4-inch diameter;~~

~~(C) mapleleaf and bleufer: 3-inch diameter; and~~

~~(D) Asian clam: no minimum size.~~

~~(d) There shall be no maximum daily or possession limits for mussels. (Authorized by and implementing K.S.A. 32-807 and K.S.A. 32-941; effective Jan. 1, 1991; amended June 8, 1992; amended Nov. 22, 2002; amended April 18, 2003; amended July 20, 2012; amended P-\_\_\_\_\_.)~~

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JUL 22 2022

DEPT. OF ADMINISTRATION

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AUG 05 2022

ATTORNEY GENERAL

# Kansas Administrative Regulations Economic Impact Statement (EIS)

KDWP  
Agency

Dan Riley  
Agency Contact

296-1032  
Contact Phone Number

115-17-7  
K.A.R. Number(s)

Permanent     Temporary

Is/Are the proposed rule(s) and regulation(s) mandated by the federal government as a requirement for participating in or implementing a federally subsidized or assisted program?

- Yes    If yes, continue to fill out the remaining form to be included with the regulation packet submitted in the review process to the Department of Administration and the Attorney General. Budget approval is not required; however, the Division of the Budget will require submission of a copy of the EIS at the end of the review process.
- No    If no, do the total annual implementation and compliance costs for the proposed rule(s) and regulation(s), calculated from the effective date of the rule(s) and regulation(s), exceed \$1.0 million over any two-year period through June 30, 2024, or exceed \$3.0 million over any two-year period on or after July 1, 2024 (as calculated in Section III, F)?
- Yes    If yes, continue to fill out the remaining form to be included with the regulation packet submitted in the review process to the Department of Administration, the Attorney General, AND the Division of the Budget. The regulation(s) and the EIS will require Budget approval.
- No    If no, continue to fill out the remaining form to be included with the regulation packet submitted in the review process to the Department of Administration and the Attorney General. Budget approval is not required; however, the Division of the Budget will require submission of a copy of the EIS at the end of the review process.

DOB APPROVAL STAMP (If Required)

## Section I

Brief description of the proposed rule(s) and regulation(s).

The proposed regulation prohibits the commercial harvest of all mussels species in Kansas.

## Section II

Statement by the agency if the rule(s) and regulation(s) exceed the requirements of applicable federal law, and a statement if the approach chosen to address the policy issue(s) is different from that utilized by agencies of contiguous states or the federal government. *(If the approach is different or exceeds federal law, then include a statement of why the proposed Kansas rule and regulation is different.)*

There are no relevant federal laws or standards for Kansas. Most other states identified the threat to mussel populations and have corresponding, and similar provisions. Kansas has had a moratorium prohibiting commercial harvest in place since January 1, 2003. The moratorium expires on December 31, 2022.

## Section III

Agency analysis specifically addressing the following:

- A. The extent to which the rule(s) and regulation(s) will enhance or restrict business activities and growth;  
No significant or measurable impact on business activities is anticipated.
- B. The economic effect, including a detailed quantification of implementation and compliance costs, on the specific businesses, sectors, public utility ratepayers, individuals, and local governments that would be affected by the proposed rule(s) and regulation(s) and on the state economy as a whole;  
No significant compliance or implementation costs are anticipated for any group or individual .
- C. Businesses that would be directly affected by the proposed rule(s) and regulation(s);  
No known direct impact for businesses is anticipated. No known commercial mussel industry remains in Kansas. Commercial harvest has been suspended since 2003.
- D. Benefits of the proposed rule(s) and regulation(s) compared to the costs;  
No costs anticipated. Benefits anticipated- increased viability and sustainability of mussel species in Kansas.
- E. Measures taken by the agency to minimize the cost and impact of the proposed rule(s) and regulation(s) on business and economic development within the State of Kansas, local government, and individuals;  
No measures required, no cost or significant impact to local government or individuals in Kansas is anticipated.

DOB APPROVAL STAMP (If Required)

- F. An estimate of the total annual implementation and compliance costs that are reasonably expected to be incurred by or passed along to businesses, local governments, or members of the public.  
*Note: Do not account for any actual or estimated cost savings that may be realized.*

Costs to Affected Businesses – \$None

Costs to Local Governmental Units – \$None

Costs to Members of the Public – \$None

**Total Annual Costs – \$None**

(sum of above amounts)

Give a detailed statement of the data and methodology used in estimating the above cost estimate.

