

AGENDA
KANSAS DEPARTMENT OF WILDLIFE, PARKS & TOURISM
COMMISSION MEETING AND PUBLIC HEARING
Thursday, November 14, 2019
William Carpenter 4-H Building
608 Fairground Rd, Scott City, 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 September 19, 2019 MEETING MINUTES**
- V. GENERAL PUBLIC COMMENT ON NON-AGENDA ITEMS**
- VI. DEPARTMENT REPORT**
 - A. Secretary's Remarks**
 - 1. Agency and State Status Report (Brad Loveless)**
 - 2. 2020 Legislature (Chris Tymeson)**
 - B. General Discussion**
 - 1. Recovering America's Wildlife Act Update and Resolution Signing (Daren Riedel)**
 - 2. Little Jerusalem Grand Opening Update (Linda Lanterman)**
 - 3. Scott Riffle Beetle (Jordan Hofmeier)**
 - 4. Duck Hunting Zone Boundaries (Tom Bidrowski)**
 - 5. Webless Migratory Bird Regulations (Richard Schultheis)**
 - C. Workshop Session**
 - 1. Big Game Regulations (Levi Jaster)**
 - 2. Deer 25-Series Regulations (Levi Jaster)**
 - 3. Public Lands Regulations (Stuart Schrag)**
 - 4. Antelope 25-Series Regulations (Matt Peek)**
 - 5. Elk 25-Series Regulations (Matt Peek)**
- 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 115-9-9. Electronic licenses, permits, stamps, tags, and other issues of the department; other requirements. (Mike Miller)**
- 2. KAR 115-4-2. Big game; general provisions. (electronic licensing) (Mike Miller)**
- 3. KAR 115-15-1. Threatened and Endangered species; general provisions. (Ed Miller)**
- 4. KAR 115-15-2. Nongame species; general provisions. (Ed Miller)**
- 5. KAR 115-7-1. Fishing; legal equipment, methods of taking, and other provisions. (Doug Nygren)**
- 6. KAR 115-7-3. Fish; taking of bait fish or minnows. (Doug Nygren)**
- 7. KAR 115-7-4. Fish; processing and possession. (Doug Nygren)**
- 8. KAR 115-7-10. Fishing; special provisions. (Doug Nygren)**
- 9. KAR 115-25-14. Fishing; creel limit, size limit, possession limit, and open season. (Doug Nygren)**
- 10. KAR 115-25-5. Turkey; fall season, bag limit and permits. (Kent Fricke)**
- 11. KAR 115-25-6. Turkey; spring season, bag limit, permits and game tags. (Kent Fricke)**
- 12. KAR 115-18-6a. Motor vehicle permits; school exemption for state parks and other areas requiring motor vehicle permits. (Linda Lanterman)**
- 13. Free Park Entrance and Free Fishing Days by Secretary's Orders (Linda Lanterman)**

XII. OLD BUSINESS

XIII. OTHER BUSINESS

A. Future Meeting Locations and Dates

XIV. ADJOURNMENT

If necessary, the Commission will recess on November 14, 2019, to reconvene November 15, 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, January 9, 2020, Riverside Community Building 510 Park Ave, Iola, Kansas.

**Kansas Department of Wildlife, Parks & Tourism
Commission Meeting Minutes
Thursday, September 19, 2019
Kansas Wetlands Education Center Auditorium
592 NE K156 Hwy, Great Bend, Kansas**

Subject to
Commission
Approval

The September 19, 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 Kansas Wetlands Education Center Auditorium, Great Bend, Kansas. Chairman Lauber and Commissioners Emerick Cross, Gary Hayzlett, Aaron Rider, Warren Gfeller and Lauren Sill were present. Troy Sporer was unable to attend.

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 August 15, 2019 MEETING MINUTES

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

V. GENERAL PUBLIC COMMENT ON NON-AGENDA ITEMS

Norman Mantle – If future, are there any dredging lake plans, is there money allocated? You dredged John Redmond and Kanopolis is filled up. What about blue green algae issue, several lakes have it. Can you get rid of that or are you even trying? Charge commercial hunting outfitters? Chairman Lauber – Most lakes you are concerned with are not our lakes even though we may manage them. We have not set money aside, that would require federal involvement. Secretary Loveless – Siltation, done at John Redmond, not practical because of the expense. New type of experimental dredging to be done at Tuttle Creek, less input and cost, stir sediment and use density current to move sediment. Blue green algae a lot of initiatives in lake treatment but that is a band aid, work needs to be done upstream. Partnering with other agencies up the watershed to work on that issue. Mantle – Camp site reservations, half can be reserved, and half are first come, first serve; someone can reserve forever, but drive down and no one there so you can buy one. Linda Lanterman – Campsite, less walk-ins, same day reservations, paid in advance. Know who is going to be in site because have paid for it. Gives money in the field. Can only do certain amount a day and not a year in advance. Mantle – Public property should be first come first serve. Lanterman – If you need help making reservations we can help you in the office. Mantle – I call and they're always full. Lanterman – Park users must plan in advance and holiday weekends are always full. I will help you understand the system. Mantle – It's not a fair system. Everyone should be treated equal.

Mike Goodwin, Kansas Trails Council, can't be here this evening. Building trails all over the state since 1974, and we're the biggest trail organization in state – a 501c3. With respect to e-bikes, we've not had reports from anyone on negative impact to other trail users. Manage social media sites and don't get negative comments about e-bikes. Concerned about quality of the trail, we don't want damage the trail, but we see no difference between e-bikes and standard bikes. From a trail quality aspect, no impact. Weight is contrasted by weight of riders. No impact on trail. Positive side of e-bikes, helping people with some mobility limitations, help with hills and quality of life far outweighs negative response. If in any way we can help, we are happy to.

Norman Mantle – Concerns budget issue, why paying counties to have LE at parks at same time have our own park rangers are there. Chairman Lauber – Not paying to have deputies there. Linda Lanterman – We have seasonals who might be local law enforcement to help to give our team some time off. El Dorado has 60,000 on a weekend and you can't do that with two rangers, open 24/7. Secretary Loveless – Rather than hiring more officers we employ seasonal help where it makes sense.

VI. DEPARTMENT REPORT

A. Secretary's Remarks

1. Agency and State Fiscal Status – Brad Loveless, Secretary, presented this update to the Commission – Update, time to do budgeting, submitted 2021. Department of Budget will make recommendations in November. Our EDIF apportionment will remain the same as FY 2020, which is just over \$5 million. The Wildlife, Parks and Tourism budget will remain static for 2021, barring need for supplemental. Waiting to see what maintenance cost in parks will be. Big ticket items not in yet, still monitoring that. Oct – Dec will know full extent of damage in parks. Other impact of flooding is ag revenues will be down. PFF finished down by 9 1/3 %, June revenues were main cause of that, curtailed park use, lost \$1 million. The good news is that that has not continued, due to the diligent work of parks staff getting areas cleaned up after flooding. Cabin revenue, down 16% from previous year, 8% down in July from same month last year. Proud of work folks are doing to keep parks open and working aggressively to open new areas as water goes down. WFF down 7.5% over last year, managing money and being good stewards. PR funds to match, down 15% next year due to lower sales of outdoor items. DJ is expected to be up a little. Next update will be beginning of new year.

B. General Discussion

1. Kansas Wetlands Education Center (KWEC) Update – Curtis Wolf, KWEC coordinator with Fort Hays State University (FHSU), presented this update to the Commission (Exhibit D. Welcome to the Kansas Wetlands Education Center. We celebrated our 10-year anniversary in April. The Center is owned and operated by FHSU in the Werth College of Science Technology and Mathematics, in cooperation with the Kansas Department of Wildlife, Parks and Tourism (KDWPT), with the mission of educating the public about wetland communities, their importance, and the need for conservation and restoration. We serve as the visitor center for Cheyenne Bottoms, as well as environmental education center providing over 600 programs annually to school groups, social groups and the public. Annually we have about 24,000 contacts including drop-in visitors, onsite program, outreach programs and promotional booths.

Pam Martin, KDWPT education coordinator – Start by reading letter from Brecklin. Had groups here this morning, 2nd graders tagged monarchs, Mandy had kindergartners tagging dragonflies.

Had commissioners tag a butterfly, showed display of monarch and where to put the tag. Program going on since 1992 at KU. Kansas is monarch central and is one of our initiatives in the department. Kids have to enter data, tag the middle of the discal cell on the butterfly. Kids and adults like monarchs and want to conserve them; they are also helping other pollinators like wasps and sweat bees. Monarch feet carry pollen. Saturday is the butterfly festival, all things butterfly - magic show, mural, crafts, master gardeners and how to plant and why you should plant native flowers. Also give them cookies. Five percent of US population hunts, 20 percent watches wildlife, so only 25% who may know about wildlife; trying to make kids aware of what is in their own backyard so they can appreciate it. Try to get diverse populations, hitting 75% of the people. Use other events to do that, like astronomy meetings, Earth Day, rain barrel workshop, decorate grocery bags, bat fairs and others. Stem days every 2-3 months and started wild club to get kids outside hunting. Partnerships with art shows, four listed ... connected word on biodiversity. We provide education and Schafer Art gallery provided the art. Visit schools and older school kids come out here. Library reading programs across center of state. TNC partnerships. Have discovery camps, kids wind challenge. Make connections for future support of wildlife and conservation.

Curtis – They are doing phenomenal work. Two significant projects completed this last year. Dorothy M. Morrison Foundation donation was used to update and replace exhibits with 12 new pieces that include 14 interactive components; game changer for attracting new and old visitors. In the past visitors used to spend 29 minutes per visit, now 41 minutes. The sand box and floor augmented watershed reality simulation center are the favorites. The second project was completed a month ago; when we opened we used a video produced by KDWPT in the mid-1990s. We produced an updated video, contracted with Mike Blair to produce new 15-minute video, three segments one on the Center, Cheyenne Bottoms and TNC's Nature Preserve. Great feedback. *Showed segment on Cheyenne Bottoms and Education Center.*

2. Public Lands Regulations – Stuart Schrag, public lands division director, presented this regulation to the Commission (Exhibit E). Our goal is to conduct a comprehensive review of all public land regulations that fall in KAR 115-8 series. There are several reasons why we need to review these on a regular routine basis - looking to see if they are still valid and in line with operations and programs; are there regulations in place that might cause potential barriers for constituency with limited participation or visitation?; and to bring clarity that allow us to bring good law enforcement cases to court. We want to provide for the greater good, public safety, want people to come out and recreate and have a good time but it is our duty to insure we do that according to regulations. In order to remove potential bias, we have requested assistance from the Kansas Chapter of Backcountry Hunters and Anglers to participate in overall review process. We chose them because they are the one NGO entity dedicated to public lands and public lands access. We have scheduled a meeting with the group in October to do this comprehensive review. After review of regulations by them and internally if there are specific regulations that need amending, revoking or additional regulations added or that may impact other parts of the agency, like state parks, law enforcement, fisheries and wildlife we will loop them in. There are several “hot topics” or subject issues that could be considered for potentially new regulations including: trail cameras; non-toxic ammo; drone use; bicycles for hunting and fishing access; electronic daily check in; and commercial guiding and other commercial activities. No specific recommendations for changes or additions yet but will for future workshop.

Norman Mantle – Are drones presenting problem to the public? Schrag – Privacy is main issue. Mantle – Concern of weapon capabilities, recommend control. Schrag – We have a drone committee and looked at that, FAA regulates them and there are strict criteria in place.

Commissioner Sill – Like new atlas, thanks for work on WIHA. Schrag – Wish I could take credit but that goes to Jake George in the Wildlife Division. They have made drastic changes over the years and it is a nice piece of literature. Sill – Stopped and thanked one of the individuals who helped today.

3. Antelope and Elk 25-Series Regulations – Matt Peek, wildlife biologist, presented this regulation to the Commission (Exhibit F). Pronghorn Antelope (KAR 115-25-7): We've had a pronghorn hunting season in Kansas since 1974; since 1990 a 4-day firearm season that begins the first Friday in October and that date is what muzzleloader and archery season dates are based from. Hunting occurs in western Kansas; units are same as deer management units, Units 2, 17 and 18 are open to hunting. Archery permits are valid in all three units, firearm and muzzleloader permits are only good in one of the three units and are limited draw; demand is high for those - over 1,000 applicants for the 230 or so permits. It is preference point system, person with most points gets the permits first; it takes 1-3 points or years for general resident to get muzzleloader permit, 3-5 years to get firearm permit. Half of the permits are allocated to landowner/tenants and it takes 0-2 preference points, so they could get one every year. The season begins with a 9-day archery season, September 19-27, 2020; following Monday after archery season is muzzleloader season, Monday – Thursday is 4-day season (September 28, 2020 - October 5, 2020); firearm season starts on Friday and runs 4-days (October 2-5, 2020) also unfilled muzzleloader permits can be used in 4-day firearm season; the weekend after firearm season ends archery opens back up, October 10-31. Archers get an extra 20 days of late season opportunity. Typical success rates by permit type are 10 percent to 15 percent for archery, 60 percent for muzzleloader, and 70 percent for firearm; these have remained consistent over time, may increase for archery at times. No permit allocations to recommend today, those are determined after harvest surveys are collected and winter aerial surveys are conducted. We also publicize populations and harvest reports on our agency website; go to pronghorn and look at research and survey tab.

Elk: (KAR 115-25-8) (Exhibit G). Elk were first reintroduced onto Fort Riley in 1986 and seasons are established or evolved from Fort Riley season initiated in 1990; in mid-1990s there was hunting on Cimarron National Grasslands also, but it was discontinued. Fort Riley is where most hunting occurs; demand is high, average 900 applicants for 30 or so permits valid on Fort Riley. Elk program uses bonus point system, if you have five bonus points, you have five opportunities to in the drawing; different than pronghorn, the person with the most points doesn't necessarily draw but everyone has a chance in the drawing. There is an application fee, which buys them a chance in every drawing thereafter that they apply for. Elk exist on private lands and throughout the state but unpredictively; predictive in southwest and southcentral Kansas. Elk occur at Cimarron but not enough to hunt and hunting has not been allowed there since 1995. Since 1999, we've progressively enacted longer seasons and less restrictive permitting options except on Fort Riley and Cimarron. This framework is intended for elk that may be causing crop damage or conflicts on private land and for landowners to maintain elk in desired numbers on their own property but at same time allows landowners to control hunting and protect or conserve them, which has allowed elk on private lands to thrive. There are liberal seasons and hunting opportunities, individuals on private land are protecting them are providing source animals showing up in other places. No major changes to season structure, permit type or bag limits this year. Units 2 and 3 will be open to hunting and Unit 1, the Cimarron Unit is closed. The proposed season dates are four months on Fort Riley; first month is September and is muzzleloader and archery season; and three months after that, October, November and December are firearm seasons where any-elk permit can be used, and antlerless elk permits that are authorized to be used on Fort Riley are valid during only one of the three months. On private land seasons are set to coincide with deer seasons. Elk permits are available to residents only and

separated into military and non-military applicants, which give military personnel on Fort Riley an advantage in the draw. Unit 2 permit recommendations will be determined at a later date, expect around 30. An unlimited number of hunt-on-your-own-land antlerless-only and either-sex elk permits will also be authorized in Units 2 and 3. An unlimited number of general resident and landowner tenant permits will be authorized in Unit 3. Difference between Unit 2 and 3 is that landowners can get hunt-own-land around Fort Riley in Unit 2, outside of Fort Riley and general residents and landowner tenant permits that would allow hunting of whole unit are not available in Unit 2, only hunt-own-land permits. In Unit 3, the bulk of state is open to general residents and landowner tenants.

4. 2019 Upland Bird Hunting Forecast – Jeff Prendergast, upland bird biologist, presented this update to the Commission (Exhibit H, PowerPoint – Exhibit I). Each year in mid-September, KDWP forecasts upland game bird hunting opportunities to show where highest densities of birds are, compared to what we saw last year. It is a highly anticipated pamphlet and we start getting requests for it in April. While prized by many it is also criticized by many, mostly from people who don't understand what the information is providing; what it is saying and level of detail we can provide. Because of this misunderstanding I thought I would go through the process of what is affecting birds through the year and what we do to try and get a handle on how many birds we are going to have. Two critical time periods for birds; during fall and winter they are focused on survival and in spring and summer they switch into reproduction. We start collecting data for this forecast 12 months in advance, after brood survey last year, because we never produce any birds in fall or winter, so birds we have are what we will have in spring for breeding population. After brood survey things are quiet until hunting season opens because fall weather is typically mild, and birds are adults or older broods so not much impact on survival. Pheasants are large hardy birds that survive up into the middle of Saskatchewan, so our winter weather rarely has a large impact; maybe 1 in 10 or 1 in 15 years we will have severe winter storm that will have significant impact. Quail are more fragile especially with heavy ice. We track harvest through harvest survey, given biology and nature of upland game birds, harvest has little impact on populations, but the survey gives hunter participation, harvest success and can compare to what surveys are showing us to get an idea of how well we are predicting success off of bird densities. Coming out of winter birds set up territories and begin to call, which we use to count birds. Spring doesn't always relate well to what call densities will be because game birds are relying on production of young. Provide for what success rates were, highest densities and where we might have better overall over-winter carryover. Spring birds are in reproduction mode; success relies on spring weather and rain amount and timing; need spring moisture for habitat cover and food from insects; too much moisture can have negative impacts, young birds covered with down can be hypothermic and die from rain. To gauge availability of birds for fall, our staff drive brood routes where they record total number of observations of chicks and adults to create an index of birds per mile; which is primary tool to determine fall numbers. Summer brood routes across most states, but relatively new to Kansas, which started in 2012, in attempt to standardize data we were collecting. In last seven seasons we have good correlation of hunter harvest success rates for pheasants and quail. Good trend line and provide forecast, still asked where someone should hunt. Surveys record only bird densities but many factors in play for what someone considers a quality hunt. For instance, last year Smoky Hills had highest pheasant densities, highest total harvest but southwest Kansas had much greater average daily bag per hunter. Most of the time people want a county or a spot or a region of a county but our surveys aren't designed to look at that level. We are looking for regional patterns or increased production or increased overall densities and we piece that together to tell if general region is where we expect highest density or if increased or decreased; a lot of localized factors involved. Get a lot of questions about hail storms, but not concerned about that because it may only be two miles

wide and ten miles long and only affects a 20-square-mile area, but if your farm is in the middle of that storm and I say region is good, you may disagree. Over last 20 years quail hunters have shot on average, 1.4 birds per day with highest average of 1.66 birds per day, two years ago. Pheasants hunters shot an average of 1.19 birds per day with high of 1.5 birds per day in 2010, the last time we shot almost a million roosters. Took brood survey and compared to historic harvest estimates to get estimates; predicted quail harvest might be two birds per day, which hasn't been hit in 20 years and I would consider excellent, but a hunter that goes out and experiences a two bird per day bag may not consider that an excellent day. A key take-away from information is even in an excellent year, limits are still rare and if expecting that most days they will be disappointed. I use the data to produce two bird survey maps each year; first is relative density, looking for highest density of birds; and the percent change map, compared to last year more or less birds. The density map would be useful to someone who doesn't hunt the same property every year or opening day tradition, someone coming to state the first time or once to find birds. The percent change map would be useful to someone hunting family farm and wants to know what the birds are going to be like compared to last year. Pheasants surveys down this year by about 9 percent; routes went up and down and we expect success rates the same as last year; a little below average. No significant regional changes however the northern high plains had the highest regional density and according to the change map generally went up. Smoky Hills, which was highest regional density last year, went down, but not significantly. Quail up 7 percent, insignificant change, expect similar success to last year. Smoky Hills of north-central Kansas is up 50 percent from last year. Most of increase in western half of Smoky Hill region and as quail continue to push more into northwest. After several years of above average the southeast region declined due to flooding and precipitation. Detailed version of forecast uploaded on website this week and we also provide printed brochures to license vendors and our offices. I give many interviews and the idea is to get this information out to hunters in as many ways as possible. Our goal is to give hunters best information for an enjoyable trip.

Goodwin - Is there reason for apparent decline of quail in northeast Kansas? Prendergast – Both northeast and southeast have seen major declines, a lot due to loss of habitat, a lot of expanding farms, more agrichemical; a lot of changes gradually, woody encroachments, losing grass from conversion for crops, fields have gotten bigger; a lot of changes and urbanization in that area too.

C. Workshop Session

1. T&E Regulations – Ed Miller, T&E biologist, presented this regulation to the Commission (Exhibit J, PowerPoint - Exhibit K). This item has been workshopped three times, and we will vote on changes in November. We have authority to maintain rare species lists from 1975 Nongame and Endangered Species Conservation Act. We're finishing a five-year review that takes 1.5 years to get done. Endangered is the most critical listing and has highest probability of extirpation from the state, which means localized extinction; examples are the pallid sturgeon and gray bat. Threatened species are snowy plover and spotted skunk. Species in Need of Conservation (SINC) include banded darter and washboard mussel. By statute, passed by legislature, the definition of endangered includes the phrase: viable component of state's wild fauna. In past we have taken some species off the list because we don't consider them viable anymore. We don't have authority to list plants. Threatened, uses words like likely and foreseeable future in definition. Need to consider longevity of the species and whether it will live 80-100 years like some turtles or a small fish that may only live 2-3 years. Listing factors are like what is published by federal Endangered Species Act in 1973, language taken from that and almost everything we list comes from first factor, usually habitat related; sometimes disease, or other natural and man-made factors like pesticide use. In this round we have petitions to list three species. They were reviewed by the T&E Task Committee, then moved to full review. They were

the cylindrical papershell, was SINC and is petitioned to move to endangered list; scientific recommendation from the committee is to list as endangered. Wabash pigtoe was SINC and was petitioned to be unlisted because it is doing well; recommendation by the committee is to unlist. Ark darter was petitioned to SINC from threatened list; recommendation is to list as SINC. The five-year review started in February 2018 when we asked for petitions. The T&E Task Committee reviewed those petitions and made recommendations. We conducted informational meetings around the state, and your role comes in November when you vote on regulations 115-15-1 for threatened and endangered species and 115-15-2 for SINC species. We use a scientific committee mostly affiliated with universities. I'd like to thank Mark Eberle and Elmer Finck from Fort Hays, David Haukos from Kansas State University, Bill Jensen from Emporia State, Mark Shaw with the department, and Sarah Zukoff who works for Kansas State Extension. This is the sixth time I have worked on five-year review and have chaired last four times on this committee. The committee is not made up of experts in everything, so we also reach out to experts; people who have published studies on freshwater mussels and who were willing to give feedback and fill out numerical form. Look at cylindrical papershell; up list from SINC where it was listed in 1987 and was noted as most common mussel on Smoky Hill River, as published by Ellis Houk in 1997. More recent research comes from Sowards et al. 2012 and Carlin et al. from 2017, both masters' students from Fort Hays State University. We are in southern periphery of range of this species. It's doing well in upper Midwest, but doing poorly in Colorado, Kansas and some southern areas because it does not tolerate high water temperatures. Most recently it was only found in Ellis County, one site in Saline and two on Smoky Hill River; few and far between and not the most common mussel anymore. Expert panel recommended endangered; numerical survey, mean of the means was 5.48, standard deviation or SD is plus or minus one, which puts it in Threatened list but T&E Task Committee and expert panel both thought this species fit well in endangered species definition. The other mussel is doing well in southeast Kansas. The pivotal research comes from the Verdigris River. Fish hosts are not limiting factor as more fish hosts have been discovered for larval to transform upon. It's a co-dominant on several southeast Kansas rivers. Did research on archeological dig and is more common now than 3,000 years ago. Co-dominant mussel is one that makes up 12 percent to 20 percent of all mussels found doing surveys. Pivotal research came from eight long-term sites on Verdigris, where it was once fourth most common mussel but most common. Density went from .05 per square meter to over five per square meter. Three of four on expert panel thought it should be delisted and T&E Task Committee voted to delist; numerical survey put it 3.13 in SINC list, plus or minus 1.7 could put it in unlisted category. Ark darter small member of same family as the walleye, the persadae family; the recommendation is to remove it from threatened list where it was listed in 1978. The U.S. Fish and Wildlife Service contemplated federal threatened listing but when they saw data set in Kansas they went down on possible upgrade. Petition was to place it on SINC list, which reflects improved status. Pivotal survey research comes from stream survey program data from our agency collected over last 18-20 years. Expert panel members on this species have done research and published. An interesting distribution of this fish; mostly in southcentral Kansas, as well as Ozarks and Colorado. In 1978, when first listed, we found it on 76 collection sites. Since then over 1,000 collection sites have been added; a good indication the species is doing well enough to be down listed from threatened to SINC. On 236 sites, the Ark darter was the sixth most common species, but fifth most common native species and most common darter, even more common than green sunfish and some minnows. Expert panel thought it should be downlisted from threatened to SINC; numerical evaluation, of 16 factors rated, 3.33, middle of SINC list. We are asked why we do this, we have authority to do it but also have human dimensions work that shows Kansans think this is important too. Responsive Management, which is a human dimensions natural resources firm that gets opinions on different topics back in 2011 did a telephone survey of Kansans and found two things. One question asked

was if this department should continue to identify and protect critical habitat of threatened or endangered species, and over 90 percent agreed with that statement. Also asked, wildlife that is threatened or endangered in Kansas but abundant in other states if they should be protected in Kansas; over 70 percent agreed we should list and protect those species. What we do with threatened and endangered species fits into first statement of our department's mission statement, "To conserve and enhance Kansas' natural heritage, its wildlife and its habitats to ensure future generations the benefits of the state's diverse, living resources." Information on our website on these species and if you want to research deeper, studies and petitions are there. Also, we update the nomenclature that has changed in last five years in those three lists. Chairman Lauber – Slide that showed fifth most common fish, explain how that works? Miller – Stream survey crew was focusing on finding Ark darters, they went to small streams in the Red Hills and counted fish and it was fifth most common native fish in their counts, more common than green sunfish. Chairman Lauber – Could it be unlisted? Miller – It was down listed because of that. Enough of a dataset so U.S. Fish and Wildlife Service did not list as threatened, a strong database. Chairman Lauber – SINC now. Miller – Yes, an improvement in its status. Chairman Lauber – Seemed like significant improvement in status. Did we look at more streams? Miller – We looked at more places and targeted the right habitat. A lot of these streams are very small, and fish was resilient to effects of drought because it could retreat to refuge areas and invade areas when the water came back. Also, found out fish does much better in small streams that do not have overhanging trees. Management suggested we should be clearing trees in the Red Hills for instance, where trees are overhanging the stream. Secretary Loveless – Habitat, small streams on edges of watersheds, species becomes particularly important and protection of it as we talk about water use, irrigation and potential impacts of dewatering streams and other practices that can affect small streams. Wise to keep on SINC list for now. Mantle – When position becomes available on committee, how does a person apply? Noticed only one woman on there, they are more compassionate than men. Miller – Will take that into advisement.

Break

2. Electronic Licensing Update – Doug Nygren, Fisheries Division director, presented this update to the Commission (Exhibit L, Screen Shots – Exhibit M). Efforts to generate a phone app for e-licensing in the field. Update from Shanda, our licensing section supervisor and I am filling in for Mike who is on vacation. Handout of slides that Mike presented at last meeting, not lot of features added. I have put a shot on screen that shows shopping cart in upper right hand. Testing has begun on android and apple phones and current test app will allow us to add multiple customer profiles to the app, for instance a parent who has two children can add children's profiles as well as theirs; or someone who does not have a smart phone you can add their app on your phone, so a group hunting or fishing just needs one working smart phone. App will show current, active and expired licenses and permits that person has. Lower left corner of screen has a button that will show licenses and permits for a particular person. In the middle there is a button that is not functional yet but ultimately will be used to fill out carcass tag electronically. Lower right corner has to do with iSportsman and iWIHA, check in/check out and harvest reporting information can be recorded there. Future releases will allow us to click on shopping cart and purchase another license without having to find a vendor. We will have links to regulations so if you're out fishing and don't know what length limit is for walleye on the lake you are at, or whatever, you can click and it will take you to a place to get that information from phone app. Providing for more complex surveys that can be conducted on iSportsman or i-WIHA areas, those are harvest reports, so if complete fishing or hunting trip you can report harvest. App keeps track of when you check in and out so knows how long trip length was which helps gather information on the duration of a trip. Working with Android and Apple folks who have slightly

different rules on how you can get something on their play store where people go to get apps. Deployed camp-it app on android play station this week; this app will hopefully have a link from this phone app to take you to camp-it app as well. Testing for android will wrap up between November 23 to December 5, followed by clearance and testing for apple version, the IOS system. Working on splash screens, the first screen that pops up when you open an app, and user profile management page is next and lists people that have profile on that phone, select person from list and takes you to elicense portion. License details will be there, purchase button, complete harvest of animal with an etag and harvest reporting will all be there. One thing we are going to have to require, for electronic carcass tag, will be at time you make the purchase you will have to decide if paper tags or electronic tags, cannot have both because cannot control how many animals they took so have to make a decision. If they choose paper they will get paper tags in the mail like in the past. Ultimately hope to move to electronic carcass tag but option for paper in the beginning. Time frame for rolling this out is scheduled to become official and available to the public January 1, working on regulatory changes; another release April 1 for carcass tags; initial release will just be licenses. Not ready for when people buy spring turkey in March, may have to have paper tags, but maybe part of the season we will. Exciting time and people will find it convenient, ultimately one app that everything you need for quality experience outdoors, in terms of information, licenses and permits you need to do it right, comply with the law and make it enforceable by law enforcement. Commissioner Sill – One of initial questions that comes up, sounds like it would be easy to shoot and then buy in case I don't need. What will help mitigate that being an issue? Nygren – Officers being in the field and being asked to produce license and tag. I would defer to Jason if he wants to comment. A lot has to do with carcass tags and license and that was discussed before I got involved 2-3 months ago, I supervise Shanda and licensing section. Jason Ott – Carcass tag, that is concern but same concern exists for home print, so e-license system doesn't really affect us on the spot; yes, ability to go and buy after the fact. But same investigation and same concern exists for paper tags as well. On mobile app, for carcass tagging, asking for photo of deer; more than we have had before to have photo from original location, so better off than Tyvek tag and home print tag. Like idea, some risks, but rewards as well. Commissioner Sill – Is law enforcement division actively involved in this whole process as far as determining enforceability? Ott – Yes. Commissioner Sill – If people are selecting their own permit from home or phone, with abuse of landowner tags, will this make that abuse worse or does it affect that? Nygren – Not worse, but not better either on how we can keep people from fraudulently obtaining permits. Ott – Not any worse, but not simpler either. Confusion is there, we try to do best in regulations and do best to get people correct tag if they purchased the wrong one. We work back and forth with licensing on that and help where we can. Nygren – In some ways, in terms of correcting a mistake if they got the wrong one, the electronic issue might be easier for us to reissue the correct one. Commissioner Rider – On game warden Facebook page, seen some instances people getting hunt-your-own-land tags and not a landowner, getting information out there and educating people to make sure they are getting the right tag; if don't have 80 acres or not actively involved in agriculture as tenant or a landowner. Ott – Proactive measures to help people know what tag people should buy. Sent out letters this year to nonresident landowner/tenant purchasers; it spawned a lot of phone calls and extra work, but worth it in the long run.

3. Fishing Regulations – Doug Nygren, Fisheries Division director, presented this regulation to the Commission (Exhibit N). First item is reference document where length and creel limits and other fishing regulations that are different than statewide regulation; we can fine-tune management by tailoring to particular situation. On Wilson Reservoir, proposal to establish a 32- to 40-inch slot length limit with a two-a-day creel for blue catfish and no more than one fish over 40 inches long; good year at Wilson this year, population is doing well and growing;

this will allow some harvest below the slot, protect fish in the middle and hopefully get more fish over 40 inches. Commissioner Cross – How's the food source there? Nygren – Doing well, with refilling of the reservoir, shad doing well, fish in good condition. We used to think blue catfish grew slowly but once they get to eight-pound size they are still growing pretty good. Don't anticipate any problems but will be monitoring and if something happens we can do something different; by removing some of fish on low end frees up food for those you are trying to protect. Craig Johnson came to last meeting and talked about walleye population at Marion Reservoir and proposal for 21-inch length limit with a slightly different twist; wants to implement for a couple of years to get benefits of delayed harvest and improve size structure and ability for population to be self-sustaining. We have had history of natural reproduction there but up until this year we have had to stock to maintain population for last three years. In year three or four back length limit back down to allow harvest of fish between 18 inches and 21 inches; then if need further boost can go back to 21-inch length limit; a different approach than in the past. This summer he did shad sampling and found wonderful numbers of wild reproduction, good year class of walleye that will be protected with this 21-inch length limit. Not talk about smaller lakes, if you see anything you want to talk about I will. At Mined Land Wildlife Area, we are taking minimum length limit off of brown trout, had situation where trout were able to live year-round but changes in water quality that has led to issues where we are not sure they can make it through the summer anymore. Removing length limit and working with Dr. Walter Dodds at Kansas State University and Conner is trying to get a handle on if this is a temporary set back or permanent. Adding to the list of paddlefish snagging locations, we had talked to commissioners about trying to not be so dependent on catching fish from Oklahoma and Missouri; most of our paddlefish caught on Neosho River come out of Grand Lake in Oklahoma and up Marais des Cygnes River out of Missouri. Have the opportunity to be more self-sufficient so we want to stock paddlefish at Pomona, Perry, John Redmond and Tuttle Creek. We have put them at Tuttle and John Redmond in the past but not at other locations. By doing that we hope to bolster Kansas fish and get resident fish. At dams we were thinking about opening to paddlefish snagging, the owners are not excited about that, need to do work and try to explain what we are trying to do. They are worried about being overrun. The one on Perry is privately owned, some by city and county governments so will work on establishing populations and working with private landowners and local governments. Locations have been open to public fishing just worried about promoting as paddlefish snagging location; overcrowding, parking and all of those issues. Stocked 12,000 paddlefish in Tuttle Creek a month ago from Gavin's Point National Fish Hatchery, the rest will be stocked in Pomona and Perry with fish we are getting from Missouri. We have been getting 5,000 paddlefish at John Redmond a year from U.S. Fish and Wildlife Service Hatchery in Oklahoma. Commissioner Rider – How big are fish you are stocking? Nygren – Young of the year but grow fast, 9-12 inches, they have good survival.

115-7-3, taking of baitfish or minnows. Proposing to expand upon regulations that prohibit the movement fish for bait from one body of water to another; right now, have to use it where you take it with exception of bluegill and green sunfish. Would like to have this regulation apply to crayfish, leeches, salamanders, frogs and mussels; same issue, you could be transporting zebra mussel veliger's or some other invasive species or disease by movement of wild caught animals from one location to the other. Chairman Lauber – Is one of reasons to prevent spread of unwanted crayfish. Nygren – Yes part of it, found population of red swamp crayfish in Butler County. They were being distributed and sold for bait, hope to get in and eradicate. Chairman Lauber – Gotten out of pond or not? Nygren – We believe they're downstream, and they can crawl across land. If we can't contain them, we may need more regulation on propagation and rearing. These were brought in to be reared in a pond and sold for bait; not on approved list so illegal operation. Crew in Emporia detected these in an inspection of certified bait program; discovered and with Law Enforcement's help chased down where they were coming from.

Chairman Lauber – Is pond owner uncooperative? Nygren – No, he is cooperating.

115-7-1, fishing legal equipment and method of take; when we allowed floatline fishing, the regulation included that float be made of something that couldn't contain water; we want to apply same requirements to trotlines and setlines. This would standardize use of floats so anyone fishing with passive gear using a float of some kind would have to use a float that has closed-cell foam or could not contain water to reduce the risk of spreading invasive species. Float lines are jug fishing.

We have revised ANS designated waters list. Recently we discovered zebra mussels in Lyon State Fishing Lake so want to add that. One more came in recently, white perch in South Lake in Wichita, will post but not put in document until next year. Expect they got them during high water flows.

4. Park Regulations – Linda Lanterman, Parks Division director, presented this regulation to the Commission (Exhibit O, Little Jerusalem News release – Exhibit P, Secretary's Resolution for Free Day – Exhibit Q). Camp-It KS app went live a couple of nights ago. "See it, book it, camp it," where you can get a cabin or camp site reservation; exciting for us and we hope it is easier. Our goal is to make customers be able to go online, pick a park, pick dates and look and see map and information about the state park. Thanks to Nadia for the neat saying, a joint effort with Aspira, our provider. After a year of preparation, Little Jerusalem Badlands State Park grand opening is October 12; a ribbon cutting, hoping governor and our secretary will be there. Construction and parking lot, restroom will be done. Tours will occur, a beautiful addition to Kansas state parks. We are camping system but this one is to preserve but showcase as well. I have a Secretary's Resolution for 2019 free day for Little Jerusalem for October 12 for Secretary to sign. There will be a vehicle permit required to get in the park just like all of our other parks. In Wichita, Sedgwick County area has fishing teams who want to come out and fish at Kansas state parks, legally school buses or vehicles that are tagged have to have a vehicle permit, so we would like to have free entrance for school districts coming into state parks. For private schools we will do the same but through a special event form. Want them to come into state parks free of charge. Quick update on flooding, we are partnering with KDOT to look at our roads and parking to see what damage is done and the cost. Bulk of damage so far is sewer lift stations in addition to roads. Water was so high at Hillsdale; zebra mussels were attached to shower building about knee high. Still a lot of damage we are trying to assess. Had good month in August, people still want to get in parks. Mantle – At Lakeview park at Cheney, now no parking, is there possibility of putting parking back behind the campsites? Lanterman – Those cabins have been there for a long time. I will have to look into that. Mantle – Need parking. Lanterman – We did just put three new cabins over on the east side by the Marina, but those you are talking about have been there for a while; I will look into that.

