

REVISED AGENDA
KANSAS DEPARTMENT OF WILDLIFE, PARKS & TOURISM
COMMISSION MEETING AND PUBLIC HEARING
Thursday, August 15, 2019
University of Kansas Edwards Campus, Best Conference Center
12600 Quivira Rd, Overland Park, Kansas

- I. CALL TO ORDER AT 1:30 p.m.**
- II. INTRODUCTION OF COMMISSIONERS AND GUESTS**
- III. ADDITIONS AND DELETIONS TO AGENDA ITEMS**
- IV. APPROVAL OF THE June 13, 2019 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. Big Game Regulations and Deer Research Update (Levi Jaster)**
 - 2. Outdoor Mentors Update (Mike Christensen)**
 - 3. Microchemistry in Fisheries (Jeff Koch)**
 - 4. MAFWA Plaque Presentation (Doug Nygren)**
 - C. Workshop Session**
 - 1. Electronic Licensing Update (Mike Miller)**
 - 2. T&E Regulations (Ed Miller)**
 - 3. Fishing Regulations (Doug Nygren)**
 - 4. Park Regulations (Linda Lanterman)**
 - 5. KAR 115-8-13a Electric-assisted bicycles (Linda Lanterman)**
 - 6. 2020-2021 Turkey Regulations (Kent Fricke)**
- 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. KAR 115-2-1 Amount of Fees (Mike Miller)**
- 2. KAR 115-2-7 Backcountry Access pass; fee, exceptions, and general provisions – revoke (Linda Lanterman)**
- 3. KAR 115-5-3 Furbearers and coyotes; management units – except otters (Matt Peek)**
- 4. KAR 115-5-3a Otter management units (Matt Peek)**
- 5. KAR 115-25-11 Furbearers; open seasons and bag limits (Matt Peek)**

XII. OLD BUSINESS

XIII. OTHER BUSINESS

A. Future Meeting Locations and Dates

XIV. ADJOURNMENT

If necessary, the Commission will recess on August 15, 2019, to reconvene August 16, 2019, 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, September 19, 2019, Kansas Wetland Education Center, 592 NE K156 Hwy, Great Bend, KS.

**Kansas Department of Wildlife, Parks & Tourism
Commission Meeting Minutes
Thursday, June 13, 2019
Rolling Hills Zoo, 625 N Hedville Rd
Salina, Kansas**

Subject to
Commission
Approval

The June 13, 2019 meeting of the Kansas Wildlife, Parks and Tourism Commission was called to order by Chairman Gerald Lauber at 1:30 p.m. at the Rolling Hills Zoo, Salina, Kansas. Chairman Lauber and Commissioners Emerick Cross, Tom Dill, Gary Hayzlett, Aaron Rider, Troy Sporer and Harrison Williams were 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 – No changes (Agenda – Exhibit B).

IV. APPROVAL OF THE April 25, 2019 MEETING MINUTES

Commissioner Harrison Williams moved to approve the minutes, Commissioner Gary Hayzlett second. *Approved* (Minutes – Exhibit C).

V. GENERAL PUBLIC COMMENT ON NON-AGENDA ITEMS

Bob Roberts – Need to get public opinion, staff outnumbered public and it is not a good to be outnumbered makes people nervous about addressing the commission and talking about items, which causes reluctance to bring up topics. Primary interest is fishing, can fill a room with hunters, but fisherman are meek and don't want to speak up; reluctance among anglers to get involved. Last couple of years, on walleye initiative, that could make Kansas to walleye fishing what Florida is to bass fishing; response is who cares, they don't care just want to catch fish. Two avenues to setting regulations on fishing, biological and sociological issues come into play. When talking about length limits, don't see where sociological, or what angler wants, matters. Can't give that answer and don't think anyone can. When we wanted 18-inch length limit on walleye, they said males don't grow much past 16 inches and we would be losing half of the fish, maybe that has changed. Milford has an 18-inch walleye length limit, which worked fine; biggest lake and pulled national tournaments in, now two fish over 21 inches; people like Rick Dykstra fish the lake every day. Got national tournament, but how does that go over with the average angler, we don't matter but big guys do, don't see it working. El Dorado has 21-inch length limit, friend guiding and making money, that doesn't make sense. Get out and talk to people. Three years ago, kill more deer than catch walleye, how do you know? Gerald, how many times have you run into a creel census guy? The last time I did was fifteen years ago, so how do we know?

On walleye you have a limit, not out there for the anglers. Communication on local level at many lakes, between fisheries department and anglers, is not very good. I am a crappie fisherman and don't care about walleye, but problem is communication between license holders and the staff, increase that communication, has to be people in the field. Can't call up someone in Pratt and get good information but can from someone at the lake. Friend has cabin at Glen Elder, told him to talk to Scott Waters, was it his job to reach out to Scott or Scott's to reach out to him? Just an example, don't want to pick on Scott. The last biologist who got out and talked to people was Bruce Zamrzala, need more like him, don't see that anymore. Got to have better information or people will bring in the legislature. You have a tough job, because people don't show up. Chairman Lauber – Have tried for years to get more public participation. Discussed weekend meetings, but no good time. Understand situation with creel census. Do better on those, harvest 70,000 walleye in a year, but harvest more whitetail deer. Bob, appreciate your time and effort. Secretary Loveless – Appreciate your comments. Having internal discussions on how we get out and meet the public. In terms of efficiency, some people have no interest in talking to anybody. If you have groups and can identify those discussing agency issues we can come talk to them, give us some clues on groups we can talk to and we will track them down.

Norman Mantle – Brought up error in newsletter (not our publication). Taken possession of Little Jerusalem, which was in private hands. Did you take possession to preserve it or destroy it? Public will take in vehicles and go off road, eliminate mechanical vehicles, need to walk in or ride a horse. If want to view it document it on film to see it. Chairman Lauber – Mistaken on plans. Linda Lanterman – We did take control of Little Jerusalem badlands state park. We put a parking lot in there, they cannot drive down in there, we will have tours by our staff to go into badlands or can only walk around the outer ring of it. Not open because we are putting in barriers, so people can't go down in there, will have a parking area, a person will pay \$5 entrance fee. We do intend to preserve it, not allow horses right now or trail bikes. We are on the same page.

Norman Mantle – Some of camp hosts don't like certain types of boats; I observed a man on land who started it because he was having trouble with it; was told to shut it off that it was not wanted there. Some camp hosts are not very friendly. Linda Lanterman – Don't hear that very often; can't make it without our camp hosts, but they may require periodic training. Some take ownership of lakes, but typically that is not the case, we will work on it. Mantle – It only takes one.

Norman Mantle – Good and bad in everything. You need to get with legislators to restrict use of drones, if it flies over my home someone might get rid of it. Don't use drones unless absolutely necessary. Get FAA permit to fly over my property. Why weren't lakes built with fish ladders in them, so fish and aquatic life can migrate upstream? Issues in other states where taking out dams, five scheduled in 2020.

VI. DEPARTMENT REPORT

A. Secretary's Remarks

1. Agency and State Fiscal Status – Brad Loveless, Secretary, presented this update to the Commission. – In regard to state budget approvals, we had a few capital improvement projects removed from request. In 2019, \$100,000 in land acquisition, \$50,000 river access,

\$325,000 wetland acquisition and \$700,000 in trails. In 2020, they removed \$75,000 from river access and \$325,000 from wetland acquisition and development. We came through budget process fairly well. We got law enforcement supplemental request for salaries, \$1.125 million. EDIF apportionment stayed the same as last year. Got 2.5 percent pay increase for all employees. Park revenue is having a tough year, had interview yesterday with Hutch news and there is interest in our parks. Flooding has been severe in eastern Kansas, and it has shut down some parks and impaired a lot more, which will impact cabin and camping revenues. Depend on four summer months, May to August, for over half of revenue so this will hurt us. We will also have a lot of maintenance on structures, debris removal and grass replanting and such things. Can't assess impact yet because water has not gone down. Traveled around to state parks, impressed with staff personnel proactively making plans and decisions to minimize impact, keep public safe, and to improve speed we can come back online once the water recedes; they are experts at this and make good decisions. A lot of confidence that they will get us back as soon as possible. Reaching out to the media and updating website information to update everyone when campgrounds are open or when boat ramps are shut down or open too. Interested in feedback, how we can do better and inform the public. That will be an impact we can't quantify right now. Cabin revenue, fiscal year 2018 was best year ever \$1.126 million, a significant jump. Currently down 6.5 percent from last year, but winter was extended with cooler weather this year. Revenues are at \$1.051 million, down from last year. May revenues are down, but doing okay, waiting to see as water goes down and we'll try to get people back to higher campgrounds. State parks personnel know people who come and go at their parks, like a community. Along with dealing with structure issues they have disappointed people and that is really affecting employees. Sooner we get sites open the better. WFF down 1.5 percent from last year, close to projections. We like to keep \$18- to \$20-million in these funds at end of fiscal year, just under \$25 million. PR funds are expected down 15 percent, as a result of excise taxes on equipment. DJ is expected to be up about three percent. Projections are well within anticipated figures. Commissioner Cross – Do we have enough damage to qualify for federal aid, like FEMA? Secretary Loveless – We believe so, since disaster instituted by the President and Governor agreed with that. We are documenting all work, so we can take advantage of that to save state money.

Norman Mantle – Where are we at on wind towers around Cheney Lake. They will be source of revenue so hang on to them.

Doug Phelps, Manhattan – Lot of clean up, suggest reach out to Backcountry Hunters and Anglers of Kansas, we have over 400 members and one of there activities is public lands clean up and I am sure they would be willing to coordinate some work days.

2. 2019 Legislature – Chris Tymeson, chief legal counsel, presented this update to the Commission (Exhibit D). Finished legislative session in early May. We had six bills on our website, usually follow about 120 bills overall that impact the employees and the agency. SB 49 – made it three-quarters of the way through the process. It was department initiative to set fees for cabins and campsites, dynamic pricing; would have been more responsive to changes. SB 50 – would raise caps on fees on certain licenses. You set fees in regulation but there are statutory caps in legislation and sometime those caps will have to be raised to continue to do the things we do mission-wise. HB 2062 – on recreational rail trails, not necessarily our trails, but other trails

run by non-profit organizations and discontent with neighbors in some locations. May be an interim committee set up this summer or fall on that. HB 2099 – would transfer Law Enforcement officers from KPERS into Kansas Police and Fire (KPF) retirement system. Bill came out of committee and died before turnaround early in session. HB 2167 – would have created a deer transferable permit system for nonresidents. Passed House by one vote; since then the Secretary and I have heard from several folks who felt they voted the wrong way. Went to Senate, had a hearing but was tabled, was un-tabled, did a gut-and-go and became a substitute bill related to industrial commercial hemp and passed. HB 2397 – dealt with dangerous regulated animals, same bill as last few years; adding non-human primates to list of animals that are difficult to possess. Just finished first year of two-year cycle and those still alive will be worked starting in January and will get a slate of new bills.

B. General Discussion

1. 2020-2021 Turkey Regulations – Kent Fricke, small game research biologist, presented this regulation to the Commission (Exhibit E). We do not have a recommendation at this point, will talk about status and current issues; recommendations in August. Flooding is big issue, concerns about reneating. In recent years production is one of key limiting factors statewide, but mainly in eastern portions of the state. Indications reneating has been down last several years. Will keep eye on that, especially in east, optimistic on western side of state. Look forward to July and August brood surveys. Provided updates from spring rural mail carrier survey, observations of turkeys per 100 miles traveled this spring. Broke down regionally: southern portions remaining relatively stable, but low; northern part of state has continued decline. Statewide has long term decline since late 2000s. Spring turkey harvest survey results should be in by June 30. Up to now, overall, seeing about 93 percent of hunters were active, with flooding and limited access issues may be some declines in active hunters and saw drop in permit sales as well. Went from 60,000 carcass tags, permits and game tags to 42,000 this year. Large portion was access issues, decline on that front. Preliminary data from harvest survey, three percent have responded that they hunted in youth season, one percent in disabled portion, 25 percent during archery season, and 90 percent in regular season. Provided an additional handout (Exhibit F) comments from harvest survey to get overview of what hunters are saying. Common themes were access, rain and flooding part of that. Declining populations were mentioned. They identified quality hunting opportunities and good satisfaction, as well and concerns on impacts of flooding on nesting moving forward. Permit sales were down, interested in seeing that that means in the long term. Hunters are self-regulating in some respects, curious to see what happens in the future. Commissioner Williams – Mentioned surveys in east and west, where is boundary line? Fricke – That is just general observations, just me talking to biologists on what they anticipate nesting conditions to be. Commissioner Williams – Where would you consider the line? Fricke – Don't think of it unit-by-unit, the farther west, away from major reservoirs is where we saw extensive flooding. Commissioner Williams – Quite a bit in central part of the state too. Commissioner Rider – Any studies that have looked at Roundup and those types of things sprayed on fields and turkeys. Fricke – Some on neonicotinoids. Adult birds can sustain some amount of chemicals with no adverse effects, don't know what threshold is. On turkeys, studies looking at hunter harvested birds in Ontario, found neonicotinoids in their system, but were harvested. Big question mark is any indirect causes or declines; we don't know that. Commissioner Rider – Birds still alive but don't know how affecting eggs or things like that?