No costs anticipated

- Yes If the total implementation and compliance costs exceed \$1.0 million over any two-year period through June 30, 2024, or exceed \$3.0 million over any two-year period on or after July 1, 2024, and prior to the submission or resubmission of the proposed rule(s) and regulation(s), did the agency hold a public hearing to find that the estimated costs have been accurately determined and are necessary for achieving legislative intent? If applicable, document when the public hearing was held, those in attendance, and any pertinent information from the hearing.
- No
- Not Applicable

No anticipated costs, however the agency held a hearing on January 13, 2022 (virtually) 28 members of the public attended, March 31, 2022, 26 public attendees, April 21, 2022 in Beloit, Kansas with a total of 19 public attendees and June 23, 2022 in Lawrence with 28 public attendees.

Provide an estimate to any changes in aggregate state revenues and expenditures for the implementation of the proposed rule(s) and regulation(s), for both the current fiscal year and next fiscal year.

Not applicable.

Provide an estimate of any immediate or long-range economic impact of the proposed rule(s) and regulation(s) on any individual(s), small employers, and the general public. If no dollar estimate can be given for any individual(s), small employers, and the general public, give specific reasons why no estimate is possible.

Not applicable

- G. If the proposed rule(s) and regulation(s) increases or decreases revenues of cities, counties or school districts, or imposes functions or responsibilities on cities, counties or school districts that will increase expenditures or fiscal liability, describe how the state agency consulted with the League of Kansas Municipalities, Kansas Association of Counties, and/or the Kansas Association of School Boards.

Not applicable

DOB APPROVAL STAMP (If Required)

- H. Describe how the agency consulted and solicited information from businesses, associations, local governments, state agencies, or institutions and members of the public that may be affected by the proposed rule(s) and regulation(s).

News releases statewide, public hearings with on-line access, publication in the Kansas Register and the agency website.

#### Section IV

Does the Economic Impact Statement involve any environmental rule(s) and regulation(s)?

- Yes If yes, complete the remainder of Section IV.  
 No If no, skip the remainder of Section IV.

- A. Describe the capital and annual costs of compliance with the proposed rule(s) and regulation(s), and the persons who would bear the costs.

Click here to enter agency response.

- B. Describe the initial and annual costs of implementing and enforcing the proposed rule(s) and regulation(s), including the estimated amount of paperwork, and the state agencies, other governmental agencies, or other persons who would bear the costs.

Click here to enter agency response.

- C. Describe the costs that would likely accrue if the proposed rule(s) and regulation(s) are not adopted, as well as the persons who would bear the costs and would be affected by the failure to adopt the rule(s) and regulation(s).

Click here to enter agency response.

- D. Provide a detailed statement of the data and methodology used in estimating the costs used.

Click here to enter agency response.

DOB APPROVAL STAMP (If Required)

**115-17-8.** (Authorized by and implementing K.S.A. 32-807 and K.S.A. 32-941; effective Jan. 1, 1991; amended Nov. 22, 2002; amended April 18, 2003; amended July 20, 2012; revoked P-  
\_\_\_\_\_.)

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**JUL 12 2022**

**DEPT. OF ADMINISTRATION**

**APPROVED**

**AUG 05 2022**

**ATTORNEY GENERAL**

# Kansas Administrative Regulations Economic Impact Statement (EIS)

KDWP  
Agency

Dan Riley  
Agency Contact

296-1032  
Contact Phone Number

115-17-8  
K.A.R. Number(s)

Permanent     Temporary

Is/Are the proposed rule(s) and regulation(s) mandated by the federal government as a requirement for participating in or implementing a federally subsidized or assisted program?

Yes    If yes, continue to fill out the remaining form to be included with the regulation packet submitted in the review process to the Department of Administration and the Attorney General. Budget approval is not required; however, the Division of the Budget will require submission of a copy of the EIS at the end of the review process.

No    If no, do the total annual implementation and compliance costs for the proposed rule(s) and regulation(s), calculated from the effective date of the rule(s) and regulation(s), exceed \$1.0 million over any two-year period through June 30, 2024, or exceed \$3.0 million over any two-year period on or after July 1, 2024 (as calculated in Section III, F)?

Yes    If yes, continue to fill out the remaining form to be included with the regulation packet submitted in the review process to the Department of Administration, the Attorney General, AND the Division of the Budget. The regulation(s) and the EIS will require Budget approval.

No    If no, continue to fill out the remaining form to be included with the regulation packet submitted in the review process to the Department of Administration and the Attorney General. Budget approval is not required; however, the Division of the Budget will require submission of a copy of the EIS at the end of the review process.