5. 2020-2021 Turkey Regulations – Kent Fricke, small game research biologist, presented this regulation to the Commission (Exhibit R, PowerPoint - Exhibit S). Found in last month or so discrepancies in turkey license sales that we were provided in the beginning of June. We were missing 15,000 records. Updated numbers, overall tag sales; instead of 31 percent hunter decline we are looking at only six to seven percent overall. Redid hunter harvest survey, rather than larger decline, slight increase, from 22,000 birds harvested to 23,000 this year. Overall hunter participation declined and relative low hunter harvest estimate, but better than what we had in August. Still have decline in hunter participation, permit sales and game tags in residents and nonresidents. Overall production is extremely low, number of poults to hens is lowest ever recorded according to July brood survey from rural mail carrier survey (RMCS). Number of poults per 100 miles lowest since initial reintroduction of turkeys. Same in spring counts of adult birds, longer term decline since late 2000s in abundance estimates. Translates

into increasingly dissatisfied hunters; relatively satisfied in spring season but see trend to increasing numbers of neutral and dissatisfied hunters. Extremely wet year this year, saw 8-10 inches statewide above average, continued to see isolated patches of above average precipitation through June as well. Turkeys are adaptive and can nest later in year but expect severe overall impacts. Brood survey also includes turkey numbers, not specifically oriented towards turkeys more towards upland birds, not much good in changes from 2018 to 2019. From RMCS northcentral had limited to no reproduction in turkeys this year. Not just a Kansas issue, neighboring states, as well. We looked at Kansas, Nebraska and Missouri and standardized data. At peak harvest Missouri would harvest 60,000 birds as opposed to our harvest of 36,000 or 37,000; overall average trend for these three states, seeing declines in all of these states. In Nebraska, if you look at individual years, starting to see declines. Across the Midwest data is the same; similar patterns and overall declines in turkey populations. Don't know how to manage for what is the bottom, yet; we don't believe anyone has seen the bottom yet. Questions in last month or so included, why don't we adjust season dates, rather than reducing number of tags? Hunters are adaptable, have long season, 61 days, from April 1 to May 31. Opening weekend is where vast amount of birds are shot, so by reducing one to two weeks on front or back end will have minimal effect on overall number of birds harvested. Primary assumption based on biological impacts and nesting; hatch (incubation 26 days) occurs between May 15-June 15; clutch complete (laying 14 days) between April 19-May 20; and mating April 4-May 6 and one of assumptions of male birds is that majority of hens are getting bred. That is what we don't want hunting to interrupt. If we were to make recommendations based on season dates we would be looking at pushing farther back if only considering the biological factor; if we pursued that option my recommendation would be a much later start date than we have which will have social impacts on hunters. No reason biologically, from our data, to say that is in question, more concerned about overall production in terms of habitat concerns. Come back to Adaptive Harvest Strategy, based on that looking at recommendations to reduce some opportunity in northeast, south-central and southeast units; reducing game tag during spring season and suspending the fall season in those units. Making season date recommendations; spring 2021 are youth/disabled season begins April 1 (April 1-13); early archery would run concurrent with youth season, begins Monday after first full weekend (April 5-13), 9 days; and regular firearm begins Wednesday after second full weekend in April (April 14 – May 31). Chairman Lauber – The goal of Adaptive Harvest Strategy, if numbers of toms go down, to satisfy spring season, reduce number of permits to ration the harvest. It doesn't create more turkeys but improves hunter satisfaction. Fricke – Hunter satisfaction and ensuring all of our other assumptions are valid. Chairman Lauber – Minimal number of participants, fall is statistically immaterial, because so few birds harvested. Of two recommendations, one that will have positive effect is elimination of game tags. No difference to eliminate the fall season. Concerns that if you suspend the fall season it will never come back. Won't make difference for hunter satisfaction. Eliminating two tags in the spring, while not popular, other states experiencing the same reduction in numbers are letting it be; the numbers are what they are. To continue with Adaptive Harvest Strategy, may have positive effect to eliminate second spring bird. Fricke – In general that will leave larger number of birds on the landscape, with number of hens harvested in the fall while minimal they are increasingly important on the landscape. Chairman Lauber – More important but less than 400 at risk. Even though statistics were corrected, as bird numbers go down so does number of active hunters. Think fall birds will be in direct proportion and will find virtually no hunters and no harvest because numbers aren't there. Consider amendment in response to your recommendation, suspend game tag second permit for 2-3 years with implied language that it will come back unless commission decides to deal with it again. In my heart prefer to leave as they are and let numbers take care of themselves. It may take three years before it begins to show up, not next year, will take at least a couple of years to take effect. Have it set up so in 2-3 years it

automatically reverts back, unless commission extends it, then not eliminated indefinitely. Fricke – I understand what you mean, but we revisit these recommendations annually, don't see logic of sunset clause. Chairman Lauber – I don't want to see it go away. Have a consensus of understanding and be in the minutes. If we are going to stop second permit, plan on bringing it back unless conditions get worse. It may not have any improvement because it doesn't make any more turkeys, having fall season will not make real difference one way or the other, if doesn't work don't keep going down the same road. Fricke – We revisit regulations annually and present data annually, so on the table at any time, so adds redundancy. It is commission prerogative. Commissioner Rider – Some of other states, seeing same declines, but still holding with what they have. Talked to those biologists to see why? Fricke – More of a tradition, discussions and meetings I go to are looking for other states to take the lead on the next step. In biology, knowledge comes from research done when increasing populations; what kind of harvest effects in the spring and fall have on populations, where you can harvest more birds due to ecology of species; but in declines and concerns with production, question whether those thresholds are relevant anymore. Turkeys somewhere between a quail and a pheasant, we can hardly harvest enough, one male pheasant can cover ten females; versus deer or elk where male and female resources are more limited and removing one male is going to have a more of an impact; turkeys are somewhere in between and in uncertain time in terms of what an individual bird, male or female, mean on the landscape. Commissioner Rider – Biologically, we don't know how many females a tom can service? Fricke – Not on the top of my head. Commissioner Rider – Typically one to ten. Fricke – Yes, less than that. Chairman Lauber – Point of limiting the extra permit is to spread out harvest, it doesn't have anything to do with creating more birds. Fricke – Not necessarily. We potentially have pockets where the number of toms, concern from biologists on the ground, where number of toms has been depleted enough that there are concerns about that and that can be a concern. Is it a wide spread phenomenon, I don't think so. Can't manage for isolated patches, manage unit-by-unit; but concerned about isolated areas. Chairman Lauber – Will have a lot of people complaining if we reduce the harvest. Asked for more of sacrifice from sportsman than before and dealing with toms might make a difference, and it will spread the harvest out. If nobody wants a sunset clause that I like, one option could be to go ahead and not suspend fall season but reduce number of spring permits to one in those areas you requested. Fricke – You may be correct in terms of number of fall permits also declining over time, don't have data here, but in general have not seen that follow the same trend. We have hit the minimum number of fall turkey hunters, not seen continual decline in last 3-4 years. In ten year span, dropped from 14,000 carcass tags to 5,000 or 6,000; have seen decline but in general we have 1,500 to 2,000 fall turkey hunters and expect stable moving forward. Chairman Lauber – I expect so too and that is spread across entire state, don't think significant. Rather reduce harvest than eliminate an entire season. Other states not doing that way. Fricke – Current recommendation from staff is not the whole state, there would still be the northwest and north-central units. Chairman Lauber – Where most of the turkeys and hunters are and where most of the activity takes place. The number of days in the field for Aaron's district is a lot different than someplace in north-central. Secretary Loveless – Great discussion. We are trying to please hunters, talked about wisdom, in terms of human dimensions, staff has experience trying to understand and study what things are best perceived by hunters and anglers. Of these two options, keeping harvest where it is at two toms in spring, if see decline in numbers see natural decline of harvest and consequences of that. Is that preferable, in terms of hunter attitudes, to reduce harvest, educate them and be self-limiting. As opposed to having a resource limit. Is there any wisdom between you, Kent and audience about what is best perceived? Fricke – To chairman's point, anytime you remove any kind of opportunity there is some level of dissatisfaction for reduction. In general, going back to data, of hunters who purchase, particularly resident hunters, about half of resident hunters get second game tag and about half to one-quarter

of those are successful in filling that second permit. Percentage is higher among nonresidents. Don't anticipate impact on resident hunters, nonresidents would voice their opinion in reduction in opportunity. Trends show residents are purchasing fewer game tags anyway, not on a big scale but each year we see that reduction, as well as reduction in overall permit sales. Chairman Lauber – By giving staff part of what they want, reduction in spring turkey game tags, will find out if Adaptive Harvest Strategy works or not. Only dealing with turkeys for 30-40 years; maybe Adaptive Harvest Strategy worked great when at peak, may find we have to go back don't want stuff to go away forever and that starts with fall turkeys. Want option to not suspend fall turkey season but reduce number of birds to one in those areas listed for spring. Tired of arguing, so let's see if your idea works. Turkey hunters acknowledge numbers are down, usually it is the non-turkey hunters who say they have turkeys everywhere. Want that as option to vote on next time. Tymeson – A no vote, or no motion or second, then regulation would not be amended so would remain the same, so no need to draft an amendment; or if it doesn't pass it would remain the same as it currently is. Chairman Lauber – If the majority agrees to what I am proposing, we don't need to have anything drafted ahead of the meeting? Tymeson – No vote or lack of a second would keep things the same if commission agrees with your position. Chairman Lauber – I am in favor of eliminating the second tag in the spring and leaving fall tags. Tymeson – Two different regulations. Chairman Lauber – They are separate votes. Not voted on together? Tymeson – Correct. Commissioner Rider – Are we the only state that uses the Adaptive Harvest Strategy? Fricke – There are various forms of it, in general and what we had before the Strategy was to sit around the table and decide if anything needed changed. States, including Kansas, up until about 10 years ago, were in that realm as well. The farther west you run into states that have fewer birds and tend to have more of an adaptive strategy to come up with number of permits. For example, Utah has a strategy in place where they send Game Wardens out to assess overall habitat quality in specific unit, similar to how the Central Flyway operates; what was last year's harvest, what do we anticipate, etc., one of more extreme ends. Other states revise turkey strategy or turkey management plan every 5-10 years. We have more transparent way; these are the triggers we are going to use and list of 6-7 options within that strategy as we move down in turkey populations and hunting success, reduce opportunity; if we move back up we introduce opportunity back in; those are laid out clearly and believe that is extremely valuable. Never intended to be static document either in option we utilize moving forward or in the triggers. For example, 55 percent resident hunter success, if we can find a better number based on biology, don't know what that number is but we could potentially adjust that number or use some other trigger. In four years, I have been making recommendations with the department, we as a committee, have not come up with a better number. Doing research and examining data but haven't come up with that. Chairman Lauber – If we reduce spring harvest opportunity and we have stable populations and don't get a higher number than we are going to need to adjust the triggers. Fricke – Seeing population declines across the nation, especially in the Midwest, the goal of what we are trying to do is to reduce the rate of decline. Not here to stick to the Strategy. So, when we get to a low it is somewhat higher than it would have been if we had stayed the same. Mantel – Previously, subject came up about shooting hens in the fall, is that still on the table? Chairman Lauber – My proposal is to leave fall season just as it is. Mantel – But don't shoot the hens? Chairman Lauber – No, you can shoot hens now. Mantel – If you shoot the hen you lose the factory. Commissioner Rider – If we leave fall season, opposed to taking hens out of the bag? Chairman Lauber – I don't think it is going to make any difference. Commissioner Rider – I understand numbers are relatively small. Chairman Lauber – Doesn't seem to make any difference. There is a certain sport in chasing and breaking up flocks. As compared to no fall season would be better to keep it open. Commissioner Rider – Your preference is to keep the season for sure. Chairman Lauber – That is my preference. Doug Phelps – If recommending eliminating game tags for three units, how many birds in real numbers? Fricke – I can provide

that. I can get numbers. Phelps – What kind of estimate on savings by eliminating the game tag? Fricke – We would be looking at something like 7,000 to 10,000 birds; harvested 22,000 this year and 8,000 in game tags, 1/3 of that number. Phelps – A significant savings. Take any bird in the spring, Kansas is known for having bearded hens, is that still five percent? Fricke – One percent. Phelps – If one percent that could be another 70 to 100 hens. Fricke – In the past, one to two percent is bearded hens, consistent across time from harvest survey. Phelps – It is easier to make decision based on numbers rather than percentages. Commissioner Cross – Explain the 15,000 survey results from beginning of presentation? Fricke – That was the number of records not included. Commissioner Cross – Why were they not included? Fricke – When we pull numbers we are working off an updated database from our license vendor, however the database had not been fully updated, IT section is looking into this. We are still not sure when this was updated in the summer some time, we may have missed it by four days or could have been in August, still working on why. It did not trigger us to say there was an issue because all of the license codes and permit types, some were still coming in, it wasn't like all nonresident game tags didn't show up for the month of May, there were some. A surprise and still trying to get that worked out, confident we have all the data now. Chairman Lauber – Know what issues are and will vote at next meeting. Commissioner Rider – How many hens taken in fall season? Fricke – 300 to 400, from harvest estimates. Commissioner Rider – How many of those would have had a hatch the next spring? Chairman Lauber – The average is 1.5 poult per hen. Fricke – Potentially, are you asking about over-winter survival? Commissioner Rider – I am asking how many of those hens would put birds on the ground over next two or three years? Fricke – Sixty to 75 percent; we have good over-winter survival; long-lived birds. Commissioner Rider – Those 300 to 400 hens would put another 1,000 to 1,500 birds on the ground. Chairman Lauber – Probably not, 75 percent of 300 hens that make it through the winter, the average is 1.5 poult per hen, 450 birds statewide which isn't going to make any difference. Commissioner Sill – If we eliminate hens from fall will hunters fill that hole with more toms, then not enough in the spring? Chairman Lauber – That is a good point, but not enough fall birds harvested. Right now, harvesting more toms in the fall than hens, not much difference either way, maybe a little bit. Fricke – With low production in last 5-10 years, you will still have some replacement value of those birds that potentially would have been harvested in the fall. You would still have a good chunk of birds overall. I would argue that in general our production is so low that value will be more important each year. Commissioner Cross – If we don't like options in November can make motion for different options? Tymeson – Legal standard for adoption of regulations. If it differs materially in subject or logical outgrowth of the discussion, if potential amendment you want me to prepare, it is better to have amendment before you than do something on the fly, if different than department's recommendation. Let me know now. If you want fall season to remain the same as it currently is, that would be no motion and second or vote against proposal of the department if it gets a motion and second. If there is another option you want other than that I need to know. Commissioner Cross – Would you make that option? Chairman Lauber – I would recommend we vote on spring tag proposal as presented by Kent, vote to change in accordance with his recommendation. When it comes to suspending fall season, don't make motion or second and let it stay as it is. Tymeson – Neither of those options require an amendment.

6. Big Game Regulations – Levi Jaster, big game biologist, presented this regulation to the Commission (Exhibit T). KAR 115-4-2, general provisions, includes information for what has to be on tags, registration, transporting animals and salvage tags. Chronic wasting disease (CWD) is one of biggest threats to sustainability of the Kansas deer herd. A lot of recommended practices have come out and one of those is related human-assisted movement. We're talking about moving carcasses or parts of; one option being considered is to restrict movement of deer

carcasses or parts movement to within boundaries of the deer management unit where harvested and only allow cleaned antlers and clean antlers attached to skull plate, hide without meat or skull attached, finished taxidermy mounts or boned out meat or quartered carcasses without the head and spinal column. The tissues you need to send in for testing would also be exempted provided they are submitted. For deer harvested outside of Kansas, same allowed to be brought into the state, leave head and spine behind. Would also require change to what we require for proof of sex under an antlerless permit - allow hunters who quarter to leave a piece of hide that has genitals attached or within DMU leave the head attached, or currently they can electronically register their deer, with photo check, before cutting it up. We would also likely be extending these rules to include salvage permits. The human-assisted movement of CWD is biggest threat to spread this disease. We have to have something in place before we can realistically tackle smaller scale movements.

Chairman Lauber – Constituency barriers was used earlier today, and your recommendations are definitely constituency barriers. It will be a piece of cake for commissioners to explain that we reduced turkey tags compared to fact that you have to bone your deer in the field and can't take to locker plant. We had 81,000 deer harvested last year and 40,000 went to one of 50-100 locker plants throughout the state. All of those would no longer be able to be moved, and if a nonresident hunter shoots a deer he can't take head or cape unless he scrapes the brain. The upside of this is if this is enforced we will no longer get complaints about no leftover nonresident permits because it will destroy that opportunity. This has serious risk of legislative interference and people who have locker plants creating a bigger mess. Missouri has comparable number of areas, went by county and if in that county becomes part of CWD management area, if harvest deer in those counties their restriction comes into play; not every county. They allow you to take to a locker plant or taxidermist. Missouri may have different rules on how they register and license those plants. As you start moving forward, vast majority doesn't have positive testing and doesn't have to deal with the restriction while we try to figure out what to do next. Agree that CWD probably travels at 55 mph but not strong science. Don't know much about this but it is popping up in areas and know where prevalence may be greater, like captive herds. We need to take pause here, recommendation is going to be extremely unpopular and ultimately undoable. You have a point but hard to explain to people. Hard to stop people on I-70 and tell them they can't bring deer back to Missouri or deer or elk back here. Jaster – Some states are more restrictive than us and take deer out of county of kill. Chairman Lauber – If positive testing or no matter what? Jaster – Seen both ways. Chairman Lauber – We have 105 counties and some states have 20 counties in the same space; we have 98 percent private land and legislators who are pissed off at us. Need to think about this. Jaster – We talked about a couple different options, but I haven't had a chance to fully run numbers on them. One is to expand zone if CWD detected, movement between those areas; or allow movement within county or adjacent county and look at eastern boundary to that so we don't keep leapfrogging across that. Option of where not detected, deer could go west; could go from not detected into area with CWD but not come out of it. Chairman Lauber – Don't you think it will be difficult to explain to people when you have state with most of its vegetation and most of population in the east part that you can take it west but can't go east. If you hunt at uncle's place you can't bring it back. Jaster – Maybe, but do you want it where you live? Taxidermists and processors, different in Missouri, their agency can regulate that and processors and taxidermists that are certified have to put waste in a dumpster that goes to a landfill; but we don't have that oversight and is one of the reasons it was written this way. Chairman Lauber – Most of our locker plants, to use national by-products, are forbidden if they use them to have it tested. That company doesn't want any risk of it showing up in its supply line. Get it, but I think 30,000 to 40,000 deer hunters who use commercial processing plant and how are they going to do that? Jaster – Still welcome to take it within an area? Chairman Lauber – If one within an area. Commissioner Gfeller – How many cases

documented and where? Jaster – Don't know off top of my head. Commissioner Rider – How would law enforcement enforce this or know where animal was killed? Jaster – Information would have to be recorded on the carcass tag. Chairman Lauber – Right now if you harvest a deer you put county of harvest and if you happen to hunt in county that has a locker plant you are fine. Are we going to make all locker plants change their rules too? Jaster – They have varying rules too; some, where carcass has to show up skinned already or some want it quartered.

Tony DeRossett, Kansas Hunters Feeding the Hungry (KHFH) – Our program is deer hunters are allowed to donate deer and we distribute it to food pantries all around the state. We work with about 30 lockers right now. All of your points are valid and the farther west you go there are a lot less locker plants; there are several counties without locker plants. I get calls weekly from, mostly nonresident hunters, almost always from the east or down south; directional thing will impact them and will affect our program. Get calls about where they can drop off deer. They have to travel more than one county 99 percent of the time. This will have a big ripple effect.

Explain science of how you got to this? What is going on with CWD, how is it getting transferred, what is your concern? Jaster – CWD on its own, without human assistance, moves slowly across landscape, it is prion disease, not virus. The amount a deer has to come into contact with or ingest we are not sure of method of how it moves; how affected or dosage. What we do know, as deer moved around, primarily captive cervids because more documented than wild cervids, most places are not translocating deer any more. It pops up in a new place because somebody moved something. Also, environmental contamination because prions don't decompose very easily, cold doesn't affect them and you have to get to 1,000 degrees before heat does anything to them; most detergents don't affect them. So, they can persist in the environment and research shows plants can take them up and deer eat them. Parts of deer that contain the most prions left on the landscape creates a contaminated site. In captive deer, in areas where they detected CWD, they kill all the deer, depopulate, and bring back deer several years later those deer come back positive again. Site contamination is an issue for affecting deer. bringing back and leaving waste on their property could set off those sites. Because of the number of deer harvested beyond local areas it is a concern that bringing those back and leaving the waste in ditch in their backyard could potentially set up those sites. We are still trying to get good handle on how this occurs, but we need to consider options to help protect our deer herd. It is highly contentious and has been in other states too. Getting phone calls from out of state that deer have shown up from Kansas. Chairman Lauber – Just one in Ohio? Jaster – South Carolina too. Many hunters from out of state are doing this already because they need to do it to take to their own state, quarter and cape their own animals. Chairman Lauber – Like to see states that do that and have this level of restrictions? Jaster – I am putting a document together. Chairman Lauber – Missouri has one county with a captive cervid positive test. We don't regulate captive cervids, legislature took away from us, however that is one of the areas with greatest risk, but we don't do anything about that. Secretary Loveless – Having meeting within next couple of weeks with the Department of Ag who regulates high fence operations, to have conversation about that because of our concern. DeRossett – You said not some level of oversight at locker plants and I thought at some point some of the lockers were no longer going to be taking deer because of proposals. They don't have regulations on what they are supposed to do with skeletal tissue at this point? Jaster – No, not that I am aware of. DeRossett – Generally speaking, most of CWD is in west or northwest part of state. Do you know what farthest east any has been seen? Chairman Lauber – There is a map in hunting regulations that gives you a rough idea. DeRossett – My train of thought is that a huge part of population lives in the east, hunt out west and bring deer back east and I understand you are just trying to anything you can. That wouldn't show necessarily what you are saying; a huge quantity of deer are shot in west and brought east and there is no transfer. Jaster – There hasn't been any that we are aware of. DeRossett – And you don't want any. Jaster – With deer brought back a lot of folks are putting them in a dumpster somewhere, so they are

going to a landfill. Chairman Lauber – Thought about talking to locker plants but afraid to stir something up and start a panic. Commissioner Cross – What state that if farthest advanced with this issue and has big problem? Jaster – Wyoming, statewide now; there stance from the beginning was to do nothing. Commissioner Cross – Talked to them and in hindsight giving you any information? Jaster – A lot of, “I wish we would have done this”; they wished they would have looked at limiting carcasses initially, looked at captives; and wish they hadn’t just done nothing, now trying to play catch up and implementing new regulations and rules. Chairman Lauber – Lauren, you hunt deer, what do you think, do you use locker plant? Commissioner Sill – Sometimes and am fortunate that when I do it is in unit I hunt; live in 6 and hunt in 15 most of the time. I hunt by myself, scares me about what I will have to learn and do different. I love it so much I will figure it out, not sure everyone is as passionate as I am. Shared at Becoming an Outdoors Woman workshop last weekend with a couple of avid lady deer hunters; I resonated with the look on their faces, but recognize it is our job to do best to conserve and care for our resources and residents. This may be really hard. Stuart, you might have to put skinning stations on state lands so we can at least have a place to do it. Scared about it; saw pictures of deer in Colorado and they were sick and saw deer that didn’t look right, it is scary. Chairman Lauber – Most of deer that test positive look healthy, by time they start showing the disease you wouldn’t shoot at them anyway. Not proposing this for this upcoming season? Jaster – An option, talking about it, but willing to take our time and do it right. Phelps – Dealt with this situation with respect to aquatic nuisance species and commission made the right decision. Levi is proposing containment, trying to keep it to as small of area as we can and will take sacrifice from us to make that happen. Chairman Lauber – Worked with zebra mussels, what could happen here is it will come one way or the other. Every state is worried about it too. Phelps – Kansas has become a destination state for whitetail hunting and if we don’t keep CWD in check we will lose that, and legislature will be talking to us because we lost golden goose. Chairman Lauber – Before that happens these regulations as presented will already dry up a lot of nonresident hunting. Phelps – There doesn’t seem to be any demise with everything that has happened; haven’t heard of anybody who is excited to quit hunting in Kansas. We need to protect our resources, and best way to do that is to put limitations on ourselves; maybe buy enough time for answers. Commissioner Sill – This potential recommendation puts a lot on the back of the hunters; issue is multi-factorial, have to look at feeders, what we do that causes unnatural congregating. Did wonderful job at last meeting of presenting some of complexities of that. One of my concerns as sportsmen we need to step up and if have to make difficult changes we may need to do that; at same time, hit needs to be spread around, it may affect industry, may affect landowners, may affect outfitters, that needs to be shared not just on the backs of the sportsmen. Chairman Lauber - Can we table this and bring back rest back after supper? Jaster – That is fine. Chairman Lauber - Recess and come back after supper.

VII. RECESS AT 5:05 p.m.

VIII. RECONVENE AT 6:30 p.m.

IX. RE-INTRODUCTION OF COMMISSIONERS AND GUESTS

X. GENERAL PUBLIC COMMENT ON NON-AGENDA ITEMS

Bill Zimmer – I would like to see Wildlife and Parks help Great Bend and this region further develop the National River Recreation Trail. Not many people realize that Great Bend is the trail head city. It could be a wonderful resource. Such as you have a small fleet of boats on a trailer at Pratt facility, maybe you could have a small selection of canoes and kayaks that could be based

in Great Bend. Anything related to helping the river to be a more fun activity. Also, west of here a few miles on the north side of Barton County landfill is a quarter section of land that could be developed into a park just for trails. The Kansas Trail Council stands ready to assist local volunteers to develop a bicycle and runners trail and there possibly could be a special permitted hunt given to Barton County Veterans Association. I would like to help more people have fun outdoors. And maybe improve the boat ramp at Wilson State Park, it has been crowded this summer.

Commissioner Sill – I received an email from a member of the public this week with a question about wanting to adopt a monk parrot and I was not sure where to refer this person. Apparently they are banned as pets in Kansas. Who do I send her to? Jake George – Chris Berens and I are aware of this email and have corresponded to her. Secretary Loveless – Having been in the utility industry, I can let you know a little about monk parakeets. They are causing tremendous problems at various spots in the United States. They are a communal nesting bird, Chicago has a huge colony and they like power poles, so they create tens of millions of dollars in damages every year because they seldom stay in captivity, they get released and develop big colonies. There are other places up north, even though a tropical bird, because of colonial nesting ability they can trap heat and survive northern winters. A lot of states are banning them.

VI. DEPARTMENT REPORT

C. Workshop Session (continued from afternoon session)

6. Big Game Regulations – Levi Jaster, big game biologist, presented this regulation to the Commission (Exhibit T) continued. Next regulation 115-4-4, legal equipment. Typically review equipment over a period of time and had request to evaluate use of draw locking devices for vertical bows, seeking input on option to remove prohibition of devices that lock the bow at partial or full draw. Chairman Lauber – Do you have a recommendation or just seeking input? Jaster – Just seeking input right now. The proposed option would remove them from being prohibited; allow as legal equipment. 115-4-6, deer firearm management units. This regulation established boundaries of 19 deer management units (DMU). Had a request from landowners in extreme southern part of Unit 10 to have more continuity of harvest limits to have additional ability to manage deer in their area. This part of Unit 10 extends below Unit 19, which is the urban area. It has had only one antlerless permit allowed but is surrounded by Units 14, 11 and 19 that allow five antlerless deer tags. The option we are looking at is to extend boundary of Unit 19 to cover that corner, which would change the boundary to run down Interstate 35 to where it meets U.S. 75 and go back north to original boundary line at Shawnee County SW 93. Also, looking at cleaning up boundary of 19 to make it easier to follow and help out with potential damage; haven't surveyed which roads to use yet. Chairman Lauber – Are you expanding Unit 19 and go all the way to Beto Junction? Jaster – Yes. Chairman Lauber – How much additional land? Jaster – A fair amount, without having checked the numbers it looks like another fifth or sixth of that unit area to be added. 115-4-13 descriptions and restrictions. Starting in 2016 season, either-species antlerless-only permits were no longer issued due to concern about mule deer population. No changes were made other than the Department didn't issue any. Pending the fall spotlight survey to look at the population we are potentially considering issuing a few in DMU 1, where mule deer are the strongest and to help with some crop damage complaints. The number of permits would be based on what we see this fall with population survey. Considering comments from the public on these. Chairman Lauber – Did you go over 115-4-11? Jaster – No changes proposed for that and not scheduled for review.

7. Deer 25-Series Regulations – Levi Jaster, big game biologist, presented this regulation to the Commission (Exhibit U, Deer Season Handout – Exhibit V). 115-25 series, three different lengths of January season. Option being considered is to increase January season lengths to 10 days in shortest season, 17 days in middle season and 24 days in longest season. I provided each of you with calendar to show you where days would fall. Nine normal days at beginning of season starting on first Saturday in September for youth and disabled (September 5-13, 2020); opening next day after for early muzzleloader and running for 14 days (September 14-27, 2020); archery and muzzleloader would run concurrently and then archery would continue to December 31, 2020 (September 14 – December 31, 2020); three-day pre-rut whitetail antlerless only (WAO) firearm season that falls on Columbus Day weekend (October 10-12, 2020); traditional regular firearm would start the Wednesday after Thanksgiving on December 2 and runs through December 13 (December 2-13); January seasons open on January 1, for shortest season January 1-10, 2021; to January 17 for middle season (January 1-17, 2021); and January 24 for longest season (January 1-24, 2021); and in Unit 19, the antlerless archery extended season would run January 25-31, 2021.

B. General Discussion (continued)

5. Cheyenne Bottoms Renovation Update – Jason Wagner, public land manager, presented this update to the Commission (Exhibit W, PowerPoint – Exhibit X). I've been the manager here for two years. Previous projects: completed work in 1957, 167 acres that included dike system and water control structures cost \$2.8 million and included purchase of the land. Stayed the same until mid-1990s, when need for better water management due to lack of water being able to be diverted from Arkansas River and the Wet Walnut that we have water rights on; a \$17 million project completed. In 2013, there was an inlet pipe canal that used to be an open ditch that diverted water from Arkansas River to Dry Creek and an underground pipeline was put in place of that ditch to better restore the flow of water. We have a cattail issue; however, cattails aren't the problem but a result of a problem. Had tremendous amount of rain into late May, two drainages that naturally flow, heavy silt load is coming into Cheyenne Bottoms in cattail delta that grows. We have aerial sprayed some cattails. Silt in pool five, filled by large run off event and water looks like chocolate milk; pool 4b was filled with water from other pools and is clear water. Silt covers water control gate so can't open, streams developed and impossible to move water. Money helped clean up silt, but expensive and time consuming but necessary to move water. Able to band-aid for last couple of years, but silt load is still high. It is estimated, from a 2011 Schwab Eaton study, that it would cost \$550 million to dredge out Cheyenne Bottoms to original grade, so not feasible as we don't have that kind of money and no space to put all of that silt, hundreds of thousands of cubic yards that is not productive. Infrastructure in place since 1950s without being replaced or upgrading, some was upgraded in mid-1990s like propane and electric pumps, but they have exceeded their life span. Time has taken its toll on some of the gates in the marshes. At time of renovations in 1990s there were issues and some of the contractors did not install some items correctly and fighting those battles. Constantly battle lack of water, we have diversion dam west of Great Bend on Arkansas River; until mid-1970s it flowed year-round with crystal clear water, when high flood waters came they would shut gates and stop diverting water to Cheyenne Bottoms to keep silt load out. Now our problem is, we don't have water until high flow events, the only time we have water to divert. A huge issue is water management and keeping what we got here. Starting last year, we have been brainstorming with public lands staff, Ducks Unlimited and The Nature Conservancy; came up with plan, applied for \$6 million PR grant in 2018 and were awarded that last year. Grant goes until September of 2020. Work has been slow because of timing and contractor issues; a lot of work in place we haven't seen yet because in engineering hands; money came from \$1.125 million from

fee fund money, \$375,000 from waterfowl stamp and \$3.750 million from Pitman Robertson Act (PR). We have an intense project load, bought piece of equipment a Marsh Master, an aquatic skid steer that has different three-point attachments and it will go anyplace in the marsh. We had a demonstration last year so excited about that, will be able to attach sprayer, push bar, choppers, mowers, etc. on it, which will help improve control of invasive plants, and help with hunter access issues, can't get in pools so can cut some access. Most of what we are doing is not going to be a big change, more upgrading and renovating what we have, a lot of silt removal, pump replacing, add a couple of propane pumps; also get a new shop and office, a couple of years ago had a thunderstorm that blew down one of our shops so getting that replaced. For the amount of users we have, over 90,000 people visit every year, our office needs an upgrade, a welcoming place for constituents to come. Doing road repairs and hunter access and user improvements on the property. All of our water gets diverted through a hub, so removing silt from hubs, work on water control structures, replace or repair, and replace four electric pumps at each of those. Some pumps in place since 1970s. There is no way to drain our largest pool, pool 2, 3,200 acres, two drainages flow into there and when water comes on there is no way to get it off; right now it would take over three months to drain it and cost \$16,000 and no way to control water, so installing two large-capacity pumps there to give us a chance to do something in pool 2 in the future. Inlet canal, water control structure at the end was put in 18 inches above grade and has been acting as a silt trap, need to clean it out so we can continue to trap silt. Most excited about project on redoing goose pens, originally used for Canada goose propagation in pool 5; it is unusable wetland, 110 acres and water control structures aren't working. There are some old islands used for least tern nesting at one time, basically abandoned wasted ground; replacing water control structure, level islands and put peninsula with youth blind for special hunt for kids. Most of that will be funded and we won't have to use any of the PR money, all from private donations and NAWCA grants for engineering. Working on public use improvements, kiosks and signs are aging and need to be redone to make it look nice and user friendly and expand campground. So many people use campground on opening weekend that you couldn't fit another tent, so open additional campground for seasonal-use with a vault toilet. Footbridges need to be replaced to access deep water. Working with DU on initiative "Bring back the Bottoms," it is restrictive funds through their major donor program and allowing donors to donate \$10,000 or more to be spent at Cheyenne Bottoms through that initiative and we will be able to use that as match to get additional PR money. They have secured \$280,000 of private donations at this point, original goal was \$300,000 now estimating \$400,000. Can also donate to this through Green Wing program, can donate \$200 in a kid's name and they will be given a carry-on. Also, that money will be matched. They are going to give free rein to do what we want to with that money. As working on projects some may go over budget and we could use for overflow or additional ideas, a couple hundred acres of additional wetlands we could build. The \$6 million we already got is for the priority projects. Secretary Loveless – DU spending money exclusively here, if you have ever dealt with DU, they are focused on spending money where waterfowl are breeding, and it is really difficult to get their permission to spend money locally; it mostly goes to Prairie Pothole region and Canada. We have impressive DU group we work with here and have a great partnership between our folks and theirs. They have pulled out all of the stops to be helpful here and we appreciate that.

6. Public Meeting Update on Duck Zone Changes – Tom Bidrowski, waterfowl biologist, presented this update to the Commission (PowerPoint - Exhibit Y). Duck Zones. Every five years the USFWS opens the frameworks for duck zone guidelines. We have initiated a process to garner hunter input. The Flyways have a request and continued requirement for boundaries as well as option to have an additional split to the season. This will be reviewed at the October Service regulation committee meeting, and we will know if changes in guidelines that

have been in place since 1996. Establishment of zones is established on independent seasons on two or more areas, zones, for purpose of providing equal distribution of harvest opportunities for hunters throughout the state. So, why do we add confusion to regulatory process? States like Kansas have added difficulty of season dates that will accommodate hunted duck species, early versus late migratory species, as well as hunting styles; marsh hunters, field hunters and deep-water reservoir hunters. Zoning creates boundaries that can add complexity but maximizes opportunity. Zoning enhances ability to match season dates with available habitat types, migration chronology and season preferences of duck hunters. Kansas waterfowl hunters are just as diverse as Kansas waterfowl hunting opportunities; zones are one tool we have to aid this broad constituent base. We were under restricted season lengths, in place from 1988 to 1992 where there was only a 39-day season, currently 74 days now. There is a Flyway recommendation to change continuous boundary requirement as well as adding second split. To initiate the state process, six public meetings were held starting in August, cities were chosen based on geographic location and potential number of hunters that could be reached. Meeting announcements were sent to media outlets with assistance from Information section; highlighted on agency web page and an email blast was sent to 22,000 hunters who have purchased waterfowl permit in the last five years, posted on KDWP Facebook page and additional Facebook advertising was purchased to allow us to reach over 25,000 people; 62,000 impressions or viewing, 679 people clicked the events and 294 people indicated they were going to attend an event. Meetings were well attended, with the exception of Hays where we only have four. Attendance indicated they were satisfied with current zone boundaries and season dates. Had a few inquiry's or requests to look at some changes; most minor in nature or parochial. There is a component of waterfowl community that would like later season dates with more January opportunities, particularly in late and southeast zone. At Hays, Great Bend and Wichita discussions it was centered around Quivira National Wildlife Refuge, mostly dealing with whooping crane closures during waterfowl seasons as well as crane dates associated with that. Attendants completed a short survey, received 185. Comments received outside of the meetings were in a similar pattern and I will provide them prior to the next meeting. USFWS will consider Flyway requests at October meeting. We will use a formal survey to get a broader perspective and hunter input on zone boundaries, which will be based off surveys we administered at public meetings. Since this requires greater public input this will be an agenda item for four commission meetings, beginning in general discussion in Scott City in November. Final commission action will be April meeting and same meeting we will set 2020/2021 waterfowl season dates. Zone boundary changes would not go into effect until 2021 seasons and would be in place for another five years. Season dates can change annually. Chairman Lauber – Is it generally your opinion that there is no need for change as far as zones? Bidrowski – Majority of hunters are happy, some battered from previous discussions but don't see any wholesale change. We will base recommendations on results of large mail internet survey that will be going out in mid-October. Chairman Lauber – Attended in Kansas City, you did good job of presenting and public was receptive to what you had to say. No feel of ground swell for change. Bidrowski – Among the hunting community there, we all have own preferences for season and may not be uniform across hunters but have a better understanding and recognition that there is a variety of preferences.

D. Public Hearing

Notice and Submission Forms, Attorney General letter dated May 29 (Exhibit Z).

1. KAR 115-8-13a. Electric-assisted bicycles – Linda Lanterman, Parks Division director, presented this regulation to the Commission (Exhibit AA). We call these pedal assisted bikes, trying to get ahead of this, had people come into state park system with these. The motor

does not engage until you pedal, motor does not engage if you are not pedaling. We have had some individuals and were riding trails in state parks, felt we needed some type of regulation on this. A lot of discussion since last meeting. National Park Service looking at this too, allowing in some areas. They are trying to get ahead of this and expand users. The ones we expect to use these are those individuals just starting out, go into areas they can't walk into; may be limited by age, disability or physical capacity. Bikes are expensive, but those individuals are the ones that want to participate with family and friends. Users are not infinite, a finite number of people, but those who come back want to do something. Trying to expand activities in state park system to allow users to come back generation after generation. We have over 500 miles of trails in state parks. Commissioner Sill – For purpose of regulation definition of electric- assisted bicycles shall have meaning specified in KSA 8-1489. That regulation reads, “electric assisted bicycle defined by...two or three wheels with fully operative pedals for human propulsion and an electric motor. The electric-assisted bicycle must have power outfit of no more than 1,000 watts, be incapable of propelling the device at a speed of more than 20 mph on level ground and incapable of further increasing the speed of the device when human power alone is used to propel the device.” There is a difference in what you are telling us in that you are saying pedal-assisted, the definition applied includes full electric option of being self-propelled. Lanterman – I am talking about a Class One bike. Commissioner Sill – But the definition in the regulation says the definition that will be used is the one in the statute; and the statute includes self-propelled bicycles as long as they are under 20 mph. That is a conflict in my understanding. Lanterman – That is a Class One bike. Commissioner Sill – Class One bikes in most cases and there is debate on it. Class One are pedal-assisted only under 20 mph. Class Two have pedal assist and self-propelled options under 20 mph; Class Three are self-propelled, have pedal-assist and goes up to 28 mph. Kansas definition includes Class One and Two, but that is basis for this regulation. Lanterman – That is right. Our intention is to allow those. Commissioner Sill – So they are not just pedal assisted? Lanterman – You have to be pedaling to make that work. Commissioner Sill – What does self-propelled mean? Lanterman – Those pedal-assisted electric bicycles you have to have them pedaling for that motor to engage. Commissioner Sill – Mr. Tymeson can you help on this? Tymeson – Looking at definition, but honestly I don't know the difference between the two bikes you are talking about, so I need to defer back to the Secretary. This is what was recommended by KDOT to refer back to for definition of electric-assisted bicycle. Lanterman – This is what was approved by KDOT. Commissioner Sill – KDOT allows self-propelled. You are telling us it is only pedal-assist and that is terribly confusing to me after doing hours of research. Lanterman – You have to pedal for motor to engage. Commissioner Rider – Even on a Class Two? Lanterman – Yes, you have to be pedaling for motor to engage. You think I am wrong? Commissioner Sill – Yes. Lanterman – You have to be pedaling for motor to engage. Commissioner Sill - Not on Class Twos. Bob Uptegraph who is the owner of Harley's Cycles was hoping to be here tonight, but he was unable to come. Bob, as a bicycle shop owner and cyclist is in favor of this and proponent, but at same time has reservations about allowing Class Two in state parks. Lanterman – I spoke with him several times on this. Commissioner Sill – He also recognizes that was including Class One and Class Two and recognized that might be a problem. ?? – Class 2 does not have to be operate with....Lanterman.... ?? muddled. Chairman Lauber – How can we move forward, positive feedback in support mostly. Want to allow those without a throttle, class one with no throttle, class two with throttle. Commissioner Gfeller.... Commissioner Sill – Accepted definition. Lanterman -may not allow on same trails as all others, some trails meant to go fast....other ones are class one only. *Unknown Audience* – Did not come to microphone, could not hear all of his statement. Class Two, speed cap is limited to 20 mph,...that is the difference, battery wears down. What you are talking about is Class One, a pedal-assist. Chairman Lauber – How can we move forward. We have been talking about this for a long time. Most of feedback I have been receiving has been positive and in support of it; not all

of it. The point is, we want to allow those that don't have a throttle and we think those are called Class One and ones with the throttle are Class Two. Maybe some definition issues with what KDOT did. Lanterman – Right. Commissioner Gfeller – Is this the official definition of Class One, Two and Three? Lanterman – It is, yes. Commissioner Sill – It is a well-accepted definition; not 100 percent consistent. Lanterman – In state park systems across the nation do a little bit of both. Most of them are on Class One, but there are a few state park systems that allow all three. Some allow One and Two, depends on the state, they may not allow them on the same trails as all others but there are some trails they do; have some trails that are meant to go fast. *Unknown Audience* – Use both and are limited to 20 mph. Class Two can be used for people with disability and weaker knees, can jump start for 10 feet. Lanterman – It is up to 20 mph. Commissioner Gfeller – Are majority of e-bike users Class One users? Lanterman – It is mixed. Feel that we can regulate in state park system. We are at limit of 20 mph, still good, and difficult for us to say which is throttled and which one isn't. We can watch. There is an etiquette in trails, and we try to enforce that; yield to horse traffic, then foot traffic, then bicycles. There is a population that needs that assist to be out and enjoy areas we have. Chairman Lauber – If we pass this regulation as recommended without any modifications. The concern would be that Class Two user may say they can ride, which would be outside of intended sphere. Commissioner Sill – Concern I have; on one front I think that with public lands so limited there are spaces that need multi-use trails that are non-motorized because there are people out there that need to get away from technology, that need needs to be respected. Not saying all multi-use trails. I believe reserving some spaces as non-motorized is important. I have had to change my opinion a little with all of the work I have done on this; I can do Class One if we need to. When I went out to Sand Hills State Park and talked to equestrian group, their own complaint is that bicyclists in general, regular bikes, don't understand horses and that there are risks out there. Our equestrian riders have far fewer options for places to ride than bicyclists. The risk for increased conflict, if we increase the presence of cyclists on equestrian trails leads to potential conflicts and accidents and removes part of experience for them. I am for shared trails and for trail etiquette, but also thinking perhaps some non-motorized spaces or reword this and not use KDOT definition and set as Class One bikes so not in question. Chairman Lauber – Can we amend this today to Class One bicycles? Tymeson – The problem is whether it is a substantive change that is logical outgrowth of the discussion. I am going to recommend that it not be recommend on the fly because I don't think there has been enough discussion about it overall. Commissioner Gfeller – Does a Class One and Class Two look alike, the only difference being Class Two is throttle-actuated? *Unknown Audience* – They look the same and most riders can't tell I have an ebike unless I tell them. Respect users on trails, not ebike issue or whether class One or Two. Commissioner Gfeller – If they are the same except for how motor is actuated, both govern out at 20 mph, what is concern about Class Two? Chairman Lauber – It is cheating. *Unknown Audience* – It is healthy, I have lost 40 pounds riding. Chairman Lauber – I don't know how else to describe the argument. Commissioner Sill – Out of respect for the equestrian. Lanterman – We have been trying to put in a group of horse trails and campgrounds, we visit with equestrian riders, state park managers talk to groups; I believe we can manage this in a way that users can do it. That doesn't mean we won't have incidents on the trail. Chairman Lauber – Equestrian riders are not upset about ebikes, but bikes in general. Commissioner Sill – A little harder for them if possibility is that somebody is riding by, not pedaling, just pushing a throttle on the bike. There is a quality of experience, my personal piece; have some non-motorized access for folks. *Unknown Audience* – Mountain bikers in eastern Kansas are volunteers, built 100 miles of trails in Kansas state parks and support those trails. Around Lake Perry and Clinton, we have dealt with this problem, there are horse trails and single-track bike trails and they get along fine together because they are separate. I'm sure there are ways to address in this in other parks too. Issue here tonight is whether to allow Class One and Two on trails and treat them the same way

as regular bikes. Chairman Lauber – For several months the issue has been, can we include pedal-assisted bikes with regular bikes. Up until the last meeting that is all I thought it was going to be. My feeling is, we have a limited amount of resources and if we can enhance people using them I am okay with that and okay at looking at areas where it would be fair to all to have non-mechanical trails. Lanterman – We have that in some parks. *Unknown Audience* –The federal government has addressed this issue and came to conclusion at end of last month; Class One ebikes are essentially nonmotorized bikes. Chairman Lauber – You don't think it is outgrowth of discussion to put on the end, i.e. Class One bikes? Tymeson – I don't think there has been enough discussion. Lanterman – I don't either because they go the same speed. Secretary Loveless – Also, might recommend that we are talking about two different things. One is should we allow ebicycles, and the other is should we have discussions about places that are not multi-use trails and dedicated to one or the other. The issue tonight is, is this language clear enough to allow these bicycles. Mantle – I think you are going to have separate trails because a horse will recognize a bike as motorized as nonmotorized, as a perceived threat. You can be riding down a bare road and will perceive anything as a threat, so you need separate trails. Lanterman – We try to do that with our etiquette. I understand what you are saying. I feel like our staff can handle that, and we all yield to horses, then walking traffic, then bicycles. Chairman Lauber – To recognize Secretary Loveless' point, our decision tonight is to allow ebikes as we believe definition to be able to be used on bike trails. There are other valid concerns, but not technically part of this. I would like to go ahead and pass this and if we need to amend to create a refined definition we can do that at a later time. Lanterman – Let's see what concerns and incidents come up and more importantly how many more users we get. Chairman Lauber – If you don't have to pedal, different than if you have to pedal.