Fricke – Could be nonviable eggs or any number of things, but all question marks. Chairman Lauber – Glycolate issue, clean farming reduces available insects and habitat, may or may not affect long term effect on birds, but nothing to eat and effect quail more than turkeys. There is a lot of issue as to how dangerous Roundup really is. Number of comments, representative of spring hunters? Fricke – Correct. Chairman Lauber – I am the protector of fall turkeys, we don't have 2019 numbers, safe conclusion that triggers will be in existence again. No reason to suspect harvest will be really good, threshold will be unachievable anyway. Set triggers in 2010 at height of turkey population so not achievable yet. Noticed some information on fall birds is self-limiting and looked like we harvested 32 more hens than before, insignificant in population as a whole, potential of those hens would have been 458 birds. One hen has statewide average of 1.2 poults that go into adult-hood. I still believe triggers will come up and will say eliminate two birds in spring or fall season. Fricke – One bird in spring. Chairman Lauber – Don't know if the two have the same biological theory, one does not produce more birds and one does, in theory. Putting forth argument for last three years that triggers are triggered, same recommendation and fear the same this year, because set up 7-8 years ago and fall season will be considered in best interest of Kansas sportsmen. Expect same argument in August. Fricke – I apologize, unfair to only provide spring comments, should have supplied fall, too. Provided both of those management options, one bird in spring and one in fall or two in spring and no fall season; those were good options for us and within the strategy. Hope success is high, and we see some rebound. Our perspective in the past is either one would be a viable option moving forward. Chairman Lauber – Do they accomplish much in the big picture? Fricke – Depends on what you are looking at. In one respect if monitoring aspect is hunter success, then potentially having 15,000 more toms that you didn't harvest due to reducing game tag in the spring, potentially available in next spring, then hunter harvest rates would increase potentially over time. Chairman Lauber – Harvested 1,275 birds in the fall, all management is done to maximize spring birds. Like to see some credit and gravity given to fall turkey hunting sport. Fricke – Don't disagree, it is two different methods of trying to get to the same objective. Don't think maximizes spring hunter success is the ultimate goal. Chairman Lauber – Isn't that what adaptive harvest strategy is based on? Fricke – It utilizes hunter success as an indicator of turkey population. In a lot of ways, we lack the cohesiveness of data, but it has tracked overall decline statewide. By making emphasis in fall season, it is getting to the same objective in terms of production, trying to maximize production without the reduction of hens and trying to get production increase overall as opposed to spring method; if one and one, leaving birds on the landscape and not harvesting those. Chairman Lauber – Don't think necessary to cut the spring numbers from two to one, that is going to make a bigger difference in adaptive harvest strategy than saving 458 hens statewide, by protecting 382 hens. Doesn't seem like eliminating fall season has any particular benefit in improving spring harvest. Fricke – I will come back in August with better estimate of poults per hen and July RMC survey and use as potential path forward in the future. Same discussion for last three years. Commissioner Cross – Would like copy of fall survey.

Bob Roberts – Why do you allow taking of turkey hens in the fall? Fricke – One of primary arguments is it takes away from traditional method of fall turkey hunting. Able to hunt with dogs in the fall. Might shoot a turkey while quail hunting. Provides greater opportunity and less burden on the hunter to identify between the male and the female. Roberts – Rather than cancel it all together, restrict to toms only? Chairman Lauber – That has been suggested but part of the sport of fall turkey hunting is busting up small groups, doesn't lend itself well to do that. If only

toms in fall adversely affecting number of birds on the ground. Either sex in fall is best way to reserve the fall season. Secretary Loveless – This is topic of lively internal discussions. Talked about creating some extra tools for biologists to measure that population; use harvest like most states do, looking at other tools, bringing in some diverse people to discuss this. Food for thought, at what point do we say we have gone too far from biological perspective; is there a break off point we are going to impact the population? Fricke – I talk about harvest strategy broadly, talk to other biologists nationally, most states don't have a system like this, most sit around the table each year and discuss. We regulate harvest more strictly. Across the nation we've seen declines in turkey numbers. The peak was in 2008 or 2009; earlier in 2000s in Georgia and South Carolina; Nebraska seeing declines now too. With continued declines across the range of wild turkey nationwide, waiting for the bottom so can manage for that and go from there. What can we expect going forward for the new norm? What is our new reference point and what should it be going forward and adapt strategy to do that? Not sure. Chairman Lauber – If you eliminate fall turkey season, it will never come back in the foreseeable future, new normal now but it contributes to harvest and success. If always worried about spring harvest, will have lost good sport to pass on. Biological information on one side and sociological on other side. Fricke – Don't disagree. Never heard case where we would prioritize spring over fall season. Recommendations have been on biological side to be conservative of turkey population, so make cut in fall season. Everybody nationwide, recognizes importance and value of fall season. In essence, strategy becomes more and less of impact as you work through those options, remain an option going forward. Mantle – Reduce shooting the hens, if you kill the hen you kill the factory and lose production. Take short term measures now benefit us in the long run.

C. Workshop Session

1. Coast Guard Navigation Rules – Dan Hesket, Law Enforcement Division assistant director, presented this update to the Commission (Exhibit G). Proposal is to adopt by CFR, Title 33, Part 83 of code of federal regulation as our regulation 115-30-6. Due to extensive requirement by Attorney General's office to clean up that entire regulation, involving a lot of research, we are going to take this off the agenda and bring it back at a later time.

2. Electronic Licensing Update – Mike Miller, Assistant Secretary of Wildlife, Fisheries and Boating, presented this update to the Commission (Exhibit H). Still working on app with Aspira, close to launch but we are not ready as we have some regulatory issues to get through. Will have something to vote on in September. Looking at potential fall launch which allows people to have a wallet with electronic licensing and developing electronic carcass tags, harvest reporting. The ideal app would have just about anything you wanted for hunting or fishing and you would be able to access all of your accounts through one password or user name. Ideally we would be able to get into iWIHA and iSportsman, or any programs we utilize on public lands; still working on that. We have started testing some of the applications. Commissioner Dill – Working on having statistical information or survey sightings online also? Miller – Talked about creel surveys and other apps eventually, basically a communication portal for hunters and anglers and would ease into that. Some folks may not want an e-license and still want paper, but we will begin transition. Hope to launch this fall. Commissioner Sporer – Has Aspira done other states or what is their experience level? Miller – This may be lead project that they could use in other states, other license contractors doing similar apps, one in Oklahoma that is similar. Not sure if

Aspira has other states yet or not. Commissioner Williams – I asked at last meeting about automatic preference point? Miller – I talked to licensing about that and they are not sure about logistics of that. With auto renew the data base would have to be merged so that was kept straight. May be able to pursue but not as easy as it seems but has merit.

3. Disabled Vet Fee Discussion – Mike Miller, Assistant Secretary of Wildlife, Fisheries and Boating, presented this update to the Commission (Exhibit I). Legislative mandate has funded disabled veterans fishing and hunting licenses, national guard hunting and fishing licenses and park permits. Issue over last four years is appropriation has run out before the end of the fiscal year and we still have applications waiting. One of our solutions was to look at reducing price for disabled veteran’s licenses; appropriations will be the same. This way they won’t have to wait to get their license. We have a supplement from EDIF of \$30,000. We want to convert those disabled vets that are 65 and older to a lifetime senior license; a little more expensive initially than a senior annual. More convenient for hunters and anglers who wouldn’t have to apply again, and we wouldn’t have to administratively deal with those applications every year. We took off half-price licenses off this. Less than 500 of them are 65 or older. Chairman Lauber – Do we get same amount of PR/DJ money with lifetime license as we would with nine years of individual licenses? Miller – No, at this point the senior licenses we don’t collect on PR/DJ like we do on an annual license. We have been waiting for regulations and rules to change with the U.S. Fish and Wildlife Service and hopeful they would be the same even with lower priced licenses. Chairman Lauber – EDIF money is lottery? Secretary Loveless – Correct. Chairman Lauber – What does EDIF stand for? Miller - Economic Development Incentive Fund. Tymeson – We will vote in August to adjust those fees in regulation.

Break

4. T&E Regulations – Ed Miller, T&E biologist, presented this regulation to the Commission (Exhibit J). Five-year update, there are several steps to the process, which takes about a year and a half. Lists are in our regulations as 115-15-1, which is the Threatened and Endangered list with 21 species on endangered, the most serious and 30 on threatened list, and in 115-15-2, which is the species in need of conservation (SINC) with 83 species on that list. It is a long process and we have held informational meetings around the state. I am chair of T&E Task Committee, which is a science-based committee. We make recommendations on the biology and science. I would like to recognize those people: Mark Eberle and Elmer Finck, Fort Hays State University; David Haukas and Sara Zuehoff, Kansas State University; Bill Jensen, Emporia State University; and Mark Shaw, district fisheries biologist in our department. The committee examines public survey research and asks for input from expert panel. We had three petitions and they all merited full review and in all three cases our committee and the expert panel concurred with petitioners. These were the Arkansas darter, a small fish with a stronghold in the Red Hills; moving from threatened to species in need of conservation. Mostly due to efforts of last 20 years by stream survey program looking; if not for them this fish would have been federally threatened, but because we had so much data from Kansas, we prevented that from happening. It is more robust than when first listed in 1978. Wabash pigtoe, the most common freshwater mussel in eastern Kansas and has done well enough to be removed from SINC list. One species has deteriorating populations, the cylindrical papershell, petition is moving from SINC to endangered; seen drastic change in its stronghold since 1980s. We contracted research through

Fort Hays State University in 2011 and 2016 and both studies found it rare and difficult to find; found only in Smoky Hill and Saline rivers. Provided more information on species in briefing book and have a repository of information on our website, where you can look at the original petition, studies and input from panel. Currently recommendations made to the Secretary are: Ark Darter improved status from threatened to SINC; Wabash pigtoe, improved status, delist from SINC list; and cylindrical papershell, move from SINC to endangered list. Housekeeping, every five years there are nomenclature changes in list, we accept what is provided on Nature Serve, a national database, rather than get into arguments. Chairman Lauber – What causes Wabash pigtoe to improve, water quality or less toxins? Miller – Hard to pinpoint, long lived species live 40-60 years, some live to over 100 years; the cylindrical papershell is only 8-10 years, it depends on the species. The Wabash pigtoe in southeast Kansas has been strong; as result, over last 40 or so years, of cities improving water treatment and farmers doing better at keeping sediments out of the rivers. They recover but it takes a long time. Chairman Lauber – Had a good year class? Miller – Especially years with low water in spring, don't expect this year to be a good year for freshwater mussels. Chairman Lauber – Can and do mussels hybridize? Miller – Not that we know of. We have about 40 species in Kansas and they use different fish hosts and reproduce at a different time of year. Commissioner Cross – What is extirpation? Miller – Localized extinction, if extirpated from the state it would be extinct in Kansas, not in its whole range. Tymeson – We will vote on these regulations in November.

5. Otter Season and Units - Matt Peek, furbearer biologist, presented this report to the Commission (Exhibit K). Most of the furbearer regulations were voted on in Colby. Separated from other furbearer regulations. We want to exclude furbearers from furbearer and coyote management units defined in 115.5-3 and are proposing to establish new otter-specific management units with new regulation 115-5-3a and recommending that season bag limit be increased from two to five. Bag limit will vary from one to five otters depending on which unit you are in. Marais des Cygnes and Lower Neosho is five otters, which was original proposal; then next tier of units, surrounding those we are retaining two-otter limit; in five western units and west of two-otter limit, reducing to one, not many or none harvested there. One other recommendation in 115-25-11, changing opening season time from noon opener to 12:01 am, on opening day to allow for trappers to set traps morning of opening day. Tymeson – This will be voted on in August.