DOB APPROVAL STAMP (If Required)

## Section I

Brief description of the proposed rule(s) and regulation(s).

The proposed revocation of this regulation will eliminate all authority for equipment and taking methods for the commercial harvest of mussels in Kansas.

## Section II

Statement by the agency if the rule(s) and regulation(s) exceed the requirements of applicable federal law, and a statement if the approach chosen to address the policy issue(s) is different from that utilized by agencies of contiguous states or the federal government. *(If the approach is different or exceeds federal law, then include a statement of why the proposed Kansas rule and regulation is different.)*

There are no relevant federal laws or standards for Kansas. Most other states identified the threat to mussel populations and have corresponding, and similar provisions. Kansas has had a moratorium prohibiting commercial harvest in place since January 1, 2003. The moratorium expires on December 31, 2022.

## Section III

Agency analysis specifically addressing the following:

- A. The extent to which the rule(s) and regulation(s) will enhance or restrict business activities and growth;

No significant or measurable impact on business activities is anticipated.

- B. The economic effect, including a detailed quantification of implementation and compliance costs, on the specific businesses, sectors, public utility ratepayers, individuals, and local governments that would be affected by the proposed rule(s) and regulation(s) and on the state economy as a whole;

No significant compliance or implementation costs are anticipated for any group or individual.

- C. Businesses that would be directly affected by the proposed rule(s) and regulation(s);

No known direct impact for businesses is anticipated. No known commercial mussel industry remains in Kansas. Commercial harvest has been suspended since 2003.

- D. Benefits of the proposed rule(s) and regulation(s) compared to the costs;

No costs anticipated. Benefits anticipated- increased viability and sustainability of mussel species in Kansas.

- E. Measures taken by the agency to minimize the cost and impact of the proposed rule(s) and regulation(s) on business and economic development within the State of Kansas, local government, and individuals;

No measures required, no cost or significant impact to local government or individuals in Kansas is anticipated.

DOB APPROVAL STAMP (If Required)



- F. An estimate of the total annual implementation and compliance costs that are reasonably expected to be incurred by or passed along to businesses, local governments, or members of the public.  
*Note: Do not account for any actual or estimated cost savings that may be realized.*

Costs to Affected Businesses – \$None

Costs to Local Governmental Units – \$None

Costs to Members of the Public – \$None

**Total Annual Costs – \$None**  
(sum of above amounts)

Give a detailed statement of the data and methodology used in estimating the above cost estimate.

No costs anticipated

- Yes If the total implementation and compliance costs exceed \$1.0 million over any two-year period through June 30, 2024, or exceed \$3.0 million over any two-year period on or after July 1, 2024, and prior to the submission or resubmission of the proposed rule(s) and regulation(s), did the agency hold a public hearing to find that the estimated costs have been accurately determined and are necessary for achieving legislative intent? If applicable, document when the public hearing was held, those in attendance, and any pertinent information from the hearing.
- No
- Not Applicable

No anticipated costs, however the agency held a hearing on January 13, 2022 (virtually) 28 members of the public attended, March 31, 2022, 26 public attendees, April 21, 2022 in Beloit, Kansas with a total of 19 public attendees and June 23, 2022 in Lawrence with 28 public attendees.

Provide an estimate to any changes in aggregate state revenues and expenditures for the implementation of the proposed rule(s) and regulation(s), for both the current fiscal year and next fiscal year.

Not applicable.

Provide an estimate of any immediate or long-range economic impact of the proposed rule(s) and regulation(s) on any individual(s), small employers, and the general public. If no dollar estimate can be given for any individual(s), small employers, and the general public, give specific reasons why no estimate is possible.

Not applicable

- G. If the proposed rule(s) and regulation(s) increases or decreases revenues of cities, counties or school districts, or imposes functions or responsibilities on cities, counties or school districts that will increase expenditures or fiscal liability, describe how the state agency consulted with the League of Kansas Municipalities, Kansas Association of Counties, and/or the Kansas Association of School Boards.

Not applicable

DOB APPROVAL STAMP (If Required)

- H. Describe how the agency consulted and solicited information from businesses, associations, local governments, state agencies, or institutions and members of the public that may be affected by the proposed rule(s) and regulation(s).

News releases statewide, public hearings with on-line access, publication in the Kansas Register and the agency website.

#### Section IV

Does the Economic Impact Statement involve any environmental rule(s) and regulation(s)?