Jeff Carol – I own a bike shop in Ottawa, Ottawa Bike and Trail at intersection of Prairie Spirit and Flint Hills trails. We started business for that reason because we felt those trails would bring a lot of people riding. We see all kinds of bikes, people with different abilities and needs and I talked to a lot of people about ebikes. We did an event a couple of weekends ago, attracted 110 people to ride Flint Hills Trail and camp at Pomona State Park. Some folks carried equipment with them and there were a number of ebikes on the trip. They fit in like everybody else and they all had different reasons for why they ride them. One example, my friend Nick who came with me, he takes both of his kids on his bike, he has larger cargo bike and it is throttle actuated and it helps him to be able to safely get up to speed until he can kick in. He is carrying quite a bit of weight. One of reasons bikes are handy for people with certain abilities or disabilities. The other set of users is older people who want to join in and be part of the group but may not be able to ride the 20 miles the rest of the group is riding. Of 120 people we had 5-10 who couldn't ride if couldn't ride electric bikes. I only sell only Class One bikes, but Class Twos are just a difference in technology, I also rent bikes for trail users, some ebikes so more people can come out and use the trails, hearing a lot of interest from the public who wants to go out and experience this large trail as much as they can. Trail etiquette, I do agree there is a concern; I have signs on both of my doors with symbol and have been educating people on that because it is important. Talked to a couple of the horseback associations about trail etiquette. As a cyclist it is more about educating them more than anything. People don't try to be disrespectful, just may not be educated. An education component on ebike usage as well as trail etiquette would be beneficial. People are not

out there to bother someone else they are doing it to benefit themselves not speed down the trails. Veterans we also talked to, we saw recumbent tricycles and a big use for those if they have an injury where they can't ride a regular bike and many also need e-assistance. We brought an e-bike with us in case anyone wants to ride one in the parking lot.

Nick Crumrocker, Overland Park – I started riding my ebicycle about 40 pounds ago after we had our first child. We also ride in Missouri on Katy Trail and they have allowed them for quite some time and don't seem to have any problem and people travel from all over the country to use it. We have been riding by Ottawa and haven't had any problems and have been having fun. We bike to Pomona State Park and really enjoy using them. With two kids it is a lot to pull. Thank you for considering it.

Commissioner Warren Gfeller moved to approve KAR 115-8-13a as presented to the Commission. Commissioner Aaron Rider second.

Chairman Lauber – We could make an amendment down the road to list strictly as Class One and prepare our own definition if needed. Lanterman – We could track usage and incidents as well. Chairman Lauber – Also, could you report back about exclusive trails for non-mechanical means. The demand for this is here. Mantle – Because of protest doe this require a unanimous vote? Tymeson – No, simple majority.

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

Commissioner Cross	Yes
Commissioner Gfeller	Yes
Commissioner Hayzlett	Yes
Commissioner Rider	Yes
Commissioner Sill	No
Commissioner Sporer	Absent
Commissioner Lauber	Yes

The motion as presented on 115-8-13a passed 5-1.

E-Bike Letters – Exhibit CC (People for Bikes; Chartrand Legal Management, Inc.; J.L. Cleland; Elizabeth Stewart)

XII. OLD BUSINESS

XIII. OTHER BUSINESS

A. Future Meeting Locations and Dates

November 14, 2019 – Scott City, William Carpenter 4-H Building

January 9, 2020 – Iola, Riverside Park Community Building

March 26, 2020 – Topeka, Kansas Historical Society

April 23, 2020 – Location to be determined.

XIV. ADJOURNMENT

Adjourned at 7:49 pm.

Secretary's Remarks

Agency and State Fiscal Status

No briefing book items – possible handout at meeting

2020 Legislature
No briefing book items – possible handout at meeting

General Discussion

Update on the Blue Ribbon Panel and Recovering America's Wildlife Act

Introduction

The Pittman-Robertson Act (1937) and Dingell-Johnson Act (1950) established dedicated funds supporting conservation of fish and wildlife financed by hunters, shooters, anglers and boaters. These funds primarily go to game and sportfish species. A similar, dedicated funding mechanism is lacking for the majority of wildlife species that are not typically categorized as game or sportfish. The bipartisan Recovering America's Wildlife Act of 2019 (HR 3742) was introduced to the House of Representatives on 12 July 2019 by Jeff Fortenberry (R-NE) and Debbie Dingell (D-MI). As written, the Recovering Americas Wildlife Act would dedicate \$1.397 billion annually in existing revenue from the U. S. Treasury general fund to the Wildlife Conservation and Restoration Program. There would be no new tax increases, as funds would come from existing revenues.

Current State Wildlife Grant apportions for Kansas average \$680,000 annually. Under the current projections the funding proposed under Recovering Americas Wildlife Act would increase annual funding for Kansas to \$19,000,000. This would provide adequate funding to implement our congressionally mandated State Wildlife Action Plan (SWAP). Language within the proposed bill would also allow for a percentage of funding to go to law enforcement and outdoor recreation and education, programs not originally covered under the current State Wildlife Grant Program.

The additional \$19 million in revenue matched with 25 percent other funding translates into creating new jobs, increased funding for conservation, and support for habitat restoration. The Recovering America's Wildlife Act would allow for 10 percent of the funds to be put towards recovery of federally listed species and preventative fish and wildlife conservation, allowing states to work to preclude the need to list species.

Recommendation

On 20 October 2016 the Kansas Department of Wildlife, Parks, and Tourism Commission signed a resolution supporting the recommendations of the Blue Ribbon Panel. Kansas joined the Association of Fish and Wildlife Agencies, Western Association of Fish and Wildlife Agencies, Midwestern Association of Fish and Wildlife Agencies, as well as 34 other states that passed similar resolutions. In maintaining support for this campaign we present a resolution that demonstrates continuing support by Kansas for Recovering Americas Wildlife Act HR 3742, and subsequent funding is passed to support conservation efforts of our state's natural resources.

Little Jerusalem Grand Opening Update
No briefing book items – possible handout at meeting

Scott Riffle Beetle

No briefing book items – possible handout at meeting

KANSAS DUCK HUNTING ZONE BOUNDARIES

NOVEMBER 14, 2019

BACKGROUND

Zoning is the establishment of independent seasons in two or more areas (zones) within a state for the purpose of providing equitable distribution of harvest opportunities. Zoning enhances the state's ability to match season dates with available habitat types, migration chronology, and season preferences of duck hunters in specific areas.

The U.S. Fish and Wildlife Service (USFWS) considers states' requests to change their duck hunting zone boundaries every five years. The next opportunity for Kansas to alter boundaries of its duck zones, if it chooses, will be for the 2021-22 season. The USFWS must be notified by May 1, 2020 of any proposed changes. Below are the federal guidelines for zoning:

- 1) A zone is a geographic area or portion of a state, with a contiguous boundary, for which independent dates may be selected for the regular duck season.
- 2) Changes for management-unit boundaries (i.e. High Plains Unit) are not subject to the guidelines and provisions governing the use of zones and split seasons for ducks.
- 3) Only minor (less than a county in size) boundary changes will be allowed for any grandfathered arrangement and changes are limited to the open season. (Kansas has no grandfathered boundaries).
- 4) Once a zone/split option is selected, it must remain in place for the following five years. State may continue the configuration used in the previous five-year period. If changes are made, the zone/split-season configuration must conform to one of the following options:
 - 1) No more than four zones with no splits
 - 2) No more than 2 zones with option for two splits (three segments)
 - 3) No more than 3 zones with option for one split (two segments)

NOTE: Although the zone boundaries are in place for five-year intervals, season dates and bag limits may be adjusted annually. If no changes are adopted, the zones will continue as they have been for the 2016-2020 waterfowl seasons.

DISCUSSION

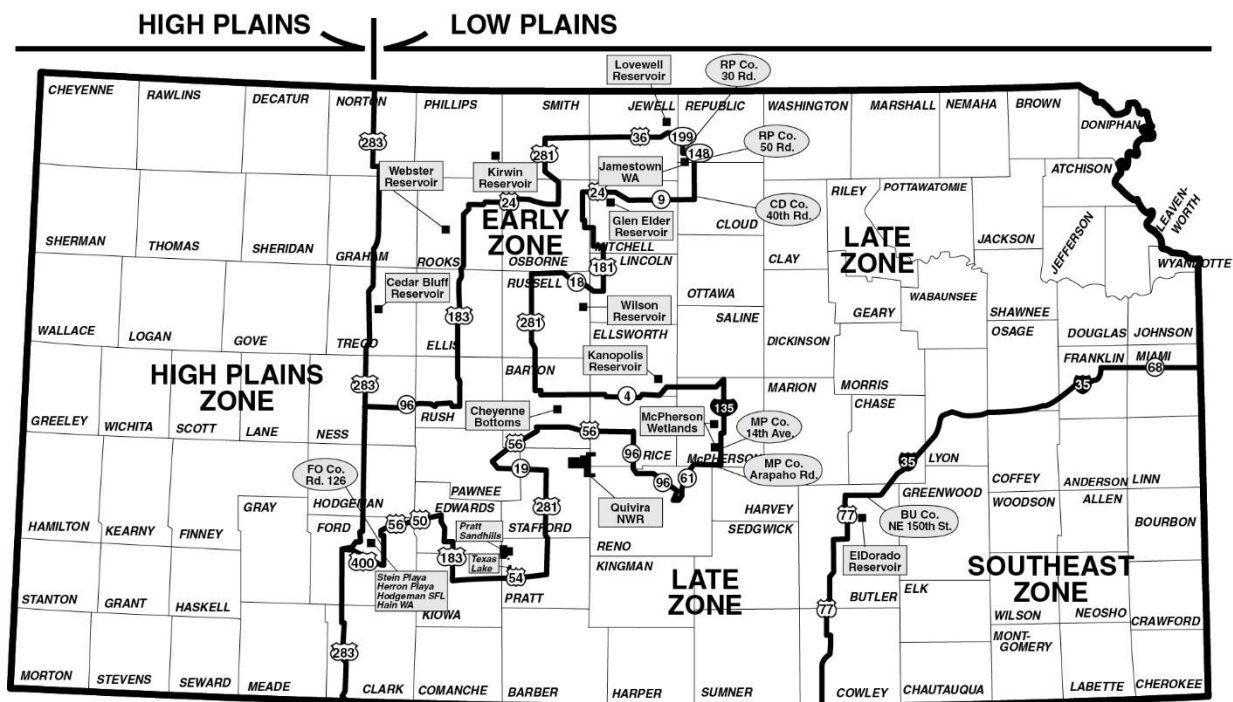
Physiographically diverse states have added difficulty in selecting season dates that will accommodate hunted duck species (early vs. late migrants) and hunting style (i.e. marshes, fields, reservoirs, rivers). This is especially true for mid-latitude states like Kansas. Although zoning can add regulation complexity, zones/splits are means to allocate season dates in waterfowl diverse states (diversity in habitat, waterfowl and hunters) and thus providing greater hunting opportunities.

Kansas waterfowl hunters are just as diverse as Kansas waterfowl hunting opportunities. KDWPT typically receives strong – and often conflicting – opinions about seasons. Some hunters prefer early seasons while others prefer hunting in later seasons. Zones and splits are tools that help serve a broad constituent base. Zoning effectively increases season length for hunters willing to travel. The benefits of zoning increase under restrictive season length

frameworks, as were in place from 1988 through 1992 (39-day total season length).

As zones/splits are a hunter preference issue, KDWP has greatly integrated hunter feedback into its decision-making process. Six public meetings were held around the state in early August of 2019 to garner waterfowl hunter input. Locations included Hays (August 5), Great Bend (August 6), Wichita (August 7), Manhattan (August 12), Pittsburg (August 13), and Kansas City (August 14). An online survey of Kansas waterfowl hunters is currently being conducted. Final report of survey findings should be available in January 2020.

Figure 1. Kansas Duck Hunting Units and Zones



Appendix A. Legal Description of Kansas Duck Hunting Zones

High Plains Unit: That portion of Kansas west of federal highway US-283.

Low Plains Unit: That portion of Kansas east of federal highway US-283.

- *Low Plains Early Zone:* That part of Kansas bounded by a line from the federal highway US-283 and state highway US-96 junction, then east on federal highway US-96 to its junction with federal highway US-183, then north on federal highway US-183 to its junction with federal highway US-24, then east on federal highway US-24 to its junction with federal highway US-281, then north on federal highway US-281 to its junction with federal highway US-36, then east on federal highway US-36 to its junction with state highway K-199, then south on state highway K-199 to its junction with Republic County 30th Road, then south on Republic County 30th Road to its junction with state highway K-148, then east on state highway K-148 to its junction with Republic County 50th Road, then south on Republic County 50th Road to its junction with Cloud County 40th Road, then south on Cloud County 40th Road to its junction with state highway K-9, then west on state highway K-9 to its junction with federal highway US-24, then west on federal highway US-24 to its junction with federal highway US-181, then south on federal highway US-181 to its junction with state highway K-18, then west on state highway K-18 to its junction with federal highway US-281, then south on federal highway US-281 to its junction with state highway K-4, then east on state highway K-4 to its junction with interstate highway I-135, then south on interstate highway I-135 to its junction with state highway K-61, then southwest on state highway K-61 to its junction with McPherson County 14th Avenue, then south on McPherson County 14th Avenue to its junction with McPherson County Arapaho Rd, then west on McPherson County Arapaho Rd to its junction with state highway K-61, then southwest on state highway K-61 to its junction with state highway K-96, then northwest on state highway K-96 to its junction with federal highway US-56, then southwest on federal highway US-56 to its junction with state highway K-19, then east on state highway K-19 to its junction with federal highway US-281, then south on federal highway US-281 to its junction with federal highway US-54, then west on federal highway US-54 to its junction with federal highway US-183, then north on federal highway US-183 to its junction with federal highway US-56, then southwest on federal highway US-56 to its junction with Ford County Road 126, then south on Ford County Road 126 to its junction with federal highway US-400, then northwest on federal highway US-400 to its junction with federal highway US-283, and then north on federal highway US-283 to its junction with federal highway US-96.
- *Low Plains Late Zone:* That part of Kansas bounded by a line from the federal highway US-283 and federal highway US-96 junction, then north on federal highway US-283 to the Kansas-Nebraska state line, then east along the Kansas-Nebraska state line to its junction with the Kansas-Missouri state line, then southeast along the Kansas-Missouri state line to its junction with state highway K-68, then west on state highway K-68 to its junction with interstate highway I-35, then southwest on interstate highway I-35 to its junction with Butler County NE 150th Street, then west on Butler County NE 150th Street to its junction with

federal highway US-77, then south on federal highway US-77 to its junction with the Kansas-Oklahoma state line, then west along the Kansas-Oklahoma state line to its junction with federal highway US-283, then north on federal highway US-283 to its junction with federal highway US-400, then east on federal highway US-400 to its junction with Ford County Road 126, then north on Ford County Road 126 to its junction with federal highway US-56, then east on federal highway US-56 to its junction with federal highway US-183, then south on federal highway US-183 to its junction with federal highway US-54, then east on federal highway US-54 to its junction with federal highway US-281, then north on federal highway US-281 to its junction with state highway K-19, then west on state highway K-19 to its junction with federal highway US-56, then east on federal highway US-56 to its junction with state highway K-96, then southeast on state highway K-96 to its junction with state highway K-61, then northeast on state highway K-61 to its junction with McPherson County Arapaho Road, then east on McPherson County Arapaho Road to its junction with McPherson County 14th Avenue, then north on McPherson County 14th Avenue to its junction with state highway K-61, then east on state highway K-61 to its junction with interstate highway I-135, then north on interstate highway I-135 to its junction with state highway K-4, then west on state highway K-4 to its junction with federal highway US-281, then north on federal highway US-281 to its junction with state highway K-18, then east on state highway K-18 to its junction with federal highway US-181, then north on federal highway US-181 to its junction with federal highway US-24, then east on federal highway US-24 to its junction with state highway K-9, then east on state highway K-9 to its junction with Cloud County 40th Road, then north on Cloud County 40th Road to its junction with Republic County 50th Road, then north on Republic County 50th Road to its junction with state highway K-148, then west on state highway K-148 to its junction with Republic County 30th Road, then north on Republic County 30th Road to its junction with state highway K-199, then north on state highway K-199 to its junction with federal highway US-36, then west on federal highway US-36 to its junction with federal highway US-281, then south on federal highway US-281 to its junction with federal highway US-24, then west on federal highway US-24 to its junction with federal highway US-183, then south on federal highway US-183 to its junction with federal highway US-96, and then west on federal highway US-96 to its junction with federal highway US-283.

- *Low Plains Southeast Zone:* That part of Kansas bounded by a line from the Kansas-Missouri state line west on state highway K-68 to its junction with interstate highway I-35, then southwest on interstate highway I-35 to its junction with Butler County NE 150th Street, then west on Butler County NE 150th Street to its junction with federal highway US-77, then south on federal highway US-77 to the Kansas-Oklahoma State line, then east along the Kansas-Oklahoma state line to its junction with the Kansas-Missouri state line, and then north along the Kansas-Missouri state line to its junction with state highway K-68.

Kansas Department of Wildlife, Parks & Tourism Briefing Item
Webless Migratory Game Bird Regulations
November 14, 2019

Background

The U.S. Fish and Wildlife Service (USFWS) develops frameworks annually, from which states are able to establish migratory game bird hunting seasons. These frameworks establish maximum bag and possession limits, season lengths, and earliest opening and latest closing dates. States must operate within these frameworks when establishing state specific migratory game bird seasons. General stability in federal frameworks allows the inclusion of webless migratory bird regulations, bag limits, and season dates in KDWP permanent regulations, summarized below.

Species	Regulation	Regulation Summary
Crow	KAR 115-25-16 <u>KAR 115-20-1</u>	Open season, bag limit, and possession limit Legal equipment, taking methods
Dove	KAR 115-25-19 KAR 115-20-7	Management unit, hunting season, shooting hours, limits Legal equipment, taking methods, and possession
Sandhill Crane	KAR 115-25-20	Management unit, hunting season, shooting hours, bag and possession limits, and permit validation
Snipe, Rail, & Woodcock	KAR 115-25-21	Management units, hunting seasons, shooting hours, and bag and possession limits

Discussion

One pending change to federal frameworks is an extension of the latest closing date to January 31 for rails (previously the last Sunday in January). In Kansas, the season closes well before the end of frameworks, so this change does not affect staff recommendation for the 2020-21 rail season. One change staff are considering is to sandhill crane management units and season dates (included in KAR 115-25-20) for western Kansas. Staff recommendations will be presented at the January commission meeting.

Proposed 2020-2021 Webless Migratory Game Bird Bag Limits and Season Dates

Species	Bag/Possession Limits	Season Dates
Crow	no limit	November 10 - March 10
Migratory Dove	15/45	September 1 - November 29
Exotic Dove	no limit	year-round
Sandhill Crane	3/9	recommendation pending
Snipe	8/24	September 1 - December 16
Rail	25/75	September 1 - November 9
Woodcock	3/9	October 17 - November 30

Workshop Session

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 options being considered 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. Tissues, including the brain stem (obex) and/or lymph nodes, that will be submitted for chronic wasting disease testing may 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 and quartered

carcasses without the head and spinal column attached to be brought into Kansas. Tissues, such as the brain stem (obex) and/or lymph nodes, that will be submitted for chronic wasting disease testing may be brought into Kansas.

Hunters must maintain proof of sex for deer harvested with an antlerless permit until the carcass 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 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 option 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 option being considered 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 authorizes 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 (WAO) 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 also 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.
 - An antlerless deer is defined as a deer without a visible antler plainly protruding from the skull.

Recommendation

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

VI. DEPARTMENT REPORT

C. Workshop Session

2. Deer 25-Series Regulations

Background

The regulation contains the following items:

- Dates of deer seasons when equipment such as archery, firearm, 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

Either-species Antlerless Only Permits (ESAO)

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.

Either-species Antlerless Only Permits (ESAO) could be issued again. The number of ESAO permits to be issued in each DMU would be evaluated after additional data becomes available. ESAO permits would not be valid on lands managed by the department. The number of permits issued are included in the Secretary's Orders for permit allocation.

Season Dates

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 firearm 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

B. Workshop Session

3. Public Lands Regulations

November 14, 2019

KAR 115-8 series: Department Lands and Waters

The Public Lands Division is taking an in-depth look at all regulations within the KAR 115-8 series of regulations for Department Lands and Waters.

In order to remove potential bias, Public Lands Division administration has requested that the Kansas Chapter of Backcountry Hunters and Anglers participate in an overall review of this series of regulations.

It is our goal to identify regulations that could be simplified, condensed, or if outdated, revoked. Staff will also coordinate with BHA to discuss several “hot topics” as they relate to Department Lands and Waters and whether there is a need to recommend new regulations or amend current regulations for issues such as:

- *Trail Cameras
- *Non-toxic ammo
- *Drone use
- *Bicycles for hunting and fishing access
- *Refuge closure/open dates
- *iSportsman (electronic daily hunt permit use and properties)
- *Guiding and other commercial activities

KAR 115-25-7

Antelope; open season, bag limit and permits

Background

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

Western Kansas pronghorn antelope populations have supported a hunting season since 1974. The firearm pronghorn season has been four days long since 1990, starting on the first Friday in October. The archery pronghorn season was nine days long from 1985 to 2004, and included the two weekends prior to the firearm season. Since 2005, the archery season has reopened on the Saturday following the firearm season and continued through the end of October. A muzzleloader season was initiated in 2001. It has begun immediately after the archery season and ran for eight days, the last four overlapping the firearm season. With the exception of annual adjustments in permit allocations, this regulation has basically been unchanged since 2006.

Discussion & Recommendations

No changes are recommended for this regulation at this time, including season structure, bag limits, and permits.

We propose unlimited archery permits be allocated for both residents and nonresidents. Firearm and muzzleloader permits will remain restricted to residents, with half assigned to landowner/tenants and the remainder awarded to general residents. Firearm and muzzleloader permit allocations will be determined following winter aerial surveys.

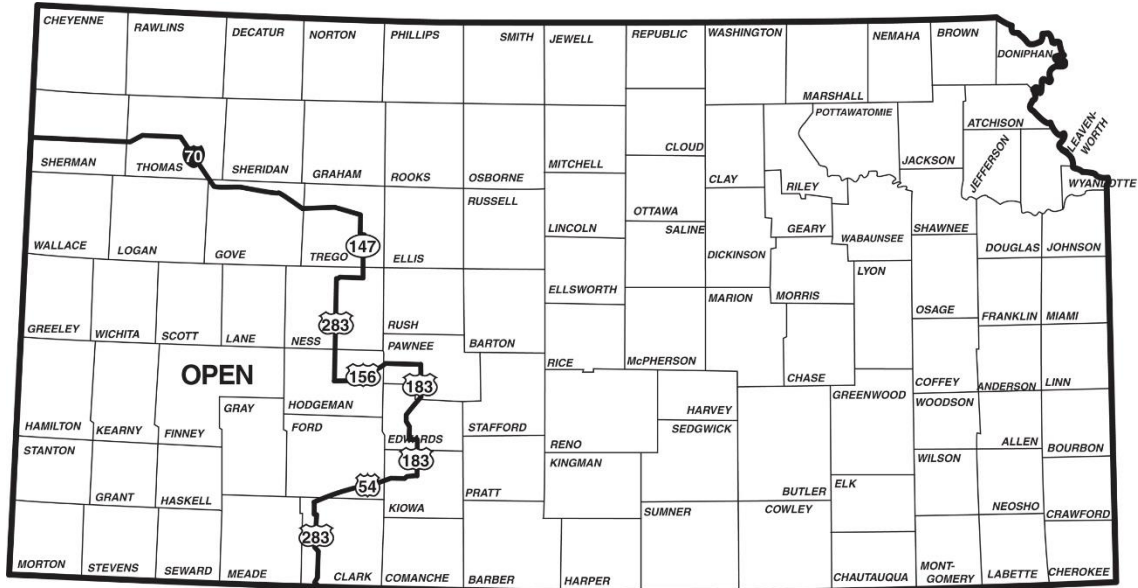
The proposed season dates are:

September 19-27, 2020 and October 10-31, 2020 for the archery season.

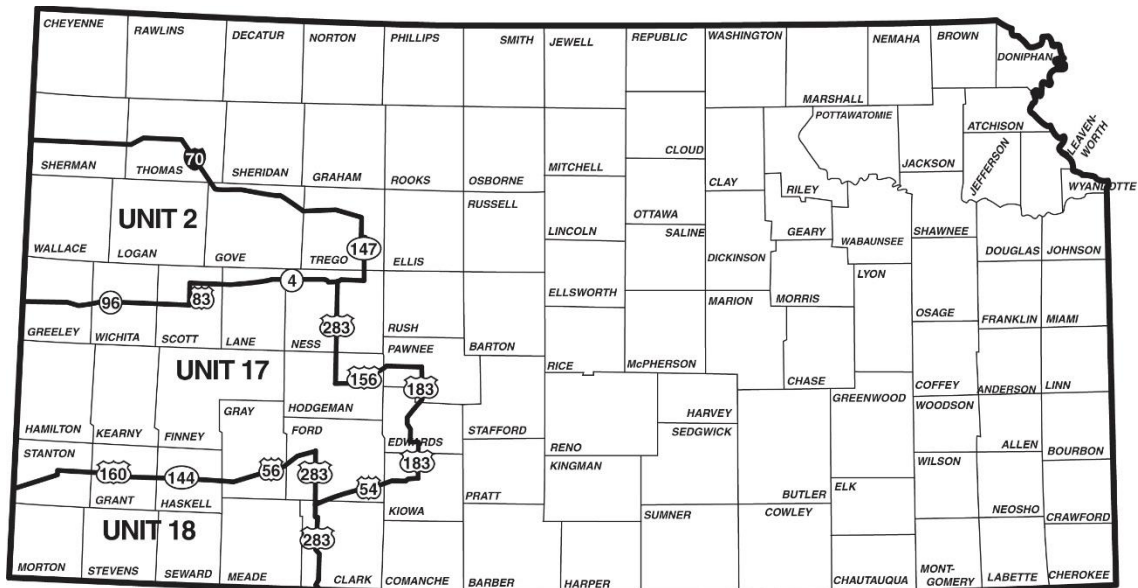
September 28, 2020 - October 5, 2020 for the muzzleloader season.

October 2-5, 2020 for the firearm season.

Archery Pronghorn Unit



Firearm, Muzzleloader Pronghorn Units



KAR 115-25-8

Elk; open season, bag limit and permits

Background

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

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

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

Discussion & Recommendations

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

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

The proposed season dates on Fort Riley are:

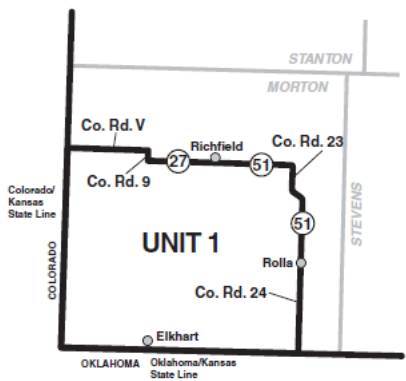
- a) September 1-30, 2020 for a season in which both muzzleloader and archery equipment may be used.
- b) October 1-December 31, 2020 for the firearm season.
 - a. Any elk permits are valid during all three months.
 - b. One-third of the antlerless only permits valid during each of the following segments:
 - 1) First segment: October 1-31, 2020.
 - 2) Second segment: November 1-30, 2020.
 - 3) Third segment: December 1-31, 2020.

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

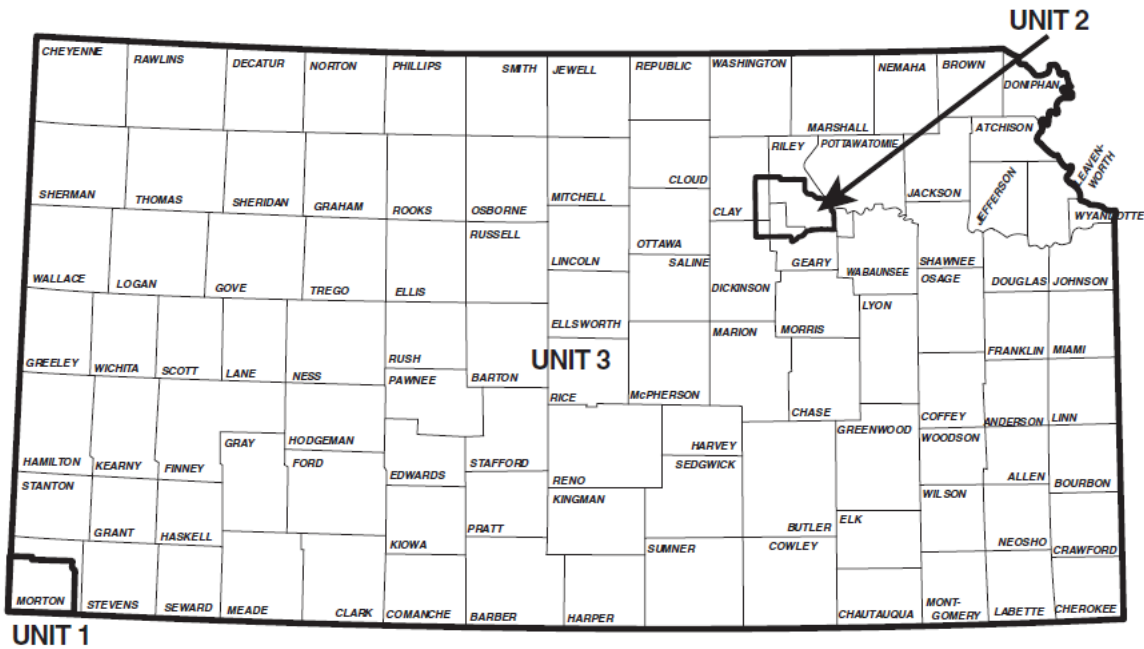
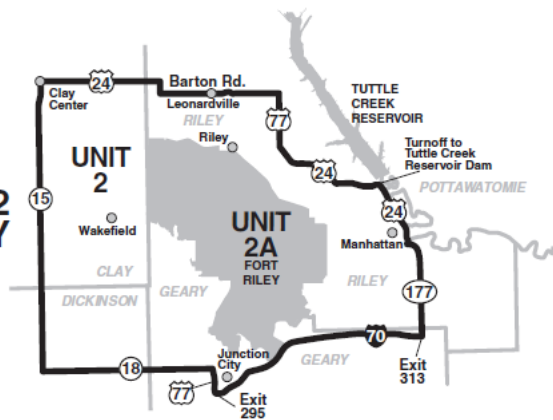
- a) September 1-30, 2020 for the muzzleloader season.
- b) September 14-December 31, 2020 for the archery season.
- c) August 1-31, 2020, December 2-13, 2020, and January 1-March 15, 2020 for the firearm seasons.

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

Elk Units



NEW UNIT 2 BOUNDARY



Public Hearing

Document No. _____

KANSAS REGISTER
SUBMISSION FORM

Agency Number -- 710-01

Agency Name -- Kansas Department of Wildlife, Parks and Tourism

Agency Address - 1020 S. Kansas Ave., Suite 200

Topeka, Kansas 66612-1233

Title of Document -- Public Hearing

Desired Date of Publication - August 15, 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.

Christopher J. Tymeson
Liaison officer's typed name


Liaison officer's signature

Department Attorney
Title

(785) 296-2281
Phone

This space for Register office use only

KANSAS REGISTER
SUBMISSION FORM

Agency Number -- 710-01

Agency Name -- Kansas Department of Wildlife, Parks and Tourism

Agency Address - 1020 S. Kansas Ave., Suite 200

Topeka, Kansas 66612-1233

Title of Document -- Public Hearing

Desired Date of Publication - September 12, 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.

Christopher J. Tymeson
Liaison officer's typed name

Liaison officer's signature

Department Attorney
Title

(785) 296-2281
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, November 14, 2019 at the William Carpenter 4-H Building, Exhibit Building, Scott County Community Center and Fairground Facilities, 608 N. Fairground Road, Scott City, Kansas to consider the approval and adoption of the 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., November 14 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. November 15 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 90-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 regulation that will be heard during the regulatory hearing portion of the meeting are as follows:

K.A.R. 115-7-1. This permanent regulation sets legal equipment, methods of taking and other provisions for fishing. The proposed amendments would require closed-cell construction for float material on trotlines.

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. 115-7-10. This permanent regulation sets special provisions for fishing. The proposed amendments would update the department's Kansas aquatic nuisance species designated waters reference document.

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. 115-9-9. This permanent regulation sets requirements for electronic licenses, permits, tags, and other issues of the department. The proposed amendments would allow for use of mobile devices to carry licenses.

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. 115-15-1. This permanent regulation designates threatened and endangered species in Kansas. The proposed amendments would list one species, the Cylindrical papershell mussel, as endangered and de-list one species, the Arkansas darter, from threatened status.

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. 115-15-2. This permanent regulation designates nongame species, otherwise known as Species In Need of Conservation or SINC status. The proposed amendments would add one new SINC species, the Arkansas Darter, and remove one SINC species, the Wabash pigtoe mussel.

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. 115-18-6a. This new permanent regulation would exempt school motor vehicles from needing a motor vehicle permit to enter a state park.

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. 115-25-14. This exempt regulation sets creel limit, size limit, possession limit and open season for fishing. The proposed amendments would update the reference document for length and creel limits at various locations across the state.

Economic Impact Summary: No substantial negative 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

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, November 14, 2019 at the William Carpenter 4-H Building, Exhibit Building, Scott County Community Center and Fairground Facilities, 608 N. Fairground Road, Scott City, Kansas to consider the approval and adoption of the 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., November 14 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. November 15 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.

In addition to the previously published notice, 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, in addition to the previously published notice, that will be heard during the regulatory hearing portion of the meeting are as follows:

K.A.R. 115-4-2. This permanent regulation sets general provisions for big game and wild turkey. The proposed amendments would allow the use of electronic carcass tagging as the agency moves towards electronic licensing and permitting.

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. 115-7-3. This permanent regulation provides for taking and use of baitfish or minnows. The proposed amendments would require that crayfish, leeches, amphibians and mussels that are used as fishing bait conform to the same requirements for baitfish to reduce the risk of transmission of invasive species.

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. 115-7-4. This permanent regulation sets requirements for fish processing and possession. The proposed amendments would allow use of electronic carcass tagging as the agency moves towards electronic licensing and permitting.

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. 115-25-5. This exempt regulation sets the fall season, bag limit and permits for turkeys. The proposed version of the regulation would close the fall season in three of the five currently open units.

Economic Impact Summary: The proposed version of the regulation is expected to reduce fees to the department in the amount of \$82,884 and the collateral economic impact to the State of Kansas will be an estimated reduction of \$5,308,560. Otherwise, no substantial negative economic impact to the department, other state agencies, small businesses, or individual members of the public is anticipated.

K.A.R. 115-25-6. This exempt regulation sets the spring season, bag limit, permits and game tags. The proposed version of the regulation would reduce the spring bag limit for turkeys in three units from two birds to one bird.

Economic Impact Summary: The reduction in bag limit is estimated to reduce fees collected by the department in the amount of \$243,810. The collateral economic benefit to the State of Kansas for the spring turkey season is estimated to be \$58,135,600. Otherwise, no substantial negative 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

August 5, 2019

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

Chris Tymeson
Kansas Department of Wildlife, Parks & Tourism
1020 S. Kansas Ave., Ste. 200
Topeka, KS 66612-1327

RE: K.A.R. 115-7-3

Dear Mr. Tymeson:

Pursuant to K.S.A. 2018 Supp. 77-420(b), we have reviewed the above-referenced regulation and for the reasons previously discussed, we are unable to approve it at this time. The original regulation is enclosed with this letter.

Sincerely,

OFFICE OF THE ATTORNEY GENERAL
DEREK SCHMIDT

A handwritten signature in cursive script that reads "Craig Paschang".

Craig Paschang
Assistant Attorney General

CP:sb
Enclosure

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



STATE OF KANSAS
OFFICE OF THE ATTORNEY GENERAL

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ATTORNEY GENERAL

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August 29, 2019

Chris Tymeson
Kansas Department of Wildlife, Parks & Tourism
1020 S. Kansas Ave., Ste. 200
Topeka, KS 66612-1327

RE: **K.A.R. 115-7-3**

Dear Mr. Tymeson:

Pursuant to the Rules and Regulations Filing Act, K.S.A. 77-415, *et seq.*, we have reviewed the above-referenced regulation and finding no issues of concern, have approved it. The stamped original regulation is enclosed with this letter.

Sincerely,

OFFICE OF THE ATTORNEY GENERAL
DEREK SCHMIDT


Craig Paschang
Assistant Attorney General

CP:sb
Enclosure

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



STATE OF KANSAS
OFFICE OF THE ATTORNEY GENERAL

DEREK SCHMIDT
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WWW.AG.KS.GOV

September 3, 2019

Chris Tymeson, General Counsel
Kansas Department of Wildlife, Parks and Tourism
1020 S. Kansas Avenue
Topeka, Kansas

RE: K.A.R. 115-4-2, K.A.R. 115-7-4, K.A.R. 115-25-5, and K.A.R. 115-25-6

Dear Mr. Tymeson:

Pursuant to the Rules and Regulations Filing Act, K.S.A. 77-415, *et seq.*, 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

A handwritten signature in black ink, appearing to read "Athena E. Andaya".

Athena E. Andaya
Deputy Attorney General

AEA:sb
Enclosures

cc: Rep. Ron Highlard, 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



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kslegres@kird.ks.gov

kslegislature.org/kird

October 21, 2019

REPORT

To: Kansas Legislature

From: Joint Committee on Administrative Rules and Regulations

Re: Report on the October 8, 2019, Meeting of the Joint Committee on Administrative Rules and Regulations

At its meeting on October 8, 2019, the Joint Committee on Administrative Rules and Regulations (Committee) reviewed for public comment rules and regulations listed below and provided its comments.

State Board of Healing Arts

KAR 100-69-7, unprofessional conduct, definitions; KAR 100-69-10, license renewal, continuing education; KAR 100-29-4, examination; KAR 100-29-9, license and certificate renewal, continuing education.