6. Fishing Regulations – Doug Nygren, Fisheries Division director, presented this regulation to the Commission (Exhibit L). Only a few changes for next year. In reference document where length and creel limits are different than statewide regulation. About 400,000 people fish in Kansas each year, 300,000 acres of water; so, three quarters of an acre per angler. Can't allow unchecked harvest to provide people the fishing they want. Requesting 32- to 40-inch slot length limit on Wilson Reservoir for blue catfish with a two-a-day creel and no more than one per day over 40 inches long. That is complicated as we have a slot at Milford and El Dorado that are different; talked with staff to consolidate slots to be the same but can't do that. We have seen limited reproduction at Wilson through stocking, ultimately hope to have natural reproduction. A new city lake in our program is Agra City Lake where we want to add a five-a-day creel and 15-inch length limit on largemouth bass, which is already state regulation so would not be a special regulation. Asking for special regulation to add 15-inch minimum and five-a-day creel on channel catfish on this 10-acre lake. Sterling City Lake would like us to change to a 21-

inch length limit on saugeye. John Redmond Reservoir, 35-inch minimum on blue catfish. Gridley City Lake bass population has slowed down growth and we want to remove the 18-inch minimum length limit and 2-a-day creel and convert to statewide 15-inch length limit and five-a-day creel. Mined Land WA has a trout pond that has been operating as a year-round fishery, but it is no longer providing two-story fishery, not seeing oxygen in the deeper part. While we've been stocking brown trout to support year-round fishing, the reality is a water quality issue that is not able to support fish year-round, so no need to have restrictions. Neodesha City Lake add 15-inch minimum length limit and five-a-day creel on channel catfish. Also, have a suggestion to decrease daily creel on rainbow trout to two-a-day at Salina-Lakewood Lake, which was brought to us by City of Salina and our law enforcement division because of issues of people coming in catching five fish, going home and coming back and catching five more. Our thought was if we could reduce the creel we could do some selective enforcement, that needs to move to reference document. Commissioner Cross – At Mined Land WA, do rainbow and brown trout last year around? Nygren – They used to, but we don't think they can now because oxygen levels are low. Operate as a put and take fishery. Commissioner Cross – Is thermocline set up in that lake? Nygren – There was a temperature variant, but water was so clear it penetrated through it and created plant growth and oxygen was being created at the bottom of the lake, but not any longer happening. Chairman Lauber – Did the water get murkier? Nygren – Don't know that. Our biologist is watching that and if it turns around we can go back to year-round trout fishery. Chairman Lauber – Do we have any other year-round trout fishery? Nygren – At Kanopolis, in seep stream below the dam because of spring flow. Next is 115-7-3 has to do with taking of baitfish or minnows and moving from one body of water to another; expanding to include crayfish, leeches, salamanders, frogs and mussels. Currently it is legal to move, from non-infested waters, green sunfish and bluegill, but all other fish are illegal to move from one lake to another. One reason is the unintentional transfer of water that may contain pathogens and nuisance species. Chris Steffen provided me some information on use of crayfish for bait. Only ten percent of bait shops in Kansas sell crayfish for bait and when recently inspecting a bait store that was selling red swamp crayfish and when we traced it down we found the source in a pond in Butler County. Risks associated with red swamp crayfish is that this species goes through a wandering phase and an individual crayfish can travel up to ten miles, over land not just up and down streams. It is likely the area around that pond has already spread, we will be checking over the summer. Also, if you want to eradicate it they have an immobile phase where they can burrow down and stay in burrows for an extended period of time. It is difficult if not impossible to eradicate them if they get established. Chairman Lauber – Most pushback expected from people who seine their own crawdads. Wild caught bait used to have to be used in same drainage system, is there a way that we can allow in same primary river drainage? Nygren – We can look at whatever options you want us to; currently can use bait where you take it and don't want you to release it somewhere it couldn't have gotten on its own. Chairman Lauber – Some of the people who seine bait will seine in the slews because can't seine in deeper water but have ability to swim back and forth during high water, so would like to make that somewhat permissible. Nygren – Will talk to staff to find out if there is some compromise, come up with best way to stop spread. Could be similar to when we banned baitfish, a lot of push back, people could use bluegill and green sunfish. Chairman Lauber – Push back won't come during public meetings, but after the vote. If we could say it could be used in same drainage without going over natural barriers, it might be softened up a little. Nygren – Come back at next commission meeting. Tymeson – Vote in November so have some time to work that out. Chairman Lauber – You

understand what I am trying to accomplish? Nygren – Yes. We will review that and come back with different language. Chairman Lauber – There is still some of that going on. Nygren – I’m sure there is. Concerned with not only bait stores but wild caught. Chairman Lauber – Compared with green sunfish and bluegill it is not as important. Nygren – We benefited from some of the scented baits out there are so effective fewer people are opting to use their own bait; going with Berkley baits and others with scents that are as effective as using live bait. Chairman Lauber – Red swamp crayfish will become dominant and push out other crayfish? Nygren – That has been the concern and what is happening in other parts of the country; native down into southern Oklahoma so not far from their range. Commissioner Sporer – If this regulation comes through, in ten bait shops you could still buy crayfish or leeches from a licensed dealer? Nygren – Yes, you are not precluding them from using them, just from collecting their own and moving them around. On 115-7-1, just clean up, when allowed floatline fishing, when attaching something that it didn’t contain water. We want to apply same requirements to trotlines and setlines; anyone fishing with passive gear using a float of some kind would have to use a float that could not contain water to reduce the risk of spreading invasive species. One more item that I didn’t have in the briefing item. Talked about changes to paddlefish regulations at the last meeting. Met with paddlefish/sturgeon committee, and we are leaning towards possibility of opening entire stretches of rivers up to paddlefishing rather than snagging locations. That is a little premature and we want to think it over because we have some new locations we are going to try and establish through stocking program. Since last commission meeting where we talked about stocking at Pomona, Perry and Tuttle Creek; we already stock John Redmond on an annual basis. We have talked to other states providing paddlefish and they are going to this year for the other three lakes as well as John Redmond. At some point the paddlefish may leave the reservoirs and enter river system over time, but we don’t care. What we know about paddlefish opportunities we are proposing new locations for snagging, low head dam at Neosho Falls and Erie on Neosho River. On Coffeyville Dam on Verdigris River, the state of Oklahoma has a good population of paddlefish and those fish are coming up into Kansas, so we feel it is appropriate to allow Kansans to harvest those. A good chance more dependable because don’t rely on high flows like we do at Chetopa. Add low head dam at Ottawa on Marais des Cygnes River and create paddlefish opportunity there. Will bring recommendations later for those new locations.

6. E-bicycles – Linda Lanterman, Parks Division director, presented this update to the Commission (Exhibit M). E-bicycles are coming to Kansas. They are power-assist bicycle and have to pedal to get motor to engage. Not only exercise enthusiasts use them, but senior citizens are using them. It allows them to get on mountain bike trails. This regulation will allow e-bikes in state park system.

7. Park Regulations – Linda Lanterman, Parks Division director, presented this regulation to the Commission (Exhibit N). I presented before on Little Jerusalem Badlands State Park. Prior to commission meeting we instigated a \$50 permit to go down into Little Jerusalem trails and we have interviewed for a position there and tours will be free, trying to rescind that \$50 backcountry pass. We have a lot of school districts coming into state parks. Many of the school districts started having fishing teams and we want to give free passage to school district vehicles. Parents and spectators that come will still have to have a permit. For private schools, we will offer a special event permit for their vehicles; it will still be free, but they will have to let us know when they are coming because they won’t have a school district vehicle tag.

Chairman Lauber – In certain areas of the state people shoot armadillos, don't care one way or the other but reacting to a new species. To harvest an armadillo, we have to have a hunting license? Tymeson – Yes, considered wildlife, in 115-20-2, limitations on equipment types, no daily bag or possession limit. Part of concern raised was damage to property and landowners can take armadillos damaging their property, a statutory regulation that landowners can protect their property. Commissioner Sporer – What other species in that group? Tymeson – Rodents, feral pigeons, gophers, ground squirrels; a whole list of animals, prairie dogs, wood chucks and things like that. Chairman Lauber – In southeast Kansas they are shooting them, may want to review unlimited shooting, seem to have an unlimited number of armadillos. Don't have teeth so can't bite you but do carry leprosy. It was in the paper today that the State of Kansas has been sued on lesser prairie chickens (LPC), who is the defendant in that lawsuit? Tymeson – There is a process going on at the federal level, a proposal to list LPC as threatened or endangered species. There are time limits the USFWS has and statutory time to make decisions; a three-month finding, then 12 months to find make a decision, whether warranted, warranted but not precluded, or not warranted. There was previous litigation on this issue and LPC was proposed for listing as a threatened species, then delisted through that court process. They started that over and this is a lawsuit about meeting those deadlines. Wild Earth Guardians and Defenders for Wildlife and one other group suing the USFWS on meeting those deadlines; trying to force a decision. This is not a surprise lawsuit, they have to do a 90-day notice, that was given in February and it was filed yesterday. Chairman Lauber – Cause extra work for this agency? Tymeson – No, not at this point. Chairman Lauber – The paper said there is an estimated 38,000 LPCs and at one point we were dealing with drought and we had 16,000 LPC. At that time the state, and our agency was trying to have voluntary efforts and under our guidance we doubled number of chickens. Rain fall had a lot to do with that rather than shrewd biology, but it is a factor, a situation like weather beyond our control. If a good year for grasshoppers, generally a good year for prairie chickens. Norman Mantle – We need to defend our wildlife because they can't defend themselves against us. Giving too much consideration to the human population. Protect wildlife and give them the benefit of doubt.

VII. RECESS AT 3:28 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 and Submission Forms, Attorney General letters dated February 13 and March 15 and KLRD letter dated May14 (Exhibit O).

1. KAR 115-25-9a, Deer; open season, bag limit, and permits; additional consideration; Fort Riley – Levi Jaster, big game biologist, presented this regulation to the Commission (Exhibit P). This rearranges dates of seasons to fit their desires and management goals and provides more opportunities for Kansas hunters. No changes since last reviewed.

Commissioner Tom Dill moved to approve KAR 115-25-9a as presented to the Commission. Commissioner Gary Hayzlett second.

The roll call vote on to approve was as follows (Exhibit Q):

Commissioner Cross	Yes
Commissioner Dill	Yes
Commissioner Hayzlett	Yes
Commissioner Rider	Yes
Commissioner Sporer	Yes
Commissioner Williams	Yes
Commissioner Lauber	Yes

The motion as presented on 115-25-9a passed 7-0.

2. Antelope Regulations (KAR 115-25-7) – Matt Peek, furbearer biologist, presented this report to the Commission (Exhibit R). Units same as deer units. The proposed archery season is September 21-29, 2019 and October 12-31, 2019; archery permits are unlimited and available to residents and nonresidents. The firearm season dates will be October 4-7, 2019 and proposing 122 permits in Unit 2, 44 in Unit 17 and 12 in Unit 18. The muzzleloader season is September 30 – October 7, 2019 and proposing 34 permits In Unit 2, 10 in Unit 17 and four in Unit 18. Bag limit for each of these permits is one antelope. Chairman Lauber – Crossbows is considered archery? Peek – Correct.

Commissioner Aaron Rider moved to approve KAR 115-25-7 as presented to the Commission. Commissioner Harrison Williams second.

The roll call vote on to approve was as follows (Exhibit S):

Commissioner Cross	Yes
Commissioner Dill	Yes
Commissioner Hayzlett	Yes
Commissioner Rider	Yes
Commissioner Sporer	Yes
Commissioner Williams	Yes
Commissioner Lauber	Yes

The motion as presented on 25-7 passed 7-0.

XII. OLD BUSINESS

XIII. OTHER BUSINESS

A. Future Meeting Locations and Dates

August 15, 2019 – KU Edwards Campus, Best Conference Center, Overland Park
September 19, 2019 – Great Bend, Wetlands Education Center (possible teal hunt, AM)
November 14, 2019 – Scott City, William Carpenter 4-H Building
January 9, 2019 – Southeast Kansas (Iola, Parsons or Independence)

Commissioner Williams – We have a game warden appreciation day, when is that? Jason Ott – September I think.

Commissioner Rider – This is Commissioner Dill’s last meeting and I want to thank him for his time. I have enjoyed being on the commission with him and his way of thinking. Commissioner Dill – Thank you. Commissioner Williams – I second that. (*Applause*) Chairman Lauber – Thanks for help and time over the years.

XIV. ADJOURNMENT

Adjourned at 6:39 pm.

Secretary's Remarks

Agency and State Fiscal Status
No briefing book items – possible handout at meeting

General Discussion

VI. DEPARTMENT REPORT

C. General Discussion

1. 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

Chronic wasting disease (CWD) is one of the biggest threats to the sustainability of the Kansas deer herd. Recommended practices to reduce the risk of anthropogenic spread include prohibiting the movement of cervid carcasses and parts, except for: boned out meat, clean hide with no head attached, clean skull plate with antlers attached, clean antlers, finished taxidermy specimens, and clean upper canine teeth. An alternative to this is allowing quartered carcasses with no spinal column or head attached.

Recommendation

The proposed recommendation is:

For deer harvested in Kansas, restrict movement of deer carcasses, or parts thereof, to within the boundaries of the deer management unit (DMU) in which the deer was harvested. Allow only the clean antlers or clean antlers attached to a clean skull plate, hide without skull or meat attached, finished taxidermy mounts, boned out meat or quartered carcasses without the head and spinal column attached to be possessed when crossing DMU boundaries. Needed tissues, the brain stem (obex) and/or lymph nodes, that will be submitted for chronic wasting disease testing may also be possessed when crossing DMU boundaries.

For deer harvested outside of Kansas, allow only the clean antlers or clean antlers attached to a clean skull plate, hide without skull or meat attached, finished taxidermy mounts quartered

carcasses without the head and spinal column attached to be brought into Kansas. Needed tissues, the brain stem (obex) and/or lymph nodes, that will be submitted for chronic wasting disease testing may also be possessed when crossing DMU boundaries.