- Yes If yes, complete the remainder of Section IV.  
 No If no, skip the remainder of Section IV.

- A. Describe the capital and annual costs of compliance with the proposed rule(s) and regulation(s), and the persons who would bear the costs.

[Click here to enter agency response.](#)

- B. Describe the initial and annual costs of implementing and enforcing the proposed rule(s) and regulation(s), including the estimated amount of paperwork, and the state agencies, other governmental agencies, or other persons who would bear the costs.

[Click here to enter agency response.](#)

- C. Describe the costs that would likely accrue if the proposed rule(s) and regulation(s) are not adopted, as well as the persons who would bear the costs and would be affected by the failure to adopt the rule(s) and regulation(s).

[Click here to enter agency response.](#)

- D. Provide a detailed statement of the data and methodology used in estimating the costs used.

[Click here to enter agency response.](#)

DOB APPROVAL STAMP (if Required)

**115-17-9.** (Authorized by and implementing K.S.A. 32-807 and K.S.A. 32-941; effective Jan. 1, 1991; amended June 8, 1992; amended Nov. 22, 2002; amended April 18, 2003; amended July 20, 2012; revoked P-\_\_\_\_\_.)

**APPROVED**

**JUL 22 2022**

**DEPT. OF ADMINISTRATION**

**APPROVED**

**AUG 05 2022**

**ATTORNEY GENERAL**

# Kansas Administrative Regulations Economic Impact Statement (EIS)

KDWP  
Agency

Dan Riley  
Agency Contact

296-1032  
Contact Phone Number

115-17-9  
K.A.R. Number(s)

Permanent     Temporary

Is/Are the proposed rule(s) and regulation(s) mandated by the federal government as a requirement for participating in or implementing a federally subsidized or assisted program?

Yes    If yes, continue to fill out the remaining form to be included with the regulation packet submitted in the review process to the Department of Administration and the Attorney General. Budget approval is not required; however, the Division of the Budget will require submission of a copy of the EIS at the end of the review process.

No    If no, do the total annual implementation and compliance costs for the proposed rule(s) and regulation(s), calculated from the effective date of the rule(s) and regulation(s), exceed \$1.0 million over any two-year period through June 30, 2024, or exceed \$3.0 million over any two-year period on or after July 1, 2024 (as calculated in Section III, F)?

Yes    If yes, continue to fill out the remaining form to be included with the regulation packet submitted in the review process to the Department of Administration, the Attorney General, AND the Division of the Budget. The regulation(s) and the EIS will require Budget approval.

No    If no, continue to fill out the remaining form to be included with the regulation packet submitted in the review process to the Department of Administration and the Attorney General. Budget approval is not required; however, the Division of the Budget will require submission of a copy of the EIS at the end of the review process.

DOB APPROVAL STAMP (If Required)

## Section I

Brief description of the proposed rule(s) and regulation(s).

The proposed revocation of this regulation will eliminate all designated areas open to the commercial harvest of mussels in Kansas.

## Section II

Statement by the agency if the rule(s) and regulation(s) exceed the requirements of applicable federal law, and a statement if the approach chosen to address the policy issue(s) is different from that utilized by agencies of contiguous states or the federal government. *(If the approach is different or exceeds federal law, then include a statement of why the proposed Kansas rule and regulation is different.)*

There are no relevant federal laws or standards for Kansas. Most other states identified the threat to mussel populations and have corresponding, and similar provisions. Kansas has had a moratorium prohibiting commercial harvest in place since January 1, 2003. The moratorium expires on December 31, 2022.

## Section III

Agency analysis specifically addressing the following:

- A. The extent to which the rule(s) and regulation(s) will enhance or restrict business activities and growth;  
No significant or measurable impact on business activities is anticipated.
- B. The economic effect, including a detailed quantification of implementation and compliance costs, on the specific businesses, sectors, public utility ratepayers, individuals, and local governments that would be affected by the proposed rule(s) and regulation(s) and on the state economy as a whole;  
No significant compliance or implementation costs are anticipated for any group or individual .
- C. Businesses that would be directly affected by the proposed rule(s) and regulation(s);  
No known direct impact for businesses is anticipated. No known commercial mussel industry remains in Kansas. Commercial harvest has been suspended since 2003.
- D. Benefits of the proposed rule(s) and regulation(s) compared to the costs;  
No costs anticipated. Benefits anticipated- increased viability and sustainability of mussel species in Kansas.
- E. Measures taken by the agency to minimize the cost and impact of the proposed rule(s) and regulation(s) on business and economic development within the State of Kansas, local government, and individuals;  
No measures required, no cost or significant impact to local government or individuals in Kansas is anticipated.