Concern. The Committee was made aware that page 3 of proposed KAR 100-69-10 was not part of the regulation packet that was published on the website of the Secretary of State. Although the corrected file was published after the Committee meeting, with the stamp of the Secretary of State on the added page 3, the Committee is concerned that interested members of the public may not be aware of the provisions included in page 3. The Committee asks the agency to provide a timeline of the review and filing process for KAR 100-69-10 and information on the chain of custody for the rule and regulation packet. The Committee further asks the agency to determine whether the rule and regulation should begin the process anew to be in compliance with provisions of KSA 2019 Supp. 77-420 and to share its reasoning behind the decision.

Board of Pharmacy

KAR 68-2-10, cessation of operations; KAR 68-7-15, prepackaging or repackaging of oral drugs; KAR 68-14-1, revocation (was wholesale distributors); KAR 68-14-2, definitions; KAR 68-14-3, revocation (was wholesale distributor registration requirement); KAR 16-14-4,

minimum required information for registration; KAR 68-14-5, personnel; KAR 68-14-7, wholesale distributors, minimum requirements for the storage and handling of prescription-only drugs and devices and for the establishment and maintenance of prescription-only drug and device distribution records; KAR 68-14-7a, third-party logistics providers, minimum requirements for operation and maintenance of records; KAR 68-14-7b, outsourcing facilities, minimum requirements for operation and maintenance of records; KAR 68-19-1, minimum program requirements; KAR 68-21-6, reciprocal agreements with other states or government entities to share information.

Concern. The Committee notes proposed KAR 68-2-10 requires the pharmacist in charge to notify pharmacy customers but the economic impact statement states the estimate of compliance costs is \$0. It notes KSA 2019 Supp. 77-416 (b)(1)(C)(ii) requires "a detailed quantification of implementation and compliance costs, on the specific businesses . . . [and] individuals . . ." The Committee requests a detailed analysis of the potential costs of this proposed rule and regulation and asks the agency to consider issuing a new economic impact statement.

Request. The Committee requests information on the Board procedures required by KSA 2019 Supp. 65-1685(b), contractual provisions, and other processes and policies to protect the privacy of Kansans' pharmacy records.

Request. The Committee requests the agency provide information related to the agency's inspection or testing of drugs imported into the United States.

Request. The Committee requests information on fees originally paid to the Board of Pharmacy that have been moved into the State General Fund.

Department of Health and Environment

KAR 28-4-133, reporting critical incidents.

Concern. The Committee is concerned that the term "jeopardizes" in paragraph (a)(6) may leave room for interpretation and suggests the agency consider either defining the term or making the language more specific.

Request. The Committee asks the agency to consider defining the term "written report" as found in subsection (b) and to also consider alternate forms of reporting to the agency. The Committee suggests providing copies of the form in hard copy and is concerned a report mailed via U.S. Postal Service would not meet the requirement in the proposed rule and regulation that the report is "submitted by the next working day to the department"; it requests clarification of that requirement.

Request. The Committee asks the agency to consider defining the term "facility" in subsection (b) with respect to the requirement that copies of

critical incident reports be kept on file at the facility for a period of one year. It believes the proposed language could be read to mean the agency's facility.

Concern. The Committee is concerned that some childcare providers may not have access to email or the Internet, which may present difficulties in being informed of new rules and regulations pertaining to childcare. The Committee asks the agency to consider providing notification of regulatory changes via U.S. Postal Service in addition to electronic notification if the provider so requests.

Board of Nursing

KAR 60-16-101, definitions; KAR 60-16-103, stand-alone course approval procedure, competency examinations, recordkeeping; KAR 60-16-104, standards for course and program curriculum content.

After discussion, the Committee reported no comments.

Dental Board

KAR 71-2-2, branches of dentistry; KAR 71-2-3, revoked (was committee for specialists examination).

After discussion, the Committee reported no comments.

Board of Emergency Medical Services

KAR 109-3-3, emergency medical responder, authorized activities; KAR 109-3-4, emergency medical technician, authorized activities; KAR 109-5-1a, emergency medical responder (EMR) continuing education; KAR 109-11-1a, emergency medical responder course approval.

After discussion, the Committee reported no comments.

Department of Wildlife, Parks and Tourism

KAR 115-7-1, fishing, legal equipment, methods of taking, and other provisions; KAR 115-7-10, fishing, special provisions; KAR 115-9-9, electronic licenses, permits, stamps, tags, and other issues of the department, other requirements; KAR 115-15-1, threatened and endangered species, general provisions; KAR 115-15-2, nongame species, general provisions; KAR 115-18-6a, motor vehicle permits, school exemption for state parks and other areas requiring motor vehicle permits; KAR 115-25-14, fishing, creel limit, size limit, possession limit, and open season; KAR 115-4-2, big game and wild turkey, general provisions; KAR 115-7-3, fish, taking and use of baitfish or minnows; KAR 115-7-4, fish, processing and possession; KAR 115-25-5, turkey, fall season, bag limit, and permits; KAR 115-25-6, turkey, spring season, bag limit, permits, and game tags.

KAR 115-25-5 and KAR 115-25-6. The Committee is concerned with the potential effects on the state economy due to the proposals to eliminate the fall turkey season in 2020 for approximately half of the state and reduce the bag limit for turkeys in those same units during the 2020 spring season. The Committee requests the agency provide the data and studies used to make the determination.

Request. The Committee requests the agency provide data, including the number of in-state and out-of-state hunting licenses for wild turkeys issued over the past five years.

Request. The Committee requests the agency provide statutory citations and authority allowing the agency to determine species included in the endangered and threatened species lists and also requests information on the steps the agency and Commission take before proposing changes to the listings.

Board of Technical Professions

KAR 66-15-1, fees.

After discussion, the Committee reported no comments.

EXPECTATIONS OF AGENCIES

Prior to filing rules and regulations with the Secretary of State, agencies are expected to review the history sections of the rules and regulations to update them to the most recent statutory citations, making certain the citations for authorizing and implementing statutes are correct and complete. Each agency is encouraged to include in the filing notice its website address where proposed rules and regulations can be located. In addition, if the agency accepts written comments via e-mail, it is expected the public notice will include this information, as are directions for e-mail requests for public accommodation. Finally, agencies are expected to verify the adoption by reference of any materials included in the regulations is properly completed as prescribed in the Department of Administration's current "Policy and Procedure Manual for the Adoption of Kansas Administrative Regulations."

This report should be part of the public record on these regulations. The Committee may review the regulations the agency ultimately adopts, and it reserves any expression of legislative concern to that review.

To assist in that final review, agencies are expected to respond to each question or comment of the Committee and to inform the Committee and its Kansas Legislative Research Department (KLRD) staff, in writing, at the time the rules and regulations are adopted and filed with the Secretary of State, of any and all changes that have been made following the public hearing. Agencies are expected to notify the Committee and KLRD, in writing, when the agency has adopted the regulations as permanent, delayed implementation of the regulations, or decided not to adopt any of the regulations.

Failure to respond to each and every comment contained in this report may result in a request from the Committee that a spokesperson from the agency appear before the Committee to explain the agency's failure to reply.

Public Hearing Items 1-12 can be found in the pending draft legislation folder on the KDWPPT website.

Item 13 - Free Park and Free Fishing Days by Secretary's Orders is attached.

115-9-9. Electronic licenses, permits, stamps, tags, and other issues of the department; other requirements. The requirements specified in this regulation shall apply to licenses, permits, stamps, tags, and other issues of the department purchased from electronic or telephone license vendors or by electronic means of a computer network. These requirements shall consist of the following:

(a) Each individual who receives or prints a hard copy of an issue of the department purchased from an electronic or telephone license vendor or by electronic means of a computer network shall sign the issue, attesting that all information on the issue is true and correct.

(b) Each individual who ~~receives~~ purchases a departmental issue from a telephone vendor shall carry the confirmation number while actively engaged in any activity authorized by the departmental issue. When the individual receives the ~~physical~~ hard copy of any issue received from a telephone vendor, the individual shall sign and carry the ~~physical~~ hard copy of the departmental issue while actively engaged in any activity authorized by the departmental issue.

(c) Each individual who receives an electronic version of a departmental issue shall attest that all information contained in the issue is true and correct at the time of purchase. A digital file or portable document format file of the departmental issue shall be stored on the licensee's mobile device, which the licensee shall carry while actively engaged in any activity authorized by the departmental issue.

(d) Each hard-copy stamp received from an electronic or telephone license vendor or by electronic means of a computer network shall be validated if the individual signs the issue displaying the valid stamp purchase. The confirmation number of each stamp purchased from a an electronic or telephone license vendor shall be proof of signature until the individual receives the ~~physical~~ hard copy of the stamp purchased from the license vendor.

~~(d)~~ (e) Any current issue of the department that is destroyed or lost may be replaced by an-

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~~electronic license vendor or~~ by electronic means of a ~~computer network~~. Each individual whose current issue was destroyed or lost shall sign the new hard-copy issue, attesting to the destruction or loss of the current issue.

(~~e~~) (f) An application form shall not be required for an individual to purchase any issue from an electronic or telephone license vendor or by electronic means of a ~~computer network~~. The signature on the issue by the individual receiving the issue shall ~~satisfy~~ meet the signature requirement on application forms.

(~~f~~) (g) The removal of the carcass tag from any big game or wild turkey permit or game tag purchased from an electronic license vendor or by electronic means of a ~~computer network~~ shall not invalidate the permit, game tag, or carcass tag for hunting. However, signing any carcass tag before harvesting an animal for which the carcass tag was issued shall invalidate the carcass tag and either the permit or the game tag for use.

(~~g~~) (h) Each temporary annual park permit purchased from an electronic or telephone license vendor or by electronic means of a ~~computer network~~ shall be valid only if visibly displayed on the vehicle or camping unit for which the annual park permit was purchased. Each individual with a temporary annual park permit purchased from an electronic license vendor or by electronic means of a ~~computer network~~ shall exchange the permit for a permanent annual park permit at a department office or automated park license vendor.

(~~h~~) (i) Each person required to provide the identifying number of a license, permit, tag, stamp, or other issue of the department shall use the transaction number of the electronic license, permit, tag,

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stamp, or other issue. (Authorized by K.S.A. 2018 Supp. 32-807, and K.S.A. 2005 2018 Supp. 32-980,
and K.S.A. 2005 Supp. 32-1001; implementing K.S.A. 2005 2018 Supp. 32-980 and K.S.A. 2005 Supp.
32-1001; effective July 22, 2005; amended May 18, 2007; 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. 115-9-9
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 deals with electronic licenses, permits, stamps, tags, and other issues of the department; other requirements. The proposed changes would allow the use of mobile devices to carry licenses, as an alternative to traditional paper licenses.

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 electronic licenses.

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 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 regulation will likely have no negative economic impact on businesses, individuals or local governments.

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 electronic licenses to be carried in the field on mobile devices, as an alternative to traditional paper licenses.



- 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 proposal.

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 proposal.

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 April 25 in Colby, where 5 members of the public signed the attendance roster, on June 13, 2019 in Salina, where 5 members of the public signed the attendance roster, and will hold public commission meetings on August 15 in Overland Park, Sept 19 in Great Bend and November 14 in Scott City.

- 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.



115-4-2. Big game and wild turkey; general provisions. (a) Possession.

(1) Each permittee shall meet either of the following requirements:

(A) Nonelectronic carcass tags. ~~Each~~ The permittee shall sign, record the county, the date, and the time of kill, and attach the carcass tag to the carcass in a visible manner immediately following the kill and before moving the carcass from the site of the kill. The carcass tag shall remain attached to the carcass or in the possession of the permittee if transporting a quartered or deboned animal until the animal reaches the permittee's residence or a commercial place of processing or preservation and is processed for consumption. The permittee shall retain the carcass tag until the animal is consumed, given to another, or otherwise disposed of.

(B) Electronic carcass tags. Using the department's electronic carcass tag system, the permittee shall record the county, the date, and the time of kill and enter a photograph of the entire carcass, with sufficient clarity to display the species and the antlered or antlerless condition of the big game animal or the beard of the wild turkey, immediately following the kill and before moving the carcass from the site of the kill. The permittee shall possess the confirmation number until the animal reaches the permittee's residence or a commercial place of processing or preservation and is processed for consumption. The permittee shall retain the confirmation number until the animal is consumed, given to another, or otherwise disposed of.

(2) Except for a wild turkey or big game animal taken with an "either sex" permit, the beard of the wild turkey shall remain naturally attached to the breast or the head of the big game animal shall remain naturally attached to the carcass while in transit from the site of the kill to the permittee's residence or to a commercial place of processing or preservation, unless the carcass has been tagged with a department check station tag, the permittee is using the department's electronic carcass tag

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system and has submitted the information required in paragraph (a)(1)(B), the permittee has obtained a transportation confirmation number after electronically registering the permittee’s big game animal or wild turkey on the department’s electronic registration site, or the permittee retains photographs necessary for electronic registration until registration occurs. “Electronically registering” shall mean submitting any necessary and relevant information and digital photographs of the big game head or turkey breast and of the completed carcass tag of sufficient clarity to display the species and the antlered or antlerless condition of the big game animal, the beard of the wild turkey, and the transaction number and signature on a completed carcass tag.

(3) Any legally acquired big game or wild turkey meat may be given to and possessed by another, if a dated written notice that includes the donor’s printed name, signature, address, and permit number accompanies the meat. The person receiving the meat shall retain the notice until the meat is consumed, given to another, or otherwise disposed of.

(4) Any person may possess a salvaged big game or wild turkey carcass if a department salvage tag issued to the person obtaining the carcass is affixed to the carcass. The salvage tag shall be retained as provided in paragraph (a)(1). Big game or wild turkey meat may be donated as specified in paragraph (a)(3) using the salvage tag number. Each salvage tag report prepared by the department agent issuing the tag shall be signed by the individual receiving the salvaged big game or wild turkey carcass. Each salvage tag shall include the following information:

- (A) The name and address of the person to whom the tag is issued;
- (B) the salvage tag number;
- (C) the species and sex of each animal for which the tag is issued;
- (D) the location and the date, time, and cause of death of each animal; and

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(E) the date of issuance and the signature of the department agent issuing the salvage tag.

(b) Big game and wild turkey permits and game tags.

(1) Big game and wild turkey permits and game tags shall not be transferred to another person, unless otherwise authorized by law or regulation.

(2) In addition to other penalties prescribed by law, each big game and wild turkey permit or game tag shall be invalid from the date of issuance if obtained by an individual under any of these conditions:

(A) Through false representation;

(B) through misrepresentation; or

(C) in excess of the number of permits or game tags authorized by regulations for that big game species or wild turkey.

(3) No individual shall copy, reproduce, or possess any copy or reproduction of a big game or wild turkey permit or carcass tag.

(c) Hunting assistance. Subject to the hunting license requirements of K.S.A. 32-919 and amendments thereto, the license requirements of the implementing regulations, and the provisions of paragraphs (c)(1), (c)(2), and (c)(3), any individual may assist any holder of a big game or wild turkey permit or game tag during the permittee's big game or wild turkey hunting activity. This assistance may include herding, driving, or calling.

(1) An individual assisting the holder of a big game or wild turkey permit or game tag shall not perform the actual shooting of big game or wild turkey for the permittee, unless authorized by K.A.R. 115-18-15. However, a permittee who is, because of disability, unable to pursue a wounded big game animal or wild turkey may designate any individual to assist in pursuing and dispatching a big game

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animal or wild turkey wounded by the disabled permittee.

(2) The designated individual shall carry the disabled permittee's big game or wild turkey permit or game tag and shall ~~attach the carcass tag to the carcass immediately after the kill and before leaving the site of the kill~~ utilize the applicable procedure specified in subsection (a).

(3) The designated individual shall use only the type of equipment authorized for use by the disabled permittee. (Authorized by and implementing K.S.A. ~~2016~~ 2019 Supp. 32-807, K.S.A. ~~2016~~ 2019 Supp. 32-937, and K.S.A. ~~2016~~ 2019 Supp. 32-969; effective June 1, 2001; amended April 22, 2005; amended April 16, 2010; amended April 20, 2012; amended July 18, 2014; amended April 21, 2017; 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. 115-4-2
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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 deals with big game and wild turkey requirements. The proposed changes would allow the use of mobile devices to electronically tag big game and wild turkeys, as an alternative to traditional paper tagging.

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 electronic licenses.

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 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 regulation will likely have no negative economic impact on businesses, individuals or local governments.

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 electronic tagging of big game and wild turkeys, as opposed to traditional paper.



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 proposal.

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 proposal.

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 April 25 in Colby, where 5 members of the public signed the attendance roster, on June 13 in Salina, where 5 members of the public signed the attendance roster, on August 15 in Overland Park, where 10 members of the public signed the attendance roster, and will hold public commission meetings on Sept 19 in Great Bend and November 14 in Scott City.

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.

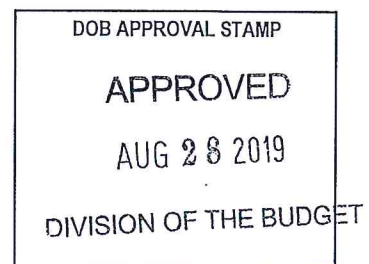


H. Describe how the agency consulted and solicited information from businesses, associations, local governments, state agencies, or institutions and members of the public that may be affected by the proposed rule(s) and regulation(s).

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.



115-15-1. Threatened and endangered species; general provisions. (a) The following species shall be designated endangered within the boundaries of the state of Kansas.

(1) Invertebrates

Flat floater mussel, ~~Anodonta~~ Utterbackia suborbiculata (Say, 1831)

Rabbitsfoot mussel, ~~Quadrula~~ Thaliderma cylindrica (Say, 1817)

Western fanshell mussel, *Cyprogenia aberti* (Conrad, 1850)

Neosho mucket mussel, *Lampsilis rafinesqueana* (Frierson, 1927)

Elktoe mussel, *Alasmidonta marginata* (Say, 1818)

Ellipse mussel, *Venustaconcha ellipsiformis* (Conrad, 1836)

Slender walker snail, *Pomatiopsis lapidaria* (Say, 1817)

Scott optioservus riffle beetle, *Optioservus phaeus* (White, 1978)

American burying beetle, *Nicrophorus americanus* (Olivier, 1890)

Mucket, *Actinonaias ligamentina* (Lamarck, 1819)

Cylindrical papershell mussel, *Anodontoides ferussacianus* (I. Lea, 1834)

(2) Fish

Arkansas River shiner, *Notropis girardi* (Hubbs and Ortenburger, 1929)

Pallid sturgeon, *Scaphirhynchus albus* (Forbes and Richardson, 1905)

Sicklefin chub, *Macrhybopsis meeki* (Jordan and Evermann, 1896)

Peppered chub, *Macrhybopsis tetranema* (Gilbert, 1886)

Silver chub, *Macrhybopsis storeriana* (Kirtland, 1845)

(3) Amphibians

Cave salamander, *Eurycea lucifuga* (Rafinesque, 1822)

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Grotto salamander, *Eurycea spelaea* (Stejneger, 1892)

(4) Birds

Least tern, ~~*Sterna*~~ *Sternula antillarum* (Lesson, 1847)

Whooping crane, *Grus americana* (Linnaeus, 1758)

(5) Mammals

Black-footed ferret, *Mustela nigripes* (Audubon and Bachman, 1851)

Gray myotis, *Myotis grisescens* (A.H. Howell, 1909)

(b) The following species shall be designated threatened within the boundaries of the state of Kansas.

(1) Invertebrates

Rock pocketbook mussel, *Arcidens confragosus* (Say, 1829)

Flutedshell mussel, *Lasmigona costata* (Rafinesque, 1820)

Butterfly mussel, *Ellipsaria lineolata* (Rafinesque, 1820)

Ouachita kidneyshell mussel, *Ptychobranchus occidentalis* (Conrad, 1836)

Sharp hornsnail, *Pleurocera acuta* (Rafinesque, 1831)

Delta hydrobe, *Probythinella emarginata* (Kuster, 1852)

(2) Fish

Arkansas darter, ~~*Etheostoma*~~ *cragini* (Gilbert, 1885)

Flathead chub, *Platygobio gracilis* (Richardson, 1836)

Hornyhead chub, *Nocomis biguttatus* (Kirtland, 1840)

Neosho madtom, *Noturus placidus* (Taylor, 1969)

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Redspot chub, *Nocomis asper* (Lachner and Jenkins, 1971)

Blackside darter, *Percina maculata* (Girard, 1859)

Sturgeon chub, *Macrhybopsis gelida* (Girard, 1856)

Western silvery minnow, *Hybognathus argyritis* (Girard, 1856)

Topeka shiner, *Notropis topeka* (Gilbert, 1884)

Shoal chub, *Macrhybopsis hyostoma* (Gilbert, 1884)

Plains minnow, *Hybognathus placitus* (Girard, 1856)

(3) Amphibians

Eastern newt, *Notophthalmus viridescens* (Rafinesque, 1820)

Longtail salamander, *Eurycea longicauda* (Green, 1818)

Eastern ~~narrowmouth~~ narrow-mouthed toad, *Gastrophryne carolinensis*

(Holbrook, 1836)

Green frog, *Lithobates clamitans* (Latreille, 1801)

Strecker's chorus frog, *Pseudacris streckeri* (Wright and Wright, 1933)

Green toad, *Anaxyrus debilis* (Girard, 1854)

(4) Reptiles

~~Broadhead~~ Broad-headed skink, ~~Eumeces~~ Plestidon *laticeps* (Schneider, 1801)

Checkered ~~garter snake~~ gartersnake, *Thamnophis marcianus* (Baird and Girard,

1853)

New Mexico Threadsnake, *Rena dissectus* (Cope, 1896)

(5) Birds

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Piping plover, *Charadrius melodus* (Ord, 1824)

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

(6) Mammals

Eastern spotted skunk, *Spilogale putorius* (Linnaeus, 1758)

(7) Turtles

Northern map turtle, *Graptemys geographica* (Le Sueur, 1817)

(c) A threatened or endangered species taken during established trapping seasons, authorized commercial wildlife operations, fishing by hook and line, bait fish seining, or other lawful activity shall not be unlawfully taken if immediately released.

(d) Any threatened or endangered species in possession before the effective date of this regulation and not prohibited by any previous regulation of the department or national listings may be retained in possession if either of the following conditions is met:

(1) An application of affidavit to that effect has been filed with and approved by the secretary before January 1, 1990 that states the circumstances of how the species came into possession.

(2) Possession of the animal has been previously approved by the department.

(Authorized by K.S.A. 32-960 and 32-963; implementing K.S.A. 32-960, K.S.A. 2018 Supp. 32-961, K.S.A. 32-963, K.S.A. 32-1010, and K.S.A. 32-1011; effective Oct. 30, 1989; amended Aug. 31, 1992; amended Nov. 29, 1999; amended Feb. 18, 2005; amended July 24, 2009; amended Nov. 14, 2014; amended P-_____.)

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K.A.R. 115-15-1
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 permanent regulation designates species classified as endangered and threatened in Kansas. The proposed amendments to the regulation would list one species, the Cylindrical papershell mussel, from SINC to endangered and downlist one species, the Arkansas darter, from threatened to SINC.

The Kansas Nongame and Endangered Species Act, K.S.A. 32-957 et seq., requires the department to adopt rules and regulations which contain a list of all species of wildlife indigenous to this state which have been determined to be endangered species . . . and a list of all such species which have been determined to be threatened (K.S.A. 32-960(c)(1)). In making this determination, a species may be threatened or endangered because of any of the following factors:

- (1) The present or threatened destruction, modification, or curtailment of its habitat or range;
- (2) the overutilization of such species for commercial, sporting, scientific, educational, or other purposes;
- (3) disease or predation;
- (4) the inadequacy of existing regulatory mechanisms; or
- (5) the presence of other natural or man-made factors affecting its continued existence within this state.

K.S.A. 32-960(a). The law stipulates that the secretary make the above determinations on the basis of the best scientific, commercial, and other data available to the secretary after consultation, as appropriate, with federal agencies, other interested state agencies and interested persons and organizations. In addition, the secretary is required to take into consideration those actions, if any, being carried out or about to be carried out by the federal government, by other states, by other agencies of this state or political subdivisions thereof, or by nongovernmental persons or organizations which may affect the species under consideration.

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)

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This is not a federal mandate. State law or regulation respecting a threatened or endangered species may be more restrictive, but cannot be less restrictive than federal law or regulation (16 U.S.C.A. 1535(f)). The Secretary of Interior may enter into cooperative agreements with a state, provided that state “establishes and maintains an adequate and active program for the conservation of endangered and threatened species” (16 U.S.C.A. 1535(c)). With such cooperative agreements come substantial financial assistance to the state to develop conservation programs. The cost sharing for such programs has 75% of the cost being borne by the federal government. Therefore, a determination by the Secretary of Interior that a state was not maintaining an “adequate or active” program could place in potential jeopardy substantial federal assistance to the state. Missouri, Oklahoma, Nebraska and Colorado all have varying regulations dealing with endangered and threatened species. Colorado lists the Arkansas Darter as a threatened species and the Cylindrical papershell mussel as a SINC species.

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;

It is unknown if the proposed amendments enhance or restrict business activities or growth because it is impossible to predict when or if an action permit would be needed for any project in any geographic area for a listed species. Likewise, the assessment is purely speculative for any savings by delisting a species for the same reasons. In 2018, the Department reviewed 1896 projects, with 18 action permits issued (0.95%) and of those, 1 ended with mitigation (0.05%).

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;

It is unknown if the proposed regulatory changes will have an impact on any sector. The provisions of the Kansas threatened and endangered species act only apply when a public permit is required, the project is publicly funded or intentional take of individual members of the species will occur. Also, if other listed species are in an overlapping geographic area, the result is likely little to no change because the geographic area is already under consideration. Further, using the techniques of avoidance, minimization and mitigation will likely result in little to no disruption of business sectors or the state economy as a whole. Again, in 2018, the Department reviewed 1896 projects, with 18 action permits issued (0.95%) and of those, 1 ended with mitigation (0.05%).

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

Businesses or governmental agencies that would require a public permit that requires T&E species review or publicly funded projects in an area where the species exists.

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

Any potential costs are purely speculative based on the factors provided above. Likewise, any potential savings by removing a species are purely speculative.



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;

The review process is extensive in order to ensure compliance with the law as well as ensure species are properly listed or delisted. K.S.A. 32-960(d) requires that every five years the secretary shall conduct a review of the species listed . . . and shall submit any proposed changes in the listings . . . to federal and state agencies and local and tribal governments and to all individuals and organizations that have requested notification of departmental action. In February of 2018, the five-year review of Kansas threatened, endangered and species in need of conservation list was initiated. Following a statewide news release, the blank petitions were made available on the Kansas Department of Wildlife, Parks and Tourism website. Completed petitions were requested by July 31, 2018. This initial process provides opportunity for submitting a petition for removal or addition of species to the Kansas list. By July 31, 2018, three species had been petitioned. State law also provides that petitions may be submitted outside of the five-year review process.

In September 2018, the department completed a preliminary review that determined which petitions were sufficient to warrant further review for a possible listing status change. This preliminary review was conducted by a scientific task committee composed of personnel from the U.S. Fish and Wildlife service, universities, the Kansas Biological Survey, and the department. The scientific task committee determined that sufficient data existed to further consider whether a listing change action is warranted for three species: the Arkansas Darter, Cylindrical Papershell Mussel and Wabash Pigtoe Mussel.

As a component of the prescribed process, notice was published in the on the Department's website, informing the public that these species were being considered for listing actions, and that the department was obtaining a scientific review of these species' status from sources outside the agency. The notice also informed the public of four public meetings, to be conducted 90 days before submission of any proposed listing to the Wildlife and Parks Commission. Similar information was sent to federal and state agencies and local governments that may be affected by the proposed listings actions, as well as to individuals and organizations that had requested notification of proposed listing actions. Finally, this information was included in a news release sent to local newspapers and radio stations, as well as in the department's December 18, 2018 statewide news release.

Public informational meetings were held January 16, 2019 in Topeka, January 23, 2019 in Pittsburg, January 24, 2019 in Hays and January 25, 2019 in Pratt. These locations were selected based on their proximity to areas that may be affected by the proposed listing actions. At each meeting, department staff discussed the laws and procedures for listing a species as threatened or endangered, and reviewed each species' description, distribution, life history, and habitat. Staff emphasized that this was merely the beginning of the listing process, and that the public was invited to submit information for scientific review regarding each species' status.

In addition to other public notification efforts, information about each species proposed for listing was made available to the public at department offices, the department website and at public meetings of the Wildlife, Parks and Tourism Commission.



Finally, the scientific task committee sent information concerning the proposed listings to individuals and organizations believed to have knowledge and scientific information about one or more of the species in question. These individuals and organizations were asked to rate the species from zero (species in no danger) to ten (species near extirpation) for 17 different categories, using the Species Evaluation Categories endorsed by the Commission in the fall of 1997. These numerical evaluations, along with any other biological and scientific information submitted by the public, were collected by the scientific task committee over the 90-day public comment period to formulate recommendations to the Secretary.

Using this collected information, the scientific task committee finalized recommendations in May of 2019, and provided them to department administration. These recommendations were presented to the Wildlife and Parks Commission and to the public at the June 13, 2019 Commission meeting in Salina. Taking into consideration the feedback received at that meeting, the department has proceeded to develop regulatory actions.

Finally, after implementation of the regulation, the agency works with project sponsors to first avoid sensitive areas, then minimize impacts on sensitive areas and if no other alternative exists, works to mitigate habitat losses.

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.

It is unknown if the proposed regulatory changes will have an impact on any sector. The provisions of the Kansas threatened and endangered species act only apply when a public permit is required, a project is publicly funded or intentional take of individual members of the species will occur. Also, if other listed species are in an overlapping geographic area, the result is likely little to no change. Further, using the techniques of avoidance, minimization and mitigation will likely result in little to no disruption of business sectors or the state economy as a whole. Again, in 2018, the Department reviewed 1896 projects, with 18 action permits issued (0.95%) and of those, 1 ended with mitigation (0.05%).

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.

It is unknown if the proposed regulatory changes will have an impact on any sector. The provisions of the Kansas threatened and endangered species act only apply when a public permit is required, a project is publicly funded or intentional take of individual members of the species will occur. Also, if other listed species are in an overlapping geographic area, the result is likely little to no change. Further, using the techniques of avoidance, minimization and mitigation will likely result in little to no disruption of business sectors or the state economy as a whole.

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 at the current time.

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 January 17, 2019 in Lawrence, where 4 members of the public signed the attendance roster, on March 28 in Topeka, where 12 members of the public signed the attendance roster, on April 25 in Colby, where 4 members of the public signed the attendance roster, and on June 13 in Salina, where 5 members of the public signed the attendance roster. The agency will also hold hearings on August 15 in Overland Park, September 19 in Great Bend, and November 14 in Scott City.

- 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.**

The agency provided information directly to the League of Kansas Municipalities and the Kansas Association of Counties.

- 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 KDWP Commission public hearings and meetings, which are broadcast online, specific meetings for T&E species listings and delistings, publication in the Kansas Register and publication on the Department's website. The Department also notifies the Governor's office of surrounding states. This information is detailed above as well.



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).

If the adoption of the regulation does not occur, the species that is recommended for delisting will still be required to review, resulting in time lost by project managers and the agency, as well as potential action permits being issued. For species proposed as listing, the federal government still has the ability to list the species. In some cases, listing of at-risk species at the state level with adequate protections has prevented the listing at the federal level. And without adequate protection and monitoring, the species could disappear from Kansas.

As is required by state law, a recovery plan will need to be developed for the Cylindrical papershell mussel by the agency. The estimated cost of developing the recovery plan will likely be \$30,000-\$50,000, with an additional \$1000 for administrative costs and \$1000 for staff field time.



ENVIRONMENTAL BENEFIT STATEMENT

K.A.R. 115-15-1. Threatened and endangered species; general provisions.

REGULATION DESCRIPTION: This permanent regulation designates species classified as threatened and endangered in Kansas (“T&E species”). An environmental benefit statement is required by law when amending an environmental rule or regulation. A regulation adopted by the Secretary of Wildlife, Parks and Tourism concerning threatened or endangered species of wildlife is defined as an environmental rule or regulation. Consequently, this environmental benefit statement has been prepared. The proposed amendments to the regulation are as follows:

- * Add one endangered species: Cylindrical papershell mussel, *Anodontoidea ferussacianus*
- * Remove one threatened species: Arkansas darter, *Etheostoma cragini*

In conjunction with these proposed amendments, the department is also proposing amendments to K.A.R. 115-15-2, which designated species in need of conservation in Kansas (or SINC species). Proposed amendments to that regulation include the addition of the Arkansas Darter to the list of SINC species and removing the Wabash pigtoe mussel from the list of SINC species.

The Kansas Nongame and Endangered Species Act, K.S.A. 32-957 et seq., requires the department to adopt rules and regulations “which contain a list of all species of wildlife indigenous to this state which have been determined to be endangered species . . . and a list of all such species which have been determined to be threatened...” (K.S.A. 32-959(c)(1)). In making this determination, a species may be threatened or endangered because of any of the following factors:

- (1) The present or threatened destruction, modification, or curtailment of its habitat or range;
- (2) the overutilization of such species for commercial, sporting, scientific, educational, or other purposes;
- (3) disease or predation;
- (4) the inadequacy of existing regulatory mechanisms; or
- (5) the presence of other natural or man-made factors affecting its continued existence within this state.

The current proposed amendments stem from petitions for listing actions received by the department by July 31, 2018, as well as federal threatened and endangered species listings. Since that time, the department has held various public meetings, collected data, and received official recommendations from a task force composed of personnel from the U.S. Fish and Wildlife Service, universities, the Kansas Biological Survey, and the department. In making its recommendation to the department, that task force collected numerical ratings from individuals

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and companies believed to have knowledge and scientific information about one or more of the species in question, over a 90-day public comment period.

Taking into consideration response from the Wildlife and Parks Commission, the general public, and the task force recommendations, the department has developed these proposed regulatory amendments. A description of the species and related information, as well as a description of the risk or threat to the species and the need for the regulatory amendment, is included for each of the species in question.

Arkansas Darter (*Etheostoma cragini*)

- Federal Status: Not listed
- Current Kansas Listing Status: Threatened
- Proposed Listing Action: Downlist the species to SINC
- Description: The upper body is brown, and its back has many fine, black specks. It has a dark, vertical wedge-shaped spot beneath its eye. Its body has 12 to 14 dusky stripes along the sides.
- Size: Adults grow to about 2.5 inches length in body.
- Habitat: The Arkansas darter's range includes sites in extreme northwestern Arkansas, southwestern Missouri, and northeastern Oklahoma, within the Neosho River watershed. It also occurs in a number of watersheds and isolated streams in eastern Colorado, south-central and southwestern Kansas, and the Cimarron watershed in northwest Oklahoma.
- Reproduction: Spawning occurs March through May.
- Food: Aquatic insects.

Threat to the species and need for the regulatory amendment: The Arkansas darter is recommended for downlisting as distribution is widespread and more-fully documented than when it was first listed in 1978. The fish has shown ability to recover quickly from drought and is tolerant of stressful conditions. The potential lowering of water levels in streams and potential development are the primary threats to the species.

Cylindrical papershell mussel (*Anodontoidea ferussacianus*)

- Federal Status: None
- Current Kansas Listing Status: SINC
- Proposed Listing Action: List as endangered
- Description: The Cylindrical papershell mussel is a thin-shelled, straw-colored mussel.
- Size: Adults grow to about 3.5 inches in body length.
- Habitat: The mussel is a relatively short-lived freshwater mussel that was formerly documented in most rivers of northern Kansas. Currently it is found in limited reaches of the Smoky Hill and Saline rivers.
- Reproduction: Mussel larvae require attachment to a fish host before metamorphosing into the juvenile stage and detaching from the fish.
- Food: Freshwater mussels are filter feeders.

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Threat to the species and need for the regulatory amendment: The mussel has a very limited Kansas range, causing vulnerability to extirpation as well as loss of genetic variability. Water-flow in occupied range can be intermittent 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 1980's when it was reported as the most common mussel in the Smoky Hill river. Increasing water temperatures may also be having a detrimental effect on the population.

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TAKINGS ASSESSMENT STATEMENT

K.A.R. 115-15-1. Threatened and endangered species; general provisions.

K.A.R. 115-15-2. Nongame species; general provisions.

BACKGROUND: The Private Property Protection Act, K.S.A. 77-701 *et seq.*, requires state agencies to evaluate certain governmental actions to determine whether such actions may constitute a taking, and to make the resulting written report available for public inspection. Guidelines to evaluate such governmental actions were established by the Attorney General and first published in the Kansas Register on December 21, 1995. Before a state agency initiates a governmental action, it shall prepare a written report, following the Attorney General's guidelines, and make the report available for public inspection. Two regulations affecting species receiving some level of protected status based on their need for conservation, K.A.R. 115-15-1 and K.A.R. 115-15-2, are jointly assessed in this statement.

ANALYSIS: The analysis used follows the sequence and the scope of the questions from the "Takings Checklist" contained in the Attorney General's Guidelines.

1. Does the government action result in a permanent or temporary physical occupation or invasion of private property?
2. Does the governmental action deny or abrogate a fundamental property right?
3. Does the governmental action deprive the owner of all economically viable uses of the property?
4. Does the governmental action substantially further a legitimate interest?
5. Are the proscribed uses or physical occupation part of a preexisting limitation on the landowner's title?

K.A.R. 115-15-1 identifies species classified as endangered or threatened in Kansas, as required by, and according to the factors listed in K.S.A. 32-960. K.S.A. 32-960 requires the agency secretary to determine whether any species of indigenous wildlife is a threatened or endangered species because of any of the statutorily imposed factors:

- (1) the present or threatened destruction, modification or curtailment of its habitat or range;
- (2) the over utilization of such species for commercial, sporting, scientific, educational or other purposes;
- (3) disease or predation;
- (4) the inadequacy of existing regulatory mechanisms; or
- (5) the presence of other natural or man-made factors affecting its continued existence within this state.

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The secretary's determination is to be made on the basis of the best scientific, commercial and other data available to the secretary, and after consultation, as appropriate, with federal agencies, other interested state agencies and interested persons and organizations.

K.A.R. 115-15-2 identifies species in need of conservation, as required by, and according to the factors in K.S.A. 32-959(a). The law stipulates that this determination shall be on the basis of information related to population, distribution, habitat needs, limiting factors and other biological and ecological data concerning nongame species, gathered to determine conservation measures necessary for their continued ability to sustain themselves successfully. Species listed in this classification are not considered to be at the level of danger of threatened or endangered species, and do not receive the same level of legal protection.

1. Do the proposed amendments result in a permanent or temporary physical occupation or invasion of private property?

The listing of a species as threatened, endangered, or in need of conservation does not require an "occupation or invasion" of private property. Investigations surveying for the presence, or absence, of a species are among the statutorily available and authorized activities available to the agency pursuant to K.S.A. 32-959, and that activity does not rise to a level constituting an occupation or invasion. Typically, agency personnel seek consent of the landowner, or manager prior to conducting an inspection. If such consent is withheld, then the agency endeavors to work through a third party intermediary (such as a watershed district or a NRCS representative) to explain to the property owner the relevancy of such inspection to activities beneficial to the property owner. If those efforts fail to generate consent, then the agency typically relies on other scientific data.

2. Do the proposed amendments deny or abrogate a fundamental property right?

Protected fundamental property interests include the right to possess property, the right to exclude others from the property and the right to dispose of the property. By state law, ownership of all wildlife is declared to be in the state, regardless of whether it is listed or not (K.S.A. 32-703). Consequently, the listing of a species as threatened or endangered does not dispose or otherwise impair a property owner's continuing existing use of private property.

Listing a species as threatened or endangered (but not as a species in need of conservation) could have certain indirect effects on the use of a person's property, if a proposed use of the property would result in the alteration of the listed species' habitat or destruction of individuals of the species. Any person sponsoring or responsible for a publicly funded action of this sort, or an action requiring a permit from another state or federal permit from another state or federal government agency, must apply for a permit from the department, pursuant to K.A.R. 115-15-3. However, this permit is not required for normal farming and ranching practices, or for development of residential and commercial property on privately-owned property financed with private, nonpublic funds, unless a permit is required by another state or federal agency, or unless the action would involve an intentional taking (defined as an act or attempt that is willful and done for the purpose of taking a threatened or endangered species). Pursuant to K.A.R. 115-15-

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3(d), the secretary is obligated to issue a permit for which a timely and complete application has been submitted, if the proposed action meets with two conditions. First, the application must describe in the action plan sufficient mitigating or compensating measures to ensure protection of critical habitats and listed species, and assurances that such measures will remain in effect. Second, the proposed activity must comply with all federal laws protecting listed species.

The mere listing of a species as threatened, endangered or in need of conservation does not require any action by a property owner. Only if the property owner elects to undertake publicly funded activity that could result in the taking of a threatened or endangered species would a permit be required. In addition, these permits are not required for certain actions, and department regulation states that, in any case, law enforcement action would only be taken in cases involving intentional takings.

3. Do the proposed amendments deprive the owner of all economically viable uses of the property?

The listing of a species as threatened, endangered, or in need of conservation does not, itself, have any impact on the use of property. However, as noted above, a permit may be required if a proposed use would result in the alteration of a threatened or endangered species' habitat or the destruction of an individual of the species. Again, management of private property for normal farming or ranching uses would not be impaired by the listing of a threatened or endangered species, even if such practices were publicly funded or state or federally assisted, unless an intentional taking were involved. In addition, development of residential or commercial property would not be impaired unless publicly funded or an intentional taking were involved.