Hunters must maintain proof of sex for deer harvested with on a antlerless permit until the animal reaches the permittee's residence or a commercial place of processing or preservation and is processed for consumption. Retaining the head naturally attached to the carcass as proof of sex would only be permitted within the DMU in which the deer was harvested. Leaving enough hide with the genitalia naturally attached to a quarter or following the current regulations for "electronically registering" antlerless deer would serve as proof of sex for movement across DMU boundaries. Carcass tagging for quartered carcasses would remain the same.

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.

At this time, KDWPT is evaluating the use of draw locking devices on vertical bows as legal equipment during the archery season(s) for big game species.

Recommendation

KDWPT seeks input on the proposed change to remove the prohibition of devices that lock a bow at partial or full draw.

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

Landowners and hunters within the extreme southern part of DMU 10 have requested greater continuity of harvest limits and the additional ability to manage deer numbers in their area. The deer population in the northern portion of DMU remains moderate. Changes in the management unit boundaries, especially the original 18 DMUs, complicate trend analysis of hunter participation and harvest of deer.

Recommendation

The proposed change is to extend the boundary of the urban deer management unit, DMU 19, to cover the extreme southern end of DMU 10. The proposed boundary change would be from the junction of Johnson County 199 Street and I-35 southwest on I-35 until its junction with federal highway US-75, then north on federal highway US-75 until its junction with Shawnee County SW 93. All other portions of the boundary would remain the same.

d) K.A.R. 115-4-11. Big game and wild turkey permit applications.

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

No changes in the application process of big game or wild turkey permits are currently being discussed within the department. Requests for changes in allocation of either species, either sex firearm permits for resident youth hunters have been received from the public.

Recommendation

No change is proposed for this regulation and it is not scheduled for further review this year.

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. Recent increases in mule deer numbers in Deer Management Unit 1 have resulted in an increased number of landowner complaints about crop damage caused specifically by mule deer. Mule deer population status in other DMUs within the East and West mule deer hunt zones currently is stable at low density or declining.

The definition of a tenant in K.S.A 32-937 on big game permits does not include mention of state residency. All qualified resident or non-resident tenants can purchase permits defined for Tenants. Currently, some hunters are purchasing one of four permit types (Non-resident Tenant Any Deer, Non-resident Tenant Any-season White-tailed Deer, Non-resident Muzzleloader Either Species, and Non-resident Tenant Archery Deer) that are not listed in statute or regulations or a permit type that is listed only in regulation and not statute (Non-resident Tenant Hunt-Own-Land).

Recommendation

Either-species Antlerless Only Permits (ESAO) will be issued. The number of ESAO permits to be issued in each DMU will be evaluated after additional data becomes available. ESAO permits shall not be valid on lands managed by the department.

The proposed change would be to eliminate non-resident tenant permits not in statute or regulation. Individuals who purchased these permits in the past that are qualified as tenants would be able to purchase any permit designated as a Tenant permit. Resident or non-residents purchasing a tenant permit would still have to purchase the appropriate hunting license.

VI. DEPARTMENT REPORT

C. Workshop Session

1. 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

Annual adjustments will be made in the deer hunting season dates. This review process initiates the discussion of potential changes in deer hunting seasons for 2020-2021. The recommendations currently follow the traditional season structure, with potential changes to some seasons:

Typically, the first extended white-tailed deer antlerless-only (WAO) season has started on the New Year's Holiday and was open through the first weekend in January, or during the first weekend if January 1 fell on a Saturday. New Year's Day falls on Friday in 2021. Hunter input during the 2018-19 season's deer harvest survey indicated hunters wanted more days to hunt and always want weekend days included in an antlerless season. There is also a need to increase harvest as part of chronic wasting disease management. The option currently being considered:

1. Three January WAO season lengths, 10 days, 17 days, and 24 days.

Population indices, mortality due to disease and changes in fawn recruitment will be examined and public input will be considered in the development of a list of units where an extended firearms season and WAO permits will be authorized. The number of WAO permits that may be used in each unit will also be evaluated after additional data becomes available.

Public comment is sought about this option.

Recommendation

The proposed season dates suggested for deer hunting during 2020-21 are as follows:

Youth and Disability	Sept. 5, 2020 – Sept. 13, 2020
Early Muzzleloader	Sept. 14, 2020 – Sept. 27, 2020

Archery	Sept. 14, 2020– Dec. 31, 2020
Pre-Rut WAO	Oct. 10, 2020 – Oct. 12, 2020
Regular Firearm	Dec. 2, 2020 – Dec. 13, 2020
1 st Extended WAO	Jan. 1, 2021 – Jan. 10, 2021
2 nd Extended WAO	Jan. 1, 2021– Jan. 17, 2021
3 rd Extended WAO	Jan. 1, 2021 – Jan. 24, 2021
Extended Archery (DMU 19)	Jan. 25, 2021– Jan. 31, 2021

Outdoor Mentors Update
No briefing book items – possible handout at meeting

Use of otolith microchemistry in Kansas

Otoliths are calcified structures encased within the inner ear of fishes that assist in balance and hearing. These bones accumulate annular marks as fish grow and can be used to estimate ages of fish. As otoliths grow, their elemental signatures correlate to the water chemistry in which the fish lives. Microchemical analyses of otoliths can therefore be used to determine a fish's natal origin (i.e., where it was hatched) and examine broad movements of fish in systems with differing water chemistry. In Kansas, we have conducted pilot projects using microchemistry to differentiate stocked and naturally-spawned walleye. In addition, we are utilizing this method to determine natal origin and broad movements of blue catfish and Asian carp in the Kansas River. We are also attempting to understand paddlefish movements in the Neosho River system using microchemical signatures from paddlefish jaw bones. Finally, we are attempting to create a statewide inventory of water and otolith microchemical signatures from several species for future use in fisheries management, research, and conservation.

MAFWA Plaque Presentation
No briefing book items – possible handout at meeting

Workshop Session

Electronic Licensing Update

We are continuing to move forward with plans to implement electronic licensing and, in fact, Aspiria, the department's license contractor, has a demonstration ready for review. E-licensing is a part of a much larger app, which has been discussed and would ideally be a hunter or angler's portal to everything the agency provides online. One username or password and you're in – buy a license, review your account, sign up for auto-renew, check in to iSportsman, check into an iWIHA area, read fishing reports, register your deer and turkey (eventually moving to electronic tagging), and more.

Initially, this app will have a billfold where you can store PDFs of all your licenses and permits that qualify for e-licensing. It will also allow for updates and notices to be sent to anyone who has the app. If testing pans out, this should be ready to launch this summer. However, regulatory amendments that are necessary will probably require a September or later launch.

Briefing: Five-Year Review of Species Listed in Kansas as Threatened, Endangered or Species in Need of Conservation (SINC)

1) Introduction

Every five years, Kansas Department of Wildlife, Parks and Tourism (KDWPT) staff conduct a review of the wildlife species listed in the state as Endangered (E), Threatened (T), or Species-in-need-of-conservation (SINC). These lists were first authorized by the Nongame and Endangered Species Conservation Act of 1975 and are in KDWPT Regulations 115-15-1 (Threatened and Endangered) and 115-15-2 (Species-in-need-of-conservation; SINC).

The current review process was initiated in early 2018 with a request for petitions to change a listing with supporting evidence. A Threatened and Endangered Species Task Committee (T&E Task Committee) then determined if the petition merited a full review. Three petitions were submitted to the KDWPT. The Task Committee determined that substantial evidence was presented to warrant a full review.

In completing the full review process, the T&E Task Committee evaluated the scientific literature and consulted experts for their input to assist with proper listing category determination. A numerical evaluation form was also completed by the experts and that score was used as a guideline for listing category. Final recommendations from the T&E Task Committee are listed below:

Common name	Current listing/Year	Petitioned listing change	Task Committee recommendation
Arkansas darter	Threatened / 1978	Downlist to SINC	SINC
Cylindrical Papershell	SINC / 1987	Uplist to Endangered	Endangered
Wabash Pigtoe	SINC / 1993	Delist from SINC	Not listed

If more details are needed, there is a repository of information regarding the three reviewed species available on the KDWPT website: <https://ksoutdoors.com/Services/Threatened-and-Endangered-Wildlife/2018-Five-Year-Review>

2) Brief species description and comments

Arkansas Darter (*Etheostoma cragini*).

The Arkansas Darter is a small (2.5-inch maximum length) bottom-dwelling fish that is in the same family as the Walleye and Sauger (Percidae). This darter inhabits aquatic vegetation in the shallow, slow-current portions of clear spring-fed streams without overhanging trees. It feeds primarily on aquatic insects. Spawning occurs from March to May when the males exhibit an orange underside. Eggs are deposited in sand substrate. Maximum longevity is three years but most of the spawning population is made up of yearlings. In Kansas, the Arkansas Darter resides in most drainages of the southcentral portion of the state and the Ozarkian streams of the extreme southeast.

The T&E Task Committee recommends downlisting to SINC for the following reasons:

- Distribution is widespread and more-fully documented than when first listed in 1978 (Total Number of sites documented through 1978:78 and post-1978:1,066)
- Has shown ability to recover quickly from drought
- Is tolerant of stressful conditions
- Most common darter in southcentral Kansas
- Fifth most common native species of fish found at survey sites in southcentral Kansas
- Expert panel supports downlisting from Threatened to SINC
- Numerical rating score guidelines suggest SINC listing
- Better long-term information on water supply in Kansas range of this fish
- T&E Task Committee voted (6-1) to downlist Arkansas Darter from T to SINC list

Cylindrical Papershell (*Anodontoidea ferussacianus*)

The Cylindrical Papershell is a relatively short-lived (10 years) freshwater mussel that was formerly documented in most rivers of northern Kansas. It is a thin-shelled, straw-colored mussel that can measure 3.5 inches in length. Currently, it is found in limited reaches of the Smoky Hill and Saline rivers. Mussel larvae (glochidia) require attachment to a fish host to metamorphose to the juvenile stage before dropping off. The Cylindrical Papershell has hooked glochidia that can attach to the fins of several host fish species. Once attached, glochidia metamorphose to the juvenile stage before dropping off.

The T&E Task Committee recommends uplisting the Cylindrical Papershell to Endangered for the following reasons:

- This mussel is very limited in its Kansas range, causing it to be vulnerable to extirpation
- Geographic isolation probably will result in loss of genetic variability
- Water-flow in occupied river reaches can be intermittent. Only known populations are persisting, but water quantity will probably be more limiting in the future
- Recent survey work (2011 and 2015) showed it to be rare and declining since the 1980s when it was reported as the most common mussel in the Smoky Hill River
- Because this mussel is at the southern edge of its range in Kansas, increasing water temperatures may be having a detrimental effect on the population
- The T&E Task Committee and the expert panel unanimously recommended E listing

Wabash Pigtoe (*Fusconaia flava*)

The Wabash Pigtoe is a smooth and heavy-shelled freshwater mussel found in the rivers of eastern Kansas. It can grow to 5 inches in length. The adult is sedentary. Dispersal occurs by fish that carry larval mussels (glochidia) until metamorphosis occurs and juvenile mussels drop off to pioneer new habitats. The female Wabash Pigtoe releases glochidia as packets (pelagic conglomerates) that host fish try to eat. In the process, some glochidia attach to the fish's gill filaments. Common host fishes include shiners, minnows, crappie and bluegill. The Wabash Pigtoe is most likely found in gravelly substrates near riffles.

The T&E Task Committee recommends delisting Wabash Pigtoe for the following reasons:

- Long-term trend data for this species in the Verdigris River shows dramatic density increase at eight sites (from 0.58/1-m² in 1991 to 5.18 in 2015)
- At some locations, it is the most numerous mussel species present
- Co-dominant mussel species at several river sites in southeast Kansas
- There is no longer any commercial exploitation of mussels. Current moratorium on take and no market demand for last two decades
- Host fishes are not a limiting factor for Wabash Pigtoe
- Due to robust numbers, it does not compare to other more uncommon mussels on the SINC list
- T&E Task Committee voted unanimously to remove it from SINC list

3) Housekeeping: Nomenclature changes

As more genetic information regarding relationships becomes available, coupled with efforts to standardize nomenclature, there are changes that occur in common and scientific names. To keep this effort simple and straight-forward, the T&E Task Committee uses the accepted nomenclature that is used by NatureServe.org. The following are the nomenclature changes recommended for the lists in K.A.R. 115-15-1 and 115-15-2.

15-15-1. Threatened and endangered species; general provisions.

- (a) The following species shall be designated endangered within the boundaries of the state of Kansas.
- Invertebrates
 - Flat floater mussel, ~~Anodonta~~ *Utterbackia-suborbiculata* (Say, 1831)
 - Rabbitsfoot mussel, ~~Quadrula~~ *Thaliderma cylindrica* (Say, 1817)
 - Birds
 - Least tern, ~~Sterna~~ *Sternula antillarum* (Lesson, 1847)
- (b) The following species shall be designated threatened within the boundaries of the state of Kansas.
- Amphibians
 - Eastern ~~narrowmouth~~ *narrow-mouthed* toad, *Gastrophryne carolinensis* (Holbrook, 1836)
 - Reptiles
 - ~~Broadhead~~ skink, ~~Eumeces~~ *laticeps* (Schneider, 1801) *Broad-headed Plestiodon*
 - Checkered ~~garter snake~~, *Thamnophis marcianus* (Baird and Girard, 1853) *gartersnake*

- Birds

Snowy plover, *Charadrius alexandrinus nivosus* (Linnaeus, 1758)

115-15-2. Nongame species; general provisions. (a) The following species shall be designated nongame species in need of conservation within the boundaries of the state of Kansas.