DOB APPROVAL STAMP (If Required)

- F. An estimate of the total annual implementation and compliance costs that are reasonably expected to be incurred by or passed along to businesses, local governments, or members of the public.  
*Note: Do not account for any actual or estimated cost savings that may be realized.*

Costs to Affected Businesses – \$None

Costs to Local Governmental Units – \$None

Costs to Members of the Public – \$None

**Total Annual Costs – \$None**  
(sum of above amounts)

Give a detailed statement of the data and methodology used in estimating the above cost estimate.

No costs anticipated

- Yes If the total implementation and compliance costs exceed \$1.0 million over any two-year period through June 30, 2024, or exceed \$3.0 million over any two-year period on or after July 1, 2024, and prior to the submission or resubmission of the proposed rule(s) and regulation(s), did the agency hold a public hearing to find that the estimated costs have been accurately determined and are necessary for achieving legislative intent? If applicable, document when the public hearing was held, those in attendance, and any pertinent information from the hearing.
- No
- Not Applicable

No anticipated costs, however the agency held a hearing on January 13, 2022 (virtually) 28 members of the public attended, March 31, 2022, 26 public attendees, April 21, 2022 in Beloit, Kansas with a total of 19 public attendees and June 23, 2022 in Lawrence with 28 public attendees.

Provide an estimate to any changes in aggregate state revenues and expenditures for the implementation of the proposed rule(s) and regulation(s), for both the current fiscal year and next fiscal year.

Not applicable.

Provide an estimate of any immediate or long-range economic impact of the proposed rule(s) and regulation(s) on any individual(s), small employers, and the general public. If no dollar estimate can be given for any individual(s), small employers, and the general public, give specific reasons why no estimate is possible.

Not applicable

- G. If the proposed rule(s) and regulation(s) increases or decreases revenues of cities, counties or school districts, or imposes functions or responsibilities on cities, counties or school districts that will increase expenditures or fiscal liability, describe how the state agency consulted with the League of Kansas Municipalities, Kansas Association of Counties, and/or the Kansas Association of School Boards.

Not applicable

DOB APPROVAL STAMP (if Required)

- H. Describe how the agency consulted and solicited information from businesses, associations, local governments, state agencies, or institutions and members of the public that may be affected by the proposed rule(s) and regulation(s).

News releases statewide, public hearings with on-line access, publication in the Kansas Register and the agency website.

#### Section IV

Does the Economic Impact Statement involve any environmental rule(s) and regulation(s)?

Yes If yes, complete the remainder of Section IV.

No If no, skip the remainder of Section IV.

- A. Describe the capital and annual costs of compliance with the proposed rule(s) and regulation(s), and the persons who would bear the costs.

Click here to enter agency response.

- B. Describe the initial and annual costs of implementing and enforcing the proposed rule(s) and regulation(s), including the estimated amount of paperwork, and the state agencies, other governmental agencies, or other persons who would bear the costs.

Click here to enter agency response.

- C. Describe the costs that would likely accrue if the proposed rule(s) and regulation(s) are not adopted, as well as the persons who would bear the costs and would be affected by the failure to adopt the rule(s) and regulation(s).

Click here to enter agency response.

- D. Provide a detailed statement of the data and methodology used in estimating the costs used.

Click here to enter agency response.

DOB APPROVAL STAMP (if Required)

115-17-14. (Authorized by K.S.A. 32-807 and K.S.A. 32-941; implementing K.S.A. 32-941 and K.S.A. 32-1002; effective June 8, 1992; amended Nov. 30, 1998; amended Nov. 22, 2002; revoked P-  
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APPROVED

JUL 12 2022

DEPT. OF ADMINISTRATION

APPROVED

AUG 05 2022

ATTORNEY GENERAL



# Kansas Administrative Regulations Economic Impact Statement (EIS)

KDWP  
Agency

Dan Riley  
Agency Contact

296-1032  
Contact Phone Number

115-17-14  
K.A.R. Number(s)

Permanent     Temporary

Is/Are the proposed rule(s) and regulation(s) mandated by the federal government as a requirement for participating in or implementing a federally subsidized or assisted program?

Yes    If yes, continue to fill out the remaining form to be included with the regulation packet submitted in the review process to the Department of Administration and the Attorney General. Budget approval is not required; however, the Division of the Budget will require submission of a copy of the EIS at the end of the review process.