In addition, no use of private property could ever be restricted under these regulations unless it were publicly funded, state or federally assisted, or destroyed individuals of any listed species. All other economically viable uses of the property not within these categories are still available to the landowner. Furthermore, any use proposed action that would fall within these categories will still receive a permit to proceed, as long as sufficient mitigating or compensating measures are incorporated within the proposed action. Therefore, even in such cases, the regulation would not deprive a property of all economically viable use.

4. Do the proposed amendments substantially further a legitimate state interest?

The general governmental purposes for listing of any threatened or endangered species have been articulated in the Congressional findings and declaration of policies in the Federal Endangered Species Act of 1973 (16 U.S.C.A. 1531). Congress found that "various species of fish, wildlife and plants in the United States have been rendered extinct as a consequence of economic growth and development untempered by adequate concern and conservation," and that "other species of fish, wildlife and plants have been so depleted in numbers that they are in danger of or threatened with extinction," and such species are of "esthetic, ecological, educational, historical, recreational and scientific value to the Nation and its people." Such findings adopted at a national level have equal applicability at the state level.

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State statute makes determination of threatened or endangered species by the secretary obligatory, and not merely optional. See K.S.A. 32-960(a) (the secretary shall determine whether any species of wildlife indigenous to the state is a threatened species...) (emphasis added). The Kansas Legislature by statutorily adopting these obligatory requirements and imposing them upon the secretary evidenced that such conservation and protection provisions furthered a legitimate state interest.

A further legitimate state interest is served because federal agencies are directed by statutory federal policy (16 U.S.C.A. 1531(c)) to use their authority in furtherance of the stated federal policy of conserving ecosystems of threatened and endangered species. State law or regulation respecting a threatened species may be more restrictive, but can not be less restrictive than federal law or regulation (16 U.S.C.A. 1535(f)). The Secretary of Interior may enter into cooperative agreements with a state, provided that state “establishes and maintains an adequate and active program for the conservation of endangered and threatened species” (16 U.S.C.A. 1535(c)). With such cooperative agreements come substantial financial assistance to the state to develop conservation programs. The cost sharing for such programs has 75% of the cost being borne by the federal government. Therefore, a determination by the Secretary of Interior that a state was not maintaining an “adequate or active” program could place in potential jeopardy substantial federal assistance to the state.

5. Are any proscribed uses or physical occupation from the proposed amendments part of a preexisting limitation on the landowner’s title?

As described above, the listing of a threatened or endangered species does not result in a permanent or temporary physical occupation on private property without consent of the landowner or manager. Second, as described above, the regulations do not deprive an owner of all economically viable uses of the property.

Even if limited proscriptions would exist, however (due to the involvement of public funding, for example), they may be part of a preexisting limitation on the landowner’s title. For example, to the extent a landowner is also within a watershed district, and such district wishes to use federal assistance for construction of watershed structures (dams or impoundments), then the statutory rights of the watershed district may be pre-existing limitations that limit the impact of a listing of a species as threatened or endangered. Specifically, K.S.A. 24-1209 vests in an incorporated watershed district the power “where the construction, improvement or operation of such works causes the substantial displacement of a wildlife habitat and when required by the soil conservation service of the United States department of agriculture as a condition precedent of the release of federal funds for such works, to acquire land for the purpose of restoring such wildlife habitat.” The watershed district authorizing statutes contemplate that conservation or protection of wildlife habitat may be a factor in the siting and design of structures or impoundments and further, that certain mitigating conditions may have to be developed to gain approval by a federal funding source. Therefore, even if the listing of a threatened or endangered species were to create some limitations on the use of the property, it might not necessarily impose more of a burden for property already within a watershed district.

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Also, watershed developments fall within the existing scope of the Kansas Water Projects Environmental Coordination Act (K.S.A. 82a-325, *et seq.*). Such Coordination Act requires the consideration of the environmental effects of any water development project. By statutory definition, the department is an environmental review agency, to whom watershed development projects must be submitted for review and comment. K.S.A. 82a-326(b)(1) and 82a-327. Permissible consideration for such review include:

- (a) beneficial and adverse environmental effects of proposed project on fish and wildlife;
- (b) means and methods to reduce adverse environmental effects; and
- (c) alternatives to a proposed project with significant adverse environmental effects.

Therefore, construction of a watershed dam could require the district to file an application for and obtain a permit if a threatened or endangered species were present, but due to the existing limitation under the Kansas Water Projects Environmental Coordination Act, the impact of such listing is reduced in this context.

Finally, any possible limitation would only occur if the proposed use of the property would impact a listed species. If another listed species already exists in the same habitat as the newly listed species, restrictions on the use of the property, if any, would be pre-existing. For certain of the proposed species for listing (e.g. the Shoal chub, in the Kansas River), that would normally be the case.

CONCLUSION: Based on the foregoing analysis, the agency believes that the proposed amendments to K.A.R. 115-15-1 and to K.A.R. 115-15-2 do not constitute a taking of private property.

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- 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.



115-15-2. 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.

(1) Invertebrates

~~Cylindrical papershell mussel, *Anodontooides ferussacianus* (I. Lea, 1834)~~

Snuffbox mussel, *Epioblasma triquetra* (Rafinesque, 1820)

Wartyback mussel, ~~*Quadrula*~~ *Cyclonaias nodulata* (Rafinesque, 1820)

Spike mussel, *Elliptio dilatata* (Rafinesque, 1820)

~~Wabash pigtoe mussel, *Fusconaia flava* (Rafinesque, 1820)~~

Fatmucket mussel, *Lampsilis siliquoidea* (Barnes, 1823)

Yellow sandshell mussel, *Lampsilis teres* (Rafinesque, 1820)

Washboard mussel, *Megalonaias nervosa* (Rafinesque, 1820)

Round pigtoe mussel, *Pleurobema sintoxia* (Conrad, 1834)

Creeper mussel, *Strophitus undulatus* (Say, 1817)

Fawnsfoot mussel, *Truncilla donaciformis* (I. Lea, 1828)

Deertoe mussel, *Truncilla truncata* (Rafinesque, 1820)

Ozark emerald dragonfly, *Somatochlora ozarkensis* (Bird, 1833)

Gray petaltail dragonfly, *Tachopteryx thoreyi* (Hagen in Selys, 1857)

Prairie mole cricket, *Gryllotalpa major* (Saussure, 1874)

Neosho midget crayfish, *Orconectes macrus* (Williams, 1952)

(2) Fish

Arkansas darter, *Etheostoma cragini* (Gilbert, 1885)

Banded darter, *Etheostoma zonale* (Cope, 1868)

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Banded sculpin, *Cottus carolinae* (Gill, 1861)
Black redhorse, *Moxostoma duquesnei* (Le Sueur, 1817)
Blue sucker, *Cycleptus elongatus* (Le Sueur, 1817)
Western blacknose dace, *Rhinichthys obtusus* (Agassiz, 1854)
Bluntnose darter, *Etheostoma chlorosoma* (Hay, 1881)
Brassy minnow, *Hybognathus hankinsoni* (Hubbs, 1929)
Gravel chub, *Erimystax x-punctatus* (Hubbs and Crowe, 1956)
Greenside darter, *Etheostoma blennioides* (Rafinesque, 1819)
Highfin carpsucker, *Carpionodes velifer* (Rafinesque, 1820)
Northern hog sucker, *Hypentelium nigricans* (Le Sueur, 1817)
Ozark minnow, *Notropis nubilus* (Forbes, 1878)
River darter, *Percina shumardi* (Girard, 1859)
River redhorse, *Moxostoma carinatum* (Cope, 1870)
River shiner, *Notropis blennioides* (Girard, 1856)
Slough darter, *Etheostoma gracile* (Girard, 1859)
Highland darter, *Etheostoma teddyroosevelt* (Jordan, 1877)
Spotfin shiner, *Cyprinella spiloptera* (Cope, 1868)
Spotted sucker, *Minytrema melanops* (Rafinesque, 1820)
Sunburst darter, *Etheostoma mihileze* (Agassiz, 1854)
Tadpole madtom, *Noturus gyrinus* (Mitchill, 1817)
Brindled madtom, *Noturus miurus* (Jordan, 1877)

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Bigeye shiner, *Notropis boops* (Gilbert, 1884)

Redfin darter, *Etheostoma whipplei* (Girard, 1859)

Lake Sturgeon, *Acipenser fulvescens* (Rafinesque, 1817)

Striped shiner, *Luxilus chrysocephalus* (Rafinesque, 1820)

Common shiner, *Luxilus cornutus* (Mitchill, 1817)

Southern Redbelly Dace, *Chrosomus erythrogaster* (Rafinesque, 1820)

Cardinal Shiner, *Luxilus cardinalis* (Mayden, 1988)

Johnny Darter, *Etheostoma nigrum* (Rafinesque, 1820)

Chestnut lamprey, *Ichthyomyzon castaneus* (Girard, 1858)

Silverband shiner, *Notropis shumardi* (Girard, 1856)

(3) Amphibians

Red-spotted toad, *Anaxyrus punctatus* (Baird and Girard, 1852)

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

Spring peeper, *Pseudacris crucifer* (Wied-Neuwied, 1838)

(4) Reptiles

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

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

Timber rattlesnake, *Crotalus horridus* (Linnaeus, 1758)

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

Glossy snake, *Arizona elegans* (Kennicott, 1859)

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

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Redbelly Red-bellied snake, *Storeria occipitomaculata* (Storer, 1839)

Longnose Long-nosed snake, *Rhinocheilus lecontei* (Baird and Girard, 1853)

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

(5) Birds

Bobolink, *Dolichonyx oryzivorus* (Linnaeus, 1758)

Cerulean warbler, *Setophaga cerulea* (Wilson, 1810)

Curve-billed thrasher, *Toxostoma curvirostre* (Swainson, 1827)

Ferruginous hawk, *Buteo regalis* (Gray, 1844)

Golden eagle, *Aquila chrysaetos* (Linnaeus, 1758)

Short-eared owl, *Asio flammeus* (Pontoppidan, 1763)

Henslow's sparrow, *Ammodramus henslowii* (Audubon, 1829)

Ladder-backed woodpecker, *Picoides scalaris* (Wagler, 1829)

Long-billed curlew, *Numerius americanus* (Bechstein, 1812)

Mountain plover, *Charadrius montanus* (Townsend, 1837)

Chihuahuan raven, *Corvus cryptoleucus* (Couch, 1854)

Black tern, *Chlidonias niger* (Linnaeus, 1758)

Black rail, *Laterallus jamaicensis* (Gmelin, 1789)

Eastern whip-poor-will, *Antrostomas vociferus* (Wilson, 1812)

Yellow-throated warbler, *Setophaga dominica* (Linnaeus, 1776)

(6) Mammals

Franklin's ground squirrel, *Poliocitellus franklinii* (Sabine, 1822)

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Pallid bat, *Antrozous pallidus* (LeConte, 1856)

Southern bog lemming, *Synaptomys cooperi* (Baird, 1858)

Southern flying squirrel, *Glaucomys volans* (Linnaeus, 1758)

Texas mouse, *Peromyscus attwateri* (J.A. Allen, 1895)

Townsend's big-eared bat, *Corynorhinus townsendii* (Cooper, 1837)

Northern long-eared bat, *Myotis septentrionalis* (Trouessart, 1897)

(7) Turtles

Alligator snapping turtle, *Macrochelys temminckii* (Troost, in Harlan, 1835)

(b) Any nongame species in need of conservation taken during established trapping seasons, authorized commercial wildlife operations, fishing by hook and line, ~~bait fish~~ baitfish seining, or other lawful activity shall not be unlawfully taken if immediately released.

(c) Any nongame species in need of conservation in possession before the effective date of this regulation and not prohibited by any previous regulation of the department or national listings may be retained in possession if either of the following conditions is met:

(1) An application of affidavit to that effect has been filed with and approved by the secretary before January 1, 1990, that states the circumstances of how the species came into possession.

(2) Possession of the animal has been previously approved by the department. (Authorized by K.S.A. 32-959 and 32-963; implementing K.S.A. 32-959 and K.S.A. ~~2013~~ 2018 Supp. 32-1009; effective Oct. 30, 1989; amended Aug. 31, 1992; amended Nov. 29, 1999; amended Feb. 18, 2005; amended July 24, 2009; amended Nov. 14, 2014; 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. 115-15-2
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 designates species classified as species in need of conservation in Kansas. The proposed amendments to the regulation would list one species, the Arkansas darter, from threatened to SINC and remove one species, the Wabash pigtoe mussel.

The Kansas Nongame and Endangered Species Act, K.S.A. 32-957 et seq., requires the department to adopt rules and regulations “which contain a list of the nongame species deemed by the secretary to be in need of conservation” (K.S.A. 32-959(a)). The law stipulates that this determination shall be on the basis of information related to population, distribution, habitat needs, limiting factors and other biological and ecological data concerning nongame species, gathered to determine conservation measures necessary for their continued ability to sustain themselves successfully.

K.S.A. 32-960(a). The law stipulates that the secretary make the above determinations on the basis of the best scientific, commercial, and other data available to the secretary after consultation, as appropriate, with federal agencies, other interested state agencies and interested persons and organizations. In addition, the secretary is required to take into consideration those actions, if any, being carried out or about to be carried out by the federal government, by other states, by other agencies of this state or political subdivisions thereof, or by nongovernmental persons or organizations which may affect the species under consideration.

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. State law or regulation respecting a threatened or endangered species may be more restrictive, but cannot be less restrictive than federal law or regulation (16 U.S.C.A. 1535(f)). The Secretary of Interior may enter into cooperative agreements with a state, provided that state “establishes and maintains an adequate and active program for the conservation of endangered and threatened species” (16 U.S.C.A. 1535(c)). With such cooperative agreements come substantial financial assistance to the state to develop conservation programs. The cost sharing for such programs has 75% of the cost being borne by the federal government. Therefore, a determination by the Secretary of Interior that a state was not maintaining an “adequate or active” program could place in potential



jeopardy substantial federal assistance to the state. Missouri, Oklahoma, Nebraska and Colorado all have varying regulations dealing with endangered and threatened species. Colorado lists the Arkansas Darter as a threatened species.

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 to the regulation would not enhance or restrict business activity. SINC species do not require the same review of projects that may affect the species' habitat or status as do threatened or endangered species.

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 to the regulation would not have implementation or compliance costs on any sector. SINC species do not require the same review of projects that may affect the species' habitat or status as do threatened or endangered species.

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

None. SINC species do not require the same review of projects that may affect the species' habitat or status as do threatened or endangered species.

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

No costs are associated with this proposal except to the department. SINC species do not require the same review of projects that may affect the species' habitat or status as do threatened or endangered species.

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;

The review process is extensive in order to ensure compliance with the law as well as ensure species are properly listed or delisted. K.S.A. 32-960(d) requires that every five years the secretary shall conduct a review of the species listed . . . and shall submit any proposed changes in the listings . . . to federal and state agencies and local and tribal governments and to all individuals and organizations that have requested notification of departmental action. In February of 2018, the five-year review of Kansas threatened, endangered and species in need of conservation list was initiated. Following a statewide news release, the blank petitions were made available on the Kansas Department of Wildlife, Parks and Tourism website. Completed petitions were requested by July 31, 2018. This initial process provides opportunity for submitting a petition for removal or addition of species to the Kansas list. By July 31, 2018, three species had been petitioned. State law also provides that petitions may be submitted outside of the five-year review process.

In September 2018, the department completed a preliminary review that determined which petitions were sufficient to warrant



further review for a possible listing status change. This preliminary review was conducted by a scientific task committee composed of personnel from the U.S. Fish and Wildlife service, universities, the Kansas Biological Survey, and the department. The scientific task committee determined that sufficient data existed to further consider whether a listing change action is warranted for three species: the Arkansas Darter, Cylindrical Papershell Mussel and Wabash Pigtoe Mussel.

As a component of the prescribed process, notice was published in the on the Department's website, informing the public that these species were being considered for listing actions, and that the department was obtaining a scientific review of these species' status from sources outside the agency. The notice also informed the public of four public meetings, to be conducted 90 days before submission of any proposed listing to the Wildlife and Parks Commission. Similar information was sent to federal and state agencies and local governments that may be affected by the proposed listings actions, as well as to individuals and organizations that had requested notification of proposed listing actions. Finally, this information was included in a news release sent to local newspapers and radio stations, as well as in the department's December 18, 2018 statewide news release.

Public informational meetings were held January 16, 2019 in Topeka, January 23, 2019 in Pittsburg, January 24, 2019 in Hays and January 25, 2019 in Pratt. These locations were selected based on their proximity to areas that may be affected by the proposed listing actions. At each meeting, department staff discussed the laws and procedures for listing a species as threatened or endangered, and reviewed each species' description, distribution, life history, and habitat. Staff emphasized that this was merely the beginning of the listing process, and that the public was invited to submit information for scientific review regarding each species' status.

In addition to other public notification efforts, information about each species proposed for listing was made available to the public at department offices, the department website and at public meetings of the Wildlife, Parks and Tourism Commission.

Finally, the scientific task committee sent information concerning the proposed listings to individuals and organizations believed to have knowledge and scientific information about one or more of the species in question. These individuals and organizations were asked to rate the species from zero (species in no danger) to ten (species near extirpation) for 17 different categories, using the Species Evaluation Categories endorsed by the Commission in the fall of 1997. These numerical evaluations, along with any other biological and scientific information submitted by the public, were collected by the scientific task committee over the 90-day public comment period to formulate recommendations to the Secretary.

Using this collected information, the scientific task committee finalized recommendations in May of 2019, and provided them to department administration. These recommendations were presented to the Wildlife and Parks Commission and to the public at the June 13, 2019 Commission meeting in Salina. Taking into consideration the feedback received at that meeting, the department has proceeded to develop regulatory actions.



Finally, after implementation of the regulation, the agency works with project sponsors to first avoid sensitive areas, then minimize impacts on sensitive areas and if no other alternative exists, works to mitigate habitat losses.

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 annual implementation and compliance costs associated with this proposal. SINC species do not require the same review of projects that may affect the species' habitat or status as do threatened or endangered species.

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 annual implementation and compliance costs associated with this proposal. SINC species do not require the same review of projects that may affect the species' habitat or status as do threatened or endangered species.

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.

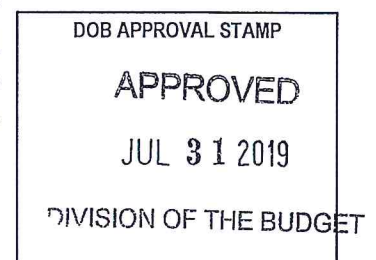
There are no implementation or compliance costs with this proposal at the current time.

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 January 17, 2019 in Lawrence, where 4 members of the public signed the attendance roster, on March 28 in Topeka, where 12 members of the public signed the attendance roster, on April 25 in Colby, where 4 members of the public signed the attendance roster, and on June 13 in Salina, where 5 members of the public signed the attendance roster. The agency will also hold hearings on August 15 in Overland Park, September 19 in Great Bend, and November 14 in Scott City.

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.

The agency provided information directly to the League of Kansas Municipalities and the Kansas Association of Counties.

- 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 KDWPT Commission public hearings and meetings, which are broadcast online, specific meetings for T&E species listings and delistings, publication in the Kansas Register and publication on the Department's website. The Department also notifies the Governor's office of surrounding states. This information is detailed above as well.

- 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).**

For species proposed as listing, the federal government still has the ability to list the species. In some cases, listing of at-risk species at the state level with adequate protections has prevented the listing at the federal level. And without adequate protection and monitoring, the species could disappear from Kansas.

As is required by state law, a recovery plan was already developed for the Arkansas Darter by the agency. The estimated cost of monitoring and complying with the recovery plan is an additional \$1000 for administrative costs and \$1000 for staff field time.



ENVIRONMENTAL BENEFIT STATEMENT

K.A.R. 115-15-2. Nongame species; general provisions.

REGULATION DESCRIPTION: This permanent regulation designates species classified as species in need of conservation in Kansas (“SINC species”). An environmental benefit statement is required by law when amending an environmental rule or regulation. A regulation adopted by the Secretary of Wildlife, Parks and tourism concerning threatened or endangered species of wildlife is defined as an environmental rule or regulation. Although a SINC species is not a threatened or endangered species, and does not receive the same protections from other regulations requiring permit review for actions that affect threatened or endangered species, the list may be considered one that concerns threatened or endangered wildlife. Consequently, this environmental benefit statement has been prepared. The proposed amendments to the regulation are as follows:

- Add one new SINC species: Arkansas Darter, *Etheostoma cragini*
- Remove one SINC species: Wabash Pigtoe, *Fusconaia flava*

In conjunction with these proposed amendments, the department is also proposing amendments to K.A.R. 115-15-1, which includes the lists of threatened and endangered species in Kansas. Proposed amendments to that regulation include adding the Cylindrical papershell mussel to endangered status and removing the Arkansas Darter from threatened status.

The Kansas Nongame and Endangered Species Act, K.S.A. 32-957 et seq., requires the department to adopt rules and regulations “which contain a list of the nongame species deemed by the secretary to be in need of conservation” (K.S.A. 32-959(a)). The law stipulates that this determination shall be on the basis of information related to population, distribution, habitat needs, limiting factors and other biological and ecological data concerning nongame species, gathered to determine conservation measures necessary for their continued ability to sustain themselves successfully.

The current proposed amendments stem from petitions for listing actions received by the department by July 31, 2018, as well as federal threatened and endangered species listings. Since that time, the department has held various public meetings, collected data, and received official recommendations from a task force composed of personnel from the U.S. Fish and Wildlife Service, universities, the Kansas Biological Survey, and the department. In making its recommendation to the department, that task force collected numerical ratings from individuals and companies believed to have knowledge and scientific information about one or more of the species in question, over a 90-day public comment period.

Taking into consideration response from the Wildlife and Parks Commission, the general public, and the task force recommendations, the department has developed these proposed

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regulatory amendments. A description of the species and related information, as well as a description of the risk or threat to the species and the need for the regulatory amendment, is included for each of the species in question.

Arkansas Darter (*Etheostoma cragini*)

- Federal Status: Not listed
- Current Kansas Listing Status: Threatened
- Proposed Listing Action: Downlist the species to SINC
- Description: The upper body is brown, and its back has many fine, black specks. It has a dark, vertical wedge-shaped spot beneath its eye. Its body has 12 to 14 dusky stripes along the sides.
- Size: Adults grow to about 2.5 inches length in body.
- Habitat: The Arkansas darter's range includes sites in extreme northwestern Arkansas, southwestern Missouri, and northeastern Oklahoma, within the Neosho River watershed. It also occurs in a number of watersheds and isolated streams in eastern Colorado, south-central and southwestern Kansas, and the Cimarron watershed in northwest Oklahoma.
- Reproduction: Spawning occurs March through May.
- Food: Aquatic insects.

Threat to the species and need for the regulatory amendment: The Arkansas darter is recommended for downlisting as distribution is widespread and more-fully documented than when it was first listed in 1978. The fish has shown ability to recover quickly from drought and is tolerant of stressful conditions. The potential lowering of water levels in streams and potential development are the primary threats to the species.

Wabash Pigtoe Mussel (*Fusconaia flava*)

- Federal Status: None
- Current Kansas Listing Status: SINC
- Proposed Listing Action: De-list from SINC
- Description: Smooth, heavy-shelled freshwater mussel.
- Size: It can grow to 5 inches in length
- Habitat: Gravelly substrates in the rivers of eastern Kansas
- Reproduction: Requires a fish host
- Food: Filter feeder

Threat to the species and need for the regulatory amendment: Long-term data for the species shows dramatic density increase at 8 sites in the Verdigris river and at some locations, it is the most numerous mussel present. There is no longer any commercial exploitation of mussels in Kansas and host fishes are not a limiting factor for this mussel. Due to robust numbers, it does not compare to other more uncommon mussels on the SINC list.

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TAKINGS ASSESSMENT STATEMENT

K.A.R. 115-15-1. Threatened and endangered species; general provisions.

K.A.R. 115-15-2. Nongame species; general provisions.

BACKGROUND: The Private Property Protection Act, K.S.A. 77-701 *et seq.*, requires state agencies to evaluate certain governmental actions to determine whether such actions may constitute a taking, and to make the resulting written report available for public inspection. Guidelines to evaluate such governmental actions were established by the Attorney General and first published in the Kansas Register on December 21, 1995. Before a state agency initiates a governmental action, it shall prepare a written report, following the Attorney General's guidelines, and make the report available for public inspection. Two regulations affecting species receiving some level of protected status based on their need for conservation, K.A.R. 115-15-1 and K.A.R. 115-15-2, are jointly assessed in this statement.

ANALYSIS: The analysis used follows the sequence and the scope of the questions from the "Takings Checklist" contained in the Attorney General's Guidelines.

1. Does the government action result in a permanent or temporary physical occupation or invasion of private property?
2. Does the governmental action deny or abrogate a fundamental property right?
3. Does the governmental action deprive the owner of all economically viable uses of the property?
4. Does the governmental action substantially further a legitimate interest?
5. Are the proscribed uses or physical occupation part of a preexisting limitation on the landowner's title?

K.A.R. 115-15-1 identifies species classified as endangered or threatened in Kansas, as required by, and according to the factors listed in K.S.A. 32-960. K.S.A. 32-960 requires the agency secretary to determine whether any species of indigenous wildlife is a threatened or endangered species because of any of the statutorily imposed factors:

- (1) the present or threatened destruction, modification or curtailment of its habitat or range;
- (2) the over utilization of such species for commercial, sporting, scientific, educational or other purposes;
- (3) disease or predation;
- (4) the inadequacy of existing regulatory mechanisms; or
- (5) the presence of other natural or man-made factors affecting its continued existence within this state.

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The secretary's determination is to be made on the basis of the best scientific, commercial and other data available to the secretary, and after consultation, as appropriate, with federal agencies, other interested state agencies and interested persons and organizations.

K.A.R. 115-15-2 identifies species in need of conservation, as required by, and according to the factors in K.S.A. 32-959(a). The law stipulates that this determination shall be on the basis of information related to population, distribution, habitat needs, limiting factors and other biological and ecological data concerning nongame species, gathered to determine conservation measures necessary for their continued ability to sustain themselves successfully. Species listed in this classification are not considered to be at the level of danger of threatened or endangered species, and do not receive the same level of legal protection.

1. Do the proposed amendments result in a permanent or temporary physical occupation or invasion of private property?

The listing of a species as threatened, endangered, or in need of conservation does not require an "occupation or invasion" of private property. Investigations surveying for the presence, or absence, of a species are among the statutorily available and authorized activities available to the agency pursuant to K.S.A. 32-959, and that activity does not rise to a level constituting an occupation or invasion. Typically, agency personnel seek consent of the landowner, or manager prior to conducting an inspection. If such consent is withheld, then the agency endeavors to work through a third party intermediary (such as a watershed district or a NRCS representative) to explain to the property owner the relevancy of such inspection to activities beneficial to the property owner. If those efforts fail to generate consent, then the agency typically relies on other scientific data.

2. Do the proposed amendments deny or abrogate a fundamental property right?

Protected fundamental property interests include the right to possess property, the right to exclude others from the property and the right to dispose of the property. By state law, ownership of all wildlife is declared to be in the state, regardless of whether it is listed or not (K.S.A. 32-703). Consequently, the listing of a species as threatened or endangered does not dispose or otherwise impair a property owner's continuing existing use of private property.

Listing a species as threatened or endangered (but not as a species in need of conservation) could have certain indirect effects on the use of a person's property, if a proposed use of the property would result in the alteration of the listed species' habitat or destruction of individuals of the species. Any person sponsoring or responsible for a publicly funded action of this sort, or an action requiring a permit from another state or federal permit from another state or federal government agency, must apply for a permit from the department, pursuant to K.A.R. 115-15-3. However, this permit is not required for normal farming and ranching practices, or for development of residential and commercial property on privately-owned property financed with private, nonpublic funds, unless a permit is required by another state or federal agency, or unless the action would involve an intentional taking (defined as an act or attempt that is willful and done for the purpose of taking a threatened or endangered species). Pursuant to K.A.R. 115-15-

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3(d), the secretary is obligated to issue a permit for which a timely and complete application has been submitted, if the proposed action meets with two conditions. First, the application must describe in the action plan sufficient mitigating or compensating measures to ensure protection of critical habitats and listed species, and assurances that such measures will remain in effect. Second, the proposed activity must comply with all federal laws protecting listed species.

The mere listing of a species as threatened, endangered or in need of conservation does not require any action by a property owner. Only if the property owner elects to undertake publicly funded activity that could result in the taking of a threatened or endangered species would a permit be required. In addition, these permits are not required for certain actions, and department regulation states that, in any case, law enforcement action would only be taken in cases involving intentional takings.

3. Do the proposed amendments deprive the owner of all economically viable uses of the property?

The listing of a species as threatened, endangered, or in need of conservation does not, itself, have any impact on the use of property. However, as noted above, a permit may be required if a proposed use would result in the alteration of a threatened or endangered species' habitat or the destruction of an individual of the species. Again, management of private property for normal farming or ranching uses would not be impaired by the listing of a threatened or endangered species, even if such practices were publicly funded or state or federally assisted, unless an intentional taking were involved. In addition, development of residential or commercial property would not be impaired unless publicly funded or an intentional taking were involved.

In addition, no use of private property could ever be restricted under these regulations unless it were publicly funded, state or federally assisted, or destroyed individuals of any listed species. All other economically viable uses of the property not within these categories are still available to the landowner. Furthermore, any use proposed action that would fall within these categories will still receive a permit to proceed, as long as sufficient mitigating or compensating measures are incorporated within the proposed action. Therefore, even in such cases, the regulation would not deprive a property of all economically viable use.

4. Do the proposed amendments substantially further a legitimate state interest?

The general governmental purposes for listing of any threatened or endangered species have been articulated in the Congressional findings and declaration of policies in the Federal Endangered Species Act of 1973 (16 U.S.C.A. 1531). Congress found that "various species of fish, wildlife and plants in the United States have been rendered extinct as a consequence of economic growth and development untempered by adequate concern and conservation," and that "other species of fish, wildlife and plants have been so depleted in numbers that they are in danger of or threatened with extinction," and such species are of "esthetic, ecological, educational, historical, recreational and scientific value to the Nation and its people." Such findings adopted at a national level have equal applicability at the state level.

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State statute makes determination of threatened or endangered species by the secretary obligatory, and not merely optional. See K.S.A. 32-960(a) (the secretary shall determine whether any species of wildlife indigenous to the state is a threatened species...) (emphasis added). The Kansas Legislature by statutorily adopting these obligatory requirements and imposing them upon the secretary evidenced that such conservation and protection provisions furthered a legitimate state interest.

A further legitimate state interest is served because federal agencies are directed by statutory federal policy (16 U.S.C.A. 1531(c)) to use their authority in furtherance of the stated federal policy of conserving ecosystems of threatened and endangered species. State law or regulation respecting a threatened species may be more restrictive, but can not be less restrictive than federal law or regulation (16 U.S.C.A. 1535(f)). The Secretary of Interior may enter into cooperative agreements with a state, provided that state “establishes and maintains an adequate and active program for the conservation of endangered and threatened species” (16 U.S.C.A. 1535(c)). With such cooperative agreements come substantial financial assistance to the state to develop conservation programs. The cost sharing for such programs has 75% of the cost being borne by the federal government. Therefore, a determination by the Secretary of Interior that a state was not maintaining an “adequate or active” program could place in potential jeopardy substantial federal assistance to the state.

5. Are any proscribed uses or physical occupation from the proposed amendments part of a preexisting limitation on the landowner’s title?

As described above, the listing of a threatened or endangered species does not result in a permanent or temporary physical occupation on private property without consent of the landowner or manager. Second, as described above, the regulations do not deprive an owner of all economically viable uses of the property.

Even if limited proscriptions would exist, however (due to the involvement of public funding, for example), they may be part of a preexisting limitation on the landowner’s title. For example, to the extent a landowner is also within a watershed district, and such district wishes to use federal assistance for construction of watershed structures (dams or impoundments), then the statutory rights of the watershed district may be pre-existing limitations that limit the impact of a listing of a species as threatened or endangered. Specifically, K.S.A. 24-1209 vests in an incorporated watershed district the power “where the construction, improvement or operation of such works causes the substantial displacement of a wildlife habitat and when required by the soil conservation service of the United States department of agriculture as a condition precedent of the release of federal funds for such works, to acquire land for the purpose of restoring such wildlife habitat.” The watershed district authorizing statutes contemplate that conservation or protection of wildlife habitat may be a factor in the siting and design of structures or impoundments and further, that certain mitigating conditions may have to be developed to gain approval by a federal funding source. Therefore, even if the listing of a threatened or endangered species were to create some limitations on the use of the property, it might not necessarily impose more of a burden for property already within a watershed district.

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Also, watershed developments fall within the existing scope of the Kansas Water Projects Environmental Coordination Act (K.S.A. 82a-325, *et seq.*). Such Coordination Act requires the consideration of the environmental effects of any water development project. By statutory definition, the department is an environmental review agency, to whom watershed development projects must be submitted for review and comment. K.S.A. 82a-326(b)(1) and 82a-327. Permissible consideration for such review include:

- (a) beneficial and adverse environmental effects of proposed project on fish and wildlife;
- (b) means and methods to reduce adverse environmental effects; and
- (c) alternatives to a proposed project with significant adverse environmental effects.

Therefore, construction of a watershed dam could require the district to file an application for and obtain a permit if a threatened or endangered species were present, but due to the existing limitation under the Kansas Water Projects Environmental Coordination Act, the impact of such listing is reduced in this context.

Finally, any possible limitation would only occur if the proposed use of the property would impact a listed species. If another listed species already exists in the same habitat as the newly listed species, restrictions on the use of the property, if any, would be pre-existing. For certain of the proposed species for listing (e.g. the Shoal chub, in the Kansas River), that would normally be the case.

CONCLUSION: Based on the foregoing analysis, the agency believes that the proposed amendments to K.A.R. 115-15-1 and to K.A.R. 115-15-2 do not constitute a taking of private property.

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115-7-1. Fishing; legal equipment, methods of taking, and other provisions. (a) Legal equipment and methods for taking sport fish shall be the following:

(1) Fishing lines with not more than two baited hooks or artificial lures per line;

(2) trotlines, except that any float material used with a trotline 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;

(3) setlines, except that any float material used with a setline 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;

(4) tip-ups;

(5) using a person’s hand or hands for flathead catfish in waters designated as open to hand fishing, subject to the following requirements:

(A) An individual hand fishing shall not use hooks, snorkeling or scuba gear, or other man-made devices while engaged in hand fishing;

(B) an individual hand fishing shall not possess fishing equipment, other than a stringer, while engaged in hand fishing and while on designated waters or adjacent banks;

(C) stringers shall not be used as an aid for hand fishing and shall not be used until the fish is in possession at or above the surface of the water;

(D) each individual hand fishing shall take fish only from natural objects or natural cavities;

(E) an individual hand fishing shall not take fish from any man-made object, unless the object is a bridge, dock, boat ramp, or riprap, or other similar structure or feature;

(F) no part of any object shall be disturbed or altered to facilitate the harvest of fish for hand

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fishing; and

(G) an individual hand fishing shall not take fish within 150 yards of any dam;

(6) snagging for paddlefish in waters posted or designated by the department as open to the snagging of paddlefish, subject to the following requirements:

(A) Each individual with a filled creel limit shall cease all snagging activity in the paddlefish snagging area until the next calendar day;

(B) each individual taking paddlefish to be included in the creel and possession limit during the snagging season shall sign the carcass tag, record the county, the date, and the time of harvest on the carcass tag, and attach the carcass tag to the lower jaw of the carcass immediately following the harvest and before moving the carcass from the site of the harvest; and

(C) each individual snagging for paddlefish shall use barbless hooks while snagging for paddlefish. "Barbless hook" shall mean a hook without barbs or upon which the barbs have been bent completely closed;

(7) floatlines in waters posted or designated by the department as open to floatline fishing, which shall be subject to the following requirements:

(A) All floatlines shall be under the immediate supervision of the angler setting the floats. "Immediate supervision" shall mean that the angler has visual contact with the floatlines set while the angler is on the water body where the floatlines are located;

(B) all floatlines shall be removed when float fishing ceases;

(C) floatlines shall not contain more than one line per float, with not more than two baited hooks per line;

(D) all float material shall be constructed only from plastic, wood, or foam and shall be a closed-

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cell construction. A "closed-cell" construction shall mean a solid body incapable of containing water;

- (8) bow and arrow with a barbed head and a line attached from bow to arrow; and
- (9) crossbow and arrow with a barbed head and a line attached from arrow to crossbow.

(b) Legal equipment and methods for taking non-sport fish shall be the following:

- (1) Fishing lines with not more than two baited hooks or artificial lures per line;
- (2) trotlines;
- (3) setlines;
- (4) tip-ups;
- (5) bow and arrow with a barbed head and a line attached from bow to arrow;
- (6) crossbow and arrow with a barbed head and a line attached from arrow to crossbow;
- (7) spear gun, without explosive charge, while skin or scuba diving. The spear, without explosive charge, shall be attached to the speargun or person by a line;
- (8) gigging;
- (9) snagging in waters posted by the department as open to snagging; and
- (10) floatlines in waters posted or designated by the department as open to floatline fishing,

which shall be subject to the requirements specified in paragraphs (a)(7)(A) through (D).

(c) Dip nets and gaffs may be used to land any legally caught or hooked fish.

(d) Fish may be taken by any method designated by the secretary when a fish salvage order has been issued by the secretary through public notice or posting the area open to fish salvage.

(e) Fish may be taken with the aid of boats, depth finders, artificial lights, sound attracters, and scents.

(f) Fish may be taken by legal means from vehicles.

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(g) The following additional requirements shall apply in the flowing portions and backwaters of the Missouri river and in any oxbow lake through which the Kansas-Missouri boundary passes:

(1) Each individual shall place all legally caught fish on a stringer, cord, cable, or chain, or in a basket, sack, cage, or other holding device, separate from those fish caught by any other individual.

(2) The equipment and methods specified in paragraphs (b)(5) and (b)(6) shall be legal only from sunrise to midnight.

(3) The equipment and method specified in paragraphs (b)(9) and (b)(10) shall be legal only from sunrise to sunset.

(h) The equipment and method specified in paragraphs (a)(8) and (a)(9) shall be legal, except on rivers and streams, only for the following species of sport fish where no size limit exists for any of these species of fish:

(1) Blue catfish;

(2) channel catfish; and

(3) flathead catfish.

(i) Optical scopes or sights that project no visible light toward the target and do not electronically amplify visible or infrared light shall be valid for use on bows and crossbows.

(Authorized by and implementing K.S.A. 2018 Supp. 32-807; effective Dec. 26, 1989; amended Feb. 10, 1992; amended Oct. 1, 1999; amended Dec. 8, 2000; amended Sept. 27, 2002; amended Nov. 29, 2004; amended Nov. 27, 2006; amended Nov. 16, 2007; amended Dec. 1, 2008; amended Nov. 20, 2009; amended April 16, 2010; amended Nov. 19, 2010; amended Nov. 30, 2015; amended Nov. 28, 2016;

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amended Dec. 22, 2017; amended Jan. 11, 2019; 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. 115-7-1
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 require closed-cell construction for trotline float material, the same as setlines, to prevent movement of invasive species.

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. Colorado, Nebraska, Missouri and Oklahoma all manage sport fish take by various means and methods and locations.

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 have no economic effect on any sector.

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 purpose of the proposed change is to reduce possible vectors for the movement of invasive species.



- 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 will be some costs associated with this proposal for individuals who use float material with trotlines but any amount is purely speculative.

- 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 will be some costs associated with this proposal for individuals who use float material with trotlines but any amount is purely speculative.

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 will be some costs associated with this proposal for individuals who use float material with trotlines but any amount is purely speculative.

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 will be some costs associated with this proposal for individuals who use float material with trotlines but any amount is purely speculative.

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 April 25 in Colby, where 5 members of the public signed the attendance roster, on June 13 in Salina, where 5 members of the public signed the attendance roster and will hold meetings on August 15 in Overland Park, September 19 in Great Bend, and November 14 in Scott City.

- 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**

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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.



115-7-3. Fish; taking and use of baitfish or minnows. (a) Baitfish may be taken for noncommercial purposes by any of the following means:

- (1) A seine not longer than 15 feet and four feet deep with mesh not larger than 1/4 inch;
 - (2) a fish trap with mesh not larger than 1/4 inch and a throat not larger than one inch in diameter;
 - (3) a dip or cast net with mesh not larger than one inch; or
 - (4) a fishing line.
- (b) Each fish trap shall be tagged with the operator's name and address when the fish trap is in use.
- (c) Baitfish taken, except gizzard shad, shall not exceed 12 inches in total length.
- (d) The possession limit shall be 500 baitfish.
- (e) For the species specified in this subsection, the department's applicable creel and possession limits shall apply.