- Invertebrates

Wartyback mussel, *Quadrula cyclonaias nodulata* (Rafinesque, 1820)

- Amphibians

Crawfish frog, *Lithobates areolate areolatus* (Baird and Girard, 1852)

- Reptiles

Rough earth snake earthsnake, *Virginia Haldea striatula* (Linnaeus, 1766)

Western hognose Plains hog-nosed snake, *Heterodon nasicus* (Baird and Girard, 1852)

Eastern hognose hog-nosed snake, *Heterodon platirhinus* (Latreille, 1801)

Chihuahuan night snake nightsnake, *Hypsiglena jani* (Duges, 1865)

Redbelly Redbellied snake, *Storeria occipitomaculata* (Storer, 1839)

Longnose Longnosed snake, *Rhinocheilus lecontei* (Baird and Girard, 1853)

Smooth earth snake earthsnake, *Virginia valeriae* (Baird and Girard, 1853)

2020 Reference Document Proposed Changes for Special Length and Creel Limits:

- Wilson Reservoir -- add a 32- to 40-inch slot length limit and 2/day creel limit with no more than 1/day 40 inches or larger creel limit on blue catfish.
- Marion Reservoir – change to a 21-inch minimum length limit on walleye.
- Agra City Lake -- add a 15-inch minimum length limit and a 5/day creel limit on channel catfish.
- Sterling City Lake -- change to a 21-inch minimum length limit on saugeye.
- John Redmond Reservoir -- add a 35-inch minimum length limit on blue catfish.
- Gridley City Lake -- remove the 18-inch minimum length limit and 2/day creel limit on largemouth bass.
- Mined Land Wildlife Area -- remove the 20-inch minimum length limit and 1/day creel limit on brown trout.
- Neodesha City Lake -- add a 15-inch minimum length limit and 5/day creel limit on channel catfish.
- Salina - Lakewood Lake -- change to a 2/day creel limit on trout.
- Add to the list of Paddlefish Snagging Locations -- Neosho Falls Dam, Erie Dam, and Oswego Dam on the Neosho River, Coffeyville Dam on the Verdigris River, and Ottawa Dam on the Marais des Cygnes River.

Other 2020 Proposed Fishing Regulation Changes.

Change 115-7-3. Fish; taking and use of baitfish or minnows.

Expand the restrictions on the movement of baitfish to include other aquatic bait (crayfish, leeches, salamanders, frogs, and mussels). The movement of water leads to the spread of ANS. While we have done a good job preventing the movement of most fish, movement of these other baits would likely include water, potentially from ANS waterbodies. This movement allows ANS or pathogens to quickly jump to new drainages or over barriers, which they would otherwise be unable to do.

Change 115-7-1. Fishing; legal equipment, methods of taking, and other provisions.

We currently have restrictions on float materials used for floatlines and setlines that aid in the prevention of moving ANS. *“Float material for floatlines and setlines shall be constructed only from plastic, wood, or foam and shall be a closed-cell construction. A “closed-cell” construction shall mean a solid body incapable of containing water.”* We currently do not have restrictions on float materials used for trotlines. Trotline floats are typically made of empty antifreeze, bleach, and soap containers. We propose that trotlines fall under the same float material restrictions as setlines and floatlines.

Parks Regulations

The Parks Division is recommending that school district vehicles with school tags be allowed free entrance to all Kansas state parks. We believe this will encourage teachers to get children outdoors to enjoy our state parks, learn about nature and participate in outdoor recreation activities. This would also apply to school districts that have fishing teams. Parents and spectators who attend fishing events will still have to have daily vehicle permits. A special event vehicle permit will be available on request to Christian and private schools that don't have school district vehicles or tags.

E-Bicycles (E-Bike)

E-Bikes are battery powered “assist” that comes with pedaling or in some cases a throttle, making pedaling easier while not eliminating the need to pedal. The battery does not make any sound.

"When you push the pedals on a pedal-assist e-bike, a small motor engages and gives you a boost, so you can zip up hills and cruise over tough terrain without gassing yourself. Called "pedalecs," they feel just like conventional bikes—but better, says Ed Benjamin, senior managing director at the consulting firm eCycleElectric. "You control your speed with your feet, like with a regular bike," he says. "You just feel really powerful and accelerate easily."

~ Bicycling News

VI. DEPARTMENT REPORT

C. Workshop

5. KAR 15-25-(5-6) Turkey; seasons, bag limits, permits, & game tags

Background

The 2019 spring turkey season was open April 1 – May 31 and included three different segments - youth/disabled, archery, and regular. The fall 2019 season will be open October 1 to January 31 (closed during the regular firearm deer season, December 4-15). Hunting regulations are set within six management units for both spring and fall seasons (Figure 1).

For the spring 2019 season, 26,482 hunters purchased 41,616 carcass tags. Nonresidents accounted for 32 percent of Kansas' spring hunters and 20 percent of the fall hunters in the most recent seasons. Spring harvest has declined over the past four years from approximately 36,000 turkeys in 2015 to approximately 17,000 in 2019 (Table 1). Statewide spring hunter success remained relatively stable in 2019 (47%, Table 1). Overall declining rates of hunter success — in conjunction with declining population and production indices — are concerning.

Population Status and Productivity

Turkey abundance has been declining since the late 2000s. Statewide turkey production was generally fair in 2018. Heavy rainfall throughout the 2019 spring resulted in extensive flooding, especially in the eastern half of the state. Production is expected to be poor in the east and fair to good in the west. At the time of this writing, the 2019 brood survey is being conducted, so production for 2019 has not been estimated. Reduced turkey production is a trend that has been noted throughout the Midwest in the past 5-10 years and is a primary concern as turkey populations decline across the region.

Recommendations

Bag Limits

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 nine years and includes data for the last 16 hunting seasons.

An analysis of the spring 2019 harvest data revealed that three of the six units have continued to experience resident hunter success below the stated thresholds of the strategy for the last two spring seasons (Table 4). This continued decline in hunter success activated management triggers to reduce bag limits and/or season availability in Units 3, 5, and 6 (Northeast, Southcentral, Southeast).

Staff recommend removing the option of a Game Tag in Units 3, 5, and 6 for spring 2020 (April 1-May 31) and recommend suspending the fall turkey season in Units 3, 5, and 6 for 2020 (October 1, 2020-January 31, 2021).

The recommended bag limits for spring and fall turkey seasons are as follows:

Hunting Unit	Management Unit	2020 Season Permits (* limited draw, otherwise unlimited availability)	
		Spring	Fall
1	Northwest	2	1
2	Northcentral	2	1
3	Northeast	1	0
4	Southwest	1*	0
5	Southcentral	1	0
6	Southeast	1	0

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

The recommended 2021 Spring and Fall Turkey season dates are as follows:

Spring

- Youth / Disabled April 1 - 13
- Early Archery April 5 - 13
- Regular Firearm April 14 - May 31

Fall

- All Legal Methods October 1 – November 30, December 13 - January 31

Table 1. Kansas wild turkey permit sales, total harvest, and hunter success for each of the last 5 seasons, 2014-2019.

Year	Spring			Fall			
	Permits & Game Tags	Total Harvest	Success (%)	Permits & Game Tags	Total Harvest	Hen Harvest (%)	Success (%)
2014	71,903	31,988	55	13,064	2,862	37	33
2015	74,609	36,511	55	12,134	2,093	36	26
2016	71,320	30,298	47	8,741	1,471	22	26
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	41,616	17,184	47	--	--	--	--

Success: percentage of active hunters harvesting ≥ 1 bird

Table 2. 2018 Spring Rural Mail Carrier Survey population index (turkeys / 100 miles) differences from 2018 and 5- and 10-year averages.

	Northwest	Northcentral	Northeast
Difference from 2018 (%)	-34.8	1.2	-13.9
2019 difference from 5-year average (%)	-13.2	-12.6	-0.2
2019 difference from 10-year average (%)	-41.3	-29.2	-14.4

	Southwest	Southcentral	Southeast	Statewide
Difference from 2018 (%)	17.8	-12.7	7.6	-10.2
2019 difference from 5-year average (%)	18.7	-16.6	-3.8	-8.0
2019 difference from 10-year average (%)	9.2	-18.4	1.1	-19.5

Table 3. 2018 Summer Rural Mail Carrier Survey production index (poults / adult) differences from 2017 and 5- and 10-year averages.

	Northwest	Northcentral	Northeast
Difference from 2017 (%)	46.0	44.9	125.6
2018 difference from 5-year average (%)	72.6	23.1	115.2
2018 difference from 10-year average (%)	-8.3	29.7	53.7

	Southwest	Southcentral	Southeast	Statewide
Difference from 2017 (%)	-11.8	82.7	42.1	56.4
2018 difference from 5-year average (%)	-18.1	14.2	73.8	40.6
2018 difference from 10-year average (%)	-32.6	-14.0	79.5	19.1

Table 4. Spring turkey season resident hunter success (%), 2015-2019.

Year	Northwest (Unit 1)	Northcentral (Unit 2)	Northeast (Unit 3)	Southwest (Unit 4)	Southcentral (Unit 5)	Southeast (Unit 6)	Statewide
2015	60.0	50.9	52.9	56.0	50.5	43.7	46.3
2016	34.5	54.1	48.7	40.7	44.6	41.2	43.0
2017	50.0	58.3	45.1	65.0	48.9	44.3	44.4
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

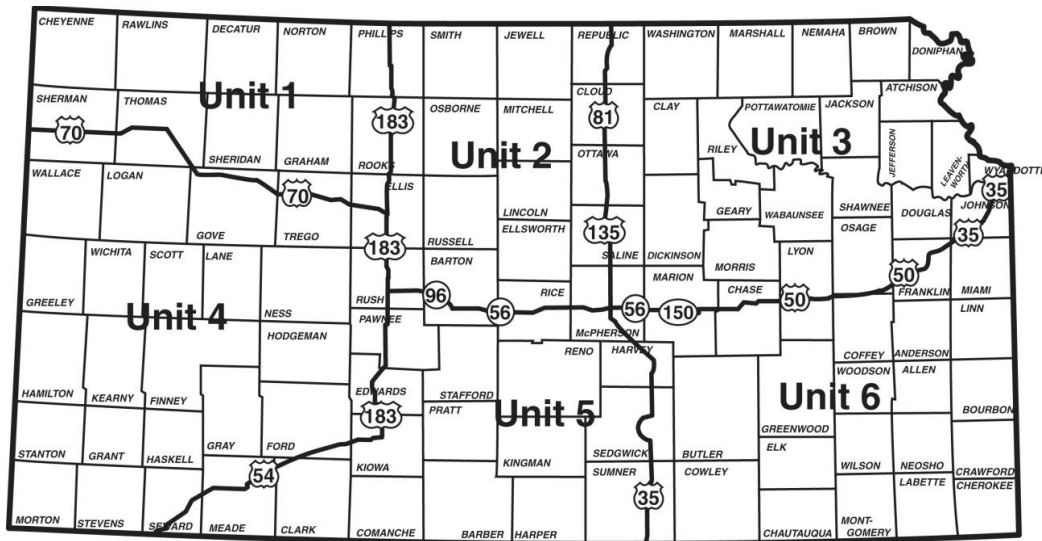
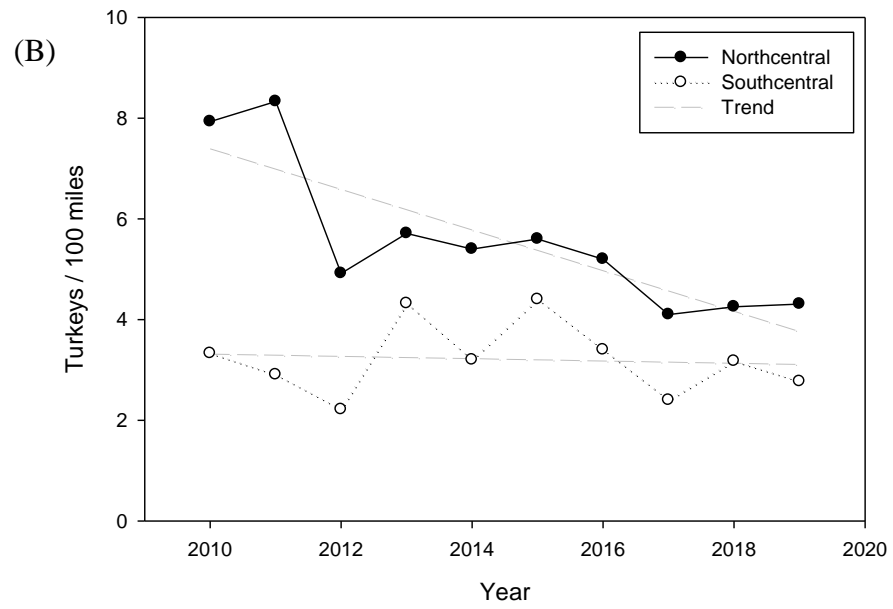
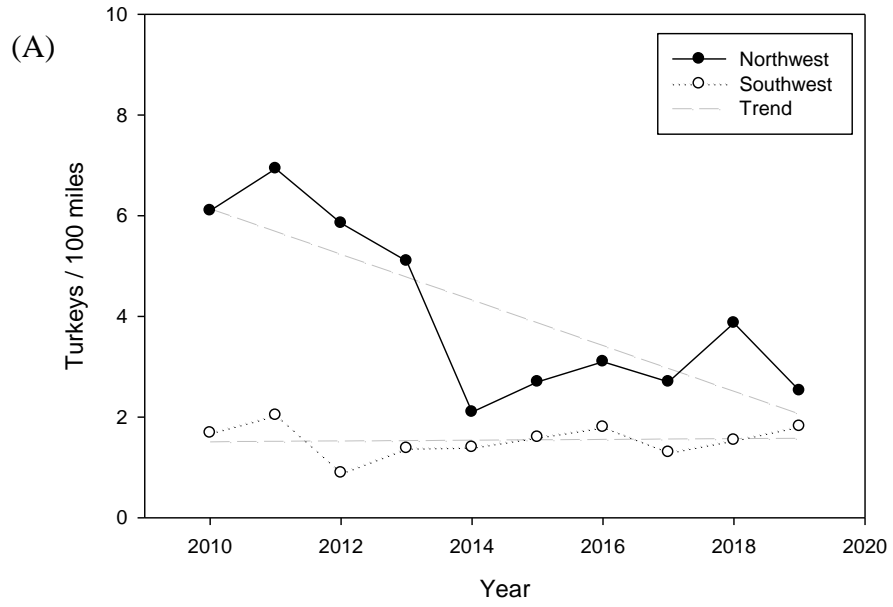