No    If no, do the total annual implementation and compliance costs for the proposed rule(s) and regulation(s), calculated from the effective date of the rule(s) and regulation(s), exceed \$1.0 million over any two-year period through June 30, 2024, or exceed \$3.0 million over any two-year period on or after July 1, 2024 (as calculated in Section III, F)?

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DOB APPROVAL STAMP (if Required)

## Section I

Brief description of the proposed rule(s) and regulation(s).

The proposed revocation of this regulation will eliminate all permit authority for dealers in commercially harvested mussels in Kansas.

## Section II

Statement by the agency if the rule(s) and regulation(s) exceed the requirements of applicable federal law, and a statement if the approach chosen to address the policy issue(s) is different from that utilized by agencies of contiguous states or the federal government. *(If the approach is different or exceeds federal law, then include a statement of why the proposed Kansas rule and regulation is different.)*

There are no relevant federal laws or standards for Kansas. Most other states identified the threat to mussel populations and have corresponding, and similar provisions. Kansas has had a moratorium prohibiting commercial harvest in place since January 1, 2003. The moratorium expires on December 31, 2022.

## Section III

Agency analysis specifically addressing the following:

- A. The extent to which the rule(s) and regulation(s) will enhance or restrict business activities and growth;  
No significant or measurable impact on business activities is anticipated.
- B. The economic effect, including a detailed quantification of implementation and compliance costs, on the specific businesses, sectors, public utility ratepayers, individuals, and local governments that would be affected by the proposed rule(s) and regulation(s) and on the state economy as a whole;  
No significant compliance or implementation costs are anticipated for any group or individual.
- C. Businesses that would be directly affected by the proposed rule(s) and regulation(s);  
No known direct impact for businesses is anticipated. No known commercial mussel industry remains in Kansas. Commercial harvest has been suspended since 2003.
- D. Benefits of the proposed rule(s) and regulation(s) compared to the costs;  
No costs anticipated. Benefits anticipated- increased viability and sustainability of mussel species in Kansas.
- E. Measures taken by the agency to minimize the cost and impact of the proposed rule(s) and regulation(s) on business and economic development within the State of Kansas, local government, and individuals;  
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DOB APPROVAL STAMP (If Required)

- F. An estimate of the total annual implementation and compliance costs that are reasonably expected to be incurred by or passed along to businesses, local governments, or members of the public.  
*Note: Do not account for any actual or estimated cost savings that may be realized.*

Costs to Affected Businesses – \$None

Costs to Local Governmental Units – \$None

Costs to Members of the Public – \$None

**Total Annual Costs – \$None**  
(sum of above amounts)

Give a detailed statement of the data and methodology used in estimating the above cost estimate.

No costs anticipated

- Yes If the total implementation and compliance costs exceed \$1.0 million over any two-year period through June 30, 2024, or exceed \$3.0 million over any two-year period on or after July 1, 2024, and prior to the submission or resubmission of the proposed rule(s) and regulation(s), did the agency hold a public hearing to find that the estimated costs have been accurately determined and are necessary for achieving legislative intent? If applicable, document when the public hearing was held, those in attendance, and any pertinent information from the hearing.
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Not applicable.

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Not applicable

- G. If the proposed rule(s) and regulation(s) increases or decreases revenues of cities, counties or school districts, or imposes functions or responsibilities on cities, counties or school districts that will increase expenditures or fiscal liability, describe how the state agency consulted with the League of Kansas Municipalities, Kansas Association of Counties, and/or the Kansas Association of School Boards.

Not applicable

DOB APPROVAL STAMP (if Required)

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- Yes If yes, complete the remainder of Section IV.  
 No If no, skip the remainder of Section IV.

- A. Describe the capital and annual costs of compliance with the proposed rule(s) and regulation(s), and the persons who would bear the costs.

[Click here to enter agency response.](#)

- B. Describe the initial and annual costs of implementing and enforcing the proposed rule(s) and regulation(s), including the estimated amount of paperwork, and the state agencies, other governmental agencies, or other persons who would bear the costs.

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- C. Describe the costs that would likely accrue if the proposed rule(s) and regulation(s) are not adopted, as well as the persons who would bear the costs and would be affected by the failure to adopt the rule(s) and regulation(s).

[Click here to enter agency response.](#)

- D. Provide a detailed statement of the data and methodology used in estimating the costs used.

[Click here to enter agency response.](#)

DOB APPROVAL STAMP (if Required)