Live baitfish, crayfish, leeches, amphibians, and mussels, except for bluegill and green sunfish from non-designated aquatic nuisance waters and baitfish, crayfish, leeches, amphibians, and mussels from designated aquatic nuisance waters, may be caught and used as live bait only within the common drainage where caught. However, live baitfish, crayfish, leeches, amphibians, and mussels shall not be transported and used above any upstream dam or barrier that prohibits the normal passage of fish. Bluegill and green sunfish collected from non-designated aquatic nuisance waters may be possessed or used as live bait anywhere in the state. Live baitfish, crayfish, leeches, amphibians, and mussels collected from designated aquatic nuisance waters shall be possessed or used as live bait only while on that water and shall not be transported from the water alive.

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(f) No person shall import live baitfish that does not meet the requirements of K.A.R. 115-17-2 and K.A.R. 115-17-2a.

~~This regulation shall be effective on and after January 1, 2019.~~ (Authorized by and implementing K.S.A. ~~2018~~ 2019 Supp. 32-807; effective Sept. 10, 1990; amended Nov. 20, 2009; amended Jan. 1, 2012; amended Jan. 1, 2013; amended Jan. 1, 2015; amended Jan. 1, 2019; 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. 115-7-3
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).

The proposed changes to the regulation would align certain types of fish bait with the regulation on baitfish.

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)

There is no federal mandate and Colorado, Nebraska, Missouri and Oklahoma all have varying regulations on movement of fish bait.

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 regulation would likely not enhance or restrict business activities. Crayfish, leeches, amphibians, and mussels would still be legal as fish bait.

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;

There is no economic effect to the proposed changes in the regulation.

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 amendments to the regulation are designed to reduce possible vectors for invasive species.



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 is no cost or impact to businesses, local governments or individuals from 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.

\$0.

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.

\$0.

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 proposed changes are designed to reduce vectors for invasive species. Crayfish, leeches, amphibians, and mussels are still legal to use as fish bait.

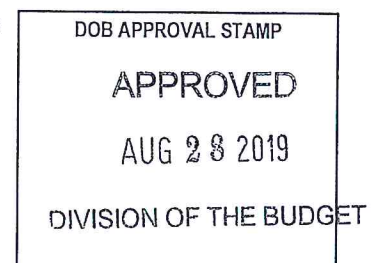
Prior to the submission or resubmission of the proposed rule(s) and regulation(s), did the agency hold a public hearing if the total implementation and compliance costs exceed \$3.0 million over any two-year period to find that the estimated costs have been accurately determined and are necessary for 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 April 25 in Colby, where 5 members of the public signed the attendance roster, on June 13 in Salina, where 5 members of the public signed the attendance roster, on August 15 in Overland Park, where 10 members of the public signed the attendance roster, and will hold meetings on September 19 in Great Bend, and November 14 in Scott City.

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.

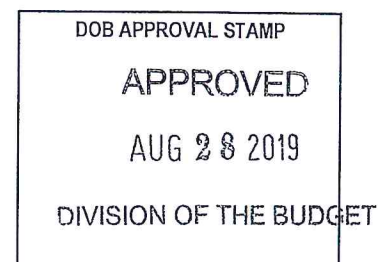


H. Describe how the agency consulted and solicited information from businesses, associations, local governments, state agencies, or institutions and members of the public that may be affected by the proposed rule(s) and regulation(s).

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.



115-7-4. Fish; processing and possession. (a) Each person who takes any fish from a body of water shall leave the head, body, and tail fin attached while the person has possession of the fish on the water.

(b) Each person who has taken any fish shall retain the fish in that person's possession until any of the following occurs:

(1) The fish is consumed or processed for consumption.

(2) The fish is transported to the person's domicile or given to another person. Legally taken sport fish may be possessed without limit in time and may be given to another if accompanied by a dated written notice that includes the donor's printed name, signature, address, and permit or license number.

(3) The fish is transported to a place of commercial preservation or place of commercial processing for consumption.

(4) The fish is returned unrestrained to the waters from which the fish was taken.

(5) The fish is disposed of at a location designated for fish disposal or at a designated fish cleaning station.

(c) Each paddlefish permittee shall meet either of the following requirements:

(1) Nonelectronic carcass tags. The paddlefish permittee shall sign, record the county, the date, and the time of kill, and attach the carcass tag to the carcass in a visible manner immediately before reducing the paddlefish to permanent possession. The carcass tag shall remain attached to the carcass until the conditions of paragraphs (b)(1), (b)(2), (b)(3), or (b)(5) are met. The paddlefish permittee shall retain the carcass tag until the paddlefish is consumed, given to another, or otherwise disposed of.

(2) Electronic carcass tags. Using the department's electronic carcass tag system, the paddlefish permittee shall record the county, the date, and the time of kill and enter a photograph of the entire carcass, with sufficient clarity to display the species immediately before reducing the paddlefish to

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permanent possession. The paddlefish permittee shall possess the confirmation number until the conditions of paragraph (b)(1), (b)(2), (b)(3), or (b)(5) are met. The paddlefish permittee shall retain the confirmation number until the paddlefish is consumed, given to another, or otherwise disposed of.

(d) For paddlefish parts, the following additional requirements shall apply:

(1) No person shall possess any eggs that are attached to the egg membrane of more than one paddlefish.

(2) No person shall possess more than three pounds of processed paddlefish eggs or fresh paddlefish eggs removed from the membrane. "Processed paddlefish eggs" shall mean any eggs taken from a paddlefish that have gone through a process that turns the eggs into caviar or into a caviar-like product.

(3) No person shall ship into or out of, transport into or out of, have in possession with the intent to transport, or cause to be removed from this state any raw unprocessed paddlefish eggs, processed paddlefish eggs, or frozen paddlefish eggs.

(4) Each harvested paddlefish carcass shall have all internal organs removed before transporting the carcass from Kansas. (Authorized by and implementing K.S.A. 2018 2019 Supp. 32-807; effective Dec. 26, 1989; amended Nov. 27, 2006; amended Dec. 22, 2017; amended Jan. 11, 2019; 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. 115-7-4
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 allow the use of electronic tags for paddlefish, as an alternative to traditional paper.

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. Nebraska, Missouri and Oklahoma all manage paddlefish by various means and methods and locations. Colorado does not have paddlefish populations. Missouri prohibits possession of paddlefish eggs. Oklahoma limits possession of paddlefish eggs. This proposal is modeled after Oklahoma.

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 have no economic effect on any sector.

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;

There are no costs to the proposed rule and regulation. The benefit is to allow an alternative to traditional paper as society moves towards mobile communication platforms.

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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 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 with this proposal.

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 with this proposal.

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.

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 April 25 in Colby, where 5 members of the public signed the attendance roster, on June 13 in Salina, where 5 members of the public signed the attendance roster, on August 15 in Overland Park, where 10 members of the public signed the attendance roster, and will hold meetings on September 19 in Great Bend, and November 14 in Scott City.

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.



115-7-10. Fishing; special provisions. (a) A person who takes any fish from a body of water shall not tag, mark, brand, clip any fin of, mutilate, or otherwise disfigure any fish in a manner that would prevent species identification, examination of fins, recovery of tags, or determination of sex, age, or length of the fish before releasing the fish back into the body of water, unless a permit authorizing this activity has been issued to that person by the department.

(b) No person may possess any live fish upon departure from any designated aquatic nuisance body of water, except during a department-permitted fishing tournament. During a department-permitted fishing tournament, any individual may possess live fish upon departure from designated aquatic nuisance waters along the most direct route to the weigh-in site if the individual possesses a department authorization certificate as a participant in the tournament. Designated aquatic nuisance species waters shall be those specified in the department's "Kansas aquatic nuisance species designated waters," dated ~~June 6, 2018~~ July 19, 2019, which is hereby adopted by reference.

(c) No person may fish or collect bait within, from, or over a fish passage, fish ladder, fish steps, or fishway. "Fish passage, fish ladder, fish steps, or fishway" shall mean a structure that facilitates the natural migration of fish upstream on, through, or around an artificial barrier or dam. (Authorized by and implementing K.S.A. 2018 Supp. 32-807; effective Nov. 20, 2009; amended Jan. 1, 2012; amended Jan. 1, 2013; amended Nov. 15, 2013; amended Nov. 14, 2014; amended Nov. 30, 2015; amended Nov. 28, 2016; amended Dec. 22, 2017; amended Jan. 11, 2019; amended P-_____.)

APPROVED

AUG 01 2019

DEPT. OF ADMINISTRATION

APPROVED

AUG 5 2019

ATTORNEY GENERAL

APPROVED

JUL 31 2019

DIVISION OF THE BUDGET

**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. 115-7-10

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 update the list of known properties with aquatic nuisance species through adoption of a reference document.

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 regulations dealing with the movement of invasive species.

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 have no economic effect on any sector.

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;

Introducing invasive species has significant cost management implications. To allow transportation of invasive species from known vectors is ill advised at best. The regulation is designed to protect water bodies.



- 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 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 with this proposal. Fish can still be removed from lakes, just not live or using local water.

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 with this proposal. Fish can still be removed from lakes, just not live or using local water.

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.

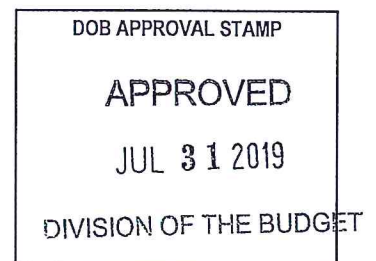
Prior to the submission or resubmission of the proposed rule(s) and regulation(s), did the agency hold a public hearing if the total implementation and compliance costs exceed \$3.0 million over any two-year period to find that the estimated costs have been accurately determined and are necessary for 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 April 25 in Colby, where 5 members of the public signed the attendance roster, on June 13 in Salina, where 5 members of the public signed the attendance roster and will hold meetings on August 15 in Overland Park, September 19 in Great Bend, and November 14 in Scott City.

- 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.





Kansas Aquatic Nuisance Species Designated Waters

July 19, 2019

It is illegal to transport live fish from Aquatic Nuisance Species (ANS) Designated Waters. To help prevent the spread of aquatic hitchhikers from these and other waters, always follow Clean – Drain – Dry procedures, do not move fish between waters or upstream, and remove plants and debris from equipment before leaving a water area.

FEDERAL RESERVOIRS, STATE FISHING LAKES & STATE WILDLIFE AREAS

WATERBODY	WATERS DOWNSTREAM	AQUATIC NUISANCE SPECIES	COUNTIES
Browning Oxbow		Asian Carp, White Perch	Doniphan
Cedar Bluff Reservoir	Smoky Hill River, Kansas River	Zebra Mussel	Trego
Chase State Fishing Lake	Prather Creek, Cottonwood River, Neosho River, John Redmond Reservoir	Zebra Mussel	Chase
Cheney Reservoir	North Fork Ninescah River, Ninescah River, Arkansas River	White Perch, Zebra mussel	Kingman, Reno, Sedgwick
Clinton Reservoir	Wakarusa River, Kansas River	Zebra Mussel	Douglas
Council Grove Reservoir	Neosho River, John Redmond Reservoir	Zebra Mussel	Morris
El Dorado Reservoir	Walnut River	White Perch, Zebra Mussel	Butler
Geary State Fishing Lake	Geary SFL outflow, Lyons Creek, Smoky Hill River	Zebra Mussel	Geary
Glen Elder Reservoir	Solomon River, Smoky Hill River, Kansas River	Zebra Mussel	Mitchell, Osborne
Hillsdale Reservoir	Bull Creek, Marais Des Cygnes River	Zebra Mussel	Johnson, Miami
John Redmond Reservoir	Neosho River	Zebra Mussel	Coffey, Lyon
Kanopolis Reservoir	Smoky Hill River, Kansas River	Zebra Mussel	Ellsworth
Lyon State Fishing Lake	Lyon SFL outflow, Duck Creek, Marais Des Cygnes River, Melvern Reservoir	Zebra Mussel	Lyon
Marion Reservoir	Cottonwood River, Neosho River, John Redmond Reservoir	Zebra Mussel	Marion
Melvorn Reservoir	Marais Des Cygnes River, Melvern River Pond and Rearing Pond	Zebra Mussel	Lyon, Osage
Melvorn River Pond and Rearing Pond	Marais Des Cygnes River	Zebra Mussel	Osage



Milford Reservoir	Republican River, Kansas River	Zebra Mussel	Clay, Dickinson, Geary
Osage State Fishing Lake	Osage SFL outflow, 110-Mile Creek, Pomona Reservoir, Marais Des Cygnes River	Zebra Mussel	Osage
Perry Reservoir	Delaware River, Kansas River	Zebra Mussel	Jefferson
Pomona Reservoir	110-Mile Creek, Marais Des Cygnes River	Zebra Mussel	Osage
Tuttle Creek Reservoir and River Pond	Big Blue River, Kansas River	Zebra Mussel	Marshall, Pottawatomie, Riley
Wilson Reservoir	Saline River, Smoky Hill River, Kansas River	White Perch, Zebra Mussel	Lincoln, Russell

CITY, COUNTY AND PRIVATE WATERS

WATERBODY	WATERS DOWNSTREAM	AQUATIC NUISANCE SPECIES	COUNTIES
Coffey County Lake – Wolf Creek Generating Station <i>Boat inspection required</i>	Wolf Creek, Neosho River	Zebra Mussel	Coffey
Council Grove City Lake <i>Aquatic Nuisance Species Course certificate required to boat or fish this lake</i>	Canning Creek, Council Grove Reservoir, Neosho River, John Redmond Reservoir	Zebra Mussel	Morris
El Dorado – East Park Pond	Walnut River	Zebra Mussel	Butler
Eskridge – Lake Wabaunsee <i>Boat inspection required</i>	Lake Wabaunsee outflow, East Branch Mill Creek, South Branch Mill Creek, Mill Creek, Kansas River	Zebra Mussel	Wabaunsee
Hutchinson – Carey Park Lagoon		White Perch	Reno
Hutchinson – Carey Park Pond		White Perch	Reno
Jeffrey Energy Center Auxiliary Lake and Make-up Lake	Kansas River	Zebra Mussel	Pottawatomie
Kingman – Hoover Pond	South Fork Ninescah River, Ninescah River, Arkansas River	White Perch	Kingman
McPherson County – Emerald Lake	Smoky Hill River, Kansas River	Zebra Mussel	McPherson
Paola – Lake Miola (Paola City Lake)	Dorsey Branch, South Wea Creek, Bull Creek, Marais Des Cygnes River	Zebra Mussel	Miami
Sedgwick County – Lake Afton	Clearwater Creek, Ninescah River, Arkansas River	White Perch, Zebra Mussel	Sedgwick
Sedgwick County Park Lakes: Vic's Lake, Horseshoe Lake, Tom Scott Lake, Moss Lake, Kids Lake		White Perch	Sedgwick
Shawnee County – Lake Shawnee	Deer Creek, Shunganunga Creek, Kansas River	Zebra Mussel	Shawnee



Spirit/Boeing Employee Association Lake		White Perch	Sedgwick
Wellington City Lake	East Prairie Creek, Prairie Creek, Chikaskia River	Zebra Mussel	Sumner
Winfield City Lake	Timber Creek, Walnut River, Arkansas River	Zebra Mussel	Cowley
Wyandotte County Lake	Marshall Creek, Missouri River	Zebra Mussel	Wyandotte

RIVERS AND STREAMS

Note: All tributary streams supplying the Kansas River below the Bowersock Dam and Missouri River in Atchison, Brown, Douglas, Jefferson, Johnson, Leavenworth, Marshall, and Wyandotte counties are considered to be inhabited by Asian Carp, even if the tributaries are not listed below. Some tributaries may be unnamed or known by local names.

WATERBODY	WATERS DOWNSTREAM	AQUATIC NUISANCE SPECIES	COUNTIES
110-Mile Creek from Osage SFL outflow to confluence with Marais Des Cygnes River	Pomona Reservoir, Marais Des Cygnes River	Zebra Mussel	Osage
Arkansas River from Ninnescah River to the Oklahoma State Line		White Perch, Zebra Mussel	Cowley, Sumner
Arkansas River from Wichita-Valley Center Floodway to confluence with Ninnescah River	Arkansas River	White Perch	Sedgwick, Sumner
Betts Creek to confluence with Kansas River	Kansas River	Asian Carp	Wyandotte
Big Blue River from Tuttle Creek Reservoir dam to confluence with Kansas River	Kansas River	Zebra Mussel	Pottawatomie, Riley
Big Slough from Sedgwick County Park to confluence with Wichita-Valley Center Floodway		White Perch	Sedgwick
Blue River to the Missouri State Line	Missouri River	Asian Carp	Johnson
Branch Creek to confluence with Stranger Creek	Stranger Creek, Kansas River	Asian Carp	Leavenworth
Brenner Heights Creek to confluence with Muncie Creek	Muncie Creek, Kansas River	Asian Carp	Wyandotte
Brewery Creek to confluence with Missouri River	Missouri River	Asian Carp	Atchison
Brush Creek to confluence with Missouri River	Missouri River	Asian Carp	Doniphan
Brush Creek to confluence with Stranger Creek	Stranger Creek, Kansas River	Asian Carp	Leavenworth
Buckhorn Creek to confluence with Stranger Creek	Stranger Creek, Kansas River	Asian Carp	Leavenworth
Bull Creek from Hillsdale Reservoir dam to confluence with Marais des Cygnes River	Marais des Cygnes River	Zebra Mussel	Miami
Burger Creek to confluence with Turkey Creek	Turkey Creek, South Fork Big Nemaha River, Missouri River	Asian Carp	Nemaha
Buttermilk Creek to confluence with South Fork Wolf River	South Fork Wolf River, Wolf River, Missouri River	Asian Carp	Brown
Buttermilk Creek to confluence with Stranger Creek	Stranger Creek, Kansas River	Asian Carp	Leavenworth
Camp Branch to confluence with Blue River	Blue River, Missouri River	Asian Carp	Johnson

Camp Creek to confluence with Cedar Creek	Cedar Creek, Kansas River	Asian Carp	Johnson
Camp Creek to confluence with Stranger Creek	Stranger Creek, Kansas River	Asian Carp	Atchison
Canning Creek from Council Grove City Lake dam to Council Grove Reservoir	Council Grove Reservoir, Neosho River, John Redmond Reservoir	Zebra Mussel	Morris
Captain Creek to confluence with Kansas River	Kansas River	Asian Carp	Douglas, Johnson
Cedar Creek from Olathe Lake dam to confluence with Kansas River	Kansas River	Asian Carp	Johnson
Cedar Creek to confluence with Missouri River	Missouri River	Asian Carp	Doniphan
Charlie Creek to confluence with Wolf River	Wolf River, Missouri River	Asian Carp	Doniphan
Chicken Creek to confluence with Washington Creek	Washington Creek, Wakarusa River, Kansas River	Asian Carp	Douglas
Chikaskia River to Oklahoma State Line		Zebra Mussel	Sumner
Clear Creek to confluence with Mill Creek	Mill Creek, Kansas River	Asian Carp	Johnson
Clear Creek to confluence with Turkey Creek	Turkey Creek, South Fork Big Nemaha River, Missouri River	Asian Carp	Marshall, Nemaha
Clearwater Creek from Lake Afton dam to confluence with Ninescah River	Ninescah River, Arkansas River	White Perch, Zebra Mussel	Sedgwick
Coal Creek from Douglas State Fishing Lake dam to confluence with Wakarusa River	Wakarusa River, Kansas River	Asian Carp	Douglas
Coffee Creek to Blue River	Blue River, Missouri River	Asian Carp	Johnson
Cold Ryan Branch to confluence with Wolf River	Wolf River, Missouri River	Asian Carp	Doniphan
Connor Creek to confluence with Missouri River	Missouri River	Asian Carp	Wyandotte
Coon Creek to confluence with Mill Creek	Mill Creek, Kansas River	Asian Carp	Johnson
Coon Creek to confluence with Wolf River	Wolf River, Missouri River	Asian Carp	Doniphan
Corral Creek to confluence with Missouri River	Missouri River	Asian Carp	Leavenworth
Cottonwood River from Marion Reservoir dam to confluence with Neosho River	Neosho River, John Redmond Reservoir	Zebra Mussel	Chase, Lyon, Marion
Cow Creek to confluence with Ninemile Creek	Ninemile Creek, Stranger Creek, Kansas River	Asian Carp	Leavenworth
Cramer Creek to confluence with Stranger Creek	Stranger Creek, Kansas River	Asian Carp	Leavenworth
Crooked Creek to confluence with Stranger Creek	Stranger Creek, Kansas River	Asian Carp	Atchison, Jefferson
Dawson Creek to confluence with Stranger Creek	Stranger Creek, Kansas River	Asian Carp	Jefferson, Leavenworth
Deer Creek from Lake Shawnee dam to confluence with Shunganunga Creek	Shunganunga Creek, Kansas River	Zebra Mussel	Shawnee

Deer Creek from Sabetha City Lake dam to confluence with South Fork Big Nemaha River	South Fork Big Nemaha River, Missouri River	Asian Carp	Nemaha
Deer Creek to confluence with Independence Creek	Independence Creek, Missouri River	Asian Carp	Atchison
Delaware River from Perry Reservoir dam to confluence the Kansas River	Kansas River	Zebra Mussel	Jefferson
Dorsey Branch from Lake Miola dam to confluence with South Wea Creek	South Wea Creek, Bull Creek, Marais Des Cygnes River	Zebra Mussel	Miami
Duck Creek	Marais Des Cygnes River, Melvern Reservoir	Zebra Mussel	Lyon
East Branch Mill Creek from Lake Wabaunsee outflow to confluence with South Branch Mill Creek	South Branch Mill Creek, Mill Creek, Kansas River	Zebra Mussel	Wabaunsee
East Prairie Creek to confluence with West Prairie Creek	Prairie Creek, Chikaskia River	Zebra Mussel	Sumner
Eddy Creek to confluence with Missouri River	Missouri River	Asian Carp	Wyandotte
Euchre Creek to confluence with Walnut Creek	Walnut Creek, Missouri River	Asian Carp	Brown
Fall Creek to confluence with Stranger Creek	Stranger Creek, Kansas River	Asian Carp	Jefferson, Leavenworth
Fisher Creek to confluence with South Fork Big Nemaha River	South Fork Big Nemaha River, Missouri River	Asian Carp	Nemaha
Fivemile Creek to confluence with Missouri River	Missouri River	Asian Carp	Leavenworth
Fourmile Creek to the Nebraska State Line	Missouri River	Asian Carp	Nemaha
Fox Creek to confluence with Cedar Creek	Cedar Creek, Missouri River	Asian Carp	Brown, Doniphan
Geary State Fishing Lake outflow from Geary SFL dam to confluence with Lyons Creek	Lyons Creek, Kansas River	Zebra Mussel	Geary
Halling Creek to confluence with Wolf River	Wolf River, Missouri River	Asian Carp	Doniphan
Harris Creek to confluence with South Fork Big Nemaha River	South Fork Big Nemaha River, Missouri River	Asian Carp	Nemaha
Hog Creek to confluence with Stranger Creek	Stranger Creek, Kansas River	Asian Carp	Leavenworth
Honey Creek to confluence with Island Creek	Island Creek, Missouri River	Asian Carp	Wyandotte
Honey Creek to the Nebraska State Line	Missouri River	Asian Carp	Nemaha
Howard Creek to confluence with Crooked Creek	Crooked Creek, Stranger Creek, Kansas River	Asian Carp	Jefferson
Hulls Branch to confluence with Crooked Creek	Crooked Creek, Stranger Creek, Kansas River	Asian Carp	Jefferson
Illinois Creek to confluence with South Fork Big Nemaha River	South Fork Big Nemaha River, Missouri River	Asian Carp	Nemaha
Independence Creek to confluence with Missouri River	Missouri River	Asian Carp	Atchison, Doniphan

Indian Creek to confluence with Walnut Creek	Walnut Creek, Stranger Creek, Kansas River	Asian Carp	Jefferson
Indian Creek to the Missouri State Line		Asian Carp	Johnson
Island Creek to confluence with Missouri River	Missouri River	Asian Carp	Leavenworth, Wyandotte
Jarbalo Creek to confluence with Stranger Creek	Stranger Creek, Kansas River	Asian Carp	Leavenworth
Jersey Creek to confluence with Missouri River	Missouri River	Asian Carp	Wyandotte
Jordan Creek to confluence with Independence Creek	Independence Creek, Missouri River	Asian Carp	Doniphan
Kansas River from Bowersock Dam to confluence with Missouri River		Asian Carp, White Perch, Zebra Mussel	Douglas, Leavenworth, Johnson, Wyandotte
Kansas River to Bowersock Dam	Kansas River	White Perch, Zebra Mussel	Douglas, Geary, Jefferson, Pottawatomie, Shawnee, Wabaunsee
Kenney Creek to confluence with Wolf River	Wolf River, Missouri River	Asian Carp	Doniphan
Kent Creek to confluence with Kansas River	Kansas River	Asian Carp	Leavenworth
Kill Creek to confluence with Kansas River	Kansas River	Asian Carp	Johnson
Lake Wabaunsee outflow from Lake Wabaunsee dam to confluence with East Branch Mill Creek	East Branch Mill Creek, South Branch Mill Creek, Mill Creek, Kansas River	Zebra Mussel	Wabaunsee
Little Cedar Creek to confluence with Cedar Creek	Cedar Creek, Kansas River	Asian Carp	Johnson
Little Kaw Creek to confluence with Kansas River	Kansas River	Asian Carp	Leavenworth
Little Mill Creek to confluence with Mill Creek	Mill Creek, Kansas River	Asian Carp	Johnson
Little Sandy Creek to confluence with Little Stranger Creek	Little Stranger Creek, Stranger Creek, Kansas River	Asian Carp	Leavenworth
Little Snell Creek to confluence with Missouri River	Missouri River	Asian Carp	Leavenworth
Little Stranger Creek to confluence with Stranger Creek	Stranger Creek, Kansas River	Asian Carp	Atchison
Little Stranger Creek to confluence with Stranger Creek	Stranger Creek, Kansas River	Asian Carp	Leavenworth
Little Turkey Creek to confluence with Kansas River	Kansas River	Asian Carp	Wyandotte
Little Wakarusa Creek to confluence with Wakarusa River	Wakarusa River, Kansas River	Asian Carp	Douglas
Little Walnut Creek to confluence with Missouri River	Missouri River	Asian Carp	Atchison
Lyon State Fishing Lake outflow from Lyon SFL dam to confluence with Duck Creek	Duck Creek, Marais Des Cygnes River, Melvern Reservoir	Zebra Mussel	Lyon



Lyons Creek from outflow of Geary SFL to confluence with Kansas River	Kansas River	Zebra Mussel	Geary
Manly Creek to confluence with Pole Creek	Pole Creek, Turkey Creek, South Fork Big Nemaha River, Missouri River	Asian Carp	Marshall, Nemaha
Marais Des Cygnes River to the Missouri State Line		Zebra Mussel	Franklin, Linn, Lyon, Miami, Osage
Marshall Creek from Wyandotte County Lake dam to confluence with Kansas River	Kansas River	Asian Carp, Zebra Mussel	Wyandotte
Mattoon Creek to confluence with Kansas River	Kansas River	Asian Carp	Wyandotte
Middle Fork Wolf River to confluence with Wolf River	Wolf River, Missouri River	Asian Carp	Brown
Mill Creek from South Branch Mill Creek to confluence with Kansas River	Kansas River	Zebra Mussel	Wabaunsee
Mill Creek to confluence with Kansas River	Kansas River	Asian Carp	Wyandotte
Mill Creek to confluence with Kansas River	Kansas River	Asian Carp	Johnson
Mill Creek to confluence with Missouri River	Missouri River	Asian Carp	Doniphan
Mission Creek to confluence with Missouri River	Missouri River	Asian Carp	Doniphan
Missouri River		Asian Carp, White Perch, Zebra Mussel	Atchison, Doniphan, Leavenworth, Wyandotte
Mooney Creek to confluence with Crooked Creek	Crooked Creek, Stranger Creek, Kansas River	Asian Carp	Atchison, Jefferson
Mosquito Creek to confluence with Missouri River	Missouri River	Asian Carp	Doniphan
Mud Creek to confluence with Kansas River	Kansas River	Asian Carp	Douglas, Jefferson, Leavenworth
Mulberry Creek to confluence with Walnut Creek	Walnut Creek, Missouri River	Asian Carp	Brown
Muncie Creek to confluence with Kansas River	Kansas River	Asian Carp	Wyandotte
Murray Creek to confluence with Little Stranger Creek	Little Stranger Creek, Stranger Creek, Kansas River	Asian Carp	Leavenworth
Nearman Creek to confluence with Missouri River	Missouri River	Asian Carp	Wyandotte
Negro Creek to confluence with Blue River	Blue River, Missouri River	Asian Carp	Johnson
Negro Creek to confluence with Clear Creek	Clear Creek, Turkey Creek, South Fork Big Nemaha River, Missouri River	Asian Carp	Nemaha
Nelson Creek to confluence with Wolf River	Wolf River, Missouri River	Asian Carp	Doniphan



Neosho River from Council Grove Reservoir dam to the Oswego dam	Neosho River	Zebra Mussel	Allen, Coffey, Labette, Lyon, Morris, Neosho, Woodson
Neosho River from the Oswego dam to the Oklahoma State Line		Asian Carp, Zebra Mussel	Cherokee, Labette
Ninemile Creek to confluence with Sevenmile Creek	Sevenmile Creek, Missouri River	Asian Carp	Leavenworth
Ninemile Creek to confluence with Stranger Creek	Stranger Creek, Kansas River	Asian Carp	Jefferson, Leavenworth
Ninnescah River to confluence with Arkansas River	Arkansas River	White Perch, Zebra Mussel	Sedgwick, Sumner
Noharts Creek to the Nebraska State Line	Missouri River	Asian Carp	Brown
North Branch Independence Creek to confluence with Independence Creek	Independence Creek, Missouri River	Asian Carp	Doniphan
North Fork Ninnescah River from Cheney Reservoir dam to Ninnescah River	Ninnescah River, Arkansas River	White Perch, Zebra Mussel	Sedgwick
North Fork Stranger Creek to confluence with Stranger Creek	Stranger Creek, Kansas River	Asian Carp	Atchison
North Fork Wildcat Creek to Wildcat Creek	Wildcat Creek, South Fork Big Nemaha River	Asian Carp	Nemaha
North Fork Wolf River to confluence with Wolf River	Wolf River, Missouri River	Asian Carp	Brown
Osage State Fishing Lake outflow from Osage SFL dam to confluence with 110-Mile Creek	110-Mile Creek, Pomona Reservoir, Marais Des Cygnes River	Zebra Mussel	Osage
Owl Creek to confluence with Missouri River	Missouri River	Asian Carp	Atchison
Pedee Creek to confluence with Pony Creek	Pony Creek, Missouri River	Asian Carp	Brown
Pennell Creek to confluence with Wolf River	Wolf River, Missouri River	Asian Carp	Doniphan
Peters Creek to confluence with Missouri River	Missouri River	Asian Carp	Doniphan
Piper Creek to confluence with Wolf Creek	Wolf Creek, Kansas River	Asian Carp	Wyandotte
Plum Creek to confluence with Mud Creek	Mud Creek, Kansas River	Asian Carp	Jefferson
Plum Creek to confluence with Salt Creek	Salt Creek, Missouri River	Asian Carp	Leavenworth
Pole Creek to confluence with Turkey Creek	Turkey Creek, South Fork Big Nemaha River, Missouri River	Asian Carp	Marshall, Nemaha
Pony Creek from Sabetha - Pony Creek Lake dam to the Nebraska State Line	Missouri River	Asian Carp	Brown
Pony Creek to confluence with Ninemile Creek	Ninemile Creek, Stranger Creek, Kansas River	Asian Carp	Leavenworth
Prairie Creek to confluence with Chikaskia River	Chikaskia River	Zebra Mussel	Sumner
Prairie Creek to confluence with Walnut Creek	Walnut Creek, Stranger Creek, Kansas River	Asian Carp	Jefferson, Leavenworth
Prather Creek from Chase State Fishing Lake dam to confluence with Cottonwood River	Cottonwood River, Neosho River, John Redmond Reservoir	Zebra Mussel	Chase



Quarry Creek to confluence with Missouri River	Missouri River	Asian Carp	Leavenworth
Rattlesnake Creek to the Nebraska State Line	Missouri River	Asian Carp	Nemaha
Republican River from Milford Reservoir dam to Kansas River	Kansas River	Zebra Mussel	Geary
Rittenhouse Branch to confluence with Wolf River	Wolf River, Missouri River	Asian Carp	Doniphan
Rock Creek to confluence with Independence Creek	Independence Creek, Missouri River	Asian Carp	Doniphan
Rock Creek to the Nebraska State Line	Missouri River	Asian Carp	Nemaha
Roys Creek to the Nebraska State Line	Missouri River	Asian Carp	Brown
Saline River from Wilson Reservoir dam to confluence with Smoky Hill River	Smoky Hill River, Kansas River	White Perch, Zebra Mussel	Lincoln, Ottawa, Russell, Saline
Salt Creek to confluence with Missouri River	Missouri River	Asian Carp	Leavenworth
Scatter Creek to confluence with Walnut Creek	Walnut Creek, Stranger Creek, Kansas River	Asian Carp	Jefferson
Sevenmile Creek to confluence with Missouri River	Missouri River	Asian Carp	Leavenworth
Shunganunga Creek from Deer Creek to confluence with Kansas River	Kansas River	Zebra Mussel	Shawnee
Smith Creek to confluence with Missouri River	Missouri River	Asian Carp	Doniphan
Smoky Hill River from Cedar Bluff Reservoir dam to confluence with Saline River	Smoky Hill River, Kansas River	Zebra Mussel	Ellis, Ellsworth, McPherson, Rush, Russell, Saline, Trego
Smoky Hill River from Saline River to Kansas River	Kansas River	White Perch, Zebra Mussel	Dickinson, Geary, Saline
Solomon River from Glen Elder Reservoir dam to confluence with Smoky Hill River	Smoky Hill River, Kansas River	Zebra Mussel	Cloud, Dickinson, Mitchell, Ottawa, Saline
South Branch Mill Creek from East Branch Mill Creek to confluence with Mill Creek	Mill Creek, Kansas River	Zebra Mussel	Wabaunsee
South Fork Big Nemaha River to the Nebraska State Line		Asian Carp	Nemaha
South Fork Ninescah River from Byron Walker Wildlife Area to confluence with Ninescah River	Ninescah River, Arkansas River	White Perch	Kingman, Sedgwick
South Fork Wildcat Creek to Wildcat Creek	Wildcat Creek, South Fork Big Nemaha River	Asian Carp	Nemaha
South Fork Wolf River to confluence with Wolf River	Wolf River, Missouri River	Asian Carp	Brown
South Wea Creek from Dorsey Branch to confluence with Bull Creek	Bull Creek, Marais Des Cygnes River	Zebra Mussel	Miami
Spoon Creek to confluence with Kill Creek	Kill Creek, Kansas River	Asian Carp	Johnson
Spring Branch to confluence with Walnut Creek	Walnut Creek, Missouri River	Asian Carp	Brown



Spring Creek to confluence with Cedar Creek	Cedar Creek, Missouri River	Asian Carp	Brown, Doniphan
Spring Creek to confluence with Stranger Creek	Stranger Creek, Kansas River	Asian Carp	Atchison
Spring Creek to confluence with Wakarusa River	Wakarusa River, Kansas River	Asian Carp	Douglas
Spring Creek to confluence with Walnut Creek	Walnut Creek, Missouri River	Asian Carp	Brown
Springs Branch to confluence with Cold Ryan Branch	Cold Ryan Branch, Wolf River, Missouri River	Asian Carp	Doniphan
Squaw Creek to confluence with Missouri River	Missouri River	Asian Carp	Brown, Doniphan
Stranger Creek to confluence with Kansas River	Kansas River	Asian Carp	Atchison, Leavenworth
Striker Branch to confluence with Wolf River	Wolf River, Missouri River	Asian Carp	Doniphan
Tennessee Creek to confluence with South Fork Big Nemaha River	South Fork Big Nemaha River, Missouri River	Asian Carp	Nemaha
Terrapin Creek to confluence with Walnut Creek	Walnut Creek, Missouri River	Asian Carp	Brown
Threemile Creek to confluence with Missouri River	Missouri River	Asian Carp	Leavenworth
Timber Creek from Winfield City Lake dam to confluence with Walnut River	Walnut River, Arkansas River	Zebra Mussel	Cowley
Tomahawk Creek to confluence with Indian Creek	Indian Creek	Asian Carp	Johnson
Tonganoxie Creek to confluence with Stranger Creek	Stranger Creek, Kansas River	Asian Carp	Leavenworth
Turkey Creek to confluence with Kansas River	Kansas River	Asian Carp	Johnson, Wyandotte
Turkey Creek to confluence with South Fork Big Nemaha River	South Fork Big Nemaha River, Missouri River	Asian Carp	Nemaha
Wakarusa River from Clinton Reservoir dam to confluence with Kansas River	Kansas River	Asian Carp, Zebra Mussel	Douglas
Walnut Creek to confluence with Missouri River	Missouri River	Asian Carp	Doniphan
Walnut Creek to confluence with Missouri River	Missouri River	Asian Carp	Atchison
Walnut Creek to confluence with Stranger Creek	Stranger Creek, Kansas River	Asian Carp	Jefferson, Leavenworth
Walnut Creek to the Nebraska State Line	Missouri River	Asian Carp	Brown
Walnut River from El Dorado Reservoir dam to confluence with Arkansas River	Arkansas River	White Perch, Zebra Mussel	Butler, Cowley
Washington Creek from Lonestar Lake dam to confluence with Wakarusa River	Wakarusa River, Kansas River	Asian Carp	Douglas
West Brush Creek to confluence with Stranger Creek	Stranger Creek, Kansas River	Asian Carp	Leavenworth
West Mission Creek to confluence with Kansas River	Kansas River	Asian Carp	Wyandotte



Whiskey Creek to confluence with Missouri River	Missouri River	Asian Carp	Atchison
Wichita-Valley Center Floodway from Big Slough to confluence with Arkansas River	Arkansas River	White Perch	Sedgwick
Wildcat Creek to confluence with South Fork Big Nemaha River	South Fork Big Nemaha River, Missouri River	Asian Carp	Nemaha
Wolf Creek from Coffey County Lake dam to confluence with Neosho River	Neosho River	Zebra Mussel	Coffey
Wolf Creek to Blue River	Blue River, Missouri River	Asian Carp	Johnson
Wolf Creek to confluence with Kansas River	Kansas River	Asian Carp	Leavenworth, Wyandotte
Wolf Pen Creek to confluence with Deer Creek	Deer Creek, South Fork Big Nemaha River, Missouri River	Asian Carp	Nemaha
Wolf River to confluence with Missouri River	Missouri River	Asian Carp	Brown, Doniphan

115-25-14. Fishing; creel limit, size limit, possession limit, and open season. (a) The open season for the taking of fish in Kansas shall be January 1 through December 31, with the following exceptions:

(1) The flowing portions and backwaters of the Missouri river and any oxbow lake through which the Kansas-Missouri boundary passes, for which the open snagging season for the taking of paddlefish shall be March 15 through May 15;

(2) the flowing portions of the Kansas river from its origin downstream to its confluence with the Missouri river and the flowing portions of the Arkansas river from its origin downstream to the Kansas-Oklahoma border and on federal reservoirs from 150 yards away from the dam to the upper end of the federal property, for which the open hand-fishing season for the taking of flathead catfish shall be from sunrise to sunset, June 15 through August 31;

(3) for floatline fishing, only on designated federal reservoirs; and

(4) those areas closed by posted notice.

(b) Pursuant to K.A.R. 115-18-12, a trout permit shall be required for each individual who wants to fish on the following waters during the specified time periods:

(1) November 1 through April 15 (type one waters):

(A) Dodge City Lake Charles;

(B) Coffeyville LeClere Lake;

(C) Eisenhower State Park Pond;

(D) Fort Scott Gun Park Lake;

(E) Garnett Crystal Lake;

(F) Glen Elder Reservoir Outlet;

(G) Glen Elder State Park Pond;

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(H) Kanopolis Seep Stream;

(I) KDOT East Lake, located in Wichita;

(J) Lake Henry, located in Clinton State Park;

(K) Pratt Centennial Pond;

(L) the following Sedgwick County Park waters:

(i) Vic's Lake; and

(ii) Slough Creek;

(M) Scott State Park Pond;

(N) Topeka Auburndale Park;

(O) Walnut River Area, located in El Dorado State Park;

(P) Webster Stilling Basin; and

(Q) Willow Lake, located in Tuttle Creek State Park; and

(2) November 1 through October 31: unit number 30, located in the Mined Land Wildlife Area.

(c) Pursuant to K.A.R. 115-18-12, a trout permit shall be required for each individual who wants to fish for and possess trout on the following waters from November 1 through April 15 (type two waters):

(1) Atchison City Lake No. 1;

(2) Belleville City Lake (Rocky Pond);

(3) Cameron Springs, located on Fort Riley;

(4) Cedar Bluff Stilling Basin;

(5) Cherryvale City Lake (Tanko);

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(d) The following daily creel limits and size limits shall apply to each pond, lake, impoundment, and other water of the state that is open to public fishing access and to all perennial and intermittent watercourses of the state, unless special creel limits and size limits apply pursuant to subsection (f).