Figure 1. Hunting units for Kansas' 2019 turkey seasons. A 2019 spring turkey permit (and additional game tag) could be purchased over-the-counter for Units 1, 2, 3, 5, and 6. Five hundred spring permits were issued for Unit 4 through a pre-season drawing and were also valid in adjacent units. A 2019 fall turkey permit can be purchased over-the-counter, and is valid in Units 1, 2, 3, 5, and 6. There will be no fall turkey hunting allowed in Unit 4 in 2019.



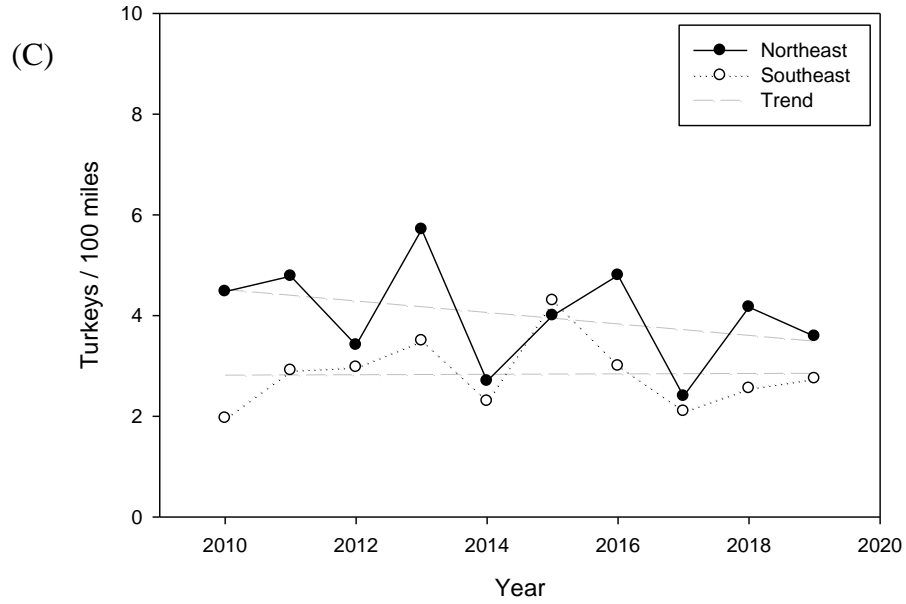


Figure 2. The spring rural mail carrier index (turkeys / 100 miles traveled) to wild turkey populations with 10-year trends in the western (A), central (B), and eastern (C) Kansas management regions, 2010-2019.

Public Hearing

Document No. _____

KANSAS REGISTER SUBMISSION FORM

Agency Number 710-01
Agency Name Kansas Department of Wild lifer Parks and Tourism
Agency Address 1020 s . Kansas Ave . Suite 200
Topeka Kansas 66612-1233
Title of Document Public Hearing
Desired Date of Publication June 6, 2019

CERTIFICATION

I hereby certify that I have reviewed the attached documents, and that they conform to all applicable Kansas Register publication guidelines and to the requirements of K. S.A. 75-431, as amended. I further certify that submission of these items for publication is a proper and lawful action of this agency, that funds are available to pay the publication fees and that such fees will be paid by this agency on receipt of billing.



Liaison officer's signature

Christopher J. Tymeson
Liaison officer's typed name

Department Attorney

(785) 296-2281

Title

Phone

This space for Register office use only

Wildlife, Parks, and Tourism Commission

Notice of Public Hearing

A public hearing will be conducted by the Wildlife, Parks, and Tourism Commission at 6:30 p.m., Thursday, August 15, 2019 at University of Kansas Edwards Campus, Best Conference Center, 12600 Quivira Rd, Overland Park, Kansas to consider the approval and adoption of proposed regulations of the Kansas Department of Wildlife, Parks, and Tourism.

A general discussion and workshop meeting on the business of the Wildlife, Parks, and Tourism Commission will begin at 1:30 p.m., August 15 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 meeting 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 business matters, the Commission will reconvene at 9:00 a.m. August 16 at the location listed above.

Any individual with a disability may request accommodation in order to participate in the public meeting and may request the meeting materials in an accessible format. Requests for accommodation to participate in the meeting should be made at least five working days in advance of the meeting 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, Parks, and Tourism, 1020 S. Kansas Ave, Suite 200, Topeka, KS 66612 or to sheila.kemmis@ks.gov if electronically. All interested parties will be given a reasonable opportunity at the hearing to express their views orally in regard to 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. 115-2-1. This permanent regulation establishes fees for various issues of the department. The proposed changes to the regulation create new hunting, fishing and combination hunting and fishing licenses for thirty percent service-connected disabled resident veterans.

Economic Impact Summary: The sale of the new proposed licenses reduce fees by approximately \$29,500 to the department. Otherwise, no substantial economic impact to the department, other state agencies, small businesses, or individual members of the public is anticipated.

K.A.R. 115-2-7. This permanent regulation establishes the backcountry access pass. The regulation is proposed for revocation.

Economic Impact Summary: The revocation of the regulation will have no fiscal impact and no other substantial economic impact to the department, other state agencies, small businesses, or individual members of the public is anticipated.

K.A.R. 115-5-3. This permanent regulation establishes the management units for furbearers and coyotes. The proposed changes to the regulation would remove otters from the statewide management unit in order to better manage harvest of otters.

Economic Impact Summary: No substantial negative economic impact to the department, other state agencies, small businesses, or individual members of the public is anticipated.

K.A.R. 115-5-3a. This new permanent regulation establishes the management units for otters. The new regulation would create otter management units in order to better manage harvest of otters.

Economic Impact Summary: No substantial negative economic impact to the department, other state agencies, small businesses, or individual members of the public is anticipated.

K.A.R. 115-25-11. This exempt regulation establishes the furbearer open season and bag limits. The proposed version of the regulation manages otter harvest by management units and open the season slightly earlier on opening day.

Economic Impact Summary: The sale of furharvester licenses generates \$182,300 to the department, all of which accrues to the wildlife fee fund, and approximately \$4,500,000 to the Kansas economy based on 2018 furharvester licenses sold. Otherwise, no substantial economic impact to the department, other state agencies, small businesses, or individual members of the public is anticipated.

Copies of the complete text of each regulation and its respective economic impact statement may be obtained by writing the chairman of the Commission at the address above, electronically on the department's website at 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

May 29, 2019

Chris Tymeson
Chief Legal Counsel
Kansas Department of Wildlife, Parks and Tourism
1020 S. Kansas, Suite 200
Topeka, KS 66612

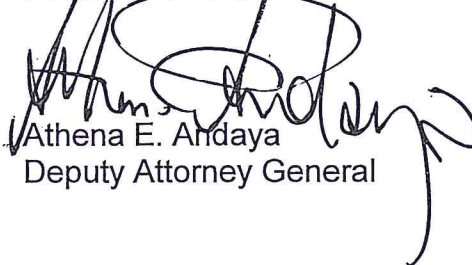
RE: **K.A.R. 115-2-1; 115-2-7; 115-5-3; 115-5-3a; 115-8-13a; and 115-25-11**

Dear Mr. Tymeson:

Pursuant to K.S.A. 2018 Supp. 77-420(b), we have reviewed the above-referenced regulations and finding no issues of concern, have approved them. The stamped original regulations are enclosed with this letter.

Sincerely,

OFFICE OF THE ATTORNEY GENERAL
DEREK SCHMIDT


Athena E. Andaya
Deputy Attorney General

AEA:AEA:sb
Enclosures

cc: Rep. Ron Highland, Chair, Joint Committee on Rules and Regulations
Sen. Mary Pilcher-Cook, Vice Chair, Joint Committee on Rules and Regulations
Rep. John Carmichael, Ranking Minority Member, Joint Committee on Rules and Regulations
J. G. Scott, Legislative Research, State Capitol, Room 68-W
Natalie Scott, Office of Revisor, State Capitol, Room 24-E

115-2-1. Amount of fees. The following fees and discounts shall be in effect for the following licenses, permits, and other issues of the department: (a) Hunting licenses and permits.

Resident hunting license (valid for one year from date of purchase)	\$25.00
Resident hunting license (valid for five years from date of purchase)	100.00
<u>Resident disabled veteran hunting license (valid for one year from date of purchase, 30 percent or more service-connected disabled).....</u>	<u>12.50</u>
Resident senior hunting license (valid for one year from date of purchase, 65 years of age through 74 years of age).....	12.50
Resident youth hunting license (one-time purchase, valid from 16 years of age through 20 years of age, expiring at the end of that calendar year)	40.00
Nonresident hunting license (valid for one year from date of purchase).....	95.00
Nonresident junior hunting license (under 16 years of age)	40.00
Resident big game hunting permit:	
General resident: either-sex elk permit.....	300.00
General resident: antlerless-only elk permit	150.00
General resident youth (under 16 years of age): either-sex elk permit.....	125.00
General resident youth (under 16 years of age): antlerless-only elk permit	50.00
Landowner/tenant: either-sex elk permit	150.00
Landowner/tenant: antlerless-only elk permit	75.00
Hunt-on-your-own-land: either-sex elk permit.....	150.00
Hunt-on-your-own-land: antlerless-only elk permit	75.00
General resident: deer permit	40.00

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MAY 23 2019
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General resident youth (under 16 years of age): deer permit	10.00
General resident: antlerless-only deer permit	20.00
General resident youth (under 16 years of age): antlerless-only deer permit	7.50
Landowner/tenant: deer permit	20.00
Hunt-on-your-own-land: deer permit	20.00
Special hunt-on-your-own-land: deer permit	85.00
General resident: antelope permit	50.00
General resident youth (under 16 years of age): antelope permit	10.00
Landowner/tenant: antelope permit	25.00
Antelope preference point service charge	10.00
Any-deer preference point service charge	10.00
Application fee for elk permit.....	10.00

Wild turkey permit:

General resident: turkey permit (1-bird limit)	25.00
General resident youth (under 16 years of age): turkey permit (1-bird limit)	5.00
Resident landowner/tenant: turkey permit (1-bird limit)	12.50
Nonresident: fall turkey permit (1-bird limit).....	50.00
Nonresident tenant: fall turkey permit (1-bird limit)	25.00
Nonresident: spring turkey permit (1-bird limit)	60.00
Nonresident tenant: spring turkey permit (1-bird limit)	30.00
Nonresident youth (under 16 years of age): turkey permit (1-bird limit).....	10.00

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Resident: turkey preference point service charge5.00

Wild turkey game tag:

Resident: turkey game tag (1-bird limit)15.00

Resident youth (under 16 years of age): turkey game tag (1-bird limit)5.00

Nonresident: turkey game tag (1-bird limit)30.00

Nonresident youth (under 16 years of age): turkey game tag (1-bird limit)10.00

Spring wild turkey permit and game tag combination (2-bird limit, must be purchased before April 1 of year of use):

General resident: turkey permit and game tag combination (2-bird limit)35.00

General resident youth (under 16 years of age): turkey permit and game tag combination (2-bird limit)10.00

Resident landowner/tenant: turkey permit and game tag combination (2-bird limit)17.50

Nonresident: turkey permit and game tag combination (2-bird limit)85.00

Nonresident tenant: turkey permit and game tag combination (2-bird limit)42.50

Nonresident youth (under 16 years of age): turkey permit and game tag combination (2-bird limit)20.00

Nonresident big game hunting permit:

Nonresident hunt-on-your-own-land: deer permit85.00

Nonresident tenant: deer permit85.00

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Nonresident: deer permit (antlered deer)	400.00
Nonresident youth (under 16 years of age): deer permit (antlered deer)	75.00
Nonresident: deer permit (antlerless only)	50.00
Nonresident: combination 2-deer permit (antlered deer and antlerless white-tailed deer)	415.00
Nonresident youth (under 16 years of age): combination 2-deer permit (antlered deer and antlerless white-tailed deer)	90.00
Nonresident: antelope permit (archery only)	300.00
Nonresident tenant: antelope permit	85.00
Nonresident youth (under 16 years of age): antelope (archery only)	100.00
Nonresident: deer permit application fee	25.00
Nonresident: mule deer stamp	150.00
Field trial permit: game birds	20.00
Lifetime hunting license	500.00
or eight quarterly installment payments of	67.50
Migratory waterfowl habitat stamp	8.00
Sandhill crane hunting permit: validation fee	5.00
Disabled person hunt-from-a-vehicle permit	0
(b) Fishing licenses and permits.	
Resident fishing license (valid for one year from date of purchase)	25.00
Resident fishing license (valid for five years from date of purchase)	100.00

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MAY 21 2019

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APPROVED

MAY 23 2019

DEPT. OF ADMINISTRATION

APPROVED

MAY 29 2019

ATTORNEY GENERAL

Resident disabled veteran fishing license (valid for one year from date of purchase, 30 percent or more service-connected disabled).....12.50

Resident senior fishing license (valid for one year from date of purchase, 65 years of age through 74 years of age).....12.50

Resident youth fishing license (one-time purchase, valid from 16 years of age through 20 years of age, expiring at the end of that calendar year)40.00

Nonresident fishing license (valid for one year from date of purchase).....50.00

Resident calendar day fishing license6.00

Nonresident calendar day fishing license12.00

Three-pole permit (valid for one year from date of purchase).....6.00

Tournament bass pass (valid for one year from date of purchase)12.00

Paddlefish permit (six carcass tags).....10.00

Paddlefish permit youth (under 16 years of age) (six carcass tags).....5.00

Hand fishing permit25.00

Lifetime fishing license500.00

 or eight quarterly installment payments of 67.50

Five-day nonresident fishing license25.00

Institutional group fishing license100.00

Special nonprofit group fishing license50.00

Trout permit (valid for one year from date of purchase)12.00

(c) Combination hunting and fishing licenses and permits.

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DIVISION OF THE BUDGET

APPROVED

MAY 23 2019

DEPT OF ADMINISTRATION

APPROVED

MAY 29 2019

ATTORNEY GENERAL

Resident combination hunting and fishing license (valid for one year from date of purchase)	45.00
Resident combination hunting and fishing license (valid for five years from date of purchase).....	180.00
<u>Resident disabled veteran combination hunting and fishing license (valid for one year from date of purchase, 30 percent or more service-connected disabled).....</u>	<u>22.50</u>
Resident senior combination hunting and fishing license (valid for one year from date of purchase, 65 years of age through 74 years of age).....	22.50
Resident combination youth hunting and fishing license (one-time purchase, valid from 16 years of age through 20 years of age, expiring at the end of that calendar year)	70.00
Resident lifetime combination hunting and fishing license	960.00
or eight quarterly installment payments of	130.00
Resident senior lifetime combination hunting and fishing license (one-time purchase, valid 65 years of age and older).....	40.00
Nonresident combination hunting and fishing license (valid for one year from date of purchase).....	135.00
(d) Furharvester licenses.	
Resident furharvester license (valid for one year from date of purchase)	25.00
Resident junior furharvester license (valid for one year from date of purchase).....	12.50
Lifetime furharvester license	500.00
or eight quarterly installment payments of	67.50

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Nonresident furharvester license (valid for one year from date of purchase).....	250.00
Nonresident bobcat permit (1-bobcat limit per permit)	100.00
Resident fur dealer license	100.00
Nonresident fur dealer license	400.00
Field trial permit: furbearing animals	20.00

(e) Commercial licenses and permits.

Controlled shooting area hunting license (valid for one year from date of purchase).....	25.00
Resident mussel fishing license	75.00
Nonresident mussel fishing license	1,000.00
Mussel dealer permit	200.00
Missouri river fishing permit	25.00
Game breeder permit	10.00
Controlled shooting area operator license	200.00
Commercial dog training permit	20.00
Commercial fish bait permit (three-year permit).....	50.00
Commercial prairie rattlesnake harvest permit (without a valid Kansas hunting license)	20.00
Commercial prairie rattlesnake harvest permit (with a valid Kansas hunting license or exempt from this license requirement)	5.00
Commercial prairie rattlesnake dealer permit.....	50.00
Prairie rattlesnake round-up event permit	25.00

(f) Collection, scientific, importation, rehabilitation, and damage-control permits.

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Scientific, educational, or exhibition permit10.00

Raptor propagation permit0

Rehabilitation permit0

Wildlife damage-control permit0

Wildlife importation permit10.00

Threatened or endangered species: special permits0

(g) Falconry.

Apprentice permit75.00

General permit75.00

Master permit75.00

Testing fee50.00

(h) Miscellaneous fees.

Duplicate license, permit, stamp, and other issues of the department0.00

Special departmental services, materials, or supplies At cost

Vendor bond

 For bond amounts of \$5,000.00 and less50.00

 For bond amounts of more than \$5,000.0050.00

 plus \$6.00 per additional \$1,000.00 coverage or any fraction thereof.

(i) Discounts.

Discount for five or more licenses, permits, stamps, or other issues of the department
purchased by an individual at the same timefive percent of the total price

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(Authorized by K.S.A. 2018 Supp. 32-807 and K.S.A. 2018 Supp. 32-988; implementing K.S.A. 2018 Supp. 32-807, K.S.A. 2018 Supp. 32-988, and K.S.A. 2018 Supp. 32-9,100; effective Dec. 4, 1989; amended Sept. 10, 1990; amended Jan. 1, 1991; amended June 8, 1992; amended Oct. 12, 1992; amended April 11, 1994; amended Aug. 29, 1994; amended June 5, 1995; amended Aug. 21, 1995; amended Feb. 28, 1997; amended July 30, 1999; amended Jan. 2, 2002; amended Jan. 1, 2003; amended Jan. 1, 2004; amended Feb. 18, 2005; amended Jan. 1, 2006; amended May 1, 2006; amended Jan. 1, 2007; amended Jan. 1, 2008; amended Jan. 1, 2009; amended Jan. 1, 2010; amended Aug. 1, 2010; amended Jan. 1, 2011; amended Jan. 1, 2013; amended April 19, 2013; amended Nov. 15, 2013; amended Jan. 1, 2015; amended Jan. 1, 2016; amended Jan. 1, 2018; amended April 26, 2019; amended P-_____.)

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**Kansas Administrative Regulations
Economic Impact Statement
For the Kansas Division of the Budget**

KDWPT
Agency

Christopher J Tymeson
Agency Contact

785-296-1032
Contact Phone Number

K.A.R. 115-2-1
K.A.R. Number(s)

Submit a hard copy of the proposed rule(s) and regulation(s) and any external documents that the proposed rule(s) and regulation(s) would adopt, along with the following to: Division of the Budget
900 SW Jackson, Room 504-N
Topeka, KS 66612

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

This proposed amendments to the regulation would reduce the price of 30 percent service-connected disabled veteran licenses and permits by half.

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

This is not a federal mandate. Missouri, Oklahoma, Nebraska and Colorado all have varying fees dealing with licenses and permits.

III. Agency analysis specifically addressing following:

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

The proposed amendments will not enhance or restrict business activities or growth.

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 and regulation and on the state economy as a whole;

The proposed amendments will reduce costs for resident disabled veterans when purchasing issuances of the Department.

C. Businesses that would be directly affected by the proposed rule and regulation;

None.

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

The proposed benefit is a reduction in fees for resident disabled veterans.



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;

There are no costs to business and economic development associated with this proposal.

F. An estimate, expressed as a total dollar figure, of the total annual implementation and compliance costs that are reasonably expected to be incurred by or passed along to business, local governments, or members of the public.

There are no implementation or compliance costs associated with this proposal. The change would result in a reduction to the wildlife fee fund of approximately \$29,500 annually.

An estimate, expressed as a total dollar figure, of the total implementation and compliance costs that are reasonably expected to be incurred by or passed along to business, local governments, or members of the public.

There are no implementation or compliance costs associated with this proposal. The change would result in a reduction to the wildlife fee fund of approximately \$29,500 annually.

Do the above total implementation and compliance costs exceed \$3.0 million over any two-year period?

YES NO

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

There are no implementation or compliance costs with this proposal. There were 1068 RDV combination hunting and fishing licenses, 404 RDV fishing licenses, and 23 RDV hunting licenses sold in 2018. Reducing the fees for each issuance by half results in a loss to the wildlife fee fund in the amount of approximately \$29,500 annually.

Prior to the submission or resubmission of the proposed rule(s) and regulation(s), did the agency hold a public hearing if the total implementation and compliance costs exceed \$3.0 million over any two-year period 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.

YES NO

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.



- 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 to every newspaper in the state, discussion at prior public hearings and meetings which are broadcast online, publication in the Kansas Register and publication on the Department's website.

- I. For environmental rule(s) and regulation(s) describe the costs that would likely accrue if the proposed rule(s) and regulation(s) are not adopted, as well as the persons would bear the costs and would be affected by the failure to adopt the rule(s) and regulation(s).**

Not applicable.



115-2-7. (Authorized by and implementing K.S.A. 2018 Supp. 32-807; effective Jan. 11, 2019;
revoked P-_____.)

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ADMINISTRATION

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ATTORNEY GENERAL

**Kansas Administrative Regulations
Economic Impact Statement
For the Kansas Division of the Budget**

KDWPT
Agency

Christopher J Tymeson
Agency Contact

785-296-1032
Contact Phone Number

K.A.R. 115-2-7
K.A.R. Number(s)

Submit a hard copy of the proposed rule(s) and regulation(s) and any external documents that the proposed rule(s) and regulation(s) would adopt, along with the following to: Division of the Budget
900 SW Jackson, Room 504-N
Topeka, KS 66612

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

This regulation is proposed for revocation. The regulation deals with backcountry passes at certain state parks.

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

This is not a federal mandate. Oklahoma, Nebraska, Missouri and Colorado all have varying regulations dealing with park entrance fees.

III. Agency analysis specifically addressing following:

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

The proposed version of the regulation will not enhance or restrict business activities and growth.

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 and regulation and on the state economy as a whole;

The proposed version of the regulation could have a collateral positive economic impact on grocery stores, hotels and motels, service stations, etc.

C. Businesses that would be directly affected by the proposed rule and regulation;

None.

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

The regulation currently requires a backcountry access pass to enter ecologically sensitive areas of certain state parks. The department is proposing to revoke the regulation.



- 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;**

There are no negative costs and impacts on businesses associated with this proposal.

- F. An estimate, expressed as a total dollar figure, of the total annual implementation and compliance costs that are reasonably expected to be incurred by or passed along to business, local governments, or members of the public.**

There are no negative costs associated with revoking the regulation.

An estimate, expressed as a total dollar figure, of the total implementation and compliance costs that are reasonably expected to be incurred by or passed along to business, local governments, or members of the public.

There are no negative costs associated with revoking the regulation.

Do the above total implementation and compliance costs exceed \$3.0 million over any two-year period?

YES NO

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

There are no costs to implement revoking the regulation.

Prior to the submission or resubmission of the proposed rule(s) and regulation(s), did the agency hold a public hearing if the total implementation and compliance costs exceed \$3.0 million over any two-year period 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.

YES NO

- 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.



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 to every newspaper in the state, discussion at prior public hearings and meetings which are broadcast online, publication in the Kansas Register and publication on the Department's website.

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

Not applicable.



115-5-3. Furbearers, except otters, and coyotes; management units. The management unit for furbearers, except otters, and coyotes shall be statewide. (Authorized by and implementing K.S.A. 2018 Supp. 32-807; effective Oct. 17, 1994; amended July 19, 2002; amended P-_____.)

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ATTORNEY GENERAL

**Kansas Administrative Regulations
Economic Impact Statement
For the Kansas Division of the Budget**

KDWPT
Agency

Christopher J Tymeson
Agency Contact

785-296-1032
Contact Phone Number

K.A.R. 115-5-3
K.A.R. Number(s)

Submit a hard copy of the proposed rule(s) and regulation(s) and any external documents that the proposed rule(s) and regulation(s) would adopt, along with the following to: Division of the Budget
900 SW Jackson, Room 504-N
Topeka, KS 66612

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

This permanent regulation sets the management units for furbearers and coyotes in Kansas. The proposed changes to the regulation remove otters from the statewide management unit so they can be managed in smaller management units.