<u>Species</u>	<u>Creel Limit</u>	<u>Size Limit</u>
Black bass: largemouth, spotted, or smallmouth	5*	15"
Channel catfish (fewer than 30 rays in the anal fin)	10	--
Blue catfish (30 or more rays in the anal fin)	5	--
Trout	5*/2***	--
Flathead catfish	5	--
Walleye, sauger, saugeye	5*	15"****
Pike family: northern pike, tiger, or muskellunge	2*	30"
Striped bass	5	--
Wiper: striped bass hybrid	5	--
Paddlefish	2**/2#	--
Crappie: white or black	50*	--
All other species	No limit	--

* The daily creel limit shall be composed of a single listed species or a combination of the species in the listed species group.

** The total snagging creel limit of paddlefish per calendar year shall be six paddlefish.

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*** The two-trout-per-day creel limit shall be applicable to individuals under 16 years of age not in possession of a valid trout permit.

**** The 15” length limit on walleye, sauger, and saugeye shall not apply to streams, rivers, and tailwaters.

Any individual younger than 16 years of age may use an adult’s paddlefish permit while accompanied by that adult with at least one unused carcass tag in possession. Each paddlefish snagged and kept by the individual younger than 16 years of age shall be included as part of the daily creel limit of the permit holder.

(e) The possession limit shall be three daily creel limits.

(f) Special size limits, creel limits, and bait restrictions for designated waters shall be those limits and restrictions specified in the department’s “Kansas special size limits, creel limits, and bait restriction tables,” dated July 19, 2019, which is hereby adopted by reference. All fish caught from these designated waters that are of a size or number that is illegal to possess shall be released unrestrained to the water immediately.

This regulation shall be effective on and after January 1, 2020. (Authorized by and implementing K.S.A. 2018 Supp. 32-807.)

APPROVED

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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. 115-25-14
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 exempt regulation establishes fishing seasons. The proposed version would add adjust length and creel limits within the reference document.

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, Colorado and Nebraska all have fishing opportunities managed by dates, times, species and locations.

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 regulation proposal would not likely 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 version of the proposed regulation already allows various types of fishing by species and location. The proposed changes would not have any significant compliance costs.

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

Guide businesses, bait retailers, state parks.

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

Fishing is funded by user fees. License buyers pay the way for public fishing opportunities within Kansas.



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

Again, the proposal and potential alternatives would likely have no substantial measure on the economic impact on businesses because fishing seasons already exist.

- 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 expected to be incurred by business or local governments.

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 expected to be incurred by business or local governments.

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 active fishing licenses was approximately 314,000 in 2019. This generates approximately \$6,794,800 for the agency, all of which accrues to the wildlife fee fund, and is paid by user fees. Additionally, each individually identifiable angler (314,000) goes 8 days afield per year and spends approximately \$933 per year, generating \$292,962,000 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 April 25 in Colby, where 4 members of the public signed the attendance roster, and on June 13 in Salina, where 5 members of the public signed the attendance roster. The agency will also hold hearings on August 15 in Overland Park, September 19 in Great Bend, and November 14 in Scott City.

- 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.

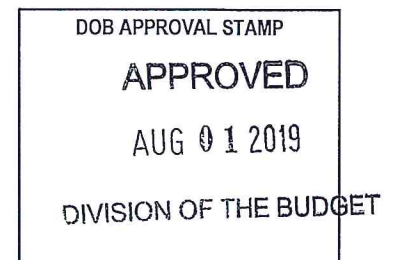
Not applicable.

- 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.



Kansas Department of Wildlife, Parks, and Tourism Kansas Special Size Limits, Creel Limits, and Bait Restriction Tables

Dated: July 19, 2019

Blue Catfish Creel Limits

5 fish daily creel limit

Cheney Reservoir, Clinton Reservoir, El Dorado Reservoir, Elk City Reservoir, Glen Elder Reservoir, John Redmond Reservoir, Kanopolis Reservoir, LaCygne Reservoir, Lovewell Reservoir, Melvern Reservoir, Perry Reservoir, Pomona Reservoir, Tuttle Creek Reservoir, Wilson Reservoir

2 fish daily creel limit

Wilson Reservoir

Blue Catfish Length Limits

25 - 40-inch slot limit with no more than 1 fish 40-inch or larger. Blue Catfish between the lengths of twenty-five (25) and forty (40) inches are protected and must be returned to the water immediately when taken from the following waters:

Milford Reservoir

25 - 35-inch slot limit with no more than 2 fish 35-inch or larger. Blue Catfish between the lengths of twenty-five (25) and thirty-five (35) inches are protected and must be returned to the water immediately when taken from the following waters:

El Dorado Reservoir

32 – 40-inch slot limit with no more than 1 fish 40-inch or larger. Blue Catfish between the lengths of thirty-two (32) and forty (40) inches are protected and must be returned to the water immediately when taken from the following waters:

Wilson Reservoir

35 inch minimum. Blue catfish of a length less than thirty-five (35) inches are protected and must be returned to the water immediately when taken from the following waters:

Cheney Reservoir, Clinton Reservoir, Elk City Reservoir, Glen Elder Reservoir, John Redmond Reservoir, Kanopolis Reservoir, Lovewell Reservoir, Melvern Reservoir, Perry Reservoir, Tuttle Creek Reservoir

Channel Catfish Creel Limits

2 fish daily creel limit

Andale-Renwick USD 267 Pond, Andover - Lake George, Arma City Lake, Atchison State Fishing Lake, Blue Mound City Lake, Bonner Springs - North Park Lake, Bourbon Co. Cedar Creek, Bourbon Co. Elm Creek Lake, Bourbon State Fishing Lake, Brown State Fishing Lake, Buhler City Pond, Butler State Fishing Lake, Chanute City Lake, Clinton State Park - Lake Henry, Clinton State Park - Picnic Area Pond, Columbus - VFW Pond, Colwich City Lake, Emporia - Jones Park Ponds, Emporia - Peter Pan Park, Fall River State Park Kids Pond, Fort Scott - Gunn Park Lake Fern, Fort Scott - Gunn Park Lake West, Fort Scott - Lake Fort Scott, Fort Scott Community College Lakes, Frontenac City Lake, Gardner City Lake, Garnett City Lake North, Garnett City Lake South, Greenbush Community Lake, Gridley City Lake, Harvey Co. Camp Hawk, Hays - Vineyard Park Pond, Haysville - Riggs Lake, Humboldt - Franklin Street Pond, Hutchinson - North Pond, Impounded F.I.S.H. Waters, Johnson Co. - Kill Creek Park Lake, Johnson Co. - Shawnee Mission Park, Johnson Co. - Shawnee Mission Pond, Johnson Co. Antioch North & South, Kanopolis State Park Pond, Kechi Lake, Kingman State Fishing Lake, Lansing City Lake, Lansing - Billy Blackwell Lake, Lawrence - Mary's Lake, Lawrence - Oregon Trail Park Pond, Lawrence Pat Dawson Billings N & S, Lawrence - Sandra Shaw Community Health Park Pond, Leavenworth - Jerry's Lake, Leavenworth State Fishing Lake, Leawood - Ironwoods Park Pond, Leawood - Tomahawk Parkway Middle, Leawood - Tomahawk Parkway North , Leawood - Tomahawk Parkway South , Lebo City Lake, Lebo Kid's Pond, Lenexa - Mize Blvd. Lake, Lenexa - Rose's Pond, Linn Co. - Critzer Reservoir, Linn Co. Strip Pits, McPherson State Fishing Lake, Melvern River Pond, Milford Hatchery Water Supply Pond, Mound City Lake, Mt. Hope - Woodland Park Pond, Mulberry City Park Lake, Mulvane - Cedar Brook Pond, Nebo State Fishing Lake, New Strawn City Lake, Newton - Spring Lake Ponds, North Newton - Sunfield Pond, Olathe - Black Bob Park Pond, Olathe - Cedar Lake, Olathe - Frisco Lake, Olathe - Mahaffie Farmstead Pond, Olathe - North Waterworks Park Lake, Olathe - Oregon Trail Park Pond, Olathe - Prairie Center Park Pond, Olathe - Prairie Center Pond, Olathe - Settler's Park Pond, Olathe - Waterworks Lake, Olpe - Jones Park Pond, Osage State Fishing Lake, Overbrook City Lake, Overbrook - Kids' Pond, Overland Park - Amesbury Lake, Overland Park - Kingston Lake, Overland Park - Regency Lake, Overland Park - South Lake, Overland Park - Summercrest Lake, Overland Park - Wilderness Lake, Parker City Lake, Pittsburg - Lincoln Park Pond, Pittsburg - Lakeside Park Lake, Pittsburg - Wilderness Pond, Pleasanton City Lake - East, Pleasanton City Lake - West, Pratt County Lake, Richmond City Lake, Rose Hill - School Street Pond, Salina - Lakewood Lake, Shawnee Co. Shawnee Jr., Spring Hill Woodland Ridge Pond, Topeka-Auburndale Park Stream, Topeka - Cedar Crest Pond, Topeka - Central Park Lake, Topeka - Clarion Lake, Topeka - Freedom Valley Lake, Topeka - Governor's Ponds East & West, Topeka-Horseshoe Bend Park Pond, Topeka - West Lake, Uniontown School Pond, Valley Center - McLaughlin Pond, Wichita - Harrison Park Lake, Windom City Pond, Woodson State Fishing Lake, Wyandotte Co. Big 11, Wyandotte Co. Bonner Lake, Wyandotte Co. Pierson Park Lake, Yates Center - South, Yates Center Reservoir - New

5 fish daily creel limit

Agra City Lake, Altamont City Lake, Arkansas City - Knebbler #2, Arkansas City 6th Street Pond, Arkansas City, Knebbler #1, Atchison City Lakes 1-4, 6-9, 23, 24, Atchison County Lake, Atwood Lake, Barber Lower, Barber Upper, Belleville City Lake (Rocky Pond), Benton - Poling Lake, Black Kettle State Fishing Lake, Bone Creek Reservoir, Centralia City Lake, Chase State Fishing Lake, Cherryvale City Lake (Tanko), Cimarron Grasslands Fishing Pits, Clark State Fishing Lake, Clearwater - Chisholm Ridge Lake, Coffeyville-LeClere Lake, Colby - Villa High Lake, Coldwater City Lake, Concannon State Fishing Lake, Council Grove City Lake, Cowley State Fishing Lake, Crawford State Fishing Lake, Derby - High Park, Derby - Rainbow Valley, Derby - Stone Creek, Dodge City - Lake Charles, Dodge City - Mariah Hills Golf Course, Douglas State Fishing Lake, Edna City Lake, Ellis City Lake, Eureka City Lake, Finney State Fishing Lake, Ford State Fishing Lake, Fort Scott - Rock Creek Lake, Garnett - Cedar Valley Reservoir, Geary State Fishing Lake, Goodman State Fishing Lake, Graham County - Antelope Lake, Great Bend Stone Lake, Great Bend Veteran's Park, Hain State Fishing Lake, Hamilton State Fishing Lake, Harvey County East Lake, Harvey County West Lake, Herington - Father Padilla Pond, Hiawatha City Lake, Hodgeman State Fishing Lake, Holton - Elkhorn Lake, Holton City (Prairie) Lake, Holyrood City Lake, Horsethief Reservoir, Horton Little Lake, Horton Mission Lake, Howard - Polk Daniels Lake, Hutchinson - Carey Park Lagoon, Hutchinson - Carey Park Pond, Hutchinson - Dillon Nature Center, Independence Community College - Campus Pond, Jackson County - Banner Creek , Jeffrey Energy Center, Jetmore City Lake, Jewell City Lake (Emerson Lake), Jewell State Fishing Lake, Junction City-Bluffs, Junction City - Rim Rock Lake, Junction City-Riverwalk, Junction City - Wetland Park, Kiowa State Fishing Lake, LaCrosse Warren Stone Memorial , Lenexa - Resurrection Pond, Liberal-Arkalon Recreation Area, Logan City Lake, Logan State Fishing Lake, Louisburg City Lake, Louisburg - Lewis Young Park Lake, Louisburg - Middle Creek, Lyon State Fishing Lake, Madison City Lake, Marion County Lake, Meade State Fishing Lake, Miami State Fishing Lake, Milford State Park Pond, Mined Land Wildlife Area, Moline New City Lake, Moline Old City Lake, Montgomery State Fishing Lake, Nedesha City Lake, Neosho State Fishing Lake, Neosho Wildlife Area Pond, Newton-Sand Creek, Ogden City Lake, Olathe - East High School Pond, Olathe - Heatherstone Park Pond, Olathe - Lake Olathe, Olathe - Oregon Trail Pond, Olathe - Stagecoach Park Pond, Olpe City Lake, Osage City Lake, Osawatomie - Beaver Lake, Osawatomie City Lake, Ottawa State Fishing Lake, Park City - Chisholm Pointe, Parsons City Lake, Plainville Township Lake, Pottawatomie 1, Pottawatomie 2, Pottawatomie Co. Cross Creek Lake, Prescott City Lake, Rooks State Fishing Lake, Sabetha - Pony Creek Lake, Sabetha City Lake, Salina - Indian Rock Pond, Saline State Fishing Lake, Sandsage Bison Range & Wildlife Area, Scott State Fishing Lake, Sedan New City Lake, Sedan Old City Lake, Sedgwick Co. Lake Afton, Sedgwick Co. Park Lakes, Severy City Lake, Shawnee - Monticello Springs Lake, Shawnee State Fishing Lake, Sheridan State Fishing Lake, Sherman County - Smoky Gardens, Sherman State Fishing Lake, St. Francis - Keller Lake, St. Francis Sand Pits, Syracuse-Sam's Pond, Thayer City Lake (New), Thayer City Lake (Old), Troy - 4-H Lake, Ulysses City Lake, Washington State Fishing Lake, Wellington - Hargis Creek Lake, Wellington City Lake, Wichita - Buffalo Park Lake, Wichita - Chisholm North Lake, Wichita - K-96 Lake, Wichita - Dillon's Pond, Wichita - East KDOT, Wichita - Emery Park Pond, Wichita - South Lake, Wichita - SP1, Wichita - SP2, Wichita - Watson Park Lake, Wichita - West KDOT, Wilson State Fishing Lake, Wyandotte Co. Lake

Channel Catfish Length Limits

15 inch minimum. Channel catfish of a length less than fifteen (15) inches are protected and must be returned to the water immediately when taken from the following waters:

Agra City Lake, Altamont City Lake, Arma City Lake, Atchison City Lakes 1-4, 6-9, 23, 24, Atchison County Lake, Atchison State Fishing Lake, Atwood Lake, Belleville City Lake (Rocky Pond), Black Kettle State Fishing Lake, Blue Mound City Lake, Bone Creek Reservoir, Bourbon Co. Cedar Creek, Bourbon Co. Elm Creek Lake, Bourbon State Fishing Lake, Brown State Fishing Lake, Butler State Fishing Lake, Chanute City Lake, Chase State Fishing Lake, Cherryvale City Lake (Tanko), Columbus - VFW Pond, Cowley State Fishing Lake, Crawford State Fishing Lake, Douglas County - Lonestar Lake, Douglas State Fishing Lake, Edgerton - Bridgewater Lake, Edna City Lake, Emporia - Jones Park Ponds, Emporia - Peter Pan Park, Eureka City Lake, Fall River State Park Kid's Pond, Fort Scott - Gunn Park Lake Fern, Fort Scott - Gunn Park Lake West, Fort Scott - Lake Fort Scott, Fort Scott Community College Lakes, Frontenac City Lake, Gardner City Lake, Garnett City Lake North, Garnett City Lake South, Greenbush Community Lake, Gridley City Lake, Harvey Co. Camp Hawk, Harvey County West Lake, Humboldt - Franklin Street Pond, Hutchinson - North Pond, Hiawatha City Lake, Holton Elkhorn Lake, Holton City Prairie Lake, Horton Little Lake, Horton Mission Lake, Howard - Polk Daniels Lake, Independence Community College-Campus Pond, Jackson County - Banner Creek Reservoir, Jewell City Lake (Emerson Lake), Jewell State Fishing Lake, Johnson Co. - Kill Creek Park Lake, Johnson Co. - Shawnee Mission Park, Johnson Co. - Shawnee Mission Pond, Johnson Co. Antioch North & South, Kingman State Fishing Lake, Leavenworth State Fishing Lake, Lebo City Lake, Linn Co. - Critzer Reservoir, Linn Co. Strip Pits, Logan City Lake, Louisburg-Middle Creek SFL, Lyon State Fishing Lake, Madison City Lake, Marion County Lake, McPherson State Fishing Lake, Melvern River Pond, Miami State Fishing Lake, Mined Land Wildlife Area, Moline New City Lake, Moline Old City Lake, Montgomery State Fishing Lake, Mound City Lake, Mulberry City Park Lake, Nebo State Fishing Lake, Neodesha City Lake, Neosho State Fishing Lake, Neosho Wildlife Area Pond, New Strawn City Lake, Olathe-Stagecoach Park Pond, Olpe City Lake, Olpe - Jones Park Pond, Osage City Lake, Osage State Fishing Lake, Osawatomie - Beaver Lake, Osawatomie City Lake, Overbrook City Lake, Overland Park - Amesbury Lake, Overland Park - Summercrest Lake, Overland Park - Wilderness Lake, Parker City Lake, Parsons City Lake, Pittsburg - Lincoln Park Pond, Pittsburg - Lakeside Park lake, Pittsburg - Wilderness Pond, Pleasanton City Lake - East, Pleasanton City Lake - West, Pottawatomie 1, Pratt County Lake, Prescott City Lake, Richmond City Lake, Rose Hill - School Street Pond, Sabetha City Lake, Sabetha - Pony Creek Lake, Sedan New City Lake (South), Sedan Old City Lake (North), Severy City Lake, Sherman County - Smoky Gardens, Spring Hill Woodland Ridge Pond, Thayer City Lake (New), Thayer City Lake (Old), Troy 4-H Lake, Uniontown School Pond, Wellington - Hargis Creek Lake, Wellington City Lake, Wilson State Fishing Lake, Woodson State Fishing Lake, Yates Center - South, Yates Center Reservoir - New

Crappie Creel Limits

10 fish daily creel

Garnett City Lake North, Garnett City Lake South, Gridley City Lake, Holton - Elkhorn Lake, Humboldt - Franklin Street Pond, Lebo City Lake, Melvern River Pond, Milford Hatchery Water Supply Pond, New Strawn City Lake, Osage State Fishing Lake, Pleasanton City Lake - West, Troy - 4-H Lake, Wichita - Buffalo Park Lake, Wichita - Chisholm North Lake, Wichita - K-96 Lake, Wichita - Dillon's Pond, Wichita - East KDOT, Wichita - South Lake, Wichita - Watson Park Lake, Wichita - West KDOT, Woodson State Fishing Lake, Yates Center - South

20 fish daily creel

Atchison State Fishing Lake, Bone Creek Reservoir, Brown State Fishing Lake, Clinton Reservoir, Council Grove City Lake, Council Grove Reservoir, El Dorado Reservoir, Frontenac City Lake, Glen Elder Reservoir, Hillsdale Reservoir, Jackson County - Banner Creek, Lovewell Reservoir, Marion County Lake, Marion Reservoir, Melvern Reservoir, Perry Reservoir, Sabetha - Pony Creek Lake, Thayer City Lake (New), Thayer City Lake (Old), Wellington City Lake, Winfield City Lake, Yates Center Reservoir - New

Crappie Length Limits

10 inch minimum. Crappie species of a length less than ten (10) inches are protected and must be returned to the water immediately when taken from the following waters:

Cedar Bluff Reservoir, Cheney Reservoir, Clinton Reservoir, Frontenac City Lake, Garnett City Lake North, Garnett City Lake South, Glen Elder Reservoir, Gridley City Lake, Hillsdale Reservoir, Humboldt - Franklin Street Pond, Lebo City Lake, Lovewell Reservoir, Melvern Reservoir, Melvern River Pond, Perry Reservoir, Pleasanton City Lake – West, Woodson State Fishing Lake, Yates Center - South

Largemouth Bass Creel Limits

2 fish daily creel limit

Andale-Renwick USD 267 Pond, Andover - Lake George, Arma City Lake, Atchison State Fishing Lake, Atwood Lake, Benton - Poling Lake, Bourbon Co. Cedar Creek, Bourbon Co. Elm Creek Lake, Brown State Fishing Lake, Buhler City Pond, Carbondale East Lake, Chanute City Lake, Clearwater - Chisholm Ridge Lake, Coffeyville - LeClere Lake, Columbus - VFW Pond, Colwich City Lake, Concannon State Fishing Lake, Crawford State Fishing Lake, Derby - High Park, Derby - Rainbow Valley, Derby - Stone Creek, Dodge City - Lake Charles, Emporia-Jones Park Ponds, Emporia - Peter Pan Park, Fall River State Park Kids Pond, Fort Scott - Gunn Park Lake Fern, Fort Scott - Gunn Park Lake West, Fort Scott - Lake Fort Scott, Fort Scott Community College Lakes, Frontenac City Lake, Greenbush Community Lake, Harvey Co. Camp Hawk, Harvey County West Lake, Hiawatha City Lake, Holton City (Prairie) Lake, Horton Little Lake, Horton Mission Lake, Humboldt - Franklin Street Pond, Hutchinson - North Pond, Impounded F.I.S.H. Waters, Jackson County - Banner Creek, Johnson Co. - Kill Creek Park Lake, Johnson Co. - Shawnee Mission Park, Johnson Co. - Shawnee Mission Pond, Johnson Co. Antioch North & South, Kanopolis State Park Pond, Kechi Lake, Lansing City Lake, Lebo City Lake, Lebo Kid's Pond, Linn Co. - Critzer Reservoir, Linn Co. Strip Pits,

Louisburg - Middle Creek, Melvern River Pond, Milford Hatchery Water Supply Pond, Mt. Hope - Oak Street Park Pond, Mulberry Park Lake, Mulvane - Cedar Brook Pond, Nebo State Fishing Lake, New Strawn City Lake, Newton - Spring Lake Ponds, North Newton - Sunfield Pond, Olpe - Jones Park Pond, Osage City Lake, Overbrook City Lake, Overbrook - Kids' Pond, Overland Park - Kingston Lake, Overland Park - Regency Lake, Overland Park - South Lake, Park City - Chisholm Pointe, Parker City Lake, Pittsburg - Lincoln Park Pond, Pittsburg - Lakeside Park lake, Pittsburg - Wilderness Pond, Pleasanton City Lake - East, Pleasanton City Lake - West, Pratt County Lake, Richmond City Lake, Rose Hill - School Street Pond, Sabetha - Pony Creek Lake, Sabetha City Lake, Sandsage Bison Range & Wildlife Area, Sedgwick Co. Park Lakes, Shawnee County - Lake Shawnee, Sherman County - Smoky Gardens, Uniontown School Pond, Valley Center - Arrowhead Park Lake, Valley Center - McLaughlin Pond, Wellington - Hargis Creek Lake, Wellington City Lake, Wichita - Buffalo Park Lake, Wichita - Chisholm North Lake, Wichita - K-96 Lake, Wichita - Dillon's Pond, Wichita - East KDOT, Wichita - Emery Park Pond, Wichita - Harrison Park Lake, Wichita - South Lake, Wichita - SP1, Wichita - SP2, Wichita - Watson Park Lake, Wichita - West KDOT, Wyandotte Co. Bonner Lake

Largemouth Bass Length Limits

13 -18 inch slot limit. Largemouth bass between the lengths of thirteen (13) and eighteen (18) inches are protected and must be returned to the water immediately when taken from the following waters:

Altamont City Lake, Bone Creek Reservoir, Chase State Fishing Lake, Council Grove City Lake, Douglas County - Lonestar Lake, Douglas State Fishing Lake, Garnett City Lake North, Garnett City Lake South, Goodman State Fishing Lake, Graham County - Antelope Lake, Harvey County East Lake, Holton - Elkhorn Lake, Howard - Polk Daniels Lake, Jetmore City Lake, Lenexa - Lake Lenexa, Linn Co. Strip Pits, Louisburg City Lake, Lyon State Fishing Lake, Madison City Lake, Marion County Lake, McPherson State Fishing Lake, Meade State Fishing Lake, Melvern River Pond, Miami State Fishing Lake, Mined Land Wildlife Area, Moline Old City Lake, Montgomery State Fishing Lake, Mound City Lake, Osage State Fishing Lake, Osawatอมie - Beaver Lake, Osawatอมie City Lake, Overbrook City Lake, Paola - Lake Miola, Parker City Lake, Pottawatอมie Co. Cross Creek Lake, Richmond City Lake, Sedan New City Lake, Sedan Old City Lake, Severy City Lake, Thayer City Lake (New), Thayer City Lake (Old), Troy - 4-H Lake, Woodson State Fishing Lake, Yates Center Reservoir – New

15 -21 inch slot limit. Largemouth bass between the lengths of fifteen (15) and twenty-one (21) inches are protected and must be returned to the water immediately when taken from the following waters:

Big Hill Reservoir

18 inch minimum. Largemouth bass of a length less than eighteen (18) inches are protected and must be returned to the water immediately when taken from the following waters:

Alma City Lake, Andale-Renwick USD 267 Pond, Andover - Lake George, Arma City Lake, Atchison State Fishing Lake, Atwood Lake, Benton - Poling Lake, Black Kettle State Fishing Lake, Brown State Fishing Lake, Buhler City Pond, Carbondale East Lake, Centralia City Lake, Cherryvale City Lake (Tanko), Clearwater - Chisholm Ridge Lake, Clinton Reservoir, Clinton State Park - Lake Henry, Clinton State Park - Picnic Area Pond, Coffeyville - LeClere Lake, Colwich City Lake, Crawford State Fishing Lake, Derby - High Park, Derby - Rainbow Valley, Derby - Stone Creek, Dodge City - Lake Charles, Douglas State Fishing Lake, Edna City Lake, Emporia-Jones Park Ponds, Emporia-Peter Pan Park, Eskridge - Lake Wabaunsee, Eureka City Lake, Fall River State Park Kids Pond, Fort Scott - Gunn Park Lake Fern, Fort Scott - Lake Fort Scott, Fort Scott Community College Lakes, Frontenac City Lake, Garnett - Cedar Valley Reservoir, Glen Elder Park Pond, Glen Elder Reservoir, Greenbush Community Lake, Harvey County West Lake, Harveyville City Lake, Herington City Lake - New, Herington City Lake - Old, Herington - Father Padilla Pond, Hillsdale Reservoir, Holton City (Prairie) Lake, Horton - Mission Lake, Horton Little Lake, Humboldt - Franklin Street Pond, Hutchinson - North Pond, Impounded F.I.S.H. Waters, Jackson County - Banner Creek , Jewell City Lake (Emerson Lake), Jewell State Fishing Lake, Johnson Co. - Kill Creek North Pond, Johnson Co. - Kill Creek Park Lake, Johnson Co. - Kill Creek South Pond, Johnson Co. - Shawnee Mission Park , Johnson Co. - Shawnee Mission Pond, Johnson Co. Antioch North & South , Kanopolis State Park Pond, Kechi Lake, Kingman State Fishing Lake, LaCygne Reservoir, Lebo City Lake, Lebo Kid's Pond, Linn County Critzer Reservoir, Logan City Lake, Louisburg - Middle Creek, Marion Reservoir, Melvern Reservoir, Moline New City Lake, Mt. Hope - Oak Street Park Pond, Mulvane - Cedar Brook Pond, Nebo State Fishing Lake, Neosho State Fishing Lake, Olathe - Cedar Lake, Olathe - Lake Olathe, Olpe City Lake, Olpe-Jones Park Pond, Osage City Lake, Park City - Chisholm Pointe, Perry Reservoir, Pratt County Lake, Rooks State Fishing Lake, Rose Hill - School Street Pond, Sabetha - Pony Creek Lake, Sabetha City Lake, Salina - Indian Rock Pond, Salina - Lakewood Lake, Sedgwick Co. Lake Afton, Sedgwick Co. Park Lakes, Shawnee Co. Lake Shawnee, Sherman County - Smoky Gardens, Tuttle Creek Reservoir, Tuttle Creek Willow Lake, Uniontown School Pond, Valley Center-Arrowhead Park Lake, Valley Center - McLaughlin Pond, Wellington - Hargis Creek Lake, Wellington City Lake, Wichita - Buffalo Park Lake, Wichita - Chisholm North Lake, Wichita - K-96 Lake, Wichita - Dillon's Pond, Wichita - East KDOT, Wichita - Emery Park Pond, Wichita - Harrison Park Lake, Wichita - South Lake, Wichita - SP1, Wichita - SP2, Wichita - Watson Park Lake, Wichita - West KDOT, Yates Center - South

21 inch minimum. Largemouth bass of a length less than twenty-one (21) inches are protected and must be returned to the water immediately when taken from the following waters:

Big Hill Wildlife Area, Bourbon Co. Cedar Creek, Bourbon Co. Elm Creek Lake, Fort Scott - Gunn Park Lake West, Harvey Co. Camp Hawk, Linn Co. - Critzer Reservoir, New Strawn City Lake, Pleasanton City Lake - East, Pleasanton City Lake - West

Smallmouth Bass Creel Limit

2 fish daily creel limit

Atchison State Fishing Lake, Bourbon Co. Cedar Creek, Bourbon Co. Elm Creek Lake, Douglas County - Lonestar Lake, Fort Scott - Lake Fort Scott, Garnett City Lake North, Gridley City Lake, Jackson County - Banner Creek , Johnson Co. - Kill Creek Park Lake, Leavenworth State Fishing Lake, Lebo City Lake, Linn Co. - Critzer Reservoir, Milford Hatchery Water Supply Pond, New Strawn City Lake, Osage State Fishing Lake, Overbrook City Lake, Pleasanton City Lake - East, Pleasanton City Lake - West, Sabetha - Pony Creek Lake, Shawnee Co. Lake Shawnee, Woodson State Fishing Lake

Smallmouth Bass Length Limit

18 inch minimum. Smallmouth bass of a length less than eighteen (18) inches are protected and must be returned to the water immediately when taken from the following waters:

Bourbon Co. Cedar Creek, Bourbon Co. Elm Creek Lake, Alma City Lake, Atchison State Fishing Lake, Big Hill Reservoir, Clinton Reservoir, Douglas County - Lonestar Lake, Eskridge - Lake Wabaunsee, Fort Scott - Lake Fort Scott, Garnett City Lake North, Glen Elder Park Pond, Great Bend Stone Lake, Gridley City Lake, Jackson County - Banner Creek , Johnson Co. - Kill Creek Park Lake, LaCygne Reservoir, Leavenworth State Fishing Lake, Lebo City Lake, Linn Co. - Critzer Reservoir, Marion County Lake, Melvern Reservoir, New Strawn City Lake, Osage State Fishing Lake, Overbrook City Lake, Perry Reservoir, Sabetha - Pony Creek Lake, Shawnee Co. Lake Shawnee, Winfield City Lake, Woodson State Fishing Lake, Wyandotte Co. Lake

21 inch minimum. Smallmouth bass of a length less than twenty-one (21) inches are protected and must be returned to the water immediately when taken from the following waters:

Glen Elder Reservoir

Spotted Bass Creel Limit

2 fish daily creel limit

Chanute City Lake, Fort Scott - Lake Fort Scott, Melvern River Pond, Milford Hatchery Water Supply Pond

Spotted Bass Length Limit

18 inch minimum. Spotted bass of a length less than eighteen (18) inches are protected and must be returned to the water immediately when taken from the following waters:

Eureka City Lake, Melvern Reservoir

Walleye Creel Limits

2 fish daily creel limit

Bone Creek Reservoir, Bourbon Co. Cedar Creek, Bourbon Co. Elm Creek Lake, Bourbon State Fishing Lake, Carbondale East Lake, Cheney Reservoir, Crawford State Fishing Lake, El Dorado Reservoir, Fort Scott - Lake Fort Scott, Garnett - Cedar Valley Reservoir, Garnett City Lake North, Garnett City Lake South, Gridley City Lake, Harvey County East Lake, Jackson County - Banner Creek, Jeffery Energy Center, Johnson Co. - Kill Creek Park Lake, Lebo City Lake, Linn Co. - Critzer Reservoir, Marion County Lake, Melvern River Pond, Milford Hatchery Water Supply Pond, Milford Reservoir, Mined Land Wildlife Area, Mound City Lake, New Strawn City Lake, Osage City Lake, Osage State Fishing Lake, Overbrook City Lake, Paola - Lake Miola, Pleasanton City Lake - East, Pratt County Lake, Richmond City Lake, Sabetha - Pony Creek Lake, Sabetha City Lake, Sedgwick Co. Lake Afton, Shawnee Co. - Lake Shawnee, Wichita - Chisholm North Lake, Woodson State Fishing Lake, Wyandotte Co. Lake, Yates Center - South, Yates Center Reservoir - New

Walleye Length Limits

18 inch minimum. Walleye of a length less than eighteen (18) inches are protected and must be returned to the water immediately when taken from the following waters:

Alma City Lake, Big Hill Reservoir, Bone Creek Reservoir, Bourbon Co. Cedar Creek, Bourbon Co. Elm Creek Lake, Bourbon State Fishing Lake, Carbondale East Lake, Centralia City Lake, Chase State Fishing Lake, Council Grove City Lake, Crawford State Fishing Lake, Eskridge - Lake Wabaunsee, Eureka City Lake, Fort Scott - Lake Fort Scott, Garnett - Cedar Valley Reservoir, Garnett City Lake North, Garnett City Lake South, Glen Elder Reservoir, Harvey County East Lake, Harveyville City Lake, Herington City Lake - New, Hillsdale Reservoir, Jackson County - Banner Creek, Johnson Co. - Kill Creek Park Lake, Kanopolis Reservoir, Keith Sebelius (Norton) Reservoir, Kingman State Fishing Lake, Lebo City Lake, Linn Co. - Critzer Reservoir, Lovewell Reservoir, Lyon State Fishing Lake, Marion County Lake, Melvern River Pond, Melvern Reservoir, Mined Land Wildlife Area, Mound City Lake, Osage City Lake, Perry Reservoir, Pleasanton City Lake - East, Pomona Reservoir, Pratt County Lake, Richmond City Lake, Sabetha City Lake, Scott State Fishing Lake, Shawnee Co. - Lake Shawnee, Wellington City Lake, Wichita - Chisholm North Lake, Wilson State Fishing Lake, Winfield City Lake, Woodson State Fishing Lake, Wyandotte Co. Lake

21 inch minimum. Walleye of a length less than twenty-one (21) inches are protected and must be returned to the water immediately when taken from the following waters:

Cedar Bluff Reservoir, Cheney Reservoir, El Dorado Reservoir, Marion Reservoir, Milford Reservoir, Sabetha - Pony Creek Lake, Sedgwick Co. Lake Afton

Sauger Creel Limit

2 fish daily creel limit

Jackson County - Banner Creek, Milford Hatchery Water Supply Pond

Sauger Length Limits

18 inch minimum. Sauger of a length less than eighteen (18) inches are protected and must be returned to the water immediately when taken from the following waters:

Jackson County - Banner Creek, Melvern Reservoir, Perry Reservoir

Saugeye Creel Limits

2 fish daily creel limit

Bone Creek Reservoir, Bourbon Co. Elm Creek Lake, Bourbon State Fishing Lake, Carbondale East Lake, Chanute City Lake, Crawford State Fishing Lake, Douglas State Fishing Lake, Gardner City Lake, Harvey County East Lake, Harvey County West Lake, Louisburg - Middle Creek, Marion County Lake, McPherson State Fishing Lake, Meade State Fishing Lake, Milford Hatchery Water Supply Pond, Nebo State Fishing Lake, Pleasanton City Lake - East, Sabetha City Lake, Sedgwick Co. Lake Afton, Sherman County - Smoky Gardens, Sterling City Lake, Washington State Fishing Lake, Wellington - Hargis Creek Lake, Wichita - Buffalo Park Lake, Wichita - Chisholm North Lake, Wichita - Watson Park Lake

Saugeye Length Limits

18 inch minimum. Saugeye of a length less than eighteen (18) inches are protected and must be returned to the water immediately when taken from the following waters:

Bone Creek Reservoir, Bourbon Co. Elm Creek Lake, Bourbon State Fishing Lake, Carbondale East Lake, Centralia City Lake, Chanute City Lake, Chase State Fishing Lake, Crawford State Fishing Lake, Douglas State Fishing Lake, Eskridge - Lake Wabaunsee, Eureka City Lake, Gardner City Lake, Geary State Fishing Lake, Graham County - Antelope Lake, Harvey County East Lake, Harvey County West Lake, Harveyville City Lake, Howard - Polk Daniels Lake, Kanopolis Reservoir, Keith Sebelius (Norton) Reservoir, Louisburg - Middle Creek, Lyon State Fishing Lake, Madison City Lake, Marion County Lake, Meade State Fishing Lake, Moline New City Lake, Nebo State Fishing Lake, Olpe City Lake, Parsons City Lake, Perry Reservoir, Pleasanton City Lake - East, Sabetha City Lake, Scott State Fishing Lake, Sherman County - Smoky Gardens, Wellington - Hargis Creek Lake, Wellington City Lake, Wichita - Buffalo Park Lake, Wichita - Chisholm North Lake, Wichita - Watson Park Lake

21 inch minimum. Saugeye of a length less than twenty-one (21) inches are protected and must be returned to the water immediately when taken from the following waters:

McPherson State Fishing Lake, Sedgwick Co. Lake Afton, Sterling City Lake, Washington State Fishing Lake

Striped Bass Creel Limits

2 fish daily creel limit

Cheney Reservoir, Glen Elder Reservoir, LaCygne Reservoir, Pleasanton City Lake – East

Striped Bass Length Limits

18 inch minimum. Striped bass of a length less than eighteen (18) inches are protected and must be returned to the water immediately when taken from the following waters:

LaCygne Reservoir, Pleasanton City Lake – East

21 inch minimum. Striped bass of a length less than twenty-one (21) inches are protected and must be returned to the water immediately when taken from the following waters:

Cheney Reservoir

Trout Creel Limits

2 fish daily creel limit

Salina – Lakewood Lake

Wiper Creel Limits

2 fish daily creel limit

Atchison City Lake #7, Atwood Lake, Carbondale East Lake, Cedar Bluff Reservoir, Centralia City Lake, Council Grove Reservoir, Cheney Reservoir, Clinton Reservoir, Crawford State Fishing Lake, Ellis City Lake, El Dorado Reservoir, Eureka City Lake, Great Bend Stone Lake, Glen Elder Reservoir, Garnett City Lake North, Garnett City Lake South, Garnett - Cedar Valley Reservoir, Gridley City Lake, Herington City Lake – New, Horton Little Lake, Harvey County West Lake, Impounded F.I.S.H. Waters, Region 1 & 3, Johnson Co. - Shawnee Mission Park Lake, Johnson Co. - Kill Creek Park Lake, Jeffrey Energy Center, John Redmond Reservoir, Jetmore City Lake, Kanopolis Reservoir, Kanopolis State Park Pond, Kiowa State Fishing Lake, Lawrence - Mary's Lake, Louisburg City Lake, LaCygne Reservoir, Lebo City Lake, Lovewell Reservoir, Lyon State Fishing Lake, Madison City Lake, Middle Creek State Fishing Lake, Melvern Reservoir, Melvern River Pond, Milford Hatchery Water Supply Pond, Mined Land Wildlife Area, Marion County Lake, Moline New City Lake (North), New Strawn City Lake, Olathe - Lake Olathe, Olpe City Lake, Osage City Lake, Osage State Fishing Lake, Overbrook City Lake, Overbrook - Kids' Pond, Pleasanton City Lake – East, Pomona Reservoir, Pratt County Lake, Plainville Township Lake, Salina - Lakewood Lake, Sabetha - Pony Creek Lake, Sedgwick Co. Lake Afton, Sedgwick Co. Park Lakes, Sterling City Lake, Topeka - West Lake, Wellington City Lake, Wichita - Watson Park Lake, Wichita - Buffalo Park Lake, Wichita - Chisholm North Lake, Wichita - East KDOT, Wichita - West KDOT, Winfield City Lake, Woodson State Fishing Lake, Wyandotte Co. Lake, Wyandotte Co. Bonner Lake, Yates Center - South (Owl), Yates Center Reservoir - New

Wiper Length Limits

18 inch minimum. Wipers of a length less than eighteen (18) inches are protected and must be returned to the water immediately when taken from the following waters:

Atchison City Lake #7, Carbondale East Lake, Chanute City Lake, Clinton Reservoir, Council Grove Reservoir, Crawford State Fishing Lake, Douglas County - Lonestar Lake, Garnett - Cedar Valley Reservoir, Garnett City Lake North, Garnett City Lake South, Great Bend Stone Lake, Gridley City Lake, Harvey County West Lake, Horton Little Lake, Jetmore City Lake, Kiowa State Fishing Lake, LaCygne Reservoir, Leavenworth State Fishing Lake, Lebo City Lake, Louisburg - Middle Creek, Marion County Lake, Melvern River Pond, Mined Land Wildlife Area, New Strawn City Lake, Olathe - Cedar Lake, Olathe - Lake Olathe, Osage City Lake, Osage State Fishing Lake, Ottawa State Fishing Lake, Overbrook City Lake, Plainville Township Lake, Pleasanton City Lake - East, Pomona Reservoir, Pratt County Lake, Sabetha - Pony Creek Lake, Shawnee Co. Lake Shawnee, Wellington City Lake, Wichita - Buffalo Park Lake, Wichita - Chisholm North Lake, Wichita - East KDOT, Wichita - Watson Park Lake, Wichita - West KDOT, Winfield City Lake, Woodson State Fishing Lake, Wyandotte Co. Lake, Yates Center - South, Yates Center Reservoir - New

21 inch minimum. Wipers of a length less than twenty-one (21) inches are protected and must be returned to the water immediately when taken from the following waters:

Cheney Reservoir, El Dorado Reservoir, Sedgwick Co. Park Lakes

Paddlefish Length Limits

34 inch minimum length limit. Measured from eye to middle of fork of tail.

Marais des Cygnes River

Length and Creel Limits for the Missouri River (Kansas-Missouri Boundary Waters which includes the Browning Oxbow):

Length limits on that portion of the Missouri River which bound the Kansas-Missouri state boundary (Kansas-Missouri Boundary Waters and the Browning Oxbow): Black bass (largemouth, spotted and smallmouth bass) of a length less than twelve (12) inches, Channel Catfish, Sauger, and Walleye of a length less than fifteen (15) inches, and only paddlefish of a length less than twenty-four (24) inches are protected and must be returned to the water immediately.

Daily creel limits on that portion of the Missouri River which bound the Kansas-Missouri state boundaries (Kansas-Missouri Boundary Waters and the Browning Oxbow): Catfish (Blue and Flathead) daily creel limit of five (5) fish each; Channel Catfish daily creel limit of ten (10) fish; Crappie (white and black; single species or in combination) daily creel limit of thirty (30) fish; Walleye, Sauger and their hybrids (single species or in combination) daily creel limit of four (4) fish; *Morone* *sps.* (Yellow bass, Striped bass, White bass and their hybrids; single species or in combination) daily creel limit of fifteen (15) fish; Paddlefish daily creel limit of two (2) fish;

Black Bass (Largemouth, Spotted, and Smallmouth; single species or in combination) daily creel limit of six (6) fish; all other species (excluding T&E and SINC species) daily creel limit of fifty (50) fish.

All fish caught from the Missouri River Boundary Waters that are a size or number that is illegal to possess, shall be released unrestricted to the water immediately.

Kanopolis Seep Stream (Sand Creek)

Artificial bait only (lures or fly fishing) at power poles number 9 through number 16.

Pratt Backwaters, Pratt Centennial Pond & Pratt Kids' Fishing Pond:

Pratt Centennial Pond: Fishing hours shall be from 6 a.m. to 10 p.m. All species of fish caught shall be immediately returned to the waters of Centennial Pond, except there shall be a daily creel limit of two (2) rainbow trout.

Pratt Kids' Fishing Pond: Fishing Hours shall be from 6 a.m. to 10 p.m. Children ten (10) years of age or less shall be accompanied by a person sixteen (16) years of age or older. The following creel limits apply on the Pratt Kids' Fishing Pond: Two fish of a single species or a combination of species per day.

Pratt Backwaters: Fishing Hours shall be from 6 a.m. to 10 p.m.

Dodge City Demon Lake:

Fishing Hours shall be from 6 a.m. to 10 p.m. Children ten (10) years of age or less shall be accompanied by a person sixteen (16) years of age or older. Licensed adults may fish only if accompanied by a person younger than sixteen (16) years of age who is actively engaged in fishing. The following creel limits apply on Dodge City Demon Lake: Catch and release only.

Garden City Kids' Fishing Pond:

Fishing Hours shall be from 6 a.m. to 10 p.m. Children ten (10) years of age or less shall be accompanied by a person sixteen (16) years of age or older. The following creel limits apply on the Garden City Kids' Fishing Pond: Two fish of a single species or a combination of species per day.

Youth/Mentor Fishing Locations:

Licensed adults may fish only if accompanied by a person younger than sixteen (16) years of age who is actively engaged in fishing. Normal creel limits apply on Youth/Mentor locations.

Elk City State Park Pond
Fall River State Park Pond
Kanopolis State Park Pond
Melvern Mentoring Pond
Wilson State Park Pond

Length and Creel Limits for Coffey County Lake:

Length limits on Coffey County Lake: Wipers of a length less than twenty-one (21) inches, largemouth bass of a length less than eighteen (18) inches, smallmouth bass of a length less than eighteen (18) inches, walleye of a length less than twenty-one (21) inches, and crappie (black and white species) of a length less than twelve (12) inches are protected and must be returned to the water immediately.

Daily creel limits on Coffey County Lake: Wiper creel limit of one (1), largemouth bass creel limit of two (2), smallmouth bass creel limit of two (2), crappie, black and white species (single species or in combination) creel limit of five (5), walleye creel limit of two (2), blue catfish creel limit of five (5), and channel catfish creel limit of ten (10) per day.

No trotlines or setlines allowed.

Paddlefish Snagging Locations:

Locations open to paddlefish snagging during the paddlefish season (March 15-May 15): Posted areas inside the city parks at Burlington and Chetopa on the Neosho River, Neosho River at Iola downstream from dam downstream to posted Iola city property boundary, Marais des Cygnes River below Osawatomie Dam downstream to posted boundary, Neosho Falls Dam, Erie Dam, and Oswego Dam on the Neosho River, Coffeyville Dam on the Verdigris River, Ottawa Dam on the Marais des Cygnes River, Marais des Cygnes River on the upstream boundary of the Marais des Cygnes Wildlife Area downstream to Kansas-Missouri state line, and the Browning Oxbow Lake of the Missouri River.

At the posted area inside the city park at Chetopa on the Neosho River, each individual fishing for paddlefish shall use barbless hooks while fishing. "Barbless hook" shall mean a hook without barbs or upon which the barbs have been bent completely closed.

Float Fishing Locations:

Locations open to float fishing during the float fishing season (July 15-September 15): Council Grove Reservoir, Elk City Reservoir, Fall River Reservoir, Glen Elder Reservoir, Hillsdale Reservoir, John Redmond Reservoir, Kanopolis Reservoir, Lovewell Reservoir, Pomona Reservoir, Toronto Reservoir, Tuttle Creek Reservoir, Wilson Reservoir.

Tallgrass Prairie Preserve F.I.S.H. Properties:

All species of fish are protected and must be returned to the water immediately when taken from this property.

Wichita - Chisholm Island Pond:

All fishing shall be with artificial flies and lures only and shall be the only tackle allowed on such person while fishing this water, except for during KDWP-sponsored fishing clinics. All species of fish caught shall be immediately returned to the waters of Wichita - Chisholm Island Pond.

Sedgwick County - Slough Creek:

All fishing during trout season (October 15-April 15) will be done with flies only. A fly is defined as: a device constructed on a single-pointed hook from feather, chenille, yarn, silk, rayon, nylon thread or floss, with or without a spinner. The following are not flies and are not allowed in your possession while fishing this area: Molded plastic or rubber baits; foods and organic baits such as worms, grubs, crickets, leeches, minnows and fish eggs; and manufactured baits, including imitation fish eggs, dough baits and stink baits.

Length and Creel Limits for Grand Osage Wildlife Area:

Length limits on Grand Osage Wildlife Area: Largemouth bass between the lengths of thirteen (13) and eighteen (18) inches, and channel catfish of a length less than fifteen (15) inches are protected and must be returned to the water immediately.

Daily creel limits on Grand Osage Wildlife Area: Largemouth bass creel limit of five (5), and channel catfish creel limit of two (2).

Trophy Sunfish Length and Creel Limits:

A 6- to 9-inch slot length limit on bluegill, redear sunfish, green sunfish, and their hybrids. In addition, a 5/day creel limit (single species or in combination) for any of these species greater than 9 inches and unlimited creel number for fish under 6 inches.

Jewell State Fishing Lake, Lenexa - Lake Lenexa, Miami State Fishing Lake, Pottawatomie State Fishing Lake No. 2.

115-25-5. Turkey; fall season, bag limit, and permits. (a) The open fall season for the taking of turkey shall be the first day of October through the day before the first day of the regular deer firearms season as specified in K.A.R. 115-25-9 and shall reopen on the day following the last day of the regular deer firearms season through the last day in January. All equipment that is legal during an archery or fall firearm turkey season shall be permitted during this season.

(b) The units and the number of permits authorized for the taking of turkey during the established seasons shall be as follows:

(1) Unit 1. Unit 1 shall consist of that area bounded by a line from the Nebraska-Kansas state line south on federal highway US-183 to its junction with interstate highway I-70, then west on interstate highway I-70 to the Colorado-Kansas state line, then north along the Colorado-Kansas state line to its junction with Nebraska-Kansas state line, and then east along the Nebraska-Kansas state line to its junction with federal highway US-183, except federal and state sanctuaries. An unlimited number of permits shall be authorized for unit 1.

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

APPROVED

AUG 28 2019

DIVISION OF THE BUDGET

APPROVED

AUG 28 2019

DEPT. OF ADMINISTRATION

APPROVED

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ATTORNEY GENERAL

(3) Unit 3. Unit 3 shall consist of that area bounded by a line from the Nebraska-Kansas state line south on federal highway US-81 to its junction with interstate highway I-135, then south on interstate highway I-135 to its junction with federal highway US-56, then east on federal highway US-56 to its junction with state highway K-150, then east on state highway K-150 to its junction with federal highway US-50, then east on federal highway US-50 to its junction with interstate highway I-35, then northeast on interstate highway I-35 to its junction with the Missouri-Kansas state line, then north along the Missouri-Kansas state line to its junction with Nebraska-Kansas state line, and then west along the Nebraska-Kansas state line to its junction with federal highway US-81, except federal and state sanctuaries. No permits shall be authorized for unit 3.

(4) Unit 4. Unit 4 shall consist of that portion of the state bounded by a line from the Kansas-Colorado state line east on interstate highway I-70 to its junction with federal highway US-183, then south on federal highway US-183 to its junction with federal highway US-54, then southwest on federal highway US-54 to the Oklahoma-Kansas state line, then west along the Oklahoma-Kansas state line to its junction with the Colorado-Kansas state line, and then north along the Colorado-Kansas state line to its junction with interstate highway I-70, except federal and state sanctuaries. No permits shall be authorized in unit 4.

(5) Unit 5. Unit 5 shall consist of that portion of the state bounded by a line from the Oklahoma-Kansas state line north on interstate highway I-35 to its junction with interstate highway I-135, then northwest on interstate I-135 to its junction with federal highway US-56, then west on federal highway

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US-56 to its junction with state highway K-96, then west on state highway K-96 to its junction with federal highway US-183, then south on federal highway US-183 to its junction with federal highway US-54, then southwest on federal highway US-54 to the Oklahoma-Kansas state line, and then east along the Oklahoma-Kansas state line to its junction with interstate highway I-35, except federal and state sanctuaries. No permits shall be authorized for unit 5.

(6) Unit 6. Unit 6 shall consist of that portion of the state bounded by a line from the Oklahoma-Kansas state line north on interstate highway I-35 to its junction with interstate highway I-135, then northwest on interstate I-135 to its junction with federal highway US-56, then east on federal highway US-56 to its junction with state highway K-150, then east on state highway K-150 to its junction with federal highway US-50, then east on federal highway US-50 to its junction with interstate highway I-35, then northeast on interstate highway I-35 to its junction with the Missouri-Kansas state line, then south along the Missouri-Kansas state line to its junction with the Oklahoma-Kansas state line, and then west along the Oklahoma-Kansas state line to its junction with interstate highway I-35, except federal and state sanctuaries. No permits shall be authorized for unit 6.

(c) The bag limit for the open fall season shall be one turkey of either sex for each permit or game tag.

(d) An individual shall not apply for or obtain more than one turkey permit for the open fall season.

(e) Turkey permits and turkey game tags shall be valid only for the unit or units designated on

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the turkey permit or turkey game tag.

This regulation shall be effective on and after February 1, 2020. (Authorized by and implementing K.S.A. 2019 Supp. 32-807 and K.S.A. 2019 Supp. 32-969.)

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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. 115-25-5
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 exempt regulation establishes hunting unit boundaries, bag limit and season dates for the 2020 fall wild turkey seasons. The proposed changes would close the fall season for units 3, 5 and 6 to take into account several years of poor reproduction.

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)

The federal government does not manage wild turkeys. Missouri, Oklahoma, Colorado and Nebraska all have fall turkey seasons and manage by 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 regulation proposal may restrict business activity and growth because the fall hunting season would be closed in the majority of the state.

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 economic effect could be that some businesses would not be able to cater to fall turkey hunters.

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

Guide businesses.



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

The alternative would be to continue to have a season that potentially reduces the population by allowing the continued take of hens.

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;

The allowed harvest of fall turkeys in certain units has been reduced previously from 4 birds to 1 bird. The only other reduction possible is to close the season in all units.

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 expected to be incurred by business or local governments.

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 expected to be incurred by business or local governments

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 fall turkey permits and game tags sold was 6,262 in 2017 and 5,474 in 2018. In 2018, this generated approximately \$138,140 for the agency, all of which accrued to the wildlife fee fund, and is paid by user fees. Additionally, each individually identifiable turkey hunter (5,474) goes 11 days afield per year and spends approximately \$1616 per year, generating approximately \$8,845,984 for the Kansas economy, based on economic studies provided by the USFWS. It is estimated that fall turkey sales will be reduced by 3,285 permits, resulting in a total reduction to the agency of approximately \$82,884 and \$5,308,560 to the economy of the state over the previous season.

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 June 13 in Salina, where 5 members of the public signed the attendance roster, on August 15 in Overland Park, where 10 members of the public signed the attendance roster, and will hold meetings on September 19 in Great Bend, and November 14 in Scott City.

- 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.



115-25-6. Turkey; spring season, bag limit, permits, and game tags. (a) The open season for the taking of turkey by archery equipment only shall begin on the first Monday after the first Saturday in April and shall continue through the day before the opening day of the open season specified in subsection (b) in all turkey management units. All turkey permits and second turkey game tags issued for the open season shall be valid during this season for use with archery equipment only.

(b) The open season for the taking of turkey by use of firearms or archery equipment shall begin on the second Wednesday after the first Saturday in April and shall continue through the last day in May.

(c)(1) The season for designated persons for the taking of turkey shall begin on the first day of April and shall continue through the day before the opening day of the open season specified in subsection (b) in all turkey management units. All turkey permits and second turkey game tags issued for the open season shall be valid during this season.

(2) The following persons may hunt during the season for designated persons:

(A) Any person having a valid turkey permit or second turkey game tag who is 16 years of age or younger, while under the immediate supervision of an adult who is 18 years of age or older;

(B) any person with a permit to hunt from a vehicle issued according to K.A.R. 115-18-4; and

(C) any person with a disability assistance permit issued according to K.A.R. 115-18-15.

(d) The legal limit shall be one bearded turkey per turkey permit and one bearded turkey per second turkey game tag where game tags are authorized.

(e) The units and the number of permits authorized for the taking of turkey during the established season shall be as follows:

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(1) Unit 1. Unit 1 shall consist of that area bounded by a line from the Nebraska-Kansas state line south on federal highway US-183 to its junction with interstate highway I-70, then west on interstate highway I-70 to the Colorado-Kansas state line, then north along the Colorado-Kansas state line to its junction with Nebraska-Kansas state line, and then east along the Nebraska-Kansas state line to its junction with federal highway US-183, except federal and state sanctuaries. An unlimited number of permits and an unlimited number of second turkey game tags shall be authorized for unit 1.

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

(3) Unit 3. Unit 3 shall consist of that area bounded by a line from the Nebraska-Kansas state line south on federal highway US-81 to its junction with interstate highway I-135, then south on interstate highway I-135 to its junction with federal highway US-56, then east on federal highway US-56 to its junction with state highway K-150, then east on state highway K-150 to its junction with federal highway US-50, then east on federal highway US-50 to its junction with interstate highway I-35, then northeast on interstate highway I-35 to its junction with the Missouri-Kansas state line, then north along

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the Missouri-Kansas state line to its junction with Nebraska-Kansas state line, and then west along the Nebraska-Kansas state line to its junction with federal highway US-81, except federal and state sanctuaries. An unlimited number of permits shall be authorized for unit 3.

(4) Unit 4. Unit 4 shall consist of that portion of the state bounded by a line from the Kansas-Colorado state line east on interstate highway I-70 to its junction with federal highway US-183, then south on federal highway US-183 to its junction with federal highway US-54, then southwest on federal highway US-54 to the Oklahoma-Kansas state line, then west along the Oklahoma-Kansas state line to its junction with the Colorado-Kansas state line, and then north along the Colorado-Kansas state line to its junction with interstate highway I-70, except federal and state sanctuaries. A total of 500 permits shall be authorized for unit 4, and all youth permits shall also be valid in unit 4.

(5) Unit 5. Unit 5 shall consist of that portion of the state bounded by a line from the Oklahoma-Kansas state line north on interstate highway I-35 to its junction with interstate highway I-135, then northwest on interstate highway I-135 to its junction with federal highway US-56, then west on federal highway US-56 to its junction with state highway K-96, then west on state highway K-96 to its junction with federal highway US-183, then south on federal highway US-183 to its junction with federal highway US-54, then southwest on federal highway US-54 to the Oklahoma-Kansas state line, and then east along the Oklahoma-Kansas state line to its junction with interstate highway I-35, except federal and state sanctuaries. An unlimited number of permits shall be authorized for unit 5.

(6) Unit 6. Unit 6 shall consist of that portion of the state bounded by a line from the Oklahoma-Kansas state line north on interstate highway I-35 to its junction with interstate highway I-

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135, then northwest on interstate highway I-135 to its junction with federal highway US-56, then east on federal highway US-56 to its junction with state highway K-150, then east on state highway K-150 to its junction with federal highway US-50, then east on federal highway US-50 to its junction with interstate highway I-35, then northeast on interstate highway I-35 to its junction with the Missouri-Kansas state line, then south along the Missouri-Kansas state line to its junction with the Oklahoma-Kansas state line, and then west along the Oklahoma-Kansas state line to its junction with interstate highway I-35, except federal and state sanctuaries. An unlimited number of permits shall be authorized for unit 6.

(f) Turkey permits and second turkey game tags shall be valid only for the unit or units designated on the turkey permit or second turkey game tag, except that youth turkey permits shall be valid in all units and unit 4 turkey permits shall also be valid in adjacent units.

(g) Only those individuals who have purchased a turkey permit shall be eligible to purchase a second turkey game tag.

This regulation shall be effective on and after February 1, 2020. (Authorized by and implementing K.S.A. 2019 Supp. 32-807 and K.S.A. 2019 Supp. 32-969.)

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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. 115-25-6
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 exempt regulation establishes hunting unit boundaries, bag limit and season dates for the 2020 spring wild turkey seasons. The proposed changes would reduce the bag limit in units 3, 5 and 6 from two birds to one bird.

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)

The federal government does not manage wild turkeys. Missouri, Oklahoma, Colorado and Nebraska all have spring turkey seasons and manage by 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 regulation proposal would not likely substantially 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 economic effect could be that some businesses would not be able to cater to hunters desiring to shoot two birds.

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

Guide businesses.

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

The alternative would be keep the same season bag limits, which is contradictory to current population trends.



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;

The proposal would likely have some economic impact on businesses but hunting seasons for spring turkey still exist.

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 expected to be incurred by business or local governments.

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 expected to be incurred by business or local governments.

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

YES NO

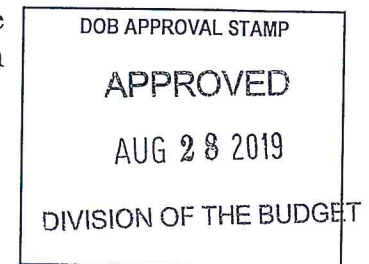
Give a detailed statement of the data and methodology used in estimating the above cost estimate.

The total number of spring turkey permits and game tags sold was 60,918 in 2018 and was 55,520 in 2019. In 2019, this generated approximately \$1,634,707 for the agency, all of which accrues to the wildlife fee fund, and is paid by user fees. The reduction in the bag limit will potentially reduce game tag sales by 11,727 game tags and reduce the amount of user fees collected by \$243,810. Additionally, each individually identifiable turkey hunter (35,975) goes 11 days afield per year and spends approximately \$1616 per year, generating \$58,135,600 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 June 13 in Salina, where 5 members of the public signed the attendance roster, on August 15 in Overland Park, where 10 members of the public signed the attendance roster, and will hold meetings on September 19 in Great Bend, and November 14 in Scott City.



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.



DEPARTMENT REPORT

Public Hearing

KAR 115-25-(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, 35,979 hunters purchased 56,388 carcass tags. Nonresidents accounted for 41 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 37,000 turkeys in 2015 to approximately 23,000 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 was fair in the western units, extremely poor in the central units, and poor in the eastern units (Table 3). Estimated statewide turkey production in 2019 was the lowest on record (Rural Mail Carrier Survey began recording poults in 1987). 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	37,264	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	56,388	23,296	47	--	--	--	--

Success: percentage of active hunters harvesting ≥ 1 bird

Table 2. 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

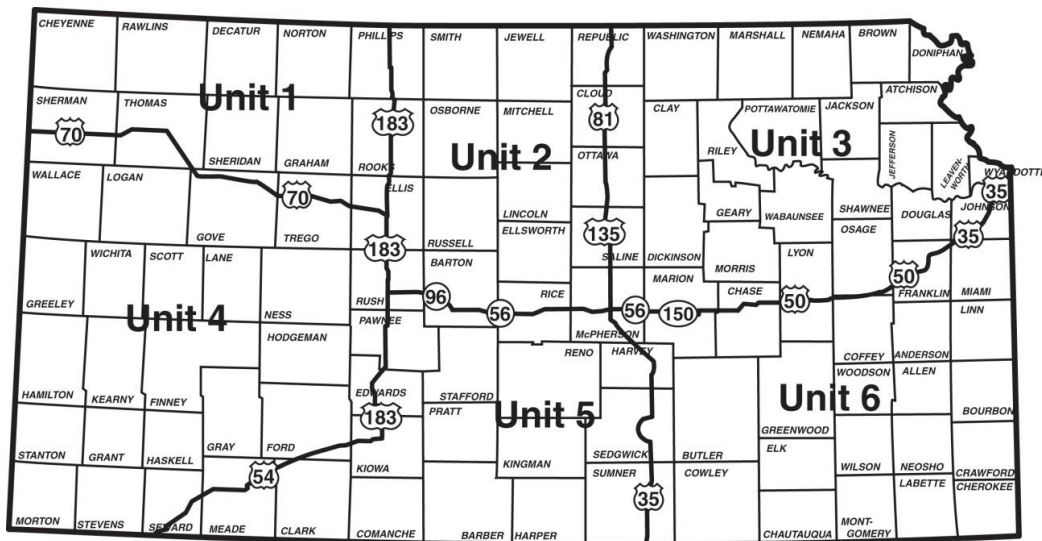


Figure 1. Hunting units for Kansas' 2019 turkey seasons. A 2019 spring turkey permit (and additional game tag) could be purchased over-the-counter for Units 1, 2, 3, 5, and 6. Five hundred spring permits were issued for Unit 4 through a pre-season drawing and were also valid in adjacent units. A 2019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

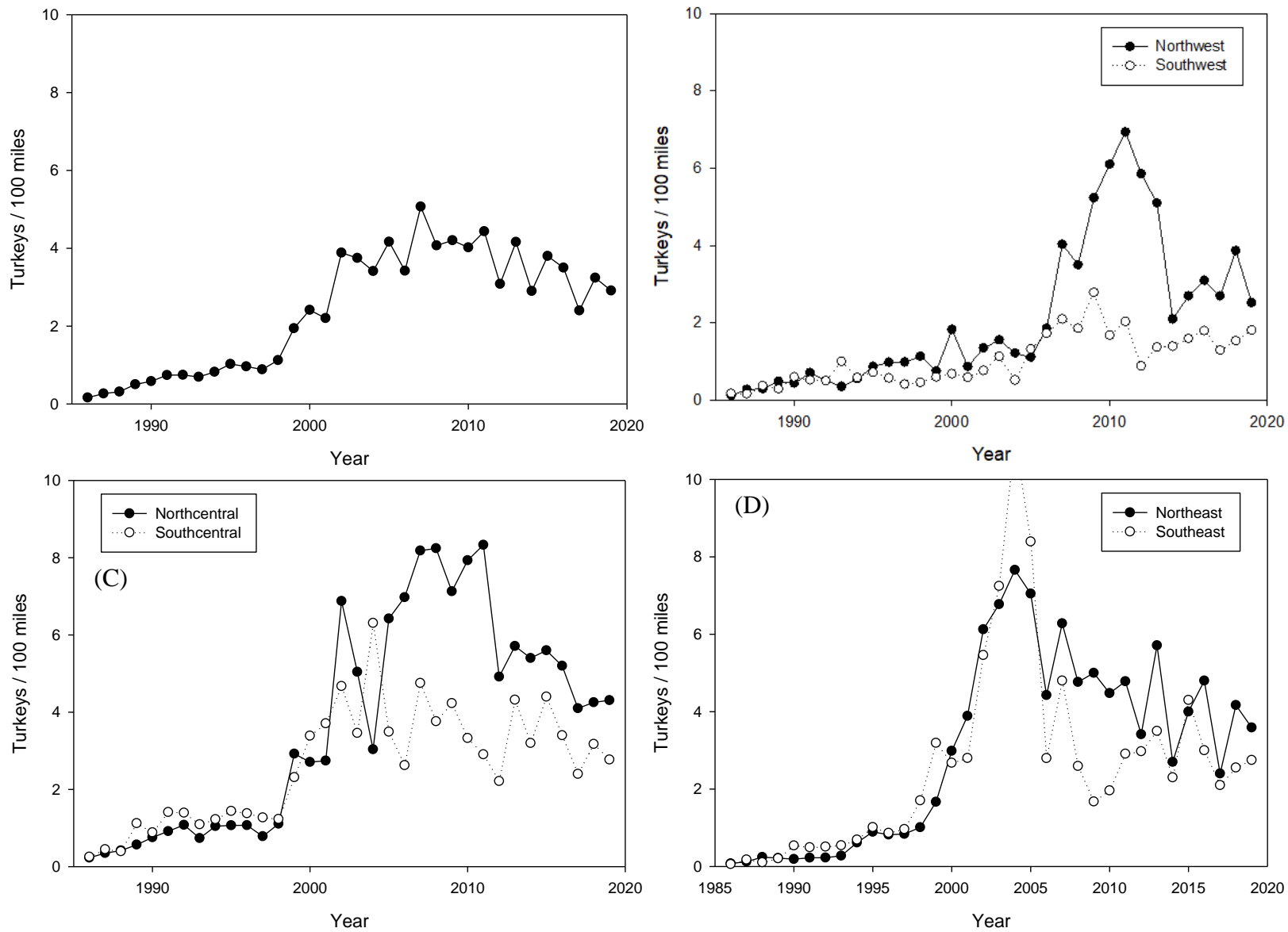


Figure 2. Statewide (A), Western (B), Central (C), and Eastern (D) Kansas turkey abundance indices from Spring Rural Mail Carrier Survey, 1986-2019.



Figure 3. Statewide production estimates (young / 100 adults) from Summer Rural Mail Carrier Survey, 1987-2019.

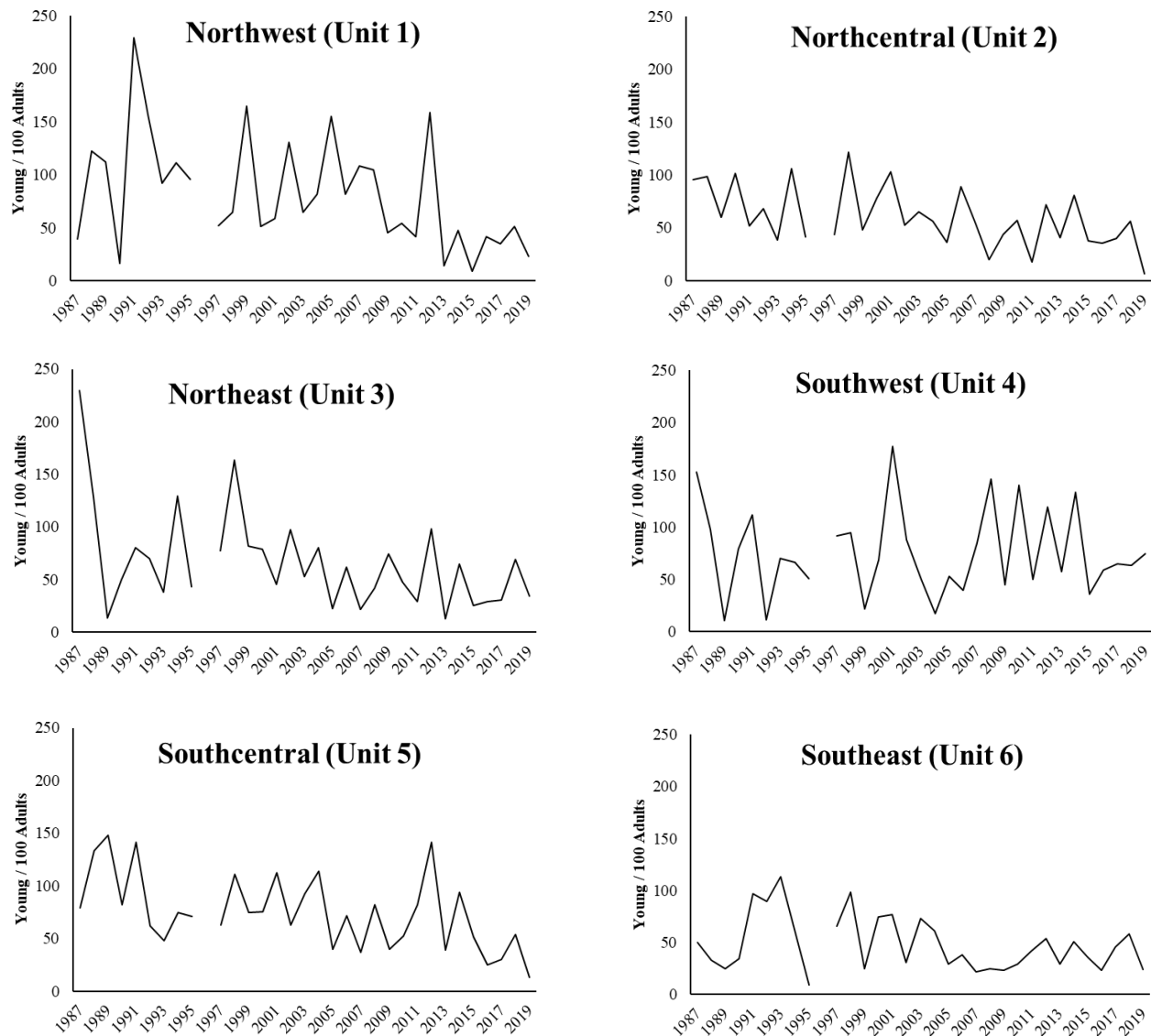


Figure 4. Hunt unit production estimates (young / 100 adults) from Summer Rural Mail Carrier Survey, 1987-2019.

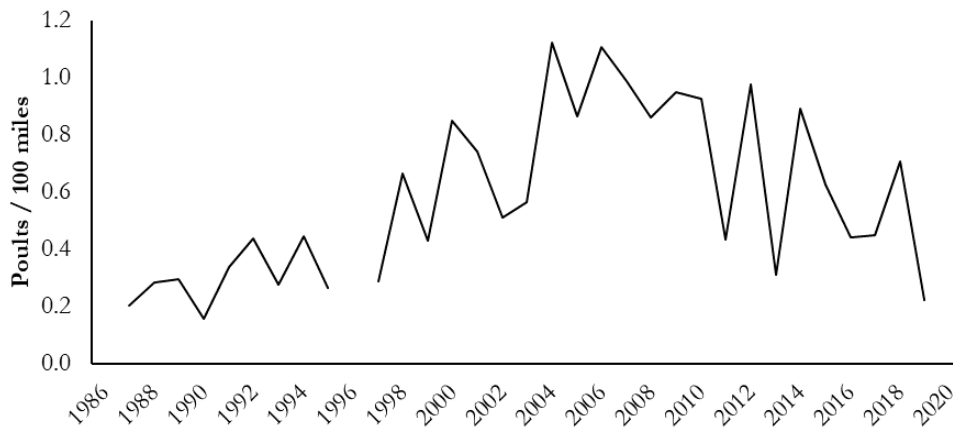


Figure 5. Statewide production estimates (poults / 100 miles) from Summer Rural Mail Carrier Survey, 1987-2019.

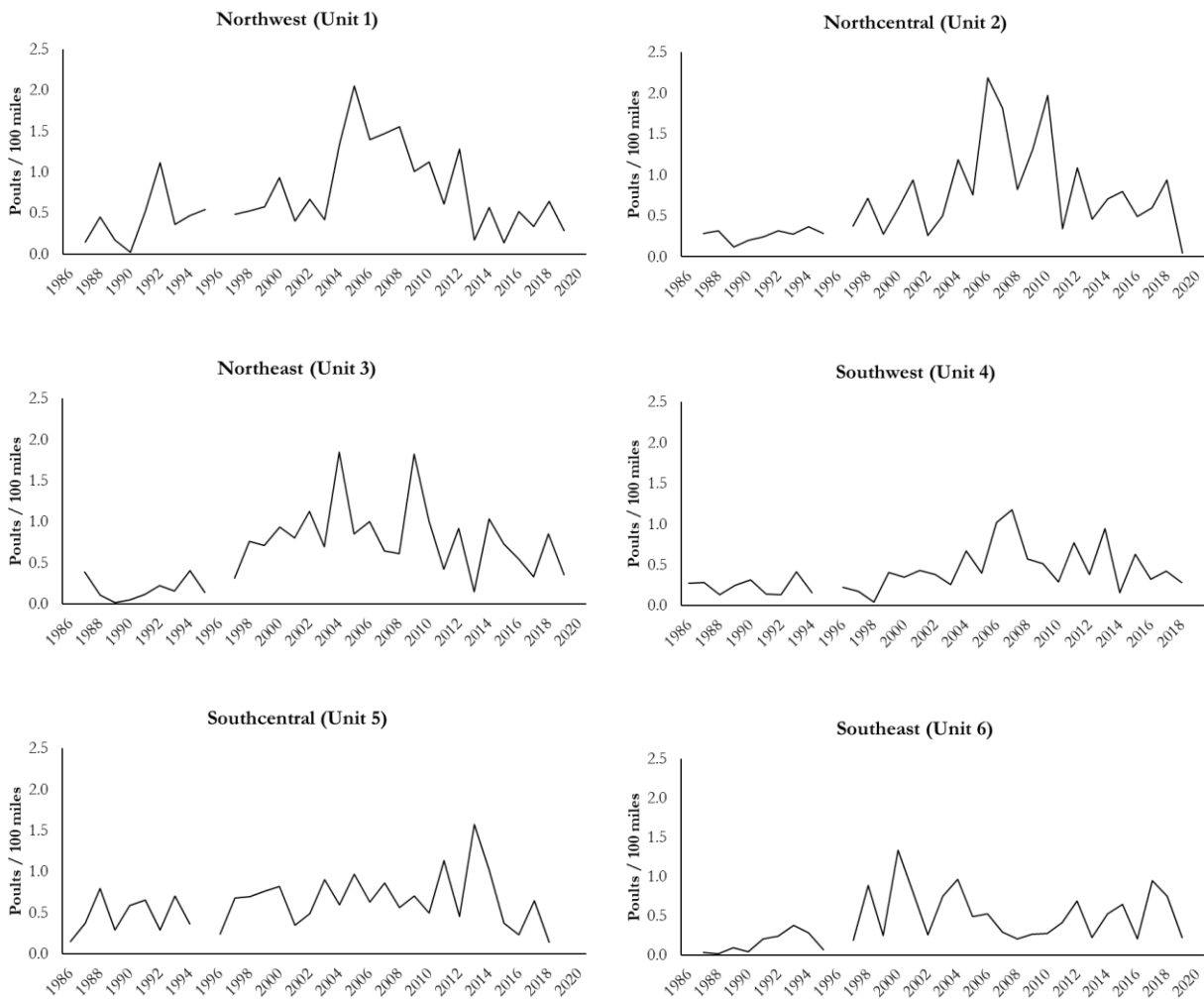


Figure 6. Hunt unit production estimates (poults / 100 miles) from Summer Rural Mail Carrier Survey, 1987-2019.



Figure 7. Estimated number of active hunters (dashed line) and estimated turkey harvest in each hunt unit, 2005-2019.

115-18-6a. Motor vehicle permits; school exemption for state parks and other areas requiring motor vehicle permits. (a) A park and recreation motor vehicle permit shall not be required to enter any state park, or other area requiring a motor vehicle permit, if the vehicle is used for the purpose of transporting primary and secondary students, faculty, and staff to the state park or other area requiring a motor vehicle permit.

(b) Each motor vehicle used for the purpose specified in subsection (a) shall display a school vehicle license plate or other distinctive marking signifying that the vehicle is a primary or secondary school vehicle. (Authorized by and implementing K.S.A. 2018 Supp. 32-807 and 32-901; effective P-_____.)

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AUG 5 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. 115-18-6a
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 allows exempts school vehicles from state park motor vehicle permit entry requirements.

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 motor vehicle use in state parks.

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 restrict business activities and growth. It may encourage more visitation of state parks by elementary and secondary students.

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;

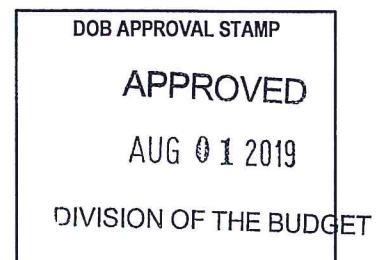
The proposed regulation could will likely have no negative economic impact on businesses, individuals or local governments.

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 school vehicles to enter state parks for free.



- 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 proposal.

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 proposal.

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 April 25 in Colby, where 5 members of the public signed the attendance roster, on June 13, 2019 in Salina, where 5 members of the public signed the attendance roster, and will hold public commission meetings on August 15 in Overland Park, Sept 19 in Great Bend and November 14 in Scott City.

- 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.

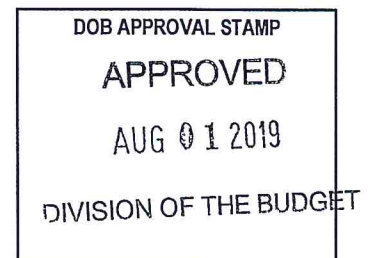


- H. **Describe how the agency consulted and solicited information from businesses, associations, local governments, state agencies, or institutions and members of the public that may be affected by the proposed rule(s) and regulation(s).**

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.



Secretary's Resolution

2020 KANSAS FREE FISHING DAYS

Under authorities contained in K.S.A. 32-906(f), the dates of June 6 and 7, 2020 are established as "Free Fishing Days." All persons may fish in the waters of the State, by legal means, without a valid fishing license on these dates. All residents and visitors to the State of Kansas are encouraged to use this opportunity to enjoy our outdoor recreational resources.

Date

Brad Loveless, Secretary
Kansas Department of Wildlife, Parks & Tourism

Secretary's Resolution

2020 KANSAS FREE PARK ENTRANCE DAYS

Under authorities contained in K.S.A. 32-901(f), the following dates:

January

25 – Milford – Eagle Days

July

No free events planned

February

No free events planned

August

8 – Clinton – OK Kids Day
22 – Hillsdale – Kids Archery Skills Day
22 – Tuttle Creek – OK Kids Day

March

No free events planned

September

13 – Lovewell – 3D Archery Shoot
19 – Eisenhower – Trail Benefit Ride
19 – Webster – Car Show
26 – Crawford – Annual Chili Cook-off Contest
26 – Fall River – Fall River Rendezvous

April

25 – Meade – OK Kids Day

May

2 – ALL PARKS – Let's Camp America Day

October

2 – Little Jerusalem – Lunar Hike
3 – El Dorado – OK Kids Day
3 – Pomona – Fall Festival
24 – Kanopolis – Prairie Long Rifles
Rendezvous
31 – Elk City – Neewollah Event

June

6 – Cedar Bluff – OK Kids Day
6 – Cross Timbers – National Trails Day
6 – Flint Hills Trail – National Trails Day
6 – Glen Elder – Youth Fishing Tournament
6 – Perry – Free Fishing Day
6 – Prairie Dog – OK Kids Day
6 – Prairie Spirit – National Trails Day
13 – Cheney – Movie Night in the Park
13 – Historic Lake Scott – OK Kids Day
13 – Wilson – OK Kids Day
20 – Sand Hills – Fishing Clinic

November

27 – ALL PARKS - Black Friday #optoutside

December

No free events planned

are established as “2020 Free Park Entrance Days.” All persons may enter Kansas state parks listed above free-of-charge on dates specified. All residents and visitors to the State of Kansas are encouraged to use this opportunity to enjoy our outdoor recreational resources.

Date

Brad Loveless, Secretary
Kansas Department of Wildlife, Parks & Tourism



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Brad Loveless, Secretary

Laura Kelly, Governor