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

This is not a federal mandate. Oklahoma, Nebraska, Missouri and Colorado all have varying regulations dealing with furbearer seasons, requirements and units. The proposed changes to the regulation remove otters from the statewide management unit so they can be managed in smaller management units.

III. Agency analysis specifically addressing following:

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

The proposed version of the regulation will not enhance or restrict business activities and growth.

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 and regulation and on the state economy as a whole;

The proposed version of the regulation could have a collateral positive economic impact on grocery stores, hotels and motels, service stations, etc.

C. Businesses that would be directly affected by the proposed rule and regulation;

None.



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

The proposed changes to the regulation allow for better management of otters. Without the changes, furbearer populations will rise and negative human-wildlife conflicts will occur.

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;

There are no negative costs and impacts on businesses associated with this proposal.

F. An estimate, expressed as a total dollar figure, of the total annual implementation and compliance costs that are reasonably expected to be incurred by or passed along to business, local governments, or members of the public.

There are no implementation or compliance costs associated with the proposed changes.

An estimate, expressed as a total dollar figure, of the total implementation and compliance costs that are reasonably expected to be incurred by or passed along to business, local governments, or members of the public.

There are no implementation or compliance costs associated with the proposed changes.

Do the above total implementation and compliance costs exceed \$3.0 million over any two-year period?

YES NO

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

There are no implementation or compliance costs associated with the proposed changes.

Prior to the submission or resubmission of the proposed rule(s) and regulation(s), did the agency hold a public hearing if the total implementation and compliance costs exceed \$3.0 million over any two-year period 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.

YES NO

The agency held public hearings on this regulation on December 13, 2018 in Wichita, where 5 members of the public signed the attendance roster, on January 17, 2019 in Lawrence, where 4 members of the public signed the attendance roster, on March 28, 2019 in Topeka, where 5 members of the public signed the attendance roster and will hold a meeting on June 13, 2019 in Salina.

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

<p>DOB APPROVAL STAMP</p> <p>APPROVED</p> <p>MAY 21 2019</p> <p>DIVISION OF THE BUDGET</p>
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League of Kansas Municipalities, Kansas Association of Counties, and/or the Kansas Association of School Boards.

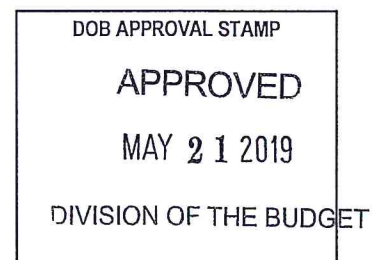
Not applicable.

- 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 to every newspaper in the state, discussion at prior public hearings and meetings which are broadcast online, publication in the Kansas Register and publication on the Department's website.

- I. For environmental rule(s) and regulation(s) describe the costs that would likely accrue if the proposed rule(s) and regulation(s) are not adopted, as well as the persons would bear the costs and would be affected by the failure to adopt the rule(s) and regulation(s).**

Not applicable.



115-5-3a. Otters; management units. The management units for otters shall be as follows:

- (a) Missouri unit: Doniphan, Brown, Atchison, Leavenworth, Jefferson, Wyandotte, Douglas, and Johnson counties;
- (b) Marais des Cygnes unit: Osage, Franklin, Miami, Anderson, Linn, and Bourbon counties;
- (c) Lower Neosho unit: Allen, Neosho, Crawford, Labette, and Cherokee counties;
- (d) Big Blue unit: Washington, Marshall, and Nemaha counties;
- (e) Kansas unit: Riley, Pottawatomie, Jackson, Geary, Wabaunsee, and Shawnee counties;
- (f) Upper Neosho unit: Morris, Marion, Chase, Lyon, Coffey, and Woodson counties;
- (g) Verdigris unit: Greenwood, Elk, Wilson, Chautauqua, and Montgomery counties;
- (h) Lower Arkansas unit: Harvey, Sedgwick, Butler, Sumner, and Cowley counties;
- (i) Republican unit: Jewell, Republic, Cloud, and Clay counties;
- (j) Solomon unit: Smith, Osborne, Mitchell, and Ottawa counties;
- (k) Smoky-Saline unit: Russell, Lincoln, Ellsworth, Saline, McPherson, and Dickinson counties;
- (l) Middle Arkansas unit: Barton, Rice, Stafford, Reno, Pratt, Kingman, Barber, and Harper counties; and
- (m) Western unit: that part of Kansas including Phillips, Rooks, Ellis, Rush, Pawnee, Edwards, Kiowa, and Comanche counties and all counties west. (Authorized by and implementing K.S.A. 2018 Supp. 32-807; effective P-_____.)

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**Kansas Administrative Regulations
Economic Impact Statement
For the Kansas Division of the Budget**

KDWPT
Agency

Christopher J Tymeson
Agency Contact

785-296-1032
Contact Phone Number

K.A.R. 115-5-3a
K.A.R. Number(s)

Submit a hard copy of the proposed rule(s) and regulation(s) and any external documents that the proposed rule(s) and regulation(s) would adopt, along with the following to: Division of the Budget
900 SW Jackson, Room 504-N
Topeka, KS 66612

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

This new permanent regulation sets the management units for otters in Kansas. The proposed regulation creates otter management units.

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

This is not a federal mandate. Oklahoma, Nebraska, Missouri and Colorado all have varying regulations dealing with furbearer seasons, requirements and units. The proposed regulation creates otter management units.

III. Agency analysis specifically addressing following:

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

The proposed version of the regulation will not enhance or restrict business activities and growth.

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 and regulation and on the state economy as a whole;

The proposed version of the regulation could have a collateral positive economic impact on grocery stores, hotels and motels, service stations, etc.

C. Businesses that would be directly affected by the proposed rule and regulation;

None.



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

The proposed regulation will allow for better management of otters. Without the regulation, otter populations will rise and negative human-wildlife conflicts will occur.

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;

There are no negative costs and impacts on businesses associated with this proposal.

F. An estimate, expressed as a total dollar figure, of the total annual implementation and compliance costs that are reasonably expected to be incurred by or passed along to business, local governments, or members of the public.

There are no implementation or compliance costs associated with the proposed changes.

An estimate, expressed as a total dollar figure, of the total implementation and compliance costs that are reasonably expected to be incurred by or passed along to business, local governments, or members of the public.

There are no implementation or compliance costs associated with the proposed changes.

Do the above total implementation and compliance costs exceed \$3.0 million over any two-year period?

YES NO

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

There are no implementation or compliance costs associated with the proposed changes.

Prior to the submission or resubmission of the proposed rule(s) and regulation(s), did the agency hold a public hearing if the total implementation and compliance costs exceed \$3.0 million over any two-year period 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.

YES NO

The agency held public hearings on this regulation on December 13, 2018 in Wichita, where 5 members of the public signed the attendance roster, on January 17, 2019 in Lawrence, where 4 members of the public signed the attendance roster, on March 28, 2019 in Topeka, where 5 members of the public signed the attendance roster and will hold a meeting on June 13, 2019 in Salina.

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

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League of Kansas Municipalities, Kansas Association of Counties, and/or the Kansas Association of School Boards.

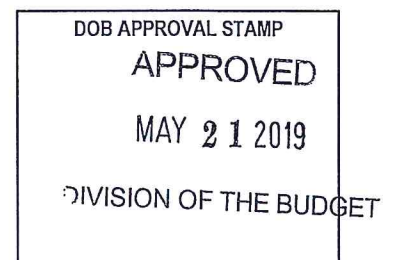
Not applicable.

- 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).**

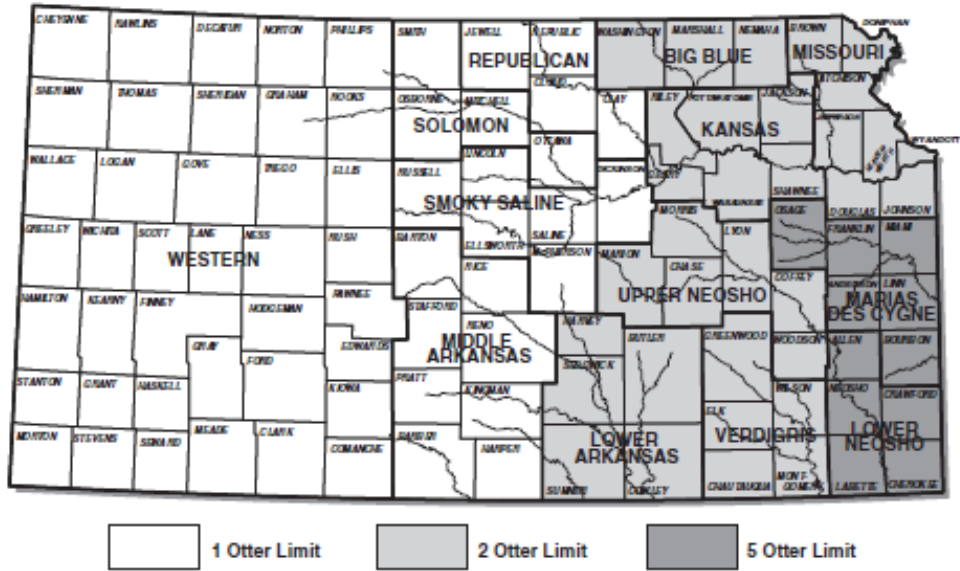
News releases to every newspaper in the state, discussion at prior public hearings and meetings which are broadcast online, publication in the Kansas Register and publication on the Department's website.

- I. For environmental rule(s) and regulation(s) describe the costs that would likely accrue if the proposed rule(s) and regulation(s) are not adopted, as well as the persons would bear the costs and would be affected by the failure to adopt the rule(s) and regulation(s).**

Not applicable.



Otter Units



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 February 15 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 five 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, Lower Arkansas, Verdigris, and Missouri. No more than five 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. 2018 Supp. 32-807.)

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MAY 23 2019

DEPT. OF ADMINISTRATION

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MAY 29 2019

ATTORNEY GENERAL

**Kansas Administrative Regulations
Economic Impact Statement
For the Kansas Division of the Budget**

KDWPT
Agency

Christopher J Tymeson
Agency Contact

785-296-1032
Contact Phone Number

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

Submit a hard copy of the proposed rule(s) and regulation(s) and any external documents that the proposed rule(s) and regulation(s) would adopt, along with the following to:

Division of the Budget
900 SW Jackson, Room 504-N
Topeka, KS 66612

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

This proposed version of the regulation sets the seasons for furbearers in Kansas. The proposed version of the regulation adjusts the opening day time and expands the otter season bag limits.

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

This is not a federal mandate. Oklahoma, Nebraska, Missouri and Colorado all have varying regulations dealing with furbearer seasons and requirements. The season structure is generally structured the same as previous seasons except the agency is proposing an increase in the otter bag limit and modifying the start time of the season by 6 hours.

III. Agency analysis specifically addressing following:

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

The proposed version of the regulation will not enhance or restrict business activities and growth.

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 and regulation and on the state economy as a whole;

The proposed version of the regulation could have a collateral positive economic impact on grocery stores, hotels and motels, service stations, etc.

C. Businesses that would be directly affected by the proposed rule and regulation;

None.



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

The proposed version of the regulation establishes furbearer seasons. Without the regulation, furbearer populations will rise and negative human-wildlife conflicts will occur. Additionally, the corresponding positive economic impact to Kansas would not occur without the season.

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;

There are no negative costs and impacts on businesses associated with this proposal.

F. An estimate, expressed as a total dollar figure, of the total annual implementation and compliance costs that are reasonably expected to be incurred by or passed along to business, local governments, or members of the public.

The sale of furbearer licenses to the public generates approximately \$182,300 to the agency, all of which accrues to the wildlife fee fund, based on 2018 permit sales.

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Do the above total implementation and compliance costs exceed \$3.0 million over any two-year period?

YES NO

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

The total number of furbearer permits sold was 6,346 in 2018. This generates approximately \$182,300 for the agency, all of which accrues to the wildlife fee fund, and is paid by user fees. Additionally, each individually identifiable furbearer (6,346) goes 10 days afield per year and spends approximately \$710 per year, generating \$4,505,660 for the Kansas economy, based on economic studies provided by the USFWS.

Prior to the submission or resubmission of the proposed rule(s) and regulation(s), did the agency hold a public hearing if the total implementation and compliance costs exceed \$3.0 million over any two-year period 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.

YES NO

The agency held public hearings on this regulation on December 13, 2018 in Wichita, where 5 members of the public signed the attendance roster, on January 17, 2019 in Lawrence, where 4



members of the public signed the attendance roster, on March 28, 2019 in Topeka, where 5 members of the public signed the attendance roster and will hold a meeting on June 13, 2019 in Salina.

- 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.

- 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 to every newspaper in the state, discussion at prior public hearings and meetings which are broadcast online, publication in the Kansas Register and publication on the Department's website.

- I. For environmental rule(s) and regulation(s) describe the costs that would likely accrue if the proposed rule(s) and regulation(s) are not adopted, as well as the persons would bear the costs and would be affected by the failure to adopt the rule(s) and regulation(s).**

Not applicable.

